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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, May 17, 1983*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, just as You abide in the majesty of Your creation, so too may Your will abide on Earth as it is in Heaven. May Your comfort and peace and forgiveness and mercy be with Your people wherever they are—in their homes and their jobs and in all their relationships. Though people may experience competing loyalties and be overwhelmed by the tensions of life, yet may also Your spirit of love breathe into the hearts and souls of all Your children, that confidence will replace fear, respect overcome enmity, and Your love give hope and faith for the days ahead. This we pray. Amen.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 24. Concurrent resolution expressing the sense of the Congress that the people of the United States should observe the month of May 1983 as Older Americans Month.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the private calendar. The Clerk will call the first individual bill in the private calendar.

RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION ACT OF 1983

The Clerk called the bill (H.R. 451) to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company

There being no objection, the Clerk read the bill, as follows:

H.R. 451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Railroad Right-of-Way Conveyance Validation Act of 1983".

VALIDATION OF CONVEYANCES

SEC. 2. Except as provided in section 6, the conveyances described in section 3 (involving certain lands in San Joaquin County, State of California), section 4 (involving certain lands in Sacramento County, State of California), and section 5 (involving certain land in Kings County, State of California), concerning lands that form parts of the right-of-way granted by the United States to the Central Pacific Railway Company in the Act entitled "An Act to aid in the Construction of a Railroad and Telegraph Line from the Missouri River to the Pacific Ocean, and to secure to the Government the Use of the same for Postal, Military, and Other Purposes", approved July 1, 1862 (12 Stat. 489), hereby are legalized, validated, and confirmed, as far as any interest of the United States in such lands is concerned, with the same force and effect as if the land involved in each such conveyance had been held, on the date of such conveyance, under absolute fee simple title by the grantor of such land.

CONVEYANCES OF LANDS IN SAN JOAQUIN COUNTY, STATE OF CALIFORNIA

SEC. 3. The conveyances of lands in San Joaquin County, State of California, referred to in section 2 are as follows:

(1) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and Harvey Davies and Mary E. Davies, grantees, on January 13, 1981, and recorded as instrument numbered 81013684 on March 6, 1981, in the official records of San Joaquin County, State of California;

(2) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and Gloria Martinez, Tina Marie Aldaco, and Yolanda Martinez, grantees, on January 13, 1981, and recorded as instrument numbered 81013685 on March 6, 1981, in the official records of San Joaquin County, State of Calfiornia;

(3) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and Gregorio Estrada Blanco and Antonio Miranda Blanco, grantees, on January 13, 1981, and recorded as instrument numbered 81013686 on March 6, 1981, in the official records of San Joaquin County, State of California;

(4) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and Iris Fong, grantee, on January 13, 1981, and recorded as instrument numbered 81013687 on March 6, 1981, in the official records of San Joaquin County, State of California;

(5) the conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Company, grantors, and Margaret Gieseke, grantee, on October 31, 1939, and recorded on February 13, 1940, in volume 669, page 473, of the book of official records of San Joaquin County, State of California;

(6) the conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Company, grantors, and Henry Meiburg and Erna Meiburg, grantees, on October 31, 1939, and recorded on February 13, 1940, in volume 669, page 476, of the book of official records of San Joaquin County, State of California;

(7) the conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Company, grantors, and Frank Ward, grantee, on October 31, 1939, and recorded on February 13, 1940, in volume 669, page 474, of the book of official records of San Joaquin County, State of California;

(8) the conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Company, grantors, and Frank Penny, grantee, on October 31, 1939, and recorded on February 13, 1940, in volume 676, page 275, of the book of official records of San Joaquin County, State of California;

(9) the conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Company, grantors, and John B. Coughlan, grantee, on October 31, 1939, and recorded on February 13, 1940, in volume 676, page 277, of the book of official records of San Joaquin County, State of California;

(10) the conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Company, grantors, and the Fabian-Grunauer Company, grantee, on January 7, 1930, and recorded on February 7, 1930, in volume 1, page 86, of the book of official records of San Joaquin County, State of California;

(11) the conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Company, grantors, and Libby McNeill and Libby, grantee, on October 31, 1928, and recorded on November

30, 1928, in volume 255, page 383, of the book of official records of San Joaquin County, State of California;

(12) the conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Company, grantors, and A. J. Hussell, grantee, on January 7, 1930, and recorded on February 13, 1930, in volume 314, page 138, of the book of official records of San Joaquin County, State of California;

(13) the conveyance entered into between Charles Crocker, grantor, and Frank Curran, grantee, on January 8, 1880, and recorded on January 31, 1883, in book A, volume 49, page 600, of the deeds of San Joaquin County, State of California;

(14) the conveyance entered into between the Pacific Improvement Company, grantor, and Edward Curran, grantee, on May 24, 1901, and recorded on June 26, 1901, in book A, volume 116, page 118, of the deeds of San Joaquin County, State of California, excluding that portion of such conveyance concerning lots 14 and 15 in block 15 as designated on the map entitled "Map of the Town of Tracy San Joaquin California", filed at the request of the Southern Pacific Railroad on June 29, 1892, in volume 2, page 63, of the maps and plats of San Joaquin County, State of California;

(15) the conveyance entered into between the Pacific Improvement Company, grantor, and Sarah Idelia Duffy, grantee, on December 9, 1891, and recorded on December 31, 1891, in book A, volume 75, page 59, of the deeds of San Joaquin County, State of California;

(16) the conveyance entered into between the Pacific Improvement Company, grantor, and C. A. Slack, grantee, on May 29, 1909, and recorded on November 10, 1909, in book A, volume 182, page 304, of the deeds of San Joaquin County, State of California;

(17) the conveyance entered into between the Pacific Improvement Company, grantor, and Frank Brusso, grantee, on August 23, 1911, and recorded on October 11, 1911, in book A, volume 205, page 448, of the deeds of San Joaquin County, State of California;

(18) the conveyance entered into between the Pacific Improvement Company, grantor, and Lee Chong, grantee, on September 30, 1911, and recorded on October 23, 1911, in book A, volume 205, page 471, of the deeds of San Joaquin County, State of California;

(19) the conveyance entered into between the Pacific Improvement Company, grantor, and Lee Jung, grantee, on September 30, 1911, and recorded on October 23, 1911, in book A, volume 205, page 470, of the deeds of San Joaquin County, State of California;

(20) the conveyance entered into between the Pacific Improvement Company, grantor, and Ju Wing, grantee, on January 25, 1911, and recorded on February 14, 1911, in book A, volume 201, page 105, of the deeds of San Joaquin County, State of California;

(21) the conveyance entered into between the Pacific Improvement Company, grantor, and A. Grunauer, grantee, on June 8, 1910, and recorded on June 17, 1910, in book A, volume 187, page 520, of the deeds of San Joaquin County, State of California, Excluding that portion of such conveyance concerning lots 12 and 13 in block 36 as designated on the map entitled "Map of the Town of Tracy San Joaquin California", filed at the request of the Southern Pacific Railroad on June 29, 1892, in volume 2, page 63, of the maps and plats and of San Joaquin County, State of California;

(22) the conveyance entered into between the Pacific Improvement Company, grantor, and Josie Batten, grantee, on October 10, 1910, and recorded on December 5, 1910, in book A, volume 193, page 477, of the deeds of San Joaquin County, State of California;

(23) the conveyance entered into between the Pacific Improvement Company, grantor, and Frank Brusso, grantee, on March 18, 1912, and recorded on September 5, 1912, in book A, volume 211, page 459, of the deeds of San Joaquin County, State of California;

(24) the conveyance entered into between the Pacific Improvement Company, grantor, and George Leonard, grantee, on October 16, 1911, and recorded on December 7, 1911, in book A, volume 207, page 205, of the deeds of San Joaquin County, State of California;

(25) the conveyance entered into between the Pacific Improvement Company, grantor, and George Leonard, grantee, on December 12, 1911, and recorded on December 20, 1911, in book A, volume 205, page 587, of the deeds of San Joaquin County, State of California;

(26) the conveyance entered into between the Pacific Improvement Company, grantor, and Jacob Stritzinger, grantee, on February 10, 1912, and recorded on December 29, 1914, in book A, volume 250, page 377, of the deeds of San Joaquin County, State of California;

(27) the conveyance entered into between the Pacific Improvement Company, grantor, and M. R. Fothergill, grantee, on July 13, 1917, and recorded on July 29, 1917, in book A, volume 315, page 34, of the deeds of San Joaquin County, State of California;

(28) the conveyance entered into between the Pacific Improvement Company, grantor, and Miles J. Brown, J. C. Droge, and W. F. Sattler, grantees, on March 29, 1916, and recorded on April 1, 1916, in book A, volume 273, page 375, of the deeds of San Joaquin County, State of California, excluding that portion of such conveyance concerning—

(A) lots 1 through 9, and lots 12 and 13, in block 37;

(B) lots 1 through 5 in block 38;

(C) lots 11, 12, 19, and 20 in block 45;

(D) lots 11 through 18 in block 48; and

(E) lots 15 through 18, and lots 20 through 23, in block 51;

as designated on the map entitled "Map of the Town of Tracy San Joaquin California", filed at the request of the Southern Pacific Railroad on June 29, 1892, in volume 2, page 63, of the maps and plats of San Joaquin County, State of California;

(29) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and Manuel Joseph Silva, Mary Ann Gloria Silva, and Anna I. Silva, grantees, on January 13, 1981, and recorded as instrument numbered 81013675 on March 6, 1981, in the official records of San Joaquin County, State of California;

(30) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and Ada Lotierzo, grantee, on January 13, 1981, and recorded as instrument numbered 81013677 on March 6, 1981, in the official records of San Joaquin County, State of California;

(31) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and Marie E. Wilson, grantee, on January 13, 1981, and recorded as instrument numbered 81013678 on March 6, 1981, in the official records of San Joaquin County, State of California;

(32) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and the Home Mission Board of the Southern Baptist Convention, grantee, on January 13, 1981, and recorded as instrument numbered 81013676 on March 6, 1981, in the official records of San Joaquin County, State of California;

(33) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and Jose Gutierrez and Maria Gutierrez, grantees, on January 13, 1981, and recorded as instrument numbered 81013674 on March 6, 1981, in the official records of San Joaquin County, State of California;

(34) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and Odessa Jones Manley, grantee, on January 13, 1981, and recorded as instrument numbered 81013679 on March 6, 1981, in the official records of San Joaquin County, State of California;

(35) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and William Assad, grantee, on January 13, 1981, and recorded as instrument numbered 81013680 on March 6, 1981, in the official records of San Joaquin County, State of California;

(36) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and Larry C. Fragoso, grantee, on January 13, 1981, and recorded as instrument numbered 81013681 on March 6, 1981, in the official records of San Joaquin County, State of California;

(37) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and the Housing Authority of the County of San Joaquin, grantee, on January 13, 1981, and recorded as instrument numbered 81013682 on March 6, 1981, in the official records of San Joaquin County, State of California.

CONVEYANCES OF LANDS IN SACRAMENTO COUNTY, STATE OF CALIFORNIA

SEC. 4. The conveyances of lands in Sacramento County, State of California, referred to in section 2 are as follows:

(1) the conveyance entered into between the Southern Pacific Company, grantor, and Walker & Donant, grantee, on February 24, 1967, and recorded as instrument numbered 13155 on March 1, 1967, in book 67-03-01, page 284, of the official records of Sacramento County, State of California; and

(2) the conveyance entered into between the Southern Pacific Transportation Company, grantor, and Walker and Donant, grantee, on September 20, 1976, and recorded as instrument numbered 125515 on October 19, 1976, in book 7610-19, page 567, of the official records of Sacramento County, State of California.

CONVEYANCE OF LAND IN KINGS COUNTY, STATE OF CALIFORNIA

SEC. 5. The conveyance of land in Kings County, State of California, referred to in section 2 is as follows: the conveyance entered into between the Southern Pacific Company, grantor, and the Continental Grain Company, grantee, on August 7, 1968, and recorded as instrument numbered 11974 on September 30, 1968, in book 927, page 898, of the official records of Kings County, State of California.

LIMITATIONS ON VALIDATION OF CONVEYANCES

SEC. 6. (a) Nothing in this Act shall be construed to—

(1) diminish the right-of-way referred to in section 2 to a width of less than fifty feet on each side of the center of the main track or tracks maintained by the Southern Pacif-

ic Transportation Company on the date of the enactment of this Act; or

(2) legalize, validate, or confirm, with respect to any land that is the subject of a conveyance referred to in section 3, 4, or 5, any right or title to, or interest in, such land arising out of adverse possession, prescription, or abandonment, and not confirmed by such conveyance.

(b) There is reserved to the United States all oil, coal, or other minerals in any land that forms a part of the right-of-way referred to in section 2 and is the subject of a conveyance referred to in section 3, 4, or 5, together with the right to prospect for, mine, and remove such oil, coal, or other minerals under such rules and regulations as the Secretary of the Interior may prescribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day.

The Clerk will call the first bill on the Consent Calendar.

CONVEYING FULL TITLE FOR LANDS GRANTED BY ACT OF CONGRESS TO TOWN OF OLATHE, COLO.

The Clerk called the bill (H.R. 1191) to convey full title for lands granted to the town of Olathe, Colo., by act of Congress, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 1191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of chapter 104 of the Sixty-fifth Congress, session III, be amended by the deletion from lines 9, 10, and 11 thereof of the provision "to have and to hold said lands for the purpose of the protection of the reservoirs and water supply pipelines and waterworks system of said town" and by the further deletion from lines 22, 23, and 24 thereof of the words "*And provided further,* That title to the land shall revert to the United States should the same or any part thereof be sold or cease to be used for the purposes herein provided"; and the Secretary of the Interior is hereby authorized and directed to convey to the town of Olathe said reversionary interest.".

With the following committee amendment:

Strike all after the enacting clause and in lieu thereof insert the following:

That the provisions of Chapter 104 of the Sixty-fifth Congress, Session III (Public Law 332, 40 Stat. 1317), entitled "An Act to grant certain lands to the town of Olathe, Colorado, for the protection of its water supply," ("the Act") is hereby amended as follows:

(1) By the deletion from lines 9, 10, and 11 of the Act of the words "to have and to hold said lands for the purpose of the protection of the reservoirs and water supply pipelines and waterworks system of said town";

(2) By the deletion from lines 22, 23, and 24 of the Act of the words "And provided further, That title to the land shall revert to the United States should the same or any part thereof be sold or cease to be used for the purposes herein provided"; and

(3) By the addition at the end of the Act of the following: "*And provided further,* That in the event that the lands or any part thereof are sold or otherwise alienated by said town of Olathe on or before January 1, 1994, (except as a consequence of a judgment at law or equity to recover sums owed by said town pursuant to a mortgage, sale to trustee, or similar agreement entered into by pursuant to a mortgage, sale to trustee, or similar agreement entered into by said town in order to secure funds for public purposes, directly related to repair, maintenance, or modernization of the reservoirs, water supply pipelines, or waterworks system of said town) the proceeds of such sale (excluding the value of any improvements made by the town) or the fair market value of the lands or part thereof (excluding the value of any improvements made by the town) at the time of such sale or alienation whichever amount is greater, shall be paid to the United States by said town."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the conditions of a grant of certain lands to the town of Olathe, Colorado and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO CONVEY, WITHOUT CONSIDERATION, CERTAIN LANDS IN LANE COUNTY, OREG.

The Clerk called the bill (H.R. 1062) to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oreg.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LUNGREN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING TWENTY-NINE PALMS BAND OF LUISENO MISSION INDIANS TO LEASE CERTAIN LANDS HELD IN TRUST

The Clerk called the Senate bill (S. 143) to authorize the Twenty-nine Palms Band of Luiseno Mission Indians to lease for 99 years certain lands held in trust for such band.

There being no objection, the Clerk read the Senate bill, as follows:

S. 143

An act to authorize the Twenty-nine Palms Band of Luiseno Mission Indians to lease for ninety-nine years certain lands held in trust for such band

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is further amended by inserting ", and lands held in trust for the Twenty-nine Palms Band of Luiseno Mission Indians," immediately after "Chelan County, Washington", in the second sentence.

With the following committee amendment: Page 1, line 6, strike "Indians,' immediately" and insert "Indians, and the lands held in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana,"

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An Act to authorize the Twenty-nine Palms Band of Luiseno Mission Indians and the Confederated Salish and Kootenai Tribes of the Flathead Reservation to lease for 99 years certain lands held in trust.".

A motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

PRESIDENT REAGAN'S DEFICIT

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, Ronald Reagan preaches piously about the deficit but he cannot escape responsibility for it. It is his deficit. It is the Ronald Reagan deficit, the biggest in history.

His huge tax cuts for the wealthy, the biggest in American history, have created the biggest deficits in history.

In 1980 Ronald Reagan promised a balanced budget by 1984. Precisely because he got his way in 1981 and 1982 we have a $210 billion Reagan deficit in 1983.

In 1980 he blamed all of our economic woes upon the deficit. Now he seems to have forgotten that deficits create problems even when they are caused by reduced revenue, and he is blaming all of his problems upon his predecessor, or upon the Congress.

Harry Truman said "The buck stops here." Ronald Reagan says blame it on Jimmy, or blame it on Jerry, or blame it on Lyndon, or blame it on Harry, or Zachary Taylor, or Millard Filmore.

He is quite possibly the biggest alibi artist ever to serve in the White House. He never admits responsibility for his own failures, but the public is not deceived. It is the Reagan deficit,

three times bigger than the biggest deficit every suffered under any previous American President, and simply because he had his way.

He cannot escape responsibility. He cannot lay it at the door of Congress. We are trying to reduce the deficit not by raising new taxes but by postponing or limiting future tax cuts; and yet he opposes this and threatens to veto any bill that would shut off additional tax cuts for the wealthy.

THE PRESIDENT'S SPEECH ON THE BUDGET

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Oklahoma. Mr. Speaker, it is with some dismay that I read the President's speech yesterday. It was an effective attack upon the Congress, both political parties, but it did very little to break the budget impasse that is creating paralysis on Capitol Hill.

Make no mistake about it, the combination of spending on military and entitlements, plus an unwillingness to pay for those programs, have caused unprecedented deficits, unprecedented in the history of this country, and those programs are part of this administration's total program.

In this administration there has been more deficits created in 4 years than in all of the last 30 years under seven previous Presidents of both parties.

Unless those deficits are brought under control it is merely a matter of time before interest rates start soaring skyward again, and then you can kiss any recovery goodby.

What we desperately need from the President and what his own Senate Republicans are crying out for is statesmanship and leadership to bring about a consensus to break this logjam. It may be good politics to harrangue Congress, but it does very little for the American people and just prolongs the day of facing squarely the real solutions of sustaining economic recovery for America.

THE CHIEF WITCH DOCTOR OF VOODOO REAGANOMICS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, in his address to the National Association of Home Builders yesterday on the subject of the budget the President attempted some unique magic. His audience watched in disbelief as he strained to make a hot potato disappear.

He had conjured it up through 2 years of hocus-pocus so it was of unprecedented magnitude. This hot potato, of course, was that monster deficit that the President has given America for the foreseeable future.

Having gotten the fiscal policy he wanted in 1981, the President has proceeded to run up a $200 billion plus deficit for 1984 with higher deficits prophesized for years to come.

So what America witnessed at the Home Builders yesterday was the magic of voodoo economics at its best. But even Ronald Reagan, the chief witch doctor, cannot make the deficits that he created go away. For that we need more conventional remedies.

The bipartisan congressional consensus which Mr. Reagan has denounced has the right magic and the right medicine, a budget resolution expressing the will of Congress to cover Mr. Reagan's deficit.

HOUSE SHOULD REPEAL THE 10-PERCENT WITHHOLDING LAW

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, today the House will consider legislation to repeal the law scheduled to take effect July 1 requiring that 10 percent of interest and dividend payments be withheld for tax purposes. As a cosponsor of repeal legislation, I urge my colleagues to join with me today in supporting H.R. 2973.

I strongly believe that individuals who receive interest and dividend payments should have the benefit of the use of the tax dollars on those payments until the time that taxes are actually due. The 10-percent withholding requirement will cost taxpayers an estimated $1.5 billion annually in lost compound interest alone.

In my judgment, it is unfair to penalize the vast majority of honest taxpayers who fairly report and pay taxes on dividend and interest payments in an effort to catch the few who cheat.

The new law also places upon financial institutions and corporations recordkeeping burdens which in my view are not outweighed by the small benefit accruing to the Federal Treasury from the withholding requirement. Over 400 million investments will require either withholding or exemption. Clearly the Federal Government is trying to shift the job—and the costs—of collecting taxes from the IRS to the Nation's savings and investment institutions.

Furthermore, the revenue projections on withholding have been vastly overestimated from the very beginning. The projections of the Treasury Department have been cut in half in only 3 months. The cost estimates for implementing withholding, on the other hand, continue to grow. Every day we continue to delay repeal, more money is needlessly wasted gearing up for implementation on July 1.

The reaction of the American people to the withholding law has been overwhelming. The American taxpayers recognize this law as a misguided attempt to address the problem of tax cheaters; instead, the withholding law penalizes the majority of hard-working honest taxpayers who already pay their fair share.

Last month, President Reagan ignored the cries of millions of Americans and threatened to veto any legislation to repeal the 10-percent withholding provision. Bowing to the pressure of the President's threats, the other body recently made only a feeble attempt to address the issue of withholding by voting to postpone implementation of the withholding law.

This Chamber must not be intimidated by the President's threats. I commend the Ways and Means Committee for reporting H.R. 2973 in order to give the full membership of the House the opportunity to vote on this important matter of concern to all American taxpayers. Let us take decisive and positive action to resolve the withholding controversy. The time to vote is now, and the responsibility for repeal rests in this Chamber.

PRESIDENTIAL LEADERSHIP NEEDED ON THE BUDGET

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, one of the most important structural and process reforms Congress has made in recent years has been the budget resolution process. It is the only way Congress has to make really hard choices and to enforce fiscal discipline.

This has never been needed more than now. This Nation faces massive deficits that threaten to destroy the recovery.

The executive branch must play an integral part in that budget resolution process, especially at a time of impasse. President Reagan played a central role in the budget process 2 years ago, but now that things are not going his way quite so well he wants to opt out of the process. He wants to "take his ball and go home."

Instead of exercising leadership, the President is now into blame laying. He told the homebuilders yesterday that the deficit was all the Congress fault, particularly on the Democratic side, and does not acknowledge that those policies he led the way toward in 1981 have put us into the very fiscal box he now complains about.

Mr. Speaker, the economy is now on a knife's edge of recovery. The embryonic recovery will either go up and sustain momentum, or collapse backward

and go down. The key to which way it goes is long-term interest rates. The key to those interest rates is expectations now about outyear deficits, and the inflation that would stem from those deficits.

The President must play a leadership role at this crucial moment in the budget resolution process. Instead of laying blame, the President should exercise that leadership to help pull the Senate out of its current impasse, and restore the integrity of the budget resolution process.

THE BUDGET PROCESS

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, the budget process and Federal deficits were recurring themes in the campaigns of all new Democratic Members. Americans are puzzled and worried by the delay and confusion in Washington over the Federal budget. They do not understand why the Federal Government has so much difficulty completing the budget process. They certainly do not understand why a President who promised he would balance the budget by 1983 instead proposes budget deficits approaching $200 billion.

As one new Member, I was pleased that the leadership organized the debate on the House budget resolution, that new Members were involved in an unprecedented manner, that the resolution reduced the administration's proposed deficit, and that the House passed its budget ahead of schedule.

Unfortunately, this year it appears the Senate may not be able to pass a budget resolution at all. Openly inviting fiscal chaos, the President has indicated that he would prefer no budget to one that redirects our priorities away from military spending and toward lower deficits. As a result, the process is again headed toward the delay and confusion that will prevent us from putting this country's fiscal house in order and lowering the Federal deficit.

The new Democratic Members have established a task force on the budget to learn from experts on the budget process and to contribute to the ongoing debate over budget priorities. We want the process and the resulting budgets to be fair, workable, and understandable.

The budget process facilitated the massive changes in Federal priorities that are producing these enormous deficits. If we want to get a grip on the deficits and redirect our country's priorities, we must make the process work.

PRESIDENT REAGAN AND THE DEFICIT

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, on the evening news last night I heard the President's remarks before a Washington convention in which he blamed the Federal deficit on runaway Federal spending and Congress.

I wonder who the President thinks he is fooling. In 1981 he came to town and said: "By 1984 I am going to do this. I am going to create an economy in which we have a Federal budget that has spending of $770 billion and taxing of $770 billion;" in other words, a balanced budget.

Now we are debating the 1984 budget in Congress. Let us talk about what the budget the President sent to us this year really offers us.

The President said, "I want spending of $848 billion." That is $75 billion more than he said he was going to ask for in 1981. And he also said, "I want taxing of $659 billion, $120 billion less in revenue for the Federal Government."

Then he said to Congress that: "I want a budget deficit for this year of $189 billion."

I wonder who he thinks he is fooling. He is becoming the king of the deficits.

In his first 4 years in office he will have added $2,000 of Federal deficits on the backs of every man, woman, and child in this country. His program is moving us toward economic quicksand.

We cannot stand any more red ink in this country. It is time to move toward a balanced budget, and I think it is time to say, "Mr. President, these deficits will drive up interest rates and choke economic recovery. This country can not afford that kind of economic future. So let us stop the distortions, Mr. President. Let us stop the sloganeering, and let us create a budget together. Let us bring the deficits down, and let us steer this country toward the path of lasting economic growth."

□ 1215

HON. CARL VINSON VETERANS' ADMINISTRATION MEDICAL CENTER

(Mr. ROWLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND. Mr. Speaker, at the request of numerous veterans organizations in Georgia, and in behalf of the Georgia delegation, I rise today to introduce a bill to name the Veterans' Administration Medical Center in my hometown of Dublin, Ga., in honor of the Honorable Carl Vinson.

Although he was reelected to the Congress from both the 6th and 10th Congressional Districts, his home of Milledgeville now rests in my own 8th Congressional District.

Mr. Vinson distinguished his life in many ways, but among the most well-recognized is his record-setting term in the House of Representatives. For over 50 years, he served in this body, serving under nine administrations. Thirty of those years were spent as chairman of the House Naval Affairs Committee, now known as the House Armed Services Committee.

Prior to his election to the Congress, he was an attorney, a State representative, and a judge. He was known alternately as Uncle Carl, the Swamp Fox, Mr. Defense, and the Admiral, and as chairman of the House Armed Services Committee, he became known as the father of the modern two-ocean Navy.

When asked about his keen interest in the Navy, he responded that it was our ability to protect the seas which kept our land safe. In honor of his concern of the Navy, he was to be the first living person to have a major Navy ship named after him.

During his years as chairman, his philosophy for keeping order was to "never let them get mad all at once." Apparently it worked. He earned the respect of his fellow colleagues and maintained his position of superiority over witnesses to his committee.

He was successful in boosting military pay. He was instrumental in getting the Air Force to locate an air base in Warner Robins—which abutts my district. He fought for bonus pay for our Nation's veterans. And most importantly, through his able guidance and strong leadership, he strengthened our defense.

On the keel of the aircraft carrier, the U.S.S. *Carl Vinson*, is a quotation taken from Mr. Vinson. "No person representing the American people should ever place the defense of this Nation below any other priority."

Mr. Vinson surpassed his own credo in his efforts to guide our Nation toward military independence.

Although he often stated that he did not like to reminisce, certainly he would not begrudge us the opportunity to pay tribute to him by renaming the VA Medical Center the "Carl Vinson Veterans' Administration Medical Center."

Thank you.

SYRIA SHOULD PUT HERSELF ON THE SIDE OF PEACE

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, I applaud the action of the Israeli and Lebanese governments today in signing the U.S. mediated peace accord aimed at achieving a withdrawal of foreign forces from Lebanon. The cautious and creative shuttle diplomacy of U.S. Secretary of State George Schultz has brought us a chance for peace in that war-torn nation and an opportunity for the Mideast nations to put the destruction of the past behind them and to focus on their hopes for the future.

And yet the Syrian Government, aided and abetted by the Soviet Union, has refused to come out in favor of peace. Rather, Syrian Foreign Minister Abdul Halim Khaddam advocates another war and further bloodshed, warning last week of an even wider military conflict between his country and Israel than last summer's fighting in eastern Lebanon. He went as far as to predict that there would be further casualties and that the war would not be limited to Lebanese territory. Now he is saying that he will side with dissident Lebanese politicians in a civil war.

In the past year, hundreds of Israeli and Lebanese soldiers and civilians have lost their lives in brutal conflict over boundaries and borders. Now there is a chance for peace, a hope for a better life for the people of the Mideast. I would hope that Syria would seriously rethink its veiled threats of further death and destruction. Certainly, the people of that region have taken all the death and destruction they are capable of. They deserve a better life than that; they deserve a chance to achieve their dreams of peace and prosperity.

STEP 2 JOBS PROGRAM IS NEEDED

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, last week the President, in assessing the improvement his policies have brought to the economy, promised "you ain't seen nothing yet."

Oddly enough as I drove the roads of my district this weekend my constituents echoed the same refrain. Mr. Speaker, in my district where 11 of the 14 counties have unemployment greater than 20 percent, and 7 are above 30 percent. My constituents have not seen much indication that Washington is aware of their desperate problem. To those more fortunate Members who now question whether a step 2 jobs program is needed, I urge you not forget those areas where the economy is not rebounding.

While economists and political scientists debate whether we are in a recession or a depression the simple truth is West Virginia is the victim of an economic stroke, and the assistance we have provided thus far is the equivalent of half an aspirin tablet.

So while I would agree with the President "We ain't seen nothing yet," I am hopeful that the future will bring not more of the same but some real help to our long-suffering unemployed.

A TRIBUTE TO MARY LOU BURG

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, it is with great sadness that I announce that Mary Lou Burg, a commissioner with the Copyright Royalty Tribunal, passed away yesterday in Milwaukee, Wis., after having been stricken in her hometown of West Bend, Wis.

I knew Mary Lou for almost 20 years. I believe she can be truly regarded as one of the outstanding women the State of Wisconsin has produced.

Mary Lou was principally known for her longstanding, active contribution to the Democratic Party. She served as Democratic national committeewoman from Wisconsin from 1968 to 1976, a position for which I had the privilege of nominating her in convention. In 1970 she was named "Wisconsin Woman of the Year."

Her particular mark was made with the Democratic National Committee. She served as vice chairman from 1970 to 1972, acting as chief liaison to State and regional party organizations and national constituent groups. From 1972 to 1977 she was deputy chairman of the party, acting as chief administrative officer responsible for day-to-day operations of the DNC, a job she performed with her typical superb competency.

She brought to politics an impressive background in broadcasting, from advertising, to copywriting, to general manager of a radio station in Milwaukee. Relating to people was truly her forte.

Many of us on and off of Capitol Hill knew her to be a competitor in the best sense of the term. She was dynamite on the tennis court and could more than hold her own at poker. Those of us who were familiar with those aspects of Mary Lou knew this to be consistent with her dynamic personality.

Her passing was doubly sad in that she was preceded in death by her father by only days.

Mary Lou Burg was a good and loyal friend. I, and the many close friends she leaves behind, will miss this lovely and remarkable woman greatly.

DEPLOYING THE MX WILL MAKE MATTERS WORSE

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, I would like to call my colleagues' attention to a recent comment about the arms race by President Reagan. The President is quoted in today's Washington Post as saying, "I can't believe that this world can go on * * * with this kind of weapon on both sides, poised at each other, without some day some fool or some maniac or some accident triggering a war that is the end of the line for all of us."

President Reagan is absolutely right. We can never be certain of our security as long as the escalation of the arms race continues and the two superpowers remain suspicious and mistrustful of each other. The stakes are too high for us all: That is why we must work to increase stability and reduce the incentive for any nation to use nuclear weapons under any circumstances.

But deploying the MX missile in existing silos will add to instability. Because of its first-strike accuracy, the MX will create an incentive for the Soviets to launch their land-based missiles at the first indication of an attack by us. Placing the MX in vulnerable silos will also give us an incentive to adopt a launch-under-attack policy.

As the same Washington Post article noted, former CIA Directors William Colby and Stansfield Turner share these concerns. Admiral Turner stated that the Soviets "will have to have their finger on the trigger." Mr. Colby urged Congress to "get rid of this particularly dangerous weapon and put to rest any prospect that we would go for a first-strike strategy."

The President is absolutely right to be concerned about the possibility of nuclear war. But deploying the MX will make matters worse by putting a hair trigger on the arms race. I urge my colleagues to reject the MX missile and support stability.

REPEAL OF 10-PERCENT WITHHOLDING TAX

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, the American people have spoken in a loud, clear voice on their feelings about the 10-percent withholding on interest and dividends. In a short while when we repeal this abhorrent tax I feel we will be acting in the best interests and traditions of American representative government. When the people speak the Representatives of the people listen. This is precisely why I am con-

fident the 10-percent withholding will be repealed. The action by the Congress will have a significance beyond the repeal of this onerous tax because it will send the message that in the final analysis the will of the American people prevails in our democratic institutions.

I applaud the courage and determination with which the other body acted on the repeal of the law on 10-percent withholding. It is now our turn to act. We cannot continue to ignore the great public outcry against this law. If we are to be a government of the people, by the people and for the people, we must follow the will of the people and act accordingly for the repeal of the withholding provisions.

Contrary to the popular rhetoric, this is not simply a special interest movement on behalf of the banking industry. These provisions contain serious implications for the general taxpaying public. Withholding provides both a real and psychological disincentive to saving during a time when Americans should be investing in their country through private initiative—not under the burden of taxes.

In addition, the withholding tax imposes a considerable burden on financial institutions and businesses. The cost to the industry has been estimated at between $200 to $300 million per year. These businesses cannot swallow the additional operating costs without passing a large part of the burden on.

In effect, withholding penalizes the honest taxpayer in our efforts to catch that small minority of Americans who fail to report their income correctly. This is not fair. The vast majority of citizens who pay their taxes loyally and honestly deserve better treatment.

Many people with low incomes or little tax liability who are eligible for exemption are still adversely affected. They will be forced to fill out onerous paperwork for their exemption, and many who are unfamiliar with our complex tax laws may fail to file their return claims.

For these reasons, I support H.R. 2973, and strongly urge my colleagues to join me in doing so. The American people are calling for this repeal in record numbers. I have personally received mail from more than 21,000 of my constituents opposing the withholding measure. It is our duty as representatives to listen, with the evidence before us and act accordingly. I thank the Speaker.

REPEAL WITHHOLDING PROVISION ON DIVIDENDS AND INTEREST

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, I was happy to hear the majority leader's announcement earlier of the support for President Reagan's anticipated vetos of congressional spending excesses. At least I hope I did not misunderstand his expressed concern about deficits.

Mr. Speaker, today I will join with many of my colleagues in voting to repeal withholding of taxes on dividends and interest. I opposed the withholding provision when it was included in the Omnibus Tax Act of 1982, and today I am even more concerned by its intent to force banks, savings and loans, and corporations to be IRS agents.

I am somewhat disturbed, however, by the views expressed in the Ways and Means Committee report on the legislation. The report states that:

> Less than two months ago, the House moved forcefully to control soaring deficits by passing a budget resolution that orders this Committee to raise revenues * * * the resolution does demonstrate that once again this body has clearly committed itself to bring revenues into better balance with expenditures * * *

What nonsense.

Mr. Speaker, I am compelled today to voice my disdain for this statement which unfortunately assumes that the only way to reduce the deficit is to increase America's tax burden.

Furthermore, the report asserts that repeal of the withholding legislation:

> * * * mandates that we turn to new sources of taxation, or increased tax rates, to meet the demand of the budget.

Again, Mr. Speaker, there is the implied assumption that the only alternative to budget shortfalls is the introduction of new taxes. Mr. Speaker, I would assert that it is just such a mind-set that today jeopardizes this country's fiscal soundness—not the attempt by many of us to repeal legislation that would only serve to confuse, hamper, and humiliate the honest efforts of many tax-paying Americans. There are alternatives to "new sources of taxation"; the alternatives, however, are not always politically attractive in this body.

BALANCE THE BUDGET BY CUTTING SPENDING

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, earlier today we heard the majority leader talk about the President as an alibi artist. I would suggest to you we have heard no greater alibi artists than the gentlemen who spoke in this well today about Federal budget deficits. By trying to lay the deficit problem at the door of the White House, they show their confusion about how government works.

These are not Ronald Reagan's deficits. The Democrats rewrite the Constitution every time they make that charge.

The spending process is here in the Congress. We are responsible for budgeting, for the Constitution says that is a function of the legislative process.

Congress is responsible for every dime that gets spent in this country.

The Democrats are constantly wanting to raise the spending levels. We cannot balance the budget while the Democrats in this House refuse to cut spending. We saw some of the biggest spenders in the history of this country come in this well today and tell us of their concern about deficits.

I offered a balanced budget amendment just the other day on the floor. Where were those people then? They were voting "No" on the balanced budget amendment, as they voted for spending even more new money.

The Democrats, make no mistake, want more taxes. On the same day that we are trying to do something about the ill-advised tax increase that took place last year because the Democrats wanted more taxes last year, they come to the floor and insist on more taxes for the upcoming year. They believe solving a budget deficit problem means more taxes and more taxes not on the rich but on people making less than $50,000, because again, make no mistake, their tax increases are aimed at the people in the low- and middle-income categories.

The tax cuts that they want to repeal are 70 percent or more for low- and middle-income Americans. More spending and more taxes is not the budgetary policy which most Americans want—yet it is the program of the liberal Democrats.

ADJUDICATION OF BANKRUPTCY CASES LEGISLATION

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAWYER. Mr. Speaker, I would like to express my disappointment with the House leadership regarding its irresponsibility in facing bankruptcy legislation. In June 1982, the Supreme Court ruled that the 1978 bankruptcy reform legislation gave bankruptcy judges authority over legal issues outside their parameters without enough independence from other branches of government to do so. The Court gave Congress 6 months to restructure the system. On December 23, 1982, the Supreme Court refused to grant Congress additional time, when so solicited.

The House Subcommittee on Monopolies and Commercial Law, of which I am a member, held a hearing on February 2, had a subcommittee markup on February 10 and 5 days later, the Full Judiciary Committee re-

ported H.R. 3 to the House. In only 3 days, the Judiciary Committee passed a bill that is essential to the adjudication of bankruptcy cases nationwide. In 3 months, the leadership of the House has not been responsible enough to bring this bill to the floor.

Last month, the House spent more than 40 hours of debate on the nuclear freeze issue, over which the House has no jurisdiction. Six days were spent debating a decision in which the House has no real role. We do have a very big role to play, however, in moving bankruptcy legislation to amend a problem that is creating national impact. The Senate has acted and we have a responsibility to do so too.

The very authority and decisions of bankruptcy judges are being seriously scrutinized as a result of the interim rule, under which they are currently working. Their ability to handle cases is questionable. An enormous instability has arisen in our bankruptcy system. Reorganization cases of national impact, such as Braniff and Michigan Farm Bureau, are pending before the courts, awaiting congressional action, because lenders and purchasers are unsure of judicial authority. Still the leadership waits.

In approximately 6 weeks, we will be approaching the anniversary of the Supreme Court's decision. I am appalled that in the face of a problem that this body can productively address, the leadership not only acts irresponsibly, but takes months to do so.

□ 1230

FEDERAL SPENDING MUST BE CUT

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, I was very interested this morning to hear the complaining and wringing of hands on the majority side of the aisle about the budget process and deficits in the budget.

I have to ask: Where have they been all these years? Where were they earlier this year when we passed that irresponsible House budget resolution that went over to the Senate and that they are now wrestling with?

If they are really worried about the deficits, I propose that it is time that we should do something about them. Maybe the place to do it is in the debt ceiling bill we are going to be taking up later this week.

I want to call their bluff. If you want to do something about deficits, OK, let us do something.

I saw an article in one of the local newspapers just yesterday which asked, if we do not increase taxes, what are we going to do about deficits? There is another part of the budget—spending—and it is not just defense spending. There are plenty of places where we could cut Federal spending if we would just face up to it.

So I am calling their bluff, to this extent. Let us just go with the Senate Budget Committee level of $807 billion in outlays for fiscal year 1983 spending. That is something that we could go with. It is $7 billion below what the House budget resolution called for.

I do think we should have a budget. I support the budget process, but there are some things worse than no budget resolution this year. And unless our colleagues on this side of the aisle face up to the fact that we still have got plenty of room where we can cut Federal spending, we may not have a budget this year.

CRITICAL TRENDS ASSESSMENT ACT OF 1983

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, today I am introducing with Mr. GORE of Tennessee the Critical Trends Assessment Act of 1983. This legislation is designed to establish a process by which we get a clearer sense of emerging problems and opportunities and develop choices for making informed decisions about the future.

Our political system follows a classic reactive pattern to problems—that is, we often lurch from crisis to crisis with little consideration of the ways the problems might have been avoided or mitigated had they been foreseen and an anticipatory response developed. We muddle through the political arena with short-term, cut-and-fit policies and solutions.

Our political system all too often is blind to the future. The time horizons of most politicians do not extend beyond the next election. When we do look to the future, too often we base our actions on past projections of current trends, thereby imposing on the future the dominant patterns of the past. Thus, we merely make tomorrow a rigid extension of today.

We need to develop fresh, informed, long-term perspectives so that we can anticipate new problems before they explode into crises. For that reason we are introducing a bill to develop a national foresight capability in the executive and legislative branches. We believe that this bill will provide the rational means by which a pluralistic society can make informed decisions to guide its affairs and look forward to a future of hope and promise. The question before us is: Will we wake up to the possibility of an intelligent choice of a future, or will we muddle along merely reacting to what arbitrary human activity hands us?

A MISGUIDED ENTITLEMENT PROGRAM

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I want to thank the nearly 200 Members of the House of Representatives who joined with me and others last week in an attempt to derail a misguided new entitlement program.

The reason I rise today is that I found it interesting over the weekend to discover the Washington Post in agreement with out position. Let me read from the editorial of this past Saturday when the Washington Post says:

> The House has passed a bill authorizing $760 million in loans to help homeowners who have lost their jobs and can't meet their mortgage payments. It's a serious problem, but a flawed solution.

They continue to say:

> • • • the House scheme raises some bewildering questions. For instance, how can banks and other lenders be induced to continue present voluntary efforts to give strapped homeowners a break, if there is reason to believe that the feds will pick up the load?

The Post then goes on to decry the lack of fairness in the bill.

I just want to say again, thank you, to the 200 Members who joined us. This is the first of many fights this year. I believe with compassion in our hearts the best way to help America is to reduce spending across the board, lower interest rates, and give the unemployed what they really want, a decent job.

TOUGH CHOICES MUST BE MADE TO REDUCE DEFICIT

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, I think it is unfortunate that the budget process seems to be entwined in rhetorical games between the President and the Congress, the President seeking to blame Congress for all of the problems and Congress doing the same with the President.

The reality is that this country faces record deficits that threaten to undermine any economic recovery. The President does not totally escape the responsibility for those deficits any more than Jimmy Carter escaped the responsibility for the deficits that existed in his time.

But there are no easy choices, if you are really interested in reducing the deficit. This Nation must reduce the limit of growth in defense spending, it must reduce the growth in entitlement programs and it must increase revenues. And nothing, no rhetorical

games, can change the reality of the tough choices that are going to have to be made by this Congress and the President if we are going to reduce the deficit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT EXTENSION

Mr. BROWN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2785), to amend the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act relating to the scientific advisory panel and to extend the authorization for appropriations for such Act, as amended.

The Clerk read as follows:

H.R. 2785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SCIENTIFIC ADVISORY PANEL

SECTION 1. Section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by—

(1) amending the fourth sentence to read as follows: "The comments, evaluations, and recommendations of the advisory panel submitted under this subsection and the response of the Administrator shall be published in the Federal Register in the same manner as provided for publication of the comments of the Secretary of Agriculture under such sections.";

(2) striking out the eighth sentence and inserting in lieu thereof the following: "The panel referred to in this subsection shall consist of 7 members appointed by the Administrator from a list of 12 nominees, 6 nominated by the National Institutes of Health and 6 by the National Science Foundation, utilizing a system of staggered terms of appointment. Members of the panel shall be selected on the basis of their professional qualifications to assess the effects of the impact of pesticides on health and the environment. To the extent feasible to insure multidisciplinary representation, the panel membership shall include representation from the disciplines of toxicology, pathology, environmental biology, and related sciences. If a vacancy occurs on the panel due to expiration of a term, resignation, or any other reason, each replacement shall be selected by the Administrator from a group of 4 nominees, 2 submitted by each of the nominating entities named in this subsection. The Administrator may extend the term of a panel member until the new member is appointed to fill the vacancy. If a vacancy occurs due to resignation, or reason other than expiration of a term, the Administrator shall appoint a member to serve during the unexpired term utilizing the nomination process set forth in this subsection. Should the list of nominees provided under this subsection be unsatisfactory, the Administrator may request and additional set of nominees from the nominating entities."; and

(3) striking out in the third from the last sentence "September 30, 1981" and inserting in lieu thereof "September 30, 1987".

EXTENSION OF THE AUTHORIZATION FOR APPROPRIATIONS

SEC. 2. Section 31 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136y) is amended by adding at the end thereof a new sentence as follows: "There are hereby authorized to be appropriated to carry out the provisions of this Act for the period beginning October 1, 1983, and ending September 30, 1984, such sums as may be necessary, but not in excess of $64,200,000.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. BROWN) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. ROBERTS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the full committee, the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Speaker, I thank the distinguished gentleman from California and I rise in support of H.R. 2875. And I would like very sincerely and very emphatically to commend the chairman of the subcommittee and also the members of the subcommittee for what they have done so that we might continue the authorization on this legislation and continue on the track to further hearings so that we might address the critical issues which have been raised in the hearings in the committee.

Mr. Speaker, I rise in support of H.R. 2785. The bill extends the authorization for appropriations for the Federal Insecticide, Fungicide, and Rodenticide Act for 1 year through September 30, 1984 at a level not to exceed $64.2 million. It also extends the provision regarding the Scientific Advisory Panel through September 30, 1987, and provides that the Members be appointed for staggered terms representing, to the extent feasible, the disciplines of toxicology, pathology, environmental biology, and related sciences.

In the view of the committee the most pressing and immediate need to improve the administration of the pesticide program is for additional resources. To this end, the committee has included in the authorization for appropriations an increase of $8 million from the amount recommended in the President's budget. In addition, the committee has reauthorized the Scientific Advisory Panel because of the scientific contributions it makes to a broad range of pesticide decisions at EPA. In light of the increasing complexity of the scientific issues, the committee foresees an increasingly important role for the Scientific Advisory Panel in future years.

H.R. 2785 reauthorizes FIFRA for only 1 year. The committee takes this action because of its desire and commitment to continue appraising the advisability of a wide range of proposed amendments to the statute. A number of legislative proposals relating to a series of issues arising under FIFRA have been recommended to the committee by witnesses at the hearings held by the Department Operations, Research, and Foreign Agriculture Subcommittee. These proposals are complex in nature and require further analysis and hearings before they can be adequately considered. The committee, therefore, decided to act on a two-track basis. It was considered essential, however, to take prompt action on the reauthorization legislation so as to provide the agency with the resources it needs to implement the statute and provide continuity for the Scientific Advisory Panel.

I would like to commend Chairman BROWN for the time, patience, and understanding that he has devoted to the many problems that have arisen in connection with this legislation during the course of the last 3 years. He and Mr. PAT ROBERTS, the ranking minority member of the subcommittee, are to be complimented for their efforts and their commitment to continue consideration of the necessary modifications in FIFRA legislation for the future.

Mr. BROWN of California. Mr. Speaker, I shall be as brief as possible.

We have brought to the floor today a simple 1-year extension of the Federal Insecticide, Fungicide and Rodenticide Act as the best possible solution to a rather complex problem with regard to the continuation of this extremely important program.

I think the Members of the House will recall that the Committee on Agriculture brought to the House last year a more extensive revision of this Act. The House debated that bill at length, made a number of amendments, and then passed the bill over to the Senate where the Senate did not see fit to consider and pass the bill.

We were left therefore without a subsequent reauthorization of this legislation and it has been continued under authority of the continuing resolution.

The Committee on Agriculture and the subcommittee which I chair again took up the bill this year. We held hearings on the bill with regard to the

proper procedure to be followed. The administration, in this situation, had requested that we reauthorize the bill for a period of 2 years. The subcommittee reported such a bill with a 2-year reauthorization, but in the full committee, in an effort to compromise with various interest groups which felt that there should be some more vigorous action with regard to this program, the full committee decided to recommend to the House the 1-year extension of the bill.

I do not think that this poses any particular problem to the administration, even though they might wish to have a 2-year program and avoid the necessity of coming back to the Congress next year.

The act also extends for a period of several years, actually through September 30, 1987, the Science Advisory Panel. The Science Advisory Panel is a very important part of the apparatus for bringing the best scientific judgment and knowledge to the EPA to enable them to make better policy judgments in the important area of agricultural chemicals. So it is reauthorized for the additional period of time through 1987.

The one additional point I would like to mention is that after a great deal of discussion and consultation with the EPA, the committee has seen fit to recommend an increase in the amount of the funding for the program to the level of $64.2 million. We feel that this is a moderate and necessary increase in order to prevent a further deterioration in the regulatory activities of the agency.

I do not believe that there was any objection to this in the committee. The numbers are fully substantiated in the report and are based upon recommendations from the staff of the agency as to the areas which had the highest priority and we feel that these numbers are, as I say, reasonable and appropriate.

Mr. Speaker, I will not belabor this point further. We think that the bill, while not making everyone happy, is recognized as a necessary action in a spirit of compromise at this particular time. And I know of no planned opposition to the legislation.

Mr. Speaker, I would like to say that the gentleman from Kansas (Mr. ROBERTS) has worked in a very cooperative and able fashion in helping to bring about as good a program in FIFRA as we possibly could. And I want to thank him for his efforts and the efforts of the minority in bringing the bill to the floor as expeditiously as possible.

Mr. Speaker, I reserve the balance of my time.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to associate myself with the remarks made by my chairman. I do not see any need to prolong any debate on this bill. After due consideration in hearings and markup by the House Committee on Agriculture, I do not believe there now is any opposition to passing this legislation. I would urge all Members to support this legislation and allow the Committee on Agriculture more time to finally address the other issues that are concerned with this legislation.

Mr. Speaker, I rise in support of H.R. 2785, which would reauthorize FIFRA for 1 year at a funding level of $64,200,000. In addition this bill would reauthorize the Scientific Advisory Panel through September 30, 1987.

I point out that the authorization for this law expired on September 30, 1981, so it is important that we pass this reauthorizing legislation. After due consideration in hearings and in markup by the House Agriculture Committee I do not believe there now is any opposition to approving this legislation. There was concern expressed that the committee would not take up the consideration of major amendments to FIFRA but all parties have been assured that by approving this legislation we do not plan to rest on our laurels. This two-track plan permits us to reauthorize the legislation by this bill and then proceed to a consideration of amendments that have been under discussion for some time. Indeed, the Subcommittee on Department Operations, Research, and Foreign Agriculture has scheduled an oversight hearing on June 9 to review issues affecting exports of pesticide chemicals, and in the press release announcing this hearing it was stated that the subcommittee will hold a hearing in midsummer on proposals for changes in FIFRA.

Members may recall that in August 1982 the House passed H.R. 5203, the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982, and H.R. 5203 was never taken up by the Senate so it is necessary to again consider these matters. However we need time to fully debate the issues, seek compromises and then come back to this Chamber with a bill that all parties can live with and support. This will not be an easy undertaking but Members on both sides of the aisle have indicated a willingness to grapple with the issues. Several events beyond the control of the House Committee on Agriculture will have a bearing on how fast we can proceed. A recent court case in Missouri declared certain sections of the law to be unconstitutional and this case needs to be resolved in the appellate courts. Additionally, we will have a new Administrator at the Environmental Protection Agency and there is every indication that changes will be made; thus many of the issues may be resolved administratively thus negating the need for legislation on certain aspects now being debated. Also, the matter of funding for the pesticide program is to be decided. Chairman BROWN and I submitted testimony on April 19 before the Appropriations Subcommittee on HUD-Independent Agencies recommending an increase of $8 million for the pesticide program.

Mr. Speaker, I urge all Members to support this legislation and allow the Agriculture Committee additional time to address the other issues troubling the participants in this dialog of how best to amend FIFRA.

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Mr. Speaker, having no further requests for time, I yield back the balance of my time at this juncture.

● Mr. HEFTEL. Mr. Speaker, I am pleased to support a 1-year reauthorization of the Federal Insecticide, Fungicide, and Rodenticide Act. I congratulate Chairman BROWN on his swift action in bringing to the floor this reauthorization which will now allow the chairman's committee to move ahead with hearings and new legislation to correct inadequacies in our pesticide laws. I would like to take this opportunity to share with my colleagues some of the pesticide issues which I hope will be addressed in the coming months.

Mr. Speaker, current law allows for the sale abroad of pesticides that have not been sanctioned for use in the United States. Just before he left office, President Carter issued in Executive order to severely restrict the export of products that either had been banned or whose use has been restricted in our country. The order would furthermore have required anyone exporting such products to obtain an export license from the Department of Commerce before such goods were shipped abroad.

The Reagan administration rescinded President Carter's Executive order almost immediately after taking office. This policy statement on the export of hazardous goods has encouraged American companies to export such products by eliminating regulations which required that manufacturers notify foreign governments before they export goods judged too dangerous for use in the United States. Furthermore, sale of these unregistered pesticides is not directly monitored by any Federal agency, and residues of such pesticides are detected only by chance by the Food and Drug Administration through the use of multiresidue testing methods.

It follows, then, that the reappearance of these pesticides in the United States as residue on produce and other foods is not adequately monitored. We do not even have such information as how many or what pesticides not registered here are used abroad; what crops they are used on; and what countries use them. Studies which clearly show that a substantial quantity of our im-

ported foodstuffs is contaminated with pesticide residues prove this point.

We must take whatever action is necessary to require American manufacturers to notify foreign governments and foreign buyers that the pesticide they are buying is not legally available in the United States for whatever reason. Furthermore, we must take pains to prohibit entry into the United States of any product contaminated with residues of unregistered pesticides. Perhaps we can begin to address these problems by exploring with the Federal agencies the feasibility of writing regulations to address these points.

Finally, Mr. Speaker, I would like to bring to your attention some of our special needs in Hawaii as they relate to pesticides. Our year-round growing conditions and tropical environment promote the persistence of pests not common and often not even found in the continental United States. In this regard, Hawaii farmers differ from their mainland counterparts in their pesticide requirements. Hawaii must constantly remain on guard against the introduction of new pests which can easily flourish once they enter the islands.

In many cases the EPA has granted waivers to Hawaii which allow agriculture producers to use pesticides which have been banned in the continental United States. These exemptions make it all the more essential that these pesticides, which are often extremely dangerous, are strongly regulated. Last year Hawaii experienced several pesticide crises, two of which involved the banned pesticides heptachlor and DBCP. The EPA does not have a strong presence in Hawaii and with the termination of the pesticide hazard assessment project at the University of Hawaii, I am concerned that Hawaii will be even more vulnerable to pesticide mishaps.

We in Hawaii are looking for new industry to replace our traditional but declining sugar and pineapple industries. Diversified agriculture is sure to increase and in fact, is being actively encouraged by our State government. This movement suggests that we will need even more adequate controls against agricultural pests and more farmer education of how to use chemical and biological agents usefully and safely. While the Hawaii State government and the University of Hawaii have done a commendable job in monitoring pesticides, the increase in diversified crop production and the decrease in Federal pesticide information assistance will demand that control and regulatory capabilities be augmented. In that respect, I believe Congress and the Federal Government should be active participants in efforts to promote sound pest control in Hawaiian agriculture.

Mr. Speaker, these issues are of vital importance to our Nation and to the State of Hawaii. I look forward to working with you and our colleagues to rectify these problems and craft a realistic agriculture policy for the 1980's.●

Mr. BROWN of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BROWN) that the House suspend the rules and pass the bill, H.R. 2785, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CRITICAL AGRICULTURAL MATERIALS ACT

Mr. BROWN of California. Mr. Speaker, I move to suspend the rules and pass the the bill (H.R. 2733) to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials, as amended.

The Clerk read as follows:

H.R. 2733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Native Latex Commercialization and Economic Development Act of 1978 (hereinafter referred to as "the Act") is amended to read as follows: "That this Act may be cited as the 'Critical Agricultural Materials Act'.".

SEC. 2. Section 2 of the Act is amended—

(1) by inserting "(1)" after "SEC. 2. (a)";

(2) by redesignating subsections (b) through (e) as paragraphs (2) through (5); and

(3) by striking out paragraph (5) (as so redesignated) and inserting in lieu thereof the following:

"(5) Congress further recognizes that ongoing research into the development and commercialization of native latex has been conducted by the Department of Agriculture, the Department of Commerce, the National Science Foundation, and other public as well as private and industrial research groups, and that these research efforts should be continued and expanded."; and

(4) by striking out subsection (f) and inserting in lieu thereof the following:

"(b) In addition, Congress recognizes that the development of a domestic industry or industries for the production and manufacture from native agricultural crops of products other than rubber which are of strategic and industrial importance but for which the Nation is now dependent upon foreign sources, would benefit the economy, the defense, and the general well-being of the Nation, and that additional research efforts in this area should be undertaken or continued and expanded.

"(c) It is therefore the policy of the United States to provide for the development and demonstration of economically feasible means of culturing and manufacturing Parthenium and other hydrocarbon-containing plants, along with other native agricultural crops, for the production of critical agricultural materials to benefit the Nation and promote economic development.".

SEC. 3. (a) Section 3(d) of the Act is amended to read as follows:

"(d) The term 'native' means hydrocarbon-containing plants and other agricultural crops of strategic and industrial importance which may be cultured in North America, especially plants which are members of the genus Parthenium known as Guayule."; and

(b) Section 3 of the Act is further amended by striking out subsection (e).

SEC. 4. (a) Section 4(a) of the Act is amended by striking out "Guayule Research and Commercialization" and inserting in lieu thereof "Research and Development of Critical Agricultural Materials".

(b) Section 4(b) of the Act is amended to read as follows:

"(b) The Joint Commission shall consist of the following members: Three individuals designated by the Secretary of Agriculture from among the staff of the Department of Agriculture; three individuals designated by the Secretary of Commerce from among the staff of the Department of Commerce; a representative of the Bureau of Indian Affairs of the Department of the Interior; a representative of the National Science Foundation; a representative of the Department of State; a representative of the Department of Defense; and a representative of the Federal Emergency Management Agency. Each of the members of the Joint Commission shall be an individual who, on behalf of the Department or agency which such individual represents, is engaged in the support of research, development, demonstration, and commercialization activities involving native latex and the production of other critical agricultural materials from native agricultural crops.".

(c) Section 4(c) of the Act is amended to read as follows:

"(c) The Joint Commission shall be headed by a Chairman who shall be selected by the Secretary of Agriculture from among the three individuals designated by the Secretary as members under subsection (b).".

(d) Section 4(h) of the Act is amended by striking out "rubber manufacturing and commerce" and inserting in lieu thereof "manufacturing and commerce involving rubber and other critical agricultural materials".

SEC. 5. Section 5 of the Act is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following:

"(a) The Department of Agriculture shall be the lead agency in carrying out this Act.

"(b) The Secretary of Agriculture shall conduct, sponsor, promote, and coordinate basic and applied research, technology development, and technology transfer leading

to effective and economical methods for large-scale culturing of plantations and the extraction of latex from Parthenium or other hydrocarbon-containing plants, and for the development of other critical agricultural materials from native agricultural crops having strategic and industrial importance.";

(2) by redesignating clauses (a) through (h) in the second sentence as paragraphs (1) through (8), respectively;

(3) by striking out paragraph (3) (as so redesignated) and inserting in lieu thereof the following:

"(3) accelerating present plant breeding, genetics, and selection programs for the purpose of improving and increasing latex yields, expanding insect and disease resistance, broadening the ranges of drought and cold resistance of the Parthenium plant, and providing a system of regional research trials for enhancing and increasing the supply of foundation seed for certified seed production;".

(4) by striking out paragraph (4) (as so redesignated) and inserting in lieu thereof the following:

"(4) establishing a system of large-scale experimental plantings (aggregating ten thousand acres or more) to provide shrub for feedstock to process in the developmental rubber processing facility described in paragraph (7);".

(5) by striking out paragraph (7) (as so redesignated) and inserting in lieu thereof the following:

"(7) accelerating the refinement of present extraction and processing technologies and future extraction technologies, including the development and construction of a developmental rubber processing facility for the extraction and production of test quantities of guayule natural rubber;";

(6) by striking out the period at the end of paragraph (8) (as so redesignated) and inserting in lieu thereof "; and";

(7) by adding after paragraph (8) (as so redesignated) the following new paragraph:

"(9) studying the economic feasibility of developing other native agricultural crops (in addition to Parthenium and other hydrocarbon-containing plants) that would supply critical agricultural materials for strategic and industrial purposes, and, to the extent appropriate, carrying out research activities with respect to such crops in the manner specified in paragraphs (1) through (8).";" and

(8) by adding at the end thereof the following new subsection:

"(c) The Secretary of Agriculture shall establish within the Department of Agriculture an Office of Critical Agricultural Materials, as a central location where such Department can address research and development with respect to agricultural crops that have the potential of producing critical materials for strategic and industry purposes.".

SEC. 6. Section 6 of the Act is amended—

(1) by inserting before the period at the end of the first sentence the following: "or the manufacture and commercialization of other critical agricultural materials from native agricultural crops having strategic and industrial importance";

(2) by striking out "may be carried out through the Regional Commissions or otherwise and" in the second sentence;

(3) by striking out "and" at the end of clause (e);

(4) by striking out the period at the end of clause (f) and inserting in lieu thereof "; and"; and

(5) by adding after clause (f) the following new clause:

"(g) to the extent appropriate, carrying out research activities with respect to native agricultural crops (other than Parthenium and other hydrocarbon-containing plants) that would supply critical agricultural materials for strategic and industrial purposes, in the manner specified in clauses (a) through (f).".

SEC. 7. Section 7 of the Act is amended—

(1) by inserting ", the Government of Australia, and the Government of Israel" after "Mexico"; and

(2) by striking out "Latex extraction and processing" and inserting in lieu thereof "extraction and processing of latex and other critical agricultural materials produced in the United States".

SEC. 8. Section 8 of the Act is amended by inserting before the period at the end thereof the following: "or to other critical agricultural materials".

SEC. 9. Section 9 of the Act is amended—

(1) by inserting "or the culture of other native agricultural crops which could supply critical agricultural materials" before the semicolon in clause (h); and

(2) by inserting "or the technology of other native agricultural crops which could supply critical agricultural materials" before the semicolon in clause (i).

SEC. 10. Section 10 of the Act is amended—

(1) by striking out "the provisions of this section" and inserting in lieu thereof "the provisions of this Act";

(2) by striking out ", acting through the Regional Commissions or ortherwise,";

(3) by inserting "having expertise in native agricultural crops which could supply critical agricultural materials" after "personnel" in clause (b); and

(4) by striking out "natural rubber manufacture" in clasue (f) and inserting in lieu thereof "the activities authorized by this Act".

SEC. 11. Section 11 of the Act is amended—

(1) by striking out "shall insure that their activities are closely coordinated with the activities of other Federal agencies" and inserting in lieu thereof "shall cooperate with each other in the conduct of their activities under this Act, and shall insure that their activites under this Act are closely coordinated with the activities of other Federal agencies";

(2) by inserting "Department of State," after "Department of Energy,"; and

(3) by striking out "Federal Preparedness Agency, and others" and inserting in lieu thereof "Federal Emergency Management Agency, and others,".

SEC. 12. Section 13 of the Act is amended—

(1) by striking out "The Secretary of Agriculture and the Secretary of Commerce" and inserting in lieu thereof "The Secretaries";

(2) by inserting after "byproducts" the following: ", as well as products, other than rubber, developed from agricultural crops which are of strategic and industrial importance,"; and

(3) by inserting after the first sentence the following new sentence: "Dispositions under this section may include sales of the materials involved to other Federal departments and agencies for testing purposes.".

SEC. 13. Section 14 of the Act is amended by striking out "The Secretary of Agriculture and the Secretary of Commerce" and inserting in lieu thereof "The Secretaries".

SEC. 14. Section 15 of the Act is amended—

(1) by strikng out "The Secretary of Agriculture and the Secretary of Commerce" and inserting in lieu thereof "The Secretaries"; and

(2) by striking out "1982" and inserting in lieu thereof "1987".

SEC. 15. (a) Section 16(a) of the Act is amended by striking out "and" where it appears after "1981," and by inserting after "1983," the following: "$5,000,000 for the fiscal year ending September 30, 1984, $5,500,000 for the fiscal year ending September 30, 1985, $6,500,000 for the fiscal year ending September 30, 1986, $7,500,000 for the fiscal year ending September 30, 1987, and $8,000,000 for the fiscal year ending September 30, 1988,".

(b) Section 16(b) of the Act is amended by striking out "and" where it appears after "1981," and by inserting after "1983," the following: "$2,500,000 for the fiscal year ending September 30, 1984, $3,000,000 for the fiscal year ending September 30, 1985, $3,500,000 for the fiscal year ending September 30, 1986, $4,000,000 for the fiscal year ending September 30, 1987, and $4,500,000 for the fiscal year ending September 30, 1988,".

(c) Section 16 of the Act is further amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of this Act, the Secretaries and the Joint Commission shall limit their activities under this Act to critical agricultural materials other than native latex after the close of the fiscal year ending September 30, 1988.".

The SPEAKER pro tempore. Is a second demanded?

Mr. ROBERTS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. BROWN) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. ROBERTS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DE LA GARZA), the distinguished chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Speaker, again I thank the distinguished gentleman from California (Mr. BROWN) and the members of the subcommittee for the excellent work which they have done on this legislation, and I rise in support of H.R. 2733. The bill extends the Native Latex Commercialization and Economic Development Act of 1978 through September 30, 1988. It also broadens the guayule research and development program to one of a more generic nature that includes other agricultural crops that have the potential for producing materials of strategic or industrial importance to the Nation.

H.R. 2733 extends and strengthens the 1978 act because of the importance the committee attributes to the development of guayule production to help satisfy our need for natural rubber.

The United States imports all of the natural rubber used in domestic production. Most of this rubber is derived from latex of the Hevea tree and is grown in the tropics near the equator.

Approximately 35 percent of the total domestic rubber consumption comes from natural latex, the remainder comes from synthetic rubber manufactured from hydrocarbons which are derived primarily from petroleum. Therefore, synthetic rubber production is dependent on the petroleum industry, and any curtailment of petroleum availability or increase in petroleum costs impacts directly on the domestic rubber industry.

Notwithstanding the availability of synthetic rubber for many uses, it is inferior to natural rubber in most applications. For example, natural latex is used in the production of tires in amounts ranging from 20 percent for nonradial automobile tires to nearly 100 percent for airplane tires. It is a necessary component of these products since it runs cooler than synthetic rubber and thus degrades less, insuring fewer breaks and longer tire life.

While most of the natural latex presently produced in the world comes from a tropical species which is not suitable for growth in the United States, there exists another species of plant, guayule, which is native to the Southwestern United States and northwestern Mexico, which contains commercial quantities of high quality latex. During World War II, when normal supplies of natural latex were interrupted, the U.S. Government undertook a sizable research and development program to cultivate and process guayule in the Southwest. In 1946 the emergency rubber project was terminated by the Congress due to the return of normal production and importation of natural latex from other parts of the world, mainly Southeast Asia.

The commercial development of guayule could free the United States from its dependence on natural rubber imports. It will lessen our dependence on synthetic rubber derived from petrochemicals which also must come to a large extent from overseas. Additionally, the development of guayule production would help strengthen our balance of payments.

The 1978 act directed the Secretary of Agriculture to coordinate and carry out research on the commercialization of latex from guayule or other hydrocarbon-containing plants and established an advisory commission to assist the Secretary in carrying out his duties. This research and development is necessary since the application of the agricultural and industrial techniques used for rubber cultivation during World War II will not yield a commercially viable crop or product in today's market.

The committee observes that this program has received only modest Federal support. State governments, however, have recognized the potential of the commercial development of guayule and have contributed a considerable amount of money. The private sector, mainly the major rubber companies, have been involved but have dropped many of their efforts due to the economically depressed rubber industry.

In the opinion of the committee, all of this adds up to a job left undone and a need which still persists.

The committee took certain positive steps to strengthen the role of the Department of Agriculture in this program by rewriting certain portions of section 5 to focus on an accelerated three step program procedure:

First, accelerating present plant breeding, genetics, and selection programs for the purpose of improving and increasing latex yields;

Second, establishing a system of large-scale experimental plantings—aggregating 10,000 acres or more—to provide shrub for feedstock to process in the developmental rubber processing facility presently being developed; and

Third, accelerating the refinement of present extraction and processing technologies, including the development and construction of a developmental rubber processing facility for the extraction and production of test quantities of guayule natural rubber.

H.R. 2733 has expanded the native latex program from an effort to develop one crop in one region into a far-reaching challenge. It is our sincere hope that H.R. 2733 will serve to provide us with an integrated research and development system that can be utilized with other agricultural crops in addition to guayule that have the potential of producing critical materials for strategic and industrial purposes.

The development of domestic industries for the production and manufacture from native agricultural crops of products, other than rubber, which are of strategic and industrial importance but for which the Nation is now dependent upon foreign sources, will benefit the economy, the defense, and the general well-being of the Nation. H.R. 2733 encourages additional research efforts in this area.

Meadow foam, crambe, buffalo gourd, gopher weed, jojoba are but a few strangely named plants growing in every region which may hold commercial promise as renewable sources of critical materials. The committee believes that if the United States is to have a credible agriculture research program or a working national materials policy, we must explore these alternatives, for we must remember that, at one point, just a few decades ago, soybeans and sunflowers were on this list of crops.

It is interesting to note the vast potential that these crops offer: Some bear an oilseed crop producing industrial oils; some produce chemical feedstocks; others produce industrial hydrocarbons; and, last, jojoba, a shrub whose beans produce a superior lubricant and feedstock for plastics and fertilizer. The oil from the jojoba bean is the only known replacement for sperm whale oil which is used for certain needs as a long-term lubricant for inaccessible parts, such as moving parts near nuclear reactors.

H.R. 2733 authorizes the program for a period of 5 years with an authorization of appropriations on an annually graduating scale and totaling $50 million for the life of the program.

It should be noted, Mr. Speaker, that H.R. 2733 was reported by our committee by a unanimous voice vote in the presence of a quorum.

I urge the Members to join me in support of H.R. 2733, as amended.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will again try to be as brief as possible.

Mr. Speaker, today the House of Representatives considers H.R. 2733, a bill which reauthorizes the native latex research program and expands the program to include research on other critical agricultural materials. As the sponsor of H.R. 2733 and a member of both the Committee on Agriculture and the Committee on Science and Technology, to whom the bill was jointly referred, I rise in strong support of this measure.

H.R. 2733 renews for 5 years the research and development work on native latex authorized by Public Law 95-592 and authorizes a total of $50 million over 5 years to be divided between the Department of Agriculture and the Department of Commerce. H.R. 2733 expands the membership of the Joint Commission that coordinates activities in this area to include the Department of Defense, the Department of State, and the Federal Emergency Management Agency. The Department of Agriculture is designated as the lead agency as well as the chairman of the Joint Commission. The bill also establishes the Office of Critical Agricultural Materials in USDA that will serve as the coordinator of the Department's research activities on native latex and research on other agricultural crops that could bear strategic and industrial materials. The principal source of native latex in the United States is the guayule bush, which grows in arid regions of the Southwest. H.R. 2733 calls for the acceleration of genetic research, large-scale plantings, and development of pilot- and commercial-size extraction

facilities for native latex from guayule with the goal of having a mature product for the marketplace in 5 years. At that point the Federal involvement in native latex will cease.

Further, H.R. 2733 expands the scope of the original Native Latex Commercialization Act to include research on other agricultural crops that could bear materials of strategic and industrial importance. For example, plants such as meadowfoam, gopher weed, cranse, Chinese tallow, Buffalo gourd, and jojoba can be processed to provide industrial oils and lubricants. These and other agricultural crops will be studied for their industrial and strategic usefulness.

The research work authorized in H.R. 2733 has two major implications for the future. First, this research and development will cultivate a domestic source of natural rubber, for which the United States is totally dependent on foreign imports. Second, H.R. 2733 will open up research on other possible crops that will bear critical materials. The possibilities that exist in this area are almost boundless, and the sooner we get started the better.

Mr. Speaker, H.R. 2733 is a relatively small program in comparison to the other large Federal research and development activities, but its implications and possibilities are very important to our economic and strategic security.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I wish to associate myself with the remarks made by my good friend and chairman, and I rise in support of H.R. 2733, the Critical Agricultural Materials Act. This legislation provides reauthorization and amendments to Public Law 95-592, the Native Latex Commercialization and Economic Development Act of 1978. The amendments broaden the guayule research and development program to include other critical agricultural materials that would be of strategic and industrial importance to this Nation, thus the change in title.

Public Law 95-592 as passed in 1978 was designed to promote the development and commercialization of a domestic natural rubber industry based on the cultivation of guayule. Guayule is a semidesert shrub native to north-central Mexico and southwest Texas which contains a high quality latex that if properly developed and exploited can be expected to reduce our dependence on overseas rubber sources. It was deemed necessary that we find alternate sources for natural rubber as this country had become and still is totally dependent on foreign sources for natural rubber.

Since enactment of this law approximately $8 million has been expended for research and with the progress made to date it appears that continuation of this program is necessary. The Department of Defense in May 1982 initiated a prototype domestic guayule rubber industry program and in September 1982 let a contract to commence the effort utilizing a $20 million loan guarantee under the authority of title III of the Defense Production Act. The Wall Street Journal of May 10, 1983, reported that the Firestone Tire & Rubber Co. has signed an agreement as a subcontractor under the DOD contract to develop the processing system and build the prototype plant. A pilot operation will begin in Akron, Ohio, within a year and the building of the prototype plant near Phoenix, Ariz., will commence in late 1986 with operation expected in 1988. The Federal Emergency Management Agency further reinforces the need for this program. It seems only reasonable that this legislation be reauthorized so that other Federal agencies can contribute to the effort of producing a viable domestic guayule industry. It should be noted that a sunset provision has been incorporated in this bill providing that if we have not succeeded in the development of guayule by September 30, 1988, then we should admit failure and drop the effort.

H.R. 2733 contains amendments that we feel will streamline the process and provide the time necessary to finish the job started in 1978. In addition to the changes previously mentioned I would call attention to several changes that I consider to be of importance.

The Department of Agriculture has been designated as the lead agency to carry out the provisions of this act. The legislation authorizes the Secretary of Agriculture to sponsor research activities, and study the economic feasibility of new agricultural crops having strategic and industrial importance, and within USDA the Office of Critical Agricultural Materials is established to coordinate the Department's activities in the research of native latex and other critical agricultural crops.

The Joint Commission on Guayule Research and Commercialization called for in the statute has been changed to the Joint Commission on Research and Development of Critical Agricultural Materials and its membership has been expanded to include the Department of Defense, the Department of State, and the Federal Emergency Management Agency. These agencies have already been contributing to this effort and this amendment formalizes their participation.

Australia and Israel have been added in addition to Mexico as nations with which the United States may engage in cooperative projects on the commercial development of guayule and expands the subject matter to include other critical agricultural materials.

Finally, this legislation provides for a 5-year reauthorization and a funding of $50 million of which USDA receives $32.5 million and the Department of Commerce $17.5 million.

Mr. Speaker, I urge adoption of H.R. 2733.

Mr. Speaker, I yield such time as he may consume to my good friend and colleague, the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Speaker, to begin with, I would like very much to commend the gentleman from California (Mr. BROWN), who has maintained an enduring interest in the propagation of guayule.

Someone mentioned in one of the committees the other day, "What is guayule?" And it was explained to them that it is a very old product. As a matter of fact, it was initiated as a latex product by the Indians of the Southwest. The person responded, "Well, if it is so important, how come I have never heard of it?" If that person had been alive at the time of World War II, I am sure that they would have heard a great deal about guayule. It has a varied and cyclic history and one that is still of extreme importance to the United States as a strategic material.

Mr. Speaker, I am not going to belabor the point, but it is intensely important that we do maintain the research that has been ongoing for some time, since pre-World War II days, in native latex, and I support the bill, H.R. 2733. I want to commend once again the gentleman from California (Mr. BROWN) for his enduring interest and the extension and reauthorization that this bill includes.

Mr. Speaker, H.R. 2733, the Critical Agricultural Materials Act, has been the product of cooperation between the Committee on Agriculture and the Committee on Science and Technology. As a member of each of these committees, I can say that we have received no opposition to this bill on either side of the aisle. This bill has been endorsed by all members of both committees as a means of reauthorizing Public Law 95-592, the Native Latex Commercialization and Economic Development Act of 1978.

Natural latex rubber is a material of vital importance to the economy and national security of our Nation. The United States remains totally dependent upon foreign sources for its supply of native latex. In fact, the United States has been importing about 1 million tons per year, at a cost of $500 million annually. The importance of H.R. 2733, however, is that the United States would spend only $50 million, or 10 times less than our cost of importation, to complete research and development leading to commercialization

of native latex grown on our own land. This $50 million would be spent over a 5-year period, $10 million per year to be divided between the Department of Agriculture and the Department of Commerce.

The guayule plant is native to North America and is known to contain commerical quantities of extractable rubber. With development, it could prove to be both an alternative to imported rubber and an important economic crop. The development of guayule commercially could encourage growth of jobs and small industries, particularly in the Southwestern section of the United States.

Federal involvement in guayule research has spanned the last two decades. During World War II, 27,000 acres in Salinas, Calif. were seeded to guayule but after the war these fields were plowed under or burned because of the once again increased availability of foreign rubber. During the Korean war, cultivation programs began in Texas, but were abandoned after the war.

Another effort began in 1978, when Congress passed the Guayule Act, of Native Latex Commercialization and Development Act. This authorized $30 million for research over 5 years. This spurred cultivation of guayule over 81 acres in California, Texas, Arizona, and New Mexico.

It is a disappointment to many of us on the Committee on Science and Technology and the Committee on Agriculture that the appropriation, $8 million, fell so far short of the authorized level, and the full capacity of the program has never been reached and still the United States remains totally dependent on foreign sources of natural rubbers.

Therefore, what the United States needs is a strong and firm message from Congress to prevent any further break in the research conducted to date. Stability in the guayule program will provide the necessary prerequisites—R&D requirements and economic analysis—to allow the marketplace to pick up and run with commercialization of rubber production.

The recent negotiation of Texas A&M University, the A&M Agricultural Research Center, and the Department of Agriculture, to sign a 5-year lease for the Firestone-Fort Stockton, Tex., research facility signifies a strong indication of the potential for this program. I understand a small scale plant is being worked on for production of guayule rubber within the next few months. H.R. 2733 provides the adequate funding and R&D emphasis to provide for development of such small-scale plants: Further preparing the way for private industry commercialization.

Mr. Speaker, I support H.R. 2733 and ask my colleagues on both sides of the aisle to join me. I believe it is a prudent step in advancing the United States toward independence from foreign sources of rubber.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield,

Mr. SKEEN. I yield to the gentleman from California.

Mr. BROWN of California. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman from New Mexico for his kind remarks. I have been highly gratified to find in the gentleman from New Mexico a keen interest and an awareness of the history of this important product which, as he indicated, goes back before World War II when then Major Eisenhower recommended that this product be developed for the national security needs of the United States.

Oddly enough, today a major part of the push behind the development of a native industry involving guayule comes from the needs of the Defense Department which, under separate authority, is seeking to move ahead with a domestic rubber program based upon the guayule plant and has committed $20 million to that already

So we are seeing, almost, a complete turn of the cycle here, from the defense needs prior to World War II to the defense needs of today, as a motivating force behind the development of this product. So I am very pleased to see the gentleman's support for this program; and it may well be that I may have to hand the baton of the guayule program over the him, since he is considerably younger than I am, and he can pursue it into the future to make sure that it succeeds.

Mr. SKEEN. Mr. Speaker, I thank the gentleman from California for his kind remarks. Rather than take the baton, I would just say that the ball is now in my court, and I will be happy to accept that, and I do once again commend him for his interest and his perseverance.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to associate myself with the remarks made by my good friend and colleague, the gentleman from New Mexico, especially with regard to the leadership that has been shown by the chairman in this effort. I think, without question, if the guayule rubber ball bounces forward, it will be due to the impetus and leadership that has been provided by the chairman.

● Mr. WALGREN. Mr. Speaker, I rise in support of H.R. 2733, the reauthorization of the Native Latex Commercialization Act, otherwise known as the guayule rubber plant research and development program. As chairman of the Subcommittee on Science, Research and Technology of the Science and Technology Committee, to which the bill was jointly referred, I urge my colleagues to vote "aye" on H.R. 2733.

The cultivation of the guayule rubber plant has several important consequences for the Nation's future.

First, the United States presently imports all of its natural rubber supply. This dependency is economically risky. As in the case of crude oil, the U.S. economy is subject to a disruptive supply cutoff or interruption. The painful experiences of long gaslines and skyrocketing fuel prices have shown us that we cannot afford to be dependent on foreign sources of critical commodities, such as natural rubber, without jeopardizing our economic future and national security.

Second, natural rubber is essential for the manufacturing of products used by the military; such as tires for vehicles and aircraft. Remaining totally dependent on foreign sources of natural rubber could endanger our military preparedness in times of emergency.

Third, H.R. 2733 will open up research on other agricultural crops that can be processed to produce critical materials such as industrial lubricants. From this research we could develop a reliable, domestic source of materials we now import.

Mr. Speaker, we should commend our colleague, Mr. GEORGE BROWN, for his foresight and diligent work on this issue. The legislation is an example of what can happen when one Member pursues a program with personal interest. Mr. BROWN has been instrumental in the process from the original act in 1978 to this reauthorization of the Native Latex program which broadens its scope to include new agricultural crops. His contribution in this effort is invaluable.

H.R. 2733 reauthorizes a solid program that will potentially produce materials that are critical to the economy and national defense.●

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BROWN) that the House suspend the rules and pass the bill, H.R. 2733, as amended.

The question was taken.

Mr. ANNUNZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

TEMPORARY EXTENSION OF CERTAIN HOUSING PROGRAMS

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 265) to provide for the temporary extension of certain insurance programs relating to housing and community development and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 265

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "May 21, 1983" in the first sentence and inserting in lieu thereof "October 1, 1983".

(b) Section 217 of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 221(f) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(d) Section 235 of such Act is amended—

(1) in subsection (h)(1), by striking out the last two sentences;

(2) in subsection (m), by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983"; and

(3) in subsection (q)(1), by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(e) Section 236(n) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(f) Section 244(d) of such Act is amended—

(1) by striking out "May 20, 1983" in the first sentence and inserting in lieu thereof "September 30, 1983"; and

(2) by striking out "May 21, 1983" and inserting in lieu thereof "October 1, 1983".

(g) Section 245(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(h) Section 809(f) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(i) Section 810(k) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(j) Section 1002(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(k) Section 1101(a) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

SEC. 2. Section 3(a)(1) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968 (12 U.S.C. 1709-1(1)), is amended by striking out "May 21, 1983" and inserting in lieu thereof "October 1, 1983".

(g) Section 245(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(h) Section 809(f) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(i) Section 810(k) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(j) Section 1002(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(k) Section 1101(a) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

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EXTENSION OF RURAL HOUSING AUTHORITIES

SEC. 3. (a) Section 515(b)(5) of the Housing Act of 1949 is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 517(a)(1) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 523(f) of such Act is amended by striking out "May 20, 1983" each place it appears and inserting in lieu thereof "September 30, 1983".

EXTENSION OF OTHER INSURANCE PROGRAMS

SEC. 4. (a) Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 1336(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 1201(b)(1) of the National Housing Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

EXEMPTION OF FEDERAL HOME LOAN MORTGAGE CORPORATION SECURITIES FROM SECURITIES REGULATIONS

SEC. 5. Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following new subsection:

"(g) All securities issued or guaranteed by the Corporation shall, to the same extent as securities that are direct obligations of or obligations guaranteed as to principal or interest by the United States, be deemed to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission.".

EXTENSION OF EXPERIMENTAL HOUSING ALLOWANCE SUPPLY PROGRAM

SEC. 6. (a) Section 504(b) of the Housing and Urban Development Act of 1970 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1), the Secretray shall, to the extent approved in appropriation Acts, extend the annual contributions contracts for the experimental housing allowance supply program through September 30, 1994, on the same terms and conditions as the original contracts, for the sole purpose of providing assistance for homeowners participating in such program on June 1, 1983. In extending such contracts, the Secretary may, to the extent approved in appropriation Acts, use authority available under section 5(c) of the United States Housing Act of 1937.".

(b) The amendment made by this section shall become effective on October 1, 1983.

□ 1300

The SPEAKER pro tempore. (Mr. DE LA GARZA). Is a second demanded?

Mr. MCKINNEY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. GONZALEZ,) will be recognized for 20 minutes, and the gentleman from Connecticut (Mr. MCKINNEY,) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced House Joint Resolution 265 for myself, and on behalf of the chairman of the Banking Committee, Mr. ST GERMAIN. This resolution is also offered on behalf of the ranking minority member of the full Committee, Mr. WYLIE, and the ranking minority member of the Housing Subcommittee, Mr. MCKINNEY.

This resolution is necessary to extend the life of the basic housing programs administered by the Department of Housing and Urban Development and by the Farmers Home Administration. In addition, this resolution would extend the existing Federal flood, crime, and riot insurance programs administered through the Federal Emergency Management Agency. In all cases, these programs would expire as of May 20, unless this resolution is enacted. The extension of these programs is through the end of this fiscal year.

I am asking for this resolution because it is essential to continue their operation. It would be catastrophic to permit the FHA home mortgage insurance program to lapse—for that insurance program is the keystone of the modest housing recovery that we are seeing today. Likewise, it would be a disaster to allow Farmers Home Administration programs to expire.

I want to point out that in addition to these basic housing program extensions, this resolution provides, at the request of the gentleman from Indiana (Mr. HILER) a 10-year extension of the experimental housing allowance program assistance to homeowners. This is a matter of urgent concern to homeowners in his area who have been enrolled in this program, and most particularly to elderly individuals and families. The gentleman from Indiana (Mr. HILER) has made a convincing case that assistance to these persons should be continued, and I am happy to accommodate his request.

I want to emphasize that this resolution is essential; it maintains in place the most basic and vital housing programs, through the end of this fiscal year. By that time, we should have finished action on the housing authorization bill itself (H.R. 1). Pending consideration of that bill, both sides of the Banking Committee agree that this extender resolution is necessary. I do not believe that anyone wants to cause by default a major disruption in the housing market, which is after all enjoying a reasonably good recovery and which by every account is vital to a healthy economy. There is nothing controversial about this resolution, it is an essential matter, and I urge its approval.

Mr. Speaker, I reserve the balance of my time.

Mr. McKINNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Joint Resolution 265 which extends certain housing and community development insurance programs that are due to expire at the end of this week. This is a temporary extension about which there is no controversy. The administration supports this resolution as necessary to avoid the disruption of housing insurance programs.

As I pointed out, this legislation is necessary because the programs that are covered would expire on Saturday. Last fall Congress extended the housing and community development insurance programs from October 1, 1982, through May 20, 1983. That action was taken on the assumption that a housing authorization bill would be passed and enacted prior to the expiration of that extension. In fact, it was the expectation and hope of many Members that the authorization bill would pass before the end of 1982. That I am sad to say, was not the case.

I am asking my colleagues to approve this extension while pledging to do all that I can to see that the Members get a housing bill to vote on before this extension expires on October 1, 1983. The orderly continuation of these insurance programs is vital to our housing industry, and the adoption of an omnibus housing bill should be among our first priorities.

The list of programs extended by this resolution includes all insuring authority under the National Housing Act of 1934, commonly known as the FHA mortgage insurance programs. The resolution also extends HUD's authority to establish flexible interest rates for FHA loans through the end of fiscal year 1983. Other programs covered by the resolution include new flood insurance contracts, Federal riot reinsurance, crime insurance and rural housing authority under the Farmers Home Administration.

The final provision to mention is a clarification that Federal Home Loan Mortgage Corporation securities and obligations are exempt from SEC registration requirements. This exemption was intended to be extended to Freddie Mac previously. It is provided already to Fannie Mae and is consistent with our committee's intention.

I am sure that the need for this legislation is evident to all Members and I urge the House suspend the rules and pass House Joint Resolution 265.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HILER).

Mr. HILER. Mr. Speaker, I thank the gentleman for yielding this time to me. I am pleased to add my support for this important resolution. Not only does it propose to extend temporarily loan insurance programs that are essential to the housing industry, but it offers, as well, assistance to some 4,000 homeowners in Indiana that have participated in a successful, experimental housing assistance program.

In 1974, this Congress and the Department of Housing and Urban Development initiated a program to test the concept of a housing allowance, or voucher, system not unlike the one recently proposed by the Reagan administration. Two sites were selected for the experiment, St. Joseph County, Ind., in my congressional district, and Brown County, Wis. This was a unique program not only in its use of a voucher system, but because it included homeowners as well—something quite unlike what had been tested before.

This was a 10-year pilot program, and it is due to expire next year. To the renters currently participating in the program, HUD can offer the opportunity to qualify for its existing rental assistance programs. Yet, statutorily, HUD cannot offer assistance to homeowners: 1 year from this early fall, some 4,000 homeowners, who have grown to depend on this program of which about half are elderly, will be without assistance to help with mortgage payments, utility bills, taxes, and maintenance.

Section 6 of this bill seeks to help these residents of the city of South Bend and St. Joseph County, Ind., that are in need of our help. It proposes to extend for 10 years a limited assistance to those homeowners currently participating in the program, a number that will naturally decline with attrition over the 10-year period. The section offers nothing more, nothing less than an opportunity for these people to keep and maintain their homes as the program phases out gracefully.

Had there been adequate planning 9 years ago for the orderly and comfortable expiration of the program, then this section would not be needed. Had this been an unsuccessful program, one that held little promise of helping to provide housing assistance to those in need in an effective manner, then I would not have offered this section. But the fact is, neither is true: There are no firm plans for an acceptable transition, and this has been a well-administered, successful program.

Mr. Speaker, there is much to be said in favor of this experimental housing allowance program, but I will not take the time of the House to enumerate its many fine qualities and those who have made it work. I will note, however, that these homeowners of Indiana's Third District have participated in an experimental housing program that could lead to improvements in our assistance programs and that they could find themselves abruptly cut off from necessary assistance payments.

I extend my deep appreciation to the distinguished chairman of the Subcommittee on Housing and Community Development, Mr. GONZALEZ; to the equally distinguished chairman of the Banking Committee, Mr. ST GERMAIN; and to my good friends, Messrs. WYLIE amd MCKINNEY, for their help in meeting this need and for their interest in these Third District homeowners.

I ask that the House approve this resolution.

Mr. McKINNEY. Mr. Speaker, I would like to take some more of my time to engage in a colloquy with the chairman of the subcommittee.

There seems to be some misunderstanding in HUD offices over our intent with respect to continuing programs of FHA insurance for nursing homes and hospital facilities. It is my understanding, and correct me if I am wrong; among HUD programs that this resolution continues the FHA section 232 and 242 programs of insurance for nursing homes and hospitals, and further, that the Banking Committee's reported authorization legislation for 1984 also extends those vital programs throughout the end of fiscal year 1984.

If I am correct, then, it would seem appropriate that HUD should clarify the situation with its various field offices, which I understand have been dealing with those programs, that if

they were to be terminated on May 20 as has been indicated to them by HUD in Washington in a memorandum dated March 14 to the field.

Do you agree with me, Mr. Chairman, that that is our intention?

Mr. GONZALEZ. If the gentleman will yield, yes, the gentleman is correct in his interpretation. As he knows, section 232 is the nursing home, and section 242 is the hospital program. Of course, it is incorporated in our substantive authorization bill, and the gentleman had a big hand in shaping it. He is correct in his thinking.

What I would say, is that I join him in instructing or advising HUD along the lines he is suggesting here.

Mr. McKINNEY. I will certainly make clear in a letter to HUD tomorrow that both the chairman, the ranking member, and the whole House have made their intent very clear in this little colloquy, and I would trust that they would straighten out their field offices as quickly as possible.

Mr. GONZALEZ. I thank the distinguished gentleman from Connecticut, a very valued member of the committee, for his initiative in this. I think it is a very important point. Hopefully, the administration will heed it.

● Mr. CORRADA. Mr. Speaker, House Joint Resolution 265 will provide for the temporary extension of certain housing and community development insurance programs.

It would extend from May 20, 1983, to September 30, 1983, all of the insuring authorities of the Secretary of Housing and Urban Development and has my support. It is important since it would allow the continuation of various programs under the National Housing Act, FHA loan programs, farmers home rural housing programs, Federal riot reinsurance, and the crime and flood insurance programs for the same period of time.

The resolution would allow an orderly continuation of these programs. It will keep these various insurance programs in place until the House Banking Subcommittee on Housing and Community Development, chaired by our distinguished colleague, HENRY GONZALEZ from Texas, is able to bring to the floor H.R. 1.

This is the major housing legislation and will soon be before us on the floor of the House.

Once again, we are indebted to Congressman GONZALEZ for assuring those in charge of housing in the various States and Puerto Rico that vital programs essential in helping provide an adequate living environment are continued until the major housing reauthorization which has been reported from the full committee later comes to the floor for our consideration.●

Mr. McKINNEY. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GONZALEZ) that the House suspend the rules and pass the joint resolution, House Joint Resolution 265, as amended.

The question was taken.

Mr. ANNUNZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZATION OF APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1416) to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1984 through 1986, as amended.

The Clerk read the bill, as follows:

H.R. 1416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended—

(1) in the first sentence thereof, by striking out "and" immediately after "'1982,";

(2) by inserting immediately before the period at the end of the first sentence thereof the following: ", $102,300,000 for the fiscal year ending September 30, 1984, and $111,132,000 for the fiscal year ending September 30, 1985"; and

(3) in the last sentence thereof, by striking out "1983" and inserting in lieu thereof "1985".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Colorado (Mr. WIRTH), will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. RINALDO), will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation is the result of a bipartisan effort in the Subcommittee on Telecommunications, Consumer Protection and Finance to insure that the Securities and Exchange Commission has sufficient funding to police the securities markets—to protect investors and maintain that investor confidence so important to our Nation's capital markets.

The SEC historically has been a lean agency, and in recent years, the areas within its jurisdiction have expanded dramatically. We have highlighted some of those areas of growth in the committee's report on the bill—but, let me give just a few examples:

In the 3 years since the SEC's last authorization, the value of public offerings registered with the Commission has risen almost 100 percent.

The number of investment companies has risen almost 40 percent, and investment company assets have risen almost 200 percent.

The volume of shares traded in the markets has grown 80 percent.

The number of broker-dealers has grown 20 percent.

We are all aware of the SEC's recent focus on insider trading. But there are other, major abuses in the securities markets today. The SEC has told us that problems in the area of financial statement fraud are growing dramatically, as we see the shakeout from the worst recession in over 40 years.

All of these changes have put severe strains on the Commission's staff, which has declined by 5 percent since the last authorization.

Even in the face of these facts, the administration's budget for the SEC for fiscal 1984 would have resulted in a 6-percent staff cut.

Mr. RINALDO, who is the ranking Republican on the subcommittee and I, were both very concerned about the proposed budget, which was used as the starting point for the SEC's authorization proposal. We asked all of the SEC Commissioners to get involved in the budget process; we looked over the numbers and staffing levels very carefully, and arrived at levels $3.2 and $3.5 million above the SEC's original request. Instead of a staff cut, this authorization will permit the SEC to add some additional staff.

If the SEC is to maintain an effective presence in the market and maintain that investor confidence so necessary for our Nation's economic growth, it must have the funds necessary so that staffing levels can keep pace with this growing market.

I might add that some may say that our securities markets have never been healthier—that the market is booming with record high volume and more investors are participating in our capital markets every day. While that may be a sign of health and strength, we must not forget that it was the record markets in the 1920's in which we saw the worst stock frauds and market manipulations in the Nation's history. The money we spend to enable the SEC to police the markets is money well spent. In fact, we cannot affort not to spend it.

I should note that since we have added to the authorization levels, we have also attempted to address the revenue side, with legislation in H.R. 2681—the second bill to be considered today, which will raise some additional

fees—about $7 million. Even without the proposed increases, however, revenues from fees paid to the SEC are projected to be almost 97 percent of the authorization level proposed in H.R. 1416.

Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1416, to authorize funding levels for the Securities and Exchange Commission for fiscal years 1984 and 1985.

The funding levels provided in this bill were unanimously approved by the Subcommittee on Telecommunications, Consumer Protection and Finance, and were approved in the full Energy and Commerce Committee by voice vote. They are slightly higher, by approximately $3 million for each fiscal year, than the funding levels requested by the administration.

However, I would point out that, in relation to SEC funding approved by Congress in 1980, this bill holds the line on Federal spending. For example, the authorization for the current fiscal year—fiscal year 1983—set by law in 1980, is $106.6 million. The bill before us today drops this figure back to $102.3 million for fiscal year 1984, and provides $111.1 million for fiscal year 1985.

These figures were worked out on a bipartisan basis, in consultation with all SEC Commissioners. The funds provided attempt to meet concerns expressed at the subcommittee's hearing that the SEC continue to have adequate staff and resources to do its job properly. The bill provides funding for a 4-percent increase in staff positions over current levels to approximatley 2,099 staff positions. This level is still 26 staff positions less than 1980 levels.

It is important to our economy to maintain investor confidence in the Nation's securities markets. An SEC with resources adequate to carry out its statutory mandate is essential to this end. The staffing levels provided by this authorization bill will allow the Commission to keep pace with the rapid changes occurring in the securities markets.

I urge that the House suspend the rules and pass H.R. 1416.

● Mr. DINGELL. Mr. Speaker, today the House is considering legislation to authorize appropriations for the Securities and Exchange Commission and legislation to amend certain authorities and programs of the SEC and the membership requirements of the Municipal Securities Rulemaking Board. The legislation would also equalize discrepancies in fees currently paid for tender offers and other business combinations. These provisions represent an effort, in these times of severe budgetary constraints, to increase the effectiveness of the SEC without any additional cost to the taxpayer. I enthusiastically support the bills, H.R. 1416 and H.R. 2681.

The Nation's securities markets, primary, secondary, and option, have been experiencing exponential growth in recent times. Initial public offerings, so vital to the growth of the economy, have beaten the overall stock market gains. How long the new issue boom continues depends largely on the health of the overall market and where the outer limits of investor confidence and enthusiasm lie. A strong SEC with adequate resources is necessary to maintain this growth.

Accordingly, I urge my colleagues to approve H.R. 1416 and H.R. 2681.●

The SPEAKER pro tempore (Mr. ROEMER). The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the bill, H.R. 1416, as amended.

The question was taken.

Mr. ANNUNZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2681) to make certain amendments to sections 4, 15, and 15B of the Securities Exchange Act of 1934, as amended.

The Clerk read the bill, as follows:

H.R. 2681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of law, in accordance with regulations which the Commission shall prescribe to prevent conflicts of interest, the Commission may accept payment and reimbursement, in cash or in kind, from non-Federal agencies, organizations, and individuals for travel, subsistence, and other necessary expenses incurred by Commission members and employees in attending meetings and conferences concerning the functions or activities of the Commission. Any payment or reimbursement accepted shall be credited to the appropriated funds of the Commission. The amount of travel, subsistence, and other necessary expenses for members and employees paid or reimbursed under this subsection may exceed per diem amounts established in official travel regulations, but the Commission may include in its regulations under this subsection a limitation on such amounts.

"(d) Notwithstanding any other provision of law, former employers of participants in the Commission's professional fellows program may pay such participants their actual expenses for relocation to Washington, District of Columbia, to facilitate their participation in such programs, and program participants may accept such payments.".

SEC. 2. (a) Section 13(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end thereof the following new paragraph:

"(3) At the time of filing such statement as the Commission may require by rule pursuant to paragraph (1) of this subsection, the person making the filing shall pay to the Commission a fee of 1/50 of 1 per centum of the value of securities proposed to be purchased. The fee shall be reduced with respect to securities in an amount equal to any fee paid with respect to any securities issued in connection with the proposed transaction under section 6(b) of the Securities Act of 1933, or the fee paid under that section shall be reduced in an amount equal to the fee paid to the Commission in connection with such transaction under this paragraph.".

(b) Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following new subsection:

"(g)(1)(A) At the time of filing such preliminary proxy solicitation material as the Commission may require by rule pursuant to subsection (a) of this section that concerns an acquisition, merger, consolidation, or proposed sale or other disposition of substantially all the assets of a company, the person making such filing, other than a company registered under the Investment Company Act of 1940, shall pay to the Commission the following fees:

"(i) for preliminary proxy solicitation material involving an acquisition, merger, or consolidation, if there is a proposed payment of cash or transfer of securities or property to shareholders, a fee of 1/50 of 1 per centum of such proposed payment, or of the value of such securities or other property proposed to be transferred; and

"(ii) for preliminary proxy solicitation material involving a proposed sale or other disposition of substantially all of the assets of a company, a fee of 1/50 of 1 per centum of the cash or of the value of any securities or other property proposed to be received upon such sale or disposition.

"(B) The fee imposed under subparagraph (A) shall be reduced with respect to securities in an amount equal to any fee paid to the Commission with respect to such securities in connection with the proposed transaction under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), or the fee paid under that section shall be reduced in an amount equal to the fee paid to the Commission in connection with such transaction under this subsection. Where two or more companies involved in an acquisition, merger, consolidation, sale, or other disposition of substantially all the assets of a company must file such proxy material with the Commission, each shall pay a proportionate share of such fee.

"(2) At the time of filing such preliminary information statement as the Commission may require by rule pursuant to subsection (c) of this section, the issuer shall pay to the Commission the same fee as required for preliminary proxy solicitation material under paragraph (1) of this subsection.

"(3) At the time of filing such statement as the Commission may require by rule pursuant to subsection (d)(1) of this section, the person making the filing shall pay to the Commission a fee of 1/50 of 1 per centum of the aggregate amount of cash or of the value of securities or other property proposed to be offered. The fee shall be reduced with respect to securities in an amount equal to any fee paid with respect

to such securities in connection with the proposed transaction under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), or the fee paid under that section shall be reduced in an amount equal to the fee paid to the Commission in connection with such transaction under this subsection.

"(4) Notwithstanding any other provision of law, the Commission may impose fees, charges, or prices for matters not involving any acquisition, merger, consolidation sale, or other disposition of assets described in this subsection, as authortized by section 9701 of title 31, United States Code, or otherwise.".

SEC. 3. (a) Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended—

(1) by striking out paragraph (8) and inserting in lieu thereof the following:

"(8) It shall be unlawful for any broker or dealer required to register pursuant to this title to effect any transaction in, or induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills), unless such broker or dealer is a member of a securities association registered pursuant to section 15A of this title or effects transactions in securities solely on a national securities exchange of which it is a member."; and

(2) by striking out paragraph (9) and inserting in lieu thereof the following:

"(9) The Commission by rule or order, as it deems consistent with the public interest and the protection of investors, may conditionally or unconditionally exempt from paragraph (8) of this subsection any broker or dealer or class of brokers or dealers specified in such rule or order."

(b) The amendments made by subsection (a) shall become effective six months after the date of enactment of this Act.

SEC. 4. (a) Section 15B(b)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(b)(1)) is amended by inserting immediately after "securities dealer" the following: "(other than by reason of being common control with, or indirectly controlling, any broker or dealer which is not a municipal securities broker or municipal securities dealer)".

(b) Section 15B(b)(2)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(b)(2)(B)) is amended by inserting immediately after "broker, dealer, or municipal securities dealer" the following; "(other than by reason of being under common control with, or indirectly controlling, any broker or dealer which is not a municipal securities broker or municipal securities dealer)".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Colorado (Mr. WIRTH), will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. RINALDO), will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the bill H.R. 2681.

Mr. Speaker, H.R. 2681 is a bill designed to help the SEC and the Municipal Securities Rulemaking Board better carry out certain responsibilities. The bill has bipartisan support in both the subcommittee and the full Committee on Energy and Commerce, and was reported unanimously.

H.R. 2681 is a bill made up of five relatively noncontroversial provisions.

Section 1 of the bill would permit the Commission to accept payments for expenses of Commission members attending conferences concerning the functions of the Commission. Current interpretations of conflicts-of-interest laws may prohibit this on the part of the SEC, although many other Federal departments and agencies may accept reimbursements on behalf of their officials and employees.

Section 1 of the bill further permits participants in the Commission's professional fellows programs—lawyers and accountants—to receive payments from their former employers for relocation expenses to Washington, D.C. This gives SEC fellows the same kinds of privileges that participants in the President's executive exchange and White House fellows programs now have. The SEC says this will help them attract good people.

Section two of the bill would equalize the fees paid to the SEC for similar kinds of business combinations which require the approval of public shareholders. As an example, currently, if a company makes a tender offer for another company, and the bidder company offers its stock to shareholders of the target company in exchange for their stock, the bidder company must pay the SEC a fee of one-fiftieth of 1 percent of the value of the stock offered. If the bidder makes a cash tender offer, however, it pays no fee. These are essentially similar transactions, but are just structured differently. The transactions each require an enormous amount of work on the part of the SEC staff. This provision would require that the same fee be paid, regardless of how the transaction is structured.

Section 3 of the bill requires all broker-dealers to become members of a national securities association registered under the Securities Exchange Act, except for broker-dealers who are members of an exchange and execute transactions only on that exchange. Currently, broker-dealers who do not join the NASD, the only registered national securities association, are subject to direct regulation by the Commission under a program called SECO, meaning, SEC only. About 88 percent of all broker-dealers have joined the NASD, while only 12 percent have chosen to be directly regulated by the SEC. Requiring these broker-dealers to join the NASD makes sense—it permits the NASD to conduct direct surveillance of the brokers, and leaves the SEC to conduct oversight of the NASD program and to save its resources to prosecute major violations and fraud.

Section 4 of the bill would broaden the range of public representatives that could serve on the municipal securities rulemaking board, by permitting persons who might otherwise be disqualified from serving simply because they are affiliated with a broker-dealer.

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Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2681. This bill would amend several sections of the Securities Exchange Act of 1934 to incorporate recommendations of the SEC and the Municipal Securities Rulemaking Board, and to equalize fees imposed for filings related to tender offers and mergers.

This legislation has been jointly cosponsored by Chairmen DINGELL and WIRTH, and Congressman BROYHILL and myself. It is the result of a completely bipartisan effort, and was reported by the Energy and Commerce Committee by unanimous vote.

Section 1 would permit the SEC to accept payment for reimbursement for travel expenses incurred by Commission members or employees attending meetings concerned with SEC functions. This provision would facilitate the participation of Commissioners and Commission staff in meetings and conferences which serve the purpose of informing the public about the SEC's work, at the expense of organizations sponsoring such meetings.

Section 1 would also permit former employers of SEC professional fellows to pay their relocation expenses to Washington, D.C. Such authority, similar to that provided concerning White House fellows and others in the executive branch, would remove a deterrent which is having a detrimental effect on obtaining candidates for the SEC's accounting and attorney fellows programs.

Both of these provisions would, of course, be subject to conflict-of-interest requirements.

Section 3 would eliminate the SECO program and require all broker dealers transacting securities business in the over-the-counter market to join a national security association. The SECO—SEC only—program of direct SEC regulation of broker dealers would be replaced by industry self-regulation subject to continued SEC oversight, thus freeing up SEC administrative resources for other uses.

Section 4 would modify the definition of a public representative on the municipal securities rulemaking board, as requested by that body.

Section 2 of the bill would standardize fees charged by the SEC for filings related to acquisitions and mergers at one-fiftieth of 1 percent. This provision was adopted by unanimous vote during subcommittee consideration of the bill. Currently, filings under the

Securities Act of 1933, including tender offers involving an exchange of stock, require such a fee. However, statements pertaining to cash tender offers, which impose approximately the same amount of work on the Commission staff, are not subject to a fee. This amendment would equalize fees for both types of tender offers. Fees for filings of proxy materials relating to acquisitions and mergers would also be standardized at this amount.

According to estimates by the SEC, these fee revisions would have provided additional revenues to the Treasury of approximately $7.4 million if they had been in effect in 1982. Because the incidence of acquisitions and mergers varies greatly from year to year, however, such fees would not provide a constant level of revenue.

It is of some concern to me that, with the additional fee revenues provided by this amendment, the percentage of the SEC's budget recouped by fees may be very close to 100 percent, and may exceed 100 percent for a given fiscal year. However, as I previously noted, because revenues from merger and acquisition fees will be variable, it cannot be predicted with certainty exactly what percent of the Commission's budget will be matched by fees.

I would like to note, however, that the securities industry pays fees to support the agency which regulates it in a higher proportion than any other regulated industry. This is in addition to an extensive network of self-regulatory organizations which are fully funded by industry. I think we should keep in mind as we impose these additional fees just what financial contribution this industry is making to the cost of running the SEC.

I urge the House to suspend the rules and pass H.R. 2681.

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on this bill and on the previous bill, I just want to note once again the cooperation of the gentleman from New Jersey, Mr. RINALDO, and the minority in working through some highly technical issues, issues which are terribly important to the securities markets that are so enormously important to the country, important to the State represented by the gentleman from New Jersey, Mr. RINALDO, and every section of the country represented by all of us.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. WIRTH, that the House suspend the rules and pass the bill, H.R. 2681, as amended.

The question was taken.

Mr. ANNUNZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPANSION OF BOARD OF VETERANS' APPEALS

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2936) to amend title 38, United States Code, to increase the authorized number of members of the Board of Veterans' Appeals in the Veterans' Administration, and for other purposes.

The Clerk read as follows:

H.R. 2936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4001(a) of title 38, United States Code, is amended by striking out "fifty" and inserting in lieu thereof "sixty-five".

(b) Section 4001 of such title is further amended by adding at the end the following:

"(c) The Chairman may from time to time designate an employee of the Veterans' Administration who is an attorney or a physician to act temporarily as a member of the Board. A section of the Board may not have as a member more than one employee designated under this subsection to act as a member of the Board.".

(c) Sections 4001 and 4002 of such title are amended by striking out "associate" each place it appears.

SEC. 2. The amendments made by this Act shall take effect on October 1, 1983.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi, Mr. MONTGOMERY, will be recognized for 20 minutes, and the gentleman from Arkansas, Mr. HAMMERSCHMIDT, will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi, Mr. MONTGOMERY.

Mr. MONTGOMERY. Mr. Speaker, I want to compliment the very able chairman of our Subcommittee on Compensation, Pension, and Insurance, the distinguished gentleman from Ohio, Mr. APPLEGATE, for bringing this bill before the House. It is essential that the bill become law if the Veterans' Administration is to provide timely decisions on veterans' appeals.

Mr. Speaker, H.R. 2936 would give the Administrator of veteran affairs discretionary authority to increase the membership of the Board of Veterans' Appeals from 50 members to 65 members. In addition the bill would give the Chairman of the Board authority to designate an employee of the Veterans' Administration who is an attorney or physician to act on a temporary basis as a member of the Board.

The administration has requested that this legislation be passed so that VA can render final decisions on veterans' claims on a more timely basis. The Congressional Budget Office has estimated that the enactment of this bill would cost about $1.2 million in outlays in fiscal year 1984. The administration has included these funds in its budget request for the coming fiscal year.

In proposing this legislation, the committee is expressing its great concern about the length of time required for complete appellate action by the Board. It is taking far too long to process the increasing number of cases and the Board must be expanded if we are to cut down the processing time.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the distinguished chairman of the Committee on Veterans' Affairs in supporting H.R. 2936, a bill to authorize an increase in the size of the Board of Veterans' Appeals at the Veterans' Administration. I congratulate the chairman of the Subcommittee on Compensation, Pension, and Insurance, Mr. APPLEGATE, and the ranking member, Mr. MCEWEN for their action in expediting action on it.

Mr. Speaker, this bill is an administration bill. Its modest cost is contained in the President's budget and in the first concurrent budget resolution. It was unanimously reported by our full committee. Actually, it is long overdue and is vitally necessary if the large backlog of cases before the Board of Appeals is to be reduced to manageable proportions.

I urge the support of my colleagues.

Thank you, Mr. Speaker.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio, Mr. APPLEGATE, the capable chairman of the Subcommittee on Compensation, Pension, and Insurance.

Mr. APPLEGATE. Mr. Speaker, H.R. 2936 is a bill which would permit the Veterans' Administration to increase the membership of the Board of Veterans' Appeals from 50 to 65 members.

The mission of the Board of Veterans' Appeals is to equitably decide appeals under laws administered by the Veterans' Administration and to insure that claimants are accorded due process to law. In order to receive due process, claimants must receive sensitive and responsive consideration of their appeals. I am sure all Members are aware it now takes well over a year for a veteran to get a final decision on his case. Too long.

When the current ceiling of 50 members of the Board was established in law in 1945, the caseload was about 24,000 cases a year. There were 17 million veterans at that time. The caseload remained fairly constant until the mid-seventies although the number of veterans increased to 30 million.

During oversight hearings by my Subcommittee on Compensation, Pension and Insurance over the last 3 years, we found the response time by the Board had risen from 69 days in 1975 to 483 days in 1982. That is an increase from about 2 months to over 16 months. During the same time, the volume of appealed cases rose from 26,000 in 1975 to 42,000 in 1982.

Our oversight activity has clearly established the inability of the presently constituted Board of Veterans' Appeals to respond timely to the greatly increased caseload. The Board has substantially increased its productivity but it cannot be expected to cope with an ever-increasing volume of appeals with its present ceiling of 50 members.

The committee feels that one of the elements of due process of law is timeliness of appellate decisions. To this end, adequate staffing at the Board of Veterans' Appeals is essential. We believe this expansion of the Board will serve to reverse the trend in deterioration of timeliness and service.

Mr. Speaker, another desirable feature of this bill will give the Chairman of the Board the authority to designate a qualified employee of the Veterans' Administration who is an attorney or physician to act on a temporary basis as a member of the Board. This would allow the Chairman to meet emergency situations such as temporary vacancies caused by prolonged illness, sudden retirement, or when regular Board members are conducting hearings in regional offices throughout the country.

This bill is supported strongly by the Administration and by the veterans organizations. The President included funds in his budget request and the House Budget Committee accepted our recommendations to include this in the budget resolution which has been passed by the House. The costs are a modest $1.2 million in fiscal year 1984.

Mr. Speaker, I also want to point out that the new ceiling of 65 members is discretionary and not mandatory. It simply gives the Administrator the authority to appoint, with the approval of the President, those additional members of the Board which are needed to manage the caseload of appeals. The bill is an authorization measure and subject to appropriations by the Appropriations Committee.

I want to commend the ranking minority member of the subcommittee, Mr. MCEWEN of Ohio, for his support of this measure as well as the distinguished chairman of the full committee. Mr. MONTGOMERY, and of the ranking minority member of the full committee, Mr. HAMMERSCHMIDT. The bill had unanimous support in both the subcommittee and the full committee.

Mr. Speaker, this is a good bill, modest in cost, and urgently needed. We cannot expect good service in handling veterans' appeals unless we give the VA the resources to do the job. I urge my colleagues to support H.R. 2936.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the Gentleman from Ohio (Mr. APPLEGATE).

Mr. Speaker, I hope this measure receives the unanimous approval of the House. Veterans deserve to have their claims reviewed on a timely basis and this bill will bring down considerable the time it takes to render final decisions by the Board of Appeals. As I indicated, the modest increase in outlays of $1.2 million for fiscal year 1984 is included in the President's budget and in the budget resolution adopted by the House.

Mr. Speaker, I want to thank the very able ranking minority member of the full committee, the gentleman from Arkansas (Mr. HAMMERSCHMIDT), for his strong support of the bill. In addition, I want to compliment the new ranking minority member of the subcommittee, the very capable gentleman from Ohio (Mr. MCEWEN), for his leadership in helping to bring this bill to the floor. I am most grateful for the support of all members of the subcommittee, Mr. SAM HALL of Texas, the former chairman of the subcommittee, Mr. DASCHLE, Mr. MARTINEZ, Mr. LEATH, Mr. SHELBY, Mr. MICA, Mr. DOWDY, Mr. WYLE, the former ranking minority member of the subcommittee, Mr. SMITH of Oregon, and Mr. BURTON. They have acted quickly on this proposal and I want to thank each one of them for their work on the subcommittee.

Mr. Speaker, I urge all Members of the House to support the bill.

● Mr. DOWDY of Mississippi. Mr. Speaker, I rise in support of H.R. 2936, a bill designed to expand the members of the Board of Veterans' Appeals from 50 to 65. I am grateful to Chairman MONTGOMERY, who has served my home State in Mississippi so well, for his efforts on behalf of this bill and to Congressman APPLEGATE who chairs the Compensation, Pension and Insurance Subcommittee, on which I am privileged to serve, for his able presentation of the bill.

Mr. Speaker, most of the arguments in favor of the bill have been stated here, and I am unaware of any opposition to it.

The Committee on Veterans' Affairs has always operated on the premise that our veterans are deserving of the highest level of service. One of the most important elements of quality service is the timeliness in which it is rendered. Justice delayed, is not justice at all.

I have no quarrel with the caliber of decisionmaking produced by the Board of Veterans' Appeals. Their decisions are carefully reasoned and sympathetically voiced. But when a decision which should be rendered in 6 months or less now takes over 1 year to produce, I say the service is not of an acceptable quality.

This bill, Mr. Speaker, should be extremely helpful in dramatically reducing the time required to produce a Board of Veterans' Appeals decision. At a very modest cost, it will assure timely justice for all veterans, and I am pleased to reiterate my strong support for H.R. 2936.●

● Mr. BILIRAKIS. Mr. Speaker, I wish to join my colleagues in expressing my support of H.R. 2936, which provides for an increase in the number of members on the Board of Veterans' Appeals. Because of a ceiling placed on the number of members on the Board of Veterans' Appeals in 1946, the Board has been unable to expand and meet the demands placed on it. H.R. 2936 allows for the necessary and needed expansion, in order to deal with the heavy backlog and almost doubled number of cases. It is of interest to note that during the past decade, the Board has accumulated a backlog of more than 25,000 cases. Not only would this bill authorize the expansion of the Board to 65 members, but it would also allow for professional temporary members to help expedite review of these cases. My colleagues will note that this bill not only received a unanimous voice vote of approval in committee, but also is strongly supported by the administration and the Veterans' Administration. I, therefore, strongly support passage of H.R. 2936, and urge my colleagues to vote for passage.●

● Mr. CORRADA. Mr. Speaker, I rise in strong support of H.R. 2936 which would increase the number of members of the Board of Veterans' Appeals from 50 to 65. Given the unwarranted backlog of cases the actual ceiling has created and the unusual delay which veterans' appeals face, it is only fitting we augment the size of the Board.

The Board is the only forum for the review of thousands of veterans' cases, many of which are meritorious and involve requests for sorely needed benefits. We must place proper resources at the disposal of the Board to insure that prompt and sound decisions are issued. The lack of judicial review of these decisions demand an even more efficient and dependable Board.

A 483-day wait is not only unnecessary but cruel. Our veterans anxiously and faithfully await the final outcome of their case which could very well be the answer to their economic vicissitudes and mental anguish. The prolonged wait adds despair to an already undesirable situation of suspense.

We must end this agony. Our veterans deserve expeditious actions of their claims and we should see to it

that their appeals be addressed swiftly. I urge my colleagues to vote in favor of this legislation.●

● Mr. JENKINS. Mr. Speaker, I want to thank the distinguished chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi (Mr. MONTGOMERY) and all members of the committee, for quickly bringing this bill before the House. I am a cosponsor of H.R. 2936 and strongly support its enactment.

Mr. Speaker, for the past several years I have noted an increase in the number of complaints from veterans, not only from my district, but throughout the State of Georgia, about the length of time it takes to get a final decision on a claim filed with the Veterans' Administration. As stated in the committee report accompanying the bill, the length of time to process an appeal of a veteran's claim is about 16 months. This is far too long. The Veterans' Administration employees are not to blame for this delay. I think it is important that we take note of the good work of the VA staff in the regional offices as well as those who work so diligently on the Board of Veterans' Appeals here in Washington. The VA is one of the better agencies in responding to its constituency. I know of no agency whose employees are more dedicated, Mr. Speaker. The problem is simply the increasing number of claims. The number of cases filed with the Board has continued to rise for several years. In 1975, the Board could render final decisions in about 2 or 3 months. It now takes about 16 months. In this same timeframe, the number of cases has increased from 26,000 to more than 42,000. While the caseload has about doubled, the maximum number of Board members has remained constant. This bill would authorize the Administrator to increase the number of Board members from 50 to 65. An increase of 15 members should reduce the appeal process time substantially.

Mr. Speaker, veterans who are disabled and have claims pending before the Board of Veterans' Appeals should be able to get decisions on their claims on a timely basis. The enactment of this bill will help bring that about.

I urge my colleagues to support the bill.●

● Mr. PORTER. Mr. Speaker, I commend my colleague, the gentleman from Mississippi (Mr. MONTGOMERY) for introducing H.R. 2936, which would increase the number of members on the Veterans' Administration Board of Appeals from 50 to 65 and would provide funding for the support staff of these new members. The backlog of cases before the Board at this time represents a serious obstacle to the effective administration of claims appeals by the VA. Aside from the fact that the huge backlog of cases is far in excess of a reasonable workload for the Board at its current size, we must not fail in providing prompt and expeditious service to Veterans.

In Illinois, for example, there are currently 268 appeals pending at present. According to the Chicago regional office of the VA, it takes 3½ months, on the average, for appeals filed through their office to reach the Board of Veterans' Appeals in Washington. It then takes another 5 months on the average for the Board to return the decisions to the regional office. Thus it takes almost 9 months for veterans to receive final notification on the status of their appeals. These figures, according to the Chicago regional Office of the VA, are fairly typical for other regional offices, particularly those having large cities in their territory.

This serious backlog can be eliminated simply and cheaply through the one-time expansion of the Board membership at a cost of only $1.2 million next year, a relatively small sum in comparison to the total value of the veterans' programs. However, in contrast, the cost to an individual veteran of needless delays in receiving earned benefits caused by this backlog is dreadful. I urge my colleagues to support H.R. 2936, so that we may give our country's veterans the efficient and expeditious claims appeals service which they deserve.

I would also like to take this opportunity to call my colleagues attention to another problem involving the processing and transferal of information in the VA. Upon discharge, the records of military personnel are sent to the National Personnel Record Center in St. Louis. Although this process is supposed to be completed in 90 days, it often takes much longer. Due to manpower shortages in many service areas, such records are often not forwarded to St. Louis for up to 6 months, causing needless disruption of the return to civilian life. Servicemen filing compensation claims often must wait from 9 to 15 months for rulings simply because the necessary information is not in the correct place, and the review process cannot be initiated. I urge my colleagues on the Veterans' Affairs Committee to turn their attention to this serious problem upon passage of this badly needed increase in the Appeals Board resources.●

● Mr. ROGERS. Mr. Speaker, our repayment of the debt owed to this country's veterans is in arrears.

From the time our veterans file a notice of disagreement on their claims, it is taking 15 months before a decision is rendered.

Furthermore, although 46,000 cases occur annually, only 38,000 decisions can be rendered with the current organization.

Expansion of the Veterans' Appeals Board, will stop dead the growth in response time in the coming months and begin reduction of that crippling 15-month waiting period to a more reasonable 120 days.

Let me ask you this: What effect do you think over 1 year without treatment would have on your medical problem or your ability to function on the job?

How many of us could survive 1 year with no income. How many of our constituents would be destitute within 1 year?

In some cases, veterans may be eligible for benefits from other sources but are denied them because they are awaiting a VA decision.

Whether benefits are eventually awarded or denied, veterans who must wait 15 months to receive word cannot help but feel rejected by their country. "My country has turned her back on me." Over and over again, I hear veterans say—"My country has turned her back on me."

Mr. Speaker, we can do better by our veterans who have sacrificed so much for us. That's why I must speak in favor of this bill.●

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 2936.

The question was taken.

Mr. ANNUNZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

U.S. INTERNATIONAL TRADE COMMISSION, U.S. CUSTOMS SERVICE, AND OFFICE OF U.S. TRADE REPRESENTATIVE AUTHORIZATIONS, 1984

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2602), to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1984, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES INTERNATIONAL TRADE COMMISSION.

The first sentence of section 330(e)(2) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by inserting before the period the following: ", and for fiscal year 1984 not to exceed $21,241,000".

SEC. 2. UNITED STATES CUSTOMS SERVICE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075) is amended as follows:

(1) Subsection (b) is amended—

(A) by inserting "(1)" after "not to exceed", and

(B) by inserting before the period the following: "; and (2) $627,759,000 for the salaries and expenses of the Service for fiscal year 1984, of which (A) not to exceed $14,000,000 is for the implementation of the 'Operation EXODUS' program, (B) not to exceed $9,000,000 is for a second air module, and (C) not to exceed $1,000,000 is for a program to provide technical and educational assistance regarding technical customs matters to developing countries".

(2) Subsection (d) is redesignated as subsection (e).

(3) The following new subsection is inserted immediately after subsection (c):

"(d) No part of any sum that is appropriated under subsection (b) for fiscal years after October 31, 1983, may be used for administrative expenses to pay any employee of the United States Customs Service overtime pay in an amount exceeding $25,000; except that the Commissioner of Customs or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service.".

(b) PACKAGING MATERIALS FOR MERCHANDISE ENTITLED TO SAME CONDITION DRAWBACK.—Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended by adding at the end thereof the following new paragraph:

"(3) Packaging material that is imported for use in performing incidental operations regarding the packaging or repackaging of imported merchandise to which paragraph (1) applies shall be treated under such paragraph in the same manner as such merchandise for purposes of refund, as drawback, 99 per centum of any duty, tax, or fee imposed under Federal law on the importation of such material.".

(c) DISCLOSURE OF MANIFEST INFORMATION.—Section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) is amended—

(1) by striking out the period at the end of the paragraph designated as "Third" in subsection (a) and inserting in lieu thereof "; and the names of the shippers of such merchandise."; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) Except as provided in subparagraph (2), the following information, when contained in such manifest, shall be available for public disclosure:

"(A) The name and address of each importer or consignee and the name and address of the shipper to such importer or consignee, unless the importer or consignee has made a biennal certification, in accordance with procedures adopted by the Secretary of the Treasury, claiming confidential treatment of such information.

"(B) The general character of the cargo.

"(C) The number of packages and gross weight.

"(D) The name of the vessel or carrier.

"(E) The port of loading.

"(F) The port of discharge.

"(G) The country of origin of the shipment.

"(2) The information listed in paragraph (1) shall not be available for public disclosure if—

"(A) the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that disclosure is likely to pose a threat of personal injury or property damage; or

"(B) the information is exempt under the provisions of section 552(b)(1) of title 5 of the United States Code.

"(3) The Secretary of the Treasury, in order to allow for the timely dissemination and publication of the information listed in paragraph (1), shall establish procedures to provide access to manifests. Such procedures shall include provisions for adequate protection against the public disclosure of information not available for public disclosure from such manifests.".

(d) ENTRY OF MERCHANDISE.—Section 484(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)(B)) is amended by adding at the end thereof the following new sentence: "The Secretary may not charge interest for any portion for such ten-day period on the duties assessed on the imported merchandise.".

SEC. 3. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

Section 141(f)(1) of the Trade Act of 1974 (19 U.S.C. 2171(f)(1)) is amended—

(1) by inserting "(A)" after "functions"; and

(2) by inserting before the period the following: "; and (B) $11,897,000 for fiscal year 1984, of which not to exceed $60,000 may be used for entertainment and representation expenses".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida (Mr. GIBBONS) will be recognized for 20 minutes, and the gentleman from Pennsylvania, (Mr. SCHULZE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2602, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Ways and Means exercises authorization jurisdiction and oversight jurisdiction of three important trade functions of the U.S. Government.

The first is the International Trade Commission, which was founded in 1916 as a tariff commission, an independent agency that submits its budget directly to the Congress, not through the Office of Management and Budget. It has a reputation of always submitting a lean budget, it does good work, and it keeps itself in a very high professional profile. I know of no objection to this authorization for the International Trade Commission.

The next item in the bill is an authorization for U.S. Customs Service. This authorization is in the amount of $627,759,000. This is a slight increase over the President's request, for two reasons. The primary reason is that the President cut out an awful lot of positions in his budget submission to the Congress. Actually 2,000 positions would have been cut from the Customs Service if the President's budget was adopted. Perhaps we can cut some of the positions from the Customs Service, but nowhere near 2,000. If we did, we would have chaos in the ports and the airports, and we would have problems in the collection of money and also in drug apprehension and the prevention of smuggling.

□ 1330

So the committee restored enough money to retain these 2,000 positions.

Many Members of Congress have contacted the committee requesting additional assistance at their ports and airports. Unfortunately, we were not able to grant any of these. We did continue the authority for the Customs Service to eliminate unnecessary structures wherever they may appear in the United States.

We did put a limitation on what they could spend for new airplanes, aircraft, and avionics for the drug enforcement capabilities, believing that they could spread some of the purchases into next year and not do them all in 1 year.

We also authorize in this legislation an appropriation for the U.S. Trade Representative's Office. The U.S. Trade Representative's Office, as I am sure all Members know, functions in the Executive Office of the President. The U.S. Trade Representative's Office is a super-Cabinet-level job designed to coordinate the trade functions at the Presidential level so that the President will have just one person to coordinate these trade functions through, so that America can speak with one voice. The U.S. Trade Representative's Office, of course, is presently staffed by Ambassador Brock and a number of other Ambassadors who serve in this coordinating function for the Congress and for the White House.

Mr. Speaker, there are some other limitations in this bill. There is a limitation on overtime pay for the U.S. Customs Service, but there is authority in case of emergency for the Collector of Customs to waive this provision. If we filled all the Customs posi-

tions that we pay overtime for, we would almost double the size of the Customs Service; but as you know; we get some peculiar manpower restraints tacked upon the budget as they go through Congress. One of the more peculiar ones is the one that requires us to pay excessive amounts of overtime, in some cases so much overtime that the employees begin to complain that their time off is being jeopardized, that the impact upon their families and their other lives outside of Congress is seriously impacted by this tremendous amount of overtime; but the Appropriation Committee goes ahead and in its wisdom sets these limitations on the number of people that can be employed. We have to pay this overtime.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am happy to yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I take this time, I say to Chairman GIBBONS, to call attention of the House to the language that appears on page 5 of the report pertaining to the bill, H.R. 2602. The gentleman has just mentioned that we had added some $25 million additional, primarily to cover the cost of additional personnel. That personnel breakdown is shown as follows: There would be 650 positions, or about 450 customs inspectors; 150 import specialists, and 50 patrol officers.

This was recommended because of the additional volume of work that continues to exist on the border with respect to narcotics smuggling; but now in addition, and the point I want to make, is that the committee put in the bill language that said:

> In allocating the new personnel, the Commissioner of Customs should consider those port facilities evidencing high potential growth in trade activity.

Specifically, the committee felt that in some areas, particularly in those areas which are experiencing high technology growth, that the Treasury ought to be able to anticipate and instruct the Customs Office to anticipate whether there can be a substantial growth that is going to take place in the manning of personnel; thus, we would not have to wait until the port grew so large that it could not handle the volume that could be anticipated.

The committee took that language and put it in here and I am glad to see it. It is a departure from the policy we have had in the past, but it is highly needed and I think very highly necessary.

I want to thank the chairman for agreeing to that language in the report and call attention that it was put there for that specific purpose.

Mr. GIBBONS. This gentleman certainly wants to thank the gentleman from Texas for his conscientious work on the Ways and Means Committee and his conscientious work on this subject.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, just very briefly, so that I might be able to associate myself with the remarks of my colleague, the gentleman from Texas (Mr. PICKLE), and particularly with reference to the language in the report about the Department anticipating growth. We have seen this along the border year after year as we have come before the House to ask for additional personnel after the volume is there and traffic has been blocked at the international ports; so I am hoping that at least in this instance, the Department will heed the language of the committee and anticipate its needs, rather than waiting until the situation becomes critical and then trying to resolve it.

Mr. GIBBONS. Mr. Speaker, I agree with the gentleman from Texas (Mr. KAZEN) and I think his words are wise and should be well taken.

Mr. KAZEN. I want to commend the gentleman for his work on the project.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Speaker, I rise to commend the chairman of our full committee, the gentleman from Illinois (Mr. ROSTENKOWSKI), and the chairman of our subcommittee, the gentleman from Florida (Mr. GIBBONS) for their fine leadership in H.R. 2602, the fiscal year 1984 authorization for U.S. International Trade Commission, Custom Service, and Trade Representative's Office. I rise in support of this bill and would like to bring to my colleagues' attention a very beneficial provision of the bill which will improve the U.S. competitive position in world trade by providing better access to import information.

This provision will make it easier for the public to get information about what is being imported, how much is coming in, and who is getting it. Fuller disclosure of import information will benefit U.S. firms, trade authorities, and U.S. ports in planning and marketing of their goods and services.

This provision will require the U.S. Customs Service to include the name of the shipper and the importer on the import manifest. Although the name of the shipper is routinely recorded, this provision will formalize the requirement. The bill also spells out in detail what information must be available to the public by the U.S. Customs Service.

There are also provisions to protect trade secrets, classified defense, and foreign policy information from disclosure.

I believe this bill will provide better access to import data that can help strengthen the U.S. competitive position in world trade without erecting any trade barriers. I strongly urge your support of H.R. 2602.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentleman from Ohio for his fine hard work on this committee and for bringing to our attention these matters having to do with customs and customs declarations. His work has been very instructive, not only in this area, but in all areas of our trade legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. COLEMAN).

Mr. COLEMAN of Texas. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I appreciate very much the efforts of the entire committee and particularly the efforts of the gentleman from Florida with respect to this legislation.

Those of us who represent border areas, as I do in Texas, fully recognize that customs law enforcement is oftentimes related to inspection activities.

□ 1340

There are those of us who have spoken out on the floor before, as coincidentally in my first month here as a Member of the U.S. Congress, the chairman of the subcommittee from the State of Florida and I both did concerning the necessity in this country today to properly staff those members of the Department of the Treasury; that is, the Customs Service. I stated at that time the need to increase, not decrease, inspectors in order to properly permit the flow of traffic between two nations, as well as provide for effective law enforcement.

I just want to commend the gentleman and rise in absolute and total and complete support of this legislation. I am most appreciative that the leadership of this House has seen fit to highlight this issue which is important not just to the border areas but to the entire country.

I thank the gentleman from Florida for yielding.

Mr. GIBBONS. I want to thank the gentleman from Texas for bringing this matter effectively and forcefully to our attention and for the leadership he has provided.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHULZE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my chairman, the gentleman from Florida, in support of H.R. 2602, a bill authorizing fiscal year 1984 appropriations for the International Trade Commission, the U.S. Customs Service, and the U.S. Trade Representative. Typically, the authorization for the Customs Service is the more complicated of the three,

and again received the most attention by the Committee on Ways and Means which attempted to examine carefully the diverse and far-reaching responsibilities of the Service.

Virtually no controversy emerged in our committee with respect to authorizations for the International Trade Commission and the U.S. Special Trade Representative.

As was the case last year, the committee approved the 1984 figure requested by the ITC—$21,241,000. This amount represents a 6-percent increase over fiscal year 1983 expenditures and is attributable almost entirely to built-in cost increases for employee compensation, inflation, and space rental. The ITC is an independent agency whose budget request is separate and not subject to OMB review. Its annual budget requests can serve as a model for increasingly efficient allocation or resources within strict self-imposed fiscal guidelines.

The importance of the ITC's role in investigating import relief matters and making recommendations to the President has been heightened by current economic conditions. Other demands on the Commission's resources, such as broad economic studies covering industrial targeting and the effects of currency fluctuations, have steadily increased. Yet, the agency's budget has remained conservative with most increases based on administrative expenses outside its direct control.

The ITC is operating under a further handicap resulting from three current vacancies on the six-member panel. Demands on the three serving Commissioners are enormous, and the independent and objective work of the Commission, contemplated by the Congress in the original statutory mandate, could be prejudiced by the present skeletal composition. I understand the President has settled on three nominees for the open posts, and our committee has urged that the process or review and confirmation go forward without further delay.

The budget request for the USTR also is a fiscally sound one designed to maintain existing levels of staff and operations. The fiscal year 1984 request of $11,897,000 is about $800,000 above the amount authorized in fiscal year 1983, and includes an additional $250,000 to cover expenses of the third Deputy U.S. Trade Representative provided by the Congress in January of this year.

With respect to the Customs Service, the committee approved an overall authorization figure for fiscal year 1984 of $627,759,000. This amount represents a $74 million, or 13.4 percent increase over the fiscal year 1983 continuing appropriation under which the Customs Service is now operating. It provides for about 650 new positions. In my view, this substantial budget increase is not justified in the existing fiscal climate that demands restraint across the board, and reflects an inability to shift inefficiently allocated resources and to conduct the Agency's operations within moderate budgetary guidelines.

The Customs Service is not to blame for the budget excesses in this case; the responsibility lies with us. Whenever the Service attempts to consolidate functions, such as eliminating duplicative regional offices, combining small inefficient border operations or moving some resources from low-growth to high-need areas, it runs into a political quagmire that seems to defeat virtually any recommendations for cost-effective change. The budget figures contained in H.R. 2602 indicate a continued unwillingness to tailor the Agency's functions and responsibilities to budget realities.

Our committee, however, did provide an important emphasis for Customs authorization by cutting back on new requests for expensive equipment and for programs that duplicate the functions of other agencies. For example, the administration and enforcement of export control laws was recognized to be the responsibility primarily of the Departments of Commerce and Defense, and the funding for Operation Exodus within Customs was reduced to $14 million in an attempt to remove duplicative activities and to encourage more cooperation with the agencies of primary jurisdiction.

The central commercial inspection, import evaluation and border patrol function of the Customs Service clearly has been reestablished by the committee's actions in outlining the specifics of the fiscal year 1983 authorization. It is these functions that provide direct service to the importing and exporting public, and that support the trade policies of our country.

Aside from budget excesses associated with the Customs Service authorization, H.R. 2602 is a good bill. It contains important oversight provisions that should be put into place without delay.

Despite my very limited concerns, I support H.R. 2602 and urge my colleagues to approve it.

Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Speaker, my distinguished colleagues have outlined very well the level of authorizations provided in this bill for the Customs Service, the International Trade Commission and the U.S. Trade Representative: The Customs Service is authorized $627,759,000, up substantially from the $553,700,000 appropriated last year; the ITC requested $21,241,000 for itself in fiscal year 1984 and this 6-percent increase was approved by the committee without change; the USTR authorization was set at $11.9 million which permits that Agency to maintain existing functions.

I would like to address my remarks to the important oversight decisions made by the committee with respect to the Customs Service.

First of all, the bill limits to $14 million the amount which Customs may expend for Operation Exodus, the program designed to assist in the enforcement of export control laws principally as they relate to high-technology exports to Communist bloc countries. This amount is consistent with that designated by the Committee on Foreign Affairs as it completes its work on renewal of the Export Administration Act.

Under existing law, the Department of Commerce and the Department of Defense have primary jurisdiction over the administration and enforcement of export control laws. The Customs Service, along with other agencies and law enforcement entities, provide a supporting function that is especially important given Customs presence at the border.

However, since the program has been put in place, criticism has mounted about the enforcement activities of Operation Exodus. Such complaints have centered on the excessive number of detentions of shipments that, after lengthy delays, were found not to be in violation of any export control laws. Similar delays were experienced by those making minor, inadvertent errors on export declarations or those who discovered that their shipments of widely available, outdated technologies still required an export license.

Although some of the blame can be placed on Commerce Department inefficiencies, it appears that Customs officials have been overzealous in their suspicion of exporters as transmitters of illegal technology. Yet, on close examination, most of the detentions made by Customs were without merit or uncovered only minor violations. Furthermore, arrests of real criminals—those illegally exporting sensitive technology to Communist countries—have been made more as a result of tips or solid investigative work by law enforcement agencies than from wholesale detentions at the border by Customs officials.

These detentions have caused undue hardship on U.S. businesses, including loss of legitimate sales that in some cases have resulted in extreme cuts in the number of a firm's employees. The committee believes that the Customs Service must improve its record by establishing a more selective and effective system and by better coordination with the Departments of Commerce and Defense. The program should be geared to achieve a high percentage of prosecutions of actual export violations rather than the existing random

approach that disrupts legitimate trade and adversely affects American exporters.

The second issue I want to raise is the control of Customs overtime costs. For the last several years, the Congress has maintained a cap on the amount of overtime that can be paid to an individual Customs employee above his or her base pay. The current cap is $25,000; this allows individuals to more than double their base pay through overtime.

Past practices have demonstrated that there is a great potential for abuse in this system, and in order to insure better control and accountability with respect to overtime costs, the committee has reinstated the existing $25,000 cap on individual overtime. Also, to avoid unnecessary administrative costs, the committee also extended the existing authority for the Commissioner to waive this limit in individual cases to prevent excessive costs or to meet emergency requirements of the Service.

Another important component of this bill is inclusion in the authorizing language of $1 million to fund a program of technical and educational assistance to developing countries to help establish more uniform customs procedures. The Congress approved such technical assistance programs in the Trade Agreements Act of 1979 which implemented the Tokyo round of multilateral trade negotiations. However, the Customs Service has never used any of its funding for these purposes, although encouraged to do so by the committee each year in authorizing report language.

H.R. 2602 directs the Customs Service to spend up to $1 million in fiscal year 1984 to establish such technical assistance programs for developing countries. It is important that this training and assistance begin soon to insure harmonized procedures in those areas of greatest U.S. trade interest and to assist U.S. exporters in obtaining fair and uniform treatment in the valuation of goods.

I would like to end my remarks by referring again to the overall authorized spending level for the Customs Service. My colleague from New York, the ranking member of the Committee on Ways and Means, has already noted that the fiscal year 1984 authorization is 13.4 percent above this fiscal year's continuing appropriation. Few agenices, if any will enjoy such a hike in spending levels.

This authorization provides an additional $74 million over the current operating budget, and creates possibly as many as 650 new positions. I am afraid this action reflects the ease with which we throw money at a problem rather than face the tough decisions.

Many improvements can be made in the operation of the Customs Service that will result in a more effective and efficient agency without big budget increases. Computer systems are approaching modern standards and have improved greatly the processing of entry documents once done by hand. Further progress can be made in the one-stop processing of passengers, especially at airports.

Also, regional offices which offer little more than another layer of bureaucracy can be further consolidated by moving these employees to high-growth areas where on-line inspectional and investigative services are needed most. The Customs Service has valiantly attempted to improve its regional structure and to consolidate farflung resources. They seem to be frustrated, however, by political pressures and bureaucratic haggling. It seems to be easier just to authorize and appropriate more and more money.

Mr. Speaker, although I am dissatisfied with the inflated figure for the Customs Service, H.R. 2602 is a good bill that establishes funding for three important agencies and includes oversight decisions that we hope will improve their overall operation. I urge my colleagues to support H.R. 2602.

Mr. SCHULZE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, I do join in the support of H.R. 2602 and urge all my colleagues to support it. There was very little controversy. The concerns that were expressed about this are modest and it seems to me that it is in the interest of all the Members of this body and the interest of those concerned about trade and a sound base for our understanding of trade to support this legislation.

I trust that it will pass by an almost unanimous vote.

I yield back the balance of my time.

Mr. SCHULZE. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from New York (Mr. CONABLE) and the gentleman from Louisiana (Mr. MOORE), who have spoken previously.

The bill is too expensive, but authorizations are something that we need to have, particularly with the special restrictions that have been placed in this particular authorization.

I particularly want to echo the gentleman from Louisiana about the exodus program. The program does not lack money. It lacks management and direction. It needs fewer random stoppages, and fewer press releases, and much more training and professionalism.

I hope the Appropriations Committee will be a little more reasonable on the dollars, but I shall support this bill.

I yield back the balance of my time.

● Mr. STARK. Mr. Speaker, I support the bill reported by the committee. The administration talks and talks about its battle against narcotics trafficking and about the need to prevent the illegal export of highly sensitive and militarily useful products. Yet the administration has continually failed to adequately fund the Customs Service—our first line of defense against smuggling and drug trafficking.

The committee's bill provides $49 million more for Customs than requested by the administration. This additional money will keep on station existing Customs personnel and provide for a desperately needed increase of 650 officers. And since each Customs officer, on the average, brings in many times his pay in additional revenues, fines, and seizures, this extra expenditure will actually result in hundreds of millions of dollars worth of additional Treasury receipts.

On May 10, the Trade Subcommittee of the Committee on Ways and Means heard testimony on behalf of H.R. 1744, to curb the import and export of stolen vehicles. This legislation, which I introduced on May 1, 1983, would require shippers to record the vehicle identification number (VIN) and to file an export declaration with Customs before exporting. But the effectiveness of this program lies almost completely with the verification by Customs that a vehicle is properly registered. Passage of this bill will mean that we ask Customs to do more in the fight against stolen cars. An adequate budget for staffing and equipment is therefore critical.

As Mr. Paul Gilliland, president of the National Automobile Theft Bureau, pointed out in his testimony on behalf of H.R. 1744:

> The major initial action that the United States can take to combat the exportation of stolen vehicles is to provide that vehicles must be fully and accurately described in export documents and that the vehicle, the export document, and reliable documentation describing the vehicle, such as title or registration, be submitted to U.S. Customs prior to lading or export. It cannot be overemphasized that all other action depends on this procedure. There simply cannot be any effective program of export control without vehicle identification and inspection or verification by Customs.

The U.S. Customs Service cooperates with and assists numerous agencies in administering and enforcing over 400 statutory or regulatory requirements relating to international trade. We cannot let the responsibilities of customs officials and the safety of the citizens served by their expertise suffer because of budget cuts. This bill does not break the budget. It helps make the budget.●

● Mr. RANGEL. Mr. Speaker, I would like to lend my support of H.R. 2602, the fiscal year 1984 authorization bill for the U.S. Customs Service, the U.S.

International Trade Commission and the Office of the U.S. Trade Representative.

In particular, I want to call to the attention of my colleagues the authorization of appropriations for the Customs Service. The bill provides $627.8 million for Customs in fiscal year 1984, $49 million more than requested by the administration. The amount approved by the Ways and Means Committee for Customs restores 2,000 positions proposed for elimination in the administration's 1984 budget, including 820 inspectors and 98 patrol officers. The committee has also added $25 million for 650 new positions in Customs, including 450 inspectors and 50 patrol officers.

I strongly support the authorization level for Customs recommended in H.R. 2602. The Customs Service is our Nation's primary border enforcement agency. One of its most important missions is the interdiction of illicit narcotics and other dangerous drugs. As chairman of the Select Committee on Narcotics Abuse and Control, I am especially interested in assuring that Customs has sufficient resources to carry out its drug enforcement responsibilities.

Customs inspectors and patrol officers comprise the front line of the agency's narcotics enforcement team. In fiscal year 1982, customs inspectors made 73 percent of all customs narcotics seizures. Inspectors seized 116,459 pounds of marihuana, 137 pounds of opium, 239 pounds of heroin and 6,852 pounds of cocaine including a single seizure of 3,907 pounds of cocaine in Miami, the largest recorded cocaine seizure in the country. Seizures by inspectors accounted for over 80 percent of the heroin, over 60 percent of the cocaine and almost 70 percent of the opium seized by all customs personnel. Customs patrol officers are primarily responsible for the drug enforcement efforts of the customs tactical interdiction program. This program accounts for virtually all of customs marihuana and hashish seizures and increasing amounts of cocaine seizures.

The illicit drug trade in this country is an $80 billion a year industry, and it is growing. The administration's concentrated effort in south Florida over the past year has helped stem the flood of illegal narcotics into that area, but it has forced traffickers to alter their operations, increasing the threat to other parts of our country. For months we have heard the administration emphasize its commitment to expand drug law enforcement efforts; yet the proposed customs budget for 1984 would have stripped 918 inspectors and patrol officers needed to maintain critical customs drug enforcement activities. If we are to mount an effective challenge to drug traffickers and the tremendous costs this illegal trade imposes on our society, we must increase, not decrease, the resources of our drug enforcement agencies. I urge the House to support the authorization provided for Customs in H.R. 2602.●

Mr. SCHULZE. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 2602, as amended.

The question was taken.

Mr. ANNUNZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

PRIVILEGES OF THE HOUSE—INSURING CONTINUED EXPANSION OF INTERNATIONAL MARKET OPPORTUNITIES AND INVESTMENT

Mr. ROSTENKOWSKI. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 195) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 195

Resolved, That the bill of the Senate (S. 144) to ensure the continued expansion of international market opportunities in trade, trade in services, and investment for the United States and for other purposes, in the opinion of the House, contravenes the first clause of the seventh section of Article I of the Constitution of the United States and is an infringement of the privileges of this House, and that the said bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 1 hour.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is simple and straightforward. On April 21, 1983, the Senate completed its consideration of S. 144, a bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes, approved the bill and messaged it to the House of Representatives. As passed by the Senate, the bill contains several provisions relating to revenues. As such, the bill on its face clearly violates the prerogatives of the House of Representatives to originate revenue bills.

At times in the past, there has been some disagreement about the proper extent of the other body's authority to amend House-originated revenue bills. It is a matter of intense debate, and I have been known to express my views on that matter from time to time. In this instance, however, we need not discuss the specifics of the Senate amendment, since the Senate has taken it upon itself to directly originate an entire revenue bill. There can be no clearer case where the prerogatives of the House of Representatives have been disregarded by the other body.

Last Thursday, this matter was discussed by the Committee on Ways and Means; and it was unanimously agreed to follow the process of returning S. 144 to the Senate inasmuch as it contravenes the first clause of section 7 of article I of the Constitution.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Speaker, I support the position taken by our distinguished chairman on this matter. I feel it should be returned to the other body, as he has indicated, and for the reasons he has stated.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1350

REPEAL OF WITHHOLDING OF TAX FROM INTEREST AND DIVIDENDS

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 2973, to repeal the withholding of tax from interest and dividends.

The Clerk read as follows:

H.R. 2973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to withholding of tax from interest and dividends) is hereby repealed, and

(2) except as provided in section 2 of this Act, the Internal Revenue Code of 1954 shall be applied and administered as if such subtitle A (and the amendments made by such subtitle A) had not been enacted.

SEC. 2. (a) For purposes of determining the amount of any addition to tax under section 6654 of the Internal Revenue Code of 1954 with respect to any installment required to be paid before July 1, 1983, the

amount of the credit allowed by section 31 of such Code for any taxable year which includes any portion of the period beginning July 1, 1983, and ending December 31, 1983, shall be increased by an amount equal to 10 per centum of the aggregate amount of payments—

(1) which are received or accrued during the portion of such taxable year after June 30, 1983, and before January 1, 1984, and

(2) which (but for the repeal made by the first section of this Act) would have been subject to withholding under subchapter B of chapter 24 of such Code (determined without regard to the exemption for exempt individuals).

(b) References in sections 3402(s) and 6049 of such Code to provisions repealed by the first section of this Act shall be treated as references to such provisions before their repeal.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 20 minutes, and the gentleman from New York (Mr. CONABLE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2973 repeals withholding on interest and dividend income, a provision included in last year's Tax Equity and Fiscal Responsibility Act, effective immediately upon enactment. The bill also contains technical amendments to insure that taxpayers who anticipated the 10-percent withholding provision becoming effective on July 1, do not suffer estimated tax penalties for any underpayment of tax for the period January through June 1983.

The Committee on Ways and Means has yielded to the wishes of the majority of the House in reporting legislation to repeal withholding on interest and dividends. Our vote, however, does not necessarily reflect our personal approval of the measure from the standpoint of sound tax policy. To underscore that fact, the committee reported this bill "without recommendation."

As chairman, I have been joined by the Honorable BARBER CONABLE and several other committee members in submitting supplemental views that attempt to place this issue in proper perspective from the standpoint of both budget and tax policy.

The committee does not dispute the legitimacy of the discharge petition as a way of bringing an issue to a floor vote under the House rules. But we are concerned at the prospect of this legislative procedure becoming a blueprint for other special interests. We are distressed that the banking industry's campaign to combine misinformation with sophisticated mass mailing techniques will become the tactical guide for others who would gain their ends by deception.

Before voting on this measure, I would remind this body that less than 2 months ago the House moved forcefully to control soaring deficits by passing a budget resolution which orders the Committee on Ways and Means to raise revenues by $30 billion in fiscal year 1984, $40 billion in fiscal year 1985, and $50 billion in fiscal year 1986. While these amounts may be adjusted before the budget process is completed, the House has clearly committed itself to bringing revenues into better balance with expenditures, thus alleviating the negative pressure on economic recovery.

It is with no small mesure of irony that many of those same Members who took tough stands on raising revenues have now insisted that the Committee on Ways and Means repeal withholding, thereby reducing revenues by roughly $13.4 billion over the next 5 fiscal years. I want to leave no doubt that such action adds increasing pressure on the House to raise additional taxes this year to offset this revenue loss.

And every Member should understand this: The repeal of this withholding provision also weakens the prospects of raising revenue through compliance measures and all but mandates that we turn to new sources of taxation, or increased tax rates, to meet the demands of the budget. Nevertheless, I continue to believe it preferable to increase revenues by collecting taxes due than by raising taxes.

Withholding is the most cost-effective means of collecting Federal tax revenues. Some argue that compliance is better achieved by tougher IRS reporting standards and stiffer enforcement. I would respond that information reporting is no substitute for withholding. Reporting merely identifies potential discrepancies. It is not a collection mechanism.

Despite all the rhetoric to the contrary, withholding is fair. It is fair to those already subject to it. It is fair to wage earners. It is fair to the financial institutions. The TEFRA conferees, and the Treasury Department in its regulations, made every effort to exempt small savers, the low-income and elderly taxpayers from the withholding provision. Banks were provided generous "float" rules and given an additional 6 months to implement withholding—at a revenue loss of $1.2 billion.

The most immediate effect of repeal of withholding on interest and dividends is the increase to the deficit—and its effect on the long-term economic recovery of this Nation. Let us repeat: The loss of revenue produced by repeal of withholding only raises the tax revenue mark that we must meet if the deficit is to be controlled. The question that those in Congress and the banking industry who so vigorously pressed for repeal might now ponder is how we best meet the higher revenue mark.

But repeal of withholding has broader and even more serious implications. First, repeal erodes the trust average taxpayers—mostly wage earners—have in our tax system. Not only does repeal threaten to increase the average tax burden, but it also encourages taxpayers to devise their own justice. As trust in the tax system declines, so does our ability to govern.

And second, the manner by which repeal was gained further weakens the discipline and discrimination that are the underpinnings of the committee system. Today we are conceding control of that system to a special interest that has won the day largely by deceiving American taxpayers. Passage of repeal only invites other interests to ignore and bypass committee decisions—and begs valid questions about our fortitude to withstand future single-issue assaults on Congress.

In closing, Mr. Speaker, in the past few months all the arguments have been made on the issue; all the mail is in. It is time for the Members to vote. While I will oppose the repeal effort, I have no delusions as to the outcome of today's vote.

Mr. Speaker, I reserve the balance of my time.

Mr. CONABLE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am afraid we are in the worst of possible worlds on this issue, and I regret the freight train coming down the track.

We all know that usually the issue, when such an event is occurring, is what excess baggage will be attached to the freight train. Regardless of what happens today in this suspension of the rules, inevitably there will be opportunities for mischief in moving a measure of this sort.

To a great extent I share the views and concerns expressed by my chairman, the gentleman from Illinois. I do have some additional thoughts on the subject and these are rather strongly held.

First, I believe this is sort of an issue that ought to be confronted promptly and as squarely as possible. Regardless of our positions on repeal of dividend and interest withholding, a resolution of the matter as quickly as possible would be in the best interests of this institution and all the people it serves. We need to get the question behind us and move on with our other business,

of which there is plenty. We do not need a legislative logjam.

Disposing of the matter promptly also serves the best interests of the parties most affected. Neither the financial institutions who must withhold, nor the taxpayers whose interest and dividends are subject to withholding, stand to benefit from dilatory tactics here. Whatever the Congress decides to do, the affected parties need to know about it as soon as possible. There is no point in prolonging the agony.

Second, I have been concerned in a related way about the enormous expenses incurred by many effected financial institutions already, in gearing up for withholding. Huge sums, I am told, have been invested in software, in hardware as well. And in the necessary mailings that have gone to the people who are going to be subject to withholding on exemption, if these expenditures prove unnecessary, costs understandably will be passed along to the customers of those institutions. In most cases, as has been pointed out, those people already pay taxes on their interest and dividends and thus we are adding to their burdens.

Third, I am concerned about the thrust of some arguments in favor of retaining withholding. If you listen to them, you would be forced to conclude that repeal leaves us absolutely no alternative but to raise taxes.

That is not precisely true. We could reduce outlays, as well. Budget deficits can be closed either way or by a combination of the two. But, of course, if we repeal and do nothing we have increased the deficit by the amount expected to be raised by repeal.

I am not advocating at that point but simply observing. Revenue estimates tell us that the loss due to repeal will total $13.4 billion over the next 4 fiscal years. This is not easily affordable at a time of mammoth deficits and a desperate need to increase the statutory limit on the public debt by $99 billion this month.

□ 1400

I am sure many of the people voting for this repeal will beat their breasts and inveigh against deficit also, even though they are contributing to it by this decision at this hour in the process.

In the harsh light of political reality, therefore, we may wind up raising revenues to match or approximate the loss through repeal. But I do object to the insinuation of some arguments that there is only one way out, when in truth there are at least three.

Fourth, I cannot be pleased with the way Congress has manufactured economic "yo-yos" through the Tax Code. There are many notable examples. One that comes readily to mind is the investment tax credit which over the years has been on and off, time and again. The taxpayers have used it, but they have never been certain of its availability from 1 tax year to the next. Therefore, it has never been fully effective as an economic stimulant, nobody could depend on it or on us, when they did their long-range planning.

Instability may be the only point of comparison between the ITC and withholding, but it is an important link nevertheless.

If we really want our commercial and industrial institutions to react well and fully to the signals we give them, we must strive for greater consistency. We clearly have not been consistent on this issue.

Finally, Mr. Speaker, I am concerned about compliance with an essentially voluntary income tax system. Experts tell us that the compliance gap, the amount by which owed taxes are not paid, exceeded $100 billion in the latest taxable year. The Internal Revenue Service has projected that the dollar amount of this gap will grow while the percentage of compliance will decline in the future, unless we do something constructive to turn the tide. In all candor, a favorable vote for this bill cannot be construed as turning that tide.

It is difficult to understand the philosophic distinction between withholding from wages and salaries whereby we raise 80 percent of the personal income tax that is paid in this country and withholding from investment income, as has been suggested through the measure we are now seeking to repeal.

When the vote comes, all of us must realize that there is a price on both a "yea" and a "nay." Once imposed withholding will never be removed. If we remove it now, after previously passing it, though, it will be viewed by many taxpayers as a license to evade. This would be further erosion of our remarkable tax system and a tragedy. Perhaps most of us never liked the idea of withholding in the first place and some of us held our noses while voting for it. But all of us know that we are going to have to replace in some way the revenue lost through repeal, cut expenditures by a comparable amount or suffer the consequences of even larger deficits ahead.

Regardless of the outcome, the legislative history on this matter is not one in which we can take great pride. It should give us pause when we consider tax legislation the next time around.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. JACOBS), a sponsor of the legislation.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Georgia.

Mr. JENKINS. Mr. Speaker, I rise in support of the repeal.

Mr. Speaker, I would like to make a few remarks relative to my support of this legislation to repeal withholding on interest and dividends, of which I am a sponsor. My opposition to withholding is not new and I have consistently voted against attempts to impose it. There are those who speak today deploring the activities of the various groups which successfully brought this legislation to a vote. However, I will say that regardless of who has propelled this issue into the forefront and onto the floor of the House of Representatives, this issue has become a peoples' issue. I am certain that each Member here has received an overwhelming amount of mail from his or her constituents. We cannot be unresponsive to this expressed concern. Treasury Secretary Regan, appearing before the Ways and Means Committee last year, stated that withholding on interest and dividends was an idea whose time has come. I thought he was wrong then, and our action here today confirms that the American people do not accept that premise.

One reason that we are seeing so many unpopular tax provisions—and I can assure my colleagues that, as a member of the Ways and Means Committee, I am already hearing from those who are concerned about the possibility of a 1983 version of TEFRA—is a direct result of the unprecedented tax reduction which was passed by this body in 1981, resulting in a scramble to replace lost revenue. Until we accept that we have been overgenerous in previous years, we will find ourselves again and again dealing with increasingly unpopular revenue provisions, such as this one, in an effort to address skyrocketing deficits.

Mr. JACOBS. Mr. Speaker, I agree with what the chairman of my committee said about the effect of this withholding provision. It is not a new tax. And I regret that in many instances people in the country were led to believe that it is a new tax.

On the other hand, on balance—if that is the right word for this business—I concluded when I first opposed this withholding scheme, that particularly the savings and loan institutions were not exactly in robust health and this was not a proper time to assign this burden to them.

I am somewhat puzzled about the administration's position on this matter. I had always understood from this administration that the cheaters are people on welfare. Now I discover from this administration that the cheaters are people who have bank accounts. There probably are not a lot of cheating Americans in either category.

Mr. D'AMOURS. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from New Hampshire.

Mr. D'AMOURS. Mr. Speaker, I thank the gentleman for yielding.

I do want to thank the Committee on Ways and Means for having reported out this bill in such a manner as to give us a straight up-or-down vote on this issue on which debate so far has been rather limited.

There has been a charge of deception here on the part of those of us who seek to repeal interest and dividend withholding, when in truth and in fact, the greatest deception of all is the pretense that this is not a grassroots effort, that this is a banking issue. I am not here and I do not stand to defend the banking industry. They are well-heeled enough and they are organized enough to defend themselves, but somebody has got to stand in defense of those grassroots Americans who are intelligent enough to understand this issue, who are not the mindless robots that they have been painted to be by people who claim they are following lockstep, robot-like, the wishes and desires of the banking community.

Today I predict we are going to see democracy in action. The grassroots of America are going to be heard and I think somebody has got to cry "foul" because we are being deceived, and purposely and cleverly so, by people who portray this question as a bankers' issue. Since the Merchant of Venice, people have not been in love with bankers. And it is easy to make them the fall guy. But grassroots America understands this issue. They want to have one place in the world to put their money where nobody can touch it. They do not want to pay the penalty for people who are cheating because most of them are honest and most of them pay their fair share of taxes. They do not want to be penalized in order to catch cheaters when there are better ways of doing it.

Mr. JACOBS. Mr. Speaker, I will only conclude by saying that I really do not think we should be playing good guys and bad guys in this matter. There is plenty of room for honest disagreement. I thought the Kemp-Roth program was a mistake, but that does not necessarily mean that its supporters or even its sponsors were "bad guys."

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I would just like to say a few words in my 3 minutes.

I do realize at this time that we are going to lose this issue, and there is no question that it will be repealed both on the floor of the House and also in the Senate.

But I would like to respond, if I may, to my very good friend from New Hampshire, and I do say he is a very good friend of mine.

He indicates that this is a grassroots effort to repeal and that he wants to defend the so-called grassroots effort that has been engaged in to get Members of Congress to support his legislation and also to repeal on the Senate side.

I think most Members have received the kinds of letters I have received and I believe most Members are aware of the kinds of campaigns that the ABA, and the independent bankers, and some others have engaged in in this particular matter.

They engage in the kind of campaign that I do not think has a role in our democratic society. What they first did was to hire a Chicago, Ill., public relations firm, which conducted a focus group study, that was composed of 25 individuals; 25 individuals were asked questions and the firm did a behavioral study behind a one-way mirror and got their reactions. And then from that, this public relations firm then developed a campaign. And they asked all the banks and S&L's in the United States to send out mailers and form letters to their Representatives and Senators. And, in fact, this did happen. And I will say that most of the letters that I received in my office were from senior citizens who said: "I don't want my money taken away from me."

And when I responded back to these people that couples who are 65 and older who make $22,000 or less a year can file an exemption, most of them say: "I didn't realize that. And now I am satisfied." Or people who have lower incomes and make up to $12,000 a year and file an exemption and, therefore, not have to have withholding.

What we are trying to do in this effort and I think the American public really does not realize this, but what we are trying to do is to pick up that 10 percent of the people who do not comply, who do not pay their fair share of the taxes which results in the other 90 percent paying more taxes.

And I think that this campaign has been one of the most deceptive and outrageous campaigns that I have ever witnessed in my 5 years in this Congress.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

The gentleman seems to forget that the only time that this Congress had an opportunity to vote directly on this proposition, this House voted 401 to 4 not to even study the possibility of withholding taxes. That was way before the bankers ever got into this controversy; that was on August 9, 1980.

The SPEAKER pro tempore (Mr. ROEMER). The time of the gentleman from California (Mr. MATSUI) has expired.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. MATSUI. If I may say to the gentleman, when we did do that, that was under Jimmy Carter's administration. Our Federal deficit at that time was being projected at $23 billion. The gentleman knows now that in 1983 and 1984 we are looking at deficits exceeding $200 billion in each year. Perhaps we need that $13 billion in additional revenue which we did not need at that time.

Mr. CONABLE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of this legislation to repeal the provisions of the Tax Equity and Fiscal Responsibility Act which impose withholding on interest and dividend payments. My opposition to withholding is based primarily on two premises: First, withholding discourages savings; second, withholding will require financial institutions to enforce taxpayer compliance rather than the appropriate Federal enforcement agency.

Mr. Speaker, I am opposed to withholding on the principle that savings should not be taxed. Persons who save their money should not be discouraged from doing so. The extremely low rate of savings in the United States, about 6 percent, compared to the high rate—up to 20 percent—in countries where savings are not taxed, is proof of the savings disincentive created by this taxation. This method of withholding further compounds this disincentive. Now that recovery is underway, it is crucial that we not discourage this important stimulus to capital formation. Although this tax obligation is not a new tax, this method of recovery will serve to diminish the compounding effect of savings.

Second, shifting the responsibility for enforcement of taxpayer compliance from the enforcing agency to the financial institutions is unfair and unreasonable. The Internal Revenue Service currently receives information on all dividend and interest payments directly from these institutions. There is no reason that increased compliance cannot be achieved through document matching systems, rather than placing the burden of additional regulations and redtape on the financial institutions, which obviously must pass that added cost of administration on to their patron/consumers.

Finally, although exemptions are provided for small savers, there can be no dispute the exemption process will be burdensome and most likely confusing, particularly for senior citizens. Many will not, in fact, correctly file

and will have funds withheld. This is a further example of needless Government intervention in the lives of our citizens which should be prevented.

Mr. Speaker, in my estimation, it is reprehensible for the Government to penalize honest taxpayers and financial institutions because of the failure of its own enforcement agency to achieve satisfactory compliance with this tax. Thus, I urge all of my colleagues to respond to the public outcry against this unfair tax and support the repeal legislation.

Mr. CONABLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. Mr. Speaker, I rise in support of the measure to repeal 10-percent withholding.

Mr. Speaker, the vote of the House of Representatives today to repeal withholding is an all too rare example of the Congress acting in accord with the will of the American people.

Much has been written lately claiming that the enormous amount of mail received by Congress on this issue is the product of an overzealous financial lobby. I disagree with this analysis. First of all the loudest complaints I heard from individuals in the financial community were from the small banks, savings and loans and credit unions. It is unfair and misleading to claim that these people are representing large institutions unconcerned with the welfare of our people. These are our people.

The millions of letters and post cards we received were not mailed by banks but by responsible citizens who seek to earn a little interest on the money they are able to save. Lest we forget I would point out that this is a Republic and our responsibility is to represent the people who sent us here. Not those who see a possible source of revenue for the Treasury and want to get their hands on it more quickly.

The American people have spoken loudly on this issue. Their clear opinion is that they do not want withholding and it is our responsibility to see that it does not take place. This outpouring of opposition should not be surprising. During the Carter Presidency the House voted overwhelmingly against withholding. Last year many of us who opposed the 1982 tax act did so because of the withholding provision we knew was unacceptable to the American people.

There is little doubt what the overwhelming majority of the American people want from this Congress. It is not greater spending. It is not higher taxes or even new ways of collecting them. The American people want this Congress to bring spending under control. They do not want a $200 billion deficit even if $30 billion in defense is cut from it. We are still looking at deficits that will keep interest rates high if not push them higher. And it is high interest rates that will keep unemployment high.

The clear support that the American people were willing to give to the repeal withholding movement I predict will be duplicated soon with regard to deficits. The days of the Congress acting in the dark and telling the American people all the good things they are doing for them while conveniently forgetting to mention the bill that must be paid each April 15 as well as the daily price Americans pay in higher interest rates are coming to an end.

I commend my colleagues who have been willing to oppose withholding and support the American people. I urge them to continue on this course and act to bring spending under control and repeal the deficits that threaten our economy. The American people have demonstrated time and again they know as well as we do what is best for them. Let's keep listening to them.

Mr. CONABLE. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL), a valued member of the committee.

Mr. FRENZEL. Mr. Speaker, the issue of withholding on interest and dividends is one which has never been popular in the Congress, or among many of our constituents. This intensity of the lack of affection for withholding has been demonstrated over the past few months by the mountain of mail that has descended upon all of our offices. I don't think that my office is atypical in having received over 25,000 pieces of mail on this one issue. Fewer than 1 percent of these letters have been in support of withholding.

Before TEFRA, I had been a strong opponent of withholding on interest and dividends, first when it was proposed by President Carter, and again when it was first proposed by President Reagan in late 1981. However, in view of the need last year to raise revenue in order to bring down the budget deficits, I voted for TEFRA, including the withholding provision.

I did so, not of any strong affection for withholding, but rather out of a belief that if we must raise revenues, I would prefer to raise them by increasing compliance, and collecting taxes already owed from people currently not paying them, as opposed to increasing general taxes on honest taxpayers.

I will agree with the critics of withholding that the $13.4 billion that withholding is now projected to raise is far less than the $20-plus billion that had been originally forecast. However, as we discovered last year, it is always very difficult to raise any amount of taxes. It is even more difficult when we have foreclosed one of the least painful options, increased compliance, and are therefore forced to resort to an increase in taxes for all taxpayers.

Repeal of withholding will breach the revenue floor set in the fiscal year 1983 budget. It will also have an effect on the baseline revenue figures for the fiscal year 1984 budget, a budget that already is projected to be at least $180 billion in the red, under anyone's assumptions. Regardless of the amount of revenues required to be raised in the fiscal year 1984 budget, the revenue lost from withholding will also have to be made up.

The people, however, have spoken, and they have clearly made their views known to all of us. I do not think, as many opponents of repeal might feel, that our constituents have been "brainwashed" or somehow deceived into supporting repeal. It is true that some of the information disseminated by some financial institutions were not factually correct. However, the misinformation is not what made the difference on this legislation. The people made the difference.

Because the people made a different decision than I is no reason for me to curse the process. The people knew what irritated them and they were activated to get rid of it. No one can move the people unless they want to be moved. And there is no good purpose in vilifying those who move them.

I therefore intend to vote for H.R. 2973, not because I am opposed to the TEFRA provision, but because the people have indicated their preference for some other type of tax legislation. Repeal is certain and we have the responsibility to make it swift and reasonable. H.R. 2973 is the best way to accomplish the soonest and best repeal.

□ 1410

Mr. CONABLE. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I am going to support this bill.

Mr. Speaker, I did not support the tax bill last year that made withholding law.

Mr. Speaker, I take no pleasure in this position. I take no pleasure in seeing the distinguished Ways and Means Committee, of which I am honored to be a member, have to come back and undo something it did. I take no pleasure in seeing this distinguished body, the House of Representatives, admit it made a mistake and undo it. I take no pleasure in seeing the Congress of the United States have to undo an unwise law.

I have great respect for these institutions. These institutions have made a mistake and these institutions are paying the price for that mistake. Nobody can take any joy in that.

Mr. Speaker, I submit that last year, when this House voted to go to confer-

ence with the Senate on a Senate-written tax bill, that was the mistake. Article I, section 7 of the Constitution, was clearly violated. We are paying that price today. You know and I know that had that tax bill been written in the people's House, as the Constitution says it must, withholding would have never been a part of the law.

The Carter administration brought this to the attention of the Ways and Means Committee. The Ways and Means Committee buried it and never gave it any serious consideration. The only way it got into law was because the other body that is not supposed to write revenue-raising bills wrote that tax bill, and this body unwisely assented to that action. That is why I take no pleasure in this.

But maybe there is a message, and the message is: Let us guard more closely article I, section 7, in the future. Let us see to it in the future that when we write a tax bill, that tax bill is written in the Ways and Means Committee and the House of Representatives, where the people's will can be felt, and these kinds of mistakes will not be made in the future.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN. Mr. Speaker, I agree with some of the previous speakers about the distortion in the campaign on the withholding issue. I did not sign the gentleman's discharge petition. But my concern here is that we are focusing on the freckle and ignoring the tumor in our revenue system. We are talking about a period in which we have a $212 billion Federal deficit, and the President is insisting we have another $30 billion tax cut this year. That is the tumor, and that is the hemorrhaging in our revenue system.

This is not that big an issue, and this ought not be where the beachhead should be established.

I opposed the withholding when Jimmy Carter proposed it early in the Carter administration. I still think that, although you can talk about some merits of withholding as catching tax cheaters, chasing the many to catch a few does not make a whole lot of sense, and there are ways, it seems to me, of developing systems—electronic transfers and information, and so on—to catch the tax cheaters effectively.

We have had an income tax in this country since 1913, and we have not had general withholding on interest on savings accounts. I think we can get along without it today.

Mr. CONABLE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I feel somewhat like the Lone Ranger as I stand here in opposition to what I refer to as the Political Expediency Act of 1983. I was not here when the 10-percent withholding was enacted, but I soon learned, from the thousands of coupons, petitions, and calls, that my colleagues who were here stood accused of the most dastardly of deeds. Mail came to Congress not by the hundreds or even by the thousands, but by the tons.

Obviously, I was concerned, and I investigated. I was concerned because I was being told that the poor and the elderly and the low-income people were being hurt. Those are three groups I want to help, not hurt. What I discovered is that this is not a new tax, it is not a double tax, but a more efficient way to collect taxes already owed, and it would generate an estimated $4 billion for the U.S. Treasury.

I also learned that exemptions were relatively simple. All one had to do who was eligible was to file a form, a W-6 form, with name, address, and social security number. Eighty-five percent of our elderly population are exempt and, of course, the poor are not affected.

But back to that $4 billion, I look at our budget and I say I am not happy with it. I am not happy when our budget cuts $415 million from student aid; I am not happy when our budget says, "Let us eliminate the Economic Development Administration"; and I am not happy when our budget underfunds the Urban Development Action Grant program and reduces Federal aid for such important programs as water and sewer grants under the Environmental Protection Agency. That is on the one hand.

On the other hand, I am not happy, either, with what I refer to as political pornography of the first order, a $1,250,000,000,000 national debt, and I find it obscene that we have a $200 billion deficit.

So on the one hand, I want to spend more money for worthwhile, meaningful programs, to help those who really need assistance, and, on the other hand, I deplore the national debt and the national deficit. Therefore, I feel I have an obligation to be identified with reasonable, responsible, prudent and fair methods to raise revenue. I do not want new taxes. I want to collect those taxes that are already due. Therefore, I stand in opposition to the repeal of the 10-percent withholding.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. RUSSO).

Mr. RUSSO. Mr. Speaker, I rise today to express my strong support for the repeal of withholding on interest and dividends.

There is nothing more fundamental to our country than preserving the citizens' right to determine how he or she should be taxed. And there is no doubt in my mind that people throughout America have made it crystal clear that they do not wish to be taxed in this fashion. We simply cannot impose a revenue collection system upon individuals that they obviously find so distasteful and objectionable.

There are those who would contend that the outpouring of opposition that has developed to withholding is the product of nothing more than a sophisticated lobbying effort by a powerful special interest group. There is no denying that the banking community played a very active part in stimulating public hostility to withholding. And there is no denying, as well, that much of the literature used to encourage the publics' concern played fast and loose with the facts. But the public response, in its intensity and magnitude, has been far too great to simply attribute it to the actions of a trade association. The organized antiwithholding campaign touched a chord among our citizens that cannot be so easily dismissed. The majority of the people, who are honest citizens, have made it clear that they want their elected representatives to find another way to raise the substantial revenue we lose due to misreporting by some taxpayers of their interest and dividend income. I believe we can devise a compliance measure that focuses its attention on those taxpayers who are not paying their fair share of income taxes.

As my colleagues know, the Senate has adopted an extremely complex proposal that would delay the implementation of withholding until 1987. I prefer and urge my colleagues to support an immediate repeal of this provision, thus ending for the foreseeable future any possibility that withholding on interest and dividends will be a part of this Nation's tax policy. We can come up with a workable compliance measure, one that effectively and efficiently raises the revenue that we are presently losing. But it will take time and thought to develop such a proposal. We should not pass a compliance measure in an environment of panic, just for the sake of avoiding a Presidential veto.

Again, I urge my colleagues to support the repeal of withholding on interest and dividends.

□ 1420

Mr. CONABLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. FIELDS).

Mr. FIELDS. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in strong support of the effort to repeal the 10 percent withholding on interest and dividends.

Mr. Speaker, Andrew Jackson once said that one man with courage makes a majority.

Today, we are considering legislation, H.R. 2973, demanded by an over-

whelming majority of those Americans who wrote to their elected representatives by the millions to express their strong opposition to the 10-percent withholding requirement on dividends and interest.

As someone who has consistently opposed withholding, I am pleased to have this opportunity to vote to repeal it before July and congratulate the American people for making our democracy work.

While Congress is usually painfully slow in responding to the wishes of our citizens, in this case, the American people were not to be denied. In an organized populist effort rarely witnessed in the Halls of this body, citizens demanded that the 10-percent withholding law be repealed because it was unfair, confusing, unnecessary, and wrong. It will unjustly penalize millions of Americans who are honest, law-abiding citizens who already pay their taxes on interest and dividend income.

To the more than 4,000 members of my congressional district who took the time to write me on this important issue, I salute you and I am honored to represent your views by casting my vote today for repeal of this onerous law.

It has been my firm and unwavering view that the 10-percent withholding requirement is an absolute disaster. It will create a paperwork nightmare and it will rob millions of Americans of the full benefits of their hard earned income by withholding interest that now compounds the amount of their earnings.

Without going into a great deal of detail, I would like to briefly explain why I voted against the withholding requirement in August of last year and why I remain opposed to this ill-conceived, unnecessary, and fatally flawed law.

While I believe all Americans must pay their fair share of taxes, the withholding requirement significantly shifts the responsibility and burden for collecting taxes from the Internal Revenue Service to financial institutions. Although this shift, in itself, is onerous, it is unnecessary since the IRS in its own 1981 report found that because of existing information reporting requirements, 1099's, there is now a voluntary compliance rate of 96.7 percent for investing individuals. What we are, therefore, talking about is setting up a huge new bureaucratic and regulatory scheme for the purpose of catching 3.3 percent of our investing population who will, in all likelihood, be caught anyway with the expanded reporting requirements which the Congress has approved. In my judgment, there is just no need or justification for both expanded reporting requirements and withholding.

In addition, I believe the American people recognize that our Nation's financial institutions are not going to absorb the staggering costs of setting up this program, which includes $1.5 billion to establish and $1 billion a year to maintain, and that the banking community will simply pass these costs on to their investing consumers.

Mr. Speaker, at a time when our fragile economy is recovering, we need to encourage rather than discourage renewed savings and investment in this country. With the lowest savings rate in the entire industrialized world, it is incomprehensible to me that any Congress would allow the establishment of a major new disincentive to savings and investment, like withholding, to take effect.

Yet, we all know that on July 1 of this year, unless we pass this legislation, the American people will be shackled with another major disincentive to savings.

Mr. Speaker, our Nation's savings rate is a critical component of our economy. Without the equity capital, which is raised when individuals willingly place their money in passbook savings accounts, stocks, bonds and other savings instruments, our industries will lack access to the necessary capital which is required to insure long-term economic growth. Without this capital, industries cannot improve or expand their facilities and cannot create those jobs which are so desperately needed in our economy.

I believe we have a historic opportunity today to help insure long-term economic growth by immediately repealing withholding and by instead enacting additional savings incentives. According to the Department of the Treasury, for each 1-percent increase in the individual savings rate, our industries gain access to about $20 billion in new equity capital.

If we fail to repeal withholding, we will not only not create new capital but will drain roughly $30 billion per year from existing private investments which are being used to increase American productivity.

Mr. Speaker, the American people have spoken. Withholding is wrong, unfair, unnecessary and much too costly. I urge my colleagues to repeal withholding by voting aye on H.R. 2973 and to join with me in convincing the President that the real battle is not over withholding but of restoring economic prosperity and employment for all Americans.

Mr. CONABLE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. LEWIS).

Mr. LEWIS of Florida. I thank the gentleman for yielding.

Mr. Speaker, as a freshman Congressman—I campaigned for election last year against the $90 billion tax increase—and particularly against the 10-percent withholding on interest and dividends which was part of that tax increase.

I felt then—as I do now—that the 10-percent withholding was an unwarrented invasion of privacy—and an affront to the majority of honest taxpayers.

That is why I introduced legislation to repeal the 10-percent withholding—and cosponsored Congressman D'AMOURS' bill to do the same. And I laud his efforts today.

As one of my constituents, Forest Beaty, so clearly stated in his letter to me:

> The last thing people need at tax-time is more forms.
>
> Surely the IRS has better ways of collecting more money than by forcing honest taxpayers to put up with so much extra paperwork and inconvenience.
>
> All that will happen is that the few people who cheat will find some other way to do so.
>
> The little extra money the Government will collect will not be worth the trouble and injustices this plan would cause.

I strongly support H.R. 2973 to repeal the 10-percent withholding of interest and dividends.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Speaker, I am not a strong advocate of the proposal to withhold on interest and dividends. Frankly, I was surprised when the administration and Senate Finance Committee recommended it as a cornerstone of the $98 billion TEFRA bill. But we did pass that measure to raise funds to help reduce our national deficits. And we passed it only after we made sure that our elderly, low income, and small savers would be protected. We also were mindful of the time and trouble on the part of the financial institutions to put withholding into place. We provided a float period to compensate these payors and we delayed implementation until July 1, 1983. Internal Revenue Service regulations made it clear that year-end withholding would be permissible for most types of accounts.

Of course some would argue that withholding on interest and dividends would not be on the chopping block today if we had better compliance. Time and again we hear that the way to get better compliance is to devise a less-costly way for the Internal Revenue Service to match the information forms with those taxpayers receiving interest and dividend income. We can and should make improvements in this area. The Internal Revenue Service has the unused authority to take steps to improve compliance and we should insist upon it. Where the law is deficient, we must make changes. But I think we all realize that information reporting is not the end all to save all. Even if we could identify those taxpayers not paying their share of taxes on interest and dividend income, we

still would be faced with the collection process. This is a time-consuming and costly undertaking and one that will expend valuable staff and budget resources.

But the most critical issue associated with this measure today is the substantial amount of revenue involved. Mr. Speaker, I want to be sure that my colleagues are aware of this and have focused on it. If you vote for repeal, you must understand that you are voting to raise taxes by some $12 to $15 billion over the next 5 years. To repeal withholding on interest and dividends is an acceptance that the tax-writing committees must go back to the drawing board and raise revenue. As we recall from TEFRA, this is no easy task.

Apparently, the outcome of this debate is a foregone conclusion. But because, as Vice President GEORGE BUSH noted, we are facing $200 billion deficits "as far as the eye can see," I must caution my colleagues: If we refuse to insure that those who owe taxes pay them, we will be forced to levy new taxes on those already paying too much.

Mr. CONABLE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. I thank the gentleman for yielding this time to me.

Mr. Speaker, in 1665, the French statesman and financier Jean Baptise Colbert said that "The art of taxation consists in so plucking the goose as to obtain the largest amount of feathers with the least possible amount of hissing."

In considering the withholding of tax payments from interest and dividends, perhaps the question is simply, "Who shall pluck the goose?"

I have always thought that collecting taxes was what we pay the Internal Revenue Service to do, and that is why I rise in support of H.R. 2973, as I did oppose the concept of withholding in the Tax Equity and Fiscal Responsibility Act to begin with last year.

There has been a growing tendency in recent years to shift tax-collecting responsibility from the agents of the Federal Government to just about anyone who happens to be there when the mood strikes.

For instance, another provision of the Tax Equity and Fiscal Responsibility Act, the bill we are trying to repair today, requires State and local governments to notify recipients that State income tax refunds may subject them to additional Federal income tax liability. But that is not all. The law also requires that notification be made during the month of January following the year in which the refund is made.

That is as onerous and unfair and burdensome of State and local governments as the provision we are going to repeal here today. Yet the issue of interest and dividend withholding has come to the floor on the suspension calendar today. Legislation to modify the requirement that State and local governments mail out these costly notices has not even had a hearing.

Repealing this withholding is only a beginning. We have a lot more work to do to get the bugs out of the legislation originally written in the other body.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Speaker, I hope Members make themselves aware of the budget implications of the vote they cast today. A vote for repeal is a vote to increase the deficit by $13.4 billion. A vote for repeal is a vote to violate section 311 of the Budget Act which requires that we not breach the revenue floors adopted in the budget resolution.

I recognize that this is a tough vote, but at some point we are going to have to put our good intentions with our tough votes in this institution.

Mr. DOWNEY of New York. I thank the gentleman.

Mr. Speaker, in the middle of World War II we decided to enact withholding on wages, frankly, because we needed the money. We do not have a war today, but we have a budget deficit that is growing by leaps and bounds. We still need the money.

But what we will be saying when this House acts this afternoon is, to the 16 million under-reporters and nonreporters, of interest and dividend income "Do not worry. We do not want to go after any of you. We are not interested in going after you with tough compliance measures. We are prepared to allow that underreporting and nonreporting to continue. We do not trust the wage payers, but we trust you."

I do not think that is acceptable, Mr. Speaker. I think that we need this money desperately and I am afraid, Mr. Speaker, we are going to have this Congress now be subject to all sorts of well organized lobby groups that will want all sorts of breaks. I hope we can resist that.

Mr. CONABLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. I thank the gentleman for yielding.

Mr. Speaker, I strongly support the passage of H.R. 2973, a bill that will repeal income tax withholding on dividends and interest.

I have long been opposed to withholding and introduced on January 6, 1983, a measure calling for the repeal of withholding on interest and dividend income. Subsequently, I was one of the first to sign the discharge petition, which would have discharged the Ways and Means Committee from further consideration of repeal legislation and brought the matter directly to the House floor. I also wrote to President Reagan to encourage him to reconsider his opposition to withholding.

Withholding was just one of 96 parts of the last year's tax package, and, unfortunately, we in the House never had the opportunity to vote on the proposal separately. If it had been a free-standing proposal and not part of omnibus legislation, Congress most likely would have overwhelmingly defeated it, just as we did in 1980.

Withholding at-source was promoted as a means to clamp down on cheaters who do not report and pay taxes on interest and dividend earnings. However, studies show that only a small group of taxpayers duck this responsibility, leaving 97 percent who voluntarily comply. Why penalize 97 percent of the law-abiding taxpayers because a very small minority, 3 percent, evades the law? The Internal Revenue Service has had the information for the past 25 years to enforce the law and it should be encouraged to more efficiently cross-match IRS 1099 and 1096 forms—the current compliance mechanism—to catch tax evaders without inconveniencing the majority of honest Americans. Then we should strongly prosecute those caught trying to cheat and publicize the punishment to discourage other potential cheaters.

Additionally, I am opposed to withholding because I fear that such a measure would lead to further erosion of the Nation's savings base. Congress has already slowed investments and savings by taxing interest and dividends, a move that dropped our ranking in savings per capita among the industrialized nations. Proceeding with savings withholding will only cause further erosion. I would prefer to see interest left in the hands of the saver so that it could be added to the principal and result in higher earnings, a good incentive to save.

The general concept of withholding on salaries or interest and dividends or any other income is not in the best interest of either the taxpayer or the Government. I suspect that if all withholding were eliminated and workers received their full pay and would then be individually responsible for returning taxes owed to the Government, we would see a revolution in how Government spends the taxpayer's hard earned dollars. I suspect that the American people would care a great deal more just how and for what the Government spends tax dollars, and would make us far more responsible. We should not be extending the withholding concept, but restricting it.

I urge my colleagues to join me in supporting H.R. 2973 which will strike from the books one of the most burdensome and unnecessary laws ever enacted by the Congress.

Mr. CONABLE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. PATTERSON).

Mr. PATTERSON. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the legislation and urge its adoption. It simply does not make sense to penalize savers and investors who honestly pay their taxes on interest and dividend income in order to catch a small percentage of people who cheat.

The vast majority of Americans already report their interest and dividend earnings on their tax returns. This has been confirmed by a 1981 IRS study which showed that in cases where the IRS had 1099 reports from financial institutions on interest and dividends, 97 percent of all taxpayers fully reported their interest and dividend earnings and paid their taxes.

Under the new withholding law, 10 percent of the income savers and investors earn will be withheld. Instead of having all their money in savings accounts, working productively all year, the institutions will send 10 percent of the earnings to the Federal Government. This collection procedure will cost depositors an estimated $1.5 billion per year in lost compound interest.

Withholding will discourage savings and investment. The rate of savings in the United States is lower than that of any other industrial nation. Congress has recognized the severity of this situation and enacted legislation designed to increase savings and investment. However, withholding on interest and dividends flies in the face of this effort.

Withholding would be most burdensome on the elderly. Older Americans receive much of the interest and dividend income paid to individuals in this country. Many rely on this income to make ends meet—to pay for food, heat, medical treatment, and shelter. Losing 10 percent of their interest and dividend income to the Government could push many senior citizens to the edge of poverty.

Attempts to protect savers from these costs through a complicated exemption procedure will not solve the problem—it only places cumbersome responsibility on senior citizens and low-income savers. Senior citizens are especially confused by the exemption process, and for the first time in years they will be forced back into the taxpaying system, either by having to obtain an exemption or by having to collect a refund from the IRS on interest and dividends withheld from their accounts.

Withholding will create an administrative nightmare for savings institutions and businesses. Over 400 million investments will be affected. Clearly the Federal Government is trying to shift the burden of collecting taxes from the IRS to the Nation's savings and investment institutions.

Banking experts estimate that initial costs of implementing the new law will be at least $1.5 billion and could range as high as $2.9 billion to $5.8 billion. These costs will likely be passed on by the institutions to their consumers who save and invest. It is the saver and investor who will eventually pay for the enormous—and needless—cost of withholding.

Allowing savings institutions and corporations to keep withheld taxes for 30 days does not come close to offsetting the costs to them of implementing withholding. It has been estimated that each institution will recover from this so-called float less than 10 percent of the costs incurred in implementing withholding. The provisons of the law that allow smaller banks to delay the start of withholding for up to 6 months will create a situation of competitive disadvantage for institutions that must begin withholding on July 1.

Withholding does not collect taxes actually due—it only collects some of them. The average marginal tax rate on interest and dividend income is about 30 percent, yet withholding will give the Treasury only 10 percent of this income. The only way the Treasury can collect the other 20 percent is to implement a matching program—that is, by matching information on 1099 forms with individual tax returns. Because the Treasury would have to match this information anyway, withholding is a needless and unfair procedure that will eventually cost savers millions of dollars.

There are far more effective and efficient ways of collecting taxes due to the Government. The goal of increasing compliance could be achieved by going after tax evaders—not by withholding 10 percent of each person's interest and dividend income. By implementing a sound system of information reporting on interest and dividend income, by using its sophisticated computers to match this information with tax returns, and by stepping up enforcement, the IRS can easily reach an overall compliance rate of 97 percent or higher.

In fact, the IRS already has the authority to improve the system of matching reports from financial institutions with individual returns in order to make enforcement more effective. Taxpayer awareness of the IRS's capability to run a 100-percent document matching program will, by itself, increase voluntary taxpayer compliance. If Congress wants to further improve compliance, it could pass legislation to increase penalties for underreporting and nonreporting of interest and dividend income, require withholding on bank accounts of delinquent taxpayers, and provide additional funds to the IRS for increased enforcement of the tax law.

Repeal of withholding will not increase the deficit because a program that would require improved information reporting and matching coupled with expanded enforcement would collect at least as much, and possibly even more, revenue than withholding.

This bill is the product of a massive grassroots movement. The major beneficiaries will be American consumers, savers, and investors. Public opinion polls show that over 70 percent of all Americans oppose the withholding law. My own constituents have deluged me with mail expressing overwhelming opposition to withholding. It is clear that the vast majority of Americans want this needless and burdensome law repealed. Congress should heed the will of the people and repeal withholding.

Mr. CONABLE. Mr. Speaker, may I digress for a moment to inquire how much time remains on our side?

The SPEAKER pro tempore. The gentleman from New York (Mr. CONABLE) has 4 minutes remaining.

Mr. CONABLE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. I thank the gentleman for yielding this time to me.

Mr. Speaker, according to all the leading economists, no matter what their philosophical bent may be, they tell us that if we don't do something about the ever-increasing deficits, this recovery is going to be a very short one.

I only know three ways to do that. One, you can either cut the budget across the board, and I mean across the board, and raise taxes, or you can cut the budget across the board and collect the taxes that are presently due, or you can do a combination of all three.

I heard a lot about grassroots effort. When I get envelopes of 200 and 300 and 400 cards that somebody mimeographed in 1 bank envelope where the individual does not even have to put a stamp on, which I believe is illegal to start with, I do not call that grassroots; I call that being misled. So we saw a most unusual coalition because 9 times out of 10 those very people would be more suspicious of the bankers than they are of us, the politicians. They are the ones who always say to us, "Do something about loopholes." Well, every time we try to do something about loopholes, someone says, "Let us not do it that way."

All I can say is, I would rather not be elected to the Congress of the United States than do nothing to

bring about a long-lasting recovery. That is what is at stake at the present time, and I think we ought to have the courage to do the kind of things that have to be done to bring about a recovery, a long-term recovery.

Am I incorrect or am I naive to believe that the bankers would rather have a long-term recovery than higher interest rates? If I am not naive, then we have to do the kind of things to bring that about, and one of those things is something I am opposed to, but we have to do it, and that is withhold.

I do not like the fact that $30,000 was withheld from my wife's earnings and my earnings—earned income—but I resent the fact that earned income is withheld and unearned is not. We should be consistent.

□ 1440

Mr. CONABLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Speaker, I rise in support of H.R. 2973, a bill to repeal the 10-percent withholding of interest and dividends.

I voted against the withholding of interest and dividends when this measure came before the House of Representatives, because I believe that this is the wrong way to collect unreported taxes. I wish to see greater taxpayer compliance, and I believe that there are more efficient ways of accomplishing this end. The Internal Revenue Service should use methods focused on those avoiding their tax obligations, not methods like withholding which penalize the honest, taxpaying citizen. For example, I would prefer to see the IRS improve its computer capability so that it can cross-check individual tax returns with the interest and dividend information which the financial institutions already provide to the IRS.

By repealing the 10-percent withholding of interest and dividend law, we are protecting honest taxpayers and sending a message to the Treasury Department to find a more efficient and less costly method of improving taxpayer compliance.

I urge my colleagues to support this repeal bill, because it truly represents the will of the American people who overwhelmingly agree that the withholding of interest and dividends is the wrong approach to improving taxpayer compliance. A vote for this repeal bill is a vote for your honest, taxpaying constituents.

Mr. CONABLE. Mr. Speaker, I now yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I support this legislation to repeal the proposed withholding taxes on interest and dividends. This is not a new idea, and unlike wine, it has not improved with time. By implementing this proposed withholding scheme, we are penalizing the many because of the few. On top of that, it will not be the big revenue producer that some claim it to be. The Treasury Department estimates that this withholding provision will increase revenue by $2.5 billion in fiscal year 1984. We could save that same amount just by knocking out the MX procurement funding later this week. Taking 10 percent of a person's interest and dividends is peanuts compared to the projected budget deficit. There are other places to save money and other ways to collect taxes, but this proposal is clearly not the way.

The fact is that most people pay their taxes on interest and dividends. I suggest we leave this issue alone and go after those individuals who cheat in big ways. Why not increase penalties and fines for tax evaders? Or increase IRS investigative personnel? These additional salaries would more than pay for themselves in recovered tax revenue.

It is also a fact that most people have to pay more than 10 percent in taxes on this sort of income anyway. IRS will have to investigate to get the additional 10 or 20 percent due should someone decide to evade taxes on this income, thereby duplicating the effort.

I realize that some say the financial burden is not great and that there are exemptions for the elderly and low-income people. But these exemptions just add to the incredible pile of red-tape this proposal will initiate, and who are we to pass judgment on what constitutes someone else's financial burdens.

Many people rely on interest and dividend money to balance their own budgets. Surely the Congress, in its infinite wisdom, can come up with a better idea for balancing ours.

This whole scheme is ill-conceived and petty, I suggest that we pass this bill, and get on with the business of finding ways to cut the Federal deficit and recover unpaid taxes in a fashion which does not hit the average American right in the pocketbook. We can do better than this, let us try a little harder.

Mr. TRAXLER. Mr. Speaker, I want to take this time to voice my strong support for H.R. 2973, a bill to repeal the withholding of taxes on interest and dividends. I opposed this provision when I voted against the Tax Equity and Fiscal Responsibility Act of 1982, which was so heavily endorsed by President Reagan, and I will continue to support efforts to repeal this provision which has caused confusion and anger among the millions of American taxpayers who report their interest earnings honestly each year, and pay any tax that is due.

I received more than 20,000 pieces of mail in opposition to this provision of the law.

No issue has ever earned as much public attention in my years in Congress as this withholding law, and it is the one issue which demonstrates that Congress can and will respond to the will of the American people when they take the time to let their elected officials know that they feel an injustice has been done.

Again I rise in strong support of the efforts to repeal it.

Mr. BEDELL. Mr. Speaker, I am delighted to rise in strong support of H.R. 2973, a bill to repeal the interest and dividend withholding provision of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). As my constituents know, I have been a long-time opponent of this type of withholding, and I applaud their efforts in helping to bring this repeal measure to the House floor. Indeed, since my coming to Congress, no other issue has generated as much constituent input as has this one. Approximately 25,000 people from the Sixth District of Iowa have contacted me in support of my efforts to repeal withholding.

I believe passage of this bill will, ironically, restore equity to TEFRA. While no responsible taxpayer condones tax cheating, I do not believe it is fair to institute a burdensome withholding system on 90 to 95 percent of the people who do comply with reporting their interest and dividend income in order to catch the 5 to 10 percent of those who do not when there are other methods available to obtain compliance. It is my understanding that a significant amount of the revenue lost from improper compliance with reporting investment income came from the Treasury Department not requiring of itself the same sort of 1099 information reporting of Government issues as it did for everyone else. Consequently, those who invested in Government securities—primarily the wealthy—had no incentive to report their investment income from this source. I am pleased to note that TEFRA now requires such reporting, and the repeal bill we are considering today will not alter this new requirement.

Mr. Speaker, in order to replace the relatively small amount of revenue that will be lost from the repeal of withholding, I strongly urge that we also repeal a few unwarranted and unfair tax loopholes.

With the strength of the fledgling economic recovery still uncertain and with this administration's unprecedented deficits consuming half of the net resources available in the credit markets, we must do all we can to encourage productive saving and investment. I have always been fearful that

withholding would serve as a disincentive to our efforts to reach these goals.

Additionally, I am convinved that withholding would prove to be a costly and onerous administrative and regulatory burden, one that would be passed along to consumers in the form of higher service fees and/or lower returns on their investments. The withholding proponents' well-intentioned plans to exempt the low income and the elderly would, unfortunately, only add to this burden.

Mr. Speaker, I have no doubt about the outcome of the vote we are about to take on H.R. 2973. I hope it will be enough to convince President Reagan to honor his 1980 campaign platform in opposition to interest and dividend withholding and sign this bill.

● Mr. BEREUTER. Mr. Speaker, I rise in strong support of H.R. 2973, a bill to repeal the onerous withholding requirements contained in last year's Tax Equity and Fiscal Responsibility Act.

Much has been said of the opposition of the banking industry to this withholding law and the massive lobbying campaign launched to repeal it. This is not a banking issue. It is a people's issue, and it is time we all recognize it as such. The financial institutions may have been a catalyst spearheading repeal, but it is the American people responding in unprecedented numbers who made the case for repeal and forced Congress to admit that it made a mistake.

I opposed the withholding provisions of last year's tax bill from the very beginning. I have been working since last summer to see this repeal legislation brought to a vote. Over 30,000 Nebraskans have contacted my office urging repeal, and they have had my unqualified support from day one!

Our intentions in approving last year's tax bill were to increase revenues, in part, by closing tax loopholes. The new withholding requirement, however, strikes at millions of honest Americans who do not evade their tax responsibilities. As one constituent told me:

> I personally feel that the Government is not entitled to a share of my investment income until it is determined at tax time that I owe the Government taxes on those earnings. I will pay my taxes at the time they are due, just as I do with all my other obligations.

That message was repeated over and over again as mail poured into my office.

Today the House of Representatives has an opportunity to rectify a mistake. The American people have spoken clearly against this new withholding requirement. It is time their elected representatives do so as well.

I wholeheartedly support the repeal effort.●

● Mr. MARRIOTT. Mr. Speaker, today I will cast my vote in support of legislation to repeal sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982 which imposed withholding on interest and dividends.

The Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) was introduced to raise revenues to narrow anticipated budget deficits due to the widespread concern about the anticipated size of the Federal deficit. While TEFRA contained numerous positive changes in tax policy, the 10 percent withholding on interest and dividend income will not best produce the original desired results. As a matter of fact, it will discourage savings and could be a drain on revenues in the long run.

The American people have overwhelmingly opposed the withholding tax on interest and dividends. I have received letters from students, senior citizens, bankers, young families, businesses—both large and small—nearly everyone who will be adversely affected by this provision of TEFRA. I feel they are justified in their cause. The withholding is ill-timed, inequitable, and counterproductive. It is not in the Nation's best interest.

I support the repeal of the 10-percent withholding tax for five major reasons:

First. The costs to the private sector to collect IRS funds are estimated to be 30 to 40 percent of the total first year treasury projection. This means $2–$4 per acccount, a cost which most withholding agents will have to pass on to the consumer. This cost appears totally unjustified when taking into account that the Internal Revenue Service reports a compliance rate for this kind of tax at over 96 percent. Is this fair, Mr. Speaker, to the honest law-abiding taxpayer?

Second. Temporary exemptions for some withholding agents are unfair and discriminatory among customers of competitive institutions and corporations. Another potential inequity is created when there is no objective standard for granting temporary institution exemptions.

Third. Those savers and investors entitled to exemption from withholding will incur burdening amounts of paperwork and redtape requirements to establish eligibility. Many of our elderly and low-income individuals will, due to the complexities of the exemptions, file unnecessarily causing burdens not only to themselves financially, but to the financial institutions and the Internal Revenue Service.

Fourth. Withholding works against the objective we have been aiming for—the need to encourage savings and investments. Indeed, this withholding tax proves a disincentive to save and invest just when our economy needs it most.

Fifth. Finally, withholding will tighten up the supply of lendable funds, as a large amount of the interest earned on savings accounts remains in the financial institutions and is used to fund home mortgages and other loans. Again, Mr. Speaker, is this fair?

These are only five reasons to support the bill before us today. There are many more. Due to the innumerable and valid objections to withholding, the repeal of the 10-percent tax is necessary. When TEFRA was passed, the Members of this body had only one up and down vote on the conference report—we were never able to single out this provision to be voted down. Today we have that chance. To eliminate this unnecessary, burdensome, unfair provision of the law.

Let us admit we made a mistake by including this withholding tax in the Tax Equity and Fiscal Responsibility Act—let us show we can make amends. I have joined the majority of my colleagues in supporting H.R. 500 when it was introduced in January 1983, and I join the majority of my constituents who have expressed displeasure for the withholding tax.

I urge my colleagues to vote with me to repeal the unfair provisions of the tax measure. Today we should be productive and equitable by repealing this counterproductive and inequitable provision. In doing so, Mr. Speaker, TEFRA will be a fairer law to the American taxpayer, the small businessman, the elderly, the saver, and the investor.●

● Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 2973. The bill would repeal a provision in the Tax Equity and Fiscal Responsibility Act of 1983 (TEFRA), which starting July 1, 1983, would require banks, financial institutions, and other corporations to withhold 10 percent of all interest and dividend taxpayer income. The legislation also would waive certain penalties against taxpayers who reduced their quarterly estimated payments to the IRS in expectation that withholding would become effective on July 1. I wish to commend the House Ways and Means Committee for taking affirmative action in bringing this important matter up for a vote by the House and the overwhelming majority of Members of Congress who support the repeal of mandatory withholding.

Mr. Speaker, public support for repealing the mandatory withholding provisions in the Tax Equity and Fiscal Responsibility Act of 1982 has been evident since those provisions were enacted into law during the summer of 1982. When TEFRA was being considered by Congress, prior to its adoption by the House, my constituents in the 16th Congressional District expressed vocal opposition to mandatory withholding. Despite this opposition, I supported TEFRA as a whole, but promised my constituents

that I would introduce legislation to repeal those provisions of the tax legislation which called for mandatory withholding. On September 8, 1982, I introduced H.R. 7059 which was specifically designed to repeal mandatory withholding. This I did in response to my constituents and not at the suggestion, or urging, of the banking industry.

My intention to push for the repeal of mandatory withholding of dividends and interest did not end with the termination of the 97th Congress. On the first day of the 98th Congress, January 3, 1983, I reintroduced this legislation as H.R. 15. At this time, many other Members of Congress either cosponsored my bill or introduced their own legislation. Again, to set the record straight, not one banker, or banking organization, requested that I move forward with legislation to repeal mandatory withholding. The fact of the matter is that even without the lobbying, or grassroots activities of the banking industry, or other financial institutions, my constituents in the 16th Congressional District had spoken on this issue.

Unquestionably, throughout the evolution of this controversy, the financial and banking interests have been effective in generating opposition to the mandatory withholding provisions. However, from my point of view, and from the point of view of the people I represent, this is not strictly a banking industry issue. While a certain percentage of the thousands of letters I have received expressing strong opposition to mandatory withholding have been generated by the financial lobbying effort, most of these letters express genuine concern by American taxpayers that mandatory withholding is unfair and that the IRS should utilize existing means to collect its taxes.

The administration and other proponents of the mandatory withholding provisions of TEFRA have alleged that the banking lobby has misinformed the American people about the effects and impact of mandatory withholding. However, the administration and the U.S. Treasury Department have overestimated revenue projections which would accrue from mandatory withholding from the very beginning. These projections have been cut in half in the last 3 months, as these inflated figures have been made know to the public.

Taxpayers should pay their taxes. Tax evaders should be caught. Cheaters should be brought to justice. But let us not penalize the entire American public by the misdeeds of a few by withholding interest and dividend income that could otherwise be invested and reinvested to stimulate the American economy. Instead of shifting the tax collecting responsibilities onto the backs of our financial institutions—where additional costs will be passed on to consumers—the IRS should exercise its existing tax collecting mechanism, and authority, and insure that proper compliance with interest and dividend income is achieved.

What the House is doing today is not caving to the interests of the banking industry as some critics have charged. Instead, we are responding to the will of the American people that a bad law be repealed and that we get on with the goal of economic recovery.●

● Mr. DREIER of California. Mr. Speaker, I have received well over 12,000 pieces of mail from constituents who are opposed to withholding unearned income—and with good reason. There is absolutely no reason why we should punish the many who pay their fair share of taxes just to catch the few.

Now, of course, we have all heard the accusations that this repeal legislation has only come to the floor because of the potency of the banking lobby. But that is just so much baloney. Sure this industry has opposed withholding. But then, what businessman in his right mind would not oppose a new law or regulation that will cost billions to implement? What consumer or customer will not be angered when deprived of the opportunity to earn compound interest on savings or investments? I think we can all agree that not even the most sophisticated lobbying effort could generate the intense and unwavering public opinion we have seen displayed in recent months in opposition to withholding.

We all take great pride in being Members of the House of Representatives—the people's body. Today we have the chance to reflect the sincere and overwhelming belief of our constitutents that withholding is wrong and ought to be repealed. Today we can act like true representatives by supporting this repeal legislation.●

● Mr. SYNAR. Mr. Speaker, by approving the repeal of the 10-percent withholding of savings income, the House today has ended one of the most good-for-nothing episodes in recent congressional history. It is further proof that bad legislation is the only result of a rushed process. May withholding rest in peace.

The so-called Tax Equity and Fiscal Responsibility Act of 1982, which included withholding, was rushed through the House without responsible debate. Many of us in the House felt then that we were abdicating the House of Representatives constitutional responsibility by allowing the Senate to initiate revenue raising legislation.

But worse, we knew then that withholding of interest income was a bad idea and that its burden fell unfairly on law-abiding taxpayers: Taxpayer reporting of interest income is already at a 96.7-percent compliance rate. The effect of the 10-percent withholding measure was to ask the vast majority of law-abiding taxpayers to bear a new burden to chase down a few bad apples. That is unfair. The IRS can find other ways to enforce existing tax laws and I am willing to help. But the IRS should do it—not the taxpayers.

I want to point out that the burden would have fallen especially hard on senior citizens and others who rely on interest income for day-to-day needs. This was a primary reason for my decision to oppose withholding.

I voted against the 1982 tax bill and I am happy to vote against withholding again today. I am hopeful that soon we can quit having to vote on this ill-conceived proposal and move forward to put a budget together and get Americans back to work.●

● Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 2973, which will repeal the withholding provision of the Tax Equity and Fiscal Responsibility Act—Public Law 97-248. The volume of mail on this issue is the largest which I have received on a single issue during my 18 years in the House. Withholding is also one of the most misunderstood and misrepresented issues to come before the House in recent years. This requirement is not a new tax, but rather one of the many taxpayer compliance measures in TEFRA designed to facilitate collection of unpaid taxes. However, it is clear that my constituents do not want 10 percent of their interest and dividend income withheld.

At the same time, action must be taken to improve taxpayer compliance in the payment of taxes on interest and dividend income. The Internal Revenue Service estimates that 11 percent of interest income and 15 percent of dividend income goes unreported on individual tax returns. Although the withholding requirement would not increase compliance to 100 percent, it would collect over $2.5 billion annually in owed but unpaid taxes. By repealing withholding, over $13 billion will be added to the public debt in fiscal years 1984 through 1988. It is ironic that tomorrow the House will vote to increase the ceiling for that very debt.

With a Federal deficit of over $129 billion for the first half of this fiscal year alone, we cannot continue to allow such taxes to go unpaid. A new and extensive means of reporting interest and dividend income should be incorporated into our current tax system. The IRS currently has the authority to match reports from financial institutions with individual tax returns. It is estimated that the IRS could reach an overall compliance rate of 97 percent for interest and dividend income. In addition, the Committee on Ways and Means and the joint com-

mittee should examine methods to further improve compliance.●

● Mr. HARKIN. Mr. Speaker, I strongly support the repeal of withholding on interest income. Withholding on savings is a very expensive way to find those individuals who do not properly report their interest income from banks, savings and loans, credit unions and other financial institutions. The new withholding provision penalizes the law-abiding citizen and places a huge paperwork burden on small financial institutions. The smaller savings institutions do not have the sophisticated computer systems and the special computer programing expertise of larger banks. The individual savers will not only have the interest on their savings withheld, but will also bear the administrative costs of this new legislation.

While there is a problem of people not reporting their income from savings and investments, the IRS tells us that they have 97-percent compliance from those who have their funds in financial institutions which must provide the IRS with a form 1099 on each account.

In contrast, there is a much larger problem in reporting other types of interest income. Those who received interest income from private parties, such as a person who held a second mortgage on a house, or those who are the holders of bearer bonds, where the owner is hard to trace, have much lower levels of compliance. In the 1982 Tax Act, a number of changes were made to get better compliance from these groups.

Financial institutions can help to do a better job in making sure that they have the correct information on their customers in case there is nonreporting. However, interest withholding, by harming all savers, is not the proper way to achieve full reporting of interest income.●

● Mr. FROST. Mr. Speaker, I rise in support of repeal of the 10-percent tax withholding on interest and dividend income because I believe that it unnecessarily and unfairly penalizes savers—particularly the elderly, low-income, and small savers—and taxpayers who already pay the taxes they owe on interest and dividend income.

There are an abundance of good reasons to repeal withholding and very few, if any, to retain it. The President has argued that withholding is needed to catch individuals who do not report their interest and dividend earnings. However, the vast majority of taxpayers are honest and already report these earnings. I do not believe that we should so greatly inconvenience and penalize those who pay the taxes they owe in order to collect from the few who do not pay.

Withholding is also inherently bad policy for a government that needs to encourage saving among the American people. It will be the American people who will pay the administrative costs of implementing withholding. Those costs have been estimated in the range of $1.5 billion, and they will be passed along to consumers in the form of increased service charges and lower interest yields on their savings.

Finally it is true that the withholding law has built-in exemptions for certain groups of people, including the low income and the elderly. But I have found that those individuals who may qualify for an exemption have either not been properly advised or are unsure of how to apply.

In summary, withholding is a costly affront to the millions of American taxpayers who faithfully report and pay their taxes each year. Rather than force honest Americans to pay the cost and bear the responsibility of tax compliance, the IRS must instead devise a way to match the 1099 reporting forms with individual income tax returns. By singling out the tax cheaters, the IRS can then focus its efforts where they are needed and where they will do the most good.

Thousands of my constituents from the 24th District of Texas contacted me in opposition to withholding. I plan to make sure their voices are heard today by voting to repeal withholding, and I urge my colleagues to do the same.

And then, Mr. Speaker, I would urge President Reagan to also concede to the will of the majority of Americans by joining our forces and repealing this unpopular, costly, and ill-advised law.●

● Mrs. LLOYD. Mr. Speaker, at long last we can finally debate the most controversial provision of the 1982 tax bill. I think we all knew that this provision would be controversial and that it could, in all probability, be enacted only if included in a tax package. There was a precedent. This body had overwhelmingly rejected withholding just 2 years earlier on a separate vote and I emphasize separate.

Now many have taken issue with those of us who have supported repeal. It has been said that we have fallen prey to an orchestrated letter writing campaign, and that we have been overwhelmed by sheer numbers. I was elected to represent the people of the Third District of Tennessee, not to express my own personal views, or those of a particular concern. I have voted for legislation I believed unwise, most notably provisions of the 1981 tax cut, because the people I speak for called upon me to do so. That issue, much like this one, was the subject of a nationwide appeal, though on television. But beyond that, my position on withholding has been consistent. I was here on August 19, 1980. I, like 400 of my colleagues, voted to prohibit the use of funds to study or implement the withholding of tax on interest or dividends. The previous administration reportedly had been considering such a plan but then we were able, through a separate vote, to stop it before it got off the ground. And we did so, as many of us said at the time, because such a tax is fundamentally flawed. It does not make sense to withhold when we need, instead, to encourage savings.

I do not think anyone disputes the need for revenue to reduce staggering budget deficits. Nor do we disagree that the full force of law should be brought to bear on those who cheat. What we apparently differ over is how this can best be accomplished. Creating a burden for the vast majority of honest taxpayers is not, in my opinion, the way to go about it.

What we can and should do is insist on increased monitoring by the IRS of form 1099 since most Americans ultimately pay more than 10 percent of their earnings anyway. If greater efficiency on the part of the IRS will deal with the small number of cheaters, then that is the direction in which we should be going. The American people are not, collectively, tax cheaters. They recognize the responsibilities that go with the benefits of living in the United States and are willing to pay their fair share. Our tax compliance is the envy of many other nations. But when we penalize the honest taxpayer in order to catch a dishonest one we are jeopardizing the system itself. For that reason, this tax must be repealed.●

● Mr. GILMAN. Mr. Speaker, after many months, the American people are going to be able to get what they have been seeking. They have demanded that Congress repeal the withholding provisions on interest and dividend income, and today, the House of Representatives will pass such a repeal. I voted against the Tax Equity and Fiscal Responsibility Act of 1982 when it was considered by this body last summer, primarily because there were so many provisions in it, that it became a complex omnibus bill, making it difficult to properly analyze all of its provisions. When we legislate in such a fashion, mistakes are bound to occur. Withholding was one such mistake.

No one argues that withholding would raise revenue, sorely needed to lessen our deficit. But, this body daily votes on matters that expend more funds than they raise. I do not believe that the deficit is a compelling reason to impose this kind of a withholding tax.

I am not convinced that the American people are purposely cheating on their income tax statements when filing interest and dividend income. Estimates of compliance have been cited as between 85 and 95 percent, and while we all would agree that a

100-percent compliance rate is what we desire, I would be hesitant to impose such a withholding provision until such evidence cites a clear and substantial percentage. The American wage earner is basically honest and hard working, and does not begrudge the Government its due.

We "render unto Caesar that which is Caesar's," but with the imposition of withholding we are clearly not acting in the best interests of the consumer. Startup costs are going to be in the hundreds of millions of dollars, and I have been contacted by numerous small savings institutions in my district, at which time they have expressed the quandary they find themselves in. The cost of buying new equipment would be passed on to the saver, either through higher service charges or lower interest rates on their savings. I believe that the need to report such earned income is important. Through this outcry many people have been educated that what they might have thought was nontaxable income is indeed taxable, but we should first try to insure compliance through educational efforts rather than by way of a withholding provision.

The American taxpayer approaches the month of April with such a sense of dread that we should consider educating the public on a large scale as to what is taxable or not, and what is deductible or not. Each year the laws have changed, and I am approached by numerous constituents asking if a certain provision is still applicable or if in their particular circumstances they can take advantage of a certain deduction. Paying one's taxes should not be such a painful experience, and I feel that if nothing else, the public senses that our tax structure is becoming so complex that it is almost beyond the understanding of anyone, save an accountant.

Mr. Speaker, I support the repeal of the withholding provision. I introduced legislation last Congress, and again in this Congress, that would accomplish this, and am pleased that the House of Representatives has finally provided a forum for both a discussion and a separate vote on this matter. I urge my colleagues to join in repealing this unfair provision before it can take effect on July first.●

● Mr. MARLENEE. Mr. Speaker, I rise in support of H.R. 2973, the bill to repeal withholding of interest and dividend income.

As the author of separate legislation to repeal withholding, I urge my colleagues to join me in rescuing the American taxpayer from the unwarranted confiscation of their personal income. That is what withholding is, and everyone recognizes this.

Certainly everyone in Montana does. I have received over 17,000 pieces of mail from Montanans who oppose withholding. Young Montanans. Old Montanans. Poor, wealthy, and middle-income Montanans. Urban and rural Montanans. All of them oppose withholding.

And for good reason, Mr. Speaker. There is no reasonable or defendable argument in favor of withholding. The last possible defense favoring withholding was that it would bring significant income to the U.S. Treasury. But even that argument has been gunned down by new evidence. The truth is withholding will not, I repeat, will not, bring significant income to the Treasury. The Treasury did some book-juggling to arrive at their false income projections from withholding. An overestimation here, a miscalculation there, and bang, the American taxpayer is socked into withholding. The American taxpayer has been socked enough. I urge my colleagues in helping me sock witholding out of existence once and for all.

I quote a report from a finance professor: ". . . withholding can be repealed with no adverse impact on Treasury tax receipts."

No one likes tax cheaters, Mr. Speaker, but we already have methods to crackdown on tax cheats. Again I quote from the report:

> Efficient matching of 1040s with 1099s, and 1099s with 1040s, and follow-up enforcement with taxpayers who do not file, or who under-report interest and dividend income, will achieve at least as much in tax collections as 10 percent withholding.

We have the capability to crackdown on tax cheats without withholding. We also know withholding will not provide the income the Treasury Department says it will.

How then can anyone stand up and willingly perpetrate this sham on taxpayers?

Mr. Speaker, withholding is wrong. It is wrong because some 60 million taxpayers could be penalized by overwithholding. It is wrong because it would hamper economic recovery. It is wrong because it would place a paperwork millstone around the necks of savings institutions. It is wrong because it would rob taxpayers of money they rightfully deserve.

Mr. Speaker, we are beginning a journey of economic recovery. Every sign points to it. Every indicator proves it. Why jeopardize this recovery with a dangerous program such as withholding? Why throw a possible roadblock into the recovery?

I want to leave my colleagues with just one last thought, Mr. Speaker. I know all of you have received mail in the same volume as I have—all opposing withholding. Let me just tell my colleagues one thing: the eyes of America are on us.

We are being watched by Wall Street. By business. By car manufacturers. They know today with this vote we have the capability to prolong, or to perhaps culminate, our economic recovery. And the eyes of American taxpayers are also on us. They are watching to see what we do. I intend to make eastern Montana proud of their Representative. I am going to support H.R. 2973. I urge my colleagues to do the same.●

● Mr. HEFTEL. Mr. Speaker, I want to commend this body for moving today to repeal the 10-percent dividend and interest withholding provisions that were enacted last year in the Tax Equity and Fiscal Responsibility Act (TEFRA) of 1982. By repealing these provisions, we are demonstrating a number of things.

First, our constitutional system of government does indeed work. Although much has been said about the real source of the thousands upon thousands of cards and letters that have inundated our offices, we have now responded to the overwhelming voices of our constituents with action.

Second, we have also shown that a majority in the House can indeed work its will. The supporters of the repeal legislation and of the discharge petition, and in particular our colleague from New Hampshire, Mr. D'AMOURS, are particularly to be commended for their diligence and determination in seeking the repeal of this onerous withholding requirement.

Third, we are today correcting a provision that was added to TEFRA in the Senate under extremely unusual circumstances. When we have considered similar proposals in the past, they were overwhelmingly rejected by this House. Our action today is merely consistent with our past position on this controversial issue.

Finally, while the loss of these revenues to the Treasury is regrettable, especially when we face such huge deficits for the next several years, the House today is recognizing that the additional compliance that would be created by withholding would come at too great a cost to our savings institutions and to individual savers. This cost would be both in terms of a decrease in savings and investment and in terms of concern and confusion over the effect of withholding, in spite of our best efforts to provide for and inform affected individuals.

Mr. Speaker, I regret that I cannot be here to cast a vote in person to repeal the TEFRA withholding requirement. However, I have been paired to record my support for this repeal legislation. I hope that this problem can now be resolved once and for all.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to take this opportunity to commend my colleagues, DAN ROSTENKOWSKI and BARBER CONABLE, chairman and ranking member, respectively, of the House Ways and Means Committee for bringing this

controversial measure to the House floor for consideration.

It is with distinct pleasure that I rise in strong support of this legislation, H.R. 2973, to repeal income tax withholding on dividends and interest, which is similar to legislation I introduced last Congress when the provision was included in the Tax Equity and Fiscal Responsibility Act (TEFRA).

I voted against enactment of TEFRA because under the Constitution all revenue measures are to originate in the House of Representatives, and I also opposed the provisions requiring the IRS to take this action for the following reasons:

There are over 60 million taxpayers who have interest or dividend income, the majority of which would be overwithheld by this procedure;

I seriously doubt the accuracy of projected revenue losses if this repeal, H.R. 2973, is enacted.

Premature withholding of savings and dividend income will stifle cash flow, and discourage savings, investment and reinvestment;

Of our financial institutions, 50,000 will be forced to spend $1 billion to implement the system and $1 billion or more annually to maintain it;

The IRS has already admitted in a 1981 report that there is a 96.7-percent compliance rate in reporting interest and dividend income;

The mandatory withholding requirement will further complicate tax filing procedure.

It is indeed unfortunate that a discharge petition, requiring 218 signatures had to be filed in order to bring this measure before the full House of Representatives for a vote. Especially considering the overwhelming sentiment of the American people on this issue, the landslide proportions of the Senate vote to delay the provision, and now the discharge petition to finally force a vote in the House, it is my hope that my colleagues will join me in support of this repeal bill today.●

● Mr. McGRATH. Mr. Speaker, I rise in strong support of H.R. 2973, which will repeal the withholding tax on interest and dividends.

This legislation has been characterized as many different things by its opponents. Some have called it capitulation to banking interests. Others have said that it represents giving in to a vocal and well-organized special interest. In essence, however, this legislation is nothing more than a response to the legitimate interests of the American people. No one has twisted the arms of the millions of people who have voiced their objections to the withholding provisions.

There is not one among us who condones tax cheating, and I realize that the withholding provision was added to last year's tax bill because there had been underreporting of interest and dividend income by some taxpayers. But my concern is over the approach to the problem.

The overwhelming majority of our citizens who have savings accounts fully comply with the law. Is it appropriate to impose new reporting and/or withholding requirements on all citizens to enforce compliance on the small percentage of savers who are in violation of the law?

I am one Member who believes that expanded information reporting and better computer cross-checking between 1099 forms and tax returns can substantially reduce tax cheating without the extra cost and paperwork burdens the withholding law will require. The withholding law is a typical bureaucratic response to a problem. It is, in effect, overkill. I might suggest that the IRS try other ways to enforce compliance. If those efforts fail, then maybe we should reconsider the withholding option. But not before that.

At a time when we are trying to foster increased saving, this is not the time to be implementing measures which will have a dampening effect on saving activity. I urge my colleagues to support H.R. 2973.●

STATEMENT ON WITHHOLDING

● Mr. LEVIN of Michigan. Mr. Speaker, I rise today to explain why I find that I must vote against the legislation to provide for an outright repeal of the provision in last year's tax bill that requires withholding on interest and dividend income. In short, I do so because I believe that outright repeal of withholding does not address each of the three concerns which I believe must be addressed by any resolution of this issue.

I believe that any congressional response to the legitimate concerns raised by the thousands of people who wrote us these past few months must address these major concerns. First, it must not create undue administrative burden on individuals or financial institutions. Second, it should not let some people get away without paying their fair share of taxes. And third, we must not take any actions which unnecessarily increase the already tremendous Federal deficit.

Outright repeal, as proposed in this bill, addresses only the first concern. It does not deal responsibly with the compliance problem or the effect on the deficit.

Coming from a State that has just levied a substantial tax increase on its citizens, I am concerned that outright repeal will allow many indivduals to continue to ignore their taxes on their interest and dividend income, thus increasing the already difficult burden on honest citizens.

Also, outright repeal will only increase the Federal deficit. It is now estimated that repeal of withholding will result in a revenue loss of $13.1 billion over the next 5 years. With a $200 billion or more deficit projected for next year alone, I am concerned that we not add to this problem by passing an outright repeal unless there is no other reasonable and responsible alternative.

I regret that we do not have an alternative to consider. I believe that the more responsible course in this matter would be to postpone withholding in order to see if without withholding, further steps by the Treasury Department can insure compliance by those who today are not paying their fair share of taxes. This would allow us, including those of us who were not here last year when this change was made, an opportunity to determine the most responsible final resolution of this matter. However, without an alternative, I believe that the only responsible vote for me is in opposition to the bill.●

● Mr. BORSKI. Mr. Speaker, I rise to join my colleagues in support of H.R. 2973. This bill repeals the 10-percent withholding of taxes on interest and dividend income which is set to begin on July 1, 1983.

Much has been said by the opponents of repeal about the power of a single lobby to dominate the will of Congress.

The fact is, without the support of the American people, the intense campaign for repeal which we have witnessed in recent months would not have been possible.

The fact is, hundreds of thousands of our constituents took the time and made the effort to send cards and letters voicing their opposition to withholding.

It is the people who are calling for repeal, and it is their plea which we are answering.

Withholding of taxes on interest and dividend income is unecessary and unfair. A recent study by the IRS concluded that 97 percent of all taxpayers fully reported their interest and dividend earnings and paid their taxes. Withholding may be intended for the few who cheat on their taxes, but it penalizes the many who pay their taxes.

No one sympathizes with tax cheaters. But there are better ways of collecting taxes. Ways which do not penalize honest taxpayers and do not discourage savings and investment.

IRS admits that improved information reporting and computer crosschecking will uncover those who do not pay their taxes. If Congress is serious about tax cheaters, Congress can increase funding for enforcement and pass stiffer penalties for nonreporting and require withholding on the bank accounts of taxpayers proven to be delinquent.

Withholding will be most burdensome on our senior citizens. They are heavily dependent upon interest and

dividend income for the basics of life; food, shelter, heat, and medical treatment.

For many elderly Americans, it has been a very long time since they have participated in the taxpaying process. Many are likely to be confused or intimidated by the complicated exemption process. And they may fail to be aware of their rights, until their precious resources have found their way into the Federal Treasury.

Finally, the administration claims that if withholding is repealed, there will be a loss of $13.4 billion to the U.S. Treasury by the fiscal year 1984.

I find it ironic for this administration to talk about a potential revenue loss of $13.4 billion, when its tax and defense programs are producing deficits, up to $200 billion a year, for the foreseeable future. Deficits which dwarf the amount of money we are talking about today.

What is needed is not withholding of taxes on interest and dividend income. What is needed is reform of this administration's tax policies to restore our revenue base and spread the sacrifices more evenly throughout society.●

● Mr. RATCHFORD. Mr. Speaker, I rise today in support of H.R. 2973, legislation to repeal the withholding of tax on interest and dividends. Under current statutes, as of July 1, 1983, banks and other financial institutions must withhold 10 percent of interest and dividends. This burdensome withholding provisions must not be allowed to go into effect.

This withholding requirement will reduce the amount of cash the American people have ready access to as well as the overall level of interest earned from reinvestment and compounding. I think it needs to be clarified here that this tax is already being collected by the Treasury. The vast majority of Americans pay this tax. In addition, the Treasury has the means to verify compliance with this tax. Therefore, Mr. Speaker, withholding is unnecessary.

In addition, there is no assurance that the amount withheld will be correct for the individual taxpayer's tax bracket. Although senior citizens and minors may file for exemptions, this provision will create unnecessary confusion for those Americans who under normal circumstances would not have to file a Federal income tax return.

Mr. Speaker, this bill need not have any significant revenue impact if the Treasury acts to assure compliance. I, and the some 23,000 constituents I have heard from on this issue urge passage of this bill to repeal this burdensome tax.●

● Mr. HARRISON. Mr. Speaker, I rise today in support of pending legislation which would repeal the 10-percent withholding of interest and dividends provided for in last September's tax law.

This withholding is both unfair and unnecessary. It is unfair because it does not deal with the basic inequity which lies at the heart of this administration's tax policy. It allows the windfall tax breaks to the wealthy to stand and, instead, places the burden and the inconvenience on the average saver.

The Department of the Treasury says that there are some people earning interest and dividends who do not pay the taxes that they owe. If so, this is income tax fraud and there are laws on the books to deal with it. But I do not believe that the average saver should be penalized because of the fraud practiced by a few any more than I believe we should do away with the food stamp program because there are similar small number who cheat and defraud the Government in that way.

There is no question, Mr. Speaker, that we need a basic reexamination of our tax policy. There is no question that we must raise additional revenue, decrease the deficit and restore a fiscally sound base to the Federal budget. But we should not do it, and in my view we cannot do it, by placing still more burdens, more paperwork, more inconvenience and more confusion on the average citizen, the average taxpayer, the average saver, who has been the backbone of this country for 200 years.

And so I support repeal of the 10-percent withholding provision, Mr. Speaker, not only because I believe it is unjust in itself and should be repealed, but because I hope that repeal will force us to reexamine our tax policy generally and, in particular, this administration's policy of the past 2 years which has given unwarranted tax savings to the few who are affluent at the cost and expense of the many of us who are not.●

● Mrs. SCHNEIDER. Mr. Speaker, I rise today in support of the effort to repeal the withholding of interest and dividends. Unquestionably, this is the issue Members of Congress are hearing the most about these days. It is an issue that arises everywhere—at town meetings, on editorial pages of newspapers, and in the mail—my office, which I understand is typical, received over 24,000 pieces of mail on the subject. The message is loud and clear—while the goal of catching cheaters is commendable, withholding is very unpopular.

We all understand and appreciate that this provision was adopted in an effort to recover some $4 billion lost annually as a result of tax cheaters who fail to report dividend and interest income. While the goal of recovering revenue legitimately due the Federal Government is necessary and one which I applaud—the question arises as to appropriateness of the method. Stated even more simply, is it fair to penalize the overwhelming majority of taxpayers who honestly report interest and dividend income?

My answer to that is "No." The major purpose of withholding was to catch those of the taxpayers who do not report their interest. Compliance may be increased by requiring that 1099 tax forms be submitted with tax returns. In addition, increased revenue added to the Treasury by the withholding provision may very well be more than offset by the cost of setting up the monitoring system. Withholding would begin an unnecessary bureaucracy with more redtape. Paramount amongst the impacts is the fact that financial institutions will be required to spend nearly $1.5 billion to put new accounting systems into place as well as some $1.1 billion annually to administer the new system. It will be the customer, not the institution, who will pay these expenses through higher loan rates or lower savings interest rates.

In essence, the honest taxpayer and saver will twice. First he will lose some degree of interest income as a result of withholding, and second, he will pay the cost of putting in place the system necessary to process the withholding.

I believe there is a better solution. By amending the 1099 tax form to include previously exempted accounts and increasing the monitoring of such accounts by computer and by investigating personnel, IRS can achieve the same effect as the withholding provision without its costly side effects. Mr. Speaker, the American people do not condone tax cheaters. But, by overwhelming margins they want enforcement rather than prior withholding. When the people speak in such large numbers, we ought to take notice. Therefore, I urge all my colleagues to vote yes.

Thank you, Mr. Speaker.●

● Mr. ANDERSON. Mr. Speaker, I rise in strong support of H.R. 2973—to repeal income tax withholding on interest and dividends.

As you recall, in August of last year the House—over my vote in opposition—passed H.R. 4961, the Tax Equity and Fiscal Responsibility Act of 1982. This omnibus tax package, which continues to be strongly endorsed by the President, was designed to increase Federal revenues by an estimated $98.3 billion over a 3-year period.

One of the major, and most controversial, provisions of this bill is the requirement—with some exceptions—that banks, other financial institutions, and corporations withhold for taxes 10 percent of all interest and dividend payments to savers—effective July 1, 1983.

The most compelling reason why I voted against H.R. 4961 was because of this withholding provision. To me, it is

a nearsighted approach to solving the problem of the massive deficits forecast for the next few years.

Since 1941, Congress has voted down tax withholding on interest and dividends seven times. I hope that we take the positive step today and make this eight times. Because, after four decades, the argument still applies that it would needlessly burden millions of taxpayers, financial institutions, and American business.

It should be noted that it was only 3 years ago when the House voted 401 to 4 to reject tax withholding.

In September 1982 I introduced legislation, H.R. 7224, to immediately repeal the withholding of tax from interest and dividends. Unfortunately, the 97th Congress came to a close prior to enacting this bill.

In January of this year, I reintroduced this proposal (H.R. 458). The bill that we have before us today, H.R. 2973, is virtually identical to this legislation.

Mr. Speaker, I am all for going after those who fail to pay the taxes due on their interest and dividend payments. However, the administration-backed tax withholding plan would penalize all those savers or investors who honestly pay their fair share to the Federal Government. As a matter of fact, a 1981 Internal Revenue Service (IRS) report showed that the vast majority of Americans already report their interest and dividend payments on their tax return. This study showed that in cases where banks and other financial institutions have filed "1099 forms" with the IRS reporting interest and dividend payments, 97 percent of all taxpayers full reported such earnings and paid their taxes. Instead of penalizing this 97 percent, let us go after the 3 percent who do not report and pay tax on their interest and dividends.

In conclusion, let me reiterate my strong support for H.R. 2973 and urge all of my colleagues to support it.●

● Mrs. ROUKEMA. Mr. Speaker, I rise in support of this bill to repeal the withholding of taxes on interest and dividends. I was against this provision when the House/Senate conference considered it for inclusion in the tax bill last summer. I was against it when it came before the House—and I made every effort to force a separate vote on it. Many of us considered it the most objectionable part of the tax bill—and still do. Because we were not allowed to vote on it last year, we began immediately to seek support for the bill which—at long last—is before us today. Fortunately, the majority of the American people agreed with us and made their views known. They have written for nearly a year and have demanded, as they should, that we vote openly and separately on this issue.

As I cast my vote to repeal this withholding provision I do so because I know this requirement would have been cumbersome, ineffective, and costly to both consumers—savers and investors—and financial institutions. I do so because I know that we can force compliance by using the 1099 forms—which are already filed with the IRS—as they were intended to be used—as a cross-check with taxpayer filings. I do so because the Congress must not capriciously burden the vast majority of honest citizens in the hope of trapping those who seek to avoid paying their true tax. And finally, I do so because we have no right to allow laws which merely collect money faster—providing an interest-free loan to the government—at the people's expense.

I urge my colleagues to join me in repealing the withholding of taxes on interest and dividends and in actively seeking taxpayer compliance through the mechanisms we already have.●

● Mr. CHENEY. Mr. Speaker, the House Republican Policy Committee of which I am chairman, supports repeal of the withholding of taxes on interest and dividend earnings. In addition, we encourage the Internal Revenue Service to direct its full energies toward collecting those taxes from those who currently are avoiding their obligations. The efforts of the Internal Revenue Service should be aimed at those avoiding the tax, not at the honest taxpaying American citizens who already are doing their share toward financing the Government.

It is all American citizens who are cheated, whose taxes are raised, by those few who currently are not complying with the law and meeting their obligations.

In the interests of insuring that all Americans are treated fairly under our tax laws, the House Republican Policy Committee supports repeal of the withholding of taxes on interest and dividend earnings. Mr. Speaker, the full text of the Republican Policy Committee statement follows:

STATEMENT OF HOUSE REPUBLICAN POLICY COMMITTEE

The House Republican Policy Committee supports repeal of that section of TEFRA 1982 which requires the Internal Revenue Service to withhold taxes on interest and dividend payments. Scheduled to take effect on July 1, 1983, this provision would discourage savings and investment at a time when they are urgently needed to restore the vitality of our economy.

We believe the Internal Revenue Service should make every effort to collect taxes owed on dividends and interest from those currently avoiding those obligations. But the IRS should use methods focused on those avoiding the tax, not methods such as withholding which penalize the honest, taxpaying citizen.

The House Republican Policy Committee urges the Democratic leadership to allow House members the opportunity to vote on this vital issue as soon as possible. Because of the July 1 deadline it is essential that this issue be considered promptly in order to avoid unnecessary paperwork and administrative burdens.●

● Mr. LOEFFLER. Mr. Speaker, I rise today to voice my strong support for H.R. 2973 and to commend my colleagues for their dedication and diligence in bringing the automatic withholding on interest and dividends issue to the floor of the House for a vote.

I have consistently opposed withholding taxes and during the last session of Congress, opposed both the specific provision on automatic withholding of interest and dividends and the tax bill to which it was attached. While Members of the House were not afforded the opportunity to vote separately on the withholding provision during consideration of the tax bill last year, we now have before us a straight up or down vote on the automatic withholding of interest and dividend issue and the opportunity to set the record straight.

Automatic withholding is an affront to honest taxpayers and its consequences—both in the short and long term—are costly and severe. The Internal Revenue Service's own figures show a 97.6-percent compliance rate in voluntary reporting of interest and dividend income. What automatic withholding of interest and dividend income really amounts to is not so much "improved taxpayer compliance," but honest American taxpayers floating the Federal Government an interest-free loan. Americans should pay the taxes they owe—but not before they are rightfully due.

In my mind, this automatic withholding on interest and dividend income goes against the very principles of the free-market economy we have worked so hard to build. Automatic withholding will prematurely take some $4.3 billion out of the private capital market and the economy as a whole in fiscal year 1983 alone. Stimulation of saving and investment in the private sector is a cornerstone of our economic policy and the key to full economic recovery—America cannot afford such a costly automatic withholding procedure at this critical time in her economic recovery.

Mr. Speaker, we have the opportunity today to repeal automatic withholding of interest and dividend income before it ever takes effect. I urge my colleagues to vote "aye" on H.R. 2973.●

● Mr. SENSENBRENNER. Mr. Speaker, today the House of Representatives has the opportunity to repeal the ill-conceived interest and dividend withholding tax. Over the course of the last several months, this body has heard all of the arguments for and against withholding. While all evidence highlighted the unfairness of withholding and suggested its repeal, the Ways and Means Committee

denied us the opportunity to address the issue. Fortunately, the overwhelming support for repeal prevailed with Congressman D'AMOURS' successful discharge petition.

The urgency of today's vote cannot be overstated. We are all aware of the July 1, implementation date. With such a timetable, any further delays in repealing withholding will penalize financial institutions, many of which have already begun necessary conversions, and further confuse American taxpayers. A vote under suspension of the rules will permit us to quickly act in the interests of small savers and expedite, rather than curtail, our economic recovery.●

● Mr. WALGREN. Mr. Speaker, I want to add my support for the bill to repeal the requirement that banks, savings and loans, and credit unions withhold 10 percent of the interest and dividends earned by the American people.

I believe that this vote today is testimony to the responsiveness of the Congress to the will of the American people. While some see the Congress as the victim of a massive lobbying campaign of the big banks on this issue, there has been very deep public objection to withholding on interest and dividend income ever since 1977. Withholding failed by an overwhelming majority 3 years ago when it was proposed by the Carter administration without the participation of the banking lobby. During this period, day-to-day constituent mail and the personal reactions of individuals attending my "town meetings" was just as overwhelmingly opposed to withholding as in these past few months.

If allowed to go into effect, this law would be unfair, confusing, and costly. My constituents expressed anger over the unfairness that they would forgo income otherwise earned on interest withheld from their accounts. They expressed confusion at this restriction on their ability to save and invest at a time when we need to encourage savings and investment if we are to be able to fund the economic expansion necessary for recovery.

In addition, no one can deny that the extra cost of administering and keeping track of the many exemptions that, as a matter of fairness, had to be added to this kind of measure would have been substantial.

Repeal of this law should not be interpreted as a signal that the Congress is not committed to the collection of every tax dollar which is due. We should fully support efforts to give the IRS the means to enforce the law through improved reporting requirements. Through cross-checking of 1099 forms with individual returns, tax avoidance on interest and dividends should be able to be virtually eliminated without incurring the recordkeeping costs associated with the exemptions involved in this program.

The enactment and, now, repeal of this proposal should be a lesson that we should be vary wary of legislative packages from any administration. We should remember that the Congress first passed the provision for withholding on interest as part of a package of tax increases fostered by the present administration in response to the deficit created by the administration's previous tax reduction "package."

The fault, I am afraid, lies in the fact that the Congress has failed to live up to its responsibility to exercise independent judgment from the start of the Reagan administration. I hope the traditional responsibility of the Congress to serve as a "check and balance" to the administration is now reappearing.

Mr. Speaker, I believe the Congress has done the American people a great service in admitting a past mistake. I hope we can pass this bill by an overwhelming margin to sent a clear message to the President that his veto would be futile.●

● Mr. ADDABBO. Mr. Speaker, I want to urge my colleagues to support H.R. 2973, a bill which would repeal the 10-percent withholding tax on dividends and interest from savings accounts. The American people have demonstrated over the past few months that they strongly support repeal, and it is now time to act on their will.

The withholding tax is unfair to consumers and small savers. The banking industry will also be hard hit. It has been estimated that this new law, if not stopped today, may cost banks between $1.5 and $2.9 billion to obey. This loss of interest income and administrative morass is being imposed on us in order to enforce a tax which already has a 97-percent compliance rate.

We have all heard arguments in favor of withholding which claims that the Government may receive billions of dollars in additional revenue. This claim is widely and rightly disputed. Administrative complications will no doubt reduce the advantage to the IRS. Perhaps we should think more of our elderly people, living on fixed incomes, who will lose compounded interest earnings. They need this income, however small, to make ends meet. This margin can make the difference between our seniors eating rice and beans or rice and beef.

Underlying all of the arguments against withholding and in favor of the bill before us, is the fact that the withholding tax is removing our incentive to save. Industrial and economic power is based on the continued savings and investment of capital. The concept of tax relief on savings, a strong inducement, is being compromised again. The inconvenience and loss of savings the withholding tax will inflict will strip our desire to put funds away for the future.

The American people have overwhelmingly displayed their opposition to withholding. They are confused by the new rules, fear they will be denied additional income, and deeply resent having to pay the price for the IRS' inability to insure compliance with its own rules. Our banks, concerned with the high cost of implementing this new law, also feel that the burden of tax collection, an administrative nightmare, is wrongly being shifted to them.

More than 250 of us have cosponsored a bill which would repeal withholding. Let us continue our efforts to stop this tax. The voice of America has been loud and clear. We must show that we have heard the call.●

● Mr. ALBOSTA. Mr. Speaker, I rise today in support of H.R. 2973, a bill to repeal the 10-percent withholding requirement on interest from dividends and savings.

Few issues in the history of the Congress have generated as much public concern and outrage as has this law which was included in the 1982 tax bill.

The public outcry is understandable. At a time when it is in our best interest to encourage savings, Congress passed a law which works to discourage savings. At a time when we are trying to cut back on the excesses of government, a law was passed which adds a tremendous paperwork burden to both businesses and individuals. And at a time when so many of our citizens are just getting by, Congress passed a law that will take from their savings.

Yes, it is true this is not a new tax. It is true that older Americans and those with low incomes can request an exemption. But is it realistic to think that these groups would not be unnecessarily hurt by this change? To get an exemption from withholding under the provisions of the law, consumers have to ask for and then file a long complex form. What if consumers do not know they are exempt? What if they do not get the forms or simply cannot fill them out properly? These are the realities of implementing this law—and for what gain?

I strongly agree that people should be paying the taxes they owe on interest and dividend income, and the majority of them are. This majority should not be penalized and burdened in an effort to reach those few who are breaking the law.

The American people have clearly spoken out against the 10-percent withholding law. Almost 20,000 of my own constituents have contacted me by mail and phone to register their

protest and demand that the law be changed.

In doing so, we are demonstrating that our system of government works. A law was passed; citizens opposed the new law; they voiced their overwhelming objections, and today, we, in the House of Representatives, have an opportunity to show that their concerns matter and their voices have been heard.

As a cosponsor of the original repeal legislation, I am pleased that the overwhelming sentiment of the American people is now being addressed. I am also pleased that we, in the House, have refused to go only part way. We are not just deferring the law, as was recommended by the Senate, but voting on a total repeal. Supporters of the legislation before us today are saying "yes" to the concerns of the American people and repealing this unfair law once and for all.

I urge my colleagues to respond to the wishes of their constituents and vote in support of H.R. 2973 to repeal the 10-percent withholding on interest from dividends and savings.●

● Mr. BROOMFIELD. Mr. Speaker, I join my many colleagues in the House and, I believe the majority of the American people, in urging the passage of the bill, H.R. 2973 to repeal the 10-percent income tax withholding on dividends and interest.

The will of the people is clear on this question as evidenced by the large outpouring of mail we have all received demanding repeal. In fact, according to the Congressional Quarterly, this issue has inspired the largest mail-in campaign in congressional history.

As Members of the House of Representatives, we must certainly seek to carry out the will of the people. As responsible legislators, it is also incumbent upon us to enact sound legislation. We are in a very fortunate position today, Mr. Speaker, in that passage of the repeal legislation, H.R. 2973, eminently meets both requirements. The 10-percent withholding provision should never have been enacted in the first place.

While the intent of the withholding provision is understandable because we are all very concerned about the size of the budget deficit, the long-term interests of our country are not served by this method of gaining new revenues.

During the debate on this issue, it has been correctly pointed out that the amount of new revenues this measure will produce is not that great and it can be obtained through other reporting sources. Certainly no one supports an abuse of the tax laws. Everyone should pay their fair share of taxes.

But as the law now stands, along with this added revenue from the withholding provision, there will also be increased Federal paperwork when we should be decreasing it. It also will create higher consumer costs as savings and investment institutions pass along their administrative costs; disincentives for further savings and investments when we need more to keep our economic recovery going; and added hardships on many of our Nation's senior citizens who depend upon this additional income.

Mr. Speaker, our Nation does have serious economic problems made more difficult by large Federal deficits. As one who has constantly fought for a responsible fiscal policy, I am well aware of the problems caused by excessive Government spending and large deficits.

However, in trying to reduce those deficits, we must be sure that we are not just going for short-term advantages and ignoring the full costs. In the case of the withholding provisions, the costs are too high. I, therefore, strongly urge my colleagues to pass H.R. 2973 to repeal the 10-percent withholding tax provision from the tax law. Both the people and sound Government policy call for it.●

● Mr. STARK. Mr. Speaker, as you know, I do not always agree with the President, but I liked his analogy yesterday when he said that deficits could "squeeze up interest rates like toothpaste through the tube" and endanger whatever recovery has started. He is right.

But today the House will pass a bill repealing a method to collect an existing tax more effectively—and in doing so, we will increase the red ink hemorrhage by $13.4 billion over the next 5 fiscal years.

Tomorrow, the House will vote on increasing the Federal deficit to nearly $1.4 trillion. I wonder how many who are voting today to give up the collection of taxes owed—and thus voting to increase the deficits—will tomorrow vote against the debt ceiling bill on the grounds that they are against deficit spending?

Withholding is not a new tax. It is not an increase in tax. It is simply the more efficient collection of a portion of taxes due on interest and dividends. Withholding has worked for nearly 40 years on wages: there is no earthly reason it should not have worked on interest and dividend income profits.

I say this all in sadness, because by repealing the withholding provision, we will subject everyone to either higher interest rates, or more inflation, or new taxes, or reductions in important programs—and maybe all of the above.

I am also saddened by how this issue was lobbied. I am a former banker and I still follow banking issues closely. I do believe that about a third of the mail which has been sent to my office was sent because my former colleagues failed to inform their customers of the many exemptions in the law. I think that a lot of bankers owe a lot of senior citizens, poor people, and small savers 20 cents back for causing them to mail letters to their Congressmen needlessly. I would further say that once the regulations were clarified to allow year-end withholding, that probably 90 percent of the mail which was sent in, was sent in because the bankers did not explain that exemption.

I would hope that bankers are complying with the truth-in-lending laws better than they are complying with the concept of "truth-in-lobbying."●

● Mr. ACKERMAN. Mr. Speaker, I rise in support of H.R. 2973, which would repeal the withholding tax on dividends and interest.

It is clear from the millions of letters and postcards received by this Congress that a majority of Americans favor repeal of this law. Withholding interest from the millions of elderly and retired people is a bad idea, a bad law, and I agree with my constituents that it should be repealed.

But, Mr. Speaker, apart from the emotional aspects of this issue, I want to bring to the attention of the House some of the practical reasons why the withholding law should be repealed.

First of all, a withholding tax on interest and dividends would be an unfair burden on the Nation's elderly, many of whom rely almost exclusively on income from interest and dividends to supplement their retirement income. Procedures to exempt elderly and low-income savers are tedious and complicated enough to often cause these people to pay more taxes than they should. Many elderly persons, in particular, would be unaware of how to obtain the exemption forms; others would be too ill to make the necessary trips.

Second, for smaller financial institutions, including our Nation's 20,000 credit unions, representing nearly 50 million customers, withholding is a potential administrative nightmare.

Withholding on tax-exempt bond coupons and similar securities, for example, would have to be handled by tellers, who would need to manually prepare forms and periodically send them in to the Internal Revenue Service. Credit unions do not have the time or the money, in many cases, to handle this task. Many credit unions would literally have to close their doors. Although they could receive a 30-day grace period, the interest accumulated during that time would in many cases barely pay the poastage needed to send in the information, thus, leaving much of the extra personnel costs uncompensated.

A better approach would be a beefed-up effort to enforce compliance, which under current law would reap the Government roughly the

same amount of revenue as the withholding law would. In the process, the estimated 90 percent of us who do comply with the law and report income from dividends and interests would not be unfairly penalized.

The IRS annually over withholds on 70 percent of the wage statements currently submitted by American taxpayers. This excess amount collected is more than enough to cover taxes due from other sources of income, including revenue from interest and dividends.

I certainly want to insure that all of us pay the full amount of tax we owe. However, the tax laws should enforce compliance without imposing an unfair burden on anyone.

Mr. Speaker, the message is loud and the facts are clear: Withholding on interest and dividends is unduly burdensome and impractical.

The American people deserve and expect no less than the complete repeal and total rejection of a law that should never have appeared on the books. I urge my colleagues to pass H.R. 2973.●

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. SHANNON) to close debate.

Mr. SHANNON. Mr. Speaker, I want to thank the chairman of the committee for yielding this time to me.

By now I suppose this debate has become the biggest anticlimax of the year. The outcome is preordained. I think if we listen closely, we can hear the office computers in our colleagues' offices already turning out the letters that talk about how they are voting for repeal of withholding on interest and dividends. I am sure there is going to be a stampede up to the television galleries just after the vote so everyone can take credit for that.

This is not the day of judgment, however. The day of judgment comes on the day we have to wrangle with the question of what we are going to do about taxes later in the year. It comes next year when we face a $200 billion deficit again. It could come in a year or two when interest rates go back through the roof. And then people are going to be asking, "How did this happen? How did it happen that we have these big budget deficits? How did it happen that we have to take back the tax cuts of working American people? How did it happen that we have such an unfair tax system?"

Mr. D'AMOURS. Mr. Speaker, will the gentleman yield?

Mr. SHANNON. Mr. Speaker, it happened because we gave in to a powerful special interest group. It happened because we were not thinking about equity in our tax system. It happened because we were not addressing the problems of the deficits when we had a chance to do something about them.

That is what we face today.

Mr. D'AMOURS. Mr. Speaker, will the gentleman yield?

Mr. SHANNON. I will not yield to the gentleman.

Mr. Speaker, for the last 40 years we have had withholding on wages in this country. If you are a minimum wage earner, you have withholding. Yet we are saying to some people, "you don't have to be subject to the same withholding provision."

I just have this fear and I have the same concerns that many other Members have about the lobbying efforts that are going on. I think they have distorted the issue. My bigger fear is what this says about our ability to make the tax laws of the United States fair. If we are going to treat people who have earned income and people who have unearned income differently, then I think the net result of this is going to be a greater tax burden on those in the middle income ranges, a greater tax burden on the average taxpayer who pays his taxes honestly.

Mr. Speaker, I think we are going to look back on this day and regret what we have done in the House of Representatives. I hope we will come out of this with a new resolve to resist these special interests.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts (Mr. SHANNON), has expired. All time has expired.

The question is on the motion offered by the gentleman from Illinois (Mr. ROSTENKOWSKI) that the House suspend the rules and pass the bill, H.R. 2973.

The question was taken.

Mr. ROSTENKOWSKI. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain two requests for consideration of joint resolutions to be called up by the gentleman from Texas (Mr. LELAND). The Chair will postpone the votes on suspensions until after the consideration of these joint resolutions.

ANDREI SAKHAROV DAY

Mr. LELAND. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged for further consideration of the Senate joint resolution (S.J. Res. 51) designating May 21, 1983, as "Andrei Sakharov Day," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

SENATE JOINT RESOLUTION 51

Whereas Andrei Sakharov has earned the admiration and gratitude of all the peoples of the world for his tireless and courageous efforts to secure basic human freedoms for the peoples of the Soviet Union, including those rights and freedoms proclaimed and guaranteed in the Final Act of the Conference on Security and Cooperation in Europe signed at Helsinki, August 1, 1975; and

Whereas Andrei Sakharov has been awarded the Nobel Prize for Peace for "his love of truth and strong belief in the inviolability of human beings . . . his courageous defense of the human spirit . . ." and a life that has made him "the conscience of mankind"; and

Whereas Andrei Sakharov, in direct consequence of his tireless work for world peace and human rights, has been illegally confined by the Government of the Union of Soviet Socialist Republics to the remote city of Gorky, where, on May 21, 1983, he will spend his sixty-second birthday in almost total isolation; and

Whereas even under conditions of isolation and harassment by Soviet authorities, Andrei Sakharov has continued to speak with eloquence and great moral force for the causes of human rights and world peace, for amnesty for all prisoners of conscience, and for full compliance by all signatory states with the provisions of the Helsinki Final Act and the United Nations Universal Declaration of Human Rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 21, 1983, is designated "National Andrei Sakharov Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

SEC. 2. The President of the United States is authorized and requested to call upon all nations of the world to designate May 21, 1983, as "National Andrei Sakharov Day" within their respective nations.

SEC. 3. The President of the United States is authorized and requested to urge the Government of the Union of Soviet Socialist Republics to permit Andrei Sakharov and his wife, Yelena Bonner, freely to choose their place of residence.

SEC. 4. The President of the United States is authorized and requested to direct the American delegation to the United Nations to introduce a resolution in the General Assembly calling upon that body to designate May 21, 1983, as "International Andrei Sakharov Day", to be observed by the United Nations with appropriate ceremonies and activities.

The SPEAKER pro tempore. The gentleman from Texas (Mr. LELAND) is recognized for 1 hour.

Mr. LELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution we are considering does a great deal more, in my opinion, than honor an individual of exceptional courage and moral strength. This resolution commemorating his singular devotion to human rights and freedoms through the designation of May 21, his 62d birthday, National Sakharov Day, is but one in a long line of efforts to honor Andrei Sakharov. Two of those honors come immediately to mind: the Nobel Prize for Peace, awarded in 1975 to the conscience of mankind and the decision by the Soviet Government in 1980 to place him in deep exile. I consider that decision to be a singular testimony to the strength of his message and the brilliance of the light which he has brought to the wilderness of human freedom that is the Soviet Union. The whole world knows Andrei Sakharov, and loves him, as if he were a kinsman. And because, in a very real sense, he has made himself a kinsman in freedom to all of mankind, he has been isolated.

He is cut off from his family and friends, from intellectual and personal contact with his scientific colleagues. His health has been adversely affected. He is paying a price most of us would consider intolerable. It is the price of freedom of spirit. It is the price of moral courage and human dignity in the Soviet Union.

In the Soviet Union as well, Andrei Sakharov is an exceptional figure. The Soviet Government has sought to tarnish the brilliance of his partiotism, so as to compel his countrymen to turn a deaf ear to his clear and courageous voice. But there is no greater Soviet patriot, it seems to me than Andrei Sakharov. This is the same Andrei Sakharov whose brilliance as a physicist led his country into the thermonuclear age. But that same Russian spirit, which is certainly fired by love of country, compelled him to speak out against the deprivations and humiliations of Soviet political light. He has also led the people of the Soviet Union, those who have been able to hear his voice and read his words, into a new age of hope for human rights. Andrei Sakharov has not prevailed in his struggle against the tyranny of the Soviet system, but he will never fail. Everywhere in the world where freedom is known and prized, or where it is dreamed of, Andrei Sakharov is a beacon whose light will never be allowed to so much as flicker.

This resolution is our message to him and the world in whose light the hope of freedom flourishes. It is our testimony to the burden he has laid on our hearts with his courage and sacrifice. We are not asked to pay such a high price for our commitment to human dignity. This resolution is also our message to the world that we subscribe to his measure of decency and civilization for the world: Every man free in his mind and body and spirit from the tyrannies of men.

When we honor Andrei Sakharov, we honor the cherished dream for which he lives, and continues to labor in peril.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. LELAND. I yield to my colleague, the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Texas (Mr. LELAND) for bringing this measure to the floor at this time, and I thank my colleagues Mr. KEMP and Mr. SOLARZ for introducing House Joint Resolution 178.

Mr. Speaker, I rise in support of House Joint Resolution 178, proclaiming "National Sakharov Day." May 21, 1983 marks the 62d birthday of one of society's greatest contributors, Dr. Andrei Sakharov. It is fitting that the House of Representatives should so honor Andrei Sakharov with a proclamation of "National Sakharov Day." House Joint Resolution 178 indicates the bipartisan concern that we all share regarding Dr. Sakharov's internal exile in Gorky.

Andrei Sakharov, a brilliant physicist and humanitarian, is one of the leaders of that oppressed group in the Soviet Union who regularly call on the Soviet authorities to comply with the provisions of the Helsinki Final Act and the United Nations Universal Declaration of Human Rights. As a recipient of the Nobel Peace Prize, Dr. Sakharov, even in exile, embodies the high ideals of man's commitment to human rights, to human decency, and the freedom of man's spirit.

Mr. Speaker, it is incomprehensible for the people of our Nation, for whom freedom of thought and deed mean so much, that one of Dr. Sakharov's stature is in such enforced isolation. House Joint Resolution 178, which heightens public awareness of Dr. Sakharov's plight, is deserving of our wholehearted support.

● Mr. ZABLOCKI. Mr. Speaker, I rise in support of Senate Joint Resolution 51, designating May 21 as "Andrei Sakharov Day." An identical resolution (H. Con. Res. 178) was introduced by Representatives KEMP and SOLARZ on March 3 and referred to the Committees on Post Office and Civil Service and Foreign Affairs. The fact that House Concurrent Resolution 179 has already 232 cosponsors demonstrates the strong sentiment of this House for the President to proclaim May 21, "National Sakharov Day."

Mr. Speaker, I sometimes have doubts whether human rights resolutions such as this have the consequences we want them to have. However, I am supportive of its passage here today. Andrei Sakharov exemplifys the plight of the creative professional scientist and responsible citizen in the Soviet Union today. The facts of his tragic situation for the last several years are well known. In 1968, he lost his security clearance after the publication in the West of his essay dealing with the convergence of the capitalist and Socialist systems. Following the signature of the Final Act of Security and Cooperation in Europe, he actively promoted the establishment of Helsinki monitors to observe compliance with that historic agreement, particularly its human rights provisons. However, he was barred from accepting the 1975 Nobel Peace Prize from the Government of Norway. Finally, he was exiled to Gorky, 250 miles from Moscow, by Soviet authorities who have continued to try to stop his activities as his country's major human rights advocate. In recent days, the Soviet Union hinted that Dr. Sakharov would be granted permission to leave the Soviet Union and accept a teaching position at the University of Vienna. Then only last week, the Soviet authorities announced through their mouthpiece Tass that Dr. Sakharov would be barred from going abroad because he possessed state secrets. Thus, the nightmare for Dr. Sakharov and his wife continues. This extraordinary and courageous man deserves our full moral support. I can think of no better way to convey that to him and no more fitting signal to send to the Soviet Union by the U.S. House of Representatives than our adoption here today of this resolution.●

● Mr. COURTER. Mr. Speaker, I rise in support of Senate Joint Resolution 51, a bill designating May 21, 1983, as "National Sakharov Day."

Mr. Speaker, Andrei Sakharov, through his actions and dedication, has come to symbolize man's basic commitment to human rights and freedom.

Dr. Sakharov is an internationally known physicist who was awarded the Nobel Prize for Peace for his noble and selfless contributions to the cause of world peace and human rights. As a result of his effort, which have not been appreciated by the Soviet Union, he will celebrate his 62d birthday as an exile in the city of Gorky, to which he has been illegally confined by the Soviet Government since January 1980.

I feel the people of the United States and the entire free world owe a great debt of gratitude to Dr. Sakharov and that all nations that hold peace and freedom dear should honor Andrei Sakharov in an appropriate manner on his 62d birthday.

I urge my colleagues to join me in supporting this legislation.●

Mr. LELAND. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARNARD). Without objection, the previous question is ordered on the Senate joint resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RUSSO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point or order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this question will be postponed.

The vote will be taken after the recorded vote on H.R. 2973, the last suspension vote.

The point of no quorum is considered withhdrawn.

NATIONAL DIGESTIVE DISEASES AWARENESS WEEK

Mr. LELAND. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 226) to designate the week of May 22, 1983, through May 28, 1983, as "National Digestive Diseases Awareness Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 226

Whereas digestive diseases rank third in the total economic burden of illness in the United States and, measured in terms of human discomfort and pain, mortality, personal expenditures for treatment, working hours lost, and burden on the Nation's economy, disgestive diseases represent one of the Nation's most serious health problems;

Whereas twenty million Americans suffer from chronic digestive diseases and disorders, and in excess of fourteen million cases of acute digestive diseases are treated in this country each year, including one-third of all malignancies and some of the most common of acute infections;

Whereas such diseases cause more Americans to be hospitalized than any other, necessitate 25 per centum of all surgical operations, and comprise one of the most prevalent causes of disability in the working force;

Whereas digestive diseases cause a yearly expenditure of over $17,000,000,000 in direct health care costs and a total economic burden approaching $50,000,000,000 annually;

Whereas at least one hundred different diseases and disorders of the gastrointestinal tract cause more than two hundred thousand deaths every year;

Whereas research into the causes, cures, prevention, and clinical treatment of digestive diseases and related nutrition problems should become a national concern, and the people of the United States should recognize diseases of the digestive system as a major health priority;

Whereas national lay and professional digestive disease organizations, individually and collectively, through the Coalition of Digestive Disease Organizations and the Federation of Digestive Disease Societies, are committed to heightening awareness and understanding of digestive tract disorders among members of the general public and the health care community;

Whereas the National Digestive Diseases Advisory Board and the National Institutes of Health, through its National Digestive Education and Information Clearinghouse, are committed to encourage and coordinate these educational efforts; and

Whereas the week of May 22, 1983, through May 28, 1983, marks the creation of the National Digestive Disease Education Program, a coordinated effort to mobilize and focus the activities of the digestive disease community to educate the public and health care community as to the seriousness of digestive diseases and to provide information relative to treatment, prevention, and control: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 22, 1983, through May 28, 1983, is designated as "National Digestive Diseases Awareness Week", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and people of the United States to observe the week with appropriate programs and activities.

Mr. LELAND. Mr. Speaker, House Joint Resolution 226 designates May 22 to 28, 1983, as "National Digestive Disease Awareness Week." Digestive diseases rank third in the total economic burden of illness in the United States and, measured in terms of human discomfort and pain, mortality, personal expenditures for treatment, working hours lost, and burden on the Nation's economy, digestive diseases represent one of the Nation's most serious health problems. At least 100 different diseases and disorders of the gastrointestinal tract cause more than 200,000 deaths every year. Such diseases cause more Americans to be hospitalized than any other disease, necessitate 25 per centum of all surgical operations, and comprise one of the more prevalent causes of disability in the work force.

Mr. Speaker, I commend this resolution to my colleagues.

● Mr. PEPPER. Mr. Speaker, I am pleased that we have before us in the House for consideration today a measure which I introduced designating the week of May 22 through May 28, 1983, as "National Digestive Disease Awareness Week." This resolution seeks to have the President issue a Presidential proclamation calling upon Government agencies and the people of the United States to observe the week with appropriate activities. Over half of the Members of Congress have joined me in sponsoring this worthwhile measure.

I might say that diseases of the digestive system might seem unimportant to those of us who have been fortunate enough to escape them. However, to one who suffers from a condition or disease affecting an organ or the digestive tract, the prospect ranges from mild discomfort to the most severe threat to life itself. The digestive system is, indeed, the lifeline to survival.

It is not generally known that the category of digestive diseases accounts for an economic loss to the Nation of some $40 billion every year in lost wages, disability payments, health care costs, and lost tax revenues. It is not generally known that almost one-third of all cancers affect some part of the digestive system. The estimate is that 407,000 people a year in our country die from cancer. It is not generally known that 20 million Americans suffer from chronic digestive disorders, and that about 14 million cases of acute digestive disease are treated in this country every year.

In light of this information, I feel it important to recognize the impact of digestive diseases on the Nation's health, human discomfort, and pain, mortality, personal expenditures for treatment, toll in working hours lost, and burden on the economy of this country.

I commend this resolution to you and urge its immediate approval.

Thank you.●

The SPEAKER pro tempore. Without objection, the previous question is ordered on the joint resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RUSSO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this question will be postponed. The vote will be taken after the vote on H.R. 2973, the last suspension vote.

GENERAL LEAVE

Mr. LELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the two resolutions just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules and on the two joint resolutions.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 2733, de novo.

House Joint Resolution, by the yeas and nays.

H.R. 1416, by the yeas and nays.

H.R. 2681, by the yeas and nays.

H.R. 2936, by the yeas and nays.

H.R. 2602, by the yeas and nays.

H.R. 2973, by the yeas and nays.

Senate Joint Resolution 51, de novo.

House Joint Resolution 226, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

CRITICAL AGRICULTURAL MATERIALS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2733, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BROWN) that the House suspend the rules and pass the bill, H.R. 2733, as amended.

The question was taken.

Mr. RUSSO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 326, nays 96, not voting 10, as follows:

[Roll No. 117]

YEAS—326

Ackerman	Andrews (NC)	AuCoin
Addabbo	Andrews (TX)	Barnard
Akaka	Annunzio	Barnes
Albosta	Anthony	Bateman
Alexander	Applegate	Bates
Anderson	Aspin	Bedell
Beilenson	Gore	Murphy
Bennett	Gray	Murtha
Berman	Green	Myers
Bevill	Gregg	Natcher
Boehlert	Guarini	Neal
Boggs	Gunderson	Nelson
Boland	Hall (IN)	Nowak
Boner	Hall (OH)	O'Brien
Bonior	Hall, Ralph	Oakar
Bonker	Hall, Sam	Oberstar
Borski	Hamilton	Obey
Bosco	Hance	Olin
Boucher	Harkin	Ortiz
Boxer	Harrison	Ottinger
Breaux	Hatcher	Owens
Britt	Hawkins	Panetta
Brooks	Hefner	Pashayan
Broomfield	Hertel	Patman
Brown (CA)	Hightower	Patterson
Bryant	Hillis	Pease
Byron	Horton	Penny
Campbell	Howard	Pepper
Carney	Hoyer	Perkins
Carper	Hubbard	Pickle
Carr	Huckaby	Price
Chandler	Hughes	Pritchard
Chappell	Hutto	Pursell
Chappie	Jeffords	Quillen
Clarke	Jenkins	Rahall
Clay	Jones (NC)	Rangel
Coats	Jones (OK)	Ratchford
Coelho	Jones (TN)	Ray
Coleman (MO)	Kaptur	Reid
Coleman (TX)	Kastenmeier	Richardson
Collins	Kazen	Ridge
Conable	Kemp	Rinaldo
Conte	Kennelly	Ritter
Cooper	Kildee	Roberts
Corcoran	Kogovsek	Rodino
Courter	Kolter	Roe
Coyne	Kostmayer	Rose
Crockett	LaFalce	Rostenkowski
D'Amours	Lantos	Roukema
Daschle	Leach	Rowland
Davis	Leath	Roybal
de la Garza	Lehman (CA)	Russo
Derrick	Lehman (FL)	Sabo
Dicks	Leland	Savage
Dingell	Lent	Sawyer
Dixon	Levin	Scheuer
Donnelly	Levine	Schroeder
Dorgan	Levitas	Schumer
Dowdy	Lewis (CA)	Seiberling
Downey	Lipinski	Shannon
Duncan	Livingston	Sharp
Durbin	Lloyd	Shelby
Dwyer	Loeffler	Sikorski
Dyson	Long (LA)	Siljander
Early	Long (MD)	Simon
Eckart	Lott	Sisisky
Edgar	Lowry (WA)	Skeen
Edwards (AL)	Lujan	Skelton
Edwards (CA)	Luken	Slattery
Emerson	Lundine	Smith (FL)
English	MacKay	Smith (IA)
Erdreich	Madigan	Smith (NJ)
Erlenborn	Markey	Snowe
Evans (IA)	Marlenee	Solarz
Evans (IL)	Martin (IL)	Spratt
Fascell	Matsui	St Germain
Fazio	Mavroules	Staggers
Feighan	Mazzoli	Stangeland
Ferraro	McCandless	Stark
Fiedler	McCloskey	Stenholm
Fish	McCurdy	Stokes
Flippo	McDade	Stratton
Florio	McGrath	Studds
Foglietta	McHugh	Swift
Foley	McKernan	Synar
Ford (MI)	McKinney	Tallon
Ford (TN)	McNulty	Tauzin
Forsythe	Mica	Thomas (GA)
Fowler	Michel	Torres
Frank	Mikulski	Torricelli
Franklin	Miller (CA)	Towns
Frost	Mineta	Traxler
Fuqua	Minish	Udall
Garcia	Mitchell	Valentine
Gaydos	Moakley	Vander Jagt
Gejdenson	Molinari	Vandergriff
Gephardt	Mollohan	Vento
Gibbons	Montgomery	Volkmer
Gilman	Moody	Walgren
Gingrich	Morrison (CT)	Watkins
Glickman	Morrison (WA)	Waxman
Gonzalez	Mrazek	Weaver
Weiss	Winn	Yates
Wheat	Wirth	Yatron
Whitley	Wise	Young (AK)
Whitten	Wolf	Young (MO)
Williams (MT)	Wolpe	Zablocki
Williams (OH)	Wright	Zschau
Wilson	Wyden	

NAYS—96

Archer	Hiler	Regula
Badham	Holt	Robinson
Bartlett	Hopkins	Roemer
Bereuter	Hyde	Rogers
Bethune	Ireland	Roth
Bilirakis	Jacobs	Rudd
Bliley	Johnson	Schaefer
Brown (CO)	Kasich	Schneider
Broyhill	Kindness	Schulze
Burton	Kramer	Sensenbrenner
Cheney	Lagomarsino	Shaw
Clinger	Latta	Shumway
Coughlin	Lewis (FL)	Shuster
Crane, Daniel	Lowery (CA)	Smith (NE)
Crane, Philip	Lungren	Smith, Denny
Daniel	Mack	Smith, Robert
Dannemeyer	Marriott	Snyder
Daub	Martin (NC)	Solomon
DeWine	Martin (NY)	Spence
Dickinson	McCain	Stump
Dreier	McCollum	Sundquist
Edwards (OK)	McDonald	Tauke
Fields	McEwen	Taylor
Frenzel	Miller (OH)	Thomas (CA)
Gekas	Moore	Vucanovich
Goodling	Moorhead	Walker
Gradison	Nielson	Weber
Gramm	Packard	Whitehurst
Hammerschmidt	Parris	Whittaker
Hansen (ID)	Paul	Wortley
Hansen (UT)	Petri	Wylie
Hartnett	Porter	Young (FL)

NOT VOTING—10

Biaggi	Dymally	Nichols
Conyers	Heftel	Oxley
Craig	Hunter	
Dellums	Martinez	

□ 1500

Messrs. WHITTAKER, BROYHILL, SPENCE, MOORHEAD, and LEWIS of Florida, and Mrs. SMITH of Nebraska changed their votes from "yea" to "nay."

Mr. HATCHER and Mrs. MARTIN of Illinois changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to the minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings and the two commemorative joint resolutions called up by the gentleman from Texas (Mr. LELAND).

WELCOMING BACK THE MINORITY LEADER

(Without objection, Mr. LOTT was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. I thank the Speaker. I will be very brief.

Mr. Speaker, I ask for this time in order to ask my colleagues to join me in welcoming back our distinguished Republican leader, who has been with us all the time in spirit, but after his appendicitis problem of last week, he is now back with us physically.

We are glad to have him back on this side of the aisle and in the House.

TEMPORARY EXTENSION OF CERTAIN HOUSING PROGRAMS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 265, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GONZALEZ) that the House suspend the rules and pass the joint resolution, House Joint Resolution 265, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 6, not voting 8, as follows:

[Roll No. 118]

YEAS—418

Ackerman	Broomfield	Dicks
Addabbo	Brown (CA)	Dingell
Akaka	Brown (CO)	Dixon
Albosta	Broyhill	Donnelly
Alexander	Bryant	Dorgan
Anderson	Burton	Dowdy
Andrews (NC)	Byron	Downey
Andrews (TX)	Campbell	Dreier
Annunzio	Carney	Duncan
Anthony	Carper	Durbin
Applegate	Carr	Dwyer
Archer	Chandler	Dyson
Aspin	Chappell	Early
AuCoin	Chappie	Eckart
Badham	Cheney	Edgar
Barnard	Clarke	Edwards (AL)
Barnes	Clay	Edwards (CA)
Bartlett	Clinger	Edwards (OK)
Bateman	Coats	Emerson
Bates	Coelho	English
Bedell	Coleman (MO)	Erdreich
Beilenson	Coleman (TX)	Erlenborn
Bennett	Collins	Evans (IA)
Bereuter	Conable	Evans (IL)
Berman	Conte	Fascell
Bethune	Cooper	Fazio
Bevill	Corcoran	Feighan
Bilirakis	Coughlin	Ferraro
Bliley	Courter	Fiedler
Boehlert	Coyne	Fields
Boggs	Crockett	Fish
Boland	D'Amours	Flippo
Boner	Daniel	Florio
Bonior	Dannemeyer	Foglietta
Bonker	Daschle	Foley
Borski	Daub	Ford (MI)
Bosco	Davis	Ford (TN)
Boucher	de la Garza	Forsythe
Boxer	Dellums	Fowler
Breaux	Derrick	Frank
Britt	DeWine	Franklin
Brooks	Dickinson	Frenzel
Frost	Mack	Russo
Fuqua	MacKay	Sabo
Garcia	Madigan	Savage
Gaydos	Markey	Sawyer
Gejdenson	Marlenee	Schaefer
Gekas	Marriott	Scheuer
Gephardt	Martin (IL)	Schneider
Gibbons	Martin (NC)	Schroeder
Gilman	Martin (NY)	Schulze
Gingrich	Matsui	Schumer
Glickman	Mavroules	Seiberling
Gonzalez	Mazzoli	Sensenbrenner
Goodling	McCain	Shannon
Gore	McCandless	Sharp
Gradison	McCloskey	Shaw
Gramm	McCollum	Shelby
Gray	McCurdy	Shumway
Green	McDade	Shuster
Gregg	McEwen	Sikorski
Guarini	McGrath	Siljander
Gunderson	McHugh	Simon
Hall (IN)	McKernan	Sisisky
Hall (OH)	McKinney	Skeen
Hall, Ralph	McNulty	Skelton
Hall, Sam	Mica	Slattery
Hamilton	Michel	Smith (FL)
Hammerschmidt	Mikulski	Smith (IA)
Hance	Miller (CA)	Smith (NE)
Hansen (UT)	Miller (OH)	Smith (NJ)
Harkin	Mineta	Smith, Denny
Harrison	Minish	Smith, Robert
Hartnett	Mitchell	Snowe
Hatcher	Moakley	Snyder
Hawkins	Molinari	Solarz
Hefner	Mollohan	Solomon
Hertel	Montgomery	Spence
Hightower	Moody	Spratt
Hiler	Moore	St Germain
Hillis	Moorhead	Staggers
Holt	Morrison (CT)	Stangeland
Hopkins	Morrison (WA)	Stark
Horton	Mrazek	Stenholm
Howard	Murphy	Stokes
Hoyer	Murtha	Stratton
Hubbard	Myers	Studds
Huckaby	Natcher	Sundquist
Hughes	Neal	Swift
Hunter	Nelson	Synar
Hutto	Nielson	Tallon
Hyde	Nowak	Tauke
Ireland	O'Brien	Tauzin
Jacobs	Oakar	Taylor
Jeffords	Oberstar	Thomas (CA)
Jenkins	Obey	Thomas (GA)
Johnson	Olin	Torres
Jones (NC)	Ortiz	Torricelli
Jones (OK)	Ottinger	Towns
Jones (TN)	Owens	Traxler
Kaptur	Packard	Udall
Kasich	Panetta	Valentine
Kastenmeier	Parris	Vander Jagt
Kazen	Pashayan	Vandergriff
Kemp	Patman	Vento
Kennelly	Patterson	Volkmer
Kildee	Pease	Vucanovich
Kindness	Penny	Walgren
Kogovsek	Pepper	Walker
Kolter	Perkins	Watkins
Kostmayer	Petri	Waxman
Kramer	Pickle	Weaver
LaFalce	Porter	Weber
Lagomarsino	Price	Weiss
Lantos	Pritchard	Wheat
Latta	Pursell	Whitehurst
Leach	Quillen	Whitley
Leath	Rahall	Whittaker
Lehman (CA)	Rangel	Whitten
Lehman (FL)	Ratchford	Williams (MT)
Leland	Ray	Williams (OH)
Lent	Regula	Wilson
Levin	Reid	Winn
Levine	Richardson	Wirth
Levitas	Ridge	Wise
Lewis (CA)	Rinaldo	Wolf
Lewis (FL)	Ritter	Wolpe
Lipinski	Roberts	Wortley
Livingston	Robinson	Wright
Lloyd	Rodino	Wyden
Loeffler	Roe	Wylie
Long (LA)	Roemer	Yates
Long (MD)	Rogers	Yatron
Lott	Rose	Young (AK)
Lowery (CA)	Rostenkowski	Young (FL)
Lowry (WA)	Roth	Young (MO)
Lujan	Roukema	Zablocki
Luken	Rowland	Zschau
Lundine	Roybal	
Lungren	Rudd	

NAYS—6

Crane, Daniel	Hansen (ID)	Paul
Crane, Philip	McDonald	Stump

NOT VOTING—8

Biaggi	Dymally	Nichols
Conyers	Heftel	Oxley
Craig	Martinez	

□ 1510

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZATION OF APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1416, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the bill, H.R. 1416, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 322, nays 100, not voting 10, as follows:

[Roll No. 119]

YEAS—322

Ackerman	Chandler	Feighan
Addabbo	Chappell	Ferraro
Akaka	Clarke	Fish
Albosta	Clay	Flippo
Alexander	Clinger	Florio
Anderson	Coelho	Foglietta
Andrews (NC)	Coleman (TX)	Foley
Andrews (TX)	Collins	Ford (MI)
Annunzio	Conte	Ford (TN)
Anthony	Conyers	Forsythe
Applegate	Cooper	Fowler
Aspin	Corcoran	Frank
AuCoin	Courter	Franklin
Badham	Coyne	Frost
Barnard	Crockett	Fuqua
Barnes	D'Amours	Garcia
Bateman	Daschle	Gaydos
Bates	Davis	Gejdenson
Bedell	de la Garza	Gephardt
Beilenson	Dellums	Gibbons
Berman	Derrick	Gilman
Bethune	Dickinson	Gingrich
Bevill	Dicks	Glickman
Bliley	Dingell	Gonzalez
Boehlert	Dixon	Goodling
Boggs	Donnelly	Gore
Boland	Dorgan	Gray
Boner	Dowdy	Green
Bonior	Downey	Guarini
Bonker	Duncan	Gunderson
Borski	Durbin	Hall (IN)
Bosco	Dwyer	Hall, Sam
Boucher	Dyson	Hamilton
Boxer	Early	Hammerschmidt
Breaux	Eckart	Harkin
Britt	Edgar	Harrison
Brooks	Edwards (AL)	Hatcher
Broomfield	Edwards (CA)	Hawkins
Brown (CA)	Erdreich	Hefner
Broyhill	Erlenborn	Hertel
Bryant	Evans (IA)	Hightower
Byron	Evans (IL)	Hillis
Carper	Fascell	Horton
Carr	Fazio	Howard

Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Lipinski
Lloyd
Long (LA)
Long (MD)
Lott
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Markey
Marlenee
Marriott
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Pritchard
Pursell
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vento
Volkmer
Walgren
Waxman
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—100

Archer
Bartlett
Bennett
Bereuter
Bilirakis
Brown (CO)
Burton
Campbell
Carney
Chappie
Cheney
Coats
Conable
Coughlin
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
DeWine
Dreier
Edwards (OK)
Emerson
English
Fiedler
Fields
Frenzel
Gekas
Gradison
Gramm
Gregg
Hall (OH)
Hall, Ralph
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Holt
Hopkins
Hubbard
Jacobs
Jenkins
Jones (OK)
Kasich
Kindness
Lagomarsino
Latta
Leath
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lowery (CA)
Lungren
Mack
Madigan
Martin (IL)
Martin (NC)
McCollum
McCurdy
McDonald
Miller (OH)
Mollohan
Montgomery
Mrazek
Paul
Petri
Quillen
Rahall
Ritter
Roberts
Roemer
Rogers
Rudd
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Slattery
Smith (NE)
Smith, Denny
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauzin
Vucanovich
Walker
Watkins
Weaver
Weber
Wortley
Wylie

NOT VOTING—10

Biaggi
Coleman (MO)
Craig
Dymally
Heftel
Martinez
McCloskey
Nichols
Oxley
Vandergriff

□ 1520

Messrs. FIELDS, SILJANDER, RAHALL, BARTLETT, and RALPH M. HALL changed their votes from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1984 and 1985."

A motion to reconsider was laid on the table.

AMENDMENTS TO THE SECURITIES AND EXCHANGE ACT OF 1934

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2681, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the bill, H.R. 2681, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 361, nays 63, not voting 8, as follows:

[Roll No. 120]

YEAS—361

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Aspin
AuCoin
Badham
Barnard
Barnes
Bateman
Bates
Beilenson
Bereuter
Berman
Bethune
Bevill
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Broyhill
Bryant
Campbell
Carney
Carper
Carr
Chandler
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Corcoran
Courter
Coyne
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Sam
Hamilton
Hammerschmidt
Hance
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Lundine
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Myers
Natcher
Neal
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pepper
Perkins
Pickle
Porter
Price
Pursell
Rangel
Ratchford
Ray
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Shannon
Shaw
Shelby
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walker
Waxman
Weber
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—63

Applegate
Archer
Bartlett
Bedell
Bennett
Bilirakis
Brown (CO)
Burton
Byron

Chappell
Conable
Coughlin
Craig
Crane, Daniel
Crane, Philip
Dreier
Edwards (OK)
Emerson
Gaydos
Gradison
Gramm
Hall, Ralph
Hansen (ID)
Hansen (UT)
Hopkins
Hubbard
Kaptur
Kramer
Latta
Lowry (WA)
Luken
Martin (IL)
McDonald
Miller (OH)
Mollohan
Mrazek
Murphy
Murtha
O'Brien
Paul
Pease
Petri
Pritchard
Quillen
Rahall
Regula
Roberts
Roth
Schaefer
Seiberling
Sensenbrenner
Shumway
Skelton
Smith, Denny
Stump
Walgren
Watkins
Weaver
Weber
Weiss
Williams (MT)
Wylie
Yatron

NOT VOTING—8

Biaggi
Dymally
Heftel
Martinez
Nichols
Oxley
Penny
Stokes

Messrs. LATTA, SEIBERLING, MURPHY, SKELTON, and BEDELL changed their votes from "yea" to "nay."

So (two-thirds having voted in favor therof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to make certain amendments to sections 4, 13, 14, 15, and 15B of the Securities Exchange Act of 1934."

A motion to reconsider was laid on the table.

□ 1530

EXPANSION OF BOARD OF VETERANS' APPEALS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing this bill, H.R. 2936.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 2936, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 423, nays 2, not voting 7, as follows:

[Roll No. 121]

YEAS—423

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—2

Jacobs
Paul

NOT VOTING—7

Biaggi
Cooper
Dymally
Heftel
Martinez
Nichols
Oxley

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1550

U.S. INTERNATIONAL TRADE COMMISSION, CUSTOMS SERVICE, AND TRADE REPRESENTATIVES OFFICE AUTHORIZATIONS, 1984

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2602, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 2602, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 45, not voting 7, as follows:

[Roll No. 122]

YEAS—380

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Broyhill
Bryant
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers

Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crockett
D'Amours
Daniel
Daschle
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hamilton
Hammerschmidt
Hance
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Shannon
Sharp
Shaw
Shelby
Sikorski
Simon
Sisisky
Skeen
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—45

Badham
Brown (CO)
Burton
Byron
Cheney
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
DeWine
Dreier
Dyson
Emerson
Gekas
Gingrich
Gramm
Hall, Ralph
Hall, Sam
Hansen (ID)
Hansen (UT)
Hartnett
Hopkins
Hubbard
Jones (OK)
Martin (IL)
McDonald
Parris
Paul
Petri
Roberts
Schaefer
Sensenbrenner
Shumway
Shuster
Siljander
Skelton
Slattery
Smith (NE)
Smith, Denny
Solomon
Stenholm
Stump
Walker
Watkins
Weber

NOT VOTING—7

Biaggi
Dymally
Gilman
Heftel
Martinez
Nichols
Oxley

Mr. SKELTON changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPEAL OF WITHHOLDING OF TAX FROM INTEREST AND DIVIDENDS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2973.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ROSTENKOWSKI) that the House suspend the rules and pass the bill, H.R. 2973, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 41, not voting 9, as follows:

[Roll No. 123]

YEAS—382

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boggs
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Cooper
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Dreier
Duncan
Durbin
Dwyer
Dyson
Eckart
Edgar
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (NC)
Martin (NY)
Mavroules
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Myers
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oakar
Oberstar
Olin
Ortiz
Ottinger
Owens
Packard
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Porter
Price
Pursell
Quillen
Rahall
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Savage
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich

Walgren	Williams (MT)	Wyden
Walker	Williams (OH)	Wylie
Watkins	Wilson	Yatron
Weaver	Winn	Young (AK)
Weber	Wirth	Young (FL)
Wheat	Wise	Young (MO)
Whitehurst	Wolf	Zablocki
Whitley	Wolpe	Zschau
Whittaker	Wortley	
Whitten	Wright	

NAYS—41

Beilenson	Foley	Pickle
Bennett	Goodling	Pritchard
Berman	Jeffords	Rangel
Boehlert	Levin	Rostenkowski
Boland	Lowry (WA)	Sabo
Conable	Markey	Sawyer
Conyers	Martin (IL)	Seiberling
Coyne	Matsui	Shannon
Crockett	Mazzoli	Solarz
Downey	McHugh	Stark
Early	Miller (CA)	Waxman
Edwards (AL)	Murtha	Weiss
Edwards (CA)	Obey	Yates
Erlenborn	Panetta	

NOT VOTING—9

Biaggi	Heftel	Oxley
Carper	Martinez	Ray
Dymally	Nichols	Rose

□ 1550

Mr. McNULTY changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

H.R. 500 was laid on the table.

PERSONAL EXPLANATION

Mr. ROSE. Mr. Speaker, on rollcall 123 on H.R. 2973 I was in the cloakroom talking on the telephone when I should have been on the floor voting and I missed the vote to repeal the withholding tax on interest and dividends. Anticipating a lot of grief from my constituents as to why I did not vote for it, I want the RECORD to show clearly I was an original cosponsor of that legislation and sincerely am in favor of its passage, and I am happy that it did.

PERSONAL EXPLANATION

Mr. CARPER. Mr. Speaker, like my colleague from North Carolina, on rollcall 123 I was called from the floor and was inadvertently absent. Had I been present I would have voted in favor of the repeal, and previous to that I had signed a discharge petition.

ANDREI SAKHAROV DAY

The SPEAKER pro tempore. The pending business is the question of the passage of the Senate joint resolution, Senate Joint Resolution 51.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the passage of the Senate joint resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. RUSSO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 12 as follows:

[Roll No. 124]

YEAS—420

Ackerman	Davis	Hatcher
Addabbo	de la Garza	Hawkins
Akaka	Dellums	Hefner
Albosta	Derrick	Hertel
Alexander	DeWine	Hightower
Anderson	Dickinson	Hiler
Andrews (NC)	Dicks	Hillis
Andrews (TX)	Dingell	Holt
Annunzio	Dixon	Hopkins
Anthony	Donnelly	Horton
Applegate	Dorgan	Howard
Archer	Dowdy	Hoyer
Aspin	Downey	Hubbard
AuCoin	Dreier	Huckaby
Badham	Duncan	Hughes
Barnard	Durbin	Hunter
Barnes	Dwyer	Hutto
Bartlett	Dyson	Hyde
Bateman	Early	Ireland
Bates	Eckart	Jacobs
Bedell	Edgar	Jeffords
Beilenson	Edwards (AL)	Jenkins
Bennett	Edwards (CA)	Johnson
Bereuter	Edwards (OK)	Jones (NC)
Berman	Emerson	Jones (OK)
Bethune	English	Jones (TN)
Bevill	Erdreich	Kasich
Bilirakis	Erlenborn	Kastenmeier
Bliley	Evans (IA)	Kazen
Boehlert	Evans (IL)	Kemp
Boggs	Fascell	Kennelly
Boland	Fazio	Kildee
Boner	Feighan	Kindness
Bonior	Ferraro	Kogovsek
Bonker	Fiedler	Kolter
Borski	Fields	Kostmayer
Bosco	Fish	Kramer
Boucher	Flippo	LaFalce
Boxer	Florio	Lagomarsino
Breaux	Foglietta	Lantos
Britt	Foley	Latta
Broomfield	Ford (MI)	Leach
Brown (CA)	Ford (TN)	Leath
Brown (CO)	Forsythe	Lehman (CA)
Broyhill	Fowler	Lehman (FL)
Bryant	Frank	Leland
Burton	Franklin	Lent
Byron	Frenzel	Levin
Campbell	Frost	Levine
Carney	Fuqua	Levitas
Carper	Garcia	Lewis (CA)
Carr	Gaydos	Lewis (FL)
Chandler	Gejdenson	Lipinski
Chappell	Gekas	Livingston
Chappie	Gephardt	Lloyd
Cheney	Gibbons	Loeffler
Clarke	Gilman	Long (LA)
Clay	Gingrich	Long (MD)
Clinger	Glickman	Lott
Coats	Gonzalez	Lowery (CA)
Coelho	Goodling	Lowry (WA)
Coleman (MO)	Gore	Lujan
Coleman (TX)	Gradison	Luken
Collins	Gramm	Lundine
Conable	Gray	Lungren
Conte	Green	Mack
Conyers	Gregg	MacKay
Cooper	Guarini	Madigan
Corcoran	Gunderson	Markey
Coughlin	Hall (IN)	Marlenee
Courter	Hall (OH)	Marriott
Coyne	Hall, Ralph	Martin (IL)
Craig	Hall, Sam	Martin (NC)
Crane, Daniel	Hamilton	Martin (NY)
Crane, Philip	Hammerschmidt	Matsui
Crockett	Hance	Mavroules
D'Amours	Hansen (ID)	Mazzoli
Daniel	Hansen (UT)	McCain
Dannemeyer	Harkin	McCandless
Daschle	Harrison	McCloskey
Daub	Hartnett	McCollum
McCurdy	Pursell	Spratt
McDade	Quillen	St Germain
McDonald	Rahall	Staggers
McEwen	Rangel	Stangeland
McGrath	Ratchford	Stark
McHugh	Ray	Stenholm
McKernan	Regula	Stokes
McKinney	Reid	Stratton
McNulty	Richardson	Studds
Mica	Ridge	Stump
Michel	Rinaldo	Sundquist
Mikulski	Ritter	Swift
Miller (CA)	Roberts	Synar
Miller (OH)	Robinson	Tallon
Mineta	Rodino	Tauke
Minish	Roe	Tauzin
Mitchell	Roemer	Taylor
Moakley	Rogers	Thomas (GA)
Molinari	Rose	Torricelli
Mollohan	Rostenkowski	Towns
Montgomery	Roth	Traxler
Moody	Roukema	Udall
Moore	Rowland	Valentine
Moorhead	Roybal	Vander Jagt
Morrison (CT)	Rudd	Vandergriff
Morrison (WA)	Russo	Vento
Mrazek	Sabo	Volkmer
Murphy	Savage	Vucanovich
Murtha	Sawyer	Walgren
Myers	Schaefer	Walker
Natcher	Scheuer	Watkins
Neal	Schneider	Waxman
Nelson	Schroeder	Weaver
Nielson	Schulze	Weber
Nowak	Schumer	Weiss
O'Brien	Seiberling	Wheat
Oakar	Sensenbrenner	Whitehurst
Oberstar	Sharp	Whitley
Obey	Shaw	Whittaker
Olin	Shelby	Whitten
Ortiz	Shumway	Williams (MT)
Ottinger	Shuster	Williams (OH)
Owens	Sikorski	Wilson
Packard	Siljander	Winn
Panetta	Sisisky	Wirth
Parris	Skeen	Wise
Pashayan	Skelton	Wolf
Patman	Slattery	Wolpe
Patterson	Smith (FL)	Wortley
Paul	Smith (IA)	Wright
Pease	Smith (NE)	Wyden
Penny	Smith (NJ)	Wylie
Pepper	Smith, Denny	Yates
Perkins	Smith, Robert	Yatron
Petri	Snowe	Young (AK)
Pickle	Snyder	Young (FL)
Porter	Solarz	Young (MO)
Price	Solomon	Zablocki
Pritchard	Spence	Zschau

NAYS—0

NOT VOTING—12

Biaggi	Kaptur	Shannon
Brooks	Martinez	Simon
Dymally	Nichols	Thomas (CA)
Heftel	Oxley	Torres

□ 1600

So the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL DIGESTIVE DISEASES AWARENESS WEEK

The SPEAKER pro tempore. The pending business is the question of the passage of the joint resolution, House Joint Resolution 226.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution (H.J. Res. 226) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 13, answered "present" 1, not voting 10, as follows:

[Roll No. 125]

YEAS—408

Ackerman	Donnelly	Ireland
Addabbo	Dorgan	Jacobs
Akaka	Dowdy	Jeffords
Albosta	Downey	Jenkins
Alexander	Dreier	Johnson
Anderson	Duncan	Jones (NC)
Andrews (NC)	Durbin	Jones (TN)
Andrews (TX)	Dwyer	Kaptur
Annunzio	Dyson	Kasich
Anthony	Early	Kastenmeier
Applegate	Eckart	Kazen
Archer	Edgar	Kennelly
Aspin	Edwards (AL)	Kildee
AuCoin	Edwards (CA)	Kindness
Badham	Edwards (OK)	Kogovsek
Barnard	Emerson	Kolter
Barnes	English	Kostmayer
Bartlett	Erdreich	Kramer
Bateman	Evans (IA)	LaFalce
Bates	Evans (IL)	Lagomarsino
Beilenson	Fascell	Lantos
Bennett	Fazio	Latta
Bereuter	Feighan	Leach
Berman	Ferraro	Leath
Bethune	Fiedler	Lehman (CA)
Bevill	Fields	Lehman (FL)
Bilirakis	Fish	Leland
Bliley	Flippo	Lent
Boehlert	Florio	Levin
Boggs	Foglietta	Levine
Boland	Foley	Levitas
Boner	Ford (MI)	Lewis (CA)
Bonior	Ford (TN)	Lewis (FL)
Bonker	Forsythe	Lipinski
Borski	Fowler	Livingston
Bosco	Frank	Lloyd
Boucher	Franklin	Loeffler
Boxer	Frenzel	Long (LA)
Breaux	Frost	Long (MD)
Britt	Fuqua	Lott
Brooks	Garcia	Lowery (CA)
Broomfield	Gaydos	Lowry (WA)
Brown (CA)	Gejdenson	Lujan
Brown (CO)	Gekas	Luken
Broyhill	Gephardt	Lundine
Bryant	Gibbons	Lungren
Burton	Gilman	Mack
Campbell	Gingrich	MacKay
Carney	Glickman	Madigan
Carper	Gonzalez	Markey
Carr	Goodling	Marlenee
Chandler	Gore	Marriott
Chappell	Gradison	Martin (IL)
Chappie	Gramm	Martin (NC)
Cheney	Gray	Martin (NY)
Clarke	Green	Matsui
Clay	Gregg	Mavroules
Clinger	Guarini	Mazzoli
Coats	Gunderson	McCain
Coleman (MO)	Hall (IN)	McCandless
Coleman (TX)	Hall (OH)	McCloskey
Collins	Hall, Ralph	McCollum
Conable	Hamilton	McCurdy
Conte	Hammerschmidt	McDade
Conyers	Hance	McEwen
Cooper	Hansen (UT)	McGrath
Corcoran	Harkin	McHugh
Coughlin	Harrison	McKernan
Courter	Hartnett	McKinney
Coyne	Hatcher	McNulty
Craig	Hawkins	Mica
Crane, Daniel	Hefner	Michel
Crane, Philip	Hertel	Mikulski
Crockett	Hightower	Miller (CA)
D'Amours	Hiler	Miller (OH)
Dannemeyer	Hillis	Mineta
Daschle	Holt	Minish
Daub	Hopkins	Mitchell
Davis	Horton	Moakley
de la Garza	Howard	Molinari
Dellums	Hoyer	Mollohan
Derrick	Hubbard	Montgomery
DeWine	Huckaby	Moody
Dickinson	Hughes	Moore
Dicks	Hunter	Moorhead
Dingell	Hutto	Morrison (CT)
Dixon	Hyde	Morrison (WA)
Mrazek	Rose	Swift
Murphy	Rostenkowski	Synar
Murtha	Roth	Tallon
Myers	Roukema	Tauke
Natcher	Rowland	Tauzin
Neal	Roybal	Taylor
Nelson	Rudd	Thomas (CA)
Nielson	Russo	Thomas (GA)
Nowak	Sabo	Torres
O'Brien	Savage	Torricelli
Oakar	Sawyer	Towns
Oberstar	Schaefer	Traxler
Olin	Scheuer	Udall
Ortiz	Schneider	Valentine
Ottinger	Schroeder	Vander Jagt
Owens	Schulze	Vento
Packard	Schumer	Volkmer
Panetta	Sharp	Vucanovich
Parris	Shaw	Walgren
Pashayan	Shelby	Walker
Patman	Shumway	Watkins
Patterson	Shuster	Waxman
Pease	Sikorski	Weaver
Penny	Siljander	Weber
Pepper	Simon	Weiss
Perkins	Sisisky	Wheat
Petri	Skeen	Whitehurst
Pickle	Skelton	Whitley
Porter	Smith (FL)	Whittaker
Price	Smith (IA)	Whitten
Pritchard	Smith (NE)	Williams (MT)
Pursell	Smith (NJ)	Williams (OH)
Quillen	Smith, Denny	Wilson
Rahall	Smith, Robert	Winn
Rangel	Snowe	Wirth
Ratchford	Snyder	Wise
Ray	Solarz	Wolf
Regula	Solomon	Wolpe
Reid	Spence	Wortley
Richardson	Spratt	Wright
Ridge	St Germain	Wyden
Rinaldo	Staggers	Wylie
Ritter	Stangeland	Yates
Roberts	Stark	Yatron
Robinson	Stenholm	Young (AK)
Rodino	Stokes	Young (FL)
Roe	Stratton	Young (MO)
Roemer	Studds	Zablocki
Rogers	Sundquist	Zschau

NAYS—13

Bedell	Hansen (ID)	Sensenbrenner
Byron	Jones (OK)	Slattery
Daniel	McDonald	Stump
Erlenborn	Paul	
Hall, Sam	Seiberling	

ANSWERED "PRESENT"—1

Obey

NOT VOTING—10

Biaggi	Kemp	Shannon
Coelho	Martinez	Vandergriff
Dymally	Nichols	
Heftel	Oxley	

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2990, PROVIDING INCREASE IN TEMPORARY PUBLIC DEBT LIMIT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-193) on the resolution (H. Res. 196) providing for the consideration of the bill (H.R. 2990) to increase the temporary public debt limit, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2969, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-194) on the resolution (H. Res. 197) providing for the consideration of the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2915, STATE DEPARTMENT AND RELATED AGENCIES AUTHORIZATION ACT, 1984

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-195) on the resolution (H. Res. 198) providing for the consideration of the bill (H.R. 2915) to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR SUBCOMMITTEE ON HEALTH AND ENVIRONMENT OF THE COMMITTEE ON ENERGY AND COMMERCE TO SIT TOMORROW, MAY 18, 1983, DURING 5-MINUTE RULE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Health and the Environment of the Committee on Energy and Commerce be permitted to sit during the 5-minute rule tomorrow, May 18, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. MADIGAN. Mr. Speaker, reserving the right to object, I do so for the purpose of yielding to the gentleman under my reservation to ask if we will be sitting on the same bill we were working on today.

Mr. WAXMAN. Will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from California.

Mr. WAXMAN. The gentleman is correct.

Mr. MADIGAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California,

There was no objection.

□ 1610

REPORT ON CONCURRENT RESOLUTION APPROVING OBLIGATION AND EXPENDITURE OF FUNDS FOR MX MISSILE PROCUREMENT

Mr. MURTHA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-196) on the concurrent resolution (H. Con. Res. 113) approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode, which was referred to the Union Calendar and ordered to be printed.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Veterans' Affairs.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., May 10, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Section 5004 of Title 38, United States Code, requires that the Committee on Veterans' Affairs adopt a resolution approving major medical construction projects and leases of $500,000 or more proposed by the Veterans Administration for each fiscal year. The House Committee on Veterans' Affairs met on May 10, 1983, and authorized the construction and leasing of various projects in Fiscal Year 1984.

A copy of the Resolution adopted by the Committee and a listing of the projects authorized are attached.

Sincerely,

G. V. (SONNY) MONTGOMERY,
Chairman.

ALL IS NOT QUIET ON THE WESTERN FRONT

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, in August of 1814, a British fleet arrived in Chesapeake Bay to capture the Federal City. On the 24th of that same month, Rear Adm. George Cockburn led his men up Capitol Hill.

Entering at the west front of this great edifice, they charged up a spiral staircase and into the old House Chamber only yards from here.

Cockburn jumped into the Speaker's chair, calling his troops around him.

Mocking the processes of our representative Government, he asked the soldiers, "Shall this harbor of Yankee democracy be burned? All for it say 'aye.' "

The admiral's motion carried, and this magnificent building—perhaps the most widely recognized edifice on Earth—a building which has come to symbolize the ideals and history of our Nation—was nearly burned to the ground.

Only a violent thunderstorm saved the building from complete destruction.

But can that same west front survive an act of Congress?

The west front is the only original facade of the Capitol that is still visible. Designed and built nearly 200 years ago, it has survived the British assault of 1814, a fire in 1851, 200 years of Washington's scorching summer heat and freezing winters, and the sprawling expansion of the Capitol.

Two and a half weeks ago, 16 blocks of Aquia Creek sandstone fell from the west facade and the push to extend rather than restore the front was renewed in earnest.

Proponents of extension say that entombing the existing wall in steel and marble is the only way to provide sufficient support for the Capitol's massive cast iron dome. To reinforce this argument, if not the front itself, in 1968 the Architect of the Capitol placed wooden beams alongside the pillars that hold up the west front portico and two enormous buttresses against the exterior foundation. Capitol employees were discouraged from painting the west front stones.

The result is an even more desolate appearance at this neglected portion of the Capitol, helping to create the impression that millions should be spent to keep it from falling down.

But the extension is not really needed. In 1971, the Congress appropriated $250,000 to hire one of the most prestigious architectural engineering firms in the country, Praeger, Kavanagh & Waterbury, to determine whether the front should be expanded. Their conclusion? That the structure is sound; that it is not in any danger of collapse, and that it could be restored at a reasonable cost.

So why alter the Capitol's appearance? Why bury the last visible portion of the original Capitol? Perhaps each Congress or each Architect is tempted to make its own mark on the Capitol.

At a recent meeting of the Commission on the West Central Front of the U.S. Capitol, it was even suggested that an extended front could accommodate a new dining room.

Mr. Speaker, we are talking about nearly 200 years of history at the west front.

The west front's distinct proportions and contours would be destroyed by expansion. The dramatic shadows across the corridors connecting the sprawling wings on either side would be gone. But most damaging of all, the great dome would be dwarfed by an extended facade.

President Abraham Lincoln was asked by John Eaton of Ohio how he could justify the construction of the dome while the Capitol itself was being used as a hospital for the wounded soldiers of the Civil War. "If the people see the Capitol going on," Lincoln said, "it is a sign that we intend the Union shall go on."

If we trade that glimpse of our history for a protruding extension and a dining room or a few square feet of office space, surely someday historians are going to wonder just what sort of philistines served in the 98th Congress.

Mr. Speaker, entombment is not preservation. We do not need to extend the Capitol's west front, we need to restore it.

THE BUDGET PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 30 minutes.

Mr. WALKER. Mr. Speaker, earlier today during the 1 minute that opened the session, we heard a rather lengthy discussion from a significant number of Democrats, particularly some in the leadership, about the problem of budget deficits that we face in this country.

They made quite a point of the fact that President Reagan needed to become a part of the budget process so that we could bring down those budget deficits.

Well, I for one would hope that the President would be very careful as he became a part of the budget process. The President has already performed his part of the budget process. Early this year he sent a budget to Capitol Hill. From here on it is our responsibility. We are the ones who are supposed to do the job now of enacting a budget proposal.

In this House, we have done that job. We enacted probably the most irresponsible budget in many years in this House earlier in this year. It was brought before us by the majority caucus; it was brought on to the floor, there was no real bipartisanship about it. It was a Democratic political document, it was labeled as such. It was a totally irresponsible budget calling for massive spending increases and also calling for massive tax increases.

Well, that final point about tax increases is the reason why we are now hearing so much talk from the Democrats about the President getting involved in the processes. The President has made it very clear that he is not about to impose additional taxes on the American people. He is not going to be a part of a budget process that ends up imposing additional taxes on the American people. And he has made that point clearly on several occasions.

Now, as we draw into the budget process we find that the Democrats and some of the Republicans on the Senate side are saying that "well, the President needs to become involved, we want to work this out, we want to compromise." The compromise, I must say, means higher taxes. That is what the President refuses to go along with. The President is right. Whenever the Democrats, whenever the liberals begin to talk about doing something about deficits, what they mean is, "We want to spend more money so we want more taxes."

And that is precisely what is taking place today. They will not consider significant spending cuts. The President has made it clear that he is willing to work with Congress to find areas in which we can cut the budget. That is the way in which we should bring about a decrease in those budget deficits. Everybody is concerned about that; $200 billion deficits are totally unacceptable.

The question is, How do you get rid of deficit budgets and at the same time maintain the momentum of economic recovery? If you raise taxes you certainly do not maintain the momentum of economic recovery. There is no way the economy can recovery as long as you are pulling money out of the economy to give to Government, that is true whether it is deficit money or it is tax money. Either way you destroy the economic recovery.

Now, I hope that I am not correct but I just have the feeling that there are some on Capitol Hill who have as their base political desire to kill the economic recovery. They are concerned about 1984.

They see the economy beginning to look healthy and they are beginning to say, "What can we do to make certain that the President does not have a strong, healthy economy to run on next year?"

One of the best things you could do would be to raise taxes. The other good thing that you could do would be to flesh out spending proposals and send more and more spending out into the country to set inflation back off.

Either one of those or both of those would certainly help undermine and perhaps destroy the economic recovery. Too often I see proposals being brought to this floor that have that kind of impact. I hope that the base behind them is not an avowed intent to destroy the economic recovery.

We do know, however, and it was said in the 1 minute speeches today that what the Democrats really want to do is they want to raise taxes.

□ 1620

There is no doubt about that, that that is a feature of their economic program. It was a part of their budget. The biggest tax increase in history would be involved in the budget that they put forward here this year.

I think that it is something that needs to be recognized by the American people that this is something which has not just this year, but it was last year, too. Last year we had the same process take place. And the Democrats said along the way, "Mr. President, you have got to compromise with us. We have got to come up with a compromise budget. It will be healthy for the country."

And that is exactly what we came up with, the so-called compromise budget. It was supposed to be a compromise between spending cuts and tax increases. It ended up being mostly tax increases and very few spending cuts. In fact, the ratio was about 3 to 1, tax increases to spending cuts.

What was included in that tax increase proposal? It was $100 billion in new taxes. Included in that tax proposal that ultimately came down the pike because the Democrats, the Democratic leadership here in this House insisted on more taxes in last year's budget, what ultimately came out of that was the withholding on interest and dividends.

Now here we were on the House floor today correcting a problem that was created in the so-called compromise atmosphere on the budget last year. Last year's compromise produced the correction that we have to make today. It was a lousy policy. Withholding on interest and dividends was a lousy policy from the beginning. It should have been corrected here on the floor today. But where it came from was out of the budget process where we insisted on $100 billion in new taxes in this body and then had to pass bills to implement it. What was passed was that bill that included the withholding on interest and dividends and that lousy policy was finally recognized and the House voted overwhelmingly to get rid of today. That is what should have been done.

But we should not get into the same process this year that produced that wrong policy last year, because what is planned for this year, if we go along with this idea of a compromise proposal that includes tax increases, are taxes which are much worse than the withholding on interest and dividends.

For example, the Democratic Study Group came out with a list of proposals of what they would intend to do, how they would intend to raise taxes if we were going to implement the budget that they passed earlier.

I think the American people ought to understand what they were talking about. For example, what they want to do is repeal the third year of the tax cut. Repealing the third year of the tax cut means that they are going to impose new taxes on who? The rich? They keep talking about the wealthy tax cut. No. Seventy-six percent of the third year tax cut goes to people who earn less than $50,000 a year. In other words, it is the low- and middle-income people who are going to pay the penalty of that tax increase that they are talking about. And that would be terribly wrong.

They also talked about repealing indexing. Seventy-eight percent of all the benefits from indexing go to people who earn less than $50,000 a year. So once again, the Democrats intend to impose their tax increases on low- and middle-income America. They intend to say to low- and middle-income America, "We want to spend more so you have got to pay more."

In addition, that does not get them anywhere close to the money they need to support their budget, what they want to do is cap the mortgage deduction. In other words, all you homeowners out across America, I hope that you are not paying more in mortgage interest than their cap would impose, because you are going to end up paying additional taxes. Once again, the wealthy can afford to pay that kind of additional tax. They can afford the big mortgages. Most middle-income America cannot though. Low- and middle-income America are going to be the ones who will suffer from that kind of proposal. And that was on their list.

What else did they want to do? Well, they want to reverse the estate tax changes that took place a couple of years ago in the tax reform bill.

Now everyone in small business and engaged in agriculture in America had better be concerned about that one, because what that says is, "We want to go back to the days when you are paying estate taxes on everything above $180,000 in the estate. For most farmers in this country that meant that the farm had to be sold to pay the estate taxes. For most small businesses in the country, that meant the small business had to be sold in order to pay the estate taxes.

That is the "bad old days" they want to go back to. And I say that is also a penalty on the people in this country who can least afford it.

In addition, they talked about in that program eliminating the deduction for State and local taxes. In other words, all of the people in this country who are already overburdened by the kind of State and local taxes that they

have to pay, in addition to massive Federal taxes, now the Federal Government would be saying that you cannot write off your State and local taxes against your Federal tax.

Once again the prime penalty of that is going to be on low- and middle-income America.

The point is that when the Democratic leadership comes to this floor and talks about doing something about the deficit, that is what they are talking about. They are talking about the kind of tax changes that would place an onerous burden on the working people of this country who have had too many burdens placed on them already.

The hope of economic recovery is to take some of those burdens off the working people. The hope for economic recovery is to allow people to keep some of the rewards of their own hard work. And that is what cannot be understood in this body. Too many people in this body seem to think that every cent earned out there is somehow money which belongs to Government. And what we decide to allow people to keep is a gift from Government.

Well, it is not a gift. That money is earned. It is earned by sweat, it is earned by good hard work. That hard work will produce growth, that growth will produce a booming economy, that booming economy will put people back to work. That is exactly what we want for the future of this country.

Insofar as people in this body are determined to stop that kind of economy recovery, are determined to tax America out of economic recovery, they do a great disservice not only to the present, but to the future.

Therefore, I would hope the President would stand firm. If the President would stand for keeping the economic recovery in place, would stand firm on not taxing the American working people out of the hard-earned benefits of that work, and would stand firm on the principle that the way in which we ought to reduce those deficits is by reducing the growth of Government and if the President stands firm, if the President will begin vetoing the kind of irresponsible legislation this body is all too prone to send him, I think that we can have the kind of economic recovery that will put all America back to work. And that will be a much better day than anything that was suggested earlier today by the Democratic leadership.

SANDINISTAN PROPHECIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 30 minutes.

Mr. BURTON of Indiana. Mr. Speaker, this last week I read an article in the Indianapolis newspaper by Evans and Novak, the political columnists, and I wanted to convey their remarks and their thoughts to everybody in this body.

Mr. Speaker, while politicians in Washington quibble, the Sandinista regime is tightening control over the Marxist-inspired revolution that its comandantes proclaim as the vanguard of upheaval throughout Central America.

Any thoughts that what Sandinista strongman Tomas Borge calls Ronald Reagan's declaration of war will dilute the ideological drive powering the revolution are fantasy. "The revolution's moral imperative and historical character make it inevitable that the energies released here will be universal in all Central America," Interior Minister Borge, one of the top two comandantes, told us in an exclusive interview heady with vintage Marxist rhetoric.

That specifically includes El Salvador, the first offspring of the Cuban and Soviet-supported 1979 Nicaraguan revolution.

Although not everyone agrees, the consensus of informed outsiders, including anti-Sandinista middle-class businessmen who are pulling stakes to join the self-exiled, is that Borge is not exhibiting revolutionary bravado. If that consenus is correct, the United States confronts awesome choices that stretch far beyond Ronald Reagan.

Borge's messianic prophecy of the inevitable spread of revolution is the reverse image of Washington's doubts, so celebrated in the U.S. Congress. Fear and ignorance there of what is occuring in America's Backyard with consequences that both endanger U.S. security and may literally one day transform American society help explain the failures of one administration after another to devise a workable policy.

The root of Borge's confidence, despite a delapidated and worsening economy, is Sandinista power and its sense of destiny.

A member of the Cabinet elaborated. The Cuban revolution was only a "pimple" on Uncle Sam's face, he told us. Nicaragua "is in the center of Latin America. You cannot draw a circle around Nicaragua. We will organize and organize and organize. In 4 years no administration in Washington will be able to do anything."

□ 1630

Willing hands are helping. Cuban teachers regularly visit every landowner's farm and every entrepreneur's shop and factory to indoctrinate children of the campesinos and the workers and teach them how to liberate the adults; in Bulgaria, 5,000 scholarships are being filled by Nicaraguan youths, in Iran, the Ayatollah Khomeini is believed to have offered the Sandinistas $20 million in desperately needed cash; and in Moscow, for a pittance of investment, the Soviet Union has earned large dividends.

A well-connected Managua doctor told us that 20 percent of the active population of 2.7 million is inextricably tied to the revolution and 20 percent is strongly opposed, with the balance disinterested. The 20 percent they control is armed, mobilized, indoctrinated, and ideologically committed, he said. There is no chance of insurrection.

A leading Western diplomat agrees. The word being passed to dissidents, he said, is climb aboard now before the United States pulls out and we do not need you anymore.

The prospect of the United States pulling out hinges on the administration's persistence and courage, and the reverse power of congressional liberals. But the task transcends the gallant struggle of the insurgents and preserving Salvador's democratically elected Government.

Disproving Borge's prophecy by devising a strategy that cannot be denied success is the paramount objective for America. If we are unable to do so, the United States will accept a defeat of statesmanship that will transform North America and end the superpower status of the United States.

As you can tell from this article, there is a commitment on the part of those who would take away freedom in Central America. There must be a like commitment on our part if we are to retain freedom, not only in Central America, but in the United States as well. I fear for the lives and limbs of young American men who will have to be involved in a conflict in Central America if we do not nip this revolutionary attitude in the bud now.

I was at an Armed Forces dinner honoring all of the uniformed services last weekend, and I saw a proud father take his 18- or 19-year-old boy up to a marine colonel and tell him that his boy was joining the Marines. I became a little misty-eyed as I looked at that boy, and thought that one day in the not-too-distant future you and I may be casting a vote deciding to send him to an unnecessary war. And as I sat later, having dinner, I thought about my 8-year-old son, and I thought that I did not want him to be involved in some unnecessary war in Central America. And that is why I think this issue is very, very important to us right now.

I truly believe that if we show the strength that is necessary by giving aid and assistance to our friends in Central America today, we will never have to worry about sending American boys to fight and die there in the future. But we must act now. We must be strong now. We must be decisive now. For if we tarry, we invite tragedy, an unnecessary national tragedy.

Mr. Speaker, I cannot understand why many of our Members are willing to send billions of dollars in military aid to Israel, which I support, to stop the PLO and the Soviet Union in that area when they will not spend much, much less to stop the PLO pilots and the Marxists who openly talk of revolutionizing and taking over Central America, which is right on our front doorstep.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

● Mr. CORCORAN. Mr. Speaker, I was unavoidably absent due to commitments in Illinois on Thursday, May 12, for five of the votes. Had I been present for the votes during consideration of the Department of Energy civilian research and development authorization bill, H.R. 2587, I would have voted:

"Aye" on the committee amendment barring expenditure of funds for the Clinch River breeder reactor unless specifically provided in legislation (rollcall No. 112);

"No" on the amendment redirecting $5 million in funding for construction of the Vitreous State Laboratory at Catholic University of America from the National Center for Advanced Materials at Lawrence Berkeley Laboratory and the Stanford Linear Accelerator Center (rollcall No. 113);

"Aye" on the amendment to reduce by $310 million the amount by which the bill exceeds the administration's budget request (rollcall No. 114);

"No" on the amendment redirecting $5 million for construction of a National Center for Chemical Research at Columbia University by reducing other authorizations, including those for general science and research—which encompasses high-energy physics—and for magnetic fusion, by a total of $5 million (rollcall No. 115); and

"Nay" on passage of the bill (rollcall No. 116) in light of the degree to which it exceeds the administration's request.●

CHICAGO'S 17TH ANNUAL GREEK AMERICAN PARADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, in March, I was proud to join many of my colleagues on the floor of the House of Representatives in commemoration of Greek Independence Day—the day, 162 years ago, when the Greeks won their freedom from the Turkish Empire.

On May 14, this stirring event was celebrated in Chicago, and Chicago's Greek Americans proved once again that their pride in Greek independence and culture is exceeded only by their enthusiasm for displaying and celebrating both. I was delighted to join them on the reviewing stand for this special event. The 1983 parade included 38 decorative floats which portrayed the many aspects of Greek history and culture, and which focused on Greek heritage 1983's theme: "Chicago's Hellensism: 150 years."

Those on the reviewing stand also included United Hellenic American Congress national chairman, Andrew A. Athens; His Grace Bishop Iakovos, Greek Heritage 1983 general chairman, Thomas Kapsalis; Ambassador Nicolas Karandreas of Greece; the Honorable Neil Hartigan, the attorney general of Illinois; the Honorable Nicholas Melas, president of the Metropolitan Sanitary District of Greater Chicago; and the Honorable Paul S. Sarbanes, U.S. Senator from Maryland and grand marshal of the parade.

Excerpts from the press release issued by the United Hellenic American Congress regarding the parade, in addition to the calendar of events of Greek Heritage 1983 as well as names of the leaders of these events in Chicago, follow:

The Annual Greek American Parade is perhaps the most structured of the ethnic parades with a thematic content projected in three sections. The first section focuses on the Greek contribution to freedom through the ages; the second highlights the cherished ideals and institutions of Western culture which had their structured beginnings in Greece; the third, on the occasion of our city's 150th anniversary, dwells on the presence of the Greek in Chicago ever since Fort Dearborn days.

Also reigning over the parade is Greek Heritage '83 Queen Marilyn Hatz of Arlington Heights and her court: Angie Andreou of Niles, first runner-up; Dena Dayiantis of Chicago, second runner-up; Diana Karanikas of Oak Park, third runner-up; and Marianne Damianides of Chicago, fourth runner-up.

"We're very enthusiastic about the 1983 parade," says parade coordinator, George L. Canellis. "There will be excellent participation from our Greek-American community. The Chicago Metropolitan area has always supported our showing of ethnicity with pride and vigor."

May is a busy month for Greek Heritage '83. The many events that project the Greek community's presence in Chicago focuses on the parade but also is highlighted by other cultural and social events:

A Greek Folklore festival will be held May 15 at the Rosemont Horizon.

A Greek Heritage Program hosted by the Hellenic Society of DePaul University at the Schmitt Academic Center, 2323 North Seminary, Chicago, on May 19—will present "El Greco and Nikos Kazantzakis", a documentary film produced by renown author Nestor Matsas, and a lecture on "Greeks in American Literature" by Professor Alexander Karanikas.

Aristotle: "The Teacher of the Ages", a documentary film produced by renown author Nestor Matsas will be shown on May 22, 12:30 p.m. at Holy Trinity Greek Orthodox Church.

The annual U.H.A.C. banquet on Sunday May 22, always a stellar event, this year honors the Hellenic Foundation, an impressive institution in the Greek Community with a multiplicity of humanitarian involvement. The banquet will be held at 5:30 p.m. in the Grand Ballroom of the Conrad Hilton Hotel.

Greek Heritage '83 winds up May with a youthful flourish as the Second Annual Junior Olympics will be held May 28-29 at Ss. Constantine & Helen Greek Orthodox Church, and A. A. Stagg High School in Palos Hills.

Queen Contest, April 24th: Sunday 1:00-5:00 PM, Knickerbocker Hotel, 163 E. Walton, Chicago.

Concert of Byzantine Hymnology, April 24th: Sunday 7:00 PM, Annunciation Cathedral, 1017 N. LaSalle St., Chicago. "St. John Damascene" League of Chanters—Stamatis Troulos, Director. Presented by: Greek Orthodox Diocese of Chicago.

Panayiola Art Exhibit, April 30th-May 14th: Saturday 7:00 PM, National Bank of Greece 168 N. Michigan Ave., Chicago. Opening Reception Presented by The Greek Women's University Club.

Greek Festival, May 12th: Thursday 12:00 noon, Richard J. Daley Plaza, Chicago Civic Center. Featuring: Lyceum Dancers of Greece from Kalamata; Cultural Society of Kalamata Rebetiki Compania of Athens; Domna Samiou Folk Music.

Greek Heritage Night, May 12th: Thursday 7:00 PM, St. Andrews Greek Orthodox Church Auditorium, 5649 Sheridan Road, Chicago. Featuring: A double-screen slide presentation titled "Continuities-Origins in Greece Realities in America" (in Greek with English summaries) by Leon Marinaka.

Greek-American Parade, May 14th: Saturday 1:00 PM, from Wacker Drive down Michigan Avenue, Chicago. This year the parade commemorates Greek Independence and culture with a focus on Chicago's Hellenism: 150 years, U.S. Senator Paul S. Sarbanes is Grand Marshall. The parade thematic structure is:

(1) Introduction. (2) The Greek contribution to freedom. (3) Western culture has its structured beginnings in Greece. (4) Chicago's Hellenism: 150 years. (5) The 1983 Queen and her court.

Greek Folklore Festival, May 15th: Sunday 5:30 PM, Rosemont Horizon, 6920 N. Mannheim Rd., Rosemont. Featuring: A festival of Greek dance and music by: Lyceum Dancers of Greece from Kalamata; Cultural Society of Kalamata; Rebetiki Compania of Athens; Domna Samiou Folk Music. Presented by: Neo Kyma Messinias in conjunction with the municipality of Kalamata, Greece.

El Greco and Nikos Kazantzakis, May 19th: 7:00 PM, Schmitt Academic Center, Theatre Auditorium, DePaul University, 2323 North Seminary, Chicago. Dr. Alexander Karanikas speaks on "Greeks in American Literature:" El Greco and Nikos Kazantzakis, a documentary film produced by renown author Nestor Mastas; Apollo Dancers will perform. Presented by The Hellenic Society of DePaul University.

Aristotle: "The Teacher of the Ages", May 22nd: Sunday, 12:30 PM, Holy Trinity Greek Orthodox Church, Auditorium 6041 W. Diversey Ave., Chicago. A documentary film produced by renown author Nesto Matsas. Presented by Hellenic Society of Kastritans.

OHAC Annual Banquet, May 22nd: Sunday 5:30 PM, Conrad Hilton Hotel, 720 S. Michigan Ave., Chicago. Honoring the Hellenic Foundation on its 30th Anniversary.

Junior Olympics, May 28-29th: Saturday/Sunday, 9:00 AM, Locations: A. A. Stagg High School, 8015 W. 111th Palos Hills; Ss. Constantine & Helen Greek Orthodox Church, 111th & Roberts Rd., Palos Hills; Presented by: The Greek Orthodox Diocese of Chicago.

Ahepa 13th District Convention, May 28-30: Hyatt Regency Hotel-Woodfield, 1800 E. Golf Road, Schaumburg. General Chairman—Peter N. Mantzoros.

Ahepa Supreme Convention, August 7-14: Hyatt Regency Hotel, 151 E. Wacker Drive, Chicago. General Chairman, A. Steve Betzelos.

Committee chairmen.

Honorary Chairmen: His Eminence Archbishop Iakovos, His Grace Bishop Iakovos, The Hon. Emmanuel Wlardis, Consul General of Greece, Andrew A. Athens, National Chairman, United Hellenic American Congress.

General Chairman: The Hon. Thomas Kapsalis.

Greek Independence Celebration: Dr. Fotis Litsas, Chairman; Mary Orphan, Co-Chairwoman.

Queen Contest Coordinators: Jean Costopoulos, Co-Chairwoman: Georgia Kakis, Co-Chairwoman.

Panayiota Art Exhibit: Nancy Canellis, Co-Chairwoman; Roula Boorazanes, Co-Chairwoman.

Greek Festival: Thomas J. Costopoulos, Chairman; Tom Sotiropoulos, Co-Chairwoman.

Greek Heritage Night: Yiannis Lambrou, Chairman.

Parade Coordinators: George L. Canellis, Chairman; Maria Culhane, Co-Chairwoman.

Greek Folklore Festival: Takis Economopoulos, Co-Chairman; Tom Sotiropoulos, Co-Chairman.

Uhac Annual Banquet: Andrew A. Athens, General Chairman.

Junior Olympics: Fr. Kosmas Karavellas, Youth Commission Diocese of Chicago.

Publicity: James Nicholas, Chairman.

Fund Raising: Pete P. Parthenis, Chairman.

Greek Heritage '83 at DePaul University: Andrew T. Kopan, Ph. D. Coordinator.

Greek Heritage '83 in Chicago, is the umbrella name of this year's series of events that will project the Greek community's presence in Chicago. Seventeen years ago there was only one event—a parade. The annual heritage celebration is now a coordinated effort of numerous events presented over a three month period. 1983 marks the 150th birthday of Chicago, and the most visible event of Greek Heritage '83—the annual Greek-American Parade remembers that anniversary. It does so with a special linkage—the presence of Americans of Greek descent in our great city. The Greek-American community of Chicago is the second largest in the country. Although most Greeks came to Chicago in large numbers in the last decade of the last century and the early decades of this one, almost from the beginning Greek traders walked in the shadow of Fort Dearborn. Since then the Greek community has grown and prospered and today its members play key roles in the metropolitan area in civic, social, business, educational and religious life. Greek Heritage '83 is not only a statement of self-awareness and contributions of color and fun; it is above all else a statement of a meaningful and dynamic presence in all dimensions of Chicagoland's existence. And in making that statement, Greek Heritage '83 is saying how grateful we are to be a part of that existence. We invite all to share our heritage in the spirit of brotherhood and love.

Mr. Speaker, the parade is a memorial to those of Greek ancestry who have given their lives to secure the basic freedoms enjoyed by humanity throughout the world and it is a pleasure for me to extend greetings to Americans of Greek heritage in the 11th Congressional District, which I am proud to represent, as well as those in all of Chicago on the occasion of their Independence Day parade.●

ENVIRONMENTAL COMMONSENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, John M. Parker, president of the American Association of Petroleum Geologists, recently shared an article entitled "Environmental Commonsense" with me. I have read Mr. Parker's comments, and I believe they are informative, interesting, and timely to the debate in this Nation over energy policy. I submit his comments into the CONGRESSIONAL RECORD and urge my colleagues to study Mr. Parker's views. The geologists of America are the trailblazers in our efforts to find more oil and gas, and we should all listen closely to their thoughts on our Nation's future.

ENVIRONMENTAL COMMONSENSE

(By John M. Parker)

The United States needs action now to have sufficient oil and gas in 1991, ony nine years away. Since 1950, the United States has had about 25-39 billion barrels of proved oil reserves at the end of every year even though we have used 2-6.8 billion barrels of oil (including imports) annually. Until 1979, the amount we used increased each year. Each year since 1950 we depending on future demand and the amount of imports.

Contrary to our estimates, we have not run out because we, as petroleum geologists, have skillfully continued to find oil, gas and minerals. It is our responsibility to work and plan to find that oil and gas over a very long lead time—5-25 years before significant production can begin.

In 1983 there is surplus foreign oil productive capacity. It is a glut for them, but there is no shut-in oil capacity in the United States. Why? Our oil is much cheaper than foreign oil. There is surplus natural gas productive capacity in the United States today, and natural gas wells are shut in. But because of federal regulations the price of natural gas to consumers has been rising.

For geologists to continue to find oil and gas, we must have unexplored lands to lease—and in large quantities. As our ideas progress, we lease and explore those leases. To what extent we are able to do so depends on the flow of geologic ideas, competition in the marketplace and economic factors.

TWO AREAS FOR ACTION

Many potential oil and gas producing areas are restricted by laws, regulations or administrative actions that prevent exploration and/or development. Some have been designated as wildlife refuges, wilderness or wilderness study areas. Two specific examples of areas of potential resources where we need to seriously rethink our laws and weigh the benefits are in Alaska and New Mexico.

One is the Arctic National Wildlife Refuge (ANWR) on the Alaskan North Slope. This area is one of the most promising regions in the world for the occurrence of large oil and gas fields. I am urging Congress to pass an amendment to the ANWR bills to provide for competitive leasing of those lands with the lease terms designed to encourage bidding, drilling and development.

The second is the Bitter Lake National Wildlife Refuge in New Mexico. These lands are within a large developing gas field. I urge the Congress to nullify the administrative decision that made the northern Bitter Lake area a "wilderness" area. I ask Congress to direct the Secretary of the Interior to designate all federal lands to which the United States owns the mineral rights in the Bitter Lake areas as "within a known geologic structure." That legal designation means the lands are within, or adjacent to, an oil or gas field and that the lands may not be leased by simply filing an application but by competitive bidding only. The money burdens of our nation's people will be relieved by receiving bonuses, royalty and tax income from this gas production.

Our nation needs these resources.

DEFINING A WILDERNESS

Just what is a wilderness area? The Wilderness Act of 1964 (P.L. 88-577) designates a wilderness as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain." It is further defined as an area "retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable" and which may also contain "ecological, geological or other features of scientific, educational, scenic or historical value" (author's emphasis).

As geologists, we care for and wish to preserve the natural beauty of our wilderness areas. But most assume that since we are concerned about oil, gas and mineral recovery that we are not concerned about this land. Far from it. I personally give speeches and write papers calling for population control. I work for environmental protection and preservation. I work to prevent waste, to conserve energy and to look to and build for the future.

Congressmen and governors frequently ask, "Can we explore, drill and produce without substantial and permanent alternations to the site or its surroundings?" In nearly all cases, the answer is a resounding yes. In other words, we can work within the parameters set up by the wilderness law.

Oil, gas and mineral recovery have always required use of the land during the production period. But the amount of land used is very small, and the land need not be permanently altered. The truly wild and spectacu-

lar wilderness areas are rarely prospects for oil and gas. Only very small portions of the total wilderness lands will produce valuable resources. The temporary alternations we make are nothing compared to those made by ski and recreation areas whose parking lots and sewage disposal systems are built in our national forests and parks.

Some people ask, "Why don't geologists go somewhere else and explore?" or "Why don't you go somewhere else to develop this oil or gas field?" If we kept going somewhere else, oil and gas in this country would be so expensive, there would be no domestic production. Our search consists of ever-narrowing areas. The discovery of a large field provides oil and gas economically because there are lower costs in developing the field. It is economic disaster not to develop what we know is there—and to insist that geologists search somewhere else.

Few of us understand how all-pervasive are our needs and uses of oil, gas and minerals. A senior senator from Minnesota was berated by a bright young woman because he wanted more iron mining. She did not want the Minnesota earth disturbed by holes. "I came to your office on a bicycle." she said, implying that other vehicles used up natural resources and polluted the earth. "Madam," responded the senator, "your bicycle came from a hole."

AN ARCTIC DESERT

The northern coastal plain of Alaska is a desert. The annual precipitation averages four to five inches per year. There is little rain and very little snow. The highest temperature ever recorded was 78° F.; the lowest was −58° F. At Barrow, the average date of the last killing frost in the spring is July 4, and the average date of the first killing frost in the fall is July 21. In the brief summer, the sun shines 24 hours a day. In the long winter, it never rises, and temperatures stay below −30° F. for months at a time.

Part of this coastal plain desert has been designated by Congress as the Arctic National Wildlife Refuge (ANWR). There is little wildlife except mosquitoes, flies and small flightless insects known as collembolas. Almost 60,000 of these creatures have been counted in one square meter of wet tundra along with as many as 17,000 mites. The mites grow into parasites which keep the caribou population from becoming too large for the available food supply.

But the ANWR is worth exploring. In 1943, Wallace E. Pratt, one of the world's premier geologists and a former president of the American Association of Petroleum Geologists, wrote in Haprer's magazine, "Oil in the Arctic awaits the advance of civilization upon this, the last of our geographical frontiers. Conspicuous evidences of petroleum confront us throught this region: prolific seepages in the rocks of Alaska; other seepages and a major oilfield on the mainland of Canada; seepages on various Canadian Arctic islands; seepages and oil wells at frequent intervals along the entire Arctic Coast of Siberia. But only the forward-looking Russians have availed themselves so far of these potential sources of fuel and energy. Perhaps the rest of us have yet to grasp the fact that the Great Ice Age is already behind us. We escaped its extreme advance at the end of the Pleistocene only 'by the skin of our teeth,' according to Thornton Wilder's colorful drama, but now at length we should have pulled ourselves together sufficiently to begin to follow up its retreat and to reclaim for mankind the vast empire released to us by the return of the sun to the 'friendly Arctic.'"

In 1961, John F. Kennedy appointed Stewart L. Udall as Secretary of the Interior. Udall wanted to encourage oil exploration on the Arctic North Slope, but oil companies had no incentive to move seismic crews into that forbidding area. Exploration and production costs would be high; a company or group of investors would have to search large amounts of country and discover a very large field to justify building a transportation system to the market. Besides, there seemed little market at the time.

To complicate matters, oil and gas leasing regulations prohibited any individual or company from holding more than 246,080 acres in any one state under lease or option. If oil or gas were found, U.S. leases carried a large—12.5 percent—royalty. Any return on this high-risk investment would be years away.

Udall negotiated a development contract with British Petroleum Exploration Co., which went into effect Jan. 30, 1962. The contract covered 564,135 acres and included a work commitment. BP agreed to spend a specified amount on seismic work. This was the first North Slope seismic work since the U.S. Navy had ceased operations in 1953. BP had to commence a deep test well by July 1, 1964. (The well would prove dry.) For four years, wildcatting continued at a declining rate; all the holes were dry. The first new hit, made in 1968 at Prudhoe Bay, turned out to be North America's largest oil field.

NINE YEARS TO MARKET

In 1968, the Prudhoe Bay oil field interest holders began plans to construct a pipeline from the field to an ice-free port in south-central Alaska to transport the oil to market. A winter road was begun in the south running north to Prudhoe so that materials could be moved on the ground rather than by air or sea.

Lawsuits and lobbying efforts of environmental groups increased against both pipeline construction and leasing. From 1969 to 1972, operators waited on approval from the Department of the Interior to construct a pipeline. Pipeline permits were delayed by lawsuits. The federal land freeze which began in 1966 continued; as a result, field and wildcat drilling declined sharply.

A federal district court ruling in 1972 in favor of the pipeline was appealed, but the appeals court failed to make a decision that year. Only three exploratory holes were drilled on the entire North Slope in 1973, each of which cost from $6 million-$55 million. All were dry.

Congress, to stop environmental group litigation, finally passed a law authorizing pipeline construction. The president gave approval in November 1973, and work began. The legislation contained provisions which effectively stopped further legal action to delay construction. Oil started flowing through the pipeline June 20, 1977 and reached Valdez July 28. It had taken nine years to make the trip. Today, that oil is flowing to us—and without destruction of the area.

WORKING THE NORTH SLOPE

The 1980 Congress continued to fund their own government oil company to obtain more seismic work and to do more drilling on the North Slope. Between 1974-80, Americans spent $750 million in Naval Petroleum Reserve No. 4 looking for oil. The U.S. Navy handled the program from 1974-77, and the USGS ran the company from 1977-80. The government's score was unspectacular. The Navy had seven dry wildcats; the USGS had 29. (They had done little better in 1943-53 when they drilled 37 test wells and found three oil and six gas accumulations. Only two of those fields had any size, and even those two were not of commercial size.)

In 1979, Secretary of the Interior Cecil Andrus withdrew 110 million acres in Alaska from entry or development for three years. President Carter classified 56 million acres of the land as National Monuments and declared them permanently withdrawn. These withdrawals covered large areas in the southern part of the North Slope. In 1980, Congress debated the future status of the northern part of the ANWR. The USGS testified that there might be large amounts of undiscovered oil there and that seismic work would have to be done and wildcat wells drilled. Congress passed the Alaska National Interest Lands Conservation Act (ANILCA) to allow for seismic exploration on a portion of the ANWR coastal plain after December 1982 and following a two-year wildlife study. The law prohibited further exploration, leasing or drilling.

The area designated for seismic work within the ANWR covers approximately 1,900 square miles. A 1.5 x 1.5-mile grid of vibroseis seismic data could be acquired by four crews in the field during one winter season. The cost of acquiring and interpreting this seismic data is estimated at $75 million-$100 million. The program would be conducted after freeze-up in winter and before breakup in the spring, thus avoiding any conflict with the period of caribou migration across the coastal plain of the ANWR. Migratory birds and waterfowl would not be present in the area while the program was being conducted.

If seismic work were completed in the winter of 1983-84, lease sales could be held in the fall of 1984. The lease tracts should be large with a standard onshore royalty of 12.5 percent. If there were oil or gas in sufficient quantities to be commercial, and if the first wildcat drilling started in the winter of 1985, the first production might be shipped between 1992 and 1995.

BITTER LAKE NATIONAL WILDLIFE REFUGE

The Pecos River near Roswell, N.M., is a small stream with little, if any, water flowing at the surface. The river botton contains salt cedar, mesquite, a few cottonwoods and willows. The uplands on either side of the river have little vegetation—a little salt bush, mesquite, alkali sacaton and black gramma grass. A lot of water may come down the Pecos in the early fall if there is excess water to be released from reservoirs in the mountains to the north. Occasional heavy thunderstorms result in flash floods.

The Pecos River valley is a very minor flyway for migrating birds. Because of the poor quantity and quality of vegetation and lack of water, wildlife and migratory birds are not common.

The Bitter Lake Wildlife Refuge northeast of Roswell started as a concept to attract more migratory waterfowl. Land was available for purchase by the United States in two spots— a north and a south unit. To attract waterfowl, holding ponds had to be bulldozed out and elaborate dikes built. Since ponds in the north unit did not hold water, larger ponds were built on the south unit. A parking area was built for duck hunters near the southernmost holding pond.

Then the north unit was administratively designated a "wilderness." Existing roads were bulldozed over so the land would meet

the legal "roadless" standards of wilderness. Since a natural gas pipeline bisected the area, the new wilderness administrators issued a new easement for the pipeline and its maintenance.

This area had already been recognized as a source of gas. As of Nov. 1, 1982, about 400 gas wells had been completed in this general Pecos Valley area. Gas production occurs at about 4,000 feet. It costs about $275,000 to complete a gas well.

In January Yates Petroleum Corp. drilled a test, which is a 640-acre offset (in Chaves County) north of a recently completed well. This well south of Yates' test is on a federal lease and had an initial potential of 1.3 million cubic feet per day. The mineral rights on the Yates location belong to the state of New Mexico. The people of New Mexico would have suffered drainage—and thus loss of income—from the offsetting well on federal land if the Yates well had not been drilled.

If there are only 100 productive 160-acre locations in the two Bitter Lake units and 1 billion cubic feet of gas per well of ultimate recovery, then the Bitter Lake National Wildlife Refuge lands might have 100 billion cubic feet of gas under them. At $5.20 per thousand cubic feet, this recoverable gas is worth $520 billion. Our royalty share (the federal government's) is 12.5 percent or $65 million. Half of that royalty is paid to the state; this would amount to $32.5 million. In addition, the state and Chaves County would collect directly 11 percent—$57.2 million—in state and local taxes on gross production. If those hundred wells are not drilled, we are not using commonsense. All of us will lose money, to say nothing of the jobs and income created by the drilling of the wells.

WHERE FROM HERE

In January 1983, the United States used about 13.6 million barrels of oil a day (4.9 billion barrels a year). Including products, we imported almost 5 million barrels from Mexico, Indonesia, Nigeria, the North Sea, Venezuela, Saudi Arabia and other Middle East countries. That means that even with an economic recession and improved conservation, we have been—and still are—dependent upon other countries for our existence. We will remain vulnerable unless we are able to maintain or improve our production.

Discovery of one large field could help tremendously. Last year, Prudhoe Bay alone produced 1.54 million barrels a day. We do not expect to find many giant fields such as Prudhoe Bay. The odds against finding a field that will produce a significant amount of oil or gas (i.e., 1 million or more barrels of oil or 10 million or more cubic feet of gas) in its lifetime of 3-50 years are staggering. Only one out of 51 wildcats will yield that amount or more.

We do expect to find some big fields, however, and a tremendous number of little ones. But we do not know what the costs will be nor the price that oil will have to bring. We do know that we must proceed now to seek, find and produce for the future, This is not an easy job and not for the faint-hearted. If we develop our resources sanely and economically, we will maintain America's internal and external security; we will provide jobs and income for our people. If we do not, we will have no future.●

A TRIBUTE TO THE LATE JOHN R. SWEENEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. ROE) is recognized for 5 minutes.

● Mr. ROE. Mr. Speaker, on May 9 last I lost a dear friend, the world lost a real human being, and all of us lost a man who had much to contribute when John R. Sweeney, a former official at the Bethlehem Steel Corp., and a man who was just entering a new and exciting phase of his career as a Government consultant, died unexpectedly.

It was my pleasure to know Mr. Sweeney a number of years and know the contributions he had made during that period of time to develop cordial relationships between the legislative and the executive branches of the Government and one of our major steel corporations. Men like John Sweeney who are unsung make a fantastic contribution to the day-by-day nuts and bolts operation of our Government. He and men and women like him are the reason this Government and democracy are so effective. I and his countless friends will miss him. Our lives, however, have been enriched by the fact that this unassuming but outspoken and friendly individual touched them.

Mr. Speaker, I include a press release on the death of John R. Sweeney:

WASHINGTON, D.C., May 11.—John R. Sweeney, 55, a former official at Bethlehem Steel Corporation, died May 9 at his home in Annapolis, Md. He was the husband of Barbara (Russell) Sweeney.

Mr. Sweeney retired on September 30, 1982, as director of special projects in Bethlehem Steel Corporation's federal government affairs division in Washington, D.C. He had previously served as assistant manager in the division and had 24 years of service with Be"ılehem.

Born in Worcester, Mass., Mr. Sweeney attended public schools in Long Island, N.Y. He entered the U.S. Marine Corps in 1945 and remained on active duty until 1955.

He entered Ohio University in Athens, Ohio, doing both undergraduate and graduate work in government and economics. Mr. Sweeney received a bachelor of arts degree with honors in February 1958 and continued graduate studies until the summer, when he joined Bethlehem Steel's Loop Course, management training program for college graduates, and was assigned to the Washington, D.C., office. He was named assistant manager in 1966.

Over the years Mr. Sweeney had been active in the areas of taxes and environmental quality control. He was a member of the American Iron and Steel Institute (AISI), and had served as chairman of its steel container solid waste committee. He had served on various other committees of the AISI, National Association of Manufacturers and the Chamber of Commerce of the United States.

Mr. Sweeney was a member of the Congressional Country Club and the University Club of Washington.

In addition to Mrs. Sweeney, surviving are two daughters, Ann and Jane and a son, Mark, all at home.

A memorial service will be held at 9:30 a.m. on May 13 at St. Mary's Church, 109 Duke of Gloucester Street, Annapolis, Md.

In lieu of flowers, contributions may be made to St. Mary's Church Building Fund.●

ESTABLISHING A BUREAU OF LANGUAGE SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am today reintroducing legislation which I hope will improve the quality of the translation and interpretation services available to the State Department and other Federal agencies. This bill, which would create a Bureau of Language Services in the State Department, is an attempt to address the serious deficiency in our Nation's language skills which has been noted by the President's Commission on Foreign Language and International Studies as well as other interested groups.

The importance of translators and interpreters in the conduct of American foreign policy is critical. Diplomats are concerned as few others are with the nuances and implications of language. It is the task of the interpreter to convey difficult subtleties of meaning, often while dealing with complicated concepts and delicate negotiations. Mistakes can be both embarrassing and costly. Recall, as an example, President Carter's message to the Polish people that he "lusted" for them, when in fact he merely "desired" to be their friend. Translators and interpreters provide the crucial link by which our actions and intentions are communicated to the rest of the world and, in turn, their views are made known to us. Clearly, that link must remain strong.

Barbara Gamarekian, writing in the New York Times, has provided a vivid description of the critical role of the State Department linguist:

The diplomatic interpreter is an intrinsic part of the high-wire act of international diplomacy, bringing to the job skills that go far beyond a simple translation of words. Interpreters must deal under great pressure with [large] egos and with issues as momentous as disarmament and hostages in Iran. They must know the latest technological and economic terms, must somehow convey puns, must communicate emotions, gestures and diplomatic politeness.

But despite the need for higly skilled linguists who can carry out this function efficiently, translation and interpretation services are currently buried—literally and figuratively—in the bureaucratic hierarchy of the State Department. There are a total of 17 bureaus in the Department, of which one of the largest is the Bureau of Administration. Located in a base-

ment office, under the jurisdiction of this Bureau, is the Language Services Division. Operating from this obscure office, a cadre of some of the most highly trained professionals in our Government must act as a liaison between the United States and the variety of foreign powers and foreign languages with which we interact.

The need which my legislation addresses is clear. Our linguists must have greater and more direct access to those they serve—the President, the Secretary of State, and others. Their office must have the visibility and consideration it deserves if it is to operate effectively and attract the most highly qualified individuals. Simply put, translation and interpretation services are vital to the smooth operation of our foreign policy, and we cannot afford to ignore them.

My bill addresses this problem by creating a new post within the State Department of the Assistant Secretary for Language Services. This Assistant Secretary would be responsible for the administration of a new Bureau of Language Services. Bureaucratic reform will not solve the problem completely, but neither can we allow the administrative structure of the State Department to hinder our language specialists from performing a crucial job.

Mr. Speaker, the final report of the President's Commission, on which both I and Congressman PAUL SIMON—who is introducing this legislation with me today—served, characterized our Nation's incompetence in foregin languages as scandalous. Admiral Bobby Inman, a former Deputy Director of the CIA with a lifetime's experience in intelligence work, has testified that decisive action is needed on the Federal level to improve the status of foreign languages in this country. Most recently, former U.S. Ambassador to Italy Richard Gardner wrote in the New York Times Magazine in March of the shocking neglect of our foreign language programs. Unless we take action now, our growing deficiency in language skills will ultimately lead to a less effective diplomatic corps, a severely handicapped intelligence apparatus, and American businesses and industries which are unable to compete in foreign markets. This legislation will not cure all these ills, but it is an important and necessary first step.

I would like to include the full text of my bill at this point for my colleagues' reference:

H.R. 3029

A bill to improve the translation and interpretation services available to the United States Government by providing for the establishment within the Department of State of a Bureau of Language Services, to be headed by an Assistant Secretary

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds and declares that—

(1) the availability of competent linguists for translation and interpretation services is an essential prerequisite for the effective conduct of United States foreign policy, and is moreover vital to the Nation's commercial ventures abroad and foreign intelligence gathering activities;

(2) there is a critical and growing gap between the needs of United States Government agencies for foreign language specialists and the available supply of such specialists, and this problem is aggravated by the lack of prominent career paths for linguists in the agencies of the United States Government;

(3) the ability of linguists presently employed by the United States Government to provide translation and interpretation services in a highly competent and proficient manner is impaired by their subordinate status within the administrative structure of the Department of State and other agencies; and

(4) more than twenty-five agencies of the United States Government utilize the services of foreign language specialists, and there is a need for greater coordination between these agencies to avoid duplication of work and promote the use of uniform methods of translation.

(b) There is established in the Department of State, in addition to the positions provided under the first section of the Act of May 26, 1949 (22 U.S.C. 2652), an Assistant Secretary of State for Language Services, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall be the head of a Bureau of Language Services and shall be responsible for—

(1) improving the translation and interpretation services available to the President, the Department of State, and the Foreign Service;

(2) providing a clearinghouse for the collection and dissemination of information on translation and interpretation services, including the availability of linguists, among all of the agencies, of the United States Government;

(3) emphasizing the importance of foreign language skills to United States economic and diplomatic objectives, and promoting the study of key foreign languages by United States citizens through enhancing the role of foreign language specialists in the United States Government; and

(4) avoiding duplication of work, and promoting the use of uniform methods of translation, by the various agencies of the United States Government which engage in translation activities.

(c)(1) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"Assistant Secretary for Language Services, Department of State.".

(2) The amendment made by paragraph (1) of this subsection shall take effect on October 1, 1983.●

A TRIBUTE TO LAWRENCE A. PEZZULO, EXECUTIVE DIRECTOR, CATHOLIC RELIEF SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 5 minutes.

● Mr. ALEXANDER. Mr. Speaker, I wish to express my appreciation to the board of 14 American bishops who last week selected Lawrence A. Pezzulo to be executive director of Catholic Relief Services. As the New York Times noted May 14, 1983, in its article on the appointment, Mr. Pezzulo becomes the first layman to head the agency in the 40 years of its honorable service to the world.

To know Mr. Pezzulo is to understand why the board would break with tradition, for he is a man rich in intellect, morality, and political insight—with that determination of character which enable these qualities to be translated into effective and compassionate policies.

Larry Pezzulo has served his country well as a career diplomat in Latin America. As Ambassador to Nicaragua during a time of stress and revolution, he earned the respect of all factions in that country's civil war while safeguarding our own Nation's interests.

Mr. Pezzulo's understanding of the problems of Central America is as deep as it is wide, and his unusual ability to articulate his views has been of invaluable aid to many of us in the Congress who are now attempting to shape a bipartisan consensus toward that area of the world.

And now this reservoir of wisdom will be at the service of all mankind through the auspices of the Catholic Relief Services. The Catholic Church deserves the congratulations of all of us.

The article follows:

LAYMAN IN CHARGE OF CATHOLIC RELIEF

(By Kathleen Teltsch)

After a year long search, Catholic relief Services has appointed a career diplomat as its executive director, the first layman to head the 40-year-old foreign-aid agency.

Hundreds of candidates, both clerics and laymen, were considered before a board of 14 bishops agreed on the diplomat, 57-year-old Lawrence A. Pezzullo of Cabin John, Md.

Mr. Pezzullo's career in foreign service was spent almost entirely in developing countries, particularly in Latin America.

He was United States Ambassador to Uruguay from 1977 to 1979 and then in Nicaragua until August 1981, when he retired from government. He was then named a diplomat in residence at the University of Georgia under a State Department program that places senior diplomats on college campuses.

AGENCY OPERATES IN 70 COUNTRIES

Catholic Relief is the largest private overseas-aid agency. Last year it operated programs in 70 countries, helping 14 million people with $325 million in emergency aid and development assistance. The agency channeled $171.6 in commodities provided by the United States Government.

Mr. Pezzullo said the problems of the poorer nations posed the greatest challenge to world stability.

"What I see, on the one hand, is a burgeoning population and increasing expectations," Mr. Pezzullo said in an interview, "but also finite resources that have not kept

pace with demands—and also a leadership throughout the world that has great difficulty in dealing with these problems."

Mr. Pezzullo has criticized the Reagan Administration's policy in Central America and said it "substituted posturing for thoughtful policy."

While Ambassador to Nicaragua in the Administration of Jimmy Carter, he said, he advised building bridges with members of the new Sandinist leadership after the ouster of President Anastasio Somoza Debayle and urged the Administration to continue aid. Mr. Pezzullo stayed on for some months after the Republican Administration took over and adopted a tougher position toward the Nicaraguan Government.

A PRACTICING ROMAN CATHOLIC

Mr. Pezzullo described himself at a practicing Roman Catholic who has not held any church-related office in the past.

He was born in New York and grew up in the Bronx. He served with the United States artillery in Italy. He returned home with no real vision of a life work, he said, and after graduating from Columbia spent six years teaching in Levittown. L.I. He left teaching and joined the Government, beginning a foreign service career that took him earlier to Mexico, Bolivia, Columbia and Guatemala.

The post of executive director has been held previously by three leading churchmen and most recently by Bishop Edwin B. Broderick, who will join the board overseeing the aid agency.

Because much of the supplies and the assistance for transporting them comes from Washington, Bishop Broderick and others have voiced concern about Catholic Relief becoming overly dependent on government or being linked too closely with American political aims.

Virtually all of the 1,200 workers abroad are laymen, and a small number in Central America have resigned for a variety of reasons, including complaints that the agency's New York headquarters was insufficiently responsive to the perceptions of officials working in the field. Mr. Pezzullo said he was aware of those sentiments, but was not prepared to comment now.

The choice of Mr. Pezzullo was made in part because the board members wanted an executive director with strong administrative experience, which he likely had as an ambassador in charge of large embassies, said Bishop Daniel P. Reilly, who is chairman of the selection board. He added that "board members also wanted an official with international experience in third world countries." The decision also reflected the spirit of the Second Vatican Council that laity should be involved more actively in the church, he asaid.

Other officials familiar with the year-long search for a director said Mr. Pezzullo was favored also because the board of bishops regarded him as both a capable administrator and a man of political shrewdness who would be adept at dealing with foreign governments.●

THE SOVIET THREAT: ANOTHER CONSERVATIVE'S VIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker. In an important article that recently appeared in the Washington Post, Lord Peter Carrington, the first foreign minister in Margaret Thatcher's conservative government, adds his voice of reason and conservatism to the raging, often bitter, debate over the nature of the Soviet threat to the West. It might surprise a few of my colleagues, Mr. Speaker, that Lord Carrington does not hold the view that the Western Alliance is weak and in imminent danger of collapse. On the contrary, it is his opinion that it is the East and the Soviet empire that are decaying. The United States and the Western Alliance are in fact healthy and supported by superior political, economic, and military systems. The Soviet system, which is based on an antiquated political and economic ideology, is sliding into a slow crisis. Carrington is confident that the Soviet system is doomed to collapse, but its demise will take years and perhaps decades.

The military might of the East is still considerable and, Carrington advises, it would be a mistake to try to butt heads with the Soviets. A policy of confrontation, given the Russian obsession with internal and external security, is risky and probably counterproductive. A combination of negotiation, pursued always from a position of calm confidence in our superiority, and firm resolve on the part of the Alliance will help insure peace and enhance the prospects for greater freedom for those under Soviet domination.

Mr. Speaker, Lord Carrington's conservative credentials are well established. Therefore, I would hope that my colleagues who have been supportive of the administration's gunboat diplomacy might take time to consider Carrington's call for a more constructive foreign policy. I am placing the article in the CONGRESSIONAL RECORD for those who have missed it:

LOOK AGAIN: IT'S THE WEST THAT'S STRONG, MOSCOW THAT'S WEAK

(By Lord Carrington)

(Peter Carrington, the Rt. Hon. Lord Carrington, was the first foreign minister in Margaret Thatcher's conservative government in Britain. This article was adapted from the Alastair Buchan Memorial Lecture that Lord Carrington recently delivered in London.)

We live in excitable times. Just last year, the NATO alliance seemed quite a different organization from the one we have today. Then the commentators were measuring the cracks not with sensitive seismographs, but with Six-foot rulers.

Some took a grim satisfaction in charting the decline and imminent fall of an organization which had allegedly lost it sense of purpose: lost the arms race, lost the initiative in East-West relations, lost all hope of inner cohesion, and was about to lose the German people and the American Congress.

The Russians have a proverb: When reminded of some tiresome episode in the past, they say, "That was a long time ago, and it was never true anyway."

In point of fact last year's NATO is pretty well the same organization as this year's—except that is is bigger now that we have Spain; it is better armed; and it is more united. It has not come through some appalling crisis and survived by the skin of it's teeth.

The alliance rests on a tripod: It needs strong democratic societies and economies to match; it needs a sound and suifficient military deterrent; and lastly—and this to some extent subsumes the first two—it needs a vision of the future and a practical policy to pursue that vision. The first two legs of this tripod are reasonably firm, but the third is shakier.

We do not lack the weapons or the will to deter or to defend. Nor should we lack the confidence in the future of Western democracies. But we do lack a positive political strategy for dealing with the Soviet Union. It is this failure of concerted definition which causes the trouble. In its absence the alliance can be thrown temporarily off-balance by some essentially peripheral problem.

I am not going to propose a brand new policy. There is no need; the elements for an effective strategy are already there. But I am going to try to draw them together, and suggest ways in which a more confident and consistent strategy can bind the alliance more closely together. We need such a strategy, not just for its own sake, but to reassure our own people and our friends in the world that our policy on East-West relations is clear, cogent, and in safe and responsible hands.

The origins of the alliance are inextricably intermeshed in the postwar economic and political nexus. In the late '40s, the stability of Western Europe was under threat from the inside while its external security was challenged by the grim Eastern autocracy of Stalin. Europe at the time was faced with economic and perhaps political collapse, and she was still enfeebled by the virus of disunity and the old antagonisms which had led to two world wars.

The economic, political and military initiatives of the late '40s and early '50s sprang from the same source: the spirit of postwar cooperation and the will to resist. And together they formed a coherent, strategic response. There was a strong defensive element in our postwar actions. We had not yet got the measure of our new adversary, or of our own capacity for recovery.

Today we are entitled to approach our problems, and particularly those of East-West relations, with more self-confidence. We are now in a position of considerable strength, not only militarily, but economically and politically, too.

Confidence should not, of course, shade into complacency. But it is perhaps a good moment to reflect coolly on the strength of the West as well as on our weaknesses, and to compare them with those of the Russians.

Taking stock in this way can be a heartening exercise. True, the West has serious economic and social problems. But our economic malaise is more cyclical than caused by out system, and our social troubles are soluble.

The Russians, by contrast, are subsiding into a slow crisis because of their system. The economy and the ideology of communism are moribund. What we are witnessing in Poland, and imperceptibly in the corpulent body politic of the Soviet Union, is the onset of rigor mortis in a whole system—limb by limb.

It would be a mistake to dramatize the pace or extent of this process, or of its political repercussions in the short term. The

Russian people have reminded us often of their enormous endurance and patience. They endured serfdom under the czars until little more than a century ago. They also endured untold hardships in both world wars.

Nor should we underestimate the efficiency of the vast machine of repression that the Soviet state represents. But there is no longer any doubt about the decline of the East and of the Soviet empire. Moscow is already a decaying Byzantium. But this decay will take place over decades.

The natural response would be to rejoice at the troubles of our adversaries, but we should not rejoice too much, or too soon.

In the first place it would be wrong to neglect the human dimension. None of us takes any pleasure in the poverty and deprivation of the Soviet and Eastern European people.

Then there are the dangers of inertia and complacency. The Soviet Union has built up an awesome military machine and has shown that she is prepared to use it. She still has the means and the motivation to project her power into large areas of the world.

Soviet communism is like a particularly unappealing piece of Victorian architecture. It is a ponderous and deeply unaesthetic structure. When unstable it can be dangerous. But for the moment it is sustained by its own inertia, and would not be an easy job for the demolition expert. To drive at it with a bulldozer would be a bit risky—but death watch beetles can work miracles over the years, without help from outside.

Nor can there be any question of taking a bulldozer to the Soviet empire. We must face squarely the complex moral and political dilemmas developments in Eastern Europe pose for the West. Whatever we do, the Soviet Union will accuse us of subverting these countries. They are bound to say this because they cannot contemplate the enormity of their own failure in the area.

Free societies have a power of attraction of which it would be perverse to be ashamed; we should not be afraid to subvert by example.

Our prime concern must be for the peoples of these countries themselves. We have a historical duty and a political and moral responsibility to uphold their right to freedom and self-determination, but our policy in Eastern Europe, as elsewhere, must be to encourage reform rather than revolution. Sporadic convulsions, ruthlessly put down by the Russians and their clients, cannot be in the interests of the peoples of these countries themselves, not to speak of East-West stability.

But the fact is that there is a limit to what the West can do to influence events there. The Russians must learn, and we must do what we can to teach them over the years, that their security interests are not best served by an endless cycle of repression, but by giving the people of Eastern Europe a voice in their own destiny.

And so it is the open societies of the West which have the real strength—and the responsibilities.

The same is true in the military field. I have a great deal of respect for the technicians of defense, and for soldiers. I used to be one myself. But sometimes I worry. I worry when the solid, simple facts seem to be in danger of erosion by a potent combination of passionate political advocacy and technocratic obscurity.

It is a plain, simple fact that for a third of a century the alliance has succeeded in its primary aim of deterring an attack on Western Europe. This has been achieved by a combination of military strength and political will, as well as by a prudent reluctance by Moscow to engage in such a venture. We must ensure that none of these factors changes, If they do not the prospect of war will remain remote.

But do not let us overlook the size of existing nuclear forces in the West, not to speak of their accuracy. Look, too, at the quality or our conventional forces, and take into account, the advantages enjoyed by the armies of a free alliance compared with the conscripted countries of the Warsaw pact.

As for moral, the British, with European and American support, have just sailed 8,000 miles to protect a handful of their kith and kin on a remote island. Does anyone doubt that we would fight to protect 55 million at home? Or that other members of the alliance would do likewise?

It seems to me extraordinary, and against the dictates of common sense, for anyone to claim that the West in military terms is in danger of sinking to its knees.

Now, my conclusion is not that we can afford to be generous in Geneva. But I am saying that these talks should be conducted in an atmosphere of calm confidence, and that the broader political dimension of East-West relations should be constantly at the forefront of the Western mind. It would be wrong to approach these important negotiations on the military defensive—on the military alert—and for our dialogue with the East to be hagridden by fear of military inferiority.

A third area of Western strength lies in the underlying cohesion of the alliance itself.

It is undeniable that relations between America and Europe have recently been complicated by economic factors. But I do not believe rivalry in agricultural exports or in steelmaking will spell the death of the alliance any more than the famous pipeline proved to be the straw that broke our back. That would be a Marxist analysis, for Marx was of course convinced that economic competition between so called "imperialists" would lead to endless political contention and to recurring wars.

But once again that was a long time ago—and it was never true anyway.

The caricaturists of the Atlantic alliance have had their day; Europe is neither neutralist nor defeatest, and the real America is not tempted by the mirage of isolationalism.

Look at the major countries of West Europe. France is a special but a solid ally, who takes her security responsibilities with the utmost seriousness. She has no anti-nuclear movement to speak of, and her experiment with socialism has left her vision of the realities of Western security needs unimpaired.

The German people have now made their choice freely, and they hardly seem to be racing back to Rapallo. The Italians are as quietly determined as ever. And the British are not exactly a soft touch.

Western governments must seek out the roots of confusion and self-doubt which gave rise to much of this mood [of despair about the alliance], and do their best to dispel it.

We must explain the paradox of Soviet power. It is no good just telling people one moment that the Russians are 10 feet tall, and the next that they have feet of clay.

We must also breed a mood of sober self-confidence about the military balance. We must know ourselves when enough is enough, and we must have the patience as well as the power to dissuade the Russians from their antiquated habits of over insurance.

And finally we must make absolutely clear our belief that arms control is in everyone's self-interest, not only economically but in terms of real security.

As a defensive alliance NATO has been a self-evident success. But it must be an imaginative alliance too. It is not just a pooling of arms, with the Americans throwing in the biggest stake. We must pool our ideas as well, and forge these into sound and consistent policies.

What should these policies be? Hobbes' first law of nature, it is often forgotten, was "to seek peace, and to follow it." It is only the second which gives man the right to self-defense, "by all means we can."

The West must be true to its own values. It is the Leninist tradition which is one of conflict, and not cooperation.

Our own tradition must be for the peaceful resolution of potential conflict through energetic dialogue. The notion that we should face the Russians down in a silent war of nerves, broken only by bursts of megaphone diplomacy, is based on a misconception of our own values, of Soviet behavior, and of the anxious aspirations of our own peoples.

There are those who regard dialogue itself as dangerous—and so it might be if we were talking from a clear position of weakness. But armed as we are, and with the long-term structural advantages the West enjoys, who can possibly claim that this was the case? Talking to an equally heavily armed but far less scrupulous adversary is not a concession: It is common prudence.

The pursuit and exercise of pure power can be very dangerous. Even if it was ever successful in the past—which I am inclined to doubt—such so called realism is no longer realistic in the nuclear age.

Nor can we afford a crude, one-dimensional moralism. John Foster Dulles once said that there could be no question of "a self-serving deal with the despotic leaders of captive peoples." I wonder. The right deals with the right despots can often be in our own interests, as well as those under their yoke.

I am not in favor of negotiations for their own sake. They should achieve results for the West. We should talk to the Russians at every level of the imperative for peace. We have the means and have demonstrated the resolution to give edge to our message.

One of the advantages of talking to people is that you can say clearly and directly, and in private if that is likely to be more effective, exactly what you think. You could, for example, begin by telling the Russians that Afghanistan and Cambodia are intolerable, that they are making a mess of Poland, that we shall counter resolutely attempts to inflame problems in the Third World, and that we shall not be cowed by the SS20's in Europe.

But in our search for solutions we must take into account the nature of our adversary: the history of the Russian people, the obsession of the czars, and now of their communist heirs, with internal and external security. We must also take due account of the legitimate security interests of one of the world's superpowers. But we must make it equally clear that these interests cannot be secured by overriding the sovereignty and personality of other nation states.

Finally, we could make it clear that new opportunities for cooperation could arise if Moscow were to put a stop to expansionism.

One of the basic principles of Western Democracies is the belief in the free market and in free trade. We should be ready to do business with the Russians when it benefits both sides and when the Russians make it possible. Indiscriminate sanctions against the Soviet Union are neither feasible nor desirable.

In any case, it is not our aim to drive the Russians further into nationalistic and militaristic introversion: to give them a pretext for strengthening their economic might over East Europe, or their repression of the aspirations of their own people.

The Soviet leaders must be offered a clear choice between the political and economic confrontation which will inevitably result from continued expansionism, and the prospect of a more positive relationship.

We must see whether they understand the crucial need for political confidence-building measures in arms control, on Afghanistan and Cambodia, on East Europe, and on the treatment of their own people. We should make it clear that any such moves would be matched by a swift and positive Western response.

I am as unsentimental as anyone on international relations, where human nature is rarely shown to its best advantage. But I do believe that a human element is indispensible between nations, as in institutions.

Reflect for a moment on the fact that neither of the present leaders of the superpowers has ever set foot in the sphere of the other. Khrushchev was not my hero. But it is worth recalling the impact on him of the sight of an American grain field.

I am not preaching a return to detente pure and simple. Detente was never pure and simple anyway—though I confess I find it hard to understand how both sides can have lost by it. My guess is that it was either a draw, or that the West won on points.

But it is time for a new approach to East-West relations. Experience has taught us not to harbor illusions about a short-term change of heart in Moscow. We therefore need to achieve at least a change of behavior in the longer term by persistent alliance diplomacy. And it must be a policy that makes maximum use of all the cards in the West's hands: of the stability of the democratic system; of our resolution to maintain our defenses; of our relative economic strength; and of our political confidence, maturity and sense of global responsibility.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OXLEY (at the request of Mr. LOTT), for the week of May 16, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURTON) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 30 minutes, today.

Mr. BURTON, for 30 minutes, today.

Mr. CORCORAN, for 10 minutes, today.

(The following Members (at the request of Mr. FEIGHAN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

Mr. ROE, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BEDELL, on H.R. 2973, in the House today.

Mr. ROSE, immediately following rollcall 123, on H.R. 2973, in the House today.

Mr. CARPER, immediately following vote on H.R. 2973, in the House today.

(The following Members (at the request of Mr. BURTON) and to include extraneous matter:)

Mr. GILMAN.

Mr. SMITH of New Jersey in two instances.

Mr. GUNDERSON.

Mr. CONTE.

Mr. ROGERS.

Mr. RINALDO.

Mr. MOORHEAD in two instances.

Mr. DICKINSON in two instances.

Mr. CAMPBELL.

Mr. LAGOMARSINO in four instances.

Mr. BILIRAKIS.

Mr. YOUNG of Alaska.

Mr. HILER.

Mr. BROOMFIELD.

Mr. FIELDS in two instances.

Mrs. ROUKEMA.

Mrs. HOLT.

Mr. MARRIOTT.

Mr. WHITEHURST.

Mr. MARLENEE.

Mr. SUNDQUIST.

Mr. WOLF in two instances.

Mr. SAWYER.

Mr. BEREUTER.

Mr. MARTIN of North Carolina.

(The following Members (at the request of Mr. FEIGHAN) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. STARK in two instances.

Mr. FROST.

Mr. GEJDENSON.

Mr. FUQUA in five instances.

Mr. MONTGOMERY.

Mr. BARNARD.

Mr. LEHMAN of Florida.

Mr. RICHARDSON.

Mr. SKELTON.

Mr. ORTIZ.

Mr. BORSKI.

Mr. KASTENMEIER.

Mr. PEPPER.

Mr. COLEMAN of Texas.

Mr. FASCELL.

Mr. EDWARDS of California in two instances.

Mr. DINGELL in two instances.

Mr. MCDONALD in five instances.

Mr. ZABLOCKI.

Mr. MURTHA.

Mr. GIBBONS.

Mr. WILSON.

Mr. WIRTH.

Mr. GORE.

Mr. WISE.

Mr. AUCOIN.

Mr. FLORIO.

Mr. EDGAR.

Mr. GARCIA.

Mr. APPLEGATE.

Mr. SIMON.

Mr. SHELBY.

Mr. SYNAR.

Mr. SUNIA.

Ms. KAPTUR.

Mr. HUBBARD.

Mr. HOYER.

Mr. LONG of Maryland.

Mr. FAUNTROY.

ADJOURNMENT

Mr. FEIGHAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 18, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1142. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1983 and amendments to the request for appropriations for fiscal year 1984 (H. Doc. No. 98-62); to the Committee on Appropriations and ordered to be printed.

1143. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed offer to sell certain defense articles to Singapore (Transmittal No. 83-34), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

1144. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed offer to sell certain defense articles to Saudi Arabia (Transmittal No. 83-36), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

1145. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5030, "District of Columbia Construction Codes Adoption Act of 1983," pur-

suant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1146. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles and services to Singapore (Transmittal No. 83-34), pursuant to section 36(b) of the Arms Control Act; to the Committee on Foreign Affairs.

1147. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles and services to Japan (Transmittal No. 83-30), pursuant to section 36(b) of the Arms Control Act; to the Committee on Foreign Affairs.

1148. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed lease of defense articles to the Government of Israel (Transmittal No. 13-83), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1149. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to Saudi Arabia (Transmittal No. 83-36), pursuant to section 36(b) of the Arms Control Act; to the Committee on Foreign Affairs.

1150. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during April 1983, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

1151. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures for the period January 1, 1983, through March 31, 1983, pursuant to section 105(a) of Public Law 88-454, as amended (H. Doc. No. 98-63); to the Committee on House Administration and ordered to be printed.

1152. A letter from the Executive Director, U.S. Naval Sea Cadet Corp., transmitting the audit report of the organization for the year ending March 31, 1983, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1707. A bill to amend the Independent Safety Board Act of 1974 to authorize appropriation for fiscal years 1984, 1985, and 1986, and for other purposes (Rept. No. 98-154, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

[Omitted from the Record of May 16, 1983]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2350. A bill to amend the Public Health Service Act to revise and extend the authorities under that Act relating to the National Institutes of Health and the National Research Institutes, and for other purposes; with amendments (Rept. No. 98-191). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 17, 1983]

Mr. ZABLOCKI: Committee on Foreign Affairs. H.R. 2992. A bill to authorize appropriations for the fiscal years 1984 and 1985 for international security and development assistance and for the Peace Corps, and for other purposes (Rept. No. 98-192). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 196. Resolution providing for the consideration of H.R. 2990, a bill to increase the temporary public debt limit, and for other purposes (Rept. No. 98-193). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 197. A Resolution providing for the consideration of H.R. 2969, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes (Rept. No. 98-194). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 198. A resolution providing for the consideration of H.R. 2915, a bill to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes (Rept. No. 98-195). Referred to the House Calendar.

Mr. ADDABBO: Committee on Appropriations. House Concurrent Resolution 113. Concurrent resolution approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode (Rept. No. 98-196). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDWARDS of California: Committee on the Judiciary. H.R. 2230. A bill to amend the Civil Rights Act of 1957 to extend the life of the Civil Rights Commission and for other purposes; with an amendment (Rept. No. 98-197). Referred to the Committee of the Whole House on the State of the Union.

[Omitted from the Record of May 16, 1983]

Mr. PERKINS: Committee on Education and Labor. H.R. 1036. A bill to provide employment opportunities to long-term unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes; with an amendment (Rept. No. 98-199). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 17, 1983]

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 2909. A bill to amend the Legal Services Corporation Act to authorize appropriations for additional fiscal years, and for other purposes; with an amendment (Rept. No. 98-201). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 2544. A bill to provide an emergency public works jobs program by authorizing the construction of short-term infrastructure repair projects, and for other purposes; with an amendment (Rept. No. 98-202). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2867. A bill to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal year 1984 through 1986, and for other purposes; with an amendment; referred to the Committee on the Judiciary for a period ending not later than June 15, 1983, for consideration of such provisions of the bill and amendments as fall within that committee's jurisdiction pursuant to clause l(m), rule X (Rept. No. 98-198, Pt. I). Ordered to be printed.

[Omitted from the Record of May 16, 1983]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1761. A bill to amend title I of the Marine Protection, Research, and Sanctuaries Act of 1972; with amendments; referred to the Committee on Public Works and Transportation for a period ending not later than July 1, 1983, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee pursuant to clause l(p) of rule X. (Rept. No. 98-200, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPPELL:

H.R. 3022. A bill to improve the method of verifying the income of individuals and families receiving assistance pursuant to the United States Housing Act of 1937; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DELLUMS:

H.R. 3023. A bill to authorize appropriations for procurement, for research, development, test, and evaluation, and for operation and maintenance for the military functions of the Department of Defense for fiscal year 1984, to prescribe personnel strengths for that fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. DICKINSON:

H.R. 3024. A bill to amend the Federal Election Campaign Act with respect to contributions and expenditures by national banks, corporations, and labor unions; to the Committee on House Administration.

By Mr. GIBBONS (for himself and Mr. CONABLE):

H.R. 3025. A bill to amend the Internal Revenue Code of 1954 to repeal the 30-percent tax on interest received by foreigners on certain portfolio debt investments which operates as a tariff to prevent such investments from entering the United States; to the Committee on Ways and Means.

By Mr. GINGRICH:

H.R. 3026. A bill to amend title XVIII of the Social Security Act with respect to purchases and rentals of durable medical equip-

ment; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. OBERSTAR:

H.R. 3027. A bill to amend section 334 of the Social Security Amendments of 1977 to make it clear that the exemption from the public pension offset provisions of title II of the Social Security Act is available to individuals (otherwise qualified for such exemption) who retired or could have retired from public service in the last month of the applicable period prescribed for such exemption, even in cases where the actual payment of the Government annuity or pension involved could not begin until the following month; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 3028. A bill to amend the Internal Revenue Code of 1954 to disregard tax-exempt interest in computing the amount of social security benefits included in income; to the Committee on Ways and Means.

By Mr. PANETTA (for himself and Mr. SIMON):

H.R. 3029. A bill to improve the translation and interpretation services available to the U.S. Government by providing for the establishment within the Department of State of a Bureau of Language Services, to be headed by an Assistant Secretary; to the Committee on Foreign Affairs.

By Mr. SCHULZE:

H.R. 3030. A bill to amend the Revenue Act of 1978 to provide that the inclusion in gross income of certain amounts of unemployment compensation shall not apply to unemployment compensation which is payable by reason of a work stoppage in 1973 but which was not paid until 1979; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. VANDER JAGT, Mr. PICKLE, Mr. SHANNON, Mr. HEFTEL of Hawaii, and Mr. ZSCHAU):

H.R. 3031. A bill to amend the Internal Revenue Code of 1954 to make the credit for increasing research activities permanent; to the Committee on Ways and Means.

By Mr. WOLPE:

H.R. 3032. A bill to amend the authority for the Clinch River breeder reactor project, to authorize appropriations to the Department of Energy for the Clinch River breeder reactor project for fiscal years 1984 through 1990, and for other purposes; to the Committee on Science and Technology.

By Mr. COLEMAN of Missouri:

H.J. Res. 269. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. CONTE:

H.J. Res. 270. Joint resolution to authorize and request the President to designate the week of September 18 through 24, 1983, as "National Cystic Fibrosis Week"; to the Committee on Post Office and Civil Service.

By Mr. KASTENMEIER:

H.J. Res. 271. Joint resolution designating February 11, 1984, "National Inventors' Day"; to the Committee on Post Office and Civil Service.

By Mr. RAY (for himself, Mr. BARNARD, Mr. FOWLER, Mr. ROWLAND, Mr. SOLARZ, Mr. STANGELAND, Mr. STOKES, Mr. WOLF, Mr. SUNIA, Mr. FORD of Tennessee, Mr. KEMP, Mr. CORRADA, and Mr. ACKERMAN):

H.J. Res. 272. Joint resolution designating Mother's Day, May 8, 1983, to Father's Day, June 19, 1983, as "Family Reunion Month"; to the Committee on Post Office and Civil Service.

By Mr. ROSTENKOWSKI:

H. Res. 195. Resolution providing for the return to the Senate of the bill (S. 144) to insure the continued expansion of international market opportunities in trade, trade in services, and investment for the United States, and for other purposes; considered and agreed to.

By Mr. DAUB:

H. Res. 199. Resolution expressing the sense of the House of Representatives that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TORRICELLI introduced a bill (H.R. 3033) for the relief of Margaret Monchak; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mr. GOODLING and Mr. FISH.

H.R. 100: Mr. STARK and Mr. SCHEUER.

H.R. 185: Mr. HOYER.

H.R. 368: Mr. BARTLETT.

H.R. 492: Mr. NEAL, Mr. ANTHONY, Mr. GUARINI, Mr. PATTERSON, Mr. YOUNG of Florida, and Mr. MCDADE.

H.R. 499: Mr. NEAL and Ms. FERRARO.

H.R. 501: Mr. MITCHELL, Mr. GRAY, and Mr. NEAL.

H.R. 507: Mr. RALPH M. HALL, Mr. MARKEY, Mr. BEDELL, Mr. ROE, Mr. WOLPE, Mr. PEPPER, Mr. DOWNEY of New York, Mr. NICHOLS, Mr. WILLIAMS of Montana, Mr. FAZIO, Mr. FROST, Mr. SABO, Mr. HAMMERSCHMIDT, Mrs. SCHROEDER, Mr. WON PAT, Mr. OTTINGER, Mr. HUTTO, Mr. HUGHES, Mr. NEAL, Mr. WIRTH, Mr. GILMAN, Mrs. LLOYD, Mr. SHELBY, Mr. HOWARD, Mr. SMITH of Florida, Mr. RAHALL, Mr. MONTGOMERY, Mr. PRICE, Mr. SUNIA, Mr. LOTT, Mr. GRAMM, Mr. DE LUGO, Mr. DELLUMS, Mr. DONNELLY, Mr. LUNGREN, Mr. MURPHY, Mr. STARK, and Mr. SWIFT.

H.R. 800: Mr. ANDERSON and Mr. LANTOS.

H.R. 822: Mr. BETHUNE, Mr. DASCHLE, Mr. DIXON, Mr. EDWARDS of California, Mr. FLORIO, Mr. GARCIA, Mr. HORTON, Mrs. KENNELLY, Mrs. MARTIN of Illinois, Mr. MINISH, Ms. OAKAR, Mrs. ROUKEMA, Mr. SABO, Mrs. SCHNEIDER, Mrs. SCHROEDER, Mr. SHANNON, Mr. UDALL, Mr. WOLPE, and Mr. YATES.

H.R. 866: Mrs. HALL of Indiana.

H.R. 867: Mrs. HALL of Indiana.

H.R. 869: Mrs. HALL of Indiana.

H.R. 943: Mr. LOWERY of California.

H.R. 1031: Mr. VANDER JAGT and Mr. SYNAR.

H.R. 1077: Mr. SCHAEFER, Mr. WEBER, and Mr. PENNY.

H.R. 1147: Mr. MCKINNEY.

H.R. 1176: Mr. WHITTEN, Mr. AKAKA, Mr. MCCLOSKEY, Mr. LEHMAN of California, Mr. RUDD, Mr. CLINGER, Mr. HARTNETT, Mr. SILJANDER, Mrs. SMITH of Nebraska, and Mr. ADDABBO.

H.R. 1200: Mr. TORRICELLI.

H.R. 1266: Mr. MORRISON of Connecticut, Mr. OWENS, and Mr. HOWARD.

H.R. 1303: Mr. LAGOMARSINO.

H.R. 1315: Mr. BADHAM, Mr. CONTE, Mr. GREEN, Mr. KINDNESS, Mr. PAUL, and Mr. STENHOLM.

H.R. 1510: Mr. COURTER.

H.R. 1581: Mr. LOWERY of California, Mr. LAGOMARSINO, Mr. MCCANDLESS, Mr. PASHAYAN, Mr. HUNTER, Mr. BADHAM, and Mr. CHAPPIE.

H.R. 1599: Mr. PANETTA, Mr. SWIFT, Mr. LEVINE of California, Mr. KILDEE, and Mr. STUDDS.

H.R. 1600: Mr. FIELDS, and Mr. TAUKE.

H.R. 1646: Mr. RAY and Mr. HILLIS.

H.R. 1735: Mr. OTTINGER, Mr. NEAL, and Ms. KAPTUR.

H.R. 1752: Mr. MAVROULES and Mr. MOAKLEY.

H.R. 1817: Mrs. COLLINS.

H.R. 1883: Mrs. COLLINS.

H.R. 1918: Mr. VANDER JAGT.

H.R. 1955: Mr. EDWARDS of Oklahoma and Mr. LEACH of Iowa.

H.R. 1991: Ms. SNOWE.

H.R. 2027: Mr. FASCELL.

H.R. 2053: Mr. MORRISON of Washington and Mr. MCNULTY.

H.R. 2072: Mr. TORRICELLI and Mr. BEREUTER.

H.R. 2073: Mr. SWIFT, Mr. ROBERTS, Mr. KINDNESS, Mr. LEWIS of California, Mr. SENSENBRENNER, Mr. DREIER of California, Mrs. HOLT, Mr. MYERS, Mr. WILSON, Mr. JEFFORDS, and Mr. LAGOMARSINO.

H.R. 2095: Mr. BADHAM.

H.R. 2105: Mr. EDWARDS of California, Mr. VENTO, Mr. ACKERMAN, and Mr. HERTEL of Michigan.

H.R. 2124: Mr. DANNEMEYER, Mr. JEFFORDS, Mr. BARNARD, Mr. LAGOMARSINO, Mr. LUKEN, Mr. MCCURDY, Mr. PENNY, Mr. KASTENMEIER, Mr. SHELBY, Mr. LENT, and Mr. BROWN of California.

H.R. 2136: Mr. FORSYTHE, Mr. KASTENMEIER, and Mr. WEAVER.

H.R. 2164: Mr. DAUB.

H.R. 2204: Mr. BONER of Tennessee, Mr. D'AMOURS, Mr. OBERSTAR, Mr. WHEAT, Mr. WOLPE, and Mr. PANETTA.

H.R. 2235: Mr. NEAL, Mr. MITCHELL, Mr. CORCORAN, Mr. GOODLING, Mr. SCHUMER, Ms. FERRARO, Mr. ADDABBO, Mr. GILMAN, Mr. FISH, Mr. SOLOMON, Mr. HERTEL of Michigan, Mr. MINISH, Mr. MCKINNEY, Mr. STARK, and Mr. MOLINARI.

H.R. 2300: Mr. ACKERMAN, Mr. BERMAN, Mr. BOSCO, Mrs. BOXER, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mr. EVANS of Iowa, Mr. FASCELL, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Ms. MIKULSKI, Mr. MITCHELL, Mr. MRAZEK, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS, Mr. PEASE, Mr. RATCHFORD, Mr. SMITH of Florida, Mr. WALGREN, Mr. WEISS, Mr. WILLIAMS of Montana, and Mr. YATES.

H.R. 2323: Mr. HERTEL of Michigan, Mr. OWENS, Mr. SWIFT, Mr. BEDELL, Mr. SIMON, Mr. JEFFORDS, Mr. FORD of Tennessee, Mr. HORTON, and Ms. OAKAR.

H.R. 2372: Mr. GEJDENSON, Mr. CARPER, and Mr. HOYER.

H.R. 2382: Mr. RITTER, Mr. MOLLOHAN, Mr. WEAVER, Mr. DANIEL B. CRANE, Mr. KRAMER, Mr. FISH, Mr. RALPH M. HALL, Mr. SCHAEFER, Mr. HARTNETT, Mr. NELSON of Florida, Mr. LUJAN, Mr. BREAUX, Mr. SPENCE, Mr. HERTEL of Michigan, and Mr. SPRATT.

H.R. 2447: Mr. GEJDENSON.

H.R. 2449: Mr. UDALL, Mr. SKELTON, Mr. TRAXLER, Mr. DOWNEY of New York, Mr. CROCKETT, Mr. MOLLOHAN, Mr. MORRISON of Connecticut, and Mr. YOUNG of Missouri.

H.R. 2489: Mr. ACKERMAN, Mr. CORRADA, Mr. FORD of Tennessee, Mr. HORTON, Mr. STOKES, and Mr. SEIBERLING.

H.R. 2490: Mr. ASPIN, Mr. TRAXLER, and Mr. WHEAT.

H.R. 2504: Mr. MURTHA.

H.R. 2520: Mr. CROCKETT and Mr. NELSON of Florida.

H.R. 2544: Mr. MCCLOSKEY.

H.R. 2582: Mrs. BOXER and Mr. MITCHELL.

H.R. 2679: Mr. ARCHER, Mr. MICHEL, Mr. KINDNESS, Mr. FORSYTHE, Mr. MILLER of Ohio, Mr. PETRI, Mr. SAM B. HALL, JR., Mr. NICHOLS, Mr. BILIRAKIS, Mr. SMITH of New Jersey, Mr. PEASE, Mr. KASICH, Mr. RINALDO, Mr. GOODLING, Mr. LIVINGSTON, Mr. HORTON, Mr. PORTER, Mr. BADHAM, Mr. PARRIS, Mr. SENSENBRENNER, Mrs. HOLT, Mr. REGULA, Mr. ROGERS, Mr. EVANS of Iowa, and Mr. DAUB.

H.R. 2700: Mr. JEFFORDS and Mr. EDGAR.

H.R. 2702: Mr. GEKAS, Mr. CORCORAN, and Mr. WORTLEY.

H.R. 2715: Mr. EDGAR, Mr. MITCHELL, Mr. SISISKY, and Mr. WYDEN.

H.R. 2723: Mr. SHAW, Mr. DEWINE, Mr. PETRI, and Mr. FISH.

H.R. 2725: Mr. BLILEY, Mr. WEBER, Mr. FAZIO, Mr. MCGRATH, and Mr. HERTEL of Michigan.

H.R. 2752: Mr. OLIN, Mr. DAUB, Mr. WEISS, Mr. TRAXLER, Mr. JEFFORDS, and Mr. PARRIS.

H.R. 2753: Mr. OBERSTAR, Ms. OAKAR, Mr. HOWARD, Mr. KINDNESS, Mr. FRANK, Mr. ROE, Mr. SMITH of Florida, Mr. ADDABBO, Mr. YATES, Mr. KOGOVSEK, Mr. D'AMOURS, and Mr. SIKORSKI.

H.R. 2769: Mr. SENSENBRENNER.

H.R. 2779: Mr. OBERSTAR, Ms. OAKAR, Mr. ACKERMAN, Mr. FRANK, Mr. D'AMOURS, and Mr. STOKES.

H.R. 2814: Mr. STUDDS.

H.R. 2820: Mr. ROE, Mr. FUQUA, Mr. FORSYTHE, Mr. BADHAM, Mr. DAUB, Mr. JEFFORDS, and Mr. HANCE.

H.R. 2835: Mr. CORRADA, Mr. SIMON, and Mr. WEISS.

H.R. 2928: Mr. STENHOLM.

H.R. 2942: Mr. SKEEN.

H.R. 3014: Mr. LUNDINE.

H.J. Res. 66: Mr. FORSYTHE, Mr. BADHAM, and Mr. OWENS.

H.J. Res. 153: Mr. WOLF, Mr. DANIEL, Mr. PANETTA, Mrs. SCHNEIDER, Mr. BLILEY, and Mr. TORRICELLI.

H.J. Res. 168: Mr. FLIPPO, Mr. CAMPBELL, Mr. VANDER JAGT, Mr. STUMP, Mr. O'BRIEN, Mr. ROBINSON, Mr. WOLF, Mr. BURTON, Mr. GOODLING, Mr. WAXMAN, Mr. MCDADE, Mr. DWYER of New Jersey, Mr. DANIEL B. CRANE, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. FORSYTHE, Mr. ROSTENKOWSKI, Mr. RIDGE, Mr. HANSEN of Utah, Mr. TAUZIN, Mr. HARTNETT, Mr. LOTT, Mr. ADDABBO, Mr. RUDD, Mr. LAFALCE, Ms. KAPTUR, Mr. CHAPPIE, Mr. BARNES, Mr. FROST, Mr. LOWERY, of California, Mr. PANETTA, Mr. DERRICK, Mr. PATTERSON, Mr. MYERS, and Mr. ACKERMAN.

H.J. Res. 225: Mr. EARLY, Mr. FOLEY, Mr. HERTEL of Michigan, Mr. HUGHES, Mr. PORTER, Ms. SNOWE, Mr. TORRICELLI, Mr. WILLIAMS of Ohio, and Mr. WIRTH.

H.J. Res. 243: Mr. BARNARD, Mr. CAMPBELL, Mr. CHENEY, Mr. DAVIS, Mr. PARRIS, and Mr. THOMAS of California.

H. Con. Res. 63: Mr. BERMAN, Mr. LAGOMARSINO, Mr. TORRICELLI, and Mr. UDALL.

H. Con. Res. 107: Mr. WEISS, Mr. GILMAN, and Mr. TORRICELLI.

H. Res. 24: Mr. RATCHFORD, Mr. OTTINGER, Mr. ROE, Mr. DWYER of New Jersey, Mr. BOEHLERT, Mr. PURSELL, Mr. FOGLIETTA, Mr. SEIBERLING, Mr. FORD of Michigan, Ms. KAPTUR, Mr. LENT, and Mr. STUDDS.

H. Res. 112: Mr. STOKES and Mr. ACKERMAN.

H. Res. 145: Mr. STENHOLM and Mr. TALLON.

H. Res. 150: Mr. ARCHER, Mr. LOWERY of California, Mr. MACK, Mr. LOWRY of Washington, Mr. ANDREWS of Texas, Mr. STANGELAND, Mr. MORRISON of Connecticut, Mr. RITTER, Mr. LONG of Maryland, Mr. CONABLE, Mr. MCCAIN, Mr. BOEHLERT, Mr. MARKEY, Mr. KINDNESS, Mr. SWIFT, Mr. WINN, Mr. LAGOMARSINO, Mr. HAMMERSCHMIDT, Mr. LEWIS of Florida, Mr. STARK, Mr. LIVINGSTON, Mr. GOODLING, Mr. MILLER of Ohio, Mr. TAYLOR, Mr. SPENCE, Mr. SNYDER, Mr. MICA, Mr. SILJANDER, Mr. FORD of Michigan, Mr. FEIGHAN, Mr. BROOMFIELD, Mr. REGULA, Mr. HILLIS, Mr. JEFFORDS, Mrs. HOLT, Mrs. VUCANOVICH, Mr. DANNEMEYER, Mr. MOORHEAD, Mr. ROTH, Mr. ZSCHAU, Mr. PURSELL, Mr. SENSENBRENNER, Mr. LEWIS of California, Mr. HOYER, Mr. HANSEN of Idaho, Mr. HYDE, Mr. PRITCHARD, Mr. LEVIN of Michigan, Mr. MOAKLEY, Mr. WEAVER, and Mr. LEVITAS.

H. Res. 194: Mr. MICHEL, Mr. BROOMFIELD, Mr. DASCHLE, Mr. DINGELL, Mr. FLORIO, Mr. FORD of Michigan, Mr. FRANK, Mr. HYDE, Mr. LEACH of Iowa, Mr. PEASE, Mr. WHITEHURST, and Mr. WON PAT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3021: Mr. NIELSON of Utah.

PETITIONS, ETC.

Under clause 1 of rule XXII,

96. The SPEAKER presented a petition of the Legislative Committee, Michigan Council of Senior Citizens, Inc., Warren, Mich., relative to medicare; which was referred, jointly, to the Committees on Ways and Means and Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2969

By Mr. BENNETT:

—Strike out section 301 (page 15, lines 15 through 21) and redesignate the following section accordingly.

By Mr. DELLUMS:

(Amendment in the nature of a substitute.)

—Strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Department of Defense Authorization Act, 1984".

PURPOSE

SEC. 2. The purposes of this Act are—

(1) to authorize appropriations for the Department of Defense for fiscal year 1984 at levels consistent with a strong national defense and a sound national economy;

(2) to minimize the risk of nuclear confrontation;

(3) to eliminate areas of waste and abuse in the budget of the Department of Defense for fiscal year 1984;

(4) to provide for improved military personnel policies designed to enhance readiness and morale; and

(5) to make other improvements in the management of the Department of Defense.

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft, missiles, weapons and tracked combat vehicles, ammunition, and for other procurement for the Army as follows:

For aircraft, $1,418,600,000.

For missiles, $1,476,900,000.

For weapons and tracked combat vehicles, $1,154,800,000.

For ammunition, $2,045,200,000.

For other procurement, $4,541,100,000.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft, weapons (including missiles and torpedoes), naval vessels, and for other procurement for the Navy and Marine Corps as follows:

For aircraft, $7,394,700,000.

For weapons (including missiles and torpedoes), $2,111,000,000.

For naval vessels, $2,397,700,000.

For other procurement, $4,125,150,000.

For procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons), $1,800,400,000.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, $11,273,100,000.

For missiles, $5,102,400,000.

For other procurement, $5,548,500,000.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 104. Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement by defense agencies in the amount of $526,600,000.

SECURE COMMUNICATIONS EQUIPMENT

SEC. 105. The Secretary of Defense is authorized to procure secure telephone communication systems, including equipment and related items, during fiscal year 1984 for the Department of Defense and other Government agencies and entities to support a national program to provide secure telephone service. Of the funds authorized to be appropriated pursuant to this title, not more than $60,000,000 may be used to provide secure telephone equipment and related items to the Department of Defense and other Government agencies and entities in support of such a national program. Equipment provided to Government agencies and entities outside the Department of Defense under the authority of this section and such related services as may be necessary may be furnished by the Secretary of Defense with or without reimbursement.

LIMITATIONS ON ARMY PROCUREMENT

SEC. 106. (a) The Secretary of the Army may not make a contract for the purpose of establishing a second source for production of the engine for the M-1 tank.

(b) None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expended for the Pershing II missile program.

LIMITATIONS ON NAVY PROCUREMENT

SEC. 107. (a)(1) None of the funds appropriated pursuant to the authorization of appropriations for the strategic sealift ready reserve program under section 102(c) (under Shipbuilding and Conversion for the Navy) may be obligated or expended for the acquisition of a specific vessel for that program until (A) the Secretary of the Navy has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the proposed acquisition of that vessel for that program, and (B) a period of thirty days of continuous session of Congress has expired following the date on which that notice was received by those committees.

(2) For purposes of paragraph (1), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such thirty-day period.

(b) None of the funds appropriated pursuant to the authorization of appropriations for the LCAC landing craft air cushion program under section 102(c) (under Shipbuilding and Conversion for the Navy) may be obligated or expended until the Secretary of the Navy has submitted a report to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives which—

(1) responds to the Comptroller General decision B-203652 of April 20, 1983;

(2) evaluates the feasibility of establishing a second source for the production of the landing craft air cushion;

(3) recommends a specific acquisition strategy for such program that ensures procurement of the best landing craft air cushion for the Navy and, to the extent feasible, provides that such procurement shall be competitive in practicable and appropriate; and

(4) describes a plan to conduct a new source selection competition for the landing craft air cushion program and evaluates the feasibility of that competition.

(c) None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expended for the sea-launched cruise missile program.

LIMITATIONS ON AIR FORCE PROCUREMENT

SEC. 108. None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expended for the ground-launched cruise missile program, for the B-1B bomber program, or for antisatellite weapons.

PROHIBITION OF ACQUISITION OF BINARY CHEMICAL WEAPONS

SEC. 109. None of the funds appropriated pursuant to an authorization of appropriations in section 101 may be obligated or expended to purchase binary chemical weapons.

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

For the Army, $3,257,152,000.

For the Navy (including the Marine Corps), $5,879,885,000.

For the Air Force, $8,714,500,000.

For the Defense Agencies, $2,743,500,000.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1984 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

LIMITATION ON FUNDS FOR THE ARMY

SEC. 202. (a) None of the funds appropriated pursuant to an authorization of appropriations in section 201 may be obligated or expended for the Pershing II missile program or the ballistic missile defense program.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Army may be used for full-scale engineering development of the Military Computer Family System until the Secretary of Defense provides to the Committees on Armed Services of the Senate and House of Representatives a plan for the introduction and integration of advanced microelectronic computers into weapons systems.

LIMITATIONS ON FUNDS FOR THE NAVY

SEC. 203. (a) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for the Trident II missile program for the sea-launched cruise missile program.

(b)(1) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for full-scale engineering development of the AN/UYK-43 and AN/UYK-44 computers until the Secretary of Defense provides to the Committees on Armed Services of the Senate and House of Representatives a plan for the introduction and integration of advanced microelectronic computers into weapons systems.

(2) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for the Navy Mid-Infrared Advanced Chemical Laser program.

LIMITATIONS ON FUNDS FOR THE AIR FORCE

SEC. 204. None of the amount appropriate pursuant to the authorization in section 201 for the Air Force may be used for the ground-launched cruise missile program, for the B-1B bomber program or for antisatellite weapons.

LIMITATIONS ON FUNDS FOR THE DEFENSE AGENCIES

SEC. 205. (a) None of the amount appropriated pursuant to the authorization in section 201 for the Defense Agencies may be used for antisatellite weapons.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Defense Agencies may be used for research, development, test, and evaluation for the program for fifth-generation artificial intelligence computers until the Secretary of Defense submits to Congress a comprehensive plan for the manner in which such program will be carried out.

PROHIBITION OF DEVELOPMENT OF BINARY CHEMICAL WEAPONS

SEC. 206. None of the funds appropriated pursuant to an authorization of appropriations in section 201 may be obligated or expended for research, development, test, or evaluation of binary chemical weapons.

TITLE III—LAND-BASED STRATEGIC BALLISTIC MISSILE MODERNIZATION PROGRAM

CANCELLATION OF MX MISSILE PROGRAM

SEC. 301. The MX missile program is hereby canceled. None of the funds appropriated pursuant to authorizations of appropriations in this Act may be used for procurement or for research, development, test, or evaluation for that program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR A SMALL MISSILE SYSTEM

SEC. 302. (a) In addition to the amount authorized to be appropriated in section 201 for research, development, test, and evaluation for the Air Force, there is hereby authorized to be appropriated to the Air Force for fiscal year 1984 for research, development, test, and evaluation $50,000,000 to be available only for a small mobile missile system.

(b) The President shall report to Congress not later than March 1, 1984, on the verifiability for arms control purposes of a small mobile missile system and whether development of such a system would be in compliance with the terms of pending SALT II Treaty.

TITLE IV—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for the military functions of the Department of Defense for operation and maintenance in the amount of $64,757,600,000.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1984 such additional sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in such subsection;

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by subsection (a).

ELIMINATION OF NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE

SEC. 402. None of the funds appropriated pursuant to an authorization of appropriations in section 301 may be obligated or expended for the National Board for the Promotion of Rifle Practice.

PROHIBITION OF USE OF VESSELS WITH FOREIGN-BUILT MAJOR COMPONENTS UNDER CERTAIN LEASES OR SERVICE CONTRACTS

SEC. 403. (a)(1) None of the funds appropriated pursuant to the authorizations of appropriations in section 401 may be obligated or expended for the lease of a vessel, or for the provision of a service through use by a contractor of a vessel, under a contract which will be for a long term or under which the United States will have a substantial termination liability and under which the vessel involved will have a main propulsion system or other major component not built in the United States.

(2) None of the funds appropriated pursuant to the authorizations of appropriations in section 401 may be obligated or expended for a contract that is an agreement to lease or an agreement to provide services and that is (or will be) accompanied by a contract for the actual lease or provision of services if

the contract for the actual lease or provision of services is (or will be) a contract described in paragraph (1).

(b) For purposes of subsection (a)—

(1) a contract shall be considered to be for a long term if the term of the contract, including all options under the contract, is for more than five years or is for a period longer than one-half the useful life of the vessel; and

(2) the United States shall be considered to have a substantial termination liability under a contract if, as determined under regulations prescribed by the Secretary of Defense, the sum of—

(A) the present value of the amount of the termination liability of the United States under the contract as of the end of the term of the contract (exclusive of any option to extend the contract), and

(B) the present value of the total of the payments to be made by the United States under the contract (excluding any option to extend the contract) attributable to capital-hire,

is more than one-half the price of the vessel involved.

(c) Subsection (a) does not apply with respect to a contract entered into before the date of the enactment of this Act.

TITLE V—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

SEC. 501. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1984, as follows:

(1) The Army, 751,285.

(2) The Navy, 541,050.

(3) The Marine Corps, 152,495.

(4) The Air Force, 565,845.

TITLE VI—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

SEC. 601. (a) For fiscal year 1984, the Selected Reserve of the reserve components of the Armed Forces shall be programed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 398,016.

(2) The Army Reserve, 351,849.

(3) The Navy Reserve, 94,000.

(4) The Marine Corps Reserve, 38,540.

(5) The Air National Guard of the United States, 100,100.

(6) The Air Force Reserve, 63,736.

(7) The Coast Guard Reserve, 10,700.

(b) The average strength prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

SEC. 602. (a) Within the average strengths prescribed in section 501, the reserve components of the Armed Forces and the National Guard are authorized, as of September 30, 1984, the following number of Reserves to be serving on full-time active duty, and members of the National Guard to be serving in a full-time duty status, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components and the National Guard:

(1) The Army National Guard and the Army National Guard of the United States, 11,782.

(2) The Army Reserve, 6,474.

(3) The Naval Reserve, 214.

(4) The Marine Corps Reserve, 460.

(5) The Air National Guard and the Air National Guard of the United States, 3,411.

(6) The Air Force Reserve, 479.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total of the end strengths prescribed.

TITLE VII—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

SEC. 701. (a) The Department of Defense is authorized 813,313 permanent positions for civilian employment as of September 30, 1984, of which no more than 31 shall be in the Executive Schedule, as provided in sections 5312 through 5316 of title 5, of which no more than 1,415 shall be in the Senior Executive Service, as established in section 3131 of such title, and of which no more than 56,000 shall be at Grade GS-13 (or comparable level) or higher.

(b) The positions authorized in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy (including the Marine Corps), the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of the enactment of this Act on the manner in which the initial allocation of such positions is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed by section 3404 of that title. Whenever a function, power, or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

TITLE VIII—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 801. (a) For fiscal year 1984, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 57,996.

(2) The Navy, 65,133.

(3) The Marine Corps, 18,311.

(4) The Air Force, 46,389.

(5) The Army National Guard of the United States, 7,467.

(6) The Army Reserve, 8,456.

(7) The Naval Reserve, 1,041.

(8) The Marine Corps Reserve, 2,835.

(9) The Air National Guard of the United States, 2,377.

(10) The Air Force Reserve, 1,405.

(b) In addition to the number authorized in subsection (a), the following components of the Armed Forces are authorized a military training student load to be utilized solely for one station unit training of not less than the following:

(1) The Army, 17,732.

(2) The Army National Guard of the United States, 7,070.

(3) The Army Reserve, 2,374.

(c) The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components authorized in subsection (a) for fiscal year 1984 shall be adjusted consistent with the manpower strengths authorized in titles V, VI, and VII of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

TITLE IX—CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

SEC. 901. There is hereby authorized to be appropriated for fiscal year 1984 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) the sum of $136,380,000.

PROHIBITION OF CRISIS RELOCATION PLANNING

SEC. 902. None of the funds appropriated pursuant to the authorization of appropriations in section 901 may be obligated or expended for planning for population relocation in time of crisis.

AMOUNT AUTHORIZED FOR CONTRIBUTIONS FOR STATE PERSONNEL AND ADMINISTRATIVE EXPENSES

SEC. 903. Notwithstanding the second proviso of section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260), $54,000,000 of the amount authorized to be appropriated by section 901 is available for appropriations for contributions to the States under section 205 of such Act (50 U.S.C. App. 2286) for personnel and administrative expenses.

TITLE X—MILITARY PERSONNEL AND COMPENSATION MATTERS

PART A—COMPENSATION MATTERS

4-PERCENT INCREASE IN BASIC PAY AND ALLOWANCES EFFECTIVE ON APRIL 1, 1984

SEC. 1001. (a) The adjustment required by section 1009 of title 37, United States Code, in certain elements of the compensation of members of the uniformed services to become effective on October 1, 1983, shall not be made.

(b)(1) Subject to the provisions of paragraphs (2) and (3), the elements of compensation specified in sections 1009(a) of title 37, United States Code, shall be increased for members of the uniformed services by 4 percent effective on April 1, 1984.

(2) Subsections (c) and (d) of section 1009 of title 37, United States Code, shall apply to any pay adjustment made pursuant to this section in the same manner as such subsections apply to an increase described in subsection (b)(3) of such section.

(3) None of the increase provided for in paragraph (1) may be used to adjust the basic pay of members of the uniformed services in pay grades E-1 and E-2.

ADJUSTMENT IN BASIC PAY OF CERTAIN OFFICERS WITH PRIOR ENLISTED AND WARRANT OFFICER SERVICE

SEC. 1002. (a) Section 203(d) of title 37, United States Code, is amended to read as follows:

"(d) The basic pay of a commissioned officer who is in pay grade 0-1, 0-2, or 0-3 and who is credited with a total of over four years' active service as a warrant officer and enlisted member shall be computed in the same manner as the basic pay of a commissioned officer in the same pay grade who has been credited with over four years' active service as an enlisted member.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

HAZARDOUS DUTY PAY FOR CERTAIN TOXIC FUEL HANDLERS

SEC. 1003. (a) Section 301(a)(12) of title 37, united States Code, is amended by inserting "or the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels or propellants are used" after "propellants".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

CLARIFICATION OF ELIGIBILITY FOR SEPARATION PAY

SEC. 1004. (a) Subsection (c) of section 1174 of title 10, United States Code, is amended to read as follows:

"(c)(1) Except as provided in paragraphs (2) and (3), a member of an armed force other than a regular member who after September 14, 1981, is discharged or released from active duty and who has completed five or more, but fewer than twenty, years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) or (d)(2), as determined by the Secretary concerned, if—

"(A) the member's discharge or release from active duty is involuntary; or

"(B) the member was not accepted for an additional tour of active duty for which he volunteered.

"(2) If the Secetary concerned determines that the conditions under which a member described in paragraph (1) is discharged or separated do not warrant separation pay under this section, that member is not entitled to that pay.

"(3) A member described in paragraph (1) who was not on the active-duty list when discharged or separated and who had not completed at least five years of continuous active duty immediately before such discharge or release is not entitled to separation pay under this section. For purposes of this paragraph, a period of active duty is continuous if it is not interrupted by a break in service of more than thirty days.".

(b) Subsection (g)(2) of such section is amended by inserting ", other than section 1212 of this title," after "any other provision of law".

(c) The amendments made by this section shall take effect on October 1, 1983.

FREEZE OF VARIABLE HOUSING ALLOWANCE AT FISCAL YEAR 1983 RATES

SEC. 1005. During fiscal year 1984, the rates at which the variable housing allowance under section 403(a)(2) of title 37, United States Code, is paid shall be the same as the rates in effect on September 30, 1983.

VARIABLE HOUSING ALLOWANCE FOR RESERVES ON ACTIVE DUTY FOR A PERIOD OF 140 DAYS OR MORE

SEC. 1006. (a) Section 403(a)(2) of title 37, United States Code, is amended—

(1) by striking out "A member" in the first sentence of subparagraph (A) and inserting in lieu thereof "Except as provided in subparagraph (D) of this paragraph, a member"; and

(2) by adding at the end thereof the following new subparagraph:

"(D) A member of a reserve component is not entitled to a variable housing allowance while on active duty under a call or order to active duty specifying a period of less than 140 days.".

(b) The amendments made by subsection (a) shall apply only with respect to members called or ordered to active duty after September 30, 1983.

CLARIFICATION OF RULES FOR PAYMENT PER DIEM

SEC. 1007. (a) Section 402(e) of title 37, United States Code, is amended—

(1) by inserting '(1)" "(e)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) For purposes of subsection (b) of this section, a member shall not be considered to be performing travel under orders away from his designated post of duty if such member—

"(A) is an enlisted member serving his first tour of active duty;

"(B) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

"(C) is not actually travelling between stations pursuant to orders directing a change of station.".

(b) Section 404(f) of such title is amended by adding at the end thereof the following new paragraph:

"(3) For purposes of entitlement to per diem in place of subsistence under subsection (d)(2) of this section, a member shall not be considered under subsection (a)(1) of this section to be performing travel under orders away from his designated post of duty if such member—

"(A) is an enlisted member serving his first tour of active duty;

"(B) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

"(C) is not actually traveling between stations pursuant to orders directing a change of station.".

TRAVEL AND TRANSPORTATION ALLOWANCE FOR MEMBERS STATIONED OVERSEAS WITH DEPENDENT CHILDREN ATTENDING SCHOOL IN THE UNITED STATES

SEC. 1008. (a)(1) Chapter 7 of title 37, United States Code, relating to allowances for members of the uniformed services, is amended by inserting after section 429 of the following new section:

"§ 430. Travel and transportation: dependent children of members stationed overseas

"(a) Under regulations to be prescribed by the Secretary of Defense, a member of a uniformed service who—

"(1) is assigned a permanent duty station outside the United States

"(2) is accompanied by his dependents at or near his oversea duty station (unless his only dependents are in the category of dependent described in clause (3) of this subsection), and

"(3) has a dependent child who is under twenty-three years of age attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education,

may be paid the allowance set forth in subsection (b) of this section if he otherwise qualifies for such allowance.

"(b) A member described in subsection (a) of this section may be paid a transportation allowance for each unmarried dependent child, who is under twenty-three years of age and is attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education, of one annual trip between the school being attended and the member's duty station in the oversea area and return. The allowance authorized by this section may be transportation in kind or reimbursement therefor, as prescribed by the Secretaries concerned.

"(c) Whenever possible, the Military Airlift Command or Military Sealift Command shall be used, on a space-required basis for the travel authorized by this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"430. Travel and transportation: dependent children of members stationed overseas.".

(b) Section 430 of title 37, United States Code, as added by subsection (a), shall apply only with respect to travel begun after September 30, 1983.

PART B—RETIRED PAY MATTERS

PERMANENT SIX-MONTH DELAY IN COST-OF-LIVING ADJUSTMENTS FOR RETIRED PAY

SEC. 1011. An adjustment in any year in retired and retainer pay pursuant to section 1401a of title 10, United States Code, shall be effective on November 1 of that year. This section shall not take effect unless a provision of law is enacted providing for an identical effective date for adjustments in annuities payable under subchapter III of chapter 83 of title 5, United States Code.

LIMITATION ON COST-OF-LIVING ADJUSTMENTS IN RETIRED PAY FOR PERSONS UNDER AGE 62 DURING FISCAL YEAR 1986

SEC. 1012. During fiscal year 1986, any adjustment in retired or retainer pay under section 1401a of title 10, United States Code, shall be made, with respect to any person entitled to such adjustment who on the effective date of such adjustment is under age sixty-two, in one-half of the amount by which such adjustment would otherwise be made. This section shall not take effect unless a provision of law is enacted provid-

ing for a similar limitation with respect to annuities payable under subchapter III of chapter 83 of title 5, United States Code.

TERMINATION OF SIX-MONTH ROUNDING RULE FOR COMPUTING RETIRED PAY

SEC. 1013. (a)(1) The text of each of the footnotes listed in paragraph (2) is amended to read as follows: "Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month.".

(2) The footnotes referred to in paragraph (1) are the following:

(A) Footnote 3 of the table in section 1401 of title 10, United States Code.

(B) Footnote 2 of the table in section 1402(a) of such title.

(C) Footnote 1 of the table in section 1402(d) of such title.

(D) Footnote 1 of the table in section 1402a(a) of such title.

(E) Footnote 1 of the table in section 1402a(d) of such title.

(F) Footnote 4 of the table in section 3991 of such title.

(G) Footnote 2 of the table in section 3992 of such title.

(H) Footnote 4 of the table in section 8991 of such title.

(I) Footnote 2 of the table in section 8992 of such title.

(b) Subsection (f) of section 1174 of title 10, United States Code, is amended to read as follows:

"(f) In determining a member's years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(c)(1) Paragraph (2) of section 6151(b) of such Title is amended to read as follows:

"(2) In determining the number of years to be used as a multiplier under this subsection, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(2) The text of section 6328 of such title is amended to read as follows:

"In determining the total number of years of service to be used as a multiplier in computing the retired pay of officers retiring under this chapter, each full month of service that is in addition to the number of full years of service creditable to an officer is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(3) The first sentence of section 6330(d) of such title is amended to read as follows: "For the purposes of subsection (c), each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded."

(4) The text of section 6404 of such title is amended to read as follows:

"In determining the total number of years of service to be used as a multiplier in computing retired pay and separation pay on discharge under this chapter, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(d) The fourth sentence of section 423 of title 14, United States Code, is amended to read as follows: "In computing the number of years of service by which the rate of 2½ percent is multiplied, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(e) Subsection (b) of section 16 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 8530) is amended to read as follows:

"(b) In computing the number of years of service of an officer for the purposes of subsection (a), each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(f) Section 211(e) of the Public Health Service Act (42 U.S.C. 212(e)) is amended by striking out "a part of" and all that follows and inserting in lieu thereof "each full month of service that is in addition to the number of full years of service credited to an officer is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(g) The amendments made by this section shall apply with respect to (1) the computation of retired or retainer pay of any individual who becomes entitled to that pay after September 30, 1983, and (2) the recomputation of retired pay under section 1402, 1402a, 3992, or 8992 of title 10, United States Code, of any individual who after September 30, 1983, becomes entitled to recompute retired pay under any such section.

PART C—PERSONNEL MANAGEMENT MATTERS

TRANSFER OF PUBLIC HEALTH SERVICE OFFICERS TO OTHER UNIFORMED SERVICES

SEC. 1021. (a)(1) Section 716 of title 10, United States Code, is amended to read as follows:

"§716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service

"(a) Notwithstanding any other provision of law, the President, within authorized strengths and with the consent of the officer involved, may transfer any commissioned officer of a uniformed service from his uniformed service to, and appoint him in, another uniformed service. The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Health and Human Services shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments.

"(b) An officer transferred under this section may not be assigned precedence or relative rank higher than that which he held on the day before the transfer.

"(c) In this section, 'uniformed service' means any of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service."

(2) The item relating to such section in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

"716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

(b)(1) Chapter 53 of such title is amended by adding at the end thereof the following new section:

"§ 1043. Service credit: service in National Oceanic and Atmospheric Administration or the Public Health Service

"Active commissioned service in the the National Oceanic and Atmospheric Administrator or the Public Health Service shall be credited as active commissioned service in the armed forces for purposes of determining the retirement eligibility and computing the retired pay of a member of the armed forces.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1043. Service credit: service in the National Oceanic and Atmospheric Administration or the Public Health Service.".

(c)(1) Section 533(a)(1) of such title is amended by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(2) Section 1174(i) of such title is amended—

(A) by inserting "(1)" after "(i)"; and

(B) by adding at the end thereof the following new paragraph:

"Active commissioned service in the the National Oceanic and Atmospheric Administrator or the Public Health Service shall be credited as active service in the armed forces for purposes of this section.".

(3) Section 3353(a)(1) of such title is amended—

(A) by striking out "chapters 337 and 363" and inserting in lieu thereof "this chapter and chapter 363"; and

(B) by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(4) Section 5600(a)(1) of such title is amended by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(5) Section 8353(a)(1) of such title is amended—

(A) by striking out "chapters 837 and 863" and inserting in lieu thereof "this chapter and chapter 863"; and

(B) by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(d) Clause (13) of section 3(a) of the Act of August 10, 1956 (33 U.S.C. 857a(a)), is amended to read as follows:

"(13) Section 716, Commissioned officers: transfers among the Armed Forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

PART D—SURVIVOR BENEFITS

EXPANSION OF SURVIVOR BENEFITS COVERAGE FOR FORMER SPOUSES

SEC. 1031. (a)(1) The second sentence of subsection (a)(5) of section 1448 of title 10, United States Code, is amended by inserting "except in accordance with subsection (b)(3)" after "may not be revoked".

(2) Subsection (b) of such section is amended to read as follows:

"(b)(1) A person who is not married and does not have a dependent child when he become eligible to participate in the Plan may elect to provide an annuity to a natural person with an insurable interest in that person. In the case of a person providing an

annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B), such an election shall include a designation under subection (e).

"(2) A person who has a former spouse when he becomes eligible to participate in the Plan may elect to provide an annuity to that former spouse. In the case of a person with a spouse or a dependent child, such an election prevents payment of an annuity to that spouse or child. If there is more than one former spouse, the person shall designate which former spouse is to be provided the annuity. In the case of a person providing an annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B), such an election shall include a designation under subsection (e).

"(3)(A) A person—

"(i) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child, and

"(ii) who has a former spouse who was not that person's former spouse when he became eligible to participate in the Plan,

may (subject to subparagraph (B)) elect to provide an annuity to that former spouse. Any such election terminates any previous coverage under the Plan and must be written, signed by the person, and received by the Secretary concerned within one year after the date of the decree of divorce, dissolution, or annulment.

"(B) A person may not make an election under subparagraph (A) to provide an annuity to a former spouse who that person married after becoming eligible for retired or retainer pay unless—

"(i) the person was married to that former spouse for at least one year, or

"(ii) that former spouse is the parent of issue by that marriage.

"(C) An election under this paragraph may not be revoked except in accordance with section 1450(f) of this title and is effective as of the first day of the first calendar month following the month in which it is received by the Secretary concerned. This paragraph does not provide the authority to change a designation previously made under subsection (e).

"(d) If a person who is married makes an election to provide an annuity to a former spouse under this paragraph, that person's spouse shall be notified of that election.

"(4) A person who elects to provide an annuity to a fromer spouse under paragraph (2) or (3) shall, at the time of making the election, provide the Secretary concerned with a written statement (in a form to be prescribed by that Secretary and signed by such person and the former spouse) setting forth whether the election is being made pursuant to a written agreement previously entered into voluntarily by such person as a part of or incident to a proceeding of divorce, dissolution, or annulment and (if so) whether such voluntary written agreement has been incorporated in, or ratified or approved by, a court order.".

(3) Section 1450 of title 10, United States Code, is amended—

(A) by striking out "at the time the person to whom section 1448 applies became entitled to retired or retainer pay" in subsection (a)(4); and

(B) by inserting "(without regard to the eligibility of the person making the change of election to make an election under such section)" before the period at the end of the third sentence of subsection (f)(1).

(b) In the case of a person who on the date of the enactment of this Act is a person described in subparagraph (A) of subsection (b)(3) of section 1448 of title 10, United States Code (as amended by subsection (a)(2)), such subsection shall apply to that person as if the one-year period provided for in subparagraph (A) of such subsection began on the date of the enactment of this Act.

(c) Section 1408 of title 10, United States Code, is amended—

(1) by inserting "in the case of a division of property," in subsection (a)(2)(C) before "specifically provides for"; and

(2) by striking out the first sentence of subsection (d)(1) and inserting in lieu thereof the following:

"After effective service on the Secretary concerned of a court order with respect to payments by a member to the spouse or former spouse of the member, the Secretary shall, subject to the limitations of this section, make payments from the disposable retired or retainer pay of the member to the spouse or former spouse in the amount provided for in the court order.".

(d)(1) Section 1447(8) of title 10, United States Code, is amended by striking out "annulment, or legal separation," both places it appears and inserting in lieu thereof "or annulment".

(2) Section 1448(a)(3) is amended—

(A) by inserting "for a former spouse" after "an annuity" the second place it appears in subparagraphs (A) and (B); and

(B) by striking out "of this section" both places it appears.

(3) Section 1450(f) of such title is amended—

(A) by striking out "of this subsection" in paragraph (1); and

(B) by striking out "annulment, or legal separation," in paragraph (2) and inserting in lieu thereof "or annulment,".

(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out "section" and all that follows and inserting in lieu thereof "section 1072 of title 10, United States Code.".

EXTENSION OF MINIMUM INCOME PROVISION FOR CERTAIN WIDOWS

SEC. 1032. (a) Section 4(a)(1) of the Act entitled "An Act to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan, and for other purposes", approved September 21, 1972 (10 U.S.C. 1448 note), is amended by striking out "on the effective date of this Act is, or within one calendar year after that date becomes," and inserting in lieu thereof "on September 21, 1972, was, or during the period beginning on September 22, 1972, and ending on March 20, 1974, became,".

(b) Any annuity payable by reason of subsection (a) shall be payable only for months after September 1983.

PART E—MISCELLANEOUS

EXTENSION OF PILOT DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE LOAN REPAYMENT PROGRAM

SEC. 1041. Section 902(g) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note), is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1984".

FEES FOR VETERINARY SERVICES

SEC. 1042. The Secretary of Defense shall require that a member of the Armed Forces pay a fee each time that a pet of such member is provided veterinary care services by a member of the Armed Forces. The fee for such services shall be established at the prevailing rate for such services in the local community, as determined under regulations prescribed by the Secretary.

TRANSPORTATION OF REMAINS OF MILITARY RETIREES DYING IN MILITARY HOSPITALS

SEC. 1043. (a)(1) Chapter 75 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1490. Transportation of remains of members entitled to retired or retainer pay who die in a military facility

"(a) Subject to subsection (b), when a member entitled to retired or retainer pay or equivalent pay dies while properly admitted under chapter 55 of this title to a medical facility of the armed forces located in the United States, the Secretary concerned may transport the remains, or pay the cost of transporting the remains, of the decedent to the place of burial of the decedent.

"(b)(1) Transportation provided under this section may not be to a place outside the United States or to a place further from the place of death than the decedent's last place of permanent residence, and any amount paid under this section may not exceed the cost of transportation from the place of death to the decedent's last place of permanent residence.

"(2) Transportation of the remains of a decedent may not be provided under this section if such transportation is authorized by sections 1481 and 1482 of this title or by chapter 23 of title 38.

"(c) In this section, 'United States' includes the commonwealth of Puerto Rico and the territories and possessions of the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1490. Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility.".

(b) Section 1490 of title 10, United States Code, as added by subsection (a), shall apply with respect to the transportation of the remains of persons dying after September 30, 1983.

TITLE XI—GENERAL PROVISIONS

REPORT ON EFFECT OF DEFENSE SPENDING ON ECONOMIC GROWTH

SEC. 101. Not later than 90 days after the date of the enactment of this Act, the President shall transmit to Congress a report on the effect of the current and projected levels of defense spending on the economy, including the effect on rates of growth in the economy, the rate of inflation, interest rates, and the availability of capital for private productivity enhancement investment.

LIMITATION ON AUTHORITY TO ENTER INTO CERTAIN CONTRACTS FOR VESSELS

SEC. 102. (a) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2401. Requirement for authorization by law of certain contracts relating to vessels

"(a) Except as provided in subsection (c), the Secretary of a military department may not make a contract for the lease of a vessel or for the provision of a service through use by a contractor of a vessel if—

"(1) the contract will be for a long term; or

"(2) under the contract the United States will have a substantial termination liability.

"(b) Except as provided in subsection (c), the Secretary of a military department may not make a contract that is an agreement to lease or an agreement to provide services and that is (or will be) accompanied by a contract for the actual lease or provision of services if the contract for the actual lease or provision of services is (or will be) a contract described in subsection (a).

"(c)(1) The Secretary may make a contract described in subsection (a) or (b) if—

"(A) the Secretary has been specifically authorized by law to make the contract;

"(B) before a solicitation for proposals for the contract was issued the Secretary notified the committees on Armed Services and on Appropriations of the Senate and House of Representatives of the Secretary's intention to issue such a solicitation and a period of 30 days of continous sesssion of Congress expired following the date on which that notice was received by such committees before the solicitation was issued; and

"(C) the Secretary has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the proposed contract and provided a detailed description of the terms of the proposed contract and a justification for entering into the proposed contract rather than providing for the lease or services involved through purchase of the vessel to be used under the contract, and a period of 30 days of continuous session of Congress have expired following the date on which notice was received by such committees.

"(2) For purposes of paragraphs (1)(B) and (1)(C), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in a computation of such 30-day period.

"(d) For purposes of subsection (a)—

"(1) a contract shall be considered to be for a long term if the term of the contract, including all options under the contract, is for more than five years or is for a period longer than one-half the useful life of the vessel; and

"(2) the United States shall be considered to have a substantial termination liability under a contract if, as determined under regulations prescribed by the Secretary of Defense, the sum of—

"(A) the present value of the amount of the termination liability of the United States under the contract as of the end of the term of the contract (exclusive of any option to extend the contract), and

"(B) the present value of the total of the payments to be made by the United States under the contract (excluding any option to extend the contract) attributable to capital-hire,

is more than one-half the price of the vessel involved.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2401. Requirement for authorization by law of certain contracts relating to vessels.".

STUDY OF DEFENSE-RELATED ASPECTS OF MERCHANT MARINE

SEC. 1103. (a) There is hereby established a commission to be known as the Commission on Defense-Related Aspects of the United States merchant marine (hereinafter in this section referred to as the "Commission").

(b) The Commission shall study problems relating to transportation of cargo for national defense purposes in time of war or national emergency and the capability of the United States merchant marine to meet the need for such transportation. Based on the results of the study, the Commission shall make such specific recommendations, including recommendations for legislative action, action by the executive branch, and action by the private sector, as the Commission considers appropriate to foster and maintain a United States merchant marine capable of meeting national security requirements. The recommendations of the Commission shall be included in the report of the Commission under subsection (f).

(c)(1) The Commission shall be composed of nine members, as follows:

(A) The Secretary of the Navy (or his delegate), who shall be the Chairman of the Commission.

(B) The Administrator of the Maritime Administration (or his delegate).

(C) Three members appointed by the President, by and with the advice and consent of the Senate, one of whom shall represent operators of United States merchant ships, one of whom shall represent shipbuilders, and one of whom shall represent maritime labor unions.

(D) Two members appointed by the President pro tempore of the Senate from the Members of the Senate.

(E) Two members appointed by the Speaker of the House of Representatives form the Members of the House of Representatives (including Delegates to Congress and the Resident Commissioner of Puerto Rico).

(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under paragraph (1)(C) without regard to section 5311(b) of title 5, United States Code. Members shall be appointed for the life of the Commission.

(3) Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The Commission shall meet at the call of the Chairman.

(d) Members of the Commission appointed under subsection (c)(1)(C) shall each be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including traveltime) during which they are engaged in the actual performance of the business of the Commission. Other members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(e)(1) The Commission may (without regard to section 5311(b) of title 5, United States Code) appoint an executive director, who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(2) The Commission may appoint such additional staff as it considers appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(3) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the executive branch and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(5) The Secretary of the Navy and the Administrator of the Maritime Administration may detail personnel under their jurisdiction to the Commission to assist the Commission in carrying out its duties under this section.

(6) The Secretary of the Navy shall provide to the Commission such administrative support services as the Commission may require.

(f) The Commission shall submit a report to the President and the Congress not later than six months after the date of the enactment of this Act. The report shall include a detailed statement of the findings and conclusions of the Commission and the recommendations of the Commission under subsection (b).

(g) The Commission shall cease to exist ninety days after the date on which the report of the Commission under subsection (f) is submitted.

(h) There is authorized to be appropriated for fiscal year 1984 the sum of $700,000 to carry out this section.

LIMITATION ON PROCUREMENT OF BINARY CHEMICAL WEAPONS

SEC. 1104. Nothwithstanding any other provision of law, no funds may be obligated or expended after the date of the enactment of this Act for the production of binary chemical weapons.

LIMITATION ON PROCUREMENT OF BINARY CHEMICAL WEAPONS

SEC. 1104. Nothwithstanding any other provision of law, after the date of the enactment of this Act, no funds may be obligated or expended by the United States for the production of binary chemical weapons.

PROGRAMS FOR CONVERSION FROM MILITARY ECONOMY TO PEACETIME ECONOMY

SEC. 1105. (a) The Secretary of Defense shall establish programs to provide economic readjustment assistance to communities and workers affected by the reductions in weapons programs and other defense programs provided for under this Act. Such readjustment programs shall provide the means to promote orderly economic adjustment which will (1) minimize the dislocation of workers, communities, and industries, (2) assure that such dislocations do not compound recessionary trends, and (3) encourage conversion of technologies and managerial and worker skills developed in defense production to projects which serve the civilian sector.

(b) Assistance which may be provided under programs established under this section includes—

(1) job training programs and job relocation expenses for workers displaced by termination of defense contracts affected by the reductions in defense expenditures required by this Act;

(2) emergency economic assistance and health care benefits for workers and their families directly affected by such reductions in defense expenditures; and

(3) emergency economic assistance to the communities directly affected by such reductions and defense expenditures, to be made in the form of grants designed to assist in the conversion of industrial plant facilities in the community to use in the civilian sector.

(c) There is authorized to be appropriated to the Department of Defense for fiscal years beginning after December 30, 1983, the sum of $5,000,000,000.

—Page 2, line 12, strike out "$2,990,900,000" and insert in lieu thereof "$2,558,100,000, none of which shall be available for the Pershing II missile system".

—Page 3, line 1, strike out "$3,090,800,000" and insert in lieu thereof "$2,698,200,000, none of which shall be available for the sea-launched cruise missile program".

—Page 6, line 21, strike out "$21,051,300,000" and insert in lieu thereof "$14,871,700,000, none of which shall be available for the B-1B bomber program".

—Page 6, line 22, strike out "$5,719,100,000" and insert in lieu thereof "$5,102,400,000, none of which shall be available for the ground-launched cruise missile program".

—At the end of title I (page 10, after 12) add the following new section:

LIMITATION ON DEPLOYMENT OF PERSHING II AND GROUND-LAUNCHED CRUISE MISSILES

SEC. 109. The Pershing II missile and the ground-launched cruise missile may not be deployed in Europe before December 31, 1984.

—At the end of the bill add the following new section:

LIMITATION ON DEPLOYMENT OF PERSHING II AND GROUND-LAUNCHED CRUISE MISSILES

SEC. 1111. The Pershing II missile and the ground-launched cruise missile may not be deployed in Europe before December 31, 1984.

By Mr. McCLOSKEY:

—Page 7, strike out lines 11 through 14 and insert in lieu thereof the following:

(d) Procurement of the B-1B bomber aircraft may not be carried out under a multiyear contract.

By Mr. SOLOMON:

—At the end of the bill, add the following new section:

ENFORCEMENT OF MILITARY SELECTIVE SERVICE ACT

SEC. 1111. Section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f)) is amended by adding at the end thereof the following new paragraph:

"(5) Upon a determination by the Secretary of Education that an institution of higher education is engaged in a pattern or practice of failure to comply with this subsection (or regulations issued under this subsection) or is engaged in a pattern or practice of providing grants, loans, or work assistance to persons who are required to register under section 3 (and any proclamation of the President and regulations prescribed under that section) and have not so registered, that institution shall not (except as provided under subparagraph (B)) be eligible to participate in any new contract with, or grant from, the Department of Defense (including the military departments), the Department of Health and Human Services, the Department of Energy, the Department of Education, or the National Science Foundation.

"(B) Upon a determination by the Secretary that an institution that the Secretary has previously determined under subparagraph (A) to have engaged in a pattern or practice described in such subparagraph is no longer engaged in such pattern or practice, the disqualification under such subparagraph of that institution from eligibility to participate in government contracts and grants shall be terminated.

"(C) Any determination by the Secretary under this paragraph shall be determined on the record after opportunity for an agency hearing. In any judicial review of a determination by the Secretary under this paragraph, the facts as determined by the Secretary shall not be subject to trial de novo by the reviewing court."

H.R. 2990

By Mr. LOTT:

—At the end of the bill, add the following new section:

SEC. 3. The level of total new budget authority for the fiscal year ending September 30, 1983 shall not exceed $876,200,000,000, and the level of total budget outlays for the fiscal year ending September 30, 1983 shall not exceed $807,100,000,000.

SENATE—*Tuesday, May 17, 1983*

(Legislative day of Monday, May 16, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

In the beginning was the Word, and the Word was with God, and the Word was God . . . all things were made through Him * * *.—St. John 1: 1,3.

Almighty God, who spoke the Universe into existence, help us, whose business is speech, to appreciate the tremendous power of words—power to edify or demean—power to build up or destroy—power to awaken and inspire or to put to sleep and discourage. Thy Word reminds us that "* * * the tongue is a little member and boasts of great things. How great a forest is set afire by a small fire! And the tongue is a fire * * *." (St. James 3: 4-6).

Grant us grace, dear Lord, to control our tongues, to "speak the truth in love," to use words to bless and not curse. In the name of Him who was the Word Incarnate we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, the Senate is going to be quite busy today. After the recognition of the two leaders and the transaction of routine morning business, at 10 a.m. we will go into executive session for the purpose of considering the nomination of Alfred S. Regnery, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention. Debate on that nomination will be equally divided for 1 hour.

At the conclusion of that debate, the Senate will resume consideration of S. 529, the immigration bill. At that time there will be pending the DeConcini amendment No. 1220. Under the previous order, the Senate will recess from 12 noon to 2 p.m. for the respective policy conference and caucus.

Mr. President, at 2 p.m., the Senate should be on notice that there will be a series of eight rollcalls. Each rollcall vote will be preceded by 5 minutes of debate equally divided and the votes will occur upon the Ruckelshaus nomination, the Regnery nomination, if that is ordered following the debate at 10 a.m., the Bumpers amendment No. 1271, Helms amendment No. 1221, Helms amendment No. 1222, Helms amendment No. 1224, the Baucus amendment No. 1270, and the Warner amendment No. 1269.

After those votes have been completed, the Senate will resume consideration of the immigration bill with final passage scheduled to take place no later than 10 p.m. tonight.

As the majority leader indicated yesterday, the Budget Committee has been given permission to report out a budget resolution by the close of business on Thursday, May 19. Therefore, the business of the Senate on Wednesday will probably be S. 66, the cable bill. On Thursday, the Senate is expected to consider the budget resolution if it is reported. The leadership has indicated that 3 hours and 12 minutes remain for consideration of the budget resolution. However, as much accommodation as possible will be made for additional time for consideration if such additional time is requested and necessary. We are hopeful that the Senate will be able to complete consideration of the budget resolution on Thursday.

On Friday, the MX basing resolution should be before the Senate. That is my request as chairman of the Defense Appropriations Subcommittee. We do want to see if we can get that matter disposed of before the Memorial Day recess if at all possible. We have other matters that will be brought up before the Senate recesses for the Memorial Day recess.

I ask unanimous consent that if the majority leader wishes to make a statement in that regard it appear in the RECORD at this point.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

THE PITTMAN-ROBERTSON ACT

Mr. STEVENS. Mr. President, I attended the recent National Rifle Association Convention in Phoenix, Ariz., and listened carefully to the President's message that gun control is not crime control. This is a message that must be emphasized continually, because there is still a strong desire to penalize the vast majority of law-abiding gun owners in this country for simply enjoying their constitutional right to keep and bear arms.

A good example of the "penalize the law-abiding sportsman" policy approach is a recent recommendation of the White House Task Force on Victims of Crime. The task force suggested the creation of a crime victim's assistance fund and that "it rely in part on Federal criminal fines, penalties, and forfeitures that are paid directly into the general fund."

That's an idea I support, but the task force followed up on its "in part" caveat, and set forth six specific measures to raise money for the fund. The sixth suggestion, to which I am strongly opposed, would shift revenues currently collected from the manufacturers' excise tax on handguns from the worthy purposes of the Pittman-Robertson Federal Aid in Wildlife Restoration Fund to the proposed crime victims fund.

In its discussion of its recommendation, the task force revealed a lack of understanding of the Pittman-Robertson Federal Aid in Wildlife Restoration Fund, PR fund, and the good purposes it supports. For exampie, the task force states that the PR fund, "when initiated in 1937 * * * was supported solely by taxes on the sale of hunting rifles * * *."

More accurately, the PR fund was supported, from the start, by an 11-percent manufacturers' excise tax on sporting rifles, shotguns, and commercially loaded ammunition. Like all manufacturers' excise taxes, the PR tax is passed on to purchasers of the items taxed. So, it is the sportsmen of this country who put up the money to underwrite the Federal aid in wildlife restoration program. This money is apportioned among the States on a matching grant basis for approved wildlife work. The money the States put up to match Federal apportionments consists entirely of the money sportsmen pay for State hunting licenses and permits. Thus, this country's sportsmen are paying the full bill for both the Federal and State ends of this successful program.

The crime victims task force said further "the fund today continues to inure primarily to the benefit of hunting enthusiasts." Again, this is not the case. Through the essential wildlife work underwritten by the PR fund—and it accounts nationally for about one-third of all the money invested in State wildlife programs—many species of wildlife are benefited beyond those of interest to hunters. The research and the land acquisition, development

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

and maintenance are of tremendous value to all wildlife, not just those sought by hunters. Anyone who visits a State wildlife management area, for example, will not fail to observe many more species of protected wildlife than of those species that may be hunted in season. The PR fund benefits all wildlife and all of society.

Mr. President, at least one of every two Americans is directly concerned about this country's wildlife. In its "1980 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation" the U.S. Fish and Wildlife Service found that 17.4 million Americans 16 years of age and older hunted; 42.1 million fished; and 83.2 million engaged in other recreational activity for which wildlife was the primary purpose. Of those Americans between 6 and 15 years of age, 11.8 million fished; 2 million hunted; and 12.4 million enjoyed other wildlife-associated recreation. In 1980, hunters and anglers 16 years of age and older spent $41 billion, a significant contribution to the American economy. Thus, the task force's suggestion is of direct interest to a tremendous number of Americans.

Another inaccuracy in the task force's report is its assertion that "there is little if any relation between handguns and hunting or wildlife activity." The truth is that there is a large and growing use of handguns for sport hunting purposes. Forty-nine States now permit small-game hunting with handguns; 37 States permit big game hunting with handguns. In fact, handgun hunting already is twice as popular as hunting with primitive firearms and is expected to surpass archery before long. In 1980, there were 1.3 million hunters using handguns for 10.7 million hunting days. The purchasers' warranty response cards used by industry attest to the rapidly growing use of handguns for hunting. Additionally, handguns are used widely for other recreational purposes.

Finally, the task force observes that its suggestion of diverting excise taxes collected on handguns to a crime victims' fund "will not unduly impede the contribution made to hunters and wildlife protection" by the PR fund. The fact is that acceptance of the task force's suggestion would decrease by nearly 25 percent the money annually apportioned to the States for important wildlife work. Anyone familiar with the great need for funding to protect and perpetuate this country's wildlife recognizes that such a reduction would seriously impact essential wildlife research, management, and protection programs in every State, and especially in my home State of Alaska where the PR fund contributed substantially in wildlife funds in fiscal year 1982.

The task force's suggestion would have another adverse effect. From 1932 to fiscal year 1970, receipts from the longstanding manufacturers' excise tax on handguns were credited to the general fund. But Congress decided in 1970 that it made more sense to credit the money to the PR fund. In doing so, however, Congress authorized use by the States of up to one-half of the income from this source for public education in firearms education and the acquisition, development and operation of public target ranges to support the educational effort. The money not used for hunter education is available to the States for traditional PR fund wildlife work. Two years later, Congress authorized an excise tax on archery equipment and provided again that the income be distributed the same as that from the handgun tax.

We all want to reduce the irresponsible use of firearms, Mr. President, and what better way than the way the PR fund is being used annually to instruct many thousands of persons in the safe and proper handling of sporting firearms, including handguns. This money is making a great contribution toward the proper use of firearms, with a consequent lessening of loss of human life and injury—a goal which I am sure the task force wants to achieve as badly as I do.

There are numerous examples of the effectiveness of this hunter education money, for instance, the hunter education program of the New York Department of Conservation has reduced that State's fatal hunting accident rate by more than 70 percent and the nonfatal hunting accident rate by almost 50 percent.

From 1937 through 1941, when there were about 600,000 hunters in New York, the State averaged 30 fatal and 152 nonfatal hunting accidents a year. In the last decade, those averages have dropped to 8.9 and 88.8 respectively, with more than 1 million hunters afield.

New York's hunter training program was the first such statewide undertaking in the Nation. It was initiated in 1949. All 50 States now have some sort of a hunter education program.

To cite another example, in Pennsylvania a statewide hunter education program was begun in 1968. Because of this educational effort, hunting accidents have been reduced by more than 40 percent. The year 1982 was the lowest hunting fatality year in Pennsylvania since 1936. There were 10 fatalities in both years. Yet there were 540,000 hunters in the Keystone State in 1936 compared to 1,310,000 in 1982.

My colleagues should know that the task force's suggetion is not without precedent. A bill to do what the task force suggests was introduced in the House last year. It immediately drew the attention of major sportsmen's and wildlife groups across the country, all of whom were quick to notify the bill's sponsors and the appropriate committee chairmen of their adamant opposition.

Finally, Mr. President, in 1983, the latest fiscal year of record, the number of licensed hunters in the United States reached an all-time record of 16,638,584. Additionally, because of age licensing requirements, land ownership and other factors, there are hundreds of thousands of Americans who hunt but are not required to purchase licenses. These millions of hunters purchase sporting rifles, shotguns, handguns, ammunition, and bows and arrows.

The average number of State residents who hunt runs close to 10 percent of most States' populations.

These are America's hunters and sportsmen, and they are outspoken allies of the Pittman-Robertson Federal Aid in Wildlife Restoration Fund. They are extremely proud, and rightly so, of the tremendous accomplishments made under the PR program in restoring and increasing America's wildlife. Historians of this country's conservation efforts mark passage of the PR Act in 1937 as the turning point for the successful restoration of this country's wildlife.

America's sportsmen, as responsible citizens, are as deeply concerned about crime and the victims of crime as anyone else in this country. Some of them have been victims of crime themselves. They see the crime problem as a problem of all society. The vast majority of the task force's suggestions were excellent, and it is in a constructive spirit that I suggest this one recommendation not be pursued, but rather that we continue to use the PR fund to sustain wildlife programs that will preserve species and habitats for generations to come.

MAIL ORDER BUSINESS

Mr. STEVENS. Mr. President, the mail order business is a multi-billion dollar industry which continues to grow. While the overwhelming majority of direct mail firms are reputable and provides a necessary and convenient consumer marketplace, an unfortunate side effect of this growth is the corresponding increase in the shady side of the industry, those firms not worried about reputations, not concerned over consumer goodwill, and not motivated by basic ethical considerations. I am, of course, talking about the alarming increase in the incidence of mail fraud and false representations, and the extent to which consumers have been victimized by suspect promotions.

Several committees of the Senate and the House have held hearings on this subject over the past several years and have heard some disturbing testi-

mony. The Chief Postal Inspector recently told the Senate Governmental Affairs Committee that his office receives over 200,000 complaints and inquiries each year about unsatisfactory mail order transactions or outright fraud. A recent report of the Special Committee on Aging concludes that the elderly make up a disproportionate percentage of the victims of fraud. Finally, Federal and State prosecutors, law enforcement officals, and consumer protection agencies have provided us with many examples of fraudulent promotions which have cost thousands of people hundreds of dollars each.

Each year, the Postal Service sponsors its Consumer Protection Week in an attempt to call to the public's attention the prevalency of mail fraud and to provide users of the mail with basic information on a number of common schemes intended to defraud. Consumer Protection Week is now over and from everything I have heard, it was a success. This year, in addition to discussing the typical medical and investment frauds and work-at-home and false billing schemes, the Postal Service highlighted the current prominence of job opportunity frauds, particularly cruel attempts to play in these troubled economic times.

I hope the recently completed Consumer Protection Week gave consumers the wherewithal to question the legitimacy of advertisements which look too good to be true, and to bring to the attention of postal inspectors stationed around the country those promotions which fail to live up to their promises.

I congratulate the Postal Service on this effort. Consumer protection, however, is not a 1-week-a-year effort, it is a 365-days-a-year effort. For example, all year long postal inspectors can and do present alleged violations of the mail fraud statute to the appropriate U.S. attorneys for criminal prosecution or ask the Postal Service's Law Department to file for an administrative "mail stop" order under the false representation statute directing that the suspect firm's mail be returned to the senders.

It should be noted that the Governmental Affairs Committee has recently reported S. 450, the Mail Order Consumer Protection Amendments of 1983, which will solve two major problems in the enforcement of the false representation statute and enable the Postal Service to step in more quickly to protect consumers. The bill would enable postal inspectors to obtain in person merchandise or services offered for mail order sale, thus shortening the time it now takes to obtain the item through the mail. The bill also seeks to deter repeat offenders by allowing a Federal judge to assess fines for violations of mail stop orders.

The committee is convinced that both of these major changes in existing law will give the Postal Inspection Service the tools it needs to more effectively enforce the false representation statute and yet not impede the free flow of ideas so essential to this Nation. I hope that we will have the opportunity to vote on S. 450 within the not-too-distant future.

RESERVATION OF LEADERSHIP TIME

Mr. STEVENS. Mr. President, I ask unanimous consent that the time remaining for the two leaders be reserved and they be permitted to use it should they seek to do so in the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that we now go into the period that has already been prescribed for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

WEST VIRGINIA KEEPS FIGHTING

Mr. BYRD. Mr. President, it is with a mixture of determination and sadness that I bring an article about West Virginia's economy to the attention of the Senate.

The May 16 edition of the Washington Post included an article entitled, "West Virginia's 'Almost Heaven' Becomes a Nightmare." The article describes how the recession has devastated the lives of many West Virginians and contracted the economy of my State. It is a portrait of suffering and misfortune, as people who have worked hard all of their lives find their livelihood demolished by forces beyond their control.

West Virginia's economy is at the foundation of our industrial society. The State is extremely rural, and yet it is highly industrialized. The main industries in West Virginia—coal, steel, chemicals, glass, and forest products—provide the raw materials used in industries across America. When the automobile industry experiences a decline, the ripple effects hit West Virginia. It is the same for housing and many manufacturing industries. As the beginning of a recovery appears in those industries, it is a signal that West Virginia will eventually see an upturn as well. But any recovery will not be complete until economic improvement has reached industries at the starting point of the industrial process.

It is important that Congress does not lose sight of our basic "smokestack" industries amid all the talk of glamorous "high-tech" industries. Without raw material industries, the development of electronic, optical, or telecommunications industries would not be possible. Our ability as a nation to wage war would not exist without viable basic industries. More than one-half of the electricity that drives our economy—perhaps some of the electricity that is lighting this Chamber right now—comes from West Virginia. If the electricity that drives our economy were not to be available, our basic industries would not flourish. We have to realize the fact that more than one-half of the electricity that drives our economy would not be available if our basic industries did not provide it.

This is the other message that emerges from the Post article. It is that West Virginians fulfill a vital role in a wounded economy. I know that the working people of my State and the business people in my State work hard. They have seen "boom and bust" cycles sweep over West Virginia time after time. When the national economy picks up, West Virginia makes the most of their opportunities. At times when the industries that use West Virginia's raw materials are slumping, my people fight and scrap and survive.

I am proud of the efforts that Mountaineers make for one another in terrible times like these. The article quotes Don Withrow, a mechanic at FMC Corp. in Charleston, who said,

> . . . I think the people of West Virginia have just a little bigger heart.

This spirit is alive in West Virginians even now. Despite the economic adversity facing us, we will not quit. West Virginia will keep fighting, and win through to a better day.

Mr. President, I ask unanimous consent that the article to which I have referred, from the May 16 issue of the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WEST VIRGINIA'S "ALMOST HEAVEN" BECOMES A NIGHTMARE

(By John M. Berry)

BECKLEY, W. VA.—The West Virginia slogan, "Almost Heaven," stands these days as a sad, defiant cry against the economic disasters that have struck the state.

In March, by state estimates the unemployment rate was above 20 percent in nearly a fourth of the counties across the state and above 30 percent in one, McDowell County, where a depression has hit the coal industry.

Like their counterparts throughout the Midwest, the old industrial cities along the Ohio River—Weirton, Wheeling, Parkersburg, Huntington—have been hard hit by a recession that has taken a particular toll among the smokestack industries such as steel, metal fabricating, foundries, and machinery manufacturing.

Production is also down sharply at most of the plants of DuPont and the host of other chemical companies that line the Kanawha River up and down stream from Charleston. As their markets dwindle, portions of the plants have been shut down, some permanently. Even some of the highly trained staff at a major Union Carbide research facility has been unnerved by fear of layoffs.

To the east, many of the lumber mills tied to the timber of private mountain land and that of the Monongahela National Forest have closed or laid off workers. The Pardee & Curtin Lumber Co., for instance, shut its hardwood mill in Webster County for good. The mill, which had 50 employees, was the county's only large private employer outside of coal, and the unemployment rate in the county in March stood at 28.7 percent.

But coal is West Virginia's true disaster. It was the collapse a year ago of the metallurgical coal market, and to a lesser extent that for steam coal for electric utilities as well, that turned this state's economy into what arguably can be called the most depressed in the nation.

Nearly 18,000 coal miners have lost their $90- to $100-a-day jobs in the last year and their ranks are still growing. With them have gone thousands of others who were employed by companies that serve the industry with everything from mine roof bolts to Joy loaders.

According to the U.S. Labor Department's figures, the state's unemployment rate in February reached 21 percent, not seasonally adjusted. That was far above the rate for the next highest state, Michigan's 16.5 percent. Moreover, the West Virginia figure was up nearly seven percentage points from February 1982 to February 1983, also by a wide margin the largest increase for any state.

Officials at the West Virginia Department of Employment Security reject the federal figures as invalid. They say their more broadly based estimates indicate the February rate was 14.6 percent, down slightly from 14.9 percent in January. The state officials say the March rate was still lower, 13.6 percent.

But as has been the case nationally, most of the improvement in the rate has been more the result of a shrinking labor force than of higher employment. If the labor force had not shrunk, the rate would still be about 15 percent, even by the state's estimates.

There are a few signs here and there that the slide may have hit bottom. Housing sales are picking up, as is the value of building permits in some parts of the state. Some workers at steel and aluminum plants have been recalled. For most of the unemployed workers, however, a job remains an uncertain prospect for some time in the future.

Meanwhile, the cold statistics of unemployment rates hardly depict the damage to families and individuals that are flowing from the hard times. The safety net of social programs—unemployment benefits, welfare, Medicaid and extensive public and volunteer efforts to distribute free food and clothing—have helped. In some areas they are nearly all that is keeping the economy afloat.

Anxieties and fear take their toll. Welfare authorities say drinking problems abound, and have led to a significant increase in physical abuse of wives and children. Health problems are going untreated until they become acute and hospital care is needed.

Family assets, particularly cars, are going by the boards as the unemployed owners can't make the payments. Only a few houses or mobile homes have been foreclosed because the lenders know they can't resell them. Some finance companies are letting people keep their mobile homes if they can pay even half the interest due on their loans each month, never mind the principal.

Ernie Moore, vice president of District 29 of the United Mine Workers and a member of the state legislature, is saddened by what has happened to his state and most of all to the miners.

At the District 29 headquarters here—where everyone has taken pay cuts and the workweek cut to four days—Moore says that recently a woman called his wife in tears. Her husband had lost his job at the U.S. Steel Corp. mine and had begun to drink heavily. The couple, in their early 30s, have two children.

"They had lost their trailer and had to move into an apartment in Welch. They were on welfare and they were behind on their utilities," Moore recalls. "Then the physical abuse started.

"My wife urged me to try to help, so we invited them to come out to our house to talk about their troubles. They came and the wife said one thing was that they never did anything as a family any more.

"Well, at that the man started crying, and he said they can't afford to do anything and that his wife is always nagging him," Moore says. "My wife and I couldn't sort out everything, and we urged them to get counseling. I think I found some money to help on the utilities.

"You know, these men have been able to give their families most of what they needed and most of what they wanted. Now they can't, and they just can't deal with it. The children can't either. They were used to doing what the other kids did, and now they can't. They keep asking dad for money, he doesn't have any, and he gets aggravated. That can lead to physical abuse," Moore says.

And he adds, at the McDowell County mental health clinic "the case load is way up."

So is the welfare case load, the number of food stamp and Medicaid recipients and the lines of elderly, poor and unemployed who line up when they can for a free handout of butter, cheese and other food.

In McDowell County, says Betty Jo Jones, area administrator for the state's Department of Human Services, "everything depends on coal" When the mines are shut, there is nothing else.

"First, the miners can get a maximum of $211 a week in unemployment benefits," Jones says. When those run out, they can't qualify for welfare payments if they have many assets beyond a house or mobile home or a car worth less than $1,500. Also depending on their assets, they may qualify for food stamps and Medicaid.

The maximum monthly welfare payment is $254 for a family of five or more. And while living up a hollow in the mountains may be cheaper than living in an urban area, Jones agrees, "I don't see how anybody makes it on $254, even with food stamps."

Other things do help. Some families set up roadside flea markets, trading and buying and selling clothing and other small items. If they have a piece of land, there is usually a garden on it.

And then there is the volunteer help. "There are more people giving things than ever before," says Jones, "even low-income people who didn't before."

In Charleston, the United Way board has set up a regional network of free-food distribution points. Donald Withrow, a fiercely bearded Steelworkers member who is a mechanic at an FMC Corp. chemical plant and a member of the board, is the driving force behind the project.

Withrow, with the help of other union members at the C&P Telephone Co. and other firms, cadges food and money wherever he can. Once each weekend, a large cadre of volunteers turns out at a local warehouse to help sort the food, pack it in boxes and send it on its way by truck. Most of the transportation has come from the U.S. Army Reserve units.

"We are creating something this valley will reap for years to come, volunteerism," says Withrow. "It hasn't really been needed for 20 years. Now it is. People will help if you give them a simple, honest system. Maybe I'm prejudiced as hell, but I think the people of West Virginia have just a little bit bigger heart."

The turn in West Virginia's fortunes really began in 1979 following a decade-long economic boom. During the deep recession of 1974–75, unemployment rose, but so did employment. Since September 1979, the slide downward has been unremitting.

Since the fall of 1979, non-agricultural employment has dropped 13.9 percent, from 675,800 to 581,700. Nationally, over the same period, such employment is down only 2.4 percent.

In West Virginia, the number of manufacturing jobs is down a huge 28.2 percent, to 91,700. In non-manufacturing, where 490,000 people are still employed, the decline is much smaller, only 10.6 percent, but much of that drop is concentrated in coal, according to the Department of Employment Security. In coal, the number of jobs has fallen over 3½ years by more than a third, from 68,800 to 44,700.

Not long ago, about 4,000 of those miners, including some in nearby Virginia, were working for Consolidation Coal Co., a subsidiary of Conoco and now also part of DuPont. Only about 2,000 are at work now, says Eustice Frederick, a senior vice president who is in charge of Consol's southern Appalachian region.

Consol has only 11 mines operating, down from as many as 45, all working the Pocahontas No. 3 seam, known as the best metallurgical coal in the world. Its high carbon content makes it ideal for producing coke for use in making steel. There is no shortage of coal or people to mine it, only a dearth of markets.

Australians have captured much of the Japanese market, and the South Africans

and the Poles much of that in Europe. Domestically, the market collapsed along with steel.

When will coal pick up again? Frederick isn't sure. Officials at U.S. Steel, which operates a number of large mines in the area, have told union leaders those mines should reopen in either the third or fourth quarter of this year.

As in any state, even one as depressed economically as this one, there are some brighter spots.

Charleston, the capital, has a mixture of government, trade, service and industrial jobs and has not been nearly as hurt as most other parts of the state. A new $150 million shopping mall at the edge of downtown is on the way. This Town Center will include a performance center that will seat 12,000. Across the street from Town Center, a new Marriott Hotel opened a few months ago.

Similarly, outside Huntington, a major new regional shopping mall opened not long ago, though in one stroke it wreaked havoc with downtown Huntington stores.

Meanwhile, construction of new or expanded facilities is under way at several ski resorts in the mountains. At Snowshoe, atop Cheat Mountain in Pocahontas County, Close to $50 million worth of new ski lifts, condominium units, private homes and other facilities will be added to the tax rolls in the year ending this July, according to tax assessor Dolan Irvine.

As a result, Snowshoe, which costs the county little in the way of services, will boost the county's tax base by nearly 20 percent in a single year. In addition, peak winter employment at the area is close to 1,000, with about half the jobs held by people from the county.

And in the state's eastern panhandle, from which several thousand residents commute daily from Jefferson and Berkeley counties to work in the Washington area, the recession has been much less severe. In Charlestown and Jefferson County, the March unemployment rate was 5.7 percent, by far the lowest rate in the state. Berkeley County and Martinsburg had a 9.6 percent rate, still one of only nine counties in which the rate was below double-digit range.

William N. Shearer, chairman of the Kanawha Banking & Trust Co. in Charleston, thinks the state capital will prosper again, and that it will be "the key to the economic future of the state.

"I'm bullish on Charleston. It's the center of government, and it's becoming a medical center for the state, too. And now that the law has been changed to allow banks to expand through bank holding companies, it can become a larger financial center as well," declares the KB&T chairman, who recently gave the go-ahead on a $27 million new headquarters building for the bank.

Moore says loan losses at his bank are up only slightly, with only about 3 percent past due. "Our collectors are on the phone more," he adds, "but that's our job." The loans that have been written off generally have been larger commercial loans, not personal loans.

Unlike some states in which older industries are shrinking, West Virginia is making no bold claims about how new high-technology industries will arrive to take up the slack. There are no well-known university research centers around which such industries might cluster. Nor is there a large pool of highly educated workers to fill jobs in them. West Virginia ranks near the bottom among all states in terms of the proportion of the population who are high school graduates.

Despite spending immense—for West Virginia—amounts of money on highway projects, many parts of the state are still remote and can be reached only over narrow roads that twist along narrow stream valleys or lift across a ridge.

For all the difficulty of traversing the state, it is centrally located relative to a large part of the populous Northeast and Midwest. As the state's network of interstate and Appalachian regional highways moves forward, warehouses are springing up in Charleston to serve as distribution centers for a much larger region, according to Shearer.

Historically, West Virginia's economic growth was tied to development of the Ohio and Kanawha river valleys, with their ease of transportation, and to coal. The northern panhandle, including Wheeling and Weirton, is of a piece with neighboring Pennsylvania and Ohio—and in just as much economic trouble.

Several thousand jobs remain at stake at National Steel Corp.'s Weirton Steel division, where employes will vote soon on whether to buy the plant and try to make it profitable by accepting about a 20 percent cut in pay and benefits.

At the DuPont chemical plant in Belle outside Charleston, plant manager Robert Porter says that since the beginning of last year, employment has shrunk by about 150, to 1,550, entirely through attrition. Now about 15 more face layoffs.

Porter says the number of jobs at the plant, which was first built in 1926 to make ammonia from coal gas, will continue to go down. Today, the Belle plant, which once employed nearly 5,000 workers, still produces about half of DuPont's line of agricultural chemicals with raw materials from outside West Virginia. Its location makes it a good distribution point for the farm markets in the Southeast and in the Midwest.

For the plant to survive, Porter has had to oversee a fierce cost-cutting campaign that literally has involved tearing down part of the facility. "I can't wait for the economy to make the recovery for me, and one of the things you do is, if you have excess, you get rid of it," he declares.

Since the state's economy soured, governments at all levels have felt a pinch, too. Spending has been cut and new state taxes were passed to close a budget gap of more than $90 million, with most of the revenue coming from higher income taxes on people with above-average incomes. At the local level, the squeeze has sometimes been severe.

In Webster Springs, county seat of Webster County, where the unemployment rate in March was 28.7 percent, mayor R. J. Jorishie has watched the city's revenue-sharing money drop and the disappearance of some federal jobs money that was helping pay the police.

"Without revenue sharing, these towns can't exist," Jorishie declares. This coming fiscal year, spending will be lower for several things, with the big saving being elimination of the $10,000-a-year job held by the mayor's secretary. The secretary does not know where she can find another job when this one ends next month.

Jim Mattingly, manager of Cutlips furniture and hardware store, a business operated for years by his wife's grandfather, is wondering what will happen when the miners' unemployment benefits run out.

Mattingly, who does much of his business on credit, says he doesn't sell his accounts receiveable to a bank or finance companies.

"These folks live high on the hog when they are working. I'll get paid when they get back to work. Almost all of them pay their debts when they can," Mattingly says.

One of the reasons that the economic decline in West Virginia has been so steep likely is the fact that many of those who have lost their jobs were indeed making high wages in their industrial jobs when they were working. Average weekly earnings in coal mining in March were $557.69. In December, the average employes in the primary metals industries was even higher at $573.75. In chemicals, weekly pay averaged $518.75 at year's end.

Unemployment benefits for about 20,000 workers expired last year and many more will drop off the rolls when the latest 10-week federal extension of benefits begins to run out for some as early as next month. At the Employment Security office here, job service supervisor Helen Johnson says, "Some of these people are just desperate. They are coming to us losing their cars and homes, and they will take any $3.35 minimum wage job they can get.

"Of course, people used to be reluctant to hire miners because they knew they would go back to the mines," Johnson explains. "It's different now because the mines have been down so long, and some of the miners are looking for something they can stay with."

At the other end of the Employment Security building, where claims for benefits are filed, Gillis Cornette was waiting. Until last year, he was a mine foreman for the PG&H Coal Co. in Cabin Creek. Now his benefits are nearly gone and he has no hope of being called back to work. "I don't look for the company to last," he says in a gentle voice. "They cut back prices until they are just about giving it away."

Cornette's Beckley home is paid for, but his savings are just about gone. Neither he nor his wife, who had not worked before, can find even a minimum wage job.

"Just about every classification in the world is out there walking the street lookin'. I'm 48 and I'm taking a lot of steps backward. Assets? They say sell 'em, but they don't want to buy them.

"What'll I do? I don't know," he says with a small smile and a shake of his head. "I just don't know."

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NUNN/COHEN MUTUAL BUILDDOWN

Mr. LEAHY. Mr. President, I rise to commend two colleagues, Senators NUNN and COHEN, for their important and imaginative initiative in developing the concept of a mutual builddown. Under this idea, the United States and the Soviet Union would agree to destroy two existing nuclear

warheads for each new one deployed. The penalty for fielding modern, and presumably more capable weapons, would be a sharp reduction in the number of older ones. Over time, as I understand the concept, each side would move toward smaller, more survivable and less destabilizing forces.

Its sponsors have put the builddown forward as a serious attempt to find common ground between freeze supporters and proponents of strategic modernization. The attention the builddown is currently receiving in the debate over the MX and the Scowcroft report demonstrates its importance. They have obviously made an impression on the President. Still, to serve as the foundation of a new bipartisan consensus on arms control, the builddown should remain open to discussion, development, and revision. It would be unfortunate if it became inextricably linked with a strategy intended merely to gain support for President Reagan's plan to deploy 100 MX's in vulnerable Minuteman silos. That is not its sponsors' intent.

I must emphasize that I am not an unbiased participant in the present dialog over how to get arms control out of the stalemate into which it has slid under the President's stewardship. I supported a mutual, verifiable nuclear freeze long before it became fashionable to do so. My commitment intensified as I became more and more dismayed at the complete absence of progress in the START and INF negotiations. Last week I spoke to the Senate about some of the practical issues and difficulties in shaping a concrete negotiating proposal based on a freeze.

From the perspective of a strong freeze supporter, the mutual builddown, while possessing attractive elements, does pose a number of difficult issues which have so far prevented me from giving it my support. Some of my concerns arise from the apparent absence of any qualitative limits on the technological race; others stem from imprecision and lack of detail in the concept. When offering their idea, Senators NUNN and COHEN invited comments and suggestions. In the spirit of dialog, I would like to set forth some of my concerns. I hope that through a discussion we might further illuminate how, in practical terms, the mutual builddown might be implemented.

IMPACT ON STABILITY

One of the central aims of the nuclear freeze initiative is to halt the continued march of technology, which threatens to destabilize the existing nuclear balance. At present, concern is greatest about the introduction of more accurate multiple warhead intercontinental ballistic missiles in vulnerable fixed basing modes. The mutual builddown evidently supposes that each side will replace older, vulnerable, and therefore destabilizing, weapons with more survivable ones at a 2-for-1 ratio.

I recognize that, at the moment, the builddown concept is no more than a basic principle. Nevertheless, without specific replacement rules, it is not clear why new systems would necessarily be any more survivable or stabilizing than the ones they replaced. In fact, there appears to be nothing in the builddown idea to prevent new weapons from being first strike systems. Other than by unilateral decision, precisely how would the sides guarantee that new systems would be survivable and stabilizing?

Some might argue that self-interest would compel each side to make such decisions without an agreed mechanism. If both sides have fewer weapons, logically they would seek greater survivability. Yet, President Reagan wants to deploy the MX in a vulnerable basing mode.

There is evidence that the Soviets are testing a new ICBM for silo deployment very similar to the MX. This suggests arms control should provide some means to facilitate decisions that enhance stability. We cannot depend on them being made purely on the basis of logic.

A related question stems from the Scowcroft Commission's recommendation to move away from multiple warhead missiles to single warhead ICBM's. The Commission believes that strategic stability would be enhanced by both sides moving together over time toward such a land-based force. Yet, as I read it, the mutual builddown would do nothing to channel both sides in the direction recommended by the Scowcroft panel. There is nothing in the builddown which would prevent this, but nothing that would facilitate it, either. Unless revised, would not the mutual builddown supply exacerbate the current trend toward concentration of more accurate and powerful warheads in fewer missiles? In order to make it more compatible with the Scowcroft report, might not it be desirable to add to the buildown proposal a ban on the testing of any new MIRV'd ICBM's or MIRV'd variants of existing types of ICBM's?

ASYMMETRY OF REDUCTIONS

Given the asymmetry of each side's nuclear forces, a simple application of the 2-for-1 reduction principle could lead to some surprising and undesirable outcomes.

For example, the Soviets have some 70 percent of their warheads in ICBM's. Reductions in Soviet ICBM warheads should, in principle, be stabilizing. But their numbers are so large that it could be a considerable period before they experienced a significant drawdown. Our warheads are spread more evenly among the legs of the triad. Nevertheless, we place more than 75 percent of our inventory on bombers and submarines—fortunately, our most survivable and stabilizing retaliatory forces. Without further refinement of the builddown principle, we would presumably have to take many of our reductions from our bombers and submarine weapons, which are undergoing substantial modernization and expansion—that is, if we wished to retain a significant land-based leg, which I assume we would. We could be caught in a difficult decision about trading in still valuable sea-launched ballistic missile warheads in order to deploy modern cruise missiles on our bombers.

Some would contend that the relative disparity of ages in United States and Soviet systems would tend to favor the Soviets in the mutual builddown. As we modernized our allegedly deteriorating older systems, we would have to turn in two warheads for each new one. With more recent current systems, the Soviets could modernize more slowly, thus retaining their ICBM warhead advantage longer. Perhaps they might even gain an overall warhead lead. In order to protect our security and insure political acceptability, clearly there would have to be some mechanism to regulate the rate of modernization and reductions so that warhead totals, and perhaps warhead subceilings, moved more or less in synchronization.

VERIFICATION

As a member of the Select Committee on Intelligence, verification is always uppermost in my mind as I examine arms control proposals.

Because of the sensitivity of the subject, it is necessary to speak only in the most general terms. Senator COHEN, a colleague on the Intelligence Committee, and Senator NUNN, a member of the Armed Services Committee, fully understand this constraint. Yet, it is necessary to emphasize that I perceive some possibly serious verification difficulties in the mutual builddown concept, especially in its concentration on warheads as the unit of reduction. I would ask my colleagues how confident are they that we can determine the Soviets would actually be making the requisite 2-for-1 trade? What procedures does the builddown envision for identifying which weapons are to be destroyed, how to count them before destruction, and how to insure that they are in fact destroyed?

It would appear some sort of warhead-to-launcher type rule would clearly have to be applied to enable us to verify warhead numbers within some acceptable range of uncertainty. It is no secret that currently we estimate Soviet weapons totals based on a wide range of factors. We do not know down to the last bomb and reentry vehicle how many warheads the Soviets have.

Obviously, there is some, though tolerable, uncertainty. Yet, I do not see in the mutual builddown principle any provision for enhancing verification. What definitions, cooperative measures and other arrangements do the authors believe necessary to provide adequate verification of the overall warhead totals and the 2-for-1 trade-in? Could SALT II definitions and counting rules be added to the builddown idea? Will onsite inspection be necessary for adequate confidence in verification?

The nuclear freeze has been criticized for being an idea without sufficient attention to practical details. I recognize the necessity for grappling with specifics, as I stressed in my speech about the freeze concept on April 10. It should be clear from my comments today that the same legitimate questions about detail must be asked about the builddown idea. It is an attractive principle, but with many difficulties in implementation. That is not to say it should be dismissed. It should not. Instead it, like the nuclear freeze, merits serious study.

Having outlined some of my initial concerns with the mutual builddown, I would just like to reemphasize my appreciation for the work my two distinguished friends from Georgia and Maine have done.

Rigorous thought on strategic arms control has been the exception rather than the norm in the last couple of years. The Nunn/Cohen builddown is one of several fresh attempts to get us off the nuclear treadmill. I welcome it, and any reactions its sponsors may have to my remarks today.

THE AGONY OF ASSAM SHOWS THE NEED FOR THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, recently the northeast Indian state of Assam was the site of widespread violence and human destruction. In the turbulence touched off by Indira Gandhi's decision to hold state elections, 10,000 Hindus picked up their guns, spears, and bows and arrows and marched on 50 Muslim villages. Time magazine reports that at least 3,000 people were killed. Indian officials said that 100,000 others had been left homeless by rampaging arsonists who burned entire villages. Most of the bloodshed occurred during an 8-hour period.

According to Time magazine the worst violence apparently took place near the town of Nellie. There, more than 1,000 Muslim Bengalis were massacred by tribesmen wielding machetes, bamboo spears, and poisoned arrows. They herded all those who were unable to flee, mostly women and children, toward a larger ambush party waiting by a river. The Bengalis were then brutally slaughtered there.

Mr. President, this recent outbreak of tribal warfare caught the world by surprise. It demonstrated once again that large-scale violence can suddenly erupt with little or no warning. It also served as a reminder of the urgent need to ratify the Genocide Convention.

The Genocide Treaty supports the basic humanitarian right of people to exist. It declares that an act committed with the intent to destroy a national, ethnical, racial, or religious group is a crime punishable under international law.

Mr. President, over 85 nations have demonstrated their belief that international law can be an effective tool in promoting world peace by ratifying the Genocide Treaty. Yet the United States, an advocate of human rights for over 200 years, has still not ratified this treaty. It is essential that we continue our role as a leading supporter of human rights throughout the world. As conflict, violence, and international tensions continue to intensify in nearly every region of the world, the Genocide Treaty becomes increasingly important. Therefore, I strongly urge the U.S. Senate to ratify this treaty as quickly as possible.

SHOULD WE OPPOSE ARMS CONTROL BECAUSE IT WOULD BENEFIT THE SOVIETS?

Mr. PROXMIRE. Mr. President, for several days I have spoken on the floor of the Senate on the half truths about arms control as delineated in the recent Harvard book: "Living With Nuclear Weapons." In the fourth and final argument on half-truths against arms control, the study group finds a novel twist. This is the argument that arms control inevitably benefit the Soviet Union. As the Harvard study group finds: "This is entirely true." It is also very misleading. After all what does it mean to say an arms-control agreement benefits the other side, too? Unless an agreement benefits both sides, you will have no agreement. And only as long as an agreement continues to benefits both sides are you likely to have the agreement kept. We hope and expect the U.S. negotiators and the President that direct them are not fools. We will enter no agreement unless we benefit from it. Why should we? And why should be expect the Russians to behave any differently. How can an agreement both benefit the Soviet Union, our great potential adversary, and benefit us? Answer: both sides suffer in many ways from the arms race. It means expending billions of dollars in limited resources for ends that have no constructive social purpose. It means less of the resources of both sides can go for the good life for our citizens. The arms race also creates constant and growing instability. It can mean the deployment of hair-trigger weapons that through a tragic error can start a nuclear catastrophe that would demolish both sides, and leave both countries in utter ruin. Obviously an arms agreement that reduces that grim possibility is in the strong interests of both countries.

This fourth "half-truth" about arms control may do more than any other to persuade patriotic Americans to oppose arms control. Our President has called the Soviet Union "the focus of evil in the world." It seems simple and clear that anything that helps such an evil empire must be evil itself. But we need to recognize that there can never be any meaningful accords in this world without mutual benefit. And in the world of two superpower nuclear military forces, only mutual agreement between those two superpowers can give us a fighting chance to avoid the final cataclysm of nuclear war.

MISUSE OF INTELLIGENCE IN ALLEGING SOVIET ARMS TREATY VIOLATIONS

Mr. LEAHY. Mr. President, I wish to congratulate my distinguished colleague from Delaware (Mr. BIDEN) for his timely, forthright, and necessary statement regarding misuse of classified information concerning alleged Soviet violations of arms-control agreements. He gave his speech here in the Senate on May 11.

It is always difficult to seek to rebut loose, colorful charges of massive Soviet noncompliance with arms-limitation agreements with us. Those, like Senator BIDEN and myself, who are members of the Select Committee on Intelligence are in a particularly difficult position. We are in possession of the facts, we understand the ambiguities and uncertainties inherent in most intelligence, yet we must protect the detailed, classified information to which we have access. We cannot engage in selective leaks and manipulation of intelligence, even when forced to stand silent when others do so.

My friend, Senator BIDEN, has handled this difficulty superbly in his masterful statement. As a member of the Select Committee on Intelligence, I wish to associate myself fully with his remarks. I, too, am deeply concerned about certain ambiguous Soviet behavior regarding provisions of the unratified SALT II Treaty.

I believe the United States must pursue these issues firmly and vigorously in the confidential channels established for this purpose. That is why I, together with other colleagues on the Intelligence Committee, urged Chairman GOLDWATER and Vice Chairman MOYNIHAN to write to the President on April 14 to offer our services

in a bipartisan, confidential review of available data and the preparation of a report at the appropriate time.

Regrettably, the President has not seen fit to reply to the committee's offer. This is an opportunity to deal with a most serious question in a bipartisan manner. I hope he will yet avail himself of the Intelligence Committee's willingness to be helpful.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now go into executive session to consider the nomination of Alfred S. Regnery to be Administrator of the Office of Juvenile Justice and Delinquency Prevention. The clerk will report the nomination.

NOMINATION OF ALFRED S. REGNERY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The bill clerk read the nomination of Alfred S. Regnery, of Virginia, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

The PRESIDING OFFICER (Mr. COCHRAN). The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today to voice my support for Mr. Alfred S. Regnery, President Reagan's nominee for the position of Administrator of the Office of Juvenile Justice and Delinquency Prevention.

Mr. Regnery graduated from the University of Wisconsin Law School in 1971, and immediately entered law practice in Madison, Wis. He spent the first 2 years of that practice in a law firm which was primarily engaged in labor law, and was himself involved in many difficult and complex labor cases involving disputes between employers and employees. That practice included a significant amount of time in the field, where he worked with both members of the labor force and with their employers on a 1-on-1 basis.

Wishing to broaden his experience, Mr. Regnery in 1975 joined a law firm which was involved in general practice. He remained there until January 1978. In this latter capacity, Mr. Regnery's practice was a general one, and included work on a broad range of both criminal and civil matters. He handled many complex matters which went to trial, both before the court and before juries. Perhaps more important, his practice involved many matters involving disputes between people—the sorts of disputes which are often the most difficult to handle, but are usually the most important to those involved. Many of those cases involved matters directly or indirectly affecting children, including many divorce cases, child custody cases, adoptions, delinquency proceedings, and others. This experience would have given Mr. Regnery a broad-based understanding of the difficulties and problems which are faced by people, often the same sorts of problems which are at the base of juvenile delinquency issues.

During his time in practice, Mr. Regnery developed an interest in criminal justice, and became a serious student of that part of the law. In early 1978 Regnery joined the staff of the Senate Judiciary Committee as legislative counsel to Senator PAUL LAXALT. For the first year of his tenure, he served as Senator LAXALT's only staff member on the Judiciary Committee, and until March 1981, as his chief legislative counsel.

During that period, Mr. Regnery was involved in legislative issues involving antitrust, administrative law, criminal law, the courts, patents and copyrights, constitutional issues, and matters involving the Justice Department and the FBI. Senator LAXALT, a member of the Judiciary Committee, is recognized for his leadership in the area of victim's rights. Many of us recall the hearing Senator LAXALT chaired in 1979 on the question of victim's rights—the first hearing in the history of the Senate which focused on that important issue. Mr. Regnery was the primary staffer for Senator LAXALT on that important piece of legislation, which laid the foundation for what subsequently became the Victim's Bill of Rights, and was recently signed by the President.

Mr. Regnery has served on the Victim Subcommittee of the Criminal Law Committee of the American Bar Association, and as a charter member of the board of directors of the Victims' Assistance Legal Organization (VALOR), and has been an instrumental member of the entire victims movement.

Regnery, in 1981 joined the Department of Justice as Deputy Assistant Attorney General in the Land and Natural Resources Division, where he oversaw the work of some 65 attorneys engaged in complex litigation for the Department of the Interior and the Environmental Protection Agency. In November 1982, because of his successful tenure in the Lands Division and his background in criminal justice matters, the Attorney General asked him to become the Acting Director of the Office of Juvenile Justice and Delinquency Prevention, and he was subsequently nominated by the President to become the permanent Administrator.

Since assuming the position of Acting Administrator, there are those who have said that Mr. Regnery lacks concern for the rehabilitation and treatment of junvenile offenders. In retort, Mr. Regnery informed the Judiciary Committee that rehabilitation and treatment are beneficial in cutting down juvenile crime, which comprises 40 percent of all felonies today. Mr. Regnery has said that he believes that there are changes to be made in the area of rehabilitation, and since becoming the Acting Administrator, he has been analyzing the system and formulating ideas to better the program.

With regard to utilization of funds for prevention, Mr. Regnery informed the committee that he has obligated 23 percent of his office's discretionary funds for prevention purposes, and that of the $40 million which is allocated to the States, 20 to 25 percent is used for prevention purposes. It is Mr. Regnery's contention that prevention programs must be analyzed to provide the best programs available.

Mr. Regnery has honorably served since November of last year in the position for which he has been nominated. He has shown that he is both capable and willing to work hard for the betterment of the youth of this country. I would also add that all the allegations concerning Mr. Regnery were thoroughly reviewed by the Judiciary Committee and were found to be without substantiation. I am confident Mr. Regnery will impartially administer the office for which he has been selected, and I urge my colleagues to support his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. Mr. President, I yield 15 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I rise in opposition to the nomination of Alfred S. Regnery to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

Why do I oppose the Regnery nomination? It is not easy to oppose him. He comes from Wisconsin. He is well known in Wisconsin. He ran for office in Wisconsin. But my answer is simple. Nothing in his background qualifies him for the post to which he has been nominated.

Is it too much to expect that nominees for important positions in the executive branch of the Federal Government have at least minimal training and experience relating to the job they are being asked to undertake? I do not think so. Based on this standard alone, Mr. Regnery should not be confirmed.

Mr. President, I recently received a letter about the Regnery nomination from Hon. Michael W. Brennan, circuit judge, Branch II, Clark County, Wis. Let me quote from that part of the judge's letter describing his impressive background in juvenile law:

In no way am I trying to beat my own drum, but I have been a Circuit Court Judge

in Wisconsin for almost 13 years. During that time I have specialized in Juvenile Law, having taught it for seven or eight years at our Judicial College. I helped write our Juvenile Code, worked on Juvenile Intake Standards, helped write the Juvenile Standards and Goals under the old LEAA, and served on the national committees writing model laws in the juvenile area. I have been a member of the National Council of Juvenile Court and Family Court Judges for years, and have served on various committees for that organization. I participated in conferences concerning child abuse with physicians, and have taught social workers and intake workers juvenile law for many years. In addition, I have served as a board member for a nonprofit child care institution for many years and also have served on a child care institution foundation.

Then Judge Brennan—referring to Mr. Regnery—goes on to say:

I give you this background for one reason. After reading the news article and all this exposure to the Wisconsin Juvenile System, the only thought that came to my mind was "who in the hell is he?"

If the news account concerning this fellow is correct it indicates he is unable to cite one book concerning juvenile delinquency and cannot even give a definition of delinquency. I am positive that if this man were working in the area of juvenile delinquency over the years (he certainly should have if he is being considered) that I would have come across him. I have never seen him contribute one thing, and after checking around the state I find that he has absolutely, postively, no credentials whatsoever except that he was a Young American for Freedom official.

To say the least, this is an insult to those of us who work in the area of juvenile law in Wisconsin to have him suggested for this job. Wisconsin has a proud tradition in the area of juvenile law and it is embarrassing and insulting to have his name submitted. This state is full of qualified people but he isn't one of them.

This letter from Judge Brennan states forcefully and well the case against the Regnery nomination on the basis of the nominee's lack of credentials in the juvenile field. I ask unanimous consent that the full text of Judge Brennan's letter to me be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CIRCUIT COURT,
BRANCH II OF CLARK COUNTY,
Neillsville, Wis., April 27, 1983.

Hon. WILLIAM PROXMIRE,
Senator from Wisconsin, Dirksen Senate Office Building, Washington, D.C.

DEAR SIR: I noted an article yesterday in a national magazine stating the nomination of Alfred S. Regnery has been submitted to the Senate for approval as head of the Justice Department's Office of Juvenile Justice and Delinquency Prevention. I note this fellow is from Wisconsin.

In no way am I trying to beat my own drum, but I have been a Circuit Court Judge in Wisconsin for almost 13 years. During that time I have specialized in Juvenile Law, having taught it for seven or eight years at our Judicial College. I helped write our Juvenile Code, worked on Juvenile Intake Standards, helped write the Juvenile Standards and Goals under the old LEAA, and served on the national committees writing model laws in the juvenile area. I have been a member of the National Council of Juvenile Court and Family Court Judges for years, and have served on various committees for that organization. I participated in conferences concerning child abuse with physicians, and have taught social workers and intake workers juvenile law for many years. In addition, I have served as a board member for a non-profit child care institution for many years and also have served on a child care institution foundation. I give you this background for one reason. After reading the news article and all this exposure to the Wisconsin Juvenile System, the only thought that came to my mind was "who in the hell is he"?

If the news account concerning this fellow is correct it indicates he is unable to cite one book concerning juvenile delinquency and cannot even give a definition of delinquency. I am positive that if this man were working in the area of juvenile delinquency over the years (he certainly should have if he is being considered) that I would have come across him. I have never seen him contribute one thing, and after checking around in the state I find that he has absolutely, positively, no credentials whatsoever except that he was a Young American for Freedom official.

To say the least, this is an insult to those of us who work in the area of juvenile law in Wisconsin to have him suggested for this job. Wisconsin has a proud tradition in the area of juvenile law and it is embarrassing and insulting to have his name submitted. This state is full of qualified people but he isn't one of them.

I respectfully request that you not vote for him and that you recommend to the president that his name be withdrawn forthwith. I am absolutely "sick".

Yours very truly,

MICHAEL W. BRENNAN,
Circuit Judge, Branch II.

Mr. PROXMIRE. It is ironic, to say the least, that the members of the National Advisory Committee for Juvenile Justice and Delinquency Prevention are required by statute to have qualifications far superior to those that are, in fact, possessed by Mr. Regnery. Here is the statutory language describing the background requirements of members of the committee:

Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

Mr. President, the News & Observer of Raleigh, N.C., published an outstanding editorial on the Regnery nomination on April 11, 1983. That editorial focused on Mr. Regnery's lack of qualifications to head the Office of Juvenile Justice and Delinquency Prevention. It reads, in part, as follows:

* * * the Senate Judiciary Committee has not uncovered a single convincing qualification of Regnery in the juvenile justice and crime prevention fields. He worked for the Natural Resources Division of the Justice Department before being tapped for his new job.

Regnery told the Senate committee that he had studied criminal justice matters very carefully. But he was unable, on the spot, to provide the title of a single book or reference he had used in his self-education.

Mr. President, I ask unanimous consent that the full text of this editorial from the News & Observer be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the News & Observer (Raliegh, N.C.), Apr. 11, 1983]

TIME TO NUKE A NOMINEE

Interior Secretary James Watt plainly shot himself in the foot when he tried to shoo the Beach Boys off the Mall. But Watt's is just the most recent of many footshootings in the Reagan administration. Another is President Reagan's nomination for director of the Office of Juvenile Justice and Delinquency Prevention.

After failing to kill this program, the president chose Alfred S. Regnery to run it. Regnery is a former official of Young Americans for Freedom, a feisty appendage of the radical right. Conceivably, this could be regarded as experience in working juveniles.

Otherwise, the Senate Judiciary Committee has not uncovered a single convincing qualification of Regnery in the juvenile justice and crime prevention fields. He worked for the Natural Resources Division of the Justice Department before being tapped for his new job.

Regnery told the Senate committee that he had studied criminal justice matters very carefully. But he was unable, on the spot, to provide the title of a single book or reference he had used in his self-education. He did, however, confirm that his car bears a bumper sticker asking, "Have You Slugged Your Kid Today?" and that he displayed a "Nuke the Whales" sticker in his Justice Department office.

Not to worry, Regnery told the senators. He considers his taste in bumper stickers only a joke. Funny, but folks can come to the same conclusion about his nomination.

Mr. PROXMIRE. Mr. President, there is one more item relating to Mr. Regnery's qualifications that I would like to bring to the attention of my colleagues. I asked the Library of Congress to provide me with brief background sketches of the past Administrators of the Office of Juvenile Justice and Delinquency Prevention as a means of comparing their credentials with those of Mr. Regnery. I believe that any fair and dispassionate analysis of the information furnished by the Library of Congress would lead to only one conclusion: Mr. Regnery's predecessors in office have been qualified for the job but he is not.

Mr. President, I ask unanimous consent that the Library of Congress memorandum to which I have referred be printed at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., May 13, 1983.

To: Hon. William Proxmire. Attention: Ken Dameron.

From: Gary L. Galemore, Analyst in American National Government, Executive Organization Section, Government Division.

Subject: Brief Background Sketches for the Administrators of the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

The following information is provided in response to your request for a brief description of the employment and educational backgrounds of the persons who have served as head of the Office of Juvenile Justice and Delinquency Prevention, Department of Justice. As you instructed, only readily available information has been provided on each administrator.

Some of the seven office holders described here have held the position for only a few months and later returned to their previous jobs within OJJDP. These instances are noted where appropriate. The office holders are listed chronologically, indicating the approximate time they held the position.

MELTON LUGAR (1975-76)—Background: Teacher, J. L. Mott Junior High School; with the New York City Department of Corrections; Deputy Director and Director, New York Division of Youth; Chairman, New York State Narcotic Addiction Control Commission.

Education: B.S. and M.A. Degrees from New York University.

Source: U.S. President. Weekly Compilation of Presidential Documents, 1975, Vol. 11, No. 39. p. 1065.

FRED NADER (1976-77)—Background: Director, Pennsylvania's Carson Valley School for Pre-delinquent and Delinquent Adolescents; Executive Director, New Hampshire Governor's Commission on Crime and Delinquency; Director of Treatment, Massachusetts Halfway Houses, Inc.; Chairman, New Hampshire Halfway Houses, Inc.; Chairman, Committee for the White House Conferences on Children and Youth; Founder, New Hampshire Juvenile Officers' Association.

Education: M.A. in Education.

(Note: Mr. Nader served only for a few months between the resignation of Mr. Lugar and the appointment of Mr. Rector.)

Source: U.S. Congress. House. Committee on Education and Labor. Subcommittee on Equal Opportunities. Juvenile Justice and Delinquency Prevention and Runaway Youth. Hearings, 93d Cong., 2d Sess., Washington, U.S. Govt. Print. Off., 1974. p. 354.

JOHN RECTOR (1977-79)—Background: Trial Attorney; Legislative Specialist in the Civil Rights Division of the Justice Department; Staff Director, Deputy Chief Counsel, and Chief Counsel of the Senate Subcommittee to Investigate Juvenile Delinquency of the Senate Committee on the Judiciary.

Education: B.A. degree from the University of California; J.D. from Hasting College of the Law.

Source: U.S. President. Weekly Compilation of Presidential Documents: 1977, Vol. 13, No. 24. p. 859.

DAVID WEST (1979)—Background: Associated with the Office of Youth Development and Delinquency Prevention Program at the Department of Health, Education and Welfare; Member of the staff of the Office of Juvenile Justice and Delinquency Prevention since its establishment in 1974. Currently employed by OJJDP.

Education: B.A. and J.D. Degrees.

(Note: Mr. West was acting administrator for less than three months before he returned to his regular position with OJJDP.)

Source: Conversation with Gordon Riley, Staff Director of the House Subcommittee on Human Resources. House Committee on Education and Labor, May 12, 1982.

IRA SCHWARTZ (1979-80)—Background: Senior planner in social services for the Minneapolis Department of Planning and Development; Director, community services for the Hennepin County (Minn.) Department of Court Services; Instructor, law enforcement program at North Hennepin State Junior College; Director, John Howard Association; Executive Director, Washington Council on Crime and Delinquency.

Education: B.S. degree from the University of Minnesota and a M.S.W. from the University of Washington.

Source: U.S. President. Weekly Compilation of Presidential Documents, 1979, Vol. 15, No. 48. p. 2183.

CHARLES LAUER (1981)—Background: With the General Counsel's Office of LEAA in the Grants Division (since 1968); became temporary Administrator of OJJDP and served in that position for slightly more than one year. Presently is assigned to the General Counsel's Office of OJJDP.

Education: B.A. Degree and J.D. degrees.

(Note: Mr. Lauer's position with the Grants Division of LEAA gave him the opportunity to work on some LEAA grant programs dealing directly with juvenile delinquents.)

Source: Conversation with Gordon Riley, Staff Director of the House Subcommittee on Human Resources, House Committee on Education and Labor. May 12, 1983.

ALFRED REGNERY 1982-83—Background: Former Official of the Organization of Young Americans for Freedom and aide to Senator Paul Laxalt; Lawyer, Justice Department's Land and Natural Resources Division.

Education: B.A. and J.D. degree.

(Note: Mr. Regnery was also considered previously by the Reagan Administration for the position of Director of the Legal Services Corporation.)

Source: Washington Post, Apr. 3 and 7, 1983, p. A5 and A7 respectively.

Mr. PROXMIRE. Mr. President, there is at least one other important reason why the Senate should not give its approval to the Regnery nomination: Mr. Regnery seems bent on ignoring the very purposes of the act he is charged with administering.

What are those purposes? Quoting from the Juvenile Justice and Delinquency Prevention Act itself, here are the act's four purposes:

(1) To develop and implement effective methods of preventing and reducing juvenile delinquency, including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

These are the purposes of the act that gave birth to the only Federal program having, as a part of its stated purposes, the prevention of juvenile delinquency. And, Mr. President, it is the prevention of delinquency that is the main mission of the Office of Juvenile Justice and Delinquency Prevention.

Now, where does Mr. Regnery stand on the prevention of delinquency?

At his confirmation hearing, Mr. Regnery was asked this question: "Would you comment about your own approach to the enforcement of the act, as specified in quite a number of places, a congressional intention to emphasize crime prevention approaches for juveniles?"

Here is part of Mr. Regnery's answer to that question:

I suppose if you wanted to, you could probably say that virtually everything we do bears on juvenile delinquency prevention. When you prosecute somebody, I guess, and put them in an institution, if they are a multiple offender, and you keep them from committing another delinquent act, I guess that is prevention on the hand.

Somehow, I hardly think that locking up juveniles fits with the act's conception of delinquency prevention—or with anyone's commonsense notion of the meaning of that approach.

Senator METZENBAUM, who is the ranking minority member on the Juvenile Justice Subcommittee, had this to say to Mr. Regnery after listening to some of his comments on delinquency prevention at his confirmation hearing: "You are not doing anything about prevention programs, and do not intend to, obviously."

Mr. Regnery has supplied plenty of evidence to support Senator METZENBAUM'S conclusion. And that evidence is not limited to Mr. Regnery's statements at his confirmation hearing.

For example, in a letter to Congressman IKE ANDREWS, who chairs the House subcommittee with jurisdiction over the agency Mr. Regnery seeks to head, Mr. Regnery stated, "Moreover, I plan to concentrate this office's primary prevention effort in the Federal Coordinating Council so that the expertise of other Federal agencies better equipped to handle primary prevention matters may be brought to bear."

This same theme was sounded by Mr. Regnery in remarks he made on January 17, 1983, to the National Advisory Committee on Juvenile Justice and Delinquency Prevention. Here is part of what Mr. Regnery said on that occasion:

Our direct involvement with the prevention of juvenile delinquency should be limit-

ed to attempting, as best we can, to help those juveniles who have broken the law to avoid becoming career criminals, rather than attempting to directly influence children from misbehaving in the first instance. Our budget and our resources do not permit us to do the latter. Indirectly, however, we can and will become involved in primary delinquency prevention through the Coordinating Council on Juvenile Justice and Delinquency Prevention.

Mr. President, when Mr. Regnery says he is going to concentrate delinquency prevention efforts in the Federal Coordinating Council—which has no funding authority—he is, in effect, turning his back on the congressionally mandated purposes of his agency. Rather than carrying out the law as Congress intended, Mr. Regnery seems to be espousing a policy that would impede its implementation.

On April 14, 1983, the Washington Post in an editorial on the Regnery nomination states, in part, that:

Nowhere in the statute is there a directive to focus on punishment or incarceration. But in his recent testimony before the Senate Judiciary Committee and in press interviews, Mr. Regnery has stated that he has little faith in the value of prevention programs and wants to concentrate on apprehension and punishment of youngsters who are already offenders. Certainly it is within his power to review the recent work of the office and to make judgments about research and other projects that have been funded under the Act. No individual grant recipient has a permanent right to government financing—as many affiliated with other federal programs have learned during the recent budget cutbacks. But the director's clear responsibility is to carry out the law as it is written, not as he would have written it. It is cynical to put millions of dollars into a program stressing tougher penalties for youthful offenders and then call it prevention, as the nominee did, because a youngster in jail is prevented from committing other crimes.

There are any number of crime control and law enforcement organizations at state, local and federal levels who have responsibility for juvenile corrections programs. The problem is not a small one, but neither is it the one assigned to the Office of Juvenile Justice.

I ask unanimous consent that the full text of the Washington Post editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 14, 1983]

MR. REGNERY'S NOMINATION

Alfred S. Regnery, the man nominated by President Reagan to head the Federal Office of Juvenile Justice and Delinquency Prevention, is the father of four children and the owner of a car that sports a bumper sticker asking "Have you slugged your kid today?" The nominee says his children bought the sign for him as a joke, and that everyone in his family, at least, thinks it's terribly funny. The people on Capitol Hill concerned with his confirmation are not amused.

At issue in the Senate confirmation hearings, however, is the more fundamental question of the direction of the federal juvenile justice program. The office for which Mr. Regnery has been nominated was established by Congress in 1974. The purpose of the legislation was to mount a federal effort to prevent crime by reaching children before they became offenders, by supporting research into the causes of delinquency, by trying to save juvenile offenders from becoming adult criminals and by sponsoring imaginative programs of rehabilitation outside correctional institutions.

Drafters of the legislation were, in fact, so certain that this program would reduce the number of youngsters confined in institutions that they added a provision designed to minimize employment problems for corrections personnel who would surely lose their jobs when juvenile institutions closed down.

The law speaks of prevention, rehabilitation, research, training, assistance, alternatives to institutionalization and improvement of the standards of criminal justice. Nowhere in the statute is there a directive to focus on punishment or incarceration. But in his recent testimony before the Senate Judiciary Committee and in press interviews, Mr. Regnery has stated that he has little faith in the value of prevention programs and wants to concentrate on apprehension and punishment of youngsters who are already offenders. Certainly it is within his power to review the recent work of the office and to make judgments about research and other projects that have been funded under the act. No individual grant recipient has a permanent right to government financing—as many affiliated with other federal programs have learned during the recent budget cutbacks. But the director's clear responsibility is to carry out the law as it is written, not as he would have written it. It is cynical to put millions of dollars into a program stressing tougher penalties for youthful offenders and then call it prevention, as the nominee did, because a youngster in jail is prevented from committing other crimes.

There are any number of crime control and law enforcement organizations at state, local and federal levels who have responsibility for juvenile corrections programs. The problem is not a small one, but neither is it the one assigned to the Office of Juvenile Justice. It is now Mr. Regnery's task to assure senators that he understands and supports the goals set out by the drafters of the law and that he intends to carry it out fairly and effectively. And it wouldn't hurt to peel off that bumper sticker as well.

Mr. PROXMIRE. Mr. President, here we have an office that has the responsibility by law to help prevent juvenile delinquency in this country. I stress prevent juvenile delinquency—not address, imprison, fine, punish, but prevent. Do I say address and jail and other punishment has no role? Of course not. What I say is that we should first of all recognize that in this country the Federal Government has an extremely limited responsibility in crime enforcement, and the office we are talking about is a Federal office. The Federal Government has literally no responsibility for enforcing the law against most crimes. These are State laws or local ordinances and enforced by local police forces. Very few Federal laws require enforcement, arrest, fines, or other punishment.

Reflecting this, the Federal law enforcement agencies are thinly manned. How many Federal police officers do we have? Well, we have the Federal Bureau of Investigation, the Customs Bureau, the Coast Guard, the Secret Service, Federal marshals, and U.S. district attorneys. They represent a tiny fraction of the law enforcement officials in local governments.

Since the Federal Government lacks the responsibilities and the resources for comprehensive national law enforcement, what is the purpose of the Justice Department's office that deals with junvenile delinquency? It has no responsibility for arresting, imprisoning, fining, or in any other way directly punishing for juvenile crimes. So what can it do?

The law is very clear on what it can do and should do. It provides four specific functions, and every function has to do with preventing—and I stress preventing—juvenile delinquency. Is this possible? Can this agency or any Federal agency play any significant part in reducing juvenile delinquency? If so, how? What kind of qualifications should be expected for the head of the Federal office with the responsibility for preventing juvenile delinquency?

Obviously, in view of the limited nature of the Federal Government's responsibility in the field, and in view of the precise and specific requirements in the law, the ideal qualifications for the head of this agency should be a person who has had as much training in the juvenile delinquency field as possible. This nominee, Mr. Regnery, has had none.

He should be thoroughly cognizant of the principal studies of juvenile delinquency. And, as I pointed out already, Mr. Regnery indicated he knows of no such study. He himself, should have written at some length about juvenile delinquency. Mr. Regnery has written nothing in this field.

He should have submitted his opinions to debate and discussion in the juvenile delinquency field. Mr. Regnery obviously has not.

It would be highly useful for him to have had some years of experience at the State or local level, where the real action is on juvenile delinquency. Mr. Regnery has not had 1 day of such experience.

He should understand the possibilities of preventing juvenile delinquency. Mr. Regnery has shown not the slightest interest in preventing—I repeat, preventing—juvenile delinquency.

He should be thoroughly familiar with the success stories in cities that have suffered most painfully from juvenile delinquency, and taken it on and have won. Mr. Regnery is not so familiar.

He should also have an understanding of the policies in those cities that

have failed to slow or stop juvenile delinquency. And, above all, he should have some firm and clear ideas on what has made the difference and why.

Obviously, Mr. Regnery does not know or care. He should have some burning questions, some very lively curiosity about the effect of unemployment on juvenile delinquency, about the role the family can play in preventing crime by youth, and how law enforcement agencies can bring the family into a more responsible role in dealing with public violence and other antisocial behaviors on the part of its children.

He should have some strong ideas on the responsibility of the local police force to set an example for youth of the cities, to help provide youthful opportunities for cooperation with law enforcement authorities. He should have some role models in mind of what schools—especially high schools—can do to help keep their students in school every day, all day, and to keep them occupied in sports and other constructive behavior.

He should understand that, of course, for some tough delinquent youth, society has no alternative except hard, specific punishment, including locking them up. Mr. Regnery does seem to understand this, but he should also understand that imprisonment or imposing a fine means society has failed. Mr. Regnery does not seem to understand that.

The old commonsense law—"An ounce of prevention is worth a pound of cure"—has more application with respect to juvenile crime than in any other aspect of life. Mr. Regnery seems to have no comprehension of that.

Finally, Mr. President, consider what an active and aggressive effort to gather and analyze research in the area of juvenile delinquency could provide. Only a national, I repeat national, effort to determine what policies to combat juvenile delinquency work, and what fail, can give us useful answers. And in a nation with the numerous communities big and small serving as laboratories, what a mine of understanding of the most effective way to cope with juvenile crime—based on the hard, tough experience in the field.

For example, this kind of national research can help find answers for the following critical questions:

What role does a comprehensive employment program for juveniles play in reducing juvenile crime?

What influence, if any, do athletic and other social activities provide?

What effect do penalties, such as jail terms, fines, required community service, have on juveniles?

How effective is it to assess penalties directly on the parents of offending juveniles, as well as the juveniles themselves?

Which kind of penalties work best on juveniles? On parents?

What role do drugs play in provoking juvenile delinquency?

What are the most effective ways of preventing drug addiction among juveniles?

What effect do drug-abuse education films and lectures have and which films have been most successful?

What is the best way to prevent alcohol consumption and abuse among teenagers?

The Federal Government can and should play a far more aggressive role in developing and disseminating this kind of information. Indeed, First Lady Nancy Reagan deserves great credit for the role she has played in focusing national attention on a major, prime cause of increased juvenile delinquency; drug abuse. The First Lady has wisely and constructively used her position to project the Federal Government into the fight against juvenile delinquency. In the same aggressive spirit, our Federal Government, through the Justice Department, should stand in the forefront to help, inspire, and inform local communities in fighting juvenile delinquency.

Mr. President, I think that one way we contribute to that is to reject this nomination and insist that the man who heads this agency should be fully qualified.

Mr. President, I yield the remainder of my time to my good friend from Ohio.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield such time as he may require to the able Senator from Nevada (Mr. LAXALT).

Mr. LAXALT. I thank the chairman.

Mr. President, I am pleased to rise in support of the nomination of Alfred S. Regnery to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

I might take this occasion to share my views on this man and urge my colleagues to join me in supporting his nomination.

I have known Al Regnery since 1978 when he joined my Judiciary Committee staff as chief minority counsel of the Subcommittee on Administrative Practices and Procedures. As my attorney, he handled virtually every issue that has come before the committee from antitrust to juvenile justice. For the last 2 years he has been a Deputy Assistant Attorney General in the Department of Justice where he gained valuable administrative and legal experience. While he has my full confidence and support, he also has won the respect of the administration and the Attorney General who asked that Mr. Regnery take this new job. He is an intelligent and experienced lawyer. He is fully capable of carrying out the important responsibilities of Administrator at OJJDP.

On that point I listened with interest to my most respected colleague, Senator PROXMIRE, and I suppose his criteria, and I suppose it would be appropriate, would be that one who is going to serve in this position be technically qualified, be an expert in the field.

Well, I suppose that that is desirable, but I do not know that it is indispensable. Sometimes, in my experience around here, without deprecating anybody, I think we are overloaded with experts. I think probably a modicum of commonsense brought to this, with general administrative abilities, would pretty much perform the functions that we all seek and desire in this very important position. I would rather think that the administration in pondering this very important position finally came to the conclusion that he did have practical experience in the field. After all, he has four wonderful children. He has dealt a lot with young people in his personal life. I would think with the technical expertise he has as a lawyer, the technical expertise in being on the committee and dealing with these various matters, including juvenile justice, they felt that would more than compensate for whatever technical deficiencies might arise.

As a man, as I indicated, with four wonderful children, he knows, like the rest of us, that they truly are our future. They are a cherished resource that must obviously be preserved. There is no doubt that prevention and reduction of juvenile crime will be his highest priority.

I would not want the thought, and certainly he would not, that simply because he has indicated in his statements before the committee and otherwise he is going to attempt to achieve some balance between prevention and punishment, that prevention is going to be minimized in the process. I would hope not, I say to Senator PROXMIRE, because, if he moves in that direction, in my judgment, he would be making a rather serious mistake.

It is my view from having talked with him, from having observed him before the committee, he is not going to do any such thing. All things being equal I would imagine he would continue to emphasize the thrust of the program on the prevention side as well as the punishment side.

Since his appointment as Acting Administrator, Mr. Regnery has traveled extensively throughout the country seeking the advice and guidance of experts in the field of juvenile delinquency.

He has done this on the basis, again, that on the technical grounding per-

haps there were deficiencies and his best bet would be to prepare himself for this position to talk to experts around the country and he has done well in this respect.

He shares my personal view that no particular ideology or philosophy has a monopoly on truth or the answers to the many problems that plague our society. In order to arrive at reasonable solutions, he knows that it is necessary to meet with, and talk to, people of every political stripe. It is my understanding this is exactly what he is doing.

I think perhaps as one who has been associated with him for some time that is as reassuring to this Senator as anything. He is not coming into this with fixed, closed views that he has a monopoly on the wisdom in this field or any other. I think that is one thing we all learn in this business, that nobody does. We guess a lot here in the Government. We guess a lot in the Congress, and I think they guess a lot downtown. The fact that he recognizes that he needs advice, support and guidance, the fact that he recognizes that no particular ideology fits the mold in respect to dealing with youngsters, of all things, to me, as I say, is somewhat reassuring.

Three weeks ago I read an article in the Post dealing with the decrease in juvenile crime here in the District of Columbia, I am sure my colleagues read the same piece.

In that article, Capt. David Bostrom, assistant commander of the youth division, was characterized as charging "that Federal programs in the juvenile justice areas are going in the wrong direction under the new leadership of the Justice Department's Office of Junvenile Justice and Delinquency Prevention."

Apparently this is a real clear thought for a respected person to feel.

The Post went on to say that Bostrom was "joining a growing number of critics of the office under acting Director Alfred Regnery." I was curious to know what it was that Mr. Regnery had done to be criticized by Bostrom so I had my staff contact him to discuss the issue. Bostrom stated that he was aware of the criticism of Mr. Regnery but could not point to anything Regnery had said or done that deserved the treatment he was getting from the juvenile justice community. Although Bostrom disagreed with Mr. Regnery on a number of issues and pledged to "educate" him after his confirmation—I suppose that "education" would be welcome—he said his positive views on Mr. Regnery "far outweighed any negatives he might have." Captain Bostrom said that shortly after Mr. Regnery was appointed acting director of OJJDP, that he met with Captain Bostrom to get his ideas on juvenile justice. Bostrom said that Alfred Regnery was the first administrator at OJJDP ever to initiate such a meeting with his office.

It is not just with Captain Bostrom that Mr. Regnery is meeting in order to determine what it is that can be done with the limited resources and funds available at OJJDP. It is my understanding that he has met with virtually everyone that has any interest in influencing what that office is doing. It is clear that his door is open and that is as it should be. It is also clear that there should be a rethinking of how money has been spent in the past. Of the approximately $70 million appropriated to OJJDP, $40 million goes immediately to the States that choose to participate in the program. That leaves only $30 million in which it could be said that Mr. Regnery has discretion on how the money will be spent and to whom it will be given under the mandate of the Juvenile Justice Act as amended.

In the ordinary context $30 million is a lot of money. But when you see in our context what is spent and asked for in these agencies, it really is not all that significant.

It is an appropriate matter of concern to the Senate, and possible juvenile justice grantees, that the money be spent correctly.

We are entitled to know that; we are entitled to have that degree of accountability. I have here, and would like to have it inserted in the RECORD, Mr. Regnery's proposed budget plans for fiscal year 1983. I have read it and cannot find fault with it—recognizing that I chair the committee that will eventually have to pass on it. Although this is only a draft, it will be, with only a few exceptions, the formal budget that will be printed in the Federal Register within the next few weeks. I feel strongly that this proposed budget shows that OJJDP is being administered responsibly. Although this administration has zeroed out funds for OJJDP for the last 2 years, last year the Congress put $75 million back in. It is too early to say whether it will be refunded this year. However, I believe the administration made the correct decision in appointing Mr. Regnery because OJJDP has been under the direction of an acting administrator for 2 years. If OJJDP is funded, Mr. Regnery, and this administration, is committed to doing all that is possible to insure that each tax dollar used is spent in the most responsible and cost effective manner possible.

There have been claims in the press, as well as in the mail I receive, that Mr. Regnery is perverting the grant making process at OJJDP. His critics charge further that he is opposed to delinquency prevention and that that type of grant will come to an end. I think the OJJDP budget, to which I have referred, shows that this is simply not true. I commend the budget to my colleagues who share these concerns to see that within the framework of the budget, it just is not true. I know of some grants that have been ended, and others in which the grantees have had to come up with more of their own money, but nowhere have I found that a decision to modify past funding does not have some reasonable and lawful rationale.

What I am saying essentially is I do not find any arbitrary determinations made in terms of simply zeroing out any of these programs without adequate rationale in support of the decision.

The Juvenile Justice Act provides ample leeway for the Administrator of OJJDP to establish priorities among the many groups and organizations who seeks funds in this area. At his confirmation hearings, and in subsequent written responses to the Judiciary Committee, Mr. Regnery assurred us that he understands and supports the goals of the act.

That is absolutely essential. We cannot have him down there doing his own thing and perverting the will and intent of Congress. He follows the law, period, whatever his philosophical bent. His job is to administer this program fairly and effectively, and I am confident, Mr. President, he will do just that. He has no options on whether to disregard or adopt the mandates of the act. His job is to administer this program fairly and effectively. I am confident that he will do so.

Finally, I would like to add that much of the negative reporting relative to this particular nomination is not factually based. Many of the letters I have received are from concerned citizens who have read these reports in the print media. Suffice it to say that the FBI, the White House and the Senate Committee on the Judiciary have had the opportunity to evaluate the allegations and found them to have no basis.

To the great credit of my colleagues and the committee, many of these allegations were checked out, discussed personally with Mr. Regnery, and there is not a single vote out of that committee in opposition which is based on any credibility attached to the personal allegations made against him. The votes cast, it has been indicated to me personally, have been entirely on philosophical grounds.

My distinguished colleague from Delaware, Senator BIDEN, for whom I have the greatest respect, voted against Mr. Regnery in committee. He did not do so because of any allegations about Mr. Regnery personally, but because he continues to have doubts whether this administration and Mr. Regnery support the reauthorization and the continuation of OJJDP. He has reservations about whether or not there is the kind of

dedication of Mr. Regnery to the goals and purposes of OJJDP. That is fine; that is what this business is all about.

Let me assure my colleagues that if confirmed, Mr. Regnery will follow the law in the exercise of his discretion relative to juvenile justice grants. He has pledged to work with Senator SPECTER and the rest of the committee to achieve the goals set out by the Congress.

Lest my colleagues think it is going to be totally bereft of any kind of protection in this very important field, do not let that concern be of any particular substance, because Senator SPECTER is devoted to this particular area. He is chairman of the subcommittee in question. You can be sure he is going to ride herd very carefully to make certain the administration of this office is consistent with the goals of the legislation.

If the Congress chooses to make funds available, I can assure my colleagues that OJJDP will have an Administrator that is intent on improving the juvenile justice system and someone who will work tirelessly toward that goal.

Mr. President, I have concluded my remarks but would like to submit for the record three letters. Two letters are from juvenile court judges and one is from a distinguished member of the Juvenile Justice Advisory Board who have all met and discussed juvenile justice issues with Al Regnery. They know him to be fair minded and open to suggestions to correct the multitude of problems that are presently in the system. I ask unanimous consent that they be printed in the RECORD because they represent people who are not basing their views of this nominee on news accounts alone. Indeed, these letters are from people intimately aware of the shortcomings in our juvenile justice system and want to work with Mr. Regnery to find appropriate solutions.

I also ask unanimous consent to have printed the proposed budget I spoke of earlier.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

FOCUS ON THE FAMILY,
Arcadia, Calif., March 9, 1983.

Hon. Senator PAUL LAXALT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LAXALT: From my observations as a member of the National Advisory Committee on Juvenile Justice, I am convinced that Mr. Al Regnery is the best man for the job of Administrator of the Office of Juvenile Justice. The formidable problems facing us in the area of juvenile justice require Mr. Regnery's ability and leadership.

As a committee member, I strongly urge you to proceed with the necessary hearing leading to the confirmation of Mr. Regnery.

Thank you for your consideration of this important matter.

Sincerely,
JAMES C. DOBSON, Ph. D.,
Director.

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES,
Reno, Nev., April 20, 1983.

Hon. PAUL LAXALT,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR LAXALT: As a close observer of the Office of Juvenile Justice and Delinquency Prevention, I write to express my deep indignation over the treatment being afforded by the media to Mr. Alfred Regnery, President Reagan's nominee to the post of Administrator of that Office.

I am not a close friend of Mr. Regnery. We have only met on several brief occasions on professional matters. As I indicated to you in my letter supporting his nomination, I was distinctly impressed by his honesty, candor, openness, and obvious managerial skills.

However, I remain shocked and utterly amazed at what appear to be unfounded and vitriolic attacks made upon him and his family in devious efforts to prevent his acceptance by the United States Senate.

It is a sad commentary that this fine young man, by offering himself for public service, must undergo such abuse.

I wanted you to know we remain steadfast and strong in our support of him—now, even more so!

With my best wishes, I remain
Yours respectfully,
LOUIS W. MCHARDY,
Executive Director and Dean, National College of Juvenile Justice.

OHIO ASSOCIATION OF JUVENILE COURT JUDGES,
April 29, 1983.

Hon. PAUL LAXALT,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR LAXALT: Ninety-nine Ohio Juvenile Court Judges have just concluded our annual trial judge conference in Cincinnati.

Several of us in the past few months have met with Alfred S. Regnery, President Reagan's nominee to direct the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the Justice Department.

We have found Mr. Regnery to be a bright, and refreshing change from some of the past administrators of the agency.

Mr. Regnery has called for a re-examination of programs which have crept into the administration of juvenile justice in the late sixties and seventies. Many of these precepts are in direct conflict with some of the basic concepts with which the juvenile courts of America have been traditionally associated.

While we might not agree with his thinking on all of these concepts, we welcome his challenge to us, the juvenile justice practitioners, and subscribe to the National Council of Juvenile and Family Court Judges strong support for Mr. Regnery's nomination.

We are confident that Mr. Regnery will approach all important matters in a fair and even handed manner and will provide good solid leadership which is desperately needed to provide this new direction for OJJDP.

This view is apparently not shared by all "client groups" which have dealt with this agency in the past.

This brings us to the reason for this letter. We wish to convey to you our repugnance to the unprecedented and in our view, grossly unfair, and to date, totally unsubstantiated attack upon Mr. Regnery appearing almost daily in your local news media.

We would appreciate it if you would share disgust with these tactics to Chairman Thurmond and the other members of the Judiciary Committee.

We would conclude by urging the Committee to speedily recommend Senate Confirmation of Mr. Regnery.

Sincerely yours,
GERALD E. RADCLIFFE,
President, Ohio Juvenile Judges Association.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION,
Washington, D.C.

To: National Advisory Committee.
From: Alfred S. Regnery, Administrator Designate OJJDP.
Subject: Fiscal 1983 program budget plans.
Date: April 20, 1983.

The subject plans are presented for your review and comment. There will be a few (very few) more projects initiated before the end of fiscal year 1983, but goals and/or cost estimates on these are not yet clear enough to add them to the list. As usual, you will be kept informed and your comments seriously considered.

Please understand that as the process advances on each project, the plan and estimate may be modified.

DRAFT: OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION—FISCAL YEAR 1983 PROGRAM BUDGET PLANS

PREVENTION

Delinquency Intervention and Runaway Children. New $1,000,000. Demonstration replications in other cities of successful New York "Covenant House" program. Provides health care, counselling, and support to vagrant juveniles and assists them to return to family or otherwise enter upon a positive life.

Prevention of Delinquency Through Alternative Education. Continuation $400,000. This is the last project of an extensive program to prevent juvenile delinquency through projects designed to keep students in schools, prevent unwarranted and arbitrary suspensions and expulsions, dropouts, pushouts and truancies. An evaluation is in process that will report on effectiveness for consideration by school authorities.

Alternative Education Program Technical Assistance. Continuation (Begun 9/81; $326,828) $244,932. Provides technical assistance to Special Emphasis Program grantees, to states, and to others engaged in alternative education projects.

Close-Up Foundation. Continuation (Begun 2/20/81; since then $896,596) $300,000. Introduces delinquents to positive relations with society and government through a coordinated set of citizenship-based participatory activities, including trips to state and national capitals with the objective of reorientation.

Consortium of Universities; National Street Law Institute. Continuation (Begun 11/16/78; $1,291,000) $200,000. The Institute educates people about the effects of law on everyday life, through school-based programs, law school programs, out-of-school programs and clearinghouse assistance.

Center for Civic Education, Law in a Free Society. Continuation (Begun 5/1/82) $190,000. Helps youth in all grades develop increased understanding of the fundamentals, principles, processes, and values essential to preservation and improvement of our free society. Part of Law-Related Education Program.

National Delinquency Prevention Education. (Begun 2/17/79; since then $1,232,000) $190,000. Will help institutionalize the Law Related Education Program in California, Michigan, and North Carolina. Provides training and consulting for teachers, conducts meetings relevant to implementation.

Education in Law and Juvenile Justice. Continuation (Begun 11/16/78; since then $1,038,000) $125,000. Project objectives are now to move from awareness to implementation and institutionalization of the Law Related Education Program; three states are targeted for coordinated program development. Operated by ABA.

National Program to Improve Juvenile Justice and Reduce Juvenile Delinquency. Continuation (Begun 2/26/79; since then $822,000) $100,000. Phi Alpha Delta law fraternity will mobilize its memberships to help improve teaching of Law Related Education; it will collaborate with state and local organizations in implementing LRE in California, Michigan, and North Carolina.

Employment Related Training and Technical Assistance for the Serious and Violent Juvenile Offender. New (Small study in 1982). $100,000. Will provide effective employment and training services to juvenile justice workers to enable them to develop private sector jobs and careers for serious and violent juvenile offenders.

National Center for the Assessment of Juvenile Delinquency Prevention. Continuation (Begun 7/77; since then $3,321,000) $325,000. The Assessment Center collects, synthesizes, and analyzes information on deliquency; completes, revises and coordinates the publication of earlier reports; updates the Center's information dissemination capacity; and provides specific information in response to requests from OJJDP.

Association for Chilren with Learning Disabilities—Research and Development Project. Continuation (Begun 4/8/82; $85,000) $89,000. Six training seminars will be conducted to present the results and implications of the project which investigated the linkage between learning disabilities and juvenile delinquency and tested a remediation treatment program for offenders.

Analyses of Delinquent Careers Based on National Court Case Data. New $75,000. Results will be compared with data from other projects in local jurisdictions to begin to assess the comparability of patterns of career development.

Concentration of Federal Effort Support. $900,000. This effort is mandated by the Act, which also requires a minimum allocation. In addition to supporting the activities of the Federal Coordinating Council for Juvenile Justice and Delinquency Prevention, the funds will help support cooperative projects in which OJJDP and one or more additional agencies of the Council participate. In FY 1983, most of these, as yet undetermined, will be in the area of delinquency prevention.

SYSTEMS IMPROVEMENT

Suppression of Drug Distribution to Juveniles. New $555,000. In a special approach to countering the sale of drugs and alcohol to juveniles, this experimental action program will use the advanced integrated crime apprehension (ICAP) system now operating in a number of police departments. Five selected departments will concentrate significant resources and attention on the problem with the cooperation of the courts, prosecution, and youth services.

Drug Suppression Program Evaluation. New $150,000. A careful independent evaluation will be conducted of the experimental program to ascertain its effectiveness.

Habitual Serious Juvenile Offender. New $1,800,000. Special attention will be given in this experimental program to control and treat the small percentage of offenders who commit a disproportionately large share of juvenile crimes. Concerned agencies of juvenile justice will participate under the leadership of the prosecutor.

"Operation Hardcore". New $900,000. Demonstration replications of successful Los Angeles juvenile gang delinquency prevention program. Prosecutors, youth service agencies, and others working together to modify criminal characteristics of leadership role models.

Corrections Initiative. New $500,000. Juvenile corrections improvement initiative; program being designed.

Victims of Crime Initiative. New $500,000. The report of the President's Task Force on Victims of Crime recommends a number of steps that involve juvenile justice and delinquency prevention; these funds are set aside to be used in a program(s) being designed for OJJDP to implement appropriate recommendations.

Technical Assistance for Improving the Efficiency and Effectiveness of the Juvenile Justice System. Continuation (Old program; $6,827,000) $750,000. Provides technical assistance for juvenile justice system enhancement to state and local agencies.

Corrections Improvement and Jail Removal Technical Assistance. Continuation $335,000. This continues a contract for provision of Technical Assistance by the Community Research Center to states and communities that was initiated in July 1981.

Non-Profit Juvenile Justice Management Training. New $50,000. Workshops for managers of non-profit organizations providing treatment or services to juveniles to help them improve administrative and management skills.

Private Sector Corrections Training. New $100,000. Curriculum development and subsequent training for community-based juvenile corrections managers.

Prosecutor Training. Continuation (Begun 6/1/82; $180,000) $180,000. A curriculum is being developed by the National College of District Attorneys and will be used for training of prosecuting attorneys who work primarily in juvenile courts.

Public Defender Training. New $75,000. A curriculum will be developed for training supervisory public defenders.

Law Enforcement Training at Glynco, Georgia. Continuation (Begun 7/1/82; since then $250,000) $250,000. Three-day pragmatic, problem-solving seminars for law enforcement executives to introduce management strategies for increasing departmental effectiveness through integration of juvenile services into the mainstream of law enforcement activities.

Juvenile and Family Court Training Project. Continuation (Begun 2/76; since then $1,825,000) $300,000. Training for judges and court related personnel at the school in Reno. Training provides information about current developments in juvenile and family case law, and treatment and sentencing options.

Serious and Violent Juvenile Offender Seminars. Continuation (Begun 5/1/82; $205,000) $205,000. Specialized training and exchanges for judges about serious and violent juvenile offenders.

Courts Technical Assistance. New $50,000. The National Council of Juvenile and Family Court Judges conducts extensive training under grants from OJJDP; this will allow follow-up technical assistance after the trainees return to their courts.

Juvenile Court Seminars. Continuation (Begun 8/2/82; since then $32,000) $60,000. The Institute for Court Management will conduct three seminars for juvenile justice professionals on management training, policy, and strategies relating to programs handling serious and repetitive juvenile offenders.

Serial Child Murders Information System. New $50,000. A new system and analytical approach is being developed to accumulate investigatory information about homicides. Proponents, who are highly regarded and experienced homicide investigators, contend that with advanced information analysis capability we should be able to detect the initiation of a series of crimes by the same offender even in different localities. OJJDP is working in conjunction with NIJ and others and will support that part of the effort that is of concern to juvenile justice.

Juvenile Records Improvement and Use. New $400,000. This will be a research project to ascertain the quality of juvenile justice and deliquency records and how they are being used; then to recommend steps to improve the quality of records and their utilization to enhance juvenile justice.

National Center for the Assessment to the Juvenile Justice System. Continuation (Begun 11/76; since then $2,621,000) $375,000. The Center collects, synthesizes, and analyzes information on the current juvenile justice system; completes, revises, and coordinates the publications of earlier reports; updates the Center's information dissemination capacity; and provides specific information in response to requests from NIJJDP.

Violent Offender Research and Development Program I. Continuation (Begun 10/1/80; since then $4,194,000+) $2,800,000. A program to test a promising research and development model for treating vilent juvenile crime in Phoenix, Memphis, Boston, and Newark.

Evaluation of the Violent Offender Research and Development Programs. Continuation (Begun 9/30/80; since then, $1,382,000) $275,000. Evaluation of above.

Juvenile Court Intervention Impact. Continuation (Begun 8/2/82; $200,000) $306,000. A test in Salt Lake City of the impact of a wide range of court dispositions to measure their impact on delinquent behavior, attitudes and juvenile justice costs; differences between institutions and probational alternatives will be examined.

National Uniform Juvenile Justice Reporting System. Continuation (Begun 12/75; since then $2,019,000) $300,000. This program collects, analyzes, and disseminates information from juvenile courts to build an understanding of trends and processes.

Juvenile Information System and Records Access. Continuation (Begun 3/75; since then $778,000) $200,000. Assists jurisdictions to develop juvenile information systems that also produce data on dispositions.

Children in Custody Census. Continuation (Begun by BJS 5/73; picked up by OJJDP 10/79; since then $566,000) $250,000. Periodic reports by the Bureau of Census on selected characteristics of the residents, facilities and operations within the juvenile cus-

tody system, both national and state-by-state, to assist authorities in assessing trends, and in developing relevant policies and legislation.

National Study of Juvenile Institutional Release Decision-Making. Continuation (Begun 10/1/79; since then $497,000) $250,000. Analysis of the process from commitment to a state juvenile correctional agency or institution to release; identification of the roles of various decision-makers, significant criteria and procedures, resources, and internal and external pressures affecting decisions. Particular attention to youth committed for serious and violent crimes.

Automated Archive of State Juvenile Codes. Continuation ($75,000) $200,000. Compilation, review, and comparative analysis of juvenile codes and new developments in state legislation.

ALTERNATIVES

Project New Pride. Continuation (Begun 12/70; by LEAA; since then heavy investment) $1,300,000. An alternative to incarceration program for serious multiple offenders. Effective and much less expensive than institutionalization. This year, the program will complete the replication and evaluation at four sites and will develop a strategy for providing training and other forms of information and assistance to stimulate acceptance in many communities.

Restitution Marketing. New $1,500,000. Restitution has proven to be an effective alternative sanction for adjudicated offenders when implemented intelligently. The program will provide a specific model(s) and will inform judges and other concerned officials of its applicability by such media as published guidance materials, training, conferences and other types of technical assistance.

"Helping Hand" Program. New $270,000. This program will replicate and demonstrate the successful California "Wing Spread" program at four sites to be selected. Youth are diverted from the juvenile justice system. Volunteers and community service agencies are utilized.

Training in Handling of Serious/Violent Offender in Community Based Settings. New $200,000. Workshops for professionals who operate community-based programs for these offenders based on the curriculum previously developed by the National Youth Workers Alliance under a previous project.

Exploring Careers in Law Enforcement and Criminal Justice. Continuation (begun 8/2/76; since then $183,000) $44,500. This Explore Scout program operated by Boy Scouts of America involves young people, male and female, aged 14-20 in community service, crime prevention, juvenile delinquency prevention and leadership development. The subvention, matched by BSA, supports the national programming and administration effort.

COMBINATIONS

Training in Juvenile Justice for State Legislators. New $200,000. A series of workshops, seminars, and other types of training will be held for state legislators who are particularly concerned about juvenile justice issues. The objective is to provide up-to-date information about juvenile delinquency and legislation and initiatives being undertaken in other states.

Minority Research Program. New $400,000. Two projects are being designed; one, a research project, and the other, an effort to stimulate additional research.

Juvenile Delinquency and Justice Issues Seminars. New $200,000. Harvard University—Kennedy School will organize policy development seminars in current and expected issues of major concern.

Assessment of Training Impact. New $100,000. Millions of dollars have been spent by OJJDP in various training programs and more will continue to be spent. This evaluation will be the first independent assessment of each current program, its efficiency and overall management with the objective of learning where improvements may be needed.

Standardization of the Juvenile Justice Archive. New $100,000. Will standardize the data collected between 1975 and 1981 and the data contained in the national juvenile justice archive for the purpose of trend analysis.

Juvenile Justice Clearinghouse. Continuation (A reference service (NCJRS) was begun by NIJ in 1971; OJJDP funds the Clearinghouse as a special part) $400,000. National Criminal Justice Reference Service (NCJRS) assistance to juvenile justice and delinquency prevention community. A major source of information and widely used.

Visual Display of Quantitative Information. New $60,000. Will compile in one volume statistics relating to juvenile justice in organized and graphic presentations.

Consulting Support. Continuing and New $80,000. A contractor has been used, 3/27/80-1/16/83 ($699,000), to obtain publically credible expert reviews of plans and reports of interest to OJJDP; half of the above sum is being continued with the contractor as an addition to its contract with NIJ. The other half will be used to obtain such consulting support directly.

Mr. LAXALT. I thank the chairman of the Judiciary Committee.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. Mr. President, I yield myself such time as I may need.

I ask the Senator from Nevada whether he intends to ask for a rollcall.

Mr. LAXALT. Yes, Mr. President.

Mr. THURMOND. Mr. President, I planned to ask for a rollcall. I suggest we ask for it now.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. Mr. President, I rise to oppose the nomination of Mr. Regnery. I do so with some reluctance and some difficulty, but do so because it is part of my responsibility as a Member of the Senate to advise and consent. The difficulty comes about because he is the choice of a man for whom I have the highest respect in this body, a man with whom I very often disagree, but in those disagreements, I never find him to be disagreeable, nor do I ever find him to be anything but a man of integrity and a man who conducts himself in the finest traditions of the U.S. Senate.

And so when he comes forward with a nomination, it makes my position that much more difficult, but I am sure that he understands, and I am sure others do as well, that each of us on the floor of the Senate acts in accordance with our given responsibilities.

It is for that reason that I participate in this debate as I did at the Judiciary Committee. To not participate would be the highest degree of irresponsibility on my part, because basically I have concerns as to whether or not Mr. Regnery can and will be able to perform the responsibilities of this position.

He is not taking on responsibilities of heading up a department that has to do with our land and our resources and our environment. He will have responsibilities having to do with the children of America. The Office of Juvenile Justice and Delinquency is charged with duties that involve our Nation's children. Therefore, we must go that extra step to insure that the proper person holds the job.

In my opening statement, when Mr. Regnery appeared before our committee, I said that I could not find anything in his record or his background that would warrant his being appointed to this position.

I respect the comments of my good friend from Nevada who says, "Well, he has the finest of training; he has brought up four children."

I suppose on that basis the father of eight children would be doubly qualified. I think we would both agree that that is a factor to be considered but it is not truly the determinant in an appointment such as this.

The main question is, what are Mr. Regnery's experiences, his qualifications that would offer the American people sufficient confidence that we in the Senate confirm him to this important position.

As far as I can tell, and based upon his answers at the committee hearing, I find no qualifications, none whatsoever, other than that which any 1 of 10 million or 20 million other Americans might have for the same position. He has little or no experience in the juvenile justice field. Indeed, he attempted—and I commend him for this—to make his lack of experience into a positive by saying that "In many ways I think it may be more advantageous to have somebody in that position who does not come from the juvenile justice system."

Well, I think Mr. Regnery can make that argument, but I am not certain that it holds water. I am not certain that in a field as difficult and as complicated as this one it really is the right answer.

When asked by the Judiciary Committee what experience he had, Mr. Regnery said, "I have done considerable reading and other study in the juvenile court system."

At that point I was interrogating him, and I said to him, "Tell us some

of the works you have read concerning juvenile justice."

Mr. Regnery said, "I guess I cannot give you a list of them off the top of my head." I then asked him: Can you give us any? Can you tell us one book that you have read concerning the administration of juvenile justice, the matter of treating juveniles?

"Mr. Regnery. Well, they are in my office. I cannot think of the titles and the authors, but they are either in my office or my home. I have read quite a number. I have studied the issue of juvenile courts. I have studied the issue of juvenile corrections."

I then said, "How did you study the issue of juvenile courts?"

Again he answered, "Reading." I said to him, "What did you do? Have you gone out to a lot of juvenile courts to study them?" Mr. Regnery said, "No, I have done a lot of reading. I have talked to a lot of people" I again said to him, "What did you read?" He responded, "Various books and articles." I said, "What books?" He said, "I will have to give them to you. I cannot remember all of the titles of the books I have read, Senator."

It is my understanding that subsequently there was put into the record of the committee hearing a list of some books, but I must say that that strains my credulity somewhat, as to whether indeed he had read them before, had not, or what the circumstances were. But I think that most of us would have expected him to be able to respond as to what books he had read.

But having said that, if he had read 50 or 100 books, I have difficulty in believing that that would have qualified him for this particular position.

He has little experience in administration, and it is in the area of administration that we have to look to see whether he has the background and the ability to administer an office such as this.

He had some such work in a small law firm and was second in command in the Lands Division of the Justice Department, but I hardly consider that the kind of background in administration or in juvenile justice that would qualify him to hold a position as important as this.

Furthermore, in addition to his apparent lack of qualifications, Mr. Regnery has exhibited actually a kind of hostility to the congressional purposes underlying the law that he would be charged with enforcing. Let me read his testimony on that subject before the committee. Senator SPECTER inquired of Mr. Regnery as follows:

"Mr. Regnery, a question has arisen as to your sense of execution of the act on juvenile justice, on the prevention aspect. Would you comment about your own approach to the enforcement of the act, as specified in quite a number of places, a congressional intention to emphasize crime prevention approaches for juveniles?"

Mr. Regnery replied, "Yes. Crime prevention is mentioned many times." The Washington Post claimed that it was 93 the other day. I have not counted them. But it does not say what we are supposed to do in terms of prevention, and it does not define prevention.

And here I think we get into the important part of his answer:

I suppose if you wanted to, you could probably say that virtually everything we do bears on juvenile delinquency prevention. When you prosecute multiple offenders and put them in institutions, keeping them from committing another delinquent act, I guess that is prevention on the one hand.

At that point I asked him, "Now, you have to talk about what you are really saying about prevention, because, according to your response to Senator SPECTER, you consider just about everything prevention. You said that incarcerating prisoners"—Mr. Regnery interrupted and said, "I said you could probably consider it to be prevention under the definitions of prevention which exist."

Furthermore, Mr. Regnery said publicly that he thinks, "The primary goals of the Office of Juvenile Justice and Delinquency Prevention will be to protect society from crime and apprehend and punish criminals."

I must say that I am aghast, I am astounded that he would suggest that the primary goals of that office will be to protect society from crime and apprehend and punish criminals.

We are talking about juvenile justice and delinquency prevention, and I do not believe that department is solely concerned, as all of us are, about protecting society from crime and apprehending and punishing criminals. I think that is not the primary responsibility of the Office of Juvenile Justice and Delinquency Prevention, and I believe that is the basic issue, as to whether or not this man has the background and the proper approach in taking on this responsibility.

There is no congressional mandate for such a view. Yet, that is what he said when he addressed the National Advisory Committee on the Office of Juvenile Justice and Delinquency Prevention on January 17, 1983.

That is the crux of the issue. That is the whole question. Is it the responsibility he is taking over to protect society from crime and apprehend and punish criminals, or is the responsibility to be concerned about juvenile justice and delinquency prevention? That is what worries me about Mr. Regnery's appointment and his confirmation.

Furthermore, he has questioned the role of confidentiality in protecting juveniles from being stigmatized by youthful criminal behavior. I ask this question: Does anyone really question whether we should continue to protect the juvenile from being stigmatized by his or her being involved in some kind of problem as a juvenile? That goes back years into our background, where we recognize that we ought not stigmatize young persons over the remainder of their lives for some act that occurred—perhaps of a minor nature or a major nature—when they were juveniles.

Mr. Regnery has expressed his lack of confidence in the prospects of rehabilitation of juveniles. Imagine! He questions whether or not we can rehabilitate juveniles. Yet, that is the responsibility he is taking over. That is the kind of statutory job he is assuming. He indicates his lack of confidence in the prospects for rehabilitation of juveniles.

He has indicated a willingness to treat very serious matters in a crudely joking manner.

Mr. President, I must say that Mr. Regnery's sense of humor is greatly different from mine. When a person who is taking on this job responds to the chairman of the committee in the following manner—I do not think it is heinous; I do not think it is the kind of thing that is evil; I do not think it is pernicious; I do not think it is vile; I think it indicates a state of mind—it makes me wonder whether he is truly fitted for this responsibility.

Let me read the question of the chairman of the committee:

The CHAIRMAN. Mr. Regnery, in 1972, the youth services in my State came up with a slogan, "Have You Hugged Your Kid Today." I understand that you have a sticker on your car that says, "Have You Slugged Your Kid Today?"

Mr. REGNERY. That is right.

Mr. CHAIRMAN. What was the purpose of putting that type of sticker?

Mr. REGNERY. Senator, when I was working in the lands division, one of my children I think saw the bumper sticker advertised, and we ordered a couple of bumper stickers. One of them said, "Nuke the Whales", which I put up in my office in the lands division and the other one said, "Have You Slugged Your Kid Today?" I think at that time, in fact I had no idea I would wind up in the Office of Juvenile Justice and Delinquency Prevention. So, it seemed appropriate that if we were going to nuke the whales in the lands division we would slug our kids in the juvenile delinquency office. So that is why it is on the car.

Mr. President, I am so flabbergasted, even at this point, when I read that exchange between the chairman of the committee and this man, who is taking on the responsibility to head up this office, that there is very little I can add in comment. I just have difficulty in understanding what his mind set was.

Mr. Regnery's nomination has been opposed by a long list of persons and groups involved in the juvenile justice system. They include the Honorable IKE ANDREWS, Chairman of the House

Subcommittee on Human Resources; the New York Times.

Mr. President, I ask unanimous consent that a New York Times editorial on this subject be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METZENBAUM. Mr. President, others who are opposed to this nomination are the Children's Legal Rights Information and Training Center, a nonpartisan information center; Campfire, Inc.; National Council of Jewish Women; Girls' Clubs of America; Colorado Juvenile Justice Council; Arkansas Juvenile Advisory Group.

Mr. President, there has been some opposition to Mr. Regnery's nomination. However, I know, and I expect, that his nomination will be approved overwhelmingly, because that is the usual practice, unless a nominee is a heinous criminal. This is especially true when he is supported by a Senator such as the distinguished Senator from Nevada.

Mr. President, I ask unanimous consent that I be allowed to proceed for 2 additional minutes.

The PRESIDING OFFICER. The Senator has asked unanimous consent that he be allowed to proceed for 2 additional minutes.

Mr. THURMOND. Mr. President, I have allowed myself a certain amount of time to respond, and I do not think I can agree, because it would go beyond 11 a.m.

Mr. METZENBAUM. Mr. President, I am asking for 2 minutes, not to be taken out of the hour.

I point out to the Senator from South Carolina that nothing in particular is scheduled at 11 a.m., and there is no reason why we cannot proceed another 5 or 10 minutes.

Mr. THURMOND. Mr. President, I ask if it is possible to allow 2 minutes without interrupting the other schedule and without interfering with my response.

The PRESIDING OFFICER. The Senator is advised that under the previous order, the time for debate was to be limited to 1 hour. There is no order for any business to follow that 1 hour.

Mr. THURMOND. Mr. President, I have no objection to proceeding for 2 minutes more, if it does not interfere with my response, provided I can have 2 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. METZENBAUM. I thank the Senator.

Thus, it appears that Mr. Regnery is but another in the list of administration appointees who do not believe in the mission they have been assigned. We have had Mr. Baxter at the Antitrust Division, Mr. Miller at FTC, Miss Burford at EPA, Mr. Watt at Interior, Mr. Reynolds in Civil Rights, and various other nominees for the Civil Rights Commission and nominees for the Legal Services Corporation.

Mr. President, I speak today not to defeat the nomination but, rather, to urge my colleagues to know what the facts are and then to vote their consciences.

Mr. Regnery, on the other hand, should be aware of the concerns that some Members of this body have about his apparent lack of qualifications.

If this debate on the floor of the Senate today does nothing more than alert Mr. Regnery to the concerns that many of us in the Senate and many others in America have about his qualifications for this job—it may be that we will be able to alert him to be a better head of this department than he might otherwise be—then I think the debate will have served its purpose.

I urge my colleagues not to vote to confirm the nomination, being fully aware in making that statement that the overwhelming vote will be in support of his nomination.

I yield back the remainder of my time.

EXHIBIT 1

A FOX FOR THE JUVENILE JUSTICE COOP

An atmosphere of steamy gossip surrounds President Reagan's appointment of Alfred Regnery to head the Office of Juvenile Justice and Delinquency Prevention. Opponents spread tales of how, in a political campaign, the nominee misrepresented and exploited his wife's private troubles and how his behavior after the birth of his child moved a pediatrician to denounce him as "a danger to the health needs of our children." There are more important reasons to oppose his confirmation.

The juvenile justice office, established in the Justice Department in 1974, deserves credit for encouraging states to keep young convicts separated from adult prisoners and to keep juveniles out of jails entirely when their only offense is an inability to get along at home. The agency also funds experimental programs exploring, for instance, the relationship of learning disabilities to criminality, or the benefits of letting juvenile offenders pay restitution to their victims.

A President preoccupied with the rhetoric of punishment sees little value in such activity and has tried to write the juvenile justice office out of the budget—only to watch Congress write it back in. His choice of Mr. Regnery seems designed to destroy the agency by other means.

The nominee's most significant credentials are political: former functionary of the Young Americans for Freedom, former aide to the President's friend, Senator Paul Laxalt of Nevada. Most recently, Mr. Regnery served in Justice as a land and natural resources lawyer. He appears to share Mr. Reagan's contempt for the juvenile justice office's efforts to prevent juvenile crime and talks of using it to encourage more punitive approaches.

Advised that the proportion of crimes committed by persons under 18 is declining, he suggests prevention is no longer important. "The mission of the office was reasonably well accomplished. . . . It's simply a program that isn't necessary." In a hearing, he said, "If you prosecute someone and put them in an institution and prevent another delinquent act, that's prevention."

Such comments reveal dismaying ignorance. Teen-agers are declining in number but still commit a substantial proportion of all crime. Imprisoning juvenile offenders is vastly more expensive than other kinds of sentences, but cannot be shown to have any more effect on crime rates.

In fact, overall understanding of juvenile crime remains primitive. We need to know more about how social forces lead young people to careers in crime, for instance, and how they might be redirected. Such explorations are crucial to sensible policy, whether for prevention or punishment.

Government at all levels already spends billions each year to prosecute and punish criminals; redirecting the $70 million juvenile justice budget along those lines would have slight effect. Using it to continue the quest for understanding of criminal behavior promises much better return.

So long as Congress provides the agency with funds, its officials have a responsibility to spend them wisely. Unless and until Mr. Regnery shows he knows how to do that, he does not deserve to be confirmed.

Mr. THURMOND. Mr. President, I believe I have 6 minutes.

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. THURMOND. Mr. President, I wish to first again reiterate Mr. Regnery's qualifications. He is well qualified for this position.

I remind my distinguished colleagues that he served 6 years in the private practice of law, handling all kinds of cases, juvenile cases, divorces, alimony, and all kinds of domestic relations cases as well as other cases.

Also, he served 3 years with Senator LAXALT as chief legislative counsel and chief minority counsel. Also, he has served as Deputy Assistant Attorney General in the Land and Natural Resources Division for 1 year.

I also remind Senators that he has served in this position, as Acting Administrator of the very position to which the President has appointed him, since November 1982.

Mr. President, to say this man is not qualified is just simply hogwash.

I wish to say that I have a telegram here that reads this way to the Judiciary Committee:

As a member of the board of trustees of the National Council of Juvenile-Family Court Judges and as administrative judge of the Family Division of the Court of Common Pleas, I support the appointment of Alfred S. Regnery as the Director of OJJDP.

Signed by Nicholas A. Cipriani from Philadelphia, Pa.

The distinguished Senator from Wisconsin mentioned some judge from his State and I believe he received a letter from him dated April 27, 1983. I say that this letter indicates that this judge does not even know Mr. Regnery. How is he going to pass judg-

ment on him because he does not know him? Furthermore, he spends about half of his letter setting out his qualifications. Maybe he wants the job. But he did not get the job. The President saw fit to appoint Mr. Regnery. That is the only matter before us today. It is not choosing one man over another or one women over another. It is whether we confirm the man the President has appointed. We think he has appointed a good man.

I also wish to state that we have a letter from Leo F. Callahan, president of the International Association of Chiefs of Police, endorsing Mr. Regnery. I will not take time to read the letter.

I ask unanimous consent that it be printed in the RECORD along with the mailgram that I just read from Mr. Cipriani.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.,
Gaithersburg, Md., April 6, 1983.

Hon. STROM THURMOND,
U.S. Senate, Senate Committee on the Judiciary, Washington, D.C.

DEAR SENATOR THURMOND: The International Association of Chiefs of Police (IACP) is pleased to express our views regarding the proposed confirmation of Mr. Alfred S. Regnery for the position of Administrator, Office of Juvenile Justice and Delinquency Prevention.

As you may know, the IACP is comprised of over 14,000 police executives in 75 nations. As an Association, we are vitally concerned about the deficiencies of the juvenile justice system, and there is a need for action. The philosophies expressed by Mr. Regnery are in accord with the views held by our members. It is imperative that this position be filled quickly and with the most qualified individual available.

Mr. Regnery is qualified to hold this position, and his administration will have great impact on the juvenile justice system.

Thank you for your consideration in this matter.

Sincerely,

LEO F. CALLAHAN,
President.

NICHOLAS A. CIPRIANI,
Philadelphia, Pa., April 6, 1983.

ROBERT SHORT,
Senate Judiciary Committee, Washington, D.C.

As a member of the board of trustees of the National Council of Juvenile-Family Court Judges and as administrative judge of the Family Division of the court of Common Pleas, I support the appointment of Alfred S. Regnery as the Director of OJJDP.

NICHOLAS A. CIPRIANI.

Mr. THURMOND. Mr. President, the distinguished Senator from Ohio, my good friend and colleague on the Judiciary Committee, asked Mr. Regnery about the books he had read that had qualified him on juvenile delinquency.

At the time he testified he read a lot of books and he had read a lot of material on this subject. But he could not recall the title of the books or the authors. He later has furnished that. Here is what he says:

The following is a partial list of books and articles I have read in the past few months on crime and juvenile delinquency. There are many more which have either been passed on to others or are no longer in my possession.

He lists 19 books here on that subject, and that is only a partial list.

I ask unanimous consent that that be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PARTIAL LIST

The following is a partial list of books and articles I have read in the past few months on crime and juvenile delinquency. There are many more which have either been passed on to others or are no longer in my possession.

Delinquency in a Birth Cohort, Marvin Wolfgang, et al.

Criminal Careers of Habitual Felons, RAND Corporation.

Varieties of Criminal Behavior, Chaiken.

What Works? Questions and Answers about Prison Reform, Robert Martinson.

Dealing with Violent Offenders, Moore, et al.

Standards for the Administration of Juvenile Justice, OJJDP.

Juvenile Justice Standards, American Bar Association.

Use of Secure Detention for Juveniles and Alternatives, OJJDP.

Delinquency Prevention: Theories and Strategies, OJJDP.

Thinking About Crime, James Q. Wilson.

Punishing Criminals, Ernest van den Haag.

Beyond Probation, Charles Murray.

Community Juvenile Crime Prevention, Miranda Associates, et al.

Justice and Consequences, Conrad.

Juvenile Delinquency Prevention—A Compendium, Wall, et al.

Services to Children in Juvenile Courts, Pettibone, et al.

Youth Crime and Urban Policy, Robert L. Woodson.

A Summons to Life: Prevention of Youth Crime, Robert L. Woodson.

The National Evaluation of Delinquency Prevention, National Council on Crime and Delinquency.

Mr. THURMOND. Mr. President, there is some question here about whether Mr. Regnery believed in prevention of crime and how strongly his program was to support prevention.

I state that under a draft report he made to the National Advisory Committee, dated April 20, 1983, he sets that out in this report under the heading of "Prevention." These are some of the things that he favors: Delinquency intervention and runaway children, prevention of delinquency through alternative education. These programs he favors. Alternative education program technical assistance; Close-Up Foundation; Consortium of Universities; National Street Law Institute; Center for Civic Education, Law in a Free Society; National Delinquency Prevention Education; Education in Law and Juvenile Justice; National Program to Improve Juvenile Justice and Reduce Juvenile Delinquency; Employment Related Training and Technical Assistance for the Serious and Violent Juvenile Offender; National Center for the Assessment of Juvenile Delinquency Prevention.

The PRESIDING OFFICER. All time of the Senator has expired.

Mr. THURMOND. Mr. President, I ask unanimous consent that this draft report be printed in the RECORD. It lists a lot of others which I think are important also.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., April 20, 1983.

To: National Advisory Committee.
From: Alfred S. Regnery, Administrator Designate, Office of Juvenile Justice and Delinquency Prevention.
Subject: Fiscal 1983 Program Budget Plans.

The subject plans are presented for your review and comment. There will be a few (very few) more projects initiated before the end of fiscal year 1983, but goals and/or cost estimates on these are not yet clear enough to add them to the list. As usual, you will be kept informed and your comments seriously considered.

Please understand that as the process advances on each project, the plan and estimate may be modified.

OFFICE OF JUVENILE JUSTICE DRAFT: AND DELINQUENCY PREVENTION—FISCAL 1983 PROGRAM BUDGET PLANS

PREVENTION

Delinquency Intervention and Runaway Children. New $100,000. Demonstration replications in other cities of successful New York "Covenant House" program. Provides health care, counselling, and support to vagrant juveniles and assists them to return to family or otherwise enter upon a positive life.

Prevention of Delinquency Through Alternative Education. Continuation $400,000. This is the last project of an extensive program to prevent juvenile delinquency through projects designed to keep students in schools, prevent unwarranted and arbitrary suspensions and expulsions, dropouts, pushouts and truancies. An evaluation is in process that will report on effectiveness for consideration by school authorities.

Alternative Education Program Technical Assistance. Continuation (Begun 9/81; $326,828) $244,932. Provides technical assistance to Special Emphasis Program grantees, to states, and to others engaged in alternative education projects.

Close-Up Foundation. Continuation (Begun 2/20/81; since then $896,596) $300,000. Introduces delinquents to positive relations with society and government through a coordinated set of citizenship-based participatory activities, including trips to state and national capitals with the objective of reorientation.

Consortium of Universities; National Street Law Institute. Continuation (Begun 11/16/78; $1,291,000) $200,000. The Institute educates people about the effects of law on everyday life, through school-based pro-

grams, law school programs, out-of-school programs and clearinghouse assistance.

Center for Civic Education, Law in a Free Society. Continuation (Begun 5/1/82) $190,000. Helps youth in all grades develop increased understanding of the fundamentals, principles, processes, and values essential to preservation and improvement of our free society. Part of Law-Related Education Program.

National Delinquency Prevention Education. Continuation (Begun 2/17/79; since then $1,232,000) $190,000. Will help institutionalize the Law Related Education Program in California, Michigan, and North Carolina. Provides training and consulting for teachers, conducts meetings relevant to implementation.

Education in Law and Juvenile Justice. Continuation (Begun 11/16/78; since then $1,038,000) $125,000. Project objectives are now to move from awareness to implementation and institutionalization of the Law Related Education Program; three states are targetted for coordinated program development. Operated by ABA.

National Program to Improve Juvenile Justice and Reduce Juvenile Delinquency. Continuation (Begun 1/26/79; since then $822,000) $100,000. Phi Alpha Delta law fraternity will mobilize its membership to help improve teaching of Law Related Education; it will collaborate with state and local organizations in implementing LRE in California, Michigan, and North Carolina.

Employment Related Training and Technical Assistance for the Serious and Violent Juvenile Offender. New (Small study in 1982). $100,000. Will provide effective employment and training services to juvenile justice workers to enable them to develop private sector jobs and careers for serious and violent juvenile offenders.

National Center for the Assessment of Juvenile Delinquency Prevention. Continuation (Begun 7/77; since then $3,321,000) $325,000. The Assessment Center collects, synthesizes, and analyzes information on delinquency; completes, revises and coordinates the publication of earlier reports; updates the Center's information dissemination capacity; and provides specific information in response to requests from NIJJDP.

Association for Children with Learning Disabilities—Research and Development Project. Continuation (Begun 4/8/82; $85,000) $89,000. Six training seminars will be conducted to present the results and implications of the project which investigated the linkage between learning disabilities and juvenile delinquency and tested a remediation treatment program for offenders.

Analyses of Delinquent Careers Based on National Court Case Data. New $75,000. Results will be compared with data from other projects in local jurisdictions to begin to assess the comparability of patterns of career development.

Concentration of Federal Effort Support. $900,000. This effort is mandated by the Act, which also requires a minimum allocation. In addition to supporting the activities of the Federal Coordinating Council for Juvenile Justice and Delinquency Prevention, the funds will help support cooperative projects in which OJJDP and one or more additional agencies of the Council participate. In fiscal year 1983, most of these, as yet undetermined, will be in the area of delinquency prevention.

SYSTEMS IMPROVEMENT

Suppression of Drug Distribution to Juveniles. New $555,000. In a special approach to countering the sale of drugs and alcohol to juveniles, this experimental action program will use the advanced integrated crime apprehension (ICAP) system now operating in a number of police departments. Five selected departments will concentrate significant resources and attention on the problem with the cooperation of the courts, prosecution, and youth services.

Drug Suppression Program Evaluation. New $150,000. A careful independent evaluation will be conducted of the experimental program to ascertain its effectiveness.

Habitual Serious Juvenile Offender. New $1,800,000. Special attention will be given in this experimental program to control and treat the small percentage of offenders who commit a disproportionately large share of juvenile crimes. Concerned agencies of juvenile justice will participate under the leadership of the prosecutor.

"Operation Hardcore". New $900,000. Demonstration replications of successful Los Angeles juvenile gang delinquency prevention program. Prosecutors, youth service agencies, and others working together to modify criminal characteristics of leadership role models.

Corrections Initiative. New $500,000. Juvenile corrections improvement initiative; program being designed.

Victims of Crime Initiative. Corrections Intiative. New $500,000. The report of the President's Task Force on Victims of Crime recommends a number of steps that involve juvenile justice and delinquency prevention; these funds are set aside to be used in a program(s) being designed for OJJDP to implement appropriate recommendations.

Technical Assistance for Improving the Efficiency and Effectiveness of the Juvenile Justice System. Continuation (Old program; $6,827,000) $750,000. Provides technical assistance for juvenile justice system enhancement to state and local agencies.

Corrections Improvement and Jail Removal Technical Assistance. Continuation $335,000. This continues a contract for provision of Technical Assistance by the Community Research Center to states and communities that was initiated in July 1981.

Non-Profit Juvenile Justice Management Training. New $50,000. Workshops for managers of non-profit organizations providing treatment or services to juveniles to help them improve administrative and management skills.

Private Sector Corrections Training. New $100,000. Curriculum development and subsequent training for community-based juvenile corrections managers.

Prosecutor Training. Continuation (Begun 6/1/82; $180,000) $180,000. A curriculum is being developed by the National College of District Attorneys and will be used for training of prosecuting attorneys who work primarily in juvenile courts.

Public Defender Training. New-$75,000. A curriculum will be developed for training supervisory public defenders.

Law Enforcement Training at Glynco, Georgia. Continuation (Begun 7/1/82; since then $250,000) $250,000. Three-day pragmatic, problem-solving seminars for law enforcement executives to introduce management strategies for increasing departmental effectiveness through integration of juvenile services into the mainstream of law enforcement activities.

Juvenile and Family Court Training Project. Continuation (Begun 2/76; since then $1,825,000) $300,000. Training for judges and court related personnel at the school in Reno. Training provides information about current developments in juvenile and family case law, and treatment and sentencing options.

Serious and Violent Juvenile Offender Seminars. Continuation (Begun 5/1/82; $205,000) $205,000. Specialized training and exchanges for judges about serious and violent juvenile offenders.

Courts Technical Assistance. New $50,000. The National Council of Juvenile and Family Court Judges conducts extensive training under grants from OJJDP; this will allow follow-up technical assistance after the trainees return to their courts.

Juvenile Courts Seminars. Continuation (Begun 8/2/82; since then $32,000) $60,000. The Institute for Court Management will conduct three seminars for juvenile justice professionals on management training, policy, and strategies relating to programs handling serious and repetitive juvenile offenders.

Serial Child Murders Information System. New $50,000. A new system and analytical approach is being developed to accumulate investigatory information about homicides. Proponents, who are highly regarded and experienced homicide investigators, contend that with advanced information analysis capability we should be able to detect the initiation of a series of crimes by the same offender even in different localities. OJJDP is working in conjunction with NIJ and others and will support that part of the effort that is of concern to juvenile justice.

Juvenile Records Improvements and Use. New $400,000. This will be a research project to ascertain the quality of juvenile justice and delinquency records and how they are being used; then to recommend steps to improve the quality of records and their utilization to enhance juvenile justice.

National Center for the Assessment to the Juvenile Justice System. Continuation (Begun 11/76; since than $2,621,000) $375,000. The Center collects, synthesizes, and analyzes information on the current juvenile justice system; completes, revises, and coordinates the publications of earlier reports; updates the Center's information dissemination capacity; and provides specific information in response to requests from NIJJDP.

Violent Offender Research and Development Program I. Continuation (Begun 10/1/80; since then, $4,194,000+) $2,800,000. A program to test a promising research and development model for treating violent juvenile crime in Phoenix, Memphis, Boston, and Newark.

Evaluation of the Violent Offender Research and Development Programs. Continuation (Begun 9/30/80; since then, $1,382,000) $275,000. Evaluation of above.

Juvenile Court Intervention Impact. Continuation (Begun 8/2/82; $200,000) $306,000. A test in Salt Lake City of the impact of a wide range of court dispositions to measure their impact on delinquent behavior, attitudes and juvenile justice costs; differences between institutions and probational alternatives will be examined.

National Uniform Juvenile Justice Reporting System. Continuation (Begun 12/75; since then $2,019,000) $300,000. This program collects, analyzes, and disseminates information from juvenile courts to build an understanding of trends and processes.

Juvenile Information System and Records Access. Continuation (Begun 3/75; since then $778,000) $200,000. Assists jurisdictions to develop juvenile information systems that also produce data on dispositions.

Children in Custody Census. Continuation (Begun by BJS 5/73; picked up by OJJDP

10/79 since then $566,000) $250,000. Periodic reports by the Bureau of Census on selected characteristics of the residents, facilities and operations within the juvenile custody system, both national and state-by-state, to assist authorities in assessing trends, and in developing relevant policies and legislation.

National Study of Juvenile Institutional Release Decision-Making. Continuation (Begun 10/1/79; since then $497,000) $250,000. Analysis of the process from commitment to a state juvenile correctional agency or institution to release; identification of the roles of various decision-makers, significant criteria and procedures, resources and internal and external pressures affecting decisions. Particular attention to youth committed for serious and violent crimes.

Automated Archive of State Juvenile Codes. Continuation ($75,000) $200,000. Compilation, review, and comparative analysis of juvenile codes and new developments in state legislation.

ALTERNATIVES TO JAILING JUVENILES WITH HARDENED CRIMINALS

Project New Pride. Continuation (Begun 12/70; by LEAA; since then heavy investment) $1,300,000. An alternative to incarceration program for serious multiple offenders. Effective and much less expensive than institutionalization. This year, the program will complete the replication and evaluation at four sites and will develop a strategy for providing training and other forms of information and assistance to stimulate acceptance in many communities.

Restitution Marketing. New $1,500,000. Restitution has proven to be an effective alternative sanction for adjudicated offenders when implemented intelligently. The program will provide a specific model(s) and will inform judges and other concerned officials of its applicability by such media as published guidance materials, training, conferences and other types of technical assistance.

"Helping Hand" Program. New $270,000. This program will replicate and demonstrate the successful California "Wing Spread" program at four sites to be selected. Youth are diverted from the juvenile justice system. Volunteers and community service agencies are utilized.

Training in Handling of Serious/Violent Offender in Community Based Settings. New $200,000. Workshops for professionals who operate community-based programs for these offenders based on the curriculum previously developed by the National Youth Workers Alliance under a previous project.

Exploring Careers in Law Enforcement and Criminal Justice. Continuation (begun 8/2/76; since then $180,000) $44,500. This Explorer Scout program operated by Boy Scouts of America involves young people, male and female, aged 14-20 in community service, crime prevention, juvenile delinquency prevention and leadership development. The subvention, matched by BSA, supports the national programming and administration effort.

COMBINATIONS

Training in Juvenile Justice for State Legislators. New $200,000. A series of workshops, seminars, and other types of training will be held for state legislators who are particularly concerned about juvenile justice issues. The objective is to provide up-to-date information about juvenile delinquency and legislation and initiatives being undertaken in other states.

Minority Research Program. New $400,000. Two projects are being designed; one, a research project, and the other, and effort to stimulate additional research.

Juvenile Delinquency and Justice Issues Seminars. New $200,000. Harvard University—Kennedy School will organize policy development seminars in current and expected issues of major concern.

Assessment of Training Impact. New $100,000. Millions of dollars have been spent by OJJDP in various training programs and more will continue to be spent. This evaluation will be the first independent assessment of each current program, its efficiency and overall management with the objective of learning where improvements may be needed.

Standardization of the Juvenile Justice Archive. New $100,000. Will standardize the data collected between 1975 and 1981 and the data contained in the national juvenile justice archive for the purpose of trend analysis.

Juvenile Justice Clearinghouse. Continuation (A reference service (NCJRS) was begun by NIJ in 1971; OJJDP funds the Clearinghouse as a special part) $400,000. National Criminal Justice Reference Service (NCJRS) assistance to juvenile justice and delinquency prevention community. A major source of information and widely used.

Visual Display of Quantitative Information. New $60,000. Will compile in one volume statistics relating to juvenile justice in organized and graphic presentations.

Consulting Support. Continuing and New $80,000. A contractor has been used, 3/27/80 to 1/16/83 ($699,000), to obtain publically credible expert reviews of plans and reports of interest to OJJDP; half of the above sum is being continued with the contractor as an addition to its contract with NIJ. The other half will be used to obtain such consulting support directly.

Mr. THURMOND. Mr. President, about the slugging emblem, I wish to say a child of Mr. Regnery asked him to get that, and that is the reason the question came up.

Mr. Regnery is the father of children. He loves children. I think he will make a splendid Administrator and we highly recommend him.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order the Senate will resume legislative session.

IMMIGRATION REFORM AND CONTROL ACT OF 1983

Mr. BAKER. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The clerk will state the pending business.

The legislative clerk read as follows:

A bill (S. 529) to revise and reform the Immigration and Nationality Act, and for other purposes.

The Senate resumed consideration of S. 529.

Mr. BAKER. Mr. President, I see the manager of the measure, Senator SIMPSON, is here in the Chamber.

I remind Senators that beginning at 2 p.m. today there will be a series of eight votes interspersed with 5 minutes of debate which will carry us in a solid voting pattern from 2 p.m. until approximately 5 p.m.

So once again I urge Senators to be present in the Chamber and stay in the Chamber because it will be the intention of the leadership to try to limit rollcall votes to 15 minutes.

There are so many of them that if we do not do that we will be here all night.

So Senators should be on notice that when they come to the Chamber at 2 p.m. they should stay in the Chamber.

Mr. SIMPSON. Mr. President, I will suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. SIMPSON. Mr. President, I ask unanimous consent that the time of this quorum be equally divided between each side of the issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, let me propose at this time a unanimous-consent agreement with regard to the so-called DeConcini-Wilson amendment.

I ask unanimous consent that the rollcall previously requested by Senator DECONCINI and Senator WILSON be vitiated—this has been cleared through both sides of the aisle—and that the next amendment in the order of business be the so-called Wilson amendment on transitional workers with regard to perishable produce and that the rollcall vote on that amemdment be stacked in sequence with the previous votes for this afternoon, with the usual provision of 5 minutes equally divided at that time, with the further time for debate on the amendment at this time to be one-half hour equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. WILSON. Mr. President, let me understand. The Senator from Wyoming has asked for a vitiation of the current request for the yeas and nays. I have no objection to that. On behalf of my colleague from Arizona, it is my understanding that he as well would be content to have this voice-voted.

It is my further understanding that the Senator from Wyoming is proposing that this will come to a vote this afternoon and that immediately thereafter there would be a vote upon the amendment that I am proposing also relating to the same subject, which is, in effect, an amendment to the

DeConcini amendment; is that correct?

Mr. SIMPSON. Mr. President, the DeConcini-Wilson amendment will be accepted. We will do that at the present moment if this unanimous-consent agreement is agreed to, and then the immediate next order of business would be the Wilson amendment, at which time we would ask for the yeas and nays, which would come later this afternoon in the stacked order.

Mr. WILSON. Fine.

Mr. SIMPSON. I move that unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1220

Who yields time on the DeConcini amendment? That is still pending.

Mr. KENNEDY. Will the Senator please clarify the purpose of the agricultural labor transitional program? Under what conditions may agricultural employers and alien workers participate in this program?

Mr. SIMPSON. Experts generally agree that a significant number of undocumented alien farmworkers will not qualify for the legalization program because they have been employed and residing in the United States on only a seasonal basis, that is, for only a few months of each year. In addition, some illegal alien farmworkers who do qualify for the legalization program would prefer to work and live in the United States on only a seasonal basis.

The purpose of the agricultural labor transitional program is to help agricultural employers who have become dependent on the seasonal employment of such illegals to phaseout their use of such labor over a 3-year period.

Under this amendment, undocumented aliens in the United States who establish employment as seasonal farmworkers in the United States for at least 90 days after January 1, 1980, would be eligible for temporary legal status as transitional seasonal farmworkers. Agricultural employers would be permitted to employ up to 100 percent of such workers with transitional workers during the first year of the program. During the second and the third year, such employers could employ up to 67 and 33 percent, respectively, of these transitional workers.

Mr. KENNEDY. So that there will be no misunderstanding about the implementation of the transition amendment, which the Senator and I both support, will the Senator state who the persons are that this amendment will permit to do seasonal agricultural work during the 3-year life of this program?

Mr. SIMPSON. Yes; I will be pleased to do that, because I believe there should be complete clarity on this point. As the Senator and I have discussed with Senator DECONCINI, the intent of this amendment is to enable agricultural employers to phase down their use of undocumented aliens by allowing them to continue to hire in diminishing numbers persons who have been employed in seasonal agricultural work in the United States for a significant length of time in the last few years. The amendment will permit workers with the specified job history to be employed as transitionals.

Mr. KENNEDY. Then it is the Senator's view that the bill will not permit any addition of new undocument workers to the agricultural work force?

Mr. SIMPSON. That is correct. Only persons who have the requisite history of agricultural employment in the United States will be eligible to participate in the program, and the employer authorization in subsection (b) of the amendment authorizes the employment of only such eligible workers.

Mr. KENNEDY. When the DeConcini amendment was under discussion last week, I noted my support for the DeConcini compromise and pointed out that during the transition 3-year period, the transitional workers would receive the same benefits and protections of H-2 temporary workers. Does the Senator read the amendment that way?

Mr. SIMPSON. The amendment provides that all workers employed under its provisions shall be fully protected by all Federal and State laws and regulations governing the employment of U.S. migrant and seasonal agricultural workers.

In the case of an employer hiring both H-2 workers and workers under the transition program, the transitional workers will receive the same protections and benefits provided to any H-2 workers.

Mr. WILSON. Mr. President, as I previously stated in floor debate—on this bill we must be certain that we do not irreparably injure this Nation's highly productive agricultural industry in our efforts to control the flood of illegal immigration across the Nation's borders. Although this legislation provides for some modifications to the H-2 program that allows farmers to import foreign workers into this country on a very limited basis after the completion of a slow and cumbersome bureaucratic procedure, these changes provide little relief for the grower of perishable commodities in the United States. My distinguished colleague, the Senator from Arizona, has recognized some of these problems and has offered an amendment that would allow for a 3-year transition period during which growers would have time to adjust to the requirements of the H-2 program in seeking to meet their needs for agricultural labor. I have joined as a cosponsor of this amendment because it provides a minimum step that needs to be taken to assure that the employer sanctions imposed by this legislation do not unjustly penalize growers of perishable commodities, who, in the past, have not been able to rely upon a steady source of domestic labor to meet their manpower needs.

When this body met last week, I offered for consideration an additional amendment to the DeConcini amendment that I feel provides the additional security that is needed to insure that this legislation does not have a disruptive and disastrous effect on the grower of perishable crops. Before addressing the merits of the transition periods provided by both the DeConcini amendment and the Wilson amendment to the DeConcini amendment, it is important that you understand the unique problems of growers of perishable commodities and why the H-2 program has not been able to solve them. By understanding this problem, you will better appreciate why it is imperative that the employer sanction provisions of this legislation be gradually phased in if these growers are to survive.

S. 529'S H-2 WORKER PROVISIONS

As proposed in this legislation, and basically as it has operated in the past, the H-2 program provides a procedure for regulating the use of temporary foreign workers in industries and agricultural areas suffering a shortage of domestic workers. Because growers of perishable commodities have historically suffered a shortage of domestic workers available or willing to pick their crops, they would have to rely upon the H-2 program to provide such workers under this legislation. In the past they have relied on foreign workers who have migrated from crop to crop following the growing seasons of a number of perishable crops.

S. 529 distinguishes temporary agricultural laborers from other types of H-2 temporary workers and establishes a special procedure regulating their admission to the United States. The Secretary of Labor would be empowered to issue regulations requiring agricultural employers to submit applications for labor certifications for such workers up to 80 days in advance of the need for such workers. The Secretary is required to make a decision on these applications at least 20 days in advance of such need, and there are provisions for expedited review of denials and de novo administrative hearings.

In addition, the H-2 proposals limit foreign workers to work for one agricultural employer on one crop. Upon completion of that particular job, the worker must return to the country of origin. The employer pays all of the costs of transportation for the foreign

worker and must assure that he returns to the country of his origin.

The H-2 program has been of limited use in the past and has generally involved commodities such as sheep, apples, and shade tobacco. While it may be adequate for such commodities, it clearly fails to meet the needs of growers of perishable commodities. This can be better understood by reviewing the unique nature of the grower of perishable crops concentrated in the Western United States.

THE UNIQUE PROBLEMS OF PERISHABLE COMMODITIES

Numerous types of crops, including peaches, pears, plums, berries, grapes, prunes, and raisins, are highly perishable commodities. Perishable crops such as these require special handling and great care in their cultivation. Because they are too tender for mechanical harvesting, these crops must be picked by hand and require a tremendous amount of labor. Moreover, their growing period is difficult to predict. Weather patterns vary the harvest time from year to year. The harvest time may be accelerated by a heat wave or, as is the case this year, delayed by an unseasonable cold spell or unusual rainfall. When these fruits and vegetables are ripe, however, they must be picked immediately. A delay of a few days, or even a few hours, may result in a devastated crop.

S. 529's labor certification provisions, as well as the inherent bureaucratic delay in the issuance of actual H-2 visas, contain the potential for disaster to perishable crop production. These provisions would require farmers to engage in guesswork about the weather and its effect on the growth and maturity of perishable crops some 80 days in advance of an anticipated harvest date. Failure to make an accurate prediction could have serious economic consequences, especially for the small farmers who comprise most of the perishable fruit and vegetable industry. Let me just say a few words about the typical grower of these commodities and the nature of the economic consequences that an ineffective H-2 program portends.

THE GROWER OF PERISHABLE COMMODITIES

Although the production of perishable commodities is a big business, it is in most instances the product of the small farmer. Mr. President, we are not generally talking about giant corporate farming operations when we talk about growers of perishable crops, particularly in California where most of these crops are grown. Rather, we are talking about farming as it has been known in the past. We are talking about an average farm size of approximately 100 to 200 acres, while the average farm producing other commodities is nearly 500 acres. Actually, the 100 to 200 acre figure is inflated because the large growing areas required by grape vinyards raises the average. In truth, we are talking about hundreds of small farmers producing perishables on farms ranging between 30 to 50 acres. These small farmers simply cannot afford to hire temporary workers in advance of their harvesting needs because that would force them to bear the cost of wages, housing, and food before production even begins. But the alternative is even worse—to have entire crops spoil in the fields because of unavailability of a sufficient work force.

THE ECONOMIC CONSEQUENCES OF AN UNWORKABLE H-2 PROGRAM

Because my own State of California provides the largest production of perishable commodities, if offers a good illustration of the potential disastrous economic consequences of a failed H-2 program. The highly seasonal production of fresh fruits, vegetables, and nuts represents over $6 billion or 45 percent of the annual sales of agricultural products in California. There are approximately 25,000 farms devoted to raising these products on 10 percent of the total number of acres in agricultural production. Of the 260 or so crops grown in California, 150, or nearly 60 percent of them are perishable. There is no question that this is a large and vital industry to California but also to the rest of the Nation which receives 45 percent of its fresh fruit and vegetables from these farmers. Loss of these crops would have serious consequences for everyone.

As I have stated, most of the farmers who cultivate perishable crops are small farmers who could not survive the serious crop losses which could occur under S. 529's H-2 provisions. But it is not just the farmers who would be adversely affected by such crop losses. All of those who depend on perishable commodities for their livelihood would be hurt. The farmworkers who help cultivate and harvest these crops would be deprived of jobs. Distribution and transportation workers would be hurt because there would be fewer commodities to distribute. Grocers and merchants would not have quality produce to sell, and restaurants would not have these fresh fruits and vegetables to serve to their customers. And, finally, the American consumer would be deprived of some of this Nation's most valued food products and pay higher prices for those that are distributed.

Mr. President, it is clear that the H-2 program does not provide the best solution to the problems of the perishable grower. Nonetheless, I recognize that this legislation represents a fragile balancing of numerous competing interests. In an attempt to obtain a small measure of relief for the American farmer, I have joined the distinguished Senator from Arizona in offering an amendment that would help lessen the adverse impact of this legislation. Let me briefly explain the DeConcini-Wilson amendment.

THE D'CONCINI AMENDMENT

Because the H-2 program has not been used by many farmers in the past, it would take some time for farmers, the Government, and the farmworkers themselves to get accustomed to using it. Furthermore, implementation and enforcement of S. 529's other provisions would obviously consume much of the Immigration and Naturalization Service's financial resources and time during the first 15 months after enactment. Consequently, a thoughtfully designed transition program is needed to prevent disruption of those segments of American agriculture which have no prior experience with the H-2 program.

The DeConcini amendment attempts to achieve this by directing the Attorney General to implement a 3-year transition program, during which agricultural employers must come into compliance with the act. This is achieved through a gradual schedule that allows an employer to utilize 100 percent transitional workers during the first year after enactment, 66 percent transitional workers during the second year, and 33 percent transitional workers during the third year. Thereafter, all alien temporary agricultural workers must comply with the act's requirements for H-2 workers. The rationale behind this amendment is to allow farmers a period of adjustment during which they can seek new ways to attract qualified domestic workers and also become accustomed to using the somewhat cumbersome procedures of the H-2 program.

The DeConcini amendment takes a step in the right direction by providing a 3-year transition period. It, in fact, may be adequate for those farmers who do not produce perishable commodities. For those growers who do, however, it does not go far enough. As a result, I have offered for your consideration an amendment to the DeConcini amendment which better addresses the needs of perishable growers but, in addition, assures that foreign workers would not be used to the detriment of domestic workers.

Mr. HATCH. Mr. President, as a member of the Judiciary Committee, I have taken a keen interest in the development of S. 529, the Immigration Reform and Control Act of 1983. Senator SIMPSON is to be commended for his untiring efforts in moving this legislation toward enactment. It is clear that his leadership in this legislation is not calculated to produce political rewards. It might be better characterized as an act of statesmanship, indeed an act of political courage.

This is the kind of legislation that is required for the future well-being of this country; but at the same time, it is the kind of legislation that causes a

great deal of concern on the part of many citizens, particularly employers and certain minority groups.

Because of the need to balance the interests of labor organizations—who view this legislation as a means of retrieving and protecting jobs for American citizens—and those employers and minority groups, it has been impossible to totally satisfy that broad spectrum of concern. Senator SIMPSON and members of the committee have made a sincere attempt to solve the problem that faces us with the least harm to employers and to minority groups who fear discrimination in employment; but it is already evident that further refinements and improvements have been and will be offered on the floor that deserve the careful consideration of every Member of the Senate.

Those of us who represent States with a major agricultural interest want to make sure that the legislation finally enacted into law does not create a situation in which agricultural employers are cut off from the employment of undocumented workers without providing for a workable program to bring in supplemental foreign workers on a timely basis when and where it is proved that qualified U.S. citizens or documented resident aliens are not available and willing to perform the seasonal work needed in important segments of agriculture.

During the first day of debate on this bill, Senator GOLDWATER offered and the Senate passed an amendment to section 211, requiring the Secretary of Labor to respond to an agricultural employer's request for certification of H-2 workers within 7 days. The purpose was to put a time limit on the administrative procedure so that an employer would know within a week whether his application was in proper order. We must remember that we are dealing with highly perishable crops, in which timing is dictated by nature. When fruit or vegetables are ripe and ready for market, labor must be available within a period of a few days or the crop is lost to consumers and the grower loses any chance of making a profit.

Section 211 as contained in the committee bill goes a long way toward providing reasonable assurance to agricultural employers that supplemental foreign workers can be brought into the country as nonimmigrants for temporary periods of time when their need is demonstrated. For the first time, a special agricultural H-2 program is provided, with basic guidelines of its operation written into the statute, and with final regulatory authority in the hands of the Attorney General. The regulations will be prepared by the Secretary of Labor, but with the full consultation of the Secretary of Agriculture. This regulatory procedure should provide a balanced situation in which the interests of both management and labor are protected.

With debate now resuming on the bill, certain other amendments will be offered to further allay some of the concerns in the agricultural industry. I will discuss two of them, both of which will have my support.

Senator DECONCINI and Senator WILSON will offer an amendment to provide for a 3-year transition program for agricultural employers to assist them in breaking away from the employment of illegal aliens to the employment of U.S. citizens, aliens who achieve legalization, or supplemental foreign workers under the H-2 provision of the act, as amended by this bill. During the first year, such employers will be permitted to employ 100 percent of their historic number of foreign workers; during the second year 67 percent of this number, and during the third year 33 percent of the number.

I am convinced that such a transition program is needed. It is supported by the Utah Farm Bureau Federation and the American Farm Bureau Federation and by a broad range of agricultural organizations. It will provide an opportunity for growers to gradually shift to the H-2 program. It will also provide an opportunity for some of the undocumented workers who do not choose to apply for legalization or do not qualify to gradually move out of agricultural employment and give the Department of Labor some additional time to adjust to an expanded H-2 program. I hope that my colleagues will support this carefully crafted amendment.

Senator MCCLURE, in addition, will offer an amendment to correct an injustice in the present operating procedures of the Immigration and Naturalization Service. Current law requires INS to secure a search warrant to enter upon private property where they have reason to believe that an illegal alien is working or residing; but the courts have said that the warrants are not required before entering open fields. The result is discrimination against agricultural employers. Agricultural employment, for the most part, necessarily takes place in open fields. This property should have the same protections of law as any other property and the owners of the open fields should have the same rights as the owners of factories, restaurants, or offices. If INS can enforce the law at nonagricultural establishments with the search warrant requirement, there is no good reason why they cannot do so at farms and ranches. In this regard, I would refer to the Supreme Court's Barlow decision several years ago relating to the need for search warrants by OSHA inspectors. The result of this discrimination in the law is that enforcement has been concentrated in agricultural employment, where only an estimated 7 percent of illegal aliens are employed in this country, but where nearly half of the INS apprehensions have taken place. I hope my colleagues will join me in strong support of Senator MCCLURE's amendment.

It is true that the time has come for the Congress to take resolute action to restore control over our national borders; but we must also make sure that we do not close off reasonable access to needed seasonal workers in agriculture, thereby undermining one of the most vital of all American industries.

The PRESIDING OFFICER. Is all time yielded back?

Mr. KENNEDY. I yield back the time.

Mr. SIMPSON. I yield.

The PRESIDING OFFICER. The question is on agreeing to the DeConcini amendment.

The amendment (No. 1220), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I now ask for the yeas and nays on the Wilson amendment, which will be stacked after the regular order.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. I yield to the Senator for his amendment.

AMENDMENT NO. 1264

Mr. WILSON. I thank my colleagues, the distinguished Senators from Wyoming and Massachusetts. On behalf of our colleague, the Senator from Arizona, with whom we have cosponsored the amendment just accepted by the Senate, we are grateful and think that the attitude exhibited by the proponents of the Immigration Reform and Control Act has taken cognizance of a very sensitive situation. It is one of sufficient sensitivity and importance that it has required this treatment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. WILSON) proposes an amendment numbered 1264:

On page 1, after line 14, insert the following:

(c) During the transition program described in subsection (b), and annually thereafter, the Secretary of Labor shall include in the annual reports provided under section 214(c)(4) specific findings, based upon consultations with the Secretary of Agriculture, on the impact of the certification requirements of sections 214(c)(2)(A) and 214(c)(3)(A) upon the ability of agricultural employers to produce perishable commodities, as defined by the Secretary of Ag-

riculture. The Attorney General shall extend the transition program for the perishable commodities industry for a period not to exceed two years, if, based upon the Secretary of Labor's findings and the experience under the transition program, the Attorney General has reason to believe that the requirements for importing an alien as a section 101(a)(15)(H)(ii) nonimmigrant have had an adverse impact upon the ability of agricultural employers to produce perishable commodities, or upon the price or availability of such commodities to American consumers. The extension shall be implemented through a rulemaking procedure during the third year of the transition program, but no later than October 31 of that year, under such terms as are necessary to remedy such adverse impact.

Page 1, line 15, replace "(c) with "(d)".
Page 1, line 18, replace "(d) with "(e)".
Page 1, line 22, replace "(e) with "(f)".
Page 2, line 3, replace "(f) with "(g)".
Page 2, line 11, replace "(g) with "(h)".
Page 2, line 16, replace "(h) with new "(i)".

Mr. WILSON. Mr. President, I ask unanimous consent that this amendment be deemed to be in order notwithstanding the adoption by the Senate of the DeConcini-Wilson amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. My amendment adds a new subsection (c) to the DeConcini amendment. It requires the Secretary of Labor to include in his annual report during the transition period, and each year thereafter, speicific findings, based upon consultations with the Secretary of Agriculture, on the effect of the certification requirements on the growers of perishable commodities. Subsection (c) then requires the Attorney General to review the Secretary of Labor's findings and the experience under the transition program. If the Attorney General has reason to believe that any requirements for admission of H-2 workers have had an adverse impact upon the perishable commodities industry, then he must temporarily extend the transition period for perishable commodities. Examples of findings which would trigger such an extension include evidence that an insufficient number of workers were available on a timely basis, that farmers suffered economic losses as a result of the act's requirements, or that American consumers experienced higher prices or produce shortages. In such a situation, the Attorney General must issue rules and regulations by October 31 of the third year of the transition, and as necessary thereafter, governing the extension of the transition program for the perishable commodities industry. The extended transition program could last no longer than 2 years and would have to be fashioned to remedy the specific problems in the perishable commodities industry.

Mr. President, this amendment is an effort to assure further that the procedure that will be invoked under this legislation is determined to be workable. The Senator from Wyoming and the Senator from Massachusetts, in a Dear Colleague letter, have quite graciously assented to support the DeConcini-Wilson amendment. They have said:

We want to indicate our support for the DeConcini amendment which is a compromise which we have worked out over many weeks with all parties concerned. It provides a reasonable 3-year transition period to allow agricultural employers to phase in their use of these new H-2 temporary foreign worker provisions in the bill. The amendment fully protects American workers and it assures that proper labor standards and wages will be met.

I concur with that judgment. Their statement recognizes that this is a new and untried procedure, one which is difficult for many employers and involves special difficulty for the grower of perishable commodities. That is because these H-2 provisions require a certification process on the part of the Secretary of Labor.

Specifically, since the purpose of the underlying legislation is to protect American jobs, it requires that the Secretary of Labor certify that there will be insufficient domestic labor available to harvest perishable crops at the time required, the time of harvest. The special sensitivity in this instance arises in that plums, pears, peaches, and other perishable commodities are ripe when they are ripe and not when the Secretary of Labor has certified that they will be ripe.

Unhappily, if the bureaucratic procedure is not in concert with the weather and with the realities of when perishable commodities ripen and must be harvested, there is a very high risk as a result, that an untimely harvest, harvest that occurs too late, will cost not only the grower but also those he employs directly as pickers. Further, it will be more than an inconvenience. It will threaten the gravest economic consequences to an entire industry, subsuming other industries as well, reaching ultimately a distress that affects the American consumer—the American housewife seeking the kinds of special crops that American people have enjoyed, that we have taken for granted, at prices that were affordable.

I will not belabor what I hope is an obvious point, and that is that the inability to harvest these crops at the time that it is required, which often is a matter of hours or, at most, days, threatens disastrous economic loss, the kind of hardship and dislocation that involves literally tens of thousands of employees not only in my State, California—and the State of Senator DECONCINI, Arizona—who is the cosponsor of the amendment just adopted by the Senate, but also the growers of perishable commodities in virtually every State.

I see my colleague and good friend the senior Senator from South Carolina in the Chamber. I know that he is proud of the peaches grown in his State. I know that Senator MATTINGLY is proud of the tradition with respect to Georgia peaches.

The point is that this is a measure that affects not parochially a small corner of the country but affects Americans as consumers and those who are involved in the harvest, the distribution, the shipment, the transportation, and the marketing of these commodities, as well as those who will be the consumers. It affects employment in restaurants and in hotels as well as in supermarkets. It will affect the employment not just of farmworkers but of teamsters as well.

So it is important that this be a workable procedure.

Notwithstanding the commendable goal to enhance employment opportunities for Americans, we dare not risk the irony of a failed good intention that jeopardizes employment for a number of Americans.

Mr. President, I come back again to the Dear Colleague letter dated May 13, sent out by the Senator from Wyoming and the Senator from Massachusetts. I have read a portion of that letter already. Let me read the remainder of it.

We believe this—

Referring to the DeConcini-Wilson amendment just adopted by the Senate.

is a reasonable compromise and we are pleased to support it. However, we must oppose amendments to weaken controls on the use of foreign workers during this transition period, or which would establish a new temporary worker program or encourage American growers to continue their dependence upon foreign workers.

Mr. President, I submit that if we apply that paragraph as a test, the Senator from Wyoming and the Senator from Massachusetts can feel comfortable in accepting and supporting this amendment as well; because, applying three parts of their tests, it does not weaken controls on the use of foreign workers during the transition period; it does not establish a new temporary worker program; it does not encourage American growers to continue their dependence upon foreign workers.

What it does is to provide a necessary safety valve to determine, as does the transition itself, whether or not the procedure that is new in this legislation will work, will allow timely harvest, as the Senators from Wyoming and Massachusetts hope will occur.

For that reason, because this is simply the other part of a necessary, thoughtful, and reasonable procedure for making transition to what is a new and an untried procedure, the H-2 provisions, I urge my colleagues to adopt this amendment as a necessary protection to the interests of those involved

in the growing, the harvesting, the distribution, the marketing, and the consumption of the perishable commodities that have made the American diet the best in the world.

We are concerned with employment here, the employment of all those in that chain, from the planting to the ultimate consumption of those commodities. We are concerned with the prices of those commodities as a necessary element in realistically determining that this industry can continue to thrive, to flourish, and to provide the employment it has provided for tens of thousands, literally hundreds of thousands, if you envision the entire chain.

With that, I urge my colleagues to support this measure. It will not undo either the goal or the specific procedures which the Immigration Reform Act envisions to protect employment for American workers.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I urge that we reject the amendment offered by the Senator from California.

The purpose of the DeConcini-Wilson amendment, which we have just accepted, is to provide a transitional period for agricultural employers to become familiar with the H-2(a) program and to allow the Justice Department and the Labor Department to make the necessary adjustments to handle the increased demand for foreign agricultural workers.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time for the recess be extended until 10 minutes after 12.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. That has been cleared with the majority and the minority. I concur.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will recess at 10 minutes past 12.

Mr. SIMPSON. Mr. President, I will move with even more alacrity than I would have previously.

The Select Commission on Immigration and Refugee Policy, the Judiciary Committee, and the Senate during the debate in the last session, rejected a guestworker program. This amendment would allow foreign workers to continue working in this country for a total of 5 years. If the European experience is any example—and it is one we watched closely in our debate and in our hearings—this will result in claims of equities to justify the workers' right to remain in the country. Also, it will be difficult to prevent the families of these workers from entering the country over such a long period of time.

We have made special provision in the H-2 program for agricultural employers. If there is one area on which we spent more time, an inordinate amount of time, it was hammering and hammering on this issue; and the result was the DeConcini-Wilson proposal, which is an extraordinary effort in itself.

What did we provide? Three years of transitional programs under which agricultural employers can hire additional workers that are not in the H-2 program. The DeConcini-Wilson amendment will allow those transitional workers to remain in this country for a total of 3½ years after enactment of the law. After enactment of the law because it comes into effect after the 6 months education period, so we really have added another half-year there. This amendment would then increase this special program to 5.5 years, and the irony of it is that industrial employers and others who have also used illegal workers in great numbers in this country are expected to adjust themselves immediately to U.S. workers or H-2 workers, without the benefit of the streamlined H-2(a) program. It would then seem that agricultural employees could reasonably be expected to adjust to the new program in 3.5 years.

I urge that we reject the amendment.

Mr. KENNEDY. Mr. President, the Senator from Wyoming has given a very important statement and comment on why this amendment should be rejected and I join him in urging the Senate to reject this amendment.

This issue was gone into in very considerable detail by the Select Commission. It examined extensively labor needs, the availability of workers, and a serious study into the agricultural implications of seeing that this program effectively be ended. The Select Commission was virtually unanimous in recommending an end to the program itself.

I think the amendment that was proposed by Senator DECONCINI and Senator WILSON to provide for the 3-year transition which would permit an adjustment by a third each year is a reasonable adjustment.

And it is one that I support and has been accepted by the Senate.

But should we accept the Wilson amendment it is really sending out the wrong message. It effectively is saying to many in this business that we are really not serious about ending this harmful and unnecessary dependence on foreign labor, and I think that that is the wrong signal for us to send out.

Needless to say, the Judiciary Committee and the Immigration Subcommittee will be in service to the Senate during this period of time. If the unfortunate circumstances develop which have been expressed as possible by the Senator from California, then the Senate committee will be able to address those questions and those issues in a reasonable way.

So, I urge the Senate to reject the amendment.

I ask unaminous consent, Mr. President, that there be printed at this point in the RECORD a study about the unemployment by agricultural workers in many of the most important agricultural communities in this country, including California.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

[Memorandum]

UNITED FARM WORKERS OF AMERICA, AFL-CIO,
Silver Spring, Md., May 2, 1983.

To: Concerned Members of Congress.
From: Stephanie Bower, Legislative Representative.
Subject: H-2 Temporary Worker Program, Simpson/Mazzoli Immigration Reform and Control Act.

UNEMPLOYMENT AND LAY-OFFS AMONG OUR MEMBERSHIP CLEARLY SHOWS THAT THERE IS NO NEED FOR ANY KIND OF TEMPORARY WORKER PROGRAM

There has, for over one hundred years been many more workers than jobs available in agriculture in order that workers may be kept in an exploitable position. Dr. Tim Horgan of St. Leo College, St. Leo, Florida, concludes in a study that he has done that there are 3 to 400,000 agricultural workers available for only 100,000 jobs annually.

Our field officers report the following unemployment statistics:

In November of 1982, while H-2's were being brought into Florida from Mexico, our Avon Park field office reported 1,000 unemployed farm workers in that area while 230 of our members under contract with the Coca-Cola Company were still laid off from the previous season.

In Arizona, hundreds had been laid off and 170 Union Members (UFW) were on the waiting list.

Unemployment in Texas at the time was 50-60 percent among farm workers.

California field offices reported as of April 1983:

Calexico: 5,000 unemployed farm workers in the area.

Coachella: 1,500 Union members under contract laid off—another 1,000 workers in the area unemployed.

Delano: Highest unemployment since the recession began—1,200 workers unemployed from ranches under contract—of the 1,200, 500 have been laid off. Another 1,000 workers in the area are unemployed. Tex-Cal Land Management Co. gave notice to 1,000 workers that their services would be no longer needed and brought in labor contractors with a history of violating the old Farm Labor Contractor Registration Act to hire another docile workforce.

Livingston: 750 to 800 unemployed Union Members.

Oxnard: 100 members with seniority on waiting list.

Parlier: 900 members unemployed (90 percent unemployment.)

Salinas: Continuous list of 1,300-1,500 members on waiting list.

San Usidro: 438 members on waiting list.

Santa Maria: 200 of 500 unemployed members. Several thousand total number in the area.

Hollister: 400 members have been laid off—3,000 unemployed farm workers in the area.

Napa Valley: 400 workers in excess of jobs during the harvest and pruning seasons.

Mr. KENNEDY. Mr. President, it is, I think, an important memorandium because I think it further justifies the fact that there are tens of thousands of unemployed agricultural workers in these communities and they are there today looking for work, eager for work, so why do we need foreign workers? I think that we should be sensitive to the fact that we have these tens of thousands of Americans who are unable to find work and even in spite of that we are willing to provide a period of 3 years transition for foreign workers. I am not prepared to see this transition time go beyond what the DeConcini-Wilson amendment has already established. I hope that the amendment will be defeated.

For the record, I would like to submit the recommendations offered on this subject by the Select Commission on Immigration and Refugee Policy.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

[From the Select Commission's final report]

VI.E. H-TEMPORARY WORKERS[1]

The Department of Labor should recommend changes in the H-2 program which would improve the fairness of the program to both U.S. workers and employers. Proposed changes should:

Improve the timeliness of decisions regarding the admission of H-2 workers by streamlining the application process;

Remove the current economic disincentives to hire U.S. workers by requiring, for example, employers to pay FICA and unemployment insurance for H-2 workers; and maintain the labor certification by the U.S. Department of Labor.

The Commission believes that Government, employers and unions should cooperate to end the dependence of any industry on a constant supply of H-2 workers.

The above does not exclude a slight expansion of the program.

The United States has long had a limited program through which temporary workers can enter the country as H-2 nonimmigrants. Petitions for these workers are reviewed by the Department of Labor which must certify that U.S. workers are not available and that the employment of aliens will not adversely affect the wages and working conditions of other similarly employed U.S. workers. From 1973 to 1976, H-2 admissions averaged a little more than 30,000 workers annually, 12,000 of whom were agricultural workers. In 1977 and 1978 the number of H-2 workers dropped below this level to 28,000 and 23,000, respectively.

The H-2 program has been criticized from all sides:

By U.S. labor representatives and others for its inadequate protection of U.S. wages and for permitting a "wage wedge" that encourages the hiring of H-2 workers over U.S. citizens or permanent residents. Once given permission to hire H-2 workers, the employer need not pay social security and unemployment insurance for the temporary migrants.

By employers who find the procedures for determining eligibility to hire H-2 workers time-consuming and subject to delay. Employers have argued that these delays are unnecessary and that the program fails to meet their labor needs.

By foreign workers because they do not receive the same benefits as U.S. workers.

Despite the inadequacies many people find with regard to the H-2 program, the Commission finds that a continuation of the program is necessary and preferable to the institution of a new one (see Section II). Recognizing the seriousness of some of these inadequacies, however, the Commission recommends that changes be made in the current H-2 program to make it more responsive to the needs of employers and more protective of the rights of U.S. workers. These recommended changes attempt to balance two legitimate needs—that of U.S. employers for a source of needed labor and that of U.S. workers for labor market protection.

They are also designed to extend to temporary workers the employment benefits normally given to U.S. workers and thus to be more protective of their rights. The Commission further believes that any slight expansion in the number of temporary workers admitted should be within the existing H-2 program.

STREAMLINING THE APPLICATION PROCESS

The Select Commission urges the Department of Labor to recommend changes in the H-2 program to streamline the application process and improve the timeliness of decisions, thus making the program more responsive to the needs of U.S. employers. The Commission is of the view that these changes are necessary in order to avoid administrative delays and to decrease the costs and paperwork of the certification process.

PROTECTING U.S. LABOR

The Select Commission urges that the Department of Labor recommend changes in the present H-2 program to make it more protective of the rights of U.S. workers by removing the inducements to hire H-2 workers over U.S. workers.

The Commission specifically recommends that:

Employers be required to pay FICA and unemployment insurance for H-2 workers;

The requirement for labor certification for H-2 workers be maintained by the Department of Labor; and

Employers, unions and government cooperate to end the dependence of any industry on a constant supply of H-2 workers.

These steps will eliminate some of the present advantages that stem from hiring foreign rather than U.S. workers. Under these recommendations, employers also will be encouraged to seek U.S. labor and end their dependence on H-2 workers.

PROTECTING H-2 WORKERS

The Commission recommendation requiring employers to extend the same benefits now given U.S. workers to foreign workers in the H-2 program also would be more protective of H-2 workers. The Commission is of the view that changes in the H-2 program should address the concerns of those who fear that a temporary worker program will automatically result in an underclass of workers. By guaranteeing H-2 workers the same benefits as U.S. workers, the United States can ensure that its temporary worker program does not degenerate, as did the bracero program, into a program that exploits workers.

Mr. WILSON. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I am glad to respond to questions, and I am glad to yield the floor if the Senator wishes.

Mr. WILSON. Mr. President, I certainly do not object to the request that the Senator made that that study be printed in the RECORD. To the contrary, I commend him for the demonstrated sensitivity to the employment needs of American workers.

This particular study, I gather from his statement, deals with unemployment of domestic farmworkers.

I simply point out that I think that it is consistent with an earlier sensitivity demonstrated by the Senator from Massachusetts in offering an amendment that sought to sunset employer sanctions, the basic premise of this legislation, if after a 5-year period, there were a finding by the General Accounting Office that such employer sanctions had resulted in defensive discrimination against those who look or sound foreign by small business persons who did not wish to be hassled by Federal prosecutors enforcing the provisions of this new and untried legislation.

I think in offering that amendment, the Senator indicated not only a sensitivity to the employment needs particularly of Hispanic Americans, but to those American citizens who may be suspect of being foreign nationals. I think he indicated quite realistically that this new and untried legislation is complex, it is difficult, it requires that very stressful——

The PRESIDING OFFICER. The time has expired.

Mr. WILSON. Let me conclude, Mr. President, with a unanimous-consent request for about 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. The Senator from Massachusetts was correct, I think, in being realistic as well as sensitive in offering an amendment that would have sunsetted employer sanctions upon the findings and sufficient evidence that discrimination had been brought about, however, unintended by the proponents of this legislation. Again, in this instance where we are trying a new procedure, I think there is room for caution.

This amendment is simply an extension of the same kind of care that they have already agreed to with respect to the acceptance of the transition period. It is the procedure that allows a responsible public official to examine formal evidence and upon a finding that the procedure is not working, in this case having to do with the harvest of perishable commodities, rather than discrimination, to make a similar judgment to that which the Senator

[1] Commission vote: Yes—14; No—2.

sought to have made in case of his sunset amendment.

This would have gone to the very heart of this legislation, the premise upon which it is founded being the employer sanctions.

Mr. KENNEDY. Mr. President, obviously the Senator from California and the Senator from Arizona have been more persuasive in the Senate than I have been, because they have already got the 3 years and I was unable to get any on my particular amendment.

I think, for the reasons that have been outlined earlier during this dialog, the DeConcini amendment responds to these particular concerns. I, as one member on the Immigration subcommittee, wish to indicate to the Senator from California that, should the Senate reject his amendment, I would welcome the opportunity to follow this issue with him over the period of future years and address any future needs. I believe that that would be true with the other members of the committee.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. LUGAR). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I can assure the Senator that is true. The chairman would certainly join in those remarks. We will be monitoring it very closely.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 12:11 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled, when called to order by the Presiding Officer (Mr. LUGAR).

EXECUTIVE SESSION

The PRESIDING OFFICER. The Senate will now proceed to executive session. There will now be 5 minutes debate on Calendar Order No. 156, which the clerk will state.

NOMINATION OF WILLIAM D. RUCKELSHAUS TO BE ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY

The assistant legislative clerk read the nomination of William D. Ruckelshaus, of Washington, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Who yields time?

Mr. STAFFORD. Mr. President, it is my understanding that the majority has 2½ minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. STAFFORD. And Senator RANDOLPH or the minority leader would have the other 2½ minutes.

Mr. President, we debated the issue of the nomination of William Ruckelshaus to be the Administrator of the Environmental Protection Agency yesterday. A good record was made at that time.

For today, for our colleagues who are here or any who may be listening, I simply point out that in the Committee on Environment and Public Works before whom Mr. Ruckelshaus appeared in his confirmation hearings, he was confirmed to the Senate to become the Administrator by a vote of 16 to 0, or to put it differently, it was a unanimous vote of the entire committee in favor of the approval of Mr. William Ruckelshaus to be Administrator of the Environmental Protection Agency.

Before the committee reached the point of voting on recommending his name to the Senate for confirmation, we, in the committee, over a period of some weeks, went through the most exhaustive preparation for the hearings which he attended in memory of this Senator—and I served on the committee now for 12 years. We also had Mr. Ruckelshaus in front of the committee for 6 hours on 2 different days, and it was the most intensive grilling of a nominee to have occurred in connection with this committee during the 12 years that I have served on it.

So his background was meticulously examined. His qualifications were carefully reviewed. His record as the first Administrator of the Environmental Protection Agency was looked into. All of his financial activities and his affiliation with Weyerhaeuser and Co. and board memberships on some other corporations were very carefully examined in the course of our hearings and in the testimony adduced from Mr. Ruckelshaus.

On the basis of all of the background examination, his answers to our questions, his stating to us that he has the freedom and the intention of enforcing the laws of this country with respect to the Environmental Protection Agency, as they exist, not as he might wish them to be or someone else might wish them to be, the committee culminated the hearings by voting to recommend his confirmation by the Senate by a unanimous vote of 16 to 0.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. Mr. President, the time on this side I wish to allot to Senator RANDOLPH. For the moment, he is engaged with constituents. So I know we cannot run a quorum call on 2½ minutes.

Mr. President, I yield time to Senator RANDOLPH.

Mr. RANDOLPH. Mr. President, I say to the minority leader in reference to the upcoming vote, we debated this subject on yesterday, the able chairman of our committee, Senator STAFFORD, and myself and some others with the minority leader's cooperation. Is there time still that was not consumed?

Mr. BYRD. There are 2½ minutes for the Senator.

Mr. RANDOLPH. Two and a half minutes.

Mr. BYRD. Senator STAFFORD has used his time.

Mr. RANDOLPH. I will then, if agreeable, use the 2½ minutes that remain to the minority.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, the Committee on Environment and Public Works reported the nomination of William D. Ruckelshaus to the Senate with all the members voting favorably.

The hearings on the nomination of Mr. Ruckelshaus were very thorough. The questioning of the nominee was incisive and there was a desire to be thorough on the part of us on the committee before we would vote either to report or not to report this nomination to the Senate. It is my feeling that the Senate might do what the committee has done and that is to give unanimous approval to William Ruckelshaus to become the Administrator of the Environmental Protection Agency.

I believe he is the right man at the right time for a difficult task. I wholeheartedly have given to him and renew it at this time my belief that he will do a very, very fine job in that very, very critical post.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. Mr. President, I want to take this opportunity to declare my support for the nomination of Mr. William D. Ruckelshaus to be Administrator of the Environmental Protection Agency.

Mr. Ruckelshaus is a man who comes to us with a longstanding reputation for personal integrity. He is a man whose successful careers in both Government and business are a testimony to his considerable administrative and managerial skills.

Equally important, Mr. Ruckelshaus brings to the EPA an appreciation of the need for balance in our efforts to effectively address such difficult and complex environmental issues as acid deposition. I am encouraged by his openmindedness on this issue, especially in light of the divisive and emotional nature of the debate on acid deposition.

During his confirmation hearings before the Senate Committee on Environment and Public Works, Mr. Ruckelshaus pointed out that current proposals for significant reductions in emissions must be considered relative to the costs of such reduction. We

need to consider, he testified, whether "the costs themselves are properly allocated under the current formulas." This has to be addressed, he said:

With some degree of certainty if we are to suggest to the Congress an approach to this problem that makes sense.

Mr. President, those comments are certainly refreshing to me, for that is all I have been after for the past 2 years in this area: All I have asked for is an approach that makes sense.

Mr. Ruckelshaus has indicated that the effort to develop such an approach is one of his highest priorities. In fact, as he pointed out during his confirmation hearings, that effort is moving forward. The current program of research, Mr. Ruckelshaus noted, is asking:

The right questions with the right kind of milestones established to get at the question of what is the best program available that is necessary to alleviate the problems associated with acid rain.

In other words, whatever approach is finally developed, it will be based upon the results of a well-defined program of scientific research. Mr. President, I commend Mr. Ruckelshaus for his commitment to a balanced and reasonable approach to addressing environmental issues. I beleive he will serve the EPA and the Nation well.

Mr. HART. Mr. President, after careful consideration I decided to vote in the Committee on Environment and Public Works to report to the Senate the nomination of Mr. William D. Ruckelshaus to be Administrator of the Environmental Protection Agency (EPA), and I will now vote for his confirmation.

I want to let my colleagues, and the public, know what my vote for Mr. Ruckelshaus represents, and what it does not represent.

My vote for Mr. Ruckelshaus represents my judgment that he will be a substantial improvement over his predecessor, and that he clearly has the ability, experience, and personal integrity to perform the duties of the Administrator of EPA.

On the other hand, my vote for Mr. Ruckelshaus does not indicate that I am fully confident there will be the major change in this administration's disastrous environmental policies that is needed to give the American people the cleaner, safer environment they want and deserve. There are some signs of hope that there will be meaningful change in the administration's policies. But Mr. Ruckelshaus was so careful to avoid making any specific commitments during his confirmation hearing that we are left guessing and hoping for that much-needed change, not assured it will occur.

I do not lightly make questions of administration policy a crucial element in the process of confirming a Presidential appointee. The Constitution does not specify the grounds for senatorial advice and consent to Presidential appointments. The framers of the Constitution, however, clearly did not intend for every Senator to require the President's appointees to conform to the policy views of individual Senators instead of to the views of the President.

But these are not normal times. Mr. Ruckelshaus is taking office in the middle of the term of a President whose administration has shattered all traditions of our Government in it defiance of our Nation's environmental laws, in its desire to protect polluters instead of the public.

Many Members of Congress, and many members of the public, have documented at length the ways in which this administration's environmental policies have been a radical departure from the bipartisan efforts of the best dozen years to improve the quality of our environment. The Senate does not need to hear another complete recounting of the administration policies, but I would like to outline for my colleagues some examples of those policies on two key areas of concern to Americans: Clean air and hazardous wastes.

This administration has mounted a major campaign against the Clean Air Act, the flagship of our Nation's environmental laws. It has supported legislative proposals to relax emission standards for cars, trucks, and all new plants and factories; to allow additional pollution in national parks and wilderness areas; to remove all constraints on new pollution in clean air areas; to repeal the requirements for automobile inspection and maintenance programs in areas with dangerous levels of automobile pollution; to take away the ability of States to set emission standards tougher than generic Federal standards; and to weaken the enforcement requirements of the act. It has opposed all legislative proposals that would strengthen the law, including proposals to curtail the emissions that are responsible for the new environmental disaster or acid rain; to establish for the first time a meaningful program for the regulation of cancer-causing hazardous air pollutants; to strengthen the control of motor vehicle emissions in heavily polluted high-altitude areas; and to establish a new process to improve the decisionmaking on emission standards for new plants and factories. The administration has not been content with these efforts in the legislative arena. It has used, and abused, its discretion under the Clean Air Act by administratively relaxing dozens of standards. It has approved relaxations of standards for coal-fired powerplants that will increase the emissions causing acid rain; has proposed relaxation of emission standards for trucks, buses, and diesel cars; has adopted a policy designed to allow additional sources in areas more polluted than the national health-based air-quality standards to escape control; and has proposed to overlook entirely so-called fugitive emissions even where they are responsbile for violations of the air quality standards.

If possible, this administration's policies on hazardous wastes are even worse than its policies on air pollution. Of course, it was the mismanagement and alleged corruption of EPA officials in the administration of the Superfund program for the cleanup of hazardous wastes that led to the resignation of the former EPA Administrator, Mrs. Anne M. Burford, and many of her top aides. While we still are learning about the actions that were taken—and those that were not taken—over the past 2 years, we know now that the administration has refused to spend money from the Superfund for the cleanup of waste dumpsites, even where people's health has been directly threatened; reportedly used political considerations to speed up or slow down activities under the Superfund program; negotiated agreements with the companies responsible for leaking dumpsites that let them escape instead of bear their fair share of the cleanup costs; and used the superfund money for routine administrative expenses of other program offices instead of for the toxic dump cleanup that is the fund's purpose. The administration's hazardous waste policies also insure that we will have many more environmental disasters like Love Canal and Times Beach. The administrtation has made decisions under the Resource Conservation and Recovery Act—the law designed to insure the proper management of hazardous wastes—that allow more hazardous wastes to escape control entirely than are subject to the Agency's minimal—and inadequate—standards; that allow the continued disposal of regulated hazardous wastes in unlined disposal facilities that everybody knows will leak; that let many hazardous wastes go without any Fedeal control—including dioxin, one of the most dangerous chemicals known to scientists, and the chemical that has so poisoned Times Beach that the Government is spending $33 million to buy the entire town; that allowed the disposal of liquid hazardous wastes in landfills; and that would allow disposal facilities to operate pertually without the periodic review afforded by the renewal of their permits. Even more tragically, the administration has all but abandoned the enforcement of the few regulations it has left on the books.

We cannot let the President stay this course. That is why I have said from the time President Reagan nominated Mr. Ruckelshaus that the only truly important question is whether

this appointment will lead to a fundamental change in the admininstration's environmental policies.

Sadly, the question is still mostly unanswered.

The President has not himself inicated there will be any change in policy. In fact, he has had nothing but praise for the way Mrs. Burford carried out his environmental policies. When he appeared before reporters to announce the appointment of Mr. Ruckelshaus, the President said in response to a reporter asking if there would be a change in his policies that is "too old to change."

Mr. Ruckelshaus gave the committee a few encouraging indications about how he intends to change things at EPA. He said there would be no more hit lists of employees and advisers based on their political affiliations. He said he would not use electoral considerations to influence policy decisions. He said he would give the cleanup of toxic wastes a higher priority, and would seek to clean up sites before negotiating agreements with the polluting companies.

But Mr. Ruckelshaus could have, and should have, gone much further in spelling out how he intends to carry out the open-ended mandate he says the President has given him. He could have, and should have, made a clear commitment to seek a supplemental appropriation for the current fiscal year, and an amended budget request for the next fiscal year, to begin to build the Agency back up. He could have, and should have, indicated which policies adopted by his predecssor he will change. He could have, and should have, given us a clear statement that he disagreed with the overall policy approach of the past 2 years.

Despite Mr. Ruckelshaus' unwillingness to signal a complete break from the previous record of this administration, I will support his confirmation. I do so in the hope that he will do at the Agency what he refused to promise to do when he was before our committee—completely change this administration's onesided, and wrongsided, approach to environmental issues. The American people want that change, and they deserve that change.

Mr. LEAHY. Mr. President. I would like to place in the RECORD today a series of questions I posed to Environmental Protection Agency nominee William Ruckelshaus and Mr. Ruckelshaus' responses.

As a member of the subcommittee of the Senate Appropriations Committee responsible for the budget of the Environmental Protection Agency, I have been disturbed by the Reagan administration's attempts to repeal our environmental laws through budget cuts. I was thus glad to see that nominee Ruckelshaus has received the assurance of the President that he will have the resources he needs to do the job.

However, because of Mr. Ruckelshaus' statements on the Clean Air Act, I will continue to follow closely the activities of the Environmental Protection Agency.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS

Question No. 1. Do you have the personal commitment of the President that he supports the full enforcement of our environmental laws?

Answer. Yes, I do. The President is firmly committed to upholding the will of Congress and the laws of the land.

Question No. 2. Do you have the personal commitment of the President that his Administration will provide the staff and the funds necessary to enforce these laws, even if it requires increases in the Agency's budget?

Answer. The President is strongly committed to the goals of the Environmental Protection Agency and has assured me that he will seek appropriate levels of funds and staff resources to achieve the Agency's mission, including enforcement activities. President Reagan has asked me to assess the adequacy of the current level of resources and to recommend any changes that I believe are appropriate, even if that means increasing the Agency's budget.

Question No. 3. President Reagan has publicly adopted a goal of reducing the Federal work force by 75,000 full-time positions between September 1981 and September 1984. According to the Office of Personnel Management, the Environmental Protection Agency must lower its employment level by several hundred persons. Will the Environmental Protection Agency be exempted from this ceiling during your tenure?

Answer. The Environmental Protection Agency's total personnel levels have been reduced since September 1981 in conjunction with detailed programmatic reviews during the several budget cycles since that time. These reviews, like those of most other Federal agencies, have been made in the general context of the President's goal to reduce Federal employment.

As for the future, I intend to review the resource needs of the Environmental Protection Agency as quickly as possible if I am confirmed. The decisions on future personnel levels will be made on their merits and in conjunction with the Administration.

Question No. 4. Since 1981, the staffing levels of the Environmental Protection Agency have decreased from 14,269 to 11,082 in total full-time employees and from 10,645 to 8,973 in permanent full-time employees. Will it be your policy to end this attrition in EPA staff?

Answer. In terms of personnel ceilings, as I indicated in prior answers, I intend to review the resource needs of the Environmental Protection Agency at the earliest possible date. The results of that review will be made known to the Committee as soon as it is completed.

Question No. 5. You have advocated the use of non-traditional pollution control mechanisms such as "bubbles" and "tradeoffs." These regulatory reform proposals require more staffing than traditional pollution control methods for their site-specific implementation and enforcement. Can you assure me that you will not institute such new procedures unless both the states and the Federal Government have sufficient resources that you can have a high degree of confidence that no reduction in pollution control will result?

Answer. It is my understanding that these voluntary programs, particularly the "bubble" have been underway—producing more rapid compliance and substantial savings in control costs—for several years. EPA is aware that they may require some extra staff time to review individual proposals, particularly where these replace rules applied to groups of industries without consideration of site-specific control costs. EPA does not believe that enforcement of a "bubble" generally requires more staff resources than other enforcement, since the bubble simply results in a new set of emission limits. EPA is responding to concerns about increased resource needs by streamlining procedures for implementation of emissions trading, where this can be done without jeopardizing environmental goals. Further, permit fees are among the approaches being reviewed by staff developing the Final Emissions Trading Policy.

Mr. QUAYLE. Mr. President, I am pleased for this opportunity to lend my support to the nomination of William D. Ruckelshaus as Administrator of the Environmental Protection Agency.

Bill is a native of my State of Indiana. He has served the people of Indiana with great distinction in several capacities. Bill served as Indiana's deputy attorney general from 1960 to 1966 and as a member of the Indiana house of representatives. As a freshman member in 1967, Bill was elected, without opposition, as the majority floor leader. Such an honor gives recognition to the character and dedication that he brings to any position.

I am pleased that President Reagan has tapped my Hoosier friend for a second stint as EPA Administrator. Bill earned high marks during his tenture at EPA at the birth of that agency. During this difficult period of its history, Bill is needed to restore confidence and credibility at an agency which has crumbled in recent months. His reputation for integrity and independence will be a great asset in restoring confidence in fulfilling the congressionally mandated goals of the EPA for maintaining a healthful environment.

President Reagan said of Mr. Ruckelshaus on announcing his appointment:

He is staunchly committed to protecting the nation's air and water and land, and I have given him the broad, flexible mandate he deserves. Bill Ruckelshaus will have direct access to me on all important matters affecting the environment. I've also authorized him to conduct an agency-wide review of the personnel and the resources to insure that the EPA has the means it needs to perform its vital function.

I am extremely pleased that President Reagan has given Bill an open door to the White House. The administration needs to be directly interested in our environmental needs; they are as deserving of White House attention as are our economy, the Middle East, and defense policy.

During his confirmation hearings, Bill outlined some of his priorities in heading the EPA. First, he intends to recruit the best people possible to serve with him at EPA. Some of these will no doubt include individuals who have served with Bill before. I am sure that Bill will find no lack of talent among Americans willing to serve in whatever capacity to carry out the goals of the EPA. Second, Bill intends to implement the laws wisely and aggressively with fairness and firmness. He also intends to review EPA's resources, both in terms of personnel and funding.

Finally, Bill has stated clearly his intention to work with Congress to create a more effective, legal framework to attain our environmental goals. In this course, he has the experience of one who has had everyday workings with complying with our environmental laws. He knows of their benefits to a healthful environment, their complexity, and their cost. As a Nation, we have made great progress in achieving a clean environment since the time that Bill first took reigns of the EPA. As a nation, we should be proud of that accomplishment. Currently, many environmental statutes, some the cornerstones of or policies for the past decade, are awaiting congressional attention. One of Bill's tasks will be to work with Congress in addressing these areas which desperately need our review and consideration.

Bill Ruckelshaus has pledged himself to the "enormously complicated job of cleaning up our air and water and protecting our citizens." Bill is certainly right that the job is enormously complex. I urge the Senate to confirm Bill Ruckelshaus so that we can go to work as soon as possible on the problems that confront us. I extend to Bill my best wishes and high hopes for success, and I look forward to working with him in the months ahead.

Mr. GLENN. Mr. President, in recent months, the Environmental Protection Agency has had its image tarnished, its purpose clouded, and its credibility undermined by recurring reports that agency officials distributed special favors to corporate polluters and destroyed potentially damaging evidence. Against this background, the Senate is now in the process of considering William Ruckelshaus' return to the agency he directed ably once before.

Mr. Ruckelshaus' proven professional abilities and personal integrity certainly qualify him for the position. But no individual, no matter how well-intentioned or skilled, can hope to protect our environment without first regaining the confidence of the American people. With that purpose in mind, I want to recommend a few steps Mr. Ruckelshaus could take to restore public trust in the EPA.

First, I strongly urge Mr. Ruckelshaus to convince this administration to invest in environmental research. Since 1981, the White House has slashed EPA's Research Office budget by 50 percent. Sweeping and indiscriminate budget cuts in environmental research are nothing less than a backdoor assault on the environment. Expecting EPA to protect our people and our environment without carefully collected and thoroughly analyzed data is like expecting doctors to protect our health without allowing them to run medical tests. In both cases, the likely result is unnecessary health programs which can prove fatal if left untended. Well-reasoned environmental policies must be based on sound scientific evidence, and we cannot obtain that evidence without adequate funding for research.

In the past 2 years, we have witnessed a disturbing shift in EPA's research and development focus away from long-term environmental problems to short-term regulatory concerns. Currently, almost 80 percent of EPA's research is focused on the short term. Clearly, research on short-term problems is needed to improve our monitoring and enforcement capabilities. But we must also do more to anticipate, identify, and develop solutions to long-term environmental problems, such as the potential health dangers of toxic substances. I strongly suggest that Mr. Ruckelshaus work to restore research funding for EPA to the average levels of 1975–81, to restore to the Research Office the genuine sense of purpose and professional pride needed to monitor regulatory requirements effectively, and to identify and solve pressing environmental problems aggressively.

Second, I recommend that Mr. Ruckelshaus immediately launch a full-scale effort to protect Americans from the present perils of toxic pollutants. Our people are understandably alarmed about the health hazards posed by toxic chemicals. For many Americans, alarm became anger when EPA seemed to spend more time covering up misconduct than it spent controlling toxic wastes.

Mr. Ruckelshaus must demonstrate that his agency truly cares for our citizens' welfare and that it is doing all it can to protect them from the environmental hazards created by toxic wastes. Soothing words are not enough. The American public demands and deserves effective action. This means EPA must carry out its mandate to protect and preserve our environment. We already know the disastrous consequences of EPA's failure to monitor and control toxic substances. We can only imagine the full dimensions of the problems created by previously uncontrolled wastes. Drawing on sound research, however, we can act decisively to anticipate and minimize the problems these hazards pose for future generations.

At the same time, EPA must aggressively expand enforcement efforts to penalize those who profit from pollution. In an overzealous attempt to reduce budgets, this administration systematically slashed support for enforcement personnel and research staff. As a result, EPA's expertise and morale has been eroded, polluters have gone unpunished, vital health-related research has been terminated, and EPA's ability to oversee State control activities has diminished.

The challenges facing Mr. Ruckelshaus are formidable, and he must draw on the full range of his talents and expertise to restore public faith in EPA's ability to guarantee our high quality of life, not just for now, but for the future. Our resources are finite, not inexhaustible, and that is why we must conserve these precious gifts. But this will not happen until the Federal officials responsible for protecting our environment demonstrate a commitment to preserving our country's natural gifts. Fortunately, the American people recognize, even if this administration does not, that we cannot sacrifice our environment without also destroying ourselves. In his new capacity, Mr. Ruckelshaus must accept the responsibility for preserving our natural heritage and our citizens' well-being, and in that effort, he will have my full support.

Mr. CRANSTON. Mr. President, on March 21, 1983, President Reagan announced the nomination of William Ruckelshaus to succeed Anne Burford as Administrator of the Environmental Protection Agency. Following brief remarks by the President and Mr. Ruckelshaus, the President was asked by a reporter about his environmental policies. "Are they changing at all, starting now?" the reporter asked. The President replied, "I'm too old to change."

For America's sake, I hope the Ruckelshaus appointment does signal a change of environmental course by the Reagan administration—irrespective of what President Reagan said that day.

Based on his past performance and record in Federal Government, I support the confirmation of William Ruckelshaus as EPA Administrator. But the problems at EPA—the disclosures of malfeasance, maladministration, coverups, and widespread charges that the Environmental Protection Agency was unable to protect the public from toxic pollutants and failed to enforce laws to control air and water pollution—are not solved merely by the appointment of a new EPA Administrator. Mr. Ruckelshaus must

perform 11 essential tasks if he is to get the Agency back on its feet.

THE BUDGET

The most critical and urgent issue is money. Mr. Ruckelshaus must demand and receive from the President an immediate increase in the administration's proposed EPA budget for fiscal year 1984 to make EPA once again a "can-do" instead of a "won't-do" agency.

Since President Reagan took office, the EPA budget has been cut drastically. The EPA operating budget was $1.35 billion in 1981. The Reagan administration has proposed to cut it to $948 million in 1984, more than a 40-percent cut in constant dollars. At the same time, EPA's new toxics programs (toxics, pesticides, hazardous waste, and hazardous air and water pollution programs) are increasing the workload of the Agency. As a result, more than 90 percent of all regulatory actions are behind schedule, suspended or postponed. Research programs have been so reduced that efforts to control pollution will be slowed for years by lack of reliable data.

PERSONNEL

In addition to a beefed-up budget, EPA needs adequate manpower to get environmental protection back on the right track. Under Reagan, EPA's staff has been cut by a third. The EPA payroll shows that there were 14,925 people working at the Agency as of January 1981. The Reagan administration's plan for 1984 calls for a ceiling of 10,447 people—or 4,478 fewer people to carry out an increased workload. Mr. Ruckelshaus should insist upon having adequate personnel. Moreover, after the resignation of Anne Burford and the firing or forced resignation of more than a dozen other top EPA officials, Mr. Ruckelshaus faces the task of filling these vacant policy positions. Under Anne Burford, political orientation and loyalty to the administration's goal of deregulation were emphasized more than professional experience or managerial skills. Mr. Ruckelshaus in assembling a new team of top political appointees should do so without White House interference if he is to restore credibility to the Agency. His assistants should be qualified by competence and experience, not ideology.

CLEAN AIR ACT

Mr. Ruckelshaus' first policy decision should be to trash his predecessor's proposals to weaken the Clean Air Act. Since taking office, the Reagan administration has sought legislation to roll back clean air standards and give States and industry substantially more authority to determine how and when expensive pollution controls will be installed. These proposals have little support in Congress. Mr. Ruckelshaus should recommit EPA to the goals that led to the passage of the Clean Air Act. Every American must be guaranteed the right to breathe clean, healthy air. Where the health of our citizens and the profits of an industrial corporation collide, there should be no question that health is more important. Mr. Ruckelshaus should take the lead in supporting a renewed and strengthened Clean Air Act to safeguard public health in polluted areas, to prevent deterioration of air quality in other areas, and to protect pure air in the national parks.

ACID RAIN

The new EPA Administrator should develop a genuine acid rain control program and provide the leadership to see that acid rain control legislation is enacted. The Reagan administration has no policy to deal with acid rain other than infinite delay. The Government of the United States, alone among the industrialized nations of the West, continues to argue that it is not yet time for action to halt the destruction of our lakes and forests by acid rain. While the National Academy of Sciences recommended an immediate program to reduce sulfur emissions to combat acid rain, the Reagan administration has approved regulatory changes that authorize 1.8 million tons per year of increased sulfur dioxide emissions. Progress in protecting Americans from acid rain has been replaced by a policy of delay, inaction, special exemptions for industrial polluters, and lax enforcement of the law. Mr. Ruckelshaus must reverse the acid rain policy of the Reagan administration.

MOTOR VEHICLE EXHAUST

Mr. Ruckelshaus should push a cleanup of motor vehicle exhaust from heavy trucks and diesels. Experience has demonstrated that industry has not cleaned up vehicle exhaust voluntarily, and has even requested extensions of deadlines in current law. The Reagan administration has delayed truck standards, supported a rollback for auto emission standards, and announced proposals to relax controls on diesels. Mr. Ruckelshaus should reverse these decisions.

CLEAN WATER

As with the Clean Air Act amendments, Mr. Ruckelshaus should immediately withdraw the Reagan administration proposals to weaken the Clean Water Act. The administration has proposed to delay toxic pollution cleanup required under the Act for 4 years, to gut the national pretreatment program that curtails industrial discharges into municipal treatment plants, and to grant industry variances from toxic cleanup requirements. These measures would be a major step backwards in the Nation's progress toward clean water. Mr. Ruckelshaus should support reauthorization of a Clean Water Act that accelerates efforts to provide fishable, swimmable, drinkable water and strengthen provisions in the law regarding nonpoint pollution, such as runoff from city streets and construction sites, and groundwater contamination.

SUPERFUND

Mr. Ruckelshaus should speed up spending from the Superfund to clean up abandoned hazardous waste dumps. The money is already available—raised through a tax on chemical producers and oil refiners. There may be as many as 10,000 dangerous abandoned dump sites around the country. Mr. Ruckelshaus must sharply accelerate the process of finding and cleaning up these abandoned waste sites. Thus far, EPA has indentified 418 of the most dangerous dump sites. But after more than 2 years, EPA has initiated comprehensive studies of only 32 dump sites and gone to court on only one new Superfund case. The emphasis of the previous EPA Administrator on private negotiations with industry rather than litigation and cleanup has destroyed the credibility of the EPA hazardous waste enforcement program and left public health and safety in jeopardy. Mr. Ruckelshaus must do his utmost to spend enough Superfund money to assure that comprehensive cleanup studies for all 418 priority sites will be completed and cleanup begun at most sites by December 1985.

ACTIVE HAZARDOUS WASTE SITES

Mr. Ruckelshaus must develop a sound program for assuring that active hazardous waste sites are properly managed to prevent improper disposal of hazardous waste and the need for future cleanup under Superfund. Today, U.S. industries produce around $46 billion of chemical and allied products each year. They generate more than 90 billion pounds of hazardous wastes each year. Only 20 percent is destroyed or detoxified; the rest is stored or dumped, mostly on land. But regulations to control operation of land disposal facilities have been delayed. Those that have been issued are inadequate; existing facilities are not required to be lined to prevent or minimize groundwater contamination; and disposal of many wastes go unregulated because of loopholes in the Resource Conservation and Recovery Act. Mr. Ruckelshaus should move quickly to promulgate needed regulations and to support legislation to close the loopholes in the Resource Conservation and Recovery Act. All hazardous waste must be brought under control. Moreover, Mr. Ruckelshaus should restrict certain wastes from land disposal and to phase out, wherever possible, landfill disposal and implement alternative disposal methods, incineration, and recycling.

TOXIC SUBSTANCES

Mr. Ruckelshaus must change the administration's attitude regarding

toxic substances. The Reagan administration approach to dealing with the problem of toxic substances has been to refuse to act to regulate risks that cannot be identified or assessed with certainty. In balancing certain costs of pollution control against uncertain risks to human health, this administration has decided to avoid the costs and accept the risks. They have at the same time sharply reduced Federal support for research to identify and assess health risks associated with chemicals and their uses. In some cases, the administration has actually obstructed dissemination of existing information to the public. EPA has almost completely failed to enforce the Toxic Substances Control Act. In October 1982 and January 1983, congressional committees cited EPA for failure to enforce specific environmental laws related to toxic substances and hazardous wastes. Mr. Ruckelshaus should see that EPA faithfully exercises its broad powers under the Toxic Substances Control Act to assure that existing and new chemicals potentially dangerous to human health be formally tested with submission of safety data. Mr. Ruckelshaus should rescind the recent EPA proposal to exempt 50 percent of all new chemicals from required prescreening. And he should withdraw EPA's announced plan to negotiate voluntary testing agreements with affected industries, providing formal test rules instead.

TOXIC AIR POLLUTANTS

In terms of actual human exposure to toxic pollutants, there may be greater exposure occurring every day through the air than from toxic waste dumps or toxic water pollution. But despite two court orders requiring EPA to move ahead to protect the public health, the Reagan administration has done nothing to promote an air cancer policy or to put specific regulations into effect. Mr. Ruckelshaus must take swift and vigorous action to control toxic air pollution and issue regulations for at least eight toxic air pollutants and define a general air cancer policy.

PESTICIDES

As with toxic substances, Mr. Ruckelshaus should reassert meaningful controls on pesticides to insure public health and safety. Today, American farmers, farmworkers, and those who live in agricultural areas are exposed to pesticides when they are used. There is increasing evidence pesticides have contaminated ground water. In addition, Americans are exposed to pesticides through contamination of food products. Thousands of pesticides now in use have not been adequately tested to determine their health effects. Many were registered before safety requirements were enacted. And others were registered on the basis of possibly false data. EPA under Reagan has done little review of safety data submitted in conjunction with requests for registration of pesticides and has more than tripled the rate at which special exemptions for unregistered uses of pesticides are granted. EPA has accepted evidence showing risk of cancer more than 100 times greater than would have been acceptable under the previous administration. Decisions on pesticide safety, registration, and exemptions have been made in closed, private conferences between EPA and industry officials, without the opportunity to public participation. Mr. Ruckelshaus must turn this situation around. He must provide stringent regulations to protect public health and safety, increase research on risks associated with chemical use, review chemicals registered on the basis of possibly fraudulent test data, test domestically produced and imported food for pesticide contamination, and eliminate loopholes for registration of chemicals without health and safety data.

I believe that, because of the mess at EPA, William Ruckelshaus will have to work fast to justify the Senate's faith in confirming him as Administrator of the Environmental Protection Agency. The American people should give Mr. Ruckelshaus 6 months in which to show he means business and prove that President Reagan is really serious about environmental protection.

To grade Mr. Ruckelshaus at the end of his first 6 months in office, I am proposing the following report card of 11 essential tasks he must accomplish to get EPA back on its feet. If Mr. Ruckelshaus earns a "yes" on 9 to 11 of these questions, he should be rated "excellent," if he gets 6 to 8 "yeses," he should be rated "good," 3 to 5 "fair," and 0 to 2 "poor." If there are no "yeses," I predict Ronald Reagan will hail Bill Ruckelshaus as the greatest EPA Administrator in history and a fitting cohort of Secretary James Watt. If, on the other hand, Mr. Ruckelshaus should score 11 "yeses," I predict Ronald Reagan will have fired him before the 6 months are out.

Here is my report card.

First. Has Mr. Ruckelshaus asked for—and received—Reagan approval to restore the EPA budget?

Second. Has Mr. Ruckelshaus cleaned house at EPA and assembled a competent experienced new team without ideological inference by the White House?

Third. Has Mr. Ruckelshaus offered—and obtained administration support for—proposals to strengthen and improve the Clean Air Act?

Fourth. Has Mr. Ruckelshaus developed—and obtained White House support for—a genuine acid rain control program?

Fifth. Has Mr. Ruckelshaus pushed a cleanup of vehicle exhaust from heavy trucks and diesels?

Sixth. Has Mr. Ruckelshaus withdrawn the Reagan administration proposals to weaken the Clean Water Act protection for high-quality water and to delay toxic cleanup requirements?

Seventh. Has Mr. Ruckelshaus taken steps to assure that comprehensive cleanup studies for all 418 most dangerous abandoned chemical dumps identified by EPA are completed—and cleanup begun at most sites—by December 1985?

Eighth. Has Mr. Ruckelshaus moved quickly to close loopholes in existing regulations to bring all hazardous waste under control?

Ninth. Has Mr. Ruckelshaus developed a list of, and a timetable for, reviewing hazardous chemicals, enforced proper laboratory practices for chemical testing, eliminated wholesale exemptions from premanufacture requirements, and supported reasonable international controls?

Tenth. Has Mr. Ruckelshaus issued regulations for at least eight toxic air pollutants and defined a general air cancer policy?

Eleventh. Has Mr. Ruckelshaus reasserted meaningful controls on pesticides that are a risk to public health and safety?

● Mr. RIEGLE. Mr. President, I am voting today in support of the nomination of Mr. William Ruckelshaus to serve as Administrator of the Environmental Protection Agency. It is my hope that Mr. Ruckelshaus will commit himself to the original goals of the EPA—to abate and control pollution in this country. As EPA Administrator, he has a profound responsibility for the health and well-being of the people of this country. That is his mandate as Administrator and must be his first consideration.

I would also hope, Mr. President, that Mr. Ruckelshaus will take this opportunity to convince the administration to reexamine and restructure its environmental policies. We have made important progress in cleaning up our air and water over the last decade, but many problems remain.

For example, we are only now beginning to understand the environmental problems and the threat to human health caused by the indiscriminate and irresponsible disposal of toxic wastes. As Mr. Ruckelshaus noted in his statement before the Senate Environment Committee, Congress has passed a series of important legislation to control the creation, use, and disposal of hazardous substances. Yet the administration has been cutting programs for research in these areas, has discouraged responsible regulation, any may even have acted deliberately to delay cleanup of some hazardous

waste sites for purely political reasons. This simply cannot continue.

I am pleased to hear that Mr. Ruckelshaus intends to give high priority to the implementation and enforcement of our toxic waste laws. The problem is, as he indicated in his testimony, truly staggering. In Michigan, for example, there are nearly 1,000 known or suspected sites of ground water contamination and probably another 1,000 unstudied sites.

The Agency's actions last Friday to accelerate cleanup of the most dangerous sites is encouraging. Of Michigan's 46 priority sites, only 2 have received superfund money to date. The people of Swartz Creek, Mich., near my hometown of Flint, have worried for several years that improper disposal of waste at a local liquid incineration facility was contaminating their ground water. Although on the superfund priority list, it took a court order for the actual cleanup to occur. And after going through the ordeal of being evacuated from their homes during cleanup activities, residents learned that superfund funding for timely cleanup of the rest was threatened. Fortunately for these people, the Michigan Department of Natural Resources and the EPA were able to work out a satisfactory compromise to accelerate the cleanup procedures but only after a great deal of negotiation and pressure from many people. I hope the EPA's timely actions of last week are an indication that Mr. Ruckelshaus is willing to work to alleviate the anxiety and tension caused by such sites in communities across the country.

Yes, cleanup is costly—estimates provided to the Senate indicate that engineering and feasibility studies cost an average of $1 million per site and cleanup usually nears $6.5 million. But we knew cleanup would be costly when we wrote the superfund legislation; we carefully built in cost and planning safeguards, not to give agencies excuses for delay but to make sure that cleanup is done safely and efficiently.

One toxic chemical of particular concern across the country is dioxin. The biggest dioxin headlines are coming out of Missouri, but studies indicate that fish in several Michigan rivers and streams may also be contaminated with this substance. The EPA has been working to develop a $12 million, nationwide study of this problem. I hope Mr. Ruckelshaus will support full funding for this study. We need to determine the extent and seriousness of this problem as soon as possible to minimize the disruption to those whose lives and livelihoods have been touched by the current crisis.

Another area of concern for the EPA is the size of its budget. The administration has systematically reduced funding for the EPA since it first came to town. This has touched most of the important programs carried out by the Agency, including its vital research and environmental monitoring programs. Of particular concern to Michigan is the administration's effort to eliminate funding for research on the Great Lakes. The lakes are a vital resource, not only for our State but for the entire Midwest region and for Canada as well. Yet the administration has tried repeatedly to eliminate funding for programs such as the EPA Large Lakes Research Station at Grosse Ile, Mich. This lab, which is the only EPA facility currently doing any testing of the lakes, is involved in important pollution research including studies of toxic material circulation in the Great Lakes basin. We have managed to restore funding every year for the Grosse Ile lab, but I think it is time for the administration to recognize and acknowledge the importance of this and other research work to understanding and controlling pollution in this country.

I hope that Mr. Ruckelshaus will honor his promise to reevaluate the EPA budget and will insist that money and resources be made available for monitoring environmental quality and studying the movement of pollutants through the air, ground, and water so that we will have the information we need to make informed decisions and improve our environmental policies and programs.

Clearly, Mr. President, the Federal Government has an important role to play in cleaning up and preserving our natural resources and Mr. Ruckelshaus, as head of the EPA, is a vital part of this process. We need to renew the bipartisan spirit that marked the early years of EPA to restore the Nation's confidence in our determination to clean up and maintain our environment.●

● Mr. MOYNIHAN. Mr. President, I rise today to support the confirmation of William D. Ruckelshaus to be the Administrator of the Environmental Protection Agency (EPA). Mr. Ruckelshaus is a man of great integrity who comes to this job with an outstanding record of public service.

When the President first announced the selection of Mr. Ruckelshaus to be the EPA Administrator, I commented that such an appointment would represent a return to the original purposes of the Agency. As the first Administrator of the EPA, Mr. Ruckelshaus surely knows well the history of environmental protection in this country. As such I look forward to a return under his leadership to bipartisan support for protection of our Nation's environment.

In his 2 days of testimony before the Committee on Environment and Public Works, of which I am a member, Mr. Ruckelshaus was open and forthcoming. He is most knowledgeable of the issues at hand, in particular the need to move ahead with the implementation of the superfund program to clean up dangerous hazardous waste sites located throughout the country. His understanding of the seriousness of the acid rain issue also brings with it a measure of hope.

But the tasks ahead will not be easy. Mr. Ruckleshaus will be taking over an Agency that has suffered major cuts in its resources and manpower over the last 2 years—one-quarter of its budget having been taken away since 1981. The EPA, as he describes it, is a crippled organization.

Mr. Ruckelshaus, however, has reassured us that he will seek out the best people to manage the Agency. Now only two out of nine top positions at the EPA are filled on a permanent basis. Mr. Ruckelshaus has also made it quite clear that he will make it a high priority to review the existing EPA budget to assess where additional people and resources are needed. These are commitments that I welcome and ones that I feel are made in a sincere manner.

Most important, Mr. Ruckelshaus is a person who I believe will enforce the laws that he is charged with administering. He could not have said this more precisely when on May 4, he addressed the Committee on Environment and Public Works:

> The environmental laws of this country were passed by Congress and were meant to be taken seriously by the administering authorities. I do take the congressional charge seriously and if I'm confirmed EPA will take that charge seriously.

Mr. Ruckelshaus has told us that he is excited by the challenge of running the EPA. I can think of no better qualified person for the job. The EPA is truly an Agency that needs the energies of Bill Ruckelshaus. I support his confirmation and wish him well.●

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of William D. Ruckelshaus, of Washington, to be Administrator of the Environmental Protection Agency? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 87 Ex.]

YEAS—97

Abdnor	Goldwater	Moynihan
Andrews	Gorton	Murkowski
Armstrong	Grassley	Nickles
Baker	Hart	Nunn
Baucus	Hatch	Packwood
Bentsen	Hatfield	Percy
Biden	Hawkins	Pressler
Bingaman	Hecht	Proxmire
Boren	Heflin	Pryor
Boschwitz	Heinz	Quayle
Bradley	Helms	Randolph
Bumpers	Huddleston	Riegle
Burdick	Humphrey	Roth
Byrd	Inouye	Rudman
Chafee	Jackson	Sarbanes
Chiles	Jepsen	Sasser
Cochran	Johnston	Simpson
Cohen	Kassebaum	Specter
Cranston	Kasten	Stafford
D'Amato	Kennedy	Stennis
Danforth	Lautenberg	Stevens
Denton	Laxalt	Symms
Dixon	Leahy	Thurmond
Dodd	Levin	Tower
Dole	Long	Trible
Domenici	Lugar	Tsongas
Durenberger	Mathias	Wallop
Eagleton	Matsunaga	Warner
East	Mattingly	Weicker
Exon	McClure	Wilson
Ford	Melcher	Zorinsky
Garn	Metzenbaum	
Glenn	Mitchell	

NAYS—0

NOT VOTING—3

DeConcini	Hollings	Pell

So the nomination was confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, there is one other Executive Calendar nomination to be voted on almost immediately, to be followed by seven stacked votes on the immigration bill, with 5 minutes of debate to intervene. If you count that up, it will take us until at least 5:30 p.m. to finish, even if all the rollcalls are on time. May I remind Senators, the Journal clerk indicates to me that we have not yet this year had our first 15-minute vote. I believe the shortest one was 18 minutes and the longest one was well over 30 minutes.

Mr. President, so that there is some chance that these next votes can go within a reasonably competent time frame, which will still take all afternoon, I have indicated to the minority leader and the managers that it will be my intention at this time to ask that all rollcall votes already ordered, the seven on immigration and the one remaining on the nomination, be 10 minutes in length instead of 15. Before the Chair puts the request, Senators should know that regular order will produce regular order; that is, we will end the rollcalls. I urge Senators to stay on the floor, to be here and not wander away. If you do wander, there is a high degree of likelihood that you will miss the rollcall vote. I put the request.

Mr. BYRD. Is the upcoming vote a 15-minute vote?

Mr. BAKER. We can do it either way. It can be a 10-minute vote.

Mr. BYRD. I am afraid there may not have been enough notice.

Mr. BAKER. Mr. President, I revise my request, that the upcoming vote on the nomination of Regnery be 15 minutes and that the following votes on the immigration bill amendments be 10 minutes in length.

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I compliment the majority leader, especially in saying that regular order will mean regular order. That means 10 minutes on each vote.

Mr. BAKER. Mr. President, before we start, I ask unanimous consent that I may proceed without any time being charged to any arrangement heretofore made.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, if I may have the attention of the Senate for 1 more minute, there is an order for passage of the immigration bill tonight at 10 p.m. At the time that was done, it was assumed that we would be in a position to leave the immigration bill and go, perhaps, to final conclusion of the budget resolution on Wednesday. It is clear now that we shall not have the budget resolution before us on Wednesday. For a variety of reasons, Members on both sides of the aisle have indicated that they would like to change that 10 p.m. passage vote until sometime tomorrow. It has been suggested that we might change it until not later than 6 p.m. tomorrow, in which event, we would not be in session beyond, say, 7 p.m. this evening. I shall not now put that request, but after the next rollcall vote, it will be my intention to try to change the time for passage on the immigration bill and I wanted Senators to know about that in advance.

NOMINATION OF ALFRED S. REGNERY TO BE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The PRESIDING OFFICER. The clerk will state the next nomination.

The assistant legislative clerk read the nomination of Alfred S. Regnery, of Virginia, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

The PRESIDING OFFICER. Who yields time? There are 5 minutes of debate that have been ordered on the nomination. Who yields time?

Mr. BIDEN addressed the Chair.

Mr. BYRD. Mr. President, who has the time on this side?

The PRESIDING OFFICER. The majority and minority leaders have charge of the time.

Mr. BYRD. I yield the remaining time on this side.

Mr. BIDEN. Mr. President, as I stated in the Judiciary Committee I am deeply troubled by the Regnery nomination to be director of the juvenile justice program. This nomination must be examined in the context of this administration's hostility to the program. On three occasions in the past 3 years I and other Members in this Chamber have led efforts in our committees to resist administration efforts to eliminate funding for the agency. Having been unsuccessful in zeroing-out the program, the administration has now nominated a director who has limited qualifications and has not demonstrated a commitment to follow the congressional mandate of the program. Mr. Regnery's assumptions as to how the agency should be run I believe are different from the wishes of Congress.

I must say from the outset, that review by my staff of the 100-page FBI report clearly leads to the conclusion that the allegations against Mr. Regnery pertaining to his family simply are not substantiated. I am disregarding those allegations for the purpose of my decision and I would encourage other Members to do the same.

However, his apparent cavalier attitude toward competitive grant-making procedures raise grave concerns about his administrative capabilities. Since November 1982 Mr. Regnery has been serving as the Acting Administrator of the juvenile justice program. To date, there have been no competitive bid grant awards to come out of his Office.

But in fairness to Mr. Regnery I think he is in a position where he is attempting to carry out the Reagan mandate, which is to dismantle this agency.

Based on Mr. Regnery's responses to my questions it is not clear to me that he supports continuation or reauthorization of the juvenile justice program. Therefore, I cannot vote in favor of him to head the juvenile justice program.

The PRESIDING OFFICER. Who yields time?

Both the majority and minority have 2½ minutes of the 5-minute debate. Who yields time?

Mr. STEVENS. Mr. President, I yield to the Senator from Nevada such time as he may desire.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. LAXALT. Mr. President, I shall state briefly that this morning, we spent substantial time on the floor debating the proposed confirmation of

the nomination of Mr. Regnery. What came out of the committee were some philosophical differences, some reservations on the part of Senator BIDEN and others that perhaps he was tilting too much on the side of punishment rather than prevention. I make the point that he is a well-qualified person, although he does not have any technical qualifications per se. He was here in the Senate, served on my staff within judiciary. Thereafter, he went to the administration, served with distinction there, and was selected by this administration to hold this very important position.

As I pointed out this morning, I do not know if technical qualifications per se should be the determinant here, so long as he brings the other general administrative qualifications to the position, plus has people around him who will be responsive to the dictates of this Congress.

Points have been made to the effect that Al Regnery, if appointed and confirmed, would not follow the dictates of the law. I assure my colleagues that such is not the case. He will follow the letter and the spirit in this very vital area as much as anybody could in a comparable position.

It is my view that Al Regnery will serve in this new position with the same degree of distinction and loyalty that he has previously.

Last, Mr. President, let me make this point: I do not know that, in the sensitive area of juvenile justice, one could bring any greater qualification than a personal interest in children. Mr. Regnery has a large family, has served well as a father. He has been very active in the field of juvenile relations generally. It is my feeling that this proposed nomination is a good one. I hope my colleagues will see fit to confirm him.

Mr. BIDEN. Mr. President, I want to make it clear that I have absolutely no objection to Mr. Regnery based upon his conduct in the past nor his present conduct. It is, as the Senator from Nevada accurately pointed out, a philosophical disagreement we have as to whether or not he has the background and the willingness to pursue the Juvenile Justice Act in the way in which I believe it was the intent of Congress for it to be pursued.

Quite frankly, as I say, I think he has been put in a bit of a spot. The administration has a view different from what I believe the Congress view was when the act was passed. That is neither good, bad, nor indifferent. I do submit it is different. Mr. Regnery has been appointed by the President of the United States to deal with and pursue that view. It is a view that I believe is inconsistent with the law as passed. That is why I shall vote against him.

There has been a lot of editorial comment, a lot of speculation in the press about Mr. Regnery as a man. I have no reservations about Mr. Regnery as a man. I have reservations about his philosophy to deal with this subject matter. That is why I shall vote against him.

Mr. METZENBAUM. Will the Senator from Delaware yield me some time?

Mr. BIDEN. Is there time left?

The PRESIDING OFFICER. Twenty-one seconds.

Mr. BIDEN. I yield all 21 seconds to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I think the issue goes a little bit beyond philosophy. I think it goes to the question of qualifications.

It is hard to say much in less than 21 seconds; all I can say is that if Mr. Regnery is qualified for this position, 10 or 20 million other Americans are qualified for it. He brings nothing to the position except wonderful sponsorship by the Senator from Nevada. I just think that in an area as sensitive as this, this man should not be confirmed for the position, although I recognize that undoubtedly he will be.

Mr. LEAHY. Mr. President, I am casting my vote against confirmation of Alfred S. Regnery to be Administrator of the Office of Juvenile Justice and Delinquency Prevention. I think there is no question that Mr. Regnery is an able attorney and one who has served well, both in his capacity as a Senate aide and in the Justice Department. But it is equally clear that the role he sees for OJJDP is very different from the role that Congress has assigned this agency, and that the difference is too great to ignore.

The act creating OJJDP stresses the prevention and reduction of juvenile delinquency. Mr. Regnery clearly believes that prosecution of juvenile crime is now a much higher priority than prevention and states quite candidly that enforcement is the best mode of prevention. Whether he is right or wrong on that point, any changes in this very important program should be made by Congress, not by one charged by law to follow a clear congressional mandate.

Too often the nominees sent to the Senate by the President during the last 2 years have been people whose views have put them directly at odds with the purposes of the agencies they were chosen to head. While any President has the right to choose people who share his views, the Senate has the right—and the obligation—to expect that any candidate will solidly support agency goals. That expectation has not been reasonably satisfied in the case of this appointment. The President has every right to press for further changes, but they should come in the form of proposed legislation.

Mr. KENNEDY. Mr. President, I oppose the nomination of Alfred Regnery to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

I know Mr. Regnery, and I have worked with him in the past when he was a staff member of the Senate Judiciary Committee. He is an able lawyer with many talents, but not for the job to which he has been nominated.

As its name implies, the congressional mandate for this Office of Juvenile Justice and Delinquency Prevention is the prevention of juvenile delinquency and juvenile crime—and that has been the focus of the Office since its creation. The Office has developed and funded numerous valuable State and local programs to divert juveniles from criminal activity before they commit violent crime. Indeed, it is the only Federal agency which is charged with intervention in the problem of juvenile crime before a juvenile has become involved in serious crime.

Mr. Regnery has stated repeatedly that he does not believe in delinquency prevention programs, and that if confirmed, he would abandon efforts at prevention in favor of increasing efforts at prosecution and punishment of juveniles who are already in trouble.

I have no disagreement with Mr. Regnery's approach to violent juvenile offenders. It is my firm belief that juveniles should never be allowed to use their youth as an automatic excuse of their crimes.

But the list of law enforcement agencies and prosecutors who are responsible for the apprehension and punishment of violent juveniles is long, and the Office of Juvenile Justice and Delinquency Prevention is the only agency whose mission is to deter rather than arrest or incarcerate.

We cannot afford to write off young people by abandoning Federal efforts to prevent juvenile delinquency. The small sum appropriated for the work of OJJDP will yield the greatest returns if it is spent on preventive programs which save our youth from becoming entangled in crime, our adults from becoming victims of crime, and our tax dollars from paying for lengthy incarceration of young offenders.

The Senate should not support a nominee to head OJJDP who is not committed to continue its vital function of delinquency prevention. Mr. Regnery opposes that function and should not be confirmed.

Mr. MITCHELL. Mr. President, I rise in opposition to the nomination of Alfred S. Regnery to be Administrator of the Office of Juvenile Justice and Delinquency Prevention. I have carefully reviewed the background and statements of Mr. Regnery and his actions since becoming Acting Administrator of the Office. That review establishes that Mr. Regnery is clearly

unqualified to serve as Administrator of this important program.

I do not believe that Senators should require a Presidential nominee to share their political philosophies in order to win the Senators' approval at confirmation time. However, I do expect a nominee to possess some general background knowledge of the department or the agency over which the nominee has jurisdiction. I also expect the nominee to demonstrate a willingness to carry out the laws enacted by Congress.

Alfred Regnery does not fulfill these two expectations. That is why I plan to vote against Mr. Regnery's confirmation.

Congress enacted the Juvenile Justice and Delinquency Prevention Act in 1974 as a means of preventing and reducing juvenile delinquency. The act established the OJJDP to administer the program. Very few people dispute that the program developed by the Office has been a success. It has focused national attention on the need for increased efforts to prevent juvenile delinquency. It has provided technical assistance to delinquency prevention efforts in many States. It has involved people all over the country—professionals and lay people alike—in one of the most important tasks facing our Nation, the task of deterring young people from lives of crime. In Maine, the Office has provided invaluable assistance to the hard-working individuals involved in programs to prevent juvenile delinquency and to provide youthful offenders a chance to reestablish themselves in the community.

OJJDP's emphasis has been in the areas of delinquency prevention, counseling, job programs, special training for judges and police, and efforts to keep institutionalized children separate from adults.

Since Mr. Regnery became Acting Administrator of the Office in November 1982, his actions and his statements have made clear the fact that he does not support the goals of the Juvenile Justice and Delinquency Prevention Act. Mr. Regnery stated that he intends to change the program's previous emphasis on delinquency prevention, children's rights, and youth advocacy. He said in his April 6 confirmation hearing that incarceration of juveniles could be considered delinquency prevention. Prevention, as envisioned by Congress, applies to activities and programs affecting juveniles before they come into contact with the juvenile justice system.

A major policy redirection of the Office has taken place since Mr. Regnery was appointed Acting Administrator. His emphasis has been to move away from delinquency prevention programs, as is the intent of Congress, to dealing with juveniles already within the juvenile justice system. He has shifted $2 million to a program stressing tougher penalties for violent offenders, particularly youth, in big cities. He is considering a program to single out juvenile drug offenders for stiffer penalties. He is also considering spending $9 million to participate in a computerized program among police forces to identify children's bodies and find patterns in murders of young people in different jurisdictions. He has decided to discontinue funding national technical assistance projects that have been immensely helpful to State and local delinquency prevention efforts.

In addition to distorting the intent of Congress when it established the Office of Juvenile Justice and Delinquency Prevention, Mr. Regnery has demonstrated limited knowledge and understanding of the complex problems in the juvenile justice area. During his confirmation hearings, Mr. Regnery could not list any works he has read concerning juvenile justice when asked to do so.

With the exception of handling a few juvenile cases in his law practice, Mr. Regnery had no experience in the juvenile justice field before his appointment as Acting Administrator of the Office. During those same confirmation hearings, Mr. Regnery seemed unable to articulate any form of policy or position on a number of central juvenile justice issues, including confidentiality and rehabilitation.

I have been closely involved with our criminal justice system for most of my adult life as a private attorney, county prosecutor, Federal prosecutor, and Federal judge. I am concerned about serious crime in this country and I recognize the need to protect citizens from becoming crime victims. I also believe that every effort should be made to prevent juvenile delinquency. Once a young person commits a crime the bleakness of that youngster's future increases dramatically as does society's obligation to provide the resources necessary to prevent the youngster from committing another crime and from spending much of his or her life in institutions.

Unlike Mr. Regnery, who has stated that delinquency prevention programs are "marginally successful at best," I am aware of many such programs that have proven effective. I believe we must engage some of the best minds in our country in the effort to address juvenile delinquency and crime prevention.

Mr. President, these are the reasons I cannot support the nomination of Alfred Regnery to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

● Mr. LEVIN. Mr. President. I will vote against the nomination of Alfred S. Regnery to head the Office of Juvenile Justice and Delinquency Prevention (OJJDP) because in his public statements and through the actions he has already taken as Acting Administrator of OJJDP, Mr. Regnery has ignored the mandate of the Juvenile Justice and Delinquency Prevention Act. Although the act has multiple goals—one of which is to address the problem of the serious juvenile offender—a very important goal of the Office is to prevent juvenile delinquency at its inception. Yet Mr. Regnery told the National Advisory Committee on Juvenile Justice that:

> The first thing I will try to emphasize is that OJJDP is part of the Department of Justice. In that capacity I look at our role in the juvenile justice system primarily of being that of protecting society from the criminal element.

He further stated that the Office will focus on "the apprehension and punishment of criminals."

Rather than continuing OJJDP's past efforts to fund programs which are designed to provide services to juveniles while they can still be prevented from becoming more serious offenders, Mr. Regnery has committed OJJDP to a new principal course. I have received a number of letters from people in Michigan who have worked in the field of juvenile justice and who have followed the public statements made by Mr. Regnery with great interest. They have expressed doubts about his qualifications for the job because of his lack of background in juvenile justice. But more importantly, they have objected to his nomination because of his commitment to punishing almost exclusively, rather than preventing juvenile crime.

Mr. President, while I recognize that every new Administrator must be given some room to make changes which reflect their personal view of how the agency can best function, no Administrator should be granted the leeway to ignore an important thrust of the law they are appointed to implement. When we allow this to occur the laws we pass have no meaning.●

● Mr. LAUTENBERG. Mr. President, I would like to give a brief explanation of my opposition to the nomination of Alfred S. Regnery to head the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice.

In general, I believe that the President is entitled to have the Senate confirm the nominees of his choice for high-level executive positions. However, on occasion, a nomination becomes controversial because it raises questions about the way a policy will be pursued or about the qualifications of the nominee. The Regnery nomination has been controversial on both policy and qualification grounds.

The Congress has indicated over the years, since the OJJDP was established in 1974, that the primary focus of the Office should be on deliquency

prevention. This mandate recognizes that keeping youngsters from getting into trouble is more cost effective, and surely more humane, than incarceration. It also prevents lumping young people together with hardened criminals—which increases the likelihood of them choosing a life of crime—and focuses on rehabilitation. As acting head of OJJDP, Mr. Regnery has ignored congressional wishes and moved the Office toward punishment and away from crime prevention. This raises concerns about his commitment to carrying out the congressional mandate of the Office.

I am also concerned about Mr Regnery's credentials in the field of juvenile delinquency. The OJJDP operates in a fairly specialized area. While many administrative positions can be handled by an experienced manager without experience in the relevant field, a program area like juvenile deliquency does not fall into that category. Mr. Regnery's previous professional experience in the executive branch was at the Lands Division of the Department of Justice. This is not adequate preparation for overseeing programs dealing with troubled young people.

Because of my concern about his approach to administering programs at the OJJDP and his lack of relevant professional experience, I cannot vote to confirm the nomination of Mr. Regnery.●

The PRESIDING OFFICER. The time on the minority side has expired. There are 10 seconds remaining on the majority side.

Mr. LAXALT. Mr. President, it has been suggested in the back of the room that the remainder of the time be yielded back. I do precisely that unless my chairman wishes to make a statement. How much time is left?

The PRESIDING OFFICER. All time has expired. The question now is, Will the Senate advise and consent to the nomination of Albert Regnery, of Virginia, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that if present and voting the Senator from Rhode Island (Mr. PELL) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 69, nays 28, as follows:

[Rollcall Vote No. 88 Ex.]

YEAS—69

Abdnor	Glenn	Nickles
Andrews	Goldwater	Nunn
Armstrong	Gorton	Packwood
Baker	Grassley	Percy
Boren	Hatch	Pressler
Boschwitz	Hatfield	Quayle
Burdick	Hawkins	Randolph
Byrd	Hecht	Roth
Chafee	Heflin	Rudman
Chiles	Heinz	Simpson
Cochran	Helms	Specter
Cohen	Huddleston	Stafford
D'Amato	Humphrey	Stennis
Danforth	Jepsen	Stevens
Denton	Johnston	Symms
Dixon	Kassebaum	Thurmond
Dole	Laxalt	Tower
Domenici	Long	Trible
Durenberger	Lugar	Wallop
East	Matsunaga	Warner
Exon	Mattingly	Weicker
Ford	McClure	Wilson
Garn	Murkowski	Zorinsky

NAYS—28

Baucus	Inouye	Mitchell
Bentsen	Jackson	Moynihan
Biden	Kasten	Proxmire
Bingaman	Kennedy	Pryor
Bradley	Lautenberg	Riegle
Bumpers	Leahy	Sarbanes
Cranston	Levin	Sasser
Dodd	Mathias	Tsongas
Eagleton	Melcher	
Hart	Metzenbaum	

NOT VOTING—3

DeConcini	Hollings	Pell

So the nomination was confirmed.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

IMMIGRATION REFORM AND CONTROL ACT OF 1983

The Senate continued with the consideration of the bill (S. 529).

Mr. BAKER. Mr. President, there are seven votes ordered in sequence, and they are 10-minute rollcall votes. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. I yield the floor.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 1271

Mr. BUMPERS. Mr. President, will the Senator from Wyoming take 1 minute? I will use 1 minute.

Mr. SIMPSON. Mr. President, I may not use the full 2½ minutes.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order so that the debate may be heard. We have a short period of time for the debate. If we have order in the Senate, we can hear the debate and move swiftly to the vote. The aisles will be cleared.

Mr. BUMPERS. Mr. President, there are two broad categories in this bill. One applies to the families, and the other one—I forget the precise title, but there are four preferences under it.

No. 1 are those people with exceptional talents, brilliant people of the Einstein category.

The second preference are skilled workers who are needed in the country.

The third preference—the one to which I object and the one my amendment strikes—allows people into this country if they express an intent to invest $250,000 and employ four persons.

The category beneath that is the no-preference category.

Mr. President, it is very simple. My objection to this is that there are some people who may strongly deserve to come into the country and whom we might want in the country. Simply because some fat cat ahead of them has $250,000 or expresses an intent to invest $250,000 in this country, he will take preference over them.

Father Hesburgh, who was Chairman of the Select Commission on Immigration, took strong exception to this provision for the same reason I do. I think it is a betrayal of our national character. It is demeaning to us to sell off America by bits and pieces to those who want to come here and can come because they have $250,000.

The existing rule—not the law but the rule—is that if you have $40,000 and can employ one person, you can come in. Nobody, I am happy to report, has ever been admitted that way, and nobody should. But under this bill, they put this provision back in.

Father Hesburgh, admittedly, was voted down by the Commission on this, but he felt strongly about it; and there should be some moral persuasion to the fact that at least one of the great moral leaders of this country took strong exception to this provision, as do I, and as I hope the Senate will.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, the Select Commission indeed dealt with this matter and considered it thoroughly and came to the conclusion

that we must have an increase in independent or new-seed immigrants. That is the very essence of our heritage in legal immigration.

Under present law, we have 54,000 visas available for independent immigrants. What we do here is take it to 75,000; 350,000 visas go toward family reunification.

People seem to miss the point that as we stay at the same levels of legal immigration, independent immigrants are slowly being squeezed out. The independent categories and the skills are being squeezed out by family reunification. That is what has happened.

So we say here that of the 75,000, not more than 10 percent may be those who are investors and they are those persons who are ready to invest at least $250,000 in a new enterprise in the United States which would employ at least 4 U.S. workers who are not members of their family. That visa number may never be met because the other people of exceptional skills may squeeze them out within the 75,000. But we are saying that that should be a category, and under present regulations it provides that we have that open for persons who invest $40,000.

So this is what we are doing. We think this is an important thing to restore what we have always done with legal immigration, and that is seed immigrants; and family reunification, although the primary purpose of our policies should not squeeze out the independent category.

That is what this does.

I think it would be unfortunate to believe that it is an attempt to allow someone to buy their way into the United States.

It is not elitist. It is not extraordinary. And it is a very small number of persons.

Mr. KENNEDY. Mr. President, does the Senator from Arkansas have a minute to yield to me?

Mr. BUMPERS. I yield such time as I have remaining.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has only 6 seconds remaining.

Mr. KENNEDY. I wish to have a minute. Could I ask unanimous consent to get a minute?

Mr. SIMPSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wyoming has 19 seconds remaining.

Mr. KENNEDY. Mr. President, I ask unanimous consent that we have an additional 2 minutes evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

One minute is allocated to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I support the amendment of the Senator from Arkansas. He has correctly stated the case.

Under the nonfamily preference categories we have numbers for skilled and unskilled workers, the investors category, and then the new-seed immigrants, the nonpreference category.

I think what the Senator from Arkansas is saying is why give a preference to very wealthy foreigners to come in here over the new-seed immigrants if there should be any available slots left for them?

The fact is this proposal was originally recommended by the Select Commission in the context of much more generous immigration quotes. There were more generous provisions with regard to the total numbers and more generous provisions for family reunification numbers.

But those have been stricken out or restricted in this bill, so if we are going to have belt tightening on the numbers clearly the point of the Senator from Arkansas is the place to tighten the belt.

I hope that the Senator's position will prevail.

Mr. SIMPSON. Mr. President, I emphasize that in the scheme of things, if the present bill language remains, only 1.7 percent of our entire legal immigration would fit under this category. That is the maximum amount.

So we are not talking about large numbers. These people are not going to overwhelm the system. The fat cats are not going to take over the United States.

Mr. DOLE. Vote.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BUMPERS. Mr. President, I yield back such time as I have remaining.

Mr. SIMPSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Arkansas, amendment No. 1271. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "yea."

The PRESIDING OFFICER. Is there any Senator in the Chamber wishing to vote who has not voted?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—51

Baucus	Bradley	Cranston
Bentsen	Bumpers	Denton
Biden	Burdick	Dixon
Bingaman	Byrd	Dodd
Boren	Cohen	Durenberger
Eagleton	Johnston	Packwood
East	Kennedy	Proxmire
Exon	Lautenberg	Pryor
Ford	Leahy	Randolph
Glenn	Levin	Riegle
Hart	Long	Rudman
Heflin	Matsunaga	Sarbanes
Helms	Melcher	Sasser
Huddleston	Metzenbaum	Specter
Humphrey	Mitchell	Stennis
Inouye	Moynihan	Weicker
Jackson	Nunn	Zorinsky

NAYS—46

Abdnor	Hatch	Pressler
Andrews	Hatfield	Quayle
Armstrong	Hawkins	Roth
Baker	Hecht	Simpson
Boschwitz	Heinz	Stafford
Chafee	Jepsen	Stevens
Chiles	Kassebaum	Symms
Cochran	Kasten	Thurmond
D'Amato	Laxalt	Tower
Danforth	Lugar	Trible
Dole	Mathias	Tsongas
Domenici	Mattingly	Wallop
Garn	McClure	Warner
Goldwater	Murkowski	Wilson
Gorton	Nickles	
Grassley	Percy	

NOT VOTING—3

DeConcini	Hollings	Pell

So Mr. BUMPERS' amendment (No. 1271) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that I may proceed for 2 minutes without it charging against any time.

The PRESIDING OFFICER. Without objection, it is so ordered.

May we have order in the Senate? Please clear the aisle. May we have order in the Senate so that the majority leader may be heard?

The majority leader.

UNANIMOUS CONSENT AGREEMENT—S.529

Mr. BAKER. Mr. President, earlier I indicated there seemed to be a desire on both sides of the aisle to readjust the time for the final passage on the immigration bill. I have before now a unanimous-consent request which has been submitted to the minority leader and which I would now like to state for his consideration and that of all Senators.

Mr. President, I ask unanimous consent that, when the Senate resumes debate on S. 529, the immigration bill, the following amendments be the only amendments in order to the bill and that they be subject to the following time agreement:

Kennedy amendment on exclusion and asylum adjudication procedures, 30 minutes equally divided;

McClure amendment to require search warrants before entering an open field, 30 minutes equally divided;

Bradley amendment to provide 100 percent reimbursement of State and local welfare benefits to legalized aliens and for education of legalized

alien children, 30 minutes equally divided;

Cranston amendment modifying continuous residency, 20 minutes equally divided;

Cranston amendment modifying physical presence requirement, 20 minutes equally divided;

Cranston amendment providing for judicial review of legalization denial, 20 minutes equally divided;

Hatfield amendment requiring submission to Congress of employment verification system 30 minutes equally divided;

Hart/Levin amendment creating a private right of action and a new function for the U.S. Immigration Board to address individual claims of immigration-related employment discrimination, 30 minutes equally divided;

D'Amato amendment requiring Federal reimbursement of State costs of incarceration illegal aliens, 30 minutes equally divided;

Humphrey amendment prohibiting entitlement benefits until attainment of citizenship, 15 minutes equally divided;

And a Levin amendment dealing with judicial review, 30 minutes equally divided;

Further, Mr. President, I ask unanimous consent that final passage of S. 529 occur no later than 6 p.m. on Wednesday, May 18, and that paragraph 4 of rule XII be waived.

Finally, Mr. President, I ask unanimous consent that any rollcall votes ordered prior to the hour of 2 p.m. be postponed to occur at 2 p.m. in sequence.

Mr. BYRD. Mr. President, reserving the right to object, and I do not expect to object, the distinguished majority leader referred to amendments, the following amendments be the only amendments in order to the bill. Does he include in that amendments to amendments?

Mr. BAKER. Yes. Mr. President, I recast the request to say, the only amendments in order.

Mr. BYRD. I have no objection.

Mr. HUDDLESTON. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. HUDDLESTON. Is there any possibility that the start of the voting could be 2:30 instead of 2 p.m.

Mr. BAKER. Mr. President, I have no difficulty with that. I modify the request so that votes ordered tomorrow prior to the hour of 2:30 p.m. will be stacked to occur beginning at 2:30 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Reserving the right to object.

Mr. BAKER. Mr. President, I add to the request the Wilson amendment No. 1264 requiring the Labor Secretary to include certain items in the annual report, 30 minutes to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Mr. President.

Mr. BAKER. Mr. President, I withdraw the Wilson request.

Mr. HART. Mr. President, reserving the right to object.

Mr. BAKER. Mr. President, it has been suggested that votes be stacked to occur beginning at 3:30 p.m. tomorrow. We have a not later than 6 p.m. final passage vote contemplated in this request. I have no objection to that. I so modify the request.

Mr. HART. Reserving the right to object, would the leader repeat? Are all the votes in the time agreement stacked? Which votes are stacked?

Mr. BAKER. Mr. President, we will vote on the remaining stack of votes today. When we finish that, we will do whatever it is that we can do this afternoon. They will not be stacked. I expect we will go out about 6:30 or 7 o'clock, no later than that and maybe earlier. Beginning tomorrow at 10 o'clock we will be back on the resolution. But tomorrow's votes will be stacked so they begin at 3:30.

Mr. HART. I thank the leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. I thank all Senators.

The test of the agreement follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That when the Senate resumes consideration of the unfinished business, S. 529, a bill to revise and reform the Immigration and Nationality Act, and for other purposes, only the following amendments shall be in order:

Bradley amendment to provide 100 percent reimbursement of State and local welfare benefits to legalized aliens and for education of legalized alien children, 30 minutes;

Cranston amendment modifying continuous residency, 20 minutes;

Cranston amendment modifying physical presence requirement, 20 minutes;

Cranston amendment providing for judicial review of legalization denial, 20 minutes;

D'Amato amendment requiring Federal reimbursement of State costs of incarceration of illegal aliens, 30 minutes;

Hatfield amendment requiring submission to Congress of employment verification system, 30 minutes;

Humphrey amendment prohibiting entitlement benefits until attainment of citizenship, 15 minutes;

Kennedy amendment on exclusion and asylum adjudication procedures, 30 minutes;

Levin amendment dealing with judicial review, 30 minutes;

McClure amendment to require search warrants before entering open field, 30 minutes;

Ordered further, That the time for debate on the above amendments shall be equally divided and controlled by the mover of such and the manager of the bill, or their designees.

Ordered further, That the vote on final passage of the bill shall occur no later than 6 p.m. on Wednesday, May 18, 1983.

Ordered further, That paragraph 4 of rule XII be waived.

Ordered further, That any rollcall votes ordered prior to 3:30 p.m. on May 18, 1983, be postponed to occur at 3:30 p.m., in sequence.

AMENDMENT NO. 1221

The PRESIDING OFFICER (Mrs. HAWKINS). The question recurs on the amendment of the Senator from North Carolina. Who yields time?

The Senator from North Carolina.

Mr. HELMS. Madam President, let me emphasize that this Senate has assigned to the distinguished Senator from Wyoming and the distinguished Senator from Massachusetts probably one of the toughest jobs to be managed. Dealing with the immigration problem is not unlike trying to deal with the drug problem. Either one of those challenges to our domestic well-being can pull this country under.

It is with great reluctance that I must take exception to the amnesty portion of this bill.

The point is this, Madam President: Millions of illegal aliens have poured into these United States. Nobody knows what the accurate figure is.

The PRESIDING OFFICER. The Senate is not in order. Will Senators wishing to converse please retire to the cloakrooms?

Mr. HELMS. I thank the Chair.

According to some estimates, 3 million illegal aliens have poured into this country. The administration admits to 6 million. On the other hand, seasoned law enforcement authorities estimate that there are 12 million to 15 million illegal aliens inside our borders. Over half of the illegal aliens are coming from Mexico.

To this Senator, it is an exercise in folly to extend amnesty to those who have already illegally entered this country. It will just encourage more and more illegal aliens to stream across our borders.

The purpose of my amendment is to strike out the amnesty portion of the bill; that is title III. I offer this amendment with all due respect to the manager of the bill and to the committee.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I think the important thing to realize on this issue is that legalization is not a reward for violation of our immigration laws. It is a very practical solution to a very serious national problem. We have a fearful subculture of human beings in the United States, who, according to information received at hearings in the subcommittee, for fear of being discovered, fail to report crimes against their property, their person, or their family, do not seek

medical help unless it is to give birth to a U.S. citizen, and who will not complain about exploitation in the workplace. That cannot be good for this country and somehow, indeed, it diminishes us in known and unknown ways.

For this reason, we have come to the provision of amnesty for those who are here, also called legalization. We have looked the other way as these aliens came by the hundreds of thousands to this country, and here we have this unbelievable situation where it is legal for an employer to hire an illegal but it is illegal for an illegal to work. Only in America.

So the real alternative to the issue is a more pragmatic one: If you could not find them coming in, how do you find them to get them out?

I do not want to be part of the country that is out on the hunt to do that.

So the things that we are seeking are, first, to avoid a wasteful use of the INS limited resources; second, to allow dependent employers to continue to lawfully hire from that pool, and, third, to eliminate the illegal subclass that is now present in our society.

We do provide limited benefits for those persons. I emphasize again this is not a reward for illegal behavior or for those who violate our laws, but a reasonable approach to what I think is a serious national problem.

Mr. GRASSLEY assumed the chair.

Mr. KENNEDY. Mr. President, I hope the Senate will reject this amendment and support the position of the Senator from Wyoming, Senator SIMPSON.

The fact of the matter is, Mr. President, as we all know, it has not been illegal to hire undocumented aliens in this country. The so-called Texas proviso is a clear indication of that. It has been legal to attract and to bring undocumented aliens into the United States and they have been subject to vast exploitation.

The Senator from Wyoming has pointed out, and I think it is worth restating, that if you cannot stop them when they are coming in, how do you think you are going to be able to find them and expel them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HELMS. Mr. President, I think we are approaching the illegal immigration crisis in the wrong way. There are more security officers guarding the Capitol complex in Washington than we have guarding our southern borders. Hundred of thousands, indeed millions, of illegals are slipping in. By the same token, with respect to the drug problem, the Coast Guard can interdict only one out of six shipments of drugs. We need to do more in terms of enforcing the laws already on the books instead of extending amnesty to people who have illegally come into this country and who are illegally here. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has expired.

Mrs. HAWKINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mrs. HAWKINS. Mr. President, will the Senator from Wyoming answer a question for the Senator from Florida?

The PRESIDING OFFICER. Is there objection of the Senator proceeding at this time?

Mr. BUMPERS. Objection.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay".

The PRESIDING OFFICER (Mrs. HAWKINS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 21, nays 76, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—21

Armstrong	Garn	McClure
Boren	Heflin	Nickles
Cochran	Helms	Riegle
Cohen	Humphrey	Stennis
East	Jepsen	Symms
Exon	Kasten	Wallop
Ford	Long	Zorinsky

NAYS—76

Abdnor	Gorton	Murkowski
Andrews	Grassley	Nunn
Baker	Hart	Packwood
Baucus	Hatch	Percy
Bentsen	Hatfield	Pressler
Biden	Hawkins	Proxmire
Bingaman	Hecht	Pryor
Boschwitz	Heinz	Quayle
Bradley	Huddleston	Randolph
Bumpers	Inouye	Roth
Burdick	Jackson	Rudman
Byrd	Johnston	Sarbanes
Chafee	Kassebaum	Sasser
Chiles	Kennedy	Simpson
Cranston	Lautenberg	Specter
D'Amato	Laxalt	Stafford
Danforth	Leahy	Stevens
Denton	Levin	Thurmond
Dixon	Lugar	Tower
Dodd	Mathias	Trible
Dole	Matsunaga	Tsongas
Domenici	Mattingly	Warner
Durenberger	Melcher	Weicker
Eagleton	Metzenbaum	Wilson
Glenn	Mitchell	
Goldwater	Moynihan	

NOT VOTING—3

DeConcini	Hollings	Pell

So Mr. HELMS' amendment (No. 1221) was rejected.

Mr. SIMPSON. Madam President, I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1222

The PRESIDING OFFICER. The question occurs on amendment No. 1222 offered by the Senator from North Carolina.

Who yields time?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Madam President, this amendment is intended to assure the States that they have freedom to provide, or not to provide, free public schooling and other benefits to illegal aliens as they, the States, see fit.

At a time when taxation in general is increasingly burdensome and at a time when demands on State treasuries are extremely heavy, it seems to this Senator that the Federal Government should not in any way require the States to provide costly benefits to those who are in this country illegally as a result of the failure of the Federal Government.

I reiterate that we have misplaced our priorities in terms of stopping illegal immigration and in terms of stopping the drug flow into this country. We simply are not doing enough to patrol our borders and strengthen our enforcement capabilities.

I reiterate that we have more law enforcement officers guarding this Capitol complex, where we are working this afternoon, than we do patrolling our entire southern borders.

Now, it is not the fault of the States that these illegal aliens are pouring into this country. It is the fault of the Federal Government. Congress should be insisting that our borders are secure and Congress should allocate the required funds to strengthen our enforcement and patrol capabilities.

In some cases, States may want to provide free public schooling to illegal aliens. There is absolutely nothing in this amendment that would stop the States from choosing to do that. The point is that the States should have the freedom to preserve their already scarce resources for their own taxpayers and legal residents.

This amendment is made necessary, Madam President, because of a much criticized recent decision of the Supreme Court. In Plyer against Doe, the Court held, in essence, that in the absence of a specific congressional policy on public benefits for illegal aliens, the States must—and I repeat for emphasis "must"—provide such benefits. This amendment merely provides the congressional policy that the Court last summer said is missing.

I reserve the remainder of my time.

Mr. THURMOND. Madam President, this amendment would strike the amnesty provision. As I have said several times before, the legalization program is not something I support without reservation. None of us wants to reward people who break the law but we cannot look on legalization as a reward. If I did not believe that the only way the Federal Government can gain control over immigration and refugee policy is by way of a legalization program, I would be opposed to it. Instead, as the able Senator from Wyoming has stated, legalization must be viewed as a practical solution to a serious national problem. Regarded in that light, legalization on a modified scale is something I will have to accept. The program has been the topic of many long discussions and the plan presented in this bill is a workable compromise.

This amendment was presented last year and was defeated by a vote of 82 to 17. I urge my colleagues to defeat it again.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. This amendment would impose a lifetime hardship on a very distinct class of children who are not accountable for their illegal status. These children had no control over their parents' conduct, nor over their own undocumented status. We cannot visit the sins of the parent upon the child. Public education plays a very critical role in maintaining the very fabric of our society and sustaining our values.

It seems to me certainly that depriving illegal alien children of an education would take an incredible toll on the social, economic, intellectual, and psychological well-being of the individual involved and imposes some very real obstacles to human and individual achievement. Certainly there are problems and certainly the passage of this bill in its essence will correct those problems, and we will not have this arise again. But the passage of this bill with the employer sanctions provisions and the development of a worker authorization system at new hire time of employment will assist us in eliminating these kinds of problems which give rise to this amendment and the Supreme Court decision. But until employer sanctions have had the desired effect, we are not going to correct the situation.

I agree with the Supreme Court that the costs of not educating children living within our country will be far greater than the cost of providing a free public education.

Mr. KENNEDY. One minute, Madam President.

The Senator from Wyoming has said it well. The Supreme Court has ruled on this very issue in establishing the constitutional requirements as well as commenting on the public policy issues. It is inconceivable to me that in the 20th century anyone would seriously argue that it should be public policy to keep a class of children illiterate in our society.

I yield back the remainder of the time.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. How much time do I have, Madam President?

The PRESIDING OFFICER. Seventeen seconds.

Mr. HELMS. I think that the Federal Government ought to take a look at what its responsibility is to the States. Unless this amendment is passed, we will be unnecessarily burdening the States again. Unless Congress and the Federal Government come to grips with the realities of the floodtide of illegal immigration, the burden on the States may become intolerable.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Pennsylvania. (Mr. HEINZ) is necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HEINZ) would vote "nay."

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Rhode Island (Mr. PELL), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

I further announce that if present and voting the Senator from Rhode Island (Mr. PELL), would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 34, nays 60, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—34

Abdnor	Grassley	Nunn
Armstrong	Hatch	Pressler
Bentsen	Heflin	Pryor
Byrd	Helms	Roth
Chiles	Huddleston	Sasser
Cochran	Humphrey	Symms
Denton	Jepsen	Tower
Dole	Johnston	Wallop
East	Kasten	Wilson
Exon	Long	Zorinsky
Ford	McClure	
Garn	Nickles	

NAYS—60

Andrews	Boschwitz	D'Amato
Baker	Bradley	Danforth
Baucus	Burdick	Dixon
Biden	Chafee	Dodd
Bingaman	Cohen	Domenici
Boren	Cranston	Durenberger
Eagleton	Leahy	Randolph
Glenn	Lugar	Riegle
Goldwater	Mathias	Rudman
Gorton	Matsunaga	Sarbanes
Hart	Mattingly	Simpson
Hatfield	Melcher	Specter
Hawkins	Metzenbaum	Stafford
Hecht	Mitchell	Stennis
Inouye	Moynihan	Stevens
Jackson	Murkowski	Thurmond
Kassebaum	Packwood	Trible
Kennedy	Percy	Tsongas
Lautenberg	Proxmire	Warner
Laxalt	Quayle	Weicker

NOT VOTING—6

Bumpers	Heinz	Levin
DeConcini	Hollings	Pell

So Mr. HELMS' amendment (No. 1222) was rejected.

Mr. KENNEDY. Madam President, I move to reconsider the vote by which the amendment was rejected.

Mr. EXON. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1224

The PRESIDING OFFICER. The question recurs on the Helms amendment No. 1224.

Who yields time?

Mr. HELMS. Madam President, I yield myself such time as I may require.

Under the present bill, the special status for Mexico, allowing 40,000 visas plus transfer of unused Canadian visas, is nothing more than a supplemental amnesty program.

This amendment reduces the 40,000 allotment of Canada and Mexico to 20,000 which all other countries have under the bill. No transfer privileges will be permitted by this amendment.

Senators should realize that Canada does not even use 20,000 visas per year for immigration to the United States. Over the past 10 years, Canada has averaged about 10,000 or 11,000 per year.

I realize that some say that the United States has a special relationship with Mexico and Canada because they are contiguous. That is true. But does West Germany have any special relationship with France because of its being contiguous; or Italy with France, or Greece with Turkey because they are contiguous? Do they have special immigration policies?

The United States has been said to have all manner of special relationships with England. What about the special relationship with Taiwan or the Philippines or all of the free world countries?

So let us be frank. Without this amendment, the so-called contiguous-country language that is in the bill, is really a way of trying to obscure the fact that the higher visa allotment privilege will benefit Mexico alone and in an extraordinary manner.

If Senators want to do that knowingly with their vote that is fine. But I think we should march forth and say what we mean.

The Mexican Government's mismanagement of her economy is tragic for them, and it is tragic for us in terms of the aliens pouring over our borders already. But what we are saying is we are going to go by the back door to increase the immigration from Mexico.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. HECHT). Who yields time?

Mr. SIMPSON. Mr. President, the bill does recognize a very special relationship, a friendship and proximity that the United States has with our contiguous neighbors in trade and commitment to the same democratic principles and mutual strategic interests.

I speak against the amendment. I think we must remember that until 1976 there were no limitations whatever for Canada and Mexico. Nationals of those two countries could enter the United States without restriction as immigrants.

And by allowing our two contiguous neighbors an increased quota, we are not increasing overall immigration to the United States because the overall cap will maintain immigration at its present levels.

The strongest illegal immigration pressure and the largest number of backlogs are from Mexico. So by providing these extra visas to our southern neighbor we relieve that pressure for illegal immigration, and that is why that provision is an important aspect of the immigration control bill.

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I shall only take 1 minute.

As the Senator from Wyoming has pointed out, there were no fixed numbers for Mexico and Canada up until 1976 and as a matter of right under the existing immigration laws permanent resident aliens have a right to be rejoined with members of their family.

The fact is now that we are keeping wives and children of resident aliens out of the United States up to between 7 and 9 years, and anyone who thinks that the members of such a family are going to stay out or away from their loved ones I think is being unrealistic. They are either going to come here legally or they are going to come here as undocumented aliens.

As the Senator from Wyoming has pointed out, we have not increased the total immigration numbers and certainly the special relationship that we have with Mexico as well as Canada justifies this particular proposal in the legislation.

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from North Carolina has 30 seconds remaining.

Mr. HELMS. Mr. President, I say again that this is sort of a charade that some are playing. Look at the arithmetic. Everyone knows that Canada is very unlikely to use their full quota so the bill is, in fact, giving a preferred treatment to Mexico. By turning down my first amendment earlier, we just completed the job of the most massive bailout of a foreign government, that I can recall in history.

So Senators may do as they wish.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SIMPSON. Mr. President, I inquire what is the remainder of my time?

The PRESIDING OFFICER. The Senator's time has expired also.

Mr. SIMPSON. Mr. President, I have nothing further on the amendment.

Mr. JACKSON. Let us vote right now.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Rhodes Island (Mr. PELL), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Kentucky (Mr. FORD) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 14, nays 81, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—14

Byrd	Huddleston	Sasser
Cochran	Johnston	Specter
East	Long	Stennis
Heflin	Nunn	Zorinsky
Helms	Pryor	

NAYS—81

Abdnor	Glenn	Metzenbaum
Andrews	Goldwater	Mitchell
Armstrong	Gorton	Moynihan
Baker	Grassley	Murkowski
Baucus	Hart	Nickles
Bentsen	Hatch	Packwood
Biden	Hatfield	Percy
Bingaman	Hawkins	Pressler
Boren	Hecht	Proxmire
Boschwitz	Heinz	Quayle
Bradley	Humphrey	Randolph
Burdick	Inouye	Riegle
Chafee	Jackson	Roth
Chiles	Jepsen	Rudman
Cohen	Kassebaum	Sarbanes
Cranston	Kasten	Simpson
D'Amato	Kennedy	Stafford
Danforth	Lautenberg	Stevens
Denton	Laxalt	Symms
Dixon	Leahy	Thurmond
Dodd	Levin	Tower
Dole	Lugar	Trible
Domenici	Mathias	Tsongas
Durenberger	Matsunaga	Wallop
Eagleton	Mattingly	Warner
Exon	McClure	Weicker
Garn	Melcher	Wilson

NOT VOTING—5

Bumpers	Ford	Pell
DeConcini	Hollings	

So Mr. HELMS' amendment (No. 1224) was rejected.

AMENDMENT NO. 1270

The PRESIDING OFFICER. The question recurs on the Baucus amendment No. 1270. Five minutes is allowed for debate. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, after consultation with the author of the substitute amendment, the Senator from Montana, and with the managers of the bill, I am prepared to indicate that I accept the substitute amendment to my amendment. Therefore, my amendment becomes the Baucus amendment and I join with the distinguished Senator from Montana. It is my understanding that the manager of the bill is prepared to accept it. In that case, Mr. President, I move that the yeas and nays be vitiated.

The PRESIDING OFFICER. On which amendment?

Mr. WARNER. Mr. President, I have an amendment pending to which the Senator from Montana has a substitute amendment. I am prepared to accept his substitute amendment, thereby vitiating my amendment. I join with the Senator from Montana.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, on which amendment is the Senator from Virginia having the rollcall vote vitiated?

Mr. WARNER. On both amendments.

Mr. BAUCUS. Mr. President, I appreciate having the yeas and nays vitiated on the Warner amendment. However, I wish to retain the yeas and nays on the Baucus amendment.

Mr. SIMPSON. Does the Senator from Montana recognize that if this accommodation had been made as the Senator from Virginia has indicated, this side of the aisle will accept the amendment, agree to take it?

Mr. BAUCUS. I thank the Senator from Wyoming. However, Mr. President, I believe the amendment to delete the fees provision is an important one. I would like to provide all my colleagues with the opportunity to go on record as supporting and reaffirming America's historical commitment to open border access. And therefore I would like to have a vote on the amendment.

Mr. KENNEDY. Mr. President, I spoke in favor of the amendment of the Senator from Montana yesterday. I welcome the fact that the Senator from Wyoming has been as accommodating as he has been. I will be glad to vote for it. I would have voted for it yesterday. However, I will certainly

give every assurance that in the conference we will make every effort to see that it is carried forward. With all due respect, I do not know that it will make a great deal of difference in the conference if we have a vote or not. If the Senator wants to pursue that, it is fine with me. I think it is a question of the Senator from Wyoming wanting to move ahead on the legislation that he made the request.

Mr. BAUCUS. I very much appreciate the views and support of the Senator from Massachusetts and the Senator from Wyoming. I still believe however, that it would be beneficial to have a rollcall vote on the amendment.

Mr. SIMPSON. Mr. President, will the Chair review the status of this vote for the Members present?

Mr. KENNEDY. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

If all time has been yielded back on the amendment, there will be a 10-minute rollcall vote.

Mr. SIMPSON. I ask for a review of the status. We have now had Senator WARNER relinquishing his position and now we go back to the amendment of the Senator from Montana. Is that correct? The Senator from Virginia has joined the Senator from Montana as a cosponsor of the amendment.

The PRESIDING OFFICER. That would not change the parliamentary procedure. We would still vote on the Baucus amendment.

Mr. SIMPSON. I ask unanimous consent that the yeas and nays be vitiated on the Warner amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SIMPSON. How much time remains, then? Is it 2½ minutes?

The PRESIDING OFFICER. One minute remains.

Mr. SIMPSON. Let me just say, Mr. President, that I appreciate the work the Senator from Virginia, the Senator from Massachusetts, and the Senator from Montana have done with regard to this. I assure the Senator from Montana that I embrace what Senator KENNEDY has said about supporting the position in conference. He will have to test me to see if I do that. He will find that that will be so.

We intend to hold hearings on this issue of perhaps separating out seaports and airports, instead of a regular border point type of charge. We will look into that carefully. I will support the amendment.

Mr. BAUCUS. Mr. President, I thank the Senator from Wyoming. He has been very gracious in helping me on this amendment. I thank him for that assistance.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Arizona (Mr. DECONCINI), the Senator from Kentucky (Mr. FORD), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—91

Abdnor	Gorton	Nickles
Andrews	Grassley	Nunn
Armstrong	Hart	Packwood
Baker	Hatch	Percy
Baucus	Hatfield	Pressler
Bentsen	Hawkins	Proxmire
Biden	Hecht	Pryor
Bingaman	Heflin	Quayle
Boren	Heinz	Randolph
Boschwitz	Huddleston	Riegle
Bradley	Inouye	Roth
Burdick	Jackson	Rudman
Byrd	Jepsen	Sarbanes
Chafee	Johnston	Sasser
Chiles	Kassebaum	Simpson
Cochran	Kasten	Specter
Cohen	Kennedy	Stafford
Cranston	Lautenberg	Stennis
D'Amato	Laxalt	Stevens
Danforth	Leahy	Symms
Denton	Levin	Thurmond
Dixon	Long	Tower
Dodd	Lugar	Trible
Dole	Mathias	Tsongas
Domenici	Matsunaga	Wallop
Eagleton	Mattingly	Warner
East	McClure	Weicker
Exon	Melcher	Wilson
Garn	Metzenbaum	Zorinsky
Glenn	Mitchell	
Goldwater	Moynihan	

NAYS—3

Durenberger	Helms	Humphrey

NOT VOTING—6

Bumpers	Ford	Murkowski
DeConcini	Hollings	Pell

So the amendment (No. 1270) was agreed to.

AMENDMENT NO. 1269, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the Warner amendment (No. 1269), as amended.

The amendment (No. 1269), as amended, was agreed to.

AMENDMENT NO. 1264

The PRESIDING OFFICER. The question recurs on the amendment numbered 1264. Who yields time?

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Mr. President, this amendment is one that has to do with jobs—jobs in an industry which in many States involves the growing, harvesting, and marketing of perishable commodities. Literally hundreds of thousands of Americans are employed as a result of the efforts to harvest perishable commodities and in virtually every State where perishable commodities are harvested by hand rather than mechanically significant numbers engaged in that harvest are foreign nationals.

Mr. STENNIS. Mr. President, may we have order? We are unable to hear.

The PRESIDING OFFICER. The Senator's point is well taken. We will have order.

The Senator from California is recognized.

Mr. WILSON. I thank my friend from Mississippi, who, perhaps, feels as I do that the Senate should be fully informed as to why it is going to vote against my amendment.

Mr. President, hundreds of thousands of Americans who are employed as a result of the harvest of perishable commodities by foreign nationals have a stake in what we do. Whether we are talking about the harvest of apples in Vermont or the harvest of peaches in California or in South Carolina or Georgia, we are talking about a process that is extremely sensitive, sensitive to weather, sensitive to the bureaucratic effort that is going to be made to regulate this industry.

This morning in recognition of the fact that peaches, pears, and plums are ripe when they are ripe and not when the Secretary of Labor has certified that harvest can occur, the Senate very wisely adopted the DeConcini-Wilson amendment which provides for a 3-year transition period during which the growers of perishable commodities are to phase out their dependency as it presently exists upon the use of temporary foreign agricultural workers.

The Senate was wise in granting this transition because what we are doing is new. It is untried. It is untested.

This amendment, Mr. President, would simply allow that transition period to be used as the Senate would hope it would be, because what it does is require that the Attorney General review the annual report of the Secretary of Labor and in the event he finds evidence that this program is not working, evidence that in fact the harvest is not being timely made, that crop loss is resulting, that employment is imperiled, and that there is a crisis to the consumer for a period of only 2 years, the Attorney General——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILSON. I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WILSON. The Attorney General may then toll the provisions.

I think it would be a bitter irony if in an effort to protect American jobs we were guilty of rushing to pass a good intention that does not work and costs Americans jobs. I remind Senators that this is hundreds of thousands of jobs in States from Vermont to California. This is the most serious possible business. This is a very moderate request. It does not create a new temporary work program. It simply is a wise provision to allow that transition period to be used as the Senate would hope.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. SIMPSON. Mr. President, the purpose of the DeConcini-Wilson amendment which we accepted this morning is to provide us this transition period for employers to become familiar with the H-2(a) program and to allow the Justice Department and the Labor Department to make the necessary adjustment to handle this increased demand for foreign agricultural workers.

We recognize this very special situation with regard to the soft fruit industry, the citrus industry in California. We made a very special provision in the H-2 program for agricultural employers. We provided a 3-year transitional program under which agricultural employers could hire additional workers not in the H-2 program.

May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SIMPSON. It is only 2½ minutes.

The DeConcini-Wilson amendment is going to allow a transitional program for 3½ years. I think that is quite adequate. When we go on to 5½ years, which this amendment would do, we fail to recognize that other industrial employers and others who are using illegal, undocumented workers at this time in great numbers are expected to comply immediately with U.S. workers or H-2 workers and without the benefits of a streamlined program. So it seems to me that agricultural employers could reasonably be expected to adjust to the new program in 3½ years. I object to and resist the amendment.

Mr. KENNEDY. Mr. President, the Select Commission, which was a broadly based commission, reviewed this particular issue in very careful detail. The vote was 14 to 2 that we move immediately to the provisions that we have in the legislation to restrict the need for temporary foreign workers.

The DeConcini-Wilson amendment provides for a 3-year transition. During this period of time, if there are unusual circumstances or special needs, I am sure the Immigration Subcommittee will deal with those. I support the position of the chairman of the committee and hope that this amendment is resisted.

Mr. SIMPSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Missouri (Mr. DANFORTH), and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Arizona (Mr. DECONCINI), the Senator from Kentucky (Mr. FORD), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

The PRESIDING OFFICER (Mr. ARMSTRONG). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 20, nays 72, as follows:

[Roll Call Vote No. 94 Leg.]

YEAS—20

Armstrong	Hatfield	Roth
Chiles	Hawkins	Symms
D'Amato	Humphrey	Tower
Dole	Jepsen	Trible
Garn	Johnston	Warner
Gorton	McClure	Wilson
Hatch	Packwood	

NAYS—72

Abdnor	Grassley	Moynihan
Andrews	Hart	Murkowski
Baker	Hecht	Nickles
Baucus	Heflin	Nunn
Bentsen	Heinz	Percy
Biden	Helms	Pressler
Bingaman	Huddleston	Proxmire
Boren	Inouye	Pryor
Boschwitz	Jackson	Quayle
Bradley	Kassebaum	Randolph
Burdick	Kasten	Riegle
Byrd	Kennedy	Rudman
Cochran	Lautenberg	Sarbanes
Cohen	Laxalt	Sasser
Cranston	Leahy	Simpson
Denton	Levin	Specter
Dixon	Long	Stafford
Dodd	Lugar	Stennis
Durenberger	Mathias	Stevens
Eagleton	Matsunaga	Thurmond
East	Mattingly	Tsongas
Exon	Melcher	Wallop
Glenn	Metzenbaum	Weicker
Goldwater	Mitchell	Zorinsky

NOT VOTING—8

Bumpers	DeConcini	Hollings
Chafee	Domenici	Pell
Danforth	Ford	

So Mr. WILSON's amendment (No. 1264) was rejected.

Mr. BAKER. Mr. President, could I have the attention of the Senate? Could we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Mr. President, I am advised by the distinguished chairman of the committee, the manager of the bill on this side that it is anticipated that there will be further rollcall votes tonight.

I expect the Senate to be in until about 6:30 p.m. this evening and I anticipate at least one more record vote and perhaps two.

Mr. President, I ask unanimous consent that I may proceed as in morning business for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the majority leader assure us that there will be no vote after 6 p.m.?

Mr. BAKER. Let me inquire of the manager of the bill.

Mr. President, I am told in response to the minority leader that that is perhaps possible if we could stack.

Let me make this request. I ask unanimous consent that any rollcall votes that are ordered today prior to the hour of 6 p.m. be stacked to occur in sequence at 6 p.m. with 2 minutes of explanation between the votes.

The PRESIDING OFFICER. The Chair regrets it could not quite hear the request of the majority leader.

Mr. BAKER. Mr. President, I ask unanimous consent that any rollcall votes that are ordered for the remainder of this day may be stacked to occur beginning at 6 p.m. and that there be 2 minutes equally divided for explanation of those votes to intersperse between the votes if there is more than one vote.

Mr. BYRD. Mr. President, reserving the right to object, I say to the majority leader that we have some problems with any votes that occur after 6 p.m. That is the problem.

Mr. BAKER. Mr. President, I withdraw the request. Let me make this suggestion.

I expect the Senate to be in session until about 6:30 p.m. I fully expect at least one record vote.

Mr. President, I ask unanimous consent that any vote that would occur after 6 p.m. today be postponed to occur in sequence under the order previously entered tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. HART. Mr. President, reserving the right to object, I intend to be one of those offering an amendment tonight. I cannot be here tomorrow afternoon. I wish a vote on my amendment tonight, after 30 minutes of debate equally divided.

Mr. KENNEDY. That is the vote.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have two or three other routine matters.

First is the unanimous-consent request that has been cleared with the minority leader apparently and I will state it now for his consideration and that of other Senators.

FIFTIETH ANNIVERSARY OF THE TENNESSEE VALLEY AUTHORITY

Mr. BAKER. Mr. President, there is one measure on today's Calendar of General Orders that I wish very much to address at this time.

I inquire of the minority leader if he is prepared at this time to proceed to the consideration by unanimous consent of Senate Resolution 140, which is a resolution commemorating the 50th anniversary of the Tennessee Valley Authority which occurs tomorrow.

Mr. BYRD. Mr. President, this side is ready to proceed.

Mr. BAKER. I thank the Senator.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 184.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 140) to commemorate the Fiftieth Anniversary of the Tennessee Valley Authority, a public enterprise that works.

There being no objection, the Senate proceeded to consider the resolution.

Mr. RANDOLPH. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. RANDOLPH. Mr. President, I believe it is appropriate for me to state that 50 years ago I voted in the House of Representatives to create the Tennessee Valley Authority. There is no other Member of the Congress who was serving in the Congress in 1933.

It will be my privilege to be in the State of the able majority leader (Mr. BAKER) tomorrow morning and will speak on the 50th anniversary of the creation of the Tennessee Valley Authority. TVA has not only strengthened the land in that area but has given improved living conditions and opportunity for a sturdy people. This magnificent measure is another reflection of what we did 50 years ago under the so-called New Deal. TVA was a visionary endeavor that created hope and an inspiration which were translated into programs to help people. In confronting the challenges of today, we can learn from the TVA experience. I commend the majority leader for bringing this resolution to Senate.

Mr. BAKER. Mr. President, I thank the Senator, and we welcome his participation in that ceremony tomorrow as one of the founders of this institution.

Mr. SASSER. Mr. President, I am proud to join with my distinguished colleagues, Mr. BAKER, Mr. BYRD, and Mr. RANDOLPH, in recognizing the 50th anniversary of the Tennessee Valley Authority. On May 18, 1933, exactly 50 years ago, President Franklin Delano Roosevelt signed into being a bold and innovative endeavor. Thus, began this "partnership in people" better known as the Tennessee Valley Authority. Now, 50 years later, the Tennessee Valley Authority is still going strong. For the millions of Americans involved over the years with this "people project," TVA has truly made a difference.

Mr. President, the Tennessee Valley Authority is more than a Federal project. It is a living example of what men and women sharing a cooperative vision can do. People working together is what the Tennessee Valley Authority is all about.

Mr. President, I would like to take a moment briefly to comment on a few of the TVA's achievements over these last 50 years. Through it all, I think we can further appreciate the tremendous difference which TVA has made in the Tennessee Valley and to this Nation.

From 1933 to 1983, TVA has sought to maintain its commitment to providing electric power to the people of the Tennessee Valley at the lowest cost possible. The Tennessee Valley Authority has been a leader in developing more efficient and economic use of electric power.

Recently, TVA successfully implemented its home weatherization program. To date, over 324,786 homes have participated in this program. The poor, the elderly, and those persons on fixed income, by participating in TVA's home weatherization program, have reduced their use of electricity and cut costs from their electric bills.

Mr. President, through its land use planning programs, TVA has helped to instill a renewed commitment in the valley to the prudent management of our natural resources. Inspired by the motto "A Wasted and Abused Land Benefits No One" TVA has worked with the people in the region to develop a number of land use planning projects. The land between the lakes project, located between Tennessee and Kentucky, is one such example.

The land between the lakes demonstration project receives over 2 million visits annually. Over 1,600 tourists related jobs have been created as a result of this project. The land between the lakes project has provided timber, wildlife, and agricultural products for local natural resources related industries. The land between the lakes demonstration project is still another example of how TVA, working with the people in the region, has made a difference.

Mr. President, TVA has also played an integral role in enhancing this Nation's agricultural capabilities. Farmers have been the backbone of our Nation's growth. Each year, American farmers use over 50 million tons of fertilizer. The national fertilizer development center in Muscle Shoals, Ala., is the most complete fertilizer research and development facility in the world. This center was created 50 years ago by TVA.

Last, Mr. President, I would like to call attention to the tremendous impact which TVA has had on the economic development of the Tennessee Valley. TVA has a 50-year commitment to developing the skills of the people of the region. TVA has successfully utilized the concept of development to retrain workers and upgrade their skills. This has meant a 60--percent increase in new jobs to the region. In the Tennessee Valley, development has meant jobs and these jobs are due in large part to the efforts of the Tennessee Valley Authority working with the people of this region.

Mr. President, in closing I am reminded of the words of President John F. Kennedy as he spoke on the occasion of the 30th anniversary of the Tennessee Valley Authority. President Kennedy stated:

The work of TVA will never be over. There will always be new frontiers for it to conquer. For in the minds of men the world over, the initials of TVA stand for progress and the people of this area are not afraid of progress.

Mr. President, 20 years have passed since President Kennedy recognized the remarkable difference which TVA has made in the Tennessee Valley, in this Nation, and in the world.

Mr. President, I join my colleagues today in applauding TVA for a job well done.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 140) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 140

Whereas May 18, 1983, marks the fiftieth anniversary of the signing, by President Franklin Delano Roosevelt, of the Act of Congress creating the Tennessee Valley Authority;

Whereas the Tennessee Valley Authority soundly has demonstrated the wisdom of Congress and the President in creating a unique corporation clothed with the power of government but possessed of the flexibility and initiative of a private enterprise;

Whereas the Tennessee Valley Authority's varied efforts are primarily carried out in a seven-State region, they also include many features that contribute to the national interest;

Whereas the Tennessee Valley Authority for a half-century has helped achieve the integrated conservation and development of the Tennessee Valley's natural resources, successfully demonstrating this concept for the Nation and the world;

Whereas the Tennessee Valley Authority has perfected flood control and hydropower development on the once raging Tennessee

River and its tributaries, whose watershed receives an average annual rainfall of fifty-two inches, annually producing an average of sixteen billion kilowatt hours of pollution-free, low cost electric power and annually preventing an average of $140,000,000 in estimated flood damages on the Tennessee, Ohio, and Mississippi Rivers;

Whereas the Tennessee Valley Authority has developed the transportation potential of the Tennessee River through ten dams with navigation locks, providing direct employment of more than forty-five thousand persons in waterfront industries, annual transport of over thirty million tons of barge traffic and $100,000,000 in annual transportation savings;

Whereas the Tennessee Valley Authority economically and dependably, through one hundred and ten municipal electric utilities and fifty rural electric cooperatives, provides more than one hundred billion kilowatt hours of electric power each year for seven million people in seven States, at rates 27 per centum below the national average;

Whereas the Tennessee Valley Authority power system is self-financed, at no cost to the Nation's taxpayers, and the Tennessee Valley Authority has created an $18,000,000,000 power asset owned by the taxpayers;

Whereas the Tennessee Valley Authority has made repayments to the United States Treasury of $1,900,000,000, $500,000,000 more than the original Federal power-system investment;

Whereas the Tennessee Valley Authority has led the Nation in energy conservation, surveying more than seven hundred thousand homes and providing more than three hundred and ten thousand interest-free loans for home weatherization;

Whereas the Tennessee Valley Authority, one of the largest coal and nuclear power suppliers in the country, is strongly committed to clean air and nuclear safety and to research and demonstration of new methods to attain cleaner air and nuclear safety;

Whereas the Tennessee Valley Authority equally is committed to demonstrating effective use of solar, biomass and other renewable energy sources;

Whereas the Tennessee Valley Authority diligently has improved fertilizer technology for the Nation and the world, originating and transferring to use three-fourths of the Nation's present fertilizer technology through six hundred and sixty-one licensed Tennessee Valley Authority innovations utilized by three hundred and eighty-nine fertilizer companies in thirty-nine States;

Whereas the Tennessee Valley Authority has improved farming productivity throughout the region, especially for the small farmer, through cooperative demonstrations;

Whereas the Tennessee Valley Authority responsibility has conserved and developed the region's natural resources, reforesting one million seven hundred thousand acres of land, restoring fish and wildlife, improving the quality of air and water, and providing recreation for millions of people;

Whereas the Tennessee Valley Authority has established a partnership in recreation on the Tennessee Valley Authority lakes and lands, producing $70,000,000 in annual recreation visit benefits and $630,000,000 in government and business recreation development;

Whereas the Tennessee Valley Authority's partnership with people over five decades has helped increase valley per capita income from $168 in 1933 to $7,378 in 1980;

Whereas under the specific direction of the Tennessee Valley Authority Act to employ its personnel without regard to the civil service laws and to establish a system of organization of fix responsibility and promote efficiency, many Tennessee Valley Authority employees have become leaders in their particular fields and have contributed not only to the Tennessee Valley Authority's efforts, but consistent with the Tennessee Valley Authority's contribution to the national interest, have benefitted both business and governmental interests;

Whereas the Tennessee Valley Authority has strengthened its partnership with its constituent States of Alabama, Georgia, Kentucky, North Carolina, Mississippi, Tennessee and Virginia, and hundreds of local communities, to enhance the region's economic future by increasing the self-reliance of localities and the job skills of valley residents;

Whereas independent auditors confirm the Tennessee Valley Authority's management is working to assure efficiency, accountability, and openness in all activities;

Whereas the Tennessee Valley Authority is indeed appropriately described as "Shaping Tomorrow Today;" and

Whereas the Tennessee Valley Authority on May 18 will enter its fifty-first year of successful stewardship for the region, example for the United States and inspiration for developing nations throughout the world: Now therefore, be it

Resolved, That the United States Senate congratulates the directors, managers, and employees—past and present—of the Tennessee Valley Authority on the occasion of its fiftieth anniversary.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the Chairman of the Board of Directors of the Tennessee Valley Authority.

Mr. BAKER. I thank the Chair and all Senators.

Mr. President, the Senator from Washington now has a resolution that I believe he wishes to propose, and I yield the floor so he may seek recognition.

HONORING BOB HOPE ON THE OCCASION OF HIS 80TH BIRTHDAY

Mr. JACKSON. Mr. President, I have a resolution at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 147) to honor Bob Hope on the occasion of his 80th birthday.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. JACKSON. Mr. President, I am delighted to offer a resolution, on behalf of myself and the distinguished leaders from both sides of the aisle, Mr. BAKER and Mr. BYRD, saluting Bob Hope on the special occasion of his 80th birthday, May 29, 1983.

Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. RANDOLPH) be included as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, my resolution speaks for itself. Bob Hope has given much to America—he symbolizes what is good and great about this country. An emigre to the United States at the age of 4, he grew up in the heartland—Ohio—and did every kind of all-American odd job to earn his way. And at an early age, he began to entertain neighborhood kids and to learn the craft with which he ultimately achieved such tremendous success.

All his life, Bob Hope has been giving—giving time and energy, money and good will. His humor and humanitarianism are such that each of us feel as though we are his special friend. He helps us to laugh at ourselves, and yet through his own generosity causes us to reflect and take seriously the plight of those who are less fortunate.

I always have admired Bob Hope. He is a man whose life represents strong family values, concern for others, and dedication to democratic principles of peace and individual liberty.

On Thursday, Bob Hope visits the Capitol and will be our guest here in the Senate during a recess period for the occasion. I know all of the Members will want to join us in welcoming him and wishing him a happy birthday.

Aside from these many reasons for honoring Bob Hope, I—like many other Americans—have some of my own personal affections for this man. Here is an individual, just days away from being 80 years old, whose lifestyle and appearance befits a man years younger.

When people ask me for the key to good health and long life, I always tell them to pick good ancestors. Bob Hope must have done that.

The fact really is that Bob Hope is an example of my belief that age is relative. Some people are tired, bored, and aged at 40. Others seem forever young and full of energy. I believe youth is a spirit, a frame of mind, and it is nurtured by constant challenge, a curious mind and a proper outlook on life.

Bob Hope has that spirit. He is in high gear around the clock. I saw this first hand last year when he visited Seattle for a week or so. He was everywhere. After making two command performances on stage daily, Bob Hope was still eager and willing to visit a hospital or help with one community activity or another. And when all the work was done, with still more energy and interest, he went with me to a University of Washington football game where he hooted and hollered along with the students.

Finally, some of my admiration for Bob Hope comes from an envy of sorts. All of us in this body like to

think we are rather accomplished amateur comedians who can disarm even the most hostile of audiences with a few of our best one liners. The truth is we Senators never really know whether the audiences are laughing with us or at us. Bob Hope is the master.

This resolution, honoring Bob Hope on his 80th birthday, is the Senate's way, on behalf of a grateful nation, of saluting this very special American for a lifetime of selfless devotion to the health and happiness of others.

Mr. JACKSON. Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 147) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 147

Whereas Bob Hope is a part of American folklore and is loved and respected by people all over the world;

Whereas Bob Hope, born in England and immigrating to this country at the age of four, epitomizes the old-fashioned American success story: from newsboy to soda jerk, from on-the-road vaudevillian to star of Broadway, ultimately achieving fabulous success and recognition in the field of entertainment;

Whereas Bob Hope throughout his career has always represented strong family values and dedication to democratic principles of peace and individual liberty;

Whereas Bob Hope has given much of his life to bringing aid and comfort to the ill, wounded, disadvantaged, handicapped, and others in need;

Whereas Bob Hope, by his generosity and example, has raised an incredible one billion dollars to battle disease, misery and poverty, and has given his support to countless groups and organizations that contend with such human afflictions;

Whereas Bob Hope has brought the spirit of Christmas every year to generations of American GI's recovering in hospitals or serving at distant outposts in troubled parts of the world;

Whereas Bob Hope has shown that humor is an integral part of life that comforts the sick, eases inflamed tempers, and lightens the load of those who are heavily burdened; and

Whereas Bob Hope is a genuine hero, a man of compassion and conviction who has helped and lifted the spirits of millions of people: Now, therefore, be it

Resolved, That it is the sense of the Senate that Bob Hope, on the occasion of his eightieth birthday on May 29, 1983, should be honored for his lifetime dedication to the cause of freedom and the advancement of humanitarian endeavors; and be it further

Resolved, That the Senate convey to Bob Hope on this occasion the admiration and gratitude of all Americans for his remarkable contributions to the health and happiness of others.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Bob Hope.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I thank the managers of this measure and the minority leader for permitting us to proceed to these details.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SPECTER ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order, the distinguished Senator from Pennsylvania (Mr. SPECTER) be recognized on a special order of not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the expiration of the special order, there be a very brief period for the transaction of routine morning business in which Senators may speak for not more than 1 minute each to extend not past the hour of 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE IMMIGRATION BILL

Mr. BAKER. Mr. President, I ask unanimous consent that, at the hour of 10 a.m., the Senate resume consideration of the immigration bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM AND CONTROL ACT OF 1983

The Senate continued with the consideration of the bill (S. 529).

Mr. HART. Mr. President, what is the pending business? The immigration bill?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1273

(Purpose: To prevent discrimination based on national origin or alienage due to employer sanctions provisions)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado (Mr. HART), for himself, Mr. LEVIN, Mr. KENNEDY, and Mr. BINGAMAN, proposes amendment numbered 1273.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 104, line 7, strike out "section" and insert in lieu thereof "sections".

On page 113, line 9, insert "and section 274B" after "this section".

On page 113, line 14, strike out the quotation marks and the period that follows them.

On page 113, after line 14, insert the following:

"UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

"SEC. 274B. (a)(1) It is an unfair immigration-related employment practice for a person to discriminate against any individual (other than an unauthorized alien, as defined in section 274A(a)(4)) with respect to the hiring, or recruitment or referral, of the individual for employment because of such individual's national origin or alienage.

"(2) Paragraph (1) shall not apply to—

"(A) a person that employs three or fewer employees,

"(B) a person's discrimination because of an individual's national origin if the discrimination with respect to that person and that individual is covered under section 703 of the Civil Rights Act of 1964, or

"(C) discrimination because of alienage which is otherwise required in order to comply with statute.

"(b)(1) Any person (or class representing such persons) alleging that the person is aggrieved by an unfair immigration-related employment practice or an officer of the Service alleging that an unfair immigration-related employment practice has occurred or is occurring may file a charge respecting such practice with the Special Counsel of the United States Immigration Board (hereinafter in this section referred to as the 'Board'). Charges shall be in writing under oath or affirmation and shall contain such information as the Board requires. The Special Counsel shall serve a notice of the charge (including the date, place, and circumstances of the alleged unfair immigration-related employment practice) on the employer involved within ten days.

"(2)(A) The Special Counsel shall investigate each charge received and, within 30 days of the date of the receipt of the charge, determine whether or not there is reasonable cause to believe that the charge is true and whether or not to bring a complaint with respect to the charge before the Board. The Special Counsel may, on his own initiative, conduct investigations respecting unfair immigration-related employment practices and, based on such an investigation and subject to subparagraph (C), file a complaint before the Board.

"(B) If the Special Counsel, after receiving such a charge, has not brought a complaint before the Board with respect to such charge within such 30-day period, the person making the charge may (subject to subparagraph (C)) file a complaint directly before the Board.

"(C) No complaint may be filed respecting any unfair immigration-related employment practice occurring more than six months prior to the filing of the charge with the Special Counsel and the service of a copy thereof upon the person or entity against whom such charge is made. This clause

shall not prevent the subsequent amending of a charge or complaint under paragraph (3)(A).

"(3)(A) Whenever a complaint is made that a person or entity has engaged in or is engaging in any such unfair immigration-related employment practice, the Board, through an immigration judge designated by the Board for such purposes, shall have power to issue and cause to be served upon such person or entity a copy of the complaint and a notice of hearing before the judge at a place therein fixed, not less than five days after the serving of the complaint. Any such complaint brought by the Special Counsel may be amended by the judge conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person or entity so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint.

"(B) Hearings on complaints under this section shall be considered before immigration judges who are specially designated by the United States Immigration Board as having special training respecting employment discrimination and, to the extent practicable, before such judges who only consider cases under this section.

"(C) Any person filing a charge with the Special Counsel respecting an unfair immigration-related employment practice shall be considered a full party to any complaint before the Board respecting such practice and any subsequent appeal respecting that complaint. In the discretion of the immigration judge conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony.

"(4)(A) The testimony taken by the immigration judge shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may provide for the taking of further testimony or hear argument.

"(B) The immigration judge shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

"(5) In conducting investigations and hearings under this section and in accordance with rules of the Board, the Special Counsel and immigration judges—

"(A) shall have reasonable access to examine evidence of any person being investigated; and

"(B) by subpena may compel the attendance of witnesses and the production of evidence at any designated place or hearing.

In case of contumacy or refusal to obey a subpena lawfully issued under this paragraph and upon application of the Board, an appropriate district court of the United States may issue an order requiring compliance with such subpena and any failure to obey such order may be punished by such court as a contempt thereof.

"(c)(1) If, upon the preponderance of the testimony taken, the Board shall be of the opinion that any person or entity named in the complaint has engaged in or is engaging in any such unfair immigration-related employment practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person or entity an order requiring such person or entity—

"(A) to cease and desist from such unfair immigration-related employment practice;

"(B) to retain for six months the name and address of each individual who applies, in person or in writing, for hiring for an existing position, or for recruiting or referring for a fee or other consideration, for employment in the United States;

"(C) if the practice was an intentional violation of subsection (c)(1)(A), to take such action as the Board deems appropriate, which may include hiring of employees, with or without back pay; and

"(D)(i) except as provided in clause (ii), to pay a civil penalty of not more than $2,000 for each individual discriminated against with respect to the first such violation and to pay a civil penalty of not more than $3,000 for each individual so discriminated against with respect to each subsequent violation; or

"(ii) in the case of a person or entity who has engaged or is engaging in a pattern or practice of such a violation, to pay a civil penalty of not more than $4,000 for each individual discriminated against.

"(2)(A) In providing a remedy under paragraph (1)(C), back pay liability shall not accrue from a date more than one year prior to the filing of a charge with the Board. Interim earnings or amounts earnable with reasonable diligence by the individual or individuals aggrieved against shall operate to reduce the back pay otherwise allowable under such a paragraph. No order of the Board shall require the hiring of an individual as an employee or the payment to him of any back pay, if the individual was refused employment for any reason other than discrimination on account of national origin or alienage or the effect of such an unfair immigration-related employment practice.

"(B) The second sentence of section 274A(d)(1)(A) shall apply to paragraph (1) in the same manner as it applies to the first sentence of such section.

"(3) If upon the preponderance of the testimony taken the Board shall not be of the opinion that the person or entity named in the complaint has engaged or is engaging in any such unfair immigration-related employment practice, then the Board shall state its findings of fact and shall issue an order dismissing the complaint.

"(4) In any complaint respecting an unfair immigration-related employment practice, the Board, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee.

"(d)(1) The provisions of subsections (d), (e), (f), (g), (i), and (j) of section 10 of the National Labor Relations Act (29 U.S.C. 160) shall apply to court petitions and review of orders under this section in the same manner as they apply to court petitions and orders under that section, except that the authority of the Board under this section shall be exercised through the Special Counsel to the Board.

"(2) If the court, in a proceeding referred to in paragraph (1), finds that an employer has intentionally engaged in or is intentionally engaging in an unfair immigration-related employment practice in a complaint before the Board, the court may enjoin the employer from engaging in such practice, and order such action (described in subsection (c)(1)(C), and subject to subsection (c)(2)(A)) as may be appropriate.

"(3) In any proceeding referred to in paragraph (1) respecting an unfair immigration-related employment practice, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of costs.

On page 114, after line 12, insert the following:

(iii) No order or injunction may be issued under section 274B of the Immigration and Nationality Act for actions occurring before the first day of the seventh month beginning after the date of the enactment of this Act.

(iv) The President shall first submit a nomination for Special Counsel to the United States Immigration Board not later than 60 days after the date of the enactment of this Act.

On page 114, line 20, strike out "tion 274A" and insert in lieu thereof "tions 274A and 274B".

On page 114, line 22, strike out "item" and insert in lieu thereof "items".

On page 114, before line 23, strike out the closing quotation marks and the period that follows them and insert after the item relating to section 274A the following:

"Sec. 274B. Unfair immigration-related employment practices.".

On page 126, after line 19, insert the following: The Board shall also exercise functions described in section 274B.

On page 129, after line 4, insert the following:

"(E) with respect to judges designated to hear such cases, complaints under section 274B,".

On page 129, line 6, strike out "(E)" and insert in lieu thereof "(F)".

On page 129, line 17, strike out all that follows the first period.

On page 129, after line 17, insert the following new subsection:

"(d)(1) The President shall appoint, by and with the advice and consent of the Senate, a Special Counsel to the Board, to serve for a term of four years. In the case of a vacancy in the office of the Special Counsel the President may designate the officer or employee who shall act as Special Counsel during such vacancy.

"(2) The Special Counsel shall be responsible, on behalf of the Board, for investigation of charges and issuance of complaints under section 274B and in respect of the prosecution of such complaints before the Board, and shall have such other duties respecting such section as the Board may prescribe.

"(3) The Special Counsel is entitled to receive compensation at the rate now or hereafter provided for grade GS-17 of the General Schedule, under section 5332 of title 5, United States Code.

"(4) The Special Counsel, in accordance with rules established by the Board, shall establish such regional offices as may be necessary to carry out his duties.".

Mr. HART. Mr. President, I am going to ask for a rollcall vote on this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HART. Mr. President, I have joined with my colleagues, the Senator from Michigan (Mr. LEVIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Mexico (Mr. BINGAMAN), in offering this

amendment, because the Senate has a solemn obligation to oppose any form of discrimination that might afflict minority groups and individuals in our society. For discrimination is a pernicious evil. It works against everything this country stands for. It tears away at the fundamental principle of equality of opportunity that underlies our Republic. It threatens to worm its way into our national conscience and sap our moral strength.

Over the past half century, our Nation has fought a long, sometimes difficult, often emotional battle against discrimination in its different forms. Although we must press on in our struggle, we can claim many victories over those who would discriminate against others solely because of their race, sex, or religion.

But our successes of the past will mean little in the future if we do not vigilantly guard against new forms of discrimination that may arise from time to time. For every law we enact, every policy we implement, every regulation we write, risks creating new and equally unacceptable forms of discrimination.

Mr. President, this is precisely the situation we face with the Immigration Reform and Control Act of 1983 (S. 529)—perhaps the most sweeping revision of our immigration laws in three decades. Laudable in its objective to regain control of our borders, as so many have said, this bill, if enacted, likely will cause increased employment discrimination against thousands of individuals—legalized aliens as well as native-born and naturalized Americans, particularly those of Hispanic and Asian descent.

It is not hard to imagine how employment discrimination could occur under this bill. The centerpiece of S. 529 is the provision that imposes sanctions upon employers who knowingly hire unauthorized aliens. Employers with more than three employees, under penalty of law, must verify the legal status of all persons they hire by examining a U.S. passport or other approved documentation. To avoid attracting Federal scrutiny of his or her compliance with these new hiring prohibitions and document verification requirements, an employer may seek to minimize the hiring of persons who "look foreign" but who are otherwise qualified and legally entitled to work.

In other words, an employer may refuse to hire a certain class of individuals—regardless of their immigration status—to avoid investigation by Federal officials and any subsequent litigation. He or she simply will decide to "play it safe" and not hire persons who look as if they might be unauthorized aliens.

Mr. President, virtually every Member of the Senate who has participated in recent debates on our immigration policy, at one time or another, has expressed concern that reforms could cause unintended employment discrimination. Yet, no one to date has proposed a solution to this problem that does not, either directly or indirectly, interfere with the objectives of the reforms in this bill. Our amendment seeks to do just that. And it would do so in as narrowly targeted a manner as possible—to eliminate undue burden on any of the affected parties.

Before I describe what our amendment does, let me first state clearly what it does not do.

It does not alter, or in any way touch, the employer sanctions provision in this bill.

It does not alter, or in any way touch, the document verification requirements in this bill.

It does not create any new agency or entity within the Federal Government.

Our amendment is very simple: It prohibits employment discrimination against those persons not otherwise protected by title VII, the equal employment opportunities portion of the Civil Rights Act of 1964. By an unfortunate coincidence, these are the persons most likely to suffer such discrimination because of employer sanctions. In particular, it prohibits all employers of between 4 and 14 employees, and employers whose 15 or more employees work fewer than 20 weeks during the year, when hiring, from discriminating on the basis of national origin. Similarly, it prohibits employers of more than three employees, when hiring, from discriminating on the basis of alien status, except if otherwise required by law.

To enforce this prohibition, the amendment expands the authority of the new Immigration Board, created under this bill, to hear and rule upon charges of immigration-related employment discrimination. It establishes an independent special counsel to investigate charges and bring cases of this new form of employment discrimination. It grants the Board cease-and-desist enforcement power along with the authority to impose finds and order payment of up to 1 year of back pay.

In addition, the amendment creates a private right of action—so that a person who believes herself or himself a victim of such discrimination can petition the Board or the Federal courts, if the special counsel declines to bring such a case. Moreover, it gives the special counsel authority to sue an employer in Federal court who engages in a pattern or practice or employment discrimination.

Under our amendment, there is no possibility of double, or conflicting, remedies, by its very terms, it provides relief only to persons who are precluded from seeking relief under title VII. Of course, a person who is the victim of employment discrimination for two reasons—say, alien status and sex—can still seek relief under title VII to the extent it applies.

Finally, the amendment requires an employer of more than three employees, after a first violation of these provisions, to keep for 6 months the name and address of each person applying for an available job opening.

What could possibly be objectionable about this amendment? Opponents undoubtedly will argue that employer sanctions will not cause this type of employment discrimination. But if they do, the opponents may say, this bill contains adequate safeguards to minimize it. But simply denying that discrimination will occur does not make it so. Moreover, although the bill requires a variety of reports to the Congress on the discriminatory effects of employer sanctions—reports by the Equal Employment Opportunity Commission (EEOC), by the General Accounting Office (GAO), and by the President—reports alone will not protect against immigration-related employment discrimination. For reports cannot assure that some future Congress less sensitive to this problem will enact a remedy. And in the meantime, thousands of persons may needlessly suffer from this new type of employment discrimination.

Opponents may also argue that title VII—of the Civil Rights Act of 1964 will remedy any employment discrimination caused by this bill. But title VII, and the EEOC which enforces it, cannot adequately protect against immigration-related employment discrimination for four reasons.

First, title VII does not prohibit employment discrimination based on a person's alien status, although it proscribes employment discrimination based on national origin. The two types of discrimination are similar. Indeed, both may occur at the same time.

But the difference between alienage discrimination and national origin discrimination is crucial in immigration-related cases. Currently, an employer legally can discriminate against a person on the assumption that he or she is an alien. Yet, this is the very type of employment discrimination likely to result from the employer sanctions and document verification provisions in this bill. Our amendment would specifically prohibit employment discrimination based on alienage, except where otherwise required by law.

Second, title VII applies only to employers who hire 15 or more employees in each of 20 or more weeks during the year. Consequently, it exempts the many small and seasonal employers who account for 70 percent of the employers in the United States. More seriously, it excludes 11 million employ-

ees from the protections of title VII. Yet, these are the employers most likely to discriminate—and the employees most likely to suffer discrimination—if we enact employer sanctions.

Third, the EEOC may not be able to process effectively—or efficiently—claims of immigration-related employment discrimination. It cannot adjudicate claims, impose penalties, or issue cease-and-desist enforcement orders. Rather, it must rely upon informal methods of conference, conciliation, and persuasion to eliminate unlawful employment discrimination.

In addition, the EEOC would take too long to process immigration-related claims. On the average, the EEOC requires 180 days to process the average employment discrimination claim. It simply cannot provide relief to a migrant worker applying for a seasonal job that may last no longer than a few months—or weeks. And, if the EEOC conciliation process fails, the courts will take even longer to decide a claim. The persons likely to suffer employment discrimination because of employer sanctions require a more expeditious adjudication of their claims. Our amendment would provide just that by authorizing an administrative board—the new U.S. Immigration Board—to hear and rule upon immigration-related employment discrimination claims.

Finally, the record shows that the EEOC has devoted much of its effort to minimizing employment discrimination based on classifications other than national origin. For example, in 1982, charges by Hispanics alleging employment discrimination based on national origin accounted for only 4.9 percent of all charges filed with the EEOC. Similarly, in 1982, the dollar value of settlements received by Hispanics through the EEOC's administrative processes represented only 1.2 percent of the value of all administrative settlements.

Moreover, of the 935 employment cases brought by the EEOC to Federal court between fiscal years 1980 and 1983, only 27 cases, or 2.9 percent, were brought on behalf of Hispanics alleging national origin discrimination. Of the 536 EEOC cases pending in Federal court at the beginning of April, approximately 44 percent alleged sex discrimination, 24 percent alleged race discrimination, and 20 percent alleged age discrimination. But only 2.4 percent alleged national origin discrimination against Hispanics.

Finally, even the Deputy General Counsel of the EEOC, in a May 5 letter to Commissioner Webb, admitted, "To summarize the administrative and litigation efforts on behalf of Hispanics by EEOC (with) the word 'dismal' makes matters sound better than they actually are."

These facts, and the Deputy General Counsel's own admission, argue persuasively for placing cases of immigration-related employment discrimination, not under a heavily burdened EEOC, but under a board—such as the new U.S. Immigration Board—already charged with adjudicating immigration-related cases and able to develop a special expertise in handling this unique type of discrimination. I ask unanimous consent that the letter of the Deputy General Counsel be inserted in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. Mr. President, I cannot imagine a more carefully targeted, balanced process for addressing immigration-related employment discrimination. It imposes a minimal burden on employers. Indeed, it exempts from its prohibitions employers of three or fewer employers. It does not require every employer to maintain data on job applicants, but only those once cited for immigration-related employment discrimination under this amendment.

A legal memorandum prepared by the American Law Division of the Congressional Research Service supports this conclusion. It states:

> The effectiveness of the civil remedies provided by title VII for the discrimination—that could result from the employer sanctions provisions—may be affected by certain limitations derived from both the statute itself and judicial construction of its terms * * * another practical consideration may be that the cost of pursuing a judicial remedy under title VII will make effective relief unavailable in many cases.

I ask unanimous consent that this memorandum appear at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HART. Moreover, this amendment precludes an aggrieved individual from seeking a parallel remedy under title VII on the same employment discrimination claim alleged under this amendment.

Mr. President, after years of struggle, we can now pride ourselves on some tangible successes in our efforts to eliminate the irrationality and pain of discrimination from our lives. We have achieved our successes, not with reports to the Congress, or by avoidance of the problem, but by confronting discrimination openly and resolutely. In enacting, S. 529, we open the door to a new form of discrimination. By adopting this amendment, we can shut it again.

I urge my fellow Senators to vote for this amendment.

EXHIBIT 1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
Washington, D.C., May 5, 1983.

Commissioner WILLIAM A. WEBB,
Equal Employment Opportunity Commission,
Washington, D.C.

DEAR COMMISSIONER WEBB: I have read your memorandum of April 25, 1983, wherein you express concern about the proposed Hispanic fact finding meetings scheduled by Commissioners Gallegos and Rodriguez for June, 1983. Even though my views were not solicited I am taking this opportunity to share with you information I have gathered while serving as Deputy General Counsel of EEOC. I believe the information will be enlightening in that it shows why not only fact finding meetings are necessary but gives historical perspective on the lack of any serious enforcement of the civil rights laws on behalf of Hispanics by EEOC.

Before I discuss the EEOC Hispanic effort, let me brief you through an overview of Hispanics in general. I believe this is relevant based on my observations that Hispanics, as a class, are not well known in the Eastern part of this country. Because of this Hispanic stereotypes prevail, even in our own agency.

There are 14.6 million Hispanics living in this country. 3.2 million Hispanics live in Puerto Rico. Hispanics comprise 6.5 percent of our mainland population. Two-thirds of all Hispanics live in California, New York, Texas and Florida, yet only one-third of the general population lives in these states. Mexican-Americans make up sixty percent of the Hispanic population, (90 percent of Mexican-Americans live in southern California, Texas, Arizona, New Mexico and Colorado), fourteen percent are Puerto Rican, six percent Cuban-American, eight percent are South or Central Americans and twelve percent classify themselves as "other Spanish."

American Hispanics have some unique characteristics due to the proximity of other Hispanic populations. For example, twenty-five percent of all Hispanics are foreign born, compared to five percent of the population in general. Many Hispanics are bilingual. Fourteen percent of Hispanics 21 years or older speak only Spanish, thirty percent consider Spanish their primary language. And an additional twenty-nine percent normally use Spanish.

Hispanics are a young population. Half of our population is under 24 years old and almost one-third are under 15 years old. This compares to a Caucasian population median of 31 years old. Estimates suggest that within the next 10 years Hispanics will comprise ten percent of all 15–19 year olds.

Because of our proficiency in Spanish and our cultural values being reinforced by immigrants approximately seventy percent of Hispanic children 5–14 years old have limited English proficiency. This is approximately 1.7 million children.

Although being bilingual is usually valued as a scholastic achievement Spanish-speaking children have not been given bilingual education. Not until 1974, when the United States Supreme Court ruled in *Lau* v. *Nichols* that bilingual education is a right did bilingual education became somewhat accepted. In the *Lau* case the U.S. Supreme Court ruled that students whose first language is not English are discriminated against if they are educated without regard to their language difficulties. But, even with this

case ruling and the 1968 Bilingual Education Act, Hispanic youth are still caught between two languages and diverse cultures. This is reflected in the fact that the school drop-out rate for Hispanics is almost three times that of the population in general. In 1978 42 percent of Mexican-American and 52 percent of mainland Puerto Ricans aged 20–24 were not high school graduates. This compares to an average population education level of 13 years.

As to the stereotype that we are a migrant population let me point out that over ninety percent of the Puerto Rican and Cuban population live in metropolitan areas. Eighty percent of Mexican-Americans live in Metropolitan areas with about half of this group inside central cities.

In the labor force, in general, Hispanics earn less per hour than any other group. In 1975 Caucasian males averaged $6.00 per hour, black $4.65 and Mexican-American males earned $4.30 per hour. Even though less was earned per hour Mexican-American males had a higher annual income than black males. At the same time Mexican-American women also earned the lowest median annual income of all gourps, $3,400.

The low educational level and the low wage earnings produce poverty conditions. Fifty-three percent of the households headed by Hispanic women are below the poverty level. Twelve percent of the households headed by Hispanic men live in poverty.

In 1980 almost one-third of Hispanic males were over-qualified for their jobs. At the same time 18.9 percent of Hispanic males were underpaid when compared to other males performing the same functions.

Since we are both federal employees you may be interested in the federal Hispanic workforce statistics. A study conducted by the Mexican-American Legal Defense and Education Fund (MALDEF) in 1981 illustrates the under utilization of Hispanics in the federal government. The employment study surveyed the twelve largest federal agencies.

The study found that:

1. Hispanics represent about 4.8 percent of the national labor force (blacks represent 10.1 percent);

2. Hispanics represent an average of 3.2 percent of the large agency workforce (this compares to 14.4 percent for blacks); [It is interesting to note that during the legislative debate of the 1964 Civil Rights Act, 1972 amendments, Mr. Hawkins, of the Committee on Education and Labor, submitted a report which stated that in 1970 Spanish-surnamed employees represented 2.9 percent of the federal employees and 15 percent were black.]

3. In only one agency is the Hispanic labor force equal to or greater than the national percentage, the Justice Department; but, 52 percent of the Hispanics in Justice are in the Immigration and Naturalization Service;

4. In seven agencies black employees are well in excess of their national labor force;

5. Hispanics are not even close to being represented in the upper GS levels commensurate with their percentage in the labor force.

The MALDEF findings restate the fact that even though equality in promotions should be stressed this cannot be in lieu of a valid hiring program. To benefit from a promotions program a class or group must be adequately represented in the workforce. This is why EEOC's federal sector guidance, reinforcing affirmative hiring practices, is so important.

Turning now to an agency we have some control over, EEOC, one finds that Hispanics have not fared much better here. My concern as Deputy General Counsel is to insure that all protected groups were receiving equal protection and EEOC resources. After a cursory review I found that no Hispanic has ever had any policy authority in the General Counsel's Office. This means there has been little Hispanic involvement in setting forth priorities or strategies. Without a mixture of individuals in decision making positions there is bound to be a failure to adequately assist all groups protected by Title VII. The result, in the General Counsel's Office, is a lack of any enforcement effort on behalf of Hispanics.

In 1982, 34,145 charges of discrimination were received by EEOC and 38,255 charges were received by state and local anti-discrimination agencies. EEOC benefitted 51,886 persons with approximately $101,194,000 in administrative settlements. Approximately 32 percent of all charges received by EEOC in 1982 were settled administratively.

In 1982 4.9 percent of all EEOC charges were from Hispanics alleging national origin discrimination. This represents 4,330 Hispanic charges. Using the EEOC administrative case settlement average of 32 percent we find that of the 4,330 discrimination charges received 1,443 would be settled administratively. The average settlement rate per case was $4,800. Therefore the Hispanic administrative settlements totaled, approximately, $1,212,120.80. This means EEOC administrative recoveries on behalf of Hispanics totaled 1.19 percent in 1982.

Of the total Hispanic charge number approximately 4 percent, 173 cases, will be reviewed by the legal units for litigation recommendation. The remaining 2,714 charges will either be dismissed or disposed of through other administrative methods.

Reviewing litigation during fiscal years 80, 81 and 82 one finds that of 935 cases placed in litigation 27 were national origin, Hispanic. This is 2.9 percent of the litigation over the three year period. As of April 6, 1983, the General Counsels Office had 536 cases in litigation. Of this total approximately 44 percent were sex discrimination complaints, 20 percent were age discrimination complaints, 24 percent were race discrimination complaints and 2.4 percent were national origin, Hispanic, complaints.

The General Counsels Office monetarily recovered $31,120,953 in 1982. If we assume that Hispanics recovered in proportion to their litigation representation, 2.4 percent. Hispanics recovered $746,903 or 2 percent of the General Counsels total monetary recoveries. Compare this with $20,149,840 that was recovered on behalf of victims of age discrimination.

To summarize the administrative and litigation efforts on behalf of Hispanics by EEOC the word "dismal" makes matters sound better than they actually are. If we total the monetary recoveries of both administrative and litigation, $132,314,953.00, Hispanics received $1,959,023 or 1.48 percent of EEOC's total monetary recoveries in 1982. One purpose of Title VII, 1964 Civil Rights Act, is to alleviate Hispanics are benefitting little in this area as you can see.

I believe that the above information validates the Commissions collective opinion that there is a problem. The task force has collected internal data which shows a historical neglect of this area. The fact that this Commission is willing to clean its own house speaks highly of this Commission's desire to serve all segments of society. It is clear that this problem is one that has existed, practically, from the EEOC's inception and we inherited the problem.

The task force, of which I am a member, has gathered enough statistics and facts to determine that a service problem does exist. The next step is to determine if the problem is internal, external or both. If the problem is that Hispanics won't file charge with EEOC based on past performance and/or treatment then we need a solution different than if the problem is strictly internal. The only way to determine the root of the problem is to ask Hispanics why they either don't file charges in proportion to other protected groups and/or if EEOC can do anything to be of service to the Community. The fact finding hearings are just one part of this process.

The cost of the hearings will be minimal when compared to the amount of money we spend on just one consultant contract. The Commission, by forming the task force, has committed to expenditures. I'm sure no one believed there was going to be a quick and cost free solution, especially for a commitment that Chairman Thomas has characterized as ". . . a study which we hope will get to the root of the [low number of national origin charges]. It is a top priority at the Commission."

I know you believe that by holding fact finding hearings we will receive some criticism from other groups. This is not necessarily true. Other groups have been and are well served by EEOC, including white males. The composite of an age discriminatee represented by EEOC is a white male, 55 years old, in middle management, earning over $32,000.00 per year. If you recall I have already pointed out that this group recovered over $20 million through EEOC litigation efforts in 1982 alone; compared to approximately, $746,903 for Hispanics.

Even though we did not create the situation that presently exists we can do something about it. To merely stand idle in the face of the facts as we know them is not why we were appointed to our respective positions. If we do as prior Commissions have and disregard the problem we will be violating our oaths of office not to mention our mission.

"Insuring equality of opportunity by vigorously enforcing federal legislation prohibiting discrimination in employment through investigation, conciliation, litigation, coordination, regulation in the federal sector, and through education, policy research and provision of technical assistance."

There is no better example of how we will implement our mission than to do so in conjunction with the Hispanic Task Force because each component of our mission will be utilized to solve our problem.

What I have imparted to you through this letter is but the surface view. If you wish to discuss more statistical data, socio-economic conditions, or fact finding methods I would welcome the opportunity. What the Commission does in this area will send a message not only to Hispanics but to all groups that the Commission is ready, willing and able to enforce the laws it is charged with regardless of the opposition or difficulty of the task.

Thank you for your concern in this area.

Respectfully.

MICHAEL N. MARTINEZ,
Deputy General Counsel.

EXHIBIT 2

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
May 12, 1983.

To: Honorable Gary Hart.
Attention: Keith Glaser.
From: American Law Division.

Subject: The Immigration Reform Bill (S. 529) and Existing Protections Against Discrimination Based on Alienage.

This is in reference to your inquiry and our recent conversations relative to the above. Specifically, the Immigration Reform bill, S. 529, presently awaiting floor consideration in the Senate, like a companion House measure (H.R. 1510), would make it unlawful to knowingly hire, recruit or refer for employment any undocumented alien, and would impose a system of civil and criminal penalties on employers or other persons who violate this restriction. It has been argued by some[1] that these employer sanctions may inadvertently foster discrimination against "foreign-looking" workers by employers seeking to minimize the risk of running afoul of this statutory prohibition. You ask us to consider this matter from the standpoint of existing civil rights laws, and the extent to which they may or may not be used to effectively deal with the problem.

The main federal sanction against employment discrimination is Title VII of the 1964 Civil Rights Act which prohibits discrimination by employers, employment agencies and labor organizations on the basis of race, color, religion, sex, or national origin.[2] Title VII prohibits all forms of discrimination in the employment and preemployment relationship, including hiring, discharge, compensation, promotion, classification, training, apprenticeship, referrals for employment, union membership, and all other "terms, conditions, (and) privileges of employment."[3] Relief authorized by the statute includes court ordered injunctive relief and "affirmative action" which may include, but is not limited to, hiring or reinstatement of employees, with or without backpay, and "any other equitable relief as the court deems appropriate."[4]

The effectiveness of the civil remedies provided by Title VII for the discrimination envisioned by your inquiry may be affected by certain limitations derived from both the statute itself and judicial construction of its terms. Thus, for example, Title VII applies only to employers of 15 or more employees who are employed for 20 weeks or more per year.[5] Those applicants who suffer discrimination but who apply for jobs with employers of fewer than 15 workers or who employ only seasonal employees, are excluded from Title VII coverage. Another practical consideration may be that the cost of pursuing a judicial remedy under Title VII will make effective relief unavailable in many cases. Recent cutbacks in the budget of the Legal Services Corporation, coupled with congressional restrictions on the representation of aliens,[6] may be additional obstacles to effective relief.

Another potential limitation on the effectiveness of a Title VII remedy in the present context may be the Supreme Court ruling in *Espinoza* v. *Farah Manufacturing Co., Inc.*[7] Although Title VII renders national origin an unlawful basis of discrimination, the *Farah* Court refused "to interpret the term 'national origin' to embrace citizenship requirements," and declined to find congressional intent to make discrimination against aliens in private employment unlawful. In a suit against an employer for failure to hire a Mexican citizen solely because of her alien status, the Court unqualifiedly held that employment discrimination based on noncitizenship is not covered by Title VII.

The Court looked to the plain language of the statute for support of its holding. It noted that the term "national origin" on its face refers to the country where a person was born, or more broadly, the country from which his or her ancestor's came. It does not refer to citizenship. Moreover, the Court found it significant that various presidential executive orders, as well as section 701(b) of Title VII, have made it unlawful for the federal government as an employer to discriminate on the basis of national origin, and yet the federal government has for many years denied aliens the right to enter competitive examinations for federal employment. This practice was followed out of the belief that this did not constitute national origin discrimination. The Court found this belief reasonable and supported by the legislative history of section 701(b) of Title VII. That history revealed no mention of any intent on Congress' part to reverse the longstanding practice of requiring federal employees to be U.S. Citizens by expressly prohibiting in Title VII national origin discrimination in federal hiring practices.

While it is clear from *Espinoza* that the mere imposition of a citizenship requirement for employment, without more, is not a violation of Title VII, it is equally clear from the opinion that Title VII prohibits an employer from using the citizenship requirement as a pretext for national origin discrimination. In order to prove that citizenship requirements are a pretext for national origin discrimination, a prospective alien job applicant would have to show, by means of statistical evidence or otherwise, that his rejection by a prospective employer on the grounds of alien status had in fact the effect or purpose of discrimination on the basis of national origin.[8] In *Espinoza* the plaintiff could not meet this burden by means of statistics because the evidence showed that 96 percent of the employees of the employer's plant were of the same national origin as the plaintiff.

This pretext analysis may have some application to the type of discrimination envisaged under the Immigration Reform Bill. That is, if it could be demonstrated that an employer's refusal to hire aliens is in fact motivated by a desire to exclude only persons of a particular ethnic group or groups, such as Hispanics, or has that effect because of the demographics of the community from which the employer actually draws applicants, there may be a basis for a Title VII action. In other instances, however, where a citizenship requirement operates to exclude all alien groups evenly, regardless of ethinic character, there would appear to be no Title VII violation because discrimination against alien *qua* aliens is not prohibited by Title VII under *Espinoza*. At the very least, it appears that a person adversely affected by discrimination of this nature would have a substantial burden for demonstrating a nexus between alienage and national origin to prevail in a Title VII action. Generally the same conclusion would seem to pertain under Executive Order 11246 which applies to contractors with the federal government and is the other major federal sanction against national origin discrimination in employment.

It is hoped that this will be of assistance to you.

CHARLES V. DALE,
Legislative Attorney.

[1] See, e.g., ACLU memorandum to the House Judiciary Committee, May 16, 1983.
[2] 42 U.S.C. 2000e *et seq.*
[3] 42 U.S.C. 2000e-2.
[4] 42 U.S.C. 2000e-5(g).
[5] 42 U.S.C. 2000e(b).
[6] P.L. 97-377 (continuing resolution) reprinted at 128 Cong. Rec. H10565 (daily ed. 12/20/82).
[7] 414 U.S. 86 (1973).
[8] Guidelines of the Equal Employment Opportunity Commission, as revised to conform to the Court's decision in *Espinoza*, now state: "In those circumstances, where citizenship requirements have the purpose or effect of discriminating against an individual on the basis of national origin, they are prohibited by Title VII." 29 CFR 1606.5(a).

Mr. HART. I yield to the Senator from Michigan for any remarks he may wish to make.

Mr. LEVIN. I thank my friend from Colorado. I commend him on his leadership in a very critical area.

Mr. President, I have supported employer sanctions because I have been persuaded that such provisions are the only way we can begin controlling illegal immigration. I am prepared to make that leap of faith because the goal is so important and no alternative method has been devised.

However, I believe the present bill has a major failing because it does not deal directly with the employment discrimination that could result from the passage of this bill. Such discrimination could harm not only those undocumented workers who will be legalized by this statute, but also the millions of native-born and naturalized Americans and current resident aliens who resemble such workers. These would primarily be Hispanic and Asian Americans.

I cannot tell you how many cases of discrimination will arise if S. 529 becomes law. But I assume that when the Congress passes this complicated, 100-page statute that requires modification in the employment practices of all employers in the United States and puts millions of citizens and aliens in a suspect class of potential violators, we have an obligation to protect against any new form of discrimination that could occur because of the new statute.

The Judiciary Committee believed that they had the problem solved, but unfortunately this is not true. The report of S. 529 states:

> The Committee believes that any such discrimination in hiring is a violation of Title VII of the Civil Rights Act of 1964.

Unfortunately, this is not true for several reasons:

Title VII does not cover discrimination by employers who hire less than 15 workers; and

Title VII does not cover discrimination for those hired for less than 20 weeks, thereby eliminating most agricultural workers.

The amendment we are proposing would fill this void to assure that any new causes of employment discrimination would not go unpunished, and that we could deter such discrimination against primarily, against, our citizens, American citizens, who happen to look like that class of undocumented workers.

We drafted our amendment to eliminate any overlap with the provisions of title VII to assure that an employer would be charged before the EEOC and then charged against another tribunal for the same alleged act of employment discrimination.

This amendment specifically exempts from the definition of an unfair immigration-related employment practice discrimination because of national origin,

If the discrimination with respect to that person and that individual is covered under section 703 of the Civil Rights Act of 1964.

Our amendment, therefore, does not interfer with the current jurisdiction of the EEOC, nor does it establish a system under which an employer could be accused in two separate arenas for one alleged case of discrimination.

This amendment establishes a special counsel within the Immigration Board to investigate cases of alleged immigration-related discrimination. We have, therefore, avoided establishing any new apparatus with the Federal Government.

We have been asked why the Immigration Board should be burdened with this additional responsibility. I believe the answer is simple: if the Federal Government does not accept this burden, then it will fall on those who will be discrimination against because of this legislation and who, without this amendment, will have no recourse.

Those, again, will be American citizens frequently, both native born and naturalized, and those resident aliens that have been legally admitted to the United States, but who happen, because of their national origin, to resemble those undocumented workers that this legislation is intented to exclude from employment.

By passing this immigration bill with its employer-sanctions provision, we are creating a likelihood that a whole new class of discrimination will emerge. Even if only 1 percent of Hispanics experience immigration-related discrimination, that would be more than 146,000 cases. If only one-half face discrimination, that number is still 70,000, 70,000 people who may not get a job they would otherwise have gotten but for this legislation are considering today and tomorrow.

I might add that by directing the application of this amendment to those employers who are not covered by title VII, we will focus on the very areas of employment where Hispanics are frequently working: employers of less than 15 workers and jobs for less than 20 weeks.

In the last week, we have listened to the advice and criticism of many of our colleagues and I believe that the amendment before the Senate now meets all the constructive criticisms brought to our attention.

I hope the manager of the bill and the chairman of the subcommittee will be able to find some merit in this amendment so that we can find a way to protect American citizens and aliens who are legally admitted to the United States with the full protection of the law against discrimination which is likely to arise from a bill which requires employers, in effect, to discriminate against illegal aliens.

I thank the Chair.

● Mr. BENTSEN. Mr. President, the Nation has a problem which needs redress. An unending stream of illegal immigrants is crossing our borders. These people—many of whom live in Texas—affect our economy, our society, and our culture. No one can reasonably argue that it is not proper and, indeed, of paramount responsibility for the United States to decide who should come here and who shall not. I agree with Senator SIMPSON that it is the first duty of a sovereign nation to control its borders, and I commend him for his tireless labors which have enabled us to reach the crossroads where we are finally ready to accept the responsibility.

I wholeheartedly support S. 529, the Immigration Reform and Control Act. I hope that we will finally vote on and pass this measure, and that the House will do the same.

The key to this bill is employer sanctions. Nothing else is going to work. As long as our employers are able to hire illegal aliens, illegal immigration is going to continue. Anyone who believes otherwise is deluding himself.

I say that not unmindful of the criticism many people have of employer sanctions. Some employers in Texas have told me that they should not be held responsible for enforcing the country's immigration policies. They have told me that the paperwork the bill requires are onerous, and they have said, frankly, that they do not want to be responsible to Immigration and Naturalization Service agents. Having lived most of my life along the border, I have answered, as I tell you now, we have no choice, unless we are willing to increase direct enforcement to levels which would disrupt the social fabric of lives. I reject that, as I believe most Americans do.

Other constituents, particularly prospective employees of Hispanic descent, have also told me that they fear employer sanctions. They believe that sanctions will create a new form of discrimination in the workplace by making employers reluctant to hire foreign-looking American citizens or legal aliens. They tell me that they believe employers may prefer to hire only Anglo-Americans, if by doing so, they could avoid the scrutiny of the INS.

I do not believe that this is likely to occur. Senator SIMPSON has wisely written into this bill a requirement that all employees produce valid identification documenting their right to work here. The bill also requires employers to keep records, which will protect both the employer against the use of fraudulent documents as well as employees against discrimination.

Still, there is a chance that discrimination will occur. It is for that reason that the bill requires the General Accounting Office to study the problem and to issue reports to Congress. But reports from the GAO and from the executive branch as well will not suffice. It is for that reason that I voted for Senator KENNEDY'S amendment, which would have required Congress, after 5 years, to act upon any conclusion by the Comptroller General that a pattern of discrimination had in fact resulted. I am sorry the amendment did not pass.

I want now to join Senators HART and LEVIN and support their amendment to create a unit within the newly created U.S. Immigration Board to combat any discrimination which may occur. Appointed by the President, a special counsel, responsible to the Board could investigate charges of employment discrimination arising as a result of employer sanctions. The Board would be empowered to issue cease and desist orders, reinstate employees, as well as impose civil penalties. This amendment is necessary because of a gap in our laws on discrimination. Title VII of the Civil Rights Act unfortunately does not address the employment discrimination which could result from this bill. Because it exempts employers who hire fewer than 15 employees and because it also exempts seasonal workers, title VII will not protect Hispanic Americans. Moreover, the Equal Employment Opportunity Commission, created to enforce title VII, does not have the power to issue cease and desist orders or impose penalties, which in the last analysis make enforcement effective.

Although I do not believe employment discrimination will result from our effort to regain control of the borders, I am willing to take action now to provide a remedy if it does. I hope my colleagues will join me by not only supporting this amendment but also by voting for the bill.●

Mr. HART. I yield to the Senator from New Mexico (Mr. BINGAMAN).

Mr. BINGAMAN. Mr. President, I am pleased to be a cosponsor of this amendment with my distinguished colleagues, and I wish to commend Sena-

tors HART, LEVIN, and KENNEDY for their efforts to address the very real fears about the discrimination which is likely to result from the employer sanctions provisions of this bill. Citizens who do not "look American" fear that they will be subjected to indignities in the process of applying for work, and ultimately not hired because of the desire of a potential employer to avoid the risk of sanctions.

I am sure my colleagues are in agreement that we are opposed to discrimination and that we do not want more to occur as a result of this legislation. As reported by the Judiciary Committee, S. 529 acknowledges the potential problems of discrimination by providing for reports by the General Accounting Office every 5 years on whether a pattern or practice of discrimination has developed in the implementation of employer sanctions. The Judiciary Committees of both the House and Senate are required to hold hearings and to act on any GAO recommendations in this area.

Mr. President, these protections are simply not enough.

Having recognized the possibility of discrimination, I believe we have an obligation to these Americans to take action now to minimize that possibility and to provide a reasonable process for redress of grievances that will surely arise.

Under current law, title VII of the Civil Rights Act of 1964 covers only employers who hire 15 or more employees for 20 or more weeks of the year. This effectively exempts up to 70 percent of the employers in the country. Nor does it cover discrimination on the basis of alien status. The Equal Employment Opportunity Commission currently does not have authority to adjudicate discrimination claims, impose penalties, or issue cease-and-desist employment orders; nor does it have the resources or expertise to investigate and effectively prosecute the charges of employment discrimination likely to result from this bill. A review of EEOC cases demonstrates that this is an area where the agency has been less effective.

This amendment would provide significant additional protections against discrimination on the basis of national origin or alien status. The amendment would:

Prohibit employers of more than three employees from discriminating on the basis of national origin or alien status, except as already provided under title VII of the Civil Rights Act of 1964;

Expand the responsibilities of the Immigration Board so that it can rule upon charges of immigration-related employment discrimination;

Give the Board cease-and-desist enforcement power along with authority to initiate immigration-related discrimination cases;

Authorize the Immigration Board to enjoin an employer from immigration-related discrimination, or to fine the employer $2,000 for the first offense and $3,000 for each subsequent offense;

Create a private right of action enabling an individual who believes himself or herself to be a victim of immigration; and

Require employers who have once been cited for a violation of this section—with more than three employees—to keep for 6 months the name, address, and any application form of a person applying for an available job opening.

I will be frank, Mr. President. This amendment does not cure, in my view, the problem of discrimination under employer sanctions. Nor does it satisfy me that we must fight the difficult problem of illegal immigration by burdening employers and aggravating discrimination problems by making them responsible for enforcement of this law. I have the most serious reservations about the workability of employer sanctions and their unintended impacts.

Mr. HART. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, this amendment, which effectively creates a new private right of action based upon employment discrimination, would simply add an impossibly heavy burden to the work of the new Immigration Board, regardless of the phrase here of "Special Counsel."

The Board was not designed for this type of litigation. The bill would be heavily burdened if this were to be included. The U.S. Immigration Board is an appellate board to hear the appeals from decisions of immigration judges. A new bureaucracy would have to be created within that Board to handle the type of suit contemplated by this amendment.

Here is the issue: Employment discrimination does exist in this country today. Blacks, women, Hispanics, and others have suffered and continue to suffer employment discrimination. This bill, however, is not an appropriate vehicle to address presently existing employment discrimination—wretched as it is and recognized as such by everyone in this Chamber.

Also, the provisions of this bill will, in my opinion, reduce the likelihood of employment discrimination, not in any sense increase it.

Sponsors of this amendment suggest that an employer may refuse to hire "foreign-looking" people, simply to avoid investigation by the INS and the potential threat of litigation.

This bill, however, provides for an affirmative defense for employers who follow the minimal verification requirements. This will make it even less likely that a well-meaning employer will refuse to hire those who "look foreign." Such an employer is fully protected under this bill.

I think an important factor which is lost in this debate is that employers want to employ the best workers for various reasons, so they select those who are willing to work the hardest, are willing to accept jobs others may shun, are willing to work longer hours, and many other reasons. Members of many minority groups are the workers then most attractive to employers.

We provide here a secure means for employers to hire all workers without fear of unintentionally violating the employer sanctions. There, indeed, may be some employers who will refuse employment on the basis of race or national origin, but those employers were already engaged in that nasty mission long before this bill and before the enactment of any legislation like it.

This legislation cannot be expected to cure that kind of discrimination. We certainly want to lessen it. That is why, since I started this issue, I have worked with every Hispanic group in America from the beginning, every single day of every week, at every hearing. An invitation always went out to them. We have a Civil Rights Act, we have the Equal Employment Opportunity Commission, and other agencies more appropriate for these purposes. We have the wage and hour laws. We have all those things.

Nothing has ever worked, admittedly. But if those laws and agencies do not provide sufficient protection from discrimination of U.S. workers, it is those laws which should be changed. Do not place it upon an immigration control measure, the sole function of which is to control our borders and do it in a way which is, hopefully, not discriminatory. Instead, retool the legislation that has been on the books for 15 or 20 years that is sterile and feckless—if it is, and I think it is.

Finally, the whole issue of discrimination will be monitored most carefully through the reporting requirements of this bill. Here is what it is: The President and the General Accounting Office are required to report regularly to Congress on employment discrimination; the Judiciary and the Labor Committees of both Houses of Congress, please understand, are required to hold hearings annually on these reports and make appropriate recommendations to Congress.

Congress will be immediately alerted and this Congress will respond. I will respond; the Senator from Massachusetts, who is ranking member, will respond. Congress will be immediately alerted through those procedures to any possible effect of employer sanctions on discrimination, positive or negative.

Also, the bill authorizes additional funding for EEOC activities, as well as wage and hour law enforcement. If you look at the amendment carefully, Mr. President, although it purports to address "immigration-related discrimination," it actually pertains to employment discrimination based upon national origin or alienage and goes back to those other agencies and laws that are not being effectively administered and should be.

As I indicated, Mr. President, I believe the bill, without this amendment, will reduce rather than increase the likelihood of employment discrimination. It is a heavy burden upon this bill if it were to be included here. It is not appropriately addressed to what we have already included in so many ways to meet the concerns and the very real anxiety of minorities in the United States.

Mr. KENNEDY. Mr. President, I yield myself the time remaining on the amendment and maybe 4 minutes on the bill.

First, I think all of us who have served on the Immigration Subcommittee and on the Judiciary Committee have to salute the Senator from Wyoming for his really extraordinary efforts to insure, to the best of his ability, that there would be no provisions in the immigration bill that could be used in a discriminatory way.

He has been tireless, as he mentioned himself, in talking to various groups which were very much concerned about the new provisions in the bill. I am convinced that in his own mind and in the minds of many of those who support this legislation, they believe that these provisions on employer sanctions will not be used in a discriminatory manner. Certainly, we have made extraordinary progress in this Nation to try to root out the causes of discrimination. The Senator is quite right in listing some of the efforts that have been made by this body and by various groups to root out the problems of employment discrimination.

But, Mr. President, I, too, have followed immigration legislation over a long period of time. The tragic history has been that where there are provisions that can be used in a discriminatory way, they have been used in a discriminatory way in far too many instances. This body went on record only a few days ago in refusing to accept an amendment which other Senators and I had sponsored. I believe all the principal sponsors—Senator HART and Senator LEVIN, who are principal sponsors in this amendment—supported our amendment as well, believing that if we were going to find a GAO report that found strong patterns of discrimination, the Senate still, after 5 years, was not willing to require the Senate of the United States to take a vote whether that particular provision ought to remain on the statute books or ought to be sunsetted. That is, to me, quite an extraordianry position for this body to have taken, but it did.

Now comes the amendment of the Senator from Colorado and the Senator from Michigan to provide at least an individual's private right of action if they believe they have been discriminated against on the basis of national origin or race. Now we hear those who are opposed to this say, look, we cannot have this kind of amendment because it is going to tie up the Board; the Board will be too busy. Well, the Board will not be busy if there is not going to be discrimination. If there is going to be discrimination, there ought to be at least some way, some means, some vehicle by which that can be addressed.

You cannot have it both ways. You cannot say you are just going to increase authorization—this is not appropriation; this is increasing authorization for EEOC and other branches of the Government that are going to try to address discrimination—then say, on the other hand, they will do it. We cannot say we do not believe this provision is going to be used in a discriminatory way and on the other hand, say, if we accept this amendment, the Board is going to be weighted down with case after case of these complaints. Either there will be or there will not be discrimination under this bill. If there will not be, there is no reason not to accept the amendment. If there will be, this is our last best chance on this particular vehicle to address this issue.

Second, the po'nt is made by the Senator from Wyoming, why address it on this particular legislation? Simple. This is the legislation that is establishing employer sanctions; therefore, we believe that it is only appropriate, those of us who are concerned that they may be used in a discriminatory way, but that it is essential that we provide some vehicle, some simple vehicle, to try to address cases of discrimination.

Mr. President, the provisions have been clearly outlined by the Senator from Colorado and the Senator from Michigan. The amendment creates a private right of action enabling a person who believes he has been discriminated against to seek relief, either with the courts or to ask the Board to also hear and rule on discrimination cases. It also does something which title VII of the Civil Rights Act of 1964 did not do. That is, it lowers the number of employees from seven to a number of three. It has a deeper reach. I believe that that is important and is special.

So, Mr. President, for these reasons and the very well-stated reasons of the Senator from Colorado and the Senator from Michigan, I welcome the opportunity to be a cosponsor. I believe that this amendment should be adopted.

I withhold the remainder of my time.

Mr. LEVIN. Mr. President, I am wondering if the Senator will yield 3 minutes off the bill?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. LEVIN. Mr. President, may I address a question to my friend from Wyoming. I know of no Senator with a better heart, who is more decent than our friend from Wyoming. He obviously does not want to support or have his name on a bill which creates discrimination, but I am afraid the problem is this: Under all antidiscrimination laws that we now have, we have prohibitions against discrimination. We say you may not discriminate in employment because of race or you many not discriminate in employment because of creed or national origin or whatever. In this bill for the first time we are saying to employers, "You must discriminate as a group." We have never done that in this country before. We are saying, "You must discriminate against undocumented workers; employers because of the sanctions in this bill must discriminate or be penalized." I say to my friend from Wyoming that is what creates the problem, because we are not dealing with employers who are bad-hearted, who are evil, who are feckless, as the Senator particularly phrased it. We are dealing with employers who just do not want to go to the trouble. We will be dealing with employers who, when faced with a group of people or individuals who look like that class of undocumented workers who most frequently are present in their part of the country, will say, "I don't want to go to the trouble, I am not going to deal with this person because otherwise I might get in trouble."

That is something new in our law. That is what is novel about this approach. We are telling employers, "You must discriminate" against people for the first time and others who look similar to those people are going to pay a terrible price.

I should like to ask my friend from Wyoming a question before my 3 minutes run out. Would discrimination against an American citizen or a legally admitted alien violate title VII if the reason for the refusal to hire was that the person looked like a class of persons who are most frequently illegal aliens and the employer did not want to go through the paperwork or the hassle of being reviewed by the INS for hiring illegal aliens?

Mr. SIMPSON. Mr. President, indeed, under the section of the United States Code that the Senator expressed it would be discrimination, as the Senator defined it.

Mr. HART. Mr. President, will the Senator yield for one more question on the same time?

Mr. SIMPSON. Yes.

Mr. HART. The distinguished floor manager of the bill takes the view that title VII covers this particular kind of discrimination?

Mr. SIMPSON. That is my view, that there are many existing laws on the books of the United States that cover discrimination and we find a sad tale of failing to always enforce that for reasons known and unknown. That is exactly what I am saying.

Mr. HART. I appreciate the view of the chairman. It is the understanding of the author of this amendment that it has been well established that title VII does not cover discrimination based on alien status, and it is exactly that loophole that this amendment is offered to close.

Mr. SIMPSON. The title that the Senator from Michigan refers to is the title that refers to national origin discrimination.

Mr. HART. And it is the view of the Senator that that is the same as alien status, national origin?

Mr. SIMPSON. I am saying that we are dealing here with the issue in this bill of illegal, undocumented workers. They are not all Hispanic; 45 percent of them come from Mexico; 25 percent come from Central America. Some come from Asia. There are such things as white, blond, blue-eyed, illegal, undocumented aliens. They come from Canada. That is the issue. The further issue is—and I know of the sensitivity of the Senator from Colorado because I worked together with him on a committee and I know of the sensitivity of the Senator from Michigan, but let me tell the Senator what we have put in this bill solely at the request of minorities and Hispanics in the United States in its beginning.

We have a very careful provision in there that I hope will remain. It was put there solely to allay the concerns of the Hispanic community. That is if the employer does not ask for the verification, he is fined $500. Hear that one carefully. In other words, if the employer does not inquire as to the documents being presented, that is a $500 fine, which means then that he has to ask the person standing in front of him who "looks foreign" and he has to ask some bald, white guy like SIMPSON the same question. If he does not, that is a $500 fine. That was put there for one reason, to allay the fears of the Hispanic community.

Then we put in that the President would report every 18 months on any employment discrimination. Then we put in GAO reports annually to the Judiciary and Labor Committees of both houses. And Senators know that they will act. Then we put in the Judiciary and Labor Committees must hold hearings on employment discrimination reports and make recommendations to the Congress each year, and we increased the funds for the Equal Employment Opportunity Commission, asked for reports from the Civil Service Commission, and asked increased enforcement of our wage and hour laws. That is in there.

Mr. HART. If the Senator will yield, the Supreme Court has said that there is a difference between national origin and alien status for the purpose of coverage of title VII of the discrimination laws, and that is a very important distinction and the basis for this amendment. That is a decision rendered in 1973. Just covering national origin does not also, according to the Supreme Court, cover alien status. It is that difference that this amendment addresses. Second, the question of reports from some Government agency to the Congress is not adequate to root out discrimination in our society. We know it happens. Let us address it on the appropriate vehicle, which is this bill.

Mr. SIMPSON. Mr. President, I think it would be worthwhile to review the bidding. Under presently existing Supreme Court rulings, one is entitled to refuse to hire a noncitizen if the employer is a private citizen. That is the law of the United States of America. We are talking about noncitizens of the United States. That is who we are referring to. The Senator is speaking of alienage, whether or not the applicant is a citizen. The laws of the United States were set up to provide protection for the citizens of the United States. That is one of the grievous parts of this entire issue. These people are not citizens of the United States. That is why the United States is seeking to control its borders. That is the essence of the bill. So we provide these various elements to assure that we try to do that in a way which is not discriminatory. It is there.

Mr. LEVIN. If I may ask the Senator to yield, the persons we seek to protect in our amendment are citizens of the United States or legally admitted aliens of the United States who may be discriminated against because of the requirement of this bill that employers discriminate against illegal aliens. Those are the people that we are now trying to protect. We have never done this in this country. I remind my friend from Wyoming that we have never told an employer in this country "you must discriminate against somebody." For the first time, in this bill we are. I do not think there is any alternative except to tell employers that they must not hire illegal aliens. But there is a terrible spinoff for American citizens or legally admitted aliens who might look like the illegal aliens to whom we do not any longer care to offer employment, and it is those American citizens and those legally admitted aliens for whom we are seeking to provide protection.

We cannot point to the EEOC because they do not cover seasonal workers. The EEOC does not cover seasonal workers, 20 weeks or less. They do not cover a small employer.

So we are creating a problem for American citizens and legally admitted aliens that has never existed before, that is not protected by the EEOC.

That is why we are pleading with the Senator from Wyoming to express the sensitivity which is part of him toward human problems. But we will have to find a way to solve the new problem never before created for an American citizen which results from a requirement of discrimination against a non-U.S. citizen.

Mr. SIMPSON. Mr. President, one further remark.

I think it is a little unfortunate to refer to the fact that the legislation urges the act of discrimination. That is not so. That is not part of this measure. That cannot be so.

Mr. LEVIN. I think it is clear that what I am intending here is that we are forcing employers to refuse to hire. That is the use of the word "discrimination." I am not suggesting that my friend is discriminatory. He obviously is not. A better-hearted person I do not know.

Mr. SIMPSON. How could I be discriminatory if I still pull for the Detroit Tigers? [Laughter.]

Mr. GLENN. Mr. President, I want to take this opportunity to express my support for the Levin-Hart-Kennedy amendment which attempts to deal in a reasonable way with the genuine concerns of many about the untested enforcement of the employer sanctions established in this bill. I do not believe that employer sanctions are in principle discriminatory; however, in enacting them into law, we assume a great responsibility to insure that they do not in practice result in discrimination based on national origin or alien status. That responsibility is not adequately met by the bill's present provisions providing for periodic reports to the Congress. The amendment we are now considering quite simply makes illegal employment discrimination based on national origin or alien status. Further, it makes available basic civil rights protections and due process safeguards for any who suffer such discrimination. This amendment has enforcement "teeth" in that it gives to the newly created Immigration Board the authority to investigate, hear, and rule on charges of immigration-related employment discrimination. In this bill, we are shifting a significant measure of the burden for determining a potential employee's legal status and eligibility to work to employers who have little knowledge of or experience with the

intricacies of immigration law. While this amendment does not directly deal with this shift of burden, it does balance employer sanctions with civil rights protections and enforcement. I commend the sponsors for their efforts to make this needed improvement in the bill and urge my colleagues to support it.

Mr. THURMOND. Mr. President, the amendment offered by the distinguished Senators loads the bill down with multiple responses to the fear that effective employer sanctions for hiring illegal aliens will cause employers to play it safe by discriminating against "foreign-looking" jobseekers rather than verify the bona fides of the applicant. As described in a "dear colleague letter" on the subject, the amendment would:

Prohibit employers of more than three employees from discriminating on the basis of national origin or alien status.

Require such employers to keep for six months the name, address, and application form of a person applying for a job.

Create a private civil remedy permitting an aggrieved job applicant to sue an employer for immigration-related discrimination in either the Federal courts or before the Immigration Board.

Expand the power of the Immigration Board to hear and rule on charges of employment discrimination.

Give the Immigration Board cease-and-desist enforcement powers against employers.

Provide authority through an independent general counsel to investigate and bring cases of immigration-related employment discrimination.

Provide fines against employers of $2,000 for a first offense and $3,000 for each subsequent offense for immigration-related employment discrimination.

Mr. President, this amendment, taken as a whole, seems to me to be a substantial overreaction to a fear that may or may not materialize to any real degree. It is legislation by fear. Rather than assume the worst—the basic premise of this amendment—the bill, as reported, recognizes a potential for some discrimination and provides for extensive reports on, and study of, the operation of employer sanctions during the early years of the program to permit Congress to review and, if necessary, react in a balanced fashion to real problems rather than imagined fears. In my judgment, an employer who needs workers has no reason to discriminate against "foreign-looking" workers if there is a reliable system to verify an applicant's eligibility to work. This bill provides for implementation of such a system and, indeed, requires an employer of four or more persons to comply with the verification procedures.

Mr. President, I hope the Senate will reject this amendment and prevent the addition of significant burdens to the system before there has been an opportunity to evaluate the true impact of the employer sanctions procedures.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order that I send an amendment to the desk and have it the pending amendment after the disposition of this amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. STENNIS. Mr. President, reserving the right to object.

I have no objection.

Mr. KENNEDY. I withhold it.

The PRESIDING OFFICER. The Senator withholds his unanimous-consent request.

SEVERAL SENATORS. Vote. Vote.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Missouri (Mr. DANFORTH), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mrs. KASSEBAUM) and the Senator from California (Mr. WILSON) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Arizona (Mr. DECONCINI), the Senator from Kentucky (Mr. FORD), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL), would vote "yea."

The PRESIDING OFFICER (Mr. RUDMAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 29, nays 59, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—29

Armstrong	Glenn	Melcher
Bentsen	Hart	Metzenbaum
Biden	Hatch	Moynihan
Bingaman	Inouye	Packwood
Boren	Johnston	Riegle
Boschwitz	Kennedy	Sarbanes
Bradley	Lautenberg	Specter
Cranston	Leahy	Tower
Durenberger	Levin	Weicker
Exon	Matsunaga	

NAYS—59

Abdnor	Dole	Huddleston
Andrews	Eagleton	Humphrey
Baucus	East	Jackson
Burdick	Garn	Jepsen
Byrd	Gorton	Kasten
Chiles	Grassley	Laxalt
Cochran	Hatfield	Long
Cohen	Hawkins	Lugar
D'Amato	Hecht	Mathias
Denton	Heflin	Mattingly
Dixon	Heinz	McClure
Dodd	Helms	Mitchell
Murkowski	Randolph	Symms
Nickles	Roth	Thurmond
Nunn	Rudman	Trible
Percy	Sasser	Tsongas
Pressler	Simpson	Wallop
Proxmire	Stafford	Warner
Pryor	Stennis	Zorinsky
Quayle	Stevens	

NOT VOTING—12

Baker	DeConcini	Hollings
Bumpers	Domenici	Kassebaum
Chafee	Ford	Pell
Danforth	Goldwater	Wilson

So Mr. HART's amendment (No. 1273) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1210

(Purpose: To modify provisions relating to adjudication procedures and asylum)

Mr. SIMPSON. Mr. President, on behalf of my colleague from Massachusetts, who is necessarily absent, I would at this time lay down the amendment No. 1210 of Senator KENNEDY, with regard to asylum judicial review, and then also ask unanimous consent that it be set aside at this moment so that we might proceed with the amendment of Senator BRADLEY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON), on behalf of Mr. KENNEDY, and others proposes an amendment numbered 1210.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 121 with line 21, strike out all through line 3 on page 149 and insert in lieu thereof the following:

PART C—ADJUDICATION PROCEDURES AND ASYLUM

INSPECTION AND EXCLUSION

SEC. 121. Subsection (b) of section 235 (8 U.S.C. 1225) is amended to read as follows:

"(b)(1)(A) An immigration officer shall inspect each alien who is seeking entry to the United States.

"(B)(i) If the examining immigration officer determines that the alien seeking entry—

"(I) does not present the documentation required (if any) to obtain entry to the United States,

"(II) does not have any reasonable basis for legal entry into the United States, and

"(III) does not indicate an intention to apply for asylum under section 208.

subject to clause (ii), the alien shall be excluded from entry into the United States without a hearing.

"(ii) Before excluding an alien without a hearing under clause (i), the examining immigration officer shall inform the alien of his right to have an administrative law

judge redetermine the conditions described in clause (i). If the alien requests such a redetermination by an administrative law judge, the alien shall not be so excluded without a hearing until and unless the administrative law judge (after a nonadversarial, summary proceeding in which the alien may appear personally) redetermines that the alien meets the conditions of subclauses (I) through (III) of clause (i).

"(C) If the examining immigration officer determines that an alien seeking entry, other than an alien crewman and except as otherwise provided in subparagraph (B), subsection (c), or section 273(d), is otherwise not clearly and beyond a doubt entitled to land, the alien shall be detained for a hearing before an administrative law judge on exclusion of the alien.

"(2) The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before an administrative law judge for a hearing on exclusion of the alien.

"(3) The Attorney General shall establish, after consultation with the Judiciary Committees of the Congress, procedures which assure that aliens are not excluded under paragraph (1)(B) without an inquiry into their reasons for seeking entry into the United States.

"(4) In the case of an alien who would be excluded from entry under paragraph (1)(B) but indicating an intention to apply for asylum, the exclusion hearing with respect to such entry shall be limited to the issues raised in connection with the alien's application for asylum.".

UNITED STATES IMMIGRATION BOARD AND ESTABLISHMENT OF ADMINISTRATION LAW JUDGE SYSTEM

SEC. 122. (a) Title I is amended by adding at the end the following new section:

"UNITED STATES IMMIGRATION BOARD; USE OF ADMINISTRATION LAW JUDGES

"SEC. 107. (a)(1) There is established, as an independent agency in the Department of Justice, a United States Immigration Board (hereinafter in this section referred to as the 'Board') composed of a Chairman and five other members appointed by the President by and with the advice and consent of the Senate.

"(2) The term of office of the Chairman and all other members of the Board shall be six years except that—

"(A) of the members first appointed under this subsection, two shall be appointed for a term of two years, two shall be appointed for a term of four years, and two shall be appointed for a term of six years,

"(B) a member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, and

"(C) a member may serve after the expiration of his term until reappointed or his successor has taken office.

"(3) A member of the Board may be removed by the President only for neglect of duty or malfeasance in office.

"(4) Members of the Board (other than the Chairman) are entitled, subject to amounts provided in advance in appropriation Acts, to receive compensation at the rate now or hereafter provided for grade GS-17 of the General Schedule, under section 5332 of title 5, United States Code. The Chairman is entitled, subject to amounts provided in advance in appropriation Acts, to receive compensation at the rate now or hereafter provided for grade GS-18 of such General Schedule.

"(5) The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board. The Board shall establish rules of practice and procedure for itself and for the administrative law judges.

"(b)(1) The Board shall hear and determine appeals from—

"(A) final decisions of administrative law judges under this Act, other than a redetermination excluding an alien under section 235(b)(1)(B) or a determination granting voluntary departure under section 244(e) within a period of at least 30 days if the sole ground of appeal is that a greater period of departure time should have been fixed;

"(B) decisions on applications for the exercise of the discretionary authority contained in section 212(c) or section 212(d)(3)(B);

"(C) decisions involving the imposition of administrative fines and penalties under title II of this Act, including mitigation thereof;

"(D)(i) decisions on petitions filed in accordance with section 204, other than petitions to accord preference status under paragraph (3) or (6) of section 203(a) or petitions on behalf of a child described in section 101(b)(1)(E), and

"(ii) decisions on requests for revalidation and decisions revoking approval of such petitions under section 205; and

"(E) determinations relating to bond, parole, or detention of an alien under sections 242(a) and 242(c).

"(2) Three members of the Board constitute a quorum of the Board, except that the Chairman (or any member of the Board designated by the Chairman) is empowered to decide nondispositive motions.

"(3) The Board shall act in panels of three of more members or en banc (as designated by the Chairman in accordance with the rules of the Board). A final decision of such a panel shall be considered to be a final decision of the Board.

"(4)(A) Appeals to the Board from final orders of deportation or exclusion (including an order respecting asylum contained in such an order) shall be filed not later than 20 days after the date of the final order.

"(B) The Board shall review the decision of an administrative law judge based solely upon the administrative record upon which the decision is made and the findings of fact in the judge's order, if supported by reasonable, substantial, and probative evidence on the record considered as a whole, shall be conclusive.

"(5) A final decision of the Board shall be binding on all administrative law judges, immigration officers, and consular officers under this Act unless and until otherwise modified or reversed by a court of the United States.

"(6) In a case in which the Board is considering an appeal of a decision of an administrative law judge respecting an application for asylum, the Board shall render its decision on the appeal not later than 60 days after the date the appeal is filed.

"(c)(1) The Chairman, in accordance with sections 3105 and 5108 and other provisions of title 5, United States Code, relating to administrative law judges in the competitive service, shall—

"(A) appoint administrative law judges, except that no more than 70 such judges may be appointed and hold office under this section at any time, and

"(B) designate one such judge to serve as chief administrative law judge.

"(2) In accordance with rules established by the Board, the chief administrative law judge—

"(A) shall have responsibility for the administrative activities affecting administrative law judges, and

"(B) may designate any administrative law judge in active service to hear and decide any cases described in paragraph (3).

"(3) Administrative law judges shall bear and decide—

"(A) exclusion cases under sections 236 and 360(c),

"(B) deportation and suspension of deportation cases under sections 242, 243, and 244,

"(C) rescission of adjustment of status cases under sections 245A(b)(4) and 246,

"(D) with respect to judges designated to hear such cases, applications for asylum under section 208,

"(E) the assessment of civil penalties under section 274A, and

"(F) such other cases arising under this Act as the Attorney General may provide by regulation.

Administrative law judges may also, without a formal hearing, make redeterminations pursuant to section 235(b)(1)(B)(ii).

"(4) In considering and deciding cases coming before them, administrative law judges may administer oaths, shall record and receive evidence and render findings of fact and conclusions of law, shall determine all applications for discretionary relief which may properly be raised in the proceedings, and shall exercise such discretion conferred upon the Attorney General by law as the Attorney General may specify for the just and equitable disposition of cases coming before such judges.".

(b) The table of contents is amended by inserting immediately after the item relating to section 106 the following new item:

"Sec. 107. United States Immigration Board; use of administrative law judges.".

JUDICIAL REVIEW

SEC. 123. (a) Subsection (a) of section 106 (8 U.S.C. 1105a) is amended—

(1) by striking out "AND EXCLUSION" in the heading and inserting in lieu thereof ", EXCLUSION, AND ASYLUM";

(2) in the matter before paragraph (1), by striking out "The procedure" and all that follows through "any prior Act" and inserting in lieu thereof the following: "Notwithstanding section 279 of this Act, section 1331 of title 28, United States Code, or any other provision of law, the procedures prescribed by and all the provisions of chapter 158 of title 28, United States Code, shall apply to, and shall be the sole and exclusive procedure for, the judicial review of all final orders of exclusion or deportation (including determinations respecting asylum encompassed within such orders and regardless of whether or not the alien is in custody and not including exclusions effected without a hearing pursuant to section 235(b)(1)(B)) made against aliens within (or seeking entry into) the United States";

(3) in paragraph (1), by striking out "not later than six months" and all that follows through "whichever is the later" and inserting in lieu thereof "by the alien involved or the Service not later than 30 days from the date of the final order";

(4) by inserting ", in the case of review sought by an individual petitioner," in paragraph (2) after "in whole or in part, or";

(5) by inserting "in the case of review sought by an individual petitioner," in paragraph (3) after "(3)";

(6) by inserting "exclusion or" before "deportation" in paragraphs (3) and (4);

(7) by striking out "Attorney General's findings of fact" in paragraphs (4) and (6) and inserting in lieu thereof "findings of fact in the order";

(8) by striking out "(4) except as provided in" in paragraph (4) and inserting in lieu thereof "(4)(A) except as provided in subparagraph (B) and in";

(9) by adding at the end of paragraph (4) the following new subparagraph:

"(B) to the extent that an order relates to a determination on an application for asylum, the court shall only have jurisdiction to review (i) whether the jurisdiction of the administrative law judge or the United States Immigration Board was properly exercised, (ii) whether the asylum determination was made in accordance with applicable laws and regulations, (iii) the constitutionality of the laws and regulations pursuant to which the determination was made, and (iv) whether the decision was arbitrary or capricious;";

(10) in paragraph (7)—

(A) by inserting "or exclusion" after "deportation" each place it appears,

(B) by striking out "subsection (c) of section 242 of this Act" and inserting in lieu thereof "section 235(b) or 242(c)",

(C) by striking out "a deportation order;" and inserting in lieu thereof "an exclusion or deportation order;", and

(D) by inserting "and" at the end thereof;

(11) by striking out "; and" at the end of paragraph (8) and inserting in lieu thereof a period; and

(12) by striking out paragraph (9).

(b) Subsection (b) of such section is amended to read as follows:

"(b)(1) Nothing in the provisions of this section shall be construed as limiting the right of habeas corpus under chapter 153 of title 28, United States Code. Petitions for habeas corpus based upon custody effected pursuant to this Act may be brought individually on a multiple party basis as the interests of judicial efficiency and justice may require.

"(2) No court shall have jurisdiction to entertain a petition relating to a determination concerning asylum under section 208 except in a petition for review under subsection (a).

"(3) Notwithstanding any other provision of law, no court of the United States shall have jurisdiction to review determinations of administrative law judges or of the United States Immigration Board respecting the reopening or reconsideration of exclusion or deportation proceedings or asylum determinations outside of such proceedings, the reopening of an application for asylum because of changed circumstances, the Attorney General's denial of a stay of execution of an exclusion or deportation order, or a redetermination to exclude an alien from entering the United States under section 235(b)(1)(B).".

(c) Subsection (c) of such section is amended by striking out "deportation or of exclusion" and inserting in lieu thereof "an administrative law judge".

(d) Section 279 (8 U.S.C. 1329) is amended by striking out "The district courts" in the first sentence and inserting in lieu thereof "Except as otherwise provided under section 106, the district courts".

(e) The item in the table of contents relating to section 106 is amended to read as follows:

"Sec. 106. Judicial review of orders of deportation, exclusion, and asylum.".

(f) In the case of a final order of deportation or exclusion entered before the date of the enactment of this Act, a petition for review with respect to that order may in no case be filed under section 106(a)(1) of the Immigration and Nationality Act later than the earlier of (1) 30 days after the date of the enactment of this Act, or (2) the date (if any) such petition was required to be filed under the law in existence before the date of the enactment of this Act.

ASYLUM

SEC. 124. (a)(1) Subsection (a) of section 208 (8 U.S.C. 1158) is amended to read as follows:

"(a)(1)(A) Except as provided in subparagraph (B), any alien physically present in the United States or at a land border or port of entry may apply for asylum in accordance with this section.

"(B)(i) In the case of an alien against whom exclusion or deportation proceedings have been instituted, the alien's application for asylum may not be considered unless—

"(I) not later than 14 days after the date of the service of the notice instituting such proceedings, the alien has filed notice of intention to file an application for asylum and, not later than 30 days after the date of filing such notice of intention, the alien has actually filed the application for asylum,

"(II) the alien can make a clear showing, to the satisfaction of the administrative law judge conducting the proceeding, that changed circumstances after the date of the notice instituting the proceeding have resulted in a change in the basis for the alien's claim for asylum, or

"(III) the administrative law judge determines, solely in his discretion, that the interests of justice require the consideration of the application.

"(ii) An alien who has previously applied for asylum and had such application denied may not again apply for asylum unless the alien can make a clear showing that changed circumstances after the date of the denial of the previous application have resulted in a change in the basis for the alien's claim for asylum.

"(2) Applications for asylum shall be considered before administrative law judges who are specially designated by the United States Immigration Board as having special training in international relations and international law. An individual who has served as a special inquiry officer under this title before the date of the enactment of the Immigration Reform and Control Act of 1983 may not be designated to hear applications under this section, unless the individual has received such special training after the date of the enactment of this Act.

"(3)(A)(i) Upon the filing of an application for asylum, an administrative law judge, at the earliest practicable time and after consultation with the attorney for the Government and the applicant, shall set the application for hearing on a day certain or list it for trial on a weekly or other short-term hearing calendar, so as to assure a speedy hearing.

"(ii) Unless the applicant consents in writing to the contrary, the hearing on the asylum application shall commence not later than 45 days after the date the application has been filed. The holding of an asylum hearing shall not delay the holding of any exclusion or deportation proceeding.

"(iii) In the case of an alien who has filed an application for asylum and who has been continuously detained pursuant to section 235 or 242 since the date the application was filed, if a hearing on the application is not held on a timely basis under clause (ii) or a decision on the application rendered on a timely basis under subparagraph (D), and if actions or inaction by the applicant have not resulted in unreasonable delay in the proceedings, the Attorney General shall provide for the release of the alien on parole subject to such reasonable conditions as the Attorney General may establish to assure the presence of the alien at any appropriate proceedings.

"(B)(i) A hearing on the asylum application shall be open to the public, unless the applicant requests that it be closed to the public.

"(ii) At the time of filing of notice of intention to apply for asylum, the alien shall be advised of the privilege of being represented by counsel (in accordance with section 292) and of the availability of legal services.

"(iii) The applicant is entitled to have the asylum hearing closed to the public, to present evidence and witnesses in his own behalf, to examine and object to evidence against him, and to cross-examine witnesses presented by the Government.

"(C) A complete record of the proceedings and of all testimony and evidence produced at the hearing shall be kept. The hearing shall be recorded verbatim. The Attorney General, and the United States Immigration Board, shall provide that a transcript of a hearing held under this section is made available not later than 10 days after the date of completion of the hearing.

"(D) The administrative law judge shall render a determination on the application not later than 30 days after the date of completion of the hearing. The determination of the administrative law judge shall be based only on the evidence produced at the hearing.

"(E) The Attorney General shall allocate sufficient resources so as to assure that applications for asylum are heard and determined on a timely basis under this paragraph.

"(4) An alien may be granted asylum only if the administrative law judge determines that the alien (A) is a refugee within the meaning of section 101(a)(42)(A), and (B) does not meet a condition described in one of the subparagraphs of section 243(h)(2).

"(5) The burden of proof shall be upon the alien applying for asylum to establish the alien's eligibility for asylum.

"(6) After making a determination on an application for asylum under this section, an administrative law judge may not reopen the proceeding at the request of the applicant except upon a clear showing that, since the date of such determination, changed circumstances have resulted in a change in the basis for the alien's claim for asylum.".

(2) Subsection (b) of such section is amended by inserting "(1)" after "determines that the alien" and by inserting before the period at the end the following: ", or (2) meets a condition described in one of the subparagraphs of section 243(h)(2)".

(3) Such section is further amended by adding at the end the following new subsection:

"(d) The procedures set forth in this section shall be the sole and exclusive procedure for determining asylum.".

(b) Section 243(h) (8 U.S.C. 1253(h)) is amended by adding at the end the following new paragraph:

"(3) An application for relief under this subsection shall be considered to be an ap-

plication for asylum under section 208 and shall be considered in accordance with the procedures set forth in that section.".

(c) Section 222(f) (8 U.S.C. 1202(f)) is amended by inserting "(1)" after "(f)" and by adding at the end the following new paragraph:

"(2) The records or any document of the Department of Justice, the Department of State, or any other Government agency, or foreign government, pertaining to the issuance or denial of any application for asylum, refugee status, withholding of deportation under sections 207, 208, and 243(h) of this Act, or any other application arising under a claim of persecution on account of race, religion, political opinion, nationality, or membership in a particular social group, shall be confidential and exempt from disclosure and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States. In the discretion of the Attorney General or the Secretary of State, as the case may be, certified copies of such records or document may be made available to a court which certifies that the information contained in such records or document is needed by the court in the interests of the ends of justice in a case pending before the court.

"(3) Notwithstanding the provisions of paragraph (2), there shall be made available from such records and document information relating to the number of applications for asylum submitted, the country of origin of the applicants, and the number of such applicants which were accepted, denied, or remain pending, and general information relating to asylum, refugee status, and withholding of deportation.".

EFFECTIVE DATES AND TRANSITION

SEC. 125. (a)(1) Except as otherwise provided in this section, the amendments made by this part take effect on the date of the enactment of this Act.

(2)(A) Except as provided in subparagraph (B), the amendments made by this part (other than those made by sections 121, 123(a)(2), 123(a)(3), 123(a)(6), 123(a)(10), 123(a)(12), 123(b), 123(d), 124(b)) shall not apply to—

(i) any exclusion or deportation proceeding (or administrative or judicial review thereof) which was initiated before the hearing transition date (designated under subsection (c)(1)(A)), or

(ii) to any application for asylum filed before the asylum transition date (designated under subsection (c)(1)(B)).

In the case of such proceedings and such applications initiated before such dates which continue after such dates, the United States Immigration Board shall provide that administrative law judges may assume and perform such functions of special inquiry officers as may be appropriate and consistent with their duties as administrative law judges.

(B) Paragraphs (1)(B), (3)(B)(ii), (3)(B)(iii), (4), and (6) of section 208(a) and section 208(b) of the Immigration and Nationality Act (as amended by section 124(a) of this part) shall apply to applications for asylum made after the date of the enactment of this act, except that—

(i) in the case of an alien against whom exclusion or deportation proceedings have been instituted as of the date of the enactment of this Act, the restriction of paragraph (1)(B)(i) of section 208(a) of the Immigration and Nationality Act (as so amended) shall apply to asylum applications made more than 14 days after the date of the enactment of this Act (rather than the date of the service of the notice of such exclusion or deportation proceeding), and

(ii) references in any such paragraph to an administrative law judge shall be deemed (before the asylum transition date) to be a reference to the immigration officer conducting the asylum hearing.

(b)(1) The President shall nominate the Chairman and other members of the United States Immigration Board (hereinafter in this section referred to as the "Board") not later than 45 days after the date of the enactment of this Act.

(2) The Chairman, in consultation with the Attorney General, shall designate a date, not later than 45 days after the Chairman and a majority of the members of the Board are appointed, on which the Board shall assume the present functions of the Board of Immigration Appeals (under existing rules and regulations).

(3)(A) The Board shall provide promptly for establishment of interim final rules of practice and procedure which will apply to the Board (when not acting as the Board of Immigration Appeals under paragraph (2)) and administrative law judges under the Immigration and Nationality Act, after the hearing transition date or asylum transition date, designated under subsection (c)(1), as the case may be.

(B) Not later than 60 days after the date such interim final rules are established, the Chairman shall appoint at least 10 administrative law judges who are qualified to be designated to hear asylum cases under section 208 of the Immigration and Nationality Act. The Board shall provide for such special training of these administrative law judges as it deems appropriate.

(C)(1) In order to provide for the orderly transfer of proceedings from the existing special inquiry system to the administrative law judge system, the Board, in consultation with the Attorney General, shall designate—

(A) a "hearing transition date", to be not later than 45 days after the date interim final rules of practice and procedure are established under subsection (b)(3)(A), and

(B) an "asylum transition date", after the establishment of interim final rules of practice and procedure respecting applications for asylum and after the appointment and designation of administrative law judges, in accordance with section 3105 of title 5, United States Code, under subsection (b)(3)(B).

(2) During the period before the hearing transition date or the asylum transition date (in the case of asylum hearings), any proceeding or hearing under the Immigration and Nationality Act which may be conducted by a special inquiry officer may be conducted by an individual appointed and qualifed as an administrative law judge in accordance with all the rules and procedures otherwise otherwise applicable to a special inquiry officer's conduct of such proceeding or hearing.

(d) Individuals acting as special inquiry officers on the date of the enactment of this Act and on the hearing transition date may (without regard to other provisions of law) continue to conduct proceedings or hearings under the Immigration and Nationality Act after such transition date during the period ending two years after the date of the enactment of this Act.

(e)(1) The enactment of this part shall not result in any loss of rights or powers, interruption of jurisdiction, or prejudice to matters pending in the Board of Immigration Appeals or before special inquiry officers on the day before this Act takes effect.

(2) Under rules established by the United States Immigration Board, with respect to exclusion and deportation cases pending as of the hearing transition date and applications for asylum pending as of the asylum transition date, the United States Immigration Board shall be deemed to be a continuation of the Board of Immigration Appeals and administrative law judges shall be deemed to be a continuation of special inquiry officers for the purposes of effectuating the continuation of all existing powers, rights, and jurisdiction.

(f) In order to implement this section and the amendments made by this part, there are authorized to be appropriated $20,000,000 for fiscal year 1984.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 126. (a)(1) Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

"(43) The term 'administrative law judge' means such a judge appointed under section 107.".

(2) Section 101(b) (8 U.S.C. 1101(b)) is amended by striking out paragraph (4) and redesignating paragraph (5) as paragraph (4).

(b) The first sentence of section 234 (8 U.S.C. 1124) is amended by striking out "special inquiry officers" and inserting in lieu thereof "administrative law judges".

(c)(1) Subsection (a) of section 235 (8 U.S.C. 1225) is amended—

(A) by striking out "special inquiry officers" in the first sentence and inserting in lieu thereof "administrative law judges",

(B) by striking out ", including special inquiry officers," in the fourth sentence and inserting in lieu thereof "and any administrative law judge",

(C) by striking out ", including special inquiry officers," in the sixth sentence,

(D) by striking out "and special inquiry officers" in the sixth sentence and inserting in lieu thereof "and administrative law judges", and

(E) by striking out "special inquiry officer" each place it appears in the seventh sentence and inserting in lieu thereof "administrative law judge".

(2) Subsection (c) of such section is amended—

(A) by striking out "the special inquiry officer during the examination before either of such officers" in the first sentence and inserting in lieu thereof "during the examination or an administrative law judge during an exclusion hearing",

(B) by striking out "no further inquiry by a special inquiry officer" in the first sentence and inserting in lieu thereof "no further examination or exclusion hearing",

(C) by striking out "inquiry or further inquiry" in the first sentence and inserting in lieu thereof "examination or hearing",

(D) by striking out "any inquiry or further inquiry by a special inquiry officer" in the second sentence and inserting in lieu thereof "any examination or hearing", and

(E) by striking out "an inquiry before a special inquiry officer" in the third sentence and inserting in lieu thereof "an exclusion hearing before an administrative law judge".

(d) Sections 106(a)(2), 236, and 242(b) (8 U.S.C. 1105a(a)(2), 1126, 1252(b)) are each amended by striking out "A" and "a" each place either appears before "special inquiry

officer" and inserting in lieu thereof "An" and "an", respectively.

(e)(1) Sections 106(a)(2) and 236 (8 U.S.C. 1105a(a)(2), 1226) are each amended by striking out "special inquiry officer" and inserting in lieu thereof "administrative law judge" each place it appears.

(2) Subsection (a) of section 236 (8 U.S.C. 1226) is amended—

(A) by amending the first sentence to read as follows: "An administrative law judge shall conduct proceedings under this section.",

(B) by striking out "for further inquiry" in the second sentence and inserting in lieu thereof "for an exclusion hearing",

(C) by striking out "at the inquiry" in the third sentence and inserting in lieu thereof "at the hearing",

(D) by striking out the fourth sentence,

(E) by striking out "regulations as the Attorney General shall prescribe" in the fifth sentence and inserting in lieu thereof "rules as the United States Immigration Board shall establish", and

(F) by striking out "inquiry" in the seventh sentence and inserting in lieu thereof "hearing".

(3) Subsection (b) of such section is amended—

(A) by striking out "From a decision" and all that follows through "Attorney General" in the first sentence and inserting in lieu thereof the following: "From a decision of an administrative law judge excluding or admitting an alien, the alien or the immigration officer in charge at the port where the hearing is held, respectively, may file a timely appeal of the decision with the United States Immigration Board in accordance with rules established by the Board",

(B) by striking out "Attorney General" in the fourth sentence and inserting in lieu thereof "United States Immigration Board", and

(C) by striking out the third sentence.

(4) Subsection (c) of such section is amended by striking out "to the Attorney General".

(f) Section 242(b) (8 U.S.C. 1252(b)) is amended—

(1) by striking out "special inquiry officer" each place it appears in the first, second, third, and seventh sentences and inserting in lieu thereof "administrative law judge",

(2) by striking out "shall administer oaths" and all that follows through "Attorney General," in the first sentence,

(3) by striking out "Attorney General shall prescribe" in the second sentence and inserting in lieu thereof "United States Immigration Board shall establish",

(4) by striking out "In any case" and all that follows through "an additional immigration officer" in the fourth sentence and inserting in lieu thereof "An immigration officer" and by striking out "in such case such additional immigration officer" in that sentence,

(5) by striking out the fifth and sixth sentences,

(6) by striking out "such regulations" and all that follows through "shall prescribe" in the seventh sentence and inserting in lieu thereof "rules as are established by the United States Immigration Board",

(7) by striking out "Such regulations" in the eighth sentence and inserting in lieu thereof "Such rules", and

(8) by striking out "Attorney General shall be final" in the tenth sentence and inserting in lieu thereof "administrative law judge shall be final unless reversed on appeal".

(g) The last sentence of section 273(d) (8 U.S.C. 1323(d)) is amended by striking out "special inquiry officers" and inserting in lieu thereof "administrative law judges".

(h) Section 292 (8 U.S.C. 1362) is amended—

(1) by striking out "In" and all that follows through "proceedings," and inserting in lieu thereof "In any proceeding or hearing before an administrative law judge and in any appeal before the United States Immigration Board from any such proceeding", and

(2) by inserting "and at no unreasonable delay" after "Government".

(i) Section 360(c) (8 U.S.C. 1503(c)) is amended—

(1) by inserting "(and appeals thereof)" in the first sentence after "proceedings", and

(2) by striking out the second sentence.

(j) Any reference in section 203(h) of the Immigration and Nationality Act, as in effect before March 17, 1980, to a special inquiry officer shall be deemed to be a reference also to an administrative law judge under section 101(a)(43) of such Act.

On page 103, in the table of contents, amend the item relating to section 122 to read as follows:

"Sec. 122. United States Immigration Board; use of administrative law judges.".

● Mr. KENNEDY. Mr. President, the amendment I am offering, on behalf of myself, Senators BIDEN, MOYNIHAN, BINGAMAN, LEVIN, CRANSTON, and HART substitutes the asylum adjudication and judicial review provisions contained in the House version of this bill.

The amendment has two basic objectives:

First. To restore statutory habeas corpus which allows judicial review of individual asylum and exclusion cases on the merits and facts of the case, not merely on the due process grounds of constitutional habeas corpus.

Second. To up-grade the newly established U.S. Immigration Board by making them subject to Presidential appointments, with the advice and consent of the Senate, and totally independent of the Department of Justice.

The bill, as it stands, makes the Board subject to the appointment and control of the Attorney General.

Mr. President, in offering this amendment my goal is to make the asylum adjudication process both appear to be, as well as to be in substance, a genuinely independent and fair process.

I support the thrust of the reforms contained in this bill, many of which were first recommended by the Select Commission on Immigration and Refugee Policy, upon which both Senator SIMPSON and I served.

It is my hope that with the reforms contained in the bill—especially the creation of a new U.S. Immigration Board—will go far toward resolving the current problems and backlogs being encountered in the asylum adjudication process.

But I believe these reforms fall short in the two specific areas I mentioned: The independence of the Board, and the provision of judicial review.

Mr. President, in arguing for the elimination of judicial review from the asylum process, proponents say this is necessary because judicial review will result in delays and in the creation of huge backlogs.

Well, Mr. President, this simply is not true today, and there is no sound reason to believe it will be so in the years to come.

Currently, of the more than 150,000 asylum claims pending, less than 2 percent of these are in the courts.

The facts are that the backlog is a consequence of the failure to provide sufficient funds and personnel to administer the asylum process. What we have today are administrative delays, not judicial delays.

This has been confirmed by the study completed last December by the Immigration and Naturalization Service—the conclusions of which I will enter into the RECORD later.

According to the INS report:

One question frequently asked is, "Is the current law with regard to asylum adjudication workable?"

INS says:

We do not know the answer because INS was never able to implement fully the asylum provisions of the 1980 Refugee Act. . . . Additionally, at the very time when the new asylum provisos went into effect in 1980, the Government actively encouraged the filing of irrelevant and frivolous claims. Further, the Government publicized its inability to process this large volume thereby exacerbating the problem. The media also mistakenly publicized the view that all aliens were utilizing the multiple layer of appeals possible under the current law when in fact only about 2 percent of the cases, mostly class action suits, went beyond the administrative appeal machinery.

That is the conclusion of the INS—that administrative problems have caused the current backlog, not judicial review.

Yet this bill, as drafted, would gratuitously repeal existing rights for judicial review, when those rights are not the source of the current problem. The administrative reforms contained in this bill are the answer—not the unnecessary elimination of judicial review.

I believe it is wrong to restrict legitimate rights for judicial review under normal conditions—but it is even worse to do so for the wrong reasons.

Finally, Mr. President, while the pending bill necessarily maintains constitutional habeas corpus for judicial review of constitutional due process issues, it does, in fact, restrict statutory habeas corpus which, under current court interpretations, is now available to asylum and exclusionary cases.

Since this judicial review, which is now available, does not contribute to the backlogs or delays in adjudicating asylum claims, what rational reason is

there to eliminate it when it might be important in future cases?

I do not believe there is any reason, and that is why I urge the adoption of my amendment.●

● Mr. HART. Mr. President, I strongly support the amendment offered by the distinguished Senator from Massachusetts (Mr. KENNEDY) to preserve the right of persons to seek judicial review of administrative decisions denying them political asylum in this country.

Of all the beacons which this Nation shines on the rest of the world, none shines brighter than our historic commitment to grant sanctuary to persons in foreign lands who suffer oppression and persecution at the hands of tyrannical governments.

Our country should have a special sensitivity to the dangers that political asylees face. For history teaches that many of the Europeans who settled this continent braved unimaginable hardships to escape the clutches of governments that did not tolerate a diversity of political or religious beliefs.

Similarly, our own Government reflected our forefathers' efforts, best described by Thomas Jefferson:

> To consecrate a sanctuary for those whom . . . misrule . . . may compel to seek happiness in other climes. This refuge, once known, will produce a reaction on the happiness even of those who remain there by warning their taskmasters that when the evils of Egyptian oppression become heavier than those of the abandonment of country, another Canaan is open where their subjects will be received as brothers, and secured against like oppressions by participation in the right of self Government.

And we must continue to serve as the Canaan for those today who suffer under the same "misrule" against which our ancestors rebelled.

Each grant of asylum reaffirms this Nation's commitment to the fundamental principles we hold most sacred—that government, derived from the consent of the governed, exists to secure our inalienable rights of life, liberty and the pursuit of happiness. Sadly, millions of persons around the world do not enjoy these rights. Consequently, more than the might of our military, the generosity of our foreign assistance, and the sincerity of our Project Democracy, our willingness to hold ourselves out as a haven for those denied their inalienable rights reflects the true strength and promise of America.

Mr. President, a decision so fundamental as the grant of asylum in the United States should depend not on the current—and often temporary—state of our relations with a foreign country from which an asylee has fled, but rather on the merits of his or her claim. No decision of such life-or-death proportions should turn on such uncertainties.

Unfortunately, however, the Immigration Reform and Control Act of 1983 (S. 529), as reported to the Senate, would strip away the shield that has historically protected the decision to grant asylum from foreign policy considerations. For S. 529 would severely limit the jurisdiction of the Federal courts to review an administrative decision denying asylum to those seeking it.

Let us understand the serious consequences of limiting judicial review of asylum decisions. Recently, a tennis player from the Peoples' Republic of China, Hu Na, sought asylum in this country. Although she ultimately received it, this administration openly weighed the effects that a grant of asylum would have upon our relations with her native country against the merits of Hu Na's case. If the administration had denied her asylum, Hu Na could have sought judicial review of her case in Federal court. And if the court had found persuasive her reasons for seeking asylum, it would have overturned the administration's decision to deny it.

Under S. 529, however, the denial asylum would have stood—regardless of the strength of Hu Na's case—unreviewable by the Federal courts.

Similarly, we can anticipate that Salvadoran refugees with a legitimate fear of persecution in their country might be denied asylum by an administration, such as this, that maintains that El Salvador protects human rights. This bill would preclude those refugees from looking to the Federal courts to review a decision to deny asylum. They can only look to a deportation that will lead to further persecution and possibly death.

For those who believe that we can rely exclusively on the executive branch always to make the proper decision on asylum, let them recall a sad incident that occurred in 1970. On November 23, a U.S. Coast Guard cutter moored alongside a Soviet ship fishing in the territorial waters of the United States just off Martha's Vineyard. During the ensuing dialog about Soviet fishing in U.S. waters, a Lithuanian crew member of the Soviet ship, Simas Kudirka, notified the visiting party from the Coast Guard cutter that he planned to escape. He managed to board the U.S. ship, but was discovered by another Soviet crew member. When the Soviet Union formally requested Kudirka's return, the captain of the U.S. ship notified the State Department which advised him to consent. The Soviets boarded the U.S. ship, searched it, violently subdued Kudirka, and dragged him back aboard the Soviet ship. Thankfully, due in large part to the subsequent public and congressional uproar, Kudirka eventually made his way to the United States.

We can only ask how many unconscionable decisions of this sort—driven by foreign policy concerns—will go unreviewed if the Senate agrees to strip the Federal courts of their jurisdiction in this area.

Mr. President, I find the argument propounded in favor of restricting judicial review of asylum decisions as unpersuasive as the prospect of such a restriction is disturbing. The proponents argue that we must strip the Federal courts of their jurisdiction over asylum cases to eliminate an estimated 150,000-case backlog. But fewer than 500—or 2 percent—of these cases are pending in court. Inadequacies of the administrative process, rather than the right of judicial review, have caused this backlog. Clearly, the only argument advanced for limiting judicial review of asylum decisions is simply irrelevant.

Mr. President, I recognize the frustrations my good friend, the Senator from Wyoming (Mr. SIMPSON), has faced in wrestling with the many difficult issues in his bill. In this case, however, we should not impose an inappropriate solution to a misdiagnosed problem. For our willingness to grant asylum regardless of international politics not only projects a most positive image of America abroad, it also enhances the quality of our life here at home. Einstein, Solzhenitsyn, Nureyev, and Barishnykov—these people who sought sanctuary in this country have repaid their debt manyfold by enriching our learning and culture.

I note that a recent New York Times editorial raised precisely these same concerns. The Times concluded:

> On this potentially life-or-death point, the generally admirable Senate bill is harsh, hasty, and in need of amendment.

It was for this reason, among others, that I and a number of my colleagues requested a temporary postponement in Senate action on this legislation. Two weeks have elapsed since this request, and the interim period has allowed many of my colleagues to offer amendments which will strengthen this bill. I ask unanimous consent that this editorial as well as the earlier editorial criticizing the distinguished Senator from California (Mr. CRANSTON) and myself for requesting a temporary postponement in Senate consideration of the bill so we could perfect these amendments, be inserted in the RECORD following my remarks. In addition, I ask additional articles underscoring the contributions of asylees to this country and the need to safeguard asylum decisions from political influences be inserted in the RECORD.

Mr. President, I hope the Senate will not make a mistake that we may long regret. Instead of removing the judicial safeguards against the political influences that, from time to time, can taint asylum decisions, I urge the Senate to support this amendment to preserve the current right of judicial review that has served us so well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 12, 1983]

REFUGEES AND REFOULMENT

There's a hard question to be asked about the thousands of undocumented aliens from Afghanistan or Haiti or El Salvador seeking a haven in the United States: Are they legitimate refugees?

If they have a well-founded fear of persecution in their home country, the answer is yes and they are entitled to sanctuary, or asylum as it is formally called. To send them home would risk committing the unforgivable diplomatic sin of *refoulment*—forcibly subjecting them to peril.

But what if they are not legitimate refugees? Then they are just another form of gate-crusher, ready to confuse refugee and subterfuge. To send them home would be only fair, signaling to other would-be illegal entrants that Americans are compassionate but not suckers.

All that raises an even harder question, one that the Senate must answer as it takes up the Simpson-Mazzoli immigration reform bill: How should Government decide who is a refugee? On this potentially life-or-death point, the generally admirable Senate bill is harsh, hasty and in need of amendment.

The who-is-a-refugee decision is now made in case-by-case hearings, the results of which may be appealed to the courts. Until the Refugee Act of 1980, that meant a moderate backlog of 5,800 cases. Since then, however, claims for asylum have shot up. The backlog now exceeds 120,000 cases. How should Washington treat all those aliens while their cases are pending? It's a tormenting problem.

To release them and let them live and work in the community could mock equity; final determinations often take years. Even if their refugee claims were ultimately rejected, the example would encourage specious or dilatory claims. The other possibility is to incarcerate applicants pending adjudication, as the Administration has done with Haitians and now with some Afghans. That's even worse. To treat as criminals people who might well be legitimate refugees is to punish victims.

There is an obvious remedy: Speed up the hearing process, which is just what the Senate is heading toward. But the Senate bill streamlines procedure too harshly.

Decisions verging on *refoulment* ought to involve some independent judgment. The hearing examiners should stand apart from the executive branch, or their findings should be reviewable by the courts. But the Senate bill, reflecting fear of ever more "refugees," provides no independence and almost no room for appeal. That could have merciless results.

Imagine a Haitian washed up on a Florida beach. A hearing examiner might reject his claim for asylum, in deference to the State Department's finding that Haitians generally was not subject to persecution. But what if this particular Haitian had plenty of reason to fear persecution?

The Senate bill offers him little resource. But Senator Edward Kennedy would, with sensible amendments to create independent hearing officers and to preserve limited rights of appeal. The Simpson-Mazzoli bill is good; these amendments would make it better.

[From the New York Times, Apr. 28, 1983]

THE CANDIDATES AND THE BORDERS

Here is a political truism: It's a primary duty of national government, along with providing defense and printing money, to decide whom to let into the country. Here's another truism: It's a primary duty of Presidential candidates to rise above localism and address issues from a national perspective.

Those prospections, unexceptionable in the abstract, have just collided in the Senate. The Democrats Alan Cranston of California and Gary Hart of Colorado are both candidates for President. But when it comes to immigration, neither seems willing to take a national view.

The specific subject is the bipartisan Simpson-Mazzoli immigration bill, and there's no piece of legislation of national interests so vulnerable to the myriad strings of local Lilliputians. this is the bill, passed overwhelmingly by the Senate last fall, to permit the country finally to control its borders.

The heart of the bill concerns the economic magnet that attracts illegal migrants. It is now against the law for them to work here—but not against the law to hire them. Simpson-Mazzoli would close the glaring loophole. By thus minimizing illegal immigration, the bill would also allay the pressure to minimize legal immigration. And it would offer protection from exploitation to past illegal entrants who have become rooted in American society.

There were and are arguments about the bill: fear that it would lead to a national identity card; fear of discrimination against workers who are merely foreign-looking. But these arguments haven't changed. The few changes in the bill this year have been to try to allay such concerns, and it has moved smoothly through committee. Indeed, the full Senate was to have voted on it today.

Enter Senators Cranston and Hart. Using senatorial prerogative, each objected to a vote. That can mean, at a minimum, weeks of delay, the kind of delay that finally stopped the bill in the last Congress. What's their objection? Senator Cranston says opponents need time to perfect their case, and that other relevant legislation is being prepared. Senator Hart, too, says the Senate needs "more time to study the complex issues in the bill."

More time? That might be persuasive if Simpson-Mazzoli were new. But it's not. It was introduced 13 months ago, after two years of study by a blue-ribbon commission. The Senate debated the bill exhaustively and passed it, 80 to 19.

If you were a senator from California or Colorado, with many Hispanic constituents, you might well be hesitant about a bill that several Hispanic organizations oppose. But Senators Cranston and Hart are running for President. If they're truly interested in demonstrating their national perspective, let them get out of the way.

[From the U.S. News & World Report, Nov. 1, 1982]

DEFECTORS WHO DON'T MAKE THE HEADLINES

(By Joseph L. Galloway)

LOS ANGELES.—In a burst of headlines, a Soviet dancer or writer defects to America. Fame and fortune follow.

The story has grown commonplace in recent years. But not all defectors are celebrities like ballet superstar Mikhail Baryshnikov or Nobel Prize-winning author Alexander Solzhenitsyn.

Most are ordinary people who blend quietly into the landscape. Yet they all share similar problems—the hardship of adjusting to life in a strange land, the lonely reality of estrangement from families often left behind.

Four who fled their homelands, three from Eastern Europe and one from China, tell what America is like for those who carry the label "defectors."

"I HAVE A FUTURE"

Sergei Zamascikov's first weeks in the free world were far from encouraging.

The former Soviet political officer wound up stuck in an Italian refugee camp for four months because he could not pay the standard bribe to the bureaucrat in charge of his file.

He might have remained there even longer if a Christian relief group had not learned of his plight and helped him gain political asylum in the U.S.

Despite that discouraging initiation into the West, the 31-year-old defector asserts that he has never had second thoughts about the path he took. "I have a future I will be proud to tell my children about," says Zamascikov, who now is studying for a doctorate in political science at the University of California at Los Angeles.

In fleeing to the West, Zamascikov rejected a bright future as a member of the Soviet elite. The son of a Red Army colonel assigned as political officer in a strategic-missile division, he was an Army officer himself before becoming a key party official in Latvia.

The post's perquisites were impressive: A fancy apartment, a country summer house, a car and driver. But he says his job's real appeal was the chance for travel—and to defect.

When Zamascikov's moment came while he was on a group tour of Italy three years ago, it had all the elements of a Charlie Chaplin comedy. First, he was refused entrance to the U.S. consulate in Milan because he could not produce a passport. It was in the hands of his tour leader. Then no one at the local police station could understand his pleas for asylum. Officers suggested that if he had a problem, the Soviet consulate might be of help. Finally, the frantic Zamascikov made it clear that it was not a new passport he wanted, but asylum. His next stop was the refugee camp.

Things did not go much better in America at the start. He moved into a Sunset Boulevard apartment in a seamy area frequented by assorted hustlers. The best job he could get was as a part-time county worker at $5 an hour.

Zamascikov since has acquired a master's degree in Slavic studies, an American wife, a 7-year-old stepdaughter and better-paying work as an assistant for two research groups.

He also is in touch with his parents in the Soviet Union after two years during which he could not communicate. All his old bosses were demoted and transferred, but his father's job may have spared the family serious consequences from the defection.

Zamascikov speaks enthusiastically of Americans, but he is amazed by their impressions of Russia: "They can stand right there and tell me what a happy workers' paradise the Soviet Union is. One even told me the reason that more Russians don't travel abroad is that they are so happy at home they don't want to leave."

"ON FREE SOIL"

(By Gordon Witkin)

ARVADA, COLO.—In a few bitter words, Tam Tsang Shek tells why he fled China in 1974: "No food, no freedom, no nothing."

Today Tam, now 36, is prospering as owner of an Oriental fast-food restaurant in this Denver suburb. Yet he vividly recalls when he and four others left China for the British colony of Hong Kong.

Only Tam and one other defector reached their destination, spending two harrowing weeks running, hiding, swimming and jumping barbed wire. When the last fence was hurdled, he says, "My heart wouldn't stop pounding. I was on free soil."

In Hong Kong, Tam subsisted on what he earned ironing clothes in a sweatshop and working in a restaurant. He was admitted to America in 1978 and settled in Medford, Oreg., where he worked as a kitchen helper and cook.

A year later he married an Ethiopian refugee. They worked long days and lived frugally. Finally, they moved to Colorado and opened a restaurant in a dilapidated hot-dog stand. They now have seven employes and own the spruced-up building.

Tam is both dazzled and appalled by America. While impressed by people's wealth and friendliness, he fears the U.S. is becoming soft and undisciplined. "Children have too much freedom," he says. "They are spoiled. They drive to school in cars their parents paid for, and they have no understanding of an honest day's work."

He also frets about a nephew and three nieces in China he wants to bring to America. Immigration officials, mindful of delicate relations with Peking, refused them visas on grounds that the children have not done well enough in school to warrant student visas and that there is no guarantee that they would return once their U.S. schooling was over.

"That sounds like something a Chinese would say, not an American," complains his wife Ly Ming.

While Tam is disappointed, he is not bitter. In September he became a U.S. citizen, completing a journey he began in fear and hope more than eight years ago. "Everyone has gone out of their way to let me know that I've been accepted," says Tam. "I'll never forget their gift of friendship."

NO REGRETS

(By Gordon M. Bock)

JERSEY CITY, N.J.—Krzysztof Wasielewski and his family live in a modest walk-up apartment. Money is tight; frills are few. He feels guilty about leaving his parents behind in Poland.

It is a life with more than its fair share of troubles. But the 29-year-old former Polish Air Force pilot has no regrets about defecting. "If I had stayed in the service under martial law, I would have had to fight my people," he says.

His escape last spring was a daring one. With two other pilots and their families, he flew to Austria in a commandeered Polish Air Force plane. Flying low to avoid radar, they ruptured a gas tank but were able to limp to a safe landing in Vienna.

Wasielewski, accompanied by his 4-year-old daughter, was granted political asylum in the U.S. His wife Barbara, 25, was already in America, but their closest relatives remain in Poland.

The night Wasielewski defected, police detained and interrogated his parents. Since they are now permitted no letters from him, communication must be by covert means. "I miss my family, and I feel guilty that they had troubles because of me," says Wasielewski.

His future is unsettled. He commutes by bus to New York each day to prepare for the Federal Aviation Administration tests he must pass to become a commercial pilot. Meantime, the family is being helped with its bills by the International Rescue Committee.

Despite the hardships, Wasielewski likes America. He recalls that when the family bought curtains for their home, the merchant did not charge tax when he heard who they were. Local people loaned them an air conditioner and helped buy other household goods.

Soon Wasielewski expects to be self-supporting, perhaps as a crop-duster in California. "It's a job not many people want because it stinks and it's dangerous," he says. "But, as one can gather, I like a little danger."

OUT OF THE CAGE

(By Linda K. Lanier)

ATLANTA, GA.—There is something about the urbane, polished Rudi Anapolsky that suggests he has not always tended the bar where he presides in an Atlanta hotel.

In fact, until five years ago he was an important figure in Soviet culture—director of Russia's Art Department and overseer of scores of painters and sculptors. It was a cushy job that paid well and allowed him to enjoy the Soviet version of the good life.

But Anapolsky tired of enforcing government policies that, in his view, sought to make art into propaganda. With the help of friends, he obtained permission for travel to Israel. Instead, he went to Austria, Italy and then on to America.

For two years after coming to the United States with his wife and child, Rudi had recurring nightmares about returning to Russia and being unable to again.

"This cage opens but once," he says. "You never return."

There have been other problems, too. Neither Anapolsky nor his wife has been able to find jobs comparable to the ones they left. Nadia Anapolsky, 38, has a master's degree in economics but now works as a bookkeeper.

Adjusting to America has been harder for Nadia than for Rudi and their 10-year-old son Stanley. "Sometimes I'm not sure I did the right thing when I left Russia," she says. "It's awful when you cannot live in your own country. It's like you recall your childhood. You know you'll never be back, but it's nice to remember."

Both parents worry that Stanley feels no attachment for Russia—a land for which they still have strong affection. When Stanley speaks Russian, he sometimes whispers to avoid being overheard by his American friends. "It will be very sad for me," says Nadia, "if he is ashamed to be Russian."

Still, Anapolsky notes: "I am happy for my boy. He's free. He was born to be a slave, but he became free."

[From the Los Angeles Times, Apr. 8, 1983]

HU NA AND THE UNFAIR ASYLUM PROCESS—CONTRAST WITH POLICY ON SALVADORANS UNDERLINES INCONSISTENCY

(By Michael Posner)

Hu Na is a celebrity, hits a mean backhand and comes from the People's Republic of China, a communist country. These three things (among others) distinguish her from tens of thousands of Salvadoran refugees who seek asylum in the United States, and don't get it. Whatever one thinks of the decision to grant Hu asylum, the manner in which our government arrived at its decision points to the need for basic reforms in the asylum process.

The China desk at the State Department—afraid of adding to the tension in U.S.-China relations, already strained by textile quotas and arms sales to Taiwan—recommended against granting Hu's request. The department's Bureau of Human Rights and Humanitarian Affairs, whose opinions usually govern immigration service decisions, recommended the granting of asylum. The Justice Department's Immigration and Naturalization Service was worried that a grant of asylum might create a precedent that would affect more than 1,000 other Chinese cases.

Which agency made the final determination? Which considerations—managerial, foreign policy, human rights—receive more weight in our asylum process? And which should?

For the first time, the Refugee Act of 1980 embraced a non-ideological definition of "refugee." It is that a refugee is a person whose request for asylum is based on a showing of a well-founded fear of persecution because of his or her race, religion, nationality, political opinion or membership in a social group. Before the 1980 revision, refugee law was dominated by Cold War-era restrictions allowing only people from communist, or communist-dominated countries to be admitted.

It has been three years since those restrictions were eliminated, yet ideological considerations continue to interfere with the law's implementation. Consider these figures, which cover people who applied for asylum after arriving in the United States, legally or illegally: In fiscal 1982, only three Haitians (out of more than 5,000 applicants) and a mere 65 Salvadorans (out of more than 18,000 applicants) were granted political asylum. At the same time, the United States approved 297 asylum requests from Afghanistan, out of just over 1,000 applications.

For those seeking direct admission as refugees from abroad,the figures are even more discouraging. Since the adoption of the refugee act, the United State has yet to admit a single Salvadoran, Guatemalan or Haitian as part of its annual refugee-admission process.

In its reports to Congress, the State Department seeks to justify the discrepancies. While Salvadorans seek "a better life" and Guatemalans seek "improved economic opportunity," Cambodians are "grievously persecuted by (the) Communist Khmer Rouge," and Soviet citizens leave their homeland because they suffer "dissatisfaction with the political system." This uneven approach underscores the need for asylum procedures that involve independent administrators and judicial review.

Unfortunately, the current congressional measure sponsored by Sen. Alan Simpson (R-Wyo.) and Rep. Romano Mazzoli (D-Ky.) would virtually eliminate judicial review in asylum cases by creating "summary exclusion procedures." These would deny potential refugees information about the right to legal counsel or asylum-application procedures.

Hardly long-term solutions, these proposals are more expressions of frustration at having "lost control of our borders," in Simpson's words. He may be right, but the solution is not to make the system more arbitrary and political. Instead, we must

devote time, attention and resources to making the present system work in a manner that is both fair and efficient.

To do so, several steps should be taken:

First, the Immigration and Naturalization Service must recruit new personnel. It needs people who are willing and able to be trained as experts on asylum. These experts should play a greater role in decisionmaking, rather than relying on State Department evaluations.

Second, the State Department should continue to provide immigration officials with up-to-date information on human-rights conditions around the world, but should discontinue the practice of submitting advisory opinions. Too often, these are based on foreign-policy judgments unrelated to the cases at hand.

Third, the office of U.N. High Commissioner for Refugees should be brought into the process in a continuing advisory capacity. Many countries, including most of our Western allies, rely on the expertise of the U.N. high commissioner.

Fourth, in cases like El Salvador, where thousands have fled civil strife, we must consider interim solutions, such as the granting of "extended voluntary departure" status—in effect, temporary permission to stay. In recent years, this has been used successfully to provide a temporary safe haven for Ethiopians, Nicaraguans, Ugandans and Lebanese. The civil war in El Salvador demands a similar response.

For an Administration that is seeking to change public perceptions on the issue of fairness, reform in the asylum process would be a good place to start.●

Mr. LEVIN. Mr. President, I ask unanimous consent that I be listed as a cosponsor of the amendment just sent to the desk by Senator KENNEDY.

I would like to make a brief statement in support of the amendment by the Senator from Massachusetts that would reestablish judicial review for asylum cases.

The judicial review provisions in S. 529 make a major modification of present law which is the Refugee Act of 1980. I think this is unwise for several reasons.

First. The question of asylum cases should be addressed as part of the reauthorization of the Refugee Act, not as part of immigration reform. This was an argument made by the principal sponsor of immigration reform when the Senate considered immigration legislation last year and the Senator from Wyoming opposed amendments to the immigration bill that would have amended refugee policy. I think his position is a sound one and immigration policy is complicated enough without getting into refugee and asylum issues.

Second. It probably is too early to know what modifications are required in the Refugee Act because INS enforcement of the act has not had enough experience to give us clear guidance on what changes might be warranted. This was pointed out in a report of the INS on asylum adjudication entitled "Asylum Adjudications: An Evolving Concept and Responsibility for the Immigration and Naturalization." This report concluded:

Further, the Government publicized its inability to process this large volume thereby exacerbating the problem. The media also mistakenly publicized the view that all aliens were utilizing the multiple layer of appeals possible under the current law when in fact only about 2 percent of the cases, mostly class action suits, went beyond the administrative appeal machinery.

Third. Although we have been hearing of the backlog of asylees for more than a year now, the INS report cited above implies that the backlog has more to do with staffing problems than judicial delays. The report on Asylum Adjudications says, in its conclusion:

Is the current law with regard to asylum adjudications workable? We do not know the answer because the INS was never able to implement fully the asylum provisions of the 1980 Refugee Act.

Mr. SIMPSON. I now ask unanimous consent that Senator KENNEDY's amendment be temporarily set aside and that we immediately address the amendment of Senator BRADLEY.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from New Jersey.

AMENDMENT NO. 1274

(Purpose: To provide reimbursement to States for costs incurred in providing programs of public assistance to eligible legalized aliens)

Mr. BRADLEY. Mr. President, I am introducing an amendment on behalf of myself, Senator LAUTENBERG, Senator MOYNIHAN, Senator D'AMATO, Senator SARBANES, Senator DECONCINI, Senator LONG, Senator BENTSEN, and Senator CHILES. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. BRADLEY), for himself and others, proposes an amendment numbered 1274.

Mr. BRADLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 198 with line 12, strike out all through line 7 on page 207 and insert in lieu thereof the following:

STATE LEGALIZATION ASSISTANCE

SEC. 302. (a) There are authorized to be appropriated to carry out subsections (b) and (c) of this section such sums as may be necessary for fiscal year 1984 and for each of the two succeeding fiscal years.

(b)(1) Subject to the amounts provided in advance in appropriation Acts, the Secretary of Health and Human Services shall provide reimbursement to each State (as defined in paragraph (2)(D)) for 100 percent of the costs of programs of public assistance provided to any eligible legalized alien (as defined in paragraph (2)(A)).

(2) For purposes of paragraph (1):

(A) The term "eligible legalized alien" means—

(i) an alien who has been granted permanent resident status under section 245(A)(a) of the Immigration and Nationality Act, but only until the end of the three-year period beginning on the date the alien was granted such status; and

(ii) an alien who has been granted temporary resident status under section 245(A)(b)(1) of such Act, but only until—

(I) such temporary resident status is terminated, or

(II) if the alien has been subsequently granted permanent resident status under section 245A(b)(3) of such Act, until the end of the three-year period beginning on the date such permanent resident status was granted,

whichever is later.

(B) The term "programs of public assistance" means programs existing in a State or local jurisdiction which—

(i) provide for cash, medical, or other assistance designed to meet the basic subsistence or health needs of individuals or are required in the interest of public health,

(ii) are generally available to needy individuals residing in the State or locality, and

(iii) receive funding from units of State or local government.

(C) The term "Secretary" means the Secretary of Health and Human Services.

(D) The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

(c)(1) Subject to the amounts provided in advance in appropriation Acts and in accordance with this section, the Secretary of Education shall make payments to State educational agencies for the purpose of assisting local educational agencies of that State in providing educational services for eligible legalized aliens (as defined in paragraph (3)(B)).

(2) The amount of the payment to a State educational agency under this subsection for a fiscal year shall be based on the number of eligible legalized aliens (as defined in paragraph (3)(B)) who are enrolled in elementary and secondary public schools under the jurisdiction of each local educational agency within that State.

(3) For purposes of this subsection:

(A) The terms "elementary school", "local educational agency", "secondary school", "State", and "State educational agency" have the meanings given such terms under section 198(a) of the Elementary and Secondary Education Act of 1965.

(B) The term "eligible legalized alien" means an alien who either has been granted permanent resident status under section 245A(a) of the Immigration and Nationality Act or has been granted temporary resident status under section 245A(b)(1) of such Act, but only until the end of the three-year period beginning on the date the alien was granted such status.

(d)(1)(A) Each State shall prepare and submit to the Secretary an annual report on its activities under this section. In order properly to evaluate and to compare the performance of different States assisted under this section and to assure the proper expenditure of funds under this section, such report shall be in such form and contain such information as the Secretary determines (after consultation with the States

and the Comptroller General) to be necessary (i) to secure an accurate description of those activities, and (ii) to secure a complete record of the purposes for which funds were spent, of the recipients of such funds, and of the progress made toward achieving the purposes of this section. Copies of the report shall be provided, upon request, to any interested public agency, and each such agency may provide its views on these reports to the Congress.

(B) The Secretary shall annually report to the Congress on activites funded under subsections (b) and (c) and shall provide for transmittal of a copy of such report to each State.

(2)(A) Each State shall, not less often than once every two years, audit its expenditures from amounts received under this section. Such State audits shall be conducted by an entity independent of the State agency administering a program funded under this section in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, functions, and generally accepted auditing standards. Within 30 days following the completion of each audit report, the State shall submit a copy of that audit report to the Secretary.

(B) Each State shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the State, not to have been expended in accordance with this section and, if such repayment is not made, the Secretary may offset such amounts against the amount of any payment to which the State is or may become entitled under this section or may otherwise recover such amounts.

(C) The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any State which is not using its payments under this section in accordance with this section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

(3) The State shall make copies of the reports and audits required by this subsection available for public inspection within the State.

(4)(A) For the purpose of evaluating and reviewing the program of reimbursement established under this section, the Secretary and the Comptroller General shall have access to any books, accounts, records, correspondence, or other documents that are related to such reimbursement, and that are in the possession, custody, or control of States, political subdivisions thereof, or any of their grantees.

(B) In conjunction with an evaluation of review under subparagraph (A), no State or political subdivision thereof (or grantee of either) shall be required to create or prepare new records to comply with subparagraph (A).

(e) Whoever—

(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from funds paid to the State under this section, or

(2) having knowledge of the occurrence of any event affecting his initial or continued right to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized.

shall be fined not more than $25,000 or imprisoned for not more than five years, or both.

(f)(1)(A) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this section are considered to be programs and activities receiving Federal financial assistance.

(B) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this section.

(2) Whenever the Secretary finds that a State, or an entity that has received a payment from funds made available to a State under subsection (b) or (c), has failed to comply with a provision of law referred to in paragraph (1)(A), with paragraph (1)(B), or with an applicable regulation including one prescribed to carry out paragraph (1)(B), he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted,

(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable, or

(C) take such other action as may be provided by law.

(3) When a matter is referred to the Attorney General pursuant to paragraph (2)(A), or whenever he has reason to believe that the entity is engaged in a pattern or practice in violation of a provision of law referred to in paragraph (1)(A) or in violation of paragraph (1)(B), the Attorney General may bring a civil action in an appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(g) In establishing regulations and guidelines to carry out this section, the Secretary shall consult with representatives of State and local governments.

(h) For purposes of subsections (d) through (g) of this section, the term "Secretary" means the Secretary of Health and Human Services and the Secretary of Education.

On page 103, in the table of contents, amend the item relating to section 302 to read as follows:

"SEC. 302. State legalization assistance."

Mr. BRADLEY. Mr. President, the amendment I am offering is a matter of equity and fairness to the States, counties, and municipalities. This amendment seeks to prevent the possible massive shift of costs from the Federal Government to all of our States and local jurisidictions.

My amendment would authorize 100 percent Federal reimbursement for a 3-year transition period for State and local costs of public assistance for newly legalized aliens. It would also provide a limited amount of education assistance. This amendment is a substitute for the provision in section 302 of the committee bill.

My proposal has the strong support of the National Governors Association, The National Conference of State Legislatures, The National Association of Counties, and the U.S. Conference of Mayors.

Mr. President, allow me to review what we are doing in this bill. We are going to legalize an unknown number of currently illegal aliens. Once they are granted legal status, we are going to make them ineligible for Federal health and welfare benefits. Those who will be granted permanent resident status—we make them ineligible for 3 years. Those who will be granted temporary resident status—we make them ineligible for 6 years.

Now, not all of the legalized aliens will require public assistance. Many or even most have jobs and will continue to support themselves and their families. But in a period of 10-percent unemployment it is totally unrealistic not to expect that we do not have a sizable problem here. With estimates of 3 million to 6 million illegals, and some estimates even higher, if only 5 percent need public assistance, we will have a very sizable problem.

What else do we do in our bill for the aliens that we legalize and who require assistance? Well, we give the States permission to deny State and local benefits as well. But a number of Federal court decisions limit the ability of States to deny public assistance to classes of persons legally within their borders. Most importantly, these are the Matthews against Diaz, 1976, and Graham against Richardson in 1971. In my own State, an attorney general's interpretation of our own law indicates New Jersey must provide public assistance to those who seek it if they reside in the State under color of law, and newly legalized aliens would meet this test.

So, assume that all States must provide public assistance according to Federal judicial mandate or even that a number of States either choose or are required to provide aid; what does the bill do for these States? It provides a block grant.

Mr. President, block grants may be useful in public policy in some circumstances, but I suggest that they are inappropriate in this legislation. A block grant may make some sense where you know what kind of population you need to serve, what its size is, what kind of services will be required, and what the distribution of cost is among States, so that you can devise an appropriate allocation formula. But we simply have no good numbers in this area.

We do not know the number of illegal aliens currently residing in the United States. Of these, we do not know how many will be eligible to apply for legal status. Of those who are eligible, we do not know how many will apply. Of those who apply, we do not know how many will acquire public assistance. Of those who require public assistance, we do not know what the patterns of assistance will be, what the costs may be for this population.

Mr. President, would you take a risk on this number of unknowns? If any of us were a Governor, a State legislator, a county executive, or a mayor, would he or she seek a fixed-dollar block grant with absolutely no data to back up our prayer—for that is what it would be—that the money would be enough?

The block grant is too risky. It affords too little protection to New Jersey and Texas and California and Florida, and all of the other States who—through no choice of their own—are home to newly legalized aliens.

Well, what would this burden be? Let me site just the situation in New Jersey, which is probably somewhere in the middle range in terms of numbers.

We have a large population of Cuban-Haitian entrants who would gain temporary resident status under the bill. Costs for aiding about 3,900 of this group run $7 million to $8 million annually. The State and its counties and cities are facing the prospect of absorbing these costs because current Federal reimbursement for them starts to run out in this quarter.

New Jersey may also have as many as 200,000 or 300,000 illegal aliens. Many are from the Caribbean, Central America, South America, many from Poland and other Eastern European countries, as well. If only 5 percent of these people require cash and medical assistance when legalized, the additional cost would be in the range of $24 million to $32 million.

The burden of these costs would not even be equitably distributed, even within our State. Because our counties and cities pay a share of assistance costs, the burden would be concentrated in a few urbanized, industrial counties. Essex, Hudson, and Union would be the hardest hit.

Mr. President, it has always been the policy of Congress that the Federal Government should bear responsibility for the result of its decisions, particularly in matters of refugees and entrants to this Nation. The block grant shifts the burden of these Federal decisions to the States and local governments.

Under my amendment, those States and local governments which provide assistance to legalized aliens will be fully reimbursed for their costs. Reimbursement, though, would be limited to a 3-year transition period—the same period as the block grant. It would also be limited to existing programs of health and welfare benefits for which other similarly situated persons in the State qualify. In other words, there is no new program created.

In addition, my amendment would provide a limited amount of education assistance to those school districts which have high concentrations of newly legalized aliens. This is a matter of fairness to those districts, and also I think good public policy. The extra help the children will receive could indeed go a long way toward eventually helping them find employment and stay off the welfare rolls.

Mr. President, I would say to you and my distinguished colleague from Wyoming and the rest of my colleagues that if we are going to legalize, then we must accept the responsibility for paying for our decisions.

My amendment recognizes that responsibility as the block grant would do. It is an appropriate funding mechanism in an area where numbers are impossbile to project. It protects our States and counties and municipalities and I hope that my colleagues will support it.

Mr. President, I ask unanimous consent to add Senator CRANSTON as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I am always impressed at any activity that Senator BRADLEY is involved in in the Senate. He is a very perceptive, a very thoughtful, and a very sincere legislator. So, when I see him processing and recommending an amendment, I bring a light lunch and I know that it is going to be a good haul.

I want to speak against this amendment for these reasons, and they will be briefly stated:

This amendment will require the Federal Government to reimburse the State and local governments for welfare payments or benefits and educational benefits provided to aliens already living and working in their communities.

The aliens legalized under this bill have been residing in this country since January 1980. That is a very important consideration. That is nearly 3½ years. They are not newcomers being brought into the community as a result of legalization. These are not refugees being admitted to this country by the President after consultation with Congress. The people legalized under this bill are persons who have been living and working and contributing to their communities for a substantial period of time.

They have acquired what we call in our deliberations "equities." They have put down roots in their communities which would make it both very difficult and undesirable to attempt to find them or deport them. And I think the Senate easily concurred in that with the vote on legalization today.

These are people who are paying State taxes, local sales taxes, income taxes, and property taxes, either indirectly through rents or directly through homeownership.

And that is why I say that this, in this instance, is not a 100-percent Federal responsibility. Refugees, maybe. The refugee issue—and there is no attempt by Senator BRADLEY to distort that—but refugees, because of our Federal laws and our Federal decisions, may well be a large or even a 100-percent Federal responsibility. I do not want to indicate that now, but they are certainly a Federal responsibility. But this is not a 100-percent Federal responsibility.

I think it is very much a shared responsibility because it recognizes the benefits of the legalization program received by the State and the local governments, including the taxes that those legal aliens will now be contributing and already are contributing, as well as the other things I mentioned.

So we have shared responsibility here rather than a 100-percent Federal responsibility. The shared responsibility is recognized in the bill by the provision of the Federal block grant assistance to the States which is based on a formula which recognizes the number of legalized aliens in each State. When the legalization is completed, the formula is computed and there the money goes. It will go to the heavily impacted States. If there are counties in New Jersey, counties in California, that is where it will be allocated.

The administration has assured us that either $1.1 or $1.4 billion will be available for the block grant program.

Further, I believe that the fears of substantial increased costs to the State and local governments are somewhat exaggerated. I say this because few States presently provide any adequate screening of illegal aliens in their current welfare program. This is just a reality.

Undoubtedly, some of this legalized population is currently receiving benefits. The composition of the alien population would indicate that legalized aliens will be less likely to seek welfare benefits after legalization than would the general population. In fact, if you equate them with legal immigrants, you would be on a better track as to what the cost might be of an illegal immigrant.

We must remember that these are, for the most part, economic migrants who came here to work. Many are young, single males. From 50 to 70 percent of that population is estimated to be from Latin America.

There is a strong family tradition and heritage in that part of the world and, if their families are in this country, it is expected that most will be two-parent families with at least one parent working.

These are not persons most likely to become welfare recipients.

In addition, a recent Census Bureau study, of recent origin, indicates the total illegal population in this country as of January 1, 1980, which is the date of qualification for legalization under the bill, might be as low as 2 million persons. That study, which the Census Bureau considers to be the most accurate thus far, would indicate that the population in this country eligible for legalization is much smaller than most of us would have estimated to this point. I think that is very real.

Under a recent Supreme Court decision, all alien children in this country are entitled to free public education. So, the fact of legalization alone will not increase the educational cost to any State or local school district. It is there now and it will remain there. In fact, I feel that, unless we get on with our business with immigration reform, the next logical step for the Supreme Court of the United States will be to say, "Is not a child that the sins of the parents should not be visited on just as entitled to food and shelter as they are to education?"

That will be an interesting Supreme Court decision, indeed, or at least deliberation.

As I indicate, these costs are shared responsibilities in this instance. The bill, I think, provides very appropriately for sharing the cost through a reasonable block grant program.

For those reasons, Mr. President, I would urge you to reject the amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, the decision to legalize aliens is a Federal responsibility in which States and localities have no say. If it is in the national interest to legalize these people, then it is up to all Americans to share the costs. Concentrating the burdens in those States with the heaviest concentration of newly legalized immigrants is not only unfair but is the surest way to engender opposition to the program and to those it was intended to benefit.

If the Senator from Wyoming is correct in saying that the vast majority of these newly legalized immigrants are hardworking, taxpaying, upright citizens of their communities, then there is clearly no need for any provision related to public assistance.

The fact of the matter is that there are some who are in need of public assistance. That is recognized by the establishment of a block grant.

All we are saying is that we should not transfer that full responsibility back to the State and local governments. It should be a Federal responsibility because it is a Federal decision to legalize these people.

Let us take the case of the person who is working, who is paying taxes and has paid taxes for a couple of years, but who loses his or her job because we are in a recession, who finds himself or herself in very difficult economic straits, and then, even though he or she has paid taxes for a number of years, finds pursuant to the provisions of this bill that he or she is specifically excluded from qualifying for Federal assistance. That means it falls back on the State and local unit of government to provide assistance.

Mr. President, I think that the issue is one of equity, one of fairness, one of full accountability by the Federal Government for decisions that it is making in the area of legalizing presently illegal aliens. I would hope that we could accept this amendment, that the Senate would support it. If we do not, with the best of intentions and $1 billion in block grants, we could find in a year or two from now that the costs and the numbers are far greater than we thought probable. In this case, we will have transferred all of that burden back to the State and local governments.

It is a Federal responsibility pursuant to a Federal action and we should assume it.

Mr. President, I ask unanimous consent that Senator HAWKINS be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, the amendment proposed by the able Senator from New Jersey would provide 100 percent reimbursement of State and local welfare benefits to legalized aliens.

Last year, I supported the Grassley amendment to provide block grants to the impacted States to help them meet the demands created by the legitimate needs of legalized aliens who qualified for assistance. I feel that this is as far as the Federal Government should go. The legalized aliens are working in the community and paying taxes to both the State and the locality. If a State deems a particular legalized alien eligible to receive aid, then that State should shoulder its share to pay for the benefits. Block grants were accepted last year and I think this approach should be tried first. I will, therefore, oppose this amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, under the legislation as it is presently drafted, we will be receiving full reports to the Congress, to the Judiciary Committee, and the Labor Committee as to the impact of the welfare burden upon the States and local communities. That is part of the legislation. Indeed, it is repetitive to say that we are not shifting the entire issue to the States and communities. We are not shifting that. We are saying that it is a shared cost. Under the block grant program, the Federal Government is going to share that responsibility to the amount of the $1.1 billion to $1.4 billion over the next 4 years.

This is one of the things that I know the Senator from new Jersey has followed so closely, and in fact no one has given more attention, thought, and interest. When this bill came up a year ago, he wanted to visit and we did visit, he asking piercing questions that should be asked of the issue and then was basically supportive of the entire legislation, which I deeply appreciated. One of the specters lurking in the weeds on this one was the attempt to show that a heavy budget impact is something that sometimes comes up in the argument of those who do not want to do anything with immigration reform.

That is certainly not the case of the Senator from New Jersey, but I have had those in the administration who choose to freight this bill with the awesome prospect of a situation gone amuck in the cost of $12 billion or $9 billion and thoughts of presentation and discussion of veto and so on. I must say, the President does not share those views; nevertheless, there are gnomes within the system like the wormwood on that one. So, they will portray this as a heavy burden budget impact which will not be helpful toward the final result.

Then we may be back to the position where, if it is freighted with too heavy a financial burden, we may again end up doing nothing. Then I think the costs upon the local governments and the State governments will only continue and be more awesome than they would be at least with a $1.4 billion block grant. Of these new figures which some are putting great credence in—how many will come forward in legalization, another issue which is unknown—I know the Senator's intent. I know that it will be that way in any State with limited financial resources—certainly, a large population within a very small geographical area and a history of caring for refugees and immigrants and the large history of ethnic response and sensitivity.

I do say I think we have it and I do deeply feel that it is a shared responsibility.

Mr. BRADLEY. Mr. President, how much time remains?

The PRESIDING OFFICER. Forty-three seconds.

Mr. BRADLEY. Mr. President, I appreciate the comments of the Senator from Wyoming. I simply close by making the point that this is a very limited amendment. At worst, it is redundant, meaning it will cost no more than what we are going to expend for the block grant because there will not be the need. At best, it is an insurance policy for all those States and localities that will have to be the sole party responsible for a potentially increasing number of people eligible for public assistance.

The PRESIDING OFFICER. Is all time yielded back on this amendment?

Mr. SIMPSON. I have one further comment, Mr. President.

If we could limit it further, I would be very adroit in assisting there. But right now, the amendment provides, as I see it, all welfare aid and education. With that provision, that, of course, is a serious and heavy impact.

I yield time from my time to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, there are two separate categories. One is essentially State public assistance; that is, health and welfare. The second is educational aid. The educational aid will be essentially determined based upon the number of people who are legalized aliens in a particular school district.

The public assistance portion relates to those State programs that are now available to any other citizen in the State if they find themselves destitute, but who, under the combination of this bill and the existing laws, would not be eligible for that public assistance if they were legalized aliens.

Does the Senator, my distinguished colleague, whom I respect not only for his knowledge on this issue but for his fairness and his wisdom, suggest that if the education assistance were modified, he might be willing to accept the amendment?

Mr. SIMPSON. Oh, Mr. President, I would not want my dear colleague to labor under that misapprehension. I would have to resist this point, also, even if we were to receive that charitable reduction in cost, yes.

Mr. BRADLEY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. SIMPSON. I yield back my time.

Mr. BRADLEY. I thank the Senator for his comment.

The PRESIDING OFFICER. Under the previous order, the vote on this amendment will occur tomorrow at 3:30 p.m. The question recurs, then, on the Kennedy amendment.

Mr. SIMPSON. I ask unanimous consent that that be the first item of business unless my cofloor manager would choose to set it aside, which might occur with his permission. But now, it is the principal item of business——

The PRESIDING OFFICER. The Senator is correct. Would he put that in the form of a unanimous-consent request?

Mr. SIMPSON. I would.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I would like to clarify one point. In describing the G-IV portion of the bill, the committee report says that under the "physically present" requirement "an absence caused by the need to inspect overseas projects and a customary leave shall not be subtracted from the required aggregate period of physical presence * * *." It would more accurately reflect congressional intent if this sentence had read "* * * or customary leave." Moreover, "overseas projects" should not be interpreted narrowly. For example, the International Monetary Fund does not technically have overseas projects, but its employees must travel abroad to visit with client governments, to discuss and consult on projects and policies of these governments, and to give expert advice. Such trips, so long as the immigrant continues to reside in the United States, should not be subtracted from the required aggregate period of physical presence.

I hope that the floor managers of the bill agree with this clarification.

Mr. SIMPSON. The Senator from Maryland (Mr. MATHIAS) has accurately reflected our intentions, and I thank him for clarifying this point.

AMERICAN UNIVERSITY OF BEIRUT'S SPECIAL IMMIGRATION REQUIREMENTS

Mr. KENNEDY. Mr. President, last year during our consideration of this bill, I noted for the record the special immigration problems that have developed for many permanent resident aliens serving at the American University of Beirut's hospital.

Unfortunately, this problem persists, although it is my understanding that it can be resolved by administrative action. If not, it is my intention to offer special legislation, if necessary.

However, I will not do so now, in order to give the Immigration Service time to explore administrative solutions to this problem, which is clearly outlined in a recent letter to the Attorney General from Najeeb E. Halaby, chairman of the university's board of trustees.

I ask that it be printed at this point in the RECORD, and I urge the administration to give urgent consideration to alleviating the special immigration problems many of the university's staff face today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN UNIVERSITY OF BEIRUT,
New York, N.Y., April 11, 1983.

Hon. WILLIAM FRENCH SMITH,
Attorney General,
Washington, D.C.

DEAR BILL: At your suggestion, I am writing to explain in more detail how the administration of certain technical provisions of the U.S. immigration laws threaten the American University of Beirut with the loss of the 52 members of its faculty who are U.S. resident aliens (green card holders). You can well imagine how devasting to the university such a loss would be, since it already is suffering difficulties in recruitment because of the war-time conditions that for so long have prevailed in Lebanon.

NATURE OF THE PROBLEM

As an American university serving the Middle East, AUB places high value on a faculty which is rooted both in the American educational tradition and in the Middle Eastern cultural milieu. This balance is achieved by maintaining a faculty, a significant number of whose members are Middle Easterners who have earned their advanced degrees (M.D.s and Ph.D.s) in the United States. Many of these individuals have strengthened their U.S. ties even further by obtaining permanent resident status or by becoming naturalized citizens.

For those Middle Eastern faculty members who are not already naturalized citizens when they leave the United States to teach and conduct research at AUB, two problems arise:

(1) They are prevented, by their necessary absence from the U.S., from meeting either the five years continuous residency requirement or the two and one-half years physical presence requirement and therefore from becoming eligible for naturalization; and

(2) They risk forfeiting, through their extended absences, the very resident alien status which provides their strong cultural link to the U.S. and assures them the possibility of applying for citizenship at a later date.

Over the past couple of years immigration officials have been questioning AUB faculty members who have U.S. green cards about the continued validity of those cards, when they visit the United States. Last year INS instituted formal administrative proceedings against two of our faculty members, seeking a determination that their green cards were no longer valid. In one case an immigration judge determined that the green card of the chairman of our Department of Internal Medicine was not valid. The university intends to appeal that case upon receipt of the written decision. In the second case, proceedings against the chairman of our Department of Ophthalmology were temporarily adjourned when he had to return to Beirut. INS has indicated its intent to pursue this case vigorously in the future.

These actions by INS have raised grave concerns among the 52 AUB faculty members who hold green cards. Since this number represents approximately 12 percent of the total faculty, there is also a serious threat posed to the university itself. These individuals' ties to the U.S. are sufficiently strong that they may resign their professorships to return to the States rather than lose their U.S. resident alien status and the prospect of citizenship. Should this occur, American interests in the Middle East would suffer substantially. AUB simply could not continue to operate in anything like its present form with a 12 percent faculty reduction. The likelihood of

recruiting large numbers of new faculty is more remote given the current situation in Lebanon. Moreover, many of the individuals affected are the university's most senior personnel. All the faculty members in question much prefer to continue at AUB. But in the absence of a change in the law or regulations which would better protect these individuals' rights of residency and prospects for naturalization, a major faculty exodus is a very real possibility.

AN ADMINISTRATIVE SOLUTION

We believe a solution to the university's problem can most easily be structured around the fact that AUB already is on a list of "American institutions of research" maintained by your office. This list is now kept for the purposes of section 316(b) of the Immigration and Nationality Act, which stipulates that by application an individual employed by "an American institution of research recognized as such by the Attorney General" may be exempted from the requirement that he not remain outside the United States continuously for more than one year without interrupting the five years waiting period to become eligible for naturalization. Were you to issue an opinion to the effect that those aliens with green cards who are returning from employment abroad with an American institution of research shall be conclusively presumed to be returning from only a "temporary absence abroad" and to a "lawful unrelinquished permanent residence" in this country, the most urgent problem facing our faculty would be resolved. This would allow faculty members who are green card holders to establish the continued validity of their green cards, even though by the nature of their employment they are required to spend the majority of their time outside the United States.

We have discussed this problem and various possible solutions with the appropriate members of the Committee on the Judiciary in both the Senate and House of Representatives. We have been pleased by the interest expressed in helping the university deal with this situation, and we are optimistic that the Committee would give their backing were you to issue an opinion in the nature of the one described above. Such an opinion would not allow large numbers of individuals to qualify for consideration. It would in no way increase the number of green card holders or improve any individual's chances for obtaining a green card. It would apply only to those individuals who had obtained green cards under existing provisions in the law and regulations. Moreover, no individual would be eligible for the protection of green card status which such an opinion would provide unless he or she was employed by an American research institution which had qualified for designation as such upon application to your office.

There are at present 85 institutions on the list of American institutions of research, but the true number of individuals who would be affected is probably less than even that number. AUB has 52 individuals affected, but it is a very special case, chartered as it is in the State of New York but operating in Beirut. Most institutions on the list conduct almost all their operations in this country. The only other one in the same category as AUB is the American University in Cairo, and we are advised that they have only 3 individuals who would be affected. All the other institutions operate in the United States, and on the basis of our survey of 16 of them, we conclude that they only rarely have an employee who would be affected. Such individuals would be affected only if they happened to be green card holders and were leaving the United States to do research abroad for a period in excess of one year in duration. Almost all the institutions contacted in our representative survey indicated they were placed on the list many years ago and no longer need the designation. For instance, the Burma Office of Robert Nathan Associates is on the list, but we were informed that they have not maintained a Burma Office since 1959. All told, the 17 institutions other than AUB which we canvassed had a total of only 6 people affected.

We hope you will find it possible to develop an administrative solution along these lines at an early date. Under the current situation a substantial portion of our faculty faces the prospect of adjudicatory procedures and possible loss of their U.S. permanent resident status when professional or business obligations of the university require their return to the United States. And in any event, each of the 52 faculty members affected are required to return to this country at least once a year to assure the preservation of their green card status. This means that taking the very action required by law to preserve their status may in fact result in revocation of that status.

The university believes the impact of current INS regulations on AUB faculty members does not well serve the real interests of the United States. For years the university has been the Middle East's most potent force for both a literate and humane public and for the development of the region. The uniquely American style of education that AUB offers, where students are encouraged to think for themselves and apply their own experiences, has profoundly influenced the acceptance of the values of free inquiry and individual enterprise we cherish in this country. We therefore appeal to you in the hope that you can agree that preserving this most salutary of American influences in a most troubled part of the world warrants the technical changes in the administration of the immigration laws which would be required to resolve the problems confronting our faculty.

With warmest personal regards.

Yours sincerely,

NAJEEB E. HALABY,
Chairman,
Board of Trustees.

● Mr. TSONGAS. Mr. President, legalization of undocumented aliens who already reside in the United States is an integral facet of the Immigration Reform and Control Act of 1983. Over the past 3 years, a bipartisan consensus has developed on the need for a legalization program as a key component of any immigration legislation.

Every serious study in the past 3 years, undertaken under either congressional or administration auspices, has backed the concept of providing legal status to the resident undocumented alien population in the United States. This has been the common conclusion of the Select Commission on Immigration and Refugee Policy, and the 1981 Reagan Administration Task Force on Immigration.

While the importance of providing for legalization is widely acknowledged, I am concerned that the bill on the floor of the Senate today fails to address the circumstances of particular groups of individuals. Specifically, the bill fails to meet the needs of many Haitian and Salvadoran nationals in the country. Their concerns merit special attention. I would like to urge my colleagues to call upon members of the Conference Committee to work together to address these unmet needs.

The Haitian refugee boat people were forced to leave their homeland. Having been exposed to the dangers of a hazardous sea voyage, they arrived here only to become the subject of illegal detentions by the Immigration Service.

Federal courts have twice found that Haitian boat people were illegally imprisoned by the Immigration Service in violation of the U.S. Constitution. Most recently, they have held that this detention policy was so selective as to be discriminatory. Beginning in May 1981, under orders of the Attorney General, more than 2,000 Haitians were imprisoned without bond in remote Federal facilities for 15 to 18 months.

On April 12, 1983, the court of appeals for the 11th circuit, found that this detention policy was in violation of the fifth amendment of the Constitution.

Other Haitian refugees otherwise indistinguishable from this group of detainess, benefited from President Carter's decision to grant them entrant status. Fundamental justice demands that the boat people who have fled to our shores seeking safety and who have suffered additionally under illegal detention benefit from these same protections.

The current bill does not respond to the special circumstances of those Haitians imprisoned under the detention program.

It is my hope that the conferees will agree upon a date for granting permanent residency that will cover these Haitian refugees. If that is not possible, elementary justice demands that separate provisions be made in this legislation granting them legal status, thereby recognizing their unique plight and suffering.

The current bill should similarly respond to the special circumstances of Salvadoran nationals. Currently, they are being returned to El Salvador by the Immigration and Naturalization Service. Two thousand one hundred and eighteen Salvadorans were deported.

At least two cases have been clearly documented, through press articles and eyewitness accounts, in which persons returned by the United States to El Salvador were in fact killed.

A petition has been filed to the Inter-American Commission on Human Rights by several major religious organizations, including the U.S.

Catholic Conference, the National Council of Churches, and the Lutheran Council of the United States, in which the United States is accused of violating the human rights of Salvadorans by requiring them to return to El Salvador at this time.

We should make every effort in this legislation to respond to those Salvadorans who fled the 1980 offensive and the subsequent waves of violence in which over 42,000 civilians have died since 1980.

The Attorney General should grant extended voluntary departure status to Salvadorans.

Extended voluntary departure status is authorized by section 242(b) of the Immigration and Nationality Act. It has been used in the past for nationals of particular countries when their countries have experienced civil war or similar dangers to life and personal safety. Nicaraguans and Lebanese have been granted this status and it is presently in effect for Poles and Afghans. It does not confer any permanent status, nor does it provide eligibility for the permanent residence track.

It does respond to the great humanitarian concerns raised by the current deportation practices.●

EMPLOYER SANCTIONS

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD.)

● Mr. HOLLINGS. Mr. President, the Immigration Reform and Control Act of 1983 is basically the same bill that overwhelmingly passed the Senate last Congress by a vote of 80 to 19. I voted in favor of this bill last year and I intend to do so again when the bill comes to the Senate floor for consideration.

The need to enact legislation to update our current immigration system is great. The number of legal and illegal alien entries into the United States continues to grow and this bill, though not perfect, is a giant stride toward implementing a more effective and efficient means of monitoring the immigration flow. However, as we strive for reform, we must remember that fairness and equity must be our guiding principles. We must never forget that this legislation sets the balance for determining whether an individual can enjoy the opportunity and freedom to pursue life within these United States.

There have been some questions raised concerning this bill's use of employer sanctions as a means of immigration enforcement. Those opposing these sanctions fear that they will result in discriminatory practices against minorities. Opponents contend that employers would attempt to avoid scrutiny of their business operations by Federal officials by discriminating against individuals who speak with an accent or look foreign.

However, no such results are intended by the drafters of this legislation. These employment sanctions are simply one of the means of insuring that our immigration policies are effectively carried out. The concept behind these sanctions is to stem the flow of undocumented workers into the United States by eliminating the economic incentive of hiring illegal immigrants.

While no discriminatory effects are intended, we must be sure to monitor closely the results of implementing these employer sanctions. Provisions requiring the General Accounting Office to report to Congress on whether the employer sanction provisions have caused discrimination are included in the bill. These reporting provisions demonstrate the drafters' intentions of responding to discriminatory practices should they arise as a result of the sanctions.

Mr. President, I want to be on record as strongly supporting GAO's required scrutiny of the results of the employment sanctions mandated by this bill. Discriminatory practices are not intended, but we are prepared to act affirmatively should they be found to occur. We must make every effort to insure that no segment of our population is discriminated against as a result of these employment sanction provisions. As a nation which stresses the need for equitable and humane treatment of all individuals, we must be committed to correcting any course of action which results in unfair discriminatory practices against minority members of our society.●

● Mr. GLENN. Mr. President, although I will not offer an amendment I would like to take this opportunity to focus the attention of the Senate on what I consider to be a major flaw in the immigration reform proposal we are considering today, namely the narrowing of the current fifth preference covering brothers and sisters of U.S. citizens. Family reunification has been and should remain the primary objective of our immigration system. Last year's bill originally eliminated the fifth preference altogether. While this year the preference has been partially restored through the efforts of the Senator from Massachusetts to allow unmarried brothers and sisters of U.S. citizens to rejoin their families in the United States, this to me is only a marginal improvement in an otherwise arbitrary and severe limitation on family reunification. Mr. President, I am fully cognizant of the strains on our legal immigration system, however, by this action we are, in effect, permanently dividing families and dashing long-cherished dreams of families to be together. I know full well of the huge backlog in the current fifth preference. But to me this backlog represents not a reason for eliminating this preference category but rather a compelling demonstration of the strength and endurance of family reunification desires and thus the strongest of arguments for the continuation of the current fifth preference. Each of us can easily imagine the anguish we would feel were we to be permanently divided from a beloved sister or brother. Thus I am sympathetic to the concerns of members of the Asian-American community who have expressed themselves most urgently on this issue. Prior to the 1965 elimination of the national origin quota system Asian families did not enjoy the benefits of the fifth preference. Now we will begin to close this door of opportunity so recently opened to them. I believe this is most unfortunate and contrary to our family reunification goals. Thus I urge my Senate colleagues who will be conferees on this bill to retain the current fifth preference category, as the House has done.●

THE RENEWABLE ENERGY TAX INCENTIVE ACT OF 1983

Mr. MATSUNAGA. Mr. President, it was my privilege to work with the distinguished Senator from Oregon (Mr. PACKWOOD) to develop the Renewable Energy Tax Incentive Act of 1983, and before commenting upon the bill itself, I wish to commend him for his leadership and foresight in introducing this legislation, of which I am proud to be the prime cosponsor.

Hawaii, Mr. President, is a small State, with a residential population just approaching a million people, and due to its location in the middle of the Pacific Ocean, it is more vulnerable to energy disruptions than any other State.

Hawaii imports more than 90 percent of its fuel, and depends upon petroleum not only for ground, air, and water transportation, but also for generation of most of its electricity. This is a situation which the people of Hawaii believe must be reversed.

While no one can deny that the Aloha State is a paradise of the Pacific, it is extremely vulnerable to the vicissitudes of petropolitics—both to the threat of sudden disruption of supply and to the economically debilitating price increases that accompany such disruptions. But our islands are also blessed, Mr. President. We are blessed with an abundance of natural and renewable energy resources. We have some of the best geothermal sites in the Nation, because our islands were formed by volcanoes, some of which are still active. We have a number of high-quality sites for wind energy, good hydroelectric power sites, ocean temperature gradients that are ideal for ocean thermal energy conversion, and rich farmlands that produce bagasse, the energy-rich byproduct of sugar cane production, which we use

to generate steam and electricity. And, of course, I need not mention—but I will—Hawaii's abundant, year-round sunshine which can be tapped by solar energy collectors, solar thermal electric generators, and photovoltaic systems.

We often like to refer to Hawaii as America's natural energy laboratory, Mr. President, because virtually every renewable energy resource that has been tried or developed anywhere in the United States has been developed and used in Hawaii. As evidence of this point, Mr. President, I ask that a recent paper by Dr. John W. Shupe, director of the Hawaii Natural Energy Institute, be included at the end of my statement. As many of my distinguished colleagues know, I have worked here in Congress to gain Government recognition for Hawaii's superb attributes as a natural energy laboratory through Department of Energy funding for development of renewable energy programs and projects in Hawaii.

That research support has been forthcoming, Mr. President, although in diminishing amounts during the past 2 fiscal years, and Hawaii has indeed been our Nation's renewable energy laboratory.

Today, Mr. President, I am able to report that the experiment has been a success. Acting on its own initiative, the Hawaii State Legislature enacted in 1976—2 years before the Federal Government—a provision allowing a tax credit for residential solar energy installations. In the year 1977, 1,101 Hawaiian taxpayers claimed this tax credit. In 1978, 4,061 taxpayers claimed the State solar tax credit in Hawaii. In 1979, the first year that the Federal credit was available, this number rose to 4,375, and in 1980, the number of Hawaiian citizens claiming the credit increased again to 4,704.

The total installed costs of these residential solar energy systems was approximately $43 million, Mr. President, which generated excise and use taxes of $1.72 million, plus tax revenues on wages and on the profits of the businesses which installed the systems. By comparison, if all of the dollar value of the credits were used, the total credits allowed would have been $4.3 million. These statistics are derived from a paper entitled "Tax Credits Claimed by Hawaii Residents," written by the Honorable George Freitas, director of the Department of Taxation, State of Hawaii, presented at the Governor's Energy Conference on August 15-18, 1982, at the Hilton Hawaiian Village Hotel in Honolulu. I ask unanimous consent that a copy of the paper by Director Feitas be included at the end of my statement.

The PRESIDING OFFICER. Without objection, so ordered.

(See exhibit No. 1.)

Mr. MATSUNAGA. Mr. President, these statistics show that renewable energy tax credits have motivated Hawaii citizens to invest in energy independence, and to do their part to wean our State, and our Nation, away from our dangerous dependence on expensive, politically insecure foreign petroleum.

I therefore urge my colleagues to allow this success story to continue by supporting this bill to extend and enhance the renewable energy tax credits. Hawaii, which leads the Nation in having the largest per capita use of residential solar water heating in the United States, has demonstrated its willingness, as I mentioned earlier, to develop and use alternative energy systems. And, Mr. President, every renewable energy technology being developed in Hawaii today—ocean thermal energy conversion (OTEC), wind, solar thermal electric generation, residential and industrial solar, geothermal, hydroelectric power, and biomass—is included in this bill.

In light of the administration's desire to cut back, and in some instances repeal, these credits, it is necessary that Congress reaffirm its commitment to encourage renewable energy development so as to lessen our dependence upon uncertain foreign supplies of oil and gas. Also, we must insure that the renewable energy industry stays viable during this period of slipping oil prices and unstable Federal Government policy.

I therefore urge my colleagues to give their full support to the extension of the renewable energy tax credits.

EXHIBIT 1

OVERVIEW OF RENEWABLE ENERGY DEVELOPMENT IN HAWAII

(Dr. John W. Shupe)

[Charts and graphs not reproducible in RECORD.]

INTRODUCTION

Of all 50 States, Hawaii is most vulnerable to global oil shortages and to dislocations in the world energy market. Hawaii has no known fossil fuel reserves—coal, petroleum, or natural gas. There is no offshore oil. We have no coal coming into the State by rail; no natural gas by pipeline.

The electricity demand on our separate islands is too small to allow the accommodation of massive nuclear power plants into the utility system—which many people view as a mixed blessing. We are not tied into a regional grid, so that we can share electric loads with adjacent states. In fact, our separate islands are not even interconnected in a common electric grid, although a major study is underway on a deep submarine cable to transmit electricity between the major islands.

Today, 92 percent or essentially all of our energy comes from imported oil. Unfortunately, nearly two-thirds of this petroleum is foreign crude—much of it from the Middle East. This was a contributing factor to the severity of the energy shortfall in Hawaii following the 1973 oil embargo. And this near-total dependence on seaborne petroleum—which with each passing Middle East crisis has become more expensive and less secure—is a paradox. For Hawaii is blessed with a variety and abundance of renewable energy resources, which can be used as substitutes for imported oil.

Included among these energy alternatives are direct solar radiation, wind, biomass, ocean thermal, and geothermal energy—all potentially low polluting in comparison to conventional energy systems with their noxious discharges, acid rain, greenhouse effect, and long-lived radioactive wastes. Hawaii's renewable energy resources are totally compatible with the State's concern for the quality of the environment.

The benefits of energy self-sufficiency, as they relate to the future economic well-being of Hawaii, are well recognized by its citizens. Not only has the vulnerability of this island state been demonstrated by the energy shortfall resulting from the oil embargo, but by severe maritime strikes, as well, which have tied up essentially all shipping from the mainland United States. Each incident reinforces the resolve to strive for greater energy independence, and a concerted effort leading toward this goal has been underway for more than a decade.

From the beginning, the development of Hawaii's renewable energy resources has been a cooperative endeavor of all segments of the public and private sectors. Much of the initial research and thrust for this activity, going back to 1970, came from the University and, since its establishment in 1974 by the Legislature, from HNEI—the Hawaii Natural Energy Institute.

All segments of State and County government have been early participants in the development of energy alternatives, and the original seed money to initiate and to sustain many of these projects has come from State funding. Throughout the decade of the 70's, generous support for renewable energy was provided by the federal energy funding agencies; first the National Science Foundation (NSF), next the Energy Research and Development Administration (ERDA), and then the Department of Energy (DOE).

There has been strong input also for the majority of the projects from the private sector, which has added credibility to the effort. The electric utilities on Oahu, Hawaii, Molokai, and Kauai have all taken an active role in alternate energy programs, as have the Hawaiian Sugar Planters' Association (HSPA), Pacific Resources, Inc. (PRI), Dillingham, C. Brewer, AMFAC, and many other local and mainland engineering and business firms. With the major cutbacks in funding for renewable energy imposed by the Reagan Administration, it is the private sector—with encouragement and support from local government—which must maintain the momentum Hawaii has achieved over the past decade in developing its energy alternatives.

I would like to present a brief overview of the progress made to date by Hawaii in minimizing its near-total dependence on imported oil.

OVERVIEW

The Hawaiian Islands—the State of Hawaii—consists of the eight southernmost islands in the Hawaiian Archipelago, an island chain stretching across 600 kilometers of the Central Pacific and separated from the mainland United States by nearly 4000 kilometers of ocean. These islands are the tops of shield volcanoes rising from the ocean floor and are too recent in origin to have experienced the natural cycle necessary for the formation of fossil fuels. Hawaii

has a resident population of about 965,000 and a de facto population of slightly over 1,100,000 when visitors to the islands are included (1). Nearly 80 percent of the resident population and most of the industrial and government infrastructure are concentrated on the island of Oahu, the site of the state capitol, Honolulu. By contrast to this major metropolitan area with a high-density energy demand, most of the other islands have widely dispersed low-density energy requirements, similar to many of the less developed areas throughout the world.

The total civilian energy consumption for Hawaii in 1979 was 211 trillion Btu's, which is equivalent to about 37 million barrels of oil. Figure 1 compares energy utilization in Hawaii with that of the mainland United States (2). The energy consumption patterns for the state and the nation differ appreciably, largely because of (i) the absence of a space heating requirement in the subtropical climate of Hawaii and (ii) the huge amount of aviation fuel necessary to service the state's tourist industry. A significant point to consider in planning for Hawaii's energy future is that nearly 60 percent of the state's current energy demand is for liquid fuels to satisfy transportation requirements.

There is some variation in the cost of energy between the separate islands, particularly with respect to electricity, for which larger generating units are more economical. At present, the price of residential electricity varies from 11.4 cents per kilowatt-hour in Honolulu to approximately 24 cents per kilowatt-hour on Molokai—one of the highest electricity rates in the United States. Regular gasoline costs about 41 cents per liter ($1.55 per gallon) on Oahu, including local and federal taxes, and about 5 cents a gallon more on the other islands. Although this is higher than mainland charges for gasoline, it is still a bargain in comparison to most worldwide figures.

Hawaii's nearly total dependence on seaborne petroleum is a paradox, since the state has a variety and abundance of renewable energy resources. Research was initiated more than a decade ago on the utilization of these resources as alternatives or substitutes for imported oil (3), and the energy shortfall of 1973 added impetus to the effort. To date, the impact of renewable energy resources on Hawaii's oil imports has been slight, except for the existing 8 percent input from the bagasse and hydroelectric power plants. However, the great amount of research, development, and demonstration (RD&D) that has been directed to indigenous energy sources in recent years is beginning to have positive results. Table 1 shows the origin of the $65 million spent on renewable energy RD&D in Hawaii during the past decade and the general categories in which these funds were expended (4).

TABLE 1.—FUNDING OF RENEWABLE ENERGY RD&D IN HAWAII: 1971 TO 1980

Program	Source of funding (thousands of dollars)			
	Federal	State/county	Private	Total
Ocean thermal	22,006	3,246	1,712	26,964
Geothermal	12,336	2,173	4,334	18,843
Insolation, wind, and hydro	9,437	1,494	423	11,354
Bioconversion	1,848	1,498	766	4,112
Other	1,026	2,674	256	3,956
Total	46,653	11,085	7,491	65,229

DIRECT SOLAR RADIATION

The principal Hawaiian Islands lie between 19° and 22° N. At Honolulu the midsummer sun is 3° north of vertical, while the winter low is 45° above the southern horizon. Therefore, Hawaii has both a higher average insolation rate and a smaller seasonal variation than the mainland United States. Average annual insolation values in excess of 500 langleys (calories per square centimeter) per day are not unusual (5). Consequently, Hawaii is well suited for the utilization of all types of direct solar radiation conversion systems.

Almost 40 percent of the residential energy consumed in the state is used for heating water. This represents a good target for solar water heaters, and at present there are about 19,000 flat-plate solar collectors installed in Hawaii, resulting in annual savings in imported oil of about $6 million.

Where higher temperatures are required, solar thermal systems with concentrating collectors show excellent potential, both for process heat and for generating electricity. Three major design studies on solar thermal systems for utility and industrial applications in Hawaii, involving parabolic collectors with both dish and trough configurations, have been funded by the DOE.

Preliminary design studies have been conducted as well on solar ponds. The state is reviewing a proposal to design and construct a 500-kW salt-gradient solar pond at the Natural Energy Laboratory of Hawaii on the Kona Coast of the Big Island of Hawaii.

Photovoltaic power systems utilizing solid-state semiconductor devices to convert solar radiation directly into electricity are beginning to find limited application in Hawaii. A photovoltaic system that generates 35 kW of electricity for Wilcox Memorial Hospital on Kauai was completed in December 1981. This concentrating dual system consists of a series of parabolic troughs that focus radiation on the solar cells which produce electricity. Water, which is warmed as it circulates through the system and cools the cells, provides much of the hospital's hot water.

Three small photovoltaic systems—2 to 3.5 kW—have also been installed on homes in Hawaii as demonstration projects of the DOE. These roof-mounted systems are metered into the utility grid, and records are kept of the amount of surplus electricity from the photovoltaic system that is fed back into the utility grid. In addition to these three demonstration projects, more than 250 homeowners in Hawaii have reportedly installed photovoltaic systems—both with and without storage—to help meet their electrical needs.

OCEAN ENERGY SYSTEMS

The ocean is an excellent solar collector and storage system. A century ago, the French scientist Jacques d'Arsonval discovered that the temperature difference between the sun-warned ocean surface and the cold deep-water can be used to generate electricity. Unlike many other renewable resources, which provide energy intermittently, there is negligible cooling of the ocean at night, so that ocean thermal energy conversion (OTEC) could be utilized for 24-hour base-load power.

A preliminary inventory of locations throughout the state with some potential for OTEC systems has been made, but additional bathymetric and ocean current studies are required to verify that these sites are suitable for OTEC plants. There is an economic advantage if a site is located near shore, since the umbilical cable for transmitting electricity from a floating OTEC power plant to a shore-based utility grid would be both shorter and simpler in design. There is also some interest in constructing shore-based OTEC plants, with the cold-water pipe running out through the surf zone. Hawaii has a number of sites that satisfy criteria for both near-shore floating and shore-based OTEC power plants.

In addition to OTEC power plants feeding electricity into an island utility grid, floating anchored platforms and untethered grazing OTEC plants could be utilized to produce ammonia or hydrogen as a synthetic fuel. Craven (6) estimated that within the 200-mile zone of the islands constituting the Hawaiian Archipelago, it is possible to produce 10 to 15 quads (1 quad=10^{15} Btu's) per year of OTEC power—an amount of energy greater than that derived from the current annual import of oil by the United States.

Three significant saltwater OTEC projects have been located in Hawaii. Mini-OTEC was the first fully operational closed-cycle OTEC system to generate electricity from the ocean thermal gradient. It was a joint venture of the Lockheed Missile and Space Company, the Dillingham Corporation, and the State of Hawaii to demonstrate the technical feasibility of an OTEC power plant. The heat exchangers and other components of Mini-OTEC were located on a barge and a polyethylene pipe, 61 centimeters in diameter, suspended from a buoy, was used to bring up cold water from a depth of 655 meters. During its 4-month deployment off Hawaii in late 1979, Mini-OTEC generated slightly over 50 kW of electricity, of which 35 to 40 kW was used internally to drive the system and 10 to 15 kW was net power.

The second project located in Hawaii was OTEC-1, which represented a major effort of the DOE to obtain operational data on the components of a 1-megawatt OTEC system. More than $50 million went into the project, most of which was spent in the mainland United States to convert a Navy tanker to accommodate the massive heat exchangers and other components for circulating deep-ocean water through the system at 246,000 liters per minute. The Ocean Energy Converter was deployed 25 km off the coast of Hawaii in early 1981, and 3 months of excellent operational data were obtained before budget limitations caused premature termination of the program.

The third major OTEC project is the Seacoast Test Facility (STF), located at the Natural Energy Laboratory on the Big Island of Hawaii. The STF was designed to provide a permanent shore-based facility from which to conduct reliable, economical, long-range test programs on biofouling, corrosion, and component performance. The advantage of this site is that the ocean floor drops off abruptly from the shoreline, so that a depth of 640 m can be reached by extending a pipeline 1860 m from the laboratory, through the surf zone, and along the ocean floor. Phase 1 of the STF has been completed and includes the installation of a 30-cm cold-water pipe with a flow capacity of 5700 liters per minute. Current warm-water capability is 7600 liters per minute.

Hawaii is interested in OTEC not only for base-load power but also for the probable spin-off in aquaculture and desalination from the cold, nutrient-rich, deep-ocean water. Since DOE funding for OTEC may be curtailed in the future, Hawaii is looking both to industry and to foreign governments as potential customers for conducting research with the unique cold-water capabil-

ity of the STF. However, the immediate outlook for continuing OTEC activity in Hawaii was reinforced by the DOE announcement on 19 February 1982 that two of the nine proposals for conducting the conceptual design phase for a closed-cycle OTEC pilot plant had been approved for funding, each at $900,000. Both these proposals are based on OTEC sites located on Oahu.

BIOMASS RESOURCES

The major agricultural crop of Hawaii is sugarcane. Nearly 1 million metric tons of raw sugar are produced annually on 89,000 hectares of prime agricultural land (2). Major by-products are 2.4 million metric tons of bagasse and 280,000 metric tons of molasses. The moisture content of bagasse is about 48 percent, and it is an excellent boiler fuel, replacing nearly 2.5 million barrels of imported oil a year. Although molasses is a satisfactory feedstock for ethanol production, the economics of conversion still appear to be marginal, so that most of the molasses is used as cattle feed. Even if all of the molasses produced in the state were converted to ethanol and used as transportation fuel, it would not have a major impact on the amount of gasoline required. The ultimate potential for ethanol from molasses is about 87 million liters a year—only 8 percent of the current fuel used for automobiles in Hawaii.

Forest products also have excellent energy potential in Hawaii, both as boiler fuel and as feedstock for liquid fuels. Most of the 650,000 ha of forest lands in Hawaii are natural stands, from which forestry thinning operations are providing a limited source of wood chips for sugar company boilers. Different varieties of eucalyptus and the giant koa haole (leucaena) seem to show promise for tree farms in Hawaii, and an extensive study of the cultivation and harvesting requirements of several of these varieties has been conducted to determine the amount and location of land appropriate for tree farming with each of these strains (7).

Tree farming is also receiving a great deal of attention, with the Hawaii State Division of Forestry providing $500,000 annually for the planting of 1 million seedlings a year for energy tree farms throughout the state. The BioEnergy Corporation is conducting a 5-year demonstration program on fast-growing strains of eucalyptus, which will be harvested in 5 to 7 years. Studies on leucaena (8) show that a model farm of 405 ha with 4,100,000 leucaena trees would replace 22,000 barrels of diesel fuel each year, about one-third of Molokai's annual electric energy need. Pacific Resources, Inc., is leading a DOE-funded project on the feasibility of a hydropyrolysis process for converting a variety of Hawaii's high-yield cellulosic crops to liquid fuels.

Other biomass projects are addressing (i) more effective use of pineapple waste for boiler fuel, particularly on Molokai, and (ii) growth in seawater of single-cell algae, which convert sunlight and nutrients to lipids rather than cellulose. The algae project is jointly funded by the State and the Solar Energy Research Institute and has achieved high mass densities in a 50-m^2 algal raceway (9). The generation of both lipids and protein by this process looks sufficiently promising to justify increasing the project to a 40,500-m^2 system.

An endowed chair in renewable energy resources was established recently at the University of Hawaii by an $800,000 grant from Coral Industries, Inc., of Honolulu. The present Coral Industries professor, Dr. Michael J. Antal, is conducting research into Hawaii's potential for liquid fuel replacement.

Another possible source of energy might be called "urban ore"—municipal solid waste. HPOWER, the proposed Honolulu Project on Waste Energy Recovery, estimated that Oahu's 1800 tons of municipal solid waste per day could be used to produce 35 MW of electricity. This proposal was dropped, due to siting problems, but the City and County of Honolulu is continuing to research the feasibility of utilizing municipal solid waste for energy production. The new Cooke generating plant on the Island of Molokai has a 4 MW capacity. It is designed to burn hay, wood chips, pineapple chop, municipal waste, in fact almost any combustible material.

WIND ENERGY

The northeast trade winds, which blow across Hawaii approximately three-quarters of the time, constitute one of the most consistent and reliable wind patterns in the world (10). This favorable wind regime is reinforced by the terrain of the islands and a fairly stable inversion layer at an altitude of around 1800 m. These factors combine to give a funneling effect: as the trade winds are forced up and over the mountain ranges and around the islands, their velocity is greatly increased—often more than doubled.

Each of the major islands in the state has good sites for wind development. In addition to the favorable wind patterns, there is no icing in Hawaii to contribute to overloading and vibration of windmill blades, while hurricanes and high-gusting winds are extremely rare in this area of the Pacific. Except for the corrosive effects of moist salt-laden air, which can be handled through proper design, Hawaii has an ideal combination—physical and climate conditions for the introduction of wind power.

There are about 70 small wind generators—0.2 to 50 kW—dotting the Hawaiian landscape, most funded privately. To date, there is only one large windmill in Hawaii—a 200-KW wind turbine generator located at Kahuku on the north shore of Oahu. During its first year of operation, ending 3 July 1981, this windmill generated 870,970 kWh, far more electricity than any of the other MOD-OA's located in the Mainland and Puerto Rico have generated during any year.

The Hawaiian Electric Company (HECO) is optimistic about the future of wind power for Hawaii and has entered into a contract with Windfarms, Ltd., for the purchase of 80 MW of electricity from wind turbine generators to be located near the 200-KW unit at Kahuku. Windfarms will finance these huge wind turbines at an estimated total cost of $350 million. HECO will buy the electricity from Windfarms for distribution through the utility grid. Hopefully the system will be completed by the end of 1984. If so, it could provide nearly 10 percent of Oahu's electricity demand, saving about 600,000 barrels of imported oil a year.

GEOTHERMAL RESOURCES

Initial geological and geophysical explorations for geothermal resources were conducted in 1973 on the Big Island of Hawaii, which has two active volcanoes and a complex rift zone system. The first successful experimental well was drilled in Hawaii in 1976 to a depth of 1967 m. Preliminary flashing and flowing of the well were encouraging (11), and subsequent testing verified that this is one of the hottest geothermal wells in the world, with a 358°C downhole temperature. In addition, the quality of the fluid is excellent with low levels of toxic materials and of components which precipitate out to clog the circulation and generation system.

A broader resource assessment program, consisting of the compilation and evaluation of readily accessible geological, geochemical, and geophysical data both on the island of Hawaii and throughout the island chain, identified 20 regions in 13 general areas with some potential for geothermal development (12). These are areas where temperatures are probably sufficiently high to generate electricity or where lower temperature resources could be used to supply process heat for industrial applications. Unfortunately, there are no high-temperature geothermal resources on Oahu, where more than 80 percent of the state's population base and electricity market are located.

A 3-MW geothermal wellhead generator was installed at the HGP-A well. When it first began generating electricity in August 1981, Hawaii became the second state to generate electricity from its geothermal resources. Compared to California's 900 MW of installed geothermal capacity, this 3-MW power plant is a very modest beginning. However, with 20 potential geothermal regions identified and the possibility of an interisland electric cable, geothermal power in Hawaii could approach the current capacity in California by the end of this century. Three drilling consortia have been established, and Hawaii's first successful geothermal well drilled entirely with private capital was flashed in October 1981. HECO has revised its plans to construct more fossil-fired power plants on the Big Island and has issued a request for proposals on a 25-MW geothermal power plant—to be the forerunner of commercial development for this major geothermal field.

SUMMARY OF HAWAII'S RENEWABLE ENERGY RESOURCES

The development of most of Hawaii's energy alternatives will in no way be limited by the magnitude of the resource base. The total capacity of all of the possible onshore and nearshore OTEC power plants exceeds the projected base-load electrical demands of the state many times over, as does the potential geothermal resource. It is estimated that the Puna area of the island of Hawaii alone may provide 3000 MW-centuries of generating capacity from its geothermal reservoirs (2). Similarly, during the trade wind conditions, the potential wind energy in the state exceeds by a factor of 10 Hawaii's total electrical needs (10). Until and unless an economic method for storing wind energy is developed, the factor limiting commercialization of wind energy is the total amount of wind power that can be accommodated by the utility grid.

The availability of suitable land area could limit extensive utilization of both direct solar radiation systems and biomass growth for boiler fuel farms or liquid fuel feedstock. However, since the ultimate energy supply mix for Hawaii will probably include a variety of indigenous energy resources, each maximized to satisfy an end use of direct heat, electricity, or fuel, no single renewable resource is likely to be dominant.

ENERGY FUTURE

Energy is a crucial element in planning for the State's economic future. Extensive reviews and projections of Hawaii's energy supply and demand have been conducted throughout the past decade. Easily the most comprehensive study was a 3-year, $550,000

joint effort by the DOE and the state to establish data bases and integrated energy analyses from which to develop scenarios for alternative energy futures. This was a collaborative effort of Lawrence Berkeley Laboratory and the DPED which resulted in the six-volume Hawaii Integrated Energy Assessment (HIEA) (2), covering the state's total energy picture. Table 2 is taken from the HIEA study and summarizes parameters related to the potential of the various renewable energy resources for satisfying a portion of Hawaii's electrical demand.

TABLE 2.—ELECTRICAL ENERGY POTENTIAL OF RENEWABLE RESOURCES IN HAWAII

Technology, commercialization, and base, intermediate, or peak load	Capital costs (1980 dollars per kilowatt)		Resource potential by 2000 (MW)
	1985	2000	
Geothermal, near term, base	2000	1200	1000
OTEC, 1990 to 1995, base	8000	2600	1600
Solar thermal and photovoltaics, 1990 to 1995:			
Intermediate	3000	2000	1800
Interrupted	8000	2000	
Wind, near term, all 3 (interrupted)	1500	700	450
Biomass, near term, all 3	1500	1500	160
Hydroelectric, near term, all 3	800	800	100
Municipal solid waste, 1985, all 3	2200	2200	45

Three scenarios for future energy demand in Hawaii are presented in the HIEA (2). All three are based on the state's "most likely" projection of population and personal income and on the assumption that the mandated automobile mileage standards will be implemented. All three of these demand forecasts are predicated on oil continuing to be the predominant energy supply. Therefore, these forecasts serve only as a starting point for an analysis of the role of renewables in Hawaii's energy future and how they will affect the projected demand, both for oil and for total energy.

In the first scenario, the baseline case, it is assumed that there will be a 3 percent per year escalation in the world oil price above the general inflation rate, starting with $30 a barrel in 1980. The second scenario, the savings case, is similar to the baseline case, but in addition to improved automobile mileage it is assumed that other conservation practices are instituted, mainly increased efficiency in appliances, lighting, water heating, and space conditioning. The third scenario, the high oil price case, is based on a 10 percent per year increase in oil price above the inflation rate, which could occur if there were major disruptions in global oil production. Table 3 lists forecasts for the contribution that the major energy supply sources will make in meeting total electricity demand for the state in 2005. Forecasts are presented for each of the three scenarios.

Table 3 projects a relatively high level of penetration of the renewables for electricity generation by 2005, with the baseline case showing 79 percent penetration and the high cost case 94 percent. However, since HIEA assumes that there will be very little replacement of liquid fuels by electricity during the next two decades and that jet fuel demand will increase by 68 percent over the next 25 years, the amount of the total energy provided by the renewables in 2005 is only 37 percent for the baseline case and 46 percent for the high cost case. These forecasts seem somewhat conservative.

TABLE 3.—ELECTRICITY SUPPLY FOR HAWAII IN 2005 BASED ON 3 PROJECTED FUTURE CASES

Source	Amount (million kilowatt hours)		
	Baseline	Savings	High oil cost
Geothermal	5,684	5,339	5,306
OTEC	3,568	2,521	2,758
Wind	2,314	2,074	2,016
Solar thermal	1,120	974	1,967
Bagasse	860	860	860
Municipal waste	276	276	276
Hydroelectric	98	98	98
Photovoltaics	(1)	(1)	204
Oil	3,621	1,058	923
Total	17,541	13,200	14,408

[1] Negligible.

CONCLUSION

In summary, Hawaii has both the incentive—though its near total dependence for energy on imported oil—and the opportunity—through its abundant supply of renewable energy resources—to become energy self-sufficient. This will require both the implementation of effective conservation measures, and the systematic development of our indigenous energy resources.

Much has been accomplished to date in laying the groundwork for conversion to renewable resources—in research and development projects, as well as in the establishment of a public and private infrastructure supportive of this effort. Geothermal, flat-plate solar collectors, wind energy, bagasse and other forms of biomass have achieved or are fast approaching cost-effectiveness with imported oil.

Hawaii readily recognizes, however, that much remains to be accomplished before a significant impact can be achieved in lessening our energy vulnerability. And with the current attitude of the federal government, the bulk of the capital for this development must come from the private sector, with encouragement and incentives provided by the local government.

Although the decade ahead represents a new ballgame, we are optimistic that the appreciable momentum that has been generated can be maintained, and Hawaii will continue to progress steadily toward its ultimate goal of energy self-sufficiency.

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Tax Credits Claimed by Hawaii Residents

(By Hon. George Freitas)

The 1965 Legislative Session passed an Omnibus Tax Bill which included increased tax rates for most taxes, recognizing that the hike in the general excise tax rates would create a hardship on low-income taxpayers. The Legislature also included in the bill provisions for two types of tax credits to counteract the impact of new tax rates.

The first was consumer type, education credit, and rental tax credits to eliminate the higher tax rates with some assistance to low-income taxpayers.

The cost of energy affects all the people of Hawaii. The cost can be stabilized by the development of alternate energy resources such as solar, wind, geothermal, biomass, ocean thermal energy conversion and municipal solid waste. Energy which is produced in Hawaii will employ our people, and the money spent on energy will be spent in our local economy rather than leaving the State to pay for $1.5 billion in imported oil each year.

The 1976 Legislature also turned to another area of concern: that of energy conservation. In order to encourage homeowners to conserve energy, the Legislature enacted a bill to provide a tax credit of 10 percent of the cost of any solar energy device installed. The credit is to be claimed against the taxpayer's tax liability for the year in which the device was purchased and placed in service. The credit is applicable to devices placed in service after December 31, 1974, but before December 31, 1981.

THE SOLAR ENERGY DEVICE TAX CREDIT—1977

This tax credit is available to any individual or corporate resident taxpayer who files individual or corporate net income tax returns for a taxable year, with no restrictions placed on total income. The credit may not exceed 10 percent of the total cost of the solar device, and is to be claimed against the net income tax liability for the year in which the solar energy device was purchased and placed in use. This credit is applicable to solar devices erected after December 31, 1974 but before December 31, 1981 (later extended to December 31, 1985 by the 1982 Legislature). If the tax credit

exceeds the taxpayer's income tax liability the first year, it may be used as a credit against his income tax liability in subsequent years until exhausted.

There were 1,101 taxpayers who claimed the tax credit for solar energy devices purchased and installed in 1977. The cost of the solar devices totaled $2.3 million, for an average cost of $2,135 per unit. The average cost of a unit varied among the Adjusted Gross Income (AGI) levels, ranging from the low of $1,800 for those with AGI of $30,000–$40,000 to a high of $2,457 for those with AGI over $50,000. Tax credits claimed amounted to $234,700. Of this amount $5,200 was carried forward to 1978, leaving a balance of $229,700 allowed for 1977. The $5,200 represented the excess tax credit over tax liability. While the number of taxpayers on Maui comprised only 8 percent of the total returns filed, 35 percent of those claiming the solar device tax credits were residents of Maui. Oahu claimants totaled 50 percent with Hawaii and Kauai claiming 9 percent and 6 percent respectively.

As the cost of energy continues to rise, more people are turning to alternate sources of energy. This is clearly demonstrated by the number who claimed the solar device tax credits, which soared to 4,061 in 1978, more than tripling the 1,101 who claimed for the year 1977. The $11.8 million spent on the cost of the solar devices represented an average cost of $2,907 per unit, as compared to $2,135 for 1977. The total claimed skyrocketed to $1.1 million, up 387 percent over the 229,700 claimed for 1977.

For the first time in 1978, Hawaii resident taxpayers were permitted to claim a tax credit of up to $30 for the cost of insulating a hot water heater tank and exposed hot water pipes. The sum of 98 taxpayers claimed the heater insulation credit for a total of $2,874. This was slightly below the maximum $30 allowed per installment.

In the year 1979, in spite of higher cost of purchasing a solar device, the number of individuals claiming the solar device tax credit continued to increase although at a more modest rate. The 4,375 who claimed the credit in 1979 surpassed the 4,061 in 1978 by 7.7 percent. The average cost rose from $2,907 to $3,031 with a corresponding increase in the tax credit amount up to 11.6 percent for a dollar value of $13.3 million. The second year of the $30 heater insulation, 234 claimed the credit, more than doubling the 98 who claimed the credit in 1978. The cost ranged from a low of $18, to a high of $920, with a median of $52. The tax credit claimed amounted to $6,512.

In the year 1980, the number claiming the solar energy device tax credit increased by 7.5 percent, from 4,375 in 1979 to 4,704, with a total cost of $15.7 million. The average cost of solar devices rose from $3,031 in 1979 to $3,346, for an increase of 10.4 percent. The combination of higher prices and more claimants raised the tax credit allowed to $1.5 million, up 19.4 percent over 1979.

The heater insulation tax credit for 1980 was claimed by 859 taxpayers, compared to 234 for 1979. The expense ranged from $12 to a high of $916, with median of $33. The credit claimed was $23,745.

The Legislature for 1981 allowed heat pumps and windmills for credit only for residential property. The 1982 Legislature, at the request of the Administration, was to include business properties for the heat pumps and windmills. This was not approved.

The total cost of solar devices for the years 1977 to 1980 was $43 million, which in turn generated general excise and use taxes of more the $1.72 million, plus the effects of employment and income taxes on wages and profits of businesses. By comparison, the tax credits, if all were used, would be $4.3 million.

I hope the explanation gives you some data on Hawaii solar devices and insulating tax credits for the conservation of energy.

ROUTINE MORNING BUSINESS

(During the day routine morning business was transacted and additional statements were submitted, as follows:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed in the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following bills and joint resolution:

On May 2, 1983:

S. 304. An act to hold a parcel of land in trust for the Burns Paiute Tribe.

On May 4, 1983:

S.J. Res. 62. Joint resolution to provide for the designation of the week beginning on May 15, 1983, as "National Parkinson's Disease Week."

On May 16, 1983:

S. 1011. An act to amend the Federal Deposit Insurance Act to provide for the issuance of income capital certificates.

MESSAGES FROM THE HOUSE

At 4:25 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 51. Joint resolution designating May 21, 1983, as "Andrei Sakharov Day."

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 5:26 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the Speaker has signed the following bill and joint resolution:

S. 653. An act to amend title 10, United States Code, to establish a Foundation for the Advancement of Military Medicine, and for other purposes; and

S.J. Res. 51. Joint resolution designating May 21, 1983, as "Andrei Sakharov Day."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary reported that on today, May 17, 1983, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 653. An act to amend title 10, United States Code, to establish a Foundation for the Advancement of Military Medicine, and for other purposes; and

S.J. Res. 51. Joint resolution designating May 21, 1983, as "Andrei Sakharov Day".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

S. 505. A bill to designate the Federal building to be constructed in Savannah, Ga., as the "Juliette Gordon Low Federal Building" (Rept. No. 98-123).

By Mr. DOLE, from the Committee on Finance, with amendments and with a preamble:

S. Res. 95. A resolution to express the sense of the Senate that the President should initiate negotiations on a new long-term agreement on agricultural trade with the Soviet Union (Rept. No. 98-124).

By Mr. DOLE, from the Committee on Finance, without amendment:

S. 1295. An original bill to authorize appropriations for the United States International Trade Commission, the United States Customs Service and the Office of the United States Trade Representative for fiscal year 1984 (Rept. No. 983-125).

By Mr. ANDREWS, from the Select Committee on Indian Affairs, with amendments:

S. 727. A bill to authorize the Secretary of the Interior to set aside certain judgment funds of the Three Affiliated Tribes of Fort Berthold Reservation in North Dakota, and for other purposes (Rept. No. 98-126).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 131. An original resolution waiving section 402(a) of the Congressional Budget Act of 974 with respect to the consideration of S. 639.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1047. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-25, adopted by the Council on April 26, 1983; to the Committee on Governmental Affairs.

EC-1048. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-26, adopted by the

Council on April 26, 1983; to the Committee on Governmental Affairs.

EC-1049. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-27, adopted by the Council on April 26, 1983; to the Committee on Governmental Affairs.

EC-1050. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-29, adopted by the Council on April 26, 1983; to the Committee on Governmental Affairs.

EC-1051. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Health Hazards Related to Nuclear Resource Development on Indian Land"; to the Select Committee on Indian Affairs.

EC-1052. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Alternative Methods for the Provision of Cash Assistance, Medical Assistance, and Case Management for Refugees"; to the Committee on the Judiciary.

EC-1053. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Feasibility and Advisability of a Refugee Impact Aid Program"; to the Committee on the Judiciary.

EC-1054. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, pursuant to law, the 1982 annual report describing the activities and operations of the Public Integrity Section, Criminal Division, and reporting on the nationwide Federal law enforcement effort against public corruption; to the Committee on the Judiciary.

EC-1055. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on compliance with the Consumer-Patient Radiation Health and Safety Act during calendar year 1982; to the Committee on Labor and Human Resources.

EC-1056. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting certain changes to the previously submitted legislative proposal entitled "The Child Nutrition Amendments of 1983"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1057. A commmunication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals for May 1983; pursuant to the order of January 30, 1975, referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, the Committee on Labor and Human Resources, the Committee on Banking, Housing, and Urban Affairs, the Committee on Energy and Natural Resources, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Finance, the Committee on Veterans Affairs, the Committee on Governmental Affairs, and the Committee on Small Business.

EC-1058. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to provide for changes in the dates for announcing national marketing quotas and related determinations for Flue-cured, Burley, and minor kinds of tabacco; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1059. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on real and personal property of the Department of Defense as of September 30, 1983; to the Committee on Armed Services.

EC-1060. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the shelf stocking function at the Branch Commissary Store, Cecil Field, Florida, to performance by contract; to the committee on Armed Services.

EC-1061. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the shelf stocking function at the Branch Commissary Store, Jacksonville, Fla., to performance by contract; to the Committee on Armed Services.

EC-1062. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the custodial services function at the Naval Medical Center, Bethesda, Md., to performance by contract; to the Committee on Armed Services.

EC-1063. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the shelf stocking function at the Branch Commissary Store, Orlando, Fla., to performance by contract; to the Committee on Armed Services.

EC-1064. A communication from the Military Executive, Reserve Forces Policy Board, transmitting, pursuant to law, the fiscal year 1982 readiness assessment of the Reserve Components; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE from the Committee on Finance:

S. 1295. An original bill to authorize appropriations for the U.S. International Trade Commission, the U.S. Custom Service and the office of the U.S. Trade Representative for fiscal year 1984; placed on the calendar.

By Mr. SPECTER:

S. 1296. A bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported roses consistent with those maintained by the European Economic Community on imports of roses from the United States and other nations; to the Committee on Finance.

By Mr. BUMPERS:

S. 1297. A bill to prohibit the Secretary of the Interior from issuing any future Federal coal lands leases until certain requirements are satisfied and a report thereon submitted to the Congress, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ANDREWS (for himself, Mr. HUDDLESTON, Mr. HELMS, Mr. BOSCHWITZ, Mr. BURDICK, Mr. JOHNSTON, Mr. TOWER, Mr. GRASSLEY, Mr. ZORINSKY, Mr. PRESSLER, and Mr. BOREN):

S. 1298. A bill to authorize the use of Commodity Credit Corporation grain stocks to provide in-kind guarantees of grower agreements for the delivery of grain to alcohol fuels production facilities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TSONGAS (for himself and Mr. GORTON):

S. 1299. A bill to amend the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HUDDLESTON (for himself, Mr. COCHRAN, Mr. ZORINSKY, Mr. ANDREWS, Mr. MELCHER, Mr. BOSCHWITZ, Mr. BOREN, Mr. JEPSEN, Mr. PRYOR, Mr. HEFLIN, Mr. DIXON, Mr. SARBANES, Mr. HOLLINGS, Mr. PRESSLER, Mr. EAGLETON, Mr. FORD, Mr. DECONCINI, Mr. BAUCUS, Mr. SASSER, Mr. THURMOND, Mr. EXON, Mr. NUNN, Mr. ABDNOR, Mr. BENTSEN, Mr. JOHNSTON, Mr. HART, Mr. JACKSON, Mr. RANDOLPH, Mr. LONG, Mr. PERCY, and Mr. TOWER):

S. 1300. A bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HEINZ (for himself, Mr. PACKWOOD, Mr. PRYOR and Mr. BURDICK):

S. 1301. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for expenses incurred in the care of elderly family members; to the Committee on Finance.

By Mr. HEINZ:

S. 1302. A bill to amend title XVIII of the Social Security Act with respect to purchase and rentals of durable medical equipment; to the Committee on Finance.

By Mr. MITCHELL:

S. 1303. A bill to amend the Internal Revenue Code of 1954 to make the ground water heat pump eligible for the residential energy and investment tax credits; to the Committee on Finance.

By Mr. HART:

S. 1304. A bill to improve the capability of the U.S. Government to assess the requirements for and the availability of strategic and critical materials, and for other purposes; to the Committee on Armed Services.

By Mr. PACKWOOD: (for himself, Mr. MATSUNAGA, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. BAUCUS, Mr. MITCHELL, and Mr. PELL):

S. 1305. A bill to amend the Internal Revenue Code of 1954 to extend the energy tax credit for investments in certain classes of energy property, and for other purposes; to the Committee on Finance.

By Mr. MATHIAS (for himself, Mr. BAKER, Mr. THURMOND, Mr. BIDEN, Mr. PERCY, Mr. DOLE, Mr. LAXALT, Mr. HATCH, Mr. DECONCINI, Mr. BAUCUS, Mr. HEFLIN, Mr. DENTON, and Mr. GRASSLEY):

S. 1306. A bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product; to the Committee on the Judiciary.

By Mr. DIXON (for himself and Mr. PERCY):

S.J. Res. 101. Joint resolution to designate September 11, 1983, as "National Youth Day"; to the Committee on the Judiciary.

By Mr. SPECTER:

S.J. Res. 102. Joint resolution to designate the week of October 16, 1983, through October 22, 1983, as "Lupus Awareness Week."; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JACKSON (for himself, Mr. BAKER, Mr. BYRD, Mr. RANDOLPH, Mr. THURMOND, and Mr. WILSON):

S. Res. 147. Resolution to honor Bob Hope on the occasion of his eightieth birthday; considered and agreed to.

By Mr. PERCY (for himself, Mr. BAKER, Mr. BENTSEN, Mr. BINGAMAN, Mr. BOREN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BURDICK, Mr. BYRD, Mr. COCHRAN, Mr. COHEN, Mr. CRANSTON, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAGLETON, Mr. EXON, Mr. GARN, Mr. GLENN, Mr. GORTON, Mr. HART, Mr. HATCH, Mrs. HAWKINS, Mr. HECHT, Mr. HEINZ, Mr. HELMS, Mr. INOUYE, Mr. JACKSON, Mr. JEPSEN, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. LEVIN, Mr. LONG, Mr. LUGAR, Mr. MATSUNAGA, Mr. MCCLURE, Mr. MELCHER, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. QUAYLE, Mr. RANDOLPH, Mr. RIEGLE, Mr. RUDMAN, Mr. SARBANES, Mr. SIMPSON, Mr. SPECTER, Mr. STAFFORD, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WARNER, Mr. WEICKER, Mr. WILSON, Mr. JOHNSTON, Mr. STENNIS, Mr. METZENBAUM, Mr. WALLOP, Mr. TRIBLE, Mr. D'AMATO, Mr. ROTH, Mr. GRASSLEY, Mr. PROXMIRE, Mr. ARMSTRONG, Mr. HUDDLESTON, Mr. HEFLIN, Mr. MATTINGLY, Mr. HATFIELD, Mr. ZORINSKY, Mr. BAUCUS, Mr. ABDNOR, Mr. TSONGAS, Mr. NICKLES, Mr. LEAHY, Mr. CHILES, Mr. ANDREWS, Mr. SASSER, Mr. MATHIAS, Mr. EAST, and Mr. LAUTENBERG):

S. Res. 148. Resolution expressing the support of the Senate on the decision of the Governments of Lebanon and Israel on agreeing to the arrangements for the withdrawal of Israeli forces from Lebanon; ordered placed on the calendar.

By Mr. DODD (for himself, Mr. TSONGAS, Mr. KENNEDY, Mr. DURENBERGER, Mr. CHAFEE, Mr. DOLE, Mr. PELL, Mr. METZENBAUM, and Mr. WEICKER):

S. Res. 149. Resolution to express the sense of the Senate that the laws which insure equal rights with regard to education opportunity for women should be maintained; to the Committee on Labor and Human Resources.

By Mr. WARNER (for himself, Mr. TRIBLE, Mr. MATTINGLY, Mr. THURMOND, Mr. RUDMAN, Mr. MATHIAS, Mr. DODD, Mr. PELL, Mr. CHAFEE, Mr. TSONGAS, and Mr. SARBANES):

S. Con. Res. 36. Concurrent resolution to proclaim a day of national celebration of the 200th anniversary of the treaty of Paris; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1296. A bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported roses consistent with those maintained by the European Economic Community on imports of roses from the United States and other nations; to the Committee on Finance.

RATES OF DUTY ON IMPORTED ROSES

● Mr. SPECTER. Mr. President, I am introducing a bill today to raise the tariff levels on imported roses to the level imposed on U.S. producers by the European Economic Community. This bill was introduced in the House of Representatives by Congressman PANETTA from California on February 1, 1983.

The production of roses is a major industry in Pennsylvania, but a number of factors have made rose growing increasingly difficult. First, the cost of fertilizer has risen, due to the escalating costs of natural gas.

Second, even though there has recently been a decrease in the price of petroleum, energy costs are many times what they were a few short years ago before the first oil embargo in the 1970's. Rose growers must use an enormous amount of energy to heat greenhouses, obtain and distribute water supplies and transport the roses to market.

Perhaps the major factor causing economic injury to the rose industry is the importation of cut roses from foreign countries. Foreign growers usually receive financial assistance from the producing country's government, enabling them to sell their crops in the United States at discount prices and undercut domestically grown flowers. It has been shown that some countries subsidize their producers with as much as 10.2 percent of the crop's value.

In 1982 foreign rose production accounted for 16.7 percent of the total U.S. market for roses. Five years ago, in 1978, the share of the U.S. rose market was only 3.4 percent. All this while, the production of domestic roses has remained relatively static. America has been excluded from its own domestic markets due to the mass intrusion of foreign-produced flowers.

In addition to subsidizing flower production, foreign nations often shut their doors to American roses through the use of high tariffs. The European Economic Community has consistently refused to reduce its tariffs to the 8-percent level maintained by the United States. The EEC fully intends to retain its current 24-percent import duty on "made in U.S.A." roses.

The fact that the EEC has refused to lower its duties is particularly troubling due to the fact that in the 1930's the United States had tariffs on roses of 40 percent. In the 1940's that level was reduced to 25 percent, then in the 1950's it was further lowered to 12 percent. Continuing this decline, the rate was lowered to 10 percent in the early 1960's, and in 1979 the tariff rate was finally fixed at the current rate of 8 percent. My bill places the tariff rate for roses entering the United States from November 1 to May 31 of the following year at 24 percent. For rates entering from June 1 to October 31, the rate is set at 17 percent. This would be the same as EEC tariffs and therefore fair under principles of reciprocity.

On February 3, 1983, I introduced a bill that would help protect American industries from foreign competitors who dump their goods in our markets at prices that are below the cost of production. Foreign firms can afford to sell their product at below cost because of subsidies provided by their home countries. This practice is unfair and harmful to America's interests. Domestic rose growers cannot be expected to compete with roses grown in other countries by persons whose costs are subsidized. By increasing our tariff rates to the level maintained by other countries we will bring equity and balance to the markets of the United States and the EEC. There is no reason for the United States to encourage foreign imports while the rest of the world restricts the number of roses imported into their countries through higher tariff rates.

There is a possibility that our GATT negotiators will be successful, in time, in achieving greater concessions from the EEC than have been obtained in the past, but how long can the rose growers wait? The growers in my State tell me that the market share is shifting so fast to foreign competition that local farmers will be forced to go out of business. Once we lose these farmers, they will not be easily convinced to reenter the market.

My bill gives rose producers a fair shake. It provides for equal competition between foreign and domestic producers.

Mr. President, I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart G of part 15 of Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out item 192.18 and inserting in lieu thereof the following:

"192.14	Roses: If entered during the period from November 1 of any year to May 31 of the following year, inclusive.	24% ad val.....	
			40% ad val....

192.16	If entered during the period from June 1 to October 31 of any year, inclusive.	17% ad val.....	
		40% ad val....	

(b) Items 192.15 and 192.17 are redesignated as 192.11 and 192.13, respectively.

SEC. 2. The amendments made by the first section of the Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.●

By Mr. BUMPERS:

S. 1297. A bill to prohibit the Secretary of the Interior from issuing any future Federal coal lands leases until certain requirements are satisfied and a report thereon submitted to the Congress, and for other purposes; to the Committee on Energy and Natural Resources.

DEPARTMENT OF THE INTERIOR'S COAL LEASING PROGRAM

● Mr. BUMPERS. Mr. President, the Department of the Interior's coal leasing program has been severely criticized by many Members of Congress, by citizen and conservation groups, by an investigative report of the House Appropriations Committee, and most recently by the General Accounting Office. Two weeks ago, I included in the RECORD a summary of the House Committee's findings about weaknesses in the coal leasing program and the gross mismanagement of the April 1982, Powder River Basin sale. The GAO has now released its independent report on both the Powder River Basin sale and the coal leasing program in general. GAO's report is even more critical of the Department's program than the House Committee's report. GAO identified substantial weaknesses in Interior's methods of determining the value of coal tracts. Its report concluded that the Federal Government received $100 million less than the fair market value of the leases sold in the Powder River Basin sale, despite the fact that the Secretary is required by the 1976 Federal Coal Leasing Act amendments to issue leases only for their full value.

Mr. President, the Department's coal leasing program is clearly out of control. Unless changes are made in the Department's sale procedures and fair market value determinations, enormous volumes of federally owned coal will be transferred to industry for only a negligible return to the Treasury.

Today I am introducing legislation which requires the Secretary to cancel all Federal coal leasing for at least 1 year and until the necessary steps are taken to reform the leasing program. The bill is based on GAO's recommendations for procedural changes in the program. Identical legislation was introduced last week in the House of Representatives by Congressmen UDALL, SEIBERLING, WEAVER, and MARKEY. I expect that it will receive quick attention in the House, and I hope that the Senate Energy and Natural Resources Committee will also schedule early hearings on the bill.

Specifically, this legislation would prohibit any Federal coal leasing for a period of at least 1 year and until the Secretary has made the following changes in the leasing program:

First. Developed a detailed analysis of the economic and geographic variables which affect the value of each Federal coal lease;

Second. Prepared new internal procedures for conducting coal leasing valuations;

Third. Developed guidelines for additional and experimental bidding systems for regional coal sales;

Fourth. Calculated minimum regulatory selling prices for coal leases in each Federal coal region on a cents per ton basis;

Fifth. Revised the procedures for determining fair market value so that they include specific quantitative tests and so that they place greater reliance on prior comparable sales; and

Sixth. Established internal procedures for safeguarding coal lease pricing, economic valuation, and other proprietary data.

The bill also requires the Secretary to submit to Congress a detailed report concerning the actions taken to reform the coal leasing program.

The need for these improvements is overwhelmingly supported by both the House committee report and by GAO's study. In the Powder River Basin sale, the average bid received was only 3.6 cents per ton. Four of the eleven tracts that received bids brought less than 1 cent per ton, and one tract received a bid of less than seven one-hundredths of 1 cent. Yet prices paid for Powder River Basin coal in private transactions have ranged from 18 cents per ton to $1.66 per ton. The House committee staff report calculated that the Government lost at least $60 million from only seven of the Powder River tracts. The GAO study concludes that the loss was even greater—the Government should have received as much as $100 million more for the tracts. GAO suggests that the Secretary should reevaluate those leases and cancel those leases for which fair market value was not received.

After the serious problems with Interior's leasing program surfaced last year, I hoped that the Department would postpone additional major sales until these problems could be corrected and until conditions have improved in the coal market. But instead, the Department announced plans to hold at least four major coal sales between December 1983 and August 1984, including another, even larger, sale in the Powder River Basin. And this does not represent all the coal that the Department wants to place under lease. Interior is accelerating processing of noncompetitive preference right lease applications, which may result in as much as 6 billion additional tons being leased for no bonus bids. If these leases are issued, and scheduled sales are held, as much as 16.7 billion tons of additional Federal coal will have been leased between 1981 and 1984, an amount which is roughly equal to the entire amount of coal under lease before this administration took office.

An accelerated coal leasing program might be justified if the industry truly lacked adequate reserves, if the coal market were strong, and if new production tracts would be quickly developed. But none of these conditions exist. More than 17 billion tons of Federal coal is already under lease, and no mine plans have even been submitted for more than one-half of the leases. Moreover, the industry has asked for legislation which would further relax the existing requirements for development of coal leases, because so many leases cannot be profitably developed under current soft market conditions. The Interior Department itself admits that its new leasing policy is not based on any targets for actual coal production, but is based instead on a philosophy of leasing as much coal as industry would like to hold in reserve. The low bids received in the Powder River Basin sale are the best evidence of the fiscal implications of such a policy.

Mr. President, the GAO recommendations for improving the coal leasing program are sound and should be implemented immediately. Obviously, there is no need to lease additional Federal coal reserves, and it makes no economic sense to risk losing another $100 million per coal sale when changes can be made in the leasing procedures which will insure that the Government receives full market value for the public's resources. It is well past time for the Department to reassess its leasing policies, and I am convinced that unless the Congress forces the Department to reform the leasing program, either by passing this legislation or by acting through the budget process, no changes will be made. The result will not be lower consumer prices, or a lessened dependence on foreign energy sources, but only a rapid turnover of valuable coal deposits to industry with virtually no return to the Treasury.

I urge the Senate to give this proposal careful and immediate attention.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of law to the

contrary, the Secretary of the Interior shall not issue any Federal coal lands lease for any lands subject to the Mineral Lands Leasing Act for a period of one year after the date of enactment of this Act or until all provisions of subsections (a) through (g) are complied with, whichever is later. In no event shall the Secretary issue any Federal coal lands leases unless he—

(a) has developed a detailed analysis of the economic and geographic variables affecting the value of each Federal coal lease, including a comparison of the effect of changing variables;

(b) has prepared and published in the Federal Register new internal procedures for conducting coal lease valuations (including criteria for comparable sales analyses), refining the technique used to develop original minimum acceptable bids for the Powder River Basin lease sale held in April 1982;

(c) has developed and published in the Federal Register guidelines for additional and experimental bidding systems for regional coal sales (including entry level and intertract bidding and limits on the percentage of leasing target permitted under such experimentation);

(d) has calculated minimum regulatory selling prices for coal leases in each Federal coal region on a cents-per-ton basis;

(e) has revised the procedures for determining fair market value so as to include specific quantitative tests which (1) are applicable whether or not adequate bidding competition is present at the lease sale, and (2) place greater reliance on prior comparable sales and on recent bona fida sales in the absence of bidding competition at the lease sale;

(f) has established written procedures for safeguarding coal lease pricing, economic valuation and other proprietary data against unauthorized disclosures; and

(g) has submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a report detailing the specific actions taken in this implementation of subsections (a) through (f) of this Act and containing a detailed explanation and such additional information as may be appropriate.●

By Mr. ANDREWS (for himself, Mr. HUDDLESTON, Mr. HELMS, Mr. BOSCHWITZ, Mr. BURDICK, Mr. JOHNSTON, Mr. TOWER, Mr. GRASSLEY, Mr. ZORINSKY, Mr. PRESSLER, and Mr. BOREN):

S. 1298. A bill to authorize the use of Commodity Credit Corporation grain stocks to provide in-kind guarantees of grower agreements for the delivery of grain to alcohol fuels production facilities; to the Committee on Agriculture, Nutrition, and Forestry.

USE OF COMMODITY CREDIT CORPORATION GRAIN STOCKS

Mr. ANDREWS. Mr. President, today I am introducing a bill which would amend the Charter Act of the Commodity Credit Corporation (CCC). Joining me as cosponsors are Senators HELMS, BOSCHWITZ, HUDDLESTON, BURDICK, JOHNSTON, TOWER, GRASSLEY, ZORINSKY, PRESSLER, and BOREN.

The bill provides authority for the CCC to use its grain stocks, if necessary, to assist in the production of alcohol from grain by guaranteeing grain grower agreements between farmers and alcohol processing plants. These multi-year grower agreements signed by farmer-producers could then be used as collateral for the financing and construction of alcohol plants.

In the past 2 or 3 years, several new alcohol producing plants have been constructed. However, these plants are all owned and financed by existing, highly capitalized companies who have little difficulty obtaining financing. My concern, as evidenced in the provision of this bill, is to assist farmers in building or at least owning part of the plant in their community through the use of grower agreements.

I have such a group of farmers in North Dakota who have signed contractual grower agreements and formed a cooperative with plans to build a large, 50-million gallon/year capacity plant. They have found that the grower agreement, while respected, is not sufficient credit collateral since banks are not used to dealing in these documents. The greatest objection is that in the worst case scenario—something that bankers believe in—their only recourse in the unlikely event of default would be to have to take action against the local cooperative and all 1,132 farmers who have signed the grower agreements.

Our farmers do not want a government guaranteed loan; they do not want a government program at all. But, when the payment-in-kind (PIK) program was announced, however, it occurred to them that a similar in-kind approach, that is, replacement-in-kind (RIK) might be considered. When the PIK-authorizing legislation was considered during last fall's lame duck session, I proposed this amendment, and I am confident it would have been accepted at that time. However, that legislation was not considered. The Department of Agriculture chose to implement the PIK program without legislative changes and our farmers asked USDA to initiate the RIK program without legislative changes also. USDA's General Counsel has since said they need a CCC charter amendment in order to guarantee these grower agreements.

This limited background gives you some perspective on this legislation. Neither I nor the cosponsors desire to drag out consideration of this legislation, but to offer its provision as an amendment to another bill to expedite its passage.

Our purpose in this legislation:

Legislation supporting the production of anhydrous alcohol from grain has been passed repeatedly by Congress. The most recent was the Surplus Agricultural Commodities Disposal Act of 1982, which called on the CCC to use its stocks of grain for this purpose. The language contained in the amendment I submit today is merely a codification of the language of the House committee's report on that legislation.

There will be no cost for this program. I can say that far more comfortably about RIK than I could about PIK. RIK will require that any bushels of the grain utilized from CCC stocks be replaced to the CCC in-kind, both in quantity and quality. If a farmer were unable to fulfill his delivery contract, the shortage would be filled temporarily from CCC stocks. The farmer would be given a reasonable period of time to replace the bushels of grain from his crop—1 year, maybe 2, depending upon the extent of the disaster that prevented him from delivering. In a way, it is a reverse procedure of the current on-farm storage program.

The on-farm storage program today requires that farmers deliver the same quantity and quality of grain to the CCC on which the CCC made its loan, or the farmer must purchase additional or better quality grain to make the CCC whole. Farmers are used to this procedure and we would anticipate a similar regulatory procedure to assure that the CCC is made whole from any grain delivered under this grower agreement guarantee program.

I know of at least five similar farmer groups ready to build comparable plants under this program to process grain from Texas, Kansas, Nebraska, Colorado, South Dakota, Iowa, and Minnesota. I am confident farmers in other areas would make use of the provision and the resulting alcohol production would assist greatly in developing our energy independence.

Those of us introducing this legislation would like to urge everyone interested in energy independence to cosponsor this legislation.

Mr. HUDDLESTON. Mr. President, I am pleased to cosponsor this legislation, which will authorize the Commodity Credit Corporation to provide in-kind guarantees of commitments by farmers for the delivery of grain to alcohol fuel production facilities.

With the grower agreements backed by the Commodity Credit Corporation, processing plants will be able to use the agreements to aid in developing marketing plans and to acquire financing from private lenders.

By facilitating the production of alcohol fuel, this legislation will assist in reducing our large carryover of grain while lessening our dependence on imported oil.

The bill will have no effect on the budget since any stocks provided by the Commodity Credit Corporation will be replaced from future crops grown by the farmers who benefited from the guarantee.

I urge my colleagues to join me in supporting this bill.

By Mr. TSONGAS (for himself and Mr. GORTON).

S. 1299. A bill to amend the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Development.

EXPORT ADMINISTRATION IMPROVEMENT AMENDMENTS OF 1983

● Mr. TSONGAS. Mr. President, today I am introducing the Export Administration Improvement Amendments of 1983 in behalf of myself and Senator GORTON of Washington.

This bill calls for a number of changes in the export control procedures administered for national security purposes under the Export Administration Act of 1979.

These changes are offered as a contribution to the consideration of reauthorization of the Export Administration Act. The debate over reauthorization occurs at a time when concern runs deep over twin objectives of the act: to provide protection for our national security and the conduct of foreign policy and to encourage exports by U.S. businesses.

As the debate has evolved, I have become convinced that one goal need not be sacrificed for the other in our efforts to improve the act. Simply put, the administration of export controls has become increasingly frustrating for all concerned as a result of changes in the international marketplace.

I believe we can both improve our efforts to restrict the transfer of our technological capability to unfriendly nations and reduce obstacles to export by making changes that reflect three basic facts.

First, technology exports are a growing sector of our economy of increasing economic significance. High technology industries now contribute about 7 percent of our entire GNP. Over the next decade, it has been estimated they may grow to a 10-percent share, or more than $206 billion worth of goods.

Much of this business is export business and subject to export controls. It is essential that our export control procedures have the capability to respond to the growth in these industries and that we implement controls in a manner that does not create an impediment to our worldwide competitiveness. With a trade deficit for goods and services of $2.5 billion in the third quarter of last year, we simply cannot afford to tolerate unnecessary barriers to technology products sold by our many small and large technology exporting firms. Only technology products made a positive contribution to our manufacturing trade account, and we do not have the luxury of losing the assets they bring to our current accounts balance.

Second, international competition is growing in key product markets covered by current controls. Greater competition abroad intensifies concern among U.S. businesses over delays in export licensing decisions and over decisions that fail to acknowledge foreign competition. A delay in a license request here is a competitive plus for an overseas firm. Denying a license for export to a U.S. firm when a foreign firm stands ready to supply the same good is of questionable value of protecting our national security interests.

Our export licensing procedures simply must give greater consideration to the foreign availability of products. Increasingly, we must also recognize that only multilateral action can produce effective export control. Unilateral efforts are doomed to failure and result more in boosting foreign competition than in serving our national interests.

Third, the rapid commercialization of new technologies and the growing markets for such products have resulted in significant technological advances being pioneered through commercial rather than military applications. Increasingly, technological advances are flowing from the commercial sector to the military. There is a legitimate national security concern to monitor the transfer of these emerging technologies. Efforts to exercise such controls must be crafted to control technology transfer without inhibiting commercial competitiveness. If we fail in this effort, diminishing the competitiveness of our commercial technology efforts could well rebound and reduce the rate of our military technological innovation as well.

During debate on reauthorization, industry representatives have made two basic points, with which I concur:

One, our greatest national security concerns are not with West-West trade; yet, a great majority of our enforcement efforts are taken up in monitoring these transactions. Liberalizing the administration of controls over West-West trade would diminish the administrative burden for the greatest percentage of the trade of our firms. Second, and of equal importance, the relaxation of these controls will allow the administration to free up the resources necessary to strengthen the enforcement of trade with unfriendly nations.

I encourage my colleagues to join in this effort to update our export control policy to reflect current market conditions. Freed from outdated standards and using the improved procedures recommended here, we can focus limited resources on serious security concerns over technology transfer.

Briefly, the bill calls for the following changes:

First. It eliminates the necessity of individual validated licenses for exports to friendly countries with which we have export control agreements and where similar products are in fact available. This should reduce the administrative burden on companies and the executive branch in implementing controls on exports to areas where our national security interests are protected by agreements.

This does not eliminate oversight or licensing requirements for such exports. The individual validated license requirement is waived only where similar products or technology are available in fact. This standard of foreign availability is looser than that in current law, but is justified by its restricted use to countries with whom we have export control agreements.

Further, under this change, other licenses, including special bulk or distribution licenses may still be required by the Secretary. This amendment simply minimizes the delays and redtape created by typically noncontroversial individual license requests which now clog the system.

Second. Validated special licenses, such as the bulk or distribution license are incorporated into statute, and an audit of their use is mandated to insure their effectiveness. These licenses are critical for the bulk of exports. This change is intended to insure their effectiveness and availability. These special licenses shall be available for shipments to all non-Communist countries as is current practice.

Third. A new comprehensive operations license is established to respond to the growing need to monitor transfer of technology as well as goods in a manner that does not impinge upon intrafirm transfers of the ability of firms to collaborate for innovation. Since such a license is to be made available for technologies and related goods that may be considered militarily critical, the Secretary is called upon to assess the security control of the exporter and their subsidiary, affiliates, or other approved consignees.

While many support the need for such a license, some have argued that only intrafirm transfers should be covered. Rather than define the meaning of an intrafirm transfer, this language includes subsidiaries, affiliates, and other approved consignees. This language should cover important joint venture and subcontract arrangements. But it leaves it to the discretion of the administration to determine if the relationship of business parties is close enough and their control systems adequate to insure security protection.

Fourth. In light of ever-increasing international competition, the Secretary is called upon in stronger language to make foreign availability assessments as a part of the licensing determination rather than as an ancillary activity. I believe this is the intent of the current law, but effective implementation has been difficult.

Further, in cases where unilateral controls are imposed due to national

security concerns in spite of foreign availability, a 1-year limitation on such controls is imposed. The controls can be extended beyond this period by the President. This structure allows the U.S. Government to impose unilateral controls while negotiating for multilateral controls, but imposes a time limit so that ineffective controls do not linger on the books.

Fifth. Further instructions have been added that will preclude adding items from the military critical technologies list to the commodity control list unless the Secretary of Defense feels the good or technology will make a direct and significant contribution to the military capabilities of other countries and the Secretary of Commerce so determines that there is no foreign availability.

While the existing law directs that the list of militarily critical technologies become a part of the commodity control list, no direction or criteria have ever been provided for how this should be accomplished.

This proposal would offer two significant tests. It will, hopefully, address concerns that the militarily critical technologies list may become too expansive. The list currently runs over 700 pages. The National Academy of Science and the National Academy of Engineering have endorsed the need to reduce radically the overall size of the list to concentrate only on technologies where controls can effectively be used for protecting national security interests.

Sixth. To acknowledge the rapid changes in technology in consumer and manufacturing goods, this bill prevents imposition of export controls on goods simply because they contain microprocessors or microcomputers. There is widespread agreement that control efforts should focus on technical capabilities rather than the mere presence of computer devices that can be found in products from toys to automobiles.

This one simple change is critical to updating current licensing procedures to recognize the current level of commercial technology. The special problems encountered by instrument manufacturers, robotics firms, and other technology exporters justify this kind of legislation.

Seventh. Finally, in an effort to make the commodity control list a more manageable administrative tool, the Secretary is called upon to remove controls on goods for which no denials have been made over a year's time, unless in his opinion there is good cause to retain them.

This change will, hopefully, contribute to keeping the commodity control list current and of manageable size. It directly addresses one of the most significant administrative problems facing export controls. Of the 76,677 export licenses reviewed in fiscal year 1982, 98.8 percent were granted licenses. Too much administrative time is being spent on routine requests.

The members of the Banking Committee, and particularly Senators GARN, PROXMIRE, HEINZ, and NUNN, have made tremendous contributions to improving the act and carried the great burden of responsibility. These amendments are offered in a constructive spirit.

I encourage my colleagues to join in this effort to update our export control policy to reflect current market conditions. Freed from outdated standards and using the improved procedures recommended here, we can focus limited administrative resources in a manner that will insure that we protect against the hemorrhage of technology to unfriendly countries while protecting the competitiveness of the small and large exporters who contribute to a prosperous economy.

Mr. President, I ask unanimous consent that the bill be printed in its entirety in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Administration Improvement Amendments of 1983".

EXPORT LICENSES

SEC. 2. Section 5(e) of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(5) The Secretary may not require an individual validated license under this section for the export of goods or technology to destinations in countries cooperating formally or informally with the United States in the establishment and maintenance of export controls if the goods and technology, or like goods and technology, are available in fact to such countries from sources outside the United States.

"(6) The export of goods and technology to destinations within countries other than those referred to in section 620(f) of the Foreign Assistance Act of 1961 shall be eligible for a distribution license or other bulk export license in lieu of an individual validated license under this section. The Secretary periodically shall perform audits of these special licensing procedures to assure their integrity and effectiveness.

"(7) The export of technology and related goods, including items classified on the list of militarily critical technologies developed pursuant to subsection (d) of this section, to countries other than those referred to in section 620(f) of the Foreign Assistance Act of 1961 shall be eligible for a comprehensive operations license in lieu of an individual validated license under this section. Such a license shall cover multiple exports and reexports over a period of years to and among subsidiaries, affiliates, and other approved consignees that have long-term, contractually defined relations with the exporter. The Secretary shall grant a license under this paragraph to manufacturing, laboratory, or related operations on the basis of approval of the exporter's system of control, including internal proprietary controls, applicable to the technology and related goods to be exported rather than approval of individual export transactions.

"(8) The Secretary may require a validated license or specific authorization under this section for the export or reexport of any good or technology on the list established under subsection (c) which is not subject to controls by formal or informal agreement of the United States and other countires only after he makes a foreign availability determination with respect to such good or technology pursuant to subsection (f)(1). If the Secretary makes an affirmative determination under such subsection, then he may require a validated license or specific authorization under this section for the export or reexport of such good or technology notwithstanding subsection (f)(1), but only after the President determines that extraordinary national security circumstances require such action. The Secretary may not require a validated license under this section for the export or reexport of a good or technology described in the preceding sentence for a period in excess of one year after the date on which such requirement is first imposed, unless the President determines that an extension of such period for a period not to exceed one year is essential to achieve the purposes of this section and publishes notice of his determination, together with the reasons therefor.".

MILITARY CRITICAL TECHNOLOGIES

SEC. 3. Section 5(d)(5) of the Export Administration Act of 1979 is amended—

(1) by inserting "and except as otherwise provided in this paragraph" before the period; and

(2) by adding at the end thereof the following: "An item on the list of militarily critical technologies shall become a part of the commodity control list only if—

"(A) the Secretary of Defense finds that the item would make a direct and significant contribution to the military capabilities of countries to which exports are controlled under this section and would permit a significant advance in a military system of such a country; and

"(B) the Secretary finds that countries to which exports are controlled under this section do not possess the item or a like item, and the item or a like item is not available in fact to such a country from sources outside the United States in sufficient quantity and sufficient quality so that the requirement of a validated license for the export of such item is or would be ineffective in achieving the purpose set forth in subsection (a) of this section.".

GOODS CONTAINING MICROPROCESSORS AND REMOVAL OF CERTAIN CONTROLS

SEC. 4. Section 5 of the Export Administration Act of 1979 is amended by adding at the end thereof the following new subsections:

"(m) Goods Containing Microprocessors.—Export controls may not be imposed under this section on a good based solely on the fact that the good contains an imbedded microprocessor or microcomputer. An export control may be imposed under this section on a good containing a microprocessor or microcomputer when (1) the microcomputer's or microprocessor's capabilities exceed the COCOM general exception levels established for computer devices, or (2) the functions of the good itself are such that the good, if exported, would make a significant

contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States.

"(n) Removal of Certain Controls.—At the close of any one-year period during which all export license applications filed for the export of a good subject to an export control under this section have been approved, the Secretary shall remove the export control on exports of that good, or provide notice of a determination to retain the control which notice must be published together with the reasons therefor in the Federal Register.".●

By Mr. HUDDLESTON (for himself, Mr. COCHRAN, Mr. ZORINSKY, Mr. ANDREWS, Mr. MELCHER, Mr. BOSCHWITZ, Mr. BOREN, Mr. JEPSEN, Mr. PRYOR, Mr. HEFLIN, Mr. DIXON, Mr. SARBANES, Mr. HOLLINGS, Mr. PRESSLER, Mr. EAGLETON, Mr. FORD, Mr. DECONCINI, Mr. BAUCUS, Mr. SASSER, Mr. THURMOND, Mr. EXON, Mr. NUNN, Mr. ABDNOR, Mr. BENTSEN, Mr. JOHNSTON, Mr. HART, Mr. JACKSON, Mr. RANDOLPH, Mr. LONG, Mr. PERCY, and Mr. TOWER):

S. 1300. A bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT OF 1983

Mr. HUDDLESTON. Mr. President, I am pleased to introduce the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983.

The legislation amends the Rural Electrification Act of 1936 to insure that the Nation's rural electric and telephone systems will be able to continue to provide high quality, affordable electric and telephone service to consumers in rural America.

A major source of financing for rural electric and telephone systems—the rural electric and telephone revolving fund administered by the Rural Electrification Administration—is in jeopardy. The solvency of the fund is threatened because of the high interest rates in recent years. Congressional action is needed to make the revolving fund self-sustaining and otherwise enable the rural electric and telephone systems to obtain adequate financing for their operations.

Without legislation to restructure the REA loan programs, in the near future there will be only two options—bail out the revolving fund with tax dollars or greatly curtail the only available source of financing for many rural electric and telephone systems.

If the assistance provided through the REA revolving fund is curtailed, financing costs will escalate and put additional upward pressure on rural utility rates. On the average, consumers served by REA-financed utility systems already pay 12 percent higher utility rates than city dwellers because of the high cost of providing service in areas of low population density.

The legislation is consistent with Federal efforts to encourage energy independence and provide incentives for making technological improvements in the telecommunication and electrical generation industries. Affordable energy for use in food and fiber production and processing is an important national priority. In addition, increases in productivity and improvements in the quality of life in rural areas will be largely dependent on the availability of up-to-date and reliable telecommunication systems.

The legislation is supported by the National Rural Electric Cooperative Association, the National Telephone Cooperative Association, and the National REA Telephone Association. These organizations are to be commended for continuing their tradition of advocation responsible solutions to the problems of rural electrification and telephone systems.

I urge my colleagues to join me in sponsoring this legislation.

I ask unanimous consent that the text of the bill and the short explanation be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

S. 1300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983".

SEC. 2. Section 201 of the Rural Electrification Act of 1936 (7 U.S.C. 922) is amended by striking out the last two sentences and inserting in lieu thereof the following: "Loans under this section shall not be made unless the Administrator finds and certifies that, in the Administrator's judgment, the security therefor is reasonably adequate and such loan will be repaid within the time agreed.".

SEC. 3. Section 203 of the Rural Electrification Act of 1936 (7 U.S.C. 924) is amended to read as follows:

"SEC. 203. (a) As used in this title, the term 'telephone service' shall be deemed to mean any communication service for the transmission of voice, data, sounds, signals, pictures, writing, or signs of all kinds by wire, fiber, radio, light, or other visual or electromagnetic means, and shall include all lines, facilities, or systems used in the rendition of such service; but shall not be deemed to mean message telegram service or community antenna television system services or facilities other than those intended exclusively for educational purposes, or radio broadcasting services or facilities within the meaning of section 3(o) of the Communications Act of 1934, as amended.

"(b) As used in this title, the term 'rural area' shall be deemed to mean any area of the United States not included within the boundaries of any incorporated or unincorporated city, village, or borough having a population in excess of two thousand five hundred inhabitants.".

SEC. 4. Section 302 of the Rural Electrification Act of 1936 (7 U.S.C. 932) is amended by—

(1) in subsection (a), inserting "shall be equity capital of the fund" immediately after "Act";

(2) amending clause (2) of subsection (b) to read as follows:

"(2) payment of principal and interest on loans to the Administrator from the Secretary of the Treasury under section 304(a) of this title and on certificates of beneficial ownership issued to the Secretary of the Treasury or in the private market under section 304(c) of this title;"; and

(3) adding at the end thereof a new subsection (c) as follows:

"(c) The Administrator shall maintain two separate accounts within the fund, to be known as the Electrification Account and the Telephone Account, respectively. The assets, liabilities, income, expenses, and equity of the fund described in section 301 of this Act and subsection (a) of this section that are attributable to the operations of the electric loan program shall be accounted for in the Electrification Account and the assets, liabilities, income, expenses, and equity of the fund so described that are attributable to the operations of the telephone loan program shall be accounted for in the Telephone Account. The assets accounted for in the Electrification Account shall be available only for the purposes described in subsection (b) of this section relating to the operations of the electric loan program, and the assets accounted for in the Telephone Account shall be available only for the purposes described in subsection (b) of this section relating to the operations of the telephone loan program.".

SEC. 5. Section 304 of the Rural Electrification Act of 1936 (7 U.S.C. 934) is amended by adding a new sentence at the end of subsection (c) as follows: "Whenever the interest rate on any certificate of beneficial ownership that has a remaining term of seven years or more and that is issued by the Administrator and purchased under this subsection exceeds the rate of interest applicable to other similar certificates then being purchased by 100 basis points (1 per centum) or more, the Administrator is authorized to repurchase the certificate. Such repurchase shall be made without penalty.".

SEC. 6. Section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) is amended by—

(1) amending subsection (b) to read as follows:

"(b) Insured loans made under this title from each account in the fund shall bear interest at a rate (hereinafter in this section referred to as the 'standard rate') that shall be established by the Administrator and adjusted thereafter from time to time, under rules and regulations to be promulgated within one hundred and twenty days after the effective date of the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983. Such rules and regulations shall provide that the standard rate for each account shall be that rate, not less than 5 per centum per annum, that would produce, from loans (other than special rate loans) approved from that account during a given period, interest income equal to, but not greater than, the amount of anticipated interest expense on the account's obligations (interim notes, insured notes, and certificates of beneficial ownership) required to be issued or sold during such period to cover loan advances and interest expenses: *Provided,* That the amount of such obligations

to be issued or sold for such purposes shall be determined by deducting the sum of principal and interest receipts and any appropriation under subsection (c) of this section from the sum of loan advances and interest expenses on outstanding obligations of the account during such period. The standard rate, as established by the Administrator, and any adjustment thereto shall be made having due regard for the objectives of this Act and shall be applicable only to loans made after the effective date of such establishment or adjustment. The Administrator may make insured loans to electric or telephone borrowers at a lesser interest rate, but not less than 2 per centum per annum nor more than a rate equal to one-half the standard rate (hereinafter in this section referred to as the 'special rate') if the Administrator finds, under guidelines to be established within one hundred and twenty days after the effective date of the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983, that the borrower—

"(1)(A) charges rates exceeding twice the national average of rates charged by borrowers in the same program, or cannot provide service consistent with the objectives of this Act without charging rates (established in accordance with generally accepted management and accounting principles) so high as to create a substantial disparity between such rates and the rates charged for similar service in the same or nearby areas by other suppliers; or

"(B) has an average consumer density of two or fewer per mile of line; or

"(C) has experienced financial losses attributable to storm damage, natural disasters, or other occurrences beyond its control; or

"(D) serves geographic areas having unusually low per capita income; and

"(2) is experiencing financial or other hardship through extenuating circumstances.

The rules and regulations promulgated under this subsection shall not take effect until (1) such rules and regulations have been transmitted to the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture and (2) the expiration of thirty calendar days of continuous session of Congress after the date of such transmittal.";

(2) redesignating subsection (c) as subsection (d), and in subsection (d), as so redesignated, striking out "; such loans shall be sold and insured by the Administrator without undue delay"; and

(3) inserting, after subsection (b), a new subsection (c) as follows:

"(c) The Secretary of Agriculture shall include in each annual supplemental budget estimate or request submitted to the President or the Office of Management and Budget, and shall concurrently submit to the House Committee on Appropriations, the Senate Committee on Appropriations, the House Committee on Agriculture, and the Senate Committee on Agriculture, Nutrition, and Forestry, a request for the amount of funds determined by the Administrator to be necessary to replenish the fund for all actual and anticipated costs to the fund resulting from loans made at less than the standard rate during the preceding fiscal year.".

SEC. 7. Section 306 of the Rural Electrification Act of 1936 (7 U.S.C. 1936) is amended by—

(1) inserting "(a)" immediately after the section designation;

(2) striking out the first sentence and inserting in lieu thereof the following: "For the purposes of (1) encouraging and assisting borrowers to develop and achieve the financial strength necessary to satisfy their credit needs from other sources and (2) improving the financial stability of borrowers, the Administrator, consistent with the objectives of this Act and in accordance with the rules and regulations to be promulgated under subsection (b) of this section, shall provide financial assistance to borrowers for purposes provided in this Act and for purposes of providing refinancing assistance, by guaranteeing loans, in the full amount thereof, made by the Rural Telephone Bank, the National Rural Utilities Cooperative Finance Corporation, and any other legally organized lending agency or lender approved by the Administrator, or by accommodating or subordinating liens or mortgages in the fund held by the Administrator as owner or as trustee or custodian for purchases of notes from the fund, or by any combination of such guarantee, accommodation, or subordination. The Administrator shall accommodate or subordinate liens or mortgages at the request of the borrower, notwithstanding any other provision of this Act, for any purpose that would enhance the financial strength or revenue of the borrower or improve the efficiency, effectiveness, or financial stability of the borrower, upon a finding that the borrower has, or will have, the ability to repay its existing and proposed indebtedness.";

(3) striking out the penultimate sentence and inserting in lieu thereof the following: "As used in this title, a guaranteed loan is one that is initially made or refinanced, held, and serviced by a legally organized lending agency or lender approved by the Administrator and that is guaranteed by the Administrator hereunder."; and

(4) adding at the end thereof new subsections (b) and (c) as follows:

"(b) Not later than ninety days after the effective date of the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983, the Administrator shall promulgate rules and regulations for the guarantee of loans and the accommodation and subordination of liens or mortgages, as provided in subsection (a) of this section. The rules and regulations promulgated under this subsection shall not take effect until (1) such rules and regulations have been transmitted to the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture and (2) the expiration of thirty calendar days of continuous session of Congress after the date of such transmittal.

"(c) Whenever the interest rate on any advance under a loan that has a remaining term of seven years or more and that is guaranteed by the Administrator and made by a lender under this section exceeds the rate of interest applicable on other similar new advances then being made or purchased by 100 basis points (one per centum) or more, the lender is authorized, upon the request of the borrower, to adjust the interest rate on such advance, without penalty, to the interest rate then applicable to other similar new advances then being made or purchased by the lender: *Provided*, That no interest rate on such advance shall be readjusted at intervals of less than seven years.".

SEC. 8. Section 307 of the Rural Electrification Act of 1936 (7 U.S.C. 937) is amended by inserting before the period at the end thereof a colon and a proviso as follows: "*Provided*, That in any fiscal year for which the minimum loan level, as established by law, is less than $1,000,000,000 for insured loans for rural electrification, rural electrification borrowers shall obtain concurrent supplemental financing in accordance with the applicable criteria and ratios in effect for fiscal year 1983 under Public Law 97-370, 96 Stat. 1801, enacted December 18, 1982".

SEC. 9. Section 406(a) of the Rural Electrification Act of 1936 (7 U.S.C. 946(a)) is amended by striking out "but not later than fiscal year 1991" in the second sentence.

SEC. 10. Section 408 of the Rural Electrification Act of 1936 (7 U.S.C. 948) is amended by—

(1) striking out everything in the first sentence of subsection (a) after "class C stock" down through the end of the sentence and inserting in lieu thereof a period;

(2) in paragraph (4) of subsection (b), adding "and income taxes" after "before interest", and striking out "higher" and inserting in lieu thereof "other"; and

(3) striking out paragraph (5) of subsection (b) in its entirety and redesignating paragraphs (6) and (7) of subsection (b) as paragraphs (5) and (6), respectively.

SEC. 11. Section 410 of the Rural Electrification Act of 1936 (7 U.S.C. 950) is amended by striking out subsection (b) in its entirety and by redesignating subsection (c) as subsection (b).

SEC. 12. This Act shall become effective on the date of enactment: *Provided*, That during the period between the effective date of this Act and the effective date of the rules and regulations required to be promulgated under section 305(b) of the Rural Electrification Act of 1936, as amended herein, the Administrator of the Rural Electrification Administation shall continue to make insured loans under the Rural Electrification Act of 1936 at the interest rates specified in section 305(b) prior to its amendment by this Act.

SUMMARY OF THE MAJOR PROVISIONS OF THE RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT OF 1983

The Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983 will amend the Rural Electrification Act of 1936 to ensure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund and otherwise enable rural electric and telephone systems to obtain adequate financing for their operations.

Specifically, the major provisions of the bill will amend the Rural Electrification Act of 1936 to—

(1) change the non-interest-bearing notes (that have been issued by the Administrator of the Rural Electrification Administration (REA) to the Treasury to obtain loan funds and that mature during the period beginning in 1993 and ending in 2016) into equity interests in the Rural Electrification and Telephone Revolving Fund (sec. 4);

(2) divide the Revolving Fund into separate electric program and telephone program accounts, each reflecting the assets, liabilities, and expenses pertaining to the particular program (sec. 4);

(3) authorize the REA Administrator to repurchase long-term certificates of beneficial ownership (CBO's) that carry interest rates that are more than one percent above current rates applicable to similar certificates (sec. 5).

(NOTE.—CBO's represent pools of mortgage notes that REA holds on its loans. REA sells

CBO's to the Federal Financing Bank to supplement collections from borrowers to meet the cash needs of the Rural Electrification and Telephone Revolving Fund);

(4) authorize lenders of long-term loans guaranteed by REA to adjust the interest rates on loan advances that are carrying interest rates that are more than one percent above current rates applicable to similar advances being made by the lender (sec. 7(4));

(5) with respect to the annual interest rates charged on insured REA electric and telephone loans—

(a) direct the Administrator to set (and periodically adjust) a generally-applicable "standard" rate for new loans under the electric program account and a similar standard rate for new loans under the telephone program account, which will be rates (not less than the current statutory five-percent rate) that are sufficient to cover the interest expenses of the electric and telephone accounts, respectively, within the Rural Electrification and Telephone Revolving Fund; and

(b) authorize "special rate" loans for borrowers that are experiencing financial hardship and that meet other specific qualification criteria; the "special" interest rate on a loan will be established by the Administrator but could not be less than the current statutory two-percent rate nor more than one-half the generally-applicable standard rate (sec. 6(1));

(6) require the Secretary of Agriculture to request appropriations to cover the costs of loans made under the discretionary special rate loan program (sec. 6(3));

(7) in order to enable REA borrowers to obtain credit from other lenders and to improve the financial stability of REA borrowers, require the REA Administrator to provide assistance (in the form of loan guarantees and accommodation and subordination of liens and mortgages) to REA borrowers in financing activities for which loans are available under the Act and in obtaining refinancing; and, specifically, require the Administrator to accommodate and subordinate liens and mortgages for any purpose at the request of the borrower on a finding that the borrower has, or will have, the ability to repay its debt (sec. 7(2));

(8) authorize the REA Administrator to guarantee loans made or refinanced by lenders, approved by the Administrator, that are not primarily lending agencies (such as other utilities, manufacturers, or suppliers) (sec. 7(3));

(9) delete (a) the prohibition against the making of a REA telephone loan in any State without a regulatory body unless the REA Administrator makes a finding that no duplication of services will result and (b) surplus language relating to State regulation of telephone systems already covered in section 202 of the Act (secs. 2 and 10(3));

(10) update the definition of "telephone service" by modifying the description of the eligible types of telephone transmissions in the definition to specifically include the transmission of data and transmissions by wire, fiber, radio, light, or other visual or electromagnetic means (sec. 3) (NOTE: The bill will continue to exclude from the definition certain CATV and radio broadcast services);

(11) modify the definition of "rural area" for telephone financing purposes to include towns with populations of 2,500 persons or less instead of (as under existing law) towns with populations of 1,500 persons or less (sec. 3);

(12) provide that, in any fiscal year for which the minimum loan level for insured rural electric loans is less than $1 billion, the supplemental financing criteria and ratios for that fiscal year will be the same as the ratios and criteria that are now in effect for fiscal year 1983 (sec. 8);

(13) eliminate the requirement that all Government capital in the Rural Telephone Bank be furnished by 1991 (sec. 9);

(14) eliminate (a) the size limitation on acquisitions of telephone exchange facilities that can be financed by the Rural Telephone Bank, and (b) the requirement that acquisitions of telephone lines, facilities, or systems be approved by the Secretary of Agriculture before the Rural Telephone Bank can make loans for the acquisitions (sec. 10(1)); and

(15) give REA borrowers increased access to financing from the Rural Telephone Bank by—

(a) changing the Rural Telephone Bank's "interest coverage" test so that it will be computed before income taxes are deducted (the Act now prohibits the making of Rural Telephone Bank loans unless the Bank determines that the borrower has the capacity for producing net income—before interest on its loans is paid out—that is equal to at least 150 percent of the interest due on its loans); and

(b) permitting the Telephone Bank Board to fix a higher or lower percentage than 150 percent under the "interest coverage" test (under current law, the Board only has the flexibility to set a percentage higher than 150 percent (sec. 10(2)).

Mr. ANDREWS. Mr. President, I have joined many of my colleagues today in introducing the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983, legislation amending the Rural Electrification Act of 1936, to ensure the continuing ability of America's rural electric and telephone systems to do the job they set out to do: To provide high quality, affordably-priced electric and telephone service to the consumers of rural America.

In 1985, two years from now, rural electrification will celebrate its golden anniversary, the half-century mark of a program which has brought rural America out of the dark ages and paved the way for the greatest advances in this Nation's agricultural production and technology. These and other cooperative enterprises are a strong and vital segment of our Nation's economy.

The legislative proposal we are recommending today will insure a sound future for the Rural Electric and Telephone Revolving Fund, the mechanism which was created by Congress in 1973 to serve as the source of capital for REA insured loans to rural electric and telephone systems.

At many times in its history, the rural electrics have shown the willingness to accept new approaches to meeting the challenges presented to them. This is just such a time, for the legislation we have introduced may not be totally acceptable to all cooperatives; indeed, many systems will realize increases in interest rates as a direct result of this measure. However, because the solvency and long-term viability of the Rural Electric and Telephone Revolving Fund is at stake, this legislation is a necessary dose of medication which I believe must be dispensed.

What could not be foreseen when the revolving fund was created a decade ago, was that the resources of the fund would be taxed far beyond what was anticipated by the combined effects of extremely high interest rates and the continuing heavy demand for insured loans. Our legislation will remedy this situation.

By Mr. HEINZ (for himself, Mr. PACKWOOD, Mr. PRYOR, and Mr. BURDICK):

S. 1301. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for expenses incurred in the care of elderly family members; to the Committee on Finance.

TAX CREDITS FOR HOME HEALTH CARE

● Mr. HEINZ. Mr. President, today I am introducing along with my colleagues, Senators PACKWOOD, PRYOR, and BURDICK, legislation to make tax credits available to families for a portion of home health and respite care expenses they incur in caring for elderly family members. This legislation will provide some financial relief to families who are struggling to help their chronically ill elderly relatives remain independent.

Mr. President, most families in our country want to provide care to help their chronically ill family member—in most instances a parent or grandparent—remain at home. However, almost no financial assistance of support for their efforts is now available. As a matter of fact, our public programs and private insurance often work against the millions of American families who want to help their elderly remain independent and at home.

Currently, reimbursement under medicare and private health insurance is directed almost entirely toward acute care or institutional care services. These programs do not provide adequate home health assistance for chronically ill individuals—individuals who, for instance, have had a stroke, or are suffering from senile dementia, arthritis, or similar problems. Families are responsible for almost all noninstitutional chronic care services. It is estimated that families provide 60 to 80 percent of the home health services for the almost 4 million elderly afflicted with functional disabilities.

When, over time, families exhaust financial and emotional resources in caring for their chronically ill member, the only federally assisted option now available to them is institutional care—medicaid-financed nursing home care. The Congressional Budget Office estimates that 10 to 40 percent of the 1.3 million people in nursing homes could live at home if

they and their families received adequate assistance.

The legislation we are introducing today will provide families with financial relief to help them continue caring for their elderly relatives at home. Specifically, our bill will provide tax credits for a portion of expenses incurred for the support services that the chronically ill elderly and their families most need: Home health aide services, adult day care, respite care, nursing care, and medical or health-related equipment and supplies.

Assistance in this form—a tax credit—will give families a choice as to what kind of services are most appropriate and helpful to enable their elderly relatives to remain at home.

The bill is targeted to provide the greatest relief to those families most in need. The amount of credit will be determined on a sliding scale based on annual income. The sliding scale is based on the same formula as the dependent care tax credit adopted by Congress as part of the Economic Recovery Tax Act of 1981.

Families with incomes of $10,000 or less can claim a tax credit for 30 percent of the expenses listed above, up to a maximum credit of $1,050. Low-income families who do not pay enough taxes to get the full benefit of the credit will have credit refunded directly to them. Families with adjusted gross incomes in excess of $50,000 will be ineligible for the credit. In no case will a family be eligible to claim a credit if the elderly relative's adjusted gross income exceeds $15,000.

Families may claim the credit for services provided to chronically ill individuals aged 75 and over, or individuals diagnosed with Alzheimer's disease, a form of premature senile dementia.

The legislation is designed to encourage independence of the elderly person. Therefore, it does not impose a financial dependency requirement. Furthermore, the elderly relative may live either independently, or in the families' home.

There are safeguards built into the legislation to guard against abuse or overuse. In addition to the absolute cutoffs placed on family income at $50,000 and elderly income at $15,000, the bill requires that only billable services can qualify for the credit, thus facilitating documentation. The Internal Revenue Service will be required to report annually to Congress on the credit users, their incomes, the services claimed, and the absolute amounts paid. Furthermore, the tax credit will not apply to those services reimbursed under medicare, medicaid, or other insurance plans.

Mr. President, our legislation addresses a longstanding problem. That problem is the overwhelming need for alternatives to institutional care for our Nation's elderly.

Finally, Mr. President, I would just like to note that all of us in Congress today—reflecting the mood of the country today—are concerned about excessive Government spending. This legislation will help put an end to Government spending for unnecessary, inappropriate institutional care. It provides a less expensive alternative for families that will help avert long-run costs. Studies have demonstrated that often, even a small amount of assistance can help a family extend the period of time they can provide care for the elderly at home, rather than resorting to institutional care.

Mr. President, the family has always been the mainstay of support for older people. Our policies should encourage and strengthen that support. The tax credit provided by this bill could make the difference in the ability of millions of American families to help their elderly remain in the best possible environment—the home.

Mr. President, supported by recommendations from the 1981 White House Conference on Aging, my colleagues and I introduced this legislation last year. Now, as then, the purpose of this legislation is to build upon the tax credit for dependent care that was in the 1981 tax bill. Our tax credit legislation uses the same equitable sliding scale.

Over 350,000 of the 1.3 million elderly in nursing homes today are inappropriately, unfairly, unnecessarily, and very inhumanely institutionalized. Yet, there is very little in the way of assistance or incentives for home care for the chronically ill.

We do have a means-tested program—medicaid—that will pay—and pay a good deal—to reimburse skilled and intermediate nursing home care. We spend billions. Indeed, of all the money we spent in the medicaid program in 1982, 41 percent of a roughly $34 billion program went for nursing home care. Forty-one percent of $34 billion is in excess of $13 billion.

The costs of this legislation are a tiny fraction, a tiny percentage of that and may prevent the unnecessary and inappropriate institutionalization of millions of older Americans in the future, saving great expense to Government, to other insurance carriers, and, of course, great human expense to the elderly themselves and their families.

Mr. President, I hope my colleagues will take a very good look at this bill. It will be referred to the Senate Committee on Finance. I am very pleased that Senator PACKWOOD and Senator PRYOR, as members of that committee are two of my cosponsors. I hope we can move ahead with this legislation and build on the rather modest but important foundation that we put into the law 2 years ago when we enacted, as part of the Economic Recovery Tax Act, the so-called dependent care tax credit.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR CARE OF ELDERLY FAMILY MEMBERS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable against tax) is amended by inserting after section 44H the following new section:

"SEC. 441. EXPENSES FOR CARE OF ELDERLY FAMILY MEMBER.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable percentage of qualified elderly care expenses paid by such individual for the care of a qualifying family member during the taxable year.

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $2,000 (or fraction thereof) by which the adjusted gross income of the taxpayer (and the spouse of the taxpayer in the case of a married individual filing a separate return) for the taxable year exceeds $10,000.

"(b) LIMITATIONS.—For purposes of this section—

"(1) LIMIT ON INCOME OF TAXPAYER.—No credit shall be allowable under subsection (a) for a taxpayer with an adjusted gross income of $50,000 or more for the taxable year ($25,000 or more in the case of a married individual filing a separate return).

"(2) DOLLAR LIMITATIONS ON AMOUNT OF CREDIT.—

"(A) MAXIMUM QUALIFIED ELDERLY CARE EXPENSES TAKEN INTO ACCOUNT.—The amount of qualified elderly care expenses taken into account under subsection (a) by any taxpayer for any taxable year shall not exceed $7,000 and not more than $3,500 of qualified elderly care expenses may be taken into account with respect to any qualifying family member.

"(B) SPECIAL RULES FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—In the case of a married individual filing a separate return, paragraph (1) shall be applied by substituting '$3,500' for '$7,000' and '$1,750' for '$3,500'.

"(C) 2 OR MORE INDIVIDUALS MAKING EXPENDITURES WITH RESPECT TO SAME QUALIFYING FAMILY MEMBER.—If 2 or more individuals have qualified elderly care expenses with respect to any qualifying family member during any calendar year, then—

"(i) the amount of the qualified elderly care expenses taken into account with respect to such qualifying family member shall be determined by treating all of such individuals as one taxpayer whose taxable year is such calendar year, and

"(ii) the amount of such expenditures taken into account by each of such individuals for the taxable year in which such calendar year ends shall be equal to the

amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFYING FAMILY MEMBER.—The term 'qualifying family member' means any individual (other than the spouse of the taxpayer) who—

"(A) is related to the taxpayer by blood or marriage,

"(B) is at least 75 years of age (or is diagnosed by a physician as having senile dementia of the Alzheimer type), and

"(C) has a family income of $15,000 or less for the taxable year.

"(2) FAMILY INCOME.—The term 'family income'

"(A) in the case of an individual who is not married, the adjusted gross income of such individual; and

"(B) in the case of a married individual, the adjusted gross income of such individual and his spouse.

"(3) QUALIFIED ELDERLY CARE EXPENSES.—The term 'qualified elderly care expenses' means payments by the taxpayer for home health agency services (but only if provided by an organization certified by the Health Care Financing Administration), homemaker services, adult day care, respite care, or health-care equipment and supplies which—

"(A) are provided to such qualifying family member,

"(B) are provided by an organization or individual not related to the taxpayer or to the qualifying family member, and

"(C) are not compensated for by insurance or otherwise.

"(4) APPLICATION WITH OTHER CREDITS.—Notwithstanding any provision of this part, the amount of the credit allowable under subsection (a) shall be allowed as a credit against the tax imposed by this chapter before any other credit allowed by this subpart.

"(d) DENIAL OF DOUBLE BENEFITS.— No deduction or credit shall be allowed under any other provision of this chapter with respect to any amount for which a credit is allowed under subsection (a).".

(b) REFUNDABILITY OF CREDIT.—Subsection (b) of section 6401 of such Code (relating to amounts treated as overpayments) is amended—

(1) by striking out "39 and 43" and inserting in lieu thereof "39, 43, and 44I",

(2) by striking out "If" and inserting in lieu thereof: "(1) IN GENERAL.—If", and

(3) by adding at the end thereof the following new paragraph:

"(2) EXPENSE FOR CARE OF ELDERLY FAMILY MEMBERS.—If the amount allowable as a credit under section 441 (relating to expenses for care of elderly family member) exceeds the tax imposed by subtitle A, the amount of such excess shall be considered an overpayment.".

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44H the following new item:

"Sec. 44I. Expenses for care of elderly family member.".

(2) Paragraph (2) of section 55(f) of such Code is amended by striking out "and 43" and inserting in lieu thereof "43, and 44I".

(3) Subsection (c) of section 56 of such Code (defining regular tax deduction) is amended by striking out "and 44G" and inserting in lieu thereof ", 44G, and 44I".

(4) Paragraph (4) of section 6201(a) of such Code (relating to assessment authority) is amended—

(A) by striking out "or section 43 (relating to earned income)" and inserting in lieu thereof ", section 43 (relating to earned income), or section 44I (relating to expenses for care of elderly family member)", and

(B) by striking out the heading and inserting in lieu thereof the following:

"(4) OVERSTATEMENT OF CERTAIN CREDITS.—".

(5) Section 6513 of such Code (relating to time return deemed filed and tax considered paid) is amended by adding at the end thereof the following new subsection:

"(f) TIME TAX IS CONSIDERED PAID FOR ELDERLY CARE CREDIT.—For purposes of section 6511, the taxpayer shall be considered as paying an amount of tax on the last day prescribed by law for payment of the tax (determined without regard to any extension of time and without regard to any election to pay the tax in installments) equal to so much of the credit allowed by section 44I (relating to expenses for care of elderly family member) as is treated under section 6401(b) as an overpayment of tax.".

(6) Subsection (d) of section 6611 of such Code is amended by striking out the heading and inserting in lieu thereof the following:

"(d) ADVANCE PAYMENT OF TAX, PAYMENT OF ESTIMATED TAX, CREDIT FOR INCOME TAX WITHHOLDING, AND EXPENSES FOR CARE OF ELDERLY FAMILY MEMBER.—".

SEC. 2. EFFECTIVE DATE; REPORTS.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable years beginning after December 31, 1982.

(b) REPORTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall prepare a report for taxable years ending in 1983 (and each of the 4 calendar years thereafter) which

(A) the number of individuals who were allowed a credit under section 44i of the Internal Revenue Code of 1954 for taxable years ending during such calendar year,

(B) the utilization of such credit by income group for such calendar year,

(C) the utilization of such credit by category of qualified elderly care expenses (as defined in paragraph (3) of subsection (c) of section 44I of such Code) during such calendar year, and

(D) the the total effect on the revenues of the United States of allowing such credit during such calendar year.

(2) TIME FOR FILING.—Any report required under paragraph (1) shall be submitted to the Congress no later than September 15 of the calendar year following the calendar year for which it is required.●

By Mr. HEINZ:

S. 1302. A bill to amend title XVIII of the Social Security Act with respect to purchase and rentals of durable medical equipment; to the Committee on Finance.

AMEND TITLE XVIII OF THE SOCIAL SECURITY ACT

● Mr. HEINZ. Mr. President, the bill I am introducing today is a very simple measure. It would repeal section 16 of Public Law 95-142, a section which was enacted as part of the Medicare/Medicaid Anti-Fraud and Abuse Amendments of 1977, but which has never been implemented because it has proved unworkable and too costly.

Section 16 of Public Law 95-142 requires mandatory purchase of durable medical equipment under the medicare program where it appears the duration of medical need warrants a presumption that purchase of the equipment would be less costly or more practical than rental. Regulations, known as lease/purchase guidelines, implementing this section were promulgated in 1980, but have not been implemented because of the objections raised by medicare beneficiaries, carriers, and equipment suppliers.

The Health Care Financing Administration granted $600,000 to the Williams College to study the lease/purchase guidelines for 3 years to determine what would be the most economical and advantageous to the patient and the Government. The Williams College report found that the new lease/purchase guidelines would be more expensive for the Government than the current reimbursement system.

For at least 6 years, the issue of rental versus purchase of durable medical equipment has not been satisfactorily resolved to meet the concerns of the medicare beneficiary, medicare carriers, and the equipment suppliers. The bill I am introducing today, which would repeal section 16 of Public Law 95-142, is aimed at putting the issue before the Congress again for more careful deliberation. We must deal with problems such as prolonged rentals and/or premature purchase of medical equipment paid for by the medicare program. However, it is clear to me that section 16, and its subsequent implementing lease/purchase guidelines, have not effectively addressed the problems at hand. What really concerns me is that one, well-intentioned provision in the fraud and abuse amendments completely abdicates the medicare beneficiary's exercise of his own judgment regarding the rental or purchase of medical equipment. Surely, we can find a more suitable, and less aribitrary method of addressing the problems we have encountered, one that will better protect the beneficiary in terms of the high out-of-pocket expenditures for medical equipment.

Medicare law mandates the manner in which part B carriers determine reimbursement levels. The resultant payment scheme is known as the reasonable-charge profile screen. There is a significant marketplace difference between the rental, maintenance, and service of medical equipment in the home and the outright purchase of an item of medical equipment. Equipment suppliers cannot control price increases by equipment manufacturers. As mandated by law under the profile

system, the prices used for medicare reimbursement are 6 to 18 months out of date.

Under the medicare program a beneficiary may assign their right to the medicare payment to the DME supplier. Most suppliers do not accept assignment on purchased equipment because the medicare payment is often substantially less than the current market price. In some cases, the prices medicare reimburses are even less than the actual cost of the equipment bought by the supplier. Clearly, Congress should strive, where possible, to provide incentives which encourage accepting assignment, in order to protect the best interests of the medicare beneficiary.

For example, a DME supplier sells a wheelchair in 1982 for $400. That price will be used to calculate the medicare payment for the same wheelchair from July 1, 1983, to June 30, 1984. However, wheelchair manufacturers have traditionally raised prices twice a year from 7 to 9 percent each time. Therefore, the DME supplier who sells such a wheelchair in June 1984 has equipment that could have been subjected to four normal manufacturer price increases and the wheelchair now sells for almost $550. However, medicare's maximum payment in June 1984 is only 80 percent of $400 or $320. This represents 42 percent off the current price, and does not encourage suppliers to accept assignment.

The real loser under mandated purchase is the beneficiary. If the supplier cannot make ends meet with the medicare purchase price the beneficiary will be forced to buy equipment and sustain large financial losses or, if the beneficiary is unable to afford to purchase the equipment, be institutionalized or do without the equipment. I do not think it was the intent of Congress to provide a back-door incentive for institutionalization of beneficiaries who would perfer staying in thier homes.

It appears that the Health Care Financing Administration does not understand that the medicare carriers cannot give an intelligent decision on a lease/purchase of equipment to a particular beneficiary by the patients diagnosis. For example, a patient with charonic obstructive pulmonary disease can live anywhere from 3 days to several years, depending on the severity of the patient's condition. Decisions regarding the purchase or lease of medical equipment should be left to the discretion of the patient, the patient's physician.

If we do not repeal this unworkable mandate, it will add to the cost of the medicare program, shift costs to the beneficiary and undercut the role of the physician who is best able to prescribe the appropriate piece of medical equipment for a patient. Just in terms of cost to the medicare program, I would cite just one example. The rental of oxygen equipment on a monthly basis for short-term medical needs is often less expensive than an outright purchase of the equipment. For example, an oxygen concentrators rental on a 6-month basis equals approximately $1,392. Purchase of same equipment is $2,640 to $3,300. In addition, these dollar figures do not include the purchase of the disposables that the patient would have to pay for, or the maintenance of the equipment.

For those medicare beneficiaries who have no other type of insurance coverage, the only way most of these patients could afford oxygen is because of medicare coverage; and to purchase the necessary equipment would impose a substantial financial hardship on the beneficiary. It is already a financial burden on some to just pay the 20-percent pickup that medicare does not pay. If these beneficiaries could not afford to purchase oxygen equipment for use at home, hospitalization or nursing-home care would be the only alternative available. This is hardly cost effective, 1 day in the hospital is equivalent to 1 month's rental in the home.

Further, the administrative costs to the medicare program to have carriers switch to mandated purchase will be substantial. The part B carrier will incur substantial cost increases to reprogram their computers and provide personnel to manually review payment claims. This comes at a time when carrier budgets have been substantially reduced by the Government.

Almost 4 years ago the Health Care Financing Administration commissioned a team of economists and statisticians from Williams College and Boston University under a $600,000 grant to study the determinants of expenditures on durable medical equipment by the Health Care Financing Administration and its medicare program beneficiaries. Their particular goal was to evaluate the cost effectiveness of the mandatory-purchase regulations.

The Williams College final report was issued in April 1983. After reviewing the rental or sale of almost 200,000 items of medical equipment and over 90,000 medicare beneficiaries the researchers have concluded that mandatory purchase regulations are not cost effective and section 16 of Public Law 95-142 should be repealed.

The Williams College report states that:

> The maximum possible savings that could be achieved through elimination of prolonged rentals—a maximum that is for a variety of reasons unattainable—is 14 percent of the reimbursement expenditures under the previous regulations.
>
> The maximum possible savings that could be achieved under the new regulations is less than 8 percent of the DME reimbursement expenditures under the previous regulations, and to achieve this savings it is necessary that there be no administrative costs of making the purchase/rental determination, that carriers make correct purchase/rental determinations 100 percent of the time, and that the incidence of delayed purchase be zero.
>
> Under reasonable assumptions concerning the administrative costs of making the purchase/rental determination, the carrier error rate, and the incidence of delayed purchase DME reimbursement expenditures under the new regulations will be higher than under the previous regulations.
>
> Elimination of the waiting period while retaining lump-sum reimbursement and presumed purchase for all inexpensive items will increase reimbursement expenditures for DME.
>
> Other minor changes in the CPR screens appear likely to increase the Medicare reimbursement costs for DME.

Clearly, we should pass legislation such as the bill I am introducing today to allow HCFA not to implement the new regulations for DME reimbursement—those that implement the Medicare-Medicaid Anti-Fraud and Abuse Amendments of 1977, Public Law 95-142. At the same time, we must look for a less draconian answer to problems such as prolonged and costly rental of medical equipment.

What we now have is a mandated purchase regulation which imposes severe hardships on medicare beneficiaries. Like many provisions in our health-care laws, section 16 addressed a minor problem with overkill. Repeal would permit the Federal Government to fashion a more workable and less costly approach to minimizing waste in meeting the durable medical equipment needs of medicare beneficiaries.●

By Mr. MITCHELL:

S. 1303. A bill to amend the Internal Revenue Code of 1954 to make the ground water heat pump eligible for the residential energy and investment tax credits; to the Committee on Finance.

ENERGY TAX CREDIT BILL

Mr. MITCHELL. Mr. President, Congress has demonstrated in recent years that it understands the need to develop alternate sources of energy so that our dependence on imported oil will be lessened. One of the most constructive steps that Congress has taken to encourage the development of alternate energy sources has been to amend the Internal Revenue Code to provide a 40-percent credit against income tax for installation in residences of renewable energy equipment. Another productive amendment to the Code provides a 15-percent credit against income tax for investment in business alternative energy property. Both these provisions provide tax credits for systems that rely on two sources of energy: solar and geothermal. These measures have resulted in the development of alternate sources of energy on

the part of many businesses and homeowners in all parts of the Nation.

I have recently become aware, however, of an alternate energy system which has proven very practical and yet, because of a restriction in the income tax regulations, does not quality for a tax credit. The bill I am introducing today is designed to include this system among the others eligible for tax credits.

The alternative energy system to which I am referring is called a ground water heat pump. It uses the energy contained in ground water to heat homes and businesses. It involves tapping a water source that maintains a year-round temperature of 13 Celsius (56 degrees Fahrenheit). Two wells are used. Water is pumped up from one of the wells as an energy source for a pump to heat the building. The second well is used as an injection well to return the water to the ground after it has passed through the heat pump.

This system has been used in warmer sections of the United States for some time. Recent improvements in technology have extended the system's usefulness to those areas of the country, like Maine, with relatively colder ground water temperatures.

In 1981 the Internal Revenue Service ruled that the ground water heat pump does not qualify for the energy credit because the pump derives its energy from neither geothermal nor solar energy, the only types of energy sources eligible for the energy credit.

The ground water heat pump does not qualify for the geothermal energy credit because the definition of geothermal includes the requirement that the stored water must have a temperature exceeding 50° Celsius (122 Fahrenheit). The ground water heat pump uses water at a temperature of 13° Celsius.

The heat pump does not qualify for the solar energy credit because its energy comes from the sun only indirectly. The Internal Revenue Service has determined that only those energy systems that derive directly from solar energy are eligible for the solar energy credit.

I believe that tax credits should be available for users of the ground water heat pump because it provides a practical and tested method of tapping an alternate source of energy. The system is environmentally clean.

The bill I am introducing today amends the Internal Revenue Code of 1954 by specifically including the ground water heat pump among those alternate sources of energy eligible for the residential energy and investment tax credits. I hope that the Members of Congress will agree with me that this legislation has merit.

By Mr. HART:

S. 1304: A bill to improve the capability of the U.S. Government to assess the requirements for and the availability of strategic and critical materials, and for other purposes; to the Committee on Armed Services.

STRATEGIC AND CRITICAL MINERAL INVENTORY ACT OF 1983

Mr. HART. Mr. President, today I am introducing legislation to complete a vital link in the national security of this country. Although both Congress and the President have taken action with respect to a national strategic minerals and materials policy, several key elements of this policy remain missing.

Although many Americans recognize the extent to which this country remains vulnerable to a disruption of our oil supply, few are also aware we are dangerously vulnerable to a cutoff of the strategic minerals and materials necessary to sustain our highly advanced technological economy; minerals and materials that constitute the lifeline for several of our most important national industries.

The United States is a have-not nation with respect to many critical minerals and materials necessary to maintain our national security, industrial base and economic well-being. We import more than 90 percent of our needs of five key minerals—bauxite, chromium, titanium, cobalt, and magnesium. Over 50 percent of the tungsten, tin, nickel and zinc we use is imported from foreign sources. Perhaps most important, many of these crucial minerals are imported from evolving, unfriendly or unstable nations and regions of the world.

Our excessive, continued dependence on other nations for critical and strategic minerals, as with excessive dependence on foreign oil supplies, is an invitation to more of the problems and threats we have experienced in recent years: the supply disruptions, inflationary price increases and potential for blackmail by foreign governments. It is clear that a sustained U.S. economy requires a secure, uninterrupted supply of these resources. This dependence implores us to establish policies and programs designed to prepare this country for unexpected supply disruptions in coming years.

Several of our key national manufacturing industries are nearly 100 percent dependent on foreign sources for raw materials. The growing, job-intensive U.S. electronics industry is almost exclusively dependent on imported bauxite, chromium, cobalt, maganese, platinum, and tantalum. Without these and other key ingredients, many of the electronic components that keep this country competitive in international markets and substantially contribute to our domestic economic strength would not be manufactured. The aircraft manufacturing industry in this country is in a very similar situation. Nearly every metal essential to the manufacture of jet engines is imported from foreign sources, including such countries as the Soviet Union and politically turbulent South Africa.

Our ever-increasing dependence on foreign sources of critical minerals should properly be a matter of great, national concern. This country desperately needs a national strategic minerals policy to prepare us not only for supply disruptions, but also for a future based on the conservation of key minerals, recycling and the development of viable domestic substitutes. First, however, we need to determine how dependent we are on each of the largely imported critical minerals. We need to determine the likely consequences of supply disruptions for each of the critical minerals and the extent and location of domestic reserves to fulfill our needs during a national emergency. A fundamental understanding of our national endowments of critical minerals is essential to the formulation of policies directed toward a solution and contingency plan.

Since World War II our Government has maintained a stockpile of 93 critical commodities—including many of the minerals essential to our national security. In 1981, the President, acting at the request of Congress, directed the Federal Emergency Management Agency (FEMA) to begin purchasing critical and strategic minerals to meet the objectives of the stockpile. Unfortunately, this represents the first effort to replenish the stockpile since the late 1960's. Congress recently passed the Strategic and Critical Minerals Stockpiling Act. Although this legislation provides for the authority and directions necessary to manage the National Defense Stockpile, it does nothing to assess the extent to which we remain vulnerable to supply disruptions, the increasing nature of our national dependence on certain key minerals or the location, quantity, and accessibility of domestic reserves. Furthermore, although this act is an important step in the correct direction, it provides us with nothing more than necessary to maintain the purchase and orderly distribution of the stockpile.

To acquire the additional information needed on the extent and location of domestic reserves and the degree of our vulnerability with respect to each strategic and critical mineral, I am introducing today legislation that directs the President to establish a program under the Director of FEMA, in consultation with the Secretary of defense, the Secretary of Interior and the Secretary of Energy, to prepare a report on the Nation's strategic and critical minerals. This report will contain information on the location and quantity of our domestic mineral resources, the adequacy of our stockpiles, and the degree of our vulnerability to supply interruptions—and likely

consequences of—for each of the critical and strategic minerals. In addition, this legislation requires the Director of FEMA to establish an ongoing strategic minerals assessment program to monitor and coordinate all programs and activities of the Federal Government having an effect on the requirements for and availability of strategic and critical minerals, identification and location of potential deposits of strategic and critical minerals on public lands and providing for periodic review of our stockpiling efforts. This legislation will enable the FEMA to assess the supply and demand for strategic minerals enabling the Agency to notify the President and Congress of inadequate supplies and potential shortfalls in a timely manner.

The inventory report and assessment program in this legislation are important components of what I hope will become an effective national critical and strategic minerals policy. We have paid dearly in past years as a Nation for our excessive dependence on foreign oil. A forward-thinking society would take action now to reduce our dependence on other resources just as critical to our economic health and national security.

Mr. President, I believe this legislation provides the missing link in our national strategic preparedness and encourages my colleagues to join in supporting this vital program.

By Mr. PACKWOOD (for himself, Mr. MATSUNAGA, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. BAUCUS, Mr. MITCHELL, and Mr. PELL):

S. 1305. A bill to amend the Internal Revenue Code of 1954 to extend the energy tax credit for investments in certain classes of energy property, and for other purposes; to the Committee on Finance.

RENEWABLE ENERGY TAX INCENTIVE ACT OF 1983

● Mr. PACKWOOD. Mr. President, today, Solar Day, Senator MATSUNAGA and I, along with Senators DURENBERGER, MOYNIHAN, BAUCUS, and MITCHELL, are introducing the Renewable Energy Tax Incentive Act of 1983. The bill extends and in some cases increases tax incentives for solar, wind, geothermal, hydroelectric, ocean thermal, cogeneration, and biomass energy sources. One of our goals is to help achieve energy independence through development of alternative energy resources which are environmentally sound, but which need incentives to encourage development and use.

The current lower demand for energy reduces the incentives to invest in alternative energy sources. But these sources must be pursued now so they can be available in the future.

Solar Day is an appropriate time for Congress to affirm its commitment to renewable energy. The extension and enhancement of these energy credits is an investment in new American technologies which will continue to produce jobs, energy savings, and revenue for years to come.

This legislation we are introducing today will extend the 40-percent residential solar, wind, and geothermal tax credit from December 31, 1985, to December 31, 1990. This will enable homeowners to continue to receive a 40-percent tax credit when they invest in solar, wind or geothermal energy properties. It will also be a signal or solar equipment manufacturers that Congress intends to encourage their continued development and manufacture of solar equipment.

The bill also lowers the temperature required for geothermal resources. The temperature of the geothermal resource would be required to be at least 104 degrees fahrenheit (40 degrees celsius), rather than 122 degrees fahrenheit (50 degrees celsius) as currently provided by IRS regulations. According to the Oregon Department of Geology and the U.S. Department of Energy, lowering the geothermal temperature regulations would open up several new areas for geothermal exploration and development. Nationwide, Department of Energy estimates this change will increase areas eligible for geothermal tax credits by about one-seventh.

The bill we are introducing today will increase the solar, wind, and geothermal energy tax credits from 15 to 25 percent on July 1, 1983, and extend these credits to December 31, 1990.

The bill also increases the current ocean thermal tax credit from 15 to 25 percent and extends those credits from December 31, 1985 to December 31, 1990. In addition, the 10-percent biomass tax credits would be extended from December 31, 1985 to December 31, 1990. The biomass credit is also extended to cover methane gas for fuel or electricity produced by anaerobic digestion systems on farms or at facilities for the first processing of agricultural products (such as packing plants and canneries). The 10-percent cogeneration tax credit would be extended from December 31, 1982 to December 31, 1990, and the 11-percent hydroelectric tax credit would be extended from December 31, 1985 to December 31, 1990. It is essential to extend these energy tax credits to give fledgling renewable energy technologies a chance to become competitive.

Affirmative commitments for solar, wind, geothermal, ocean thermal, biomass, and cogeneration projects begun by December 31, 1990, will continue to be eligible for tax credits until December 31, 1995 if certain conditions are met. Affirmative commitments assure companies that projects begun but not completed by 1990 will continue to be eligible for tax incentives in 1995.

Another provision of this bill would eliminate the 20-percent limitation for oil and natural gas used in cogeneration facilities. This substantive change is made to encourage greater use of cogeneration, an outstanding, environmentally sound technology for deriving greater use from energy which is already being used.

Currently, the IRS denies the regular 10-percent investment tax credit for many solar, wind, and geothemal air or water heating or cooling systems because it deems this equipment to be structural. The bill eliminates this rule as to solar, wind, and geothermal property. This would extend the 10-percent investment tax credit to property used for the heating and cooling of buildings with solar, wind or geothermal property. This also eliminates allocation problems for solar property shared between space or water heating and a process use.

Mr. President, enactment of this legislation is critical to establishing a healthy and competitive renewable energy industry. I am hopeful that the Congress will give favorable consideration to this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Renewable Energy Tax Incentive Act of 1983".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, such reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. EXTENSION OF INDIVIDUAL RENEWABLE ENERGY CREDITS.

(a) IN GENERAL.—Subsection (f) of section 44C (relating to residential energy credit) is amended to read as follows:

"(f) TERMINATION.—

"(1) ENERGY CONSERVATION.—This section shall not apply to qualified energy conservation expenditures made after December 31, 1985.

"(2) RENEWABLE ENERGY SOURCE.—This section shall not apply to qualified renewable energy source expenditures made after December 31, 1990.".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 44C(b)(6) (relating to carryover of unused credit) is amended by striking out "December 31, 1987" and inserting in lieu thereof "December 31, 1992".

SEC. 3. INCREASE IN AND EXTENSION OF ENERGY PERCENTAGE FOR CERTAIN ENERGY PROPERTY.

The table contained in clause (i) of section 46(a)(2)(C) (relating to energy percentage) is amended to read as follows:

"Column A—Description	Column B—Percentage	Column C—Period For the period:	
In the case of:	The energy percentage is:	Beginning on:	And ending on:
I. General Rule.—Property not described in any of the following provisions of this column.	10 percent	Oct. 1, 1978.	Dec. 31, 1982.
II. Solar, Wind, or Geothermal Property.—Property described in section 48(l)(2)(A)(ii) or 48(l)(3)(A)(viii).	A. 10 percent B. 15 percent C. 25 percent	Oct. 1, 1978. Jan. 1, 1980. July 1, 1983.	Dec. 31, 1979. June 30, 1983. Dec. 31, 1990.
III. Ocean Thermal Property.—Property described in section 48(l)(3)(A)(ix).	A. 15 percent B. 25 percent	Jan. 1, 1980. Oct. 1, 1982.	June 30, 1983. Dec. 31, 1990.
IV. Qualified Hydroelectric Generating Property.—Property, described in section 48(l)(2)(A)(vii).	11 percent	Jan. 1, 1980.	Dec. 31, 1990.
V. Qualified Intercity Buses.—Property described in section 48(l)(2)(A)(ix).	10 percent	Jan. 1, 1980.	Dec. 31, 1985.
VI. Biomass Property.—Property described in section 48(l)(2)(A)(x).	10 percent	Oct. 1, 1978.	Dec. 31, 1990.
VII. Chlor-Alkali Electrolytic Cells.—Property described in section 48(l)(5)(m).	10 percent	Jan. 1, 1980.	Dec. 31, 1982.
VIII. Cogeneration Property.—Property described in section 43(l)(2)(viii).	10 percent	Oct. 1, 1978.	Dec. 31, 1990. ".

SEC. 4. AFFIRMATIVE COMMITMENTS FOR CERTAIN ENERGY PROPERTY.

(a) IN GENERAL.—Subparagraph (C) of section 46 (a) (2) (relating to energy percentage) is amended by redesignating clause (iv) as clause (vi) and by inserting after clause (iii) the following new clauses:

"(iv) LONGER PERIOD FOR CERTAIN PROPERTY.—For the purpose of applying the energy percentage contained in subclause (II), (III), (VI), or (VIII) of clause (i) with respect to any property, the extended date provided in clause (v) shall be substituted for the termination date with respect to such property if—

"(I) on or before the termination date with respect to such property, the taxpayer or any other person has completed all feasibility studies in connection with the acquisition, construction, reconstruction, or erection of the property or with the commencement of the construction of the project of which such property is a part, and has applied for all environmental and construction permits required under Federal, State, or local law in connection with the acquisition, construction, reconstruction, or erection of the property or with the commencement of the construction of the project of which such property is a part, and

"(II) on or before the date which is 3 years after the termination date with respect to such property, the taxpayer has entered into binding contracts for the acquisition, construction, reconstruction, or erection of—

"(A) the property,

"(B) equipment for the project of which such property is a part, the aggregate cost of which to the taxpayer is at least 50 percent of the reasonably estimated cost for all equipment which is to be placed in service as part of the project upon its completion, or

"(C) equipment specially designed for the project of which such property is a part, the aggregate cost of which to the taxpayer is at least 50 percent of the reasonably estimated cost for all equipment specially designed for the project which is to be placed in service as part of the project upon its completion.

"(v) DEFINITIONS RELATED TO CLAUSE (IV).—For purposes of clause (iv), the term 'termination date' means 'December 31, 1990', and the term 'extended date' means 'December 31, 1995'."

(b) HYDROELECTRIC GENERATING PROPERTY.—Clause (vi) of section 46(a)(2)(C), as redesignated by paragraph (1), is amended to read as follows:

"(vi) LONGER PERIOD FOR CERTAIN HYDROELECTRIC GENERATING PROPERTY.—If an application for a permit, license, or license exemption has been filed with the Federal Energy Regulatory Commission before January 1, 1990, with respect to the installation of any qualified hydroelectric generating property, for purposes of applying the energy percentage contained in subclause (IV)(B) of clause (i) with respect to such property, 'December 31, 1995' shall be substituted for 'December 31, 1990'."

(c) CONFORMING AMENDMENT.—Clause (ii) of section 46(a)(2)(C) is amended by striking out "and (iv)" and inserting in lieu thereof ", (iv), (v), and (vi)".

SEC. 5. COGENERATION EQUIPMENT INVOLVING USE OF OIL OR GAS.

Paragraph (14) of section 48(1) (relating to energy property) is amended—

(1) by striking out subparagraph (C), and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 6. REGULAR INVESTMENT CREDIT PERCENTAGE TO BE ALLOWED WITH RESPECT TO CERTAIN ENERGY PROPERTY.

Subparagraph (D) of section 46(a)(2) (relating to special rule for certain energy property) is amended by adding at the end thereof the following new sentence: "In the case of any property described in paragraph (2)(A)(ii) or (3)(A)(viii) of section 48 (1) to which the first sentence applies solely because such property is a structural component of a building, the first sentence shall not apply to any period after December 31, 1982, for which the energy percentage for such property is greater than zero.".

SEC. 7. METHANE-CONTAINING GAS AS QUALIFIED FUEL.

Subparagraph (C) of section 48(1)(15) (defining biomass property) is amended—

(1) by striking out "and" at the end of clause (i),

(2) by redesignating clause (ii) as clause (iii), and

(3) by inserting after clause (i) the following new clause:

"(ii) methane-containing gas for fuel or electricity, produced by anaerobic digestion from nonfossil waste materials at farms or other agricultural facilities, and at facilities for the first processing of agricultural products, and".

SEC. 8. TEMPERATURE OF GEOTHERMAL DEPOSITS.

Pargraph (3) of section 613(e) (defining geothermal deposit) is amended by inserting immediately before the period at the end of the first sentence, a comma and the following: "having a temperature which equals or exceeds 40 degrees Celsius (104 degrees Fahrenheit) as measured at the wellhead or, in the case of a natural hot spring (where no well is drilled), at the intake to the distribution system".

SEC. 9. EFFECTIVE DATE.

(a) IN GENERAL.—Under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954, the amendments made by section 4 of this Act shall apply to periods beginning after December 31, 1982, and the amendments made by sections 5, 6, 7, and 8 of this Act shall apply to periods beginning after June 30, 1983.

(b) EXTENSION OF TERMINATION DATE.—It is the sense of the Congress that the termination date for the energy percentage in the case of solar, wind, geothermal, cogeneration, biomass, and hydroelectric property should be extended by the length of time (rounded to the nearest whole year) which corresponds to the period between the date of enactment of this Act and the date of the issuance of final regulations, interim regulations, questions or answers, or other published guidelines by the Internal Revenue Service, upon which the taxpayer may rely for interpretation of these tax rules.●

By Mr. MATHIAS (for himself, Mr. BAKER, Mr. THURMOND, Mr. BIDEN, Mr. PERCY, Mr. DOLE, Mr. LAXALT, Mr. HATCH, Mr. DECONCINI, Mr. BAUCUS, Mr. HEFLIN, Mr. DENTON, and Mr. GRASSLEY):

S. 1306. A bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product; to the Committee on the Judiciary.

PATENT TERM RESTORATION ACT OF 1983

● Mr. MATHIAS. Mr. President, today we introduce the Patent Term Restoration Act of 1983, an attempt to set straight a serious problem in the patent system. Our bill would give back to the inventor, up to a maximum of 7 years, the time lost while the new patented product clears all tests required by the Federal Government. The predecessor of this bill in the 97th Congress, S. 255, passed the Senate without a dissenting vote on July 9, 1981.

Current law wisely requires exhaustive premarket tests to make sure that certain products are safe for the public and the environment. However, in testimony at the Judiciary Committee hearing in April 1981, we learned that over the past 20 years, as tests became more elaborate and time consuming, the inventor has been left with less and less of the normal 17-year patent. These tests eat into the life of the patent in such a major way that the inventor can commercially exploit it for only a few years. This degradation undermines the basic rationale of the patent system. The pharmaceutical drug and agricultural chemical industries are particularly hard hit, at a time when they face rapidly rising research and development costs and stiffening competition from overseas, where full patent protection is more dependable.

My bill in no ways affects the Federal safety and environmental testing requirements. In fact, it may even remove some of the pressure to rush the tests along. Simply stated, it would correct the serious inequity in the patent system that accidentally results from these testing requirements. I was personally touched by a recent death that followed a 30-year battle against

Parkinson's disease. I have no doubt that sometime soon a cure for that disease will be found by a university lab or a drug company, or even a lone inventor, whose incentive to invest time, sweat, money, and brainpower is based at least in part on the prospect of securing a valuable 17-year patent.

Our patent system has given us many life-saving medical breakthroughs. The expectation of great rewards spurs great risk taking, and I remain convinced that inventors deserve that full 17-year patent. On balance, the public will be the ultimate winner.

The present version of the bill incorporates some technical improvements over the previous bill, and allows inventors to choose which patent they want to apply the restoration to—either the patented product itself or the patented process by which it is made, since the Government subjects both patents to the same exhaustive scrutiny.

Last year the House Judiciary Committee, under the leadership of Chairman KASTENMEIER, revised the Senate-passed bill extensively before reporting it, and I expect that the Senate Judiciary Committee will want to examine those recommendations carefully in the course of our deliberations on the bill this year.

I urge all my colleagues to give careful consideration to this effort to strengthen the U.S. patent system, bearing in mind the words of its original architect, Thomas Jefferson, who thought that "ingenuity should receive liberal encouragement."

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Patent Term Restoration Act of 1983".

SEC. 2. (a) Section 155 of title 35 of the United States Code is amended by—

(1) striking out "Notwithstanding" and inserting in lieu thereof "(d) Notwithstanding"; and

(2) striking out "§ 155. Patent term extension" and inserting in lieu thereof the following:

"§ 155. Restoration of patent term

"(a)(1) Except as provided in paragraphs (3) and (4), the term of a patent which encompasses within its scope a product subject to regulatory review, or a method for using or a method for producing such a product, shall be extended from the original expiration date of the patent by the amount of time equal to the regulatory review period if—

"(A) the owner of record of the patent gives notice to the Commissioner in compliance with the provisions of subsection (b)(1);

"(B) the product has been subjected to regulatory review pursuant to statute before its commercial marketing or use; and

"(C) the patent to be extended has not expired prior to notice to the Commissioner under subsection (b)(1).

"(2) The rights derived from any claim of any patent extended under paragraph (1) shall be limited—

"(A) in the case of any patent, to the scope of such claim which relates to the product subject to regulatory review; and

"(B) in the case of a patent which encompasses within its scope a product—

"(i) which is subject to regulatory review under the Federal Food, Drug, and Cosmetic Act, to the uses of the product which may be regulated by the chapter of such Act under which the regulatory review occurred; or

"(ii) which is subject to regulatory review under any other statute, to the uses of the product which may be regulated by the statute under which the regulatory review occurred.

"(3) In no event shall the term of any patent be extended for more than seven years nor shall more than one patent be extended for the same regulatory review period for the product.

"(4) The term of a patent which encompasses within its scope a method for producing a product may not be extended under this section if—

"(A) the owner of record of such patent is also the owner of record of another patent which encompasses within its scope the same product; and

"(B) such patent on such product has previously been extended under this section.

"(b)(1) To obtain an extension of the term of a patent under subsection (a), the owner of record of the patent shall notify the Commissioner, within ninety days after the termination of the regulatory review period for the product to which the patent relates, that the regulatory review period has ended. Such notification shall be in writing, under oath, and shall—

"(A) identify the Federal statute under which regulatory review occurred or, if the regulatory review occurred under the Federal Food, Drug, and Cosmetic Act, the chapter of the Act under which the review occurred;

"(B) state the dates on which the regulatory review period commenced and ended;

"(C) identify the product for which regulatory review was required;

"(D) state that the requirements of the statute under which the regulatory review referred to in subsection (a)(1)(B) occurred have been satisfied and commercial marketing or use of the product is not prohibited;

"(E) identify the patent and any claim thereof to which the extension is applicable and the length of time of the regulatory review period for which the term of such patent is to be extended; and

"(F) state that no other patent has been extended for the regulatory review period for the product.

"(2) Upon receipt of the notice required by paragraph (1), the Commissioner shall promptly publish in the Official Gazette of the Patent and Trademark Office the information contained in such notice. Unless the requirements of this section have not been met, the Commissioner shall issue to the owner of record of the patent a certificate of extension, under seal—

"(A) stating the fact and length of the extension;

"(B) identifying the product and the statute under which regulatory review occurred; and

"(C) specifying any claim to which such extension is applicable.

Such certificate shall be recorded in the official file of the patent so extended and shall be considered as part of the original patent.

"(c) As used in this section—

"(1) the term 'product' means any machine, manufacture, or composition of matter for which a patent may be obtained, and includes the following:

"(A) any new drug, antibiotic drug, new animal drug, device, food additive, or color additive subject to regulation under the Federal Food, Drug, and Cosmetic Act;

"(B) any human or veterinary biological product subject to regulation under section 351 of the Public Health Service Act or under the virus, serum, toxin, and analogous products provisions of the Act of March 4, 1913 (21 U.S.C. 151–158);

"(C) any pesticide subject to regulation under the Federal Insecticide, Fungicide, and Rodenticide Act; and

"(D) any chemical substance or mixture subject to regulation under the Toxic Substances Control Act.

"(2) the term 'major health or environmental effects test' means an experiment to determine or evaluate health or environmental effects which requires at least six months to conduct, not including any period for analysis or conclusions.

"(3) the term 'regulatory review period' means—

"(A) with respect to a product which is a food additive, color additive, new animal drug, veterinary biological product, device, new drug, antibiotic drug, or human biological product, a period commencing on the earliest of the date the patentee, his assignee, or his licensee—

"(i) initiates a major health or environmental effects test on such product, the data from which are submitted in an application or petition with respect to such product under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, or the Act of Congress of March 4, 1913;

"(ii) claims an exemption for investigation or requests authority to prepare an experimental product with respect to such product under such statutes; or

"(iii) submits an application or petition with respect to such product under such statutes.

and ending on the date such application or petition with respect to such product is approved or licensed under such statutes or, if objections are filed to such approval or license, ending on the date such objections are resolved and commercial marketing is permitted or, if commercial marketing is initially permitted and later revoked pending further proceedings as a result of such objections, ending on the date such proceedings are finally resolved and commercial marketing is permitted;

"(B) with respect to a product which is a pesticide, a period commencing on the earliest of the date the patentee, his assignee, or his licensee—

"(i) initiates a major health or environmental effects test on such pesticide, the data from which are submitted in a request for registration of such pesticide under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act,

"(ii) requests the grant of an experimental use permit for such pesticide under section 5 of such Act, or

"(iii) submits an application for registration of such pesticide pursuant to section 3 of such Act,

and ending on the date such pesticide is first registered under section 3 of such Act, either conditionally or fully; and

"(C) with respect to a product which is a chemical substance or mixture for which notification is required under section 5(a) of the Toxic Substances Control Act—

"(i) which is subject to a rule requiring testing under section 4(a) of such Act, a period commencing on the date of the patentee, his assignee, or his licensee has initiated the testing required in such rule and ending on the expiration of the premanufacture notification period for such chemical substance or mixture, or if an order or injunction is issued under subsection (e) or (f) of section 5 of such Act, the date on which such order or injunction is dissolved or set aside;

"(ii) which is not subject to a testing rule under section 4 of such Act, a period commencing on the earlier of the date the patentee, his assignee, or his licensee—

"(I) submits a premanufacture notice, or

"(II) initiates a major health or environmental effects test on such chemical substance or mixture, the data from which are included in the premanufacture notice for such substance or mixture.

and ending on the expiration of the premanufacture notification period for such substance or if an order or injunction is issued under subsection (e) or (f) or section 5 of such Act, the date on which such order or such injunction is dissolved or set aside;

except that the regulatory review period shall not be deemed to have commenced until a patent has been granted for the product which is subject to regulatory review, for the method for using such product, or for the method for producing such product. In the event the regulatory review period has commenced prior to the date of the enactment of this section, then the period of patent extension shall be measured from such date of enactment.".

(b) The analysis for chapter 14 of title 35, United States Code, is amended by amending the item relating to section 155 to read as follows:

"155. Restoration of patent term.".●

By Mr. SPECTER:

S.J. Res. 102. Joint resolution to designate the week of October 16, 1983, through October 22, 1983, as "Lupus Awareness Week"; to the Committee on the Judiciary.

LUPUS AWARENESS WEEK

● Mr. SPECTER. Mr. President, today I am introducing a joint resolution to designate the week of October 16 through October 22, 1983, as Lupus Awareness Week. Congressman WILLIAM H. GRAY III of Philadelphia has already introduced House Joint Resolution 260 for the same purpose.

Most people are not familiar with lupus, neither the seriousness nor incidence of this disease. Unfortunately, it is little known mainly because even now its diagnosis is difficult and sometimes uncertain.

It is estimated that more than 500,000 Americans suffer with lupus. Statistics show that somewhere between 70 to 90 percent of Lupus victims are women, particularly in their child-bearing years.

Lupus is a chronic inflammatory disease affecting connective tissue. In Lupus, instead of antibodies protecting the body against viruses and bacteria, they attack and injure the patient's body. This debilitating disease prevents the victim from living a normal life. Even exposure to the Sun can cause sickness in a Lupus patient. In spite of the progress being made in the treatment of this disease, more than 5,000 patients die of it each year.

The lack of awareness on the part of the general public and, in some cases, even on the part of the medical profession, creates a major problem as the disease is often misdiagnosed or diagnosed too late.

This is why an increased level of awareness developed through Lupus Awareness Week is so important to help overcome the disease.

Mr. President, it is my pleasure to introduce this resolution again this year for this very important cause.

Mr. President, I ask that the joint resolution by printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 102

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 16, 1983, through October 22, 1983, is designated as "Lupus Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. MELCHER, the names of the Senator from Montana (Mr. BAUCUS), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 74, a bill entitled the "Reye's Syndrome Act of 1983."

S. 137

At the request of Mr. ROTH, the names of the Senator from Louisiana (Mr. JOHNSTON) and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 137, a bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued.

S. 267

At the request of Mr. JOHNSTON, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 267, a bill entitled "The Coal Distribution and Utilization Act of 1983."

S. 476

At the request of Mr. LEVIN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. DECONCINI), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from North Dakota (Mr. ANDREWS), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 567

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 567, a bill to amend title 38, United States Code, to authorize reimbursement for the reasonable charge for chiropractic services provided to certain veterans.

S. 616

At the request of Mr. BUMPERS, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. STAFFORD), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. 616, a bill to promote the use of solar and other renewable forms of energy developed by the private sector.

S. 617

At the request of Mr. BUMPERS, the names of Senator from Maryland (Mr. SARBANES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. STAFFORD), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. 617, a bill to promote the use of energy-conserving equipment and biofuels by the Department of Defense, and for other purposes.

S. 618

At the request of Mr. BUMPERS, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. STAFFORD), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. 618, a bill to revise certain Federal training and economic development programs to create jobs and develop skills in renewable energy and energy conservation industries, and for other purposes.

S. 657

At the request of Mr. DOLE, the name of the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 657, a bill to amend the

Animal Welfare Act to insure the proper treatment of laboratory animals.

S. 858

At the request of Mr. THURMOND, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 858, a bill to recognize the organization known as the National Association of State Directors of Veterans Affairs, Inc.

S. 873

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advance research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 880

At the request of Mr. PRESSLER, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 880, a bill to amend the Communications Act of 1934 to provide equity to daytime radio broadcasters.

S. 891

At the request of Mr. BUMPERS, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of S. 891, a bill to develop additional procedures for Federal land sales.

At the request of Mr. CHAFEE, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 891, supra.

S. 980

At the request of Mr. WALLOP, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 980, a bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to the surface mining of stone, clay and sand work.

S. 994

At the request of Mr. PRYOR, the names of the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 994, a bill to prohibit the production of lethal binary chemical munitions by the United States and to call on the President to continue and intensify recently begun efforts in the Committee on Disarmament with the Government of the Union of Soviet Socialists Republics and other countries to achieve an agreement establishing a mutual, verifiable ban on the production and stockpiling of chemical weapons.

S. 1128

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1128, a bill entitled the "Agricultural Productivity Act of 1983."

S. 1147

At the request of Mr. DANFORTH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1147, a bill to amend the Internal Revenue Code of 1954 to exclude from gross income the discharge of mortgage debt on a principal residence.

S. 1161

At the request of Mr. DURENBERGER, the names of the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of S. 1161, a bill to amend the Internal Revenue Code of 1954 to make it clear that certain motor vehicle operating leases are leases.

S. 1170

At the request of Mr. PRYOR, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1170, a bill to establish a Director of Operational Testing and Evaluation in the Department of Defense, and for other purposes.

S. 1194

At the request of Mr. DANFORTH, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Rhode Island (Mr. PELL), the Senator from California (Mr. WILSON), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1194, a bill to amend the Internal Revenue Code of 1954 to encourage the contribution of scientific equipment to elementary and secondary schools and institutions of higher education and to foster university research and scientific training.

S. 1256

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1278

At the request of Mr. MELCHER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1278, a bill to provide for an accelerated program of research, development and demonstration with respect to the production of electricity from magnetohydrodynamics, leading to the construction and operation of at least one major proof of concept demonstration project in connection with an existing electric powerplant, and for other purposes.

SENATE JOINT RESOLUTION 42

At the request of Mr. MURKOWSKI, the names of the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Joint Resolution 42, a joint resolution designating Alaska Statehood Day, January 3, 1984.

SENATE JOINT RESOLUTION 55

At the request of Mr. MATHIAS, the names of the Senator from Mississippi (Mr. STENNIS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Joint Resolution 55, a joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

SENATE JOINT RESOLUTION 75

At the request of Mr. SYMMS, the names of the Senator from California (Mr. CRANSTON), the Senator from South Dakota (Mr. ABDNOR), the Senator from Michigan (Mr. RIEGLE), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Joint Resolution 75, a joint resolution to provide for the designation of June 12 through 18, 1983, as "National Scleroderma Week".

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the names of the Senator from Nebraska (Mr. EXON), the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. BRADLEY), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE RESOLUTION 52

At the request of Mr. CHAFEE, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of Senate Resolution 52, a resolution expressing the Senate's opposition to an imposition of a fee on domestic and imported crude oil and refined products.

SENATE RESOLUTION 95

At the request of Mr. DOLE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Resolution 95, a resolution to express the sense of the Senate that the President should initiate negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

SENATE RESOLUTION 100

At the request of Mr. WALLOP, the names of the Senator from North Carolina (Mr. HELMS), and the Senator from Wyoming (Mr. SIMPSON) were added as copsonsors of Senate Resolution 100, a resolution relating to the building of weapons for deployment in space.

SENATE RESOLUTION 114

At the request of Mr. PRESSLER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Resolution 114, a resolution to express the sense of the Senate that certain rural fire protection programs should receive a level of funding for fiscal year 1984 which is at least as high as the level of funding provided for such programs for fiscal year 1983.

SENATE RESOLUTION 119

At the request of Mr. D'AMATO, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of Senate Resolution 119, a resolution expressing the sense of the Senate that the United States should proceed with the sale and delivery of F-16 aircraft to Israel.

SENATE RESOLUTION 122

At the request of Mr. MOYNIHAN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Resolution 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

SENATE RESOLUTION 137

At the request of Mr. KASTEN, the names of the Senator from Illinois (Mr. DIXON), the Senator from South Carolina (Mr. THURMOND), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of Senate Resolution 137, a resolution expressing the sense of the Senate that Taiwan should retain full membership in the Asian Development Bank, and that it should not be expelled as a precondition for membership in that body by the People's Republic of China.

SENATE RESOLUTION 140

At the request of Mr. BAKER, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Resolution 140, a resolution to celebrate the 50th Anniversary of the Tennessee Valley Authority, a public enterprise that works.

AMENDMENT NO. 1210

At the request of Mr. KENNEDY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 1210 proposed to S. 529, a bill to revise and reform the Immigration and Nationality Act, and for other purposes.

SENATE CONCURRENT RESOLUTION 36—RELATING TO THE ANNIVERSARY OF THE SIGNING OF THE TREATY OF PARIS

Mr. WARNER (for himself, Mr. TRIBLE, Mr. MATTINGLY, Mr. THURMOND, Mr. RUDMAN, Mr. MATHIAS, Mr. DODD, Mr. PELL, Mr. CHAFEE, Mr. TSONGAS, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 36

Whereas, September 3, 1983, commemorates a day of unique significance in the history of our nation,

Whereas, on September 3, 1783, the American Peace Commissioners—John Adams, Benjamin Franklin, and John Jay—signed a Definitive Treaty of Peace with David Hartley, the representative of George the Third, the King of Great Britain, in the City of Paris;

Whereas, on the same day another treaty between Great Britain and America's ally France and co-belligerent Spain was signed at Versailles, and witnessed by the American Peace Commissioners;

Whereas, the signing of the Definitive Treaty with Great Britain signified to the world that these former thirteen British colonies had emerged from the great war of the American Revolution as an independent nation, the United States of America, confirmed in its sovereignty over a vast extent of territory and,

Whereas, the adoption of the Definitive Treaty of Peace inaugurated an era of peace for the new nation which made possible the experimentation in self-government which led to the adoption of the Constitution of the United States of America on September 17, 1787;

Whereas since that historic day two hundred years ago, the United States of America has survived as a free nation, ever mindful of the blessings that liberty and peace have brought: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That September 3, 1983 is proclaimed a day of National Celebration of the two hundredth anniversary of the signing of the Treaty of Paris, and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. WARNER. Mr. President, this year will mark the 200th anniversary of the signing of the Treaty of Paris. As Administrator of the American Revolution Bicentennial Administration, I had the responsibility to plan and direct our Nation's efforts to commemorate the events leading up to the signing of the Declaration of Independence in 1776.

This year will mark the bicentennial of the successful conclusion to the war for independence. On the 3d of September 1783, John Adams, Benjamin Franklin, and John Jay, the American Peace Commissioners, signed a definitive treaty of peace with David Hartley, the representative of George III, the King of Great Britain, in the city of Paris.

This treaty, which ended the Revoluntary War, ushered the United States into the world of sovereign states and diplomacy. By this treaty, Great Britain recognized the independence we had so bravely declared 7 years before and agreed to the Mississippi River as our western boundary, thus more than doubling our territory.

Helping to plan our Nation's observance of this occasion is the National Committee for the Bicentennial of the Treaty of Paris. This committee, composed of distinguished citizens and chaired by Joan R. Challinor, has been hard at work for 2 years coordinating and planning programs and events. This committee is operated with donated funds and not tax dollars.

Mr. President, I believe this group deserves our congratulations and support. We believe that 1983 is the midpoint in America's great bicentennial celebration: our Declaration of Independence in 1776; the recognition of our independence in 1783; and the writing of the Constitution in 1787.

The theme of the observance will be a tribute to the importance of diplomatic negotiations between nations and their value to individual Americans. The three American signers, John Adams, Benjamin Franklin, and John Jay, spent months in arduous negotiations to realize this independence for the United States. Their achievement has been hailed as "the greatest triumph in the history of American diplomacy."

It is my understanding that the President has agreed to become the honorary chairman of the committee. This will assist the committee in their work with France and other nations that want to participate in the commemoration.

Mr. President, I am today, on behalf of myself, Senator TRIBLE, Senator MATTINGLY, Senator THURMOND, Senator RUDMAN, Senator MATHIAS, Senator DODD, Senator PELL, Senator CHAFEE, Senator TSONGAS, and Senator SARBANES, introducing a Senate joint resolution to proclaim September 3, 1983, a day of national celebration of the 200th anniversary of the signing of the Treaty of Paris.

I urge my colleagues to support this joint resolution.

Mr. MATHIAS. Mr. President, I am pleased to join in cosponsoring this concurrent resolution with the Senator from Virginia, Mr. WARNER, to commemorate the Bicentennial of the Treaty of Paris.

The Treaty of Paris was the United States first step into the community of nations. After almost a decade of war, the independence of the Thirteen Colonies was finally recognized by England with the signing of the Treaty of Paris on September 3, 1783. Besides the British and Americans,

the French, Spanish, and Dutch were also party to the historic document.

In the treaty, King George III recognized the United States "to be Free Sovereign and Independent States: * * * (and) relinquishes all claims to the Government, Proprietary, and Territorial Rights of the Same, and every part thereof." The treaty also defined certain boundaries and international rights and called for "* * * a firm and perpetual Peace between his Britannic Majesty and the said States * * *"

The Treaty of Paris remains this Nation's most important diplomatic victory. The negotiations for the treaty were set against a background of spies, skeptical French allies, palace intrigues, and the often delayed and confusing news from America. But Benjamin Franklin and his colleagues persisted in carrying out their charge from the Congress to achieve recognition of the 13 United States. The resulting treaty shows what can be accomplished when negotiators have a clear mandate and a dogged determination.

Though we will not celebrate the Treaty of Paris Bicentennial until September 3, some other memorable bicentennial dates have occurred recently. April 15 marked the 200th anniversary of Congress ratification of the preliminary treaty and April 19 was the bicentennial of the cessation of hostilities between the United States and England. This last event was commemorated by Secretary of the Army John Marsh at ceremonies at the Pentagon and at the site of the Continental Army's final encampment at New Windsor, N.Y.

Like all Americans, I recognize the significance of the Treaty of Paris, but I also have a parochial interest in the commemoration of the achieving of peace at Paris. At the end of 1783, the Congress was a government without a capital; it wandered from place to place for its meetings. On November 26 of that year the Congress settled into the Maryland State House in Annapolis for its winter session. It was to be an historic meeting. On December 23, 1783, after taking leave of his officers in New York, George Washington returned his commission as Commander in Chief to a grateful Congress. And on January 14, 1784, Congress ratified the Treaty of Paris at Annapolis. These two events will be celebrated in Maryland as the State launches a year-long commemoration of the 350th anniversary of its founding in 1634.

Mr. President, I urge the Senate to approve this concurrent resolution commemorating this milestone in not only our history, but in the diplomatic history of the world.

SENATE RESOLUTION 148—EXPRESSING THE SUPPORT OF THE SENATE ON THE DECISION OF THE GOVERNMENTS OF LEBANON AND ISRAEL ON AGREEING TO THE ARRANGEMENTS FOR WITHDRAWAL OF ISRAELI FORCES FROM LEBANON

Mr. PERCY (for himself, Mr. PELL, Mr. BOSCHWITZ, Mr. SARBANES, Mr. BAKER, Mr. BYRD, Mr. STEVENS, Mr. THURMOND, Mr. DOMENICI, Mr. PACKWOOD, Mr. GARN, Mr. HEINZ, Mr. RUDMAN, Mr. MURKOWSKI, Mr. HECHT, Mr. SYMMS, Mr. KASTEN, Mr. MCCLURE, Mr. GORTON, Mr. WILSON, Mrs. KASSEBAUM, Mr. WARNER, Mr. PRESSLER, Mr. LUGAR, Mr. GLENN, Mr. CRANSTON, Mr. WEICKER, Mr. HATCH, Mr. HELMS, Mr. COHEN, Mr. WILSON, Mr. JEPSEN, Mr. COCHRAN, Mr. DURENBERGER, Mr. SIMPSON, Mr. BRADLEY, Mr. JACKSON, Mr. KENNEDY, Mr. MOYNIHAN, Mr. EAGLETON, Mr. DODD, Mr. DIXON, Mr. LEVIN, Mr. EXON, Mr. HART, Mr. MATSUNAGA, Mr. MELCHER, Mr. NUNN, Mr. BENTSEN, Mr. BOREN, Mr. BINGAMAN, Mr. DOLE, Mr. QUAYLE, Mr. STAFFORD, Mr. SPECTER, Mr. INOUYE, Mr. BURDICK, Mr. RANDOLPH, Mr. LONG, Mrs. HAWKINS, and Mr. PRYOR) submitted the following resolution, which was ordered placed on the calendar:

S. RES. 148

Whereas the Governments of Lebanon and Israel on May 17, 1983, signed an historic agreement arranging for the withdrawal of Israeli forces from Lebanon;

Whereas the Lebanese and Israeli Governments deserve strong praise for their persistence, flexibility and determination in negotiating the agreement and dealing with the difficult decisions required to conclude the document;

Whereas American officials played an important role in assisting the negotiations;

Whereas the agreement marks an important step in the efforts to achieve peace and stability in the region;

Whereas the agreement is an essential part of the effort to restore the sovereignty and stability of Lebanon;

Whereas the withdrawal of all foreign forces from Lebanon is in the interest of the Lebanese people and of peace in the region;

Whereas a majority of Middle Eastern nations have expressed their support for the withdrawal of all foreign forces from Lebanon: Therefore, be it

Resolved, That the Senate of the United States:

Supports the decision of the Governments of Lebanon and Israel on agreeing to the arrangements for the withdrawal of Israeli forces from Lebanon;

Call on other nations to work toward achieving the withdrawal of all foreign forces from Lebanon;

Emphasizes the need for all nations to recognize and respect the sovereignty and territorial integrity of Lebanon; and,

Urges Syria and the Palestine Liberation Organization to respect the sovereignty and territorial integrity of Lebanon by agreeing to arrangements for the prompt withdrawal of their forces from Lebanon.

Mr. PERCY. Mr. President, on behalf of myself, Senator PELL, Senator BOSCHWITZ, Senator SARBANES, Senator BAKER, Senator BYRD, and 60 of our colleagues, I am introducing a Senate resolution expressing the support of the Senate on the decision of the Governments of Lebanon and Israel on agreeing to arrangements for the withdrawal of Israeli forces from Lebanon.

Mr. President, I ask unanimous consent that all Senators be on notice that they can be added as cosponsors of this resolution before the close of business tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, it would be the hope of the Senator from Illinois that this matter, because of the urgency of it, could be taken up on the floor of the Senate tomorrow and adopted by the Senate.

Mr. President, today is an historic day in the quest for peace in the Middle East. Lebanon and Israel signed an agreement arranging the withdrawal of Israeli forces from Lebanon. This agreement is an important step toward the reassertion of full Lebanese sovereignty throughout their nation while assuring Israeli security.

The resolution which we introduced today voices strong support for the agreement. It also focuses on the need for Syrian and Palestinian forces to withdraw from Lebanon promptly. Moreover, it emphasizes the need for all nations to recognize and respect the sovereignty and territorial integrity of Lebanaon.

For the Lebanese people, this agreement is a very important step in the reestablishment of their sovereignty throughout their nation. The Lebanese have suffered foreign occupation for nearly a decade. Until all foreign forces are withdrawn, peace is not possible in the Middle East. Consequently, the interests of all nations in that troubled region underline the need to support this agreement and the necessity to urge that Syrian and Palestinian forces conclude a similar withdrawal agreement.

For the Israelis, this agreement is an important step toward achieving security along their northern border and ending their occupation of Lebanon. Prime Minister Begin has stated repeatedly that his government has no desire to continue its occupation of Lebanon. Today's agreement proves that those who doubted Israel's intentions were wrong and confirms, for all, that security remains Israel's primary concern.

Many of Lebanon's regional neighbors have forthrightly declared their support for Lebanon's decision to sign the agreement. These nations, including Iraq, Algeria, Jordan, Tunisia,

Egypt, and others, also recognize the need for Syrian and Palestinian Liberation Organization forces to withdraw. Syrians and Palestinians will not succeed in advancing their own legitimate interests if they do not respect the sovereignty and territorial integrity of Lebanon.

Finally, the successful conclusion of this agreement is a great credit to the leadership and persistence of Secretary Shultz, Ambassador Habib, Ambassador Draper, and the entire American negotiating team. Too often, we overlook the hours, days, weeks, and months of dedicated professional work which is necessary to achieve a diplomatic breakthrough such as this agreement.

Mr. President, in conclusion, we started 35 years ago with four bordering countries in hostility against the newly created State of Israel. We now have a peace agreement between Egypt and Israel. We now have an agreement between Lebanon and Israel.

It is essential that we continue to establish a basis and foundation for peace in the Middle East.

I urge my colleagues to join in this sense-of-the-Senate resolution which we hope to take up tomorrow on the floor.

SENATE RESOLUTION 149—RELATING TO EQUAL RIGHTS WITH REGARD TO EDUCATIONAL OPPORTUNITY

Mr. DODD (for himself, Mr. TSONGAS, Mr. KENNEDY, Mr. DURENBERGER, Mr. CHAFEE, Mr. DOLE, Mr. PELL, Mr. METZENBAUM, and Mr. WEICKER) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. Res. 149

Whereas education is the backbone of American democracy and shapes the minds and spirits of future generations;

Whereas extensive inequities based on sex, such as discrimination in admissions, vocational education, and counseling continue to exist in education communities;

Whereas the average working woman earns fifty-nine cents for every dollar earned by the average working man, and by denying women equal access to education programs women are denied the opportunity for career advancement and economic equity;

Whereas the Congress, in enacting title IX of the Education Amendments of 1972, intended that it be applied comprehensively and in a manner designed to eliminate discrimination on the basis of sex with respect to educational opportunity throughout the American educational system; and

Whereas while many sectors of our society need relief from overly burdensome regulations, such relief should not be taken at the expense of women who are only now afforded equal opportunities in education resulting from protective regulations: Now, therefore, be it

Resolved, That it is the sense of the Senate that title IX of the Education Amendments of 1972 and regulations issued pursuant to such title should not be amended in any manner which will lessen the comprehensive coverage of such title in eliminating gender discrimination throughout the American educational system.

● Mr. DODD. Mr. President, I am submitting this resolution today for myself and Senators TSONGAS, KENNEDY, DURENBERGER, CHAFEE, DOLE, PELL, METZENBAUM, and WEICKER.

This resolution expresses the sense of the Senate that it is essential to maintain guidelines insuring equal rights in educational opportunity.

Identical legislation, House Resolution 190, has been introduced by Congresswoman CLAUDINE SCHNEIDER, of Rhode Island, where it currently has 62 cosponsors.

Since title IX took effect, the record shows, female students have scored dramatic gains. The enrollment of women in vocational courses traditionally dominated by males has more than doubled and the share of professional degrees earned by professional women has quadrupled.

In 1972, women were only 11 percent of the students in medical schools, 10 percent of law school students, and 2 percent of those in dental schools. In 1980, the proportion of women in medical school and law school had tripled—up to 26 and 34 percent, respectively. Women constituted 17 percent of dental school students that year, a 1,011-percent jump.

One area in which women have made exceptionally large gains, thanks to title IX, is athletics, termed to be the "most visible and familiar" aspect of title IX by the National Advisory Council on Women's Educational Programs. Under title IX, the number of females involved in interscholastic high school athletics programs has increased by 527 percent.

Before title IX was passed, virtually no college or university offered scholarships to talented women athletes. Of every 100 scholarships awarded in 1974, only 1 went to a woman. Today the ratio is 22 out of every 100.

In my State of Connecticut alone, the number of female athletes at the University of Connecticut has jumped from a total of 50 in 1974 to 250 in 1982. Likewise, there are now 11 full-time and 8 part-time coaches to train these athletes, while in 1974 there were only 4. The number of athletic scholarships awarded to women at the University of Connecticut has climbed from 1 in 1975 to 74 in 1982. Thus, title IX has brought dramatic changes in my State. And what title IX has done in Connecticut, it has done in the other 49 States as well.

Mr. President, despite the gains that women have made since 1972, there is still a long road ahead with much catching up to do and title IX is needed more than ever, particularly in light of recent court rulings which have sought to restrict the scope of the regulations.

In North Haven Board of Education against Bell, the court held that title IX coverage no longer pertained to the entire institution while in Grove City College against Bell, the court of appeals held that the entire college constitutes the education program since Federal financial aid moneys may be used for any purpose. This case has been appealed and the Supreme Court has agreed to hear the case some time this fall.

In light of these conflicting judicial interpretations, there is no doubt in my mind that Congress needs to reaffirm its commitment to equal opportunity in educational programs for all Americans. Despite various attempts to weaken these much-needed regulations, the record makes it clear that they have a necessary and vital role to play in the education process.

Title IX is not an example of good intentions gone awry. It is instead an example of how equal treatment of the sexes in college admissions, athletic programs, and education employemnt can improve the skills and resources of American women to help serve the American future.

The changes that have occurred as a result of these regulations have been positive and substantial and with our support they can continue to provide equal educational opportunities, advancements and improvements in the years ahead.

It is my hope that my Senate colleagues will act promptly to approve this resolution and reaffirm our commitment to a policy of equality in providing educational opportunities for all Americans.●

AMENDMENTS SUBMITTED

HART (AND OTHERS) AMENDMENT NO. 1273

Mr. HART (for himself, Mr. LEVIN, Mr. KENNEDY, and Mr. BINGAMAN) proposed an amendment to the bill (S. 529) to revise and reform the Immigration and Nationality Act, and for other purposes; as follows:

On page 104, line 7, strike out "section" and insert in lieu thereof "sections".

On page 113, line 9, insert "and section 274B" after "this section".

On page 113, line 14, strike out the quotation marks and the period that follows them.

On page 113, after line 14, insert the following:

"UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

"SEC. 274B. (a)(1) It is an unfair immigration-related employment practice for a person to discriminate against any individual (other than an unauthorized alien, as defined in section 274A(a)(4)) with respect to the hiring, or recruitment or referral, of

the individual for employment because of such individual's national origin or alienage.

"(2) Paragraph (1) shall not apply to—

"(A) a person that employs three or fewer employees,

"(B) a person's discrimination because of an individual's national origin if the discrimination with respect to that person and that individual is covered under section 703 of the Civil Rights Act of 1964, or

"(C) discrimination because of alienage which is otherwise required in order to comply with statute.

"(b)(1) Any person (or class representing such persons) alleging that the person is aggrieved by an unfair immigration-related employment practice or an officer of the Service alleging that an unfair immigration-related employment practice has occurred or is occuring may file a charge respecting such practice with the Special Counsel of the United States Immigration Board (hereinafter in this section referred to as the 'Board'). Charges shall be in writing under oath or affirmation and shall contain such information as the Board requires. The Special Counsel shall serve a notice of the charge (including the date, place, and circumstances of the alleged unfair immigration-related employment practice) on the employer involved within ten days.

"(2)(A) The Special Counsel shall investigate each charge received and, within 30 days of the date of the receipt of the charge, determine whether or not there is reasonable cause to believe that the charge is true and whether or not to bring a complaint with respect to the charge before the Board. The Special Counsel may, on his own initiative, conduct investigations respecting unfair immigration-related employment practices and, based on such an investigation and subject to subparagraph (C), file a complaint before the Board.

"(B) If the Special Counsel, after receiving such a charge, has not brought a complaint before the Board with respect to such charge within such 30-day period, the person making the charge may (subject to subparagraph (C)) file a complaint directly before the Board.

"(C) No complaint may be filed respecting any unfair immigration-related employment practice occurring more than six months prior to the filing of the charge with the Special Counsel and the service of a copy thereof upon the person or entity against whom such charge is made. This clause shall not prevent the subsequent amending of a charge or complaint under paragraph (3)(A).

"(3)(A) Whenever a complaint is made that a person or entity has engaged in or is engaging in any such unfair immigration-related employment practice, the Board, through an immigration judge designated by the Board for such purpose, shall have power to issue and cause to be served upon such person or entity a copy of the complaint and a notice of hearing before the judge at a place therein fixed, not less than five days after the serving of the complaint. Any such complaint brought by the Special Counsel may be amended by the judge conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person or entity so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint.

"(B) Hearings on complaints under this section shall be considered before immigration judges who are specially designated by the United States Immigration Board as having special training respecting employment discrimination and, to the extent practicable, before such judges who only consider cases under this section.

"(C) Any person filing a charge with the Special Counsel respecting an unfair immigration-related employment practice shall be considered a full party to any complaint before the Board respecting such practice and any subsequent appeal respecting that complaint. In the discretion of the immigration judge conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony.

"(4)(A) The testimony taken by the immigration judge shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may provide for the taking of further testimony or hear argument.

"(B) The immigration judge shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

"(5) In conducting investigations and hearings under this section and in accordance with rules of the Board, the Special Counsel and immigration judges—

"(A) shall have reasonable access to examine evidence of any person being investigated, and

"(B) by subpena may compel the attendance of witnesses and the production of evidence at any designated place or hearing.

In case of contumacy or refusal to obey a subpena lawfully issued under this paragraph and upon application of the Board, an appropriate district court of the United States may issue an order requiring compliance with such subpena and any failure to obey such order may be punished by such court as a contempt thereof.

"(c)(1) If, upon the preponderance of the testimony taken, the Board shall be of the opinion that any person or entity named in the complaint has engaged in or is engaging in any such unfair immigration-related employment practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person or entity an order requiring such person or entity–

"(A) to cease and desist from such unfair immigration-related employment practice;

"(B) to retain for six months the name and address of each individual who applies, in person or in writing, for hiring for an existing position, or for recruiting or referring for a fee or other consideration, for employment in the United States;

"(C) if the practice was an intentional violation of subsection (c)(1)(A), to take such action as the Board deems appropriate, which may include hiring of employees, with or without back pay; and

"(D)(i) except as provided in clause (ii), to pay a civil penalty of not more than $2,000 for each individual discriminated against with respect to the first such violation and to pay a civil penalty of not more than $3,000 for each individual so discriminated against with respect to each subsequent violation; or

"(ii) in the case of a person or entity who has engaged or is engaging in a pattern or practice of such a violation, to pay a civil penalty of not more than $4,000 for each individual discriminated against.

"(2)(A) In providing a remedy under paragraph (1)(C), back pay liability shall not accrue from a date more than one year prior to the filing of a charge with the Board. Interim earnings or amounts earnable with reasonable diligence by the individual or individuals aggrieved against shall operate to reduce the back pay otherwise allowable under such paragraph. No order of the Board shall require the hiring of an individual as an employee or the payment to him of any back pay, if the individual was refused employment for any reason other than discrimination on account of national origin or alienage or the effect of such an unfair immigrant-related employment practice.

"(B) The second sentence of section 274A(d)(1)(A) shall apply to paragraph (1) in the same manner as it applies to the first sentence of such section.

"(3) If upon the preponderance of the testimony taken the Board shall not be of the opinion that the person or entity named in the complaint has engaged or is engaging in any such unfair immigration-related employment practice, then the Board shall state its findings of fact and shall issue an order dismissing the complaint.

"(4) In any complaint respecting an unfair immigration-related employment practice, the Board, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee.

"(d)(1) The provisions of subsections (d), (e), (f), (g), (i), and (j) of section 10 of the National Labor Relations Act (29 U.S.C. 160) shall apply to court petitions and review of orders under this section in the same manner as they apply to court petitions and orders under that section, except that the authority of the Board under this section shall be exercised through the Special Counsel to the Board.

"(2) If the court, in a proceeding referred to in paragraph (1), finds that an employer has intentionally engaged in or is intentionally engaging in an unfair immigration-related employment practice in a complaint before the Board, the court may enjoin the employer from engaging in such practice, and order such action (described in subsection (c)(1)(C), and subject to subsection (c)(2)(A)) as may be appropriate.

"(3) In any proceeding referred to in paragraph (1) respecting an unfair immigration-related employment practice, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of costs.

On page 114, after line 12, insert the following:

(iii) No order or injunction may be issued under section 274B of the Immigration and Nationality Act for actions occurring before the first day of the seventh month beginning after the date of the enactment of this Act.

(iv) The President shall first submit a nomination for Special Counsel to the United States Immigration Board not later than 60 days after the date of the enactment of this Act.

On page 114, line 20, strike out "tion 274A" and insert in lieu thereof "tions 274A and 274B".

On page 141, line 22, strike out "item" and insert in lieu thereof "items".

On page 114, before line 23, strike out the closing quotation marks and the period that

follows them and insert after the item relating to section 274A the following:

"Sec. 274B. Unfair immigration-related employment practices.".

On page 126, after line 19, insert the following:

The Board shall also exercise functions described in section 274B.

On page 129, after line 4, insert the following:

"(E) with respect to judges designated to hear such cases, complaints under section 274B,".

On page 129, line 6, strike out "(E)" and insert in lieu thereof "(F)".

On page 129, line 17, strike out all that follows the first period.

On page 129, after line 17, insert the following new subsection:

"(d)(1) The President shall appoint, by and with the advice and consent of the Senate, a Special Counsel to the Board, to serve for a term of four years. In the case of a vacancy in the office of the Special Counsel the President may designate the officer or employee who shall act as Special Counsel during such vacancy.

"(2) The Special Counsel shall be responsible, on behalf of the Board, for investigation of charges and issuance of complaints under section 274B and in respect of the prosecution of such complaints before the Board, and shall have such other duties respecting such section as the Board may prescribe.

"(3) The Special Counsel is entitled to receive compensation at the rate now or hereafter provided for grade GS-17 of the General Schedule, under section 5332 of title 5, United States Code.

"(4) The Special Counsel, in accordance with rules established by the Board, shall establish such regional offices as may be necessary to carry out his duties.".

BRADLEY (AND OTHERS) AMENDMENT NO. 1274

Mr. BRADLEY (for himself, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. D'AMATO, Mr. SARBANES, Mr. DECONCINI, Mr. LONG, Mr. BENTSEN, and Mr. CHILES) proposed an amendment to the bill S. 529, supra; as follows:

Beginning on page 198 with line 12, strike out all through line 7 on page 207 and insert in lieu thereof the following:

STATE LEGALIZATION ASSISTANCE

SEC. 302. (a) There are authorized to be appropriated to carry out subsections (b) and (c) of this section such sums as may be necessary for fiscal year 1984 and for each of the two succeeding fiscal years.

(b)(1) Subject to the amounts provided in advance in appropriation Acts, the Secretary of Health and Human Services shall provide reimbursement to each State (as defined in paragraph (2)(D)) for 100 percent of the costs of programs of public assistance provided to any eligible legalized alien (as defined in paragraph (2)(A)).

(2) For purposes of paragraph (1):

(A) The term "eligible legalized alien" means—

(i) an alien who has been granted permanent resident status under section 245A(a) of the Immigration and Nationality Act, but only until the end of the three-year period beginning on the date the alien was granted such status; and

(ii) an alien who has been granted temporary resident status under section 245A(b)(1) of such Act, but only until—

(I) such temporary resident status is terminated, or

(II) if the alien has been subsequently granted permanent resident status under section 245A(b)(3) of such Act, until the end of the three-year period beginning on the date such permanent resident status was granted,

whichever is later.

(B) The term "programs of public assistance" means programs existing in a State or local jurisdiction which—

(i) provide for cash, medical, or other assistance designed to meet the basic subsistence or health needs of individuals or are required in the interest of public health,

(ii) are generally available to needy individuals residing in the State or locality, and

(iii) receive funding from units of State or local government.

(C) the term "Secretary" means the Secretary of Health and Human Services.

(D) the term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

(c)(1) Subject to the amounts provided in advance in appropriation Acts and in accordance with this section, the Secretary of Education shall make payments to State educational agencies for the purpose of assisting local educational agencies of that State in providing educational services for eligible legalized aliens (as defined in paragraph (3)(B)).

(2) The amount of the payment to a State educational agency under this subsection for a fiscal year shall be based on the number of eligible legalized aliens (as defined in paragraph (3)(B)) who are enrolled in elementary and secondary public schools under the jurisdiction of each local educational agency within that State.

(3) For purposes of this subsection:

(A) The terms "elementary school", "local educational agency", "secondary school", "State", and "State educational agency" have the meanings given such terms under section 198(a) of the Elementary and Secondary Education Act of 1965.

(B) The term "eligible legalized alien" means an alien who either has been granted permanent resident status under section 245A(a) of the Immigration and Nationality Act or has been granted temporary resident status under section 245A(b)(1) of such Act, but only until the end of the three-year period beginning on the date the alien was granted such status.

(d)(1)(A) Each State shall prepare and submit to the Secretary an annual report on its activities under this section. In order properly to evaluate and to compare the performance of different States assisted under this section and to assure the proper expenditure of funds under this section, such report shall be in such form and contain such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary (i) to secure an accurate description of those activities, and (ii) to secure a complete record of the purposes for which funds were spent, of the recipients of such funds, and of the progress made toward achieving the purposes of this section. Copies of the report shall be provided, upon request, to any interested public agency, and each such agency may provide its views on these reports to the Congress.

(B) The Secretary shall annually report to the Congress on activities funded under subsections (b) and (c) and shall provide for transmittal of a copy of such report to each State.

(2)(A) Each State shall, not less often than once every two years, audit its expenditures from amounts received under this section. Such State audits shall be conducted by an entity independent of the State agency administering a program funded under this section in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the State shall submit a copy of that audit report to the Secretary.

(B) Each State shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the State, not to have been expended in accordance with this section and, if such repayment is not made, the Secretary may offset such amounts against the amount of any payment to which the State is or may become entitled under this section or may otherwise recover such amounts.

(C) The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any State which is not using its payments under this section in accordance with this section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

(3) The State shall make copies of the reports and audits required by this subsection available for public inspection within the State.

(4)(A) For the purpose of evaluating and reviewing the program of reimbursement established under this section, the Secretary and the Comptroller General shall have access to any books, accounts, records, correspondence, or other documents that are related to such reimbursement, and that are in the possession, custody, or control of States, political subdivisions thereof, or any of their grantees.

(B) in conjunction with an evaluation or review under subparagraph (A), no State or political subdivision thereof (or grantee of either) shall be required to create or prepare new records to comply with subparagraph (A).

(e) Whoever—

(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from funds paid to the State under this section, or

(2) having knowledge of the occurrence of any event affecting his initial or continued right to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized,

shall be fined not more than $25,000 or imprisoned for not more than five years, or both.

(f)(1)(A) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in

whole or in part with funds made available under this section are considered to be programs and activities receiving Federal financial assistance.

(B) No person shall on the grounds of sex or religion be excluded from participation in, be denied the benefits of, or is subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this section.

(2) Whenever the Secretary finds that a State, or an entity that has received a payment from funds made available to a State under subsection (b) or (c), has failed to comply with a provision of law referred to in paragraph (1)(A), with paragraph (1)(B), or with an applicable regulation including one prescribed to carry out paragraph (1)(B) he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted.

(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable, or

(C) take such other action as may be provided by law.

(3) When a matter is referred to the Attorney General pursuant to paragraph (2)(A), or whenever he has reason to believe that the entity is engaged in a pattern or practice in violation of a provision of law referred to in paragraph (1)(A) or in violation of paragraph (1)(B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(g) In establishing regulations and guidelines to carry out this section, the Secretary shall consult with representatives of State and local governments.

(h) For purposes of subsections (d) through (g) of this section, the term "Secretary" means the Secretary of Health and Human Services, and the Secretary of Education.

On page 103, in the table of contents, amend the item relating to section 302 to read as follows:

"Sec. 302. State legalization assistance.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natual Resources will continue public oversight hearings on the geopolitics of strategic and critical minerals on Thursday, June 9 and Thursday, June 30. The hearings will begin at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-360, Washington, D.C. 20510.

For further information regarding these hearings you may wish to contact Mr. Bob Terrell of the committee staff at 224-5205.

COMMITTEE ON FOREIGN RELATIONS

Mr. PERCY. Mr. President, on Tuesday, May 24, at 10 a.m., I will chair a hearing of the Committee on Foreign Relations for the propose of considering six treaties currently pending before the committee. Most of the hearing will be devoted to testimony on three tax treaties:

Treaty Doc. 97-28: Tax Convention with Australia.

Treaty Doc. 97-27: Tax Convention with New Zealand and related protocol.

Treaty Doc. 97-24: Agreement with the People's Republic of China with respect to mututal exemption from taxation of transportation income of shipping and air transport enterprises.

In addition, the committee will hear briefly from administration representatives regarding three multilateral treaties of a noncontroversial, but nevertheless important nature:

Treaty Doc. 987-2: International Coffee Agreement, 1983.

Treaty Doc. 97-23: International Convention on the Simplification and Harmonization of Customs Procedures (the "Kyoto Convention").

Exec. E, 96-1: Revised Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (the "Geneva Act").

I would ask Members of the Senate or the public to make known to the committee in writing any views they might have on these treaties, as it is my expectation that we will be reporting them to the Senate shortly after the hearing itself.

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will continue markup on the First Concurrent Budget Resolution for fiscal year 1984 on Wednesday, May 18, at 9:30 a.m. in room 608 Dirksen Senate Office Building.

For further information, contact Nancy Moore of the Budget Committee staff at 224-4129.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a hearing on Thursday, May 26, 1982, on the following bills: S. 1224, to provide for the disposition of certain undistributed judgment funds awarded to the Creek Nation; S. 1168, to declare that the United States hold certain lands in trust for the Kaw Tribe of Oklahoma; S. 1249, to add a representative of Indian tribal governments to the membership of the Advisory Commission on Intergovernmental Relations; and for other purposes.

The hearing will be held in SD-538 and will begin at 3 p.m. For further information, please contact Paul Alexander, staff director, at 224-2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public oversight hearing before the Committee on Energy and Natural Resources to consider the Department of the Interior's Federal coal leasing program. The hearing will be held on Monday, May 23, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Testimony will be received from the General Accounting Office and officials of the Department of the Interior.

For further information regarding the hearing you may wish to contact Mr. Gary Ellsworth of the committee staff at 224-7146.

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. QUAYLE. Mr. President, the Subcommittee on Employment and Productivity will hold a hearing on May 26, 1983, to examine the youth employment provisions of S. 724, the Public Investment/Jobs Act of 1983. For more information, please contact Bob Guttman or Renee Coe by calling (202) 224-6306 or write to their attention at the Labor and Human Resources Committee, SD-428, Washington, D.C. 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate after 5 p.m. today, Tuesday, May 17, in order to consider and act on pending nominations, commemorative resolutions and the following bills:

S. 53: The Justice Assistance Act of 1983 Budget Waiver Authorization for S. 53;

S. 57: To amend the Protection of Children Against Sexual Exploitation Act of 1977;

S. 500: Christopher Columbus Quincentenary Jubilee Act; and

S. 774: The Freedom of Information Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 1271—U.S. FISH AND WILDLIFE FOUNDATION

● Mr. RANDOLPH. Mr. President, I am pleased to cosponsor legislation being introduced to establish the U.S. Fish and Wildlife Foundation. The

Foundation will provide additional opportunities for private citizens to participate in the conservation of our fish and wildlife resources.

It is private citizens, Ted and Franscoise Gianoutsos, who have provided the impetus for the Foundation. The Gianoutsos' greatest pleasure in life, in their worlds, "is to be out in the woods and fields." As avid outdoors people, they particularly enjoy fishing and hunting and want to contribute to fish and wildlife conservation. Through their interest and generosity a trust will be created to enhance programs at the Fish and Wildlife Service. Should a Fish and Wildlife Foundation be established by Congress, the trust will terminate with its proceeds given to the Foundation. It is this Foundation that will be created by the legislation being introduced today.

For many years I have served as a trustee of the Claude Worthington Benedum Foundation. From that vantage point, I have seen what can be accomplished when the generosity of individuals is shared with others. Through the Benedum Foundation we have channeled millions of dollars into worthwhile activities in many communities to their benefit and that of thousands of individual citizens.

My personal and very positive experience with Foundations makes me especially appreciative of the Gianoutsos' efforts. I know my colleagues will want to join in thanking them for their dedication to fish and wildlife conservation.●

LOCOMOTIVE NAMED FOR LEO J. CUSICK

● Mr. DIXON. Mr. President, on Tuesday, May 3, Chairman Lewis W. Hill and the board of directors of the regional transportation authority joined with the residents of northeastern Illinois in honoring the memory of the late Leo J. Cusick. Mr. Cusick served the RTA as special projects assistant and former chief operating officer. He played a vital role in helping the RTA preserve and coordinate the public transportation system in northeastern Illinois.

Mr. Cusick began his public service career in 1925 as an employee of the New York Railroad. He served as the assistant general superintendent of the New York Transportation Authority; Deputy Assistant Secretary and Director of the Urban Mass Transportation Administration of the Department of Housing and Urban Development in the Johnson administration; and as the general manager of both the Massachusetts Bay Area Transportation Authority and the Kansas City Area Transportation Authority. During World War II, Mr. Cusick served his Nation in the U.S. Army Transportation Corps in India.

Because of Mr. Cusick's intense dedication to public transportation, the RTA honored his memory with the dedication of a new diesel locomotive in his name. Attending the dedication ceremony were Leo's wife, Mrs. Gunde Cusick, his daughter, Ms. Suzanne Cusick, and three of his stepdaughters, Elizabeth Wyrsch, Margaret Wyrsch, and Martha Wyrsch. The invocation was delivered by His Excellency, the Most Reverend Joseph Hart, D.D., Bishop of Cheyenne, Wyo., and the benediction at the close of the ceremony was offered by the Reverend John B. McDonnell, the associate pastor of the Holy Name Cathedral of Chicago.

Mr. President, the late Mr. Cusick is highly deserving of this distinguished honor, not only for his contribution to the State of Illinois, but indeed for his contributions to public transportation throughout the Nation.●

MISSILES, MEN, AND METEOROLOGY

● Mr. LUGAR. Mr. President, the United States has many faithful friends and allies around the world. Few, however, are as faithful a friend of the United States as Italy.

Too often we tend to focus on periods of turmoil in Italy and fail to appreciate the impressive consistency of policy in our ally. Since World War II, Italy has been a strong contributor to the Atlantic Alliance, a defender of freedom, and a contributor to the peace. Italy has braved the threats from the East, and has maintained solidarity with the West. The ongoing careful investigation into the Bulgarian connection in the attempt on the life of Pope John Paul II tells us much about the determination of our Italian friends to resist outside interference.

Italy has played an important role on international economic issues, on defense issues, and on the complex problems in the developing world.

As we in this body debate the dilemmas of the budget, defense strategies, and Central American policy, we could use the counsel and wisdom of others who understand history and appreciate the value of human freedom. One such man is Dr. Umberto Nordio. A physicist by training, Dr. Nordio combines the grace and style of a poet with the insight of the historian and the practical wisdom of a businessman. He is chairman of the board of Alitalia Airline, a state-owned but privately managed airline.

Although a businessman in every respect, Dr. Nordio often speaks out on international affairs. Recently, he addressed the Los Angeles World Affairs Council. His remarks "On Missiles, Men and Mediterranean Meteorology" will be well appreciated by members of this body.

Mr. President, I commend to my colleagues the remarks of Dr. Nordio, and ask that they appear in the RECORD.

ON MISSILES, MEN, AND MEDITERRANEAN METEOROLOGY

(By Umberto Nordio, Chairman of the Board and Chief Executive Officer, Alitalia Airlines)

My mother, who was Austrian born but enjoyed the privileges of a British upbringing, firmly believed that the character of a young boy should be shaped to withstand all future challenges through early indoctrination with the fundamental tenets of civilized life. Thus, when I reached maturity, I had been fortified by the two basic notions that: (a) when serving tea in no circumstance should milk be poured in first; and (b) that the proper topic for urbane conversation is the weather.

It ought not to surprise you, therefore, if in order to break the ice with you I begin my address with a few considerations on the Mediterranean weather, the nature of which you will readily perceive to be not strictly meteorological.

That Italy is sunny is perhaps the most widely advertised and accepted cliche in the world. Since the proof of the pudding is in the eating, it must be true: hundreds of thousands of travel agents have made and are making a living on it. But if you listen to the meteorologists, you hear a different story. Weather forecasting in Italy, say the professionals, is a most hazardous business. The climate there is most unstable, mainly due to the fact that the Mediterranean basin is so exposed to the flow of cold fronts which may move in from either north or south, east or west.

For instance, collectively oriented spirals arising northwest of the Alps can induce heavy precipitations of the franc, which are apt to dampen the lira as well. And the formation to the northeast of the Alps of a convergence of green and pink vectors in the Ostpolitik doldrums belt might favour the circulation of depressive currents along the Apennines' ridge. Not to mention the vast, potentially cyclonic front on the southern shores of the Mediterranean.

However, year in year out, the sun keeps shining when and where the travel agents expect it to shine. The experts in meteorological—or political—forecasting may be having a difficult time, but not the visitors. They keep coming in. Some of them, incidentally, on Alitalia's planes.

It was indeed on an Alitalia plane, on the way from Rome to New York, that I jotted down these notes for my address to you. It then occurred to me to think of other occasions, when flying to other countries I had worked on other speeches to be delivered there. And it occurred to me to think that my frame of mind on certain occasions was a different one. Then I had to be more cautious, more attentive to the nuances of what could be said and in which way. In some countries political references, even if gently coated under a meteorological disguise, would involve my company, or myself, or both in potential trouble.

Having to talk in Los Angeles I felt instead as free as I am back home. You see, there is an element which we share, a simple element which at times we are apt to take for granted. Both here and in Rome we live in a democracy.

"One reads in the works of philosophers that man is, by his nature, political. The reference is to the 'polis', which is under-

stood as a metonymy for human association. The significance of this statement is that it is impossible for a human being to live in isolation: and that man's existence cannot be complete unless together with other members of his species. Therefore, by his very nature, man is absolutely dependent on cooperation for the satisfaction of all his needs. In this cooperation there must first be negotiation, then association and all the things that derive therefrom."

The words I have just read to you were written 600 years ago by Ibn Khaldun, an Arab historian and philosopher. But why did an Arab thinker of the fourteenth century use the greek word "polis" to recall the concept of organized community?

Because the philosophers whose works he was quoting were the philosophers of that portentous period of western world history during which, in a magnificent intellectual outburst, the graecoroman culture conceived and bequeathed to mankind, for centuries to come, a new conception of the relation of man to the world, of man to the community, of man to other men. Ever since western culture, throughout the vicissitudes of history, has cherished and developed the principles of individual freedom and democratic government.

Some other cultures or nations have espoused those principles, some have rejected them. We in the West believe—and history provides ample supporting evidence—that our democratic way, perfectible as it is, is the best way. It differs from other, authoritarian regimes in that it refuses the concept of the community as a monolithic bloc within which individual destinies merge through the suffocation of individual wills. We in the West believe our vitality, our strength to be directly linked to our pluralistic vision of the organization of the "polis," to our acceptance of dissent, of opposition, of the dialectic process for decision making. Those ideals inspired the men who fought the Persians at Marathon twenty-five hundred years ago. They are the same ideals which inspired the men who landed on Omaha beach in 1944.

The Romans said "si vis pacem, para bellum"—if you want peace, be prepared for war. The people of the United States and Italy accept this burden. Because we know that freedom is not something that can be taken for granted once it has been acquired. Freedom is like our daily bread: it must be baked and eaten every day of our lives. Every day of our lives we must be prepared to defend it from all attacks, from without or from within.

But the people of the United States and of Italy, and the people of the western world, would soon desert a leadership which allowed the sword—or the missile launching pad—to become the all purpose tool of international politics. The people of the western world also want and expect their leaders to carry an olive branch along with the sword. It will take more than just whiz-bombs and laser beams from outer space to save civilization—or to win elections.

"The central problem of our time is how to employ human intelligence for the salvation of mankind. It is a problem we have put upon ourselves."

"Missiles will bring anti-missiles; anti-missiles will bring anti-anti-missiles. But, inevitably, this whole electronic house of cards will reach a point where it can be constructed no higher."

"It may be that the problems of accommodation in a world split by rival ideologies are more difficult than those with which we have struggled in the construction of ballistic missiles. But I believe, too, that if we apply to these human problems the energy, the creativity and the perseverance we have devoted to science, even problems of accommodation will yield to reason."

The above are not my words. They are excerpts from an address which General of the Army, Omar Bradley, delivered at St. Alban's School in Washington on November 5, 1957. General Bradley died in 1981. His words did not.

These words were certainly not the simplistic utterance of a naive pacifist, advocating unilateral disarmament. Today's world is what it is, whether we like it or not. And in today's world, whether we like it or not, the Doomsday machines we have built are a tragic but necessary tool for preserving peace. But they are not an end in themselves. We cannot accept them at the same time as the ultimate prerequisite and the ultimate motivation for man's existence on this planet. General Bradley, 26 years ago, warned us that we have an obligation to take an intellectual, a spiritual step beyond the Doomsday machines, beyond the balance of terror.

General Karl von Clausewitz was born in 1780. After fighting against Napoleon, he was a teacher in Prussian military schools from 1815 until his death in 1831. In his book "On War" he coined a definition which was to become a catch-phrase for subsequent generations of ambassadors and generals: "war is the continuation of diplomacy through other means."

This was true in Clausewitz' time. In our time, diplomacy seems to have been downgraded to the function of stipulating agreements as to which weapons should or should not be used in the next war. The political thinking behind this sort of diplomacy has narrowed down to a deep but circumscriptive analysis of one specific issue: our armaments versus their armaments. It looks as though diplomacy is on the way towards becoming the anticipation of war through other means.

The objective of building up an arsenal that insures sufficient deterrence does not constitute in itself a foreign policy. It is a tool, not a substitute, for a foreign policy. Political thinking must not allow the analysis of the possible instruments for war to prevail over, and obscure, the analysis of the circumstances which might lead to war. Is it likely that a workable agreement can be reached on arms control without the broader framework of a general, political negotiation? And while avoidance of military aggression clearly is an essential objective, is this all we have to ask from the Soviet bloc?

The intellectual step beyond the balance of terror will never be undertaken as long as the leaders of the western world do not develop and express a farsighted and coherent foreign policy designed to meet the major problems confronting not just the western world, but our planet as a whole.

We have been talking about meteorology. We have been talking about missiles. Let us now talk about men.

Man has been on this planet for some 5 hundred thousand to 1 million years. This is the amount of time it took to reach the number of 2 billion inhabitants in this planet in 1930.

During my own life-span, I have witnessed the doubling of this number, from 2 billion in 1930 to 4 billion in 1975. During the life-span of my son this number will double again, from 4 billion to 8 billion in 2030. There is no likelihood that such an estimate will prove to be erroneous by any wide margin. The trend is unstoppable, no matter what we do, short of a nuclear holocaust. A natural levelling off of this rate of growth will most probably follow, but not before the second part of the next century.

This means that within the next 50 years the nations of the world will have to provide living facilities for the equivalent of another planet. Food, homes, garments, hospitals, roads, utilities, comic strips, soft drinks for another 5 billion people.

The strain on technology and industry will be immense. Just think of one item, energy. Energy consumption is currently measured in T.O.E.s, one T.O.E. being the energy equivalent of one ton of oil. Today, 4 billion people consume each year slightly less that 7 billion T.O.E.s. The average consumption is thus 1.7 T.O.E.s per capita per year. Of course developed, industrial nations have a higher per capita consumption than underdeveloped or developing nations. The average consumption per capita in the United States is 8.3 T.O.E.s, in China it is 0.62 T.O.E.s, namely 14 times less than in America.

The additional 4 billion citizens that will join us in the next 50 years will not be distributed evenly among the nations of the world. Today, about one third of the world's population lives in "rich" countries, and the other two thirds in "poor" countries. Estimates based on present trends of birth rates in the various nations—the margins of error are minimal in such a relatively short span as 50 years—indicate that by 2030 only one fifth of the world population will live in "rich" countries and four fifths in "poor" countries.

Moreover, increases in individual consumption in the "poor" areas will more than absorb the savings from possible decreases of individual consumption in "rich" areas.

This means that by the year 2030, with a doubled population, the world will need much more than twice the present 7 billion T.O.E.s per year. This simple calculation indicates the size of the energy problem alone, a problem which, however, will condition the availability of almost all required supplies.

The solution of the energy problem, and of all problems related to the population growth, will depend on the capability of the economies of the industrial nations to withstand the strain and perform.

Today, the economies of all nations are both interlocking and different. They are interlocking because of the intrinsic characteristics and mechanics of international trade and finance; and also because the availability of an instant, world wide communication system has promoted a continuous awareness, among human beings, of all events of commercial, technical, social or political relevance which are taking place in the world.

They are different because while some economies are still at a very early stage in their development, the more advanced ones have in recent years undergone a fast and far reaching process of structural changes, and thus achieved an even higher level of sophistication, the implications of which still escape, I suspect, our full perception.

From another angle, the economies of the world differ because the degree of government control, and especially the instruments and the procedures of government control, vary so greatly from country to country. Full government control is of course an axiom, before being a reality, in

every marxist economy. However, existing legislation in all western countries and the international apparatus of such economic buffers as G.A.T.T., the I.M.F. and the World Bank, testify to the need of some government intervention in the economies of the industrial domocracies as well.

All these economies, underdeveloped or advanced, capitalistic or marxistic, are today affected by a global economic crisis: and this happens precisely when they ought to perform at their best, in order to accommodate those additional 4 billion people who will join us in the next 50 years.

Unquestionably, we know that the free market is the most effective mechanism to promote economic recovery. But it is a fact that the free market needed governance to deliver its benefits while the going was good. We cannot now expect that the free market alone can lead us back to prosperity. Governments must play a fundamental role too.

Pressures for protectionism are today developing in the industrial democracies. These involutive trends must be reversed. We can succeed in this task only if we return to economic growth. But economic growth shall not be restored in an environment of cut-throat international and domestic competition, with each country claiming absolute sovereignty over its economic policies, irrespective of their lack of compatibility with the economic policies of other members of the group.

The industrial democracies must strive for an unprecedented coherence in their economic and foreign policies. They must elaborate the guidelines for a coordinate drive to prevent the present economics stalemate from becoming chronic; and for a long range strategy to prepare the planet for twice the number of lodgers.

Such a staggering task has never been undertaken before: and, quite clearly, only America can take the lead. This is the intellectual, the spiritual step advocated by General Bradley. There are one-thousand-and-one reasons why this effort could fail, or not get started at all. There is just one reason why we must try it: it is the only option which offers a reasonable chance of saving civilisation as we know it. The notion that western ideals and western ways of life could survive in beleaguered Fortress America, a lonely and lucky enclave in a world of economic and social catastrophic turmoil, is a figment of retrograde wishful thinking.

The doubling of the world population in the next 50 years is a time bomb as threatening to civilisation as nuclear war. Only woolly minded radicals or bloody minded hawks may believe, or pretend to believe, that we can choose between these two threats, that we can assign priority to one or the other. Interaction between the two problems is in fact such that it leaves no other choice than coping with both of them at the same time. Neglecting to address one of the two issues will eventually make the other one intractable.

On August 2, 1769, an Indian village located in the American continent at latitude 34°3′ North and longitude 118°14′ West changed its name. Father Juan Crespi re-christened it "Nuestra Senora la Reina de Los Angeles". That is where we had lunch today. Things have changed a lot since 1769.

At that time neither the United States of America nor Italy existed as nations. The Declaration of Independence was 7 years away. The hoisting of the U.S. flag on this city was 77 years away. In Italy there were eleven different kingdoms, Principalities, Grand Duchies, Duchies and Republics, plus the Papal States. Captain Cook was on his way to discover Botany Bay, in Australia. In Paris, the first public restaurant had opened. Visiting cards were being introduced in England. In New York, the "Messiah" of Handel was about to be played for the first time.

We have come a long way since those times. A boat from Australia is now on its way to Newport, to compete for the America's Cup.

There are plenty of restaurants all over the world and the best of them are still in France, though I am told that some might be in trouble if Mr. Mitterrand decides that business luncheons are no longer tax-deductible. As to visiting cards, I have met with plenty of them as far as Tokyo and Bejing, though I could not read them very well. And "Porgy and Bess" will soon play at La Scala in Milan. Along the way, since 1769, we have all had our share of wars. Civil wars, independence wars, liberation wars, colonial wars, world wars, blitz wars, holy wars, useless wars. Cold wars. At the moment, we are even having an air-fares war on the North Atlantic.

We have come a long way. And we in the western world, through blood, toil, sweat and tears, have stood by our principles of democratic freedom. We have no taxation without representation. Some of us, when income tax report time comes, may say that they would gladly do away with both, but they do not really mean it. It is a fact that we have the highest living standard and the longest life expectancy in the world. It is a fact that we can say to our respective Presidents that we do not like their moustache, or their policies, without fear of being jailed or confined in a loony-bin.

We of the western world enjoy visiting each other. We can do that easily, because we are free to travel abroad. I enjoy being here, you would enjoy being in Italy—where, incidentally, the sun keeps shining. We enjoy it because we are of the same family. Once in a while, it is good to remember this. Let us not take this for granted, just as we must not take our freedom for granted. Today more than ever we must remember that the western world is a family, and that our freedom is conditional upon it remaining a family.

Thank you.●

DEFUSING THE DEBT CRISIS RHETORIC

● Mr. HUMPHREY. Mr. President, in an interview appearing in today's edition of the Washington Times, Robert E. Weintraub, senior economist for the Joint Economic Committee, offers a view of the international debt situation that is most refreshing in contrast to the crisis atmosphere that is often depicted in discussions of this topic. While admitting that a problem does indeed exist, Mr. Weintraub reduces its dimensions to more realistic levels and, in so doing, makes a convincing case for congressional rejection of the requested $8.4 billion increase in the U.S. quota to the International Monetary Fund.

The banking industry will not collapse if the IMF bailout is rejected, Mr. President, nor will our exports come grinding to a halt. As Mr. Weintraub points out, the level of international debt at risk of default is small relative to the total. Additionally, it is noted that our exports to the most indebted LDC's have already suffered in recent years, and it is legitimate and necessary to question whether or not they can be expected to decline much further, even in the absence of greater IMF funding.

It is my sincere hope, Mr. President, that as the vote on IMF funding draws near, congressional debate on the issue will be characterized not by an atmosphere of impending crisis and panic, but by a prudent analysis of the underlying debt situation as exemplified by Mr. Weintraub.

I ask that the interview appear in the RECORD.

The interview follows:

[From the Washington Times, May 17, 1983]

WEINTRAUB OPTIMISTIC ABOUT U.S. BANK ROLE IN WORLD DEBT PICTURE

(Robert E. Weintraub, senior economist for the Joint Economic Committee, holds the distinction of having worked for both Democrats and Republicans since coming here in 1973. He left a full professorship at the University of California at Santa Barbara to join the majority staff of the House Banking Committee, where he worked for former chairman Rep. Wright Patman, D-Texas. In 1975, he moved to the Senate Banking Committee staff, served briefly as director of the Office of Capital Markets Policy at the U.S. Treasury, and in 1976 returned to the House Banking Committee, becoming staff director of its Subcommittee on Domestic Monetary Policy. In 1981, the 58-year-old graduate of the University of Chicago was fired by D.C. Delegate Walter Fauntroy, the subcommittee chairman. "I was too conservative for him," Weintraub explains. He was soon appointed to the Joint Economic Committee by Sen. Roger Jepsen, R-Iowa.

(Recently, George Mason University published a monograph by Weintraub, "International Debt: Crisis and Challenge." Much has been written on the issue, but Weintraub's paper has been acclaimed as the most authoritative analysis in opposition to the $8.4 billion increase in U.S. contributions to the International Monetary Fund. Weintraub was interviewed on that subject by Washington Times financial columnist Steven K. Beckner.)

Q. The $8.4 billion increase in the U.S. contribution to the IMF has been justified by the administration and others as a way of countering the threat that the Third World debt burden poses to our banking system and, in turn to the economy. How serious do you think the problem really is?

A. It's a serious problem. There is no question about that. But it's a problem that is being resolved at the present time. It's not a problem that poses a real threat to the U.S. banking system. And it's one that can be fully resolved without additional aid to the IMF or through the IMF to the developing nations.

Q. What do you think is a fair assessment of the level of debt relative to the exposure of American banks?

A. American banks are exposed to the following extent, according to Federal Reserve Board figures for mid-1982: $108.2 billion in

loans to non-OPEC developing and East bloc countries.

Q. How big is the total debt?

A. The total debt of developing countries, according to the Organization for Economic Cooperation and Development, at the end of 1982, was $626 billion. But that includes OPEC. Non-OPEC developing nations owed $520 billion in medium- and long-term debts at the end of 1982. Now, of that amount, $386 billion was owed to the Western nations: West Germany, Japan, the United States, the United Kindom, and so forth. Seventy billion dollars were owed to multilateral organizations, including the IMF and the World Bank; $16 billion was owed to members of the Eastern bloc and $11 billion was owed to other lesser developed countries. Now coming back to the $386 billion, of that amount $55 billion was official development assistance from Western nations, $105 billion was export credits, and $228 billion were bank loans, bonds and other private lending, as the sources of the funds. Of that $228 billion, $182 billion was bank, and of the $182 billion, $108 was U.S. banks.

Q. So that really whittles the problem down quite a bit. To the extent that there is a problem, how much of a real threat is it to the banks, if not to the whole banking system, then to individual banks that happen to be heavily involved in overseas lending?

A. Well, it's got to be a threat to quite a few individual banks, but I don't perceive of these deficits being a threat to the banking system. Let's suppose the worst—that many of these countries simultaneously defaulted on their debts, repudiated them, so that they were not willing to renegotiate them, were not willing to pay interest on them or on any of the principal. What would happen? Well, banks would have to write the loans to these countries down, but there's no reason to believe they would have to write them down instantly. Common sense would dictate that the regulators would take, say, seven or eight years in writing them off. And in seven or eight years they would accumulate the capital to allow them to write these loans off. A second problem that could arise, however, is that the public would be worried about the solvency of their banks, of our banking system, and would try and pull their deposits out. Then you have to ask yourself what are they going to do with the deposits? Clearly if the public takes the deposits out of one bank and puts them into another, the banking system is not in any way damaged.

Again, if the public uses the deposits that are withdrawn from certain banks to buy Treasury bills or refrigerators or what have you, on the other end of that transaction are people who receive checks that they'll put back into banks. The only difficulty is if the public decides that it wants to convert its deposits into currency. This is essentially what happened in the early '30s. The public was worried about the safety of its deposits and insisted on converting its deposits into currency. At that time the Federal Reserve failed to furnish an elastic currency as it is charged to do by law, and so the banking system did collapse. But there's no reason why the Federal Reserve would make the same mistake again. They have ample powers through their ability to monetize debt, to supply all the currency that the public could possibly want. The key is that the Federal Reserve must not allow the money supply to contract.

Q. If they do what you're suggesting isn't there the danger that we could get the opposite problem and have printing presses rolling like mad to push money into the system?

A. No, because they're simply not allowing the money supply to contract.

Q. What do you think is the order of probability of defaults, either individually or en masse?

A. I would say that the probability of default in a number of cases simultaneously is close to zero. And the reason for that is that it's in no one's interest to have a default. If there is a danger of default, the debtor and the creditors will get together and reschedule the debts. This is the likely outcome to avoid default. Now some people would say that's a de facto default. Call it what you will, but it's not a formal repudiation of the debt. The loans will still be on the books and they'll still be being serviced. But conditions have changed dramatically in the past year. Lower interest rates, lower oil prices and the strong economic recovery now under way in the United States and other developed countries will make it much eaiser for most debtor nations to service their debts now than it was a year ago.

Q. If everything is as sanguine as you say, why is a conservative administration like ours rushing headlong into this big increase in IMF funding? They've apparently conceded the need to boost the World Bank's capital another notch or two. We're entering into bridging arrangements with other central banks and doing all kinds of things to stave off disaster.

A. I don't really understand their thinking.

Q. Last year we had a couple of banks that ran into severe problems; one, Penn Square, that collapsed. Isn't it conceivable that one of our top nine banks could go under because of these problems in spite of what you're saying about federal regulators giving them some latitude? And if that did happen, wouldn't they suck down a lot of other banks with them?

A. There could be some individual banks that would fail in these circumstances. People might withdraw their money out of one bank and put it into another. The first bank might become illiquid as well as insolvent as a result and couldn't survive. But I think we have to distinguish between individual banks failing and the banking system failing. And there is no danger of the banking system failing as long as the Federal Reserve prevents the money supply from contracting.

Q. One of the reasons commonly cited for why we should maintain or increase our assistance to the less developed countries is our trade with them. How important is our trade with the Third World?

A. Obviously, it's important, but I think you can overstate its importance fairly easily. Our total exports in 1982 as estimated in the President's Economic Report for 1983 came to around $220 billion. Of that amount, $130 billion was to industrial countries, $20 billion was to OPEC, $62-63 billion was to Latin American countries, certain countries in Asia, and so forth. Exports to the countries considered most in danger of default—Mexico, Brazil, Argentina, Chile and Venezuela—were only $22 billion last year. The question you have to ask is, would our exports to those countries go to zero in the event of defaults by all of them? And the answer is no. There would still be arrangements made to finance exports, some of them by the sellers of the exports themselves, some by officially guaranteed export credits. New banks that had not been involved up to now would get involved because the slate would be wiped clean, just as the bankrupts in this country find it sometimes easier to borrow after bankruptcy than just before. That would be the case internationally as well. There would be countertrade arrangements and certain barter arrangements. So I don't think you could see exports going anywhere close to zero from this $63 billion figure. Then, of course, not all of these countries are in danger of defaulting. Our exports to Mexico run now around $12 billion a year. That's down from $18 billion. That damage has already been done. I don't really believe that if Mexico were to default that our exports to Mexico would go much below the $12 billion figure. They went to $12 billion because of the devaluation of the Mexican peso last summer.

Q. What do you think is the proper solution to the debt problem, to the extent that we have a problem?

A. I think the proper solution is to leave the parties who have something at stake directly to work it out themselves. They're doing it. What the IMF is doing in this is serving as sort of an arbitrator between the debtors and the creditors. And the question is, are they doing a good job? That's the first question. The answer is yes, undeniably doing a good job. The second question, is, do they need to have money to sort of say to the parties who have things directly at stake, "Hey, OK, we'll bridge that last $2 billion that you guys are having trouble reaching." And my answer to that is that's counterproductive.

Q. In what sense is it counterproductive?

A. Because what it means essentially is that the banks and the debtors both will be less compromising in their negotiations, that they'll delay taking the necessary actions to solve the crisis. There isn't any doubt in my mind that the IMF can play a productive role in pointing out to the debtors what they need to do ultimately to straighten out and in essentially arbitrating between the debtors and the creditors. Where they can be counterproductive is that by putting up money to bridge the gap between debtors and the creditors, they prevent those parties from making the adjustments that have to be made. And they would make them absent of this money.

Q. How much of a danger is there that increasing aid flows will generate another round of inflation?

A. My real worry is that we will try, that we are trying, in some sense, to inflate our way out of this problem. That's the greatest worry I have. And I don't think it's one that people ought to take lightly. The usual way in which you make debtors whole again is to reduce the value of their debts and the way of doing that is to have inflation. And I very much fear that we're going to go through another round of inflation. And by the time we get to 1986 or thereabouts, the debtors will be whole again but the public at large will have suffered or will be suffering from severe inflation.●

THE WASHINGTON TIMES

● Mr. SYMMS. Mr. President, a year ago today, a blessed event occurred in this city. A brandnew daily newspaper, The Washington Times, was born to provide sorely needed competition for the mighty Washington Post.

Competition is healthy in any endeavor—but it is especially vital in the

media, where the battle of ideas and information is being waged. The Nation's Capital certainly is the very last place that we can afford to get our news and opinions from a single source.

But that's exactly what happened when the venerable Washington Star published its last edition and went out of business in 1981. Fortunately, the Times was born a year ago today, to fill that void. And it has been remarkably successful in presenting a fresh viewpoint, gaining a very respectable following of readers and admirers—even among professional journalists who said it couldn't be done.

I want to congratulate The Washington Times—especially its editor and publisher Jim Whelan—on the first birthday of this exciting and essential venture. Whelan and his colleagues deserve our thanks and well wishes for many more years of publishing success. I ask that the following editorial from today's edition of the Times be printed in the RECORD:

The editorial follows:

THE FIRST YEAR

The Washington Times was created a year ago to bring balance and dialogue to daily print journalism in the capital of the United States. Instead of one voice reporting and interpreting the news, there would be two. Where there had been a complacent giant describing the world as seen by liberal orthodoxy, there would be also a fresh, conservative challenger to say, "Wait a minute!"

It was never a simple matters of replacing The Star after the death of that historic journal left Washington a one-newspaper town. The New York Times and The Wall Street Journal were already on the scene for readers who wanted to supplement what they read in The Washington Post. Papers from other cities, near and not so near, began setting up street sale boxes at Metro entrances as soon as the Star folded. But a gap remained.

While they might differ over a detail now and then, The New york Times and The Post has long been one in spirit. The Wall Street Journal, then as now elsewhere on the political spectrum, was too specialized to be anybody's primary source of general information. As for the other out-of-town contenders, none of them was complete enough—or good enough—to take on the Post.

Besides, they were not Washington-based. What the capital city lacked was an alternative newspaper of its own, to talk about local as well as national and international events from a viewpoint different from the one The Post and TV presented as the only one that counted.

Great as the need was, launching The Washington Times as a newspaper to take seriously wasn't easy. We had to prove our integrity as a professional operation, completely free of outside editorial control in spite of financial backing by the Unification Church. Beyond that, we had to prove that our kind of conservatism could be intellectually respectable and politically viable. And something other than a punishment to read about.

A few magazines, notably National Review, Commentary, and The American Spectator, had already made the point that conservative opinion need not be dull, unsophisticated, or even heartless. But there was no major metropolitan daily offering that perspective along with unslanted news in the elegantly written, good-to-look-at form we had in mind.

We had our favorable winds, of course. The Reagan administration was new and strong, and while D.C. hadn't contributed to the president's landslide, a good many Washingtonians were caught up in the surge of hope his administration brought with it. Hope that there was a better way to run a society than through endless, high-priced government programs. Hope that America could recover the strength of arms and purpose befitting the leader of the Free World.

We also had luck in assembling a staff. There were Star veterans. There was previously undiscovered talent. They caught the updraft of enthusiasm that goes with a chance to start a new venture that can make a difference. "Thrilling" is probably the closest we can come to a word that tells what it's like to be in at the beginning of a newpaper in Washington, D.C. in 1982. Working in a building under construction, where there was a new route to the composing room every day, just made it more of an adventure.

The youthful fun of it didn't solve all problems, needless to say. When you take sides and speak out plainly for your view of truth, you're going to offend some people. Sometimes you have to lose friends. Sometimes you alienate people before they have a sense of what your values really are. It happened to us.

Committed though The Washington Times was—and is—to the principles the Reagan administration purports to stand for, we have never been flacks for the White House. On some issues close to the center of many a conservative's credo, such as school prayer, we have come down on the other side. And we have not hesitated to call the president back to stay his own course, as we did on tax cuts and the defense budget and military support for Taiwan.

At the same time, we have not always been in tune with the president's conservative critics, who view every concession to political reality as an ideological betrayal. We try to find the line between what has to be done to hold a political following together and what must not be done if the president's leadership is to mean what it should.

We have tried always to say what we have to say with intelligence and grace and to give every issue open-minded appraisal rather than the kind of reflex response we criticize our rivals for. We give our utmost to sharing the excitement, the irony and the sheer beauty of life along with the horrors, outrages and dilemmas that are journalism's raw material so much of the time.

We have come a long way in this 12-month period that seems both like a lifetime and like a wonderful five minutes. The president reads us. The cabinet members read us. We're read in Congress and by the rest of the media. A hundred twenty-six thousand citizens read us.

There's a long way to go. We're on our way.●

CLINCH RIVER—THE COAL VOTE IS NO

● Mr. HUMPHREY. Mr. President, for many years the coal lobby in this country has pretty much gone along with what the nuclear power lobby has wanted. Nuclear power, after all, represents only 12 or so percent of the electricity currently generated in the United States. What is the point of fighting over such a relatively small share of the electricity generation market when coal is needed for coking purposes as well?

With the current budget squeeze and the growing cost of the Clinch River Breeder Reactor project in relation to the Department of Energy's coal research and development efforts, though, things have changed. This year's proposed House appropriation for Clinch River, for example, is hardly enough to keep the project on schedule and yet is nearly as much as the proposed House figure for all Federal coal research projects combined.

Given the nearly 40,000 coal miners now unemployed in the United States, this disproportion—and this does not count the additional $300 million or so spent that will be on fundamental breeder research and development programs—has finally become intolerable to those who make their living in the mines. This was made clear last Tuesday, May 10, when Richard L. Trumka, president of the United Mine Workers of America, formally announced his opposition to the project and urged the House to vote to halt funding for all work on the Clinch River project.

Mr. President, Mr. Trumka offered a cogent statement on why America's coal miners no longer can support the Clinch River breeder reactor project. I ask that the entire text of his association's press release covering this statement be entered into the RECORD.

The text follows:

UMWA HITS REACTOR FUNDING

WASHINGTON, May 10.—Richard L. Trumka, president of the United Mine Workers of America, today urged the House of Representatives to vote to halt funding for all work on the controversial Clinch River breeder reactor.

The House Science and Technology Committee voted on April 26 to stop work on the project unless Congress agrees to a private cost-sharing plan by Sept. 30, 1983, an unlikely prospect.

"This risky, multi-billion dollar nuclear project is taking the country down the wrong road, is far too costly in a time of high deficits and would generate unneeded power," Trumka said.

The U.S. General Accounting Office, a congressional watchdog agency, has projected that the project could eventually cost more than $8.5 billion. The proposed demonstration plant near Oak Ridge, Tenn., has already cost $1.5 billion, with taxpayers paying more than 90 percent, and construction has yet to begin.

"In terms of safety and an economic recovery, the construction of a breeder reactor while more than 40,000 U.S. coal miners are without work and electric demand is falling is the wrong signal at the wrong time," Trumka said.

"The Energy Department's own blue-ribbon panel proposed that Clinch River be indefinitely postponed."

"The billions saved by not building the Clinch River project should be invested in advanced coal technologies, black lung programs, pollution control research and other coal development programs—in short, a new national energy policy based on coal," the UMWA president said.●

ADDRESS BY GOV. MARIO M. CUOMO BEFORE THE DEMOCRATIC NATIONAL COMMITTEE'S STRATEGY COUNCIL

● Mr. MOYNIHAN. Mr. President, on Saturday New York's Governor, Mario M. Cuomo, addressed the Democratic National Committee's Strategy Council here in Washington. His speech was a timely warning to us Democrats that—

• • • Unless there is a real difference in what we believe, a real capacity to improve the conditions of people's lives, putting a Democrat in the White House will be only an exercise in political vanity.

This is a timely message. For as we approach the 1984 campaign season it becomes ever increasingly more important for the parties to give Americans a choice. Governor Cuomo's words while directed at Democrats, contain valuable lessons for members of each party. I commend them to my colleagues.

Mr. President, I ask that Governor Cuomo's speech be printed in the RECORD.

The speech follows:

REMARKS BY GOVERNOR CUOMO BEFORE THE DEMOCRATIC NATIONAL COMMITTEE

I have been invited here today to give my views on what the Democratic Party should be saying in preparation for the election of 1984.

It is an intimidating proposition for me—a fledgling Governor with less than ten years of experience in public life—to talk instructively to a room of national leaders about the most successful vehicle for political change in our modern history.

Fortunately, I am not—and will not myself be—a candidate for anything next year so I can speak without being overly concerned about having to defend these words through months of tough campaigning.

The effort today, I think, will be a little easier if I am allowed to start with a favorite New York story, which I've told—I think usefully—at a couple of democratic parties recently.

The story is about an old fisherman. . . . (are you going to fish or are you going to talk).

The story sends a number of appropriate messages—two at least.

First, the time has come for Democrats to begin the season of hard choices—campaign '84.

And second, the story reminds me of a syndrome that is particularly prevalent in campaign seasons: The tendency to push everything to absurd extremes; to use empty rhetoric; to deal in parody and hyperbole, on the assumption that voters will not understand or tolerate subtlety even if the truth lends itself to nothing else.

I think 1980 was a good example of that.

The American people, tired, confused by inflation and tormented by a mad ayatollah, were desperate for simple answers and vulnerable to simplistic ones.

At the moment of their weakness they were confronted by the extraordinary charisma of a certified American hero . . . notwithstanding his certification was written on celluloid.

He was, and is, a gifted communicator.

But he wasn't prepared to test his extraordinary capacity to communicate by dealing in subtle truths.

He chose instead the more traditional path of outsiders seeking to replace incumbents burdened with the status quo.

He chose to tell the people what a majority of the people wanted to hear, and gave them explanations that were as clear and simple as they were wrong.

He told them that if we had the biggest tax cut in history, rich people would take the money and invest it in Phoenix and the South Bronx, thereby reigniting the engine of the economy for everybody's benefit.

He said this would happen so surely and swiftly that he could also increase our military spending more drastically than at any point in our peacetime history, and still balance the budget in three years.

He even said that by having the Government order a morality which ministers, rabbis, nuns and well-intentioned parents had failed to teach, he could rid us of sinners.

A weary, confused, perplexed nation was offered a sweet tasting capsule-sized placebo by an attractive hero, and swallowed it whole.

Who could blame them?

It was beautiful rhetoric, reassuring and timely.

But today more people know what only some people knew than: It wasn't right. It wasn't the truth. It wouldn't work.

In fact, after two-and-a-half years, it has left much of the nation aching for something that will work, and the rest of the nation suspecting perhaps nothing will.

We all know the record.

Despite lines on graphs that can be manipulated to give the illusion of progress, the flesh-and-blood realities tell a different and truer story.

Instead of rewarding incentive, over 50,000 companies were put out of business. Thousands of them in New York.

Instead of giving our people new opportunities, the plan denied millions of them the simplest of human dignities, the chance to earn their own bread. In New York 695,000 people, at the very least, are now out of work.

Instead of balancing the budget, it left us with the largest deficit known to American Government.

According to David Stockman, "200 and 300 billion dollar deficits, as far as the eye can see" are real possibilities. These deficits would make it necessary for the Federal borrowing to absorb more than half of all credit market funds in 1984–85. Today Republicans are glibly comfortable with deficits many times higher than those they condemned an election or so ago.

Instead of fairness, it caused a massive redistribution of the nation's wealth—unevenly and unfairly moving it from social necessities to armaments: From the poor and the middle class to the rich; from vulnerable old cities made weak by carrying the burden of the immigrants to affluent portions of the nation.

The smooth and sweet refrains of the 1980 campaign were followed by an administration that divided us in the most fundamental way, widening the gulfs and tensions among the haves, the have-lesses and the have-nots.

One group became the disadvantaged: Undernourished children; senior citizens worried over their futures; inner city youth suffocated by an evil drug culture that is allowed to flourish by the failure of the Federal Government to do anything meaningful to stop it; steelworkers and auto workers; the people in wheelchairs, in hospitals, in community centers; people who can't speak the language, who are out of work, who need help.

Those were the people who paid for the elegant script that had been sold the majority of Americans in 1980.

Who then could continue to be happy?

The richest people in the country and those just beneath them at the top of the economic ladder.

In fifty years we Democrats have not had a clearer challenge to our assertion that our way is closer to the truth.

In fifty years we have not had a better opportunity to justify our existence as a party.

Nor a more obvious chance to prove that we believe in something beyond the mere amassing of power, in something different from our opponents.

We are the outsiders now. That presents the same temptation the Republicans were seduced by in 1980.

We are now the ones who are tempted to content ourselves with describing the incumbent's litany of failure and disappointment.

Tempted to offer, instead of an intelligent approach and program, a string of swollen promises, each one designed to seduce a different interest group or constituency into a conspiracy of selfishness.

Tempted to use our own empty rhetoric and hyperbole in place of theirs, offering new simplistics to replace theirs, proferring a placebo of a different size and shape.

It seems to me, that unless there is a real difference in what we believe, a real capacity to improve the conditions of peoples lives, putting a Democrat in the White House will be only an exercise in political vanity.

If the only difference between us and them is that they wear an elephant and we wear a donkey, then it's not worth choosing.

If it becomes a simple competition of personalities, I and many others will have little motivation to struggle and even less expectation of victory.

But I believe there are differences, fundamental and crucial ones, if we are not afraid to state them.

The stating and restating of those basic concepts and fundamental principles that give us a different description, a different thrust, a different direction, should be the basis of our case in 1984.

Those fundamentals make up the soul of our party.

They are the same beliefs that have distinguished us since the awful, grim winter of fifty years ago when Franklin D. Roosevelt raised himself up from his wheelchair to lift this Nation from its knees.

They are more than grand rhetorical flourishes and glittering, unreal, unattainable aspirations.

They are operating principles that produce specific policy judgments that touch peoples lives.

What are those principles?

Our opponent said in 1980 that Government was the problem and to the extent that you withdraw Government from every day events, you improve the condition of our society.

We believe that of course we should have only the Government we need, but we insist on all the Government we need.

They believe that Government's principal purposes should be to make instruments of war—to make examples of so-called welfare cheats and to clear obstacles from the path of the strong.

They believe that "God helps those whom God has helped and if God has left you out who are we to presume on God's judgment."

We believe that survival of the fittest may be a good working description of the process of evolution but that a government of humans should elevate itself to a higher order, one which tries to fill the gaps left by chance or by a wisdom we don't understand.

A society as blessed as ours should be able to find room at the table, shelter for the homeless, work for the idle, care for the elderly and infirmed, and hope for the destitute.

We believe that to demand less of our Government or of ourselves is to evade our proper responsibility.

We believe in Government's capacity to promote human dignity, to create an economy that supports rather than undermines families and communities, to nurture a respect for life and to teach compassion by showing compassion.

We proclaim, as loudly as we can, the utter insanity of nuclear proliferation and the need for a mutual nuclear freeze—if only to reaffirm the simple truth that peace is better than war because life is better than death.

They would crush the unions. We believe that unions are a great institution that has provided justice and decency for millions of working people.

And we see them as part of an even greater world-wide movement for freedom and justice, a movement that is stirring across the globe, from Poland to South Africa.

They believe that government has no obligation to assure economic opportunity—no role in the struggle for social justice—but should, nonetheless, lead a "moral revolution" to punish those whose private lives don't conform to their ethical standards.

One of them—the same Secretary of the Interior who can't protect our beaches from oil spills—now wants to protect our children from the Beach Boys.

We fight for privacy for people, for freedom from unnecessary restraint, for free choice.

At our best we have been tough enough to tell the truth even when the polls suggested that many had misunderstood the truth.

We have always been strong enough to use words like "conciliation" and "compassion."

And smart enough—practical enough—to find ways to make our highest aspirations, and our most beautiful dreams, an everyday reality.

Above all we have believed in a government characterized by fairness and reasonableness, a reasonableness that goes beyond labels, that's wiser than naked ideology, that doesn't over-simplify or distort.

The argument in 1984 will get a good deal more discrete than we make it here today.

The candidates will see to that.

We will have a 100 pages of platform and a proposal to fit every occasion.

But for us to succeed, our case must rest—ultimately and unequivocally—on our basic differences.

The lines formed by the points that make up all the pieces of our platform must conform with the patterns of truth on which we have built our party.

If we lose the right to claim these principles, we lose our rationale and our justification, and then it would not be worth winning an election.

Making the case in terms of specific issues won't be difficult.

The candidates obviously will do it better than we can, but even the non-candidates can see clearly the kinds of arguments that need to be made.

Our insistence on a government that is positive, that seeks to improve the conditions of people's lives and that understands it must be reasonable—all this suggests a whole series of steps that need to be taken.

We are not against increases in defense expenditures, but we do oppose increases based solely on an attempt to make them higher than an opponent's percentage.

They should be the result of specific plans and goals.

They should be discounted for waste the way food stamps and medicaid are discounted for waste.

We can make reasonable modification of social programs.

Tip O'Neill, Pat Moynihan, Lane Kirkland and Democrats in Congress who worked to modify the social security system in order to save it, showed that.

But we know its wrong to cut drastically the social programs that educate the young, feed people, comfort them in their old age, and care for them in their infirmity.

Sacrifice? Of course: but those best able to give without being hurt should have been called upon to do more.

It was wrong—and is wrong—to impose so much of the pain on the least able, on the debilitated cities and States of this Nation that, like my own, have carried, disproportionately—but proudly and gladly—the burdens of generations of immigrants.

Instead of the proposed "New Federalism," we should promote a fair federalism that distributes the burdens and benefits according to strengths and weaknesses.

And always * * * always * * * we must reject the absurd extremes.

Of course protectionism that amounts to isolationism is wrong.

In the end, we must welcome competition and be able to use it to goad us into increasing our own productivity and finding new uses for our potential strength.

But that is not to say that we must allow other countries to close their markets to us by making it impossible for us to compete.

Or that we should abandon the right to motivate them to be fair by an occasional act of response, or even retaliation.

Some of our older industries, like our steel-bending industry, have fallen behind international competitors.

But that is no reason to abandon these industries entirely, leaving thousands of middle-aged steel workers and their families without a job and without hope.

Isn't it foolish to suggest, after committing so much of our wealth to a defense establishment that depends on steel and the capacity to bend it, that we will turn our back on our own ability to do that work?

It's simply not necessary to surrender entirely on our old industries in an exhaustive pursuit of new ones.

Reasonableness will find a way to sustain the old while moving into the new.

The alternative is to victimize a whole generation of people born too late to be part of the future.

We don't believe in nationalizing our industries.

But in this world of fierce competition, where other governments have learned how to support economic growth through partnerships of the public and private sectors, through subsidies, through national investments in research and development as well as capital formation, it is right—and wise—for us to do the same.

We argue for a mechanism that will use our national wealth to help our industries refinance and retool, allowing them to obtain the expertise and the resources to compete in the technical revolution that is reshaping the world's economy.

We urge the adoption of a Federal capital budgeting program that will provide us with a coherent plan for balanced investment in the backbone of roads, rails, ports and bridges that supports our national economy.

A real capital budget would make it possible for us to undertake projects systematically and rationally.

And because we are Democrats, we need to recognize the importance of human resources as a foundation of our economic future.

It doesn't take a Nobel Prize winning economist to know that the most important investment of all is the investment in our people.

Education, occupational retraining, on-the-job experience must all be given special emphasis.

Talking about people is a good place for a Democrat to finish as, indeed, it is a good place for a Democrat to begin.

If I am allowed a personal note I will tell you that everything I have said to you today has been tested in at least one crucible—the crucible of New York State.

The things I say to you today I said for nine months last year, arm-in-arm with labor unions, with women, with blacks and browns and orientals, with people in wheelchairs, with people who work for a living because they have to, and the people begging for work.

It worked well enough last year to give us two victories against better financed campaigns with more likely candidates.

And more important, it worked after the election.

In the face of the most massive budget in the State's history—a deficit made so extreme by the national economic slump—we were able to balance the budget without abandoning our weak, to cut expenditures without destroying services, to reject increases in the state's broad-based taxes and yet begin a multi-billion infrastructure repair program that will create thousands of jobs.

We had to ask for sacrifice.

We had to ask people to look beyond the political moment, to put aside the pure self-interest of region or faction or class, to consider the debt we owe to the generations to come.

Some were surprised to see that New Yorkers did not fight that idea, or scoff at it, or reject it out of hand as sentimental or silly.

Some were susprised by the way they listened, and then responded.

Their reaction made it apparent to me that some of us in politics had become so sophisticated and so skillful—so sure we can measure public opinion and so certain we

can manipulate it—that we'd lost sight of a single fundamental.

A fundamental of our history, of our party's past, of its success in representing our people's hopes.

The idea of family, mutuality, the sharing of benefits and burdens fairly for the good of all.

The recognition that at the heart of the matter we are bound inextricably to one another; that the layoff of a steel worker in Buffalo is our problem; the pain and struggle of a handicapped mother in Houston, our struggle; the fight of a retired schoolteacher in Chicago to live in dignity, our fight.

The acknowledgement that to prosper we must be the family of America, the family of the United States of America.

Feeling one anothers pain, sharing one another's blessings, equitably, honestly, fairly, without respect to geography or race or political affiliation.

I believe that amid all the division and divisiveness that holds us apart—that has been with us so long now it may seem insurmountable—we can rediscover the purpose and belief that brought this Nation into existence, sustained it, made it as good as it was great.

And underlying everything else, I have the unshakeable conviction that for all of our present travail—and we know it well—the deficits, the hordes of homeless, unemployed and victimized, the loss of spirit and belief, this country is still good enough to do what must be done, and more.

We can. If we do not forget.

An entire nation has profited from 50 years of the progressive democratic principles I've spoken of today.

They have helped lift a generation up to the middle class and higher.

Given us the chance to work, to go to college, raise a family, own a house.

To reach heights our own parents would not have dared dream of.

Parents like mine. Like so many others who came from foreign lands with nothing but hope and the willingness to struggle.

They asked only for a chance to work and to be protected in those moments that they would not be able to protect themselves.

In my own inaugural last year, I talked about that magnificent generation.

I said that we are the sons and daughters of giants, and then I said this:

"That they were able to build a family, and live in dignity and see one of their children go from behind their little grocery store in South Jamaica where he was born, to occupy the highest seat, in the greatest State, in the greatest Nation in the only world we know—is an ineffably beautiful tribute to the magnificence of this American democracy."

And I am not the only one.

A whole nation—Democrats and Republicans alike—are better off today because of Government's refusal to believe that only the rich, the already strong, the well born—the fittest—should survive.

Yes, Democrats and Republicans, but only the Democrats appear to remember.

It would be a desecration of history and a sin against our party's soul—if we too should forget—what we were, what we are, and what we are supposed to believe.

Thank you.●

AN OUTCOMES POLICY FOR FOREIGN TRADE

● Mr. HEINZ. Mr. President, in a recent address to the Knitting Association of Canada, Seth Bodner, executive director of the National Knitwear & Sportswear Association, presented his analysis of current import problems, primarily in the textile and apparel sector, and proposed some provocative solutions, notably a temporary, 5-year freeze on imports. While I am not at this time prepared to endorse Mr. Bodner's proposal, his analysis of the situation in the textile and apparel industry is as disturbing as it is compelling. It is easy for academics and others not in the real world of business to talk about concepts like "comparative advantage" and the changing terms of international trade. It is harder to be dispassionate when your job is at stake, as are so many in this hard-pressed area. Mr. Bodner's address makes clear that our import policies thus far have failed, and our adjustment policies have failed. In short, the government's responsibility to defend the interests of our own people has not been met. Mr. Bodner's address begins a renewed debate on how to deal with this complex problem, and I commend it to Senators' attention.

Mr. President, I ask that the text of the address be printed in the RECORD.

LOOKING FOR AN OUTCOMES POLICY FOR FOREIGN TRADE

AN ADDRESS ON U.S. IMPORT POLICIES AND A PROPOSED RADICAL NEW APPROACH FOR THE EIGHTIES

(By Seth Bodner)

The Canadian textile industry, like that in the U.S.A., has experienced a variety of trade related ills and cures over the years. It has participated vigorously in the international game of chasing the problem around until a new problem can be found to chase instead. The chasing of problems and the occasional finding of solutions, however, have not kept pace with the needs of the industries involved, and today we find ourselves beset with a number of issues which, while quite familiar in appearance, have perhaps taken on a new complexion and depth, demanding a more basic consideration than they have heretofore received.

All of this, of course, is to suggest that we, Canada and the United States, experience essentially the same trade problems, albeit on different scales. I suspect that is correct, and I assume from your most gracious invitation that you, too, have that lurking hunch. On this premise, I would like to discuss with you some of my own views on the situation in the U.S. industry; on the outlook for our textile and apparel industries (albeit with an apparel focus): and on what I believe should take place in the way of solutions, and the search for solutions. I truly feel that the time has come for some new approaches, and that while the time is here, it is going to be a short one.

Several weeks ago, when invited to come here, I said that I would be delighted to accept, provided it was understood that my commitments to foreign travel were both extensive and unpredictable, and that the call of China albeit, not alluring, was compelling. In short, a backup speaker should be kept on call. As it turned out, since the initial invitation, I have been to China, and in between times, spent two weeks in the Far East in Sri Lanka and Thailand. The reason for this minor madness of course, is to attend U.S. textile trade negotiations as an Industry Advisor, anxious to stem the tide of third world exports to our heavily saturated textile and apparel markets.

What is this all about? In 1982, the United States' textile and apparel industries experienced perhaps the worst economic situation in memory of many now actively in business—an unparalleled combination of rising imports in a shrinking market. In most past recessions, imports fell along with the domestic market, and relative market shares did not change dramatically. In 1982, the imports did not go down. Therein lies the problem and the challenge.

Apparel imports last year actually exceeded those of 1981! With total imports of textiles and apparel at 5.9 billion square yards equivalent up—yes, up——2.8% from the 5.77 billion yards of 1981. Apparel imports alone were 8% higher, with total imports of 3.4 billion square yards equivalent, as against 3.1 billion yards in 1981. (Non-apparel imports; yarns, fabrics, made-up miscellaneous goods, declined very slightly by 3.3% to 2.55 billion square yards equivalent.) But of course, that is only part of the story. The decline in textile mill products imports is far less than the decline in domestic production, and the increase in apparel imports must be compared to what is widely believed to have been an across-the-board decrease in domestic apparel production.

In an area of specific concern to me, knit goods, we saw the phenomenon of our most heavily impacted sweater categories (where imports already account for more than 60% of domestic consumption), receive further increases in imports, with 12,853,000 dozen sweaters imported in 1982, as against 12,280,000 in 1981. This 1982 level is a new record, and I can assure you, falls into a market where many people anticipate domestic shipments to have been off by more than 10%. Imports of men's and boys' sweaters increased almost 35% while the major category of women's sweaters was only very slightly below the levels of 1981.

A similar problem arose in knit shirts and blouses, where imports in 1982 of more than 36,000,000 exceeded those of 1981. These two groups of products alone accounted for 588 million garments being imported into the United States in one year. A staggering number. And it does not include countless other knit garments in the form of suits, pants, jackets, and headwear.

This import strength occurred in the face of a continuing government effort to "tighten up" existing agreements to, in the words of the President, "seek to relate total import growth to the rate of growth in the domestic market". While progress has been made, the hard evidence suggests that we are not dealing with a big success story when we talk about the program to control textile and apparel imports into the United States.

Apparel is not alone in this concern. You have all heard the screams of outrage emanating from our print cloth manufacturers as their highly competitive and efficiently run mills were devasted by a surge of very low priced Chinese print cloth, so low priced as to justify the establishment of a dumping finding by the Commerce Department under an investigation launched by the ATMI. This dumping and surge of imports

occurred under the framework of a bilateral agreement and in the midst of negotiations for a new agreement—negotiations which continue to this date. These mills that were hurt are not antiquated print cloth mills run with people chained to machines in dark, smoky factories; we are talking here about a modern industry, highly labor efficient, but whose mechanical efficiency is absolutely irrelevant to the labor and pricing policies of the People's Republic of China.

The U.S. began serious negotiations to limit textile imports from China in 1979. Despite these efforts, quotas, bilateral agreements, and the like, China has become a very large supplier to the U.S. market. In 1980, we imported 325 million yards equivalent from China; this went to 562 million in 1981; and over 670 million in 1982. Over this period, apparel imports rose from 166 million yards equivalent to 357 million yards. The pace of change is similar in individual items, some of which reached much higher 12 month levels during the periods before import controls actually took effect. All of this growth took place in the face of so-called "imports controls."

And that is only part of the rub! In fact, that rub prevails across the board. It will not be limited to China. It is something we must face and consider.

These observations are but sample colorings of what I see to be the overall picture emerging under the Multi-Fiber Arrangement, an arrangement now pushing a decade of life and one whose further future is already becoming the subject of conversation from industry's point of view. But I wonder if this conversation is justified. Should we be looking instead at more fundamental things?

Over many years of tracking international trade in textiles, participating in bilateral negotiations as far back as 1966 when the U.S. government negotiated its first comprehensive arrangement on cotton textiles with Hong Kong, including two LTA extensions, the 1971 negotiations on wool and manmades with Japan, Korea, Hong Kong and Taiwan, followed at last by the Multi-Fiber Arrangements of 1973 and the round of implementation agreements in 1974, I have come to the view that this process, while far better for our industry than no process at all, is not nearly adequate. Unless modified or replaced, it will lead to the destruction by erosion of very large segments of our domestic industry, if not all of it. As is, it will do the American people and government no good service in the long run, and it may contribute irreparable damage to our economy. The attached table illustrates the point.

Similar situations are evolving in other manufacturing industries, and both American manufacturers and policy makers must now confront the new international trade realities and force a radical change in trade policies if the country is to retain its manufacturing base, its standard of living, and its fundamental strength.

My premise is that the United States, the principal guarantor of freedom in the world, must retain a manufacturing base, that it is the desire of its people that it retain a manufacturing base, and that it is not the desire of the American public to see a substantial reduction in United States living standards as part of a long-term effort to raise the living standards of others.

Any American government which does not strengthen, nurture and protect the American living standard over time, will fail. Indeed, a system of government which merely maintains the status quo will not survive over the long run. We are a growth and progress oriented people, and such will be our demands of government. I do not believe this has been faced consistently by many in government, and I think we are now on a track whose course must be changed if we are to avoid fundamental and sustained social upheaval.

United States trade laws and policies are the product of a long period in which industrialized countries dealt with one another from positions of more or less equality. Even amongst those so-called "equals", the trade laws frequently failed. Japan remains largely unmoved and untouched by trade law remedies despite 25 years of haggling about artificially closed markets and restraints. Trade relations between the United States and Western Europe, on the other hand, while usually rocky, nevertheless typically are conducted on the basis of full equality and with approximately equal success.

But this pattern has less relevance to our new found trading "partners". It will be still less relevant in the next century. Now we face a world in which a vast, untapped, restive, anxious, skilled and trainable labor force exists to be exploited. It wants to be exploited. There are many in our countries who are anxious to exploit it—indeed, are driven to do so by the nature of our economic system. The dramatic opening of China is but a small hint of what lies ahead, as are some of the examples that have preoccupied us in the knit business during the past year. As Sol Chaiken, President of the I.L.G.W.U. pointed out recently in testimony to the U.S. Congress, average hourly wage rates are low, low, low in several competing countries. He cited these figures:

Bangladesh	$0.10
China	.16
Colombia	.42
Hong Kong	1.18
India	.38
Mexico	1.57
Pakistan	.39
Philippines	.25
Korea	.63
Sri Lanka	.12
Thailand	.32

Of course, we should add fringes, but I leave that to your imaginations!

It is a surprise, then, that we have seen facilities spring up in Sri Lanka, the Maldive Islands, and Thailand, all geared to sell to the U.S. market, at very low prices, on the strength of this extraordinarily cheap labor? And this problem is not confined to the textile and apparel industries. Recently, Atari, a name consonant with "high tech" salvation of the American worker demonstrated the nature of the salvation by closing a large U.S. factory and moving production to Taiwan. This appears to have come as a great surprise to many, but it should not. The fact is that whether a product is high, low, or no tech, at some stage, assembly and inspection, construction and packaging are required. This is always cheaper where there are more people willing to work for less. Many companies in the "high tech" field are actively exploring both plant relocations, 'a la Atari, and ways to use high tech itself to eliminate labor functions. We are seeing the future, and it is not so rosy as earlier forecast!

I would like to think that the Atari example may have shaken the faith in high tech as our salvation, but I'm afraid it has not.

A shopping expedition in the United States is always of interest. The array of goods is fabulous, and their origins equally fabulous. At what point do people begin to ask themselves whether any goods sold to consumers are indeed made in the United States? Our automobiles increasingly come from abroad; dishes, silverwear, electronic components of all types from computers, to alarm systems, to hi-fi systems are imported in vast numbers. Clothing of all types, footwear, hardware for homes, toys for children also are imports. Telephone systems, all types of office equipment, rugs, hand and electrical tools, machine tools for factories, jet aircraft for business, you name it—the U.S. market has it—and each year less of it seems to be of local origin.

What about the "service" jobs; what about the "service economy"; isn't that the direction of the country? Aren't we, in the words of our own President's Twenty-Sixth Annual Report on the United States Trade Agreements Program, headed for a change, when,

"Domestically, the office, not the assembly line will be a more prevalent symbol of the U.S. economy in the future. . . . Where the industries projected to have the fastest rate of employment growth in the U.S. will be those related to nursing homes, medical laboratories, and nurses services; ranked just behind them will be jobs in hospitals and in doctor's and dentists' offices. . . . The largest absolute gains in jobs in an industry will be registered by eating and drinking establishments . . . between 1979 and 1990." (Page 24)

As for the "service industries", it is worth recognizing just what kinds of jobs those may provide and questioning whether those industries will offer enough of substance on which to base a modern U.S. economy—an economy with adequate living standards and, I hasten to add, the ability to continue to serve as the primary guarantor of freedom in the Western World. I do not believe that the youth of our country—even some of us middle-aged folks—can be satisfied pushing hamburgers across counters, or sweeping floors in old age homes. The banks, insurance companies, and other financial institutions which are also large employers in this service sector, needless to say, are running into a few serious problems of their own. The banks, having scrambled to lend money for the industralization of the developing world, thus helping those countries undercut the well being of many of their own domestic depositors, are now having trouble getting paid back. Will they soon be forced to cut their own large staffs, using machines to save labor costs? As for remaining guarantor of peace in the world, I readily concede that some hamburgers could serve effectively as weapons on a battlefield, undoubtedly being capable of slowing the advance of the most modern Russian tank. But I would not want to be wholly dependent on them, surprising though they may be in their effectiveness.

We do seem to develop and produce modern weapons systems well. Why? Perhaps one reason is that it is an area almost totally government subsidized and operating in a protected market. We have not allowed an excessive amount of foreign competition and the availability of cheaper labor to take away the U.S. market for our key defense-related industries. The Lockeed Corporation continues, because its weapons systems services are needed. Without help, the company appeared doomed. Perhaps there is a lesson there. I hope so. And we do well in agriculture, aided by a vast subsidy and marketing system designed to stabilize markets. Despite continuous press complaints, we must

recognize that the American agricultural system, with its planned markets and subsidies, fed much of the world and provided vast trade surpluses for many years. Perhaps a system of stabilized markets is not all bad after all!

What do I see as a result of these observations—what do I think we should do? What are the chances that we will, in fact, do it?

First, I believe we must recognize our obligations to our own people. We must face up to the requirement that America retain a very strong, continuously modernizing and capable industrial society which is productive not just of paper-shuffling, hamburgers, and statistics, but of hard goods, of the stuff of our material existence. Our people need to do more than know how to play electronic games and make hamburgers.

Second, we must recognize that the traditional trade policies and so-called trade law remedies are absolutely irrelevant to deal with the pressures on our markets and companies which will arise, without visible end, from the vast sea of exploitable, cheap human labor, mobilized industry by industry, sector by sector, product by product, item by item, to take away the domestic jobs that those items and products would provide in our economy.

Third: We need to educate our people to the reality that unless we act, we will not see sunset industries, but a sunset country.

As a first and fundamental step, we must take—not buy—a significant amount of time. We need a five-year freeze on further import penetration of the market. We must not accept further erosion, regardless of the outside justification offered therefore. Domestic jobs and manufacturing opportunities must be permitted to capture whatever economic growth arises from the ashes of the miserable recession we are passing through. This can be accomplished with quotas, or with bilateral agreements backed up by quotas, and it can be directed differently at different groups of countries and product situations.

During this period, we must shed outselves of the foolish notion that the resolution of our problems will come about by better implementation of the traditional trade law remedies against "unfair" competition. It is, perhaps, a worthy objective to streamline those statutes and to modernize them in order to have them effective vis a vis the other industrial countries. But they are a useless lawyers' paradise when it comes to dealing with the developing world, and with government directed economic systems such as China's. And that is where the threat is so great.

We need to consider, industry by industry, the extent to which we can allow our market to be captured by imports based on cheap labor. Whatever the share to be permitted imports, limits will be needed if we are to retain meaningful industries. That decision process could take some time. It is not a simple decision of picking winners or losers, but a question of devoting serious public thought to what we anticipate and want our country to be in the many years ahead. What obligations do we intend to undertake for our own people and for the rest of the world? What will we need to meet those obligations? To permit this consideration, I believe that we should hold imports to a level not higher than that reached in 1982. This can and should be extended to a number of products beyond the textile and apparel industries. In some extreme situations, it is conceivable that a strong case can be made for sharp reductions in the level of import penetration, and the country should not hesitate to impose these in the interests of long term national security.

We must not assume that at the end of five years all will be well, that we will have rendered ourselves more competitive, and things can go back to normal. There is no "normal". There is an unending flow of new labor, and low prices, and technology carried to the extreme simply cannot overcome the need and willingness of a heavily populated developing country to use its labor for some purpose or other, and to price as the market demands in order to earn foreign exchange.

The five-year freeze, nevertheless, must be used by domestic business to become as efficient and innovative as humanly practicable. It must carry with it a program to assure American industry the opportunities and the means to modernize and improve itself to the extent that such modernizations can help offset the benefits of lower cost labor. Within our own markets, and vis a vis other developed countries, we must prepare to compete head on. We must learn to deal with the Japanese on an equitable basis, and we cannot accuse them of surviving on the strength of cheap labor. Japanese labor is not so cheap, but it is very effective.

But make no mistake about it. Technology alone is not always an answer. In many Chinese factories, technology may be very poor, but the labor is so cheap that the Chinese system will always undersell the capitalist system no matter how "efficient" the latter may be. I see no reason why we should accept that as a reasonable outcome of trade policy and allow a well-run factory—or whole industry—to disappear.

Disappearance of factories or manufacturing industries, in shifts from one to another within the economy, is quite different from their disappearance and replacement by service industries, or by nothing. It is worth recalling that much of the growth of our service industries, of the knowledge and engineering services industries that have made America famous to the rest of the world came about because of their initial bedrock of the domestic manufacturing and minerals exploitation businesses. American managerial skills emerged from the process of organizing large, productive corporate enterprises. They did not arise out of consulting firms. If, in the future we lose our manufacturing base to other countries, those countries will develop the new managerial techniques, the new service ideas and the new skilled generation. And we will soon no longer be competitive even in the now promising service sectors. Can we seriously believe it possible to finance the Social Security System, welfare programs, Medicare benefits, and the like, on the strength of a service economy with no manufacturing output? And do all this while shouldering a global defense burden? This is fantasy. It must not become policy.

During the five-year freeze on further imports I have urged, domestic industries must be encouraged through tax or other incentives, to make investments needed to keep them competitive with other developed countries, advance technology, and to make a profit. Let us not forget that making a profit is part of this exercise. It has been the driving force to the success of our economy! We need new equipment. It is not enough to look at shutdown steel mills all over the United States and say, "well, that's the sunset"—we better work to make sure this particular sun rises.

Lastly, the five-year freeze period must be used to take a fresh look at the international trade rules. Rather than extending the scope of the present GATT system, we should review it in consort with our democratic, industrialized allies. Then, and only then, we should focus on development of realistic rules to deal with relations between different economies and political systems. For surely, the GATT itself has become an anachronism when considered in light of the real trade practices and the real problems involved. With developing, and least developing, and lesser developing countries, with preferences and exceptions to aid developments, and with the unique trade style of the state-controlled economies you have here a system in which the notion of comprehensible standardized rules and regulations is not particularly viable. It should be overhauled from top to bottom. The U.S. should take the lead.

Consider for a moment in this context the debt implications of the developing countries. It is obvious now that the world's banks and lending institutions will be telling most heavily indebted developing countries to close their markets to imports and to export everything that isn't nailed down. Is this what GATT is about? Can we afford another massive resource transfer from the developed countries to the developing countries in order that they may pay the debts they have incurred in a fantasy of overplanning, over building, and overspending? But even if there is sympathy of LDC debt problems, we must examine the available means. Under current circumstances, the whole system will be wrecked if we open our markets, they close their markets, and our employment opportunities are simply passed over to them. Consider the Catch Twenty-Two implications of our present situation, in the case of Brazil, who, with an IMF grant, has built a plant to make private jets for corporations, and which country is presently selling Brazilian jets in this country, while closing its doors to any importation from American plane manufacturers.

Is it a necessary function of IMF or any bank loans that they be spent exclusively to put our own businesses out of business?

In short, you are perhaps listening to one who began his career by playing the game, and has now begun to conclude that the game is running down. Textile and apparel industry leaders have trooped around the world for many years in an effort to hold on to some position in their own home markets. To a great extent, these industry leaders recognized far ahead of many others what the real threat was. They saw it in their own business and acted to deal with it as best they could within the then existing policy framework.

Similar situations now exist in other industries. Very few politicians I have met are willing to admit that they will accept the notion of an open market if that means the destruction of major industrial sectors. At the same time, they do not yet seem to appreciate that this is the looming result. In my view, it is the task of our industries to start to make this point, to reach out to other industries and alert them to the fact that the solutions of the MFA and similar programs that we have indulged in for so many years, while better than nothing, are not adequate to ensure survival for the longer run.

Can the United States afford further erosion of this two million plus manufacturing employment center? I do not believe so. I do not believe that Canada can give away its

textile and garment industry without significant cost. I believe that these industries must fight on a different and more blunt level than before. If this is known as "protectionism", then we have to be willing to call ourselves "protectionist" and stop being defensive. We must educate the public that elimination of industrial jobs and social upheaval is what lies around the corner—not a brave new world of a high tech American riding a cresting wave of free trade. I suspect that the strength of the dollar today lies not in current economic reality so much as in the world's faith that the American community will wake up, will turn itself around, and will take the steps needed to preserve the fundamental strengths it surely has. I hope those investors in the United States are correct, but I fear the time is growing short.

I do not often find agreement on trade issues with the Editors of Business Week. And I am not certain they see the link between the free trade policies they admire and the concerns they espouse, but at least they are concerned! In their March 28th Editorial,

"Finally, the country's industrial future must hold a place for revitalized basic industries as well. The U.S. cannot abandon steel, automobile, machinery, and other basic industries to other countries and remain a viable world power."

Thank you very much for having me, and for listening to this very personal and rather strongly held view that the need for action is upon us, that our real search must be, not for a trade policy alone, but if we attend the realities and determine what we want for our country and the world in the future, an Outcomes Policy.

IMPORT/PRODUCTION RATIOS FOR SELECTED APPAREL ITEMS

Category and description	I/P ratio	
	1972	1980
634 PT: Men's and boys' other coats, manmade fiber, knit	0	21.0
335 PT: Women's, girls' and infants' coats cotton, knit	6.3	98.5
435 PT: Women's, girls' and infants' coats wool, knit	18.9	60.3
635 PT: Women's, girls' and infants' coats manmade fiber, knit	0	29.9
336 PT: Dresses, cotton, knit	3.2	24.3
436 PT: Dresses, wool, knit	20.0	47.8
338: Men's and boys' knit shirts, cotton	14.0	31.6
339: Women's, girls' and infants' knit shirts, cotton	22.7	93.4
438: Knit shirts and blouses, wool	33.2	128.5
438 PT: Men's and boys'		36.6
438 PT: Women's, girls' and infants'	21.3	196.0
342: Skirts, cotton	10.1	88.5
342 PT: Woven	11.6	88.7
342 PT: Knit	4.9	85.7
345: Sweaters, cotton	40.4	313.5
345 PT: Men's and boys'	30.1	173.1
345 PT: Women's, girls' and infants'	50.5	341.3
445: Men's and boys' sweaters, wool	31.2	59.9
446: Women's, girls' and infants' sweaters, wool	110.5	436.7
645: Men's and boys' sweaters, manmade fiber	38.6	69.2
646: Women's, girls' and infants' sweaters, manmade fiber	103.3	188.2
348: Women's, girls' and infants trousers, slacks and shorts, cotton	37.9	70.6
348 PT: Woven	40.0	70.2
348 PT: Knit	19.3	77.2

Source: U.S. Department of Commerce, International Trade Administration, June 1982.●

OUR CHALLENGE

● Mr. SYMMS. Mr. President, once again it is time to remember the fallen.

Foremost in the minds of most Americans, as we approach Memorial Day, is the most recent sacrifice of American men and women who lost their lives in defending South Vietnam. It is heartening to see Americans finally come together to honor those who fought to keep Vietnam from falling under the shadow of Soviet-Communist influence. Though our soldiers gave their all, a government eventually came to power that would conduct mass murder on a scale unknown since Hitler. And today, hundreds of Soviet warships find safe harbor at former American naval bases at Cam Ranh Bay and Da Nang in the Southern Pacific.

That this has come to pass in no way detracts from the sacrifice of the American war dead. Indeed, it casts their efforts in a more heroic light.

But in remembering the dead, we must not forget the 54,000 Americans who lost their lives in Korea. To the shame of us all, they are without a national monument in the Nation's Capital.

In their memory, the memory of those lost in Vietnam and Korea, and for all those who made the ultimate sacrifice in the World Wars and before, I would like to share with my colleagues, a poem composed by H. Leonard Emry of Pocatello.

OUR CHALLENGE

(A Poem by H. Leonard Emry)

We watched them as they left their homes at Freedom's call for men,
Our gallant boys who fought so well our Country to defend.
They did not hesitate to go, nor stop to question why,
But cheerful still 'though well they knew that some of them must die.
It's not an easy thing for those who go to foreign lands
To fight for principles that they can hardly understand.
It should be for a worthy cause when men their lives must give.
It's hard for them to die before they've had a chance to live.
How proud they were to do their part that day they went away.
They felt so sure their deeds would build a better world some day.
A world that would again be filled with things we hold most dear.
A world secure, forever free from want and dread and fear.
Most of those wars are over now. Some victories were won.
The price of peace and liberty has been a costly one.
Some of those boys who did so well have now come home again.
While others who so bravely fell on foreign soil remain.
They did their part; they gave their all to keep our liberty.
Much of the work that still remains depends on you and me.
If we would have that better world; their dream for everyone,
There still is much for us to do before the task is done.
The principles for which they fought are dear to us today.
Let's do our best to keep them safe and work and plan and pray.
To keep all evil from our shores and from our towns and plains,
So that our loved ones never will be forced to fight again.●

SUZETTE TAPPER (1934-83)

● Mr. HART. Mr. President, progressive politics lost one of its most committed and effective proponents on May 1, when Suzette Tapper died of a cerebral hemorrhage. For 20 years Suzette applied her wit and wisdom to the struggle for equal rights for women, environmental protection, and the increased use of renewable energy. Her career is an emblem of the efforts of the 1960's and 1970's to create a just, safe, and sustainable society.

Suzette began working in the early 1960's as an organizer for the American Bar Association in Illinois. Among her many successful fights was passage of the first Illinois judicial reform law. She married her husband, David, in 1966 in the home of Sam Witwer, on whose Senate campaign she was working at the time. When they moved to New York, Suzette began organizing for the National Organization for Women and came up with the idea for a green T-shirt with the text of the equal rights amendment printed on the front—a T-shirt classic that raised both money and collective consciousness.

Suzette organized more than political campaigns during this period. She coproduced three of David's documentary films. The last, "Bound for Freedom," was the story of two British boys who were indentured servants until the age of 21. The film, which attempted to break through racial blinders to reveal the horrors of slavery, was shown on network television.

No one as committed as Suzette was to politics could avoid Washington forever, and in 1976 she moved to this city to work as an organizer for zero population growth. The next year, she moved to environmental action, where she concentrated on mobilizing local environmental activism. She also worked on the 1978 "Dirty Dozen" campaign that focused media attention on the Nation's worst corporate polluters. Suzette's appetite for political challenges carried over into the rest of her life. Despite a severe asthma condition, Suzette learned to scuba dive while at environmental action. She took lessons, passed her exam, and enjoyed a view of the depths that no one else in her position would even have dreamed of.

Suzette's work at environmental action led her into the movement to develop renewable energy, and in 1980 she joined solar lobby. True to form, Suzette took on the most difficult challenges. She lobbied for the solar energy and energy conservation bank, to enable low-income people to borrow the money necessary to make solar and conservation improvements in their homes, and the passive solar tax

credit, to stimulate the use of the most cost-effective solar technology. Thanks in large measure to Suzette's persistence, the solar bank will finally begin operating in a few weeks.

Perhaps even more important than Suzette's actual lobbying was the experience and good judgment she brought to planning solar lobby strategy. In a world of headstrong, energetic lobbyists, Suzette was the voice of planning. She knew that organizations with limited resources must use their time carefully. And she loved to discuss politics.

Suzette's children, Seth and Gwen, are probably already brilliant political strategists because Suzette did not stop planning when she left the office. She talked to her children for hours about political intrigue. Seth and Gwen may already know more than they want to know about power plays of American politics. They learned from someone who battled the dragons of special interest, sexism, and irresponsibility in both Government and corporate business.

The thread that runs through all Suzette's activities was her desire to empower citizen activists. Her most recent projects at Solar Lobby were to revamp the activist network and to strengthen local involvement in the solar political action committee. She was looking forward to a good fight in 1984.

When someone dies, we always ask ourselves what that person would like us to do in her memory. Well, Suzette took care of that. When the Solar Lobby staff was cleaning out her desk they found a familiar political button with yellow letters on a purple background: "Don't Mourn, Organize!"

Mr. President, Suzette Tapper embodied the best tradition of American politics: The citizen who becomes involved in the political process out of concern for the people of one's community. America is a better nation because of the unsung contributions of Suzette Tapper.●

LET THE VOICE OF AMERICA AND RADIO FREE EUROPE/ RADIO LIBERTY IN

● Mr. HUMPHREY. Mr. President, last week I testified before the Senate Committee on Rules and Administration in favor of congressional press gallery accreditation for Voice of America, Radio Free Europe, and Radio Liberty journalists. Also supporting accreditation were Kenneth Tomlinson, Director of VOA; members of the U.S. Advisory Commission on Public Diplomacy; Kenneth Blaylock, president of the American Federation of Government Employees; and members of the Board for International Broadcasting, which oversees RFE/RL. Testifying against accreditation were members of the correspondent, radio-TV, and periodical congressional galleries.

I spoke before this committee because I find it appalling and embarrassing that Pravda, Izvestia, the BBC, to name a few, are excepted from the Senate rule barring employees or representatives of domestic or foreign government media from accreditation while our own international radio networks' journalists are not.

The Voice of America is the global radio network of the U.S. Information Agency, broadcasting over 900 hours weekly in 42 languages, with an estimated audience of 100 million all over the world. VOA has a congressionally mandated charter to serve as a consistently reliable and authoritative source of news and present a balanced and comprehensive projection of significant American thought and institutions.

Radio Free Europe and Radio Liberty are independent corporations funded and overseen by the Board for International Broadcasting. Some 15 to 20 million listen to RFE/RL broadcasts on an average day. The mission of RFE/RL is to encourage a:

> Constructive dialog with the peoples of Eastern Europe and the Soviet Union by enhancing their knowledge of developments in the world at large and in their own countries.

As stated in the recently enacted law establishing BIB as the oversight entity for the networks, RFE/RL, Inc. "shall not be construed * * * a Federal agency or instrumentality."

Given the mandates of these international broadcasting networks, it is unfortunate and contradictory that their journalists do not receive the full privileges of congressional press gallery accreditation. This lack of accreditation makes them subject to second class and professionally awkward working conditions. Moreover, the congressional press galleries are alone in their denial of accreditation to these journalists; the Departments of Defense and State, the White House, and the Supreme Court all accredit these correspondents.

Mr. President, I ask that the following be inserted at the close of my remarks in the RECORD: editorials from Washington, Florida, and Virginia papers, and a letter signed by 48 Senators to the chairman of the Rules Committee, both urging accreditation of VOA and RFE/RL correspondents.

The Rules Committee is currently polling out its members on motions to accredit VOA and reaccredit RFE/RL. I hope my colleagues will carefully read these materials and support accreditation for our international radio networks' journalists.

The editorials and letter follow:

[From the Florida Times-Union, Jan. 26, 1983]

VOA TOLD 'DO NOT ENTER'

The Voice of America, Radio Free Europe or Radio Liberty are the only sources of truthful news for many throughout the world.

There could be no greater certification of their effectiveness than the massive effort of the Soviets to 'jam' their broadcasts.

These networks are, in effect, the true representative of the United States to millions worldwide. They reach many more people than do our diplomatic staffs.

Accordingly, picture this:

The president is in the Capitol to make a highly important statement. Into the press galleries walk the representatives of Tass and *Pravda* and *Izvestia*, flashing their press cards.

But when the VOA or RFE or RL newsmen attempt to enter, guards block their way.

Why?

Because they do not have accreditation to press galleries of the United States Congress.

They are not accredited because they represent the United States government, and accreditation is limited to employees of news agencies, not governments.

Few people, even in Congress, realized this was the case until Sen. Gordon Humphrey, R-NH, recently brought the matter to attention. The Senate Committee on Rules and Administration has finally begun a review of accreditation policies.

The House should follow through and end the anomaly of important government business being open to the Kremlin's mouthpieces—but not to the Voice of America and its sister networks.

[From the Tacoma, Wash., News-Tribune, Feb. 28, 1983]

VOICE OF AMERICA DESERVES FAIR PLAY

Given enough hue and cry by fair-minded journalistic organizations, and perhaps the journalists who work for the Voice of America will be able to cover Congress.

So far, the VOA has been frozen out of the congressional press galleries, which is a shocking state of affairs since journalists from communist nations are granted press-gallery access.

Government journalists from Russia, China, East Germany and many other nations have press-gallery credentials. But not the Voice of America. It is excluded under a rule that states members of the press galleries cannot be employed by the government.

But the rule hasn't been applied to the National Public Radio or the Public Broadcasting System. Both receive federal financing and each has correspondents accredited to the public press galleries.

The House Foreign Affairs Committee has come out against the "continuing denial of accreditation to VOA correspondents." And so has the national Radio-Television News Directors Association, which adopted a resolution urging Congress to let VOA have press-gallery access. The VOA itself calls its exclusion a "national disgrace."

And so it is. If Communist China can cover Congress, why not the Voice of America?

[The Richmond News Leader, May 6, 1983]

LET VOA IN

Question: Which of the following is denied accreditation to the congressional press galleries—Tass, *Pravda*, *Izvestia*, Radio Moscow, or the Voice of America?

Answer: Only the VOA.

Yes, the congressional press galleries accredit the USSR's Communist-controlled press, but they shun America's major international broadcasting network.

The VOA broadcasts 900 hours per week in 42 languages. Its correspondents do not propagandize; they merely report the facts. Millions of persons living in countries lacking a free press depend on the VOA for objective news.

VOA reporters cover the White House, the Supreme Court, and the Cabinet agencies. But because they lack congressional accreditation, VOA reporters on the Hill face numerous obstacles. Often they cannot attend controversial hearings. They have been denied access to certain press conferences. When the VOA wants to cover an important congressional event, it must beg for admission or rely on the good graces of guards and other reporters to let it through security lines. It cannot use the sophisticated facilities available in the galleries.

The Senate Rules Committee sets the procedures determining which correspondents qualify for the inner sanctum of the press galleries. Rule 34 states that members of the galleries cannot be "employed in any legislative or executive department or agency of the government or by any foreign government." Because the VOA receives federal money, it falls under Rule 34. Yet many other government press services have received exemptions enabling them to enjoy the full use of the galleries. In addition to the aforementioned Soviet outfits, the BBC, Israeli State Radio, the Finnish Broadcasting Company, Communist China's Peoples Daily, the Tunisian News Agency, and many others—including National Public Radio—possess full congressional accreditation. All things considered, the VOA does not get a fair shake.

Although the Radio and Television News Directors Association supports accrediting the VOA, the Standing Committee of Correspondents, which represents various newspapers and news services covering the Hill, does not. Next week the Rules Committee will hold hearings regarding the VOA's difficulties with the press galleries. Let the Committee adopt a consistent policy. Let it direct the press galleries to cease applying an arrogant double standard. Let it exempt the VOA from Rule 34. Let it move to accredit the VOA.

U.S. SENATE,
Washington, D.C., May 4, 1983.

Hon. CHARLES MCC. MATHIAS,
Chairman, Senate Committee on Rules and Administration.

DEAR MAC: It is our understanding that on May 10 the Committee will meet to consider the Senate Press and Radio/TV galleries' long-standing policy of denying accreditation to the Voice of America's Capitol Hill correspondents.

We are writing to urge the committee to grant a waiver to Senate Rule 34, just as the galleries themselves have done in the past for numerous other government-funded news organizations, such as Tass, Radio Moscow, East German Radio, Radio France International and the BBC.

The Voice of America is a legitimate news organization with a distinguished 40 year history in international broadcasting. Voice of America is required by Public Law 94-350 to be an "accurate, comprehensive, and objective source of news."

Moreover, Congress provides nearly $140 million annually in appropriations for the Voice of America, yet fails to grant access to report to the world the actions of our own chamber.

Thank you for your assistance in correcting this matter.

Sincerely,

John Tower, Orrin G. Hatch, Paula Hawkins, Strom Thurmond, Jake Garn, Paul Trible, Pete Wilson, Steve Symms, Dan Quayle, Alfonse D'Amato, Bob Kasten, Frank Murkowski, Bill Armstrong, Gordon Humphrey.

Malcolm Wallop, Don Nickles, Thad Cochran, Bob Dole, Slade Gorton, John P. East, Pete Domenici, Alan Simpson, Mack Mattingly, John Danforth, Chuck Grassley, Jim McClure, Jesse Helms, Jeremiah Denton, Arlen Specter, John Chafee, Ted Stevens, Dave Durenberger.

Roger W. Jepsen, Paul Laxalt, John Heinz, Bill Roth, John Warner, Bob Packwood, Bill Cohen, Rudy Boschwitz, Chic Hecht, James Abdnor, Warren B. Rudman, Mark Andrews, Nancy Landon Kassebaum, Larry Pressler, Barry Goldwater, Charles Percy.●

BILL COST ESTIMATES—(S. 840, S. 929, AND S. 930)

● Mr. MATHIAS. Mr. President, when I filed three authorization bills on May 16, 1983, the Committee on Rules and Administration had not yet received the bill cost estimates from the Congressional Budget Office. The bills are: S. 840, to reauthorize the National Museum Act; S. 929, to amend the authorization for the activities of the Smithsonian Institution on Barro Colorado Island in Panama; and S. 930, to authorize the purchase of land for the Smithsonian Institution's observatory in Arizona. The reports state that the estimates will be printed in the RECORD when they are received. They have been received, and the information in the estimates is as follows:

BILL COST ESTIMATES OUTLAYS BY FISCAL YEARS

[In millions of dollars]

Bills	1984	1985	1986	1987	1988
S. 840	0.786	1.0	1.0	1.0	1.0
S. 929	0.945	0.945	0.945	0.945	0.945
S. 930		0.150			

The budgets of State and local governments would not be affected directly by the enactment of the bills.●

JOAN LECLAIR

● Mr. DURENBERGER. Mr. President, today I take deep personal satisfaction in recognizing Joan LeClair, a Peace Corps volunteer from Minneapolis, Minn., and graduate of the University of Minnesota, who was honored by President Reagan and Peace Corps Director Loret Miller Ruppe at a White House ceremony on April 18. Joan was selected as one of the six outstanding Peace Corps volunteers in 1983. From the 5,200 volunteers serving in over 62 countries worldwide, Joan was chosen for her outstanding service in Malaysia in establishing a national program of speech therapy for spastic children.

The Johore Association for spastic children, a partially Government funded organization in Malaysia, faced great difficulty in finding speech therapists to perform diagnostic and evaluative work with spastic children. The association was gifted with Joan, a specialist who could work with 60 inpatients and 84 outpatients who suffered from cleft palate, dysphasia, hearing impairment, delayed speech, stuttering, and laryngectomy. Her proficiency in the language also enabled her to design a program of exercise and activities for the students. Because the Peace Corps is phasing out its operations in Malaysia in 1983 and the country would have been left with few speech therapists to fill the void Joan's departure would have created, she organized and implemented a program to train Malaysians as speech therapists. As a result of her inexhaustible perseverence, the speech therapy work will continue long after the Peace Corps leaves the country.

I admire and respect Joan and am grateful for individuals like her who contribute selflessly to the improvement of our society and are committed to the enrichment and enhancement of individual human lives.●

THE INSTALLATION OF CHARLES BLITZER AS DIRECTOR OF THE NATIONAL HUMANITIES CENTER

● Mr. MOYNIHAN. Mr. President, on Saturday, April 23, 1983, Charles Blitzer was installed as the director of the National Humanities Center in Research Triangle Park, N.C. I would like to share with my colleagues remarks made by Dr. Blitzer and Dr. William Leuchtenburg, trustee of the National Humanities Center.

The remarks follow:

REMARKS OF CHARLES BLITZER AT HIS INSTALLATION AS DIRECTOR OF THE NATIONAL HUMANITIES CENTER

Ever since the establishment of the National Endowment for the Humanities in 1965, it has been a custom for its Chairman to address the annual meeting of the American Council of Learned Societies. On one such occasion, about ten years ago, Ronald Berman began by paying tribute to the ACLS-sponsored Report of the National Commission on the Humanities (some of us know it as the Lumiansky Report) and its role in the creation of the Humanities Endowment. He then added that he felt rather like an actor performing before the authors

of the play in which he was a character. I feel very much the same way this morning in the presence of so many people who have contributed so much in so many different ways to the National Humanities Center. And, like Ron, I should like to begin by paying tribute to our authors.

In the beginning there were the scholars—a phrase, incidentally, that I hope will always be repeated in accounts of the Center's future development. These were the men and the women who had the vision of giving advanced study in the humanities in the United States, quite literally, a local habitation and a name. With the support of a number of enlightened foundations, and with the invaluable assistance of the American Academy of Arts and Sciences, they set about to translate this vision into a plan. Within an impressively brief period of time, and with a remarkable degree of consensus—although not total consensus—a plan was produced, discussed, refined and ultimately endorsed by the Academy. For reasons that are perhaps self-evident, I should like particularly to recall the concluding words of Steven Marcus' statement of the Proposal for a National Humanities Center:

"What we want to emphasize is the flexibility and experimental nature of what we are planning. We have proposals but we do not have fixed policy. We cannot predict what has not yet taken place, and we have no blueprint for the futue. What we are certain of is that the humanities are in trouble and that serious work has to be undertaken to help them renew their indispensable functions in American education and society. We believe that the proposed Center will be instrumental in that renewal."

Eight years later, the experiment continues, the humanities are still in trouble—indeed, as some have suggested, perhaps it is the fate of the humanities always to be in trouble—and the belief persists—but now with real evidence of its truth—that this Center can be of help. And meanwhile, we actors in the play feel a bit like Priandello characters—not in the sense that we are searching for yet another author, but in the sense that we at least believe that we are now collaborating in the writing of our own script.

The most practical question that the planners of the Center left open was, of course, where the Center should be located. And this brings me to the second group to whom I should like to pay tribute this morning: those who on behalf of North Carolina and its Research Triangle persuaded the founders that this green and pleasant place is where the Center belongs. Part of their argument needs no explanation from me, you have simply to look about to appreciate its force. Less immediately visible, but surely even more important to our founders and to us, is the proximity of the three major educational institutions that define the Triangle and which offer us everything from intellectual stimulation and companionship to excellent library facilities and, I might add, a number of excellent Fellows every year. The faith and the support of the people and institutions of North Carolina have been an inspiration to us, and we hope to continue to deserve their faith and support.

Finally, I would like to pay tribute to the men and women who actually created the National Humanities Center and who have been responsible for its successful operation during its first five years. This occasion cannot pass without a special word of thanks from me to my two predecessors, Charles Frankel and Bill Bennett, men of extraordinary vision and integrity who, although I am sure they disagreed about many things, were united by a common dedication to the humanities and a shared conviction that scholarship does matter.

The circumstances that deprived the National Humanities Center of these two gifted leaders—one through a great tragedy, the other through a presidential act that has as surely enriched the nation as it has impoverished the Center—placed an unusually heavy burden on the staff and the Board of Trustees of the Center. Both of them responded magnificently to the challenge, maintaining a remarkable degree of coherence and continuity in the activities of the Center in the face of the most difficult circumstances. I, of course, have special reason to be grateful to them for their stewardship and for passing on to me what is in every respect a going enterprise—if not yet a fully fledged or, I might add, a fully funded one.

During the almost five years of its operation, the National Humanities Center has welcomed more than 150 Fellows; as befits the National Humanities Center, they have come from seventy colleges and universities in twenty-nine states and the District of Columbia, and thirteen foreign countries; in all, they have represented thirty disciplines and sub-disciplines. The work of the first four classes, I am told, has already found expression in more than fifty books and 200 scholarly articles. In addition, the Center itself has produced 150 programs in its radio series, "Soundings," discussions of a broad range of topics in and about the humanities by Fellows and visitors, that are now broadcast by more than 250 stations in the United States. This is just a bare outline, in quantitative terms, of what this infant Center has already accomplished, omitting such other aspects as conferences, seminars and publications. In support of all this, including the construction of this marvelous building in which George Hartman has so brilliantly and sensitively embodied the spirit of the National Humanities Center, more than thirteen million dollars have been raised. What is particularly impressive to someone newly arrived as I am from the nation's capital is that only seventeen percent of this money has come from government, either state or national; equally heartening to a newcomer to these parts is the fact that nearly half of these thirteen million dollars have come from individuals, institutions and corporations in North Carolina.

Inevitably, it is more difficult to demonstrate or to summarize in qualitative terms the achievements of these first five years. I have looked at the credentials and read the comments of the Fellows of the first four classes, and I have had the pleasure during the last ten weeks of meeting and talking with this year's Fellows; and I have (not with totally unmixed pleasure) read and discussed with our selection committee the 400 applications we received for the forty places in next year's class. On the basis of all this, I can say with some confidence that the National Humanities Center has indeed fulfilled what I take to be the principal hope of its founders, becoming almost overnight (as these things are measured) a place to which excellent scholars are attracted, and in which they accomplish important scholarly work.

The record of the Center's brief past, then, is one of extraordinary achievement. What of its future? In some ways I feel a bit like the House Committee of the club in New York that is instructed by its Board of Management to improve everything and to change nothing. I have to add that I am able to feel that way precisely because the National Humanities Center has retained the flexibility and the experimental nature to which Steven Marcus referred in 1975; and because our founders were sensible enough, and my predecessors were honest enough, to entertain differing opinions about the path the Center should take when faced with a number of interesting issues.

I should like in my few remaining minutes to address one such issue. It concerns what for want of a better word—although I can hardly think of a worse word—is called these days "relevance." I can state it perhaps most starkly by reading two brief quotations. The first: "These disciplines [the humanities] have usually been at their best and most vital when they have had a sense of engagement with issues of public concern." The second: "Scholarship cannot and should not be shackled to problem solving. It must be free to follow crooked paths to unexpected conclusions." Many of you will no doubt recognize these two as statements by Charles Frankel, and some of you will be aware that they were spoken not at different times in Charles' career, but in a single interview with the New York Times in July of 1978. (I might add, parenthetically, that the Times introduced these two statements with the marvelously inappropriate subheadline "Never Had Any Doubts.") As William Leuchtenburg has shown in a characteristically perceptive essay published by the Center in 1981, Charles Frankel—I am tempted to say, even Charles Frankel—did indeed have continuing doubts about the proper relation between humanistic scholarship (and scholars) and the pressing social and political issues of our time.

This, of course, is no new question, nor is it one that is ever going to be answered once and for all. If I may refer to yet another meeting of the American Council of Learned Societies—this one held just last week—Andrew Heiskell spoke at lunch on behalf of the President's Committee on the Arts and Humanities, and he began by wondering aloud why he had accepted President Reagan's invitation to chair that committee. He concluded jocularly that he had probably done so out of a feeling that if he had refused someone worse would have accepted. At that point Bill Bennett, who was sitting at the table next to mine, leaned over and whispered, "Sound familiar?" And indeed it did, for what Mr. Heiskell had done was to repeat almost word for word Socrates' answer to the question, why would any good man be willing to accept public office? I have no doubt whatsoever that Charles Frankel was much more familiar than I with Socrates' answer, but two millenia later the question still troubled him.

As Professor Leuchtenburg pointed out in his essay, these doubts—or this ambivalence—have been reflected in the National Humanities Center from the beginning. In his words, "Finally, it remained to be seen how an institute for advanced study would manage both to foster humanistic scholarship and to serve the public weal."

At the risk of seeming flippant, I would suggest that this Center can in the first instance best and most appropriately serve the public weal precisely by fostering humanistic scholarship. Many of you will recall, as I do, the words of President Kennedy when he addressed the first group of Peace Corps volunteers as they were about to go abroad to take up their assignments. If

you wish to serve the interests of United States foreign policy, he told them in effect, you can best do this by not trying to serve the interests of United States foreign policy. Do the work you have been trained to do—teaching, engineering, nursing, farming—and the rest will flow from that.

In much the same way, I believe that our scholars—indeed all scholars—can best serve the public weal by doing that which they do best. And if this is to be in truth a center for advanced study in the humanities, the selection of our Fellows and the design of our programs should be guided by standards intrinsic to the humanities, rather than by narrow and utilitarian concerns.

Is this a plea for "irrelevance"? I think not, although in a sense it is an attempt to rescue that word, and the very notion of relevance, from the abuse to which it has fallen victim in recent years.

To ask whether the humanities are "relevant" is rather like asking whether something is "bigger." One can only reply by asking in turn, "bigger than what," or "relevant to what?" And then it turns out of course that the questioner is really asking whether the humanities contribute in some very direct, immediate way to the solution of current social and political problems. The answer to this question, I suppose, is that sometimes they do and sometimes they don't. But in either case I would maintain that this must not be our sole standard, or even our primary standard, in judging humanistic scholarship. In the hope of recapturing the word and restoring it to its former (and proper) meaning, I would say that sound scholarship in the humanities is indeed relevant, and relevant often to more pervasive, more enduring and more profound human concerns than those with which the current apostles of "relevance" are preoccupied. Thus, I would particularly urge that we, of all people, never lose sight of, or commitment to, this broader and more legitimate notion of relevance. Surely those studies that help us to understand and to appreciate everything that mankind has thought, and created, and experienced on this planet; those disciplines that are in a very real sense the custodians and the interpreters of our entire human heritage; those inquiries that (as Robert Nozick put it) are bold enough to speak of value and meaning without putting quotation marks around those words, must not and cannot be dismissed as "irrelevant," least of all by the National Humanities Center, simply because—to repeat Charles Frankel's words—they are not "shackled to problem solving."

If humanistic scholarship in all its branches is encouraged and supported, but not, artificially "shackled," I have no doubt that it will in many cases provide ideas, information and insights that will directly assist our society and indeed the world in dealing with the social and political problems that confront us. Listen, for example, to these words written by our distinguished Mellon Senior Fellow, J. H. Hexter:

"Modern liberty, as inhabitants of Western democracies enjoy it, appears then to be one of the prime human goods, perhaps the superordinate political good. Without it many other human goods and all other political goods become uncertain, precarious and insecure. It is thus the modern political value sine qua non. To understand its origins is to understand some of the indispensable conditions for its survival. An inquiry into its origins is not an exercise in a sterile antiquarianism but an effort to know the ultimate terms for the well-being of modern society, to know first things first. In view of the historical geography of liberty . . . it is therefore of the highest consequence, right now, that we understand what went on in England and especially in English parliaments between 1529 and 1688."

Jack Hexter's words are so persuasive, I would suggest, because they are patently not contrived, because they clearly reflect the deeply held conviction of a superb scholar that research in the parliamentary history of 16th- and 17th-century England is essential to the survival of our own liberty. And I should add that what Professor Hexter is specifically urging in the article from which I took these words is not the broad, magisterial overview of the history of liberty which we hope he himself will give us, but rather, support for the accumulation and publication of detailed biographical data about the members of these parliaments and contemporary accounts of their proceedings. This might serve to remind us that the "big picture" which scholars are constantly and rightly urged to fashion may be a mosaic rather than a painting, that it may tend more often than not to be composed—with great imagination and breadth of vision—from small bits of detailed information painstakingly amassed by generations of diligent researchers, from partial insights communicated to scholars in technical monographs and in obscure articles in learned journals. These, too, I would suggest are not to be despised, surely not by a National Humanities Center.

But, finally, if we assert for our scholars and our Center the privilege of "following crooked paths to unexpected conclusions," we must acknowledge that this privilege—like most privileges—carries with it corresponding obligations, and I will mention two. The first of these is the obligation to insure in-so-far as we can that the scholarship supported by the Center is in fact relevant in the broad sense, that it is not mere antiquarianism or sterile scholasticism, that it does contribute significantly to the sum of human knowledge and understanding and (I suppose if Mr. Jefferson could use the word, I can) happiness. And, secondly, we must acknowledge a special obligation—which is at once self-serving and altruistic—to join with others in the republic of letters in persuading an often skeptical public that the humanities do matter in ways that transcend mere problem-solving. In doing so, I hope we can avoid the rhetoric that paradoxically at once over-sells and under-values the humanities by seeking to justify them in terms of an immediate utility which they often lack, rather than the enduring significance which they surely possess. Perhaps the great historian of science George Sarton was being a trifle too epigrammatic when he said, "The humanities are not useful, they are merely necessary." I would settle for a slightly different formulation: it has been said that Washington, from which I have recently come, is a place in which what is urgent always takes precedence over what is important; I hope it can be said of the National Humanities Center that it is a place in which what is important takes precedence over what is urgent.

After all, as Jakob Burkhardt wrote of the study of history, its task is not to make us clever for the next occasion, but to make us wise for ever. This is a task to which, along with you, I am honored to devote myself at the National Humanities Center.

Remarks of William Leuchtenburg at Charles Blitzer's Installation as Director of the National Humanities Center

I have been asked to speak this morning because in America no celebration may take place without a few words from one of the first settlers.

So flourishing an institution is the Center today that it requires a deliberate wrench of the imagination to recall that there was a September weekend only 4½ years ago when no Fellow had yet been given a key to an office, or sent a word to be typed; when no book had ever arrived from a neighboring library and no meal had yet been served.

I remember vividly the pride with which Charles Frankel took me for the first time to see this spectacular new building and how, much like a grand seigneur showing off his estate, he escorted me through it room by room, taking special delight in the kitchen which he knew would be the spiritual core of this place.

That was on a Saturday. In the ensuing Monday morning some three dozen of us, largely strangers to one another, turned up for the first day at the Center, unsure of ourselves, not knowing quite what to expect. There was, in fact, no real opening ceremony, and each of us soon filed off to a separate monastic cell, rolled a sheet of paper in a typewriter, and started to write. And so the Center began.

It is said that a conservative is one who never believes in doing anything for the first time, because it will set a precedent. In truth, we Fellows and staff alike—could hardly move without setting precedents, many of which have proved to be lasting. A single instance: When we arrived, we found that the senior Fellows and younger Fellows were listed separately. We asked that those lists be discarded and that new lists be prepared making no distinctions of rank and age. That was promptly done, and thus it has been ever after.

Since that September day in 1978 our numbers have swelled. More than 150 men and women have walked through those glass doors for the first time—scholars in classics and in the fine arts, in philosophy and in literary criticism, and in more than a score of other disciplines. They have come from a band of states from California to Rhode Island, and abroad from Lisbon to Tel-Aviv, from Brussels to Tokyo, from Barcelona to Melbourne.

There have even been a few Fellows like myself who accumulated so many Incompletes that they were required to repeat a year.

Kent Mullikin has told me that I am to speak for the ghosts of fellows past.

That is a felicitous image, for there truly are spirits here. Each new class is immediately confronted with a representation of that sense—the plaque on which are etched the eloquent words spoken by Charles Frankel on that sunstruck Saturday morning on which this building was dedicated four springs ago.

A time of remembrance is ineluctably elegiac, and it is with no little sadness that we realize that we shall never again see Yahkub Talmon's quizzical smile or Dick Davis' quiet grace, never again here Gerald Else talk of Plato or Dick Dorson of folklore. But each of them, no less than that good company of past Fellows who are present today or will return in years to come, has left something of himself or herself here. Though this is a very young institution, it has acquired in a short time a rich

heritage to which our new director has already begun to add.

For the past three years I have enjoyed the privilege of serving with Charles Blitzer on the board of trustees of Smith College. I have admired the range of his interests: a former New Haven alderman with a passion for painting and sculpture; a devotee of the theater and the concert hall with an abiding faith in the prospect of the Washington Redskins, with a love of drama and music; which I take to be incontrovertible proof of his trust in durne intervention. I have enjoyed his companionship, profited from his counsel, tolerated, with unparalleled magnanimity, his cigarette smoke and savored his elegant wit. All of us who have been Fellows here, and who in spirit continue to be, rejoice in his coming to a place we cherish, and on behalf of them, I am happy to say, Welcome, Charles.●

ARGENTINA FAILS TO ACCOUNT FOR THE DISAPPEARED

● Mr. KENNEDY. Mr. President, on April 28, Argentina's Armed Forces officially washed their hands of blame for the disappearance of many thousands of persons under military rule, proclaiming the missing to be either hiding, in voluntary exile or "juridically and administratively dead."

The bereaved families and concerned international human rights groups have long demanded an accounting for the disappearance of up to 20,000 men, women, and children during the military's security crackdown in the late 1970's. But, instead of carrying out a thorough investigation into this national tragedy, Argentina's military leaders have issued a report disavowing responsibility. The regime has concluded that all measures carried out during its campaign against subversion were "acts of service" executed in the line of duty, and asserts that punishment has already been accorded in all cases where human rights excesses occurred, when guilt could be established. Moreover, the regime is now preparing an amnesty law which could reportedly protect murderers and torturers in the Argentine military, who bring such dishonor to their service and to their nation, from future prosecution in civilian courts.

There has been a swift, highly critical international response to the Argentine Government's failure to account for the thousands of missing and its betrayal of the fragile hopes of the families who have lost loved ones. The Vatican publicly criticized the Argentine report as not "comprehensible or acceptable," and opening "new and—if possible—more anguishing questions." President Pertini of Italy wrote President Bignone of Argentina that "All humanity should consider itself wounded and offended." This message responded to Argentina's rejection of an earlier statement of Italian concern as interference in internal Argentine affairs, despite the fact that many of the disappeared are Italian citizens or of Italian origin. The French Government also formally expressed "great surprise at a statement which purports to exonerate from all responsibility the perpetrators of brutalities committed in the name of maintaining public order."

The New York Times editorialized that "Argentina's military regime isn't telling the whole truth," and commented that the catharsis which will be necessary for Argentina to overcome this tragedy "will come when Argentina shows that the quality of its justice meets the claims of conscience and law."

I ask that there be published in the RECORD at the conclusion of my remarks the poignant commentary from the May 12 edition of the Washington Post by former Assistant Secretary of State for Human Rights Patt Derian on the continued quest by the Mothers of the Plaza de Mayo for information on their children who disappeared while in unacknowledged official custody. Rather than cooperate in documenting these tragic cases, Argentina's military rulers have sought to block any thorough inquiry and tried unsuccessfully to ban the courageous "March for Life" organized by the Mothers of the Plaza de Mayo late last year to demand information on their missing children, freedom for remaining political prisoners, and an end to Argentina's state of seige.

The reticence of the Reagan administration on these unacceptable developments contrasts vividly with the voices of protest being raised around the world by the grieving families, concerned governments, the international press, and human rights spokesmen. I am apprehensive that the completely inadequate official U.S. concern over this abdication of responsibility by the Argentine military regime may reflect an administration desire to resume security assistance to Argentina at an early date.

I would remind the administration that Congress has enacted legislation which would permit such assistance only after the administration is able to certify that the human rights situation in Argentina has significantly improved, including the following requirements:

a. "Progress has been made in accounting for the disappeared."

b. "Political prisoners held without trial or under executive authority (PEN) have been released."

While we are heartened by the prisoner releases which have taken place in recent months, and by the Argentine government's announced intention to hold national elections this October, there has assuredly been no significant progress in accounting for the disappeared. The military's latest report makes prospects for an accounting more remote than ever. As the Vatican statement said:

One cannot but express—with great sadness—the severe objections that spring from the public conscience and, at the same time, the human and Christian sharing of a grief that has thus become, if possible, even more bitter and disconsolate . . . There is no more official possibility for a further effort of investigation into the truth.

I would hope that most of my colleagues would be in strong agreement that this would be the worst of all possible times for this administration to flaunt world opinion and the most basic principles of international human rights to certify Argentina for renewed security assistance and support from the United States.

The article from the Washington Post follows:

[From the Washington Post, May 12, 1983]

EVEN BABIES DISAPPEARED

(By Patt Derian)

Tonight I spent the evening with "Widows." It is a novel by Ariel Dorfman. Tomorrow I will spend the afternoon with one of the Mothers of the Plaza de Mayo. She will be up from Argentina and sitting in my living room.

When she comes to the door, we will smile and embrace and kiss each other's cheeks. She will notice the flowers; I will hope that her trip has gone well and inquire about the well-being of the Mothers. It would seem, to a passerby, so serene, so civilized—two women, two friends talking in a light and sunny room.

There is nothing civilized about our topic. Our overall subject is barbarity. We will probably not spend much time on the ordinary practices of her vile government, i.e., murder and torture; we are old friends.

Specifically, we will talk about the disappeared—men, women, children and babies—the babies sometimes born, killed or lost in government captivity. There are, or were, thousands and thousands of them. Most are dead, maybe. The Mothers don't know. The Argentine government knows. Its body snatchers, killers and torturers know. And its clerks, cooks and procurement people know. Along the way, a little information seeps out, then the Mothers know something else.

But the volume of information only reconfirms known practices and rarely supplies hard facts of identity. Who is alive? Who is dead?

Every morning the Mothers get up, brush their teeth, put on their makeup, stockings, clothes and get themselves ready to go to work. Their work is finding out who is alive, who is dead.

Every Thursday at 3:30 p.m. they go to the Plaza de Mayo, the site of the principal government office, and try to get their government to answer those two questions.

While the government refuses to answer officially, sometimes its employees give specific replies.

One of the Mothers told me, earlier, that she had been informally told of the birth of her grandchild when her daughter's body was brought home. A man explained the baby's delivery in some detail. When her daughter went into labor, her hands were tied behind her back. She was placed, nude, on bare wire bedsprings. She labored and delivered, without pain-reliever, anesthetic or help, while a room full of her torturers watched.

That Mother, like many others, is looking for her grandchild. A number of such babies have been adopted and a few have been found. There is a book of lost babies in my bedroom. There are photographs and paragraphs of all known details about infants and toddlers and young children who were taken. There are no pictures of those born of the pregnant women who have disappeared.

So tomorrow we will talk factually about information received, progress made. There might be a supplement to the babies' book; more family members will have come forward so that their missing youngsters can be included in the search.

We will mention Dorfman's book, hold it in our hands, nod in agreement with it. It is likely that we will comment on the truth and power in the pair of writings, "Widows" and "Prisoner Without a Name, Cell Without a Number." Dorfman and Jacobo Timerman, the authors have managed to recount what can rarely be spoken: the horror of being "disappeared" and the ingenious and implacable courage of those who insist on knowing who is alive, who is dead.

Argentina's army, on its way out in disgrace yet again, is now struggling desperately to declare itself not guilty, but forgiven. Its revolting mewling and puking, its clumsy search for a "deal" meet with cool indifference at home. In Washington, the administration mulls over a renewal of security assistance to the military government in Buenos Aires as it crumbles. It was all powerful in its seven years and, because of its power, many curried its favor.

But some did not. The "mad women of the Plaza de Mayo," like the women in "Widows," "stayed there . . . simply waiting one more time in this story for them, the soldiers, to decide what they were going to do, how they were going to do it, when."

This story nears its end in Argentina. Nobody knows what kind of government or society will follow. But all should know that the magnificent courage of the Mothers was unrelenting. They have never let up and they will do it again if they must.●

I-66 OPERATION INSIDE WASHINGTON CAPITAL BELTWAY

● Mr. WARNER. Mr. President, this morning, Congressman FRANK WOLF, my colleague from Virginia, Senator PAUL TRIBLE, and I held a press conference at which we presented our recommendations about the operation of I-66 inside the Washington Capital Beltway.

Our recommendations are contained in a letter to the Governor of the Commonwealth of Virginia, Chuck Robb.

I ask that my statement, along with that of Congressman WOLF and our letter to Governor Robb, appear in the RECORD.

The material follows:

STATEMENT OF SENATOR JOHN W. WARNER AT A PRESS CONFERENCE ON I-66

One month ago, Congressman Wolf, Senator Trible and I held a public meeting at George Mason High School in Falls Church. The purpose of the meeting was to determine what people thought was the best way to utilize I-66, the Custis Memorial Parkway.

At that time, we listened to various viewpoints, passed out a questionnaire. We promised to analyze the questionnaire responses and make recommendations for changes that were warranted. Today we present our recommendations in a letter to Governor Charles Robb.

Our recommendations are:

1. Reduce HOV-4 to HOV-3 beginning this summer for a one year trial period. In making this recommendation, we are seeking to prove that a three person limit will enable more drivers to form carpools, resulting in reduced congestion on secondary roads, improved energy savings and reduction in pollution and traffic hazards.

2. Modify current hours of restriction (6:30-9:00 A.M. eastbound; 3:30-6:30 P.M. westbound) to conform with Virginia Department of Highways and Transportation peak hour utilization counts. Such modification of restricted hours would create an efficient flow of traffic during peak hours. The decision affecting I-66 made by former Transportation Secretary Coleman did not specify any hours of restriction. Virginia officials, who have studied the flow of traffic, are in the best position to determine what the peak hours are.

3. Address the environmental impact question by having the Virginia Department of Highways and Transportation conduct an ongoing environmental assessment of the impact the modified HOV-3 limit will have on energy, pollution and traffic congestion, also considering the impact HOV-3 will have on airport traffic using the Dulles Connector Road.

4. Make HOV restrictions more flexible in meeting the special needs of handicapped individuals. Handicapped persons have expressed the problems they encounter in forming car pools and dealing with I-66 restrictions. Handicapped groups should be consulted to determine the needs of the disabled in modifying HOV requirements.

5. Staging areas—areas where people can pull off the road, park their cars and join a carpool—should be identified with the cooperation of Northern Virginia localities. These areas have proven successful in the Springfield area for commuters using the HOV lanes on I-395. They could be equally successful on I-66. The State should assist in making such locations convenient, available and safe. I have written to Mayor Marion Barry about the District of Columbia's cooperation in identifying staging areas so carpoolers can use the HOV lanes on the return trip to Virginia.

In my judgment, adoption of these recommendations will allow I-66 to better serve the people of Northern Virginia.

STATEMENT OF CONGRESSMAN FRANK R. WOLF

I have a brief statement to be followed by our Senators from Virginia and then we'll answer any questions you may have. Since Interstate 66 began operation inside the Capital Beltway on December 22, 1982, Senators Warner, Trible and I have heard from thousands of constituents about the rush hour restrictions which have precluded the people of Northern Virginia from using the highway. We conducted a public hearing on the impact of the High Occupancy Vehicle (HOV) restrictions on area commuters on April 14, 1983. Over 200 persons attended the four-hour hearing with 80 witnesses testifying.

After over five months of discussions with constituents and our evaluation of the hearing testimony, questionnaires and other studies since the $285 million highway opened, we have concluded that modification of the rush hour HOV-4 restrictions on I-66 would be in the best interest of the people of Northern Virginia.

We have written Governor Robb to make the following recommendations:

Reduce HOV-4 to HOV-3 for a one-year trial period.

Reduce the hours of restriction.

Assist Northern Virginia counties in creating "staging areas" to form carpools.

Evaluate the exemption of handicapped drivers from the HOV limitation.

Address the environmental impact question through an assessment made during the one-year trial period.

We are asking Governor Robb to act on this issue because the Commonwealth set the hours initially for restricted use and since the Commonwealth has the responsibility for the daily operation for the interstate, we believe the Commonwealth of Virginia is the most appropriate level of government to solve this problem. Governor Robb has already proven responsive in working with me in December to keep the Lynn Street ramp in Rosslyn open to all traffic without restriction and I am hopeful he will be equally responsive in this case.

I would like to emphasize that my goal is to be sensitive to the needs of our community. We are not asking that the restrictions be lifted completely but only that the HOV requirement be reduced from four to three persons and the hours changed slightly for a one-year trial period.

It is the government's responsibility to listen to and be responsible to the people and not simply impose its will on the people. Therefore, while we recognize the HOV-4 commitment that was adopted in 1977, we do not believe that it was meant to be carved in granite or exempt from review. We should not hide behind a policy that discourages people from being able to use this highway.

We have listened to the people and it is clear that we must act responsibly to modify these restrictions on I-66 to benefit area commuters and to more efficiently utilize this highway.

CONGRESS OF THE UNITED STATES,
Washington, D.C., May 17, 1983.

Hon. CHARLES S. ROBB,
Main State Capitol,
Richmond, Va.

DEAR GOVERNOR ROBB: Since Interstate 66 began operation inside the Capital Beltway on December 22, 1982, we have heard from thousands of constituents about the rush hour restrictions which have precluded the people of Northern Virginia from using the highway. As you know, we conducted a public hearing on the impact of the High Occupancy Vehicle (HOV) restrictions on area commuters on April 14, 1983.

Over 200 persons including Messrs. Fogarty, King and Mabry from the Virginia Department of Highways and Transportation attended the four-hour hearing with 80 witnesses testifying.

After over five months of discussions with constituents and our evaluation of the hearing testimony, questionnaires and other studies since the $285 million highway opened, we have concluded that modification of the rush hour HOV-4 restrictions on I-66 would be in the best interest of the people of Northern Virginia. We offer the following recommendations and urge your support to:

Reduce HOV-4 to HOV-3 for a one-year trial period.

Reduce the hours of restriction.

Address the environmental impact question through an assessment made during the one-year trial period.

Assist Northern Virginia counties in creating "staging areas" to form carpools.

Evaluate the exemption of handicapped drivers from the HOV limitation.

We make these recommendations, upon which we will expand further in this letter, in accordance with a provision in Secretary of Transportation William Coleman's 1977 decision which stated:

"These restrictions can be removed by the Virginia Department of Highways and Transportation or the Commonwealth of Virginia, only with the concurrence of the U.S. Secretary of Transportation, the authorized planning body for the metropolitan Washington area, and the Washington Metropolitan Area Transit Authority. In addition, the restrictions can be removed by the U.S. Secretary of Transportation after consultation with these same parties. In either case, all environmental requirements would have to be met before the restrictions can be removed."

We hope you will act favorably on these recommendations, based on the facts we present and the wishes of our constituents and appreciate your consideration of the following:

MAJOR ARGUMENTS SECTION

Since the Commonwealth of Virginia set the hours initially for restricted use and since the Commonwealth has the responsibility for the daily operation of the interstate, we believe the Commonwealth of Virginia is the most appropriate level of government to begin the process necessary for resolution of the current underutilization of I-66.

We would like to address up front the four major arguments most often raised at the hearing and in general against modifying the carpool restrictions.

Argument No. 1—The opening of the Dulles Access Road Extension ("Connector") this fall will add substantial airport traffic to I-66.

Fact No. 1—Because we are working hard to improve growth at Dulles Airport, we are very sensitive to this concern. As a result, we consulted with the Federal Aviation Administration to determine the impact of airport traffic to and from Dulles. We learned that the effect will be minimal even if traffic at Dulles doubles by 1986 as targeted. Few flights arrive at Dulles between 6:30 and 9:00 a.m. during the HOV eastbound restricted period on I-66. During this period, FAA projects there will be 260 automobiles coming from the airport toward Washington on I-66. This averages to 100 cars per hour during the morning restricted period. During the westbound afternoon rush hour, from 3:30 to 6:30 p.m., there will be 840 airport-bound cars on I-66, or an average of 280 cars per hour. These additional cars will not bring the road up to capacity since it is currently operating at about 600 cars per hour during the restricted period.

Testing a modified HOV limit could permit the capacity of I-66 to increase to 2,400 cars per hour with traffic flowing at 51 miles per hour, or 3,800 cars per hour traveling at 40 miles per hour. If the HOV limit were set at HOV-3, it is projected that there would be 1,200 cars per hour on I-66. The additional 280 cars per hour heading for Dulles in the afternoon rush hour would still keep I-66 traffic at less than 50 percent capacity (less than 1,500).

Argument No. 2—A Washington Council of Governments' (COG) two-page report shows that dropping the HOV-4 restriction would fill I-66 to capacity.

Fact No. 2—We are not recommending dropping the limits entirely, but to modify HOV-4 to HOV-3. It is important to note that this report focuses on people, not vehicles. A closer look at the study shows that during the 2½ hour restricted period, 1,500 automobiles, 140 buses and 140 van pools used I-66, totalling 1,800 vehicles, or an average of 720 vehicles per hour which is one third of the road's capacity of carrying 2,400 vehicles at 51 miles per hour.

Argument No. 3—Reduction of HOV-4 will adversely impact the use of the Theodore Roosevelt Bridge.

Fact No. 3—A modified HOV restriction would encourage more people to form carpools and reduce the number of vehicles feeding into the Roosevelt Bridge. Reducing the HOV restriction would increase the likelihood of low occupancy vehicles forming carpools. A recent COG survey estimated the average car occupancy is 1.4 persons. A reduced HOV restriction on I-66 will not create more vehicles on the Roosevelt Bridge. The same number of people will still need to utilize the bridge. But with a reduced HOV-4 and the formation of more carpools with HOV-3 the actual number of cars on the bridge should not increase.

Argument No. 4—The agreements made with the federal government in 1977 should be honored.

Fact No. 4—This policy was imposed when it was agreed to reduce the interstate's planned eight lanes to four lanes. The question today, however, is whether that commitment remains in the best interest of the people and the community. We believe that is a question that the people, and not the government, should decide. The overwhelming response that we hear from the community is that they believe some sort of modification or reduction of HOV restrictions, at least on a trial basis, is warranted.

In early results from a recent congressional questionnaire sent by Representative Wolf to every household in the 10th District, over 80 percent responding favored some change in the HOV-4 restrictions and over 50 percent favored reducing the hours of restriction.

We have always believed it is the government's responsibility to listen to the people and not simply impose its will on the people. Therefore, while we recognize the HOV-4 commitment that was adopted in 1977, we do not believe that it was meant to be carved in granite or exempt from review. All laws and policies, even the U.S. Constitution are amendable and we do not see why this policy should be any different.

EVALUATION OF DATA

In addition, we urge your consideration of the following findings which support our position: (1) the utilization of I-66; (2) carpooling difficulties; and (3) the effects of reduced HOV requirements on the environment.

Utilization of I-66

Traffic counts taken on Interstate 66 by the Virginia Department of Highways and Transportation for the period January 20 to 28, 1983, (No. 1) and March 11 to 17, 1983, (No. 2) have shown that I-66 is vastly underutilized. During the restricted period, there are in most instances fewer than 1,000 vehicles per hour. During those restricted hours, the average flow on I-66 was less than 680 cars per hour for the January counts and 579 cars per hour for the March counts.

The Highway Capacity Manual, a recognized authority on traffic flow, provides data which indicates how many cars per hour can be accommodated on roads of various types. These data show that a well-designed two-lane highway, such as I-66, can accommodate far more than 600 vehicles per hour—such a road could have as many as 3,800 vehicles each hour traveling at 40 miles per hour, or 2,400 vehicles traveling at 51 miles per hour (No. 3). Since the flow on I-66 averages 680 and 579 cars per hour in January and March respectively, this road has been operating at 18 to 28 percent capacity in January, and 15 to 24 percent capacity in March, depending on which miles-per-hour figure is preferred. Not only does this underscore the significant underutilization of I-66, but it further points out that utilization during the restricted period has dropped since the January counts.

Additionally, I-66 is not responding as a normal highway. Traffic during the restricted period is at its lowest when, according to normal highway patterns, it should be at its peak. Observations taken at three different U.S. freeways reported in the Highway Capacity Manual show that traffic normally peaks around 8 a.m. and 4:45 p.m., just when I-66 traffic flow is lowest.

Pent-up capacity is evidenced by the jump in usage on I-66 immediately preceding and following the restricted hours (No. 4). January traffic counts provided by VDH&T show that between 8:30 and 9:00 a.m., 813 cars passed at the Westmoreland count station. Of these, 91 percent were counted between 8:45 and 9:00 a.m. At the Sycamore and Westmoreland count stations, between 8:00 to 8:45 a.m., the average of the total cars counted was 155 cars.

From 8:45 to 9:30 a.m., the average was 1,860 cars—or 10 times as many.

Clearly, many of these were cars that "got on early" with a vehicle occupancy of less than HOV-4. A modified HOV limit would permit many of these additional cars legal access to the highway. Additionally, many single occupancy cars wait to get on I-66 at 9:00 a.m., when the restrictions are lifted. If the HOV-4 limitation were lifted and a lower restriction were adopted, some of these single occupancy cars that cannot now form HOV-4 carpools could in fact meet the reduced requirement and eliminate many of the single rider cars on I-66.

Other highways across the country have experienced such underutilization and have taken steps to lower their HOV requirements. In Miami-Dade County in Florida, for instance, the HOV-3 restrictions were lowered on U.S. 1 and again for the Banfield Freeway in Oregon, when underutilization occurred. The Highway Division for the Oregon Department of Transportation reported (No. 5) that the hours of restrictions and HOV limits were reduced "in an attempt to reduce congestion and more effectively utilize the HOV lanes."

While other areas of the country are reducing their HOV limits from HOV-3 to HOV-2, we would like to point out that the Washington area's HOV-4 restrictions are the highest in the country. There are no other HOV-4 roadways in the United States.

Throughout the rest of the country, we see lower requirements (No. 6):

San Bernardino Freeway in Los Angeles (HOV-3).

I-93 in Boston (HOV-3).

Santa Monica Freeway in Los Angeles (HOV-3).

Southeast Expressway in Boston (HOV-3).

South Dixie Highway in Miami (HOV-2).

I-95 in Miami (HOV-2).

Yet, Shirley Highway and I-66 have HOV-4 as their rush hour restriction.

Carpooling

We have heard from many constituents who indicate that the rush hour restrictions are unworkable because of difficulties in maintaining a four-person carpool. On any given day, there are absences from the carpool. People are ill, on travel, on vacation, working late, or need their car for personal business. The fewer the number of people in a carpool, the more likely the carpool will be unable to meet the HOV limitation, especially with the current emphasis on small cars which carry a maximum of four people and rule out larger carpools as a backup.

Standard probability theory bears out the following analysis (No. 7) if we assume 50 personal days of absence from a four person carpool during a 250 work day year (assuming 10 holidays):

"The probability of meeting the HOV-4 limitation is only 41 percent on any given day; for HOV-3, this probability rises to 82 percent and the carpool would be successful on 4 out of 5 days; if the limit is reduced to HOV-2 (in the summer months for instance when people are on vacation more), the probability reaches 97.5 percent—which means that 39 out of 40 days, people wishing to carpool could use I-66 in 2, 3, or 4 person carpools."

If the number of carpools using I-66 were proportional to these probabilities, setting the HOV limitation at HOV-3 would increase the traffic flow from an average of 600 cars per hour to 1,200 cars per hour—which is still well below the highway's capacity.

Statistics provided by the Automotive Information Council indicate that there has been a considerable downsizing in automobiles since the 1977 Coleman decision, which set the HOV limit at HOV-4 (No. 8). Sales for 1977 and 1982 indicate that 8.52 percent of the cars sold in 1977 were subcompacts holding four or less occupants; this figure rose to 16.65 percent in 1982. In 1977, 46.77 percent of the sales were for intermediate or standard cars holding 6 to 8 passengers; in 1982, this dropped to 32.42 percent. Sales of imports holding 4 or less passengers rose from 18.55 percent in 1977 to 27.84 percent in 1983.

These figures show that autos being purchased today are smaller than those purchased in 1977. Many of these cars only hold four occupants which reduces the chance for a regularly successful carpool, since the vehicle is not large enough to carry 6 occupants and provide a backup.

Our analysis of the questionnaires completed by participants at the April 14, 1983, public hearing underscore a number of the problems mentioned above. For instance, only 81 of 174 respondents have cars which will hold more than 4 people. Only 32 of 148 respondents can regularly meet the HOV-4 carpool requirements on I-66. An overwhelming 129 of 179 respondents favor modifying the HOV requirement. And 102 of 164 favor reducing the hours of restriction.

Environment

Protecting the environment is a crucial element in consideration of modification of the HOV restrictions. Developing a reliable assessment of the effects of an HOV modification would involve an analysis of short and long-term environmental and operational impacts. We believe the Virginia Department of Highways and Transportation in cooperation with the Metropolitan Washington Council of Governments would be the appropriate agencies to conduct such an assessment to evaluate the impact of the facility on travel patterns, modal shifts in Northern Virginia and overall highway operations. It could also include a computer model to rest different auto occupancy strategies along I-66.

In our opinion such a long-term study would show that a reduction in the HOV-4 rush hour limitation would have a positive effect on the environment. With more drivers meeting the modified carpool requirements and using I-66, there would be fewer cars on area roads; more cars moving at constant higher speeds, and less stop and go traffic. All this would bring energy savings, both in fuel consumption and in human energy and time; reduced pollution levels from standing automobiles on side and residential streets; less congestion on the residential and surface streets in Arlington and Falls Church including Route 50, Lee Highway, Wilson Boulevard and other local streets; and improved auto and pedestrian safety along those arteries with the shift of traffic from secondary roads to I-66.

RECOMMENDATIONS

Based on our evaluation of the underutilization of I-66, carpooling difficulties experienced by commuters, and a favorable impact of an HOV modification on energy, safety, pollutation and congestion, we reiterate our recommendations to:

(1) Reduce HOV-4 to HOV-3 for a one-year trial period: We recommend that HOV-4 be dropped to HOV-3, beginning this summer for a one-year trial period. We believe this will increase utilization of I-66, but keep it well below capacity. We are convinced that more drivers would then be able to carpool and relief will be provided to secondary roads, resulting in savings of energy and reduction in pollution and traffic hazards.

(2) Reduce hours of restriction: We recommend that the current restricted hours (6:30 to 9 a.m. eastbound; 3:30 to 6:30 westbound) be modified in accordance with VDH&T peak hour utilization counts. Stretching the rush hour restrictions beyond the actual rush hour peaks creates more problems and inconvenience than it solves. Such a modification will provide a fairer restriction, aimed at creating efficient flow during peak periods. The particular hours restricted to HOV use were initially determined by VDH&T. The decision by former Secretary of Transportation William Coleman required HOV-4 during the peak period, but did not identify the exact hours of restriction. We believe Virginia officials are in a better position than the federal government to determine the peak hours for narrowing the hours of restrictions.

(3) Direct Virginia Department of Highways to conduct an environmental assessment of HOV-3: We recommend that during the trial period during which HOV-3 is tested that VD&T conduct an ongoing environmental assessment of the impact the modified HOV limit has on energy, pollution and congestion. The assessment should also take into consideration the impact of HOV-3 on airport traffic using the Dulles connector road.

(4) Assist counties in creation of staging areas to form carpools: An experiment on Shirley Highway in Northern Virginia has proven successful in assisting motorists form carpools. For over 10 years, commuters without cars have been joining drivers in need of additional passengers to meet the rush hour limitations on I-395. We believe that this experience on Shirley Highway can be applied to I-66 if staging areas can be identified—areas where people can pull over, park and leave their cars to join a carpool. There are several areas in the I-66 corridor which are potential candidates. But because of the difficulties surrounding making such locations convenient, available, and safe, we recommend that the state assist in this effort. This will greatly facilitate the formation of carpools and remove additional cars from the road. Additionally, it will provide an area where carpools which have temporarily lost a member can pick up an additional rider.

(5) Exempt handicapped drivers from the HOV limitations: We believe that carpool restrictions should be flexible in considering the special needs of handicapped individuals. Many handicapped constituents have expressed to us the special problems that they encounter in forming carpools and dealing with the I-66 restrictions. We recommend that handicapped groups be consulted to determine the wishes of disabled individuals with a view toward possible modifications for these restrictions.

We urge your consideration of these views and recommendations. The responsibility for providing better, more efficient transportation for the people of Northern Virginia is shared by the federal, state and local governments. Last January we worked quickly and effectively with you, Governor, in lifting the restrictions on the Lynn Street ramp thereby helping thousands of Northern Virginia commuters.

We believe the I-66 HOV-4 issue is another matter that requires similar immediate attention and cooperation. We are prepared to do everything possible at the federal level to assist you in effecting these changes. We look forward to working with you in finding a responsible solution to this important matter.

Sincerely,

JOHN W. WARNER,
U.S. Senate.
PAUL S. TRIBLE,
U.S. Senate.
FRANK R. WOLF,
Member of Congress.●

THE "MASTERS OF DISASTER"

● Mr. LUGAR. Mr. President, for the record, I wish to acknowledge the stunning achievements of 11 elementary school students and their coaches, collectively known as the "Masters of Disaster." I am pleased to join in hearty congratulations to these Hoosiers at Indianapolis P.S. No. 27 in their splendid example of teamwork and intellect in winning the National Elementary School Chess Championship.

I would like to honor Anthony Allen, Derrick Brownie, Curtis Carson, Anthony Elliott, Dale Foster, Stephen Garrett, Keith Hunter, Thomas Petty, Dexter Robertson, Corey Scruggs, and Derrick Thomas. Their advisers, Robert Cotter, Len Wallace, Daryl Lakes, and Morgan Hauser, deserve equal commendation.

The excellence of their accomplishment is in fulfilling a goal with perseverence and confidence, the secrets of turning a dream into reality. As these

young people and their coaches continue to grow in skill and experience in the game, let us also wish them wisdom combined with the permanent enthusiasm and strength of youth. The May 10 New York Times gives considerable space to the winners of the playoff and R. Emmett Tyrrell, Jr., devotes his May 16 Washington Post column to the significance of the "Masters of Disaster" achievement. I wish to bring them to the attention of my colleagues, and ask that they be printed in the RECORD.

[From the New York Times, May 10, 1983]

UNLIKELY TEAM CAPTURES CHESS TITLE

INDIANAPOLIS, May 9.—When Robert Cotter, fifth-grade science teacher, tried to organize a chess club at his inner-city school three years ago, none of the students knew a pawn from a king.

Last week, Mr. Cotter's chess team returned from Memphis with the National Elementary School Chess championship.

"Chess has that image of being an elitist game," Mr Cotter said, recalling with amusement the surprise his team generated at the United States Southern Elementary School Chess Tournament in Pulaski, Va., this spring. "Everyone wondered why this group of ghetto kids would make an 11-hour trip to play in a chess stronghold."

The students from School 27 left that stronghold with one loss, one draw, 22 victories and the championship.

HUNTER COLLEGE'S SCHOOL BEATEN

The national championship came harder. After leading for all eight rounds, School 27's team won a squeaker May 1, beating New York City's Hunter College Elementary School by half a point.

Another New York team, from James Madison High School in Brooklyn, was luckier, winning the United States High School Chess Team Championship in San Jose, Calif.

School 27 is in a downtown area of rundown homes and housing projects. "It was the only sport here," Derrick Brownie, 12 years old, said in recalling why he had begun to play, chess.

Steven Garrett, 12, another member of the chess team, initially encountered some resistance from his friends and family, "especially my grandmother."

"She said I had to get my mind off chess and start playing some active sports," he said.

"MASTERS OF DISASTER"

But Mr. Cotter, with his regimen of afterschool practice and Soviet chess magazines, prevailed.

No sooner had the team members learned some basics than he entered them in tournaments. Typically, they would win one game and lose 20. Their dismal performance in those days prompted the nickname "Masters of Disaster." The team improved, but the name stuck.

"They wouldn't quit," said Mr. Cotter, who battled a meager school budget to get money for chess sets, timers and tournament fees. "A certain street savvy and some innate competitive instincts made them keep coming back."

As Corey Scruggs, 12, put it, "They used to treat me like dirt, but soon enough it paid off."

Today, four members of the team are ranked in the top 50 players under the age of 13.

The school trophy case, which had held a few certificates of this and that, began to fill with gleaming chess trophies. Before the team left for the national tournament, Indianapolis Mayor William H. Hudnut, a Phi Beta Kappa graduate of Princeton, came to play an exhibition match before the school and found himself checkmated in 40 minutes.

"He's not a bad player," Mr. Cotter said, "but he was losing on the fourth move."

A chess master visiting the state made a detour to play the 11-member team simultaneously and offer pointers.

TEAM IS STAYING CALM

The team has remained unruffled through it all.

"They don't comprehend the magnitude of the national championship," Mr. Cotter said in a tone of amazement. "They think it's a chess match like all the others."

Four team members said most would be entering seventh grade and junior high chess competition next year anyway. Chess, they agreed, might help pay a few small bills in years to come, but most plan on careers in law or maybe business.

Derrick Brownie, stocky beneath his Afro, said he wanted to play pro football, "That," he said, "is the way to make real money."

[From the Washington Post, May 16, 1983]

THE TRIUMPH OF THE MASTERS OF DISASTER

A couple of weeks ago, the National Elementary School Chess championship slipped from the grasp of New York City's Hunter College Elementary School, which did not seem right. The Hunter College Elementary School is populated by children of the New York intelligentsia. They were beaten by a team from Indianapolis, a team composed of inner-city kids with no Ph.D.'s in their lineages, a team billed as The Masters of Disaster! Were the eggheads from New York victims of street gang mayhem? Not at all, they were victims of persistence, that incalculable element in the human spirit that allows for marvels in the face of all sociological findings to the contrary.

The element flickers and flares irregularly, but when it does, it flickers and flares without regard to race, color, creed or national origin, as the phrase has it. The Masters of Disaster are black, and for one reason or another black kids are not supposed to be chess champions. Nor for that matter are poor kids, nor Hoosier kids. Thus there are a lot of anomalies here worthy of our attention.

One is the question of race. Decades have elapsed since the civil rights movement carried the day, yet we are, alas, no closer to the goal of a colorblind society, a goal that any serious-minded student of human nature knows must be realized for enduring racial harmony. The complexities of race in America are such that only a genius would attempt to discuss it wisely, and he would need far more space available to him than a mere column.

Here there is only space to say that we shall continue to depreciate human achievement as long as we look at Americans as whites and blacks or, for that matter Poles or WASPs; and there are good biological reasons to drop these categories—racial and ethnic particularity is less and less possible in a land like ours, and according to our ideals it is less and less creditable.

Social science has told us much that is true about human beings, but it has also told us some things that are palpably untrue, and for a certitude it has diminished the wonder of human achievement by insisting on quantifiable explanations for human behavior. Elements that cannot be quantified get short shrift in social science, and persistence or will power are such elements. They are also the elements chiefly responsible for such achievements as were attained by the Masters of Disaster.

Two-and-a-half years ago a fifth-grade science teacher at Indianapolis' School 27, because he liked chess and the students around him, suggested that the kids play chess. Adepts of the social sciences might have considered this absurd, and their charts and statistics would back them up. When the fledgling team members grew mutinous after 10 minutes of practice, the social scientists might again have pointed to their statistics; and when the kids got flattened in competition the social scientists could have pulled out all their cant about endangering the fragile self-images of poor blacks.

The kids at School 27 did indeed get flattened, hence their now forbidding nickname, Masters of Disaster. Yet they were not so fragile. The aforementioned unquantifiable elements seemed to be activated by defeat, and elementary school kids who could not sit still for 10 minutes became kids who trained two to four hours nightly, five nights a week, and on Saturdays for two years. Visions of excellence did not intimidate them but goaded them.

How does one explain it? Some say it is because these kids are street tough. Others say it is because chess is all they had to do. The explanations run from the sensible to the bizarre, but one thing we can all agree on is that these chess players had the desire to persist through arduous practice and through defeats. Today this desire to achieve is always undervalued, yet it is essential to all human endeavor.

The question is how does one instill it in young people? Is it luck or a gift? In Chicago, one of the republic's most successful teachers of inner-city children, Marva Collins, insists that the desire to achieve is the result of devoted teachers' holding high expectations for themselves and their students rather than low expectations. She puts the burden on teachers first, then students. I believe she is right.

That is why congratulations are in order not only for the chess players of School 27 but also for their coaches, who no longer have to teach their charges how to cope with being patronized in defeat but rather with being celebrated in victory. The latter condition is always more dangerous to the human spirit.●

JUSTIN DART HONORED WITH BOY SCOUTS' DISTINGUISHED CITIZENS AWARD

● Mr. WILSON. Mr. President, today I wish to enter into the RECORD an all-too-brief recognition of a very special American, Mr. Justin Dart.

Surely, there has been no greater representative of America's free enterprise system than Justin Dart. His extraordinary realization of the American dream and his business genius are legendary. In addition, his generosity and unselfish service have brightened almost every facet of American life:

business, medicine, politics, education, and countless charities.

Therefore, it is most appropriate that our friend, industrial giant, and great American, Justin Dart, is being honored with the Boy Scouts' Distinguished Citizens Award at a dinner on June 7 in Los Angeles.●

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. SIMPSON. Mr. President, at this time, I move, in accordance with the previous order, that the Senate stand in recess until 9:30 a.m. on Wednesday.

The motion was agreed to and, at 6:46 p.m., the Senate recessed until tomorrow, Wednesday, May 18, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 17, 1983:

DEPARTMENT OF DEFENSE

Delbert L. Spurlock, Jr., of Virginia, to be an Assistant Secretary of the Army, vice Harry N. Walters.

IN THE MARINE CORPS

The following-named officer, under the provisions of title 10, United States Code, section 5202, to be Assistant Commandant of the Marine Corps in the grade of general while so serving:

To be general

Lt. Gen. John K. Davis, [redacted], U.S. Marine Corps.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 1983:

ENVIRONMENTAL PROTECTION AGENCY

William D. Ruckelshaus, of Washington, to be Administrator of the Environmental Protection Agency.

DEPARTMENT OF JUSTICE

Alfred S. Regnery, of Virginia, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

EXTENSIONS OF REMARKS

CHIPOLA JUNIOR COLLEGE 4-E CONFERENCE AT MARIANNA, FLA., TREMENDOUS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. FUQUA. Mr. Speaker, If ever this Nation comes to grips with the increasing problems we face in providing energy for future generations, it will be because the American people are convinced that it is a real and serious problem. I am convinced that realization will only come about because of events such as one in which I have just participated in Marianna, Fla.—the 4-E Conference held April 14-16, 1983.

This conference grew out of the concern of a few people in the area who joined together in a committee to seek ways to address the problems of their community in the field of energy. Out of this concern came an idea to have a seminar or program at the Chipola Junior College in Marianna and out of this idea grew the 4-E Conference.

To quote one participant: "It might have been bigger; it could not have been better."

Members of my staff and myself joined with this committee to discuss ideas and out of those conversations came the idea for a student science fair, a symposium, an exposition by those involved in conservation and development of energy sources, and a meeting of a subcommittee of the Science and Technology Committee of the U.S. House of Representatives.

One of the more remarkable aspects of this community effort, and that is exactly what it was, is that it was done with no budget. The fees of the exhibitors helped to defray a part of the cost, and everything else was contributed by the community.

I want to pay special tribute to the 19 members of the steering committee who were primarily responsible for the inception and successful implementation of this project:

Al Barrs, director of vocational education at Chipola Junior College; Leonard Cobb, county agent; Paul Coley, environmental education for the State Department of Education, Tallahassee; Dr. Don Dellow, academic dean at Chipola;

Billy Demmon, Florida public utilities official; Ollie Ellis, manager of the neighboring Washington County Chamber of Commerce, Chipley; Dr. Albert Folds, medical director at Sunland Training Center;

Bill Holmberg, U.S. Energy Department; Mrs. Merle Houston, public affairs for Chipola; Norwood Jackson, manager of the Jackson County Chamber of Commerce; David Nicholson, instructor at Chipola;

Dr. Dale O'Daniel, dean of business at Chipola; Mike Peacock, Florida public utilities; Pete Pylant, Commerce Department of the State of Florida, Tallahassee;

Dr. Joyner Sims, dean of students at Chipola; Ken Stoutamire, director of vocational training at Sunland; Tom Thayer, Governor's Energy Office, Tallahassee; and Charles Thibos, manager of the West Florida Electric Cooperative.

Involved was a week of alternative energy activities which was truly inspired by local concern and broadened by the contagious enthusiasm of the tiny group which first conceived the idea to incorporate involvement by government agencies from three States, the Federal Government, schools from throughout Florida, and private entrepreneurs from across the Nation.

To say that I was pleased and impressed by the dedicated work and imaginative organizational ability of these constituents would be an understatement of the first magnitude.

Marianna, Fla., is the county seat set among the rolling hills of Jackson County in northwest Florida in that frequently ignored area of pastoral beauty known as the Florida Panhandle. Its economy is based on agriculture and, more particularly, on soybean and peanut production. The Census Bureau reported a population of 39,154 in the county in the 1980 census.

While I will be praising the work of many who made this week such a resounding success, I would like to highlight the efforts of the few who started it all and Chipola Junior College, which provided the physical facilities and much of the administrative effort required in such a major undertaking.

Particularly, I do want to mention Dr. James R. Richburg, president of Chipola Junior College. In spite of a busy schedule in leading Chipola to excellence and revitalization, he chaired the committee and kept the program moving.

The 4-E Conference drew its title from the four areas on which the group wanted to concentrate—energy, education, ecology, and economy.

Perhaps the centerpiece of the program was the student science fair, which drew 156 entries from our great State. Particular credit is due Paul Coley, Dr. Sims, and Paul Huang for making this such a tremendous success.

Scott Crossfield, one of the world's greatest test pilots and aeronautical engineers, who now serves on our committee staff, went down as a special guest to talk to young people and judge the exhibits.

The West Florida Electric Cooperative provided a fried chicken dinner for over 1,100 young people who attended the science fair.

I think it would be appropriate to list the award winners. These bright and innovative young people will be the leaders of tomorrow in finding solutions to our energy problems.

Grand prize winners of the fair were: junior division—Christopher Gibbs, Alachua County, physics; senior division—Stacy Peacock, Marianna High School, Jackson County. The awards were presented by Dr. Richburg.

First runnersup in the grand prize category were Leon Couch, Alachua County, junior division; and Wendy Manger, Jackson County, senior division.

The Publishers Award, presented by Dr. Elizabeth F. Abbot, executive secretary of the Florida Foundation of Future Scientists, went to Michael Clark of Bay County.

First place recognition in the junior division went to the following:

Behavioral and social science—Leon Couch, Alachua; biochemistry—Douglas Hodges, Alachua; botany—Christie Cage, Alachua; chemistry—Stan Young, Marianna High School, Jackson; engineering—Evan Carter, Alachua; Earth and space science—Robby Whitesell, Wakulla; mathematics and computers—Scott Dunbar, Leon; microbiology—Jay Thrash, Alachua; medicine and health—Richard T. LaSalle, Leon; physics—Christopher Gibbs, Alachua; and zoology—Jill Bushong, Polk.

Second place recognition in the senior division went to:

Behavioral and social science—Charlie Davidson, Marianna High School, Jackson; biochemistry—Jay Shively, Marianna High School, Jackson; botany—Angela Spikes, Gulf; engineering—Joseph Hornsby, Malone High School, Jackson; Earth and space science—Danny Kilgore, Leon; mathematics and computers—Stacy Blane, Bay; microbiology—Myla Sims,

Marianna High School, Jackson; medicine and health—Joe Hsu, Leon; physics—Ashley Albright, Polk; and zoology—Grace Culley, Leon.

First place recognition, senior division, went to:

Behavioral and social science—Katie Rudden, Polk; biochemistry—Stacey Peacock, Marianna High School, Jackson; botany—Jennifer Clark, Bay; chemistry—Daryl Givens, Leon; engineering—Randy Anderson, Holmes; Earth and space science—Matt Austin, Sneads High School, Jackson; mathematics and computers—Todd Fuder, Bay; microbiology—Kayte Jean Fuqua, Madison; medicine and health—Wendy Manger, Marianna High School, Jackson; physics—Andrew Martin, Polk; and zoology and Michael Bennett, Sneads High School, Jackson.

Kathryn Stoutamire of Marianna High School was presented the showstopper award in the senior division.

Top awards included computers, monetary prizes, and certificates.

Awards presented by others than those named above were: Crossfield; Mrs. Leila McMullian, founder of the Florida Science and Engineering Fair and former teacher at Marianna High School; Optimist Club president Dub Stear; Demmon and various college officials.

Particular credit is due the Marianna Optimist Club and the Optimist clubs of north Florida, who provided the original money necessary to initiate the student science fair and carry it off so successfully.

The symposium was a great success and the speakers excellent. They included Holmberg and Thayer, members of the steering committee.

Also on the program were: Roy Thompson, Jr., Florida economic development at Florida State University, Tallahassee, Dr. Wayne Smith, director of the center for biomass energy, Gainesville; J. Fred Allen, chief of forest research, Georgia Forestry Commission; Eddie Sokol, head of government affairs, Russell Corp., a company with a major plant in Marianna; and Dr. J. R. Orsenigo, vice president, Florida Sugar Cane League, Clewiston.

Symposium participants discussed more completely later were: Peter Widner, Bill Ayers, Al Simpler, and Ted Keehen.

Seven witnesses appeared before our congressional hearing which was entitled "Energy and Rural Development: What is Needed? What is Being Done."

Heading off the proceedings was my long time friend, Florida Lt. Gov. Wayne Mixson, who is from Marianna. In concise language, he pointed out the massive problems facing our State and rural America and what we, as Floridians, are trying to do about them.

Testifying on two panels were Thayer and Dr. Wayne Smith, mentioned earlier; Ms. Victoria Tschinkel, Florida Department of Environmental Regulation, Tallahassee; Dr. Charles Kidd, dean of the College of Engineering, Florida A&M University, Tallahassee; Dr. Robert San Martin, Deputy Assistant Secretary of Energy for Renewable Energy, Washington, D.C.; and John T. Shielf, director, division of agricultural development, Tennessee Valley Authority, Muscle Shoals, Ala.

The printed report of these hearings will reveal an enormous quantity of information regarding our accomplishments and our needs. Let me say that out of the symposium and the hearing, we heard the need for conservation, a desperate need for development of alternate sources of energy, and for the wise use of present fuels so that they do not foul the environment and are used to their maximum potential.

Many companies, individuals, and agencies of Government participated in displaying the latest technologies. I personally visited each exhibit and, with the expert information furnished by Dr. Folds, found it fascinating.

On behalf of all those who made this program successful, we want to thank them for participating.

They were:

Bill Paynter, president, Union Flights, Sacramento, Calif., alcohol fuels in aviation. Modified a company aircraft and piloted a transcontinental flight on methanol;

Dr. Max Shauck, president, Flight Research, Inc., Waco, Tex., alcohol fuels in aviation. Modified a company aircraft and piloted a transcontinental flight on ethanol;

Jack La Mothe and Lawrence Matt, division of aeronautics, Illinois Department of Transportation, Springfield, Ill., alcohol fuels in aviation. Modified an Illinois State aircraft and piloted the plane on a cross-country flight—Springfield, Ill., to Marianna, Fla., and return;

George W. Thomas, Jr., Agri-Fuel Systems, Inc., Cleveland, Tenn., pioneer in the production of ethanol from animal waste;

Al Mavis, president, Alenco, Rockchester, Ill., recognized expert and pioneer on the small- to medium-scale production of ethanol and the utilization of alcohol fuels;

Peter Widner, president, Agro Gas, Cresco, Iowa, internationally recognized expert and pioneer in anaerobic digesters—the production of methane gas from animal wastes;

R. L. Bibb Swain, president, Ener-Dyne Corp., Manchester, Tenn., recognized expert and pioneer in the field of vapor recompression and low-energy conversion of starch crops to ethanol;

Raymond Rissler, president, MGS, Inc., California, Mo., recognized expert and pioneer in the field of sawdust gasification. Also designs and builds small-scale gasifiers using wood chips and blocks;

Bill Ayers, vice president, Buck Rogers, Inc., Kansas City, Mo., manufacturers and markets small- and medium-scale gasifiers representing the state-of-the-art technology.

Ted Keehen, vice president, Farmers Group Purchasing, Kansas City, Mo., identifies state-of-the-art technology in farm energy systems, upgrades the engineering and arranges for manufacturing where necessary, and markets these systems with needed performance guarantees;

Dr. Harry La Fontaine, consultant, Miami, Fla., recognized international expert on wood gasification.

Willis Wittmer, distributor, Conklin Co., Minneapolis, Minn.; Conklin manufactures and markets turnkey, small-scale—35,000 to 70,000 gallons a year—ethanol plants;

Dave Keenan and Ward Forquer, wood energy, Morbark Industries, Inc., Winn, Mich.; Morbark is in the forefront in designing, manufacturing, and marketing wood energy equipment and systems;

Alan Morrow and Vivian Dungan, Alabama Power Co., Ashford, Ala., computer display and nuclear power story;

Boyd J. Atterberry, Atterberry Enterprises, Ashford, Ala., solar-vac stills and energy management systems;

Robert C. Whorton, Automatic Switch Co., Mobile, Ala., Pneumatic solenoid valves and energy metering systems;

James H. Blubaugh, Blubaugh & Associates, Pensacola, Fla., energy management systems;

John S. Brewer, Marianna, Fla., wood burner systems;

Forrest M. Bridges, Bridges Enterprises, Philadelphia, Miss., Hardy home heaters;

Julius Sullivan, Chipola Soil Conservation, Marianna, Fla., soil conservation;

Jane R. Burgess and Leonard Cobb, county extension agents, Marianna, Fla., farm home energy;

Ernie Brookins, E. E. Bentley Insulation Co., Dothan, Ala., fiberglass insulation;

Greg Peterson, Energy, Engineers, Pensacola, Fla., energy management systems;

Janet McMullan, Florida Electric Power Coordinators Group, Winter Park, Fla., watt counter;

Tom McFalls, Florida GO-Between, Cantonment, Fla.;

Fran Marinelli and Morris J. Fisher, Florida Power & Light Co., Miami, Fla., motorhome display, energy;

C. Thomas Thayer II, Florida Solar Center, Tallahassee, Fla., solar energy display;

Bobby Richardson, Georgia Forestry Commission, Macon, Ga., wood energy program;

G. Ballard Simmons, General Electric Co., Jacksonville, Fla., motorhome display, energy;

G. R. Fell, GTE Products and Sylvania, Atlanta, Ga., energy-conserving fluorescent light bulbs;

Don Anderson, Gulf Power Co., Pensacola, Fla., electricity exhibit;

Curtis Hardy, Lewis-Smith Supply Corp., Dothan, Ala., heat pumps;

Frank Duquette, McDonald Douglas Astronautics Co., Huntington Beach, Calif., photos/words on solar energy;

Merle Williams, Northwest Florida Water Management, Havana, Fla., water resources;

Tommy Belk, Pfiffer-Wire Products, Tuscaloosa, Ala., energy shading panels;

Wally Houston, Radio Shack, Marianna, Fla., computers;

Harry Daggett, Rockwell Energy Corp., Canoga Park, Calif., pictorial display of Rockwell Energy Systems Group;

Al Simpler, Simpler Solar Systems, Inc., Tallahassee, Fla., solar van, photovoltaics;

Ronald Stephens, Southern Solar Distributors, Marianna, Fla., solar equipment systems;

Larry Spivey, Spivey Buck Stoves, Marianna, Fla, wood-burning stoves;

L. M. Shaw, Agricultural Engineering Department, Roger Webb, Forestry Conservation, and Martin Lorber, University of Florida, Gainesville, Fla., gasifiers, computer-biomass, and watershed model;

Ed Collins, Andrea Santos and Linda Wilson, Westinghouse Electric Corp., Madison, Pa., modules with graphics (Island);

Wood Chip Truck, Kansas City, Kans., ethanol still/wood chip power.

We had two excellent social events. A reception was hosted by the Jackson County Home Builders Association and the Chipola Board of Realtors for all those participating, followed by a tremendous barbecue dinner at the Sunland Environmental Park.

Music was provided by the Ivey Brothers Band, a group of Jackson County musicians who are making a name for themselves, and they were tremendous. A delightful show included singers, dancers, and cheerleaders from the community in what turned out to be a thoroughly delightful evening.

These things just do not happen. Interested and dedicated individuals make them happen. I think it is appropriate to quote from an article by Brenda White, managing editor of the Jackson County Floridian, when she wrote a story that appeared March 27, 1983, regarding the conference and how it got started:

A group of men, mainly members of the Marianna Optimist Club, began pin-pointing energy as they put together ideas for the Marianna Educational Recreation Expo (MERE). A group labeled SEEK—Solar Energy Ecology Knowledge—consisting of Dr. Al Folds, Bill Demmon, Dr. Joyner Sims and Ken Stoutamire begin pooling their resources, knowledge and ideas on energy. As part of the MERE project, they hoped to develop an energy component at the project to tie into the vocational department at Chipola. All of this, of course, was part of a long range plan.

Ideas kept falling into place and on July 23, 1982, a steering committee consisting of Paul Coley, Leonard Cobb, Don Dellow, Bill Holmberg, Albert Folds, Norwood Jackson, David Nicholson, Dale O'Daniel, Mike Peacock, Joyner Sims, Ken Stoutamire and Dr. Bob Richburg met at CJC and plans were sketched for a conference.

Task forces were also derived at this meeting to deal with the areas of conservation and energy efficiency, passive solar, active solar, photovoltaic and biomass. This was done so that energy education would be an ongoing process at Chipola, thus serving a five-county area.

Bill Holmberg, a former official with the Department of Energy offering his technical assistance to the group, presented estimates of an expenditure of $80,000,000 for energy in Jackson County alone. By 1995, $120,000,000 quickly moves the issue of energy into the realm of economic development. If a portion of energy could be produced locally, then dollars which flow out of the area could be used here for further development.

The group agreed that biomass technology had the greatest potential in the rural area.

As the brainstorming continued, the steering committee increased in numbers. As people would hear about the developments of an energy conference they would volunteer their assistance. One of the people throwing his hat in the ring was Congressman Don Fuqua. His aid, Herb Wadsworth, also began to be a tremendous source of information.

The culmination of almost a year of planning, scheduling and rescheduling is almost at hand. What seemed like a monstrous undertaking then has almost come into being step by step. The then monthly meetings are paying off and all of the "homework" done by the various committee members is about to bring forth one of the biggest events ever in this county.

Rural areas with foresight have an opportunity to lead the Nation in the development of alternative energy sources through application of technology involving agricultural wastes, forest waste, wind, solar, and other technologies now demonstrating their viability.

In conclusion, let me say that a spark has been ignited. This is not the end of the story in Marianna and Chipola Junior College. It is only the beginning.

It has been wisely said: "A journey of a thousand miles begins with a single step."

A magnificent community, a dedicated group of individuals, have made that first step.●

RALPH T. CASTEEL

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. MONTGOMERY. Mr. Speaker, Ralph Casteel, a very able member of the staff of the Committee on Veterans' Affairs, is retiring from Federal service. Ralph has served his Nation well for more than 42 years. He has been a member of the staff of the Committee on Veterans' Affairs since 1976.

Ralph served his country during World War II. He entered the military service in February 1941 and remained until September 1946. He was discharged as a lieutenant colonel, U.S. Army, with the Office of the Surgeon General in the European Theater of Operations.

Ralph was a member the U.S. Army Reserve from September 1946 to November 11, 1978. He retired from the Reserves as a full colonel.

After leaving the military he served for more than 30 years with the Veterans' Administration, starting as an administrative officer of the Special Boards of the Department of Medicine and Surgery in May 1946. In April 1948, he became executive officer of the Research and Education Service of the Department, and in September 1955 was named special assistant to the Chief Medical Director of the Department of Medicine and Surgery. As personal representative of the Chief Medical Director, Ralph participated in the establishment and implementation of all policy involving operational and management activities of the Department.

In October 1966, the Administrator of Veterans' Affairs sent Ralph to Vietnam. He was adviser to the U.S. Mission in South Vietnam where he helped establish a program for South Vietnamese veterans. The mission he performed for the Administrator there was an overwhelming success. He stayed in Vietnam until February 1967.

In August 1968, at the request of the Appropriations Committee of the House, Ralph was detailed to the committee and did investigative work for the committee through October 1969. Ralph participated in three major investigations conducted by the committee to determine, first, the effectiveness of the American Indian health program conducted by the Division of Indian Health, Department of Health, Education, and Welfare; second, the scope and effectiveness of the American Indian education program conducted by the Bureau of Indian Affairs, Department of the Interior; and third, the participation of the executive branch of the Federal Govern-

ment in pollution abatement and its effect on the ecology.

Throughout his career with the VA, Ralph served as the executive assistant or special assistant to several Chief Medical Directors.

In 1976 he moved from the Veterans' Administration to become a member of the staff of the Committee on Veterans' Affairs where he has headed the committee counsel's work in the area of health care. He served as counsel to the Subcommittee on Hospitals and Health Care for a number of years. In addition, he served for 2 years as counsel to the Subcommittee on Oversight and Investigations.

Mr. Speaker, I know of no individual in the U.S. Government who has contributed more to his country than Ralph Casteel. He has been a tireless worker as a key member of the committee staff. He has gained the respect of every member of the committee and is held in the highest esteem by those who know him both in and out of Government. He has been a tremendous influence in helping establish the policy of the committee in the health care field during the past 7 years.

Mr. Speaker, I take this time to recognize the outstanding career of this good man. He is a professional in every sense of the word, and I want my colleagues to know how much the committee appreciates the great work he has done.

I know my colleagues will join me in wishing Ralph and his lovely wife Elva continued good health and happiness always. We shall miss him.●

SOVIET HELSINKI MONITORS: 7 YEARS LATER

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. FASCELL. Mr. Speaker, expressing their profound faith in the human rights pledges of the 1975 Helsinki Final Act, 11 Soviet citizens in Moscow on May 12, 1976, formed the Public Group To Promote Observance of the Helsinki accords in the U.S.S.R. Despite repression, the Moscow Helsinki Group publicized various human rights violations in the Soviet Union: official Soviet policies of discrimination against religious and national groups such as Evangelical Protestants, Jews, and Crimean Tatars; the official campaign against fledgling independent labor unions in the U.S.S.R.; and the imprisonment of many Soviet citizens who advocated civil and political rights recognized under international law.

People throughout the Soviet Union responded to the positive spirit of the Moscow Helsinki Group civic initiative. Many people made long journeys to Moscow Group members to describe their human rights problems. Other citizens decided to form their own Helsinki Groups in Ukraine, Lithuania, Armenia, and Georgia which expoused enhanced cultural and national rights. Religious believers organized the Christian Committee To Defend the Rights of Believers, the Catholic Committee in Lithuania and the Adventist Rights Group. People concerned with health issues formed the Working Group on the Use of Psychiatry for Political Purposes and the Invalids' Rights Group.

From the start, however, the Soviet authorities feared the groups' peaceful public pleas that the Soviet Union live up to its Helsinki commitments. Under threat of arrest of 75-year-old retired lawyer, Sofya Kalistratova, the Moscow Helsinki Group announced on September 6, 1982, that it was calling a halt to its activities. Despite this Moscow Helsinki Group announcement, the Soviet Government continues its campaign against the Soviet Helsinki monitors:

Recent trials: Father Alfonsas Svarinskas, a founder of the Catholic Committee and the first Lithuanian priest to be sentenced since 1972, was sentenced on May 6, 1983, to 7 years camp plus 3 years exile for anti-Soviet agitation.

Recent arrests: Eduard Arutunyan of the Armenian Helsinki Group was arrested on November 10, 1982—in 1979, he got a 2½-year term for his Helsinki activities. Ukrainian monitor, Olha Heyko, serving the end of her 3-year camp term, was arrested in March 1983 and now reportedly faces charges for anti-Soviet agitation and propaganda with a possible 12-year term.

Valentina Pailodze, Georgian monitor, was arrested on March 14, 1983, on charges of giving bribes—in 1977 she was given a 3-year term of imprisonment.

Transfers from camp to prison: Moscow Helsinki Monitor, Viktor Nekipelov, was transferred in October 1982 from camp to a 3-year term in Chistopol Prison. Other Helsinki monitors imprisoned in Chistopol Prison include Anatoly Shcharansky (Moscow), Myroslav Marynovych and Mykola Matusevych (Ukraine), and Robert Nazaryan (Armenia).

Punishment in camp isolation cells: Moscow Helsinki Group leader, Yuri Orlov, was sentenced to his sixth term of 6-month isolation in late 1982 and Christian Committee leader, Father Gleb Yakunin, was also given a 6-month term in isolation in late 1982.

Interrogations: Refusenik scientist, Naum Meiman, 72, of the Moscow Helsinki Group was detained on April 19, 1982 for 1 day of KBG questioning, after his apartment had been searched.

Today, as a result of this relentless Kremlin campaign, there are 52 imprisoned Helsinki monitors from the U.S.S.R. and Lithuania. It is all these Helsinki prisoners who have tried to make the Helsinki Final Act a living document. It is all these Helsinki prisoners who must be remembered as the Madrid CSCE meeting goes into its final deliberations.●

CAPITAL TARIFF REPEAL ACT OF 1983

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. GIBBONS. Mr. Speaker, today I am introducing legislation to amend the Internal Revenue Code of 1954 to repeal the 30-percent tax on interest received by foreigners on certain portfolio debt investments which operates as a tariff to prevent such investments from entering the United States.

This bill would amend the Internal Revenue Code to exempt from both U.S. income and withholding taxes the interest—and any original issue discount—on certain debt obligations of U.S. corporations held by nonresident aliens and foreign corporations if such interest was not effectively connected with a U.S. business of the holder.

Under current law income tax at the rate of 30 percent must be withheld on interest paid by U.S. corporations to nonresident aliens and foreign corporations not doing business in the United States. No significant exceptions permit, as a matter of practice, a domestic corporation to sell its debt obligations abroad. The exemption enacted in 1971 in connection with the Interest equalization tax lapsed when that legislation expired in 1974. Although a number of U.S. tax treaties with other countries eliminate the withholding tax on interest paid to residents of the other countries, these provisions are of little use for broadly distributed issues because such treaties do not cover all foreign countries.

It is not practical for U.S. corporations to assume the cost of the U.S. withholding tax by increasing the rate of interest, and foreign capital markets will not buy obligations if interest payments are reduced by withholding taxes. In order to eliminate the U.S. withholding tax, U.S. corporations that have borrowed abroad in foreign capital markets have done so through finance subsidiaries, usually formed in the Netherlands Antilles. Some use has also been made of domestic finance subsidiaries. The obligations of these finance companies are guaranteed by the U.S. parent. Although prior to July 1974, the Internal Revenue Service approved such issues by advance letter rulings, that is no

longer the case. Approximately $5 billion of debt obligations have been sold in this way since June 1974.

It is questionable, as a matter of tax and economic policy, whether U.S. borrowers in foreign capital markets should be required to use financing subsidiaries. Moreover, foreign finance subsidiaries involve unnecessary costs and may interfere with the stated U.S. objective of renegotiating treaty arrangements with the Netherlands Antilles. It is important, however, to permit U.S. corporations to continue to have access to foreign capital markets, which are important to financing domestic investment. The U.S. Government's access to foreign capital market is also limited by the 30-percent withholding tax on interest.

The bill will eliminate the need to use Netherlands Antilles and other finance subsidiaries and permit obligations of U.S. issuers to be sold directly to foreign persons. Obligations of all U.S. borrowers will be covered, including obligations of domestic corporations, the U.S. Government, its agencies, and corporations created or reorganized by acts of Congress. The bill will apply to interest on three categories of obligations of such U.S. issuers:

First. Interest paid on obligations sold to foreign persons by finance subsidiaries prior to enactment of the bill and assumed by a domestic corporation thereafter. This will permit U.S. issuers to collapse existing Netherlands Antilles and other finance subsidiary arrangements. Because these obligations have for the most part been issued under instruments that require the payment of interest without withholding, the restrictions, discussed below on payments to controlled foreign corporations and to 10-percent or greater shareholders will not apply to those obligations.

Second. Interest paid on new obligations which are sold, directly or through underwriters, under arrangements reasonably designed to insure their initial sale only to foreign persons. Restrictions on sales to U.S. persons that are designed to avoid registration under the Securities Exchange Act of 1933 would satisfy the bill's requirement that the obligations be sold under arrangements reasonably designed to insure their sale to foreign persons. This part of the exemption could, however, apply where only a part of an issue was sold under such arrangements. Obligations sold directly to foreign persons in a private placement would also be covered.

Third. Interest paid on obligations not in bearer form where the withholding agent has received a statement to the effect that the beneficial owner of the obligation is a foreign person. This would cover obligations in registered form as well as other obligations not in bearer form such as mortgages. A statement would be acceptable for this purpose where it was represented to be from the beneficial owner or where it was from a clearing organization (such as CEDEL or Euroclear), a bank or other financial organization (for example, a brokerage house) that in the ordinary course of its business holds customers' securities. A statement from a clearing organization, bank or financial institution would not have to identify the owner, but simply to state that the owner was not a U.S. person. Withholding agents would not be entitled to rely on statements from a clearing organization, bank or financial organization if, in the period ending 1 month before the payment of interest, the Secretary had published a determination that statements from such a person, or class of such persons, were not acceptable.

Generally, the bill will not apply to interest paid to a controlled foreign corporation, to a bank on an extension into in the ordinary course of its banking business entered into in the ordinary course of its banking business (other than an obligation of the United States), to a holder of 10 percent or more of the issuer's voting stock, or to a 10 percent or greater partner of the issuer. Such a person will therefore be subject to U.S. tax on interest otherwise covered by the bill, subject to any applicable tax treaty. However, the withholding agent will not be responsible for withholding on interest paid to controlled foreign corporations, and withholding will be required in respect of an interest paid to a 10 percent or greater stockholder or partner of the issuer or to a bank on an extension of credit made pursuant to a loan agreement entered into in the ordinary course of its banking business only where the withholding agent knew, or had reason to know, that the interest was not eligible for the exemption. The elimination of withholding on interest paid to controlled foreign corporations, and the relaxed standard for withholding on interest paid to 10 percent or greater shareholders and partners and to banks on certain extensions of credit, are necessary in order for these restrictions not to interfere with the effectiveness of the exemption provided by the bill. The exclusion of interest paid to banks on certain extensions of credit will not apply to interest paid on securities offered through underwriters or in the normal private placement.

A number of restrictions in the coverage of the bill—for example, the requirement of a statement of beneficial ownership—are intended to insure that the exemption does not permit U.S. persons to avoid U.S. income tax. In exemption, the Secretary is authorized to terminate the exemption, on a prospective basis, as to payments made to a foreign country when he determines that the exchange of information with that country is not adequate to prevent U.S. persons from avoiding U.S. tax on interest covered by the exemption.

The bill provides that the gross estate of a nonresident alien decedent does not include an obligation, the interest on which is exempt from tax, and for this purpose eligibility for the exemption is determined without regard to whether a statement had been received that the obligation was beneficially owned by a foreign person.●

IN SUPPORT OF H.R. 1624

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. BARNARD. Mr. Speaker, H.R. 1624 would remove the distinction currently being made by the U.S. Customs Service between plastic ropes of identical characteristics and use. This distinction permits identical importations to be classified under different item numbers in the Tariff Schedules at substantially different duty rates. Specifically, if the strips from which the rope is made are wider than an inch, then the rope is imported under reduced rates of duty and without any limits on the quantity that may be imported.

This circumstance is the result of a fairly recent ruling by the Customs Service—a ruling made, I would add, without benefit of a public hearing to determine the effects on the domestic cordage industry. Those effects have the potential to be disastrous. In my home State of Georgia, 6 manufacturing operations employ about 800 people—650 of whom live or work in my district. If this loophole is not closed, as many as 200 people, or 25 percent of those employed, may lose their jobs.

H.R. 1624 is simple in its application and would affect only two item numbers in the Tariff Schedules. It would permit all rope manufactured of man-made materials to be entered under the cordage items in the Tariff Schedules, and it would permit the Customs Service to classify a piece of rope as rope without sending it to a laboratory to determine whether it is made of strips greater or less than 1 inch in width.

I urge my colleagues to end this anomaly in the Tariff Schedules and support H.R. 1624.●

ALL SEASONS ACADEMY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. EDWARDS of California. Mr. Speaker, on Saturday, June 18 the All Seasons Riding Academy in Fremont, Calif., will hold its Fourth Annual Equestrian Show. The show will have the usual presentation of awards, parade, and pageantry. The All Seasons Academy itself, however is far from usual.

The proprietors of All Seasons, Stel and Laurel Papadopolous, provide a unique and therapeutic program for the handicapped. The academy uses its horseback riding programs to develop self-esteem in handicapped youth. Using a horse as a vehicle for therapy has shown remarkable results by giving mobility and pride to those who are usually confined to a wheelchair or bed. Young people who have never walked or talked have, through this therapy, begun to become mobile and initiate communication.

The academy is a nonprofit organization supported by community contributions. Over 400 students take classes each week, assisted by 180 volunteers. Stel and Laurel have also developed a National Resource Center, available to train instructors from all over the world in their unique method of therapy.

I commend the fine achievements of Mr. and Mrs. Papadopolous, and congratulate them on the occasion of the academy's fourth successful year of operation. I wish them every success in the years to come.●

AMERICAN INDIAN DAY

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1983

● Mr. FROST. Mr. Speaker, I am pleased to join my colleague from New Mexico, BILL RICHARDSON, and others as we pay tribute to Native Americans.

There are approximately 20,000 American Indians living in an 11-county area in the northern part of Texas, and 60 percent of that number is in my district. This is a significant segment of the Nation's urban Indian population, a group that is often forgotten when we consider the special needs of their brothers and sisters living on reservations. What is more, urban Indians are also often overlooked in any assessment of the needs of the Nation's cities and their residents.

Thus, although urban Indians find it increasingly difficult to find work in these days of double-digit unemployment and a very tight job market, they may not be included in the statistics on the problem that many of us see every day. They depend a great deal on basic medical services, including prenatal and child nutrition, and alcohol treatment that are provided in community health programs. These programs, along with education and housing, have been a primary source of budget cuts in the current administration.

These recent changes seriously threaten the advances made by Indian people during the past decade. They must not continue and, thus, American Indian Day is a chance to reaffirm our commitment to implement programs which address the needs of American Indians—wherever they may live. I appreciate this opportunity to participate in the special order.●

WEST VIRGINIA'S "ALMOST HEAVEN" BECOMES A NIGHTMARE

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. WISE. Mr. Speaker, at the beginning of our session today I took the floor of the House to again call attention to the Members that, while some economic indicators may be up, West Virginia remains entrenched in the depths of a virtual depression.

To shed additional light on this, Mr. Speaker, I submit for the RECORD yesterday's Washington Post business section piece on the economic nightmare from which West Virginians suffer. I urge my colleagues to take a few minutes to read it.

Thank you.

WEST VIRGINIA'S "ALMOST HEAVEN" BECOMES A NIGHTMARE

(By John M. Berry)

BECKLEY, W. VA.—The West Virginia slogan, "Almost Heaven," stands these days as a sad, defiant cry against the economic disasters that have struck the state.

In March, by state estimates, the unemployment rate was above 20 percent in nearly a fourth of the counties across the state and above 30 percent in one, McDowell County, where a depression has hit the coal industry.

Like their counterparts throughout the Midwest, the old industrial cities along the Ohio River—Weirton, Wheeling, Parkersburg, Huntington—have been hard hit by a recession that has taken a particular toll among the smokestack industries such as steel, metal fabricating, foundries, and machinery manufacturing.

Production is also down sharply at most of the plants of DuPont and the host of other chemical companies that line the Kanawha River up and down stream from Charleston. As their markets dwindle, portions of the plants have been shut down, some permanently. Even some of the highly trained staff at a major Union Carbide research facility has been unnerved by fear of layoffs.

To the east, many of the lumber mills tied to the timber of private mountain land and that of the Monongahela National Forest have closed or laid off workers. The Pardee & Curtin Lumber Co., for instance, shut its hardwood mill in Webster County for good. The mill, which had 50 employes, was the county's only large private employer outside of coal, and the unemployment rate in the county in March stood at 28.7 percent.

But coal is West Virginia's true disaster. It was the collapse a year ago of the metallurgical coal market, and to a lesser extent that for steam coal for electric utilities as well, that turned this state's economy into what arguably can be called the most depressed in the nation.

Nearly 18,000 coal miners have lost their $90- to $100-a-day jobs in the last year and their ranks are still growing. With them have gone thousands of other who were employed by companies that serve the industry with everything from mine roof bolts to Joy loaders.

According to the U.S. Labor Department's figures, the state's unemployment rate in February reached 21 percent, not seasonally adjusted. That was far above the rate for the next highest state, Michigan's 16.5 percent. Moreover, the West Virginia figure was up nearly seven percentage points from February 1982 to February 1983, also by a wide margin the largest increase for any state.

Officials at the West Virginia Department of Employment Security reject the federal figures as invalid. They say their more broadly based estimates indicate the February rate was 14.6 percent, down slightly from 14.9 percent in January. The state officials say the March rate was still lower, 13.6 percent.

But as has been the case nationally, most of the improvement in the rate has been more the result of a shrinking labor force than of higher employment. If the labor force had not shrunk, the rate would still be about 15 percent, even by the state's estimates.

There are a few signs here and there that the slide may have hit bottom. Housing sales are picking up, as is the value of building permits in some parts of the state. Some workers at steel and aluminum plants have been recalled. For most of the unemployed workers, however, a job remains an uncertain prospect for some time in the future.

Meanwhile, the cold statistics of unemployment rates hardly depict the damage to families and individuals that are flowing from the hard times. The safety net of social programs—unemployment benefits, welfare, Medicaid and extensive public and volunteer efforts to distribute free food and clothing—have helped. In some areas they are nearly all that is keeping the economy afloat.

Anxieties and fear take their toll. Welfare authorities say drinking problems abound, and have led to a signficant increase in physical abuse of wives and children. Health problems are going untreated until they become acute and hospital care is needed.

Family assets, particularly cars, are going by the boards as the unemployed owners can't make the payments. Only a few houses or mobile homes have been foreclosed because the lenders know they can't resell them. Some finance companies are letting people keep their mobile homes if they can pay even half the interest due on their loans each month, never mind the principal.

Ernie Moore, vice president of District 29 of the United Mine Workers and a member

of the state legislature, is saddened by what has happened to his state and most of all to the miners.

At the District 29 headquarters here—where everyone has taken pay cuts and the workweek cut to four day—Moore says that recently a woman called his wife in tears. Her husband had lost his job at a U.S. Steel Corp. mine and had begun to drink heavily. The couple, in their early 30s, have two children.

"They had lost their trailer and had to move into an apartment in Welch. They were on welfare and they were behind on their utilities," Moore recalls. "Then the physical abuse started.

"My wife urged me to try to help, so we invited them to come out to our house to talk about their troubles. They came and the wife said one thing was that they never did anything as a family any more.

"Well, at that the man started crying, and he said they can't afford to do anything and that his wife is always nagging him," Moore says. "My wife and I couldn't sort out everything, and we urged them to get counseling. I think I found some money to help on the utilities.

"You know, these men have been able to give their families most of what they needed and most of what they wanted. Now they can't, and they just can't deal with it. The children can't either. They were used to doing what the other kids did, and now they can't. They keep asking dad for money, he doesn't have any, and he gets aggravated. That can lead to physical abuse," Moore says.

And he adds, at the McDowell County mental health clinic "the case load is way up."

So is the welfare case load, the number of food stamp and Medicaid recipients and the lines of elderly, poor and unemployed who line up when they can for a free handout of butter, cheese and other food.

In McDowell County, says Betty Jo Jones, area administrator for the state's Department of Human Services, "everything depends on coal." When the mines are shut, there is nothing else.

"First, the miners can get a maximum of $211 a week in unemployment benefits," Jones says. When those run out, they can't qualify for welfare payments if they have many assets beyond a house or mobile home or a car worth less than $1,500. Also depending on their assets, they may qualify for food stamps and Medicaid.

The maximum monthly welfare payment is $254 for a family of five or more. And while living up a hollow in the mountains may be cheaper than living in an urban area, Jones agrees, "I don't see how anybody makes it on $254, even with food stamps."

Other things do help. Some families set up roadside flea markets, trading and buying and selling clothing and other small items. If they have a piece of land, there is usually a garden on it.

And then there is the volunteer help. "There are more people giving things than ever before," says Jones, "even low-income people who didn't before."

In Charleston, the United Way board has set up a regional network of free-food distribution points. Donald Withrow, a fiercely bearded Steelworkers member who is a mechanic at an FMC Corp. chemical plant and a member of the board, is the driving force behind the project.

Withrow, with the help of other union members at the C&P Telephone Co. and other firms, cadges food and money wherever he can. Once each weekend, a large cadre of volunteers turns out at a local warehouse to help sort the food, pack it in boxes and send it on its way by truck. Most of the transportation has come from the U.S. Army Reserve units.

"We are creating something this valley will reap for years to come, volunteerism," says Withrow. "It hasn't really been needed for 20 years. Now it is. People will help if you give them a simple, honest system. Maybe I'm prejudiced as hell, but I think the people of West Virginia have just a little bit bigger heart."

The turn in West Virginia's fortunes really began in 1979 following a decade-long economic boom. During the deep recession of 1974–75, unemployment rose, but so did employment. Since September 1979, the slide downward has been unremitting.

Since the fall of 1979, non-agricultural employment has dropped 13.9 percent, from 675,800 to 581,700. Nationally, over the same period, such employment is down only 2.4 percent.

In West Virginia, the number of manufacturing jobs is down a huge 28.2 percent, to 91,700. In non-manufacturing, where 490,000 people are still employed, the decline is much smaller, only 10.6 percent, but much of that drop is concentrated in coal, according to the Department of Employment Security. In coal, the number of jobs has fallen over 3½ years by more than a third, from 68,800 to 44,700.

Not long ago, about 4,000 of those miners including some in nearby Virginia, were working for Consolidation Coal Co., a subsidiary of Conoco and now also part of DuPont. Only about 2,000 are at work now, says Eustice Frederick, a senior vice president who is in charge of Consol's southern Appalachian region.

Consol has only 11 mines operating, down from as many as 45, all working the Pocahontas No. 3 seam, known as the best metallurgical coal in the world. Its high carbon content makes it ideal for producing coke for use in making steel. There is no shortage of coal or people to mine it, only a dearth of markets.

Australians have captured much of the Japanese market, and the South Africans and the Poles much of that in Europe. Domestically, the market collapsed along with steel.

When will coal pick up again? Frederick isn't sure. Officials at U.S. Steel, which operates a number of large mines in the area, have told union leaders those mines should reopen in either the third or fourth quarter of this year.

As in any state, even one as depressed economically as this one, there are some brighter spots.

Charleston, the capital, has a mixture of government, trade, service and industrial jobs and has not been nearly as hurt as most other parts of the state. A new $150 million shopping mall at the edge of downtown is on the way. This Town Center will include a performance center that will seat 12,000. Across the street from Town Center, a new Marriott Hotel opened a few months ago.

Similarly, outside Huntington, a major new regional shopping mall opened not long ago, though in one stroke it wreaked havoc with downtown Huntington stores.

Meanwhile, construction of new or expanded facilities is underway at several ski resorts in the mountains. At Snowshoe, atop Cheat Mountain in Pocahontas County, close to $50 million worth of new ski lifts, condominium units, private homes and other facilities will be added to the tax rolls in the year ending this July, according to tax assessor Dolan Irvine.

As a result, Snowshoe, which costs the county little in the way of services, will boost the country's tax base by nearly 20 percent in a single year. In addition, peak winter employment at the area is close to 1,000, with about half the jobs held by people from the county.

And in the state's eastern panhandle, from which several thousand residents commute daily from Jefferson and Berkeley counties to work in the Washington area, the recession has been much less severe. In Charles Town and Jefferson County, the March unemployment rate was 5.7 percent, by far the lowest rate in the state. Berkeley County and Martinsburg had a 9.6 percent rate, still one of only nine counties in which the rate was below double-digit range.

William N. Shearer, chairman of the Kanawha Banking & Trust Co. in Charleston, thinks the state capital will prosper again, and that it will be "the key to the economic future of the state.

"I'm bullish on Charleston. It's the center of government, and its becoming a medical center for the state, too. And now that the law has been changed to allow banks to expand through bank holding companies, it can become a larger financial center as well," declares the KB&T chairman, who recently gave the go-ahead on a $27 million new headquarters building for the bank.

Moore says loan losses at his bank are up only slightly, with only about 3 percent past due. "Our collectors are on the phone more," he adds, "but that's our job." The loans that have been written off generally have been larger commercial loans, not personal loans.

Unlike some states in which older industries are shrinking, West Virginia is making no bold claims about how new high-technology industries will arrive to take up the slack. There are no well-known university research centers around which such industries might cluster. Nor is there a large pool of highly educated workers to fill jobs in them. West Virginia ranks near the bottom among all states in terms of the proportion of the population who are high school graduates.

Despite spending immense—for West Virginia—amounts of money on highway projects, many parts of the state are still remote and can be reached only over narrow roads that twist along narrow stream valleys or lift across a ridge.

For all the difficulty of traversing the state, it is centrally located relative to a large part of the populous Northeast and Midwest. As the state's network of interstate and Appalachian Regional highways moves forward, warehouses are springing up in Charleston to serve as distribution centers for a much larger region, according to Shearer.

Historically, West Virginia's economic growth was tied to development of the Ohio and Kanawha river valleys, with their ease of transportation, and to coal. The northern panhandle, including Wheeling and Weirton, is of a piece with neighboring Pennsylvania and Ohio—and in just as much economic trouble.

Several thousand jobs remain at stake at National Steel Corp.'s Weirton Steel division, where employes will vote soon on whether to buy the plant and try to make it

profitable by accepting about a 20 percent cut in pay and benefits.

At the DuPont chemical plant in Belle outside Charleston, plant manager Robert Porter says that since the beginning of last year, employment has shrunk by about 150, to 1,550, entirely through attrition. Now about 15 more face layoffs.

Porter says the number of jobs at the plant, which was first built in 1926 to make ammonia from coal gas, will continue to go down. Today, the Belle plant, which once employed nearly 5,000 workers, still produces about half of DuPont's line of agricultural chemicals with raw materials from outside West Virginia. Its location makes it a good distribution point for the farm markets in the Southeast and in the Midwest.

For the plant to survive, Porter has had to oversee a fierce cost-cutting campaign that literally has involved tearing down part of the facility. "I can't wait for the economy to make the recovery for me, and one of the things you do is, if you have excess, you get rid of it," he declares.

Since the state's economy soured, governments at all levels have felt a pinch, too. Spending has been cut and new state taxes were passed to close a budget gap of more than $90 million, with most of the revenue coming from higher income taxes on people with above-average incomes. At the local level, the squeeze has sometimes been severe.

In Webster Springs, county seat of Webster County, where the unemployment rate in March was 28.7 percent, mayor R. J. Jorishie has watched the city's revenue-sharing money drop and the disappearance of some federal jobs money that was helping pay the police.

"Without revenue sharing, these towns can't exist," Jorishie declares. This coming fiscal year, spending will be lower for several things, with the big saving being elimination of the $10,000-a-year job held by the mayor's secretary. The secretary does not know where she can find another job when this one ends next month.

Jim Mattingly, manager of Cutlips furniture and hardware store, a business operated for years by his wife's grandfather, is wondering what will happen when the miners' unemployment benefits run out.

Mattingly, who does much of his business on credit, says he doesn't sell his accounts receiveable to a bank or finance companies.

"These folks live high on the hog when they are working. I'll get paid when they get back to work. Almost all of them pay their debts when they can," Mattingly says.

One of the reasons that the economic decline in West Virginia has been so steep likely is the fact that many of those who have lost their jobs were indeed making high wages in their industrial jobs when they were working. Average weekly earnings in coal mining in March were $557.69. In December, the average employee in the primary metals industries was even higher at $573.75. In chemicals, weekly pay averaged $518.78 at year's end.

Unemployment benefits for about 20,000 workers expired last year and many more will drop off the rolls when the latest 10-week federal extension of benefits begins to run out for some as early as next month. At the Employment Security office here, job service supervisor Helen Johnson says, "Some of these people are just desperate. They are coming to us losing their cars and homes, and they will take any $3.35 minimum wage job they can get.

"Of course, people used to be reluctant to hire miners because they knew they would go back to the mines," Johnson explains. It's different now because the mines have been down so long, and some of the miners are looking for something they can stay with."

At the other end of the Employment Security building, where claims for benefits are filed, Gillis Cornette was waiting. Until last year, he was a mine foreman for the PG&H Coal Co. in Cabin Creek. Now his benefits are nearly gone and he has no hope of being called back to work. "I don't look for the company to last," he says in a gentle voice. "They cut back prices until they are just about giving it away."

Cornette's Beckley home is paid for, but his savings are just about gone. Neither he nor his wife, who had not worked before, can find even a minimum wage job.

"Just about every classification in the world is out there walking the street lookin'. I'm 48 and I'm taking a lot of steps backward. Assets? They say sell'em, but they don't want to buy them.

"What'll I do? I don't know," he says with a small smile and a shake of his head. "I just don't know."●

JIM DONOVAN RETIRES

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. MOORHEAD. Mr. Speaker, on June 7, 1983, the employees of the city of Glendale, Calif., will be having a special retirement dinner in celebration of an unabashed favorite, Jim Donovan.

Mr. Donovan began his career with the city in 1970. In the succeeding years, he has developed one of the most successful municipal safety operations in the State of California.

Repeatedly, the city has received awards from the National Safety Council because of his superlative efforts. He has made safety a practiced byword in all of the city's operations.

He has accomplished this rather remarkable task not by nagging or nitpicking, but by showing an undeniable concern for the health and happiness of his fellow employees.

They, in turn, have responded with a good deal of affection and admiration for him.

Mr. Speaker, I would like to take this opportunity to wish for Jim Donovan in retirement what he has daily wished for his fellow workers—physical, emotional, and spiritual well-being.●

RICHLAND SESQUICENTENNIAL

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. MURTHA. Mr. Speaker, on Thursday, May 19, the citizens of Richland Township will join in celebrating their community's sesquicentennial.

The record of their community is impressive. In the last 10 years, its population has soared 26 percent. In a 5-year period, building permits totaled more than $57 million. Two industrial parks employ about 1,500 workers in 30 firms. Retail sales in a year in the community total nearly $200,000. It is at the center of a transportation network, and is an area that promises continued growth and progress.

But what is most significant for me is the people who stand behind those numbers. Those economic achievements would have been impossible without dedicated, talented people. Richland is an area that has spirit, and the progress shown in those numbers indicate what can be accomplished by people who care and are concerned.

I vividly remember in 1977 when the disastrous flood hit the city of Johnstown. Richland was not affected directly, but indirectly its people showed the compasion and concern that was vital in pulling the entire community together in the harrowing days that followed the flood and its devastation.

In its 150 years of development and progress, Richland has shown its ability to grow. More important, it has shown the quality of people who have developed the area, but who have made it into the true meaning of the word "community," with its concern for people, for a strong education system, for a sound religious base, for a system of community services and sharing, and for its recreational facilities.

Richland is a model; not simply in its progress but in its citizens and their community spirit. It is a pleasure to join in honoring them on this sesquicentennial, and to join in the praise of their past and the promise for a strong, growing, community-oriented future.●

HOUSE MEMBERS NOTE DEATH OF FORMER REPRESENTATIVE E. ROSS ADAIR

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1983

● Mr. SHARP. Mr. Speaker, I join my colleagues in noting the passing of former Representative E. Ross Adair.

Mr. Adair had a long and distinguished career, including 10 terms in the U.S. House of Representatives from the Fourth Congressional District of Indiana from 1951 to 1971. Although he served in the House prior to the beginning of my service in 1975, those of us from Indiana know his accomplishments and long record of service to those he ably represented.

Mr. Adair developed expertise in international relations through years of work on the House Foreign Affairs Committee where he served as senior Republican of the committee. His expertise, knowledge, and experience where recognized by former President Nixon in his appointment of Mr. Adair as U.S. Ambassador to Ethiopia during difficult and unsettling times in this country.

I would like to join with my colleagues from Indiana and from many other States in extending my sympathy to his wife, Marian, and to their children.●

THE PLIGHT OF OSIP LOKSHIN

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. GEJDENSON. Mr. Speaker, it is with great dismay that I must today remind my colleagues of the plight of Osip Lokshin, as we in Congress continue our "Call to Conscience for Soviet Jews."

Mr. Lokshin, a lawyer from Kishinev, Moldavian S.S.R., applied to emigrate to Israel in 1980. Authorities at first refused even to accept his papers, then denied his application on the grounds of "insufficient kinship." On May 30, 1981, Osip Lokshin was arrested for participating in a peaceful demonstration against arbitrary Soviet emigration policies. He was tried in September of that year, and, after a 3-day trial at which only close relatives were allowed in the courtroom, was found guilty of organizing a mass disturbance. No appeal was allowed. Osip Lokshin is currently serving a 3-year sentence in a labor camp for his alleged offense.

It is clear that Osip Lokshin is one of many victims of the current Soviet crackdown on would-be emigrants. Because of his attempts to secure freedom for himself, his wife, and son, he is now serving an unjust sentence under brutal conditions. Arbitrary arrest and imprisonment have become commonplace treatment for those who are courageous enough to apply for exit visas. Many more do not even apply, fearing that they, too, will be targets of official retaliation, facing the loss of their jobs, arrest, and protracted separation from their families.

The Soviet authorities continue their oppression of those wishing to leave, in flagrant violation of the Helsinki Final Act and the United Nations Universal Declaration of Human Rights, documents to which the U.S.S.R. is a signatory. Soviet policy in this area, which so openly ignores the mandate of its international agreements and the humanitarian spirit which is at the heart of those agreements, does much to exacerbate the already strained relations between our two nations. It is my hope that those in authority will take steps to reverse the recent escalation of persecution against Soviet citizens wishing to emigrate. It is my belief that a reconsideration of this policy and a more open attitude toward the issue of human rights in general, would constitute a significant step toward the relaxing of tensions between the United States and the Soviet Union.●

MAY 17: WORLD COMMUNICATIONS DAY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. BROWN of California. Mr. Speaker, 40 years ago, Arthur C. Clarke stretched our imaginations with a description of how communications satellites might someday be used to make the world a "global village." That vision of the future is now becoming a reality—or at least can become a reality if we so choose. To highlight the potential advantages of international telecommunications, May 17 has been designated as World Communications Day, with Arthur C. Clarke as the keynote speaker at the United Nations global telecommunications ceremony.

In the last 20 years, the United States and other countries have made tremendous strides in understanding and making use of space. We now have a responsibility to determine the best use for our knowledge and power. The Congress and the President will be faced with a number of important decisions over the next few years: Do we want to extend the arms race into outer space? What are the proper roles for the public and private sectors in the commercialization of space? Into what sort of international cooperative agreements should the United States enter in telecommunications?

Along with a number of colleagues in the House of Representatives and the Senate, I am especially concerned about pursuing peaceful rather than military uses of space. Peaceful uses, such as global information systems, could lower the likelihood of international conflicts rather than raising the likelihood, as will surely result from the militarization of space.

Global Communications Day, May 17, should remind all of us of the nobler and more humane possibilities for the use of space. The following article suggests one way that the United States could take the lead in this effort, by establishing a global information complex. I hope that this vision of the future, which was first presented in hearings during the 94th Congress, will be considered in the 98th Congress as one of a number of possible alternatives to the "space wars" vision of President Reagan. I commend the article to my colleagues.

[From the IEEE Aerospace & Electronic Systems Society Newsletter, May 1983]

A GLOBAL INFORMATION COMPLEX

(By Howard and Harriet Kurtz)

(The following are excerpts from testimony prepared for the House Subcommittee on Space Science and Application of the 94th Congress. In view of impending space legislation, they are presented to spark creative ideas and suggestions from IEEE membership.)

EXPANDED GODDARD SPACE CENTER: WINDOW TO THE FUTURE

Goddard Space Center in the Maryland outskirts of Washington, D.C. already is the nerve center through which global remote sensing space technology data are transformed into information serving the needs of an increasing number of world-wide users.

Although thousands of creative persons in NASA and in the other government department and agencies as well as in corporations and research centers working under contract to NASA have for more than ten years envisioned and developed the awesome and unprecedented capabilities of earth-orbiting meteorological and communications and earth resources survey and other humane applications satellites, the leadership to these new realities has eminated from the scientists, engineers and experts at Goddard.

We are suggesting now that the size and the facilities and the mission of Goddard Space Center be greatly expanded to provide the same leading edge for a new generation of all-nation, or global, research, development, testing and evaluation (and eventual shared operation with other nations) of space systems and institutions serving the common needs of all nations, large and small. This center should coordinate the facilities of other government departments and agencies dealing with space applications.

The President and Congress could focus world attention on Goddard as the coordinating center for a historic commitment of the American people to a new American purpose . . . a decade of gradual redirection of American creativity and power to the pioneering of global systems and structures to serve the basic needs of all nations for progress and independence and security.

As its function expands Goddard will be opened up to the people of the world. All work will be conducted with information which is in the public domain. No classified information or national secrets of any nation will be allowed into the new Global Information Complex. On a large scale the activities of the new complex will with its many layers comprise a center of concern for humanity.

1. Continued research and development

Budgets for pro-human applications satellite development will be increased to four or five times the present modest amounts, as a validation of the American national commitment. Goddard will continue to set the forward creative pace, not only for American research and development in this area, but for the creative people of all nations who will be invited and welcomed.

Governmental or independent research organizations of all nations will be invited to establish their own subsidiary groups of their own research centers located in or near the Goddard Global Information Complex, to work cooperatively in joint or common new directions with the scientists, engineers and professional experts of all pertinent disciplines from all interested nations.

Facilities will be maintained to bring in experts from anywhere in the world for shorter periods of consultation.

Facilities will be maintained for representatives of scientific and professional societies in all pertinent fields, from all nations, to maintain liaison offices within the complex. Science advisors from all embassies in Washington will be welcome.

2. Storage of scientific information

At the present time at Goddard there is a National Space Science Data Center, where refined basic scientific information and data are stored for reference and future use for all outer-space science activities.

On a far larger scale a new Earth Applications Space Data Center will be created to become the central reservoir of accumulated knowledge relating to space programs and applications directed toward the earth and its populations. Libraries and universities and laboratories of all nations will have access to this reservoir of knowledge, and ways will be developed to create similar satellite data centers in other regions of the planet, linked to the central information storage.

A technical information facility will be maintained to assure maximum cooperation with all other channels for the communication of technical information to scientists and engineers and professional specialists and individuals, world-wide, as an expansion of the present NASA Technical Information Facility.

3. Active interface with users

The breakthrough technologies to serve the needs of nations and people are of little value, until the organizations and nations and people who could use the new intelligence understand what new services are within their reach, and they learn how to make maximum utilization of the services. This involves a world-wide two-way continuous communications network (1) with the creative research center understanding the needs of potential users everywhere, and (2) the potential users everywhere learning how to take maximum advantage from the services.

This back and forth dependence upon each other will require continuing active interface and liaison between the Goddard Global Information Complex and local governments, state governments, regioinal institutions, national governmental departments and agencies, universities, high schools, corporations, and individuals within the United States . . . and through proper channels with the same sectors of all other nations around the world . . . and through other channels with the pertinent structures within the United Nations and other world institutions (such as, for example, the World Court in relation to future litigation). All of these activities are being pioneered on small budgets by NASA, by the Agency for International Development, by the Department of the Interior, by the Department of Agriculture, etc. . . . but the nations of the world have become confused and discouraged in the last year as they learned that the Office of Management and Budget in the White House was threatening to kill *all* budgets for future LANDSAT satellite development. The new Goddard Complex and be evidence before the world that the United States and the American people have made a long range, sustained, continuing national commitment to the welfare of humanity.

Experts and students will be brought in from other nations, sent by their own governments, to study the uses and the new techniques continually being developed . . . and experts and teachers will be sent out at the request of other governments to conduct training and education in the areas of the users.

Two-way communication will bring all complaints and inadequacies from the users around the world to the creative center at Goddard, with answers or improvements flowing back to the users.

Nations or organizations will be expected to pay their expenses and the costs of training, but policies will be developed for those deserving but unable to pay, with the provision of fellowships and other aids.

4. The Global Information Sciences Institute

Universities and institutes within all nations will be invited to assign advanced students and professors to study or to instruct at a new Global Information Sciences Institute at Goddard, and to work cooperatively with the research centers of the Global Information Complex to both lead and follow the creative pioneering probes into future prohuman and life-supporting space systems.

5. Global Information Conference Centers

Facilities will be created at Goddard where multinational or all-nation symposia and conferences may be held at regular intervals to clarify and communicate the latest developments . . . where policy review conferences may be held among the governments of the world and the space information experts . . . where conceptual conferences can call upon participants to project the future operational requirements for as-yet-unthought-of future space projects . . . where experts in space information services for the planet may work in frequent interface with experts in many other fields of the emerging world community of nations.

6. The public experience

A very, very large exhibition hall and information display center will be built which might become the greatest tourist center in the world. The creative imagination of the public information professionals already translating space efforts into visual displays, if invited to offer ideas, could make the public rooms at Gooddard more exciting than any world's fair.

Large and vivid audio-visual displays will give the public the vicarious experience of looking down upon mankind on the Spaceship Earth, and experiencing the almost-impossible-to-describe realities of what can be "seen" and discerned and recognized to serve the needs of humanity on the Earth below.

Large information display walls will allow the public to look (in real time or in later replay from computers) down upon events unfolding on the Planet Earth.

The press corps, with journalists from all nations, will have full access to the inflow of open-to-the-public global intelligence. Television networks and stations of the world will have direct electronic connections to the satellites in orbit, so that world events or disasters or dramatic rescues or battlefields or earthquakes or just the awesome and wonderous beauty of the Earth from space may be seen in real time on the TV screens of the world.

Students with dreams of future careers committed to making the Earth a safe and decent place to live will come to the visual experience center and may see openings for there own personal career commitments . . . taking home the preliminary literature and elementary books on sale at the In Orbit Book Store connected to the looking-down-on-planet-earth public experience center.

Students at the Global Information Sciences Institute might earn tuition by answering questions from the peoples of the world moving through the exhibit and taking home a picture postcard or their own home town, anywhere, taken from outerspace.

7. New ideas . . . new opportunities . . . new hope

Throughout the ages whatever people have been able to envision, eventually they have been able to create. The shocking new reality of modern creative research and development power is that humanity for the first time in history can create any kind of future world order it can envision, and is willing to make the massive commitment to achieve. Looking at humanity and looking at the Planet Earth from the new vantage point of instruments in outerspace, one's imagination is released to begin envisioning dozens of hundreds or thousands of new ways to help all humanity live through crises and develop unprecedented well-begin, as readily as military planners can envisions new ways to kill more people in less time over a greater distance.

As at first hundreds, then thousands, then millions of people encouter the personal experience sensations of the Goddard audio-visual information display complex, the creative imaginations of human beings will be released and humanity gradually will envision, and then create, institutions, the systems the structures, the devices, the tactics, the jobs related to a safe and decent future for humankind, trapped and forced to live on Planet Earth. There is valid reason for hope, but too few people are able to experience this reason for hope.

The great global defense/space/communications/command control and other systems teams will be put to work on an unprecedented scale, doing what they do best . . . pioneering utterly complex global systems.●

PHOSPHATE WORKERS LAID OFF; NO NEED TO MINE FOREST

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. FUQUA. Mr. Speaker, I am submitting for the record today a news article from the Lake City, Fla., Reporter about layoffs at the White Springs phosphate mine just a few miles west of Osceola National Forest.

Within a few weeks, I anticipate that this House will have for consideration H.R. 9, legislation much like H.R. 9, which passed last year without opposition, which passed the Senate last year, and which was ultimately vetoed by the President.

H.R. 9 is the Florida Wilderness Act, but one of its most vital provisions is to declare a congressional prohibition on mining phosphate in the Osceola National Forest.

Four companies have preferential lease rights for mining in the Osceola. The Department of the Interior last year rejected their applications for mining leases and one of the companies has since filed litigation challenging that action.

If this mining is permitted, one-third of the 157,000-acre Osceola National Forest would be subject to strip mining, destroying forever a large area of wetlands and denying effective public use of much of the forest to a large segment of the population of north Florida, south Georgia, and others from elsewhere who use it for boating, fishing, hiking, camping, hunting, and other recreational pursuits.

To protect this natural area from needless and even uneconomic exploitation, we need a congressional determination that such mining will not take place.

There are abundant sources of phosphate rock in private hands throughout Florida which, testimony has shown, will provide the Nation and the world with sufficient phosphate until at least the middle of the next century.

There is also a longstanding glut of phosphate on a depressed market, accounting for this latest in a series of layoffs in the industry.

The following news article provides an insight into the current state of the phosphate market and argues against any need to permit mining in the Osceola National Forest.

[From the Lake City (Fla.) Reporter]

OXY LAYOFFS: SLUMPING MARKET BRINGS MORE LAYOFFS AT OXY

(Bill Graf)

Occidental Chemical Co. of White Springs laid off 30 employees this week, saying a continually slumping fertilizer market forced the company to do so.

Thirty employees at Occidental Chemical Co. lost their positions this week, according to Occidental spokesman Ray Kirkland, who added "it's business as usual" at the chemical company now and the most recent layoffs are just part of the weekly staffing changes dictated by fertilizer market conditions.

Kirkland said, however, some of the 30 people involved could be re-employed in different jobs at Oxy. He would not commit to whether more lay-offs are forthcoming—it all depends on the phosphate and fertilizer markets.

Fourteen permanent positions were terminated in mine services work and 16 others were indefinitely laid off when one of Oxy's Suwannee River chemical plants shut down its operations for an undetermined length of time, he said.

However, he added, those losing jobs in mine services will probably be hired to do plant "turnaround" work, which will last four to six weeks. Plant turnaround is regular maintenance done on plant equipment on an annual basis, depending on the operation, he said.

Plants going into and out of production, Kirkland said, are something that happens almost on a weekly basis.

"This is a routine adjustment to the changing conditions of the market," he said of the layoffs.

"There have been no large-scale layoffs since last year," Kirkland added. In April and May of 1982, Occidental had major employee reductions, sending nearly 400 of its then 2,100 workers to unemployment lines.

Occidental, which has employed more than 2,200 people in the past, currently has 1,790 working at its White Springs area operations.

The effects of the latest terminations of job positions "will be nil for all practical purposes," Kirkland said. "But that's not to say another plant won't close next week. Our crystal ball is not that good."

"The bottom line numberswise is that there are 30 less jobs than five days ago. But that could change just as rapidly of the market changes," he added.●

COMPULSORY CAMPAIGN CONTRIBUTIONS REFORM ACT

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. DICKINSON. Mr. Speaker, despite all of the Federal legislation enacted in recent years to regulate the election process in the United States, Congress has failed to limit one of the most blatant abuses of the American political system—the use of compulsory union dues for political purposes. As a result, millions of American voters are forced to support political causes and candidates which they might otherwise oppose.

Of all private organizations in this country, only labor unions can require a person to pay money as a condition of getting and keeping a job. Under this special privilege, unions collect about $3 billion a year from individuals who have to pay up or be fired. The Federal Election Campaign Act, as amended in 1976, prohibits the use of compulsory dues for direct cash contributions to candidates. This appears to restrict the use of compulsory dues for political purposes. However, the law specifically permits union officials to use money taken as a condition of employment to finance the operation of union PAC's and provide extensive in-kind political services such as mass mailings, phone banks, precinct visits, and voter registration drives. This in-kind spending is neither documented nor reported to the FEC.

Today I am introducing legislation, the Compulsory Campaign Contributions Reform Act, which would guarantee the right of voluntary participation in the election process. This bill would close the current loophole in the FEC law by requiring that all moneys used for political purposes—not just direct contributions—be derived from voluntary contributions. It will protect the political freedom of the working man and woman.

I believe that congressional action and support would be especially timely now. On April 18, the U.S. Supreme Court agreed to hear appeal of a lawsuit to determine whether union dues can be used for anything other than negotiating and administering collective bargaining agreements. The case, Fails/Ellis against Brotherhood of Railway and Airline Clerks, present a unique opportunity for the Court to establish national criteria for the proper use of compulsory union dues and remedy the violation of constitutional right of employees.

We must not permit any man or organization to force any person to make political contributions against his beliefs or convictions. I hope that every one of my colleagues who share this view will actively support my bill, and I invite your cosponsorship.●

MAKING THE INCREMENTAL R&D INVESTMENT TAX CREDIT PERMANENT

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. STARK. Mr. Speaker, today a number of us are introducing legislation to make the incremental R&D investment tax credit, established for a 5-year period in the 1981 Tax Act, permanent.

Joining me in this effort are Messrs. VANDER JAGT, PICKLE, SHANNON, HEFTEL, and ZSCHAU. This bill is a "simplified" version of a bill several of us had introduced earlier making permanent both the incremental R&D provision and the 2-year "moratorium" on the IRS's 861 R&D allocation rules. We are introducing this separate bill so that each issue can be examined on its merits.

I believe increased R&D is one of the keys to restoring the Nation's productivity and international competitiveness. It is important to encourage long-range, basic research by industry, and thus it is important to make this incremental R&D provision permanent as soon as possible.

Personally, I would like to note, however, that as chairman of the Select Revenue Measures Subcommittee, I am concerned about some R&D tax partnerships which have come to my attention. The most creative thing about these research projects is the work of the tax lawyers involved. When the Congress examines the R&D incentive issue, I believe we should look closely at some of these schemes. Basic research and applied research must be encouraged; research

on how to drill new holes in the Tax Code must be discouraged. I have requested hearings on these issues as soon as possible.●

HONORING EDWARD R. ROINA, EDUCATOR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I invite you and my colleagues to join me in commending a constituent of mine from Santa Paula, Calif., Mr. Edward R. Roina. Mr. Roina has been a fine educator in the Santa Paula School District for 33 years and well deserves our appreciation, as well as that of the community. This commendation is given upon the occasion of his retirement in June 1983.

Mr. Roina received an associate of arts degree from Ventura College in 1949, a bachelor's degree in music from University of California, Santa Barbara, in 1951; he later completed postgraduate work at Columbia Teachers College in New York. He then began teaching in the Santa Paula elementary school system. He now retires from his position as music instructor at Santa Paula High School, where he has also served as musical coordinator and director in presenting years of concert programs. His service to the Santa Paula community for musical activities beyond the campus boundaries is indeed noteworthy.

Mr. Speaker, I ask that Mr. Roina be recognized for the contribution he has made to the Santa Paula community and the fine work he has done as an educator. We thank Mr. Roina for his many years of dedicated service.●

CLARK DRANE HONORED AT TESTIMONIAL DINNER

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. MOORHEAD. Mr. Speaker, on June 4, 1983, Mr. Clark Drane, a good friend of mine and a fine man, will be honored at a testimonial dinner in Sunland, Calif.

For more than 30 years, the San Fernando Valley has benefited because of his drive, dedication and talent. Clark Drane has been a force for good because he accepts responsibility with ease and gladness. He works for causes with intelligence and conviction. He gives of his energies, his time and his resources without qualm or qualification.

Mr. Drane's accomplishments are too numerous to mention as are his affiliations, suffice it to say that his influence has been felt in business, government, politics, education and the arts.

Many people, many organizations are the better for his efforts. He is a sterling example for anyone who wishes to get involved in promoting the well-being of the human family.

Mr. Speaker, Clark Drane is a special man who richly deserves this special tribute. I am pleased to play a small role in that endeavor.●

A TRIBUTE TO BEN FELDMAN

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. APPLEGATE. Mr. Speaker, I would like to bring to the attention of my colleagues in the House of Representatives a remarkable constituent of mine. This special person is Ben Feldman, a resident of East Liverpool, Ohio, and a sales representative for the New York Life Insurance Co.

Mr. Feldman, who could be the world's greatest life insurance salesman, has sold more than $800 million worth of life insurance during his career with New York Life. In 1946, just 4 years after joining New York Life, Mr. Feldman reached his first million-dollar sales year. Since then he has been a member of the Million Dollar Round Table for 36 consecutive years. This is the international organization of the life insurance industry's most successful salesmen.

In an effort to commend him, the East Liverpool Area Chamber of Commerce has selected Mr. Feldman as its "Man of the Year for 1983." Other achievements of this insurance pioneer include being a past New York Life club president and chairman emeritus of the advisory board of directors. Mr. Feldman has also been featured in such books as, The Feldman Method, by Andrew H. Thompson; The Incomparable Salesman, by Perrin Stryker; and The Supersalesman, by Edwin P. Hoyt. The latest book is Creative Selling for the Seventies, written by Mr. Feldman himself.

Life insurance industry researchers have not been able to find any records that come close to those of Ben Feldman's. From 1960 through 1982 his sales have averaged $36.2 million per year, climaxing in 1982 by reaching $87 million for the year. Together with his two sons Rich, and Marv, the total volume for the three Feldman's including brokerage, is $851 million from 1975 through 1982.

Ben Feldman stands as an example of both the hope and initiative of America and its future.●

TRIBUTE TO VICTOR LARA ORTEGON

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. ORTIZ. Mr. Speaker, it gives me great pleasure to bring to the attention of this body a radio broadcaster from Corpus Christi, Tex., who has devoted his career to enriching the quality of life for Hispanics in the south Texas area. Victor Lara Ortegon has used the radio as a vehicle for promoting the advancement of Hispanics through education and active involvement in our democratic process.

His own personal pursuit of education and political expression has guided Mr. Ortegon since he was a young boy growing up in Mexico. Mr. Ortegon was born in Candela, Mexico and lived his first 5 years there. Candela is a secluded town, lacking many of the amenities and services of urban areas, or even most rural ones. So when he was 5, Mr. Ortegon's family decided they must move so their children might receive a good education.

While attending high school in Nuevo Laredo, Mr. Ortegon's interest in radio was spawned. There was a station across the street from his home and it was at this studio, a few years later, that Mr. Ortegon made his broadcast debut.

In 1950, having married and started a family, Victor Lara Ortegon decided to cross the border and immigrate to the United States so that he and his family might have an improved quality of life. A Spanish-speaking radio station was about to go on the air in Pasadena, Tex., and Mr. Ortegon became one of the first broadcasters. He worked here until 1953, when he moved on to radio station K-UNO in Corpus Christi, Tex. Mr. Ortegon continues to work at this station and is one of the most popular broadcasters in the area.

As Mr. Ortegon would say, the secret to success is to discover one's self. It was at K-UNO that he realized his own ambitions, and the community discovered and embraced him.

As Mr. Ortegon's convictions on the importance of education and democratic expression crystalized, his broadcasting took on a different tone. He realized the special role he could play through this access to the airwaves. Mr. Ortegon has used the radio as a pulpit for inspiring his Hispanic audiences to seek high levels of academic achievement. His experiences as an immigrant highlighted the opportunities afforded Hispanics in this country, foremost among them the opportunity for a good education, so often unavailable in Mexico.

The centerpiece of Mr. Ortegon's broadcasting career is his talk show, "Comentarios." The show began informally 25 years ago and has since become an institution of radio. Mr. Ortegon's broadcast activities also include a morning air check, where community concerns and educational matters are spotlighted. He also serves as a reporter, covering the police beat and city hall.

Mr. Ortegon has led intensive, on-the-air voter registration drives. Through interviews with public officials—Presidents, State and local elected representatives—the power of the vote has been stressed and how that power can be used to advance Hispanics.

Throughout his years in broadcasting, Victor Lara Ortegon has received no less than 60 prizes, awards, and recognitions in appreciation of his service to the community. The Corpus Christi Caller Times has published many articles about his radio work. A December 1982 article on the community influence of "Comentarios" calls the show the conscience of the community.

Victor Ortegon's involvement in community life extends beyond the studio and airwaves. He serves on the advisory boards of the adult education center and the Spanish textbook committee. Mr. Ortegon is active in the Boy's Club, Red Cross, and the Blood Bank. Through all these activities, Mr. Ortegon has borne in mind the interests and development of the Hispanic community. He has inspired pride in the heritage of the Hispanic and the role the Hispanic has to play in American life.●

A TRIBUTE TO DR. E. A. SEAMANDS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. ROGERS. Mr. Speaker, there are few of us who are fortunate enough to enjoy the fruits of life until age 91. Yet in my district, there is someone who cannot only make that statement, but can still, even at that ripe old age, have a positive influence on the lives of thousands of people.

I am speaking of Dr. E. A. Seamands of Wilmore, Ky., who just returned a few weeks ago from his latest missionary work in India. Dr. Seamands spent many years in India with his wife, Yvonne, before retiring in 1958. But every year since then, with a single exception, Dr. Seamands has made his way back to India to work with the peasants there whose lives he has touched.

While in India, Dr. Seamands would preach and minister, but he also worked with local communities, and would return to the United States each year with applications for assistance in building new churches and schools. In fact, Dr. Seamands has built more churches since his retirement, then he did during his entire career as a full-time missionary.

This past year, Dr. Seamands took part in the Dharur Jungle Jatre, a massive camp meeting. In 1923, when Dr. Seamands first organized the gathering, only 175 Indians attended. This time, a crowd of 80,000 was on hand. This speaks not only of Dr. Seamands' hard work, but of the profound impact he has as a religious leader in a land faraway.

Mr. Speaker, I commend the attention of the House to Dr. E. A. Seamands, and ask you to join me in congratulating him for his outstanding service to humanity, and wishing him well as he continues his ministry in the future.●

THE NUCLEAR ARMS RACE: A VIEW FROM CITY HALL

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. PATTERSON. Mr. Speaker, the escalating arms race and, correspondingly, the increased danger of nuclear war threatens the survival of every citizen in every city of this country. As a former mayor of the city of Santa Ana, I am especially aware of the negative impact the ever-spiraling arms race has on local communities. Excessive buildup of nuclear weaponry drains this Nation of its monetary and intellectual resources.

Mr. Larry Agran, mayor of the city of Irvine in Orange County, Calif., has recently written an article outlining the serious problems the arms race poses for local governments. I would like to share this perspective from city hall with my colleagues.

Mr. Speaker, I offer Mayor Agran's statement at this point:

MAYOR AGRAN'S STATEMENT

What does nuclear war have to do with local government? Quite simply, everything. If nuclear war comes, it will be the cities and towns of America that are blown to pieces. It will be the families living here who, in an instant, are turned to dust. It will be we who pay the ultimate, obscene price for the failure of national and international leadership.

My colleagues and I—mayors of large and small cities across our Nation—share a sworn duty to protect human life. We know that when parents send their children to school in the morning, they have every right to expect the path will be safe. To assure this, we appropriate millions of dollars to provide stop signs and traffic lights, playground supervisors and crossing guards, paramedics and neighborhood police patrols. These are the symbols and the substance of the life-affirming responsibility that is ours as local elected officials.

Like other mayors in other cities, I have given a great deal of thought to the unusual hazards, as well as the common dangers, that threaten a community and its citizens. In my own city of Irvine, population 75,000, we now are reasonably well prepared to cope with the brush fires and floods that may sweep through our hillsides and canyons. Our police force is increasingly skilled at dealing with toxic chemical spills. And, with intense and costly planning, we soon may be able to withstand the "killer" earthquake that geologists insist is destined to strike Southern California.

But can we survive a thermonuclear blast? The Reagan administration says yes. I say no. The pandemic devastation of nuclear war almost defies human comprehension. That's why those of us who seek the truth about this matter are appalled at the utter ignorance of the President and his subordinate officials, who talk seriously of waging a "protracted" nuclear war; "surviving" a nuclear exchange; "winning," and then "rebuilding" society after the holocaust.

Those in high places who cling to the notion of "surviving" a nuclear war, curiously enough, find hope amid the ashes of Hiroshima. They point to the Hiroshima survivors as evidence of human resiliance and note that the Japanese city was rebuilt. What they ignore, however, is the difference between a 1945 atomic bomb and a 1983 thermonuclear weapon. The single bomb that killed and maimed 130,000 people and leveled 90 percent of Hiroshima was, by today's standards, very tiny device. Consider this: Just one U.S. Trident submarine is armed with 408 independently targetable thermonuclear warheads, each warhead more than 70 times as powerful as the bomb dropped on Hiroshima. This means that aboard this single vessel is a nuclear explosive force equivalent to more than 30,000 Hiroshimas; a nuclear force equal to a Hiroshima-sized calamity each and every day for more than 80 years.

The terrifying reality is that the Soviet Union and the United States have managed to stockpile 50,000 nuclear bombs. In an all-out nuclear war, an estimated 160 million Americans would die, roughly three-quarters of our entire population. Virtually every American residing in a metropolitan area would perish. As a mayor, familiar with the practical limits of local disaster preparedness, I categorically can state that no system of bomb shelters, no plan of evacuation, no degree of preparation could possibly enhance prospects of surviving the lethal horrors of a thermonuclear war. The only policy that makes any sense is to urge the steadfast pursuit of peace * * * and the early control and ultimate elimination of all nuclear armaments.

In growing numbers, local elected officials understand that the destructive effects of nuclear weapons are not just physical in character. These terrible weapons, even if never used, are inflicting massive economic damage. Unlike the President and those in Congress who mindlessly add tens of billions of dollars to an already bloated military budget, we at city hall every day bear witness to the true costs of the nuclear arms race. Nuclear weapons—the driving force behind the more than $200 billion that we are spending annually for military purposes—are robbing our cities and towns of the resources essential to growth, development, and progress.

Much has been said about our Nation's deteriorating infrastructure—the roads, bridges, sewers, and dams so desperately in

need of repair and rehabilitation. But, beyond this essential hardware, the intellectual and biological underpinnings or our Nation also suffer from neglect. Who is tending to the minds and bodies of our children? Funding for nutrition and health programs is slashed. Our investment in education—the one sure pathway to enhanced knowledge and ingenuity among all our people—dwindles. Measured in terms of aggregate resources and income, we remain the wealthiest Nation on the face of the Earth. And yet we feel so poor. We suffer from a poverty of priorities that, I believe, is more easily seen from city hall than from the cloistered confines of Washington. We watch in disbelief as the President searches for a multi-billion dollar home for 100 MX missiles while here, in Orange County, entire families sleep in cars or in vans; they huddle under tents and bridges.

Even in Irvine, an affluent master-planned city that is only 11 years old, we are struggling to find the local resources to meet our near-term commitment to construct 725 units of low-income housing. Without these dwellings there is no hope for people of modest means to live in Irvine and contribute to the betterment of our new city. As we strain to provide affordable housing opportunities, with waiting lists now numbering in the thousands, the Pentagon in a single day spends more than $600 million. It is a source of personal despair to consider that if this 1-day's military spending could somehow be captured and redirected to my city, it would be enough to fund the construction of more than 10,000 low-income and moderate-income housing units, meeting Irvine's affordable housing needs for at least 100 years.

I have heard it said that, sitting here at city hall, mayors lack a proper perspective of the nuclear arms race. My hunch is just the opposite. Mayors and local elected officials, I think, have a clear and undistorted view of this matter. My colleagues and I see the unmet needs of our people. We gaze upon a barren political landscape devoid of innovative leadership. We watch a handful of seemingly power-crazed national officials who daily risk our lives and squander our resources in their reckless pursuit of a deadly delusion.

Washington needs to understand that here at city hall and on Main Street, we still are able to make a series of fundamental distinctions. Death is not life. War is not peace. And preparation for war is not the path to peace. Security—whether it is personal security or national security—requires a future that promises to be better than the past. I believe this is only possible in a world free of nuclear weapons and similar instruments of mass destruction.●

TRIBUTE TO EVELYN B. KIPP

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. EDWARDS of California. Mr. Speaker, it is my great pleasure to bring to the attention of my colleagues the accomplishments of Evelyn B. Kipp, superintendent of the Newark Unified School District in Newark, Calif. Mrs. Kipp will be honored at a retirement dinner on June 30, 1983.

Mrs. Kipp is one of the most distinguished women in education in the State of California. She has spent almost 40 years in the education field, beginning as a teaching principal in New York. For the past three decades, the people of the city of Newark have benefited from Evelyn's talents as she worked her way up through the ranks from a classroom teacher and music specialist to assistant superintendent. In 1964, she was appointed superintendent of schools, the first woman superintendent in Alameda County.

Evelyn's tenure as superintendent has coincided with tremendous growth in enrollment in the district. She has dealt effectively with the issues presented by this growth, with changing attitudes toward education and with the problems cutbacks in education funding have created for the school district. Because of her capable leadership, Newark Unified School District continues to rank among California's best.

Mrs. Kipp has been an active member of many national, State, and community organizations. She has been the program presenter of the American Association of School Administrators' 1979 and 1980 national conferences, chairperson of the State comparable work task force, and for the past 6 years, chairperson of the Alameda County Association of School Administrators Superintendent Committee.

Mrs. Evelyn B. Kipp has made an impact on the Newark Unified School District that will not be forgotten. She will be greatly missed, but her many accomplishments will continue to enrich the education of students in Newark's schools.

I know my colleagues join me in congratulating Evelyn on her outstanding contributions to the education of young people. I hope her retirement years are as rewarding to her as her years of service have been to the people of Newark.●

NORSKEDALEN—THE NORWEGIAN VALLEY

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. GUNDERSON. Mr. Speaker, located in the heart of my congressional district near Coon Valley in western Wisconsin is the largest concentration of Norwegian Americans in the United States.

On this day, Norwegian Independence Day known as Syttende Mai, I am pleased to call to the attention of my colleagues a unique project that was dedicated last Saturday in the Coon Valley area.

Norskedalen, which means the Norwegian Valley, is a 400-acre tract of land set aside to preserve, protect and interpret Norwegian culture as well as provide a glimpse at the natural beauty of an unusual part of our country.

Beginning in the 1840's, Norwegian immigrants started making their homes in the hills and coulees of this 25-mile stretch of land in southwestern Wisconsin. The area was very similar to the steep-walled valleys found in their homeland. The area is rich in Norwegian customs and crafts.

But the area is also unique in its geological formations. When glaciers moved across the upper Midwest, this small portion of Wisconsin was spared, leaving an ecological museum unique in Northern America.

The Norskedalen project began in 1977 when Dr. Alf Gundersen and his wife willed their 112-acre farm to the University of Wisconsin, La Crosse, with the wish that an arboretum be developed.

Soon after the Gundersen gift, the Thrune Nature Center was established by Mrs. Ethel Thrune of Midland, Mich. In 1982 Mrs. Thrune made another gift in the form of a visitor's center building.

A fourth element of the project is a restored homestead that demonstrates how a pioneer Norwegian family lived. Groups of volunteers are working to restore the buildings to their original appearance, while others have donated antique artifacts to furnish the buildings.

The Norwegians have a word to describe what has been taking place at Norskedalen, and that word is "dugnad." Dugnad means community effort, working together on a voluntary basis without outside support. In the immediate post World War II period, many outstanding examples of dugnad could be seen as the people of Norway banded together.

Norskedalen in western Wisconsin stands out as a modern-day example of dugnad. It is significant that at this time of important national needs and severely limited national resources, no Federal or State tax dollars are involved in Norskedalen. All of the support has come voluntarily through private donations from individuals, organizations and corporations.

As the three Members of Congress and one Member of the other body who are of Norwegian ancestry join with millions of Norwegian Americans in celebration of Syttende Mai, I salute the Norskedalen Project Steering Committee headed by Jon Thallaug for their excellent work in preserving this Norwegian Valley for our citizens today and tomorrow.●

DOUBLE STANDARD IN FOREIGN POLICY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. MILLER of California. Mr. Speaker, in President Reagan's address to a joint session of Congress, he decried a "new dictatorship" being created in Nicaragua and asked whether, "* * * after all these acts of repression by the (Nicaraguan) Government, is it any wonder opposition has formed?" I commend the President for his concern about democracy in Latin America but believe that our policy would be more credible if our criticism were focused where human rights abuses are truly awesome.

Last weekend, according to press reports, approximately 1,000 persons were summarily rounded up in Chile allegedly in connection with protests against the Government's policies. And on May 17, 1983 Amnesty International reported that the Chilean secret police, the CNI, systematically torture political detainees in facilities specially equipped for the infliction of torture.

In late April, moreover, the military high command in Argentina released a report on the disappeared which stated that acts of duty committed during the antisubversive campaign would effectively not be prosecuted.

To the best of my knowledge, the administration has remained silent on these actions by friendly allies, while using the banner of human rights and democracy to justify a policy aimed at the violent overthrow of a neighboring Central American state. Foreign policy does not seem to be a matter of high principle, but rather one of convenience.

I am including for the record an article by Mary McGrory from the Washington Post of May 15, 1983. I believe that it speaks well to some of the inconsistencies in the administration's approach.

[From the Washington Post, May 15, 1983]

TORTURING LATIN FACTS

(By Mary McGrory)

If you listened closely to Ronald Reagan's bill of particulars against the Nicaraguan government during his joint address to Congress, you might have thought it deserved to be overthrown. And you might also have thought that he should be launching secret wars against two other Latin American regimes who are committing all the crimes he charged and more and have been for a long time.

He said, for instance, that the Nicaraguan regime came out of the "barrel of a gun."

So, for that matter did Argentina's and Chile's. He noted that Nicaragua has not held elections. Nobody has seen the inside of a polling booth since the generals shot their way to power in Buenos Aires and Santiago, either.

He said that the Sandinistas had abused the Miskito Indians—driven them from their homelands, forced them into internment camps.

For many Argentines and Chileans, an internment camp might look like a resort. Hundreds and thousands of them have been put through interrogation centers, where they were subjected to brutal tortures which many of them did not survive.

The Reagan administration quivers with rage over the Miskitos. The Nicaraguan Minister of Justice Carols Arguellos came through Washington recently, claiming that the Sandinistas were simply trying to remove the Indians from harm's way—out of reach of CIA recruiters looking for soldiers to sign up in its secret war. That may be neither here nor there.

No one has charged that the Sandinistas are systematically torturing, kidnaping and murdering their dissident fellow citizens, which practices are the offical state policy in Chile and Argentina. Their human rights violations have been copiously documented by human rights and church groups by the unimpeachable Amnesty International. The valiant Argentine women, the mothers of the Plaza of May, who march around the government square every Thursday demanding to know the whereabouts of their "disappeared" children have not let the world forget that even babies are not safe under the provenance of the generals.

The Chilean Commission on Human Rights reports that 1982 was the worst recent year in the bloody history of the junta, which overthrew the government of Salvador Allende 10 years ago this September.

In its latest grisly report, Amnesty reports that hundreds of Chileans have been tortured in a secret center, with trained Chilean medical personnel participating.

One instance: "A 33-year-old human rights worker being treated for epilepsy said he was electrically tortured after being tied naked to a metal bed and that a doctor examined him in between torture sessions."

But we have not said a word or dispatched a single helicopter or sent a single spook to mobilize counterrevolutionaries to topple the torturers.

On the contrary, we are doing everything we can to keep them going. President Pinochet is in terminal economic trouble. Although once hailed by his great friend, U.N. Ambassador Jeanne Kirkpatrick, as a "model" which shared our economic goals, the Chilean economy is barely breathing.

Presented with a perfect opportunity to give the coup de grace to the illegitimate tyrant regime, the Reagan administration has rushed forward to lift it from its knees.

When the Chileans applied for a $400 million emergency loan, the Treasury granted them a $144-million Commodity Credit Corporation guarantee. The Federal Reserve Board assured the private U.S. banks from which Chile borrows millions that Chile's credit was good and put in a word for it with the IMF.

Sens. Edward Kennedy and William Proxmire protested that this is in violation of the law that curtails assistance to Chile. They pointed out in a letter to Treasury Secretary Donald Regan that Chile has made no progress in human rights, and refused to find and charge the government thugs who killed Orlando Letelier and Ronnie Moffit in Washington in 1976.

And while he burns at the injustices to the Miskitos, Reagan has not even noticed that the military dictatorship of Argentina recently exonerated itself from any blame in the disappearance of as many as 15,000 Argentines during the 1970s. In an obscene report, the generals called the secret mass murders "a service to the country" in its "dirty war against the left."

The Spanish, Italian and French governments and the Vatican issued furious statements of condemnation. The United States is still thinking of what to say.

What are the Nicaraguans doing wrong? Why do they get machine gun fire and mercenaries while Chile and Argentina get money and "silence." They are Marxists, and to the Reagan administration to be a Marxist is the only actionable human rights violation on the books.●

HONORING ROBERT RAITT, EDUCATOR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I invite you and my colleagues to join with me in commending my constituent, Robert Raitt, an educator from Santa Paula, Calif., who has served the community for 33 years. This commendation is given upon the occasion of his retirement in June 1983.

Robert L. Raitt of Santa Paula High School did his undergraduate work at Stanford and Redlands Universities, earning a political science degree with honors. He later received a masters degree from Redlands University and completed graduate work programs at U.S.C., American University, and the University of London.

Because of his 33 years of service to Santa Paula High School and extensive involvement in community affairs, Bob is a revered citizen of the Santa Paula community. His leadership has been recognized as Rotary Club president, church trustee and deacon, Citizen of the Year in 1977, and Educator of the Year in 1982, to mention only a few. But his service to the students of Santa Paula High School is even more lasting and pervasive through his teachings in government, history, economics, and public speaking, and in student body advisory roles.

Mr. Speaker, generations of students in this community have benefited from the work of Mr. Raitt. For his outstanding dedication and involvement to the youth and community of Santa Paula, I ask you and my colleagues to join with me and his community in honoring this fine gentleman and extending our gratitude for his many years of dedicated service and the difference he has made.●

THE CONGRESS AND CENTRAL AMERICA

HON. JACK FIELDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. FIELDS. Mr. Speaker, along with many other Americans, I am becoming increasingly concerned over the strange actions of some Members of Congress relating to the struggles taking place in Central America.

On the one hand, there are an increasing number of disillusioned Sandinistas joining in the fight against the Communist dictatorship in Nicaragua, yet some in Congress labor to curtail aid to them.

On the other hand, these same Members of Congress are frustrating the efforts of the administration to aid the freely elected Government of El Salvador in defending its citizenry from Soviet, Cuban, and Nicaraguan-backed insurgents. These pro-Marxist insurgents are seeking through terror and bloodshed to overthrow the nation of El Salvador.

So bizarre and blatant is this pro-Communist activity that one of the anti-Communist "contras" fighting in Nicaragua wonders aloud at what sort of reasoning inhibits the Congress from acting in the clear interests of the United States, liberty, and democratic processes.

I offer to my colleagues two excellent op-ed pieces by Georgie Anne Geyer and Patrick Buchanan which address this perplexing behavior and its dangerous consequences for not only Latin America, but the entire hemisphere.

The two articles follow:

[From the Washington Times, May 13, 1983]

THE ANTI-SANDINISTAS—A LEGITIMATE LIBERATION FORCE

(By Georgie Anne Geyer)

Behind the strange scenes in Congress over Central America policy this last week, a story is quietly unfolding that is changing the entire equation. The "Somocista" forces everyone is criticizing are rapidly becoming a legitimate and democratic liberation force in Nicaragua.

When the Reagan administration began supporting the followers of the late and hated dictator Anastasio Somoza—followers who had fled in 1979 into Honduras—these rightly hated "Somocistas" were the major force fighting the Marxist Sandinistas. This is no longer the case.

My sources on all sides confirm that of the two major groups now fighting the Sandinistas in both the north and the south, only about 15 percent are now ex-Somocistas (and perhaps fewer). This is because in the last few months so many others, including large numbers of disillusioned Sandinistas, have joined the fight.

Moreover, the leadership of the Nicaraguan Democratic Force, the larger of the two groups, operating from the Honduran side, is now totally non-Somocista.

On the NDF's seven-person directorate, there is only one member, Enrique Bermudez, who was a Somocista—and he was exiled by Somoza near the end of the dictator's life. Most are members of the former highly respected Conservative Party established by the great, assassinated anti-Somoza editor, Pedro Joaquin Chamorro.

On the southern front, the forces are fervently anti-Somoza. There, Eden Pastora, the famous "Commander Zero," who was a wildly popular Sandinista commander, now has entered the anti-Sandinista fight with his Costa Rican-based Democratic Revolutionary Alliance.

Pastora is unquestionably the most beloved leader in Nicaragua. When I was in Managua last year, poor peasants and city workers were always sidling up to me on the streets of that now-gray Eastern-Europeanized city, saying things like, "Do you know where Commander Zero is?"

What does this mean—for the congress, for the Nicaraguans, for American policy? Can these two anti-Sandinista groups work together? Are they already?

We are dealing with quite a different—and new—situation from the one that Congress is responding to. It presents us with the exorbitant irony that Congress, which is being lobbied these days by all the Central American Marxist groups in the most extraordinary manner, is turning its back on a democratic movement and embracing movements clearly backed by the Soviet Union through Cuba.

For the Nicaraguans, the situation is confused. Even the anti-Sandinista NDF, by far the largest group, says it does not believe it could overthrow the Sandinistas and that is not its intention. Adolpho Calero, the NDF spokesman and a Conservative, was recently in Washington and told me the NDF wants to "pressure the Sandinistas to fulfill their original promises—pluralism, free elections, a mixed economy.

One has to wonder about this. Calero also said that his group is now within 65 miles of Managua—and the fact is that while it is difficult to topple a highly organized government, the Sandinista government is also unpopular and ineffective at this point.

The NDF and Pastora's Democrative Revolutionary Alliance are working together, but they are not as yet unified. Speaking of Alfonso Robelo, one of the original and most respected Sandinista commanders who is now with Pastora, Calero said, "Robelo and I are here together in Washington. We are appearing together."

Then this attractive gray-haired man shook his head. "We are winning on the battlefield," he said, "but we are losing in Washington. There is some kind of a mea culpa attitude, some kind of a complex, some kind of a syndrome that does not allow the United States to act in its own interest and in the interest of democracy."

So, we may be coming to an extraordinary turn where Congress is refusing to help just the kind of movement it says we should have been supporting in Central America in the past. I have myself been bitterly critical, first of Somoza himself and our support of him, then of our initial support in Honduras for what were then the Somocistas. But when the world changes, perceptions and answers should also change.

The anti-Sandinistas are at least Nicaraguans fighting for their own country. Before he (apparently) committed suicide, Cayetano Carpio, the top leader of the Salvadoran Marxist guerrillas, said in Nicaragua, "After the victory in El Salvador, Nicaragua and El Salvador would then unite in the fight for the total liberation of Central America." That is what we are dealing with.

[From the Washington Times, May 13, 1983]

NATIONAL DEMOCRATS OPT FOR STRATEGIC DEFEAT

(By Patrick Buchanan)

Since the establishment of the U.S.S.R., the great antagonist of the Soviet Communist Party has been the Democratic Party of the United States.

Far-seeing men recognized at the close of The Great War that the decisive struggle for the world would eventually be waged between the heirs of Lenin and the heirs of Woodrow Wilson. It was FDR, not the isolationist Republicans of the '20s, who framed America's response to Depression and Hitler. It was Harry Truman who led the reluctant Republicans into the Cold War, and took the United States into Korea. It was John F. Kennedy who took up the challenge of Khrushchev and led America into Southeast Asia.

Today, the national Democratic Party—its Jackson-Stennis-Nunn wing strangely silent—is betraying this tradition and surrendering its birthright for the temporary applause of the pacifist left. Led by such as Sen. Chris Dodd of Connecticut, and Rep. Stephen Solarz of New York, the party is emerging as the relentless saboteur of Reagan's policy on Central America, the indispensable collaborator of the Soviets, the Cubans, the Sandinistas. If Central America is lost, the national Democratic Party is setting itself up as legitimate scapegoat for the worst strategic defeat of the United States in the 20th century.

Given the certain consequences of a communist victory, it is almost mystifying to see the enthusiasm with which liberal Democrats are voting to cut off aid to the anti-communist "contras" in Nicaragua, and slashing below survival level the military rations for the army in El Salvador.

Absurd, comes the riposte. Polls show the American people want no part of the war in Central America; the Democrats are on the side of peace. But that is a superficial reading of American opinion.

True, the American people are currently opposed to deeper involvement in El Salvador and Nicaragua, but if "peace" in Central America entails an American defeat, there will be a backlash unlike any seen in the postwar era, including the aftermath of the fall of China in 1949.

The first certain consequence of a collapse in El Salvador will be the beginning of the Great Exodus north to the United States.

When Castro took power in 1959, few Cubans suspected he would convert the island into a colony of the Soviet Empire. Yet, fully a tenth of his population, over a million people, managed to escape before the drawbridge was lifted and the Cubans were penned up by 90 miles of open sea. When Castro inaugurated the Mariel boatlift, another 1 percent of his population fled within a week.

In Central America, there is no ignorance of what a communist victory means: a police state modeled on Castro's Cuba, the militarization of society, the persecution of the church, an end to any hope for a better life for their children. If El Salvador goes under, the handwriting will be on the wall for Costa Rica, Honduras and Guatemala; the great trek north will begin, not in the

tens of thousands, but in the hundreds of thousands.

Unlike the Vietnamese boat people, a million of whom risked their lives to communist patrol boats, Thai pirates and the storms of the South China Sea, to reach Malaysia, the "boat people" of Central America will be risking nothing, to gain everything. The victorious communist regimes using emigration as a safety valve for their revolution will encourage the exodus, and the Mexicans will steer it toward the Rio Grande. As with the "Marielitos," this overland freedom flotilla will be seeded with saboteurs, intelligence agents, sleeper agents and all the dreck of Central America's prisons and asylums for whom the new regimes will have no use. Just as Miami was used as a garbage can by Fidel Castro for the refuse of his jails and loony bins, so San Antonio, Houston, Dallas, Phoenix, San Diego and Los Angeles will become Miami to the unapprehended psychotics and criminals expelled from Central America.

Given the political explosion in South Florida over a few thousand Haitians seeking work and opportunity in the States, reaction to this flood of illegals will dominate the politics of the Southwest and West for a decade.

Ideology aside, have the national Democrats gone insane? If the president prevails in El Salvador and Nicaragua, he can claim the first American victory over the Soviet Empire in decades, while accusing the Democrats of faintheartedness, malingering and sabotage. If Central America is lost—as it could be with a handful of votes before summer—the Democrats will be charged by Reagan with direct responsibility for the greatest defeat suffered by the United States in the 20th century.

"The Party of Treason" was the brand placed by the epigones of Joe McCarthy upon the Democrats for the loss of China, the stalemate in Korea, the lingering presence of communists and fellow travelers at the Department of State. If the end of this decade sees Russian MiGs flying patrol over the Gulf of Mexico out of Central American bases, the Democratic Party will not survive as a political option in the next.●

THE ECONOMY AND MINIMUM WAGE LAWS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. McDONALD. Mr. Speaker, Dr. Hans F. Sennholz, a distinguished economist, effectively and accurately explains in the following article how our minimum wage laws adversely affect our economy. As Dr. Sennholz states, the Fair Labor Standards Act, of which the mandated minimum wage is a part,

• • • has grown into the most calamitous instrument of government intervention that denies productive employment to millions of willing and able Americans. No other policy conducted by the U.S. Government has more tragic effects on the daily lives of so many people than does this legislation.

I commend the article to the attention of my colleagues.

Federal minimum wage legislation had its beginning more than forty-five years ago as part of the 1938 Fair Labor Standards Act. From its very inception it erected insurmountable barriers to the employment of unskilled workers, especially in the South and in Puerto Rico. Since then it has grown into the most calamitous instrument of government intervention that denies productive employment to millions of willing and able Americans. No other policy conducted by the U.S. government has more tragic effects on the daily lives of so many people than does this legislation.

Several amendments to the Act not only pushed the rate to ever more restrictive levels, but also extended the coverage to include even more employees. At the beginning the basic minimum as a percentage of average manufacturing wage was estimated at 41.7 percent; for 1981 it amounted to 51.9 percent. In 1983 the percentage of covered workers stood at 43.4 percent; in 1981 it was estimated at 83.8 percent. If the coverage provided by various state laws is added to the federal coverage, the combined rate may exceed ninety percent of all non-supervisory workers.

It is rather natural for government to expand its sphere of control and power. If it is called upon to secure minimum wages for some workers it may want to extend the benefits to all workers. If government can serve the public good by setting the wage rates for some workers it may serve it better yet by setting the wage rates for all workers. The ninety-percent coverage, therefore, can only be an interim step on the way to total coverage.

Unfortunately, this gradual extension of coverage tends to multiply the unemployment effect until, with full coverage, it invokes the maximum rate of unemployment. As long as the minimum applies only to a small number of occupations, the workers displaced from covered jobs can seek employment in uncovered production. They shift to uncovered industries and employers, which tends to depress those wages through increased job competition. When the coverage is extended, the shift accelerates from covered unemployment to uncovered jobs, which widens the wage differential in direct proportion to the coverage. A small coverage generates a small difference in wage rates, a large coverage brings forth a large difference. Total coverage obviously eliminates the difference, but creates maximum unemployment.

Minimum wage legislation provides a beautiful example of the principle that government intervention not only makes matters worse, but also tends to breed ever more intervention. The minimum wage covering a few workers causes wage rates to decline in uncovered employment, which invites the extension of coverage to more workers, which in turn brings forth ever wider wage differences calling for more coverage, until all workers are covered and the difference is eliminated. Unfortunately, total coverage guarantees maximum unemployment, which brings forth the greatest conceivable income difference—between the workers still employed and the army of unemployed.

INDEXING THE MINIMUM

Minimum wage legislation can be harmless if the rates are set below the unhampered market rates. But that, after all, is not the intent of its political sponsors who seek to interfere with the market process. And yet, the ominous effects of minimum wages set above the rates established by the market may be alleviated by two other factors: rising labor productivity which may lift more workers above the minimum barrier, and soaring inflation which lowers minimum wages in terms of purchasing power. The former may have lessened the impact of the legal minimum during the 1960s when labor productivity managed to rise a little. But it began to aggravate the restrictive effect of the legal minimums during the 1970s when U.S. government deficits consumed productive capital en masse and real labor incomes began to decline.

Throughout this period soaring inflation greatly lowered the real costs of labor, including the real minimums, which permitted the temporary employment of some workers who previously had been unemployable. The opposing effects of legislative mandates raising the minimum and the inflation depreciating it, is causing large swings in the effective minimum. According to Finis Welch, they ranged between 30 percent of the manufacturing-wage average in 1949 and 55 percent in 1968.

Observing the depreciation of their mandated minimums the sponsors deem it necessary frequently to readjust the minimum to soaring goods prices. From 1961, when inflation began to accelerate in earnest, until 1981 Congress enacted eleven adjustments which raised the minimum from $1 per hour to $3.35 an hour. To simplify the adjustment process and prevent the silent nullification of Congressional efforts by inflation, some sponsors propose to index the federal minimum by tying it permanently to the average industrial wage. The 1977 amendment, which established a Minimum Wage Study Commission, therefore called for an investigation of minimum wage indexation.

Indexing wages, rents, interest rates, and goods prices obvioulsy means government control over wages, rents, interest rates, and prices. It aims at freezing present conditions, preventing all future changes and adjustments unless approved by political authority. Minimum indexation would seek to preserve the Congressional effort by freezing the real minimum at 55 percent and thus eliminating the inflation swings. This means, unfortunately, that unemployment would be stabilized at its highest possible rate determined by the minimum. It would permanently deny millions of unemployed workers a longed-for reprieve provided temporarily by inflation.

OFFSETS

In a sagacious monograph Walter J. Wessels makes the cogent point that employers tend to react to minimum wage increases by seeking to offset the added expenditures through reductions in other labor costs. They may cut year-end bonuses, re-define the worker's share in profit sharing, and reduce commissions and work guarantees. They may moderate non-wage expenditures, commonly called "fringe benefits" such as paid vacations and sick leave, pensions and other retirement benefits, life, accident and health insurance, or training programs and educational allowances. They may even reduce expenditures on proper supervision and management, which tends to impair and aggravate working conditions. They may insist on more effort and application. As fewer jobs are available, employers may exact greater production from their minimum-wage workers. They may assign less desirable working hours and conditions for which they otherwise would pay higher rates. In short, they can be expected to react by making adjustments in order to offset the minimum-wage boost.

But even if some employers should be able to offset the higher costs of a mandated

minimum, Wessels argues, it nevertheless impairs the conditions of all covered workers. They may have preferred the fringe benefits over the pay boost, the paid vacations or the major medical insurance over the cash payment mandated by Congress.

Where employers are unable to offset fully a minimum wage boost, which tends to lead to disemployment, the idled workers will seek jobs that are not covered by the minimum wage. Or they may join the "underground economy" where labor summarily ignores the law by working for wages below the minimum. But their appearance on the uncovered labor market or the underground market, which economists estimate to exceed 30 percent of minimum wage labor, tends to reduce further those wages. All affected labor, therefore, tends to be worse off than before.

Surely, employers do react to mandated minimum wage increases. But we must not underestimate the great difficulties they encounter in lowering other labor costs. Once benefits have been granted, it is nearly impossible to rescind them. To reduce benefits is to invite universal resistance and hostility, which may impair labor productivity and thus raise production costs. Moreover, it is virtually impossible in the allocation of fringe benefits to discriminate against minimum wage labor: This is why most employers offer identical benefits to all their workers regardless of position and income. To ignore minimum wage labor, or even slash its given benefits, is to invite resentment, conflict and strife. It is generally much easier and also more economical to dismiss the labor made submarginal by the mandated minimum boost than to seek adjustment through fringe-cost economies.

INSPIRING PERFORMANCE

For superior management it may be possible to lead and exhort labor to higher productivity. There is an untapped reservoir of productivity even in the best-run office and plant. Brilliant management seeks to tap this reservoir through guiding and teaching by example. It imparts the love of work and inspires enthusiasm for work well done. And, above all, it exemplifies that there is no work so base that man may not exalt it, no work so dull that he may not enliven it. There is no minimum labor that may not lead to maximum position and income.

Most business managers, unfortunately, are incapable of exacting more effort and application from their employees, which is casting doubt on their ability to offset mandated wage boosts. But even if they were able to adjust, the number of affected workers would be rather small. Offsetting adjustments cannot create jobs for those millions of unskilled workers whose usefulness and productivity lie below the legal minimum. The high school dropout from The Bronx who may contribute one dollar per hour of work remains unemployable at $3.35 per hour no matter how diligently employers are readjusting their labor expenses.

Offsetting adjustments do not affect the vast majority of American workers who are presently earning more than the minimum. They may at best involve only a small number of people who are presently earning the legal minimum and are contributing an amount sufficient to cover this minimum and other employment-related costs. In many cases these other costs are also mandated, which clearly makes them unadjustable. In fact, they actually rise together with the minimum wage.

Employer contributions to Social Security and Workmen's Compensation do rise and further raise the costs of the minimum wage boost. They may also add to the administrative expenses of accounting, withholding, declaring and disbursing the additional funds to the appropriate government authority. While such costs may be negligible in a smoothly functioning accounting department, they are very burdensome and highly disruptive for a small businessman considering the employment of a few minimum-wage laborers.

The offset possibilities must not be overstated. They are narrowly limited to contractual benefits that may be adjusted by agreement between the contract parties. But in some cases these benefits are negligible. They may be less valuable than a mandated wage boost together with the mandatory fringe adjustment, which precludes any offset. If they are equal to the ordered raise, all contract fringes would have to be eliminated in order to effect any offset. But such a withdrawal of all contract fringe benefits would be even more detrimental to amicable labor relations than their mere reduction. It surely would impede labor productivity and raise production costs.

FROM THE WORLD OF POLITICS

Every well-known economist has voiced his concern about minimum wage legislation, and yet, it is surviving sober reasoning and cogent arguments and living on in the sphere of political incentives. Few Americans actually believe that minimum wage legislation is truly in the workers' interest, that it increases purchasing power and reduced poverty. And yet, many support it for political reasons. Labor unions and their members benefit significantly from a legal elevation of wages paid by competing industries using low-productivity, low-wage workers. It hampers their competition with union labor and limits consumer preference for goods produced and services rendered by low-wage labor. Similarly, capital-intensive industries using relatively skilled labor may want to redirect consumer choices by raising the costs of low-wage industries.

Most of the support for minimum wage legislation comes from groups that are fully aware of its unemployment effects. Many Americans in the industrial states of the North and Northeast use it knowingly as a barrier to the industrial migration from their states to the South. Since World War II many companies have left the North to take advantage of lower labor costs and other advantages in the South. To prevent this industrial migration and to stifle emerging Southern competition the Northern politicians usually favor high minimum wages.

Other supporters who are aware of the harm done to unskilled workers are convinced that the beneficial effects, as they see them, tend to outweigh the ill effects. Their blind faith in political action leads them to believe that the ill effects can be alleviated by new governmental efforts, such as neighborhood youth corps, job corps, public works programs, and the like.

But the most vociferous support of minimum wage legislation comes from the professional spokesmen of the poor. Some may actually welcome unemployment among minorities because it breeds other political and economic effects and, above all, creates a political power base for the minority champions. When jobs are scarce they are likely to be rationed and allocated according to government plans and programs. Rationing bestows benefits to political constituents and thus confers prestige and power to the program proponents. Some are also aware that unemployment tends to give rise to new demands for radical government intervention, for central control and planning, which may pave the way for an all-round political command system, called socialism. Mass unemployment, they are hoping, will lead voters to support their ultimate objective.●

PERSONAL EXPLANATION

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. ERDREICH. Mr. Speaker, on Thursday, May 12, 1983, I had to be in my home district for a previously scheduled meeting in Birmingham, and unfortunately this prevented me from attending the entire session of that day. In addition, due to the results of the votes taken and listed below, I was unable to be paired as I had intended. Therefore I request that the following be entered in the record as a statement of my position on all the recorded votes that I missed on Thursday, May 12, 1983:

Rollcall No. 110, "no."
Rollcall No. 111, "aye."
Rollcall No. 112, "aye"
Rollcall No. 113, "aye."
Rollcall No. 114, "no."
Rollcall No. 115, "aye."
Rollcall No. 116, "aye."

I was able to make all the previous votes of the day. Therefore only these are included herein.●

TRIBUTE TO HENRY B. GONZALEZ

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. SIMON. Mr. Speaker, by the time I got to looking at my mail I realized I had missed the chance to join in paying tribute to our colleague, HENRY B. GONZALEZ.

Long before I was a Member of Congress, I used to read the CONGRESSIONAL RECORD and among the people who strongly opposed actions which would raise interest rates were two outstanding champions: Wright Patman and HENRY GONZALEZ.

HENRY GONZALEZ has been fighting for good causes ever since, and I am sure long before he came to Congress.

I am proud to have him as a colleague. And this Nation is a richer nation for having had HENRY GONZALEZ in a position of leadership here in the House.●

BLACKS DO COUNT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. FLORIO. Mr. Speaker, an article in last Friday's Washington Post provides convincing evidence that the White House has no further intention of trying to reach out to black Americans, or to consider them when making policy decisions.

The reason cited was entirely political. The administration has decided that blacks will not turn out to help reelect President Reagan in 1984 and, therefore, it feels that it is no longer necessary to count them in now.

Of course, as many black leaders have been saying for some time, this is really not news. The administration's now substantial record on the budget, taxation, and civil rights points to a glaring insensitivity, at best, to the needs and desires of blacks.

No group should be excluded from the White House because of differences of opinion. This is especially true in the present case since this decision apparently was totally political.

I would urge the White House not to close the door to any group of citizens, particularly this group that already has reason to believe they have never had an effective pipeline to the President.

The article follows:

[From the Washington Post, May 13, 1983]

BLACKS WRITTEN OFF FOR 1984 CAMPAIGN, REAGAN AIDES ASSERT

(By Juan Williams)

Several black appointees in the Reagan administration said this week that the White House has written off blacks politically for the 1984 campaign.

They cited as one example the fact that the White House office of public liaison has had no one dealing with blacks for more than two months.

One senior White House official said the administration has decided that no effort in the next 17 months would be sufficient to moderate the opposition of blacks to President Reagan and capture a sufficient amount of the black vote.

He said most of the White House staff, including Faith Ryan Whittlesey, assistant to the President for public liaison, have made the same assessment.

Whittlesey's public liaison office, which is preparing a political operation to try to win key blue-collar, female and ethnic votes for President Reagan in 1984, also has had no representative to Hispanics since she took over the office in March.

Whittlesey said last week that the absence of blacks and Hispanics on her staff is only temporary and said allegations that she personally advocates ignoring black voters are "ridiculous."

Whittlesey said Mel Bradley, a black special assistant to the President for policy development, will join her office soon and part of his responsibility will be liaison with blacks.

She said no decision has been made on a liaison with Hispanics.

In talks with The Washington Post, about a half dozen black appointees in the Reagan administration said Whittlesey has argued that there is little political benefit for the president in dealing with blacks. They declined to speak on the record for fear of recriminations by the administration.

Several pointed to Whittlesey's public fight with the NAACP in Chester County, Pa., when she was a county official who opposed government aid for day-care facilities and was a critic of county welfare policies.

"Faith Whittlesey has a shrewd, tough intelligence but she uses it to the disadvantage of the poor and needy and most of the poor and needy here were black," said Mary Edwards, a board member of the Chester NAACP.

Whittlesey, who fired six members of the liaison staff—including a black and a Hispanic—the day after taking over the office, has hired all whites so far, mostly women.

Administration officials, troubled by opinion polls that show Reagan with a lower approval rating with women than men, have made female voters a priority for 1984.

Two of the women hired by Whittlesey have been assigned to deal with women's issues, assuming primary responsibility for that area from Dee Jepsen, the wife of Sen. Roger W. Jepsen (R-Iowa).

"Whittlesey has argued that they can make peace with women in time for the election, but she told them there is nothing they can gain by patching up with blacks," said one black appointee. "She wants us out. Mel [Bradley] is a band-aid, he's being the good soldier so they'll have a black face . . . that's all it is."

"That's absurd," Whittlesey responded. "The goal of the president is to unify all groups, to deal with minorities . . . there will be a second round of hiring. Our first concern was to get top women on the staff."

Vice President Bush said last week that he doubts that the Republican Party or the administration can win a significant portion of the increasing number of blacks registering to vote in 1984.

"All we can do is make the economic argument that a strong economy will help everyone, rich and poor, black and white," a senior administration official said yesterday. "That hasn't worked so far and every poll I've seen shows it hasn't got much of a chance of working."

He added that Reagan will not be "racist or antagonistic" toward blacks but sees no need to "play to that audience."

Bradley, who will be the liaison to blacks, entered the Reagan administration as a senior policy adviser who said he did not want to be identified as the black in the administration or exclusively handle black issues.

However, last April, as the president's standing with blacks sank from an already low level, Bradley was named a special assistant to the president and empowered to attend all Cabinet Council meetings to bring a "black perspective" to all administration decision-making.

Despite Bradley's promotion, leaders of black groups continue to complain that there is no contact for them in the Reagan White House.●

PERSONAL EXPLANATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, last week, I unfortunately had to miss a number of votes due to medical checkups that I had scheduled a month in advance.

As many of my colleagues are aware, I underwent tumor surgery last November. On Tuesday, May 10, while I was at George Washington University Hospital for a followup appointment on my radiation oncology therapy, I missed five votes. On Thursday, May 12, I had to be in New York for a followup appointment with the chief of head and neck surgery at Memorial Sloan Kettering, and I missed 10 votes.

The good news is that the doctors found no evidence of any reoccurrence of cancer.●

THE WESTFIELD FOUNDATION

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. RINALDO. Mr. Speaker, I am proud to call the attention of the Members to the Westfield Foundation, whose work upholds the spirit of selfless public service to the community of Westfield, N.J. The Westfield Foundation possesses the capacity to offer grants to a variety of philanthropic community causes, and it has used its flexibility to benefit a host of scholarship programs, local arts exhibits, child care and youth activities, health care and senior citizens' programs, as well as educational activities for children and adults.

It is an explicit purpose of the Westfield Foundation to fill gaps in the local community's needs which are not otherwise being met. Thus, the foundation is a model of the volunteer spirit President Reagan has been trying to encourage.

The Westfield Foundation is a tribute to the generosity of Westfielders. As difficult as our economic situation was in 1982, the public-spirited people of Westfield were not deterred from continuing to support the efforts of this fine institution.

I would especially like to recognize the president of the Westfield Foundation, Mr. H. Emerson Thomas. His work has fostered the growth and diversity of the organization he so ably heads.

The Westfield Foundation has clearly taken root in its community. I cannot recommend it too highly for

imitation by generous-minded citizens across the country.●

PERSONAL EXPLANATION

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. EDGAR. Mr. Speaker, on Wednesday, May 11, I was unavoidably absent while the House was considering H.R. 1983, the Emergency Housing Assistance Act.

On account of my absence I regret that I missed several rollcall votes. Had I been present, I would have voted as follows on the amendments offered to H.R. 1983:

Rollcall No. 102; "nay."
Rollcall No. 103; "nay."
Rollcall No. 104; "nay."
Rollcall No. 105; "nay."

I feel strongly that the current high rate of mortgage foreclosures justifies Federal assistance for families who might lose their homes. Therefore, if I had been present, I also would have supported final passage of H.R. 1983 by voting aye on rollcall No. 106.●

FAIR HOUSING

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. GARCIA. Mr. Speaker, 15 years ago, the Congress passed the fair housing law as title VIII of the Civil Rights Act of 1968. This act was an important step toward fair housing practices in the United States. Yet it was only a first step. This legislation has proved to be insufficient to guarantee fair housing for all Americans.

Not only is the present legislation lacking in essential substance, but the present administration is lacking in essential guidance. The Reagan administration appears to have abdicated its responsibility to insure fair housing for America. In 1981, the President recalled the fair housing regulations proposed by the Carter administration. Although he promised to replace them after a review, we are still waiting 2 years later.

Moreover, the Justice Department has drastically reduced its actions against violators of fair housing laws. The Civil Rights Division of the Justice Department has filed only 5 cases over more than a 2-year period compared with an average of 20 to 30 cases a year under prior administrations.

In addition, HUD has not put a lot of energy into fair housing. Of course, in fairness, the present law does not give HUD the power to force the parties into arbitration. However, HUD has stressed voluntary compliance, and in some cases, they have deferred responsibility for grievance procedures to the States. Unfortunately, many States have little interest in guaranteeing fair housing.

Mr. Speaker, this administration's actions on fair housing are extremely disheartening. Minorities, women, handicapped, and families with children all suffer. Three of every four black and Hispanic Americans will be victims of discrimination when they seek rental housing.

In the Senate, our colleagues, Senator CHARLES MATHIAS and Senator EDWARD KENNEDY have introduced the Fair Housing Act of 1983, along with 35 cosponsors. This legislation is similar to that which the House passed in 1980. Unfortunately, similar legislation was killed by a filibuster in the Senate. We need to give this legislation high priority.

Such legislation should include a Fair Housing Commission and a system of administrative judges to rule on discrimination cases. Administrative enforcement is a last resort, but it does provide complainants with a speedier and less costly resolution of their problem than through the already crowded courts if other routes prove unsatisfactory.

This bill should also extend protection to the handicapped and to families with children. The omission of the handicapped from the Civil Rights Act of 1968 was a serious oversight. Their inclusion in this act is essential, as the rights of the handicapped have been overlooked for too long.

Mr. Speaker, new fair housing legislation with provisions for enforcement is long overdue. Fair housing must be more than a law; it must be a reality.●

REAUTHORIZE CPSC

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. SHELBY. Mr. Speaker, last Friday, Mr. BROYHILL and I introduced H.R. 3015, legislation to reauthorize the Consumer Product Safety Commission for a period of 3 years, at funding levels which keep pace with inflation and represent a 15 percent aggregate increase over the fiscal years 1984–86. This identical measure was offered as a substitute to H.R. 2668 in the Health and the Environment Subcommittee and in the full Energy and Commerce Committee. That bill, H.R. 2668, calls for a 5-year reauthorization of the CPSC at funding levels representing a 58 percent aggregate increase over the next 5 fiscal years. Our substitute was defeated in subcommittee and full committee by a very narrow margin, and the Energy and Commerce Committee eventually reported out H.R. 2668 to the floor on May 3.

By way of background and review, the CPSC, created in 1972, has been granted broad powers to deal with hazards associated with thousands of consumer products. In this regard, it is estimated that 15,000 consumer products are subject to the agency's jurisdiction and that in excess of 2.5 million manufacturers, distributors, retailers, and importers—approximately one-half of all businesses in the United States—are within the ambit of CPSC responsibility.

While the scope of its jurisdiction is vast, the CPSC's statutory mandate is ambitious. To fulfill their goals of consumer protection, the Commission has the authority to force manufacturers to recall, repurchase, repair, or replace defective products; the authority to ban and seize hazardous products; the authority to issue mandatory standards; and the authority to impose civil and criminal penalties for violations of the various acts CPSC administers.

Since 1972, the Commission has had a mixed success rating. Reflecting certain criticism from consumer groups, industry, other Government agencies, and Congress, in the 1981 reauthorization of the CPSC, several significant changes were made to the statutes within CPSC jurisdiction, all of which were intended to deal with perceived regulatory excesses which accumulated over the years since the establishment of the Commission. In fact, concern over the way the Commission had performed was so great just 2 years ago that an amendment to abolish the CPSC and transfer its functions to the Department of Commerce came within one vote of passing in the Health and the Environment Subcommittee.

Perhaps in reaction to its rather traumatic reauthorization in 1981, the Commission has made some progress in developing cooperative relationships with industry to address unsafe products in the marketplace, instead of pursuing adversarial relationships which serve no ones interests and, in particular, those of the consumer. We want to stress, that we continue to support the need for a strong CPSC. We support the goals and purposes first enunciated in CPSC's enabling legislation, as well as the regulatory tools available to the Commission, so long as they are wisely and judiciously applied.

We believe that our bill is a responsible means by which the Commission can achieve these ends. We do not believe that the substantive changes embodied in H.R. 2668, nor the increased funding levels provided in that bill are prudent or practical. Our colleagues in the other body are in the midst of considering a 2-year reauthorization measure, which is much less inclusive than H.R. 2668 and contains consider-

ably lower funding levels than either H.R. 2668 or our bill. We submit for our colleagues' serious consideration H.R. 3015, a more reasonable approach to the CPSC reauthorization; a simple 3-year authorization, with funding increases that are fiscally sound and without excessive changes in current statutes.●

PUERTO RICO: THE SEARCH FOR A NATIONAL POLICY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. RICHARDSON. Mr. Speaker, the political future of Puerto Rico is an issue which will confront the Congress in the coming years. Once the people of Puerto Rico have spoken, the Congress will be called upon to make the ultimate decision on what this island's political relationship with the United States will be in the decades ahead.

In connection with this pending policy question, I would like to call my colleagues' attention to a conference entitled, "Puerto Rico: The Search for a National Policy," which will be held in Washington, D.C., in September. The conference will be sponsored by the World Peace Foundation, a nationally respected foreign policy institution under the able leadership of Ambassador Richard Bloomfield, a former U.S. Envoy to Portugal and one of our Nation's leading experts on relations between the United States and Latin America.

Mr. Speaker, in preparation for this conference, which I plan to attend, I urge my colleagues to take a moment to review the following materials, which I include at this point in the RECORD.

PUERTO RICO: THE SEARCH FOR A NATIONAL POLICY

PURPOSE

The World Peace Foundation conference on Puerto Rico is designed to examine the public policy issues involved in the U.S.-Puerto Rico relationship from the viewpoint of the national policymaker.

Puerto Rico, like the proverbial sleeping dog, is a problem to which no one is paying heed, but which one day may wake up and bite us. The awakening may not be far off. Puerto Ricans are increasingly unhappy with the chronically depressed economy and frustrated by the lack of decision on the island's political status. The foreign relations aspect of the status issue is becoming less manageable. Puerto Rico's importance in national politics is growing, however. As a result, Puerto Rico will demand more attention from Washington, which is ill-prepared to deal with the problem.

The conference will bring together for two days of intensive discussions members of Congress and their staffs, senior officials from the Executive Branch, other national political figures, experts on Puerto Rico, members of previous administrations and Congresses, and business and labor executives.

The conference will not attempt to go over ground previously covered. It will not, for example, debate the merits of the various proposals for a change in juridical status. Instead, the conference will provide an opportunity to hear what special conditions and arrangements the proponents of each of the three alternatives (statehood, improved commonwealth, and independence) would request from the U.S. Government to make possible the transition to a new status.

THE PROBLEM

The situation in Puerto Rico is threatening.

The Puerto Rican economy is in bad shape. Unemployment is at 23 percent and more than half the island's families are on food stamps.

These economic and social ills only make the question of Puerto Rico's juridical status more acute; everyone, including the pro-commonwealth forces seems to believe that a profound change in the status quo is needed.

The Puerto Rican economic model once helped the U.S. to legitimize the Commonwealth relationship before the rest of the world. Now that the island's economy has gone sour, it has become increasingly difficult for the United States to defend itself against the charge that Puerto Rico is simply a colony by another name.

If Washington continues to neglect the status issue and the economy, Puerto Ricans themselves, regardless of political stripe, will be increasingly tempted to confront the U.S. in international fora to try to get action in Washington—as they have done at least once in the past.

THE ISSUES

Economic

Is there a way in which federal assistance to Puerto Rico, i.e., transfer payments, tax concessions, and other federal programs, could be better utilized to promote the economic development of the island, regardless of eventual decisions on status?

Should these disparate programs be integrated into a comprehensive economic policy adopted by the federal government, or is that infeasible or undesirable?

How can the legislative process better take account of the probable impact of proposed legislation on Puerto Rico?

Political

Successive Administrations have gone on record on favor of "self-determination". This has a somewhat hollow ring, however, when it is realized that there is no Puerto Rican majority on the island's future, no planning has been set in motion to determine how self-determination should be implemented, and no one has faced up to the issue of whether Congress would agree to any of the special arrangements that each faction says are necessary to realize its preferred status outcome.

Times are changing, however. The Puerto Rican issue will be receiving increasing national attention. For example, Puerto Rico will have the twentieth largest delegation (53 votes) to the 1984 Democratic Convention. Leading Democratic candidates are now including Puerto Rico in their travels. The problems of the island were recently covered on CBS's "60 Minutes" and a national weekly is planning a feature article on Puerto Rico.

Should the Congress set in motion a process by which both it and the Puerto Ricans could come to grips with the specific issues involved in each proposed status outcome?

International

A number of friendly countries have begun to question the U.S. position that Puerto Rico is not a colonial issue. For example, in Venezuela, perhaps the most important Caribbean power after the U.S. sentiment is clearly turning against the U.S. on Puerto Rico.

Conceivably, Puerto Rico will become as large an issue as the Panama Canal was in the seventies.

Is our present posture that Puerto Rico is a domestic matter and therefore not within the purview of the United Nations still a viable one or should it be changed?

Conference format

The conference is being held in Washington facilitate attendance by busy policymakers and other politically influential actors. No papers will be read or delivered at the meeting; instead, papers will be circulated well in advance.

The first day will be devoted to a discussion of the most pressing current issue: what to do about the economy. The meeting will examine some recent cases of legislative changes that will have a significant impact on the Puerto Rican economy. Some proposals will be examined for better ways of dealing with economic policy on Puerto Rico in Washington.

On the second day, the meeting will examine the status issue in terms of the U.S. national interest, including the international implications. The conference will culminate in discussion of the pros and cons of proposals as to how the status issue might be managed in Washington.

PUERTO RICO: THE SEARCH FOR A NATIONAL POLICY

A CONFERENCE OF THE WORLD PEACE FOUNDATION IN COLLABORATION WITH MERIDIAN HOUSE OF WASHINGTON, D.C., SEPTEMBER 19-20, 1983

Thursday, June 16

8:30-9:15
Registration.
9:15-9:30
Opening Remarks.
9:30-11:00
The Economy—What Went Wrong?
Discussion leader: Bertram Finn, vice-president of A.G. Becker of Puerto Rico and former economic adviser to the Governor.
11:15-1:00
Making Economic Policy—Some Cases.
Recent Changes to Section 936.
Discussion leader: Nelson Famadas, Office of the Governor.
Foodstamps.
Discussion leader: A Member of Congress.
1:00-2:15
Luncheon—Speaker.
2:30-4:00
Making Economic Policy on Puerto Rico—What Should Be done?
Discussion leader: Randolph Mye, Department of Commerce.

Friday, June 17

9:00-10:45
Puerto Rico as an International Issue.
Discussion leader: Robert Pastor, former member of the NSC staff and Director of the Caribbean Program, University of Md.

11:00-12:30
The Status Issue—What the Parties Want From the United States Government—A Panel.
Panelists: Representatives of the Statehood, Commonwealth, and Independence Parties.
1:00-2:15
Luncheon—Speaker.
2:30-4:00
Managing the Status Issue in Washington and San Juan—Some Proposals.
Discussion leader: Juan Manuel Garcia Passalacqua, attorney and political columnist.
4:00
Conference Adjourns.●

NATIONAL TRANSPORTATION WEEK

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mrs. SCHNEIDER. Mr. Speaker, National Transportation Week has been designated as May 15-21, 1983 in recognition of the vital role transportation plays in our daily lives. Americans have conquered vast distances and enormous topographic challenges by constructing a magnificent transportation network that links the most remote corners of this country. Americans can be proud of our transportation network, one of our Nation's most valuable assets.

Our transportation network is comprised of highways, flight paths, subways, railroads, waterways, and ports essential to the efficient and reliable flow of commerce, travel and our national defense. It is people that make this system work. National Transportation Week has been set-aside to honor the men and women who have participated in building a transportation system in the United States that is unparalleled through the world.

Our Nation's eighth Secretary of Transportation—and the first woman to hold that position—chose to begin the celebration of National Transportation Week by addressing the Women's Transportation Seminar (WTS) in Washington, D.C. I urge all my colleagues to read carefully and consider her remarks, which are printed at the conclusion of my statement.

WTS is a national organization of transportation professionals, founded in 1977. Today WTS has nearly 1,000 members with 10 chapters in Atlanta, Boston, Cincinnati, Denver, Miami, Minneapolis-St. Paul, New York, Philadelphia, San Francisco, and Washington, D.C., with two chapters forming in Baltimore and Seattle.

WTS provides a neutral forum for business and Government leaders to discuss transportation issues. This young organization constantly strives to advance the knowledge, training, and professional development of its members. Recently, WTS initiated an Outreach program to inform young people of transportation career options and to encourage appropriate preparatory training. I commend WTS for the excellent service it provides to the transportation industry by fostering the development of a pool of skilled professionals.

From the early seafarers to today's astronauts, women have participated in building, operating, and safeguarding our national transportation system. Of course, transportation is not a traditional career choice for women. Many of the first women in transportation succeeded their husbands into the field.

In 1856, 19-year-old Mary Patten had little choice but to take command of the clipper ship—*Neptune's Car*—when her husband, the captain, became seriously ill. Normally the first mate would have taken over; but news reports indicate that he was bound in irons, arrested for insubordination. For 52 days, Mary guided the 1,800-ton ship around Cape Horn to San Francisco.

In 1901, Sara Kidder became president of the Nevada County Narrow Gauge Railroad when her husband died and left her 1,800 shares of stock. This must have caused quite a stir in an era when railroad presidents had male secretaries and women were not permitted in the corporate suite.

Today, women are entering and excelling in the transportation field on their own merits. As a member of the Merchant Marine and Fisheries Committee, I am particularly pleased to see increasing numbers of women enter this exciting and growing industry. I would like to take this opportunity, during National Transportation Week, to pay tribute to the women and men that assist in providing safe, efficient, and dependable transportation services to our Nation's businesses and travelers every day.

PREPARED REMARKS OF SECRETARY OF TRANSPORTATION, ELIZABETH HANFORD DOLE, TO THE WOMEN'S TRANSPORTATION SEMINAR

It's a delight to begin my participation in National Transportation Week by accepting your kind invitation to address this group. Over the years, the Women's Transportation Seminar has developed a sterling reputation, not only for its leadership in promoting the cause of women in transportation, but also as an impressive forum for the public discussion of transportation issues in general.

It was a woman, Charlotte Woods of Houston's Women's Traffic Club, who first conceived the idea of National Transportation Week. This year is the tenth anniversary of females on the flight decks of U.S. airlines. And 1983 is also the centennial of the famed Brooklyn Bridge, an engineering marvel made possible, at least in part, by Emily Roebling, who shared her husband's battles with dishonest contractors and a legion of so-called best minds. Their skepticism about Roebling's masterpiece carried over to the role of women in all aspects of transportation.

Even now, it's no secret that women form a small minority within the transportation field. As of 1980, they comprised about 16 percent of the overall workforce. Yet as old as the challenge may be, still older are the precedents for overcoming it.

They read like an honors' roll, both social and scientific. From Susan Morningstar, the first woman railroad employee in 1885, to Evelyn Newell, the first woman railroad engineer in 1974. From Mary Patten, who took command of a clipper ship in 1856 to the first eight female graduates of the U.S. Merchant Marine Academy in 1978. And from Phoebe Omlie, a wing walker in a flying circus in 1920 and the first woman to get a transport pilot's license, to Dr. Sally Ride, a physicist who will become the first American woman astronaut in space aboard the seventh flight of the space shuttle challenger next month.

These are just some of the women who have cleared a path for all of us to follow. As the first women Secretary of Transportation and the first woman to head a branch of our armed forces—the United States Coast Guard—I feel a keen debt to each of them.

I know breaking into the field wasn't easy, and, by explanation, I would like to tell you a personal story. I trust you'll forgive me if I look back over my shoulder—to a day in September 1962 when I entered Harvard Law School, one of 25 women in a class of 550 eager students. I'll never forget being accosted by a male classmate on my very first day at Harvard, who demanded to know what I was doing there.

"Don't you realize," he said in tones of moral outrage, "that there are men who'd give their right arm for your place in law school? Men who would use their legal education?" The inference was that I was taking a man's place. And come to think of it, some may have felt that way when I became Secretary of Transportation.

Yes, much has changed since then. Much of the change has been dictated, not by government edict, but by the marketplace. For instance, the double digit inflation of the 1970's forced many women into the labor market for the first time. Divorced women joined the economy at the same time, until we reached the point where 63 percent of women with children between the ages of six and 17 were in America's labor force in 1982. During the last decade alone, the number of females receiving masters in Business Administration has soared by nearly 800 percent.

And more of the same is in store. For as our economy evolves from its traditional reliance on smokestack industries, as we come to place our faith in services and communications and managerial skills, then women who were previously barred from steel mills and auto factories will find themselves in ever greater demand. In the foreseeable future, we will hopefully even graduate from the misguided perfectionism best described by author and social critic Marya Mannes, who put it best, I think, when she wrote the following: "Nobody objects to a woman being a good writer or sculptor or geneticist if, at the same time, she manages to be a good wife, a good mother, good-looking, good tempered, well-dressed, well-groomed and unaggressive."

Over the years, women have been required to be all this and more. The members of this organization offer living proof that women have the skills needed in transportation. But we also have our work cut out for us in getting that idea accepted.

A few numbers will help. For instance, women today make up 33 percent of the aviation workforce, 28 percent in transit. Unfortunately, they are the high points. For the trucking and maritime trades, the figures drop to 13 percent. And in railroads, women comprise only 8 percent of the workforce.

Clearly, there is substantial room for improvement. And the place to begin is at the Department of Transportation itself. And I want to lead the way for greater opportunities for women throughout the field. Already, we are working to bolster women's ranks in the transportation workforce and at the management level. When the Department was established in 1967, 18.5 percent of its total workforce was female. Today, 16 years later, women still represent less than 20 percent of our personnel strength. Some gains at management levels have occurred, but women in grades GS-13 and above still make up only one percent of the total. I cannot believe that qualified candidates, female candidates, to fill professional positions are lacking. As a result, we are now developing specific recommendations to improve the status of women in the Department. These are just some of the options we are looking at:

Increasing the opportunities for women to enter professional and technical occupations at the entry level;

Preparing women in mid-level grades for more responsible management positions; and,

Providing opportunities for women who are already in management positions to improve their skills and move into the Senior Executive Service.

I asked in the first weeks of my tenure at the Department for a program addressing the needs of women employees from entry level jobs through senior management positions—a program which cuts across the Department's organizational lines.

In early May I attended a Cabinet Council meeting chaired by the President to discuss ways to improve the status of women in Federal government management positions. Needless to say, I was delighted to report that we were already developing a program at DOT. I have been asked to brief the Council, which I will do in the near future. I look forward to the briefing because I am very enthusiastic about our program and anxious to present a model which other departments can follow.

The Federal government sets the standards that govern much of our lives. It should set an example of increased opportunities for working women. I expect that quite a few of you here will become involved in our program. I welcome your input. In the past, you have been active in promoting educational opportunities for women, especially at the college level.

Another area where we share mutual interests is that of transportation legislation. We succeed or fail in our transportation objectives by how effectively we persuade the Congress of the merits of our proposals.

This is never easy. Fortunatley, we have come a long way from the days when ancient Greeks decreed the custom that when a man proposed a law in the popular assembly, he did so on a platform with a rope around his neck. If his law passed, they removed the rope; if it failed, they removed the platform.

Right now, we think we're gaining ground in Washington. We're even so bold as to believe the noose of national decline no longer weighs heavy on our neck. And Transportation is only one field where the old ways are yielding to new ideas, and a steady stream of fresh solutions are fueling our system.

Indeed, change is the order of the day at my Department. One of the priorities of my 102,000-person staff is the modernization of our air traffic control system, which has been described as the biggest government undetaking since the Apollo man-on-the-moon program. The new system will eventually double our capacity in the air through the year 2000. It will cost $9 billion but save $25 billion through the end of the century. It will weather-proof our airways and through the most precise landing systems, and equipment to prevent mid-air collisions, provide us the safest possible air system.

While this modernization program will be costly, the money will come from user fees, not the general taxpayer. The user fee principle is not new—our highways are literally built on it. But the extension of that principle to other means of transportation does represent a change in policy, one that is fully consistent with the Administration's position that those who benefit from government-provided services should pay a fair share of their costs. To give you an idea of how far we have come in our user fee philosophy, fully 69 percent of our Department's 1984 budget will be financed by user fees rather than general revenues. That's up from 45 percent in 1981, when this Administration took office.

There is another significant change affecting transportation in America. We are in the beginning phases of a nationwide program to rehabilitate and preserve our highways, bridges and public transit systems. No patchwork project, this extensive rebuilding program will assure that the high quality surface transportation system we enjoy today will endure for future generations. The resources for this program come primarily from the recent nickel a gallon increase in the Federal gasoline tax, revenues that are already being put to work. Although the additional tax only went into effect April 1st, we awarded $2.9 billion to the states in the first quarter of this year and will fund more than $12 billion for bridges and highways over the full year—the highest levels in the history of our highway program.

That same legislation—the Surface Transportation Assistance Act—increased user fees on the heaviest trucks using our nation's highways. The extensive cost allocation study completed last year showed that heavy trucks have not been paying anywhere near their fair share of highway costs. The higher fee schedule set by the new law is being phased-in over a five-year period so that truckers and the small independent operator in particular are not hit with a sudden increase. Even with the new fees, however, they will still pay less than their fair share—an estimated 69 percent by 1985 and only 73 percent when the tax is fully implemented in 1989.

The law also permits the use of tandem trailers in all states, on the Interstate system and on primary roads designated by the states.

We had hoped that the states would be responsive to the use of double trailers on qualifying routes. A number of states, however, registered objections to the sections of non-Interstate roads added by the Federal Highway Administration to provide a system of connected routes. The problem was that, while some states came in with a good system, carefully thought-out and designed to assure route continuity, others sent in maps with bits and pieces of routes that left gaps you could drive a truck through but, unfortunately, not over. The Federal Highway Administration tried to amend those proposals to produce a workable route system but several states challenged those additions, so we temporarily withdrew permission for double trucks to operate on the Federally-designated roads in those states. We will continue to work with the states to reach agreement on a route structure that is mutually acceptable and provides adequate access to freight centers.

It is our feeling that new truck taxes are offset by the increases in productivity the new law permits. Our best rule-of-thumb calculations show an annual net gain—by 1985—of $3.2 billion of benefits over costs for the industry as a whole.

These are just some of the winds of change blowing across the landscape of American transportation. Another is deregulation. I recall that in the early 1970's, when I was serving on the Federal Trade Commission, we were among the first in Washington to question the merit of continued government economic regulation over industries that had long ceased to be monopolistic and were, in fact, naturally competitive. Since then, we have come a long way in putting this deregulation philosophy to work. And, while some dissenting comments can still be heard from time to time, I think there is a broad consensus that regulation has been good for the industry and the public alike. It is clearly transforming the way airlines, railroads, intercity bus operators and trucking companies do business. And it suggests just how central a role competition plays in the Reagan innovations. Under the restraints of federal regulation, none of these freight or passenger carriers could compete on price. None could set its own routes. None could enter or leave a market without government approval.

All of that may have made sense at one time, but it is clear today that transportation is no longer a natural monopoly—it is, in fact, a naturally and increasingly, competitive group of industries.

Obviously, in any particular mode deregulation might cause temporary dislocations during the transition to a more competitive world and we will be sensitive to those dislocations.

Overall, we firmly believe that deregulation has served the best interests of the public. In the long run, we are convinced it will prove equally beneficial to the industries involved. In aviation, for example, the major airlines have been able to restructure their routes to make more efficient and productive use of their equipment. They have vacated markets better suited to the regional and commuter carriers. Contrary to the fears expressed before deregulation, this has not generally caused small communities to lose service. In 74 communities where the major carriers eliminated service between November 1978 and May 1981, total departures actually increased by 26 percent, as smaller, more competitive operators moved in or expanded existing service. According to a CAB study, convenience of service—times of departure, number of flights and availability of connecting flights at hub airports—generally improved in those communities.

In intercity bus transportation much has been said about the possibility of abandonment of service since President Reagan signed the Bus Regulatory Reform Act. What has not been generally noticed is the

other side of the coin. In the first four months after passage of the Act, the ICC received 85 applications for new or expanded service. We thought that was encouraging. We find now that eight months after the Act was passed, some 137 applications for new or expanded service have been made. This compares to an average of 40 applications per year during the five years before regulatory reform. Greyhound alone is preparing to serve 138 new communities, including some not previously served by any carrier.

Regulatory reforms also have enabled our nation's railroads to compete more effectively, operate more efficiently—and generate the best profits the industry has seen in years, even in the face of a poor economy. In trucking as well, rate reductions today are widely available along with a variety of new types of price and service options. As a matter of fact, we are preparing to proceed with "phase two" of the surface transportation deregulation program which would, in effect, eliminate most of the remaining Interstate Commerce Commission regulatory authority over the motor carrier industry and the domestic water carriers and freight forwarders.

We are also encouraged by the prospects for maritime reform. I have testified before the Congress in support of deregulatory legislation which will minimize the Government's intervention in maritime affairs, strengthen our merchant marine and help to put U.S. carriers on an equal footing with foreign carriers. The Senate has approved a bill similar to our proposal, and we are hopeful for early action in the House. If we get the maritime legislation we want, and believe the nation needs, it will mark the first regulatory reform of the industry in 67 years.

Another area getting a great deal of our attention is Conrail. The government has invested substantially in Conrail and it is today a much-improved, well-performing railroad, and has begun to show some operating profits. We will continue our efforts to return it to the private sector where it properly belongs. I have met with Goldman, Sachs and Company, the investment broker advising us on the sale, and their representatives are now calling on prospective purchasers. If any of you know of someone who might like to buy a railroad, please let me know.

In my book, there is no more important responsibility for the Secretary of Transportation than safety. I referred to it briefly a few minutes ago, but, its importance bears elaboration.

Highway traffic deaths last year numbered 44,000. Tragic as the toll was, it was still 5,000 fewer than in 1981. There were more cars and trucks on our roads. Total driving was up, not down. But lives were spared, as fatalities declined by more than 10 percent.

There are probably a variety of contributing causes to this trend, but we certainly can't overlook the correlation between fewer fatalities and the growing crackdown on drunk driving. It all began, as I'm sure you know, with a groundswell of public opinion deploring ineffectual laws, lax enforcement and lenient judges which together had led us to believe that death was something we had to learn to live with, almost as a price of our mobility.

Recently, a young boy, waiting for the ice cream truck, was killed by a drunk driver with six prior convictions for driving while intoxicated.

One young boy was killed and his twin seriously injured by a motorist who had been arrested seven times in four years for drunk driving—but had never spent a day in jail.

And a man who killed a 23 year-old college student, riding her bicycle in a bike lane, was on probation from a prior drunk driving conviction.

With those and many other tragedies in mind, aroused citizens groups, led initially by Candy Lightner and women and men united under the "Mothers Against Drunk Drivers" organization, have lobbied forcefully and turned a host of state legislatures around. Last year alone, drunk driving laws were tightened in 20 states. Thirty-eight new laws were enacted. Forty states this year either have already enacted tougher drunk driving laws or have such laws up for consideration. The Presidential Commission on Drunk Driving, appointed early last year to focus public awareness on the extent of the problem, has made a number of very solid recommendations and the Commission's term has been extended. Women concerned about transportation-related deaths and injuries have made—and are making—tremendous contributions in the areas of safety and driving responsibility.

We know now that we can make a sizeable dent in the fatality rate and in the number of serious injuries. Along with an aggressive drunk driving program, we are engaged in a nationwide effort, with private sector support, to encourage greater use of safety belts. And we're seeing some encouraging results. According to our latest survey we have gained more than two percentage points in compliance—no small achievement when you consider that every one percent increase means 200 lives saved and 3,000 injuries prevented.

I am also encouraged about a place for air bags in our safety program.

We are arranging to equip 5,000 cars in the Federal government's auto fleet with air bags. We are also negotiating with three or four state police departments to retrofit 500 more cars with driver-side air bags. A contract was signed two weeks ago with a firm in Arizona that will design and produce the air bag retrofit kits. The State of Arizona has agreed to equip 130 of its cars with the air bags. We will encourage the private sector to make air bag cars available to the public. Mercedes Benz and now BMW, for example, already have indicated they will make air bags optional on some models of their cars exported to the United States. I also expect to be talking to major fleet operators in the business community to urge them to experiment with air bags, and I am hopeful that the insurance industry will work with me to take a more active role in safety matters.

In New York, they are celebrating the 100th anniversary of the Brooklyn Bridge, which was built with the help of Emily Roebling, who acted as chief engineer when her husband became ill. And today there's Brooke Knapp who flew a Lear jet around the world in 50 hours, breaking the record for light business class jets by more than half a day. She now runs her own charter airline company in Los Angeles.

As evidence of their participation, women's professional associations in transportation are increasing. There's the Ninety Nines, the International Women Pilots Association, the Whirly Girls, the association of women helicopter pilots and the National Association of Railway Business Women. But the Women's Transportation Seminar is unique because it crosses all modes. I am glad to note that you are an equal opportunity group—that many men can and do join to take advantage of your excellent programs. Because of this and because of your continual commitment to the advancement of your profession, I would like to follow the example of the junior Senator from Kansas, Nancy Kassebaum, and accept your invitation to become a member of the Women's Transportation Seminar.

One of the country's greatest poets was a woman who never left her home in Amherst, Massachusetts. She never worked in an office, never raised a family, never won a headline. The only power she wielded lay in her poetry. But her artistry and her vision have inspired millions.

"We dwell in possibility," Emily Dickinson wrote nearly 150 ago.

For most women, success today still is achieved by dwelling in the improbable, by challenging the odds and overcoming the conventional wisdom.

Surely it was a combination of possibility—and reaching for the improbable—that led Rosa Parks to claim a seat at the front of a Montgomery bus, and thus launch a peaceful revolution a hundred years overdue. Surely it was brush with the improbable that raised Golda Meir to the Premiership of Israel—or suggested that Mother Teresa's responsibility to a hungry world involved far more than mere obedience to the rules of her Order.

So today let us continue to strive for the day when the improbable becomes the probable. Back in June 1965, I was welcomed somewhat uneasily into a circle still known as "the fellowship of educated men." I've seen enormous progress since then. I've seen the circle expand, and opportunities open up.

And I am convinced that today's women stand in the reflected light of a rising, not a setting sun. Our day has barely dawned. Our dreams are just beginning to be realized. We dwell in possibility—but we challenge the improbable.●

EL SALVADOR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. LAGOMARSINO. Mr. Speaker, despite what critics may say, the rightist forces in El Salvador do not have a monopoly on human rights abuses.

Newspaper reports in the Los Angeles Times and the Washington Post last week describe in vivid detail the destruction and death of a town in north-central El Salvador. The execution of 18 civilians and soldiers in the town of Cinquera cannot be justified under any circumstances. This is in addition to the more than 30 soldiers killed as guerrillas overran the town's garrison with a barrage of mortar and machine-gun fire.

If past experience is any guide, we are not likely to see these abuses attributed to the left in any report of human rights violations.

While we recognize the need for improvement in human rights conduct by the rightist forces in El Salvador,

the mistake should not be made of depicting the leftist guerrillas in El Salvador as the good guys and the Government forces as the bad guys.

The articles follow:

[From the Washington Post, May 13, 1983]

SALVADORAN GUERRILLAS EXECUTE 18

(By Sam Dillon)

CINQUERA, EL SALVADOR.—Guerrillas, many of them embittered former residents of this mountain hamlet, executed 18 captured soldiers and civilians during a two-day occupation, residents said Wednesday.

An insurgent force of several hundred overran the town's 40-man Army and National Guard garrison Sunday morning, killing 30 soldiers in the fierce mortar and machine-gun attack.

Breaking with their widely publicized "humane treatment" prisoner policy, the rebel forces summarily executed 10 soldiers and eight other men they accused of collaborating with the Army, residents said.

"They said they couldn't pardon the soldiers, because many of their own people had died fighting for the town," said 47-year-old Julia Tomasino as she packed her belongings to flee with her two children Wednesday.

"It was as if it were a crime to live here," Tomasino said.

Cinquera's political history is a microcosm of the fratricidal divisions that have wracked this country since the mid-1970s.

The local priest organized the town's farmers during the last decade into a "Christian peasants' union" demanding improved wages and living conditions. A string of killings and disappearances—believed to be the work of rightist landowners—occurred after the peasants seized a nearby ranch.

The polarization culminated in 1980, when the priest and hundreds of the town's poor fled to the surrounding hills to join the developing armed rebellion.

Many of the residents who remained were members of the now-disbanded paramilitary organization ORDEN, and the town, since considered a rightist stronghold, has been briefly occupied at least twice by insurgents.

The executions unleased here during the weekend reflected this legacy, Salvadorans familiar with the town said.

Late Saturday night, guerrillas launched coordinated attacks on the town and the Army's three mountain outposts that control its main access road. Nearly 55 soldiers died in fighting outside the town, according to Lt. Col. Roberto Rodrigues Murcia, commander of Cabanas Province.

"Here, the soldiers didn't all die in their respective trenches," said 22-year-old Antonio Bonilla, who was visiting relatives in Cinquera Saturday when the fighting began. "Here, some surrendered wounded and were killed as they bled.

"See that wall? That's where a sergeant surrendered, and that's where they shot him," Bonilla said. Pointing down a cobbled street littered with spent rifle shells and bloody clothing, Bonilla said 10 captured soldiers were killed by the rebels. He indicated the spots where each one fell.

Across town, Bonilla pointed to a puddle of dried blood where, he said, the commander of the local civil defense force was executed. Bonilla named seven other civilians executed by the rebels. Some were paramilitary fighters like the civil guard commander.

Scores of women, children and old men died in the mortar bombardment that preceded the storming of the town's trenched perimeter and the hail of bullets that followed, numerous residents said.

[In Washington, a State Department spokesman, citing reports from the Salvadoran armed forces and from the representative of the U.S. military group attached to the U.S. Embassy who visited Cinquera, confirmed "at least" 16 executions. The spokesman added that "based on reports from Salvadoran authorities on the scene, there were an undetermined number of civilian deaths including several small children."]

By Monday morning, many of the rebel combatants had left. But at least 10 guerrilla supporters—the "masses" who live and move with rebel columns—came out of the hills to Cinquera to commandeer supplies and visit old acquaintances, Bonilla said.

"The women came in to see their sisters," he said. In several cases, the rebel supporters interceded to save former friends from being executed as government informers.

A force of nearly 1,000 Army troops drawn from three provinces dislodged the guerrillas in heavy fighting in the surrounding hills Monday evening. Wednesday, trucks loaded with refugees carrying their battered furniture and hungry livestock rumbled out of the town, and it appeared that within days Cinquera would be uninhabited.

The Associated Press reported the following from San Salvador:

Two young Salvadorans said they were abducted north of the capital Saturday night by uniformed death squads, shot with automatic rifles and dumped along a shantytown road where Red Cross workers found eight bullet-riddled bodies.

"When they went away I rolled into a ditch to escape the dogs," said one of the survivors Wednesday.

It wasn't possible to verify the stories independently. Western diplomatic and human-rights sources agreed the case appeared to have the markings of an attack by death squads, who have been blamed for most of the 42,000 deaths in El Salvador over the past 3½ years.

The two men said they had been abducted separately in the rough Mejicanos neighborhood north of the capital by armed, uniformed men, presumably from a right-wing group.

International Red Cross officials said they found the men along a road three miles north of San Salvador where eight corpses had been dumped. The road is frequently used as a dumping ground for victims of political killings.

The survivors said their assailants called them "subversives"—a term the government uses for leftist rebels—and ordered them to board open-bed trucks of the type the Army uses for transport. They said the trucks drove north of the capital to the area where the bodies were found. They said they were ordered off the trucks, and the gunmen started shooting.

A western source said the bodies of two former political prisoners freed earlier this year, Manuel de Jesus Orellana Moran, 24, and Pedro Antonio Chamul Montano, 24, were among those found on the road. The source said the two were released earlier this year after military judges dropped subversion charges.

[In Washington, a State Department spokesman said, "This is a matter of serious concern. We are looking into the matter further."]

[From the Los Angeles Times, May 12, 1983]

DEATH OF TOWN: SALVADOR REBELS SETTLE A SCORE

(By William Montalbano)

CINQUERA, EL SALVADOR.—Mayor Cordelia Avalos survived the death of her town by hiding in the woods. Wednesday, she lay on a scrap of canvas in a dirty pink and orange dress, cupping a hand over her eyes, unwilling to watch the funeral rites.

Around her, like sleepwalkers, townsfolk lugged valuables from shattered adobe houses into the plaza, where a flowering royal poinciana mocked their agony with orange fire. There were goats, bullocks, tethered pigs, religious pictures, beds, rickety tables, sacks of rice and, in a cardboard box, a 12-day-old girl aptly named Dolores. Sorrow.

Near the church, too poor to have a name, where the steeple clock was stopped at some far away 10:30, an army lieutenant looked up from the April, 1964, Spanish edition of Reader's Digest to say that trucks would come soon. By nightfall, Cinquera would be just a place on the map. No more people, except those who rest in fresh, shallow graves.

A DUSTY MICROCOSM

Guerrillas came to Cinquera before dawn Sunday with a score to settle. By Monday, when they withdrew, the town was dead, a dusty red-tiled, nowhere microcosm of the violence that wracks El Salvador.

Cinquera, a nasty two hours by car northeast of the Salvadoran capital, is one of those places of more tears than facts, a town-in-a-hollow where surrounding hillsides were once planted with beans and corn.

Electric lights went out more or less for good two years ago. It has been a year since any bus would brave the rocky tract from Tejutepeque to the southeast. Once, several thousand people lived around Cinquera but, as the troubles worsened, many left and others moved from the countryside to the town. Mayor Avalos thinks there were 104 families in Cinquera when the guerrillas came or, perhaps, she said, it was 145.

Around 1977, according to Salvadorans familiar with the town, a priest whose name is not remembered politicized the poor and formed them into Christian communities and peasants' leagues of the sort common in Latin America but which always excite rightist alarm.

Landowners and the town Establishment, traditionalists who had historically supported whatever military government held power here, struck back. Killings and disappearances began.

In 1980 the priest and some of his peasant followers went into the hills as guerrillas. At least twice since then the guerrillas occupied the town briefly, fueling the flight of its people.

Around 1 a.m. Sunday the guerrillas came back in force, striking from all sides in a coordinated attack against a 30-man army garrison supported by civilian defense forces.

The garrison surrendered around 8 a.m. On Wednesday, the leveled, blue-sided military headquarters and the debris from overrun strongpoints around the plaza bore mute testimony to the ferocity of the struggle.

When the garrison fell, Cinquera discovered that the guerrillas were not just any guerrillas, but some of the same people who had followed the priest into the mountains three years before.

With the town secure, the guerrillas began exacting specific vengeance, witnesses said Wednesday.

"They robbed everything, destroyed my house, killed my husband," said Avalos, who fled in the confusion.

"My husband was the mayor's assistant, 61 years old," said a new widow standing amid the wood framing that was all that remained of the front of her house. "They came and got him and led him away with his hands tied. He is buried over there. Please do not publish my name or they will kill me too."

"They killed people they said had cooperated with the government." said Julia Tomasino, whose house fronts on the plaza. "The guerrillas said they could not pardon the soldiers who surrendered because too many of their friends had died. They tied them up and shot them."

A mustachioed farm worker, Jose Antonio Arias, sat on the steps of the church Wednesday, favoring a leg he said was wounded by a guerrilla grenade.

"I saw them take away seven soldiers and six civilians. They didn't come back. The guerrillas dragged people out of their homes and made them lie down in the street. They took food and clothes and told us if we didn't leave they would kill everybody."

In all, perhaps 40 civilians died in the town, together with the 30 soldiers. Another 60 soldiers are said to have died when a relief column was ambushed Wednesday, and estimates of dead civilians in the countryside run as high as 80. Guerrilla casualties in the fighting in and around the town are estimated to be about 50.

Numbers never tell the story, though, and are almost never right. A more accurate reflection of the Salvadoran reality Wednesday was the pathetic emptiness of Cinquera and its survivors; open doors to empty houses, a skinless bass drum rocking on cobblestones, a schoolgirl's essay entitled "Art in the Middle Ages," forgotten under fleeing feet.●

U.S. PUSH IN WORLD MARKET URGED

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. WIRTH. Mr. Speaker, for some time now many of my colleagues in the Congress have shared a concern about this Nation's ability to compete successfully in the international market and during the past year, we have seen many leaders from business, industry, and labor voice that same concern.

Yesterday, the Business-Higher Education Forum released a report that formally addresses this critical concern. I would like to share one quote from this report:

Other nation's have recognized the new economic imperative and have integrated their domestic and foreign policies into aggressive, coordinated national strategies to meet the challenge of international competition. The United States has not.

As a nation, we must develop a consensus that industrial competition is crucial to our social and economic well-being.

I fully support the fundamental premise of the above quote and hope in the near future to introduce legislation which will address this problem, so vital to our economic interests. I would like to submit the story on the report, which appeared in yesterday's New York Times:

[From the New York Times, May 16, 1983]

U.S. PUSH IN WORLD MARKET URGED

COMPANIES' EXECUTIVES AND EDUCATORS STRESS ABILITY TO COMPETE

(By Edward B. Fiske)

Leaders of 16 major universities and corporations called on President Reagan yesterday to put the full weight of the White House behind a new national program to restore the nation's ability to compete with other industrial nations.

Such a restoration must become the country's "central objective" for the rest of the decade, the members of the task force of the Business-Higher Education Forum said in a letter to Mr. Reagan. Their letter accompanied a report urging changes in trade, taxation, investment and educational policies to solve "deep-rooted and structural" economic problems.

"Other nations," the report said, "have recognized the new economic imperative and have integrated their domestic and foreign policies into aggressive coordinated national strategies to meet the challenge of international competition. The United States has not."

PATIENCE, SACRIFICE, VISION

The first thing to do, they said, is this: "As a nation, we must develop a consensus that industrial competitiveness is crucial to our social and economic well-being."

The task force cautioned: "Strengthening America's ability to compete will require exceptional resources, patience, sacrifice and vision. It will require avoiding the twin pitfalls of protectionism and increased government intervention into private sector activities."

Among the changes recommended by the task force are modification of antitrust laws so companies may cooperate in sponsoring basic research, further reductions in the capital gains tax on long-term investments, Federal loans for graduate engineering students who agree to become teachers and development of a "displaced worker program modeled after the G.I. Bill."

The task force said that restoring the ability of American industry to compete in international markets would require "the same national consensus that allowed the United States to land men on the moon."

Because of the magnitude of the proposed changes, the task force declared, leadership must begin with the White House. It urged President Reagan to take these immediate steps:

Make a major public address describing the "nature and severity of the competitive challenge" and suggesting ways of dealing with it.

Appoint a Presidential Adviser on Economic Competitiveness similar to those in fields such as national security and science.

Staff a previously announced National Commission on Industrial Competitiveness that would coordinate national efforts in this area.

Establish an Information Center on International Competitiveness in the Commerce Department to facilitate the flow of information relating to economic growth.

"Despite the fact that the United States has the world's largest capital base, the world's most advanced technology and a highly educated and skilled work force," the report said, "there is disturbing evidence that the nation is failing to utilize these strengths fully."

Earlier this month the National Task Force on Education for Economic Growth, a group of 41 state governors and corporate and educational leaders, called for "deep and lasting change" in the American educational system to put the country on a par with Japan and other industrial nations.

Many American corporations have begun to aid local school systems with financial support and the time of executive personnel. In New York City, for example, at least a dozen companies have developed ties to elementary schools through a program known as Adopt-a-School.

The Business-Higher Education Forum was established five years ago to promote cooperation between corporations and institutions of higher education on issues of mutual concern. Its 78 members, all of whom are senior executives of industrial or academic institutions, meet twice a year. It has a permanent staff that operates under the sponsorship of the American Council on Education, the principal umbrella organization of American colleges and universities.

The 51-page report released yesterday, "America's Competitive Challenge: The Need for a National Response," was signed by the task force consisting of 16 forum members. The co-chairmen are Robert Anderson, chairman of the Rockwell International Corporation, and David S. Saxon, president of the University of California.

The task force was created last spring when President Reagan, in response to an overture from the American Council, indicated that he would be receptive to such an analysis from coporate and educational leaders. Representatives of the group are scheduled to meet with the President later this month.

In its letter to Mr. Reagan, the task force said: "Unless the United States improves its ability to compete, unless we develop a comprehensive, coherent, long-term approach and unless we address our problems from a broad perspective, we fear that domestic economic revitalization will remain an elusive goal.

"And unless we rebuild the American economy and strengthen our educational system, it will be increasingly difficult—if not impossible—to maintain a just society, a high standard of living for all Americans and a strong national defense."

The report noted "the decline of U.S. economic competitiveness," adding that "unemployment persists at near-record levels." It said, "The fiscal strength of all levels of government has been weakened, forcing reductions in public services that affect the quality of life."

A wide variety of reasons for the decline were cited, including a decade-long decrease in capital investment as a percentage of the gross national product, shortages of engineers, scientists and other technical workers and "the absence of unified U.S. foreign economic policy."

American business, according to the document, has compounded the problem through policies that favor "the short term over the long term." And colleges and universities, it added, have been "responding too slowly" to changing manpower needs.

In its deliberations, the task force evaluated more than 200 suggestions, made by vari-

ous groups in recent years, about how to improve economic competitiveness.

"Our ideas are not new," said John W. Peltason, president of the American Council on Education and a member of the group. "What we tried to do was to say that the country needs a process for constantly reviewing such ideas and that the need is sufficiently urgent to require Presidential leadership."

The dozens of recommendations endorsed by the task force range from changes in trade and tax policies to basic reforms in the educational system. Among the proposals are these:

Revision of the Freedom of Information Act to protect proprietary information that is sent to Government agencies and could be useful to foreign companies.

Liberalized tax deductions for corporations donating scientific equipment to colleges and universities.

Tax incentives to corporations for retraining workers displaced by technological change.

Additional support to both public and private organizations for training high school mathematics and science teachers.

The task force said that companies and universities must take a number of steps on their own to increase American competitiveness. Corporations, it said, must emphasize long-run growth rather than short-term profits, while universities must develop "more competitive salaries for engineering faculties." The report added that industry and higher education must find new ways of collaborating on "problem-oriented research."

In addition to Mr. Anderson, Mr. Saxon and Mr. Peltason, the members of the task force are Derek C. Bok, president of Harvard University; Phillip Caldwell, chairman of the Ford Motor Company; Edward Donley, chairman of Air Products and Chemicals Inc.; Theodore M. Hesburgh, president of the University of Notre Dame; Gerald D. Laubach, president of Pfizer Inc.; James E. Olson, vice chairman of the American Telephone and Telegraph Company; Wesley W. Posvar, chancellor of the University of Pittsburgh.

Also, John F. Burlingame, vice chairman of the General Electric Company; Richard M. Cyert, president of Carnegie-Mellon University; Paul H. Henson, chairman of United Telecommunications; Matina S. Horner, president of Radcliffe College; Robert Q. Marston, president of the University of Florida, and Clifton R. Wharton Jr., chancellor of the State University of New York.

William O. Baker, retired chairman of the Bell Telephone Laboratories, served as special adviser.●

SEX DISCRIMINATION IN EDUCATION EQUALS NATIONAL DISGRACE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. STARK. Mr. Speaker, I wish to reaffirm my support for equal educational opportunities for women and men alike by cosponsoring House Resolution 190.

Mr. Speaker, this administration's attempts to turn the clock back to an era when the Federal Government tacitly accepted the denial of equal education for both sexes is not only reprehensible but a national disgrace and tragedy which will surely result in negative consequences for us all. While the advancements of women in education cannot be attributed solely to Federal programs and regulations that protect equal educational rights, there has been an undeniable link between these strides and the passage of key legislation, particularly title IX.

As you know title IX was enacted in 1972 with the clear intention of withholding public funds from any institution engaging is sex discrimination whether the funds were program specific or not. The Education Department's failure to appeal last July's Federal district court ruling in University of Richmond against Bell, which states that title IX covers only programs that receive direct Federal aid, has now resulted in confusion regarding the scope of title IX. Mr. Speaker, worse than the confusion engendered by the Richmond decision, the failure to appeal this case sends a powerful message to the schools and colleges across this country that they can discriminate with impunity—without fear of vigorous enforcement.

Despite President Reagan's campaign rhetoric that he has "been working to promote women's rights since long before it became fashionable," his administration has attacked and undercut educational equity for women at a rate unmatched by previous administrations, either Democratic or Republican.

Given that this Nation is already at risk with regard to its educational system, we cannot further afford the price of sex discrimination in education at any level. So too, at a time when we are seeking avenues to put this Nation back on the road to economic recovery, we cannot afford to deny women educational opportunities that will enable them to enter a wider variety of fields, especially the higher paying technical fields.

I hope that those of my colleagues who have not joined in cosponsoring House Resolution 190 will do so in order that this Congress will send a clear message to the administration that we will not accept discrimination on the basis of sex by any educational institution.●

THE MILITARIZATION OF SPACE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. KASTENMEIER. Mr. Speaker, concern is growing about the President's proposed plan to militarize space. In this respect, I would like to call to the attention of my colleagues an article on the frightening implications of space-based weapons by Prof. Michio Kaku which appears in the June 1983 Progressive magazine.

WASTING SPACE—COUNTDOWN TO A FIRST STRIKE

(By Michio Kaku)

The "space wars" speech delivered by Ronald Reagan on March 23 may represent the most enormous gamble of his Administration—and of our lives. In committing the United States to the development of massive space-based antiballistic defense systems, Reagan raises the stakes of the contest between American and Soviet weaponry to a level all but unimaginable.

One possible outcome, offered by Reagan, is attractive: This country will be perpetually protected from nuclear devastation by Soviet missiles. Another possible outcome, feared by many scientists and strategic thinkers, is disastrous: The arms equilibrium between the two superpowers will be disturbed to the point where a nuclear first strike becomes inevitable.

In either event, Reagan's laser-beam proposal, which the Soviet Union immediately denounced as a violation of the 1972 Antiballistic Missile Treaty, must be understood as a profound departure from the balance-of-terror doctrine that has prevailed for the past three decades. Reagan's speech sets the arms race on a wholly uncharted course.

The strategic rationale underlying the space wars proposal can be found in a glossy, 175-page document called The High Frontier (published last year by the right-wing Heritage Foundation). Here, retired Lieutenant General Daniel O. Graham, former director of the Defense Intelligence Agency, advocates a policy of "ensured survival" to replace the current doctrine of "assured destruction," which leaves the United States vulnerable to wholesale destruction by Soviet nuclear warheads.

To ensure survival, Graham recommends a system of 400 satellites that would constantly circle the globe, armed with a lethal array of energy beams capable of shooting down Soviet missiles within five minutes of their launching. The energy beams would consist of light (driven by hydrogen fluoride lasers), particle beams (of charged or neutral subatomic particles), X-rays (driven by an atomic explosion and focused by lasers), microwaves, and EMP (electromagnetic pulse generated by a nuclear detonation).

In addition, Graham would have the Pentagon deploy killer satellites capable of blinding or destroying Soviet satellites in outer space, as well as ground-based "energy cannons" capable of knocking down enemy missiles before they reach their targets in the United States. A massive civil defense program would also be developed, just in case any Soviet missiles managed to penetrate the antimissile arsenal.

The U.S. military point with pride at the advances in laser technology that have supposedly placed satellite antiballistic missile systems within reach—at a research cost of about half a billion dollars. They cite a test conducted five years ago in San Juan Capistrano, California, where a hydrogen fluoride laser was used to blast three antitank missiles traveling through the air at 450 miles per hour.

However, the military efficacy of space weapons, let alone their advisability as a new stage in the arms race, is a matter of much dispute. It is no great feat, critics note, for ground-based lasers to shoot down

airborne antitank missiles. It is much easier to destroy a slow-moving, preprogrammed missile that is easily tracked by radar than to intercept from outer space thousands of Soviet missiles launched simultaneously and speeding at thousands of miles per hour over a vast area. The feasibility of space wars weapons against targets of this sort has never been demonstrated.

It took an entire building to house the 300-watt power supply for the San Juan Capistrano tests. A genuine laser cannon could require from 100 billion to one trillion watts, and might entail placing several nuclear power plants in orbit—an impractical assignment at best.

Furthermore, the space-based beams can easily be neutralized by inexpensive countermeasures. Warheads coated with highly reflective paint can diminish the usefulness of laser beams. Decoys and chaff can confuse radar. For every ruble the Soviets might spend on such cheap diversions, the United States would have to spend millions of dollars on devices that can differentiate between real warheads and duds. And there is alway the possibility—some would say the likelihood or even the certainty—that the Soviets would destroy U.S. satellites with killer satellites or space mines of their own.

Finally, it may be that the laws of physics simply rule out the successful development of space weaponry. Because a satellite takes ninety minutes to complete an orbit around the Earth, only a fraction of the laser fleet would be in position to act in case of an enemy attack. Within a few minutes, the small number of satellites must locate enemy missiles with pinpoint accuracy, separate out the decoys and dummies, focus the destructive beam long enough to destroy a warhead, confirm the kill, and repeat the process hundreds or thousands of times. It may be impossible to do all that.

What makes the new space war strategy such an ominous development, though, is not the high cost, dubious effectiveness, or great vulnerability of the weaponry, but the potential escalation of the arms race to a new, destabilizing level.

The mere perception by one side that the other has achieved a first-strike capability or a foolproof ABM system may suffice to provoke nuclear war. The Soviet Union, understandably fearful that the United States is preparing a knock-out first strike, could decide to jump the gun and fire first. Former U.S. strategic arms negotiator Paul Warnke has said, "There is no question in my mind that we could have a war in space within a decade unless we devise a treaty that will stop it." And a war in space would inevitably become a war that devastates the Earth.

Neither the skepticism of most scientists nor the profound misgivings felt by many strategic analysts seems to have had any impact on President Reagan. His preoccupation is with the Soviet Union and the possibility that it may forge ahead in the arms race. For him, the space wars scenario seems to hold out the hope of perpetual, foolproof protection for the United States.

The Soviet military might entertain similar visions. For decades, both superpowers have secretly studied the black arts of antisatellite (ASAT) and ABM warfare, hoping to find security on the ground by placing the proper weaponry in space.

When the Soviets launched their first Sputnik in October 1957, the United States immediately embarked on a crash program called SAINT (for satellite interceptor). SAINT was abandoned in 1962 only because nuclear-tipped ASAT missiles based on Kwajalein Atoll and Johnston Island in the Pacific seemed to offer a more promising way of attacking Soviet space satellites. Though the use of such missiles was explicitly banned by the Outer Space Treaty of 1967, they were kept in place until 1975, when the Pentagon came to the embarassing realization that the electromagnetic pulse generated by nuclear detonations would wreak indiscriminate havoc among American as well as Soviet satellites.

Today, the U.S. ASAT program calls for use of an F-15 fighter jet equipped with a miniature rocket that is capable of soaring 200 miles into outer space and homing in on Soviet satellites. The rocket, called the MHV (miniature homing vehicle), is now undergoing final flight tests.

In addition, the Space Shuttle has increasingly taken on a role as a space wars weapon. Its heavy involvement in military applications dates back to May 13, 1978, when President Carter signed Presidential Decision Memorandum Thirty-seven, calling for "activities in space in support of [the U.S.] right of self-defense, thereby strengthening national security, the deterrence of attack, and arms control agreements." With substantial funding from the military budget, the Space Shuttle now serves as a vehicle for beam-weapon experimentation. The Soviets have protested, to no avail, that this violates existing treaties.

ASAT systems will be ready for deployment in the 1990s, but beam weapons are at a less advanced stage and their current status is shrouded in secrecy. We do know that the Defense Advanced Research Projects Agency (DARPA) set up Project See Saw as long ago as 1958 to investigate particle beam ABM systems. After more than a dozen years of exploratory work, See Saw was abandoned in 1972 when researchers concluded that the costs of such weaponry would be prohibitive.

In the 1970s, the Army started its own program, first called Sipapu (a Native American word for "sacred fire") and later renamed White Horse. The Navy set up the mysterious Chair Heritage Project, which runs a test series called Dauphin at the Lawrence Livermore weapons laboratory in California.

Three years ago, Dauphin dispelled the long-held assumption that it was impossible to generate X-ray lasers. In the first successful test of its kind, Dauphin demonstrated that a small underground nuclear charge could be used to pump an X-ray laser at a wavelength of .0014 microns. This breakthrough helped persuade the Pentagon and the Reagan Administration that an elaborate space wars program might be feasible. In X-ray laser, a nuclear detonation creates huge numbers of soft X-rays that can be channeled through hundreds of laser tubes into directed X-ray beams. When used in space, however, the nuclear explosion kills the satellite itself, so a laser cannon of this sort can be used only once.

Predictably, we know even less about the Soviet Union's space war efforts than about our own Government's, but there is no doubt that the Russians, too, have explored techniques of destroying enemy satellites. Instead of using conventional jet fighters to launch ASAT weapons, the Soviets have been experimenting since 1968 with maneuverable satellites capable of firing conventional charges to destroy enemy vehicles in space.

On April 13, 1976, Cosmos 814 was borne aloft on an F-1M missile launched from the sprawling Tyuratam space port. After only one orbit, Cosmos 814 maneuvered within striking distance—one kilometer—of the previously launched Cosmos 803. It was a stunning display of satellite virtuosity, and it prompted President Ford to approve funding for the Pentagon's MHV program.

Still, Soviet ASAT efforts cannot be construed as a serious threat to the security of the United States. The Soviet weapons can effectively be directed only against low-altitude satellites in orbit at 200 miles or less, while most important U.S. communications satellites are in synchronous orbits at 20,000 miles—beyond the rach of either Cosmos or MHV. What's more, Soviet Killer satellites are unsophisticated machines, able to home in only on carefully preprogrammed dummy satellites locked into special orbits.

Soviet efforts to manipulate satellites in outer space can easily be tracked on radar, but the progress of space beam research on the ground is a matter of speculation and interpretation of aerial reconnaissance.

The Reagan Administration's claims that the Russians are "ahead" in laser ABM technology rests almost exclusively on a single scrap of disputed evidence. In 1972, Major General George Keegan, then in charge of the $3 billion-a-year U.S. Air Force intelligence apparatus, alleged that satellite photos of a Soviet base sixty kilometers south of Semipalatinsk proved beyond doubt that the Russians were out in front in development of particle beam weaponry. Keegan cited four large holes in the ground and two spherical structures that he described as energy storage tanks for particle beams.

Keegan's assertions were investigated by the Central Intelligence Agency, which decided his evidence was marginal and inconclusive. The CIA skeptics designated the Soviet facility as URDF-3, for "unidentified research and development facility number three," leaving Keegan virtually alone in insisting that the Soviets had a twenty-year jump on the United States. It was only with the advent of the Reagan Administration that Keegan's charges started receiving a respectful hearing, and the retired general recently put in a return appearance on the CBS Television *Sixty Minutes* program.

The hard-line scientists who have played a role in persuading the Reagan Administration to commit itself to space wars are no fools. They are aware of the doubts voiced by their colleagues and they understand the formidable obstacles that stand in the way of effective satellite weapons. They surely realize that no laser ABM system will ever be able to destroy all Soviet missiles immediately after launch, and that a failure rate of even 1 percent would inflict catastrophic damage on targets in the United States.

Why, then, are they pushing the ABM system, and why is the Administration heeding their advice? The answers are to be found in the arcane theories and peculiar ratiocinations of the Nuclear Warfighting strategists.

The laser ABM, with all its limitations, may have effective applications in conjunction with the launching of a preemptive first strike.

The Nuclear Warfighters reason that an American first strike, no matter how successful, could never destroy all of the Soviet retaliatory force. That's where the space weapons would come into play: The 10 to 20 percent of Soviet missiles that might manage to escape a U.S. first strike could be shot down by a laser ABM system. In Nucle-

ar Warfighting jargon, this is called Strategic Defense.

The arithmetic is simple: The Soviet Union has about 8,000 strategic warheads aimed at targets in the United States. In the near future, the land-based MX missile and the submarine-launched Trident II will be accurate enough to drop two hydrogen bombs on each of the Soviet SS-18 and SS-19 missile silos.

Still, there are some uncertainties: To what extent will magnetic and gravitational anomalies over the North Pole divert the attacking U.S. missiles from their flight paths? Until the missiles actually are sent on their course, no one will know. It must also be assumed that at least 10 percent of the Soviet nuclear submarine fleet will survive a first strike. In sum, there is a likelihood that about 1,000 of the 8,000 Russian warheads would still be available to retaliate against the United States.

With all its faults, the laser ABM system can reasonably be expected to handle most of these remaining 1,000 Soviet warheads. The few missiles that might elude both the first strike and the laser ABM provide the rationale for the Administration's new emphasis on civil defense and relocation plans; the purpose of such programs is to preserve U.S. industrial capacity for the "post-attack era."

State Department consultant Colin S. Gray, one of the Nuclear Warfighters, has neatly summed up the doctrine:

"The United States should plan to defeat the Soviet Union and to do so at a cost that would not prohibit U.S. recovery. Washington should identify war aims that in the last resort would contemplate the destruction of Soviet political authority and the emergence of a postwar world order compatible with Western values. . . . A combination of counterforce offensive targeting, civil defense, and ballistic missile and air defense should hold U.S. casualties to approximately 20 million, which should render U.S. strategic threats more credible."

The objective, in other words, is not merely a first strike—though that is an essential component—but a comprehensive mix of first-strike targeting, antimissile weaponry, and civil defense measures that will guarantee, in the Administration's view, that the United States will "prevail" in a nuclear exchange.

That is the "security" promised by Reagan's space wars program—not the security of peace, but the security of American victory in a nuclear war rendered all but inevitable.

(Michio Kaku, professor of nuclear physics at the Graduate Center of the City University of New York, is director of the Institute for Peace and Safe Technology. He is coauthor, with Jennifer Trainer, of "Nuclear Power: Both Sides," published last year by W. W. Norton.)●

THE MURDERS OF TURKISH PUBLIC OFFICIALS AND DIPLOMATS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. WILSON. Mr. Speaker, international terrorists continue unabated in their vile deeds of murdering public officials and diplomats of our most faithful NATO ally, the Republic of Turkey.

The terrorists are often neglected in our studies, and there are few experts who are familiar with their objectives and modus operandi. Under Secretary of Defense Fred W. Ikle, testifying before a Senate committee, described them as "one of the most dangerous and most neglected of the terrorist movements" in the world.

Who are these terrorists and whose interests are they promoting by killing 26 Turkish diplomats and their families and conducting 60 bombing attacks in 19 countries, including our country, Canada, Australia, the states of Western Europe, and now even a nonalined Communist country? For a long time, people resisted the idea that they are masterminded, directly or indirectly by the KGB. No; they are only fanatical nationalists trying to "revenge" the Turkish killings of Armenians during World War I; just like the Chinese Communists were described to be agrarian reformers in the 1940's.

Nicholas S. Ludington, writing in the Los Angeles Times on March 15, 1983, asserted:

The stated goal of the Armenian Secret Army (which has mounted most of the attacks) is to "liberate" Turkey's easternmost provinces where a large number of Armenians once lived. They would be united with the neighboring Armenian Soviets Socialist Republic, where 3.2 million Armenians now live. The aim is to break off territory that would be highly strategic to NATO to counter a Soviet move to the Middle East oil fields and to give it to the Soviet Union.

Ludington, a senior associate of the Carnegie Endowment for International Peace, also states that the agents for the Secret Army for the Liberation of Armenia (ASALA) have proven ties to the most radical pro-Soviet Palestinian guerrilla group, the Popular Front for the Liberation of Palestine, under Mr. George Habash.

We do not have to rely, however, on the Los Angeles Times. In April 1979, the ASALA held a press conference in Beirut—recounted in the Armenian Observer—in which they stated their Marxist philosophy and beliefs, denounced the United States as an imperialist power, and praised the Soviet Union as the true friend of the Armenians. In February 1981 in their publication Armenia in an article on "What the U.S. Means to Us," they described the United States as the main enemy of Armenian nationalism and called for an armed struggle against it.

It is true that the overwhelming majority of the American Armenians denounce the horrible crimes of the terrorists, who infiltrate as "immigrants" fleeing the war in Lebanon.

Mr. Chairman, we need more research and surveillance by our law enforcement agencies of both the ASALA and the Justice Commando Group—the latter is more akin to the New Left, nationalist Montoneros of Argentina—to prevent further terrorist acts in the United States. We already have had four murders and eight bombings. Last year in two instances, however, the terrorists were caught before being able to carry out the bombings they had planned.

May I call also on the State Department and the INS to exercise increased caution about the true identities and political background of Armenian immigrants to this country and also about the increasing ties—cultural, travel, social—between the Armenian community and the Soviet Union. We must stop the Soviet attempts to infiltrate the Armenian community and prevent the terrorists from committing more outrageous activities in the United States.●

A TRIBUTE TO HON. HENRY B. GONZALEZ

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1983

● Mr. SKELTON. Mr. Speaker, I take this time to pay tribute to our distinguished friend and colleague, the Honorable HENRY B. GONZALEZ. HENRY's outstanding record in the House of Representatives over the past 22 years is an inspiration to all of us here. He is a perfect model of a public servant, forsaking jobs in the private sector in order to dedicate himself to his work in the Government.

I am pleased to join in the honoring of HENRY GONZALEZ for both the anniversary of his beginning work in an elected office, and the event of his 67th birthday. I wish him all the best for the years ahead.●

JULY TAX CUTS AND INDEXATION: GOOD AS GOLD FOR MIDDLE-INCOME AMERICANS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. FIELDS. Mr. Speaker, I submit for the RECORD today an outstanding publication by the Heritage Foundation entitled "Tax Cuts: The Lower the Incomes, The Better It Looks."

I would urge my colleagues to review this publication closely because it confirms what those of us who strongly supported the Economic Recovery Tax Act have been arguing for 2 years.

This conclusion, which was substantiated by a nationwide Sindlinger poll, was that poor and middleincome Americans most strongly support indexing the tax tables and keeping the July tax cut. Of those earning over

$15,000 a year, over 64 percent of those interviewed indicated they recognized the economic benefits of these provisions and they wanted to keep both the tax cut and indexing on schedule.

Mr. Speaker, if this Congress is serious about insuring long-term economic prosperity for all Americans, then we must not tamper with either the 10-percent July tax reduction or the long overdue indexation of our tax brackets.

The text of this publication follows:

TAX CUTS: THE LOWER THE INCOMES, THE BETTER IT LOOKS

Is Ronald Reagan a rich man's President? Yes, say his critics, arguing that his tax cut program benefits and is supported only by upper-income Americans. Low-income and even average-income Americans, the critics claim, are bitter that tax breaks are going to the rich.

The trouble is that these critics, champions of the people, never bothered to consult poor and middle-income Americans before speaking for them. Had they done so, they would have discovered that grass-roots America better understands and appreciates the Reagan tax policy than do the upper-crust, insular critics. This is revealed by the results of a new nationwide Sindlinger and Company, Inc., poll, commissioned by The Heritage Foundation. Those who charge that Ronald Reagan's tax cut philosophy draws its support mainly from rich and upper-income Americans could not have it more wrong.

Poor and middle-income Americans, according to the poll, most strongly support indexing the tax tables and keeping the July tax cut. Upper-income groups, by contrast, weakly favor—the richest actually oppose by a significant margin—the scheduled tax reduction.

If it were up to the wealthy, the poll shows, the July ten percent tax cut would be eliminated entirely. Of those earning over $50,000, 57.3 percent want to scrap the third stage of the tax cut, while only 32.8 percent want to keep it. Those earning less than $15,000 a year, on the other hand, are for keeping the tax cut on schedule by a whopping 64.1 percent. Among the total population, 54.9 percent want taxes cut on schedule.

Why does the tax cut appeal so much to average- and lower-income Americans, but not to the affluent? The answer: average Americans told the Sindlinger pollsters that they fear that eliminating the tax cut will hurt the economic recovery and reduce the chances for long-term economic growth.

A 46.1 percent plurality of all Americans believe that eliminating the tax cut will hurt the economy (only 18.7 percent think that it would help—the rest have no opinion or believe that it would make no difference). But those earning below $15,000 a year agree by a 52.7 percent majority that eliminating the tax cut would damage the economy. Once again, it is upper-income Americans who break the consensus. Of Americans making more than $50,000 a year, 44.2 percent actually believe that eliminating the July 1 tax cut would benefit the economy.

Average- and lower-income Americans also show much stronger support than the affluent for the inflation-indexing of tax brackets, scheduled to take effect in 1985. Though upper-income groups back tax indexing more strongly than they do the July tax cut, their support is far below that among lower-income groups. The population as a whole supports indexing by a 54.2 percent. But support from those with incomes of $15,000 and below is an impressive 64.8 percent. Those earning $50,000 and above do support indexing by 50.9 percent, but this is still less enthusiasm than is expressed by lower-income groups.

Support for indexing, like the tax cut, seems to be rooted in the positive effects it is expected to have on economic growth. And again, it is the wealthy, not the poor, who are the most skeptical. While 55.7 of those earning $15,000 or less believe that eliminating indexing would hurt the economy, only a 37.8 percent plurality of $50,000 and above incomes agree.

The verdict from grass-roots America is that the Reagan economic strategy is far from being a rich man's program. The poll reveals that indexing and the July cut are supported most vigorously by lower-income Americans. And middle- and low-income people, not the rich, have the greatest confidence in the central thesis of Reaganomics—the power of tax cuts to spur recovery and sustain long-term economic growth. The rich, on the other hand, have the least faith in the tax aspect of Reaganomics. If anything, Reaganomics is a boon for the little guy—and the little guy seems to know it. Those who charge that Ronald Reagan's constituency is the board room and the country club must now admit that they have been dead wrong.

POLL RESULTS

[In percent]

	Income level				Total
	$0–15,000	$15–29,999	$30–49,999	$50,000+	
Support for statement:					
Keep tax cut on schedule	64.1	61.5	[1] 40.5	[1] 32.8	54.9
Eliminating tax cut will hurt the economy	52.7	53.3	[2] 38.8	[1] 20.9	[2] 46.1
Retain indexing	64.8	54.5	[2] 49.0	50.9	54.2
Eliminating indexing will hurt the economy	55.7	[2] 40.9	[2] 34.4	[2] 37.8	[2] 42.3

[1] Minority opinion.
[2] Plurality.

Source: Nationwide poll conducted March 31–April 27, 1983, for the Heritage Foundation by Sindlinger & Co., Inc.

Those expressing "no opinion" amount to less than 5 percent on the tax cut questions, but approximately 20 percent for the questions on indexing. Among those actually expressing an opinion, therefore, support for indexing is even higher than the figures given in the table.

For further information: Thomas M. Humbert, "Tax Indexing: At Last A Break For the Little Guy," Heritage Foundation Backgrounder No. 255, March 22, 1983; Thomas M. Humbert, "Seven Reasons for Saving the Tax Cut," Heritage Foundation Backgrounder No. 260, April 12, 1983; The Inflation Tax: The Case for Indexing Federal and State Income Taxes, Advisory Commission on Intergovernmental Relations, January 1980.●

WATCHING AMERICAN JOBS FLEE TO JUAREZ

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. COLEMAN of Texas. Mr. Speaker, today I am submitting an article which recently appeared in the Washington Post concerning in-bond industries or maquiladoras as they are popularly known in my district. This concept is unique to border regions and lately has generated national interest. I believe it underscores some important economic issues along our southern border with national and international implications for my colleagues to consider.

WATCHING AMERICAN JOBS FLEE TO JUAREZ

(By Dan Balz)

CUIDAD JUAREZ, MEXICO.—William Mitchell is an ex-Army lieutenant colonel with the aggressive optimism of a good salesman. He spent almost 30 years in the military before ending his career at Ft. Bliss, across the Rio Grande River from here in El Paso. Now he is helping to turn his adopted home into the North American Hong Kong.

Each morning, he leaves El Paso and drives into Mexico over one of the bridges that links the twin cities. From atop that bridge, you can watch the daily traffic—legal and illegal—between cities that have been artifically separated by the imposition of a national border and which now have a symbiotic relationship. Mitchell's office looks out over an oasis of green grass and cool shade trees in a modern industrial park that belies the sun-baked poverty of the city around it.

"My job," Mitchell said on a recent spring afternoon, "is to go out and attract companies to the Juarez-El Paso area." Mitchell works for a Mexican company called Grupo Bermudez. It specializes in attracting mostly American corporations to set up assembly plants in tailor-made industrial parks in Juarez.

Given Mexico's current economic problems, it would seem to be a difficult time to be recruiting companies to the U.S.-Mexican border, but Mitchell says business has rarely been better.

The peso devaluation has made the pool of cheap labor here even cheaper, and with favorable tariff treatment, U.S. companies looking for an overseas operation are increasingly looking closer to home.

"We're talking to people every day who are thinking about moving out of Hong Kong, out of Taiwan, or out of Korea," Mitchell said.

What has happened here is clear evidence of how companies in a high-wage economy like the United States' instinctively seek out low-wage alternatives in the less-developed world.

Not everyone in El Paso believes the factories across the border are helpful either to the U.S. economy or to the city itself, but the movement of companies into Juarez continues regardless of the controversy it creates.

There is no easy way to stop it—nor is there agreement that it should be stopped. This movement of jobs to low-cost labor markets is a reflection of today's world

economy, which is not just interdependent but often oblivious to national borders.

The range of businesses that have set up operations here in Juarez and El Paso is impressive: television sets, advanced circuit boards for computers, hospital gowns, automobile seats, toy trucks, recording equipment and blue jeans. Included here are some of the biggest names on the Fortune 500: General Motors, General Electric, Westinghouse, RCA. Increasingly, the El Paso-Juarez area is becoming a home for high tech—General Instruments, AMF and Atari.

Some of these companies are based in El Paso, which during the 1970s was the fastest-growing major city in the nation. But increasingly, it is the tail of Juarez that wags the dog of El Paso. As city leaders here look into the future, it is the economic potential of Juarez that makes them optimistic.

The reason is a curiously named phenomenon called the "maquila" company. The rough translation for "maquila" is gristmill, according to the corporate types here. And that is, in simplified form, what the institution of the maquila is all about. In the old gristmill, a farmer brought his grain to the mill, where it was processed and returned to him. Here in Juarez, American and other companies bring their materials to Mexico, assemble them in industrial parks of the kind offered by Lt. Col. Mitchell, and then send them back to the U.S. for either further assembly or distribution.

The maquila plants have a special prominence in Mexico's economy because of the special tariff treatment the materials receive. Alternately known as the "twin-plant concept," or "in-bond companies," the maquila plants provide American companies an opportunity to obtain cut-rate tariff treatment on products that are assembled "overseas" without having the problems of putting an assembly plant thousands of miles and an ocean away from home.

In simplified fashion, this is how it works. An American company manufactures the parts to, say, an outdoor speaker for a public address system, in its factories somewhere in the United States. The parts are shipped to another factory here in Juarez. The company pays no duty on the parts when they are brought into Mexico, although it must put up the value of the parts in bond in an account in Mexico. In Juarez, the parts are assembled into the finished speaker and, often, packaged for shipment to distributors around the U.S. or the world. When the speakers are shipped back into the United States, the U.S. company pays duty on the value of the finished product, minus the value of the American parts. This is roughly the equivalent of paying a tax on the value added, but in practice it is not quite the same thing.

RCA, for example, ships the parts of a color television chassis to Juarez, where they are assembled, and shipped back to the United States. There, the chassis and tube are fitted into a cabinet, and the TV is ready to be sold.

The maquila concept was started in the mid-1960s by the Mexican government as a way of stimulating economy growth along the continually depressed U.S.-Mexican border, and, according to one businessman here, to compensate for the loss of jobs in the United States that occurred when the old Bracero program was ended.

Today there are about 600 such plants stretched along the nearly 2,000-mile boundary. But the greatest concentration is here in Juarez, which has about 125 maquila plants, employing about 45,000 workers. After oil, the maquila plants are Mexico's largest source of valuable American dollars.

"Peter Drucker calls this production sharing," Mitchell said as he described the process. "Most of the jobs here are jobs of the lowest skill that most Americans won't take. They are the most labor-intensive part of the product. If you didn't have these plants, nearly everything on the shelves in the United States would be made in Japan."

Chuck Parks skillfully navigates his old, full-sized American-made car through the chaotic midday traffic on the streets of Juarez, when suddenly he makes a hard right turn into what appears to be a deserted, dirt-covered alley.

Parks grew up in New York State, the son of a stockbroker, and a few years ago, after graduating from college, migrated to El Paso. He rode horses for a while, trying to figure out what to do with himself, and then went on to acquire a graduate degree in business administration in Mexico. He devoted his energies in graduate school to studying the maquila industries, and he soon landed a job as marketing manager for Elamex, S.A., a Juarez company that does contract work for American companies who don't want to start their own maquila.

The alley he has turned into is lined with concrete fences hiding the small backyards of the homes of Juarez residents. A block or so down, there suddenly appears a larger building, one of the Elamex factories. As he pulls to the curb, Parks remarks that most students of Mexican business concentrate on other types of ventures in their country, mostly ignoring the maquila plants. "They call them monkey business," he says.

Inside, the factory is humming with activity. The building is old, but it is clean and well-lighted, and there is a fair amount of space between the assembly lines. Many of the maquila plants, especially in the newer industrial parks, are even more modern. Despite charges that the companies are exploiting the workers in 20th-century sweatshops, a brief tour of this one, at least, suggests otherwise. It is hardly glamorous, but neither is it particularly onerous.

Most of the work in this plant involves electronics. Parks describes the operations in crisp detail, explaining for the untrained eye the difference between a relatively simple and a more sophisticated circuit board.

One assembly line is particularly interesting. A group of young Mexican women are putting together boards that will go into sophisticated disc drives for computers. There is a significant amount of handwork to do on each board: the women must carefully insert a variety of small parts into tiny holes, and then the entire board is soldered from beneath as it moves along a conveyor.

But what is most interesting about this particular line is its history. The boards once were made in a partially automated San Antonio plant. But Control Data, the company for which Elamex is making them, decided it needed to reduce costs on the line and shifted production to Mexico, where it is now being done totally by hand—and without loss in quality. A Control Data spokesman said the move enabled the company to save about 10 percent in production costs.

The shift to the Juarez plant is an ironic reversal of the standard evolution of manufacturing, where production went from human hand to machine at lower cost and higher quality. It is the clearest example of why the large pool of cheap labor in developing countries has attracted an increasing share of the world's production.

Elamex is the brainchild of Charles Dodson, a stocky, friendly fellow who first came here to help set up a maquila plant for an American electronics company. Sensing the potential of maquilas, he went into business for himself. He now does about $6 million in sales annually, employing about 900 people. The only Americans in the company are himself and Chuck Parks.

Many American companies with operations in Juarez are reluctant to allow reporters inside their factories, fearing publicity about slave labor, poor conditions and the like. Dodson was quite the opposite, willingly agreeing to open his facilities and to describe in some detail the way he does business.

Elamex does a variety of assembly work for a variety of companies. Much of it is electronics-related, but not all. In one room in the main factory building, about 200 women sit in rows with stacks of grocery coupons on their desks. No machine has been invented to sort and count the coupons collected by the grocery stores in America. So the only way to do it is by hand. All day long, the women separate coupons into stacks and record the numbers that are then entered into a computer. The "export" is two computer tapes daily to an American company, which then credits the accounts of the stores that have submitted the coupons. "The duty is 18 cents on each tape," Parks said.

While the operations of Elamex are more varied than in other maquila plants, the company is typical in most other respects. Most of its employes are women in their 20s, most of them single who live at home, most with less than a high-school education. They were in Juarez for about two years before being hired. For many, this is their first job. The typical worker has been employed in the same plant for a little less than two years. They arrive by bus at 6:30, six mornings a week, and work a 48-hour week.

That so many of the workers are women is controversial in Mexico, where society is male-dominated. Because of the maquila plants, an increasing number of women are now the major breadwinners in their families.

About two-thirds of the jobs in the factories are minimum wage jobs, Dodson said, and in Mexico the minimum wage is currently 455 pesos per day. Including all fringe benefits, labor costs for these employes run about 85 cents an hour. That includes wages for 365 days each year, a vacation bonus, a Christmas bonus, social security taxes which cover medical care, an education tax, an employe-housing-fund tax, a nursery tax and other costs.

"They are no more capable than the American worker," Dodson said. "But they're no less capable."

The companies who operate here deny they are exploiting the Mexican workers, arguing that the 45,000 jobs created through the maquila plants are additional jobs for a city of 900,000 people that has always known poverty. "It is exploitation based only on the U.S. wage," said Lt. Col. Mitchell. "But that does not take into consideration real benefits they receive. It's not exploiting them. The government sets the wage."

Tony Sanchez began his working career as a presser in a Los Angeles clothing factory. But he soon became active in his labor union, rising to shop steward and then a business agent. Today he is the manager of the El Paso joint board of the Amalgamated

Clothing and Textile Workers Union, and unlike most of the business leaders in the El Paso-Juarez area, he opposes the growing movement of production facilities into Mexico.

He is sitting in his office along the interstate highway running east out of El Paso on a bright and clear morning, a discordant voice in the chorus of support for the future economy of the area. "The El Paso Chamber of Commerce has always said that the [maquila] plants were good for the economy . . . because people would come in from Mexico and purchase products here," he said. "I didn't believe it then and I don't believe it now. The facts are to the contrary."

What Sanchez sees is a rising tide of cheap imports flooding out American-made products, not just in apparel, but in autos and steel and electronics and even in computers. He believes the operations in Juarez, far from being helpful to El Paso, are fundamentally changing the city's character by lowering its wage levels and taking away jobs from American workers.

Thomas F. Lee, an El Paso business consultant sees the same kind of changes occurring here. Asked if the future of the area is as a new Hong Kong or Taiwan, he replied, "Honestly, I do think so. Our future may be much more tied to Juarez than people think."

What Lee has seen in his years in El Paso is the gradual elimination of locally owned businesses, the arrival of outside firms with operations on one or both sides of the border, and a growing blue-collar work force. "The growth here has been in the low-wage jobs," he said. "We show a real decline in median family income."

Lee sees troublesome consequences for the city as it follows this course: a poor tax base, declining amenities such as parks and museums, increased tax burdens on the middle class and a smaller and smaller pool from which to draw community leaders.

An almost entirely opposite view comes unsurprisingly from the leaders of the El Paso Development Corp., a private firm that recruits industry both for El Paso and Juarez.

"It's a unique situation here," said Sam Drake, the corporation's executive director. "You can put your management structure in [El Paso], deal with U.S. banks, have your kids go to U.S. schools and still deal internationally."

He and his industrial director, Fred Mitchell, see Juarez-El Paso not as an alternative to Detroit or Cleveland but to Indonesia or Hong Kong. "If these companies were not in Juarez, they would not be in Detroit," Mitchell said.

To Drake and Mitchell, there are three choices for an American company facing competition from production facilities overseas: one is to stay in the United States and go out of business; two is to go offshore completely, with no jobs remaining in the United States; three is to manufacture its materials in the United States and assemble them in Mexico. "From Juarez alone, this [process] provides American jobs in 39 states," he said.

The maquila plants have mistakenly been known as "twin plants," on the theory that a company would have a plant in El Paso doing part of the work on a product—generally the part that requires capital and few people—and the assembly—or labor-intensive—part in Juarez. In practice, there are few truly twin plants, which is what makes people like Tony Sanchez suspicious about the spinoff benefits for El Paso.

But Drake and Mitchell contend that the proximity of Mexico makes El Paso an increasingly attractive city for U.S. companies. Drake cites the example of Tonka Toys, which first established a beachhead in Juarez and recently decided to move its headquarters from Minnesota to El Paso, citing lower labor costs in the Texas city and the ability to stay close to its assembly plant in Juarez.

Both men say other companies are sure to follow that example and expect 1983 to be a record year in the recruitment of companies to the two cities. "We've gotten a tremendous increase in people looking at the maquila program," Mitchell said. In 1982, 27 companies either moved to El Paso and Juarez or expanded existing facilities. "We should top that in 1983," Mitchell said.

But already there are signs of a still further evolution of El Paso and Juarez. What El Paso today is to Juarez—which is a management center and an area of more sophisticated assembly and production—Juarez is slowly becoming to other parts of Mexico. Apparel manufacturers report they are sending an increasing amount of work into the interior of Mexico, where production costs are even lower. Chuck Dodson says that as the workers in Juarez gain experience, they are taking on jobs requiring higher skills at higher pay.

Tony Sanchez believes that only the government can halt Juarez's expansion. But there is little likelihood of that, even with the talk of protectionism and trade wars. As Lt. Col. Bill Mitchell put it in the quiet of his office, "These jobs that have to be done by hand are going to be done in countries where there is a pool of low-wage labor."●

POLYGRAPH EXAMINATIONS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. EDWARDS of California. Mr. Speaker, recently, the President issued a directive purportedly aimed at stemming the flow of "leaks" of classified information. Under the directive, Federal agencies will be authorized to require polygraph examinations of any employee—or contractor—who has access to classified information as part of a "leak" investigation. "Adverse consequences" will follow if there is a refusal to take the examination. Currently, only the intelligence agencies, CIA and NSA, use polygraphs on a wide scale. The Department of Defense and the Department of Justice also administer polygraphs under certain situations.

In addition, a practice used currently only by the CIA will be expanded to cover employees in other agencies. Currently, all CIA employees are required to sign agreements under which they promise never to disclose classified information without specific authorization by the Agency. As part of this agreement, employees also promise to submit all writings and speeches, basically for the rest of their lives, to the CIA prior to their publication. The President's directive will now require specifically that employees, in other agencies, with access to highly sensitive information also sign agreements promising to make such submissions. This requirement must be met regardless of whether or not the material submitted contains classified information.

While at first blush, these requirements may appear reasonable, on further examination it has become clear that this directive is part of the administration's attempt to intimidate Government employees so that further, embarrassing revelations can be minimized.

On April 19, the Los Angeles Herald-Examiner printed an editorial on the serious problems raised by the directive. The editorial follows:

[From the Los Angeles Herald-Examiner, Apr. 19, 1983]

AN ORWELLIAN REAGAN PLAN

HOW NOT TO STOP LEAKS

It isn't 1984 yet, but President Reagan has already donned his big Brother costume. In the name of protecting "national-security," the President has ordered the most sweeping expansion of government censorship in this country's history.

Last month, Reagan ordered that the strict censorship rules employed in such highly sensitive agencies as the CIA and the Department of Defense be extended to all federal workers with access to classified information. Specifically, the order would require those employees—and their are many, many thousands of them—to agree not to disclose any classified information. In the event of an unauthorized leak, those to whom the information had been available would be required to submit to lie-detector tests as part of an investigation to discover the source of the leak. Anyone who refused would risk vague "adverse consequences."

For higher-level bureaucrats—those with top security clearances—the censorship would be still broader. For the rest of their lives, they would be required to submit all memoirs, lecture notes, texts of speeches, even letters to the editor and fiction drawn from their government experience to federal censors for clearance. It is not difficult to imagine the potential abuses this power of prior censorship can and undoubtedly would invite, if this pernicious new policy were adopted.

The government already has protection against leaks of actual national security secrets. But a great deal of government information is classified not to protect the nation's security but to protect politicians and bureaucrats from embarrassment, and many leaks come not from some anonymous little troublemaker, but from cabinet-level officials. As nettlesome as such leaks may at times be, they are one way in which a free people gain the information necessary to informed debate on matters of national policy. Prior censorship and forced lie-detector tests are the kind of measures that should be reserved for times of grave national peril, and we see no such peril now.

Even if tighter security measures were needed, the Reagan measures are deeply flawed. Lie-detector tests, for instance, are notoriously unreliable. The General Accounting Office last year conducted a study of all Defense Department investigations into "national-security leaks" from 1975 to

1982, and found that not one—with or without the polygraph—was able to identify the leaker. The GAO also found, incidentally, that the "national-security" shield is often used as a ruse. One Defense Department investigation last year, for example, involved a leak about how the department had underestimated the costs for a certain new weapons system—information the public had every right to have.

Fortunately, Congress is reviewing Reagan's plan. This Thursday, California Rep. Don Edwards is scheduled to hold the first of two subcommittee hearings on the directive. Edwards hopes to get answers to some hard questions and to bring a little "inform persuasion" to bear on an administration that wants for itself and its successors unprecedented power to control the flow of information. If the president won't back off the proposal voluntarily, Edwards says he will attempt to force a retreat legislatively. Either way, the congressman can count on us for support.

President Reagan, seeking to curb what he thinks is a danger to this society, has issued a directive that is a much greater danger. We urge him to consider how such a directive might be abused by some future administration, less benign than his own.

On May 2, William Safire wrote an essay which focuses on the polygraph provision of the directive. I believe my colleagues will find the following article by Mr. Safire enlightening:

[From the New York Times, May 2, 1983]

REAGAN, FLUTTERING

(By William Safire)

WASHINGTON.—Lie detectors do not detect lies or determine truth; they merely indicate when you are relaxed or tense about giving an answer. A smooth or psychopathic liar can beat the machine; a truth-teller, intimidated or nervous about being hooked up to the machine, can often be branded a liar.

When a member of President Reagan's National Security Council was given a test, he was asked, "Have you ever been blackmailed?" The polygraph's needle fluttered widely, which could be interpreted as "here comes a whopper"—and the official said no. Afterward, he explained why the question threw him; he had remembered all the times he had said "This is blackmail!" without literally having been the target of the crime of extortion.

A similar reaction was described in a memo, obtained by George Wilson of The Washington Post, from the Assistant Secretary of Defense for Health, John Beary 3d, a physician, to his boss, Caspar Weinberger: "No machine can only detect stress; however, the stress may result from several emotional causes other than guilt, such as fear, surprise, or anger." Although recognizing the Government's desire to plug leaks, Defense's doctor added: "The polygraph misclassifies innocent people as liars. In one study, 49 percent of truthful subjects were scored as deceptive. In another study, 55 percent of the innocent were misclassified . . ."

For that reason, Federal courts and many state courts do not admit lie-detector results as evidence. A polygraph is not a drunkometer; judges know that innocents can flunk and liars can pass. I have sources who have been whistle-blowing about scandalous defense weaknesses for years; they are regularly "fluttered" and just as regularly get away with declaring that they do not know me from Adam.

Yet most Americans believe that technology cannot be defeated. A syndicated television show, "Lie Detector," hooks up its guests to a polygraph as F. Lee Bailey demeans the profession of defense counsel by asking the questions. The machine is not as accurate as the "laughmeter" on radio's old "Can You Top this?" but most viewers accept the polygraph's judgments as proof of a human being's veracity.

Comes now Attorney General William French Smith and his mentor in plumbing, genial Ed Meese, with a directive issued in the name of the President of the United States that enshrines as official policy this often inaccurate and always antilibertarian investigative practice.

Because intelligence operatives deal in a world of deception and double-digitry, C.I.A. employees have long accepted "fluttering" as a condition of employment. Now the gray standards of that world are to be applied throughout the U.S. Government: In an obscene euphemism, an unsigned Justice "fact sheet" describes this plunge into Big Brotherism as "a greater degree of consistency in Government-wide policy."

On the same basis, Mr. Reagan could call for making the Defense budget as secret as the C.I.A. budget, or apply the C.I.A.'s loose overseas wiretap standards to the F.B.I. at home. Consistent, but wrong.

In many states, a private employer who insisted that workers be subject to polygraph tests would be breaking the law; 22 employees of a Connecticut firm just won $219,000 in damages from a lie-detecting employer. But the Presidential directive tells Federal workers: "Adverse consequences will follow an employee's refusal to cooperate with the polygraph examination."

Anonymous Justice Department spokesmen pretend that this does not mean that a Federal worker who takes a stand against this humiliation on constitutional principle will be fired. For appearance' sake, additional evidence—furtive glances, perhaps, or a pattern of association with lone journalists—may be required.

But one top Cabinet member has let it be known that if anyone impuned his integrity with a lie detector demand, he would promptly resign.

That's the honorable course, as is getting fired and bringing a lawsuit. Talk about slippery slopes—first the spies; now on the "consistency" excuse, everyone in Government; next, Congressmen and journalists, and finally everyone will be required to prove himself innocent on the machine, lest a refusal lead to the presumption of guilt.

March 11, the day of President Reagan's directive to submit to the polygraph or be fired, is a day that will live in constitutional infamy. Until this rape of principle is rescinded, conservatives will bear the shame brought on us by the "pragmatic" Attorney General and his anything-goes lust to track down the source of public disclosure of wrongdoing.

A foolish consistency has once again shown itself to be the hobgoblin of a little mind.●

DAYLIGHT SAVINGS EXTENSION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to call the attention of my colleagues to an excellent editorial which appeared in the Washington Post on May 7, 1983. The editorial accurately outlines the need for beginning daylight savings on the first Sunday of March rather than the last Sunday of April.

The message in this editorial is especially important now since we are currently enjoying the fruits of daylight savings. A 2-month extension of this could save us hundreds of thousands of barrels of oil next year when we might really need it.

The editorial follows:

[Editorial from the Washington Post, May 7, 1983]

CLOCKWORK IN CONGRESS

After years of on-again, off-again experiments with daylight time, Congress has produced a logical proposal for a slight change in the current national schedule for clock-switching every year. It is this: begin Daylight Saving Time on the first Sunday of March instead of the last Sunday of April. It would end as it does now, on the last Sunday in October. For all who prefer the extra hour of light in the evenings—not merely for pleasure but for safer passage home after work, more opportunities for physical exercise and less bright sunshine in the pre-6 a.m. hours of spring mornings—this modest extension of the DST period has much appeal.

The earlier date for starting daylight time is not arbitrary. Congressman Richard Ottinger of New York, chief sponsor of the bill and chairman of the subcommittee that moved this measure to approval by the House Energy and Commerce Committee last week, notes that the proposal would make the period of daylight time symmetrical around the summer solstice, the day the sun shines longest each year. Other supporters, including the Reagan administration, argue that this change could help conserve energy and reduce crime—and they cite various studies to this effect.

Even if these claimed advantages are not all that sizable, neither are they outweighed by the traditional objections to any summertime clock changes. For example, Congressman Tom Daschle of South Dakota writes on today's "Free for All" page that farmers have difficulty tending to their animals when the morning daylight begins at a different time. But even if animals cannot adjust their biological clocks easily, farm chores can be carried out in earlier, darker hours, as they are during half the year already.

The House approved this proposal in the last Congress, but the Senate Commerce Committee never got to it. This year, both houses have time to enact the bill and settle this issue in a reasonable and welcome fashion.●

CYSTIC FIBROSIS WEEK RESOLUTION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. CONTE. Mr. Speaker, today I am pleased to once again introduce a resolution designating a week for rec-

ognition of a very serious health threat to our youth. This resolution will set aside the week of September 18 through 24, 1983 as National Cystic Fibrosis Week. Many of the Members of this body have supported this resolution in the past. I want to ask all of you to support once again this effort.

Enactment of this resolution will continue the fight to bring hope to thousands of America's young people and their families and friends. By setting aside this special week we will highlight the special needs of those who are afflicted with this disease. Hopefully when we describe the difficulties connected with cystic fibrosis and the progress that is being made in finding an answer to these difficulties, we will be able to obtain additional resources with which to finish the job. We also want to educate the public about the symptoms of CF, particularly as they occur in infancy in order that the affected children will reap as much benefit from early detection as possible.

In working with the Cystic Fibrosis Foundation over the past several years, I have come to understand what it means to be born with or have a loved-one stricken with this terrible disease. The day-to-day agony of the CF victim is a succession of physical and respiratory therapy treatments, a multiplicity of pills, and the realization that at any time a long hospital stay may be required to treat the severe infections that exacerbate the disease. The families and friends who suffer with the child bear the constant emotional and physical stress which comes from the realization that there is no cure and an early and painful death is inevitable.

For the past 3 years, the Cystic Fibrosis Foundation has conducted an intense campaign of public information and education during the latter part of September in order to reach as many in America as possible with the message about this disease. The publicity which has been created by National Cystic Fibrosis Week has brought this message to parents, physicians, educators, and employers who were previously unaware of many of the basic facts connected with cystic fibrosis. More than ever before our population is learning about this dread disease, but there are many, many more who need to learn more. This resolution will help in this effort.

The objective of the week and of the CF Foundation which sponsors it is to eventually conquer this disease so that the suffering and dying will end. Therefore, I would urge my colleagues to join me in sponsoring this resolution which sparks hope that the progress we have made to this point will be carried forward to eventual victory.

H.J RES. 270

Whereas cystic fibrosis is the number one genetic killer of children in America, and about thirty thousand children and young adults in this country have cystic fibrosis; and

Whereas public knowledge about cystic fibrosis contributes to early detection and treatment of the disease and to improved understanding about the symptoms of cystic fibrosis; and

Whereas increased national awareness of cystic fibrosis and of the young people whose lives are affected by the disease stimulates public concern and increased attention to research seeking control and cure: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the week of September 18 through 24, 1983, is designated as "National Cystic Fibrosis Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.●

HARRY WELLS—CITY MANAGER TO RETIRE AFTER 35 YEARS OF SERVICE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. WOLF. Mr. Speaker, Harry Wells, Falls Church, Va., city manager, has announced that he will retire after 35 years of public service—most recently he held the city manager post for the past 20 years. Mr. Wells has been an effective and dedicated public servant who has made a positive impact on the city of Falls Church and serves as model for others in public service. A summary of Mr. Wells' work and achievements recently appeared in Focus on Falls Church and I ask that it be printed at this point in the RECORD.

The article follows:

[From Focus on Falls Church, May 1983]

CITY MANAGER TO RETIRE AFTER 35 YEARS OF SERVICE

Harry Wells has announced that he will retire later this year as Falls Church City Manager, a post he has held for 20 years. "I will miss working with a highly professional city staff, interesting and caring citizens and dedicated mayors and city council members," he said. "The opportunity to work for and with people of such integrity, ethics and fairness is a rare one."

Mayor Carol DeLong said Falls Church has been "richly served" during Wells' tenure as city manager. "Few cities are so fortunate as to have a city manager who cares so deeply for the city he manages," she added.

The City Council has begun a search for a new city manager which may be conducted nationwide, DeLong said. While Wells gave no specific date for his retirement, allowing the Council flexibility in its search for a replacement, DeLong said that she hopes the Council can appoint a new manager by the beginning of 1984.

DeLong noted that Wells has "always been very supportive of Council's goals and objectives," and has enjoyed working with him during her nine years on the Council.

Wells said he attributed his two successful decades as city manager to a population that cares about their city and city programs, City Councils which care and work with the citizens and good staffs. "My efforts have always been to improve the quality of life for citizens of Falls Church now and in the future. "Falls Church is a great place in which to live and grow up in," he added.

Wells said that he is pleased at the progress made in Falls Church over the years. Some of the projects completed or begun during his tenure of which he is proud include major street improvements such as South Spring Street and Van Buren Street; opening of the Group Home for the Mentally Retarded; the development of the municipal center with the City Hall, Cherry Hill and the Community Center; and the Harry E. Wells Building addition.

When Wells was appointed city manager in February 1964, then-Mayor Charles Hailey said: "The appointment of a city manager is one of the most critical decisions the City Council has to make. The city manager affects the lives of all the citizens of Falls Church. He must possess the ability and skill to work with the City Council and to direct the myriad activities of the city government. Harry Wells possesses all these qualifications and we are fortunate to have him in this new job."

Wells began working for Falls Church in 1948, when it was still a town. He has served as treasurer, purchasing agent, registrar of voters, clerk of the municipal court, clerk of the city council, assistant and acting city manager.

In June 1978, the City Council voted unanimously to name the Falls Church City Hall the Harry E. Wells Building. At the dedication ceremony, then Councilmember Harold Silverstein said, "It is fitting then, when a significant part of the history of Falls Church is being made right among us, that we take time to recognize it."

Prior to his employment with the city, Wells worked for the Bureau of Internal Revenue in Washington. From 1941 to 1946, he served with the United States Army Air Forces, retiring as an air force intelligence officer.

Wells was born in Maryland in 1917, but has lived in Falls Church for 60 years. He and his wife, Kathleen, have six children. The Wells family has always been active in Falls Church. Harry Wells' father, Sherman, served on the town/city council from 1943-1951. His brother, Claude, is the Falls Church Commissioner of Revenue and has held other posts in the city government. Last year, another Wells brother and sister who live nearby returned to Falls Church to help host a reunion of several hundred people from across the country who lived in Falls Church in the 1920's.●

NATIONAL TOURISM WEEK

HON. FOFO I. F. SUNIA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. SUNIA. Mr. Speaker, I rise together with my numerous cosponsors

of House Joint Resolution 168, a joint resolution designating the week of May 29 through June 4 as "National Tourism Week".

Coming from the Territory of American Samoa, located some 2,600 miles southwest of Hawaii, and currently served by only one essential air service, I know that tourism is one of the greatest goals of the American Samoan Government. The expansion of trade and tourism to our lush and paradisiacal islands is a top priority. We feel that any efforts on the national level that will contribute to the expansion of travel will be multiplied many, many times over within our economy to assist us in our movement toward greater self-reliance, economic stability, and positive growth.

Only recently, the Travel Agents of American Samoa Association was formed to assist in the private sector, just the purpose of the resolution now before us. I hope the passage of the resolution will benefit their efforts and thus the entire travel industry.

My district is probably as dependent upon tourism and the travel industry as any here in Congress, and I heartily support the resolution's motives, intentions, goals, and, hopefully, the long-range benefits to my constituency, the terriory of American Samoa in the South Pacific.●

MANUFACTURED HOUSING—RESTORING THE AMERICAN DREAM

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. HILER. Mr. Speaker, none of my colleagues certainly have to be told about today's high housing costs. High inflation of the last decade have put a crimp in the plans of many families, particularly young families, to purchase a new home. While housing starts have improved dramatically so far this year compared to 1982, we must continue to encourage new innovations in housing that will help make the American dream of homeownership a reality for millions of middle-income families.

Mr. Speaker, I was very pleased to find in a recent edition of County News, a publication of the National Association of Counties, an excellent article on the tremendous success of manufactured housing in meeting today's challenge for affordable, high-quality housing. I commend it to my colleagues and urge them to be mindful of the opportunities this vital industry is providing for millions of families.

[From the County News, May 9, 1983]

IS MANUFACTURED HOUSING AMERICA'S DREAM?

Manufactured housing—can it fulfill the American dream of home ownership? Can a house built in a factory, towed to a site and installed on a cement pad or foundation be the same as a stick-built house?

Is it safe and attractive? Can it harmonize with neighboring homes or must it be isolated in a park? Is it energy-efficient, easy to maintain, easily financed and insured? Will it be a good investment and appreciate in value?

These are the questions local governments are grappling with as they are confronted with the public's demand for more affordable housing as well as the removal of barriers to manufactured housing.

Since 1976, manufactured homes must meet either stringent federal construction and safety codes or local building codes. These standards regulate design and construction.

Many counties across the country are modifying their zoning ordinances to permit manufactured housing in single-family neighborhoods. For example, Montgomery County, Md., stipulates that such homes must have pitched roofs and harmonize with the surrounding neighborhood.

The Southern Maine Regional Planning Commission has adopted a model approach for siting manufactured homes. Narrow, single unit homes with flat or rounded roofs, metal-paneled siding and no foundation are permitted only in mobile home parks. Units with pitched roofs with shingles or similar surfaces, traditional siding and a frost wall or masonry skirting are allowed in rural non-restrictive and multi-family zones.

In single family residential areas, the manufactured homes must be at least 14 feet wide and designed to accept a T- or L-shaped addition, with roofing, siding and skirting.

Another important step that the industry is taking is to design homes in a variety of architectural styles, floor plans and interior decors. Two units can be joined together to double the width or be placed in an L or T shape. With an attached, stick-built garage, the home approximates the width and square footage of conventionally built homes. This home can vary in size from 865 square feet to 1,500 square feet. Their exteriors are wood or brick, vinyl or aluminum siding with peaked and shingled roofs, sliding doors and bay windows.

Interiors also feature amenities such as fireplaces, cathedral ceilings, skylights, greenhouse windows, bathtubs and eat-in kitchens.

Although single-family residences are the most common, some manufacturers are building multifamily duplexes, townhouses and condominium structures in a variety of designs. Continental Homes of Roanoke, Va., is building three-story condominiums in Ocean City, Md. Already completed are four-story condominiums in Garden City, S.C., and vacation condominiums in Myrtle Beach, S.C., as well as in a number of other areas on the East Coast.

A typical manufactured house can cost half the price of a comparable stick-built house. Typical two- and three-bedroom units range from $25,000 to $45,000, well below the average cost of $75,000 for today's single-family home.

The market for manufactured housing is growing. Even in the depressed housing market of 1982 in which construction of site built homes decreased by 5.3 percent, sales of manufactured homes dropped only .5 percent. However, of the total number of single family homes sold in 1982, manufactured homes accounted for a greater proportion of the market than ever before with 238,808 homes sold.

Emphasis on energy-efficiency has been a hallmark of manufactured homes with federal requirements ensuring high standards.

In many areas, financing has been a problem since manufactured homes are treated as personal property and traditional home mortgages have not been available through local lending institutions. However, FHA and VA financing is available for those who qualify.

Often the manufacturing home retailer arranges financing with insurance as part of the package. Banks, savings and loans and credit unions are other sources of financing as lenders recognize the viability of manufactured homes in the housing market.

As local governments change zoning regulations and development codes to permit manufactured homes in single family neighborhoods, their use as infill housing is becoming more widespread. With the infrastructure already in place, counties such as Montgomery County, Ohio, are working with non-profit development corporations to purchase infill sites to produce more affordable housing.

For more information, contact Sandra Barnes at NACo.●

PRESS ACCESS TO THE RADIO AND TV GALLERIES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. BROOMFIELD. Mr. Speaker, I want to take this occasion to call the attention of my colleagues to an excellent article which recently appeared in the Wall Street Journal.

I find it truly distressing that while Tass and Eastern bloc correspondents have access to the House and Senate Press Galleries, VOA, Radio Free Europe and Radio Liberty reporters remain unaccredited, and are officially banned from those areas.

It is ironic that reporters from the Communist world who invariably bad mouth our Government, our foreign policy, our national efforts, and our open society and free press have unimpeded access to report on the branch of our Government which is open to all and is made up of freely elected citizens.

Why deny representatives from the VOA and Radio Europe/Liberty from having similar privileges to report the news? Why not give them the opportunity to report from the Congressional Press Galleries and show the world what our open and free Legislature is doing? Why penalize correspondents merely because they work for an element of the U.S. Government which is tasked with telling America's story to the world?

Just recently, the Senate Rules Committee advised that it would like to accredit these reporters and officially admit them to the previously closed areas. The House and Senate's Committee of Correspondents is now considering the Rules Committee's recommendation. Let us hope that the decision is favorable so that we in the House can let these correspondents have official access to the House galleries and hearing rooms.

It is in this spirit that I strongly recommend this article to my colleagues and call for their support on this issue.

The Wall Street Journal, May 16, 1983, "Read All About It" article follows:

READ ALL ABOUT IT

Among the hordes of Clark Kents in Washington gathering the most up-to-date news about the goings-on in government, there are a few unsung heroes. Namely, the correspondents for Tass, Pravda, Izvestia, Hungarian News Agency, East German News Service, China's Xinhua News Agency and Soviet TV and Radio. These reporters work diligently to explain the complexities of our freely elected government, upholding the finest journalistic traditions of their native lands, and are thus accorded official credentials to cover the U.S. Congress.

Not so much can be said about the scribblers who toil at the Voice of America or Radio Free Europe/Radio Liberty. American taxpayers provide more than $200 million every year to subsidize these operations to bring news of the free world to more than 100 million listeners behind the Iron and Bamboo Curtains. This, of course, makes the VOA and Radio Free Europe correspondents propagandists. Obviously, these hacks aren't decent enough to cover the hearings, speeches and votes of our luminaries on Capitol Hill.

That at least is the official position of the Washington press corps, represented by the Standing Committee of Correspondents, which decides who gets official accreditation. The Standing Committee is composed of journalists elected by the Capitol Hill press corp, incidentally including the valiant reporters from the Soviet Union, Eastern Europe and China. Officials of the government-run VOA and the government subsidized but privately operated Radio Free Europe/Radio Liberty keep asking for accreditation, so they can have the privilege of sitting in the congressional press galleries. But their fellow Washington journalists keep turning them down.

It all goes back to Senate Rule 33, adopted in 1877, that denies press credentials to anyone employed "in any legislative or executive department or independent agency of the government, or by any foreign government or representative thereof." Depending on who tells it, the rule was adopted either to keep the executive branch from spying on Congress or to foster objective journalism instead of the yellow kind. Whatever, the press committees have maintained over the last 40 years that VOA reporters should be denied gallery passes because they are government employees. Only last year was this ban extended to cover reporters of Radios Europe and Liberty. (The committees continue to accredit correspondents of National Public Radio, which is also partly government funded.)

What about the ban on employees of foreign governments? Why are Tass and Pravda allowed in? In 1950, it seems, the Correspondents Committees bent the rules a bit under pressure from the State Department and major U.S. news agencies, which feared retaliation against American correspondents in Moscow.

But when it comes to VOA and Radio Free Europe/Radio Liberty, whose listeners rely on them to fill in the news that the Tass and Pravda reporters on Capitol Hill might have missed, the good men and women of the Washington press corps refuse to cede their principles.●

UNITED BLACK FUND 11TH ANNUAL VICTORY LUNCHEON

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. FAUNTROY. Mr. Speaker, I would like to bring to the attention of the Congress the 11th annual victory luncheon of the United Black Fund of Greater Washington to be held on June 2, 1983, in the Sheraton Washington Hotel between 11:30 a.m. and 2 p.m.

Presiding will be Dr. Calvin W. Rolark, president and founder of the United Black Fund. Awards will be given to Ruby Dee and Ossie Davis for their many contributions for the betterment of society.

This year's luncheon theme is "The Decade of the Disabled: Unlocking Doors Through Technology." In fact, over the past 14 years, the United Black Fund has unlocked many different doors for the deserving of our city. Today, the United Black Fund assists 55 participating member agencies and grants emergency funds to numerous qualified nonprofit organizations that render community-oriented services within the Metropolitan Washington area.

The United Black Fund has become the largest black fundraiser in the Nation, the first with full payroll deduction privileges within the Federal campaign and is the only one to have a partnership with the United Way.

Throughout the last 14 years, several hundred thousand people have been helped by the United Black Fund. I encourage all Members of Congress to join the United Black Fund at its victory luncheon.●

SACRED HEART CENTENNIAL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Ms. KAPTUR. Mr. Speaker, Sacred Heart Church in Toledo, Ohio, is celebrating its centennial this year—an occasion that deserves our recognition. Sacred Heart's history is a part of the history of the people of Toledo. The parish came into existence in order to serve the German-speaking immigrant Catholics who had settled in Toledo during the late 19th century. By 1889, aware of the need to provide an education for their children and at great personal sacrifice, Sacred Heart members established the parish school.

In 1900, a tragic fire destroyed the church structure. The mission cross, however, was saved and served as a symbol to the parishioners, not only of their strong faith, but also of their determination to rebuild their church. Six years later, the magnificent stone church was completed and in 1951, the famous Kilgen organ was rebuilt.

Sacred Heart parishioners from all ethnic groups, committed to Christian service, have been dedicated to caring for their neighbors and the less fortunate in their community. They actively participate in the feed your neighbor program and annually sponsor one of the city's more famous cultural events, the Sacred Heart Festival, which accents the German culture in America.

Sacred Heart's 100 years can best be described as years of faith, dedication to God and society, and the preservation of a proud cultural heritage. May Sacred Heart's history of accomplishment carry its people into the next century in the continuation of its good work.●

REPEAL WITHHOLDING

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. DICKINSON. Mr. Speaker, if ever there was doubt about representative democracy being healthy in our Nation, a current letter-writing campaign to Members of Congress shows it is alive and well in our Republic.

The huge influx of mail hitting the Congress during recent weeks expresses great concern about legislation passed last year that requires banks, credit unions, savings-and-loan associations, mutual funds, brokers, insurance companies, and other interest- and dividend-paying institutions to withhold from customers 10 percent of each interest and dividend payment for Federal income taxes.

I voted against the legislation then and have introduced a bill in this Congress to repeal the measure, which is simply a new and unnecessary degree of Federal bureaucracy in our private business and lives, which needed to be stopped.

Today, Mr. Speaker, I am gratified that representative democracy has manifested itself with the passage by the House of Representatives of legislation that repeals the 10-percent

withholding tax on interest and dividends.

The measure that we have just repealed was justified by its sponsors as necessary to help catch income tax cheaters—to collect taxes that were not being paid. However, my information is that approximately 95 percent of these taxes are being paid and such drastic measures will cost savings institutions hundreds of millions of dollars to set up new reporting and payment mechanisms that are unnecessary. Lending institutions already provide the IRS form 1099 which reports interest and dividends earnings of taxpayers. That should be enough information for the IRS to go after the few cheaters who do not pay.

Withholding entails far more than deducting 10 percent of the annual payment, and would have been increasingly burdensome to everyone. Depositors and shareholders would have to be notified of the grounds for exemption and given a certificate or application to return before they would qualify for special treatment. Many individuals would need assistance in understanding whether they qualify or in filling out the forms. Computing and accounting systems would have to be modified to deduct 10 percent of each payment—daily, monthly or quarterly—only from accounts of individuals who have not filed certificates and who are expected to receive over $100 annually.

Most of those who save and invest would, in effect, have been extending the Federal Government an interest-free loan until they received a refund at the end of the year. Savers would have lost part of the advantage of automatic compounding of interest since a portion of earnings would have been removed from their accounts with each payment. The administrative cost imposed on financial institutions would ultimately have been passed on to savers through increased service charges, lower interest rates or reductions in services.

Finally, it has been estimated that 2 million investors automatically reinvest their interest and dividends. The imposition of withholding would have removed about $3 billion from the Nation's pool of savings—most of which would have never been returned.

Again, I am very pleased that representative democracy has worked its will and I am pleased to have played a part in this process.●

DRUG FREE HEROES

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. SAWYER. Mr. Speaker, my service on the Committee on the Judiciary, Subcommittee on Crime has enabled me to study this country's serious drug abuse problem and to work for legislation, such as forfeiture reform which will enable our law enforcement personnel to deal effectively with the enforcement of our laws. The south Florida task force, the regional task forces and the new border interdiction task forces all demonstrate the tremendous gain in law enforcement to be made when the military, DEA, FBI, customs and local officials work together in interdiction and other law enforcement efforts.

My work in this area has led me, however, to the unfortunate conclusion that, no matter how successful these efforts might be, drugs will always be smuggled into the United States as long as a market exists for those drugs. Too many people want drugs, and, until we properly educate the public on the harmful aspects of drug abuse, we will continue to have a national drug problem.

A Weekly Reader Publication Study of Children's Attitudes and Perceptions about Drugs and Alcohol brings home the desperate need to educate children on drug abuse as early as the fourth grade. Almost 40 percent of the fourth graders in the survey believe that drugs are a serious problem among kids their age. The major reasons fourth graders take drugs are to feel older and to fit in with other kids. This information indicates that these young kids already need education regarding drugs in the fourth grade.

Dr. Carlton Turner, Special Assistant to the President for Drug Abuse Policy stated:

> Communicating the truth about drugs to users and potential users is one of the most effective weapons we have in battle against drug abuse.

Two companies, working in conjunction with the White House, have developed a program to address the problem by educating fourth graders. I commend the Keebler Co. and DC Comics, Inc. for turning the comic book into an educational tool. In a new Teen Titans comic book, their favorite DC super heroes, a new character "The Protector," and Ernie, the Keebler elf, tell fourth graders "we want you to be a hero * * * Stay drug free." The comic books and teacher guides are being distributed with a letter from our First Lady, Nancy Reagan, who tells children:

> Don't let anyone tell you that you can't be a hero * * * you can—with the drug awareness comic book and educational materials—learn to be a hero.

The Keebler Co. and DC Comics have provided a tremendous public service to this country and its youth. I applaud this creative, private sector effort to reach our children, regarding one of the most serious decisions they will make so early in life.●

SUPPORT PRESIDENT REAGAN'S FOUR-POINT PEACE PROGRAM

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I wish to call to the attention of my colleagues the expression of support for President Reagan's four-point peace program for Central America by the Region's Association of American Chambers of Commerce.

The text follows:

AMERICAN CHAMBERS OF COMMERCE IN CENTRAL AMERICAN AND CARIBBEAN REGIONS EXPRESS SUPPORT FOR PRESIDENT REAGAN'S CENTRAL AMERICAN SPEECH

While attending AACCLA's XVI Annual Meeting in Washington, on May 5-6, the American Chambers of Commerce of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, and Panama expressed their support for President Reagan's four point program to bring peace to Central America. According to the chamber representatives, the four point program, which has been popularly received in their host countries, insures the corrective actions needed to strengthen democracy and human rights, create social and economic development, provide protection to the countries endangered by reactionaries and extremists, and, at the same time, open the doors to dialogue so that the guns can be replaced by words and ballots.

The Central Americans and their Caribbean neighbors join the President's call for a bipartisan commitment to support this policy wholeheartedly and welcome the opportunity to work with Senator Richard Stone in the task before him.●

NICARAGUA

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. WHITEHURST. Mr. Speaker, Miss Joan Frawley, a contributing editor of the National Catholic Register and a freelance writer, has recently returned from a trip to Nicaragua, and in the Wall Street Journal of Tuesday, May 17, 1983, there is a column which she has written as a result of that visit.

Having also been a recent visitor to Central America, with a stop in Nicaragua, I was struck by the lucidity of her views, and I wanted to take this opportunity to share her comments with my colleagues. It continues to be a matter of great concern to me that the American people are being supplied with so much misinformation and distortion, to the extent that it is difficult for them to make an informed judgment about the situation in that part of the world.

I hope that my colleagues will appreciate the fact that there is a strong

dissimilarity between the truth as it is and the truth as it is presented by the official Nicaraguan Government line, and that oppression as practiced by the Sandinista government is no less stringent than that perpetrated under Somoza.

FACT IS FICTION IN THE SCHIZOPHRENIA OF TODAY'S NICARAGUA

George Orwell observed that totalitarianism demands "the continuous alteration of the past and in the long run probably demands a disbelief in the very existence of objective truth. . . . A totalitarian society which succeeded in perpetuating itself would probably set up a schizophrenic system of thought, in which the laws of common sense held good in everyday life and in certain exact sciences, but could be disregarded by the politician, the historian, and the sociologist."

When Orwell wrote that in 1946, this form of social schizophrenia already dominated Soviet life, and today it continues to be a subject for underground satirists in the Eastern bloc. But the exportation of totalitarianism to other parts of the world, most recently Nicaragua, offers a first-hand look at the young roots of a society in which truth has a twin.

Anastasio Somoza Debayle, the late deposed dictator of Nicaragua, possessed simple tastes. His interests extended to money and power. The Sandinista revolutionaries who gained control in 1979 are more ambitious. They want acceptance as the apostles of a cultural transformation that will liberate their countrymen from the clutches of tradition.

Public acceptance will come only with the widespread conversion of ordinary citizens to the "revolutionary process," but many remain unconvinced, even confused, by the social and economic miracles wrought by the Sandinistas.

Their uncertainty begins with the exclusion of their private reality from official discourse—a condition that is felt most strongly among the poor, the assigned beneficiaries of the revolution. Lacking education and financial resources, the campesinos are more dependent on the state and more vulnerable to its encroachment into their daily lives.

Told that the new order liberated them from the oppressive Somoza regime, they now find their actions and leisure time more carefully monitored than ever. Sandinista Defense Committees, neighborhood organizations that distribute ration cards, organize party activities and regulate revolutionary fervor, are stronger in poorer sections of urban and rural areas.

On "black and red Sundays" barrio residents "volunteer" to work for free on government projects. Once a week, a young mother might stay up all night to watch the streets, protecting the neighborhood from "the enemies of the state." On other evenings, people attend political rallies, or educational workshops where the apparent paradoxes of the new order are resolved.

The poor are also told that the nationalization of selected industries and the sharp cuts in private-sector profits give them a bright future free of capitalist exploitation. But, they find that even the necessities of life are inaccessible—except at a high price on the flourishing black market. Observed one businessman: "Really, the middle class has benefited most from the revolution. Before, everyone could buy sugar, now only we can."

Even visitors who scratch the surface of this society are likely to question the existence of objective truth.

For example, a reporter returns from a visit to a Miskito Indian camp on the Atlantic Coast where he heard refugees commend the government's relocation efforts. Back in Managua, a Catholic priest explains that the camp he visited was little more than a Potemkin village.

Words are also transformed to complement the new landscape. "Do the universities have autonomy under the revolution?" Carlos Tunnerman Bernheim, minister of education, is asked. He nods, then replies "You must understand that our concept of university autonomy is not exactly the same as it was under Somoza."

Seeking to blunt the erosion of their individual reality and the moral and cultural perspective that shape it, the majority of Nicaraguans turn for support to the independent press and the local Catholic Church. But they too are not immune to the debilitating effects of confronting a schizophrenic system of thought.

Pedro Joaquin Chamorro Jr., the co-director of La Prensa, the country's only independent daily newspaper, approaches his job with a strong sense of black humor. Reacting to the imposition of official truth on his publication, Mr. Chamorro created a cartoon character named Rionsito who wickedly pokes fun at the inconsistencies of life in the new Nicaragua. When the censors banned any mention of Commander Zero, Eden Pastora, the popular revolutionary hero who broke with the Sandinistas and is plotting their overthrow, Rionsito told La Prensa's readers, "Since zero no longer exists, only the numbers from one to nine remain."

In his effort to present an independent voice, the young editor follows the path of his late father, Pedro Joaquin Chamorro Sr., the former head of La Prensa whose assassination in 1978 sparked the final insurrection to overthrow Somoza. Nicaraguans still cherish the memory of this hero who courageously fought for human freedoms.

It is a measure of the schizophrenia which fragments this society, however, that not all members of the Chamorro family maintain their ties to La Prensa. The late newspaperman's brother Xavier established Nuevo Diario, a revolutionary daily, and his other son, Carlos Fernando, directs Barricada, the official party newspaper. His widow, Violeta, remains at La Prensa with another brother, Jaime. Each insists that the spirit of Pedro Joaquin Chamorro Sr. resides at this paper.

The social confusion that divides once united families like the Chamorros also afflicts the church. Sandinista supporters contend the official church must confer moral legitimacy on the new government. In the words of one lay Catholic leader, "They want the church to link the New Testament with Marxist ideology, the Messiah with the vanguardia, and the Kingdom of God with Nicaragua's socialist paradise."

The presence of five priests in government posts and the wide distribution of liberation theology writings—which advanced the notion that the kingdom of God was already under construction in Nicaragua—have undercut the orthodoxy of Managua's Archbishop Obando y Bravo. Until the arrival of the pope, some Nicaraguans couldn't decide whether the archbishop was a reactionary or a man of courage.

The meeting between the Sandinistas and the pope was a black and white confrontation, dispelling the grey moral haze that generally envelopes papal trips to hostile lands. This time even lukewarm Catholics were forced to consider the next step—a choice between the revolution and the defense of their religious beliefs.

The government appears eager to learn from its poor management of truth during the papal trip. Further, it has promoted a new interpretation of its actions vis a vis the pope to protect the credibility of its cultural transformation. The Sandinistas face the now-familiar task of convincing their countrymen that what they saw and heard was really something quite different from what transpired.●

A BATTLE FOR SOULS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. SMITH of New Jersey. Mr. Speaker, I would like to call your attention to an article written by Donald Kimelman which appeared in the May 8, 1983, edition of the Philadelphia Inquirer.

Mr. Kimelman takes a deep look at "freedom of religion"—or the lack thereof—in the Soviet Union. It is interesting to note that, regardless of the consequences, regardless of the pain suffered by the faithful, religion is alive and growing for millions of believers in the Soviet Union and Communist-dominated Eastern Europe.

During my visit to the Soviet Union last year, Mr. Speaker, I witnessed the pain and discrimination suffered by those who wished to worship God freely. This was especially true for the young Soviet believers who often found themselves without a job or unable to enroll in classes because of their beliefs.

I recommend that all of my colleagues study this article, draw inspiration from it, and endeavor to do all that is humanly possible to foster religions and civil liberties within the Communist bloc.

[From the Philadelphia Inquirer, May 8, 1983]

IN SOVIET UNION, THE PARTY IS WAGING AN UNHOLY WAR

(By Donald Kimelman)

Moscow.—Today is God's day in the Soviet Union for the millions of believers who will take part in the Easter celebration of the Russian Orthodox Church.

But make no mistake about it, the ruling Communist Party, while no longer closing down churches as it did in Stalinist times, has far from abandoned what it views as a righteous crusade on behalf of its official philosophy, scientific atheism.

Throughout this huge nation—but especially in traditionally religious areas such as the Ukraine, the Baltic republics and Central Asia—a campaign is being waged to curtail the propagation of religion and lead the stubborn masses onto the path of atheistic enlightenment.

And though the frustrations of the dedicated atheists as they seek to root out what

they see as insidious evil bear a remarkable resemblance to the experiences of missionaries in other lands, there is also a dark side to this campaign, an apparent increase in the persecution of religious nonconformists.

In Latvia, a lecturer rails against members of the Communist Youth Organization who have taken to wearing crosses around their necks.

In the Asian republic of Kirghizia, a newspaper editorial reports with evident disgust that "in the cities of Kyzyl-Kia, Dzhalal-Abad, Rybachye and Tokmak, there were instances in which communists—now former communists—performed leadership functions in religious associations."

Although the current Soviet constitution guarantees citizens "freedom of conscience . . . [and] the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda," observers have long noted that the government gives a decided edge to scientific atheism, the official philosophy of the ruling Communist Party.

The party makes it hard for the faithful to practice. For example, the obstacles placed in front of today's church-goers include such requirements as licensing priests, registering their groups with the state and holding services only in government-approved "cult buildings."

The great St. Basil's Cathedral, built on orders of Czar Ivan and consecrated in 1557, stands at the southern edge of Red Square serving merely as a museum.

Moreover, only atheistic materialists are allowed legally to proselytize, making any public debate on the subject decidedly one-sided.

The newspaper Soviet Kirghizia can freely editorialize, as it did a year ago, that "communists take a negative view of religion as an anti-scientific ideology that means ignorance, obscurantism, social disorientation and passiveness for the masses." The contradictory view is never publicly expressed.

Yet, belief in some form of deity remains widespread here. Even Soviet authorities acknowledge that 15 to 20 percent of the population is made up of believers, but Western scholars tend to think the figure is much higher.

William Fletcher, a professor at the University of Kansas, did an exhaustive study of Soviet sociological research and concluded in 1981 that as many as 115 million of the Soviet Union's 270 million citizens are believers. In regions such as Muslim Central Asia or heavily Catholic Lithuania, he wrote, believers, however unorganized, are a vast majority.

A Western analyst in Moscow noted wryly that Soviet studies in the 1930s found that a preponderance of church-going believers were old women and predicted the practice would soon die out. Current studies have found a nearly identical pattern, leading, he said, to the conclusion that "old women are immortal."

More seriously, he noted that atheism, as a philosophy based on the preponderance of scientific evidence that man ascended unaided from the slime, suffers from two large problems:

It is uninspiring, he said, and it is dull.

"Atheistic materialism doesn't really say very much to a guy who works in a dirty factory and lives in a one-room apartment with his wife and two kids," the analyst said. "These people are interested in some solace."

A middle-class Muscovite who is more a questioner than a believer remarked last week: "Up to now, this philosophy [atheistic materialism] has not accomplished its basic task. It cannot convey the meaning of life to people. On this part, the church seems better equipped."

The government apparently is not unaware of the situation, and writers and lecturers invariably complain about the failure of schools and work places to push atheistic propaganda and about the shortage of trained teachers to do the job right.

But they lack an important weapon held dear by the believers: the Russian grandmother.

Professor M. Gafarova, author and rector of the Dushanbe Teacher Training Institute, told of how the clergy cleverly infiltrate families "to see to it that religion is passed on from generation to generation."

He noted that in some districts of Tadzhikistan, an area about which he has written, two-thirds of the women do not leave the home to work. In his article, he described "families in which, through the efforts of grandmas and aunties, a child is surrounded by a religious atmosphere from his first breath."

Boris Pastukhov, chief of the 40-million member Limsomol youth movement, told a congress of the organization's officials last year that religious sects were on the rise and exhorted his listeners to show "greater persistence in fighting the narcotic of religion."

Teachers, youth leaders, workers and women's clubs are all enlisted in the struggle. The head of the Department of Propaganda and Agitation of the Ukraine Communist Party Central Committee wrote last May that, due to the lack of skilled atheist organizers, district committees "are counting in large measure on mobile atheist clubs, agitation stations and libraries, and on public appearances by teams of atheist agitators, lecturers and propagandists."

A. V. Belov, the chief of literature on scientific atheism at Moscow's political literature publishing house, acknowledged these failings in an unusual article published in September in the magazine Zhurnalist.

He wrote that upon being asked not long ago to do an article on atheism, he suggested touching on the problems of loneliness, suffering and the need for consolation. The editor asked him why he wanted to stir up pessimism and suggested something more optimistic.

"I did not make up this conversation," Belov wrote, "It reflects the attitude of some of our country's editors, who reduce atheistic propaganda to articles on the harm of baptizing children and celebrating Easter."

He went on: "What are we supposed to do, pretend these problems don't exist and say nothing about them? I am convinced that some young people fall under the influence of religion precisely because they get the answers to their innermost questions from religious mentors instead of from us."

The most imaginative effort by officials to win over believers has been to use some of the believers' own techniques, especially through what they call "socialist rituals."

In a modern, churchlike setting, women in long velvet gowns preside over ceremonies that mark the birth of a child, a child's first day of school, the coming of age at 16, marriage, the first day of work, the last day of work and, finally, death. Mocked by much of the public, these rituals have caught on to some extent in the pious Ukraine.

The question of why the Communist Party, clearly the dominant force in the Soviet Union, is concerned at all with the activities of the believers is often raised in discussions of religion here.

Simply put, religion is seen as a threat, and the nation's leadership has responded with repeated waves of anti-religionism, dating back to the 1920s and '30s.

At that time, there were major efforts, spearheaded by the now defunct League of the Militant Godless, but Joseph Stalin made peace with the Russian Orthodox Church during World War II.

Nikita Khrushchev launched the last major campaign from 1959 to 1963, the analyst said, a time when many churches were forcibly closed.

The current wave, the analyst said, dates from a decision of the Communist Party Central Committee in the spring of 1981 that was finally made public by Pravda the following August.

A front-page editorial acknowledged that religion remained a persistent problem, said the institutions charged with combating religion were failing and concluded that the matter was not just an ideological problem, but a security threat.

Since that time, the analyst said, the government has redoubled its atheistic propaganda effort, jammed Western religious broadcasts and begun routinely confiscating religious materials brought in from abroad.

In addition, he said, there have been more arrests and harassment of nonconformist sects that often defy the state controls. These include Catholics in Lithuania, Protestant fundamentalists and Orthodox Old Believers, who have been persecuted on-and-off since the 17th century.

Analysts here generally agree that, from a security point of view, the government is less worried about the Islamic revolution spreading to Muslims in the south than it is of Poland's Catholic, anti-Soviet rebellion spreading east into the Baltic republics, a factor that could explain the heightened atheistic campaign in Lithuania.

Some observers of the situation throughout the Soviet Union have raised the point that anything—religion included—that soothes a potentially restless populace has its advantages.

But, as the Western analyst pointed out: "The regime here is like any monopoly. . . . Monopolies don't like competition, and any institutional alternative, no matter how passive represents a threat."●

OUR VALIANT PEACE OFFICERS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. HOYER. Mr. Speaker, I would like to take this opportunity to join my colleagues in honoring the law enforcement officers of this country, the State of Maryland, Prince Georges County, Md., and the many municipalities located in my Fifth Congressional District. I make this just recognition during the occasion of National Police Week.

In Prince Georges County, we will be holding a special program at the Beltway Plaza Shopping Center in Greenbelt, on Saturday, May 21, where Charles Haid, or as many in this coun-

try have come to know him—Officer Andy Renko of the award winning television show, "Hill Street Blues"—will be honored. Exhibits depicting the various aspects of police work, including the FBI disaster van, Secret Service automobiles, and the Prince Georges County canine unit and motorcycle drill team will also be part of the event on Saturday.

Herbert Spencer once said, "Policemen are soldiers who act alone." It is the police officer to whom the community looks for protection, assistance, and guidance in their role as guardians of our property and our lives. They cast themselves into life-threatening situations, often not knowing either the victim or the outcome, out of their sense of duty to their community. Yet daily they must fight against the cynicism and frustration that develops through this confrontation with death, tragedy, and often aimless and pointless violence.

It is only fitting that the Greenbelt Police and the Beltway Plaza Merchants Association sponsor a visit to our community by Mr. Haid, who so aptly portrays much of the frustration and concern that police officers experience in his character of Renko. He and the other members of the Hill Street Blues team have indeed brought into the homes and minds of millions of Americans the human side of police work. Their show is a realistic representation of many of the aspects of life as a police officer, and I am pleased to be able to join so many others in commending this outstanding series.

The citizens of my district owe a great debt to the men and women who serve in law enforcement. This appreciation is mirrored in the words and deeds of many of us in America who are raising our voices in support and gratitude during National Police Week.

Mr. Speaker, I take great pride in recognizing this special occasion in honor of the peace officers of my community and my country.●

BANKRUPTCY LEGISLATION

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. HUBBARD. Mr. Speaker, I have received an excellent and timely letter from Judge Gene E. Brooks, U.S. District Court, Southern District of Indiana, at Evansville, which I would like to share with my colleagues. Judge Brooks details the bankruptcy dilemma, pending legislation and the need for congressional actions relative to bankruptcy judges' jurisdiction. His letter follows:

U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF INDIANA,
Evansville, Ind., March 10, 1983.

Re Bankruptcy legislation.

Hon. CARROLL HUBBARD,
First District of Kentucky, Rayburn Building, Washington, D.C.

DEAR CONGRESSMAN: Let me first say, that I hope I am not prejudiced, but human as we are we cannot escape certain views based upon our past experiences. For example, in 1979, when the new Bankruptcy Code was enacted, I was President of the National Conference of Bankruptcy Judges. I had been a bankruptcy judge for some eleven years and was very active in drafting, compromising and suggesting certain provisions of the Code. I spoke at the national meeting of the Bankers Association and the Commercial Law League, endeavoring to find a workable piece of legislation that would satisfy competing interests, and bring up-to-date an antiquated statute. While the final legislation was not perfect it was felt by most that it was an improvement. In many respects, it merely codified the case law. Unfortunately the media immediately characterized it as a drastic change and dramatized that the law had been liberalized for the consumer, thereby making it easier to file. This is not the case. At about the same time, bankruptcy filings increased considerably, with the media concluding that the new Act was at fault. Again, not true.

The two major departures from the prior Act, without regard to jurisdiction, was an attempt by Congress to bring uniformity and eliminate abuses. Uniformity was sought with regard to exemptions and abuses were prevalent in terms of the bankruptcy reaffirming debts. Both of these provisions are now under heavy attack by loan companies. Frankly, the amount of the exemption is seldom of significance, as the great majority of the bankrupts do not have property available for such treatment. As to reaffirmations, it was common for many bankrupts to reaffirm debts that they could not pay for and any relief they anticipated was frustrated by their subsequent conduct. Without question, there are other provisions which loan companies can find fault with. I understood the message of Congress to be that it was concerned about repeated filings and that the so-called "fresh start" was not being achieved in many instances. In addition, I think Congress decided that the new provisions would make it tougher for bankrupts to obtain additional credit.

Aside from these considerations the Supreme Court has ruled that the jurisdictional grant to bankruptcy judges is too broad, and that the bankruptcy court has no jurisdiction to hear matters that are heard by Article III judges. In an effort to prevent a crisis, absent Congressional action, the Judicial Conference submitted for adoption to all District Courts an emergency rule, with the goal of assuring "business as usual." I shall not comment on the Rule other than to say that it has provided a make-shift solution, and while it has added additional burdens on the District Court, for the most part it is working. I suspect, however, as time goes by, the Rule itself will be more closely scrutinized and questioned.

As I view the matter, Congress has a difficult, but clear-cut decision. That is, either making the bankruptcy judges Article III judges, or reverting to the so called "old system," whereby all bankruptcy matters are referred to a bankruptcy judge by the District Court. Obviously, there are valid arguments both ways. As to method of appointment, I would guess that most bankruptcy judges would prefer the old method when they were appointed by the District Court, rather than by the President. Certainly, the old method provided a greater amount of job security. This raises political questions which I don't feel I should comment on.

Aside from the practical view of the problem is the long time goal of the bankruptcy judges to achieve a general up-grading of the office. This has been done in several ways, such as salary, better facilities, benefits, and independence from the District Court. Naturally, many of the victories of the bankruptcy judges in this regard have not been attained without opposition and hard feelings on the part of the District Court. The Chief Justice has consistently resisted many of these efforts and is very adament in opposing the creation of additional Article III judges. I think some of his fears and misgivings have merit but fail to focus on the question as to what needs to be done to make the system work better. Perhaps, Article III status is not a requirement, but it must first be decided how the system should operate and then determine the best way to accomplish it. Cost is certainly a factor to consider, as well as assuring a smooth transition. Essentially, the system will work the same whether it be an Article II or III court. The additional considerations are basically political, philosophical and power struggle in nature.

It would appear to me that early action on the part of Congress is sorely needed. The present hiatus has left the ship tossing, with uncertainty in every quarter. Bankruptcy practitioners are unclear as to how to proceed, as well as bankrupts and District Court judges. There is a cloud on all the proceedings, and while the ideal would be to solve all problems and controversies as quickly as possible, it seems more logical to concentrate on the jurisdiction problem and leave other matters for consideration at a later date when time is available to study the matter in greater depth. The need for prompt resolution is critical in the business reorganization cases, where problems of title are concerned and it is essential that matters be decided without undue delay, as is now the case, when the question of jurisdiction is raised. Both creditors and debtors are being harmed.

I apologize for the length of this letter, but I knew your real concern, and I didn't feel I could adequately explain the problem without a certain amount of detail. I hope I have been helpful, and if you have any questions about what I have stated or any other questions, I will endeavor to answer them.

Very truly yours,

Judge GENE E. BROOKS.●

QUEEN OF THE CHERRY BLOSSOM FESTIVAL

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Ms. HOLT. Mr. Speaker, the queen of the 1983 Cherry Blossom Festival is a very attractive young lady from the Fourth Congressional District of Maryland. Loretta Lyn Ridgely was chosen queen of the week-long Cherry

Blossom Festival held in Washington, D.C.

Miss Ridgely, of Upper Marlboro, Md., is a graduate of La Reine High School, and the Washington School for Secretaries. She is currently employed by the law firm of Patton, Boggs & Blow. Lyn recently returned from a tour of Japan, where she served as the representative of the United States to the many flower festivals held there during the period of April 25 through May 8. I am confident she was as radiant as the Sun which makes the cherry blossoms bloom, and as lovely as the pastel colors seen in the 650 cherry trees lining the Tidal Basin.

Miss Ridgely is very active in her church, St. Mary's of the Assumption, the Maryland State Society, and the Oxon Hill Manor Foundation. She is a friend to all who know her, a credit to her State, and a very lovely queen.●

SOLZHENITSYN ACCUSES DISARMERS

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, Alexander Solzhenitsyn was in Britain last week to receive an honor for his work in advancing freedom of religion in Russia.

I believe all public pronouncements on the great issues by this moral giant ought to be disseminated as widely as possible. Accordingly, I am including in the RECORD an article from the London Daily Telegraph of May 12.

Mr. Solzhenitsyn makes a point similar to one made by President Reagan in his recent Orlando speech when he says that unilateral disarmers are unable to distinguish between good and evil. Our most important task is to defend our moral and spiritual values. Any arms control proposal, whether it be a freeze or anything else, should be rejected if it does not serve this fundamental aim. Survival at any price, without regard to our moral values, is immoral.

[From the London Daily Telegraph, May 12]

SOLZHENITSYN ACCUSES DISARMERS

(By David Millward)

Alexander Solzhenitsyn yesterday accused young supporters of unilateral disarmament of being naive and unable to distinguish between absolute good and evil.

"They feel they are carefree and that the experience will go on for ever," he said at Claridges in one of the few Press conferences he has given since being expelled from Russia in 1974.

"They believed Bertrand Russell when he said it was better to be 'red than dead.' But here even Russell was mentally lacking.

"There is no such alternative because to be red is to become dead—slowly like lobsters who are thrown into boiling water."

The 63-year-old author spoke of the death sentence pronounced on the West by Lenin in 1919.

"That death sentence has never been rescinded," he said. "You in the West have been living under that death sentence for the last 65 years. Unfortunately no one has taken it seriously."

Mr. Solzhenitsyn has been in Britain to receive the Templeton Prize, worth £110,000 this year, for his work in advancing religion in Russia.

OUTCRY URGED

He used the Press conference to launch an impassioned appeal on behalf of Sergei Khodorovich, 44, distributor of funds to dependents of Russian prisoners of conscience, who was arrested by the KGB in Moscow on April 7.

Mr. Solzhenitsyn said Mr. Khodorovich had been accused of treason, which carried a possible death sentence in Russia. Natalya Solzhenitsyn, the author's wife, said an outcry in the West could persuade the Soviet authorities not to impose a savage sentence.●

MX MISSILE PROGRAM

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Ms. KAPTUR. Mr. Speaker, we will soon be voting on production funds for the MX missile program. Despite the Reagan administration's efforts, I believe that the MX remains an ill-conceived weapons system—dangerous, costly, and lacking a valid military purpose.

The Business Executives for National Security (BENS), Inc., wrote an insightful piece examining the MX missile. They too conclude that the military benefits of the MX are too questionable to merit its enormous costs. I urge My colleagues to consider the arguments which BENS addressed in its letter.

The letter follows:

BUSINESS EXECUTIVE FOR NATIONAL SECURITY, INC.,
Washington, D.C., May 12, 1983.

Hon. MARCY KAPTUR,
U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE KAPTUR: On behalf of Business Executives for National Security (BENS), Inc., a national, non-partisan organization of business leaders committed to help boost America's fundamental national security, I would like to share with you our analysis of the President's proposal to spend at least $15 billion over the next five years to procure the MX missile system and to develop its basing mode. In order to ascertain whether clear and overriding military needs justify such a major expenditure, BENS has consulted a broad array of defense experts and we have carefully reviewed many relevant documents, including the Report of the President's Commission on Strategic Forces. BENS has now concluded that the military advantages of the MX are too questionable—and the security risks far too great—to merit any further spending on the production and deployment of this costly, marginal, and destabilizing weapon system.

In the first place, it is critical that the economic dimension of our national security receive close attention. Bernard J. O'Keefe, Chairman of the National Association of Manufacturers and Chairman of EG & G, Inc., a Fortune 500 corporation with important defense contracts, wrote in this month's issue of Enterprise, "The spiral that is choking our economy must be broken. The place to start is with the deficit. Critics claim that [cutting the deficit by reducing the federal budget] will adversely affect our well-being and our national defense. To the contrary, our well-being and our national security will be better served by a strong and viable economy." O'Keefe, an expert on the Soviet Union, observed in a recent interview that the MX system "is unnecessary and should be scrapped." BENS agrees.

The value of the Scowcroft Commission's Report is in the criteria it provides for your decision on the MX. The Report recommends a worthwhile new approach for reviewing all of our strategic arsenals. The Report proposes the following: that arms control and weapon modernization efforts be linked; that "our words, policies and actions should all make clear the American conviction that nuclear war, involving few or many nuclear weapons, would be a tragedy of unparalleled scope for humanity"; that force comparisons should center on warhead levels, rather than launchers; that we should make every effort to move away from MIRV's; that stability should be the primary objective of our arms control and modernization programs; and that, as a basic prerequisite to the prevention of nuclear war, all such programs must proceed from a realistic assessment of the Soviet Union as a militaristic regime which will respond to our actions accordingly.

We are disappointed that the Scowcroft Commission has failed to apply these wise criteria rigorously to the MX itself. BENS has concluded that the MX meets none of the above standards established by the Commission.

By proposing that the MX be placed in a situation of greater vulnerability, warhead for warhead, than our existing land-based arsenals, the Commission has effectively demonstrated the impracticality of the MX system. Is the MX to be simply a "bargaining chip" in the START negotiations currently underway in Geneva? We can find no evidence of this in Administration statements. How then will the MX have the positive effect on arms control the Commission calls for? Even if the MX were conceived of as a future negotiating point, recent history abounds with, examples of expensive bargaining chips—like the multiple warhead technology—on which the bargainers could never quite come to terms. Many such weapons are now permanent fixtures of U.S. and Soviet arsenals. If we produce the MX, we can be certain that the Soviet military will respond in kind—either by moving to a hair-trigger launch-on-warning posture or by further developing their arsenal of "first-strike" weapons.

If deterrence cannot be bluffed, as the Commission argues, and if we must be prepared to use those weapons which we deploy, then producing and deploying the

MX will announce to the world that the United States is preparing to launch a first strike against the Soviet Union. Whether or not such a first strike without retaliation could ever be a feasible option—and recent reports in Physics Today and Scientific American lead us to question whether it could—escalating our first-strike arsenals can only undermine our efforts to demonstrate that the United States will not tolerate nuclear war in any form. And it can only encourage other nations to develop nuclear weapons.

BENS applauds the Commission's aim of achieving a broad consensus on our national security. Defense experts and business leaders alike are disturbed that America's defense programs are not proceeding from a coherent long-range strategy for a strong national defense. Our economic and military strength is suffering as a result. Experts as diverse as General Maxwell Taylor, former Chairman of the Joint Chiefs of Staff, Adm. Stansfield Turner, former Director of the Central Intelligence Agency, William Van Cleave, former director of President Reagan's defense transition team, and Adm. Elmo Zumwalt, former Chief of Naval Operations and a member of the Joint Chiefs of Staff under President Nixon, have called for a halt to development of the MX, citing its dubious military benefits and its enormous costs. Indeed, the MX is a prime example of a program that will be so destabilizing as to pose a threat to the security of the very country it purports to protect.

The upcoming authorization and appropriation votes on the MX will provide critical tests of Congressional resolve to act in the best interests of the United States in matters vital to our national defense. Rather than bowing to institutional momentum and the sheer availability of the MX, BENS asks you to choose a common-sense alternative for America. Vote no. Let us break free of the pointless acquisition of every conceivable weapon, no matter how expensive or marginally useful it may be. In the interest of restoring our fundamental national security, I strongly urge you, on behalf of business executives throughout the country, to vote against appropriating any further funds to the production and deployment of the MX.

Sincerely,

STANLEY A. WEISS, *President.*●

CLINCH RIVER REACTOR—AX IT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to commend to my colleagues the following article which appeared on Saturday, May 14, 1983, in the New York Times. The article by Joseph Egan outlines the lack of foresight DOE is showing in continuing the development of CRBR considering the fact there does not appear to be a plutonium shortage into the next century.

The article follows:

[From the New York Times, May 14, 1983]

CLINCH RIVER REACTOR—AX IT

(By Joseph R. Egan)

HARTSDALE, N.Y.—Like a vampire that refuses to die, the Clinch River Breeder Reactor project in Tennessee haunts Federal budget meetings with an unworldly survivability. Despite repeated death blows by liberals, environmentalists and, in 1982, even fiscal conservatives, the $6 billion boondoggle continues to elude the budget axe.

In 1982, the project was killed in the House but revived by one vote in the Senate after lobbying by majority leader Howard H. Baker of Tennessee. In its proposed 1984 budget, the Reagan Administration had hoped to push the reactor with a $270 million grant.

But on Thursday, a House Appropriations subcommittee voted $1.5 billion for the project through 1990, contingent on the nuclear industry's bearing 40 percent of the remaining costs. The House itself voted 388-1 to deny funds for the project past Sept. 30 unless Congress accepted a cost-sharing plan. Construction of the reactor is just beginning.

Yet, two technical developments may finally drive a stake through the reactor's "heart." That heart has been breeder proponents' claim that there will be a global shortage or uranium fuel in the next century.

Breeder reactors, which would produce as much fuel over their lifetimes as they consume while generating electricity, originally were proposed to offset the predicted shortfall. But American and Japanese researchers now believe that dissolved uranium in sea water can be recovered at costs far below those previously envisioned—an advance that could end the breeder debate. The oceans contain an estimated four billion tons of disolved uranium ore—enough to fuel all existing, planned and imaginable conventional reactors for thousands of years.

There are nearly 400 conventional, or "light water," power reactors operating or under construction throughout the world. Unlike breeders, these reactors do not require that plutonium, a byproduct suitable for making nuclear weapons, be recycled from spent fuel and sold commercially to sustain economic operation. They are inherently safer and less vulnerable to terrorists and saboteurs than breeders are. And they can produce electricity more cheaply than breeders as long as uranium prices, now $22 per pound of ore, remain under $150.

In 1981, researchers at the Massachusetts Institute of Technology and its Woods Hole Oceanographic Institute completed design studies indicating that uranium production costs under $200 per pound were within reach by using hydrous titanium oxide to selectively absorb uranium from sea water.

While breeder advocates dismissed the study, Japan's Metal Mining Agency proceeded with its pilot sea water recovery plant, now under construction and scheduled for operation in 1984. Commercialization of the process, similar to that studied by M.I.T., is planned for the early 1990's. Projected recovery cost? Under $100 per pound.

While the Administration seems unwilling to support this technology the way it supports the Clinch River breeder, it nonetheless endorses another new technology that could also extend recoverable uranium resources; laser enrichment.

Under development for the nuclear weapons program at the Energy Department's Lawrence Livermore National Laboratory, the laser process, if applied to the civilian nuclear fuel cycle, could increase the amount of uranium extracted from ore, thus extending recoverable uranium resources by 20 percent or more. But predictably no such plans exist.

Projections of uranium shortfalls were based on growth rates in the use of nuclear power that, in retrospect, were outrageously high. Since 1978, more than 40 reactor orders have been canceled in America alone. Over the past decade, moreover, conventional reactors, like cars, have been made more fuel-efficient. And large new fields of uranium have been discovered, sending spot-market prices down more than 50 percent since 1979.

With the key argument for the breeder invalidated, what remains to justify continued huge expenditures on a prototype that, even its proponents agree, will be technically obsolete before it is completed? Nothing.

Only a handful of manufacturers stand to gain from continued welfare support of the breeder. Ironically, the biggest loser may be the nuclear industry, which has been short of political capital since the Three Mile Island accident. Given the near-bankruptcy of many utilities overcommitted to nuclear power, the industry can hardly afford another blunder.

Instead of approving any cost-sharing plan, Congress should kill the Clinch River reactor for good.●

ROSS ADAIR: FRIEND OF THE PEOPLE

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1983

● Mr. MILLER of Ohio. Mr. Speaker, I want to take this opportunity to join my colleagues in the House today to pay tribute to a former member of this body who passed away recently. E. Ross Adair, who served the people of Indiana's Fourth Congressional District for two decades, was a personal friend and a conscientious public servant who represented the very best in Government of, by, and for the people.

I was always impressed with his sense of purpose in this Chamber. He came to the floor well prepared for the debate at hand. He did his homework and you always got the distinct impression that he had translated the provisions of any bill before us into its effect on his district and the State of Indiana. He was respected because he respected the views of others without being abrasive and overbearing. He was a leader and a listener and I had a great deal of admiration and respect for both qualities that he represented so well.

It is safe to say that he set a standard in Government that others have been measured against since his leaving the House. It was a standard that I hope and trust will remain intact. It was a standard of excellence.

I extend to his family my sincerest sympathy at this time.●

A TRIBUTE TO "OLD TIMER'S DAY"

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. SUNDQUIST. Mr. Speaker, I would like to take this opportunity to inform my colleagues of an event that has taken place annually, for the last 26 years in my district. It is the "Old Timer's Day" celebration in Dickson, Tenn. Mr. Warren Medley, a radio talk show host, founder and chairman of Old Timer's Day, has seen it grow over the years from a small antique and entertainment show, to one that has numerous contests, luncheons, entertainment events, and a parade. Each year, Old Timer's Day honors a group of individuals who have during their lives, done something worthy of recognition. This year, Old Timer's Day honored 7 of the 10 living escapees from the Island of Corregidor.

The Island of Corregidor, a part of the Philippines which guards the entrance to Manila Bay, witnessed some of the most intense fighting during World War II. After 4 to 5 months of continuous shelling by the Japanese, the American forces in the Philippines finally surrendered. However, one group of Americans were still on the island when the Japanese occupation began. After the Japanese failed to recognize the white flag, these men realized that they should escape from the island if they were to survive. The men boarded a 36-foot boat and traveled over 2,000 miles arriving in Darwin, Australia, 31 days later. During the trip they were in constant danger because they were traveling through Japanese-controlled waters. Yet, after many close calls with death, they reached their destination safely.

These men, whose valiant display of courage is an example to all Americans, and who were honored in Dickson on Saturday, May 7, are:

Rear Adm. (USN-Ret.) John H. Morrill II, of Gulf Breeze, Fla.

Donald C. Taylor of Jacksonville, Fla.

Lyle Bercier of Indianhead, Md.

Jack F. Meeker of San Diego, Calif.

Glenn Swisher of Carrollton, Tex.

Bruce Richardson of Auburn, Ill.

Earl Watkins of Cincinnati, Ohio.

Many men, women, children, and civic organizations have helped to make Old Timer's Day something really special in Dickson. Without the help of the American Legion's Lucian Berry Post 115, Veterans of Foreign Wars Post 4641, the Dickson Jaycees and civilian clubs, and countless other groups, Old Timer's Day would not be as successful as it has been throughout the years.

I congratulate the people of Dickson, Tenn., who for many years have successfully sponsored an event that truly recognizes an American resource we sometimes tend to overlook—Older Americans. I commend this year's honorees, because their story is one we should not forget. The courage they displayed while fighting for their country, is something about which we all can be proud.●

JAMES E. TEAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. LONG of Maryland. Mr. Speaker, I am honored to pay tribute to Mr. James E. Tear of Towson, Md., for his distinguished service to the Baltimore County public school system.

Mr. Tear will retire this year after over 40 years of service. In that time, he has worked in five schools: Westchester, Fort Howard, Garrison, Rosedale, and Lutherville Elementary Schools. At Rosedale and Lutherville, he served each as principal for 17 years. Also, for over 10 years, he has served as legislative chairman for four different organizations of school administrators. One of these, the Maryland Association of Elementary School Administrators, has given him special recognition for his outstanding work in this area.

Throughout his career, Mr. Tear has demonstrated his commitment to excellence in public education. He has developed an outstanding relationship with the parents of his schools. For instance, he has twice fought the closing of Lutherville Elementary School, working closely with parents and teachers. However, Mr. Tear's most impressive quality is his concern for children. Known for eating with his students on occasion, he spends a great deal of time with them. For this and all his other contributions, he has been honored with life membership in both the Maryland and the National Congresses of Parents and Teachers.

I am sure my colleagues join me in wishing Mr. Tear a very happy and fulfilling retirement.●

PROTECT THE AMERICAN TAXPAYER—PLEASE DO NOT SUPPORT MY BILL

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. WOLPE. Mr. Speaker, I rise for a most unusual reason—to urge my colleagues not to support a bill that I have just introduced. Today I have reluctantly introduced the Clinch River Breeder Reactor White Elephant Feeding and Financing Scheme of 1983 to insure that there will be sufficient public debate on any efforts to provide new taxpayer subsidies for the Clinch River project. I ask your indulgence while I briefly review the events of the last few years that have brought us to this point.

The Clinch River project was authorized by Congress in 1971, a time when many energy forecasts indicated the need for considerable additions to the Nation's electrical generating capacity by the end of the century. The initial cost estimate of the project was $699 million, including a $257 million private-investor contribution which accounted for 36 percent of the anticipated costs.

By 1981, the cost of the project had soared to $3.2 billion, and construction had not even begun. The private investor contribution, however, remained at $257 million—only 8 percent of the project's costs. It was obvious that the assumptions on which the project was originally based were no longer valid. Declining projections for future electrical demand and increased reserves of relatively inexpensive uranium for existing light-water reactors clearly indicated that breeder technology would be unable to compete in the commercial marketplace for at least 50 years, if ever. It became increasingly difficult to justify spending billions of taxpayer dollars to prematurely demonstrate a technology that would be totally obsolete long before it would be able to compete with existing nuclear technologies.

As early as September 1977, Congressman David Stockman had concluded that:

> The unwillingness of the electric utilities to absorb a larger share of the cost of commercializing the breeder is the most telling evidence of its lack of economic feasibility under present conditions.

On May 7, 1981, the House Committee on Science and Technology, after an extensive debate, voted to deauthorize the Clinch River project. However, funding was restored on the floor within the Omnibus Reconciliation Act of 1983, which was not open to amendment. Since 1981, despite a

growing body of damning evidence—the GAO found that the total project cost could reach $8.5 billion—the Clinch River project has defied fiscal logic and managed to hang on by a thread.

On December 14, 1982, the House, by a vote of 217–196, voted to delete funding for Clinch River from the fiscal year 1983 continuing appropriation. However, on December 17, 1982, the Senate voted to continue funding by a one-vote margin. A conference committee report was subsequently approved that provided fiscal year 1983 funding with the conditions that construction was not to begin, and that $1 million had to be spent on a study to increase private investment in the project. The DOE had just increased the total cost estimate to $3.6 billion, with the private investment remaining at $257 million.

On March 15, 1983, the Department of Energy released its costsharing study. The congressional response was less than enthusiastic. The plan proposed that private investors contribute 40 percent of the remaining estimated project cost to reduce Federal outlays during the construction of the project. However, the taxpayer would have to guarantee that the private investor would be repaid during the operation of the plant through revenues from the plant, Federal appropriations, or both. In effect, the private investors would not have to accept any additional risk beyond the $257 million that they pledged in 1971. In a nutshell, this $1 million study suggests a cost/benefit financing arrangement in which the private investor would receive potential benefits, and the taxpayer would still be stuck with the costs. In fact, it appears possible that overlapping subsidies available under the DOE cost-sharing proposal could cost the taxpayer more than if the Federal Government just picked up the entire tab.

On April 26, 1983, the Science Committee was assured that a cost-sharing bill would be reported out of subcommittee by May 15, 1983. The committee, by a vote of 24–16, then passed the Brown-Schneider amendment to the fiscal year 1984 DOE authorization prohibiting funding for Clinch River after October 1, 1983, unless cost-sharing legislation is enacted.

On May 3, 1983, Secretary Hodel presented DOE's cost-sharing plan to Congress in legislative form. Assuming its imminent introduction, a Science Subcommittee hearing was scheduled on the proposal for May 10, 1983, and a markup was scheduled for May 12, 1983. However, it was apparently determined that the proposal would never fly. It was never formally introduced and the May 10 hearing and the May 12 markup were canceled.

Last Thursday, May 12, 1983, the DOE fiscal year 1984 authorization bill was brought to the floor and the House—by a resounding vote of 388–1—endorsed the Brown-Schneider amendment to prohibit further funding until cost-sharing legislation is enacted.

However, on the same day, in closed session, the Energy and Water Development Subcommittee of the Appropriations Committee marked up the fiscal year 1984 DOE appropriations bill. The subcommittee report of its actions is not available for examination. The subcommittee apparently appropriated $1.5 billion for Clinch River and attempts to address the intent of the Brown-Schneider amendment by requiring additional contributions by private investors.

Although the subcommittee has not made its report available, it appears that the Appropriations Subcommittee on Energy and Water has chosen to incorporate the DOE cost-sharing proposal within its fiscal year 1984 DOE appropriations bill—a cost-sharing proposal that has never been formally introduced, has never been referred to authorizing committees, and has never been the subject of an authorization committee hearing.

As a Member of this House, I find this deviation from the normal legislative process very unsettling. While there may be honest differences of opinion on the merits of the cost-sharing proposal, we should at least insure that the issue has been fully and openly examined and debated in a manner consistent with the spirit of this House. We simply should not allow new legislation that will commit the American people to finance this multibillion project to be casually attached to an appropriation bill—without benefit of an authorization—in a subcommittee meeting that is not open to the public.

For this reason, I have decided to introduce the Department of Energy's cost-sharing proposal with one small change—I have chosen to rename it the Clinch River Breeder Reactor White Elephant Feeding and Financing Scheme of 1983. I would like to make it clear that I do not support the findings, purposes, additional authorizations, or miscellaneous provisions of this bill. Nonetheless, I believe that it should be subject to the rigorous examination of the legislative process.

I urge all of my colleagues to closely follow this issue in the weeks ahead to determine if proposed cost-sharing proposals are truly consistent with the intent of this House when it overwhelmingly endorsed the Brown-Schneider amendment. In an era of $200 billion deficits, we cannot afford to allow such costly schemes to slip through unnoticed.●

GREGORY W. CARMAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. WOLF. Mr. Speaker, I invite the attention of the Members to an auspicious event that occurred this past Friday, May 13, 1983.

Gregory W. Carman, a former Member who represented the Third Congressional District of Long Island, N.Y., was formally inducted as a U.S. Federal judge in the U.S. Court of International Trade. Judge Carman, who served this House as a member of the Select Committee on Aging and the House Banking Committee, with distinction, understands the importance of international trade to the national economic well-being of the United States.

We are fortunate to have a man of his insight as a member of the Federal judiciary. We all wish him well in his new endeavors.●

SEVENTH ANNUAL SWEET POTATO AFFAIR

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. LONG of Louisiana. Mr. Speaker, tomorrow, May 19, we will be observing the seventh annual Sweet Potato Affair, a day in which we all celebrate the flavor and nutritional value of the golden Louisiana yam.

A Louisiana yam is technically a sweet potato, but it is different from all other sweet potatoes. It was scientifically developed to have golden, moist flesh and rich, sugary taste.

Yams are perhaps the world's most versatile food. They are available fresh, frozen, or canned. They can be baked, french-fried, boiled, stuffed, candied, or escalloped. They can be eaten by themselves or in casseroles, baked into pies, cakes, and puddings or served as a side dish to almost any meat.

They taste so good, it is hard to believe how good they are for you. Each golden tuber has 150 percent of the recommended daily dietary allowance of vitamin A—essential for healthy bones, teeth, and skin and crucial for good night vision.

The source of that vitamin A is carotene, a substance which converts to vitamin A in the body. Sweet potatoes are one of the foods with a high content of carotene. New studies have shown that people who eat large amounts of foods rich in this nutrient have a reduced risk of cancers of the lung, bladder, and larynx.

Because we have such a plentiful yam harvest, the Government uses large amounts of sweet potatoes in its various food programs for the military and for schoolchildren. This year, additional yams were purchased for distribution to the needy through soup kitchens across the Nation.

Since a major concern of Federal food programs is to provide foods with a high nutritional value and tasty flavor, the Louisiana yam is custom made. Yams have three great virtues for these programs: They are extremely nutritious, they are very versatile and can be prepared in many different ways, and they have a natural sweet taste that most people enjoy.

I encourage the U.S. Department of Agriculture and other Government agencies to continue and increase their purchases of sweet potatoes, and hope that purchasing decisions will be made as early as possible to assist production planning.●

THE IMPRACTICALITY OF OUR CURRENT FREE TRADE PHILOSOPHY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. DINGELL. Mr. Speaker, I would like to discuss my concerns about current U.S. trade policy. This policy assumes that if we could establish a worldwide system of pure free trade the resulting forces of international competition would bring prosperity to all nations—including our own. As lofty as this sounds, I believe that we do not properly recognize the impracticality of such an international system of free trade, for we tend to look too optimistically at the theoretical results of such a doctrine.

In relation to this concern, I would like to point out an article in this Sunday's Washington Post by Prof. Wolfgang Hager entitled "Let Us Now Praise Trade Protectionism." While the title is somewhat extreme, I believe that the article raises important questions about free trade policy. According to Hager, the developed countries, including the United States, are faced with an endless supply of subsistence-wage labor in the less-developed countries of the world. The American producer is unable to lower the wages of its employees enough to compete with the producers in Third World countries who can manufacture and assemble goods much more cheaply by taking advantage of this cheaper labor. Some people suggest that the way to stay competitive, without violating free trade principles, is though wage decreases and through a relaxation of those social standards which affect the cost of production. Though in the shortrun such cuts may help keep the United States competitive, these tactics would ultimately serve to undermine many of the fundamental social values held by Americans, values concerning the health and safety of workers, the quality of the environment, child labor, the right of employees to bargain collectively, equity in taxation, and many others. The Philippines, which lowered wages by decree in order to gain international competitiveness, has merely done openly what we would be doing indirectly. In order to preserve these values, while at the same time assuring the strength of our domestic industry, we need to consider a trade policy which recognizes that the U.S. market is the largest in the world and which is sensitive to the needs of domestic industry and American workers.

The American public, as well as many policymakers, have been drawn into a simplistic perception that there are only two varieties of trade policy—free trade, which is good, and everything else, which is protectionist and therefore bad.

We can no longer afford such naive views. The United States is no longer economically omnipotent in the world and we can no longer assume that all international competition will work to our advantage. Just as we recognize that market forces within our domestic economy must be constrained and guided to achieve important social goals, so we must realize that international markets need a more sophisticated policy than free trade ideology provides in order to insure that our national interests and goals are met.

Mr. Speaker, we need to reevaluate exactly what we mean by a free trade policy, and to examine what this policy entails in terms of domestic costs. I am pleased to submit to the RECORD of this body the article by Mr. Hager for the perusal of my colleagues. It is an article which warrants our close attention.

The article follows:

[From the Washington Post]

LET US NOW PRAISE TRADE PROTECTIONISM

(By Wolfgang Hager)

Like most people, I used to believe that free trade helped create prosperity and peace, and that protectionism betrayed consumers to special interests while leading to international conflict. I now believe protectionism is essential for prosperity within nations and harmony among nations. Competition among firms is a good thing, but competition among societies is dangerous.

The problem with free trade is simple: The world has an endless supply of subsistence-wage labor, and we have learned how to make both basic and sophisticated goods in poor, developing countries. Without trade barriers, rich countries are bound to suck in cheap imports from low-wage countries, destroying the domestic industries that used to make those products. There will never be enough new "high tech" jobs to employ those who lose more traditional jobs. Therefore, unrestricted trade would eventually destroy the economies of all the high-wage, developed countries.

What we really need is not free trade (which we don't have anyway), but a better "managed" trade system. In particular, we ought to stop waiting until a domestic industry is on its knees before signaling others who are building up an export capacity that the market won't be there for them.

We also ought to start recognizing that protectionism and trade expansion are quite compatible with each other. Witness the 1970s: protectionism grew in that decade, and world trade in manufactures tripled.

Finally, we should begin facing reality. The reality is that, in one way or another, at least 75 percent of the free world's trade is already "protected" or "managed," meaning that it is subject to quotas, export subsidies, barter arrangements and a long list of other direct government restrictions.

This has long been true for raw materials and food, which account for half of world trade, and services like shipping, which account for 12 percent. It is also increasingly true for manufactured goods, the sector involved in of most trade disputes. Officials of the General Agreement on Tariffs and Trade (GATT) estimate that at least a third of trade in manufactures is managed, which means another 12 percent of total trade under the protectionist umbrella.

World steel, for example, is organized into what amount to three cartels—the American, the European and the Japanese—that coordinate among themselves through price and quantity agreements. Fifty developing countries, as well as Canada and Australia, manage automobile trade through "local content" rules—which require a specified portion of local production as a condition of importing—while the Atlantic nations limit the number of cars that can be imported. "Voluntary restrictions" are also proliferating in consumer goods and high-tech, big-ticket items like power stations, jetliners, telecommunication and most military hardware are restricted via national procurement ("buy American") rules and local content deals.

Atop of all this, we are seeing more export-targeted industrial policies, export subsidies, and restraint on imports via safety and other regulations.

Nevertheless, it remains fashionable in the industrial world to trumpet the free trade ideal. The result is not merely hypocrisy, a plentiful international commodity with which we have all learned to live rather nicely. The more serious consequence is that protectionism is practiced in ways producing minimum benefits to domestic industry, maximum disruption in trade flows and constant bickering among trading partners.

Without realizing the enormity of what they are saying, otherwise sensible people in effect are calling for slashing wages enough to compete with workers in a South Korea or Mexico, lowering health, pollution and other protections to reduce business costs and other, similar measures. This would be tantamount to our giving up, as a society, the freedom and autonomy to pursue our basic values. In fact, free trade would probably lead to dramatic economic disruption and create large numbers of economically

useless people. It might take a police state to enforce it.

How can such dire consequences flow from an arragement which, by common consent, contributed so much to prosperity since World War II? What is so different now?

One answer is that for the first time in modern history, standard manufactures are being produced everywhere on the globe—and, importantly, in nations such as Japan, South Korea and Mexico with centrally guided economies. This would not matter much if these quasi-market economies were still small relative to the older industrial countries: The benefit to consumers of cheap imports would outweigh adjustment costs.

Indeed, this arrangement caused no significant problems for 25 years after World War II. In those days, only the old industrial countries were capable of producing modern industrial goods. The exception was textiles, which from 1962 on were governed by an international protectionist regime, now called the Multifiber Arrangement.

The joint monopoly of the Atlantic countries allowed them to set the cost of production—wages, working hours, regulations, taxes, etc.—autonomously, provided they all moved more or less in step. Common values, free trade unions and the play of democratic politics led to similar, costly solutions to the dilemmas posed by industrial capitalism.

Not all these solutions were optimal (and trade was a useful instrument for correcting excessive business or labor power). But the result was a historically unique and humane society.

Now, however, the quasi-market newcomers have captured one-fifth of world manufacturing export markets, and they have become the price setters in a growing range of activities. In these circumstances, adjustment becomes more generalized, rapid and painful. In fact, it isn't even possible.

Would we be able to "adjust" wages to an international standard? A classical law of economics says that if both goods and industrial capital can move freely in the world we get, in effect, a single world labor market, even without a single worker crossing a frontier. But for as long ahead as we can see, the free international market "price" for labor—given the tremendous labor surpluses in the world—is around a level of bare subsistence.

No doubt some adjustment in relative wages is useful—although the fact that pay in high-tech Silicon Valley is half that in older smokestack industries should give pause, as should the news that the miserable Philippines is cutting wages, by decree, to regain international competitiveness.

But no cut in real wages could go deep enough to make rich-country workers competitive again. These workers live in a high-cost economy requiring dollar wages 10 times as high as the Philippines merely to survive. Clearly, one cannot simply integrate, through trade and international production, high-cost, relatively full-employment economies, with unbalanced low-wage economies.

Free traders would argue that the dilemma does not exist. Among Reaganites and Atari Democrats alike, there are some who would abandon traditional manufactures and concentrate on high-tech activities. Implicity, this is an argument for recreating, at a higher level, the kind of technological monopoly which the advanced nations only recently enjoyed in virtually all manufacturing. In these sheltered, high-value industries, the argument goes, high wages will continue to be paid, while the whole economy enjoys the benefits of cheaper imports.

The argument is wrongheaded. The market for satellites, bioengineered pharmaceuticals or semiconductors will provide new jobs, but not nearly enough for the people thrown out of work in older industries. The United States, Western Europe and Japan, which are all rushing into the same high-tech niches in the international division of labor, are only likely to end up with expensive overcapacity.

The move to high-tech may be desirable in itself, but it is not a solution to the trade dilemma. At best it will shift protection from a North-South dimension to one increasingly among the industrialized nations.

In the meantime, the goods people buy will remain stubbornly banal: carpets and golf clubs, TV sets and can openers. The way these items are produced is increasingly high-tech, too. But if the final consumer goods are not made in the country, this entire superstructure of sophisticated "inputs" into the production process—including the much-vaunted services—will weaken as well. Foreign producers will simply turn to closer suppliers of these goods and services.

Moreover, it is an unconsciously racist mistake to believe that it is the natural order of things for brown people to make simple things like shirts or toys while the highly skilled work force of the advanced countries makes complicated things like machines or computers. In fact, with the state-of-the-art capital equipment now available to them, the best workers in the Third World, who make up its industrial work force, can easily outperform the least educated persons in advanced countries who are their competitors.

On top of this, advances in production technology, notably automation, are rapidly reducing the need for craft-type skills, leaving unskilled workers at one end and technicians' jobs at the other, with little in between. Sophisticated engineering products like ships, airplanes, and machine tools, as well as steel and chemicals, are now being exported from developing (and East bloc) countries. The recent announcement by Atari itself, that it will shift production to Taiwan and Hong Kong at the expense of 1,700 California jobs should help put to rest the notion that we can escape our dilemma by the high-tech road.

There is a cruel irony here that we have to worry about impoverishing or simply discarding a substantial part of our population at the dawn of a new industrial revolution which should make all of us richer. But unless we maintain, and indeed increase, our ability to manage our economic affairs in tune with domestic requirements, the new technologies will simply destroy work.

In the last century, from 1873 to 1896, Europe went through a recession at a time of technological breakthroughs in steelmaking, electricity, chemicals and other areas. Despite the cornucopia of potential wealth at that time, wages stayed depressed and unemployment rose, leading to imperialism and an arms race in a desperate and futile attempt to resolve social tensions and the overproduction crisis. During those years Bismarck resisted a law forbidding factory work by women on Sundays with the argument that this would damage German export competitiveness and hence raise unemployment. The current revival of 19th century classical economics is painting us in the same corner.

Then as now, protectionism, which is usually seen as a political cop-out to powerful interest groups at the nation's expense, shows the working of the invisible hand of politics bringing some sense to the rigid application of ideology.

The usual historical reference to protectionism, of course, is to the 1930s and the Great Depression, but that comparison is not nearly as valid as commonly believed. In the 1930s, economic antagonisms were superimposed on serious security conflicts among the main trading "partners." Today, the economic welfare of all non-communist countries, including the developing countries, is a strong political goal of all free world nations. Moreover, existing trade links, investments and debts all militate against curtailing the earning power of trading partners. Protectionism, except in an extreme case like Japan, does not mean autarchy in manufactures.

What, then, are some of the solutions? Some have focused on the need for more stable monetary exchange rates among advanced countries to prevent the periodic "surges" of imports that cause avoidable problems. In the short run, a dearer yen would help, but a cheaper dollar would simply increase the U.S. surplus with Europe.

In general, the relatively liberal trade regime between Europe and America is sustainable. It implies competition among firms, not societies. Yet in sectors like steel where governments intervene heavily, there is no logical alternative to outright market sharing. When the market is deliberately blocked as a coordinator, something must take its place.

What is a special case in Euro-American relations is the general case when trading with Japan. We should continue to welcome Japanese goods for our consumers and to provide a competitive stimulus to our enterprises (although competition in third markets already sees to that). But we should do it on our terms and not simply adjust passively to Japanese industrial strategies. Direct investment and other forms of technology transfer must increasingly take the place of the exchange of goods.

The sooner we abandon free trade rhetoric and clearly signal to Japan our limits of tolerance, the less the chances for conflict and panic protectionism later. This would make it easier for Japan to adjust its investment strategies to reality, and it would provide greater incentives for American firms to engage in risky investments at home.

The same applies to developing countries. The World Bank and others who urge an increasing number of countries (including such giants as India and China) to follow an export-led growth strategy are giving cruel and irresponsible advice. Production capacities are built up with scarce resources, which then stand idle when the West, inevitably, slaps on restrictions. Yet we have lent huge amounts of money on the promise of markets: The ability of developing countries to earn foreign exchange remains crucial.

How can our need for protection be squared with Third World needs for growing revenues? The most general answer must be: by improving their terms of trade. This means they must get a better return for what they sell. But how can this be done?

Price discipline is already a normal feature in Japanese trade and East-bloc trade

with Western Europe. India and China, fearing ruinous competition and self-exploitation as they enter world markets, are said to have initiated talks on avoiding such competition. Southeast Asian nations, in cooperation with Brazil and Mexico, could perhaps agree to raise prices. But given the competition for market shares among these countries, self-exploitation would probably remain the rule.

It would be preferable for Western countries to raise duties on imports from Third World nations high enough to avoid market disruption in the West—and then give this new revenue back to developing countries. This would give resources to these countries to tackle the long-neglected problems of internal development, and especially of agriculture and related industries.

The choice we face is between good intentions that promise ruinous results and policies that face up to the realities of the new global economy.●

HOUSE OF REPRESENTATIVES—*Wednesday, May 18, 1983*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

For the blessings of Your creation, O God, for the opportunities of a free land, for the wealth of harvest, and for the love of family and friends, we offer this our prayer of thanksgiving.

O God, may we be good stewards of the gifts You have given us, that the evil of conflict will be put aside, that people will not know hunger or want, that the pain and anxiety of life will be eased, and that we will enjoy more fully the fruits of Your love to us.

Bless our leaders and all those in authority and keep us all in Your good grace that together in harmony and understanding we will do Your will. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WHITTAKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WHITTAKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 367, nays 17, answered "present" 4, not voting 44, as follows:

[Roll No. 126]

YEAS—367

Ackerman	Bateman	Boner
Addabbo	Bates	Bonior
Akaka	Bedell	Bonker
Albosta	Beilenson	Borski
Alexander	Bennett	Bosco
Anderson	Bereuter	Boucher
Andrews (TX)	Berman	Boxer
Annunzio	Bethune	Breaux
Anthony	Bevill	Britt
Applegate	Biaggi	Broomfield
Archer	Bilirakis	Brown (CA)
Badham	Bliley	Broyhill
Barnard	Boehlert	Bryant
Barnes	Boggs	Byron
Bartlett	Boland	Campbell
Carney	Hall, Ralph	McHugh
Carper	Hamilton	McKernan
Chandler	Hammerschmidt	McKinney
Chappie	Hance	McNulty
Cheney	Hansen (UT)	Mica
Clarke	Harrison	Mikulski
Clinger	Hartnett	Miller (CA)
Coats	Hatcher	Mineta
Coelho	Hawkins	Minish
Coleman (MO)	Hefner	Molinari
Coleman (TX)	Hertel	Mollohan
Collins	Hightower	Montgomery
Conable	Hiler	Moody
Conte	Hillis	Moore
Cooper	Holt	Moorhead
Corcoran	Hopkins	Morrison (CT)
Coughlin	Horton	Mrazek
Courter	Hoyer	Murphy
Coyne	Huckaby	Murtha
Craig	Hughes	Myers
Crane, Daniel	Hunter	Natcher
Crane, Philip	Hutto	Neal
Crockett	Hyde	Nelson
Daniel	Ireland	Nielson
Dannemeyer	Jenkins	Nowak
Daschle	Jones (NC)	O'Brien
Daub	Jones (OK)	Oakar
Davis	Jones (TN)	Obey
de la Garza	Kaptur	Olin
Dellums	Kasich	Ortiz
Derrick	Kastenmeier	Packard
DeWine	Kazen	Panetta
Dicks	Kemp	Parris
Dingell	Kennelly	Pashayan
Dixon	Kildee	Patman
Donnelly	Kindness	Patterson
Dorgan	Kogovsek	Paul
Dowdy	Kolter	Pease
Downey	Kostmayer	Penny
Dreier	Kramer	Pepper
Duncan	LaFalce	Perkins
Dwyer	Lagomarsino	Petri
Dyson	Lantos	Pickle
Early	Latta	Porter
Eckart	Leach	Price
Edgar	Leath	Pursell
Edwards (CA)	Lehman (CA)	Quillen
Edwards (OK)	Lehman (FL)	Rahall
English	Leland	Rangel
Erdreich	Lent	Ratchford
Erlenborn	Levin	Ray
Evans (IL)	Levine	Regula
Fascell	Levitas	Reid
Fazio	Lewis (CA)	Richardson
Feighan	Lewis (FL)	Ridge
Ferraro	Lipinski	Rinaldo
Fiedler	Livingston	Ritter
Fields	Lloyd	Roberts
Fish	Loeffler	Robinson
Flippo	Long (LA)	Roe
Florio	Long (MD)	Rogers
Foley	Lowery (CA)	Rose
Ford (MI)	Lujan	Rostenkowski
Ford (TN)	Luken	Roth
Fowler	Lundine	Roukema
Frank	Lungren	Rowland
Franklin	Mack	Roybal
Frenzel	MacKay	Rudd
Frost	Madigan	Russo
Fuqua	Markey	Savage
Gekas	Marriott	Sawyer
Gephardt	Martin (IL)	Schaefer
Gibbons	Martin (NC)	Scheuer
Gilman	Martin (NY)	Schneider
Gingrich	Matsui	Schulze
Glickman	Mavroules	Schumer
Gonzalez	Mazzoli	Sensenbrenner
Gore	McCain	Sharp
Gray	McCandless	Shaw
Green	McCloskey	Shelby
Gregg	McCollum	Shumway
Guarini	McCurdy	Shuster
Gunderson	McDade	Sikorski
Hall (IN)	McEwen	Siljander
Hall (OH)	McGrath	Sisisky
Skeen	Tallon	Wheat
Skelton	Tauke	Whitehurst
Slattery	Tauzin	Whitley
Smith (FL)	Taylor	Whittaker
Smith (IA)	Thomas (CA)	Whitten
Smith (NE)	Thomas (GA)	Williams (OH)
Smith (NJ)	Torres	Wilson
Smith, Denny	Torricelli	Winn
Smith, Robert	Towns	Wirth
Snowe	Traxler	Wise
Snyder	Udall	Wolf
Solarz	Valentine	Wolpe
Spence	Vander Jagt	Wortley
Spratt	Vandergriff	Wright
St Germain	Vento	Wyden
Stenholm	Volkmer	Wylie
Stokes	Vucanovich	Yatron
Stratton	Walgren	Young (FL)
Studds	Watkins	Young (MO)
Stump	Waxman	Zablocki
Sundquist	Weaver	Zschau
Swift	Weber	
Synar	Weiss	

NAYS—17

Brown (CO)	Gejdenson	Schroeder
Dickinson	Lowry (WA)	Solomon
Durbin	Miller (OH)	Staggers
Emerson	Mitchell	Walker
Evans (IA)	Roemer	Yates
Forsythe	Sabo	

ANSWERED "PRESENT"—4

Goodling	Jacobs
Gramm	Ottinger

NOT VOTING—44

Andrews (NC)	Gradison	Morrison (WA)
Aspin	Hall, Sam	Nichols
AuCoin	Hansen (ID)	Oberstar
Brooks	Harkin	Owens
Burton	Heftel	Oxley
Carr	Howard	Pritchard
Chappell	Hubbard	Rodino
Clay	Jeffords	Seiberling
Conyers	Johnson	Shannon
D'Amours	Lott	Simon
Dymally	Marlenee	Stangeland
Edwards (AL)	Martinez	Stark
Foglietta	McDonald	Williams (MT)
Garcia	Michel	Young (AK)
Gaydos	Moakley	

□ 1015

So the Journal was approved.

The result of the vote was announced as above recorded.

THREATENED VETO

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, the President's histrionic brandishing of the veto pen and his attempts to portray Congress as wanting more new taxes do not ring true.

Last year, the President made a nationwide speech publicly asking for the 1982 tax increases of $97 billion which he had determined were necessary to bail the Treasury out as a result of the excessive tax cuts of 1981 on which he had insisted. And now, the President is attempting to disavow any participation whatever in that tax

increase of last year, saying that he wishes he had not let Congress do it.

The truth is he asked Congress to do it. The truth is the President is not necessarily against taxes; he is just against taxes on rich people.

Last year he was perfectly willing to increase taxes on the telephone bills of the average people; the airline fares that are paid by the working people and the small business people; the medical bills that are paid by the indigent; and the gallon of gas that is bought by the worker who has to drive to work or the housewife who must use it to shop for her family, or the businessman, or farmer who must use his car or truck in the pursuit of a livelihood. Ronald Reagan was in favor of those taxes.

Now he is threatening to veto a bill that would not raise new taxes, but a bill which we proposed that would reduce his deficit by $30 billion simply by foregoing any additional tax cuts.

Two-thirds of the American people in polls that have been published repeatedly say that they would prefer to forego that third year of the Kemp-Roth tax cut which enures mainly to the advantage of the wealthy and from which the average American gets very little, and see some of that go to reduce the deficit and thus try to keep interest rates down so that our recovery can continue and move on in a robust manner that it has not yet taken.

That is what we want to do. Make it clear. We ask for no new taxes; we simply say that the public does not want another tax cut paid for in borrowed money.

BUDGET DEFICIT RESPONSIBILITY

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, when he was an actor, Ronald Reagan accused Jimmy Carter of acting. At the end of the 1980 campaign, he said:

> Mr. Carter is acting as if he had not been in charge for the past 3½ years: as if someone else ran up nearly $200 billion in red ink: as if someone else was responsible for the largest deficit in American history, and as if someone else was predicting a budget deficit of $30 billion or more.

That was 1980.

After last night's performance, we know who is the real actor. Ronald Reagan is acting as if he had not been in charge for the past 2½ years; acting as if someone else ran up nearly $400 billion in red ink; acting as if someone else was responsible for the largest deficit in American history, and acting as if someone else was predicting a budget deficit for this fiscal year of $200 billion.

Ronald Reagan may now finally deserve an Oscar for his acting, but he gets a gong for his leadership.

NUCLEAR ARMS CONTROL

(Mr. OLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLIN. Mr. Speaker, a number of times during the last 2 weeks and again last night, the President reconfirmed his commitment to accomplish nuclear arms control and nuclear arms reduction. That means to me he intends to do everything he can reasonably do to reach some agreements with the Soviet Union for arms reduction, or arms limitation, or the cessation of production, testing or deployment of nuclear arms. That means to me that he expects to make some tangible progress soon—this year—before the actual deployment of any MX's or Pershing II's or cruises.

The President has asked us to give him full support as he proceeds with these critical negotiations. He asks us to trust him to arrive at agreements which will lessen the risk of a nuclear incident or war.

I suspect that this House will give the President the support he seeks. But I hope that in return we will make it clear to him that we expect him to keep his commitment. We understand that it is not clear what reasonable agreements can be concluded. We know that continued flexibility will be required. We expect and require that we be kept informed and involved.

On that basis, we should be willing to work with him on arms control the best interest of the Nation and the world.

□ 1030

WHO DOES THE PRESIDENT THINK HE IS KIDDING?

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, when Ronald Reagan became President, the statutory public debt ceiling was $935 billion. Today we are asked by President Reagan to make the debt ceiling $1.4 trillion, an increase of $450 billion. In light of that, let us listen to the words of President Reagan at his press conference last night.

> We all know that we are going to have a sizable deficit in 1983 and 1984. But what we are trying to do in our budget planning . . . is set us on a path of decreasing deficits to where we can look down the road a few years and see ourselves approaching a balanced budget.

Notice the qualifiers: "trying to do," "set us on a path," "look down the road a few years," and "see ourselves approaching a balanced budget."

Who does the President think he is kidding?

If you believe a debt ceiling of $1.4 trillion is high, you have not seen anything yet.

SUPPLY-SIDE PATENT MEDICINE IS REALLY SNAKE OIL

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, last night, during his press conference, President Reagan characterized his budget proposals as being based upon commonsense. The administration's 1984 budget proposals are in the mold of those submitted for 1983, 1982 and 1981—which claimed quick remedies for whatever the economic ills, through a patent medicine formula mixing increased Federal spending, decreased revenues, and a restrictive monetary policy. When this brand of patent medicine was first marketed in 1981, it was labeled by the administration: "supply-side economics." Others—less charitably—described it as "voodoo medicine," while some characterized its marketing as "a river boat gamble."

Today it is clear that rather than representing commonsense, the supply-side premises underlying this experiment in economics doctoring defy all logic. Accelerating military spending in excess of all reason and decreasing revenues leaves no alternative but deficit spending—hardly a desirable prescription for economic recovery.

The supply-side effects of this medicine are predictable and devastating: unemployment in my district now more than 20 percent and the fiscal year 1984 deficit is expected to increase to over $200 billion.

For those who believe that budget deficits, in fact, pose the greatest threat to the possibility of a future economic recovery, we should recognize that the supply-side patent medicine is really snake oil. While the President continues to peddle his wares, the Congress should be cautious consumer

It is true we need a commonsense approach to our economic difficulties, but commonsense dictates that a patient should not continue on a regimen that causes more damage than the original illness.

PRESIDENT SHOULD STOP BLAMING OTHERS

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, in 1850 Henry Clay said, "I'd rather be right

than be President." One hundred and thirty years later, Ronald Reagan seems to be saying, "I'd rather be President." He is misrepresenting the facts on the budget debate to the American people. The President sent us a budget this year calling for $848.5 billion in spending, $659.7 billion in taxing, he asked for a deficit of $188.8 billion. Then he turned around and attacked Congress for causing the deficit. In 1981, President Reagan projected a balanced budget by now. He predicted that the Government would receive $770 billion in revenue this fiscal year. However, the Government is going to get $110 billion less than that because of President Reagan's tax cuts. That has caused over one-half of the $200 billion current Federal deficit.

Now using the President's example, the 4 years of deficits under President Reagan will represent a stack of $1,000 bills 22 miles high. That is President Reagan's deficits.

The question is, do we want the Government to borrow money in order to give tax cuts to the very wealthy in America, because that is who they are going to. The President says the Democrats want to enact the biggest tax increase in the history of America. If the President would tell the story accurately, it would be that the President wants to have the largest tax cut in the history of America at a time when we have a $200 billion Federal budget deficit. That is not fiscal policy, that is foolish policy and I hope the President stops blaming others and starts helping us balance the budget.

LET'S SET THE FACTS STRAIGHT

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, I have come here today as a businessman who has spent 10 years in the homebuilding business. I have come to correct the President's misleading speech to my colleagues in the homebuilding business that he made 2 days ago.

He said the Congress had a credit card. Let me make correct the point. The President has a credit card. The credit card had $935 billion worth of credit on it when he took office.

Today he is sending to this Congress that same credit card asking for an increase to $1.4 trillion in just 2 years.

Now the facts are that by the time fiscal year 1985 gets here, that credit card, Ronald Reagan's credit card, will be raised to $2 trillion, more than double, in just 4 years and that is based on his program.

Now, let us get the facts correct. During this particular time, taking this amount of money away from the savings, amounts to 80 percent of the savings, leaving only 20 percent for an economic recovery that we must have in this country if we are going to succeed.

What does that mean? If we are going to keep interest rates down, and we must if we are going to leave a long-term economic recovery, this administration will print more money, more money in just 2 years than all the Presidents in history combined. That is going to cause skyrocketing inflation unless a delicate balance is maintained which will require an expansion of money. We have gone far enough in borrowing money to give that tax cut to the wealthiest people in the country. I think we have to get our economic house in order. We cannot give a bonus to the wealthy and at the same time calling on the little waitresses to pay extra taxes. My small independent truckdrivers today in Oklahoma, have had their taxes increased 1,000 percent under this administration.

So I think we need to get our house in order and get the facts straight. The President's economic experiment will double the deficits during his 4 years in office or in other words—the President is asking that the credit amount on his credit card be doubled!

PRESIDENT'S APPROACH IS NOT COMMONSENSE

(Mrs. HALL of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HALL of Indiana. Mr. Speaker, I come this morning very disappointed at the President's press conference of last evening.

As one who comes from the First District of Indiana, the heartland of America's steel industry where 25 percent of our people do not work, I find that the President's approach is not commonsense. It is nonsense.

We have a new class of people in this country, a class of people who need help because, through no fault of their own, they cannot help themselves. I believe that this Congress should have the responsibility to help those without threats of veto from the President of the United States.

So I say to the President this morning that the approach to turn down help to those who cannot help themselves is not a wise approach. It is one that should not be tolerated in this Congress and it should not be tolerated by the American people.

BLACK AMERICANS TO SHOW PRESIDENT THEIR "GRATITUDE" AT POLLS

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL. Mr. Speaker, I am troubled by these scathing attacks on the President, and so I come to the well to defend him and thank him. I want to thank him as a black American. I want to thank him because he has appointed one black Federal judge. One, far less than any other President in modern history. Thank you, Mr. President.

I want to defend him and thank him. I thank him because, acting through his Attorney General, he has assailed and condemned affirmative action, that is a process by means of which many blacks were moved into the mainstream. Thank you for condemning affirmative action, Mr. President. We are most appreciative.

I do not want to attack the President. I want to thank him. I want to thank him for the black unemployment rate, which is now 20.3 percent, 1 out of every 5 black Americans are unemployed. No other President has been so generous to black Americans in giving us that 20.3 percent unemployment rate. And so I am very grateful that the President has extended this kindness to us. Thank you, Mr. President.

Thank you for your statement you made in December about giving $5 billion a year for the next 3 years to minority businesses. That was indeed a generous gesture. But, at the same time you did that, you cut all the direct loan money for minority business. At the same time you made that commitment, you reduced the number of blacks working in the minority portion of SBA from 75 to 45 to 37. We are grateful for that kind of generosity, Mr. President.

Do not condemn our President. I want to thank him for putting blacks in high policymaking positions in his administration. No other President has done as much—I take that back. I want to thank him for thinking about putting some blacks in high policy positions in his administration.

So, you go ahead and condemn him. Let me thank him for being a true friend to black Americans. Thank you for all you have done for black Americans, Mr. President, we will show our gratitude at the polls.

AMERICAN PEOPLE SHOULD KNOW THE FACTS

(Mr. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUKEN. Mr. Speaker, I would like to address my colleagues briefly on the broad issue of the day. And I usually do not attempt to lecture my colleagues on the broad issues, but I think the fact that we are being asked

today to raise the national debt and that the President is asking us to finance it out of tax cuts is an unconscionable thing. And it is time we all spoke out loudly to the American people, because the American people are being deceived or the attempt is being made to deceive the American people when the President talks about raising taxes.

As our majority leader said, the President did raise taxes last year. And it is not our purpose in postponing or canceling a scheduled tax cut to raise taxes.

As a matter of fact, what it would be would be not to cut taxes for the wealthy in order to finance increased Federal deficits.

So this proposed budget of the President means higher deficits. And we should tell the American people what those facts are. And as we consider raising the national debt, we should also consider not cutting taxes for the wealthy this summer in order to finance those tax cuts.

NATIONAL TOURISM WEEK

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, I rise in strong support of House Joint Resolution 168, which would designate the week beginning May 29 as "National Tourism Week."

Tourism represents one of the largest sectors of the fast growing service industries. Those industries related to tourism include airlines, hotels, motels, attractions, rental car companies, bus and rail lines, cruise lines, convention and visitor bureaus, State government travel offices, food service establishments, and many other enterprises providing services to travelers. About 99 percent of the businesses in tourism come under the definition of a small business. The common bond that ties these diverse enterprises into a single industry is the fact that they all have one reason for existence—to provide services to travelers in preparation for and during trips away from home.

It is quite obvious that every congressional district in this country has some interest in the tourism industry. As a matter of fact, in 39 of the 50 States, the tourism industry is either the first, second or third major employer. As such, I strongly urge each Member of this body to join me in cosponsoring this legislation which would recognize the importance of tourism to our Nation in general and to their States in particular.

For too long tourism has been viewed as a frivolous industry by adopting this resolution we should be taking a small step toward changing that mistaken perception. It is time that the industry received the national recognition it deserves as one of the leading service industries in the United States.

In terms of employment, the travel and tourism industry provided 28 percent of all new jobs created in 1980 and 35 percent of all new jobs in 1979. In 1981, travel receipts made up over 6.5 percent of the U.S. gross national product. It was the third largest export industry in 1980 following grains and chemicals. These statistics clearly show the value of tourism to our country.

I certainly believe the week beginning with Memorial Day weekend is an appropriate time to recognize this industry that contributes so substantially to our Nation's economy.

NATIONAL POLICE WEEK

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, today I want to join a number of my colleagues in commemorating "National Police Week," May 15 to 21. As a 23-year veteran of the New York City Police Department I take a very personal pleasure in honoring our Nation's 528,000 law enforcement officers on this special occasion.

National Police Week is a time to thank our Nation's police officers for the fact that crime in the United States dropped by 4 percent in 1982, but also to remember that the fight against crime is a costly one.

Last year, the number of police deaths was 162, and nearly 1,200 police officers have been killed during the past decade.

Clearly, we must do more to protect those who protect us. Every police officer should be furnished with a bulletproof vest and the so-called cop killer bullets that can penetrate those vests should be banned, as proposed in my bill H.R. 953.

Further, we should construct a national police memorial to remind ourselves that one police officer dies nearly every 2 days.

Simply put, National Police Week is a time to remember that we need police and they need us.

● Mr. AUCOIN. Mr. Speaker, I am pleased to join Mr. BIAGGI and my other colleagues in honoring National Police Week. For in this society, where no one escapes the human or material costs of crime, local law enforcement is, in the truest sense, a key part of our national security.

From my own observations, I am convinced that as a result of national policies now in effect, far too many of our Nation's law enforcement officers have been placed in intolerable situations. When State and local governments are forced to cut programs, too many police officers risk their lives for a subsistence salary, working in undermanned departments, ill-equipped to fight crime in its many manifestations.

During this special week, we pause to honor those who, despite these handicaps which inhibit their ability to serve, do serve with diligence and honor. To them we owe a deep debt of gratitude, which we can all express by pausing to consider what it is like to risk your life fighting a war with the resources of a Bangladesh.

In my own district, most police officers face that reality each day. I ask each of you to take a few minutes to read the following letter, from a police chief in my district who tells you what it is like, and why he does it.

The letter follows:

DEAR MR. AUCOIN: I have been in law enforcement for 12 years. Nine years I worked in California. I was assigned to narcotics enforcement for seven years.

My primary responsibility was to identify and neutralize the organized major distribution groups. It was a dirty job, living in a world of misery most people can't relate to but to me it was a labor of love.

Because of this alleged "victimless crime", my brother, second oldest of six children, died at age 25 from a heroin overdose. A cousin living eight miles from us died of the same cause the year before, his niece is currently using about $125.00 of heroin daily. Another brother is serving a life sentence for killing a man in a robbery to support his habit. All this misery from narcotics in one family.

In 12 years I have never been able to relate to people outside the drug culture the suffering I witnessed every day. How my mother and father's hearts broke, trying to cope with and understand what was happening to my brother. From his beginning at age 17 with marijuana, to his death at 25. All the years in between, visiting him at every prison in California, not reporting all the thefts from the family my brother committed to support his addiction, until what he could get from his family wasn't enough to support his need. Then starting over with another son.

My resolve to stop the importers was great because of this. Yet in seven years I was only able to stop one major family. I found our laws favor the dealer, and inhibit the enforcers.

Because of the vast amount of tax free dollars being made, buying the best attorney was no problem, posting any amount of bail no problem, buying the death of informants no problem, buying the corruptible official or pillar of the community no problem.

As frustrating as it was, at least the State of California was resolved to fight the "Dealers of Misery". We had a State Narcotic Enforcement Agency, Drug Enforcement Agency, County Sheriff Enforcement and almost every Municipal Police department had a narcotic officer. We learned to put aside the attitude of being the one to make the arrest of the big pusher by forming allied enforcement teams and sharing intelligence and informants, we started making good cases. When a major distributor was arrested, a single news conference was called with the department head of each participating agency invited, no matter what their agencies actual involvement may

have been. For a time this method was successful, however the system started to decay.

Money became tight, L.E.A.A. funding of our County team stopped, our respective agencies could not absorb the costs of continuing. DEA's governing body in Washington set restrictions on their agents. Because of restrictions, our team could not meet the requirements to justify DEA's involvement on most of our targeted suspects. An example of one of the restrictions placed on DEA agents to assist was the classification of targeted suspected dealers. Class one violators getting priority money. To be classified a class one heroin dealer as near as I remember, a suspect had to be distributing 20 ounces of 100% pure heroin a month. Every street agent and Narc knew the majority of heroin imported was Mexican which averaged 65% purity and there were not many suspects distributing 20 ounces a month. Agency heads became concerned with quantity arrests instead of quality. Budgets became smaller, so we went back to harassment enforcement, making dealers at least sweat for every misery soaked dollar they made.

Then fate brought me to Oregon where the frustrations working narcotics were major compared to the frustrations I have experienced. There is no state enforcement agency. The majority of Municipal law enforcement agencies don't have Narc units or teams. DEA has one enforcement group in Portland who are wondering if tomorrow they are going to be F.B.I. agents or unemployed. One large group of agents at Portland P.D. have been rocked by corruption and have been under attack by the leading newspaper daily. I feel it will be years before they recover to the point of becoming effective again.

As you know, my county is rural and sparsely populated. No one is working narcotics full time, nor can we afford to do so, making Oregon especially attractive to major narcotic and dangerous drug distributors.

I would hope that our government and new administration will be positive in taking steps to bring narcotics and crime under control. Our societies dependence on narcotics and drugs scare the hell out of me, as does the lack of morals in our society, and the lack of respect for human life and property. If you don't agree with someone shoot them, or sue them. Rob someone and they won't give you their money, murder them. Rob someone and they give you their money, murder them. Our high courts tendency to protect the rights of criminals, makes the enforcement of laws more than difficult in todays complex Judicial system.

I don't feel our founding fathers 200 years ago meant for the Constitution to be interrupted so microscopically as to assist criminals, promote amoral behavior and decadence by whatever group, which is harmful to the citizens as a whole.

Sir I will now climb off my soap box and go back to my task at hand, fighting the undeclared war in a small county which has the same problems as Los Angeles County, with the resources of Bangladesh.●

● Mr. ANDERSON. Mr. Speaker, I commend the initiative and leadership shown by our esteemed colleague, Congressman MARIO BIAGGI, in promoting this congressional tribute to Police Memorial Day and National Police Week. His presence in the Congress undoubtedly has fostered increased national sensitivity to and concern for our men and women who so valiantly wear the blue uniform.

As we lament the loss of the 162 law-enforcement officers who last year lost their lives in the line of duty, let us never forget the thousands before them whose lives also were taken while seeking to uphold the public peace. And even though rates of reported crimes dipped 4 percent during 1982 from the previous year, none of us may reasonably assert that the life of a law enforcement officer is safer today than it was as recently as a decade ago.

Today almost one-half of our Nation's law enforcement officers regularly wear bulletproof vests. For all of the protection these devices afford to those officers who do wear them, because of the common availability of armor-piercing bullets, no police officer can be completely purged of fears that a criminal's bullet may inflict a mortal wound. I am, therefore, a cosponsor of Congressman BIAGGI's legislation, H.R. 953, to restrict the availability of armor-piercing bullets.

Mr. Speaker, I would just like to add that the Congress should continue to seek the counsel of law enforcement officers, in hopes of making their lives safer.●

● Mr. HORTON. Mr. Speaker, in honor of the more than 500,000 men and women across our Nation who serve as law enforcement officers, I rise to pay tribute to them and their profession during this National Police Week. Enforcement of our State and Federal laws is no easy task; law enforcement responsibilities carry high degrees of risk and require personal qualities of patience, integrity, courage, and a solid understanding of our laws and legal system.

All Americans should be proud of the progress law enforcement has recorded over the past 20 years—since President Kennedy signed the first police week proclamation. As the front line of defense against crime, law enforcement officers deserve much of the credit for the drop in crime recorded across the Nation last year. I am confident that the talent and dedication of local, State, and Federal police officers will continue to result in similar positive statistics.

As Members of Congress, we have a responsibility to provide for the physical protection of law enforcement officers and guarantee that the spouses of these officers are able to meet their obligations should tragedy strike. To some degree, we have made progress. In 1976 Congress established a $50,000 lump sum death benefit to the survivors of police and firefighters killed in the line of duty.

Today, a legislative proposal has been introduced, H.R. 953, that provides a physical protection for police officers. This bill, of which I am a cosponsor, would outlaw the cop killer or armor-piercing bullet. The bulletproof vest, which this type of bullet can penetrate, is not a perfect protection; however, it has saved the lives of more than 400 officers since the introduction of lightweight armor vests in the mid-1970's. Today, more than 250,000 officers depend on this device on a daily basis. I urge my colleagues, during this week of recognition, to consider the merits of this bill. Once again, we should salute and recognize the men and women across our Nation who serve as law enforcement officers.●

● Mr. BRITT. Mr. Speaker, I join with my colleagues today in celebrating National Police Week and honoring our law enforcement officials across the country.

Less than a year ago I had the privilege of spending a workday with police in my home district. For an entire day, I was able to talk with police and law officials, hear their concerns, and see them in action. Mr. Speaker, from my own experiences I can say that the work of the police and other law enforcement agencies in my district is not only commendable; it is exemplary.

In return for the service that they and law enforcement officials across the country perform, I would hope that Congress and all levels of government would do what it can to minimize the dangers inherent in police work. It is for that reason that I have cosponsored H.R. 953 to outlaw "cop killer bullets"—ammunition that can penetrate the bulletproof vests worn by police. Those cop killer bullets pose a serious problem for our Nation's 528,000 law enforcement officials today.

Specifically, H.R. 953 would ban the future manufacture, importation, and sale of armor-piercing ammunition, except when needed for military use. It would also provide a mandatory 10-year prison sentence for any person using these bullets in a crime. Measures such as H.R. 927 are critical if we are to provide police with a semblance of the protection that they give to us. We owe it to them.●

● Mr. BONER of Tennessee. Mr. Speaker, I am proud to join many of my colleagues in commemorating the week of May 15 as "National Police Week."

As the frontline defense against crime, our Nation's 528,000 law enforcement officers deserve support and recognition for the dangerous, often heroic, work they do in protecting and serving their community.

Though we celebrate National Police Week annually, no amount of ceremony could honor those law enforcement officers killed in the line of duty. Nationally, 162 police officers were killed last year.

In Davidson County, Tenn., four metro patrolman have been killed in the line of duty in the last 5 years. They are:

Officer William Bowlin, killed in the line of duty on August 4, 1982;

Lt. John W. Smith III, killed in the line of duty on May 14, 1980;

Officer Edward L. Tarkington, killed in the line of duty December 17, 1978; and

Officer Steven Pinkelton, killed in the line of duty on July 26, 1978.

In Cheatham County, one officer has been killed in the last 5 years. He is:

Deputy Sheriff Frank Jordan, killed in the line of duty on February 4, 1982.

These individuals were outstanding law enforcement officers and members of their communities. They all had loving families. Needless to say, they will all be missed by their parents, their friends, and their fellow officers. Their tragic and unnecessary deaths only underscore the danger each and every law enforcement officer faces while serving and protecting the community.

In addition to honoring these officers, I would also like to honor the heads of the police and sheriff departments in my congressional district. Their dedication and leadership have contributed significantly to raising the morale of their officers, to focusing increasingly scarce resources where needed most, and, most importantly, to reducing the rate of crime in both urban and rural areas. I pay tribute to Nashville's Mayor Richard Fulton, Chief of Police Joe Casey, Robertson County Sheriff Ted Emery, Springfield Police Chief James Johnson, and Cheatham County Sheriff Dorris Weakley for creating fine law enforcement departments and helping to make our communities safer.

As our Nation commemorates National Police Week, I am proud to pay tribute to our law enforcement officers and commend these men and women for their public service, their courage, and their professionalism.

I only hesitate to add that I believe we could do more to dedicate ourselves to protecting those who continue to protect us.●

● Mr. WEISS. Mr. Speaker, if there is a group of unsung professionals in our society who deserve annual recognition for a tough job well done, it is this Nation's police officers. Midway through the observance of National Police Week, this is an appropriate time to praise the 528,000 law enforcement officers across the country who protect the citizenry at great risk to their lives and well-being. I would especially like to commend the New York City police force for its record of outstanding service.

I sincerely believe the best way we can demonstrate our gratitude is to make every effort possible to insure their safety while on duty. Outlawing the manufacture, importation and sale of armor-piercing handgun ammunition, bullets that have no other conceivable purpose than to kill and maim police officers, is an immediate step we can take. My distinguished colleague from New York, Mr. BIAGGI, has introduced a bill (H.R. 953) that would accomplish this.

Eliminating these lethal bullets from the criminal's arsenal would increase the security provided by bulletproof vests. The Justice Department credits the vests with saving the lives of more than 400 police officers since their introduction, and today about 250,000 officers wear bulletproof vests daily.

Failure to ban cop-killer bullets would communicate to the law enforcement community that we are more concerned about the political clout of the powerful gun lobby than we are about the safety of police officers. I urge my colleagues, if they are truly interested in paying tribute to our police forces, to join Mr. BIAGGI and the 140 cosponsors in supporting this vital legislation.

My good friend, Mr. BIAGGI, a 24-year veteran of the New York City Police Department, deserves high praise for taking the lead on this and other efforts that have benefited the law enforcement profession.●

● Mr. RODINO. Mr. Speaker, I am pleased to join in observance of National Police Week and pay tribute to those who struggle every day to make our communities safe and pleasant places to live for all our citizens.

The burden of enforcing the law and administering justice rests largely on the shoulders of our State and local police officers. They, more than anyone else, are the primary symbol of the law and of justice. They are the direct bridge between the Government and the people, representing the Government in our citizens' daily lives.

There have been some recent heartening statistics on crime in the United States. There was a 4-percent drop in reported crimes between 1981 and 1982. Our police officers should justly take the major share of the credit for this encouraging development.

There are also some sad statistics, however. In 1976, we in the Congress established a $50,000 death benefit for the survivors of police officers and firefighters killed in the line of duty. In the 7 years since then, more than 1,400 have died in the line of duty. It is scant consolation to those who have had to endure these terrible losses, but more than $70 million has been paid to help the surviving families. It is the least we can do to show that we care about those who have sacrificed their lives trying to protect ours.

The police and their communities cannot and should not bear alone the burden of controlling and preventing crime. Crime is a national problem and it requires a Federal response.

I am gratified by the prompt passage by this body of the Justice Assistance Act last week, and I hope that the Senate completes action swiftly on this legislation. Our police know well that the problem of crime is primarily theirs to solve. Modest Federal programs such as the Justice Assistance Act can of enormous help and encouragement to them in their daily battle against crime.

It is fitting that we have set aside National Police Week to stress our year-round appreciation for the difficult and dangerous tasks performed by our Nation's more than half million law enforcement officers. And I take this opportunity to offer a special thanks to all those who serve in the 10th District of New Jersey: Hubert Williams, chief of police, Newark; George J. Daher, chief of police, East Orange; Kenneth Swain, public safety director, Glen Ridge; Frederick Gayder, chief of police, South Orange; John DiSalvo, police commissioner, Harrison; George Shelbourne, chief of police, Hillside; and Herman G. Senchel, director and chief of police, Irvington.●

● Mr. WOLF. Mr. Speaker, I am pleased to join my colleagues this week to call attention to the annual observance of National Police Week, May 15–21, 1983.

This is an especially appropriate time for the citizens of this Nation to pay tribute to the dedicated group of men and women, who, since the beginning of the Nation, have played such an important and vital role in safeguarding the rights and freedoms guaranteed by the Constitution and in protecting the lives and property of our citizens.

It is also a special time to remember the valiant service of the men and women in law enforcement who have given their lives in the line of duty.

As the son of a police officer, I know firsthand the difficulties that the job of law enforcement entails—the daily challenges and risks each police officer faces. Law enforcement officers need the support of the people they serve, just as law-abiding citizens need the protection and services rendered by the police.

It is important that the people of this country know, understand, and appreciate the duties and responsibilities and the problems of their police department and the importance of cooperating with them in maintaining law and order and in protecting the freedoms which we hold so dear.

The role of a police officer is one of the most difficult in contemporary society. But their round-the-clock jobs which we so often take for granted make it possible for us to live free of

the constant fear of violence and disorder which is the way of life in some parts of the world.

I salute the police officers of this country and urge the people of this great Nation to join me in paying tribute to their dedicated service.●

● Mr. CORRADA. Mr. Speaker, it is with a deep sense of satisfaction that I take this opportunity to commend the thousands of crime-fighting police officers across the Nation for their efforts and sacrifices which have paid off in 1982.

These dedicated citizens risk their lives for our security and well-being and they deserve every recognition. They carry their forceful commitment to protect our communities with pride and unyielding dedication. Some even have encountered the ultimate sacrifice to make our streets safer.

In Puerto Rico, likewise, our law enforcement officers display a great deal of enthusiasm and professionalism while exercising their duties. They are an effective and main complement of our Government's efforts to secure a crime-free environment for our people. They have been successful in deterring and combating crime, and the people of Puerto Rico are thankful for their contributions to safeguarding our children, our elderly, and our community as a whole.

The National Police Week and the Police Memorial Day serve as sound reminders of their deeds. I take great pleasure in joining my colleagues in saluting the police force of Puerto Rico and of our Nation.●

● Mr. TORRICELLI. Mr. Speaker, I rise today to pay tribute to our Nation's 528,000 policemen and women during our observance of National Police Week.

On this day, perhaps there is no better way to honor the dedication and heroism of our law enforcement officials than by committing ourselves to the passage of Federal legislation to outlaw cop-killer bullets—ammunition which penetrates bulletproof vests worn by police.

The bulletproof vests worn by policemen are credited with saving the lives of over 400 law enforcement officers. FBI statistics indicate that the number of policemen killed while on duty declined 31 percent between 1974, when the vests were first worn, and 1981. These vests will become obsolete, however, if criminals are able to obtain the cop-killer bullets.

Our colleague, Congressman MARIO BIAGGI, recently introduced legislation to ban these deadly bullets, H.R. 953. During this week, when we honor policemen and women, let us unite in our commitment to the protection of their lives and pass this vital legislation.

I have included a "Background Report" prepared by Handgun Control, Inc., on cop-killer bullets, to give my colleagues a better understanding of the issue.

BACKGROUND REPORT: THE ISSUE: COP-KILLER BULLETS

A bill to ban cop-killer bullets, the bullets capable of penetrating bullet-proof vests worn by approximately half of America's 528,000 law enforcement officials, has been introduced in the Senate by Senator Daniel P. Moynihan (D-NY) and in the House by Congressman Mario Biaggi (D-NY), a 23-year veteran of the New York City Police Department. The bill (S. 555 and H.R. 953) is already cosponsored by 10 members of the Senate and over a fourth of the House.

The Moynihan-Biaggi Bill would require the Department of Treasury to determine which handgun bullets, when fired from a handgun with a barrel length of five inches or less, are capable of penetrating the equivalent of 18 layers of Kevlar, which is the standard composition of most police vests. The identified bullets would be banned from further manufacture, import, sale, or use (except when authorized by the Secretary of Treasury for law enforcement or military purposes) 60 days after the Treasury Department's findings were published in the Federal Register.

The cop-killer bullets are high velocity, small caliber bullets covered with teflon and have no legitimate commercial use. Although manufacturers of these bullets claim they are for use by law enforcement agencies only, the fact is that police departments do not use cop-killer bullets. In a letter to Handgun Control, Inc., on April 27, 1983, the International Association of Chiefs of Police wrote:

"Claims that this ammunition is designed for police use only are merely ludicrous ploys to gain market acceptability, since no enforcement of the regulation is possible. Although the ammunition was originally intended to help police, most police departments do not use it because it is too dangerous. Instead, the availability of 'cop-killer' bullets stands as a serious threat to law enforcement officers."

The Moynihan-Biaggi Bill was originally introduced in the last Congress by Congressman Biaggi at the request of the New York City Patrolmens Benevolent Association. It has been endorsed by police departments across the country and by such leading police organizations as the International Association of Chiefs of Police, the Fraternal Order of Police, the International Brotherhood of Police Officers, and the International Union of Police Associations.

The bullet-proof vests worn by policemen are credited with saving the lives of over 400 law enforcement officers. FBI statistics indicate that the number of policeman killed while on duty declined 31 percent between 1974 (when the vests were first being worn by police) and 1981. These vests will become virtually obsolete, however, if criminals are able to obtain the cop-killer bullets which can penetrate those vests.

The National Rifle Association is the only organization to oppose a ban on cop-killer bullets. In so doing, they make a number of claims which simply are not true. For example, they claim that their position is supported by the Justice Department and the Treasury Department. In fact, both of these departments are doing what they can to stop these bullets.

In a letter to Congressman Biaggi on February 1, 1982, Associate Attorney General Rudolph W. Giuliani expressed the Justice Department's view on banning cop-killer bullets. He wrote: "I continue to believe that any further delay is a tragic mistake. If legislation bans some bullets which are not strictly armor-piercing—if it is in some sense overinclusive—that is a small price to pay when the safety of law enforcement officers and others hangs in the balance."

The Treasury Department has asked the manufacturers of these cop-killer bullets not to sell them to firearms dealers, but to restrict their sales to legitimate law enforcement agencies and the armed services. The Treasury Department recognizes that "this is not a full solution to this problem," but it is a step in the right direction. Because of their efforts, one manufacturer of these bullets, Winchester, has stopped manufacturing them.

At least seven states—Alabama, California, Illinois, Kansas, Minnesota, Oklahoma, and Rhode Island—have already restricted these cop-killer bullets, as have a number of localities, including Alexandria, Virginia; Brookhaven, New York; and Broward and Dade Counties in Florida. A number of other states and localities are now considering similar legislation to ban cop-killer bullets.●

● Mr. LEVIN of Michigan. Mr. Speaker, I want to take this opportunity to pay tribute to those men and women who daily risk their lives to protect our lives, our loved ones and our homes—the police.

National Police Week, May 15 to 20, is a fitting time to honor these dedicated public servants, our frontline defense against crime—1982 was a special year for the 18,211 law enforcement officers in Michigan. These officers and the citizens of the State have both cause to celebrate and to be saddened.

The preliminary crime statistics show indexed crimes in Michigan have fallen by 5 percent from 1981. Undoubtedly, a large measure of this success can be attributed to our police. However, 1982 was also a difficult year for Michigan's police. Four officers were killed in the line of duty and 1,174 officers were assaulted, 96 with firearms. This past year was the worst since 1975 when five families suffered this tragic loss. In the last 10 years, 35 policemen have died in Michigan. Nothing can replace the loss of a loved one. But lawmen and lawwomen need to know that their families will be provided for if they are fatally injured in the line of duty.

In 1976, Congress enacted the Public Safety Officers Benefits Act to provide a $50,000 death benefit to spouses, children, or dependents of State and local public safety officers killed in the line of duty. Unfortunately, the rate of inflation over the last 7 years has eroded the value of the death benefit. For this reason, I have cosponsored legislation to raise the benefit to $100,000. We must insure that it continues to reflect our concern for the welfare of our police officers and their families.

In addition, Congress must insure that efforts to protect our police are not circumvented by technology. The police in Michigan are now in the

process of purchasing bulletproof vests to prevent this bloodshed. Body armor, however, is only effective if the assailant is not using the so-called cop-killer bullets—armor-piercing bullets that can penetrate bulletproof vests. I strongly believe these bullets should be outlawed. They are dangerous to the police and inappropriate for civilian use. For this reason, I am proud to be a cosponsor of Congressman BIAGGI's bill to ban the future manufacture, importation, and sale of armor-piercing handgun ammunition for civilians. It would also provide a mandatory prison sentence for anyone using these bullets in the commission of a crime.

Our Nation's police have earned the right to these two pieces of legislation. I hope that other Members of this House will join with me to see that these bills are quickly enacted into law. It would certainly be a fitting tribute to those men and women who protect us all.●

● Mr. RAHALL. Mr. Speaker, all too often, we never think about the work dedicated police officers perform, until we need them. Too often, their efforts and bravery go without any form of recognition.

This week, May 15-21, is National Police Week, and it provides an opportunity for all Americans to take just a moment to reflect, and to thank, the over-500,000 law enforcement officers in the United States for the service they provide.

Twenty years ago, President Kennedy signed a law designating May 15 as "Police Memorial Day," and this week as "National Police Week." At the time of this event, 55 law officers were killed while on duty; last year, the number totaled 162.

Tighter budgets have put police forces in a dangerous situation, inasmuch as they must either reduce manpower or equipment to carry out their jobs.

We cannot let this happen, for the good of the police, and certainly for the good of our Nation's citizens.

A concentrated effort, on a national scale, must be put into motion to maintain law enforcement quality. Safety can be considered an "add-on" to any budget. And in the future, we must all realize what is done on a day-to-day basis by police officers throughout the Nation.

It is not a glamorous position. Each stationhouse is not "Hill Street Blues."

Crime is a real problem, and we must deal with it in a realistic manner.●

● Mr. CARR. Mr. Speaker, 20 years ago, President John F. Kennedy designated the week of May 15th as "National Police Week." Today, the House of Representatives is observing this noteworthy occasion. I add my support to the growing list of citizens who are taking the time to recognize and honor the heroic efforts of our law enforcement officers.

The police officer today provides a vital service to our local communities. The protection and assistance they provide to our friends and neighbors is too often ignored. Consider that the total number of reported crimes in the United States dropped 4 percent from 1981 to 1982. The number of murders decreased by 7 percent, robberies by 7 percent, and burglaries by 10 percent. Our police officers were, for the most part, responsible for this decrease in crime.

Last year, over 160 Federal, State, and local police officers died in the line of duty and nearly 1,200 police officers have been killed during the past decade. This disturbing fact shocks every decent and law-abiding American. We should not let this go unnoticed and should support legislation that protects our law enforcement officers. Congress should continue to pass legislation that will enable police officers to obtain bulletproof vests. Today, about half of our Nation's law enforcement officers wear bulletproof vests. The public and private sectors can provide the financial support necessary to enable all police officers to wear these vests.

During my previous service in Congress, the House of Representatives established a $50,000 lump sum death benefit to the survivors of police officers and firefighters killed in the line of duty. Since the program began, over $70 million has been disbursed to help the 1,405 families pay their bills. While money is no substitute for a spouse or parent, Congress must continue to do what we have the power to do.

National Police Week is a time to express our gratitude for the vital services police provide, to pay tribute to those courageous law enforcement officers who have died performing their duties, and to focus attention on the need to better protect those who continue to protect us. I am pleased to be able to participate in honoring these brave individuals and join my colleagues in recognizing their heroic efforts.●

● Mr. MAZZOLI. Mr. Speaker, there is no better time than National Police Week to pay tribute to our Nation's 528,000 law enforcement officers whose dedication and commitment improve the quality of life in this country.

Many of us take for granted the security and protection we enjoy in our homes and our communities, and many of us fail to realize the great personal sacrifices these dedicated men and women make to uphold the law while in the line of duty.

As crime has infiltrated its way into our society, these individuals deserve a great deal of credit and recognition for doing a remarkable job of curtailing crime in our communities and protecting our property and our lives.

I salute these men and women whose daily efforts make this world a safer place for us to live.●

● Mr. SKELTON. Mr. Speaker, today, I am privileged to take part in honoring our Nation's police officers during National Police Week. While we take this time to pay tribute to our Nation's law enforcement officers, we must not forget to include credit for the civilian employees, reserve and auxiliary officers, who are also devoting their time and effort to the prevention of crime.

Missouri has been particularly successful in reducing the number of criminal offenses. Thanks to the diligent, conscientious work of our law enforcement officers, in 1982, Missouri experienced a 19-percent reduction in the number of homicides, a 16 percent decline in the amount of car thefts, a 15 percent drop in robberies, and 12 percent decline in the number of rapes.

The continuing key to successes, such as these must rest in an increasing amount of police/citizen cooperation. Community involvement groups and programs—such as neighborhood watch—must continue to play a critical role in the prevention of crime.

Ultimately, the basic effectiveness of any police force cannot be measured merely by statistics, but also in the caliber of its officers. I am proud to be representing these fine officers and civilians who serve Missouri and the entire country with distinction. Although, officially, National Police Week ends May 21, our tribute to these men and women should continue year round. I join my colleagues in commending them on their courage, their dedication to duty and, most importantly, on their service to the public.●

● Mr. ADDABBO. Mr. Speaker, it is of the utmost importance today that we pay tribute to the outstanding job that our Nation's police officers have done as we observe National Police Week, May 15-21.

Since I began my years in Congress, we, as Members of Congress, have been paying tribute to our police officers in order to focus public attention on the great service they provide. This day and week is only the first step in showing our appreciation for the services and safety that the law enforcement officers provide.

I cannot state more strongly the need for our Nation to show additional support and admiration for police officers, instead of criticizing and always finding fault with the work they do. All too often, our newspapers do not cover the stories when police officers perform their duty beyond what is normally expected. Police departments throughout the country are struggling on dwindled-down budgets and less

staff while trying to provide the same or even increased levels of safety for millions throughout the country. This is why this week should be used to show our police officers that we do care and would like to do what we can to make their jobs a little safer and easier.

As a cosponsor of H.R. 953 which will outlaw so-called cop-killer bullets and a cosponsor of the Kennedy/Rodino gun control bill, I urge you to join your fellow colleagues who are already supporters of both these pieces of legislation. These bills can only show the public that their elected officials are committed to providing more adequate protection for their police departments and the officers.

How can we expect continued conducts of bravery and action beyond the call of duty by our Nation's officers if our Nation does not support them and realize the need to safeguard the lives of a few officers who spend day in and day out safeguarding the lives of our communties?

I hope this week will increase the public and Congress awareness of the need to provide more bulletproof vests, gun control, and other laws which serve to provide a safer working environment for police officers. I would like to personally extend my thanks to the thousands of men and women who have dedicated their lives to protecting our own.●

● Mr. FROST. Mr. Speaker, I am indeed pleased that the week of May 18 has again been designated as "National Police Officers Week." Throughout the year, Congress sets aside certain weeks for the recognition of groups within our society whose work is both of value and inspiration to the entire country, and there is certainly no group more deserving of such recognition than the men and women who serve their communities and their country as police officers.

Recent reports indicate that real progress is being made in the battle against crime, and a large amount of the credit for the progress made should go to the police officers who work in our communities and risk their lives on a daily basis for the protection of our homes and families.

Too often, police officers are taken for granted, and the dangers they face go unnoticed. Last year alone, over 162 police officers lost their lives in the line of duty and though 1982 statistics are not available, in 1981, well over 30,000 police officers were injured in the line of duty.

The bravery exhibited by these men and women cannot be overstated, and it is my sincere hope that we not only continue to honor their fine service by designating weeks of recognition, but also wherever possible taking direct action to make their jobs safer and more rewarding.●

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my 1-minute speech today.

The SPEAKER pro tempore. (Mr. TORRICELLI). Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1045

NATIONAL POLICE WEEK

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, I would like to take this opportunity to recognize the contributions and achievements of a very special group of individuals, this Nation's law enforcement officers. I am pleased to have the special privilege of commemorating these individuals by honoring National Police Week.

The need for a police force is evident when one realizes that the Nation's average crime rate, which includes violent and nonviolent crimes, has increased by 5 percent per year over the last decade. At least one member of 6 percent of all households has been raped, robbed, or assaulted—in 1980 this amounted to 5 million households. But, the number of violent crimes has declined. There are 7 percent less murders, 10 percent less burglaries, 5 percent less rapes, and 7 percent less robberies. I attribute this to the success of our police officers. I would like to point out that between 1969 and 1980, the prison population increased by 66 percent. This is at a time when the courts have been diverting nonviolent criminals from prison. These facts show that our police officers have been very successful in decreasing the amount of violent crime that takes place in our country.

We in the Congress have not forgotten these individuals. Many pieces of legislation, such as the Law Enforcement Officers' Protection Act and the law enforcement officers' bill of rights have been introduced to help provide additional safeguards for those who risk their lives to protect us. I mention these efforts by Congress to aid the police force in order to illustrate that the Congress recognizes very clearly the unique contributions of the police force. These benefits and events such as "National Police Week" are only a small token of appreciation for our police force by Congress; our true appreciation is plainly unmeasurable.

THE PRESIDENT SHOULD WORK WITH CONGRESS TO REDUCE THE BUDGET DEFICIT

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Mr. Speaker, in times of crisis, Americans have always unified themselves in a bipartisan spirit and stood together in support of their President. Fortunately, our Presidents have been willing to provide leadership.

At a time when we are currently facing deficits in excess of $200 billion, there is no doubt our country is facing a crisis. In 1981, when President Reagan inherited a $60 billion annual deficit from his predecessor, Mr. Reagan agreed with his budget adviser, Mr. Stockman, that we faced an "Economic Dunkirk."

As candidate Reagan, our President promised to balance the Federal budget by fiscal 1983 and to earn a surplus by fiscal 1984, so concerned was he with the impact such large deficits had upon our economy.

Mr. President, I agree. It is time we cut these massive deficits. But last night in your press conference, you did not sound anything like candidate Reagan. Instead, you sounded more like a protective father wildly proclaiming your guilty son's innocence. Somehow, a $200 billion deficit fathered by Ronald Reagan is good for us, when just 2 years ago deficits of one-third that much were dooming us to economic ruin.

I think it is time for our President to unify himself in a bipartisan stance with the Senate and this House and with the American people, to work together to reduce the deficit. With 2½ years of Reaganomics behind us, it is time to "fess up" to the responsibility to govern.

It is hypocritical to suggest that domestic spending causes deficits but defense spending does not. It is hypocritical to suggest that Republican deficits represent recovery while Democratic ones represent ruin.

And it is an abdication of leadership to stand outside the budget process and cast stones at the participants on national television without offering a single constructive suggestion of your own.

THE BUDGET PROCESS

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, last night the President made it clear that he has no intention of supporting efforts of Democrats or Republicans in either House of Con-

gress to reach agreement on a compromise budget for fiscal 1984.

In his opening remarks the President said, "The American people didn't send us to Washington to continue raising their taxes, spending more on wastful programs or weakening our defense."

Well, Mr. President, with all due respect, I have some news for you. The American people did not send you to Washington to plunge this country into the worst depression since the 1930's, amass budget deficits during your first 4 years in office larger than the deficits of every President in history, dismantle our environmental protection laws, threaten to turn Central America into another Vietnam, or enter into a wasteful and destabilizing arms race with the Soviet Union.

The President may do all he wishes to try to blame Congress for unravelling of the budget process or for the continuing recession. The American people are too intelligent to fall for his rhetoric. It is he, not Congress, who is unwilling to compromise. And it is he, not Congress, who will rightfully bear the blame for continued high budget deficits, a stagnant economy, and the failure to negotiate a meaningful arms control agreement with the Soviet Union.

PRESIDENT IGNORES MAGNITUDE OF UNEMPLOYMENT PROBLEM

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, last night the President again ignored the magnitude of the problem of unemployment in the country. In my opinion unemployment and the suffering caused by unemployment remains the No. 1 problem in America. This is true despite the fact that here in Washington one feels no sense of urgency about this major human disaster.

Yes, the April statistics do show a tiny improvement in the unemployment rate—specifically for females. But adult male unemployment rose in April. And also, in April, we saw a dramatic increase in unemployment among black teenagers. This group which was already hardest hit by unemployment experienced an increase of 5.5 percent.

Unemployment is the pivotal problem, the cancer at the core of many of our other social sicknesses. Full employment would mean more money for consumers in the marketplace. Full employment would mean fewer problems with the funding of social security and medicare. Full employment would mean the need to spend less on social programs. Full employment would transform the general social and economic atmosphere and give new hope to our youth.

The time for phase 2 has come. We need a meaningful jobs program now. Since the President ignores the problem it is all the more imperative that Congress must take the initiative and create jobs for the unemployed now.

A SENSIBLE BUDGET

(Mr. MORRISON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Connecticut. Mr. Speaker, over the past 2 years, while the President was getting his way on budgets, he liked and supported the budget process. Now that the American people and the majority of the Members of Congress understand where his budgets have taken us, he no longer likes the budget process and he wants to reject the process by which this body and the other body set priorities for this country. We should not allow him to succeed.

We need a budget—a sensible budget that will support recovery. It has to be a budget of declining deficits, a budget of balance between defense expenditures and civilian needs, a budget that recognizes that more revenue is needed, as well as cost cutting, to sustain an economic recovery.

It is time for the President to stop his threats and irresponsible statements regarding the budget. He says "no" to tax increases. We may not need tax increases; but we do need to say "no" to tax cuts that have to be financed out of runaway deficit spending. We can put America back to work if we follow the lead established in this House by the Democratic budget and we pass through both Houses of Congress a sensible budget that will help us get on with the business of recovery in this country. I urge the President to reassess his position and to support a budget that will accomplish that goal.

PRESIDENT SHOULD COOPERATE WITH CONGRESS TO SOLVE NATIONAL PROBLEMS

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, I listened with interest to the President's comments last night and read with interest his speech to the Home Builders. I think that speech to the Home Builders was one of the most irresponsible speeches of a modern President, and the President continued in that path last night.

He apparently believes that the people of this country will believe anything as long as it comes from the "great communicator." But the President, in the path that he has chosen, is in danger of becoming the "great prevaricator." He apparently believes that he can treat the Congress with respect one moment, and then with total disrespect the next. He apparently believes he can be bipartisan one moment, and then become highly partisan the next moment. That approach does not serve this Nation well. It will not work.

I call upon the President to change his tune and to work with this Congress instead of against us to solve the great problems that face this country.

THE DEBT CEILING

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, today we are being asked by our President to give him a blank check by raising the debt ceiling to record heights. The President talks about bipartisanship, yet what has he done to work with this House on a reasonable budget compromise? He blames this Congress for his deficits. The President still asks for an overkill and wasteful defense budget and refuses to even discuss with us modifying the third year of his tax cut.

His Republican Senate cannot even pass a budget. The Republicans in this House did not even introduce the President's budget. I want to work with our President, but to give him a blank check for his deficits and his stubbornness and his partisan rhetoric is something I simply cannot do.

THE DEBT LIMIT

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, I am sad to see that some of my Democratic colleagues who made 1-minute speeches this morning have left the Chamber. I would hope they would be here to listen to our Republican comments, because they may find them worth listening to. I seem to detect, from the words of some of my colleagues on the Democratic side, that they think that the President is responsible for the deficit and we in the Congress are not. Interestingly enough, today on the agenda is what? Shall we raise the debt limit?

I challenge my colleagues: We can say right now that we in Congress do not want to continue irresponsible spending by how? All we have to do is vote against raising the debt limit. Let us do it right now. If we do not vote to raise the debt limit, it will not be raised, and the deficit will necessarily come down.

I will also remind my colleagues that in March of this year this Member from California offered an alternative budget for consideration by the House. The Rules Committee, controlled by the Democrats 2 to 1, declined to make it in order. We could not consider it on the floor of the House. It would have reduced spending by at least $88 billion.

The buck stops here, my friends. We in Congress control how much this Nation spends, not the President. Whoever is in the White House, he or she can only spend what we permit by our votes. I challenge you to make my budget resolution in order, and we will find out who wants to cut spending in this country. If you vote against cutting spending you can then have the privilege of explaining to your constituents why you so voted.

THE CLEAN AIR ACT

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCANDLESS. Mr. Speaker, on December 31, 1982, many areas of the country faced the harsh reality that they did not meet the deadlines of the Clean Air Act. Because the Congress had failed to act to either revise or extend the act, the EPA was mandated by law to impose sanctions.

I support the concept of the Clean Air Act. It seeks, in part, to give us deadlines by which to achieve the goal of clean air. We have discovered, however, that the deadlines were overly optimistic.

In case after case all over the country, they simply cannot be met. The intention behind the sanctions was to force areas in noncompliance to clean up their air. The sanctions however have proved counterproductive.

The ban on major source construction for instance, could prevent net emissions.

The shortsighted withholding of Federal highway funds will only result in increased highway congestion—which will also increase auto emissions.

Something must be done. Today my colleague BILL DANNEMEYER and I plan to do something. While Congress delays in revising the Clean Air Act, we are providing an interim solution—deadline extensions.

Our bill would provide for three extensions. First, for any area that did not comply with any or all of the national ambient air quality standards by December 31, 1982, an extension would be provided until December 31, 1987.

The second 5-year extension would be for those areas that could not meet the standards for carbon dioxide, ozone, and particulates by the end of 1987.

If attainment is still not achieved by the end of 1992, an additional 8 years would be possible.

To be granted any of the extensions, the State must submit and adopt a plan showing how compliance will be achieved sometime during the extension period.

Reasonable further progress would have to be shown. And no increase in the total amount of emissions at any time during the extensions would be permitted.

I invite you to join Mr. DANNEMEYER and me in correcting the problems that have occurred because of unworkable Clean Air Act deadlines.

THE NATIONAL DEBT LIMIT

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, today this House considers the question of increasing the limit on the national debt. I know we will hear—in fact, we have already heard—choruses of concern about the huge deficits that we face. Yet what has Congress been doing to reduce these deficits? The answer, in my view, is nothing except criticize our President for trying to keep the taxes on our citizens from becoming even more confiscatory.

Since we convened 4 months ago, this House has voted to approve over $2.6 billion in the current fiscal year and over $7.7 billion in the next fiscal year in new spending authorizations, disapproval of spending deferrals, increased authorizations above the current level or increases in off-budget programs. Congress has already approved new appropriations of $4.6 billion for the current fiscal year, not to mention the enormous budget resolution passed by the majority party earlier this year.

□ 1100

It should be understood that every dollar of new spending that this House has voted since January is a dollar that is going to be denied to those in this country who would like to borrow for a new car, who would like to purchase a new home or start a new business. In other words, every dollar that we spend here is an obstacle to the recovery which this country so badly needs. For those who yell the most about deficits and unemployment, they ought to be aware of the fact as they constantly vote for more and more new spending, they contribute to that very problem that they so seriously here decry.

CUT OUT THE PARTISAN RHETORIC ON THE BUDGET

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, liberal Democrats attacking the budget deficits is like Genghis Khan preaching peaceful negotiations. We are engaged in an historic battle. Will the deficits that this country faces be reduced by slowing the growth of Federal spending largely emanating from the Halls of this Congress, or will it be reduced by raising taxes on the American people? That is the decision.

The Democratic budget deficit is not markedly different from the Republican budget deficit. Some estimates say it is greater. But how do they arrive at the Democratic deficit figures? By raising $30 billion in additional taxes, that is how. The New York Times, no editorial fan of President Reagan, has come out in favor of keeping indexing because indexing is tax relief mainly for middle- and lower-income people. The upper income, the rich, are already isolated from indexing because they are already in the highest brackets.

Mr. Speaker, the Democratic budget repeals the 10-percent tax cut, 75 percent or more of which goes to middle-income people and lower-income people.

Let us get this issue straight when we talk about deficits—when we talk about unemployment and who is responsible. Let us be honest with each other and cut out some of the highly partisan rhetoric.

ENCOURAGE TOURISM

(Mr. BADHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADHAM. Mr. Speaker, I would like to commend the gentleman from Pennsylvania (Mr. RITTER), for introducing House Joint Resolution 168 which will designate the week beginning May 29 as "National Tourism Week." I strongly believe that it is in our Nation's best interest to encourage the growth of this particular sector of our economy. Our country benefits greatly from travel in and to the United States. Additional tourists in the United States create new jobs, stimulate our economy, and contribute to our international balance of payments. Not only is it good for the U.S. economy, it is a means of fostering American good will and of improving relations with other countries.

In a recent report released by the U.S. Travel Data Center, economic recovery and pent-up demand are cited as two major factors expected to produce a healthy gain in vacation

travel this summer. As the report states, "The economic recovery now underway, coupled with the improving financial position of consumers, provides an environment conducive to increased vacation travel activity this summer." By calling national attention to a tourism week at the beginning of the summer vacation traveltime, the industry could conceivably sponsor special ceremonies and activities to encourage travel in the United States.

This special week could also be used as a means of communicating to the American public the important contributions that tourism makes to our economic well-being. In 1981, travel receipts made up over 6.5 percent of the U.S. gross national product. During that same year, domestic and international travel generated more than $9 billion in Federal tax revenues.

We know that for every two jobs in the travel and tourism industry one job is created in businesses that supply goods and services to the travel industry. Tourism has the ability to provide jobs both in rural regions and in the hard-pressed major cities. It supplies large numbers of employment for women, young people, and members of minority groups. In fact, the industry's jobs employment share exceeds the employment share for all U.S. industries for these groups.

As with any resolution of this nature, we need 218 cosponsors before it can be brought to the House floor. I strongly urge my colleagues to join me in cosponsoring this important resolution.

WEST FRONT OF THE CAPITOL SHOULD BE RESTORED

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, this afternoon the House Appropriations Committee will vote to either extend or restore the west front of the Capitol Building. Many of the members of that fine committee favor spending over $70 million of the taxpayers' money to extend and entomb the last original exposed facade of the Capitol in concrete, marble, and steel.

For both historical and financial reasons, I urge my colleagues on that committee to reject that proposal and save the west front by supporting the restoration of the west front. The cost of restoration is far less and we will preserve this historic front for all future generations.

The Capitol is not a building block for the Capitol Architect nor is it a play toy for the current Members of Congress. The Capitol is the world's symbol of democracy—a monument to the American people.

We, the Congress, are merely the custodians of this temple of democracy. That we would be willing to sacrifice the west front for the sake of additional and unnecessary office space is a travesty.

Already, the west front has survived the burning by the British in 1814, the fire of 1851, and the bomb blast off the rotunda in the 1960's. By responsible action of the Appropriations Committee and by my colleagues in the House, I am confident the west front can survive threats of extension and be restored.

THE BALL IS NOT IN THE PRESIDENT'S COURT

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, listening to the Democrats complain about deficits is truly mind boggling. It, I guess, is only like listening to Orson Welles preach moderation in eating.

Mr. Speaker, I was gratified last night to learn that the President is going to stand fast in his opposition to any tax increase in the coming budget. The President's party in the House is in firm agreement with him that additional tax burdens at this time would jeopardize our continuing economic recovery. Just as importantly, most economists in the country agree with him on that point.

We have a deficit now not because we tax too little, but because we spend too much. I would remind my colleagues that the Republican budget amendments, consistent with this fact, were not allowed by the Democrats on the Rules Committee.

Mr. Speaker, the President is right to resist the calls to compromise with the big taxers in Congress. There is no reason for him to continue to compromise with himself. Of course, we know where the Democrats in this House stand. They want to raise taxes by $30 billion next year, and they want to make sure we spend it all. We know that 47 Republicans and 1 Democrat, a single Democrat in the other body, agreed to a low-tax budget. Nevertheless, Mr. Speaker, their effort has been blocked not by a handful of Republicans who exercised their right to take another position, but by 14 Democrats in the other body who refused to take any position at all. Fourteen Democrats voted against both budget options without offering a single plan of their own.

The ball is not in the President's court, Mr. Speaker. It is time for every Member of both Houses to let the people know where they stand. The Members of this House today can start by voting down the previous question on the debt ceiling rule, and thereafter by supporting the amendment that will be offered to restrict 1983 expenditures at the same time that we vote for the debt ceiling increase.

In this House, at least, every Member is going to have a chance to stand up and be counted, not just to talk as they have in the 1-minutes this morning, but to put their votes where their mouths are.

THE BIG SPENDERS ARE OUT IN FORCE

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, what we heard from the Democrats earlier today was mostly the same old liberal nonsense and it was, in fact, an admission that they have no program at all except attacking the President of the United States. They spend the money here, and have for the last 25 to 50 years, and now they want to blame the President for all the problems that they have created.

I say that the President was right last evening to say that he will not permit more taxing and more spending by the Congress. It was the Democrats who forced last year's tax increase. Now they want to do it again. If you believe what the majority leader told you about taxing and spending earlier today, then you have to accept the tooth fairy as a leading national economist, because what he said was that all of this money goes to the rich. The fact is that 75 percent of the third year of the tax cut goes to low- and middle-income America. Tax indexing goes 78 percent to low- and middle-income Americans.

The majority leader and his cronies want to take away both of them from you, plus some more. The President has said that he will not stand by and allow the tax-and-spend policies that destroyed the economy to be reinstated. Thank goodness for that kind of courage. Shame, shame on the Democrats who came to this floor today to defend more taxing, to defend more spending, to capitulate to special interests, and give us more of the same that they have given us for the last 50 years.

Let me tell you some of the taxes that they would like to impose on you. The Democratic Study Group in this paper told us what they were. Cap the third year of the tax cut or repeal it. Repeal indexing. Repeal the exclusion of small savers interest income. Cap home mortgage interest deductions. Limit consumer interest loan deductions. Eliminate State and local tax deductions. Limit the charitable contribution deduction. Tax employer-paid health insurance. Reimpose taxation of estates and gifts. Reduce research and development tax credits. Tax

fringe benefits; in other words, if you have a parking place at work, they are going to tax you for your parking place.

No policies of that kind should be adopted and the President is right to stand firm against them. The big spenders are back out in force. They were here on the floor today.

NATIONAL POLICE WEEK

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, this week our Nation commemorates National Police Week. These courageous men and women who serve as our law enforcement officers devote their lives to protecting our homes and our families are deserving of our highest commendation. They risk their lives daily and are frequently subjected to harassment and abuse.

There is, however, no more welcome person for those in distress than the sight of a police officer. The police forces of our Nation are in the frontline of our Nation's fight against crime. Their sacrifices have been substantial. In the last 10 years, nearly 1,200 police officers have been killed in the line of duty. Last year alone, 162 police officers lost their lives. Once vibrant families have been torn apart by the death of a police officer fulfilling his or her duty.

Mr. Speaker, National Police Week gives the people of our Nation the opportunity to say "thank you" to the thousands of men and women who help make our lives better and more secure. I hope that the municipalities across America will take the time this week to appropriately acknowledge the significant contribution and sacrifice by these professionals who devote their lives to safeguarding our free society

POLITICS AS USUAL AFTER PRESIDENTIAL PRESS CONFERENCE

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, like my other colleagues, I have listened to some of my Democrat friends this morning rail and posture and fulminate about high interest rates and budget deficits, carp at and criticize the President, and run through the usual litany of Democratic platform proposals. It has been politics as usual, the morning after a Presidential press conference.

But to keep things in perspective, Americans need to remember just one very simple fact. The President of the United States under our system of government cannot and does not spend one dollar of Government revenues that is not authorized and appropriated by this House, a body which has been controlled by the Democratic Party for a continuous period of 27 years. We in this room spend the taxpayers' money, and no one else.

To suggest that anybody but this Congress, and particularly the President, is responsible for our budget deficits, is pure political rhetoric motivated by hypocrisy.

PRESIDENT REAGAN IS NOT RESPONSIBLE FOR DEFICITS

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON. Mr. Speaker, I am 44 years old. I know I look younger. But for all but 2 years of my life, this House has been controlled by the Democrat Party. Yet today we hear them ranting and raving about the President of the United States, a Republican President, being in control of the deficits that we face.

During the last 44 years, the only years we controlled this House was from 1952 to 1954, and yet the Democrats say we are responsible for these deficits.

I know that you are going to have the last word because I see you sitting on the other side of the aisle waiting to respond to what we say, but I would like to ask you three questions.

First, are you the people who want to repeal the third year of the tax cut that gives us relief?

□ 1115

I hope you will respond to that and to all the other tax increases you have been talking about.

Second, you keep talking about the President wanting to spend more. Well, I am on the Government Operations Committee, and this last week they voted to spend almost $1 billion more than the President wanted in revenue sharing. We want to help the cities and towns in this country, but you proposed almost $1 billion more than the President wanted to spend, and you do that in committee after committee after committee in this Congress. You are adding billions in spending, and yet you blame the President for the spending problems we face.

Third, you talk about unemployment. You say we need a jobs bill. Well, you passed a $4.9 billion jobs bill in this House and said that was going to help unemployment. In my district that is going to amount to 60 to 80 jobs, and we have about 12,000 to 14,000 unemployed. You are adding $5 billion in additional spending that is going to create 60 to 80 jobs when we have 12,000 to 14,000 unemployed in that district.

I think that is ludicrous. Excessive spending is the thing that is causing the problems we face today. When your last President, President Carter, was in office, we had 21½ percent interest rates, and that led to the high unemployment and the economic mess we are in today.

Mr. Speaker, I submit that the problems we face today lie at your doorstep and not at the Republican President's.

A QUICK LOOK AT THE FACTS

(Mr. McEWEN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, the winds of rhetoric this morning have even blown me out of my office. I think it is appropriate to just reconsider a couple of quick facts.

When Jimmy Carter took office, inflation was running at 4.8 percent; when he left office, it was 18 percent; it is now at zero.

When Jimmy Carter took office, interest rates were 6¼ percent; when he left office, they were at 22½ percent; they are now at 11 percent.

When Jimmy Carter took office, the economy was growing at 5½ percent; when he left office, it was declining at 2½ percent; and it is now at 3.8 percent real growth for the first quarter of this year.

When Jimmy Carter took office, savings were on the increase; when he left office, savings were at the all-time record low of any of the 25 largest industrialized nations of the world. We now, in the last 24 months, have doubled the percentage of disposable income going to savings under the President's tax policies.

The facts of the matter are that under the programs of two-thirds control of both Houses by the Democrats, with Democrat leadership in the White House under Jimmy Carter, we have learned that doubling spending, doubling taxing, and gutting the defense did not solve America's problems; it created them.

Hence, the incoherent ramblings and all the embarrassment of those Members who stood here for the last 28 months and said that the President's programs would not work, and now they have egg all over their faces when in every area the President's program is bringing new opportunities for all Americans.

PRIVILEGES OF THE HOUSE—PROCEEDINGS AGAINST RITA M. LAVELLE

Mr. GORE. Mr. Speaker, I rise to a question of the privileges of the House, and by direction of the Com-

mittee on Energy and Commerce, I submit a privileged report (Rept. No. 98-190) on the resolution (H. Res. 200) certifying the report of Rita M. Lavelle's contempt of Congress to the U.S. Attorney for Criminal Prosecution.

The SPEAKER pro tempore (Mr. ANTHONY). The Clerk will read the report.

Mr. GORE. Mr. Speaker, I ask unanimous consent that the report be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The text of Report No. 98-190 reads as follows:

PROCEEDINGS AGAINST RITA M. LAVELLE (H. REPT. 98-190)

(Mr. Dingell, from the Committee on Energy and Commerce, submitted the following report together with supplemental views)

I. INTRODUCTION

On April 26, 1983, the Committee on Energy and Commerce unanimously adopted a resolution finding Ms. Rita M. Lavelle, former Assistant Administrator of the Environmental Protection Agency (EPA), in contempt of Congress for failing to appear and testify as called for by a subpoena authorized by the Subcommittee on Oversight and Investigations and personally served on her on February 23, 1983. As the senior official who was, until recently, in charge of EPA's hazardous waste programs. Ms. Lavelle stands in a unique position to respond to the serious concerns of the Subcommittee—and of the Congress and the American people—about the agency's discharge of its duty to protect the public from hazardous wastes, to clean them up promptly, using the $1.6 billion Superfund, and to secure reimbursement from those responsible.

Ms. Lavelle stood at the center of an apparent maelstrom of conflicting directives and priorities during her tenure at the EPA. Serious allegations have been raised that she subordinated the public trust to the pressures of industry and to the vicissitudes of politics. Serious questions have been raised about the adequacy of the Superfund Act to address the problems of disposal of hazardous waste. No one had a better vantage point from which to observe defects in the Act than Ms. Rita Lavelle. And, no one had a more important responsibility and stewardship for the administration and implementation of the Act.

Given her failure to appear and testify on March 21, 1983, as directed by the Subcommittee's subpoena, the Subcommittee on Oversight and Investigations on that day resolved unanimously, by voice vote, that Ms. Lavelle be found in contempt and directed its Chairman to report that finding to the Committee on Energy and Commerce for appropriate action. On April 26, 1983 the Committee, a quorum being present, duly considered the referral from the Subcommittee on Oversight and Investigations and adopted by unanimous voice vote the following resolution offered by Representative Sikorski:

Resolved, that the Committee on Energy and Commerce report and refer the failure of Rita M. Lavelle to appear and testify before the Subcommittee on Oversight and Investigations as called for by a subpoena *ad testificandum* authorized by the Subcommittee on February 10, 1983, issued on February 16, 1983, and duly served on February 23, 1983, together with all facts in connection therewith, to the House of Representatives with the recommendation that Rita M. Lavelle be cited for contempt of the House of Representatives to the end that she may be proceeded against in a manner and form provided by law.

The Committee herewith transmits its report and recommended resolution that the Speaker of the House certify this report to the U.S. Attorney to prosecute Ms. Lavelle for contempt of Congress, pursuant to the provisions of Title 2, United States Code, Sections 192 and 194.

II. FACTS, BACKGROUND, AND CHRONOLOGY

As discussed more fully, *infra,* the Subcommittee on Oversight and Investigations has been committed to a virtually continuous investigation of the Nation's hazardous waste problem since 1978. In early 1982, the focus of this investigation was directed at the administration and implementation by EPA of the Comprehensive Environmental Response, Compensation, and Liability Act—commonly known as the Superfund Act. As the Subcommittee's fact finding proceeded, and as the full dimension of poor management and improper influence on decisions affecting public health and safety began to materialize, a serious effort was made to impede the course of the Subcommittee's investigations. The two most egregious examples were the refusal by the executive branch (relying upon a disingenuous claim of Executive Privilege) to turn over certain EPA documents subpoenaed by the Subcommittee and refusal by EPA to permit Subcommittee staff to engage in unfettered interviews with EPA employees.

To maintain the progress of its investigation and to obtain the necessary information from EPA employees, the Subcommittee met on February 10, 1983 and by majority vote, a majority being present, authorized the issuance of thirty-nine subpoenas *ad testificandum* and *duces tecum* to various current and past EPA officials and employees.[1]

Three of these subpoenas are pertinent to the issue at hand. Two of them were subpoenas *duces tecum* calling for the appearance of the named party at a Subcommittee hearing on February 17, 1983 and calling for the production of all appointment books, diaries, calendars and telephone logs of Rita Lavelle maintained by her or her staff between November 6, 1981 and February 5, 1983.[2] One of the two subpoenas *duces tecum* was directed to then EPA Administrator Anne M. Gorsuch,[3] the other was directed to Ms. Lavelle. The third subpoena, and the one directly involved here, called for Ms. Lavelle's testimony before the Oversight and Investigations Subcommittee on March 21, 1983.

The subpoenas duces tecum

The Burford subpoena *duces tecum* was served on February 10, 1983.[4] Service of the Lavelle subpoena *duces tecum* was more difficult.[5] After press accounts over the weekend of February 12 and 13 quoting Ms. Lavelle as indicating her willingness to cooperate with Congressional Committees, the Subcommittee staff contacted her counsel, James J. Bierbower, on February 14 to advise him of the subpoena's requirements for documents and testimony and to arrange for service. Efforts on February 14 and 15 to reach an agreement with Mr. Bierbower for Ms. Lavelle to accept service were unavailing. Staff's independent efforts to locate Ms. Lavelle and serve her personally on February 14 and 15 were likewise unsuccessful. On the afternoon of February 16, therefore, staff served Mr. Bierbower with the subpoena *duces tecum* (return on which was due the following day). Mr. Bierbower acknowledged service in writing and also told staff that in the meantime he had voluntarily provided to the Senate Committee on Environment and Public Works, earlier that day, Ms. Lavelle's 1982 appointment book-calendar. He did this with full knowledge that the Subcommittee's subpoena *duces tecum* called for its production. The staff of the Senate Committee has informed Subcommittee staff that it did not request, and had no reason to expect, the delivery of this document.

On the evening of February 16, Mrs. Burford provided documents within her possession responsive to the subpoena directed to her for the appointment books and calendars of Ms. Lavelle. In light of that delivery, her personal appearance was not required. However, Ms. Lavelle did not respond to the subpoena *duces tecum* served on her Counsel the previous day. She did not appear at the February 17, 1983 hearing and no documents were supplied. In response to Chairman Dingell's February 18 letter advising Mr. Bierbower that the Subcommittee viewed his client's failure to appear as "direct defiance of a duly authorized subpoena of the House of Representative," Mr. Bierbower states in a February 25 letter that because Ms. Lavelle was not personally served with the subpoena *duces tecum* "she was not obliged to appear."[6]

In view of the fact that (1) the Subcommittee received from Mrs. Burford the materials called for in the subpoena directed to her (which duplicated the specifications of the subpoena *duces tecum* directed to Ms. Lavelle), (2) the Subcommittee staff obtained a copy of the 1982 Lavelle calendar voluntarily supplied to the Senate Environment and Public Works Committee, and (3) Mr. Bierbower assured the Subcommittee staff orally and in writing that Ms. Lavelle took only "her purse and handkerchief" when she left her office at EPA and the 1982 calendar was the only document under her control which was covered by the subpoena, the Subcommittee and the Committee have not, at this time, pursued Ms. Lavelle's failure to comply with the subpoena *duces tecum* as a separate element of contumacious conduct. However, Chairman Din-

[1] The Minutes of the Subcommittee meeting reflect that a quorum (a majority of the Subcommittee Members) was present for the vote on the authorization of these subpoenas and that the vote was unanimous.

[2] At the time these subpoenas were authorized, Ms. Lavelle was no longer at EPA. She had been fired by Ms. Gorsuch on February 4, 1983 and again by the President on February 7, 1983.

[3] During the pendency of the Subcommittee's investigation, Mrs. Gorsuch was married and changed her surname to Burford. For consistency, this Report refers to her as Mrs. Burford.

[4] Service was accepted on behalf of the EPA Administrator, pursuant to her authority, by Richard H. Mays.

[5] A chronology of all events pertinent to the subpoena *duces tecum* and to the subpoena *ad testificandum* is annexed as Appendix I.

[6] Copies of all correspondence referred to in this Report are included in chronological order as Appendix II.

gell's February 18 letter advised Mr. Bierbower that when Ms. Lavelle appears before the Subcommittee in response to its process, it will inquire into the "full facts and circumstances" surrounding her failure to appear and produce documents on February 17, 1983 in response to the subpoena *duces tecum*.

THE SUBPOENA AD TESTIFICANDUM

While the Subcommittee staff was attempting to obtain agreement from Mr. Bierbower on February 15 for Ms. Lavelle to accept service of the subpoena *duces tecum*, he was advised by the staff that the Subcommittee had also authorized a subpoena *ad testificandum* calling for Ms. Lavelle's broad testimony at a later date.[7] When Ms. Lavelle failed to comply with the subpoena *duces tecum* on February 17, Chairman Dingell wrote Mr. Bierbower on February 18 and advised him that he had directed the staff to serve the subpoena *ad testificandum* forthwith.

The Subcommittee engaged a professional process server on February 18 who attempted without success to serve Ms. Lavelle over the next two days. When it was learned on February 20 that Ms. Lavelle had agreed to appear voluntarily before the Senate Environment and Public Works Committee on February 23, the process server was told to halt his efforts, since the staff intended to serve Ms. Lavelle in the Senate office building before her Senate appearance. On February 22, the Subcommittee staff arranged with the Senate Committee staff to serve Ms. Lavelle in the Senate Committee offices immediately prior to her appearance.

At 9:47 a.m. on February 23, 1983, two members of the Subcommittee staff personnally served the subpoena *ad testificandum* on Ms. Lavelle. She was waiting to appear, sitting in an inside office of the Senate Committee offices, when a Senate staff member entered first and advised her that the staff from the Oversight and Investigations Subcommittee had arrived to deliver a subpoena. The Senate staff member emerged and told Subcommittee staff that Ms. Lavelle "preferred to be served in front of the television cameras." The Subcommittee staff stepped into the office and handed a copy of the subpoena to Ms. Lavelle together with the Rules of the House applicable to the Committee and Subcommittee. She read the subpoena, said "okay", and asked if she would have the opportunity to review the Subcommittee's materials prior to her appearance on March 21. She was advised to contact the Subcommittee's Chief Counsel and Staff Director, Michael Barrett, to address that matter. When Mr. Bierbower arrived a few moments later, staff advised him that they had just served Ms. Lavelle with a subpoena calling for her testimony on March 21, 1983. When Ms. Lavelle asked Mr. Bierbower if she should sign the subpoena to acknowledge its receipt, he advised her not to do so.

In her voluntary testimony later that morning before the Senate Committee, Ms. Lavelle stated that:

"Also for the record I will say that I was not served a subpoena until this morning. I will be appearing tomorrow and have been working with the House so as to appear when they deem it appropriate to appear and will stand by that commitment."

The next day, February 24, she appeared voluntarily before the House Committee on Public Works and Transportation.

[7] A copy of the subpoena is attached as Appendix III.

On March 4, 1983 the Subcommittee received a letter from Mr. Bierbower, dated February 25, acknowledging Chairman Dingell's February 18 letter. Mr. Bierbower explained (as noted earlier) that Ms. Lavelle did not comply with the Subcommittee's subpoena *duces tecum* because she had not been personally served. He also stated:

"As you probably know, Ms. Lavelle was served personally, on February 23, with a subpoena calling for her appearance on March 21, 1983."

On Friday, March 18, 1983, at 4:00 p.m., the Subcommittee received a letter from Mr. Bierbower dated March 17, 1983 bearing the notation: "BY HAND". The letter stated:

"Please be advised that our client, Ms. Rita Lavelle, will not be present at 10:00 a.m. on March 21, 1983. We are filing a lawsuit which will set forth our position with respect to the subpoena.[8]

"Ms. Lavelle is willing to appear before your Committee at some future date. However, as Ms. Lavelle has stated, she left EPA with her purse and handkerchief. It seems only fair to permit her to review the files now in your Committee's possession, prior to her testimony.

"May we arrange some time, in advance of the new hearing date, for Ms. Lavelle to review the documents?"

The Subcommittee Chief Counsel immediately telephoned Mr. Bierbower and advised him that the Subcommittee expected Ms. Lavelle to appear the following Monday (March 21) and that, should she not appear, the Chairman would seek a motion to adopt a resolution finding Ms. Lavelle in contempt. Mr. Bierbower said he understood.

Ms. Lavelle did not appear before the Subcommittee on March 21, 1983 as directed by the subpoena *ad testificandum*. Consequently, the Subcommittee, a quorum being present for the purposes of transacting business,[9] unanimously by voice vote adopted the following resolution offered by Representative Gore:

Resolved, that the Subcommittee on Oversight and Investigations, conducting an investigation under authority of Rules X and XI of the House of Representatives, finds Rita M. Lavelle in contempt of Congress for contumacious failure to appear and testify as called for by a subpoena *ad testificandum* authorized by the Subcommittee on February 10, 1983, issued on February 16, 1983, and duly served on February 23, 1983, and the Subcommittee directs its Chairman to report such finding to the Committee on Energy and Commerce for such action as the Committee deems appropriate.

The Subcommittee's Chief Counsel wrote Mr. Bierbower on March 23 to advise him of the adoption of the resolution and to supply a copy of the resolution. Mr. Barrett urged Mr. Bierbower to communicate expeditiously with the Subcommittee on any matter of concern to him, because it was the Subcommittee's intention to forward the resolution to the full Energy and Commerce Committee as early as the week of April 11, 1983.

On March 24, 1983 Chairman Dingell received a letter from Mr. Bierbower, dated March 22, 1983, again bearing the notation: "BY HAND", expressing disappointment with the Subcommittee's vote, stating Ms. Lavelle's willingness "to appear at some future date," and contending that Ms. Lavelle should be permitted to review the files in the Committee's possession prior to her testimony.

No further communication occurred until April 12 when Subcommittee Chief Counsel Mr. Barrett telephoned Mr. Bierbower. Mr. Barrett informed him that the Subcommittee still expected to receive his client's testimony, and that the Committee intended to consider the contempt resolution expeditiously if Ms. Lavelle did not appear before the Subcommittee. Mr. Barrett also advised him that documents delivered to the Subcommittee by Mrs. Burford pursuant to the subpoena *duces tecum*—documents taken from Ms. Lavelle's office which constituted her appointment books, calendars, etc.—would be made available to Ms. Lavelle for her review in advance of her testimony. Mr. Bierbower told Mr. Barrett that he would speak with his client and call Mr. Barrett the next day. No phone call was received.

On April 18, 1983, the Committee on Energy and Commerce scheduled a meeting for April 26 to consider the contempt resolution against Rita M. Lavelle. Mr. Barrett wrote to Mr. Bierbower on April 20 to advise him of the scheduled meeting and to remind him of his unfulfilled promise to contact Mr. Barrett concerning Ms. Lavelle's availability to testify and the offer previously made to allow Ms. Lavelle to review certain documents in the Subcommittee's possession.

On April 25, 1983, Mr. Bierbower responded to Mr. Barrett's April 20 letter. He stated that Ms. Lavelle remained "ready to testify" before the Subcommittee. He requested additional time to allow her to review all of the Subcommittee materials which pertained to her testimony, explaining that Ms. Lavelle has been job hunting in California and that he has had other engagements of long standing. Mr. Bierbower also suggested that the Subcommittee obtain copies of all of Ms. Lavelle's prior testimony before the House of Representatives and provide it to him for review.

On April 26, 1983, the Committee on Energy and Commerce met to consider the resolution forwarded by the Oversight and Investigation Subcommittee to hold Rita Lavelle in contempt. A quorum was present for the transaction of business,[10] and by voice vote the Committee unanimously adopted the contempt resolution offered by Representative Sikorski and quoted above.

III. AUTHORITY AND LEGISLATIVE PURPOSE

The authority of the Congress to obtain information is clear from Article I of the Constitution and from interpretation of that power by the Supreme Court. The investigatory power is so essential to the legislative function that it is implied from the general vesting of legislative power in Congress. Moreover, the power to investigate extends beyond inquiries relating to the administration of existing laws, or the need for new laws. Congress must be able to inquire into, and to pursue, evidence of corruption, inefficiency, or waste to ensure that the nation's laws are fully and fairly implemented. *McGrain* v. *Daugherty*, 275 U.S. 135, 174-75, (1927); *Watkins* v. *United States*, 354 U.S. 178, 187 (1957); *Barenblatt* v. *United States*, 360 U.S. 109, 111 (1959). On

[8] A complaint raising specious allegations was filed but has, to this day, never been served on any named defendant. See Appendices IV and V.

[9] The record of the Subcommittee's March 21, 1983 hearing reflects that eight Members were present and voted on the resolution finding Ms. Lavelle in contempt.

[10] The Minutes of the Committee's April 26, 1983 meeting reflect that a quorum (a majority of the Committee Members) was present for the vote on the contempt resolution.

four recent occasions, the House of Representatives has vindicated the fundamental Congressional interest in obtaining testimony in furtherance of an investigation by resolving that individuals be cited for contempt for failure to appear or to testify in response to compulsory process. Preceedings Against G. Gordon Liddy, H.R.Rep. No. 93-453, 93rd Cong., 1st Sess. (1973); Proceeding Against Claude Powell, H.R.Rep. 95-1080, 95th Cong., 2nd Sess. (1978); Proceedings Against Hancho Kim, H.R.Rep. 95-1214, 95th Cong., 2nd Sess. (1978); Proceedings Against O. Robert Fordiani, H.R.Rep. 96-1078, 96th Cong., 2nd Sess. (1980).

Rule X of the Rules of the House of Representatives charges the Committee on Energy and Commerce with jurisdiction over "interstate and foreign commerce generally" and "public health."[11] Under this authority, the Subcommittee on Commerce, Transportation, and Tourism, and the Committee on Energy and Commerce (then designated as the Committee on Interstate and Foreign Commerce), authored Title I of the Comprehensive Environmental Response, Compensation, and Liability Act—commonly known as the Superfund Act. As the oversight arm of the Committee on Energy and Commerce, the jurisdiction of the Subcommittee on Oversight and Investigations is concurrent with that of the parent Committee. Under Rule X, the Subcommittee on Oversight and Investigations is charged with the responsibility to "review . . . the application, administration, execution, and effectiveness of those laws . . ." within the jurisdiction of the Committee on Energy and Commerce and to oversee the "operation of the Federal agencies . . . having responsibilities . . . for the administration and execution" of the laws within our jurisdiction. In addition, the Oversight Subcommittee is required to "study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation" within the jurisdiction of the Committee.

The Oversight Subcommittee's involvement in finding solutions to the problems presented by hazardous waste has been significant and longstanding. The Subcommittee has held approximately 30 hearings and issued three reports on the subject of hazardous waste disposal since October 1978. The Subcommittee's comprehensive report on hazardous waste disposal issued in September 1979 played a major role in spurring enactment of the Superfund legislation in 1980. The Subcommittee issued a report in October of 1979 on its own survey of waste disposal sites. The survey, which constituted the first national survey of its kind, identified 3,383 disposal sites used since 1950 by the 53 largest domestic chemical companies. Approximately 2,000 of those sites were previously unknown to EPA, and the Agency thereafter began its own survey of waste sites.

The current investigation by the Subcommittee has raised serious questions about both the adequacy of the Superfund Act and the administration of that Act by the EPA. Further concerns have been raised that certain policies and procedures were instituted by senior management officials which delayed the effective implementation of the Superfund program. The Subcommittee long ago arrived at the point in its investigation where the testimony of Rita Lavelle was critical to the effective pursuit of its inquiries. As the EPA official who was in charge of implementation of the laws addressing the problem of hazardous wastes, her testimony is essential to the Subcommittee's review of the effectiveness and administration of these laws, and of the effectiveness of Federal enforcement actions to require cleanup of hazardous waste sites by responsible parties and to recover Federal cleanup costs from responsible parties.

In short, based upon clearly articulated jurisdiction and upon continuing substantial legislative and investigative activity, the authority and legislative purpose of the Committee on Energy and Commerce and its Oversight Subcommittee to inquire into the EPA's administration of Superfund—and to compel the attendance of the former official directly responsible for its implementation—is simply not open to question.

IV. FINDINGS

1. The Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce has the jurisdiction and authority to conduct an investigation into the adequacy and administration of the Comprehensive Environmental Response, Compensation, and Liability Act.

2. In furtherance of that investigation, a subpoena *ad testificandum* was directed to Ms. Rita M. Lavelle. The subpoena was lawfully authorized on February 10, 1983 and was personally served on February 23, 1983.

3. Ms. Lavelle's failure to appear as directed by the subpoena constitutes a contumacious refusal to comply with the lawful process of the Subcommittee on Oversight and Investigations, the Committee on Energy and Commerce, and the House of Representatives of the United States.

V. CONCLUSIONS

The position of the Committee is that all substantive and procedural legal prerequisites have been satisfied to date and that the House of Representatives should adopt the following resolution to refer the matter to the appropriate U.S. Attorney. Title 2, *United States Code*, Sections 192 and 194 provide the necessary vehicles for taking this action. Section 192 provides the basis for indictment should a witness fail to appear in response to a subpoena. Section 194 provides the vehicle for certifying such a result to the appropriate U.S. Attorney.

It is the position of the Committee that the proceedings to date are in order, and we recommend that the House adopt the following resolution to report the fact of the refusal of Rita M. Lavelle to appear and testify at a meeting of the Subcommittee on Oversight and Investigations on March 21, 1983, together with all the facts in connection therewith to the end that she may be proceeded against as provided by law.

VI. RECOMMENDATION

The Committee recommends that the House respond to Ms. Lavelle's defiance of its lawful process by initiating the statutory procedures for having her prosecuted for contempt of Congress. Accordingly, the Committee submits the following resolution for adoption by the House of Representatives:

RESOLUTION OF HOUSE THAT THE SPEAKER CERTIFY THE REPORT OF RITA M. LAVELLE'S CONTEMPT OF CONGRESS TO THE U.S. ATTORNEY FOR CRIMINAL PROSECUTION

Resolved, that pursuant to 2 U.S.C. 192 and 194, the Speaker of the House certify the report of the Committee on Energy and Commerce, detailing the refusal of Rita M. Lavelle to obey a lawful subpoena of the House of Representatives and to testify before the Subcommittee on Oversight and Investigations of the House Committee on Energy and Commerce, to the U.S. Attorney for the District of Columbia to prosecute the said Ms. Lavelle for contempt of Congress.

Mr. GORE. Mr. Speaker, by direction of the Committee on Energy and Commerce, I offer a privileged resolution (H. Res. 200) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 200

Resolved, That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House certify the report of the Committee on Energy and Commerce, detailing the refusal of Rita M. Lavelle to obey a lawful subpena of the House of Representatives and to testify before the Subcommittee on Oversight and Investigations of the House Committee on Energy and Commerce, to the U.S. Attorney for the District of Columbia to prosecute the said Ms. Lavelle for contempt of Congress.

The SPEAKER pro tempore. The gentleman from Tennessee (Mr. GORE) is recognized for 1 hour.

GENERAL LEAVE

Mr. GORE. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the subject of the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORE. Mr. Speaker, I yield 30 minutes to my distinguished colleague, the gentleman from Kansas (Mr. WHITTAKER), pending which I yield myself such time as I may consume.

Mr. Speaker, on April 26, 1983, the Committee on Energy and Commerce unanimously adopted a resolution finding Ms. Rita Lavelle in contempt of Congress for failing to appear and testify on March 21, 1983, as called for by a subpena of the committee's Subcommittee on Oversight and Investigations. The subpena was issued by the subcommittee in connection with its longstanding and ongoing investigation into the implementation of the Comprehensive Environmental Response, Compensation, and Liability Act—commonly known as Superfund.

Superfund became law in late 1980, and since then, no one has had more important responsibility and stewardship for the administration and implementation of the act than Ms. Lavelle, former Assistant Administrator of the Environmental Protection Agency. And no one has had a better vantage point from which to observe defects in the act than Rita Lavelle.

The subcommittee subpena was authorized on February 10, 1983, by a majority of the Members voting, with-

[11] Pertinent portions of the Rules are set forth in Appendix VI.

out any dissent, and with a majority being present. Ms. Lavelle was personally served with the subpena on February 23, 1983, and she failed to appear on March 21 as required. On March 21, 1983, the Oversight Subcommittee approved, without objection, a resolution which found her in contempt and directed that the subcommittee's finding be referred to the Committee on Energy and Commerce for such action as the committee deemed appropriate. A detailed chronology is included in the committee's report.

As the oversight arm of the Committee on Energy and Commerce, the jurisdiction of the Subcommittee on Oversight and Investigations is concurrent with that of the parent committee. Under rule X, the Oversight Subcommittee is charged with the responsibility to "review * * * the application, administration, execution, and effectiveness of those laws * * *" within the jurisdiction of the Committee on Energy and Commerce and to oversee the "operation of the Federal agencies * * * having responsibilities * * * for the administration and execution" of the laws within our jurisdiction. In addition, the Oversight Subcommittee is required to "study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation" within the jurisdiction of the committee.

The charge of the Oversight and Investigations Subcommittee and the authority upon which the subpena rests have their foundation in the Constitution. The authority of the Congress to obtain information is clear from article I of the Constitution and from interpretation of that power by the Supreme Court. The Court has stated that the power of Congress to conduct investigations "encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes * * * It comprehends probes into departments of the Federal Government to expose corruption, inefficiency, or waste." (Watkins against U.S.)

The Oversight Subcommittee's involvement in finding solutions to the problems presented by hazardous waste has been significant and longstanding. The subcommittee held approximately 30 hearings and issued 3 reports on the subject of hazardous waste disposal since October 1978. The subcommittee's comprehensive report on hazardous waste disposal in late 1979 played a major role in spurring enactment of the Superfund legislation, which came out of Mr. FLORIO's legislative subcommittee.

Another report by the subcommittee in late 1979 documented its own survey of waste disposal sites. The survey, which constituted the first national survey of its kind, identified 3,383 disposal sites used since 1950 by the 53 largest domestic chemical companies. Approximately 2,000 of those sites were previously unknown to EPA, and the Agency thereafter began its own survey of waste sites.

The current investigation is an important one and the subcommittee long ago arrived at the point where the testimony of Ms. Lavelle was critical to effective pursuit of its inquiry. Serious allegations have been raised that she subordinated public trust to the pressures of industry and the vicissitudes of politics. Concerns have been voiced that certain policies and procedures were instituted by senior management officials which delayed the effective implementation of the Superfund program. Her testimony is essential to the subcommittee's review of the law, the procedures, their implementation, and of Federal enforcement actions to require cleanup of hazardous waste sites by responsible parties and to recover Federal cleanup costs from responsible parties.

Ms. Lavelle's failure to testify is not the first difficulty encountered by the subcommittee during the course of this investigation. Other attempts to obstruct the subcommittee have also been made. They have all been unsuccessful. The two most egregious examples were the refusal to turn over EPA documents subpenaed by the subcommittee and the refusal to permit unfettered interviews of EPA employees. As the committee knows, the subcommittee ultimately received all of the documents it subpenaed, and eventually heard the uninhibited testimony of numerous EPA employees during a series of executive sessions.

It is regrettable that we have reached this point in our attempt to hear the testimony of Ms. Lavelle. She alone, among the many EPA employees from whom testimony was requested, has refused to cooperate with the subcommittee. It is clear to this Member that if Ms. Lavelle would have appeared and testified, her constitutional rights would have been fully and vigorously protected by the chairman of the committee.

Ms. Lavelle's refusal to honor a duly authorized subpena is an act of defiance to the legitimate authority of the Congress. We are a Nation of laws. No one person can be above the law, particularly when that person has been privileged to serve in a position of high trust.

In conclusion, I would note that this is not a partisan issue. The committee report contains strong and supporting supplemental views. I would urge my colleagues to vote for the committee's resolution, and in so doing, to reaffirm the prerogatives of this body.

Mr. WHITTAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution. The Oversight and Investigations Subcommittee of the Committee on Energy and Commerce has, to date, subpenaed approximately 20 EPA employees in connection with its inquiry into the administration of the Superfund program. All have appeared pursuant to subpena. Ms. Lavelle is the only current or former EPA employee who has failed to appear for purposes of giving testimony.

Ms. Lavelle was scheduled to testify regarding EPA's administration of the Superfund hazardous waste program, which she formerly headed. Ms. Lavelle has indicated in earlier testimony before other committees of Congress and in the news media that her actions as Assistant Administrator were always proper.

If Ms. Lavelle maintains that belief, then I am puzzled as to why she should not welcome the opportunity to come forward before the Oversight and Investigations Subcommittee and tell her story. The Committee on Energy and Commerce was the primary author of the Superfund law enacted in 1980. The perception of the public, as well as the Congress, concerning Ms. Lavelle's performance at EPA certainly has not been enhanced by her failure to cooperate and participate in the committee's legitimate oversight hearings into the Superfund program. Because Ms. Lavelle was the individual with primary responsibility for the administration of the Superfund program, it is important that her testimony be received.

My district in Kansas contains the Tarcreek mining waste site. This site was once designated by the Environmental Protection Agency as the highest priority site nationwide for cleanup under the Superfund program. I have worked closely with the gentleman from Oklahoma (Mr. SYNAR) to monitor the progress of the EPA in reducing or eliminating the risk posed by the Tarcreek site to thousands of residents in both Kansas and Oklahoma. Progress is being made. But recent events have shown that if emergency situations are found to exist, that EPA should commit and obligate moneys from its Superfund for any emergency or other remedial work which may be required. The public health and safety of thousands of area residents demand such a prompt and decisive response by EPA.

The decision on February 10, 1983, by the Oversight and Investigations Subcommittee to authorize the subpena for Rita Lavelle was made unanimously by voice vote. Following Ms. Lavelle's failure to appear before the subcommittee on March 21, 1983, the subcommittee again voted unanimously by voice vote to recommend that she be found in contempt. On April 26,

the full committee unanimously, by voice vote, adopted the resolution of contempt and ordered it reported to the House of Representatives.

The subcommittee is not engaged in any witch hunt here. Communications have been made to Ms. Lavelle's legal counsel since February of this year. Ms. Lavelle's counsel has known of the subcommittee and full committee handling of this matter at every step and stage of the development of this resolution. Yet there has been no response made by either Ms. Lavelle or her counsel to the requests by the committee that arrangements be made to secure the needed testimony.

I believe that Ms. Lavelle should be treated no differently than any other witness. She should also be held responsible for her own conduct.

I would urge our colleagues to send a strong message to those who would flaunt, ignore, or repudiate the legitimate legal process of this body and its duly constituted committees and subcommittees.

□ 1130

Mr. GORE. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FLORIO), who is chairman of the legislative subcommittee that works with us on these matters and is also a member of the subcommittee.

Let me say in yielding that the relationship between the two subcommittees is extremely important and has made possible the rapid movement in the Congress to comply with the demands of the American people that this Nation move swiftly and effectively to deal with the problems of hazardous waste.

I want to compliment my colleague on the job he has done in implementing the recommendations from our subcommittee and the recommendations that he has come up with on his own.

Mr. FLORIO. Mr. Speaker, to reinforce the point the gentleman has made, Mrs. Lavelle's testimony before our committee is absolutely essential. Our committee, which authorized the so-called Superfund, has great need to have access to her testimony so as to uncover why this program has not been working the way that it should be. This is a 5-year program. Two years have gone by; 4 sites out of 14,000 have been cleaned up.

There is a need to find out why this program has not been put to use, to clean up the toxic waste sites that are literally strewn across this Nation.

I think it is important to appreciate the fact that if it were merely bureaucratic ineptitude or merely environmental insensitivity, that would be bad enough; but there is evidence that has been presented to us, much of it coming from EPA, involving blatant conflicts of interest, involving settlement agreements which are questionable, involving perjury, political manipulation of this funding, and a conscious effort not to enforce the law.

For all these reasons it is important that we have access to Mrs. Lavelle's views on this subject. It is hoped that we can get her thoughts on these subjects so that we can change the environmental course which we have been on for the last 2 years.

For those reasons, I would urge support for this contempt citation so that we can preserve the integrity of this House, as well as the integrity of the legislative process.

Mr. GORE. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. SIKORSKI).

Mr. SIKORSKI. Mr. Speaker, I offered this resolution of contempt in committee because no person in this country should be above the law—particularly a person who was in a position of high public trust in this administration.

Ms. Lavelle has appeared before some congressional committees, but it is not acceptable to substitute her quick attempt to paint the public record in testimony before other committees for the systematic review of Superfund administration by the Oversight and Investigations Subcommittee of Energy and Commerce. The testimony we sought includes her perceptions and actions as a public servant charged with enormous responsibility to protect the public health and environment. Ms. Lavelle must be accountable for the judgments she made about utilizing Superfund and for her influence on public policy.

When our investigation is completed, we must be able to insure that any defects in the statute are identified, that misguided policies are abandoned, and that any misadministration or maladministration of the law will not be repeated. Ms. Lavelle's refusal to testify obstructs this investigation.

Ms. Lavelle's testimony is important for a number of reasons. For example:

Was it sheer naivete or something more sinister that caused her apparent disregard of conflict of interest laws? Would a change in Agency procedures or policies, or a tightening of the law prevent a recurrence in the future?

Was Ms. Lavelle's insertion into scientific deliberations at EPA an attempt to rewrite established scientific positions which did not suit her political agenda? If so, what steps can be taken to safequard scientific findings from such assaults?

Were Ms. Lavelle's now famous social contacts with chemical and mining industry representatives unrelated to cleanup schedules, did they reflect misguided priorties, or were they errant policies? Did these contacts in any way undermine or influence regulation?

Why did Ms. Lavelle attempt to foist on the Department of the Interior responsibility for hazardous mining wastes even though that policy would result in disenfranchising thousands of victims and undermining cleanup activities?

Was Ms. Lavelle's tendency to be an announcements junkie well intended, as some of her subordinates have suggested, or was she motivated by some kind of political zealotry unrelated to the need for environmental response?

In retrospect, what recommendations would Ms. Lavelle propose regarding changes in law, policy, and procedures involving Superfund?

What unmitigated hazards did Ms. Lavelle leave in her wake which must be put before the public, and the new Administrator, to insure that the public and the environment are fully protected?

Who, if anyone, directed or influenced Ms. Lavelle, either in or out of Government, including the White House, in the policies she followed or the decisions she made?

This body does not prosecute cases, but must marshal the facts to distinguish between the effects of political manipulation, of management inadequacies, and of the sufficiency of statutes and budgets. It is no secret that something went terribly wrong at the EPA. It is no faint obligation that we have as a Congress to correct it.

Ms. Lavelle has no legal or constitutional basis to refuse to appear before the committees of this body and to provide testimony on her stewardship at the EPA. Just recently, she was quoted by a newspaper to the effect that she is willing to testify anywhere or anytime about her role at EPA. I would hope that this body's vote today and its vigorous prosecution will cause her and her attorney to wish they had. I would also hope it will send a sharp signal to those tempted to follow her course of defiance and contempt.

Mr. GORE. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. SYNAR).

Mr. SYNAR. Mr. Speaker, I rise this morning in strong support of the resolution now before the House. What we are voting on today is not the popularity of the controversial former head of the EPA's Superfund program or the administration's implementation of that program. We are voting to uphold the integrity of the congressional oversight process. As chairman of the Government Operations Subcommittee on Environment, Energy and Natural Resources, I am especially sensitive to any attempt to frustrate the constitutional authorities of Congress to inquire into and pursue evidence of corruption, inefficiency, or waste and to insure that the Nation's laws are fully and fairly implemented. Ms. Lavelle's failure to comply with a duly authorized subpena by the Subcommittee on Oversight and Investigations is inex-

cusable and cannot be tolerated by the House.

Many questions regarding Ms. Lavelle's activities while in office will remain unanswered as a result of her refusal to appear before the Oversight Subcommittee. Did she make commitments to the chemical industry regarding the enforcement and implementation of the Superfund in any of the nearly 50 meetings she had with them during here tenure in office? Did she make commitments to the chemical and mining industries about not using Superfund moneys to respond to serious and potentially health threatening contamination from mining wastes like those found in Tar Creek, in my district? What role did she play in the negotiation of settlements at the toxic Chem-Dyne, Ohio, or Seymour, Ind., sites? Why is it that the management of the Superfund program was so poor that auditors could not account for almost one-third of the fund's total obligations of $180 million in fiscal year 1982 alone?

Mr. Speaker, witnesses before the Congress are afforded all of the protections provided by the founders of this country and embodied in our Constitution. Witnesses may have counsel present and refuse to answer questions which may incriminate them. But just as the courts of this land punish those who disobey its orders, so too must this body punish those who fail to appear before us when subpenaed. I will vote for the contempt resolution today because of my responsibility to protect the powers of this body under the Constitution, not only for this generation of legislators but for those who follow us.

Mr. GORE. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. SLATTERY).

Mr. SLATTERY. Mr. Speaker, a congressional contempt citation is a serious but necessary step in the case of Rita Lavelle. By refusing to testify before a House subcommittee, Ms. Lavelle violated a public trust. All Federal workers must be held accountable to the public. Congress is acting on behalf of the public, which Ms. Lavelle arrogantly ignored. She failed to appear when lawfully called to testify before a hearing into allegations of mismanagement and political manipulation of the Superfund program. Such cavalier disregard for the legal duty of Congress must not be ignored. The hearing was not a witch hunt, but rather an investigation of possible wrongdoing that could affect the health of millions of Americans. It is unfortunate that my colleagues and I must consider such a vote, but our sacred oath demands responsibility on the part of all Government workers, whether they are elected, public, or political employees. By taking such action today, I hope future incidents of irresponsible behavior by Government workers can be avoided.

Mr. GORE. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Speaker, I rise in support of the resolution offered by the gentleman from Tennessee and in behalf of the Committee on Energy and Commerce.

The investigation of the Environmental Protection Agency and the Superfund program which has been ongoing in this Congress now is an extremely important investigation affecting the lives and health of the American people.

□ 1140

There is no doubt that the testimony of the former head of the hazardous waste unit within EPA is material to that investigation in discharge of the legislative and constitutional responsibilities of the Congress and of the committee and the subcommittee in question.

But, Mr. Speaker, this issue goes far, far beyond this particular matter, this particular investigation or this particular committee. It goes to the right of the American people, through their elected Congress, to conduct oversight and investigation of Federal agencies and programs. And effort by anyone to interfere and impede that process strikes at the very heart and soul of our constitutional system and that type of arrogance and defiance cannot be permitted to go unpunished.

We are talking, Mr. Speaker, about the right of the American people through their Congress to investigate matters of this specific sort.

The oversight responsibility and the authority of Congress to investigate and obtain information on the enforcement of the law has been upheld repeatedly by the courts. In McGrain against Daugherty, in 1927, the Supreme Court ruled that "the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function."

In the case of Watkins against the United States, in 1957, the U.S. Supreme Court again clearly spelled out the responsibility as well as the right of Congress to do just this.

In this case, the Supreme Court observed:

> The power of Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. . . . It comprehends probes into departments of the Federal Government to expose corruption, inefficiency, or waste.

I believe this committee, in bringing this resolution to the floor, is acting in furtherance of that oversight responsibility.

I realize that the committee had an opportunity or a choice to bring the recalcitrant witness before the well of the House or before the bar of this House and impose punishment directly, and I realize, and I think the right decision was made to proceed in the fashion they are now proceeding.

The only concern I offer here is whether or not the U.S. attorney for the District of Columbia will discharge his duty in presenting this matter to the grand jury as required by law.

The reason I raise that question is that the U.S. attorney for the District of Columbia in matters relating to the similar investigation in another committee has had before him a certification by the Speaker of a contempt of Congress resolution passed by the House last December, and to this date the U.S. attorney has done nothing about it, even though the law requires that he present the matter to the grand jury for its action. Will this U.S. attorney continue to defy the law and again defy the law in this case?

I hope not, but this Congress should be on guard and should be watching.

Mr. GORE. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I rise in support of the resolution that has been offered by the Energy and Commerce Committee.

There are those who may feel that this contempt citation is a matter of form and not of substance. Nothing could be further from the truth. Indeed, it goes straight to the heart of the validity and integrity of our oversight system.

The President, when he announced his designation last month of William Ruckelshaus to head up this battered, abused, and politically corrupted agency claimed that no wrongdoing had been done, that no wrongdoers had been exposed, and that his administration's environmental record was just as good as any of those of his predecessors.

Mr. Speaker, history will judge that and Members of this Congress and future Congresses will judge that statement.

We do know that Rita Lavelle was the last hands-on Administrator of the Superfund, and there is a great deal of evidence that has accumulated that her stewardship of this critically important program has been exposed as replete with favoritism to the corporate polluters, with insensitivity to the healthy environment of the American people, with the fact that there is a strong odor of suspicion that millions of dollars in cleanup funds were manipulated for political purposes.

The issue before this House is the ability of our Congress to pursue allegations of wrongdoing by having a proper request for information by one of our committees properly honored. It is just that simple.

This whole process also speaks to the ability of alleged wrongdoers simply to leave Government and thereby to flaunt congressional efforts to get at the truth through our oversight processes with impugnity. If we fail to honor this request for knowledge we fail to rebuff this refusal to cooperate with our committee subpena, we may be legitimatizing for the future these extraordinarily dangerous precedents.

Mr. Speaker, we think that there are very important unanswered questions that Ms. Lavelle has answers to, and it is up to the members of this committee and of this House to decide if those answers are relevant or not and meaningful or not. It is not up to Ms. Lavelle and it is not up to the administration. That is the prerogative of the investigative subcommittee, the full committee, and this House.

I would also remind the House that Ms. Lavelle is the subject of several ongoing criminal investigations by the Justice Department, including an allegation of perjury before my Natural Resources and Environment Subcommittee on December 16, 1982, the very day that we voted to hold Mrs. Burford in contempt of Congress.

As we examine the future agenda for the EPA, on the first full day of activity of the newly designated EPA Administrator, and we wish Mr. Ruckelshaus well in his enormously important new mission, as we examine their future agenda, and as we make the case for increased funding for enforcement, for operations, for research, it is essential for us to have all of the facts of the past so that we can plan for a better future for EPA.

Mr. Speaker, we owe it to the people of this country whose health and whose environment have been threatened. Only those who fear the truth can fear an opportunity to tell the truth.

I urge the committee to support this resolution.

Mr. GORE. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the subcommittee and the full committee, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank my good friend and colleague, the gentleman from Tennessee (Mr. GORE), and commend him for the fashion in which he is handling this matter.

Mr. Speaker, the issue before us today is clear: Can any one individual refuse to obey lawful mandates of a duly constituted subcommittee of the Congress. The answer must be no. Ms. Rita Lavelle has contumaciously failed even to appear before the Subcommittee on Oversight and Investigations. At the same time, she was busily engaged in forum shopping with other congressional bodies.

We had a clear mandate to conduct a thorough investigation of the activities involving her and her Agency and those with whom she dealt outside the Agency. The question was whether the law was being administered properly and what was being done to thwart the proper implementation of the law. By failing to appear, perhaps Ms. Lavelle thought that the inquiry would go away. It cannot; it will not. Her testimony is essential in our efforts to find out how far the attempts went to thwart and to distort the objectives of the Superfund law.

We have heard in executive session testimony that confirms political manipulation. We have seen documents that tie in the manipulation to Ms. Lavelle. The subcommittee needs to know how far those efforts went and who or what was behind them.

The committee's report refers to four recent instances where Congress cited individuals for contempt for failure to testify. In no one of them is the importance of the testimony greater than in the matter before us today. Here we are addressing the poisoning of America. We are seeking to avoid public health disasters which can result from failure to clean up hazardous waste sites. And in no one of them is the excuse for failure to honor the call of Congress weaker than in the Lavelle case. Indeed, there is no justification for Ms. Lavelle's refusal to testify.

In 1973, G. Gordon Liddy of Watergate fame denied the Special Subcommittee on Intelligence his testimony on CIA involvement in the Watergate-Ellsberg matters. Through his attorney he explained he was seeking to avoid the averse publicity of a claim of fifth amendment. He pointed out that John Dean had tallied 67 such claims of fifth amendment protection in various appearances—notoriety he sought to avoid. But Congress voted 334 to 11 to cite Mr. Liddy for contempt. Adverse publicity—and an appeal pending—not withstanding.

In 1978, Claude Powell was the only witness who refused to honor a subpena from the Select Committee on Assassinations which was investigating the death of Martin Luther King. Even though Mr. Powell informed investigators that his refusal was based on his fear of retribution from those behind the King slaying and that he viewed jail as preferable to being killed—that was no excuse for refusal to testify. Congress cited him for contempt with a vote of 367 to 16.

Hancho Kim defied the Committee on Standards of Official Conduct in 1978 by refusing specific testimony on his receipt of money during the Korean influence investigation. Although he had been indicted for conspiracy, perjury, and tax evasion, the 95th Congress did not countenance delay in that investigation until the cases had been tried. The contempt vote was 319 to 2.

More recently, in 1980, O. Robert Fordiani failed to appear before the Committee on Standards of Official Conduct as it sought to develop evidence gathered during the Korean influence investigation. Although there was some question about whether he was too ill to appear, which was resolved by an independent medical examination concluding that he could cooperate—even under those circumstances, a two-thirds vote in favor of the resolution was entered into the record.

The right of this body to require the testimony of former public official Rita Lavelle is beyond question, and it has a deep historic basis. Mr. Justice Wilson, a member of the first Supreme Court and a principal architect of the Constitution, described the investigatory power of the House in the following words: "The House of Representatives * * * form the grand inquest of the state. They will diligently inquire into grievances both from men and things." It is clear that this power of inquiry was derived from the British Parliament. Lord Edward Coke described the House of Commons as the "general inquisitors of the realm." And Chancellor William Pitt in 1741, called the legislature the "grand inquest of the nation." Justice Coleridge later described the scope of this "grand inquisitor," the House of Commons, as follows:

> It would be difficult to define any limits by which the subject matter of this inquiry can be bounded . . . They may inquire into everything which it concerns the public weal for them to know; and they themselves, I think, are entrusted with the determination of what falls within that category.

After more than 27 years in the House, one learns to appreciate the great responsibility granted to the Congress by our Founding Fathers. And, there is no greater responsibility than to see that the laws are faithfully executed; that is fundamental to our system of government. If we are to meet this responsibility, we must be able to obtain all necessary information. I, therefore, urge my colleagues to support the committee's resolution as a demonstration of our resolve to carry out this constitutional duty.

● Mr. SHELBY. Mr. Speaker, I rise in support of House Resolution 200, citing Rita Lavelle, former EPA Superfund Administrator, for contempt of Congress. Ms. Lavelle failed to appear and testify before the Subcommittee on Oversight and Investigations regarding the subcommittee's investigation into the administration of the Superfund hazardous waste law. In the subcommittee's pursuit of answers to serious questions about the adequacy of the Superfund Act to address the problems of disposal of hazardous waste, Ms. Lavelle's testimony was vital. As the pivotal character in the administration of the Superfund pro-

gram, she was integral in the development of fundamental Agency policy regarding such all-encompassing decisions as the procedures the Agency would undertake to protect the American public from mismanaged, dangerous waste products. Moreover, the subcommittee's subpenas were honored by current and former EPA officials on virtually every other occasion issued, hence, Ms. Lavelle's failure to testify and justify Agency actions reflects adversely not only on the professional conduct of her colleagues but on her own activities in EPA, all of which she has asserted to be legitimate and proper.

The American people deserve to know all the facts, they deserve a higher respect for the jurisdictionally appropriate subpena of one of its subcommittees of Congress, and they deserve the truth. The truth is that no one in our proud democracy is above the law, no one should be. Ms. Lavelle's performance at the EPA as a public servant has been called into question, and her refusal to come before the public's elected representatives to testify as to the propriety of her conduct betrays the public trust.

As a member of the full Energy and Commerce Committee, I urge my colleagues to affirm the fact that we in Congress, on behalf of the American people, cannot accept the flagrant repudiation of the legitimate legal process of this body.●

□ 1150

Mr. GORE. Mr. Speaker, does the minority have any further requests for time?

Mr. WHITTAKER. I have a brief comment to close with. Does the majority have need for additional time?

Mr. GORE. The gentleman may proceed, and then I will move the previous question.

Mr. WHITTAKER. Mr. Speaker, I think it would be well to recognize that the upcoming vote, and the debate which preceded it, should not be viewed as a referendum on EPA's policies. It is not. The vote today and the actions of this committee have been bipartisan because this issue has been viewed as a constitutional issue involving the prerogatives of the Congress and not the policies of the Agency. To that extent, I want to emphasize again that the minority supports fully the resolution citing Ms. Lavelle for contempt of Congress.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. GORE. Mr. Speaker, once again, as Members consider how to vote on this important matter, they should bear in mind the fact that it is bipartisan in its origins and it is a necessary effort to defend the prerogatives of the legislative branch of our Government. We have exhausted every other available alternative and I urge all of my colleagues to vote in favor of the resolution.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ANTHONY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVITAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 413, answered "present" 1, not voting 18, as follows:

[Roll No. 127]

YEAS—413

Ackerman	Collins	Fowler
Addabbo	Conable	Frank
Akaka	Conte	Franklin
Albosta	Conyers	Frenzel
Alexander	Cooper	Frost
Anderson	Corcoran	Fuqua
Andrews (TX)	Coughlin	Garcia
Annunzio	Courter	Gaydos
Anthony	Coyne	Gejdenson
Applegate	Craig	Gekas
Aspin	Crane, Daniel	Gephardt
AuCoin	Crane, Philip	Gibbons
Badham	Crockett	Gilman
Barnard	D'Amours	Gingrich
Barnes	Daniel	Glickman
Bartlett	Dannemeyer	Gonzalez
Bateman	Daschle	Goodling
Bates	Daub	Gore
Bedell	Davis	Gradison
Beilenson	de la Garza	Gramm
Bennett	Dellums	Gray
Bereuter	Derrick	Green
Berman	DeWine	Gregg
Bethune	Dickinson	Guarini
Bevill	Dicks	Gunderson
Biaggi	Dingell	Hall (IN)
Bilirakis	Dixon	Hall (OH)
Bliley	Donnelly	Hall, Ralph
Boehlert	Dorgan	Hall, Sam
Boggs	Dowdy	Hamilton
Boland	Downey	Hammerschmidt
Boner	Dreier	Hance
Bonior	Duncan	Hansen (UT)
Bonker	Durbin	Harkin
Borski	Dwyer	Harrison
Bosco	Dyson	Hartnett
Boucher	Early	Hatcher
Boxer	Eckart	Hawkins
Breaux	Edgar	Hefner
Britt	Edwards (AL)	Hertel
Broomfield	Edwards (CA)	Hightower
Brown (CA)	Edwards (OK)	Hiler
Brown (CO)	Emerson	Hillis
Broyhill	English	Holt
Bryant	Erdreich	Hopkins
Burton	Erlenborn	Horton
Byron	Evans (IA)	Howard
Campbell	Evans (IL)	Hoyer
Carney	Fascell	Huckaby
Carper	Fazio	Hughes
Chandler	Feighan	Hunter
Chappell	Ferraro	Hutto
Chappie	Fiedler	Hyde
Cheney	Fields	Ireland
Clarke	Fish	Jacobs
Clay	Flippo	Jenkins
Clinger	Florio	Johnson
Coats	Foglietta	Jones (NC)
Coelho	Foley	Jones (OK)
Coleman (MO)	Ford (MI)	Jones (TN)
Coleman (TX)	Forsythe	Kaptur
Kasich	Morrison (WA)	Simon
Kastenmeier	Mrazek	Sisisky
Kazen	Murphy	Skeen
Kemp	Murtha	Skelton
Kennelly	Myers	Slattery
Kildee	Natcher	Smith (FL)
Kindness	Neal	Smith (IA)
Kogovsek	Nelson	Smith (NE)
Kolter	Nowak	Smith (NJ)
Kostmayer	O'Brien	Smith, Denny
Kramer	Oakar	Smith, Robert
LaFalce	Oberstar	Snowe
Lagomarsino	Obey	Snyder
Lantos	Olin	Solarz
Latta	Ortiz	Solomon
Leath	Ottinger	Spence
Lehman (CA)	Owens	Spratt
Lehman (FL)	Packard	St Germain
Leland	Panetta	Staggers
Lent	Parris	Stangeland
Levin	Pashayan	Stark
Levine	Patman	Stenholm
Levitas	Patterson	Stokes
Lewis (CA)	Paul	Stratton
Lewis (FL)	Pease	Studds
Lipinski	Penny	Stump
Livingston	Pepper	Sundquist
Lloyd	Perkins	Swift
Loeffler	Petri	Synar
Long (LA)	Pickle	Tallon
Long (MD)	Porter	Tauke
Lott	Price	Tauzin
Lowery (CA)	Pritchard	Taylor
Lowry (WA)	Pursell	Thomas (CA)
Lujan	Quillen	Thomas (GA)
Luken	Rahall	Torres
Lundine	Rangel	Torricelli
Lungren	Ratchford	Towns
Mack	Ray	Traxler
MacKay	Regula	Udall
Madigan	Reid	Valentine
Markey	Richardson	Vandergriff
Marriott	Ridge	Vander Jagt
Martin (IL)	Rinaldo	Vento
Martin (NC)	Ritter	Volkmer
Martin (NY)	Roberts	Vucanovich
Matsui	Robinson	Walgren
Mavroules	Rodino	Walker
Mazzoli	Roe	Watkins
McCain	Roemer	Waxman
McCandless	Rogers	Weaver
McCloskey	Rose	Weber
McCollum	Rostenkowski	Weiss
McCurdy	Roth	Wheat
McDade	Roukema	Whitehurst
McDonald	Rowland	Whitley
McEwen	Roybal	Whittaker
McGrath	Rudd	Whitten
McHugh	Russo	Williams (MT)
McKernan	Sabo	Williams (OH)
McKinney	Savage	Wilson
McNulty	Sawyer	Winn
Mica	Schaefer	Wirth
Mikulski	Scheuer	Wise
Miller (CA)	Schneider	Wolf
Miller (OH)	Schroeder	Wolpe
Mineta	Schulze	Wright
Minish	Schumer	Wyden
Mitchell	Seiberling	Wylie
Moakley	Sensenbrenner	Yates
Molinari	Sharp	Yatron
Mollohan	Shaw	Young (AK)
Montgomery	Shelby	Young (FL)
Moody	Shumway	Young (MO)
Moore	Shuster	Zablocki
Moorhead	Sikorski	Zschau
Morrison (CT)	Siljander	

ANSWERED "PRESENT"—1

Wortley

NOT VOTING—18

Andrews (NC)	Hansen (ID)	Martinez
Archer	Heftel	Michel
Brooks	Hubbard	Nichols
Carr	Jeffords	Nielson
Dymally	Leach	Oxley
Ford (TN)	Marlenee	Shannon

Mr. SAWYER changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

Mr. CONTE reserved all points of order on the bill.

The SPEAKER pro tempore (Mr. BENNETT). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF THE COMMITTEE ON THE JUDICIARY TO SIT TODAY DURING 5-MINUTE RULE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary be permitted to sit on Wednesday, May 18, 1983, while the House is considering amendments under the 5-minute rule.

The purpose of the meeting is to mark up the bill H.R. 595 relating to tort claims.

I have talked with the gentleman from Ohio (Mr. KINDNESS), who is here today, within the last 10 minutes. He is agreeable to this.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF THE COMMITTEE ON THE JUDICIARY TO SIT ON THURSDAY, MAY 19, 1983, DURING 5-MINUTE RULE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary be permitted to sit on Thursday, May 19, 1983, while the House is considering amendments under the 5-minute rule.

The purpose of the subcommittee meeting is for private-bill hearings.

The gentleman from Ohio (Mr. KINDNESS) has been consulted, and he has no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

INCREASE OF PUBLIC DEBT

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 196 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 196

Resolved, That at any time after the adoption of this resolution, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2990) to increase the temporary public debt limit, and for other purposes, the first reading of the bill shall be dispensed with, and all points of order against the bill for failure to comply with the provisions of clause 5, rule XXI are hereby waived. After general debate, which shall be confined to the bill and to the amendment made in order by this resolution and which shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI and clause 5 or rule XXI are hereby waived, no amendment to said substitute shall be in order except amendments recommended by the Committee on Ways and Means, and said substitute shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 196 provides for the consideration of H.R. 2990, providing for an increase in the public debt limit. The resolution allows 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means.

House Resolution 196 is a modified closed rule which provides that only the amendment in the nature of a substitute recommended by the Committee on Ways and Means shall be in order and that this substitute shall only be amendable by Ways and Means Committee amendments. The rule waives clause 7 of rule XVI—germaneness—and clause 5 of rule XXI—prohibiting appropriations in measures reported by legislative committees—against the committee substitute. The rule also waives clause 5 of rule XXI against the bill.

The germaneness waiver is necessary because the committee amendment to repeal the temporary debt limit and to make the entire ceiling permanent is not germane to the original bill which only provides for an increase in the temporary debt limit. In addition, because the increase in the public debt limit automatically furnishes new authority to pay interest on the increased debt under the provisions of the Second Liberty Bond Act, this provision results in appropriations in a legislative bill.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the outstanding public debt as of early May was $1.262 trillion. The ceiling of $1.290 trillion is expected to be reached by the end of May. Although the legal authority for the public debt does not expire until September 30, 1983, administration officials have testified before the Committee on Ways and Means that Federal borrowing requirements by that time will be more than $1.388 trillion. For this reason, H.R. 2990 increases the public debt limit by $98.8 billion, effective through September 30, 1983.

The committee substitute made in order by the rule would remove the distinction between the so-called temporary debt limit and the permanent debt limit. Under current law, failure to pass a timely increase in the temporary limit would automatically cause the limit to revert to the permanent level of $400 billion set in 1971. Such an event would raise the possibility of the U.S. Government defaulting on its obligations for the first time in history.

Accordingly, the committee amendment made in order to the bill approves the increased public debt limit as a permanent level of the public debt and repeals the temporary limit. This action will improve the confusing and misleading method of debt-management which relies on the annual charade of approving a time-limited change in the temporary public debt ceiling while leaving the permanent debt limit unchanged.

Finally, the bill increases by $40 billion the authority for the Treasury to issue bonds bearing interest rates in excess of 4.25 percent.

Mr. Speaker, the speedy passage of this legislation is essential to the functioning of the Federal Government, and I urge my colleagues to allow its consideration by adopting House Resolution 196.

□ 1220

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us makes in order consideration of H.R. 2990, a bill to increase the public debt limit through the end of the current fiscal year. So here we go again. We are going to have another vote today on the debt ceiling increase, and I want to say at the beginning that while I am never too comfortable with these, I guess no Member really is, I think that we are going to have to do this.

I think the way the Committee on Ways and Means has handled it is the best way. If we do not deal with this issue up front now, the odds are the situation will be worse when it comes back before the House later.

The rule provides for 1 hour of general debate, divided between the chairman and the ranking minority member of the Committee on Ways and Means. The traditional clause 5, rule XXI, waiver is included against the bill as an amendment to the Second Liberty Bond Act. This requires the United States to pay more interest by virtue of raising the debt ceiling and, therefore, this would otherwise violate the prohibition on appropriations in an authorization bill.

The rule also makes in order the Committee on Ways and Means substitute now printed in the bill as an original bill for the purpose of an amendment under the 5-minute rule, and waives both the House germaneness rule and clause 5 of rule XXI against that substitute. The germaneness waiver is necessary because the substitute goes beyond the scope of the original bill by amending the permanent debt ceiling in the United States Code and by repealing the last temporary debt ceiling enacted last year.

This is a modified closed rule which permits the offering only of committee amendments which shall not be subject to amendment. In other words, after the hour of general debate, the committee substitute will be voted on without further amendment, and the Committee of the Whole will then rise and report the bill back to the House with such amendments as have been adopted.

The rule does provide for one motion to recommit, with or without instructions.

By way of background on this legislation, back in 1971 the Congress enacted what is now the permanent public debt limit of $400 billion, and since that time all increases have been so-called temporary increases for a limited period of time, In 1979, as part of the debt limit increase enacted that year, Congress provided a method under House rules whereby the debt limit agreed to in the budget resolution would automatically be transferred to a joint resolution and sent to the other body. This is the so-called Gephardt amendment, and it precludes the need to vote twice on the level of debt for the upcoming fiscal year. I think it was a good idea.

Therefore, last year's first budget resolution, which automatically became the second on October 1, provided a total permanent and temporary debt limit of $1.29 trillion. But the Department of Treasury estimates that this debt limit for fiscal year 1983 will only be sufficient to meet financing needs through the end of this month, so that means that on the 1st of June we are going to be faced with very serious problems unless we raise this debt ceiling.

The Department of the Treasury, and the most recently passed house budget resolution, and the Committee on Ways and Means, all agree that we will need this new debt limit of approximately $1.38 billion to take us through the end of this fiscal year on September 30—$1.38 trillion. I cannot even get that to come out of my mouth properly.

The bill before us provides for that new level of public debt, and also makes this the new permanent level of public debt, eliminating the distinction between the permanent debt limit and the so-called temporary increases we have been enacting for nearly three decades now.

I think this is the way to go. I think probably this is the most significant thing certainly in this debt ceiling increase, and it is something that the Congress, or the House, ought to go ahead and face up to and we ought to do. We ought to make this permanent debt. We ought to admit it and quit playing games with the so-called temporary increases.

Finally, the bill increases by $40 billion to a total of $150 billion, the authority for the Department of the Treasury to issue bonds bearing interest rates above the usual statutory rate of 4¼ percent. At present, not more than $110 billion in bonds may be issued to the public bearing higher rates. Treasury has already issued up to about $90 billion of this and is expected to use up the rest late this year or early next year.

As I mentioned, this bill would raise that $110 billion limit by $40 billion, to $150 billion, to both permit Treasury to plan that amount and timing of bond issues for the next several quarters and to permit participants in the money market to do longer range planning as well.

Mr. Speaker, as the official nose counter, I guess, on this side of the aisle, I know from past experience that any debt ceiling bill is going to meet with a lot of upturned noses, not to mention constricted throats. Any large public debt, let alone one approaching $1.4 trillion, is hard to swallow.

I mentioned to my colleagues in the Committee on Rules yesterday that unless we tied something to this debt ceiling increase to make it more palatable to the Members that we would have a very hard time getting the Members to swallow it, and in passing this debt ceiling increase and, therefore, the Committee on Rules would have it right back in its lap. I suggested that we consider tying the repeal of withholding of taxes on interest and dividends to the debt ceiling, but since the Committee on Ways and Means had already acted quickly on that and we were voting on it under suspension, that really was not a proper route to go.

Since the Committee on Rules, however, reported out this rule, our leadership has come up with an amendment which I think can reassure Members that we are intent about bringing down deficits, we intend to do it, and we intend to bring down the debt, but most importantly, during this delicate turnaround in our economy, do it without raising taxes, as some would suggest we do.

So there was a lot of rhetoric yesterday on the floor of the House about trying to deal with the deficit, trying to get the debt down, so I have been trying to think of some way that we can try to do that, some way we can move in that direction, and in the process help us, quite frankly, to pass this debt ceiling increase, which is going to have to be done.

So therefore, Mr. Speaker, we will be asking Members on both sides of the aisle today to join with us in defeating the previous question so that we can offer a substitute rule that will make in order a new spending ceiling for the current fiscal year, one which is some $7 billion in outlays lower than that adopted by the House in the most recently passed budget resolution (H. Con. Res. 91).

The amendment we are proposing would add a new section 3 to the debt limit bill, establishing a statutory ceiling on new budget authority for the current fiscal year of $876.2 billion, $10 billion less than provided in the recently passed House budget resolution. Our amendment would establish a statutory ceiling on total budget outlays for the current fiscal year of $807.1 billion. That is $7.6 billion less than that provided in the House budget resolution.

□ 1230

The figures we are offering are similar to those contained in the alternative compromises being considered in the other body. I believe those are the exact figures that the Senate Budget Committee reported out for fiscal year 1983, that is, this $807.1 billion. So we would be going from the approximately $814 billion in the House-passed budget resolution down to $807 billion.

I point out to my colleagues that it is not at all an unusual thing to do

this, with the debt ceiling bills being used to accommodate a spending ceiling provision. This was more the rule rather than the exception leading up to the enactment of the Budget Act of 1974. While the new budget process was supposed to obviate the need for such statutory ceilings, I think we are finding that the politics that crept into the most recent House budget resolution and others has resulted in a higher spending figure for this coming fiscal year than is prudent.

As the report on the most recently passed budget resolution notes from its revised fiscal year 1983 figures, "the revised resolution will also accommodate supplementary funding for a $7 billion emergency jobs creation program."

So we should keep in mind that what we are really talking about is the so-called phase II jobs bill that we have not even seen yet. I do not think anyone can responsibly argue that that $7 billion in additional jobs money can be prudently spent in just the 4 months remaining of the fiscal year. It is not going to happen. We may not have a bill. If we got a bill, it probably would not be signed into law, and even if both of those things should happen, there is not enough time in those 4 months to spend that $7 billion.

So here is a chance to face up to a reduction or a savings of $7 billion in spending, and it will not hurt anybody because it is not going to be spent anyway, and it would encourage our Members to be on record, if they really mean it, as being for reducing spending and helping us get this debt ceiling passed through the House today.

So I urge my colleagues on both sides of the aisle to join us in defeating the previous question on the rule so we can establish a new and lower spending ceiling for fiscal year 1983, one that will help to reverse the deficit spending trends that have led to these periodic increases in our debt ceiling limit in the first place.

I hope that the Members will take a look at this. There is no intention here of trying to complicate the debt ceiling issue. I am, frankly and honestly, trying to find a way to help move it through.

Again, Mr. Speaker, I repeat, if we really mean it on both sides of the aisle about trying to reduce the deficit, here is a nice, painless, truthful way that we can do so.

Mr. Speaker, I yield 10 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I certainly am going to support the move by the gentleman from Mississippi (Mr. LOTT) to vote down the previous question because, as always, I am one who wants to save a dollar.

I could not help but listen to the wailings and gnashing of teeth that took place here in the well of the House this morning by all the Members who were talking about reducing spending and the deficits. I just want to say that now is the time for the Members to put their votes where their mouths were this morning, because here they can save about $7 billion in expenditures for fiscal year 1983 by voting down this previous question.

Let me point out that the figure of $807,100,000,000 that the gentleman from Mississippi has alluded to is the same figure that is in the Senate Budget Committee resolution. It is also in the Domenici-Baker substitute; it is also in the Gorton substitute, with a slight revision there. It is below the figure of the House resolution, by about $7 billion.

It seems to me that if we really want to do something about reducing spending, we can do it here and now by voting down the previous question so that this amendment can be offered. The amendment would read that "The level of total new budget authority for the fiscal year ending September 30, 1983, shall not exceed $876,200,000,000, and the level of total budget outlays for the fiscal year ending September 30, 1983, shall not exceed $807,100,000,000."

All of the Members who have been around here long enough know how all this debt comes about. It comes about by appropriating more money than we take in. That is No. 1. Finally we bump up against the debt ceiling we have here and we cannot borrow any more money, unless the debt ceiling is increased.

The only choices are to borrow the money or tax the people for it, or reduce spending. Certainly it seems to me that the American people want this Congress to reduce spending. They do not want any more taxes; they do not want any more borrowing. So why not give the American people what they are asking for? That is, reduced spending.

We can do that to the tune of $7 billion merely by voting down this previous question and adopting a rule which makes in order an amendment providing for an outlay figure of $807,100,000,000 for fiscal year 1983.

Let me point out also that I could not help but recall that the President sent down over $3 billion in rescissions this year. Now, if we wanted to save some money, why did we not act forthwith and adopt those rescissions? No, we let every single one, save the one for defense, lapse. It seems to me that we should have taken some action on those rescissions. There was $3 billion right there.

So, Mr. Speaker, I ask the Members to support the move by the gentleman from Mississippi (Mr. LOTT) to defeat the previous question on the rule.

Mr. Speaker, I believe these debt ceiling increases ought to be passed by the individuals who put us behind the eight ball in the first place, and I am talking about the big spenders in this Congress. I think they ought to be the first ones in line to vote for that increase in the debt ceiling, because they were responsible for bringing on the problem.

Mr. Speaker, now we have an opportunity with this spending limit procedure being proposed to get in line and do something.

Mr. Speaker, we can vote to increase the debt ceiling and at the same time vote to reduce expenditures, and I think they should go hand in hand.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Speaker, I urge the House to support this rule and to oppose the move to defeat the previous question. I do so because it looks to me as though that course would play further games with the budget process.

If the position of the gentleman from Mississippi (Mr. LOTT), were to prevail and the previous question were to be defeated, two things would happen that would negate what he says he wants to do. First of all, his amendment would not be germane in my opinion, and most likely it would be ruled out of order. I know that from personal experience, because 4 years ago I tried to attach to the debt ceiling bill an amendment that would limit expenditures as 1 percent of GNP, and that probably would have been ruled out of order had the previous question been defeated.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. JONES of Oklahoma. I am happy to yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, on that point of germaneness, first of all, there will not be a ruling on the point of order unless a point of order is made.

Second, the gentleman knows that we could do this thing in a bipartisan way, and certainly we do not want to prejudge the Chair.

In addition to that, I am prepared to assert with documentation that the amendment is in fact germane, and I would be prepared to defend its germaneness at the appropriate time. But none of that would be necessary if a point of order were not made and if in fact we could act in a bipartisan fashion.

Mr. JONES of Oklahoma. Mr. Speaker, I wish to reclaim my time.

First of all, a point of order would be made, I am assured, and the parliamentary ruling in this regard is in my opinion very clear. It would not be germane.

Second, there is no enforceability of what the gentleman from Mississippi wishes to do. It would not trigger a point of order under the Budget Act nor would it be binding in any other way on the Congress. So what we are doing again is making a statement that cannot be enforced, and we will go willy-nilly on our way without enforcing any kind of budget discipline.

Right now, at the current level of spending, when we assume that the CCC farm price support program has been adjusted upward, we have something like $600 million left for new authorizations under the cap that the gentleman from Mississippi would offer.

□ 1240

Now, he has already mentioned that he intends that the emergency jobs bill not be authorized and not be allowed under the budget.

I guess my question to the gentleman is does the gentleman intend for the Farm Foreclosure Relief Act, the Home Foreclosure Relief Act and the American Conservation Corps Act also to not be funded in fiscal year 1983. If the gentleman would tell us where he intends to get his $7.6 billion is savings, I would be happy to yield to him.

I am trying to get from the gentleman where that $7.6 billion in savings, even if it could be enforced, which it cannot be under the gentleman's motion, where would those savings come from, in addition to the emergency jobs program?

Mr. LOTT. Well, we would certainly want to work with the distinguished chairman of the Budget Committee to find those savings; but I just pointed out one example where it might come from, the so-called phase 2 of the emergency jobs bill.

Mr. JONES of Oklahoma. That is a given.

Mr. LOTT. The money would be just about right; but I mean, there are a lot of points——

Mr. JONES of Oklahoma. That is $4.9 million. Would the gentleman also intend that funding for the Farm Foreclosure Relief Act not be considered in fiscal year 1983?

Mr. LOTT. Well, perhaps, but I think we would have to look at that, as well as some other places.

Mr. JONES of Oklahoma. How about the Home Foreclosure Relief Act?

Mr. LOTT. If the gentleman is going to ask questions that way, I am going to start asking the gentleman about some places where perhaps we should make these savings. There are many places in the budget where we can do that.

Mr. JONES of Oklahoma. I have the time.

Mr. LOTT. All right.

Mr. JONES of Oklahoma. I am trying to pin the gentleman down. What I am saying here in essence is that I would agree with the gentleman that spending is more than it ought to be and we ought to try to cut spending but: First, you cannot enforce it under this particular procedure that the gentleman is talking about; and second, you are really not facing up to the problem of identifying where you want that spending to be cut. It seems to me it is time to quit playing games and gimmicks with the budget and get on with living up to the responsibility, which is yours.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. I thank the gentleman for yielding, Mr. Speaker.

When I came to the Congress 5 years ago, my first economic vote was on the debt ceiling. I recall vividly that a long procession of people got up and said—in very sexist analogy, by the way—that our situation is like the fellow whose wife had gone out and run up all these bills and that it was not the time to talk about dealing with it because any gentleman is going to pay his wife's bills. So I simply got up and agreed that, in fact, any gentleman would pay those bills, or maybe in a more modern nomenclature, any lady would pay her husband's bills. But if my wife were out running up bills or if I were out running them up for her, that we would also sit down and come to some understanding about what we were trying to do about the fundamental problem.

It is somewhat paradoxical that the three of us are here debating this issue, because it was 5 years ago that we sought to tie the debt ceiling to the budget process and mandate a balanced budget in 1982, if the gentleman from Mississippi and the gentleman from Oklahoma will recall, and that failed on the House floor by two votes.

Now, how the leadership would have ruled is obviously something open to speculation.

The point is that 5 years ago there was concern about coming to grips with the problem and in 5 years we have failed.

I think it is important to look at what we are doing about it. I have always followed a procedure in deciding whether to vote for a debt ceiling increase: Any time I have felt that we were making progress in dealing with the budget problem, I have always voted to raise the debt ceiling. Any time that I have felt that we were not dealing with the problem, that we had not come to grips with it, I voted against raising the debt ceiling.

Well, Mr. Speaker, when I look at the budget adopted in the House, the budget that the Speaker says he will proceed with if no budget resolution is adopted by the Congress, I cannot in good conscience vote to raise the debt ceiling.

I wish to remind the House that despite all the talk about concern over spending, if you take the 1983 revisions and the 1984 budget, the only part of the budget resolution that is in any way binding on this Congress, you find that this House has voted to cut defense.

We have voted to cut defense $9.3 billion below the level recommended by President Reagan, an amount below the level recommended by President Carter in his last budget. When you take into account the pay increase committed for in this budget it is an amount 2.3 percent below our commitment to NATO.

Now, whether that meets our defense needs or not is another issue; in fact, later this afternoon we will debate that issue to some extent; but I think it is relevant to note that the Congress is not going to live within that constraint. We are going to spend more money than that and every Member of this House knows it.

Second, the House budget proposes raising taxes by $27 billion this year, tripling taxes through 1980 by repealing indexing, the third year of the tax cut, raising the income tax of a family of four earning $24,300 a year by $1,000.

We raise the deficit by $5.1 billion, all to fund 42 billion dollars' worth of new add-on spending programs.

So I think it is important when we are talking about the deficit to remember that despite all the rhetoric about the deficit, despite the move to increase taxes, that this House has voted to slash defense, raise taxes, and raise the deficit in order to fund a massive unprecedented increase in social welfare spending. We are talking about new expenditures for almost every program that we have gained control of in the last 2 years as we made progress in changing the direction of the country.

What a paradox it is that at the very time the Reagan economic program is clearly working, with the inflation rate down from 18½ percent to below one-half percent, at a time that interest rates have been cut by 50 percent——

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. LOTTO. Mr. Speaker, I yield 3 additional minutes to the gentleman from Texas.

Mr. GRAMM. At a time when the Reagan economic program is clearly working, when inflation rates have fallen from 18½ percent down to less than one-half percent, when prime rates have been cut by 55 percent, when the economy has started to grow, when the leading economic indicators are exploding, now we see a clear lack of resolve in the Congress to continue the very program which has

turned the economy around and which holds every prospect for making this a sustained economic recovery.

I think it is important, Mr. Speaker, that we go on record here today as to whether or not we want to add $12 billion to the President's budget proposal for fiscal year 1983, whether or not we want to reignite the spending spree now when the economy is recovering, when interest rates are improving, when new net borrowing would take funds away from those who want to build new homes, new farms, new factories, and generate new economic growth.

I oppose the previous question. I would like to vote on trying to contain spending in the fiscal 1983 budget because I think it is irresponsible to increase the debt ceiling so that we can go on spending as usual here in Washington.

I urge my colleagues to vote no on the previous question, to vote for the Lott substitute, and failing that, to vote no on the effort to raise the debt ceiling.

I believe it is important that we focus the issue on the real problem. Too often in talking about the budget, we have had a focus of attention on defense or taxes. Very seldom have we focused on the real problem, which is an overall spending problem.

We do not have a deficit today because the American people are not productive enough. The GNP has expanded five times in the last decade.

We do not have a deficit because of inadequate taxes. They have doubled since 1977. Nor do we have a deficit because of too much defense. In fact, if nondefense spending compared to defense were similar to the percentage that existed in the Kennedy budget, we would have a $110 billion surplus today.

Our problem is spending, and despite all the rhetoric about the Reagan deficit, this Congress has shown no inclination to do anything about the problem; quite to the contrary, they have on every occasion raised spending beyond the level requested by the President.

□ 1250

We have an opportunity today to find out who is for real and who is not for real in terms of controlling spending.

Mr. FROST. Mr. Speaker, I yield 5 minutes to my distinguished chairman, the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank my distinguished colleague for yielding.

It is rather difficult to make an honest judgment as to what is the motivation for this commentary that we have from the minority here this morning. We were offering a rule from the Rules Committee to make possible the consideration of the increase in the debt ceiling, which everybody admits is necessary.

The debt ceiling, of course, must be raised in order that the Government continue to function and, therefore, if we take a certain course of action that tends to delay the consideration of the rule that would permit the consideration of the debt ceiling, it seems to me to endanger and somewhat jeopardize the enactment of that necessary legislation.

But then the proposal is that we defeat the previous question in order that the amendment of the gentleman from Mississippi may be offered to diminish the outlay provided for in the budget resolution which has been passed by this House by almost $8 billion.

Now we know that they have not yet said where that money is coming from, where the $7.6 billion is to be taken from the budget. But we know from past history of the attitude of this administration that it will not be taken from military spending. We can be pretty sure of that.

It will not be taken from giveaway tax programs for the well-to-do people of this country. We can be pretty sure of that.

If it is going to be taken from anywhere, they would, of course, like to take it from the social programs of this country that provide nourishment, and health care, and education, and other kinds of assistance to the magnitude of the people of this land.

I am sorry that they propose to jeopardize that budget. There is a great deal of comment in the press as to whether this administration really wants any national budget at all.

As a matter of fact, it is pretty well understood that the administration is not going to make any real effort to get the Republican Senators on the other side of the Capitol to vote with the chairman of the Budget Committee, to come to an agreement about arriving at a budget.

We have adopted a budget resolution in this House. The other body has not adopted a resolution, and one of the reasons is because of the opposition or the disinterest, or the lack of cooperation of this administration.

Even the Senators of the majority party are rebelling against the unwise course embarked on by the administration of not seeming to care very much whether there is a budget or not.

We all know the budget process is in danger today in the Congress and there are many people who want to see wise fiscal administration in our Government who are alarmed almost at that possibility.

I do not know whether this is another step in the direction of destroying the budget process or not. It may have that effect if the minority position should be vindicated and accepted by this House.

How would this $7.6 billion be found? We have a very able, bipartisan Budget Committee. They labored for weeks in determining how to make up that budget.

Finally, after careful consideration of all of the items of outlay in that budget, they brought that budget to the floor of this House and this House, by a good majority, adopted that budget. Now the minority would say let us just cut $7.6 billion off of that budget, and, as I say, where is that cut coming from.

We know from the history of this administration that it is probably coming to preserve the tax giveaway, 85 percent of which, in the amount of $35 billion, effective July 1, will go to people making over $20,000 a year in America.

You are one of them. Every Member of this House is in the privileged economic class of this country because our salary is over $60,000 a year.

Are we asking that we get the benefit of those tax cuts and others similarly situated before the people of this country who need medical care and other assistance are given the opportunity of service by their Government? Or will the proponents of this amendment tell us that we are going to repent, and we are going to take most of this $7.6 billion from the growth in defense spending? I would be glad to hear my distinguished friends and colleagues on the minority say: "Well, I am sure the President would agree that all of this $7.6 billion come out of the increase in the defense program."

So this is an unwise request. I hope the House will adopt the previous question and will go ahead with the regular order that we have provided for.

Mr. LOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman from Mississippi for yielding.

I think the real debate here is something different from the way it has been characterized by the chairman of the Rules Committee. The real debate is over whether a phony budget is better than no budget, and the problem in 1983 is we have a phony budget.

We passed a budget here that we now hear discussed as being the ultimate in responsibility. I would remind my colleagues that we are now spending in outlays $45 billion more than what we said we were going to spend.

That is responsibility?

We included massive new spending in that budget last year and now we are $45 billion over that.

What the gentleman from Mississippi is saying is rather than spending $45 billion more than we said we were going to spend, maybe we ought to cut

that down to $38 billion. That is really a big sacrifice. It is really a big sacrifice to cut from $45 billion of overspending down to $38 billion of overspending.

That is all the gentleman from Mississippi is proposing that we do.

If we really do believe in the integrity of the budget process, and we really do believe it has something to do with deficits, why are we such phonies around this place? Why do we come to the floor and talk about deficits and then go about our merry way spending more money than the budget calls for? That is what we have been doing.

The appropriation bills, everything we do around here is one big phony because it has absolutely nothing to do with the budget.

I say that we ought to do exactly what the gentleman from Mississippi says we should do and that is begin the process of trimming back those deficits and begin it right now. Trim our overage by $7 billion. That would be a step in the right direction. That would be a step toward doing what all of the majority party members who came to the floor this morning said they wanted to do, and that is stop the deficit process.

I doubt they will do it, though. The same phonies who are spending more than the budget are now going to vote not to do anything about the deficit.

I think it is time that the American people understand how this issue is framed because it is high time that Congress be held responsible. We are the ones who do the spending. The deficits are our fault.

Here is a chance to start doing something to change that pattern and if we do not do it here I say that this Congress does not have the will to do it period.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Ohio.

Mr. LATTA. I want to thank the gentleman for yielding and thank him for an excellent statement.

I take this time to correct our good chairman of the Rules Committee for saying that this figure that was presented was a bipartisan figure. It was not. It came out of the Budget Committee strictly along party lines. We do not want to have anything to do with that figure of 814 billion dollars' worth of the taxpayers' money being spent.

Everybody knew that that was conceived and hatched in the Democratic Caucus, that figure, and that our chairman and the members of the Budget Committee on the Democratic side just fell into line one morning and reported it out.

So to say it is a bipartisan figure or a bipartisan budget is absolutely wrong.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. KEMP. I have heard the colloquy between the gentleman from Pennsylvania and my ranking member on the Budget Committee, the gentleman from Ohio (Mr. LATTA). I just wanted as much as I could to confirm that the gentleman from Ohio (Mr. LATTA) is exactly right.

I say to our friend from Florida, the chairman of the Rules Committee, Mr. PEPPER, with all due respect, that was not a bipartisan budget. I sat there for 8 hours on that day. There were about 21 amendments, and I think the gentleman from Ohio would agree there was not one single vote by the majority party on anything offered by the minority, not one single vote.

□ 1300

There were some votes upon which minority Members supported majority amendments, as I did in the case of monetary policy.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I do not have the time.

Mr. PEPPER. I did not say the budget resolution was——

Mr. WALKER. The gentleman from Pennsylvania controls the time. I will yield after the gentleman from New York completes his statement.

Mr. PEPPER. I said it came out of a committee of bipartisan membership.

Mr. KEMP. Can we have the regular order?

The SPEAKER pro tempore. Regular order. The time is controlled by the gentleman from Pennsylvania.

Mr. KEMP. It is not a personal attack on the chairman of the Rules Committee. It was simply by way of clarifying the fact, Mr. Chairman, that it was not a bipartisan budget, it is not a bipartisan committee; it is the most partisan committee of the House and it was purely a political document. I support the gentleman from Mississippi's leadership.

Mr. LOTT. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. KASICH).

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 18 minutes remaining. The gentleman from Mississippi (Mr. LOTT) has 30 seconds remaining.

Mr. LOTT. I have 30 seconds left. Does the gentleman from Texas have any additional speakers other than himself wrapping up?

Mr. FROST. Mr. Speaker, we reserve the right to close, but we have no additional speakers.

Mr. LOTT. I will close in my remaining time.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. LOTT. Mr. Speaker, we are trying to help the process: First, we are trying to find a way to help pass this debt ceiling; and second, to find a way to get more responsible spending numbers in the budget process.

It is a very small amount. This is less than 1 percent reduction in the spending level.

So, make no mistake about it, this will be recorded as a vote on whether or not you would like to reduce Federal spending by the very small $7 billion, on programs that do not even exist yet.

Mr. FROST. Mr. Speaker, I would only make this point in closing, to urge Members to support the previous question. While we have heard a great deal of rhetoric here today, it is the intention of this Member, in the odd event that the previous question would be defeated, it is the intention of this Member to raise a point of order on the basis of germaneness against the amendment to the rule being sought by the gentleman from Mississippi.

While it is difficult to predict with any absolute certainty the ruling of the Chair, based on past precedents it would appear that a point of order would be upheld and that the gentleman would not have the opportunity to offer his amendment. Therefore, I urge the Members to vote for the previous question so that we can then reach this issue on the merits and have an up-or-down vote today on whether to extend the debt limit.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that ayes appeared to have it.

Mr. LATTA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 249, nays 171, not voting 12, as follows:

[Roll No. 128]

YEAS—249

Ackerman	Boland	Cooper
Addabbo	Boner	Coyne
Akaka	Bonior	Crockett
Albosta	Bonker	D'Amours
Alexander	Borski	Daniel
Anderson	Bosco	Daschle
Andrews (TX)	Boucher	de la Garza
Annunzio	Boxer	Dellums
Anthony	Breaux	Derrick
Applegate	Britt	Dicks
Aspin	Brooks	Dingell
AuCoin	Brown (CA)	Dixon
Barnard	Bryant	Donnelly
Barnes	Byron	Dorgan
Bates	Carper	Dowdy
Bedell	Chappell	Downey
Beilenson	Clarke	Durbin
Bennett	Clay	Dwyer
Berman	Coelho	Dyson
Bevill	Coleman (TX)	Early
Biaggi	Collins	Eckart
Boggs	Conyers	Edgar

Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Hall, Sam
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Hightower
Howard
Hoyer
Hughes
Hutto
Ireland
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McKinney
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Pritchard
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rodino
Roe
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NAYS—171

Archer
Badham
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Broyhill
Burton
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
Davis
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Erlenborn
Evans (IA)
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Gekas
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Horton
Huckaby
Hunter
Hyde
Jacobs
Jeffords
Johnson
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McDonald
McEwen
McGrath
McKernan
Miller (OH)
Molinari
Moore
Moorhead
Morrison (WA)
Myers
O'Brien
Packard
Parris
Pashayan
Paul
Petri
Porter
Pursell
Quillen
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rudd
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NOT VOTING—12

Andrews (NC)
Carr
Dymally
Gibbons
Heftel
Hubbard
Martinez
Michel
Nichols
Nielson
Oxley
Pritchard

□ 1320

Mrs. JOHNSON changed her vote from "yea" to "nay."

Mr. RAY and Mr. HARKIN changed their votes from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 263, nays 156, not voting 13 as follows:

[Roll No. 129]

YEAS—263

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boehlert
Boggs
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Byron
Campbell
Carper
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Coyne
Crockett
D'Amours
Daniel
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gore
Gradison
Gray
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Horton
Howard
Hoyer
Hughes
Hutto
Hyde
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Long (LA)
Long (MD)
Lott
Lowry (WA)
Luken
Lundine
MacKay
Markey
Martin (NC)
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Pritchard
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauke
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki
Zschau

NAYS—156

Archer
Badham
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Broomfield
Brown (CO)
Broyhill
Burton
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
DeWine
Dickinson
Dreier
Edwards (OK)
Emerson
English
Evans (IA)
Fiedler
Fields
Fish
Forsythe
Franklin
Gekas
Gilman
Gingrich
Goodling
Gramm
Green
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Huckaby
Hunter
Ireland
Jacobs
Jeffords
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NY)
McCain
McCandless
McCollum
McDade
McDonald
McEwen
McGrath
McKernan
Miller (OH)
Molinari
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
O'Brien
Packard
Parris
Pashayan
Paul
Petri
Porter
Pursell
Quillen
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth

Rudd	Smith (NJ)	Vucanovich
Schaefer	Smith, Denny	Walker
Schneider	Smith, Robert	Weaver
Schroeder	Snyder	Weber
Schulze	Solomon	Whitehurst
Sensenbrenner	Spence	Whittaker
Shaw	Stangeland	Williams (OH)
Shelby	Stenholm	Winn
Shumway	Stump	Wolf
Shuster	Sundquist	Wortley
Siljander	Tauzin	Wylie
Skeen	Taylor	Young (AK)
Smith (NE)	Vander Jagt	Young (FL)

NOT VOTING—13

Andrews (NC)	Heftel	Nichols
Boland	Hightower	Nielson
Carr	Hubbard	Oxley
Dymally	Martinez	
Gibbons	Michel	

□ 1340

The Clerk announced the following pairs:

On this vote:

Mr. Oxley for, with Mr. Nielson of Utah against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 196 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the consideration of the bill, H.R. 2990.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2990) to increase the temporary public debt limit, and for other purposes, with Ms. FERRARO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 30 minutes, and the gentleman from New York (Mr. CONABLE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, H.R. 2990 increases the public debt limit from $1,290.2 billion to $1,389 billion which the Reagan administration believes is adequate to accommodate its borrowing needs through this fiscal year. That figure is consistent with House Concurrent Resolution 91—the budget resolution—passed by the House in March.

In addition the bill would eliminate the distinction between the permanent and temporary debt limits, thus making the new amount the permanent limitation. Whatever usefulness the distinction between the permanent limit and the temporary limit may have had in prior years, that time is passed. At a time when the debt is more than three times its "permanent" limit, the public is only confused by the distinction. There are also times when the distinction between the permanent and temporary limits creates uncertainty in the financial markets. In cases where there is a congressional delay in passing a debt limit bill, the possibility is created that the U.S. Government might default on its obligations.

The bill also raises from $110 billion to $150 billion the Treasury Department's authority to issue long-term bonds at interest rates in excess of today's statutory ceiling of 4.25 percent. The increase is expected to permit the Treasury to sell new securities in all maturity ranges through fiscal year 1984.

Under the terms of the Social Security Amendments of 1983, the Treasury Department will transfer to the social security trust funds approximately $23 billion in payment of noncontributory military wage credits—as well as estimated social security receipts for the month of June—all within the next 2 weeks. Both transfers will be invested in special issues of Federal debt which will be subject to the debt limit. In addition, the Treasury Department will have to borrow about $10 billion through the remainder of this month to finance the budget deficit.

Madam Chairman, for these and other reasons, the present debt limit will be reached at the end of this month—rather than at the end of September. In effect, the administration is seeking an additional $99 billion to carry the Government for the remaining 4 months of the fiscal year. We presume by then the House will have approved a budget resolution that resets the debt limit for fiscal year 1984.

We bring the debt limit to the floor today in rapid response to a personal request from the Secretary of the Treasury, Donald Regan. At this point, I am including a letter received today from Secretary Regan expressing the administration's support for the debt ceiling increase currently before the House, as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., May 18, 1983.

Hon. THOMAS, P. O'NEILL, JR.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am writing to advise you that it is absolutely essential that Congress pass legislation to increase the public debt limit no later than May 31.

The House Ways and Means Committee approved by a 26-2 vote legislation to increase the debt limit to $1,389 billion. The Administration supports this bill and urges its adoption by the House.

Based on our current financing estimates, the $1,290.2 billion debt limit will be exceeded on May 31, and on June 1 the debt subject to limit will be $1,320 billion and the Treasury's cash balance will be $13 billion. Even if the Treasury ran its cash balance down to zero on June 1, and were thus unable to pay the Government's bills, the June 1 debt of $1,307 billion would still be $17 billion above the statutory limit.

The May 31 date is critical because $4.2 billion of Treasury notes mature on that date and must be refunded. The new two-year notes to be issued to refund the maturing notes on May 31 are now scheduled to be announced to the market early this week and to be auctioned next week. Without assurance that Congress will increase the debt limit by May 31, the two-year note auction will have to be postponed or cancelled and the increased market uncertainty will add to the cost of Treasury financing.

As we move closer to the May 31 deadline, the Treasury must plan on a number of costly and disruptive actions to avoid exceeding the debt limit.

If Congress does not act by May 31, Treasury will be required to suspend the sales of the new market-based U.S. Savings Bonds, thus increasing our financing costs and disrupting the plans of small savers throughout the country.

Beginning June 1, Treasury would be unable to invest social security and other trust funds in Treasury securities, resulting in a loss of interest to those funds. This loss of interest would be borne by the trusts' beneficiaries and would further exacerbate the social security financing problem. The recent social security amendments passed by Congress and signed by the President on April 20 require the Treasury to invest social security funds on the first day of each month. This investment is expected to be about $16 billion on June 1, but Treasury would be unable to issue these securities without an increase in the debt limit. The social security amendments also require the investment, within 30 days of enactment, of certain military retirement credits. This investment, of about $23 billion, will be made May 20, so the total debt increase from the social security amendments will be about $39 billion by June 1.

As the Treasury exhausted its operating cash balances at commercial banks and at the Federal Reserve, there would be a loss of interest income to the Government, and the Federal Reserve would have to take offsetting open market operations to absorb the funds freed from Treasury Federal Reserve balances. These actions could result in dislocations in the nation's banking system due to reserve imbalances caused by the unusual drawdown of Treasury account balances.

After the Treasury's cash balances were exhausted, the checks written by the U.S. Government to pay social security, payrolls, unemployment compensation and other expenditures would not be honored. At that point the U.S. Government would be forced to default on its obligations.

Unlike earlier years, when congress delayed action on the debt limit and the Treasury was able to stay within the debt limit for a few days by various cash management techniques, we do not have that flexibility this year, largely because of the new social security bill.

Therefore, adoption of this legislation is absolutely essential, and the Administration urges bipartisan support for it in the House.

With best wishes.

Sincerely,

DONALD T. REGAN.

Madam Chairman, hearings and markup were completed last week with only modest dissent.

The Committee on Ways and Means has traditionally managed to restrain partisan debate in its consideration of the debt. We all recognize that a vote on the debt limit is not a vote to spend more Federal money—a point that is too often distorted. Raising the debt merely permits the Government to pay bills that have already been incurred. It is a debt that belongs to administrations and Congresses stretching back decades. It is no more a Democratic responsibility than it is a Republican responsibility.

In testimony before the committee, Deputy Treasury Secretary McNamar readily conceded last week that the Reagan administration had more than its fair share of the present national debt. That seemed a fair response from an administration that, by its own estimates, will produce budget deficits in excess of $750 billion over the next 5 years.

During my years in Congress, I have tried to support the President of the United States—regardless of party—as often as possible. In fact, some of my Democratic colleagues have from time to time urged a more partisan posture upon me. I candidly admit a great personal respect for the Office of the Presidency.

Yet 2 days ago, the President gave a series of remarks to a local convention that I believe were beneath the dignity of his office. They were full of simplistic attacks on Congress that were not only inaccurate, but did nothing to facilitate needed consensus of the many issues before us.

It came as something of a shock when, on the eve of bringing this historic debt limit request before the House, the President all but denied any responsibility for the debt. Rather than cool tensions prior to this very difficult vote, he has chosen to inflame not just Democrats or Republicans—but Congress as a whole.

Portraying Congress as a profligate begging the American people to raise our credit card limit—and then as "deficit doctors" about to carve up the public's wallet does little to further constructive debate.

In accusing Congress of seeking to raise the debt, his speech ignores not only the facts of the current debt situation, but the formal requests made by his administration to the Congress for the debt extension bill that we bring to the floor today.

Rather than seek a consensus to raise the debt limit, he has chosen to divide our ranks by blaming Congress for much of the Nation's economic ills.

While the President has made the debt limit and even more difficult vote for all of us, the reality is that in the end the limit must be raised. All of us know that.

We should take the responsible course and pass this bill today—if only because, like it or not, it is this institution—the Congress—which is served up to public ridicule each time we bring Government to the brink of financial paralysis. This is a scenario which the public has grown weary of—justifiably.

More important than our image, however, is the need to move forward and extend the debt limit by the end of this month so that the Government can avoid unnecessary—and costly—financing disruptions. The timing of this bill is critical, and fundamental to the Government's financial solvency. It is also an indication of our ability to govern efficiently.

□ 1350

Mr. CONABLE. Madam Chairman, I yield myself 8 minutes.

Madam Chairman, I support passage of H.R. 2990, a bill to increase the statutory limit on the public debt.

H.R. 2990 contains several changes in the amount and structure of the public debt. The current public debt ceiling is $1,290 billion through September 30, 1983. H.R. 2990 would increase the ceiling to $1,389 billion, an advance of $99 billion over the current level. The new debt ceiling should accommodate the Government's borrowing needs through the rest of the fiscal year.

I hope my colleagues, particularly those on the Republican side, will vote for this measure. We have certainly adequate experience in the past that failure to pass a measure of this sort simply results in our coming back with a much shorter timeframe and more bites at the apple for holding the Government hostage, more opportunities to hold the Government hostage, as additional and nongermane amendments are added to a measure of this sort.

I should explain some technical aspects of this bill. Two provisions in the social security amendments of 1983 are, in large part, responsible for an unexpected, previously unexpected substantial increase in the debt. First, that act requires a transfer within 30 days after enactment of $23 billion from the general fund to the social security trust funds in order to fund military retirement credits.

I should mention that the social security settlement converted all previously unfunded military credits for service before 1957 into their current value, now estimated at $23 billion; so that the transfers will not be made later as the demands are made against the social security trust funds. That was an inherent part of our social security settlement, which will help us get through the next couple of years in social security.

Since this money will be invested in public debt securities, there will be a corresponding increase in the debt because of the transfer due the 20th of this month.

Second, that Social Security Act requires that tax receipts be credited to the trust funds on the first day of the month in anticipation of collection, instead of throughout the month as they actually are collected. This is the so-called normalization process. Our fund is very low at this point and it is necessary to make that transfer in order to be sure that we will have an adequate amount in the fund. That will be a one-time transfer, since obviously it will raise the level of the fund by that amount in succeeding months as well.

This provision will result in a $16 billion transfer, as I said, which will increase the debt by a similar amount on June 1.

H.R. 2990 also would increase the amount of market-rate bonds which the Treasury may issue from $110 billion to $150 billion. This change was requested by the administration. It will allow the Treasury to pursue a balanced plan of debt management by offering securities over a full range of maturities.

We have previously had only $110 billion of long-term bonds which could be issued and the result is a constant revolving of our national debt, which obviously is destructive and expensive in the long run. It is better to have a full mix of long- and short-term securities available.

This legislation also changes the structure of the public debt. The debt is now made up of a permanent level ($400 billion) and a temporary level (now at $890 billion).

The temporary debt ceiling has been adjusted periodically so that the combination of it and the $400 billion permanent debt equals the necessary ceiling. H.R. 2990, in effect, repeals the temporary debt ceiling and increases the permanent debt ceiling to the required amount; that is, $1,389 billion.

Now, let me explain this. If you have a temporary debt ceiling that rolls back when we fail to extend it, you cannot even roll over the old debt. The result is that the Government truly is shut down by our piercing the debt ceiling and the reversion to the lower permanent ceiling.

It would be far preferable if we had a permanent ceiling and then if we failed to pass an increase in the debt ceiling when needed, the effect is that we can just tighten our belts; we can, in fact, roll over our old debt, but we simply cannot incur new obligations, and the Government can continue for some time without being immediately thrown into crisis.

Madam Chairman, this is the first time in about 2 years that separate legislation has come to the floor to increase the debt ceiling. Changes in the

House rules have provided for an increase in the legal limit as a part of the legislative budget process. A delay in action on the first concurrent budget resolution this year means that separate legislation is absolutely necessary if the Treasury is to stay in business after the end of this month. There is clearly no way because of the recent Social Security Act changes to avoid piercing the statutory ceiling on June 1. H.R. 2990 is required for the orderly operation of the Government and I support its passage.

I would like to say to my friends on the Republican side also that failure to pass this before the end of the month can be a serious embarrassment to a President who is the leader of the free economic world and who is going to be at Williamsburg at that point. It does seem that basic support of the Government requires that we not put him in the position of a government in crisis at that time.

Mr. KEMP. Madam Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from New York.

Mr. KEMP. I have heard the gentleman's comments and appreciate his statement.

I totally agree with the gentleman. I think the first 4 or 6 years of my service in this body as a colleague of the gentleman from New York, I used to vote what I thought to be a fiscal responsibility vote. With all due respect to my past and the views of many of my conservative friends, you are not really fighting for fiscal responsibility by defeating this ceiling. All you are doing, as the gentleman from New York has ably pointed out, is opening this up to a strategy that would hold the Government hostage to a particular vote that ultimately is going to come back as a boomerang would and hurt the very people who think that they are striking a blow for fiscal responsibility.

The gentleman is absolutely correct and I share his general conservative voting pattern; but I think it is incredibly important that we get rid of this issue and go ahead and vote the debt ceiling and not allow our Government to be held hostage to the idea of waiting for the 11th hour.

Mr. CONABLE. I thank my friend for his comments and thank him particularly for lending the weight of his opinion and his prestige here in this body to what is not a conservative-liberal issue, but an issue of the administration of the Government. It is something which I think responsible people should support.

Mr. ROSTENKOWSKI. Madam Chairman, I yield 9 minutes to the gentleman from Oklahoma (Mr. JONES).

□ 1400

Mr. JONES of Oklahoma. Madam Chairman, I think the first thing I would like to clear up is what the debt limit bill is. My good friends on the other side of the aisle in years past in Democratic administrations have railed against us when bills to increase the debt ceiling were necessary. They said that to vote for increasing the debt ceiling was a fiscally irresponsible vote and that it somehow increased spending.

At that time I used an illustration to try to point out how debt is increased and what the debt bill is. I used the illustration of a person going into the restaurant to order a meal. When he is given the menu he can choose between a bowl of soup, or perhaps a hamburger, or perhaps a steak, and they all have different prices. When he places that order from the menu, that is roughly equivalent to the authorization and appropriation process here in the Congress.

But once he orders and eats that meal, then the check comes due and he is expected to pay it. Essentially that is what we are dealing with today. That is, the debt limit bill where the check has come due for what we have said was necessary to be ordered from that menu.

So in looking at this debt ceiling bill it seems to me the first responsibility for passing it rests on those who ordered supply-side economics from the fiscal menu in the last Congress. Those in both parties who created this debt have the first responsibility of authorizing payment of the debt, and I intend to see how many of them live up to that responsibility.

I think it is also good to put in perspective the size of the public debt limit which is being proposed today. We are being asked by the administration to sanction a debt ceiling of $1,389,000,000,000 through the end of fiscal year 1983. That is nearly $6,000 for every man, woman, and child in the United States as the debt that each one of them holds. It is four times the level of consumer installment debt outstanding and it is larger than all of the mortgage debt owed by American families.

Where did the debt come from? The President appears to believe that the debt came from mistaken policies from previous administrations, but certainly not his own. That simply is not true. In fact, at the close of fiscal year 1981, the last pre-Reagan administration budget, the public debt was $999 billion, and this was after several years of high inflation and large deficits driven by the energy shocks in administrations of both political parties.

In just 2 years of this administration, with falling energy prices, falling food prices, and the best of luck on inflation, the debt has been raised by $390 billion, or an increase of 39 percent, and all of that increase can be traced to the economic policies of this administration.

At the end of 4 years, if we follow the current policies put in place by this administration, the increase in the debt will be $821 billion, bringing the total at the end of this administration's 4 years in office to $1,820,000,000,000. That means that this administration in just 4 years, and I would add Congress is part of this because the administration's supporters passed the laws, that this administration in just 4 years, along with their allies in Congress, will have added more to the national debt than all of the administrations in the first 189 years of the Republic through 1978.

It is nearly three times as much debt as was added during President Carter's administration. It is about 2½ times as much debt as was added during the 8 years of Presidents Nixon and Ford.

The following chart outlines this growth in the national debt.

GROWTH IN THE NATIONAL DEBT (DEBT SUBJECT TO LIMIT)

[Dollars in billions]

Period	Level of debt—		Change	GNP, final fiscal year of period	Debt at end of period as percent of GNP
	Beginning	End			
World War II: 6/40 to 6/46	$43.2	$268.9	+$225.7	$202.0	133
Truman, pre Korea: 6/46 to 6/50	268.9	255.4	−13.5	261.1	98
Korea: 6/50 to 6/53	255.4	264.2	+8.8	361.3	73
Eisenhower: 6/53 to 6/61	264.2	286.3	+22.1	509.3	56
Kennedy: 6/61 to 6/64	286.3	308.6	+22.3	618.2	50
Johnson, Vietnam: 6/64 to 6/69	308.6	356.1	+47.5	910.6	39
Nixon, Vietnam: 6/69 to 6/73	356.1	458.3	+102.2	1,252.0	37
Nixon, post-Vietnam: 6/73 to 6/75	458.3	534.2	+75.9	1,479.9	36
Ford: 6/75 to 9/77	534.2	700.0	+165.8	1,864.2	38
Carter: 9/77 to 9/81	700.0	998.8	+298.8	2,871.7	35
Reagan: 9/81 to 9/85[1]	998.8	1,819.9	+821.1	3,821.5	48

[1] HBC baseline—current tax law, current policy for nondefense spending, and administration defense proposal, as estimated by CBO.

So that is where the debt comes from.

What is driving the deficits that produce this debt? The President keeps saying that the deficits come from uncontrolled domestic spending, and no doubt he will continue to say that, whatever the facts seem to dictate.

But let us look again at the facts. In 1981, the last pre-Reagan administration budget, the deficit was $58 billion or 2 percent of our GNP. Revenues were 20.9 percent of GNP. Defense spending was 5.6 percent and domestic spending, excluding interest, was 14.9 percent.

In 1983, 2 years later, the deficit is projected to be more than $200 billion and that will be more than 6 percent of GNP.

Why is that? Is it uncontrolled domestic spending?

The facts say it is not. Domestic discretionary programs in real terms under this administration's policies have declined 15 percent. If you look at it as a percentage of GNP, domestic spending will have dropped under this administration's policies from 14.1 percent of GNP to 13.5 percent of GNP in this 2-year period of time.

At the same time, defense spending has been rising sharply with much more in the pipeline for future fiscal years, and the President's defense proposals would add $416 billion above our commitment to NATO of 3 percent real growth during this 1982 to 1988 budget cycle.

Third, tax revenues are down very sharply, partially due to the recession but mostly due to the 1981 tax bill.

Finally, the really uncontrollable part of the budget is not domestic spending, not defense, not even the tax program; the real uncontrollable part, the fastest growing item in the budget, is interest payments on the debt.

Net interest was $69 billion 2 years ago before President Reagan took office. Now, 2 years later, it is over $87 billion, or a 26-percent increase in paying interest on the national debt.

That leads us to the looming problem and why it is very necessary that we pass and implement a budget this year. The deficit in the coming fiscal year is estimated to be over $200 billion without a budget. That deficit continues to grow if we put the Government on automatic pilot so that by around 1987 when you supposedly have full recovery you will have a deficit that will consume more than 80 percent of the net private savings of this country.

That simply cannot exist in a climate of economic recovery and low interest rates.

To say that getting a budget is not important is taking the final riverboat gamble, and surely the most cynical of all.

The first gamble was the self-contradictory mix of supplyside stimulative fiscal policy and a doctrinaire monetarism that supposedly would give us a painless cure for stagflation.

It did not do that. It gave us lower inflation, but at a very high price of unprecedented postwar unemployment.

Now the truly cynical gamble that big deficits and huge debt will not matter until after the 1984 elections is one many of us are asked to take in this Congress. The gamble is that recession has been with us so long and so deep and private credit demands so shattered that the huge $200 billion deficit this year and into the future can be financed without driving up interest rates and aborting the recovery.

The gamble might work. They have certainly shattered private credit demands so there is little private investment demand to crowd out public borrowing.

If it does work, however, God help the President of the United States, whomever that may be, and the Congress in 1985 in dealing with the economic and budgetary wreckage of this cynical gamble.

It seems to me that if we are to give a blank check, as we are seemingly being asked to do, and to pay this debt limit increase, it seems to me that at the very minimum we ought to have a new commitment by this administration, this President, and leaders in both parties to pass and to implement a budget resolution this year to deal with those high deficits, and to get them under control so that we can have sustained economic recovery.

Mr. CONABLE. Madam Chairman, I yield 5 minutes to a valued and distinguished member of the committee, the gentleman from South Carolina (Mr. CAMPBELL).

□ 1410

Mr. CAMPBELL. Madam Chairman, I do not intend to get into any type of partisan bickering. As one who was just rated by one of the magazines the most conservative Member of this Congress, I take the well today to say that the only responsible thing to do is to pass this debt ceiling increase.

I do that because the fault is not as it has been described by the distinguished chairman of the Budget Committee, whom I happen to admire and I regret that he did what he did. By injecting partisan remarks in an attempt to place blame. But, the fault is manyfold. It rests with Democrats and it rests with Republicans. The President cannot spend anything the Congress does not appropriate. The President has promoted some things that spent more in some areas than we could afford to spend. It is a fault that we all share.

It is not time to point fingers. It is time to look at what is happening. Now let us look at what the request is. The request is to extend the debt ceiling throughout this fiscal year and to make it permanent. The gentleman from New York and the gentleman from Illinois have both spoken to that. By making it permanent we avoid the crisis of shutting down a government once we hit the end of a debt ceiling limit. It allows the Government to go ahead and, though selectively you may have to cut back, it at least allows you to deal with the important issues. And, speaking of important issues, every Member that voted to pass the social security bill in here voted to increase the debt ceiling and if you vote not to do it, you are voting not to send social security checks out. Now you could everyone put that in your pipe and smoke it. You sat here, you voted to save social security. You voted to transfer funds. You added it to this. I did that and I am willing to take this well and I am willing to stand and support it. And I think that it is absolute false economy on anyone's part if they stand up and try to demagog on this issue by saying "I am going to vote against the debt ceiling." It does not save anything. It absolutely will cause a crisis and could in fact cost us more money in the long run if we do shut down and have to restart. Now, I think we should look a little further at a lot of other causes since they were dwelled upon by the chairman of the Budget Committee.

There are causes that are structural, that we are not directly responsible for except that we have not changed them. For instance, we put this country on automatic pilot throughout the 1970's under Republicans and Democrats alike. We created entitlement programs, we indexed them to inflation and we let them go.

We had the highest rate of inflation we ever had in 1979 and 1980 in peacetime in this country.

As a result, the 1981 and 1982 automatic increases on entitlements were the largest that we ever had seen, not to mention the fact that with a 21.5-percent prime rate, the interest on the national debt escalated far beyond anything any of us could have imagined. Those were automatic expenditures. They were institutional in nature in that we created them but we failed to do anything about them. That is all of our fault, every one of us. Yes, the administration has to take some of the fault. They came into a situation, a situation where the defense of this Nation had deteriorated and they tried to rebuild our defenses maybe faster than our economy could stand.

Yes, that did help to contribute to the deficits, there is no question about that and we cannot quite build it as fast as they want to do it. But I do not blame them for trying to save the defense structure; it is just maybe the level that they went to.

So, I once again say to you, in a spirit of bipartisanship, the Ways and Means Committee passed this bill out by a vote of 26 to 2, with liberals and conservatives alike voting to put the bill on the floor. Why? So we could demagog? No, it is not pleasant to take the well and raise the debt ceiling. But, it is the only responsible thing to do.

If you, in fact, have been voting for defense expenditure increases, then you have contributed to this deficit. If you, in fact, have voted against budget cuts in some domestic programs then you have contributed to this deficit. If you, in fact, as I said earlier, voted to save social security, and you are not willing to vote to extend this debt ceiling to send the checks out, then everybody in America ought to know exact-

ly what you are and that is a hypocrite. And I think that you ought to compare those two votes for every Member of the Congress of the United States.

Mr. CONABLE. Madam Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. FRENZEL) who always makes such a fine contribution to our debate here.

Mr. FRENZEL. Madam Chairman, first I ask unanimous consent to publish my introduction far and wide. Madam Chairman, we are facing a debt increase here up to $1.4 trillion, which is supposed to take care of us through this fiscal year.

Every time we are obligated to increase the debt ceiling because of no other reason then our own fiscal mismanagement, we lecture each other sternly about who is at fault, and who is more conservative, and which President spent the money.

It is well known, however, by our constituents, if not by ourselves, that no President ever spent a dime that was not appropriated by this Congress. And I cannot remember in my experience in Congress any President whose budget was not increased by what I think has been an excessively openhanded series of Congresses. And this particular one is no exception, based on the profligate budget this House passed not long ago and which is now pending over in the Senate.

But the debt ceiling is another matter. We have budgeted; we have appropriated; we have entitled; we have authorized. The money has been spent.

The debt ceiling question today is simply a matter of whether we are people of our word, and whether the world is to have any confidence that we are going to pay our bills. Stated another way, the question is: Are we going to welsh on our legal obligations?

I direct this comment mostly to the absent Members on my side of the aisle who think it is an exercise in conservatism to vote against increases in the debt ceiling. We have all danced and now it is time to pay the piper and we must do so.

In my judgment fiscal conservatism is best displayed by voting against the entitlements, appropriations, authorizations, and budgets. Now, to vote against a debt ceiling after we have voted for spending is a sham. Perhaps it could be better described as an exercize in hypocrisy.

Madam Chairman, this bill that is before us makes two other important points besides raising the debt limits so our Government can stay in business throughout the fiscal year. It increases the long-term debt, which gives our executive, whoever he may be, greater flexibility in managing the public debt and lets him strike the best balance between long- and short-term debt.

Second, it erases the fictitious distinction between permanent and temporary debt and gives this body, I think, a good deal more defense against spurious nongermane amendments which occur in the other body on such veto-proof bills. It is my hope that this will reduce the number of opportunities for mischief on the part of the other body.

A debt of $1.4 trillion is an outrage. I am as outraged as any Member of this body by it. However, this vote is not the proper place in which to vent our outrage.

Our outrage should be displayed in votes against the entitlements and appropriations that created it.

The House could stand a great deal more outrage when we vote on the spending programs that create the need to increase the debt.

This vote today simply tells whether we are as good as our word and whether we will pay our bills.

I urge the adoption of H.R. 2909 and I yield back the balance of my time.

Mr. CONABLE. Madam Chairman, I yield 5 minutes to the distinguished Republican whip, the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Madam Chairman, I thank the gentleman for yielding. I must say with constricted throat that we should vote for this debt ceiling increase. Why? Because of the timing of it.

You knew, year after year we come to these debt ceiling votes and we ask, "Are we really going to run out of funds at the end of this month?" Quite often we find that when we get to the end of that particular month as a matter of fact we do not run out. There is usually a little time left, a week or maybe two, and yet we go through an exercise of having to vote on these debt ceiling increases one, two, or three times.

But this time there is not a lot of cushion on the timing. Because of the transfer of funds to the social security fund, as required under the social security reform package we passed earlier this year, we are faced with a real timing problem at the end of this month.

□ 1420

So that is an important factor.

Second, as I said earlier during the rule, I think there is now some honesty in saying, look, this is now a permanent debt ceiling. Getting away from this procedure of having both a permanent and a temporary debt ceiling will provide some benefits for us in the future.

Third, what are the alternatives? And this is where I want to speak to the Members on our side of the aisle a moment. What happens if we do not pass this debt ceiling today? Well, we will be back next week with a different version and I can tell my colleagues that the second version will not be as much to our liking as this one is, although we may not like this one at all. Next week it probably would be for only 30 days. And if we only have a 30-day debt limit extension, if it should pass at that level, then some time in June we will be marching through this exercise again. Maybe then also we would have somebody who would get the bright idea that we should doctor it up with some things that we will like even less, like tax increases.

So, I caution my colleagues on both sides of the aisle to take a look at what is going to happen here if we do not pass this debt ceiling increase. The next one will probably be worse in many respects. Plus, we do put the Government in jeopardy. We will go through the usual exercise of maybe forcing the Government to come to a halt in some form or another and, as a matter of fact, maybe the social security checks would not go out.

We can play games on the budget and all kinds of other things, as we are apt to do. As a matter of fact, the last couple of days we have gotten in this well and castigated each other, the President, the Senate, and the House for what we are doing or not doing on the budget, whether it is in spending or taxes, or defense, whatever it may be.

But this is not funny business. And I would urge my colleagues, as distasteful as it may be, let us find some other avenue to have fun with. This is not the one in which to do it.

I urge my colleagues to vote for this bill.

● Mr. ANDERSON. Madam Chairman, I rise to express my strong opposition to H.R. 2990—to increase the public debt limit to the almost incomprehensible figure of $1,389 billion. In order words, it would increase the debt limit by $98.8 billion over the present law of $1,290.2 billion.

It has been reported that with every passing hour, the Federal Government's debts increase by $27 million.

As you are aware, officials at the Treasury Department have announced that, although we are only halfway through the current fiscal year (1983), the Federal deficit has reached a record $129.2 billion.

This 6-month total would be a new high for any full year—even if it grew no larger. It has already surpassed last year's deficit record of $110.7 billion. Further, according to the administration, total red ink as of May 9 was $1,256.3 billion—the equivalent of well over $5,000 for every American.

Interest on the national debt for the first 6 months of fiscal 1983—as compared to the first 6 months of fiscal 1982—is up 9.7 percent—a total of $62.1 billion.

For those who may be interested, I have compiled the annual deficits from the administration of President Franklin Roosevelt to the current administration of President Reagan. They are as follows:

Administrations deficit or surplus

	Billions
Roosevelt:	
1934	−$3.6
1935	−2.8
1936	−4.4
1937	−2.8
1938	−1.2
1939	−3.9
1940	−3.1
1941	−5.0
1942	−20.8
1943	−54.9
1944	−47.0
1945	−47.5
Total (12 years)	−197.0
Truman:	
1946	−15.9
1947	+3.9
1948	+12.0
1949	+0.6
1950	−3.1
1951	+6.1
1952	−1.5
1953	−6.5
Total (8 years)	−4.4
Eisenhower:	
1954	−1.2
1955	−3.0
1956	+4.1
1957	+3.2
1958	−2.9
1959	−12.9
1960	+0.3
1961	−3.4
Total (8 years)	−15.8
Kennedy:	
1962	−7.1
1963	−4.8
Total (2 years)	−11.9
Johnson:	
1964	−5.9
1965	−1.6
1966	−3.8
1967	−8.7
1968	−25.2
1969	+3.2
Total (6 years)	−42.0
Nixon:	
1970	−2.8
1971	−23.0
1972	−23.4
1973	−14.8
1974	−4.7
Total (5 years)	−68.7
Ford:	
1975	−45.2
1976	−79.4
Total (27 months)	−124.6
Carter:	
1977	−44.9
1978	−48.8
1979	−27.7
1980	−59.6
Total (4 years)	−181.0
Reagan:	
1981	−57.9
1982	−110.7
1983 (estimated)	[1] −208.0
1984 (estimated)	[1] −189.0
Total (4 years)	[1] −565.6

[1] According to the Office of Management and Budget.

When the President was inaugurated in January 1981 the Federal debt stood at approximately $935 billion. However, when President Reagan's term expires in January 1985 the total debt is expected to be well above $1.5 trillion—which is, at least, a 60-percent increase in just 4 years. And, using current projections, it will speed past the $2 trillion mark during the summer of 1986. In contrast, it took close to two centuries, 193 years to be exact, for the debt to reach the $1 trillion mark.

Madam Chairman, as you well remember, less than a month after the President took office he submitted his Program for Economic Recovery. In it, he proposed that it would "revitalize economic growth, renew optimism and confidence, and rekindle the Nation's entrepreneurial instincts and creativity."

A major selling point of his program was the promise to balance the budget in 1984. Further, he said that, "the Federal budget will actually generate a surplus in 1985 and 1986, for the first time since 1969." Shown in the table below are the budget deficit/surplus figures the President projected in February 1981:

	Deficit or surplus (in billions)
1981	$−54.5
1982	−45.0
1983	−23.0
1984	+0.5
1985	+7.0
1986	+30.0

As you can see, the President told us that when his White House term expires in January 1985 the total deficit for those 4 years would be $122 billion. Unfortunately, as I have already pointed out, the projected deficit from 1981 to 1985 will be $565.6 billion. This is five times as much as what the President told us just 2 years ago.

Madam Chairman, this year I have again introduced legislation to amend the Constitution of the United States to provide for balanced budgets and eliminate our national debt once and for all. Among other things, my proposed constitutional amendment (H.J. Res. 94) would:

First, require Congress to assure that outlays of the Government, during any fiscal year, do not exceed the total receipts of the Government during such fiscal year;

Second, permit expenditures to exceed national revenues in time of a national emergency, as declared by the President, but never by more than 10 percent; and

Third, provide that during the fifth fiscal year beginning after ratification of this amendment, and for the next 19 succeeding fiscal years, in order to retire the Federal debt, the total receipts of the Government shall exceed outlays by an amount equal to 5 percent of the Federal indebtedness at the beginning of the fifth fiscal year.

As you will recall, last year we considered House Joint Resolution 350, the balanced budget/tax limitation constitutional amendment, as supported by the President. I voted in support of this proposal. Nearly identical legislation, House Joint Resolution 243, is pending consideration in this 98th Congress.

In closing, let me say that I have never voted in support of any measure to increase the national debt ceiling and I intend to keep that record intact today. I know that many of my constituents agree with me on this issue and the overall need to live within our means and balance the budget. Today, we can take the first step in achieving this goal by defeating H.R. 2990 and, thus, send a signal to Wall Street and Main Street that we are sincerely committed to getting our financial house in order.●

● Mr. DASCHLE. Madam Chairman, today we are engaged in what is becoming an increasingly frequent event. We are once again meeting to increase the public debt limit, and by so doing mortgage away more and more of the future of our country. I intend to vote against this bill today, and though, realistically, I doubt that the bill can be defeated, I would like to spell out very clearly my reasons for voting against the bill.

In July 1981, prior to the enactment of the Reagan economic and budget programs, the Congressional Budget Office forecast that—based on the economic trends and budget policies in place at that time—the Federal Government would accumulate a budget surplus of $212 billion during the 4 years from fiscal year 1982 through fiscal year 1985.

Since that time, the administration has managed to push through two budgets, for fiscal year 1982 and fiscal year 1983. While the administration is now saying that it did not get all that it wanted, at the time those budgets were passed, the President said that he had obtained 95 percent of what he wanted. Let us take a look at what the passage of those two budgets has cost us. Remember, in 1981, the CBO had projected that under policies then in effect, the Federal Government would run a surplus of $212 billion through fiscal 1985. Now, however, using the budgetary policies put in place by this administration, the same nonpartisan CBO projects a recordbreaking budget deficit of $716 billion for the same years. In other words, the so-called economic recovery program, which was to have led to a balanced budget by 1983, has resulted in an additional public debt of nearly $1 trillion. In 5 short years, the budget policies of this administration have equaled the public debt built up over nearly the 200 years of our country's previous history.

Where have these deficits come from? They certainly have not come, as many would have us believe, from the often attacked social programs that we hear so much about.

A glance at the following chart indicates that these social programs have taken heavy cuts in the last 2 years, and are projected to take even heavier cuts in the future. While some of these programs were poorly administered, and did need reduction, those reductions have been put into place, and still we are faced with record deficits.

THE REAGAN BUDGET CUTS: FISCAL YEAR 1982–85 MEANS-TESTED PROGRAM REDUCTIONS

[In millions of dollars]

Program	Dollar change	Percentage change
Employment and training programs [1]	−7,607	−36
Public Service Employment (CETA)	−16,947	−99
Job Corps	−177	−7
Work incentive program	−556	−33
Community services block grants	−1,036	−40
Grants to States for social services (title XX)	−3,083	−23
Student financial assistance	−3,952	−22
Compensatory education (title I)	−2,646	−17
Head Start	−11	−3
Child welfare services	−115	−15
Medicaid	−3,915	−5
Health Services Administration [2]	−1,545	−25
Low-income energy assistance	−713	−9
AFDC and child support enforcement	−4,762	−13
Supplemental security income	−176	−1
Food stamps and nutrition assistance for Puerto Rico	−6,970	−13
Child nutrition	−5,347	−29
Veterans' pensions	−128	−1
Subsidized housing programs	−2,204	−6
Legal Services Corporation	−483	−32
Low-income weatherization	−173	−22

[1] Excludes Job Corps, Public Service Employment, and Young Adult Conservation Corps.
[2] Includes Maternal and Child Health, Community Health Centers, and Family Planning.
Source: Congressional Budget Office.

These deficits have come not from the often abused social programs. Those have been cut, and where necessary, will continue to be cut. The deficits have arisen because of an unreasonable attitude on the part of the administration concerning its defense spending policies, and its taxing policies. There is not one Member of Congress who does not believe in a strong national defense. But we cannot solve our security problems by simply throwing money at them. We tried that with our social problems, and saw it did not work. I fully support funding for a strong national defense; I do not support funding for wish lists of military hardware that does not work, cannot be deployed, and, by draining our resources, actually weakens our defense posture.

Similarly, while I support the concept of tax indexation, and the tax cuts given to individuals, I am appalled at total gutting of the corporate tax. Corporations in this country benefit from the same protection and safety as do individual citizens. It is only fair that they pay to support those protections.

I might have voted to increase the debt limit if I had seen some indication from the administration that it had recognized the deficit monster it was creating, and worked with the Congress to decrease these deficits. Instead, the administration has chosen to sit on the sidelines and obstruct the budget process. It now says that it does not even care if Congress comes out with a budget this year. If that is the administration's attitude, there is simply no hope for decreased deficits in the future, and I for one will have no part in writing a blank check for the administration's use in bankrupting our future generations. I urge my colleagues to vote against the increase in the public debt limit.●

Mr. CONABLE. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments are in order except the amendment in the nature of a substitute recommend by the Committee on Ways and Means now printed in the bill, which shall be considered as having been read, and amendments to said substitute recommended by the Committee on Ways and Means.

The text of H.R. 2990 reads as follows:

H.R. 2990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN TEMPORARY PUBLIC DEBT LIMIT.

The first section of the Act of September 30, 1982, entitled "Joint resolution to provide for a temporary increase in the public debt limit" (Public Law 97-270) is amended by striking out "$890,200,000,000" and inserting in lieu thereof "$989,000,000,000".

SEC. 2. INCREASE IN LIMIT ON LONG-TERM BONDS.

Subsection (a) of section 3102 of title 31, United States Code, is amended by striking out "$110,000,000,000" and inserting in lieu thereof "$150,000,000,000".

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The CHAIRMAN. The Clerk will designate the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute reads as follows:

Committee amendment in the nature of a substitute: Strike all after the enacting clause and insert:

SECTION 1. INCREASE IN PUBLIC DEBT LIMIT.

(a) GENERAL RULE.—Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out "$400,000,000,000" and inserting in lieu thereof "$1,389,000,000,000".

(b) REPEAL OF TEMPORARY INCREASE.—Effective on the date of the enactment of this Act, the first section of the Act of September 30, 1982, entitled "Joint resolution to provide for a temporary increase in the public debt limit" (Public Law 97-270) is hereby repealed.

SEC. 2. INCREASE IN LIMIT OF LONG-TERM BONDS.

Subsection (a) of section 3102 of title 31, United States Code, is amended by striking out "$110,000,000,000" and inserting in lieu thereof "$150,000,000,000".

Mr. ROSTENKOWSKI. Madam Chairman, this is the amendment referred to earlier in our discussions with respect to the temporary permanent debt.

Madam Chairman, I ask favorable consideration of the amendment.

Mr. CONABLE. Madam Chairman, we accept the amendment on this side.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker have resumed the chair, Ms. FERRARO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2990) to increase the temporary public debt limit, and for other purposes, pursuant to House Resolution 196, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to increase the permanent public debt limit, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute.)

Mr. NIELSON of Utah. Mr. Speaker, I was unavoidably absent this morning due to official business and missed rollcalls 127, 128, and 129. Had I been present I would have voted as follows:

Rollcall 127: Rita Lavalle contempt citation; "yea."

Rollcall 128: Previous question on debt limit rule; "no."

Rollcall 129: Rule debt limit; "no."

PROVIDING FOR CONSIDERATION OF H.R. 2969, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 197 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 197

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 303(a)(4) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived, and all points of order against the bill for failure to comply with the provisions of clause 5 of rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read, but the Chairman of the Committee of the Whole may, any rule of the House to the contrary notwithstanding, determine when title III of the bill shall be considered for amendment under the five-minute rule. After the bill has been considered for amendment in its entirety, it shall be in order to consider the amendment in the nature of a substitute printed in the Congressional Record of May 17, 1983, by, and if offered by, Representative Dellums of California, said amendment in the nature of a substitute, if offered, shall be debatable before consideration of amendments thereto for not to exceed one hour, to be equally divided and controlled by Representative Dellums and a member opposed thereto, said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI, clause 5, rule XXI, and section 303(a)(4) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1430

The SPEAKER. The gentleman from Michigan (Mr. BONIOR) is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), for purposes of debate only. Pending that, I yield myself such time as I may use.

Mr. Speaker, House Resolution 197 is a completely open rule providing for the consideration of H.R. 2969, the Department of Defense Authorization Act of 1984. The rule provides 3 hours of general debate to be divided in the usual manner between the chairman and the ranking minority member of the Committee on Armed Services.

There are two waivers of points of order to permit consideration of the bill. First, the rule waives points of order for violation of section 303(a)(4) of the Congressional Budget Act of 1974 which prohibits consideration of new entitlement authority effective in a fiscal year before adoption of the first concurrent resolution on the budget for such fiscal year. Various provisions of the bill relating to pay, allowances and retirement benefits provide new entitlement authority which is first effective in fiscal year 1984 and since no budget resolution for fiscal year 1984 has been adopted, the bill violates section 303(a)(4) of the Budget Act. These provisions include: An increase in basic pay and allowances, hazardous duty pay for certain toxic fuel handlers, retirement adjustments for NOAA and public health service duty, minimum income survivor benefits for certain widows, and compensation for members of the retirement board of actuaries. The Committee on Rules upon the recommendation of the Committee on the Budget granted this emergency waiver since the House passed budget resolution contains sufficient new entitlement authority to account for this legislation.

The rule also waives clause 5 of rule XXI which prohibits appropriations in a legislative bill. This waiver is necessary because certain provisions of the bill permit direct payments into the military retirement trust fund, waives the limitation on appropriations for foreign military sales or may otherwise constitute an appropriation.

Of greatest concern to the Committee on Rules is section 1053—establishing a Department of Defense military retirement fund. The current retirement system is funded on a pay-as-you-go basis. H.R. 2969 changes this system to an accrual accounting basis. Accrual accounting is a method of incorporating in the current budget the present value of the cost of future retirement benefits. The legislation would establish in the Treasury a Department of Defense military retirement fund to be used to accumulate funds to finance future liabilities of the Department of Defense for military retirement and survivor benefit programs.

The Armed Services Committee recommends placing this fund outside of the defense budget function 050. The Committee on Rules was told that the accrual charge would still be reflected in the defense function budget authority and outlays because of an interfunction transfer from the defense function to the retirement fund.

The Committee on Rules was also concerned by the treatment of the original unfunded liability arising from the implementation of the accrual accounting basis. This original unfunded liability would include benefits for current retirees and a portion of the benefits for future retirees on active duty. The original unfunded liability of the military retirement system is $431 billion. H.R. 2969 recommends that the original unfunded liability be amortized over a period of time by making payments into the fund from the general fund of the Treasury. The Committee on Rules was concerned that financing the original unfunded liability from general revenues would mask the cost of the defense budget by transferring obligations previously assigned to the Department of Defense to the general fund of the Treasury. Proponents of the change told the Committee on Rules that because the cost of future benefits would be assigned to the Department of Defense there would not be a hidden increase in the defense budget as a result of this change.

Mr. Speaker, to expedite the amendment process, the rule provides that the bill shall be considered by titles instead of by sections and each title shall be considered as read. During the Rules Committee meeting on this bill, the chairman and ranking minority member of the Armed Services Committee requested a delay in the consideration of title III of the bill—relating to modernization of land-based strategic missile forces—until after House consideration of the appropriations committee concurrent resolution providing fiscal year 1983 funding for the MX. While it is not the general practice of the Rules Committee to alter the regular order of consideration of titles within a bill, after careful deliberations the committee approved this rule which grants the Chairman of the Committee of the Whole the discretion to determine when title III shall be considered for amendment, any rule of the House to the contrary notwithstanding. This provision will facilitate consideration of the other titles of the bill pending resolution to the MX issue.

Mr. Speaker, following the consideration of all other amendments to the bill, the rule specifically provides for consideration of an amendment in the nature of a substitute to be offered by Mr. DELLUMS of California. To permit an adequate opportunity for debate on

this alternative national defense policy, the rule provides 1 hour of debate on the Dellums substitute prior to consideration of the substitute for amendment. Following this debate the substitute shall be considered as read and open to amendment at any point. To permit consideration of the Dellums substitute the rule waives clause 7 of rule XVI—germaneness—clause 5 of rule XXI—appropriations in a legislative bill, and section 303(a)(4) of the Budget Act.

Upon conclusion of consideration of the bill the previous question shall be ordered to final passage without intervening motion except one motion to recommit.

H.R. 2969 authorizes $187.8 billion for procurement, research and development, operations and maintenance, and civil defense. This amount is $10.2 billion below the President's request of $198 billion. By major categories, H.R. 2969 authorizes $86.4 billion for procurement of weapons systems, nearly $5 billion below the administration's request. This does not include funds for the procurement of the MX system contained in a separate title of the legislation; $24.6 billion is authorized for research, development, test, and evaluation, a net reduction of $1.7 billion from the administration's request. Again, this does not include funds for the MX and small mobile missile authorized in title III. H.R. 2969 authorizes $71.8 billion for operations and maintenance, a net reduction of $2.2 billion from the administration's request. As I have said, H.R. 2969 contains a separate title for the MX and the small mobile missile system. The legislation contains an authorization of $2.56 billion for the procurement of 27 MX missiles. Research and development authorization of $1.98 billion is recommended for the research and development of the MX missile program and $250 million is authorized for the single warhead small mobile missile system. Finally, $200 million is authorized for civil defense, a reduction in the President's request of $53.5 million.

Mr. Speaker, in spite of the $10.2 billion in reductions from the administration's request contained in H.R. 2969, the $187.8 billion authorized represents a 6.7 percent real increase in defense spending from last year.

Mr. Speaker, while I am aware of the controversy which inherently surrounds any Department of Defense measure, this rule was reported from the Rules Committee on a unanimous voice vote. I urge my colleagues to adopt House Resolution 197 so we may proceed to the consideration of this important legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule and the bill itself has been ably explained by the gentleman from Michigan (Mr. BONIOR).

We all know how important it is to get the authorization bills under our belts so that we can get down to the business of passing appropriation bills. There are many controversial matters in the defense authorization bill which will be discussed after passage of the rule.

Despite the controversy, it is important to have a strong defense posture. There is going to have to be some compromise.

I remember, when I first ran for Congress, I said that this country should be second to none militarily. I still believe in that. But getting down to the brass tacks of passing a measure on the floor of this House and then the Senate is going to take hours of debate. Rather than debate the rule, I would urge the adoption of the rule so that we can get down to the business of debate on the bill.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

□ 1440

Mr. BONIOR of Michigan. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR APPOINTMENT AND EDUCATION OF CONGRESSIONAL PAGES

Mr. MINISH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3034) to provide for appointment and education of congressional pages, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. EMERSON. Mr. Speaker, reserving the right to object, I just want to engage the chairman in a colloquy.

I understand there is some concern about this bill, that it is not going to permit, under the rules that will be established by the bill, any flexibility in the rotation of pages; in other words, that all appointments will end on one day and a new group will commence on the other. I am concerned, as a former page.

I think we need a little transition time. I do not know how the system could work with all new faces on a given, particular day. I wonder if the gentleman would comment on that, and if any consideration has been given to this point.

Mr. MINISH. If the gentleman will yield, let me say that the ranking minority member on the committee, the gentleman from Indiana (Mr. MYERS) is in full support of the bill and is a sponsor of the legislation.

Mr. EMERSON. I understand.

Mr. MINISH. It is true that the pages who graduate the third week in June, or whatever it is, will no longer be on the payroll and that a new complement will start in September.

Mr. EMERSON. That is not my understanding. I understand that the semester pages will end on one day and summer pages will commence the next, and then the semester pages will pick up in the fall where the summer pages leave off and there will not be any rotation in there.

Mr. MINISH. That is not true. We have been assured by the Doorkeeper, No. 1, there will be no problem with the question that you raise. Summer pages start on June 1 and the pages that are on now will not graduate until some time in June, I believe the third week in June.

Mr. EMERSON. So there will be at least a 3-week transition period there for the new pages to get familiar with their responsibilities before the old ones leave.

Mr. MINISH. The gentleman is correct.

Mr. EMERSON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. COELHO). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EDUCATION OF CONGRESSIONAL PAGES

SECTION 1. Section 243(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 88a) is amended by striking out "are authorized" and all that follows through the end of the subsection and inserting in lieu thereof "shall furnish, by contract or otherwise, educational services and related items for pages of the House of Representatives and pages of the Senate.".

APPOINTMENT OF CONGRESSIONAL PAGES

SEC. 2. Section 491 of the Legislative Reorganization Act of 1970 (2 U.S.C. 88b-1) is amended to read as follows:

"CONGRESSIONAL PAGES

"SEC. 491. (a) Except as provided in subsection (c), a page of the House of Representatives—

"(1) shall be in the eleventh grade;

"(2) shall serve for a full academic year; and

"(3) shall not have served as a summer page.

"(b) Except as provided in subsection (c), a page of the Senate—

"(1) shall be in the eleventh grade; and

"(2) shall serve for one full semester or two full semesters.

"(c)(1) Notwithstanding subsection (a)(2) and subsection (b)(2), an unforeseen vacancy during an academic year may be filled, but no appointment to fill such a vacancy

shall be for a period of less than two months.

"(2) An individual who has completed the tenth grade and has not begun the twelfth grade may serve as a summer page of the House of Representatives. An individual who has served as a congressional page at any time during each of any two semesters shall not be eligible to serve under this paragraph.

"(d) As used in this section the term—

"(1) 'academic year' means a regular school year, consisting of two semesters;

"(2) 'congressional page' means a page of the House of Representatives or the Senate, but such term does not include a full time, permanent employee of the House of Representatives or the Senate with supervisory responsibility for pages; and

"(3) 'summer page' means a page of the House of Representatives serving other than during an academic year for a period determined by the Doorkeeper of the House of Representatives.".

PAGE SCHOOL LIMITATION

SEC. 3. The proviso in the text under the heading "EDUCATION OF SENATE AND HOUSE PAGES" in title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b) is repealed.

TECHNICAL AND CONFORMING PROVISIONS

SEC. 4. (a) Section 492 of the Legislative Reorganization Act of 1970 (40 U.S.C. 184a) is amended—

(1) in subsection (a), by striking out ", the House of Representatives, and the Supreme Court of the United States" and inserting in lieu thereof "and the House of Representatives";

(2) in subsection (b), by striking out ", the House of Representatives, and the Supreme Court of the United States" and inserting in lieu thereof "and the House of Representatives"; and

(3) in subsection (i), by striking out "or the proviso" and all that follows through "congressional employees".

(b) Section 243 of the Legislative Reorganization Act of 1946 (2 U.S.C. 88a) is amended—

(1) by striking out subsection (b); and

(2) in subsection (c)—

(A) by striking out "(c)" and inserting in lieu thereof "(b)";

(B) by striking out "subsections (a) and (b)" and inserting in lieu thereof "subsection (a)"; and

(C) by striking out "a public school under the provisions of paragraphs (a) and (b)" and inserting in lieu thereof "school under the provisions of subsection (a)".

(c) The undesignated paragraph beginning "No person shall be appointed" under the heading "LEGISLATIVE." and the subheading "HOUSE OF REPRESENTATIVES." in the first section of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes", approved March 3, 1901 (2 U.S.C. 88) is repealed.

(d) The table of contents for the Legislative Reorganization Act of 1970 (84 Stat. 1140) is amended by striking out the item relating to section 491 and inserting in lieu thereof the following:

Sec. 491. Congressional pages.".

EFFECTIVE DATES

SEC. 5. (a) This Act shall take effect on the date of the enactment of this Act, except that the amendment made by section 2 shall apply with respect to congressional pages appointed after that date.

(b) Any person who, on the date of the enactment of this Act, is receiving education under the proviso repealed by section 3 shall be entitled to receive such education through the earliest of the following: the last day of that person's employment, the last day of the school year involved, or June 30, 1983.

Mr. MINISH. Mr. Speaker, the bill implements the decisions the House Page Board and the Senate Management Board have jointly reached concerning new conditions for congressional page appointment and page education. Identical bills are being introduced in the House and the Senate.

This legislation responds to the concerns raised on these issues by the Speaker's Commission on Pages.

The bill provides that House and Senate pages must be in the 11th grade. House pages would be required to serve for 1 full academic year.

The bill permits Congress the flexibility to contract with the D.C. Public School System or some other entity. Also, the legislation repeals the existing permission for minor employees of Members or committees to attend the Capitol Page School.

The bill grandfathers in any minor employees enrolled in the Capitol Page School.

This legislation should improve both the service of pages to Congress and the education these pages receive while here.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2969.

The Chair designates the gentleman from Illinois (Mr. ROSTENKOWSKI) as Chairman of the Committee of the Whole, and requests the gentleman from Pennsylvania (Mr. MURTHA) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes with Mr. MURTHA (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN (Mr. ROSTENKOWSKI). Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 1½ hours, and the gentleman from Virginia (Mr. WHITEHURST) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Illinois.

Mr. PRICE. Mr. Chairman, I yield myself 11 minutes.

Mr. Chairman, by direction of the Committee on Armed Services, I bring to the floor of the House today H.R. 2969, the Department of Defense Authorization Act for Fiscal Year 1984. This bill would authorize appropriations for procurement, research, development, test and evaluation, strategic modernization, operation and maintenance, and civil defense. In addition, the bill prescribes the personnel strengths for both Active and Reserve military personnel, and for civilian employees of the Department of Defense. However, it does not contain actual dollar authorizations for these strength categories.

In addition, the bill provides for certain benefits for military personnel and their families, and in particular, contains a provision providing a 4-percent pay raise for military personnel effective as of April 1, 1984.

Finally, the bill provides certain authorizations and limitations in the general provisions title.

COMMITTEE REDUCTIONS

H.R. 2969, as reported, contains authorizations totaling $187.8 billion for fiscal year 1984. This is a cut of $10.2 billion from the amount requested by the President.

The committee believes that, if no other considerations were taken into account, the dollars requested by the President for modernization of the Armed Forces would be justified in terms of a prudent response to the threat that we face and the requirements of our national security.

However, because of the extraordinary budget deficit situation facing the country and the need for budgetary restraint, the committee has made reductions that both reduce this year's bill and contemplate a somewhat slower growth rate in the future than the President's request would imply. Additionally, the committee contemplates additional reductions from the administration request in the military construction and Department of Energy nuclear weapons authorization bills, which will be considered later. In this way the committee aims to be consistent with the intent of the Congress, clearly expressed in the budget process, to reduce the rate of growth in defense spending.

Accordingly, the committee has made specific reductions in dollar authorizations totaling nearly $5 billion in title I, procurement, reductions of approximately $1.7 billion in title II, research and development, and reductions of $2.2 billion in title IV, operation and maintenance. In each case these reductions are the sum of many program decreases and some program increases. In addition, in title III, land-based strategic ballistic missile modernization, the committee has made a net reduction of approximately $1.4 billion. This is a reduction of $1.4 billion in research and development and a reduction of $310 million in procurement for the MX missile itself offset by the addition of $250 million to initiate the development of a small mobile missile system and the addition of $20 million for related research and development. Finally, the committee has provided for a reduction of $53.5 million from the authorization request for civil defense.

In addition to these reductions in dollar authorizations, which total $10.2 billion, the committee took a variety of actions in the personnel area that will result in net additional savings. Specifically, the committee denied requested increases of 39,300 in active duty end strength, and other reductions in the personnel area that would provide for a gross dollar savings of $1.3 billion. Offsetting this, however, the committee rejected the administration's proposal for a freeze on pay and incorporated in its bill a 4-percent pay raise for military personnel to begin 6 months after the start of the fiscal year. This required an addition to the bill of $750 million.

When the net of these personnel additions and reductions is added to the cuts in dollar authorizations, the total reduction in defense spending authority as a result of the committee's actions would be in excess of $10.8 billion.

I might further add that the committee has programed reductions of a half billion dollars in the authorization for military construction and $200 million in the military activities of the Department of Energy. Both are provided in individual authorization bills that have been reported by the committee and that will be taken up in the House at a later point.

The committee bill, in substance, would reflect an average real growth rate of 6 percent for the defense budget and, in addition, absorbs the cost of a 4-percent pay raise for the 6-month period. The committee believes this is a consistent position, pending completion of action on the budget resolution and allowing for some leeway for the Appropriations Committee in dealing with the actual appropriations to be provided against these authorizations.

The major categories of authorization in dollar terms provided in H.R. 2969 after the reductions that I have mentioned are as follows:

Procurement—$86.4 billion;

Research, development, test, and evaluation (RDT&E)—$24.6 billion;

Strategic modernization (including MX, the small mobile missile system and related R&D)—$4.8 billion;

Operation and maintenance—$71.8 billion; and

Civil defense—$200 million.

The recommended Active duty and Reserve strengths of the Armed Forces provided in the bill are as follows:

Active Forces: Army—778,000, Navy—560,300, Marine Corps—194,600, and Air Force—592,500.

Reserve Forces: Army National Guard—425,000, Army Reserve—270,700, Naval Reserve—112,600, Marine Corps Reserve—40,300, Air National Guard—103,400, Air Force Reserve—68,600, and Coast Guard Reserve—12,000.

NEED FOR REAL GROWTH IN DEFENSE BUDGET

The committee would make clear that the threat that faces us is very real and is growing and cannot be ignored. The reality of this threat was confirmed in the extensive hearings of the committee.

Observers should understand that what the Congress is doing is not cutting the defense budget but slowing the rate of growth. In this bill, as in the budget process, what is being considered is the rate of increase in real growth for the defense budget; what is unquestioned is that clear majorities in each House support the need for some real growth in defense budgeting.

The committee would stress that, in order to complete the needed modernization of our Armed Forces, conventional as well as strategic, and in order to be in a position to defend our interests and be able to continue to rely on the deterrent capabilities of our Armed Forces, real growth in defense spending has to be sustained throughout the decade of the 1980's.

COMMITTEE CONSIDERATION

Mr. Chairman, the bill is a result of one of the most extensive series of hearings held annually in the Congress. Those hearings began on February 2 of this year and were completed more than 3 months later on May 11. There were a total of 98 hearing sessions by 6 different subcommittees on the various titles of the bill and, in addition, there were 20 sessions by the full committee, including 4 markup sessions.

As is my annual custom, following my remarks I am going to recognize the chairmen of the various subcommittees that handled the different titles of the bill, and I would hope that their ranking minority members would be recognized during this time also.

I want to particularly extend my appreciation to all of them, subcommittee chairmen and ranking members alike, for their outstanding contribution. Each of these subcommittee chairmen have handled the consideration and drafting of titles of the bill that are far larger in dollar volume or scope of legislative effect, or both, than most bills considered by the House. I consider them as cofloor managers on this legislation.

I might note, Mr. Chairman, that the bill was approved in the committee by a vote of 39 to 3.

COMMITTEE PROCEDURE

The rule provides that the bill will be considered for amendments by title under the 5-minute rule, following conclusion of general debate. However, it will be noticed that the rule provides that title III may be considered at such time as to be determined by the Chairman of the Committee of the Whole.

Title III incorporates the committee's recommendations regarding procurement and research and development on the MX, research and development for the small mobile missile, and related research and development.

The purpose of this provision in the rule is simply to provide that, consistent with the wishes of the House leadership, consideration of matters in our bill relating to the MX and strategic modernization of the land-based forces would come up for consideration after the House acts on the concurrent resolution on fiscal year 1983 MX funds, which has been reported by the Committee on Appropriations pursuant to title V of the continuing appropriations resolution for fiscal year 1983 (Public Law 97-377).

The rule would allow consideration of the MX portion of our 1984 authorization bill immediately after the House action on the 1983 resolution of the Appropriations Committee and not before.

It is anticipated, regardless of where we are in our bill, that the Appropriations resolution will be called up early next week. Consideration of our bill would resume after action on the concurrent resolution is completed and we would go immediately to title III. In that way the House could complete its action on the fiscal year 1983 and 1984 program for MX and for the small mobile missile system in an orderly fashion.

If for any reason the concurrent resolution were delayed, the committee would be in a position to call up the other titles of the bill through title XI delaying the consideration of title III, and, if necessary, when we get to that point, setting our bill aside until the appropriations resolution is considered.

RDT&E AUTHORIZATION—NEW TECHNOLOGY

As chairman of the Research and Development Subcommittee, I can tell the House that we gave careful review to literally thousands of R&D projects. Many of these are discussed in detail in the report and I will not take the time of the House to repeat the discussion here. But I do want to emphasize the importance we place on properly translating technology into finished systems.

The Committee on Armed Services has long recognized the importance of technology to our national security program. Unquestionably, the advances that have been made in technology have had a profound effect not only on the kinds of weapons that are developed, but indeed on the characteristics of conventional and strategic defense. It is interesting to note that throughout most of our history we have never been prepared at the start of a war. During World War II we had to take defensive measures while waiting for our industrial base to build the thousands of aircraft, tanks, ships, and guns that were needed to sustain our forces in order to eventually win the war.

The situation is vastly different today. Contemporary weapons can reach out thousands of miles in a period of minutes with devastating effects. It is difficult to believe that a Nation such as ours would be able to sustain itself in battle for even a short period of time if it has not used today's technology effectively to produce the weapons it needs to defend itself.

Advances in microelectronics technology have resulted in contemporary computers of desk-top size that are far more capable than their room-size predecessors of a decade ago. Computer processing speeds have been increased to the point where tens of thousands of inputs can be processed in real time.

How important is this? Consider for one moment the fact that these computers, coupled with current technology sensors, could very well provide systems that will enable us—or our adversaries should they acquire this technology—to see below the ocean's surface in real time. This may be possible by the turn of the century.

The importance of technology to our future cannot be overemphasized. Technology will continue to be a dominant factor in our country's future national security.

If technology is so important, one may ask why the Armed Services Committee reduced the Defense Department's request for $26.2 billion for its fiscal year 1984 research, development, test, and evaluation (RD&E) program by nearly $1.7 billion.

There were two reasons: First, because research and development had to contribute its fair share to the reduction necessary to achieve an authorization consistent with the budget resolution. Second, because in the judgment of the committee there was too much redundancy in the defense technology program for fiscal year 1984. The committee found in several instances that each service had one or more programs to address the same area of technology.

Accordingly, the committee recommended a reduction of nearly $1.7 billion and in its report encouraged more joint service programs and less duplication of effort, and emphasized the need to transition emerging technology from the laboratory into the hands of the operational user.

The emerging technology that I am referring to includes microelectronics, precision guidance systems, and sensors that would enable the Department of Defense to build highly reliable, low-cost weapon systems.

What is especially important about this emerging technology is that it offers the potential to reduce the size of the defense budget in future years. To illustrate, this technology could result in the deployment of a missile carrying dozens of precision guided submunitions capable of destroying several hostile armored vehicles in just one pass over the target area.

Contrast this with today's systems, where a manned aircraft must make several passes over the target area and launch a single weapon in order to destroy one enemy tank. With just a little imagination and innovation, this new technology could lead to a lesser requirement for nuclear weapons in the future. Gen. Bernard Rogers, our Supreme Allied Commander in Europe, advised the committee that this new technology "could revolutionize the entire concept of warfare by the end of this century."

Last year, for example, the committee recommended restructuring the Defense Department's high-energy laser program to emphasize the more promising short-wavelength laser program.

This year, the committee has again insisted the Air Force undertake the development of a new short-wavelength laser program that, if successful, will have high military payoff.

The defense technology program recommended by the committee is in our judgment responsive to our national security requirements, is a more effective and efficient program for fiscal year 1984 in contrast to the program requested by the Department of Defense, and will serve to obviate the possibility of a technological surprise by our principal adversary—the Soviet Union.

SUMMARY

Mr. Chairman, in summary, this bill is not as much as some of us would like to have for national defense, but it is a program that we as a nation can afford given the dangerous world in which we live. And the testimony of Dr. Alice Rivlin, Director of the Congressional Budget Office, confirms that the expenditures for national defense contemplated in such an authorization will neither add undue inflationary pressure to our national economy nor create fewer jobs than equal amounts of spending in the nondefense area.

It is a big bill. We can afford the cost. Mr. Chairman, in the last year for which figures are available, 1981, the American people spent $231 billion for insurance premiums—for mortgage insurance, health and life insurance. That is not the insurance in force—just the annual premium. There is no point in insuring all those possessions if you do not insure the freedom that makes them possible.

Today we present you with the annual premium of the insurance on freedom.

I urge approval of H.R. 2969.

□ 1450

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased today to be here in support of the statement made by my distinguished chairman, the gentleman from Illinois (Mr. PRICE) and in support of H.R. 2969, the Department of Defense Authorization Act for fiscal year 1984.

As many of our colleagues will have noted, a central issue of the budget debate this year is the allocation for defense versus the funding for the so-called social programs. I am certainly sensitive to the economic instability that has beset this country during the past 2 years. As a matter of fact, my State is the second highest in the United States in unemployment. Unemployment in the United States hit record high levels. Many of our citizens have had their lives disrupted and their futures clouded by joblessness and economic depression.

The economic situation has colored the debate on resource allocations, and rightly so. However, I firmly believe that the long-awaited economic upturn is beginning to occur. For example, industrial output in April was up a total of 2.1 percent, the largest increase in almost 8 years.

This increase followed 4 consecutive months of increases, and, in addition, consumer prices again fell in April, representing the third decline in the first 4 months of this year.

Inventories of goods are declining, which means that people are more confident and are buying these goods, more so than they have in the past. Confidence is up. The last indicator of economic health, unemployment, is beginning to show a favorable trend.

The previous discussion is an important backdrop to our consideration, Mr. Chairman, of this year's defense authorization bill. While our citizens have been laboring under the constraints of a sick economy, the Soviet Union has maintained a relentless and expensive program of military force modernization and expansion through their economic upturns and downturns. The lives of the Soviet people are made exceptionally difficult by the aggressive and expansionist policies of their leaders.

It is well known that the Soviet Union has difficulty in feeding her populace and must import massive amounts of grain for that purpose. It is for this reason that the President announced just yesterday that we are entering into a negotiation with the Soviet Union for long-term grain agreements. Yet the Soviet Union maintains forces in Afghanistan and supports her surrogates around the world with military weapons and with manpower. For example, the Soviet Union sent over 68,000 metric tons of military equipment to Cuba in 1982, which is the most in any year since 1962. The Soviet transfer or sales of military equipment to Third World nations totaled $80 billion in the past 30 years—over $40 billion of that in the past 7 years.

The Department of Defense estimates that the Soviet Union has outspent the United States in military investment by $60 billion per year for the past 7 years, or a total of $420 billion.

If the United States had spent the equivalent amount, we would have been able to purchase and have already in inventory the entire intended purchase of the Trident missiles, the submarines with their missiles, the F-14's, the F-15's, the F-16's, the F-18's, and the A-10's. The MX missile, the Pershing, and the GLCM could all have been installed and in place and paid for, and we would have had change left over, if we had spent only a portion of the same amount the Soviets have spent in the last 7 years. We might have done this, I might add, without substantially diminishing the quality of life of the American citizen.

□ 1500

Mr. Chairman, it really is time to stop and ask seriously of yourself, what is it that the Soviet Union is intending to do? What are their aims? What is the purpose of this? Is it strictly a defensive mode on the part of the Soviet Union? Is this just a defensive posture that the Soviets are going through because it fears attack by the West?

Well, the answer to that is obviously "no." Based on intelligence sources and information that has come to me and come to our committee, the equipment that is being amassed by the Soviet Union is far beyond that needed for defense purposes. What need does any country have for amphibious forces except to project its forces someplace else?

Why would the Soviets be equipping each of its divisions for chemical warfare and practicing chemical warfare if it were not for offensive, not defensive reasons?

The Soviet Union has the capability of laying 90 kilometers of POL lines, petroleum, oil and lubricants, per day. This is not needed for a defensive strategy, but to project forces outside its own boundaries.

They have a Typhoon submarine that is larger by half then the largest submarine we have and they are building a fleet of these. This submarine is as large as a World War II carrier.

They are building and have flown, and we have photographs of their new Blackjack bomber, an intercontinental bomber capable of delivering nuclear weapons.

This is not a defensive measure. This is an offensive capability.

What then is the task before us? First, this Congress must reflect the will of the majority of the citizens of this great country. Time and again the majority of our citizens have expressed the desire to have a strong and adequate national defense.

To that end, this bill will continue the revitalization of our armed services that was begun in 1982. As many of you are aware, the President requested a real growth rate of 10.3 percent. Unfortunately, it was the assessment of the committee that while such a growth rate is desirable to modernize our forces, the domestic economic situation called for a slower buildup in modernization. Consequently, in anticipation of a budget resolution that would compromise at this figure, this committee marked up on the basis that a real growth of 6 percent was affordable and realistic.

This action required and called for some painful surgery; but let me say, we have done so in a surgical manner and not an across-the-board cut, but with a great deal of precision, study and deliberation.

In this bill, some $5 billion was cut from the military procurement request; $2.8 billion was cut from research and development; $2.1 billion was cut from operations and maintenance.

Now, what does operations and maintenance mean? Well, that means the money needed to fly aircraft, sail ships, and to maintain proficiency. This is what has been cut.

In addition, we are recommending a 4-percent pay raise for defense personnel, but we are asking that it be delayed 6 months.

Now, these are some of the features of this bill and others that deserve special consideration also. I said the surgery was painful, and it is. That is especially evident when you consider that because of budget pressures we had to gut the President's initiatives on continental air defense. We reduced the F-15 aircraft purchase by $745 million. We recommended deferral of the over the horizon strategic warning radar, saving $176 million.

We deleted funds to continue the AWACS radar aircraft production line.

We would have preferred not to do this, but we were forced to do this even in the face of the threat of the new Soviet long-range Blackjack bomber that I mentioned before.

Additionally, we slowed the modernization rate of our tanker fleet, the KC-135 tanker aircraft fleet, that has been in service for over 20 years.

We also shifted emphasis from high cost fighter aircraft to lower cost systems by cutting the F-15 program and adding 24 F-16's. The switch resulted in a net savings of $358 million.

We are recommending authorization of $3.7 billion for the second increment of production of the B-1B bomber, another essential element of force modernization.

Now, this committee initiated efforts to pursue deep strike mission technology. These systems would take advantage of our lead in technology and would be directed toward striking enemy tactical formations far behind the line of battle. This concept would go a long way toward countering the equipment numercial advantages that our potential adversaries presently enjoy.

The committee strongly supports the President's plan for theater nuclear force modernization to counter the Soviet deployment of more than 350 SS-20's, which are ballistic missiles targeted on Western Europe and our allies in Asia. I might add that not only have they deployed 350-plus SS-20's, but there is a reload capability of at least one missile to back up each one that is presently in place, so that doubles that figure. To this end, we have recommended the authorization of $418 million for 95 Pershing II missiles and $581 million for 120 ground-launched cruise missiles. As you know, the initial deployment of these two systems is scheduled for late this year.

The research and development portion of this bill continues to be the centerpiece of our defense authorization bill. This is the portion of the bill where we cannot only initiate those programs that are vitally necessary for an adequate defense posture, but we can also stop programs prior to committing scarce resources to production and, ultimately, operation and maintenance, when such programs do not prove out. This last phase is often the most costly part of many of our defense programs.

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We should not be timid about continuing those actions that have made this country such a great power. Through innovation and through sound technical solutions, we have in the past met our defense needs. However, systems such as the Minuteman and Poseidon, developed in the fifties and sixties, are now being eclipsed by Soviet technology. We stopped work on systems such as the B-1 only to see the Soviets deploy almost an exact copy. We have an opportunity to maintain this technology lead in major military systems by continuing to make modest increased investments in research and development.

The main point that should be made here is that the vast amounts of money that we are expending are almost exclusively to modernize and upgrade our military forces, not for expansion. This is true whether we are talking about the MX to take the place of the Minuteman, or the submarines, or the follow-on aircraft. It is basically a modernization program, an upgrading program and not just a proliferation and an expansion program.

Mr. Chairman, I think that the committee is acting in a very responsible way. We have been given a mark that we should reach and in the process scale down our spending. The committee has done so with great deliberation and care, taking care to do the least damage possible. It is for this reason that I intend to defend the bill on the floor. I do not think any substantial amendments are needed. As a matter of fact, I would oppose any substantial amendments to the bill. Certainly an across-the-board cut, because we have already cut, as I said, $10½ billion from the authorization request that came over in the original budget.

So, Mr. Chairman, I would urge the Members of this House and the American people to support this budget, because I am convinced it is needed.

Mr. PRICE. Mr. Chairman, I yield 7 minutes to the gentleman from Florida (Mr. BENNETT).

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, last year, we appropriated $170,416,940,000 for the functions provided in this bill. The bill in front of us authorizes $187,771,800,000 for the same functions, an increase of nearly 10.2 percent. Since the bill does not contain the costs of personnel and certain other matters, such as nuclear weapon production, these dollar figures understate the amount and the increase in the defense budget. The fact is that we are spending ever-growing, ever-increasing, but never justified, amounts on defense. The difference between last year's appropriation and the authorization in front of us today accounts for 10 percent of the entire Federal budget deficit for fiscal year 1984.

On May 4, the chairman of the Procurement Subcommittee spoke to the Committee on Armed Services, of which I am a member, about the need to hold down the growth in defense spending. Let me quote from Representative STRATTON'S statement:

> In developing its recommendations, the subcommittee adopted the philosophy that the problem confronting us does not apply to fiscal year 1984 alone. Both Alice Rivlin, the Director of the Congressional Budget Office, and David Stockman, the Director of the Office of Management and Budget, project underlying structural deficits of more than $200 billion a year for the foreseeable future. With this in mind, it is clear that we cannot solve the problem simply by stretching out programs. That merely dodges the bullet and exacerbates next year's problem.

I fully support Mr. STRATTON'S statement. What I wonder about is why this bill does not reflect this philosophy. Look through this bill. Are there any weapon programs which are stopped? Does the committee at any point say that we cannot afford this bomber or this gun because the cost is too high? The answer is clearly "no." The committee achieves what small savings from the administration's budget it does by deferring expenditures, by slowing purchases, by cutting back on retrofitting and modernization of old systems, and by cutting spare parts and maintenance. The committee has dodged the bullet once again. It's back to its same old games. If it has to make cosmetic cuts today, it does so by increasing unavoidable costs for tomorrow.

Because the Armed Services Committee failed to perform its job, I believe we, on the floor, have to do the job for it. We have to reduce the total level of authorized spending down to the level which we adopted as part of the budget resolution. For fiscal year 1983, we established budget authority of $245.5 billion and the appropriations authorized by this bill equaled 69.4 percent of that total. If we carry over that percentage to the budget authority of $263.85 billion we approved for fiscal year 1984, we come up with $183,154,800,000 for this year. This figure would cut the bill by 2.5 percent and would mean a growth of defense spending by 7.5 percent from last year. At the end of our consideration of this bill, I intend to offer an amendment to set this figure as the ceiling for the whole bill.

The basic problem with this legislation, the inability or unwillingness of the committee of jurisdiction to set priorities, cannot be cured by amendments on the floor. Amendments to cut out specific weapon systems do not have a good track record because one can always postulate some hypothetical military utility for the system. What is needed, instead, is an overall management perspective which can set priorities and discontinue weapon systems, not because they are entirely useless, but rather because they take too many scarce resources which are better used elsewhere.

Still, I will be offering amendments. Besides the across-the-board cut, which I just discussed, there are a number of other areas to focus on. First, we must move to make our allies, particularly in Western Europe, pick up more of the burden of our common conventional defense. Therefore, I will offer an amendment to reduce the number of our troops stationed abroad on September 30, 1984, to the number so stationed on September 30, 1980. Although this only involves a reduction of 8,900 troops, or 1.8 percent of the number currently stationed outside the United States, it does reverse the trend toward more and more Americans stationed abroad. Currently, we have nearly 500,000 troops overseas, of whom nearly 250,000 are in West Germany. It is time for the Germans and other allies to pick up some of their responsibility to provide for common defense.

Second, I will offer an amendment to encourage the Secretary of Defense to provide the special pay authorized by law to troops in Lebanon for being subject to hostile fire. The amount involved is tiny: a miserly $65 a month. Still, our marines in Lebanon have been subject to bombings, hostile fire, and threatening confrontations. They deserve the special combat pay which we provided by law and it is about time we start paying it.

Third, the bill, as reported, sets an overall limit on the amount of money provided for permanent changes in duty stations (PCS). There is clearly enormous waste in the process of making PCS moves. I want savings in this area to come from reducing the number of such moves ordered, and not from cutting the amount reimbursed to each serviceperson required to move. So, I may offer an amendment to require the Secretary of Defense to take steps to reduce the number of permanent change of station moves required by reducing the number of moves within the continental United States, by extending the lengths of tours of duty, and by reducing the number of troops abroad. If we are going to cap the amount of money available for PCS moves, we ought to achieve the savings by reducing the number of moves, not by shortchanging our soldiers and sailors.

The bill as reported by the committee does contain a couple of good features which are worthy of note on the floor. These features relate to the most important readiness issue of all: How we treat our men and women under arms and their families. One amendment I offered, which was

adopted, provided the same sort of travel and transportation allowance for children of military personnel stations abroad as is provided to the foreign service. We can no longer operate our Armed Forces neglecting the needs of military families. According to Army figures, some 64 percent of officers and 49 percent of enlisted personnel are married and move with their spouses, when they can. For too long, we have run the armed services as if these family considerations did not exist. It is about time we showed some consideration for spouses and children. This amendment would permit one Government-paid round trip for a dependent to visit a parent in the military once a year, where the parent is stationed abroad.

Another family benefit is language included in the committee report, at my insistence, directing CHAMPUS to move toward covering liver transplants. Over the last 2 years, enormous strides have been made in this operation and the survival rate is way up. The Federal Government has no facility, since the Reagan budget cuts, for determining whether procedures are investigational or accepted for purposes of CHAMPUS and other payments. I think it is time for CHAMPUS to cover liver transplants, and the committee has directed DOD to look into this.

There are other issues in the defense budget which should be addressed. Among these are:

First. The cost of military retirement is skyrocketing. It is time the Armed Services Committee looked seriously at military retirement to insure that it is fair, equitable, and no more expensive than necessary to support a skilled and stable military.

Second. The budget resolution we adopted contemplated a 4-percent pay raise for military and civilian personnel as of October 1, 1983. The Armed Services Committee has delayed this increase until April 1, 1984. I understand that Mr. HERTEL of Michigan will move to restore the increase to October 1, 1983. We must do that to keep the confidence of our work force.

Third. The Los Angeles Olympics will likely be a target for terrorists and other political extremists. If trouble looks possible, the military will, no doubt, be called in. We should make certain that if costs are incurred by the military for Olympics security, the Olympics Committee pays, rather than having these costs come out of military readiness accounts.

Fourth. The committee report asks the Navy to study changing the traditional 70-30 split between public and private shipyards for ship overhaul work. I support a study for this, but believe that the Navy should consider raising the public share if the cost data demonstrates, as I believe it does, that overhauls in public yards are cheaper and better than those done in private yards. While it is important to have an industrial base of private shipyards, it is much more important both for readiness and for budget control to have efficient and productive public yards.

This omnibus bill contains numerous other aspects which are worthy of discussion. In sum, however, despite the important family protection aspects of the legislation, the bill still is too large, expensive, and devoid of priorities to be worthy of support. As usual, the Armed Services Committee has opted for shiny new machines of war while paring down funds for readiness and support of our troops. It is time to turn this pattern around and start devoting decreased resources to weapon procurement and increased resources to support of our single greatest readiness resource: our troops, and the employees of the Department of Defense, who support them.

Mr. Chairman, I thank the gentleman from Florida for yielding.

□ 1510

Mr. BENNETT. I thank the gentlewoman from Colorado.

The shipbuilding program recommended for fiscal year 1984 is a healthy program but there is no fat in it. The bill includes 16 new construction vessels, conversion of 5 vessels, and the acquisition of 1 stores ship. In all, the recommendation is for a total of 22 ships and an authorization of $12,149.6 million, a reduction of one new construction vessel and $549.2 million from the request.

The authorization is for two fewer ships and $5.8 billion below the authorization enacted last year when the Congress authorized construction of two *Nimitz*-class nuclear-powered aircraft carriers.

The Congress, in Public Law 97-114 (Department of Defense Appropriations Act, 1982), endorsed a larger and stronger Navy and established a goal of a fleet of about 600 ships. Based on hearings held in consideration of the fiscal year 1984 authorization request, the committee believes that a fleet of 600 ships continues to be necessary. The committee recommendation for authorization of 22 ships is consistent with achieving that goal, although it should be noted that the average annual cost of achieving and maintaining a fleet of 600 ships is projected to be somewhat more than the $12.1 billion authorization for fiscal year 1984.

The recommended fiscal year 1984 shipbuilding program would begin procurement of long lead materials for a new class of guided missile destroyer, the DDG-51 or the *Burke*-class destroyer, named in honor of the World War II naval hero and former Chief of Naval Operations Adm. Arleigh Burke. This new class of destroyer would replace destroyers presently in the fleet as they reach the end of service life. The Navy plans to buy more than 30 ships of this class. The *Burke*-class destroyer is designed to be a lower cost escort vessel and would operate with Aegis cruisers in carrier battle groups.

The CG-47 Aegis cruiser incorporates the very capable Aegis radar and fire control system and standard surface-to-air missiles to engage and destroy enemy aircraft and missiles. The cruiser also includes a highly capable hull mounted sonar, a towed-array sonar, and the LAMPS antisubmarine helicopter to detect, track, and destroy enemy submarines. Finally, the cruiser weapons complement includes two gun mounts, and Harpoon and Tomahawk missiles to attack enemy surface ships of land-based facilities. In short, the Aegis cruiser is a large ship capable of successfully engaging the full spectrum of enemy forces. It is also expensive, with a unit cost in excess of $1.1 billion for each of the three ships recommended for authorization in 1984. A total of 24 Aegis cruisers are planned to be procured.

The DDG-51 guided missile destroyer is planned to be a lower cost complement to the Aegis cruiser that could be procured in sufficient numbers to replace existing destroyers as they reach the end of service life. The Secretary of the Navy has challenged the naval architects to design a somewhat smaller ship than the Aegis cruiser, about 15 percent smaller, but that would cost about 35-percent less. It is expected that these reductions in size and cost, while maintaining many of the capabilities of the cruiser, would be achieved by a number of techniques.

Continuing rapid advances in the miniaturization of electronic circuits is expected to permit the installation of physically smaller, lighter, and less costly radar and fire control systems that incorporate most of the capabilities of the Aegis radar and fire control system. Similarly, the hull mounted sonar for the destroyer is expected to be smaller, lighter, and less costly. As compared to the cruiser, the destroyer would not include the hangar and maintenance capability to permit it to carry a LAMPS antisubmarine helicopter, but would include a flight deck so that a helicopter from an accompanying cruiser could land and be refueled. The destroyer would not include the communications equipment and command spaces that are included in the cruiser to coordinate the actions of a battle group.

The *Burke*-class destroyer is planned to incorporate a new hull design that would permit critical components to be located lower in the ship where they would be less vulnerable to battle damage. In a major change in ship construction practice, the *Burke*-class destroyer will incorporate steel struc-

ture in all critical areas instead of the aluminum used in the superstructure of cruisers, destroyers, and frigates built since the 1950's.

In addition to efforts to hold down the initial cost of the new class of destroyer, it is being designed to reduce costs over its lifetime. It will incorporate energy recovery equipment to capture and use the waste heat from gas turbines that power the ship's electric generators. The energy recovery devices could save more than 30 percent on fuel costs over the life of the ship. The DDG-51 destroyer would be the first ship to incorporate weapons modules that are expected to speed the construction process and also have the potential of permitting more rapid and less costly modernization of the ship over its lifetime.

In addition to authorization for long lead components for the new destroyer and for three Aegis cruisers, the committee recommends authorization of:

The 11th Trident submarine, equipped to carry the Trident II missile;

Advance procurement for conversion of one TAK fleet ballistic missile system support ship;

Procurement of three SSN-688 nuclear-powered attack submarines and long lead funds;

Advance procurement for reactivation of a third battleship (*Missouri*);

Advance procurement for the service life extension of a conventionally powered aircraft carrier;

Procurement of one LSD-41 landing ships dock and long lead procurement, including multiyear procurement of five ships;

Procurement of one LHD-1 air capable amphibious ship;

Long lead procurement of the service life extension of one LPD-4 amphibious transport dock;

Procurement of three MCM mine countermeasure ships;

Procurement of the lead ship of a new class of coastal mine hunter ships (MSH-1);

Procurement of three TAO oilers;

Advance procurement for conversion of two TAGS survey ships;

Conversion of four TAKR fast logistics ships;

Conversion of one TAH hospital ship;

Acquisition of one TAFS combat stores ship;

Procurement of service craft;

Procurement of landing craft;

Procurement of merchant vessels for the National defense reserve fleet; and

Procurement of six landing craft air cushion (LCAC) and long lead procurement;

The conflict in the Falkland Islands was a vivid reminder of the importance of naval forces to a Nation with interests in farflung areas of the world. The United States continues to be dependent upon foreign sources of supply for petroleum-products and for strategic minerals and materials without which our economy would not function. Beyond these basic economic necessities, the United States is a major world trader and is dependent upon free use of the world's oceans for the import and export of a wide range of products.

Certainly U.S. naval forces would have been well suited to use in the Falklands. U.S. naval forces, built around large aircraft carriers, with relatively large ships for survivability and endurance, are capable of operating and fighting far from U.S. bases.

However, the Falklands conflict served to highlight an area of weakness in U.S. capabilities. The U.S.-flag merchant marine has so dwindled in size that it could not satisfy military requirements in a major war or emergency.

It appears that the best way to provide the necessary sealift is to expand the U.S. merchant fleet. The British experience in the Falklands supports this belief. Three-fourths of the ships utilized by the Falkland Islands campaign were merchant ships, with civilian crews.

In an attempt to identify the actions necessary to maintain an adequate U.S. merchant marine, the committee has recommended the establishment of a nine-member commission on defense-related aspects of the U.S. merchant marine. The commission would be charged to report specific recommendations for legislative action, action by the executive branch, and action by the private sector as the commission deemed appropriate. The report would be due 6 months after enactment.

Mr. Chairman, the Navy has grown from a low point of 468 ships to 513 ships at the beginning of the year. Ships authorized in previous years but not yet delivered, plus the ships authorized in the fiscal year 1984 Defense authorization bill, would bring the Navy close to the 600-ship goal set out by Congress.

The maintenance of a fleet of 600 ships will require continuing large shipbuilding programs. While the burden of remaining strong may seem heavy, it is infinitely lighter than the burden of war. I firmly believe that a strong Navy is essential for the maintenance of the national security and for the maintenance of peace.

Mr. DICKINSON. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I rise in support of H.R. 2969.

As the ranking minority member on the Subcommittee on Seapower, I want to share some thoughts with you concerning the Navy's long-range shipbuilding program and why I approve of it.

Before I proceed further, let me give some information on what the Russians are doing in their efforts to control the oceans of the world:

Overall, by the end of 1982, the Soviet Navy building rate has resulted in 4 aircraft carriers, 278 other major surface combatants, and 367 submarines (150 nuclear powered)—a total of 649 naval vessels compared to the U.S. total of about 512.

Russia is currently constructing a large-deck nuclear-powered aircraft carrier of about 60,000 tons with steam catapults capable of launching fixed-wing aircraft similar to U.S. standards. The carrier should be able to support an air group of about 60 planes.

They are currently building four new classes of surface warfare ships; the United States is building two.

They are building eight classes of submarines; the United States is building only two.

Russian shipyard capacity includes 5 yards for submarine production, 8 yards for large combatants, and 20 yards for auxiliaries and small combatants.

A single shipyard, Severodvinsk, has more building positions for nuclear submarine construction than has the entire U.S. nuclear submarine construction program. By best estimates, Russia could build about 12 to 18 submarines per year whereas U.S. capability is currently limited to about 5 or 6.

The steady, year-after-year expansion of Soviet Navy capabilities shows no sign of slowing down.

Now, as to what we are doing. In order to stay within reasonable limits of the first House budget resolution, the committee had to apply some decreases in shipbuilding authorizations. The Navy 5-year plan submitted to Congress in fiscal year 1983 indicated that the fiscal year 1984 program would include a request for 23 ships at a cost of $12.6 billion. The actual request this year was for 23 ships in the amount of $12.7 billion.

Although the mix of ships is slightly different between the 2 years, the Navy's planned shipbuilding program has essentially remained stable. This is an important sign. Stability in the shipbuilding program is important because it lends encouragement to shipbuilders for investment in more productive methods of ship construction. A competitive shipbuilding industry, a strong industrial base, and a skilled work force are reflections of a stable shipbuilding program. I hope the Congress understands the importance of a predictable naval shipbuilding program to national defense and supports the committee's recommendations for this fiscal year.

The events of the past year in Lebanon are a prime example of the need for, and flexible and selective use of, U.S. naval forces to safeguard U.S. in-

terests and those of our allies abroad. During the 2-month period between September 26, 1982, and November 26, 1982, 8 of 14 U.S. carriers were at sea in support of U.S. foreign policy. The U.S.S. *Independence* and the U.S.S. *America* task forces were sent to the eastern Mediterranean to support the landing of U.S. marines in Lebanon. The U.S.S. *Forrestal* was ordered to leave the Indian Ocean and transit the Suez Canal into the Mediterranean Sea to relieve U.S.S. *America* which had been diverted to that area from exercises underway in Norwegian waters. U.S.S. *Midway* operating in the northern Pacific and U.S.S. *Enterprise* in Philippine waters were directed to proceed to the Indian Ocean to add a presence left absent by U.S.S. *Forrestal.* U.S.S. *Ranger* was directed to return from the western Pacific to the United States following an extended deployment. U.S.S. *Nimitz* was ordered to deploy to the Mediterranean following Caribbean operations, and U.S.S. *Coral Sea* was ordered to assume the ready carrier status in the eastern Pacific. A busy 2 months for U.S. naval forces, yet indicative of the responsibilities shouldered by the Navy in support of U.S. foreign policy. The Secretary of the Navy has stated that this use of U.S. naval task forces to protect national interests is one of more than 250 similar uses during the past quarter century. I would remind you that since the 1950's, the United States has lost over 65 expensive overseas bases, but no aircraft carriers.

The recent Falkland Islands campaign also highlights the significance of strong versatile naval forces for sealane control and power projection. The lessons learned from the Falkland's episode strongly indicate that the planned composition of U.S. naval forces is well founded.

The aircraft carrier battle group is the heart of U.S. naval task forces. Aircraft carriers and other ships in the task force operate under a concept of offense and defense in depth. The synergism of the elements of the battle group is important to the success of offensive or defensive operations. The U.S. Navy has elected to build larger versus smaller warships. The key elements of the design of U.S. Navy ships are survivability, versatility, and sustainability. The Navy believes that one of the clearest lessons of the Falklands is that smaller, cheaper, less well-armed combatants can be a very false economy because of their much higher degree of vulnerability. I fully agree with that.

U.S. aircraft carriers are capable of supporting a broad spectrum of aircraft required for effective air operations at sea. Carriers house long-range early warning aircraft, fighters, and attack aircraft, antisubmarine warfare fixed-wing and helicopter aircraft, aircraft with jamming and electronic countermeasure capabilities and tankers to support extended range operations. In effect, U.S. carriers can literally place an air umbrella over ships at sea for maximum protection against hostile intrusion.

Other ships of the task force provide specific combat and support capabilities to supplement the carrier's functions. These ships are comprised of guided missile ships, naval gunfire support ships, antisubmarine warfare ships, nuclear-powered submarines, and a variety of logistics support ships including tankers, combat stores, supply and repair ships. These types of ships, working together as a tactical unit, are necessary to effectively engage in combat, and survive in a hostile sea environment. The events in the Falklands, though not representative of some of the very difficult scenarios envisioned for U.S. naval forces elsewhere, nevertheless indicate that the U.S. Navy is well prepared for any similar operation.

Another important aspect of the Falklands operation was the enormity of the sealift requirements for logistic support. The British used 45 merchant vessels. They included a variety of merchant types—container, roll-on/roll-off, passenger, tanker, plus a cruise ship converted to a hospital ship.

The United States is marginally equipped for sealift operations. There are too few U.S. mechant flag vessels to carry the amount or kinds of cargo most needed for sustained combat operations in overseas areas. The Army and the Marine Corps are highly dependent upon adequate sealift forces. The Army Chief of Staff and the Commandant of the Marine Corps have essentially stated that the fine combat equipment they have is not worth much if it can't get there from here. They are concerned, and rightfully so, over what they conclude is a shortfall in U.S. sealift assets. I am concerned too.

Here are some facts about sealift that you may find interesting:

Sealift will bear the brunt of the workload for supply and reinforcement efforts. Ships will deliver about 95 percent of all dry cargo and more than 90 percent of all petroleum products.

It requires more than 100,000 tons of cargo to deploy a single mechanized division. To sustain the division's operations in the field requires additional delivery of about 1,000 tons per day.

In perspective, the entire strategic airlift command, plus all available commercial aircraft in the Civil Defense Reserve Fleet, can only deliver about 2,500 tons of military equipment to Southwest Asia per day.

One modern containership can deliver the equivalent cargo of 150 C-5 aircraft.

Six tons of aviation fuel is required for every ton of military cargo delivered by air.

In recent years the House Armed Services Committee and the Congress have responded positively to requests for enhancement of U.S. sealift capacity. The Congress has supported procurement of prepositioning ships in the Indian Ocean for the Marine Corps—the TAK's—and the fast deployment logistic ships for the Army—the SL-7's. This year's budget contains additional ships for possible use by the Rapid Deployment Joint Task Force. Congressional endorsement of this fiscal year's shipbuilding program will help to bolster the growing inventory of U.S. naval logistic support forces, but the pace of procurement is still slower than I would like.

I am pleased that this year's shipbuilding request contains authorization for a new class destroyer; an important new Navy procurement program that the Congress should approve. The DDG-51 guided missile destroyer, designated the *Arleigh Burke* class, will be introduced into the fleet about 1990 to replace two other classes of guided missile destroyers expected to have reached block obsolescence. The DDG-51 will be equipped with the latest advances in weapon and sensor technology that could make her the most powerful and versatile destroyer yet build by any nation.

Of particular interest to me, is the introduction of a variable payload ship (VPS) concept in the DDG-51. The variable payload concept allows for interchangeability between weapon modules, such that a missile launcher might replace a gun or vice versa as the result of rapid changes in technology during the lifetime of the ship. Changing or upgrading weapon systems in this way offers potential savings in conversion costs and overhaul time spanning a ship's nominal 30-year life cycle. This interesting approach to future naval ship construction is highly dependent upon successful application of certain engineering standards, called Ship's System Engineering Standards (SSES), which essentially prescribes standard specifications for weapon and sensor system's dimensions (size, weight, and volume) including associated space, power, cooling, and ammunition storage requirements.

In simple terms, I liken the benefits of the SSES and variable payload ship concept to the sockets for lightbulbs in this building. The sockets are standardized as to size and available power, yet can accept many different sizes and shapes of lightbulbs because specific interface standards are built into the bulbs and the sockets. Advanced applications of ship systems engineering standards for variable payload ships of the future have the potential for revolutionizing shipbuilding prac-

tices as we now know them. I have been informed that the Navy plans to build a fully variable payload frigate in the 1990's.

In summary, I want to reemphasize the important of continued congressional commitment to support selective growth and improvement of U.S. naval forces, setting as a goal about 600 ships by the 1990's. We must not forget that the United States is highly dependent on use of the seas for military, political, and economic reasons. There is no viable substitute for naval forces to project U.S. presence in distant places should it suit our national interest.

□ 1530

Mr. PRICE. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, H.R. 2969, as reported out by the Committee on Armed Services, is frustration's child. Recommending a reduction of $10.2 billion in a defense authorization bill is a new experience for this committee. But so is the prospect of $200 billion deficits stretching as far as the eye can see. The dilemma we all face is how to deal with a request that proposes both an acceptable program for defense and an unacceptable deficit. And there is no simple solution. Raising taxes at this time, we are told, will place the economic recovery in jeopardy. Thus, we are faced with the task of making painful reductions across the board—in defense as well as nondefense programs—over the next 5 years if we are to regain control of the Federal budget. Obviously, we must find ways to increase revenues over the same period, but while we are still groping for a consensus course of action, we have to make some assumptions and start down the road.

H.R. 2969 is a beginning. The committee has assumed that the debate on the budget resolution will be resolved and that it will provide for real growth of somewhere between 5 and 6 percent for defense. Although some may disagree with this assumption, it is certainly within the range of reasonableness. This assumption represents a reduction of 5.2 percent from the President's request, and the bill before you reflects the committee's best effort to conform to the will of the Congress in the absence of any definitive statement of consensus at this time.

The Procurement Subcommittee has cognizance over $77.1 billion in the President's request, including all procurement other than shipbuilding and ship-related procurement. After comprehensive hearings, the committee recommends a reduction of $4.2 billion, or 5.5 percent from the request.

Perhaps more important than the fiscal year 1984 reductions, H.R. 2969 proposes some fundamental shifts in priority that will produce significant savings in the outyears. Our goal was to fashion within fiscal constraints a more credible defense—and particularly a more conventional defense—at a more affordable cost. Production lines providing only a marginal increase to our defense capability would be shut down. Some programs that the Defense Department proposed to begin this year would be deferred to force the Department to take a harder look at the requirement in terms of overall affordability. H.R. 2969 shifts emphasis to forward defense and accelerates programs which contribute to that end. And it also shifts emphasis to place greater reliance on the Guard and Reserve and the low end of the high-low mix in weapon systems.

H.R. 2969 breaks somewhat with past congressional direction that encouraged multiyear procurement. After 2 years, the experience with this experiment is mixed. Clearly, in selected, stable programs, such as the B-1B and the F-16, significant savings can be achieved. However, both the Congress and the Defense Department fell into the trap of looking upon multiyear procurement as a panacea. It now turns out that in some programs requested in the fiscal year 1984 budget, much of what was advertised as "savings" turns out to be inflation avoidance and that the real savings are often less than 2 percent.

The fundamental problem with multiyear procurement is that it has to be used carefully and selectively. If overused, it could result in serious program imbalances if the defense budget grows more slowly than is assumed in the President's 5-year plan.

Despite our best efforts, some of the recommendations for procurement cuts cause real pain. We have had to slow down useful programs simply to meet the targets anticipated in the budget resolution. This is regrettable, but I hope that no one who voted for the House version of the budget resolution expected that it could be done with mirrors.

The committee report explains all of the recommendations in detail. In the interest of time, I would like to summarize the major changes recommended in programs under the jurisdiction of the Procurement Subcommittee:

One. Adds $850 million for Guard and Reserve programs, including 78 aircraft—24 F-16's, 30 AH-1S Cobra's, 12 C-12's, 10 C-130's, and 2 KC-130's.

Two. Adds 120 M-1 tanks through application of unused prior year appropriations.

Three. Terminates the Army light armor vehicle program.

Four. Disapproves several multiyear programs where the potential savings did not justify the loss of flexibility.

Five. Terminates the LAMPS I program.

Six. Defers start of the Marine Corps AH-1T program.

Seven. Terminates Marine Corps derivative vehicle portion of light armor vehicle program.

Eight. Defers North American strategic air defense improvements until DOD corrects deficiencies in European conventional air defense and second echelon surveillance and attack capabilities.

Nine. Changes Air Force tactical fighter mix to place greater emphasis on more affordable F-16 and less on F-15 by adding 24 F-16's and deleting 18 F-15's.

Ten. Adds 10 C-130H and 2 KC-130T for Guard and Reserve forces.

Eleven. Defers the Air Force HH-60D program pending development of more affordable program.

Twelve. Slows KC-135 reengining program from 31 to 24 and disapproves multiyear procurement.

Thirteen. Reduces Air Force unsupportable request for 42-percent increase in aircraft spares by $500 million.

Fourteen. Directs greater emphasis on forward conventional defense by accelerating second echelon surveillance and attack capabilities and mandating application of resources to airbase defense.

Fifteen. Terminates E-3 AWACS program in connection with decision to defer North American Air Defense upgrades.

Sixteen. Accelerates Copperhead program and reduces Gator mine program.

Seventeen. Approves the B-1B, ground-launched cruise missile and Pershing II programs as requested.

In conclusion let me say that H.R. 2969 represents a conscientious effort by the committee to produce a balanced defense program within fiscal constraints that the Congress seems likely to adopt. I ask the House to support the bill.

Mr. DICKINSON. Mr. Chairman, I yield 10 minutes to the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. Mr. Chairman, as usual our chairman, Mr. PRICE, and the ranking minority member, Mr. DICKINSON, have provided superior leadership during this difficult year. I would like to personally thank them for guiding the committee through several difficult decisions in developing the bill before you, H.R. 2969.

I would also like to extend my appreciation to the chairman of the Subcommittee on Procurement and Military Nuclear Systems (Mr. STRATTON). It was largely through his leadership that the subcommittee was able to reduce procurement programs by over $4 billion, which, of course, is a significant portion of the total reductions recommended by the committee of more than $10.2 billion.

Mr. Chairman, I can assure you that arriving at these program reductions

was a very difficult task. It was especially difficult for me because I sincerely believe that even a 6-percent real growth in defense spending—as reflected in H.R. 2969—is insufficient to meet this country's worldwide military commitments. Many of my colleagues have heard me say on more than one occasion that a 10.2 percent real growth this year—as requested by the Defense Department—is certainly not too high a price to pay for our national defense.

THREAT

This is especially true because the Soviet threat clearly is not diminishing. In fact, in my judgment, the threat has intensified over the past year. The Soviets are presently devoting a substantial portion of their national wealth—15 percent of GNP—to military modernization programs and to support military activities virtually throughout the world.

During the past year alone, we have seen the introduction of a new Soviet main battle tank—the T-80 tank; continued testing of the new long-range Blackjack bomber; initial test flights of two new land-based intercontinental ballistic missiles; test firing of new multiple warheads for the Typhoon-class strategic ballistic missile submarines; forward deployment of the new SU-24/Fencer ground-attack aircraft; extending operations in Afghanistan with more than 105,000 Soviet troops; and continuing expansion of Soviet global presence to include naval operations in the Caribbean and the Gulf of Mexico.

I believe that the facts speak for themselves and, as such, vividly highlight the necessity for this country to maintain a strong and credible defense.

Further, Mr. Chairman, my recent tour of those countries on the southern flank of NATO, reconfirmed my belief that it is absolutely necessary for the security of the United States to maintain a strong alliance with our NATO friends. During our trip, we were reminded that at one time the United States had undisputed control of Mediterranean waterways, but this, of course, is not true today. The United States and NATO commanders in the southern region of NATO indicated that the strategic center of gravity is shifting more toward NATO southern flank countries. After reflecting on the information provided during our visit, I would have to agree with them. This simply means that we must be prepared to place greater reliance on and provide support for our friends along the southern NATO flank—Turkey, Italy, and Greece. Yes, our worldwide military commitments certainly are not diminishing.

It is clear that in order to deter potential Soviet aggressive activities, to foster better relationships with our allies, and provide a credible defensive and retaliatory capability, the Congress and the administration must help to build a national consensus for a steady and respectable rate of growth in defense spending. I believe the bill before you, H.R. 2969, is a step in that direction.

Although it does not contain all the funds I personally think are necessary to satisfy our national defense objectives, I believe it is a bill which we can all support.

In drafting this bill, the committee conducted extensive hearings. Based on the hearings and other information, programs which presently do not appear to be the most cost-effective investments of defense funds were eliminated, reduced, or deferred. This resulted in a recommended authorization for procurement programs of $88.9 billion, a $5.2 billion deduction from the Department's budget request.

The $88.9 billion for procurement programs include $2.6 billion to procure MX missiles, $604.6 million for ground-launched Cruise missiles (GLCM), $441.2 billion for air-launched Cruise missiles (ALCM), $5.6 billion for the B-1B program, and $433 million for Pershing II.

Although I believe these strategic and tactical nuclear programs are certainly important to the maintenance of peace, I also strongly believe that developing and maintaining a credible conventional capability is of equal importance. It is clear—and I think we can all agree on this—that without a credible conventional capability, there is a greater risk of conventional conflicts between major powers escalating to the nuclear level. Consequently, improvements in conventional war fighting capabilities are essential.

My colleagues, I think it is interesting to note that of the $187.8 billion authorized in H.R. 2969, less than 15 percent is for strategic programs. Yes, H.R. 2969 is a bill which is primarily devoted to developing and maintaining a credible conventional deterrence through the modernization of our conventional weapon systems.

ARMY HIGHLIGHTS

The bill recommends $18.38 billion to support the procurement of Army weapon systems with about $17.83 billion directed toward modernizing conventional systems. The $18.38 billion includes $3.33 billion for aircraft, $2.99 billion for missiles, $4.74 billion for weapons and tracked combat vehicles, $2.27 billion for ammunition, and $5.05 billion for other procurement.

The major investments in Army aircraft procurement this year include $1.43 billion for the Apache (AH-64) attack helicopter program, $480 million for the Black Hawk (UH-60H) program, $297 million for the CH-47 helicopter program, and $165 million for the Quickfix (EH-60A) helicopter program. These programs represent about 80 percent of the Army's aircraft budget and are important to the Army's modernization program.

Regarding Army missile procurement, H.R. 2969 recommends authorization for several major programs, including $433 million for Pershing II, $1.07 billion for the Patriot air defense system, $552 million for the multiple launch rocket system (MLRS), $240 million for the laser Hellfire missile program, and $138 million for the Stinger missile program.

As you know, the Pershing II is clearly a very important weapon in the Army missile programs. I am certain that my colleagues will debate this program in some detail during our discussion of H.R. 2969, and I welcome the debate. I believe we can show the merit. However, there is a conventional missile program which I believe deserves our support—the Patriot air defense missile system. As most of you know, the Patriot missile system was developed to provide high-to-medium altitude air defense coverage for our critical field Army assets. Those assets include airbases, ammunition storage and resupply areas, and civilian and industrial centers. Our committee has been a strong proponent of deploying this important system as quickly as possible because, without the Patriot air defense system, our airfields and other critical installations will be virtually undefended. Therefore, in H.R. 2969, the committee recommends supporting the Defense Department's request for 525 missiles and 15 fire units in fiscal year 1984. This represents almost an 80-percent increase over fiscal year 1983 and will provide for a smooth transition to full scale production in fiscal year 1985.

Regarding Army weapons and tracked combat vehicles, the committee has recommended increases in M1 Abrams tank production to 840 tanks in fiscal year 1984, termination of the light armored vehicle (LAV) program for a savings for $132.4 million this year, and reducing several other programs such as armored personnel carriers and command post vehicles.

H.R. 2969 recommends increases in authorization for the M-42 Duster air defense gun ($10 million) and the product improved Vulcan system ($20 million) to provide needed improvements in air defense systems for our Active and Reserve Forces.

In the Army ammunition area, the committee is proposing increased funding for the only so-called SMART munitions—these munitions which can be terminally guided to the desired target—available to the Army for indirect fire support. The SMART munition is the Copperhead 155-millimeter artillery shell. Further, the committee is recommending increases in authorization for 105-millimeter tank ammunition to $148.5 million, about $25 mil-

lion over the request. Also, several types of ammunition are being replaced or are excess to requirements this year and, in these cases, the committee is recommending reductions.

Clearly, it is not possible to cover each procurement account line by line; however, I would like to just quickly highlight several other major areas.

NAVY AND MARINE CORPS HIGHLIGHTS

In H.R. 2969, the committee's major recommendations for Navy and Marine Corps programs—excluding shipbuilding programs—include $10.7 billion for Navy aircraft for 24 F-14's, 32 AV-8B's, and 84 F-18's. H.R. 2969 recommends $3.9 billion for weapons procurement, including 24 Tomahawk missiles, 350 Sidewinder missiles, 165 laser Maverick missiles, and 230 Harm missiles. In order to support procurement for other Navy programs, the committee recommends $4.58 billion, including $1.6 billion for communications and electronics equipment, $711.4 million for aviation support equipment, and $198.5 million for civil engineering support equipment.

Regarding Marine Corps programs, H.R. 2969 recommends $339 million for tracked combat vehicles, $459.3 million for ammunition, $171.2 million for missiles, $346.8 million for communications and electronics equipment, $44.7 million for weapons, $279.7 million for support vehicles, and $154.8 million for other equipment. I believe this bill clearly demonstrates the committee's continued support of Marine Corps programs, which is particularly crucial at the present time, given the current situation in Lebanon.

I would like to add that during my recent trip to Beirut, I was very impressed with the morale and attitude of our young Marines. They certainly deserve our continued support.

AIR FORCE HIGHLIGHTS

H.R. 2969 demonstrates the committee's longstanding support for improving tactical airlift capability. The committee recommends $188.5 million for 10 C-130's. These aircraft are part of the committee's continuing program to correct serious airlift deficiencies in Air National Guard and Reserve units. The committee also recommends authorizing 4 C-5B's to support our strategic airlift requirements.

In the tactical aircraft area, H.R. 2969 proposes a shift to procuring fewer F-15's—which are the high-cost aircraft of the high-low aircraft mix—and more F-16's at the low end of the high-low mix. This is the second year the committee has attempted to restructure the Air Force's tactical fighter program by authorizing more of the less expensive F-16 aircraft and fewer of the more expensive F-15 aircraft.

NATIONAL GUARD AND RESERVE IMPROVEMENTS

As most of you know, to satisfy our worldwide military commitments and to support a variety of possible wartime contingencies, we place a heavy reliance on National Guard and Reserve forces. For example, full mobilization requires that Army Reserve components provide 42 percent of the total manpower required and Air Force Reserves would provide 21 percent of Air Force manpower requirements.

The committee has been a strong supporter of providing these important Reserve components with equipment necessary to accomplish their mission. However, the Defense Department, in the past, has apparently not fully recognized the importance of equipping our Reserve Forces with modern weapon systems, and this year is no exception. Therefore, the committee has again taken the initiative and recommends an increase in authorization of $852 million for National Guard and Reserve equipment. It is important to note that these increases in Guard and Reserve authorizations are possible through offsets in other programs.

The $852 million includes $93 million for Army National Guard and Reserve components, $44 million for Navy and Marine Corps Reserves, and $715 million for Air National Guard and Reserve units. The equipment to be procured includes C-12's, AH-1S Cobra helicopters, Duster air defense guns, KC-130 tankers, F-16's, C-130's, communications equipment, and training devices.

I have long been a strong supporter of improving the combat effectiveness of our Reserve components through a steady and systematic modernization program. I believe that H.R. 2969 supports that objective.

In summary, Mr. Chairman, H.R. 2969 represents a lean and executable defense program which will help to correct many of the serious deficiencies that exist in our Active and Reserve Forces. I encourage my colleagues to support H.R. 2969.

□ 1540

Mr. DICKINSON. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I am not sure that I understood the percentage or the figure that the gentlewoman used.

We have a bill here involving about $187 billion. Of this figure, how much represents conventional and how much strategic? I do not know that I understand the gentlewoman. Did the gentlewoman quote that figure?

Mrs. HOLT. The figure that I have extracted from it is 15 percent for strategic, and the rest would be for conventional.

Mr. DICKINSON. Mr. Chairman, I want to compliment the gentlewoman in the well, as well as the chairman of the subcommittee. You have done a good job. It was a very difficult job, I know, in making the decisions of where to cut, particularly in the conventional field where we have a very serious shortfall, and I think that this is a point that is not overlooked so much, it is just generally unknown, the fact that all of the debate we are going to have in the life of this bill and the procedures here on the floor on the MX and the B-1 and the GLCM, and so forth, of all that we are spending, less than 15 percent has to do with strategic weapons. Eighty-five percent has to do with nonnuclear capabilities, which is really an upgrade and an enhancement of our present capabilities; is that correct?

Mrs. HOLT. That is correct. And I thank the gentleman for his comments. I think this is an area that we have neglected for too long because we felt that we had nuclear capability to defend freedom around the world, and so as we faced the budget constraints, we did fail to modernize our conventional forces, and it is something that we need to pay a lot of attention to now.

Mr. DICKINSON. Well, of course, a large portion of what the gentlewoman's Subcommittee on Procurement has been attempting to do is to overcome the shortfalls and the depletion of our conventional forces, going back to Vietnam, when we had such a tremendous loss of our conventional supplies and forces, plus the assistance and drawdown that went to Israel during its last war, we attempted to replace that. So a good portion of what the gentlewoman's subcommittee is dealing with is simply modernization and adding to what has been depleted in the past; is that correct?

Mrs. HOLT. That is correct. And I think it is just absolutely essential that we do the strategic modernization that the administration is recommending. But when you realize how little of that money is being spent for it, it makes you realize that it is a very cost-effective use of our dollars.

Mr. DICKINSON. Well, I would like to again commend the gentlewoman on her statement.

In looking about the Chamber here, where we are discussing the authorization of $187 billion, it is sort of interesting that, with the exception of the Members sitting here keeping the store, there is not one Member on the floor who is not a Member of this committee, and we are discussing the expenditure of $187 billion. I think it is sort of an important bill. Oh, I beg your pardon, we have one on each side who does not belong to the committee. I am glad to see we give them balance here, anyway.

Mrs. HOLT. I hope that the other Members of this House are watching carefully on television and will listen to our presentation here today. I am

also surprised that there are no press people here, since this is such an important bill.

Mr. DICKINSON. There are four in the gallery. I am sure it is being covered.

Mr. PRICE. Mr. Chairman, I yield 7 minutes to the gentleman from Virginia (Mr. DANIEL).

□ 1550

Mr. WON PAT. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman from Guam.

Mr. WON PAT. I thank the gentleman for yielding.

Mr. Chairman, I urge passage today of H.R. 2969, the Defense Authorization Act of fiscal 1984. This bill is a testament to the hard work of my colleagues on the House Armed Services Committee, Chairman MELVIN PRICE and others, who have done their best to provide the military with the money it needs while also pairing down unnecesary costs.

As a member of the Subcommittee on Research and Development, I am proud of the $2.3 billion which our committee provided for R&D. It is essential that we continue this vital research into new areas of technology to prevent our Nation from becoming second best.

There are several other areas of the bill which also should be noted. One is the provision for a 4-percent pay raise—which I believe is absolutely needed, and our comments about the need to continually review the way in which the Pentagon contracts out the work now done by Federal employees.

This bill also contains several provisions which I authored. The first is the authorization for residents of the Northern Marianas to serve as officers in the U.S. military.

Although not citizens of this Nation at present, we find that many Northern Mariana Island residents now are serving as enlisted personnel in the military and I am pleased that the committee approved my request to permit the newest of Americans to serve as officers or to enter officers' training course in the military or college. These young men and women will prove to be a proud addition to our officers' corps and I am confident they will serve with honor and dignity. A word of praise is also due to the Northern Mariana Islands Washington representative, Edward DLG Pangelinan, who has worked so closely with me on this issue and has done an outstanding job of representing his people.

Finally, section 1056 at long last removes a blight on our commitment to military retirees by authorizing the Department of Defense to pay for the return of remains of retirees who die in military health facilities away from their homes. This is not now the case. Last year I was shocked to find that one of my constituents, a man who had a long and proud military record died in Hawaii after being medivaced by the military from Guam for treatment of a terminal illness. His family was notified that they, not the military, would have to pay for the return of his body. Current law permits the military to pay only for the transportation of live retirees, not deceased ones. Obviously, it is high time to correct this flagrant flaw in the law and give our military the benefits they deserve.

The Pentagon supports my proposal which would affect military retirees across the Nation.

I want to express my sincere thanks to the many national veterans groups who rose to support my bill, H.R. 1104, which was later added as an amendment to H.R. 2969 before us today. A particular note of appreciation is owed to Mr. Max J. Beilke, legislative counsel of the National Association for Uniformed Services for his hard work to gain the support of other veterans groups for my efforts. I also extend my appreciation to my colleagues on the committee and the 35 Members who cosponsored H.R. 1104 in recognition of its merits. Thank you.

Mr. DANIEL. Mr. Chairman, any authorization bill is a series of tradeoffs, the culmination of balancing many factors on the part of the authorizing committee. During my assignment to the Armed Services Committee, it has seemed to this Member that the committee, in its annual authorization, has always weighted its recommendation on the side of what we need for the national defense, with affordability as an additional priority. I do not think that this has been a bad methodology. The committee's expertise and the body of knowledge built up over years of hearings, investigations, and inspections make it the logical proponent in the House for this point of view.

But this year's recommendation, Mr. Chairman, represents a profound change in the manner of the committee's authorization. Each of the titles which you will have presented for consideration have been reported on the basis of rigid cost constraints. For the first time, Mr. Chairman, the committee has marked the defense authorization based on affordability as a prime consideration.

Nowhere is this more apparent than in title IV, which you have before you. The operation and maintenance recommendation is the primary readiness account in the bill. It must carry and support the large modernization and investment increases voted over the last several years, in our national attempt to undertake a major rearmament program following years of decline.

This year, Mr. Chairman, the readiness bill comes due, for prior-year initiatives. We have built this recommendation on the basis of 5.2 percent real growth in title IV. There is nothing magic about 5.2 percent. There is nothing optimum about 5.2 percent. This is a judgment call, Mr. Chairman. It is a balance. It is a compromise between affordability and the ideal. But it does let us support some modernization from past years, and continue to address training shortfalls and maintenance backlogs.

However, a note of caution is in order on this level of O&M recommendation. As the Members will have seen in the committee report, 5.2 percent real growth in fiscal year 1984, or a 27.4-percent portion of the overall budget, does not create a major imbalance between the O&M and investment accounts. But, the trend is increasingly negative in the defense 5-year plan, with the O&M portion of the budget dropping to 25.1 percent in fiscal year 1988. This clearly could cause an imbalance between new program growth and the services' ability to field, support, and train with them.

The committee did not cut core programs in title IV. It assessed overall priorities, and slowed the increase in programs where such a deceleration would not cause an unacceptable, adverse readiness impact. We were fortunate, also, in that we were able to capitalize on favorable oil price and inflation trends to reduce the request without reducing fuel or other purchases in these accounts.

Title IV as recommended reduces the Department's request due to price reestimations, reductions in personnel end strengths, potential efficiencies highlighted in investigative and audit reports, and thorough potential savings discovered during our hearings on individual service and defense agency programs. At the same time, it selectively adds to the request in areas which critically influence readiness, or which mirror expected congressional initiatives, these being: National Guard and Reserve readiness enhancements; increased flying hours; increased real property maintenance; increased aircraft damage repair activities; and an expected pay increase later in the year. The net recommendation reduces the administration request by $2.2 billion.

The committee's recommendation providing for an expected pay increase deserves special mention. As the Members may recall, last year's defense appropriation directed that the Department absorb 25 percent of the pay increase—in other words, 75 percent of the increase was actually funded, and 25 percent was not. That is the purpose for the committee's having planned for the pay increase, and having made separate and distinct off-

sets for it elsewhere in the request. By so doing, this recommendation makes such an absorption action unnecessary later. Absorptions are, in effect, unprogrammatic reductions. Such reductions enormously complicate the orderly execution of the operation and maintenance budget, and needed training and maintenance is unavoidably deferred. We urge that the Members keep this in mind in their consideration of the defense appropriation any absorption is no longer necessary, or called for.

Mr. Chairman, the recommendation in title IV is a balance. It balances the Members' twin concerns for readiness and affordability. It reflects the realities of today's budgetary restraints. While I am not comfortable with this level of authorization, in the light of all the circumstances I recommend that H.R. 2969 be approved.

Mr. DICKINSON. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to take a few minutes to urge my colleagues' approval of the personnel titles of H.R. 2969.

We in the Armed Services Committee have been faced with very difficult choices. Contrary to popular wisdom, there are no quick, easy, or painless ways to make an $11 billion reduction in the defense budget. In reviewing the President's budget request for military personnel, the committee has attempted to set priorities for the limited manpower resources available.

The President's budget requested no pay increase for either military personnel or Federal civilian employees during fiscal year 1984. The first budget resolution, as passed by the House, envisioned a 4-percent pay raise for the full year. In setting defense function budget totals, the budget resolution did not, however, make accommodation for the funding necessary for a pay raise. This means that any pay raise must be paid for by making reductions in other personnel programs.

A majority of the members of the committee felt that some type of pay raise was vital to send a signal to the troops of Congress continued commitment to their welfare.

Just 3 years ago, the military services were plagued by serious recruiting and retention problems. Only slightly more than half of Army recruits were high school graduates. On the retention side, competition from more lucrative jobs in the civilian sector was luring away the most highly trained midgrade personnel.

Congress responded swiftly and forcefully by enacting a series of compensation initiatives in 1980 and 1981. The results have been dramatic: Recruiting and retention statistics are at all-time high levels. The record of success is still very fragile, however, and the committee felt that no pay raise of any kind in fiscal year 1984 would be far more costly in the long run, particularly as the economy improves.

As a result, the committee is recommending a 4-percent pay raise in fiscal year 1984, with a 6-month delay in the effective date—until April of next year. To save an additional $50 million, junior enlisted personnel—those in pay grades E-1 and E-2—would not receive an increase in basic pay.

To offset the $750 million cost of the half-year pay increase, the committee has recommended offsetting reductions in other areas, including holding active duty end strength at the fiscal year 1983 levels. As Members will recall, this committee has directed the Department of Defense to look into using less costly forms of manpower through greater utilization of the Reserves. While giving lipservice to the importance of the Reserves, the Department has totally ignored that direction. Holding active duty end strengths at the 1983 level, as we recommend, will force DOD and the services to conduct a long-overdue analysis of their manpower requirements and determine those missions that can be performed just as capably—and at considerably less cost—by the Reserves and National Guard.

Some Members have undoubtedly received calls from concerned service officials asking that they be exempted from all or some portion of the reduction in requested end strength levels because of unique requirements. I would urge you to resist these pleas. No cuts are easy to make; I can assure you that we have devoted considerable thought to this difficult decision.

Denying increases in end strength does not mean that new mission Requirements must be manned by the Reserves. It does mean that the services, in order to meet their new missions, must scrutinize existing operations—particularly support functions—to determine what activities can appropriately be performed by Reserves. Without decisive action like no increase in end strength, we will surely be back to the drawing board directing the department to develop a plan for greater utilization of the Reserves next year, the following year, and the year thereafter. I hope that my colleagues in the House will hang tough on this important issue.

The committee has also made reductions in permanent change of station funding and a number of other programs as the gentleman from Wisconsin (Mr. ASPIN) has already discussed. We have initiated several new programs to help contain the cost of medical care in the future. Additionally, we have complied with the reconciliation instructions contained in the first budget resolution by providing for a permanent 6-month delay in COLA increases for military retirees and for a one-half COLA for retirees under age 62 in fiscal year 1986—contingent in both cases upon similar action for Federal retirees.

The fiscal year 1983 Continuing Appropriation Resolution (Public Law 97-377) provided for a 1-year test of exempting industrially funded activities from the Department of Defense civilian personnel ceiling. Because this provision could present a problem if the number of civilian employees in industrially funded activities exceeds the number envisioned in the fiscal year 1983 Department of Defense Authorization Act—Public Law 97-252—the committee is recommending that the fiscal year 1983 DOD Authorization Act be amended to exclude industrially funded personnel from the civilian manpower ceiling. Several Members of the House have long advocated that industrially funded activities be governed by the dollars generated from workload, rather than an annual September 30 civilian-end-strength ceiling, and the committee agreed that it was advisable to facilitate a test of this concept.

The reductions in the personnel accounts recommended by the committee would achieve $1.2 billion in savings, with a net reduction of over $500 million after offsetting the pay raise. I urge my colleagues in the House to approve titles V, VI, VII, and VIII of H.R. 2969.

□ 1600

Mr. PRICE. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this year spare and repair parts have attracted much more attention than they have in previous defense authorization bills. The reason is that the value and importance of these items have been highlighted by several recent events.

A recent Defense Audit Service report estimated that in fiscal year 1982 the various components of the Department of Defense spent $12.9 billion for spare and repair parts. That same report estimated that spare and repair parts for the life cycle of just one new system—the Army UH-60 helicopter—would cost more than $3 billion.

Events have also demonstrated that the services have had problems in managing their spare and repair parts. The Air Force, in fiscal year 1982, attempted to fully fund replacement parts and calculated the cost of the necessary parts at $2.448 billion. A subsequent Air Force review determined, however, that estimate had understated the requirement by $873.5

million. That figure also is questionable because of the data used in the computer model to calculate the requirement.

Significant increases in the costs of spare parts have also contributed to their increased visibility. Last year the Oklahoma City Air Logistics Center identified 34 aircraft engine parts which had increased in price more than 300 percent between 1980 and 1981.

Because of these and other incidents, in April, our Investigations Subcommittee began an examination of spare parts procurement and management. While this examination is still in its early stages, we have seen enough to cause concern about the cost and availability of spare parts, as well as their impact on readiness of our forces.

We found that the commander of an Air Force station became alarmed when he noted an increase of 40 percent in the cost of his spare parts between fiscal year 1981 and fiscal year 1982. On further analysis the commander found 125 electronic and mechanical spare parts whose costs had increased substantially during that period. For example, the cost of a machine screw had increased from $1.08 to $36.97, an increase of 3,400 percent; a circuit board assembly had increased from $234.05 to $1,111.75; and, an electronic connector plug had gone from $7.99 in 1982 to $726.86 in 1983.

We are examining those procurements to determine what was responsible for those exhorbitant increases in cost. In view of the increase in the cost of those parts, as well as the aircraft engine spare parts identified by Oklahoma City, our subcommittee intends to conduct a full inquiry to attempt to identify the causes of those increases, the deficiencies in the system which permit them, and actions which might be taken to eliminate those deficiencies.

In its authorization hearings, the committee examined carefully the fiscal year 1984 budget request for spare and repair parts funding, and was unable to document the need for all of the Air Force request. As a result we have reduced the Air Force request by $549.8 million. While some of that reduction was applied to specific programs, $500 million was an undistributed reduction in that account.

The committee found that for fiscal year 1984 the Air Force was requesting more funding for aircraft spares than the entire Department of Defense was requesting for spares for all other weapons systems. We also noted that aircraft operational readiness rates have improved significantly during the past 2 years, and that $7.5 billion, which should further enhance those rates, was appropriated for spares during that period. While we recognize that readiness rates, flying hours, and sustainability objectives require increased funding, we do not believe that the requested 45.7-percent increase over 1983 is warranted.

The Air Force must improve its forecasting of its spare parts needs and must also improve its management of the program, if funding of this nature is to be justified.

I shall report further to the House in the future as our investigation of spare parts procurement progresses. Certainly we want the services to have the spares they need to maintain readiness, but we intend for them to be bought at a price that is fair to the taxpayers of America.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I am pleased to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I would just like to say that I wish to commend the gentleman from Alabama (Mr. NICHOLS) for the work he and his subcommittee are doing.

As a result of articles that have been written recently in the press and as a result of a couple of TV magazine-type shows, there has been an increased concern and awareness on the part of the public on this subject. My mail reflects this. And, of course, when things are written about matters of this nature, they pick out the biggest horror stories they can find, and sometimes they are misleading. Sometimes it is the contractor's fault and has nothing to do with the responsibility of the service itself. Sometimes it is the service that is at fault.

I think if we want to continue and have the support of the American public which is reflected by the votes here in the House, we have got to maintain the confidence of the American people that they are getting the best buy for the buck. Only by doing what the gentleman's subcommittee is doing in ferreting out the facts and getting after any misfeasance or malfeasance that might exist and then laying the facts out for us can we maintain the credibility of the committee and the support of the Members.

Again, Mr. Chairman, I want to commend the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Chairman, I thank the gentleman from Alabama (Mr. DICKINSON) for his comments.

As my colleagues know, we both come from a part of the country that is very supportive of the military, but we have a great deal of concern about the procurement and cost of spare parts.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. NICHOLS) has expired.

Mr. DICKINSON. Mr. Chairman, I yield 2 additional minutes to the gentleman from Alabama.

Mr. NICHOLS. Mr. Chairman, if I may continue, I am getting more and more questions from my constituents saying, "We want to support the military, and we believe strongly in what you are doing. We don't want you to let our defense down, but isn't there some way we can effect some savings?"

They read all these stories, they see it on television, and there is a great deal of concern among my folks about this matter.

So, Mr. Chairman, the gentleman has spoken correctly.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield further, as the gentleman pointed out, the people, particularly those in the area of the country from which the gentleman and I both come, want a good, strong defense, but being from a very conservative part of the country, they want to make sure that they get value received for every dollar spent. I think that is the thrust of the activities of the gentleman's Special Subcommittee on Investigations, and I think it is necessary if we are going to continue to have the confidence of the American people.

So, Mr. Chairman, again I want to commend the gentleman and his subcommittee.

Mr. NICHOLS. Mr. Chairman, I thank the gentleman from Alabama (Mr. DICKINSON) for his comments.

Mr. DICKINSON. Mr. Chairman, I yield 20 minutes to the gentleman from Virginia (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Chairman, few confrontations between nations in history contain the elements of drama found in the conflict in the Mediterranean basin between Rome and Carthage in the third and second centuries before Christ. Hannibal's destruction of the Roman Army at Cannae is still regarded as the classic envelopment of an enemy army, and similar battles in the 20th century have been compared to it.

But all of the other components of struggle between rival states were present as well. There is a dangerous tendency for each generation to believe that the forces at work in its own time are peculiar to it. Yet a study of the Punic Wars reveals clearly that the adversaries employed or experienced all of the techniques and strategy with which we are familiar.

Indeed, Pierre Louys once said that since the days of classical antiquity, only one new pleasure has been given to man: the cigarette.

In political and military matters, he has been given new problems, arising out of applications of the use of energy, and nonapplication of measures to control the increase of population.

Such are the words of Sir Gavin deBeer, the biographer of Hannibal. Otherwise, he notes,

The stock-in-trade of governments has remained remarkably constant. There is nothing new in spheres of influence, trade restrictions, cold war, so-called liberation of peoples, psychological warfare, or terror tactics. All were employed in the days of Hannibal, and have been ever since.

Nothing more graphically demonstrates this than the events immediately preceding the Third Punic War in 149 B.C. Rome, by that time, had determined upon the destruction of her rival, but the Carthaginians clung to the notion that they could buy peace at the end, and the Romans encouraged this belief.

Faced with invasion by a Roman Army, Carthage sent a delegation, which was assured that they would be left alone if they delivered 300 hostages. But no sooner had these terms been complied with than the threat of attack by a Roman Army was made again. To the Roman consuls in command of it, the Carthaginians sent another peace delegation. It was received in the open air, with the entire Roman Army displayed in a tremendous show of military power. Censorinus—the best orator of the counsuls—spoke for the Romans. What he had to say was simple and to the point: If the Carthaginians sincerely desired peace, what need had they of arms? "Come now," he said, "hand over to us all your arms, public and private, both weapons and war machines."

The Carthaginians agreed, and under the supervision of Roman commissioners, they turned over an immense quantity of weapons. Listen to the inventory: Complete armor for 200,000 men, spears and javelins too numerous to count, and 2,000 catapults.

And once the Carthaginians were effectively disarmed, the Romans revealed their final terms: Carthage was to be razed to the ground.

The outcome of the story is well known, but the brief final chapter bears recounting. When the fearful message was carried back to Carthage, there was outrage and fury without parallel in the city's history. Pro-Roman Senators were literally torn to pieces by the people, and in a last act of defiance, those Senators left intact declared war on Rome.

Emerging from their despair, the people made a feverish attempt to replace the arms they had surrendered. They reached a daily production of 100 shields, 300 swords, 500 spears and javelins, 1,000 missiles for catapults, and as many catapults as they could make, for which the women cut off their hair to make the strings.

But it was all for naught. Carthage fell after a 2-year siege, its people were either killed or sold into slavery, and Rome emerged with her deadliest rival eliminated.

In October 1981, I stood on the field at Yorktown, where two centuries before, a British Army under Cornwallis had surrendered to the Franco-American Army commanded by George Washington. I could not help but contemplate the significance of that event and the providential pieces of tactical brilliance and blunders that formed the framework for independence.

Americans fortunate enough to have been at Yorktown that day saw a military parade not likely to be repeated in their lifetime. Modern military units from the United States, France, Germany, and Britain marched, and the flavor of the Bicentennial was captured by the dozens of recreated Revolutionary War formations that had gathered for the celebration.

The shrill strains of fifes and the thunder of drums recalled, as nothing else could, the spirit of an era long gone. I found myself lost in time, awakened at the end by the shrieking of F-16 jets in a flyover that concluded the parade. It was a rude but fitting end to a reverie. The sounds of the 20th century had drowned the echoes of the 18th.

What are we to draw from this milestone in our Nation's history? Pride in our past, to be sure, but also speculation about our future. We are far from old as the history of nations is measured. If the thesis of Frederick Jackson Turner is accurate, then over half of our national life was spent, and our energies consumed, in overcoming successive frontier challenges.

Without any wish to demean the efforts of those earlier generations of Americans in achieving their goals, I must nevertheless state that wearing the cloak of manifest destiny in subduing the continent proved to be a simple role than the one the present generation of Americans has tried to define for itself.

No great nation has ever endured without a sense of mission. And those who awaken and articulate the consciousness of a people with regard to their national calling are soon followed. Some have pursued false paths, and nations have been led to self-destruction. Sometimes goals have been indistinct and the nation's pursuit of them frustrated.

History is a fluid thing, and it is a rare state that does not occasionally find itself at a crossroads, not knowing which way the forces of history are moving or how to accommodate itself to them.

Consider the American record in the 20th century. Two great wars were fought as crusades. They brought to full flower the American Nation as a global power with a conscious and willing acceptance of the role of guardian of Western freedoms. It was a noble pursuit, and although a third war occurred, following on the heels of the second and with a different enemy, it only confirmed the vision that Americans had of themselves.

Less than a generation ago, a young American President reflected the boundless self-confidence of his people with a call that still has a tug of nostalgia. Do you recall those words?

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and success of liberty.

It is hard to believe that 22 years have passed since those words were cheered so loudly on the steps of the Capitol. History has not been kind to America in the years since. A divisive war that tore at the fabric of our society created self-doubt about our mission as a people. A constitutional crisis produced a wave of cynicism that still laps at us. These troubles have been compounded by unhealthy economic conditions and a concomitant demand upon our resources to satisfy the requirements for a host of new Government services. Governing the Nation has baffled a succession of men.

Yet, uncertainty need not paralyze us. The world itself has been in a state of flux since 1914. The forces of change in the 20th century, which we have sometimes resisted or failed to act in concert with, are not necessarily hostile to the interests of the United States. We have moralized over human rights while sometimes forgetting that in spite of the ebb and flow of other world forces and political mutations that have occurred, it has been the armed strength of the United States that has been the most effective shield of freedom.

In a very real sense, it has been America's strength that has made possible the uninterrupted developments elsewhere in the world. The Soviet variable in the world equation has been limited by that strength.

Vigilance, however, is an ephemeral characteristic. To preserve it is costly in both real and psychological terms. An illusory strategic arms agreement with the Soviets in the last decade lulled our people and our allies. Were it not for Russian aggressiveness and adventurism beyond their frontiers, or idyll might still be undisturbed. The remarkable aspect of our awakening is that it appears to have discomfited our friends as much as it has our adversaries.

A few days before I was in Yorktown for the Bicentennial celebration, I was in Munich, Germany, for the annual meeting of the North Atlantic Assembly. I arrived shortly after a large peace demonstration was held in Bonn. The dregs of it spilled over into Munich, where protesters kept a vigil outside the hotels housing the parliamentary delegations of the Western Alliance.

Having experienced similar protests and demonstrations in my own country in the sixties and early seventies, I

paid scant attention to this one. But my European colleagues were far less blase. One of my German friends put it well when he said, "Fear is 'in' with young people in Europe." He did not propose to give into it, but others at the meetings of the military committee that I attended gave clear indication of their own fear of the malaise gripping much of the population.

Now, we, too, have been a witness to these same impulses just as our allies are. In Europe, the fear of becoming a nuclear battleground is only one side of the coin. Leaders on both sides of the Atlantic share the other side: the reluctance to cut the nondefense portion of the budget, and pressure to make further reductions in defense spending.

Many of you know that we created a special Subcommittee on Readiness in the House Armed Services Committee in 1981. I am the ranking minority member of that subcommittee, and we have made a special effort to address an area of military preparedness that has been long neglected. We duly made increases in spending for spare parts, more flying and steaming time, more training days, and larger ammunition stocks. But the budget figures this year threaten to set us back.

□ 1620

Parenthetically, I would recall the appearance of the Air Force general in charge of operation and maintenance funding for the Air Force before our subcommittee a few weeks ago. I asked him the question:

How many hours a month does a good fighter pilot need to stay at the peak of his training?

Twenty-four to 25 hours.

And how many hours are they getting?

Seventeen to 18.

I said,

General, in Israel, they have far fewer assets and resources than we do, but they don't shrink one iota when it comes to providing funds for training for their pilots and, as a result, their pilots are among the finest in the world.

A few weeks later we had a general who commands the National Guard forces in America. He said, "I have a shortage of web belts for my soldiers," a common piece of equipment on which a soldier hangs his bandoleer, his canteen. "I only have one set of protective clothing for chemical warfare." Every soldier must have two.

Every person in this Chamber today knows that if war is declared, the National Guard will be federalized at once and will be sent to Europe within 30 days, if we can get them there.

What are we going to do about the simple pieces of equipment if we deny enough O&M funding?

The increase in readiness in the final budget will be, in my opinion, marginal at best.

We are now in the perilous situation of attempting to catch up with the Russians in several vital areas. In others, namely, civil defense, we are not even doing that. Just to replace obsolete weapons and meet new weapons needs requires of us a modest growth rate of 2 percent a year. To fill other necessary requirements, we must obligate more.

The Soviets have sustained a momentum of military growth that continues, despite peaceful coexistence and despite détente. I remember something that Leonard Sullivan, a former Assistant Secretary of Defense, said to my committee in 1974. He warned us that we had less than a decade left to come to grips with Federal fiscal policy and less than a decade left to come to grips with the requirements of a strong and stable defense posture.

I commenced these remarks with a reference to the Punic Wars. You may have concluded that I meant to substitute America for Carthage, and Russia for Rome. Not at all. We should make our own historical record with an eye to the past.

But before concluding, I think it worth while to refer to one last incident in that life-and-death struggle between those two ancient powers

Following his defeat at the Battle of Zama, which ended the Second Punic War, Hannibal returned to his seat in the Carthaginian Senate.

Rome's peace terms included handing over prisoners and burning Carthage's Navy. No objection was heard until the Senators were presented with the first installment of a large indemnity levied by Rome. This produced cries and sobs, at which point Hannibal scandalized them all by bursting into laughter.

Rebuked for laughing when every one else was weeping, Hannibal replied that they had felt misfortune only when it impinged on private interests. When Carthage was being disarmed, nobody had raised a groan. Now that contributions had to be wrung from private purses, they were behaving like mourners.

The time for weeping, Hannibal said, had been when their arms and their ships were being taken from them.

Mr. PRICE. Mr. Chairman, I yield 7 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I rise in support of H.R. 2969. In view of the threats which exist around the world today, we must continue to provide for an adequate defense. Providing the military with the necessary equipment and force structure needed to keep this country safe is an expensive undertaking which requires some hard decisions. But Congress must accept this responsibility if our people are to continue to enjoy the freedom which can only be assured through strength.

Although the President requested a growth rate in defense of 10.2 percent, I believe we can live with the 6-percent growth rate provided by H.R. 2969. In reporting this bill, the Armed Services Committee knew it had to look for ways to slow down increased defense spending. One effective method of cutting costs, which I believe most of my colleagues agree with, is accomplished by placing more emphasis on the National Guard and Reserves. There is little doubt that National Guard and Reserve units require less money to operate and maintain than do similar type units in the Active Forces.

For this reason, in part, the members of the Armed Services Committee have recommended that Active Force end strengths be held at the fiscal year 1983 program levels and that the requested increases in National Guard and Reserve personnel be allowed. In one instance, with respect to the Army National Guard, the committee provided for an increase of 6,600 over and above the President's request.

Action by our committee is a step in the right direction of freezing the active duty strength levels and moving toward more use of the Reserves. I hope we will continue this emphasis by providing Guard and Reserve Forces not only with adequate personnel strengths, but with more modern equipment as well. If the citizen soldiers are to perform their roles as a part of the total force, we must make sure that they are properly manned and equipped.

This committee and this House started about 6 years ago authorizing new equipment for the Guard and Reserves—it has paid off in that more combat missions are being turned over to the Reserves. This bill is very fair to Reserve on new equipment.

Mr. Chairman, the freezing of end strengths for the Active Forces for fiscal 1984 has shown that the House Armed Services Committee is not a pushover for the Defense Department. We asked the Defense Department last year to give Congress a report on better use of resources. The military virtually ignored this request.

It should be pointed out that when you add up the military service time of members on the committee, the time members have spent on the committee, and the efficiency of our staff, we have a lot of experience and knowledge to make military legislative decisions.

The average time of high ranking military and civilians in the Pentagon is about 4 years. So our committee judgment on matters of end strengths, procurement, research, O&M, and the use of the Reserves is backed up by years of experience and commonsense.

Mr. Chairman, we all know that we must control defense spending and work to get the best buy for the taxpayer dollar. But we must find a way to do this without jeopardizing the

safety of this Nation and that of our allies. I believe that expanding the roles of the National Guard and Reserves is one way.

H.R. 2969 provides for this expansion, and overall, provides for an acceptable level of defense spending. I encourage my colleagues to support this bill. There is a saying that no nation ever had to go the war because it was militarily too strong.

□ 1630

Mr. PRICE. Mr. Chairman, I yield 9 minutes to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, this is perhaps the most important debate that we will engage in this year; important because it will dramatically affect the quality of life of people in this country. It will determine how many resources we can direct at the significant human misery that is a reality in this country; it will also reflect the nature of our role in the world, and in great measure, determine the degree of tension that will be realized in the world.

Finally, I think in a very profound and very real way, it will determine the destiny of the world.

Mr. Chairman, it certainly would not be surprising to my colleagues on the floor of the House at this moment that I stand in opposition to H.R. 2969. During the course of the time that we will debate this matter during the amendment process, I will attempt to detail the various reasons why I stand in diametric and unequivocal opposition to the piece of legislation before us today.

But I would first make a few brief statements.

I am the subcommittee chairperson for military installations and facilities, and in that capacity, I will be managing the civil defense portion of this legislation.

The subcommittee proposed funding $200 million during the subcommittee markup for civil defense. This gentleman opposed that. We then came to the full committee and the $200 million was ratified. Again this gentleman opposed that figure.

It is my belief, that the way you bring civil defense to the American people is not by spending a couple of hundred million dollars in some fantasy scheme of relocating American people, but we save the American people by never crossing the intellectual, political and military threshold to make nuclear war thinkable, acceptable, possible and ultimately inevitable.

So, Mr. Chairman, the part of the great illusion that we can in some way fight, survive and win in an insane nuclear war is rooted in the notion of civil defense. It is an incredible fantasy, it is an extraordinary illusion. We will be able to debate these matters more fully later.

Mr. Chairman, during the markup of H.R. 2969 this gentleman plans to offer a number of amendments to delete funds for a number of weapon systems, to delete funds for the B-1 bomber; to delete funds for the development of the Pershing missile, the ground-launched cruise missile and the sea-launched cruise missile.

Finally, Mr. Chairman, because I significantly believe that what keeps the body politic honest, what keeps it dynamic, what keeps it moving forward, is not when we all think in the same way or walk with the same step, but when there are competing analyses, when there is competition for ideas, when there are different points of view and perspectives that are debated in the marketplace of ideas, here in these Chambers, as we exercise our democratic rights.

So, it is in that context that I went before the Rules Committee asking for a rule to be granted that would permit this gentleman to offer an alternative military budget as an amendment in the nature of a substitute to the bill, H.R. 2969 that is presently before the body for general debate.

The reason I do that is that for too long we have discussed the military budget simply in dollar terms. The President of the United States said "I must have 10-percent real growth," that is growth over and above inflation. The Armed Services Committee said, "Well, this is a period of austerity, so we will drop down to 7.5—percent real growth," later modifying that to 6 percent. This body during the budget debate came down to 4-percent real growth. We anticipate that by the time the House and the Senate engages in some compromise, it will be somewhere between 5- and 6-percent real growth.

But it is intellectually dishonest to debate the military budget purely in these kinds of terms. The military budget embraces missions, missions embrace policy. We ought to be talking about policy on the floor of this Congress, we ought to talk about missions. We ought to talk about the nature of our role in the world. We ought to look at weapon systems not in terms of where they are manufactured, not in terms of who works on them, not in terms of how many contracts get to a particular district or a particular State. But whether we need those weapon systems in the context of our role in the world as we assess the nature of the world in 1983 and as we move into the 1990's.

Mr. Chairman, it is my considered opinion that we are moving close to the brink of nuclear disaster. I have made this comment on a number of occasions and I repeat it again. We are going beyond deterrence to a war-fighting capability. The MX missile is such a weapon, the Trident missile is such a weapon. We will debate these matters fully. I believe that the debate on the MX missile is important because it will determine the future of strategic weapons in this country. And I agree with those who feel that this is an important debate, but I stand in diametric opposition to the MX missile.

I think that the proposition offered by the Scowcroft Commission is political in nature, it does not solve the issue of stabilization or of vulnerability. It is in my estimation a first-strike destabilizing weapon.

So, we are going beyond deterrence to a war-fighting capability. That to me is extremely dangerous.

Under the guise of modernization, we are now developing exotic forms of nuclear technology that may very well take the world far beyond our capacity to stand within the confines of arms control.

These new exotic technologies may very well take us beyond our capacity to bring the world back within the confines of arms control. We operated on this notion: in Detroit we have an automobile for 3 years and in some way it is considered obsolete and old. You have to buy a new one. What makes us believe that these so-called obsolete nuclear weapons are in some way inferior? What Member of Congress, what Member of the other body, would put their community at risk saying, "we will fire one of these tired old missiles at our district because we do not think it would work." Which one of you, or which group of you, would take that kind of risk? These are not some tired old weapons; these weapons will destroy life and create megadeath beyond our comprehension.

So, under the guise of modernization, we may very well be sowing the seeds of our own doom.

Finally, Mr. Chairman, certain nuclear weapons by their deployment may take the world in quantum leap closer to the brink of nuclear disaster.

To deploy the Pershing missile 6 to 8 minutes from the Soviet Union is such a deployment and will bring that kind of danger.

I think we ought to debate these matters fully during the course of the markup of this bill and I hope that there will be literally hundreds of my colleagues on the floor.

I hope that the American people will demand that their Representatives not only be present, but significantly involve themselves in the most important debate that we will engage in during the course of this year, because it will in many ways determine the quality of life in this country, the nature of our role in the world and in large measure, whether or not this

planet will survive. Nothing can be more important than that.

The issue of nuclear war is the moral issue of our time; everything else is a footnote. The fact that we sit here with a handful of Members debating this terribly important question, points out that in the minds of too many people we do not deal with the fact that nuclear war and nuclear weapons are so terribly threatening in our lives.

□ 1640

Mr. Chairman, it is my hope that we will have an opportunity as I offer a competing analysis, a competing piece of legislation, to look at a different approach to the nature of our role in the world.

Mr. PRICE. Mr. Chairman, I yield 7 minutes to the gentleman from Georgia (Mr. McDONALD).

Mr. McDONALD. Mr. Chairman, although the bill we are debating today is called the defense authorization bill, most of the rhetoric that you will hear will be concerned with the budget, not with the protection of our Nation as the Constitution requires. Many will undoubtedly speak of this or that percentage increase or decrease in the defense budget, in terms of this or that years' dollars. It is doubtful that the word strategy will enter into the discussion on many occasions or even the word threat. Such words will not be germane to the discussion. Whether our defense portion of the budget is adequate for the probable conflicts we may be involved in will not be likely to come up. What is that threat and what are we providing for?

There will be an amendment offered on this floor to cripple production of the B-1 bomber—our first new bomber in decades, while the Soviet production lines continue turning out Backfire, Blinder, and now the Blackjack bombers. Years ago, some of you may recall, that the Navy, under the rebuilding plan proposed by then President Ford, was going to start construction of battle cruisers. Well, we talked, and we crawfished and we deleted this ship. The Soviets already had something similar, but perhaps a bit more formidable in the Kirov already afloat and they had another one on the way. The first Aegis cruiser is now operational—how many members of the House Armed Services Committee recall when we first discussed that weapon years and years ago? We will undoubtedly agonize over the MX again while the Soviets continue to test two new ICMB's and the flood of intermediate range missiles continue to pour into place targeted on Western Europe. This bill will modestly improve our unconventional warfare capability. This is most welcome, since we are inferior to the Soviets in that field by about 10 to 1.

There are many shortfalls and deficiencies not mentioned in this bill that are directly related to readiness and the substainability in combat of our forces. Are the Members aware that this budget gives us only 65 percent of the training ammunition required for our tank crews to qualify on the .50-caliber machineguns? Would you like to fight alongside a 65-percent qualified tank crew? Would you like to enter into aerial combat with planes only carrying one ordnance load for one sortie and no reserve ordnance available? Are you aware that we have reduced the flying hours for our Army aviators by 25 percent since 1980? Did you know that this authorization requires that we continue employing some 2,500 soldiers in civilian jobs which could be converted to three infantry battalions? Are you aware that this bill delays the sending of prepositioned equipment to Europe that will be badly needed in case of war when we have not yet added one new aircraft to our strategic airlift? This authorization again delays even making a real start on replacing World War II barracks and buildings on most Army posts. Did you realize we also decided to delete funds to set up the program wherein German reserve forces will assist in our logistics in time of war? Since everyone knows that our men must be ready to fight anywhere anytime, are you aware that funds deleted from this bill provided for nine battalions to train in jungle and winter warfare? This bill has been brought to the floor without the $365 million necessary to purchase munitions that our Army is short in calibers from .45 to 105 mm.

By imposition of a personnel ceiling, this bill, if the ceiling is allowed to stand, has halted the momentum of our Navy going to a 600-ship target. To meet the goal of 600-ships, the Navy had planned to accept 20 new ships this year. Now with the ceiling, the Navy will be faced with unpleasant choices of closing bases, reducing services, canceling programs and other unpleasant things. The majority of these additional men were to man the new ships, and air wings. Is it the desire of the Congress that our fleet operate from a position of inferiority in the next world crisis?

Must we always go into battle unprepared and lose some of our finest young men for lack of the things we could have easily given them? Must we always waste funds in attempting to catch up when war or crisis catches us unaware? We can learn from history and it is about time that we do so. Our country and our fighting men deserve no less.

Unfortunately this authorization bill does not adequately provide for the common defense in view of the threat. The Constitution charges the Federal Government with the responsibility of providing for "the common defense." Regardless of the rhetoric to the contrary, the Congress is continuing to follow the lead of past Congresses and express by voting patterns a great fascination for a creation of the welfare state.

In writing the Constitution, the Founding Fathers charged the Federal Government to "provide the common defense and promote the general welfare." Unfortunately in our time we have switched the verbs "provide" and "promote" and this bill does not correct this error.

Mr. DICKINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of H.R. 2939, the Department of Defense Authorization Act for 1984. I want to commend the gentleman from Illinois (Mr. PRICE), the gentleman from Alabama (Mr. DICKINSON), and members of the Armed Services Committee for their diligent work on this bill, which represents the minimum program level necessary to maintain our defenses in today's world. Much more needs to be done, but in a time of economic difficulty and tight budgets, the committee has managed to be both responsible and frugal, with due regard for both our national security and the taxpayers.

It is evident, Mr. Chairman, that the duty imposed in the preamble to the Constitution, to provide for the common defense of the United States, is a paramount duty. It is also worth noting that a study published last February by our own General Accounting Office, referred to in the committee report, found that the level of defense spending proposed by the administration would neither rekindle inflation nor stunt the growth of employment in the next few years. The study also found that, on average, defense spending creates about the same number of jobs as other Government spending. So it is clear that cutting defense spending to fund other Government programs would simply eliminate jobs and create unemployment in one sector of the economy in order perhaps to benefit another sector. These defense jobs are vital to both the national economy and the national defense.

As the committee report notes, the level of defense spending assumed in this bill is about 28 percent of overall Federal spending, well below the average share of the Federal budget of the post-World War II period. For example, during the period 1955-62, a period of peace for the United States, defense spending averaged about half the Federal budget, so the committee has done a remarkable job in keeping

defense spending to the minimum necessary to insure our freedom.

Along those lines, Mr. Chairman, I particularly want to support the committee's decision with respect to modernizing our strategic forces. The committee's strong endorsement of the Scowcroft Commission recommendations in this field is gratifying, and recognizes the importance of linking arms control negotiations with modernization of our ICBM force. As the committee points out, Soviet investment in strategic nuclear capabilities in recent years has been triple our own investment, and without a move on our part to develop a replacement for our aging Minuteman force, the Soviets, with their newer, more accurate ICBM's, will have little incentive to negotiate away what is currently a favorable position for them in ICBM forces.

Accordingly, I support the committee's recommendation in title III of this bill authorizing adequate funding for 1984 to carry out the Scowcroft recommendations, both as regards arms control and modernization. We cannot afford to do less.

Mr. DICKINSON. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I would like to talk briefly about policy. I noted the gentleman from California stated that it is too bad that we do not talk about defense policy enough on the House floor and I think it is important perhaps to talk about some policy today.

Mr. Chairman, in 1980, the American people felt that we had neglected our defenses too long during the past decade and they sent a mandate to this Congress that we rebuild the deterrent systems and the conventional force that had protected this Nation and other Western democracies for over 35 years.

I can recall during 1980 the news stories that ran on practically a daily basis, pointing to America's "hollow army," the ancient B-52 bombers that were older than the pilots flying them and the ICBM system that was no longer a satisfactory deterrent because it could be taken out by a preemptive Soviet attack, utilizing only a portion of their ICBM's.

Now, I ask my colleagues: Have we rebuilt the defenses of the West? How many B-1 bombers have we built since 1980? The answer is none. How many new ICBM's have we implaced to take the place of the vulnerable Minuteman? The answer is none. But we have made a start. We have begun to modernize, and this bill continues that path.

For more than 38 years, the superior strategic force of the United States has protected the Western democracies from aggression. Winston Churchill told the people of Great Britain on October 9, 1948:

> Nothing stands between Europe today and complete subjugation to Communist tyranny but the atomic bomb in American possession.

That is equally true today. Moreover, we, as a nation, have used our strategic power wisely. And in this day when nuclear responsibility is talked about so much, it is important to ask this question: Has the United States misused its nuclear deterrent? Did we use it to enslave our fallen enemies, Japan and Germany, after World War II? Did we use it to repress the Soviet Union when, after World War II, we could have destroyed that country with less U.S. casualties than were taken on a routine training mission? The answer is "No."

Make no mistake about it, Mr. Chairman, it was not rough parity or essential equivalence that forced the Soviets to back down in 1962 in the Cuban missile crisis.

I think one thing this Congress does not do enough of is look at history. We tend to vote on so many things because of the most recent public information survey or poll, or the weight of editorial opinion in our districts. I think it would be helpful to take a brief look at how our strategic thinking has developed in the last 20 years starting with the Cuban missile crisis of 1962.

Historians now regard the humiliation of the Soviets by President John Kennedy as the event which spurred them to embark on a program to build up their strategic and conventional forces in such a way that they would never again be backed down by the United States. Nikita Khrushchev was the first casualty of this program, for despite his bluster, he had moved toward a policy of reducing the Soviet military machine, rather than increasing it. The Soviet Army was reduced, under Khrushchev, from 5 million men to 3.2 million.

Now, while the Cuban missile crisis fired the resolve of the Soviets to build a nuclear arsenal, the close call that America felt it had experienced led us to look to negotiation rather than confrontation in the future to resolve international strategic issues. Finally, the Vietnam war in the late 1960's created an American public opinion that was fed up with being the world's policeman. We wanted no longer to crusade anywhere for freedom, only to be left alone. The American people in the early 1970's had an appetite only for negotiation and settlement, and they got it in SALT I which was signed in Moscow on May 26, 1972. SALT I called for a 5-year period in which strategic offensive weapons for the United States would be limited to 710 SLBM's in 44 submarines and 1,054 ICBM's, while the Soviets would be limited to 950 SLBM's in 62 submarines and 1,410 ICBM's.

We now realize that SALT I was the license to produce that the Soviets had been looking for. Shortly after the signing, they embarked on a program of building the SS-17, SS-18, and SS-19 ICBM's. Today they have built and deployed over 758 of these weapons. We have built and deployed no new ICBM's during this time. Similarly, since 1972 the Soviets have built and deployed over 37 ballistic missile submarines and the United States has deployed only 2 ballistic missile submarines. In addition, they have made 13 ICBM modifications and 78 SLBM mods, in the same period of time. Since 1970 the Soviets have introduced a number of new systems into their operational inventory including:

Six new series of advanced fighter aircraft, including their first true look-down fighter;

Two new bombers in operation, the Backfire and the Fencer, with a new strategic bomber, the Blackjack, undergoing flight testing prior to its operational deployment in 1986-87;

Ten new types of transport aircraft, with a new aircraft in the C-5 class under development;

Four new air-to-air missiles and eight variants, and seven new tactical air-to-surface missiles;

Six new surface-to-air missile systems.

Henry Kissinger, in a profound admission to the NATO conference in Brussels on September 1, 1970, stated:

> The amazing phenomenon about which historians will ponder is that all this dramatic growth of Soviet strategic systems since the mid-sixties has happened without the United States attempting to make any significant effort to rectify that state of affairs. One reason was that it was not easy to rectify. But another reason was the growth of a school of thought to which I myself contributed ... which considered that strategic stability was a military asset and in which the amazing theory developed, i.e. historically amazing, that vulnerability contributed to peace and invulnerability contributed to the risk of war. ... It cannot have occurred often in history that it was considered an advantageous military doctrine to make your own country deliberately vulnerable.

So, the vulnerability of America to strategic attack that prevails today is not a shock, or a surprise, nor is it the result of some new development. Our vulnerability has been deliberately acquired, through a national policy of nonaction with regard to strategic development coupled with a SALT I agreement that spurred Soviet development of ballistic missile submarines, new strategic bombers, and several types of new ICBM's.

So now my colleagues, it is 1983 and we find that our strategic systems are aging rapidly and are, in the case of the ICBM's and bombers, already becoming obsolete. We face, on the other hand, a Soviet force which is roughly one-half the age of ours, qualitatively

superior in many respects, and growing rapidly with the full weight of an ongoing industrial program behind it.

In the words of Henry Kissinger, "Now we have reached that situation so devoutly worked for by the arms control community * * * we are indeed vulnerable."

And not only are we vulnerable, but so are our European allies. Targeted on the European democracies are some 351 intermediate-range ballistic missiles, the SS-20's, each with three warheads, and facing no NATO counterpart.

What do we do now? Well, this administration and this Congress have set out to restore our military credibility. We have made much progress, yet much more remains to be done.

This administration reversed the previous decision to cancel the B-1, and Congress has supported that decision by authorizing and appropriating funds for the B1-B. The B1-B will be able to penetrate Soviet air defenses which have been upgraded to the point that the B-52 is no longer an effective strategic penetrator. We have also pushed forward with the Trident submarine and the Trident II missile. The Trident II substantially strengthens the sea-based portion of our nuclear forces. We have gone ahead with the MX missile. Four Presidents and six Secretaries of Defense have supported the MX missile, and the Scowcroft Commission's recent report urges that the MX be built. Most of these programs are in their early stages. It is absolutely vital that these programs continue to receive congressional support. The Defense authorization bill continues on the foundations for rebuilding our strength begun 2 years ago. I think it is imperative that we support the bill.

Mr. DICKINSON. Mr Chairman, will the Chair inform the Committee the time that is remaining on both sides?

The CHAIRMAN. The gentleman from Alabama (Mr. DICKINSON) has 15 minutes remaining; the gentleman from Illinois (Mr. PRICE) has 34 minutes remaining.

Mr. DICKINSON. I thank the Chair.

Mr. PRICE. Mr. Chairman, I yield 7 minutes to the gentleman from Florida (Mr. HUTTO).

Mr. HUTTO. Mr. Chairman, I rise in support of H.R. 2969.

Mr. Chairman, as a member of the House Armed Services Committee, I am generally pleased with the levels of funding we are providing for our nation's defenses—a real growth rate of 6 percent after inflation. While I would prefer a higher real growth rate in our continuing efforts to modernize our defense effort, I supported the final version of the authorization bill. I did this because of budgetary realities and the constraints placed on our consideration of the bill by the House Budget Resolution, which calls for a 4 percent real growth rate.

This bill provides, in my view, the absolute minimum growth rate we need to effectively continue our deterrence policy vis-a-vis the Soviet Union. I strongly believe that our present defense posture, compared to that of our most likely adversary, the Soviet Union, and our vital interests throughout the world warrant this minimum level of growth. Anything less than 6 percent real growth would seriously undermine our military capability. We are forced now to pay the bill for our failure of the past decade or two to maintain an adequate balance of military strength.

I share the committee's concern that the continuing military buildup and the expansionist thrust of the Soviet Union pose a real threat to the security of the United States. The Soviets have engaged in the greatest buildup of military power seen in modern times, while our own investments in forces and weapons declined until very recently. The Soviet's investments in military capabilities have exceeded ours in every year since 1970. Their defense outlays in common dollar values were twice our investments in 1980 and 1981, and continue to substantially exceed our effort. Even more threatening for the future are the Soviets' research and development efforts in strategic nuclear and space capabilities—doubling and, in some cases, tripling our efforts.

I strongly urge this body's support for the modernization of our strategic forces as called for by the President's Commission on Strategic Forces. I believe it essential that we deploy the MX, develop the small mobile missile system, and link this strategic modernization effort to meaningful arms control agreements. The aging B-52 is near obsolescence and the additional funding for the B-1B bomber will help put a halt to the erosion of our nuclear deterrent triad. The B-1B's multirole capability will greatly enhance the committee's efforts to build up our conventional warfare capability.

The bill before this body has been carefully designed to improve our strategic and conventional weapons systems, our facilities, and the quality of life requirements for our military forces. I believe it provides the minimum essential funding levels needed to insure our national security objectives, and I urge passage of the bill.

□ 1700

Mr. DICKINSON. Mr. Chairman, I yield 10 minutes to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. I thank the gentleman for yielding this time to me.

First I would like to, Mr. Chairman, compliment the distinguished chairman and ranking minority member of the committee for the superb work that they have done in fashioning what I consider to be an excellent work product.

Specifically, I take the floor today to speak in support of the $200 million in this defense bill for civil defense.

Last year, President Reagan made a decision to increase the resources devoted to civil defense, to expand the program on a nationwide basis and to lay the groundwork for repairing crucial deficiencies in previously proposed approaches for protecting our population against nuclear attack. Unfortunately, the Congress rejected the increased program because many people misconstrued the nature and intent of the proposed program. Some were led to believe that it was an attempt to make nuclear war safer to use as as instrument of national policy. Others maintained that the program was unworkable and that it was a cruel hoax espoused by an administration oblivious to the horror of nuclear war and to the magnitude of its effects.

Nothing could be further from the truth. What was proposed then—and what is being proposed now—is a civil defense program that will lessen the likelihood of nuclear war by giving the American people a far better chance of surviving a nuclear attack than they presently have. A responsible government can attempt no less for the people it serves.

While it is true that the consequences of any thermonuclear exchange would be catastrophic beyond prediction, it is incumbent on us to do everything we can to insure to the maximum extent possible that our populations are protected.

For the last 20 years, the strategy of this country has been one of holding our population hostage by relying solely on our capability to retaliate by nuclear offensive means. I think that given the nature of the Soviet threat today, that strategy is no longer appropriate.

Civil defense is an important part of the equation in moving away from a philosophy that is totally dependent on nuclear offensive retaliation. It moves us more toward a strategy that is designed to protect people; and, of course, in this case, American people.

Having a vital civil defense capability is a real deterrent when looking at it from a national security or national defense perspective in case of potential aggression by an adversary.

Our prime potential adversary, the Soviet Union, has a fully developed civil defense system in place, a system that is capable of emptying its cities and relocating its population over a period of about 4 to 7 days.

We do not have a corresponding capability. And that raises a serious question as to what the vailable options to a President would be. In the

event of some period of rising confrontation in which the Soviets chose to put their program into place, the options that the President has today are not enviable.

As a consequence, one could envision a situation playing itself out in which the Soviet Union indeed emptied its cities while the United States did not have a corresponding capability, and then the Soviet Union suggested negotiations based on that great disparity. That would put us at a tremendous disadvantage.

Our ability to deter war will be strengthened if we can convince the Soviet leadership that a nuclear attack on the United States or its allies would yield no meaningful advantage. I believe it is possible to convince the Soviets of this by demonstrating that we have the wherewithal to protect what can be protected of the substance of our Nation, and to inflict unacceptable levels of retaliatory destruction after absorbing a Soviet nuclear attack.

We must always remember that true deterrence is not what we believe to be the consequences of a nuclear exchange. It is what we can impress upon the Soviets or others as to what the consequences of such an exchange would be.

If we leave ourselves vulnerable, either in strategic capabilities, of which civil defense s really a part, or by giving the Soviets reason to believe that they enjoy a capability that we do not have, then the thought of being able to survive and win a nuclear war becomes a plausible one in the minds of the Soviet leadership. We must not let that ever happen.

Civil defense on both sides increases strategic stability and makes war less likely. As Nobel laureate Eugene Wigner once observed, "A world in which neither of two opponents can destroy the other is much, much more stable than one in which each can destroy the other."

President Reagan's strong commitment to civil defense is consistent with the wishes of the American people. A poll taken in August 1982 by Sindlinger & Co. revealed that 81 percent of the American public believes the U.S. Government has a responsibility to provide an effective program of civil defense for all its citizens. A later Gallup poll—October 1982—found that a majority 54 percent of those surveyed approved President Reagan's proposal for an increase in civil defense spending.

The $200 million in this bill to support civil defense is about $54 million less than the administration requested. Nevertheless, it will enable the Federal Emergency Management Agency to undertake an all-hazards approach to civil defense improvement. It is a program that recognizes that we must be prepared for natural calamities such as hurricanes or floods and for man-made calamities such as chemical spills or nuclear attack.

Mr. PRICE. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to personally thank the distinguished chairman of the full committee and the subcommittee chairman for a very good-faith attempt to provide a defense force that meets our national security needs, and at the same time tried to meet the limits in the budget resolution and to reduce the cost of the defense authorization bill. It is obvious that the authorization bills are not subject to the ceilings in the Budget Act, and we do not know what those ceilings are going to be yet. That will apply to the appropriations bill.

But I think looking at this bill, there are a number of instances when some good judgment was used in trying to reduce the cost of military expenditures. One I referred to in the committee report on pages 95 and 96 that deal with the modifications of the KC-135. In that particular program, as I understand it, and I would like to ask the distinguished subcommittee chairman, the gentleman from New York (Mr. STRATTON), that potentially is a $6 billion program but that would have real savings for the military, and one of the ways the gentleman suggests in this report to make sure we get the most for that defense dollar is to have a truly competitive atmosphere developed for the contract for all of these modifications.

□ 1710

You call on page 96 for the Defense Department to set aside at least one other KC-135 for the purpose of providing a second source so that when the competitive contract is let, we will have true competition; is that the gentleman's intent?

Mr. STRATTON. That is in fact the decision of the committee and the recommendation of the committee.

Mr. Chairman, if the gentleman from Oklahoma will yield further, as the gentleman says, this is a program that would cost some $6.9 billion, and the committee feels very strongly that the cost of the program is such that perhaps we could bring the cost down if there were some competition. So that the committee cut back the request from the Department of Defense which was for the conversion of some 31 aircraft in fiscal year 1984, in contrast to about 19 aircraft in 1983. We cut back some $435 million on that program in order to support the conversion of 24 aircraft in fiscal year 1984, and for such advance procurement as might be necessary to coordinate procurement with the scheduled modification.

The CHAIRMAN pro tempore (Mr. BARNARD). The time of the gentleman from Oklahoma (Mr. JONES) has expired.

Mr. PRICE. Mr. Chairman, I yield 3 additional minutes to the gentleman from Oklahoma (Mr. JONES).

Mr. STRATTON. Mr. Chairman, if the gentleman will continue to yield, the feeling was that since the increase has continued over these past years, we felt that there ought to be some way of bringing competition into the program so that we might be able to come up with a smaller cost, and in order to do that, we recommended that there be set apart from the funds already authorized some $10 million for the purpose of qualifiying and evaluating an additional aircraft modification facility, and in addition to that sum, the Department of the Air Force was directed to provide the second source facility which they selected, with a KC-135 aircraft and a CFM-56 engine modification kit.

I might point out to the gentleman that although this is referred to as a reengining program for the KC-135, our major tanker force for the Strategic Air Command, that name is actually a misnomer. While it is true that all of the aircraft will have the CFM-56 engine replacing the older J-57 engine, 37 other systems on the KC-135 are also going to be replaced or upgraded, improving the horizontal stabilizer, new brakes, antiskid devices, auxiliary power kits, and a new landing gear, and the kits that are now being purchased are being bought sole source from the Boeing-Wichita Co. The commercial CFM-56 engine is being bought from the General Electric Co. as the most capable engine for this aircraft. The total program as now proposed is for 334 kits, and another 300 aircraft would still remain unmodified under current plans. So what we are looking for is not only someone to replace the engines as a second source but also to develop the appropriate kits that would provide the other items that have to be replaced and upgraded. We felt that this could be an open competition, and the result of an open competition would bring down the price.

Mr. JONES of Oklahoma. Mr. Chairman, I thank the gentleman from New York (Mr. STRATTON).

I think very clearly that the taxpayers will benefit from having true competition in these kinds of contracts, and I applaud the gentleman from New York (Mr. STRATTON) and the committee for taking this action and for the overall action that they have put together in this bill. I intend to support it.

Mr. STRATTON. Mr. Chairman, I want to extend my thanks to the gentleman from Oklahoma (Mr. JONES) for his kind words. The subcommittee

appreciates his suggestion in this regard, which I think will save the taxpayers money.

Mr. PRICE. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland (Mrs. BYRON).

Mrs. BYRON. Mr. Chairman, as we debate this year's Defense authorization bill, we should keep in mind that this bill carries with it some very important foreign policy implications. Several amendments to the bill that have been entered in the record, or otherwise noted, will have very important foreign policy and arms control implications. If we pass this bill as reported from the committee, we will once again demonstrate the will of the House to do what is necessary to protect our own interests and to support our allies.

There are two items in the bill that have been controversial in the past but which have a great bearing on our prospects for achieving some measure of arms control in Europe. These are the Pershing II missile and the ground-launched cruise missile (GLCM) systems. We should remember that the very existence of Pershing II and the ground-launched cruise missile is the result of weaknesses, failures, and omissions in previous arms control agreements, particularly SALT I and SALT II. Had those agreements been more comprehensive, there would be no need for these weapon systems.

Previous arms control agreements concentrate on long range intercontinental ballistic missiles (ICBM's) and sea-launched ballistic missiles (SLBM's). The Soviet Union strongly resisted any effort to include intermediate-range systems such as the Backfire bomber or the SS-4, SS-5, and SS-20 missile. They also refused to negotiate reductions in intermediate range submarine-based missiles.

Taking advantage of this gaping hole in the arms control process, the Soviets augmented their Backfire bomber and intermediate-range SS-4 and SS-5 missiles with 351 SS-20 missiles that can deliver 1,250 nuclear warheads on targets within the NATO area. This occurred even as SALT II was being negotiated. The SS-20 is mobile and its launchers can be reloaded with a similar number of warheads. There are no intermediate-range nuclear missiles deployed within NATO to deter possible nuclear blackmail or use of this overwhelming capability of the Soviet Union.

In the face of this overwhelming threat, the Western European NATO countries became concerned, and rightly so. Arms control negotiations between the United States and the Soviet Union at that time did not deal with the intermediate-range threat. The NATO allies also became concerned that the U.S. strategic deterrent would never be used as a shield against a Soviet nuclear attack on Europe. As a result, the NATO Ministers, on December 12, 1979, agreed to modernize NATO's nuclear deterrent through the deployment of 108 Pershing II missiles and 464 ground-launched cruise missiles in Europe. This decision was coupled with a commitment to arms control negotiations between the United States and the Soviet Union on theater nuclear forces.

The NATO decision to deploy an intermediate-range nuclear deterrent, while seeking an arms control agreement, is the only basis for the intermediate-range nuclear forces (or INF) negotiations that began in November 1981. It is only the determination of the United States and NATO countries that brought the Soviet Union to the bargaining table, and it is only that determination that keeps the Soviet Union at the bargaining table. If the U.S. unilaterally backs down from its promise to deploy the ground-launched cruise missile and Pershing II, the NATO alliance will become just another scrap of paper and the United States will, in fact, become an unreliable ally.

The President has asked for a treaty that would ban intermediate-range missiles worldwide. The Soviets have rejected that concept and some have said that a zero option is unachievable. NATO, on the other hand, has insisted on the maintenance of parity in intermediate-range nuclear weapons and has expressed a willingness to establish parity at whatever level is suitable to the Soviet Union.

In deciding whether to vote for or against amendments to this bill, I would urge those on both sides of the aisle to remember that we cannot turn our NATO allies on and off like a lamp. In the interests of diplomacy and arms control, I urge that the committee's position on the Pershing II and ground-launched cruise missile be supported.

● Mrs. COLLINS. Mr. Chairman, as a Member of Congress who has consistently supported the necessity to make sure the most basic needs of our constituency are taken care of, I rise in opposition to this defense authorization bill. Instead of making sure chilldren receive hot, nutritious meals at school, our elderly have shelter and proper medical attention, working mothers have access to quality, affordable child care facilities and 11 million workers have jobs or a chance at being retrained and productive again, we are considering legislation which will cost $1.8 trillion during fiscal years 1984-88. All of this because the President insists on getting into a spitting match with the Russians based upon how much of their GNP is spent on defense.

The idea that we must go tit-for-tat with the Soviets on defense spending continues to strike me as rather irresponsible, especially in the face of a $200 billion Federal deficit. How dare the President think we will go mindlessly along with his poorly conceived half-baked solution. Why should we put ourselves in a position to play world war III at the expense of every needy person in this Nation? Why should we continue to waste millions of dollars on weapons which are not cost effective and will do little to afford us the kind of protection we claim to need?

Mr. Chairman, I am not advocating that we not be prepared to defend ourselves whenever and wherever necessary. Quite the contrary. What I am protesting is the ability of the President to place our defense requirements on the level of keeping up with the Jones'. If we already have sufficient weaponry to blow our enemies and ourselves off the face of this Earth, why does it matter if we have 27 more MX missiles or 10 more B-1B bombers? The sad fact is, we are only delving deeper and deeper into a self-destructive hole. Only then it will be too late.

In closing let me ask that my colleagues think long and hard about our priorities and vote to support those amendments which will at least bring some semblence of sanity to our defense budget. Maybe then we can really work to lessen our mounting deficit and provide the money to mend America back again.●

Mr. DICKINSON. Mr. Chairman, we have no further requests for time.

The CHAIRMAN pro tempore. Does the gentleman yield back the balance of his time?

Mr. DICKINSON. I reserve the balance of my time, Mr. Chairman.

Mr. PRICE. Mr. Chairman, I have no further requests for time.

Mr. DICKINSON. Mr. Chairman, if the gentleman is going to yield back his time, before he does that, I notice the presence of the majority leader here, and was wondering if the chairman of our committee would call on our majority leader so he could tell us what we might reasonably expect as far as this bill is concerned, how it is impacted by what the Rules Committee may or may not have done on the appropriations bill, and when we might expect to come back?

Mr. PRICE. Mr. Chairman, I would be glad to call on the gentleman from Texas (Mr. WRIGHT).

The CHAIRMAN pro tempore. Does the gentleman yield time to the gentleman from Texas (Mr. WRIGHT)?

Mr. DICKINSON. Mr. Chairman, I would be glad to yield such time as he might require to the gentleman from Texas (Mr. WRIGHT).

LEGISLATIVE PROGRAM

Mr. WRIGHT. Mr. Chairman, I thank the gentleman from Alabama (Mr. DICKINSON).

This would be, I suppose, as good a time as any to explain what is planned for next week's program.

When we conclude debate today, that will complete the legislative business for this week. In that there are approximately 170 Members planning to go to New York on the annual trip tomorrow, we will not plan legislative business for tomorrow; we will have a pro forma session.

□ 1720

There will be no session on Friday.

Next Monday we will have at least eight suspensions. I will name them, as follows:

H.R. 2807, Older Americans Act amendments, re meals.

H.R. 2355, Emergency Vietnam Veterans Jobs Training Act.

H.R. 2920, Veterans' Administration health programs amendments.

H.R. 2948, veterans' housing benefits amendments.

H.R. 2906, Arms Control and Disarmament Agency amendments.

H.R. 2840, orderly termination of Federal management of the Pribilof Islands, Alaska.

H.R. 1707, NTSB (National Transportation Safety Board) authorizations.

H.R. 2895, to name a building for Phillip Burton.

The principal thing is that no votes are scheduled for Monday. We hope to conclude debate on those eight suspensions and then to take up the very highly privileged resolution on the MX and other elements recommended by the Scowcroft Commission. We would not expect to vote on that that evening, either. As the gentleman is aware, the rule permits us up to 50 hours of debate, but it is my understanding that an agreement has been reached between the gentleman from Alabama (Mr. EDWARDS) and the gentleman from New York (Mr. ADDABBO) to the effect that there will be something in the nature of a 6-hour debate; that we would conclude most of that on Monday, but would leave a residue of it, perhaps as much as 2 hours, over for Tuesday after the votes on the suspensions.

We would have votes on the suspensions and then complete consideration of the MX resolution (H. Con. Res. 113).

Following that, we would return on Tuesday to the further consideration of this Defense Department authorization bill, going under the 5-minute rule and continuing through Tuesday.

On Wednesday and the balance of the week we would meet at 10 a.m. and take up first of all the supplemental appropriations bill, assuming it has been cleared and is ready for our consideration with a proper rule. I suppose we would consider it, in any event.

Then we would return to the Defense Department authorization bill and continue consideration of it Thursday and if necessary Friday.

Mr. DICKINSON. Mr. Chairman, I thank the distinguished majority leader.

If I might speak for the chairman and, of course, he is here; but in a conversation with him and also in our testimony before the Rules Committee, it was the intention of the chairman and our committee that when we go back into session, that the first item of business for the authorization bill would be title III, which deals with all the strategic elements of the bill.

Would the chairman, the gentleman from Illinois, comment on that?

Mr. PRICE. Mr. Chairman, if the gentleman will yield, the gentleman is correct on that.

Mr. DICKINSON. We had authorization to bring this up out of order, title III, which deals with the MX missile, the small mobile, and the hardening, and so forth; so that would be the first item of business. Then we would go back to title I and the rest would be brought up in sequence. Is that my chairman's intention?

Mr. PRICE. The gentleman is correct.

Mr. LOTT. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Yes, I yield.

Mr. LOTT. I would like to ask the distinguished majority leader just a couple of questions about the schedule for next week.

I think I heard the gentleman say that it is not anticipated that we would be in session on Friday, May 27, is that correct?

Mr. WRIGHT. That is correct. We do not really expect to be in session on Friday.

Mr. LOTT. I would like to reiterate a couple of other points.

If I understood correctly, we will not have any votes on suspensions on Monday. They will be deferred until Tuesday.

Mr. WRIGHT. That is exactly right.

Mr. LOTT. We will then take up the MX resolution after the suspensions on Monday, with the intention of completing that action and voting on that on Tuesday; is that correct?

Mr. WRIGHT. That is just exactly correct.

Mr. LOTT. We will come in at 10 on Wednesday and Thursday, and we do not expect any business on Friday, May 27, which would be a pro forma session; is that correct?

Mr. WRIGHT. The gentleman states the matter with precision. That is exactly right.

Mr. LOTT. I thank the gentleman for yielding.

Mr. DICKINSON. Mr. Chairman, I reserve the balance of my time.

Mr. PRICE. Mr. Chairman, I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MONTGOMERY) having assumed the chair, Mr. BARNARD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes had come to no resolution thereon.

GENERAL LEAVE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the majority leader, the gentleman from Texas (Mr. WRIGHT).

ADJOURNMENT FROM THURSDAY, MAY 19, 1983, TO MONDAY, MAY 23, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to dispense with the business in order under the Calendar Wednesday rule on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1398, ENERGY CONSERVATION DAYLIGHT SAVING ACT OF 1983

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 98-204) on the resolution (H. Res. 201) providing for the consideration of the bill (H.R. 1398) to promote energy conservation by providing for daylight saving time on an expanded basis, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY CHAIRMAN OF SUBCOMMITTEE OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. GARCIA. Mr. Speaker, at this time I will defer to my colleague, the gentlewoman from Indiana (Mrs. HALL), who has taken over the subcommittee that I formerly chaired dealing with resolutions and who will now assume that responsibility. I just want to be with the gentlewoman and guide her through her first process on the presentation of the resolution which will follow.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Indiana (Mrs. HALL).

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES CONCERNING SOLIDARITY SUNDAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Comittee on Post Office and Civil Service be discharged from further consideration of the resolution (H. Res. 150) expressing the sense of the House of Representatives concerning Solidarity Sunday, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. GILMAN. Mr. Speaker, I reserve the right to object. I am not objecting, but I did want to ask the gentlewoman from Indiana if she would explain the measure to the House.

Mrs. HALL of Indiana. Yes, I will be happy to, Mr. Speaker.

Mr. Speaker, on Sunday, May 22, 85 constituent agencies of the Greater New York Conference on Soviet Jewry will sponsor Solidarity Sunday to affirm the resolve to secure freedom for Soviet Jews and beleaguered people elsewhere.

This resolution expresses the support of the House of Representatives for this event.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, and Mr. Speaker, I shall not object, I did want to take this opportunity to thank the gentlewoman from Indiana for her timely consideration of this legislation.

As the chief cosponsor of this measure, along with my colleague, the gentleman from New York (Mr. WEISS), I look forward to attending the demonstration on Sunday, May 22, following the passage of this legislation.

This resolution is an extremely important message to the Soviet Union that we in the Congress have not forgotten the plight of Soviet Jewry. They have been called the Jews of Silence because of the restrictions on the freedom of speech in the Soviet Union. So it is necessary that some of us speak up for them.

I know that those gathering at Dag Hammarskjold Plaza in New York City on this Sunday will be highly grateful for the demonstration of congressional support.

□ 1730

Mr. WEISS. Mr. Speaker, will the gentleman yield to me?

Mr. GILMAN. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding to me and I, too, want to commend the gentlewoman from Indiana for sponsoring the resolution and having her committee report it out in such a timely fashion.

This Sunday, May 22, is Solidarity Sunday, when thousands of New Yorkers will march down Fifth Avenue to the United Nations in support of Soviet Jewry.

Never has there been a more propitious moment for such a march. Jewish emigration from the Soviet Union has slowed to a trickle. In 1979, 50,000 Jews were permitted to leave the Soviet Union. Last year less than 2,700 were allowed to go. The emigration rate thus far this year is less than half of last year.

Something must be done. Soviet oppression of its Jewish citizens continues unabated. Jews are denied jobs, education, and religious freedom simply because they are Jews. The basic right to emigrate, supposedly agreed to by the Soviet Union in the Helsinki accords, is routinely denied. Adoption of this resolution hopefully will help to persuade the Soviet Union to ease up on the emigration of Soviet Jews.

Mrs. HALL of Indiana. Mr. Speaker, I would like to thank my colleagues from New York City for their support of this resolution.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 150

Whereas on May 22, 1983, the eighty-five constituent agencies of the Greater New York Conference on Soviet Jewry will sponsor "Solidarity Sunday" to reaffirm the resolve to secure freedom for Soviet Jews and beleaguered people everywhere;

Whereas Americans of all faiths will participate with the Conference in a number of activities on that day seeking to express solidarity with the almost three million Jews in the Soviet Union;

Whereas the right to emigrate freely and to be reunited with families abroad is being denied Soviet Jews and others;

Whereas the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations, the Soviet Constitution, and the Final Act of the Helsinki accords clearly guarantee such rights;

Whereas the Government of the Soviet Union has recently implemented additional restrictive measures sharply reducing the number of people eligible to emigrate;

Whereas the Government of the Soviet Union is persecuting its Jewish citizens and denying such citizens even those rights and privileges accorded other recognized religions in the Soviet Union;

Whereas the Government of the Soviet Union discriminates against Jewish cultural activities by banning and suspending Hebrew and Jewish culture classes and legal and scientific seminars, by threatening Hebrew teachers, and by closing the Jewish kindergarten called the "Gan";

Whereas Soviet Jewish emigration has dropped alarmingly from a high of fifty one thousand two hundred and thirty in 1979 to only two thousand six hundred and ninety-two in 1982, and 1983 figures are currently running at half the 1982 levels;

Whereas a virulent antisemitic campaign continues unabated in the Soviet press and Soviet Jews are increasingly deprived of job and educational opportunities;

Whereas thousands of innocent Jews and other persons, after applying to leave the Soviet Union, have been subjected to illegal induction into the Armed Forces, incarceration in mental institutions, expulsion from school, and constant surveillance and harassment;

Whereas the Government of the Soviet Union will not succeed in isolating Soviet Jews from friends in the West so long as those who cherish liberty will continue to speak out on behalf of beleaguered people everywhere;

Whereas "Solidarity Sunday" will serve as an expression of determination to continue efforts to secure freedom for the Soviet Jewish Prisoners of Conscience incarcerated solely because of their desire to emigrate, and the veteran refusniks who have awaited exit visas for up to thirteen years; and

Whereas the Government of the Soviet Union should remove all obstacles to the free emigration of Jewish citizens and others who wish to leave and live in other countries, and should insure the free exercise of religious beliefs and cultural expression: Now, therefore, be it

Resolved, That the House of Representatives supports "Solidarity Sunday".

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

THE POLITICS OF BLINDNESS AND BLAME

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, even though the newsmagazines this week have headlined the fact that the President shrinks from dealing with the deficit, last night at the White House news conference he promised to stay the course—and, I might add, to drive another nail into the coffin of the budget process.

Do you remember Ronald Reagan, the candidate with his line about the stack of thousand dollar bills 67 miles high that it took 200 years to produce a trillion dollar deficit? Well now, we have him as President, a helmsman who by staying his course will take only 5 years to produce a trillion dollar deficit.

But that is not Ronald Reagan's problem; he does not care if the deficits raise interest rates and stop an economic recovery in its tracks; he does not care about the compromises that are proposed by Congress, by his Republican leadership; he opposes compromise. He does not even care if the budget process itself unravels.

I call upon the President to put together a budget with the Congress. I call upon the President to be a leader instead of a candidate; the politics of blindness and blame is nothing more than the road to a longer and deeper recession.

[From Time Magazine, May 23, 1983]

UNTAMED MONSTER

(By Walter Isaacson)

When the first signs of recovery began to break through the deep recession last winter, economists and politicians alike added apocalyptic warnings to their expressions of cautious optimism. Uncontrolled federal deficits, they declared could drown the economy in red ink. Yet when Ronald Reagan, formerly the ardent apostle of balanced budgets, submitted a plan for fiscal 1984 with a shortfall that approached $200 billion, political paralysis seemed to set in. The enormity of the deficit monster eventually led to a feeling of futility. In addition, encouraging economic signs, such as a record bull run on Wall Street and continued moderation of inflation, raised hopes that the economy would continue its upward climb despite the deficits, at least until the 1984 elections.

This complacency was shaken last week when disputes over deficits rived the once solid unity of Senate Republicans and threatened to destroy the budget process that provides Congress with its chief source of fiscal discipline. As it became apparent that the Administration and Congress were unable, or unwilling, to deal with the budget, there was renewed concern about the danger that this presented for the still tentative recovery.

Reagan came into office professing horror at the $1 trillion national debt accumulated over two centuries, which he vividly depicted as "a stack of $1,000 bills 67 miles high." Yet his economic program could produce a string of record deficits that would increase the debt to more than $1.6 trillion during his term. The future interest payments on this additional debt alone could run higher than $60 billion a year. In contrast to the frenetic maneuvering a year ago to keep his 1983 projected deficit from breaking the $100 billion barrier (the final figure is likely to be $210 billion by the time fiscal 1983 ends in September), the President adopted a sanguine attitude about this year's shortfall. In January, he proposed a stand-by tax that would take effect in 1985 on the contingency that deficits remained high, but when it became clear that this contingency was inevitable, he abandoned the fight for the tax. Moreover, he resisted pressure to scale back his 10% real defense increase or the tax cuts passed in 1981.

Reagan's recalcitrance provoked the Republican-led Senate Budget Committee, headed by Pete Domenici of New Mexico, to send to the floor last month a budget bill written by Democrats based on a plan already passed by the House. It would reduce the projected 1984 deficit to $162 billion by trimming the real increase in defense spending to 5% and raising $30 billion in new tax revenues. Faced with this prospect, Reagan reluctantly relented two weeks ago and gave his tacit support to a compromise fashioned by Domenici and the Senate Republican leadership. It called for a 7.5% rise in defense spending. But Reagan still refused to support significant new taxes. That prompted a revolt by a quintet of Republican moderates, led by John Chafee of Rhode Island. They proposed to alleviate future deficits by a moderate increase in taxes and a trim of the defense budget's growth to 6%. Although most Senate Democrats joined forces with the Republican moderates, no budget plan could garner a majority.

Senate leaders hope that the Budget Committee can come up with a new plan this week for a budget resolution acceptable to the House and Senate. The congressional budget process, which was instituted in 1974, requires that members pass such a resolution, putting spending ceilings on government programs and setting overall tax levels. A breakdown of this system could lead to uncontrolled spending, with each appropriations subcommittee voting to spend whatever it wanted. Democratic Senator Lawton Chiles of Florida said that if the budget process breaks down, "I think that we shall have chaos."

Reagan effectively used the budget process in 1981 and 1982 as a club to win his way in Congress. But many advisers, most notably Defense Secretary Caspar Weinberger, feel that Reagan might be better off this year without a budget resolution. He could then try to influence each appropriations bill separately, and veto those he disapproved of. The veto threat, however, would be ineffective in tackling the most important spending problem, that of burgeoning entitlements such as Medicaid and federal pensions. These can be cut only if Congress passes new laws to change eligibility. Aside from defense spending, less than one-fifth of the budget is governed by appropriations that can be vetoed.

When he proposed his dramatic economic package shortly after taking office, Reagan said that it would produce a budget surplus by fiscal 1984. Instead, it helped create a fundamental disparity between revenues and expenditures. Even assuming sustained growth, revenues will remain at about 19% of the gross national product. And even if the further reductions in domestic expenditures requested by Reagan are passed by Congress, outlays will not fall below 23% of the G.N.P Unless the budget process can be used to force deep cuts in entitlement programs, Budget Director David Stockman warned the Cabinet last month, the country faces deficits of more than $200 billion "as far as the eye can see."

As a result, some Administration officials have been trying to play down the danger of deficits. "I will offer a prize to anyone who can show me the connection between high rates of interest and high deficits," Treasury Secretary Donald Regan said two weeks ago in Manila. Yet he seemed to enter his own contest last week, when he told foreign finance ministers meeting in Paris that the U.S. was sensitive to the problems its high interest rates created for other nations (see ECONOMY & BUSINESS). Said Regan: "I do guarantee we will make visible progress in removing the specter which arose from the January budget: record deficits as far as the eye could see." Britain's Chancellor of the Exchequer, Sir Geoffrey Howe, also made the connection, saying that the prime cause of high interest rates is the borrowing requirements of the U.S. Government. This is likely to be a source of friction when Western leaders meet later this month at an economic summit in Williamsburg, Va.

The problems posed by continued high deficits are depressingly apparent to economists. Says Martin Feldstein, the chairman of Reagan's Council of Economic Advisers: "For the past two decades, total net private savings have averaged only about 7% of the G.N.P. A budget deficit of 6% [which is what $200 billion represents] would absorb an amount equal to nearly all of those savings." The Government's growing borrowing needs could cause what Citicorp's senior domestic economist, Peter Crawford, calls "painful conflicts between the Treasury and private borrowers." This "crowding out" of private borrowers is part of an economic Catch-22. Explains Wall Street Analyst Sam Nakagama: "If the Federal Reserve tries to keep interest rates down in the face of a big deficit, it would have to permit explosive growth of the money supply and another cycle of high inflation. On the other hand, if the Fed pursues a slow-money-growth policy with the aim of fighting inflation, a large deficit causes such high interest rates that private business activity is devastated."

At both ends of Pennsylvania Avenue, however, political considerations are taking precedence. Reagan and most Republicans will simply not consider new revenue measures, even though the underlying deficit cannot be closed without them. The Democrats have been willing to propose new tax measures, but balk at placing the restraints Reagan wants on entitlements. Congressmen of both parties, and in particular the Democrats, would like to scale back defense spending, but on this they have met resistance from the White House. The fecklessness of both parties when it comes to

making either tough revenue or spending decisions was illustrated last week when more than 300 House members, following the lead of their Senate counterparts, caved in to the banking industry and signed a petition supporting repeal of a measure to withhold taxes from interest and dividend income. The withholding provision, which will be reconsidered by the full House this week, would have cut down on tax cheating and produced $13 billion in revenues over the next three years.

At the end of his 1980 campaign, Reagan charged in a television address: "Mr. Carter is acting as if he hadn't been in charge for the past 3½ years; as if someone else ran up nearly $200 billion in red ink; as if someone else was responsible for the largest deficit in American history; and as if someone else was predicting a budget deficit for this fiscal year of $30 billion or more." Those words will no doubt be thrown back at Reagan with the added fire that his deficit in one year is about as high as Carter's was in four. House Speaker Tip O'Neill opened the barrage last week, saying, "Acting more like political muggers than legislators, the Republicans have failed to come up with a program to deal with the staggering deficits." Tough talk, but that, of course, will do little to resolve the current impasse. Unfortunately, the principle players now seem to feel that pointing the finger of blame will be more helpful to their political interests than agreeing to any effective deficit-reduction measures. So the only safe bet, it seems, is on the monster.

SOLIDARITY SUNDAY WITH SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 60 minutes.

Mr. GILMAN. Mr. Speaker, this Sunday, May 22, marks the 12th annual demonstration of Solidarity Sunday with Soviet Jewry, sponsored by the Greater New York Conference on Soviet Jewry. Held every year at Dag Hammarskjold Plaza, this mass demonstration of concern is attended by over 100,000 people.

I introduced House Resolution 150 with my colleague, the gentleman from New York (Mr. WEISS) at the request of the New York Conference. Our resolution expresses congressional support for this event, and although the demonstration is to take place in New York City, the issue of Soviet Jewry is one that concerns us all. I was, therefore, pleased that so many of our colleagues joined us in cosponsorship and that this measure was unanimously adopted by the House earlier today.

Year after year we continually witness violations committed by the Soviet Union, even though they are signatory to the Helsinki accords. Their commitment to basic human rights and the freedom and dignity of man is nonexistent. Solidarity Sunday has become the preeminent vehicle of American concern for Soviet Jews and for their struggle.

The record of Jewish emigration from the Soviet Union has plunged to new lows. In 1979, over 50,000 men, women, and children were allowed to leave. Last year, less than 2,700 were granted permission by the Soviet Union. When Yuriy Andropov took power after the death of Leonid Brezhnev there was extensive speculation as to what official Soviet policy would be regarding emigration. Because deeds speak louder than words, we know that their policy has become even more stringent. Emigration by Soviet Jews is half that of 1982, with less than 450 people being granted emigration vizovs to date this year. Comparatively, for the first quarter of 1979, over 10,000 had left by this time at that period.

It is significant that a number of our colleagues have recognized the plight of Soviet Jewry and have indicated their desire to participate in this special order.

Recently, a letter to Postmaster General Bolger, cosigned by over 75 of my colleagues, underscored the issue of mail interruption to Soviet Jews, and in our letter we asked Postmaster Bolger to raise the issue of nondelivery of mail from American citizens to Soviet citizens with the Soviet postal authorities during the course of his meetings with them at the Universal Postal meeting in Berne, Switzerland, that has been taking place in the last few weeks.

The Post Office and Civil Service Committee, on which I serve, will soon be conducting hearings regarding the interruption of mail delivery to the Soviet Union. I invite my colleagues to provide our committee with any notification of nondelivery of mail to the Soviet Union which will serve as documentation for our hearings.

Soviet citizens need to know that we care and that we will not stand idly by when their only link with the outside world has been severed.

The life of a Soviet Jew is a difficult one indeed. As soon as he or she makes the important decision to apply for an emigration visa, their life is changed forever. In most instances they lose their job. They are threatened by the possibility of being charged with "parasitism." Soviet KGB agents invade their homes, confiscate personal property, take them to KGB offices where they are interrogated for hours and often days. The harassment and degradation experienced by these men and women is unthinkable in our free society.

□ 1740

They are subjected in this manner only because they wish to emigrate to the land of their choice.

Mr. Speaker, just as Soviet Jews suffer greatly because of their religion, Romanian Jews are also being made to suffer. A new education tax is now being implemented wherein the Government of Romania requires repayment for all state-provided education beyond a compulsory 10 years. This new burden prevents most citizens from emigrating. The cost to the individual citizen wishing to leave ranges up to $50,000.

It is incumbent upon us, Mr. Speaker, as Members of Congress, to speak out when we witness abuses of human rights of innocent men and women.

Anatoly Shcharansky suffers in a Soviet prison; Ida Nudel is forced to move from place to place because authorities will not allow her to reside in one home peaceably; Ilya Essas and his family are the constant targets of Soviet harassment and anti-Semitism as he attempts to keep Jewish teachings and the Hebrew language alive.

Just last week, Ilya's father, Tzvi, was in Washington to garner congressional support for his plight, and many of us were pleased to meet with him. Tzvi Essas, in an eloquent plea for the freedom of his only child, convinced many of us to redouble our efforts on Ilya's behalf.

Not long ago, Iosef Begun was arrested again—his trial will be held in a few days.

"Solidarity Sunday with Soviet Jewry" will be the forum for all Americans to express their outrage with these and other travesties of justice committed by the Soviet Union. I urge my colleagues to join us this Sunday in Dag Hammerskjold Plaza in New York City, where, over 100,000 strong, we will proclaim, "Let them live, or let them leave."

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New York (Mr. WEISS) who I commend for cosponsoring this legislation.

Mr. WEISS. I want to thank the gentleman for yielding to me and I want to commend him for his initiative in having this special order taken and tell him what a privilege it is for me to be able to join with him, not only on this special order, not only as a cosponsor of House Resolution 150, but in all the efforts he has made in order to make life perhaps somewhat more bearable for those who suffer the oppression in the Soviet Union.

Hard experience has taught us the price of silence. As long as the Soviet Union thinks no one is watching, it will feel free to continue its brutal practices. Only when the rest of the world expresses its outrage in the strongest possible manner do the Soviets feel compelled to respond.

The gentleman's eloquent statement as to the tremendous falloff of people who have been allowed to leave over the course of these past 3 or 4 years is a clear indication as to how the vise has been tightened.

The resolution in support of Solidarity Sunday introduced by Congressman GILMAN and myself and passed by unanimous consent of the House today sends a clear message that the people of the United States, of all religions and nationalities, have not forgotten the plight of Soviet Jews. And so long as the Soviets continue to deny Jews basic human rights simply because of their religion, we and the world must continue to speak out.

Again I thank the gentleman for yielding.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his supporting remarks and thank him for his efforts on behalf of this resolution.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, I commend the gentleman from New York for his leadership on this issue and his leadership in this special order and on House Resolution 150.

Mr. Speaker, the plight of Jews in the Soviet Union is a very serious concern of all people and is a central concern of the Congress in our relationship with the Soviet Union. It is more than symbolically important that the House express its support for Solidarity Sunday with Soviet Jewry—it is incumbent upon this institution that we express the moral indignation of the American people over the treatment of Soviet Jews and refuseniks by the Soviet authorities. Our display of support and deep concern sends a signal to both the Government of the U.S.S.R. and to the persecuted members of the Soviet Jewish community: the United States will not forget Soviet Jews who are persecuted, harassed, denied emigration rights, and prevented from practicing the historic and traditions of their faith.

Along with my colleague Representative MEL LEVINE of California, I chair the 98th Congressional Class for Soviet Jewry. The class purpose is to provide a forum for all freshmen to demonstrate their concern about Soviet Jewry and provide leadership on the issue in the Congress as well as to provide support for Soviet Jews.

Let me point out that for the first time the freshman class has 100 percent solidarity.

I would note Solidarity Sunday is an interfaith effort, not a Jewish, Catholic, or Protestant issue.

In the Soviet Union 1.8 million Jews are unable to practice even the basic human right of religious freedom. Among them are 500,000 refuseniks—Soviet Jews who have persistently applied for permission to emigrate but are continually denied such permission and are subject to persecution, harassment, exile, and even imprisonment.

Soviet Jews make up the third largest surviving Jewish community in the world. It is reprehensible that this large Jewish community is denied the one thing basic to an individual's dignity: Basic human rights. Soviet Jews are consistently denied the rights granted to national minorities and religious groups by the Soviet Constitution. We must be aware of what Soviet Jews must live with: Anti-Jewish propaganda, closure of synagogues and Jewish schools, the banning of Hebrew language instruction, destruction of religious materials and cemetery desecration, and pervasive discrimination in education, employment, and social life.

Soviet Jews want to leave the U.S.S.R. because of their inability to live according to historic tradition. Yet, the U.S.S.R. has drastically limited Jewish emigration, there has been a 95 percent decline from 1979 to 1982. Emigration is an internationally recognized human right codified in the Helsinki Final Act (1975)—obviously ignored by the Soviets. Those Jews who are continually denied emigration rights, the refuseniks, are condemned to harassment and government intimidation. They are often stripped of professional and academic credentials and experience frequent interrogations, imprisonment, and interference with their mail. Many are exiled to harsh climates or imprisoned under intolerable conditions.

Soviet Jews have been subjected to increased official Soviet Government harassment; the situation has reached its most critical point since 1970. Recently, thousands of delegates, including a 500-member delegation from the United States, gathered at the Third World Conference on Soviet Jewry in Jerusalem. This group, which included many high ranking state officials, released a four-part resolution reaffirming that the struggle on behalf of Soviet Jewry should not be forgotten, and urging the Soviet Union to renew emigration, release Jewish activists, and put an end to government-sponsored anti-Semitism. Most importantly, the resolution urged that the Soviet Government stop the persecution of Jews trying to practice their religion and culture. The message that the Congress sends to the Soviet Government and to Soviet Jews today should be in this same spirit.

Mr. Speaker, by supporting international justice and human rights and by acting promptly on House Resolution 150 to express congressional support for Solidarity Sunday, the Congress will remind the Soviet Union that we do remember men and women of good conscience cannot be silenced as long as there are those being oppressed. We must also remind ourselves that when others are oppressed none of us can be truly free. I urge my colleagues to continue the fight for the almost 2 million people whose only crime is their religious belief, whose only request is to pray next year in Jerusalem.

I thank the gentleman from New York for his leadership on this issue.

Mr. GILMAN. I commend the gentleman for his eloquent supporting remarks, and express my thanks to the freshman class for their efforts in this regard.

Mr. ECKART. Will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Ohio.

Mr. ECKART. Mr. Speaker, the American people have long cherished and represented the value of human liberty for all people. It is, therefore, cause for our concern that the Soviet Union has consistently denied the basic freedoms of many of its citizens. Recent trends, in particular, have renewed our sense of urgency for Jews, continued deprivation of the freedom of the peoples of the Balkan countries and other peoples in that country.

Emigration of Jews from Russia has virtually come to a halt. For the year 1982, the number of those permitted to leave the country was the lowest since the beginning of the emigration movement. Yet there are thousands of Soviet Jews hoping to emigrate and they are not even able to obtain a definitive refusal. Rather, they are denied access to even the application process. Still, however, the number of Jews who have publicly proclaimed their desire to practice their religion freely continues to grow.

Other human rights violations point to a fundamental and qualitative change in the treatment of Soviet Jews. More Jewish activists were tried and imprisoned during the past year than during the previous several years. Jewish cultural efforts are being attacked with a new and frightening vengeance. Systematically, the Soviet Union is disbanning self-study groups; confiscating prayer and cultural books; warning Hebrew teachers to stop teaching or face imprisonment. Rather than simply seeking to restrict or contain the Jewish movement in the U.S.S.R., Soviet officials now appear to be hellbent on destroying any vestige of Jewish culture.

Now that there has been a change in Soviet leadership, it is especially important for Congress and the U.S. Government to take a stand and exert pressure on the U.S.S.R. to comply with the Helsinki accords by pursuing a more humane emigration policy. We must not be silent, for that would deal a final blow to the hopes of hundreds of Soviet Jews who are counting on our actions to live up to the spirit and letter of our constitutional principles. If we are to truly symbolize the principle of freedom for the oppressed, we must take actions such as this special order today to show that we all stand

against blatant violations of basic human rights.

I thank the gentleman for yielding.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his kind supporting remarks and for his staunch support of this issue and his continuing concern with regard to the plight of Soviet Jewry.

Ms. FERRARO. Mr. Speaker, will the gentleman yield to me?

Mr. GILMAN. I am pleased to yield to the gentlewoman from New York.

Ms. FERRARO. Mr. Speaker, this Sunday, in New York City, I shall be one of thousands of concerned citizens marching—marching in solidarity with the Jews of the Soviet Union.

Others here today will describe the appalling statistics—the sharp decline in Jewish emigration to Israel, although the longing of many Soviet Jews to go to Israel is unabated.

And we shall talk about the anti-Semitic harassment of Jews in the Soviet Union, both those who wish to leave and those struggling to live, as Jews, in their native land. This anti-Semitism cloaks itself, falsely, in the guise of opposition to Israeli policies in the Middle East.

Just last week, I talked to a group of young people who are deeply concerned about the plight of Soviet Jewry. They listened politely but I knew they were thinking, even as I was thinking, "isn't there more that we—in Congress, in America—can do?"

A few weeks before that, two colleagues and I sent a birthday greeting to Ida Nudel, the former prisoner of conscience whom I adopted in 1979. Although released from Siberian exile, she is still denied permission to join her sister in Israel. We also initiated a letter to Soviet Chairman Yuriy Andropov, a letter signed by more than 70 Members, urging him to consider her release. All I have for my efforts is a pink return-receipt requested slip marked with the Cyrillic alphabet of the Soviet Union.

But there is more to it than that. I know Ida Nudel will learn of our efforts on her behalf, even if she never gets the letter. I recently had the privilege of traveling to Israel, with the gentlewoman from Connecticut, Mrs. KENNELLY, and the gentlewoman from Maryland, Ms. MIKULSKI. We met there with Elana Fridman, Ida Nudel's sister, who assured us she has been able to let Ida know that Congress cares about her struggle for freedom.

I know that other refuseniks and prisoners of conscience—brave people like Anatoly Shcharansky, Iosef Begun, and Lev Elbert—whose causes have been taken up forcefully by so many of my colleagues, are better off for our protests than they would be if we were silent.

So on Sunday we will all march, and we will yell, and we will wave placards. And we will continue speaking out for those whose voices are so often stifled. We will not forget them. I want to thank my distinguished colleagues from New York for helping us remember and speak out here today.

□ 1750

Mr. GILMAN. I thank the gentlewoman from New York for her continuing concern. It has been many years that the gentlewoman has fought for human rights and for the cause of Soviet Jewry. And I know just within the last few days the gentlewoman spoke out very forcefully with regard to the issue of genocide.

I thank the gentlewoman for taking the time to express herself with regard to this issue.

● Mr. BIAGGI. Mr. Speaker, I am proud to join a number of my colleagues today in expressing congressional support for Solidarity Sunday, a day when over 100,000 Americans will rally in New York City to signify their unity with Soviet Jews.

May 22 will mark the 12th straight year the Greater New York Conference on Soviet Jewry has sponsored this very important event, which has become the centerpiece of the year-round American campaign to achieve basic freedoms for Soviet Jews. On May 22 I will be joining over 100,000 Americans and many others from around the world in a march down Fifth Avenue and a rally at Dag Hammarskjold Plaza across from the United Nations.

The deteriorating human rights situation in the Soviet Union makes this year's Solidarity Sunday rally more important than ever. As a result, I was especially pleased to join my distinguished colleague from New York (Mr. GILMAN) and over 170 other House Members as cosponsors of House Resolution 150, which formally expresses congressional support for Solidarity Sunday.

From 1979 to 1982 Soviet Jewish emigration declined by more than 95 percent—51,320 in 1979 to 2,688 in 1982. The latest figures are even more distressing. Through April of this year, only 425 Jewish citizens have been allowed to leave the Soviet Union—an average of just over 100 per month, or less than 1,500 per year.

These figures become even more distressing when we consider that over 400,000 Soviet Jews have begun the emigration process, and some 20,000 have been denied permission to emigrate on more than one occasion. These so-called hardcore refuseniks are living testimony to the deteriorating human rights situation in the Soviet Union—a situation that also includes a vicious anti-Semitic campaign in the Soviet press, the persecution of thousands of Jews who have applied to emigrate, and the denial of Jewish cultural and religious activities.

Clearly, the Soviet Union's blatant disregard for even the most basic of human rights is an intolerable situation that deserves our priority attention. Solidarity Sunday offers us an excellent opportunity to demonstrate our strong resolve on this critical issue, but there is also much more that can and must be done. In fact, I have joined many of my colleagues in a number of other initiatives this year in support of the Soviet Union's 3 million repressed Jews. These initiatives included:

A resolution (H. Res. 67), which passed the House calling for the immediate release of Soviet Prisoner of Conscience Anatoly Shcharansky;

A resolution (H. Con. Res. 63) urging the Soviet Union to comply with the Helsinki accords by pursuing a more humane emigration policy;

A letter to the 1983 Internatioal Conference on Soviet Jewry expressing concern about the Soviet Union's repressive policies toward its Jewish citizenry;

A letter to U.S. Postmaster General William Bolger urging him to raise the issue of nondelivery of U.S. mail to Soviet Jews at the Universal Postal Union meeting in Berne, Switzerland, held earlier this month—this situation is especially serious because Soviet Jews cannot leave the U.S.S.R. without a written invitation from a sponsor overseas; and

Forming the Congressional Human Rights Caucus, a group that is focusing particular attention on the Soviet Jewry problem.

Earlier this year, the Third World Conference on Soviet Jewry was held in Israel. I am greatly encouraged by the much needed international attention the Conference focused on the Soviet Jewry issue. I was especially pleased with the pledge President Reagan made, in a statement read by U.S. Ambassador Jeane J. Kirkpatrick, to keep the Soviet Jewry issue in the forefront of U.S. foreign policy and human rights concerns.

The message I have received both directly and indirectly from Soviet Jews is that our support has had a very positive impact on the Soviet Jewry cause. On May 22, Solidarity Sunday, Americans will demonstrate that our support for Soviet Jews is stronger than ever.●

● Mrs. ROUKEMA. Mr. Speaker, I would like to take this opportunity to applaud the efforts of the gentlemen from New York, Mr. WEISS and Mr. GILMAN for taking the time to call this vital matter to the attention of the Congress. I welcome this occasion to join with my colleagues in expressing my concern over the plight of Soviet Jews.

This special order comes at a time when Jews within the Soviet Union are facing one of the most critical

times in their history. After a high point in 1979 in Jewish emigration from the Soviet Union, we have witnessed a startling 95 percent drop in exit visas in a short period of 3 years and the trend appears to be continuing.

In addition, those Jews remaining in the Soviet Union are faced with ever increasing limitations on what few personal freedoms they have. Those who wish to emigrate are often dismissed from their jobs, forced into the military against their will, even imprisoned, simply because they wish to go to another land. While in the Soviet Union, Jews are not permitted to study their heritage, their religion, and from passing on their unique traditions to the generations that follow.

I deplore these actions on the part of the Soviet Government. They are in clear violation of international agreements signed by the Soviet Union, most notably the Helsinki accords. I would like to put the Soviet Government on notice that the Congress of the United States will not forget the cause of Soviet Jews and will continue to press this matter at every available opportunity.●

● Mr. KEMP. Mr. Speaker, today is a memorable day for human rights activists. Not only is today the day we participate in my good friend, Congressman GILMAN's special order on Soviet Jewry, but it is also the day that President Reagan signed into law the bill declaring May 21 National Sakharov Day in honor of Dr. Andrei Sakharov, Nobel Peace Prize laureate. The issue is the same; the United States speaking out against the violations of the principles of human rights and decent human behaviour.

It is important that we, as citizens of a free country, continue to exercise our right to speak out until all violations of human rights and dignity have ceased. As Dr. Sakharov has stated, it would be a criminal act to maintain silence; this silence would condone the nefarious activities of the Soviets against the Jewish people.

The situation of the Jewish people in the Soviet Union is rapidly deteriorating. The Soviets are attempting, though legislation and intimidation, to exterminate the Jewish religion without having to actually exterminate the Jews. They accomplish this by reducing the number of Jews allowed to emigrate to a mere trickle; by rendering the practice and study of the Jewish religion illegal; by prohibiting the passage of the rites of the rich Jewish tradition. In cases where these practices are attempted, the punishment is swift, harsh, and long lasting. If the punishment does not take the form of arrest and trial with the inevitable sentence of internal exile or hard labor, it takes the form of harassment and discrimination.

We, as Members of Congress and lovers of freedom, as cosignatories with the Soviet Union to the Helsinki accords, must do what we can to insure that this type of activity ceases. We must continue to speak out on behalf of Ida Nudel, Anatoly Shcharansky, Iosef Begin, Andrei Sakharov, and so many others like them, who need to know that they are not forgotten by the outside world, that there is still hope. We must give that hope, and see to it that they will be able to taste the freedom we all cherish.●

● Mr. SILJANDER. Mr. Speaker, it is indeed a solemn duty we have this day to point out the continuing plight of our Jewish friends inside the Soviet Union. It is my honor to lend my support to the cause of Solidarity Sunday for Soviet Jewery.

I view the situation in the Soviet Union as a critical one. Emigration of Soviet Jews has declined from 51,000 in 1979 to almost nothing this year. Let us look at the record of the Supreme Soviet wardens; raids of homes by the KGB are on the increase in recent months, pyschiatric and mental institutions are being used to silence dissent, Jews are excluded from higher education and frequently arrested and beaten for teaching Hebrew and the same religious beliefs we all hold so dearly. Many Jews are being incarcerated in prisons and concentration camps. Without a doubt, anti-Semitism in the Soviet Union is on the same level as that of Nazi Germany before the Holocaust.

I stand on the floor of the House today, and cry out as Mordecai did in the book of Esther when he said,

> If you keep silent at such a time as this, relief and deliverance will rise for the Jews from another quarter, but you and father's house will perish.

We can see that if the United States remains quiet on this issue that the spirit that has made this Nation great is already dead and that our ultimate end is only a matter of time away.

Alexis de Tocqueville said, after looking at America that "America is great because she is good, when she stops being good she will stop being great." I join today with my colleagues in calling upon that goodness which I believe is still alive in the United States to rise up and let the world know of our outrage for the treatment of Jews in the Soviet Union whose only offense against the Communist is their belief in God.

Certainly this issue is a test of the Soviet Union that all of us should take seriously. After all, the Soviets have signed both the Helsinki accords and the U.N. Declaration of Human Rights that call for the free emigration of people throughout the world. If the Communist government of Yuriy Andropov cannot keep these treaties should we trust him with the very survival of this Nation in a nuclear arms treaty?

I challenge the leadership of the Soviet Union to prove their good faith by letting God's people go, and abide by the terms of the treaties they themselves have signed. On that basis all of us can feel better about the prognosis of eventual world peace.

Accordingly, I am introducing a resolution tonight that would declare it the sense of Congress that the President should insist on Soviet compliance as a measure of Soviet good faith.

Mr. Speaker, I will include the text of my resolution following my remarks.

I am also proud to be a cosponsor of House Resolution 150, introduced by my colleague from New York, BENJAMIN GILMAN, who is indeed a loyal friend of the oppressed Jews in the Soviet Union.

I am proud to be here with these distinguished colleagues and pray that God will give us the vision and courage to continue to do what he would have us do to free the Soviet Jews yearning for the freedom to worship God in peace.

The resolution follows:

RESOLUTION ON SOVIET JEWRY

Whereas the number of Jews allowed to emigrate from the Soviet Union has decreased from 51,000 to 2,000 last year, a drop of 95 percent,

Whereas the Soviet Union has signed the Helsinki Accords on August 1, 1975 which bound them to allow the free emigration of ethnic nationals,

Whereas the Soviet Union has grossly violated that treaty by refusing emigration to Soviet Jews and by harassing, intimidating and punishing those Soviet Jews whom apply for exit visas under the provisions of the Accords,

Whereas the Soviet Union has banned the Hebrew language and culture and severely restricted Jewish religious expression,

Whereas the Soviets have made it almost impossible for Soviet Jews to seek higher education and meaningful employment inside the Soviet Union,

Whereas the Soviet Union uses mental hospitals and psychiatric torture to punish dissenters and refuseniks,

Whereas the Soviets have violated the United Nation's Declaration of Human Rights, to which they are a party, by refusing free emigration for Soviet Jews and others: Therefore be it

Resolved, That it is the sense of Congress that the President should insist on Soviet compliance with the Helsinki Accords and the United Nations Declaration of Human Rights at the current CSCB Review conference and the General Assembly of the United Nations especially as these documents relate to the emigration of Soviet Jews as a sign of Soviet good will in other treaty negotiations.●

● Mr. OTTINGER. Mr. Speaker, I rise today to support House Resolution 150, introduced by my colleague from New York, Mr. GILMAN, expressing congressional support for Solidarity Sunday, May 22. This annual demonstration, held this year for the 12th

time, draws hundreds of thousands of citizens to New York's Dag Hammarskjold Plaza to commemorate the plight of thousands of Jews in the Soviet Union.

Soviet Jewish emigration has never fallen so low. In 1979, 50,000 Soviet Jews were granted emigration visas; in 1982—just 3 years later—this number had plummeted to 2,668. This year, the Soviet Government has granted fewer than 150 visas each month.

Meanwhile, the official anti-Semitic policies of the Soviet Government continue to be used to shackle Jewish citizens. Soviet Jews are denied their right to practice their religion, have their educational programs closed, suffer abuse by the press, and are threatened with the loss of jobs should they seek to emigrate.

The case of Anatoly Shcharansky is one the most telling tales of brutal anti-Semitic treatment to which Soviet Jews are subjected. Mr. Shcharansky has been at the heart of the Soviet Jewry movement since 1973 when he was denied permission to emigrate to Israel. He was arrested in 1973 on trumped-up charges of treason, and him ensuing 6-year prison ordeal has subjected him to the most abhorrent conditions: severe cold, isolation, and inadequate health care—conditions which forced him into the hospital several times.

On April 12, this body unanimously approved my resolution calling on the Soviet Union to release Anatoly Shcharansky immediately and to allow him to join his family in Israel. Soviet treatment of Mr. Shcharansky clearly violates Soviet obligations under international law and makes a mockery of their stated commitment to the Helsinki agreement. House passage of the Shcharansky resolution sent a clear signal to the Soviet Union that the United States is unequivocally committed to helping all oppressed Soviet Jews.

The Members of this Congress and the people of our Nation must continue to decry the heinous abuse of human rights in the Soviet Union. I commend the efforts of the Greater New York Conference on Soviet Jewry, which sponsors Solidarity Sunday, and urge all my colleagues to continue their support of the courageous Jewish people of the Soviet Union.●

● Mr. GARCIA. Mr. Speaker, on May 22 the people of the United States will have an opportunity to join in a demonstration expressing their support for the freedom of Soviet Jews. Solidarity Sunday, sponsored by the Greater New York Conference on Soviet Jewry, attracts more than 100,000 people each year. This year the event will begin with a march down Fifth Avenue and will culminate in a rally at the Dag Hammarskjold Plaza across from the United Nations. Many of us in Congress have attended this event and addressed its participants in the past, and I urge my colleagues to show their support this year.

The need for our Nation to rally in support of liberty and dignity for Soviet Jews is critical. Emigration to the West is down sharply. While a quarter of a million Jews were allowed to leave the Soviet Union in the seventies, only 21,000 emigrated in 1980 falling to 9,400 in 1981. Last year the gates opened for a scant 2,600 people. The thousands of Jews obliged to remain in the Soviet Union have been subject to a deliberate suppression of their culture. While 1,000 synagogues were open to Jews in 1926, today only a handful of rabbis serve 2 million people of Jewish faith. Teaching materials have been confiscated, and Jewish history is not acknowledged in the schools' curriculums. Further, the individual capabilities of Jewish citizens are denied full expression. The number of Jewish students enrolled at the university level has been cut by half over the past decade; and students and activists may be denied employment, conscripted into the military, and even arrested.

The effect we in the United States can have on Soviet internal decisionmaking is unclear. Nevertheless, this Sunday citizens spirited by their conscience will gather at the United Nations to express their solidarity with the Soviet Jewish people. They will call upon the Soviet Government to respect the international accords it has signed guaranteeing the individual rights of its citizenry. I urge my colleagues to attend.●

● Mr. SCHEUER. Mr. Speaker, Sunday, May 22, will be set aside as the 12th annual Solidarity Sunday for Soviet Jewry. I am pleased to have this opportunity to join my colleagues in bringing attention to this important event, one in which thousands of Americans of all faiths unite behind the Soviet Union's 3 million oppressed Jews.

Traditionally observed as a reminder to the world community of the continuing persecution of Jewish citizens in the Soviet Union, Sunday's rally in New York is especially significant because of the extreme deterioration of conditions under which Soviet Jews have been forced to live. In recent years, Soviet Jews have experienced not only a dramatic increase in harassment, arrest and imprisonment at the hands of Soviet authorities, but also a precipitous decline in the number of exit visas granted as well.

It is a tragic irony that a nation with the third largest number of Jews in the world bans the publication and circulation of all Hebrew books and Bibles. Because it is not recognized as a legitimate language, Jews are neither permitted to study or teach Hebrew, nor are Jews allowed to teach their children anything related to their history, language, or culture. Unlike other religious groups in the Soviet Union, Jews are not permitted to maintain central coordinating bodies. Soviet Jews are often the targets of virulent anti-Semitic attacks in the Soviet-controlled media, despite the Soviet Union's promise—as a signatory of the 1975 Helsinki agreement—"to recognize and respect the freedom of an individual to profess and practice, alone or in a community, religion or belief in accordance with the dictates of his own conscience."

There has also been a surge in the number of prisoners of conscience convicted either for actions related to their religious activities or the usual trumped-up charges of treason or espionage that are often used as excuses to imprision Soviet Jews. The trials of these "criminals" are a cruel sham. Proper counsel is rarely provided and verdicts are often delivered within a matter of minutes. Sentences mandating up to 13 years hard labor of exile are handed down without the benefit of a fair trial—in open defiance of the intent of the Helsinki accords "to respect the right of national minorities to equality before the law" and to "afford them the full opportunity for the actual enjoyment of human rights and fundemental freedoms."

Perhaps equally disturbing is the inability of Soviet Jews to escape this shameful treatment through emigration. Despite the fact that some 260,000 Jews have been permitted to leave over the last 10 years, emigration has been brought to a virtual halt. From an all-time high of 51,320 exit visas granted to Jews in 1979, only 2,688 Jews were allowed to leave in 1982—a drop of 95 percent. This unfortunate trend has continued in 1983, with only 307 exit visas granted to Jews in the first 3 months of this year. Restrictions on emigration have been tightened considerably. Approximately 500,000 Jews have applied for exit visas and are now waiting for permission to leave the Soviet Union. Only those Jews with "first" relatives in Israel can apply, and the vast majority of these requests are routinely denied. Soviet authorities now claim that the "first" relative rule applies only to immediate family members. This is a direct violation of Soviet domestic law and clearly defies the principles of the Helsinki agreement that require the Soviet Union "to deal in a positive and humanitarian spirit with members of their family," and "to deal with applications in this field as expeditiously as possible."

Mr. Speaker, as Members of Congress, we have a duty to take every opportunity to pressure the Soviets into changing their reprehensible behavior, As citizens who live in freedom in the

United States, we have an obligation to protest the harassment, intimidation and imprisonment of Soviet Jews. Together, we all have a solemn responsibility to make it clear to the Soviet Union that we will not remain silent if they continue to abuse and violate the human rights of their Jewish citizens. I can think of no better way for us to accomplish these objectives than to express our complete and unequivocal solidarity with Soviet Jewry on Sunday.●

● Mr. LOWRY of Washington. Mr. Speaker, I thank and congratulate the gentleman from New York for his leadership on this issue, and I would also like to express my thanks to all of my colleagues who recently joined me in writing to General Secretary Yuriy V. Andropov on behalf of the Elbert family of Kiev. At that time, recent information indicated that the Elberts' situation had become much worse, so it was necessary to send the letter as quickly as possible. I was very gratified by the swift and compassionate response by so many Members.

We had learned that Lev Elbert had been ordered to report for reserve military duty, an extremely unusual occurrence for someone who had not been an officer during his previous military duty. There was concern that, if he were sent to serve with a unit that had access to military secrets, this would be used as a further excuse to prevent the Elberts from emigrating. Accordingly, Lev Elbert refused to comply with the order.

I regret to state that matters are even worse. It now appears that charges have been brought against Lev Elbert, and his trial has been set for May 25. His attorney is attempting to have the charges brought under the Kiev city code, which would carry a lesser penalty than the Ukrainian S.S.R. code. I have again contacted the Soviet authorities to express my concern about these developments.

As Rabbi Anson Laytner, the director of the Community Relations Committee of the Jewish Federation of Greater Seattle, recently wrote to me: "The Elberts of Kiev are but one sad case." Like Rabbi Laytner, I look forward to the day when our letters are no longer necessary because Soviet Jews—and all the people of the world—are free to live as they choose wherever they wish. Until that day, I salute the courage and determination of the Elberts and all other "refuseniks".●

● Mr. MINISH. Mr. Speaker, I rise today to mark an important event: Solidarity Sunday. This Sunday, May 22, thousands of Americans who sympathize with the plight of Soviet Jews will demonstrate their commitments to the issue in New York City. This Sunday's gathering will highlight the aspirations of countless Soviet Jews who hope to realize their dream of emigrating to Israel.

Although May 22 is an important day, it is also a somber one. For as we in this Chamber are aware, emigration for Soviet Jews has diminished to the thinnest trickle, from 51,320 emigrees in 1979 to 2,688 emigrees in 1982.

I commend the gentleman from New York (Mr. GILMAN) for sponsoring this special order. We must make certain that we take time to remember those people who are suffering in the U.S.S.R. while waiting to receive exit visas.

Unfortunately, many who apply for exit visas then face discrimination. They may lose their job, be denied access to education, or be generally harassed—both themselves and their families. And then for some, they receive denials of their applications and are told never to apply again. What exacerbates this situation, is that Jews in the U.S.S.R. are not allowed to freely practice their religion or to teach Hebrew. Moreover, they can be subjected to anti-Semitic propaganda.

Mr. Speaker, I am proud to remember these people and want to underscore that emigration from the Soviet Union is not an issue which will go away. As long as we continue to believe in freedom and dignity for all, let us strive to open channels to allow all Jews who wish to emigrate, to be given that opportunity.●

● Mr. LEVITAS. Mr. Speaker, this weekend in New York City, on Sunday, May 22, 1983, it is expected that over 100,000 people will gather to express support for Solidarity Sunday with Soviet Jewry. My friend and esteemed colleague, Congressman BEN GILMAN, has led an effort in Congress for congressional support for Solidarity Sunday.

The problems of Soviet Jews continue, and the lack of cooperation or attention to the plight of Jewish families, who have been separated by the Soviet authorities' obvious disregard for the wishes of the affected families, is causing immense hardship to tens of thousands of individuals and families; in addition to which we can add the thousands of prisoners living in abject misery in the worst kind of conditions that can be imposed upon human beings. We have appealed to the Soviet authorities time and time again to release the Soviet Jews, prisoners of conscience.

Once more, we call attention to the plight of the Soviet Jews, and ask the Soviet authorities, who continue to express a desire for better international relations, to take a step to this end—to release the Soviet prisoners of conscience from prison and to allow them, along with their families, to emigrate from the Soviet Union to Israel or any other country of their choice—and to then allow other Soviet Jews the privilege of choosing to leave the Soviet Union, or to stay in the Soviet Union. This would be a positive contribution to the reestablishment of a better relationship and dialog with the Soviet Union for our Nation and others.

Yuri Tarnapolsky, who has been arrested recently, and faces a prison sentence of 7 years, plus 5 years' exile, most poignantly expresses desire and determination to emigrate to his homeland, Israel, in his appeal to the world, "Save Our Souls."

How is one to describe the gnawing despair, the stagnant anxiety, the tantalizing uncertainty, the unbearable frustration of our ordeal? Every wound of the heart heals, every wound but that of the "Otkaz". ("Otkaz" is the Soviet policy of prohibiting free emigration by Jews.)

There are other aspects of the problem. The noose around our neck will tighten step by step, and the world will be adapted to that process. We address the Jewish people and all people concerned with our plight. We are Jews. We are deadly sick with the "Otkaz". Save Our Souls.

Let us pray that, from the combined efforts of people all over the world, justice will be served, and the Soviet Jews will be allowed to emigrate to a land where they can live in peace.

With G-d's help we will succeed in freeing the Soviet Jews from oppression.

I strongly support Solidarity Sunday with Soviet Jewry, and regret that, because of longstanding prior commitments, I cannot be in New York City, to stand alongside the many Americans who will gather to express their support for the Soviet Jews.●

● Mr. FRANK. Mr. Speaker, today's special order on behalf of Solidarity Sunday with Soviet Jewry marks the 12th year of this worthy event, as well as its most anxious anniversary. In the past 2 years, we have witnessed a precipitous decline in Jewish emigration, an alarming rise in harassment and jail sentences endured by "refuseniks" and human rights activists, and an ugly epidemic of intolerance for all forms of internal dissent. The Helsinki accords and the Universal Declaration of Human Rights have been reduced to broken promises. And United States-Soviet relations have entered a dangerous phase of overt hostility and mutual misunderstanding.

For Viktor Brailovsky, Igor Guberman, and Anatoly Shcharansky—Soviet prisoners of conscience—and for Ida Nudel, Iosif Begun, and Kim Fridman—former prisoners of conscience still held hostage in their native country—Solidarity Sunday is an unhappy anniversary. Because of their determination to remain faithful to Judaism, their commitment to human rights and justice, and their outspoken desire to exercise their right to emigrate from the Soviet Union, they have become enemies of the State, and pawns in an ever-escalating propagan-

da war being waged by our two countries.

When tens of thousands of people gather in New York across from the United Nations this weekend to demonstrate solidarity with Soviet Jewry, it is the Shcharanskys, the Sakharovs, and the Nudels who they will be honoring. While the guests of honor have been barred from participating in this tribute, it should be absolutely clear to their oppressors that America will not stand idly by. I thank my colleague BEN GILMAN for giving the Congress the chance to reinforce that message. And I urge my colleagues to cosponsor House Resolution 150, expressing congressional support for Solidarity Sunday.●

● Mr. DOWNEY of New York. Mr. Speaker, I am honored to have the opportunity to speak out on behalf of this week's Solidarity Sunday rally for Soviet Jewry, and I salute the outstanding organization behind it: The New York Conference on Soviet Jewry.

In an age plagued by global threats of all kinds, the continued salience of the human rights issue is genuine reason for optimism. So much is spoken of regional, national, even world issues, and yet there continues a strong and organized concern for the rights of the individual throughout the world. Those who work for and speak out on this issue express a heartfelt belief in the right to a minimum human condition—the lowest common denominator at which all human beings, regardless of social, political or geographic differentiation, must have a right to exist.

The diligent efforts of the New York Conference on Soviet Jewry have made the Solidarity Sunday rally the largest human rights rally in the world. The great crowds expected this Sunday will be a justifiable tribute to the rally's organizers and the Soviet Jews they represent. Efforts to bring attention to the plight of Soviet Jews are part of the continued pressure on the Soviet Union to end its systemic oppression of individuals seeking only basic religious and emigration rights. I hope and pray that this pressure will soon force a change in Soviet policy.

As my colleagues are no doubt aware, the facts on Soviet Jewry are tragically stark. With Soviet Jewish emigration at its lowest point since 1970, and Soviet repression of Jews on a terrifying increase, organized action has taken on an electrifying immediacy.

But the many groups involved on behalf of Soviet Jewry continue undaunted in their efforts to raise the world's consciousness and conscience toward Soviet Jewry. Organizations such as the New York conference have provided us with many avenues to take part in this noble cause, providing news and activities that send the Soviet Government a unified and unflagging voice of outrage at their treatment of Soviet Jews. Solidarity Sunday's rally will tell the Soviets that we remain aware of their inhumanity and that the grim present outlook has not deterred our commitment to the cause of Soviet Jewry. There must be no doubt that, as the plight of Soviet Jews has gone from bad to worse, our efforts will adapt and increase accordingly. Our work may not be rewarded in emigration numbers, but our continued vigilance will provide Soviet Jews with the hope necessary to continue their struggle. It is this unbroken spirit, best exemplified by the words of Anatoly Shcharansky's trial, that must remain our greatest fulfillment:

> Now, I'm further than ever from my dream. It would seem to be a cause for regret. But it's absolutely otherwise. I am happy. I am happy that I have lived honestly in peace with my conscience. I never compromised my soul even under the threat of death. * * *

Mr. Speaker, to echo the theme of this Sunday's rally, I urge my colleagues to continue to speak out for those who cannot.●

● Mr. LEWIS of Florida. Mr. Speaker, in March, I joined my colleagues to protest the 6-year imprisonment of Anatoly Shcharansky. I noted then, as I do now, that the harsh treatment of Shcharansky was neither an isolated or an unusual case.

The Soviet Government, by denying emigration visa requests to thousands of Soviet Jews each month, locks its exit gates to its Jewish citizens.

The Soviet Government has become more abusive and oppressive toward its Jewish citizens, vividly reminding the world of similar actions by a Fascist Germany regime a generation ago.

Today, as we speak in support of Solidarity Sunday in New York in 4 days, let us tell the world that we are offended by the Soviets' inhumane treatment of brave men and women who dare to dissent or freely practice their religion.

We must speak loudly—today and every day—so the world will know we will not tolerate the revival of religious programs.

We must speak out—clearly and succinctly— so the world will never forget our commitment to freedom.

In New York Sunday, thousands will raise their voices in unison so that Moscow might hear our plea that the persecution of Soviet Jews will cease and those proud people will be allowed to emigrate wherever they choose to live free and comfortable lives.●

● Mr. GUARINI. Mr. Speaker, on this Sunday, May 22, hundreds of thousands of Americans will join together in New York City to show their support and concern for the half million Jews who remain trapped in the Soviet Union.

It is important that 1 day a year be designated as "Solidarity Sunday With Soviet Jewry." To this end, I am proud to join with my fellow colleagues in cosponsoring House Resolution 150, a measure expressing congressional support for this important event.

As we are well aware, Soviet Jewish emigration is at an all-time low. However, numbers of emigrants alone do not tell us the full story of Soviet persecution of the Soviet Jewish community. The conditions under which Jewish citizens of the Soviet Union are forced to live have continued to deteriorate. Religious and cultural activities of Russian Jews have been banned. Books in Hebrew and the Bible are not allowed. Jews who apply for emigration and are refused often lose their apartments and jobs. And the number of Prisoners of Conscience has grown rapidly.

It has been almost 8 years since the Soviet Union signed the Helsinki accords. These international agreements called on each signatory country to grant its citizens certain rights, including the right to emigrate. And, yet, we have seen the number of emigration visas granted to Soviet Jews fall from a high of more then 50,000 in 1979 to 2,688 in 1982. Projections of current 1983 figures reveal that only half of the 1982 number will be granted emigration visas.

I am grateful for the work done by the Greater New York Conference on Soviet Jewry in sponsoring "Solidarity Sunday With Soviet Jewry." Last year's event drew one-half million people. It is my hope that this year's day will be equally successful and that the concerns and hopes voiced on this day will be acted upon in a positive manner by the Soviet Union.●

● Mr. SCHUMER. Mr. Speaker, I am pleased to participate in this special order and to have the opportunity to join many of my colleagues in this weekend's Solidarity Sunday March. I would like to take this opportunity to thank the Greater New York Council on Soviet Jewry for their tremendous work in organizing Solidarity Sunday and for their ongoing assistance to members of the New York area congressional delegation.

This year's Solidarity Sunday is taking place during a crisis period for Soviet Jews. Emigration is at an 11-year low, and the small trickle of emigration does not even create a facade of Soviet compliance with their international agreements. Soviet Jews are trapped in the Soviet Union and have become increasingly isolated from their cultural and religious heritage. In their daily lives, they must confront the harrassment and anti-Semitism that are all part of a systematic effort to uproot them from their cultural identity.

It is amidst this bleak situation that we and many thousands will march this Solidarity Sunday. Through the streets of New York we will move as one against the oppression of the Soviet Jews, and for the bravery of the "refuseniks" who continue their struggle for freedom and the liberty of their Jewish countrymen. In our march, we will demonstrate that we have not forgotten the tyranny and degradation that the Soviet Government is imposing on its Jewish citizens, nor the Soviet disregard for every international standard of law and decency.

On Solidarity Sunday we will show the Soviet Union and the world that we have not given up in our fight for the freedom of Soviet Jews. But, neither this nor any single event will end the tyranny against the Jews of Russia. Only through our continued efforts can we open the door that will allow the Soviet Jews to go free.●

● Mr. ROE. Mr. Speaker, on Sunday, May 22, hundreds of thousands of concerned people will gather to observe Solidarity Sunday for Soviet Jewry an event that will send a loud and clear message to the Soviet Union that the brutal treatment of its Jewish residents is a moral outrage to all mankind.

The event will also alert the Soviet Jewish population that their trials and tribulations have not been forgotten by freedom loving people the world over.

Mr. Speaker, the vise around the neck of Soviet Jewry is tightening. Soviet Jewish emigration is at an all-time low, with only 2,688 Jews allowed to leave in 1982 compared with over 51,000 in 1979. This year's emigration figures are indeed dismal. So far, the 1983 emigration totals are only half those of 1982.

What we are witnessing is the most blatant attempt to restrict the movement and religious and cultural activities of Jewish people since the era of Nazi Germany. We can only assume that it is deliberate Soviet policy to break the will and spirit of Soviet Jewry. Those Soviet Jews who apply for emigration soon find themselves denied jobs; they and their families are harassed and often imprisoned, and just as importantly, they are outlawed from practicing their Jewish faith and passing along thousands of years of cherished tradition to their children.

More Jewish activists have been arrested, tried, and convicted over the past year than during the previous several years. The more well-known names of these brave individuals like Anatoly Shcharansky, Ida Nudel, Iosef Begun, Alexei Murzhenko, Yuri Federov, and Victor Brailovsky, have become symbols of freedom to us all. And there are hundreds, perhaps thousands of other Jewish dissidents who are rotting in Soviet prisons and detention camps simply because of their desire to leave Russia and to practice their faith.

The recent change in Soviet leadership perhaps presents us with the greatest opportunity in recent years to stress our strong objections to the treatment of Jews in the Soviet Union. The attitude of the new Soviet leader Yuriy V. Andropov toward Jews is a matter of much speculation.

The timing for increased pressure on the Soviets could not be better than it is today. Russia is undergoing its most severe economic and political turmoil since the Communist regime was established in 1917. The invasion of Afghanistan has backfired and the same can be said for the Soviet's disastrous attempts to block expressions of individual freedom in Poland.

Economically, the Soviet Union is in difficult shape. Its wheat crop has not been adequate enough to feed its people forcing the Russians to turn to us for badly needed additional food supplies.

That situation has created a formidable weapon that this Nation must exploit. We must, in no unequivocal terms, tell the Soviets that they will be barred from purchasing any of our food or technological supplies until there is a drastic change in the manner in which they treat their Jewish residents.

If we do not take this strong stand, Andropov and his leadership group in the Kremlin will truly take it as a sign of indifference on the part of the United States toward Soviet Jews.

It is my most fervent prayer that Solidarity Sunday will mark the beginning of a new era of freedom for Soviet Jews. On that day, let us rededicate ourselves to their struggle for the basic human rights that we, in this great Nation, take for granted.

May God grant them the will and courage to fight on until the chains of their bondage in Russia is broken and the ancient Hebrew prayer of "Next Year in Jerusalem" can become a reality for them all.●

● Mr. PORTER. Mr Speaker, I wish to express my sincere support for the upcoming Solidarity Sunday with Soviet Jewry, sponsored by my distinguished colleague from New York (Mr. GILMAN.).

This Sunday, hundreds of thousand of people from various parts of the country will join together in solidarity with those in the Soviet Union that are denied the right to emigrate. All of us who believe in freedom and democracy join in spirit and commitment with those individuals in New York. We join together to reaffirm our dedication to aiding those whose human freedoms are threatened.

The need to speak out on these intolerable violations of human rights grows stronger and stronger each day. In 1982 Soviet emigration hit an all-time low, 2,692. Last month only 114 Jews were permitted to leave the Soviet Union. This is a 60-percent drop in the number of people permitted to emigrate during the same month last year. Reports of additional measures, which further jeopardize the lives of those who have applied to leave, have been received. Increased numbers of final refusals have been issued, an anti-Semitic campaign has been formalized, and pressures to halt Jewish cultural activities grow stronger.

As disappointing as are these statistics, it is even more disheartening to look at individual suffering such as that of Yuri Tarnopolsky and Iosef Begun, both of whom are facing long prison sentences simply for expressing their religious beliefs. It is believed that if the world's condemnation of this travesty of justice is strong enough prior to their upcoming trials, their punishment can be minimized. If, however, the world stays quiet, the fate of these men will rest solely on the rare mercy of these Soviet tyrants. We cannot allow this to happen. It is imperative that the voices of this Chamber be heard in New York, in Washington, and across America. But more importantly, we seek to send a message to the Soviet Union that we will not tolerate such flagrant violations of human rights.

In my judgment, the Soviets engage in this shameless persecution in the hope that the continued denial of human rights will frustrate our efforts to relieve the suffering of Soviet Jews. But we must show them they are wrong—that with each child denied the right to study Hebrew, with each Hebrew teacher arrested, with each family that is denied the right to emigrate our commitment will grow stronger, our determination to end Soviet repression will be magnified, our numbers of those concerned will increase, and our voices will get louder. We will not allow them to smother our hopes.

As cofounder of the Congressional Human Rights Caucus, I praise the effort of Solidarity Sunday and urge continued protestations against the disregard for human rights by the Soviet Union.●

● Mr. FISH. Mr. Speaker, this Sunday, May 22, is Solidarity Sunday. This is the largest annual human rights demonstration in the world. The people of the Greater New York area will assemble and march down Fifth Avenue to the United Nations. The many thousands gathering in New York on Sunday march in protest of the Soviet Union's continued violation of the basic freedoms of many of its citizens. They march in commitment to the protection of freedom of thought and religion. They speak in a single voice to the Government of the

Soviet Union and the world that their efforts will continue; they will not allow this issue to be ignored, or dropped from our foreign policy agenda.

Unfortunately, in recent years our efforts have made little impression on the Soviet Union. The Government has consistently denied the basic freedoms of many of its citizens. Of particular concern, is the treatment of Jews within the Soviet Union.

Jews in the Soviet Union are in a no-win situation. They are denied the basic human right to practice and teach their religion and culture and they are not free to leave their country. The number of Jewish activists who are tried and imprisoned has increased dramatically. Jewish cultural efforts are being rigorously attacked. Self-study groups are being disbanded; prayer books and books dealing with Jewish culture are being confiscated; and the teaching of Hebrew is cause for imprisonment. These efforts go much further than merely restricting the Jewish movement. Rather, they seem bent on the virtual extinction of the remainder of Soviet Jewry.

These circumstances have given a renewed urgency to the efforts of Jews desiring to leave the Soviet Union. As these pressures increase, the numbers of Jews being granted exit visas has decreased to the lowest level since the beginning of the emigration movement. In 1979, the high point in Soviet Jewish emigration, we saw 51,320 Jews being granted exit visas. This is in contrast to 1982, when only 2,688 Jews were allowed to leave. In the first 3 months of this year, the numbers have decreased even further, with only 307 leaving the Soviet Union.

This situation is untenable. Every effort must be made to stress the high priority the United States places on the freedom of Soviet Jews to either practice their religion, or be allowed to leave the country.

It is clearly time for the United States to take every opportunity to bring the issue of Soviet Jewry into the forefront of our foreign policy. We have an opportunity to do just that in the area of trade. We should have a firm, clear policy of expecting improvement in human rights as a corollary to increased trade with the Soviet Union, whether it be grain, or high technology. Revision of our trade policies should be used as an incentive to the Soviet Union to change its repressive human rights policies and allow for the increase in Jewish emigration. Mr. Speaker, it is important that the United States reaffirm its commitment to act upon its principles at this time for the relief of Jews in the Soviet Union.

This march should be more than just a symbol of hope to the Jews in the Soviet Union; it should be the beginning of renewed commitment and action on the part of the United States to bring about a change in the human rights policies of the Soviet Union.●

● Mrs. MARTIN of Illinois. Mr. Speaker, the opportunity for Soviet Jews to leave their country has long been restricted. Increased emigration in the late 1970's was cause for optimism among Soviet Jews who wanted and had applied to leave, but since 1979, emigration from the Soviet Union has dropped annually. The number of exit visas granted to Soviet Jews by the Soviet Government in March of this year was one-fortieth of those granted in March 1979.

The U.S. Congress encouraged Soviet adoption of open emigration. As the decline in emigration accelerated, so too did congressional efforts to arrest and reverse it. In this attempt, Members of Congress individually urged Soviet authorities to loosen restrictions on emigration and to release individuals imprisoned on charges of dissident, antigovernment activity, and urged U.S. Government officials to raise these concerns to their Soviet counterparts. Collectively, Members of Congress undertook similar pursuits. A look at recent developments in the Soviet Union proves these measures to have been less than fully effective in bringing about changes in Soviet emigration policy.

Emigration has come to a virtual standstill. While 51,320 Jews left the U.S.S.R. in 1979, only 2,688 were allowed to emigrate in 1982. Appeals for the release of well-known dissidents have had no effect: Anatoly Shcharansky continues a hunger strike begun in September 1982; the possibility of Nobel Peace Prize winner Andrei Sakharov being allowed to accept the invitation to teach at Vienna University has been rejected by Soviet authorities; Iosif Begun, a leader in Moscow's refusenik community, has been arrested for the third time on charges of anti-Soviet propaganda; members of dissident communities and Western observers of them, including the U.S. Ambassador to the Soviet Union, Arthur Hartman, report an increase in Government-sanctioned anti-Semitism; and the access of Soviet Jews to Western people and influence has been restricted.

Congress has not been successful in prompting the Soviets to stop their campaign of harassment against Jewish citizens and to begin allowing them to emigrate freely. That does not mean Congress should abandon its efforts, however. Rather, it stands as strong evidence of the need for continued congressional action on behalf of Soviet Jews. Supporting Solidarity Sunday, an event declaring American concern for the plight of Soviet Jews, is one of the ways Congress can demonstrate its continued interest in eliminating Soviet repression of its Jewish citizens.●

● Mrs. HOLT. Mr. Speaker, I thank my colleague from New York (Mr. GILMAN) for arranging this special order of business for us to demonstrate our support for the Jewish people suffering repression in the Soviet Union.

The ugly discrimination against Jews because of their religion and culture is a terrible fact of life in the Soviet Union, and they are held in bondage because the Soviet Union allows only a small number to leave with emigration visas.

Why? Why this captivity? It is something beyond the comprehension of citizens of the free world, except for those who understand the nature of the Soviet system.

If emigration visas were easily available to those who want to leave the Soviet Union for freedom, then one can only guess at the enormous magnitude of the emigration. There would be a great exodus of Estonians, Lithuanians, Latvians, Ukranians, other captive peoples, and even Russians disgusted with Communist rule.

Why does an Iron Curtain continue to run through the heart of Europe? It exists to prevent a mass exodus of East Europeans to the freedom of the West.

So, today, while we express our concern for the plight of Jews in the Soviet Union, let us also remember the captivity of other peoples behind the Iron Curtain.

Think also of the aggressive Soviet drive to dominate other peoples on a global scale, then ask yourself why this is so. It is because Soviet communism can never be secure as long as freedom exists in the world, offering hope to captive peoples.●

● Mr. SMITH of Florida. Mr. Speaker, the decline in, and today's virtual halt of, Soviet Jewish emigration, once again reminds us of the tragic situation faced by Soviet Jews who wish to emigrate, as well as the legal, social, psychological, and political aspects of this problem. The plight of Soviet Jewry is being addressed today by my support of House Resolution 150, Solidarity Sunday with Soviet Jewry.

Solidarity Sunday is the annual consciousness-raising demonstration in New York City's Dag Hammarskjold Plaza reaffirming our commitment to the right of Soviet Jewry to emigrate. This bipartisan and nonsectarian gathering of several hundred thousand people is moving and meaningful. These individuals, of every race and denomination, and from every walk of life, join together in identification—and solidarity—with their imprisoned brethren.

The lives of Soviet Jews, such as Andrei Sakharov and Anatoly Shcharansky have been transformed into a life of relentless torture by years of expectation and unjustified refusals.

The Soviet Government employs the technique of placing some dissidents on trial, committing some to mental institutions, and allowing others, the few lucky ones, to leave the country. There is no apparent pattern, however, to their tactics.

The Soviet Jewish emigration movement, however, has developed its own tactics. The historical experience of Soviet Jewry can be roughly divided into three periods—hope, despair, and action. There was hope that the programs would end. For a time, before World War II, there was a break in the harsh treatment of Soviet Jews. The official anti-Semitism of the Soviet regime, however, was rekindled. When hope perished, it was replaced by despair.

Elie Wiesel aptly described the despair of Soviet Jews in this short passage from "The Jews of Silence":

> Their eyes—I must tell you about their eyes. I must begin with that, for their eyes precede all else, and everything is comprehended within them. The rest can wait. It will only confirm what you already know. But their eyes—their eyes flame with a kind of irreducible truth, which burns and is not consumed. Shamed into Silence before them, you can only bow your head and accept the judgment. Your only wish now is to see the world as they do. A grown man, a man of wisdom and experience, you are suddenly impotent and terribly impoverished. Those eyes remind you of your childhood, your orphan state, cause you to lose all faith in the power of language. Those eyes negate the value of words; they dispose of the need for speech.

Those eyes of despair are being watched by the world. For Soviet Jews, the road of silence and despair leads nowhere. At last, the Soviet Jews are standing up to their government's inhumane policies and are becoming dissidents and refuseniks. But these dissidents and refuseniks live without their individuality. Through the voices of people concerned for human rights, pressure must be brought to bear on Soviet officials to end the system of political prisoners, political trials, and political prisons, to end censorship and end all violations of human rights. It is important for us, as Members of Congress, to maintain a constant and persistent message at every level of negotiations, so that avenues for freedom of thought and access to information are opened up.

All peoples deserve the right to decide their own fate, to freedom of expression, and to be free to leave their country. I strongly feel that we must make the Soviets believe that when the United States demands Soviet compliance to the family reunification provisions of the Helsinki Final Act, and the International Convenants on Human Rights, we are to be taken seriously. The United States does not make public pronouncements as propaganda tools to allay the fears of special interest groups and minorities. Soviet emigration is a priority of the Congress and the executive branch, and this commitment is more than empty words or political rhetoric.

The Jewish people of the Soviet Union in the past have experienced economic power, cultural greatness, merciless persecution, and ethnic humiliation. Many times in the history of Soviet Jewry, intolerance and harassment have driven them to mass migration. Throughout it all has burned the will to survive. Nobody can predict the outcome of this scenario. But it is clear, these people who have given so much deserve the world's support in their struggle to retain their identity.●

● Mr. MRAZEK. Mr. Speaker, the plight of Soviet Jews represents a manifestation of political oppression and tyranny. Each case offers compelling proof of the inhumanity of this Soviet philosophy. None of the stories are less sorrowful than any others, yet some illustrate the Soviet methods better than others.

One such case is the human tragedy of Mark Nashpitz, a Soviet Jew who is being detained in the Soviet Union against his will. Mark's "crime" is one of association. His pleas for justice fall on hearts of stone, on ears that will not hear, and eyes that will not see.

Mark's story has taken place over the past 12 years, but the plot line was written 15 years before. Then, Mark's father had defected from the Soviet Union while visiting Denmark as a tourist. Neither Mark nor his mother ever communicated with the father again. They no longer considered him as a part of their lives, but the Soviet Government would not forget.

In 1971, Mark and his mother submitted their first application for aliyah, or emigration to Israel. The visas were denied. Mark and his mother were to be punished for the defection of Mark's father, for his betrayal of the motherland.

What followed from this point was Mark's journey through the bureaucratic jungles of Soviet Government. In 1972, he was called up for service in the military reserves. But he already had renounced his Soviet citizenship in anticipation of the move to Israel, and refused to serve. He was sentenced to 1 year of physical labor.

Various forms of government harassment followed his release from prison. Then, in 1974, Mark's mother was permitted to emigrate. Preying again upon his humanity and his desires, the KGB offered promise of an exit visa to Mark under one condition—that he would collaborate with the KGB by spying on Jewish activists who had applied to leave the Soviet Union. Mark refused.

He became more active in his opposition to the oppression he encountered within the Soviet bureaucracy. In time, his convictions led him to participate in a peaceful demonstration outside the Lenin Library in Moscow. But the Soviet hammer came down, sentencing Mark to 5 years of internal exile in remote Siberia.

Mark's conscience took him to a village near the Chinese border. His professional expertise in dentistry went largely unused during his detention, as his captors put him to work clearing forests.

Mark's detention included a 4-day stint of interrogation concerning the case of Anatoly Shcharansky, another Soviet Jew who has been the protagonist in yet another tale of hardship and oppression. Mark was informed that testimony against Shcharansky would lead to renewed consideration by the Soviet Government over his emigration requests. Mark refused, offering a bitter reminder to his tormentors of the power of individual conviction against the state.

In 1979, Mark was returned to Moscow, where he immediately applied again for an exit visa. A close friend, also arrested in the Lenin Library episode, received permission to emigrate. Not Mark.

He and his wife were then forced into exile from Moscow with their infant child. The quest for freedom goes on. The determination to make the Soviet Union accountable to the Declaration of Human Rights, and its assertion that a basic right exists among humankind to allow freedom to leave one's country, remains strong among Soviet Jews and their supporters around the world.●

● Mr. MOAKLEY. Mr. Speaker, I wish to voice my strong approval for House Resolution 150, which expresses congressional support for Solidarity Sunday with Soviet Jewry. I believe that this is an effective show of our determination to keep the plight of Soviet Jews before this Congress and the American people.

The Soviet Government has shown itself to be ruthlessly effective in persecuting those who wish to retain some semblance of a unique identity among their countrymen, let alone those who are brave enough to criticize the oppressiveness of their government. So irrational and unfair is the Soviet system, even to its own citizens, that the authorities must fear any allegiances except those to the state. Instead of existing to safeguard the welfare of the Soviet people, the government's purpose is to coerce them.

Mr. Speaker, we must continue to draw attention to the struggle of the Jewish people in the Soviet Union. In large numbers, they have refused to repudiate their heritage, and for this, they pay a terrible price. Particular accounts of persecution in the Soviet Union are heard all too often in this Congress. The frequency of these appeals is a sad reflection of how widespread oppression is within the

U.S.S.R. I hope that we shall not allow the flood of such accounts to lull us into complacency.

There is a great tendency in this country to perceive the major threat to freedom in the obvious form of military confrontation. The specter of war is easy to invoke, for it plays upon the most basic of human fears. But I submit to you, Mr. Speaker, that our true vulnerability may not be a military one, but psychological and moral in nature: That seduced by relative comfort and prosperity, we may begin to lose sight of those principles upon which this country was founded. Military preparedness is neither our first nor only line of defense. More crucial is the simple resolve to speak out against injustice and oppression wherever they exist, whatever the cost.

For these reasons, I call on my colleagues to support a Solidarity Sunday with Soviet Jewry. The fate of Soviet Jews is of immediate concern to Americans, because we believe that freedom is not just a luxury unique to this country, but a birthright of all peoples everywhere.

The Soviets must come to realize that the repeated and systematic persecution of its Jewish citizens only undermines the interests of the U.S.S.R. abroad. They must understand that we seek a peaceful and mutually beneficial coexistence with their nation. But they must also learn that we cannot, and will not, turn a blind eye to injustice within its borders; for a peace borne of complacency is really no peace at all.●

● Mr. DWYER of New Jersey. Mr. Speaker, on Sunday, May 22, thousands of people from throughout the country will once again be raising their voices in solidarity with Soviet Jewry.

While Solidarity Sunday has become an annual event here, its importance continues to increase as the situation facing Soviet Jews deteriorates.

Soviet Jews are deliberately and systematically being stripped of their culture and of their identity, while the Soviet Government resorts to new measures to further obstruct the emigration process for refuseniks. The Soviet Union is calling long-term refuseniks up for reserve duty in the army and requiring a new invitation every 6 months for a refusenik to even submit a request for emigration.

Clearly, our voices are needed now more than ever to offer Soviet Jews the encouragement and support they need to continue in their never-ending, courageous struggle against repression.

I have adopted the cases of several refuseniks who have relatives and friends in this country, and I know well how long and frustrating our attempts to gain their freedom can be. However, the commitment of this Congress, and the many groups and individuals around the world who do so much to aid the refuseniks, must remain steadfast.

I want to thank my colleagues, Mr. GILMAN and Mr. WEISS, for their work in supporting the Solidarity Sunday resolution which I have also cosponsored.

This year, Solidarity Sunday holds a special significance in our country's efforts in behalf of Soviet Jews. Their plight represents a grave crisis in international human rights, and as a free people, we must be forever vigilant in our support.●

● Mr. RODINO. Mr. Speaker, it is with great pride that I join my colleagues today in this expression of support for Soviet Jews. Solidarity Sunday will be an opportunity for individuals of all faiths to let the world know of our commitment to the freedom of Jews in the Soviet Union.

Soviet Jewish emigration has dropped drastically in the past 4 years. These distressing figures, along with the well-documented accounts of continued persecution and harassment, make the need for solidarity even more pressing. Those who still harbor the hope of freedom will not be abandoned or forgotten as long as those of us who are fortunate enough to live in freedom continue to speak out.

We must continue our efforts, both in government and privately, to secure the release of those wishing to emigrate. Until the obstacles to free emigration are removed, we will not give up these efforts.

The resolution introduced by Representative GILMAN expresses our support for Solidarity Sunday and with other efforts on behalf of Soviet Jews. Let us hope that our voices are heard by those who would deny free emigration as well as those who live in hope of liberty in the future.●

● Mr. ADDABBO. Mr. Speaker, I would like to join my colleagues in focusing the world's attention on the plight of Soviet Jewry. Solidarity Sunday for Soviet Jewry falls on the 22d, and hundreds of thousands are expected to converge upon Dag Hammerskjold Plaza in New York to speak for Jews who cannot speak for themselves.

Solidarity Sunday was organized to remind the world of our brethren in the Soviet Union who are unable to emigrate, practice their religion, or who languish in Soviet prisons. Their only crime is identifying with their Jewishness, expressing their wish to leave the U.S.S.R. and trying to defend themselves against a brutal regime.

The Soviets are trying to intimidate the Jewish community. Emigration has come to almost a standstill. In 1979, more than 50,000 Russian Jews were allowed to leave the Soviet Union. So far, the figure for this year is less than 500. What makes this fact particularly distressing is that those who apply to emigrate lose their jobs and face extreme harassment. They must endure a long waiting period without earning income. Their children are forced to leave school.

The dissident community has even dimmer hopes of emigration. Many of those who refused to renounce their Jewish identity are being held in Soviet prisons. Anatoly Shcharansky and Iosif Begun are two among thousands who suffer and can only dream of their homeland. Those who are still courageous enough to hold ulpan groups or religious services in their homes are having their gatherings forceably broken up by the police.

The Soviets have feverishly worked to eradicate the world's most enduring and perhaps richest culture. It is illegal to teach or be taught Hebrew. There are no Jewish newspapers. Fewer than 50 synagogues exist to serve a Jewish community estimated to be over 2 million, and many of these have been barricaded by the KGB. Still worse, there are no rabbis being trained.

Discrimination against Jews is pervasive. Jews who worked in professions like teaching, medicine, the sciences and law are now "nonpersons" whose work is ignored. The brightest Jewish students are being barred from top universities, and hiring quotas are imposed on choice jobs. Of course, no Jews can be found in the upper reaches of political society.

Soviet Jews, especially those who apply to emigrate, have no rights. We must exercise our precious right of free speech. Let us encourage our friends to assemble in New York this Sunday so that the world does not forget our voiceless brothers, and the U.S.S.R. recognizes that, while it can try to silence individuals, it cannot quell the world's conscience or stem the tide of public and moral support for Soviet Jews.●

● Mr. LEVINE of California. Mr. Speaker, May 22 will mark the 12th observance of Solidarity Sunday. It is a day during which we let the world, and the Soviet Union in particular, know that we are one with the millions of Soviet Jews suffering repression and discrimination by Soviet authorities, and that our hearts and spirit are with them.

These past 12 years have not been easy ones for Soviet Jews, for the Soviet Government makes life difficult in many ways. The lifeline to virtually all facets of Jewish culture has been nearly severed as Soviet authorities conduct an ongoing campaign to prevent a meaningful rebirth of Jewish language and culture. The teaching of Hebrew, the only language which has always been commonly shared by all Jews everywhere, is not recognized by Soviet authorities as a legitimate pro-

fession and cannot be taught or studied by Jews. There are no Jewish communal or social organizations, nor are there Jewish schools of any kind. The freedom to practice religion is strictly controlled, and teaching religion, including Judaism, to people under 18 is illegal. There are no seminaries to train rabbis, and while in 1926 there were over 1,000 synagogues in the Soviet Union, today there are only around 50. It is not uncommon to find a synagogue closed or barricaded by the KGB to prevent entry. The doors to higher educational institutions are closing to an increasing number of qualified Jewish applicants as a result of discriminatory entrance examinations.

One of the most graphic expressions of Soviet harassment of Jews can be seen in the decline of the emigration rate from the U.S.S.R. During the past 12 years 249,235 Soviet Jews were allowed to emigrate. The peak year was 1979 when 51,320 Jews were allowed to leave. However, by 1981 the number had fallen to 9,447, and by 1982 to 2,688. So far this year only 421 Jews have been allowed to leave. These numbers are pitifully small.

Emigration is not regarded as a general right guaranteed to any citizen of the Soviet Union, and when a Jew wants to leave things are made as difficult and as complicated as possible. From the day a Soviet Jew applies for emigration to the day of departure, if there ever is departure, months or years may pass. The long emigration process may be marked by constant harassment and bureaucratic delays. If and when an application is approved, each family member must pay 500 rubles, the equivalent of about 3 months income, for the right to give up Soviet citizenship, and 270 rubles for an exit visa.

Complicating the emigration problem is the Soviet Government's treatment of refuseniks, those Soviet Jews who have applied for an exit visa and who have been denied permission several times. Refuseniks and their families may undergo special harassment such as repeated questioning by authorities, being fired from their jobs, being expelled from universities, and being called up in the military. Once a person is discharged from service the authorities maintain he possesses military secrets and must wait an additional 5 years to reapply for emigration.

Special and worse treatment is directed at Jewish prisoners of conscience, those who have been put on trial as a result of their active role in trying to go to Israel and/or to further cultural or religious work in the U.S.S.R. They have been prosecuted for alleged crimes such as "parasitism," "hooliganism," or "treason," and are sentenced to prison or labor camp, or life in exile, far from family and friends. The correspondence and visitation rights of prisoners of conscience are often restricted and sometimes rescinded—we are all familiar with the suffering of Anatoly Shcharansky—and they have been subjected to various forms of physical abuse and given labor quotas set at unattainable levels.

Former prisoners of conscience—those who have completed their sentences and have been released—must begin the long and frustrating emigration process all over again.

As if things were not difficult enough for Soviet Jews, reports have recently been received of additional measures which further jeopardize the lives of those who have applied to leave.

Life in the Soviet Union is hard enough, but for Soviet Jews it is made infinitely more difficult by unrelenting anti-Semitism, harassment and outright cruelty that is the policy of the Soviet Government toward Soviet Jews. Those of us lucky enough to live in a free society have a special responsibility to those who suffer under oppression, be they Jews in the Soviet Union or the unfortunate citizens of any other country where oppression is official policy.

As cochairman of the 98th Congressional Class for Soviet Jewry, I join my many colleagues in expressing our concern for the plight of Soviet Jews. We raise our voices loudly and clearly in opposition to the Soviet Government's treatment of Soviet Jews and we join in solidarity with them in their never-ending fight for the freedom to live a Jewish life in the country of their choice, their human rights inviolate and their freedom intact.●

● Mr. ACKERMAN. Mr. Speaker, I rise to recite names—some of the names are well known, such as Anatoly Shcharansky, Dr. Joseph Begun, Ida Nudel, Dr. Victor Brailovsky; some are less well-known, such as Vladimir and Carmela Raiz, Naum Akkerman and Sofia Melnikova-Eikhenvald.

They are all names of people being oppressed, imprisoned, and persecuted. They are Soviet Jews who have been caught in a 20th century rendition of Dante's Inferno. Despite such agreements as the Helsinki accords and despite diplomatic pressures from other countries, the Soviets are flaunting international regulations of human decency. The people I have named, and an estimated 500,000 others, are being prevented from joining their families and friends in the land of their people and from practicing their religion and culture in the land of their birth.

On Sunday, May 22, hundreds of thousands of human rights activists will join in New York City to bring the eyes of the world to this situation. I will be among them and I hope many of my colleagues will be, too. Now, if never before, is the time to be counted as part of Solidarity Sunday.

For the situation is truly desperate. We all know the statistics, but perhaps they bear repeating. In March, only 101 Jews were allowed to emigrate from the U.S.S.R. In 1979, at the height of emigration from the Soviet Union, about 4,000 were allowed to leave per month. As if this slamming of the gates were not torture enough, the Soviets have begun instituting a number of oppressive new internal policies. Among them are new barriers to applying for exit visas, such as a new rule that visa requests must be resubmitted every 6 months, as well as increasing crackdowns on Hebrew classes and other subversive religious activities. Most chilling of all is the formation of an anti-Zionist committee with the sanction of the Soviet Government.

But as the Soviets come up with new, ingenious methods of discrimination and oppression, so must we come up with new methods to fight them. I appeal to Members of Congress and to human rights groups and individuals not to give in to our frustration. We must come up with new and ingenious retorts, such as was employed recently in an advertisement I noted in the Washington Post. It was a full-page ad on behalf of Dr. Joseph Begun, who is expected to be brought to trial soon, and was sponsored by the Center for Russian Jewry with Student Struggle for Soviet Jewry. It read:

In America, You Have To Kill Someone To Get 12 Years in Prison.

In Russia, You May Just Have To Teach Hebrew.

The ad exhorts people to write to the President and to us, their legislators, to speed such legislation as House Concurrent Resolution 63, a resolution against oppression of Soviet Jews. "This will show that the American people will not sit idly by while 3 million human beings are condemned to a spiritual gas chamber," the ad concludes. "Because that would be the biggest crime of all." Amen.●

● Mr. FORSYTHE. Mr. Speaker, it has been more than 7 years since the signatories of the Helsinki accords pledged to "recognize and respect the freedom of an individual to profess and practice, alone or in a community of others, a religion or belief in accordance with the dictates of his own conscience" and "to respect the right of national minorities to equality before the law." In the Soviet Union, 3 million Jews are being denied these freedoms. In violation of the Universal Declaration of Human Rights adopted by the United Nations, this decade has seen a precipitous drop in the number of Soviet Jews who are allowed to emigrate. In 1979, 51,000 Jews were permitted to leave the Soviet Union compared to only 2,600 in 1982. Unfortunately, denial of emigration is merely part of the problem. Anti-Semitism is

an officially sanctioned policy in the Soviet Union. Jewish publications as well as cultural and religious activities have been virtually banned. Jewish students find it increasingly difficult to gain admission to universities. Summary trials and excessive prison sentences await those who insist on practicing their religion and culture.

On May 22, the Greater New York Conference on Soviet Jewry will sponsor Solidarity Sunday. For the 12th consecutive year, Americans of all denominations will gather to express support for Soviet Jews. I have joined with 122 other Members in cosponsoring legislation which publicizes the systematic discrimination of Soviet Jews and pledges support for Solidarity Sunday. In the face of intensified persecution of Jews in the Soviet Union, we should all reaffirm our responsibility as free people to speak out against such travesties of human dignity.●

● Mr. FROST. Mr. Speaker, it is with a sense of urgency that I address my colleagues today on behalf of the Soviet Union's 2 million Jews. The drop in Soviet Jewish emigration is approaching a crisis point and we here in the House of Representatives, as the spokesmen for all Americans, have an obligation to work to reverse this steadily deteriorating situation.

Mr. Speaker, the number of Jews granted exit visas from the Soviet Union dropped by 95 percent over the past 3 years. In February, 1983, only 125 Jews left the Soviet Union, less than left on an average day in 1979. Never before in the history of the Soviet Jewish movement have the emigration numbers been so low; in fact, the flow appears to be at a standstill.

Even more disturbing are new reports out of the Soviet Union of a determined official effort to suppress Jewish religion and culture. In 1926, a survey identified 1,000 synagogues in Russia. Today, fewer than 50 remain. Because Jews in the Soviet Union are denied the right to study and practice their religion, they are unable to pass their traditions on to their children which means we could be witnessing the beginning of an effort to extinguish the Jewish religion from Soviet society.

More than 300,000 Jews are awaiting exit visas. Months or years may pass before their applications are processed and for some of these people the wait has been over 10 years. Now we learn that some refuseniks have been told that they will never be allowed to leave the Soviet Union nor may they ever again apply.

The situation is clearly desperate, and we here in Congress must act now to keep the movement alive. Soviet Jews have not abandoned their search for freedom and we in the United States cannot abandon it either. As a freedom loving nation, it is our obligation to see that the Soviet Union abides by international law and allows its citizens to practice the freedom of their choice in the country of their choice.

Many of us are already active in the movement to liberate Soviet Jews. We must renew our determination and double our efforts, for without our help, the Soviet Jewry movement may die forever.●

● Mr. McGRATH. Mr. Speaker, it is a privilege to join my colleagues in a statement of support for Solidarity Sunday for Soviet Jewry. It is unfortunate that this occasion must be marked at all. But Soviet-sponsored anti-Semitic propaganda, government harassment, and a continuous decline in Soviet Jewish emigration makes it necessary for us to assemble each year and demonstrate that the victims of the oppressive Soviet regime are not forgotten. Their effort to maintain their religion and culture in the face of harsh penalties, arrest, and imprisonment are acts of pride and courage—ones which we strongly applaud and support. Ida Nudel's steadfast resistance to official Soviet policy is but one such example.

The Soviet Union's demonstrated brutality against its own citizens cannot be allowed to continue. Our united voice of protest is essential if those who suffer for simply seeking freedom are to achieve this most basic of human rights. I invite every Member of the House to join today in supporting the Solidarity Sunday rally and call on the Soviet Union to fulfill the commitment it made to human rights upon signing the Helsinki accords.●

● Mr. GREEN. Mr. Speaker, I am pleased to join my colleagues in commemorating the 12th annual Solidarity Sunday march held in New York City. This march will send a message of support to Soviet Jewry, and a message of protest to Soviet leaders.

I believe it is tremendously important that we let Soviet Jews know we have not forgotten their plight, and that we show Soviet leaders the American people will not desist in publicly opposing their policies of harassing Jews and forbidding them to exercise human rights guaranteed to them by the Helsinki Final Act. This is why I will be marching in the Solidarity Day March on Sunday, as I have for the last 4 years, and, if necessary as I will do in years to come.

The over 175 cosponsors of House Resolution 150, which expresses Congress support for Solidarity Sunday, are evidence that this House will continue to support the cause of Soviet Jewry, and work on their behalf until all Jews who want to emigrate are given exit visas, until all Jews who wish to study Hebrew can do so without harassment, and until all Jews are given full equality in the Soviet system. This special order, in anticipation of the annual Solidarity Day march on Sunday, offers us the opportunity to rededicate ourselves to the crucial goal of freeing Soviet Jewry from the repression of Soviet authorities.●

● Mr. MOLINARI. Mr. Speaker, this coming Sunday, May 22, is an important day for all those dedicated to the cause of human freedom. Solidarity Sunday for Soviet Jewry already has the distinction of being the largest annual human rights demonstration in the world. This year, Solidarity Sunday will carry even greater significance. The emigration and treatment of Soviet Jews have reached a serious low.

Jewish emigration from the Soviet Union has dropped over 98 percent during the last 3 years. In fact, in February of this year, only 125 Jews left, less than on an average day during 1979. Total Jewish emigration in 1982 was 2,688, down from a high of 51,000 in 1979. There are officially 10,000 Jewish emigration applications pending in the Soviet Union, but this figure in no way represents the number who want to leave. This is because the process of applying for an exit visa cannot even begin until an invitation is received from a close relative abroad. Discounting for this harsh criterion, the Israeli Embassy estimates the true number of those wanting to leave at more than 380,000. Moreover, all signs seem to indicate that Soviet officials have now closed off the issuance of new visas, pending guidance from Mr. Andropov.

If current emigration policy is in such a state of flux, now is certainly the time to let our voices be heard. Whether the Soviet leadership will respond to our appeals is open to speculation. But it is clear that the Politburo is capable of being image-conscious. We need only look as far as the recent Soviet peace initiatives in the capitals of Western Europe, or the experience of the Jackson-Vanik amendment, which taught us that if the Soviets want something badly enough, they are willing to pay the price. With enough cries of injustice from around the world gathered on one special day, the Soviet leaders might give some second thoughts to their public human rights image.

These voices of protest are not restricted by age, sex, race, or religion. In fact, recently I met briefly with a group of high school students representing the Student Struggle for Soviet Jewry. I was very impressed and encouraged by the articulate and responsible way these young people addressed a very difficult situation. In our conversation, they touched upon emigration but focused primarily upon internal repression in the Soviet Union.

The deplorable treatment of Anatoly Shcharansky is something we must continue to condemn. His 120-day hunger strike served to underscore the sense of desperation many of these refuseniks feel. Alexandr Paritsky sits in a Soviet labor camp because he allegedly "defamed the Soviet state" by speaking our against Soviet emigration policies. The students were particularly concerned about a Moscow Hebrew teacher and emigration activist, Iosif Begun, who was arrested November 6, 1982, for the third time. This man, whose only crimes were fighting for the legalization of Hebrew teaching and the right to emigrate, has already served two terms in prison and a period of exile in Siberia. He has been waiting for permission to emigrate for over a decade.

The courage and fortitude of these dissidents are human qualities we must all respect. They are willing to make deep personal sacrifices in order to achieve broad goals of human freedom for all their brethren. We, too, can play our part. This Sunday, Solidarity Sunday, the Kremlin will know that we are all watching.●

● Mr. EVANS of Illinois. Mr. Speaker, the April statistics on the number of Soviet Jews who were permitted to emigrate from the U.S.S.R. are a sad but vivid reminder of the need for the event we are commemorating today—Solidarity Sunday. Last month, only 114 Jews were allowed to leave the Soviet Union, a 60-percent decrease from last April. If this rate continues, 1983 will mark a new low in Soviet Jewry emigration levels during the past 10 years.

Solidarity Sunday was initiated by the Greater New York Conference on Soviet Jewry to symbolize this Nation's commitment and dedication to Soviet Jews. The Soviet Union's actions toward Soviet Jews, particularly in recent years, are not encouraging. Still, pressure must continue to be put on the Soviets by the United States and other countries to show that these individuals have not been forgotten.

As a signatory to the 1975 Helsinki Final Act, the Soviet Union pledged that it would abide by the act's basic human rights provisions, including the right to emigrate. Through such worthwhile events as Solidarity Sunday, the United States is sending a clear message to the Soviet Union that these rights must be honored, and that our concern for Soviet Jews will continue as long as these rights are ignored by the Soviet Government.●

● Mr. MINETA. Mr. Speaker, in this country we are fortunate to enjoy freedom of religious expression and the right to free emigration. As part of the freedom we enjoy there is a responsibility to support the aspirations and efforts of others in their struggle for basic human rights.

One of the causes that deserves our wholehearted support is the drive to allow free emigration for Soviet Jews. Solidarity Sunday with Soviet Jewry, which takes place this Sunday, in an important element of the effort to increase recognition of the plight of Soviet Jews and increase the pressure on the Soviet Government to grant Soviet Jews the right to emigrate.

Literally thousands of Soviet Jews have risked their own personal welfare to press for their right to emigrate and freely express their religious and cultural identity. We can never turn our backs on these brave people and must support their valiant quest.

Let us continue to work for the day when all governments will recognize that the will for freedom will always transcend the power of the state to suppress it. Initiatives such as Solidarity Sunday can bring us closer to realizing this goal and I urge everyone to be part of this event, either in person or in spirit.

I want to commend all those who have worked on organizing Solidarity Sunday. This annual event makes an important contribution to the struggle on behalf of Soviet Jews that will continue in this country and throughout the world.

Thank you.●

● Mr. LENT. Mr. Speaker, I rise today to join my colleagues in a special order to mark Solidarity Sunday, to be held in New York City on May 22, 1983.

Mr. Speaker, as you know, each year more than 100,000 concerned citizens attend this event to express their support for Soviet Jews. This year, the march is more important than ever before. Jewish emigration from the U.S.S.R. has been almost completely halted and recent months have brought a marked increase in official persecution and harassment of prisoners of conscience and refuseniks.

Last January, I had the opportunity to visit the Soviet Union. Together with several of my colleagues, I met with 17 Soviet Jews who are undergoing the cruelest sort of persecution, abuse, and harassment because they seek to emigrate to Israel. There, I heard reports of unrelenting persecution by the Soviet authorities-personal reports from Velena Bonner, the wife of Andrei Sakharov, and Leonard Shcharansky, the brother of Anatoly Shcharansky.

When I left the dark apartment in Moscow in which our meeting was held, I left with one powerful message. These people must not be forgotten. More than anything else, these brave men and women implored us never to forget them.

This, Mr. Speaker, is the meaning of Solidarity Sunday. Together, we will march to show our support and our solidarity with the Soviet Jews. We in the West who are blessed with liberty and freedom must never forget the plight of those who are not. We must make our voices heard as we cry out on behalf of those in the Soviet Union who are denied the God-given right to practice their religion in peace.

Each and every Soviet Jew should know we have not forgotten them. Although we cannot be with them in person, we are with them in our hearts. We march to show our support as we join together, in solidarity, with the Soviet Jews.●

● Mr. OWENS. Mr. Speaker, it is with a deep sense of sadness and outrage that we will again gather for Solidarity Sunday. As each year passes, all people of good will wish that this gathering were no longer necessary.

Today the Jews of the Soviet Union who chose to emigrate are faced with increasing harassment while the number who are allowed to leave has been severely reduced.

The situation for Soviet Jews has not developed in a vacuum. The current chill in American-Soviet relations has not helped Soviet citizens who wish to emigrate. The time has come when Americans must be concerned about the relationship between us and the Soviet Union. Continued fear and suspicion help no one and delay the day when we sit down together and negotiate a reasonable relationship which benefits both nations. In a less hostile environment it will be possible to facilitate emigration.

As we stand in solidarity with the Jewish people of the Soviet Union let us also stand in solidarity against the forces of anger, suspicion, fear, and ignorance. Let us recognize that we are all travelers on this Earth for such a short time before we yield our places to our children. We have an obligation to spend our time well and leave a better world to all of our children—a world which does not divide people by race, nationality, or religion.

Despite the reality of the current state of United States-Soviet relations, we again call upon the Soviet Union to recognize the human rights of each Jewish individual or family. Nations should never hold people as hostages and pawns for international negotiations. Decent people everywhere again join in the refrain: "Let my people go."●

● Mrs. KENNELLY. Mr. Speaker, I would like to join my colleagues in this special order expressing support for Solidarity Sunday, the annual Sunday in New York when people of all faiths gather to reaffirm their commitment to freedom for Soviet Jews, and for all victims of oppression throughout the world.

It is especially appropriate this year that we make a formal declaration of our solidarity with the Soviet Jews. There has been an alarming drop in the number of Jews allowed to leave the Soviet Union over the last 3 years.

The flood of over 50,000 who emigrated in 1979 has turned into a mere trickle, only 3,000 last year.

Even as the Soviet Union forces more and more Jews who wish to leave to remain against their will, it has made their lives more miserable. Harassment and mistreatment of these people has intensified at every level, and in every sphere of life. Anti-Semitic attacks in the press occur with regularity. Jews are unable to find jobs, have difficulty getting an education, and cannot practice their religion. Harassment of activists, teachers, and scientists increases all the time, and shows no sign of abating.

In this climate, manifestations of our continued concern for these individuals—such as Solidarity Sunday—are critical. They are not lost on the Soviet Jews, and they are not in vain. These people and those who oppress them must be reminded, for different reasons, that we will not give up our efforts to see that this intolerable oppression ends. We must continue to demonstrate our solidarity and concern for the Soviet Jews, and continue to kindle their hope for freedom. These people, who every day fight for freedom, both political and religious, are fighting for the very principles upon which this country, and all democracies, are built. To forget them would indeed be to forget ourselves.●

● Mr. LAGOMARSINO. Mr. Speaker, I wish to commend the gentleman from New York for calling this special order to commemorate this Sunday, May 22, as Solidarity Sunday With Soviet Jewry.

The continuing reports of Soviet anti-Semitism cause grave concern for all of us seeking to improve the human rights conditions for minorities behind the Iron Curtain. There are reports of substantially increased anti-Semitic and anti-Zionist propaganda in Soviet papers, with Zionism termed "the worst enemy of mankind."

Other reports tell of increasingly repressive quotas for Jews attempting to gain admittance to Soviet universities and of a new directive ordering Soviet Army personnel to be indoctrinated in anti-Jewish and anti-Zionist ideology.

As a signatory to the Helsinki accords on respect for human rights, the Soviet Union committed itself to advance the objectives of human rights for all its citizens. However, as U.S. Ambassador Kampelman said at the Madrid conference, it was a great disappointment that there was not a more constructive interest to honor the spirit of the Helsinki accords. Instead, the response was that attempts to promote human rights and the objectives of the Helsinki act were only "cheap propaganda" and "sterile polemics." I am dismayed that the Soviet Union has not fulfilled its pledges undertaken at Helsinki and that the plight of Jews in the Soviet Union appears to be getting worse instead of better. We must not allow ourselves to forget or ignore the plight of Soviet Jewry and we must continue to put pressure on the Soviets to permit conditions to improve for minorities in that country.●

● Mr. HOYER. Mr. Speaker, it is with mixed emotions that I join my colleagues in support of House Resolution 150 expressing congressional support for Solidarity Sunday. While I strongly support this 12th annual event sponsored by the Greater New York Conference on Soviet Jewry, I am saddened that we are forced to take such action. I am continually dismayed and disheartened over a political system that systematically and purposely denounces freedom of speech as "anti-Soviet agitation and propaganda," and freedom to travel as "treason."

The concern I have for the plight of Soviet Jewry is one which is shared by a very young but mature constituent of mine from Bowie, Md. I would like to share with my colleagues a letter written by this young man, Seth Koss.

I am thirteen years old. I am Jewish and just recently had my Bar-Mitzvah. I shared my Bar-Mitzvah in spirit with a Russian-Jewish boy named Misha Smeryansky. He is one of thousands in the Soviet Union that want to go to Israel where he can live a happy and free life. Misha and his family live in Moscow. Misha's father applied for a visa to leave this country. They expected no problems. They were wrong.

The Soviet government said he knew too many secrets. This is untrue. Since then the family has had a very hard life. Misha's father lost his job and is unable to get a good job since. The Smeryanskys do not want anything but freedom. Millions of Jewish families in the Soviet Union have the same sad story. The Jews do not want anything but freedom to go to Israel and have a happy life. The number of Jewish people being allowed to leave the Soviet Union is steadily decreasing. I hope for the day when Misha and his family will be free to go to Israel and live with their relatives.

I am writing in hope that you will do everything in your power to change the situation in the Soviet Union.

This letter poignantly highlights the shared fate of the Soviet Jewry. They are not allowed to live in their homeland with dignity and with the freedom to be Jews nor are they allowed to leave to fulfill these rights. Instead, they are faced with agonizing cultural strangulation; any dignity they retain is crushed by brutal assaults on their safety; and any hope of freedom is extinguished by a systematic and directed bureaucratic maze intended to thwart their efforts. It is reminiscent of another government, of another time, of another place.

Despite the cold shoulder thrust at efforts made in the West to aid the plight of the Soviet Jews, we must intensify our efforts and demand that the Soviet Government account for its behavior. For the greatest danger lies in indifference. For not only do we have a historical mandate to maintain vigilance, we have a moral one.

Benjamin Vecsler, a Romanian-born poet deported from France to a concentration camp, wrote:

But when you trample this tuft of nettles which was I, in another century, in a history which will seem to you long lost, remember, only, that I was innocent and that, just like you, mortals of your time, I had, as well, a face, marked by anger, by pity and by joy. A man's face—nothing else.●

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, on rollcall No. 123 on H.R. 2973 I was on the floor and voting; however, the system did not record my vote. As I was a cosponsor of that legislation, I ask unanimous consent that the record show that I was in favor of the repeal and tried to vote "yea."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

THE 50TH ANNIVERSARY OF SOVIET COMMUNIST-CAUSED FAMINE IN UKRAINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr Speaker, this year marks the 50th anniversary of the famine in Ukraine caused by the Soviet Communists in which 7 to 8 million Ukrainian men, women, and children starved. On Saturday, May 21, many members of the Ukrainian American community will gather in Washington at the Shevchenko Monument at 22d and P Streets to commemorate sacrifices of those who died for the independence of Ukraine and to educate Americans about the true and brutal nature of Soviet communism.

It is my privilege to join Americans of Ukrainian descent in the 11th Congressional District of Illinois, which I am honored to represent, in the city of Chicago, and all over the Nation, in commemorating the genocidal Ukrainain famine of 1932-33. The sad fate and memory of the victims of Commu-

nist aggression will not be forgotten, as the Ukrainian people continue today to bravely struggle to determine the course of their own destiny, against overwhelming odds, with the desire that one day democracy will ultimately triumph over tyranny and the sovereignty of Ukraine will be restored.

Mr. Speaker, the archpastoral letter of His Beatitude Metropolitan Mstyslav on the famine follows as printed in the May 15 edition of the Ukrainian Weekly:

METROPOLITAN MSTYSLAV: LET US UNITE IN PRAYER FOR FAMINE VICTIMS

(Archpastoral letter of His Beatitude Metropolitan Mstyslav on the occasion of the 50th anniversay of the 1932-33 Great Famine in Ukraine.)

Dear and beloved brethren!

Christ is risen!

In this frenzied century, day after day, human blood in ever wide rivers flows into the ocean of the future, and the tears of mothers and widows ascend as vapor to heaven often clouding it with thick grey clouds of despair. A day does not go by when the earth, tired, burned with fire and mercilessly harrowed with steel, does not receive in its bosom new bodies and the bodies of thousands of new martyrs and those who endure suffering in this contemporary brutal age. To this immolation, divine providence has again called the Ukrainian nation in order to test its devotion to God and its love for humanity in general and the Ukrainian person in particular.

In every century of the life of our nation, history has etched upon its tablets "Days of Judgment," days of sorrow and lamentation, painful days of profound sadness. So it is written in the history of the Jewish nation whose prophets foretold the coming of the Redeemer—Christ the Saviour, the Son of God to the sinful earth. Let us recall the lamentation of the several thousands of Jewish mothers the lives of whose children were forcibly shortened by the ruling despisers of people.

This year's Pascha in the life of the Ukrainian nation and the faithful of the Ukrainian Orthodox Church is marked with the inexpressible painful remembrance of that which occurred only 50 years ago. In 1932 and 1933, Moscow, crimson with the human blood which it shed through the ages and totally brutal in its treatment of the nations which it enslaved, guided only by designs of plunder, resolved to erase from the face of the earth the Ukrainian nation as a separate, independent nation-state. Guided by this goal, Moscow confiscated by force from the Ukrainian farmer his ancestral land, a land made holy by his bitter sweat, a land which through the ages was the strongest fortress of the Ukrainian nation and, at the end of the year 1932, robbed from him everything which the generous Ukrainian earth had borne him during that very abundant year of harvest.

As a consequence of this, on Pascha of 1933, black banners already flew over Ukrainian villages, announcing that the "village had died out." In the torments of death by starvation that winter almost 7 million Ukrainians perished. The remembrance of this heart-rending event covers this year's feast of Christ's Resurrection with a black veil.

As is known, the greatest concentration of our people beyond the borders of Ukraine is found in the United States of America. Here, for over 30 years exists the spiritual center of Ukrainian Orthodox in the free world, a center which divine providence has deigned me to head for already over 30 years. This center is found in the state of New Jersey, on an area of land which covers over 100 acres. On this land our devout people erected the magnificent St. Andrew's Memorial Church in prayerful commemoration of those who endured martyrdom and suffering for Ukraine and in remembrance of the victims of the Great Famine.

Those who donated for the acquisition of the land and the construction of the memorial church and everything which is found in this center (the theological seminary, Home of Ukrainian Culture, administrative buildings, archives of ancient and 20th century documents, the museum with its artifacts dating back as far as the 12th century and the library) were devout Ukrainian patriots, not only Orthodox but of other Christian denominations as well.

In addition to the church-affiliated central institutions, a large cemetery developed around the memorial church, a cemetery furnished with love and care in which repose several thousand of our deserving people—men and women of letters, artists, people of various professions and the greatest in number former village farmers whom fate carried beyond the sea and ocean. Among those who repose here are those who survived the suffering of starvation or the children and grandchildren of those who perished during the years of the Great Famine. Yearly on Providna Nedilia (St. Thomas Sunday), 5,000 to 6,000 people—relatives, friends and acquaintances of the departed—gather here to remember them and pray for the repose of those dearest to them.

The prayerful remembrance of the memory of the victims of the Great Famine will occur in all countries of the free world on Sunday, May 15. The principal requiem services will occur on this Sunday in the Memorial Church and in front of it near the graves of the thousands of our departed brothers and sisters. The requiem services will be celebrated by the hierarchs of our Church and spiritual leaders of other Ukrainian Christian denominations.

Therefore, my dear and beloved brethren, let us on this never-to-be-forgotten day unite in fervent prayer and let us reverently bow our heads in respect before the known and unknown graves of the children of the Ukrainian nation whose lives ended in the torments of death by starvation and in the struggle for freedom and for the land of Ukraine.

Sincerely devoted to you in Christ,

MSTYSLAV,
Metropolitan.

MAY 1, 1983.●

THE AMERICAN PRESENCE OVERSEAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, for if the trumpet give an uncertain sound, who shall prepare himself for battle?

I heard the general debate earlier this afternoon on defense authorization and it coincides with a letter that I have had delivered to the chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin, Mr. CLEMENT J. ZABLOCKI, with respect to a matter that I feel is inextricably linked with the safety, well-being and the vital security of our country and therefore, should be present in the context of the consideration of the substantive legislation having to do with the constitutional powers of this body in furnishing the moneys in order to comply with the other constitutional responsiblity of raising the armies for our Nation.

At this point we have about 1,200 marines in Beirut. Almost totaly lost sight of as far as any recognition in utterances or public consideration is a presence of an equal number, maybe a few more now, of airborne troops, military. They are about 550 miles up above in the desert in the Middle East and both forces subject to an unclear and yet to be defined mission.

In El Salvador alone we now have in and out of the Salvadoran borders a substantial presence of our military of all types, sailors, special forces, regular army, and military.

The official count in the reports given by the President to the Congress reveal 57 or so advisers, but that depends on when and at what date the count is taken, because right in the adjacent borders of Honduras we have other contingents. Down and off the coast on the Pacific side, there has been a yet to be reported very heavy presence there of our Navy over in the Punte of Cabo Santa Maria, off the Salvadoran and near the Nicaraguan coast.

There has yet to be as far as I know a report publicly rendered to our country about the extent, the magnitude of that activity.

Now what are we doing with our men? Why should the Congress have gone to the length and extent that it did—and I was here present for every minute of that debate—in the so-called War Power Limitation Act, during an immediately following the travail, trauma of Vietnam and with the then overwhelming majority of the Members of the Congress in both Houses, therefore mirroring the sentiments of the Nation dedicated to the proposition that undeclared Presidential wars were bad business.

But where are we now. In El Salvador, disturbingly as I pointed out it will be 2 years, in another month it will be 2 years, that we were doing the identical same thing that in 1963 in the month of May we were doing in Southeast Asia. What I called then and call now an Alice in Wonderland situation, unbelievable, where we had members of our armed services in the role of advisers, with not even the right to have a sidearm, but yet exposed to hostile fire and under the constant threat of serious bodily harm or death itself.

□ 1800

I raised the issue then, May 1963. I had served in the Congress 1½ years. But in that halcyon period of time, days of innocence, yet President Kennedy, being the President, I found that most anybody I talked to in or out of the Congress did not even really know where Vietnam was, or what had happened, or how that part of Indochina had been divided, or what presence we had as a result of the Geneva agreement and the unsuccessful attempts to have elections.

There was nothing on the horizon, just like now, except that now, yes, we have had more than handwriting on the wall. We have had the destruction of our Embassy in Beirut with heavy loss of American lives, with the culprit yet to be ascertained even. We did not in 1963. In 1963, the general atmosphere and climate and environment was one that we read in passing about advisers in Southeast Asia.

But again, as in 1982, mostly because of the pride I take in having a very close and intimate association with my constituents, and my constituency being one that through the years, in fact through a couple of hundred years or more, since its beginning, is identified as a defense outpost since its founding, and certainly now is the site of very, very substantial national defense commitments and bases.

I find that my area, for instance, has produced the greatest number per capita of volunteers in time of need. In Korea, the first man to fall, in Vietnam, the first to fall were San Antonians. In World War II, as well as in World War I, but more so in World War II, the total number of Congressional Medal of Honor winners in the State of Texas, the preponderant number, that is, the majority, were from the area. So we glory in the fact that our district is intimately and happily associated with basic national defense commitments.

So I find that no matter where I go in visiting, I will find a constituent on duty. About the only trip that I have taken of any kind since I have been in the Congress was my first year, during the Easter week, and it was a work tour. I went and made a tour of all the Army bases in Germany, as well as the then-NATO headquarters in Europe. Everywhere I touched, there was a constituent serving.

So last year when we first sent the first substantial number of so-called advisers to El Salvador we had constituents. In 1963, in May, I was invited to participate at a ceremony of the then 433d, which is an Air Reserve unit, and the reason I was invited was that they were more or less honoring a young man who was the son of a very close friend of mine who also had been a war hero during World War II in Germany, and I was puzzled when I found out that he was being commended for I forget how many missions in what is South Vietnam.

I said, "What do you mean? What missions?"

He said, "Well, I will tell you the reason I am here." He said, "I was a cargo master on a helicopter. We were flying on one mission when we received hostile fire. We do not carry arms. I suggested to the ARVN"—that is, a soldier of the Army of the Republic of Vietnam—"that he fire back and he refused, so I grabbed the gun and fired," he said. "I was not about to get shot down over there. But when I landed I was under the shadow of being reported for violating our status, so the C.O. shipped me back."

I said, "You mean to tell me that you are on missions, for whatever reason, in whatever capacity, in which you will be exposed to serious bodily harm, injury, or death?"

He said, "Yes, that is right." He said, "As a matter of fact, did you not hear from Dad some months ago?"

I said, "I do not remember."

He said, "Well, I wrote and asked him to get hold of you to see how I could get a .45 over there."

I said, "Why?"

He said, "Well, you know, we just do not have any arms. We are not supposed to have any."

At that time the other difference was that the President was accessible. I could not believe that situation. When I received unsatisfactory answers from the State Department, from the Defense Department, I then contacted the President himself, and I will have this to say: He was accessible. So on the occasion of the last trip to Texas, I was quite surprised to find that it was on his mind, and he referred, and he indicated that immediately upon his return he was going to Hawaii to meet with CINCPAC, to review, as he put it, and I quote him directly, "the whole Southeast Asia matter."

Then as he was leaving the little cabin to go into his own, he turned around and he said, "As a matter of fact, I am pretty sure that before the end of the year we will bring them all back out of there, including the helicopters."

I was so puzzled, because in the interval from my first bringing it to his attention, which had been late in the month of May, I had in the interval been able only to communicate with his Secretary, Kenny O'Donnell, and had not really been able to find out. All I did find out was that by the time I was raising my questions, the number of so-called advisers in Southeast Asia were substantial.

You can imagine my feeling when last summer, the summer before last, in fact, I get communications from two of my constituents serving in the first group to go down to El Salvador, and what do they tell me? The same thing. Congressman, we are puzzled. Every night there is a bomb going off somewhere here, yet we do not carry any arms, we cannot, and we travel out in between our workplaces and here unarmed, but the embassy staff travels in armored vehicles and they are now receiving hazardous duty pay every month.

I could not believe it. We had learned nothing, absolutely nothing, plus the fact that in the interval, though, we did have the War Power Limitations Act.

To made a long story short, in the recent bombing and destruction and loss of life in our American Embassy in Beirut, there is a difference between that situation and the Embassy and its employees and El Salvador. In Beirut, those poor employees were not on hazardous duty pay, and as we note, they were not too well defended. But what about the marines? Same thing, right now in Beirut.

I would say that the degree of exposure to danger in Beirut is much greater than, say, what is currently the definition of duty for these men in El Salvador.

□ 1810

But the point is that unless we know what their mission is and under what circumstances they shall serve as military, our Presidents, particularly this one, are then acting as if they are sending a Redskins squad; they are deploying the Redskins, a football team, not warriors.

Suppose tonight—and God forbid, I pray—that we have the news flash that our marines in Beirut have suffered casualties, what then? What do we do? What is our policy? Do we back them up?

I asked the question in 1974 right here on this floor, resulting in an acrimonious exchange with the then chairman of the subcommittee, Wayne Hays, who vituperated on the floor against me, simply because I was asking: "How come you are asking to commit"—except in that case it was civilians—"to the so-called Sinai Watch operation?"

His answer was that the Americans were the only ones that either Israel or Egypt could trust.

Then I said, "How can it be? Just a few kilometers down the road you have United Nations peacekeeping personnel. You mean they trust them there, but here they don't?" I said, "Suppose there is an outbreak of hostilities, what do we do? Abandon those Americans? Do we back them up?"

He said, "That's ridiculous. There is no possibility of that happening."

If I remember the debate, I then said, "How come in this resolution you say, 'in the event of the outbreak of hostilities'? Why that language?"

It is the same thing here and now. I repeat, what is the mission of our Americans and their detachment in

Beirut? What peacekeeping? Under what circumstances?

When the President first announced that he was sending this present force, he was asked those questions. He was also asked, "For how long?"

His reply to me is unbelievable. "I don't know. That will depend on Lebanon."

Are our marines then dependent on the wishes of a regime that cannot even exercise full authority and sovereignty over even all of Beirut, much less Lebanon?

Yet we are here engrossed in this debate on billions and billions of dollars that we say will determine the framework of reference for our security. If the trumpet gives an uncertain sound, who shall prepare himself for battle?

It is the same question as of old in the Scriptures. It is just as real today as ever, and our leader sounds a most uncertain trumpet.

I am grievously concerned, and, therefore, am motivated to send this letter to the chairman of this committee:

More than any other serving Member of Congress, you (the chairman) are responsible for the War Powers Resolution. However criticized or misunderstood it may be, there is no question that the Resolution is of paramount, historic importance. More than any other legislation, the Resolution affirms the intent of Congress not to abrogate nor abdicate its Constitutional responsibilities to control the war power. More than any other enactment, the Resolution repudiates the notion of what has become known as Presidential wars. You, as primary author of the Resolution, as its guardian, deserve the thanks and respect of not only your colleagues, but of every citizen in the Nation.

It is clear from events in the years since the resolution was enacted that the Executive will always attempt to intepret the law in the narrowest possible way or to evade its restraints. A case in point, and one that in my opinion should elicit your strongest concern, is the employment of United States Marine forces in Lebanon.

In the Resolution, restraints on the President are triggered by Section 4—

And I quote:

In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances; (2) into the territory * * * of a foreign nation, while equipped for combat * * *.

Probably the most authoritative comment on the meaning of Section 4(a)(2) is by Dr. John H. Sullivan, who wrote the Committee Print, The War Powers Resolution,

In which as a matter of fact he answered the commission given by you in 1981.

Dr. Sullivan's study relates, among other events, the dispatch of U.S. forces to evacuate Americans from Lebanon in June, 1976. He suggests that the Resolution was not triggered in that case because the personnel involved were unarmed and—

I quote:

Moreover, evacuees entered embarkation areas in which a de facto truce had been secured among warring parties. No hostile shots were fired. No casualties occurred.

And this is in committee print 224.

Clearly, the present situation in Lebanon is different. Hostile fire has occurred. There have been casualties. Our Marine troops are armed for combat.

With regard to the question of what "equipped for combat" means the administration has argued that in El Salvador, U.S. military advisers were not, in Sullivan's words, "equipped for combat within the meaning of the Resolution, since they carried only personal sidearms."

But this was only after the hue and cry of some of us that they had no sidearms even.

Further, the troops in El Salvador would not accompany Salvadoran forces on patrols and generally confine themselves to safe situations.

Again, that is committee print, pages 251 and 252.

If the definition of "equipped for combat" means carrying more than sidearms in El Salvador, doesn't the same definition apply in Lebanon? If carrying more than sidearms triggers the reporting and limitation provisions of the Resolution in El Salvador, why has it not done so in Lebanon? It seems to me that by the Administration's own terms of what "equipped for combat" means, our Marines in Lebanon are so equipped, and their presence there falls within the restrictions of the Resolution.

As to the test of the "hostilities" there is no question that Lebanon is a more dangerous place to our personnel than El Salvador is, under present operational guidelines.

That is publicly acknowledged.

In El Salvador it is deemed a serious matter, a possible breach of the Resolution, if soldiers are spotted carrying rifles in areas that could be considered contested, or if a helicopter carrying a U.S. soldier is fired upon. Why is this not the case in Lebanon, where our troops not only carry rifles routinely, patrol unsafe areas, where our Embassy has been reduced to rubble, where troops have been wounded, and where a U.S. helicopter has been forced to stop an investigation into artillery fire, because of fire directed against it?

I do not believe that the War Powers Resolution can mean one thing in El Salvador and another thing in Lebanon. Yet, in comparing the cases, it appears that exactly such a thing is being permitted.

It is clear that the United States political and military involvement in Lebanon is going to become much greater than it already is, if the agreement between Israel and Lebanon, signed today, comes into effect. Under the terms of that agreement, the United States would serve on a "Joint Liaison Committee" whose function would be, in the words of the agreement, "The supervision of the implementation of all areas covered by the present agreement." Under the Joint Liaison Committee there would be a Security Arrangements Committee which would also, at the request of either party, involve the United States as a member.

□ 1820

This committee would be responsible for maintaining peace within a defined security zone; whether U.S. forces would become members of the projected joint supervisory team, and this obviously is a military team, is at this point unclear, for if the trumpet sounds and gives an uncertain sound, who shall prepare himself for battle?

Now, ominously, according to the report in the New York Times today, and I am going to quote from it, the official said:

There would be a secret memorandum between Israel and the United States and possibly one between the United States and Lebanon. These are expected to deal with intelligence and clandestine operations.

That is the New York Times today, May 17, page A-13.

Now, inasmuch as Syria has not agreed to anything, I for one would doubt that any foreign forces will withdraw from Lebanon; however, to the extent that there are any withdrawals of Israel and Syrian forces, the involvement of the United States would deepen. Our troops would have to shoulder greater patrol responsibilities and would in the process become progressively more exposed to hostile action.

Moreover, the existence of secret agreements suggests that the United States is playing a much greater role than that of a middleman.

I suggest, Mr. Speaker, that if the United States were carrying out the same scope of activities in El Salvador as it is in Lebanon and if our troops in El Salvador were carrying out exactly the same type of activities in El Salvador as they are in Lebanon and if they had been subjected to the same dangers and if they were similarly armed, there would be a great hue and cry about violation of the war powers resolution.

I am satisfied from the study that you commissioned yourself that the intent of Congress was and is that the restraints of the war powers resolutions clearly apply to the case of Lebanon.

I suggest that if the resolution is to have any effect and force, the committee cannot accept the notion that it means one thing in El Salvador, but that in identical circumstances in Lebanon, it means something else; yet that would appear to be the case.

Only clarity and persistency will insure that the intent and purpose of the war powers resolution will be preserved; for I repeat, and in this letter I so state, as St. Paul warned his brothers in Corinth:

If the trumpet call is not clear, who will prepare for battle? In the same way, if your ecstatic utterance yields no precise meaning, how can anyone tell what you are saying? You will be talking into the air.

You know from your own experience, and the study you commissioned richly documents it, that the resolution will have meaning, force, and effect only if Congress exercises great care and diligence; otherwise, by

simple inconsistency or inaction, the resolution will be vitiated beyond repair, and with it the historic reaffirmation of the congressional responsibility over the war power conferred by the Constitution. I fear that unless the committee applies the same precise firmness with respect to Lebanon as it has to El Salvador, the resolution will soon be rendered meaningless. You have provided brave and diligent leadership before. I hope and urge that you will examine this matter with the greatest of care.

Mr. Speaker, I offer that letter intact for the RECORD at this point:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 17, 1983.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, D.C.

DEAR CLEM: More than any other serving Member of Congress, you are responsible for the War Powers Resolution. However criticized or misunderstood it may be, there is no question that the Resolution is of paramount, historic importance. More than any other legislation, the Resolution affirms the intent of Congress not to abrogate nor abdicate its Constitutional responsibilities to control the war power. More than any other enactment, the Resolution repudiates the notion of what has become known as Presidential wars. You, as primary author of the Resolution, as its guardian, deserve the thanks and respect of not only your colleagues, but of every citizen in the nation.

It is clear from events in the years since the Resolution was enacted that the Executive will always attempt to interpret the law in the narrowest possible way or to evade its restraints. A case in point, and one that in my opinion should elicit your strongest concern, is the employment of United States Marine forces in Lebanon.

In the Resolution, restraints on the President are triggered by Section 4, when

"In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances; (2) into the territory . . . of a foreign nation, while equipped for combat. . . ."

Probably the most authoritative comment on the meaning of Section 4(a)(2) is by Dr. John H. Sullivan, who wrote the Committee Print, "The War Powers Resolution," which you commissioned in 1981.

Dr. Sullivan's study relates, among other events, the dispatch of U.S. forces to evacuate Americans from Lebanon in June 1976. He suggests that the Resolution was not triggered in that case because the personnel involved were unarmed and—

"Moreover, evacuees entered embarkation areas in which a de facto truce had been secured among warring parties. No hostile shots were fired. No casualties occurred." (Committee Print, 224)

Clearly, the present situation in Lebanon is different. Hostile fire has occurred. There have been casualties. Our Marine troops are armed for combat.

With regard to the question of what "equipped for combat" means, the Administration has argued that in El Salvador, U.S. military advisers were not, in Sullivan's words, "equipped for combat within the meaning of the Resolution, Since they carried only personal sidearms." Further, the troops in El Salvador would not accompany Salvadoran forces on patrols and generally confine themselves to safe situations. (Committee Print, 251, 252)

If the definition of "equipped for combat" means carrying more than sidearms in El Salvador, doesn't the same definition apply in Lebanon? If carrying more than sidearms triggers the reporting and limitation provisions of the Resolution in El Salvador, why has it not done so in Lebanon? It seems to me that by the Administration's own terms of what "equipped for combat" means, our Marines in Lebanon are so equipped, and their presence there falls within the restrictions of the Resolution.

As to the test of "hostilities" there is no question that Lebanon is a more dangerous place to our personnel than El Salvador is, under present operational guidelines. In El Salvador, it is deemed a serious matter, a possible breach of the Resolution, if soldiers are spotted carrying rifles in areas that could be considered contested, or if a helicopter carrying a U.S. soldier is fired upon. Why is this not the case in Lebanon, where our troops not only carry rifles routinely, patrol unsafe areas, where our Embassy has been reduced to rubble, where troops have been wounded, and where a U.S. helicopter has been forced to stop an investigation into artillery fire, because of fire directed against it?

I do not believe that the War Powers Resolution can mean one thing in El Salvador and another thing in Lebanon. Yet, in comparing the cases, it appears that exactly such a thing is being permitted.

It is clear that the United States political and military involvement in Lebanon is going to become much greater than it already is, if the agreement between Israel and Lebanon, signed today, comes into effect. Under the terms of that agreement, the United States would serve on a "Joint Liaison Committee" whose function would be, in the words of the agreement, ". . . the supervision of the implementation of all areas covered by the present agreement . . ." Under the Joint Liaison Committee there would be a Security Arrangements Committee which would also, at the request of either party, involve the United States as a member. This Committee would be responsible for maintaining peace within a defined security zone. Whether United States forces would become members of the projected joint supervisory teams (evidently military teams) is unclear. However, it is plain that "both parties will request the United States to promote the expeditious resolution of disputes" (agreed minutes, art. 11). Ominously, according to a report in the New York Times;

"The officials said that there would be a secret memorandum between Israel and the United States, and possibly one between the United States and Lebanon. These are expected to deal with intelligence and clandestine operations." (Time, May 17, 1983, A13)

Inasmuch as Syria has not agreed to anything, I doubt that any foreign forces will withdraw from Lebanon. However, to the extent that there are any withdrawals of Israeli and Syrian forces, the involvement of the United States would deepen; our troops would have to shoulder greater patrol responsibilities and would in the process become progressively more exposed to hostile action. Moreover, the existence of secret agreements suggests that the United States is playing a much greater role than that of middleman.

I suggest to you that if the United States were carrying out the same scope of activities in El Salvador, as it is in Lebanon, and if our troops in El Salvador were carrying out exactly the same type of activities in El Salvador as they are in Lebanon, and if they had been subjected to the same dangers, and if they were similarly armed, there would be a great hue and cry about violation of the War Powers Resolution.

I am satisfied, from the study that you commissioned, yourself, that the intent of Congress was, and is, that the restraints of the War Powers Resolution clearly apply to the case of Lebanon. I suggest to you that if the Resolution is to have any effect and force, the Committee cannot accept the notion that it means one thing in El Salvador, but that in identical circumstances in Lebanon, it means something else. Yet, that would appear to be the case.

Only clarity and consistency will assure that the intent and purpose of the War Powers Resolution will be preserved. For, as St. Paul warned his brothers in Corinth, "if the trumpet-call is not clear, who will prepare for battle? In the same way, if your ecstatic utterance yields no precise meaning, how can anyone tell what you are saying? You will be talking into the air."

You know from your own experience, and the study you commissioned richly documents it, that the Resolution will have meaning, force and effect only if Congress exercises great care and diligence; otherwise, by simple inconsistency or inaction, the Resolution will be vitiated beyond repair, and with it, the historic reaffirmation of the Congressional responsibility over the war power, conferred by the Constitution. I fear that unless the Committee applies the same precise firmness, with respect to Lebanon as it has to El Salvador, the Resolution will soon be rendered meaningless. You have provided brave and diligent leadership before; I hope and urge that you will examine this matter with the greatest of care.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

Mr. GONZALEZ. I sum up, in the backdrop of this very important debate that we just initiated today with respect to our responsibilities this year to the basic national defense commitment, that not only this should be as the most important backdrop of our discussions, but that we should see in full panorama what it is we are committed to throughout the world, where our troops are.

Germany—I raised the issue to this same chairman last year. Is NATO dead? We have 300,000 Americans. Are they clear in their mission? Are we clear in our commitment there, when our own allies now seem to be more fearful of us than they are of the erstwhile enemy, Russia?

In Korea, we have 45,000 Americans there committed. Just a few years ago there was an uproar where the commanding general in Korea was sent back by the President of the United States because he was proclaiming as a military man on national policies that

only the civilian leadership, the President himself, could; protesting the then President's and administration's feeling that some thought should be given to a withdrawal of our Armed Forces from South Korea in some orderly fashion, in some process there, yet to be defined or even discussed then. Well, they are still there.

In Central America, we have yet to receive and give to the American people the whole truth about even the full extent of our military presence there, enough to say and you have my assurances of the truth of this, though unreported publicly and based on credential witnesses' testimony given to me, we have more military presence just in the Central American portion than we have ever had in the entire history of our relationships with those nations.

What is our situation there? What is the present perspective?

I have said this, that it is such that we have lost the last leverage of leadership that we could exercise collectively and if we had had a vestige of it when I first spoke on the subject matter on April 1, 1980, in which I was in vain trying to reach President Carter's attention and did not succeed, I certainly would not now because since the Falklands, I would say that the mood is such that if President Kennedy were President today, and mind you, I am talking about a President that has been idolized in Latin America, but if he were the President today and he were to try to come out with the so-called Alliance for Progress, he would not be able to succeed.

We have also had a tremendous erosion in our hegemony, that is, in our power, in our influence, right here on our front steps just in the last 5 years. This has yet to be perceived by our leaders.

I read the words of our Ambassador to the United Nations I read the words of our Secretaries of State, beginning with Mr. Haig and now Mr. Shultz, and I lament what I hear and see.

Let us look at it. We are discussing here about our Maginot Line, the bomb, and its further development. In the meanwhile, the real world is that that is not what we will have to face in a contingency, and God forbid that we have to face it even halfway simultaneously, where our own men who prepare to do battle and die for us do not see clearly their mission.

If a nation and a people cannot perceive the reason for it, we can never elicit the will to wage and win a war.

I, for one, feel and have always felt and will always feel that when we resort to that, that it is a confession of the failure of diplomacy. We do not resort to that. No nation goes to the military until they fail diplomatically.

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Then there is only one way. It is not like sending the Redskins, as this President seems to be doing with the marines in Beirut. It is not a football game. They are going to be faced with the loss of their lives possibly, and I for one do not want them there unless they are fully prepared to defend themselves to the maximum. Also, in the case that is so needed, that if we amass them and use them, we do so overwhelmingly massively and victoriously as only that word can be understood.

But I end up, Mr. Speaker, by saying "For if the trumpet gives an uncertain sound, who shall prepare himself for the battle?"

I yield back the balance of my time.

THE NUCLEAR EXPLOSIVES CONTROL ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OTTINGER) is recognized for 5 minutes.

● Mr. OTTINGER. Mr. Speaker, today, on the ninth anniversary of India's detonation of a so-called "peaceful nuclear explosive," I am submitting a bill which is badly needed to strengthen the Nuclear Nonproliferation Act of 1978. I am proud to be joined by my colleagues Mr. MARKEY, Mr. UDALL, Mr. BONKER, Mr. BARNES, and Mr. WOLPE who are cosponsoring this legislative proposal. An identical bill is being introduced today in the Senate by Senators GARY HART and ALAN CRANSTON.

The NNPA established the United States as a world leader in setting high nonproliferation standards of conduct. However, in the 5 years since the passage of the Nuclear Nonproliferation Act, the risks posed by nuclear proliferation have not abated. Recent developments, especially over the past 2 years, now make it clear that U.S. nonproliferation laws need strengthening.

My deepest concern is over the direction taken by the Reagan administration in promoting nuclear commerce and trade that will surely contribute to the rapid spread of nuclear weapons throughout the world. I urge Members to give their immediate and personal attention to these matters and to support our proposal as contained in the legislation being jointly introduced today in the House and the Senate.

Our principal concern is that the nuclear nonproliferation policy of the administration is actually serving to accelerate, rather than to inhibit, the spread of technology, equipment, and materials that can be applied to making nuclear weapons. Policies announced and actions taken over the past 2 years have reversed the bipartisan approach to combating nuclear weapons proliferation that was developed in the administrations of Presidents Ford and Carter and embodied in the Nuclear Nonproliferation Act of 1978.

The most dramatic and dangerous departure from past policy is the Reagan administration's active promotion of plutonium, a nuclear explosive material, as a civilian fuel. By actively promoting commercial development of breeder reactors and reprocessing plants at home and abroad, it is paving the way for an industrial process that will produce, by the ton, plutonium that can be used by the pound to make atomic bombs. Although this policy may be responsive to certain industrial interests, it is contrary to the best interests of the nuclear industry and it is certainly anathema to the public interest. Unless the Congress takes immediate steps to reverse this policy, the United States will be exporting the very technologies and materials that can be turned into weapons of mass destruction and used against us.

I urge my colleagues to heed the fact that the global spread of nuclear weapons poses a grave danger to the United States and to the entire world, rivaling that of the arms race between the superpowers. Individually, many of us have expressed our concerns about the administration's lack of accomplishment in bringing the arms race under control. The passage of House Joint Resolution 13, the nuclear freeze resolution, was a clear vote of no confidence in the administration's efforts to control the spread of nuclear weapons around the world. In addition, we are not at all reassured by President Reagan's recent statement that "we are pretty well on our way to, if not entirely eliminating nuclear proliferation, holding it down to where a country might have a weapon or two, but they are not going to have enough to threaten the world." In fact, as was shown with small nuclear devices used at Hiroshima and Nagasaki, just one bomb can wreak devastation and destruction and result in an enormous loss of life. A weapon of that size would likely kill the entire 10 million population of Metropolitan New York.

As the number of nations possessing nuclear weapons grow, so does the likelihood that nuclear weapons will be used—possibly in a regional conflict that could engulf the superpowers and result in world nuclear war. Our concern is that the policies now being carried out by the administration are directly and significantly contributing to the perilous process of proliferation. It is unreasonable to expect that a nation, once having acquired a weapon or two, will not proceed to develop a substantial arsenal, along with the means for delivering those weapons, or that other nations, especially regional rivals, will not soon follow suit or that such weapons will not be used or fall into the hands of unscrupulous terror-

ist groups. If the administration continues to act as if proliferation is inevitable, of course it will be.

I am especially concerned that the administration is sending the wrong signals to nations that are now testing the depth of the U.S. resolve to combat the spread of nuclear weapons. For example:

India, which used U.S.-supplied heavy water to produce the plutonium for its nuclear explosion in 1974, will continue to receive uranium fuel for its U.S.-supplied power reactors from the French, thanks to the intervention of the Reagan administration. The Commerce and Energy Departments are proceeding with transfers of key nuclear components to India. And all of this assistance proceeds without our getting any assurances from India that the plutonium produced thanks to this assistance will remain subject to international safeguards.

Pakistan is receiving $3.2 billion in U.S. military and economic assistance, in spite of reports that it is using unsafeguarded enrichment and reprocessing facilities to produce uranium and plutonium for nuclear weapons.

South Africa, which continues to operate an unsafeguarded enrichment plant built with U.S. assistance, is receiving nuclear fuel from France and powerful computers from the United States—all of it arranged with the consent of the administration.

Argentina and Brazil, which are building unsafeguarded reprocessing plants, are receiving assistance from Europe and the United States, again arranged by the administration.

And the reprocessing of plutonium from U.S.-supplied fuel proceeds in Europe and Japan with the consent of the administration, thereby introducing into commerce an equivalent of thousands of nuclear bombs. The danger that such material will be stolen and used by terrorists increases with each day that this reprocessing continues.

In a July 16, 1981, policy statement on nonproliferation, the Reagan administration announced some laudatory objectives: "* * * the need to prevent the spread of nuclear explosives to additional countries * * * to inhibit the transfer of sensitive nuclear material, equipment, and technology * * * requiring international safeguards on all nuclear activities in a non-nuclear-weapon state as a condition for any significant new nuclear supply commitment." However, the policy is rendered self-contradictory and self-defeating by the further declaration that the administration would "not inhibit or set back civil reprocessing and breeder reactor development abroad in nations with advanced nuclear power programs where it does not constitute a proliferation risk."

The Reagan administration's policy also advocates improving regional and global stability in order to reduce "motivations that can drive countries toward nuclear explosives." But while conflict resolution should be an important objective in U.S. foreign policy, it is no substitute over the long run for preventing the introduction of nuclear explosive materials into international commerce. The cause of regional and global stability is best served by keeping nuclear bomb materials out of as many nations as possible.

In our judgment, the administration's policy has had precisely the opposite effect. It has hastened the proliferation of nuclear weapons by:

First, actively promoting U.S. exports of the enrichment and reprocessing technologies needed to produce weapons-usable uranium and plutonium. This constitutes a complete reversal of the policy and practice of the U.S. Government from the birth of the nuclear age until President Reagan took office.

Second, approving foreign reprocessing of plutonium from U.S.-origin spent fuel despite the fact that the IAEA has publicly declared that the international safeguards system is incapable of providing timely warning of a diversion of this material from civilian to weapons purposes.

Third, offering no incentives for other countries to forgo the use of plutonium fuel and, in fact, encouraging plutonium use abroad by means of our own domestic example of championing commercial development of breeder reactors and reprocessing plants.

Fourth, exploiting loopholes in the Nuclear Nonproliferation Act by approving export of nuclear and dual-use items to nations that refuse to accept international safeguards on all their nuclear activities. These nations, which refuse to ratify the Nuclear Nonproliferation Treaty and are most suspected to developing nuclear weapons, include Argentina, Brazil, India, Pakistan, and South Africa. In those instances where the act strictly forbids certain nuclear exports to such countries, the administration has found other nations, less committed to nonproliferation, to serve as alternative suppliers of these items.

Fifth, continuing to export highly enriched uranium, an atom bomb material, for use in research reactors while cutting back on U.S. programs to develop alternative low-enriched fuels not suitable for weapons in these reactors.

Sixth, eliminating restrictions on economic and military assistance to Pakistan's obvious nuclear weapons program, and failing to make clear that development of a nuclear weapon by any country will result in a cutoff of all forms of assistance to that country.

To the often heard argument that restrictions on nuclear commerce are useless because if we do not sell dangerous materials, equipment, others will: the argument ignores the effectiveness of previous administration's nonproliferation efforts to halt the sale of reprocessing technology from France to Pakistan and Germany to Brazil. The efforts of past administrations to oppose such transfers were successful until President Reagan introduced his new policy to have the United States set an example of exportation rather than restraint.

In order to remedy these dangerous flaws in the administration's conduct of nuclear commerce with other nations, we are introducing today the Nuclear Explosives Control Act of 1983. This legislation strengthens the earlier Nonproliferation Act in the following ways:

First, banning U.S. exports of enrichment and reprocessing technology.

Second, establishing a moratorium on foreign reprocessing of plutonium from U.S.-origin spent fuel, other than for limited research and development and demonstration facilities for which commitments have already been made. Use of this plutonium in large commercial powerplants—breeders or otherwise—would be prohibited. Reprocessing of plutonium from U.S.-origin spent fuel for other than R&D purposes could not proceed until Congress determined that effective internatoinal safeguards will be applied and that effective sanctions exist against violations.

Third, requiring the United States to offer—as an incentive for other nations to forgo plutonium-uranium enrichment services at a discounted price for the production of low enriched uranium—unsuitable for weapons—fuel. As a further inducement, the United States would offer assistance in the management of unreprocessed spent fuel, in developing alternative sources of energy, and in providing existing nuclear powerplants with improved nuclear fuel to increase reactor efficiency. This assistance would stretch out the supply nonweapons usable uranium and reduce inventories of plutonium left as a byproduct in spent nuclear fuel.

Fourth, closing loopholes in the Nuclear Nonproliferation Act by requiring uniform, strict criteria to govern expcrt actions of all Federal agencies. At present, only the Nuclear Regulatory Commission is required to halt exports to nations that refuse to accept international safeguards on all their activities; under the new law, the Energy and Commerce Departments would be under the same restrictions. This would prevent nuclear and dual-use items from being exported to nations suspected of developing nuclear weapons. This provision also would prevent U.S. companies from using foreign affiliates to engage in nuclear trade with countries with which the

American companies are barred from trading. In addition, the Defense Department would, for the first time, be required to approve from the national security standpoint nuclear exports approved by other Federal agencies.

Fifth, barring U.S. exports of highly enriched uranium as soon as foreign research reactors can use alternative fuels unsuitable for nuclear weapons. This provision also would accelerate the U.S. program for developing such alternative fuels.

Sixth, strengthening sanctions to require an automatic cut-off of all nuclear and other assistance to nations that explode nuclear devices.

The legislation introduced today would redirect U.S. nuclear policy away from the path of proliferation and onto a course of prudence and sanity. I urge you to support the legislation and the sound policy it embodies.

The concerns I have discussed are set forth in an open letter to President Reagan which Senator HART and I, along with the bill's cosponsors in the House and Senate, have sent to the White House. Former Vice President Mondale also shares our concerns and he has signed the letter.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DURBIN) is recognized for 5 minutes.

● Mr. DURBIN. Mr. Speaker, due to travel requirements to chair a hearing of the Science and Technology Committee Subcommittee on Investigations and Oversight, I missed three votes on May 12.

Had I been present, I would have voted "no" on rollcall No. 114, "yes" on rollcall No. 115, and "yes" on rollcall No. 116.

I regret that my travel to this hearing in Las Cruces, N. Mex., forced me to miss these votes on H.R. 2587 and proposed amendments to it.●

VIEWPOINT ON THE NUCLEAR FREEZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MCEWEN) is recognized for 30 minutes.

Mr. MCEWEN. Mr. Speaker, it was my privilege to recently share a platform with one of America's great military leaders. Gen. Robert L. Schweitzer is a man who was born in Chicago and enlisted in the Illinois National Guard at the age of 22. He served as a noncommissioned officer in the National Guard for just 2 years before he was commissioned a second lieutenant.

General Schweitzer went on active duty in 1953 and was commissioned in the Regular Army in 1957. He has commanded calvary units, troops, and squadrons on the regimental level, and led a brigade-size task force in the jungles of Vietnam.

During his illustrious career, General Schweitzer has had three tours of duty in Germany and made repeated tours throughout Vietnam. He served nearly 5 years at the Allied Powers Supreme Headquarters in Belgium.

The general has a degree in government and politics from the University of Maryland and another in international relations from Georgetown University. He has also attended the infantry, armor, and aviation schools of the U.S. Army as well as the U.S. Army Command General Staff and Army War Colleges.

Few men have received as many accolades and commendations as General Schweitzer. His numerous decorations include the Distinguished Service Cross, three Silver Stars, seven Purple Hearts, two awards of the Legion of Merit, the Distinguished Flying Cross, the Soldiers Medal, four Bronze Star Medals of Valor, two awards of the Army Commendation Medal, the Combat Infantry Badge, two awards of the Defense Superior Service Medal, as well as numerous foreign decorations.

General Schweitzer's outstanding career in the Pentagon includes assignments as Director of the Office of Defense Policy for the National Security Council staff and Special Assistant to the Deputy Chiefs of Staff for Operations and Plans. He currently is Director of Strategy Plans and Policy in the Office of the Deputy Chiefs of Staff and is concurrently Assistant Deputy Chief of Staff for Operations and Plans Joint Affairs in the Department of the Army.

General Schweitzer's comments, I believe, are important and I commend them to the attention of my colleagues.

The comments referred to follow:

A VIEWPOINT ON THE NUCLEAR FREEZE

The Soviet Union is the only power that could inflict significant damage on this Nation, so we should examine what they are doing. Let us be clear about one thing. There has indeed been an arms race for the past 20 years—the only trouble is that for most of that time, it has been the Soviet Union alone which has been in the race. Ours has been an on-again, off-again performance.

The years after World War II saw U.S. conventional military might dwindle almost to insignificance. As George Marshall said when he was Secretary of State, he was constantly being pressed to give the Russians hell, but he acknowledged that was a tall order when they had 250 divisions and he had only 1⅓.

We, of course, had the atom bomb, but its use seemed limited to ultimate, not proximate, wars. The Soviets never deemphasized the magnitude of their conventional effort. They now have in excess of 190 divisions as compared to our 24, both active and National Guard. Since the Cuban missile crisis, they have steadily built up a nuclear capability which not only challenges ours, but in important respects is superior to ours.

The magnitude of their effort should not be underestimated. Even given the national paranoia engineered by the appalling Russian sacrifices at the hands of invaders in the first half of this century, by any measure the Soviets have amassed a force far greater than is needed for defense. The truly disturbing factor is that they have shown a recent taste for using it, directly or indirectly, beyond their borders.

Some comparisons are in order. A decade ago, the U.S. GNP was roughly twice that of the Soviets, but the percentage share of the GNP we devoted to defense was roughly half theirs. Thus, our aggregate defense efforts were very roughly equal. Such equivalence as existed, however, stops there. In constant U.S. dollars, defense spending declined and leveled off after Vietnam and until the early Carter administration years. Soviet expenditures continued to grow. Further, about one-half of the U.S. defense budget pays for people programs—such as military and civilian salaries, housing, transfers between posts. By contrast, less than 20 percent of the Soviet budget is so allocated, thereby freeing some 30 percent more for R&D and procurement.

Statisticians may quibble about 2 or 4 percent at the margin. What they cannot quibble about, however, is the fact that the Soviets have outspent us by some $500B in military hardware over the past decade. That $500B would have paid for:

200 MX missiles along with 4,600 MX shelters under the "racetrack" basing concept; plus

8 Trident submarines with 200 Trident missiles; plus

7,000 M-1 tanks together with 3,000 M-2 Bradley fighting vehicles; plus

All the F-14's F-15's F-16's, F-18's and A-10's to modernize completely our tactical air forces in both the Navy and Air Force; plus

Several tens of billions of dollars left over.

To underscore: That is the differential in spending, not a measure of the base defense programs. To compound our concern, Soviet momentum in adding modern weapons to their inventory continues relentlessly. They have outproduced us 4 to 1 in tanks over the past half dozen years, at an annual average production rate of some 2,200 tanks to our 650. These higher rates of production are mirrored in other key categories of combat such as mechanized fighting vehicles, artillery, and helicopters.

Factoring in our NATO allies and the other members of the Warsaw Pact does not substantially change the dimensions of disparity because, though the East Europeans' contribution to the Soviet effort is proportionately smaller than the West Europeans' to NATO, the West Europeans spend far more on their military personnel (more even than do we)—leaving less for new weapons and equipment for NATO.

The end result has been a sustained and growing imbalance between NATO and the Warsaw Pact at the conventional force level. The President's program of defense expenditures will not significantly close the gap; it will only keep the gap from increasing.

It is important to understand this conventional imbalance as one enters the debate on strategic and theater nuclear systems, for the heart, if not the soul, of our military effort lies, not in using these weapons, but in deterring their use by others. Deterrence is an ancient concept, predating nuclear weapons and understood by all homeowners with dogs of any description. Deterrence,

however, has come to be seen by some as a new and dangerous phenomenon in and of itself. Deterrence is seen as immoral, and if we could just do away with nuclear weapons, we could do away with deterrence. We can do away with deterrence, however, only when we do away with the nation state. Will and Ariel Durant expressed it best in pointing out that in the last 3,255 years of recorded history only 268 have seen no war. According to the center for defense information, there are today more than 4 million soldiers fighting in some 40 wars involving 45 of the world's 164 nations. Any of these conflagrations has the potential of growing larger.

Deterrence has, of course, been more successful at the nuclear than at the conventional level. Any rational aggressor, in initiating an attack on his neighbor, assumes he can get away with his aggression, or at least pay a price less than his possible gains. The calculus in a conventional conflict has never been easy, but most aggressors go into conflict thinking it will be short and victorious. If he could have peeked into the future and seen the outcome, however, Saddam Hussein might have had second thoughts about invading Iran almost three years ago. More to the point, had the Kaiser foreseen the disastrous results of World War I, which ended three thrones and put the Bolsheviks into the Kremlin, both he and the Tsar might have acted with more caution.

We, however, have peeked into the future. We have seen and understood the devastation made possible by nuclear weapons. What nuclear weapons have given us is a uniquely persuasive deterrent, one whose effect, however, is gauged not only by its destructive power but also by the resolve to use it if necessary. As the Soviets enhanced their nuclear capabilities, however, simple deterrence became more complex. The possibility of a disarming initial strike by one side raised the need for a reliable, survivable second strike which, in retaliation, could deliver a devastating blow to the aggressor. This course was, not unnaturally, pursued by both the United States and the Soviet Union alike, so that the existence of an ultimately surviving nuclear retaliatory force became the goal. It was necessary to ensure that the other side would see no gain could come from aggression.

The construction of this nuclear posture by the U.S. came to be known as a warfighting capability, not an inaccurate portrayal of what was created militarily to convince the Soviets that they could never win a nuclear exchange—whatever meaning that term had in the nuclear context. The term, of course, has had profound, and in retrospect, unfortunate, political repercussions, for it shifted the domestic public debate and perceptions from the reasoned posture of prudent statecraft to concerns about the emotional stability of unleashed Dr. Strangeloves.

And this is the paradox of nuclear deterrence—that to keep a nuclear exchange less likely, you must create a credible capability to "wage" the war you want to avert. Should you fail to do so, you either encourage the aggressor to undermine your interests by nuclear blackmail or, in the extreme, risk the very nuclear exchange you hope to avoid because your truly vital interests have become threatened. Neither of these options is an acceptable policy for our nation, and our national leaders should not be put in the position of having to make a choice between backing down or being destroyed because of an inadequate military capability.

Unfortunately, the current efforts to stop the nuclear arms race by instituting a "mutual and verifiable freeze on the production, testing, and deployment of nuclear weapons" will have the long range effect of putting our national leaders in just such a policy box.

The freeze proposal has the great attraction of seeming to simplify an extraordinarily complex and dynamic nuclear relationship between the United States and Soviet Union. Quite apart from the appealing notion of freezing a costly and debilitating arms race, supporters of the freeze point out two factors which they say answer the charge that our national security would be imperiled by a freeze.

The first is the necessary condition that the freeze be mutual and verifiable. This is persuasive: Should such conditions be met, the Soviets could not gain an advantage over the U.S.

The other evidence cited is that, in testimony before Congress, current and former members of the Joint Chiefs of Staff have said that they would be unwilling to exchange the U.S. capability for the Soviet one. That being the case, freeze advocates maintain, better that we should freeze now, rather than later, to keep existing U.S. leads.

While these two points might seem persuasive to some, they are based on some major misunderstandings of our strategic nuclear posture and some downright wishful thinking. Primary among these misunderstandings is that modernization of our nuclear systems is essential in its own right, not just as a bargaining chip as some would have you believe. Today 75 percent of U.S. strategic nuclear weapons are on launchers 15 years old or older. By contrast, 75 percent of Soviet strategic nuclear weapons are on launchers 5 years old or less. Recall the disparity of military expenditures—of that sum of $500B; the Soviets' investment in strategic systems over the last decade exceeded our own by $140 billion. The Soviets introduced 10 variants of ICBM's and four new SLBM systems.

A freeze would lock in existing Soviet advantages.

The Soviets have 1,398 ICBM launchers, while the U.S. has 1,043.

Although the ballistic missile warhead count is roughly equal (some 7,900 Soviet to 7,100 U.S.), the Soviets have a hard target kill advantage of 2:1

The Soviets have some 62 SSBN's to the U.S. 32, with 22 more equipped with cruise missiles.

In terms of megatonnage, the Soviets possess the equivalent of 11.2 million tons of TNT, while the U.S. has 4.5. During the past 20 years, we reduced our warhead stocks by ⅓ and our megatonnage by ½, even as the Soviets were increasing their numbers. These present disparities can no longer be ignored. We must address them with all the seriousness that their existence demands.

The time will come when all these systems, both U.S. and Soviet, will be obsolete. The trouble is this obsolescence comes a lot earlier for the United States than it does for the Soviet Union, and under a freeze we could not take steps to modernize our systems, to replace those worn with age, and to improve their reliability and safety. Thus the issue is less the effective balance between the two opposing sets of weaponry today than what it might be 10-15 years in the future.

Additionally, while a freeze symmetrically observed could indeed cap nuclear weapon development—missiles, warheads, and perhaps such single purpose launchers as submarines—it would not affect the rest of the strategic nuclear posture in the aggregate. These supporting systems have a modernizing dynamic quite independent of nuclear weapons. Specifically, air defense, anti-submarine warfare, hardened command and control systems, civil defense. Development in these fields not only would not be constrained under the proposed freeze, but would likely be speeded up—certainly by the Soviets, less likely by ourselves—as resources are freed from the frozen categories.

Unfortunately the Soviets stand far more to gain from such a freeze than does the U.S.

The Soviet lead in ICBM's and the threat they pose to our land based missiles would be codified. Our flexibility to reduce that vulnerability by developing smaller mobile missiles, now an emerging possibility, would be denied.

The U.S. relies far more heavily than the Soviet Union on the air breathing leg of our strategic forces. Since air defense improvements would not be constrained, and there are limits to enhancing the penetrability of bombers and cruise missiles, the Soviets would have more to gain.

The sea-based leg of our deterrent would similarly be more adversely affected by a freeze than would the Soviets' equivalent. Half of our strategic warheads are at sea; less than a fifth of the Soviets' are. Unimpeded progress in unfrozen ASW would favor the Soviets.

Thus a freeze would be a very selective and disadvantageous checking of our ultimate deterrent, perpetuating the vulnerability of our ICBM's, while simultaneously allowing our relatively superior other legs of the Triad to become increasingly vulnerable. Additionally, we face a greater relative aging of our force—directly translatable into future capability—than do the Soviets. That is why support of a freeze of the type now under consideration is ill-advised.

There are some other reasons as well:

Certainly the Soviets would have less incentive to negotiate serious arms limits or reductions because they would benefit from its provisions.

Effective verifiability would be impossible to achieve. Negotiations on this aspect would be prolonged and divert us from the real tasks of reducing the numbers, and, even more importantly, establishing mechanisms for crisis control. The potential for cheating would remain very high indeed, so high as to threaten the wisdom of such a move for security reasons.

As the strategic nuclear balance shifts against us under the impact of a freeze, increasing importance is cast on the conventional force balance, yet the imbalance at this level (one expected to continue) is what drove us toward nuclear systems in the first place. We would have the worst of both worlds, nuclear and conventional.

As a closing point, it should be stressed that we must move beyond a freeze. We can and must do better. The President's initiatives in the strategic arms reduction talks and his INF proposals are designed to reduce substantially the numbers of nuclear weapons in the possession of the superpowers.

These negotiations will not be concluded overnight nor can the goal of achieving an agreement become an end unto itself, but rather the goal should be achieved in a manner consistent with promoting international stability, enhancing security, and re-

ducing the risk of war. Finally, any agreement achieved must be sufficently comprehensive that real reductions take place, and we must not create the illusion of arms control by accepting an agreement which will shift the international competition between the U.S. and Soviet Union to some other aspect of the military arena. Only in this way can arms control agreements serve the purposes for which they were intended.

UNITED STATES-SOVIET MILITARY BALANCE

Strategic nuclear forces:	
United States:	
Minuteman II	450
Minuteman III	550
Titan	43
Total	1,043
Soviet Union:	
SS-11	550
SS-13	60
SS-17	150
SS-18	308
SS-19	330
Total	1,398
Long range intermediate nuclear forces:	
United States:	
PII	[1] 108
GLCM	[1] 464
Soviet Union:	
SS-4	232
SS-5	16
SS-20	333
Total	681
Submarine launched ballistic missiles:	
United States:	
Trident I/C-4, Poseidon/C-3	520
Soviet Union:	
SS-N-6, SS-N-8, SS-N-17, SS-N-18, SS-NX-20	950+
Strategic bombers:	
United States:	
B-52's	316
F-111's	120
Soviet Union:	
Backfire	[2] 100
Bison	45
Bear	100
Badger/blinder	455
Tactical aviation:	
United States:	
All types	3,650
Soviet Union:	
All types	6,200
Ground forces:	
United States:	
Mechanized divisions	15
Armored divisions	6
Air assault, Airborne, Infantry	3
Total	24
Soviet Union:	
Motorized rifle divisions	134
Tank divisions	50
Airborne divisions	7
Total	190
Air defense forces:	
United States:	
Interceptors	258
BMD launchers	0
Soviet Union:	
Interceptor aircraft	1,200
BMD launchers	32
SAM launchers	9,600+
Naval forces:	
United States:	
Surface combatants	376
Attack submarines	91
All others	125
Naval aviation	1,568
Soviet Union:	
Surface combatants	1,324
Submarines	367
Auxiliaries	770
Naval aviation	1,555

[1] Proposed for December 1983 deployment.
[2] 200+ including Soviet naval aviation.

Notes.—1. All U.S. figures are approximate; 2. All Soviet figures are from Soviet Military Power.

THE CURRENT THEATER NUCLEAR BALANCE IN EUROPE

United States:	
Missiles	0
F-111 fighter bombers	164
F-4's	265
A6's and 7's	68
FB-111's (in United States for use in Europe)	63
Total	560
British:	
Polaris missiles	64
Vulcan bombers	56
Subtotal	120
French:	
Land-based missiles	18
Submarine missiles	80
Mirage-4 bombers	33
Total	251
Soviet Union:	
SS-20's (100 targeted on Asia)	345
SS-4's and 5's	260
SS-12's and 22's	120
SS-N-5's	30
TU-26 backfire bombers	100
TU-16's and 22's	435
SU-17's, 24's and Mig-17 fighter bombers	1,788
Total	3,078

Source: International Institute for Strategic Studies, Military Balance 1982-3.

NATO-WARSAW PACT CONVENTIONAL MILITARY BALANCE

[In place in Europe]

	NATO	Warsaw Pact
Total manpower (millions)	2.6	4
Divisions	84	191
Main battle tanks	13,000	42,500
Antitank guided missile launchers	8,100	24,300
Armored personnel carriers and infantry fighting vehicles	10,750	31,500
Artillery/mortar tubes	30,000	78,800
Attack helicopters	400	700
Transport helicopters	1,800	1,000
Aircraft	2,975	7,240

Source: Adapted from NATO Publication NATO and Warsaw Pact Comparison, May 1982.

PRODUCTION SUMMARY [1] OF SELECTED WEAPONS FOR NATO [2] AND WARSAW PACT COUNTRIES

Weapon	1978–82 annual average				1982			
	U.S.S.R.	United States	Warsaw pact	NATO	U.S.S.R.	United States	Warsaw pact	NATO
Tanks	2,250	650	2,650	1,050	2,100	650	2,500	1,200
Other armored vehicles [3]	4,800	850	5,500	1,800	4,150	160	4,500	1,300
Artillery (100 mm and over)	2,450	170	2,800	400	3,200	200	3,750	300
Tactical combat aircraft [4]	700	400	850	600	550	400	700	650
Military helicopters	400	150	400	300	450	160	500	200
SAM's (not man-portable) [5]	28,000	1,500	28,000	8,500	28,000	500	28,000	7,200
Major naval surface combatants (over 1,000 tons)	8	10	10	22	6	10	10	27
Attack submarines	9	3	9	8	6	4	6	7

[1] Rounded to two significant figures.
[2] Includes France.
[3] Includes light tanks, infantry combat vehicles, armored personnel carriers, reconnaissance vehicles, and fire-support and air-defense vehicles.
[4] Includes tactical fighter, attack, reconnaissance, electronic warfare, and all combat-capable tactical training aircraft.
[5] U.S.S.R. and Warsaw Pact figures include SAM's for other countries.

Source: Fiscal year 1984 Department of Defense Program for Research, Development, and Acquisition, p. II-11.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOEHLERT) to revise and extend their remarks and include extraneous material:)

Mr. MCCANDLESS, for 10 minutes, today.

Mr. GINGRICH, for 60 minutes, today.

Mr. WALKER, for 60 minutes, today.

Mr. MCEWEN, for 30 minutes, today.

Mr. GINGRICH, for 60 minutes, on May 19.

The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. LAFALCE, for 10 minutes, today.

Mr. OTTINGER, for 5 minutes, today.

Mr. DURBIN, for 5 minutes, today.

Mr. PEPPER, for 60 minutes, on May 19.

Mr. PEPPER, for 60 minutes, on May 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BOEHLERT) and to include extraneous matter:)

Mr. DANNEMEYER.
Mr. MCKERNAN.
Mr. RINALDO.
Mr. MCGRATH.
Mr. CHAPPIE.
Mr. WEBER in two instances.
Mr. FRENZEL.
Mr. BATEMAN.
Mr. YOUNG of Florida.
Mr. GINGRICH.
Mr. FIELDS.
Mr. SAWYER.
Mr. HOPKINS.
Mr. CONTE.
Mr. KEMP.
Mr. DUNCAN.
Mr. YOUNG of Alaska.
Mr. GILMAN.
Mr. WOLF.
Mr. MOORHEAD.
Mr. PORTER.
Mr. CRAIG.
Mr. LOWERY of California.
Mr. CONABLE.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. HOYER in two instances.
Mr. NICHOLS.
Mr. FROST.
Mr. FASCELL in two instances.
Mr. JACOBS.
Mr. GORE in two instances.
Mr. LEVINE of California.
Mr. HAMILTON.
Mr. JONES of Tennessee.
Mr. MRAZEK.
Mr. MAZZOLI in two instances.
Mr. ADDABBO.
Mr. LONG of Maryland.
Mr. DINGELL.
Mr. ERDREICH.
Mr. MILLER of California.
Mr. SKELTON.
Mr. DOWNEY of New York.
Mr. WALGREN in two instances.
Mr. BOLAND.
Mr. RANGEL in two instances.
Mr. ECKART.
Mr. CHAPPELL in three instances.
Mr. REID.
Mr. MCCLOSKEY.
Mr. FLORIO in two instances.
Mr. FAUNTROY in three instances.
Mr. MCDONALD in 10 instances.
Mr. RAHALL.
Mr. SIKORSKI.
Mr. RODINO.
Ms. LLOYD.
Mr. LAFALCE.
Mr. ACKERMAN.
Mr. DE LA GARZA.
Mr. BIAGGI.
Mr. WAXMAN in two instances.
Mr. WEISS.
Ms. FERRARO.
Mr. BARNES.
Mr. COOPER.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following title:

S. 653. An act to amend title 10, United States Code, to establish a Foundation for the Advancement of Military Medicine, and for other purposes.

S.J. Res. 51. Joint resolution designating May 21, 1983, as "Andrei Sakharov Day."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Thursday, May 19, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1153. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the March 1983 report on the average number of passengers per day on board each train operated, and the on-time performance at the destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

1154. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the months of January and February 1983, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

1155. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the President's report on strengthening the Interagency Group on Human Rights and Foreign Assistance, pursuant to section 710 of the International Security and Development Cooperation Act of 1980; to the Committee on Foreign Affairs.

1156. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Army's proposed lease of defense articles to the Government of Italy, pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1157. A letter from the Director, Administrative Office of the United States Courts, transmitting information concerning bankruptcy cases and proceedings being handled by district judges since the beginning of the year to assist Congress in its consideration of alternative approaches to remedial legislation to correct the constitutional problem discerned in *Northern Pipeline;* to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHEAT: Committee on Rules. House Resolution 201. Resolution providing for the consideration of H.R. 1398, a bill to promote energy conservation by providing for daylight saving time on an expanded basis, and for other purposes (Rept. No. 98-204). Referred to the House Calendar.

Mr. STOKES: Committee on Standards of Official Conduct. Report on the inquiry under House Resolution 12, 98th Congress, 1st session, into certain narcotics investigations by the U.S. Capitol Police (Rept. No. 98-205). Referred to the House Calendar.

[Omitted from the Record of May 16, 1983]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5. A bill to establish an ocean and coastal resources management and development fund from which coastal States shall receive block grants; with an amendment (Rept. No. 98-206). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. H.R. 3069. A bill making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes (Rept. No. 98-207). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of May 16, 1983]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2848. A bill to establish a service industries development program, and for other purposes; with amendments; referred to the Committee on Foreign Affairs and to the Committee on Ways and Means for a period ending not later than September 30, 1983, for consideration of such provisions of the bill and amendment as fall within the jurisdictions of those committee pursuant to clause 1(i) and 1(v), rule X, respectively, (Report No. 98-203, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MINISH (for himself, Mr. FAZIO, and Mr. MYERS):

H.R. 3034. A bill to provide for appointment and education of congressional pages, and for other purposes; considered and passed.

By Mr. BIAGGI:

H.R. 3035. A bill to provide scholarships for the dependent children of public safety officers who are the victims of homicide

while performing their official duties, and for other purposes; to the Committee on Education and Labor.

H.R. 3036. A bill to suspend all U.S. military and economic assistance to Syria, Argentina, Paraguay, Chile, and Canada until those countries take the necessary steps to extradite persons charged with Nazi war crimes; to the Committee on Foreign Affairs.

H.R. 3037. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of certain assistance under such act that law enforcement agencies have in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

H.R. 3038. A bill to encourage the States to prescribe the death penalty for willfully killing a law enforcement officer; to the Committee on the Judiciary.

H.R. 3039. A bill to amend the Internal Revenue Code of 1954 to exclude $2,000 from the gross income of auxiliary policemen and volunteer firemen; to the Committee on Ways and Means.

By Mr. BARNARD (for himself and Mr. MCCURDY):

H.R. 3040. A bill to exempt from the operation of the antitrust laws certain agreements made to encourage college-student athletes to complete their education before participating in professional sports; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 3041. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts which are received from a public retirement system and which are attributable to services as a Federal, State, or local policeman and fireman; to the Committee on Ways and Means.

By Mr. BREAUX:

H.R. 3042. A bill to repeal the recently enacted provisions providing for coverage of employees of nonprofit organizations under title II of the Social Security Act and to provide, in lieu thereof, for coverage under such title of only newly hired employees of such organizations; to the Committee on Ways and Means.

By Mr. CONABLE (for himself, Mr. SHANNON, Mr. FRENZEL, and Mr. GEPHARDT):

H.R. 3043. A bill to amend the Internal Revenue Code of 1954 to remove certain impediments to the effective philanthropy of private foundations; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. BOLAND, Mr. MARKEY, Mr. DONNELLY, Mr. MOAKLEY, Mr. STUDDS, Mr. SHANNON, Mr. FRANK, Mr. MAVROULES, Mr. GREGG, Mr. D'AMOURS, Mr. JEFFORDS, Mr. RATCHFORD, Mr. GEJDENSON, Mr. MORRISON of Connecticut, Mr. MCKINNEY, Mrs. KENNELLY, Mrs. JOHNSON, and Mr. EARLY):

H.R. 3044. A bill to grant the consent of the Congress to an interstate agreement or compact relating to the restoration of Atlantic salmon in the Connecticut River basin, and to allow the Secretary of Commerce and the Secretary of the Interior to participate as members in a Connecticut River Atlantic Salmon Commission; to the Committee on Merchant Marine and Fisheries.

Mr. DOWNEY of New York:

H.R. 3045. A bill to provide that no further reviews of disability cases shall be carried out under the continuing eligibility review program under title II or XVI of the Social Security Act until the Congress has specifically addressed the problems involved and has taken such action as may be necessary to eliminate such problems and otherwise improve the program; to the Committee on Ways and Means.

By Mr. DANNEMEYER (for himself, Mr. MCCANDLESS, Mr. LUNGREN, Mr. BADHAM, Mr. GRAMM, Mr. MARRIOTT, Mr. BLILEY, Mr. KINDNESS, Mr. SENSENBRENNER, Mr. APPLEGATE, Mr. PHILIP M. CRANE, and Mr. PAUL):

H.R. 3046. A bill to amend the Clean Air Act to provide extensions of the dates required for attainment of national ambient air quality standards, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DANNEMEYER (for himself, Mr. MCCANDLESS, Mr. BADHAM, Mr. GRAMM, Mr. SENSENBRENNER, Mr. MARRIOTT, Mr. APPLEGATE, Mr. PAUL, Mr. PHILIP M. CRANE, and Mrs. VUCANOVICH):

H.R. 3047. A bill to establish a 3-year moratorium on the imposition in nonattainment areas of certain sanctions under the Clean Air Act, and for other purposes; to the Committee on Energy and Commerce.

Mr. DREIER of California (for himself and Mr. MATSUI):

H.R. 3048. A bill to amend the Internal Revenue Code of 1954 to provide a refundable tax credit for qualifying security devices; to the Committee on Ways and Means.

Mr. EVANS of Iowa (for himself and Mr. EMERSON):

H.R. 3049. A bill to amend the Federal Crop Insurance Act to authorize until December 31, 1986, the Federal Crop Insurance Corporation to insure producers against the loss of commodities due to the insolvency or bankruptcy of warehousemen who store such commodities; to the Committee on Agriculture.

By Mr. JONES of Tennessee (for himself, Mr. COLEMAN of Missouri, Mr. DE LA GARZA, Mr. MARLENEE, Mr. ALBOSTA, Mr. ALEXANDER, Mr. ANTHONY, Mr. BARNARD, Mr. BEDELL, Mr. BEVILL, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BOUCHER, Mr. BREAUX, Mr. BRITT, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. CARR, Mr. CHAPPELL, Mr. CLARKE, Mr. CLAY, Mr. COELHO, Mr. COOPER, Mr. CORCORAN, Mr. DASCHLE, Mr. DERRICK, Mr. DUNCAN, Mr. DURBAN, Mr. EMERSON, Mr. ENGLISH, Mr. EVANS of Illinois, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FUQUA, Mr. GAYDOS, Mr. GEPHARDT, Mr. GINGRICH, Mr. GORE, Mr. GUNDERSON, Mr. HANCE, Mr. HARKIN, Mr. HARTNETT, Mr. HATCHER, Mr. HEFNER, Mr. HIGHTOWER, Mr. HILLIS, Mr. HUBBARD, Mr. HUCKABY, Mr. JENKINS, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KINDNESS, Mr. KOLTER, Mr. LEACH of Iowa, Mr. LEATH of Texas, Mr. LEHMAN of Florida, Mrs. LLOYD, Mr. MCCURDY, Mr. MCHUGH, Mr. MCNULTY, Mr. MADIGAN, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MORRISON of Washington, Mr. MURPHY, Mr. MURTHA, Mr. NICHOLS, Mr. OBERSTAR, Mr. ORTIZ, Mr. PEASE, Mr. PENNY, Mr. PERKINS, Mr. QUILLEN, Mr. RAHALL, Mr. RATCHFORD, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROE, Mr. ROSE, Mr. ROWLAND, Mr. SABO, Mr. SIKORSKI, Mr. SIMON, Mr. SKELTON, Mr. SMITH of Iowa, Mr. SPENCE, Mr. SPRATT, Mr. STANGELAND, Mr. STENHOLM, Mr. SUNDQUIST, Mr. TALLON, Mr. TAUKE, Mr. TAUZIN, Mr. TAYLOR, Mr. THOMAS of Georgia, Mr. TRAXLER, Mr. UDALL, Mr. VANDERGRIFF, Mr. VANDER JAGT, Mr. VENTO, Mr. VOLKMER, Mr. WATKINS, Mr. WEAVER, Mr. WEBER, Mr. WHEAT, Mr. WHITLEY, Mr. WILLIAMS of Montana, Mr. WILSON, Mr. WINN, Mr. WOLPE, and Mr. YOUNG of Missouri):

H.R. 3050. A bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes; to the Committee on Agriculture.

By Mr. FRENZEL:

H.R. 3051. A bill to amend the Internal Revenue Code of 1954 relating to industrial development bonds used for residential rental housing in mixed-use structures; to the Committee on Ways and Means.

Mr. LAFALCE:

H.R. 3052. A bill to amend title 31, United States Code to provide for more efficient enforcement of certain provisions of such title by making it illegal to attempt to export or import large amounts of currency without filing certain reports; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3053. A bill to amend title 31, United States Code, to authorize the payment of compensation to informers who provide information regarding the exporting or importing of currency or monetary instruments; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3054. A bill to amend title 31, United States Code, to allow U.S. customs officials to search for currency in the course of their presently authorized search for contraband articles; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

H.R. 3055. A bill to amend title 31, United States Code, to allow U.S. customs officials to search for currency in the course of their presently authorized search for contraband articles; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

H.R. 3056. A bill to amend title 31, United States Code, to allow U.S. customs officials to search for currency in the course of their presently authorized search for contraband articles; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. MCCANDLESS (for himself, Mr. DANNEMEYER, Mr. LUNGREN, Mr. GRAMM, Mr. MARRIOTT, Mr. BLILEY, Mr. KINDNESS, Mr. SENSENBRENNER, Mr. BADHAM, Mr. APPLEGATE, Mr. PAUL, and Mr. PHILIP M. CRANE):

H.R. 3057. A bill to amend the Clean Air Act to provide extensions of the dates required for attainment of national ambient air quality standards, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OTTINGER (for himself, Mr. MARKEY, Mr. UDALL, Mr. BONKER, Mr. BARNES, and Mr. WOLPE):

H.R. 3058. A bill to amend the Nuclear Non-Proliferation Act of 1978 and otherwise promote the nuclear nonproliferation policies of the United States; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H.R. 3059. A bill to amend the Federal Food, Drug, and Cosmetic Act so as to require that in the labeling and advertising of drugs sold by prescription the established name of such drug must appear each time

their proprietary name is used, and for other purposes; to the Committee on Energy and Commerce.

H.R. 3060. A bill to permit the advertising of drug prices and to require retailers of prescription drugs to post the prices of certain commonly prescribed drugs; to the Committee on Energy and Commerce.

H.R. 3061. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Energy and Commerce.

By Mr. SAWYER (for himself, Mr. MARLENEE, Mr. FISH, Mr. SENSENBRENNER, and Mr. SHAW):

H.R. 3062. A bill to amend title 18 of the United States Code relating to the sexual exploitation of children; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 3063. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 3064. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain relating existing provisions; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.R. 3069. A bill making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

By Mr. BIAGGI (for himself and Mr. LONG of Maryland):

H.J. Res. 273. Joint resolution to designate the month of August 1983 as "National Child Support Enforcement Month"; to the Committee on Post Office and Civil Service.

By Mr. JEFFORDS:

H.J. Res. 274. Joint resolution proposing an amendment to the Constitution of the United States relating to equal rights for women and men; to the Committee on the Judiciary.

By Mr. PASHAYAN (for himself and Mr. HANCE):

H.J. Res. 275. Joint resolution proposing an amendment to the Constitution requiring a three-fifths vote for borrowing money; to the Committee on the Judiciary.

By Mr. SAWYER:

H.J. Res. 276. Joint resolution to provide for the designation of the week commencing on June 5, 1983, as "National Welfare Fraud Prevention Week"; to the Committee on Post Office and Civil Service.

By Mr. BERMAN (for himself, Mr. BARNES, Mr. FASCELL, Mr. FEIGHAN, Mr. GARCIA, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEVINE of California, Mr. REID, Mr. SILJANDER, Mr. SMITH of Florida, Mr. SOLARZ, Mr. TORRICELLI, Mr. WEISS, Mr. WOLPE and Mr. YATRON):

H. Con. Res. 128. Concurrent resolution calling for renewed U.S. pursuit of peace in the Middle East, based on the fundamental commitment of the United States to Israel's security; to the Committee on Foreign Affairs.

By Mr. GORE (for himself and Mr. DINGELL):

H. Res. 200. Resolution certifying the Report of Rita M. Lavelle's Contempt of Congress to the U.S. Attorney for Criminal Prosecution; to be considered and agreed to.

By Mr. EDGAR:

H. Res. 202. Resolution expressing the sense of the House of Representatives that veterans benefits and entitlements be considered veterans rights; to the Committee on Veterans' Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

131. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to strategic petroleum reserves; to the Committee on Energy and Commerce.

132. Also, memorial of the House of Representatives of the State of Hawaii, relative to the Kingdom of Hawaii; to the Committee on Interior and Insular Affairs.

133. Also, memorial of the State of Oregon, relative to veterans; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 3065. A bill for the relief of Maria Magbanua; to the Committee on the Judiciary.

H.R. 3066. A bill for the relief of Soldecia Pacheco; to the Committee on the Judiciary.

H.R. 3067. A bill for the relief of Fe Madeline Yabillo; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 3068. A bill for the relief of Tsun-lit Poon; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. RINALDO, Mr. CORRADA, Mrs. LLOYD, Mr. WHITTAKER, Mr. HYDE, Mr. STUDDS, Mr. FRANK, Mr. MCDADE, Mr. WON PAT, and Mr. GRAY.

H.R. 700: Mr. DORGAN.

H.R. 953: Mrs. ROUKEMA, Mr. MARTIN of New York, Mr. TORRES, Mr. GONZALEZ, Mr. FASCELL, Mr. MARRIOTT, and Ms. KAPTUR.

H.R. 993: Mr. DYSON, Mr. TAUKE, Mr. BEILENSON, Mr. HUGHES, Mr. VENTO, Mr. JEFFORDS, Ms. KAPTUR, Mr. MRAZEK, and Mr. LAFALCE.

H.R. 1016: Mr. CORRADA, Mr. CAMPBELL, and Mrs. COLLINS.

H.R. 1031: Mr. GOODLING.

H.R. 1092: Mr. NIELSON of Utah.

H.R. 1139: Mr. FRENZEL and Mr. WON PAT.

H.R. 1199: Mr. WEBER, Mr. CHAPPELL, Mr. JONES of Oklahoma, Mr. ROBERTS, Mr. HAMMERSCHMIDT, and Mr. CORCORAN.

H.R. 1307: Mr. BONKER, Mr. BORSKI, Mr. HUTTO, Mrs. BOXER, Mr. LIPINSKI, Mr. FOGLIETTA, Mr. HERTEL of Michigan, Mr. TALLON, Mr. DONNELLY, Mr. YOUNG of Alaska, Mr. BOSCO, Mr. ANDERSON, and Mrs. SCHNEIDER.

H.R. 1444: Mr. BROWN of Colorado, Mr. KEMP, Mr. KOGOVSEK, and Mr. STOKES.

H.R. 1494: Mr. VOLKMER and Mr. HORTON.

H.R. 1495: Mr. WOLPE and Mr. MCCLOSKEY.

H.R. 1646: Mr. BIAGGI and Mr. ALBOSTA.

H.R. 1648: Mr. BROWN of California.

H.R. 1690: Mr. SUNIA, Mr. DYMALLY, Mr. KILDEE, Mr. OWENS, Mr. FRANK, Mr. WON PAT, Mr. ORTIZ, Mr. MITCHELL, and Mr. EDGAR.

H.R. 1691: Mr. PURSELL and Mr. WILLIAMS of Ohio.

H.R. 1730: Mr. TAUKE.

H.R. 2053: Mr. LAGOMARSINO and Mr. SMITH of New Jersey.

H.R. 2088: Mr. LANTOS.

H.R. 2090: Mr. TORRICELLI and Mr. HARKIN.

H.R. 2106: Mr. SAWYER.

H.R. 2118: Mr. LELAND and Mr. BARNARD.

H.R. 2262: Mr. BARNARD, Mr. BONER of Tennessee, Mr. MCCURDY, Mr. MCDADE, Mr. MURTHA, and Mr. PAUL.

H.R. 2263: Mr. WOLF, Mr. SMITH of New Jersey, Mr. WORTLEY, Mr. ROE, Mr. SKEEN, Mr. FORSYTHE, Mr. HILER, Mr. GINGRICH, Mr. MARTIN of New York, Mr. SHELBY, Mr. WEBER, Mr. MCGRATH, Mr. STOKES, Mr. WINN, and Mr. KEMP.

H.R. 2331: Mr. BRYANT, Mr. STOKES, Mr. DELLUMS, Mr. BATES, Mr. ROE, Mr. GINGRICH, Mr. DIXON, Mr. FOGLIETTA, Mr. DYMALLY, Mr. FEIGHAN, Mr. TOWNS, Mr. BIAGGI, and Mr. CROCKETT.

H.R. 2339: Mr. ROE, Mr. MURTHA, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. LAGOMARSINO, Mr. BEDELL, Mr. JEFFORDS, Mr. EVANS of Iowa, and Mr. GOODLING.

H.R. 2432: Mrs. HALL of Indiana, Mr. KILDEE, Mr. EDWARDS of Alabama, Mr. SOLOMON, Mr. RINALDO, Mr. DEWINE, Mr. NIELSON of Utah, and Mr. GUARINI.

H.R. 2453: Mr. GUARINI.

H.R. 2534: Mr. BADHAM, Mr. DAUB, Mr. DREIER of California, Mr. EMERSON, Mr. FRANK, Mr. FRENZEL, Mr. GOODLING, Mr. HYDE, Mr. KASICH, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. SMITH of Florida, and Mr. WHITEHURST.

H.R. 2563: Mr. BONIOR of Michigan, Mr. TAUKE, Mr. RANGEL, Mr. HYDE, Mr. WON PAT, and Mr. HUGHES.

H.R. 2595: Mr. HORTON, Mr. WHITEHURST, Mr. ROE, Mr. KINDNESS, Mr. CORRADA, Mr. PETRI, Mr. MINISH, Mr. KEMP, Mr. BURTON, Mr. BROWN of Colorado, Mr. LAGOMARSINO, Mr. FORSYTHE, Mr. EMERSON, Mr. SHELBY, Mr. WON PAT, Mr. STOKES, Mr. LEVIN of Michigan, Mr. MCNULTY, Mr. BADHAM, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. DAUB, Mr. MRAZEK, Mrs. MARTIN of Illinois, and Mr. FRENZEL.

H.R. 2627: Mr. EDWARDS of California, Mr. FAUNTROY, and Mr. FAZIO.

H.R. 2773: Mr. FLIPPO.

H.R. 2776: Mrs. KENNELLY, Mr. MORRISON of Connecticut, and Mr. GEJDENSON.

H.J. Res. 162: Mr. MITCHELL and Mr. RUSSO.

H.J. Res. 173: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ALBOSTA, Mr. ANDERSON, Mr. ANDREWS of North Carolina, Mr. ANNUNZIO, Mr. ARCHER, Mr. AUCOIN, Mr. BADHAM, Mr. BARNARD, Mr. BATES, Mr. BEVILL, Mrs. BOGGS, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BOSCO, Mr. BROYHILL, Mr. CAMPBELL, Mr. CHANDLER, Mr. CHAPPELL, Mr. CHAPPIE, Mr. CLAY, Mr. CONYERS, Mr. CORRADA, Mr. COURTER, Mr. DANIEL, Mr. DANNEMEYER, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DICKS, Mr. DWYER of New Jersey, Mr. ECKART, Mr. EDGAR, Mr. EDWARDS of Alabama, Mr. FASCELL, Mr. FAZIO, Mr. FEIGHAN, Ms. FERRARO, and Mr. FLIPPO, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FOWLER, Mr. FRENZEL, Mr. FUQUA, Mr. HATCHER, Mr. HEFNER, Mr. HERTEL of Michigan, Mrs. HOLT, Mr. HORTON, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LELAND, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. LONG of Maryland, Mr. LOTT, Mr. LUNGREN, Mr. MCDADE, Mr. MCDONALD, Mr. MCGRATH,

Mr. MARTIN of New York, Mr. MATSUI, Mr. MAVROULES, Mr. MINISH, Mr. MOAKLEY, Mr. MORRISON of Washington, Mr. MURPHY, Mr. MURTHA, Mr. NEAL, Mr. NOWAK, Ms. OAKAR, Mr. OTTINGER, Mr. OWENS, Mr. PANETTA, Mr. PASHAYAN, Mr. PEPPER, Mr. PRICE, Mr. PURSELL, Mr. RAHALL, Mr. RINALDO, Mr. ROBINSON, Mr. RODINO, Mr. ROTH, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SCHUMER, Mr. SIMON, Mr. SISISKY, Mr. SMITH of Florida, Mr. SOLARZ, Mr. SPENCE, Mr. STANGELAND, Mr. STOKES, Mr. STRATTON, Mr. SYNAR, Mr. TORRICELLI, Mr. TOWNS, Mr. VANDERGRIFF, Mr. VANDER JAGT, Mr. WEAVER, Mr. WEISS, Mr. WHITEHURST, Mr. WHITLEY, Mr. WILSON, Mr. WON PAT, and Mr. YOUNG of Missouri.

H.J. Res 217: Mr. SUNIA, Mr. KINDNESS, Mr. ROEMER, Mr. LAGOMARSINO, Mr. STUMP, Mr. LEWIS of Florida, Mr. WON PAT, Mr. ROE, Mr. WINN, Mr. WHITEHURST, Mr. MOORE, Mr. KASICH, Mr. FRENZEL, Mr. DUNCAN, Mr. VANDERGRIFF, Mr. LOEFFLER, Mr. SHUMWAY, Mr. STANGELAND, Mr. JEFFORDS, Mrs. HOLT, Mr. HORTON, Mr. LIPINSKI, Mr. WORTLEY, Mr. EDWARDS of Oklahoma, Mr. WYLIE, Mr. FAZIO, Mr. WHITTAKER, Mr. MCGRATH, Mr. CRAIG, Mr. TAUKE, Mr. MCNULTY, Mr. GUNDERSON, Mr. WAXMAN, Mr. SIMON, Mr. GEKAS, Mr. RICHARDSON, Mr. JACOBS, Mr. HANSEN of Idaho, Mr. DYSON, Mr. BENNETT, Mr. CHANDLER, Mr. MCEWEN, Mr. WOLF, Mr. ARCHER, Mr. BADHAM, Mr. ROBERTS, Mr. FORD of Tennessee, Mr. ROBERT F. SMITH, Mr. NEAL, Mr. RUDD, Mr. FORSYTHE, Mr. KOGOVSEK, and Mr. KEMP.

H.J. Res. 218: Mr. MURPHY and Mr. VENTO.

H.J. Res. 228: Mr. WOLPE, Mr. SIMON, Mr. LAFALCE, Mrs. HALL of Indiana, Mr. GONZALEZ, Mr. VALENTINE, and Mr. SMITH of Florida.

H.J. Res. 235: Mr. BARNARD, Mr. BOLAND, Mr. BROWN of California, Mr. CORRADA, Mr. D'AMOURS, Mr. DAUB, Mr. DURBIN, Mr. FOLEY, Mr. FORD of Tennessee, Mr. HANSEN of Idaho, Mr. JONES of Tennessee, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. LANTOS, Mr. MCCAIN, Mr. MAZZOLI, Mr. MYERS, Mr. NEAL, Mr. PASHAYAN, Mr. QUILLEN, Mr. ROE, Mr. SMITH of Florida, Mr. SNYDER, Mr. THOMAS of Georgia, Mr. WHITEHURST, Mr. WOLPE, and Mr. HILER.

H. Con. Res. 122: Mr. STOKES, Mr. MINETA, Mr. MARKEY, Mr. WHEAT, Mr. STUDDS, Mr. PATTERSON, and Mr. RATCHFORD.

H. Res. 53: Mr. GEKAS.

H. Res. 150: Mrs. MARTIN of Illinois, Mr. DONNELLY, Ms. MIKULSKI, Mr. CARR, Mr. BARTLETT, Mrs. HALL of Indiana, and Mr. WILLIAMS of Ohio.

H. Res. 161: Mr. HIGHTOWER, Mr. HANCE, and Mr. WILLIAMS of Montana.

H. Res. 186: Mr. CARR, Mr. KILDEE, Mr. APPLEGATE, Mr. BARNARD, Mr. BARNES, Mrs. COLLINS, Mr. CORRADA, Mr. FORD of Tennessee, Mr. FRANK, Mr. FROST, Mr. GINGRICH, Mr. HOPKINS, Mr. MITCHELL, Mr. MOAKLEY, Mr. MURPHY, Mr. OWENS, Mr. RAHALL, Mr. RATCHFORD, Mr. RICHARDSON, Mr. ROE, Mr. SMITH of Florida, Mr. YOUNG of Missouri, Mr. BONIOR of Michigan, Mr. OTTINGER, and Ms. MIKULSKI.

PETITIONS, ETC.

Under clause 1 of rule XXII,

97. The SPEAKER presented a petition of Social Workers for a Strong and Peaceful America, P.O. Box 10594, Denver, Colo., relative to the defense budget; which was referred to the Committee on Armed Services.

SENATE—*Wednesday, May 18, 1983*

(Legislative day of Monday, May 16, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious God, the Bible declares that "Without a vision, the people perish." (Proverbs 29: 18.) We need a vision for the Senate, Lord. Give us a vision for unity—for a Senate that proves its detractors wrong—a Senate that demonstrates to the world all that our Founding Fathers dreamed when they adopted the Constitution—a Senate that dissolves cynicism among the people, the press, and within its own membership.

Give the Senate a vision for peace—for righteousness—for justice—for truth, a vision which is a fulfillment of the highest, finest, and best aspirations of a free people. Help the Senators to give God room in their business, the openness to hear the voice of the Lord in this critical, tense hour. In Thy name and for Thy sake and the Nation's we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, we have an agreement on the pending bill and expect passage no later than 6 p.m. today. At 10 a.m., we will resume consideration of the immigration bill and pending is the Kennedy amendment, which was offered by Senator SIMPSON on behalf of Senator KENNEDY, No. 1210.

I remind the Senate that any rollcall votes ordered prior to 3 p.m. will be postponed and those rollcalls will commence at 3:30 p.m. There is a rollcall ordered on the Bradley amendment No. 1274. There will be votes ordered, we believe, during this morning that will take place after the Bradley amendment.

The stacking of the votes has been ordered primarily to accommodate the Budget Committee so that it can proceed to further consideration of the budget resolution.

The leadership is quite hopeful that the Budget Committee will be able to resolve the problems concerning that resolution in a successful manner and report back to the Senate today a resolution that can be considered tomorrow.

ALTERATION OF FEDERAL RETIREMENT

Mr. STEVENS. Mr. President, on May 11, the Washington Post carried an informative article featuring a discussion of Federal employee pay and retirement issues by Dr. Donald Devine, Director of the Office of Personnel Management; Ken Blaylock, president of the American Federation of Government Employees; Congressmen FRANK WOLF of Virginia and STENY HOYER of Maryland; Ed Hustead, director of Actuarial Consulting Services for Hay Associates and former chief actuary for the Office of Personnel Management; and Robert Mueller, executive director of Taxpayers for Federal Pension Reform. While I do not subscribe to many of the comments made by the participants, the article accurately portrays the wide divergence of views—factors we must consider when dealing with Federal employee issues.

The article strongly points out the fact that we cannot quickly pass legislation to establish a supplemental retirement system for the new Federal employees who will now be included under social security. The whole article underscores the point that when setting up a supplemental program for new Federal employees, we must do it right. In order to do it right, it is going to take time.

I ask unanimous consent to insert the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPEAKING OUT ON ALTERING FEDERAL RETIREMENT

The Washington Post asked six people who are concerned about proposals to change the retirement plans of federal workers to discuss the subject at a luncheon, from which this transcript was taken.

The participants were:

Donald J. Devine, director of the Office of Personnel Management.

Kenneth T. Blaylock, national president of the American Federation of Government Employees, the nation's largest federal union, representing more than 750,000 government workers.

Rep. Frank R. Wolf (R-Va.), of Northern Virginia's 10th District, where roughly 40 percent of the 540,000 constituents are current or retired federal workers.

Rep. Steny H. Hoyer (D-Md.), whose 5th District in Prince George's County includes 80,000 federal workers and retirees.

Robert Mueller, executive director of the Philadelphia-based Taxpayers for Federal Pension Reform.

Edwin C. Hustead, director of actuarial consulting services for Hay Associates and former chief actuary at the Office of Personnel Management.

POST. Doctor Devine, the administration is proposing a major overhaul of the federal retirement system. Can you tell us why they're doing it?

DEVINE. We think that we waste a lot of good manpower when people retire too early. We think there are a lot of problems in the personnel system. They build the wrong kinds of incentives in the system. We think we have to build incentives for people to work. Right now our pension system is so generous that the individual can't afford not to retire pretty close to when he or she becomes eligible. . . . You can't even make a convincing argument to make them stay. . . . I think we've got to change the incentive pattern that's built into our pension system so that it orients itself to work rather than leaving the government.

POST. Do you think the federal retirement system is much more generous than any in the private sector?

DEVINE. There are few things I'm surer of.

POST. What do you think about that?

BLAYLOCK. First off . . . 75 percent of the federal employes don't retire until age 61. So there's only about five or six months difference between the retirement in the private sector and the federal sector. So I don't know that there's an incentive to retire that early. Although they can retire at age 55, the truth is, by far the majority of them don't.

DEVINE. Well, the reason, of course, is that there's an age-and-years-of-service requirement and most people don't reach the service requirement until just before age 60. . . .

POST. You're also proposing to raise the employe contribution rates to 11 percent. Many private pension plans are noncontributory. Do you know of any in the private sector that require employes to contribute 7 or 9 or 11?

DEVINE. It's not all that usual in the private sector, but it is very usual for state and local government employes to contribute equal shares with the share done by the employer. The reason that we have the contribution set at the rate we do is that we feel that this system was sold as a 50-50 contribution program. Most federal employes, certainly before I started speaking out on it, believed that the system was supported 50-50. . . .

POST. People are always talking about the unfunded liability of the Civil Service Retirement Fund. What is an unfunded liability and why should we worry . . . about it?

HUSTEAD. The unfunded liability is the amount of money that you would need today to pay off all the future benefits that are going to be paid to current employes and annuitants. So first you figure the total liability and then deduct the assets you

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

have in hand and the assets you expect to get, and the remaining is the unfunded liability. Any pension system has an unfunded liability. Most that I know of. It's all a question of relative level. The figure $520 billion in isolation doesn't mean anything.

MUELLER. In the private sector, you'll have unfunded liability. But in the private sector the difference is not the true fund, of unfunded liabilities. They have to set aside money each year—cash. They have to set aside money for profits. So they amortize that unfunded liability. You have no such thing in the federal government. Basically, what you have here is a system that's funded: 87 percent of it is funded by the American taxpayers.

The American taxpayers will look at the fact, have nothing to compare with it in generosity. In the private sector, retirement income is typically Social Security, plus a supplemental corporate-type pension plan. In the private sector, you may have some businesses allowing their people to retire, even if they're only 55. Almost all of them have actuarial reductions; a penalty for early retirement.

Forty-five percent of corporate pension plans define normal retirement age as 65. But even if somebody in the private sector retires—at, say, 60, 57, 56—their income first will be reduced and secondly depend on Social Security, and Social Security by definition provides no benefit before age 62.

HOYER. The comment that was made . . . that the taxpayer is bearing the burden of it. Of course, the taxpayer is bearing the burden of this. These are the taxpayers' employes. It's much fairer to say that their employers are bearing the burden of this. Public employes work for the taxpayers. And they deserve a fair pension plan.

. . . What has happened is that in order to be competitive in the marketplace . . . we beefed up the retirement system. It has, in fact, been an excellent system, to this point in time, and a system by which all I think fair analysis is either comparable to the private sector or exceeds the private sector. . . . But it has been so because it was offsetting a salary system that was clearly behind the private sector.

DEVINE: I think at one time that was true, but we're talking maybe 20 years ago or something like that. . . . Let's look at another very generous pension system, the military pension system. There's a case where clearly that kind of trade-off was made, in terms of trying to attract people, given very low salaries relative to the private sector before the voluntary military went in. . . .

BLAYLOCK. . . . You can't be in retirement in isolation. You're talking about a compensation system. You're talking about an employer, which is the American taxpayer. I don't agree with the concept that's been built into this . . . that people are eating out of the taxpayer's pocket. . . .

Our people work for the taxpayer. They treat veterans, they keep defense equipment running, Social Security—all those services that Congress decided are necessary to deliver for the American people. . . .

But the retirement was designed to be the main portion of the compensation system that attracted and retained competent and qualified workers. That's the whole purpose of it. . . . They put up with that. They put up with the low compensation. They put up with a lot of other things because that early retirement, that 55-year retirement. . . .

HOYER. . . . I have not found any recruiter, not one from the federal government, who hasn't told me that their ability to recruit the kind of people that Don Devine, Steny Hoyer, Frank Wolf, Ken Blaylock and The Washington Post want to see recruited and the public, you, the taxpayers, want to see recruited by the government, has not been substantially diminished because you are no longer competitive with those people you're recruiting against and you're not recruiting against the business in the small town of Clinton, Maryland, in my district.

DEVINE. . . . Where there is a shortage, we have an authority, we have a special pay rate programs. . . .

MULLER. I come from Philadelphia, and we did a survey and looked at different jobs in the federal government and compared them to private-sector Philadelphia wage rates for those same jobs. I should mention that the Bureau of Labor Statistics says on their index that Philadelphia's 98 percent of the average for the United States.

Let me give you some figures. For an accountant with two years of experience, GS-9, federal government, $20,256, private sector, $18,000; accountant five years experience, $34,900 versus $28,000; computer programmer, although they do a little bit better in the private sector, $29,300 versus about $30,000 in the private sector; secretary GS-4, $11,949 in the federal government, $10,000 in the private sector. That's $2,000 difference. . . . In some cases the federal people are paid a little bit more, some cases the private sector is paid a little bit less. But our study . . . suggests that the pay comparability does exist.

WOLF. If I can tie together a lot of what you all said: One, I think, we have a commitment to the federal employes that are there to make sure that we treat them fairly, that we not break pledges that have been made in the past. . . . When we talk about the federal employe, who are we talking about? There are a lot of different categories:

The FBI agent that everybody in this room would ask to come to their assistance immediately if you called them and found out that your daughter or wife or son had been kidnaped—that person is a federal employe.

Those of you who have children and are concerned about drugs in the schools. The drug enforcement agent that's working to keep drugs out of this country is a federal employee.

The cancer researcher out at NIH . . . that person, who could be with a drug company, is a federal employee and is probably staying there because they're dedicated to working on a cause bigger than they are.

The people who were killed in Beirut, 17 of them—four were from my congressional district—again, federal employees.

A little more hazardous activity than perhaps working at the Philadelphia National Bank on Broad Street in Philadelphia. Again, federal employees.

The Secret Service agent that stopped the bullet that would have killed the president of the United states—Timothy McCarthy—is a federal employee.

The person who's working on clean air or clean water or who worked on the Tylenol case for the Food and Drug [Administration] was a federal employee. So I think we have to tie these things down to the services that they do for the federal government, for the taxpayers. We want the best. . . .

I'm going to propose what I've tried to do in the past. I had recommended that we come out with a blue ribbon panel for two years to look into this, to have people appointed by the president, by the speaker of the House and by Senator [Howard] Baker on a bipartisan basis. Each gets six appointments, two Republicans, two Democrats and two independents. Let them take a look at this and come back and report it.

And I'd recommend it to perhaps President Ford or somebody like him could be chairman. And let everybody work from the same data base. . . .

DEVINE. I don't really think there is a lot of disagreement on the statistics. I'm concerned that we're going to have federal employes upset for two years.

WOLF. They're upset now.

DEVINE. Well, listen, I haven't made any secret since I came in as to what my agenda is. It's been out there since day one. These are the things we have to get through. Get 'em behind us. Then we can go ahead without this kind of controversy. Some big changes that have to be made in this system. We're going to have two years of people being upset, rather than making some decision now.

WOLF. But you have to build people's confidence and many of the proposals and we don't have the time to get into now, your retirement proposal going from 7 to 9 to 11. I pointed out the figure during the hearing. If that person is making $25,000 now with a 4 percent pay raise and goes through with the low rate of inflation that we now have with this administration, after those three years that person will have a net loss of $2,155. . . .

If you're 52 and you're done fully successful work, this federal government owes you an obligation because you've stayed with them, you haven't gone out on strike. You've paid your taxes, you've done everything you're suppose to and what if you're faced with a personal situation in your family.

HOYER. . . . The perception clearly is that [federal workers] are not being treated fairly. I would suggest to the employers—that is, the taxpayers—that that is a very bad situation to have your employes in. And, in fact, the answer to Mike Causey's questionnaire of 30,000 people indicated that they currently have the lowest morale at any point in time in the collective memory of all respondents . . . which fully corresponds what I'm sure Frank is hearing in his district, what I'm hearing in my district and what everybody else is hearing in their district and I'm sure, Don, what you're hearing.

DEVINE. Make the changes, get the stuff behind us.

BLAYLOCK. You want to throw the baby out with the bath water by going to the pay system where we pay people based on personal characteristics, which means their race or age or color or education.

DEVINE. That's not so. Come on. . . .

BLAYLOCK. It's in writing. So here with the retirement system you want to throw the baby out with the bath water. Now with the performance system you want to throw the baby out with the bath water.

WOLF. I have a very high support record for this administration. . . . I think we can be supportive of the administration . . . and still treat our employes fair and decent.

I was a federal employe for a while; my dad was a policeman in Philadelphia. I think they're good people, and we can treat 'em fairly. . . . That's why I think we need a blue ribbon panel to spend two years to come up with some fair reckoning.

MUELLER. I think you'll find taxpayers will agree that federal employees deserve a fair and reasonable pension. . . . We've taken the actual formulas used to calculate civil service retirement system. We've taken the formula used to calculate Social Security and we've taken [the formulas] the Fortune 500, your IBM used to calculate their pensions. We plug that into a computer, we apply the same assumptions . . . same careers . . . identical salary histories: Say all retire in 1974 at age 55 with 30 years service, both making the same salary at retirement: $15,000. Everything is the same except for the formulas. . . .

The civil service retirement system . . . provided that federal worker with an $8,558 pension. The private sector guy . . . would not get Social Security—he happens to be one of the less than 50 percent that's lucky enough to be vested and have a corporate pension plan, but . . . regardless of that, that guy will get $2,700 from this Fortune 500 corporate pension plan. Now, at age 62, when Social Security kicks in for the private sector guy . . . the civil service guy is now up to $16,163. the private sector guy now with Social Security, $7,448. . . .

BLAYLOCK. You're dealing with people and you've got to deal with a total compensation system. You can't just deal with the RIF procedure, you can't just deal with performance evaluation, with the retirement, with the health insurance, with the pay. You've got to deal with the total comp.

Now, we have for years said let's deal with that total compensation system. We've never been able to get an administration or a Congress that was willing to begin to deal in realistic terms with total compensation. Right now by all figures—and they're all over the park . . .—total comp in the private sector is leading the federal sector.

The recent cuts in federal and health benefits and what have you, the caps on pay, has brought it down to where they now lead in the private sector by 2 or 3 or 4 percent. The lines are getting shorter at the recruiting office for federal employes, and the truth is a hell of a lot of good federal workers *are* leaving government. A hell of a lot of good managers *are* leaving government.

A lot of people out there don't want to come into this government anymore because they see this attack as constantly coming from people like the Taxpayers Union, from the current administration.

Don, it doesn't help to get up there and say we've got the greatest workers in the world when you're cutting their health benefits, you're cutting their pay, you're cutting their retirement. Don't tell me you think I'm great and then you cut the hell out of me every way you can. And that's what the federal worker is saying. We don't want a plaque: We want recognition and compensation.

DEVINE. I think federal employes should have fair compensation and as I understand that that means fair relative to the private sector. . . . We've been in this debate a hundred times. It's a factual question, and in terms of the total compensation package we pay more than the private sector. We had a bill up there on total compensation comparability, the last administration had a bill up there on total compensation comparability, and the unions didn't want to go.

BLAYLOCK. We sure didn't because it was designed just like yours: You picked a dollar figure you wanted to get to in the budget and then you designed three or four personnel systems to save that dollar figure. You were not trying to get to a fair compensation system.

WOLF. What would be wrong with having a blue ribbon panel on a bipartisan basis?

DEVINE. We just had one. The Grace Commission just finished that. That was a bipartisan group.

HOYER. The Grace Commission was allegedly appointed by the president to look at how to make government more efficient, to apply management techniques from the private sector to make it more efficient. Their proposal on employe pay has nothing to do with efficiency or inefficiency; it has to do with saving money.

DEVINE. It does. No employer pays more than they have to to be fair and to be competitive in the market, and when they look at our system, our personnel system, that's the first thing that hits them. Is how out of step we are relative to the private sector.

POST. I asked our corporate benefits man how this [existing federal employe retirement plan] compares with The Washington Post, which he says is a fairly average retirement benefit thing. He looked it over and said that it was a very generous plan. The thing that he said that stuck out, and the word was "unbelievable" was the COLA. He said that the cost-of-living adjustment was something that he didn't think any private industry in America had. And that that was the one thing that appeared to him to be really different.

BLAYLOCK. Yeah, [but] in the private sector there's a COLA in Social Security.

HOYER. Of course, there's a COLA. All 36 million retirees, whether they're from The Washington Post, General Motors or anybody else, get the same cost of living adjustment applied to their Social Security.

MUELLER. No, they don't. The average civil service pension in 1981 was $12,432. The average in Social Security was $4,632. Let's look in the private sector. A Department of Labor study shows that only 3 percent of all corporate pension plans offer a formal cost-of-living adjustment in their normal retirement formula.

But if you look at that 3 percent figure, you break it down even more. Only 9 percent of that 3 percent provide it based on 100 percent of the change in the CPI, like the civil service retirement system. But if you break that, even that smaller sliver, that 9 percent of 3 percent down, virtually all of those have a cap. So nobody in the private sector, corporate pension plan, has a complete automatic, 100 percent cost-of-living adjustment that's provided.

BLAYLOCK. I think you've got to get back to the purpose of the COLA. You know, this, the whole idea of what this country's all about. Now, the COLA is coming into play, Social Security, federal retirement, military and for other reason, other adjustment, to make sure or to begin to help people who are on fixed income to stay up with the cost of living.

MUELLER . . . This is a fairness and equity issue. Why should federal employes get complete and automatic 100 percent cost-of-living protection when those in the private sector do not have it.

HOYER. That is, of course, however, an issue which has not been raised by Doctor Devine nor this administration. You've got to look at pay and compensation as a package. No administrator of any private sector corporation that your group has made a study of would deal with a particular segment.

Pay, retirement, health benefits, stock options, deductions for business expenses, trips to Jamaica for conventions—everything in that whole package goes together for total compensation. No manager would consider any single element estranged from the other one.

The private sector, when they look at that cost-of-living adjustment, it is clearly more generous than the private sector came up with. No question about that. Any one of us who are public employe advocates would be silly to deny that. . . .

At the same time, if you take a poll of the 36 million Americans who receive Social Security, they feel that that cost-of-living adjustment is absolutely essential. It may be arguable that it's less essential for somebody making two or three times as much on retirement as somebody on Social Security. I think that's a valid argument and we ought not to dismiss it out of hand.

If you cut retirement benefits—substantially, very substantially, as this administration is proposing—without dealing with health benefits, which have been cut dramatically.

Almost everybody that I've talked to now agrees: Pay and health benefits are two other major benefits that federal employes are below. It would be unfair if you reduced the one substantial benefit that federal employers perceive themselves as having. You are going to totally lose any kind of competitive edge that you have that will give personnel officers the ability to continue to recruit the kind of people that we want to get in federal service.

MUELLER. If retirement is so important as a recruiting tool, why is it a fact that the majority of federal employes won't ever get this retirement system? There is a heavy turnover. Isn't it the federal government's responsibility to ensure adequate financial security and retirement for their employes? I would say that they're not when the majority of the people—62 percent—will leave government service without any kind of pension protection. All they'll get is a refund of their 7 percent contribution. They don't have the benefits of Social Security, so they have nothing, in effect.

DEVINE. We changed that. You understand.

MUELLER. Only for new federal employes. I'm talking about current federal employes. Sixty-two percent of them will never get this retirement benefit. We as taxpayers are not taking care of those people because they don't have the affordability of Social Security.

HOYER. It is only the people that stick with you, are performing well because we don't remove them from service. Now that may be a management problem, but that 38 percent who stick with us . . . we treat them well. Nobody is arguing that.

On the other hand, you and I disagree on the statistics that if they went in the private sector, they would get higher pay, more immediate in-hand income. They stay, in many instances, and Frank and I talked to hundreds of people that say, "I have stayed in federal service, not withstanding the fact that I got offers of higher salary in the private sector, because the retirement benefit is more generous and that was the inducement for me to stay on the job."

HOYER. Any corporate manager, whether he's with The Washington Post or any other large corporation, is going to tell you that we ought to resolve personnel questions in a manner that does not have the employes feel like they are the targets of punitive personnel policies. Because if that is the case, your morale will substantially fall off and your performance will follow behind and fall off as well.

I've had employees tell me that if, in fact, they need to come up with another 2 percent of contribution to [keep] the system solvent, they are prepared to do that. They won't necessarily like it.

They would prefer that they don't have to also come up with another 10 percent in federal employe health benefit premiums and have their salaries cut at the same time. They figure you come across all three, that you've undercut them. But they're prepared to respond, I think, honestly and participate in this process, but they don't feel that they're being treated fairly.

WOLF. I don't say that the system is perfect. I don't say that there aren't changes that have to be made. I get letters from federal employes acknowledging that some changes have to be made.

BLAYLOCK. We'd like to see a few labor representatives on that panel. . . . I think the people I speak for will support any compensation system based first off on comparability. We do think that comparability with the private sector is the only fair system of compensation . . . a system of comparability [based] on total compensation we will support.

But we're not going . . . to sit back and just be attacked and be expected to carry the economic burdens of the country and be hung out as scapegoats in an attack on government policy makers, and I include the congressmen, gentlemen, in that.

POST. If you're trying to hire the best people, what's wrong with giving federal workers better benefits in either some or all areas?

MUELLER. Because in the private sector you have to earn a profit to stay in business. In the federal government, they haven't earned a profit in how many years? How long have we had deficit spending. Define that in the private sector they've been in the red for what 19 out of 20 years? They haven't had a surplus since the 1960s.

POST. They were in the red, you know, trying to put a man on the moon.

HOYER. It's not a profit when you have TV back from the moon?

DEVINE. I think the answer is what Mr. Blaylock said. It's a broader question that you can't in an environment, in the government where you're dependent upon the goodwill of the people that pay these benefits, you can't afford to get very far out in front of them. Mr. Blaylock and I, at the theoretical level, we have no differences.

We both agree that we have to pay comparability. And I frankly think the process that the Congress set up to deal with this, that is the pay agent and the federal employes' pay council, is the proper way to do it, in a management-labor kind of environment, which is done in the private sector. Now, the problem as I see it, to be frank about it, is can union representatives afford to be able to do that if—and let's say this is arguable—if, in fact, we are paying substantially over comparability to the private sector? Now, that's a straight out question, and I recognize there are constraints on answering that. But I think that's the problem.

BLAYLOCK. I don't have any problem with that, Don, and I think we demonstrated, my organization leadership, we demonstrated very well during the civil service reform exercise.

HOYER. Maybe outside of the presence of The Washington Post on the record or other people maybe we ought to all sit down. . . .

The point I was trying to make with you, Don, was not in terms of a legal interface that the law requires but your testimony before committees that comparability analysis is incorrect. For all the reasons that you've stated. You believe that certain business ought to be included, state and local employes are not included. Ken obviously has some problem with that. But, in any event, perhaps we ought to sit down at some point in time and kick around where we can agree and where we can't agree and proceed from that point.

BLAYLOCK. I think something like that is going to have to happen but just like Rossow pointed out and the problem we've had in the past I think you're going to have to freeze the current system, leave it alone and operate under that system to get some credibility at least until something like this can be done on a credible basis because if it has no credibility, just like the Hoover Commission, which did the same thing and went and got shot totally down the tube, it had no credibility. The Grace Commission is going to go the same damn way.

You know there were labor representatives supposed to have been on that commission, but they were never involved at all. So whatever you do is going to have to have credibility, not only with the federal workers but with the players on both sides of the issue and the American public, and you're not going to get credibility with a federal employe as long as you're continuing to cut their health benefits, cap their pay and attack the retirement: The list goes on.

DEVINE. You know that's why I tried to focus, and I think Ken is absolutely right. The problem is that we look at the current year where many of the major decisions are already made and that's why I try to push us to look to the future. Now, there's no question we're in a tough kind of environment now. We're making changes as we go along and that's difficult for the unions, and we're under pressure. And I think that's appropriate. But I do think that we do have a mechanism and a pay agent and a federal employes' council that does—it is the law—that does provide the hope for long-term solutions. But somehow we have to get Ken Blaylock and Don Devine out of the fire of the present so we can then look for the future.

Mr. STEVENS. Mr. President, I reserve the remainder of the leader's time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. WALLOP). Under the previous order, the Democratic leader is recognized.

A BIPARTISAN BUDGET RESOLUTION

Mr. BYRD. Mr. President, I should like to see us have a budget resolution, but the President of the United States, using the pulpit of national television, has portrayed our suggestions, both Democrats and Republicans, as wanting to increase taxes. If the Reagan administration is going to follow this theme and if the American press is going to buy this nonsense, then I think it is becoming increasingly evident that Democrats in the Senate should let the Republicans take the lead on passing a budget resolution. We as Democrats want to be responsible; we do not want to be accused of increasing taxes as the Nation edges slowly toward a modest recovery. But a national television news conference in which penetrating questions can be easily tossed aside represents a powerful pulpit.

What the President did not say in his speech to the homebuilders on the day before yesterday was that it was his administration that pushed through Congress $99 billion in new taxes last year. The President also did not mention that it was his administration that asked for and received a 5-cent-a-gallon gas tax—another whopping tax increase on the American people last year.

The administration that promised to balance the budget in 1984 is now faced with $200 billion deficits. The administration cannot alibi by saying that this is the Democrats' fault. The President got his program, and it has resulted in tremendous suffering across the Nation. I would have preferred fairness. As for myself, I prefer a cap on the July 1983 tax cut. This would mean that 9 out of every 10 taxpayers in my State would receive their full tax cut of 10 percent. Only the well-to-do would be held to a $500 cap. Everyone would receive a tax cut. This would not be a tax increase as the President would lead the people to believe.

So while the President talks about the need for bipartisanship, he undercuts his own party in the Senate in its belated efforts to work with Democrats and forge a budget compromise.

So I sense a tendency more and more to let the President get a budget passed by his own party. Of course, he indicates that he will not be too highly excited at this point if a budget resolution is not passed. It is the President who apparently has accepted $200 billion deficits as fashionable so long as the rich get richer and the middle class foots the bill.

Mr. President, I want to be conciliatory and bipartisan, but I think the administration has to stop fooling the American people from the pulpit of the Presidency. Does the President really want a bipartisan budget? Does he really want bipartisanship? I wonder. He talks of bipartisanship and then turns right around and kicks the Congress at every opportunity. That includes the Democrats and Republicans alike. He is kicking his own party around. It is going to be difficult for his own party to forge a bipartisan budget when he, the President, continues to be extremely partisan. I have been in Washington going on 31 years, and I have never seen as partisan a White House as we now have in Washington. So as I say, I want to be conciliatory. I want to work with our Republican friends, who differ in some ways

and on some items, but we do need to be bipartisan. I, for one, want to be, but the President is making it extremely difficult.

Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. BYRD. Mr. President, I do not see any Senator asking for time. I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is to be recognized for not to exceed 15 minutes.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may retrieve the 4 minutes I returned.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN—THE BRUTAL SPRING

Mr. BYRD. Mr. President, late last month, the Soviet Union began its annual spring offensive in Afghanistan. Elsewhere in the world, spring is a time when life renews itself; a time of joy and rebirth following the dormancy of winter. But for the past 3 years, spring in Afghanistan has brought death and carnage as the Soviet forces have reached out into the countryside in a futile effort to extend their influence beyond the garrisoned city of Kabul.

Reports of this year's fighting reveal major increases in the extent and brutality of Soviet operations. Last month the New York Times carried a story that hundreds of Afghan civilians were slaughtered by Soviet air and ground attacks on major refugee routes. In the area of Herat, sources reported that Soviet bombers attacked 35 villages, killing 1,500 men, women, and children. The Wall Street Journal reported that these attacks appear to be part of a new Russian strategy to take their war of occupation to civilians in the countryside. The Russians, using incendiary bombs, lay seige to villages. They surround them, loot homes, burn crops, and demand that survivors agree to support the Moscow-led regime or flee the country. In this way, the Soviets create refugees in order to depopulate the countryside. In a classic Soviet approach to a problem, they reduce the number of people with whom they have to contend in order to make domination easier. This was the method used by Stalin in his own country, and the current Soviet leadership is exporting this same brand of ruthless butchery to suppress the Afghan population. By changing their tactics, using helicopter gunships and introducing new weapons to terrorize the civilian population, the Soviets hope to wipe out all who do not flee or submit to their tyranny in Afghanistan.

At the same time, the Soviets are engaged in a systematic attempt to strip Afghanistan of its natural resources. The Soviets take Afghan natural gas at a price 40 percent below the market rate. Because the meters for Soviet sales are controlled by the Russians, diplomatic sources report that the Soviets simply take what they want at no cost—a "thief's discount." In addition, Russian geologists have been brought into the country to explore other natural wealth. Already, Soviets are exploiting a 1.7 billion ton iron ore deposit northwest of Kabul. Coming from a state that depends on its natural resources for much of its wealth, I find the ravaging of Afghanistan's natural bounty by an occupying force a loathsome thing, offensive to international law and all principles of sovereignty and self-determination.

But the Soviets have been unable to destroy Afghanistan's greatest resource—the brave and indomitable people of that long-suffering country. They continue to fight in more than 80 percent of the country, often with weapons taken from the Soviets. They endure the Russians' brutal attacks. and return to fight again with increased ferocity.

Some experts estimate that the Russians would need nearly five times the number of troops they have thus far committed to dominate the Afghan people. But I do not believe that would be sufficient. As predictable as the return of spring, I am convinced that the people of Afghanistan will continue their relentless fight for freedom. Until the Soviets see the wisdom of cutting their losses and abiding by the U.N. resolutions which call for their withdrawal, they cannot expect an end to the war in Afghanistan; not this spring, and not any other.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHY WE SHOULD NOT BUILD THE MX

Mr. PROXMIRE. Mr. President, a big issue that is to be before this body very soon is whether or not we should approve the MX missile as requested by the President. The Appropriations Committee has already acted favorably on that. I was one of those who voted against it, and I wish to say some of the reasons why.

In the first place, Mr. President, we have a perfectly appalling, astonishing capability of retaliating on the Soviet Union in the case the Soviet Union should attack us.

When you put together the survivability of our submarines, our bombers, and our other nuclear capability, it is clear that even if the Soviet Union should attack us with everything they have we would have the capacity to destroy their cities, destroy all significant military targets and kill probably half their people and leave the rest sick and dying.

Mr. President, I just wonder what we need in addition to that.

Futhermore, the MX is vulnerable, extraordinarily vulnerable. It is in a stationary target. It is an inviting target because it would have 10 warheads in one place. The Russians would know where it was. It would be a classic use-it-or-lose-it kind of a situation where they would know we would have to fire on warning and in this kind of an unstable world that kind of hair-trigger mistake is exactly the kind of situation we do not need and should not have.

Mr. President, as I indicated the MX adds nothing significant to our deterrent and there are far less costly ways, including improving our submarine deterrent, including improving our bomber deterrent, of providing an effective and convincing deterrent than the MX.

In addition, as a bargaining chip, that is the last argument that has always been made for a weapons system when they can think of nothing else. As a bargaining chip we would obviously have other assets that would be far better.

Mr. President, we should not have to spend $18 billion or $20 billion for weapons systems that are vulnerable and provocative.

Overall, its cost would certainly be excessive in view of its benefit.

Mr. President, first we already have ample, and I mean superample, nuclear capability to respond to any first-strike attack by the Soviet Union. We have absolutely invulnerable submarines and bombers with a nuclear wallop that could utterly destroy the Soviet Union as an organized society, level its cities, vaporize or incinerate or radioactively infest to the point of death most of their population, leave the sick and dying, and knock out virtually all of their military potential if they should attack.

It is hard to conceive of a more comprehensive and total devastation. If

this is not enough, what in the name of God do we want?

That constitutes one whale of a deterrent. Can anyone with a straight face contend that the MX really adds anything of military value to that overwhelming power? Of course not.

In the second place the standards we should apply to any new nuclear weapons system we adopt should be these: One, is it vulnerable? Two, is it threatening? Three, does it add significantly to our deterrent? Four, is there a better—less costly, more effective alternative? Five, can it be used as an effective bargaining chip? Six, will it make it easier or harder for us to adapt it to a nuclear freeze? And, seven, overall is its cost excessive or reasonable?

How does the MX stack up in meeting these standards? First, it is obviously and conspicuously vulnerable. And oh, how vulnerable. It is stationary, not mobile. It will be sitting in the same site on land, not beneath the ocean or in outer space until it is discovered. It carries not 1 warhead but 10. So with one strike at this MX the U.S.S.R. can knock out 10 warheads. What a tempting, irresistible target. So on a scale of 1 to 10 the MX scores a pitiful 1 on vulnerability. Vulnerable it is.

Second, the MX is certainly threatening for very conspicuous reasons. Here we have a weapons system that will very likely be useless in any kind of second strike. Sure it is designed for second strike purpose. But because it is so vulnerable, because the Soviets can and will target sufficient firepower at it to kill it, it must be fired on warning, on hair trigger and the warning may be in error. We must literally use it or lose it.

Third, it adds nothing to our deterrent. We have an immense naval deterrent, air deterrent, and we can build, if we must, single warhead mobile missiles that will give us a believeable land deterrent. Meanwhile we have our land-based, stationary Minuteman—the weakest and most vulnerable of our triad, but not significantly strengthened in any way by the MX. It adds to our capability of instituting a first strike, but simply to mention the possibility that this Nation would institute a first strike raises the hackles of virtually all the defenders of the MX as well as many other patriots. This country institute a first strike? Are you kidding? No way. The Russians, yes. The United States, never. So for all of us who truly believe the United States believes in peace this MX adds nothing of value.

Fourth, is there a better less costly alternative? As Browning says, let me count the ways. The cruise, the submarines, the bombers, the Midgetman. They go on, and on, and on. Some of these alternatives may not be worth building but they certainly offer a better alternative—less vulnerable, less threatening, more effective militarily than the MX. Can it be used as an effective bargaining chip? No. The U.S.S.R. already has far more of these warheads than we have. Senator McCLURE says they have eight times as many. What benefit to us to trade off for one-eighth of the Soviet land-based missile force. Obviously we would have to bargain other nuclear capability too, and the surrender of our MX would hardly provide a significant pot sweetener.

This bargaining chip argument can be made for any weapon, no matter how ridiculous, hair-trigger threatening it may be. It is a sure sign that the utility of a weapons system is feeble to the point of rigor mortis when they drag out the old bargaining chip argument that can make any turkey look good.

Will the MX made it easier or harder for us to adapt to a nuclear freeze? It will add nothing to our strength with a nuclear freeze and to the extent the nuclear freeze simply rigidified the status quo the MX would leave us with a hair-trigger threatening first-strike weapon that would increase instability and the danger of nuclear war. Overall its cost of $25 billion is obscene in view of its benefits which are virtually nonexistent.

GENOCIDE CONVENTION: JACOBO TIMERMAN'S STORY

Mr. PROXMIRE. Mr. President, on Sunday, May 22, NBC will air the film "Jacobo Timerman: Prisoner Without a Name, Cell Without a Number." This film dramatizes Timerman's widely acclaimed, but highly controversial, book detailing his ghastly experiences in Argentine jails. Timerman was imprisoned after his newspaper took up the cause of the 30,000 prisoners who had disappeared from Argentina's jails. NBC will broadcast this program on Jacobo Timerman, a remarkable man, who has devoted much of his life to exposing the terror suffered by Argentine prisoners, 30,000 people in prison.

The film delves very deeply into Jacobo Timerman's background, what he has done. It has some grizzly torture scenes. But it also shows the relationship of Timerman with his family.

Arthur Unger reviewed the film for the Christian Science Monitor and interviewed its producer, Linda Yellen. In his article, Unger comments that the film delves more deeply than the book into the private life of the Argentine publisher. While the book is basically a diary of Timerman's prison days, the television film concentrates on the effect that Timerman's actions had on his wife and their three sons. The film explores the delicate relationship between Timerman and his wife, a relationship that strengthens under adversity and then further strengthens under freedom.

The film does have its grizzly torture scenes which depict the brutal tactics that the Argentine authorities used to repress those who they considered a threat to their power. However, the focus of the film is not the extent of Timerman's suffering, but the exaltation of his survival and the victory of his spirit of freedom. In Unger's opinion, the film is even more successful than the book in providing a strong testament to the invincibility of human dignity.

By intertwining complex political problems with basic human relationships, Timerman, who cooperated fully in the film, and Yellen, hope to make their audience understand that human rights violations are serious and pervasive.

As Timerman says to reporters in the final scene:

> There are many many other men and women who are being imprisoned around the world today because of their beliefs. There is so much that is good and beautiful around us. But why is it that when we are faced with something ugly, our first inclination is to turn away, to be silent? We must hold our ground. These imprisoned ones can now only dream of freedom. But once you have seen them as I have seen them, you cannot turn away, you cannot be silent. We cannot be silent. . . .

Mr. President, the United States must not remain silent in the face of these human rights abuses. One way for us to strengthen our voice in the protest against grave human rights violations which occur all over the world is to ratify the Genocide Convention. This treaty protects the most basic human right, the right to live, by making genocide an international crime. Our failure to ratify this treaty weakens our ability to protect all groups, regardless of their race, religion, or creed, from the threat of annihilation.

I ask the Senate to demonstrate its support for oppressed groups everywhere by ratifying the Genocide Convention.

Mr. President, I think the U.S. Senate is in a position where we should hold our ground, not turn away, not be silent. We should speak up by ratifying the Genocide Convention. It has been pending before us for 32 years. We know the terrible inhumanity and cruelty that has been imposed on people not only by the Nazis and Hitler's Germany but continues to this day in Cambodia and elsewhere.

Mr. President, I plead with this body to ratify the Genocide Convention.

Mr. President, I thank the leader for giving me this time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, Senator SPECTER's train has been delayed. Therefore, I ask unanimous consent that we now go into a period of routine morning business that will expire at 10:30 a.m. during that Senator SPECTER may take his time allocated to him under the special order and that the immigration bill be laid before the Senate at 10:30 a.m.

The PRESIDING OFFICER (Mr. TRIBLE). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania (Mr. SPECTER) is recognized for not to exceed 15 minutes.

Mr. SPECTER. I thank the Chair.

S. 1307—MINING RECLAMATION RESERVE ACT OF 1983

Mr. SPECTER. Mr. President, I am today introducing the Mining Reclamation Reserve Act of 1983.

The necessity for this legislation results from the position of the Internal Revenue Service that it will not follow longstanding appellate court cases which permitted taxpayers to deduct the estimated costs of governmentally mandated reclamation expenses. In the 1950's, both the third and fourth circuit courts of appeal concluded that deductions for accrued reclamation expenses were allowable under existing tax law. These decisions held that reclamation expenses could be accrued if two criteria were satisfied: The fact of an obligation to undertake reclamation of the minesite had occurred and the amount of reclamation expenses could be reasonably estimated. However, the IRS has not followed these decisions. More recently, the Federal tax court in *Ohio River Collieries Co.* v. *Commissioner*, 77 T.C. No. 103, December 31, 1982, reached a similar result. The IRS did not appeal the tax court ruling nor did they agree to abide by it in future cases. Because there was no appeal, the question remains open. As a result, audit controversies and litigation will continue over the tax treatment of accrued reclamation expenses. The intent with this bill is to clarify existing law.

This bill will help resolve these controversies by making it clear that accrued reclamation expenses attributable to surface mining are deductible if reclamation is required by the Surface Mining Reclamation and Control Act of 1977 or other applicable State or Federal law. This treatment is entirely consistent with proper accrual method accounting rules for accrual basis taxpayers.

In addition, this bill would extend the same treatment for this expense to cash basis taxpayers. With this consistent and comprehensive tax treatment for all taxpayers who are obligated to undertake reclamation of their surface mine sites, I believe there are significant tax, economic, and social policy goals to be served by the bill.

By prescribing appropriate treatment of accruals, the tax savings would assist companies in financially satisfying their obligations to undertake environmentally sound reclamation projects. Further, the legislation would benefit companies engaged in the extraction of coal, our most abundant source of domestic energy, and thereby have a potentially favorable impact in attaining our national energy goals. Moreover, the bill would address the basic inequity of mandating by law the expenditure of substantial sums of money for reclamation without clearly recognizing the obligation imposed for income tax purposes. It does not seem reasonable for the Federal Government on the one hand to achieve desirable environmental goals but, on the other hand, to deny the existence of the obligation for purposes of its income tax laws.

It should be noted that under this bill the deduction for accrued reclamation expenditures can be recovered on a ratable method over the life of the mine. However, an argument has been made that reclamation expenditures, once reasonably determined, should be accrued and deducted at the time the ground is disturbed, since it is the act of disturbance which causes the obligation to be imposed.

Since we would want to consider existing practices of taxpayers accruing the obligation and the revenue implications, if any, of accruing and deducting the costs of reclamation at the time the obligation first arises, we reserve judgment on this issue at this time.

It is understood that interested persons, including taxpayers engaged in mining activities, will wish to make their views on this issue known during committee hearings. A broad review of this issue with Treasury officials participating will be helpful.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mining Reclamation Reserve Act of 1983".

SEC. 2. ALLOWANCE OF DEDUCTION FOR ADDITIONS TO RECLAMATION RESERVES.

(a) IN GENERAL.—Subpart C of part II of subchapter E of chapter 1 (relating to the taxable year for which deduction may be taken) is amended by adding at the end thereof the following new section:

"SEC. 467. RESERVES FOR ESTIMATED EXPENSES OF SURFACE MINING LAND RECLAMATION.

"(a) ALLOWANCE OF DEDUCTION.—In computing taxable income for the taxable year, there shall be taken into account a reasonable addition to any reserve established for the estimated expenses of surface mining land reclamation.

"(b) ADJUSTMENTS WHERE RESERVE BECOMES EXCESSIVE.—If it is determined that the amount of any reserve for the estimated expenses of surface mining land reclamation is (as of the close of the taxable year) excessive, then (under regulations prescribed by the Secretary) such excess shall be taken into account in computing taxable income for the taxable year.

"(c) ELECTION OF BENEFITS.—

"(1) IN GENERAL.—This section shall apply to the estimated expenses of surface mining land reclamation with respect to any property if and only if the taxpayer makes an election under this section with respect to such property. Such election shall be made in such manner as the Secretary may by regulations prescribe.

"(2) SCOPE OF ELECTION.—If an election under this section is made with respect to any property, such election shall—

"(A) apply to all estimated expenses of surface mining land reclamation of the taxpayer with respect to such property, and

"(B) specify whether such estimated expenses are allocable to either—

"(i) minerals extracted by surface mining activities, or

"(ii) the portion of the property disturbed by surface mining.

"(3) WHEN ELECTION MAY BE MADE.—

"(A) WITHOUT CONSENT.—A taxpayer may, without the consent of the Secretary, make an election under this section with respect to any property for first taxable year—

"(i) which ends after the date of the enactment of the Mining Reclamation Reserve Act of 1983; and

"(ii) for which there are estimated expenses of surface mining land reclamation with respect to such property.

Such an election shall be made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof).

"(B) WITH CONSENT.—A taxpayer may, with the consent of the Secretary, make an election under this section at any time.

"(4) REVOCABLE ONLY WITH CONSENT.—An election under this section, once made, may be revoked only with the consent of the Secretary.

"(5) PROPERTY DEFINED.—For purposes of this section, the term 'property' has the meaning given to such terms by section 614.

"(d) ESTIMATED EXPENSES OF SURFACE MINING LAND RECLAMATION.—For purposes of this section—

"(1) IN GENERAL.—The term 'estimated expenses of surface mining land reclamation' means a deduction alllowable to the taxpayer under this subtitle which—

"(A) is attributable to qualified reclamation activities to be conducted in subsequent taxable years,

"(B) can be estimated with reasonable accuracy, and

"(C) is allocable to either—

"(i) minerals extracted by surface mining activities which occur before the close of the taxable year, or

"(ii) the portion of the property disturbed by surface mining which occurs before the close of the taxable year.

"(2) QUALIFIED RECLAMATION ACTIVITIES.—The term 'qualified reclamation activities' means any land reclamation activities which are conducted in accordance with a reclamation plan—

"(A) which is submitted pursuant to the provisions of section 508 or 511 of the Surface Mining Control and Reclamation Act of 1977 (as in effect on January 1, 1983) and which is part of a surface mining and reclamation permit granted under the provisions of title V of such Act (as so in effect), or

"(B) which is submitted pursuant to any other Federal or State law which imposes reclamation and permit requirements substantially similar to those imposed by title V of such Act (as so in effect).

"(3) EXCEPTION.—Except for purposes of subsection (e), the term 'estimated expenses of surface mining land reclamation' does not include any amount allocable to minerals extracted or property disturbed by surface mining activities occurring before the beginning of the first taxable year for which an election under this section is made.

"(e) SPECIAL RULE FOR COSTS ATTRIBUTABLE TO PERIOD BEFORE ELECTION.—Any estimated expenses of surface mining land reclamation which are allocable to minerals extracted or property disturbed by surface mining activities which occurred before the first taxable year for which an election with respect to the property under this section is made and which have not previously been taken into account by the taxpayer in computing taxable income, shall be treated as deferred expenses and shall be allowed as a deduction ratably over a period—

"(1) which begins with the first month of the first taxable year for which an election under this section is made with respect to the property, and

"(2) which ends with the month during which it is reasonably expected that surface mining land reclamation activities with respect to the property involved will be completed (or if earlier the last month of the 60-month period beginning with the month described in paragraph (1)).

"(f) SPECIAL RULES.—

"(1) TAXPAYERS WHO MAKE AN ELECTION UNDER SECTION.—In the case of any taxpayer who makes an election under this section with respect to any property, the determination of the taxable year for which nonqualified land reclamation expenses with respect to such property are allowable as a deduction shall be made under regulations prescribed by the Secretary. For purposes of the preceding sentence, the term 'nonqualified land reclamation expenses' means any expense of land reclamation activities (other than qualified reclamation activities) which are attributable to surface mining.

"(2) TAXPAYERS WHO DO NOT MAKE AN ELECTION.—In the case of any taxpayer who does not make an election under this section with respect to any property, any deduction for expenses of land reclamation activities with respect to such property attributable to surface mining shall be allowable in the same manner and to the same extent as if this section had not been enacted.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart C of part II of subchapter E of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 467. Reserves for estimated expenses of surface mining land reclamation."

(c) EFFECTIVE DATE; SPECIAL RULE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

(2) SPECIAL RULE.—If—

(A) the taxpayer makes an election under section 467 of the Internal Revenue Code of 1954 for his first taxable year ending after the date of the enactment of this Act, and

(B) for a continuous period of one or more taxable years each of which ends on or before such date of enactment, the taxpayer used an accrual method of accounting for a property with respect to the expenses of surface mining land reclamation activities attributable to surface mining which allowed a deduction for such expenses prior to The taxable year in which such expenses were paid,

then the taxpayer may make an election under this paragraph to have the method of accounting which he used for such continuous period with respect to such property treated as a valid method of accounting for purposes of the Internal Revenue Code of 1954. The taxpayer may make an election under this paragraph with respect to only one such continuous period at such time and in such manner as the Secretary of the Treasury shall by regulations prescribe.

S. 1308—DEREGULATION OF CABLE TELEVISION FRANCHISE FEES

Mr. SPECTER. Mr. President, I rise today to reintroduce a bill to eliminate the authority of the Federal Communications Commission to regulate the franchise fee which a State, political subdivision, or other governmental entity may impose in connection with any franchise for cable television. This legislation was initially introduced on December 11, 1981.

I believe, Mr. President, the Congress is dedicated to deregulation and in particular to freeing local governments from excessive Federal regulation. This legislation is a logical extension of that principle. Certainly, we do not wish to limit local government's ability to secure funds at a time when the Federal Government is instituting necessary cuts in aid, thereby placing stress on local budgets.

Despite Congress dedication to providing relief to local government from onerous Federal regulations, there is a regulation which denies local governments an income source which holds promise for large and growing revenues in the years ahead. I refer to the Federal Communications Commission's regulation for cable television, the practical effect of which is to place a limitation of from 3 to 5 percent of gross subscriber revenues on franchise fees.

The present rule, at least by inference, assumes that the FCC, an appointed Commission, has the wisdom to set limits for franchise rates for local governments and their communities, and elected mayors and councils do not have the wisdom to make such decisions. Any argument that the industry needs this type of Federal control to aid its growth is refuted by the expansion forecast by nearly all observers of the industry. Recently, the Senate Commerce, Science, and Transportation Committee approved legislation to set the franchise fee limit at 3 percent. A compromise was subsequently made to set the limit at 5 percent and this legislation is now on the Senate calendar.

Mr. President, I reject the argument that local governments will take advantage of cable TV films if the present ceiling on franchise fees is removed. I believe local elected officials will operate responsibly and that the cable companies can appeal to the local voters in any case where fees are unreasonable.

Because I believe local governments need the fiscal flexibility to apply franchise rates they determine are appropriate and because of the financial difficulties in which so many communities now find themselves, I am introducing a bill today to explicitly prohibit the Federal Communications Commission from continuing to set limits to franchise fees for cable television.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the date of the enactment of this Act, neither the Federal Communications Commission or any other department, agency, commission, or other entity of the United States shall have the power, authority, or jurisdiction to regulate, directly or indirectly, the franchise fee or tax which any State, or political subdivision thereof, may require owners or operators of cable service systems receiving franchises from such State or political subdivision to pay to such State or subdivision for such franchises.

Mr. SPECTER. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276(d)-276(g), as amended, appoints the Senator from Louisiana (Mr. JOHNSTON) as a member of the Senate delegation to the Canada-United States Interparliamentary Group, to be held in Kenora, Canada, on June 16-20, 1983.

THE IMPACT OF TVA'S NATIONAL FERTILIZER PROGRAM

Mr. STENNIS. Mr. President, since the beginning of the TVA fertilizer program in 1935, the accumulated benefit to the Nation has far exceeded the program's total cost. Present worth of benefits from the adoption of high-analysis fertilizers—projected to 1990—is almost $49 billion, and present worth of savings from process development and improvement is $8.5 billion. A total program cost through 1981 from Federal appropriations was $413 million. When compounded at a 10-percent rate, present value of program cost is $2.79 billion. The partial-benefit/full-cost ratio for the TVA fertilizer program is $20.50 in benefits for each dollar of program cost.

Considering historical or current discount rates, TVA's fertilizer program has been a wise investment—even based on a partial accounting of benefits. Unquantified benefits enhance the wisdom of the original decision.

The TVA national fertilizer program has been a strong force in developing and introducing new technology and has stimulated sweeping changes in the U.S. fertilizer industry. It has also stimulated dramatic advances in the production capability of U.S. farmers. The TVA fertilizer program is one of the most effective research, development, and introduction programs of any government agency. Its research is long term, high risk, and yields a high return. The program's strength is in its comprehensive approach which focuses a broad range of expertise on the challenge of solving complex problems. This vastly improves the efficiency of R&D and technology transfer.

Before the 1930's, advances in fertilizer technology in the United States depended largely on technology transferred from European countries, primariy Germany and England. These countries permitted the forming of fertilizer cartels making possible high rates of return on R&D investments. As U.S. developed technology became available, the power of the technology became available, the power of the cartel, with respect to fertilizer production and processes, declined.

Today the U.S. fertilizer industry is based on U.S. developed technology except for foreign innovations adopted and introduced by the U.S. equipment industry. Whereas the United States depended on foreign technology through the 1930's, it is now the world's principal center of fertilizer technology, largely because of TVA. The European fertilizer industry is relying more on TVA's innovations than on its own.

In the early 1930's the TVA program was oriented toward stimulating fertilizer use to help reverse declining productivity of soils in the Southeastern United States. The program was broadened in the 1950's and 1960's to include work with private fertilizer companies and farmer cooperatives throughout the Nation. This led to increased technical competence in the industry and better service for the American farmer. It also quickened the flow of TVA technology and new fertilizers to the industry and farmers. The program today creates and rapidly transfers a wide range of technical advances and innovations into the economy.

The TVA program benefits all aspects of fertilizer production and distribution by the fertilizer industry and its use by the Nation's farmers. These include benefits from: production and distribution savings from lower cost production technology and lower shipping costs of higher analysis fertilizers; fertilizer use expansion; new onfarm use systems; and stimulation of competition.

TVA's fertilizer program is in the forefront in helping the fertilizer industry and U.S. farmers meet the need for increasing supplies of low-cost food from diminishing and expensive resources. It will continue to develop technology and expand the basic understanding of complex soil-fertilizer interactions leading to more efficient fertilizers and their use.

UNRELIABLE CHEMICAL TEST RESULTS

Mr. SARBANES. Mr. President, I wanted to call the attention of my colleagues to an article and subsequent editorial that have appeared recently in the New York Times. The two items underscore the problem of obtaining reliable test results on chemicals submitted for registration as new pesticides by the EPA. As outlined in these press accounts, an EPA study has found that two-thirds of the tests conducted by one private laboratory in connection with registration of new chemicals were invalid. The 212 chemicals tested by this one laboratory accounted for 15 percent of all chemicals registered by the EPA.

I have introduced legislation, S. 780, to require that EPA maintain an in-house facility to verify the test results regarding biological effects of chemicals submitted for registration. For the past year the EPA has not had such a facility. It seems clear to me, especially in light of this recent revelation, that a Government facility for verifying test results and for spot checking the claims being presented by manufacturers is absolutely essential.

I urge my colleagues to carefully review the two press items which I ask unanimous consent to have printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 12, 1983]

EPA FAULTS TESTS ON 200 PESTICIDES—WORK BY A LABORATORY INVOLVES CHEMICALS NOW ON MARKET

(By Philip Shabecoff)

WASHINGTON, May 11.—A study by the Environmental Protection Agency has found that two-thirds of all tests conducted by a big private research laboratory to establish the safety of pesticides and herbicides now on the market are scientifically invalid.

The report, which took five years to prepare, finds that virtually all 212 pesticides and herbicides cleared by Industrial Bio-Test Laboratories of Northbrook, Ill., were subjected to at least one invalid test. Many of the pesticides and herbicides are in wide use, including Captan, Paraquat, Lasso, Machete, Orthene and Carbofuran.

Agency officials said the report raised what one of them called "big questions" about the chemicals tested by the company that are still on the market.

But the officials, who asked not to be identified, said the fact that the tests were invalid did not necessarily mean the chemicals posed a threat to human health or safety. It did mean, they said, that new information had to be obtained about the health effects.

The data produced by the laboratory were used by manufacturers to gain Government approval for marketing the chemicals.

The 212 chemicals represent 15 percent of all chemicals registered by the E.P.A., so the invalid tests of the Chicago laboratory could pose a significant problem. There are 44 chemical manufacturing companies involved, many of them major ones such as DuPont, Dow, Monsanto, Ciba Geigy, Olin, Velsicol, and Hercules.

The test were conducted to see if the chemicals posed threats of cancer, birth defects, genetic damage or other health problems.

The environmental agency officials said the agency did not have authority under the Federal Insecticide, Fungicide and Rodenticide Act to order those chemicals that were not adequately tested off the market. That cannot be done until the agency has made a finding that use of the chemicals poses a risk of "unreasonably adverse effects."

ALL WE HAVE ARE QUESTION MARKS

"All we have now are question marks," an official said.

The officials remarked, however, that the flawed testing at least raised the possibility that some of the chemicals could present unknown hazards to public health.

The officials said they had not finished evaluating their findings about the Industrial Bio-Test data and did not know how much more information they would need. They said that where the invalid tests were crucial to the information needed to validate the safety of the substances, the chemical manufacturers would be asked to submit new data in support of keeping them on the market.

Four former directors of Industrial Bio-Test are now on trial in Federal District Court in Chicago on charges of misrepresenting data used by the chemical manufacturers to obtain Government approval for the chemicals.

The 212 chemicals tested by the Chicago laboratory are being examined by the environmental agency in cooperation with the Government of Canada, where many of the pesticides and herbicides are also used. The Ottawa Government has refused to permit the use of 16 of the chemicals until questions raised by the Industrial Bio-Test problems are resolved.

The World Health Organization is also examining the implications of the invalid tests.

But the E.P.A. officials said that the fact that the chemicals were subjected to one or more invalid tests by Industrial Bio-Test did not necessarily present a serious problem. In many cases, there was a wide base of data from other sources that provided sufficient assurances of their safety.

On the other hand, even if past tests on chemicals were scientifically valid, it does not mean they were adequate, they said, explaining that new standards often required different tests.

A number of companies voluntarily submitted new data to the agency after the allegations about the laboratory were made public, the officials said.

FAULTY PROCEDURES CHARGED

The report says only that the tests were invalid because they failed to adhere to accepted scientific procedures. It does not address allegations brought at the Chicago trial that test results presented by the laboratory were fraudulent.

Government lawyers have charged that the company falsified such things as the number of deaths among test animals that were subjected to the chemicals.

The E.P.A. officials said they would have reviewed most of the chemicals tested by Industrial Bio-Test in their normal routine of administering the pesticide law. But their five-year concentration on the laboratory's tests was out of the ordinary, they said.

One official said the pattern of invalid tests found at the Chicago laboratory was "unprecedented" and had "shocked" toxicologists around the country.

The existence of the E.P.A. report was mentioned at the Chicago trial. A copy of it was given to a reporter who requested it.

[From the New York Times, May 16, 1983]

THE SCANDAL IN CHEMICAL TESTING

There is an appalling rent in the safety net that protects the public from hazardous chemicals. New compounds must be tested by law, but what if those hired to do the testing cut corners and fabricate the results? According to a Government study released during a trial now under way in Chicago, 15 percent of all the pesticides on the market have been certified safe on the basis of one or more tests now thought to be invalid.

The tests in question were performed by Industrial Bio-Test Laboratories, four of whose former executives stand accused of providing false data to chemical companies. The companies presented the data to the Government to prove that their products were safe for market.

The charges against I.B.T. are alarming because of the enormous number of different chemicals it tested. The Environmental Protection Agency's study examined I.B.T.'s data pesticides. So far 66 percent of the tests have been judged invalid, only 19 percent acceptable.

I.B.T. has also tested herbicides, food additives, cosmetics, drugs and other products now on the market. The public will be at risk during the time it takes to sort out which of these products were wrongly or prematurely judged safe.

According to an article in The Amicus Journal based on grand jury testimony disclosed by I.B.T.'s attorneys, many of I.B.T.'s test animals were housed in a water-logged room, known as "the Swamp": "Dead rats and mice, technicians later told Federal investigators, decomposed so rapidly in the Swamp that their bodies oozed through wire cage bottoms and lay in purple puddles on the dropping trays." Mortality was so high that it was impossible in some cases to assess the effect of the chemical under test, the article says.

I.B.T. tested products for many of the country's major chemical companies. How then could the scandal remain undetected for so long? Despite the apparent extent of the problem, many who relied on I.B.T.'s services failed to notice anything amiss. The problem was discovered only by accident, when a Government official looking for something else pulled out a file of I.B.T. data by mistake.

At the Food and Durg Administration, a scientific auditing unit quite regularly turns up false or suspicious data. Since only the most carelessly fabricated data are easy to detect, this may be the tip of the iceberg. The Environmental Protection Agency, however, has no such unit. As a large consumer of such product test data, it should institute one without delay, and appoint enough toxicologists to assure quality.

A stronger measure would be to give chemical companies an institutional responsibility for the test results they present. Instead of being contracted out to private laboratories, the safety tests might be conducted at an institute supported by the industry, perhaps with Government participation. Such an institute would have a reputation to protect, and the independence to report any safety problems.

Test results might not flow as fast and freely as those from compliant private testers. But the public and the chemical industry now share a clear interest in avoiding another scandal.

COMMENCEMENT ADDRESS OF HOUSING AND URBAN DEVELOPMENT SECRETARY SAMUEL R. PIERCE, JR., AT VOORHEES COLLEGE, DENMARK, S.C.

Mr. THURMOND. Mr. President, on May 8, 1983, I had the distinct pleasure and privilege of introducing the esteemed Secretary of Housing and Urban Development, the Honorable Samuel R. Pierce, Jr., at the Voorhees College commencement exercises in Denmark, S.C.

As the keynote speaker at this ceremony, Secretary Pierce delivered a superb speech, in which he counseled and challenged the Voorhees graduates on the pursuit of excellence. In his inspiring development of this theme of excellence, Secretary Pierce reminded his audience that completion of a formal education should, in reality, be only the beginning of a continuing quest for further achievement, knowledge, and distinction.

I commend the distinguished Secretary for challenging the Voorhees graduates and, indeed, all of us, to push our performances to the boundaries of individual ability and to strive for excellence in every undertaking. His remarks were particularly timely and appropriate in light of some of the recent reports and evaluations concerning current inadequacies in the American educational system.

Mr. President, Secretary Pierce is an outstanding example of one who practices what he preaches. As my colleagues are aware, he brought with him to HUD, where he has performed capably and with great distinction, excellent credentials as an attorney and an administrator.

Since graduating from Cornell University and its law school, he has been a practicing attorney, a State judge, and general counsel to the Treasury Department. Diligence and integrity in the performance of his duties have become his trademark in whatever capacity he labored. In light of these accomplishments, Secretary Pierce was certainly deserving of the honorary degree of doctorate of laws and the Outstanding Service Award conferred on him by Voorhees College. It is a great privilege for one of the fine institutions of higher education in our State to claim him as an honorary member of its class of 1983.

Mr. President, I also wish to take this opportunity to salute all the 1983 graduates of Voorhees College and wish them the best of luck as they continue down the road to excellence. Voorhees has established itself as one of the preeminent historically black colleges in the Nation. We are proud of the fine job its current president, Dr. George Thomas, the Voorhees faculty, and staff are doing to provide a high-quality educational experience to young people today.

Mr. President, I ask unanimous consent that the remarks of Secretary Pierce at the Voorhees commencement ceremony be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS PREPARED FOR DELIVERY BY SAMUEL R. PIERCE, JR., SECRETARY OF HOUSING AND URBAN DEVELOPMENT

President Thomas, members of the faculty and administration, new graduates, students, and friends. It is a pleasure to be here today. This is a significant occasion in the lives of you who are graduating from Voorhees College, and I appreciate the opportunity to play a part in it.

A commencement is an occasion for looking ahead. You are about to embark on the adventure of living in the adult world—an adventure full of risk and disappointment, but also full of opportunity, hope, and exciting challenges. This is particularly true in the era in which we live. I don't think there has ever been a period in history when there have been so many challenges and opportunities for young people—and especially for Black youth in America.

The future is indeed full of promise, but what you do with it will be up to you. No one—not your parents, not your teachers or professors, and certainly not I—can guide your steps from this point on. Those close to you will be able to offer advice, but only you will be able to chart the course of your lives. You will have to make opportunities for yourselves, and be prepared to take advantage of those which are presented to you.

Your experience at Voorhees College, with its strong commitment to excellence and achievement, will have given you much of the grounding you need to meet the challenges of the future. After four years on this campus, you know well enough what is meant by "excellence"—but you may not have thought of it in terms of its role in your adult life; and that is what I would like to discuss with you today.

Excellence is an end in itself, of course. To excel at something is enormously satisfying, whether it be an academic subject or an athletic pursuit. An artist or composer creates primarily for the satisfaction, the joy, of excellence in creation. But excellence is also a means to other ends. Academic excellence, for example, creates opportunities: to attend graduate school, to win out over other applicants for the best jobs. Indeed, you will find that throughout life, excellence creates opportunities of all sorts. It makes possible significant achievement in any discipline or endeavor.

The truth is that the better prepared you are, the more opportunities will be available to you—and the better able you will be to take advantage of them. It is the surest guarantee you can have that the opportunities will be there, and that you will have what it takes to benefit from them.

Now, excellence is a surprisingly democratic quality. We tend to think of it in connection with Nobel prize-winning scientists, or astronauts, or perhaps professional athletes. But it can also be found among assembly line workers, rock singers, insurance agents, teachers, doctors, or lawyers. James Bryant Conant, a noted educator, once observed that "each honest calling . . . has its own aristocracy based on excellence."

In other words, it doesn't matter what profession, business, or trade you may pursue. You can achieve excellence in anything—if you are willing to make the effort. An ancient philosopher once said that "the gift of excellence . . . is given to few men." That's true—a few women, too. Most of us have to work for it, and work hard.

Your college education has taken you on the first steps down the path to excellence. To be sure, excellence can be achieved without a college degree—and not every graduate will achieve it. But the education you have received at Voorhees, far more than the degree that proclaims it, will serve you well in your quest.

You must guard against the natural inclination, however, once you have left this campus, to let your mind get lazy. The mind is a muscle, and like any other it needs regular exercise. Read, think, pick up fresh insights, challenge your mind every day of your life. You will naturally concentrate on your chosen field of professional endeavor—and so you should, if you are to achieve excellence in your occupation. But don't ever hesitate to broaden your interests and your knowledge. Never be afraid to learn something, new, no matter how unrelated it may be to your major concerns.

Don't trust your future to luck. Random luck may play a role, but you'd be surprised how seldom it really does. In my own life, I've found that the harder I work, the luckier I get. Looking for achievement by pure luck is like playing a lottery: you may win, but the odds are heavily against it. Besides, your accomplishment will mean more to you if you know how hard you had to work for it.

In your quest for excellence, make demands on yourself that are greater than anyone else is likely to expect of you. Push yourself hard, and persevere. If you require more of yourself than anyone else asks, you may occasionally fail to meet your own standards—but very seldom will other people find your performance disappointing.

Above all, never permit yourself to be held back by the conviction that the odds are against you, that circumstances don't favor your efforts. Make your own circumstances if you don't like the ones you see around you. Don't let yourself believe that your excellence won't be recognized or appreciated because there is still racial prejudice and discrimination in the world. It is regrettably true that such evils still exist. But your generation will find them far less troublesome than previous generations.

If you want an example of someone fighting against enormous odds—far greater than anything you are ever likely to encounter—to accomplish a goal, you need look no further than the college from which you are now graduating. Elizabeth Evelyn Wright, who as you know founded the educational institution that is now Voorhees College, had so many strikes against her at the outset that she could have been readily forgiven for abandoning her goal. She was Black, at a time when there was far more prejudice and discrimination that exist today. She was a Southerner, in an era when the raw wounds of the Civil War had not yet healed. And she was a woman, before women had even won the right to vote—much less been "liberated."

Yet Elizabeth Wright ignored the odds, and changed or overcame the circumstances that stood in her way. She demonstrated excellence in intellect, in determination, and in principle. She made her opportunities and took full advantage of them—and she succeeded. Voorhees College—your alma mater—exists today because of the excellence demonstrated by Elizabeth Evelyn Wright.

Booker T. Washington was another Black who overcame the odds through excellence—and perseverance. Washington spent much of his time raising funds for Tuskegee Institute and other causes, which required him to gain access to wealthy members of the White community. He sometimes went about that in ingenious ways. The story is told that he used to visit one of the most prestigious New York hotels and take a seat in the lobby. While there, he arranged to have a friend telephone him every half hour, so that he would have to be paged by the hotel desk. After the hotel's wealthy White patrons had heard Booker T. Washington being paged several times, some of them would become curious about who this apparently important man might be—and would go up and introduce themselves. Washington would take advantage of the chance that gave him to ask for a contribution to Tuskegee—and he often got a large one for his efforts.

Fortunately, few if any of you will ever face the kind of odds that Elizabeth Wright or Booker Washington had to overcome. In fact, if you achieve true excellence in whatever endeavor you may choose as your life's work, I would venture to predict that the obstacles in your path will be relatively few, and small. Excellence is such a scarce, sought after, and appreciated quality that it seldom remains hidden. Once identified, it is usually well rewarded—no matter, today, in what color package it comes.

The rewards of excellence are many. First, as I have noted, is opportunity. By this I mean that the demonstration of excellence leads very often to the chance to achieve—a prerequisite to accomplishment itself. You do well in college, and you may be offered a good first job; you distinguish yourself by an excellent performance there, and you are either promoted or offered a better position with another organization. You write an excellent novel or paint an outstanding portrait, and you are rewarded with contracts for additional books or new artistic commissions.

Another reward for excellence is accomplishment or achievement. By that I mean something concrete—an invention, a breakthrough, an original contribution to the body of knowledge and understanding, a work of art or literature. The examples are as diverse as the range of human activity.

A Black man, Dr. George Washington Carver, developed uses for the common peanut that created an industry in the South and a new source of protein for the world. Thomas Edison perfected the electric light bulb and invented the forerunners of many of the appliances and entertainment devices we take for granted today. Dr. Jonas Salk developed the vaccine that has nearly wiped out polio, a disease that not long ago robbed thousands of their lives or their mobility. Another Black, Dr. Ralph Bunche, effectively mediated a major diplomatic crisis in the Middle East and rose to the second-highest diplomatic post at the United Nations. His efforts in the Middle East, incidentally, won him the Nobel Peace Prize in 1950.

The Reverend Martin Luther King, Jr., and a host of others led a movement for civil rights which has radically altered American life and opened the door to opportunity for millions. The worlds of art, drama, music, and athletics provide countless examples of achievement by Blacks and Whites alike; so many that, if I were to begin to list even the most notable, I would still be here when the Class of 1984 graduates.

Then there are the financial rewards. Very often, although not inevitably, excellence in our society is rewarded with money: a salary, a contract or commission, an award like the Pulitzer or Nobel prizes. Let us be quite clear on this: there is absolutely noth-

ing wrong with monetary reward for excellence or achievement. It is natural and reasonable that a top professional athlete should earn more than a second-rater, or that an outstanding scientist should be awarded a prize that includes cash as well as honor.

But financial rewards should not become an end in themselves. If your goal is merely to make money, it is probable that you will be concentrating too hard on that objective to spend time and energy achieving excellence. Nor are monetary rewards a consistent measure of excellence: mediocre or even poor performance in some endeavors can still reap impressive rewards; while true excellence may earn only rewards that are not financial. In some cases, too—and here I am thinking of the humanitarian service of an Albert Schweitzer or a Mother Teresa—there is no financial measurement that can be applied at all.

Perhaps the greatest reward for excellence, however, is one I have already mentioned: self-satisfaction. Few things in life are so gratifying as the knowledge that one has achieved a pinnacle in performance—that one has made, and met, the highest possible demands on one's self. If you honestly know that about yourself, the recognition of the world at large will be of only secondary importance.

The years you have spent at Voorhees College, an institution committed to the pursuit of excellence, have prepared you well for this continuing quest. Your generation comes of age at a time when the possibilities for the future are virtually unlimited. The world is still a long way from perfect, and I fear it always will be—because humans are imperfect beings. But your horizons need be limited only by your own vision and determination—and by the degree of commitment to excellence that you carry forth from Voorhees into your adult life.

I congratulate you on your commencement, and I wish you well in the years to come.

NO U.S. BAILOUT OF CHILE

Mr. KENNEDY. Mr. President, I wish to express my concern over the report published in the May 11 Wall Street Journal indicating that U.S. monetary authorities are considering arrangements to provide credits to Chile to help it cover payments on its $17 billion foreign debt. The article, which I ask be published in the RECORD at the conclusion of my remarks, indicates that the administration has already approved $144 million in Commodity Credit Corporation guarantees to be used for the purchase of U.S commodities, as well as $50 million through the Export-Import Bank to finance U.S.-made products.

I do not believe that this country should take on the responsibility of bailing out a military regime which betrayed Chile's long tradition of democratic rule and has been censured repeatedly by international organizations for gross human rights violations.

The clear intention of Congress is that any major change in our assistance relationship with Chile should be approached with full congressional cooperation. There are statutory prohibitions against U.S. aid to any country with a consistent pattern of human rights abuses. In the case of security assistance, there is specific legislation against aid to Chile until that country's government makes significant human rights progress, refrains from aiding international terrorism, and brings to justice those indicted by a U.S. grand jury in connection with the 1976 murders in Washington of former Chilean Foreign Minister Orlando Letelier and his associate, Ronni Moffitt.

Since those laws were enacted, there has been no prosecution of the assassins of Dr. Letelier and Ms. Moffitt by the authorities. In fact, the Chilean Government has ignored a $5 million damage judgment against it in favor of the Letelier and Moffitt families.

Inside Chile, the human rights situation has not improved, but has continued to deteriorate. The Chilean Commission on Human Rights reports that 1982 was the worst recent year in Chile, with nearly twice as many political arrests as occurred during 1981. The Pinochet regime has rejected appeals from opposition parties to restore democracy through free elections, and instead is cracking down harder than ever on dissent. Last week two people were reported killed and 200 arrested during a nonviolent national demonstration called by six labor unions to appeal for dialog between the regime and advocates of greater political freedom. During the weekend, Chilean troops, brandishing submachine guns, seized an estimated 1,000 persons in predawn raids, taking them to soccer stadiums and police stations in apparent retaliation for this growing public protest against the Pinochet military regime.

As if we needed any new confirmation of the Pinochet regime's outlaw status, the Washington Post reported May 11 that Federal grand jury indictments have been handed down against arms brokers who have allegedly conspired with the Chilean authorities to circumvent the laws enacted by this Congress prohibiting arms assistance to Chile. The defendants named in the indictment are American citizens and corporations, but officers of the purchasing division of the Chilean Naval Mission have been named as unindicted coconspirators. The charging paragraph of the indictment indicates that, between early 1977 and mid-1982, the defendents—

unlawfully, knowingly, willfully, and intentionally did combine, conspire, confederate, and agree together with each and with diverse other persons whose names are to the Grand Jury unknown, to export military munitions to Chile and to make false export declarations to the United States Customs Service and Commerce Department in violation of the laws of the United States * * *.

The indictment states that, as part of this conspiracy, the defendants—would and did purchase, sell, and cause to be delivered to the Chilean Naval Mission or its agents items on the Munitions List without obtaining a properly validated export license from the Office of Munitions of the United States Department of State.

I ask that the Washington Post article on this indictment be published in the RECORD as well, at the conclusion of my remarks.

The possibility that the Pinochet regime has been engaged in a systematic and prolonged international effort to circumvent U.S. law has grave, far-reaching implications. It should be crystal clear to anyone that there should be no American assistance whatever to Chile until this matter has been resolved by the appropriate legal processes.

This is hardly a government whose conduct merits an American vote of confidence at this time. Rather, we should reassert our continuing censure of the Pinochet regime for human rights abuse, involvement in international terrorism, and flaunting of American law and legal judgments. Above all, we should not extend a financial lifeline to a regime nearing economic, as well as moral, bankruptcy.

On May 4, Senator PROXMIRE joined me in writing to Secretary of the Treasury Donald T. Regan to express our concern over reports that the administration is considering emergency credits to Chile to help it pay it debts. I am sure that many of our colleagues share the concern we expressed in that letter, which I am requesting also be published in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 11, 1983]

CHILEANS REQUEST $200 MILLION LOAN TO MEET IMF GOALS

Chile has asked the Bank for International Settlements, the Swiss-based central bank for central banks, for a $200 million loan.

The request is part of an effort to raise $400 million to $500 million in short-term funds to help the country get back on track with an economic program stipulated under its agreement with the International Monetary Fund.

A group of 12 international banks advising the country on its foreign debt has agreed to provide about $180 million of the required short-term financing. The rest of the funds could come through some arrangement with U.S. monetary authorities, bankers say.

In a gesture of financial support for the cash-strapped country, U.S. monetary authorities recently wired Chile's creditor banks that the U.S. government has approved $144 million in Commodity Credit Corp. guarantees to be used for the purchase of U.S. commodities, as well as $50 million through the U.S. Export-Import Bank to finance U.S.-made products.

Chile is currently in the midst of getting its creditor banks to stretch out payments on part of its $17 billion foreign debt. The IMF has indicated it is prepared to grant

Chile a waiver on some of its economic targets on the expectation Chile will be able to comply with the program later this year.

[From the Washington Post, May 11, 1983]

BETHESDA BROKER CHARGED WITH ILLEGAL SALE OF ARMS

(By Michael Isikoff)

A Bethesda firm that serves as a broker in the international arms market has been indicted by a federal grand jury on charges of selling military equipment to the Chilean government in violation of U.S. export laws.

The 21-count indictment against United Aviations Industries Inc. and its two principal officers were said by federal officials to be part of a broader investigation into efforts by the regime of Gen. Augusto Pinochet to circumvent an American arms embargo imposed in 1976 after reports of widespread human rights abuses there and Chilean complicity in the murder of Orlando Letelier, the country's former ambassador to the United States.

The indictment charges that United Aviations' President Robert Poisson of Chevy Chase and Vice President Anthony Villa of Oxon Hill conspired with two members of the Chilean naval mission in Washington to disguise the shipment of parts for torpedoes, launchers, depth charges, guns and sonar equipment. The shipments were "destined for the Chilean navy," according to the indictment handed up Monday by a grand jury in Norfolk.

Alfred Swersky, lawyer for United Aviations and Poisson, said yesterday that the Chilean government "is and was a customer" of the company, but said that his clients have violated no laws. Bryan P. Gettings, a lawyer for Villa, said his client also denied wrongdoing.

He estimated that the total value of the arms shipments was not more than $50,000. "This is not about a high technology drain to the Russians," Gettings said, "This is peanuts."

Jerry Friedlander, a Washington lawyer for the Chilean government, said his client would have no comment until it has an opportunity to review the charges. The two Chilean navy officers, Capt. Jorege Acuna and Cmdr. Douglas Ashcroft, both of whom had headed the naval mission's purchasing department, were named as unindicted coconspirators. Both are in Chile, Friedlander said.

United Aviations was described by Swersky and others yesterday as a small international arms broker that arranges sales between foreign government purchasers and U.S. weapons suppliers. Swersky said the firm consisted of only five employes, "three of whom are relatives." In addition to Poisson and Villa, he said, the employes include Villa's wife, Villa's daughter and a secretary.

The investigation into United Aviations grew out of Operations Exodus, a Reagan administration program to crack down on the illegal export of critical technology, principally to the Soviet Union and its allies. Recently, officials said, the Customs Service and other agencies involved in Exodus have turned up evidence of Chilean arms purchases.

Late last year, the U.S. attorney's office in Alexandria seized documents relating to Chilean weapons shipments after searching the offices of the Chilean air force mission, which was renting space from an exporting firm in Arlington, officials said yesterday.

The indictment outlines a complicated series of alleged transactions by United Aviations and the Chileans intended to disguise prohibited weapons shipments that were executed through a variety of suppliers, exporters and middlemen. The alleged purchases were begun by the two Chilean navy officers in February 1977, shortly after the embargo went into effect, and continued until July 1982, according to the indictment.

Because the military items were banned by State Department for export to Chile, the indictment charges that United Aviations furnished false or misleading information about the shipments on export declarations.

The indictment specified how one such shipment allegedly occurred. United Aviations ordered a $25,000 purchase of sonar equipment from the Ford Aerospoace and Communications Corp. in Norfolk on May 5, 1981. The cargo was shipped from Norfolk to a Northern Virginia exporting firm. It was seized by customs officials at John F. Kennedy International Airport in New York while being loaded onto a Lan-Chile Air cargo plane on May 27, 1982. The sonar parts had been listed on shipping documents as aircraft parts.

(Also contributing to this article was Washington Post staff writer Al Kamen.)

U.S. SENATE,
Washington, D.C., May 4, 1983.

Hon. DONALD T. REGAN,
Secretary of the Treasury,
Washington, D.C.

DEAR SECRETARY REGAN: We are deeply concerned over reports that the Administration is considering granting Chile a $400 million bridge loan from the Exchange Stabilization Fund, or helping to organize an emergency loan to the Chilean regime through international institutions. This credit would be applied against interest owed by Chile on foreign loans which are currently the subject of rescheduling negotiations with creditor banks.

As you know, U.S. military and economic assistance to Chile was originally curtailed in the International Security Assistance and Arms Export Control Act of 1976. The International Security and Development Cooperation Act of 1981 continues to prohibit security assistance to Chile until the President has certified to Congress that (1) the Government of Chile has made significant progress in complying with internationally recognized principles of human rights; (2) the Government of Chile is not aiding or abetting international terrorism; and (3) the Government of Chile has taken appropriate steps to bring to justice by all legal means available those indicted by a United States grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt in Washington, D.C. in 1976.

It is the clear intention of Congress that any major change in our assistance relationship with Chile should be approached with full Congressional cooperation.

There has been no significant change in the situation in Chile since those laws were enacted. Rather than making the progress which Congress had sought to encourage, the human rights situation in Chile has continued to deteriorate. The Chilean Commission on Human Rights reports that 1982 was the worst recent year in Chile, with nearly twice as many political arrests as occurred during 1981. Nearly 40,000 Chileans remain in exile abroad, and arbitrary detention, torture. internal exile and banishment remain common practices.

The regime in power in Santiago was found by a U.S. Federal District Court in 1979 to be responsible for the Letelier-Moffitt terrorist murders on the streets of Washington. The court ordered the Pinochet Government to pay the Letelier and Moffitt families $5 million in damages, a judgment which the Chilean regime continues to ignore. Administration spokesmen have acknowledged in public testimony that the Government of Chile has failed to investigate fully or prosecute those implicated in these assassinations.

In our view, it would be a travesty of justice for the United States to offer a $400 million bailout to the Pinochet regime—or to the private bankers who stepped in to support that repressive regime when U.S. aid was denied.

Such a bailout would also violate both the spirit and the letter of U.S. law, including the specific legislation on Chile enacted by Congress, and explicit provisions of the Foreign Assistance Act (Sections 116 and 502B), which make clear that U.S. assistance shall not be extended to countries which have a consistent pattern of human rights violations.

In addition, we believe that any such bailout would violate the clear criteria in the law before utilizing the Exchange Stabilization Fund.

For these reasons, we oppose any such bridge loan to Chile, and we urge the administration to reject it.

We would appreciate receiving full information on the status of this reported U.S. loan, together with your assurances that no credit of this magnitude will be authorized without full consultations, in advance, with the Congress.

Sincerely,

EDWARD M. KENNEDY.
WILLIAM PROXMIRE.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed

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IMMIGRATION REFORM AND CONTROL ACT OF 1983

The PRESIDING OFFICER. The clerk will now report the unfinished business.

The assistant legislative clerk read as follows:

A bill (S. 529) to revise and reform the Immigation and Nationality Act, and for other purposes.

The Senate resumed consideration of S. 529.

AMENDMENT NO. 1210

The PRESIDING OFFICER. The pending question is the Kennedy amendment No. 1210.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the pending Kennedy amendment be laid aside subject to bringing it forward at the time my colleague returns to the floor; that we now under the time agreement proceed to the consideration of the amendment of Senator HUMPHREY.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1275

(Purpose: To deny aliens who obtain legalization certain assistance during the period before such aliens become naturalized citizens of the United States)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 1275.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 195, line 15, strike out "(e)(1)" and insert in lieu thereof "(e)".

On page 195, line 17, strike out "three-year".

On page 195, line 19, insert after "(b)(3)" the following: "and extending to the date on which such alien becomes a naturalized citizen of the United States".

On page 196, strike out lines 14 through 21.

On page 195, line 21, strike "except as provided in paragraph (2),".

Mr. HUMPHREY. Mr. President, how much time is there on this amendment?

The PRESIDING OFFICER. Fifteen minutes equally divided.

Mr. HUMPHREY. Mr. President, as the bill now stands, those illegal aliens granted legal status will become eligible for entitlement benefits in 3 to 5 years—some of them within 3 years, some of them within 5 years. The purpose of my amendment is to preclude eligibility for entitlement benefits until such aliens attain naturalized U.S. citizenship.

I make a distinction between legal aliens, that is, those who have come to the country by awaiting their time in line, and those illegal aliens who in effect are granted amnesty.

With respect to the former, my bill has no effect. That is, legal aliens who come into the country under the quota system are not affected in any way by my amendment. Rather, it is focused on illegal aliens, those who have come into this country illegally and who under this bill are being granted amnesty, that is, permanent resident status or temporary resident status.

Mr. President, we do not know how many illegal aliens there are in this country. Estimates range from 3 million to 12 million. Since we do not know how many illegal aliens there are who will be granted amnesty by this bill and who will eventually become eligible for entitlement benefits, we have no way of knowing how much it will cost the taxpayers of this country to support them under various entitlement programs.

Nevertheless, the Department of Health and Human Services, presumably based on the administration estimate of 6¼ million illegal aliens, has estimated that the cost of entitlement programs for illegal aliens will rise from $165 million in 1984 to over $1 billion per year in 1990—obviously, very great sums.

Are those persons who broke the law, who entered the country contrary to the law due entitlement benefits? I think not.

Should the taxpayers of the United States be expected to provide entitlement benefits to those who are in this country contrary to the law? I think not.

If such illegal aliens eventually become naturalized citizens, then under my amendment they would be due entitlement benefits, provided they meet certain criteria.

The effect of the amendment is very simple. It precludes entitlement benefits to illegal aliens granted amnesty under this bill until they attain naturalized U.S. citizenship.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, the purpose of the legalization program is to bring an illegal subsociety within this Nation out into the open, to say, "Come forward, come out of the fearful subclass that you are presently in, come forward into the light of legalization."

This does not mean citizenship. It means temporary resident alien or permanent resident alien status.

I think we all agree that at least the existence of those subsocieties cannot be good for the United States. Somehow we are diminished as a nation by their existence.

While I understand fully the purpose of the Senator in offering this amendment; it is consistent with his views, and I respect that greatly—and it is a view I share, reducing Federal welfare costs at a time of unacceptably large Federal deficits but I fear that such an amendment will tend to continue the existence of this fearful subsociety that I describe within our Nation.

We must recall that many people who immigrate to this country, those who receive green cards and permanent resident alien status—and that is what a green card is, permanent resident alien status—do not necessarily become naturalized citizens. In fact, an extraordinary percentage of Mexicans who have the opportunity and do have legal green cards never seek naturalization. If I recall correctly, that figure was 80 percent. Eighty percent of the Mexicans with the legal green card do not go on to seek naturalization. They would rather retain the green card.

So, under our Constitution and our laws, it is not necessary for them to naturalize in order to enjoy almost all the benefits and protections of this country, other than the right to vote. Nevertheless, these people do become an integral part of our society, serving in the Armed Forces, contributing in many other ways to the United States—taxpayers, income taxpayers—so to permanently withhold Federal welfare benefits from those aliens who are legalized but never naturalized would perpetuate, in effect, another kind of subclass within the society. That is the very thing we are attempting to eliminate by the legalization program.

The provisions presently in the bill restricts the right of legalized aliens to federally funded welfare benefits for 3 years—that is in there. They are restricted there from any welfare benefits for 3 years while they are in temporary residence status, and for another 3 years if they are in permanent residence status, I think that is eminently fair. It is wholly in keeping with our present immigration law, which provides that immigrants to this country should not be likely to become public charges.

In fact, a person who seeks to naturalize cannot do so if they possibly would be a public charge; nor, I think if they might become public charges after immigration. They are here as economic migrants. They are working, usually single, coming here for one reason, to work. They are not fleeing persecution; they are not refugees. They are economic migrants. The magnet is jobs, and therefore they are working.

So I think what we have done with benefits to temporary resident aliens and permanent resident aliens, providing emergency medical assistance together with disability, if that is required, is eminently fair. To extend the denial of those benefits indefinitely, until the time of naturalization, I think, would perpetuate societal conflict within the country.

I urge rejection of the amendment.

Mr. HUMPHREY. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes and sixteen seconds.

Mr. HUMPHREY. Mr. President, I respect the intentions of my colleague from Wyoming, though I disagree with him on this point.

My amendment does not seek to postpone indefinitely eligibility for entitlement benefits. It simply postpones eligibility until illegal aliens granted amnesty under this bill become naturalized U.S. citizens. Therefore, it extends the proscription on entitlement benefits from 3 years, under the bill, to a maximum of 5 years.

There is already a precedent in the bill, as the Senator from Wyoming has

pointed out, for restricting eligibility for various kinds of entitlement benefits. The bill contains those restrictions already. I seek to extend them to the point where the illegal alien granted amnesty becomes a naturalized U.S. citizen.

The Senator from Wyoming wants to bring out this "subclass"—I believe that is the term he used—into a fuller participation in our society. We are doing that under this bill by granting them amnesty. We are granting them amnesty for the crime of having violated our immigration laws. That is a mighty generous act on the part of this Nation, which is already sorely pressed with the problems of unemployment. We are granting them amnesty, forgiving a crime. It is a very generous act.

It does not mean, at the same time, that we have to provide them with all kinds of benefits which they are not otherwise due. We are already granting them amnesty. We are already granting them legal permanent residence, something to which they are not rightly due except by the compassion of our country. We are already granting them permanent or temporary legal residence. So it is not as though we are not already bending over backward to be more than fair to these persons who entered our country illegally.

I think I have made all the points necessary to be made. The citizens of the United States have no obligation to go beyond what is proposed in this bill, which, in my opinion, is very generous to begin with. The citizens of this country have no obligation to pay entitlement benefits to those illegal aliens granted amnesty until they show enough interest in the affairs of our country and participate in the affairs of our country to obtain naturalized citizenship.

So I urge my colleagues, when the vote on this amendment occurs this afternoon, to support its inclusion in the bill.

I yield back whatever remains of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Mr. President, does not the order of business already provide for the yeas and nays on the various amendments within the time agreement?

The PRESIDING OFFICER. That is not correct.

Mr. SIMPSON. Just one further comment, Mr. President.

I do understand the sincerity with which this amendment is presented. I do not feel, however, that it is one of limitation, because the amendment does extend the date on which an alien becomes a naturalized citizen of the United States. In other words, the benefits will not be provided until the time the alien become a naturalized citizen of the United States; and, by choice, many do not do that. I just want to emphasize that that is the case.

I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I join the Senator from Wyoming in opposing this amendment. It would further restrict benefits those undocumented aliens who are legalized would receive under the bill. They are now denied all social services or welfare for 3 years, whether they are permanent resident aliens or temporary residents under the bill. Senator HUMPHREY would restrict this for another 2 to 3 years until they become citizens.

There is no basis for such harsh action. All research tells us that these undocumented workers—really undocumented taxpayers—who will be legalized under this bill are here to work, are contributing members of our society, unlikely to need or to go on welfare.

It is without precedent to deny permanent resident aliens the full protection and benefits of our laws.

Since they are contributing their taxes like all of us, why deny them the rights and benefits of programs any lawfully admitted alien has in our society? If costs are the worry, every study tells us that the population profile of the undocumented aliens who will be legalized are not likely to need or seek welfare benefits.

Mr. President, I urge the Senate to reject this amendment.

The PRESIDING OFFICER. The question recurs on the Kennedy amendment No. 1210.

Mr. SIMPSON. Mr. President, the Senator from California (Mr. CRANSTON) is on his way to the Chamber.

I suggest the absence of a quorum at this point.

The PRESIDING OFFICER. How will the Senator have the time charged?

Mr. SIMPSON. I suggest that it run equally against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the Kennedy amendment.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Kennedy amendment again be laid aside until the sponsor is present and that we now go in the order of business to one of the Cranston amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr President, my good friend, the Senator from Wyoming (Mr. SIMPSON) has labored long and diligently with a subject that often arouses deep and conflicting emotions.

He has produced a bill he hopes will resolve some questions for which there are no easy answers.

Our immigration laws have long needed overhaul.

And we have long needed to address problems of undocumented workers who abound as a permanent underclass in our society.

In his usual cordial way, Senator SIMPSON has listened to all and proceeded to bring forward S. 529, representing his and the best judgment of the majority of the Judiciary Committee as to how to address these concerns.

I do not share his judgments, but I admire his patience and diligence.

I especially appreciate the Senator's willingness to accommodate me with the additional time I sought—and have since received—to permit Senators to focus on new issues created by this year's committee amendments and to complete negotiations which have resolved at least some issues.

Mr. President, I wish to make plain that I have sought indefinite delay on this bill at no time.

I wish also to express my continuing admiration for the great work of my good friend, the senior Senator from Massachusetts (Mr. KENNEDY), who is planning to rise in his customary way to champion with eloquence the cause of a class of oppressed aliens whom this bill would deprive of judicial review when their claims for political asylum are denied.

He has been so rising, and it was under Senator KENNEDY's leadership that the Judiciary Committee began the complex process of revising our immigration law, a process which even tonight's Senate action will not complete.

Throughout the debate, Senator KENNEDY has applied his unique eloquence on behalf of minorities facing discrimination, homeless political refugees and other helpless people in the face of sometimes cruel proposals for immigration law changes.

His efforts have my complete admiration.

AMENDMENT NO. 1276

(Purpose: To permit Attorney General to waive residency requirement)

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. CRANSTON) proposes an amendment numbered 1276.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 198, line 2, strike out the quotation marks and second period.

On page 198, between lines 2 and 3, insert the following:

"(i) The Attorney General in his sole discretion may waive the requirements of subsection (d)(1)(A) or (d)(2)(A) in cases which would result in exceptional and extreme hardship to the alien or to his spouse, parent, or child."

The decision to grant or deny such a waiver shall not be reviewable in any court or administrative proceeding in the United States.

Mr. CRANSTON. Mr. President, this amendment has been modified slightly in discussions with the senior Senator from Wyoming, and I understand he will now accept it.

I thank him for his attention and cooperation on this amendment.

I will give a brief explanation of the amendment if I may.

I support the legalization program.

The whole purpose of having a legalization program—to bring some of the presently undocumented workers into the mainstream—is undercut if overly stringent procedures prevent vast numbers of aliens from qualifying and intimidate many others from even applying.

This amendment addresses the new requirements for continuous and aggregate residency.

The bill, as amended this year, now provides that undocumented workers who have resided in the United States illegally since January 1, 1977, must prove they have never been outside of the United States for more than 30 consecutive days between January 1, 1977, and the date of enactment, nor for more than 180 days aggregately.

For second tier applicants for legalization to temporary resident status, the bill requires proof that any absence between January 1, 1980, and the date of enactment is neither more than 30 days consecutively, nor 90 days aggregately.

My amendment would permit the Attorney General to waive these strict requirements in light of exceptional and extreme hardship to the alien, his spouse, parents, or child.

Under the Senate bill now, no such discretion is allowed, although the Attorney General may under the bill waive the majority of grounds for which a quota immigrant would be subject to exclusion.

What I am concerned about is the alien who left temporarily but stayed out of the country for 32 days because of a family funeral, or because of illness, or some other such matter; one who can document residency in the United States for the past 10 years except for one 3-month period, which, of course, is more than 30 days; or one who has been here for over a decade as a productive, upstanding member of the community, a family breadwinner with several children who are American citizens but is unable to prove to a certainty his residency.

His or her deportation would break up a family and often place children on public assistance.

My amendment would permit the Attorney General to take these compelling factors into account while reviewing the application for legalization.

That is the case for this amendment.

Mr. SIMPSON. Mr. President, I am privileged to serve as chairman of the Veterans' Affairs Committee and on which committee Senator CRANSTON is the ranking minority member. It was not that way when I came here. Those roles were reversed, but within that time, whether I have been in the minority or majority, I have come to find this an extraordinarily thoughtful, consistent, and compassionate person. Someone described him as a person it was difficult to say no to, and I have found that very true I can tell you. But from my knowledge of him as a person and professionally, he is a man well grounded on the issues and well staffed and that has served him well.

Let me say I do accept this amendment with the changes that have been made to meet the conditions that my friend from California described. A person out of the country for more than 30 days at a time without violating the continuous residency requirement, which I think is a necessary requirement, I think that with the changes, with the drafting that Senator CRANSTON has added, it is a reasonable amendment now which will allow the Attorney General to waive the 30-day residence requirement only under the most compelling of circumstances such as were described.

I can assure you that in accepting the amendment it is not in any way intended by the manager, this manager, of the bill to open up any new avenue of appeal or challenge but only to give the Attorney General discretion under very limited circumstances to recognize some very special humanitarian concerns in exceptional cases.

Under those considerations, I am pleased to accept the amendment.

Mr. CRANSTON. I yield back my time.

Mr. SIMPSON. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1276) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I want first to thank the distinguished chairman of the committee for his generous remarks, for his hard work, for his friendship and for his acceptance of that amendment and I hope he will find it beyond his capacity to say no in regard to the next amendment I am going to bring up. I gather from his expression that is not about to be the case.

AMENDMENT NO. 1277

Mr. CRANSTON. I send to the desk a second amendment and ask that further reading be dispensed with.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California (Mr. CRANSTON) proposes an amendment numbered 1277.

Mr. CRANSTON. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 197, line 6, strike out "No" and insert in lieu thereof "Except as provided in paragraph (4), no".

On page 197, line 9, strike out "No" and insert in lieu thereof "Except as provided in paragraph (4), no".

On page 197, line 12, strike out "deportation or".

On page 197, between line 18 and 19, insert the following:

"(4) A court of the United States or of any State may review any denial of adjustment of status under this section if such denial were raised in a deportation proceeding conducted under this Act and if such review is based solely upon the administrative record established at the time of the review and if the findings of fact and determination contained in such record shall be conclusive unless the applicant can establish gross abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole."

Mr. CRANSTON. Mr. President, the amendment is identical to the language proposed by the House committee. S. 529 would prevent a court already reviewing a deportation order from examining the legality of the procedure denying the applicant legalization. My amendment merely permits that court to examine the administrative record from the deportee's legalization proceedings to see whether there has been a gross abuse of discretion or whether the findings of fact are directly contrary to clear and convincing facts contained in the RECORD as a whole.

This very limited form of judicial review would not expand the burden of the courts. It would be available only when an improper denial of legalization is raised as a defense in a deportation proceeding already subject to judicial review.

There is a strong reason to believe that, by providing an exclusive reasonable but limited means of court review for administrative proceedings on legalization, this amendment may actually narrow in a constructive way the judicial remedies available to aliens subject to deportation.

The U.S. Supreme Court has repeatedly recognized that there are millions of aliens within the United States, each of them, including those here unlawfully, involuntarily or transitory, entitled to the protection of the 5th and 14th amendments to the Constitution and especially to the due process clause of the fifth amendment.

While a statutory scheme which purports to deny certain classes of aliens the privilege of judicial review may not in and of itself be unconstitutional, there is no way that the Federal courts can be prevented from examining particular abuses of that statutory scheme which amount to constitutional denials of due process of law any more than other court-stripping attempts have been effective. Thus my amendment will specify ground rules on a limited judicial review that otherwise might ultimately be imposed by the courts and it will prevent our immigration proceedings from becoming star-chambers.

It is vitally important that even those we eventually exclude leave knowing that the United States is, as it proudly proclaims, a government of laws.

The subcommittee technical amendment did not strengthen the bill. It weakened it. By stripping the bill of judicial review provisions, the committee encourages the INS to be arbitrary and lawless. By encouraging lawlessness, the bill discourages applicants for legalization. By discouraging legalization, the bill perpetuates rather than solves the problem of undocumented workers. So I urge the adoption of this amendment.

I reserve the remainder of my time.

Mr. SIMPSON. Mr. President, the legalization provisions in this bill, which address, and I trust and hope will resolve, this serious national problem of the illegal subsociety within this country, could obviously result in hundreds of thousands and perhaps even millions of applications for legalization, no question about that. We do not know how many will come forward under legalization but with the proper information and education there will be, I think, millions, and providing a judicial appeal of a denial of legalization could well even more surely overwhelm the court systems and paralyze the legalization process completely.

Obviously, I am speaking against the amendment.

The legalization provisions in the bill provide an extraordinary benefit to eligible aliens. The bill very carefully outlines the eligibility requirements and sets up a framework for the necessary procedures to carry the legalization forward.

Implicit in these requirements and in this framework is the committee's intent that the program be carried out firmly and fairly.

I emphasize again that the legalization program is intended to be a one-time only, one-time shot, and to be carried out carefully over a 15-month period. We will depend on, and have involved in the legislation, the voluntary agencies of this country, both those who are truly the voluntary agencies and those who, under State Department auspices, are voluntary agencies and other appropriate non-Federal organizations, churches, groups within society, self-help agencies, and all of those will be asked and will be required to participate actively in the program to insure its fairness and to insure that eligible aliens will have the assistance they need to perfect their applications.

We have provided for a limited administrative review. The committee feels that this constitutes very well a sufficiently fair procedure, and I earnestly request you to reject this amendment which is only going to provide an additional layer of review. I think it is very important, and this is difficult for some to understand on this issue, to keep this in mind: That if any one of these undocumented aliens had applied for an immigrant visa in their home country, and the consular officer accepted their application, he is the sole judge, a consular officer in the country of their origin is the sole judge, under our laws, as to whether or not the visa for resident status in the United States would be granted to an alien who would be applying lawfully for immigration to our country. That is the law. And I do not think we should turn around and then give additional rights and appeals to the undocumented, who entered illegally into this country and will now be given status under the legalization program. That is not what was ever intended with regard to this kind of judicial review and, as I say, the bill provides administrative review of denial of legalization.

But if this amendment were to pass, it would truly burden the system, the judicial systems, of our country at a time when even now they are overwhelmed, and legalization, without being carefully done, is going to be a tremendous trial enough in itself.

I urge rejection of the amendment.

Mr. CRANSTON. I yield time to the Senator from New Mexico.

Mr. BINGAMAN. I thank the distinguished Senator from California.

Mr. President, I rise in support of the amendment that the distinguished Senator from California has offered here. I also want to point out that one of the factors confusing the debate has been the substantial disagreement about the actual number of illegal aliens in the country.

There is a new report out which I believe needs to be brought to the attention of the Senate. This is a paper by two gentlemen who work for the Population Division of the U.S. Bureau of the Census, Robert Warren and Jeffrey S. Passel. It is entitled "Estimates of Illegal Aliens From Mexico Counted in the 1980 United States Census."

I will quote a very few passages here from the report:

> The estimates of the number of illegal aliens in the United States have varied widely—generally falling in the range of 2 to 12 million, but some wild guesses have been as high as 25 million. . . . As more empirical evidence has become available, the estimates have gotten smaller and smaller. . . .
>
> Census data has suggested that the number of illegal Mexicans in the U.S. is substantially less than many of the earlier conjectural estimates, with a realistic upper bound of no more than 4 million and with the probable total number being even less.

They go on to point out that comparisons of the independently derived estimates of the legal alien population residents in the United States on April 1, 1980, with the census count of aliens indicates that the 1980 census includes at least 2.047 million illegal aliens. Out of these, 931,000, or 45.5 percent, are illegal aliens born in Mexico.

Mr. President, I believe this information is helpful and is supportive of the efforts that the distinguished Senator from California is making with this amendment. It is clear that the numbers we are talking about are substantially lower than many current estimates. I ask unanimous consent that additional excepts from this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM ESTIMATES OF ILLEGAL ALIENS FROM MEXICO COUNTED IN THE 1980 UNITED STATES CENSUS

(By Robert Warren and Jeffrey S. Passel, U.S. Bureau of the Census)

Estimates of the numbers of illegal aliens in the United States have varied widely—generally falling in a range of 2 to 12 million but some wild guesses have been as high as 25 million (Siegel, Passel, and Robinson, 1980). Much of the debate on the matter has been unhampered by empirical evidence, with the result that "estimates" have been based on pure speculation, gut feelings, or perceived special interests. As more empirical evidence has become available, the estimates have gotten smaller and smaller. Recent work utilizing Mexican census data (Bean, King, and Passel, 1983) has suggested that the numbers of illegal Mexicans in the U.S. is substantially less than many of the earlier conjectural estimates, with a realistic upper bound of no more than 4 million and with the probable total number being even less.

The research reported here brings together a considerable amount of empirical evidence for estimating the size of the illegal

alien population. In particular, this research serves to set a lower bound on the number of illegals in the country and shifts the numbers debate to a different set of parameters by presenting estimates of the number of illegal aliens who were included in the 1980 census. The estimates were derived by comparing aggregated 1980 census data for the alien population with independent estimates of the alien population residing legally in the United States on the date of the census; the methodology represents an extension of techniques applied by Warren (1982) in analyzing data from the November 1979 CPS. Results are presented by age, sex, and period of entry for all aliens residing in the United States, for aliens from Mexico, and for aliens from other selected countries of origin.

In addition to their contribution to policy discussions, these estimates are useful to the Census Bureau for evaluating the coverage of the 1980 census using demographic analysis. It would be preferable to include estimates of the total number of illegal aliens residing in the United States in the independent population estimates used to evaluate census coverage. However, since definitive estimates are not available for either the total illegal alien population or net flow for any period of time, an alternate procedure, using the figures presented here, would involve first subtracting the estimated number of illegal aliens from the census count. Then, illegal aliens would be excluded from both the census count and the independent population estimates so that the resulting comparison would produce estimates of census coverage for the legally resident population in the 1980 census.

RESULTS OF CENSUS ANALYSIS

Comparison of the independently derived estimates of the legal alien population resident in the U.S. on April 1, 1980 with the census count of aliens indicates that the 1980 census includes at least 2.047 million illegal aliens. Of these, 931,000 or 45.5 percent are illegal aliens born in Mexico. Data are also available by period of entry but caution must be exercised in the interpretation of the time series data. For example, even though the 1980 census indicates the presence of more illegals who entered the U.S. between 1975 and 1980 than who entered the U.S. between 1970 and 1974, the data can not be interpreted as necessarily showing an increase over time in net illegal immigration. The data represent only those present in 1980. Thus, more illegals could have entered the U.S. in the earlier period than the later period; but, the illegal entrants from the earlier period could have emigrated during the later period and consequently not have shown up in the 1980 census. With these caveats in mind, we can examine the time series.

Of the illegals present in 1980, 890,000 or 43.5 percent entered the U.S. during 1975-1980; 551,000 or 26.9 percent entered during 1970-1974; 570,000 or 27.9 percent during the 1960's; and the remaining 36,000 or 1.8 percent entered before 1960. The illegals from Mexico present in 1980 are more concentrated in the later periods of entry with 476,000 or 51.2 percent of the illegal Mexicans entering between 1975 and 1980; 280,000 or 30.1 percent entering during 1970-1974; and 175,000 or only 18.7 percent before 1970. Another way of looking at the same phenomenon is that the proportion of Mexicans among illegals counted in the 1980 census is higher for more recent periods of entry. As noted before, Mexicans represent 45.5 percent of all illegals counted in 1980. However, the Mexican segment of the illegal population represents 53.5 percent of those who entered after 1975; 50.9 percent of those entering during 1970-1974; and only 28.8 percent of the illegals who entered before 1970 and were still in the U.S. in 1980.

The age structure is very plausible for an immigrant population, particularly an illegal immigrant population. Overall, 18.5 percent of the illegal population is under 15; 60.0 percent is at ages 15-34 (68.8 percent at ages 15-39); and 21.5 percent over age 35 (only 12.7 percent over age 40). The Mexican-born illegal population counted in 1980 is younger and more concentrated in the young adult ages. Almost 22.3 percent of the illegal Mexicans are under age 15; 64.0 percent are aged 15-34 years (fully 70.2 percent are ages 15-39); and only 13.7 percent are over 35 years old (only 7.6 percent over age 40).

The age-sex distributions by period of entry are internally consistent as well as consistent over time. It would appear that the characteristics of illegals at entry have been similar over time but that those who entered in earlier years and have stayed are now older than the recent entrants. Thus, it is not surprising that the non-Mexican illegals are older since a much larger proportion of them entered before 1970.

DISCUSSION AND CONCLUSION

The estimates which have been described in this paper introduce as many new questions into the debate about illegal immigration as they answer. The first question must be "Do the estimates represent illegal aliens included in the census?" The foregoing analysis would indicate that the group has many of the characteristics which have been attributed to illegal aliens in terms of age and sex distributions. Internal consistency of this nature would not necessarily result from taking differences between two fairly large populations (such as aliens in the census and aliens registered with INS) unless some group (e.g. illegal aliens) was present in one data set and not the other. Another striking feature of the comparison is the general agreement between the two data systems for non-Mexicans who entered before 1960. The evidence that overall the estimates represent illegal immigrants is extremely compelling.

The estimate of slightly over 2 million illegal aliens counted in the 1980 census must be considered a minimal estimate of the total number residing in the United States, for a number of reasons. First, at several points in the estimation procedure, conservative assumptions were made which, if they were in error, would be expected to err in the direction of underestimating the illegal alien population. Next, the estimates obviously do not include illegal aliens who were not counted in the 1980 census. Finally, the estimates of illegal aliens (counted in the census) are reduced by the number of legal aliens who were omitted from the census. To illustrate, suppose that the census count for the total alien population was 1,000 and the estimated legal population was 800. Simple subtraction gives an estimate of 200 illegal aliens counted. However, if the census missed 100 legal aliens and so included only 700 legal aliens, then the 1,000 aliens counted would include 300 illegal aliens, but the estimation procedure would indicate 200 illegal aliens.

This research still does not provide an answer to the questions of how many illegal aliens are in the country or how fast they are coming. It does however provide another hard-to-come-by piece of empirical evidence with which any estimate must be consistent. That is, any total estimate of the illegal alien population for 1980 would imply a particular number who were not counted. For example, if there were 6 million illegals in the U.S. in 1980, it would imply that roughly 4 million were missed in the census, or an undercount rate in excess of 60 percent. Although the proportion of illegals missed is not known, undercount rates of this magnitude seem improbable in light of the characteristics of the illegals counted and of persons usually missed in the census. The illegal population counted includes large proportions of women and children, groups usually counted well. Furthermore, almost 30 percent of the illegals counted must be reasonably well-established since they had been in the U.S. for more than 10 years in 1980; a group such as this should not have extraordinarily high undercount rates. Finally, some illegals may have perceived that being counted in the census would be in their best interests by providing proof of residence in the U.S. in 1980 in case of future amnesty programs.

By way of comparison, the highest undercount rates measured recently for any group in the U.S. are roughly 20 percent for adult black males in their 30's. For 1980, no rates measured to date exceed 20 percent. Furthermore, the available evidence indicates that the 1980 census missed very few housing units and that undercoverage of the legal population was on the order of one percent. Thus, the assumption of extreme undercount rates for the illegal population would require substantial evidential support.

It should be pointed out that the estimated number of illegal aliens counted in the 1980 census, although small relative to some "guesstimates," still represents a substantial number of people. The number of illegal Mexicans counted (931,000) is almost as great as the number of legal aliens from Mexico (1,194,000). In fact, for persons born in Mexico who entered the U.S. in 1970-1974, the illegal population (280,000) and the legal alien population (282,000) are virtually identical. For persons entering in 1975-1980 the illegal Mexican population counted (476,000) exceeds the legal population (292,000) by about 60 percent! Overall, the illegal alien population from all countries runs about 40 percent of the size of the legal alien population.

We still don't have all the answers about the size of illegal migrant streams to the U.S. This research does provide a firm lower bound on the numbers, however. It should also serve to narrow the range of estimates by introducing another concept—the number and proportion of illegal aliens missed in the 1980 census. The Census Bureau is planning further research to extend the work reported here to smaller geographic areas (states and perhaps SMSA's) and nationally to race groups. A supplement to the April 1983 CPS will provide additional data on aliens which may serve to bring these estimates forward in time and ultimately provide a basis for introducing data on illegal aliens into the Census Bureau's current estimates program.

Mr. CRANSTON. Mr. President, I thank the Senator from New Mexico very much for his support and for his understanding of the issues involved in this amendment and in other matters

before the Senate in this bill and for his leadership in this realm generally.

Let me say just briefly to my friend from Wyoming, my amendment would not add to the burden of the courts. Indeed, my amendment carries out the intent of the committee. It only applies in cases already before the courts.

Moreover, the committee's position would deny legalization in cases where there is a gross abuse of discretion or where the administrative record does not support denial of legalization. For that reason, this review is very much in order and very much needed. I urge adoption of the amendment.

The PRESIDING OFFICER (Mr. WILSON). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I would simply submit very briefly that this bill provides for administrative review of the issue of legalization and we believe that is quite adequate. We are not dealing with U.S. citizens. We are not even dealing with persons in legal status from other countries. We are dealing with illegal, undocumented workers who have chosen to come forward and they will be processed on a case-by-case basis. To provide a judicial appeal from an extraordinary act of grace, an extraordinarily generous proceeding, I feel would simply overwhelm the court system.

Mr. CRANSTON. Mr. President, I think the only real difference is the Senator from Wyoming is assuming the good will and the perfect performance of the immigration officers who would be involved in various cases. I would like to assume that, but, in cases where that does not turn out to be what actually happens, I think there should be some recourse for those who would otherwise be denied justice. That is the only reason that I suggest that we have this procedure when such circumstances develop.

I am prepared to yield back my time.

Mr. SIMPSON. Mr. President, I will yield back the remainder of my time after this one further comment.

I do share those concerns with the Senator from California, but, under the bill and under the 15-month period, it is obvious that we cannot do the job that is required without the spirited assistance of voluntary agencies in this country, the churches in this country, the nonvoluntary agencies, and the service groups, and that is indeed what we envision. Then the INS would remain the final processing center as these persons seek legalization and are processed on a case-by-case basis.

Mr. President, I yield back the remainder of my time.

Mr. CRANSTON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on the amendment.

Mr. SIMPSON. Have the yeas and nays been requested on this amendment?

The PRESIDING OFFICER. They have not been.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1278

Mr. CRANSTON. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the Kennedy amendment will be temporarily laid aside.

The clerk will report the next Cranston amendment.

The legislative clerk read as follows:

The Senator from California (Mr. CRANSTON) proposes amendment numbered 1278.

On page 195, between lines 11 and 12, insert the following:

"(6) A duly attested declaration by a third party, who is a U.S. citizen, of continuous residency by an individual applying for adjustment of status under this section shall constitute prima facie evidence of physical presence for purposes of this section and, upon submission of such declaration, the burden of proof for demonstrating lack of physical presence shall be borne by the Attorney General.".

Mr. CRANSTON. Mr. President, I remind my colleagues that the language I seek to amend did not appear in last year's version of the Simpson-Mazzoli bill.

Mr. President, the legalization program must offer a reasonable chance to those who risk coming forward.

Otherwise, few people will apply, fearing family separation and deportation, and we will be right back were we started from with unenforceable immigration laws.

With each contested attempt to make these legalization procedures more reasonable, it has been suggested that undocumented aliens are, after all, criminals—here in violation of our immigration laws.

From this premise it is argued either that any procedure, however harsh, is more than undocumented workers have a right to expect, and they ought not to complain; or that, as one of my colleagues proposed earlier, the entire legalization plan should be eliminated.

This is neither realistic nor humane.

But it reflects the ignorance and prejudice that exists with respect to this large class of undocumented workers.

Who are these people?

What are they like?

Let me cite four examples of actual undocumented workers who could benefit from the legalization program.

One couple, living in Houston, Tex., has been in the United States since 1969, about 14 years. Both have worked continuously since then, and managed to save a comfortable amount. They have two children, one of whom is an American citizen.

Another couple has lived in Los Angeles for 15 years. They have both been employed during that time, have managed to save some money, and now own a home. They have two children—American citizens—who attend the public school in their neighborhood.

Another woman of Mexican origin, lives in Corpus Christi, Tex., since 1975. She has four children who are American citizens. This woman supports her family. She has never received welfare or federally funded assistance.

All of these undocumented residents—and millions of others—pay Federal, State, and local taxes. None of these have ever received welfare during their years in our country, nor even unemployment insurance. Each is a solid member of his or her community—representative of much of the undocumented population—and deserves to have his or her residency status legalized.

Now, to qualify for adjustment to permanent legal resident status under this bill, an undocumented worker must meet a series of rigorous tests.

First, the application test: He must apply within the 12-month period which begins 90 days after enactment of this law, unless he is subject to a deportation order, in which case he must apply within 30 days of that order.

He or she must meet the duration test: He or she must have entered as an immigrant before January 1, 1977.

He must meet—or have the Attorney General waive—if Cranston amendment No. 2 is adopted—the continuous residency test: Never out of the country more than 30 consecutive days; not out of the United States an aggregate of more than 180 days; not out of the United States because of a deportation order; must have resided in the United States illegally from January 1, 1977, to the date of enactment.

He or she must meet the admissibility test: Not subject to exclusion, or excludible only for technical reasons; or excludible for other reasons, but the Attorney General has waived the ground of exclusion.

Under no circumstances can he be a criminal; a drug dealer; a spy; a Communist, an anarchist or a Nazi.

He or she must meet the noncriminality in the U.S. test: Never convicted of a felony, or three or more misdemeanors.

And he or she must meet the nonpersecutor test: Must never have assisted in racial, religious, social, or political persecution.

After proving his compliance with all these tests, the applicant for legalization is asked to prove that he was continuously physically present in the

United States from the date of enactment of this bill to the day he applies for legalization.

How does one prove continuous physical presence?

Do the work records include weekends?

What about night time? Sleep time?

Its purpose—according to the INS and the Senate bill's sponsors—is to insure that, once the bill becomes law, the INS does not have to decide whether to admit aliens who come to the border requesting entrance because they claim eligibility for legalization.

For the first 90 days after enactment, at least, this claim is entirely specious. Applications may not be made within that period.

It is simply unfair to exclude those who would otherwise qualify for legalization, in cases where conclusive proof is lacking.

My amendment would permit the border enforcement intended by the proponents while easing the burden on otherwise qualified legalization applicants as to this one requirement.

It would permit an applicant to meet the requirement by filing a sworn statement of a U.S. citizen that the applicant has met the physical presence test.

The INS could still disqualify the applicant if it had proof that the sworn statement was false.

Legalization is a sensible approach to an otherwise insoluble problem.

But all the harsh rhetoric is unrealistic.

Either the legalization program will work, or the whole immigration reform scheme will fail.

There is no realistic way our Government can round up and deport as many as several million unauthorized aliens presently living in the United States.

In our previous attempt—Operation Wetback in the 1950's—there were wholesale violations of civil liberties, including the deportation of American citizens.

The disruption and suffering such an effort would bring to communities, families, and businesses would be catastrophic.

The disorders on our borders and the severe economic dislocations that might well take place in Mexico could shake the very foundations of the already unstable governments of Central America.

A mass deportation of unlegalized aliens would have a devastating impact on Mexico for two reasons:

First, dollars sent back home by Mexican workers constitute the largest single source of dollar earnings for the Mexican economy.

Second, returning migrant workers would strain the Mexican economy, contributing to serious social and economic unrest.

The United States cannot afford an unstable southern neighbor.

My amendment would give the legalization program a better chance to work.

For all of these reasons, I urge its adoption.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. MATTINGLY). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, the legalizing provisions of this bill provide an extraordinary benefit to undocumented persons who have resided in this country for more than 3 years. It is necessary that the qualification requirements for this extraordinary benefit, grace and generosity be carefully defined and the procedural requirements be carefully followed.

Our immigration laws have always required—always required—the alien to prove his right to be in this country or his right to a particular status in this country. This should not change now at the very time when we are providing this extraordinary act of grace to undocumented aliens who are here illegally.

Further, the bill provides, and this is a very important part of it, that voluntary agencies and other private and public organizations shall assist the aliens in preparing their applications for the benefits under this program. Those are the organizations that will have all of the expertise and the skills necessary to assist the aliens in preparing the necessary documentation. It is going to be a case of, "Here is how you do it." You may be assured that they will assist the aliens in preparing their documentation.

They will also assist in the educational outreach program in legalization so that each and every eligible alien will be aware of the requirements. There is enough time to do that—15 months—3 months after the date of enactment and then another year.

They will be aware of the requirements and the fact of remaining in the country until legalized. They will therefore be quite aware of the necessity of establishing their location and their residency during that period of time. In order that what? In order that they may take the appropriate action and compile the necessary documentation to receive this extraordinary benefit.

Under our bill, the burden of proof is on the alien to prove that he was physically present in the United States from the date of enactment until legalization.

This amendment would effectively shift that burden of proof to the Government. Indeed it would. And it would be done upon a rather extraordinary act: A U.S. citizen would attest, a third party would attest, to a declaration that the alien had been present for the requisite time. I admit I have a hunch that there will be some very popular third parties in the country who may make a cottage industry as third party. We have a cottage industry in green cards, in all forms of exploitation of these people, and a self-serving statement from a third party out of compassion alone will generate activity under this bill.

I think it is not appropriate. I emphasize again that legalization was a tough one from the beginning. This was the resistance in the United States, which was very simple: Why should we reward people who are here illegally, who have come here undocumented, illegally, without any claim? They are just here. They have violated the laws of the United States of America in the process.

So legalization is an extraordinary benefit, an extraordinary grace, to those who receive it.

Under our laws the burden of proof to establish the right of a particular status has always been upon the alien. This amendment would shift that burden to the Government. We deny ourselves, if this third person is involved. Obviously, a U.S. citizen who has personal knowledge of an alien's physical presence in the United States can come forward and say that at the time of meeting with the voluntary agencies. It might be obviously much more appropriate at that time for him or her to do so because then you can also ask them questions as they are acting as the sponsor or as the person furnishing personal knowledge.

So we do expect the various voluntary agencies and other public and private agencies to have offices—and they do have offices—all over the country. It is not going to be a burden upon the applicant and his witness to appear and personally present the evidence of residency, if that is indeed necessary.

The other reason is that we do not want people to simply walk here to claim this extraordinary status.

That is what we are trying to avoid through the physical residency, physical presence situation. Again, please keep in perspective that these are people in the United States who are here illegally. That is the only qualification for legalization. You cannot be already legal and seek legalization; you have to be illegally present in the United States for a certain period of time in order to qualify for legalization. That is an extraordinary grace in itself.

Mr. KENNEDY. Mr. President, although I certainly agree with the sense of the chairman of our Immigration Subcommittee, the principal sponsor of this bill, I do think that the Cranston amendment has some very important advantages. It is an amendment which I shall support.

I think, as the Senator from Wyoming has pointed out very eloquently in this debate as well as in last year's debate and in the committee, there are two important pillars in this legislation. One is the employer sanctions and the other provision is the legalization program.

It is important, I believe, to make the legalization program to work. What I believe the Cranston amendment does is provide some degree of flexibility in that program. Clearly, if an individual is able to amass a great deal of documentation, if he or she is able to get a good deal of material with the help of the voluntary agencies, that will be presented and the process will be expedited. But, as I understand the Cranston amendment, it is to provide at least some degree of flexibility in this process, such as sworn statements. Clearly, if that sworn statement is inaccurate, he or she is subject to all the penalties which exist for such fraud.

But, Mr. President, we provide, in the United States, for example, even in some States, for just a sworn statement of an individual to go in and vote. We are willing to take the words of citizens—or some States are—to participate in the election process. There are counties in the State of Ohio where an individual can just go in and give a statement and say they are citizens and they want to vote. We put some important reliance upon the sworn statements of individuals in a variety of different ways.

It does seem to me that when we come down to that limited situation, where an individual does fulfill the requirements of the bill, it does provide that degree of flexibility which I think is advantageous and desirable.

The point has been mentioned here, "Well, we have seen cottage industries grow up in the production of documentation." The Lord only knows, there will be additional industries that may grow up as we make the legalization requirements more and more strict for individuals who have every legitimate right under this legislation to begin the process toward citizenship.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield myself 30 seconds on the bill, Mr. President.

I hope that for the reasons that have been outlined by the Senator from California, the amendment will be accepted.

Mr. CRANSTON. Mr. President, I thank the Senator from Massachusetts for his support of this amendment and for his truly tremendous leadership on all the sensitive issues that are involved in this legislation.

Let me say on this amendment that it does not change the underlying burden of proof. It merely suggests a reasonable way to meet that burden, for circumstances might otherwise make absolutely conclusive proof impossible. I think the Senator drew a very good analogy about the citizens of our country who can go and say they are citizens and vote and pick our Senators and pick our Presidents. We should provide some similarly reasonable opportunity to those who are seeking to become citizens of our country.

I thank the Senator.

Mr. SIMPSON. Mr. President, I hear very clearly what my colleagues are stating. They are talking about the issue of citizens' rights, citizens' responsibilities, and citizens' ability to function in our country. I have no qualms about supporting every bit of that. However, we are talking about noncitizens. We are talking about people who came to this country illegally. That is, I think, a statement of absolute fact. I know of no way around that fact. This person, under this amendment, with the sincerity behind it, the third person who would give a sworn statement also has the ability to come forward and be there at the time this person is seeking this extraordinary grace of legalization.

I am not opposed to applicants using affidavits or attested statements, or other documentation to establish their physical presence in the United States. I am sure that will be the most frequently used type of proof. But the attested statement should not, in itself, ever be enough to shift the burden, as it will in this case. That has never happened in the United States within this arena of activity. This amendment would do that.

Certainly, an attested statement is going to be used and should be used, but the personal presence of the third party will take care of the difficulties and get the questions asked and answered that have to be presented.

I yield back the remainder of my time.

Mr. CRANSTON. I am prepared to yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SIMPSON. The yeas and nays have been asked for.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the amendments we have been processing this morning be inserted into the sequence for the voting which will take place, under the previous order, this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I should like to make a very brief statement on the bill, if I may. I shall take just a moment.

Mr. KENNEDY. I yield such time as the Senator may need.

Mr. CRANSTON. Mr. President, some of the amendments offered here today could have improved this bill. But even then, I could not support it.

The Senator from Wyoming said the other day that he had long ago concluded that no Senator from California could support any immigration reform bill. I do not concede that point. But I do know that California undoubtedly has more undocumented workers than Wyoming has people.

It may be that we see the nuances of the problem more clearly, but my own attitudes derive from concerns about this bill which were shaped far away from particular California concerns. They relate to how this bill will affect the civil liberties of every person in the United States.

This bill threatens everyone's civil liberties but it poses special dangers to the rights of Hispanics.

Although I have tried to ameliorate some provisions of this bill, I disagree with its direction and focus.

The spectrum of national organizations that have major objections to various provisions in this bill—including the American Bar Association, the ACLU, the U.S. Chamber of Commerce, the United Farm Workers, MALDEF, LULAC, and many, many immigration organizations and church groups—indicates the scope of the problems involved.

My major objection to S. 529 is its imposition of the expensive, dangerous provision that would require every person in the U.S. to have some form of authorization by his or her Government in order to work.

That is a major step toward a police state.

There is no justification for such a drastic program.

It is an extroardinary imposition upon the American people.

This identification system will make every individual in our Nation—no matter where he or she lives—subject to the whims of immigration authorities. Sooner of later, the system will boil down to an internal passport or identifier.

The first tool of any totalitarian regime is a domestic passport.

I have seen this tool used in Hitler's Germany, Mussolini's Italy, and various Communist nations.

We do not want, in our free land, the threat of centralized control and identification of all citizens, even as we come upon 1984.

While I accept the sincere intentions regarding the limited use of such identification cards, neither of us will be here forever to enforce this intent and the record does not indicate that that intent will be fulfilled.

Moreover, the brief history of computerized data banks suggests that ef-

forts to limit the uses of this card will be unsuccessful.

The social security card was also intended by law for use only for limited nonidentification purposes.

Today, hundreds of Government and thousands of private computer systems use social security numbers to index and identify individuals.

And now, this bill would use the social security card as a form of identification for work eligibility.

I am by no means alone in these concerns.

Several members of the Select Commission on Immigration and Refugee Policy concluded that this identifier system could harm civil liberties.

In fact, the Select Commission's recommendation to use an identification card squeaked by with a bare one-vote margin.

The American Civil Liberties Union and the U.S. Civil Rights Commission, as well, recognize the great danger that this act could infringe on our precious rights to privacy and on other rights.

Identification card verification is a misguided overreaction to violations of our immigration laws.

The employer sanctions provisions in this bill also concern me deeply.

I believe employer sanctions will be discriminatory, costly, and ineffective.

I think they will lead to discrimination against those who appear to be foreign in our country.

According to the General Accounting Office, employer sanctions have never deterred effectively either the hiring of undocumented workers or the flow of illegal immigrants in any of the 20 countries in which they have been tried.

It is neither fair nor practical to make employers immigration policemen. Employers' paperwork requirements alone are certain to fuel discrimination.

Hispanics and Asians will be turned away because employers cannot be sure documentation is valid, and will fear sanctions. Since the employer sanctions provision requires that records be kept only after an employee is hired, no proof of this discrimination would survive. And the limited enforcement powers, jurisdiction, and a great case backlog of EEOC means that this discrimination will not be redressed.

On the other hand, the light penalties and minimal risk of enforcement of the sanctions provide little reason to hope that employers who traditionally have exploited undocumented workers will stop doing so.

A less expensive and more effective alternative to the employer sanctions law would be to enforce labor laws already on the books. There would be little profitability in exploiting undocumented workers—and little incentive to hire them—if minimum wage, OSHA and fair labor standards laws were strictly enforced.

I have grave doubts whether this bill will even minimally affect our immigration problems.

Its restrictions on lawful immigration will exacerbate the already existing visa backlogs, since fewer slots will be available.

It can only promote more illegal immigration because of the substantially longer waiting period that visa applicants will face.

Its provisions for importing temporary foreign farmworkers may increase the use of, and reliance on, such workers, at the expense of unemployed American farmworkers.

In fact, the present unemployment rate for domestic farmworkers is among the highest in our land.

It is ironic that, while this legislation purports to curb immigration to the United States in order to protect American workers, it opens the door for hundreds of thousands of temporary agricultural workers. These workers—dependent on the good will of their employers—are more docile and easy to exploit than American farmworkers.

The major cause of illegal immigration is the economic disparity between our country and the countries from which the immigrants come.

For our immigration policy to work, it must include international solutions. We must devote substantial time, effort, and resources to help underdeveloped nations improve their own economies, feed their own people, and realize opportunities to achieve a decent standard of living. Any immigration policy that fails to take into account America's interdependent relationship with other nations, expecially with Mexico and Latin America, is neither realistic nor fair.

I believe that the way to deal with the employment giving to those who are here without documents instead of to American citizens and a less expensive and more effective alternative to the employer sanctions law proposed in this bill would be to enforce labor laws already on the books. There would be little profitability in exploiting undocumented workers and little incentive to hire them if minimum wage, OSHA, and fair labor standards were strictly enforced.

Mr. President, I have grave doubts as to whether this bill will even minimally affect our immigration problems.

The PRESIDING OFFICER. The question occurs on the Kennedy amendment.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Kennedy amendment be laid aside and we await now the presence of Senator McCLURE, but I yield to myself time from the bill to respond to the remarks of the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, this issue is one of the greatest political no-win issues in which anyone could ever get involved. Every time they write a positive editorial in the San Diego paper or the San Francisco paper or the New York Times or the Washington Post, they kind of rip me up a little out in the State of Wyoming.

I am used to that, but it does not make it any more pleasant.

I have said, and would say so very clearly, that there really are very few Republicans or Democrats in the House or Senate from the State of California that could possibly support this legislation.

I say that because their diverse constituencies will not allow them to do so. When you have the unions in turmoil on the issue, the growers in turmoil on the issue, the businesses of California in turmoil on the issue, the Hispancis of California in turmoil on the issue, you will never be able to respond to that kind of diverse and confusing pressure. I understand that.

I do not know how many illegal undocumented aliens there are in California, but there are a tremendous number of them in the State of Wyoming. Even though we have a State with high altitude and low multitude, we still have a tremendous number of illegal undocumented workers in agriculture and other service industries within my State and in every State in this Union.

My sensitivities have been sharpened by the fact that I grew up in a county of Wyoming which used the bracero system. I saw some significant abuses of that system in my time and often used to represent those persons in pro bono activity, a lot of them, at a time when it was not popular to represent an illegal undocumented worker or a bracero in, say, fighting the car dealer who was president of the chamber of commerce—not a very popular thing for a young lawyer in a small community.

And then I happened to grow up at the age of 13 next to what became the third largest city in Wyoming called the Japanese War Relocation Center. I doubt that many had that experience, to watch American citizens of my age behind wire wearing the same Boy Scout uniforms, carrying the same ringing stories, and reading the same marvelous literature. That is the way it was.

The issue that this sensitive Senator from California expresses from his whole lifetime of progressive civil libertarian outflow is very real, and his life in Nazi Germany and the extraordinary things he did there with trans-

lation of Hitler's various works, I understand that.

This bill does not require any form or kind of a national identification card. That is off the wall. I have said it is off the wall. It would not matter who said it. There is nothing in this bill that requires a national Identification. card.

I cite to my colleagues the report language on page 10:

The committee is most emphatically not requiring or permitting the development of an internal passport or national I.D. card.

We would never have come this far if it had reference to anything else.

The chairman of the Select Commission on Immigration and Refugee Policy was an extraordinary gentleman named Father Ted Hesburgh, who was formerly the chairman of the Civil Rights Commission of the United States.

The record should be absolutely clear as to what this bill does. We have put more protections in this bill to avoid employment discrimination than have even been in any other form of immigration reform proposed by anybody of either party in either House, at least that I have ever read, more than was in the two bills which passed the House in recent years, more than in any bill introduced in this body.

I have heard the argument about the Third World and our duty to them. I hear that. I know that argument. You know what happens when things get better in the Third World and I hope and pray that they get better in the Third World? At least the same things that are happening now. Those who are economically able to earn and produce in the Third World leave. The poor do not leave. They cannot afford to leave. With the present magnet of the United States, the word is out throughout the entire world: "Whether you are a refugee or whether you are an economic migrant, all you have to do is get there. You get there and you're home free."

Nothing more mysterious in this bill than one thing, and I keep throwing it back as a clarion. The first duty of a sovereign nation is to control its borders. We do not. You could stop right there.

I have visited with the Government of Mexico. I visited with former President Lopez Portillo. They are sensitive, extraordinary people. I said to them:

There is nobody in this room but us. What do you want us to do with immigration reform in the United States?

After just saying, of course, that I was not from the executive department or the State Department. And they said, "We would not interfere with what you are doing. We do not want to interfere with what you are doing." I said, "Great. Now, run that again. There is nobody here. What would you have us do?" Still no response. And, finally, I remember President Lopez Portillo saying, "Yes, I have something that I want to share with you that I hope you will do. I hope that you will see that our people are taken care of and not exploited and that they are loved and provided for." I said, "I like that, too. How do we do that when they are there illegally?" And he said, "That is the serious issue, isn't it?" I said, "That's it."

So hopefully, when we talk about the Third World and Mexico, we will see Mexico become as involved because their borders have no control. And you will see that I think in these next months when we see Guatemalan refugee camps on the southern border of Mexico of between 30,000 and 100,000 persons according to various sources; when we see Mexican labor displaced in the oil patch by illegal and undocumented workers from Honduras and Guatemala, who come to Oklahoma, Louisiana, and Texas and break down the very industry that is to lead Mexico out of its economic plight; the sooner we get to the issue in this country—and it does not matter who is the President or what party is in power; the sooner we sit with that southern neighbor and deal with all the issues on the table at the same time, whether it be trade, employment, petroleum, or immigration, we will make some tracks in this country.

As soon as Mexico becomes as deeply involved in the areas of Central America as I know they will, we will again make tracks.

So, as I asked every witness who testified for many months, what happens if we do nothing? I can tell you that the response is not a bright one at all, because if you think you see discrimination now in America, with 108,000 being apprehended at the border in March, and we apprehend only 1 out of 5, and they simply come, then I think you will be witness to something that will really increase discrimination. We will simply go out and give the INS and the border patrol more money to do their job and we will have more sweeps and more operations and more intrusions into the workplace. Finally, the employer will say, "I'm not going to hire anybody who looks 'foreign' "; and there you reach the epitome of discrimination in the United States.

Mr. President, I believe Senator McCLURE is here with his amendment, and I appreciate his presenting it at this time.

I suggest the absence of a quorum, with the time to run equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1279

(Purpose: To require a properly executed warrant before an officer or employee of the Immigration and Naturalization Service may enter a farm or other agricultural operation)

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho (Mr. McCLURE), for himself and Mr. SYMMS, Mr. LAXALT, Mr. TOWER, Mr. WILSON, Mr. CRANSTON, Mr. DECONCINI, and Mr. DOMENICI, proposes an amendment numbered 1279.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end thereof the following:

"(d) Notwithstanding any other provision of this section, other than paragraph (3) subsection (a), an officer or employee of the Service may not enter onto the premises of a farm or other agricultural operation without a properly executed warrant.".

Mr. McCLURE. Mr. President, this amendment, which is cosponsored by Senators SYMMS, LAXALT, TOWER, WILSON, CRANSTON, DECONCINI, and DOMENICI, would require the Immigration and Naturalization Service to obtain a properly executed search warrant prior to entering a farm or any other agricultural operation.

As the situation stands now, INS agents must routinely obtain a search warrant before they can enter any place of business to look for illegal aliens. However, INS agents do not need to obtain a search warrant to enter a farm or a ranch. Without warning, they can descend upon a field and detain anyone they suspect of being an illegal alien. They could not do that anywhere else.

The reason why INS agents are allowed to forgo the usual procedure of obtaining a search warrant is an unfair and, I believe, incorrect and discriminatory interpretation of a legal document which allows farms and ranches to be placed in a separate category from all other places of business.

INS policy now treats agricultural lands as open fields, beyond the scope of the fourth amendment; but the so-called open field doctrine properly applies only to situations in which illegal activity—the so-called fruit of a

crime—is clearly visible to law enforcement agencies.

The open-field doctrine was first set out in the case of Hester against United States. In this case, two men were convicted of moonshining on the basis that law enforcement officials saw the defendants throwing an empty moonshine jug onto their property. The court focused primarily on the fact that the defendants' own acts disclosed the evidence on which their convictions were based.

In the case of farms and ranches, the only activity the INS can see is farm laborers working in the fields, and that is not per se a violation of any law.

It is discriminatory on its face to assume, on sight, that certain farmworkers are undocumented simply because of the color of their skin.

And that is what the INS is doing. They drive by a field. They see someone whose skin is different, and they say there is a presumption of violation of the law, based upon that fact which then gives the application of the open-field doctrine.

If the workers look like they might be illegal aliens, so their logic goes, they then have sufficient reason to enter the fields. Yet only when the agents finally enter the fields can an illegal versus legal status be determined.

There is no question that the fourth amendment protects people, not places; that is exactly the idea that this amendment seeks to reinforce. The objective determination of probable cause by a magistrate—for which all people have guarantees—is not afforded—either to the farmer or the farmworker under the current practice.

This amendment seeks to protect the rights of the farmowner and his employees, who would have the same rights and protections as all other workers and employees if there were walls around their place of work. INS agents have taken full advantage of this situation and have repeatedly abused individual rights and harassed honest farm and ranch workers.

This situation is intolerable. There is absolutely no reason why farmers and ranchers and their employees should not be afforded the same rights and standards of protection that every other businessman enjoys under the fourth amendment of the Constitution—protection from unreasonable search and seizure. Simply because a farm or ranch is an easy mark for the INS—offering the easiest and most cost-efficient means of reaching their quota objectives—is no reason to apply a different set of rules.

The fact that INS agents do not obtain a search warrant to enter agricultural lands has led the INS to concentrate their enforcement activities primarily on agriculture. Nearly 50 percent of all aliens taken into custody were employed on farms. Yet only about 8 percent of the total number of aliens in this country work on farms.

These figures reflect a distinct bias in the enforcement activities of the INS, and they serve notice that farmers and farmworkers are not receiving equal protection under the law as envisioned in our Constitution.

The INS contends that because farms and ranches fall under the category of "open fields," their agents do not have to obtain a search warrant before entering a farmer's fields. Yet a farm is nothing less than a factory without walls—a business operation that is vital to our Nation's economy.

The arbitrary and biased enforcement policy of the INS also results in crop losses for farmers and, ultimately, higher prices for consumers not because of violations of the law but because of enforcement bias. If a farmer's workforce is rounded up for interrogation during harvest time, even if no violation is found, that farmer often has no choice but to let his crops rot in the fields. Some farmers have reported losses as high as $100,000 because of this harassment.

Search warrants, Mr. President, are the general rule, to which legitimate needs of law enforcement may demand specific exemptions. However, no one has granted the INS this exception; they have simply assumed it.

To safeguard the rights of farmers and ranchers—and to insure that all employees are protected under the fourth amendment—we must take corrective steps. My amendment does not establish any particular precedent or protection for farmers and ranchers: it simply guarantees them the same rights enjoyed by every other employer and every other employee in the Nation. I would also add that the House Judiciary Committee has voted to include a similar search warrant requirement in its legislation.

It is remarkable, Mr. President, that legislation is necessary to insure that all Americans receive the protection granted under the Constitution. However, our system has failed in this important civil obligation.

Mr. President, this amendment is supported by a wide range of groups, including the American Farm Bureau, the National Cattlemen's Association, the National Wool Growers Association, the United Fresh Fruit & Vegetable Growers, and the American Civil Liberties Union.

Mr. President, I reserve the remainder of my time.

Mr. WILSON. Mr. President, will the Senator yield?

Mr. SIMPSON. Mr. President, I was reflecting that this is an extraordinary alliance that the Senator just outlined.

Mr. McCLURE. I hope and I believe it will be a successful one.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. Mr. President, how much time remains to the Senator from Idaho?

The PRESIDING OFFICER. Seven minutes and 44 seconds remain.

Mr. McCLURE. I yield 3 minutes to the distinguished Senator from California (Mr. WILSON).

Mr. WILSON. Mr. President, I rise to support the effort by my distinguished friend from Idaho.

I do not think the alliance is all that strange, as our good friend from Wyoming was just observing. I think it is entirely reasonable that people of different specific interests can see a common interest in the necessity of safeguarding the rights of growers, of workers.

Mr. President, I think that this is a necessary amendment simply in terms of equity. If we are going to be honest about it, the fact of the matter is, that it is easy for agents of the Federal Government employed by the Immigration and Naturalization Service, the border patrol, to see what they think is a much simpler way to find illegal aliens, and to put them into what is presently the revolving door, whereby they are for a time removed from the fields, for a time only and then returned.

It is easier than having to go through the kind of procedure that any other small businessman can in fact invoke, and that is the constitutional protection that requires a search warrant.

The point really I think is that we are engaged in the Immigration Reform Act and a number of anomalies, a number of ironic conflicts exist.

Just yesterday, with great wisdom, the managers of this legislation, the distinguished Senator from Wyoming and the distinguished Senator from Massachusetts, agreed to an amendment. They accepted an amendment which takes cognizance of the reality of the difficult situation faced by those who grow perishable commodities and they provided that this new, untried, and untested legislation with its cumbersome bureaucratic procedures that require certification should be cushioned at least to an extent of a 3-year transition period for those workers hired by those who grow perishable commodities.

That was to allow that industry to survive, and not be disrupted in order to avoid the kind of economic dislocation not just to growers but of those whose livelihoods are derived in a subsidiary fashion from the ability of the growers to harvest perishable commodities in a timely fashion, to avoid the kind of crop loss that means not only the loss of employment to those

engaged as well in the packing, processing, distribution, and marketing of those perishable commodities but the kind of crop loss that will mean permanent economic dislocation.

Yet today, the Senator from Idaho is asking simple equity. He is asking that those engaged in that kind of employment be afforded the same constitutional protection as any other small business person who has the right to insist that before his premises be searched that there be a warrant produced indicating that there is just or probable cause for that search to be conducted.

The point really is that the requirement for that kind of equity is to avoid the practical result that otherwise ensues when a search is made without a warrant, when in fact intimidation occurs. If that kind of thing continues to occur as it has in the past the predictable result is that the 3-year transition so wisely afforded by the Senator from Wyoming and the Senator from Massachusetts will be largely vitiated in the effect it seeks to produce which is a cushion of this transition period or this new legislation.

The PRESIDING OFFICER (Mr. ABDNOR). The 3 minutes have expired.

Mr. WILSON. I request an additional minute, by unanimous consent.

Mr. McCLURE. I yield 1 additional minute.

Mr. WILSON. I thank the Senator from Idaho. Let me just say the practical result of not gaining this protection is not only that we have those in a similar situation being treated quite differently for no justifiable reason, no reason really in my view that would satisfy a constitutional requirement for equal protection under the laws, but we also have the practical result that the purpose of the 3-year transition, which is to cushion this industry from the effects of this new legislation, will not be realized. In fact we will have raids on the fields, that people will disappear for days at a time, that there will not be timely harvests, and that the 3-year transition period afforded will not be carried out successfully. I support the Senator from Idaho. I think it is simple equity and it also will abort realization of the results of the 3-year transition sought.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, I always appreciate any participation that I perceive by Senator McCLURE from Idaho, my neighboring State. He is an extraordinary person in following almost every single issue that comes before the Senate. How he does that I have only the deepest admiration for. I happen to chair the areas of veterans affairs and immigration and nuclear regulation, but he chairs Energy and Natural Resources and seems to follow everything in this Chamber, which is an extraordinary thing and I have the deepest admiration for it.

The Senator from California, although new to this body, has riveted upon this issue of immigration reform in an extraordinary way and done an extraordinary job, as witnessed by his success and the extraordinary success of the so-called DeConcini-Wilson amendment of yesterday, a significant breaking of the logjam which was paralyzing this legislation.

Now, with all that, I speak in opposition to the amendment for this reason: The purpose of the legislation is to improve control over illegal immigration. That is it. Increased enforcement is a very key part of that. This amendment would very effectively defeat that purpose by greatly diminishing the ability of the Immigration and Naturalization Service to enforce immigration laws in the very occupations and industries which are presently dominated by the illegal labor force. That is, I guess, irony No. 1, since we are speaking of ironies.

This amendment would effectively eliminate border patrol farm and ranch checks. The Immigration Service does not have the resources available to process warrants, to travel from the site to rural areas, to prepare and sign affidavits and to obtain approval and issuance of the warrant by a magistrate. Anyone who has ever been involved in the practice of law knows that, and especially in rural areas of the United States, that is an impossibility.

Further, the field crews who are involved in this type of illegal employment move rapidly. No, that would be an understatement, they move frantically from place to place when this type of activity is going on, which makes the obtaining of a search warrant a futile effort.

This amendment would reverse several existing Supreme Court holdings on the application of the fourth amendment to open fields. The purpose of the fourth amendment is to protect privacy, not to aid an employer or field boss hiring illegal undocumented persons who are evading our immigration laws. That is not the purpose of the fourth amendment.

As I understand the theory behind this amendment, and I hope I perceive it correctly, it is this: It is not fair that the INS can see into an open field when they cannot see into a factory. I perceive that that is the essence of the argument. So here we are seeking to pass a new and substantive law which protects the knowing employment of the illegal undocumented aliens, and we are presented with an amendment which will greatly reduce our ability to enforce that law. It would be a contradiction in every term to support this amendment if one truly does believe in control.

Mr. President, let me include in my remarks with regard to the Supreme Court decision a list of the various decisions of the Supreme Court on that issue. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the list of cases was ordered to be printed in the RECORD, as follows:

DECISIONS OF SUPREME COURT

Katz v. U.S. (U.S. 1967) Supreme Court determined—4th Amendment protects people, not places.

Hester v. U.S. (Supreme Ct. 1924) court decided that the special protection accorded to people by the 4th Amendment is not extended to the open fields.

Countless other fact situations produce the same result whether *Hester* or *Katz* is utilized as the basis of decision.

9th Circuit—*U.S. v. Freie:* examination of boxes adjacent to and visible from little-used airstrip in isolated mountainous region.

9th Circuit—*U.S. v. Pruitt:* entry of grove of trees sometimes used as campsite and examination of boxes which had been left there.

Ariz. App. 1973—*State v. Caldwell:* entry of desert area where, "general public was apt to wander" and discovery of marijuana bricks.

California App. 1973—*Dean v. Superior Court:* overflight of and then entry upon field of growing marijuana in an isolated area of Sierra foothills surrounded by forest.

Colorado 1977—*People v. McLangherty:* entry of open pasture and discovery of stolen bee raising equipment.

S.W. 2d. Missouri App. 1974—*State v. Stavricos:* entry of vacant lot & discovery in weeds of paper bag containing drugs.

N.H. A. 2d. 1973—*State v. Hanson:* entry of cultivated area of marijuana surrounded on 3 sides by woods.

Mr. SIMPSON. Immigration officers are presently—and I think this is a very key point—they are presently not permitted to enter farmhouses, or barns, or other farm buildings without a warrant. They cannot do that now. If they suspect illegal aliens are in these places they can now post an officer, and this is what they do, to observe the premises while they obtain a search warrant. They do that now. Those things are not possible in an open field. Illegal workers move quickly, as I say often frantically, from field to field, effectively frustrating the enforcement of the employer sanctions law which we are seeking to pass.

I think most of my colleagues recognize the absolute detail involved in securing a search warrant and that is good because it is a serious and powerful tool of law enforcement, and it should always be tough to get because it is a serious intrusion when officers enter one's home or buildings. They are not lightly granted.

However, agricultural work crews are extremely mobile, moving swiftly. By the time a valid search warrant is secured these crews have frequently moved to another location rendering the warrant invalid and useless.

Countless resources will be wasted by continuing attempts to rewrite affidavits and warrants under continually changing circumstances, while all the employers and the employees are on the run. That is reality.

All of you have received correspondence, letters from another interesting array of groups, mostly involved in law enforcement, and DEA, and Justice, and police chiefs, and law enforcement officers. Those associations have been supportive of the bill but they cannot be supportive of this amendment because here it is: They point out, I think very sensibly, do not put it on the basis of enforcement versus nonenforcement. Put it on the basis that this amendment would undercut the entire law enforcement area or effect in rural areas, not only in immigration enforcement but potentially in other crime enforcement efforts, because while drug enforcement officers need warrants to search buildings for drugs, they do not now need warrants to enter open fields to find marihuana production or cultivation to arrest drug smugglers, they do not need that. While officers need warrants to search buildings for evidence or persons involved in rape, or robbery, or murder, they do not need warrants to search open fields for these same persons or for evidence, and that is as it should be, and it should be then no different for those officers who enforce our immigration laws.

This amendment would have a devastating effect upon control of illegal immigration. The Senator from California speaks of ironies, I described irony No. 1. Now let me describe irony No. 2: How come it is that when agricultural growers do not like illegals being apprehended and disrupting harvests, they say that only 8 percent of all illegals are in agriculture but 50 percent of all apprehensions are in agriculture?

But when they fear losing the illegal aliens as workers through the implementation of employer sanctions, they claim they will not be able to harvest their crops, the food prices will rise unless they have special H-2 agricultural workers and transitional temporary worker programs. That seems very ironical to me.

And, irony No. 3, I guess, is a greater one. Just as we are processing a bill to control illegal immigration, this amendment is offered which will effectively reduce control, one that will severely hamper the enforcement of our immigration laws. Just as the proponents of the legislation ask for 3- or 5-year programs, the proponents of the amendment yesterday asking for 3- or 5-year programs to allow people who are in this country illegally, in this country to work in agriculture during a transition period, they now offer an amendment which will make it evermore difficult to enforce the provisions of the transition program, because it is a wean-away program.

It is letting them start with 100 percent of illegal, undocumented persons in a transitional flow and in a year coming down to 66 percent. How do we find that out? Through law enforcement. And the next year coming down to 33 percent. And how do we find that out? By law enforcement. So that, to me, is an extraordinary irony.

I can only say that I understand the reasoning. It is the amendment that Senator McCLURE so ably presented in the last debate on this issue. But it will effectively freeze and seriously hamper law enforcement which is a very important part of immigration reform.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Let me respond to what my good friend from Wyoming has said. I do not want to take all of my remaining time to make eulogies to him for the work that he has done on this bill and the difficulty of trying to write a bill. It would take all of the remaining time to adequately express the admiration I have for him and the difficulty of the task that he is faced with in constructing this legislation. But, at the same time, neither do I wish to overlook what I think are misstatements or misapplication of fact.

This amendment does not overturn Supreme Court decisions. It simply stops an abusive practice by INS who misapplies the open fields doctrine. The open fields doctrine says where you see a crime being committed, where there is the evidence in front of you, you can go out in that field and look for it. If you see a marihuana plant there, you can go out and seize the evidence with respect to the drug enforcement.

But the only observable incident in this instance is that there is a worker in the field whose skin is a different color. They would not go into that field for any other reason. It is a misapplication of the open fields doctrine to say as a matter of fact, because you see somebody there whose skin is not like a white Caucasian, you can go out there suspecting the incidence of a crime. What does that say to the legal U.S. citizen who is working there totally lawfully? That is the fault of the focus of this practice by INS. That is the focus of the correction of this amendment and it does not overturn Supreme Court decisions.

The Senator from Wyoming says that INS would be hampered. They already must get a search warrant in any other case. In any other case—in the farmer's barnyard, in the farmer's shop, in the farmer's house, in the migrant worker's housing—he must get a search warrant. But if you see somebody out there in the field, you go grab them.

Now, what kind of law enforcement is that? What kind of an excuse is it that it will make it difficult for law enforcement to have to observe constitutional guarantees? We do in every other instance, why not in this instance?

It is suggested that, as a matter of fact, INS would be hampered in their ability to apprehend illegal aliens. Well, what about what it does to their ability to intimidate legal aliens, to infringe upon the rights of lawful citizens of this country, employers and employees alike?

A great demand for enforcement of illegal alien laws, for the enforcement of illegal aliens in this country and their deportation, comes from people who believe that illegal aliens, and rightfully believe, displaced workers from their jobs in this country. This practice by INS focuses their activity where that displacement is the least and diverts their resources away from the legitimate complaint that does occur in 92 percent of the illegal alien employment in this country, which is in a workplace that is not an open field.

If we are really trying to deal with this question of job displacement, why do we not direct the INS to look where the abuses occur and stop looking at the area that is of the least concern, legitimate concern, to the laboring men and women of this country? No, this amendment does not destroy INS. This amendment seeks simply to give the legal employer and the legal employee in this country, regardless of their race, regardless of their language, regardless of where they live and work, the same protection in the Constitution which INS is now depriving them of.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, that was a fascinating argument heard before. What this just might allow, if you look at it, if this amendment were passed, instead of all of these concerns about civil rights and discrimination, this amendment just might allow exploitation. Now that is possible, is it not, might I inquire?

Mr. McCLURE. Will the Senator yield on his time?

Mr. SIMPSON. Yes, I will.

Mr. McCLURE. I suggest to the Senator that the real problem, if there is displacement, is in the factory, in the workplace, other than the open field. And so if you are going to look at exploitation, it may well be that we have diverted INS away from the greatest abuses, the greatest degree of exploitation, and turned their attention toward that which is much less important.

Mr. SIMPSON. Mr. President, I understand that and I hear that. It is much easier, if that is the word, to obtain a search warrant in a known factory that the INS perhaps has been observing, that is a persistent hirer of illegal, undocumented workers. Search warrants are more appropriate to be granted in those situations for that type of an operation out of historical examination of the premise and perhaps previous search warrant activity. Those things are real in search warrants. I understand what is being said.

But when we are talking about rights and responsibilities and those things that move us, I cannot help but think that the passage of this amendment will result in exploitation. I do not want to use the words "continued exploitation," because there are those who are in a persistent pattern and practice of using illegal, undocumented workers and it will be a tough haul for them.

It is easy to say that we should enforce the existing laws, that if we only enforce the existing wage-hour laws of the United States, somehow we would not have to do this. That would be wonderful if we had any kind of rational law about illegal, undocumented workers. But we have chosen to grant ourselves in this country, only in America, the extraordinary law on the books that says it is illegal to harbor an illegal, undocumented worker. Then added to that was a thing called the Texas proviso which says, "However, the word 'harbor' does not include employment."

So how are we ever going to enforce laws on our books when it is legal for an employer to hire an illegal but it is illegal for the illegal to work? You cannot bring Alice out of Wonderland when you have a law on the books of the United States like that. I do not see how that can ever come to pass.

I join with my colleague from Idaho in wanting desperately to put more money into EEOC and wage and hour laws, but how will it ever have any effect when we have a basic law on the books that allows this extraordinary departure from sanity?

Mr. President, I reserve the remainder of my time.

Mr. McCLURE. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. How much time have I remaining?

The PRESIDING OFFICER. Time has expired.

Mr. McCLURE. Will the Senator from Wyoming yield 1 minute from his time?

Mr. SIMPSON. I yield.

Mr. McCLURE. I just wanted to make a comment on a point made by the Senator in his first argument. Getting a search warrant for a factory, a house, a farmshed, a migrant workers' housing project is easy, but it would be hard to get one for a farm place, an open field.

That, to me, simply does not stand either the test of reason or the test of practice in the courts.

If there is reason to believe and a probable cause showing can be made to the magistrate, the search warrants would issue. If, as a matter of fact, that search warrant is issued, the INS agents can descend upon the field without notice and with just as much surprise as is currently the case.

The only thing this eliminates is his ability to run up and down the open roads looking out into the field to perceive whether he sees somebody with a darker skin working out there as the subject of a possible arrest.

Mr. SIMPSON. Mr. President, I ask unanimous consent to yield myself an additional 2 minutes on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Let me say in response, and I will yield an additional minute or two to the Senator from Idaho if he wishes to respond further, on this issue of search warrants in open fields versus buildings, that when you get a search warrant on a building you have usually secured the building. You have people there who are waiting for the warrant and the servers to appear. You cannot do that in an open field. There is no way to secure an open field. That is a reality of law enforcement.

My final point is this, because I have heard twice now the reference to the issue of driving along or going along and looking for brown-skinned workers.

What happens in law enforcement is Immigration officers typically make farm checks and workplace surveys on tips. They receive those tips from informers or people who see this going on, what they might describe as exploitation, and so they report that. The subcommittee has never received—and I have asked my staff to glean the records—in 2 years of testimony any evidence that the INS officers randomly drive down roads looking for brown-skinned workers.

They get information that there are illegal workers and then as their limited resources allow they follow up those tips with farm and ranch checks.

I greatly fear that the open fields of this country will become an oasis for illegal employment, were this amendment to be adopted. That is my concern.

Mr. McCLURE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there is a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote, under the previous order, will occur at 3:30 p.m.

The question recurs on the Kennedy amendment.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Kennedy amendment be temporarily set aside. I now yield to Senator D'AMATO under the regular order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New York.

AMENDMENT NO. 1280

(Purpose: To require the Federal Government to reimburse State governments for the cost of incarcerating in State prisons illegal aliens and refugees who commit felonies)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. D'AMATO), for himself, Mr. HATCH, Mr. CHILES, Mr. MOYNIHAN, Mr. BENTSEN, Mr. SPECTER, Mrs. HAWKINS, Mr. JOHNSTON, Mr. WILSON, Mr. LAUTENBERG, Mr. TOWER, Mr. LEAHY, Mr. MURKOWSKI, Mr. INOUYE, Mr. COCHRAN, Mr. BOREN, and Mr. MATSUNAGA proposes an amendment numbered 1280.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . (a) The Attorney General shall reimburse a State for the costs incurred by such State for the imprisonment of any alien who is convicted of a felony by such State.

(b) An alien referred to in subsection (a) is any alien, as defined in section 101(a)(3) of the Immigration and Nationality Act, other than—

(1) an alien who was issued an immigrant visa or who otherwise acquired the status of an alien lawfully admitted for permanent residence, and who was subject to the numerical limitations contained in section 207(a) of the Immigration and Nationality Act (other than an alien accorded the status of a temporary or permanent resident under section 245A of such Act);

(2) an alien who is an immediate relative within the meaning of section 201(b) of such Act; and

(3) an alien who is a nonimmigrant within the meaning of subparagraphs (A) or (G) of section 101(a)(15).

(c) There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

(d) This amendment shall become effective on October 1, 1983.

Mr. D'AMATO. Mr. President, let me first say that the amendment that I speak in favor of is one that has the cosponsorship of 16 of my colleagues, some of whom represent States that

do not have the kinds of problems that my State of New York has with respect to illegal aliens now becoming a great drain on our prison systems and on the resources of our criminal justice system.

Cosponsoring this legislation are Senators HATCH, SPECTER, JOHNSTON, LAUTENBERG, BOREN, BENTSEN, HAWKINS, MOYNIHAN, WILSON, CHILES, TOWER, LEAHY, MURKOWSKI, INOUYE, COCHRAN, and MATSUNAGA. This legislation, which has the full support of the National Governors Association, will require the Federal Government to reimburse the States for the cost of imprisoning illegal aliens, aliens admitted in excess of normal quotas—particularly those entering on the Cuban and Haitian boat lifts—and aliens here on temporary visas, who have been convicted of a felony. My amendment will correct a profound inequity resulting directly from Federal Government immigration policies.

A survey of State prison systems carried out by the New York Department of Corrections has disclosed that there are today at least 4,000 aliens adding to our State's enormous prison overcrowding problems. In New Mexico, 8 percent of felons in State prisons are aliens. In New York 3 percent, or more than 800 prisons are aliens.

States reporting significant numbers of aliens in prison include the following:

Florida	750
Michigan	38
New Jersey	259
New York	832
Ohio	28
Pennsylvania	200
Texas	627
Arizona	111
Louisiana	29
New Mexico	144

No State, however, is, or can expect to remain, untouched by this problem.

Florida, Wisconsin, Arkansas, and Pennsylvania, where Cuban refugee resettlement camps were located, experienced serious crime waves after opening of these camps. Detention centers are currently operating in New York, Florida, Texas, and California. More are planned. Every State has held deportable aliens in custody for the Immigration and Naturalization Service. Every State has incurred expenses for these criminals, which are rightfully a Federal responsibility. Not only has the Federal Government failed to control our borders, in the case of the Marielito Cubans and Haitians, it has welcomed thousands of aliens with open arms—and then said to the States: You deal with them.

As the number of illegal aliens, migrant workers, and asylees entering our country continues to escalate, this burden on our State prison systems will also grow.

Hundreds of thousands of illegal immigrants now enter the United States annually. The yearly inflow of illegal aliens is 500,000. The Immigration and Naturalization Service apprehends nearly 1 million illegal aliens every year. Yet, there are at least 3.5 million, and possibly as many as 12 million, illegal aliens in the United States today.

Since World War II, 1½ million refugees have fled to this country. Hundreds of thousands of Indochinese, Cubans, and Haitians have also been permitted to enter the country in recent years in excess of normal quotas. More than 7 million nonimmigrant students, migrant workers, and other visitors enter this country on temporary visas every year.

It is important to understand why, under this legislation, some categories of aliens will trigger Federal reimbursement, while others will not. Simply stated, there will be Federal reimbursement for State expenditures in connection with alien felons in those cases in which there is no adequate Federal safeguard protecting the States from large influxes of potential criminals. When illegal aliens, refugees, migrant workers, and others admitted on temporary visas are permitted to enter the country, they are admitted according to no set numerical quota. Their admission is essentially a matter of Department of State discretion. The decisionmaking process is one in which foreign policy considerations dominate over the need to safeguard and protect American citizens.

Federal reimbursement will not be required in cases of aliens admitted under numerical quotas because in such cases Immigration and Naturalization Service screening offers the States a substantial measure of protection. An adequate screening process and the very fact of family ties also can protect the States when relatives of American citizens are admitted. For this reason, this class of immigrants is also excluded from Federal reimbursement. Finally, this legislation excludes diplomats because diplomatic immunity prevents their incarceration in the United States.

This is the second bill I have introduced in the last month to help our States deal with the many problems facing their overburdened prison systems. The first bill, the Correctional Facility Development Act (S. 1005) which would provide $1 billion per year for 3 years to the States on a matching basis for prison construction, is currently pending before the Committee on the Judiciary.

I thank those Senators who have added their support for this amendment. I thank them because they pay more than lipservice to our call to aid our States and communities in their fight to make our communities safe and to deal with the epidemic of crime, which has made it impossible for many of our State institutions to house the large numbers of felons placed in the system.

Today, exacerbating the problem of the criminal justice system, is the fact that there are now more than 4,000 aliens in State prisons adding to the fiscal burden of the criminal justice system.

I recognize that fiscal responsibility is important. I recognize that we have budget constraints. I recognize that there are many good works and things that we would like to undertake, but which we simply cannot do.

But I believe that we simply cannot afford to give lipservice to a so-called war on crime and allow our States to be inundated. We cannot afford to give them little in the way of help at this moment in our history when we are considering this historic legislation.

I commend my friend and colleague, Senator SIMPSON, for his outstanding work in attempting to fashion a bill dealing with the incredible complexities of immigration. I think it is important for us to recognize that the Federal Government has indeed helped to create, compound, and exacerbate the illegal alien problem, which is now creating such a great strain on the financial resources of our States.

This is our opportunity to say that the Federal Government will reimburse the States for the cost of the imprisonment of aliens convicted of felonies.

This legislation would require that the Federal Government reimburse States for the cost of imprisoning: First, illegal aliens; and second, refugees and asylees. We are talking about the Marielitos, the Haitians, the boat people, the Vietnamese, and other aliens who commit felonies, those who have been adjudged to have broken the laws of this country and who are now in the State prison systems.

As I mentioned, there is an estimated 4,000 aliens in prisons nationwide. The annual cost of this is approximately $57 million. We calculate that cost on the basis of an annual average cost of some $14,373 for incarcerating a prisoner in the United States.

The cost to the States can be expected to grow. One of the problems we have had is that when this Nation opened up its ports, Fidel Castro, in 1980, emptied his prisons. Many of the estimated 40,000 prisoners that Fidel Castro allowed out of his jails and into our country are making their way through the criminal justice system today. In New York City alone, we have established that within a 15-month period, 56 murders were committed by Marielito Cubans. Every one of those murders was committed by people who were former prisoners. This epidemic is beginning to spread throughout this Nation and we shall find, in State after State and place

after place, alien felons are working themselves through the system to become yet another burden on our already overcrowded State facilities.

Mr. President, our criminal justice system needs aid desperately. We send billions of dollars overseas in foreign aid. We are going to be voting on a controversial bill of $8.3 billion for IMF. For us to say we cannot make available $57 million to aid our States in the war against crime, to help make our communities safe and secure would be a tragedy.

The fact of the matter is that the rest of this immigration bill is going to impact on our State and local governments tremendously. We ought to help them to the extent that we can responsibly. I certainly think it is incumbent upon us to give more than rhetoric and lipservice when we say we join with the States to declare a war on crime. When we talk to people and ask them what disturbs them most, we find that, yes, they are concerned about the economy; yes, they are concerned about the great issues of war and peace. But in area after area, throughout the length and breadth of this great Nation, people are concerned about public safety. You cannot have public safety if the courts do not have spaces to send the prisoners to. You cannot have public safety when you have the situations we have in our States today in which prisoners are being paroled—not because they have served enough time, not because they are model prisoners, but because prisons do not have adequate space.

I submit this amendment because it makes sense, and because it is the fair thing to do. This is the opportune time for us to demonstrate convincingly to the States of this Nation that the Congress of the United States is hearing them and that we can appropriate the moneys or authorize legislation necessary to go forward, to begin to deal with at least a small part of this problem. I hope that we can come together and demonstrate to the American public that we are capable of more than just rhetoric, and that we are prepared to meet this challenge.

You know, Mr. President, we talk in the Preamble to the Constitution about domestic tranquility as a responsibility of this Nation. We are losing domestic tranquility. We have insurrection in the streets, in neighborhoods, in hamlets, in urban centers, in rural areas throughout this Nation. If we do not give help to our local law enforcement officers, after the criminals have been captured, after they have convicted, to see to it that the criminals can be placed in a secure detention center, then we are derelict in our duty and our responsibility.

I suggest that, as a result of our lax immigration policies, and our failures in coping with immigration issues, we have contributed mightily to the problems that our States now are confronted with.

Mr. SIMPSON. Mr. President, I understand the impetus behind the amendment and the good motives of my colleague from New York. I have discussed this with him rather thoroughly and hoped that we could have reached a different result, where I could have, perhaps, proposed something else. Since we were unable to do that, I simply share with him that the scope of this amendment, which I speak against, is very sweeping. It is not just this limited number of people that you might want to get at. It not only applies to illegal aliens; it applies, as drafted, to various other groups, including temporary workers, foreign tourists, asylum seekers, foreign students, refugees. Ironically enough, it will also apply to an H-2 worker who might have come to the Senator's State to pick the apples, or to someone doing business for the State and the employer citizens of the State, who might come here under the H-2 program to work and commit a crime, yet find that that is not a responsibility of the State, that that is a Federal responsibility. That is what this amendment provides.

I can say to him that it is a very significant departure from present law. I can also tell him that it is the very first time that such a measure has been proposed to the committee or to the subcommittee. No hearings have been held on this issue, nor has the subcommittee had the opportunity to study the implications of the broad sweep of this amendment. I pledge to do that. I have mentioned that.

Aliens legalized under the provisions of this bill are persons who have lived and worked and contributed to their communities for more than 3 years. These are the people who have been paying local and State sales taxes and income taxes. These are the people who pay property taxes, indirectly through rents or directly through property ownership. In most instances, indeed, they are workers who are paying their share and are also helping to bear the cost burdens of our penal institutions in this country and in the States, along with the other taxpayers of the country.

Our country has this proud tradition of accepting refugees and displaced persons from around the world. Until the 1960's, the resettlement of those people in our country was accomplished through voluntary agencies, which were truly voluntary. Those volunteers—churches, ethnic groups, family units and others—carried out the resettlement of these newcomers without any significant Federal Government expense. Today, the Federal Government provides reimbursements to the cities and States of the costs of resettling these newcomers for a period of up to 18 months. This amendment would add a significant new Federal responsibility. That is what it does.

Again, Mr. President, it freights this legislation with the helpful argument—to those who want to freight it—that the cost is too great. This is another item added to that. What we do in this place continually is try to see if there is not an increased Federal responsibility in almost everything we do, except for their intrusion. We do not like that, but we sure like their jack. Interesting business.

This amendment has a significant new Federal responsibility. I believe hearings should be held on this issue, on this proposition, before we act swiftly here.

I would have suggested and do suggest as being entirely more appropriate that we include in the reporting requirements under this bill the requirement that the President report to the Congress on an annual basis regarding the number and the cost of State incarceration of illegal aliens and other aliens covered by the proposed amendment.

We will not have any trouble getting that information. There is not a State penal institution in the United States that will not hurriedly present it, and assuredly so. It will be presented with great speed because we have a good idea of the prison population and who is there.

With this information supplied by these reports, this committee would then be in a position to hold hearings and propose some appropriate legislative action.

I urge my colleagues to reject the amendment. I pledge to the Senator from New York and to my colleagues that we will include report language to address the issue. I pledge that the subcommittee will hold hearings on this important issue, but it is one that is impossible to assess right now. If we are going to be responsible—and I hope that is one thing I have done in the midst of this morass—we will then be responsible on this issue also, and I urge that it be rejected, with that pledge to hold hearings and include report language.

Mr. D'AMATO. Mr. President, I thank my distinguished colleague and friend for his indication of support for report language, which will certainly give us a greater knowledge and understanding of the significance of the problem that so many of our States and jurisdictions face. Indeed, this is a significant new responsibility we are asking the Federal Government to assume, but it is one that it should rightfully assume.

We are a great and generous Nation. I certainly do not ask us to turn our backs on immigration policies that give aid, that give compassion, that recognize the great history of our

Nation to open its arms, to give shelter to those who are in need.

But I think we also have to understand that as a result of an inaction and inflexibility and because of a lack of adequate administration of the immigration laws, the Federal Government has created and exacerbated a problem that today has incredible dimensions througout the length and breadth of this Nation.

This amendment is a very, very modest move. The States did not create the situation. The local citizenry did not create this situation. The Federal Government over a period of time has been the cause, and now the burdens are descending upon our citizens.

I am not attempting to suggest that we have crime today simply because aliens commit crimes. In no way am I saying that. Most of the immigrants to our shores are decent, law-abiding, constructive members of society.

Yes, the Federal Government has a responsibility for admitting those aliens, admittedly a minority, who do not fit into that law-abiding category.

I say to my distinguished colleague, what if we get a better count next year? What vehicle are we going to use when we have the Director of OMB who says,

> I would not want to spend $50 million, $60 million, or $70 million even if there are 4,000 aliens who are in our prisons today who qualify, who committed felonies, whether they came in as students or as boat people or as illegals who crossed over.

Should the States be reimbursed? That is the question.

I think they should. I do not think there is any way we can say they should not be reimbursed. They did not create the problem. We did, the Congress, and administration after administration.

I am going to vote for this bill not because it is the cure-all, not because it is the best bill. There are lot of deficiencies. But we have to begin to make the move some place.

I say to my colleagues, that without this amendment, this problem will continue to exist, and whatever we do David Stockman is going to say, "Oh, no, we should not," in his dogmatic interpretation, "fund this."

I think it is an historical opportunity. We should use this opportunity to break ground because what we are doing is seeking justice and equity. Local governments cannot continue to have these burdens placed on them without some assistance.

Is this amendment going to cure the problem? It is a step in the right direction.

I fully understand the great esteem and support that my distinguished colleague carries in the Senate. I wish he were supporting this amendment, because I think it is important that we move forward. Sometimes we just cannot wait for another hearing and another day. I am fearful that we will not have another opportunity to address this problem that faces our society.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. HUMPHREY). One minute, 20 seconds.

Mr. D'AMATO. May I yield a minute to Senator HAWKINS, who I believe has a statement and is a cosponsor of this legislation.

Mrs. HAWKINS. Mr. President, I rise to congratulate the Senator from New York for taking up the battle to insure that State and local governments are protected from the costs associated with undocumented aliens that are now living in the United States. Although his amendment pertains only to the narrow area of criminal justice, it is certainly an important area and one that is costing Florida and our local governments millions of dollars each year.

I am pleased to hear that the Senator from Wyoming is willing to conduct hearings on this next year.

However, I should like to add for the RECORD that during the Mariel boat lift of 1980, a large number of violent and dangerous individuals were released from Cuban jails and mixed among the other Cubans seeking passage to the United States.

The Dade County grand jury concluded an investigation on the impact of the Cuban exodus on the county criminal justice system in May of last year. The findings of the grand jury revealed that among these Cuban entrants, 16 percent were responsible for the total felony arrests in Dade County.

Since the Mariel entrant population represents only 4.6 percent of the total population in Dade County, I think you can work out the math and see that there are over three times more Cuban entrants in Dade County jails than one would expect based on countywide demographics.

The grand jury report goes on to indicate that in addition to significantly increasing the criminal justice caseload, the criminal elements from the Mariel boatlift have resulted in staggering costs to the county. They estimate that the annual cost of housing and processing Mariel entrants and aliens arrested for felonies is in excess of $6 million per year.

These costs are compounded by the fact that both the State of Florida and the Dade County prison systems are under court orders to reduce overcrowded conditions. This means that we will either be forced to release hundreds of people who are incarcerated for felony arrests or are serving sentences for felony convictions. Or we will have to construct new correctional facilities at an estimated cost of $50,250 per year per detainee. In my view, neither option is acceptable. Both place an unfair burden on local taxpayers. These aliens are here in the United States, because of the failure of the U.S. Government to act to prevent them from coming here. As a result, I believe that it is the responsibility of the Federal Government to bear the costs when these people become a danger to society. It certainly is not fair for that burden to fall on the local taxpayers.

I hope my colleagues will support the Senators from New York and Florida in this effort to bring some fairness to the issue of protecting State and local governments from the costs of illegal aliens.

Mr. THURMOND. Mr. President, the amendment presented by the distinguished Senator from New York would reimburse the States for costs to imprison certain aliens who are convicted and sentenced for committing felonies.

Mr. President, this bill is directed at immigration reform and control. It should be limited to that purpose. I understand that the amendment would cover only illegal aliens, aliens admitted in excess of normal quotas and aliens here on temporary visas. Nonetheless, the estimated cost would add, conservatively, $25 million a year to this bill. I do not feel that such an expenditure is appropriate as a part of this legislation and will oppose this amendment.

Mr. CHILES. Mr. President, I rise in support of Senator D'AMATO's amendment which provides for Federal reimbursement to States for the costs of imprisonment of illegal aliens.

My colleagues are all too familiar with the occurrences which led to thousands of inmates from Cuban prisons and mental hospitals arriving on Florida shores. To recap in brief, Fidel Castro recognized a great gap in our immigration policy and forced upon the United States thousands of criminals and mentally ill persons who came in the infamous flotilla of 1980. Hundreds of Cuban Americans took boats to Cuba to retrieve their relatives and friends only to have strangers imposed upon them. Many of these strangers turned out to be undesirables which Castro wanted out of his country. That is the origin of many of the Cuban criminals which now reside in our State prisons.

It did not take long for a lot of these streetwise Cubans to commit crimes in Florida and other States. The crime rate in Florida rose by 25 percent almost overnight. Miami was soon dubbed the crime capital of the United States and our jails and prisons which were already crowded become overcrowded instantly. Law enforcement costs skyrocketed.

Senator D'AMATO's amendment recognizes this significant burden on the

States. As my colleagues are well aware, our State prison systems are already overburdened and overcrowded. They should not have to suffer the consequences of an additional influx of inmates because of the Federal Government's ineffectiveness in controlling our borders. The overcrowding of many of our State prisons with illegal aliens is a good example of a great burden which could have been avoided if we had an effective immigration policy in place. S. 529 goes far in implementing a reformed immigration program. But, I believe that Senator D'AMATO's amendment supplements the program by allowing the States some relief to deal with the costs they are now having to bear.

Mr. President, I am pleased to cosponsor Senator D'AMATO's important amendment and hope my colleagues join in supporting this authorization for Federal reimbursement to States for the cost of incarcerating illegal aliens.

Mr. GORTON. Mr. President, two of my colleagues proposed amendments to this bill which relate to the responsibility of the Federal Government to protect States from adverse impact resulting decisions on immigration matters. The Senator from New Jersey proposed that the block grants included in the bill be replaced by a guarantee of 100-percent reimbursement of the costs incurred by States in providing public assistance to aliens who obtain legal status under the bill. The Senator from New York offered an amendment to have the Federal Government reimburse States for the cost of incarcerating illegal and nonimmigrant aliens.

Both Senators are correct, in my view, in pointing out that decisions on immigration policy and enforcement are entirely within the Federal sphere and that the States should be protected from undue impact arising from decisions over which they have no control. There is a countervailing argument, however, that States may receive significant advantages or benefits from aliens which can offset the costs which sometimes occur. Further, although there is clearly a Federal responsibility in this area, I do not believe it necessarily should be extended to cover all of the vagaries of State welfare regulations, criminal laws, or sentencing policies.

These arguments suggest to me that we should approach blanket reimbursement proposals with great caution. For this reason, I reluctantly opposed the amendments offered by my colleagues from New York and New Jersey. I do think, however, that the concerns which they raised are legitimate. I would, therefore, urge the Senate, through the appropriate committees, to study the burden which aliens may present to State courts and prisons. I would also encourage the Senate to monitor very closely the impact of the legalization program to assure that legitimate Federal responsibilities are met.

Mr. D'AMATO. Mr. President, I do not believe the yeas and nays have been asked for. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Mr. President, how much time do I have remaining on this amendment?

The PRESIDING OFFICER. Nine minutes, fifty-four seconds.

Mr. SIMPSON. I will use a very small segment of that time.

I have listened with interest to the remarks of the Senator from New York. He speaks with some intensity on the issue.

One of the toughest areas throughout the entire procedure that I have to deal with in this issue, as RON MAZZOLI has to in the House, is the specter of four: We deal with emotionalism, we deal with fear, we deal with guilt, and we deal with racism. To let those specters out into the household has never proved to me to be productive in the debate.

I come back to where I was before. I reject the amendment in its present form. I wish we could have adjusted it. We could not. We will let it go up or down. We will find out how that works. It may be very attractive. Federal support is always attractive.

The Senator calls it a problem that has incredible dimensions. I do not know that. The first time I heard it was 2 weeks ago. If the dimensions were that incredible, we have been holding hearings for 2 years. We know of no reliable figures whatsoever. The only figures we have are for Marielitos, and those are sketchy as the Senator so well addresses. We have no figures for the States, no figures from Louisiana, or Wyoming, or Washington; no figures that are good separating out illegals, amnesty violators, permanent resident aliens, tourist visas, no figures from around the United States. It includes much more than illegal aliens.

I have no doubt that when we complete some hearings, we will have some figures. Then I will go with the Senator to David Stockman and say, "These persons in this category of criminals are here because of the Federal Government. These here who are 'illegals' or out of status, and so on—we think the Federal Government should support these systems, and here is where we are."

I can see presenting a case such as that, but not on the information we have here.

Again I come back to the fact that I reject the amendment, and I hope my colleagues will do so. In the course of rejection or approval, I will have report language to address the issue. We will begin to gather our figures from every person in the United States, and we will have hearings on that issue. That is my pledge.

Mr. D'AMATO. I thank my distinguished colleague for his courtesies, for the manner in which he presents his case.

I understand that this is a very difficult bill. I thank the Senator for his pledge to go forward in the manner he has described.

Mr. SIMPSON. I thank the Senator very much. I appreciate that. I will keep that pledge.

The PRESIDING OFFICER. The question recurs on the Kennedy amendment.

Mr. SIMPSON. Mr. President, we are now at the point where there are two remaining amendments. One of them is contingent upon the addressing of the Kennedy amendment. The floor manager of the bill and I are attempting to see if there is a possibility of an accommodation that would be workable. If that is reached, then the Levin amendment will be withdrawn. If that is not reached, then the Levin amendment will be presented. Both have a time agreement, and we are ahead of schedule.

I will suggest the absence of a quorum and request that the time not be charged to either side, because there is very limited time. I think that within an hour or half hour, we might be very close to knowing whether or not we have an accommodation.

Mr. President, there is one other amendment, and that is the Hatfield amendment. I apologize. That remains unresolved, but we are working a possible solution there. At this time, Senator HATFIELD is not in the Chamber.

We need time for the principals to discuss the Kennedy amendment, and I therefore suggest the absence of a quorum and request that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, during the course of this debate there has been an underlying suggestion that immigration to the United States is, somehow, bad—that the numbers are too high, the impact undesirable, and the consequences for the future are negative.

But as I have said repeatedly during the debate this year and last year, these implications fly in the face of American history and all that we know

about the contributions of immigrants to our society.

A recent example that has been given a great deal of negative publicity has been the flow of Cubans to the United States during the boat exodus of 1980. Clearly, the Cuban push-out was a tragic affair, handled badly, both diplomatically and domestically. And most Americans were understandably alarmed over the chaotic arrival of tens of thousands of Cubans to our shores—despite a 20-year history of welcoming Cuban refugees.

Today, if asked, most Americans would still have a strongly negative feeling toward the Cuban refugees of 1980—believing that they continue to pose problems or are a drain on our society. Yet, in just a few years, the facts are quite the contrary. Like all refugees and immigrants who have come to our shores throughout our history, the Cubans of 1980 have become productive, contributing members of our society. It has not been easy for them. It has not been without difficulties. And some have not done as well as others.

But as a report in yesterday's New York Times documents, the vast majority have adjusted very well, and are doing very well in the United States.

Mr. President, this article speaks for itself, and for those Senators who are still anxious over the impact of the Cuban refugees of 1980, I urge a thorough reading of this excellent report.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I have made reference.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 17, 1983]

3 YEARS LATER, MOST CUBANS OF BOATLIFT ARE ADJUSTING HERE

(By Reginald Stuart)

MIAMI, May 16.—It began as a small-boat exodus of several thousand Cubans who were welcomed here as refugees from the Castro Government.

As the number of refugees swelled, many Americans became increasingly upset as the Cuban Government labeled those sailing to southern Florida from the port of Mariel misfits and outcasts.

Today, three years and 120,000 Cuban refugees later, experience and some success stories appear to have disproved many predictions that dire consequences would stem from this sudden injection of refugees, few of whom spoke English and most of whom possessed minimal marketable skills.

Crime among adult refugees has not run rampant year in and year out, as many had feared, and crime among juveniles has fallen far short of predictions by a local judge. Work and a pursuit of English have been taken seriously by many, according to workers involved with the refugees.

Among the success stories of those who made the trip from Mariel Harbor is Eduardo Suárez, a television news photographer in Miami, who recently won a Florida Emmy. Jesús Sarmiento became the first of the refugees to graduate from college in this country, finishing at Florida International University this spring with an engineering degree and a 3.5 grade point average. At the Citrus Grove Junior High School here, Jacqueline Olivera and Addys Martinez, two 15-year-olds, are at the head of their classes academically.

Yet, adjusting to life in America, some refugees and resettlement workers say, has been a slow, painful process for many, complicated by language and a generally negative stigma attached to being a "Marielito," as the refugees have become known.

Juan Molina, a 33-year-old artist, has searched as far as Texas for permanent work, but the quest has been frustrated by his inability to speak English and his lack of a high school equivalency certificate. Miguel Hernández, a 27-year-old laborer, has had much the same experience. And 52-year-old José Collado, who eventually got a job as a hotel worker in southern Florida's tourist season, says he has stopped counting the times he has been refused work.

Then there is the question of the refugees' long-term legal status. Congress is debating an immigration bill that includes several proposals to resolve the permanent status of the Marielitos, officially classified by the Immigration and Naturalization Service as "entrants," but the fate of the bill is uncertain. The refugees are not likely to be deported, if, for no other reason, because Fidel Castro has said he will not take them back.

Meanwhile, Carter and Reagan Administration actions are being challenged in Federal court in Atlanta. The questions focus on due process as it affects restrictions imposed on entrants, whether international law sanctions the kind of open-ended detention some of the Cubans contend they are being subjected to, and whether the executive branch has abused its power on parole policy and procedures.

The outcome is likely to have a far-reaching effect on future immigration law. Its immediate effect would be upon 500 Cuban felons who have been detained since coming here, and 500 others who have been detained on a variety of charges arising since they arrived.

"THINGS HAVE WORKED OUT"

"On the whole things have worked out very well," said Denise Blackburn, director of the program staff for the Justice Department's Cuban-Haitian Entrant Program in Washington. "When you consider that we were a country of first asylum and received nearly 125,000 people between April and August 1980, we have remarkably few cases of people who are problems."

That view is generally shared here in Dade County, where 70,000 to 90,000 of the Cubans are estimated to have settled.

"It is kind of a miracle that these people have been able to survive here and make the progress that they have," said Eduardo Padrón, a vice president of the Miami-Dade Community College, who in 1980 was chairman of the Spanish-American League Against Discrimination. "They started out on the wrong foot," he said, reciting reports, believed to have originated in Cuba, that the refugees were hardened criminals, mental patients, homosexuals and espionage agents.

A "NEGATIVE REACTION"

When criminals and others did turn up among the masses of refugees, that was the point at which some people stopped calling the movement the "freedom flotilla" and downgraded it to "boatlift." It was also the time, those interviewed say, that the welcome mat put out by Cuban-American volunteers in Key West was pulled in.

"Over all, I feel they have survived the negative reaction and overall lack of reception," said Mr. Padrón. "Most have assimilated pretty well."

Msgr. Bryan O. Walsh, executive director of Catholic Community Services for the Archdiocese of Miami, said positive aspects of the Mariel refugee era had made it a "remarkable" experience, given the magnitude of the troubles the exodus posed.

Many of the refugees were forced to leave spouses and children behind, he said, and some have become involved in crimes here. Others, he said, have been subjected to racial discrimination because they are black. "They were pushed to the margin of society," he said.

Studies have found those who came here three years ago differ in many ways from the two waves of Cuban exiles in the 1950's and 60's. These differences compounded resettlement problems.

A REFLECTION OF COUNTRY NOW

Demographic studies by Juan Clark of Miami-Dade Community College have confirmed most assessments that the Mariel refugees come closest of the groups to being representative of Cuba's population as it has developed since the Castro takeover in 1959.

In the first wave, 1959–62, 200,000 Cubans came in an organized airlift. More than 90 percent were white middle-aged, well-educated people. They had benefitted from the system that preceded the Castro Government and have established themselves in the social, business and political life in this country. For the most part they came in family units.

In the second wave, 1965–70, 270,000 people who arrived, first by boat then in a more organized airlift. They were also mostly white, but 24 percent were black or mulatto. These were largely educated and many worked at trades and came from Cuba's working class. Again, most came with their families.

In the case of the Mariel refugees, Dr. Clark's study of immigration records found that the large majority were blue-collar workers, less educated, mostly younger males. These had a higher level of divorce than those before them. About 20 percent were not allowed to bring their families and 20,000 males were separated from their wives. Most of the Mariel refugees spoke only Spanish and about half were black.

The Cuban Government stirred the coals of fear by declaring that many of those being sent to America were criminals and social misfits, a fear that was fanned by unrest at several refugee detention camps.

Also, a worsening of the dismal crime scene here in 1980 and early '81 prompted many to point to the Mariel refugees. In a 1981 report by the Dade County grand jury on refugees and crime, the jury said that while Mariel felony arrests had contributed greatly to the 25 percent increase in the caseload over the pre-1980 period, the part attributed to Mariel refugees had been overestimated.

A new allegation about the refugees emerged in recent court testimony when a convicted drug smuggler identified himself as a Cuban agent and said that the Cuban Government smuggled in 7,000 spies in the boatlift, and they were ordered to flood this country with illegal drugs and to spread propaganda. The Cuban Government has

refused to comment on those charges, which have met with some credence among the police and State Department but little among those who worked with the Mariel refugees.

DETAINED FOR 17 MONTHS

Juan Molina was one of the "criminals" released from Cuba. He said he had served nine and a half years of a 10-year prison sentence for stealing a cow to feed his family. When he told American immigration officials that he had been in prison, he spent 17 months in detention here, waiting for a Government decision on what to do with him and several thousand other Cubans.

Upon his release in November 1981, Mr. Molina got a job at a sign painting company that lasted two days. He was on commission and was paid $18. He then went to Texas in search of work; "but found no luck." "The work was no good," he said. He returned to Miami where he works as a house painter.

Mr. Molina says he is working at almost any job he can find while trying to learn English and pass a high school equivalency examination. "Here, if I want to study something, and have the desire and enthusiasm, I can do it," he said. "That'll be the glory for me."

José Collado, a thin black man with salt-and-pepper gray hair, had been in the merchant marine much of his life. He came here expecting to find "liberty," he said. While he is able to enjoy more things here than in Cuba, he said, life has been only "so-so."

His inability to speak English, his being a Marielito, and the color of his skin have been drawbacks.

"I thought at the time, discrimination, racism is still alive," said Mr. Collado. After more than a year's search for regular work, he found a job as a hotel worker at $3.50 an hour last year. But it was seasonal work and he was laid off last month. He is job hunting again though, and taking English lessons. "I plan to live the rest of my life here," he said.

Despite the frustrations, Cecil Gaudie, Miami director of the International Rescue Committee, says that 85 percent of the Mariel refugees have jobs and can look after themselves. Mr. Gaudie, like others involved in refugee resettlement, takes offense at reports that have focused upon the negative side of the Mariel exodus. "The silent majority is almost forgotten," he said. "What you almost always hear about now is the few that are complaining."

RESPONSE OF THE SCHOOLS

To accommodate 15,000 Mariel refugees who are estimated to have entered Dade County public schools in the 1980–81 school year, the system spent $16.5 million, according to Dr. Tee Greer, assistant superintendent for Federal projects administration. The Federal Government reimbursed the county $5 million, he said, while the rest of the cost was made up with budget cuts in other county departments.

Dade County and its municipalities, including Miami, estimate that they spent $130 million absorbing the refugees in 1980–81, and were reimbursed only a fraction of that by Federal agencies. The refusal of the Government to reimburse these local governments fully remains a source of tension here.

A positive note is sounded by Judge Seymour Gelber, administrator of the Dade County Juvenile Court. Three years ago he predicted that juvenile crime among Hispanic children would double by now. The prediction was based on a spot check of juvenile records then. A forthcoming report, he said in an interview, will show that his predictions not borne out.

"I think a close examination will show that it was not as evil a situation as we may have thought," the judge said. "It's not a big issue in the community anymore."

Mr. DURENBERGER. Mr. President, I was very pleased that the House Judiciary and Foreign Affairs Committees have adopted language regarding extended voluntary departure for Salvadorans who are in this country illegally. This decision signifies recognition that the civil war in El Salvador and the violence and terror perpetrated by the far right and the far left have claimed far too many victims and jeopardized the safety and well-being of thousands more.

Many of those who have entered the country have done so since the rebels' final offensive of January 1981, and therefore do not qualify for the amnesty provisions of the Simpson-Mazzoli bill. It is therefore important that we address their status in a special manner.

My deep concern about the plight of the Salvadorans whose lives have been profoundly affected by the violence in their war-torn country has prompted me to contact the State Department numerous times. I have spoken personally with many people during the past several years about the rampant cases of torture and murder carried out against the civilian population by the military, the death squads, and the guerrillas. I believe that the United States bears a certain responsibility for the noncombatant deaths because of our support for the Salvadoran Government and military. This prompted me to meet with then-Secretary of State Alexander Haig over a year ago. I presented him with a letter which outlined my concerns about the refugees who are in this country. I urged him to grant political asylum status to those who had lost family members in the violence and who had a justifiable fear of returning to El Salvador. I wanted to insure that those who truly deserved such status would be assured of receiving it.

When I could see no change in our policies regarding asylum requests, I wrote to Secretary of State George Shultz. Again, I outlined my grave concerns about the plight of the Salvadorans who were in this country and who feared for their safety should they be unwillingly returned to El Salvador. I urged that every opportunity be given to the Salvadorans during the deportation hearings to explain their reasons for fearing a return to their country. I urged that those with a well-grounded fear of persecution or those who presented evidence of torture or repression against their families and coworkers should be granted the opportunity to remain in the United States until it was safe for them to return.

Last month, I had the opportunity to meet with two leaders of a small peasant organization who told me gruesome and horrifying stories of the violence that has been committed against members of their cooperative. The violence they described is typical of the terror that the extremists in El Salvador have carried out for decades. In this instance, however, the Army was involved, which makes the point even more telling.

A land dispute between the cooperative and the former landowner was being resolved in the courts. Not satisfied with the way the proceedings were going, the landowner contacted his son's godfather, who was a colonel in the Army. The landowner donned a mask to conceal his identity and joined the Army patrol in visiting the village and pulling out selected co-op members for revenge. At least 20 people were killed, some by machete slashes in the shape of a cross.

There can be no justification for this type of vicious murder, but unfortunately for the people of El Salvador, this type of wanton violence is far too common. These incidents point up the randomness of the violence and confirm in vivid terms how much the common man and woman have to fear.

While random violence in El Salvador is horrifying because of its arbitrariness and the perpetrators' fascination with perverse methods of torture, the acts of calculated and premeditated violence are even more despicable. Amnesty International has amassed countless testimonies of violence and terror in El Salvador and the rest of Central America. Their investigations have shown repeatedly that those individuals who are relatives of victims, or who have condemned the abuses, face a special threat to their well-being. Additionally, those who have entered the U.S. illegally, been apprehended by the INS, and deported may well risk their lives by returning to El Salvador. This was precisely the case for Santana Chirino Amaya who was found tortured, murdered, and decapitated after he had been deported and returned to El Salvador. A companion, Bernardo Antonio Rivas, 14 years of age, suffered the same fate. In an interview with a former career military officer of the Salvadoran Army, Amnesty International learned that deportees faced a special threat upon their return to El Salvador and were frequently tortured before they were murdered.

The civil war is now more protracted than ever, with no end to the violence in sight. The number of refugees residing in the United States is unknown, but estimated to be at least 60,000. In 1982, the INS granted only 65 Salvadorans political asylum and deported

2,118 to El Salvador. I find it difficult to believe that the INS can support so few asylum petitions, given the kind of evidence that has been presented to me. It is because I believe the evidence is so compelling that I support granting extended voluntary departure status to the Salvadorans who are in this country without proper documentation.

This is not the first time that extended voluntary departure has been granted to the citizens of an entire nation. More importantly, however, if implemented this policy would be a signal that the refugees would eventually return to their country and not become permanent residents of the United States or a burden on our public assistance system.

My support of the granting of extended voluntary departure stems from my firm conviction that refugees who return unwillingly to El Salvador face a special threat that the general population does not face, whether from the right or the left. The evidence that has been presented to me from a variety of sources indicates that this fear is well-founded and that it justifies the same special status that was granted to oppressed people in the past, most notably the Ethiopians, Poles, and Afghans. It is a humanitarian approach for dealing with a serious problem that exceeds the bounds of human decency. It is a humane approach to an inhumane problem.

Mr. President, I ask unanimous consent to have printed in the RECORD my two letters to the Secretary of State and a response from the Department of State.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., March 26, 1982.

Hon. ALEXANDER M. HAIG, Jr.,
The Secretary of State,
Washington, D.C.

DEAR SECRETARY HAIG: I am writing to you regarding the granting of asylum to Salvadorans in this country.

The United States must continue to be a haven for those who are true political refugees. I recognize that the United States cannot be the only source of asylum for those who flee political persecution. International refugees are an international responsibility. However, I am greatly concerned about the Salvadorans who are in the United States and who seek refugee status.

The United States bears a special responsibility in this instance because of its support for the Duarte government. The Duarte government is being harassed by both the extreme right and the extreme left. As a result, public officials, businessmen, educators, agrarian workers, trade unionists, and peasants face a double threat from those who would bring about leftist repression and those who would return El Salvador to its brutal past.

In recent months the Salvadoran military has been implicated in a number of serious and disturbing incidents involving violence against the unarmed civilian population. The incidence of political persecution, whether from the right or the left, is rising as political factions become increasingly polarized and desperate.

At one time, prominent and wealthy Salvadorans feared kidnapping and random attacks of violence by armed extremists. The activities of the leftist guerrillas are now far more sophisticated and intimidating. The threats to mayors and citizens who participate in the upcoming elections are a case in point. Likewise, on the right, the torture and molestations are ever more gruesome. One no longer needs to be intimately involved in political activity to be a target for repression. Now one can be victimized for merely living in the same village, working on the same farm, or having the same last name as an activist.

Those Salvadorans who have been in this country since the early days of the violence may possibly not qualify for refugee status or asylum under our laws. However, Salvadorans in the United States who have lost family members to the current violence justifiably fear a return to El Salvador. It is my opinion that they properly qualify as political refugees, and should be treated as such.

I want to reiterate that I do not believe that all expatriate Salvadorans merit refugee status. I do, however, urge that you extend every consideration to the requests of Salvadorans for political asylum so that those who truly deserve such status will be assured of receiving it.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., April 7, 1982.

Hon. DAVID DURENBERGER,
U.S. Senate.

DEAR SENATOR DURENBERGER: I refer to your letter of March 26, 1982 about the granting of asylum to Salvadorans in this country.

You correctly point out that violence is an enormous problem in El Salvador and that hardly any segment of the population is immune from this threat. The upshot of this is the fear shared by many Salvadorans of a return to their country. Salvadorans and others in this country may, and frequently do, apply for political asylum status. The granting of asylum in this country is governed by the United Nations Convention and Protocol Relating to the Status of Refugees and U.S. law. Such treaty and law provide sanctuary for persons fleeing persecution.

Under the U.N. Convention and Protocol on Refugees, the United States is prohibited from undertaking the forced expulsion (refoulement) of a refugee to a country or frontier where persecution is likely to occur. In addition, the Refugee Act of 1980 provides for the granting of asylum status to those who establish a well-founded fear of persecution upon return to their country of nationality for reasons of race, religion, nationality membership of a particular social group, or political opinion. The responsibility for establishing a well-founded fear of persecution rests with each applicant.

As a signatory to the United Nations Protocol Relating to the Status of Refugees, the United States is well aware of its obligations and responsibilities, including the prohibition against the refoulement of refugees. We have a long-standing record of support for relief activities on behalf of refugees and a generous resettlement policy. No other country has provided as much assistance or resettlement opportunities to refugees as the United States.

Matters regarding exclusion or deportation proceedings or voluntary departure are, of course, under the jurisdiction of the Immigration and Naturalization Service (INS). The Immigration and Naturalization Service (INS) does not classify Salvadorans or members of any other nationality in the United States as refugees unless they individually establish that their fear of being persecuted is a well-founded one.

A request for asylum should be reasonably related in point of time and circumstances to the flight from the country of nationality. It is our view that the majority of Salvadorans in the United States did not depart their country solely to seek safe haven in this country. Most traveled through third countries before entering the United States, and many of them entered quite some time ago. Other countries closer to El Salvador—Honduras, for example—have been generous in offering safe haven to Salvadorans who have fled. Thus, the United States is not the only possible refuge, nor can it in most cases be considered the country of first refuge.

The INS has informed us that no Salvadoran asylum-seeker is sent back until a determination has been made that the claimant has not established a well-founded fear of persecution. It is not necessary "formally" to request asylum. If a positive indication of unwillingness to return to the homeland is made, and if the unwillingness is based on a fear of being persecuted, that is sufficient to have the case processed through asylum procedures. For those who establish a well-founded fear of persecution upon return to their country, the Department, in its advisory opinion, will so inform the appropriate INS District Office. Those who do not are not eligible for asylum.

In view of the available remedies to refugees from El Salvador under the asylum provisions of the Immigration and Nationality Act, as amended, and the U.N. Convention and Protocol on Refugees, we do not consider blanket voluntary departure status as an appropriate alternative in the circumstances. The Department of State and our Embassy in San Salvador will continue to monitor the situtation carefully. It should go without saying that this is not an easy task. However the procedures for a considered and just determination are in place and are being used by our officers.

I trust that the foregoing views will be helpful in understanding our position on the granting of asylum and on voluntary departure status for Salvadorans in this country.

Sincerely,

ALVIN PAUL DRISCHLER,
Acting Assistant Secretary
for Congressional Relations.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., April 27, 1983.

Hon. GEORGE SHULTZ,
Secretary of State,
Department of State, Washington, D.C.

DEAR MR. SECRETARY: I am contacting you regarding my ongoing concern about Salvadorans who have requested political asylum.

Last year, I met with Secretary of State Haig to discuss our policies in Central America, and I brought up the problem of the refugees. During our meeting, I said that I believed these Salvadorans had left their country for a variety of reasons during the

last several years. While I realize that strict criteria exist for granting political asylum, I believe that many of these people justifiably fear returning to their homeland. Although some may have fled originally because of economic reasons, the level of violence and the uncontrolled acts of terrorism that have been committed in their villages since they left have put their very lives in jeopardy. I urged the Secretary to reconsider the criteria for accepting and denying applicants for political asylum so that those who expressed a reasonable fear of reprisal would be allowed to remain in the United States until it is safe to return.

I continue to be very disturbed by the incidents of violence that have been reported to me by many sources. Several weeks ago, I met with two Indians who told me about atrocities committed in their village by the army. I believe the wanton violence they described is not rare in El Salvador. In this instance the army entered a village in Sonsonate where the people had been apolitical and had shown no particular allegiance to either the government forces or the guerrillas. The atrocities committed there in late February were described as a case of harassment by the landowners of the peasant-run cooperative, and could not be attributed to any security threat. I was told that the commander was godfather to the son of one of the large landowners and was asked to interfere because of a business dispute.

As you know so well, Mr. Secretary, the violence in El Salvador knows no boundaries and is not carried out on the battlefield alone. Innocent noncombatants have suffered extraordinary losses because of it. These incidents, which are foreign to us, are unfortunately too routine in El Salvador. They underscore the fear that people have about returning to their villages.

The U.S. agencies responsible for implementing refugee policy have outlined for me the distinction between immigrants and refugees and have stated that many of these applicants do not meet the criteria for political asylum. Many of the Salvadorans, who are not cognizant of the distinctions between these two categories and who fear for their lives, may not immediately say so when first questioned. I believe every effort should be made by INS officers and State Department officials to determine whether violence perpetrated by rightest death squads, the security forces, and leftist guerrillas has created a bona fide reason for these Salvadorans to fear a return to their country.

A number of American churches around the country have been so concerned about the plight of these Salvadorans that they have opened their churches to those who fear for their safety should they return to their homes. While I do not countenance these acts of civil disobedience, I recognize why these groups have chosen to lend their support to these people. They share with me a sense of frustration that the very real threat the Salvadoran refugees face is being underestimated or disregarded.

As I pointed out in my letter to Secretary Haig, the United States bears a special responsibility for events in El Salvador because of our support for the Duarte and Magana governments and the armed forces. Therefore, it is particularly important that we display as much understanding as possible when evaluating the asylum petitions.

I am particularly concerned about our policies because asylum seems to be more easily granted to highly-visible or well-known persons who present far less criteria for fear of persecution than have the thousands of Salvadoran applicants.

I appreciate your assistance in this matter and look forward to your reply.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

HAITIAN REFUGEES

Mr. CRANSTON. Mr. President, I request that my remarks concerning the plight of the Haitian boat people who were interned by our Government, be printed in the RECORD at the appropriate place with those of other Senators who call for some form of legal status for Haitian refugees.

Mr. President, our Government's discriminatory treatment of these refugees is unprecedented in our Nation's history. Federal courts have twice found that these Haitian refugees were illegally imprisoned by the INS, and that the detention policy was blatantly discriminatory.

These boat people risked their lives across 800 miles of ocean to seek safety and a chance for a free and decent life in the United States. Then, for over a year, 2,000 of these refugees were imprisoned here without bond, on orders of Attorney General Smith.

They arrived on our shores unfamiliar with English and largely uninformed about our legal system.

The INS shuffled them from place to place, often to desolate areas of the Nation, without permitting them to consult legal counsel.

It conducted mass deportation proceedings—including mass hearings—behind closed doors, with no one to explain their rights or to provide adequate translation.

These are the findings of the U.S. court of appeals.

It is unjust and cruel for the INS to continue threatening this small group of Haitians with forcible deportation to Haiti, where they face brutality, imprisonment, or worse.

The uniqueness of their situation and the discriminatory treatment they have already suffered argues that they should be considered for some form of secure legal status.

I hope that the Senate-House conference committee will carefully consider the necessity of bringing the Haitian boat people within this bill's protections by extending the legalization date, as the House Judiciary Committee has done.

THE NEED FOR A PROVISION IN S. 529 GRANTING LEGAL STATUS TO HAITIANS ARRIVING BEFORE JANUARY 1, 1982

Mr. D'AMATO. Mr. President, I rise to request that my comments concerning the necessity of a legal solution for the plight of a small number of Haitian boat people be printed and made part of the RECORD at the same point as those of Senator CRANSTON who joins me to call for legal status for these Haitians.

Federal courts have twice held that the Haitian boat people were illegally imprisoned by the Immigration Service in violation of the U.S. Constitution. Most recently the 11th Circuit Court of Appeals found that this policy was so selective as to be discriminatory.

Mr. President, fundamental justice and human compassion demand that separate provision be made in the Simpson-Mazzoli legislation in conference committee. If a comprehensive legalization program does not include these previously detained Haitians, elementary justice demands that separate provision be made in the legislation granting legal status to Haitians arriving before January 1, 1982.

Mr. DURENBERGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. BAKER. Mr. President, I have apprised the minority leader and others that it will be necessary for me to be absent from the Senate from 4:15 p.m. this afternoon approximately until sometime tomorrow afternoon in order to attend the functions in connection with the celebration of the 50th anniversary of the founding of the Tennessee Valley Authority, which will be held in Muscle Shoals, Ala., and at which I will speak.

On tomorrow, Mr. President, it will be my sad duty to attend the funeral of a very close friend.

Mr. President, I ask unanimous consent that I may be excused from attending the sessions of the Senate today at approximately 4:15 p.m. until tomorrow at approximately 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1281

(Purpose: To provide a procedure for congressional review of any proposal of the President to require an individual to present a national identity card at the time of his hiring, recruitment, or referral)

Mr. HATFIELD. I send an amendment to the desk, Mr. President, and ask for its immediate consideration.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it it so ordered.

The amendment will be stated.

The Senator from Oregon (Mr. HATFIELD) proposes amendment numbered 1281.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it it so ordered.

The amendment is as follows:

On page 108, line 11, strike out "Within" and insert in lieu thereof "Except as provided in paragraph (3), within".

On page 110, between lines 8 and 9, insert the following:

"(3)(A) Before the President implements any change in or addition to the requirements of subsection (b) which would require an individual to present a new card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral, he shall prepare and transmit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report setting forth his proposal to implement such a change or addition. No such change or addition may be implemented if, within 30 calendar days after receiving such report, the Congress adopts a concurrent resolution stating in substance that it objects to the implementation of such change or addition.

"(4)(A) Any such concurrent resolution shall be considered in the Senate in accordance with paragraph (5).

"(B) For the purpose of expediting the consideration and adoption of concurrent resolutions under paragraph (3), a motion to proceed to the consideration of any such concurrent resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(5)(A) For purposes of paragraph (3), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

"(B) Subparagraphs (C) and (D) of this subsection are enacted—

"(i) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of concurrent resolutions referred to in paragraph (3), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith; and

"(ii) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner and to the case of any other rule of the Senate.

"(C)(i) If the committee of the Senate to which has been referred a resolution relating to a certification has not reported such resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under subparagraph (A), it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same certification which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a resolution with respect to the same certification.

"(ii) A motion to discharge under clause (i) may be made only by a Senator favoring the resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(D)(i) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(ii) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(iii) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(iv) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

Mr. HATFIELD. Mr. President, my amendment is a very simple amendment, one which I have discussed with the managers of the bill. I would say that I would in no way attempt to throw any greater obstacles or difficulties in the pathway of the managers of the bill, individuals who have achieved a remarkable feat in bringing such a bill to the floor. I commend them for it. Having been in a similar position of managing appropriations measures, I appreciate the difficulty of having to face a barrage of amendments.

I want to assure them and my colleagues in the Senate that I in no way am trying in any shape or form to undermine the thrust of this bill or to try to sidetrack the bill's progress to final completion. But I do offer this amendment because of very strong feelings that I have on the issue which requires the President of the United States to develop a secure system of identification.

I think that raises some very deep concerns on the part of many people.

I would only suggest here today that what this amendment does is not in any way to try to stop that kind of system or to circumscribe the President's responsibilities given in this bill to develop such a system. The amendment simply would require that once the President determines what is a secure system of identification that he shall present to both Houses of Congress, through the Judiciary Committees, the proposal, the program, the plan, whatever it may be, and that the Congress of the United States will have an opportunity to review that plan before it becomes duly implemented.

Congress would have 30 days to review it, and both Houses would have to act upon it to disapprove the plan. If they want to stop the proposed new identification procedure they would have to take that positive action. Otherwise, if they do not object, the plan would become law.

That basically is the simple thrust of this amendment.

We have clarified the amendment under a recommendation from the managers of the bill, and other interested persons, including the Senator from Iowa (Mr. GRASSLEY), that we put the modifying adjective in this "any new document" or "any new plan." I underscore the word "new" to distinguish it from existing documents that might become the plan which the President would select, such as, perhaps, a social security card. Obviously, there is no intent to ask the President to submit to the Congress the social security card, which we are all very familiar with already.

This amendment means that if the President comes up with a proposal for a secure new form of identification, then he must submit that plan to Congress.

Mr. President, I want to remind my colleagues of exactly what my amendment does and does not do. First, my amendment does not forbid a national identification card from being created. While I would exhaust all of my energies to defeat such a proposal, my amendment merely requires the Senate to vote up or down on a national identification card system. Second, my amendment does not prevent the President from making certain changes in the employee verification section of the bill. If the President wants to upgrade the social security card or put in a phone system to verify employee identification, then he may

do so without submitting the plan to the procedures in my amendment.

However, if the President attempts to implement a national Identification card, in whatever form that may be, then Congress must take this proposal to the floor and vote it up or down. I am hopeful the employee verification system as written in the bill, which uses social security cards, passports, drivers' licenses, and other existing documents, will prove adequate in allowing fair enforcement of newly established sanctions which penalize employers for knowingly hiring illegal aliens.

My amendment is merely a precautionary measure that insures congressional participation in any effort to implement a nationwide identification card. I trust the conferees on this bill will be mindful of the consensus in this body on the subject of a national identification card, and I am grateful that all parties to this amendment have been able to reach an accord on the precise drafting of this amendment.

Mr. President, I ask unanimous consent that Senators KENNEDY, CRANSTON, and JEPSEN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I also ask unanimous consent that following my remarks a column from the New York Times of September 9, 1982, be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE COMPUTER TATTOO

(By William Safire)

WASHINGTON, September 8.—In a well-meaning effort to curb the employment of illegal aliens, and with the hearty good wishes of editorialists who ordinarily pride themselves on guarding against the intrusion of government into the private lives of individual Americans, Congress is about to take this generation's longest step toward totalitarianism.

"There is no 'slippery slope' toward loss of liberties," insists Senator Alan Simpson of Wyoming, author of the latest immigration bill, "only a long staircase where each step downward must be first tolerated by the American people and their leaders."

The first step downward on the Simpson staircase to Big-Brotherdom is the requirement that within three years the Federal Government come up with a "secure system to determine employment eligibility in the United States."

Despite denials, that means a national identity card. Nobody who is pushing this bill admits that—on the contrary, all sorts of "safeguards" and rhetorical warnings about not having to carry an identity card on one's person at all times are festooned on the bill. Much is made of the use of passports, Social Security cards and driver's licenses as "preferred" forms of identification, but anyone who takes the trouble to read this legislation can see that the disclaimers are intended to help the medicine go down.

Most American citizens are being led to believe that only aliens will be required to show "papers." But how can a prospective employer tell who is an alien? If the applicant could say "I'm an American, I don't have any card," the new control system would immediately break down. The very basis of the proposed law is the motion that individuals must carry verifiable papers—more likely, a card keyed to "a new Government data bank"—to prove eligibility for work.

No big deal, say those who consider illegal immigration more fearsome than the coming of an internal passport; if you're legitimate, you shouldn't object. And shucks, law enforcement officials won't use it for anything else, no sirree—at least not until the nation is ready for another legislated step down the staircase.

Most Americans see no danger at all in a national identity card. Most people even like the idea of a piece of plastic that tells the world, and themselves, who they are. "I'm me," says the little card. "I'm entitled to all the benefits that go with being provably and demonstrably me." Good citizens—the ones who vote regularly, and who don't get into auto accidents—might get a gold card.

Once the down staircase is set in place, the temptation to take each next step will be irresistible. Certainly every business would want to ask customers to insert their identity cards into the whizbang credit checker. Banks, phone companies, schools, hotels would all take advantage of the obvious utility of the document that could not be counterfeited. Law enforcement and tax collection would surely be easier, because the Federal Government would know at all times exactly where everybody was and what they were spending.

And then you might as well live in the Soviet Union. One of the great differences between free and enslaved societies is the right of the individual to live and work without the government knowing his every move. There can sometimes be privacy without freedom, as those in solitary confinement know, but there can be no freedom without privacy.

When Patty Hearst managed to remain a fugitive for 591 days, that did not mean the F.B.I. was bad at catching fugitives; it meant that America was a free society. In China or the Soviet Union she would have been captured in days, because it is impossible for ordinary citizens to move about without permission. If our values mean anything at all, they mean that it is better to tolerate the illegal movement of aliens and even criminals than to tolerate the constant surveillance of the free.

The Attorney General, who evidently has no grasp of libertarian conservative principles, will not fight this legislation. When an outside adviser, Martin Anderson—who with his wife, Annelise, at O.M.B. represent what is left of the conservative conscience of the Reagan Administration—objected in a Cabinet meeting to this danger of Federal intrusion, William French Smith was forced to tell Congress of "a small but serious objection" to the identity card clause. He later made his objection meaningless by pretending it was "inappropriate to presume" he would have to do what the bill mandates him to do—come up with a foolproof identity system.

We are entering the computer age. Combined with a national identity card—an abuse of power that Peter Rodino professes to oppose in the House, as he makes it inevitable—government computers and data banks pose a threat to personal liberty. Though aimed against "undocumented workers," the computer tattoo will be pressed on you and me.

Mr. SIMPSON. Mr. President, I thank the Senator from Oregon for his extraordinary attentiveness to this issue. Indeed, he is probing the area which caused the select commission its greatest concern. He has found the issue that causes him his greatest concern. And yet he has always been supportive of the general aspects of this legislation. He has supported that not just orally; he supported it with his vote. I take that thoughtful process, his attentiveness and sincerity, as being a very real part of what he is concerned about.

All of us from the beginning have been concerned about the issue of a national identification card. No one has wanted that. I do not want that. That is why you find continual references to the fact that if we did go to a more secure type of card it would not be carried on the person, it would not be an internal passport, it would not be used for law enforcement. That is all in the bill. But at the time of new-hire employment, it only then would be presented. The purpose of doing that is to protect not only the employer but the employee.

And then providing the penalty for failure to ask for verification protects the minority applicant, because you have to ask it of everyone.

That is what it was and that is what has caused us our tremendous concern.

I feel now with this amendment, with the small addition of the word "new," that it means that if the President comes before this Congress and says, "Here is the new thing," and the new thing consists of a worker identification card, this Congress, the Judiciary Committees, will have the concurrent ability to reject that. In rejecting that, the Congress will have hearings. We will have the full review of how the President reached this. It is a thoughtful approach and it does not—and I emphasize and ask my colleague from Oregon—it does not prohibit the President from presenting to us the possibility of a revised social security card. Is that his understanding?

Mr. HATFIELD. I would say to the manager of the bill that is correct. Let me underscore one word to emphasize the point which the Senator from Wyoming is making. It reads on lines 4, 5, and 6: Before the President implements any change in or addition to the requirements of subsection (b) "which would require an individual to present a new card or other document (designed specifically for use for this purpose)".

In other words, we are not talking about an existing card or the social security card as it now exists today, or under revision by the Moynihan proposal which the Social Security Ad-

ministration is currently implementing, but we are talking about a new national work card, a new document that would be an identification card.

Mr. SIMPSON. I thank the Senator. I will conclude my remarks and then yield to the Senator from Iowa or the Senator from Massachusetts, as they wish.

Please understand that right now we will use present identifiers. Those present identifiers are addressed in the bill. That is what will be used. Then if we go on to a more secure system, this Congress will have every opportunity to assure that it is not, and does not become, as none of us want, a national identification card.

Mr. HATFIELD. Will the Senator yield?

Mr. SIMPSON. Yes.

Mr. HATFIELD. In my expression of gratitude to the managers of the bill, I did want to emphasize, too, my great appreciation to the Senator from Iowa (Mr. GRASSLEY) who has played a very important part in development of this legislation, and I express to him my appreciation for his concerns in this matter, and have noted them by accepting his and Senator SIMPSON's suggestion that the used "new" be inserted to clarify our intent.

I think many times these sessions we have off the floor of the Senate, where we can sit down in the quiet confines of a room and understand with greater clarity the deep concerns of each person, that these sessions facilitate the legislative process. I think what occurred today is a prime example of that.

Mr. President, I am very grateful to the Senator from Iowa for his assistance.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to thank the Senator from Oregon for his kind comments. He is amending a section of the bill which I amended last year. I have no objection to his amendment. However, I want to make the record clear that this amendment only applies to new documents. Revisions of existing documentation would not be subject to congressional review. This amendment not only does not apply to an upgraded social security card but the upgrading of other existing documentation as well.

Claims are heard that we have not fully debated this issue. Yet over 300 pages of testimony were generated on this issue alone by the Immigration and Refugee Policy Subcommittee last Congress. During the development of this system, the President is required to report to Congress not once or twice but six times and I can assure you that I will be following these reports very closely to see that the President does move on the development of such a system.

Claims are heard that this system will be a threat to civil liberties; yet, no witness at the hearings responded satisfactorily when asked how an upgraded social security card could impose civil liberty threats. Former Attorneys General Bell and Civiletti and newpapers such as the New York Times, the Washington Post, the Los Angeles Times, and the Boston Globe all agree that no such threat exists.

Neither the transitional nor the permanent verification system will require personal data that is not already available in other Government data banks. Thus, the verification system will either utilize a preexisting data bank or a new one with less information. Furthermore, the bill contains specific safeguards intended to minimize the risk of undue invasion of privacy and the risk of Government abuse:

First. Personal information utilized by the system will not be available to Government agencies, employers, and other persons except to the extent necessary for the purpose of verifying work eligibility.

Second. A withholding of verification will not be lawful except on the basis that the prospective employee has failed to show that he is a U.S. citizen, an alien lawfully admitted for permanent residence, or an alien authorized to be so employed by the immigration law of the Attorney General.

Third. The system will not be available for law enforcement use outside the proposed employer sanctions and present labor law procedures.

Fourth. If the system were to require individuals to present a card or other document, then such document would not be required to be presented for any purpose other than verification of employment eligibility and would not be required to be carried on the person.

The committee is not requiring or permitting the development of an internal passport or national identification card. It is important to note that 44 States already have photos on their drivers licenses and nondrivers have requested photo-bearing cards for identification purposes only. Additionally, Americans being who and what they are, their values and culture and this form of government would never allow a national identification card to happen. Our entire form of Government would have to change for this system to be perverted in some way to the detriment of the American people. If that happens, we will have much more serious concerns than simply a worker eligibility system.

Some claim that current identifiers are sufficient for a verification system; this, however, is not the case.

The permanent Subcommittee on Investigations recently held a hearing specifically on the fraudulent use of government identification. That committee found that over 5 million false Government identification cards were being produced each year. Testimony was received from a gentleman who was in the counterfeiting business for years telling how simple it was to produce false documents. He had a very lucrative business, mostly in the area of the ADIT or green card. A recent pilot project between the Social Security Administration and the INS in Denver concluded that 50 percent of the INS documents presented to establish social security cards and benefits were false. A successful employer sanctions program rests on a secure eligibility system.

The NAACP, AFL-CIO, American Legion, the National Association of Manufacturers, the National Federation of Independent Businesses, the Business Roundtable, FAIR, Zero Population Growth, not to mention renowned civil libertarians such as Father Ted Hesburgh, Elliot Richardson and F. Ray Marshall, all support the development of a universal verification system if we are to have employer sanctions.

In fact, universal verification is the only reliable insurance we have against discrimination. This will be more effective than any amount of funds appropriated for the Equal Employment Opportunity Commission, Civil Rights Commission, or any other anti-discrimination bureaucracy. The best means to eliminate discrimination is to insure that every employer must verify the employment eligibility of every person newly hired. That is the reason for the identifier and that reason has not changed.

Thank you, Mr. President.

Mr. KENNEDY. Mr. President, I yield myself such time as I may need. I shall speak briefly. I want to join in commending the Senator from Oregon for his contribution to this legislation on this particular issue. The select commission, as has been pointed out by the Senator from Wyoming, spent a great deal of time trying to find some way to recommend a procedure to the Congress about how potential employees were going to indicate that they were legally eligible to work in this country. There was a great deal of diversity of views on this issue and the select commission could not agree on a new identification procedure. It is certainly the sense of the Congress, the Judiciary Committee, and the Subcommittee on Immigration that we use the existing identification procedures for the interim period of time. There is, naturally, a very considerable concern about what any administration would recommend to be the ultimate identification vehicle for the future. That issue was partly addressed last year, when we debated the immigration bill, to some extent by the Sena-

tor from New York (Mr. MOYNIHAN), who introduced a sense-of-the-Senate resolution that social security cards be made fraud resistant.

That was not only to protect the social security system, but obviously, I think, from the discussion and debate, he was considering that some form of a revised tamper-proof or fraud-resistant social security card may ultimately be the vehicle for employment identification. I think Senator HATFIELD is assuring the American people that when the final recommendation is made on this issue, and it is an extremely important issue, Congress will have a voice. I think that that is constructive and important and, I think, a very useful addition to this legislation. I urge that the amendment be accepted.

Mr. SIMPSON. Mr. President, I certainly subscribe to the remarks of my good colleague and cofloor manager of this bill. I not only thank the Senator from Oregon, but I thank the Senator from Iowa. If there was one long, loyal helpmate, through many, many hearings, at my side, it was this gentleman from Iowa. He followed it adroitly and thoughtfully, as we have come to know the way he does his work. I appreciate that. I really do. When this one came up, he addressed this issue carefully. The last time we discussed it, I think we reached a good result.

The amendment is quite acceptable to this comanager of the bill also.

Mr. HATFIELD. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 1281) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I wonder if the manager will yield a couple of minutes.

Mr. SIMPSON. From the bill, I certainly shall.

Mr. HATFIELD. Mr. President, I know the Senator from Wyoming has taken a lot of static on his leadership in this very important piece of legislation from many different perspectives and from different constituent groups. I know of one at least that has been very critical of the Senator from Wyoming for allegedly proposing and advocating a national identification card.

I should like to take this moment to try to refute that very unfounded and false charge, because even without this amendment, the Senator from Wyoming has in no way been a sponsor or an advocate of a national identification card.

If people would take the time to read the legislation, to read the RECORD, to read the legislative history, then they would know that what the Senator from Wyoming has incorporated in this bill is simply that the President must establish something that cannot be counterfeited, as far as a secure system of identification is concerned. This could be many things, including existing documents.

So to make this charge against the Senator from Wyoming is specious. It is either done out of ignorance or a deliberate misinterpretation, because anyone who takes but a moment to read the legislation or to inform themselves of the available data and material surrounding the history of this legislation would know the contrary to be true.

I add my voice, not only in appreciation for the Senator's leadership, but also in the attempt to at least assist in some small way to allay the fears of those who have been stirred up without foundation, without any evidence, without any fact at all. I decry that kind of political demagoguery. That is all one can call it. I think it is charitable to refer to the people who have criticized Senator SIMPSON in this manner as ignorant.

With this amendment, which merely underscores what the Senator has made clear on the record in the past, I am hopeful that that kind of criticism will now fade into history and that it will not be repeated. It is just unfortunate that we are in these positions at times where we have to defend ourselves and our record or position against claims arising from falsehoods and misperceptions.

I thank the Senator from Wyoming for his courage and for his perserverance in this important legislation.

Mr. SIMPSON. Mr. President, I very much thank my colleague from Oregon. He is very gracious. It is very much appreciated.

Mr. President, to those who are communicating with us electronically, we have now one remaining amendment, which is the Kennedy amendment. There is every possibility that that might be resolved. If not, then there is a 30-minute time agreement on the amendment equally divided, if I am not mistaken.

The PRESIDING OFFICER. The Senator is correct.

Mr. SIMPSON. We will handle that well prior to the time for the record rollcall vote. If that amendment is presented and resolved, the Levin amendment will fall and that would be the end of the regular order amending process.

With that, I suggest the absence of a quorum; that it not be charged to either side at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1282

(Purpose, To Establish the Legalization Review Commission)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 1282.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 207, between lines 7 and 8, insert the following:

LEGALIZATION REVIEW COMMISSION

SEC. 303. (a) There is established the Legalization Review Commission (hereafter in this section referred to as the "Commission") which shall be composed of three members appointed by the President from among individuals of the private sector. The President shall designate one member to serve as Chairman.

(b) Each member of the Commission shall receive compensation at a rate equal to the daily rate payable for GS-18 under the General Schedule under section 5332 of title 5, United States Code, for each day, including travel time, such member is engaged in the actual performance of duties as a member of the Commission. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(c)(1) The Commission shall meet at the call of the Chairman but not less than once every 3 months.

(2) Two members of the Commission shall constitute a quorum.

(d) The Commission shall—

(1) monitor the implementation of the program to adjust the status of aliens under section 245A of the Immigration and Nationality Act;

(2) keep the President currently and fully informed on the degree of compliance with the provisions of such section; and

(3) prepare and transmit, not later than 18 months after the date of enactment of this Act, to the President, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate a report summarizing the progress made since such date in carrying out the intent of Congress in enacting section 245A of such Act, together with any recommendations which the Commission may have.

(e) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer

oaths or affirmations to witnesses appearing before the Commission.

(f) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission in order to assist the Commission in carrying out this section.

(g) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(h) The provisions of this section shall terminate 18 months after the date of enactment of this Act.

On page 103, in the table of contents, after the item relating to section 302, insert the following:

"Sec. 303. Legalization Review Commission.".

Mr. KENNEDY. Mr. President, the purpose of this Legalization Review Commission would be to assure that full public scrutiny is given to this extraordinary program which involves both Government and non-Government agencies. Because the legalization program relies so heavily upon the involvement and cooperation of the voluntary agencies and nongovernmental groups—and not just upon the Immigration Service—I believe it would be wise to have a body other than INS or the Justice Department to review this program.

Because this program is so unprecedented and is a one-time operation, it is essential that it go forward satisfactorily during the limited time it is authorized.

The Commission would be composed of only three persons, appointed by the President, and have a lifespan of only 18 months, which is the duration of the program. It is my hope that it would be a high-level citizen's review commission—chaired by someone like Father Hesburgh—but not be a new bureaucracy with a large staff.

I have talked to the chairman of the Immigration Subcommittee and the floor manager of the bill about this concept. I know that he has indicated an interest in this idea. I also recognize that this kind of a group can be established by Executive order. It does not need legislative enactment.

I should like to inquire of the floor manager as to his reaction to this concept?

Mr. SIMPSON. Mr. President, I, indeed, have the same interest in assuring that legalization is appropriate and workable, and the idea of a legalization review commission is not repugnant to me in any way, especially if it were very limited in staff so that it does not grow out of control, someone of the stature of Father Hesburgh. Indeed, if we could burden him with one more duty in society, with all the other things he does. The Select Commission is what got us to this point, and we saw the workability of it. So I do appreciate the Senator not making this proposal in the form of an amendment for a vote, but I can assure him that I will work not only toward perhaps the executive action but also toward hearings to see if it might not be a very worthwhile solution.

Mr. KENNEDY. I thank the Senator for that assurance. I welcome a chance to follow up on his response.

With those kinds of assurances, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 1210

The PRESIDING OFFICER. The pending question is on amendment 1210 by the Senator from Massachusetts. Who yields time?

Mr. KENNEDY. Mr. President, as I understand it, in about 2 minutes we start the votes. The amendment which is pending is the amendment which I offered. I would be very hopeful that at the end of the series of votes I will be able to modify the amendment in a way which will be acceptable to the floor manager. But it is my understanding that at the present time under the previous consent agreement we are about to enter into the series of votes.

Mr. SIMPSON. Mr. President, let me just briefly review the situation. Indeed, I think we have reached an accommodation on the Kennedy amendment, but we need not process that now to interfere with the regular order or the time agreement.

The Levin amendment will then be withdrawn after that acceptance, and we can do that at the completion of the stacked votes.

I think that is where we are. We then should be ready to go on to final passage very shortly thereafter.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, will the Senator yield? I have an amendment which I would send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Massachusetts.

Mr. LEAHY. This is one I have discussed with the chairman of the committee. I ask unamimous consent that it be in order to consider the amendment.

Mr. BAKER. Mr. President, reserving the right to object, I am sorry to say this to the Senator, but I had no notice that there was going to be another amendment added to the list of qualified amendments. If the Senator will give me just a moment, I will see if we can clear that.

Mr. LEAHY. Mr. President, after discussing this matter with the majority leader, the chairman, and the ranking minority member of the committee, I withdrew my unanimous-consent request. I understand that the matter will be taken care of subsequently.

The PRESIDING OFFICER. The request is withdrawn.

Mr. BAKER. Mr. President, the hour of 3:30 has arrived, and I believe that the votes are about to occur. But let me put a unanimous-consent request in respect to the management of those votes. It has been submitted to the minority leader, and I believe he does not object to it. I will state it now for his consideration and that of all Senators.

I ask unanimous consent that following the first rollcall vote which is about to occur, all remaining rollcall votes in sequence be limited to 10 minutes each.

I further ask unanimous consent that there be 4 minutes equally divided, 2 minutes on a side, to intervene between those votes, for the purpose of explaining the upcoming vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1274

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment 1274, offered by the Senator from New Jersey.

Who yields time?

Mr. BRADLEY. Mr. President, this bill took the decision to legalize certain aliens as a Federal responsibility in which States and localities have no say. If it is in the national interest to legalize these people, then it is up to all Americans to share in the cost.

Concentrating the burdens on those States with the heaviest concentration of newly legalized immigrants is not only unfair, but also, I think it is the surest way to engender opposition to the program and to those it is intended to benefit.

What my amendment does is to say that costs associated with public assistance that are incurred by the State in existing State programs that are available to any other citizen of that State should be available to those illegal aliens we are legalizing and should be reimbursed at the Federal level, 100 percent. Otherwise, we are transferring back to the States enormous costs for counties, for local municipalities, and for State governments. I do not think it is the intention of this bill to do that. We have taken a Federal decision to legalize certain aliens, and the Federal Government should pay for that decision.

I reserve the remainder of my time.

Mr. SIMPSON. Mr. President, this amendment, which I oppose, would require the Federal Government to reimburse the State and local governments for welfare benefits and educational benefits.

Please understand that this is not just welfare benefits. This is educational benefits provided to aliens already living and working in the United States.

We have a legalization program here. There is no question about what we are trying to do. We have a provi-

sion about temporary resident aliens and permanent resident aliens. These are not refugees admitted to this country by the President after consultation with Congress. The people legalized under this bill are working here. They have been working and contributing to their communities for a substantial period of time. They have acquired what we call equities and put down roots. These people are paying State and local taxes, income taxes, property taxes, indirectly through rents or directly through home ownership.

Refugees might well be a Federal responsibility of 100 percent, but this is not a 100-percent Federal responsibility. It is a shared responsibility. It recognizes the benefits of legalization received by the State and local governments, including the taxes I mentioned, as well as the responsibilities of the Federal Government. This shared responsibility is recognized in this bill by a provision for Federal block grant assistance to the States based on a formula which recognizes the number of legalized aliens in each State.

The administration has assured me that there will be provision for $1.1 billion to $1.4 billion available for that block grant program.

This is the issue. These people we are talking about here are economic migrants who came here to work—young, single males.

Under a recent Supreme Court decision, we already have a requirement that all alien children in this country are entitled to a free public education. So legalization alone will not increase that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHILES. Mr. President, I rise in support of Senator BRADLEY's amendment to authorize reimbursement to State and local governments for the costs incurred by the legalization progam authorized by S. 529, the Immigration Reform and Control Act of 1983.

Mr. President, I am not only pleased to cosponsor the Senator from New Jersey's amendment, I am relieved that at long last other Members of this distinguished body are realizing the importance of Federal assistance in immigration programs. My State of Florida is still bailing out from the unprecedented expenses brought on by the Cuban flotilla and Haitian influx of 1980 and 1981. Florida received very little assistance from the Federal Government during the whole ordeal and what little financial help we got came because several of us in the Florida delegation badgered our friends on the Appropriations Committees to provide some relief to Florida. We got it, but we had to repeat the fight several times. Therefore, I am very pleased that Senator BRADLEY and others are recognizing the need and efficiency of authorizing reimbursement in Federal immigration law.

I must say that I am not a dyed-in-the wool convert to the whole idea of legalization. I have great problems with granting automatic residency to a vast subsociety of undocumented aliens who have lived for years in the United States. I have problems because we are dealing with an unknown number—documented estimates on the number of illegal aliens ranges from 3 million to 12 million persons. Nine million persons is a wide discrepancy and we do not know how many of these unknowns have already participated in our schools, in our health care, and in our social services. The enactment of a legalization program could have a significant impact on Florida. And then, perhaps most of the undocumented aliens have already placed their children in our schools and made themselves available to our health care. Then, the impact of legalization might be minimal. We just do not know. And, I do not like enacting such important policies when we are dealing with such a significant unknown.

I also have problems with the legalization program because in my view we are making it easier for people who illegally entered the United States to obtain residency than for those thousands of persons who have attempted to come through the legal process. My offices in Florida and Washington are inundated with resquests for assistance in getting a relative into the United States. These people are told they must be put on a waiting list which already has thousands of applicants on it. They are puzzled and angered about the legalization program. I understand that concern.

But, I also understand Senator SIMPSON's concern that this subsociety of undocumented persons which has grown to great numbers of persons in the United States must be dealt with in an orderly fashion. S. 529 attempts to provide such a process but I believe that Senator BRADLEY's reimbursement mechanism is more adequate than the one in S. 529. We in Florida are familiar with the great difficulties in block grant reimbursement for immigration crises and I therefore am very pleased to join with Senator BRADLEY in sponsoring a 100-percent reimbursement to State and local governments.

I ask my colleagues to join with us in supporting this important amendment.

Mr. MOYNIHAN. Mr. President, I wish to add my full support for the amendment offered by my distinguished colleague from New Jersey, Senator BRADLEY, to provide 100-percent reimbursement to State and local governments for the cost of providing assistance to newly legalized aliens.

Mr. President, when we speak of illegal aliens, and of the legalization program proposed in the bill before us today, we suffer from a lack of accurate and specific information. No one knows just how many illegal aliens reside in the United States today—the Bureau of the Census estimates the total was between 3.5 and 6 million in 1980. No one knows just how many will become temporary or permanent residents under the legalization proposal. And, as a result, no one knows just what legalization will cost.

Under S. 529, newly legalized immigrants will be ineligible for almost every Federal assistance program. Judging from past court decisions, however, it would appear that State and local governments will be constitutionally required to extend eligibility for their programs to newly legalized aliens. Rough estimates indicate that the resulting costs to State and local governments will be quite significant. New York City, for example, estimates that S. 529 will result in additional costs of $40 to $45 million. The cost to New York State may exceed $200 million. These cost projections are based on estimates of at least 750,000 illegal immigrants in New York City, and over 1 million in the State. The block grant established in S. 529 cannot guarantee even a minimal reimbursement level. It provides no assurance to States and localities that they will be sufficiently compensated for the costs they incur as a result of this legislation.

But while all the facts may not be known, the principle underlying this issue is clear. A weighty decision on immigration policy is about to be made at the Federal level. This is where such a decision ought to, and in fact must, be made. But the immigration bill, as currently written, unfairly would shift the cost of a Federal decision concerning social and medical services to newly legalized aliens on to State and local governments, and especially on to those areas with relatively large numbers of aliens.

It is time we act on the growing problem of illegal aliens; and we must be ready, as a nation, to cover the costs of our actions. We cannot in good conscience pass the financial consequences of our decision on to State and local governments who are suffering their own budgetary difficulties. The Federal Government must remain accountable and responsible for the effects of its decisions. That is why I urge my colleagues to support the concept of full reimbursement, and that is why I wholeheartedly endorse the amendment before us now.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that I be listed as a cosponsor of amendment No. 1274, the Bradley amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty seconds.

Mr. BRADLEY. Mr. President, the worst thing that could be said about my amendment is that it is redundant: That because people are working, you will not need money for public assistance or that sufficient assistance is provided under a block grant. At best, it is an insurance policy that guarantees States and localities from incurring an excessive burden.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from New Jersey. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Vermont (Mr. STAFFORD) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Georgia (Mr. NUNN) are necessarily absent.

The PRESIDING OFFICER. Are there any Senators in the Chamber who wish to vote?

The result was announced—yeas 37, nays 57, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—37

Andrews	Dodd	Pell
Bentsen	Durenberger	Pryor
Biden	Glenn	Randolph
Bingaman	Hawkins	Riegle
Boren	Heinz	Sarbanes
Bradley	Inouye	Sasser
Bumpers	Jackson	Specter
Burdick	Johnston	Tower
Byrd	Lautenberg	Tsongas
Chiles	Levin	Wilson
Cranston	Matsunaga	Zorinsky
D'Amato	Metzenbaum	
Dixon	Moynihan	

NAYS—57

Abdnor	Grassley	Mitchell
Armstrong	Hatch	Murkowski
Baker	Hatfield	Nickles
Baucus	Hecht	Packwood
Boschwitz	Helms	Percy
Chafee	Huddleston	Pressler
Cochran	Humphrey	Proxmire
Cohen	Jepsen	Quayle
Danforth	Kassebaum	Roth
Denton	Kasten	Rudman
Dole	Kennedy	Simpson
Domenici	Laxalt	Stennis
Eagleton	Leahy	Stevens
East	Long	Symms
Exon	Lugar	Thurmond
Ford	Mathias	Trible
Garn	Mattingly	Wallop
Goldwater	McClure	Warner
Gorton	Melcher	Weicker

NOT VOTING—6

DeConcini	Heflin	Nunn
Hart	Hollings	Stafford

So Mr. BRADLEY's amendment (No. 1274) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, may we have order now?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. STEVENS. Mr. President, the series of six votes will take us all afternoon if we have to keep trying to get order.

AMENDMENT NO. 1275

The PRESIDING OFFICER. The question now recurs on amendment No. 1275 by the Senator from New Hampshire (Mr. HUMPHREY). There are 4 minutes of debate evenly divided. Who yields time?

Mr. HUMPHREY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HUMPHREY. Mr. President, I can barely hear myself, and I doubt whether others can hear my voice.

The PRESIDING OFFICER. Will all Senators having conversations please retire to the cloakroom.

The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, this bill grants amnesty to those who have broken our laws, our immigration laws. That is an act of considerable compassion, I think perhaps an act of too great compassion.

But in any case, I ask, is it necessary for us to go beyond amnesty, to go beyond forgiving the transgression of our laws and in addition to that provide entitlement benefits to those illegal aliens granted amnesty under this bill? I suggest the answer is "No." I suggest the answer is patently unfair to our own taxpayers to have to provide benefits on top of amnesty, to provide entitlement benefits to those who have criminally broken our laws but who are forgiven by this pending legislation.

So the purpose of my amendment is to preclude the extension of entitlement benefits until the illegal aliens granted amnesty under this bill attain naturalized citizenship. It is that simple. They would not be entitled to entitlement benefits. They would not be due entitlement benefits until they became naturalized citizens.

Mr. President, I would point out that we have no idea how much it will cost us if indeed they became eligible for entitlement benefits for the reason that we do not actually know how many illegal aliens there are in this country. The estimates range from 3 million to 12 million. Nobody knows what it is, so it is impossible to determine the cost of entitlement benefits for illegal aliens, but we know it would be very substantial.

I urge my colleagues to accept this amendment. Once again, very simply, it precludes extending entitlement benefits to those illegal aliens granted amnesty under this bill.

The PRESIDING OFFICER (Mr. SPECTER). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senate will be in order.

Mr. SIMPSON. Mr. President, the purpose of the legalization program, controversial as it may be, is simply to bring forward people who have been living in a fearful subculture within our society. We are diminished by their existence. And while I understand the Senator's need to present the amendment reducing Federal costs at a time of unacceptably large deficits, I fear the amendment will tend to continue the existence of a subclass of persons. Here is the issue.

Recall that those who emigrate to this country, those who receive green cards as permanent resident aliens, some of them never want to become naturalized citizens.

The PRESIDING OFFICER. The Senate will be in order. Will the staff please cease conversation in the rear of the Chamber? Senators who are talking, please retire to the cloakrooms.

Mr. SIMPSON. Some do not wish to become naturalized citizens and under our Constitution and laws it is not necessary for them to naturalize in order for them to enjoy most of the benefits and protections in this country, other than the right to vote.

These people are an integral part of our society. They serve in the armed services. They contribute in many other ways. They pay taxes. To permanently withhold any Federal welfare benefits from those who are legal but never naturalized will, in effect, perpetuate another subclass within our society.

I know my colleague has a wish for 20 seconds.

Mr. KENNEDY. Mr. President, already in the bill is the fact that we will not provide these social benefits for a period of 3 years. The amendment of the Senator from New Hampshire would extend that for 2 more years or more.

I basically think the amendment is unconstitutional. But, second, as the Senator from Wyoming has said, they pay taxes and, if you ever get in a situation where you have a draft, they will be drafted and they will serve in the Armed Forces of the country. They have all the responsibilities of permanent resident aliens, but under the Senator's amendment, none of the benefits.

I hope, for the reasons that the Senator from Wyoming has outlined, that it will be rejected.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment of the Senator from New Hampshire (Mr. HUMPHREY). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS announced that the Senator from Vermont (Mr. STAFFORD) is necessarily absent.

Mr. CRANSTON announced that the Senator from Arizona (Mr. DECONCINI), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from South Carolina (Mr. HOLLINGS),and the Senator from Georgia (Mr. NUNN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 31, nays 63, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—31

Abdnor	East	Mattingly
Armstrong	Exon	McClure
Baker	Ford	Nickles
Bentsen	Garn	Rudman
Boren	Hatch	Stennis
Byrd	Helms	Symms
Cochran	Humphrey	Trible
Cohen	Jepsen	Wallop
D'Amato	Kasten	Zorinsky
Denton	Long	
Dole	Lugar	

NAYS—63

Andrews	Hatfield	Packwood
Baucus	Hawkins	Pell
Biden	Hecht	Percy
Bingaman	Heinz	Pressler
Boschwitz	Huddleston	Proxmire
Bradley	Inouye	Pryor
Bumpers	Jackson	Quayle
Burdick	Johnston	Randolph
Chafee	Kassebaum	Riegle
Chiles	Kennedy	Roth
Cranston	Lautenberg	Sarbanes
Danforth	Laxalt	Sasser
Dixon	Leahy	Simpson
Dodd	Levin	Specter
Domenici	Mathias	Stevens
Durenberger	Matsunaga	Thurmond
Eagleton	Melcher	Tower
Glenn	Metzenbaum	Tsongas
Goldwater	Mitchell	Warner
Gorton	Moynihan	Weicker
Grassley	Murkowski	Wilson

NOT VOTING—6

DeConcini	Heflin	Nunn
Hart	Hollings	Stafford

So Mr. HUMPHREY's amendment (No. 1275) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1277

The PRESIDING OFFICER. The question recurs on the Cranston amendment No. 1277, with 4 minutes of debate equally divided.

The Senate will be in order.

All those wishing to carry on conversations, please retire to the cloakrooms.

The Senate will be in order.

Mr. SIMPSON. Mr. President, I will quickly utilize a minute of my 2 minutes, giving the opportunity to the Senator from California to come to the Chamber.

I am opposing this amendment. The legalization provisions in this bill I would hope would resolve a serious national problem.

We are going to have hundreds of thousands or even millions of people here under legalization. If every one of them were entitled to judicial review of legalization, it would be an extraordinary burdening of the legal system in the United States. This is a frightening prospect.

Please remember, we are not talking about citizens, we are talking about persons who illegally entered the country.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time on behalf of the proponent of the amendment?

Mr. CRANSTON. Mr. President, this amendment is a modest attempt to make the legalization provisions of this bill slightly more just. It adopts the language of the House Judiciary committee.

It would provide to court's already reviewing a deportation order of an alien whose application for legalization has been denied the opportunity to examine the record of the legalization proceeding to determine whether there has been a gross abuse of administrative discretion or whether the facts as a whole are inconsistent with the findings of fact.

To deny this very limited form of judicial review is to encourage the abuses it is designed to correct.

My amendment will save otherwise eligible aliens from injustice.

I urge its adoption.

I yield back the remainder of my time, Mr. President.

Mr. SIMPSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from California. The yeas and nays have been ordered on the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Vermont (Mr. STAFFORD) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 20, nays 75, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—20

Biden	Lautenberg	Packwood
Bingaman	Leahy	Pell
Boschwitz	Levin	Riegle
Cranston	Matsunaga	Sarbanes
Glenn	Melcher	Specter
Inouye	Metzenbaum	Weicker
Kennedy	Moynihan	

NAYS—75

Abdnor	Exon	Mitchell
Andrews	Ford	Murkowski
Armstrong	Garn	Nickles
Baker	Goldwater	Nunn
Baucus	Gorton	Percy
Bentsen	Grassley	Pressler
Boren	Hatch	Proxmire
Bradley	Hatfield	Pryor
Bumpers	Hawkins	Quayle
Burdick	Hecht	Randolph
Byrd	Heinz	Roth
Chafee	Helms	Rudman
Chiles	Huddleston	Sasser
Cochran	Humphrey	Simpson
Cohen	Jackson	Stennis
D'Amato	Jepsen	Stevens
Danforth	Johnston	Symms
Denton	Kassebaum	Thurmond
Dixon	Kasten	Tower
Dodd	Laxalt	Trible
Dole	Long	Tsongas
Domenici	Lugar	Wallop
Durenberger	Mathias	Warner
Eagleton	Mattingly	Wilson
East	McClure	Zorinsky

NOT VOTING—5

DeConcini	Heflin	Stafford
Hart	Hollings	

So the amendment (No. 1277) was rejected.

AMENDMENT NO. 1278

The PRESIDING OFFICER. The question is on agreeing to the Cranston amendment No. 1278.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. Four minutes equally divided.

Who yields time?

The Senator from California is recognized.

Mr. CRANSTON. I yield myself such time as I need, which will not be much.

I am prepared to modify my amendment to meet the two objections raised by the Senator from Wyoming. He felt that the procedure proposed to provide an application for legalization would create, as he called it, a "cottage industry in sworn statements," so I propose to modify the amendment and specify that the affidavit come from the applicant's employer.

The PRESIDING OFFICER. Will the Senator suspend?

It requires unanimous consent to have a modification at this time.

Mr. CRANSTON. I am going to ask that the yeas and nays be vitiated shortly. I will proceed in the appropriate way.

Second, the Senator from Wyoming suggested that the amendment would

change the burden of proof. To make sure that it is understood that it is only a rebuttable presumption, I am modifying the amendment to that effect.

I should like to ask the Senator if that is his understanding; if it is modified in that way, is it acceptable?

Mr. SIMPSON. Mr. President, the amendment as modified is very appropriate and it now makes clear that a legalization applicant may use the properly attested statement of his employer to establish a rebuttable presumption of physical presence. I do accept the amendment and appreciate the efforts of the Senator from California.

Mr. CRANSTON. Mr. President, I thank the Senator. In order to save the Senate time, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. CRANSTON. Mr. President, I send a modification to the desk and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection?

Mr. CRANSTON. I yield back the remainder of my time and ask that the amendment be adopted.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from California, as modified.

The amendment (No. 1278), as modified, was agreed to.

AMENDMENT NO. 1279

The PRESIDING OFFICER. The question now occurs on the McClure amendment No. 1279.

Mr. KENNEDY. May we have order, Mr. President.

The PRESIDING OFFICER. Four minutes of debate equally divided.

The Senate will be in order.

The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, this amendment simply requires that the INS must have a search warrant to enter upon a field as well as a search warrant to enter into any of the buildings where they may seek to enforce the immigration laws and to seek out the illegal aliens in this country.

Mr. President, it seems to me to be entirely wrong to assume that the INS should attempt to use a construction by the Supreme Court which said that search warrants are not necessary to enter an open field when that Supreme Court decision said that is where a crime can be observed to be committed in front of their eyes, the presence of illegal evidence, the presence of illegal activity. The only evidence that they have in this instance is to observe the presence of someone in the field who may appear to be different than the other Americans, and that certainly does not seem to be a justifiable reason to assume the commission of a crime, to justify the application of the open field rule.

This amendment is supported by the American Farm Bureau, the National Cattlemen's Association, the National Wool Growers Association, the Fresh Fruit & Vegetable Growers Association, and by the American Civil Liberties Union.

I hope the amendment will be adopted.

Mr. President, I yield to the Senator for Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, under this legislation we are focusing on employer sanctions to deal with the problems of undocumented aliens.

It seems to me that the focus of INS in the future should be on the front office, not on the fields. If they are going to go into the fields, they should be required to have the search warrants which are required even in a barn or a factory.

The problem we have seen in the past has been the indiscriminate character of the sweeps. Not only are they often a disservice to the aliens but also, in many instances, a grave disservice to American citizens who are caught up in them.

Mr. McCLURE. Mr. President, the only abuse toward which this is directed is the overzealous attention of the INS to the fieldworker problem.

Mr. STENNIS. Mr. President, may we have order? I cannot hear the speaker.

The PRESIDING OFFICER. The Senate will be order.

Mr. McCLURE. The evidence is irrefutable that 98 percent of the illegal aliens are not employed in agriculture. They are in other employment. Yet, 50 percent of those apprehended are in the fields, which indicates that the INS is not directing their enforcement activity at the real problem of displacement of workers in this country.

I hope the amendment will be agreed to.

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. SYMMS. Mr. President, I thank the Senator very much for offering the amendment.

Mr. President, I reemphasize the point that the sponsor of the amendment has made.

Most of the illegal aliens in this country which are apprehended by the INS are apprehended on farms. There is a growing feeling in the agricultural community that the INS is becoming Gestapo-like in their operations.

Mr. President, I support my distinguished colleague from Idaho (Senator McCLURE) and his amendment requiring that the INS have a search warrant before entering an open field. This is a fundamental issue of fairness and will end the constant disruption of a farmer's work force.

Mr. President, just this past weekend there was a raid by the INS in Sailer Creek, Idaho, not for from Glenns Ferry, involving 30 illegal aliens. A 26-year-old illegal alien, here trying only to earn a living for his family in Mexico, died of a massive heart attack while being chased down by the INS. With instances as this taking place, the local citizens and seasonal labor alike look upon the INS as the Gestapo. It is not only the illegal aliens which flee during on INS raid, I personally have seen instances of legal aliens and even U.S. citizens of Spanish descent fleeing in fear from INS agents because of the tactics of the INS.

Now these farmers are in a bind. Farmers cannot get help locally to perform many of their labor requirements. Further this is a crucial time in the crop cycle, trying to get our crops watered up. Farmers must have assurance that they will have a reliable source of labor that will help in the raising of their crops. The tactics of the INS and tragedy which resulted from this incident cannot be allowed to continue. The rights of the farmer cannot continue to be violated. This is the only type of police-state activity of this nature allowed in the United States. I commend Senator McCLURE for his efforts, and I wholeheartedly support this amendment now as I did in the last session of Congress when Senator HAYAKAWA was its sponsor.

Mr. TOWERS. Mr. President, I would like to take this opportunity to commend my colleagues for the long hours of hard work that have gone into the bill now before the Senate. Certainly, it is not an easy task to attempt to alter the existing system. This legislation is the result of a conscientious and concerted effort on the part of many Senators to allow us to get a handle on this Nation's immigration problems, which are the result of our inability to enforce our borders and which have allowed unprecedented numbers of illegal aliens to enter our country.

However, as much as I would like to see long overdue and much-needed reforms in our immigration laws, I was compelled to vote against this legislation when it passed the Senate last year becuase of my serious reservations about some of the long-term effects of various provisions in the bill, and which I regret are included in almost identical form in the bill now before us, S. 529.

Among my concerns are those provisions in S. 529 which would impose sanctions against those employers who hire illegal aliens. While I am strongly opposed in principle to the deliberate hiring of persons known to be in this country illegally. I do not believe that the provisons embodied in this bill are an appropriate means of addressing the problem.

The mere failure to obtain the necessary documentation which this bill requires for all new hires by all employers of four or more individuals could result in a $500 fine. Actually hiring an illegal alien would lead to a $1,000 fine per alien for the first offense, a $2,000 fine per alien for the second, and, ultimately, a jail sentence upon conviction of a pattern or practice of hiring an undocumented worker.

I believe the recordkeeping burden which this bill would impose is mind-boggling, particularly for small business owners for whom this requirement would be particularly onerous.

Equally as important as the unfair impact which I believe these provisions will have on employers, is the discriminatory effect which I fear employer sanctions may cause againt American citizens or legal aliens of minority groups. If an employer knows he is facing stiff monetary penalties, let alone the possibility of a jail sentence, for hiring an individual who turns out to be an illegal alien, can we be surprised if he elects not to hire anyone who looks or appears to be foreign? I do not believe that even the worthy goal of making certain that people who break our immigration laws are not allowed to work in the United States justifies creating this unconscionable burden on either employer or employee.

As you are aware, many efforts have been made on the Senate floor in connection with this legislation to ameliorate the potentially damaging effects of the current employer sanctions provisions. During consideration of this measure last year, I introduced an amendment to the employer sanctions section of the immigration bill of 1982 which I felt would have worked to diminish the risk of discrimination while, at the same time, controlling the intentional hiring of illegal workers in an effective and workable fashion.

This year, I was pleased to support the amendment offered by my colleague from Massachusetts, Senator KENNEDY. This amendment would have added a necessary safeguard against any possible discrimination resulting from the employer sanctions provisions. it would have provided a mechanism by which discrimination could be addressed by Congress in a timely fashion so that appropriate action might be taken.

To my regret, my own amendment last year and the amendment I supported this year failed to pass the Senate and the concerns over the effect of employers sanctions on both the employer and employee remain unresolved.

At this time, I would like to add that I am pleased to cosponsor two amendments which have been offered to this bill which, in my view, address other real issues of concern.

The amendment to be offered by the Senator from New York, Senator D'AMATO, which I have joined in sponsoring, would require the Federal Government to reimburse States the cost of incarcerating illegal aliens convicted of felonies. In Texas alone, an estimated 500 illegal alien inmates are in prisons, costing taxpayers about $4,500 per inmate, per year. For the same reasons that I do not believe it is fair for the private sector to bear the responsibility of policing our immigration laws, I do not think it is fair for States to bear the high cost of jailing illegal aliens. These individuals; entry into this country was the result of policy decisions over which the States had no control. Therefore, it would appear appropriate, in my view, for the Federal Government to assume responsibility for the result of crimes illegal aliens commit while in this country.

I have also joined in sponsoring the amendment to be offered by the Senator from Idaho, Senator MCCLURE, which would require the Immigration and Naturalization Service to obtain a valid search warrant before entering a farm, ranch, or other agricultural operation. Our agricultural industry is vital to our Nation's economy and welfare as a whole, and as makers of national farm policy, I believe it is essential that we encourage the stability necessary in the agricultural sector to allow the 23 million people who are involved in that industry to do the job they do so well.

Currently, the INS must obtain a warrant prior to entering a place of business, such as a hotel or restaurant, to conduct a search for undocumented workers. However, INS policy now treats agricultural lands as open fields, beyond the scope of the fourth amendment protection, and therefore INS agents do not have to obtain a warrant before entering a private farm or ranch. This open field doctrine has been applied by the courts to those instances where the fruit of the crime is clearly visible to law enforcement officers. This doctrine should not be applied to illegal immigration cases. In my view, it is discriminatory to assume, on sight, that certain farmworkers are illegal aliens simply because of the color of their skin, and these warrantless entries in search of undocumented workers violate the constitutional rights of both the property owners and the workers.

Whether or not the workers who are apprehended on such a raid turn out to be illegal aliens, the entire operation of the farm has been disrupted for a period of time. Many workers, including those who later turn out to be U.S. citizens or authorized workers, are scared to come back to work. The purpose of this amendment, therefore, is to stop the open field raids by INS that severely disrupt farming operations, resulting in thousands of dollars in lost crops and man-hours annually.

Passage of this amendment would not provide any special protection for farmers. It would merely ensure that farmers, ranchers, and farmworkers are afforded the same standard of protection against unreasonable and warrantless searches as other businessmen and workers now enjoy.

I cannot predict what will happen to the immigration bill. However, if it is enacted in its present form, I will monitor its effects on my fellow Texans and do everything in my power to see that the effects of this legislation are not as harmful as I fear they could be. It is my hope that my colleagues also will follow its implementation closely and with an open mind, and be willing to make any changes that prove necessary to keep this well-intentioned attempt at solving our immigration problems from becoming just another onerous and counterproductive set of regulations.

Mr. SIMPSON. Mr. President, the purpose of this legislation is to improve control over illegal immigration. This amendment effectively removes that control.

It is ironic that yesterday, when the growers were talking about illegals being apprehended and disrupting the harvest, they said that only 8 percent of all illegals are in agriculture but 50 percent of the apprehensions are made there. But when they fear losing the illegal aliens as workers, through the implementation of employment sanctions, they claim they will not be able to harvest or that food prices will rise unless they have these special programs for the transitional workers. They cannot have it both ways.

The issue here is that this is the most effective way of control. The open fields have been described very carefully in Supreme Court decisions. There is no way for law enforcement personnel, under the circumstances that will take place here, to process warrants, no way to go through rural areas, no way to travel from the site and prepare and sign affidavits when you have field crews involved in activity which is not just rapid—it is frantic. There is no way that can work.

The issue before us today is another one, and it is simple: By adoption of

this amendment, you have opened various oases of discrimination and exploitation. That is what you do when you adopt this amendment.

Mr. HUDDLESTON. Mr. President, does any time remain?

The PRESIDING OFFICER. Nine seconds.

All time has expired.

The question is on agreeing to the amendment of the Senator from Idaho. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 33, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—62

Andrews	Garn	Moynihan
Armstrong	Goldwater	Murkowski
Baucus	Hatch	Nickles
Bentsen	Hatfield	Pell
Biden	Hawkins	Percy
Bingaman	Hecht	Pryor
Boren	Helms	Riegle
Boschwitz	Humphrey	Roth
Bumpers	Inouye	Rudman
Burdick	Jackson	Sarbanes
Chafee	Jepsen	Sasser
Cochran	Kasten	Stennis
Cranston	Kennedy	Stevens
D'Amato	Lautenberg	Symms
Denton	Laxalt	Tower
Dixon	Leahy	Wallop
Dodd	Levin	Warner
Dole	Matsunaga	Weicker
Domenici	McClure	Wilson
East	Melcher	Zorinsky
Exon	Metzenbaum	

NAYS—33

Abdnor	Grassley	Packwood
Bradley	Heinz	Pressler
Byrd	Huddleston	Proxmire
Chiles	Johnston	Quayle
Cohen	Kassebaum	Randolph
Danforth	Long	Simpson
Durenberger	Lugar	Specter
Eagleton	Mathias	Stafford
Ford	Mattingly	Thurmond
Glenn	Mitchell	Trible
Gorton	Nunn	Tsongas

NOT VOTING—5

Baker	Hart	Hollings
DeConcini	Heflin	

So Mr. MCCLURE's amendment (No. 1279) was agreed to.

Mr. MCCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1280

The PRESIDING OFFICER. The Senate will be in order.

The question now recurs on the amendment of Senator D'AMATO, No. 1280. Who yields time?

Mr. SIMPSON. Mr. President, I just happened to reflect for a moment about what would happen if the ACLU and the National Farm Bureau got together. I thought that would be an explosive situation, and I found that to be exactly correct. [Laughter.]

Mr. D'AMATO, please, for his amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, we have debated this amendment and I want to say that my esteemed colleague, Senator SIMPSON, has been most gracious in offering to undertake a study and to hold hearings with respect to the number of illegal aliens, refugees, migrant workers and other aliens who are now in our prisons at great expense, after having been tried and convicted of felonies.

Mr. MOYNIHAN. Mr. President, may we have order? The Senator is making an important point.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order. The Senate is now in order, and the Senator from New York is recognized.

Mr. D'AMATO. Alien felons are a great burden on our State judicial systems and our penal institutions, which are literally bursting at the seams.

Again I am appreciative of Senator SIMPSON's offer to conduct a study. But I think the fact is that now is the time to act and demonstrate that the Federal Government does have a responsibility to help the States cope with the problems that it has caused. The States did not create this problem. They find themselves victimized; our local taxpayers find themselves victimized. Our prisons are bursting and we are paroling people, not because they should be or are entitled to be out on the streets but because we have no room to incarcerate them.

Unless we expect to be able to continue our war on crime with rhetoric and without positive action, we must move in this manner, in this place, and at this time to support our words with action. And that is what this amendment calls for.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. D'AMATO. Certainly.

Mr. CHILES. I just want to join with the Senator from New York and simply say our jails are full. They are illegal aliens and people who have violated their paroles. We cannot send them back to Cuba because Cuba will not take them back. Yet right now the burden of those people falls on State government and local government, and that is simply not fair and it ought to be a Federal responsibilitly. It is a Federal responsibility of immigration, and I urge the Senate to adopt the Senator's amendment.

The PRESIDING OFFICER. All time of the proponents has expired.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, it would be a good argument if it were left on the basis that this affected only illegal aliens.

This amendment is very sweeping.

Mr. KENNEDY. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SIMPSON. This amendment in its present draft includes temporary workers, foreign tourists, asylees, foreign students, refugees, and H-2 workers.

I have explained several times to the Senator from New York that the first time we ever heard of this issue was 2 weeks ago.

It is a significant departure from present law. I have promised him hearings, I have promised him report language, and I can assure you that when we inquire of the various penal institutions in the States as to what their population is that should be paid for by the Federal Government we will get some figures, and when we get those figures I will go with the Senator from New York and we will discuss that with the administration and see that people pick up their Federal responsibilities.

But this amendment is totally sweeping. It involves our proud heritage of accepting refugees and immigrants and this amendment includes about seven categories of persons. I have promised him a time for hearings. I have promised him a time for report language, and I urge the rejection of the amendment.

Mr. KENNEDY. Mr. President, I join with the Senator from Wyoming in opposing this amendment. I think we ought to, as the Senator has mentioned, have some hearings and some additional information. I really have questions about whether this is the right vehicle. If we are going to have such an amendment it should be on, perhaps, the Department of Justice authorization bill or on the appropriations bill sometime in this session.

I basically am openminded on the concept, but I think that is the wise way to proceed. For those reasons I will vote against it.

The PRESIDING OFFICER (Mr. JEPSEN). The Chair will advise the Senator that all time has expired on both sides. The question is on agreeing to the amendment of the Senator from New York. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Alabama (Mr. HEFLIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—55

Abdnor	Helms	Nickles
Andrews	Humphrey	Nunn
Bentsen	Inouye	Pressler
Biden	Jackson	Pryor
Boren	Jepsen	Riegle
Boschwitz	Johnston	Rudman
Bumpers	Kasten	Sarbanes
Burdick	Lautenberg	Specter
Chiles	Leahy	Stafford
Cochran	Levin	Stennis
D'Amato	Long	Stevens
Denton	Lugar	Tower
Domenici	Matsunaga	Trible
East	Mattingly	Tsongas
Ford	McClure	Warner
Garn	Melcher	Weicker
Hatch	Metzenbaum	Wilson
Hawkins	Moynihan	
Heinz	Murkowski	

NAYS—40

Armstrong	Exon	Pell
Baucus	Glenn	Percy
Bingaman	Goldwater	Proxmire
Bradley	Gorton	Quayle
Byrd	Grassley	Randolph
Chafee	Hatfield	Roth
Cohen	Hecht	Sasser
Cranston	Huddleston	Simpson
Danforth	Kassebaum	Symms
Dixon	Kennedy	Thurmond
Dodd	Laxalt	Wallop
Dole	Mathias	Zorinsky
Durenberger	Mitchell	
Eagleton	Packwood	

NOT VOTING—5

Baker	Hart	Hollings
DeConcini	Heflin	

So Mr. D'AMATO's amendment (No. 1280) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1210

The PRESIDING OFFICER. The question recurs on the Kennedy amendment No. 1210. The Senator from Wyoming has 12 minutes remaining and the Senator from Massachusetts has 14 minutes remaining. Who yields time?

Mr. KENNEDY. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. It will take unanimous consent to modify the amendment.

The Senate will be in order.

The Chair advises the Senator that it will take unanimous consent to modify the amendment.

Mr. KENNEDY. I ask unanimous consent to be able to modify the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is modified.

The amendment, as modified, is as follows:

On page 123, after line 10, insert the following new subsection:

(c) Section 236(a) (8 U.S.C. 1226(a)), as amended by section 126 of this Act, is further amended by inserting after the second sentence the following new sentence: "To the extent practicable, the hearing shall be conducted in a nonadversarial, informal manner, except that the applicant is entitled to be assisted by counsel (in accordance with section 292), to present evidence, and to examine and crossexamine witnesses.".

On page 123, line 11, strike out "(c)" and insert in lieu thereof "(d)".

On page 127, line 9, strike out "(5)(A)" and insert in lieu thereof "(5)".

On page 127, lines 12 and 13, strike out "by the Attorney General under subparagraph (B) or".

On page 127, strike out lines 14 through 25.

On page 131, amend lines 1 and 2 to read as follows:

(1)(A) in the matter before paragraph (1), by striking out "The procedure" and all that follows through "any prior Act" and inserting in lieu thereof the following: "Notwithstanding section 279 of this Act, section 1331 of title 28, United States Code, or any other provision of law (except as provided under subsection (b)), the procedures prescribed by and all the provisions of chapter 158 of title 28, United States Code, shall apply to, and shall be the sole and exclusive procedure for, the judicial review of all final orders of exclusion or deportation (including determinations respecting asylum encompassed within such orders and regardless of whether or not the alien is in custody and not including exclusions effected without a hearing pursuant to section 235(b)(1)(B)) made against aliens within (or seeking entry into) the United States";

(B) in paragraph (1), by striking out "not later than six months" and all that follows through "whichever is the later" and inserting in lieu thereof "by the alien involved or the Service not later than 45 days from the date of the final order";

(C) inserting ", in the case of review sought by an individual petitioner," in paragraph (2) after "in whole or in part, or";

(D) by inserting "in the case of review sought by an individual petitioner," in paragraph (3) after "(3)"; and

(E) by inserting "exclusion or" before "deportation" in paragraph (4);

On page 131, amend lines 14 through 17 to read as follows:

"(B) to the extent that an order relates to a determination on an application for asylum, the court shall only have jurisdiction to review (i) whether the jurisdiction of the immigration judge or the United States Immigration Board was properly exercised, (ii) whether the asylum determination was made in accordance with applicable laws and regulations, (iii) the constitutionality of the laws and regulations pursuant to which the determination was made, and (iv) whether the decision was arbitrary or capricious;",

(6) in paragraph (7)—

(A) by inserting "or exclusion" after "deportation" each place it appears,

(B) by striking out "subsection (c) of section 242 of this Act" and inserting in lieu thereof "section 235(b) or 242(c)", and

(C) by striking out "a deportation order;" and inserting in lieu thereof "an exclusion or deportation order; and",

On page 131, strike out line 23 and all that follows through page 132, line 8.

On page 132, lines 9 and 12, strike out "(2)" and "(3)" and insert in lieu thereof "(b)(1)" and "(2)", respectively.

On page 133, line 9, strike out "thirty" and insert in lieu thereof "45".

On page 133, line 21, insert "exclusion or" before "deportation".

On page 135, insert after line 14 the following:

"(3)(A)(i) Upon the filing of an application for asylum, the immigration judge, at the earliest practicable time and after consultation with the attorney for the Government and the applicant, shall set the application for hearing on a day certain or list it for trial on a weekly or other short term hearing calendar, so as to assure a speedy hearing.

"(ii) The hearing on the asylum application shall commence on the earliest practicable date after the date the application has been filed. The holding of an asylum hearing shall not delay the holding of any exclusion or deportation proceeding.

"(iii) In the case of an alien who has filed an application for asylum and who has been continuously detained pursuant to section 235 or 242 since the date the application was filed, if a hearing on the application is not held on a timely basis under clause (ii) or a decision on the application rendered on a timely basis under subparagraph (B), and if actions or inaction by the applicant have not resulted in unreasonable delay in the proceedings, the Attorney General shall provide for the release of the alien subject to such reasonable conditions as the Attorney General may establish to assure the presence of the alien at any approporiate proceedings, unless the Attorney General has reason to believe that the release of the alien would pose a danger to any other person or to the community, that the alien meets a condition described in one of the subparagraphs of section 243(h)(2), or that the alien is subject to temporary exclusion under section 235(c).

On page 135, line 15, strike out "(3)(A)" and insert in lieu thereof "(B)".

On page 135, line 21, insert "verbatim" after "complete".

On page 135, line 23, after the period insert the following new sentence: "The immigration judge shall render a determination on the application not later than 90 days after the date of completion of the hearing.".

On page 136, line 1, strike out "(B)(i)" and insert in lieu thereof "(C)(i)".

On page 136, after line 13, insert the following new clauses:

"(D) Upon the filing of a notice of appeal the decision of an immigration judge to the United States Immigration Board under section 107(b), the Attorney General and the Board shall provide that a transcript of the hearing is made available as soon as practicable.

"(E) The Attorney General shall allocate sufficient resources so as to assure that applications for asylum are heard and determined on a timely basis under this paragraph.".

On page 148, line 15, strike out "or the Attorney General".

Mr. KENNEDY. Mr. President, we are getting close to the time of passage, but I welcome the opportunity on this final item to have worked very closely with the Senator from Wyoming and also the Senator from Michigan, the Senator from Colorado, and others who have been very much concerned about the whole issue of judicial review.

May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, I will briefly spell out what is currently in the Senate bill and where the House of Representatives is on the same issue, and what compromise has been made in the working group that drafted the amendment before us. I understand that it is now acceptable to the manager of the bill.

The original bill S. 2222 last year, had a structure for administrative law judges as asylum judges and a Presidentially appointed U.S. Immigration Board. No provision was made for a review of the Board's decision.

The House bill kept that structure and superimposed on top of it the appeals to the Federal Circuit Court of Appeals.

The pending Senate bill changed the structure to immigration judges with the Attorney General appointing Immigration Board. Judicial review continues to be limited. Only if the Attorney General certifies a case is his modification then reviewable by a court of appeals. The Senate has a 9-member board and the House a 6-member board.

The compromise amendment I am offering goes with the Senate bill. However, the Attorney General's certification is eliminated and there is provision for judicial review to the circuit court of appeals.

The Senate bill deletes the statutory habeas corpus review in the district court, but the House bill specifically retains it and says habeas corpus petitions may be brought individually or on a multiple-party basis in Federal circuit courts of appeals. The compromise amendment deletes statutory habeas corpus review.

However, we do provide for a limited judicial review in asylum cases. The court is limited in its review only to, first, whether the jurisdiction of the administrative law judge or Board was properly exercised; second, whether the asylum determination was in accordance with applicable laws and regulations; third, the constitutionality of the laws and regulations pursuant to the determination; and, fourth, whether the decision was arbitrary or capricious.

That is the compromise.

So we have retained both the constitutional habeas corpus and a limited statutory habeas corpus provision. What we have done is follow the administrative provisions that are in the Senate bill, but established the House provisions on judicial review. It seems to me, Mr. President, that this is a very important adjustment to what is in the legislation now, and it seems to me to achieve the basic kinds of protections which we are interested in protecting.

On the issue of the habeas corpus, in many instances we are talking about decisions of life or death, where an individual may be deported back to parts of the world where his life may very well be threatened. So this whole issue is of enormous importance and consequence. It deserves the consideration of this body.

I welcomed during the work of the subcommittee and the full committee, and particularly in the past several days, both the continued cooperation of the chairman of the committee and the Justice Department and the various Senators who share these concerns—and there are many on both sides of the aisle—and who have helped to reach this compromise.

I will be glad to go into greater detail. I have tried to make the legislative history concise and precise on this particular issue, but I will welcome further explanation within the time limit.

As I have described it, I am hopeful this amendment can be adopted.

Mr. SIMPSON. Mr. President, this has been a very knotty problem with regard to the entire reform issue. It is the area of judicial review.

Senator KENNEDY had a viewpoint which included the use of administrative law judges and some other procedures which were originally unacceptable. In the long course of negotiations we now have come to this situation which is where we have a full, upfront type of hearing, cross-examination, open or closed, right to counsel, administrative hearings, administrative appeals. We stay with the Senate language on summary exclusion matters. We stay with the language on habeas corpus. We have adjusted the review process. The amendment still gives control of the adjudication procedure within the Department of Justice. That is what we were seeking. That Department will have the ability to react to immigration emergencies through this procedure.

There will be a limited judicial review of asylum cases, and there will be judicial review of deportation and exclusion cases.

I think it is an appropriate amendment. The system will certainly be more workable than it is now.

I ask unanimous consent to enter into the RECORD a most extraordinary docket review of an actual case which proceeded from a person admitted as a visitor to the United States on August 24, 1974, who brought over his fiance and two children, U.S. citizens, were born. That case now, 8 years later, is at the status of petition for review filed with the U.S. Court of Appeals for the First Circuit.

That is what happens in asylum cases. That is what happens when we learn how to use the systems. I want that in the RECORD. I think all Senators would be interested in that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[No. 82-1829]

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

(Thomas Le Blanc and Marie Margaret Le Blanc, Petitioners v. Immigration and Naturalization Service, Respondent. Petition for Review of an Order of the Board of Immigration Appeals—Brief for Respondent.)

Date and events.

Aug. 24, 1974: Thomas Le Blanc admitted as a visitor to the United States until 9-10-74. (A.R. 228).

June 15, 1975: Margaret Le Blanc, nee Commodore admitted as a visitor to the United States until 6-20-75. (A.R. 230).

Oct. 25, 1975: Petitioners marry. (A.R. 53).

Dec. 12, 1975: Thompson Sonel Le Blanc is born. (A.R. 223).

Jan. 19, 1978: Petitioners Reported to INS.

Feb. 19, 1978: Petitioners granted until such date to depart voluntarily.

Mar. 19, 1978: Petitioners granted until such date to depart voluntarily. (A.R. 228).

Mar. 28, 1978: Petitioners failed to depart. Order to Show Cause (OSC) issued.

Apr. 12, 1978: Deportation hearing opened. Hearing continued upon Petitioners' request. (A.R. 239).

Apr. 25, 1978: Deportation hearing reconvened. Petitioners conceded allegations in OSC, requested and were granted 75 days to depart voluntarily. (A.R. 234).

July 8, 1978: Petitioners requested and were granted until such a date to depart voluntarily from the United States.

Oct. 8, 1978: Petitioners requested and were granted until such a date to depart voluntarily from the United States.

Jan. 20, 1979: Petitioners requested and were granted until such a date to depart voluntarily from the United States.

Apr. 1, 1979: Petitioners requested and were granted until such a date to depart voluntarily from the United States.

May 24, 1979: Petitioners requested and were granted until such a date to depart voluntarily from the United States.

June 1, 1979: Petitioners requested and were granted until such a date to depart voluntarily from the United States.

July 23, 1979: Christopher Thomas Le Blanc is born. (A.R. 51).

Sept. 1, 1979: Petitioners requested and were granted until such a date to depart voluntarily from the United States.

Oct. 5, 1979: I-166 issued (Notice to report to INS for deportation).

Oct. 15, 1979: Deportation notice cancelled due to hurricane in Dominica. Thirty (30) day extension granted until 11-15-79.

Jan. 25, 1980: Motion to Reconsider and Reopen and to Stay Deportation Proceedings filed with Immigration Court. (A.R. 223).

Feb. 22, 1980: INS' opposition to motion is filed (A.R. 225).

Apr. 25, 1980: Motion denied by Immigration Judge. (A.R. 222).

Aug. 29, 1980: Petitioners requested and were granted until 9-5-80 to depart voluntarily from the United States.

Sept. 5, 1980: Motion to Reconsider and Reopen and Permission to File Petition of Suspension of Deportation filed by Petitioners with the Immigration Judge. (A.R. 281).

Sept. 17, 1980: Brief in opposition to motion filed by INS. (A.R. 220).

Sept. 29, 1980: Petitioners' motion denied by the Immigration Judge. (A.R. 217).

Oct. 17, 1980: An untimely Notice of Appeal to the BIA is filed by Petitioners.

Mar. 26, 1981: Petitioners' appeal is dismissed by the BIA.

July 17, 1981: Petitioners were granted until such a date to depart voluntarily from the United States.

Aug. 1, 1981: Petitioners were granted until such a date to depart voluntarily from the United States.

Aug. 7, 1981: Petitioners request for deferred action denied by the District Director.

Sept. 24, 1981: Motion to Reconsider the decision of the BIA dated 3-26-81 is filed. (A.R. 213).

Sept. 30, 1981: Petitioners were granted until such a date to depart voluntarily from the United States.

Oct. 19, 1981: The BIA declines to reconsider its decision.

Dec. 14, 1981: Petition for Review filed with the United States Court of Appeals for the First Circuit, No. 81-1860.

July 28, 1982: First Circuit Court of Appeals affirms the decision of the BIA.

Aug. 17, 1982: I-166 issued (Notice to Report to INS for deportation).

Aug. 17, 1982: Application for stay of deportation made by Petitioners to District Director.

Aug. 24, 1982: Application for stay denied by District Director.

Aug. 24, 1982: Motion to Reconsider, Reopen, and for Stay of Deportation filed with the Immigration Judge (A.R. 184).

Aug. 24, 1982: INS files opposition to motion. (A.R. 185).

Motion is denied by Immigration Judge.

Aug. 25, 1982: Telephonic request for a stay is made to the BIA. Request is denied. (A.R. 183.)

Sept. 7, 1982: Petitioners file Motion for a Temporary Restraining Order and Motion Preliminary Injunction in the United States District Court for the District of Puerto Rico (A.R. 173).

Sept. 7, 1982: District Court Judge issues Temporary Restraining Order. (A.R. 171).

Sept. 13, 1982: Motion to Stay Deportation, Reopen Proceedings and Remand for the Purpose of Applying For Suspension of Deportation filed by Petitioners with the BIA. (A.R. 23).

Sept. 16, 1982: The BIA denies Petitioners' motion to reopen. (A.R. 169).

Sept. 23, 1982: Stipulation entered between INS and Petitioners' counsel. (A.R. 22(a)).

Sept. 29, 1982: Written application for stay of deportation filed by Petitioners with the District Director. (A.R. 19).

Oct. 4, 1982: The District Director denies Petitioners' application. (A.R. 18).

Oct. 8, 1982: The BIA denies Petitioners' Motion to Reopen. (A.R. 15).

Oct. 14, 1982: Complaint filed by Petitioners in the United States District Court for the District of Puerto Rico. No. 82-2491JP. (A.R. 1)

Nov. 5, 1982: Petition for Review filed with the United States Court of Appeals for the First Circuit, No. 82-1829.

Mr. SIMPSON. We need a procedure which is both fair and expeditious. I believe this amendment will provide that. I appreciate the efforts of the Senator from Massachusetts.

Mr. KENNEDY. Finally, Mr. President, I commend the work that has been done by the chairman of the Immigration Subcommittee in simplifying the administrative procedures for asylum review. I think important progress has been made.

In arguing for the elimination of judicial review from the asylum process, proponents have said this is necessary because judicial review will result in delays and in the creation of huge backlogs.

Well, Mr. President, this simply is not true today, and there is no sound reason to believe it will be so in the years to come.

Currently, of the more than 150,000 asylum claims pending, less than 2 percent of these are in the courts.

The facts are that the current backlog is a consequence of the failure to provide sufficient funds and personnel to administer the asylum process. What we have today are administrative delays, not judicial delays.

This has been confirmed by the study completed last December by the Immigration and Naturalization Service—the conclusions of which I will enter into the RECORD later.

According to the INS report:

One question frequently asked is, "is the current law with regard to asylum adjudication workable?"

INS says:

We do not know the answer because INS was never able to implement fully the asylum provisions of the 1980 refugee act. . . . additionally, at the very time when the new asylum provisos went into effect in 1980, the Government actively encouraged the filing of irrelevant and frivolous claims. Further, the Government publicized its inability to process this large volume thereby exacerbating the problem. The media also mistakenly publicized the view that all aliens were utilizing the multiple layer of appeals possible under the current law when in fact only about 2 percent of the cases, mostly class action suits, went beyond the administrative appeal machinery.

That is the conclusion of the INS—that administrative problems have caused the current backlog, not judicial review.

Yet this bill unless we accept this compromise amendment, would gratuitously repeal existing rights for judicial review, when those rights are not the source of the current problem. The administrative reforms contained in this bill are the answer—not the unnecessary elimination of judicial review.

I believe it is wrong to restrict legitimate rights for judicial review under normal conditions—but it is even worse to do so for the wrong reasons.

Mr. President, I ask that the text of the conclusions from the INS report be printed at this point in the RECORD.

There being no objection, the text of the conclusions were ordered to be printed in the RECORD, as follows:

ASYLUM ADJUDICATIONS: AN EVOLVING CONCEPT AND RESPONSIBILITY FOR THE IMMIGRATION AND NATURALIZATION SERVICE

(Report prepared by Immigration and Naturalization Service, Washington, D.C.)

CONCLUSION

By its very nature this review has focused on "what's wrong" rather than "what's right" with asylum adjudications. Nevertheless, the comments and recommendations come directly from INS officers and are directed at helping INS turn the asylum issue around. The task is eminently do-able and all interviewees evinced a willingness to work towards that goal.

Of the many recommendations in this study, four are critical. The Service should:

Make the completion of asylum adjudications a priority in fiscal year 1983;

Train a special asylum officers corps;

Review and revise both the asylum application and the interim regulations and operating instructions; and

Develop a monitoring mechanism to track uniformity and consistency in asylum adjudications and provide feedback to the field.

One question frequently asked is, "Is the current law with regard to asylum adjudications workable?" We do not know the answer because INS was never able to implement fully the asylum provisions of the 1980 Refugee Act. For this most difficult, time-consuming, and politically controversial work, we neither trained our officers, developed comprehensive final regulations and operating instructions, or gave priority to the effort.

Additionally, at the very time when the new asylum provisos went into effect in 1980, the government actively encouraged the filing of irrelevant and frivolous claims. Further, the government publicized its inability to process this large volume thereby exacerbating the problem. The media also mistakenly publicized the view that all aliens were utilizing the multiple layer of appeals possible under the current law when in fact only about 2 percent of the cases, mostly class action suits, went beyond the administrative appeal machinery.

Asylum is a "sacred cow". Of all the adjudications the Service does—almost 1.8 million a year—the one that most Americans probably identify with is the refugee/asylum action. These stories make dramatic reading from escapees over the Berlin wall, the Hungarian freedom fighters, to the Vietnamese boat people. Probably few newspaper reporters would be interested in writing a story on completion of an I-130 relative petition unless there were unusual circumstances. But almost every reporter covering immigration is interested in asylum adjudications.

This places a special responsibility on INS. It also gives us maximum opportunity to report accurately and clearly what we are doing. The Service should publicize its commitment to reducing the asylum backlog in fiscal year 1983. The word should go out that these applications will not languish in district offices for months and in some cases years.

Does the Service need new legislation to deal with asylum? Both the Administration and the Congress are actively considering new proposals. Common to both is the view that a specially trained group of people are needed to do this most complex adjudication. This view has merit whether it be specially trained INS officers or immigration judges. Both proposals also reflect the view that multiple appeals have led to the explosion of asylum claims and the backlog buildup. While that may be a future problem if the appeal mechanisms are not clarified, it is not a major cause of the current asylum predicament.[1] Pending new asylum legislation, our efforts should be directed toward making the current system work and we can do that by making regulatory, not statutory, changes.

The months ahead present a unique challenge for INS. Whether or not we have new legislation, the Service has an obligation [2] to reduce significantly the asylum backlog and to communciate to the public a new message with regard to asylum claims. This must be done uniformly, consistently, and it should be carefully monitored. We must know what is happening in the field and accurately report and act on that information.

We must also acknowledge that the prime responsibility for asylum adjudications rests with the Immigration Service, not the Department of State, for it is only the immigration officer who can make the required independent judgment. With this commitment, plus officer training, asylum adjudications are doable and the Service can move ahead to play its rightful leadership role in this important area.

TABLE 1.—ASYLUM CASES PENDING NATIONWIDE

[As of March 1982]

Country of nationality	Number	Percentage
Cuba	50,920	49
Iran	14,511	14
Nicaragua	10,514	10
El Salvador	9,363	9
Haiti	5,623	5
Poland	3,495	3
Ethiopia	1,441	1
Afghanistan	1,090	1
All others (includes nationals of more than 50 countries	8,011	8
Total	104,968	

TABLE 3.—ASYLUM CLAIMS PENDING, LOS ANGELES DISTRICT OFFICE (INCLUDING SANTA ANA)

[As of March 1982]

Country of nationality	Pending beginning of month	Received	Transferred out	Completed	Pending end of month
Afghanistan	121		2		119
Argentina	17				17
Bangladesh	3				3
Bulgaria	9				9
Burundi	1				1
Cambodia	4				4
Chile	18				18

TABLE 3.—ASYLUM CLAIMS PENDING, LOS ANGELES DISTRICT OFFICE (INCLUDING SANTA ANA)—Continued

[As of March 1982]

Country of nationality	Pending beginning of month	Received	Transferred out	Completed	Pending end of month
China	68	10			78
Colombia	3				3
Cuba	140	1			141
Czechoslovakia	17				17
Dominican Republic	3				3
Ethiopia	233	16		1	248
German Democratic Republic	2				2
Ghana	2				2
Greece	1				1
Haiti	6				6
Honduras	10	1			11
Hungary	51				51
Iran	5,154	337	25		5,466
Iraq	238		2		236
Jordan	10				10
Kenya	2				2
Laos	5				5
Lebanon	375	1	4		372
Libya	3				3
Mexico	8				8
Netherlands	1				1
Nicaragua	580	85	1	1	663
Pakistan	29	1			30
Panama	1				1
Peru	3				3
Philippines	88	12	1		99
Poland	77	76			153
Rhodesia	6				6
Romania	58		1		57
South Africa	5				5
Spain	1				1
Sweden	2				2
Syria	65		1		64
Turkey	56				56
U.A.R. (Egypt)	260	30			290
Uganda	24				24
U.S.S.R.	21				21
Vietnam	49		1		48
Yugoslavia	19				19
Zaire	4				4
El Salvador	2,531	383	8		2,906
All others	523	55			578
Total	10,907	1,008	46	2	11,867

[1] The exception, of course, is class action suits brought in behalf of some detained, excludable aliens.

[2] The Simpson-Mazzoli proposals would leave with INS all asylum applications made prior to a transition date which in all likelihood would be at least six months after enactment. Therefore, INS would still have 50,000 plus cases (the exact number would depend upon the eligibility criteria set for the legalization program) to handle even if future cases were directed toward a newly formed immigration judiciary.

Mr. KENNEDY. What I would do, Mr. President, is to ask unanimous consent to include at this point in the record, as we hear where there have been abuses of judicial review, three rather dramatic cases where an immigration judge ruled against a particular individual and because under the current law there are appeal procedures, they went up to the circuit court and the circuit court found for the individuals. I think any fair examination of those three cases would indicate that if those people had been deported they would not be alive today. So judicial probably save these three people from persecution.

I ask that these three cases be printed at this point in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

SAMPLE CASES

There have been several cases where asylum has been denied by the INS and the Administration have been reversed by United States Courts of Appeals. Although the number of reversals are few in number, the facts in these cases indicate why judicial review is crucial as an independent check on administrative discretion in the asylum area. The cases are discussed below:

1. *McMullen* v. *INS* 658 F.2d 1312 (1981)—Peter Gabriel John McMullen is a citizen of the United Kingdom and the Republic of Ireland. McMullen joined the British Army and was sent to Northern Ireland in 1969. While there he says he learned of British plans to attack unarmed civilian demonstrators in order to provoke a response from the Provisional Irish Republican Army (PIRA), a clandestine offshoot of the IRA. McMullen deserted and joined the PIRA. In 1974, he resigned from the group and was arrested by the Republic of Ireland. He served three years in prison during which time he was segregated by prison authorities from PIRA members. After being released, McMullen was asked to help the PIRA again; he says he refused at first but was intimidated into cooperating. However, he refused an order to kidnap an American bar owner, and was told by a friend that he was to be killed for this insubordination. McMullen fled to the United States, entering the country illegally. Once in the U.S., he cooperated with investigations of PIRA activities by the Bureau of Alcohol, Tobacco and Firearms and Scotland Yard.

When INS initiated deportation proceedings against McMullen, he provided evidence that 1) the PIRA murders traitors, 2) the PIRA considered him a traitor and 3) the Government of the Republic of Ireland is unable to control the PIRA.

The immigration judge found that McMullen was not deportable.

On October 1, 1980, the Board of Immigration Appeals (BIA) reversed based on INS' argument that McMullen's testimony was not reliable because he was a self-interested witness. INS did not refute specific claims made by McMullen.

On October 13, 1981, the U.S. Court of Appeals reversed the board, ruling that 1) factual findings under the Refugee Act of 1980 are subject to review under the substantial evidence test, and 2) the evidence did not support the BIA's finding that McMullen had not shown that he was likely to be persecuted if he returned to Ireland.

2. *Stevic* v. *Sava* 678 F.2d 401 (1982)—Pedrag Stevic is a Yugoslav citizen who came to the United States in June 1976 on a six-week visa. He remained in the country after the visa expired despite two orders to leave. Instead of complying with the second order, Stevic moved to reopen deportation proceedings in order to argue that he would be subject to prosecution if he returned to Yugoslavia. He said he had been active in Ravna Gora, an anti-communist exile organization, and similar organizations to which the Government of Yugoslavia is known to be hostile. He said his father-in-law, a U.S. citizen who was also a member of Ravna Gora, was sentenced to three years in prison while visiting Yugoslavia as a tourist in 1974 and committed suicide after his release.

On August 1, 1979, the immigration judge denied Stevic's motion to reopen deportation proceedings.

On January 18, 1980, the BIA dismissed Stevic's appeal of the judge's decision.

On September 3, 1981, the board denied a second motion to reopen, in which Stevic argued that passage of the 1980 Refugee Act had substantially changed the standard for granting asylum and that refugees no longer had to show a "clear probability" that they would be singled out for persecution.

On May 5, 1982, the Court of Appeals ruled that the 1980 act had changed the law and that Stevic's claim should be tested in a plenary hearing. On July 29, 1982, the court denied INS' petition for rehearing.

3. *Reyes* v. *INS* 693 F.2d 597 (1982)—Liane Reyes is a Philippine citizen who entered the United States in 1975 on a student visa and remained in the country after her visa

expired. In 1979, INS began deportation proceedings. Reyes requested political asylum. She stated that she had participated in anti-Marcos activities in 1963 or 1964; that in 1964 or 1965 she was taken out of school and detained and questioned for several days; and that she was disciplined several times in school for making disruptive anti-government statements. Reyes also entered into the record a letter from the Director of Mass Media of the Catholic Church in the Philippines describing incidents of persecution against others and warning her not to return to the country.

On July 29, 1980, the immigration judge denied Reyes application for asylum.

The IAB affirmed the judge's decision, dismissed Reyes' appeal, and ordered her to leave the country.

On November 11, 1982, the Court of Appeals reversed the board and directed that asylum be granted. The court held that Reyes had "presented evidence not only sufficient to bring her within risk and tenor of new provisions of Immigration and Nationality Act, but also presented overwhelming evidence supporting her claim."

Mr. KENNEDY. We want to expedite the process, speed up the administrative procedure, but we also want to insure that there will be some protection in the form of judicial review.

The final point I make on this issue is that it is not easy or inexpensive to go to the circuit court. It costs several thousand dollars to start off. Any circuit court can dismiss frivolous cases; they can do that at the present time. It is only really the egregious cases that do involve the issues of constitutional or statutory habeas corpus that we are dealing with.

I thank the floor manager for his cooperative attitude and also the Senator from Michigan (Mr. LEVIN), who has been very, very active in these negotiations, and the ranking member on the minority side of the Judiciary Committee (Mr. BIDEN) who has followed this whole issue of immigration and has been enormously concerned with this particular phase of it.

For the record, Mr. President, I would like to conclude by asking that a very definitive and thorough memorandum prepared by the American Civil Liberties Union be printed at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

[Memorandum]

AMERICAN CIVIL LIBERTIES UNION,
Washington Office, April 27, 1983.

From: ACLU.
To: Interested Persons.
Subject: Immigration Bill (S. 529).

The Immigration Bill will shortly be coming to the Senate floor. The ACLU believes that legalization of the status of undocumented workers is an urgent civil liberties matter. However the bill as reported is seriously flawed:

It would strip the courts of their jurisdiction to review asylum claims leaving the matter to the executive branch. The State Department often recommends against asylum on political grounds ignoring the requirement in U.S. law and treaty that asylum be granted to any person with a reasonable fear of prosecution on political grounds.

It establishes an employer sanction scheme that will lead to discrimination against Hispanics without creating any remedy for the discrimination. The proposed scheme will not deal effectively with employment of undocumented workers and could lead to a worker identity card.

It would provide for legalization of less than one third of the undocumented workers now in the U.S. and would establish a two tier system creating categories of permanent residents and aliens.

When the bill comes to the floor we urge you to support amendments which will be offered to restore Judicial review and create a more effective and efficient asylum system (Kennedy Amendment); substitute a sanctions scheme which will reduce discrimination and more effectively deter the hiring of undocumented workers; and liberalize the legalization scheme.

The attached package provides additional information on each of these issues.

STATEMENT OF JOHN H. F. SHATTUCK, NATIONAL LEGISLATIVE DIRECTOR; WADE J. HENDERSON, LEGISLATIVE COUNSEL, AMERICAN CIVIL LIBERTIES UNION ON THE IMMIGRATION REFORM AND CONTROL ACT OF 1983—S. 529

Mr. Chairman and Members of the Subcommittee: We appreciate the opportunity to appear before this Subcommittee to present the views of the American Civil Liberties Union on the question of immigration reform legislation. The American Civil Liberties is a nationwide, non-partisan organization of more than 275,000 members, devoted solely to protecting and enforcing the Bill of Rights.

The debate on the floor of the House of Representatives last year makes clear, we believe, that this legislation arouses intense passions from many directions and that the legislation could have a profound impact on the nature of our society. We believe that it is urgent to seek to develop a national consensus on legislation which will in fact deal with the problem of millions of undocumented workers and which does so in a way which is consistent with our national commitment to equal protection, non-discrimination, and respect for human and civil rights.

In the past, the ACLU has opposed specific legislation because we believed that the employer sanctions provisions posed a threat to civil liberties, would inevitably lead to discrimination in hiring, and would be unenforceable. We have also objected to the provisions relating to political asylum because we believed that they would have violated the due process rights of those seeking political asylum and were not consistent with our treaty obligations.

Mr. Chairman, we hope that all of those involved in this process will be willing to take a fresh look at this problem to see if solutions can be found which meet the objectives which we all have.

In taking our own new look at this issue we have focused on the importance of legalization for the protection of civil liberties. There are only two alternatives to an effective and humane legalization program and both of them pose unacceptable costs from a civil liberties perspective.

The first option is to do nothing. This would mean that we would continue to have in the United States millions of people who should be entitled to the protection of the Bill of Rights but unable to enjoy those rights. Those who are here without the documentation required by current law are unable to vote or to otherwise participate in the political process; they are unable to call upon the government or the courts to protect them when their political or civil rights are violated by the government, by their employers or by others; they are unable to organize effectively through labor unions and other associations. The ACLU views the continuation of this situation as an intolerable limit on the protections to which all persons in the United States are entitled under our Constitution.

The second option is to seek to identify, apprehend and deport all or most of the undocumented individuals now living in the United States. The consequences of such an effort are so horrendous that it has not been seriously proposed. Finding the individuals to deport would require a process of intrusion into the lives of many Americans and would inevitably result in violation of constitutional rights. Moreover, it would be unjust and inhumane to seek to deport individuals who have been productive and law-abiding members of the community.

Thus we are left with the third option which is an effective and generous legalization program. The ACLU views the enactment of such a legalization scheme as one of the most urgent tasks facing the Congress. We believe that such a program must be consistent with the following principles:

1. All aliens who have continuously resided in the United States since January 1, 1982 should be eligible for the legalization program;

2. all aliens eligible for legalization should be granted permanent resident status and the temporary resident provisions of the bill should be deleted;

3. all legalized aliens granted permanent resident status should be granted the full rights and privileges accorded permanent resident aliens under current law;

4. state and local government should be provided impact aid, pursuant to an appropriate formula, to assure that the legalization program does not unfairly burden state and local taxpayers in certain areas of the country; and

5. that persons eligible for the program be granted one year from the beginning of the program to apply to legalize their status.

We are prepared to work with this Committee and others in the Congress for the speedy enactment of legislation which embodies these principles. Mr. Chairman, we recognize that any legislation which provides for legalization must as a practical matter contain provisions which would deter employers from simply continuing to hire new undocumented workers.

In the past the ACLU has opposed the sanctions provisions contained in the legislation and we must continue to oppose such procedures. We do so on the grounds that they would lead inevitably to discrimination against some Americans and because it would almost certainly lead to an employee identity card with serious civil liberties consequences. We also believe that the arrangements which have been proposed in the past will simply not work. Those employers who are engaged in the practice of hiring undocumented workers, will, we believe, continue to do so. We urge the Committee to consider carefully the evidence as to the effectiveness of this scheme. It is not sufficient to say that sanctions are necessary. A system which will not accomplish its purposes and which at the same time will give rise to dis-

crimination and pose a massive threat to civil liberties is simply unacceptable.

We respectfully suggest that the Committee look to alternatives.

A new approach which we believe merits attention would focus on those employers who engage in a pattern and practice of hiring undocumented workers. Under this approach, it would be unlawful for employers intentionally to hire undocumented workers, but there would be no general requirement for the government to develop—and employers to inspect—a new secure form of identification. Rather, enforcement would center on firms found to engage in a pattern and practice of intentionally hiring undocumented workers. Any employer cited for such violations would then be required to report any new hiring to the government. Responsibility for enforcing the law would not rest with the INS but rather the officials having experience in enforcing employment laws. This unit would be also charged with insuring that enforcement of the law did not result in unlawful discrimination.

This approach would have the virtue of focusing the immigration enforcement effort on large employers with a clearly established record of employing and exploiting undocumented workers. It would thus eliminate the incentive for all employers to "play it safe" by discriminating against "foreign-looking" workers, and it would encourage large employers to comply with fair labor standards laws in order to avoid being targeted for close scrutiny as a suspected exploiter of undocumented workers.

The ACLU has asked a group of employment discrimination experts to work with us and other interested groups to see if this approach can be translated into a scheme which will actually accomplish the objective and do so without giving rise to discrimination or to a worker identification card. We hope that the Committee will not move forward so quickly as to foreclose careful consideration of this approach.

Finally, there is the issue of asylum adjudication. First, the number of undocumented immigrants in the United States today is estimated by the Senate Report on S. 2222 to a number between 3.5 to 6 million or more. The backlog of asylum cases is 140,000—a very small percentage of the total undocumented population, assuming that all asylum claimants are in the United States, "illegally," eliminating the entire asylum backlog would hardly make a dent in the number of illegal immigrants in the country.

Second, court cases appealing or challenging administrative determinations and procedures are not responsible for the current backlog. As the House Judiciary Committee Report last year concludes:

"The Committee is convinced that the abolition of judicial review of asylum determination would be unwise. Indeed, the facts support the position that administrative shortcomings, not judicial interference, has caused the enormous backlog in asylum cases. . . Today, it takes the State Department four months to respond to an INS request for a country condition report. In turn, over 70,000 asylum petitions are currently awaiting decisions by INS. Comparing the number of court cases, one finds that in FY 1981 INS received over 63,000 asylum applications. Yet in that year there were less than 500 court cases challenging exclusion or deportation orders. And of course, the vast majority of those court cases did not involve asylum at all. In short, it would be unfair to blame existing backlogs on the courts."

We believe that the administrative scheme which was embodied in the bill as reported by the House Judiciary Committee last year is a good one which commands wide support. We urge the Committee to give it careful consideration. In addition, we believe that, consistent with the Refugee Act of 1980 and the international treaty obligations of the United States, those who arrive at our shores must be informed of the right to counsel before they are summarily deported. We also believe all existing rights of judicial review must be maintained, including the right of the district courts to hear allegations of pattern and practice violations by the INS without exhaustion of administrative remedies.

We must bear in mind that we are dealing often with poor and confused and frightened people who arrive on our shores without any clear knowledge of their rights. In our haste to deny entry to those who are excluded by our current laws we must not send away those who are genuinely fleeing from political persecution.

Mr. Chairman, attached to this brief statement are three memoranda spelling out our positions on legalization, sanctions, and political asylum in greater detail. We would be pleased to respond to your questions and we look forward to working with you, other members of the Committee and your staffs in seeking to develop a consensus on the vital issue of immigration reform.

[Memorandum]

AMERICAN CIVIL LIBERTIES UNION,
Washington Office, April 25, 1983.

From: ACLU.
To: Interested Parties.
Subject: Political Asylum in the Immigration and Reform and Control bill (S. 529)

The Immigration bill as reported by the Senate Judiciary Committee strips the courts of their jurisdiction under current law to review Executive Branch decisions denying political asylum to aliens in the United States. It violates the spirit and intent of the Refugee Act of 1980 and the 1967 U.N. Protocol on Refugees (to which the United States adhered in 1968) both of which commit the United States to provide asylum to any person with a reasonable fear of persecution because of political beliefs or associations without regard for the effect of the grant of asylum on U.S. relations with the alien's country.

The recent episode involving the Chinese tennis player and continuing policy toward requests for asylum by Salvadorans illustrate the dangers of the court-stripping provisions of S. 529.

It is clear that the United States government carefully weighed the impact of granting asylum to Hu Na on its relations with the People's Republic of China. Although it ultimately decided to grant asylum it might well refuse to do so in future cases if the People's Republic of China's objections seem to pose a serious threat to U.S.-P.R.C. relations. Yet under existing U.S. law and the U.N. protocol, a person's right to asylum is dependent solely on whether he or she has a well-founded fear of persecution. If Hu Na had been denied asylum she could have appealed to the courts which could have overruled an Executive Branch determination. Under S. 529 the courts are prohibited in most cases from reviewing asylum claims. (The only two exceptions are when the Attorney General overrules an immigration board grant of asylum and when a denial of asylum involves procedural unfairness.)

The State Department Country Report on El Salvador concedes that the judicial system in that country is not functioning and that there are serious human rights violations. Yet the Department consistently advises the INS that Salvadorans who seek political asylum do not have a well-founded fear of persecution and the INS routinely denies asylum. It appears that the Executive Branch denies asylum to Salvadorans because it does not want to strengthen the position of those who argue that military aid to that country should be suspended because of their human rights situation.

Refugees from other countries ranging from Yugoslavia to South Africa and Iran have been denied asylum by the Executive Branch and have appealed to the courts.

Two objections are raised to retaining judicial review of denials of asylum. Neither has merit.

First, it is argued that the asylum process must be streamlined if the illegal immigration problem is to be solved. However, asylum applicants are an insignificant part of the undocumented worker problem and judicial review is not the cause of the breakdown of the administrative structure for processing asylum claims. Of the estimated six million or more undocumented workers in the United States only approximately 150,000 have applied for asylum. (Moreover, most of these are "special" cases involving Cubans, Haitians, Nicaraguans and Iranians, as well as Salvadorans.) Of the pending asylum applicants, fewer than 500 individual cases are now in the courts. The ACLU strongly supports efforts to improve the asylum process—we believe that the changes in the House version of the bill go far in the right direction—but we do not believe it should be done at the cost of denying those who seek asylum the right of judicial review. Indeed the House Judiciary Committee concluded last year that:

"The Committee is convinced that the abolition of judicial review of asylum determination would be unwise. Indeed, the facts support the position that administrative shortcomings, not judicial interference, has caused the enormous backlog in asylum cases. . . . Today, it takes the State Department four months to respond to an INS request for a country condition report. In turn, over 70,000 asylum petitions are currently awaiting decisions by INS. Comparing the number of court cases, one finds that in FY 1981 INS received over 63,000 asylum applications. Yet in that year there were less than 500 court cases challenging exclusion or deportation orders. And of course, the vast majority of those cases did not involve asylum at all. In short, it would be unfair to blame existing backlogs on the courts."

The second objection raised to retaining judicial review of political asylum decisions is that an asylum applicant who is outside the United States has no such right of judicial review. This argument ignores one of the basic tenants of the American constitutional system which is to afford certain protections to all "persons" within our borders. An alien outside the United States has no recourse to the American judiciary to appeal any arbitrary or capricious action by the Executive Branch of the government, but the federal courts are open to all persons in the United States to appeal a variety of denials of constitutional and statutory rights. Because Chinese seeking asylum in the United States at the American Embassy in Tokyo can—and are—turned away by a consular officer with no right to appeal—is

no reason to deny that right of appeals, both administrative and judicial, to one who reaches our shores. In fact, S. 529, as reported, gives that person rights of administrative appeals which are not available if the person is not in the United States. There is no reason why the applicant should not also be afforded the right of judicial review.

[Memorandum]

AMERICAN CIVIL LIBERTIES UNION,
Washington Office, February 25, 1983.

To: Senate Judiciary Committee.
From: American Civil Liberties Union.*
Re Immigration: Asylum, exclusion, and deportation.

INTRODUCTION

This memorandum sets forth the ACLU's concerns regarding the Asylum, Exclusion, and Deportation provisions of the "Immigration and Control Act of 1983" (S. 529). Two other memorandums set forth our concerns regarding the employer sanctions and legalization provisions of the legislation.

OVERVIEW

The ACLU supports reform of the current administrative and judical process for determining the bona fides of aliens seeking entrance to the United States. We recognize that the current process is cumbersome and inefficient and that the growing administrative backlog of asylum cases is both a burden on the government and on those entitled to asylum who are forced to wait, often held in custody, for determinations to be made in their cases.

However, we remain deeply troubled by the thrust of the asylum, exclusion, and deportation sections of S. 529 (sections 121 through 124) which attempt to achieve administrative efficiency at the expense of an alien's right to a fair hearing on his immigration status and judicial review of that determination.

Asylum claims are literally matters of "life or freedom." No administrative burden or backlog of cases can justify summary exclusion or truncated administrative or judicial review in cases involving persons who may be threatened "on account of race, religion, nationality, membership in a particular social group, or political opinion" if returned to his home country and is therefore entitled under our law to asylum.[1]

This law includes our treaty obligations to refrain from refoulement under Article 33 of the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, a treaty to which we became a party in 1968.[2]

Most distressing, the underlying rationale for curtailing due process rights in asylum cases is the a twin set of assumptions (a) that clearing the current backlog of cases will contribute significantly to the "control" of illegal immigration and (b) that court cases brought under current law which the bill seeks to bar have created the backlog. Both assumptions are demonstrably untrue.

First, the number of undocumented immigrants in the United States today is estimated by the Senate Report on S. 2222 to number betwen 3.5 to 6 million or more.[3] The backlog of asylum cases is 140,000—a very small percentage of the total illegal population assuming that all the asylum claimants are in the United States "illegally.[4] Eliminating the entire asylum backlog would hardly make a dent in the number of illegal immigrants in the country.

Second, court cases appealing or challenging administrative determinations and procedures are not responsible for the current backlog. As the House Judiciary Committee Report last year stated:

"The Committee is convinced that the abolition of judicial review of asylum determination would be unwise. Indeed, the facts support the position that administrative shortcomings, not judicial interference, has caused the enormous backlog in asylum cases . . . . Today, it takes the State Department four months to respond to an INS request for a country condition report. In turn, over 70,000 asylum petitions are currently awaiting decision by INS. Comparing the number of court cases, one finds that in FY 1981 INS received over 63,000 asylum applications. Yet in that year there were less than 500 court cases challenging exclusion or deportation orders. And of course, the vast majority of those court cases did not involve asylum at all. In short, it would be unfair to blame existing backlogs on the courts."[5]

The court cases not only do not justify curtailing due process rights. They underscore the need for more protection of those rights. The "pattern and practice" lawsuits which the legislation seeks to curtail would not have resulted in lengthy and burdensome litigation if the INS had not systematically violated the due process rights of aliens, including failure to seriously consider the claims of asylum applicants, denial of effective assistance of counsel, failure to notify applicants of their rights under the law, and failure to afford aliens fair and impartial hearings. See, e.g./, *Haitian Refugee Center* v. *Civiletti*, 503 F. Supp. 442 (S.D.Fla. 1980), *modified on other grounds*, 676 F.2d 1023 (5th Cir. 1982); *Laissez-Mol Vigil* v. *Sava*, Nos. 81 Civ. 7372, 7371 (RIC), (S.D.N.Y., March 5, 1982); ORANTES-HERNANDEZ v. *Smith*, 541 F. Supp. 351 (C.D. Calif. 1982).

Finally, the Senate Judiciary Committee Report appears to justify its "expedited" procedures on the grounds that a "significant portion of these persons (who make up the backlog) may be 'economic migrants' and thus not legally qualified for asylum."[6] Not only does this prejudge the cases, but it erroneously suggests that the backlog consists of Haitians and others fleeing primarily from economic hardships. Yet significant numbers of asylum applicants come from countries where strong cases may be made for refugee status. For example, INS figures show that 3,388 come from Poland; 12,636 from Nicaragua, 925 from Afghanistan; 369 from Hungary; 325 from the Philippines; 432 from Romania; and 18,921 from Iran.[7]

In sum, it is unwise, unjustifiable, and unnecessary to handle the asylum backlog by curtailing fundamental due process rights. Below, we will argue for restoring those rights and will offer amendments to accomplish this end. At the same time, we will strongly recommend the adoption of the administrative reforms contained in the original version of S. 2222 last year, which were in large measure adopted by the House Judiciary Committee, as the most effective way to handle the asylum, exclusion issue. Combined with the "temporary status" provisions for Haitians and Cubans who make up almost half the current backlog of cases and the hiring of additional administrative personnel. We believe streamlining can be achieved without sacrificing the rights of aliens in the adjudication process.[8]

SUMMARY EXCLUSION

Section 121 establishes a procedure under which an alien who "does not have the documentation required to obtain entry into the United States" or appears not to "have any reasonable basis for legal entry" and "has not applied for asylum under section 208" would be summarily "excluded from entry into the United States without further inquiry or hearing." Such a determination would not be subject either to administrative or judicial review. (Sec. 122, 123)

The ACLU strongly objects to summary exclusion. First, this procedure is a significant curtailment of the rights of aliens available under current law, principally the right to present his or her case for admissibility or asylum at an adversarial hearing before an immigration judge with legal representation.[9] Second, it can lead to the exclusion of aliens who may have bona fide claims to refugee status under our laws and treaty obligations.

As the Immigration and Nationality Law Committee of the New York Bar Association points out in its Report on Summary Exclusion:

"A refugee who would experience persecution might be turned away from the border under the proposed procedures without any recourse simply because of an inability to articulate the reasons that persecution is feared or to persuade the inspector that the fear is well-founded or because he or she is afraid to speak to authorities."[10]

Quoting from the Handbook on Procedures and Criteria for Determining Refugee Status published in 1979 by the United Nations High Commissioner for Refugees (UNHCR), the New York Bar Association Immigration Committee points to the psychological, language and other barriers which may make it impossible for a refugee arriving at the border to establish his or her bona fides:

"It should be recalled that an applicant for refugee status is normally in a particularly vulnerable situation. He finds himself in an alien environment and may experience serious difficulties, technical and psychological in submitting his case to the authorities of a foreign country, often in a language not his own. . . . (Para. 190) An applicant may not be able to support his statements by documentary or other proof, and cases in which an applicant can provide evidence of all his statements will be the exception rather than the rule. In most cases a person fleeing from persecution will have arrived with the barest necessities and very frequently even without personal documents . . . (Para. 196)

"A person, who, because of his experiences, was in fear of the authorities in his own country may still feel apprehensive vis-a-vis any authority. He may therefore be afraid to speak freely and give a full and accurate account of his case. (para. 198)"[11]

RECOMMENDATION

We recommend that the examining immigration officer be required to notify arriving aliens of their right to counsel and that the notice be in writing and in the language of the arriving alien. (Amendment 1 To Be Supplied)

"First, we note that the right to counsel exists in any exclusion or deportation hearing under current law and that the proposed legislation does not seek to abrogate that right.[12] The Immigration and Naturalization Service today provides lists of free legal services available to indigent aliens.[13]

Second, because these are matters of "life or freedom," we think there is nothing else short of retaining current law to insure that bona fide asylum claims are presented. See

Footnotes at end of article.

Orantes-Hernandez v. *Smith*, 541 F. Supp. 351 (C.D. Calif. 1982).

Reform of Asylum Procedure

In testifying on S. 2222 before the Senate Judiciary Committee in April 1982, we recognized the need for reform of current asylum determination procedures. We applauded, with only certain reservations, the legislation's proposed scheme, including (1) the creating of an independent United States Immigration Board (USIB) within the Department of Justice which would be appointed by the President with the advice and consent of the Senate; (2) the authority of the Board Chairman to appoint specially trained administrative law judges to conduct asylum hearings; (3) the requirement of a "non-adversarial" hearing which at the same time preserved the right of an alien to be represented by counsel, to call and cross-examine witnesses, and to have a complete record of the proceedings. The procedure established the basis for fair hearings and administrative appeals, particularly since the administrative judges and USIB would be independent from those who are charged with enforcing the immigration laws.

Unfortunately, the full Senate Judiciary Committee at markup chose to place the administrative structure where it is now, under the control of the Justice Department. Section 122 authorizes the Attorney General to appoint the USIB and immigration judges to hear asylum, exclusion, and deportation cases. The legislation does preserve the basic asylum hearing contained in S. 2222 as introduced.

RECOMMENDATION

To insure fair and impartial asylum hearings, we strongly urge the Committee to reconsider its position and restore the independent administrative structure. Ideally, the Senate Judiciary Committee should adopt the administrative structure and procedures contained in H.R. 7357 as reported by the House Judiciary Committee last September and contained in the house bill as introduced this year.

First, the House bill establishes a USIB appointed by the President with the advice and consent of the Senate and authorizes the Chairman to appoint specially trained administrative law judges. (Sec. 122) This insures both independence and necessary expertise in sensitive asylum matters.

Second, the House asylum procedures (Sec. 124) improve on those contained in the Senate bill in the following significant ways:

(a) set time limits to expedite proceedings which are not unduly burdensome on applicants when considered in combination with the right of an alien to reopen an asylum determination on broader grounds of "changed circumstances" than provided in the Senate bill (see below);

(b) provides for the release of aliens on parole in cases where they are not responsible for hearing delays;

(c) explicitly provides that applicants "shall be advised of the privilege of being represented by counsel";

(d) requires hearings to be recorded "verbatum" and a transcript to be made available not later than 10 days after the completion of a hearing;

(e) permits an alien to secure an asylum hearing even though (1) time limits have passed, (2) his application has previously been denied, or (3) have an administrative judge reopen a proceeding after a determination if he or she can show that in the interim "changed circumstances have resulted in a change in the basis for the alien's claim of asylum." This is a particularly important difference from the Senate bill which limits changed circumstances to "changed circumstances in the country of the alien's nationality." The Senate bill ignores the possibility that material facts may come to light in the United States which would have led to a different result had they been known at the time of the determination (for example, circumstances may not change in a country but more facts become known that would lead to a conclusion that a particular person's life or liberty would be threatened by returning him to his country of origin) or that the conduct of the person after the determination may put his life in danger (for example, the applicant has performed acts or stated opinions which are unacceptable to authorities in his country giving rise to a well-founded fear of persecution); [14]

(f) gives the administrative law judge additional discretion to grant an asylum hearing if "the interests of justice require the consideration."

Review of Asylum, Exclusion, and Deportation Orders

Under the Senate bill, federal courts may not review administrative asylum and exclusion orders except pursuant to a writ of "habeas corpus under the Constitution." (Sec. 123) Because of the gravity of the issues at stake and the fact that court cases are not the primary cause of the current administrative backlog, we believe this curtailment of federal court review is far too severe. While the present process, involving federal district court and then appellate court review of final orders is cumbersome and duplicative, we believe judicial review of the merits of the administrative decision is necessary and warranted.

RECOMMENDATION

We recommend the Senate Judiciary Committee adopt the House Judiciary Committee provision permitting circuit court review of final orders in asylum and exclusion cases but under the standard of whether the findings of fact are supported by "substantial evidence." This would afford the same measure of judicial review the Senate bill provides in deportation cases under Section 123.

We note with approval that the Senate Judiciary Committee Report language suggests that judicial review is available by interpreting "habeas corpus" review to include whether procedures could "be relied on for an objective determination, on the merits, of whether or not the individual applicant satisfies the statutory definition of 'refugee' in INA section 101(a)(42)."

Rather than such an ambiguous formulation of habeas corpus, which may lead to protracted litigation designed to convince the federal district courts to review the merits of petitions (with the potential of defeating the Committee's intent to streamline the process), we believe the Committee should explicitly provide for appellate review by the federal circuit courts. Aliens will have their day in court and the Congress will have eliminated the cumbersome and repetitive multiple reviews under current law.

RECOMMENDATION

Judicial review should also include review of denials of petitions to reopen or reconsider because of "changed circumstances" outside the context of a final order. (Amendment 3 To Be Supplied) This right available under current law is eliminated by the Senate bill (Sec. 123(b)).

We recognize that multiple stays based often on frivolous motions have been used to delay execution of final orders, sometimes resulting in delays of several years in the departure of aliens not otherwise entitled to stay in the country. However, it must also be recognized that deserving cases do arise after final orders are entered. See *Sida* v. *INS*, 665 F. 2d 851 (9th Cir. 1981); *Ravancho* v. *INS*, 658 F. 2d 169 (3rd Cir. 1981). An alien may only then obtain the assistance of counsel or material facts may come to light which would entitle an alien to asylum. Again recognizing that these cases account for only a fraction of the current backlog (about 300 such appeals were filed in 1981–1982), some adjustment should be made to insure that deserving cases are reviewed. Rather than rule out judicial review altogether, the Committee should instead provide for review but develop an expedited procedure for screening out nonmeritorious motions brought only for purposes of delay.

Habeas Corpus and Pattern and Practice Litigation

The Senate bill limits the jurisdiction of the federal courts to consider habeas corpus petitions to "the right of habeas corpus under the Constitution." (Sec. 123) This may be misinterpreted to limit the availability of the writ to address statutory and treaty violations, including violations of the Protocol Relating to the Status of Refugees, rights available under current law. It also gives rise to concern about what constitutes custody for purposes of invoking habeas corpus jurisdiction.

The ACLU views this as needless ambiguity, since the Senate Judiciary Committee Report, we note approvingly, goes to considerable lengths to interpret "habeas corpus under the Constitution" broadly. The Report states that custody includes those "parole pending their hearing" as well as physical custody for purposes of habeas corpus. The Report interprets "under the Constitution" to include not only whether the individual adjudication was "through fundamentally fair procedures" but whether the procedures could be "relied on for an objective determination, on the merits, of whether or not the individual applicant satisfies the statutory definition of 'refugee' in INA section 101(a)(42)", thus implying review encompassing statutory and treaty obligations. The Senate Report also makes it clear that individual or multi-party habeas actions are allowed.[15]

RECOMMENDATION

If this is the Committee intent—and we believe it must be to preserve fundamental rights of alien—we recommend that the Committee clarify the scope of habeas corpus in the statute as accomplished by the House Judiciary Committee last year.

The House committee version avoids the risk of misinterpretation or confusion by incorporating the "right of habeas corpus under chapter 153 of title 28, United States Code" (Sec. 123(b)), which confers jurisdiction to address violations of Constitution, statute, or treaty. The House version also explicity provides that petitions may be "based upon custody effected pursuant to . . . (the Immigration and Nationality Act)," and may be brought "individually or on a multiple party basis as the interests of judicial efficiency and justice may require." (Sec. 123(b))

We note with approval that the Senate Judiciary Committee Report states that a habeas corpus petition is the proper method of challenging due process violations such as

a "pattern or practice of denying asylum applications made by aliens from a particular country because of their national origin rather than on the basis of the merits of their individual claims."[16] While few in number, "pattern or practice" litigation has proved crucial in protecting aliens rights. See *Haitian Refugee Center* v. *Civiletti*, 503 F. Supp 442 (S.D. Fla. 1980), *modified on other grounds*, 676 F. 2d 1023 (5th Cir. 1982), in which the district court ruled that the asylum adjudication process had been perverted in connection with a government Haitian Program designed to expel Haitians without regard to the individual circumstances of their cases.

However, the Senate bill and Senate Judiciary Committee Report do not make it clear that "pattern and practice" litigation is now and should continue to be available without requiring exhaustion of administrative remedies. The Report states that the "Committee intends, to the degree constitutionally appropriate, that the courts not prevent the commencement of the administrative process or interrupt or stay ongoing administrative determinations . . . ."[17] This report language may lead to a change in the traditional rules of exhaustion which ought to be preserved.

RECOMMENDATION

We recommend that the legislation be amended to explicitly provide for "pattern and practice" suits and specify that petitioners need not exhaust agency proceedings when (1) the agency cannot supply an adequate remedy; (2) the agency action will cause irreparable injury; (3) the agency has exceeded its statutory authority; or (4) pursuing an administrative remedy would be futile.[18]

Aliens placed in circumstances such as the Haitians or Salvadorans should not be required to exhaust administrative remedies before challenging clear government patterns and practices of denying them rights under statute and the Constitution. Again, this litigation accounts for only a fraction of the backlog, and the backlog is the fault of the government for its practices and not the fault of petitioners whose rights have been violated. (See Overview Supra)

Access to Information

Section 124(c) of the bill, added by amendment on the floor last year, authorizes a blanket denial of access under the Freedom of Information Act to all federal agency records or proceedings concerning requests for asylum, refugee status, withholding of deportation or any other relief arising from a claim of persecution on account of race, religion, political opinion, nationality, or membership in a particular social group.

The intent of the provision is to allay fears that persecuting authorities may obtain access to the information and use it to the detriment of asylum applicants. We support the intent of the provision but believe it sweeps far too broadly.

First, it would prevent individuals who are themselves the subject of such proceedings from obtaining access to any of the records generated by their own requests for relief. They may even be denied access to information which they themselves provided. We doubt that this result was intended by the drafters.

Second, it would bar third parties, such as the press and human rights organizations, from obtaining information necessary to monitor the asylum process. If the purpose is to protect the confidentiality of sensitive applicant records, it should be noted that the Freedom of Information Act already exempts "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." 5 U.S.C. 552(b)(6).

However, since there may be some question whether the sensitive records here are exempt under FOIA, a narrow amendment could clarify the exemption of this information without denying third parties information about the way in which asylum, refugee status, and similar proceedings are conducted.

RECOMMENDATION

The Senate Judiciary Committee should adopt an amendment which exempts the information, but makes the exemption inapplicable to first-party requests and to third party requests to the extent that the information does not reveal sensitive information which reasonably could be expected to disclose the identity of an applicant for asylum. (Amendment 4 To Be Supplied)

FOOTNOTES

* Prepared by Jerry J. Berman and Morton H. Halperin. Contact for further information.

[1] INA Section 243(h). See Refugee Act of 1980 (Pub. L. 96.212, 94 Stat. 102).

[2] 19 U.S.T. 6257, T.I.A.S. No. 2322, 606 U.N.T.S. 268.

[3] Immigration Reform and Control, Report of the Committee on the Judiciary United States Senate on S. 2222 (Report No. 97-485) (June 30, 1968), p. 4.

[4] INS Servicewide Totals, September 1982.

[5] Immigration Reform and Control Act of 1982, Report of the Committee on the Judiciary, House of Representatives, 97th Congress (Report 97-890 Part 1 September 28, 1982), p. 53.

[6] Senate Report Supra, p. 4.

[7] INS Servicewide Totals, June 1982.

[8] Section 301 establishes temporary status for Cubans and Haitians.

[9] See 8 U.S.C. sections 1158, 1225, 1226, 1362.

[10] Report on the Summary Exclusion and Judicial Review Provisions of Pending Legislation to Amend the Immigration Laws by the Immigration and Nationality Law Committee of the Association of the Bar of the City of New York (Nov. 1982) p. 4.

[11] New York Bar Report, pp. 5-6.

[12] 8 U.S.C. Section 1362.

[13] See 8 C.F.R. Sec. 236.2, 242.1(c).

[14] Comments by the Office of the United Nations High Commissioner for Regugees on the Immigration Reform and Control Bill of 1982, H.R. 6514.

[15] Senate Report, pp. 12-14.

[16] Senate Report, p. 13.

[17] Senate Report, p. 14.

[18] See New York Bar Association Report for Discussion of Exhaustion Case Law and "Pattern and Practice" Recommendation.

[Memorandum]

THE LAWYERS COMMITTEE FOR INTERNATIONAL HUMAN RIGHTS,
New York, N.Y.

CONSEQUENCES OF THE PROPOSALS TO LIMIT JUDICIAL REVIEW UNDER THE PROPOSED IMMIGRATION REFORM AND CONTROL ACT OF 1982

(By Arthur C. Helton)

INTRODUCTION

This memorandum discusses the nature and extent of judicial review for asylum applicants under current law in deportation and exclusion cases, and possibly consequences of the enactment of the review provisions in the Simpson-Mazzoli bill (S. 2222, H.R. 5872). The memorandum is designed to answer questions posed by Congressional staff in connection with the proposed legislation.

CURRENT HABEAS CORPUS

The writ of habeas corpus is available to aliens whether they are in exclusion or deportation proceedings.[1] The writ has constitutional foundation and it has been codified.[2] As the writ challenges the legality of a deprivation of liberty, a person must be in "custody" in order to apply for the writ. While once construed strictly by the courts, the custody requirement has been liberally interpreted by the Supreme Court and held to be satisfied by limitations on a person's liberty where such "restraints [are] not shared by the public generally."[3] This liberal construction of the custody requirement, furthermore, has been extended by the courts to the immigration area, including findings that there is sufficient restraint where the alien: (1) has been released on bond after a deportation order;[4] (2) is subject to supervision upon a final order of deportation;[5] and even (3) is neither detained nor released with or without bond upon a final order of deportation.[6]

However, in a few instances, courts have questioned the availability of habeas where the restraint on liberty is premised only upon an outstanding order of deportation.[7] Indeed, one court has suggested that the "held in custody" language of 8 U.S.C. § 1105(a)(9) limits habeas jurisdiction.[8] While the soundness of these statements may be questionable, they introduce an element of uncertainty in habeas jurisdiction in the immigration area.

PROPOSED HABEAS LEGISLATION

Under both the current House and Senate judiciary committee versions of the proposed Immigration Reform and Control Act,[9] the use of habeas corpus in asylum cases could be further limited. Section 123(b) provides that nothing in the bill "shall be construed as limiting the right of habeas corpus *under the Constitution*" [emphasis supplied]. As the precise meaning of the phrase, "under the Constitution" is unclear, it may be misinterpreted to limit the availability of the writ in certain cases.

The writ of habeas corpus has two bases in American law; constitutional and statutory.[10] The scope of inquiry under the present habeas statute, 28 U.S.C. § 2241 *et seq.*, extends to whether the custody violates the Constitution, laws, or treaties of the United States.[11] The proposed legislation, by apparently limiting the writ to constitutional matters, may be misconstrued to preclude its use to address statutory and treaty violations, including violations of the Protocol Relating to the Status of Refugees. Such an interpretation would have precluded relief in a recent case where both statutory and treaty obligations (but not constitutional rights) were the basis for granting habeas corpus relief to asylum applicants in exclusion proceedings. *Laissez-Moi Vigile* v. *Sava*, 81 Civ. 7371, 7372 (S.D.N.Y. March 5, 1982).[12] The risk of confusion or misinterpretation should be avoided by deleting the phrase, "under the Constitution" from Section 123.

Even if habeas remains unqualified, there are questions about what constitutes sufficient restraint of liberty to invoke the writ in immigration cases. It should be made clear that habeas is available to challenge all exclusion and deportation orders.

CURRENT PETITION FOR REVIEW

In 1961, Congress passed legislation establishing the petition for review mechanism for deportation orders. Under this provision, a petition can be filed within six months in the United States Court of Appeals where the deportation proceeding was conducted or the petitioner resides. The legislation eliminated declaratory review in connection

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Footnotes at end of article.

with exclusion and deportation orders, but expressly preserved the right to habeas corpus.[13] The petition remedy permits an alien to obtain a definitive court ruling before experiencing the disruption and dislocation required to comply with an order of exclusion or deportation.

CURRENT SCOPE OF REVIEW

In the immigration area, courts may directly review errors of law, including whether agency personnel have proceeded in violation of statute or Constitution.[14] Direct review is also available with respect to procedural unfairness in the agency, such as deprivation of the right to counsel,[15] or in the conduct of a hearing.[16]

The factual basis for the order may be reviewed in order to ascertain whether there is "substantial evidence" in the record to support the determination.[17] Also, administrative discretion may be reviewed to determine whether that discretion has been abused, including whether discretion had actually been exercised,[18] or whether it has been abused in its exercise.[19] While the circumstances in which a particular standard is applied are not always clearcut,[20] the level of judicial scrutiny is generally quite limited. Indeed, review is ordinarily limited to the administrative record, and a court will not conduct a *de novo* hearing on matters which were or should have been considered in the administrative proceeding.[21] One exception to the rule is a challenge based on unfairness outside of the administrative record.[22]

PROPOSED PATTERN AND PRACTICE JURISDICTION

The proposed legislation seeks to eliminate judicial review "of a final order of exclusion or a final order respecting an application for asylum." [23]

Federal court jurisdiction, however, should be preserved in cases that attack patterns and practices inimical to the assertion of asylum-related rights. Such cases are very few in number, but they are crucial to protecting an alien's right to pursue asylum. *See*, e.g., *Haitian Refugee Center* v. *Civiletti*, 503 F. Supp. 442 (S.D. Fla. 1980), *affd sub. nom., Haitian Refugee Center* v. *Smith*, F. 2d (5th Cir., Unit B, 1982). It makes no sense to require asylum applicants to go through unlawful or unfair proceedings in order to be able to challenge pattern and practice violations. Jurisdiction for these purposes should be maintained.

The retention of a limited federal jurisdiction over asylum cases would not be burdensome to the courts, particularly since the number of asylum cases which have come before the federal courts have been quite modest. According to information presented to the Congress,[24] in April from 1979 to 1981 there were only 12 appeals to the Circuit Courts of Appeals that involved asylum or 243(h) claims. Similarly there have been few federal class action lawsuits challenging procedural irregularities. The burden on the courts has been minimal.[25]

FOOTNOTES

[1] 8 U.S.C. §§1105a(a)(9)(b). A limitation on the right to apply for the writ is that the subject matter not have been previously determined in a court proceeding (e.g., a petition for review in a deportation case), unless grounds are presented which could not have been presented in the prior proceeding, or if the prior proceeding was not an adequate remedy. 8 U.S.C. §1105a (c). *See Tanfara* v. *Esperdy*, 347 F. 2d 149 (2d Cir. 1965) [habeas review precluded when issues could have been litigated in prior review proceeding].

[2] U.S. Constitution Article 1, Section 9; 8 U.S.C. §2241 *et. seq.*

[3] *Jones* v. *Cunningham*, 371 U.S. 236 (1963) [prisoner released on parole permitted to challenge conviction]. *See also Hensley* v. *Municipal Court*, 411 U.S. 345 (1973) [challenge permitted where petitioner had been released on own recognizance].

[4] *Varga* v. *Rosenberg*, 237 F. Supp. 282 (S.D. Cal. 1964) [challenge permitted for alien released on bond after deportation order].

[5] *Marcello* v. *District Director*, 472 F. Supp. 1199, 1204 (E.D. La. 1979), *affd*, 634 F. 2d 964 (5th Cir. 1981), *cert. den.*, 452 U.S. 917 (1981).

[6] *Flores* v. *I.N.S.*, 524 F. 2d 627, 629 (9th Cir. 1975) ["there was sufficient immediacy of action and interference with freedom to support habeas corpus jurisdiction"]. *See also Yen* v. *Kissinger*, 528 F. 2d 1194 (9th Cir. 1975).

[7] *Marcello* v. *District Director*, 634 F. 2d 964 (5th Cir. 1981), *cert. den.*, 452 U.S. 917 (1981); *Smith* v. *Morris*, 442 F. supp. 712, 713 (E.D. Pa. 1977) [referring to "murkiness" and "lingering uncertainties" in statutory language]. *See Daneshvar* v. *Chauvin*, 644 F. 2d 1248, 1251 (8th Cir. 1981) [while custody includes restraints imposed on freedom of movement resulting from a final order of deportation, writ not available to challenge finding of deportability].

[8] *Marcello* v. *District Director*, 634 F. 2d 964 (5th Cir. 1981), *cert. den.*, 452 U.S. 917 (1981). This interpretation, however, is inconsistent with the design of 8 U.S.C. §1105 (a) to avoid possible constitutional infirmities by expressly preserving the right to habeas corpus. C. Gordon and H. Rosenfield, 2 *Immigration Law and Procedure* 50 (March 1982 Supplement). *See also Sotelo Mondragon* v. *Ilchert*, 653 F. 2d 1254, 1256 (9th Cir. 1980).

[9] The so-called Simpson-Mazzoli Bill S. 2222 and H.R. 5872 introduced March 17, 1982.

[10] The constitutional core of habeas derives from the common law. Under the Constitution, courts may inquire only into the lawfulness of custody and detention. *McNally* v. *Hill*, 293 U.S. 131, 136-37 (1934); *Johns* v. *I.N.S.*, 653 F. 2d 884, 896 (5th Cir. 1981); H. Hart and H. Wechster, *The Federal Courts and the Federal System* 1427 (2d ed. 1973). Congress may add to this constitutional core by legislation. *Marcello* v. *District Director*, 534 F. 2d 964, 972 (5th Cir. 1981).

[11] 28 U.S.C. §2241(c)(3).

[12] In the *Vigile* case, District Judge Robert L. Carter found the continued detention of fifty-three (53) Haitians to be an abuse of discretion and discriminatory under the Protocol Relating to the Status of Refugees.

[13] Section 106, Act of 1952, 8 U.S.C. §1105a, as amended by §5, Act of September 26, 1961, P.L. 87-301, 75 Stat. 651.

[14] In the exclusion context, constitutional entitlements are somewhat restricted. *Shaughnessy* v. *Mezei*, 345 U.S. 206 (1953); *Knauff* v. *Shaughnessy*, 338 U.S. 537 (1950).

[15] *Chlomos* v. *U.S. Dept. of Justice*, 516 F. 2d 310 (3rd Cir. 1975); *Castro-Nuno* v. *I.N.S.*, 577 F. 2d 577 (9th Cir. 1978).

[16] *Hirsch* v. *I.N.S.*, 308 F. 2d 562 (9th Cir. 1962) [order predicated on charge different from that presented at hearing]; *Si* v. *Boyd*, 243 F. 2d 203 (9th Cir. 1957) [production of prior statements by witnesses]; *Hyun* v. *Landon*, 219 F. 2d 404 (9th Cir. 1955) *affd by equally divided court*, 350 U.S. 990 (1956) [depositions taken without notices].

[17] *Ocon* v. *Del Guercio*, 237 F. 2d 177 (9th Cir. 1956). See 8 U.S.C. §1105a (4) regarding deportation orders.

[18] *Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

[19] *Hang* v. *I.N.S.*, 360 F. 2d 715, 719 (2d Cir. 1966) [discretion would be abused "if it were made without a rational explanation, inexplicably departed from established policies, or rested on an impermissible basis such as an invidious discrimination against a particular race or group."]

[20] For example, administrative action in the immigration area is sometimes analyzed in two phases: (1) an alien's statutory eligibility for a benefit applied for, and (2) a discretionary determination as to whether the benefit should be accorded. Ordinarily, the substantial evidence standard is applied to the former, and the abuse of discretion standard to the latter. In some instances, however, the preliminary appraisal of eligibility may involve issues of fact, e.g., "good moral character" or "hardship." Some courts have found the abuse of discretion standard applicable to these elements. *See*, e.g., *Anderson* v. *Holton*, 242 F. 2d 596 (7th Cir. 1957); *Brownell* v. *Cohen*, 250 F. 2d 770 (D.C. Cir. 1957); *Estrada-Ojeda* v. *Del Guerico*, 252 F. 2d 904 (9th Cir. 1958). Other courts have found the substantial evidence standard appropriate. *See*, e.g., *Brathwaite* v. *I.N.S.*, 633 F. 2d 657, 659 (9th Cir. 1980); *Chan* v. *I.N.S.*, 631 F. 2d 964, 972 (5th Cir. 1981), *cert. den.*, 452 U.S. 917 (1981).

[21] *Kessler* v. *Strecker*, 307 U.S. 22 (1939). *See* 8 U.S.C. §1105a(a) (4) as to deportation cases.

[22] *See Accardi* v. *Shaughnessy*, 347 U.S. 260 (1954).

[23] Section 123(b)(1).

[24] Testimony of Congresswoman Shirley Chisholm, Joint Hearing of the House and Senate Judiciary Committees, April 20, 1982.

[25] In deportation proceedings, cases in which asylum claims had been made would be reviewable with respect to other remedies in any event. Therefore, in most of these instances, the maintenance of a petition for review to the Circuit Courts would not create any additional burden.

[Memorandum]

AMERICAN CIVIL LIBERTIES UNION,
Washington Office, April 28, 1983.

To: Interested Persons.
From: ACLU.
Subject: Employer Sanctions in the "Immigration Reform and Control Act" (S. 529) and the Inadequacy of Title VII Protections Against Employment Discrimination.

The Immigration bill as reported by the Senate Judiciary Committee imposes criminal penalties and civil fines on employers who knowingly hire undocumented workers. Employer sanctions have been called the cornerstone of the immigration package; its purpose is to limit the flow of undocumented workers into the United States by eliminating the economic incentive of American jobs. The proposed employer sanctions system includes the following provisions: [1]

S. 529 makes it illegal "to hire, or for consideration to recruit or refer" an unauthorized alien for employment in the United States.

The penalties for violation are a civil penalty of $1,000 per unauthorized worker for the first offense, $2,000 per unauthorized worker for the second offense, and up to $1,000 and six months in prison (per violation) for engaging in a "pattern or practice" violation.

S. 529 also makes it illegal for any employer of four or more persons to fail to comply with a prescribed documentation and identification procedure for each person hired. Violators will be subject to a civil penalty of $500 for each failure to examine the documents required.

An employer may establish an affirmative defense if it has in good faith examined certain documents presented by the person hired and determined that the documents "reasonably appear on their face to be genuine."

The documents which must be examined are: (a) U.S. Passport, (b) Social Security Card, or (c) U.S. Birth Certificate; and (d) alien documentation, identification and telecommunication card, (e) similar fraud-resistant card issued by the Attorney General, (f) driver's license, or (g) similar document with a photograph issued by a state.

This system is to be in effect until the President develops a permanent universal ID card or other worker documentation program within 3 years of the bill's enactment.

The ACLU opposes the employer sanctions provisions of S. 529. While we recognize that legislation which provides for legalization must as a practical matter contain provisions which would deter employers from simply continuing to hire new undocumented workers, we must continue to oppose the specific sanctions procedures of S. 529. We do so on the ground that they

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Footnotes at end of article.

would lead inevitably to discrimination against some Americans and because they would almost certainly lead to an employee identity card with serious civil liberties consequences.[2]

We also believe that the arrangements which have been proposed in the past will simply not work. Those employers who are engaged in the practice of hiring undocumented workers will, we believe, continue to do so. We urge the Senate to consider carefully the evidence as to the effectiveness of this scheme.[3] It is not sufficent to say that sanctions are necessary. A system which will not accomplish its purposes and which at the same time will give rise to discrimination and pose a massive threat to civil liberties is simply unacceptable.

EMPLOYMENT DISCRIMINATION

Imposition of federal sanctions on employers who violate the requirements of such a system could result in a tendency to obviate that risk by discriminating against individuals who speak with an accent or who "look foreign." For example, employers may fear that they would be scrutinized more closely by federal officials if they employed members of national origin minority groups. Thus, a fairly predictable consequence of a work authorization system is that there would be an increase in violations of Title VII of the Civil Rights Act of 1964 (as amended in 1972 and 1978), 42 U.S.C. §2000 *et sec.*, which proscribes employment discrimination on the bases of race, color, religion, sex, and national origin.[4] Because of the demographics of undocumented migration, Hispanics in particular may become a "suspect class" within the scheme of the bill.

Employer sanctions substantially enhance the probability of employer harassment and discrimination against Hispanics. The strength of this federal encouragement would not be counterbalanced by the illusory protections of Title VII against employment discrimination or by EEOC enforcement efforts.

INADEQUACY OF TITLE VII PROTECTION

Title VII is premised not only upon congressional findings of extensive past discrimination in the workplace but also upon the likelihood that employers would continue their discriminatory practices unless deterred by a vigorously enforced federal law against discrimination. Although Title VII is purported to provide broad protection to Hispanics among others, the fact of the matter is that it does not. This is particularly true with regard to Hispanics in view of Title VII's employer exemptions, employment practice exceptions, and standards of proof necessary to prove a violation:

Employer Exemptions.—Title VII exempts from its coverage—and hence from its prohibitions against discrimination—both small employers and seasonal employers:

Employers of 14 or fewer employees are specifically exempted from Title VII.[5]

In fact, an employer must employ 15 or more employees during 20 or more calendar weeks in each year in order to be covered by Title VII.[6]

The obvious effect of this latter requirement is to provide an exemption from Title VII for those employers who hire hundreds of workers but only on a seasonal basis.

Employment Practice Exceptions.—Not all discriminatory practices are made unlawful by Title VII:

A statutory exception allows discrimination on grounds of national origin where national origin characteristics constitute a "bona fide occupation qualification" reasonably necessary to the operation of the business.[7]

Another exception allows the use of practices with a discriminatory effect so long as the practice has a relationship to job performance or is supported by a business necessity.[8]

The combined impact of these two exceptions has resulted, for example, in federal courts of appeals decisions uniformly upholding as lawful employer rules requiring employees to speak English on the job,[9] rules which have an undeniably severe disportionate impact on Hispanic workers.

Standards of proof.—Even in those instances where Hispanics survive the foregoing exemptions and exceptions, their protection in individual cases of disparate treatment discrimination is severely limited:

Not only must such individual discriminatees prove that the discrimination against them was intentional,[10] but a prima facie case of such intentional discrimination may be automatically rebutted when an employer "articulates"—not proves but merely articulates—any "legitimate" reason for the discriminatory treatment.[11]

Under these standards of proof, very few discriminatees are able to obtain any protection from Title VII.

EFFECTIVE ENFORCEMENT OF TITLE VII DOES NOT EXIST

EEOC administrative enforcement is inadequate to address the problem of increased employment discrimination resulting from employer sanctions. The EEOC, which has never been granted "cease-and-desist" enforcement powers by Congress, is directed administratively to eliminate unlawful discrimination only through "informal methods of conference, conciliation, and persuasion."[12] Since these informal methods have no enforcement teeth whatsoever, it is not surprising that the EEOC provides virtually no administrative remedies for employment discrimination.

Private litigation is an unrealistic option for persons most likely affected by employment discrimination under sanctions.—Civil rights litigation can be cost prohibitive for the individual; there is a relative unavailability of plaintiffs' lawyers to litigate difficult employment discrimination questions. The end result is that private litigation is generally not brought. Cutbacks in the budget of the Legal Services Corporation, coupled with congressional restrictions on the representation of aliens, will make far greater difficulty in pursuing remedies.

ID/EMPLOYEE VERIFICATION

The proposed employee verification system, with its likely future development of a "secure verification" card or databank, poses significant risks to civil liberties. Blanket verification of worker eligibility is an integral component of the employer sanctions scheme of S. 529.

Because employment relationships under a work eligibility system would entail the collection of personal data by the government with potential expansion of the type of data requested and purposes for which they are used, objections based on the fundamental constitutional rights or privacy, liberty, and association may arise. These rights, jeopardized in this context, find their locus primarily in the First and Ninth Amendments.

We believe that there is a substantial risk that State and local law enforcement agencies and private entities would require presentation of a work eligibility card for identification and other purposes. This risk is increased by the general concept that a wallet-sized card would be used rather than some type of document too large and cumbersome to conveniently carry at all times. A sanction applicable to a request to see the card for purposes other than employment would likely not be effective due to the probable enforcement priority it would receive.[13]

As the Privacy Protection Study Commission noted in its landmark study, *Personal Privacy in an Information Society* (1977).[14]

Actual or potential information abuses are much more likely to result from continuing growth in the government's appetite for information about individuals and in the use of that information for growing numbers and types of purposes. *The real danger is the gradual erosion of individual liberties through the automation, integration, and interconnection of many small, separate recordkeeping systems, each of which alone may seem innocuous, even benevolent, and wholly justifiable.* Dramatic developments in computer and communications technology, which both facilitate record-keeping functions previously performed manually and provide the impetus and means to devise new ones, can only exacerbate this problem.

ALTERNATIVES

We urge the Senate to examine alternatives to the employer sanctions provisions of S. 529.

A new approach which we believe merits attention would focus on those employers who engage in a pattern and practice of hiring undocumented workers. Under this approach, it would be unlawful for employers intentionally to hire undocumented workers, but there would be no general requirement for the government to develop—and employers to inspect—a new secure form of identification. Rather, enforcement would center on firms found to engage in a pattern and practice of intentionally hiring undocumented workers. Any employer cited for such violations would then be required to report any new hiring to the government. Responsibility for enforcing the law would not rest with the INS but rather the officials having experience in enforcing employment laws. This unit would also be charged with insuring that enforcement of the law did not result in unlawful discrimination.

This approach would have the virtue of focusing the immigration enforcement effort on large employers with a clearly established record of employing and exploiting undocumented workers. It would thus eliminate the incentive for all employers to "play it safe" by discriminating against "foreign-looking" workers, and it would encourage large employers to comply with fair labor standards laws in order to avoid being targeted for close scrutiny as a suspected exploiter of undocumented workers.

An amendment containing provisions of this alternative proposal will be introduced when S. 529 comes to the Senate floor.

FOOTNOTES

[1] Title 1—Control of Illegal Immigration; Part A—Employment (S. 529); 98th Congress, 1st Session (Calendar No. 98), pp. 104-118.

[2] United States Civil Rights Commission, *The Tarnished Golden Door* (September 1980).

[3] General Accounting Office, *Information On the Enforcement of Laws Regarding Employment of Aliens in Selected Countries*, GAO/GGO-82-86 (August 31, 1982), at 2 (European laws are "not an effective deterrent to stemming illegal employment. . .").

[4] Memorandum to Joan Loeff, Chair, Task Force on Work Eligibility, Selected Commission on Immigration and Refugee Policy; From James P. Turner, Acting Asst. Atty. Gen., Civil Rights Division, U.S. Department of Justice; Re: *Work Authorization/ National Identity System* at 2 (Oct. 20, 1980).

[5] Section 701(b) of the Civil Rights Act of 1964, 42 U.S.C. § 2000e(b).

[6] *Id.*

[7] Section 703(e) of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(e).

[8] *See, e.g., Dothard* v. *Rawlinson*, 433 U.S. 321 (1977); *Albermarle Paper Co.* v. *Moody*, 422 U.S. 405 (1975); *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971).

[9] *Garcia* v. *Gloor*, 618 F. 2d 264 (5th Cir. 1980), *cert. denied*, 499 U.S. 1113 (1981); *see also, Garcia* v. *Rush-Presbyterian-St. Luke's Medical Center*, 660 F. 2d 1217 (7th Cir. 1981) *cf., Vasquez* v. *McCallen Bag and Supply Co.*, 660 F. 2d 686 (5th Cir. 1981).

[10] *Furnco Construction Corp.* v. *Waters*, 438 U.S. 567 (1978); *Int'l Bhd, Teamsters* v. *United States*, 431 U.S. 324, 335 n. 15 (1977).

[11] *Texas Dept. of Community Affairs* v. *Burdine*, 450 U.S. 248 (1981).

[12] Section 706(b) of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(6).

[13] Same as footnote 4.

[14] Privacy Protection Study Commission, *Personal Privacy in an Informational Society* (1977), p. 617 (emphasis in original). This Commission was established by Congress and submitted its report to the President.

TITLE I—CONTROL OF ILLEGAL IMMIGRATION

PART A—EMPLOYMENT

CONTROL OF UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 101. (a)(1) Chapter 8 of title II is amended by inserting after section 274 (8 U.S.C. 1324) the following new section:

"UNLAWFUL EMPLOYMENT OF ALIENS

"SEC. 274A. (a)(1) It is unlawful for a person or other entity after the date of the enactment of this section to hire for employment in the United States an alien knowing the alien is an unauthorized alien (as defined in paragrah (4)) with respect to such employment.

"(2) It is unlawful for a person or other entity who, after hiring an alien for employment subsequent to the date of enactment of this Act and in accordance with paragraph (1), continues to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) A person or entity that established that it has complied in good faith with the record-keeping requirements of subsection IX-A-1 with respect to the hiring of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring.

"(4) As used in this section, the term unauthorized alien means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (A) an alien lawfully admitted for permanent residence, or (B) authorized to be so employed by this Act or by the Attorney General. As used in this section "knowing" means . . .

I. Declaration of Policy.

To enforce requirement not to hire undocumented workers.

To insure that discrimination does not occur as a result of the requirement not to hire undocumented workers.

II. Creation of a new enforcement unit with the Department of Justice.

Five-person board appointed by President, two from minority party.

General Counsel appointed by President with investigative staff.

ALJs'.

III. Function of unit is to prevent "unfair practices." Defined as:

Hiring undocumented workers.

Discriminating as an effect of requirement not to hire undocumented workers.

IV. Unit and its agents shall have hearing and investigatory power necessary and proper for exercise of its functions.

V. Any person who alleges that he or she was subject to discrimination in violation of this section or that he or she is injured by the employers hiring of undocumented workers may file a charge or a charge may be filed on his or her behalf or on behalf of a class. INS may file a charge.

VI. The General Counsel may on its own initiative file a complaint. Upon receiving a charge the General Counsel shall investigate and determine within 30 days whether to file a complaint. If the GC determines not to file a complaint or fails to act within 30 days the person making the charge may file a complaint.

VII. Upon the filing of a complaint by the GC or the person a hearing shall be conducted by an ALJ. Person filing a charge shall be a full party at hearing and subsequent appeals.

VIII. Decision of ALJ shall be subject to APA, appeal to Board and then appeal to Court of Appeals.

IX. The ALJs, subject to Board review, shall have the authority to impose the following sanctions:

A. Upon a first finding of an "unfair practice" the Board shall—

1. direct the employer to implement a procedure, described in board regulations, to verify that the individual to be employed and all other applicants for the position filed within 30 days of the hiring are eligible to be employed under the provisions of this section (Hawkins Amendment).

2. direct the employer to cease and desist from the unfair practices.

3. upon a finding of discrimination direct the employer to compensate any individual discriminated against in violation of this section (same sanctions available as in Title VII).

4. upon a finding of discrimination fine the employer not more than $——.

5. award attorneys fees to the prevailing party.

B. Upon a finding of a second, and each subsequent violation, prior to a party being relieved of the record-keeping requirements, in addition to the penalties for a first violation:

1. Upon a finding of hiring of undocumented workers a fine of no more than $—— for the second violation and of no more than $—— for each subsequent violation.

2. Upon a finding of discrimination a fine of no more than $—— for a second violation and a fine of no more than $——for each subsequent violation. After a first finding there shall be a presumption that any discrimination is an effect of the requirement not to hire undocumented workers.

X. Multiple concurrent violations count as one violation; different subdivisions of a firm count as separate entities (see S. 529, p. 9, lines 7-18).

XI. The Board shall refer to the Attorney General any case in which it has made three or more findings and in which it finds evidence of a criminal conspiracy to violate 42 USC 1985.

XII. The General Counsel shall require other employers to maintain the records required by subsection IX-A-2 if it determines that (1) there is a substantial likelihood that a significant number of unauthorized aliens have or will seek employment with that employer; (2) that one or more unauthorized aliens are or were employed; or (3) that there is a substantial likelihood that unauthorized aliens will be hired for employment in violation of this chapter. The unit shall issue regulations subject to comment and review specifying the specific circumstances under which it will require record keepings under this section. An order requiring an employer to maintain records under this subsection shall be subject to appeal to an act and the Board but shall be in effect when issued until and unless withdrawn or reversed. An employer required by this section to maintain records may at any time petition the unit to remove the requirement.

XIII. An employer who is found to have engaged in one unfair practice may petition the board to be relieved of the record-keeping requirements any time after 2 years after the finding. An employer found to have engaged in more than one unfair practice may petition the board to be relieved of the record-keeping requirement any time after 5 years of the last finding.

XIV. If the Board finds a prima facie case of discrimination but it is unable to determine that it resulted from the requirements for not hiring undocumented workers it shall refer the matter to the EEOC. In all other cases submission of a complaint by an individual shall preclude filing a complaint based on the same alleged act of discrimination before the EEOC.

XV. Authorize such funds as are necessary.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration and Refugee Policy, Committee on the Judiciary, U.S. Senate.

DEAR MR. CHAIRMAN: Your July 6, 1981, letter requested that we identify countries that have laws prohibiting employers from hiring illegal aliens, how such laws are enforced, and any problems these countries encounter in enforcing their laws. As agreed with your office, to obtain the information we developed a questionnaire which was sent to 28 countries and Hong Kong (see app. XXIII). In addition, we visited four of these countries—Canada, the Federal Republic of Germany, France, and Switzerland—to gather more detailed information.

We received questionnaire responses from 19 countries and Hong Kong. Because the topics contained in the questionnaire had varying applicability to the countries surveyed, their responses varied in completeness. For example, Iceland responded that practically none of the questions applied to it; whereas, several countries provided comprehensive responses to every question. Still others responded to questions on some of the topics, but did not respond to other topics. Nine countries did not provide questionnaire responses in time to include them in this report. However, we will forward them to you if we receive them.

We have summarized each country's response under the five major topics in the questionnaire—guest workers, national identification document, employer responsibilities, illegal alien workers, and law enforcement (see app. I through XX). Also, we have not summarized the countries responses by topic in this letter since they are diverse and not amenable to such a presentation. However, because of your specific in-

terest in Canada, the Federal Republic of Germany, France, and Switzerland, we obtained more detailed information on those countries and highlighted it below. Our observations are based on responses to our questionnaire and discussions with officials in the four countries.

OVERVIEW

In most of the countries, the governments have been increasingly concerned with alien workers, especially illegal ones. Growing unemployment and increasing numbers of aliens have heightened the public's sensitivity to matters involving aliens and have induced governmental actions to control alien workers. Although each country had laws penalizing employers of illegal aliens, such laws were not an effective deterrent to stemming illegal employment for primarily two reasons. First, employers either were able to evade responsibility for illegal employment or, once apprehended, were penalized too little to deter such acts. Second, the laws generally were not being effectively enforced because of strict legal constraints on investigations, noncommunication between government agencies, lack of enforcement resolve, and lack of personnel.

In France and Germany new laws went into effect on January 1, 1982, to increase the effectiveness of their employer sanctions. And in Switzerland, a public referendum later this year will decide whether to implement new immigration legislation.

Canada

Between 32,000 and 40,000 authorized foreign workers can be found in Canada at any one time compared to an estimated 500,000 to 1,000,000 illegal aliens, most of whom work. Whereas guest workers generally have to apply for and receive work authorization before coming to Canada, illegal aliens generally enter as valid visitors or students and then violate their entry conditions.

Canada does not have a national identification document system, but all workers are required to have a Social Insurance number card (similar to the United States' Social Security card). Before hiring workers, employers are required to inspect prospective employees' cards. Guest workers are issued Social Insurance number cards beginning with the number nine. In order to work, anyone possessing a card beginning with the number nine also needs a valid employment authorization which has been issued by an immigration officer. Through various schemes, however, many aliens circumvent the system by obtaining fraudulent cards or presenting legal cards that belong to someone else. In other instances, some employers knowingly hire illegal workers, pay them lower wages, and avoid paying required taxes and employee benefits.

Canadian law enforcement officials opined that the laws penalizing employers of illegal aliens have not reduced the size of the illegal worker problem for several reasons. First, enforcing employer sanctions has not been an enforcement priority, although it is becoming more so. Second, employers of illegal workers are seldom charged with an offense. Often, employers who violate the law are not familiar with the law and their legal responsibilities. Because Canada's law requires violations to be "knowingly" made, enforcement personnel see their role as educating first time violators. Last, employers prosecuted and convicted have not been severely penalized. Small penalties have had little deterrent value.

Federal Republic of Germany

Of the approximately 4.7 million aliens residing in West Germany, 2 million are included in its workforce of 23 million. Since 1977, the alien population has grown substantially despite a 1973 work recruitment ban that stopped the flow of aliens to West Germany. Severe and growing unemployment has focused greater public and governmental attention on the alien population's integration into German society and culture and on illegal alien employment. Although there is not an official estimate, between 200,000 and 500,000 illegal aliens are believed to be in West Germany.

To prevent illegal alien hirings, German employers are responsible for making certain that alien employees possess the proper work permits. Employers are also required to keep various employee records, among which are an employee register listing employees' names; dates hired; and, if applicable, work authorization data; and copies of alien employees' work permits and tax cards. Employees are required to obtain tax cards from the Tax Office and give them to their employers. Illegal workers would not be able to obtain a legitimate tax card.

Sanctions against employers of illegal aliens have not effectively deterred illegal hirings. Some employers have been able to circumvent the law against illegal hirings by leasing workers. Other employers who have been caught with workers illegally hired are administratively fined. However, in cases where employers have appealed, the courts have generally reduced the fines significantly, thus negating the fines' deterrent effect.

Problems in enforcing the sanctions have also contributed to their reduced effectiveness. Legal constraints have hampered the police's ability to enter workplaces suspected of employing illegal aliens. Moreover, personnel shortages have inhibited greater enforcement efforts. Federal enforcement is quite limited, and the burden of enforcement has traditionally fallen on the local police. Further, a reluctance by various Federal agencies to share information on possible wrongdoers has inhibited enforcement. Several of the problems noted above, however, have been addressed in a new law which went into effect January 1, 1982.

France

Like West Germany, France has a severe and growing unemployment problem which has focused increased attention on its alien population and illegal alien employment. Approximately 4.1 million of France's 53.8 million population are aliens and approximately 1.7 million aliens are included in France's total labor force of over 21 million. Also, like West Germany, France does not have an official estimate of the number of illegal alien residents, but unofficial estimates place their number between 150,000 and 350,000.

France's new socialist Government has taken a benevolent approach toward illegal aliens. It views illegal alien workers as exploited victims who deserve fair treatment. Thus, in September 1981, France instituted a program offering illegal alien workers an opportunity to regularize (legalize) their status.

Employers are responsible for assuring that alien employees are legal workers and are treated in compliance with applicable work laws. Within 24 hours of employing aliens, employers are required to record on a special register maintained in their office data contained on the employees' work and residency permits. These registers are occasionally inspected by labor inspectors during the course of their work. Employers who violate the laws governing alien workers are subject to fines and imprisonment. On January 1, 1982, a new law was enacted which increased the penalties that can be judicially applied to employers of illegal alien workers.

Employer sanctions are applied both administratively and judicially. Each employer administratively fined is also referred to the Federal prosecutors for possible separate criminal action. Labor Ministry officials believe the judicial sanctions have not been an effective deterrent because judges have levied light penalties on convicted employers. Furthermore, other agencies with the authority to sanction employers cannot because they are not notified when the violations are discovered. The new law enacted on January 1, 1982, in addition to increasing the penalties that can be judicially applied, provides the Labor Ministry with an additional sanction it can take against employers—confiscation of their tools and equipment.

Switzerland

In the early 1970's, Switzerland determined that its alien population, then about 18 percent of its total population, was too large and set upon a course to progressively reduce it. Currently, aliens comprise about 15 percent of Switzerland's total population, and the Government has implemented a new policy to maintain control over the size of the alien population. This policy calls for a balanced ratio between the Swiss population and the alien population. To maintain this balance, the Government establishes the number of residence permits to be issued each year by monitoring changes in the alien population.

Unlike France and West Germany, Switzerland does not have an unemployment problem. As of January 1982, only 10,000 workers, or about 0.2 percent of the Swiss workforce, were unemployed. Despite its almost full employment economy, the Swiss public is concerned about alien issues. In 1981, the Swiss Parliament accepted a new aliens law which would, among other things, confer on aliens certain residence and employment rights. However, public objection has forced the law to a public referendum to be decided later this year. Although official Government estimates of the number of illegal aliens have not been made, unofficially, illegal aliens are believed to number less than 50,000.

Before they can hire an alien, employers are required by law to ensure that the worker is authorized to work. Specifically, employers must inspect the alien's identification papers or verify the alien's legal status with the Cantonal (State) Alien Police. Also, employers must notify the community registration office where the employee is registered whenever a guest worker leaves or loses his/her job.

Swiss law, does not penalize employers for hiring illegal alien workers. Rather, the law penalizes individuals, including employers, who facilitate an illegal's residence in Switzerland. Each Canton is responsible for administering the aliens law. As a result, enforcement varies. However, the judicial penalties levied on employers were generally considered light. New legislation to be considered by public referendum includes penalties for employing illegal alien workers.

OTHER MATTERS

Our discussions with government officials and labor representatives brought to our attention other common issues that are rele-

vant to the situation in the United States and worthy of note. These issues involve seasonal workers, amnesty, and asylum.

Seasonal worker programs

With the exception of West Germany, each country had a seasonal worker program. These programs usually provided workers to meet agricultural needs, although in Switzerland many seasonal workers were also needed for the resort, hotel, and construction industries.

Generally, the seasonal workers complied with their entry conditions and did not pose problems for the countries employing them. Interestingly, Switzerland offers seasonal workers the opportunity to become annual residents if they meet certain conditions. About 7,000 seasonal workers take advantage of this opportunity yearly.

Amnesty

Both Canada and France have had programs to give illegal aliens an opportunity to obtain legal status. In 1973, Canada offered general amnesty to all illegal aliens and nonimmigrants, and in January 1982 France completed its general amnesty program for illegal alien workers. Both countries have had other amnesty programs which were less comprehensive than the two noted above.

During both countries' major amnesty efforts, the number of illegal aliens seeking amnesty was below expectations. Before the Canadian amnesty was implemented, speculation was that as many as 200,000 aliens might apply. However, only approximately 36,000 aliens were granted landed immigrant status (permanent residence) through the general amnesty program. Of these, about 20,000 had been in Canada illegally. Canadian officials believed that some of the 20,000 illegal aliens granted amnesty had previously left Canada for the United States but returned to take advantage of the offer.

In France, initial estimates of the number of aliens who would apply for regularization were as high as 300,000. Once the program was underway, expectations were revised, and, with 1 month remaining, it was believed that 100,000 alien workers would apply. As of January 14, 1982, the day before the program's deadline, approximately 80,000 illegal alien workers had applied for regularization. Of those applying, 30,000 could not produce a contract from their employers, one of the program's requirements. To rule on these applications, a special committee was established.

Asylum

In all four countries visited, officials complained about the number of aliens who requested political asylum. Such claims, although generally considered frivolous, require each country to process and investigate each request as though it were bona fide. As a result, the number of requests has overwhelmed the normal asylum investigative and deliberative mechanisms.

While each case is being considered, requestors are entitled to all benefits offered by the host country, such as financial and housing assistance, welfare eligibility, and work permits. Generally, when a case is decided against an alien, the alien appeals the decision. By appealing each decision that goes against them until all appeals are exhausted, requestors can take advantage of the system for 2 years and often longer.

Increasingly, aliens apprehended as illegal workers claim that they will be persecuted by their native governments if forced to return. By requesting asylum, they have found a way to forestall their expulsions. To counteract this tactic, all four of the countries were seeking ways to streamline or shortcut the normal asylum process for those believed to be economic refugees.

We plan no further distribution of this report until 30 days from its issue date, unless you publicly announce its contents earlier. At that time we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,

WILLIAM J. ANDERSON,
Director.

[Memorandum]

AMERICAN CIVIL LIBERTIES UNION,
Washington Office, February 25, 1983.

To: Senate Judiciary Committee.
From: American Civil Liberties Union.
Re Civil Liberties and the Undocumented Alien: The Case for Legalization.

"The existence of a large illegal migrant population within our borders violates the basic concept that we are a nation under law and this cannot be tolerated. The costs to society of permitting a large group of persons to live in an illegal status are enormous. Society is harmed every time an undocumented alien is afraid to testify as a witness in a legal proceeding—which occurs even when the alien is the victim—to report an illness that may contribute a public health hazard or disclose a violation of U.S. labor laws."[1]

The plight of the undocumented/illegal alien poses one of the most difficult dilemmas in the debate over immigration reform. Variously estimated at between 3.5 and 6 million persons, and growing at an annual rate of one-quarter to one-half million new individuals,[2] the existence of a large and expanding "shadow class" of persons outside the law presents major contradictions for a democratic society. In practical terms, the solution to the problem will involve significant economic and political considerations. Moreover, it will also involve an important rights and liberties dimension.

The inability of the undocumented alien to avail himself of the law's protections for fear that its punishments will also be felt in the form of swift deportation from the United States, has created a class of persons for whom basic civil liberties and civil rights have little meaning. Yet, because of their seamless involvement in critical economic and social aspects of American life, the exclusion of undocumented aliens from the body politic also has a corrosive impact on rights and liberties of citizens and permanent resident aliens; immediate examples come to mind within the criminal justice system, labor-business relationships, public education and public health areas. The resolution of the dilemma of the undocumented alien has become one of the major civil liberties issues of our time.

The problem of illegal migration to the United States is complex. The Select Commission on Immigration and Refugee Policy characterized the problem as the single most pressing issue it faced during its deliberations. For the undocumented alien, the benefits of migration to the United States usually distill into basic and compelling considerations: opportunities for employment, family reunification, exercise of individual freedoms not permitted at home, and for some, escape from political persecution. The United States remains a magnet for both economic and political refugees, an historical fact dating back to the founding of the country.

In seeking a solution to the present undocumented alien problem, policy-makers have concluded that only three realistic options exist. Diego C. Asencio, Secretary for Consular Affairs, Department of State, presented the considerations most bluntly: [3]

"Careful analysis shows that there are three, and only three possible courses of action to deal with those who are already here: (1) ignore the situation allowing illegals to remain in their current status because of inadequate enforcement of present law while their numbers grow; (2) massively round up and deport those here illegally; and (3) devise a procedure through which to legalize those who have established themselves in the United States."

The first option would prove destructive in the long-term; the second option would prove wholly unacceptable on civil liberties grounds. As the Select Commission noted, attempts at massive deportation would be destructive of domestic liberties, costly, likely to be challenged, and in the end, ineffective.

The last time in United States history when such a massive deportation effort occurred was in the mid-1950s when the Immigration and Naturalization Service (INS) expelled or deported more than one million aliens. This was done at tremendous costs in terms of both money and personnel. More importantly, it violated the civil liberties and rights of many Mexican Americans who were rounded up illegally for forcible reparation to Mexico. Such an effort would not be tolerated today.

Hence, legalization—accompanied by a more effective enforcement mechanism—is the only viable solution for the undocumented alien population. Legalization of the undocumented is not an "amnesty" as is often implied. The thrust of the proposal is guided by principles supporting the rule of law, not "forgivensess" of the illegal alien.

Through a legalization program, the government seeks:

To eliminate the illegal subclass now present in the United States, a situation which results in the exploitation of this segment of society and the depression of U.S. wages and working conditions.

Qualified aliens would be able to contribute more to U.S. society once they come into the open. Most illegal aliens are hard-working, productive individuals who already pay taxes and contribute their labor to this country. Any adverse impact of their presence in the economy has already been absorbed;

To concentrate the limited enforcement resources of the Immigration and Naturalization Service on new illegal entry or visa abuse;

Legalization would enable the INS to target its enforcement resources on new flows of illegal aliens, and avoid devoting limited investigative resources to cases which involve aliens who claim equities under the law; and

To allow dependent employers to continue to use this labor force lawfully.[4]

Legalizing the undocumented alien advances the protection of civil liberties and civil rights.

Civil liberties interests can be found in at least two elements of the supporting rationale for a broad legalization program. One major interest involves the broad concept of equality before the law. Another interest involves the right to freedom of belief, expres-

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Footnotes at end of article.

sion and association in the context of labor-business relationships.

AFFIRMATIVE CIVIL LIBERTIES INTEREST IN PROMOTING EQUITABLE ACCESS TO PUBLIC BENEFITS FOR UNDOCUMENTED ALIENS

The right of aliens to receive various kinds of public benefits is in flux. For aliens who are "lawfully admitted for permanent residence," the trend is clearly, although not absolutely, to strike down the barriers against their right to receive government benefits at the state level. The primary vehicle for this effort has been the Equal Protection Clause of the Fourteenth Amendment. In *Sugarman* v. *Dougall*, 413 U.S. 634 (1973), the Supreme Court invalidated on equal protection grounds a New York law restricting lawful resident alien participation in certain benefit programs. But, in *Graham* v. *Richardson*, 403 U.S. 365 (1972), the Court upheld similar restrictions on federal programs. The Court reasoned that because the Constitution grants the Congress plenary authority in immigration matters, it enjoys greater latitude than the states in regulating the presence of resident aliens.

For aliens who are in the United States illegally, the statutes and policies are mixed. The right to certain governmental benefits—for example, police and fire protection—seems axiomatic with the constitutional protection of life, liberty and property. So too would the right of an indigent alien to receive life-saving benefits such as emergency hospitalization and medical treatment, generally provided by local governments. In recent decisions the Court has further extended the protections of the Equal Protection Clause by requiring access to publicly financed education for the children of illegal aliens, *Plyer* v. *Doe*, 457 U.S. ——, 50 U.S.L.W. 4650 (June 15, 1983. In *Plyer* the Court made clear that undocumented aliens are "persons" within the meaning of the Fourteenth Amendment:

Appellants argue at the outset that undocumented aliens, because of their immigration status, are not "persons within the jurisdiction" of the State of Texas, and that they therefore have no right to the equal protection of Texas law. We reject this argument. Whatever his status under the immigration laws, an alien is surely a "person" in any ordinary sense of that term. Aliens, even aliens whose presence in this country is unlawful, have long been recognized as "persons" guaranteed due process of law by the Fifth and Fourteenth Amendments. *Shaughnessy* v. *Mezei*, 345 U.S. 206, 212 (1953); *Wong Wing* v. *United States*, 163 U.S. 228, 238 (1896); *Yick Wo* v. *Hopkins*, 118 U.S. 356, 369 (1886). Indeed, we have clearly held that the Fifth Amendment protects aliens whose presence in this country is unlawful from invidious discrimination by the Federal Government. *Mathews* v. *Diaz*, 426 U.S. 67, 77 (1976).

The analysis extending state benefits to a resident alien or undocumented alien population has so far generally not been followed by the Congress. Thus, Congress has restricted or otherwise regulated the access of undocumented aliens to various public benefits sponsored by the federal government, including food stamps (see, Food Stamp Act Amendments of 1980, 7 U.S.C. Sec. 2015(f) and 7 CFR Sec. 273.4); indigent legal services representation (see, Continuing Resolution H.J. Res. 599, Oct. 1, 1982); school lunches (Omnibus Budget Reconciliation Act of 1981, P.L. 97-34, Sec. 803); and Aid For Dependent Children (AFDC) programs (Social Security Act, Sec. 402(a), 42 U.S.C. Sec. 602(a) (33), as amended by the Omnibus Budget Reconciliation Act, P.L. 97-34, Sec. 2320).

These restrictions reflect a congressional intent to restrict social benefits to persons who are citizens or who entered the country legally. The only implication one may draw from these restrictions is that the Congress believes that undocumented aliens contribute little in taxes to support the general economy and/or is a drain on services disproportionate to their contribution.

The evidence from studies prepared for the Select Commission refutes both suppositions. This research suggests that there is generally low use of social services by undocumented aliens for reasons such as those previously mentioned, as well as fear of deportation if the alien applies for the program. Moreover, these same studies suggest that payment of Federal and/or state taxes by undocumented aliens "may more than offset the cost of providing health care and other social services."[5] The denial of benefits necessary to the basic sustenance of life of some persons, while comparable benefits are afforded by government to others, has constitutional significance insofar as the requirements of equal protection and due process are concerned.

AFFIRMATIVE CIVIL LIBERTIES INTEREST IN RESOLVING EFFECTS OF UNDOCUMENTED ALIENS ON THE LABOR MARKET

The impact of undocumented migration on the labor market is of major importance in (1) the displacement of U.S. workers, (2) depression of wages and working standards, and (3) curtailment of the enforcement of fair labor standards legislation.

Protected aspects of freedom of association such as the right of employees to organize and bargain collectively and the right to strike over disputes concerning terms or conditions of employment are profoundly affected by a large, exploitable sub-group in the work force. Surely the rights of legal workers are affected when the undocumented status of fellow workers and their fear of deportation, inhibit the excercise of otherwise protected rights.

What are the consequences of this denial of rights? While not all undocumented aliens experience abuse, most experts agree that serious problems exist. An undocumented alien who testified at a Select Commission hearing described his experience:

"They say that because we do not have U.S. papers we are not entitled to protection by the U.S. Constitution. Because of this we are often paid low wages and are forced to live and work in subhuman conditions. In Florida we work carrying 100 pound bags up ladders that are sometimes 20 feet high. If we fall from a ladder or are otherwise injured on the job we rarely receive workmen's compensation. Many undocumented workers in Florida live in small house trailers that accommodate more than 20 workers, and often pay high rent for such living space"[6]

Difficult conditions, however, are also found in many urban settings. A labor leader at another Commission hearing described conditions in the New York garment industry:

"During the last year our organizers have located over 500 small, nonunion garment shops in the Bronx, the second smallest borough of New York City. Additionally they found over 200 small shops in Manhattan, and they estimate that there are several hundred more in Brooklyn and Queens. Conditions in these shops vary somewhat, but in virtually all of them, workers are paid poorly, and the work environment is far from humane. Minimum hourly wages and nonexistent. . . . Homework, the scourge of our industry 70 to 80 years ago, has returned with a vengeance. . . . Basic health and safety standards are completely neglected in the new sweatshops."[7]

The differential in wages between the home countries of most undocumented/illegal aliens and the United States may make these aliens less concerned than their citizen counterparts about the actual level of their U.S. wages. The potential threat of apprehension and deportation may also make undocumented/illegal workers more willing to work for lower wages. At the Select Commission hearing in Los Angeles, a representative of the International Ladies Garment Workers Union (ILGWU) told of instances where employers, whom he cited specifically, used the Immigration Service to intimidate workers:

Daisy of California: A supervisor spreads a rumor of a possible INS raid. Out of a work force of 130, only six remain working. Several days later, company announces a pay reduction and erosion of benefits.

High Tide: A strike occurs. INS arrives and 17 pickets are apprehended, detained and, by evening, deported.

California Sample: One hour before another federal agency, the National Labor Relations Board, is to conduct an election, INS van parks near dock within full view of employees as company spokesman speaks of impending INS raid.

Hollander Manufacturing: Three days after an election in which the company lost, INS raids the plant picking up all union supporters. Retaliation or coincidence? When questioned, INS produces a letter on company stationery requesting the raid.[8]

Although it should again be noted that not all employers of undocumented/illegal aliens are guilty of such practices, abuses of working conditions and wages do exist.[9]

RECOMMENDATIONS AND CONCLUSION

The ACLU views the enactment of a legalization scheme as one of the most urgent tasks facing the Congress. We believe that such a program must be consistent with the following principles:

1. All aliens who have continuously resided in the United States since January 1, 1982 should be eligible for the legalization program;

2. all aliens eligible for legalization should be granted permanent resident status and the temporary resident provisions of the bill should be deleted;

3. all legalized aliens granted permanent resident status should be granted the full rights and privileges accorded permanent resident aliens under current law;

4. state and local governments should be provided impact aid, pursuant to an appropriate formula, to assure that the legalization program does not unfairly burden state and local taxpayers in certain areas of the country; and

5. that persons eligible for the program be granted one year from the beginning of the program to apply to legalize their status.

We are prepared to work with the Congress for the speedy enactment of legalization which embodies these principles.

The long-term consequences of a growing undocumented alien population seem clear:

Institutionalization of a double standard of due process and equal protection for a growing alien population, with concomitant litigation growing out of that contradiction;

Growing disrespect for the legal system generally, and a specific lack of regard for

an immigration law which penalizes those who obey it and wait their turn to enter the United States;

Displacement of U.S. workers, whether actual or perceived, would become stronger among those most directly affected—the young, relatively unskilled racial minority populations—exacerbating ethnic tensions and employer discrimination; and

Dilution of the entitlement to government benefits and to voting representation for communities in which large numbers of the undocumented may reside, but where their numbers cannot be counted for purposes of determining a community's "fair share" of these benefits.

For all of these reasons, fair and effective measures should be adopted to curtail the settlement of new persons in this class and to alleviate the existing backlog of undocumented aliens. Given the limited number of viable options available for resolving the backlog, it is in the national interest and consistent with civil liberties objectives to support a broad legalization proposal as a crucial element of immigration reform.

FOOTNOTES

[1] *Legalization of Illegal Aliens*, 1981: Hearings before the Subcommittee on Immigration and Refugee Policy of the Senate Committee on the Judiciary, 97th Cong., 2nd sess. p. 7 (statement of Doris M. Meissner, acting Commissioner, Immigration and Naturalization Service, Department of Justice, October 29, 1981).

[2] "The number of illegal aliens already in the country is unknown. The Select Commission on Immigration and Refugee Policy uses the figure of 3.5 to 6 million as the best guess of 1978." U.S. Congress, Senate, *Report of the Committee on the Judiciary, U.S. Senate on S. 2222*, S. Rept. -485, 97th Congress, 2nd Sess., 1982. p. 4.

[3] *Legalization of Illegal Aliens*, 1981: Hearings before the Subcommittee on Immigration and Refugee Policy of the Senate Committee on the Judiciary, 97th Congress, 2nd Sess. p. 17 (Statement of Diego C. Asencio; assistant secretary for Consumer Affairs, Department of State, October 29, 1981).

[4] U.S. Congress, Senate, *Report of The Committee on the Judiciary, U.S. Senate on S. 222*, S. Rept. 485, 97th Congress, 2nd Sess., 1982, p. 19 (citation refers to underlined passages).

[5] Fred Arnold, "Providing Medical Services to Undocumented Immigration: Costs and Public Policy," International Migration Review 13 p. 711 (Winter 1979).

[6] Anonymous undocumented/illegal alien, unpublished testimony, public hearing before the Select Commission on Immigration and Refugee Policy, Miami, December 4, 1979.

[7] Jay Masur, unpublished testimony, public hearing before the Select Commission on Immigration and Refugee Policy, New York, New York, January 21, 1980.

[8] Phil Russo, unpublished testimony, public hearing before the Select Commission on Immigration and Refugee Policy, Los Angeles, February 5, 1980.

[9] Forbes, Susan, "The Half-Open Door: Illegal Migration to the United States" in *U.S. Immigration Policy and the National Interest*, Staff Report of the Select Commission on Immigration and Refugee Policy, April 30, 1981 pp. 540-551.

See also, Fred Arnold, "Providing Medical Services to Undocumented Immigration: Costs and Public Policy," International Migration Review 13 (Winter 1979).

Mr. BIDEN. Will the Senator yield?

Mr. KENNEDY. Yes, I yield.

Mr. BIDEN. Mr. President, I shall not take much of the time of the Senate.

My colleagues on the Judiciary Committee, Senator SIMPSON, chairman of the Immigration Subcommittee and Senator KENNEDY, ranking member of that subcommittee, are to be congratulated on the agreement they have reached on this amendment. I strongly support the right to judicial review they have proposed.

This legislation makes substantial improvements in current law—including legalizing thousands of persons who have lived and worked in this country for years, deterring employers from hiring illegal aliens, setting controls over legal immigration, and streamlining immigration procedures.

The changes this bill makes in the right to appeal was, I believe, an attempt to further the goals of streamlining procedures and reducing backlogs. This amendment furthers that goal while also insuring that, in every case, individuals seeking admission to this country receive fair consideration and that their rights as established by this legislation are fully protected.

Mr. President, I should like to do something I seldom do: I wish to publicly compliment the staff of Senator SIMPSON and Senator KENNEDY. I did not think this could be worked out when this all started. They are the three easiest people I have ever worked with. I think if we all had staffs like that, we would do very, very well.

Mr. KENNEDY. Mr. President, I certainly join with the Senator in that.

Mr. LEVIN. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. LEVIN. Mr. President, first, let me commend my friends from Wyoming and Massachusetts for what they have accomplished. We have preserved the principle of judicial review of asylum cases. We presently have judicial review of asylum cases. The Senator from Massachusetts has indicated there are many cases of individuals who have obtained protection from court who would not have obtained that protection but for this provision. We have cases on record which are very dramatic cases of people coming to this country, seeking asylum, being turned down administratively, then obtaining court review and success, even though there was no constitutional issue involved.

I do commend my friends from Wyoming and Massachusetts for the protection for asylum cases which we are now going to provide. It is a good compromise and with the adoption of this amendment, I withdraw my own amendment that provides for judicial review in asylum cases. It will no longer be necessary and we shall be able to save the Senate the half-hour which we do not have any more, anyway.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. SIMPSON. Mr. President, I regret that I missed some of the last remarks of the Senator from Michigan. I do understand now that his amendment will be withdrawn, the amendment that was proposed. The Senator from Massachusetts is ready to relinquish the remainder of his time.

Mr. KENNEDY. Yes, Mr. President.

Mr. SIMPSON. I just conclude, Mr. President, by saying that those of us who have agreed that the present system is overwhelmed, I think, should feel confident that this amendment corrects those problems. We will not have those problems. We will not have 3,500 asylum cases a month. We reduced the process that is there now and that was the intent of all concerned because of the misuse of the present system.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question now is on agreeing to the amendment as modified.

The amendment (No. 1210), as modified, was agreed to.

Mr. KENNEDY. I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The amendment by the Senator from Michigan (Mr. LEVIN) has been withdrawn.

The question is on agreeing to the committee amendment as amended.

Mr. SIMPSON. Mr. President, have the yeas and nays been asked for? Is that the committee amendment?

The PRESIDING OFFICER. The committee amendment as amended.

Mr. SIMPSON. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The committee amendment, as amended, was agreed to.

Mr. SIMPSON. Mr. President, the Chair says the committee amendment as amended. What is he referring to? Is that with regard to the past amendment or is he back to the original committee amendment when we began discussion of this measure? The yeas and nays have been asked for on the original, on passage of the measure, however you describe it.

The PRESIDING OFFICER. The Chair advises the distinguished Senator from Wyoming that the committee amendment, as amended, had to be agreed to before passage which has yet to be acted upon.

Mr. SIMPSON. Yes, Mr. President.

The PRESIDING OFFICER. Is there any further debate before passage?

Mrs. HAWKINS. I would ask a question of the Senator from Wyoming, Mr. President. During the Mariel boatlift, numerous convicted felons arrived in the United States. Many of them were apprehended and incarcerated in the United States. Is it the intention,

in the legalization provisions of this bill, for such individuals to qualify for legalization in that their crimes were committed in Cuba and not the United States, or are these individuals excludable under section 212 of the INA?

Mr. SIMPSON. That is a very good question. Individuals who committed crimes in Cuba which would have prevented them from immigrating legally to this country by virtue of section 212 of the INA are also excludable from taking part in the legalization provisions of S. 529.

Mrs. HAWKINS. I appreciate the clear response to my concerns as, in Florida, we are experiencing the phenomenon of having to let some of our jail population out of prison due to overcrowding. I am concerned that these individuals could unjustly receive the benefits of the legalization provisions because their crimes were committed in Cuba as opposed to the United States.

Mr. SIMPSON. I understand the Senator's concerns, as Florida has been confronted with the brunt of the Mariel boatlift and I can assure her that this legislation is not intended to legalize hardened criminals, regardless of where they committed their crime.

Mrs. HAWKINS. Mr. President. I thank the Senator for clarifying this matter.

Mr. BIDEN. Mr. President, with regard to section 123(a)(2), my understanding is that the language in that section is intended to make clear that it establishes the sole basis for reviewing final orders of deportation or exclusion. There is no intention to overturn any cases providing for judicial review, other than final orders, in matters of pattern and practice when that is appropriate or in the following cases:

Haitian Refugee Center v. *Smith*, 676 F.2d 1023 (5th Cir 1983).

Louis v. *Nelson*, No. 82-5772 (11th Cir., dec Apr. 12, 1983).

Orantes-Hernandez v. *Smith*, 541 F Supp. 351 C.D. Ca. 1982.

Is my understanding correct?

Mr. SIMPSON. Yes, Mr. President. The reference to section 279 of the act and to section 1331 of title 28 is simply to make clear that they do not provide a basis for district court review of final orders.

Mr. PRESSLER. Mr. President, I rise today to commend Senator SIMPSON for his diligent efforts on this important legislation. I am especially pleased that the nonimmigrant visa waiver provisions that we addressed in last year's bill have remained intact. The goal of this provision is to facilitate international travel by waiving the visa requirement for foreign travelers to the United States from "low risk" countries which require foreign visitors to have a visa in addition to a passport. The burdensome application process foreign visitors now face as a result of present law discourages travel and reduces foreign trade income from travel and tourism.

As chairman of the Subcommittee on Business, Trade, and Tourism, I worked closely with my distinguished colleague from Wyoming to insure this provision was included in last year's bill. Coming from a State like South Dakota, where tourism is our second largest industry, I am keenly aware of how important our foreign travel and tourism markets are. There is much work to be done in developing this market. I am currently working on a number of ways to increase foreign travel and tourism trade in South Dakota and throughout the entire United States. Visa waiver is a good start.

Again, I commend Senator SIMPSON for his hard work in this area. There is, however, one section of this provision that I would like to clarify with the chairman.

Mr. President, I should like to engage the Senator in a colloquy with regard to visa waiver requirements for aliens.

I ask the chairman, section 213 of S. 529 includes a provision which would require aliens entering the United States under the visa waiver program to have "a round-trip, nonrefundable, nontransferable, open-dated transportation ticket." Was it the intent of the committee to prevent travelers with return reservation, which would require a dated ticket, from entering the country under the visa waiver guidelines?

Mr. SIMPSON. Mr. President, it was never the intent of the committee to exclude travelers with return reservations from qualifying for the waived visa privileges under the provisions contained in S. 529. The committee simply meant to guarantee the return passage of the alien regardless of his date of return.

Mr. PRESSLER. It appears that section 213, paragraph 4(A) requires carriers to indemnify the United States against any costs for transporting the alien out of the United States whether he is refused admission or unlawfully overstays the 90-day maximum period under the visa waiver agreement. In effect, does this provision not accomplish the goal of the committee and if so, would it be appropriate to delete the term "open-dated" ticket?

Mr. SIMPSON. To eliminate confusion on the part of the alien, travel agent, or transportation company it appears that a technical amendment to delete the term "open-dated" ticket would not alter the intent of the overall provision, which is to be sure that return transportation is made available to the alien without cost to the United States. I would agree to the change.

Mr. GOLDWATER. Mr. President, if the Senator from Wyoming would give me his attention, I would like to pose a question relative to section 211(b)(1) of the Immigration bill which deals with the length of certification for H-2 agricultural workers. As the Senator knows, the section provides:

. . . an alien may not be admitted to the United States as a nonimmigrant under Section 101(a)(15)(H)(iii)(a) for an aggregate period of more than eight months in any calendar year, except in the case of agricultural labor or services which the Secretary of Labor, before the date of enactment of the Immigration Reform and Control Act of 1983, has recognized require a longer period, which may exceed one year.

Now, the Arizona citrus industry has a season that virtually lasts year round. Some Arizona employers currently use the existing H-2 program. Our employers have routinely been certified by the Department of Labor for periods longer than 8 months, but less than 1 year, in the citrus area.

Is it the Senator's understanding that, under the grandfather provision, section 211(b)(1), the Arizona citrus industry, and any other industry like it, with a history of prior certification of longer than 8 months, but less than a year, would continue to be certified for periods exceeding 8 months?

Mr. SIMPSON. Mr. President, the Senator from Arizona is correct. It is my understanding from the Department of Labor that the citrus industry in Arizona would be certified for more than 8 months, as stated in the "grandfather clause" in the bill. The sheep-raising industry is the only industry for which H-2 workers are certified for multiyear periods, but others may be certified for more than 8 months.

I ask unanimous consent that various technical amendments be printed in the RECORD as if they had been read in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIST OF TECHNICAL AMENDMENTS

1. Visa Waiver:

a. Permit countries to be included who have an average refusal rate of 2 percent over 2 years rather than 2 percent for last year. (Still limited to eight countries—broadens the scope somewhat—still go off program if rise above 2.5 percent.)

b. Include "health" as an exclusionary ground in connection with visa waiver.

2. Change section reference in Migrant and Seasonal Agricultural Protection Act.

3. Permit AG to lease space for two years in connection with legalization program outside normal procurement channels.

4. Permit AG to set documentation for persons who do not have standard documentation (birth certificate, social security card) called for under the Act. (Applies to refugees, asylees, asylee applicants.)

5. Conforming amendments making changes in section references in bill.

6. Require statistically valid sampling in case of reporting requirements.

7. Clarify language on two year student requirement.

8. Expand injunctive relief after 2nd violation.

9. To provide for a report on the agricultural labor transition program.

On page 181, line 22 delete all words after the word "unless" through page 183, line 3 and insert in lieu thereof the following:

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and

"(ii) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) For each fiscal year (within the pilot program period) after the period specified in subparagraph (B)—

"(i) in the case of a country which was a pilot country in the previous fiscal year, a country may not be designated as a pilot country unless the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2.0 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year, or

"(ii) in the case of another country, the country may not be designated as a pilot country unless—

"(I) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and

"(II) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year."

On page 180, line 2 insert the word "health" immediately after the word "welfare".

On Page 115, line 20, delete 1856(b) and insert in lieu thereof 1851(b).

Page 192, after line 18, insert the following paragraph:

"(4) Notwithstanding the Federal Property and Administrative Services Act of 1949, 63 U.S.C. 377, as amended, the Attorney General is hereby authorized to expend from the appropriation provided for the administration and enforcement of the act, such amounts as may be necessary for the leasing or acquisition of real property in the fulfilment of this section. This authority shall end two years from enactment."

On page 192, line 19, delete "(4)" and insert "(5)" in lieu thereof.

On page 106, line 11 delete everything after the word "or" through the word "subclause" in line 14 and insert in lieu thereof "where no such documentation is available."

On page 162, line 8 insert "or (4)" immediately after "(3)".

On page 162, line 13 insert "or 203(b)(4)" immediately after "203(b)(2)".

On page 162, line 16 insert "or (4)" immediately after "(2)".

On page 210, line 22 immediately after the comma, insert the following: "compiled and validated in accordance with sound statistical practice."

On page 211 delete lines 6 and 7 and insert in lieu thereof the following: "The initial report shall be submitted not later than two years after the date of the enactment of the Act and three additional reports be submitted every two years thereafter."

Page 178, beginning on line 2, strike out "or, with respect" and all that follows through "him" on line 7.

Page 178, line 17, before the period insert the following: ", except that such amendments shall not apply to aliens who as of the date of the enactment of this Act meet the qualifications for a waiver of the two-year foreign residence requirement under paragraph (A) of section 212(e) of the Immigration and Nationality Act (as amended by section (a) of this section)."

On page 111, on line 16, delete "(2) Whenever the Attorney General" through the end of the page and insert in lieu thereof:

"(2) Whenever the Attorney General (i) has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of subsection (a); or (ii) within an 18 month period issues to a person or entity a second notice of a violation of subsection (a) and the two notices charge violations involving a total of five or more individuals, the Attorney General may bring a civil action in the appropriate district court of the United States requesting such equitable relief, including a temporary or permanent injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary. In the case of a person or entity composed of district, physically separate subdivisions each of which provides separately for its own hiring, recruiting or referral for employment, each such subdivision shall be considered a separate person or entity if such hiring, recruiting or referral for employment is not under the direct control of another subdivision or any entity or office exercising final management authority over such subdivisions."

On page 209, line 5 immediately before the word "temporary" insert the following: "agricultural labor transition program and the".

On page 210 delete lines three and four and insert in lieu thereof the following:

"The report on the temporary worker program shall be submitted not later than two years after the date of the enactment of this Act and the report on the agricultural labor transition program each year for three years beginning a year after the date of the enactment of the Act."

Mr. LEVIN. Mr. President, could the Senator from Wyoming clarify for my benefit how an employer can take advantage of the affirmative defense afforded him under the bill? Does the bill intend to place the burden of proof of lack of good faith compliance with the verification procedure on the Government once the employer has verified eligibility according to the provisions?

Mr. SIMPSON. Yes, I would be pleased to explain the verification procedures, Mr. President. First, the employer is required to use the verification system contained in the bill by examining documents the prospective employee provides to verify his work eligibility. Once the employer has examined the documents, he and the prospective employee each sign a statement that the required documents have been examined. Then the employer retains the signed forms for 5 years or until 1 year after the employment ends. If he does this in good faith, the employer has an affirmative defense against a charge of "knowingly" hiring an illegal alien. I wish to emphasize that the user of the system will not be responsible for the genuineness of the documents, only that such documents reasonably appear on their face to be genuine. Compliance with this procedure by the employer shall give rise to a presumption of good faith.

If the Government does not believe the employer has complied with the statute in good faith and the employer has complied with the statute's procedure, then the burden of proof is upon the Government to show lack of good faith compliance.

Mr. LEVIN. I thank the Senator. I am pleased that the burden of proof does not shift to the employer if he follows the procedures set forth in the bill.

AGRICULTURAL ASSOCIATIONS

Mr. WILSON. Mr. President, I have two points to raise regarding our understanding of the DeConcini/Wilson amendment. First, under section 211(b)(3) of S. 529, which adds to section 214(c) of the Immigration and Nationality Act a new paragraph (3)(A)(iii), petitions for applications for labor certification "may be filed by an association representing agricultural producers who use agricultural labor or services." The association may not file the petitions on behalf of agricultural producers who have not in the past relied upon undocumented alien labor nor will the filing of the petition by the association relieve the individual employers of any liability under Federal law. Do you agree with our understanding and intent that this provision is equally applicable to the transition program established under the DeConcini/Wilson amendment?

Mr. SIMPSON. Yes; that is my understanding.

TRANSITION PROGRAM

Mr. WILSON. Mr. President, I have a question which I believe the Senator from Wyoming may help clarify with regard to the agricultural labor transition program. Section 214(f)(2) provides that an agricultural employer seeking to employ transitional workers under this program must—

(2) provide to the satisfaction of the Attorney General a numerical count of the numbers of seasonal agricultural workers employed during the immediately preceding 12 month period by said employer.

Is it the Senator's understanding that employers will be expected to provide the Attorney General with an accurate count of the number of these workers employed during the time period indicated?

Mr. SIMPSON. Yes; that is my understanding.

Mr. WILSON. Is it the Senator's further understanding that unless countervailing information exists with regard to the accuracy of these numbers, that the employer's count would satisfy the Attorney General and thus the provisions of section 214?

Mr. SIMPSON. Yes; the Senator is correct. My understanding is that employers will be expected to provide the Attorney General with an accurate count of the number of these workers employed during the previous year. If, countervailing information does exist with regard to the accuracy of that count, the Attorney General may check other available information to determine the reasonableness of the request.

Mr. WILSON. I thank the Senator for his assistance in clarifying this matter.

Mr. WARNER. Mr. President, today, we are giving final consideration to the Immigration Reform and Control Act of 1983. We have arrived at the best consensus possible that will provide vigorous enforcement of our immigration laws.

Senator SIMPSON can be proud of his efforts. Without his long and tireless work this legislation could not have been fashioned.

We have placed a cap on immigration and have endeavored to bring order to the immigration process by dealing with the illegal alien problem and many others.

Yesterday Senator BAUCUS and I, with the cooperation of the managers, Senator SIMPSON and Senator KENNEDY, were able to delete the mandatory provision in the bill to charge entry fees to all aliens crossing our borders.

Hearings will be held later to see if certain fees can be established without causing undue delay or hardship to the millions of tourists that visit our Nation.

But perhaps the most important aspect of this legislation deals with stronger enforcement of our laws.

This bill will increase the border and other enforcement processes. We have provided for felony penalties—up to $5,000 fine or 5 years imprisonment or both—for activities involving the use, manufacture, or sale of counterfeit or altered identification documents.

The bill also creates a new criminal offense for bringing an alien to the United States knowing, or in reckless disregard of the fact that the alien had not received prior official authorization to enter our country.

We have also agreed that resources for border patrol and other enforcement activities should be increased. This will give the Immigration Service the funding authority needed to do their job.

All the new programs in this legislation will not enable our Nation to maintain a just, equitable immigration policy unless we enforce these programs. Our citizens deserve strong enforcement, and I pray we will continue to back the Immigration Service each year in the future as we authorize and appropriate the resources necessary.

Mr. President, let me again thank the committee for their efforts and urge my colleagues to support this legislation, both now and after it becomes law.

Mrs. HAWKINS. Mr. President, I rise today in support of the Immigration Reform and Control Act of 1983, and I want to compliment Senator SIMPSON, the chairman of the Senate Subcommittee on Immigration and Refugee Policy, for his unwavering leadership on this important issue. Senator SIMPSON has studied this issue for years and has made it his own. He began the project as a member of Carter's Presidential Commission, and spent countless hours in the previous Congress fine tuning and perfecting the legislation before us today. It is a major piece of work.

Mr. President, over the past several years, our Nation has lost control of its borders. We have been inundated with illegal entrants and aliens. Our laws are ignored or openly flouted. Our enforcement agencies have been unable to thwart these people. Clearly, new resources and new legislation are needed if we are going to give immigration enforcement agencies the tools they need to do the job.

No one is more aware than the people of Florida of the inadequacy of our current laws to deal with the immigration crisis. In 1980, over a period of only 6 months, over 150,000 undocumented Cubans poured onto Florida's shores. And since that time, a steady stream of Haitians and others have entered this country illegally. I receive regular reports from the Coast Guard in Miami of the interdiction of Haitian vessels filled with people lured by boat captains hoping to elude our enforcement agents and work in the United States. This is an outrageous situation that demands firm and immediate action. I support Senator SIMPSON's legislation because it is a step in the right direction. There are, however, a number of aspects of this bill that cause me concern.

First, the amnesty provisions seem a less-than-perfect solution to the problem. Amnesty appears to me a very shortsighted way of dealing with our immigration problems. I am concerned that it will work against the purpose of this bill, and actually result in increased illegal immigration. By granting amnesty, we are in effect promising that if an alien can manage to hide out until enough more illegal aliens arrive, then another amnesty will be granted. It perpetuates a vicious circle. It implies that if the United States once ignored its immigration laws and welcomed illegal aliens into its society, then it will do so again. Unfortunately, this has been the pattern in other countries that have granted amnesty in the past. I do recognize that many of the people who have been living in this country illegally for many years have developed deep and abiding roots in American communities—and have, in a sense, become Americans. For that reason I am sympathetic to allowing them to remain in the United States. But my fears are that the amnesty provision will send the wrong message to others. And result in even greater numbers of illegal aliens entering the United States.

My other concerns over this legislation center on what I believe are two glaring omissions. The first has to do with immigration emergency powers and the second with local reimbursement.

It is critical that special powers be granted to the President in times of immigration emergencies. I have spoken frequently since joining the Senate of the devastating impact that the Mariel Boatlift had on my State. Undocumented Cubans poured into Florida. Tent cities were hastily constructed under the shadow of highway overpasses. Thousands of the would-be immigrants were perfunctorily screened in an effort to distinguish legitimate refugees from criminals, the mentally ill, and other undesirables that Castro chose to be dumped on the United States.

South Florida is still recovering from the shock. The effect on crime is typical. In most cases, crime increases in proportion to increases in the population. The increases in the Dade County crime rate, however, have far outstripped the population increase. In the year following the Mariel Boatlift, Dade County's population increased by roughly 10 percent, but the increase in serious crimes rose by 23 percent. Prior to the boatlift, the crime rate in Dade County had actually decreased. I believe that this under-

scores one essential purpose of emergency powers. It is to shield the people from the impact of a sudden and massive influx of undocumented aliens.

I know that the issue of emergency immigration powers is a sensitive subject. However, I believe that the President does need additional authority in order to cope adequately with future immigration emergencies. If we do not act promptly, I believe that the 1984 elections could delay rational discussion and adoption of a reasonable solution to the problem.

Providing immigration emergency powers to the President would not reverse our country's policy of accepting persecuted people from all over the world. I believe that the United States should continue to welcome those who fear death or imprisonment because of their political or religious views. Florida had been a haven for Cubans and other Latin Americans who have fled tyranny and persecution. I am proud of that. Florida has become home to brave refugees, and they in turn have made significant contributions to the prosperity and culture of our State. I am committed to strong enforcement of effective immigration laws, but we must continue to welcome those who are eligible to enter our country as political asylees.

There is another issue that is crucial to protecting our communities from the affects of illegal immigration. It is the issue of reimbursing State and local governments for the cost of the amnesty provision contained in this bill. It is estimated that amnesty will cost literally billions of dollars. Under the details of the amnesty proposal, much of the cost of this provision will fall on local taxpayers. I believe that this is arbitrary and unfair. As a result, I support efforts to require the Federal Government to bear the welfare costs of granting amnesty. I believe that if the Federal Government makes a law that will result in tremendous safety net costs, then it is only fair for the Federal Government to bear those costs.

In addition, I support requiring that the Federal Government pick up the cost of detaining illegal aliens. In Dade County alone, the annual criminal justice costs of detaining illegal aliens is in excess of $6 million. This is a staggering burden on a county government.

Foreign policy is the sole responsibility of the Federal Government. State and local governments do not have access to the necessary diplomatic tools or military hardware to conduct affairs of state—nor should they. This means that when the Federal Government fails to prevent huge numbers of illegal aliens from entering the United States, the Federal Government must bear the responsibility for that failure. That includes financial responsibility. It is only fair to State and local governments.

I am pleased that this immigration bill again includes the much-needed expedited asylum hearings process as well as employer sanctions. Those who think that Florida is no longer the target of illegal immigrants could not be more wrong. The Immigration and Naturalization Service has estimated that as many as 2,000 persons are smuggled into south Florida each month. Haitians, Dominicans, Colombians, and even Bangladeshi continue to land in large numbers on Florida's shores. Mexicans are also being smuggled in through north Florida. Clearly, there is a need to determine swiftly which aliens are eligible to remain in the United States and which are not. Then, those who are not, should be returned to their point of origin as soon as possible.

Employer sanctions are also a critical part of this legislation, especially if amnesty is granted. As I mentioned earlier, I have serious reservations about the amnesty program. But if there must be an amnesty program, then there must also be employer sanctions. Employer sanctions are the only effective means of eliminating the incentive that brings so many illegal aliens to our shores, relatively high paying jobs. Unless this incentive is removed illegal aliens and professional smugglers will continued to take advantage of our extensive borders and shorelines, not to mention our generosity, to violate our immigration laws.

Mr. President, I commend Senator SIMPSON again and compliment his able staff for such impressive efforts and to reiterate my support of the legislation. Any good bill can be perfected. But I do not want to make the perfect the enemy of the good. So, in the final analysis, we must not delay passage of this vital bill.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. I yield 1 minute to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I wish to take a moment to identify the budget impacts of S. 529, the Immigration Reform and Control Act of 1983.

First of all I should like to commend the committee chairman and the committee and subcommittee members for their work in this piece of legislation. The Nation's immigration problems are in urgent need of attention and this legislation represents a truly genuine effort to solve the current problems. However, this bill is not without costs.

Let me just outline the costs of this bill as estimated by the Congressional Budget Office (CBO). First, the bill directly authorizes to be appropriated $10 million for recruiting domestic temporary workers and $200 million for all other provisions of the bill. Second, although the bill does not directly authorize additional appropriations, CBO estimates S. 529 will require further appropriations of $40 million in fiscal year 1984. In addition, CBO estimates that approximately $700 million in fiscal year 1986 will be necessary to fund the secure identification system required by the bill.

Third, CBO estimates that the legalization of unauthorized aliens which makes them eligible to receive AFDC, SSI, medicaid, and food stamp benefits will add $50 million in outlays to the cost of those entitlement programs in fiscal year 1984, growing to $275 million in fiscal year 1988.

Fourth, the bill authorizes such sums as may be necessary for fiscal year 1984 and each of the next 5 years to provide block grant assistance to States. CBO estimates the block grant program will cost $30 million in fiscal year 1984, rising to $380 million in fiscal year 1988, or $1.5 billion over 5 years.

Fifth, CBO estimates that the bill indirectly authorizes $35 million in fiscal year 1983. These costs would fall on the Immigration and Naturalization Service and the Department of Labor as part of the startup cost of the bill. The chairman of the subcommittee has assured me that this estimate is highly unlikely and there is little possibility of a draw on the budget this fiscal year.

Finally, the bill is expected to generate $190 million in revenues in fiscal year 1984 from the collection of fees from aliens using U.S. border and immigration facilities. Total revenues are expected to be $380 million between fiscal year 1984 and fiscal year 1988.

Mr. President, the total cost to the Federal Government resulting from the enactment of S. 259 will be $0.3 billion in fiscal year 1984, rising to $1.3 billion in fiscal year 1987, or $4.5 billion over 5 years. However, this estimate is very uncertain. Very little is known about either the numbers of unauthorized aliens in the United States or their characteristics.

The first concurrent resolution on the budget for fiscal year 1984 assumes $1.2 billion in funding increases over the next 5 years to accommodate the passage of S. 529. However, an additional $1.5 billion has been provided for general Federal law enforcement programs. It is up to the Appropriations Committee to allocate this money.

This leaves a substantial difference between the costs of the bill and the amounts assumed in the fiscal year 1984 first concurrent resolution on the budget. In reality, this bill is a budget buster. If this bill is enacted the pend-

ing budget resolution will have to be revised upward to reflect the additional costs. I intend to vote against the bill both for budgetary reasons and for other policy reasons which I am outlining in a separate statement.

Mr. President, I ask unanimous consent that a copy of the CBO cost estimate on S. 529 and a letter from the chairman of the Immigration Subcommittee be made part of the record immediately following my statement.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., April 21, 1983.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 529, the Immigration Reform and Control Act of 1983, as ordered reported by the Senate Committee on the Judiciary, April 19, 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 529.

2. Bill title: Immigration Reform and Control Act of 1983.

3. Bill status: As ordered reported by the Senate Committee on the Judiciary, April 19, 1983.

4. Bill purpose: S. 529 makes some major revisions and reforms to the Immigration and Nationality Act. Title I focuses on the control of illegal immigration. Part A establishes new guidelines for the employment of immigrants, and directs the President to implement a secure system to determine employment eligibility in the United States within three years of the date of enactment. Part B expresses the intent of Congress to increase the level of border patrol and other enforcement activities, makes it unlawful to transport any unauthorized alien into the United States, and allows the Attorney General to impose fees on aliens which reflect the cost of their use of the border facilities. Part C establishes a United States Immigration Board and an immigration law judge system to hear and decide cases involving alien exclusion, deportation, suspension of deportation, asylum, and civil penalties. Part C also amends the existing law governing alien asylum in the United States. Part D changes the law concerning adjustment of nonimmigrants to immigrant status, while part E deals with deportation proceedings.

Title II reforms existing law regarding legal immigration. Part A establishes new numerical limitations and performance guidelines, revises the Department of Labor's labor certification system, and amends the immigration laws regarding G-4 special immigrants. Part B amends those provisions of the Immigration Act relating to nonimmigrant workers (H-2 workers), amends the procedures for obtaining approval of H-2 petitions, and allows the Secretary of Labor to charge fees to recover the cost of processing applications for certification. The bill provides a permanent authorization of $10 million for recruiting domestic workers for temporary labor, and for monitoring the terms and conditions under which such nonimmigrants and domestic workers are employed. Part B also establishes a pilot program of visa waivers for certain visitors.

Title III of the bill relates to the legalization of unauthorized aliens already in the country. This section empowers the Attorney General to adjust, at his discretion, the status of unauthorized aliens to that of lawfully admitted aliens eligible for permanent residence if they apply, meet certain conditions, can establish that they illegally entered the United States prior to January 1, 1977, and have been residing here continuously since then. Those unauthorized aliens who have illegally entered the United States prior to January 1, 1980, including certain Cuban and Haitian entrants, may have their status adjusted to being lawfully admitted for temporary residence. Title III also empowers the Attorney General to adjust the status of aliens lawfully admitted for temporary residence to permanent residence under certain conditions. In addition, it limits federal program benefits for which the unauthorized aliens granted permanent and temporary residence are eligible and authorizes block grants to states for fiscal years 1984 through 1989 to assist in meeting the costs of providing public assistance to legalized aliens. Further, the bill requires the Attorney General to prescribe a fee of at least $100 for each application for resident status filed by an alien, to be used to cover administrative expenses associated with the applications.

Title IV requires the President and the United States Comptroller to submit a number of reports to Congressional committees within set periods of time.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1983	1984	1985	1986	1987	1988
Direct spending provisions:						
Required budget authority:						
Function 550				4	27	62
Function 600		−3	−10	−18	5	20
Estimated outlays:						
Function 550				15	55	90
Function 600		50	115	145	180	185
Amounts subject to appropriation action:						
Estimated authorization level:						
Function 600		30	185	440	495	410
Function 750	35	210	155	395	875	555
Estimated outlays:						
Function 600		30	185	440	495	410
Function 750	32	190	160	370	827	590
Total spending:						
Estimated authorization level/required budget authority	35	237	330	821	1,402	1,047
Estimated outlays	32	270	460	970	1,557	1,275
Estimated revenues	15	190	45	45	50	50
Net budget impact:						
Estimated net increase to the deficit	17	80	415	925	1,507	1,225

BASIS OF ESTIMATE

The bill authorizes fiscal year 1984 appropriations of $10 million for recruiting domestic temporary workers and $200 million for all other provisions of the bill. For the purpose of this estimate, CBO assumes that the full amounts authorized or estimated to be required will be appropriated. This bill would also result in additional future federal liabilities through an extension of an existing entitlement and would require subsequent appropriation action to provide the necessary budget authority.

The table below shows the estimated budget authority and outlays required to perform the tasks required by the bill that fall under function 750 (Administration of Justice).

ESTIMATED BUDGET IMPACT—FUNCTION 750

[By fiscal year, in millions of dollars]

	1983	1984	1985	1986	1987	1988
Secure identification system:						
Estimated authorization level				250	700	400
Estimated outlays				225	655	430
Other costs:						
Estimated authorization level	35	210	155	145	175	155
Estimated outlays	32	190	160	145	172	160
Total estimated authorization level	35	210	155	395	875	555
Total estimated outlays	32	190	160	370	827	590

The cost of the secure identification system is dependent on the nature of the system selected. Two of the major proposals have been offered by the Department of Labor and the Social Security Administration. Both systems would provide employers with a secure, immediate means of verifying the eligibility of all jobs applicants and would provide the government with a means of enforcing employer sanctions. The system envisioned by the Department of Labor's Employment and Training Administration would be based in the 2,600 U.S. Employment Service field offices. The Social Security Administration's system would involve reissuing new, tamper-proof social security cards to all card holders. Assuming that the Administration will take three years to implement a secure identification system, outlays for such a system would be approximately $0.2 billion in 1986, $0.7 billion in 1987, and $0.4 billion in 1988.

Based on information provided by the Immigration and Naturalization Service (INS), CBO estimates that enforcing the employer sanctions provision would require an additional 550 workyears plus first-year startup costs. This would allow the INS to investigate 10,000 employer worksites annually, to detain 16,000 individuals, and to handle any additional workload generated by worksite investigations and apprehensions. The total cost of this provision is estimated to be approximately $40 million per year, beginning in 1984. In addition, the Department of Labor will assist in enforcing employer sanctions, which will require an additional $4 million in fiscal year 1984, increasing to approximately $5 million in fiscal year 1988.

Most of the remaining costs that fall under fuction 750 result from increased INS enforcement of border control laws, the expenditures associated with processing applications for permanent and temporary residency, and the requirement that the federal government assist employers in locating domestic workers for jobs that would otherwise be performed by temporary nonimmigrant laborers (H-2 workers). The cost to the INS of increasing border patrols is estimated to be about $85 million in 1984, and $70-80 million per year thereafter. INS expenditures associated with the legalization provisions of the act would result in additional outlays of about $80 million in 1984, falling to $16 million by 1988. This decline results from the fact that residency applications will be filed only in the first and fourth years following enactment. The bill authorizes $10 million a year for locating domestic workers to perform tasks that

would otherwise be performed by temporary foreign workers.

The bill requires the Attorney General, in consultation with the Secretary of State, to impose fees on aliens entering the United States at border facilities to recover the cost of their use of the facilities. Based on information provided by the INS, CBO estimates that an average of 200 million aliens will enter the United States by land, sea, or air in each of the next five years, at a total cost to the INS of $40 million a year at 1983 prices. The INS would be able to recover this cost by imposing a fee of $0.20 per entry in 1983, with small upward adjustments in subsequent years to reflect inflation. This fee would be classified as a revenue to the federal government.

The bill also requires the Attorney General to collect a fee of at least $100 for each application submitted by an alien for permanent or temporary residency under the legalization provisions of Title III. Assuming that 1.5 million aliens choose to apply for legal residency and that the fee is $100, CBO estimates that the government would receive revenues totaling $150 million in 1984. Estimated revenues are summarized in the following table.

ESTIMATED REVENUES

[By fiscal year, in millions of dollars]

	1983	1984	1985	1986	1987	1988
Entry fee	15	40	45	45	50	50
Residency application fee		150				
Total revenues	15	190	45	45	50	50

Title III ("Legalization") would have a major impact on federal outlays in functions 550 and 600. First, the provisions that legalize unauthorized aliens would entitle the aliens to receive benefits after three to six years from a number of federal assistance programs. Such programs as Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), Medicaid, and Food Stamps now require recipients to be citizens or permanent residents. In addition, in other programs, such as Disability Insurance (DI), many legalized aliens who would not have collected benefits would now be expected to do so. The provisions of the bill preclude aliens granted permanent resident status from receiving any program of federal financial assistance based on "financial need," Medicaid, and Food Stamps for a period of three years; aliens granted temporary resident status would be precluded from the receipt of these programs for a period of six years. Hence, increased federal outlays for these programs would not occur until fiscal year 1987.

Second, Title III provides an authorization for the appropriation of such sums as may be necessary in fiscal years 1984 through 1989 to provide block grants to states for costs of public assistance to eligible legalized aliens. Aliens granted permanent resident status are eligible for three years; aliens granted temporary resident status are eligible for six years if they are later granted permanent resident status or until they are terminated (at the end of three and one-half years).

Added program outlays as a result of legalizing unauthorized aliens under Title III of the bill are shown in the table below. These added outlays are estimated to be $80 million, $300 million, $600 million, $730 million, and $685 million in fiscal years 1984 through 1988, respectively.

ESTIMATED BUDGET IMPACT—FUNCTIONS 550 AND 600

[By fiscal year, in millions of dollars]

	1983	1984	1985	1986	1987	1988
AFDC (function 600):						
Required budget authority					20	35
Estimated outlays					20	35
Food stamps (function 600):						
Estimated authorization level					15	30
Estimated outlays					15	30
SSI (function 600):						
Required budget authority					10	15
Estimated outlays					10	15
Unemployment compensation (function 600):						
Required budget authority						
Estimated outlays			20	50	55	45
Disability insurance (function 600):						
Required budget authority		−3	−10	−18	−25	−30
Estimated outlays		50	95	95	95	90
Medicaid (function 550):						
Required budget authority					25	60
Estimated outlays					25	60
Medicare (function 550):						
Required budget authority				4	2	2
Estimated outlays				15	30	30
Block grants to States (function 600):						
Estimated authorization level		30	185	440	480	380
Estimated outlays		30	185	440	480	380
Subtotal, direct spending provisions:						
Required budget authority		−3	−10	−14	32	82
Estimated outlays		50	115	160	235	275
Subtotal, amounts subject to appropriation action:						
Estimated authorization level		30	185	440	495	410
Estimated outlays		30	185	440	495	410
Total, functions 550 and 600:						
Estimated authorization level/required budget authority		27	175	426	527	492
Estimated outlays		80	300	600	730	685

This estimate is very uncertain. First, it includes estimated authorization levels for the block grants to states that are large enough to cover the full estimated costs to states for assistance to the legalized aliens. Less than the full costs, however, may be appropriated. Second, very little is known about either the numbers of unauthorized aliens in the United States or their characteristics.

It has been generally accepted that there were 3 to 6 million unauthorized aliens in the United States in the late 1970's. Some have suggested that there has been a net inflow of such aliens into the United States in the last few years, raising the number of aliens above 3 to 6 million. However, recent studies by the Census Bureau of the numbers of illegal aliens counted in the 1980 Census indicate that the 3 to 6 million range may be too high. Hence, the CBO estimate uses the midpoint of the original 3 to 6 million range: 4.5 million illegal aliens. Of these aliens, it is assumed based on Immigration and Naturalization Service studies that 11 percent have resided continuously in the United States since January 1, 1977, qualifying for permanent residence, and that 23 percent have resided continuously in the United States since January 1, 1980, qualifying for temporary residence. Further, the CBO estimate assumes that 60 percent of the potentially eligible aliens would apply for legalization and be granted resident status. The resulting numbers of illegal aliens who would be granted permanent residence immediately total 300,000 and the numbers granted temporary residence total 620,000.

At the time these aliens are granted resident status, the legislation requires that they be employed. Over time, however, this group of aliens could be expected to resemble the United States population as to recipiency of income support programs. By 1987 and 1988, we have assumed that recipiency rates for AFDC, SSI, Food Stamps, and Medicaid would resemble those of the United States population for similar age, sex, ethnic origin, and income groupings.

The remaining discussion provides details for the estimates in each individual program shown in the preceding table. In AFDC, added outlays do not occur until 1987, as discussed earlier. The cost estimate assumes that 52 percent of the aliens given permanent resident status are married men and women. This percentage is based on demographic data on illegal aliens, which show about 79 percent to be adults and the majority to be young and male, and on marital rates in the United States. Of the married men and women, 4.5 percent of those not of Spanish origin and 17.0 percent of those of Spanish origin are estimated to receive AFDC. These rates of AFDC recipiency are those which currently exist in the program. Each adult recipient, and the recipient's family in some cases, is estimated to receive an average of $1,545 in federal AFDC benefits in fiscal year 1987.

As with AFDC, added Food Stamp outlays do not occur until 1987. The estimate of increased Food Stamp program costs that would result from enactment of this bill assumes that about 15 percent of aliens lawfully admitted for permanent residence participate in the program during any month. This rate of participation is about 60 percent greater than that of the general population. Aliens admitted for permanent residence are likely to have relatively low incomes and would be expected to participate in the Food Stamp program at a somewhat higher rate than the remainder of the population. The national average benefit level is estimated to be $52 per person per month during fiscal year 1988.

In SSI, added program outlays would also begin in fiscal year 1987. The CBO cost estimate is based on a recipiency rate of 0.90 percent for the aged and 0.94 percent for the blind and disabled. The recipiency rate for the aged is based on Census data which show 1.80 percent of illegal aliens to be aged, an assumed income eligibility of 100 percent, and a participation rate for the eligible of 50 percent. The recipiency rate for the blind and disabled is based on the current recipiency rate for the United States population. Annual benefits per recipient are estimated to be $1,834 for the aged and $2,924 for the disabled in fiscal year 1987.

The estimated cost of unemployment compensation outlays associated with the bill is made by applying assumed unemployment rates of 9.5 percent, 8.7 percent, 8.0 percent, 7.6 percent, and 7.1 percent for fiscal years 1984 through 1988, respectively, to the estimated adult alien population. These rates are slightly lower than those used to estimate the CBO baseline, because it is assumed that the alien population is less prone to both cyclical and frictional unemployment. According to information from the Justice Department, the bill's prohibition of aliens from receipt of federal financial assistance would not apply to unemployment benefits. It is assumed that the newly approved residents would receive a somewhat lower average weekly benefit amount than the general population because they are most likely working in relatively low-paying jobs.

In the DI program, it is assumed that only one-half of the aliens would become eligible for DI in the 1984 to 1988 period. Several factors contribute to this assumption. First, it is probable that many would not have worked for the required number of calendar quarters needed to receive benefits (20 out of the last 40). Second, others may have im-

proper Social Security numbers, while some might be presently collecting benefits. Thus, an estimated 450,000 to 500,000 aliens would qualify for DI benefits by the end of 1985. Assuming a disability incidence rate paralleling the current group of eligibles, approximately 14,000 new disabled worker recipients would begin receiving benefits by the start of fiscal year 1985. Average family benefits per recipient are estimated to be $7,100 in fiscal year 1984.

The estimate for the costs of the Medicaid program assumes that beginning in 1987 residents could qualify for the program using the same standards and regulations as the rest of the United States' population. Thus, those residents who qualify for AFDC or SSI would also be eligible for Medicaid benefits. In addition, residents who are medically needy could also receive Medicaid benefits. The estimate assumes that the ratio of categorically needy individuals to medically needy individuals is equal to the current United States ratio. The estimate also assumes that the average Medicaid benefit for these recipients would equal the United States average for AFDC and SSI recipients. The estimate for the block grants to states assumes the appropriation of funds to cover all state costs. As noted earlier, less than the full amounts may be appropriated. The cost estimate assumes that cash and medical benefits currently available at the state and local government level would be provided to the legalized aliens. For cash benefits, it is assumed that 1.3 percent of the aliens would qualify for state and local general assistance programs to persons without children. In addition, those persons eligible for AFDC and SSI, but precluded from receiving benefits by this bill, are assumed to receive general assistance (GA), except for aliens living in states like Florida with limited GA programs. Monthly GA benefits in fiscal year 1984 are estimated to be $148 per person. For medical benefits, it is assumed that the GA population would receive benefits that resemble those currently received by the GA and the medically indigent population in the United States.

In addition to the effects of legalization on federal outlays, there are potential effects on federal revenues. On the one hand, federal revenues would increase if some of the aliens who are not having income taxes withheld from their wages at present were to have taxes withheld as a result of the legislation. On the other hand, federal revenues would decrease if some of the aliens who are having income taxes withheld are entitled to tax refunds they do not claim but which they would claim if the bill were enacted. Given the uncertainties concerning characteristics of illegal aliens, and rough estimates showing the two effects above to be approximately offsetting, CBO shows no effect of the bill on federal revenues.

6. Estimated cost to State and local governments: By legalizing certain unauthorized aliens currently residing in the U.S., this bill could have sizable effects on state and local government budgets. Unauthorized aliens are not eligible for welfare programs that are partially- or fully-funded by states and localities. When legalized, these aliens would be eligible for such programs. To offset these costs, the bill would authorize for fiscal years 1984 to 1989 such sums as are necessary to provide block grants to states for programs of public assistance to eligible legalized aliens. The estimated net impact on state and local expenditures is shown in the following table.

[By fiscal year, in millions of dollars]

	1983	1984	1985	1986	1987	1988
AFDC, SSI, GA, medicaid					45	90
Cuban and Haitian entrants		−15	−25	−25	−25	−25
Total estimated State and local outlays		−15	−25	−25	20	65

In addition, if the provisions of the bill that provide for employer sanctions and other means of reducing the flow of unauthorized aliens into the U.S. are effective, there would be some associated savings to state and local governments. For example, there would be fewer alien children to educate. The CBO cost estimate does not include such savings, given the uncertainties concerning flows of unauthorized aliens into the U.S. and the potential effectiveness of the bill's sanction provisions.

Basis of estimate: Costs to states and localities for providing public assistance to the legalized aliens are shown only for fiscal years 1987 and 1988. For fiscal years 1984 to 1988, the bill authorizes block grants to states for public assistance costs for six years for aliens originally granted temporary resident status and for three years for aliens originally granted permanent resident status. These grants thus cover all of the legalized aliens through fiscal year 1986 and in fiscal years 1987 and 1988 all but those aliens who had permanent resident status for more than three years.

For purposes of this estimate, it was assumed that funds for the grants for states' public assistance costs during 1984–1988 would be appropriated in full. If less than the full amount was appropriated, states and localities would have added budgetary costs during these years. On the other hand, if the full amount was appropriated, states and localities might experience some budgetary savings to the extent that some of the unauthorized aliens are illegally receiving public assistance at present or to the extent that the grants cover free health care presently being provided to the aliens in public hospitals. Such potential savings are not shown in the cost estimate because of lack of information.

In fiscal years 1987 and 1988, states and localities would have added AFDC, SSI, GA, and Medicaid costs as a result of legalizing the unauthorized aliens, as shown in the table above. Beginning in 1987, the aliens in permanent resident status for more than three years would become eligible for federal public assistance programs for which they could qualify. States share in the funding of these programs. In AFDC and Medicaid, the states' matching rates are about 46 percent. In SSI, which is a fully federally-funded program, the states at their option supplement federal benefits. The state and local government cost estimate is based on the federal cost estimate described earlier, applying existing state match rates and supplement levels. In addition, for purposes of the estimate it is assumed that some of the permanent resident aliens would receive state-funded general assistance.

In fiscal years 1984–1988, states would have reduced expenditures to the extent that the block grant covers state public assistance costs for Cuban and Haitian entrants. The states' shares of such costs are presently paid for from state funds. The CBO estimate of the block grant includes $15 million in 1984 and $25 million in each year thereafter to cover public assistance costs of the Cuban and Haitian entrants, which become savings to the state and local governments.

7. Estimate comparison: No cost estimate is available from the Administration for the entire bill but one is available for the legalization provisions. These costs as estimated by the Administration are shown below.

[By fiscal year, in millions of dollars]

1983	.....
1984	225
1985	405
1986	430
1987	520
1988	665

The Administration's estimated costs are higher than CBO's for a number of reasons. First, the Administration uses an estimate of 6.25 million illegal aliens rather than CBO's assumed 4.5 million. Second, the Administration assumes that 70 percent of the aliens will apply for and be converted to permanent or temporary resident status rather than CBO's assumed 60 percent. As a result, the Administration estimates 1,667,000 legalized aliens while CBO estimates 920,000. Third, the Administration assumes higher participation rates than does CBO in several of the income support programs (primarily Food Stamps and GA).

The Administration's estimate for the legalization provisions does not include costs for unemployment compensation or Medicare, as does CBO's.

8. Previous CBO estimate: None.

9. Estimate prepared by: Janice Peskin (226-2835), Charles Essick (226-2860), Hinda Ripps Chaikind, Stephen Chaikind, Malcolm Curtis, Carmela Pena, Richard Hendrix, Kelly Lukins, John Navratil (226-2820), and Kathleen O'Connell (226-2693).

10. Estimate approved by: Robert A. Sunshine (for James L. Blum, Assistant Director for Budget Analysis).

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., May 13, 1983.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMENICI: This is written with respect to the estimate of the 1983 budget authorization ($35 million) and outlays set forth on page 58 and following of the U.S. Senate Report of the Committee on the Judiciary on S. 529 (Report No. 98-62). This estimate is highly unlikely and there is little possibility of a draw on the budget this fiscal year.

Most sincerely,

ALAN K. SIMPSON.

Mr. DOMENICI. Mr. President, for some time now it has been clear that the American people want immigration reform. According to a Roper poll taken last summer, 91 percent of all Americans want an all-out effort to stop illegal immigration and 80 percent want legal immigration reduced.

Unlimited immigration was a need, and a glory, of the underdeveloped American past. Yet no one believes America can still support it. We all agree that something needs to be done. T. H. White aptly described America's immigration situation:

One starts with the obvious: That the United States has lost one of the cardinal attributes of sovereignty—it no longer controls its own borders. Its immigration laws

are flouted by aliens and citizens alike, as no system of laws has been flouted since prohibition. And the impending transformation of our nation, its culture, and its ethnic heritage could become one of the central debates of the politics of the 1980's.

While there is a consensus that the 1952 immigration law needs reform, history and emotion add a complicating dimension. We are all descendants of immigrants. Americans have always been of two minds about immigration, the desire to close the golden door or at least hire a doorkeeper contradicts the Statue of Liberty's proud exhortation, "give me your tired, your poor * * *." The immigration problem is a dilemma because it involves a number of very complex social, economic, and practical issues.

There are competing interests, all of them worthy. I compliment the Senator from Wyoming. His assignment was tough. He has been extremely conscientious in discharging that responsibility. The bill before us is the product of extensive study by the President's Select Commission on Immigration and Refugee Policy, the Immigration Subcommittee, and the Judiciary Committee. The bill is also the product of substantial compromise.

I recognize that the legislative process is an exercise in compromise. The more competing interests involved regarding a piece of legislation the more compromises result. Language is changed, provisions are deleted. In the case of the immigration bill, the compromises have left us with a bill that I do not think can work.

The bill calls for choking off further illegal immigration. It depends on employer sanctions and a "secure system of worker eligibility." I honestly do not see how the understaffed and beleaguered INS can enforce employer sanctions in addition to its other duties. S. 529 is another mandate without providing the necessary enforcing manpower.

The employer sanctions would have the effect of switching the policing of illegal immigration enforcement from the border to the job market. This could be a pretext for discrimination.

I do not know whether we can devise a satisfatory worker eligibility system that does not result in discrimination against Hispanics and other minorities. The existing identification documents are not adequate. The stories about "immigration kits" consisting of forged identification documents are true. You can buy a social security card for less than $5. The present system is not secure.

The bill relies on a secure system of worker identification but does not set forth the particulars. I do not feel comfortable voting for an unknown system to be devised later. I am very concerned that this bill not result in discrimination. I want to make that very clear.

Being realistic, I do not think INS can properly screen millions of applicants for amnesty. Because the bill provides for a two-tier system it would require two eligibility determinations and from practical administrative standpoint I think this system is unworkable.

Even though I support the DeConcini transition rule amendment, I am not sure the H-2 program, even as streamlined in the bill, will work for the short harvest seasons in my State and throughout the West. Our employment patterns and farming practices are different from the East. Perhaps the streamlined H-2 program is an adequate, temporary labor program on the east coast, but it will not work for the New Mexico farmers. The system they have now works well for their needs, yet the bill ignores this existing underground stream of migrant workers. It is hard to change employment habits and I think that for Congress to require a change it should offer a system that gets the job done in a timely fashion. Therefore, I feel we must propose a temporary worker program that acknowledges and meets the farmer's needs.

Properly drafted and implemented the guest worker program has the potential to be a valuable foreign policy tool as well as necessary immigration policy. I do not feel that any unilateral guest worker program is sufficient. Both Mexico and the United States must work in tandem to make the program mutually beneficial to both countries. I believe that for such a program to be effective it must be more than a tacit understanding with Mexico. I could support a guest worker program that includes a formal agreement with the Republic of Mexico. That agreement must recognize the U.S. guest worker program as making a significant contribution to Mexico's economy. The agreement would also formalize Mexico's commitment and obligation to help control the flow of illegal aliens into the United States. Both countries would be receiving a valuable benefit. I think that such a guest worker program would be good foreign policy as well as good immigration policy.

This component is missing from this bill and would be a major change in Mexico's policy. Presently, the Mexican Government does not play a role in policing the Mexico-United States border. We need to explore ways to change this policy.

Another matter that we must face with realism is that we are not going to keep the illegal aliens from coming. The issue is economic. As long as we have poverty in high proportions in the world the illegal aliens are going to come. They will come in spite of employer sanctions. They will come regardless of employee indentification systems.

A job in the United States means surviving or not surviving economically. To put the problem in perspective, consider these facts. The population of the world will pass the 6 billion mark by the year 2000; 90 percent of the babies will be born in poor, underdeveloped countries. Thousands of aliens will enter the United States if economic conditions in Latin America and elsewhere continue to worsen. The number of illegals has doubled this year because of Mexico's economic problems. An American dollar bought 45 Mexican pesos on April 1, 1982. Today a dollar buys 149 pesos. People are desperate for work and a decent life.

The issue is geographic. The United States has a 2,000 mile United States-Mexico border with only 350 border patrol officers on duty at any one time. Our neighbor, Mexico, has one of the world's fastest growing populations and, at the present time, one of the world's slowest economies. One recent estimate is that between 15 and 20 percent of Mexico's adult population has emigrated illegally and is working in the United States. Our neighbor, Mexico, has one of the highest birth rates in the world. Today, Mexico has 70 million people and based on the U.N. 1980 medium variant projection, its population will grow to 116 million by the year 2000 and 174 million by 2025. Its unemployment rate fluctuates around 50 percent. The incentive to come to the United States is obvious. The tide of job-seeking Mexicans is estimated at 1 million annually and shows no sign of ebbing.

Illegal immigration is not going to disappear because of this bill. Clearly, the problem promises to get worse in the future. Any control of the Mexican border will depend on some kind of cooperation with Mexico. This is a missing element in S. 529, but I feel it is an essential element in our immigration policy.

Hardly anything tugs at the conscience more severly than the relentless problem of illegal immigrants. The dilemma is whether this country can protect the resources of its own citizens while exercising humanity toward such a crowd of less fortunate neighbors. It is a very serious problem, however, I am highly skeptical that this bill offers an acceptable answer. For the above reasons I am voting against the bill.

Mr. SIMPSON. Mr. President, I will make my closing remarks. I believe we are at the point where closing remarks are appropriate, and I will not take but 2 or 3 minutes.

The debate has been conducted over 2½ years in the Senate. I have very much appreciated the assistance of Senator KENNEDY. There have been some situations where he and I had some serious disagreement. We made

every attempt to receive and to hear all points of view.

The important thing to be expressed is that the core, the very guts of the bill, is very much there. That is, we are here to control illegal immigration, and we do that through employer sanctions, some kind of verifier, and legalization.

We have also taken the opportunity to review legal immigration and restructure the adjudication system because the present one certainly has broken down.

I hope that we have performed the task in a way which is not discriminatory, fully conscious of the attitude and the feelings of the Hispanic community and their fears. We have provided for reports from the President and GAO, hearings on those reports, increased funding for the Equal Employment Opportunity Commission. I think it is good bill, a fair bill, not a nativist, not racist, not mean. I am proud of it, and I hope the Senate will indicate that also.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, the Senate owes a great deal to the chairman of the Immigration Subcommittee and the floor manager of this bill, the Senator from Wyoming (Mr. SIMPSON).

We are facing an extremely important public policy issue. I do not think there has been a Senator, at least in the time I have been in the Senate, who has devoted more time and developed a better understanding and command of this public policy question than the Senator from Wyoming—an issue of enormous complication that involves some of our most basic and fundamental values—reunification of families, problems with refugees, economic conditions in our country, and the major area of agricultural workers.

This has been an enormously complicated and controversial issue.

As the Senator has pointed out, there have been areas of strong difference between members of the committee and also during the course of this debate on the floor. But we have always had the complete attention as well as the understanding and the patience of the Senator from Wyoming. As one who has had the opportunity to work with him, I am grateful for this. I think I speak for all Members on our side of the aisle when I say that both the debate and consideration of amendments has been given the attention the authors felt they should have.

The issue of immigration is one that I have followed for some years. I feel that we have made some useful and important improvements in this bill as it has moved forward.

We have made some important changes in the bill which I find strengthen it. That was done in the committee and also on the floor of this Chamber.

However, when the roll is called, Mr. President, I reluctantly intend to vote no because I do believe that we have not addressed what I consider to be three critical issues in the legislation.

One is the question of employer sanctions, and giving some greater assurance to individuals who will be most affected by the implementation of those employer sanctions that the Senate and House of Representatives would be prepared to go on record after a 5-year period as to whether those employer sanctions were being used in a discriminatory way, and vote them up or down.

I believe that assurance is enormously important. It is a matter of great concern to many Americans. I know the chairman of the committee believes that there are sufficient protections in the bill now to insure that these employer sanctions will not be used in a discriminatory way. We have a respectful point of difference on this issue. But I think it is so important and fundamental, I must express my reservations.

Second, Mr. President, in accepting new enforcement and employer sanctions, we have failed to move the process of legalization up to the time when we are implementing the employer sanctions. If we are saying now that we are going on a new departure to use the employer sanctions and new enforcement tools, I think equity and fairness say that we should move the legalization cutoff up to a more reasonable period of time. Two years was the period of time that I think should have been given in order to deal with the majority of undocumented aliens in our country. Only about a third of all the undocumented aliens will be affected by the legalization program contained in this legislation. So I do not think we have come to grips with that particular issue in an effective ways.

The final concern I have is over the changes that we have made in the preference system. The preference system puts a priority on family reunification, and we have altered that process in an unfortunate way, which I feel is quite unrelated to the central issue of controlling undocumented aliens. I find that troublesome.

Mr. President, America's immigrant tradition is one of our greatest national assets and one of the greatest strengths of the American character. And I worry that, in too many provisions, this bill compromises this heritage in unacceptable ways.

There is still time for these serious defects to be removed. I look forward to working with the House of Representatives as it moves a companion bill forward, and to resolving these critical issues in the House-Senate conference. Congress has a responsibility to do a better and fairer job if immigration reform is to be worthy of the name.

In conclusion, Mr. President, I want to stress again that I have enjoyed the opportunity to work with the chairman of the Immigration Subcommittee. I respect the positions he has taken. We do have a difference on several matters, but I do want to give him the assurance that as we go to the conference I will continue to work with him in every possible way to strengthen this legislation. Historically, in the final result, he may be correct or I may be, but I am not at this time prepared to vote for this legislation for these reasons.

I, too, want to join in what Senator BIDEN said in commending the staffs of all the Members who have been interested in this matter.

I know that Senator SIMPSON will want to mention the great work that has been done by the chief counsel of the subcommittee, Dick Day, and the other members of his staff. They have served not just the majority; they have been equally accessible to those of us in the minority and those of us who have had differing views.

I express my great appreciation to them. This is complex and detailed legislation, and they have been tireless in their work and in their help.

I also thank my own staff. Jerry Tinker has been a member of the Judiciary Committee staff for some 13 years and has worked in the areas of refugees and immigration reform and has been of great help and assistance to me.

Mr. THURMOND. Mr. President, I support this immigration bill. It is legislation which is essential to control illegal aliens in this country. I hope the Senate will see fit to pass it promptly, so that it can be sent to the House for consideration. We passed a similar bill last year, but it got to the House rather late, and no action was taken by the House.

I take this opportunity to especially commend Senator AL SIMPSON for the magnificent way in which he has handled this bill on the floor of the Senate. He handled it last year and this year in a very skillful and professional manner, and he deserves the commendation of the entire Senate. I cannot recall a piece of legislation in recent years that has been handled in a more professional way than this has been handled by Senator SIMPSON.

I also commend another member of the Judiciary Committee, Senator KENNEDY, for his interest in this legislation. Although his philosophy is somewhat different from mine in some respects, as mine is more in accord with that of Senator SIMPSON, Senator KENNEDY deserves to be commended

for bringing out the different angles of this legislation. I feel that he has made a contribution to this cause.

I also should like to especially commend Dick Day, the counsel for the Subcommittee on Immigration. He has done a fine job. Jerry Tinker, working with Senator KENNEDY, has also done a fine job, and both of them deserve to be commended.

I hope the Senate will pass this measure promptly, by a large majority, to indicate to the House that it is vital and important. It is essential that we pass it and do it as quickly as we can.

AMENDMENT NO 1283

Mr. SIMPSON. Mr. President, I ask unanimous consent that various technical amendments be in order, and I ask unanimous consent that they be agreed to.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON) proposes technical amendments numbered 1283.

The amendments are as follows:

(Purpose: To permit visa waiver for countries with average refusal rate of 2 percent)

On page 181, line 22 delete all words after the word "unless" through page 183, line 3 and insert in lieu thereof the following:

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and

"(ii) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) For each fiscal year (within the pilot program period) after the period specified in subparagraph (B)—

"(i) in the case of a country which was a pilot country in the previous fiscal year, a country may not be designated as a pilot country unless the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2.0 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year, or

"(ii) in the case of another country, the country may not be designated as a pilot country unless—

"(I) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and

"(II) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year."

On page 180, line 2 insert the word "health" immediately after the word "welfare".

(Purpose: Technical amendment to reflect the correct section in "Migrant and Seasonal Agricultural Worker Protection Act")

On Page 115, line 20, delete "1856(b)" and insert in lieu thereof "1851(b)".

(Purpose: Permit Attorney General to acquire temporary space for legalization program)

Page 192, after line 18, insert the following paragraph:

"(4) Notwithstanding the Federal Property and Administrative Services Act of 1949, 63 U.S.C. 377, as amended, the Attorney General is hereby authorized to expend from the appropriation provided for the administration and enforcement of the act, such amounts as may be necessary for the leasing or acquisition of real property in the fulfillment of this section. This authority shall end two years from enactment."

On page 192, line 19, delete "(4)" and insert "(5)" in lieu thereof.

(Purpose: Permit Attorney General to set documentation when none is available for identification)

On page 106, line 11 delete everything after the word "or" through the word "subclause" in line 14 and insert in lieu thereof "where no such documentation is available."

(Purpose: Technical amendments designed to conform sections of the existing law to changes being made in the bill)

On page 162, line 8 insert "or (4)" immediately after "(3)".

On page 162, line 13 insert "or 203(b)(4)" immediately after "203(b)(2)".

On page 162, line 16 insert "or (4)" immediately after "(2)".

(Purpose: To provide for additional reports on legalized aliens)

On page 210, line 22 immediately after the comma, insert the following: "compiled and validated in accordance with sound statistical practice,"

On page 211 delete lines 6 and 7 and insert in lieu thereof the following: "The initial report shall be submitted not later than two years after the date of the enactment of the Act and three additional reports be submitted every two years thereafter."

(Purpose: To clarify language with respect to student adjustment of status)

Page 178, beginning on line 2, strike out "or, with respect" and all that follows through "him" on line 7.

Page 178, line 17, before the period insert the following: ", except that such amendments shall not apply to aliens who as of the date of the enactment of this Act meet the qualifications for a waiver of the two-year foreign residence requirement under paragraph (A) of section 212(e) of the Immigration and Nationality Act (as amended by section (a) of this section)".

On page 111, on line 16, delete "(2) Whenever the Attorney General" through the end of the page and insert in lieu thereof:

"(2) Whenever the Attorney General (i) has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of subsection (a); or (ii) within an 18 month period issues to a person or entity a second notice of a violation of subsection (a) and the two notices charge violations involving a total of five or more individuals, the Attorney General may bring a civil action in the appropriate district court of the United States requesting such equitable relief, including a temporary or permanent injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary. In the case of a person or entity composed of distinct physically separate subdivisions each of which provides separately for its own hiring, recruiting or referral for employment, each such subdivision shall be considered a separate person or entity if such hiring, recruiting or referral for employment is not under the direct control of another subdivision or any entity or office exercising final management authority over such subdivisions."

(Purpose: To provide for a report on the agricultural labor transition program)

On page 209, line 5 immediately before the word "temporary" insert the following: "agricultural labor transition program and the".

On page 210 delete lines three and four and insert in lieu thereof the following:

"The report on the temporary worker program shall be submitted not later than two years after the date of the enactment of this Act and the report on the agricultural labor transition program each year for three years beginning a year after the date of the enactment of the Act."

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WILSON. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield.

Mr. WILSON. I thank the Senator from Wyoming.

Mr. President, along with his other admirers, I join in a deserved tribute to the Senator from Wyoming. He has brought this very difficult legislation to the floor with enormous skill, with magnificent legislative craftsmanship. He has done so with good humor, with remarkable courtesy.

Having said that, I am going to vote "no" on this measure, with great reluctance. I urge my colleagues to recognize that we will not dispose, with this legislation, of the difficult problem of illegal immigration. That is because it is based on a false premise. It is based upon employer sanctions and the false assumption that illegal immigration will be stopped simply because those who otherwise would wish to

come to this country will not do so if they feel they cannot gain employment here.

Mr. President, the evidence is all to the contrary. In our own Nation, we have seen migration from the Frost Belt to the Sun Belt, in great numbers, by people who did not think they were going to find employment in their new homes. Yet, they came, simply because they thought they would find a better quality of life.

The same is true with respect to those who will cross the border from the Republic of Mexico into the United States.

Mr. President, the pending question is the final passage of S. 529, the Immigration Reform and Control Act, sponsored by Senator SIMPSON and Congressman MAZZOLI. This legislation has attracted deserved attention. It is certainly one of the most important bills the Senate will consider in this session.

Illegal immigration is a problem of massive and increasing dimensions. It is enormously complex. It is singularly unpleasant in many of its aspects.

That is why the Congress historically has dealt with this subject with understandable and obvious reluctance and with long intervals separating efforts to do so.

And that is why his colleagues have turned to the Senator from Wyoming with completely understandable admiration and gratitude for the leadership with which he has attacked this difficult and unpleasant subject. It is the hope of many in this Chamber who voted for his legislation last fall and who will vote for it again this afternoon, that the Simpson-Mazzoli legislation will for some years to come dispose of the many thorny and unsettling problems involved in illegal immigration of the tidal dimensions which the United States has been encountering. I devoutly wish that they were right in that hope. But I am convinced that their hope is a fond hope, because this legislation will not dispose of those problems. Instead, they will shortly be back before us, having grown larger and more acute in the interval.

I am convinced that this legislation is almost doomed to fail in its express intention of staunching the massive flow of illegal immigrants in the United States. It will fail because the device relied upon to staunch the flow of illegal immigrants into the country is based upon a false assumption and, therefore, will not work.

The Simpson-Mazzoli Act seeks to stop illegal immigration by denying to illegal immigrants the opportunity for employment in the United States. The bill would do so by imposing criminal penalties and by fining employers who knowingly hire illegal immigrants. These penalties, or employer sanctions as they are called, are the linchpin of this legislation. The fundamental premise of the bill is that employers, if threatened with employer sanctions, will not knowingly hire illegal immigrants, and that illegal immigrants, knowing that they will not be hired, will therefore, no longer cross illegally into the United States.

The failure in this logic is that it assumes that illegal immigrants will not come illegally without the certain prospect of employment here. That simply is not true. Rather, illegal immigrants will continue to come to the United States in growing numbers—even without the prospect of employment here—for the same reason that hundreds of thousands of U.S. citizens have legally migrated to the high growth areas of the American Sun Belt even when Sun Belt communities were suffering higher than national unemployment. Econometric studies quite specifically found in the early 1970's that almost 60 percent of those migrating to southern California during the period measured came even though they did not expect to find employment in their new places of residence. They came instead because they expected that life there would be of a higher quality than that in the places they were leaving, even should they find themselves continuing to be jobless in their new location. And as they came and continue to come for precisely that reason from other parts of the United States, so do residents of Mexico come to the United States in far greater numbers, seeking a better quality of life even without the prospect of employment.

This finding is entirely consistent, Mr. President, with the finding by the General Accounting Office that in the approximately 20 foreign nations and 11 American States that have sought to impose employer sanctions, there has been almost a uniform failure of such sanctions to effectively deter illegal immigration.

And what evidence is offered by the proponents of this legislation to demonstrate that employer sanctions will deter illegal immigration? They first dismiss the study of the General Accounting Office, saying that employer sanctions failed in those 20 States included because they were not enforced. The proponents argue that where they have been enforced, employer sanctions have worked.

Where do they work? Where are they enforced? The proponents cite France and West Germany. At the very least, their optimism is premature. The legislation which they contend is being enforced is brand new and did not take effect until after the first of this year. There simply has not yet been sufficient experience upon which to base a meaningful evaluation.

Where else have employer sanctions worked?

The proponents cite Hong Kong. Two factors so clearly distinguish the Hong Kong experience from anything we can reasonably expect as to make comparison highly suspect if not valueless.

First, Hong Kong is an island, a relatively small island. Hong Kong authorities do not face anything remotely like the challenge we face as to how to police an 1,800-mile-long land border. Second, Hong Kong has devoted far greater resources proportionately to policing its borders than the United States has devoted or can. Specifically, Hong Kong police have checked the identification documents of three quarters of a million people in a 4-month period; have inspected employee records in 40,000 workplaces; have devoted 1,000 members of the army and police and another 600 marine police officers to continual patrol of the island's borders and surrounding waters. Finding those measures insufficient, Hong Kong authorities have announced plans to reregister all residents and to issue new identification cards at a cost of $60 million.

This is the success story upon which proponents of employer sanctions rely. I respectfully suggest that were the United States to proportionately replicate Hong Kong's exertions, we would risk imposing not just employer sanctions but the atmosphere of a police state of unbearable costs both in money and in increased tensions.

And even were the United States to engage in such unwise exertions, it is by no means clear they would be successful.

I will not repeat what so many of my colleagues and I have already have expressed with respect to the discrimination that we fear will result from employer sanctions, other than to say that I believe the small business community in the border States and elsewhere who say that they simply will not submit to the risk of penalty by hiring someone who may be an illegal immigrant. The bitter irony of this legislation is that in the name of protecting American jobs, it will cause defensive discrimination against American citizens who look or sound foreign by small businessmen and women who feel they cannot afford having to defend against Federal prosecution. This is especially true outside agricultural areas where urban employers will have the choice between American citizens who look and sound foreign and those who do not.

In addition to the burdens and perils which employer sanctions entail for Hispanic Americans and other U.S. citizens who look or sound foreign, for small business employers, and for growers and consumers of American produce, especially perishable commodities, employer sanctions simply cannot be expected to stop the massive

illegal immigration across America's 1,800-mile-long land border with the Republic of Mexico.

Well, then, ask the proponents of the employer sanctions, what do you propose instead? It is not just a fair question. It is the inescapable question. And the answer lies first in recognizing the disparate conditions of economic opportunity which exist on the two sides of the United States-Mexico border, and second in addressing the differences in condition. Admitting that it is far easier stated than accomplished, the United States must make an offer which Mexico cannot refuse—in exchange for a serious effort by Mexican officials to restrain illegal entry into the United States on the Mexican side of the border. It is in the United States interest to improve the economic condition and strength of the Republic of Mexico. The costs of doing so will not begin to equal the costs of our failing to do so. And by failing to address the economic conditions and qualities of life in Mexico, we fail to significantly address the economic and political stability of our neighbor or the subject of illegal immigration from Mexico into the United States.

That approach, Mr. President does not involve a quick or simple solution. It must be supplemented by other measures. But it does promise a real solution rather than the illusion of one.

With the greatest admiration and respect for the good faith, good humor, the dedication, and magnificent legislative craftsmanship that has been offered by my good friend, the Senator from Wyoming, I am compelled reluctantly to observe that this legislation will not achieve its purposes. Once again, the Congress of the United States, in passing it, will have legislated good intentions that do not solve real problems. We cannot long afford to do that, Mr. President. We have not disposed of the problem of illegal immigration. We must do so very soon.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. HUDDLESTON. Mr. President, I should like to express my support for the immigration control and reform bill, S. 529. I believe that this is one of the most important pieces of legislation that will be brought before this Congress, and it is imperative that we act on it. Without this legislation, the United States will continue to experience an uncontrolled migration across our borders that is not in our best interest.

Since 1975, I have been urging Congress to pass immigration control legislation that would maintain our historic generosity while establishing enforceable limits. In 1981, I introduced a comprehensive immigration control bill, S. 776, which would have accomplished this goal. Many of the concepts and solutions in that bill found their way into S. 2222, which the Senate passed overwhelmingly last year. Although S. 2222 died in the House, it is now back before us in the form of S. 529, which we will vote on today.

The members of the Immigration Subcommittee and its distinguished chairman, Senator SIMPSON, are to be commended for the time and effort they have put into producing this workable piece of legislation. The chairman is deserving of special praise. Without his leadership and persistence, I do not believe that we would be this close to success on an immigration control bill. Even though we differ on some of the solutions, I believe he has created a bill which is both fair and effective. The American people owe a great debt of gratitude to Senator SIMPSON for bringing to bear his determination and wisdom on this crucial issue.

The most important feature of this bill is its solution to the illegal alien problem. At present, there are at least 10 million illegal aliens in the United States, and that number is steadily increasing. At this time, there is, for all practical purposes, no border between Mexico and the United States. Massive numbers of people illegally cross this border daily, and as foreign political and economic problems increase, so too, do the numbers of illegals entering the United States.

Most of these people come here for one thing—jobs. And, they have found the jobs in almost every industry we have. At one time we could have accommodated this huge pool of labor, but that day has passed, and it will not come again. The United States is now faced with massive large scale unemployment due to our changing economic structure, and the arrival of massive numbers of illegal alien workers is intensifying the problem. A few years ago, full employment in this country meant an unemployment rate of 3 to 4 percent. The President's new economic report, issued a few months ago, now defines full employment at a level of 6 to 7 percent unemployment. In other words, we are told that we must accept 3 million more unemployed Americans each year as normal. However, I do not accept this as "normal" especially when we can reduce the level of unemployment by reducing illegal immigration. It is a question of whom we are more concerned about, U.S. workers or foreign workers.

The bill makes other needed changes which will create a more effective immigration system. However, there is one particular change which I believe does not go far enough. S. 529 creates a partial ceiling for general immigrants, but I believe it should create a total ceiling. We have learned from experience that many more immigrants want to come into this country than we can reasonably be expected to accept. We have also learned from experience that there are many special interest groups who are actively working to secure admission of particular immigrants whom they have a special concern about. What this produces is a constant demand for unlimited admissions that may have no relationship to the best interests of the Nation. In other words, our system is one which determines the demand and then adjusts the supply of visas to accomodate that demand. A system which would be more logical and more fair is one which would establish a generous, but total, immigration ceiling based on the Nation's best interest, and then distributing visas in a way which takes care of the most deserving first.

As long as we have an open-ended immigration system that does not set a comprehensive ceiling, we will never have complete control over immigration. Instead, the system will continue to be manipulated by special interests. Nor will we have a fair system because only those groups that have the most political clout will be taken care of, while others who may be more deserving are ignored.

I urge my colleagues to support S. 529 without weakening amendments.

KENNEDY AMENDMENT NO. 1210, AS MODIFIED

Mr. SIMPSON. Mr. President, I ask unanimous consent that the technical amendment on page 3, line 6, of the Kennedy adjudication amendment be made by the Secretary of the Senate in the engrossment of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The technical amendment is as follows:

(E) by striking out "the Service" in paragraph (3) and inserting in lieu thereof "In case of judicial review of an order of deportation, the Service"; and

(F) by inserting "exclusion or" before "deportation" in paragraph (4);

● Mr. HART. Mr. President, for the second time in less than a year, the Senate has debated legislation that seeks to reform this country's immigration policies. Undoubtedly, we all have felt the heat of public opinion. For every major poll conducted during the last few years has confirmed that a substantial majority of the American people support immigration reform. And with strong justification. Our immigration laws have not kept pace with a changing world. Consequently, we owe a debt of gratitude to my good friends, the distinguished Senators from Wyoming (Mr. SIMPSON) and Massachusetts (Mr. KENNEDY) for the insights they have brought to this debate and their efforts in addressing this very difficult issue.

Historically, the Congress has attempted to review and reform our im-

migration laws sporadically, and often piecemeal. Mostly, it has avoided the issue altogether. Yet, for the first time in perhaps three decades, we have before us a bill—the Immigration Reform and Control Act of 1983 (S. 529)—that will radically alter U.S. immigration policy.

Mr. President, today the Senate can only vote up or down on the bill before it. But I fear that many of those who will support this bill will do so with unrealistic expectations. If this body passes S. 529 with the hope that it will solve all the immigration problems facing this country, so that we can walk away and never worry about them again, we will be sadly disappointed. For this bill addresses on a short-term basis complex problems that require long-term solutions.

We cannot treat immigration policy as solely a domestic issue. For immigration into the United States—both lawful and unlawful—is the product of more than our domestic policies. It stems from many external forces, some of which we can control more effectively than others. And all of which lie beyond the scope of this bill.

Traditionally, the United States has addressed the problem of unlawful immigration with conventional approaches—screening and preventing the entry of unauthorized persons at our borders. Few, if any, would suggest this approach has been entirely successful. This bill, while it enhances our enforcement efforts, also adopts a new policy: Reducing the incentives for persons to enter this country unlawfully. It seeks to remove the most attractive incentive—available jobs—by imposing fines upon employers who hire unauthorized aliens. Although many of us may question whether this particular approach will work, this bill for the first time recognizes we could better address the problem of unlawful immigration not just by more effective patroling of our borders but also by removing the underlying incentives.

But removing the domestic incentives for unlawful immigration will only carry us so far. We must also address the foreign incentives that cause persons to leave their homes and unlawfully enter into the United States. Clearly, so long as the quality of life here outweighs the hazards of the journey and the misery and injustice of life in their native homelands, persons will continue to come into this country, with or without proper documentation. And with every human rights violation, every collapse of a foreign government, every installment of a radical regime, every increase in the rate of inflation or unemployment in a neighboring country, the pressure on our borders and our immigration policies mounts.

Mr. President, these foreign incentives are as much a driving force behind migration flows as the domestic incentive of job opportunities. Yet, we have heard virtually no discussion of these other factors. Thus, as the Senator from Massachusetts so aptly noted, we have considered this bill as if refugee and immigration flows occur only within our borders. We have considered the immigration issue as if it were in a vacuum.

One need only look at current events in Latin America and the Caribbean—the part of the world that most directly contributes to unlawful immigration into this country—to understand why we must take our consideration of immigration out of this vacuum and place it in its proper, global context.

Mr. President, I particularly fear this body has not adequately taken into account the relationship between our immigration problems and the problems facing Mexico. While we debate whether to adopt these reforms, Mexico is suffering from its greatest economic crisis in 50 years. Consider that in Mexico:

Over half the work force is unemployed.

Inflation has jumped in 1 year from 25 percent to almost 100 percent.

The population exceeds 71 million, with an annual growth rate of 3 percent.

Less than 10 percent of the population controls 50 percent of the wealth.

The combined public and private debt exceeds $90 billion.

Unquestionably, Mexico finds itself at a critical crossroads. The Mexican Government faces the greatest economic challenges of its history. It is not my intention today to place the blame for this problem. The slump in oil prices, actions of international bankers, and the dealings of Mexican bankers, businessmen, and politicians all have contributed one way or another to Mexico's economic tragedy.

Let me state the obvious implications of this crisis. In a land already characterized by bleak economic prospects, skyrocketing inflation and unemployment will force Mexico's ambitious and capable workers to look for work where they have always done so—in the United States.

Absent an impenetrable wall, nothing we can do domestically will completely discourage or prevent this growing pressure for migration. The provisions of this bill do nothing to alleviate this flood at its source.

The Haitian refugees detained in U.S. camps offer a vivid example. These people cannot possibly think they have entered the golden door of economic and social opportunity, yet they continue to cross dangerous open seas to reach our shores. What causes this continuous flow of refugees which brings with it so much pain and suffering? It is clear that they prefer even the meager existence offered in these camps to a life where the government systematically denies social and economic opportunity.

These Haitian refugees continue to come to America because in their country:

The national per capita income is $260, the lowest in the Western Hemisphere;

Half the national wealth is in the hands of 5 percent of the population;

The government spends only $1 per person annually on education, while spending $18 per person annually on internal security;

Repression has been a sad fact of life since the Duvalier family began its brutal tradition in 1957.

As with Mexico, there is a direct link between the problem of unlawful immigration into the United States and the economic and political situation in Haiti. Should this body decide to focus on the equally important foreign causes of immigration, it must begin by realizing our tacit support of the corruption and repression of the Duvalier regime in Haiti means the continued migration of the "boat people."

Finally, Mr. President, the most glaring example of the link between this country's immigration and foreign policies is the violent situation in El Salvador. I find a sad irony in this country's involvement in El Salvador, on the one hand, and the omission in this debate on immigration policy of any consideration of the foreign forces causing migration and refugee flow. Clearly, the migration of Salvadoran refugees is an extension of U.S. Central American policy.

According to U.S. Ambassador Hinton, since 1980, over 34,000 people have been killed in El Salvador as a direct result of the civil war. This violence has decimated the population of that country and created a nation of refugees. Many Salvadorans flee their country with legitimate fear of persecution, and perhaps even more have been driven away by the random violence and destruction. The combined effect is staggering.

An estimated 500,000 Salvadorans are currently living in the United States (lawfully and unlawfully) as refugees of their war-torn country.

Another estimated 250,000 are living in camps on church grounds in El Salvador.

An additional 350,000 refugees are thought to be harbored in neighboring Central American countries.

Approximately one-fifth of the entire Salvadoran population lives as displaced refugees.

It should hardly surprise anyone, then, that last year alone, over 18,000 Salvadorans asked for asylum in the United States.

Mr. President, while this is not the place for an in-depth analysis of the history of our Central American policy, I want to make a number of

points that I consider particularly relevant to any discussion of our immigration policy.

First, along with the traditional ties that link Central America with the United States—trade, security, and humanitarian concerns—we find an additional link in the direct effect this region has on our immigration policies. Any comprehensive discussion of the immigration issue must recognize that more than any other region of the world, our Central American neighbors play a primary role in supporting our efforts to control the flow of immigration to the United States. And only with their cooperation and assistance will our efforts succeed.

Second, our past policies in Central America have been severely flawed. We must correct them if we hope to ease the pressures of migration and refugee flow from this region. Quite simply, this country's Central American policy has lacked imagination, commitment, and constancy. In the past, our efforts have been marked by sporadic attempts to maintain the status quo, with little regard for the implication of that policy on human rights and freedoms. Following these attempts to introduce stability into the region, we have, by and large, neglected any long-term effort to promote economic development and social justice in Central America.

Third, the far-reaching effects of this narrowly conceived Central American policy stretch far beyond the immigration issue. They also have helped to create and perpetuate an ironically perverse impression of the United States in the eyes of the people of Central America. With the exception of Costa Rica, which even now must keep the United States at arm's length to avoid criticism from its neighbors, the popular image of the United States in Central America is that of an insensitive giant enforcing its will upon its southern neighbors.

It is clear from the growing national debate on our Central American policy that this region is of key strategic interest to the United States. But it is also clear, that military approaches alone cannot succeed. Without support for democratic institutions, social justice, and economic development, all of our security assistance to that region will bear little fruit.

The problems in this region are not solely the product of economic and political cycles. They also result from structural flaws running to the very core of Central American society. It is tragic that our Government's current emissaries to Central America are guns, helicopters, and other military instruments. How many of these people associate the United States with medical supplies, teachers, and tractors? The principles for which this country stand—equality, opposition to oppression, social justice, human rights, and economic opportunity—are not the ones that distinguish us in Central America.

Finally, this country must make a commitment to the long-term health and prosperity of Central America. Everyone in this body recognizes our security interests in this region. I call upon this body to formulate policies which reflect this strategic importance as well as traditional American values.

Mr. President, we have made such a commitment before. Over 20 years ago, the United States embarked on an Alliance for Progress. At the time of its enactment, the differences between life in the United States and life in Latin America were stark. With a per capita GNP one-ninth our own, life expectancy less than two-thirds of our own, infant mortality nearly four times our own, over half the people illiterate, soaring unemployment and inflation, and more than half the wealth owned by 2 percent of the population, this country had to decide not so much whether to act, but simply where to begin.

It is difficult to point to the exact reasons why this noble plan embodied by the Alliance for Progress did not achieve the sweeping successes it promised. Although grounded in good intentions and humanitarian zeal, this policy suffered from a lack of long-term vision and commitment to the development of Latin America.

Our own failures then should teach us today how to fashion more realistic and feasible policies for assisting in the development of Central America. Land reform in the Alliance for Progress was not widespread. Population growth more than paced gains in welfare. And probably most importantly, we learned that the United States cannot simply write a check for development and leave the region to foster its own growth. We learned that using the bulk of our economic assistance to finance another country's trade deficit is unwise. Instead, we should target our foreign assistance to specific income-yielding projects and their attendant support services. Unfortunately, development does not occur overnight. It requires the developing country and the United States to look into the future and maintain our commitments.

Several of my colleagues, as well as many other policy makers, have called for the enactment of a developmental assistance plan for Central America on the scale of a Marshall plan. I have long felt that this idea has strong merit and I am glad there is a growing consensus favoring such an effort.

A plan for developing Central America that is equal in scale and vision to the Marshall plan is especially timely, given the current state of affairs in this region. I support this measure and will work to see that, along with economic development, we foster in Central America the traditional American values of human rights and freedoms. The entire Western Hemisphere will profit from the stability such a plan would provide.●

● Mr. LEVIN. I cast my vote in favor of S. 529, the Immigration Reform and Control Act, despite several reservations. The bill improves several of the deficiencies in the legislation the Senate passed last year.

For example, Senator HATFIELD's amendment, which was adopted by the Senate, assures that the Congress will consider any new identifications system proposed by the President. I think this is a major improvement in the bill.

Also, the judicial review provisions assuring the rights of those who seek asylum in our country is a valuable addition to this bill. It shows that the United States is seriously committed to the humanitarian goal of protecting those who legitimately fear persecution.

I am concerned, however, about the inflexibility of the legalization provisions, the cutoff date for legalization, which should be later, and the lack of protections for those who might be discriminated against because of the enactment of this legislation.

I look to the other Chamber to correct these deficiencies and hope the bill reported out by conference between the two Chambers will reflect a more compassionate immigration policy.●

● Mr. HATFIELD. Mr. President, I will not consume a great deal of the Senate's time today with an iteration of the compelling reasons why major immigration reform legislation is necessary. Many of my able colleagues have already made these points, and when the Senate deliberated the problems associated with U.S. immigration policy during the last Congress, I rose on several occasions to make clear my perspective on the immigration reform dilemma facing this body.

I will support final passage of S. 529. The economic pressures facing citizens of countries in proximity to our borders are continuing to mount. Present immigrating policies and practices are woefully inadequate in addressing the actual or potential problems that exist. Like the comprehensive package of legislation that was recently adopted by Congress with respect to social security, the pending immigration bill contains elements which do not entirely comport to my philosophies. Portions of this bill, such as those which touch upon personal privacy and worker identification cast too broad a net. Conversely, there are components of this bill, particularly those pertaining to guest workers, which do not go far enough in addressing the real life anxieties of individuals keenly affect-

ed by immigration policies and procedures, such as agricultural bodies.

However, we all have had adequate and fair hearings on these diverse issues. My colleague from Wyoming, Senator SIMPSON, has accommodated all of us with an attentive ear, and to the extent practicable, has incorporated our suggestions into the bill. This does not mean that S. 529 bears my mark of unequivocal approval, for as I stated moments ago, there are provisions which I would draft quite differently.

But, Mr. President, it does mean that this bill represents the broadest possible bipartisan effort in immigration reform that this body has passed in many decades. There are approximately 6 million undocumented aliens in this country. It is impractical and unwise to suggest that these aliens should be rounded up and banished from this country. In parts of this Nation, such an attempt by the Federal Government would precipitate a civil war, and would subject legal residents of Hispanic or Indochinese appearance to appalling invasions of privacy and to potential deprivations of liberty and property. For that reason, I support the legalization provision in this bill. We simply have no other viable alternative. And Mr. President, I believe the cutoff dates of 1977 and 1980 are fair and do not reward the recent unlawful immigrants.

Mr. President, the second major proposal embodied in this bill concerns sanctions against employers who hire illegal aliens. I support this provision as well. We have tried penalizing the worker. We have tried to patrol the border. All of these efforts were designed to mitigate the magnetic pull which employment opportunities present to workers in economically distressed countries. None of these efforts has worked. It makes imminent sense to penalize those employers who knowingly hire illegal aliens. Now that we have drawn the lines and have distinguished between those aliens who are legally within the country and those who are not, we must have in place a mechanism which prevents the employment of unlawful aliens. I believe employer sanctions are the answer, and I believe their implementation is essential. Employers of less than four employees have no additional paperwork obligations, and therefore the majority of employers in this country are exempt from the bill's verification procedures. These employers are not exempt from the provisions which forbid the hiring of an illegal alien, and well they should not be.

Mr. President, my final concern touches upon the precious rights and liberties which attend life in America. Because of the short-term pressure to identify the unlawful residents of this country, it has been suggested that there be a national identification card. Indeed, the bill requires the President to implement within 3 years a secure system of identification. Of course, one can hear protests from all corners of Congress that this does not mean national identification cards. What does it mean, then? Shall we use secret passwords, or shall we all bear a stamp of citizenship? Let me remind my colleagues that when the social security card was first adopted, it was argued that its use was strictly an accounting one and that there need not be concern of the card becoming anything other than an accounting tool.

Mr. President, today the social security card is used for draft registration purposes, for college identification cards, for check cashing, for driver's licenses, and for a whole panoply of purposes. In fact, new born babies are getting social security numbers before they even cut teeth, much less secure employment and pay FICA taxes.

For that reason, I offered an amendment which would require the President to submit to Congress any proposal that attempts to implement a national identification card. Mr. President, there certainly is no consensus among our citizens that a national identification card is desirable, nor is there in Congress. Further, I do not believe the issue of whether our Government should develop a national identification card to keep track of everyone seeking work should be left to the President alone to decide.

After negotiating with Senators SIMPSON, KENNEDY, and GRASSLEY, an agreement was reached on the precise wording of my amendment. I am grateful to those principals for their valuable input and spirit of cooperation. I feel it is important that the Senate speak with one voice on this issue, and with the language of this amendment now in section 274A of the bill, I am confident the conferees can fully represent this body's disapprobation of any movement toward a national identification card.

I would be remiss if I did not acknowledge the courageous work of Senators SIMPSON and KENNEDY in bringing this bill to the point of final passage. They, along with their diligent staff members, have labored in silent agony over each provision in this bill, and have gained my respect and that of the multitudes of individuals who have followed this legislation for several years.●

● Mr. HART. Mr. President, as much as I would like to support this immigration bill, I cannot. I wanted very much to vote for it, but in the final analysis, I cannot support a measure which does not provide adequate safeguards against the infringement upon the rights of American citizens.

Mr. President, this bill offers a number of positive reforms of our current immigration law. Visa waivers for foreign tourists from selected countries will not only cut operating costs, but also boost tourism and reciprocate similar policies long since enacted by these other countries. The immigration ceilings of this bill are reasonable, they take account of the special relationship we share with our contiguous neighbors. Further, they reflect traditional American generosity.

Finally, although neither as comprehensive nor as straightforward as many would have liked, the legalization program is a step in the right direction toward eliminating an exploited subclass in this country.

Mr. President, I wish I could say the same for the employer sanctions provisions, the centerpiece of this bill. This body was given an opportunity to close the door to employment discrimination resulting from employer sanctions, but the Senate defeated the amendment Senator LEVIN and I offered. It is a sad irony that this bill, although it is supposed to protect Americans by alleviating migration pressures, will create a new form of discrimination.

In opposing this bill, I want no one in this body to misconstrue my position to mean I advocate open borders. Any reasonable person will admit to the magnitude of current immigration pressures. I want very much to control this flow and see a reasonable and orderly passage across our border. I would hope that those who support this bill will not write off my objections simply as the pursuance of perfection. This would be unfair for I have earnestly worked with my colleagues to formulate a fair and reasonable bill, and it is my desire for this end, and my desire to maintain the integrity of this body, which keeps me from supporting this measure.

Mr. President, I ask that a letter written to me by Mr. Tony Bonilla, national president of the League of United Latin American Citizens (LULAC) and Mr. Arnoldo S. Torres, LULAC executive director, be inserted in the RECORD at this point. I have had the pleasure of working with this fine organization, which is the country's oldest and largest Hispanic organization, once again on immigration reform. I believe their letter effectively represents the opinions of the Hispanic community regarding their disappointment and concern with S. 529 and its impact on the fastest growing population group in this country. In addition, these concerns are not fostered on the belief that nothing be done to reform U.S. immigration policy but rather that such efforts be based on the full scope of the facts and not result in the unfair treatment of Hispanics and other groups.

The letter follows:

LEAGUE OF UNITED
LATIN AMERICAN CITIZENS,
Washington, D.C., May 17, 1983.

Hon. GARY HART,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: On behalf of the League of United Latin American Citizens (LULAC), this country's oldest and largest Hispanic organization, we would like to express to you once again our sincere gratitude for your continued efforts to raise the legitimate concerns of Hispanics, as well as to question the practicality and consequences of S. 529, the Immigration Control and Reform Act of 1983. Unfortunately, the debate of last year in Congress, and the Senate hearings held this year, provided no new insight for improving this legislation.

The League has been intricately involved in the debate surrounding immigration reform legislation. Our involvement and interest are based on our concern that good and sound public policy be enacted, and that this legislation not result in major difficulties for the Hispanic community. We are extremely disturbed that Congress, in its concern to address population movements to the U.S., is eager to pass any legislation regardless of its lack of effectiveness and consequences. Clearly, this is not the manner in which our country's founding fathers envisioned Congress conducting the business of this great nation. It appears that in debating immigration reform, the Senate has chosen to side with the argument that "something is better than nothing."

Unfortunately, that something—S. 529 fails to put in place a foundation for dealing with the underlying reasons why people in record numbers are attempting to come to the U.S. The proponents of this legislation contend that we must regain control of our borders and that we must stop the hiring of undocumented workers. These are reasonable and proper objectives which we support conceptually. However, to assume that by attempting to accomplish these concerns, we are effectively going to stop or decrease the human flow to our shores, is failing to be realistic and choosing to be simplistic.

Furthermore, Congress has chosen to ignore an honest and thorough reform of U.S. immigration policy by failing to improve the workings of the Immigration and Naturalization Service (INS) and develop better systems of cooperation between the INS and the Department of State. Congress has failed to address why we as a government are more apt to accept persons fleeing communism, and systematically reject persons fleeing right-wing oppressive regimes which we are supporting. Rather, the Senate has stated in passing this legislation last year that something must be done, and if problems arise we will address them later. This action was and will be taken again today regardless of the failure to address the above concerns and regardless of the obvious shortcomings of this bill.

As advocates of the Hispanic community who have spoken to various members of the Senate and their staff, we are genuinely surprised at the lack of understanding most persons have of this bill's impact, and the lack of interest in recognizing its serious and far-reaching complexities. This should be of concern to all for if the problems of immigration are as great and as significant to our country's self-interest as some contend, then one would have thought the preparation and completion of this bill would clearly reflect such interest. It appears that the Senate believes that the issue of population movements to the U.S. has only taken place in the last decade, and that S. 529 can readily remedy the causes for this recent movement.

The U.S. has a history of encouraging and stimulating flows of willing cheap labor from Mexico. In fact, the U.S. Congress on three previous occasions has enacted legislation establishing temporary guestworker programs to address the insatiable appetites of America's agricultural industry. This government-sanctioned program has conveyed the message to Mexican nations that U.S. employers were more than willing to accept them for their labor, and has evolved into a relationship between the two countries in which this population movement was acceptable and of benefit to both U.S. growers and consumers prospered due to cheap labor costs, as well as our economy, while Mexico has been provided what some refer to as a "safety valve."

As this relationship developed and became a practice, it was joined, in the last two decades, by major population movements as a result of the socio-political conditions in underdeveloped and developing countries. These new movements had been long in their development. They are the product of many decades of poverty, injustice, neglect, and poor government. In the Western Hemisphere, these conditions are strongly associated with U.S. foreign policy in this region. Our policy has long been to support any government i.e., friendly to us regardless of the inequities and abuse such government has foisted on its people.

After decades of such treatment, after decades and generations of continued poverty and injustice, people in these countries have sought socio-political and economic refuge in our country. Most recently, El Salvador, Nicaragua, Guatemala, Haiti, and Cuba have been and are confronted with major population movements to the U.S. Problems in these countries reflect the shortcomings of foreign U.S. policy and the results of our Hispanic neglect, ignorance, and self-serving attitude by which we have treated the Caribbean and Latin America as a backyard.

These movements have and will continue to increase as these countries become poorer, and as long as U.S. foreign policy creates an environment of socio-political instability and economic stagnation. It is foolish to presume that S. 529 will make any reasonable impact on this situation. Unless we address these problems the claim that this bill is immigration reform and will stem the flow of undocumented people, is irresponsible and untrue. Rather, Hispanics in this country will be made to feel the pains of poorly constructed legislation due to our physical and linguistic characteristics.

We do not advocate that nothing be done, nor do we advocate perfect legislation. We do, however, suggest that the American public be properly informed of the complexities of this issue of our involvement in creating situations which now pose serious policy concerns and of the fact that there is no quick-fix legislation which can provide immediate relief. Also, we would encourage that we first reform the workings of the INS and the Department of State, that we overhaul the Immigration and Nationality Act and that we set in place a mechanism which will allow us to properly examine the impact of U.S. foreign policy on immigration and ways of establishing working relationships with countries who are sending their people to ours. Lastly, we would urge that we seriously assess the extent to which, and reasons why, U.S. citizens may be displaced by undocumented workers and why they are not willing to accept certain type of employment.

This approach does not provide the political benefits of claiming that legislation was passed which will stem the flow of undocumented people. S. 529 in essence will not accomplish this, but it will create an environment in which Hispanics are the scapegoats and will be made to suffer under burdens of discrimination. Furthermore, S. 529 distracts from the public's view the impact that Reaganomics has had on the economy of this country, and exploits the desperate emotions of U.S. citizens impacted by this economic policy. Perhaps most disturbing, is that S. 529 fails to be honest with the American public by ignoring reality and the limitations it has on improving the situation of population movements which have taken decades to develop and harden.

We, the League of United Latin American Citizens (LULAC), urge that sound realistic public policy be enacted by Congress, not window dressing, politically convenient legislation. S. 529 is not immigration reform, it is not a compromise, nor is it honest. It is a desperate attempt to address a major issue which requires more patience, honesty, intelligence and pragmatism. We hope Congress does not settle for "something better than nothing," there are other more realistic approaches which will have a more long-range effect and provide fair treatment to all.

Again, we acknowledge your efforts to bring reason and creativity to this issue and are appreciative of your understanding of our communities' concerns.

Respectfully,

TONY BONILLA,
LULAC National President.
ARNOLDO S. TORRES,
LULAC National Executive Director.●

Mr. PERCY. Mr. President, I will vote for final passage of S. 529, the Immigration Reform and Control Act of 1983. This bill represents a compassionate and reasonable approach to the serious problems of illegal immigration and the need to set some limit on legal immigration. S. 529 is the product of a bipartisan effort with a solid foundation laid by the findings of the Select Commission on Immigration and Refugee Policy, months of congressional effort, and the work of the administration's task force.

Most important, S. 529 takes the first major step in providing a solution to the problem of illegal immigration. The number of illegal immigrants residing in the United States is estimated at 3.5 to 6 million. Some experts have estimated a net growth of 500,000 new undocumented aliens per year.

Existing law has not been able to stem this flow. The major reason aliens come to this country illegally is the prospect of employment. It is not now against the law for an employer to hire knowingly an alien who is here illegally. S. 529 removes this incentive by prohibiting such employment and requiring employers to verify the identity and eligibility of all potential employees.

S. 529 requires the President to develop a secure worker verification system that cannot be easily counterfeited. This system is necessary to make the prohibitions against employment of illegal aliens enforceable. It will protect employers from inadvertantly hiring an illegal alien. At the same time, it will provide a method for identifying an employer who intentionally violates the law.

The verification system will also protect American workers from discriminatory hiring practices by placing the same documentary requirements on everyone. Prohibitions against hiring illegal aliens, together with an effective worker verification system, will go to the source of our illegal immigration problem and for the first time give us a method for controlling it.

I opposed efforts which, in my judgment, would have rendered ineffective the key reform measure of this bill: Employer penalties for those who knowingly hire undocumented aliens. All independent, comprehensive studies of the illegal immigration problem, including those by the previous two administrations, the present administration, and the Select Commission on Immigration and Refugee Policy, have concluded that adequate enforcement of our immigration laws cannot be achieved by direct enforcement alone. S. 529 takes the very necessary step of prohibiting the knowing employment of undocumented aliens and imposes penalties for violation of the law. I am convinced that this provision is key to the solution of the illegal immigration problem.

The second major component of S. 529 will give permanent resident status to aliens who arrived here before January 1, 1977, and temporary resident status to those who arrived after that date, but before January 1, 1980. Temporary residents will be able to adjust to permanent resident status 3 years from the date of enactment of this bill if they satisfy a requirement of minimum English language competence or are enrolled in a program to acquire such competence. Federally funded public assistance will not be available to either those in the 3-year temporary status or, for 3 years, to those receiving permanent legal status.

I support the legalization provisions of S. 529 as a necessary part of this reform measure. Legalization has three major goals. The first is to avoid the wasteful use of the Immigration and Naturalization Service's (INS) limited enforcement resources by attempting to locate and deport those who have come to this country illegally. The second is to allow currently economically dependent employers to continue lawfully hiring from this pool of labor. And the third, and most important, is to eliminate the illegal subclass of persons now present in our society. The costs to society of permitting a large group of persons to live in illegal, second-class status are enormous. And mass deportations are not reasonable or realistic both for legal and humanitarian reasons.

I opposed an amendment to strike the legalization program from the bill for these reasons.

The third major component of the bill addresses reform of our legal immigration system by setting an overall ceiling, including immediate relatives of U.S. citizens, of 425,000 per year, although immediate relatives continue to be exempt from numerical limitations. The number available for other family reunification preference categories would be determined by subtracting the number of immediate relatives admitted in the prior year from the cap of 350,000, the total for family reunification. A cap of 75,000 is placed on independent preference categories for a total of 425,000.

TEMPORARY AGRICULTURAL WORKERS IN WEST VIRGINIA

Mr. BYRD. Mr. President, section 211 of the Immigration Reform and Control Act of 1983 deals with temporary, nonimmigrant foreign workers—the so-called H-2 program. The operation of the H-2 program has a direct effect on the economy of the eastern panhandle of West Virginia. The apple crop in the panhandle is harvested in large part by H-2 workers.

The H-2 program is complex and cumbersome. Each year, agricultural employers who wish to supplement their domestic labor force with temporary foreign workers at harvest time must be certified by the Department of Labor as eligible to use such workers. The certification process requires several months to complete each year. The employer must make an exhaustive search for domestic workers to fill his harvest needs before the Department of Labor will consider allowing the employer to bring in H-2 workers. The employer must prove to the Labor Department that there is not a sufficient number of qualified domestic workers available to perform the needed work before H-2 workers can be brought into the United States.

Year after year, the fruitgrowers from the eastern panhandle of my State have come to me and to other members of West Virginia's congressional delegation to seek assistance in dealing with the H-2 program. The program is designed to be difficult to work with, so that domestic workers are protected from the unlimited importation of cheap foreign labor.

The history of the West Virginia apple harvest for the past few years suggests to me that the H-2 program is not being used by growers to displace domestic workers. For each of the past few years, there has been a shortage of domestic workers available to growers in the eastern panhandle of West Virginia at the beginning of the apple harvest.

In 1982, the shortage was especially acute. On the opening day of the harvest, September 13, 1982, growers needed 270 workers to pick apples. Only 27 workers reported that day to be assigned to help various growers. No more than 10 of the 27 workers who appeared on opening day stayed on the job for more than 1 week.

In the meantime, Tri-County Growers, Inc.—a firm in Martinsburg, W. Va., that helps find workers for many of the eastern panhandle's orchardists—was frantically trying to fill the labor shortfall with H-2 workers. The Department of Labor did not inform Tri-County Growers that it would allow the firm to bring in H-2 workers until September 10, a scant 3 days before the start of the harvest. Most of the H-2 workers did not arrive in West Virginia until September 20-21. The harvest had been underway for an entire week, and West Virginia growers estimated that as many as 25,000 bushels of apples were lost each day during that first week due to the insufficient number of workers.

While the 1982 West Virginia apple harvest proved to be the most difficult in recent memory because of the requirements of the H-2 program, similar problems have affected the harvest for each of the past few years. In order to provide some relief to the growers without reducing the valid protection of domestic workers, I offered an amendment to section 211 of S. 2222, the 1982 version of the immigration legislation, during the Judiciary Committee's markup of that measure. My amendment modifies the finding that the Secretary of Labor must make before growers are allowed to bring temporary foreign workers into this country.

The Judiciary Committee adopted my amendment by a rollcall vote of 10 to 5. An effort to delete my amendment on the Senate floor was defeated by a vote of 28 to 62. Unfortunately, the House of Representatives did not complete action on an immigration bill last year, so the improvement made by the Senate in the H-2 program was not enacted.

Section 211(b)(2)(A) of the pending bill, S. 529, contains the language of my amendment. It changes the scope of the finding that must be made by the Secretary of Labor before H-2 workers may be brought into the United States. Under current law, the Secretary must certify that there are not sufficient qualified workers in the United States to perform the labor for which H-2 workers are being requested. That finding forced West Virginia growers to conduct a nationwide search for workers, most of whom would not appear at harvest time.

Section 211(b)(2)(A) requires the Secretary of Labor to certify that there are not sufficient workers who are able, willing, qualified, and who will be available at the time and at the place needed to perform the labor for which H-2 workers are being requested. The new requirement makes it clear that a nationwide search for workers need not be conducted by growers who seek certification under the H-2 program.

West Virginia growers are eager to hire local workers, but an able, willing, and qualified local work force has not been available. Some local workers stay on the job for only 1 or 2 days, and the harvest lasts for more than 1 month. If a full work crew is not fielded every day during the harvest, a substantial portion of the perishable apple crop can be lost.

The language of section 211 in S. 529 removes an unfair burden from growers in West Virginia and other States who may use relatively small numbers of H-2 workers in agriculture. I am pleased that the language of my amendment to section 211 has been retained in the bill.

I want to express my deep appreciation to the distinguished chairman of the Immigration Subcommittee, Senator ALAN SIMPSON, for his diligent, tireless, and painstaking efforts with respect to this legislation. The subject matter is as complicated as any that the Senate considers, and he has shown a remarkable talent for balancing the diverse interests involved with this bill. He has been very helpful and considerate of special problems connected with the West Virginia fruitgrowers, and I thank him very much for his cooperation and understanding.

I also thank the distinguished ranking member of the subcommittee, Senator TED KENNEDY. He has been equally tireless in his efforts to see this important legislation through to passage in the Senate. He has demonstrated an encyclopedic knowledge of immigration law during consideration of S. 529, and his counsel has been of great help to me.

I thank both Senators for their efficient management of this very difficult legislation.

Mr. CRANSTON. Mr. President, the distinguished senior Senator from Oregon (Mr. HATFIELD), with his usual skill and eloquence, earlier took pains to point out the need for careful attention to the details of this very complex legislation.

I, too, have been urging that from the beginning of this debate.

The Senator from Oregon pointed out that this bill does not create a national identification card system.

And, I agree that it does not. Nor did I suggest earlier that it did.

But I see in the process that is created by this bill a danger that the steps which are taken here will lead inexorably to a national identification card, and I for one believe the time to stop that process is at the beginning.

● Mr. HELMS. Mr. President, in granting amnesty to millions of illegal aliens, the Senate has raised the flag of surrender on getting control of America's borders. Amnesty says to foreign nationals, "Break our laws, come into the U.S. illegally, and then we'll throw up our hands and look the other way." That is not law and order but, instead, legalized chaos.

We must recognize that immigration policy is national security policy. When we lose control of our borders, we jeopardize the national security of the United States. The Senate, I am convinced, will rue the day it ever gave up on stopping illegal immigration by going with across-the-board amnesty.

The Senate also made a major blunder in forcing the States to provide free public schooling and welfare benefits to illegal immigrants. In effect, the Federal Government first surrenders on stopping illegal immigration by granting amnesty, and then tells the States to pick up the tab. This is plainly a foolish immigration policy.

For these reasons as well as others, I will oppose final passage of the immigration bill.●

● Mr. MOYNIHAN. Mr. President, I would like to commend the Senator from Wyoming (Mr. SIMPSON), as well as the Senator from Massachusetts (Mr. KENNEDY), for their courage and their most extraordinary efforts in successfully coming to grips with what is indeed a highly complex and difficult problem.

Immigration reform is long overdue. The 3 to 6 million illegal aliens in the country today stand as irrefutable testimony that our immigration laws are clearly inadequate. But there can be no denying the contributions that immigrants have made to our Nation, and as a Senator from New York I can particularly appreciate these contributions.

Nathan Glazer and I wrote in "Beyond the Melting Pot" that New York, after all, is a merchant metropolis with an extraordinarily heterogeneous population, composed of immigrants and their descendants. The first shipload of settlers sent out by the Dutch was made up largely of French-speaking Protestants. British, Germans, Finns, Jews, Swedes, Africans, Italians, and Irish, among others, followed, beginning a stream that has never yet stopped. These immigrant groups have made, and continue to make, New York a cultural and financial center. So, too, with America as a whole.

Surely, we must never back down from our commitment to legal immigration. Our goal should be immigration reformed, not immigration curtailment.

After extensive study, the Select Commission on Immigration and Refugee Policy identified two elements that are essential to immigration reform. The Commission found that, given their extraordinary numbers, it would be impossible to find and prosecute those illegal aliens who are already here. As a result, the Commission proposed to legalize these aliens. Since the promise of a job is the primary motivation for most illegal immigration, the Commission also proposed to deter future illegal immigration by making it a crime to hire an undocumented alien.

Today I will vote for S. 529. I do so with the realization that a number of unsuccessful amendments that I supported would have strengthened the bill's provisions. I will continue to work for the enactment of these changes. However, because S. 529 goes a long way toward implementing to two main proposals of the Select Commission, and includes a number of other provisions that I am happy to see included in the bill, I cast my vote in favor of this measure.

Finally, permit me to add my sincere hope that we in Congress will fulfill the commitments made in this legislation, by providing the resources and guidance necessary to implement these important and vital changes. The preeminent nation of immigrants deserves an immigration policy that is both just and effective. If we are to achieve our primary objective—fair and equitable reform of our immigration laws—we must retain our firm resolve to carry out the intent of this bill.●

Mr. STEVENS. Mr. President, this will be the last vote tonight. We expect to attempt to proceed with S. 66 following disposition of this measure.

The PRESIDING OFFICER. Is all time yielded back?

Mr. KENNEDY. I yield back the remainder of my time.

Mr. SIMPSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. INOUYE. Mr. President, on this vote I have a pair with the Senator from Arizona (Mr. DECONCINI). If he were present and voting, he would vote "nay." If I were at liberty to vote, I

would vote "yea." Therefore, I withhold my vote.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 18, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—76

Abdnor	Gorton	Nunn
Andrews	Grassley	Packwood
Baucus	Hatfield	Pell
Bentsen	Hawkins	Percy
Biden	Hecht	Pressler
Boren	Heinz	Proxmire
Boschwitz	Huddleston	Pryor
Bradley	Jackson	Quayle
Bumpers	Jepsen	Randolph
Burdick	Johnston	Roth
Byrd	Kassebaum	Rudman
Chafee	Kasten	Sarbanes
Chiles	Lautenberg	Sasser
Cochran	Laxalt	Simpson
D'Amato	Leahy	Specter
Danforth	Levin	Stafford
Denton	Long	Stennis
Dixon	Lugar	Stevens
Dodd	Mathias	Thurmond
Dole	Matsunaga	Trible
Durenberger	Mattingly	Tsongas
Eagleton	Melcher	Wallop
Exon	Metzenbaum	Warner
Ford	Moynihan	Weicker
Glenn	Murkowski	
Goldwater	Nickles	

NAYS—18

Armstrong	Garn	Mitchell
Bingaman	Hatch	Riegle
Cohen	Helms	Symms
Cranston	Humphrey	Tower
Domenici	Kennedy	Wilson
East	McClure	Zorinsky

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

INOUYE, for.

NOT VOTING—5

Baker	Hart	Hollings
DeConcini	Heflin	

So the bill (S. 529), as amended, was passed.

S. 529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Immigration Reform and Control Act of 1983".

(b) Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of, a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

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TITLE I—CONTROL OF ILLEGAL IMMIGRATION

PART A—EMPLOYMENT

CONTROL OF UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 101. (a)(1) Chapter 8 of title II is amended by inserting after section 274 (8 U.S.C. 1324) the following new section:

"UNLAWFUL EMPLOYMENT OF ALIENS

"SEC. 274A. (a)(1) It is unlawful for a person or other entity after the date of the enactment of this section—

"(A) to hire, or for consideration to recruit or refer, for employment in the United States an alien knowing the alien is an unauthorized alien (as defined in paragraph (4)) with respect to such employment, or

"(B) to hire for employment in the United States an individual without complying with the requirements of subsection (b).

Subparagraph (B) shall not apply to a person or entity which employs three or fewer employees.

"(2) It is unlawful for a person or other entity who, after hiring an alien for employment subsequent to the date of the enactment of this Act and in accordance with paragraph (1), continues to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(4) As used in this section, the term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (A) an alien lawfully admitted for permanent residence, or (B) authorized to be so employed by this Act or by the Attorney General.

"(b) Except as provided in subsection (c), the requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, that—

"(1) the person or entity must attest, under penalty of perjury and on a form established by the Attorney General by regulation, that he has verified that the individual is eligible to be employed (or recruited or referred for employment) in accordance with subsection (a)(1)(A) by examining the individual's—

"(A) United States passport, or

"(B)(i) social security account number card (issued by the Social Security Administration under section 205(c)(2)(B) of the Social Security Act and in such secure form, if any, as the Administrator of Social Security has made available) or certificate of birth in the United States or United States consular report of birth or, in the case of an individual without a social security card or a certificate of birth in the United States or a United States consular report of birth, a passport of a foreign country or where no such documentation is available, any other identification acceptable to the Attorney General, and

"(ii)(I) alien documentation, identification, and telecommunication card, or similar fraud-resistant card issued by the Attorney General to aliens, or other identification issued by the Attorney General to aliens who establish eligibility for employment,

"(II) driver's license or similar document issued for the purpose of identification by a State, if it contains a photograph of the individual or such other personal identifying information relating to the individual as the Attorney General finds sufficient for purposes of this section, or

"(III) in the case of individuals under sixteen years of age or in a State which does not provide for issuance of an identification document (other than a driver's license) referred to in subclause (II), documentation of personal identity of such other type as the Attorney General finds, by regulation, provides a reliable means of identification;

"(2) the individual must attest, under penalty of perjury and on the form established by the Attorney General for purposes of paragraph (1), that the individual is a citizen or national of the United States, an

alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Attorney General to be hired, recruited, or referred for such employment; and

"(3) after completion of such form in accordance with paragraphs (1) and (2), the person or entity must retain the form and make it available for inspection by officers of the Service or of the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual and ending on the later of five years after such date or, in the case of the hiring of the individual, one year after the date the individual's employment is terminated.

A person or entity has complied with paragraph (1) with respect to examination of a document if the document reasonably appears on its face to be genuine. Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

"(c)(1) Except as provided in paragraph (3), within three years after the date of the enactment of this section, the President shall implement such changes in or additions to the requirements of subsection (b) as may be necessary to establish a secure system to determine employment eligibility in the United States, which system shall conform to the requirements of paragraph (2).

"(2) Such system shall be designed in a manner so that—

"(A) the system will reliably determine that a person with the identity claimed by an employee or prospective employee is eligible to work, and that the employee or prospective employee is not claiming the identity of another individual;

"(B) if the system requires an examination by an employer of any document, such document must be in a form which is resistant to counterfeiting and tampering;

"(C) personal information utilized by the system is available to Government agencies, employers, and other persons only to the extent necessary for the purpose of verifying that the individual is not an unauthorized alien;

"(D) the system will protect the privacy and security of personal information and identifiers utilized in the system including recommendations to the Congress for the establishment of civil and criminal sanctions for unauthorized use or disclosure of the information or identifiers contained in such system;

"(E) a verification that an employee or prospective employee is eligible to be employed in the United States may not be withheld for any reason other than that the employee or prospective employee is an unauthorized alien;

"(F) the system shall not be used for law enforcement purposes (other than for enforcement of this section or section 1546 of title 18, United States Code);

"(G) if the system requires individuals to present a card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral, then such document may not be required to be presented for any purpose other than under this section (or enforcement of section 1546 of title 18, United States Code) nor to be carried on one's person; and

"(H) the President shall examine existing Federal and State identification systems, or the systems referred to in subsection (b) of this section, to determine suitability for use with the permanent system authorized to be developed by this section.

"(3)(A) Before the President implements any change in or addition to the requirements of subsection (b) which would require an individual to present a new card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral, he shall prepare and transmit to the committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report setting forth his proposal to implement such a change or addtion. No such change or addition may be implemented if, within thirty calendar days after receiving such report, the Congress adopts a concurrent resolution stating in substance that it objects to the implementation of such change or addition.

"(4)(A) Any such concurrent resolution shall be considered in the Senate in accordance with paragraph (5).

"(B) For the purpose of expediting the consideration and adoption of concurrent resolutions under paragraph (3), a motion to proceed to the consideration of any such concurrent resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(5)(A) For purposes of paragraph (3), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

"(B) Subparagraphs (C) and (D) of this subsection are enacted—

"(i) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of concurrent resolutions referred to in paragraph (3), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith; and

"(ii) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner and to the case of any other rule of the Senate.

"(C)(i) If the committee of the Senate to which has been referred a resolution relating to a certification has not reported such resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under subparagraph (A), it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same certification which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a resolution with respect to the same certification.

"(ii) A motion to discharge under clause (i) may be made only by a Senator favoring the resolution, is privileged, and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(D)(i) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(ii) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(iii) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than one hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(iv) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

"(d)(1)(A) In the case of a person or entity which violates paragraph (1)(A) or (2) of subsection (a) and which—

"(i) has not previously been determined (after opportunity for a hearing under paragraph (4)(A)) to have violated either such paragraph, the person or entity shall be subject to a civil penalty of $1,000 for each unauthorized alien with respect to which the violation occurred, or

"(ii) has previously been determined (after opportunity for a hearing under paragraph (4)(A)) to have violated either such paragraph, the person or entity shall be subject to a civil penalty of $2,000 for each unauthorized alien with respect to which the violation occurred.

In counting the number of previous determinations of violations for purposes of determing whether clause (i) or (ii) applies, determinations of more than one violation in the course of a single proceeding or adjudication shall be considered as a single determination. In the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for its own hiring, recruiting, or referral for employment, each such subdivision shall be considered a separate person or entity if such hiring, recruiting, or referral for employment is not under the direct control of another subdivision or any entity or office exercising final management authority over such subdivisions.

"(B) In the case of a person or entity which has engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the person or entity shall be fined not more than $1,000, imprisoned not more than six months, or both, for each violation.

"(2) Whenever the Attorney General (i) has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of subsection (a); or (ii)

within an eighteen-month period issues to a person or entity a second notice of violation of subsection (a) and the two notices charge violations involving a total of five or more individuals, the Attorney General may bring a civil action in the appropriate district court of the United States requesting such equitable relief, including a temporary or permanent injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary. In the case of a person or entity composed of distinct physically separate subdivisions each of which provides separately for its own hiring, recruiting or referral for employment, each such subdivision shall be considered a separate person or entity if such hiring, recruiting or referral for employment is not under the direct control of another subdivision or any entity or office exercising final management authority over such subdivisions.

"(3) A person or entity which violates subsection (a)(1)(B) shall be subject to a civil penalty of $500 for each individual with respect to which such violation occurred.

"(4)(A) Before assessing a civil penalty under this subsection against a person or entity, the Attorney General shall provide the person or entity with notice and the opportunity to request a hearing respecting the violation. Any hearing so requested shall be conducted before an immigration officer designated by the Attorney General.

"(B) If the person or entity against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the Attorney General shall file a suit to collect the amount in any appropriate district court of the United States. In any such suit or in any other suit seeking to review the Attorney General's determination, the suit shall be determined solely upon the administrative record upon which the civil penalty was assessed and the Attorney General's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(e) In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) to be employed in the United States, the Attorney General shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(f) The provisions of this section preempt any State or local law imposing civil or criminal sanctions upon those who employ, or refer or recruit for employment, unauthorized aliens.

"(g) The President shall monitor the implementation of this section (including the effectiveness of the verification system described in subsection (b) and the status of the development and implementation of the secure verification system described in subsection (c)) and the impact of this section on employment in the United States of aliens and of citizens and nationals of the United States on the illegal entry of aliens into the United States, and on the failure of aliens who have legally entered the United States to remain in legal status.".

(2)(A) Except as provided in subparagraph (B), the amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(B)(i) Where the Attorney General has reason to believe that a person or entity may have violated subsection (a) of section 274A of the Immigration and Nationality Act during the six-month period beginning on the first day of the first month beginning after the date of the enactment of this Act, the Attorney General shall notify such person or entity of such belief and shall not conduct any proceeding, nor impose any penalty, under such section on the basis of such alleged violation or violations.

(ii) Where the Attorney General has reason to believe that a person or entity may have violated subsection (a) of section 274A of the Immigration and Nationality Act during the subsequent six-month period, the Attorney General shall, in the first instance of such a violation (or violations) occurring during such period, provide a warning to the person or entity that such a violation or violations may have occurred and shall not conduct any proceeding, nor impose any penalty, under such section on the basis of such alleged violation or violations.

(C) During the year beginning on the date of the enactment of this Act, the Attorney General, in cooperation with the Secretaries of Commerce, Labor, and Agriculture and the Administrator of the Small Business Administration, shall disseminate forms and information to employers, employment agencies, and organizations representing employees and provide for public education respecting the requirements of section 274A of the Immigration and Nationality Act.

(b) The table of contents is amended by inserting after the item relating to section 274 the following new item:

"Sec. 274A. Unlawful employment of aliens.".

(c)(1) The Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470) is amended—

(A) by striking out "101(a)(15)(H)(ii)" in paragraphs (8)(B) and (10)(B) of section 3 (29 U.S.C. 1802) and inserting in lieu thereof "101(a)(15)(H)(ii)(a)";

(B) in section 103(a) (29 U.S.C. 1813(a))—

(i) by striking out "or" as the end of paragraph (4),

(ii) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and

(iii) by adding at the end the following new paragraph:

"(6) has been found to have violated paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act.";

(C) by striking out section 106 (29 U.S.C. 1816) and the corresponding item in the table of contents; and

(D) by striking out "section 106" in section 501(b) (29 U.S.C. 1851(b)) and by inserting in lieu thereof "paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act".

(2) The amendments made by paragraph (1) shall apply to the employment, recruitment, referral, or utilization of the services of an individual occurring on or after the first day of the seventh month beginning after the date of the enactment of this Act.

(d) Nothing in this section shall be construed to restrict the authority of the Equal Employment Opportunity Commission to investigate allegations, in writing and under oath of affirmation, of unlawful employment practices, as provided in section 2000e—5 of title 42, the United States Code, or any other authority provided therein.

FRAUD AND MISUSE OF CERTAIN DOCUMENTS

SEC. 102. (a) Section 1546 of title 18, United States Code, is amended—

(1) by amending the heading to read as follows:

§ 1546. Fraud and misuse of visas, permits, and other documents";

(2) by striking out "or other document required for entry into the United States" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States",

(3) by striking out "or document" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States",

(4) by striking out "$2,000" and inserting in lieu thereof "$5,000",

(5) by inserting "(a)" before "Whoever" the first place it appears, and

(6) by adding at the end the following new subsection:

"(b) Whoever without authority of the issuing agency and with unlawful intent—

"(1) photographs, prints, or in any manner makes or executes any engraving, photograph, print, or impression in the likeness of—

"(A) any document presented to satisfy a requirement of the Immigration and Nationality Act or regulations issued thereunder, or

"(B) any document presented to obtain a required document described in subparagraph (A), including any document presented to establish eligibility for adjustment of status under subsection (a) or (b) of section 245A of the Immigration and Nationality Act;

"(2) sells, transfers, distributes, presents, or uses, or possesses with the intent to sell, transfer, distribute, present, or use, an engraving, photograph, print, or impression in the likeness of a document described in subparagraph (A) or (B) of paragraph (1);

"(3) alters any document described in subparagraph (A) or (B) of paragraph (1) relating to another person; or

"(4) sells, transfers, distributes, presents, or uses, or possesses with the intent to sell, transfer, distribute, present, or use, any document described in subparagraph (A) or (B) of paragraph (1) relating to another person, whether or not altered,

shall be fined not to exceed $5,000 or imprisoned not more than five years, or both.".

(b) The item relating to section 1546 in the table of sections of chapter 75 of such title is amended to read as follows:

"1546. Fraud and misuse of visas, permits, and other documents.".

PART B—ENFORCEMENT

IMMIGRATION AND NATURALIZATION SERVICE ENFORCEMENT ACTIVITIES

SEC. 111. (a) It is the sense of the Congress that an essential element of the program of immigration control and reform established by this Act is an increase in border patrol and other enforcement activities of the Immigration and Naturalization Service in order to prevent and deter the illegal entry of aliens into the United States.

(b) In order to do this in the most effective and efficient manner, it is the intent of the Congress to provide, through the annual authorization of appropriations process for the Department of Justice, for a controlled and closely monitored increase in the level of the border patrol and of other appropriate enforcement activities of the Immigration and Naturalization Service to achieve an effective level of control of illegal immigration.

UNLAWFUL TRANSPORTATION OF ALIENS TO THE UNITED STATES

SEC. 112. Section 274 (8 U.S.C. 1324) is amended to read as follows:

"SEC. 274. (a) Any person who, knowingly or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each transaction constituting a violation of this subsection, regardless of the number of aliens involved, be guilty of a misdemeanor and upon conviction shall be punished by a mandatory fine of $2,500, the imposition of which shall not be suspended by the court, and, in the court's discretion, may be punished by an additional fine of not more than $2,500 for each such alien in respect to whom any violation of this paragraph occurs or by imprisonment for a term not exceeding one year, or both.

"(b) Whoever, under subsection (a), commits—

"(1) a second offense,

"(2) an offense done for the purpose of commercial advantage or private financial gain,

"(3) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration official, or

(4) an offense during which the offender or the alien with the knowledge of the offender makes any false or misleading statement or engages in any act or conduct intended to mislead any officer, agent, or employee of the United States,

shall be guilty of a felony and upon conviction shall be punished by a fine not exceeding $10,000 or by imprisonment for a term not exceeding five years; or both, for each alien in respect to whom any violation of this subsection occurs.

"(c) Any person who—

"(1) knowingly or having reason to know that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioners, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien,

"(2) knowingly or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law, or

"(3) knowingly or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection such alien in any place, including any building or any means of transportation,

shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not exceeding $10,000 or by imprisonment for a term not exceeding five years, or both, for each alien in respect to whom any violation of this subsection occurs. For the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring.

"(d)(1) Any conveyance, including any vessel, vehicle, or aircraft, which has been, is being, or is intended to be used in the commission of a violation of subsection (a), (b), or (c) shall be seized and subject to forfeiture, except that—

"(A) no conveyance used by any person as a common carrier shall be forfeited under the provisions of this section if the offense occurs when the conveyance is being used in the business as a common carrier unless the owner, operator, or other person in charge of the conveyance at the time of the offense was a consenting party or privy to the illegal act; and

"(B) no conveyance shall be forfeited under the provisions of this section if the offense occurred while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State.

"(2) Any conveyance subject to seizure under this section may be seized without a warrant if there is probable cause to believe the conveyance has been, is being, or is intended to be used in a violation of subsection (a), (b), or (c) and circumstances exist where a warrant is not constitutionally required.

"(3) All provisions of the customs laws relating to—

"(A) the seizure, summary and judicial forfeiture, and condemnation of property,

"(B) the disposition of such property or the proceeds from the sale thereof,

"(C) the remission or mitigation of such forfeiture, and

"(D) the compromise of claims and the award of compensation to informers in respect of such forfeitures,

shall apply to seizures and forfeitures incurred or alleged to have been incurred under the provisions of this section insofar as applicable and not inconsistent with the provisions of this section, except that duties imposed on customs officers or other persons regarding the seizure and forfeiture of property under the customs laws may be performed with respect to seizure and forfeitures carried out under the provisions of this section by such officers or persons authorized for that purpose by the Attorney General.

"(4) Whenever a conveyance is forfeited under this section the Attorney General may—

"(A) retain the conveyance for official use;

"(B) sell the conveyance, in which case the proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs;

"(C) require that the General Services Administration, or the Federal Maritime Commission if appropriate under section 484 (i) of title 40, United States Code, take custody of the conveyance and remove it for disposition in accordance with law; or

"(D) dispose of the conveyance in accordance with the terms and conditions of any petition of remission or mitigation of forfeiture granted by the Attorney General.

"(5) In all suits or actions brought for the forfeiture of any conveyance seized under this section, where the conveyance is claimed by any person, the burden of proof shall lie upon such claimant, except that probable cause shall be first shown for the institution of such suit or action, to be judged of by the court. In determining whether probable cause exists, any of the following items of evidence shall be prima facie evidence of the presumption that an alien involved in the alleged violation had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law:

"(A) Records of any judicial or administrative proceeding in which that alien's status was an issue and in which it was determined that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law;

"(B) Official records of the Service or of the Department of State showing that the alien had not received prior authorization to come to, enter, or reside in the United States or had come to, entered, or remained in the United States in violation of law; and

"(C) Testimony, by an immigration officer having personal knowledge of the facts concerning that alien's status, that such alien had not received prior authorization to come to, enter, or reside in the United States or had come to, entered, or remained in the United States in violation of law.

"(6) Any officer or employee of the Service designated by the Attorney General, either individually or as a member of a class, and all other Federal officers whose duty it is to enforce criminal laws and those State officers whose duty it is to enforce criminal laws and who have been specifically designated by the Attorney General shall have authority to make any arrest for a violation of any provision of this section.".

UNLAWFUL ENTRY INTO THE UNITED STATES

SEC. 113. Section 275 (8 U.S.C. 1325) is amended by inserting "or attempts to enter" after "enters".

BORDER PATROL

SEC. 114. There are authorized to be appropriated to an immigration emergency revolving fund, to be established in the Treasury, $35,000,000, to be used to provide for an increase in border patrol or other enforcement activities of the Service and for reimbursement of State and localities in providing assistance as requested by the Attorney General in meeting an immigration emergency, except that no amounts may be withdrawn from such funds with respect to an emergency unless the President has determined that the immigration emergency exists and has certified such fact to the Judiciary Committees of the House of Representatives and of the Senate.

EXECUTION OF WARRANT

SEC. 115. Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end thereof the following:

"(d) Notwithstanding any other provision of this section, other than paragraph (3) subsection (a), an officer or employee of the Service may not enter onto the premises of a farm or other agricultural operation without a properly executed warrant.".

PART C—ADJUDICATION PROCEDURES AND ASYLUM

INSPECTION AND EXCLUSION

SEC. 121. (a) Section 235(a) (8 U.S.C. 1225(a)) is amended by striking out "arriving at ports" in the second sentence and inserting in lieu thereof "entering at ports or at the land borders".

(b) Section 235(b) (8 U.S.C. 1225(b)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following:

"(b)(1) If an examining immigration officer at the port of arrival determines that an alien does not have the documentation required to obtain entry into the United States, does not have any reasonable basis for legal entry into the United States, and has not applied for asylum under section 208, such alien shall not be admissible and shall be excluded from entry into the United States without further inquiry or hearing.

"(2) If an examining immigration officer at a port of entry or land border of the United States determines that an alien (other than an alien crewman and except as otherwise provided in subsection (c) of this section and in section 273(d)) is otherwise not clearly and beyond a doubt entitled to land, such alien shall be detained for a hearing on exclusion of the alien to be held before an immigration judge.",

(2) by designating the sentence beginning "The decision" as paragraph (3), and

(3) by adding at the end the following new paragraphs:

"(4) The Attorney General shall establish procedures, after consultation with the Judiciary Committees of the Congress, which assure that aliens are not excluded under paragraph (1) without an inquiry into their reasons for unlawfully seeking entry into the United States.

"(5) In the case of an alien who would be excluded from entry under paragraph (1) but for an application for asylum under section 208, the exclusion hearing with respect to such entry shall be limited to the issues raised by the asylum application.".

(c) Section 236(a) (8 U.S.C. 1226(a)), as amended by section 126 of this Act, is further amended by inserting after the second sentence the following new sentence: "To the extent practicable, the hearing shall be conducted in a nonadversarial, informal manner, except that the applicant is entitled to be assisted by counsel (in accordance with section 292), to present evidence, and to examine and cross-examine witnesses.".

(d) Section 237 (8 U.S.C. 1227) is amended—

(1) by striking out "arrived in" in the first sentence of subsection (a)(1) and inserting in lieu thereof "entered";

(2) by striking out "arrived" in the second sentence of subsection (a)(1) and inserting in lieu thereof "entered the United States";

(3) by striking out "airport of arrival" in the first sentence of subsection (b) and inserting in lieu thereof "port of entry";

(4) by striking out "port of arrival" in the second sentence of subsection (b) and inserting in lieu thereof "port of entry";

(5) by striking out "arrived in" in the first sentence of subsection (c) and inserting in lieu thereof "entered"; and

(6) by striking out "arrived in" in subsection (e) and inserting in lieu thereof "entered".

UNITED STATES IMMIGRATION BOARD AND ESTABLISHMENT OF IMMIGRATION JUDGE SYSTEM

SEC. 122. (a) Title I is amended by adding at the end the following new section:

"UNITED STATES IMMIGRATION BOARD; USE OF IMMIGRATION JUDGES

"SEC. 107. (a)(1) There is established in the Department of Justice a United States Immigration Board (hereafter in this section referred to as the 'Board') composed of a Chairman and eight other members appointed by the Attorney General.

"(2) The term of office of the Chairman and all other members of the Board shall be six years, except that—

"(A) of the members first appointed under this subsection, three shall be appointed for a term of two years, three shall be appointed for a term of four years, and three shall be appointed for a term of six years,

"(B) a member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, and

"(C) a member may serve after the expiration of his term until his successor has taken office.

"(3) The Attorney General may remove a member of the Board only for neglect of duty or malfeasance in office.

"(4) Members of the Board (other than the Chairman) are entitled to receive compensation at the rate now or hereafter provided for grade GS-17 of the General Schedule, under section 5332 of title 5, United States Code. The Chairman is entitled to receive compensation at the rate now or hereafter provided for grade GS-18 of the General Schedule, under section 5332 of title 5, United States Code.

"(5) The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board and shall promulgate rules of practice and procedure for the Board and immigration judges.

"(b)(1) The Board shall hear and determine appeals from—

"(A) final decisions of immigration judges under this Act, other than a determination granting voluntary departure under section 244(e) within a period of at least thirty days if the sole ground of appeal is that a greater period of departure time should have been fixed;

"(B) decisions on applications for the exercise of the discretionary authority contained in section 212(c) or section 212(d)(3)(B);

"(C) decisions involving the imposition of administrative fines and penalties, including mitigation thereof;

"(D)(i) decisions on petitions filed in accordance with section 204, other than petitions to accord preference status under paragraph (1) or (2) of section 203(b) or petitions on behalf of a child described in section 101(b)(1)(F), and (ii) decisions on requests for revalidation and decisions revoking approval of such petitions under section 205;

"(E) determinations relating to bond, parole, or detention of an alien under sections 242(a) and 242(c); and

"(F) such other decisions or determinations arising under this Act as the Attorney General may by regulation prescribe.

"(2) Three members of the Board constitute a quorum of the Board, except that the Chairman (or any member of the Board designated by the Chairman) is empowered to decide nondispositive motions.

"(3) The Board shall act in panels of three or more members or en banc (as designated by the Chairman in accordance with the rules of the Board). A final decision of such a panel shall be considered to be a final decision of the Board.

"(4) The Board shall review the decision of an immigration judge based solely upon the administrative record upon which the decision is based, and the findings of fact in the judge's order, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(5) A final decision of the Board shall be binding on all immigration judges, immigration officers, and consular officers under this Act unless and until otherwise modified or reversed by a court of the United States or by the Attorney General under subparagraph (B)".

"(c)(1) The Attorney General shall, in accordance with procedures and regulations governing appointment and, except as provided in this paragraph, compensation in the competitive service—

"(A) appoint immigration judges;

"(B) set the rule of compensation for such judges at a rate not to exceed the rate now or hereafter prescribed for grade GS-16 of the General Schedule, under section 5332 of title 5, United States Code; and

"(C) designate one such judge to serve as chief immigration judge, who shall be entitled to compensation at the rate now or hereafter prescribed for grade GS-17 of such General Schedule.

"(2) In accordance with the rules established by the Board, the chief immigration judge—

"(A) shall have responsibility for the administrative activities affecting immigration judges, and

"(B) may designate any immigration judge in active service to hear and decide any cases described in paragraph (3).

"(3) Immigration judges shall hear and decide—

"(A) exclusion cases under sections 236 and 360(c),

"(B) deportation and suspension of deportation cases under sections 242, 243, and 244,

"(C) rescission of adjustment of status cases under section 246,

"(D) with respect to judges designated to hear such cases, applications for asylum under section 208, and

"(E) such other cases as the Attorney General may provide by regulation.

An immigration judge may not hear or decide the case of an alien excluded from entry under section 235(b)(1).

"(4) In considering and deciding cases coming before them, immigration judges may administer oaths and receive evidence, shall determine all applications for discretionary relief which may properly be raised in the proceedings, and shall exercise such discretion conferred upon the Attorney General by law as the Attorney General may specify for the just and equitable disposition of cases coming before such judges.".

(2) The table of contents is amended by inserting immediately after the item relating to section 106 the following new item:

"Sec. 107. United States Immigration Board; use of immigration judges.".

(3) Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

"(43) The term 'immigration judge' means such a judge appointed under section 107.".

(4) Section 101(b) (8 U.S.C. 1101(b)) is amended by striking out paragraph (4) and redesignating paragraph (5) as paragraph (4).

(b) The first sentence of section 236(b) (8 U.S.C. 1226(b)) is amended by striking out "From a decision" and all that follows through "Attorney General" and inserting in lieu thereof the following: "Within fifteen days after the date of a decision of an immigration judge excluding or admitting an alien, the alien or the immigration officer in charge at the port where the hearing is held, respectively, may file an appeal of the decision with the United States Immigration Board in accordance with rules established by the Chairman of the Board".

(c) Section 242(b)(4) (8 U.S.C. 1252(b)(4)) is amended by striking out "reasonable, substantial, and probative" and inserting in lieu thereof "substantial".

(d) Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

"(i) Except as otherwise provided in section 291, in any deportation proceeding under this Act the burden of proof shall be upon the Attorney General to establish deportability by a preponderance of the evidence.".

JUDICIAL REVIEW

SEC. 123. (a) Subsection (a) of section 106 (8 U.S.C. 1105a) is amended—

(1)(A) in the matter before paragraph (1), by striking out "The procedure" and all that follows through "any prior Act" and inserting in lieu thereof the following: "Notwithstanding section 279 of this Act, section 1331 of title 28, United States Code, or any other provision of law (except as provided under subsection (b)), the procedures prescribed by and all the provisions of chapter 158 of title 28, United States Code, shall apply to, and shall be the sole and exclusive procedure for, the judicial review of all final orders of exclusion or deportation (including determinations respecting asylum encompassed within such orders and regardless of whether or not the alien is in custody and not including exclusions effected without a hearing pursuant to section 235(b)(1)(B)) made against aliens within (or seeking entry into) the United States";

(B) in paragraph (1), by striking out "not later than six months" and all that follows through "whichever is the later" and inserting in lieu thereof "by the alien involved or the Service not later than 45 days from the date of the final order";

(C) inserting ", in the case of review sought by an individual petitioner," in paragraph (2) after "in whole or in part, or";

(D) by inserting "in the case of review sought by an individual petitioner," in paragraph (3) after "(3)"; and

(E) by striking out "The Service" in paragraph (3) and inserting in lieu thereof "In case of judicial review of an order of deportation, the Service"; and

(F) by inserting "exclusion or" before "deportation" in paragraph (4);

(2) by striking out "Attorney General's findings of fact" in paragraphs (4) and (6) and inserting in lieu thereof "findings of fact in the order",

(3) by striking out "(4) except as provided in" in paragraph (4) and inserting in lieu thereof "(4)(A) except as provided in subparagraph (B) and in",

(4) by striking out "reasonable, substantial, and probative" in paragraph (4) and inserting in lieu thereof "substantial",

(5) by adding at the end of paragraph (4) the following new subparagraph:

"(B) to the extent that an order relates to a determination on an application for asylum, the court shall only have jurisdiction to review (i) whether the jurisdiction of the immigration judge or the United States Immigration Board was properly exercised, (ii) whether the asylum determination was made in accordance with applicable laws and regulations, (iii) the constitutionality of the laws and regulations pursuant to which the determination was made, and (iv) whether the decision was arbitrary or capricious;",

(6) in paragraph (7)—

(A) by inserting "or exclusion" after "deportation" each place it appears,

(B) by striking out "subsection (c) of section 242 of this Act" and inserting in lieu thereof "section 235(b) or 242(c)", and

(C) by striking out "a deportation order;" and inserting in lieu thereof "an exclusion or deportation order; and ",

(7) by striking out "; and" at the end of paragraph (8) and inserting in lieu thereof a period, and

(8) by striking out paragraph (9).

(b) Subsection (b) of such section is amended to read as follows:

"(b)(1) Nothing in this section shall be construed as limiting the right of habeas corpus under the Constitution of the United States.

"(2) Notwithstanding any other provision of law, no court of the United States shall have jurisdiction to review determinations of immigration judges or of the United States Immigration Board respecting the reopening or reconsideration of exclusion or deportation proceedings or asylum determinations outside of such proceedings, the reopening of an application for asylum because of changed circumstances, the Attorney General's denial of a stay of execution of an exclusion or deportation order, or the exclusion of an alien from the United States under section 235(b)(1).".

(c) Subsection (c) of such section is amended by striking out "deportation or of exclusion" and inserting in lieu thereof "an immigration judge".

(d) The section heading for section 106 is amended to read as follows:

"JUDICIAL REVIEW OF ORDERS OF DEPORTATION, EXCLUSION, AND ASYLUM".

(e) In the case of a final order of deportation entered before the date of the enactment of this Act, a petition for review with respect to that order may in no case be filed under section 106(a)(1) of the Immigration and Nationality Act later than the earlier of (1) forty-five days after the date of the enactment of this Act, or (2) of the date (if any) such petition was required to be filed under the law in existence before the date of the enactment of this Act.

(f) Section 279 (8 U.S.C. 1329) is amended—

(1) by striking out "The district courts" and inserting in lieu thereof "(a) Except as otherwise provided under section 106, the district courts"; and

(2) by adding at the end thereof the following new subsection:

"(b) An action for judicial review of any administrative action arising under this Act, or regulations issued pursuant to this Act, other than a final order of exclusion or deportation as provided in section 106(a) of this Act, may not be filed later than thirty days after the date of the final administrative action or from the effective date of this section, whichever is later.".

ASYLUM

SEC. 124. (a)(1) Subsection (a) of section 208 (8 U.S.C. 1158) is amended to read as follows:

"(a)(1)(A) Except as provided in subparagraph (B), any alien physically present in the United States or at a land border or port of entry may apply for asylum in accordance with this section.

"(B)(i) An alien against whom exclusion or deportation proceedings have been instituted may not file a notice of intention to apply for asylum more than fourteen days, nor perfect such application for asylum more than thirty-five days, after the date of the service of the notice instituting such proceedings unless the alien can make a clear showing, to the satisfaction of the immigration judge conducting the proceeding, that changed circumstances in the country of the alien's nationality (or, in the case of an alien having no nationality, the country of the alien's last habitual residence), between the date of notice instituting the proceeding and the date of application for asylum, have resulted in a change in the alien's eligibility for asylum.

"(ii) An alien who has previously applied for asylum and had such application denied may not again apply for asylum unless the alien can make a clear showing that changed circumstances in the country of the alien's nationality (or, in the case of the alien having no nationality, the country of the alien's last habitual residence), between the date of the previous denial of asylum and the date of the subsequent application for asylum, have resulted in a change in the alien's eligibility for asylum.

"(2) Applications for asylum shall be considered before immigration judges who are specially designated by the United States Immigration Board as having special training in international relations and international law. The Attorney General shall provide special training in international relations and international law for individuals who served as special inquiry officers before the date of enactment of the Immigration Reform and Control Act of 1983 in order to qualify such individuals to hear applications under this section.

"(3)(A)(i) Upon the filing of an application for asylum, the immigration judge, at the earliest practicable time and after consultation with the attorney for the Government and the applicant, shall set the application for hearing on a day certain or list it for trial on a weekly or other short-term hearing calendar, so as to assure a speedy hearing.

"(ii) The hearing on the asylum application shall commence on the earliest practicable date after the date the application has been filed. The holding of an asylum hearing shall not delay the holding of any exclusion or deportation proceeding.

"(iii) In the case of an alien who has filed an application for asylum and who has been continuously detained pursuant to section 235 or 242 since the date the application was filed, if a hearing on the application is not held on a timely basis under clause (ii) or a decision on the application rendered on a timely basis under subparagraph (B), and if actions or inaction by the applicant have not resulted in unreasonable delay in the proceedings, the Attorney General shall provide for the release of the alien subject to such reasonable conditions as the Attorney General may establish to assure the presence of the alien at any appropriate proceedings, unless the Attorney General has reason to believe that the release of the alien would pose a danger to any other person or to the community, that the alien meets a condition described in one of the subparagraphs of section 243(h)(2), or that the alien is subject to temporary exclusion under section 235(c).

"(B) A hearing on the asylum application shall be closed to the public, unless the applicant requests that it be open to the public. To the extent practicable, the hearing shall be conducted in a nonadversarial, informal manner, except that the applicant is entitled to be assisted by counsel (in accordance with section 292), to present evidence, and to examine and cross-examine witnesses. A complete verbation record of the proceedings and of all testimony and

evidence produced at the hearing shall be kept. The determination of the immigration judge shall be based only on the evidence produced at the hearing. The immigration judge shall render a determination on the application not later than ninety days after the date of completion of the hearing.

(C)(i) The Secretary of State shall on a continuing basis make available information on human rights in all countries to the Attorney General and to immigration judges who hear applications under this section. The immigration judges shall use such information, if available without delay to the proceedings, as general guidelines in making the asylum determination.

"(ii) The Attorney General shall provide notice to the Secretary of State whenever an application for asylum is filed under this section. The Secretary of State may submit comments to the immigration judge on such application, but the immigration judge shall not delay the proceeding in order to receive such comments.

"(D) Upon the filing of a notice of appeal the decision of an immigration judge to the United States Immigration Board under section 107(b), the Attorney General and the Board shall provide that a transcript of the hearing is made available as soon as practicable.

"(E) The Attorney General shall allocate sufficient resources so as to assure that applications for asylum are heard and determined on a timely basis under this paragraph.

"(4) The Attorney General may, in his discretion, grant an alien asylum only if the immigration judge determines that the alien (A) is a refugee within the meaning of section 101(a)(42)(A), and (B) does not meet a condition described in one of the subparagraphs of section 243(h)(2).

"(5) The burden of proof shall be upon the alien applying for asylum to establish the alien's eligibility for asylum.

"(6) After making a determination on an application for asylum under this section, an immigration judge may not reopen the proceeding at the request of the applicant except upon a clear showing that, since the date of such determination, changed circumstances in the country of the alien's nationality (or, in the case of an alien having no nationality, the country of the alien's last habitual residence) have resulted in a change in the alien's eligibility for asylum.".

(2) Subsection (b) of such section is amended by inserting "(1)" after "determines that the alien" and by inserting before the period at the end the following: ", or (2) meets a condition described in one of the subparagraphs of section 243(h)(2).".

(3) Such section is further amended by adding at the end the following new subsection:

"(d) The procedures set forth in this section shall be the sole and exclusive procedure for determining asylum.".

(b) Section 243(h) (8 U.S.C. 1253(h)) is amended by adding at the end the following new paragraph:

"(3) An application for relief under this subsection shall be considered to be an application for asylum under section 208 and shall be considered in accordance with the procedures set forth in that section.".

(c) Section 222(f) (8 U.S.C. 1202(f)) is redesignated as "SEC. 222. (f)(1)."

(d) Section 222(f) (8 U.S.C. 1202(f)) is amended by adding a new subsections (f) (2) and (3) to read as follows:

"(2) The records or any document of the Department of Justice, the Department of State, or any other Government agency, or foreign government, pertaining to the issuance or denial of any application for asylum, refugee status, withholding of deportation under sections 207, 208, and 243(h) of this Act, or any other application arising under a claim of persecution on account of race, religion, political opinion, nationality, or membership in a particular social group, shall be confidential and exempt from disclosure and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States. In the discretion of the Attorney General or the Secretary of State, as the case may be, certified copies of such records may be made available to a court which certifies that the information contained in such records is needed by the court in the interests of the ends of justice in a case pending before the court.

"(3) The provisions of paragraph (2) of this section shall not be applicable to the person who is the subject of such application for asylum, refugee status, withholding of deportation, or any other application arising under a claim of persecution on account of race, religion, political opinion, nationality or membership in a particular social group: *Provided, however,* That this subsection shall not limit the authority of any agency to withhold information pursuant to the Freedom of Information Act.".

EFFECTIVE DATES AND TRANSITION

SEC. 125. (a)(1) Except as otherwise provided in this section, the amendments made by this part take effect on the date of the enactment of this Act.

(2)(A) Except as provided in subparagraph (B), the amendments made by this part (other than those made by sections 121(a), 123(a)(2), 123(a)(5), 123(a)(9), and 124(b)) shall not apply to—

(i) any exclusion or deportation proceeding (or administrative or judicial review thereof) which was initiated before the hearing transition date (designated under subsection (c)(1)(A)), or

(ii) to any application for asylum filed before the asylum transition date (designated under subsection (c)(1)(B)).

In the case of such proceedings and such applications initiated before such dates which continue after such dates, the United States Immigration Board shall provide that immigration judges may assume and perform such functions of special inquiry officers as may be appropriate and consistent with their duties as immigration judges.

(B) Paragraphs (1)(B), (3), (4), and (6) of section 208(a) and section 208(b) of the Immigration and Nationality Act (as amended by section 124(a) of this part) shall apply to applications for asylum made after the date of the enactment of this Act, except that—

(i) in the case of an alien against whom exclusion or deportation proceedings have been instituted as of the date of the enactment of this Act, the restriction of paragraph (1)(B)(i) of section 208(a) of the Immigration and Nationality Act (as so amended) shall apply to asylum applications made more than fourteen days after the date of the enactment of this Act (rather than the date of the service of the notice of such exclusion or deportation proceeding), and

(ii) references in the last sentence of paragraph (3) and in paragraph (6) of such section to an immigration judge shall be deemed (before the asylum transition date) to be a reference to a special inquiry officer conducting the asylum hearing.

(3) The amendments made by section 121(b) shall apply to deportation proceedings pending on or commenced after the date of the enactment of this Act.

(b)(1) The Attorney General shall appoint the Chairman and other members of the United States Immigration Board (hereafter in this section referred to as the "Board") not later than forty-five days after the date of the enactment of this Act.

(2) The Chairman, in consultation with the Attorney General, shall designate a date, not later than forty-five days after the Chairman and a majority of the members of the Board are appointed, on which the Board shall assume the present functions of the Board of Immigration Appeals (under existing rules and regulations).

(3)(A) The Chairman shall provide promptly for establishment of interim final rules of practice and procedure which will apply to the Board (when not acting as the Board of Immigration Appeals under paragraph (2)) and immigration judges under the Immigration and Nationality Act, after the hearing transition date or asylum transition date, designated under subsection (c)(1), as the case may be.

(B) Not later than sixty days after the date such interim final rules are established, the Attorney General shall appoint at least ten immigration judges who are qualified to be designated to hear asylum cases under section 208 of the Immigration and Nationality Act. The Board shall provide for such special training of these immigration judges as it deems appropriate.

(c)(1) In order to provide for the orderly transfer of proceedings from the existing special inquiry system to the immigration judge system, the Board, in consultation with the Attorney General, shall designate—

(A) a "hearing transition date", to be not later than forty-five days after the date interim final rules of practice and procedure are established under subsection (b)(3)(A), and

(B) an "asylum transition date", after the establishment of interim final rules of practice and procedure respecting applications for asylum and after the appointment and designation of immigration judges under subsection (b)(3)(B).

(2) During the period before the hearing transition date or the asylum transition date (in the case of asylum hearings), any proceeding or hearing under the Immigration and Nationality Act which may be conducted by a special inquiry officer may be conducted by an individual appointed and qualified as an immigration judge in accordance with all the rules and procedures otherwise applicable to a special inquiry officer's conduct of such proceeding or hearing.

(d) Individuals acting as special inquiry officers on the date of the enactment of this Act and on the hearing transition date may (without regard to other provisions of law) assume the duties of an acting immigration judge after such transition date during the period ending two years after the date of the enactment of this Act. If such individuals remain in such capacity through the end of such period and have not been appointed to the United States Immigration Board or as immigration judges, then they shall be deemed, for purposes of continuing employment in the Department of Justice, to have been employed by the Department as special inquiry officers during such period.

(e)(1) The enactment of this part shall not result in any loss of rights or powers, inter-

ruption of jurisdiction, or prejudice to matters pending in the Board of Immigration Appeals or before special inquiry officers on the day before this Act takes effects.

(2) Under rules established by the Chairman of the United States Immigration Board, with respect to exclusion and deportation cases pending as of the hearing transition date and applications for asylum pending as of the asylum transition date, the United States Immigration Board shall be deemed to be a continuation of the Board of Immigration Appeals and immigration judges shall be deemed to be a continuation of special inquiry officers for the purposes of effectuating the continuation of all existing powers, rights, and jurisdiction.

(f) The Attorney General shall provide that in the case of members of the Board of Immigration Appeals who—

(1) have served for a period of at least three years,

(2) are not appointed as members of the United States Immigration Board or as immigration judges, and

(3) continue to be employed by the Attorney General after the date of functions of the Board of Immigration Appeals are assumed by the United States Immigration Board,

there shall be no reduction in grade or compensation for one year after the date of termination of the individual's membership on the Board of Immigration Appeals.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 126. (a) The first sentence of section 234 (8 U.S.C. 1124) is amended by striking out "special inquiry officers" and inserting in lieu thereof "immigration judges".

(b)(1) Subsection (a) of section 235 (8 U.S.C. 1225) is amended—

(A) by striking out "special inquiry officers" in the first sentence and inserting in lieu thereof "immigration judges",

(B) by striking out ", including special inquiry officers," in the fourth sentence and inserting in lieu thereof "and any immigration judge",

(C) by striking out ", including special inquiry officers," in the sixth sentence,

(D) by striking out "and special inquiry officers" in the sixth sentence and inserting in lieu thereof "and immigration judges", and

(E) by striking out "special inquiry officer" each place it appears in the seventh sentence and inserting in lieu thereof "immigration judge".

(2) Subsection (b) of such section is amended by striking out "a special inquiry officer for further inquiry" in the second sentence and inserting in lieu thereof "an immigration judge for an exclusion hearing".

(3) Subsection (c) of such section is amended—

(A) by striking out "or to the special inquiry officer during the examination before either of such officers" in the first sentence and inserting in lieu thereof "during the examination or an immigration judge during an exclusion hearing",

(B) by striking out "no further inquiry by a special inquiry officer" in the first sentence and inserting in lieu thereof "no further examination or exclusion hearing",

(C) by striking out "inquiry or further inquiry" in the first sentence and inserting in lieu thereof "examination or hearing",

(D) by striking out "any inquiry or further inquiry by a special inquiry officer" in the second sentence and inserting in lieu thereof "any examination or hearing" and

(E) by striking out "an inquiry before a special inquiry officer" in the third sentence and inserting in lieu thereof "an exclusion hearing before an immigration judge".

(c)(1) Sections 106(a)(2), 236, and 242(b) (8 U.S.C. 1105a(a)(2), 1126, 1252(b)) are each amended by striking out "A" and "a" each place either appears before "special inquiry officer" and inserting in lieu thereof "An" and "an", respectively.

(d)(1) Sections 106(a)(2) and 236 (8 U.S.C. 1105a(a)(2), 1226) are each amended by striking out "special inquiry officer" and inserting in lieu thereof "immigration judge" each place it appears.

(2) Subsection (a) of section 236 (8 U.S.C. 1226) is amended—

(A) by amending the first sentence to read as follows: "An immigration judge shall conduct proceedings under this section.",

(B) by striking out "for further inquiry" in the second sentence and inserting in lieu thereof "for an exclusion hearing",

(C) by striking out "at the inquiry" in the third sentence and inserting in lieu thereof "at the hearing",

(D) by striking out the fourth sentence,

(E) by striking out "regulations as the Attorney General shall prescribe" in the fifth sentence and inserting in lieu thereof "rules as the Chairman of the United States Immigration Board shall establish",

(F) by striking out "inquiry" in the sixth sentence and inserting in lieu thereof "hearing", and

(G) by striking out "inquiry" in the seventh sentence and inserting in lieu thereof "hearing".

(3) Subsection (b) of such section is amended by striking out "Attorney General" in the first and fourth sentences and inserting in lieu thereof "United States Immigration Board" and by striking out the third sentence.

(4) Subsection (c) of such section is amended by striking out "to the Attorney General".

(e) Section 242(b) (8 U.S.C. 1252(b)) is amended—

(1) by striking out "special inquiry officer" each place it appears in the first, second, third, and seventh sentences and inserting in lieu thereof "immigration judge",

(2) by striking out "shall administer oaths" and all that follows through "Attorney General," in the first sentence,

(3) by striking out "Attorney General shall prescribe" in the second sentence and inserting in lieu thereof "Chairman of the United States Immigration Board shall establish",

(4) by striking out "In any case" and all that follows through "an additional immigration officer" in the fourth sentence and inserting in lieu thereof "An immigration officer" and by striking out "in such case such additional immigration officer" in that sentence,

(5) by striking out the fifth and sixth sentences,

(6) by striking out "such regulations" and all that follows through "shall prescribe" in the seventh sentence and inserting in lieu thereof "rules as are established by the Chairman of the United States Immigration Board",

(7) by striking out "Such regulations" in the eighth sentence and inserting in lieu thereof "Such rules", and

(8) by striking out "Attorney General shall be final" in the tenth sentence and inserting in lieu thereof "immigration judge shall be final unless reversed on appeal".

(f) The last sentence of section 273(d) (8 U.S.C. 1323(d)) is amended by striking out "special inquiry officers" and inserting in lieu thereof "immigration judges".

(g) Section 292 (8 U.S.C. 1362) is amended to read as follows:

"SEC. 292. In any proceeding or hearing before an immigration judge and in any appeal before the United States Immigration Board from any such proceeding, the person concerned shall have the privilege of being represented (at no expense to the Government and at no unreasonable delay) by such counsel, authorized to practice in such proceedings, as he shall choose.".

(h) Section 360(c) (8 U.S.C. 1503(c)) is amended—

(1) by inserting "(and appeals thereof)" in the first sentence after the word "proceedings", and

(2) by striking out the second sentence.

(i) Any reference in section 203(h) of the Immigration and Nationality Act, as in effect before March 17, 1980, to a special inquiry officer shall be deemed to be a reference also to an immigration judge under section 101(a)(43) of such Act.

PART D—ADJUSTMENT OF STATUS

LIMITATIONS ON ADJUSTMENT OF NONIMMIGRANTS TO IMMIGRANT STATUS BY VISA ABUSERS

SEC. 131. (a) Section 245(c)(2) (8 U.S.C. 1255(c)(2)) is amended by striking out "hereafter continues in or accepts unauthorized employment prior to filing an application for adjustment of status" and inserting in lieu thereof "has failed to maintain continuously a legal status since entry into the United States".

(b) The amendment made by subsection (a) shall apply to applications for adjustment of status filed before, on, or after the date of the enactment of this Act.

PART E—DEPORTATION PROCEEDINGS

BURDEN OF PROOF

SEC. 141. Section 291 (8 U.S.C. 1361) is amended in the third sentence by inserting "to identify himself correctly by name and nationality and" after "such person".

TITLE II—REFORM OF LEGAL IMMIGRATION

PART A—IMMIGRANTS

NUMERICAL LIMITATIONS

SEC. 201. (a) Subsection (a) of section 201 (8 U.S.C. 1151) is amended to read as follows:

"(a) Exclusive of special immigrants defined in section 101(a)(27), immigrants born to permanent resident aliens during a temporary visit abroad, immediate relatives specified in subsection (b) of this section, immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative, aliens who are admitted or granted asylum under section 207 or 208, aliens provided records of permanent residence under section 214(d), and aliens whose status is adjusted to permanent resident status under section 245A, aliens born in a foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence are limited to—

"(1) family reunification immigrants described in section 203(a) and immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(a), in a number not to exceed in any fiscal year the number equal to (A) three hundred and fifty thousand, minus (B) the sum of (i) the number of immediate relatives specified in subsection (b) of this section who in the previous

fiscal year were issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence, (ii) the number of immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative, (iii) the number of immigrants born to permanent resident aliens during a temporary visit abroad, and (iv) the number of aliens who in the previous fiscal year were provided records of permanent residence under section 214(d), plus (C) the difference (if any) between the maximum number of visas which may be issued under paragraph (2) during the prior fiscal year and the number of visas issued under that paragraph during that year, and not to exceed in any of the first three quarters of any fiscal year 27 per centum of the numerical limitation for all of such fiscal year, and

"(2) independent immigrants described in section 203(b) and immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(b), in a number not to exceed in any fiscal year the number of equal to (A) seventy-five thousand, minus (B) the number of special immigrants (other than those described in section 101(a)(27(A)) who in the previous fiscal year were issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permenant residence, plus (C) the difference (if any) between the maximum number of visas which may be issued under paragraph (1) during the prior fiscal year and the number of visas issued under that paragraph during that year, and not to exceed in any of the first three quarters of any fiscal year 27 per centum of the numerical limitation for all of such fiscal year.".

(b) Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) by striking out "(a) No person" and inserting in lieu thereof "(a)(1) Except as specifically provided in paragraph (2) of this subsection and in section 101(a)(27), 201(b), 203, and 214(d), no person",

(2) by striking out ", except as specifically" and all that follows up to the period at the end, and

(3) by adding at the end the following new paragraph:

"(2)(A) Except as provided in subparagraph (B), the total number of natives of any single foreign state who are issued immigrant visas or may otherwise acquire the status of an alien lawfully admitted for permanent residence under subsections (a) and (b) of section 203 or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under subsection (a) or (b) of section 203 shall not exceed in any fiscal year—

"(i) twenty thousand, in the case of any foreign state other than a foreign state contiguous to the United States, or

"(ii) forty thousand (or the number determined under subparagraph (C)), in the case of any foreign state contiguous to the United States.

"(B) If in a fiscal year the total number of immediate relatives specified in section 201(b), immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative, aliens provided records of permanent residence under section 214(d), and special immigrants defined in section 101(a)(27) (other than those described in subparagraph (A) thereof) who were issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence who are natives of a particular foreign state exceeded twenty thousand, then the numerical limitation applicable to that state in the following fiscal year under subparagraph (A) shall be reduced by the amount of such excess.

"(C) If in any fiscal year the number of aliens chargeable to a contiguous foreign state who are issued immigrant visas or otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence is less than forty thousand, then in the following fiscal year the number to be used in clause (ii) of subparagraph (A) for the other contiguous foreign state shall be forty thousand plus the amount of the difference.".

PREFERENCE AND NONPREFERENCE ALLOCATION SYSTEMS

SEC. 202. (a)(1) Section 203 (8 U.S.C. 1153) is amended—

(A) by redesignating subsections (b) through (e) as subsections (e) through (h), respectively, and

(B) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) PREFERENCE ALLOCATION FOR FAMILY REUNIFICATION IMMIGRANTS.—Aliens subject to the numerical limitation specified in section 201(a)(1) for family reunification immigrants shall be allotted visas as follows:

"(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed 15 per centum of such numerical limitation, plus any visas not required for the class specified in paragraph (4).

"(2) SPOUSES AND CHILDREN OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or who (A) as of May 27, 1982, had received approval of a petition made on their behalf for preference status by reason of the relationship described in this paragraph as in effect on such date, and (B) continue to qualify under the terms of the Act as in effect on such date shall be allocated visas in a number not to exceed 65 per centum of such numerical limitation, plus any visas not required for the class specified in paragraph (1).

"(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed 10 per centum of such numerical limitation, plus any visas not required for the classes specified in paragraphs (1) and (2).

"(4) UNMARRIED BROTHERS AND SISTERS OF CITIZENS AND PREVIOUS FIFTH PREFERENCE.—

"(A) qualified immigrants who are the unmarried brothers or sisters of citizens of the United States, if such citizens are at least twenty-one years of age, and

"(B) qualified immigrants who (i) as of the date of enactment of the Immigration Reform and Control Act of 1983 had received approval of a petition made on their behalf for preference status by reason of the relationship described in paragraph (5) of section 203(a) of this Act as in effect on the day before such date, and (ii) continue to qualify under the terms of this Act as in effect on the day before such date.

shall be allocated visas in a number not to exceed 10 per centum of such numerical limitation, plus any visas not required for the classes specified in paragraphs (1) through (3).".

"(b) PREFERENCE AND NONPREFERENCE ALLOCATION FOR INDEPENDENT IMMIGRANTS.—Aliens subject to the numerical limitation specified in section 201(a)(2) for independent immigrants shall be allocated visas as follows:

"(1) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING DOCTORAL DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—Qualified immigrants who are members of the professions holding doctoral degrees (or the equivalent degree) or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States, shall be allocated visas. The Attorney General may, when he deems it to be in the national interest, waive the requirement of the preceding sentence that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States. In determining under this paragraph whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

"(2) SKILLED WORKERS.—Qualified immigrants who are capable of performing skilled labor, not of a temporary or seasonal nature, for which qualified workers are not available in the United States, shall be allocated any visas not required for the classes specified in paragraph (1).

"(3) NONPREFERENCE ALIENS.—Visas authorized in any fiscal year under section 201(a)(2), less those required for issuance to the classes specified in paragraphs (1) and (2), shall be made available to other qualified immigrants in the chronological order in which they qualify. No immigrant visa shall be issued under this paragraph to an adopted child or prospective adopted child of a United States citizen or lawfully resident alien unless (A) a valid home study has been favorably recommended by an agency of the State of the child's proposed residence, or by an agency authorized by that State to conduct such a study, or, in the case of a child adopted abroad, by an appropriate public or private adoption agency which is licensed in the United States, and (B) the child has been irrevocably released for immigration and adoption. No natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act. No immigrant visa shall otherwise be issued under this paragraph to an unmarried child under the age of sixteen except a child who is accompanying or following to join his natural parent.

An immigrant visa shall not be issued to an immigrant under paragraph (1), (2), or (3) until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14). The provisions of sections 212(d)(11) shall apply with respect to any alien petitioning to be classified as a preference immigrant under paragraph (1).

"(c) GUIDE FOR ALLOCATION BETWEEN PREFERENCE SYSTEMS.—Where it is determined that the maximum number of visas will be

made available under section 202(a)(2) to natives of any single foreign state (defined in section 202(b) or any dependent area (defined in section 202(c)) in any fiscal year, in determining whether to provide for visas to such natives under the preference system described in subsection (a) or that described in subsection (b), visa numbers with respect to natives of that state shall be allocated (to the extent practicable and otherwise consistent with this section) in a manner so that the ratio of—

"(1) the sum of (A) the number of family reunification immigrants described in subsection (a), and (B) the number of immediate relatives specified in section 201(b), immigrants born to permanent residents during a temporary visit abroad, immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative or under section 203(a), and aliens provided records of permanent residence under section 214(d), who are natives of such state and who are issued immigrant visas or otherwise acquire the status of aliens lawfully admitted to the United States for permanent residence in that fiscal year, to

"(2) the sum of (A) the number of independent immigrants described in subsection (b), and (B) the number of special immigrants defined in section 101(a)(27) (other than those described in subparagraph (A) thereof) and immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(b), who are natives of such state and who are issued immigrant visas or otherwise acquire the status of aliens lawfully admitted to the United States for permanent residence in that fiscal year, is equal to 4.65 to 1.

"(d)(1) A spouse or child as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a) or (b), be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join, his spouse or parent.

"(2) Waiting lists of applicants for visas under this section shall be maintained in accordance with regulations prescribed by the Secretary of State.".

(2) Subsection (e) of such section, as so redesignated, is amended—

(A) by inserting "or under subsection (b)" after "subsection (a)" the first place it appears, and

(B) by striking out "subsection (a)" the second place it appears and inserting in lieu thereof "the respective subsection".

(b) Section 202 (8 U.S.C. 1152) is amended by striking out subsection (e), section 204 (8 U.S.C. 1154) is amended by striking out subsection (f), and section 245(b) (8 U.S.C. 1255(b)) is amended by striking out "202(e) or".

(c)(1)(A) Subsection (f) of section 203 (8 U.S.C. 1153), as redesignated by subsection (a)(1), is amended by striking out "paragraphs (1) through (6) of subsection (a)" and inserting in lieu thereof "subsection (a) or pursuant to paragraphs (1) through (3) of subsection (b)".

(B) Subsection (g) of such section, as so redesignated, is amended by striking out "paragraphs (1) through (6) of subsection (a)" and inserting in lieu thereof "subsection (a) or paragraphs (1) through (3) of subsection (b)" each place it appears.

(2)(A) Subsection (a) of section 204 (8 U.S.C. 1154) is amended—

(i) by striking out "paragraph (1), (4), or (5) of section 203(a)" and inserting in lieu thereof "paragraph (1), or (3) or (4) of section 203(a)",

(ii) by striking out "section 203(a)(3)" and inserting in lieu thereof "paragraph (1) of section 203(b)", and

(iii) by striking out "203(a)(6)" and inserting in lieu thereof "203(b)(2) or 203(b)(3)".

(B) Subsection (b) of such section is amended by striking out "section 203(a) (3) or (6)" and inserting in lieu thereof "paragraph (1), (2) or (3) of section 203(b)".

(d) Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended—

(1) by inserting "(A)" after "(9)", and

(2) by striking out the semicolon at the end thereof and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following new subparagraph:

"(B) was admitted as an independent immigrant end of the one-year period following the date of entry failed to invest substantial capital in an enterprise in the United States as required in such paragraph or, having made such investment, has failed without good cause to maintain such an investment for a period of at least one year after the date of such entry or after the date such substantial investment was made, which ever date was later;".

LABOR CERTIFICATION

SEC. 203. (a) Paragraph (14) of section 212(a) (8 U.S.C. 1182(a)) is amended by striking out "(A)" and all that follows through the end and inserting in lieu thereof the following: "(A) there are not sufficient qualified worker (or equally qualified workers in the case of aliens (i) who are members of the teaching profession or who have exceptional ability in the sciences or arts) available in the United States in the occupations in which the aliens will be employed; (B) sufficient workers in the United States could not within a reasonable period of time be trained for such occupations by (or through funds provided by) potential employers; and (C) the employment of aliens in such occupations will not adversely affect the wages and working conditions of workers in the United States who are similarly employed. In making such determinations the Secretary of Labor may use labor market information without reference to the specific job opportunity for which certification is requested. An alien on behalf of whom a certification is sought must have an offer of employment from an employer in the United States. The exclusion of aliens under this paragraph shall only apply to preference immigrants described in section 203(b) (1) and (2) and to nonpreference immigrants described in section 203(b)(3). Decisions of the Secretary of Labor made pursuant to this paragraph, including the issuance and content of regulations and the use of labor market information under this paragraph, shall be reviewable by an appropriate district court of the United States, but the court shall not set aside such a decision unless there is compelling evidence that the Secretary made such decision in an arbitrary and capricious manner;".

(b) Section 212(d) (8 U.S.C. 1181(d)) is amended by adding at the end the following new paragraph:

"(11) The requirement in paragraph (14) of subsection (a) relating to an offer of employment from an employer in the United States may be waived with respect to any alien seeking to enter the United States as an immigrant under section 203(b)(1), if the Attorney General deems it to be in the national interest.".

G-4 SPECIAL IMMIGRANTS

SEC. 204. (a) Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking out "or" at the end of subparagraph (G), by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; or", and by adding at the end of the following new subparagraph:

"(I)(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15(N), has resided and been physically present in the United States within seven years of the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and twenty-one years, and (II) applies for admission under this subparagraph no later than his twenty-fifth birthday or six months after the date this subparagraph is enacted, whichever is later;

"(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States within seven years of the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least fifteen years prior to the death of such officer or employee, and (II) applies for admission under this subparagraph no later than six months after the date of such death or six months after the date this subparagraph is enacted, whichever is later;

"(iii) an immigrant who is a retired officer or employee of such an international organization, and (1) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States within seven years of the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least fifteen years prior to the officer or employee's retirement from any such international organization, and (II) applies for admission under this subparagraph (i) on or before December 31, 1992 and (ii) no later than six months after the date of such retirement or six months after the date this subparagraph is enacted, whichever is later; or

"(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family.".

(b) Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended by striking out "or" at the end of subparagraph (L), by striking out the period at the end of subparagraph (M) and inserting in lieu thereof "; or ", and by adding at the end the following new paragraph:

"(N)(i) the parent of an alien accorded the status of special immigrant under paragraph (27)(I)(i), but only if and while the alien is a child, or

"(ii) a child of such parent or of an alien accorded the status of a special immigrant under paragraph (27)(I) (ii), (iii), or (iv).".

EFFECTIVE DATES AND TRANSITION

SEC. 205. (a) The amendments made by sections 201, 202, and 203 shall apply to the admission of aliens to the United States on and after October 1, 1984. The amendments made by section 204 shall take effect on the date of the enactment of this Act.

(b)(1) In the case of a petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1984, such petition shall be deemed, as of such date, to be a petition for the new corresponding preference or nonpreference status (as defined in paragraph (2)), and the priority date for such petition shall remain in effect.

(2) For purposes of paragraph (1), the term "new corresponding preference or nonpreference status" means, in the case of a petition for a—

(A) preference status described in section 203(a)(1) of the Immigration and Nationality Act (as in effect on September 30, 1984), the preference status described in such section as in effect after such date;

(B) preference status described in section 203(a)(2) of such Act (as in effect on September 30, 1984), the preference status described in such section as in effect after such date;

(C) preference status described in section 203(a)(3) of such Act (as in effect on September 30, 1984), the preference status described in both paragraphs (1) and (2) of section 203(b) of such Act as in effect after such date;

(D) preference status described in section 203(a)(4) of such Act (as in effect on September 30, 1984), the preference status described in section 203(a)(3) of such Act as in effect after such date;

(E) preference status described in section 203(a)(5) of such Act (as in effect on September 30, 1984), the preference status described in section 203(a)(4) of such Act as in effect after such date;

(F) preference status described in section 203(a)(6) of such Act (as in effect on September 30, 1984), the preference status described in section 203(b)(2) in the case of skilled labor, or the nonpreference status described in section 203(b)(3), in the case of unskilled labor, of such Act as in effect after such date; and

(G) nonpreference status described in section 203(a)(7) of such Act (as in effect on September 30, 1984), the preference statuses described in paragraph (3) of section 203(b) of such Act (as in effect after such date) in the case of investors or the nonpreference described in section 203(b)(3) of such Act (as in effect after such date) in the case of noninvestors.

(c) When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1984, makes application for admission, his admissibility under paragraphs (20) and (21) of section 212(a) shall be determined under the provisions of law in effect on the date of the issuance of such visa.

PART B—NONIMMIGRANTS

H-2 WORKERS

SEC. 211. (a) Paragraph (15)(H) of section 101(a) (8 U.S.C. 1101(a)) is amended by striking out "to perform temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country" in clause (ii) and inserting in lieu thereof "(a) to perform agricultural labor or services, as defined by the Secretary of Labor in regulations, of a temporary or seasonal nature, or (b) to perform other temporary or labor".

(b) Section 214 (8 U.S.C. 1184) is amended—

(1) by adding at the end of subsection (a) the following new sentences: "An alien may not be admitted to the United States as a nonimmigrant under section 101(a)(15)(H)(ii)(a) for an aggregate period of more than eight months in any calendar year, except in the case of agricultural labor or services which the Secretary of Labor, before the date of the enactment of the Immigration Reform and Control Act of 1983, has recognized require a longer period, which may exceed one year. An alien who was admitted to the United States as a nonimmigrant under section 101(a)(15)(H)(ii) during the preceding five-year period may not be admitted under that provision if the alien violated the terms of any such previous admission. The Attorney General shall provide for such procedures for the entry and exit of nonimmigrants described in section 101(a)(15)(H)(ii) as may be necessary to carry out this section.",

(2) by inserting "(1)" after "(c)" in subsection (c),

(3) by adding at the end of subsection (c) the following new paragraphs:

"(2)(A) A petition to import an alien as a nonimmigrant under section 101(a)(15)(H)(ii) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that—

"(i) there are not sufficient workers who are able, willing, qualified, and who will be available at the time and at the place needed to perform the labor or services involved in the petition, and

"(ii) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States who are similarly employed.

The Secretary of Labor may require by regulation, as a condition of issuing the certification, the payment of a fee to recover the reasonable costs of processing applications for certification.

"(B) The Secretary of Labor may not issue a certification under subparagraphs (A) if—

"(i) there is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification; or

"(ii) the employer, during the previous two years, employed nonimmigrant aliens admitted to the United States under section 101(a)(15)(H)(ii) and the Secretary of Labor has determined, after notice and opportunity for a hearing, that the employer during that period substantially violated an essential term or condition of the labor certification with respect to the employment of domestic or nonimmigrant workers or has not paid a penalty (or penalties) for such violations which may be assessed by the Secretary of Labor, except that no employer may be denied certification for more than one year for any such violation.

"(3)(A) In the case of an application for a labor certification under section 101(a)(15)(H)(ii)(a)—

"(i) the Secretary of Labor may not require that such an application for labor certification be filed more than eighty days before the first date the employer requires the labor or services of the alien;

"(ii) such application shall be considered to have met the requirements of paragraph (2) unless the Secretary of Labor, within seven days of the filing of such application, notifies the employer filing such application whether such application meets such requirements and, if not, states the reasons therefor and provides an opportunity of the prompt resubmission of a modified application;

"(iii) the Secretary of Labor shall make, not less than twenty days before the date such labor or services are first required to be performed, the certification described in paragraphs (2)(A) (i) and (ii) if an employer has complied with the criteria for certification, including the recruitment of eligible individuals as prescribed by the Secretary, and the employer does not actually have, or has not been provided with referrals of, qualified eligible individuals who have agreed to perform such labor or services on the terms and conditions of a job offer which meets the requirements of the Secretary and who are otherwise available, except that the terms of such labor certification shall remain effective only if the employer continues to accept for employment, until the date the aliens depart for work with the employer, qualified eligible individuals who apply to the employer or are referred to the employer; and

"(iv) the petition, or the application for a certification, may be filed by an association representing agricultural producers who use agricultural labor or services. The filing of such a petition or application on a member's behalf does not relieve the member of any liability for representations made in such petition or application unless the association is the sole employer of all alien agricultural labor or services, in which case only the association shall be liable for representations made in such petition or application.

"(B) The Secretary of Labor shall provide for an expedited procedure for the review of a denial of certification under paragraph (2) in the case of a nonimmigrant described in section 101(a)(15)(H)(ii)(a), or at the applicant's request, a de novo administrative hearing.

"(C) The Secretary of Labor shall expeditiously make a new determination on the request for certification in the case of a nonimmigrant described in section 101(a)(15)(H)(ii)(a) if qualified eligible individuals are not actually available at the time such labor or services are required and a certification was denied in whole or in part because of the availability of qualified eligible individuals. If the employer asserts that any eligible individuals who have been referred are not qualified, the burden of proof is on the employer to establish that the individuals referred are not qualified because of employment-related reasons.

"(D) For purposes of this paragraph, the term 'eligible individual' means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A(a)(4)) with respect to that employment.

"(4) The Secretary of Labor, in consultation with the Attorney General and the Secretary of Agriculture, shall annually report to the Congress on the certifications provided under this subsection, the impact of aliens admitted pursuant to such certifications on labor conditions in the United States, and on compliance of employers and nonimmigrants with the terms and conditions of such nonimmigrants' admission to the United States.

"(5) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1984, $10,000,000 for the purposes (A) of recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants described in section 101(a)(15)(H)(ii), and (B) of monitoring terms and conditions under which such nonimmigrants (and do-

mestic workers employed by the same employers) are employed in the United States. The Secretary of Labor is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this subsection.", and

(4) by adding at the end the following new subsection:

"(e) The provisions of subsections (a) and (c) of this section preempt any State or local law regulating admissibility of nonimmigrant workers.".

(c) The amendments made by this section apply to petitions and applications filed under section 214(c) of the Immigration and Nationality Act on or after the first day of the sixth month beginning after the date of the enactment of this Act.

(d) The Attorney General in consultation with the Secretary of Labor and, in connection with agricultural labor or services, the Secretary of Agriculture, shall approve all regulations to be issued implementing the amendments made by this section. Notwithstanding any other provisions of law, final regulations implementing the amendments made by this section shall be issued, on an interim or other basis, not later than the first day of the sixth month beginning after the date of the enactment of this Act.

STUDENTS

SEC. 212. (a) Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by inserting "(1)" after "No person",

(2) by inserting after "training," the following: "or (2) admitted under section 101(a)(15) (F) or (M) or acquiring such status after admission,", and

(3) by striking out "clause (iii)" in the second proviso and inserting in lieu thereof "clause (1)(iii) or clause (2)", and

(4) by striking out the period and inserting in lieu thereof the following: ": *And provided further,* That the Attorney General may, if he determines it to be in the public interest, waive such two-year foreign residence requirement—

"(A) in the case of an alien admitted on or before September 30, 1989, under section 101(a)(15)(F), (i) who is applying for a visa as an immigrant described in section 202(b)(1) and who has obtained his degree from a college or university in the United States, and who has been offered a position as a faculty member or academic researcher in the field in which he obtained his degree by a United States college or university, or (ii) who has obtained a degree in a natural science, mathematics, computer science, or an engineering field from a college or university in the United States, who is applying for a visa as an immigrant described in section 202(b) (1) or (2), and who has been offered a research, business, or technical position by a United States employer in the field in which he obtained such degree, or (iii) who has obtained an advanced degree in business or economics from a college or university in the United States, who has exceptional ability in business or economics, who is applying for a visa as an immigrant described in section 202(b) (1) or (2), and who has been offered a research, business or technical position by a United States employer which is in the field in which he obtained such degree and which requires such exceptional ability, or

"(B) in the case of an alien admitted under section 101(a)(15)(F) who has obtained a degree in a natural science, computer science, or in a field of engineering or business, who is applying for a visa as a nonimmigrant described in section 101(a)(15)(H)(iii), and who will receive no more than four years of training by a United States firm, corporation, or other legal entity, which training will enable such alien to return to the country of his nationality or last residence and be employed there as a manager by the same firm, corporation, or other legal entity, or a branch, subsidiary, or affiliate thereof.

Thirty days after the end of each fiscal year, the Attorney General shall prepare and transmit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report setting forth the number of aliens who applied for, and the number of aliens who were granted, waivers of the two-year foreign residence requirement pursuant to subclause (A) of the preceding proviso during the preceding fiscal year. The Attorney General and the Secretary of State jointly shall conduct a study on the impact of the waivers made pursuant to subclause (A) of the preceding proviso on the professional or technical labor requirements of foreign countries and jointly shall prepare and transmit not later than the close of the fiscal year 1986 to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report setting forth the findings of such study.".

(b) Section 245(c) (8 U.S.C. 1255(c)) is amended by striking out "or" before "(3)" and by inserting before the period at the end the following: ", or (4) an alien (other than an immediate relative specified in section 201(b) or an alien who has received a waiver of the two-year foreign residence requirement of section 212(e) who entered the United States classified as a nonimmigrant under subparagraph (F) or (M) of section 101(a)(15) or who was admitted as a nonimmigrant visitor without a visa under section 212(l).".

(c)(1) The amendments made by subsection (a) apply to aliens admitted to the United States after the date of the enactment of this Act.

(2) The amendments made by subsection (b) apply to aliens without regard to the date the aliens enter the United States, except that such amendments shall not apply to aliens who as of the date of the enactment of this Act meet the qualifications for a waiver of the two-year foreign residence requirement under paragraph (A) of section 212(e) of the Immigration and Nationality Act (as amended by section (a) of this section).

VISA WAIVER FOR CERTAIN VISITORS

SEC. 213. (a) Section 212 (8 U.S.C. 1182) is amended by adding at the end thereof the following new subsection:

"(l)(1) The Attorney General and the Secretary of State are authorized to establish a pilot program (hereafter in this subsection referred to as the 'program') under which the requirement of paragraph (26)(B) of subsection (a) may be waived by the Attorney General and the Secretary of State, acting jointly and in accordance with this subsection, in the case of an alien who—

"(A) is applying for admission during the pilot program period (as defined in paragraph (5)) as a nonimmigrant visitor (described in section 101(a)(15)(B)) for a period not exceeding ninety days;

"(B) is a national of a country which—

"(i) extends (or agrees to extend) reciprocal privileges to citizens and nationals of the United States, and

"(ii) is designated as a pilot country under paragraph (3);

"(C) before such admission completes such immigration form as the Attorney General shall establish under paragraph (2)(C) and executes a waiver of review and appeal described in paragraph (2)(D);

"(D) has a round-trip, nonrefundable, nontransferable, open-dated transportation ticket which—

"(i) is issued by a carrier which has entered into an agreement described in paragraph (4), and

"(ii) guarantees transport of the alien out of the United States at the end of the alien's visit; and

"(E) has been determined not to represent a threat to the welfare, health, safety, or security of the United States;

except that no such alien may be admitted without a visa pursuant to this subsection if the alien failed to comply with the conditions of any previous admission as a nonimmigrant.

"(2)(A) The program may not be put into operation until the end of the thirty-day period beginning on the date that the Attorney General submits to the Congress a certification that the screening and monitoring system described in subparagraph (B) is operational and that the form described in subparagraph (C) has been produced.

"(B) The Attorney General in cooperation with the Secretary of State shall develop and establish an automated data arrival and departure control system to screen and monitor the arrival into and departure from the United States of nonimmigrant visitors receiving a visa waiver under the program.

"(C) The Attorney General shall develop a form for use under the program. Such form shall be consistent and compatible with the control system developed under subparagraph (B). Such form shall provide for, among other items—

"(i) a summary description of the conditions for excluding nonimmigrant visitors from the United States under subsection (a) and this subsection.

"(ii) a description of the conditions of entry with a waiver under this subsection, including the limitation of such entry to ninety days and the consequences of failure to abide by such conditions, and

"(iii) questions for the alien to answer concerning any previous denial of the alien's application for a visa.

"(D) An alien may not be provided a waiver under this subsection unless the alien has waived any right (i) to review or appeal under the Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States or (ii) to contest, other than on the basis of an applicant for asylum, any action for deportation against the alien.

"(3)(A) The Attorney General and the Secretary of State acting jointly may designate up to eight countries as pilot countries for purposes of this subsection.

"(B) For the period beginning after the thirty-day period described in paragraph (2)(A) and ending on the last day of the first fiscal year which begins after such thirty-day period, a country may not be designated as a pilot country unless—

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 percentum of

the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and

"(ii) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percentum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) For each fiscal year (within the pilot program period) after the period specified in subparagraph (B)—

"(i) in the case of a country which was a pilot country in the previous fiscal year, a country may not be designated as a pilot country unless the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew, their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2.0 per centum of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year, or

"(ii) in the case of another country, the country may not be designated as a pilot country unless—

"(I) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and

"(II) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(4) The agreement referred to in paragraph (1)(D)(i) is an agreement between a carrier and the Attorney General under which the carrier agrees, in consideration of the waiver of the visa requirement with respect to a nonimmigrant visitor under this subsection—

"(A) to indemnify the United States against any costs for the transportation of the alien from the United States if the visitor is refused admission to the United States or remains in the United States unlawfully after the ninety-day period described in paragraph (1)(A)(i), and

"(B) to submit daily to immigration officers any immigration forms received with respect to nonimmigrant visitors provided a waiver under this subsection.

The Attorney General may terminate such an agreement with five days' notice to the carrier for the carrier's failure to meet the terms of such agreement.

"(5) For purposes of this subsection, the term 'pilot program period' means the period beginning at the end of the thirty-day period referred to in paragraph (2)(A) and ending on the last day of the third fiscal year which begins after such thirty-day period.".

(b) Section 214(a) (8 U.S.C. 1184(a)) is amended by adding at the end the following new sentence: "No alien admitted to the United States without a visa pursuant to section 212(l) may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding 90 days from the date of admission.".

(c) Section 248 (8 U.S.C. 1258) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and" and by adding at the end thereof the following new paragraph:

"(4) an alien admitted as a nonimmigrant visitor without a visa under section 212(l).".

AGRICULTURAL LABOR TRANSITION PROGRAM

SEC. 214. (a) The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall promulgate rules and regulations for the implementation of an agricultural labor transition program. The program shall be effective on the first day of the sixth month beginning after the date of enactment of this Act and shall last three years from the effective date.

(b) During the first year of the transition program, an agricultural employer, except as provided in (c), (d), and (e) below, may, as provided by regulation, employ up to 100 per centum of his seasonal agricultural worker need with transitional workers. During the second and third years of the program the employer may employ up to 67 per centum and 33 per centum respectively, of his seasonal agricultural worker needs with transitional workers.

(c) Nothing in this section shall permit transitional workers to replace available United States workers or legal foreign workers admitted under the Immigration and Nationality Act.

(d) All workers employed under the provisions of this section shall be fully protected by all Federal and State laws and regulations governing the employment of United States migrant and seasonal agricultural workers.

(e)(1) An undocumented alien in the United States shall be eligible to be a transitional worker under the provisions of this section if the person is employed or has been employed as a seasonal agricultural worker in the United States for at least 90 days during a period of time after January 1, 1980.

(2) An undocumented worker shall not be eligible to be a transitional worker and may not be registered under this section if the person is deportable for any reason other than those described in section 241(a) (2) and (9), or on the basis, under section 241(a)(1), of being excludable at the time of entry under paragraph (19), (20), or (26) of section 212(a). Only persons employed as transitional workers and registered as such by the Attorney General during the first year of the program shall be eligible during the second and third years.

(f) To employ transitional workers under the provisions of this section, an agricultural employer must—

(1) notify the Attorney General of said employer's intention to participate in the transition program within twelve months from the effective date of this Act section, and

(2) provide to the satisfaction of the Attorney General a numerical count of the numbers of seasonal agricultural workers employed during the immediately preceding twelve month period by said employer.

(g) After an employer begins participation in the agricultural labor transition program the employer shall provide, upon request, to the Attorney General a numerical count of the number of transitional workers employed and the total number of seasonal agricultural workers employed by said employer.

(h) Any eligible employer under the transition program who employs nonimmigrant alien agricultural workers under the provisions of section 101(a)(15)(H)(ii)(a) shall provide wages and working conditions as required by section 214(c)(2)(A)(ii) to all similarly employed workers of that employer.

(i) Agreement by an alien to be a transitional worker would not preclude that alien from eligibility under the legislation provisions of title III.

(j) The Attorney General may require by regulation, as a condition of participation by an employer in the transition program, the payment of a fee to recover the reasonable costs of processing registrations under the transition program.

TITLE III—LEGALIZATION

LEGALIZATION

SEC. 301. (a) Chapter 5 of title II is amended by inserting after section 245 (8 U.S.C. 1255) the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN ENTRANTS BEFORE JANUARY 1, 1980, TO THAT OF PERSON ADMITTED FOR TEMPORARY OR PERMANENT RESIDENCE

"SEC. 245A. (a) The Attorney General may, in his discretion and under such regulations as he shall prescribe, adjust the status of an alien to that of an alien lawfully admitted for permanent residence if—

"(1) the alien applies for such adjustment during the twelve-month period beginning on a date 90 days after the date of enactment of this section, or, in the case of an alien who is the subject of an order to show cause issued under section 242, not later than 30 days after the date of issuance of such order,

"(2)(A) the alien (other than an alien who entered as a nonimmigrant) establishes that he entered the United States prior to January 1, 1977, and has resided continuously in the United States in an unlawful status from January 1, 1977, through the date of enactment of the Immigration Reform and Control Act of 1983, or

"(B) the alien entered the United States as a nonimmigrant before January 1, 1977, the alien's period of authorized stay as a nonimmigrant expired before January 1, 1977, through the passage of time or the alien's unlawful status was known to the Government as of January 1, 1977, and the alien has resided continuously in the United States in an unlawful status from January 1, 1977, through the date of enactment of the Immigration Reform and Control Act of 1983, and

"(C) if the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof.

"(3) the alien was physically present in the United States since the date of enactment of the Immigration Reform and Control Act of 1983; and

"(4) the alien—

"(A) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(2),

"(B) has not been convicted of any felony or of three or more misdemeanors committed in the United States, and

"(C) has not assisted in the persecution of any person or persons on account of race,

religion, nationality, membership in a particular social group, or political opinion.

"(b)(1) The Attorney General may, in his discretion and under such regulations as he shall prescribe, adjust the status of an alien to that of an alien lawfully admitted for temporary residence if—

"(A) the alien applies for such adjustment during the twelve-month period beginning on a date 90 days after the date of enactment of this section, or, in the case of an alien who is the subject of an order to show cause issued under section 242, not later than 30 days after the date of issuance of such order;

"(B)(i)(I) the alien (other than an alien who entered as a nonimmigrant) establishes that he entered the United States prior to January 1, 1980, and has resided continuously in the United States in an unlawful status from January 1, 1980, through the date of enactment of the Immigration Reform and Control Act of 1983; or

"(II) the alien entered the United States as a nonimmigrant before January 1, 1980, the alien's period of authorized stay as a nonimmigrant expired before January 1, 1980, through the passage of time or the alien's unlawful status was known to the Government as of January 1, 1980, and the alien has resided continuously in the United States in an unlawful status from January 1, 1980, through the date of enactment of the Immigration Reform and Control Act of 1983; and

"(III) if the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof; or

"(ii) the alien is—

"(I) a national of Cuba who arrived in the United States and presented himself for inspection after April 20, 1980, and before January 1, 1981, and who is still physically present in the United States;

"(II) a national of Haiti who on December 31, 1980, was the subject of exclusion or deportation proceedings under section 236 or section 242 of the Immigration and Nationality Act, including a national of Haiti who on that date was under an order of exclusion and deportation or under an order of deportation which had not yet been executed;

"(III) a national of Haiti who was paroled into the United States under section 212(d)(5) of such Act or was granted voluntary departure before December 31, 1980, and was physically present in the United States on tht date; or

"(IV) a national of Cuba or Haiti who on December 31, 1980, had an application for asylum pending with the Immigration and Naturalization Service;

"(C) the alien was physically present in the United States since the date of enactment of the Immigration Reform and Control Act of 1983; and

"(D) the alien—

"(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(2),

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States, and

"(iii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(2) During the period an alien is in the lawful temporary resident status granted under paragraph(1)—

"(A) the Attorney General shall permit the alien to return to the United States after such brief and casual trips abroad, in accordance with subsection (d)(3), as reflect an intention on the part of the alien to adjust to lawful permanent resident status under paragraph (3), and

"(B) the Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an 'employment authorized' endorsement or other appropriate work permit.

"(3) The Attorney General, in his discretion and under such regulations as he may prescribe, may adjust the status of any alien provided lawful temporary resident status under paragraph (1) to that of an alien lawfully admitted for permanent residence if the alien—

"(A) applies for such adjustment during the six-month period beginning with the first day of the thirty-seventh month that begins after the date the alien was granted such temporary resident status;

"(B) establishes that he has continuously resided in the United States since the date the alien was granted such temporary resident status;

"(C)(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(2), and

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States; and

"(D) can demonstrate that he either (i) meets the requirement of paragraph (1) of section 312 (relating to minimal understanding of ordinary English), or (ii) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English.

"(4) The Attorney General shall provide for termination of temporary resident status granted an alien under this subsection—

"(A) if the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as otherwise provided under subsection (c)(2), or (ii) is convicted of any felony or three or more misdemeanors committed in the United States, or

"(B) at the end of the forty-second month beginning after the date the alien is granted such status, unless the alien has filed an application for adjustment of such status pursuant to paragraph (3) and such application has not been denied.

"(c)(1) The Attorney General shall provide that applications for adjustment of status under subsection (a) and subsection (b)(1) may be filed with the Attorney General or with any qualified organization or State or local government which the Attorney General may designate if such organization or government agrees to transmit any such application to him. No qualified organization or such government may make a determination required by this section to be made by the Attorney General.

"(2) The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not be applicable in the determination of an alien's admissibility under subsections (a)(3)(A), (b)(1)(C)(i), (b)(3)(C)(i), and (b)(4)(A)(i), and the Attorney General, in making such determination with respect to a particular alien, may waive any other provision of such section other than paragraph (9), (10), (23) (except for so much of such paragraph as relates to a single offense of simple possession of thirty grams or less of marihuana), (27), (28), (29), or (33), for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(3) During the six-month period beginning on the date of the enactment of this section, the Attorney General, in cooperation with qualified organizations and governments designated under paragraph (1) and the Secretary of Labor, shall broadly disseminate information respecting the benefits which aliens may receive under this section and the requirements to obtain such benefits.

"(4) Notwithstanding the Federal Property and Administrative Services Act of 1949 (63 U.S.C. 377), as amended, the Attorney General is hereby authorized to expend from the appropriation provided for the administration and enforcement of the Act, such amounts as may be necessary for the leasing or acquisition of real property in the fulfilment of this section. This authority shall end two years from enactment.

"(5) The Attorney General shall prescribe a fee of $100 or more to be paid by each alien who files an application for adjustment of status under subsection (a) or subsection (b)(1). The Attorney General shall deposit payments received under the preceding sentence in a separate account and amounts in such account shall be available, without fiscal year limitation, only to cover administrative expenses incurred in connection with the review of applications filed under this section.

"(d)(1) For purposes of subsection (a), an alien shall be considered to have resided continuously in the United States, if, during the period between January 1, 1977, and the date of enactment of the Immigration Reform and Control Act of 1983, such alien—

"(A) had not been outside the United States for any one period of time in excess of 30 days;

"(B) had not been outside the United States for an aggregate period of time in excess of 180 days; and

"(C) meets the requirements of paragraph (4).

"(2) For purposes of subsection (b)(1), an alien shall be considered to have resided continuously in the United States, if, during the period between January 1, 1980 (or in the case of an alien described by subparagraph (B)(ii) of such subsection, January 1, 1981), and the date of enactment of the Immigration Reform and Control Act of 1983, such alien—

"(A) had not been outside the United States for any one period of time in excess of 30 days;

"(B) had not been outside the United States for an aggregate period of time—

"(i) in the case of an alien described by subsection (b)(1)(B)(i), in excess of 90 days; or

"(ii) in the case of an alien described by subsection (b)(1)(B)(ii), in excess of 60 days; and

"(C) meets the requirements of paragraph (4).

"(3) For purposes of subsection (b)(3), an alien shall be considered to have resided continuously in the United States, if, during the period between the date of adjustment to temporary resident status and the date of filing an application under paragraph (3) of such subsection, such alien—

"(A) had not been outside the United States for any one period of time in excess of 30 days;

"(B) had not been outside the United States for any aggregate period of time in excess of 90 days; and

"(C) meets the requirements of paragraph (4).

"(4)(A) For purposes of subsection (a), (b)(1), or (b)(3), an alien shall not be considered to have resided continuously in the United States, if, during the period of time referred to in paragraph (1), (2), or (3) of this subsection, whichever is applicable, such alien was outside the United States as a result of a departure under an order of deportation.

"(B) Any period of time during which an alien is outside the United States pursuant to the advance parole procedures of the Service shall not be considered as part of the period of time during which an alien is outside the United States for purposes of this subsection.

"(5)(A) Each individual who applies for adjustment of status under subsection (a), (b)(1), or (b)(3) shall submit with his application such documents as are necessary to establish that such alien has employment in the United States, together with independent corroboration of the information contained in such documents, except that if the Attorney General determines that such proof of employment is inapplicable, the Attorney General may accept other documents which support the individual's application for adjustment of status, together with independent corroboration of the information contained in such documents.

"(B) Any document of Federal, State, or local government submitted pursuant to subparagraph (A) shall be in the form of a certified copy. A duly attested declaration under penalty of perjury by such individual's employer, who is a United States citizen, of continuous residency by an individual applying for adjustment of status under this section shall constitute only a rebuttable presumption of physical presence for purposes of this section.

"(e)(1) During the period an alien is in lawful temporary resident status granted under subsection (b)(1) and during the three-year period beginning on the date an alien is granted lawful permanent resident status under subsection (a) or (b)(3), and notwithstanding any other provision of law—

"(A) except as provided in paragraph (2), the alien is not eligible for—

"(i) any program of financial assistance funished under Federal law (whether through grant, loan, guarantee, or otherwise on the basis of financial need, as such programs are idenified by the Attorney General in consulation with other appropriate heads of the various departments and agences of Government,

"(ii) medical assistance under a State plan approved under title XIX of the Social Security Act, and

"(iii) assistance under the Food Stamp Act of 1977, and

"(B) a State or political subdivision therein may provide that the alien is not eligible for the programs of financial or medical assistance furnished under the law of that State or political subdivision.

"(2)(A) Paragraph (1) shall not apply to an alien described in subsection (b)(1)(B)(ii) (relating to certain Cuban and Haitian entrants).

"(B) For the purpose of section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-122), assistance shall be continued under such section with respect to an alien without regard to the alien's adjustment of status under this section.

"(f) The Attorney General, after consultation with the Committees on the Judiciary of the House of Representatives and the Senate and with qualified organizations and governments designated pursuant to subsection (c)(1), shall prescribe regulations as may be necessary to carry out the provisions of this section. Such regulations may be prescribed to take effect on an interim basis if the Attorney General determines that this is necessary in order to implement this section in a timely manner.

"(g)(1) No decision or determination made by the Attorney General under this section may be reviewed by any court of the United States or of any State.

"(2) No alien denied adjustment of status under this section may raise a claim to such adjustment in any proceeding of the United States or any State involving the status of such alien, including any proceeding of deportation or exclusion under this Act.

"(3) No denial of adjustment of status under subsection (a) or subsection (b) based on a late filing of an application for such adjustment may be reviewed by a court of the United States or of any State or reviewed in any administrative proceeding of the United States Government.

"(h) Notwithstanding any other provision of law, the retired or retainer pay of a member or former member of the Armed Forces of the United States or the annuity of a retired employee of the Federal Government shall not be reduced while such individual is temporarily employed by the Service for a period of not to exceed fifteen months to perform duties in connection with the adjustment of status of aliens under this section.

"(i) The Attorney General in his sole discretion may waive the requirements of subsection (d)(1)(A) or (d)(2)(A) in cases which would result in exceptional and extreme hardship to the alien or to his spouse, parent, or child. The decision to grant or deny such a waiver shall not be reviewable in any court or administrative proceeding in the United States.".

(b) The table of contents for chapter 5 of title II is amended by inserting after the item relating to section 245 the following new item:

"Sec. 245A. Adjustment of status of certain entrants before January 1, 1980, to that of person admitted for temporary or permanent residence.".

(c)(1) Public Law 89-732 (approved November 2, 1966) is repealed.

(2) The repeal made by paragraph (1) shall not apply to a native or citizen of Cuba who has been inspected and admitted or paroled into the United States before April 21, 1980.

STATE LEGALIZATION IMPACT-ASSISTANCE BLOCK GRANTS

SEC. 302. (a) There are authorized to be appropriated for grants (and related Federal administrative costs) to carry out this section such sums as may be necessary for fiscal year 1984 and for each of the five succeeding fiscal years.

(b)(1) From the sums appropriated under subsection (a) for a fiscal year (less the amount reserved for Federal administrative costs), the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall allot to each State (as defined in subsection (i)(1)) meeting the requirements of subsection (d) an amount determined in accordance with a formula, established by the Secretary, which takes into account—

(A)(i) the number of eligible legalized aliens (as defined in subsection (i)(2)) residing in the State in that fiscal year,

(ii) the ratio of the number of eligible legalized aliens in the State to the total number of residents of that State and to the total number of such aliens in all the States in that fiscal year, and

(iii) the amount of expenditures the State is likely to incur in that fiscal year in providing assistance for eligible legalized aliens under programs of public assistance (as defined in subsection (i)(3)), and

(B) such other factors as the Secretary deems appropriate to provide for an equitable distribution of such sums.

(2) In determining the number of eligible legalized aliens for purposes of subclauses (i) and (ii) of paragraph (1)(A), the Secretary may estimate such number on the basis of such data as he may deem appropriate.

(3) For each fiscal year the Secretary shall make payments, as provided by section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), to each State from its allotment under paragraph (1). Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which is was made.

(c) A State may use amounts paid to it under subsection (b)(2) for the purpose of providing assistance with respect to eligible legalized aliens under programs of public assistance, but only to the extent such assistance is otherwise available under such programs to citizens residing in the State.

(d) In order to receive an allotment for a fiscal year under subsection (b), a State must prepare and transmit to the Secretary—

(1) a report describing the intended use of payments the State is to receive under this section for the fiscal year, including (A) a description of those programs of public assistance and localities of the State identified by the State as needing assistance from grants under this section, and (B) criteria for and administrative methods of disbursing funds received under this section, and

(2) a statement of assurances that certifies that (A) funds allotted to the State under this section will only be used to carry out the purposes described in subsection (c), (B) the State will provide a fair method (as determined by the State) for allocating funds allotted to the State under this section among the programs and localities identified under paragraph (1)(A), and (C) fiscal control and fund accounting procedures will be established that are adequate to meet the requirements incorporated by subsections (e) through (f). The State shall promptly revise the report referred to in paragraph (1) to reflect substantial changes in its intended use of the funds allotted the State under this section. Such report (for fiscal years after fiscal year 1984), and any revisions proposed thereto, shall be made public within the State in such manner as to facilitate review of and comments from interested persons and local governments on the intended use and distribution of funds for the fiscal year.

(e)(1)(A) Each State shall prepare and submit to the Secretary annual reports on its activities under this section. In order properly to evaluate and to compare the performance of different States assisted under this section and to assure the proper expenditure of funds under this section, such reports shall be in such form and contain such information as the Secretary de-

termines (after consultation with the States and the Comptroller General) to be necessary (i) to secure an accurate description of those activities, (ii) to secure a complete record of the purposes for which funds were spent, of the recipients of such funds, and of the progress made toward achieving the purposes of this section, and (iii) to determine the extent to which funds were expended consistent with the State's description and statement transmitted under subsection (d). Copies of the report shall be provided, upon request, to any interested public agency, and each such agency may provide its views on these reports to the Congress.

(B) The Secretary shall annually report to the Congress on activities funded under subsection (b) and shall provide for transmittal of a copy of such report to each State.

(2)(A) Each State shall, not less often than once every two years, audit its expenditures from amounts received under this section. Such State audits shall be conducted by an entity independent of the State agency administering a program funded under this section in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the State shall submit a copy of that audit report to the Secretary.

(B) Each State shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the State, not to have been expended in accordance with this section, and, if such repayment is not made, the Secretary may offset such amounts against the amount of any allotment to which the State is or may become entitled under this section or may otherwise recover such amounts.

(C) The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any State which is not using its allotment under this section in accordance with this section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

(3) The State shall make copies of the reports and audits required by this subsection available for public inspection within the State.

(4)(A) For the purpose of evaluating and reviewing the block grant established under this section, the Secretary and the Comptroller General shall have access to any books, accounts, records, correspondence, or other documents that are related to such block grant, and that are in the possession, custody, or control of States, political subdivisions thereof, or any of their grantees.

(B) In conjunction with an evaluation or review under subparagraph (A), no State or political subdivision thereof (or grantee of either) shall be required to create or prepare new records to comply with subparagraph (A).

(f) Whoever—

(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from funds allotted to the State under this section, or

(2) having knowledge of the occurrence of any event affecting his initial or continued right to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized,

shall be fined not more than $25,000 or imprisoned for not more than five years, or both.

(g)(1)(A) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this section are considered to be programs and activities receiving Federal financial assistance.

(B) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this section.

(2) Whenever the Secretary finds that a State, or an entity that has received a payment from an allotment to a State under subsection (b), has failed to comply with a provision of law referred to in paragraph (1)(A), with paragraph (1)(B), or with an applicable regulation (including one prescribed to carry out paragraph (1)(B)), he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted,

(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable, or

(C) take such other action as may be provided by law.

(3) When a matter is referred to the Attorney General pursuant to paragraph (2)(A), or whenever he has reason to believe that the entity is engaged in a pattern or practice in violation of a provision of law referred to in paragraph (1)(A) or in violation of paragraph (1)(B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(h) In establishing regulations and guidelines to carry out this section, the Secretary shall consult with representatives of State and local governments.

(i) For purposes of this section:

(1) The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

(2) The term "eligible legalized alien" means—

(A) an alien who has been granted permanent resident status under section 245A(a) of the Immigration and Nationality Act, but only until the end of the three-year period beginning on the date the alien was granted such status; and

(B) an alien who has been granted temporary resident status under section 245A(b)(1) of such Act, but only until—

(i) such temporary resident status is terminated or

(ii) if the alien has been subsequently granted permanent resident status under section 245A(b)(2) of such Act, until the end of the three-year period beginning on the date such permanent resident status was granted,

whichever is later.

(3) The term "program of public assistance" means State or local programs which provide for cash, medical, or other assistance (as defined by the Secretary) designed to meet the basic subsistence or health needs of individuals or required in the interest of public health.

TITLE IV—GENERAL PROVISIONS

REPORTS TO CONGRESS

SEC. 401. The President shall submit the following reports to the Committees on the Judiciary of the Senate and of the House of Representatives:

(a) Reports on the implementation of section 274A of the Immigration and Nationality Act (relating to unlawful employment of aliens), which shall include—

(1) an analysis of the adequacy of the verification procedure set forth in subsection (b) of that section;

(2) the status of the development and implementation of a more secure verification system as provided in subsection (c) of that section; and

(3) the impact of that section on—

(A) the employment, wages, and working conditions of United States workers,

(B) the number of aliens entering the United States illegally,

(C) the violation of terms and conditions of nonimmigrant visas by foreign visitors,

(D) discrimination against citizen and permanent resident alien members of minority groups, and

(E) the paperwork and recordkeeping burden on United States employers.

Reports concerning the matters described in paragraphs (1), (2), and subparagraphs (A), (B), and (C) of paragraph (3) shall be submitted every six months beginning six months after the date of the enactment of this Act. Reports concerning the matters described in subparagraphs (D) and (E) of paragraph (3) shall be submitted three times: the first not later than eighteen months after the date of enactment of this Act, the second not later than thirty-six months after the date of enactment of this Act, and the third not later than fifty-four months after the date of enactment of this Act.

(b) A comprehensive report on the general legal admissions under the Immigration and Nationality Act, which shall include—

(1) the number and classifications of aliens admitted as immediate relatives under family reunification preferences, independent or occupational preferences and other permanent residents, refugees, asylees, parolees and a reasonable estimate of the number of aliens who entered the United States without visas or who became deportable under section 241; and

(2) the impact, including reasonable projections and future estimates, of the admission or parole of such aliens on the foreign policy, economy, environmental quality, resources and population growth rate of the United States and the employment of citizens and aliens in the United States.

This report shall be submitted not later than three years after the date of the enactment of this Act, and every three years thereafter.

(c) A report on the implementation of the agricultural labor transition program and the temporary worker program (popularly known as the "H-2" program), which shall include—

(1) the impact of the program on the labor needs of the United States agricultural employers and on the wages and working conditions of United States agricultural workers,

(2) the development of regulations with respect to the program,

(3) recommendations for modifications of the program, including—

(A) improving the timeliness of decisions regarding admission of temporary foreign workers under the program,

(B) removing any economic disincentives to hiring United States citizens or permanent resident aliens for jobs for which temporary foreign workers have been requested, and

(C) improving cooperation among government agencies, employers, employer associations, workers, unions, and other worker associations to end the dependence of any industry on a constant supply of temporary foreign workers.

The report on the temporary worker program shall be submitted not later than two years after the date of the enactment of this Act and the report on the agricultural labor transition program each year for three years beginning a year after the date of the enactment of the Act.

(d) A report on the pilot program established under section 212(l) of the Immigration and Nationality Act, added by section 213(a) of this Act (popularly known as the "visa waiver program"), which shall include—

(1) an evaluation of the program, including its impact on the control of alien visitors to the United States, consular operations in the countries designated under section 212(l)(3)(A) of the Immigration and Nationality Act, and the impact of the program on the United States tourism industry, and

(2) recommendations on the extension of the program and the expansion of the number of countries which may be designated under such section.

The report shall be submitted not later than two years after the commencement of the program.

(e) A report on the population whose status is legalized under the legalization program established under section 301 of this Act, compiled and validated in accordance with sound statistical practice, which shall include—

(1) geographical origins and manner of entry of these aliens into the United States,

(2) their demographic characteristics,

(3) their patterns of employment,

(4) their participation in social service programs, and

(5) a general profile and characteristics of the population legalized under the program.

The initial report shall be submitted not later than two years after the date of the enactment of the Act and three additional reports be submitted every two years thereafter.

(f) Three years after the date of enactment of this Act, the Secretary of Labor, after consulting with the Attorney General, and with representatives of domestic employers and representative domestic employees, and domestic institutions of higher learning, shall submit to the Congress and the President a report, to be accompanied by his recommendations for changes in current law and regulations, concerning the Nation's need for qualified immigrants identified in paragraphs (1) and (2) of subsection (b) of this section who have acquired professional or technical skills that may be in critical demand in the United States. Another such report shall be submitted five years after the date of enactment of this Act.

ENFORCEMENT OF THE IMMIGRATION LAWS OF THE UNITED STATES

SEC. 402. It is the sense of the Congress that—

(1) the immigration laws of the United States should be enforced vigorously and uniformly; and

(2) in the enforcement of such laws, the Attorney General should take due and deliberate actions necessary to safeguard the constitutional rights, personal safety, and human dignity of United States citizens and aliens.

REIMBURSE STATES FOR INCARCERATING ILLEGAL ALIENS

SEC. 403. (a) The Attorney General shall reimburse a State for the costs incurred by such State for the imprisonment of any alien who is convicted of a felony by such State.

(b) An alien referred to in subsection (a) is any alien, as defined in section 101(a)(3) of the Immigration and Nationality Act, other than—

(1) an alien who was issued an immigrant visa or who otherwise acquired the status of an alien lawfully admitted for permanent residence, and who was subject to the numerical limitations contained in section 207(a) of the Immigration and Nationality Act (other than an alien accorded the status of a temporary or permanent resident under section 245A of such Act);

(2) an alien who is an immediate relative within the meaning of section 201(b) of such Act; and

(3) an alien who is a nonimmigrant within the meaning of subparagraphs (A) or (G) of section 101(a)(15).

(c) There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

(d) This amendment shall become effective on October 1, 1983.

REPORT BY THE COMPTROLLER GENERAL

SEC. 404. Beginning one year after the date of enactment of this section, and at intervals of one year thereafter for a period of five years after such date, the Comptroller General of the United States shall prepare and transmit to the Committee on the Judiciary and the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate a report describing the results of a comprehensive review of the implementation and enforcement of the provisions contained in the amendment made by section 101(a) of this Act during the preceding twelve-month period, for the purpose of determining if—

(1) such provisions have been carried out satisfactorily;

(2) a pattern of discrimination has resulted against citizens or nationals of the United States or against eligible workers seeking employment; and

(3) an unnecessary regulatory burden has been created for employers hiring such workers.

Such committees shall hold public hearings on the contents of each such report and shall submit their findings and recommendations for remedial action, if necessary, to their respective Houses of Congress not later than 60 days after the date of receipt of any such report.

AUTHORIZATION OF APPROPRIATIONS

SEC. 405. (a) Section 404 (8 U.S.C. 1101, note) is amended to read as follows:

"SEC. 404. There are authorized to be appropriated for the fiscal year 1984, $200,000,000 to carry out the provisions of this Act other than section 214(c)(5) of chapter 2 of title IV.".

(b) There are authorized to be appropriated, in addition to such sums as may be available for such purposes, such sums as may be necessary to the Department of Labor for enforcement activities of the Wage and Hour Division and the Office of Federal Contract Compliance Programs within the Employment Standards Administration of the Department and to the Equal Employment Opportunity Commission for its enforcement activities in connection with the enforcement of section 274A of the Immigration and Nationality Act.

OFFICIAL LANGUAGE

SEC. 406. It is the sense of the Congress that—

(1) the English language is the official language of the United States, and

(2) no language other than the English language is recognized as the official language of the United States.

WEST VIRGINIA FRUITGROWERS

SEC. 407. It is the sense of the Senate that, inasmuch as the Department of Labor promulgated a final rule on January 4, 1983, at 20 CFR Part 655, described as Labor Certification Process for the Temporary Employment of Aliens in the United States in Agriculture; Adverse Effect Wage Rate; and this rule increased the Adverse Effect Wage Rate for West Virginia by 17.2 percent; and

Inasmuch as the 17.2 per centum increase in the Adverse Effect Wage Rate for West Virginia is nearly seven times greater than the increase made for other states affected by the rulemaking; and

Inasmuch as the increase in the Adverse Effect Wage Rate will cause a substantial portion of the West Virginia apple crop to be uncompetitive in the marketplace, and the resulting economic damage to a significant number of apple growers in West Virginia is likely to be severe; and

Inasmuch as the Department of Labor should consider the formal objections of the State of West Virginia, the State of Maryland, and the United States Department of Agriculture to its rulemaking;

The Senate declares that the Department of Labor should reexamine its January 4, 1983, rulemaking at 20 CFR Part 655, affecting the Adverse Effect Wage Rate applied to West Virginia fruitgrowers, with the purpose of seeking a fair and reasonable adjustment to that rate.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1284

(Purpose: To provide applicants for asylum, refugee status, and withholding of deportation with access to their case files)

Mr. SIMPSON. Mr. President, I ask unanimous consent that Senator LEAHY's technical amendment be en-

grossed in the bill by the Secretary of the Senate.

The PRESIDING OFFICER. The Chair will advise the Senator, any Senators, that when amendments are presented they have to be delivered to the desk. Will the Senator please send the amendment to the desk?

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON), on behalf of Mr. LEAHY, proposes an amendment numbered 1284.

The amendment is as follows:

On page 138, after line 14, insert the following new subsection:

"(3) The provisions of paragraph (2) of this section shall not be applicable to the person who is the subject of such application for asylum, refugee status, withholding of deportation, or any other application arising under a claim of persecution on account of race, religion, political opinion, nationality, or membership in a particular social group, provided however, that this subsection shall not limit the authority of any agency to withhold information pursuant to the Freedom of Information Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. One of the sections of the bill that is of concern to me is the proposed amendment to section 1202(f), which shields from the reach of the Freedom of Information Act any records or documents pertaining to asylum or refugee status. I should add that my concern reflects a much wider reservation about bills passed over the years limiting the application of the FOIA under section (b)(3) of that act. If each agency promotes special exception legislation, in time the main function of the FOIA could be weakened.

I understand that access to individual asylum or refugee files ought to be limited to the applicant. I believe my amendment adequately deals with that situation. But I think that information not contained in applicant files and which does not identify individual applicants should be available to the public. I think that the public needs this information to judge how well the State and Justice Departments are fulfilling their statutory responsibilities. Without knowledge about current problems and practices, I doubt that the public would be in a good position to evaluate the bill before us today. I would like to ask whether the public would still have access to information not contained in applicant files after the adoption of S. 529.

Mr. SIMPSON. The language in section 1202(f)(2) speaks to the "records or any document * * * pertaining to the issuance or denial of any applications for asylum, refugee status * * *" and the other enumerated applications. Only the records of any particular application would be covered by this language.

Mr. LEAHY. Therefore, documents not contained in applicant files would continue to be made available to the public, subject to existing FOIA protections, for example, in the areas of national security, law enforcement, or personal privacy.

Mr. SIMPSON. That is correct.

I think it is important to clarify two points that I feel confident everyone will agree with. First, only applicants will get to see their personal case files, and not third parties. Second, an applicant will not have access to anyone else's case file, even if the other person's application is based on the same course of events and the same basic facts.

Mr. LEAHY. That is my understanding precisely.

Senator KENNEDY, I know that you have been keenly interested in protecting the rights and privacy of individual applicants. Do you concur in the understanding which Senator SIMPSON and I have stated concerning this important language in the bill.

Mr. KENNEDY. That certainly is my understanding.

Mr. LEAHY. Thank you very much for that very useful clarification.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make clerical and technical corrections in the engrossment of S. 529.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I think the Senate should be aware that this bill has been before the Senate for 5 days. It consumed almost 24 hours actual time of the Senate during these 5 days. We have had 15 rollcall votes on amendments that have been presented. Actually, there were a total of 29 amendments considered, 17 of them have been agreed to, 10 rejected, and 2 withdrawn. It has been a most complicated bill. Both managers of the bill have distinguished themselves as Members of this body and will be remembered for the way in which they have handled a very difficult piece of legislation.

I do want to commend my good friend from Wyoming (Mr. SIMPSON) for his demonstrated ability on the floor during the consideration of this bill. The RECORD should reflect the very fine working relationship that existed on this measure between the Senator from Wyoming (Mr. SIMPSON) and the Senator from Massachusetts (Mr. KENNEDY). It has made it possible for the Senate to consider this bill without rancor and without any real serious disagreement, in fact, although there has been much substantive debate before us in these 5 days.

So I do congratulate my good friend.

Mr. SIMPSON. Mr. President, If I may take 2 minutes for some very brief remarks.

I wish to say that I appreciate the comments of my colleagues. That is part of the gratification of this peculiar line of work we have chosen for ourselves. We do not have time to savor in victory or anguish in defeat around this place, and that is good.

I am extremely proud to have been part of this reform legislation. It has been a real privilege to work with TED KENNEDY. We do disagree, but have a high mutual regard for each other. I appreciate the long work he has done for some 17 years.

Certainly I would have been hard pressed to process the bill without the good help of the majority leader and the minority leader. I wish to personally thank Senator BAKER and Senator BYRD and extend to them my deepest appreciation. They have cleared a path for me with this legislation time and again.

The good Senator from Alaska TED STEVENS, in his spirited way, has also participated in assisting in that, and I appreciate it.

My good friend from South Carolina, STROM THURMOND, has continually given me excellent counsel and advice and support.

Senator GRASSLEY has been a longtime ally in the cause.

Mr. President, let me thank the fine minority staff, Jerry Tinker and Arthur Briskman; and Ally Milder of Senator GRASSLEY's staff. And, indeed, Senator GRASSLEY also has been extraordinary in this process. And also to Andy Freeman of Senator MATHIAS' staff for his support.

And, of course, my own staff. A special tribute to Dick Day, the chief counsel and staff director who serves as part of the hemisphere of my brain on this issue of immigration reform, and a long-time friend; to Arnold Leibowitz, who brings his piercing intellect, and academic skill to the attempts at solution; to Betsy Greenwood, a steady, thoughtful attorney learning and growing and being remarkably so, to Carl Hampe, a young political scientist who has brought great energy and skill to us, to Frankey DeGooyer, our private bills clerk whose experience and insight is so helpful, to Tina Jones, our hearings clerk, and to our secretarial staff, Ellen Hughes, Karen Ayazi, and Michelle Adams who worked long and hard on this effort. I truly appreciate all the work they have done.

I express my gratitude also to chairman PETER RODINO for processing the measure in the House as quickly as he has. Chairman RODINO is a true pioneer in the field of immigration reform.

And a strong note of appreciation to my sidekick, ROMANO MAZZOLI.

I trust this bill might move to the floor of the House. It has passed the Senate. I hope the House Judiciary Committee can move it expeditiously so we may go to conference as soon as

possible and come out with a sound piece of legislation.

I am very pleased, indeed, at the fine vote. It has been an honor and a privilege and a pleasure to work with my colleagues on this legislation.

Mr. GRASSLEY. Mr. President, I rise to offer my most heartfelt congratulations to my good friend, the junior Senator from Wyoming.

He had labored long and with great patience on this bill. Everyone who discusses it mentions his efforts and the appreciation they feel for him. I have worked closely with him on this bill for more than 2 years, and I can tell you that these accolades for Senator SIMPSON are truly well-deserved.

Immigration is one of the toughest issues Congress has dealt with in recent decades. We have had to counteract the efforts of 30 years of inaction in moving this bill forward. I know of no one who could have handled the sensitive and difficult job in a more evenhanded and courageous manner.

Every person in this country whether citizen, permanent resident, or illegal alien owes Senator SIMPSON a great debt.

In addition, I would like to thank the senior Senator from Massachusetts, Senator KENNEDY, for his patience and steadfast support for representation of those who are most concerned about this bill.

I would also like to express my deep appreciation for the efforts of the senior Senator from South Carolina, chairman of the Judiciary Committee, Senator STROM THURMOND. Without his guiding hand and tremendous support, this reform bill would never have moved as swiftly and as smoothly as it has. He has long been involved in immigration reform and his knowledge and expertise has helped me and other members of the committee to understand the consequences of this legislation. His personal interest in even the smallest details has amazed those who know the demands on his time.

In addition, both the President and the Attorney General have been directly involved in the development and progress of this bill. Their involvement has demonstrated the commitment this administration feels to immigration reform after so many previous administrations have ignored the problem and have been afraid to bite the political bullet.

I would also like to mention one of the unsung heros of the Senate in the immigration area, the senior Senator from Kentucky, Senator DEE HUDDLESTON who through many years of frustration and inaction by this body has kept doggedly working to bring about these important reforms.

Finally, it is important to note the fine staff work of the Immigration and Refugee Policy Subcommittee. Dick Day, Arnold Leibowitz, and Betsy Greenwood have all labored tirelessly to insure every "i" has been dotted and every "t" has been crossed. The expertise of Chip Wood and Donna Alvorado is evidenced throughout the bill and they can be proud of the part they played in the development of this legislation.

Without all of the efforts of these people, we would not now enjoy such a fine product. I hope this overwhelming show of support by the Senate will send a message to the House that now is the time for immigration reform.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business during which Senators may speak therein for not to exceed 5 minutes and that the period expire at 6:45 p.m. this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BYRD. Mr. President, will the distinguished acting Republican leader yield?

Mr. STEVENS. I am happy to yield to my good friend from West Virginia.

Mr. BYRD. Mr. President, is the acting Republican leader in a position to state what the program will be for tomorrow and Friday and particularly with reference to the time when the Senate expects to proceed to the consideration of the budget resolution?

Mr. STEVENS. Mr. President, I thank my good friend.

It is the intention of the leadership to proceed to the consideration of the budget resolution at 4 p.m. tomorrow. We are working now on a time agreement with respect to the cable bill, S. 66, which hopefully will be resolved here in a few minutes. Following the period for the transaction of routine morning business just requested, we will have the normal wrapup procedure here tonight. The outcome of this negotiation will determine the request we will make regarding a convening hour on tomorrow.

We intend to dispose of the budget resolution, if possible, tomorrow evening and then we would hope to lay down the MX resolution. The schedule for Friday and Saturday is still subject to negotiation, as I understand it.

It is the intention of the leadership to finish the budget resolution tomorrow and proceed to MX and to hopefully work out an agreement today for the consideration of the cable bill which would not take place until June 13.

Mr. BYRD. I thank the distinguished acting Republican leader.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

(The remarks of Mr. RUDMAN relating to the introduction of legislation are printed under statements on introduced bills and joint resolutions.)

TREATY TO LIMIT ANTISATELLITE WEAPONS

Mr. CRANSTON. Mr. President, this morning the Senate Foreign Relations Committee's Subcommittee on Arms Control and Disarmament held the third in a series of hearings on controlling space weapons. These hearings are very important because they focus public attention on the fact that the Reagan administration proposes to embark on a new, remarkably dangerous, and remarkably expensive phase of the arms race—the weaponization of space. I would like to commend Senator PRESSLER for the leadership he has taken in focusing on this issue.

I am deeply concerned that President Reagan and officials in his administration are intent upon escalating the space race instead of controlling and stopping it. President Reagan in his "Star Wars" speech called for a crash program for space-based ballistic missile defense. His speech demonstrates that he understands neither the technical limitations nor the inherent risks for the United States in proceeding with such a program.

President Reagan has doubled funding for ballistic missile defense (BMD) since he was in office. Last year the Congress rejected his call for yet another increase in ballistic missile defense. I introduced to the fiscal year 1983 Defense authorization bill an amendment to cut $385 million from this program. I was very pleased that the Congress did eventually cut $350 from BMD.

Apparently, the administration does not understand the concerns of Congress because this year the administration again asked for an unjustifiable amount for BMD—almost $900 million—and next year the administration plans to ask for $1½ billion for BMD. I was pleased to note the House Armed Services has already reduced the fiscal year 1984 request by $300 million.

Escalating the arms race in space is not the solution to the problem. Negotiating a mutual and verifiable arms control agreement is. During the course of this morning's hearings, the Union of Concerned Scientists submitted a draft proposal for a treaty limiting antisatellite weapons. I commend the panel of experts who submitted this proposal. This is the kind of creative thinking we need to pull us away from the brink of another arms race disaster. We need to take a positive approach to arms control as opposed to the approach taken by today's administration witnesses, Kenneth Adelman and Fred Ikle, who offered only excuses as to why this administration

has no arms control proposal on the issue.

The Union of Concerned Scientists notes that it is critical for the United States to stop the development of Soviet antisatellite capability. The United States is more dependent on satellites currently than the Soviet Union. It is in our national security interest to stop this capability. We have an opportunity to do so now by negotiating an agreement with the Soviet Union. We must not let this opportunity pass us by. We do not want to face a situation 10 years from now similar to the one we face today with the MIRV—the multiple independent reentry vehicle. More than a decade ago, experts on arms control warned us that development and deployment of the MIRV'd missile would in the long run jeopardize our national security. As the Scowcroft Commission acknowledges, these forecasts are now fact. After we developed and deployed the MIRV'd missile, the Soviets followed suit. It is because of the MIRV'd missile that our land-based ICBM's are perceived to be vulnerable today. If we had had an arms control agreement in place, we would have less reason to worry. The United States can field an antisatellite weapon that will probably be more sophisticated and capable than the Soviets. But what will this get us? Just another ratchet in the arms race.

The model treaty of the Union of Concerned Scientists is not perfect; it is a model. But it deserves consideration. Thus, I ask unanimous consent that the text of the model treaty be inserted in the RECORD at this time, and I urge my colleagues to study it as a useful starting point in how to end this insanity of the escalating nuclear arms race.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANTI-SATELLITE WEAPONS: ARMS CONTROL OR ARMS RACE?

A Report by the Union of Concerned Scientists, Cambridge, Mass.

EXECUTIVE SUMMARY

It is in the long-term security interest of both superpowers to minimize the likelihood of conflict in space. This is especially true of the United states, since, on balance, it is more dependent on space-based systems than is the Soviet Union. Tight constraints on potential threats from Soviet anti-satellite (ASAT) weapons should therefore be a high priority objective of U.S. foreign policy. Such constraints can only be achieved by negotiation, but not by preparations for attacking Soviet satellites.

This document argues that effective constraints on ASAT development and deployment are both highly desirable and achievable by negotiation. An explicitly bilateral treaty text is proposed, so as to focus attention on the issues that such negotiations are likely to encounter. Under this treaty's provision, the signatories could not destroy, damage, render inoperable, or change the flight trajectories of space objects, nor could they test in space, or against space objects, weapons having such capabilities. Compliance with the treaty would be verified by national technical means.

Because the treaty's principal objective is the prevention of flight tests of ASATs, and not their mere possession, an examination of testing procedures and surveillance capabilities shows that the treaty can be adequately verified.

The likely evolution of ASAT technology in the next five to ten years is described under the assumption of no negotiated constraints. It is concluded that the hazards of a totally unconstrained competition in space weaponry are far greater than those posed by whatever tightly constrained evolution of ASAT capability may be possible because of ambiguities in verification. The residual risks can be reduced to acceptable levels by a program for satellite defense at much less cost than the program that would be necessary in the absence of negotiation constraints.

Finally, it is argued that the relative status and potential capabilities of the current U.S. and Soviet ASAT systems make it advantageous for the United States to agree to an immediate joint moratorium on further ASAT space tests, and that the security of the United States would not be in jeopardy should such negotiations fail, or should a treaty be abrogated or circumvented by the Soviet Union.

I. Introduction

Satellites give the United States prompt, precise, and irreplaceable intelligence about Soviet strategic forces. They provide an invaluable view of many other aspects of Soviet military capabilities and activities. In a crisis they would allow each side to watch the movements of the other, and thereby to gauge its objectives and apprehensions. If hostilities were ever to break out between the superpowers, whatever hope there would be for controlling the conflict and bringing it to an early end would largely rest on satellite surveillance, on the command of strategic forces via satellites, and on satellite communications between the adversaries.

But satellites are two-edged swords. They have a beneficial role in arms control, confidence building, and conflict resolution, but their unique ability to see, to hear, and to communicate greatly amplifies the effectiveness of the military forces that they serve. Hence they become exceptionally tempting targets as soon as hostilities are about to begin.

In the 1960s both the U.S. and the Soviet Union fielded systems having anti-satellite (ASAT) capabilities. The United States eventually dismantled its ASAT systems, and adopted the position that its national security would be best served by abstaining from competition in ASAT weaponry. The Soviet Union, on the other hand, continued sporadic testing of a rather primitive device that can attack objects in low earth orbits.

By the latter part of the 1970s the United States altered its approach, though a weapon-free space environment continued to be its goal.[1] The new tactics had both military and diplomatic components: a program to develop a satellite interceptor, and simultaneous negotiations towards a treaty that would ban the testing and deployment of ASAT weapons. These negotiations did not reach fruition in the last administration,[2] and have not been pursued since then.[3] In the interim, both superpowers' ASAT programs have continued apace.[4]

In August 1981 the Soviet Union submitted to the United Nations a draft treaty calling for a "prohibition on the stationing of weapons of any kind in outer space." The United States has not responded to this initiative, nor has it offered any rationale for its failure to respond. If the United States continues to forgo negotiations, it will have a new strategy of ongoing confrontation for protecting its space assets. An era of strenuous competition in space weaponry will have begun, and even if one competitor does, on occasion, enjoy a fleeting advantage, the national security of both rivals will inexorably erode. Any threat to satellites, whether real or potential, will undermine confidence in the ability to deter attack. By the same token, an awareness that satellites are at risk will tend to destabilize a crisis. Even in times of peace, a keen rivalry in the development and testing of ASAT weapons is certain to cause friction, increase suspicions, undermine confidence in the ability to deter attack, and, perhaps, inadvertently spark confrontation. Finally, should ASAT technologies evolve to a level of potential ABM capability, there would be far-reaching and unfortunate implications for strategic stability.

It does not take great powers of prophesy to predict this erosion of security, for the analogy with the history of MIRV technology is both instructive and disturbing. In that case the Soviet Union failed to foresee that the United States would develop MIRVs as a sophisticated response to a primitive ballistic missile defense of Moscow. Neither did the United States anticipate that the strategic benefit that it achieved with MIRVs would eventually boomerang by putting at risk U.S. silo-based missiles. Today, finally, there is a broad consensus that strategic stability and Alliance cohesion would have fared better had the United States abstained from introducing MIRVs. Nevertheless, there is a strange reluctance to recognize that this painful lesson applies directly to current trends in arms competition.

It is in the long-term interest of both superpowers to minimize the likelihood of conflict in space. This is especially true for the United States. Some Soviet satellites do pose a direct threat to certain U.S. military forces, but these threats can be countered without ASAT's. Because the United States is more dependent on space-based systems than the Soviet Union, it is better, on balance, for the U.S. to constrain the potential threat from Soviet ASATs than to prepare to attack Soviet satellites. Such constraints can only be achieved by negotiations that build on the established body of international law represented by the Test Ban Treaty, which forbids nuclear explosions in outer space, the Outer Space Treaty, which bans space-based weapons of mass destruction, and the ABM Treaty, which bans space-based ABM systems and which protects satellites serving as "national means of verification."

Aside from these considerations that arise from a strictly military conception of national security, political factors of considerable weight also provide a strong incentive for negotiations. In the United Nations General Assembly the allies of the United States proposed a resolution requesting the U.N. Committee on Disarmament to "consider as a matter of priority the question of negotiating an effective and verifiable agreement to prohibit anti-satellite sys-

Footnotes at end of article

tems." There is every indication that the Western allies of the United States will, in the U.N. General Assembly, propose that matters move from "considering the question of negotiating" to actual negotiations.

The United States, through its silence on the Soviet proposal, has in effect allowed the Soviet draft treaty to set the agenda for the international discussion of this issue. This is hardly a sound posture for the leader of the Western Alliance and the world's preeminent military and civilian space power. Whether the diplomatic and military objectives of the United States are being furthered by current policy has also been brought into question by resolutions introduced in the Senate and House calling for negotiations and for a moratorium on the flight testing of weapons in space.[5]

We believe that a negotiated ban on using, testing, and stationing anti-satellite weapons in outer space is not only desirable but feasible. To this end, we put forward an explicit treaty text so as to focus attention on issues that such negotiations are likely to encounter. We examine the problem of verifying compliance with the treaty's provisions. We conclude that the hazards of a totally uninhibited competition in space weaponry are far greater than those posed by the tightly constrained evolution of ASAT capability that may be possible because of ambiguities in verification. We show that these residual risks can be reduced to acceptable levels by satellite defense measures (such as decoy satellites, etc.) which would cost much less than the program that would be necessary if there were no negotiated restraints.

Finally, we argue that the relative status and potential capabilities of the current U.S. and Soviet ASAT systems are such that it would be advantageous for the United States to agree to an immediate moratorium on further ASAT space tests, and that the security of the United States would not be in jeopardy should such negotiations fail, or should a treaty be abrogated or circumvented by the Soviet Union.

II. Current U.S. and Soviet space assets and ASAT systems

Negotiations towards restraints on further ASAT development must take into account the existing balance in U.S. and Soviet space assets and military capabilities.

Secure long-range communications are essential to U.S. security, since U.S. forces are spread across the globe. For that reason approximately 70 percent of long-haul military communications now go via satellites; there are no facilities on the earth's surface that provide a satisfactory replacement of this system. The Soviet Union's military forces are mainly on the Eurasian land mass, and can, if necessary, communicate without the help of satellites.

The vulnerability of a satellite to attack is largely determined by the nature of its orbit. These fall into several categories: geosynchronous (GEO) orbits, in which the satellite is stationary above a point on the earth's equator at an altitude of about 22,000 miles; semi-synchronous orbits, with altitudes in the range of 12,000 miles; and low-earth (LEO) orbits, at altitudes of about 1,000 miles. Satellites can also be in highly elliptical orbits that dip as low as several hundred miles and rise as high as geosynchronous. Some U.S. satellites are in orbits that are considerably higher than geosynchronous.

The existing Soviet ASAT interceptor is launched by a ground based SS-9 missile into an orbit close to that of its target. The interceptor then crosses the path of its target after one or two orbital revolutions, whereupon its nonnuclear warhead explodes, and the resultant shrapnel destroys the target satellite.

The highest altitude reached thus far by the Soviet interceptor is reported to be about 1,400 miles. It would appear to be difficult to modify the Soviet system so that it could threaten targets in far higher orbits. The resulting weapon would surely be a cumbersome ASAT. Therefore, the current Soviet system only threatens low-orbit space objects. About a third of all U.S. satellites fall into this category, and their most important national security contributions are photographic and electronic surveillance of the earth's surface. U.S. satellites responsible for early warning, nuclear attack assessment, additional electronic surveillance, and military communications are in very high orbits, and not vulnerable to the current Soviet ASAT.

The U.S. ASAT system is based on quite different principles. The interceptor is the so-called Miniature Homing Vehicle (MHV), which is carried into space on a two-stage rocket that in turn is launched from a high altitude F-15 fighter plane. The MHV is a small cylinder with a diameter of about one foot that seeks its target by a combination of infrared telescopes, a laser gyroscope, and a set of small jets that can alter its trajectory. It destroys by direct impact at very high velocity. In its present form the MHV cannot reach geosynchronous satellites, but this is not of great consequence at this time, because almost all Soviet satellites are in low or highly elliptical orbits. By using a three-stage booster the U.S. system should be able to attack geosynchronous targets.

The Soviet ASAT has been tested some twenty times since 1968, and it is reported that about half of these tests have been successful. Launches of the U.S. interceptor from an F-15 to a point in space are scheduled for later this summer, but tests against space targets are not scheduled until late in 1983 or early 1984.

These facts allow us to draw up a current balance sheet:

The Soviet ASAT system is deemed to be operational by the Department of Defense, whereas the U.S. system is now ready for flight testing.

The Soviet Union has most of its space-based assests in low earth (LEO) orbits, while the U.S. has many of its most important satellites in geosynchronous (GEO) orbits.

The Soviet ASAT can only attack targets in low-earth orbits, and would require a very large booster to carry it up to geosynchronous targets (see Section 4 below). The U.S. interceptor could, with a three-stage booster, reach geosynchronous targets.

The Soviet ASAT, which uses fixed launch sites, is a cumbersome and inflexible system in comparison to the mobile, F-15 based U.S. system.

These comparisons lie behind our contention that the United States risks little if both nations' ASAT development programs were to be suspended at this time, while negotiations take place. If, for one reason or another, the United States would find it necessary to resume its development program, it could look forward to having an operating system within a year or two. The Soviet ASAT system, though it is now deemed to be operational, only poses a rather clumsy threat to a portion of U.S. space systems, and it has little potential for attacking the warning, communication, and navigation satellites on which U.S. strategic forces depend.

In short, if negotiations fail, or arms control in space were to break down, the United States would not find itself in a disadvantageous position.

III. A treaty limiting ASAT weapons

The full text of the treaty put forward here is to be found in the Appendix. Here we shall summarize the goals this treaty sets out to achieve. The differences between our proposal and the 1981 Soviet draft treaty are discussed briefly here, and analyzed more fully in Section 6.

The proposed treaty has three essential ingredients:

The signatories would undertake not to destroy, damage, render inoperable or change the flight trajectories of space objects.[6]

The signatories would undertake not to test in space or against space objects weapons for destroying, damaging, rendering inoperable, or changing the flight trajectories of space objects. Furthermore, the signatories would undertake not to place such weapons in orbit or to station them on celestial bodies or in outer space in any other manner.

Compliance would be verified by national technical means, enhanced by cooperative measures and buttressed by collateral constraints on other space activities to prevent circumvention of the treaty's provisions.

The treaty proposed here formulates restrictions and prohibitions in general terms. Excessive detail in an arms control accord may inadvertently leave loopholes and convey the impression that activities and weapons not explicitly prohibited are therefore permitted. A treaty weighted down with excessive detail may also prove inflexible in coping with new circumstances, and unanticipated technological developments. Our purpose in presenting general treaty provisions here is to provide a focus for discussion of feasible and desirable restrictions on ASAT weapons. In actual bilateral negotitions, the U.S. and the Soviet Union could incorporate more detailed language into the final treaty text that reflects the best advice and wisdom that consultations within each government would provide.

The text put forward here is for a bilateral treaty. However, once agreement between the U.S. and Soviet Union is reached, a multilateral accord open to all nations would be desirable.

We note that our proposal is not the most comprehensive limitation on space weapons possible, for a treaty could also forbid any possession of such weapons, and require that those already constructed be dismantled or destroyed. Such a comprehensive ban is what the United States evidently sought in the negotiations of 1978–1979.

There is much to be said in favor of such a comprehensive ban, but it also poses formidable verification problems that could only be resolved by protracted negotiations. To avert further arms competition in outer space as promptly as possible, a ban on further tests in space of ASAT weapons must take priority, and the proposed treaty addresses itself to this urgent objective. Subsequent negotiations, that face the knotty problems of verifying a more comprehensive ASAT ban, could then be pursued in an atmosphere free of the tensions that would be created by a simultaneous competition in space weaponry.

In contrast to the 1981 Soviet draft treaty, which only speaks of weapons in orbit, the

treaty proposed here does not allow the use or testing of ASAT weapons whether they are ground or space-based. Furthermore, our proposed treaty forbids the sides from destroying any space objects (including one's own), whereas the Soviet draft only forbids attacks on space objects of other states. Indeed, the Soviet draft treaty does not appear to limit further testing or development of the current Soviet or U.S. ASAT systems. In space tests, the Soviet interceptor goes into earth orbit before attacking its target. But it may well be able to attack satellites by direct ascent from the ground, or after only a partial earth orbit, and thus it may elude a ban on weapons "placed in orbit." The U.S. ASAT system uses a direct-ascent interceptor and never goes into earth orbit.

A ban on the use and testing in space of ASAT weapons cannot, by itself, protect satellites. Nevertheless, the ban on testing would provide a severe impediment to the further development of ever more capable ASAT weapons. For the foreseeable future the military and civilian branches of the United States government are likely to remain at least as vitally dependent on satellites as they are already. It is therefore in the long-term security interest of the United States to enhance the survival of its space assets as much as possible, and to achieve this goal with as little friction and cost as it can.

IV. The ASAT threat with and without a treaty

The value of a ban on ASAT space tests is best measured by looking ahead to the variety of ASAT threats that can be expected in the next five to ten years, if there are no further restraints on weapons competition in outer space. In that period the total number of American satellites will increase to about 100, with approximately one-third of these in low earth (LEO) orbits, about one-fifth in semi-synchronous orbits, and about one-third in geosynchronous (GEO) orbits. The others will be in highly-elliptical orbits that may dip as low as several hundred miles but also rise as high as geosynchronous orbits.

If the Soviets are free to continue ASAT development, we may anticipate the following course of space weapons competition. The first Soviet move might be to improve their current interceptor, so that it could reach higher altitudes and defeat potential U.S. satellite defense measures, such as radar jammers, decoys, and evasion. Tests of the current Soviet interceptor up to geosynchronous orbits might be feasible within relatively few years, if the Soviets set themselves to it. This would mean matching the interceptor to a new booster, such as the liquid-fueled PROTON or A-2 rockets used to orbit the Salyut and Soyuz space vehicles. The whole system would require testing against space targets to confirm that it worked, and the long launch preparations needed for such massive boosters would make this a very cumbersome ASAT.

Alternatively, the Soviets could pursue a more promising ASAT development program along one or more of three paths: a more agile miniature ASAT interceptor, such as the U.S. is developing, that could reach all altitudes with smaller boosters; a more exotic orbiting laser ASAT; or space mines. (A space mine is a small satellite that carries an explosive charge and is placed in an orbit so as to follow closely its potential target.) Debate persists over the feasibility and cost of space-based lasers, but there is no question that both sides are vigorously developing them. According to Air Force Chief of Research and Development, Gen. Kelley Burke, the Soviets are believed capable of launching a laser ASAT of limited effectiveness within five years, and a more effective system perhaps in the 1990's. In keeping with their accustomed practice, the Soviets may well develop and deploy a mix of ASAT weapons, each posing a different threat to U.S. satellites: improved ground-based interceptors and lasers for lower orbit attacks, space-based lasers for higher orbits, and space mines for geosynchronous attacks. Along the way, the number of launch sites would be increased, inventories of ready-to-fire ASAT weapons would multiply, and all U.S. satellites would become progressively more vulnerable to attack.

The U.S. has already mapped out its initial moves in this competition. In the beginning, it will incorporate defenses on satellites, and deploy the sophisticated F-15 ASAT MHV interceptor described in section 2. Ground- and air-based lasers would provide additional ASAT capability against low-orbit satellites while helping to solve technical problems in the development of space-based lasers. A "defensive" space-based laser weapon would be the next step—an ASAT deployed to attack Soviet ASATs. At this stage, the scene might recall the battleship competitions of an earlier era, as each side strives for the competitive edge of just a bit more firepower, longer range, thicker armor, larger fleets.

Under such unrestrained ASAT competition, the advantage will almost certainly go to the offense. A duel between a sophisticated ASAT weapon devised for the sole task of killing, and a satellite built for other purposes and only incidentally equipped to defend itself, will always be a mismatch. Moreover, U.S. satellites are designed for lifetimes of 5-10 years, so the defenses they carry with them into space on the day of the launch stand a good chance of being nullified by a rapidly-changing ASAT environment. Soviet satellites have much shorter lifetimes, are therefore more frequently replaced, and could be more readily modified to counter U.S. ASAT developments.

In confrontations in a world filled with ASATs, fear of a preemptive strike will run high, and the very process of unlimbering ASATs for possible use would drive tensions higher. Since attacks on satellites would be a possible opening step in war, even inadvertent events in space may be mistaken as a signal that war has begun. The sheer multiplicity of ASATs would also raise the likelihood of such an inadvertent occurrence. Such events have happened. For example, in 1975 there was concern that U.S. early-warning satellites had been attacked by Soviet infrared lasers; later it was established that these satellites had only observed infrared radiation from a Soviet natural gas pipeline fire.

Were a satisfactory ASAT arms control agreement in force, the future would look quite different. As matters stand now, only a fraction of U.S. satellites are exposed to the rudimentary Soviet ASAT system. Under a general ban on tests of ASAT systems in space, Soviet efforts to improve their current interceptor or to devise a new one should be blunted. Tests or use of lasers or high-powered transmitters to damage satellite sensors or to burn out satellite receivers would be banned. In contrast, under unrestrained ASAT competition, protecting American satellites through hardening, maneuvering, deception, etc., against ever more sophisticated and nimble Soviet ASATs, will become untenable. Exotic laser ASATs may well prove infeasible in the near future, but the Soviets would still be free to duplicate the U.S. miniature ASAT interceptor and threaten American satellites at altitudes. Five to ten years from now, after successive rounds of unrestrained competition, the security of U.S. satellites, and thereby of the United States, will have been seriously impaired, despite greatly increased expenditures. In sum, the contrast between a future with ASAT arms control, and one without, is stark.

A ban on space tests of ASATs could also buttress the arms control achievements of the 1972 ABM Treaty. The ASAT limitations proposed here would not ban any ABM activity already permitted to both sides in the ABM treaty. Thus, an ASAT accord would not be incompatible with the President's recently-announced intention to investigate advanced ABM defenses within the provisions of the ABM agreement. However, by banning all ASAT tests in space, an ASAT treaty would prevent the Soviets from conducting impermissible ABM tests in space under the guise of devising an ASAT system.

It is to be hoped that an initial ban on ASAT tests could soon be augmented by a wider agreement to dismantle ASATs. Until such time as a comprehensive ban on possession of ASAT systems could be negotiated, there would still be a limited Soviet ASAT threat to those U.S. satellites within reach of the current Soviet interceptor. It would be doing arms control a disservice to claim that ASAT arms control alone could protect all space assets. (By the same token, extravagant claims that acquiring ASAT weapons will solve all our problems are equally mistaken.) What ASAT limitations could do is to make the task of protecting satellites less difficult, more reliable, and thus enhance confidence in the survival of satellites vital to U.S. security. ASAT arms control, then, serves American security interests by being an indispensable adjunct to, and not a replacement for, U.S. programs to diversify its satellite functions and harden its satellites against attacks.

Under a general ban on space tests of ASATs, the U.S. would also have to forego tests in space of the ASAT interceptor it is now developing. The U.S. reportedly is set to begin tests of its interceptor in space and against space targets within the year. If an ASAT accord were reached promptly, or if the U.S. offered to improve the prospects for successful negotiations by a voluntary test moratorium, the outcome might be that the U.S. would have no test experience with its ASAT in space, while the Soviets would have conducted some twenty tests over the past fifteen years. But there are compensations that must be weighed. The Soviet's ASAT test program has not been a great success, with the interceptor failing perhaps half the time. The U.S. has already accumulated a body of test and engineering experience just short of tests in space, so it would not be left with a blank slate. Furthermore, unless the U.S. closes off further ASAT testing soon, it risks exposing all its vital satellites to possible improvements in the Soviet ASAT system, improvements that might require years of American effort and billions of dollars to then offset.

In agreeing not use ASATs, the U.S. would also forego one of the stated purposes for buying its ASAT systems: attacking Soviet satellites that can be used to target U.S. military forces. The principal satellites of concern are the Soviet Radar Ocean Recon-

naissance Satellites (RORSATs) and Electronic Ocean Reconnaissance Satellites (EORSATs) that can locate ships at sea. It is important to weigh whether this limitation would significantly compromise American security.

To begin with, giving up ASATs does not mean giving up all means of countering Soviet satellite capability. Nothing in the treaty proposed here would prevent U.S. forces from using other countermeasures to deceive or confuse Soviet satellites, such as decoys, camouflage, electronic countermeasures, etc.

Secondly, ASATs may not in fact provide much protection for U.S. military forces. The Soviets have a variety of sea-based and airborne reconnaissance and targeting systems, so that shooting down Soviet satellites would not eliminate the threat. Any U.S. forces designed to operate along the periphery of the Soviet Union, where U.S. alliance obligations are, must be equipped with an array of countermeasures and defenses in any case. Thirdly, if the Soviets are the ones to initiate hostilities, they will have been able to gather and pass along satellite information needed to target U.S. forces before conflict starts. The U.S. would be inhibited from preemptively shooting down Soviet satellites just on suspicion of Soviet intentions; doing so would certainly provoke hostilities. And for some time after hostilities break out, the Soviets may also be able to launch new satellites to replace those attacked by a U.S. ASAT, so that again U.S. military forces must be prepared to fend for themselves in the face of threatening Soviet satellites.

Finally, U.S. military forces (with the exception of submarines) cannot count indefinitely upon concealment for their survival. They must be prepared sooner or later to withstand the brunt of Soviet forces. a U.S. ASAT system cannot protect an aircraft carrier, once it is discovered, by shooting down Soviet anti-ship missiles or intercepting torpedoes. But the U.S. ASAT program diverts resources and funds from other defense programs vital to our forces. According to the General Accounting Office, the U.S. ASAT program is already slated to cost $3.6 billion; the GAO argues that the cost could well rise to "tens of billions." Even at $3.6 billion, the "opportunity cost" of the ASAT system already equals one Nimitz-class nuclear-powered aircraft carrier. Where such trade-offs are involved, an ASAT system is not an incident option, but potentially a major drain upon overall U.S. military preparedness.

The most important concern for the U.S. is to ensure that its satellites can carry out their tasks, even in crisis or conflict. Using an ASAT to shoot down Soviet satellites would not protect or restore U.S. satellites. It is occasionally argued, as justification for the U.S. ASAT program, that our own ASAT can deter Soviet ASAT attacks by the threat of a tit-for-tat response. Given the greater American dependence upon satellites, the U.S. might in fact only make its situation worse by such tit-for-tat exchange. The best "deterrent" to Soviet ASAT attacks is Soviet awareness that U.S. satellite functions are so well diversified and hardened, and so supplemented by non-satellite systems, that no attack on satellites could succeed in crippling the overall U.S. military capability. An American ASAT system contribute nothing to this "deterrent;" it promises only to divert funds from the countermeasures that would genuinely provide such security.

V. VERIFICATION AND RESIDUAL RISKS

It has been argued that ASAT arms control poses daunting, perhaps even insuperable, verification problems, more so than any other area of arms control. One reason offered for this is that space satellites are so few in number, and their unique capabilities so difficult to duplicate with ground-based alternatives, that even a few ASAT weapons covertly acquired in violation of an agreement could reward the cheater with significant military advantage in a conflict. It is additionally argued that any limitations upon weapons or space programs that would be comprehensive enough to close off such cheating would necessarily be so stringent that they would preclude many civilian uses of outer space. As an illustration, the Soviet Progrez resupply vehicles, used with the Salyut program, obviously have features in common with ASAT interceptors: they can be launched to the vicinity of an orbiting satellite, maneuvered alongside, and brought into contact. Yet banning them, or limiting all such maneuvering space vehicles, in order to prevent them from being configured as ASAT weapons, would impair not only the Salyut program but the U.S. Space Shuttle as well. The problems are multiplied if we also consider the ASAT potential of other weapons not specifically designed as ASATs, such as ground-based ABM interceptor missiles, or nuclear-tipped ICBMs, or exotic directed-energy air defenses.

These arguments point to genuine concerns the U.S. ought to have about the survivability of its satellites. At the same time, these arguments assume that the future is dictated by past errors. In the past, the U.S. coped with limited budgets and high launching costs (hundreds, even thousands of dollars per pound to place objects in orbit) by relying on relatively few, long-lived, equipment-crammed satellites to perform vital military tasks. Little effort was made to incorporate survivability measures or to diversify functions. Because of their design and budgeting constraints, U.S. satellites are even vulnerable to primitive ASAT weapons.

But with or without ASAT arms control, the U.S. cannot go on like this. Nor does it intend to. A Presidental Directive in May 1978 ordered that all future U.S. military satellites be equipped with survivability measures and devices for detecting ASAT attacks. Some satellites probably cannot be protected from attacks at any affordable cost (e.g., large and fragile low-orbit satellites); and some attacks may work against almost any satellite (e.g., nuclear warheads detonated near a satellite). The best approach to reducing the risk is to move to a large number of simpler, easily-replaced satellites that are much more readily confused with decoys. Yet even this technique will succeed only if the Soviets are prevented from developing a cheap, nimble ASAT system capable of promptly attacking great numbers of satellites. It is precisely this sort of development that an ASAT arms control agreement should prevent.

There are several verification tasks that must be tackled under a general ban on ASAT weapons tests and use. The U.S. would have to confirm that the existing Soviet ASAT interceptor was not being tested in space; that no new ASAT weapons were being devised and tested in space or against space targets, including such new exotic ASATs as ground- or air-based lasers that could be aimed at low-orbit satellites; that weapons originally designed and deployed for other missions were not being tested in an ASAT mode; and that nonweapon space vehicles and programs were not posing significant ASAT threats.

The U.S. already has a diverse array of intelligence and space surveillance facilities for keeping track of Soviet activities, and this array is being expanded. NORAD's Space Object Catalogue is constantly being updated to record the identity and current orbits of all space objects (several thousand in all, of which several hundred are active or defunct satellites). NORAD's space tracking radar network has recently been upgraded to provide greater tracking accuracy, and gaps in the network have been closed by installing and improving radars in the Pacific. The GEODSS (Ground-based Electro-Optical Deep Space Surveillance) system, when completed in 1987, will augment ground radars and provide precise, highly-detailed optical and orbital signature data on manmade objects approximately 3,000 miles from earth and beyond. Upgraded radars in the United States, Turkey, and Kwajalein will provide additional tracking of objects in geosynchronous orbits.

Other electronic and optical sensors deployed around and over the Soviet Union add to U.S. ability to detect and classify Soviet missile and space launches. The potential for monitoring activities in outer space from space must also be considered. The recent demonstration of what is possible, in inspecting damaged and missing thermal tiles on the first Space Shuttle flight in April 1981, hints at what might be routinely feasible. On occasion, critiques of space verification capabilities tend to match only current monitoring capacities against future conceivable but nonexistent ASAT weapons, and not surprisingly, come to pessimistic conclusions. More imaginative evaluations should consider what we could now do but have not funded, as well as potential innovations in monitoring capabilities.

The effectiveness of all the monitoring facilities would be enhanced under an arms control agreement by provisions, such as those included in prior accords, prohibiting interference with national technical means of verification and deliberate concealment which impedes verification. Since the Soviets have already agreed in principle that arms control accords may include cooperative measures contributing to the effectiveness of verification by national technical means (in the SALT II Joint Statement of Principles), these too should be exploited to improve confidence in verification.

The U.S. already has long monitoring experience with tests of the current Soviet ASAT interceptor, going back a decade and a half. Covert tests of that weapon would be rather risky for the Soviets. Conceivably the Soviets might try to test their current ASAT covertly in some radically different manner that expanded its capabilities, e.g., on a new booster capable of intercepts significantly higher than its present ceiling. This would not be a "nimble" threat, even in the unlikely event that cheating succeeded. The booster required to loft the Soviet's bulky ASAT up to geosynchronous altitudes would have to be comparable to the large U.S. Saturn 1B or the Soviet PROTON booster, massive rockets with long preparation times, whose launches would be unmistakable.

More likely, if the Soviets hoped to expand their ASAT capability covertly, they would attempt an entirely new weapon, such as a miniature homing ASAT, or a more exotic laser ASAT, or space mines. Until such time as ASATs are banned alto-

gether, neither side would be violating the limitations if they devised such systems on the ground; they would be banned from testing them in space or against space objects.

But the technological challenges in building an effective space-based laser ASAT are formidable, even if unrestricted testing in space were permitted, and doing it all covertly would certainly be a protracted, highly risky task. To prevent the Soviets from testing ASATs in space under the pretense of developing, for instance, a space-based laser anti-aircraft defense system, our draft treaty also bans space weapons for damaging or destroying objects in the atmosphere or on the ground. This prohibition would also reinforce existing limitations on space weapons in the 1967 Outer Space Treaty and the 1972 ABM Treaty.

Ground- or air-based laser ASATs are far easier to construct than space-based lasers, but it is not clear they offer any advantages over current ASATs. Such lasers could impair unprotected satellite sensors at high altitutes, but could only destroy satellites in low orbits. Whether Soviet technology is sufficiently far advanced to make a miniature homing ASAT feasible in the near term is not clear. In all these new ASATs, however, very high accuracies in homing or aiming would be necessary, and these would be difficult to confirm without actual tests against space targets. Such tests can leave a host of telltale signs: launch of the ASAT itself; a large flow of data from the test vehicles that the Soviets would have to transmit; damage to the target that causes it to fragment or tumble; intense heating that can be detected by infrared sensors; and displacement of the target's orbit. While the Soviets were pressing ahead with such innovations, there would, of course, be a parallel expansion and evolution of U.S. monitoring facilities, which would further facilitate detection of cheating.

Space mines placed in orbit near targets and detonated only when conflict begins are another problem. They seem ingeniously simple. The technology could perhaps be fairly primitive, and if the only tests required were triggering the explosive upon command, they could be amply tested on earth. Nevertheless, if covertly deployed, they might give themselves away or pose only a manageable threat. The orbital paths of satellites are not necessarily stable, especially those of satellites in lower orbits that are subject to atmospheric drag, or that maneuver to perform their missions. Space mines dogging along behind such maneuvering satellites would be bound to raise suspicions, and the mine ceases to be such a simple device if it must be equipped with homing and maneuvering capabilities so it can keep track of its potential target or be able to close in rapidly on command. At geosynchronous altitudes, where all orbits are more stable, a space mine skulking near its target could still arouse suspicions, since all legitimate satellites are supposed to be registered (under the 1975 Convention on Registration of Objects Launched into Outer Space) and are to maintain minimum separation distances in geosynchronous orbits. Again, a space mine becomes a complex device if it must pretend to be something benign when far away from its target to avoid suspicions, yet swiftly seek its target upon command.

When it comes to verifying that non-ASAT weapons are not being put to ASAT purposes, again, long U.S. experience at monitoring the characteristic patterns of Soviet ICBM and ABM tests would make it risky for the Soviets to test these weapons in an ASAT mode. Of course, even in the absence of tests, such weapons would still have to be taken into account as an ASAT threat, since the great kill-distance of nuclear explosions in space could compensate for deficiencies in guidance systems or test experience. But it is also true that present ABM interceptors can reach satellites only in the lowest orbits, and any nuclear explosion in space carries a grave risk of escalation, of damage to "friendly" satellites as well as the target, and of uncertain EMP effects upon other military and civilian systems on earth. So, while such residual ASAT threats are less awesome than what unrestricted ASAT competition would produce, they would persist, even if the ability to verify a test ban were perfect. They are a reason for continuing vigorous satellite survivability programs as an adjunct to ASAT arms control.

Some non-weapon space vehicles may also have inherent ASAT capability (e.g., resupply vehicles that can home in on other satellites), and the U.S. would want to verify that such vehicles were not being tested in an ASAT mode. The overlap of non-weapon space technology with ASAT missions should not be exaggerated, however. The continuing high cost of launching anything into space will certainly force designers to optimize space vehicles for their specific non-weapon missions, and the results is not likely to be a very agile or capable ASAT. The Soviet's Progrez resupply vehicle, for instance, is obviously designed to deliver the maximum amount of provisions in few trips. Its takeoff weight, fully loaded, is perhaps three times that of the Soviet's own bulky ASAT, and consequently it uses an enormous booster just to reach altitudes of a few hundred miles. Such jury-rigged ASATs are not very good foundations for a weapon system to "sweep the skies," and making vital U.S. satellite functions survivable against such residual threats should be manageable.

Nevertheless, an ASAT arms control agreement could incorporate collateral constraints on the characteristics and use of non-weapon space technologies. These constraints might include, for instance, limits upon speed of approach in rendezvous maneuvers, or upon power/aperture characteristics of lasers in space. However, it would be premature to propose a long list of such constraints right now, to govern future cases of space technology. The treaty proposed here would accommodate such collateral constraints in several ways. Cases which the sides find of immediate concern could be addressed in treaty negotiations and incorporated as additional articles or perhaps as cooperative measures in test or space-use procedures that aid verification. Limits on future cases involving new technologies would best be addressed on a case-by-case basis in the Standing Consultative Commission, as the specific dimensions of problems and remedies become clear. This approach would raise our confidence that such space vehicles were not being readied as ASATs, while minimizing the impact upon non-weapon space exploration.

A final verification concern is that of "breakout," that is, the possibility that the Soviet Union could assemble a significant ASAT capability by abruptly abrogating the treaty through running a quick set of space tests. At issue here is how close to operational status an ASAT weapon could be brought, if assembled and tested only on the ground or covertly in space as dismantled components (e.g., testing homing sensors for ASAT interceptors on some ostensibly non-weapon space mission). Inconsistencies occasionally crop up in arguments on this matter. On the one hand, it is claimed the Soviets could readily concoct an ASAT system even though space tests were banned; on the other, it is asserted the U.S. could not accept a ban on testing because then it would be unable to confirm that its own ASAT system works. A more balanced viewpoint is in order here.

The U.S. has already conducted enough engineering tests of its own ASAT interceptor to be ready for immediate space tests, so even if a moratorium on tests were agreed upon now, the U.S. would not be without experience. If the ASAT accord banned tests but allowed both sides to keep their present ASAT weapons, then clearly both would have some "breakout" potential. Though the existing Soviet ASAT is a more tractable problem than what unrestrained ASAT competition would bring, this "breakout" potential would be of some concern for the U.S. A combination of reasonable survivability measures, eroding Soviet confidence in their ASAT in the absence of tests, and further negotiations leading toward complete dismantling of ASATs would address our concerns.

"Breakout" using an entirely new ASAT weapon that had been tested only on the ground or covertly—component by component—in space would be quite risky, technically and politically. In ASAT weapons as in modern weaponry in general, capability and complexity are linked—the more capable a weapon is in coping with a variety of combat requirements, the more complicated it is likely to be, and the more in need of tests that simulate actual engagements. Soviet attempts to conduct realistic full-system ASAT tests in space covertly would confront the whole battery of U.S. intelligence sensors. On the other hand, breaking the ASAT system down into component parts for covert testing, in order to minimize the chance of detection, entails a risk that the whole system will not work as well operationally as the parts. The Soviets have clearly experienced gaps between plans and performance in space and weapon systems, and even catastrophic shortcomings. Without tests, the Soviets could not confidently predict how soon a new device could be made to work after "breakout"—if at all. An ASAT test ban could serve U.S. interests by exploiting Soviet uncertainties and fear of detection, while leaving the U.S. free to complicate the Soviet's "breakout" task through a variety of satellite defensive measures.

In sum, there are no obvious reasons why an arms control agreement banning space tests and use of ASAT weapons could not be adequately verifiable. There may be some areas of uncertainty, but not so great as to permit the Soviets to pose a significant unanticipated threat to U.S. security if we take prudent steps towards improving intelligence capabilities and diversifying and protecting vital satellite functions.

VI. COMPARISON WITH THE 1981 SOVIET DRAFT TREATY

There are several important contrasts between the treaty proposed here and the provisions of the Soviet Union's draft treaty placed before the U.N.

The first contrast is in comprehensiveness. Article 1 of the Soviet treaty addresses weapons placed in orbit around the earth.

Strictly speaking, the Soviet formulation does not appear to limit further tests and development of either the Soviet or U.S. ASAT systems. In space tests, the current Soviet interceptor goes into orbit before attacking its target, but it may well be able to attack satellites by direct ascent or after partial orbit. The U.S. ASAT is a direct-ascent interceptor that does not go into orbit. Hence, both seem to elude a ban on weapons "placed in orbit." Ground-based laser ASATs also elude the Soviet formulation. In contrast, the treaty proposed here prohibits all testing of ASAT weapons in space or against objects in space, whether the ASAT weapon is ground- or space-based. This includes tests against one's own space objects, not (as the Soviet text reads) just those of other parties.

In a second contrast, Article 1 of the Soviet draft treaty reads in part, "the parties undertake not to station such weapons in outer space . . ., including on reusable manned space vehicles." Because the U.S. Space Shuttle is the only such vehicle now in use, such specific mention in the Soviet proposal must raise suspicions that the Soviets intend to somehow impair the Shuttle program. This impression was compounded by the fact that the English text of the treaty used by some nations in the U.N. left out the crucial word "on." The draft was therefore understood to include "reusable manned vehicles" among the weapons banned from space. Specific mention of reusable manned vehicles is in fact superfluous and is dropped from our proposed treaty text. Any general obligation not to test or place anti-satellite weapons in space would apply, no matter what launch vehicle happened to be used. The Soviets would be banned from using their current space vehicles, such as Salyut or Progrez, or any future Soviet shuttle, for such purposes. The same constraints would of course apply to the U.S. Space Shuttle.

In a third contrast, Article 3 of the Soviet draft treaty contains a general ban on the use of weapons in outer space. The Soviet version, however, adds a reservation: the satellites of the other side would enjoy protection if they did not violate other restraints in the treaty. Here, and in Article 2 as well, the Soviet draft seems to attempt a general limitation on satellites, rather than upon anti-satellite weapons. Indeed, the Soviet formulation gives an impression of legitimizing attacks upon satellites engaged in certain acts, rather than forbid such attacks.

There are two underlying issues here: first, what rights would one side retain, if the other tested or used an anti-satellite weapon in violation of the treaty; and second, what would the sides be permitted if a third nation tested or used an ASAT weapon in space? On the first point, obviously any violation of ASAT limits by the U.S. or the Soviet Union would be a grave act, and the other side would be justified in exercising rights of withdrawal from the treaty. Such provisions for withdrawal, customary in previous arms control treaties, are adequate to cope with this issue, when buttressed by prudent satellite survivability measures.

The second point underscores the importance of eventually transforming a bilateral ASAT treaty into a multilateral accord. It would be regrettable indeed if some third nation undercut superpower limitations upon space arms competition by launching its own ASAT. Still, a bilateral ASAT treaty between the superpowers should not contain provisions that appear to sanction attacks upon the space objects of third nations. If third parties disrupt the agreement reached by the superpowers, the first recourse for the U.S. and Soviet Union should be consultation as provided for in the attached treaty. The final recourse would be inherent right of withdrawal where extraordinary events jeopardize supreme national interests.

Finally, the introduction of the Soviet draft proposal in the U.N. General Assembly raises the question of whether the best prospect for space arms control is through multilateral or bilateral negotiations. A superpower arms competition in space would certainly be a matter of global concern. Objects circling the earth in outer space can come within a hundred miles or so of every point on the globe, of every nation on earth. Outer space can be used in a host of ways to yield security and prosperity for all nations. It is therefore desirable that any arms control restraints on weapons in outer space be broadly affirmed and respected by all nations.

However, at the moment only the Soviet Union and the U.S. have ASAT programs. Since their accession is indispensable to any meaningful limitations on space weapons, and since their ASAT programs are proceeding apace, it is most important that the superpowers begin direct negotiations, unimpeded by the delays that unavoidably arise in wider multilateral forums.

The best course would therefore be for the U.S. and the Soviet Union to begin direct negotiations on bilateral restraints, keeping in mind the desirability of eventually incorporating their accord into a multilateral treaty appropriate for signature by all nations.

APPENDIX—A TREATY LIMITING ANTI-SATELLITE WEAPONS

PREAMBLE

Article I

Each Party undertakes not to destroy, damage, render inoperable or change the flight trajectory of space objects of other States.

Article II

1. Each Party undertakes not to place in orbit around the earth weapons for destroying, damaging, rendering inoperable, or changing the flight trajectory of space objects, or for damaging objects in the atmosphere or on the ground.

2. Each Party undertakes not to install such weapons on celestial bodies, or station such weapons in outer space in any other manner.

3. Each Party undertakes not to test such weapons in space or against space objects.

Article III

1. For the purpose of providing assurance of compliance with the provisions of this treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

2. Verification by national technical means shall be supplemented, as appropriate, by such cooperative measures for contributing to the effectiveness of verification by national technical means as the Parties shall agree upon in the Standing Consultative Commission.

3. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.

4. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with this treaty.

Article IV

1. To promote the objectives and implementation of the provisions of this treaty, the Parties shall use the Standing Consultative Commission, established by the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics regarding the Establishment of a Standing Consultative Commission of December 21, 1972.

2. Within the framework of the Standing Consultative Commission, with respect to this treaty, the Parties will:

(a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

(b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

(c) consider questions involving unintended interference with national technical means of verification, and questions involving unintended impeding of verification by national technical means of compliance with the provisions of this treaty;

(d) consider, as appropriate, cooperative measures contributing to the effectiveness of verification by national technical means;

(e) consider possible changes in the strategic situation which have a bearing on the provisions of this treaty, including the activities of other States;

(f) consider, as appropriate, possible proposals for further increasing the viability of this treaty, including proposals for amendments in accordance with the provisions of this treaty.

Article V

The Parties undertake to begin, promptly after the entry into force of this treaty, active negotiations with the objective of achieving, as soon as possible, agreement on further measures for the limitation and reduction of weapons subject to limitation in Article II of this treaty.

Article VI

In order to ensure the viability and effectiveness of this treaty, each Party undertakes not to circumvent the provisions of this treaty, through any other State or States, in any other manner.

Article VII

Each party undertakes not to assume any international obligation which would conflict with this treaty.

Article VIII

1. Each Party may propose amendments to this treaty.

2. Agreed amendments shall enter into force in accordance with the procedures governing the entry into force of this treaty.

Article IX

This treaty shall be of unlimited duration.

Article X

Each Party shall, in exercising its national sovereignty, have the right to withdraw from this treaty if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests. It shall give notice of its decisions to the other Party six months prior to withdrawal from the treaty. Such notice shall include a statement of the extraordinary

events the notifying Party regards as having jeopardized its supreme interests.

Article XI

1. This treaty shall be subject to ratification in accordance with the constitutional procedures of each Party.

2. This treaty shall enter into force on the day of the exchange of instruments of ratification.

Article XII

1. Done in two copies, each in the English and Russian languages, both texts being equally authentic.

2. This treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

FOOTNOTES

[1] Presidential Directive 37, as summarized in a White House fact sheet dated June 19, 1978.

[2] Robert W. Buchheim, testimony at hearing on "Arms Control and the Militarization of Space" held by the Subcommittee on Arms Control, Oceans International Operations and Environment of the Senate Foreign Relations Committee, September 20, 1982.

[3] Eugene Rostow, testimony at same hearings.

[4] Richard D. DeLauer, testimony at same hearings. Robert S. Cooper, testimony to the Subcommittee on Research and Development of the House Armed Services Committee, March 17, 1983.

Marcia Smith, "Antisatellites," Issue Brief No. IB81123, Science Policy Research Division, Congressional Research Service, Library of Congress, April 6, 1983.

[5] S. Res. 43, introduced by Senator Pressler on February 2, 1983. H.J. Res. 120, introduced by Representative Moakley on February 2, 1983. S.J. Res. 28, introduced by Senator Tsongas on February 3, 1983.

[6] The term "space objects" would correspond to "objects launched into outer space" in the Outer Space Treaty of 1967. Such objects include not only all functioning objects commonly called "satellites," but also all objects on interplanetary flights as well as all man-made pieces of debris. The term does not include nuclear missile warheads on ballistic trajectories, even though these pass through space. Hence, an ASAT treaty along these lines would not alter the rights or obligations of the 1972 ABM Treaty which covers weapons used against ballistic missiles.

PAIEWONSKY'S ADMINISTRATION CREATED NEW MIDDLE CLASS IN THE VIRGIN ISLANDS

● Mr. JOHNSTON. Mr. President, one of our lesser debated—but most sensitive—responsibilities is to legislate for the unrepresented parts of the Nation. Since Congress has full constitutional responsibility for the territories, which have neither voice nor vote in our body, the 3½ million Americans who reside in them are entirely dependent upon our attention.

Members know that I have taken this responsibility seriously. The many significant and legitimate needs of our insular areas are essential to the national as well as the territorial interest. I have dedicated time and effort to meeting them.

As I have done so, I have been privileged to come to know a remarkable leader: Ralph M. Paiewonsky, of the Virgin Islands. Those familiar with the insular areas know that no territory has had a more visionary, able, or productive Governor. Any community would be fortunate to have a citizen as outstanding.

Governor Paiewonsky's careers as a public servant and as a merchant have bettered almost every facet of life in the Virgin Islands. His tenure as chief executive won dramatic improvements in the island's self-government, tourism business, industrial development, housing, educational system, and public infrastructure and services. The achievements continue as a living legacy of his partnership for progress.

The United States is indeed indebted to the father of the modern Virgin Islands. But our appreciation pales beside that of the people whose social, economic, and political growth Governor Paiewonsky so advanced.

No one is more appreciative of Governor Paiewonsky's accomplishments than the man who most helped to achieve them: the Virgin Islands' great legislator, Earle B. Ottley.

A distinguished journalist, Senator Ottley provided history with the best chronicle of the achievements of the Paiewonsky-Ottley years a few months ago. When the legislature of the Virgin Islands awarded the territory's Medal of Honor to Governor Paiewonsky, he wrote a recollection which should be inspirational to all who love those beautiful islands. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the Recollection was ordered to be printed in the RECORD, as follows:

PAIEWONSKY'S ADMINISTRATION REDUCED POVERTY—CREATED NEW MIDDLE CLASS

(By Senator Earle B. Ottley)

On April 5, 1961, Ralph M. Paiewonsky was sworn into office as the 16th civilian Governor of the United States Virgin Islands. It was an historic occasion for the territory. Paiewonsky became the first native born Virgin Islander to assume this post and the people were soon to benefit from his years of experience and involvement in the social, economic, and political life of these islands.

The growth that occurred from 1961 to 1969 came as a result of the bold and progressive programs proposed, developed and carried out by the Paiewonsky administration. And it was the revenues from this growth that enabled the government to continue to expand its programs for the social, educational and industrial progress of the community.

Paiewonsky offered programs to expand the tourist trade and encourage new industry, and thus create thousands of new jobs in the territory. New hotels were built, factories opened their doors, and government services were dramatically expanded. Harvey Aluminum (now Martin Marietta) and Hess Oil, two industrial giants, transformed St. Croix from a sleepy rural and sugar cane town to a commercial metropolis, with the average wage rate quadrupling almost overnight.

So successful were Paiewonsky's economic development programs that the islands had to appeal to the neighboring islands for temporary workers to meet the need of construction projects and hotels. Hundreds also came to work as maids and other domestic servants in the homes of Virgin Islanders. Tourists came by the thousands, igniting a boom that created many jobs in private industry, and poured substantial revenue into the government's treasury.

For the first time government had the resources to provide varied services to the people, and several new departments were established to handle specific problems. This resulted in the creation of hundreds of good government jobs.

Perhaps the most disturbing condition confronting the average Virgin Islander when Paiewonsky became governor was the housing situation. The Paiewonsky administration immediately recognized that an emergency program in housing was necessary. Through the leadership provided by Governor Paiewonsky the administration laid bold plans for a progressive housing program to be instituted in the islands. In 1962, a Department of Housing and Community Renewal was created and a long range program of land acquisition and home construction began. Within five years more than 8,000 Virgin Islanders had been relocated in new, modern, safe and sanitary dwellings. Private contractors were given incentives to build houses for resale and with federal assistance and bold, innovative local programs, hundreds became home owners for the first time.

Others who were earning handsome salaries took advantage of their new prosperity to buy land and build homes, and suddenly the hillsides overlooking Charlotte Amalie and various small communities in St. Thomas, St. Croix and St. John sprung up overnight, all with new and modern houses.

In the years prior to Paiewonsky's administration, many Virgin Islanders flocked to New York in search of employment opportunities. Paiewonsky reversed the trend creating jobs that encouraged Virgin Islanders to stay at home and induced those abroad to return.

The conditions served as a magnet for thousands of Americans from the mainland who swarmed to the islands, some to live in retirement in the islands' "paradise," and others to establish a variety of small businesses, most of them catering to tourists. Gift shops, restaurants, yacht services, car rental agencies, construction companies and many other service-type businesses were established.

With the same zeal that was applied to the housing program, Governor Paiewonsky's administration began a program of educational expansion and educational excellence. In his first four years in office his administration added 92 classrooms and built 26 facilities. At the same time, the pupil-teacher ratio dropped by two-thirds, and the two principal high schools were for the first time accredited by the Middle States Association for Secondary Schools.

When Paiewonsky took office in 1961, the budget for the entire Department of Education was $441,337. By 1966, his administration was spending $7,882,000 on education. More and more emphasis was placed on education and soon expenditures reflected a per pupil expenditure higher than the average of the fifty States.

The list of achievements made by the Paiewonsky administration in the field of education was probably capped with the establishment of the College of the Virgin Islands in the face of vigorous opposition from some quarters. Because of the Governors personal perseverance and energy, that dream is now a reality. Not only has CVI turned out hundreds of graduates who have become leaders in various fields, but it has

gained the reputation as a cultural center for the entire eastern Caribbean. The Ralph M. Paiewonsky Library was established in January, 1969, as a tribute to Governor Paiewonsky.

The Paiewonsky administration constantly advocated major improvements in airport facilities to provide the opportunity for the continued growth and to be able to compete successfully with other vacation islands in the Caribbean. The Alexander Hamilton Airport in St. Croix, finished in 1962, provided the islands with their first direct jet flight to and from the mainland. The administration's efforts to secure direct jet flights to St. Thomas resulted in Pan American Airways servicing the capital island with one-plane service from New York City.

Ambitious plans were developed to build a new airport in the lagoon section of eastern St. Thomas, instead of proceeding with expansion of Truman airport, and to transform St. Thomas Crown Bay into a cruise ship facility, with more than forty acres set aside for commercial and industrial purposes.

Transfers of former properties of the Virgin Islands Corporation, a federal entity, gave the people of the Virgin Islands ownership and control of facilities that are now being operated by the Virgin Islands Port Authority and the Water and Power Authority.

Many of the achievements of the Paiewonsky administration could not have been accomplished without Federal aid. The Governor's realization that the Virgin Islands could participate in many Federal programs by organizing along lines required by Federal law, is in itself a major accomplishment.

One of the Governor's most fervent hopes was to see the Virgin Islands achieve greater measures of local self-government, including the election of their own Governor. His administration advocated the calling of a Virgin Islands Constitutional Convention, whose delegates were elected by the people. The convention met, framed their recommendations for a new revision of The Organic Act and presented their recommendations to the Executive and Legislative branches of the Federal government. Governor Paiewonsky led a Washington delegation which testified in behalf of an elected governor bill and reapportionment measures at hearings before the House Subcommittee on Territorial and Insular Affairs. Both received favorable consideration and were enacted into law by the Congress of the United States.

All of the economic benefits that the Paiewonsky administration programs provided gave the average Virgin Islander a new dignity, and erased the "poorhouse" label that had been given to the Virgin Islands years before by President Hoover. The sharp rise in living standards created a solid middle class in the islands for the first time.

Governor Paiewonsky left office before he could implement elaborate plans that he had already approved to build two multimillion dollar health centers, one on St. Croix and the other on St. Thomas.

Through all of this the unheralded, behind-the-scenes efforts of hundreds of employees provided the support necessary for success. A cooperative Legislature through its vital work shared with Governor Paiewonsky a great sense of accomplishment.

This record of accomplishments of the administration of Governor Ralph M. Paiewonsky will provide the brightest page in the history of the Virgin Islands.

LATEST AIR FORCE INFORMATION DEMONSTRATES MX IS NOT WORTH THE MONEY

Mr. LEVIN. Mr. President, the Senate soon will begin a debate of almost historical significance for the defense and arms control policies of this Nation. We will consider whether to approve the administration's request to deploy 100 MX missiles in vulnerable, existing Minuteman silos.

This debate also will have major fiscal significance for the American taxpayers, since this proposed MX deployment is expected to cost at least $20.2 billion during the next 6 years.

At that price, our hard-pressed American taxpayers should expect their elected representatives to do the utmost to insure that this Nation is obtaining the maximum military, arms control, and fiscal benefits from the proposed MX deployment.

According to the Air Force information I have just received, the exact opposite will be the case, Mr. President, if the Congress ultimately approves the administration MX plan. I want to share this information with my colleagues, so that they might ponder these cold facts as we begin to debate the future of this latest in a long and sorry litany of fatally flawed MX deployment schemes.

Just yesterday, the Air Force confirmed to me that by 1989, when MX would be fully deployed, only between 1 and 5 percent of our fixed intercontinental ballistic missile (ICBM) silos would survive, and I quote, "a well-executed Soviet first strike attack on existing U.S. silos."

That means that only between one and five MX missiles would survive such an attack, according to the Air Force's own calculations approved by Lt. Gen. Lawrence Skantze, chief of the service's research and development activities, and issued by the Office of the Secretary of the Air Force.

The bottom line of this is that the administration is asking the Congress and the American people to spend $20.2 billion in hard earned tax dollars for just 10 to 50 surviving MX warheads. At the lower number of survivors, that comes to a price tag of more than $2 billion for each surviving MX warhead. At the higher number, the cost is $404 million per surviving MX warhead.

Either cost is an absurd price to pay for such a minimal—if not nonexistent—gain in our strategic nuclear retaliatory and deterrent capabilities. At those prices, we all should go into the MX warhead business.

The money we are being asked to pay for MX could be much better spent to improve our conventional forces in needed categories—such as our Rapid Deployment Force capabilities for airlift, sealift, and desert combat equipment. If we spent the billions we are being asked to pay for MX on other conventional weapons, we could buy at least 500 high performance F-15 fighters or 1,000 extremely capable F-16 fighters or 13 CG-47 AEGIS air defense cruisers or 24 SSN-688 nuclear fast attack submarines or 9,700 Bradley fighting vehicles.

Or those billions could yield more benefits than they will for MX if we did not spend them at all during the next 6 years, when crushing deficits threaten our economy.

We would be stronger militarily, the nuclear threshold would be higher because our conventional combat strength would be greater, and we would be stronger economically without the MX.

Proponents of the MX try to dismiss these hard truths about what we are buying for the billions we are being asked to throw at MX, but the Air Force has provided the evidence. We are buying absolutely nothing, and every Member of the Senate must ask himself or herself how he or she can justify to his or her constituents such a bad bargain.

Proponents will try to explain away this reality that MX silo deployment provides only 10 to 50 surviving warheads by saying, as the Air Force does in its information to me, that the Soviets could not be certain the United States would not launch its missiles during the attack, instead of waiting until the Soviet first strike is over. Thus the number of surviving MX warheads might be higher, is the implication of this claim.

This uncertainty does exist, Mr. President, but it means we are relying on a dangerous, nuclear hair trigger strategy of launch on warning for the survival of our ICBM's.

The second uncertainty the Air Force tries to use to qualify its sad news about MX is in the form of a question: "Can the Soviets confidently attack all legs of (the) triad?" The answer to that, of course, is that they cannot, because the most likely Soviet attack would still fail to destroy as many as 70 percent of our missile submarines and about 30 percent of our bomber force. But that should not change the vulnerability of fixed missile silos, according to past, extensive Air Force testimony.

That uncertainty existed all the years that the Air Force was insisting to Congress that it had to have a survivable MX missile if our deterrent was to be credible. The Air Force cannot have it both ways now; and its own credibility to argue such a point is as low as the now closed window of vulnerability supposedly was open.

The simple fact is that the proposed MX missile deployment just is not worth the money, Mr. President, and

the Air Force's own information proves it.

THE PRESIDENT'S EMBARGO ON ISRAEL'S F-16's

Mr. CRANSTON. Mr. President, President Reagan has still not lifted the embargo on delivery of F-16 aircraft to Israel, despite the fact that the PLO and Syria are building up their forces in and around Lebanon and despite the fact that Israel has agreed to a concurrent withdrawal of all foreign forces from Lebanon. As I make clear in the following letter to the President, which I submit for the RECORD, I have consistently opposed the Reagan administration's unwarranted embargo on F-16 deliveries to Israel. But I think it is especially important that this embargo be lifted immediately, due to current circumstances in the Middle East.

Following is the text of my letter to President Reagan:

U.S. SENATE,
Washington, D.C., May 16, 1983.

Hon. RONALD REAGAN,
The White House
Washington, D.C.

DEAR MR. PRESIDENT, Israel's agreement to withdraw troops from Lebanon offers new promise for peace in the Middle East. However, the hope that the Lebanese can now restore sovereignty over their own territory through the withdrawal of all foreign forces is offset by the fear that PLO and Syrian forces will remain primed for more war.

In recent days, it has become clear that Syrian and PLO leaders will do all in their power to block implementation of a Lebanese peace agreement. The Syrians continue their unprecedented military build-up with massive Soviet assistance. And the PLO is pouring new troops into their Bekaa Valley strongholds.

Under these circumstances, I believe it is irresponsible for your Administration to continue to withhold delivery of the 75 F-16 planes long scheduled for delivery to Israel. I have consistently opposed your embargo on these deliveries. But now with your Secretary of Defense warning against Syrian aggression, it is especially unwise for you to block delivery of F-16's essential for the security and survival of our only stable democratic ally in the Middle East, Israel.

I call on your Administration to release these planes for delivery to Israel immediately.

Sincerely,

ALAN CRANSTON.

BUDGET DEFICITS—WHO'S RESPONSIBLE?

Mr. BYRD. Mr. President, on Tuesday, President Reagan took the occasion of a speech before the National Association of Home Builders to launch a strident and partisan attack on the Congress for its unwillingness to swallow whole the President's discredited budget policies. In that speech, the President rejected any responsibility for Federal deficits that are skyrocketing through the stratosphere and threatening to strangle the still fragile economic recovery in its infancy. Insistent upon a budget whose priorities are not supported by a majority of the Congress or even his fellow Republicans, the President and his aides continue to suggest that they prefer no budget at all to one which does not reflect the President's own unbending commitment to massive defense spending, deep cuts in social programs, and an unfair tax program tilted toward the rich. In short, the President is threatening to take his ball and walk off the field, unless he can get his own way.

The President chose to make his remarks at the very moment that the Republican leadership in the Senate is struggling to patch together a budget compromise that can muster enough votes to pass. The President's policies have already deeply divided his own party. Now, he has lobbed a rhetorical grenade straight at the heart of the effort to achieve a compromise. His comments will make the work of the Republican leadership, striving to devise an acceptable bipartisan budget, even more difficult. It is time for the President to put aside demagoguery and accept responsibility for the consequences of his own policies.

Since assuming office in 1981, President Reagan has presided over the most dramatic surge in deficits in the history of our Nation. In July 1981, prior to enactment of the Reagan economic and budget programs, the Congressional Budget Office forecast that—based on the economic trends and budget policies in place at that time—the Federal Government would accumulate a budget surplus of $212 billion during the 4 years from fiscal year 1982 through fiscal year 1985.

In sharp contrast to that optimistic outlook, in February of this year CBO forecast that rather than building up a surplus, the Federal Government would instead accumulate a record-breaking budget deficit of $716 billion between fiscal year 1982 and 1985. In other words, during the first 2 years of the Reagan administration, a staggering $918 billion of red ink was added to the projected budgets for fiscal year 1982-85, erasing the surplus originally forecast in 1981 and replacing it with a recordbreaking deficit.

This dramatic shift from a projected budget surplus to a projected budget deficit for fiscal year 1982 through 1985 is, to a very large extent, a direct result of the administration's own economic and budgetary policies.

According to CBO, the single largest cause for the disappearance of the large budget surplus it originally forecast in mid-1981 was the Reagan administration's economic policy—its much-heralded program for economic recovery. As a result of an inevitable and massive collision between its excessively tight monetary policy and its highly expansionary fiscal policy, the Reagan economic program has proved to be a dramatic failure. Rather than promoting economic growth, it plunged the American economy into the worst recession since the Great Depression, a downturn from which it has only now begun to recover. The change in the economic outlook caused by the deep Reagan recession added almost $592 billion in deficits to CBO's Federal budget projections for fiscal year 1982 through 1985.

The second largest factor behind the worsening deficits is President Reagan's budget policy, which disastrously combines the largest tax cuts and the biggest defense spending increases in history. Even the Reconciliation Acts of 1981 and 1982, which imposed the deepest cuts in domestic spending ever made, proved insufficient to stem the rising tide of red ink. While nondefense spending for the fiscal years 1982-85 period was slashed $204 billion by those bills, military spending and interest costs on the national debt were raised and taxes reduced by a total of $437 billion, completely overwhelming all other savings. According to the Congressional Budget Office, the net effect of the administration's budget policy in its first 2 years was to add $233 billion in deficits to its budget projections for fiscal year 1982 through fiscal year 1985.

Finally, but to a far lesser degree than the other causes just mentioned, the shift during the last 2 years from a projected surplus to a projected deficit for fiscal years 1982 through 1985 resulted from several technical estimating changes, which added $93 billion in deficits to CBO's budget projections for fiscal years 1982 through 1985.

In brief, the administration's economic and budget policies caused 90 percent, or $825 billion, of the increased red ink projected for fiscal years 1982 through 1985 by the Congressional Budget Office in its February 1983 forecast, while the remaining 10 percent, or $93 billion, was the result of technical estimating changes.

Mr. President, it is indeed ironic that the party which swept into the White House and control of the Senate in 1980, pledging a balanced budget, would bring us the highest deficits in the history of the Republic. Deficits of this magnitude will send interest rates spiraling upward and threaten to abort the fragile economic recovery now underway. It is time that the President and his party face the reality that we cannot continue to allow these hemorrhaging deficits to flow unstaunched without courting economic disaster. It is time to reverse the policies which have brought us to our present circumstances, and to chart a new course that can restore some measure of sanity to fiscal policy.

Instead, the President continues to insist that congressional Democrats want to increase taxes as a way out of our current budget impasse. The President's accusation is a serious and unfortunate distortion of the problems we as a nation face in charting an appropriate fiscal policy for the balance of this decade.

I have yet to hear one Member on this side of the aisle propose a new tax. Many on this side have hoped that the President would heed the advice he received from us in 1981 when we urged him to push for the third year of his tax program only if the budget was under control. The President did not heed our advice then, and the budget is now wildly out of control. We are writing enormous tax cuts in the red ink of the national debt.

At this point in time, we on this side of the aisle who have been urging fiscal prudence must recognize the realities in which we now find ourselves. The President has not and will not change his position on the third year of the tax cut. In anticipation of this third year of the tax cut, many States have raised their taxes. The net result is that it is now legislatively impossible to repeal the third year of the tax cut. Therefore, I suggest that it is time to put that debate behind us and to move, in a last ditch effort at fiscal sanity and tax fairness, to modify the third year of the tax cut in a way that is fair to lower and middle income people, insures that everyone gets a tax cut, but which guarantees that the rich, who have already profited so handsomely under the administration's tax program, not receive a tax cut larger than that enjoyed by the average upper-middle-income family.

As enacted, the Reagan-Kemp-Roth tax program has been grossly unfair to the average American taxpayer. A family of four earning over $100,000 has already received a tax cut of $3,454. A family earning $20,000 has received less than one-tenth of that amount, about $300.

The tremendous inequities contained in the President's tax program would only be made worse if the scheduled final installment of the Reagan tax plan is allowed to go into effect unchanged.

The third year tax cut contained in the President's rate-reduction program would permanently reduce the tax liability of a family of four with an income of $100,000 by a staggering $2,368 a year, or $11,840 over the next 5 years. Based solely on his salary as President of the United States, President Reagan himself would save $4,456 a year, or more than $22,000 over the next 5 years, from the third installment of his tax plan.

By contrast, a family earning $20,000 will get $820 over the next 5 years in lower taxes. That is about $3 a week, enough for a tuna fish sandwich, potato chips and milk at the Senate cafeteria.

The central question now before the Congress is not whether taxes should be raised, but rather whether the American people are best served by continuing to cut taxes for the third year in a row for the wealthiest people in the country at a time when the Federal deficit is skyrocketing out of control.

I recognize that it is not realistic to expect Congress to repeal the third year of the Reagan/Kemp/Roth tax program, given the President's often repeated threat to veto any such legislation. But I continue to hope that the President will listen to reason and heed the call of basic fairness, by agreeing at least to put a cap on the amount of the tax cut which any one taxpayer can receive, so that no one would receive more than his fair share, and so that the rich would no longer receive a windfall tax reduction far in excess of what the ordinary American taxpayer can receive.

If we were to cap the amount of the tax benefit which any taxpayer could receive at $500, we would raise $8.4 billion in revenues in fiscal year 1984 and $28.5 billion over 3 years. That is a lot of money. A $500 cap would become effective for families with an income above about $39,000 in adjusted gross income. Since adjusted gross income is several thousand lower than gross income, this figure understates the income level at which a $500 cap would kick in. At that adjusted gross income, a family of four would receive the full 10-percent cut. Families with incomes below that amount would still receive the full 10 percent, while families with greater incomes would receive $500.

By capping the third year at $500, we will be giving 83 percent of all taxpayers the tax cut they are scheduled to receive. In my own State of West Virginia, a $500 cap will have no effect on approximately 9 out of 10 taxpayers.

However, a $500 cap achieves two important objectives. It raises $8.4 billion in needed revenues, and raises those revenues from these taxpayers who can most afford it, the wealthy. As a consequence, a cap returns some balance of fairness to the Reagan tax program.

Democrats believe that it is time to stop following the inequitable and discredited tax program President Reagan designed. These tax cuts are not fair, and they have not worked to stimulate economic growth.

If we fail to modify the third year tax cut, we have no hope of returning some balance to our fiscal policy.

The costs of this failure will be high: we are virtually guaranteed to see slow economic growth, high-interest rates, high unemployment, and record budget deficits through the balance of this decade.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Banking, Housing, and Urban Affairs.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:19 p.m., a message from the House of Representatives delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 451. An act to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company; and

H.R. 2785. An act to amend the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act relating to the scientific advisory panel and to extend the authorization for appropriations for such act.

At 5:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that pursuant to the provisions of House Resolution 195, the bill (S. 144) to ensure the continued expansion of international market opportunities in trade, trade in services, and investment for the United States, and for other purposes, is returned to the Senate.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1191. An act to amend the conditions of a grant of certain lands to the town of Olathe, Colorado, and for other purposes;

H.R. 2602. An act to authorize appropriations for the United States International Trade Commission, the United States Customs Service, and the Office of the United State Trade Representative for fiscal year 1984, and for other purposes;

H.R. 2681. An act to make certain amendments to sections 4, 13, 14, 15, and 15B of the Securities Exchange Act of 1934;

H.R. 2936. An act to amend title 38, United States Code, to increase the authorized number of members of the Board of Veterans' Appeals in the Veterans' Administration, and for other purposes;

H.R. 2990. An act to increase the permanent public debt limit, and for other purposes;

H.R. 3034. An act to provide for appointment and education of congressional pages, and for other purposes;

H.J. Res. 226. Joint resolution to designate the week of May 22, 1983, through May 28, 1983, as "National Digestive Diseases Awareness Week"; and

H.J. Res. 265. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were read the first and second times, and referred as indicated:

H.R. 451. An act to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company; to the Committee on Energy and Natural Resources.

H.R. 1191. An act to amend the conditions of a grant of certain lands to the town of Olathe, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2602. An act to authorize appropriations for the United States International Trade Commission, the United States Customs Service, and the Office of the United States Trade Representative for fiscal year 1984, and for other purposes; to the Committee on Finance.

H.R. 2785. An act to amend the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act relating to the scientific advisory panel and to extend the authorization for appropriations for such act; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 2990. An act to increase the permanent public debt limit, and for other purposes; to the Committee on Finance.

H.R. 3034. An act to provide for appointment and education of congressional pages, and for other purposes; to the Committee on Governmental Affairs.

H.J. Res. 226. Joint resolution to designate the week of May 22, 1983, through May 28, 1983, as "National Digestive Diseases Awareness Week"; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION PLACED ON THE CALENDAR

The following joint resolution was read the first and second times and placed on the calendar by unanimous consent:

House Joint Resolution 265. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. 1310. An original bill to provide for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank (Rept. No. 98-127).

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1311. An original bill to amend the Securities and Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1984 through 1985, and for other purposes (Rept. No. 98-128).

By Mr. WEICKER, from the Committee on Small Business, without amendment:

S. 1323. An original bill to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes (Rept. No. 98-129).

By Mr. SIMPSON, from the Committee on Veterans Affairs, with amendments:

S. 636: A bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes (Rept. No. 98-130).

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

H.R. 2628. An Act to amend title 31, United States Code, to authorize appropriations for the Bureau of the Mint for fiscal year 1984, and for other purposes (Rept. No. 98-131).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1065. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to exempt certain physicians from the requirement of Senate confirmation prior to appointment as medical officers in the Armed Forces; to the Committee on Armed Services.

EC-1066. A communication from the Deputy Director for Legislative Liaison, Secretary of the Air Force, transmitting, pursuant to law, a report on the progress of the Reserve Officers' Training Corps flight instruction program; to the Committee on Armed Services.

EC-1067. A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere transmitting, pursuant to law, a report on "Marine Transportation in the United States: Constraints and Opportunities"; to the Committee on Commerce, Science, and Transportation.

EC-1068. A communication from the Vice President for Government Affairs, Amtrak, transmitting, pursuant to law, a report on total itemized revenues and expenses of each train operated for January and February 1983; to the Committee on Commerce, Science, and Transportation.

EC-1069. A communication from the Assistant Secretary of Energy for Conservation and Renewable Energy transmitting, pursuant to law, a report on Federal activities and programs in geothermal energy; to the Committee on Energy and Natural Resources.

EC-1070. A communication from the Administrator of the Energy Information Administration transmitting, pursuant to law, a report entitled "1982 Annual Energy Review"; to the Committee on Energy and Natural Resources.

EC-1071. A communication from the Secretary of Energy transmitting notice of a further postponement of the fourth national energy policy plan; to the Committee on Energy and Natural Resources.

EC-1072. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on the nondisclosure of safeguards information by the Commission for the quarter ending March 31, 1983; to the Committee on Environment and Public Works.

EC-1073. A communication from the Chairman of the U.S. International Trade Commission transmitting a draft of proposed legislation authorizing appropriations for the Commission for fiscal year 1985; to the Committee on Finance.

EC-1074. A communication from the Director of the Office of Management and Budget transmitting a draft of proposed legislation to deny cost-of-living adjustments in Federal retirement and disability programs for a specified time; to the Committee on Governmental Affairs.

EC-1075. A communication from the Chairperson of the District of Columbia Commission on Judicial Disabilities and Tenure transmitting, pursuant to law, the seventh annual report of the Commission covering fiscal year 1982; to the Committee on the Judiciary.

EC-1076. A communication from the Attorney General of the United States transmitting, pursuant to law, the annual report of the Attorney General for fiscal year 1981; to the Committee on the Judiciary.

EC-1077. A communication from the Chairman of the U.S. Commission on Civil Rights transmitting, pursuant to law, a report entitled "Greater Baltimore Commitment: A Study of Urban Minority Economic Development"; to the Committee on the Judiciary.

EC-1078. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to amend the Low-Income Home Energy Assistance Act of 1981 to improve the grant allotment formula, to remove certain burdensome and unnecessary Federal administrative requirements on State programs, and for other purposes; to the Committee on Labor and Human Resources.

EC-1079. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to amend section 3a of the Cotton Statistics and Estimates Act to provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton classing services to producers; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1080. A communication from the Deputy Assistant Secretary of Defense (Military Personnel and Force Management) transmitting, pursuant to law, reports for fiscal year 1982 of former military personnel employed by defense contractors and former employees of defense contractors now employed by the Department of Defense; to the Committee on Armed Services.

EC-1081. A communication from the Secretary of Transportation transmitting, pursuant to law, the third annual report on collision avoidance systems; to the Committee on Commerce, Science, and Transportation.

EC-1082. A communication from the Secretary of Energy transmitting, pursuant to law, the second annual revised comprehensive program management plan for wind energy systems; to the Committee on Energy and Natural Resources.

EC-1083. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period to May 13, 1983; to the Committee on Foreign Relations.

EC-1084. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, copies of District of Columbia Act 5-30, adopted by the council on April 26, 1983; to the Committee on Governmental Affairs.

EC-1085. A communication from the Assistant Secretary of Housing and Urban Development—Administration—transmitting, pursuant to law, a report on a proposed new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1086. A communication from the Acting Secretary of the Postal Rate Commission transmitting, pursuant to law, a notice of a prehearing technical conference on proposed changes in rates of postage and certain classification provisions for electronic computer originated mail; to the Committee on Governmental Affairs.

EC-1087. A communication from the Director of the Administrative Office of the U.S. Courts transmitting pursuant to law, copies of recent bankruptcy decisions to aid Congress in considering pending bankruptcy legislation; to the Committee on the Judiciary.

EC-1088. A communication from the Secretary of Education, transmitting a draft of proposed legislation to increase the authorization of appropriations levels for certain education programs, and for other purposes; to the Committee on Labor and Human Resources.

EC-1089. A communication from the Secretary of Education transmitting, pursuant to law, final priorities for the training program for special programs staff and leadership personnel; to the Committee on Labor and Human Resources.

EC-1090. A communication from the Secretary of Education transmitting, pursuant to law, a copy of the 1984-85 Pell grant program family contribution schedule; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. HEINZ, Mr. PERCY, Mr. HUDDLESTON and Mr. FORD.

S. 1307. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining land reclamation and for the deduction of amounts added to such reserves; to the Committee on Finance.

By Mr. SPECTER:

S. 1308. A bill to eliminate the authority of the Federal Communications Commission to regulate the franchise fee which a State, political subdivision, or other governmental entity may impose in connection with any franchise for cable television; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 1309. A bill for the relief of the estate of John P. Herrmann; to the Committee on Finance.

By Mr. PERCY, from the Committee on Foreign Relations:

S. 1310. An original bill to provide for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank; placed on the calendar.

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

S. 1311. An original bill to amend the Securities and Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1984 through 1985, and for other purposes; placed on the calendar.

By Mr. LEVIN:

S. 1312. A bill to amend title V of the Housing Act of 1949 to establish a minimum level of guarantee and insurance authority; to the Committee on Banking, Housing, and Urban Affairs.

S. 1313. A bill to amend the Department of Housing and Urban Development Act to establish a minimum level of guarantee and insurance authority; to the Committee on Banking, Housing, and Urban Affairs.

S. 1314. A bill to amend the General Education Provisions Act to preclude the impoundment of loan guarantee or loan insurance authority; to the Committee on Labor and Human Resources.

S. 1315. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to require the making of commitments to guarantee loans or insure investments under the authority of such acts in the full amounts provided by law; to the Committee on Foreign Relations.

S. 1316. A bill to preclude the Department of Energy from impounding loan guarantee or loan authority; to the Committee on Energy and Natural Resources.

S. 1317. A bill to require the Secretary of Agriculture to enter into commitments to guarantee or insure authorized loans in the full amount provided by law for such loans; to the Committee on Agriculture, Nutrition, and Forestry.

S. 1318. A bill to amend title 38, United States Code, to preclude certain restrictions on the authority to guarantee or insure certain veterans' loans in the total amount provided by law; to the Committee on Veterans Affairs.

S. 1319. A bill to amend the Public Health Service Act to require the Secretary of Health and Human Services to guarantee or insure loans under such act in the full amount provided by law; to the Committee on Labor and Human Resources.

S. 1320. A bill to insure that commitments under Federal loan guarantee and insurance programs are entered into in the full amount provided by law; to the Committee on Governmental Affairs.

S. 1321. A bill to preclude certain restrictions of loan guarantee and insurance authority under the Indian Financing Act of 1974; to the Select Committee on Indian Affairs.

By Mr. LEVIN:

S. 1322. A bill to provide that loan guarantees in certain programs shall be limited only by the availability of qualified applicants and limitations in appropriation Acts; to the Committee on Commerce, Science, and Transportation.

By Mr. WEICKER, from the Committee on Small Business:

S. 1323. An original bill to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; placed on the calendar.

By Mr. GOLDWATER (for himself and Mr. THURMOND):

S. 1324. A bill to amend the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency; to the Select Committee on Indian Affairs.

By Mr. McCLURE (for himself, Mr. CRANSTON, Mr. D'AMATO, and Mr. SYMMS):

S. 1325. A bill to amend the Internal Revenue Code of 1954 to provide financial relief to state and local governments by eliminating a requirement that would result in a duplicative mailing each year; to the Committee on Finance.

By Mr. HART (for himself and Mr. CRANSTON):

S. 1326. A bill to amend the Nuclear Non-Proliferation Act of 1978 and otherwise promote the nuclear nonproliferation policies of the United States; to the Committee on Foreign Relations.

By Mr. GOLDWATER (for himself, Mr. GARN, and Mr. JACKSON):

S.J. Res. 103. A joint resolution to provide for the appointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. GARN (for himself, Mr. HOLLINGS, Mr. INOUYE, Mr. GOLDWATER, Mr. MATTINGLY, Mr. LUGAR, Mr. HUDDLESTON, Mr. THURMOND, Mr. GORTON, Mr. BENTSEN, Mr. BUMPERS, Mr. DOMENICI, Mr. TRIBLE, Mr. ARMSTRONG, Mr. MOYNIHAN, Mr. WALLOP, and Mr. FORD):

S.J. Res. 104. Joint resolution to designate July 20 of each year as "Space Exploration Day"; to the Committee on the Judiciary.

By Mr. RUDMAN (for himself, Mr. NUNN, Mr. WEICKER, Mr. GORTON, Mr. BAUCUS, Mr. BINGAMAN, Mr. BRADLEY, Mr. CHAFEE, Mr. COHEN, Mr. D'AMATO, Mr. EXON, Mr. FORD, Mr. GLENN, Mr. HEINZ, Mr. HUMPHREY, Mr. KENNEDY, Mr. LAUTENBERG, Mr. MATTINGLY, Mr. MELCHER, Mr. METZENBAUM, Mr. PERCY, Mr. PROXMIRE, Mr. QUAYLE, Mr. STAFFORD, Mr. TSONGAS, Mr. WILSON, and Mr. BOSCHWITZ):

S.J. Res. 105. Joint resolution calling upon the Department of Justice and all other appropriate Federal agencies to enforce Federal antitrust laws including the prohibition against vertical price restraints; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ABDNOR (for himself and Mr. JEPSEN):

S. Res. 150. Resolution authorizing the printing of additional copies of the joint

committee print entitled "Changing Economics of Agriculture: Challenge and Preparation for the 1980's,"; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. HEINZ, Mr. PERCY, Mr. HUDDLESTON, and Mr. FORD):

S. 1307. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining land reclamation and for the deduction of amounts added to such reserves; to the Committee on Finance.

By Mr. SPECTER:

S. 1308. A bill to eliminate the authority of the Federal Communications Commission to regulate the franchise fee which a State, political subdivision, or other governmental entity may impose in connection with any franchise for cable television; to the Committee on Commerce, Science, and Transportation.

(The remarks of Mr. SPECTER on this legislation appear earlier in today's RECORD.)

By Mr. D'AMATO:

S. 1309. A bill for the relief of the estate of John P. Herrmann; to the Committee on Finance.

JOHN P. HERRMANN ESTATE

● Mr. D'AMATO. Mr. President, I rise today to introduce a bill for the relief of five educational and charitable organizations in the Buffalo Diocese: Canisus College; D'Youville College; St. Francis Home of Williamsville, N.Y.; Our Lady of Victory Homes of Charity; and the German Roman Catholic Orphan Home of Buffalo.

These institutions received the remainder of Mr. John D. Herrmann's trust after the death of the original beneficiary, Mrs. Mildred E. Freund. Mr. Herrmann died in early 1973 and estate tax of $131,981 was paid on December 5, 1973. No charitable deduction was claimed because the interest from the trust did not qualify as an annuity under the Internal Revenue Code.

On November 7, 1975, the Surrogate Court of Erie County issued a decree bringing the trust into compliance with the annuity provisions of the Internal Revenue Code. This entitled the original beneficiary, Mrs. Freund, to a refund of $71,493.

Mrs. Freund died in October 1980. At that time, the charities became aware that the claim for a refund was never filed. However, the deadline for filing expired in 1978.

This bill, Mr. President, will extend the deadline for filing the $71,493 refund to such time as the institutions can collect. The charities have been penalized by the error of the trust's administrator. These institutions provide essential services to the city of Buffalo. Without their work, the quality of life in Buffalo would suffer.

For no fault of their own, the charities have lost a substantial sum of money that could be used to assist in their mission of benefiting the Buffalo community. This relief is especially needed in this age of cutbacks in Federal funding. These fine institutions need our help so that they may better help the people of Buffalo.●

By Mr. LEVIN:

S. 1312. A bill to amend title V of the Housing Act of 1949 to establish a minimum level of guarantee and insurance authority; to the Committee on Banking, Housing, and Urban Affairs.

S. 1313. A bill to amend the Department of Housing and Urban Development Act to establish a minimum level of guarantee and insurance authority; to the Committee on Banking, Housing, and Urban Affairs.

S. 1314. A bill to amend the General Education Provisions Act to preclude the impoundment of loan guarantee or loan insurance authority; to the Committee on Labor and Human Resources.

S. 1315. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to require the making of commitments to guarantee loans or insure investments under the authority of such acts in the full amounts provided by law; to the Committee on Foreign Relations.

S. 1316. A bill to preclude the Department of Energy from impounding loan guarantee or loan authority; to the Committee on Energy and Natural Resources.

S. 1317. A bill to require the Secretary of Agriculture to enter into commitments to guarantee or insure authorized loans in the full amount provided by law for such loans; to the Committee on Agriculture, Nutrition, and Forestry.

S. 1318. A bill to amend title 38, United States Code, to preclude certain restrictions on the authority to guarantee or insure certain veterans' loans in the total amount provided by law; to the Committee on Veterans' Affairs.

S. 1319. A bill to amend the Public Health Service Act to require the Secretary of Health and Human Services to guarantee or insure loans under such act in the full amount provided by law; to the Committee on Labor and Human Resources.

S. 1320. A bill to ensure that commitments under Federal loan guarantee and insurance programs are entered into in the full amount provided by law; to the Committee on Governmental Affairs.

S. 1321. A bill to preclude certain restriction of loan guarantee and loan insurance authority under the Indian Financing Act of 1974; to the Select Committee on Indian Affairs.

S. 1322. A bill to provide that loan guarantees in certain programs shall be limited only by the availability of qualified applicants and limitations in appropriation acts; to the Committee on Commerce, Science, and Transportation.

LEGISLATION RELATING TO LOAN GUARANTEE AUTHORITY

● Mr. LEVIN. Mr. President, today I am introducing a number of bills to prohibit the executive branch from unilaterally reducing loan guarantee authority provided by Congress.

These bills should not be necessary, but regrettably they are. They are necessary because, in an increasing number of areas, Congress policy decisions enacted into law have been unilaterally altered by the executive branch. Unless we act vigorously to insist on the execution of congressionally enacted policies, those policies may not be implemented as Congress intended.

These situations present a critical institutional issue in this democracy of ours. At stake is the basic constitutional role of Congress as lawmakers elected by the people vis-a-vis the executive branch as executors of those laws.

It is in this context that I am proposing these bills, to insure that the congressionally enacted levels of loan guarantee authority are utilized in the full amounts to qualified applicants.

Through the authorization and appropriations process, Congress establishes the appropriate level of loan guarantee authority during a fiscal year. The President is free to reject this decision through the exercise of his veto power. But once the level of loan guarantee authority for the various programs is enacted into law, Congress and the American people have every reason to expect that the full amount of such authority will be available for commitment to qualified applicants. And absent a statutory scheme for modification of this level, the executive branch is not free—and under our system of government cannot be free—to ignore a congressional mandate, or modify it unilaterally to conform to its own notion of what is appropriate economic or social policy. However, this has not always been the case.

In November 1981, the Reagan administration announced a $20.3 billion reduction in congressionally enacted loan guarantee authority for fiscal year 1982. This reduction was made without formal notice to Congress by unelected bureaucrats in OMB. The reduction affected a number of guarantee programs administered by several agencies and departments, including the Government National Mortgage Association, the Export-Import Bank, the Rural Electrification Administration, and several Small Business Administration loan programs.

In response to this reduction, Congress approved section 136 of the third continuing resolution for fiscal 1982, Public Law 97-92. That section required the head of each department and agency to enter into commitments to guarantee loans to qualified applicants in the full amounts provided by law. Congress adopted a similar requirement in the first continuing resolution of fiscal 1983, Public Law 97-276. But this requirement expires at the end of fiscal year 1983 and there is nothing to prevent this administration, or any future administration, from again unilaterally reducing the congressionally approved level of loan guarantee authority.

The package of bills I am introducing today are similar to the requirement contained in Public Law 97-276. The bills would amend the basic statutes which establish the loan guarantee programs currently in operation throughout the Government to require that those Federal agencies and departments which have loan guarantee authority make such guarantee commitments to qualified applicants in the full amounts provided by law.

Those bills do not require that agencies and departments guarantee the total amounts requested by any particular applicant. Rather, they require that where an agency has loan guarantee authority available for commitment that it make such commitments so long as there are qualified applicants seeking that commitment.

Mr. President, it is my firm belief that no administration should be able to arbitrarily and unilaterally alter the level of loan guarantee authority provided by law. Certainly, such an action should not go unchallenged. As Members of this Congress, we cannot and should not allow it to happen again. These bills are designed to do that.●

By Mr. GOLDWATER (for himself and Mr. THURMOND):

S. 1324. A bill to amend the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency; to the Select Committee on Intelligence.

INTELLIGENCE INFORMATION ACT OF 1983

● Mr. GOLDWATER. Mr. President, today, I introduce the Intelligence Information Act of 1983. The chairman of the Judiciary Committee, Senator STROM THURMOND, cosponsors this legislation with me.

This legislation seeks to add a new title VII to the National Security Act of 1947 so that the major operational components of the Central Intelligence Agency (CIA) will be relieved of the burden of searching and reviewing sensitive operational files in response to certain requests for information under the Freedom of Information Act. This will serve in turn to allow these components to more effectively devote their resources to the gathering of the vital intelligence our Government needs in order to make informed decisions in areas of foreign policy and national defense.

It is important to know that this legislation does not frustrate the essential purposes of the FOIA. Requesters will continue to have access to CIA files containing the intelligence product, and to information on policy questions and debates on these policies. Additionally, access to files for individual U.S. citizens and permanent resident aliens who seek information on themselves will not be affected by this bill.

Mr President, it has been 8 years since the FOIA has been amended, and during those 8 years, the CIA has worked hard to comply with the act. However, experience has shown that it is impossible to respond to requests for information within the specified time limits. The search through numerous compartmented file systems is time consuming. For security reasons, all CIA files are compartmented and intelligence personnel have access only to that information which they need to know for their work.

This problem is compounded because this review of operational files can only be done by experienced operations officers, whose time should be devoted more fully to operational matters. FOIA presently requires the Agency to search and review files even when it is evident from the nature of the request that no information can be released for reasons of national security.

What has been the result of this burdensome process? Very little information, if any, is released from operational files when the request seeks information concerning the sources and methods used to collect intelligence. Even then the released information is usually fragmented.

The fear of disclosure due to this mandatory search and review of sensitive files and the possibility that some court may order the release of information which could reveal a source's identity or a liaison relationship, costs this Nation untold valuable intelligence information. It is only these most sensitive operational files which this bill would exempt from search and review.

I urge my colleagues to take time to study this legislation carefully. Any person who does will see that the American public can only stand to benefit by this bill. By exempting from long and burdensome searches and reviews those operational files from which very little information has ever been released, the processing of all other requests can be completed much sooner. The public will receive that information which is releasable under the Freedom of Information and Privacy Acts in a far more efficient and satisfying manner. The wait for a response from the CIA now takes anywhere from 2 to 3 years. This kind of situation benefits no one.

In short, this bill relieves the CIA of certain time consuming search and review requirements. By so doing, it provides the FOIA requestor speedier responses for those areas which should be subject to public scrutiny. At the same time, it will enable the Agency to take a number of experienced personnel out of the business of reviewing files and permit them to get back to intelligence work.

It is my intention to hold hearings on this bill in the Senate Select Committee on Intelligence in the very near future. I hope my colleagues on that committee and throughout the Senate will agree with me that this is a balanced and reasonable approach to achieve needed relief for the CIA without diminishing the value of the Freedom of Information or Privacy Acts.●

By Mr. McCLURE (for himself, Mr. CRANSTON, Mr. D'AMATO, and Mr. SYMMS):

S. 1325. A bill to amend the Internal Revenue Code of 1954 to provide financial relief to State and local governments by eliminating a requirement that would result in a duplicative mailing each year; to the Committee on Finance.

STATE REFUND NOTICE EQUITY ACT OF 1983

● Mr. McCLURE. Mr. President, I rise today with several distinguished colleagues on both sides of the aisle to introduce an important piece of legislation designed to save our already financially strapped State budgets millions of dollars in needless postage and administrative expenses.

Included in the Tax Equity and Fiscal Responsibility Act is a provision that requires State and local governments to furnish each recipient of a State or local income tax refund with a written statement showing the amount of refund paid during the previous year. This statement, which must be mailed during the month of January, must also include a notice indicating to the taxpayer their responsibility to report the refund to the Federal Government.

Prior to the enactment of TEFRA, refunds, credits, or the offset of State or local income taxes that were deducted in a prior year were includible in gross income for Federal income tax purposes and you were required to pay taxes on that amount. Payment of taxes on this income has always been required. I can certainly agree with the intent of this law and I am sure that it will be useful mechanism in the lawful collection of taxes. However, I cannot agree with the specifics of the provision requiring that States furnish this information to the taxpayer

during January. This will necessitate financially strapped States to separately mail this information during January instead of including it with the return when it is mailed.

The National Association of Tax Administrators estimates that the total cost to the States of this separate mailing could total as much as $80 to $100 million annually! This figure is made of primarily of the extra postage costs. The majority of the States reported that these added costs could not be financed from existing appropriations. This means that additional funding must be provided or that States must make necessary cuts in other areas to provide the necessary financing. Unfortunately, these extra funds that will be necessary to comply could more have appropriately been used in other ways to produce desperately needed revenue to the States. As it stands now, no revenue for the States will be produced.

The legislation I am introducing today will allow States to notify recipients any time before January 31 of the year following the payment of the refund. This will allow States to include this notice when refund checks are made or any other time mailings are made. The bill also allows an additional 1 year before the provision is implemented to give States the necessary time to gear up for this new requirement.

It is easy to see that the intent of this section of TEFRA is preserved while at the same time alleviating an unnecessary cost to the States.

I urge all of my colleagues to cosponsor this important measure and I ask unanimous consent that the bill be reprinted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (b) of section 6050E of the Internal Revenue Code of 1954 (relating to State and local tax refunds) is amended—

(1) by striking out "during January" and inserting in lieu thereof "not later than January 31", and

(2) by adding at the end thereof the following new sentence: "No written statement need be furnished under this paragraph with respect to any refunds, credits, or offsets that were made before January 1, 1983."

(b) The amendments made by this Act shall take effect upon enactment.●

● Mr. D'AMATO. Mr. President, I rise in support of the legislation introduced by my distinguished colleague from Idaho, Mr. MCCLURE. I am proud to be an original cosponsor of this important piece of legislation.

In 1982, when the Tax Equity and Fiscal Responsibility Act (TEFRA) was enacted, it was not congressional intent to pass the burden of reducing the Federal budget deficit onto the States. However, an unexpected result of TEFRA was a needless penalty on State government that has no corresponding benefit to the Federal Treasury.

Mr. President, I am referring to section 313 of TEFRA. This section requires that States notify recipients in the month of January that State tax refunds may be subject to Federal income tax. Section 313 not only requires notification, but forces the States to make notification only during the month of January in the year following payment of the refund. Consequently, States will have to make two separate mailings: One enclosing the refund, and another complying with section 313.

Mr. President, this is not an esoteric fact. Real costs will be absorbed by State government. At a time when the recession has depleted State revenues and the Federal Government is reducing grants, it is unconscionable to increase needlessly the costs incurred by States. Of course, these added costs must be absorbed by either raising taxes or reducing spending on existing services. I see no reason to allow this situation to persist for longer than is necessary.

The legislation introduced by my friend from Idaho is straightforward and will eliminate the problem. Quite simply, it will allow States to notify refund recipients any time before January 31 of the year following receipt of the refund. This will give States the opportunity to have one mailing, included with the refund check, and substantially reduce overhead. Currently, State resources have to be reallocated to accomplish the second mailing. In the end, funds are shifted away from collection of taxes, thus reducing revenues.

In New York State, the added costs amount to $1.2 million. Passage of this legislation will reduce the State's postage and personnel expenses by two-thirds, to $312,000. This is a vital savings because of the limited resources available to the comptroller's office. Nationally, the burden will be reduced by approximately $13 million.

During debate last year on TEFRA, the Senate adopted an amendment to section 313 in similar form to the bill introduced today. At that time, I was proud to be a cosponsor of the amendment. Unfortunately, the House-Senate conferees deleted the amendment to section 313. State government now bears the burden of the conferees omission.

The bill introduced today will eliminate an onerous penalty absorbed by the States. We can remove this burden by swift adoption of this legislation. No corresponding loss of Federal revenues will be incurred by amending section 313. I urge my colleagues on both sides of the aisle to support this effort to reduce unnecessary costs imposed upon the States.●

By Mr. HART (for himself and Mr. CRANSTON):

S. 1326. A bill to amend the Nuclear Nonproliferation Act of 1978 and otherwise promote the nuclear nonproliferation policies of the United States; to the Committee on Foreign Relations.

NUCLEAR EXPLOSIVES CONTROL ACT OF 1983

● Mr. HART. Mr. President, today is the ninth anniversary of India's so-called peaceful nuclear explosion—an event that shocked the world into fully realizing the ease with which nuclear weapons can spread.

It is fitting we have chosen this day to introduce the Nuclear Explosives Control Act of 1983, a major new initiative to curb the further spread—or proliferation—of nuclear weapons. For, as Senator CRANSTON, Members of the House, and I said in a letter to President Reagan today, "The proliferation of these weapons poses a grave danger, rivaling that of the arms race between the superpowers."

We are deeply concerned that this administration, with its inconsistent and lax policies, has undermined the U.S. historic leadership role in trying to stop nuclear proliferation.

This administration apparently has decided it can manage a proliferated world. We want to prevent one.

Let me briefly describe the threat we face. Today, there exist 44 metric tons of separated plutonium in nuclear power programs throughout the free world. With only 15 pounds needed to build a crude atomic bomb, that is enough for 6,500 bombs of the size that destroyed Nagasaki. That is what we have already produced.

Now look at the year 2000. Based on industry projections, if the free world pursues plutonium as a nuclear power fuel, we could have 600 tons of separated plutonium, enough for 88,000 nuclear weapons—more than in the current arsenals of both superpowers.

It is a short step from a fanatic threatening to blow up the Washington Monument to a terrorist group smuggling a crude atomic bomb into a major city in the trunk of a car. Thousands of lives would hang in the balance. That is the ultimate nightmare.

The administration repeatedly professes its concern for our national security. But nothing could more seriously jeopardize our security than a world in which every nation has the bomb. Look at the Middle East, for example. Over 40 percent of the Western World's oil comes from that region. Yet it is perhaps the most unstable part of the world. Major wars every few years. Twenty-two coups during the past three decades. Ten assassinations of heads of states. The chances for future conflict are great.

Several of the countries in that region have shown a keen interest in obtaining nuclear weapons. Should that happen, no amount of money spent on our Rapid Deployment Force can protect our security and that of our allies from a nuclear threat.

We take this action today to make absolutely clear to President Reagan that these threats are intolerable. Again, if I may read from our letter to the President, "Today, the deepest aspiration of all Americans is to reduce the horrifying dangers of nuclear conflict. Our citizens, who already fear that your administration has turned its back on serious nuclear arms control negotiations, are coming to recognize that your administration also has turned away from what always has been a resolute bipartisan commitment to halt the spread of these arms to additional nations."

We must take swift and decisive action to discourage and sharply restrict commerce in nuclear explosive materials and to provide incentives for other nations to forego the use of plutonium.

This grim specter is not inevitable. If the United States reasserts its historic leadership in trying to curb the spread of nuclear weapons—with strong diplomatic efforts abroad, and a consistent but strict nuclear export policy at home—we can still prevent a world with nuclear weapons for everyone. But we must act now.

Mr. President, we are concerned that this administration's nuclear nonproliferation policy actually serves to accelerate, rather than inhibit, the spread of technology, equipment, and materials that can be used to build nuclear weapons. Policies announced and action taken over the past 2 years have reversed the bipartisan approach to combating nuclear weapons proliferation developed under the Ford and Carter administrations and embodied in the Nuclear Non-Proliferation Act of 1978.

The most dramatic and dangerous departure from past policy is the Reagan administration's active promotion of plutonium as a civilian fuel. By actively promoting commercial development of breeder reactors and reprocessing plants at home and abroad, it has paved the way for an industrial process that will produce, by the ton, plutonium that can be used, by the pound, to make atomic bombs.

Although this policy may respond to certain industrial interests, it is contrary to the best interests of the nuclear industry and it jeopardizes the public interest. Unless the Congress takes immediate steps to reverse this policy, the United States will begin to export the very technologies and materials that can be turned into weapons of mass destruction and used against us.

Mr. President, I urge my colleagues to recognize that the global spread of nuclear weapons poses a grave danger to the United States and to the entire world. Individually, many of us have expressed our concerns about the administration's lack of accomplishment in bringing the arms race under control. In addition, we are not at all reassured by President Reagan's recent statement that "* * * we're pretty well on our way to, if not entirely eliminating nuclear proliferation, holding it down to where a country might have a weapon or two, but they're not going to have enough to threaten the world."

In fact, as was shown with small nuclear devices used at Hiroshima and Nagasaki, just one bomb can wreak devastation and destruction and result in an enormous loss of life. A weapon of that size would likely kill the entire 10 million population of Metroplitan New York.

As the number of nations possessing nuclear weapons grow, so does the likelihood that nuclear weapons will be used—possibly in a regional conflict that could engulf the superpowers and result in world nuclear war. The policies of the administration directly and significantly contribute to the perilous process of proliferation.

It is unreasonable to expect that a nation, once having acquired "a weapon or two", will not proceed to develop a substantial arsenal, along with the means for delivering those weapons, or that other nations, especially regional rivals, will not soon follow suit or that such weapons will not be used or fall into the hands of unscrupulous terrorist groups.

If the administration continues to act as if proliferation is inevitable, of course it will be.

Mr. President, I am especially concerned that the administration is sending the wrong signals to nations that are now testing the depth of the U.S. resolve to combat the spread of nuclear weapons. For example:

India, which used U.S.-supplied heavy water to produce the plutonium for its nuclear explosion in 1974, will continue to receive uranium fuel for its U.S.-supplied power reactors from the French, thanks to the intervention of the Reagan administration. The Commerce and Energy Departments are proceeding with transfers of key nuclear components to India. And all of this assistance occurs without our getting any assurances from India that the plutonium produced, thanks to this assistance, will remain subject to international safeguards.

Pakistan is receiving $3.2 billion in U.S. military and economic assistance, in spite of reports that it is using unsafeguarded enrichment and reprocessing facilities to produce uranium and plutonium for nuclear weapons.

South Africa, which continues to operate an unsafeguarded enrichment plant built with U.S. assistance, is receiving nuclear fuel from France and powerful computers from the United States—all of it arranged with the consent of the administration.

Argentina and Brazil, which are building unsafeguarded reprocessing plants, are receiving assistance from Europe and the United States, again arranged by the administration.

And the reprocessing of plutonium from U.S.-supplied fuel proceeds in Europe and Japan with the consent of the administration, thereby introducing into commerce an equivalent of thousands of nuclear bombs. The danger that such material will be stolen and used by terrorists increases with each day that this reprocessing continues.

In a July 16, 1981, policy statement on nonproliferation, the Reagan administration announced some laudatory objectives: "* * * the need to prevent the spread of nuclear explosives to additional countries * * * to inhibit the transfer of sensitive nuclear material, equipment, and technology * * * requiring—international—safeguards on all nuclear activities in a nonnuclear-weapon state as a condition for any significant new nuclear supply commitment."

The policy was rendered self-contradictory and self-defeating, however, by the further declaration that the administration would "not inhibit or set back civil reprocessing and breeder reactor development abroad in nations with advanced nuclear power programs where it does not constitute a proliferation risk."

The Reagan administration's policy also advocates improving regional and global stability in order to reduce "motivations that can drive countries toward nuclear explosives."

But while conflict resolution should be an important objective in U.S. foreign policy, it is no substitute over the long run for preventing the introduction of nuclear explosive materials into international commerce. The cause of regional and global stability is best served by keeping nuclear bomb materials out of as many nations as possible.

Mr. President, in my judgment, the administration's policy has had precisely the opposite effect. It has hastened the proliferation of nuclear weapons by:

First, actively promoting U.S. exports of the enrichment and reprocessing technologies needed to produce weapons-usable uranium and plutonium. This constitutes a complete reversal of the policy and practice of the U.S. Government from the birth of the nuclear age until President Reagan took office.

Second, approving foreign reprocessing of plutonium from U.S.-origin spent fuel, despite the fact that the IAEA has publicly declared that the international safeguards system is incapable of providing timely warning of a diversion of this material from civilian to weapons purposes.

Third, offering no incentives for other countries to forgo the use of plutonium fuel and, in fact, encouraging plutonium use abroad by means of our own domestic example of championing commerical development of breeder reactors and reprocessing plants.

Fourth, exploiting loopholes in the Nuclear Nonproliferation Act by approving export of nuclear and dual-use items to nations that refuse to accept international safeguards on all their nuclear activities. These nations, which refuse to ratify the Nuclear Nonproliferation Treaty and are most suspected to developing nuclear weapons, include Argentina, Brazil, India, Pakistan, and South Africa.

In those instances where the act strictly forbids certain nuclear exports to such countries, the administration has found other nations, less committed to nonproliferation, to serve as alternative suppliers of these items.

Fifth, continuing to export highly enriched uranium, an atom bomb material, for use in research reactors while cutting back on U.S. programs to develop alternative low-enriched fuels not suitable for weapons in these reactors.

Sixth, eliminating restrictions on economic and military assistance to Pakistan's obvious nuclear weapons program, and failing to make clear that development of a nuclear weapon by any country will result in a cutoff of all forms of assistance to that country.

To the often heard argument that restrictions on nuclear commerce are useless because if we don't sell dangerous materials, equipment, others will: The argument ignores the effectiveness of previous administration's nonproliferation efforts to halt the sale of reprocessing technology from France to Pakistan and Germany to Brazil.

The efforts of past administrations to oppose such transfers were successful until President Reagan introduced his new policy to have the United States set an example of exportation rather than restraint.

Mr. President, this legislation strengthens the earlier Nonproliferation Act by:

First, banning U.S. exports of enrichment and reprocessing technology.

Second, establishing a moratorium on foreign reprocessing of plutonium from U.S.-origin spent fuel, other than for limited research and development and demonstration facilities for which commitments have already been made.

Use of this plutonium in large commercial powerplants—breeders or otherwise—would be prohibited. Reprocessing of plutonium from U.S.-origin spent fuel for other than R&D purposes could not proceed until Congress determined that effective international safeguards will be applied and that effective sanctions exist against violations.

Third, requiring the United States to offer—as an incentive for other nations to forgo plutonium—uranium enrichment services at a discounted price for the production of low enriched uranium—unsuitable for weapons—fuel.

As a further inducement, the United States would offer assistance in the management of unreprocessed spent fuel, in developing alternative sources of energy, and in providing existing nuclear powerplants with improved nuclear fuel to increase reactor efficiency. This assistance would stretch out the supply of nonweapons usable uranium and reduce inventories of plutonium left as a byproduct in spent nuclear fuel.

Fourth, closing loopholes in the Nuclear Nonproliferation Act by requiring uniform, strict criteria to govern export actions of all Federal agencies. At present, only the Nuclear Regulatory Commission is required to halt exports to nations that refuse to accept international safeguards on all their activities; under the new law, the Energy and Commerce Departments would be under the same restrictions.

This would prevent nuclear and dual-use items from being exported to nations suspected of developing nuclear weapons. This provision also would prevent U.S. companies from using foreign affiliates to engage in nuclear trade with countries with which the American companies are barred from trading.

In addition, the Defense Department would, for the first time, be required to approve from the national security standpoint, nuclear exports approved by other Federal agencies.

Fifth, barring U.S. exports of highly enriched uranium as soon as foreign research reactors can use alternative fuels unsuitable for nuclear weapons. This provision also would accelerate the U.S. program for developing such alternative fuels.

Sixth, strengthening sanctions to require an automatic cutoff of all nuclear and other assistance to nations that explode nuclear devices.

The legislation introduced today would redirect U.S. nuclear policy away from the path of proliferation and onto a course of prudence and sanity.

I urge you to support the legislation and the sound policy it embodies.

Mr. President, I ask unanimous consent that our letter to the President, a summary of the bill, a section-by-section analysis, the text of the bill, and two briefs prepared by the Congressional Research Service appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Nuclear Explosives Control Act of 1983".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) the spread of highly enriched uranium and separated plutonium, or the direct capability to manufacture or otherwise acquire such materials, poses a grave threat to the security interests of the United States and to continued international progress toward world peace and development;

(2) effective safeguards do not now exist for highly enriched uranium and separated plutonium and the facilities for their production and use;

(3) in view of declining orders for nuclear power plants and a slowing in the growth of demand for electrical energy, existing uranium resources and enrichment capacity can meet all requirements for nuclear fuel for the foreseeable future, and therefore there is no economic justification to use separated plutonium for electrical power generation;

(4) unless and until effective safeguards exist, the commercial production and use of highly enriched uranium and separated plutonium would significantly increase the risk of nuclear weapons proliferation and should be avoided;

(5) substitution or exchange of foreign special nuclear material for special nuclear material supplied and controlled by the United States has weakened United States nonproliferation policy and should not be permitted without prior approval by the United States;

(6) the worldwide development of alternative energy resources and associated technologies should be encouraged as an essential means for achieving energy independence and international security;

(7) in order to encourage nations to forego the development of national reprocessing and enrighment facilities and the use of separated plutonium, the United states should provide incentives to rely on low-enriched uranium fuel and provide technical assistance to increase the fuel efficiency of existing power reactors, to resolve nuclear waste management problems, and to pursue alternative energy sources that will provide real energy security;

(8) physical security arrangements need to be improved with respect to all nuclear materials in foreign commerce;

(9) in order for United States nonproliferation policy to be effective, it is essential that all concerned Federal agencies fully coordinate their actions and utilize equivalent criteria and standards in authorizing, approving, or licensing nuclear exports and in imposing post-export controls; and

(10) the activities of United States persons directly or indirectly engaged in foreign nuclear commerce can significantly affect United States foreign policy and national security interests and should be permitted only when licensed or otherwise approved by the United States Government.

PURPOSES

SEC. 3. It is the purpose of this Act to—

(1) enhance national security by preventing the dangerous spread of nuclear weapons;

(2) integrate and harmonize energy policies of the United States with its policies to reduce the risk of proliferation of nuclear weapons through the misuse of nuclear energy technologies;

(3) develop sound energy policies which will better utilize the uranium enrichment facilities of the United States to promote the national security;

(4) improve the efficiency of nuclear reactor fuel in order to conserve and extend uranium resources and reduce significantly the amount of nuclear waste which must be managed; and

(5) assist in the development of alternative energy resources and technologies.

PROHIBITION ON THE EXPORT OF ENRICHMENT AND REPROCESSING CAPABILITY

SEC. 4. Section 402(b) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2153a(b)) is amended to read as follows:

"(b) Notwithstanding any other provision of law, no major critical component of any facility for, and no sensitive nuclear technology or other assistance important to, the enrichment of uranium or other isotopic separation of special nuclear material, nuclear fuel reprocessing, or heavy water production may be exported or otherwise provided under any agreement for cooperation (except an agreement for cooperation pursuant to 91 c., 144 b., or 144 c. of the 1954 Act), under any authorization by the Secretary of Energy under subsection 57 b. (2) of the 1954 Act, or under any license issued by the Secretary of Commerce and subject to section 128 d. of the 1954 Act. For purposes of this subsection, the term 'major critical component' means any component part or group of component parts which the President determines to be important to the operation of a complete facility for the enrichment of uranium or other isotopic separation of special nuclear material, for nuclear fuel reprocessing, or for heavy water production.".

REPROCESSING AND RETRANSFERS OF SEPARATED PLUTONIUM

SEC. 5. Chapter 11 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following new section:

"SEC. 132. ADDITIONAL CONDITIONS ON REPROCESSING AND ON RETRANSFER OF SEPARATED PLUTONIUM.—a. Notwithstanding any other provision of law, the Secretary of Energy may grant any approval (under section 131 or otherwise) under any agreement for cooperation, or other agreement, understanding, or assurance, for the reprocessing, or the use or retransfer of any plutonium resulting from the reprocessing, of any special nuclear material which is exported by the United States or produced through the use of any nuclear materials and equipment or sensitive nuclear technology exported by the United States, only if the Secretary determines that—

"(1) the end use of the material reprocessed or retransferred involves application for research, development, or demonstration purposes in a facility or facilities (A) located in a nuclear-weapon state or a state which meets the criterion set forth in section 128 a. of this Act, and (B) in operation or under construction as of the date of enactment of this section;

"(2) there are no already existing stocks of separated plutonium reasonably available for the end use requested;

"(3) in the case of requests for reprocessing, the reprocessing will take place in a nuclear-weapon state or a state which meets the criterion set forth in section 128 a. of this Act and only in a facility in operation or under construction as of the date of enactment of this section; and

"(4) adequate physical security measures will be maintained with respect to the material to be reprocessed or retransferred.

"b. The additional conditions contained in this section shall continue in effect unless and until such time as the Congress enacts a joint resolution declaring that the Congress finds that—

"(1) effective international safeguards, which will ensure timely detection of a possible diversion, will be applied with respect to the reprocessing of special nuclear material and to separated plutonium; and

"(2) effective international sanctions against violations of nonproliferation commitments have been established to deter non-nuclear-weapon states from diverting special nuclear material undergoing reprocessing and separated plutonium to the manufacture of nuclear explosive devices.".

EXPORT OF HIGHLY ENRICHED URANIUM

SEC. 6. (a)(1) The Atomic Energy Act of 1954 is amended by adding the following new chapter immediately after chapter 11:

"CHAPTER 11A. EXPORTS OF HIGHLY ENRICHED URANIUM

"SEC. 135. EXPORTS OF HIGHLY ENRICHED URANIUM FOR REACTOR FUEL.—The Nuclear Regulatory Commission may issue a license for the export of highly enriched uranium to be used in a nuclear reactor only if, in addition to other requirements of law, the Commission determines that—

"(1) there is not alternative nuclear reactor fuel available which can be used in that reactor, and that reactor cannot otherwise use uranium which is enriched in the isotope 235 to a lesser percent than is the proposed export;

"(2) the proposed recipient of that uranium has provided assurances that, when an alternative nuclear reactor fuel which can be used in that reactor becomes available, it will use that fuel in lieu of highly enriched uranium; and

"(3) the executive branch is making reasonable progress in developing an alternative nuclear reactor fuel in accordance with the plan required under section 6(b) of the Nuclear Explosives Control Act of 1983.

"SEC. 136. LIMITATIONS ON QUANTITIES OF UNITED STATES-ORIGIN HIGHLY ENRICHED URANIUM.—The Nuclear Regulatory Commission shall, in consultation with the Secretary of State and the Secretary of Energy, determine a kilogram limit on the amount of highly enriched uranium from the United States that will be allowed, in the form of fresh or spent fuel, at any one time in each foreign country and at each reactor site in each such country. The Commission shall apply these limitations when considering any proposed export of highly enriched uranium.

"SEC. 137. DEFINITIONS.—As used in this Act—

"(1) the term 'alternative nuclear reactor fuel' means reactor fuel which is enriched to 20 percent or less in the isotope U-235 and which cannot be easily converted for use in a nuclear explosive device; and

"(2) the term 'highly enriched uranium' means uranium enriched to greater than 20 percent in the isotope 235.".

"(2) The table of contents of the Atomic Energy Act of 1954 is amended by inserting after the items relating to chapter 11 the following new items:

"CHAPTER 11A. EXPORTS OF HIGHLY ENRICHED URANIUM

"Sec. 135. Exports of Highly Enriched Uranium for Reactor Fuel.
"Sec. 136. Limitations on Quantities of United States-Origin Highly Enriched Uranium.
"Sec. 137. Definition.".

(b)(1) Not later than three months after the date of enactment of this section, the President shall submit to the Congress a plan, developed in consultation with the Secretary of State and the Secretary of Energy, with respect to the development and use of alternative nuclear reactor fuels. The objective of the plan shall be to complete, as soon as it is technically feasible to do so, the conversion to alternative nuclear reactor fuels of all reactors which are operated with highly enriched uranium exported from the United States. The plan shall specify—

(A) the amounts that will be spent by the United States each fiscal year to develop alternative nuclear reactor fuels;

(B) the steps the United States will take to facilitate and encourage the use of alternative nuclear reactor fuels; and

(C) how long it is estimated the conversion from highly enriched uranium to alternative nuclear reactor fuels will take.

The plan shall take into account the need to carry out existing bilateral agreements between the United States and other countries.

(2) As used in this subsection, the terms "alternative nuclear reactor fuel" and "highly enriched uranium" have the same meanings as provided for those terms by section 137 of the Atomic Energy Act of 1954.

SUBSEQUENT ARRANGEMENTS AND SUBSTITUTIONS OR EXCHANGES

SEC. 7. Section 131b. of the Atomic Energy Act of 1954 (42 U.S.C. 2121b.) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(4) the Secretary of Energy may not enter into any subsequent arrangement for the retransfer of any such material to a third country for reprocessing, for the reprocessing of any such material, or for the subsequent retransfer of any plutonium in quantities greater than 500 grams resulting from the reprocessing of any such material, unless the nation or group of nations requesting such arrangement agrees that—

"(A) it will not, without the prior approval of the United States, substitute or exchange any special nuclear material which is not subject to the requirements of this Act for any special nuclear material subject to the subsequent arrangement; and

"(B) if such a substitute or exchange is approved by the United States, the special nuclear material received as a result of the substitution or exchange will be subject to the same requirements of this Act as the special nuclear material for which it was substituted or exchanged.".

FUEL ASSURANCES AND ENERGY ASSISTANCE

SEC. 8. Title I of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3221-3224) is

amended by adding at the end thereof the following new section:

"FUEL ASSURANCES AND ENERGY ASSISTANCE

"SEC. 106. (a)(1) The Secretary of State, in consultation with the Secretary of Energy, shall enter into agreements with any nation or group of nations under which, if such nation or group of nations agrees not to obtain or use any facility for nuclear fuel reprocessing or uranium enrichment and not to seek access to or utilize any separated plutonium or plutonium-based fuels, the United States will agree to do the following, subject to all otherwise applicable requirements of the 1954 Act:

"(A) Provide assured enrichment services, at or below the price charged to United States Government customers, to meet the low-enriched uranium reactor fuel requirements for all power reactors in such nation or group of nations during the period of such agreement.

"(B) Provide an additional discount from the price charged to United States Government customers for uranium enrichment to any such nation or group of nations for the enrichment of uranium which such nation or group of nations agrees to use in improved power reactor fuel.

"(C) Authorize the export of a lifetime supply of low-enriched fuel under a single export license issued pursuant to sections 53 and 126 of the 1954 Act covering all power reactors in such nation or group of nations, subject to the conditions that (i) actual exports under such license shall not exceed in any three year period the amount of low-enriched uranium fuel necessary to assure the continuous operation of the reactors in such nation or group of nations during such period, and (ii) the Nuclear Regulatory Commission shall annually review such license to determine whether the conditions of the agreement continue to be met.

"(D) Enter into a program of technical cooperation and assistance aimed at (i) increasing the uranium fuel efficiency of light water reactors and encouraging the use of improved nuclear fuels which reduce the total inventory of plutonium in spent nuclear fuel; (ii) resolving problems associated with spent fuel storage and disposal, in accordance with the cooperative program developed under section 223 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101); and (iii) developing nonnuclear energy resources, in accordance with the provisions of title V of this Act.

"(2) For purposes of paragraph (1)(B), 'improved power reactor fuel' means low-enriched uranium reactor fuel warranted by a commercial fuel fabricator for an average discharge burnup of 50,000 megawatt-days per metric ton or more for pressurized water reactors of 45,000 megawatt-days per metric ton or more for boiling water reactors.

"(3) The prices to be charged under paragraphs (1)(A) and (B) for enrichment services may be determined without regard to the first proviso in section 161 v. of the 1954 Act, and the amount of any discount provided under such paragraphs shall be excluded in applying clause (iii) of that proviso.

"(4) The results of each review of the Nuclear Regulatory Commission pursuant to paragraph (1)(C) shall be reported promptly to the Congress.

"(b) The supply commitments set forth in paragraphs (1)(A), (1)(B) and (1)(C) of subsection (a) may be transferred to an international nuclear fuel authority (INFA) if and when such an authority is established pursuant to section 104 of this Act.

"(c) Not later than three months after the date of enactment of this section, the Secretary of Energy shall submit to the Congress a plan, developed in consultation with the Secretary of State, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission, with respect to the implementation of the fuel assurance and energy assistance program under this section. Such plan shall specify, inter alia—

"(1) the countries which are or may be eligible for fuel assurance and technical assistance;

"(2) the enrichment capacity and financial resource requirements necessary to meet United States fuel assurance obligations over a 15 year period, assuming both complete and partial acceptance of the United States offer;

"(3) the impact of the program upon existing enrichment contracts and what modifications, if any, will be required in such contracts;

"(4) current and planned research and technical assistance efforts which will be made part of the program;

"(5) the amounts of money that will be spent by the United States in each of the five fiscal succeeding years to implement the program; and

"(6) the steps which the United States will take to facilitate and encourage the negotiation and conclusion of fuel assurance and technical assistance agreements.

"(d) In accordance with the plan developed pursuant to subsection (c) of this section, the Secretary of Energy shall establish and maintain such programs as are necessary to fulfill the obligations which may be incurred pursuant to agreements entered into under subsection (a) of this section.

"(e) There are authorized to be appropriated to carry out the provisions of this section not to exceed $10,000,000 for fiscal year 1984 and $15,000,000 for each fiscal year thereafter.".

TECHNICAL ASSISTANCE TO NONNUCLEAR WEAPON STATES IN SPENT FUEL STORAGE AND DISPOSAL

SEC. 9. For purposes of carrying out section 223 of Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101) there are authorized to be appropriated not to exceed $8,000,000 for fiscal year 1984 and $10,000,000 for each fiscal year thereafter.

ENERGY ASSISTANCE TO DEVELOPING COUNTRIES

SEC. 10. Section 502(d) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3262(d)) is amended to read as follows:

"(d) For purposes of carrying out this section there are authorized to be appropriated not to exceed $8,000,000 for fiscal year 1984 and $5,000,000 for each fiscal year thereafter.".

IMPROVED PHYSICAL SECURITY

SEC. 11. Title II of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3241-3243) is amended by adding at the end thereof the following new sections:

IMPROVED PHYSICAL SECURITY

"SEC. 204. The Nuclear Regulatory Commission and the executive branch shall support efforts, including expanded research, development and demonstration programs, to improve physical security arrangements for exports of nuclear materials and equipment.

AUTHORIZATION FOR APPROPRIATIONS

"SEC. 205. There are authorized to be appropriated to carry out the provisions of this title not to exceed $2,000,000 for fiscal year 1984 and $1,000,000 for each fiscal year thereafter.".

ANNUAL REPORTING

SEC. 12. Section 601(a)(1) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281(a)(1)) is amended—

(1) by striking out "and" at the end of subparagraph (D);

(2) by adding "and" after the semicolon at the end of subparagraph (E); and

(3) inserting after subparagraph (E) the following new subparagraph:

"(F) negotiating fuel assurance and technical assistance agreements contemplated in section 106 of this Act;".

AUTHORIZATIONS BY THE SECRETARY OF ENERGY FOR CERTAIN ACTIVITIES OUTSIDE THE UNITED STATES

SEC. 13. Section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) is amended—

(1) by inserting "(1)" immediately after "b.";

(2) by striking out in the first sentence "except (1)" and all that follows through "or (2) upon authorization" and inserting in lieu thereof "unless (A) there is in effect an agreement for cooperation made pursuant to section 123 with the country in which such activity will be engaged in, and (B) authorized"; and

(3) by adding at the end thereof the following new paragraphs:

"(2) Notice of any authorization by the Secretary of Energy under this subsection shall be published in the Federal Register, together with the written determination of the Secretary that the activity authorized will not be inimical to the interest of the United States. The authorization shall not become effective until at least thirty days after such publication.

"(3) Each report submitted to the Congress pursuant to section 601(a) of the Nuclear Non-Proliferation Act of 1978 shall identify the activities subject to this subsection for which the Secretary of Energy provided authorization during the preceding calendar year, the person performing those activities, and the country with respect to which the authorization was provided. For purposes of such reports, the Secretary of Energy shall require that persons, who engage in activities requiring authorization by the Secretary under this subsection and who are not required to submit an application for such authorizations, report to the Secretary with respect to those activities.".

COMPLIANCE WITH FULL-SCOPE SAFEGUARDS AND OTHER NONPROLIFERATION CRITERIA

SEC. 14. Section 128 of the Atomic Energy Act of 1954 (42 U.S.C. 2157) is amended by adding at the end thereof the following new subsection:

"c. (1) Except as provided in paragraph (2) of this subsection, authorizations by the Secretary of Energy under section 57 b. of this Act shall be effective with respect to a non-nuclear-weapon state only if the Secretary of Energy has determined that such state adheres to the criterion set forth in subsection a. of this section and to criteria with respect to activities so authorized which are equivalent to the criteria set forth in section 127 of this Act.

"(2) If the Secretary of Energy finds that an authorization should be provided under section 57 b. with respect to a non-nuclear-weapon state which does not adhere to all the criteria referred to in paragraph (1) of this subsection, the Secretary shall publicly issue such findings and shall submit his rec-

ommendation for the proposed authorization to the President. The President may authorize the Secretary of Energy to grant the proposed authorization in accordance with the procedures, and subject to the requirements and conditions, set forth in the third and fourth sentences of section 126 b. (2) of the Act.".

SPECIAL FUNCTIONS OF THE SECRETARY OF DEFENSE IN NUCLEAR NONPROLIFERATION MATTERS

SEC. 15. Chapter 11 of the Atomic Energy Act of 1954, as amended by section 5 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 133. SPECIAL FUNCTIONS OF THE SECRETARY OF DEFENSE.—

"a. The Secretary of State and the Secretary of Energy may submit to the President a proposed agreement for cooperation negotiated pursuant to section 123 of this Act only if they have received from the Secretary of Defense a written statement that the Secretary of Defense finds that the proposed agreement will not be inimical to the common defense and security of the United States. Any such statement shall be submitted to the President with the proposed agreement.

"b. The Secretary of State may notify the Nuclear Regulatory Commission of the judgment of the executive branch in accordance with section 126 a. (1) of this Act only if the Secretary of State has received from the Secretary of Defense a written statement that the Secretary of Defense agrees with the proposed executive branch judgment.

"c. (1) The Secretary of Energy may enter into a proposed subsequent arrangement under section 131 of this Act only if the Secretary of Energy has received from the Secretary of Defense a written statement that the Secretary of Defense finds that the proposed arrangement will not be inimical to the common defense and security of the United States. Any such statement shall be published in the Federal Register with the notice of the proposed arrangement.

"(2) In addition, the Secretary of Energy may enter into a subsequent arrangement subject to section 131 b. (2) of this Act only if the Secretary of Energy has received from the Secretary of Defense a written statement that it is the judgment of the Secretary of Defense that the proposed reprocessing or retransfer will not result in a significant increase of the risk of proliferation beyond that which exists at the time that approval is requested. Among all the factors in making this judgment, foremost consideration will be given to whether or not the reprocessing or retransfer will take place under conditions that will insure timely warning to the United States of any diversion well in advance of the time at which the non-nuclear-weapon state could transform the diverted material into a nuclear explosive device.

"(3) In the case of a subsequent arrangement subject to paragraph (3) of section 131 b. of this Act, the Secretary of Energy shall, when obtaining the view of the Secretary of State, also obtain the view of the Secretary of Defense with respect to what conditions satisfy the standards set forth in paragraph (2) of that section.".

EXPORTS LICENSED BY THE DEPARTMENT OF COMMERCE

SEC. 16. Section 128 of the Atomic Energy Act of 1954 (42 U.S.C. 2157), as amended by section 14 of this Act, is further amended by adding at the end thereof the following new subsection:

"d. (1) Except as provided in paragraph (2) of this subsection, the Secretary of Commerce may not issue a validated license under the Export Administration Act of 1979 for the export to a non-nuclear-weapon state of goods or technology which are to be used in a production or utilization facility, or which the Secretary of Commerce has determined, with the concurrence of the Secretary of Defense, the Secretary of Energy, and the Nuclear Regulatory Commission, are likely to be used in the design, construction, operation, or maintenance of such a facility, unless the Secretary of Energy has determined that—

"(A) the United States has an agreement for cooperation with such state;

"(B) such state adheres to the criterion set forth in subsection a. of this section; and

"(C) such state adheres, with respect to all goods and technology exported pursuant to such a validated license and used in such a facility, to criteria which are equivalent to the criteria set forth in section 127 of this Act.

"(2) If the Secretary of Energy finds that a license prohibited under paragraph (1) of this subsection should be issued, the Secretary shall publicly issue his decision to that effect and shall submit the license application to the President. The President may authorize issuance of the license in accordance with the procedures, and subject to the requirements and conditions, set forth in the third and fourth sentences of section 126 b. (2) of this Act.".

EXPORTS OF COMPONENTS

SEC. 17. Section 109 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2139(b)) is amended by amending the second sentence to read as follows: "Except as provided in section 126 b. (2), no such component, substance, or item which is so determined by the Commission shall be exported unless the Commission issues a general or specific license for its export after finding, based on a reasonable judgment of the assurances provided and other information available to the Federal Government, including the Commission, that the nation or group of nations to which such component, substance, or item will be exported—

"(1) has an agreement for cooperation with the United States;

"(2) adheres to the criterion set forth in section 128 a. of this Act; and

"(3) adheres, with respect to each such component, substance, or item to be exported, to criteria which are equivalent to the criteria set forth in section 127 of this Act;

and after determining in writing that the issuance of each such general or specific license or category of licenses will not be inimical to the common defense and security: *Provided,* That a specific license shall not be required for an export pursuant to this section if the component, item, or substance is covered by a facility license issued pursuant to section 126 of this Act.".

LICENSING OF CERTAIN ACTIVITIES IN FOREIGN COMMERCE

SEC. 18. (a) Chapter 11 of the Atomic Energy Act of 1954, as amended by sections 5 and 11 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 134. LICENSING OF CERTAIN ACTIVITIES IN FOREIGN NUCLEAR COMMERCE.—

"a. Activities described in subsection b. of this section by any person subject to the jurisdiction of the United States—

"(1) may be engaged in only if authorized under an agreement for cooperation;

"(2) shall be considered to be exports for purposes of the procedures and requirements of section 126, section 127, and section 128, except that any such activities relating to transfers or retransfers of components, items, and substances shall be considered to be exports for purposes of the procedures and requirements of section 109 b.; and

"(3) shall require a license from the Nuclear Regulatory Commission.

"b. The requirements of subsection a. apply with respect to any transfer or retransfer, including any activity which directly or indirectly assists in any way the transfer or retransfer, outside of the United States, of any source or special nuclear material (including transfers or retransfers of title to any such material), any production or utilization facility or any technology pertaining to any such facility, any sensitive nuclear technology, or any component, item, or substance determined to have significance for nuclear explosive purposes pursuant to section 109 b.".

(b) Section 234 a. of the Atomic Energy Act of 1954 is amended by striking out "or 109" and inserting in lieu thereof "109, or 134".

CONDUCT RESULTING IN TERMINATION OF NUCLEAR EXPORTS

SEC. 19. Section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158) is amended—

(1) by inserting immediately after "exported to" in the text preceding paragraph (1) ", no validated license under the Export Administration Act of 1979 for the export of goods or technology which are to be used in (or which in the judgment of the Secretary of Commerce, with the concurrence of the Secretary of Defense, the Secretary of Energy, and the Nuclear Regulatory Commission, are likely to be used in the design, construction, operation, or maintenance of) any production or utilization facility shall be issued with respect to, and no authorization under section 57 b. of this Act shall be effective with respect to";

(2) by inserting immediately after "such exports" in the text following paragraph (2)(C) ", licenses, and authorizations";

(3) in the proviso in the text following paragraph (2)(C)—

(A) by striking out "shall not become effective" and inserting in lieu thereof "shall become effective only"; and

(B) by striking out "does not favor" and inserting in lieu thereof "does favor"; and

(4) by inserting immediately before the last sentence the following: "In the consideration of a concurrent resolution under this section, the amendment allowed by section 130 d. of this Act is an amendment inserting the word 'does' in lieu of the phrase 'does not' if the resolution under consideration is a concurrent resolution of disapproval.".

MAY 18, 1983.

HON. RONALD REAGAN,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: We are profoundly concerned over your Administration's relaxation of efforts to curb the spread of nuclear weapons. The proliferation of these weapons poses a grave danger, rivaling that of the arms race between the superpowers. As the number of nations possessing nuclear weapons grows, so does the likelihood that nuclear weapons will be used.

Yet, actions by your Administration to prevent proliferation have been inconsistent

and all too often motivated by undue concern for promoting nuclear-export sales. In some instances, the effect of your policies has served to facilitate, rather than inhibit, the spread of technology, equipment and nuclear-explosive materials that can be applied to making nuclear weapons.

Pressure and criticism from Congress—from both Republicans and Democrats—finally resulted in your Administration beginning to recognize the need for stronger anti-proliferation controls. The effectiveness of even these belated initiatives has been woefully compromised, however, by your earlier policies and actions that undermined the bipartisan approach to non-proliferation developed during the Ford and Carter Administrations.

We, therefore, call for restoration of the bipartisan spirit that always has characterized efforts to combat nuclear-weapons proliferation, and we offer to work closely with you in this spirit. We seek a return to forcefulness and consistency in U.S. non-proliferation policy. We would hope, as in the past, that Republicans and Democrats will join in this endeavor. We are committed to five principles that must guide all U.S. non-proliferation efforts:

First, halting the spread of nuclear weapons must become a principal goal of U.S. foreign policy. Attaining this goal requires an emphatic, public commitment by the President to non-proliferation and active Presidential involvement in the formulation and implementation of a consistent U.S. non-proliferation policy.

Second, the spread of nuclear-explosive materials—separated plutonium and highly enriched uranium—and of the facilities that produce these weapons materials, constitutes the most fundamental threat to controlling nuclear proliferation and to protecting long-term U.S. security interests. Consequently, the United States must redouble its efforts to strengthen international restraints on the transfer of these materials and on the technology for producing them. The United States must work to reduce the demand for, and otherwise discourage the use of, separated plutonium and highly enriched uranium as civilian fuels by helping to ensure economical and secure supplies of alternative fuels that are not usable in weapons. To set a meaningful world example, the United States should defer its domestic use of separated plutonium and highly enriched uranium in its commercial power program. This is possible since there is no need to use these dangerous materials in this century.

Third, the cooperation of other nuclear-supplier nations is essential to controlling the spread of nuclear weapons. A major objective of United States diplomacy must be gaining agreement of these nations to:

(A) Intensify export controls over commodities that can be applied directly to development of nuclear weapons in recipient nations and

(B) Suspend all nuclear exports to any nation refusing to allow International Atomic Energy Agency inspections of all its nuclear activities, in order to verify that it is not diverting materials to nuclear-explosive purposes.

To strengthen these diplomatic initiatives, the United States must exert leadership by scrupulously adhering to these principles in the conduct of its own nuclear export activities.

Fourth, the United States must work to strengthen the capabilities of the International Atomic Energy Agency by supporting greater access and authority for the agency in conducting safeguard inspections; increased numbers and improved training to IAEA inspectors; development and deployment of upgraded safeguards technology; and greater disclosure of inspection data.

Fifth, in keeping with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, and to otherwise strengthen its credibility in persuading other nations to forego development of nuclear arms, the United States must actively pursue efforts to halt the nuclear arms race with the Soviet Union.

As it now stands, your Administration's most troublesome departure from past bipartisan policy is its active promotion of plutonium, a nuclear explosive material, as a civilian nuclear fuel. By strongly encouraging early commercial development of reprocessing plants and breeder reactors at home and abroad, your Administration is paving the way for an industrial process that will produce by the ton materials that can be used by the pound to make atomic bombs. Your Administration is opening the door for exports of the very technologies and materials that can be turned into weapons of mass destruction and used against us.

Even though international commerce in these nuclear-explosive materials cannot be adequately safeguarded by the IAEA; even though many studies now show the use of plutonium fuels as uneconomic; and even though an excess supply of uranium, unsuitable for use in weapons, gluts world markets thus making use of plutonium as a reactor fuel unnecessary and unjustifiable for many decades, if ever—your Administration is promoting the breeder and reprocessing at home and abroad and has sought to end the long-standing bipartisan policy of never exporting reprocessing technology. In particular, it is of grave concern that your Administration intends to grant Japan long-term approval to extract plutonium from used U.S.-origin reactor fuel at will. Your Administration is also prepared to offer these major nuclear trade concessions without obtaining any meaningful strengthening of international non-proliferation controls.

Your Administration has taken a similarly dangerous stance with regard to the other nuclear weapons material, highly enriched uranium. Your Administration has abandoned the decades-old embargo on the export of the technology for manufacturing this material. Your Administration also has slashed funding for programs to develop a non-weapons usable substitute fuel that could replace highly enriched uranium in research reactors around the world.

Since passage of the Nuclear Non-Proliferation Act in 1978 by an overwhelming bipartisan majority, a key element of U.S. policy has been the suspension of nuclear exports to nations not possessing nuclear weapons that refuse to permit IAEA inspections of all of their nuclear installations ("full-scope safeguards"). Yet, during its first two years, your Administration repeatedly circumvented this restriction. First, it encouraged other supplier nations to step in and provide nuclear fuel embargoed under U.S. law to three countries not accepting the required full-scope safeguards—India, South Africa, and Brazil. Second, your Administration has offered, or indicated a willingness to offer, other nuclear technology, not explicitly embargoed by law, to South Africa and India. In addition, your Administration has allowed sensitive nuclear technology to pass through an intermediary nation to an additional nation that refuses comprehensive IAEA inspections—Argentina. Only because of staunch Congressional opposition is the Executive Branch reconsidering this latter policy and withholding certain exports.

In not one of these instances, did your Administration obtain the slightest strengthening of non-proliferation controls in the recipient nation in return for relaxation of U.S. export retrictions. Indeed, since each of the recipient nations involved has developed or is developing the capability to produce nuclear-weapons materials in facilities not under international inspections, this course of action not only undermines the Nuclear Non-Proliferation Act, but also permits these countries to pursue this most dangerous activity without penalty.

From the outset, your Administration also sought to undermine a second key U.S. non-proliferation law, the Glenn-Symington restrictions in the 1976 Foreign Assistance Act. These restrictions prohibit U.S. military and economic aid to nations not possessing nuclear weapons that import nuclear technology capable of producing nuclear-weapons material. Only strong Congressional opposition prevented the virtual repeal of these restrictions originally sought by your Administration in 1981.

We now see all too plainly the unfortunate result of two years of neglect and weakening of U.S. non-proliferation policy by your Administration: the undermining of the legally required U.S. initiative to persuade other nuclear-supplier nations to adopt our tough, full-scope safeguards export treatment.

We reject these dangerous and ill-advised deviations from the bipartisan consensus established by your predecessors and in statute. We, therefore, are supporting legislation being introduced today that would remedy many of our concerns. Under this bill, for example, all nuclear exports to nations that have not accepted full international inspections would be prohibited; exports of technology and equipment directly applicable to producing nuclear-weapons materials would be banned; approvals of the reprocessing of plutonium from U.S.-origin fuel for existing research, development and demonstration activities would be severely limited and approvals for new commercial activities would not be permitted until Congress determines adequate international safeguards and sanctions are in place; and new incentives for nations to forego plutonium would be provided by offering them U.S. uranium enrichment services at a substantial discount to produce assured supplies of nonweapons usable, low-enriched uranium fuel. It is particularly fitting that U.S. facilities that originally had been used to create nuclear bombs would now be used to help curb the spread of nuclear explosive plutonium.

As important as this new legislation is, we cannot, however, legislate what is needed most in this field from the Executive Branch: leadership. We cannot legislate the initiative and vigor so essential to U.S. nuclear diplomacy; we cannot legislate the assertiveness and constancy necessary to enforce the letter (and the spirit) of U.S. non-proliferation laws; and we cannot legislate the sense of urgency and concern needed to make non-proliferation a major priority in your Administration's conduct of U.S. foreign policy.

Today, the deepest aspiration of all Americans is to reduce the horrifying dangers of nuclear conflict. Our citizens, who already fear that your Administration has turned its

back on serious nuclear arms control negotiations, are coming to recognize that your Administration also has turned away from what always has been a resolute bipartisan commitment to halt the spread of these arms to additional nations.

You have stated you will address non-proliferation controls with other Western leaders at the Williamsburg Summit. We agree that their cooperation is essential to strengthen the international non-proliferation regime and particularly, to tighten the rules of international nuclear commerce. But a strong and cohesive policy among the Western nations will only be brought about by resolute U.S. leadership, by setting a good U.S. example, and by a non-proliferation initiative supported in deed as well as word.

We urge you in the strongest terms to give heed to the yearnings of the American people and to devote yourself to reestablishing our nation's leadership in this vitally important area. We urge you to support the legislation being introduced today and the sound policy it reflects.

Representative Richard L. Ottinger, Representative Edward J. Markey, Representative Michael Barnes, Senator Alan Cranston, Representative Morris K. Udall, Representative Howard Wolpe, Senator Gary Hart, Representative Don Bonker, Walter F. Mondale.

SUMMARY—THE NUCLEAR EXPLOSIVES CONTROL ACT OF 1983

The bill has three principal objectives:

I. To discourage and sharply restrict commerce in nuclear explosive materials—plutonium and highly enriched uranium;

II. To offer other nations positive incentives, in the form of nuclear fuel assurances and technical assistance, to forego the use of plutonium and highly enriched uranium in their nuclear programs;

III. To strengthen nuclear export criteria for all Federal agencies to ensure that nuclear exports go only to nations that accept international safeguards inspections of all their nuclear activities ("full-scope safeguards") and have nuclear-cooperation agreements with the United States.

I. Restrictions on nuclear explosive materials:

Bans U.S. exports of civilian technology and equipment that are important to the construction of enrichment, reprocessing and heavy water plants essential to the production of nuclear explosive materials (section 4);

Defers foreign extraction (reprocessing) of plutonium from nuclear fuel provided by the United States for commercial activities until such time as Congress determines adequate international safeguards and sanctions are in place (section 5);

Requires the phasing out of U.S. exports of highly enriched uranium as soon as research reactors can be operated with lower enriched fuel unsuitable for nuclear weapons (section 6);

Requires Federal agencies to improve physical security arrangements for nuclear exports (section 11);

Strengthens the process in existing law for cutting off nuclear trade with nations that develop or assist other nations in developing nuclear weapons or that violate safeguards or other fundamental non-proliferation commitments (section 19);

II. Nuclear fuel assurances and technical assistance:

Offers to nations which agree to forego development of reprocessing and enrichment facilities, as well as to forego the use of separated plutonium, the following major incentives (section 8):

A substantial discount on the price of U.S. uranium enrichment services for low enriched uranium fuel, which is unsuitable for nuclear weapons;

A further discount on the enrichment price for nations agreeing to run reactors on specially improved low enriched fuel that conserves uranium, reduces spent fuel generation and lowers the production of residual, by-product plutonium;

A single export license to assure supplies of low enriched uranium fuel sufficient to meet the lifetime requirements of all their nuclear powerplants—the fuel to be provided in shipments sufficient to operate each plant for three years at a time;

Technical assistance to increase the fuel efficiency of light water reactors and thereby reduce inventories of residual, by-product plutonium;

Technical assistance to resolve nuclear waste management problems, including the storage and disposal of spent fuel;

Technical assistance in developing alternative energy sources.

III. Strengthen nuclear export criteria:

Upgrades export criteria for the Energy and Commerce Departments to ensure that exports of nuclear technology and "dual-use" items go only to nations that accept full-scope safeguards and have a nuclear-cooperation agreement with the United States—the same strict standard that now governs Nuclear Regulatory Commission licensing of nuclear reactor and fuel exports (sections 13, 14 and 16);

Establishes the same strict standard for NRC export licensing of nuclear components as now exist for NRC export licensing of complete reactors and fuel (section 17);

Requires that nuclear transfers by foreign affiliates of U.S. companies are subject to the same requirements as transfers directly from U.S.-based firms (section 18);

Requires the Secretary of Defense to play a key non-proliferation role in determining that proposed nuclear agreements, exports and arrangements are not inimical to the common defense and security (section 15);

Requires that foreign-origin nuclear materials cannot be substituted for nuclear materials under the control of the United States without the approval of the Secretary of Energy (section 7).

NUCLEAR POWER AND PROLIFERATION: A FACTSHEET

Congressional Research Service—Warren H. Donnelly, Senior Specialist, and Joseph F. Pilat, Office of Senior Specialists, May 15, 1983)

NUCLEAR POWER AND PROLIFERATION

The precise nature of the linkage between nuclear power and the spread, or proliferation, of nuclear weapons continues to be debated. However, from the days of the wartime U.S. atom bomb project many observers have seen a more or less direct linkage. Their reasoning is straightforward. Commercial nuclear power requires the production of nuclear fuels. Some of these fuels, as well as the facilities that produce them can be used more or less directly in the fabrication of nuclear warheads.

Materials for nuclear power and bombs

The fissionable isotopes useful to fuel nuclear power plants or to make nuclear weapons are uranium-233, uranium-235 and several isotopes of plutonium.

Uranium-233 does not occur in nature. It is made by exposing thorium to neutrons in a nuclear reactor, then cutting up and dissolving the irradiated thorium in strong acids from which the uranium-233 is separated. The chemical treatment is called reprocessing. While theoretical possibilities of using U-233 for fuel and for bombs is well known, it is yet to be used for either purpose.

Uranium-235 is found in nature but is so diluted with another isotope, U-238, that natural uranium cannot be directly used in most nuclear power plants or in nuclear weapons. A more concentrated form is needed. The process of increasing the proportion of U-235 in a quantity of uranium is called enrichment. Uranium enriched to 90 percent or more U-235 (highly enriched uranium, or HEU) is currently used in some research reactors and for the propulsion of nuclear warships. Uranium enriched to 3-6 percent U-235 (low enriched uranium or LEU) is commonly used to fuel nuclear power plants of the types favored in the United States, Europe, the Soviet Union and Japan, and is currently used to power merchant ships. Natural uranium can be used to fuel types of nuclear power plants developed in Canada and the United Kingdom.

Plutonium exists in nature only in minute trace amounts: Useful amounts may be made by exposing U-238 atoms to neutrons in a reactor and then reprocessing the irradiated uranium to recover the plutonium. Plutonium is created in any reactor that contains U-238 atoms in its fuel. Breeder reactors are particularly efficient in making U-238 into plutonium—so much so that more than one atom of new plutonium is produced for every atom of fuel burned in a breeder. Nuclear power based on breeders and use of plutonium for fuel can get about 60 times as much energy out of every pound of uranium ore mined than can conventional nuclear power systems that do not use plutonium. On the other hand, breeders could in principle be used to produce a grade of plutonium highly suitable for nuclear weapons. Table 1 compares the respective utility of these materials for weapons and for power generation.

Plutonium and highly enriched uranium as weapons materials

Although U-233 could in principle be used to make nuclear weapons, it has not been so utilized. Only highly enriched uranium (greater than 90 percent U-235) and plutonium are used for weapons, and most nuclear weapons in the arsenals of the nuclear-weapon states use plutonium. Estimates of the amount of plutonium or highly enriched uranium necessary to make a nuclear explosive device or weapon depend upon the sophistication of the device. A weapon or device utilizing plutonium would require 5 to 10 kg of good quality plutonium. A device using enriched uranium would require from 15 to 30 kg of uranium enriched to 90 percent or more U-235.[1] According to the International Atomic Energy Agency, a "significant quantity"—defined as approximate quantity of nuclear material which could be used to manufacture a nuclear explosive device—of plutonium is 8 kg. A significant quantity of HEU is 25 kg.

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[1] U.S. Congress. Office of Technology Assessment. Nuclear Proliferation and Safeguards. New York and London; Praeger Publishers, Praeger Special Studies in U.S. Economic, Social and Political Issues, 1977. pp. 179-180.

TABLE 1.—COMPARISON OF USE OF NUCLEAR MATERIALS FOR POWER AND FOR ATOMS

Material	Weapons	Civil power generation	Marine propulsion	
			Naval	Merchant
Natural uranium (0.7 percent U^{235})	No	Canadian and British type reactors	No	No.
Low enriched uranium (3, 6 percent U^{235})	No	United States, European, Soviet, and Japanese type reactors	No	Yes.
High enriched uranium (90 percent U^{235} or greater)	Yes	Not now	Yes	Not now.
Uranium-233	Yes	Not now	Not now	Not now.
Plutonium	Yes	Not now	Not now	Not now.

PRODUCTION AND USE OF PLUTONIUM

Production of plutonium

Plutonium is produced as a byproduct of the operation of all conventional nuclear power reactors. Increasing quantities of this nuclear material are accumulating in the United States, the Soviet Union, Eastern and Western Europe, Canada, Japan and other countries with operating nuclear power plants.

Plutonium is also produced in research and testing reactors. Powerful reactors fueled with natural uranium and moderated with heavy water can produce high quality plutonium in significant quantities. Countries having this type reactor with power levels of 10 megawatts (MW) or greater include the Federal Republic of Germany, India, Israel, Japan, Switzerland, Taiwan, and the United Kingdom. Canada previously had research reactors of this size operating on natural uranium, but they have been converted to use HEU which does not normally produce as much plutonium.[2]

Powerful testing reactors fueled with highly enriched uranium can be modified to produce plutonium. These, however, are fewer in number and are found only in the nuclear weapons states, in Canada and in South Africa.

Reprocessing capability

The plutonium produced by power, research and testing reactors is contained in spent fuel. Its separation from the spent fuel is accomplished by a chemical process called reprocessing, the basic technology of which is well known. Certain special components for reprocessing, however, are available only from advanced industrial countries. Table 2 lists foreign reprocessing plants of demonstration and industrial size. In addition, other countries are reported to be developing a reprocessing capability, including Argentina, Brazil, and Pakistan. Israel presumably has a reprocessing capability but little has been published about it.

TABLE 2.—FOREIGN REPROCESSING PLANTS

	Reprocessor	Plant name	Location	Design capacity (MTU/yr)	Startup date	Current status
1.	Eurochemic	Eurochemic [1]	Mol, Belgium	75	1966	Shutdown since 1974.
2.	COGEMA	UP-1	Marcoule, France	1,200	1958	Operating.
		UP-2 (metal head-end)	La Hague, France	400	1966	Operating.[2]
		UP-2 (oxide head-end)	La Hague, France	[3] 400	1976	Operating.
		UP-3A	La Hague, France	800	1985	Planned.
		UP-3B	La Hague, France	800	1989	Planned.
3.	CNEN	EUREX	Saluggia, Italy	25	1970	Shutdown since 1978.
4.	IDAE	Tarapur Fuel Reprocessing Plant	Trarapur, India	100	1978	Operating.[4]
	IAEC	None	Kalpakkam, India	100	1985	Planned.
5.	PNC	Tokai-mura	Tokai-mura, Japan	200	1978	Operating.
	None	Not yet sited		1,500	1991	Planned.
6.	BNFL	B205 (metal head-end)	Windscale, United Kingdom	2,100	1964	Operating.
		B204 (oxide head-end)	Windscale, United Kingdom	400	1969	Shutdown since 1973.
		THORP	Windscale, United Kingdom	1,200	1987	Planned.
7.	U.S.S.R.[5]					
8.	DWK	WAK	Karlsruhe, West Germany	40	1971	Operating.

[1] A contract for the transfer of this plant to the Belgian State was signed in 1978; it was originally a joint undertaking of 13 European OECD states.
[2] To be phased out by 1983.
[3] To be increased to 800 MTU/yr by 1984.
[4] Initial operation may have involved fuel from experimental reactors at Trombay.
[5] No information available in open literature.

Source: Inquiry of DOE. July 1981.

Fissile plutonium in spent fuel

INFCE estimated that the fissile plutonium contained in cumulative world spent fuel arisings would be some 227.2 metric ton(t) in 1985, 517.4t in 1990 and greater than 1539.7t in 2000.[3] The fissile plutonium in stored spent fuel would be, according to INFCE estimates, 175t in 1985, 399t in 1990, and greater than 971t in 2000.[4] Many observers in the U.S. and abroad consider INFCE projections to be unrealistically high. However, even if INFCE, overestimated by a factor of two, or three, the projection indicates large quantities of plutonium will be present in spent fuel.

Separated fissile plutonium

According to INFCE, total world stocks of separated fissile plutonium at the end of 1977 were greater than 21 metric tons. This projection does not include any French, Canadian and Indian stocks, which were not reported.[5] INFCE estimated cumulative fissile plutonium separated from spent fuel would be more than 54t in 1985, more than 126t in 1990, and more than 423t in 2000.[6]

Again, even if INFCE projection were too high by a factor of two or three, the nuclear future it presumed would produce large amounts of separated plutonium.

Plutonium under IAEA safeguards

Table 3 reports amounts of plutonium under IAEA safeguard for the years 1975–1980.

TABLE 3.—QUANTITIES OF PU UNDER IAEA SAFEGUARDS [1]

[Tonnes]

	1975	1976	1977	1978	1979	1980	1981
Separated	2	3	6	7	8	[2] 5	5
Contained in spent fuel	15	23	28	41	49	[2] 58	71
Total	17	26	34	48	57	63	76

[1] Except covered by agreements implementing the voluntary offers of 2 nuclear-weapon States.
[2] In 1 nuclear-weapon State, irradiated fuel has again been placed under safeguards instead of separated plutonium that had been temporarily substituted for it.

Source: IAEA, the annual report for 1980, p. 45; the annual report for 1981, p. 63.

PRODUCTION AND USE OF HIGHLY ENRICHED URANIUM

Enrichment capacity

Natural uranium must be enriched for use as nuclear fuel as well as weapons use. Industrial scale enrichment plants exist in the United States, the Soviet Union, the United Kingdom, France, the Netherlands and the Peoples Republic of China. The facility in France is owned and operated by Eurodif, a French-controlled multinational enrichment body. A considerably smaller enrichment capacity also in Europe is that of Urenco, a trinational enrichment consortion composed of the United Kingdom, the Federal Republic of Germany, and the Netherlands. South Africa and West Germany have small, pilot sized, enrichment plants and are building larger plants. Japan also has some pilot scale capacity and is planning a commercial sized plant; Italy has two experimental enrichment facilities; Brazil is committed to developing an enrichment capacity and expects help from West Germany via a long standing arrangement for nuclear assist-

[2] Inquiry of DOE, July 1981. Data on PRC was not available.

[3] Reprocessing, Plutonium Handling, Recycle. Report of Working Group 4. INFCE. Vienna: IAEA, 1980. p. 268.

[4] Ibid. p. 272.
[5] Ibid. p. 279.
[6] Ibid. p. 281.

ance; and Australia is taking steps that could culminate in a commercial plant. Pakistan too is reportedly trying to build a small enrichment plant.

Among these countries, the only ones with plants producing highly enriched uranium are those of the nuclear weapons states and South Africa. However, Pakistan's plant, if completed, might be able to provide high enrichment. Since highly enriched uranium is not used as a commercial nuclear fuel for power generation, there would be little commercial demand for this material.

INFCE's estimates.—Assuming Brazil and South Africa would have some enrichment capacity by 1985, but no production by Pakistan or Australia, INFCE estimates show a world capacity of 20.9 million separative work units per year (MSWU/a) by 1980; from 43.1 to 43.2 MSWU/a in 1985; 65.7 to 65.8 MSWU/a by 1990; and 81.1 to 83.6 MSWU/a by 1995.[7] Note, on the basis of existing and planned uranium enrichment capacity in 1983, these estimates appear high.

Research reactors using HEU

Over twenty countries have research reactors with power outputs of 5 MW or greater, fueled with highly enriched uranium. These include Argentina, Australia, Austria, Belgium, Brazil, Canada, Denmark, France, FRG, Greece, Iran, Israel, Italy, Japan, the Netherlands, Pakistan, South Africa, Sweden, Switzerland, the UK and the USSR.[8] Additionally, West Germany is developing a high temperature, gas-cooled reactor that uses HEU as fuel.

HEU under IAEA safeguards

According to the Annual Reports of the IAEA, the quantity of uranium enriched to 20 percent U-235 or greater (HEU) under Agency safeguards was: 4 tonnes of HEU in 1975, 5 in 1975; 11 in 1977, 1978, 1979; and 1980; and 10 in 1981.[9]

THE "PROBLEM STATES" OF TODAY AND TOMORROW

Currently concern about proliferation appears to be focused on several so-called "problem states," which are seen to pose the highest proliferation risks. Among these problem states, Argentina, Brazil, India, Israel, Pakistan and South Africa appear to many observers to be particularly worrisome because of their advanced capabilities and suspected intentions.

The nuclear industrial bases of all of these countries are relatively substantial, particularly those of Argentina, India and South Africa. And all of these countries have completed or are building facilities for enrichment, reprocessing, or both. Israel's situation is somewhat ambiguous. While it has a powerful reactor capable of producing good quality plutonium, its ability to extract that plutonium from the spent fuel is little discussed in the open literature. For the nuclear capabilities of these states, see Table 4.

All of the countries represented in this first tier of problem states have refused to take the no-weapons pledge of the NPT or of the Treaty of Tlatelolco, or to put the latter into effect, albeit most of these states have disclaimed nuclear weapons intentions. See Table 5. Some also have some nuclear facilities not subject to IAEA inspection and safeguards, notably Argentina's pilot reprocessing plant which is under construction, India's several safeguarded nuclear research and power reactors and reprocessing plants, Pakistan's unsafeguarded enrichment and reprocessing projects, Israel's unsafeguarded reactor, and South Africa's unsafeguarded pilot enrichment plant. On the other hand, with the possible exception of Israel, all of these states have not notable nuclear facilities under IAEA safeguards.

Finally, the governments of all of these states are widely seen to be developing nuclear weapons options, if they are not also seen as having an explicit interest in immediately producing nuclear weapons or arsenals. Note that some reserve the right to make peaceful nuclear explosives, which are virtually indistinguishable from nuclear weapons.

Other states are also held to be problem states by many observers. Among these states, Iran, Iraq, Libya, South Korea and Taiwan are notable. However, they are seen to be much less of a proliferation risk in the next decade, either because their nuclear industrial bases are virtually non-existent (see Table 4); because they are parties to the NPT or the Treaty of Tlatelolco (see Table 5); or because of the dependence of their programs on the United States or other suppliers, who can be expected to attempt to use the influence from this relation to curb any weapons aspirations among these states. Over time, the situation in these countries can be expected to change. This second tier of problem countries could be among those regarded as primary concerns of tomorrow, or their nuclear programs could be viewed as posing no significant dangers whatsoever.

Clearly the "problem states" change with time. In the 1960s, proliferation risks were seen mainly in the major industrial states. Now, in the 1980s, the principal risks are seen in developing states that have much less of a technological and industrial base, but that nonetheless are thought capable of producing nuclear weapons and nuclear arsenals. In the future, the assessment of proliferation risks could again radically change, and an entirely new group of countries could be regarded as "problem states."

TABLE 4.—COMPARISON OF PRESENT NUCLEAR INDUSTRIAL BASES OF PERCEIVED "PROBLEM STATES" IN 1982

State	Nuclear power (MWe)* in operation, 1981	Enrichment capacity	Breeder development	Reprocessing capacity	Plans to use plutonium	Heavy water capacity	Technical personnel
Argentina	335	No	No	Not yet [1]	Yes	Some	Some.
Brazil	0	Under construction	No	No [2]	Some	No	Some.
Egypt	0	No	No	No	No	No	Minor.
India	809	No	[3] Yes	Yes	Yes	Yes	Good.
Iran	[4] 0	No	No	No	No	No	Minor.
Iraq	0	No	No	No	No	No	Minor.
Israel	0	No	No	Suspected	No	No	Strong.
Libya	0	No	No	No	No	No	Minor.
Pakistan	125	Under construction	No	Under construction	Yes	No	Some.
South Africa	0	Some	No	No	No	No	Some.
South Korea	564	No	No	No	No	No	Some.
Taiwan	2,159	No	No	No	No	No	Some.

*Source: Nuclear Engineering International, August 1982, p. 3.

[1] Argentina has a prototype plant nearing completion.
[2] Brazil ultimately expects to get reprocessing assistance from West Germany.
[3] India's long-range plan is to breed U-233 from thorium.
[4] Iran has several partially completed nuclear powerplants, but construction stopped with the revolution.

TABLE 5.—ADHERENCE TO NON-PROLIFERATION AND RELATED TREATIES: 1981

State	Treaty and date of entry into force					
	Antarctic Treaty 1961	Limited Test Ban Treaty 1963	Treaty Prohibiting Nuclear Weapons in Latin America 1968 [1] [2]	Nuclear Non-Proliferation Treaty 1970	Type of safeguards agreement	All nuclear facilities safeguarded
Argentina	Party	Signatory	Signatory		Limited [3]	No.
Brazil	Party	Party	Signatory		Limited [3]	No. [4]
Egypt		Party		Party	FS [5]	Yes.
India		Party			Limited [3]	No.
Iran		Party		Party	FS [5]	Yes.

[7] Enrichment Availability. Report of Working Group 2. INFCE. Vienna: IAEA, 1980. p. 75.

[8] Inquiry of DOE, July 1981. Data on People's Republic of China was not available.

[9] IAEA, Annual Report for 1980. p. 45; Annual Report for 1981. p. 63.

TABLE 5.—ADHERENCE TO NON-PROLIFERATION AND RELATED TREATIES: 1981—Continued

State	Treaty and date of entry into force					
	Antarctic Treaty 1961	Limited Test Ban Treaty 1963	Treaty Prohibiting Nuclear Weapons in Latin America 1968[1 2]	Nuclear Non-Proliferation Treaty 1970	Type of safeguards agreement	All nuclear facilities safeguarded
Iraq		Party		Party	FS [5]	Yes.
Israel		Party			Limited [3]	No.
Libya		Party		Party	FS [5]	Yes.
Pakistan		Signatory			Limited [3]	No.
South Africa	Party	Party			Limited [3]	No.
South Korea		Party		Party	FS [5]	Yes.
Taiwan		Party		Party	FS [5]	Yes.

[1] Not yet in force for all signatories.
[2] Ratified subject to preconditions not yet met.
[3] Non-NPT type which apply only to imported nuclear materials and facilities.
[4] There is some difference of opinion as to whether 1 small unsafeguarded laboratory should be considered a facility.
[5] NPT full scope safeguards.

A SELECTED CHRONOLOGY OF NUCLEAR PROLIFERATION EVENTS AND U.S. POLICY RESPONSES

1945

The United States exploded the first atomic bomb, Trinity, at Alamogordo, New Mexico.

The United States dropped atomic bombs on Hiroshima and Nagasaki.

1946

Congress enacted the Atomic Energy Act of 1946.

The United States started atomic bomb tests at Bikini atoll.

U.S. proposal for international control of atomic energy was made to the United Nations Atomic Energy Commission (The Baruch Plan).

1949

The first Soviet atomic test in the Ustyurt desert.

1952

The first British atomic test.

The first U.S. hydrogen bomb test.

1953

The first Soviet hydrogen bomb test.

President Eisenhower made his Atoms-for-Peace speech to the U.N. General Assembly.

1954

Congress enacted the Atomic Energy Act of 1954.

1957

The International Atomic Energy Agency was established in Vienna.

The first British hydrogen bomb test.

Sputnik I was launched.

1958

Unilateral cessation of nuclear tests by the United States, the United Kingdom and the Soviet Union.

1960

France tested a plutonium bomb in the Sahara desert.

1961

The Soviet Union resumed atmospheric nuclear testing.

1962

The United States resumed atmospheric testing.

The Cuban Missile crisis occurred.

1963

The Limited Test Ban treaty, banning nuclear tests in the atmosphere, space and underwater, was ratified and entered into force.

1964

The first Chinese atomic bomb test near Lop Nor.

1966

The first French hydrogen bomb test.

1967

The first Chinese hydrogen bomb test.

The Treaty for Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) opened for signature.

1968

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was opened for signature.

1970

The NPT entered into force with its no-weapons pledges verified by international inspection.

1974

India tested a plutonium device under the Rajasthan desert.

The United States and U.S.S.R. signed a limited underground test ban treaty.

1975

The first NPT Review Conference was held.

The Federal Republic of Germany agreed to supply Brazil with a complete nuclear fuel cycle, including enrichment and reprocessing.

1976

President Ford's nuclear policy statement prohibited export of reprocessing and other nuclear technologies that could contribute to proliferation and tried to discourage reprocessing in other countries of particular concern.

The United States persuaded South Korea not to proceed with a reprocessing plant supplied by France.

The United States and U.S.S.R. signed a treaty limiting peaceful nuclear explosions.

Congress amended the Foreign Assistance Act to cutoff certain U.S. economic and military aid in some circumstances to countries that supplied or received exports and assistance in enrichment and reprocessing (The Symington Amendment).

1977

President Carter's nuclear policy statement sought indefinitely to defer production and use of plutonium as a nuclear fuel in the United States and abroad. He also proposed cancellation of the Clinch River Breeder Reactor Demonstration and enactment of non-proliferation legislation.

Congress abolished the Joint Committee on Atomic Energy.

The United States, the Soviet Union and other states put pressure on South Africa not to proceed with what appeared to be a nuclear test in the Kalahari desert.

1978

Congress enacted the Nuclear Non-Proliferation Act of 1978, which imposed many conditions upon U.S. nuclear cooperation and commerce, and specified sanctions for various violations of U.S. policy.

The states of the Nuclear Supplier Group (NSG) jointly submitted public statements to the IAEA committing themselves to certain guidelines concerning safeguards and restraint in supply of sensitive nuclear materials, facilities and technologies.

The French ceased deliveries under a contract to supply Pakistan with a reprocessing plant.

The United States and the IAEA entered into an agreement for the United States to voluntarily open some U.S. nuclear facilities to IAEA inspection.

1979

A strange double flash was detected by a U.S. satellite in the southern hemisphere, which some thought was a nuclear weapons test by South Africa.

The United States cut off economic and military assistance to Pakistan under the Symington Amendment as a result of that state's attempt to construct an enrichment plant.

1980

The conclusion of the International Nuclear Fuel Cycle Evaluation, which supported many aspects of U.S. non-proliferation policy, but diverged on many others.

The Second NPT Review Conference, which was unable to agree upon a final report because of controversy over lack of progress in the arms control negotiations of the superpowers and differences among nuclear suppliers and recipient states.

ANALYSIS OF SOME POTENTIAL IMPACTS OF A PROPOSED AMENDMENT TO THE NUCLEAR NON-PROLIFERATION ACT OF 1978 (NNPA)

(Robert L. Civiak, Analyst in Energy Technology, Science Policy Research Division, April 20, 1983)

This report analyzes several potential impacts of a proposed amendment to the Nuclear Non-Proliferatrion Act of 1978 (NNPA) that would provide financial incentives in the form of reduced rates for uranium enrichment services to nations agreeing to certain conditions. The proposed legislation would authorize the Department of Energy (DOE) to grant discounts in the price of uranium enrichment services sold to customers from nations that agree not to obtain or use any facility for nuclear fuel reprocessing and/or uranium enrichment and not to seek access to or use any plutonium-based fuels.

We have estimated the following for the years 1985, 1990, and 1995:

1. The excess DOE enrichment capacity that might be available to meet the increased enrichment demand which could result from the proposed incentive program;

2. The increased enrichment demand that might result from the program; and

3. The cost to the Government of the financial incentives.

EXCESS DOE ENRICHMENT CAPACITY

The Department of Energy currently enriches uranium for sale to commercial users by a process called gaseous diffusion. The existing gaseous diffusion plants (GDPs) were built in the 1940s and 1950s to meet defense needs for enriched uranium. Now, however, commercial enrichment requirements exceed defense needs. To meet growing commercial needs, the performance of the plants was upgraded and their capacity increased between 1977 and 1982.

In an effort to make enrichment more efficient and to reduce costs, DOE is currently building a new plant that will use a centrifuge process which requires only one-twentieth as much electricity as the diffusion process. That plant, called the Gas Centrifuge Enrichment Plant (GCEP), is scheduled to begin operation in 1989 and reach full production in 1994. The DOE is also developing a laser-based enrichment process that may further reduce enrichment costs.

DOE contracts to buy power for the diffusion plants 8 to 10 years in advance of need. According to the most recent Uranium Enrichment Operating Plan.[1] DOE has contracted to purchase considerably more power each year than it now plans to use for all years through 1991, which suggests the plants will be run at less than full capacity. Table 1, based on information contained in that Operating Plan, compares the amount of enrichment that DOE currently plans to produce in 1985, 1990, and 1995 to meet its projected demand with (1) the potential production based on existing contracts for power purchases for the diffusion plants and (2) the maximum capacity of the enrichment plants.

TABLE 1.—PLANNED AND POTENTIAL DOE ENRICHMENT PRODUCTION

[In millions of separative work units (SWU's)]

Year	Production[1]	Potential production with contracted power			Maximum potential production		
		GDP's	GCEP	Total	GDP's	GCEP	Total
1985	16.7	23.4	0	23.4	24.7	0	24.7
1990	22.3	23.0	3.1	26.1	24.7	3.1	27.8
1995	26.3	[2]	[2]	[2]	24.7	13.0	37.7

[1] Production planned to meet projected demand.
[2] Not yet contracted.

The table shows that the current capacity of the diffusion plants is well in excess of projected enrichment demand through at least 1990. If GCEP is completed as planned, DOE would have considerable excess capacity through 1995. The excess capacity could be available to meet the increased demand for U.S. enrichment services that might result from the proposed incentives.

According to the Operating Plan, DOE has contracted to purchase 2120 MW-years of power in 1985 and 1330 MW-years in 1990 above what it will need to run the enrichment plants. Based on the average FY983 demand charge of $80,000 per MW-year,[2] DOE could be liable for $170 million in demand charges in 1985 and $106 million in demand charges in 1990. Most of these demand charges could be eliminated if DOE were to operate the diffusion plants near the level of contracted power in order to meet increased demand for enrichment that might result from the proposed incentives program.

Table 2 gives the additional nuclear power generating capacity that could be supplied with enrichment services from the excess SWU capacities given in table 1. The table assumes an annual requirement of 120 thousand SWU's for a 1 GW (gigawatt) nuclear power plant.[3]

TABLE 2.—ADDITIONAL NUCLEAR GENERATING CAPACITY SUPPORTABLE WITH EXCESS URANIUM ENRICHMENT CAPACITY

[In gigawatts]

Year	Supportable with contracted power	Supportable at maximum production
1985	56	67
1990	32	46
1995	[1]	95

[1] Not yet contracted.

Besides the additional nuclear power capacity that could be supported by DOE operating the enrichment plants nearer to their full capacity, more nuclear generating capacity could be supported by raising the "tails assay" of the enrichment plants. The tails assay is the amount of uranium-235 left in the waste stream, or tails, of the diffusion plant. If the tails assay is increased, then more uranium but less enrichment would be needed to produce the same amount of fuel for a nuclear power plant.

Currently the enrichment plants are operated with a tails assay of 0.2 percent. If the tails assay were raised to 0.3 percent, the enrichment plants could support about 25 percent more nuclear generating capacity at a given level of operation. For example, at a tails assay of 0.2 percent the 26.1 million SWU that might be produced with contracted power in 1990 could support about 218 GW of nuclear plant capacity. However, at a tails assay of 0.3 percent the same SWU production could support about 272 GW of nuclear plant capacity.[4] Table 3 gives the additional nuclear power generating capacity above current demand projections that might be supported by production from the DOE plants at a tails assay of 0.3 percent.

TABLE 3.—ADDITIONAL NUCLEAR GENERATING CAPACITY SUPPORTABLE WITH EXCESS URANIUM ENRICHMENT CAPACITY AND 0.3 PERCENT TAILS ASSAY

[In gigawatts]

Year	Supportable with contracted power	Supportable at maximum production
1985	104	118
1990	86	104
1995	[1]	174

[1] Not yet contracted.

INCREASED ENRICHMENT DEMAND THAT MIGHT RESULT FROM THE PROPOSED INCENTIVES PROGRAM

This section estimates the potential increase in demad for DOE uranium enrichment services resulting from the proposed incentives program under various scenarios.

However, before the increase in uranium enrichment demand can be estimated it is necessary to examine the factors that may determine whether countries with operating or planned nuclear powerplants can qualify for the proposed incentives program, and also their commitment to other sources of enriched uranium.

From discussions with the staff of the Energy Conservation and Power Subcommittee regarding the proposed bill, we understand that countries that have not signed the Nuclear Non-Proliferation Treaty (NPT) or do not agree to full scope safeguards would not be eligible for the reduced enrichment price, nor would countries that have any operable enrichment or reprocessing facilities or facilities which fabricate or use plutonium (Pu) based fuels, including breeder reactors.

COUNTRY-BY-COUNTRY ANALYSIS OF FACTORS RELEVANT TO PARTICIPATION IN THE PROPOSED INCENTIVES PROGRAM

Following is a country-by-country listing of the relevant factors that affect whether a nation may qualify and whether it would be interested in purchasing discounted uranium enrichment from DOE. The listing includes 24 Western countries projected in the January 1983 NUKEM Marketing Report to have operating nuclear powerplants by 1995.[5] The numbers next to the country names 1990, and 1995 adjusted by us to account for plants that do not use enriched uranium.[6] [7]

Argentina (0, 0, 1.4): Has not signed the NPT. Is not known to have any facilities that would currently disqualify it from the program, but a pilot reprocessing plant is under construction. Nuclear powerplants now in operation and under construction do not use enriched uranium. The design of the 1.4 GW of new capacity projected for 1995 has not been finalized.

[1] Department of Energy. Office of Uranium Enrichment and Assessment. Uranium Enrichment Operating Plan. January 1983. 18 p. plus figures and attachments.

[2] U.S. Department of Energy. "Congressional Budget Request Fiscal Year 1984," v. 4. p. 127.

[3] Annual enrichment requirements for an operating 1 GW nuclear plant are between 100,000 and 110,000 SWU. The larger figure has been used to account for the SWU requirements of the initial core.

[4] For additional discussion of the relationship between tails assay and enrichment capacity see: U.S. Congress. Senate. Commitee on Energy and Natural Resources. Uranium Enrichment. Committee Print. Prepared by the Congressional Research Service. 97th Cong., 2d sess. Washington, U.S. Government Printing Office, May 1982. 54 p. Publication No. 97-68.

[5] "Net Nuclear Power Plant Capacity in the Western World." NUKEM Marketing Report. Jan. 1983. p. 18.

[6] Adjustments are based on information contained in: Power Reactors 1982: A Directory of the World's Nuclear Power Reactors. Nuclear Engineering International. August 1982 Supplement.

[7] Much of the information for this section for European countries comes from: Greenhalgh, G. and E. Jeffs. Nuclear Industry Almanac. Volume 1: 1982, Werstern Europe. Buckinghamshire, England, Nuclear Energy Intrelligence, 1981. 303 p. Additional information for European and non-European countries comes from various news reports and other published sources.

Belgium (5.4, 5.4, 6.4): Has a reprocessing plant that is not currently operable. Has a fuel fabrication plant that has produced plutonium based fuels for breeder reactor projects in France and Germany. Is not currently using plutonium fuels in domestic reactors. Holds 11 percent of the capital of the Eurodif diffusion plant in France, and is required to take 1 million SWUs per year of Eurodif's production, which is enough to supply about 8 GW of nuclear capacity.

Brazil (0.6, 3.1, 4.3): Has not signed the NPT. Reportedly is building a uranium enrichment plant with assistance from West Germany. Has announced intentions to obtain breeder reactors and reprocessing facilities, but plans for specific facilities are not known.

Canada (0.3, 0.3, 0.3): Could currently qualify for the incentives program. Demand for enrichment is low, because all Canadian power reactors use natural (unenriched) uranium. No facilities that would disqualify Canada from the incentives program are known to be planned.

Egypt (0.0, 0.0, 1.8): Could currently qualify for the incentives program and no facilities that would disqualify it are known to be planned.

Finland (2.2, 2.2, 3.2): Could currently qualify for the incentives program and no facilities that would disqualify it are known to be planned. Currently receives all needed nuclear fuel and enrichment services from the Soviet Union under 30-year contracts.

France (32.1, 51.1, 60.8): Weapons state. Has operating breeder reactors and reprocessing plants, and appears firmly committed to breeder development. Owns about a 60 percent interest in the Eurodif enrichment plant, which is located in France.

Germany, Federal Republic of (16.1, 23.8, 28.8): Has an experimental breeder reactor in operation and a demonstration breeder plant under construction. Has a pilot reprocessing plant in operation and commercial scale plants planned. Is currently fabricating Pu-based fuels for breeder plants and for recycle in LWRs on an experimental basis. Is a member of the Urenco enrichment consortium, has experimental enrichment plants in operation, and is planning a commercial plant.

India (0.4, 0.4, 1.5): Has not signed the NPT, and has exploded a nuclear device. Has small reprocessing plants in operation. An experimental breeder reactor and a pilot Pu fuel fabrication plant are under construction.

Italy (1.1, 4.0, 6.6): Has two small experimental reprocessing facilities and two enrichment test facilities in operation. Has a fuel fabrication facility that has made Pu-based fuels for recycle in LWRs, but it is not known if these fuels have been placed in reactors. An experimental breeder reactor is under construction. Italy holds a 17 percent interest in Eurodif, which commits it to considerably more enrichment than it needs through 1995.

Japan (18.8, 36.6, 50.6): Has an experimental breeder reactor in operation and a demonstration plant under construction. Has pilot enrichment plants in operation and a commercial plant planned. Has a demonstration reprocessing facility in operation and a large plant planned. Has fabricated and is currently testing Pu-based fuels for both LWRs and breeders.

Korea (South) (2.1, 4.9, 7.7): Could currently qualify for the incentives program and no facilities that would disqualify it are known to be planned.

Mexico (0.7, 1.3, 1.3): Could currently qualify for the incentives program and no facilities that would disqualify it are known to be planned.

Netherlands (0.5, 0.5, 0.5): Netherlands is part of the Urenco consortium and has a commercial enrichment plant in operation as well as experimental enrichment facilities.

Pakistan (0.0, 0.0, 0.0): Has not signed the NPT. Is reported to be trying to build small enrichment and reprocessing plants. The only Pakistani power reactor in operation uses natural uranium.

Philippines (0.6, 0.6, 1.2): Could currently qualify for the incentives program and no facilities that would disqualify it are known to be planned.

Portugal (0.0, 0.0, 0.9): Could currently qualify for the incentives program and no facilities that would disqualify it are known to be planned.

South Africa (1.8, 1.8, 1.8): Has not signed the NPT. Has a small enrichment plant in operation and is planning to build a commercial scale enrichment plant.

Spain (5.9, 9.7, 13.7): Has not signed the NPT, but has agreed to full scope safeguards. Could currently qualify for the incentives program and no facilities that would disqualify it are known to be planned. Holds an 11 percent share of Eurodif, which commits it to 1.1 million SWU per year, which is enough to supply about 9.6 GW of nuclear power.

Sweden (8.3, 9.3, 9.3): Could currently qualify for the incentives program and no facilities that would disqualify it are known to be planned. Is already contracted with DOE for most of its enrichment requirements.

Switzerland (2.9, 2.9, 2.9): Could currently qualify for the incentives program. Has contracts with the French reprocessing facility to reprocess Swiss spent fuel and plans to recycle Pu-based fuel in LWRs. However, is not known to have yet used Pu-based fuel and no facilities are planned that would disqualify Switzerland from the incentives program.

Taiwan (4.0, 4.9, 6.7): Could currently qualify for the incentives program and no facilities that would disqualify it are known to be planned. Has contracts with DOE to supply the lifetime enrichment needs of the first 4.9 GW of nuclear capacity.

United Kingdom (4.4, 4.8, 8.0): Nuclear weapons state. Has experimental and demonstration breeder reactors in operation and a commercial scale plant is planned. A small reprocessing plant is in operation and a large commercial plant is planned. In addition to old enrichment plants that were used to produce weapons material, the United Kingdom is a partner in Urenco and has a commercial enrichment facility in operation.

Yugoslavia (0.6, 0.6, 1.6): Could currently qualify for the incentives program and no facilities that would disqualify it are known to be planned.

ESTIMATES OF INCREASED ENRICHMENT DEMAND

Tables 4–6 show country-by-country estimates of the potential increase in demand for DOE uranium enrichment services in 1985, 1990, and 1995 that might result from the proposed incentives program under various scenarios. It is assumed that countries would not qualify for the reduced enrichment prices: (1) if they have not signed the Nuclear Non-Proliferation Treaty (NPT) or otherwise agreed to full scope safeguards; (2) if they have any operable facilities for the enrichment or reprocessing of nuclear fuel; or (3) if they have any operating reactors (including breeder reactors) which use Pu-based fuels.

Four scenarios, represented by columns A-D in tables 4–6 are considered. The characteristics of the four scenarios are as follows:

Scenario A: Includes countries that do not hold a share in Eurodif or Urenco and could qualify for the incentives program without changing current policies.

Scenario B: Includes all countries that could qualify for the incentives program without changing current policies.

Scenario C: Includes all countries that do not hold a share in Eurodif or Urenco.

Scenario D: Includes all countries except weapons states.

In all four scenarios, the additional demand is taken to be the difference between the adjusted NUKEM nuclear power plant capacity projections given above and the August 1982 estimate by DOE's Office of Uranium Enrichment and Assessment of the "most likely" nuclear power capacity to be served by DOE, which is given in table 8 below.

The estimates given in tables 4–6 should be considered upper limits of the increase in demand resulting from the incentives program, because most potential enrichment customers have existing purchase commitments, which may be difficult or costly for them to break. In addition, there is currently a large secondary market for the sale of enrichment by utilities that have contracted to purchase enrichment that they do not now need. In some cases the enrichment price in the secondary market might be at or below the proposed incentive price, and this market could compete with sales from the proposed incentive program.

TABLE 4.—POTENTIAL INCREASE IN DEMAND FOR DOE ENRICHMENT IN 1985

[In gigawatts of nuclear plant capacity]

Country	Scenario—			
	A	B	C	D
Argentina				
Belgium		5.4		5.4
Brazil				
Canada	0.3	.3	0.3	.3
Egypt				
Finland	2.2	2.2	2.2	2.2
France				
Germany				11.1
India			.4	.4
Italy				1.1
Japan			1.6	1.6
Korea				
Mexico	.7	.7	.7	.7
Netherlands				.1
Pakistan				
Philippines	.6	.6	.6	.6
Portugal				
South Africa			1.8	1.8
Spain				
Sweden	.9	.9	.9	.9
Switzerland	.4	.4	.4	.4
Taiwan				
United Kingdom				
Yugoslavia				
Total	5.1	10.5	8.9	26.6

TABLE 5.—POTENTIAL INCREASE IN DEMAND FOR DOE ENRICHMENT IN 1990

[In gigawatts of nuclear plant capacity]

Country	Scenario—			
	A	B	C	D
Argentina				
Belgium		5.4		5.4
Brazil			2.5	2.5
Canada	0.3	.3	.3	.3
Egypt				
Finland	2.2	2.2	2.2	2.2

TABLE 5.—POTENTIAL INCREASE IN DEMAND FOR DOE ENRICHMENT IN 1990—Continued

[In gigawatts of nuclear plant capacity]

Country	Scenario— A	B	C	D
France				
Germany				19.2
India			.4	.4
Italy				4.0
Japan			13.2	13.2
Korea	.1	.1	.1	.1
Mexico				
Netherlands				.1
Pakistan				
Philippines				
Portugal				.9
South Africa			1.8	1.8
Spain		2.8		2.8
Sweden	.9	.9	.9	.9
Switzerland	.4	.4	.4	.4
Taiwan				
United Kingdom				
Yugoslavia				
Total	3.9	12.1	21.8	54.2

TABLE 6.—POTENTIAL INCREASE IN DEMAND FOR DOE ENRICHMENT IN 1995

[In gigawatts of nuclear plant capacity]

Country	Scenario— A	B	C	D
Argentina			1.4	1.4
Belgium		6.4		6.4
Brazil			3.7	3.7
Canada	0.3	.3	.3	.3
Egypt	1.8	1.8	1.8	1.8
Finland	3.2	3.2	3.2	3.2
France				
Germany				24.9
India			1.5	1.5
Italy				6.6
Japan			10.7	10.7
Korea	.9	.9	.9	.9
Mexico				
Netherlands				.1
Pakistan				
Philippines	.6	.6	.6	.6
Portugal	.9	.9	.9	.9
South Africa			1.8	1.8
Spain		6.8		6.8
Sweden	.9	.9	.9	.9
Switzerland	.4	.4	.4	.4
Taiwan				
United Kingdom				
Yugoslavia				
Total	9.0	22.2	28.1	72.9

COMPARISON OF ENRICHMENT SUPPLY AND DEMAND

Table 7 summarizes the above estimates of nuclear generating capacity that could be supported by DOE from its excess uranium enrichment capacity. It also summarizes the estimates of the potential increase in demand for DOE enrichment that might result from the proposed incentive program.

TABLE 7.—EXCESS ENRICHMENT CAPACITY AND POTENTIAL ADDITIONAL DEMAND

[In gigawatts of nuclear plant capacity]

	1985	1990	1995
Available additional capacity:			
Contracted power/0.2 percent tails	56	32	NA
Maximum power/0.2 percent tails	67	46	95
Contracted power/0.3 percent tails	104	86	NA
Maximum power/0.3 percent tails	118	104	174
Potential additional demand:			
Scenario A	5	4	9
Scenario B	11	12	22
Scenario C	9	22	28
Scenario D	27	54	73

It can be seen that ample excess enrichment capacity is available to meet the largest estimated increase in demand resulting from the proposed incentives program, without increasing the operating tails assay of the enrichment plants, except for Scenario D in 1990. Scenario D assumes that all countries except the weapons states (France and the United Kingdom) would qualify and apply for the discounted service. It is quite unlikely that this would be the case. However, if it were, DOE could still satisfy the demand by increasing the operating tails of the enrichment plants or by stockpiling enriched uranium during the 1980s when there would be excess capacity.

COST OF THE PROPOSED INCENTIVES PROGRAM

The proposed legislation would require DOE to sell enrichment to qualifying countries at the price that is applied to sales to U.S. Government users of enrichment services.[8] According to the Department of Energy, the current price for enrichment sales to U.S. Government users is about $90/SWU compared to DOE's average commercial price of about $140/SWU. DOE determines the Government users price by subtracting depreciation and interest on the capital cost of the enrichment plants from the commercial price.

One way to estimate the "cost" of the proposed incentives program is to multiply the total projected amount of enrichment (SWUs) that may be sold under the program by the $50 per SWU discount that is to be offered. This would produce a valid estimate of the total discount offered by the program. However, it might be considered an overestimate of costs to the Government, because the marginal cost of producing a SWU is less than $140. In fact, the $90 price for Government users is meant to reflect the marginal cost to produce each SWU. Hence, an argument could be made that at a price of $90/SWU there is no cost associated with the discounted sales. On the other hand, if enrichment is sold at $90/SWU to customers that otherwise would have paid $140/SWU, the Government could be considered as having lost potential income from the sale.

While there is ambiguity regarding the cost of enrichment, it is relatively straightforward to estimate the total discount that might be given to foreign enrichment customers under the program assuming that the incentive price is $50/SWU below the commercial price.

To determine the total discount, it is necessary to determine how many of DOE's current customers might qualify for the incentives and add that to the previously estimated extra demand that might result in response to the proposed incentives. Table 8 gives DOE's August 1982 estimate of the foreign nuclear capacity that will most likely be supplied with enrichment services from DOE.

TABLE 8.—AUGUST 1982 "MOST LIKELY" FOREIGN NUCLEAR POWER CAPACITY SUPPLIED WITH ENRICHMENT SERVICES BY DOE

[In gigawatts]

Country	1985	1990	1995
Brazil	0.6	0.6	0.6
France	1.9		
Germany	5.0	4.6	3.9
Japan	17.2	23.4	39.9
Korea	2.1	4.8	6.8
Mexico		1.3	1.9
Netherlands	.4	.4	.4
Philippines		.6	.6

[8] Gerald Brubaker, staff member of the Energy Conservation and Power Subcommittee. House Energy and Commerce Committee.

TABLE 8.—AUGUST 1982 "MOST LIKELY" FOREIGN NUCLEAR POWER CAPACITY SUPPLIED WITH ENRICHMENT SERVICES BY DOE—Continued

[In gigawatts]

Country	1985	1990	1995
Spain	6.0	6.9	6.9
Sweden	7.4	8.4	8.4
Switzerland	2.5	2.5	2.5
Taiwan	4.0	4.9	7.7
Yugoslavia	.6	.6	1.6
Total	47.7	59.2	81.2

Of the countries listed in Table 8, it appears that Korea, Mexico, Philippines, Spain, Sweden, Switzerland, Taiwan, and Yugoslavia could qualify for the incentives program without changing current policies. According to table 8, DOE projects that it will supply enrichment services for a total of 22.6, 30.0, and 36.4 GW of nuclear capacity from these countries in 1985, 1990, and 1995 respectively. If the potential increase in demand from Scenario B above is added to these figures, then a maximum total of 34, 42, and 58 GW of nuclear power capacity might qualify for the reduced enrichment price in 1985, 1990, and 1995 respectively if no countries change their current policies.

The total cost of the discount in enrichment price may be estimated by multiplying the capacity figures by 120 thousand SWU per gigawatt and the resulting figure by the proposed $50/SWU discount. The cost figures are presented in Table 9.

If it is assumed that all countries but the weapons states meet the U.S. conditions, then the nuclear plant capacity that could qualify for the reduced enrichment price would be found by adding the totals from table 8 (except for the 1.9 GW from France in 1985) to the increase in demand calculated for Scenario D. In that case 73, 113, and 154 GW might qualify for the reduced enrichment price in 1985, 1990, and 1995. The total cost of the discounted enrichment sales for these capacity figures are also presented in table 9.

TABLE 9.—PROJECTED DISCOUNT THAT MAY BE OFFERED ON ENRICHMENT SALES

[Dollar amounts in millions]

Year	No countries change policies: Current customers	Additional demand	Total	All but weapons states qualify: Current customers	Additional demand	Total
1985						
Capacity (GW)	23	11	34	46	27	73
Cost	$138	$66	$204	$276	$162	$438
1990						
Capacity (GW)	30	12	42	59	54	113
Cost	$180	$72	$252	$354	$324	$678
1995						
Capacity (GW)	36	22	58	81	73	154
Cost	$216	$132	$348	$486	$438	$924

There is considerable uncertainty regarding the extent to which countries might participate in the proposed program. However, the cost figures presented in table 9 span the range of potential discounts on enrichment sales that might be offered. For example, if no countries change their current nonproliferation policies in response to the program and no new enrichment customers are attracted to DOE, according to table 9 the cost of the discount in 1985 would be

$138 million (1983 dollars). On the other hand, if all Western countries with nuclear power programs, except the weapons states (France and the United Kingdom), obtain their enrichment from DOE under the proposed program, the cost of the discount in 1985 would be $438 milion.

SECTION-BY-SECTION ANALYSIS—NUCLEAR EXPLOSIVES CONTROL ACT OF 1983

SECTION 1

Section 1 contains the title of the Act, the "Nuclear Explosives Control Act of 1983."

SECTION 2

Section 2 sets forth Congressional findings. Findings (1) and (2) are that the spread of plutonium and highly enriched uranium poses grave risks and that effective safeguards do not now exist for these materials and their associated technologies. Finding (3) is that there is no economic justification for utilizing separated plutonium for electric power generation. Finding (4) is that the commerical use of highly enriched uranium and separated plutonium; and the technologies to produce them, should be avoided unless and until effective safeguards exist. Finding (5) notes that substitution or exchange of foreign nuclear fuel for fuel supplied and controlled by the United States has weakened U.S. nonproliferation policy and should not be permitted without prior U.S. approval. Finding (6) expresses the United States' commitment to encouraging development of alternative energy resources and technologies. Finding (7) notes the United States' readiness to provide nuclear fuel assurances and technical assistance in order to encourage nations to forego the development of national reprocessing and enrichment facilties and the use of separated plutonium. Finding (8) states the need to improve physical security arrangements. Finding (9) reflects the Bill's provisions designed to ensure consistent and coordinated action among federal agencies. Finding (10) expresses the need to control the activities of foreign affiliates of U.S. firms.

SECTION 3

Section 3 states the purposes of the Act. These are to: (1) enhance national security by preventing the spread of nuclear weapons; (2) integrate and harmonize energy and nonproliferation policy; (3) better U.S. utilize uranium enrichment facilities; (4) improve the efficiency of reactor fuel use; and (5) assist in the development of alternative energy resources and technologies.

SECTION 4

The Administration has fundamentally broken with the nonproliferation policies of the Ford and Carter Administrations by eliminating the ban on domestic reprocessing of plutonium from commercial spent fuel, and promoting reprocessing, plutonium use, and breeder development at home and abroad. At the same time, and contrary to the Ford and Carter policies, it has explored the possibility of exporting sensitive nuclear technologies, such as reprocessing and enrichment plants. Indeed, within the last two years, the Administration decided in principle to permit the transfer of reprocessing technology to Japan and Euratom countries and enrichment technology to Australia, while it has negotiated with Mexico concerning the possibility of U.S. exports of both enrichment and reprocessing technology as an inducement for Mexico to buy power reactors from the United States.

The Administration's policy toward exports of sensitive nuclear technology undermines U.S. nonproliferation policy for a number of reasons.

First, current U.S. law prohibits, with few exceptions, nuclear exports to any country that transfers reprocessing technology to a non-nuclear weapon state. If the United States exports such technology, it will be engaged in precisely the trade that we now seek to stop our nuclear trading partners from engaging in.

Second, the policy is dangerous, given the inadequacy of international safeguards over plutonium and highly-enriched uranium (HEU)—products of these sensitive technologies that are directly weapons-usable.

Third, there is no economic justification for using plutonium rather than uranium to fuel nuclear power reactors.

Fourth, the export of sensitive nuclear technologies presents precisely the wrong example to other countries.

Our past restraint in not exporting reprocessing and enrichment technologies has brought similar restraint on the part of the nuclear supplier countries, such as the commitments of West Germany and France not to engage in further exports of these technologies. Abandonment of restraint on our part would inevitably lead to abandonment of restraint on their part, and would invite sensitive exports by such emerging or potential suppliers as Japan, India, Argentina and South Africa. It is thus necessary to state as strongly as possible that the United States will not support nor engage in the export of technologies that have the potential for direct application for nuclear explosive purposes.

Section 4 provides such an unambiguous example by banning the export from the U.S. of enrichment, reprocessing and heavy water plants, as well as sensitive nuclear technology and other assistance important to the design, construction or operation of such plants.

SECTION 5

The Administration has adopted a policy condoning the use of plutonium, a nuclear-explosive material, as a civilian fuel. Thus, for example, the Department of Energy (DOE) has authorized Japan to begin full-capacity separation of plutonium from U.S.-supplied reactor fuel in the pilot-scale Tokai-Mura reprocessing plant. The United States and Japan are now negotiating an agreement that would provide for the long-term, advance approval (so-called programmatic approval) of the reprocessing within Japan, of U.S. supplied nuclear fuel. Further, the Administration has announced its intention to grant such programmatic approvals to other countries for the reprocessing of U.S.-controlled nuclear fuel and the use of extracted plutonium. While it may be appropriate to permit limited research, development and demonstration projects involving plutonium-use to go forward where prior commitments already have been made to these projects, and where the proliferation risk can be narrowly limited, it is essential not to approve premature and unnecessary commitments to a full-scale plutonium economy. Indeed, it is vitally important to signal that there is no current justification for, and grave risk in, commercial applications of plutonium-based fuels.

Section 5 provides that the Secretary of Energy may only approve subsequent arrangements for reprocessing of U.S.-controlled nuclear fuel and for retransfer and use of separated plutonium if the following tests are met:

1. The end use must be for research, development or demonstration (RD&D) purposes;

2. The RD&D must be in a facility or facilities in a nuclear weapons state or in a nation with full-scope safeguards and in operation or under construction as of the date of enactment of the Act;

3. There are no already existing stocks of separated plutonium reasonably available for their requested end use;

4. Any approved reprocessing would take place in a existing facility in a weapons state or in a nation with full-scope safeguards; and

5. Adequate physical security must be maintained. These conditions can be lifted only by a joint resolution of Congress declaring that effective international safeguards and effective sanctions exist.

SECTION 6

Highly-enriched uranium is used chiefly for fueling nuclear research reactors. It is also capable of providing the explosive for a nuclear weapon. The United States, China, the Soviet Union, Great Britain and France all have detonated nuclear bombs made with HEU. In the 1950s, the United States entered into several agreements for cooperation allowing for the export of research reactors fueled by HEU. In subsequent years, DOE has become the world's largest exporter of this nuclear explosive material.

The widespread use of HEU, which involves a large number of domestic and international fuel shipments, increases the risk of proliferation through theft or diversion of this material. Consequently, the United States has sought to reduce HEU inventories abroad. In addition, the U.S. has established a Reduced Enrichment for Research and Test Reactors Program (RERTR) which, if successful, could lead to a significant reduction and possible elimination of HEU inventories abroad. However, progress has been slow and funding for the RERTR Program has been below its needs. Indeed, the Administration has proposed significant reductions for this program in FY 1984. If proliferation risks are to be reduced, it is critical to accelerate rather than impede the substitution of alternative lower-enriched uranium, unsuitable for making weapons, as research reactor fuel.

Section 6 establishes a series of measures designed to phase out U.S. exports of highly-enriched uranium. Such exports will not be permitted unless (1) alternative lower-enriched fuel is unavailable, (2) the proposed recipient has provided assurances that, when such alternative fuel is available, it will be used, and (3) the Executive Branch is making reasonable progress in developing alternative research reactor fuels. In addition, the Nuclear Regulatory Commission (NRC) must establish the kilogram limit on the amount of HEU that will be allowed at any one time in recipient countries. Finally, the President is required to submit a plan leading to the conversion of research reactors to alternate lower-enriched uranium fuel.

SECTION 7

Under current law, nuclear fuel is considered to be a fungible commodity—a given amount of fuel supplied by the United States can be exchanged for or substituted by an equal amount of fuel from another source, and the Government does not consider that prior approval is required for such a transaction. The net effect is to allow U.S. trading partners to substitute non-U.S. nuclear fuel in a way that avoids U.S.-im-

posed safeguards and physical security requirements.

An example of the substitution problem is found in recent efforts by the Japanese to return separated plutonium from Western Europe after reprocessing there of U.S.-origin nuclear fuel. When the United States and Japan could not agree upon adequate physical security arrangements for the transfer, Japan entered into serious discussions with the British about substituting British plutonium for plutonium of U.S. origin. Had the transaction gone through, the U.S. would have lost any say in the application of safeguards and physical security requirements on the fuel. Moreover, under existing law the transaction would not have required the approval of U.S. authorities. Plainly, the potential for abuse is great.

Section 7 requires prior approval by the Secretary of Energy, under Section 131 of the Atomic Energy Act, for arrangements involving the substitution of or exchange for U.S.-supplied materials by materials which are not subject to the requirements of the Act.

SECTIONS 8, 9 AND 10

A policy that relies solely on disincentives and prohibitions is too negatively cast to be effective in achieving United States nonproliferation goals. Market forces and economic incentives can also be instrumental in achieving such objectives. There need to be positive assurances and technical assistance programs which make it worthwhile for other countries to forgo the development of sensitive nuclear technologies and the use of plutonium-based fuels.

The time is right to make fuel assurance programs work. Currently, uranium is in abundant supply, prices are low, and U.S. enrichment plants have excess capacity. We can, therefore, make attractive offers to foreign trading partners who are willing to subscribe to our nonproliferation goals. A fuel assurance program can not only the United States a more desirable and reliable supplier of low-enriched uranium, but it can help make the United States competitive with other suppliers of low-enriched uranium fuel.

Technical assistance programs are also timely. Management of nuclear waste, development of alternative energy technologies, and increasing light-water reactor (LWR) fuel efficiency are all areas of great and growing concern abroad. The United States has technology and programs in all these areas which it can make available to other countries, thereby directly reducing their incentives to move to more dangerous technologies. Moreover, because these programs are in place, their benefits can be extended to others at relatively little cost.

Section 8 establishes a program of fuel assurances and energy assistance. A nation or groups of nations agreeing to forego the development of national enrichment and reprocessing facililties, and to not seek access to or utilize separated plutonium, would receive in return the following:

1. Enrichment services, at a cost no greater than that charged U.S. government customers, to meet all their power requirements;

2. A lifetime fuel export license, covering the low enriched uranium fuel requirements of all power reactors in an agreeing country, subject to the export criteria of existing law and the additional requirements that (a) actual exports do not exceed the amount of low-enriched fuel needed in any three-year period to fuel reactors and (b) there be an annual review by the NRC, with a report to Congress promptly thereafter, to ensure that the conditions continue to be met;

3. Technical assistance aimed at increasing light water reactor fuel efficiency and thereby reducing plutonium inventories in spent reactor fuel;

4. Technical assistance in resolving waste management problems, in accordance with the cooperative program for spent-fuel management developed under Section 223 of the Nuclear Waste Policy Act; and

In addition, a further discount on enrichment is provided for countries which agree to use improved nuclear fuel now being developed in a joint government-industry program. The mutually beneficial characteristics of the improved fuel include a 40 percent reduction in spent fuel generation, 30 percent less residual plutonium in spent fuel which is generated, and a 15 percent savings of uranium resources. The improved nuclear fuel could be commercially available by 1990 or before.

The Secretary of Energy is directed to develop a plan for an to establish and maintain fuel assurance and incentive programs, and a new provision is added to Title I of the Nuclear Non-Proliferation Act which authorizes appropriations for such programs. Fuel supply commitments may be transferred to an international nuclear fuel authority (INFA) if and when such an authority is established. The section also provides that the discounted enrichment services will not increase the U.S. commercial enrichment price.

Section 9 provide an authorization for appropriations in specific dollar amounts to carry out the provisions of Section 223 of the Nuclear Waste Policy Act.

Section 10 amends Title V of the Nuclear Non-Proliferation Act to provide for an authorization for appropriations to assist development of non-nuclear energy resources.

SECTION 11

There is still considerable disagreement today over what constitutes adequate physical security over nuclear shipments and facilities. Moreover, efforts to develop adequate security measures have lagged because of the absence of needed funding. As long as there is any plutonium or highly-enriched uranium moving in international trade, it is essential that physical arrangements be as stringent as possible.

Section 11 amends Title II of the Nuclear Non-Proliferation Act by providing that the NRC and the Executive branch shall expand efforts to improve physical security. It authorizes appropriations in specific dollar amounts for this purpose.

SECTION 12

Section 12 amends the reporting provisions of the Nuclear Non-Proliferation Act (Title VI) to require annual reporting of progress with respect to the negotiation of fuel assurance and energy assistance agreements.

SECTIONS 13 AND 14

DOE, under current law, has substantial authority to grant authorizations for firms and individuals to engage directly or indirectly in the production of special nuclear material, such as plutonium and enriched uranium, outside the United States. Such activities can contribute as much to proliferation as direct export of nuclear fuel and equipment from the United States. Yet while the direct export of nuclear fuel and equipment licensed by the NRC is governed by a tough set of restrictions, DOE authorizations are not. For example, DOE can still authorize nuclear transfers to a country that refuses to accept full-scope safeguards and that has not entered into an agreement for nuclear cooperation with the United States.

Sections 13 and 14 put the Secretary of Energy essentially under identical obligations as the NRC in approving nuclear transfers. Under these provisions, authorizations by the Secretary of Energy for activities outside of the United States could not be given unless there was an agreement for cooperation in place, and the country in question has accepted full-scope safeguards and otherwise adheres to the criteria of sections 127 and 128 of the Atomic Energy Act. Further, notices of authorizations must be published in the Federal Register and will not become effective until at least thirty (30) days after publication. Provision is made for Presidential authorization, subject to Congressional review and override procedures, in those cases in which export criteria cannot be met, in the same fashion as the President may now authorize exports which could not be licensed by the NRC.

SECTION 15

Nuclear nonproliferation is a national security problem. Nevertheless, the Secretary of Defense is now on the periphery of most U.S. international nuclear decisions. The Secretary has only a consultative role in decisions to grant export licenses and to permit subsequent arrangements. He has no formal say whatsoever concerning agreements relative to military partnerships. This lack of formal Defense Department involvement in U.S. commercial nuclear trade decisions is particularly troublesome today, when a number of countries, on the brink of confrontation, might well seek to acquire nuclear explosive materials to make nuclear weapons.

Section 15 provides a specific role for the Secretary of Defense in nuclear non-proliferation matters. The Secretary of Defense must find that proposed agreements for cooperation are not inimical to the common defense and security of the U.S.; he must so advise the NRC, through the Secretary of State, in connection with export licenses; and he must sign off on subsequent arrangements under section 131 of the Atomic Energy Act.

SECTION 16

Department of Commerce (DOC) export licenses for nuclear-related commodities are not now subject to restrictions comparable to those governing NRC export licenses. As a result, items on the Commerce Nuclear Referral List, which include commodities which have direct application for nuclear weapons production, may be sent to a country that does not accept full-scope safeguards or provide other assurances. Most recently, the export of two powerful computers applicable to nuclear weapons design was approved to South Africa, despite South Africa's refusal to accept full-scope safeguards. DOC also approved the export by an American company of a powerful computer, via Belgium and Switzerland, for use in an Argentine heavy water plant, even though Argentina likewise has refused to accept safeguards on all its nuclear activities.

Section 16 imposes upon DOC the same obligations that are imposed upon the NRC and DOE. In other words, before a validated license can be issued under the Export Administration Act for goods or technology which are to be used in a production or utilization facility, or for goods or technology which are likely to be applied to such use,

there must be an agreement for cooperation in place and the country in question must have full-scope safeguards and otherwise adhere to the criteria set forth in sections 127 and 128 of the Atomic Energy Act.

The concurrence of the Department of Defense, DOE and the NRC is required in connection with findings of likelihood that particular goods or materials will be used in nuclear facilities. Presidential authorization is again provided for, subject to Congressional review and override procedures, if the export criteria are not met.

SECTION 17

One of the anomalies in current law is that component exports by the NRC are not subject to the same stringent licensing requirements as "facilities". The NRC has broad discretion to decide what does and what does not constitute a "facility", and, under current regulations, numerous, critical components are excluded from the full panoply of licensing procedures and requirements. Consequently, exports may be allowed to countries which do not have full scope safeguards or an agreement for nuclear cooperation with the United States.

Section 17 makes component exports by the NRC subject to the same licensing requirements as production and utilization facilities.

SECTION 18

Another anomaly in existing law related to sales and transfers which may be made by affiliates of U.S. corporations. The Westinghouse Electric Co., for example, at one point appeared near to circumventing U.S. nuclear export controls by offering a $1.1 billion, 900 megawatt nuclear power reactor to Pakistan through affiliated companies in Spain. Although direct export of nuclear powerplant to Pakistan is prohibited by U.S. law, because Pakistan has neither accepted full-scope safeguards nor entered into an agreement for peaceful nuclear cooperation with the United States, such indirect transactions appear to fall through a major loophole in our nonproliferation legislation.

Section 18 asserts control over foreign affiliates of U.S. firms, so that transfers via foreign affiliates will be controlled as if they were transfers by U.S.-based firms.

SECTION 19

Prohibitions have little meaning if they are not enforced. Under the existing law, even if non-proliferation requirements are violated by nations receiving nuclear assistance from the U.S., there is no automatic cut-off of nuclear exports. Potential violators can thus afford to take greater risks in pursuing policies and programs contrary to U.S. nonproliferation objectives.

Section 19 provides for an automtic cutoff of nuclear exports to nations in violation of section 129 criteria, unless the President determines, and Congress agrees by concurrent resolution, that exports should continue.●

By Mr. GARN (for himself, Mr. HOLLINGS, Mr. INOUYE, Mr. GOLDWATER, Mr. MATTINGLY, Mr. LUGAR, Mr. HUDDLESTON, Mr. THURMOND, Mr. GORTON, Mr. BENTSEN, Mr. BUMPERS, Mr. DOMENICI, Mr. TRIBLE, Mr. ARMSTRONG, Mr. MOYNIHAN, Mr. WALLOP, and Mr. FORD):

S.J. Res. 104. Joint resolution to redesignate July 20 of each year as "Space Exploration Day"; to the Committee on the Judiciary.

SPACE EXPLORATION DAY

● Mr. GARN. Mr. President, 1983 is the 25th anniversary of Explorer I, the first U.S. venture into space, and the 25th anniversary of our civilian space agency, the National Aeronautics and Space Administration, NASA. It is fitting that this year the Congress act on the resolution I am introducing today which would designate July 20 of each year as "Space Exploration Day."

Twenty-five years ago, the United States embarked upon an adventure that opened up new horizons to the American people and to all of mankind. The American spirit which drove our ancestors further and further west until the American continent was settled is the same spirit which propelled us into the newest frontier of space. Just 11 short years after the first successful launch of an artificial satellite weighing 31 pounds, the United States captured the imagination of men and women throughout the world with the first lunar landing. It is this greatest exploratory venture in the history of mankind that is commemorated by designating July 20 as "Space Exploration Day."

This resolution, however, also reminds us that it is the American spirit of exploration, of desiring to cross new horizons and to learn more about ourselves and the world and universe around us, that made the space program successful. It also reminds us that our explorations, unlike many of the past, were peaceful ones. We did not claim the Moon as U.S. territory. Instead, we left a plaque proclaiming: "We came in peace for all mankind."

Mr. President, only one generation separates us from the first primitive spacecraft that we launched. Those 25 years have been dynamic and exciting years. In that period, we gathered more information about the universe around us than in all the centuries that preceded that period. Remotely controlled spacecraft have been sent on missions extending from near-Earth orbit to the far reaches of the solar system; man has set foot on truly foreign soil, the lunar crust 240,000 miles from the Earth's surface; the winds of Mars have been measured, the rings of Saturn counted, and the volcanoes on a Moon of Jupiter observed. And just 2 years ago, we inaugurated a new space transportation system which is reusable, capable of delivering satellites to orbit and retrieving or servicing them.

Just recently, the second orbitor in the Space Transportation System (STS) inaugurated the operational status of STS. In the years to come, this system will open even more horizons for scientific work, experimentation, and possibly manufacturing in space.

While the 25 years of the space age has been exciting and fruitful in terms of scientific knowledge, it must also be pointed out that the American people who paid for this adventure have materially benefited from it. The knowledge and the products developed for space have been applied to a wide range of human endeavor.

In the field of telecommunications, the space program has resulted in a decrease in real dollars in the costs of long-distance telephone calls with improved service. Calculators, which were prohibitably expensive just a decade ago, are now being replaced in the homes and schools by computers cheaper than the original calculators. We are just beginning to find uses in education, the management of small businesses, financial management of the household, and even entertainment for many of the outgrowths of the space program.

Recently in my home State of Utah, we saw the first artificial heart implanted in an individual. The knowledge and technology for this program is a spinoff of the space program. Industry is exploring many possibilities of improved efficiency through the use of robotics and other technologies resulting from this country's commitment to and investment in space.

Mr. President, each year we, in this body, debate the merits of our foreign aid to developing nations throughout the world. I served on the Appropriations Foreign Operations Subcommittee and suggest that the best foreign aid has been the sharing of knowledge and technology. The United States has helped nations develop communications, resource management, meteorological data management, and basic technologies which have led to improvements in health delivering systems, education, agriculture, mining, and other industries. Inefficient utilization of the precious resources of these developing nations has, in many cases, become efficient and profitable. The good will generated cannot be measured.

At this time in our industrial history, many are calling for a partnership among industry, Government, and labor to rebuild our industrial base. Perhaps we should look to the experience of the space program whose success was due, to large measure, on the partnership of Government, industry, universities, and labor. Few ventures in the history of mankind have been more successful.

The resolution I introduce today commemorates the achievements of the past and offers hope for the future. The adventure and the challenge are not over. They are just beginning. There is so much that still needs to be done; there are so many questions that still need to be answered. We are just beginning to explore the feasibility of manufacturing in space, to examine the ecological im-

pacts of natural and manmade events on Earth, and to investigate how events in the universe around us influence the world we live in. These peaceful explorations of space offer hope for a better and a more peaceful world.

Mr. President, in the American spirit of exploration of new frontiers, it is fitting that we honor the accomplishments of the past and the commitment to the future by declaring July 20 of each year as "Space Exploration Day." Let history record that "We came in peace for all mankind."●

By Mr. RUDMAN (for himself, Mr. NUNN, Mr. WEICKER, Mr. GORTON, Mr. BAUCUS, Mr. BINGAMAN, Mr. BRADLEY, Mr. CHAFEE, Mr. COHEN, Mr. D'AMATO, Mr. EXON, Mr. FORD, Mr. GLENN, Mr. HEINZ, Mr. HUMPHREY, Mr. KENNEDY, Mr. LAUTENBERG, Mr. MATTINGLY, Mr. MELCHER, Mr. METZENBAUM, Mr. PERCY, Mr. PROXMIRE, Mr. QUAYLE, Mr. STAFFORD, Mr. TSONGAS, Mr. WILSON, and Mr. BOSCHWITZ):

S.J. Res. 105. Joint resolution calling upon the Department of Justice and all other appropriate Federal agencies to enforce Federal antitrust laws including the prohibition against vertical price restraints; to the Committee on the Judiciary.

ENFORCEMENT OF FEDERAL ANTITRUST LAWS

Mr. RUDMAN. Mr. President, today my colleagues and I are offering a Joint Resolution in response to what we perceive to be a very grave problem concerning the Federal enforcement of our antitrust laws. The Attorney General and his Assistant Attorney General in charge of the Antitrust Division of the Department of Justice are responsible for enforcement of the Federal antitrust laws. As a former New Hampshire attorney general, I understand this to mean the enforcement of all of the Federal antitrust laws, not just the ones with which our Federal enforcement officials happen to agree. However, our Assistant Attorney General believes otherwise.

The PRESIDING OFFICER. The Senate will be in order. The Chair will respectfully advise Senators that the Senator from New Hampshire has the floor. Those who would like to conduct conversations, please move to the cloakrooms.

Mr. RUDMAN. Assistant Attorney General William Baxter does not agree with the U.S. Supreme Court and the U.S. Congress that vertical price restraints, also known as resale price maintenance, should be illegal, per se. He thinks that vertical price-fixing conspiracies are all right in some cases, and, therefore, has stated publicly that he will not enforce the law.

I find this highly objectionable. First, the law, and the intent of Congress, is abundantly clear on the issue. As the Supreme Court recognized in Continental T.V. against GTE Sylvania:

> The per se illegality of price restrictions has been established firmly for many years. . . . Furthermore, Congress recently has expressed its approval of a per se analysis of vertical price restraints by repealing those provisions of the Miller-Tydings and McGuire Acts allowing fair trade pricing at the option of the individual states.

The Attorney General and Assistant Attorney General Baxter, by failing to enforce the law, are ignoring, without a legitimate basis, the large body of law on the per se illegality of vertical price-fixing conspiracies.

Mr. President, this is not merely a scholarly debate over an obscure law.

Vertical price restraints constitute price fixing at the retail level, force consumers to pay higher prices, and effectively eliminate competition among retailers. Again, quoting from the Supreme Court in GTE Sylvania:

> [U]nlike nonprice restrictions, [R]esale price maintenance is not only designed to, but almost invariably does in fact, reduce price competition not only among sellers of the affected product, but quite as much between that product and competing brands.

This is precisely the reason the U.S. antitrust laws were enacted, to eliminate conspiracies designed to reduce or eliminate competition and to insure a free, competitive market, thus encouraging the efficient allocation of economic resources.

Arbitrary decisions not to enforce the antitrust laws provide a shield for anticompetitive activities, and, consequently, damages the foundation of our economic theory.

In addition to the lack of enforcement efforts, the Solicitor General of the Department of Justice has filed a brief for the United States as amicus curiae in support of a petition for a writ of certiorari in the case Monsanto Co. against Spray-Rite Service Corp. The United States is not a party to the case, and, therefore, the brief was submitted at their own initiative.

In the brief, the Department of Justice devotes an entire section to the argument that the Supreme Court should grant review in Monsanto in order to reconsider and remove the per se prohibition against vertical price restrictions. I find this equally as disturbing as the fact that the Department of Justice is failing to enforce the law. The brief is ostenisbly on behalf of the United States, yet the U.S. Congress itself has upheld the per se prohibition. I am at a loss as to what authority the Department of Justice is relying upon in raising this argument. I find none. But, the Supreme Court has granted the petition for review and intends to hear the case. Now, the Department of Justice has filed a second brief which, once again, on behalf of the United States supports weakening the law regarding resale price maintenance.

To respond to what I believe are inadequate law enforcement efforts and inappropriate arguments before the Supreme Court, I am introducing a joint resolution which, very simply, calls for vigorous enforcement of U.S. antitrust laws and would restrain the Department of Justice from making court arguments designed to weaken resale price maintenance law. The resolution invites the Attorney General to offer legislation to the Congress if he deems that the prohibition against vertical price restraints is unjustified.

The resolution is designed so that it does not impinge on the authority of the Attorney General to carry out the duties of his office. It carries the resolve of Congress that the antitrust laws should be enforced by appropriate Federal agencies, and would stop the Department of Justice from entering into arguments in court on a side opposite that which is evident in existing law. The resolution does not impinge on the Department's authority to argue the remaining legitimate issues in their brief, nor does it attempt in any way to limit the Supreme Court's jurisdiction. I believe this is a justifiable and reasonable approach to a very real problem, and I am hopeful that it will receive quick support.

Mr. President, let me say in closing that I think it is lamentable that 26 Members of the U.S. Senate feel constrained to introduce this kind of a resolution in behalf of the Congress and the people of this country simply to tell the Attorney General of the United States and his assistants that the law means exactly what it says and they ought to enforce it.

Mr. President, I ask unanimous consent that the Senator from Minnesota (Mr. BOSCHWITZ) be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows;

S.J. Res. 105

Whereas the Congress in 1890 enacted the Sherman Act to prohibit "Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations . . .";

Whereas the United States Supreme Court has consistently held that vertical price restraints are per se violations of the Sherman Act;

Whereas the Congress upheld the Supreme Court's interpretation of the Sherman Act prohibiting verticial price restrictions when in 1975 portions of the Miller-Tydings Act and the McGuire Act authorizing State laws permitting "fair-trade" restrictions were repealed;

Whereas consumers benefit from vigorous price competition at the retail level and are hurt by vertical price-fixing conspiracies which raise consumer prices and infringe upon retailers' rights to free trade;

Whereas the United States Attorney General is charged with instituting proceedings to prevent and restrain violations of the antitrust laws;

Whereas the United States Attorney General, in contravention of his responsibility for enforcing the antitrust laws is not actively enforcing the law regarding vertical price restraints; and

Whereas the Solicitor General of the United States Department of Justice, on behalf of the United States, has filed an *amicus curiae* brief with the Supreme Court which, in part, advocates weakening the law regarding vertical price restraints: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Attorney General and all other appropriate Federal agencies and officials shall faithfully and vigorously enforce the Federal antitrust laws, including the prohibition against vertical price restraints, and shall cease propounding arguments in court designed to weaken the law prohibiting vertical price restraints. To the extent that the Attorney General or other Federal officials shall deem necessary changes in the law prohibiting vertical price restraints, the same shall forward proposed legislation embodying such changes to the Congress for its proper consideration.

(During the presentation of Mr. RUDMAN's remarks the following occurred, which, by unanimous consent appears at this point in the RECORD:)

Mr. BYRD. Mr. President, will the Senator yield?

Mr. RUDMAN. I yield.

Mr. BYRD. I ask unanimous consent that my remarks not show as an interruption of the Senator's remarks.

I compliment the Presiding Officer. He is enforcing the rules as the Presiding Officer is supposed to do. It is the responsibility of the Presiding Officer to maintain order without a request being made from the floor.

I see this so seldom. I congratulate the Senator and I hope that other Senators will take him as a model when presiding over the Senate.

The PRESIDING OFFICER. The Chair thanks the distinguished minority leader.

Mr. METZENBAUM. Mr. President, I rise to commend the Senator from New Hampshire for offering this resolution, which I cosponsor. The issue to which he addresses himself is a matter that is pending in the Supreme Court and the issue, as I see it, has to do with whether or not the laws of this country will be maintained as enacted by the Congress of the United States or whether they will be changed by the Assistant Attorney General for Antitrust by going to the Supreme Court and asking that the law be changed.

Mr. President, it is my strong feeling that we in the Congress have that prerogative and that, therefore, this resolution addresses itself well to the issue. I am very proud of the fact that the Senator from New Hampshire and I and a number of other Members of the Congress will file an amicus brief with the Supreme Court in connection with this issue, the major issue not only being the question of the law itself, but the question of whether or not the law should or should not be changed by the Supreme Court or by the courts, or whether the prerogative does not indeed belong to the Members of Congress.

Mr. President, I rise in support of the joint resolution offered by my good friend from New Hampshire. The resolution is directed at preventing what is an unprecedented assault on our antitrust laws by the Assistant Attorney General Mr. Baxter. It seems that Mr. Baxter believes that it is his duty to pick and choose among the antitrust laws, and to enforce only those that fit his personal economic theories. What is worse, Mr. Baxter has repeatedly spent taxpayers' dollars to interfere with private litigation on behalf of antitrust defendants.

Mr. President, little could be more clear than that both Congress and the courts have expressly condemned vertical price fixing as one of the most serious and costly antitrust violations. Yet Mr. Baxter has seen fit to ignore the law and the facts. He has filed amicus briefs in at least four private cases, each time urging the Court to make it easier for firms to fix retail prices, and hence, raise prices to consumers.

The most recent action by Mr. Baxter has been in the Monsanto case, now before the Supreme Court. He has argued to the Court—at taxpayer expense—that the Court should reach out to reverse over 70 years of established antitrust policy in this area. This action is a perversion of what the Antitrust Division of the Justice Department is supposed to be doing. The Antitrust Division is a law enforcement agency, not a spokesman on behalf of antitrust violators and would be violators.

The reaction to this behavior has been strong and bipartisan. The Judiciary Committee in the House of Representatives has acted by including in the Justice Department authorization bill a provision that would prevent the Department from spending money on such activities. I and a number of my colleagues intend to file a brief in the Monsanto case before the Supreme Court to make clear that Congress, not the courts, is the proper body for changing the law, if a change is necessary. I am proud that my friend from New Hampshire has joined me in this brief. I urge my colleagues also to join us as signators to this brief. The issue is not the merits or demerits of a particular business practice, but rather, the legislative prerogative to change the law.

The resolution offered by the Senator from New Hampshire is another step in this direction. It would make clear that the actions by the Justice Department on behalf of antitrust defendants are improper. It would also reestablish the fact that Congress, not the Justice Department, is responsible for making antitrust policy.

I applaud my colleague from New Hampshire for showing once again that antitrust is not a partisan policy. I urge my colleagues to join us by supporting this joint resolution.

● Mr. WEICKER. Mr. President, I am pleased today to cosponsor Senate Journal Resolution 105, along with several of my distinguished colleagues. This joint resolution calls upon the Department of Justice and all other appropriate Federal agencies to enforce Federal antitrust laws including the prohibition against vertical price restraints, rather than ignore the law and attempt to usurp the role of Congress by changing these laws.

I am also announcing today that the Senate Small Business Committee, which I chair, will conduct hearings in the near future on the nature and magnitude of illegal anticompetitive restraints which violate the antitrust laws.

We should not have to plead with the administration to enforce laws already on the books prohibiting vertical price restraints, also known as resale price maintenance. The Sherman Act for the past 93 years has held that these anticompetitive restraints are per se illegal. Although the Supreme Court clearly and correctly decided in Continental T.V. against GTE Sylvania that it was the intent of Congress to make resale price maintenance a per se violation of the antitrust laws, the Department of Justice now is attempting to override Congress, and convince the Supreme Court that vertical price restraints should not be illegal in all cases.

The Department has filed a brief for the United States as amicus curiae in support of a petition for a writ of certiorari in Monsanto Company against Spray-Rite Service Corporation. The Government is not a litigant in this case, but Justice Department officials, on their own initiative, are using this case to argue that the Supreme Court should ignore the intent of Congress by making some vertical price restraints legal.

What the Department of Justice does not understand is that if such action is to be taken, it is for the Congress to take and not the executive or judicial branches of the Government, which implement and interpret the laws but do not make the laws. I might also point out that the Department's position on vertical price restraints is

not a new revelation. On December 1, 1981, and September 9, 1982, the Small Business Committee conducted hearings on current antitrust enforcement efforts. The Assistant Attorney General in charge of the Department's Antitrust Division testified at both hearings, and made his views clear: That since he did not believe resale price maintenance to be illegal in every case, despite the intent of Congress and a confirmation of that intent by the Supreme Court, his department has not, and will not, enforce this law.

Not enforcing the law is bad enough. But now the Department is trying to change the law on vertical price restraints by attempting to circumvent the authority of Congress through the courts. I understand the Department plans to file a brief in another antitrust case before the Supreme Court which deals with vertical price restraints, in further support of their position that the laws established by Congress prohibiting resale price maintenance should be weakened through judicial reinterpretation.

The joint resolution does not question or restrict the authority of the Department of Justice to represent the United States in antitrust cases or file briefs with the Supreme Court, or any other court. But Congress, not the Department of Justice, enacts laws, or when necessary, changes them. It has never been the position of Congress that vertical price restraints are not a per se violation of antitrust law. The joint resolution states that, if the Department seeks changes in the law, then it shall propose those legislative changes to Congress, and not attempt to usurp the authority of Congress by asking the Supreme Court to, in effect, create new legislation through judicial interpretation.

Vertical price restraints attempt to establish, illegally, prices which can be charged at the retail level. These restraints not only are anticompetitive, with a particularly negative effect on small business, but they force consumers to pay higher prices. I believe that Congress acted correctly when it enacted legislation to make vertical price restraints illegal. Therefore, I intend that Senate Joint Resolution 105 be the first step in calling to the administration's attention the need for strict enforcement of our antitrust laws.

The hearings will specifically focus on vertical restraints, including resale price maintenance, monopolization, and price discrimination. These illegal practices, left unchecked, are disruptive forces that lead to an increase in economic concentration and must be curtailed. We cannot afford to allow the executive branch to sit on the sidelines while illegal antitrust practices, as determined by Congress, not the Department, take place. Accordingly, I intend to insure that the Department of Justice enforces these laws and does the job it is required by law to do.●

ADDITIONAL COSPONSORS

S. 102

At the request of Mr. PELL, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 102, a bill to require the Administrator of General Services to notify States of the availability of surplus real property and to convey at reduced cost certain surplus real property for public park or public recreational use to State and local governments.

S. 137

At the request of Mr. ROTH, the name of the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 137, a bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued.

S. 197

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 197, a bill to direct the Secretary of the Department of Transportation to conduct an independent study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations, and for other purposes.

S. 269

At the request of Mr. MCCLURE, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 269, a bill to provide for the disposal of silver from the National Defense Stockpile through the issuance of silver coins.

S. 453

At the request of Mr. WARNER, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 453, a bill to amend the Tariff Schedules of the United States to impose a one-tenth of 1 percent duty on apple and pear juice.

S. 467

At the request of Mr. JEPSEN, the name of the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 467, a bill to establish U.S. governmental policy with regard to respect for human life.

S. 560

At the request of Mr. HOLLINGS, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 560, a bill to authorize and regulate the launch of space objects by nongovernmental entities, and for other purposes.

S. 563

At the request of Mr. CHILES, the names of the Senator from Kentucky (Mr. HUDDLESTON) and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 563, a bill to reform the laws relating to former Presidents.

S. 591

At the request of Mr. INOUYE, the names of the Senator from Tennessee (Mr. SASSER), the Senator from Wyoming (Mr. SIMPSON) and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 596

At the request of Mr. PRYOR, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 596, a bill to provide surplus commodities to farmers who lost grain stored in certain insolvent warehouses.

S. 617

At the request of Mr. STENNIS, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 617, a bill to promote the use of energy-conserving equipment and biofuels by the Department of Defense, and for other purposes.

S. 671

At the request of Mr. MCCLURE, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 671, a bill to authorize a national program to encourage dam safety.

S. 780

At the request of Mr. SARBANES, the names of the Senator from Maryland (Mr. MATHIAS) and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of S. 780, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require the Administrator of the Environmental Protection Agency to maintain a facility for the biological testing of pesticides under such act.

S. 955

At the request of Mr. HOLLINGS, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 955, a bill to maintain the preeminence of the United States in space, to promote the peaceful exploration and utilization of space, and for other purposes.

S. 996

At the request of Mrs. KASSEBAUM, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 996, a bill to amend the Natural Gas Policy Act of 1978 to limit natural gas prices and to improve natural gas pricing and marketing practices, and for other purposes.

S. 1006

At the request of Mr. SPECTER, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 1006, a bill to amend the Internal Revenue Code of 1954 to repeal the 15-percent reduction in percentage depletion for iron ore and coal.

S. 1159

At the request of Mr. HATFIELD, the names of the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of S. 1159, a bill to amend the Export Administration Act of 1979 to extend the provisions relating to the export of domestically produced crude oil.

S. 1179

At the request of Mr. GARN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1179, a bill to repeal provisions of law concerning price support for, and marketing of, tobacco, and for other purposes.

S. 1244

At the request of Mr. PACKWOOD, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1244, a bill to amend title XVIII of the Social Security Act to provide for a program of health care for elderly individuals who require long-term care.

S. 1245

At the request of Mr. THURMOND, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 1245, a bill to amend chapter 157 of title 10, United States Code, to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia.

S. 1255

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 1255, a bill to establish the Northeast-Midwest States Federal Hydropower Financing Authority.

S.J. RES. 18

At the request of Mr. JEPSEN, the names of the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. SYMMS), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of S.J. Res. 18, a joint resolution designating September 22, 1983, as "American Business Women's Day."

S.J. RES. 54

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S.J. Res. 54, a joint resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month".

S.J. RES. 75

At the request of Mr. SYMMS, the names of the Senator from Maryland (Mr. MATHIAS) and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S.J. Res. 75, a joint resolution to provide for the designation of June 12, through 18, 1983 as "National Scleroderma Week."

S.J. RES. 97

At the request of Mr. BOSCHWITZ, the names of the Senator from Maine (Mr. COHEN), the Senator from Nevada (Mr. HECHT), the Senator from California (Mr. CRANSTON), the Senator from Delaware (Mr. BIDEN), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from California (Mr. WILSON) were added as cosponsors of S.J. Res. 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

S.J. RES. 98

At the request of Mr. TOWER, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S.J. Res. 98, a joint resolution to designate October 2 through October 9, 1983, as "National Housing Week".

S. RES. 114

At the request of Mr. PRESSLER, the names of the Senator from Montana (Mr. MELCHER) and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. Res. 114, a resolution to express the sense of the Senate that certain rural fire protection programs should receive a level of funding for fiscal year 1984 which is at least as high as the level of funding provided for such programs for fiscal year 1983.

S. RES. 135

At the request of Mr. PERCY, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Texas (Mr. BENTSEN), the Senator from Alabama (Mr. HEFLIN), the Senator from Oklahoma (Mr. BOREN), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Massachusetts (Mr. TSONGAS), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 135, a resolution expressing the sense of the Senate with respect to the urgency of achieving and maintaining proper alinement of major international currencies essential to stem protectionism and aid early recovery of world trade expansion.

S. RES. 148

At the request of Mr. PERCY, the names of the Senator from Arizona (Mr. GOLDWATER), the Senator from Texas (Mr. TOWER), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. LAXALT), the Senator from Kentucky (Mr. FORD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Missouri (Mr. DANFORTH), the Senator from Alabama (Mr. DENTON), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. Res. 148, a resolution expressing the support of the Senate on the decision of the Governments of Lebanon and Israel on agreeing to the arrangements for this withdrawal of Israeli forces from Lebanon.

AMENDMENT NO. 1274

At the request of Mr. MATSUNAGA, his name was added as a cosponsor of amendment No. 1274 proposed to S. 529, a bill to revise and reform the Immigration and Nationality Act, and for other purposes.

SENATE RESOLUTION 150—AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF A JOINT ECONOMIC COMMITTEE PRINT

Mr. ABDNOR (for himself and Mr. JEPSEN) submitted a resolution, which was referred to the Committee on Rules and Administration:

S. RES. 150

Resolved, That there be printed for the use of the Joint Economic Committee two thousand additional copies of its Joint Committee print of the 97th Congress, 2d Session, entitled "The Changing Economics of Agriculture: Challenge and Preparation for the 1980's".

AMENDMENTS SUBMITTED

IMMIGRATION AND NATIONALITY ACT REFORM

HUMPHREY AMENDMENT NO. 1275

Mr. HUMPHREY proposed an amendment to the bill (S. 529) to revise and reform the Immigration and Nationality Act, and for other purposes; as follows:

On page 195, line 15, strike out "(e)(1)" and insert in lieu thereof "(e)".

On page 195, line 17, strike out "three-year".

On page 195, line 19, insert after "(b)(3)" the following: "and extending to the date on which such alien becomes a naturalized citizen of the United States".

On page 196, strike out lines 14 through 21.

On page 195, line 21, strike "except as provided in paragraph (2),".

CRANSTON AMENDMENT NO. 1276

Mr. CRANSTON proposed an amendment to the bill S. 529, supra; as follows:

On page 198, line 2, strike out the quotation marks and the second period.

On page 198, between lines 2 and 3, insert the following:

"(i) The Attorney General in his sole discretion may waive the requirements of subsection (d)(1)(A) or (d)(2)(A) in cases which would result in exceptional and extreme hardship to the alien or to his spouse, parent, or child.

The decision to grant or deny such a waiver shall not be reviewable in any court or administrative proceeding in the United States.

CRANSTON AMENDMENT NO. 1277

Mr. CRANSTON proposed an amendment to the bill S. 529, supra; as follows:

On page 197, line 6, strike out "No" and insert in lieu thereof "Except as provided in paragraph (4), no".

On page 197, line 9, strike out "No" and insert in lieu thereof "Except as provided in paragraph (4), no".

On page 197, line 12, strike out "deportation or".

On page 197, between line 18 and 19, insert the following:

"(4) A court of the United States or of any State may review any denial of adjustment of status under this section if such denial were raised in a deportation proceeding conducted under this Act and if such review is based solely upon the administrative record established at the time of the review and if the findings of fact and determination contained in such record shall be conclusive unless the applicant can establish gross abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

CRANSTON AMENDMENT NO. 1278

Mr. CRANSTON proposed an amendment (subsequently modified) to the bill S. 529, supra; as follows:

On page 195, on lines 14 and 15, add the following: "A duly attested declaration under penalty of perjury by such individual's employer, who is a U.S. citizen, of continuous residency by an individual applying for adjustment of status under this section shall constitute only a rebuttable presumption of physical presence for purposes of this section."

McCLURE (AND OTHERS) AMENDMENT NO. 1279

Mr. McCLURE (for himself, Mr. SYMMS, Mr. LAXALT, Mr. TOWER, Mr. WILSON, Mr. CRANSTON, Mr. DECONCINI, and Mr. DOMENICI) proposed an amendment to the bill S. 529, supra; as follows:

At the appropriate place in the bill insert the following:

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end thereof the following:

"(d) Notwithstanding any other provision of this section, other than paragraph (3) subsection (a), an officer or employee of the Service may not enter onto the premises of a farm or other agricultural operation without a properly executed warrant.".

D'AMATO (AND OTHERS) AMENDMENT NO. 1280

Mr. D'AMATO (for himself, Mr. HATCH, Mr. CHILES, Mr. MOYNIHAN, Mr. BENTSEN, Mr. SPECTER, Mrs. HAWKINS, Mr. JOHNSTON, Mr. WILSON, Mr. LAUTENBERG, Mr. TOWER, Mr. LEAHY, Mr. MURKOWSKI, Mr. INOUYE, Mr. COCHRAN, Mr. BOREN, and Mr. MATSUNAGA) proposed an amendment to the bill, S. 529, supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . (a) The Attorney General shall reimburse a State for the costs incurred by such State for the imprisonment of any alien who is convicted of a felony by such State.

(b) An alien referred to in subsection (a) is any alien, as defined in section 101(a)(3) of the Immigration and Nationality Act, other than—

(1) an alien who was issued an immigrant visa or who otherwise acquired the status of an alien lawfully admitted for permanent residence, and who was subject to the numerical limitations contained in section 207 (a) of the Immigration and Nationality Act (other than an alien accorded the status of a temporary or permanent resident under section 245A of such Act);

(2) an alien who is an immediate relative within the meaning of section 201(b) of such Act; and

(3) an alien who is a nonimmigrant within the meaning of subparagraphs (A) or (G) of section 101(a)(15).

(c) There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

(d) This amendment shall become effective on October 1, 1983.

HATFIELD (AND OTHERS) AMENDMENT NO. 1281

Mr. HATFIELD (for himself, Mr. KENNEDY, Mr. CRANSTON, and Mr. JEPSEN), proposed an amendment to the bill S. 529, supra, as follows:

On page 108, line 11, strike out "Within" and insert in lieu thereof "Except as provided in paragraph (3), Within".

On page 110, between lines 8 and 9, insert the following:

"(3)(A) Before the President implements any change in or addition to the requirements of subsection (b) which would require an individual to present a new card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral, he shall prepare and transmit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report setting forth his proposal to implement such a change or addition. No such change or addition may be implemented if, within 30 calendar days after receiving such report, the Congress adopts a concurrent resolution stating in substance that it objects to the implementation of such change or addition.

"(4)(A) Any such concurrent resolution shall be considered in the Senate in accordance with paragraph (5).

"(B) For the purpose of expediting the consideration and adoption of concurrent resolutions under paragraph (3), a motion to proceed to the consideration of any such concurrent resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(5)(A) For purposes of paragraph (3), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

"(B) Subparagraphs (C) and (D) of this subsection are enacted—

"(i) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of concurrent resolutions referred to in paragraph (3), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith; and

"(ii) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner and to the case of any other rule of the Senate.

"(C)(i) If the committee of the Senate to which has been referred a resolution relating to a certification has not reported such resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under subparagraph (A), it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same certification which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a resolution with respect to the same certification.

"(ii) A motion to discharge under clause (i) may be made only by a Senator favoring the resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(D)(i) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(ii) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(iii) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(iv) A motion in the Senate to further limit debate on a resolution, debatable

motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

KENNEDY AMENDMENT NO. 1282

Mr. KENNEDY proposed an amendment to the bill S. 529, supra, as follows:

On page 207, between lines 7 and 8, insert the following:

LEGALIZATION REVIEW COMMISSION

SEC. 303. (a) There is established the Legalization Review Commission (hereafter in this section referred to as the "Commission") which shall be composed of three members appointed by the President from among individuals of the private sector. The President shall designate one member to serve as Chairman.

(b) Each member of the Commission shall receive compensation at a rate equal to the daily rate payable for GS-18 under the General Schedule under section 5332 of title 5, United States Code, for each day, including travel time, such member is engaged in the actual performance of duties as a member of the Commission. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(c)(1) The Commission shall meet at the call of the Chairman but not less than once every 3 months.

(2) Two members of the Commission shall constitute a quorum.

(d) The Commission shall—

(1) monitor the implementation of the program to adjust the status of aliens under section 245A of the Immigration and Nationality Act;

(2) keep the President currently and fully informed on the degree of compliance with the provisions of such section; and

(3) prepare and transmit, not later than 18 months after the date of enactment of this Act, to the President, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate a report summarizing the progress made since such date in carrying out the intent of Congress in enacting section 245A of such Act, together with any recommendations which the Commission may have.

(e) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(f) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission in order to assist the Commission in carrying out this section.

(g) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(h) The provisions of this section shall terminate 18 months after the date of enactment of this Act.

On page 103, in the table of contents, after the item relating to section 302, insert the following:

"Sec. 303. Legalization Review Commission.".

SIMPSON TECHNICAL AMENDMENT NO. 1283

Mr. SIMPSON proposed an amendment to the bill S. 529, supra, as follows:

On page 181, line 22 delete all words after the word "unless" through page 183, line 3 and insert in lieu thereof the following:

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and

"(ii) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) For each fiscal year (within the pilot program period) after the period specified in subparagraph (B)—

"(i) in the case of a country which was a pilot country in the previous fiscal year, a country may not be designated as a pilot country unless the sum of—

"(I) the total of number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2.0 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year, or

"(ii) in the case of another country, the country may not be designated as a pilot country unless—

"(I) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and

"(II) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year."

On page 180, line 2 insert the word "health" immediately after the word "welfare".

On page 115, line 20, delete 1856(b) and insert in lieu thereof 1851(b).

Page 192, after line 18, insert the following paragraph:

"(4) Notwithstanding the Federal Property and Administrative Services Act of 1949, 63 U.S.C. 377, as amended, the Attorney General is hereby authorized to expend from the appropriation provided for the administration and enforcement of the act, such amounts as may be necessary for the leasing or acquisition of real property in the fullfilment of this section. This authority shall end two years from enactment."

On page 192, line 19, delete "(4)" and insert "(5)" in lieu thereof.

On page 106, line 11 delete everything after the word "or" through the word "subclause" in line 14 and insert in lieu thereof "where no such documentation is available."

On page 162, line 8 insert "or (4)" immediately after "(3)".

On page 162, line 13 insert "or 203(b)(4)" immediately after "203(b)(2)".

On page 162, line 16 insert "or (4)" immediately after "(2)".

On page 210, line 22 immediately after the comma, insert the following: "compiled and validated in accordance with sound statistical practice,"

On page 211 delete lines 6 and 7 and insert in lieu thereof the following: "The initial report shall be submitted not later than two years after the date of the enactment of the Act and three additional reports be submitted every two years thereafter."

Page 178, beginning on line 2, strike out "or, with respect" and all that follows through "him" on line 7.

Page 178, line 17, before the period insert the following: ", except that such amendments shall not apply to aliens who as of the date of the enactment of this Act meet the qualifications for a waiver of the two-year foreign residence requirement under paragraph (A) of section 212(e) of the Immigration and Nationality Act (as amended by section (a) of this section)".

On page 111, on line 16, delete "(2) Whenever the Attorney General" through the end of the page and insert in lieu thereof:

"(2) Whenever the Attorney General (i) has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of subsection (a); or (ii) within an 18 month period issues to a person or entity a second notice of a violation of subsection (a) and the two notices charge violations involving a total of five or more individuals, the Attorney General may bring a civil action in the appropriate district court of the United States requesting such equitable relief, including a temporary or permanent injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary. In the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for its own hiring, recruiting or referral for employment, each such subdivision shall be considered a separate person or entity if such hiring, recruiting or referral for employment is not under the direct control of another subdivision or any entity or office exercising final management authority over such subdivisions.

On page 209, line 5 immediately before the word "temporary" insert the following: "agricultural labor transition program and the"

On page 210 delete lines 3 and 4 and insert in lieu thereof the following:

"The report on the temporary worker program shall be submitted not later than two years after the date of the enactment of this Act and the report on the agricultural labor transition program each year for three years beginning a year after the date of the enactment of the Act."

LEAHY AMENDMENT NO. 1284

Mr. SIMPSON (for Mr. LEAHY) proposed an amendment to the bill S. 529 supra; as follows:

On page 138, after line 14, insert the following new subsection:

"(3) The provisions of paragraph (2) of this section shall not be applicable to the

person who is the subject of such application for asylum, refugee status, withholding of deportation, or any other application arising under a claim of persecution on account of race, religion, political opinion, nationality, or membership in a particular social group, provided however, that this subsection shall not limit the authority of any agency to withhold information pursuant to the Freedom of Information Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 18, at 10 a.m., to hold a hearing on controlling space weapons.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 18, at 1:30 p.m., to consider the following nominations:

Myles Robert Rein Frechette, of Washington, D.C., to be Ambassador to the United Republic of Cameroon;

Robert Brendon Keating, of Washington, D.C., to be Ambassador to the Democratic Republic of Madagascar, and to serve concurrently and without additional compensation as Ambassador to the Federal and Islamic Republic of the Comoros.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Governmental Efficiency and the District of Columbia of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday at 10 a.m., to hold a hearing on emergency preparedness in the Washington metropolitan area.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, May 19, at 9:30 a.m., to hold an oversight hearing on the management of the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 19, at 3 p.m., to consider the nomination of Curtin Winsor, Jr., to be Ambassador to Costa Rica.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ARMS CONTROL, OCEANS, INTERNATIONAL OPERATIONS, AND ENVIRONMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Arms Control, Oceans, International Operations, and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 19, at 10 a.m., to hold a hearing on U.N. Regulations—Food and Other Exports.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 19, at 10:30 a.m., to hold an oversight hearing on the geopolitics of strategic and critical minerals.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FIFTH ANNIVERSARY OF SENTENCING OF DR. YURI ORLOV

● Mr. DOLE. Mr. President, 5 years ago today, on May 18, 1978, Dr. Yuri Orlov, the renowned Soviet physicist and founder of the Moscow Helsinki monitoring group, was sentenced to 7 years of strict regime labor camp and 5 years internal exile. While his alleged crime was "anti-Soviet agitation and propaganda," his real crime was that he dared to challenge the Soviet Government to live up to its obligations under the Helsinki Final Act.

Thanks to the painstaking efforts of Orlov and other courageous members of the Moscow, Ukrainian, Lithuanian, Armenian, and Georgian Helsinki groups, who monitored the human rights situation in the Soviet Union, we in the West have been able to get a better insight into the nature of the Soviet system.

Mr. President, the significance of Yuri Orlov's efforts in bringing to international attention the extent of human rights violations in the U.S.S.R. and for effectively speaking out on behalf of the victims of Soviet repression must not be underestimated. Men and women the world over owe him a debt of gratitude because of his principled stand and deep conviction that individuals have dignity and that their fundamental rights must not be trampled upon by repressive state organs. The over 1 billion people residing in the 35 nations which are signatory to the Helsinki Final Act especially owe Dr. Orlov and the other members of the Helsinki monitoring groups a debt of gratitude for persistently reminding us of the essence of the Helsinki Final Act and the possibilities it offers.

ORLOV'S SITUATION CRITICAL

In sharp contrast to the ideals which the final act embodies, the Soviet Government's inhumane treatment of this noble individual is a striking illustration of man's inhumanity to man, not to mention a further tragic example of its glaring contempt for both the letter and spirit of the final act.

Throughout his 5-year term, Orlov has suffered humiliating treatment which amounts to entended torture—exhausting forced labor, unnourishing food, and extreme cold. He has spent a major portion of his camp term in prison, solitary confinement, or in various punishment cells. He has been denied correspondence rights. His wife, Irina, who has written numerous appeals on his behalf, has not been permitted to visit him. In addition, the authorities have taken every possible measure to prevent him from continuing his scientific research. Mr. President, Dr. Orlov's situation is critical. According to his wife, Irina, he is in extremely poor health and his life is in danger. He is currently suffering from tuberculosis. Despite his illness, he has been thrown into solitary confinement. I have just received word that Irina recently appealed to Soviet Secretary-General Andropov to examine the possibility of early release in light of her husband's deteriorating health.

It is essential for us, as Members of this esteemed body, not to forget Yuri Orlov and all of the other imprisoned and persecuted Helsinki monitors. The U.S. delegation to the Madrid meeting of the Conference on Security and Cooperation in Europe, on which I serve as Vice Chairman, has voiced our deepest concern over the plight of Yuri Orlov on numerous occasions. If the Helsinki accords are to have any credibility in the eyes of the international community, our Nation and the nations of the free world must insist on conscientious observance of agreements set forth in that document by all the signatory states. By insisting upon justice for prisoners of conscience such as Yuri Orlov we not only maintain and strengthen the Helsinki process, we also remain faithful to our own values.●

NOMINATION OF DANIEL G. AMSTUTZ TO BE UNDER SECRETARY OF AGRICULTURE FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

● Mr. BOSCHWITZ. Mr. President, I rise in strong support of Daniel G. Amstutz, who has been nominated to serve as Under Secretary of Agriculture for International Affairs and

Commodity Programs. This position demands full familiarity with and expertise in both international and domestic agricultural programs and policies. Mr. Amstutz is eminently well qualified to deal with the diversity of problems and issues which confront a person in this position.

For nearly 25 years, he was associated with Cargill, Inc., a Minneapolis-based commodity trade and marketing corporation. During that period he held positions as president and chief executive officer of Cargill Investor Services; assistant vice president and director of feed grain merchandising; and, deputy director of wheat merchandising. In these and other capacities, he was directly involved in domestic and international agricultural trade and worked with the wide variety of programs administered by the Department of Agriculture.

His long association with a Minnesota-based agricultural trade and marketing firm provided him a microcosm of the domestic agricultural situation. Minnesota agriculture is highly diverse and the problems and issues which confront the Minnesota farm sector often duplicate those which affect the domestic farm sector in general. Minnesota is also one of the Nation's major agricultural exporting States. The experience of working with a major agricultural trade and marketing firm while being based in one of the Nation's major agricultural trade and marketing States makes Mr. Amstutz acutely aware of the practical problems confronting U.S. agriculture.

He has also served as manager of Cargill's activities in Germany and Scandinavia. While living in Hamburg, Germany, he helped create Cargill's overseas organization, TRADAX, in Geneva, Switzerland. This gave him firsthand experience in international agricultural trade—invaluable experience which well suits the requirements of the position he has been nominated for.

Since 1978, he has been general partner in charge of commodity activities for Goldman, Sachs & Co. of New York, a major investment banking firm, and he is currently director of the National Grain & Feed Association. His nomination has been strongly supported by farm groups, including the National Corn Growers Association, and the National Council of Farmer Cooperatives.

In short, Mr. Amstutz is right for this extremely demanding position. U.S. agriculture is facing difficult challenges, both domestically and internationally, and the position for which he has been nominated is the focal point for addressing and resolving these challenges. For these reasons, Mr. President, I urge rapid consideration and confirmation of Mr. Amstutz as Under Secretary of Agriculture for International Affairs and Commodity Programs.●

STAMP HONORING JUSTICE HUGO BLACK

● Mr. MOYNIHAN. Mr. President, I wish to join the many who are urging the issuance of a stamp honoring Justice Hugo Black. Justice Black's influence on the development of American constitutional law was extraordinary. He championed application of the Bill of Rights to the States, and his views on the first amendment largely carried the day. As a Senator, he was a leading congressional investigator and sponsored the first minimum wage law.

Only three other justices have had stamps issued in their honor—Justices Holmes, Marshall, and Stone. Again I urge that Justice Black be added to this list.●

LESSONS OF VIETNAM

● Mr. ABDNOR. Mr. President, the Racine, Wis., Journal Times of April 8, 1983, carried a commentary by a former South Dakota resident which is highly pertinent to the foreign policy debates of the day.

Gene Malone, an American history teacher at Kenosha, Wis., and a graduate of the University of South Dakota, recalls the lessons of Vietnam and how we can profit from them today.

Many of the very same voices that dominated the Vietnam debate are being heard today, whether it be in our dealings with the Soviet Union, the nuclear freeze movement, the defense budget or in our efforts to contain the Marxist beachhead in Central America.

Their advice led to the tragedy that Indochina represents to the world today. Should we listen to them again?

Mr. Malone believes not and offers some convincing testimony in his column headlined, "Teacher cites needs in quest for freedom." I ask that it be printed in the RECORD.

The material follows:

[From the Racine (Wis.) Journal Times, Apr. 8, 1983]

TEACHER CITES NEEDS IN QUEST FOR FREEDOM

(By Gene Malone)

The history of the United States as a "friend of freedom" in the last 20 years should be studied very carefully. To repeat wrong actions or to act on wrong conclusions is folly repeated.

James Russell Lowell, the American freedom poet, said, "True freedom is to share all the chains our brothers wear, and, with heart, and hand, to be earnest to make OTHERS free."

The war to keep South Vietnam free began for the United States in 1964. Ten years later the Communist forces of North Vietnam, with weapons from the Soviet Union, over-ran the struggling forces of freedom in the South. It was over!

Yes. I remember it all well. While our soldiers fought to keep South Vietnam free, the media here incessantly bombed us with word pictures, saying it was only a civil war there; the government of South Vietnam was in daily violation of human rights to the people.

The Domino theory, asserting that if South Vietnam fell to the Communist hordes the rest of Southeast Asia would fall, was erroneous. And back in the United States our State Department limited our servicemen in such ways that it would be impossible to end the war. Little was required of our people in this struggle, but the parents of 50,000 Americans killed in the war were anguished.

Yes, I remember the unbrella-front groups that marched for "Surrender with Honor," and Jane Fonda's trips to North Vietnam to bring greetings to the "other side." And the "peace priests," those seeking alternatives by "fleeing to Canada," and the tortured American POWs who returned from the war area while leading "peaceniks" said the POWs had been treated well.

And the books, propaganda materials; speakers that crisscrossed our country denouncing our help to South Vietnam and extolling the virtue of "socialist liberation": the political rhetoric and the news with nightly bias toward the "revolutionary activists" who sought to take over to stamp out freedom in South Vietnam.

Yes, yes, the last 20 years have been a nightmare to those who knew and know that freedom was undermined and the war lot here at home.

The lessons of Vietnam are that our soldiers were not allowed to win, the propaganda war by the media and well-organized forces were successful in manipulating the truth to sow confusion and doubt, the domino fear was real as all of S.E. Asia had fallen. The rhetoric about human rights, it's only a civil war, Russia has no part in aiding the guerrilla forces, was, of course, false.

Now, the exact plan for freedom's defeat in El Salvador and the rest of Central America is being implemented with the insulting reminder, "Remember the lessons of Vietnam." The parroted "lessons of Vietnam" oozed by the surrender-now fifth column in America and the gloating monopoly press are the false conclusions that alert Americans reject. The "Surrender Folks" say the lesson of Vietnam is that we should never get involved in the struggle for liberation from communism.

Defense of freedom as a universal concept maintains that free nations ought to be interested that others and even their neighbors should not be in bondage—political, economic or spiritual. The lesson we must learn from Vietnam is that all Americans must sacrifice for freedom if the goal is clear and our country commits itself to that goal—or at least not undermine the efforts of those who are struggling to be free.

John Stuart Mill, an English philosopher, once said, "War is an ugly thing, but not the ugliest thing: The decayed and degraded state of moral and patriotic feeling which thinks nothing worth a war is worse. A man who has nothing which he cares about more than his personal safety is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself."

How much a nation should give to help another maintain freedom is subject to great moral discussion and differences, but sacrifice for freedom is not a new notion.

President Harry Truman said, "The free peoples of the world look to us for support in maintaining their freedom. If we falter in

our leadership, we may endanger the peace of the world—and we shall surely endanger the welfare of our own nation."

Freedom forces lost in the battle to save South Vietnam. Look at it today: a faceless, freedomless, forsaken land. U.S. Ambassador to the United Nations, Jeane Kirkpatrick, stated. "How can it be that persons so deeply committed to the liberation of South Vietnam and Cambodia . . . were so little affected by the enslavement that followed their liberation? Why are Western Liberals—who often are such smart people—such slow learners about Communism?" That is a very good, unanswered question.

Winston Churchill noted, "If you do not fight for what is right when you can easily win without bloodshed, if you do not fight when the victory will be easy and not too costly, the moment may come when you will have a fight with all the odds against you and with only a precarious chance of survival . . . You may even have to fight when there is no hope of victory, for it is better to perish than to live as slaves."

And Ralph Waldo Emerson sums the priorities of life with, "For what avail the plagh or sail or land or life if freedom fail?"●

SENATOR BILL BRADLEY

● Mr. LAUTENBERG. Mr. President, I wish to join many of my House colleagues today from the New Jersey delegation in bringing forth a recent article from the Star-Ledger of Newark on the State's senior Senator.

The article aptly characterizes BILL BRADLEY's style and determination, attributes responsible, no doubt, for his wide acceptance by his colleagues in the U.S. Senate.

The article follows:

[From the Star-Ledger, May 15, 1983]

STILL SCORING—PERSISTENCE MARKS BRADLEY STYLE

(By Robert Cohen)

WASHINGTON.—When Bill Bradley was growing up in the small Mississippi River town of Crystal City, Mo., he would place obstacles on the basketball court to dribble around, and spend hour after hour choreographing and perfecting every move and shot he could imagine.

Bradley, says his mother, was always ready to go extra lengths to achieve his goals, and she and her husband were usually willing to adjust their routine to accommodate their son.

"We waited many dinners for Bill to shoot 25 straight free throws. It got to be a normal way to live," recalled Susan Crowe Bradley earlier this month when her son was inducted into the Basketball Hall of Fame.

Two decades later, after endless practice and singleminded determination had made him a nationally known college and professional basketball star, Bradley used the same technique to learn the ropes in the U.S. Senate.

In the first months after his election, Bradley set aside large chunks of his busy schedule to steep himself in the Senate's rules and procedures. Floyd Riddick, the Senate parliamentarian, recalls how Bradley spent more than 100 hours presiding over debates so he could observe the pros, absorb the detail and learn how to get things done.

Now 4½ years into his first term as a senator from New Jersey, Bradley continues to display the same perseverance, preparation and what one friend calls his "burning desire to succeed."

He shows these traits in the committee rooms, on the Senate floor, and most recently in his plans for re-election.

Political observers consider Bradley virtually unbeatable in 1984 and Republicans wonder who will volunteer to run against him. Yet, he already has raised about $1 million, has some top campaign people in place, and is approaching the upcoming election as if it will be the toughest contest of his life.

To Bradley, this passion to achieve and to win began to take shape at age 13 when a basketball mentor told him that if he didn't practice, he should be aware that someone, somewhere was practicing. Given roughly the same abilities, the coach said, that other guy would beat him if they were to meet.

"I never wanted to lose because I didn't make that effort," said Bradley. "I never wanted to be unprepared."

Bradley sees this driving force as just "the internal coach," but a friend tells him it is really "John Calvin haunting me."

This has been true for Bradley the All-America student-athlete at Princeton University, Bradley the Olympic Gold Medal winner. Bradley the Rhodes Scholar. Bradley the professional basketball player with the New York Knicks for 10 years, and now Bradley the U.S. senator.

Bradley said his mother always wanted him to be a success while his father wanted him to be a gentleman.

"Neither wanted me to be a basketball player or a politician," said Bradley.

When he left the baskeball arena and entered the staid Senate in 1979, Bradley not only set out to master his new job like he did his old one, but he was determined to wipe away any thought that he might be just a sports celebrity.

Bradley by all accounts has become an accomplished member of the club. His colleagues say he has gotten their attention because he is thinking about, searching for and proposing some answers to questions dealing with taxes, the economy and energy.

"He picked a few areas, established a reputation as being knowledgeable and he gained respect," said Sen. Jospeh Biden (D-Del.)

Some of the issues Bradley has chosen are tough, complex, and do not lend themselves to immediate solutions. They are the issues that do not necessarily yield short-term political gains.

Bradley has come to be known for his cautious, analytical approach. He avoids the political soapbox and reserves judgment when he has not thoroughly reviewed a problem.

Gordon MacInnes Jr., the executive director of the New Jersey Public Broadcasting Authority and the campaign manager for a 1976 Bradley primary opponent, said the senator has a "blurred image."

"It's tough to see a corner on the guy," said MacInnes. "He's illuminating on describing what the situation is and how complicated it is and what needs to be looked at, but it's difficult to know what he thinks about a situation and what be proposes."

Larry Fleisher, Bradley's friend and the lawyer for the National Basketball Association players' union, said the senator has always been this way.

"Some of us are free wheeling," said Fleisher. "He won't get involved in anything unless he analyzes it and knows what it is. This was done before his political days. It is not related to him trying to cover his fanny."

Bradley's mother agreed. "Bill never gives an immediate opinion," she said.

Fleisher said Bradley "keeps himself from being emotional."

"He is not a guy who will be marching in the streets with people cheering behind him. It's not his style," said Fleisher.

Bradley says he knows he's not the most dynamic speaker in the world, but like everything else, he's working on it. "I used to see at least three people sleeping in the audience, but there are fewer now," he says in typical self-deprecating humor.

Asked what arouses his righteous indignation, Bradley thought for a moment, subtracted the word righteous from the question, and said:

"I guess to summarize briefly, it would be phonies, bullies and bigots That's how I would put it, and I suppose in the political context, there are some of those around, but I guess that's evident."

When it was suggested he is not often heard railing against the "phonies, bullies and bigots," the senator pointed out that "politics operates on many levels, and speech is only one of them."

"The important thing is to be effective, to get things done and to try and be clear," said Bradley.

When Bradley came to the Senate, he lobbied influential Democrats for his energy and finance committee assignments, and was repeatedly told there are two types of senators, workhorses and showhorses.

By nature, Bradley chose to be a workhorse.

"On a consistent basis, you have to like the nitty gritty. If you view the Senate only as an opportunity to make speeches, then I think you don't understand how it works and how the power flows," said Bradley.

"And in my own case, I like the nitty gritty and if anything, I've had to push myself to go out on the platform."

Bradley's former New York Knicks teammates are not surprised the senator favors fundamentals over showboating, but they say he wouldn't have made it to Washington without their help.

"Bill was a man in those days, unfortunately, who couldn't match a shirt and a pair of pants," former Knicks teammate Jerry Lucas deadpanned to an appreciative crowd May 2 when Bradley was inducted into the Hall of Fame in Springfield, Mass.

"I think as I look back at my time with Bill and the success he has had, I have to name his Knick teammate Dick Barnett. In those days, Dick taught Bill how to dress . . . Perhaps without that Bill may not have gotten past Eighth Avenue in New York," said Lucas.

Bradley, who is used to good-natured ribbing from his teammates and can give it back in kind, said he is proud of his basketball days and the friends he made in those times.

He also said he is now more comfortable talking publicly about his former career, a fact apparent by his use in recent weeks of basketball as a metaphor for his current endeavors.

"One of my major moments of insight in the U.S. Senate was the realization that dedication to the team, the community, has a larger, more important application than I ever dreamed," said Bradley. "I was in the Senate about five months, and I was sitting in the Democratic cloakroom about 11

o'clock at night because we were having late votes.

"I saw one senator angry, one senator talking, one senator walking up and down the floor pacing, one senator on the telephone, one senator thinking. I said to myself, 'This isn't a lot different from the Knicks locker room.' "

Bradley said both activities involve getting people from different backgrounds with different experiences and personal agendas to agree on a shared goal and to work toward it.

"That process defines both teamwork and the public interest," said Bradley.

An aide says Bradley's approach represents "inclusionary politics." Bradley's wife, Ernestine, says her husband is more comfortable when he's working as part of a team.

"It is germane to his vision, a condition he functions best under," says his wife. "He believes in consensus, cooperation, working out individual talents and stresses . . . He loves it. He thrives on it."

Bradley also is curious about what makes his colleagues tick, how different senators react and how coalitions are formed. He studies his colleagues and is intrigued how a senator is persuaded to make a decision.

"There are certain tried and tested techniques that you can see certain people using over and over on the senators, whoever they are," said Bradley. Sometimes those techniques are obvious, said Bradley, and sometimes they are more subtle.

During his brief tenure, Bradley has gotten along with his political opponents, has campaigned for many of his Democratic colleagues, and has studiously avoided rocking many boats. He is no maverick, and he plays by the rules.

"He's a bright liberal Democrat," said Republican Senate Finance Chairman Bob Dole of Kansas. "I don't get many votes out of him, but he's good to work with. If there's a problem, he'll help hammer it out."

Sen Henry M. Jackson (D-Wash.) said Bradley is "not one of those people who try to do everything at once, or who is brash."

"He's humble, quiet, and never points a finger or shouts," said Jackson.

Jackson's observation about Bradley's lack of rancor appears to be a trait that goes back a few years.

"I never heard him say a derogatory word about a playmate, an opponent or any high school student," said Bradley's mother. "His best friend ran against him for student council president and he never said a word against him."

"Mr. (Warren) Bradley is exactly like that," said Mrs. Bradley of her husband, a man she described as an avid reader and a frustrated politician. "He never said anything malicious about anybody."

While Mrs. Bradley accompanied her son to his Hall of Fame induction, her husband, a severe arthritic, was unable to travel and remained at the couple's winter home in Florida. Mrs. Bradley said her husband, a Republican banker, would have given anything to have been with his son on that day.

Bradley, whose first interest in politics came from his father, follows the same basic game plan and approach to New Jersey politics as he does in Washington.

He makes frequent public appearances in New Jersey and has avoided alienating state Democrats. He remains aloof from state party infighting, but helps candidates in the general elections.

Some Democrats have criticized him for not taking a more active role, but former Gov. Brendan Byrne suggests Bradley rightly avoids "unnecessary controversy" and serves as a unifying force after primary elections or party squabbles.

"I was known for getting into unnecessary fights, but it was nice to know Bill Bradley was there to bind it all up when it was over," said Byrne.

New Jersey Assembly Speaker Alan Karcher (D-Middlesex) said Bradley has "made between one and no enemies" in his four and a half years in office.

"It's a wonderful thing to have Bill Bradley going in to campaign," added Karcher. "He's an event all by himself."

In trying to grasp his politics, some commentators in New Jersey and in Washington have lumped Bradley with a group of young Democrats referred to as neo-liberals.

This term is used to describe a new generation of politicians who are trying to promote some of the standard values of the Democratic Party while disassociating themselves from the big spending, social welfare-state image of the traditonal liberal Democrats.

Bradley neither accepts or completely rejects the neo-liberal label.

"I'm looking for a new agenda. Or a better way to put that is a new way to realize the old agenda," Bradley said. "I'm interested in economic growth—I think that's the key to everything, the cornerstone of the new agenda."

Bradley said the Democrats must begin talking about a few major issues, and he specifically mentioned taxation, education, arms control, the environment and international competitiveness.

Bradley feels it is important for Democrats to talk in broader, national terms and not become "captive to the narrower interests" by making too many small promises.

When asked about the traditional liberal social agenda, Bradley feigns ignorance, He later says he obviously supports the welfare and social services programs, but feels they must be more efficiently administered.

Bradley's major legislative initiative so far is his ambitious and detailed plan to reform the federal personal and corporate income tax systems.

Bradley says the current tax system is too complex and unfair, and impedes economic growth. He has proposed lowering the tax rates and eliminating most of the current deductions, loopholes and exemptions.

While the idea is not new, Bradley spent several years consulting with economists and has offered the most thorough plan in the Congress. He admits his proposal faces stiff opposition, but in typical fashion says he intends to stick with it, and make it part of the national debate.

At the same time, Bradley is working on a plan to help American workers cope with technological change. The proposal, though still on the drawing board, envisions severance funds to provide financial help for displaced workers.

If workers can be financially assisted during a period of disruption, Bradley said, a major obstacle to technological change and automation will be removed, enabling industry to more easily make the transition and compete effectively in world markets.

Some legislators have sought to address the problems facing American industry by calling for the imposition of trade restrictions to reduce competition from abroad. Bradley; instead, chooses to avoid this approach, and in a typical maneuver, addresses the problem on his own terms.

This way Bradley avoids the pitfalls of the sticky traditional argument of protectionism versus free trade.

When he arrived in Washington Bradley focused on energy, warned about the U.S. dependence on the insecure foreign oil and tried to get the Carter administration to fill the Stategic Petroleum Reserve. Nobody had paid much attention to this oil reserve before, but Bradley kept the issue before the Senate.

In his first year, Bradley took on the oil companies and Sen. Russell Long (D-La) during the debate on the windfall profits tax on decontrolled oil. Bradley managed to get the tax increased substantially, and won a backhanded compliment from Long, who good naturedly told the freshman senator be might know how to play basketball, but he didn't know how to compromise.

Bradley also lobbied members of the Senate Energy Committee to win approval of his experimental residential conservation program and a waste-to-energy plan, but both fell by the wayside with President Reagan's budget cuts.

In 1980 be filled a vacuum and helped negotiate a compromise chemical hazardous waste bill known as the superfund through the Senate—a measure important to a state like New Jersey. He also persisted and overcame several defeats to win adoption of an amendment that guarantees the state will get its first VHF television station in 15 years.

Two years earlier, Bradley spent his energies throwing facts and figures at the Army to disprove their contention that the basic training operation at Fort Dix was uneconomical. In the end, the Army retreated.

In March 1982 Bradley listened pensively to several days of debate, and then rose to call for the expulsion of Harrison A. Williams Jr., his fellow New Jersey senator who had been convicted of bribery in the Abscam corruption probe.

In 1981, he bucked the tide, and voted against President Reagan's three-year $750 billion tax cut measure after failing to win support for a one-year tax cut or a plan that would have allowed cancellation of the third year reduction.

However, he voted for the first round of Reagan budget cuts in 1981, and 1982 supported the budget on final passage after trying to restore some social spending cuts. He also has supported increased defense spending.

A 1982 survey of 202 votes conducted by the respected Congressional Quarterly magazine shows Bradley sided with the majority of the Senate Democrats 87 percent of the time. The magazine found in another survey of 119 key votes that Bradley opposed positions supported by President Reagan 62 percent of the time in 1982—not a particularly high opposition score.

Bradley generally has received high marks from the liberal Americans for Democratic Action, organized labor, and environmental, consumer, senior citizens and good government groups. His ratings from conservative organizations and business groups have been low.

Neil Newhouse, a spokesman for the U.S. Chamber of Commerce, said Bradley's cumulative 29 percent rating is "one of the lowest in the Senate."

Despite the low marks, Bradley has not alienated some segments of the business community in New Jersey.

Gerald Hall, vice president of the New Jersey State Chamber of Commerce, said there is "no doubt that Bradley has gone

the wrong way on a number of things," but he added that "a good many businessmen in New Jersey find him a refreshing version of a big time politician."

"I give him credit. He makes an effort to meet with business groups, learn of their concerns and tell them how he thinks," said Hall. "They toss the bull back and forth. He's no stuffed shirt, and the businessmen always go away from the meetings with good feelings."

The conservatives don't like Bradley because of his voting record, but Jeffrey Bell, Bradley's 1978 opponent, gives the senator credit for "moving in a direction I think the country will eventually accept" regarding his plan to eliminate tax deductions and reduce tax rates.

Jay Angoff, a spokesman for the Ralph Nader group known as Congress Watch, said Bradley has been "pretty good" on consumer issues, but has been disappointing when it comes to some finance and tax matters.

"We wish he would be more a leader of the progressive wing," said Angoff."

Others take issue with Bradley's support of elective abortion and tuition tax credits, while some say he is indecisive on issues like El Salvador and should be a more forceful critic of the President. Bradley says he's still studying the Central American question.

Bradley responds that he cannot be all things to all people, and notes that many senators get stretched too thin trying to widen their band of issues.

Those who know Bradley say he has a wry sense of humor, a penchant for one-liners and like to "horse around" and give impersonations in private, but will not show that side very often in public.

In his speech at the Hall of Fame dinner, Bradley told the crowd he had performed in Massachusetts many times, but never before in long pants.

Although he lets his lighter side show now and then, Bradley tries to keep his family life as private as possible.

He makes a conscious effort to spend time with his wife and his 6-year-old daughter, Teresa Ann, whether it's at their Washington or Denville home.

Bradley's wife, a professor at Montclair State College, says he uses the time with his family to "rejuvenate," although she points out that he sometimes is put to work at home.

"Our back porch is falling apart, and he put in some nails knowingly," said his wife. "He even went out and bought the right nails. To my great surprise he is handy."

Bradley uses his private time to read, play with his daughter, help her with her homework, go to the movies or get occasional exercise like jogging or walking, but he no longer plays basketball.

"It's over," said Bradley. "I have occasionally in the last six months gone out and taken a few shots. My daughter and I go to the playground with a ball . . . Sometimes, I take three or four shots.

"I don't get enjoyment out of it," he said. "I'm not in the same condition. I couldn't shoot jump shots or anything. I can just shoot free throws."

Since his Princeton days, Bradley has been in the limelight, and very much a public figure.

He has grown used to this condition over the years, and his friends say he has learned to handle his fame and keep it in perspective.

Michael Kaye, Bradley's friend and campaign media consultant, said Bradley "has his ego in control and never makes anybody feel he is better than they are."

Bradley's almost storybook public life, including his quick acceptance in the Senate, has fostered repeated speculation about his future. He has always had high expectations for himself, but so has the public.

His next hurdle could be a possible leadership role in the Senate, although wherever he goes, there are repeated suggestions that the Senate is only one rung on his climb up the political ladder.

Many suggest that Bradley is presidential timber.

Bradley says he is "flattered" by the comments, but claims not to give the subject any thought and insists he has no interest in any job other than being a senator from New Jersey.

"I like what I'm doing now," said Bradley. "I can only say no, it's the only way I can respond. I learned in my former profession that you play one game at a time. I don't have any expectations or plans."

He adds that he never plans anything eight or 10 years in advance.

Bradley is no doubt a patient man who takes his time making decisions, but it would be out of character for him not to at least be thinking about his future.

Bradley's mother says the night he was elected to the Senate, she pulled out a letter he wrote to her as a senior at Princeton.

"I hope to win a Rhodes scholarship, after which I want to enter the field of politics and become a U.S. senator," Mrs. Bradley remembered the letter as saying.

Bradley, with a bemused look on his face, said he does not remember writing that letter, but added, "If she said it, it must be so."●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in several of the covering letters are available to Senators in the office of the Foreign Relations Committee, room SD 426.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 17, 1983.

In reply refer to I-01510/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-30 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Japan for defense articles and services estimated to cost $26 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[TRANSMITTAL No. 83-30]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Japan.

(ii) Total estimated value:

	Millions
Major Defense Equipment [1]	$23
Other	3
Total	26

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 24 HARPOON missiles and spare parts for eight missiles.

(iv) Military department: Navy (LHK).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending March 31, 1982.

(viii) Date report delivered to Congress: May 17, 1983.

POLICY JUSTIFICATION

JAPAN—HARPOON MISSILES AND SPARE PARTS

The Government of Japan has requested the purchase of 24 HARPOON missiles and spare parts for eight missiles at an estimated cost of $26 million.

Japan is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring the peace and stability of that region. It is vital to the U.S. national interests to assist Japan in developing and maintaining a strong and ready self-defense capability which will contribute to an acceptable military balance in the area. This sale is consistent with these U.S. objectives and with the 1960 Treaty of Mutual Cooperation and Security.

The sale of these missiles, which will be installed on three new destroyers being built in Japan, is in keeping with United States desires that Japan expand its defense role. Japan already employs HARPOON missiles and will have no difficulty in absorbing these additional missiles.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be McDonnell Douglas Astronautics Company of St. Louis, Missouri.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Japan.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C. May 17, 1983.
In reply refer to I-01222/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-34 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Singapore for defense articles and services estimated to cost $601 million. Shortly after this letter is delivered to your office, we paln to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[TRANSMITTAL No. 83-34]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Singapore.
(ii) Total estimated value:

	Millions
Major Defense Equipment [1]	$348
Other	253
Total	601

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Four E-2C aircraft with spare parts, support equipment, training, and publications.

(iv) Military department: Navy (SAV, LAN, LAP, GAT, and BCW).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: May 17, 1983.

POLICY JUSTIFICATION

SINGAPORE—E-2C AIRCRAFT WITH SUPPORT

The Government of Singapore has requested the purchase of four E-2C aircraft with spare parts, support equipment, training, and publications at an estimated cost of $601 million.

This proposed sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a friendly country which is a continuing force for peace and regional stability in Southeast Asia. Singapore's strategic location commands the primary route between the Indian and Pacific Oceans.

Recognizing that its small size could make Singapore a target of aggression, Singapore's defense strategy has been to make it clear that an attack would be unprofitably expensive. Singapore sits astride the narrow entrance to the Strait of Malacca, one of the world's busiest waterways. Through this strait passes the bulk of West to East tanker traffic from the oil rich Middle-East. The E-2C aircraft will provide the Royal Singapore Air Force (RSAF) with the capability of monitoring at long range all approaching air and surface traffic to this strategic choke point. In times of increased tension, the intelligence gathered at extended ranges will assist in countering potential threats. The RSAF has the technical competence necessary to operate and maintain the aircraft proposed in this sale.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Grumman Aerospace Corporation of Bethpage, New York.

Implementation of this sale will require the assignment of 21 additional contractor representatives to Singapore for two years.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 17, 1983
In reply refer to I-01422/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-36, concerning the Department of the Air Force's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $57 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

[TRANSMITTAL No. 83-36]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act.

(i) Prospective Purchaser: Saudi Arabia.
(ii) Total Estimated Value.

	Millions
Major Defense Equipment [1]	0
Other	$57
Total	57

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: This amendment will increase the capitalization value of the existing stock level equity portion of the Cooperative Logistics Supply Support Arrangement for spare parts in support of major items of U.S. Air Force equipment of U.S. origin already delivered to and being operated by the Royal Saudi air Force.

(iv) Military department: Air Force (KAA, amendment 9).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending March 31, 1983

(viii) Date report delivered to Congress: May 17, 1983.

POLICY JUSTIFICATION

SAUDI ARABIA—COOPERATIVE LOGISTICS SUPPLY SUPPORT ARRANGEMENT

The Government of Saudi Arabia has requested that the value of the existing Cooperative Logistics Supply Support Arrangement (CLSSA) stock level equity case for support of major items of U.S. Air Force equipment of U.S. origin already delivered to and being operated by the Royal Saudi Air Force be increased from $114 million to $171 million, an increase of $57 million.

This sale is consistent with the U.S. policy of assisting other nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the U.S. to support Saudi Arabia which is an important force for moderation in the region.

This amendment will increase the CLSSA equity of Saudi Arabia in the U.S. Air Force logistics system and will provide continued logistical support for U.S. Air Force equipment previously sold to Saudi Arabia by the U.S. Government.

This sale will not affect the basic military balance in the region.

There will be no prime contractor for this transaction.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

CHAMPION NEW YORK ISLANDERS

● Mr. MOYNIHAN. Mr. President, I rise today with great pride to salute the Stanley Cup Champion New York Islanders, who in clinching the cup last night have become the first post-expansion team to win four consecutive Stanley Cup championships. By winning for the fourth straight time the Islanders have set a mark of excellence matched by few teams in any sport. Most importantly, their unselfish, dedicated, and tireless play teaches valuable lessons to the youth of our country. Although there are many great individual players on the Islanders, their accomplishments as a team of superb character are what we laud today. The Islanders fought back from adversity and injury to becomes the champions for an unprecedented fourth consecutive time—they should be a source of pride not only for New York, but for the entire country.●

QUEST FOR FREEDOM

● Mr. ABDNOR. Mr. President, it is clearly evident that civilization has rarely benefited from the lessons from history, and this age is no different.

While for over 200 years the United States has been relatively safe from attack from the outside, it is no longer. Moreover, our freedom like the freedom of peoples elsewhere is at stake.

I commend to the attention of my colleagues and submit for the RECORD a recent column by Gene Malone, a long time South Dakota resident, who now teaches in Kenosha, Wis. It states the issue well.

The column follows:

[From the Journal Times, (Racine, Wis.), Apr. 8, 1983]

TEACHER CITES NEEDS IN QUEST FOR FREEDOM

(By Gene Malone)

The history of the United States as a "friend of freedom" in the last 20 years should be studied very carefully. To repeat

wrong actions or to act on wrong conclusions is folly repeated.

James Russell Lowell, the American freedom poet, said, "True freedom is to share all the chains our brothers wear, and, with heart, and hand, to be earnest to make others free."

The war to keep South Vietnam free began for the United States in 1964. Ten years later the Communist forces of North Vietnam, with weapons from the Soviet Union, over-ran the struggling forces of freedom in the South. It was over!

Yes, I remember it all well. While our soldiers fought to keep South Vietnam free, the media here incessantly bombed us with word pictures, saying it was only a civil war there; the government of South Vietnam was in daily violation of human rights to the people.

The domino theory, asserting that if South Vietnam fell to the Communist hordes the rest of Southeast Asia would fall, was erroneous. And back in the United States our State Department limited our servicemen in such ways that it would be impossible to end the war. Little was required of our people in this struggle, but the parents of 50,000 Americans killed in the war were anguished.

Yes, I remember the umbrella-front groups that marched for "Surrender with Honor," and Jane Fonda's trips to North Vietnam to bring greetings to the "other side." And the "peace priests," those seeking alternatives by "fleeing to Canada," and the tortured American POWs who returned from the war area while leading "peaceniks" said the POWs had been treated well.

And the books; propaganda materials; speakers that crisscrossed our country denouncing our help to South Vietnam and extolling the virtue of "socialist liberation; the political rhetoric and the news with nightly bias toward the "revolutionary activists" who sought to take over to stamp out freedom in South Vietnam.

Yes, yes, the last 20 years have been a nightmare to those who knew and know that freedom was undermined and the war lost here at home.

The lessons of Vietnam are that our soldiers were not allowed to win, the propaganda war by the media and well-organized forces were successful in manipulating the truth to sow confusion and doubt, the domino fear was real as all of S.E. Asia had fallen. The rhetoric about human rights, its only a civil war, Russia has no part in aiding the guerrilla forces, was, of course, false.

Now, the exact plan for freedom's defeat in El Salvador and the rest of Central America is being implemented with the insulting reminder, "Remember the lessons of Vietnam." The parroted "lessons of Vietnam" oozed by the surrender-now fifth column in America and the gloating monopoly press are the false conclusions that alert Americans reject. The "Surrender Folks" say the lesson of Vietnam is that we should never get involved in the struggle for liberation from communism.

Defense of freedom as a universal concept maintains that free nations ought to be interested that others and even their neighbors should not be in bondage—political, economic or spiritual. The lesson we must learn from Vietnam is that all Americans must sacrifice for freedom if the goal is clear and our country commits itself to that goal—or at least not undermine the efforts of those who are struggling to be free.

John Stuart Mill, an English philosopher, once said, "War is an ugly thing, but not the ugliest thing: The decayed and degraded state of moral and patriotic feeling which thinks nothing worth a war is worse. A man who has nothing which he cares about more than his personal safety is a miserable creature who has no chance to being free, unless made and kept so by the exertions of better men than himself."

How much a nation should give to help another maintain freedom is subject to great moral discussion and differences, but sacrifice for freedom is not a new notion.

President Harry Truman said, "The free peoples of the world look to us for support in maintaining their freedom. If we falter in our leadership, we may endanger the peace of the world—and we shall surely endanger the welfare of our own nation."

Freedom forces lost in the battle to save South Vietnam. Look at it today: a faceless freedomless, forsaken land. U.S. Ambassador to the United Nations, Jeane Kirkpatrick, stated, "How can it be that persons so deeply committed to the liberation of South Vietnam and Cambodia . . . were so little affected by the enslavement that followed their liberation? Why are Western Liberals—who often are such smart people—such slow learners about Communism?" That is a very good, unanswered, question.

Winston Churchill noted, "If you do not fight for what is right when you can easily win without bloodshed, if you do not fight when the victory will be easy and not too costly, the moment may come when you will have to fight with all the odds against you and with only a precarious chance of survival . . . You may even have to fight when there is no hope of victory, for it is better to perish than to live as slaves."

And Ralph Waldo Emerson sums the priorities of life with, "For what avail the plough or sail, or land or life if freedom fail?"●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee has received a request for a determination under rule 35 which would permit Mr. Sheldon J. Himelfarb, of the staff of Senator CHARLES MCC. MATHIAS, JR., to participate in a program sponsored by Soochow University, in Taipai, Taiwan, from May 27 to June 5, 1983.

The committee has determined that participation by Mr. Himelfarb in the program in Taiwan at the expense of Soochow University, to participate in seminars and meetings, is in the interest of the Senate and the United States.

The Select Committee has received a request for a determination which permits Mr. Richard F. Kaufman of the Joint Economic Committee to participate in a conference on security and economic issues in Tokyo, Japan, on March 28, 1983, paid for by the International House of Japan and the Institute for Domestic and International Policy Studies.

The committee has also received a request for a determination which permits Dr. James K. Galbraith to participate in a program on economic issues in Berlin, Federal Republic of Germany, on April 28, 1983, paid for by the Wissenschaftszentrum Berlin (Berlin Science Center).

The committee has determined that participation by these individuals in these programs is in the interest of the Senate and the United States.●

GARRISON DIVERSION UNIT: TIME FOR AN ALTERNATIVE

● Mr. HUMPHREY. Mr. President, 2 weeks ago the Christian Science Monitor did a series of articles on wasteful Federal projects, "Pork Barrel Politics Today." The second article in this series was entitled, "Garrison Diversion: Needed, or A Clear Case of 'Pork'?" and focused entirely on the controversy surrounding this proposed $1 billion water project.

Conservationists have long opposed this reclamation project because of the environmental harm it will do to the Dakota and Manitoba regions. Studies indicate that the project will destroy between 175,000 and 350,000 ducks annually and will pollute several major rivers that flow northward into Lake Manitoba.

The Canadian Government also is concerned because the project could destroy between 50 and 75 percent of Manitoba's multimillion dollar commercial fishing industry in violation of a 1909 boundary waters treaty with the United States. Finally, taxpayer groups, such as the National Taxpayers' Union opposed the Garrison project because the irrigation it will provide will cost the taxpayer over $3,753 per acre but the benefited farm is only required to repay $77.

Fortunately, there is one favorable aspect to this story: The project now is only 15 percent complete and we have a chance to stop or redirect it before any real damage is done. I believe the Bureau of Reclamation can propose a better water project than this. Indeed, I think it is high time that Congress ask some hard questions about Garrison and require the Bureau of Reclamation to come up with a project that is not so environmentally harmful.

Mr. President, I ask that the full text of the Christian Science Monitor article be entered into the RECORD.

The article follows:

[From the Christian Science Monitor, May 4, 1983]

GARRISON DIVERSION: NEEDED, OR A CLEAR CASE OF "PORK"?

(By Peter Grier)

(Second of four articles on congressional pork barrel projects)

By 1936, North Dakota farmers desperately needed water.

For three years in a row, drought had shriveled their wheat into broom straw and parched their pocketbooks—while in the western part of the state the Missouri River, untapped, gushed south toward the Mississippi River and the sea. North Dakota begged the federal government for money to divert Missouri River water into thirsty fields. The funds didn't come. Before the dry years ended, four-fifths of the state's farmers lost their farms.

The great drought of the Great Depression is but a dim memory now, and in summer North Dakota's fields are golden seas of wheat raised by dry-land farming techniques. But the state is still fighting for a Missouri River irrigation project—the Garrison Diversion.

Garrison, a complex web of canals, dams, and lakes, was first authorized by Congress in 1965. Today, the project is only 15 percent complete, and faced with stiffening opposition in Congress its future is far from secure.

"The logic in this program was lost long ago," says a congressional staffer who studies public works programs. "It insults ducks, fish, and Canadians."

"The main question is do we have our fair share of the water?" retorts Sen. Quentin Burdick (D) of North Dakota. "[Missouri] water is our right. They can't take that away from us."

Traditionally, Congress loves to play with water. Long ago, legislators discovered that federal water projects—dams, canals, levees—are fun to dispense, since such construction is highly visible and easy to take credit for.

Not all these projects make sense from a national point of view. Political scientists consider many water projects classic examples of the "pork barrel" spending process, in which members of Congress push programs that benefit their constituents, but don't make economic sense from a national point of view. But affected legislators insist that critics of water projects don't understand the importance of water to many states.

Garrison thus symbolizes a debate that swirls around many water projects. Whatever its merits, the Garrison Diversion would amount to man altering nature on a grand scale. Water would be pumped from the Missouri River near the town of Garrison, in northwest North Dakota, and diverted to the center and east of the state through 3,000 miles of reservoirs, canals, pipelines, and drains. If completed as planned, Garrison would irrigate 250,000 acres of farmland, while occupying 220,000 acres itself.

But the U.S. House of Representatives last year voted to cut off the project's funds; only concerted arm-twisting by North Dakota's senators convinced a House-Senate conference committee to keep Garrison alive. The Interior Department's Bureau of Reclamation now plans to build the project in phases. Construction won't progress beyond Phase I, about one-third of the project, before sensitive environmental problems are solved, a bureau official says.

"I don't think we'll get the extensive project we once hoped for," admits an aide to a member of the North Dakota congressional delegation.

Cost is one obstacle. Congress originally thought the project would cost $207 million. But inflation and lawsuit-induced delays have helped push its projected price to $1.1 billion.

Theoretically, the US Treasury would get this billion dollars back sometime next century. Most of the money would come from a fee on hydroelectric power generated by Missouri River basin dams. Users of Garrison water would pay back only 2 percent of the project cost.

"Garrison is fundamental pork barrel," insists Sen. Gordon Humphrey (R) of New Hampshire, a member of a water resources subcommittee. "It benefits a few people at the expense of many."

Irrigation, of course, is Garrison's primary reason for existence. But only 0.6 percent of North Dakota's agricultural land would be irrigated by the project. Back in 1965, the Bureau of Reclamation figured Garrison would produce $2 in benefits for each $1 of cost. That cost-benefit ratio has since slipped to 1.3 to 1—and even this calculation may be too rosy, since it assumes interest rates will hover around 3 percent.

"This whole program is only marginally justifiable on an economic basis," says an aid to Rep. Silvio Conte (R) of Massachusetts, ranking Republican on the Appropriations Committee and one of Garrison's most vocal critics.

North Dakotans, in reply, say Washington owes them a water project. In the 1940s the federal government dammed the Missouri River near the town of Garrison, to prevent flooding in states downstream. Five hundred and fifty thousand acres of rich North Dakota farmland were suddenly at the bottom of the brand-new Lake Sakakawea.

In return, North Dakota was promised a 1-million-acre water diversion project, state politicians say. Garrison, say North Dakotans, is thus but partial payment for the loss of some of the state's best farmland.

"Look at the sacrifice we've made by being denied the economic production from that bottomland. We've lost $35 million a year in net personal income," says former North Dakota Gov. William Guy, citing a state economic study.

But "out-of-state opposition," Mr. Guy mutters, has stalled Garrison. This opposition, led by the National Audubon Society, took legal action that halted work on Garrison for five years, until a federal court dismissed its lawsuit last May. Its objections are focused on the project's possible environmental effects.

"Garrison would do as much environmental damage as any water project in the US today," says Brent Blackwelder of the Environmental Policy Center.

Consider ducks—an easy thing to do in North Dakota, since the state is home to more ducks than any other part of the US, except Alaska. Garrison's canals would be laid smack through a "prairie pothole" region, where shallow lakes, sloughs, and marshes provide a waterfowl's version of ideal real estate. Sixty thousand acres of wetlands would be destroyed, estimates the US Fish and Wildlife Service, with another 13,000 acres damaged. A dozen national wildlife refuges would be adversely affected.

Garrison's supporters complain that environmental objections are overblown. "The environmentalists don't really like any water project," grouses an aide to Sen. Mark Andrews (R) of North Dakota.

But the project's possible environmental effects have also riled the Canadian government. As now designed, Garrison would connect the Missouri River with the Hudson Bay Drainage Basin, and the Canadians are worried this new link will introduce pollutants and "rough" fish such as carp into their waters, killing off valuable species. The International Joint Commission, a US-Canadian advisory group that monitors water resources shared by the two countries, found in 1976 that Garrison might reduce the commercial fish population of Manitoba by half.

Opposed by Canadians, US environmentalists, and conservative budget-watch groups such as the National Taxpayers Union, Garrison owes its continued existence to the power and persuasiveness of North Dakota's two senators.

Senators Andrews and Burdick are on the Appropriation Committee, a powerful rostrum from which to persuade other senators to vote for the North Dakota water project. Andrews, as chairman of the Appropriations subcommittee on transportation, is in a particularly good position.

"Andrews carries a lot of weight, especially considering he's a first-term senator. Everybody depends on him for their state's transportation projects," says a House Appropriations staff member.

The Reagan administration's fiscal 1984 budget proposes to spend $22.3 million on Garrison. The House will likely vote to stop this money, the project's critics claim, setting up another showdown with the Senate over Garrison's future.

"North Dakota should be looking at a cheaper, more sensible proposal," perhaps using pipelines instead of canal says the Environmental Policy Center's Mr. Blackwelder.

Several North Dakota newspapers have also called for another look at the project. But something must happen relatively soon if North Dakota is to get a Missouri River diversion in any form. The Missouri is one of the few Western rivers with water that isn't divided up by an interstate compact—and there are thirsty, growing states downstream.

ONE MAN'S HOLOCAUST

● Mr. LEVIN. Mr. President, I want to take this opportunity to submit a May 12, 1983, Washington Post article about Isidore Zimmerman, a man who spent 25 years in prison for a crime he never committed. Isidore Zimmerman's story is a tragic one, but it is not unique. I have documented many cases similar to his where persons sentenced to death were later found to be innocent of the crime.

Fortunately for Isidore Zimmerman, 2 hours before he was scheduled to die in the electric chair, Governor Lehman commuted his sentence to life imprisonment. Had Zimmerman not received this commutation from the Governor, he could not have eventually walked out of prison a free man when the original indictment against him was dismissed by the supreme court of the County of New York.

Over 20 years after his death sentence was commuted, the court was pursuaded to release Zimmerman

when new evidence revealed that the key prosecution witnesses against him had made statements before the trial that Zimmerman was completely innocent of the murder charge. These same witnesses later changed their story and testified against Zimmerman, but the prosecutor did not inform Zimmerman's defense attorney about their original statements. Chief Judge Charles S. Desmond wrote in his opinion dismissing the indictment that:

The failure of the prosecutor to correct this falsehood and to afford counsel an opportunity to examine those statements, which were in his possession, in effect amounted to a suppression of such material and prejudiced the defendant in his right to a fair trial.

Mr. President, I hope my colleagues will consider how difficult it is to compensate the Isidore Zimmerman's of this country who are pawns of a judicial system which is not perfect. But at least Isidore Zimmerman is alive to tell his story and to seek compensation for the years he was deprived of his freedom due to an error of justice. Once an innocent person has been executed, these errors can never be corrected.

The article follows:

ONE MAN'S "HOLOCAUST"—"SURVIVORS' SYNDROME" AND THE PRISONER ZIMMERMAN

(By Christian Williams)

NEW YORK, May 11.—Isidore Zimmerman, who was released from prison in 1962 after serving 25 years for a murder he did not commit, now exhibits symptoms common to survivors of Nazi extermination camps, the New York Court of Claims was told today.

Zimmerman, 66, suffers from post-traumatic stress disorder, or "survivors' syndrome," according to Dr. Israel Zwerling, called as an expert witness in Zimmerman's suit for $10 million in damages from the state.

Zwerling, chairman of the Department of Mental Health Sciences at Hahnemann medical school in Philadelphia, is head of the Holocaust Study Group. Last year, the organization completed a study of 80 Holocaust survivor families, comparing them with 120 American families.

Zwerling testified that Zimmerman, a former doorman, exhibits symptoms of social isolation, "startle reaction," sleep disorders, extreme irritability and reduced attention span, which the study group found in concentration camp survivors. "This combination of symptoms is unique to people who have survived an extended traumatic experience with constant threat to their lives."

Zimmerman already has turned down an offer of $1 million tax-free from the State of New York. In hearings scheduled to stretch well into next week he is attempting to show through health and psychiatric records and economic projections of his lost earnings that his compensation should be $10 million. The case is being heard before Judge Joseph Modugno, who will set the figure. Zimmerman is represented by the large New York law firm of Shea & Gould on a one-third contingency basis. Milton Gould said today in an interview that "this case has many interesting sociological and penological implications especially in the Holocaust comparison." He added that "I have no doubt that this will go to the appellate court."

Zimmerman, arrested in 1937, spent nine months on Death Row at Sing Sing and about 24 years in other prisons, where he frequently was punished for fighting and insolence. He is blind in one eye and attributes the injury to a beating by guards at Attica prison. He finally was released, and his original indictment dismissed, when an appeals court found that he had been convicted on perjured testimony knowingly admitted by a prosecutor.

Zwerling, describing Zimmerman's survivors' syndrome, said "except when he is asked about something else, he constantly talks about prison life even though that was more than 20 years ago. He has recurring nightmares. He reacts with panic to any situation requiring him to remember prison life. If a policeman comes unexpectedly into view he immediately looks to see if he's after him.

". . . He has flattened his emotional responses. He cannot maintain his old interest in sports even on television because he gets too restless. He has marked evidence of organic brain syndrome—in his attention span, judgment and ability for abstract thought."

Zwerling testified that he had given Zimmerman the "seven from 100" test. In this psychiatric examination, a subject is asked to subtract seven from 100 and then seven from 93 and so on. "He failed this test, which is a test of attention span. This is common in survivors' syndrome," Zwerling said.

Startle reaction was defined by Zwerling as a normal reaction to a sudden shock. In Zimmerman, Zwerling, said, the startle reaction is exacerbated by his imprisonment experience so that he frequently overreacts to stimuli.

"He is extremely suspicious," and at the same time "driven to telling everyone how important he is," Zwerling said. "It comes as no surprise to me that he has no friends. He has isolated himself. He was fired from his job as a doorman because he continually stopped tenants of his building to tell them about his prison experiences. That is typically grossly inappropirate behavior."

Asked by Gould if Zimmerman is able to "enjoy life," Zwerling replied, "That's the heart of the issue. He cannot enjoy life. He is unable to pursue pleasure for its own sake."

In the afternoon session, Zimmerman testified about life in prison at Auburn, Greenhaven, Sing Sing, Attica and the Tombs and about the succession of jobs he held after his release.

Assistant state Attorney General Frank Miller, over the objection of Zimmerman's lawyers, questioned Zimmerman about a juvenile record, with Miller contending that before Zimmerman's conviction for murder he had "fantasized himself as a gang member," and been a "macho kid" and a "delinquent." Miller also noted, again over the objection of Zimmerman's attorneys, that Zimmerman had, in fact, been arrested and charged with an earlier murder, although the case against him subsequently was dismissed.

Zimmerman contended that although he had fantasized about being a gang member, "I also fantasized about being a cowboy and an Indian and a sheik."

The juvenile record indicated that Zimmerman at the age of about 15 was "habitually disobedient, beyond the control of his parents, and associated with bad characters." It listed his IQ as 96, and contained the allegation that he had "flushed a drunk," 1930s street parlance for robbery of an inebriate.

After testimony concludes, Modugno is expected to announce the damage award within a few weeks.●

ROLLCALL OF HEROES

● Mr. HEINZ. Mr. President, at this time each year we pay tribute to those courageous law enforcement officers who were killed in the line of duty while serving their communities and country. There is no way that we could sufficiently pay homage or begin to express our thanks to them and so many other officers who have given the ultimate sacrifice so that the rest of us can live in safety.

It is important that we never lose sight of the efforts of each and every one of these outstanding citizens. They were our friends and our neighbors, and they represented the finest this country has in public servants. They leave behind memories and families; they leave behind the bitter realization that our system is far from perfect and that the war on crime must be high on our agenda.

As he has since 1969, former National Chaplain Virgil D. Penn, Jr., of the Fraternal Order of Police has conscientiously gathered a list of slain officers from around the country who perished during the previous year. Known as the Rollcall of Heroes it is our acknowledgement of their sacrifice and a small way for us to give support to the families that will have to live with their absence.

Mr. President, I ask that the remarks of former Chaplain Penn be placed in the RECORD along with the National Police Prayer and the list of slain officers, the Rollcall of Heroes.

The material follows:

ROLLCALL OF HEROES, 1982

(By Virgil D. Penn, Jr.)

During the past year, eighty seven Law Enforcement Officers have paid the supreme sacrifice while serving and protecting the citizens of America. We are thankful that these losses are diminishing; but it is little consolation to the families who have lost their loved ones. In every hamlet and Village the only defense against crime are the brave "Soldiers of Peace" who patrol lonely beats and crowded highways to ensure the safety of all.

The most discouraging factor of these tragic events are the judicial results handed down to the murderers of our Officers. How many felons have received the just penalty they deserve? We believe the punishment should fit the crime and not prolong the manufactured rights of these criminals such as plea bargaining and insanity. The time has come to recognize the rights of the victims and put the fear of the Lord into the perpetrators so others will think twice before committing these henious acts.

We the Law Enforcement Officers throughout the entire nation appreciate the action of The United States Congress and

Senate in making all America aware of the sacrifices of our deceased brothers. By the presentation of the "Rollcall of Heroes" on this day, manifests the concern of the Legislators of America. May the Good Lord bless each and every one of you.

Respectfully Submitted,

VIRGIL D. PENN, Jr.,
Past National Chaplain,
Fraternal Order of Police

1982 NATIONAL POLICE PRAYER

Almighty and most merciful God, we ask Thee to bless all Law Enforcement Officers who have paid the supreme sacrifice in the performance of their duties. They have bestowed upon us all an example of devotion and selflessness by their brave actions.

Comfort, we beseech Thee Merciful Father, the family and friends of our fallen brothers. Lift up their spirits and give them peace and understanding to bear the loss of their loved ones.

We commend the souls of our brother officers to Thy everlasting care and pray You will give them eternal rest until the blessed day of Resurrection. This we pray in His name to whom be glory both now and forever more. Amen.

LAW OFFICERS KILLED IN THE LINE OF DUTY IN THE YEAR OF 1982

	Department	State	Rank	Deceased
January:				
5	Montgomery	Alabama	Investigator	Mary Pearl McCord.
7	North Little Rock	Arkansas	Officer	Jerry Claude Davis.
8	Buena Vista	Virginia	Lieutenant	William D. Oyler.
11	Milwaukee	Wisconsin	Officer	Sydney C. Snow, Jr.
13	Salt Lake City	Utah	Sergeant	Ronald L Heaps.
14	Memphis	Tennesse	Officer	Larry Paul Childress.
19	Los Angeles County	California	Deputy sheriff	Kenneth D. Ell.
21	Marysville, Union County	Ohio	Sheriff	Harry L. Wolfe.
29	Clayton	North Carolina	Officer	William Rayvon Gilmore, Jr.
February:				
4	Ashland, Cheatham County	Tennessee	Deputy	Charles Frank Jordan.
5	Chicago	Illinois	Officer	James E. Doyle.
7	Pennsylvania State Police	Pennsylvania	Trooper	Herbert Wirfel.
8	Prince Georges County	Maryland	Officer	Raymond Hubbard.
9	Michigan State Police	Michigan	Trooper	Craig A. Scott.
9	Chicago	Illinois	Officer	Richard J. O'Brien.
10	do	do	do	William P. Fahey.
11	NYC Housing Authority	New York	do	James G. Carragher.
14	Northern Mariana Islands Public Safety Department.	Saipan	Captain	Justino T. Arriola.
18	Tucson	Arizona	Officer	Jeffrey Hugh Ross.
21	New York City	New York	do	George J. Werdann.
25	Detroit	Michigan	do	Frank X. Siemion.
March:				
6	Grant County	Oregon	Deputy	Edward A. Morrow.
17	Pocahontas	Arkansas	Sergeant	James Ray Hand.
25	San Joaquin County	California	Deputy sheriff	Michael Arthur Coleman.
29	Detroit	Michigan	Officer	William Green.
30	Huron	South Dakota	Sergeant	Thomas Lloyd Callies.
April:				
3	State Police	Alaska	Trooper	Rowland Chevalier.
19	Butler County	Kansas	Deputy sheriff	Alvin Thomas Wolf.
26	East Baton Rouge Parish	Louisiana	Deputy	Jimmy Charles Matthews.
27	Montcalm County	Michigan	Detective lieutenant	William Leo McCarthy.
28	Houston	Texas	Detective	Daryl Wayne Shirley.
May:				
13	Riverside	California	Officer	Denis C. Doty.
13	do	do	do	Philip N. Trust.
15	Kenova	West Virginia	Captain	George Myers.
16	Roseville	Indiana	Officer	Bruce Michael Russell.
18	Puerto Rico	Puerto Rico	do	Wilfredo Cotto Aponte.
June:				
3	Palm Beach County	Florida	Deputy sheriff	Frank Dean Genovese.
18	Puerto Rico	Puerto Rico	Officer	Ricardo S. Morales.
20	Dallas County	Texas	Deputy sheriff	Ray Edward Kovar.
24	King County	Washington (public safety)	Sergeant	Samuel A. Hicks.
July:				
1	Charlotte	North Carolina	Officer	Ernest T. Coleman.
1	Phoenix	Arizona	Detective	Ignacio C. Conchos.
6	San Francisco	California	Sergeant	John S. Macauley.
7	Winston County	Alabama	Sheriff's officer	James W. Taylor, Jr.
13	Houston	Texas	Officer	James Donald Harris.
14	Metro-Dade	Florida	do	Cheryl W. Seiden.
17	Highway Patrol	California	do	Dale E. Newby.
26	Daytona Beach	Florida	do	Gregory J. Sorenson.
August:				
2	Ashland County	Ohio	Detective sergeant	Glenn M. Sturgill.
4	Nashville (Metro)	Tennessee	Officer	William L. Bowlen.
6	Phoenix	Arizona	Detective	John R. Davis.
6	Salamanca	New York	Sergeant	Perry F. Barrett.
9	Riley County	Kansas	Officer	Donald R. Harbour.
10	Uvalde	Texas	Chief deputy sheriff	Clyde E. Hobbs.
24	Dona Ana County	New Mexico	Agent in charge metro narcotics squad	Robert P. Larson.
30	State Police	New York	Trooper	Gary E. Kubasiak.
31	Wayzata	Minnesota	Sergeant	James W. Anderson.
September:				
6	Coconino County	Arizona	Reserve deputy	John B. Jamison.
6	Hollywood	Florida	Officer	Frankie Mae Shivers.
11	Angelina County	Texas	Deputy sheriff	Byford H. Hunter.
14	Conroe	do	Sergeant	Ed Holcomb.
14	Metro Police Department	Washington, D.C.	Officer	Donald G. Luning.
23	Laurens County	South Carolina	Deputy sheriff	William E. Jones.
27	Chicago	Illinois	Officer	Martin E. Darcy, Jr.
27	Chesapeake	Virginia	Sergeant	John H. Cherry.
29	Franklin County	Mississippi	Sheriff	James Posey.
30	Forest Park	Illinois	Officer	Michael Thomas Caulfield.
30	Yonkers	New York	do	John Silinski.
October:				
6	Eau Claire	Wisconsin	Officer	Robert P. Bolton.
7	West Baton Rouge	Louisiana	Warden and chief deputy	Roy S. Bujol.
11	Los Angeles	California	Officer	Jack Hayden.
13	Puerto Rico	Puerto Rico	do	Jose Juan Ofray-Vasquez.
15	Oakdale	Minnesota	do	Richard Warren Walton.
19	Pensacola	Florida	Patrol officer	Stephen Alan Taylor.
28	Mathis	Texas	Officer	Ricardo De Alejandro.
29	Charleston County	South Carolina	do	Steven B. Hiott.
30	Elsa	Texas	Chief	Jesus Rosales, Jr.
November:				
6	Volusia County	Florida	Sheriff's deputy	Stephen Saboda.

LAW OFFICERS KILLED IN THE LINE OF DUTY IN THE YEAR OF 1982—Continued

	Department	State	Rank	Deceased
28	Conservation	Alabama	Officer	Cecil C. Chatman.
29	Humboldt County	California	Sheriff	Gene Cox.
December:				
2	Miami ATF	Florida	Special agent	Airel Rios.
4	Lake Charles	Louisiana	Officer	David P. Hampton, Jr.
6	Colorado Springs	Colorado	do	Mark L. Dabling.
8	Niles	Ohio	do	John A. Utlak.
9	Spencer	Oklahoma	do	Kevin Simmons.
15	Metro Police	Washington, D.C.	do	Robert K. Best.
22	Hallandale	Florida	do	William S. Hart.

"May their souls rest in peace"●

VOA: FUNDING ITS FUTURE

● Mr. HUMPHREY. Mr. President, amendments adopted by the Senate Foreign Relations Committee during its recent markup of the U.S. Information Agency's fiscal year 1984 request will effectively eliminate the Voice of America's $55 million modernization plans. Anyone at all familiar with the Voice is aware of its serious problems with aging and deteriorating equipment and facilities.

Ninety percent of VOA's transmitters are 15 years or older; two European sites are using vintage World War II transmitters. VOA has had to manufacture some of its spare parts because parts for much of its equipment are no longer made. Last December, President Reagan wrote to Members of the Congress:

It is vital that we undertake initiatives now for the modernization and strengthening of our international broadcasting operations. The time has come to give these operations—for too long systematically underfunded and neglected—the attention they deserve. Particularly at this time of critical change in the Communist world, having these improved capabilities as soon as possible is a matter of vital national interest.

I fully agree with his statement and hope my colleagues will carefully read the following Wall Street Journal and Washington Times editorials in anticipation of the VOA budget coming to the Senate floor.

Mr. President, I ask that these two editorials be inserted in the CONGRESSIONAL RECORD.

The editorials follow:

[From the Washington Times, May 13, 1983]

TURNING CONGRESS AROUND ON VOA, MARTI FUNDING

Nowhere does the gap between promise and performance in the Reagan administration seem wider than in its failure to date to obtain necessary congressional funding for the long-overdue strengthening of the Voice of America's broadcasts.

First as candidate and then as president, Ronald Reagan has consistently called for improvement of the VOA's obsolete and deteriorating equipment. But when the issue finally came up in the Senate Foreign Relations Committee, a bipartisan majority voted 10 to 5 for a $65 million reduction on the FY '84 USIA budget. This cut leaves no room for the $55 million the administration had planned to spend on beginning the modernization of VOA.

Rather than accept so damaging a blow to America's long-term capacity to communicate with the rest of the world, the administration is determined to seek restoration of these funds on the floor of the Senate and in conference with the House. Former Republican congressman Edward Derwinski of Illinois, now serving as counsellor in the State Department, has belatedly been put in charge of the effort to turn Congress around.

A really competent lobbying drive under the veteran Derwinski's guidance has a chance of succeeding, for two reasons. First, it is becoming clear that the Senate cut was aimed more at the leadership of USIA than it was at VOA. Although Reagan's appointee as head of USIA, Charles Wick, is a presidential friend, he has, in the words of one Republican official, "misinterpreted courtesy for affection" and lost influence on both sides of the aisle through a series of controversial decisions.

In effect, VOA was hit by a stray bullet aimed at Wick, and the administration has a good chance of winning over the Senate if it can concentrate attention on the merits of the case. The essence of this argument for capital investment in new transmitting equipment is summed up in a letter to VOA from a listener in Iran: "It bewilders me why a country whose astronauts can easily speak to earth from outer space is not able to transmit her own voice across the world."

As the result of years of neglect, bad planning and underfunding, VOA now lags far behind the Soviets in every measurement of international broadcasting effort. The Russians are estimated to spend 10 times as much, to have 37 superpower transmitters compared to VOA's six, and to broadcast twice as many hours a week.

These quantitative comparisons are only part of the story. Ninety percent of VOA transmitters are at least 15 years old and 35 percent more than 30 years old. These ancient transmitters can only operate at 60 percent efficiency and in the absence of modern antennas the signal is not precisely focused on the target. No wonder America's voice is almost inaudible in Iran.

As the professionally competent new director of VOA, Kenneth Tomlinson, points out, the United States is as far behind the Soviets in international broadcasting as it was in the space race in the late '50's. Similarly, it will take years of careful planning and a bipartisan commitment of adequate resources to catch up.

In the case of one particular target country, Cuba, the Reagan administration is convinced that strenghtening of VOA broadcasts is not a sufficient answer. In addition to standard VOA broadcasting to Cuba, the administration is making a new effort to revive the Radio Marti project which was killed last year by the threat of filibuster in the Senate after it had passed the House.

Co-sponsored by a bipartisan group of 33 senators, the new bill would establish a Radio Marti funded by and under the policy control of the Board for International Broadcasting it would have wide autonomy to broadcast to the Cuban people, as Radio Free Europe has been speaking with such impact to the Polish population. It would be an effective substitute for the free press that does not exist in Cuba and would hope to win a mass audience by a reputation for scrupulous accuracy.

The potential effectiveness of a well-managed Radio Marti is dramatized by new evidence that events in Poland are having deep repercussions in Cuba. The International Confederation of Free Trade Unions in Brussels has protested that five Cuban workers have been sentenced to 30 years for trying to set up a Solidarity-type union and their lawyers also have been arrested. Timely and detailed coverage of this growing ferment would be one of Radio Marti's functions.

While professing to be unconcerned with Radio Marti's threat to his control of Cuban opinion, Fidel Castro has moved ingeniously to enlist against Radio Marti the National Association of Broadcasters in the United States, which represents our domestic commercial radio stations. The NAB is now convinced that Castro will escalate his damaging interference with their domestic broadcasts if Radio Marti is established, while quiet hints have been dropped by Cubans that they would not retaliate against a beefing-up of VOA broadcasts to Cuba.

If the NAB commits its lobbying clout on the Hill to blocking the establishment of Radio Marti, Castro again will have demonstrated his ability to manipulate American opinion and his mastery of the subtle art of blackmail.

[From the Wall Street Journal, May 4, 1983]

THE BIG SQUEEZE

Remember the presidential campaign of 1980, and the turning point we thought it marked in the conduct of our foreign policy? Remember how we were going to rebuild our defenses, become more assertive, beef up our international radio operations so they could do a stronger job in the battle of ideas? Well, it turns out that things didn't change so much at the radios after all. We had hirings, firings, planning for new initiatives—and this year, just as in years past, the bottom line is that the Voice of America is plaintively begging for more money.

The Voice is the one of the U.S. radios charged with, among other things, presenting straight news to listeners around the world. When the Reaganites arrived, some

old hands screamed that a shrine of objective journalism was about to be turned into a propaganda machine.

But these ideological wars did not continue for long. The Voice got a permanent director, Kenneth Tomlinson, and the general atmosphere calmed down. The agency has been having an effect in the cultural wars and the real ones: Just last week the government of Poland actually filed an official protest complaining that VOA and Radio Free Europe were destabilizing Poland's political arrangements. If this is true, it is not an achievement to sneeze at.

At these efforts, though, have been running smack into one massive fact: The Voice of America is falling apart. Without question. Beyond the slightest debate. For one thing, it lacks certain personnel that any world-wide journalistic organization would have to call essential. Its Rome bureau was closed as an economy move during the Carter administration, days before the election of Pope John Paul II. Almost all its foreign language services are clearly understaffed. This means it cannot match the broadcasting hours put out by the Taiwanese government, let alone the U.S.S.R.

Even more fundamentally, the Voice's physical plant is going to pieces. Almost all its transmitters are more than 15 years old, a third are at least 30 years of age and some broadcasting to the Soviet Union and Eastern Europe comes out of transmitters built approximately around World War II. They are held together with the technical equivalent of baling wire and further limit the amount that the U.S. can broadcast.

The Voice now has before Congress two money requests for beginning the necessary fix-up. One is a $22 million supplemental request for the fiscal 1983 budget; it now sits before a dubious House Appropriations Committee. The other is the fiscal year 1984 budget request.

The '84 request has gone for authorization to the Senate Foreign Relations Committee, as part of the budget request for the whole U.S. Information Agency of which the Voice is a part. What the Foreign Relations Committee has done to this request is to adopt an amendment by Sen. Edward Zorinsky cutting $65 million from the USIA budget. Then at the request of Sen. Claiborne Pell and others the committee tied up large chunks of money for specific purposes: one chunk for exchange programs, another to give to the private organizations that are slated to run the new Project Democracy.

What all this means is that for practical purposes the money for the Voice's modernization is gone.

It doesn't look as if anyone on the Foreign Relations Committee really had it in for the Voice. Indeed, the U.S. Senate periodically rings with mellow rhetorical tributes to the fine work the agency is doing. What seems to have happened is that some of the committee members wanted to take a general shot at USIA, and the Voice got caught in the squeeze.

The action can still be corrected. But it's already given us quite a snapshot of the way we conduct our legislative affairs in general and our foreign policy in particular. Our senators are awfully fond of talking about big ideas—about whether or not to get the MX missile, about moving the country lock, stock and blast furnace into the high-tech age. But when it comes to carrying out a policy that is indubitably beneficial and just needs a little attention to detail, they are a bust.

If there is one thing about which there is a consensus among those attentive to policy, it is that our radios do much for us in the world and can do more. You would think that this feeling would translate into some concrete beneficence. But no, when the chips are down, the Voice falls victim to the same slushiness that pervades most of our legislative activity.

Congress should reverse itself on this one, and show that it can walk and chew its policy gum at the same time.●

DEFEAT OFFERS LESSONS

● Mr. McCLURE. Mr. President, on April 23, the Northern Tier Pipeline Co. threw in the towel. After 8 years of fighting regulation and redtape, the company was forced to scrap its plans to construct a 2,800-mile pipeline to transport Alaskan crude oil from Washington State to Midwest refineries.

The demise of the Northern Tier Pipeline painfully illustrates the problems that excessive regulation poses to America's energy security. These problems were clearly explained in an editorial which appeared in the April 26 edition of the Spokesman Review, Spokane, Wash. Mr. President, I ask that the text of this editorial be reprinted in the RECORD.

The editorial follows:

[From the Spokesman Review, Apr. 23, 1983]

DEFEAT OFFERS LESSONS

The Northern Tier pipeline seemed destined for failure almost from the beginning.

Political, economic, environmental and regulatory roadblocks met the proposed oil pipeline all the way from Port Angeles, Wash., to Clearbrook, Minn.

In its own often clumsy way, the Northern Tier Pipeline Co. plodded forward in its hope of constructing a line to transport Alaskan crude oil from the West Coast to the Midwest.

The company waged battle for eight years and spent $55 million.

But alas, company officials finally lost their will to continue. What always seemed like inevitable failure became official Wednesday. Northern Tier abandoned its plans to construct the $2.8 billion pipeline.

After obtaining nearly 1,400 permits, the company felt it had no better than a 50–50 chance of obtaining the last one, that from the state of Washington. The odds, it was decided, did not justify the additional $8 million to $10 million that would have been expended in battle.

The Washington permit was withheld last year over environmental concerns about Puget Sound. A 28-mile stretch of pipe planned to run under the sound was determined to pose an unacceptable ecological threat.

Northern Tier responded with an alternate plan for a longer overland pipeline around the sound.

The revised plan, presented to the state Energy Facility Site Evaluation Council last September, met far less resistance. EFSEC consultants deemed the revised route safer than the original and said it would be environmentally safe with a few minor modifications.

The company, however, required stronger assurances that its revised permit would be granted. Not finding them, it gave up.

While Northern Tier failed, its efforts need not have been in vain. There are many lessons to be learned from the Northern Tier experience as well as many problems that remain to be corrected.

Foremost, perhaps, is the continuing need for a safe, embargo-proof way of transporting oil to inland refineries.

Alaskan crude oil now must be shipped east by tanker through the Panama Canal. The political instability of Central America easily could disrupt a vital part of our nation's energy lifeline. A pipeline would alleviate that vulnerability.

In the specific case of Northern Tier, construction also would have paid dividends in Spokane County and the other locales through which the pipeline passed. Jobs would have been added, and the local tax base would have been widened. There always was the possibility, too, that a refinery might have been located in Eastern Washington.

The Northern Tier experience also points to our nation's unquestioned need for regulatory overhaul. It is beyond comprehension to think a company had to obtain almost 1,400 permits—nearly one per mile—to construct a pipeline.

The crushing burden of regulatory red tape created by government at all levels threatens to destroy all progress toward our social, economic and national security goals. Unchecked regulation strikes at the very heart of business investment, productivity and the formation of new jobs.

Construction of the Northern Tier pipeline, we believe, would have been in the best interests of Eastern Washington and the nation.

Perhaps in another time, in another political climate, the pipeline concept will become more viable. Certainly, the need still will exist.●

FIFTIETH ANNIVERSARY OF TVA

● Mr. COCHRAN. Mr. President, today, May 18, 1983, the Tennessee Valley Authority celebrates its 50th anniversary. Fifty years ago, TVA was a new concept, initiated on a trial basis. It has proven to be effective beyond the most optimistic expectations. Today, it is highly regarded as an institution extremely successful in the conservation of America. The phenomenal uplifting of an entire region stands as testimony to its success.

As you know, the Rural Electrification Administration owes much of its success in establishing effective rural electric co-ops across the Nation to the early assistance and innovations of TVA-aided co-ops. I submit for the record a letter from Robert D. Partridge, executive vice president, National Rural Electric Cooperative Association, to Mr. Charles Dean Jr., chairman of TVA, which pays eloquent tribute to TVA on this 50th anniversary.

The letter follows:

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION,
Washington, D.C., May 16, 1983.

Mr. CHARLES H. DEAN, Jr.,
Chairman, Tennessee Valley Authority,
Knoxville, Tenn.

The National Rural Electric Cooperative Association, representing America's 1,000 rural electric systems, today pays tribute to the Tennessee Valley Authority on its 50th Anniversary as one of America's greatest Twentieth Century institutions.

As we recall May 18, 1933, when President Franklin D. Roosevelt signed into law the TVA Act, we acknowledge the manifold human and economic benefits which have flowed from this remarkable investment in the reclamation of what appeared to be a region's lost resources.

The TVA is America's pinnacle achievement in multi-purpose river basin development. When first begun as an experimental project, the doubters were many. With the dawning of its success, its foes were legion.

Today TVA stands as an unparalleled achievement, a living monument to the "wise use" school of the American conservation movement. Its successes are reflected all along the Tennessee River and throughout the valley—in the river under control; the electric energy for farms, homes, factories and defense; in the widespread navigational network of interregional commerce; the revitalized soils and restored woodlands; the development of a great recreational asset; the pioneering environmental research, energy conservation and industrial applications, and, in the miraculous economic uplifting of an entire region and its people.

For those of us, and there are many, who began their working lives in rural electrification, this is also a day when we acknowledge our debt to the pump-priming efforts of the TVA in nourishing the early rural electric cooperatives in a seven-state area. The successes of the TVA-aided co-ops set a pattern for others to follow all across the land as the Rural Electrification Administration (REA) later adapted a number of its innovations and practices.

The TVA Act, like the Reclamation Act of 1902, and other important comprehensive pieces of legislation involving the generation of electricity with federal dollars, has underscored through experience the wisdom of the time-honored federal doctrine of "preference" in the sale of power to nonprofit entities such as municipally-owned systems and cooperatives. It was in the TVA Act that cooperatives were first specifically mentioned as preference customers in the sale of federal power.

It is with pride and a strong sense of kinship that we of rural electrification today acknowledge the origins of TVA and honor its achievements, for in so doing we acknowledge our own great heritage. The eminent TVA Director and Chairman David Lilienthal was right when he said in 1939 that TVA and REA are "historically and actually, blood brothers." Both TVA and REA share the spotlight of a time when great visions and dreams were acted upon in the quest for the betterment of humankind. Fortunately for America, the dream of a TVA was not denied. And the TVA region and our nation and the world are the better for it. This nation again today requires the TVA spirit of determination and concern in solving its problems and meeting the needs and aspirations of the American people.

ROBERT D. PARTRIDGE,
Executive Vice President.●

TRIBUTE TO THE UKRAINIAN PEOPLE

● Mr. SARBANES. Mr. President, in the great and noble history of the Ukraine, the famine of 1933 was a terrible event. But throughout their long history, the people of the Ukraine have suffered onslaught upon onslaught. It was little more than 7 years ago that 10 Ukrainians, in the face of harassment and repression in their native land, issued the declaration of implementation of the Helsinki accords, better known as the Ukrainian Helsinki group. It is fitting that, as we commemorate the great famine of 1933 which occurred in the face of ruthless collectivization and claimed the lives of more than 7 million Ukrainian men, women, and children, we should pay tribute as well to the men and women of the Ukraine who are carrying forward, at great personal sacrifice, the quest for human liberty.

A proud and courageous people, the Ukrainians have a history stretching over 1,000 years. Encompassing 232,000 square miles, theirs is a rich and fertile land. But this very fertility has been a source of an enduring tragedy, for the fine soil of the Ukraine, tilled productively by the industrious Ukrainian people, has been coveted by powerful neighbors throughout recorded history. Time after time these valiant people have been conquered by aggressor nations.

Yet the bitter Ukrainian experience—of lives extinguished, of liberty suppressed, of hopes betrayed—has not meant the destruction of the strong sense of national and cultural identity or of the freedom-loving spirit of the Ukraine. That spirit can be traced back to the great Kievan state which had emerged in the Ukraine by the ninth century. Building the first durable political institutions on the plains of Eastern Europe, tying together the cities of the Dnieper River region, providing vital means of trade and communication between the Byzantine Empire and the adventurers of northern Europe, giving to the world monuments of religious art that have never been surpassed, the Kievan state survived for more than 300 years before succumbing to the catastrophic invasion of the Golden Horde in 1238.

But the ambitious princes of Muscovy did not succeed in extending their hegemony over the territory of the Ukraine. By the 17th century the Ukraine had become once again a center of learning and culture, a crossroads of Eastern and Western intellectual and religious thought. Coveted by would-be aggressors on the East and on the West, for a time the Ukraine escaped foreign domination. But, in 1667, Khmelnitski was defeated. Then, a century later, with the successive partitions of Poland, the Ukraine was finally absorbed in the Russian Empire of Catherine the Great.

Again, however, the Ukrainian spirit survived and Ukrainian nationalism was reborn in 1846 when 30 Ukrainian patriots under the leadership of the great Ukrainian poet, Taras Shevchenko, formed the Secret Brotherhood of St. Cyril and St. Methodius. Their movement inaugurated a cultural revival which eventually found expression in the independent Ukrainian state established in 1918. The centuries old dream of independence was realized only briefly for the Ukraine was invaded by the Soviets and by the end of 1919 the free republic of Ukrainia ceased to exist.

The magnitude of the deprivation suffered by the Ukrainians between World War I and II under Soviet rule was severe. The dark days that began in the 1930's will always be remembered by those who cherish freedom and respect the human rights of individuals.

On this 50th anniversary of the famine in the Ukraine, we think not only of the past but of the present. Since the historic date of 1918, much has been accomplished worldwide to insure respect for fundamental human rights. We find leadership and inspiration in those who, at great personal cost, have lived courageously by the principles which they espouse—Valentin Moroz, Petro Vins, Lev Lukyanenko, Mykola, and Raisa Rudenko. Their names are well known to us. Countless others whose names we do not always know have joined them in openly protesting cultural oppression, religious persecution, and economic exploitation, and like them many have gone to prison for daring to express their most deeply held convictions. Their extraordinary efforts have the support of our own great and free Nation of countless dedicated Ukrainian Americans, and indeed of all Americans who cherish the blessings of freedom.

As we pay tribute to this heroic devotion to freedom, we are also aware of the hundreds of thousands of Americans of Ukrainian descent who have made valuable contributions to the growth of America. The Ukrainian immigrant distinguished himself not only by his hard work and intelligence but also by his constructive citizenship and sense of justice. Ukrainian Americans have contributed to the economic and cultural development of America through their participation in the arts, science, politics, business, and other endeavors.

We in Maryland are very fortunate to have a large and active Ukrainian American community. Ukrainians in Maryland through their stable family life, their sense of community responsibility, and their social and religious activities have greatly enriched the life of our State.

As we salute the achievements of the Ukrainian people, we recall the sacrifices as well of these brave and courageous people and in so doing, we renew our commitment to speak out on behalf of those who suffer deprivation under a government which continues to deny basic human rights.●

AMBASSADOR BROCK'S SUCCESS IN LOWERING JAPANESE TRADE BARRIERS

● Mr. DOLE. Mr. President, I was pleased with U.S. Trade Representative Bill Brock's report this morning that the Diet of Japan had approved an omnibus bill designed to eliminate import barriers caused by Japanese technical standards and certification laws. Ambassador Brock estimates that the 16 revised laws cover products representing $5 billion in potential U.S. exports.

Members will recall the saga of metal baseball bats that in an unfortunate, if accurate, way has symbolized the nature of our trading relationship with Japan in recent years. Until the controversy was recently resolved, U.S. baseball bat manufacturers—and makers of other athletic equipment—could not sell their products in Japan because the responsible Japanese Government agencies and private associations would not certify that these imported articles met the domestic standards. These standards were set by the Japanese manufacturers, and were not performance based. Instead, the standards incorporated unnecessary design criteria clearly established to disadvantage U.S. exporters.

Although this dispute was finally settled—after nearly 3 years and a U.S. complaint in the General Agreement on Tariffs and Trade—it continues to symbolize the nontariff means by which the Japanese and others inhibit U.S. exports. The Diet action this morning is welcome evidence that the Japanese Government indeed is accepting the responsibility of convincing its constitutents of the necessity to restore balance and fairness to our trading relationship. The 16 revised standards and certification laws will provide national treatment to U.S. exports of many articles, including pharmaceuticals, medical devices, cosmetics, electrical and other appliances, consumer products, and machine tools. Of particular interest will be changes in laws governing imports of agricultural products, such as feeds, fertilizers, forestry products, and agricultural equipment.

Of course, the laws will be only as effective as their implementing regulations. I wish to emphasize the need for the Japanese Government to promulgate rules to carry out these new laws that will effect fully their stated purpose. When Prime Minister Nakasone last visited this country, he promised expeditious action in the standards area. The Diet action today demonstrated impressively his ability and commitment in this endeavor. It is my hope that, as implemented, the laws will show the promised results.

In conclusion, I must point out that this Diet action is only one step toward realizing the potential promised in the GATT nontariff barrier negotiations, concluded in 1979. When the Congress approved the Trade Agreements Act of 1979, we sought an expansion of trade—and the creation of jobs—through the reduction of such trade barriers as discriminatory technical standards and Government procurement restrictions. The results after 3 years appear mixed. But the Japanese action suggests that the MTN codes can be employed in an effective manner benefiting U.S. exporters.

The leadership of Bill Brock, following the initial work of Bob Strauss on the 1979 codes, should be credited with today's success. I look forward to similar positive results as he leads further talks with the Japanese Government on industrial targeting, Government procurement, and other trade issues.●

CALLING THE BANKERS' BLUFF

● Mr. HUMPHREY. Mr. President, Congress will soon be asked to sanction the transfer of $8.4 billion in hard American cash to the International Monetary Fund, largely to enable debt-laden Third World borrowers to maintain interest payments to U.S. banks. While there has been some talk of tightening reserve and reporting requirements in conjunction with this bailout legislation, it is becoming all too apparent that supporters of the quota increase are not serious about forcing the banks to bear their full share of the burden.

In a column appearing in a recent edition of the Washington Times, columnist Patrick Buchanan examines the "bankers' bluff of 1983." As Mr. Buchanan notes, an increase in the resources of the IMF will not defuse the debt bomb, but rather will exacerbate it by forcing the banks to pump more money into unprofitable ventures, and by shielding the banks from facing the consequences of their actions.

The Buchanan article raises another salient point which is often overlooked in the IMF debate. While it is true that the total international debt figure may be in the $500–$600 billion range, only a relatively small portion of this total can be regarded as highly at risk of default. Were the banks forced to stretch out repayment schedules on the questionable loans, or writeoff any amounts that plainly never will be collected, the remaining debt would constitute a sum that can and will be managed when the worldwide recovery begins to bear fruit.

The $8.4 billion that we are asked to contribute to the IMF could make a valuable domestic contribution to our efforts to promote such a recovery.

I submit the article for the RECORD. The article follows:

[From the Washington Times, May 16, 1983]

THE BANKERS' BLUFF OF 1983

(By Patrick Buchanan)

By unanimous vote, the Republican-controlled Senate Banking Committee has approved the transfer of $8.4 billion to the International Monetary Fund—a foreign-controlled organization sitting atop a hoard of $45 billion in gold. With the House Banking Committee in tow, the Great Bank Bailout of 1983 should become national policy.

Soon, however, the men at Treasury who sold this scheme to the President will discover they have solved nothing.

For the operating premise of their plan is that the way to help nations over their heads in debt is to shove them in deeper; the way to save banks overexposed in lending to busted and bankrupt countries is to increase that exposure . . . and pray for recovery to save us all.

As the boys at Treasury say cheerily, we are not bailing the banks out, we are "bailing them in." Indeed, they are; with our money. As Craig Roberts, formerly of Treasury, caustically notes, for every dollar in past IMF loans, "our private banks lent $4.30 . . . If that ratio continues to hold, our participation in the IMF-led bailout will drain $44.5 billion from our capital market."

More than that, with these rescue billions to the IMF goes real clout, leverage to force Chase Manhattan and Citibank to re-enact the follies of the decade past, to require them to send billions in good money chasing after the billions in bad loans. If the Big Banks balk, the IMF can wave over their heads the club of formal default. It is sovereignty, as well as savings, we are surrendering here.

As for the enthusiasm of the establishment for the Reagan-Regan Bailout Plan, it is genuine. Before their disbelieving eyes, a Republican Senate is constructing the greatest foreign aid machine in history—a mechanism for indefinite wealth transfers from U.S. banks to the Socialist South and Communist East—and turning the controls of that machinery over to international bureaucrats who could care less about the national interests of the United States.

Instead of defusing the "debt bomb" as Treasury hopes, we are converting it from a large conventional explosive into an atomic one.

Already, the scenario sketched out by the bankers and finance ministers in Toronto nine months ago has begun to unravel.

The smaller American banks are turning a deaf ear to Secretary Regan's exhorations to increase their lending to the Third World. Chastened by their experience, they are closing down their foreign operations, coming home. They are not doubling their bets; sadder but wiser men, they are picking up their chips.

The Latin nations, seeing new sources of capital drying up, are growing sullen over accepting ever-higher levels of indebtedness only to pay back past loans. Never an affluent lot, they have begun to chafe under the "austerity" yokes imposed by the IMF as a "condition" of continued capital flows. In

Brazil, there have been riots. According to the London *Economist*, the once forbidden talk of "default" is rife from Mexico City to Santiago. In almost every Latin country, radicals and nationalists of the right and left have at the top of the list of their nonnegotiable demands, sticking it to the Yanqui banks.

Nor is this surprising. How would we Americans have reacted if, in 1860, say, some agent of European royalists arrived in Washington to impose an "austerity" plan upon the Union to force repayments of billions of dollars sent by the banks of Queen Victoria to the administration of Millard Fillmore?

Why would the most conservative Senate in years preside over so unprecedented a wealth transfer from America to countries whose leaders openly despise us? One reason—fear. The U.S. Congress has been buffaloed by the bankers into believing that if we do not make good each and every one of their idiotic loans, we have no option but to watch the Third World default, the Big Banks come crashing down, and the U.S. economy collapse in a Depression reminiscent of 1933.

As the following numbers indicate, however, the bankers are running a gigantic bluff.

While America's ten largest banks do have some $44 billion in shaky loans to developing countries, these problem loans represent only 10 percent of their bank portfolios. Ninety percent of their loan assets are sound. Assume a huge slice of these shaky loans, 50 percent or $22 billion, turn totally sour. If the banks are allowed to write these loans down over a period of, say, ten years—$2.2 billion a year, $220 million per bank—it would scarcely entail national collapse.

What it would mean is lost profits, interrupted dividends, depreciated stock, a reduction in employees, a closing of some foreign lending operations, a suspension of perks, bonuses, travel; and, possibly, a change in management—and a redirection of bank capital back into the United States.

If a run developed on any bank, the Fed could step in with available cash. If billions were pulled out of one shaky bank, they would soon turn up in other solid ones, which is as it should be. If some equity were destroyed, and the nation's money supply thereby diminished, the Fed has shown since last summer that the creation of new money is hardly beyond its capacity.

When one considers what the GOP is risking to salvage their tarnished reputations, America's Big Bankers have good reason to remain "solid Republican."●

TWO-HUNDREDTH ANNIVERSARY OF THE EPISCOPAL DIOCESE OF MARYLAND

● Mr. SARBANES. Mr. President, my own State of Maryland, founded in the quest for religious freedom and toleration, has the distinction of being the American birthplace of three great religions, for here were organized the first Episcopal, Roman Catholic, and Methodist Churches in this country.

This week, on May 20, the Diocese of Maryland of the Episcopal Church in the United States, under the leadership of the Right Reverend David K. Leighton, Sr., Bishop of Maryland, will be celebrating its 200th anniversary.

Maryland is the oldest diocese of the Episcopal Church in this country, for it was here, following the Revolution, that the Episcopal Church in the United States was first organized. Prior to the Revolution, the Episcopal Church was part of the Church of England and was, in many of the colonies, the official church.

After the Revolution it was necessary for the Episcopal Church to find a new life rooted in the American experience, and it was in Maryland that the birth took place. The meetings at Chestertown and Annapolis, organizing the diocese and establishing the corporation which still flourishes today are recognized as the founding of the Protestant Episcopal Church in this country.

Mr. President, the significance of these events in the illustrious history of Maryland and her numerous contributions to the forming of the religious and civil spirit of this country are recounted in the current issue of the Maryland Church News. I ask that an article on this celebration be reprinted in the RECORD at this point.

The article follows:

MAY 20TH: WHAT WE CELEBRATE

The history of Maryland's pioneering efforts to revive and reorganize the American Church begins in 1780, with a meeting of three clergymen and twenty-four laymen in Chestertown. They met without publicity, no doubt in fear of opposition or reprisals, framed a petition to the Legislature regarding public support of religion, and, for the first time in this country, officially adopted the name of the Protestant Episcopal Church.

That this was recognized as an event of national significance, is attested by a later statement of one of the participants, the Rev. James J. Wilmer, who wrote in 1810: "I am one of the three who first organized the Episcopal Church during the Revolution, and consequently one of the primary aids of its consolidation throughout the United States." He called this "the first convention of the Church of Maryland."

Other meetings followed, in 1781 and 1782, in Chestertown and Baltimore, which no doubt helped to preserve vitality in a Church struggling under the disabilities of the revolution, but this diocese has traditionally dated its organization from clergy meetings of May and August 1783. The date was thus celebrated at our centennial in 1883, and at the establishment of the Diocese of Washington in 1895. It appears on the official seal of the Diocese of Maryland.

The May meeting of 1783 discussed alterations in the liturgy, how the Church might be organized, and maintenance of the ministry. A petition to the Legislature was framed concerning some of these matters, which were of crucial importance to preserving the Church and making good its claim to be the legal successor of the Church of England. The convention then adjourned, to meet in Annapolis in August.

That the August assemblage was considered of more than local interest is evidenced by a proposal that clergymen of other states be invited to attend. Had this been carried out, we might have hosted a preliminary General Convention, but the idea was given up in order that nothing be done to jeopardize the rights of the Maryland Church to property formerly belonging to the established Church of England.

This August convention of 1783 took the major steps in organization of the Diocese. It drafted a bill, subsequently enacted by the Legislature, establishing the Corporation for the Relief of Widows and Children of the Clergy of the Protestant Episcopal Church in Maryland (a significant step in legal recognition of the Church). This corporation still flourishes. Measures were taken concerning perpertuation of the ministry, including election of the Rev. William Smith, President of Washington College, Chestertown, to become Bishop of Maryland. An address was sent to the Bishop of London requesting Dr. Smith's consecration, but this was never obtained, although he went on to become one of the leaders in organization of the national Church. Superintending Committees were established for the Eastern and Western Shores of Maryland, to examine candidates for the ministry and license lay readers to serve vacant parishes. A convention of both clergy and laity was called for the following June.

Above all, the August convention of 1783 framed a Declaration of Certain Fundamental Rights of the Episcopal Church in Maryland, presented to the Legislature, which is a key document in the history of the Church in this country. This statesmanlike document claimed the right of the Church "to preserve herself—agreeably to her ancient usages and profession"; to have three orders of ministers; to admit only regularly ordained ministers to property formerly held by the Church of England; and to revise the liturgy. Such claims established our right to exist and foreshadowed the work of the preliminary convention of the national Church, held the following year, and the first General Convention of 1785.

These matters are briefly dealt with at the beginning of the dramatic reading concerning our history which has been prepared for performance at the banquet on May 20th.

While comparisons may be invidious and claims of being first are not of great importance, these praiseworthy efforts of the Church of 1783 in Maryland were truly pioneering and no doubt helped to inspire organization in other states. The Maryland conventions of that year were the first in this country to give comprehensive attention to such matters and set them in motion. In contrast, the only earlier meeting, of ten clergymen in Connecticut, in April of 1783, shortly before our May convention, seems to have dealt solely with choice of a candidate for consecration as bishop, without any other attempts at church organization, which in fact came much later in that state.

At this bicentennial, therefore, we are celebrating the organization of the Church in Maryland; its legal transition "from a daughter to a sister Church" of the Christ of England; and its leadership, after dangerous and difficult revolutionary years, in reviving and organizing the Episcopal Church in this country.●

JAPANESE TRADE REFORM

● Mr. CHAFEE. Mr. President, I would like to congratulate the Government of Japan for taking a major step forward in enchancing United States-Japanese trade relations.

The Japanese Diet has today approved legislation allowing self-certification for 16 broad categories of import products.

Rather than subjecting each import item to costly and time consuming dockside examination, Japan will now accept self certification by manufacturers. This legislation is expected to benefit 60 percent of U.S.-manufactured exports to Japan. The United States already allows self-certification of products imported into this country.

This action removes a serious impediment to the sale of American exports to Japan. It represents an important break through for freer world trade and demonstrates to those who seek a protectionist response to trade barriers that steady negotiations do work, producing genuine reforms rather than retaliation. By revamping their certification standards, the Japanese have demonstrated a spirit of cooperation and a commitment to greater foreign access to their markets. Let me commend particularly the Nakasone government for recognizing the need for such reform and its leadership in bringing it about.

I would also commend Ambassador Brock for his very dedicated and skillful work in bringing about the resolution of a matter of longstanding U.S. concern.

There is still more to be done on standards. Implementing regulations will have to be developed, and automobile imports must still be addressed. But the steps taken today go a long way toward resolving an important trade problem. This resolution can only be of benefit to the United States, Japan, and world trade.●

THE RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT OF 1983

● Mr. COCHRAN. Mr. President, I am pleased to be a cosponsor of S. 1300, the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983, introduced yesterday by Senator HUDDLESTON.

This bill which amends the Rural Electrification Act of 1936 will insure the continued financial integrity of the rural electrification and telephone revolving fund which is the nucleus of sound and continued operations. I have long supported a strong REA effort, and I am interested in assuring that rural people continue to receive the electric and telephone service they have worked so hard to obtain at an affordable cost.

One of the most significant contributions made by the REA program has been that REA financing was available to rural people in my State at a time when such financing from other sources was unavailable. Over the years, changes in the REA program have occurred to keep pace with growing capital requirements. This bill continues the effort to keep REA responsive to current needs and the current economic situation.

Passage of this bill will reduce the adverse impact of several years of high interest rates by making the revolving fund self-sustaining, thus restoring the credit rating of REA. This will assure that adequate financing can be obtained. Without this legislation, it will force higher financing costs and higher rates for rural utility services. If not passed, the disparity between rural utility costs and urban costs will become even greater than the 12 percent already experienced by rural residents.

S. 1300 also includes adjustments to allow REA to adopt and effectively utilize new communication technologies and to service rural towns of 2,500 people or less rather than the 1,500 limit now existing.

I urge my fellow colleagues to support passage of this bill.●

ANNUAL FINANCIAL DISCLOSURE OF SENATOR STAFFORD

● Mr. STAFFORD. Mr. President, in each of the last 9 years, I have made public disclosures of my financial holdings, along with summaries of my Federal income tax report.

I have pledged that I would issue a similar report to the citizens of Vermont each year for the remainder of my time in public office.

In keeping with that promise, I am once again issuing a public statement of financial disclosure.

The financial statement shows that my wife, Helen, and I had net assets of $593,000 as of May 15, 1983, when the evaluation was made.

The statement I am making public lists details of our holdings, including bank accounts, cash value of life insurance and Federal retirement fund, real and personal property we own, and stocks and bonds.

The majority of the stocks and bonds listed were owned by us before I entered public office and there has been little real change in our financial condition in terms of real dollars since I entered public office in Vermont 29 years ago. Like most Americans, the Staffords have felt the impact of inflation.

The summary of our joint Federal income tax return shows that Mrs. Stafford and I had an adjusted gross income of $104,000 last year. Of that total, $60,663 came from my salary as a U.S. Senator.

We paid nearly $35,000 in Federal income taxes and more than $8,000 in Vermont State income taxes. Our total tax bill for the year was $43,289—or 41.7 percent of our adjusted gross income.

I shall ask that details of our financial statement be printed in the CONGRESSIONAL RECORD, as in the past. And, as I have done in each of the last 9 years, I am making copies of the statement available to newspapers, radio and television stations, and other news services in Vermont.

This information is being made public because I remain convinced that those who serve in Government, as well as Government itself, must be as open and candid as possible with the public.

The net assets of the Staffords increased by $38,000 last year, a gain of less than 7 percent. The value of our stock portfolio increased by $14,000 and we were able to increase our savings by $10,000 and $5,000 was added to my Federal retirement fund.

The bulk of our assets continues to consist of homes in Virginia and Vermont whose estimated total fair market value is $275,000.

One of the best ways Americans have to judge whether their Government and their officials are acting properly is to provide full disclosure of all interests of Government and of those who make decisions in Government.

Thus, I invite all Vermonters—and all other Americans—to examine my financial interests and to match those interests with my record as a public official.

We have made some progress in providing the public with more information about the interests and activities of public officials, but we have some way to go in providing full public disclosure.

I shall continue to support legislation that provides greater ventilation of the way we do business in our Government. In the meantime, I shall continue to make my own full disclosure to my fellow Vermonters.

I ask that the summary of our joint Federal income tax return be printed in the RECORD.

The summary follows:

Summary of 1982 joint Federal income tax return—Robert T. and Helen K. Stafford

Income:	
Salary	$60,662.50
Interest	6,363.88
Dividends	4,812.50
Honoraria	26,100.00
Other	12,470.14
Total	110,409.02
Adjustments to income:	
Allowable congressional expenses not reimbursed	3,000.00
Keogh plan	3,750.00
Total	6,750.00
Adjusted gross income	103,659.02
Deductions	9,612.99
Exemptions	4,000.00
Taxable income	90,046.03
Federal income tax due and paid	34,912.35

Statement of financial conditions—Senator and Mrs. Robert T. Stafford—May 15, 1983

Savings account:	
Bellows Falls Trust Company	$5,000
Vermont Bank	5,000
Burlington Savings Bank	5,000
The Howard Bank	5,000
Rutland Bank	5,000
Total	25,000
Certificates of deposit:	
Chittenden Trust Co.	10,000
First Vermont Bank	10,000
The Howard Bank	10,000
Marble Savings Bank	10,000
Proctor Bank	10,000
Vermont National Bank	10,000
Proctor Bank	10,000
Total	70,000
Checking accounts:	
First Virginia Bank	400
Howard Bank	300
Riggs National Bank	12,000
Total	12,700
Life Insurance: Connecticut General; MONY; NSLI; NYLIC; Travelers;	20,000
Real estate (estimated market value):	
3541 Devon Drive, Falls Church, Va.	125,000
27 Howard Avenue, Rutland, Vt.	50,000
64 Litchfield Avenue, Rutland, Vt.	100,000
Total	275,000
Additional assets:	
Contributions to Federal retirement (12-31-82)	71,029.27
Law library and office furniture (27 S. Main/ Rutland)	2,000
Boat and two cars	24,000
Personal property	25,000
Total	122,029.27
Stocks (Name and shares):	*Value*
A.T.&T.—100 at 68¼	$6,825.00
Bellows Falls Trust Co.—80 at 60	4,800.00
Cluett Peabody—20 at 26¼	525.00
Con. Edison of New York—100 at 22¼	2,225.00
Gillette Co.—20 at 44½	890.00
Greyhound—20 at 23⅜	467.50
Howard Bank—1,172 at 12	14,064.00
International Harvester—20 at 10¾	215.00
Manufacturers Hanover Trust—664 at 49	32,536.00
Monsanto—40 at 86½	3,460.00
N.L. Industries—40 at 16¼	650.00
National Distillers—40 at 28½	1,140.00
Outboard Marine—20 at 39½	790.00
Security Pacific Corp.—16 at 54⅞	878.00
Time, Inc.—30 at 69⅛	2,073.75
Vendo—10 at 10¾	107.50
Total	71,646.75
Liabilities: National Permanent Federal Savings & Loan Assn. (first mortgage, Devon Drive, 12-28-81)	3,100.00
Recapitulation:	
Total assets	596,376.02
Total liabilities	3,100.00
Net assets	593,276.02

ORDER OF PROCEDURE

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

Mr. STEVENS. Will the Senator withhold that?

Mr. METZENBAUM. Without losing my right to the floor, I yield to the Senator from Illinois, with the understanding that upon the conclusion of his remarks, I shall regain the floor. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

SIGNING OF AGREEMENT BETWEEN LEBANON AND ISRAEL ON WITHDRAWAL OF ISRAELI FORCES FROM LEBANON

Mr. PERCY. Mr. President, yesterday I introduced Senate Resolution 148 for myself, Senator PELL, the ranking member of the Senate Foreign Relations Committee; Senator BOSCHWITZ, chairman of the Near Eastern Subcommittee; Senator SARBANES, the subcommittee's ranking member; Senator BAKER, majority leader; Senator BYRD, minority leader, and 55 other Members of the Senate. This resolution now has the cosponsorship of the entire Senate. Senator BIDEN's name was omitted inadvertently as an original cosponsor. I ask unanimous consent that the complete list of original cosponsors be added to the resolution at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list of original cosponsors follows:

Mr. Percy, Mr. Pell, Mr. Boschwitz, Mr. Sarbanes, Mr. Baker, Mr. Byrd, Mr. Stevens, Mr. Thurmond, Mr. Domenici Mr. Lautenberg, Mr. Packwood, Mr. Garn, Mr. Heinz, Mr. Rudman, Mr. Murkowski, Mr. Hecht, Mr. Symms, Mr. Kasten, Mr. McClure, Mr. Gorton, Mr. Wilson, Mrs. Kassebaum, Mr. Warner, Mr. Boren, Mr. Bingaman, Mr. Dole, Mr. Quayle, Mr. Stafford, Mr. Specter, Mr. Inouye, Mr. Burdick, Mr. Randolph, Mr. Long, Mrs. Hawkins, Mr. Pryor, Mr. Johnston, Mr. Stennis, Mr. Metzenbaum, Mr. Wallop, Mr. Trible, Mr. D'Amato, Mr. Roth, Mr. Grassley, Mr. Proxmire, Mr. Riegle, Mr. Armstrong, Mr. Huddleston, Mr. Heflin, Mr. Mattingly, Mr. Hatfield, Mr. Zorinsky, Mr. Baucus, Mr. Abdnor, Mr. Tsongas, Mr. Mitchell, Mr. Nickles, Mr. Leahy, Mr. Chiles, Mr. Andrews, Mr. Sasser, Mr. Mathias, Mr. East, Mr. Pressler, Mr. Helms, Mr. Lugar, Mr. Glenn, Mr. Cranston, Mr. Weicker, Mr. Hatch, Mr. Cohen, Mr. Jepsen, Mr. Cochran, Mr. Durenberger, Mr. Simpson, Mr. Bradley, Mr. Jackson, Mr. Kennedy, Mr. Moynihan, Mr. Eagleton, Mr. Dodd, Mr. Dixon, Mr. Levin, Mr. Exon, Mr. Hart, Mr. Matsunaga, Mr. Melcher, Mr. Nunn, and Mr. Bentsen.

Mr. PERCY. I wish particularly to compliment Senator BOSCHWITZ for his assistance in helping accomplish something I have never accomplished before. In all my years in the Senate, I have never introduced a resolution with 100 Senators on the resolution. This is unanimity in the Senate.

I thank my distinguished colleague (Mr. MATHIAS) in advance for comments he will make that will clarify certain aspects of this resolution.

Mr. President, Senate Resolution 148 demonstrates the support of the U.S. Senate for the Governments of Lebanon and Israel on their agreement on the arrangements for the withdrawal of Israeli forces from Lebanon. This agreement is an important step in the process of reestablishing Lebanese sovereignty throughout that troubled nation. The Lebanese have suffered a great deal during the past decade. It is in the interest of the people of Lebanon and peace in the region for all foreign forces to withdraw as quickly as possible.

The resolution urges the Syrians and the Palestinians to withdraw their armed forces from Lebanon as promptly as possible. Their continued occupation of Lebanon is not in the interest of Lebanon, Syria, or peace in the region.

Many of Lebanon's Arab neighbors have forthrightly declared their backing of Lebanon's decision to sign the agreement. Our Egyptian friends have exerted their regional leadership in supporting the Government of Lebanon's right to conclude this agreement. Other Arab states, including Iraq, Algeria, Jordan, and Tunisia have urged the Syrians and the Palestinian Liberation Organization to conclude an agreement with the Government of Lebanon establishing the conditions for their withdrawal.

This agreement is the latest in a series of agreements negotiated through the good offices of the United States which have brought the Middle East closer to peace. We have come a long way since 1948 and we have a great distance to go, but progress continues to be made. I have faith that further negotiations between Israel and its neighbors can bring peace to the region.

Mr. President, I ask unanimous consent that we take up Senate Resolution 148 at this time for immediate consideration.

The PRESIDING OFFICER. Is there objection?

The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 148) expressing the support of the Senate on the decision of the Governments of Lebanon and Israel on agreeing to the arrangements for the withdrawal of Israeli forces from Lebanon.

The Senate proceeded to consider the resolution.

Mr. PERCY. I yield to my distinguished colleague from Minnesota, the chairman of the Subcommittee on Near Eastern and South Asian Affairs.

Mr. BOSCHWITZ. Mr. President, the resolution now before us on the Lebanon-Israeli agreement is a strong and clear expression of our support for a sovereign Lebanon and peace in the Middle East. It supports the agreement on the withdrawal of Israeli forces and calls on Syria and the Palestine Liberation Organization to also agree to a prompt withdrawal of their forces.

It is important that we make clear our support for those countries who tried and succeeded in following the path of diplomacy and negotiating an agreement on peaceful relations between them.

It also is important that we make clear that others should join in the process. We and the people of the Middle East cannot acquiesce in the rejectionism and strident calls for war which we hear from the Syrian and PLO leadership.

Therefore, Mr. President, I am pleased to have joined with the chairman of our Foreign Relations Committee, the senior Senator from Illinois, and every other member of the Senate in introducing this resolution.

The resolution spotlights both the recent accomplishments and the task which lies ahead. It expresses our praise and support for the Lebanese and Israel Governments for their persistence, flexibility, and determination in negotiating the agreement.

The negotiations were lengthy and difficult, but this was to be expected. Indeed some observers predicted last January that it would take about 6 months and they were 2 weeks too pessimistic.

The Lebanese and Israeli negotiators are to be commended. They had a difficult task, and had to deal with a variety of pressures and conflicting views within their own countries and—in the case of Lebanon—a variety of economic and other pressures from other Arab nations. We also pay tribute to Secretary of State Shultz whose trip and patience was so important in helping close the deal, and to Ambassador Habib and the others in the American negotiating team who worked tirelessly to help the negotiations.

In particular, the Lebanese and Israeli negotiators came a long way.

The agreement is only the second one an Arab country has signed with Israel.

The agreement should, but probably will not, ruin one of the favorite cliches of editorial writers and columnists who almost as a habit write the words "inflexible" or "intransigent" in front of the word "Israelis."

Memories are short, but it should be noted for the record that when negotiations began, half a year ago, the Begin government's demands included a formal peace treaty with Lebanon, to have half of the negotiations conducted in Jerusalem, an agreement on the normalization of trade, tourism, and other economic relations, and at least several Israeli military posts in southern Lebanon.

Israel did not achieve these objectives, and many Israelis apparently have doubts about the security provisions. Nevertheless, Israel did sign the agreement and showed considerable flexibility in doing so.

The agreement also ruins some of the conventional wisdom about the United States. It was almost an article of faith that the United States had to demonstrate its credibility by forcing Israel to withdraw from Lebanon. Otherwise, the argument went, the Arabs could not be expected to give King Hussein the green light to even discuss the future of the West Bank with Israel.

It is debatable whether the United States did or could deliver Israel if Israel did not think the withdrawal agreement protected its security concerns. Nevertheless, Israel agreed to sign a withdrawal which did fall short of the initial security formulas the Israeli Government originally thought were necessary.

Many Arabs and pundits chose to link the Lebanon and Jordanian situations, wrongly, I believe.

Thus, we are entitled to ask:

Where is the Arab credibility? Now that the United States proved its credibility, where is the Arab green light for King Hussein?

Or is the credibility test only something which applies to the United States when an excuse is needed for not taking tough decisions?

Are the Arabs going to let Syria be an obstacle to an Israeli withdrawal from an Arab country?

The Arab countries had sharply criticized the Israeli invasion of Lebanon and demanded its withdrawal. A majority of Arab countries have called for the withdrawal of all foreign forces from Lebanon.

Now that Israel has signed a withdrawal agreement, we have the spectacle of Syria and the PLO attacking the negotiated agreement. Indeed Arafat this weekend called for war to redress the military balance. It is this kind of sterile thinking which has led the Palestinians further away from their own state than at any time since the Arabs rejected the U.N. partition plan 35 years ago.

President Mubarak of Egypt commented on the situation in a speech to Parliament last Saturday. He said "It is inconceivable that the Arab position should be the cause of extending the duration of the Israeli occupation or allowing attempts at partition and subversion to emerge."

I hope he is right. Unfortunately, it is conceivable that Syria, with Soviet backing, will be the cause of the status quo—the continued de facto partition of Lebanon. That is, unless the so-called Arab moderates show real concern for the Lebanese people and take up the challenge of persuading Syria and the PLO to withdraw.

I also hope that some of our European friends who have cultivated Syria and the PLO, will try to bring to bear their influence. The United States played its part in assisting the Lebanon-Israeli withdrawal agreement. Now it is up to the Arab leaders to get their act together and help bring about the next encouraging development for Lebanon—the withdrawal of Syrian and PLO forces.

Mr. MATHIAS. Mr. President, this has been a long and difficult negotiation, one in which the Secretary of State of the United States, George Shultz, has distinguished himself by patience, by endurance, by skill at negotiating. He has spent long hours flying from Cairo to Jerusalem to Riyadh to Damascus. He has been in Beirut. I think the world owes him a debt of gratitude for the effort that he has put into this agreement. I salute the chairman of the Committee on Foreign Relations, the Senator from Illinois (Mr. PERCY) for bringing this resolution to the floor. I think this has been a historic achievement, one that should be recognized by the Senate, as the chairman of the committee now calls upon us to do. I am glad to be one of the cosponsors. I think it is a remarkable fact that we have unanimous cosponsorship of the Senate.

I do feel, however, that some of the language of the resolution might benefit from being discussed and having some legislative history made so there cannot be a misinterpretation somewhere down the line.

For example, the resolution calls for the support of the Senate on the decision of the Governments of Lebanon and Israel in agreeing to the arrangements for the withdrawal of Israeli forces. Before we proceed to the vote by which the resolution will be adopted, we would do well to establish certain facts. There is the public text of this agreement. But it is also a matter of public knowledge that there are certain confidential provisions that have not yet been made public.

I ask the chairman of the Committee on Foreign Relations whether our approval of this resolution will prejudice in any way any future review of the accord and, specifically, whether it will prejudice the provisions relating to any American role in the withdrawal agreement.

Mr. PERCY. The Senator is quite right to raise this issue for clarification. The Senator is correct in his assumption that nothing in this resolution is intended to foreclose the Senate's right and prerogative to further review in detail the agreements referred to in this resolution, and specifically, to satisfy ourselves about the assurances and commitments made by the United States in connection with the basic agreement between Israel and Lebanon.

Mr. MATHIAS. Second, can the chairman give us his assurance that this resolution is consistent with S. 639, the Lebanon Emergency Assistance Act, as amended by the Senate Foreign Relations Committee, which requires that "the President shall obtain statutory authorization from the Congress with respect to any substantial expansion in the number or role of U.S. Armed Forces in Lebanon or for the creation of a new, expanded, or extended multinational peacekeeping force in Lebanon."

Mr. PERCY. Mr. President, I can assure my distinguished colleague, the senior Senator from Maryland (Mr. MATHIAS), that for legislative history purposes, nothing in this resolution is inconsistent with the Lebanon emergency assistance bill and our insistence in that legislation that specific authorization will be required for any substantial change in the role of the multinational force in Lebanon.

Mr. MATHIAS. I thank the chairman for his assurance in this matter. I think it is important not only for our own peace of mind but for the parties in the area to know precisely what the legal obligations of the United States are and for us to understand very clearly the limits of our commitments. I am happy to join with the chairman and with the 98 other cosponsors in urging the prompt adoption of the resolution.

Mr. PERCY. I thank my distinguished colleague.

Before we vote on the issue, Mr. President, I have two comments, one to the leadership and one to the distinguished Senator from Maryland.

In extending his high praise to Secretary George Shultz, I want to join in that. Always in the Mideast, George Shultz is backed up by the Deputy Secretary, Kenneth Dam, and by the Assistant Secretary for Near Eastern and South Asian Affairs, Nick Veliotes. Obviously, the foundation for all this was laid by Ambassador Philip Habib and Ambassador Morris Draper. I know the distinguished Senator from Maryland has always praised the work they have done and I know for the record, he would want to add their names at this time.

Mr. MATHIAS. I thank the chairman. In my desire to accommodate the Senate in passing this resolution at the earliest possible moment, I had not extended my thanks to the people he mentions. Obviously, it does extend to them and to all the State Department personnel.

Mr. PERCY. We shall add also the name of Lawrence Eagleburger, Under Secretary of State for Political Affairs.

To the majority leader, let me say I hope the Senate will agree this evening to a unanimous-consent time agreement so that, tomorrow, the Senate might consider the separate urgent Lebanon authorization. Is it the Senator's understanding that such a unanimous-consent agreement will be entered into?

Mr. STEVENS. It is the intention of the leadership to attempt to get that.

Is the resolution ready for approval, Mr. President?

The PRESIDING OFFICER. The resolution is ready for approval.

Mr. STEVENS. I ask for immediate passage of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 148) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 148

Whereas the Governments of Lebanon and Israel on May 17, 1983, signed a historic agreement arranging for the withdrawal of Israeli forces from Lebanon;

Whereas the Lebanese and Israeli Governments deserve strong praise for their persistence, flexibility, and determination in negotiating the agreement and dealing with the difficult decisions required to conclude the document;

Whereas American officials played an important role in assisting the negotiations;

Whereas the agreement marks an important step in the efforts to achieve peace and stability in the region;

Whereas the agreement is an essential part of the effort to restore the sovereignty and stability of Lebanon;

Whereas the withdrawal of all foreign forces from Lebanon is in the interests of the Lebanese people and of peace in the region; and

Whereas a majority of Middle Eastern nations have expressed their support for the withdrawal of all foreign forces from Lebanon: Now, therefore, be it

Resolved, That the Senate of the United States:

Supports the decision of the Governments of Lebanon and Israel on agreeing to the arrangements for the withdrawal of Israeli forces from Lebanon;

Calls on other nations to work toward achieving the withdrawal of all foreign forces from Lebanon;

Emphasizes the need for all nations to recognize and respect the sovereignty and territorial integrity of Lebanon; and

Urges Syria and the Palestine Liberation Organization to respect the sovereignty and territorial integrity of Lebanon by agreeing to arrangements for the prompt withdrawal of their forces from Lebanon.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I thank the Chair.

ORDER OF PROCEDURE

Mr. METZENBAUM. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator is correct. The Senator from Ohio does have the floor.

Mr. METZENBAUM. Mr. President, I suggest——

Mr. STEVENS. Mr. President, may I inquire how the Senator got the floor?

The PRESIDING OFFICER. He got it by unanimous consent.

Mr. STEVENS. The Senator asked for unanimous consent to be rerecognized after the Senator from Illinois was recognized in routine morning business?

The PRESIDING OFFICER. That is correct.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

Mr. STEVENS. As a point of clarification, I want to ask, is there a record of unanimous consent being asked for to recognize the Senator from Ohio at that time?

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. STEVENS. Yes.

Mr. BYRD. The Senator from Ohio got the floor. Then he asked unanimous consent that he could yield to Senators who have been carrying on a colloquy without losing his right to the floor.

Mr. STEVENS. Is there not a unanimous-consent for a period of routine morning business during which Senators could speak for 5 minutes each? The Senator from New Hampshire was recognized and then the Senator from Illinois under that request.

Will the presiding officer please read the record for the period the request was made?

Mr. METZENBAUM. Mr. President, I want to assure my friend I do not intend to create a problem, but the fact is I did have unanimous consent——

The PRESIDING OFFICER. The Chair advises the Senate, in response to the question of the Senator from Alaska, at 6:39 p.m., according to the Journal, Senator METZENBAUM received unanimous consent that he yield to Senator PERCY without losing his right to the floor and it was agreed to. There was no objection.

Mr. STEVENS. Very well.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Ohio and the Senator from Oregon for their consideration.

UNANIMOUS-CONSENT AGREEMENT—S. 66

Mr. STEVENS. I now ask unanimous consent that at 1 p.m. on Monday, June 13, the Senate turn to the consideration of Calendar No. 106, S. 66, a bill to amend the Communications Act of 1934, and that there be 13 hours of consideration thereon, including debate on any amendments, motions, appeals, or point of order, if submitted to the Senate, equally divided, to be controlled by the Senator from Oregon (Mr. PACKWOOD) and the Senator from South Carolina (Mr. HOLLINGS) or their designees.

I further ask unanimous consent that a Commerce Committee modification to the committee amendment and an amendment to be offered by the Senator from Oregon (Mr. PACKWOOD) dealing with telecommunications shall be in order; that no other amendments that are not germane shall be in order, with the exception of amendments to be offered by the Senator from South Dakota (Mr. ABDNOR), the first dealing with deleting the two-way grade communications, the second amendment dealing with insuring that all providers of telecommunications services share in the obligation of providing universal service, and that they be limited to 1 hour equally divided on each.

I also ask unanimous consent that there shall be 30 minutes of debate on any other amendment or debatable motion, appeal, or point of order, if submitted to the Senate, equally divided, and that following the conclusion of the debate the Senate proceed to vote on S. 66 without any intervening debate, motion, appeal, amendment, or point of order.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Objection. Objection.

Mr. BYRD. Objection is heard.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Reserving the right to object, it is my understanding that the latter portion after S. 66 was to be dropped from the unanimous-consent request.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. That is correct. Where it says "proceed to vote on S. 66," simply put a period and delete the words "without any intervening debate, motion, appeal, amendment, or point of order."

The reason I had initially put that in the unanimous-consent order is I wanted to make sure when we got to the end of the 12 hours we were not suddenly faced with a plethora of amendments that could not be debated but could be voted on. The Senator from Ohio has assured me that he has no intention of attempting to filibuster in that fashion.

I have assured him that I have no intention of offering an amendment under these privileges that I am given that is unrelated to the bill. I am not sure if they are technically germane, but I can assure the Senator they are related to the bill. I know the fear he has. The minority leader will recall it well. As I recall, we were considering a public housing bill and one Senator asked to have an amendment offered and it turned out to be a capital punishment amendment.

I have no intention of doing anything of that nature. It will be related to this bill. I will be happy to show it to the Senator from Ohio ahead of time.

Mr. METZENBAUM. Mr. President, the understanding is that the amendment which the Senator from Oregon is proposing and asking be made germane will be consistent with the general thrust of the legislation?

Mr. PACKWOOD. It will clearly be consistent. It may extend it a bit.

What I am trying to do in this bill, you slay one dragon and two more pop up as we are going along, and I am doing the best I can to harmonize different interests. I may be able to harmonize some and in the process of doing that I might expand the bill a bit to the satisfaction of all the parties, but it technically might not be germane.

Mr. METZENBAUM. I understand. I have no objection.

Mr. MOYNIHAN. Mr. President, am I correct in my understanding that the provisions of the bill with respect to cable television in cities, at this point, do not have the unanimous, harmonious acceptance of the Nation? And, am I correct that we hope to use this interval to see if we cannot get some agreements that do not now exist, so that even more people will be voting for the bill when the time comes?

Mr. PACKWOOD. I hope so. There was a time when I thought we had a harmonious relationship between cable and the cities, and then a few cities have jumped places, but I am hoping we can bring them all back.

Mr. MOYNIHAN. Also, a time certain tends to concentrate the mind, for those of us who are hanging.

Mr. STEVENS. Mr. President, does the Senator from Arizona seek to reserve the right to object to this unanimous-consent request?

Mr. GOLDWATER. Mr. President, reserving the right to object, and I will not object, I think this is a very sorry turn of events. We have been working nearly 4 years on this piece of legislation. Most of the time has been spent in conference with the mayors and city councils of the various cities around this country. The mayor of New York never asked to come and be heard, yet he has phoned a number of us and asked that this be put off. No one from the State of New Jersey, to my knowledge, except the distinguished Senator representing New Jersey, has raised any objections to this. The Coalition of Cities, which does not include New York, has sort of worked around this, never raised any objection. The National League of Cities, the largest league of cities in the country, is still unanimously behind this.

So, Mr. President, I am kind of at a loss to know why after all these years we are suddenly going to say no to the American people who want a little better television reception than they can get over antenna-to-antenna.

This is a very sad turn of events, because only the day before we completed work on this bill, the American Telephone & Telegraph Co. took it unto themselves to try to shoot this bill down. Why, I do not know. But we have adopted amendments to take care of them and to take care of the various new telephone companies that have sprung up around the country as a result of AT&T's divestiture.

So, Mr. President, here, at the last moment, when the cable people of this country have been waiting, when the American people in New York City and in Washington, D.C., and all over this country have been waiting for decent television reception, we have a handful of Senators, representing a handful of cities, and the American Telephone & Telegraph Co., who decide they do not want this bill discussed.

Mr. President, I think patience has been about exhausted among the people who are interested in this bill, and they are mainly the people of this country, not the cable television people.

So, while I know we cannot get this bill up tonight—we have to postpone it until the 13th of next month—I hope

that by that time the mayor of New York City will take the time to study this bill and find out what it is all about. Maybe the mayors of other big cities, two or three of them, will take the time to find out what they are talking about when they call here and object.

The objections I have had from those cities have come from labor unions and a handful of people who might lose their jobs if this bill is passed. I do not think so, but they might. But I think this is a sad way to run the affairs of this country.

Mr. BYRD. Mr. President, reserving the right to object, may I ask the distinguished acting Republican leader a couple of questions?

Personally, I do not intend to object, and I do not want to object. I notice that the time will be controlled by the Senator from Oregon (Mr. PACKWOOD) and the Senator from South Carolina (Mr. HOLLINGS) or their designees.

My question is this: Are these Senators both on the same side of the question? If so, it is normal for the minority leader to control the time in opposition. That does not necessarily mean I am in opposition.

Mr. STEVENS. I say to the Senator that it is a matter of form. If the chairman and the ranking minority member of the Commerce Committee are on the same side, the Senator is correct. As I understand it, he would be in control of the time, if the Senator from South Carolina agreed with the Senator from Oregon. The time would automatically go to the other side.

Mr. BYRD. I would appoint a designee on this side. It is not that I want to control it, but the opposition is entitled to have the time.

Mr. STEVENS. That is correct.

Does the Senator wish to add to this agreement that if the Senator from Oregon and the Senator from South Carolina are in agreement, the Senator from West Virginia will control the time?

Mr. BYRD. In opposition. I do that only because it is normal. I may not be in opposition.

Mr. GOLDWATER. Mr. President, I must say that the entire committee approved this bill, with the exception of one member. The ranking minority member, the Senator from South Carolina, is for this legislation. So I think you are going to have trouble finding somebody to take the position you have asked about.

Mr. STEVENS. Mr. President, I ask that my unanimous-consent request be so modified, that in the event the two floor managers are in agreement, the time in opposition will be controlled by the minority leader or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, further reserving the right to object, is it also agreed that there will be no votes on Monday?

Mr. STEVENS. It is the intention of the leadership to state that any rollcall votes ordered on amendments or motions relating to S. 66 on Monday will be postponed until Tuesday, for a time to be determined after consultation with those involved in the consideration of this bill.

Mr. BYRD. The time to be determined by the two leaders.

Mr. STEVENS. Yes.

Mr. BYRD. They will, naturally, work with the managers.

Mr. STEVENS. It will be by the two leaders, after consultation with the managers of the bill, for the votes to occur on Tuesday, the 14th.

Mr. BYRD. Mr. President, will the Senator yield further?

Mr. STEVENS. I yield.

Mr. BYRD. It should be determined by the leader, after consultation with the minority leader.

Mr. STEVENS. That is my understanding. We are not prepared to enter into the agreement as to the time that will occur, so that has not been included in this request. It will be determined by the leader, after proper consultation.

Mr. BYRD. And I will be in charge of the time in opposition.

Mr. STEVENS. The Senator is correct.

Mr. BYRD. Which does not mean I am opposed. In the normal course of things, that is the way it is done.

Mr. STEVENS. The Senator's fairness is known.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request, with the modifications proposed?

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank all concerned, particularly the Senator from Ohio and those who have been involved in the negotiations.

The text of the unanimous-consent agreement is as follows:

Ordered, That at 1:00 p.m. on Monday, June 13, 1983, the Senate proceed to the consideration of S. 66 (Order no. 106), a bill to amend the Communication Act of 1934, and that there be 13 hours of consideration thereon, including debate on any amendments, debatable motion, appeals, or points of order which are submitted or on which the Chair entertains debate, with the time to be equally divided and controlled by the Senator from Oregon (Mr. Packwood) and the Senator from West Virginia (Mr. Robert C. Byrd), or their designees.

Ordered further, That no amendment that is not germane to the provisions of the said bill shall be received, with the following exceptions: a Commerce Committee modification to the committee amendment; an amendment to be offered by the Senator from Oregon (Mr. Packwood) dealing with telecommunications; an amendment to be offered by the Senator from South Dakota (Mr. Abdnor) dealing with deleting the "two-way" grade communication; and an amendment to be offered by the Senator from South Dakota (Mr. Abdnor) dealing with insuring that all providers of telecommunications services share in the obligation of providing universal service: *Provided*, That there be 1 hour debate on each of the above amendments, with the time to be equally divided and controlled by the mover of such and the manager of the bill.

Ordered further, That there be 30 minutes debate on any other amendment, debatable motion, appeal, or point of order if submitted to the Senate, with the time to be equally divided and controlled by the mover of such and the manager of the bill.

Ordered further, That at the conclusion of the debate, the Senate proceed to vote on passage of S. 66.

TIME AGREEMENT ON S. 639, LEBANON EMERGENCY ASSISTANCE ACT OF 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate turns to the consideration of Calendar No. 120, S. 639, a bill to authorize supplemental assistance to aid Lebanon, it be considered under the following time agreement:

One hour on the bill, to be equally divided between the chairman of the Foreign Relations Committee and the ranking minority member, or their designees; that no amendments be in order with the exception of the committee reported amendments; 10 minutes on any debatable notions, appeals or points of order, if so submitted to the Senate; and that the agreement be in the usual form.

Mr. President, prior to scheduling this item, the majority leader will consult with the minority leader.

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That when the Senate proceeds to the consideration of S. 639 (Order No. 120), a bill to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes, there shall be no amendments in order except the committee reported amendments, and there shall be 10 minutes debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate, with the time to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Illinois (Mr. Percy) and the Senator from Rhode Island (Mr. Pell), or their designees: *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

ORDER FOR HOUSE JOINT RESOLUTION 265 TO BE PLACED ON THE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives House Joint Resolution 265, a joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, from the House of Representatives, it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, does the distinguished Democratic leader have anything further to consider?

Mr. BYRD. Mr. President, I thank the distinguished acting Republican leader for his customary courtesy and understanding. I have nothing else.

LEAVE OF ABSENCE

Mr. MATHIAS. Mr. President, under the provisions of rule VI of the Senate, I ask that I may have leave to be absent on Friday of this week, if the Senate is in session, for the purpose of attending a memorial service in Boston, Mass., for the late Governor of Massachusetts, Robert Bradford.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I compliment the Senator. He is doing what Senators are supposed to do when they absent themselves from the Chamber.

I wish to compliment the majority leader, who is not here at the moment. He has been following this practice, in accordance with the rule.

I have no objection. I compliment the Senator.

Mr. MATHIAS. I thank the Senator.

Mr. BYRD. I could not have objected if I had wanted.

QUORUM CALL

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 2:30 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 2:30 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that following the two leaders under the standing order there be special orders for not to exceed 15 minutes each for the following Senators: Mr. McCLURE, Mr. SPECTER, and Mr. SYMMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the time for the special orders there be a period for the transaction of routine morning business to extend beyond the hour of 4 p.m. with statements by Senators limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PROCEED TO CONSIDERATION OF BUDGET RESOLUTION, SENATE CONCURRENT RESOLUTION 27

Mr. STEVENS. Mr. President, I ask unanimous consent that at 4 p.m. the Senate proceed to the consideration of the budget resolution as reported, Senate Concurrent Resolution 27.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, is there further business to come before the Senate?

Mr. BYRD. Mr. President, before the Senator makes a motion, would he then anticipate that the action on the budget resolution would probably be concluded if the full time is used around, say, circa 7 p.m.?

Mr. STEVENS. 7 to 7:30 p.m.

Mr. BYRD. I understand he cannot predict how much of the time will be used, but if it is all used, I assume it will be around between 7 and 8 p.m.?

Mr. STEVENS. It was my understanding that the leader intended to do the best we could to finish that early in the evening and then lay down the MX resolution.

Mr. BYRD. I thank the Senator.

RECESS UNTIL 2:30 P.M. TOMORROW

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 7:12 p.m., recessed until tomorrow, Thursday, May 19, 1983, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate May 18, 1983:

FEDERAL HOME LOAN BANK BOARD

Donald I. Hovde, of Wisconsin, to be a member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1985, vice Richard T. Pratt, resigned.

EXTENSIONS OF REMARKS

A BILL TO REMOVE IMPEDIMENTS TO EFFECTIVE PHILANTHROPY BY FOUNDATIONS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. CONABLE. Mr. Speaker, present law strongly discourages giving to foundations by affording lifetime gifts to foundations significantly less favorable tax treatment than gifts to other charities. Today, together with Mr. SHANNON, Mr. FRENZEL, and Mr. GEPHARDT, I am introducing a bill that will eliminate these discriminatory tax rules and thus help insure that foundations can continue their vital work in meeting human needs.

THE IMPORTANCE OF FOUNDATIONS

In 1980, the Nation's 22,500 private foundations provided $3.4 billion in grants to support charitable endeavors. Foundation grants support medical research, scholarships, community health programs, and social services of every kind; they support cultural organizations, universities, low-income housing in the inner city, and a great diversity of other charitable programs.

Moreover, foundation grants generate support for charity far beyond the amount of the foundation dollars involved. For example, foundations often provide the seed money that allows new charitable organizations time to prove the merit of their programs and attract broad public support. Similarly, foundation challenge grants enable colleges, hospitals, and other charities to stimulate greatly increased individual and corporate giving. Thus, one major foundation estimates that its $33 million in grants in 1982 stimulated $185 million in additional support for its grantees.

However, these numbers and examples—significant as they are—fail to capture the true importance of foundations; for this, one must focus on the difference foundations make at the local level. Let me illustrate with an example from my own district. Several years ago, a small group in Rochester became concerned about the special problems of Vietnam veterans and established a counseling center to serve them. Initially, the center had great difficulty attracting financial support, and was on the verge of closing its doors. However, grants from a local foundation kept the center going until it was able to attract broader-based community support. Because of these grants, the center is open today, and is meeting an important need in our community.

The same foundation—the Daisy Marquis Jones Foundation—has provided equally vital support for a broad range of charitable activities in the Rochester area. Its recent grants have supported shelters for the poor, an alternative energy program for low-income rural residents, a halfway house for prisoners, public affairs porgrams on the local public television station, scholarship funds for a local college, and the operations of local hospitals. This example of effective foundation philanthropy is replicated in community after community nationwide.

In considering the significance of foundation philanthropy, it is also important to recognize that, since 1969, foundations have been subject to comprehensive and detailed legal restrictions. For example, the Internal Revenue Code requires foundations annually to make substantial distributions for charitable purposes, imposes stringent restrictions on foundation dealings with related parties, foundation business holdings, foundation investment policy, and various types of foundation grants, and requires extensive public reporting.

A MAJOR IMPEDIMENT TO FOUNDATION PHILANTHROPY

As Chairman of the Committee on Impediments of the President's Task Force on Private Sector Initiatives, I recently reviewed the operation of these private foundation rules. On the whole, they are working well. They provide an effective regulatory framework for foundation philanthropy. However, one major impediment identified by my committee—the unfavorable tax treatment afforded lifetime gifts to private foundations—threatens a major reduction in foundations' ability to support important charitable programs.

The income tax deduction rules for gifts to private foundations are less favorable than those for gifts to other charities.

These discriminatory tax rules have contributed to a sharp drop in giving to foundations. Unless this trend is reversed, foundations will inevitably be eliminated for all practical purposes from American philanthropy.

THE SOLUTION

The bill that I am introducing today will remove this problem by making lifetime gifts to foundations deductible on the same basis as gifts to other charities. By eliminating the discriminatory contribution rules of present law, this bill will provide a major stimulus for giving to foundations, and thus help insure that foundations remain a vital force in meeting society's needs.

The bill also addresses four additional impediments of a more technical nature which were considered by the Impediments Committee and discussed in its report. These impediments create serious practical obstacles to effective foundation operations. I request permission that a section-by-section analysis of the bill, which includes an explanation of these provisions, be inserted at this point in the RECORD.

SECTION-BY-SECTION ANALYSIS

ELIMINATING TAX DISINCENTIVES FOR GIFTS TO FOUNDATIONS

The Problem

Current law strongly discourages giving to private foundations by affording lifetime contributions to foundations significantly less favorable tax treatment than gifts to other charities. These discriminatory tax rules have contributed to a dramatic reduction in giving to foundations, which, in turn, is causing a major and continuing decline in foundations' ability to support charitable activities.

The Solution

The proposed legislation would eliminate the existing tax disincentives for gifts to foundations by making such gifts deductible on the same basis as gifts to other charities.

Analysis

The income tax deduction rules applicable to gifts to private foundations are less favorable than those applicable to gifts to other charities in three important respects. First, only a part of the value of appreciated property given to a foundation is deductible; if the same property is given to a public charity the full value is deductible. Second, deductions for gifts to foundations are limited to 20 percent of the donor's annual income; considerably higher limits apply to gifts to public charities. Third, contributions to foundations in excess of the 20 percent limit cannot be carried over to future years; a five-year carryover rule applies to excess contributions to public charities.

As a result of these complex, confusing, and restrictive tax rules, as well as the comprehensive limitations imposed on foundations by the Tax Reform Act of 1969, the "birthrate" of new foundations has dropped precipitously; during the 1970's only one-third as many new foundations were established as during the 1960's. Lifetime giving to private foundations has likewise plummeted. The experience of foundations, as well as of lawyers specializing in the foundation field, confirms that such giving is now only a small fraction of its pre-1969 level. These trends have contributed to a dramatic decline in foundations' ability to respond to society's every-growing human needs—between 1969 and 1981 the value of foundation

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

assets measured as a percentage of GNP dropped by over 40 percent.

The restrictive tax rules for gifts to foundations add substantial complexity to the Internal Revenue Code, and it is abundantly clear that they are no longer needed to accomplish the objectives for which Congress enacted them. As evidenced by the legislative history, enactment of these restrictions reflected Congressional concern that some foundations were not making reasonable current distributions to operating charities and that high-income donors were realizing a greater "profit", at the Treasury's expense, by donating highly appreciated property than by selling it and paying tax on the capital gain. Congress has directly and effectively addressed both concerns in subsequent legislation, and has thus eliminated entirely the need for the special restriction on gifts to private foundations.

A WORKABLE DEFINITION OF "FAMILY MEMBER"

The Problem

The private foundation rules impose extensive restrictions on the relationships which may exist between a foundation and its "disqualified persons," who under current law include substantial contributors and all of their lineal descendants. To avoid inadvertent violations of these rules, foundations must devote substantial time and money to keep track of the descendants of their contributors.

Proposed Solution

The proposed legislation would amend current law to provide that a substantial contributor's lineal descendants, other than children and grandchildren, not be treated as disqualified persons.

Analysis

The definition of "disqualified persons" is central to the operation of the private foundation rules. Since 1969, relationships between foundations and their disqualified persons have been subject to severe restrictions; for example, sales, leases, or loans between a foundation and a disqualified person trigger an automatic penalty tax, even if the transactions are at fair market value.

Under current law, "disqualified persons" with respect to a foundation include substantial contributors to the foundation and all of their lineal descendants, regardless of how many generations separate these descendants from the original contributor. This rule can impose a great administrative burden on private foundations, the magnitude of which increases geometrically with each passing generation. For example, many of the country's largest foundations were established early in this century, and the managers of these foundations must keep track of hundreds of lineal descendants of substantial contributors in order to avoid inadvertent violations of the foundation rules.

This waste of foundation resources can be eliminated without undermining the effectiveness of the foundation rules by changing the definition of "family members," and thus of "disqualified persons," to include only children and grandchildren of substantial contributors. In those few cases in which more remote descendants continue to be actively involved in the operation of the foundation, they will still be treated as disqualified persons by virtue of being "foundation managers" or the children or grandchildren of such managers—all of whom are independently included in the definition of "disqualified persons." Thus the proposed change will create no potential for abuse, and will increase the amount of foundation resources available for grants, scholarships, and other charitable activities.

RELIANCE ON IRS DETERMINATIONS OF GRANTEES' TAX-QUALIFIED STATUS

Problem

A foundation must comply with detailed record-keeping and reporting requirements if it makes a grant to an organization which is not a public charity. Under current IRS regulations the foundation cannot rely on an official IRS ruling that the grantee is a public charity in cases in which the foundation's grant may be responsible for "tipping" the grantee out of public charity status. As a result the foundation is, as a practical matter, compelled to conduct its own investigation of the grantee's sources of financial support.

Proposed Solution

The proposed legislation provides that foundations in making grants may rely on official Internal Revenue Service rulings recognizing the public charity status of potential grantees.

Analysis

A foundation incurs an automatic penalty tax if it makes a grant to an organization which is not a public charity unless the foundation complies with the expenditure responsibility requirements. To determine whether it must comply with these involved and sometimes costly requirements, a foundation must determine not only whether or not each prospective grantee is a public charity but also what will be the effect of its grant on that status.

The applicable regulations take the position that in making this determination a foundation cannot rely, in many common situations, on an official IRS ruling as to the grantee's public charity status. Despite repeated requests from foundations, the Treasury Department has indicated no willingness to revise these rules. Therefore, many foundations feel obliged to make a detailed investigation to determine whether a grant may cause the grantee to lose its tax-qualified status.

The vast majority of such investigations indicate that the foundation's grant will cause no change in the grantee's public charity status. In these cases, the only effect of this investigation is to consume foundation resources which would otherwise be available to support charitable activities. In the small number of cases in which the foundation grant actually causes the grantee to lose its public charity status, there is simply no evidence to suggest that the grant will involve any abuse which justifies this burdensome requirement. Such grants must under already existing legal rules comply with strict substantive requirements. Every dollar of the grant must be used for a recognized charitable purpose, and the grant may not result in a private benefit to anyone associated with the foundation.

In light of these safeguards, the existing restrictions on foundations' right to rely on IRS rulings as to public charity status of grantees are an example of regulatory overkill. The cost of this rule—which so clearly outweighs any possible benefit—ultimately falls not on foundations but on the public in the form of reduced foundation support of charitable activities.

EXCEPTION TO FOUNDATION RECORDKEEPING REQUIREMENTS FOR SMALL GRANTS

Problem

Current law requires that a foundation making grants to organizations not recognized as public charities comply with detailed "expenditure responsibility" requirements. This administrative burden discourages foundations from making many small, but worthwhile grants.

Proposed Solution

The proposed legislation would amend current law to provide that these expenditure responsibility requirements do not apply if the total grants by a private foundation, and all related foundations, to a grantee during a given taxable year do not exceed $15,000.

Analysis

Foundations making grants, however small the amount, to organizations which are not public charities, are required to make a pre-grant investigation of the grantee, enter into a written grant agreement, obtain periodic accountings from the grantee, and file annual reports with the IRS on the use of grant funds. These so-called "expenditure responsibility" requirements are particularly burdensome for small foundations which often lack the administrative ability to comply with the requirements, and which as a result are simply unable to make many worthwhile grants. Larger foundations also frequently decide to forego small grants to organizations which are not public charities in order to avoid this burden on their administrative resources.

As a result of this requirement, many small-scale but highly beneficial charitable activities cannot attract the foundation support they need to survive. In practical terms, the cost of this requirement must be measured in terms of the summer youth program, the community cleanup, and the local drug abuse prevention week which never happen because of a lack of foundation support.

To eliminate this result, current law should be changed to provide a $15,000 threshold for application of the expenditure responsibility requirements. Under this rule, the expenditure responsibility requirements will not apply if a foundation's grants, along with those of all related foundations, to a single grantee do not exceed $15,000 in a given year. This amendment will not in any way affect the explicit statutory requirement that every foundation grant, large or small, go to support a recognized charitable activity. Nor will it affect strict IRS requirements that foundations making grants to non-exempt grantees make every reasonable effort, including requiring periodic reports from grantees, to ensure that every grant dollar is spent for the designated charitable purpose. Instead, this amendment merely recognizes that the specialized, highly detailed, and formalized expenditure responsibility requirements which may be appropriate for large grants are counterproductive when applied to small grants.

ABATEMENT OF FIRST-LEVEL PENALTY TAXES IN CERTAIN CASES

The Problem

Existing law automatically imposes a first level penalty tax on all violations of the private foundation rules. Imposition of such taxes where a violation is due to a good faith error or omission and is corrected within the statutory correction period does not contribute significantly to increased compliance with the private foundation rules, and thus needlessly reduces foundation resources available for charitable activities.

The Solution

The proposed legislation would eliminate this problem by giving the Secretary of the Treasury authority to abate the first level penalty taxes in cases in which he determines that the violation of the private foundation rules was due to a good faith error or omission and was corrected within the statutory correction period.

Analysis

Current law provides a multi-level sanction mechanism to ensure compliance with the private foundation rules. Each violation of the rules triggers an automatic first level penalty tax ranging from 5 percent to 15 percent of the amount of the foundation's assets involved. Unless the violation is corrected within the statutory correction period a far more substantial second level tax, ranging from 100 percent to 200 percent of the amount involved, is imposed. In the case of repeated violations of the rules an even more massive third level penalty tax may apply.

While this sanction mechanism has been quite effective overall, the automatic imposition of the first level penalty tax on inadvertent violations where a foundation has made a good faith effort to comply with the private foundation rules does nothing to foster increased compliance. Because of the complexity of the private foundation rules, such inadvertent violations do occasionally occur, particularly in the case of smaller foundations which may not have access to sophisticated legal advice. For example, a small foundation making a grant to support a new neighborhood health clinic may, despite good faith efforts, inadvertently fail to comply fully with the strict "expenditure responsibility" requirements applicable to grants to organizations which have not yet qualified as public charities. Imposing an automatic penalty tax on such an inadvertent violation serves no compliance purpose, and, instead, needlessly reduces foundation resources available for charitable purposes.

To eliminate this problem, current law should be changed to provide the Secretary of the Treasury authority to abate the first level penalty tax in cases in which the violation is due to a good faith error or omission and is corrected within the statutory correction period.●

A SALUTE TO A SMALL BUSINESSPERSON

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. CHAPPELL. Mr. Speaker, I rise today to salute the Small Businessman of the Year for the State of Florida. However, I wish to take this occasion to salute all small businesspersons throughout the United States of America.

In the wording in the following tribute, I express my feelings about that backbone of American private enterprise—the small businessperson.

I feel that my colleagues will join me in recognition of these men and women who are so vital to the economic well-being of America. Mr. O. Croswell Branch, Jr., was chosen as first runnerup in the national competition conducted by the U.S. Small Business Administration.

I have known O. C. Branch for many years and I am honored to have the privilege of bringing his accomplishments before this Congress.

A SALUTE TO A SMALL BUSINESSPERSON

We are fortunate in America to have men and women who represent the muscle in the marketplace that is manifest in Small Businesses. This year it is my pleasure to recognize one for his singular accomplishments.

He is one among many. He is a man, unafraid of consequences, yet firmly aware of risk. He steps out and steps up to the tune of challenge. He recognizes the opportunities inherent in the great American Free Enterprise System and he skillfully uses that advantage as a tool in plying his trade.

He is a survivor. He is one who faces seemingly insurmountable odds, yet lands on his feet, working, striving, and yes, achieving goals that represent levels of success he once never dared dream were within his reach.

He is a patriot who is aware that the Free Enterprise System created government, not the reverse. He realizes that he must expect his government to be a working partner in the day to day pursuits of his business ventures. He keeps himself abreast of the functions and operations of his government, and within its framework, he is able to see his projects through to fruition.

This is a better country because of the men and women who face the risk and endure the many pitfalls which are encountered daily in the battlefield, the competitive field of combat where the measure of the small businessperson is the skill with which he or she deals with the challenges.

O.C. Branch, Jr., is a Small Businesman. O.C. Branch, Jr., is my friend. I am proud that he lives up to the traits upon which I have touched and I am particularly proud of his achievement in being honored as the Florida State Winner of the Small Business Person of the Year.●

SIXTH AVENUE BAPTIST CHURCH CELEBRATING 102 YEARS

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. ERDREICH. Mr. Speaker, on Thursday, May 19, and Sunday, May 22, the pastor and members of the Sixth Avenue Baptist Church in Birmingham are celebrating the establishment of their church 102 years ago. Sixth Avenue has been a guiding force in the direction and progression that the city of Birmingham has taken over the years, and I am inserting a background of the history of Sixth Avenue and my congratulatory statement to commemorate this very noteworthy occasion.

On June 18, 1881, 14 believers organized Sixth Avenue Baptist Church. Encouraged by the Reverend M. Tyler, president of the Alabama Baptist State Convention, the small but determined congregation erected their first church edifice on the corner of 6th Avenue South and 16th Street. The Reverend Silas Jones was called from Mount Meigs to serve as the first pastor of the church.

Reverend Jones was followed by Rev. T. W. Walker as pastor of Sixth Avenue. During his pastorate, the first choir was formed in 1886.

Other pastors of the church include: Rev. J. White, 1891-95; Rev. J. Q. A. Wilhite, 1895-1908; Rev. John Washington Goodgame, 1908-37; Rev. F. J. Herron, interim minister, 1937-38; Rev. John W. Goodgame, Jr., 1938-62; and Rev. John Thomas Porter, 1962 to present.

Sixth Avenue Baptist Church has been constantly growing since its beginning in 1881. There were only 14 original members and today its membership is near 3,000.

On May 14, 1888, the cornerstone was laid for the expanded church building and in 1895 that building was remodeled. At the same time additional property was purchased and a parsonage was built.

The church building was destroyed by fire in 1910, but construction of a new edifice began immediately. In 1928, the educational wing of the church was completed. The church was continuously growing and soon the members and officers realized a new edifice was needed to accommodate that growth.

Ground was broken on November 3, 1968, to begin construction of a new church on 12 acres of land on Montevallo Road. The first church services in the new building were held March 15, 1970.

Today, the church is continuing a pattern of rapid growth. Again, to accommodate the growth and needs of church members, plans are being made for expansion at Sixth Avenue Baptist. Architects are designing plans for a new educational facility.

Under Rev. John Thomas Porter, the church's stewardship of time, talent, and material possessions was reemphasized. The youth fellowship inspired the teenagers who are members of Sixth Baptist to prepare themselves for life. The church's annual out-of-town retreat carried the teenagers to college campuses and inspired many high school seniors to go on to college.

The church's credit union was established in May 1964. The sanctuary was redecorated and the parsonage improved. Community services include help to the poor and needy, a school for mentally handicapped children at the church, and a kindergarten.

My congratulatory statement follows:

I would like to extend my congratulations to Reverend John Porter and the members of the Sixth Avenue Baptist Church as you celebrate the founding of your Church 102 years ago.

Sixth Avenue has not only been a well of spiritual renewal and and nourishment for its parishioners for many, many years. It has also been a cohesive force, helping the people of the City of Birmingham unite in a spirit of brotherhood and friendship.

The Sixth Avenue Baptist Church has been a loyal friend of the community as well, offering day care services for the children of working parents, a learning center for mentally handicapped children, extending loans to people in need, and providing a center for civic meetings for any number of community groups and organizations.

Your total involvement in community affairs and your extension of services to the people and City you serve has been a godsend to many area residents and an inspiration and role model for many other places of worship in and around Birmingham.

As you commemorate your 102nd anniversary, I would like to extend to Reverend Porter and the members of the Sixth Avenue Baptist Church my sincere wish that the wealth of brotherly love and service that you have given throughout the years be returned three-fold to you as you continue to minister to the needs of the people and the City of Birmingham.●

EXTENDING CLEAN AIR ACT DEADLINES

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. DANNEMEYER. Mr. Speaker, when Congress passed the Clean Air Amendments of 1977, it established compliance deadlines 1 year after the expiration of monetary authorizations. As many people see it, the motivation behind such a sequencing of events was to insure that there would be an opportunity to deal with any problems or special circumstances resulting from the attainment deadlines before they were reached. No one anticipated that Congress would simply decide to forsake reauthorization of the Clean Air Act prior to expiration of the 1983 deadlines, preferring instead to simply appropriate funds first for fiscal 1982 and then for fiscal 1983. Yet that is exactly what has happened, and the result threatens to work a severe hardship on over 200 counties—213 to be exact—throughout the country in the months and years ahead.

The way things stand right now, even though the authorizations written into the Clean Air Act Amendments of 1977 have expired, the rest of the law has not. Thus, air quality regions which have failed to meet the 1982 deadlines for attainment of the national ambient air quality standards (NAAQS), or which failed to file an approvable State implementation plan (SIP) by July 1, 1982, or which cannot demonstrate potential achievement of the extended deadlines to 1987 for ozone and carbon monoxide, may be subject to a variety of sanctions including imposition of a construction ban, withholding of Federal highway funds and a cutoff of air quality grant money. Realization of any of these sanctions, the first two in particular, would have a profound impact on the economic prospects of the area in question. A ban on construction or modification of any industrial facilities emitting 100 tons or more a year of the pollutant for which the area has been placed in nonattainment status would hurt employment in the construction industry, not to mention the fact that it prevents the replacement of older, heavier polluting industrial facilities. Likewise, the withholding of Federal highway funds will mean another blow to the construction industry, not to mention the fact that motorists in nonattainment areas, who are now paying an extra 5 cents a gallon tax on the gas they buy in the expectation of seeing it go to badly needed road and bridge repair, will be denied any return on that money. How are we to explain to them that gasoline tax receipts will go to some other State, notwithstanding the fact that their area may have made every possible good faith effort to comply with an act that Congress has not made a good faith effort to revise?

There are people who argue that this is not really a problem, that the Environmental Protection Agency (EPA) does not really have to enforce the sanctions indicated in various parts of the Clean Air Act. I strongly disagree with that view. If all the Clean Air Act requires is for a State to submit a SIP that claims it will meet the attainment deadlines irrespective of whether it actually succeeds in doing so, then the Clean Air Act is little more than an empty promise. Many States develop their plans with the best intentions, but unless the proof of the pudding is performance, what is to prevent others from fudging a little to show compliance? What you would see is an increase of cheater SIP's and, to this Member's way of thinking, that is far worse than dealing with the problem in an up-front manner. If air quality regions cannot achieve the deadlines, and there is reason to give them more time, then we should extend the deadlines or, alternatively, we should withhold the penalties. But I do not think we do anyone a service by encouraging local air quality agencies to promise what they cannot reasonably deliver. That is not fair to anyone and it also leaves either the local air quality agencies, or the EPA Administration or both wide open to suit. If the recent experience with the Superfund is any example, the slightest evidence of laxness in enforcing that law would generate a space of lawsuits in short order.

An excellent case in point is my area in southern California. Thanks to a combination of meteorology and geography, California's South Coast Air Quality Management District predicts that, despite the fact ozone has been reduced 23 percent, NO_x 10 percent, carbon monoxide 49 percent and particulates almost 9 percent in just the past 7 years, the south coast air basin will do well to attain the NO_x standard by 1987 and the ozone, carbon monoxide, and current particulate standards by the end of the century. Moreover, there are practical and political limits to show how far the region can go in its air cleanup efforts. Even if all the cars in the region were put on blocks that would only achieve 60 percent of the hydrocarbon reductions necessary to meet the ozone standard. Moreover, by almost a 4-to-1 margin, residents in my congressional district who responded to a questionnaire I sent out last year, indicated that they would prefer extension of the attainment deadlines to the kinds of measures that would be required to comply with current law. Are we going to tell an area such as that, progress notwithstanding, it will be severely punished for not meeting the same standards as an area that does not have mountains along one of its boundaries? Or are we going to encourage the area to concentrate on making its implementation plan look good rather than achieve the desired effect, which will have adverse long-term consequences also? Or are we going to be honest with ourselves, admit that the current deadlines are not entirely realistic in all areas, and make sensible adjustments that will permit economic growth at the same time pollution levels are being continuously lowered?

My preference is for us to be honest with ourselves and to be fair to the American people, especially those who may have to pay Federal highway taxes without being able to get a return on their literal and figurative nickel. Therefore, I am today offering two pieces of legislation that would provide straightforward relief without seriously compromising the long-term objectives of the Clean Air Act. The first would extend the deadlines for attainment of all national ambient air quality standards until 1987 and would provide, under certain conditions, additional extensions up to the year 2000 for attainment of the ozone, carbon monoxide (CO) and particulate standards. Currently, extensions until 1987 are available for ozone and CO, and the EPA has under consideration the adoption of our inhalable particulate standard due to difficulties with the existing standard for total suspended particulates (TSP).

The second bill, which would mitigate the problem until such time as the first measure can be adopted, provides for a 3-year moratorium on the imposition of any Clean Air Act sanctions. Not only would such a measure provide temporary relief for nonattainment areas until such time as Con-

gress could deal with the deadlines statutorily but it would also be of help to areas that do not feel, for one reason or another, that an auto emission inspection and maintenance (I/M) program is appropriate to their circumstances. Precedent certainly exists for such an approach. Not once but twice, Congress has imposed a moratorium on a proposed ban on the use of saccharin. In fact, the subcommittee and full committee having jurisdiction over the Clean Air Act are the same ones that recommended the saccharin moratorium to the full House of Representatives.

There are those who will claim that extending Clean Air Act deadlines or putting a moratorium on Clean Air Act sanctions will result in a decline in air quality and a gutting of the Clean Air Act. Were that true, I would be the first to oppose a measure of this type, southern California's smog being what it is. But that is not true. Intentionally, the bill clearly states that there shall be no increase in total allowable emissions during any extension period and that reasonable further progress toward attainment, as defined in current law, shall be a condition of getting such as extension. Added together, these two antibacksliding requirements will insure that areas getting extensions will continue to make air pollution reductions during the duration of these extensions.

As for the moratorium bill, it changes neither standards nor deadlines, so it can hardly be said to gut the Clean Air Act. Indeed, it is far less damaging to the act than would be a congressional resolution to the affect that the "provide for" attainment phrase in the current law only means "call for" and not "achieve" attainment. That, as I suggested earlier, would not only bring on a spate of lawsuits, but would render the act a shadow of its former self. Moreover, a moratorium is, by its very nature temporary; if, for instance, Congress passed a comprehensive clean air reform act—including deadline relief—it could, and most likely would, be adjusted with minimum difficulty.

Speaking of a comprehensive reform bill, questions have been raised as to whether the measures I am proposing are intended to be a substitute for an overall reform bill. Rest assured that is not the case. First of all, neither measure makes any reference whatever to authorizations for the Clean Air Act; a comprehensive bill should, and no doubt would, make some provision for authorizations. Second, the measures do not touch on a number of areas that need attention, such as visibility, PSD requirements, auto and diesel standards, offset requirements et cetera, et cetera. Coming from an area that knows what it is like to need Clean Air Act relief and not be able to get it, my hope still is that the Congress will see fit to act favorably on a bill such as H.R. 5252 as reported from the Health and Environment Subcommittee of the Energy and Commerce Committee last year. Which reminds me, those who supported H.R. 5252 last year will see a certain resemblance between the deadline extension provisions of that bill and the terms of the deadline extension bill I am about to introduce.

Recognizing that it is virtually impossible to offer a Clean Air Act bill that does not generate some controversy, it is my feeling that the deadline extension bill I am offering today is a realistic, straightforward method of dealing with the problem we currently face, one which takes into account natural factors and economic interests without doing a real disservice to the goal of cleaner air we all share. Its adoption would give business and government alike the knowledge of where each stands, which is essential for whatever planning is necessary to meet the challenges that be ahead. Therefore, I urge my colleagues to support and cosponsor this deadline extension bill, and in the event it runs into some obstacle, the sanction moratorium measure as well. With so many areas affected, and with so many workers jobs and taxpayers dollars being put in jeopardy, Congress can ill-afford to ignore the consequences of inaction any longer.●

CHILD PORNOGRAPHY

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. SAWYER. Mr. Speaker, child abuse is a growing problem and one of the most inexcusable and horrible forms of child abuse is child pornography. The harm done to the child must be as complete and overwhelming as any other form of physical harm or mental abuse that anyone could imagine.

The House Judiciary Committee recognized the seriousness of the problem and drafted legislation which is now Federal law prohibiting child pornography. Recently, the Supreme Court case of New York against Ferber and increasing public sentiment has altered the status quo and paved the way for even stronger legislation with stiffer penalties. Today, I am introducing the Federal Anti-Child Abuse Pornography Act of 1983. This bill makes the following changes, which will involve our ability at the Federal level to rid our Nation of the horrible crime and results of child pornography.

First, the bill eliminates the requirement that the material be sold. Much of the child pornography material is distributed among friends without pecuniary profit.

Second, in light of New York against Ferber, the bill eliminates the requirement that the Justice Department prove obscenity in prosecution. Thus, we will be able to avoid child abuse which does not rise to the level of obscenity as defined by the Supreme Court. The bill does recognize, however, that there are some works which have scientific or social value, such as sex education materials or some existing "R rated" films. In these instances, simulation of minors involved in sexual explicit acts will be permitted.

Third, the bill substantially increases the fines for child pornography involvement in an effort to both deter and seriously punish this inexcusable act.

Fourth, the bill makes child pornography a crime in which the Justice Department can obtain a wiretap warrant. This will allow improved capability to catch those actively involved in the production of child pornography. To date, the apprehension of producers has been difficult due to the clandestine nature of the crime.

The Federal Anti-Child Abuse Pornography Act is based on the President's Comprehensive Crime Control Act of 1983, H.R. 2151, in which President Reagan has also proposed child pornography legislation. The difference between my bill and the administration's bill is that the measure I have introduced increases fines and clarifies the exception of the work with scientific, literary, artistic, educational, or social value.

Child pornography is an unacceptable, inexcusable crime, the sickness of which our society cannot tolerate or afford.

The Subcommittee on Crime will begin hearings on child pornography legislation on Thursday, May 19, and I look forward to working on the subcommittee in an effort to protect children from the lifelasting affects of child pornography.●

TEMPORARY MORATORIUM ON DISABILITY INVESTIGATIONS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. DOWNEY of New York. Mr. Speaker, today I am introducing a bill which would impose a temporary moratorium on the continuing disability investigations in the social security disability insurance and the SSI program. This moratorium would stay in effect until comprehensive reforms in the review process have been implemented.

I am convinced that the CDI program is being improperly adminis-

tered, and that legislative action will help improve the administration of the program. For example, the 1982 reversal rate for beneficiaries appealing a termination decision was 62.7 percent.

Recent testimony before the Senate Aging Committee by the GAO indicated that the procedures for determining eligibility of the mentally ill are inappropriate and "contrary to sound medical practice." Numerous GAO investigations into other aspects of the CDI process are underway, and should be available soon. Volumes of anecdotal evidence, including testimony from a hearing I held in my own district, show that the physically impaired are also subject to the same inappropriate determination process. Statements from State program administrators, claims examiners, treating physicians, and individual beneficiaries not only illustrate abuses in the program, but outline specific recommendations for legislative action to improve the process. Even the Federal court system has been brought into the effort to determine the appropriateness and fairness of the CDI program.

I also want to share with my colleagues a very moving letter I recently received which sparked my decision to introduce this bill:

DEAR REPRESENTATIVE DOWNEY: After reading NEWSDAY's article predicting a disability cuts bill action, I felt prompted to write this letter. Perhaps you read of the tragic deaths of my husband and son April 6th and 7th. My husband, Joseph P. Sweeney, died after his fourth heart attack and my son Kevin that night left to tell his girlfriend his father died and he and his girlfriend died of carbon monoxide poisoning in a borrowed malfunctioning car. It was publicized in every NY paper, but there was more to the story than anyone knew.

Joe has been on SS Disability for three years. He retired reluctantly after his second heart attack and an angiogram showed 90 percent blockage in every vessel and artery in and out of his heart. The first two years he was hospital free for the first time in five years. He lived around his condition and with careful doctoring and medication lived a quiet but happy retirement.

Last year he heard ominous stories from friends and news accounts about heartless disability cuts. After three hospitalizations (Feb. 1982, Aug. 1982) he felt his severe condition would protect him from SS cuts; even called SS to notify them of his additional illnesses. Sadly, he was contacted in February to come in to the Mineola SS office for re-examination. On Thursday, March 3, we went and were interviewed. My husband was so upset, he flushed and had to take several nitros to relieve his angina pain. We keep a daily journal to monitor his condition, and even after this, waiting for the review results, I have written my husband had weak spells, stomach upset and angina pain. We haven't heard from SS on the outcome yet.

I surely can't say the review was responsible for three deaths. But I cannot say the opposite either; only God knows. I'm writing in the hope that it might prevent someone else going through what my family has.

My family has fought in every war the U.S. has fought and I have a drawer filled of medals and pictures of a grave in France where a young 19-year old lies buried. No one in my large family has ever been anything but proud of our American heritage. Indeed, I received a flag this week at my husband's burial "from a grateful country".

Please, work hard for repeal of this overzealous effort hurting so many disabled Americans.

You have my permission to use this letter in any way it might help to correct this sad situation.

Yours truly,

MRS. JOSEPH SWEENY.

No Federal program can be administered snag free, and errors are a fact of bureaucratic life. Further, I recognize that determining disability is one of the most complex, subjective and difficult tasks the government could undertake. But to continue allowing situations such as the one described above in the face of nearly unanimous opinion that the process is poorly administered is simply crazy.

There have been some improvements in the review process recently, and things are getting somewhat better. But better is not good enough—the Government has a responsibility to insure that things are as good as they can possibly be before allowing the process to continue. We are not just talking about benefit levels here, we are talking about people's lives.

I also know that the Committee on Ways and Means intends to work on a reform proposal, and I am confident that the chairman and members of the appropriate subcommittee will produce a fair, humane, and realistic bill. But to reach consensus on an issue as difficult, as complex, and as politically explosive as this one will be difficult and time consuming.

And time is one thing the people on the disability rolls do not have. People are losing their homes and cars and deteriorating physically because of lack of medical coverage today. Some are dying.

I am not urging for permanent repeal of the 1980 law mandating the review process. But until Congress has received answers to the many questions that have been posed about the fairness of the program, there is no reason to continue risking human lives.

I urge my colleagues to support me in this effort.●

VICTORY FOR THE ELDERLY AND LOW-INCOME CITIZENS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1983

● Mr. BILIRAKIS. Mr. Speaker, I am pleased that this body today has responded to the dissatisfaction of most Americans by repealing that provision of the Tax Equity and Fiscal Responsibility Act, which mandates the 10-percent withholding of interest and dividend income.

Since being sworn into the Congress in January, I have received close to 20,000 communications from the people I represent expressing their outrage at this withholding provision. Their outrage is not based on a desire to escape their tax responsibility—these people pay their taxes—but rather, that they were for the most part elderly citizens dependent on this income to supplement their pensions. Most of these people have little tax liability, yet, they were going to have to fill out forms to get what was properly theirs—the use of their own money.

We talk about cutting out paperwork, making governments more responsive to the citizenry, yet the last Congress, of which I was not a Member, imposed these requirements on the most vulnerable members of our society, the elderly.

It is obvious that the Members of this body do not feel the interest and dividend income of the elderly and low-income citizens should be used to provide an interest free loan to the Federal Government, and I am pleased we have corrected the mistake made by the last Congress by repealing the withholding provision.●

FINANCIAL AID TO COLLEGE STUDENTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. MILLER of California. Mr. Speaker, as high school seniors approach graduation, many are faced with the difficult prospect of sorting through the options for financing their postsecondary training. To assist students in this process, I am submitting the following guide to financial assistance programs for college-bound students:

FINANCIAL AID TO COLLEGE STUDENTS—A GUIDE TO FEDERAL, STATE, AND PRIVATE SOURCES

Over the past decade the cost of a college education has risen by over 120 percent. The College Scholarship Service estimates that 1982-83 tuition, fees, books, room (on campus), board, transportation and personal expenses will cost the student an average of $4,390 at a four-year public college and over $7,475 at a four-year private institution.

Even though inflation has been reduced dramatically, college costs continue to be high, and financial aid is a necessity for many college students. The College Board estimates that almost 75 percent of the eleven million students enrolled in postsecondary institutions in the United States have financial aid and student benefits to help pay college costs. Public and private sources will provide college students with over $16 billion in grants, scholarships, low-

interest loans and student employment during the 1982-83 school year.

The U.S. Department of Education is the federal government's major source of financial aid to needy students. The Department offers aid through five programs: Pell Grant Program; Supplemental Education Opportunity Grant Program; College Work-Study Program; National Direct Student Loan Program; and Guaranteed Student Loan Program/Parent Loans for Undergraduate Students.

GENERAL ELIGIBILITY REQUIREMENTS

To be eligible for aid under any of the Department of Education's student financial aid programs, you must:

Be enrolled at least half-time as a regular student in an eligible program at a participating college, university, vocational school, technical school, or hospital school of nursing. (In some cases, less than half-time students may be eligible for assistance from the CWS and SEOG programs. Check with the financial aid officer at the school you plan to attend.)

Be registered for the draft if you are a male born on or after Janaury 1, 1960, at least 18, and not currently a member of the U.S. Armed Forces. You must sign a certification of registration and you may be required to prove that you are registered.

Be a U.S. citizen, U.S. national, U.S. permanent resident (registered alien) or a permanent resident of the Trust Territory of the Pacific Islands or the Commonwealth of the Northern Mariana Islands.

Demonstrate financial need.

Federal student aid is awarded on the basis of financial "need." Need is the difference between your educational expenses—tuition, fees, room, board, books, supplies and other expenses—and the amount you and your family can afford to pay. There are several different systems of determining your need. While all of these systems take into account the same factors, such as income assets, and family size, they do not all evaluate these factors in the same way. The estimate of how much you and your family can afford may vary slightly, depending on which system is used at the school you plan to attend.

THE FIVE DEPARTMENT OF EDUCATION PROGRAMS

Pell Grants

The Pell Grant program is the government's largest student aid program. It provides financial aid to needy undergraduate students. Aid received through this program need not be paid back.

Awards range from $200 to $1,800 per year. The amount of the award depends upon the level of the student's financial need.

Supplemental Educational Opportunity Grant Program (SEOG)

The SEOG program provides financial aid to needy undergraduate students. Aid received through this program need not be paid back.

Awards range up to $2,000 per academic year. The amount of the award depends upon the level of the student's financial need.

College Work-Study Program (CWS)

The CWS program provides jobs for students who need financial aid and who must earn a part of their educational expenses. Aid under this program is available to both undergraduate and graduate students.

Students will be paid at least the current Federal minimum wage. Work schedules will be set by the student's financial aid administrator.

National Direct Student Loan Program (NDSL)

The NDSL program provides low-interest loans to vocational, undergraduate and gradute students who demonstrate financial need. Aid received through this program must be paid back.

Borrowing limits are as follows:

$3,000 if you are enrolled in a vocational program, or if you have completed less than two years of a program leading to a bachelor's degree.

$6,000 if you are an undergraduate student who has already completed two years of study toward a bachelor's degree and has achieved third-year status (includes any amount you borrowed under NDSL for your first two years of study).

$12,000 for graduate or professional study (includes any amount you borrowed under NDSL for your undergraduate study).

The interest rate for new loans is 5 percent. Interest begins to accrue when repayment starts.

Repayment must begin six months after you graduate or leave school or drop below half-time status. You may be allowed up to ten years to repay your loan.

Repayment and interest accural may be deferred by: Service in the Armed Services; Service in the Commissioned Corps of the Public Health Services; Service in the Peace Corps, VISTA, or a comparable tax-exempt organization; or for: Periods of at least half-time study at an eligible school; Study in an approved graduate program; and Study in an approved rehabilitation program for the disabled.

To obtain a deferment you must complete the appropriate request form and file it with the college from which the NDSL was borrowed.

Guaranteed Student Loan Program (GSL)

A GSL is a low-interest loan made by a lender such as a bank, credit union, or savings and loan association to undergraduate and graduate students. The loans are insured by a state guarantee agency and reinsured by the federal government. Aid received through this program must be paid back.

Eligibility for a GSL is now based on the student's financial need.

Borrowing limits are as follows:

Dependent undergraduates—$2,500 per year or a total of $12,500 for undergraduate studies.

Independent undergraduates—$3,000 per year or a total of $15,000 for undergraduate studies.

Graduate students—$5,000 per year or a total of $25,000 including loans obtained at the undergraduate level.

Interest rate on GSLs are:

7 percent for students who currently have outstanding GSLs with interest rates of 7 percent or less.

9 percent for all new borrowers.

Loan repayment begins:

Nine to twelve months after you graduate or leave school if your interest rate is 7 percent; or

Six months after you graduate or leave school if your interest rate is 9 percent.

The lender generally must allow you at least five years to repay the loan and may allow up to ten years.

Repayment of GSLs may be deferred under the same circumstances as NDSLs.

A recent change in the law mandates a need test for those with a family income over $30,000. A needs test is not required for those families with an income under $30,000.

A loan origination fee which varies from lender to lender must be paid by the borrower. The state guarantee agency may also charge an insurance premium.

Parent Loans for Undergraduate Students (PLUS)

PLUS loans are made at a 12 percent interest rate by a lender such as a bank, credit union, or savings and loan association.

Borrowers do not have to show financial need.

Borrowing limits are as follows:

Parents—$3,000 per year or a total of $15,000 for each child who is enrolled at least half-time and is a dependent undergraduate student.

Graduate students—$3,000 per year or a total of $15,000. This amount is in addition to the GSL limits.

Independent undergraduates—$2,500 per year. The PLUS loan, combined with any GSL the undergraduate may also have, cannot exceed the yearly and total GSL undergraduate limits ($2,500 and $12,500).

Application procedures are the same as for GSLs.

A borrower must begin repaying a PLUS loan within 60 days. The same deferment conditions available to GSL borrowers are also available to PLUS borrowers. A parent borrower is not granted a deferment based on the status of the student for whom the parent borrowed. All borrowers must begin paying the interest within 60 days, unless the lender has agreed to allow the interest to accrue until the deferment ends.

There is no origination fee for a PLUS loan. However, the state guarantee agency may charge an insurance premium.

MORE INFORMATION

For more detailed information concerning the five federal programs, write to: U.S. Department of Education, Office of Student Financial Assistance, Washington, D.C. 20202.

Request a copy of: Five Federal Financial Aid Programs, 1983-84 The Student Guide.

EDUCATIONAL AID FOR VETERANS

The Veterans Administration provides educational benefits for veterans to aid in their transition from military to civilian life. Under certain circumstances educational benefits are also available to the spouses and children of veterans.

GI Bill

If you entered the service prior to January 1, 1977, or enrolled in a type of delayed entered program before that date and as a result served on active duty during 1977, and your discharge or release from active service was under conditions other than dishonorable, the Veterans Administration will pay you while you go to college or learn a trade. Depending on the number of months of active duty served, you may receive benefits for up to 45 months—minimum $342 per month if you attend college full-time. Educational loans are also available.

You have ten years from date of discharge or until December 31, 1989, whichever occurs first, to use your benefits. The ten-year period may be extended for veterans who were prevented from completing their chosen program because of physical or mental disability.

Institutions where veterans can utilize their benefits include: public or private elementary and secondary schools, vocational, business or flight school, colleges and uni-

versities; professional, scientific or technical institutions; and apprenticeship programs.

Veterans Educational Assistance Program

Veterans who served and servicepersons currently serving who (a) entered duty after December 31, 1976; (b) were released under conditions other than dishonorable or continue on active duty but have completed their obligated period of service (or six years of active duty, whichever comes first); and (c) have satisfactorily contributed to the program (a monthly deduction of $25 to $100 from military pay, up to a maximum of $2,700 for deposit in the special training fund) are eligible for benefits under this program.

For every $1 the veteran contributes, the Veterans Administration will contribute $2. Participants receive monthly payments for the number of months they contributed, or for 36 months, whichever is less. The amount of payments is determined by dividing the number of months benefits will be paid into the participant's training fund total.

Survivors' and Dependents' Education

Generally survivors of deceased veterans, spouses of living veterans and children of deceased veterans between 18 and 26 years old, when the death or permanent and total disability was the result of service in the Armed Forces, are eligible.

The period of eligibility for educational assistance or special restorative training ends on an eligible child's 26th birthday (unless extended under certain conditions).

Training may be taken in any approved vocational school, business school, college, professional school, or any establishment providing apprentice or other training on-the-job. Spouses and survivors may also pursue training in secondary schools or in educational institutions offering a farm cooperative program. A program of education outside the United States may be pursued only at an approved educational institution of higher learning.

Monthly rates under this program are: full-time, $342; three-quarter time, $257; and half-time, $171. Less than half-time is limited to tuition cost, however, not to exceed the rate of $171 for half-time or less, but more than one-quarter time; and $86 for one-quarter time or less. Those enrolled in full time cooperative courses—alternating classroom study and related experience on the job—will receive $276 a month.

An eligible person may borrow up to $2,500 per academic year to pursue a course leading to a standard college degree, or to enroll in a course leading to a professional or vocational objective which requires at least six months to complete. (This six-month requirement may be waived by the Administrator under certain circumstances.) The interest-bearing loan program is based upon financial need.

For more complete information, contact your local Veterans Administration office.

EDUCATIONAL AID UNDER THE SOCIAL SECURITY ACT

Any student who is not enrolled in and attending college by May 1, 1982, will no longer receive a Social Security benefit after his or her 18th birthday. All of those students who were already attending college and receiving the benefit by the May deadline will continue to receive the Social Security benefit. However, the benefit will not be adjusted with the cost of living, and will be phased out gradually, 25% each year, through July 1985.

For more complete information, contact your local Social Security Administration office.

HEALTH EDUCATION ASSISTANCE LOAN PROGRAM (HEAL)

The Health Education Assistance Loan Program (HEAL) is a federally insured loan program for eligible graduate students in schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, public health, pharmacy, chiropractic, or in health administration or clinical psychology.

To be eligible one must be a citizen, national, or permanent resident of the United States and be accepted for enrollment as a full-time student, or already in full-time attendance and good standing at an eligible HEAL school. Pharmacy students must have satisfactorily completed three years of training toward a pharmacy degree.

Medical, osteopathic, dental, veterinary, optometric, or podiatric students may borrow up to $20,000 per year, not to exceed $80,000 for all years.

Pharmacy, chiropractic, health administration, clinical psychology or public health students may borrow up to $12,500 per year, not to exceed $50,000 for all years.

For more information, write: Department of Health and Human Services, Public Health Service, Health Resources and Services Administration, Division of Student Assistance, Rockville, MD 20857.

NURSING STUDENT LOAN PROGRAM

The program is intended to assist students to achieve careers in nursing by providing long-term, low-interest loans to help meet the costs of education.

Federal funds for this program are allocated to accredited schools of nursing education. These schools are responsible for selecting the recipients of loans and for determining the amount of assistance a student requires. Students applying for assistance under this program should make application to the school in which they have been accepted for enrollment or in which they are enrolled.

You may borrow $2,500 for an academic year, or the amount of your financial need, whichever is the lesser. The total amount of a student's loans for all years may not exceed $10,000.

In determining the amount of assistance you may require, the school considers all financial resources available to you, including: other sources of aid, such as prizes, scholarships, other repayable loans; and, the costs reasonably necessary for full-time attendance at the school.

For more information, write: Department of Health and Human Services, Public Health Service, Bureau of Health Professions, Division of Student Assistance, Rockville, MD 20857.

ARMED SERVICES SCHOLARSHIP—RESERVE OFFICERS TRAINING CORPS (ROTC)

Army ROTC

Army ROTC is traditionally a four-year program consisting of a Basic Course and an Advanced Course. However, ROTC also offers a two-year program which enables junior and community college students or college students and others who missed the ROTC Basic Course during their first two years of college to qualify for entrance into the Advanced Course by attending a summer camp prior to enrolling in the program.

Army ROTC scholarships pay for college tuition, textbooks, laboratory fees and other purely academic expenses. Scholarship cadets also receive a tax-free subsistence allowance of up to $1,000 each school year that the scholarship is in effect.

Most scholarship students have a six-year military obligation as an officer—four years on active duty and two years in the Reserve. Selected members may be given the opportunity to serve eight years in the U.S. Army Reserve or Army National Guard in lieu of four years of active duty.

For more information, write: Army ROTC P.O. Box 9000 Clifton, NJ 0.7015.

Navy ROTC

NROTC scholarship students are appointed midshipmen, U.S. Naval Reserve, by the Secretary of the Navy and granted the compensations and benefits authorized by law for a period not to exceed four years of undergraduate study. During these years of college training the Navy pays tuition, cost of textbooks, fees of an instructional nature, and a subsistence allowance of $100 per month—for maximums of 40 and 20 months for four-year and two-year programs respectively. Midshipmen also receive training pay during summer training periods.

Four-year NROTC scholarship are awarded annually based on a competitive selection process in which consideration is given to such factors as high school record, college board scores, extracurricular activities and leadership qualities.

For more information, write: Commander, Navy Recruiting Command, Code 314, 4015 Wilson Blvd., Arlington, VA 22203.

Air Force ROTC

Air Force ROTC scholarships are available for two, three or four years of study. Most scholarships are reserved for students pursuing engineering degrees, although a few are available for students enrolling in selected technical and nontechnical programs.

All scholarships cover the cost of tuition, laboratory and incidental fees and textbooks, plus pay $100 per month while you are on scholarship status.

For more information, write: Air Force ROTC, Public Affairs, Maxwell AFB, AL 36112.●

EXPORT CONTROLS AS INSTRUMENTS OF FOREIGN POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. HAMILTON. Mr. Speaker, I wish to insert in today's CONGRESSIONAL RECORD a summary of a study of three recent applications of export controls by the United States which will appear in full in "Law and Policy in International Business," Vol. 15, No. 1, this June.

Prepared by Homer E. Moyer, Jr., and Linda A. Mabry, this study examines the American use of such sanctions against Iran, and the Soviet Union, first after the invasion of Afghanistan and again after the imposition of martial law in Poland. The study concludes the sanctions against Iran were the most successful because of the cooperation of our allies in addi-

tion to various internal and external problems for Iran. Against the Soviet Union, sanctions had less impact, and in the case of Poland caused dissension with our allies.

The lessons drawn from this study are very important for future American policy and Congress consideration of legislation reviewing the Export Administration Act. The United States is the most frequent user of export controls and other sanctions; yet, the historical record shows that these controls seldom produce their desired results. Although the authors do not advise against the future use of export controls, they recommend that the United States apply them more sparingly and wisely.

As to the Export Administration Act, this report points to a number of serious problems. The procedural requirements of the act have often been regarded as perfunctory. More importantly, the Export Administration Act's provisions on extraterritoriality and retroactive use of sanctions are deemed both legally and politically unsound.

This study examines an important instrument of foreign policy being used increasingly by the United States. I urge my colleagues to consider its conclusions.

The summary follows:

EXPORT CONTROLS AS INSTRUMENTS OF FOREIGN POLICY: THE HISTORY, LEGAL ISSUES, AND POLICY LESSONS OF THREE RECENT CASES

EXECUTIVE SUMMARY

The United States, which has emerged as the country most willing to use export controls as foreign policy tools, has imposed comprehensive export controls in three historic cases in the last four years. These cases give us a new base of experience from which to examine the effectiveness of controls.

I. Three recent cases

Iran.—In response to the seizure of U.S. hostages in Iran the United States froze Iranian assets in U.S. banks and embargoed exports to Iran and imports from Iran. Although limited, the cooperation of our allies was probably the greatest in this case. U.S. sanctions, of which export controls were a subsidiary part, had a significant impact, particularly the assets freeze. The situation was unique, however, and external factors—revolutionary disruptions, mismanagement, war with Iraq—were also major factors in Iran's economic problems.

Afghanistan.—In response to the Soviet invasion of Afghanistan the U.S. imposed sweeping economic sanctions—an embargo on exports of grain, phosphates, high technology products, equipment for the Kama River truck plant; and goods to be used at the Olympics in Moscow. Also, the U.S. Olympic team did not participate in the games. Because not all grain producing countries cooperated, the economic impact of the grain embargo was ultimately quite limited; the Olympics boycott had substantial, symbolic effect, although fewer countries joined the boycott than we had hoped; high technology controls halted numerous U.S.-Soviet transactions but did not change the policies of other COCOM countries. The greatest short-term economic inconvenience and cost to the Soviets may have been caused by the embargo on phosphates and Kama River truck plant equipment. In total, the political statement of the sanctions was strong, but the economic impact on the Soviets quite limited. The costs to the U.S., in part hidden, were very high.

Poland.—In response to the imposition of martial law in Poland the United States imposed miscellaneous political sanctions (cancelled Aeroflot landing rights, deferred grain negotiations, ended exchange agreements, restricted the movement of Polish diplomats); expanded controls on the Kama River truck plant and extended them to the Zil truck plant; froze all export licenses for sales to the Soviets; withdrew Poland's MFN status; imposed new controls on pipeline equipment and, later, extended those controls to various foreign companies. The sanctions were dominated by the pipeline controls which were the most controversial, and perhaps least successful, controls in U.S. history. Not only did our allies not cooperate, they vehemently opposed the pipeline controls and directed companies in their countries to disregard them. Five months after being instituted, they were rescinded. The sanctions were part of a strong political reaction by the United States, but had little economic impact on the Soviet Union, although the freeze further reduced non-agricultural trade with the Soviets.

II. Legal issues

Recent controls have raised numerous legal issues, most of which have not been tested in court.

Procedural defects.—Experience has shown that procedural requirements of the EAA are usually complied with perfunctorily or not at all; however, courts have not decided whether they will review such errors and, if so, what relief they will grant.

Licensing freezes.—Indefinite suspensions on export licensing, which are not authorized by the EAA, are tantamount to license denials or even new export controls. The legality of prolonged freezes is doubtful, and an EAA provision may offer the mechanism for a court challenge.

Transaction controls.—Although transaction controls, such as those that prevented NBC's broadcast of the Olympics, may be imposed under IEEPA, attempts to establish them as export controls under the EAA may be legally defective.

Extraterritoriality.—The unprecedented pipeline controls were inconsistent with generally accepted principles of international law, and even some traditional extensions of U.S. authority abroad may be questionable.

President's constitutional authority.—A failure to adhere to statutory procedures is probably not excusable on the theory that, in any event, the President has inherent constitutional authority to control exports.

Constitutional limits to export controls.—Some application of the technical data regulations may be vulnerable to First Amendment challenge. Retroactive application of controls to foreign companies raises due process issues. The history of the export clause suggests possible limits to foreign policy export controls.

Judicial review.—The provision that exempts the EAA from APA requirements may not preclude judicial review, especially if the issue is whether an export control action exceeds the statutory grant of authority or violates the Constitution.

III. Policy lessons

Our recent experiences tell us much about the effectiveness of export controls as instruments of foreign policy.

Procedural requirements.—The procedural preconditions of the EAA, which tend to be honored nominally or not at all, neither achieve their immediate purposes (consultation, public involvement, consideration of alternatives, etc.) nor generally improve the decision-making process.

Impact of controls.—The economic impact of controls is usually overestimated. Many recent controls have had minimal economic effects on the target nation, and many of the reasons for ineffectiveness are unavoidable.

Costs of controls.—Costs to the U.S. of imposing controls, both economic and non-economic, are usually underestimated. They include budgetary costs, loss of principal and follow-up contracts (revenues, profits, jobs, taxes), and loss of market share. While many costs are hidden, total long-term costs may be very large.

Controls as political protests.—Because the net economic effect of controls is so often negligible, controls should usually be evaluated as political statements. Costs and benefits should be weighed, and then export controls should be compared to other essentially political measures.

Unilateral controls.—Unilateral controls should be avoided because they are often ineffective, create uneven burdens, antagonize our friends, create divisions that target nations and third parties can exploit, and cause conflicts on extraterritoriality.

Political pressures.—Like the EAA itself, various export controls reflect the influence of domestic political considerations.

Compensation.—There is no legal right to recover for losses from export controls; however, compensation has been selectively provided. The haphazardness of compensation and the disproportionate burdens—especially of controls that principally affect a single U.S. company—cause substantial inequities.

Lifting controls.—Because it can be seen as a diplomatic "signal," a decision to end controls becomes itself a major issue. If, at the time controls are imposed, thought were given to how controls might be ended, most of the dilemmas and awkwardnesses of lifting controls could be avoided.

CONCLUSIONS

Despite extensive, valid criticism of recent episodes, controls can in limited circumstances, be effective tools of foreign policy. Generally, however, we have overestimated and overused controls. We must learn from our recent experiences to appreciate the limits of controls, to use them more sparingly, and to target them more intelligently.●

REBELS WITH A CAUSE

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. WEBER. Mr. Speaker, on May 13, the Jack Anderson column in the Washington Post addressed the rebels and their fight against the Nicaraguan Government. It voiced what they have expressed as the primary reason for this guerrilla warfare. Because of the upcoming consideration of foreign aid

to Central America, I would like to share this timely article with my colleagues.

Thank you, Mr. Speaker.

YOUNG REBELS IN NICARAGUA VOICE MOTIVES

(By Jack Anderson)

The same anti-communist sentiments that emanate from the Oval Office also can be heard in the guerrilla camps in the rugged mountains of northern Nicaragua.

President Reagan has called the guerrillas fighting against the Sandinista regime "freedom fighters." They call themselves "freedom commandos." And they are as single-mindedly anti-communist as their friend in the White House.

"It is communism that has our families dying of hunger," one earnest young guerrilla told my associate Jon Lee Anderson, who marched with a 165-member rebel "task force" through the high pine country.

The other recruits nodded in agreement as the young *contra* (as the counterrevolutionaries are also called) listed a bill of particulars against the Marxist Sandinistas.

"They first take away our independence by forcing us into farm cooperatives, then our food with their rationing," said the guerrilla in impassioned Spanish. "They insult the Holy Father and the Virgin, and they try to force us into the militia to fight the *contras.* If you resist any of these things, they accuse you of being a counterrevolutionary and punish you."

One recruit said he had been a Roman Catholic lay worker in his village. He decided to join the contras after the local Sandinista authorities forbade him to hold mass on Sundays.

A few rebels were counterrevolutionaries in the old-fashioned sense: Their families' property had been expropriated by the revolutionary regime. They had made their way from all parts of Nicaragua to join the guerrillas in Nueva Segovia province. They said they were fighting to regain "a lost way of life."

The regime's determination to change Nicaragua's social and economic system was evidently more than the peasants had counted on when they supported the overthrow of Anastasio Somoza four years ago. And the government's heavy-handed methods make the contras' recruiting easier.

Here's how Johnny, a recent peasant recruit, described the process that led him to the guerrillas' mountain stronghold: "We were already under the eye of the Sandinistas for refusing to put our coffee fincas [farms] into a cooperative. Our reason was that, once you do, they force you into the militia and send you off to fight the contras.

"We began to talk among ourselves about what to do. Then one night the contras came. They asked us to lend them help, like giving them food and hiding them. We agreed and began to do these things—with all our hearts.

"For a while we hid a wounded commando. We made contact with sympathetic neighbors and built up a network of collaborators in our area. Then one day we were told by a cousin in the Sandinista militia that we had been detected. So that night we gathered up the other collaborators and we escaped, to go and find the nearest commando unit. There are 50 of us, and here we are."●

THE ISLANDERS DO IT AGAIN

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. McGRATH. Mr. Speaker, in these days of rich player contracts and liberalized free agency, sports dynasties are extremely rare. Only in the sport of ice hockey is there a team which can legitimately be called a dynasty. Yesterday, the New York Islanders, whose home ice is the Nassau County Coliseum in New York's Fifth Congressional District, won their fourth consecutive Stanley Cup championship by completing a four-game sweep of the Edmonton Oilers.

The Islanders, who finished second in their division in the regular season, won the "Cup" by winning series against the Washington Capitals, New York Rangers, and Boston Bruins, before sweeping the high scoring Oilers led by Wayne Gretzky.

Mr. Speaker, it was only a decade ago that the Islanders stood at the bottom of the National Hockey League. However, shrewd player personnel moves by General Manager Bill Torrey and strong coaching by Al Arbour turned the Islanders from also rans to champions. Led by allstars Bryan Trottier, Denis Potvin, and Mike Bossy and goalie Billy Smith, and a strong supporting cast, the Islanders have become the class of the NHL.

Over the past few years, literally thousands of Long Island residents have thrilled to the exploits of the Islander team. They have provided wholesome entertainment to many and have been an inspiration for many youngsters who participate in hockey and other team sports.

Not since the glory days of the Montreal Canadiens in the 1950's has a team so dominated the National Hockey League. On behalf of many Islander fans in my district, I would like to take this opportunity to extend to the team and its management heartfelt congratulations and best wishes for future success. We are confident that the Islander dynasty has not run its course, and that the Stanley Cup will stay on Long Island for years to come.●

THE 50TH ANNIVERSARY OF THE TENNESSEE VALLEY AUTHORITY

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. ERDREICH. Mr. Speaker, the Tennessee Valley Authority is celebrating its 50th year of serving the people of the valley and surrounding communities to improve their standard of living through electrification. I am inserting my congratulatory letter to the chairman of TVA, Mr. C. H. Dean, Jr., in commemoration of the establishment of the TVA and all it has done to better the environment and the lives of all it serves.

For 50 years, the Tennessee Valley Authority has served as a positive force in the economic development of a region and in strengthening our Nation. From its beginnings as part of our Nation's defense efforts at Muscle Shoals, Ala., TVA's half-century history has included a long list of achievements, improving the quality of life for its region, our Nation and the world.

TVA has a record of service that extends beyond providing electricity to homes, business, and industry in the Tennessee Valley region. TVA has been a strong partner for progress with State and local government and a catalyst for development in the private sector.

I am pleased to congratulate TVA on its 50th birthday and join its customers in the city of Tarrant, Ala., in that celebration. Tarrant and the city of Bessemer in Jefferson County are served by TVA and share in the hopes and aspirations for renewed economic health and development with all those who have high hopes that the record of success in TVA's past will provide a strong foundation for a bright future.

Alabamians were instrumental in the founding of TVA right here on the floor of Congress. Since President Roosevelt signed the legislation creating TVA, we have come a long way in lifting our people from poverty and disease. Economic development has followed, but there is much more to accomplish. I wish the TVA much success in another half-century to reach the goals of a better life and environment for our people that we share.●

HONORARY DEGREE AWARDED TO REV. JAMES C. KELLY, SR.

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. ADDABBO. Mr. Speaker, it is with great pleasure that I bring to your attention the sixth pastoral anniversary of Rev. Dr. James C. Kelly, Sr., who is being awarded an honorary doctor of divinity degree from Virginia Union University.

Reverend Kelly has been serving as the pastor of the Calvary Baptist Church in Jamaica, N.Y., for the last 6 years. In simple terms, he can best be described as a moving and influential force in rehabilitating and improving

the community and surrounding areas in Queens County.

Reverend Kelly has continually strived to better the communities where he lives. He has sponsored innovative programs, never tiring when it comes to helping out families throughout the borough.

During the time when he lived in Virginia, Reverend Kelly was active and served as vice president of the Richmond NAACP as well as being active in youth centers and job programs throughout Virginia.

Ever since January 1977, when Reverend Kelly moved to New York City, he did not waste any time and quickly devoted his expertise and knowledge toward improving the lives of senior citizens and youths throughout Queens. He has now become an active and admired member of the Boy Scouts of America, the NAACP, the Carter Community Health Center, and the rehabilitation program efforts presently being conducted at the Jamaica Hospital in Queens.

It has been my honor to have the fortune to work with the reverend and I hope that I will be able to continue to work with him in the years to come. I extend to him once again my heartiest congratulations for being awarded the honorary degree for all his years of service to communities throughout the country.●

REDDING TEEN IS SOLD EARLY ON REAL ESTATE

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. CHAPPIE. Mr. Speaker, I would like to draw my colleagues attention to an article recently published in a local paper in my district concerning Ms. Tracy Harris. Ms. Harris, at the age of 18, is the youngest real estate agent in Shasta County, Calif., and possibly in the entire Nation.

I want to personally commend Ms. Harris because her dedication and hard work proves that the youth of our Nation—even during this period of high unemployment—are committed to helping themselves and moving America forward. At this point I request that the article be reprinted in the RECORD.

REDDING TEEN IS SOLD EARLY ON REAL ESTATE

Meet Tracy Harris, at 18 the youngest real estate agent in Shasta County.

Miss Harris started work this week with Eagle Properties Inc. on Park Marina Drive in Redding.

Her first day on the job was spent in becoming familiar with the listings.

"I've thought about it a long time," Miss Harris said when asked why she decided to go into real estate.

One of five children, she admitted that parental influence probably had something to do with it.

The agency has been operated by her father and mother, Steve and Carole Harris, since 1974.

She said an added incentive is that the market for home sales is "getting good right now."

Miss Harris joined a sales force of 10 agents at Eagle Properties after going through the necessary steps of preparation.

After graduation from Enterprise High School last year, she studied at Anthony Schools at Mt. Shasta Mall in Redding about five months to receive a certificate of completion, then took an examination given by the State Department of Real Estate.

Harris said it took three weeks for his daughter to find out she had passed the test, then another six weeks to receive her license.

Miss Harris may not be the only one in the family to follow in parental footsteps, either. Her father said her younger brother, Beau, 10, has said "he's going into real estate, too."●

HOWARD PHILLIPS ON DEFUNDING THE LEFT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. McDONALD. Mr. Speaker, as most in this body know, Howard Phillips was once the victim of the howling lynch mob bent on using taxpayer money to literally destroy what made this Nation great—the free enterprise system. This happened during the Nixon administration and Mr. Phillips has a long memory of that encounter.

But Howard Phillips has not given up. In an article in Conservative Digest of April 1983, he again takes up the fight against the abuse of—and I cannot put it any other way—your money and mine. It is a fact, as pointed out in several entries in this CONGRESSIONAL RECORD, that some $40 billion are being used by an elite few to advance the causes of homosexuality to murder of the unborn to Communist activity. It is high time that this is halted summarily.

For that reason, I enter some very explicit advice and knowledge for President Ronald Reagan. It is contained in a most timely article by Howard Phillips, titled "Reagan Should End Retreat on Defunding the Left." This article contained in the April 1983 issue of Conservative Digest follows:

[From Conservative Disgest, April 1983]

REAGAN SHOULD END RETREAT ON DEFUNDING THE LEFT

(By Howard Phillips)

On January 24, 1983, more than 2 years after assuming office, the Reagan administration mustered its first private response to New Right proposals that the federal government restrict the use of taxpayer funds to subsidize the costs of political advocacy by private, activist organizations.

On that date, without prior notice to its potential allies, let alone consultation with them regarding the substance of the proposal, the Office of Management and Budget (OMB) promulgated a set of draft regulations in the form of a proposed revision to OMB Circular A-122, entitled "Cost Principles for Non-Profit Organizations." At the time, I applauded the good intentions reflected in the issuance of the notice, as well as in some of the supportive rhetoric incorporated therein. Indeed, The Conservative Caucus (TCC) and other "movement" organizations set in motion a nationwide grass roots lobbying effort to build support for the initiative.

Nonetheless, it was necessary for us to be absolutely candid about the weaknesses in the OMB approach. In a January 27 memo to several hundred conservative leaders, after citing the proposal's pluses, I warned against a very serious flaw: "Worst of all," I observed, "OMB states 'absolutely' that organizations engaged in political advocacy will continue to be eligible to receive federal grants and contracts." There were other problems with the Reagan administration's response to the incredible fact that more than 100,000 organizations (many of them actively engaged in diverse forms of political advocacy) dip annually into a $50 billion federal honeypot:

FAILURE TO ORGANIZE POLITICAL SUPPORT

With the exception of OMB General Counsel Michael Horowitz, so far as can be observed, no prominent Reagan administration official spoke out publicly or organized privately in support of the regulations. The President did make passing reference to the plan in his speech to the Conservative Political Action Conference, but no overtures were made to line up GOP leaders in the House or Senate, and there was no apparent effort to enlist before the fact, key private sector support. Such White House "information" campaigns had been essential to the President's earlier victories on such issues as the "Gramm-Latta" Budget resolution and the sale of AWACS aircraft to Saudi Arabia.

MISPLACED HOPE OF CHANGE BY CONSENSUS

Vainly hoping to neutralize the opposition of groups whose Washington-based staffs would be greatly inconvenienced by the regulations (potentially inconvenienced to the point of losing their taxpayer subsidies) OMB unrealistically chanced that the regulations would be received with little controversy and implemented by consensus. Failing to realize that Washington-based liberal lobbies (with millions of dollars and thousands of employees) are able to generate media firestorms on short notice, while grass roots conservatives (with a fraction of the staff reserves available to the left) require several months to mobilize their "general interest" forces, Horowitz seemed genuinely surprised that there was so much noisy opposition to his plan in Washington, and so little immediate expression of popular support. But the people who would have been on his side didn't know what the battle was about, or even that there was a battle going on. Members of Congress heard only from the particular interests which stood to lose, in the aggregate, billions of dollars—not from the average voters who would be outraged if they only knew how corruptly their hard-earned tax dollars were being used.

ACCEPTING THE PREMISE OF THE OPPOSITION

Unwisely responsive to the convoluted argument of left-wing legal groups (such as the American Civil Liberties Union) that private non-profit corporations somehow have a "First Amendment" right to advance their private advocacy agendas at taxpayer expense, Horowitz and his OMB aide, Mike McConnell, were reduced to conceiving an elaborate ex post facto regulatory scheme to deal with the problem of federally funded lobbying, organizing, and propagandizing.

LOCKING THE BARN DOOR AFTER THE HORSE HAS ESCAPED WITH THE MONEY

This misinterpretation of the First Amendment led to a "corrective" policy when a policy of "prevention" could achieve far more than any cure.

TAKING ON UNNECESSARY ENEMIES

What really terrified the White House after the Horowitz regulations were issued was opposition from the defense and business communities. The Chamber of Commerce, National Association of Manufacturers, and other key groups representing trade associations and government contractors linked arms with Planned Parenthood, the National Education Association, and the Sierra Club (all Federally assisted) in denouncing the OMB plan. Why? Because instead of recognizing that advocacy groups, as a class, should be ineligible for funding, Horowitz insisted on placing for-profit organizations which accept government contracts in the same category as tax exempt activist groups.

When the firestorm hit, the White House retreated rapidly and almost completely. According to one White House source, Chief-of-Staff Jim Baker demanded at one meeting, "Who is this guy, Horowitz? Has he flipped out?" Joe Wright, Horowitz's immediate superior at OMB, was instructed to put a lid on the situation and keep the OMB General Counsel "under control".

On March 1, Wright told the House Committee on Government Operations: ". . . we are by no means committed to the precise terms of the published proposal . . . This administration is committed, as Director Stockman's memo of April 26, 1982 confirms, to the principle that grants and contracts should be awarded to those parties which are most effective in fulfilling statutory purposes, regardless of the extent or nature of their political advocacy.

On March 10, "Independent Sector," the lobbying group for the federally funded lobbies, gloated over OMB's surrender press release: "Today OMB announced withdrawal of (the January 24 draft regulations) and said it intended to publish for comment a new set of revisions within the next several months."

Independent Sector bragged about: "a deluge of more than 5000 comments to OMB protesting the revisions to A-122.

"A letter on March 4 to David Stockman from Congressmen Jack Brooks and Frank Horton, calling for withdrawal of revisions to A-122, which gained 170 cosigners in the House in two days;

"Visits to every House Member's office on March 4 . . .

"Telephone calls on March 7 to all House members.

"An IS March 4 Capitol Hill breakfast briefing on the issue for 125 Congressional aides;

"An IS February 23 Capitol Hill day where more than 100 representatives of nonprofit organizations contacted several hundred members of Congress on the issue. . ."

In response to an urgent memorandum which I prepared on March 4, OMB Deputy Director Wright telephoned to assure me that OMB's then developing retreat from its January 24 position was only temporary, that he would see to it a more "Well-conceived" approach was presented for public comment later this spring, probably in May.

I told Wright that the original OMB strategy ran directly counter to the antiregulatory and libertarian impulses of the conservative movement and that the result of the Stockman-Horowitz "fund them first" concession to the ACLU would be that "(a) advocacy groups will be funded and (b) once they are funded, the government will spend a lot of time and effort regulating them."

"The Reagan administration's problem can be solved," I continued, "if, instead of retreating, inch by inch, on the present regulations, fighting too many enemies on too many fronts, it will move away from" the notion that advocacy groups should be eligible for funding, as thus far maintained by OMB.

"In other words," I told Wright, "if you are prepared to say: a) 'It is wrong for advocacy groups to receive federal funding', b) 'This is what we mean by an advocacy group,' and c) 'Advocacy groups, to the extent permitted by law, shall hereinafter *not* be eligible for grants and contracts,' you will have solved the problem.

"This should be done in the context of the present review process. It would be disastrous to totally abandon the Horowitz regs and the significant progress, which, for all their limitations, they do represent. For years, Congress and the Executive Branch have unsuccessfully attempted to regulate 'illegal' lobbying activities. The government has never succeeded in doing this. I doubt that you will succeed either. What *can* be accomplished is to cut out certain types of organizations from Federal funding."

Wright accepted my offer to enlist a group of conservative constitutional and legal scholars to draft a proposed set of regulations, an Executive Order, and model legislation to deal with the problem of tax-subsidized advocacy. It was agreed that we would meet at the Old Executive Office Building (next to the White House), on Wednesday, March 23, together with General Counsel Horowitz and others.

The meeting took place, as scheduled, with Los Angeles attorney Lawrence J. Straw, Jr. (Treasurer of The Conservative Caucus) presenting a 43-page brief setting forth the basic principles for which I had contended, in the context of draft regulations proposed for issuance by OMB.

Other attorneys providing support to The Conservative Caucus proposal included: Professor Charles Rice of Notre Dame Law School; Dr. James McClellan, Director of the Center for Judicial Studies in Charlottesville, Virginia; Harvard Law School alumnus Herb Titus, now Dean of the School for Public Policy at CBN University; J. Alan MacKay, former General Counsel of the U.S. Office of Economic Opportunity and past National Chairman of Young Americans for Freedom; and Michael Hammond, General Counsel of the U.S. Senate Republican Steering Committee.

In summary, TCC's proposal is based on the proposition that "501 (c)" organizations, which are tax exempt, ought to be forced to choose whether they are prepared, on the one hand, to decline involvement in political advocacy, or, on the other, to be barred from federal funding so long as advocacy activities are their priority.

Straw's well-researched plan would relieve the government of a major regulatory burden by requiring "non-profit" applicants for Federal funds to "self-certify" (under penalties of perjury) that they are not involved and will not become involved in proscribed organizing and advocacy activities, as a precondition to consideration for funding.

The Straw proposal also has a "sunshine" provison which would give the American people full disclosure of an applicant group's political advocacy history before its proposal for funding can be acted upon.

OMB promised to study the plan. The Conservative Caucus promised to launch a full-scale, nationwide grass roots lobbying program (financed through private contributions) to enlist popular support for the Straw approach, even if the Reagan administration continues to retreat in the face of left-wing, tax-subsidized pressure.●

OLDER AMERICANS MONTH

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. CHAPPELL. Mr. Speaker, I rise on this day to praise and offer remarks in recognition of the older Americans in the Fourth Congressional District of Florida and throughout the United States.

As our President has proclaimed May to be "Older Americans Month" so should we in the Congress of the United States recognize and salute the older Americans who are residents of our districts, who are our friends, neighbors and who place their faith and trust in us, their elected representatives.

On behalf of all older Americans who reside in my Fourth Congressional District of Florida, I hereby recognize their vital contribution to the welfare and progress of this great Nation. These citizens are a driving and contributing source of accumulated knowledge and experience. They have a message which we should heed, and they most certainly deserve recognition and credit for their lifetime of working to make America a greater nation.

I salute the older Americans of America, and in particular, the older Americans of the Fourth Congressional District of Florida.●

THE WAR IN CENTRAL AMERICA COMES HOME

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. LEVINE of California. Mr. Speaker, I want to share with my colleagues a letter sent to President

Reagan by 26 members of the California Legislature. It presents an interesting and important perspective on the effects in the United States of the conflict in El Salvador. The letter says in part:

The war in Central America has already come home. There are, according to the Los Angeles Times, as many as 250,000 Salvadoran refugees in Southern California alone. In a short while, it is expected that ten percent of the Salvadoran population will be living in California. The cost to the State may become larger than the economic assistance now budgeted to El Salvador.

The letter, written by Assemblyman Tom Hayden, goes on to express the concern of the members of the assembly over the administration's emphasis on pursuing a military rather than a negotiated solution to the conflict in El Salvador.

The 26 California legislators address concerns that are of interest to all of us. Their letter follows:

ASSEMBLY, CALIFORNIA LEGISLATURE,
Sacramento, Calif., May 16, 1983.

HON. RONALD W. REAGAN,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: We write out of grave concern over your policies in Central America, which not only threaten the people of that region with greater violence, but affect many of the people in our legislative districts as well.

The war in Central America already has come home. There are, according to the Los Angeles Times, as many as 250,000 Salvadoran refugees in Southern California alone. In a short while, it is expected that ten percent of the Salvadoran population will be living in California. The cost to the State may become larger than the economic assistance now budgeted to El Salvador.

These refugees tell us more than any charts or graphs of how the war has impacted El Salvador. These people do not want to be in the United States, but they cannot live under the conditions of oppression and violence in their own land. They have risked their lives and divided their families to make an illegal journey over thousands of miles to reach our border.

Their children are in many cases disoriented in this new world. Many of them are young boys sent here to avoid service in the Salvadoran Army which we train and subsidize. Many of their fathers and uncles have "disappeared" or been killed before their eyes. It is difficult for them to find work, food, health care, housing. They live silent and fearful lives because of the constant threat of arrest and deportation, which would seal their fate by sending them back to the American-supported tyranny they escaped.

Mr. President, these refugees seem to us to be "voting with their feet" against the very policies which you declared in your recent speech to be in their interest. The vast majority of these refugees are not even political. They are simply saying that El Salvador is being turned from a nation of villages to a nation of graveyards.

Mr. President, your recent speech defined El Salvador as a pawn on the chess board of Cold War rivalries. We do not want to see a one-party Soviet client state in Central America. But our rigid policies do little to promote pluralistic and democratic societies in that region. Moreover, we must point out that our government was supporting military dictators in El Salvador and Nicaragua decades before there was a Communist Cuba and, indeed, before there was a Soviet Union. In the eyes of the oppressed people of Central America, the current U.S. intervention is not only "another Vietnam" but "another Central America" as well.

Mr. President, your speech emphasized military intervention as our principal strategy in El Salvador. Your requests for greater military aid will total $1 billion—to fight a guerrilla army estimated to number 7,000 fighters. That means the American taxpayer will be spending $140,000 per guerrilla enemy while more Salvadorans leave their country by the day.

Mr. President, we cannot imagine a "success" in El Salvador that would be compatible with American's ideals of democracy and justice. The time is now for a new policy that leaves behind our century of support for Central American "strongmen". At this late hour, it is not an easy challenge. But we appeal to you to pursue a negotiated political settlement as recommended in various ways by our neighbors in Mexico, Panama, Venezuela and Columbia, and by the Pope.

Mr. President, a policy that spends $1 billion to arm a dictatorship whose victims are becoming refugees in America cannot be right. Your priorities are leading to greater war abroad combined with more unemployment and social tension at home. We urge you in the name of American ideals to rethink the course you have set.

Sincerely,

Tom Hayden, Art Agnos, Tom Bates, Georgia Molina, Johan Klehs, Sally Tanner, Gwen Moore, Robert J. Campbell, Richard Alatorre, Tom Hannigan, John Vasconcellos, Maxine Waters, Lloyd Connelly.

Richard Floyd, Sam Farr, Gray Davis, Phillip Isenberg, Charles Calderon, Peter Chacon, Jack O'Connell, Willie L. Brown, Jr., Nicholas C. Petris, Herschel Rosenthal, Burt Margolin, Elihu M. Harris.●

COMMUNITY DAYS IN BETHEL PARK

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. WALGREN. Mr. Speaker, I would like to bring to the attention of my colleagues here in the House of Representatives an outstanding community in my district, Bethel Park, which has designated May 28 to 30 as Community Days in Bethel Park. The Borough of Bethel Park has an especially strong sense of community pride which will be enhanced by these days of recognition and celebration. Borough officials have chosen Memorial Day weekend as a time for the residents to gather for celebrations and to encourage a sense of unity throughout the year.

Bethel Park is a close-knit, vibrant suburb of the city of Pittsburgh, which projects an independent and positive identity. Community leaders have encouraged the residents to participate in the many social, professional, religious, and educational organizations which are available in the borough.

I appreciate this opportunity to express my personal best wishes for a successful Community Days in Bethel Park celebration, and for the continued growth and development of this fine community.●

MIXED-USE MORTGAGE REVENUE BONDS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. FRENZEL. Mr. Speaker, today I am introducing legislation designed to clarify the intent of Congress with respect to the use of mortgage revenue bonds to finance the rental housing portion of mixed-use buildings.

A mixed-use building is one in which a portion of the building is residential rental housing, and another portion of the building is put to another use, such as condominiums, parking facilities, or retail establishments. Prior to the issuance of Treasury regulations on mortage revenue bonds on October 15, 1982, it was generally accepted that a mortgage revenue bond could be used to finance the eligible rental housing portion of a mixed-use building, subject to an appropriate allocation of the construction costs.

On October 15, however, the Treasury issued regulations that went beyond all established precedents, and beyond the statutory language and legislative history, with respect to the mixed-use issue. In the regulations, the Treasury arbitrarily decided that in order to qualify for mortgage revenue bond financing, a project must entail the entirety of a building or structure, not merely a portion thereof. The effect of the regulations is to preclude the use of mortgage revenue bonds in a mixed-use structure.

The division of ownership on a vertical basis, such as a high-rise project, is extremely common in all urban development. In such a situation, there is no meaningful legal distinction between the ownership of a defined property in space and the ownership of a defined property on a separate parcel of land. Congress did not make such a distinction, and the Treasury should not have either.

My bill would clarify the intent of Congress on this issue, and provide that a mortgage revenue bond could be used to finance the residential rental housing component of a mixed-use structure. The bill does not make any other changes that would affect any of the restrictions that have been placed on the use of mortgage revenue bonds by the Congress.

I urge all of my colleagues to join me in supporting this bill, so that all eligible individuals will be able to receive the benefits of the residential rental housing mortgage revenue bond program as Congress intended.●

RETURN OF THE ATLANTIC SALMON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. CONTE. Mr. Speaker, I will introduce today, along with my colleagues from Massachusetts, Connecticut, Vermont, and New Hampshire, legislation to ratify a voluntary State compact and to authorize Federal participation in a Connecticut River Atlantic Salmon Commission.

At one time the Atlantic salmon, a prized food and game fish, could be found in the Connecticut River in abundant numbers. Over the years, pollution, lack of proper management and cooperation among the States, and the construction of numerous dams in the river for power generation virtually wiped out the salmon.

Since 1967, the four States of Connecticut, New Hampshire, Vermont, and Massachusetts have been working cooperatively with each other and with officials of the Fish and Wildlife Service and the National Marine Fisheries Service to develop and administer a program to restore the Atlantic salmon to the Connecticut River. I am very proud to say that I have had an active role in this effort. With the use of Federal funds, a hatchery in Bethel, Vt., capable of producing 400,000 smolts annually, has already been constructed and work is due to begin shortly on a needed holding facility further down the river. Additionally, efforts by the States and the Federal Government to work with local industries have resulted in the construction of fish ladders at power-generating facilities on the river necessary to allow returning salmon free access to their historic spawning and nursery habitat.

In 1974, one adult salmon was reported to have returned to the Connecticut River, but it was the first one in over 100 years. In 1981, however, 530 fish returned. While this is very encouraging, continued success in this effort will depend on continuing cooperation among the States involved and the Federal Government. For this reason, a joint interstate program of Atlantic salmon management and research has been proposed. Indeed, each of the four States has already signed into law legislation which allows them to engage in a compact establishing a Connecticut River Atlantic Salmon Commission to conduct appropriate stocking, management, protection and research activities. Similar legislation is now needed by the Congress to make the Federal agencies a part of the commission and to put the agreement into effect.

The legislation I am introducing today will accomplish this task. Section 1 grants the consent of Congress to the formation of the interstate compact between Massachusetts, Vermont, Connecticut, and New Hampshire creating the Connecticut River Atlantic Salmon Commission. The text of the compact as ratified by the States is also printed in full as is required in this type of legislation. Section 2 simply authorizes the Secretary of Commerce and the Secretary of the Interior "to participate as members of the commission." This Federal participation will allow the commission to tap valuable expertise and resources no available at the State level. The bill does not authorize any additional spending at the Federal level. Sections 3 and 4 contain technical language typical to most compact legislation. An identifical bill will be introduced in the other body by the Senator from New Hampshire (Mr. HUMPHREY) and and his colleagues from the States involved.

Mr. Speaker, it is my fondest hope that prompt action may be taken on this noncontroversial but significant legislation.●

SALUTE TO THE STANLEY CUP CHAMPS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. MRAZEK. Mr. Speaker, I would like to take this opportunity to congratulate the 1982-83 Stanley Cup Champion New York Islanders. With their stunning final-round sweep over the Edmonton Oilers, the Islanders were able to capture their fourth consecutive Stanley Cup—a feat surpassed only by the great Montreal Canadian team which won five cups in a row in the late fifties and early sixties.

Since entering the National Hockey League in 1972, the Islanders have been a source of great pride to the people of Long Island. With their 16 consecutive playoff series victories, the team has clearly demonstrated its overwhelming prowess on the ice to its fans, the hockey world, and all of North America.

Much credit must go to General Manager Bill Torrey and Coach Al Arbour who, in just a short period of time, have built a true hockey dynasty on Long Island.

Led by Capt. Denis Potvin, high-scorer Mike Bossy, playoff MVP Bill Smith, and the scrappy Sutter brothers, there was no stopping the mighty Isles once the Stanley Cup playoffs began. The Islanders have truly earned the right to be called one of hockey's, if not all of professional sports', greatest teams ever.

On behalf of the most loyal and supportive hockey fans in the world, it gives me great pleasure to salute the Islanders for once again, bringing the Stanley Cup home to Long Island where it belongs.●

TELEPHONE RATES FOR RESIDENTIAL CUSTOMERS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. DINGELL. Mr. Speaker, over the last year State public utility regulators and others have predicted that the divestiture of AT&T's local operating companies from its long-distance operation would substantially increase local telephone rates for residential customers. Local telephone rates will, in fact, be increasing dramatically, but the Federal Communications Commission must share the responsibility. In a series of deregulatory actions, culminating in its recent access charge and depreciation decisions, the Commission has reshuffled the costs of the telephone industry in a one-sided and dangerous way. Each decision makes specialized services less expensive and ordinary telephone service more expensive. For example, FCC decisions and the AT&T divestiture may double local rates in Michigan in 1984 with the result that as many as one Michigan subscriber in six may be forced to drop off the network.

Unless something is done to reverse this trend, we may soon be a two-tiered telecommunications nation. Large business users will benefit from advanced telecommunications services such as teleconferencing and high-speed transmission of data to any point on the globe. Some private individuals will enjoy information age offerings such as call forwarding, on-line information services, and bank and shop-at-home services. At the same time, however, we may be on the verge of transforming ordinary residential telephone service into a luxury beyond the reach of many of our citizens and condemning those who cannot afford luxury prices to an information desert. In New York City, a fifth of all blacks and a third of all Hispanics do not now have a phone. In the South Bronx, fully 40 percent of households do not now possess a telephone. The pending large increases in local rates filed in over 24 States signify an imminent widening and deepening of this gulf.

Long-distance telephone companies, including the new AT&T and its competitors, seem perfectly willing to jet-

tison the goal of providing affordable telephone service for all and substitute instead the goal of filling the specialized needs of those who can pay for advanced services. A democratic society, however, ignores the development of a polarized society of telecommunications haves and have-nots at its peril. In the 1934 Communications Act, the Nation committed itself to the goal of providing every American with fair and reasonable access to the telecommunications services which are essential to full participation in our commercial, political, and social life. While that statute is in need of modernization, the FCC has the authority to do what is necessary to preserve this national commitment to universal service, but I am not confident that it is acting forcefully to live up to this statutory mandate. As a minimum step, I believe that it should give favorable consideration to a petition filed by the Michigan State Public Service Commission and the Attorney General for the State of Michigan and commence a public inquiry into the cumulative impact of recent Commission decisions and the AT&T divestiture on universal service.

I draw the attention of my colleagues to an article which appeared in Sunday's Washington Post. The article reveals that almost 90 percent of the $4 billion in pending rate increases will be borne by residential customers. It notes further that these price increases do not result primarily from increased costs, but from a new division of existing costs under which residential customers pay more and users of advanced telecommunications equipment and services pay less. In the absence of effective FCC action, I fear that these pending increases are but the tip of the iceberg of future rate increases that could pose serious danger to our national commitment to universal service.

I also invite the attention of my colleagues to a recent article from the Detroit News, noting that absent FCC or congressional intervention local customers and the Bell operating companies will be the losers under the AT&T divestiture.

[From the Washington Post, May 15, 1983]

TELEPHONE INDUSTRY SHIFTING BURDEN TOWARD CONSUMERS

(By Merrill Brown)

NEW YORK.—The American public faces the prospect of billions of dollars in local telephone rate increases as phone companies attempt to shift a greater share of their costs to consumers.

American Telephone & Telegraph Co. subsidiaries alone have pending before state regulators applications for rate increases totaling more than $4 billion, of which $3.5 billion is aimed at residential subscribers.

To some extent, the rate applications reflect the approaching independence of those subsidiaries, which will lose the financial support of the Bell System following the breakup required by the AT&T antitrust case settlement. But for the most part, the rate activity stems from industry efforts begun a decade ago to restructure tariffs.

Thus, with increasing frequency, independent telephone companies as well as Bell subsidiaries are asking state regulators to authorize higher rates for local residential service. According to AT&T, the average one-line, monthly rotary phone rate will rise to $11.18 this year, up $1 from last year and up from $7.32 in 1975.

"The program may not be any bigger and the awards necessarily bigger than what they've been in the past, but what is different is where the money is being obtained," said Charles R. Jones, an AT&T assistant vice president.

Until the last two years, Jones explained, most increases were assessed to equipment and business users. "It's shifting to consumers," he added.

Meanwhile, increasing competition and dramatic shifts in the pricing of long-distance services under Federal Communications Commission direction are contributing to the transformation in the industry's traditional rate structure.

These developments, accompanied by the efforts of phone companies to shift billing systems from flat-rate monthly fees to usage-sensitive, "measured" service, have thrown state regulators into confusion.

"I don't know if we're overwhelmed, but we're certainly whelmed," said Larry J. Wallace, chairman of Indiana Public Service Commission and president of the National Association of Regulatory Utility Commissioners (NARUC). "It's frustrating because we seem to have so little control over things."

Consumers also are bewildered as they confront a host of complex, generally more costly options created by the aggressive competition in both long-distance service and among equipment manufacturers.

"The way I look at it the phone company is taking the opportunity to get as much as they can now on the backs of the consumers," said Fred Goldberg, a Washington lawyer representing the National Association of State Utility Consumer Advocates.

"There is a lot of confusion and the phone company is taking advantage of it," said Samuel Simon, executive director of the Telecommunications Research and Action Center (TRAC), a citizen group. "The local companies are confused. They no longer trust AT&T. The regulators are also confused and they don't know the right thing to do."

On the other hand, AT&T Chairman Charles Brown, while noting that it "would be helpful to somebody trying to untangle this" if phone companies slowed at least the pace of rate changes, said the "business cannot stand still.

"The facts are that costs are shifting the way the business has to run, and the shareholders need a decent return on their investment," Brown said last month. "Nobody is going to be served by postponing changes which have already been decreed. One might say these are already somewhat delayed."

While the divestiture required under the AT&T antitrust settlement has fueled little of the recent rate activity, it has spawned a new set of issues related to the fact that local phone companies will no longer have revenues from long-distance, equipment, and other services to supplement their income from providing local service.

As a result, some state regulators, such as Susan W. Leisner, a member of the Florida Public Service Commission, are warning that post-divestiture average rates of $25 to $30 per month are likely by 1986. Her estimate includes the impact of a new FCC access fee system that will add $2 a month to phone bills over the next two years to cover costs associated with certain long-distance services, and new depreciation rates on equipment that she said could add another $2 to $3 a month.

"In five to 10 years this nation might have an advanced telecommunications network which places us in the forefront of the information age," Leisner recently told a congressional subcommittee. "My concern is for the vast segment of our population that may not be able to participate in this wonderful brave new world because they simply cannot afford basic access to the telecommunications network."

AT&T officials vigorously deny that divestiture must necessarily cause higher local rates. "We have been saying for a decade that competition would force increases in local rates," Brown asserted. "But it really wasn't until the filing of the consent decree last year that this issue finally got attention."

For at least a decade, many telephone companies have sought to encourage customers to switch from flat-rate, fixed monthly service to the measured services which result in local charges based both on the number of minutes the telephone is used and whether calls are made across various zones. Usage sensitive rates have been introduced in 42 jurisdictions.

New York City residents, for example, have long been offered a variety of calling packages that result in charges for calls based on distances, even within the city limits.

Arguments over such rate structures have raged within state regulatory commissions. Advocates of the plans, like former New York State public utility regulator and Carter administration official Alfred Kahn, say it's good for the public and a fair way to assign costs. "The measured service transition is just," as long as it is accompanied "by developing economy options for poor people," Kahn says.

Last month, the Chesapeake and Potomac Telephone Co. proposed such a system for District residents. Its plan offers five rate schedules, with the cost of the basic flat-rate unlimited service rising 105 percent to $18.06 a month.

Another option is a service with a flat $9.28 a month charge for the dial tone and $2.94 a month in calls, but with additional charges for other calls depending on time of day, location and length of the call. There is also an "economy" rate offered for $3.61 a month, a 64 percent increase, that makes charges for each call placed.

Some activists and regulators warn that despite the proposals for so-called "economy" rates, the numerous changes represent a serious threat to the traditional industry concept of "universal service," and that ultimately some subscribers will be forced to give up service.

"A phone is no different than food and shelter," said Simon of the TRAC group. "There may be a fairly high human cost that's going to have to be paid before regulators listen."

TELEPHONE RATES ARE GOING UP [1]

[In millions of dollars, with resulting percent increase in company revenue]

State	Amount	Percent
Pending applications:		
California	$69.9	[2] 1.5
Nevada	16.4	23.0
Oklahoma	129.2	19.5
Wisconsin	99.0	14.0
New Jersey	212.9	12.3
Florida	285.1	16.0
Michigan	451.0	24.8
Vermont	16.5	19.3
Illinois	40.6	2.0
Iowa	44.7	11.5
Idaho	28.5	23.7
Rhode Island	37.4	20.4
California	837.9	[2] 14.0
Missouri	233.0	33.3
Wyoming	20.9	19.0
North Carolina	145.0	20.1
Arizona	79.0	13.5
Georgia	158.5	14.0
District of Columbia	82.0	46.7
Arkansas	137.9	52.9
Montana	20.7	14.5
Pennsylvania	378.9	25.6
Ohio	179.8	16.5
Kansas	213.7	66.5
Indiana	96.0	18.8
Total	4,014.5	13.5
Increases approved in 1983:		
Minnesota	$52.6	
Washington	56.9	
Utah	36.6	
New York	[3] 200.0	
West Virginia	26.9	
Kansas	17.9	
Maryland	44.3	
Maine	11.4	
Delaware	7.4	
South Carolina	20.4	
Virginia	63.8	
New Mexico	30.0	
Idaho	5.9	
Total	574.1	

[1] AT&T operating companies have rate increase requests pending in 24 states and the District of Columbia. Thirteen states have granted phone rate increases so far in 1983.
[2] Two separate filings in California.
[3] Approximate.

THE DISINTEGRATING BELL SYSTEM

The court order that splits Michigan Bell from AT&T next January "permits AT&T to loot the company and leave us with a Penn Central to regulate." So says Eric J. Schneidewind.

Mr. Schneidewind, Chairman of the state Public Service Commission (PSC), told the House Telecommunications Subcommittee in Washington that terms of the breakup, ordered in a U.S. District Court consent judgment, will force Michigan Bell to double its basic telephone rate to stay afloat—from $10.17 to $20.95 per month for Detroiters. No less than 11.2 percent, and as many as 16.5 percent of the customers will then give up their phones, he says, destroying universal service.

The PSC chairman says these numbers tell it all: AT&T gets 50 percent of the revenues and only 25 percent of the capital assets, leaving Michigan Bell and the 21 other local "dial tone" companies 50 percent of the income to support 75 percent of the assets.

Michigan Bell "will go broke if it doesn't get massive rate increases," he adds.

The issue goes back to the base on which universal telephone service was built. Residential rates were subsidized by highly profitable toll and business charges, so every household could afford a phone. Profits from Yellow Pages alone reduce a householder's phone bill by $2 a month.

The court judgment breaking up AT&T strips the 22 local companies of virtually all business except the local "dial tone" service. To stay alive, they must charge residential customers the full cost of that service.

Michigan Bell officials don't quarrel with Mr. Schneidewind's contentions. They say, plainly, that the system is in upheaval, inside and out, and will never again be the same.

And they are worried. Profitable long-distance revenues—their cream—dropped 5 percent this year, compared to a normal 12 percent growth. That's a loss of $46 million to Michigan Bell. Further, the company gets 44 percent of its revenues from 4 percent of its customers (businesses).

What is to become of the system?

Mr. Schneidewind says it is foolish to lose universal service, that a phone in every house is "good business, not charity," especially when systems are being developed to bank and shop by phone.

At present, 400,000—16 percent—of Bell's customers are already on budget or lifeline services that limit the number of calls per month. Mr. Schneidewind says that number will increase as rates go up and the company can't tolerate it. The company says budget rates will have to rise, proportionate to other rates. The end result is the same: Hundreds of families will drop away from the system.

Michigan Bell officials, who are less pessimistic, say the average telephone bill is $35 a month in Detroit, of which only $10.17 is the basic charge. Only the basic charge doubles. Customers will cut down on long-distance calls and drop extra cost items like touch-tone phones, bells, and buzzers to make up the difference.

Further, they say, arguments of regulators like Mr. Schneidewind have had their effect. The court has restored Yellow Pages business to them, will allow them to reenter the equipment business one year after divestiture, and permit Michigan Bell to engage in other business activities like data transfer or putting wires on its poles to deliver cable TV signals, so long as the company doesn't monopolize the market.

This sounds like relief—but is it? Michigan Bell officials concede that new, competitive businesses would be established in separate, unregulated subsidiaries (because they are not monopolies), that these could as easily be adjuncts of Michigan Bell's regional parent company headquartered in Chicago. If the subsidiaries go regional their profits would not help reduce the bills of Michigan Bell's residential customers.

Mr. Schneidewind argues that regulators and courts must give Michigan Bell sufficient revenue flows to keep basic phone rates low enough to preserve universal service.

Upheaval seems a slight word to describe the turmoil now apparent in the phone business. There is little hope that the residential phone customer can escape a raid on his wallet because new empires are being carved off or created to stand on their own and be profitable—all except the local company that provides the dial tone.

AT&T won a great victory in this court fight. The householder lost.

The PSC chairman has asked Congress to "take a couple of months" to examine the telephone mess, to study the effect it will have on a society that, until now, has had by far the best communications system in the world.

Indeed, that is the least Congress should do.●

PERSONAL EXPLANATION

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. MOAKLEY. Mr. Speaker, this morning I was detained and missed the vote on the question, pursuant to clause 1 of rule I, of agreeing to the Speaker's approval of the Journal of the proceedings of Tuesday, May 17, 1983.

I have the greatest confidence in the work of the Journal clerks and in the Speaker's examination of the Journal and, had I been present and voting, I certainly would have voted "yea" on that question.●

TAX MONEY GOES TO REAGAN'S ENEMIES BY REAGAN APPOINTEES

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. McDONALD. Mr. Speaker, this is a very short item to share with my colleagues, but certainly not short on the hard-earned money of the American taxpayer.

Once again both the American taxpayer and I are indebted to an outstanding issue of Conservative Digest—April 1983 issue to be exact. Call this entry, if you will, "The Big Ten."

It is majority rule, six to four. The first six are recipients of millions of dollars to spend as they please against the interests of all that Ronald Reagan represents. The second four are Reagan appointees who shell out the millions to organizations who both literally and figuratively detest the very ground that Ronald Reagan treads on.

It used to be in this Republic that a flag once bore the symbol and saying: "Don't tread on me." Evidently the lovers of freedom do not follow that adage any more. Certainly not when we see some $40 billion annually going to fund that which most of us abhor. So, from Conservative Digest comes "Tax Money Goes to Reagan's Critics," and "Reagan Appointees Fund Political Advocacy." And remember that although the score of 6 to 4 as democracy rules, either way, you lose. Articles follow:

[From the Conservative Digest, April 1983]

DEFUND THE LEFT

TAX MONEY GOES TO REAGAN'S CRITICS

United Auto Workers President Douglas Fraser—$299,370 from the Department of Labor (Fiscal Year 1982).

Labor Institute for Human Enrichment, Inc. Chairman of the Board Albert Shank-

er—$1,745,119 from the Department of Labor (February 1, 1982).

Urban Institute Chairman William Ruckelshaus—$1,060,667 from the Department of Housing and Urban Development (15 grants throughout 1981 and 1982).

PUSH for Excellence President Jesse Jackson—$656,644 from the Department of Education (September 30, 1981).

AFL-CIO President Lane Kirkland—$12,539,962 from the Department of Labor (several grants throughout 1981 and 1982).

Planned Parenthood President Faye Wattleton—$35 million annually form the Department of Health and Human Services (Heritage Foundation estimate, August 1982).

REAGAN APPOINTEES FUND POLITICAL ADVOCACY

Secretary of Housing and Urban Development Samuel R. Pierce, Jr.—$1,060,667 to The Urban Institute (15 grants throughout 1981 and 1982); $124,360 to the Center for Community Change (July 9, 1981); $100,000 to the National Urban League (September 30, 1982); and $98,066 to the NAACP National Housing Corporation (November 5, 1981).

National Endowment for the Humanities Chairman William Bennett—$600,000 to the National Council of La Raza (November 1981); and $99,008 to the George Meany Center for Labor Studies, Inc. (February 1982).

Secretary of Education Terrel Bell—$656,644 to PUSH for Excellence (September 30, 1981); $538,389 to the National Conference of State Legislatures (February 2, 1981 and March 1, 1982); $98,000 to the American Federation of Teachers (February 1, 1981); $156,345 to the National Organization for Women Legal Defense Fund (October 16, 1982); and $95,673 to the International Ladies Garment Workers Union (April 26, 1982).

Agency for International Development Administrator M. Peter McPherson—$519,000 to International Planned Parenthood (September 30, 1981) and $2,889,248 to the Overseas Education Fund (Fiscal Years 1982 and 1983).●

RIFLES AND ROSARIES IN NICARAGUA

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. WEBER. Mr. Speaker, the New York Times on May 13 published a front page news article on the rebels fighting the Nicaraguan Government. Because of the upcoming consideration of foreign aid to Central America, I would like to share this timely article with my colleagues. I believe it may help inform all of us what is at stake in this region.

The article follows:

WITH NICARAGUAN REBELS: ROSARIES AND RIFLES

(By Peter R. McCormick)

SAN FERNANDO, NICARAGUA, May 8.—In the still of dawn on a road near the northern Nicaraguan town of Ocotal, two dozen well-armed men, women and boys who said they were anti-Sandinist guerrillas took up positions in the foliage.

After planting a flag bearing the initials F.D.N.—for Nicaraguan Democratic Force, one of the rebel groups bent on overthrowing the leftist Government in Managua—two runners set off to alert flanking forces nearby.

Over the next 20 minutes the guerrillas stopped four trucks and buses. As drivers and passengers were ordered out and searched, Armando Centeno Acevedo shouldered his AK-47 automatic rifle and bade the people good morning.

"Don't worry," said Mr. Acevedo, a tall man of 44 who uses the pseudonym Antonio. "We're not going to hurt you. We are just like you. We are fighting the Communists to make Nicaragua free."

After buying provisions from a truck driver and spraying anti-Communist slogans on the buses, the guerrillas shook hands with the passengers and sent them on their way.

Like other Latin American rebels on the opposite end of the ideological spectrum, the Nicaraguan guerrillas say they are fighting oppression. But unlike others, the Nicaraguans speak of the evils of international Communism and wear rosary beads and crucifixes with their ammunition belts.

An opportunity to see a part of the Nicaraguan Democratic Force in action came from a five-day trip with a group of its guerrillas. Information gained on the trip could not be independently verified. Most of the trip was spent marching up and down steep mountain trails, talking to guerrillas, listening to political speeches in jungle clearings, living off the land and listening to the sounds of fighting. Two of the guerrillas were political officers responsible for propaganda activities that include spray painting.

The trip was made on condition that the foreign journalists with the guerrillas not reveal from where they entered Nicaragua, or the location of the unit's home base.

The trip was conducted by people who say they are guerrillas operating in the departments of Nuevo Segovia and Madríz under the command of a 39-year-old agronomist who called himself Commander Mack. Like most of the others in the unit, Commander Mack did not disclose his real name, for what he said were security reasons.

The guerrillas said they did not know where their arms came from. But they bridled at the mention of opposition to the Central Intelligence Agency's request to Congress for further aid for the 7,000 rebels who are believed to be in northern Nicaragua and the several thousand Miskito Indians who are fighting in the east.

A CLAIM OF POPULAR SUPPORT

Conversations with the combatants over the five days left the impression that even if covert American aid ends, deep-rooted unhappiness with the Government among people in northern Nicaragua will keep the insurgency boiling for a long time. Although the guerrillas are well-supplied with arms, ammunition and equipment, their leaders say their campaign so far could not have succeeded without popular support.

The opposition to the Sandinists seems to spring mainly from resentment over acute shortages of daily necessities and the imposition of Marxist ideology over religion. Some of the guerrillas, especially those on the command ladder, were either middle-class townspeople or small landowners who said their holdings had been confiscated by the Government. Many, however, were laborers or subsistence farmers who lived near the guerrillas' zones of control.

Of the several dozen combatants interviewed, only one said he had fought with the national guard of Anastasio Somoza Debayle against the Sandinists in 1979. The guerrilla, who called himself Mike Lima, said he knew of only eight other former national guard officers who were in the Nicaraguan Democratic Force. The head of the military operations of the Nicaraguan democratic Force is a 44-year-old former national guard major named Emilio Echaverri, whose pseudonym is Commander Fierro.

In a private interview at a location that he asked not be revealed, Mr. Echaverri said "professional soldiers" were directing the war. He denied that any foreign advisers, including Americans and Argentines, were involved in the military operations of the Nicaraguan Democratic Force.

Mr. Echaverri said Mack was one of 10 field commanders leading the guerrilla task forces in Nicaragua.

FREQUENT AMBUSHES OF PATROLS

One commander said he thought less than 1 percent of the guerrillas were national guard veterans. But José Valles, a peasant from Somoto, said that of the 40 recruits who went with him to enlist with the guerrillas, seven were former guardsmen.

The guerrillas conduct frequent ambushes of army patrols with the aim of killing as many soldiers as possible. As the guerrilla unit that had intercepted the buses made its way back to the safety of the mountains, the flanking forces that accompanied and protected it went into action against a Sandinist troop convoy coming from Ocotal.

After a six-hour march through steep mountain trails, interrupted several times by aircraft that sent everyone scrambling for cover, the different sections of the attacking force reunited in a valley. The ambush force said it had destroyed 3 trucks and counted 45 Sandinist dead.

Four guerrillas died, including the force's leader. One of the ambushers, an 18-year-old named Xavier, returned smiling. "It was butchery," he said.

Mr. Acevedo said the fighting took place where the Nicaraguan guerrilla leader Augusto César Sandino ambushed a column of American marines in the early 1930's. The Sandinistas take their name from Mr. Sandino.

Mr. Acevedo said he was a farm produce dealer in Ciudad Antigua until the Sandinistas confiscated his truck as punishment for his refusal to join the local political committee in December 1979. He got into more trouble, he said, after he argued with Cuban teachers over the comparative merits of Fidel Castro and the Roman Catholic Church.

Mr. Acevedo said that while he was Mayor of Ciudad Antigua during the 1979 insurrection against the Somoza regime, he sheltered Sandinistas and delivered messages for them. Later he joined a Sandinist ambulance team, but he became disenchanted. "They have formed a totalitarian system," Mr. Acevedo said. "Everything is rationed. They are against religion."

Mr. Valles and his companions, gathered in a clearing to await weapons instruction, provided personal details to support Mr. Acevedo's complaints. They had not yet received the well-made dark green uniforms nor the sturdy, United States Army-issue jungle boots that most of the guerrillas wore. Their clothes were in rags and their shoes were no more than scraps of rubber and leather.

Juan Jacinto Ruiz Sánchez, 41, said he had left El Zapote, a hamlet near Ocotal, four days earlier. "The Sandinists do not let the peasants work freely," Mr. Sánchez said.

"They took advantage of us. They said everything would be cheaper and that there would be medicine. It is just the opposite."

COMPLAINTS OVER CROPS

Juan Mejiá, a peasant from Totogalpa, pointed to his torn rubber boots. "Look at these," he said. "Before, we used to get real leather shoes from Guatemala. There's no tobacco. Cloth used to cost 10 cordobas. Now it costs 80. There isn't enough medicine for my children. With the help of God we'll change things."

Others complained of not being allowed to harvest crops because of their suspected sympathy for the guerrillas, or of not being permitted to attend evangelical meetings. Although the guerrillas receive no pay, they indicated that life had improved since they took up arms. They carried their guns even to meals, exuding the self-sufficient air of football players at a training table.

The guerrillas receive a month's training in secure areas before joining combat patrols. Some of the veteran commanders and squad leaders said their training was conducted over several months. Their equipment included United States Army-issue packs, harnesses, a canteen, a poncho and poncho liner.

The less experienced guerrillas carried tired AK-47 automatic rifles, some of which had been captured and others of which had come "from outside." The veterans carried well-maintained Belgian-made rifles, whose tremendous noise and velocity, according to a squad leader, made them treasured weapons. Each guerrilla carried about 200 rounds of ammunition and two grenades.

Most of the troops wore canvas and plastic-mesh baseball caps, which added a hint of a professional sportsman to their military appearance. The guerrillas' attitude toward their enemies, who are militiamen and members of the regular Nicaraguan Army, was a mixture of respect and pity.

"They bring young kids up from the city to fight us," said Chico, a soft-spoken squad leader from Managua. "We know the country. They don't. They can't pursue us sometimes because they don't have good shoes."

A commander who used the code name 0-3 said the enemy appeared to be tightly controlled by Cuban and Bulgarian advisers and that they relied too heavily on trucks for movement. But he also said the Sandinists were very well equipped, especially in artillery. Z-2, a commander of equal rank to 0-3, said the Cuban advisers were very experienced.

CUBAN CORPSES FOUND

He said his men had found Cuban corpses after combat and that recently they had captured a Cuban before releasing him unharmed. The guerrilla leaders treated their troops patiently and received absolute respect and obedience in return. Morale was always high during the trip.

It was ordinary to see 14-year-olds carrying 75 pounds of equipment all day without hearing a word of complaint. When at rest the guerrillas would drift off into nearby woods in search of sugar cane to chew.

Meals were meager. One of the main dishes was red beans al macho, which meant they were boiled alone in water. Plantains and tortillas made up most of the meals. Rank chunks of smoked beef and sugary coffee were considered treats.

Nicaraguan Democratic Force leaders said they were trying to consolidate the military gains they said they had made since the fighting began in earnest last winter. Although the guerrillas continue to move constantly from one base to another, they have said recently that the Sandinists have generally not tried to venture into certain areas. Citing security concerns, the guerrillas declined to be quoted on precisely which areas were under their direct control.

Although much of northern Nicaragua has been known for its conservatism, and hence its opposition to the Sandinists' attempts to impose a greater degree of control over agricultural production, the guerrillas seemed convinced that the support they had gained would spread until the Sandinists were overthrown.

"Look how well we have done so far," said 0-3. "A popular uprising is not Utopia," he said. "It's happening. People are afraid of Sandinism."

In denouncing the Sandinists, the Nicaraguan Democratic Force leaders have used the same terms that their enemies have used in attacking them. Words such as repression, genocide and annihilation lace the pronouncements of both sides.

Black Tiger, the pseudonym for Pedro Guillen Ortéz, was at 60 the oldest of the 100 guerrillas encountered on the trip. "I am here because the Sandinists don't believe in God," he said.

A 15-year-old from Las Garcias known as José saw his father killed beside him in a firefight April 3. He said the four male members of his families joined the guerrillas after his brother was seized by Sandinist authorities. José carried his father's AK-47.

Donald Quiónes Sentero, 33, left the rented land he used to farm three months ago when he decided that the Sandinist literacy campaign was designed to produce the wrong kind of "political motivation."

"Surely Christ the King is the reason why we have lost so few men," he said. The guerrillas said they had no idea where their equipment came from.

Asked about the crates of Canadian-made ammunition or discarded paper wrappers with Arabic lettering that lay beside a shack, 0-3 said: "I see only what is in front of me. I am here to fight for my people."●

FAMILY LEARNING OPPORTUNITIES SHOULD BE AVAILABLE TO ALL

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. GINGRICH. Mr. Speaker, the rapid lopsided growth recently projected for the home-computer education market shows more dramatically than ever the need for the Family Opportunity Act.

I introduced the Family Opportunity Act to give families who work and learn at home the ability to afford the same computing power as large institutions. The bill, H.R. 2531, would grant a $100 tax credit each year for each family member when that family buys a home computer or software. The family could use the credit every year for 5 years or until the total credit equals half the purchase price of the computer or accessories.

Today's new technology provides many opportunities for working and learning at home, for starting new businesses, and for developing new ideas. But since computers are so expensive, it is possible the gap between the well-to-do and those less fortunate could increase. That is why I have introduced the Family Opportunity Act—to make sure that whoever is willing is also able to pursue the exciting new opportunities of the "Information Age."

My bill is an important way of assuring that this revolution, already in full swing, is not one-sided. The tax credit is targeted toward the family and individuals rather than toward larger, established institutions or businesses. This bill gives families and neighborhoods the boost instead.

The April issue of American Family, a national newsletter on family policy and programs, show the educational-software market jumping from almost nothing to $1 billion in 5 years, equal to what it has taken the traditional textbook, audiovisual market the past 300 years to do in the United States. But even more surprising is the fact that 70 percent of this new market will be sold to families for home use.

Today the ratio of computers to students in the schools is little better than 1 to 350, according to a survey by Future Computing, Inc., conducted in March 1983. Even though American Family estimates that in students learning at home the ratio is 1 to 100, both ratios are skewed by the number of wealthy families and more affluent schools. To prevent this gap from growing my bill is urgently needed.

Mr. Speaker, I want to suggest the following article from American Family to my colleagues, and I want to urge them to join me as a cosponsor of the Family Opportunity Act.

COMPUTERS TO REVOLUTIONIZE FAMILY-SCHOOL RELATIONSHIP

"It is not being overly pessimistic to view the microcomputer as the vehicle that may drive a technological and instructional wedge between home and school.

"On the other hand, it is not overly optimistic to think that educational computing could become the basis for cooperative, community-wide educational experiences for all families."—Dr. Kenneth Komoski, Executive Director of the Educational Products Information Exchange (EPIE) Institute.

How can the small home or personal computer play such a near revolutionary role?

To start with, calling it a computing machine is misleading. It is the first all-purpose machine the human race has ever invented. With its powerful interactive potential, the computer used for education emphasizes learning rather than teaching, the student rather than the teacher. This permits the students to work with a greater degree of independence from the school and teacher, and shifts the focus of learning from the school to the home as more homes than schools get computers.

Second, as the cost of the computers drops, home computer use expands dramatically. There are now more than four personal computers selling for under $100 and more than a dozen under $200. Microcom-

puter sales last year reached 4 million, completely upsetting predictions of 1.7 million at the year's beginning. We estimate sales will reach 10 million within the next few years, with the majority of families having home computers or access to them by the end of the decade. Bills before Congress offering tax incentives for computers in schools and homes, if passed, will help accelerate this trend.

Third, the software market is forecast to expand even more dramatically, from $900 million last year to $8 billion by 1987. Still in its infancy, the education software component of this market is projected during this period to jump from $60 million to almost $1 billion.

Home sales will overtake the now dominant school market shortly to capture 70 percent of the market by 1987, according to the latest study by one of the country's leading software market analysts.

The enormity of this change can better be seen when compared to the sales of traditional text books and audio-visual (AV) learning materials. An EPIE study, Komoski told American Family, estimated that total sales to the entire educational market (40 million students) had slowly increased over the past decade from $500 million to $1 billion.

Thus it is possible the educational computer program market will overtake the textbook/AV market by the end of the decade, and that the home market, negligible before, could overtake the textbook/AV market as well.

Fourth, research shows the computer is a superior learning aid compared to traditional modes of instruction. A major survey of the extensive research on all major computer based or aided forms of learning by Dr. James Kulik, Director of the University of Michigan Center for Research on Learning and Teaching for the National Science Foundation, reveals children using a computer learn slightly better, like it more and cover the same material in two-thirds the time, compared to traditional learning methods.

IMPETUS FROM HOME EDUCATION MOVEMENT

Fifth, many observers believe the home education movement is taking off. There are no hard figures on this trend. Estimates range from 20,000 to 1 million Americans who educated their children at home last year (see "Megatrends" in Bibliography No. 9, March 1983). But the movement is clearly growing.

Dr. Raymond Moore, head of the Hewitt Research Center in Washougal, Wash. one of the country's leading home education organizations, sees this as the fastest growing movement in the education field, citing reliable growth estimates of 200,000 families a year. It represents a wide spectrum of social, political, cultural and religious groups, motivated on one hand by a desire to regain control over transmission of basic family or cultural values, and on the other by a perceived need to foster students' natural creativity through student-directed learning.

Many proponents have given up trying to reform schools. Virtually all groups are united in their aim of ending compulsory school attendance.

Although these movements for the most part originated before the influx of home computers, when coupled with new technology they can become a significant force for change in society. So far, because of the newness of the technology, an inability to evaluate or even understand most educational software, and a lack of research on its impact on young children, many conservatives and liberals alike share an uneasiness or uncertainty about the role of the microcomputer in home education. For one thing, unless they are computer-literate they cannot see what their children are learning.

But not everyone feels this way. At the conservative Family Forum II conference in Washington (see American Family, September 1982, p. 9), a packed seminar on "Implications of the Computer Age" was told the home computer can bring the family closer together. The technology is already here at affordable costs, they were told, to enable families to take over total education of their children at home.

Moore also believes that the home computer can help the home education movement, provided the family masters it and does not let itself be mastered by the new technology.

NEED FOR RESEARCH

Because the home computer has entered the household so suddenly, little research has been done on its impact on the family.

Studies are urgently needed, for example, on the impact of the home computer on family time use. The first such study, recently completed at the Institute for Communications Research at Stanford University, shows as major shift in use of time as increased home computer use cuts into TV viewing time. (American Family will carry a more complete account of this study in a future issue.)

Marriage and Family Review is planning a special issue for 1984 on "Small Computers and the Family." One of the topics for which it is seeking papers is "The Social Impact of Computer-Based Instruction on the Young Child."

The National Education Association is working on a major study of education in a technological era. Parents and teachers need to be warned of the dangers of uninformed or ill-advised purchases of computers and educational software, Helene Gerstein, the professional associate who is working on the study, told American Family.

But she sees the major societal change the microcomputer is bringing as a challenge and an opportunity for the professional education community. As students increasingly gain information from computers, the role of the teacher will be "to help students to interpret, discriminate and integrate" this knowledge into their thinking skills, Gerstein said.

She also believes teachers can use computers to deal with a whole range of students' special learning problems. But she is concerned about the possibility of the home computer and home education alienating students and families from the community and society.

COLLISION CAN BE AVERTED

Ken Komoski believes parents and schools should work more closely to ensure that home computers enhance a child's education as much as possible without creating turf wars.

Writing in the March 1983 issue of Network, the monthly paper published by the National Committee for Citizens in Education, he suggests four ways to head off a potential home-school collision and help forestall dividing society into information-rich and information-poor:

Request a district-wide policy to offer programs in computer literacy and the educational uses of computers for all parents.

The school should help parents who can't afford a home computer by extending the school discount and encouraging them to buy the same make and model used by the school.

The school should communicate frequently and clearly to all parents about its plans and the purposes and purchases of educational computing hardware and courseware.

School and parent organizations should cooperate in establishing and maintaining a curriculum software bank. Parents' educational software, purchased with the help of the school's discount, would be deposited here once the youngsters in the household has outgrown it so all parents may draw on it.

There appears to be a wide consensus that government should not try at this time to regulate the new relationship between home and school, but should focus attention on ways to assure access to the technology by those families and schools which need help, and remove some of the barriers that may inhibit home education.

REVOLUTION WITHOUT LEADERSHIP

This is a revolution without national leadership or major barriers. Unlike Japan, we have no national Information Society plan to put a home computer in every household.

Neither the government, the education community, the family policy community, nor the business community has mapped the national course on which technology is sweeping us. But it is aided by thousands of individual entrepreneurs in homes, schools, small businesses and large industries.

There has been a growing consensus among those working with computers that we need objective evaluation of education software for parents, students and schools. EPIE, joining forces with Consumers Union, has developed such a national program, an extension of its successful evaluation program for textbooks and AV programs.

The federal government supports a similar, more modest effort at the Northwest Regional Education Laboratory, and several professional and religious groups are evaluating or planning to evaluate computer programs for their constituents. We will report on these efforts in future issues.

When making evaluations, it is important to include as many young people under 16 as possible. Atari recently created an advisory committee with only people 17 years and younger.

Writing in the winter 1983 issue of Daedalus (see Bibliography No. 9, March 1983), Benjamin M. Campaine of the Program on Information Resouces Policy at Harvard University concludes his article on "The New Literacy" with a quote overheard from a 16-year-old reporter for *Children's Express* at the Fourth Assembly of the World Future Society on the Future of Communications last summer.

I think the message was clear that it's really our [young people's] world. I was kind of laughing at the people here. This technology, all they talked about, they really couldn't grasp. This belongs to us.●

WHY ANNE BURFORD LOST HER JOB

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. McDONALD. Mr. Speaker, they say that one of the quickest ways to

commit suicide if you do not want to do it yourself, is to give someone else the weapon and pay them for doing the job. This seems to be the case with Anne Burford, who was recently forced to resign from the Reagan administration.

Thanks to the April 1983 issue of Conservative Digest, we can see how and why Anne Burford never had a chance from the start. There is a balance between those who believe in environmental purity and those who would destroy the environment. Such is not the case with the environmental extremists who have little logic and less brains. But they do have money thanks to the American taxpayer who pays the bill. Most Americans would be shocked if they realized that their money, in excess of some $6 million in only 2 or 3 years, has funded these extremists.

Despite the fact that the U.S. Government now controls land in excess of the size of all that land east of the Mississippi River to include the geographical areas of Texas and Louisiana, the environmental extremists would have us tie up more land in Federal control. They have a right to advocacy—but they do not have a right to fleece your pocketbook and mine, to pay their bills.

Mrs. Burford found that out, but too late. So she and others may know, I share with my colleagues the article, "Reagan Appointees Help Burn Burford," from the April 1983 issue of Conservative Digest. The article follows:

REAGAN APPOINTEES HELP BURN BURFORD

HOW THE LEFT IS BEATING REAGAN IN 1983

UPI's Paula Schwed reported "Cheers broke out at Sierra Club headquarters in San Francisco," when Environmental Protection Agency Administrator Anne Burford resigned March 9. Other environmentalist groups also applauded.

They had plenty of reason. Burford cut federal funds to many environmentalist groups, although not all.

Typical was the approach of Stewart Udall, Interior Secretary for presidents Kennedy and Johnson. "Under the rubric of 'eliminating waste' Administrator Anne M. Burford has proposed drastic budget cuts that will seriously hamper EPA's ability to do its job properly," read a fundraising letter he signed on behalf of the Natural Resources Defense Council (NRDC). NRDC received millions of dollars from Jimmy Carter. Zip from Burford.

The Carter administration gave the Sierra Club more than $600,000. Burford cut it off. In 1981 the Sierra Club added her to its "hit list," right next to Interior Secretary James Watt according to UPI reporter Bob Rains.

The Sierra Club brought suit and 2 federal courts ordered the EPA to pick up its legal bill—$90,000—even though the club lost the case, on the grounds that important issues had been aired.

These decisions gave the Sierra Club—and other "public interest" groups—a reserved place at the federal trough. Any group bringing suit for a sufficiently "important" cause would have its legal fees picked up by the taxpayers—win, lose or draw.

In February, the Connecticut Audubon Society joined the Connecticut Sierra Club in "indicting" Burford for failure "to meet the intent of environmental protection." The Carter administration gave the National Audubon Society more than $115,000.

While President Reagan frequently voiced support of Burford, his appointees were handing out tax dollars to groups who wanted her head.

On August 28, 1981 the Department of Energy, under Reagan appointee James B. Edwards, gave the National Wildlife Federation $43,437. The federation frequently criticized Burford's cost savings management and insisted that EPA's staff be doubled.

The Environmental Action Foundation (EAF) opposed Burford from the day Reagan nominated her. "If someone with Burford's weak environmental credentials is confirmed, EPA will be unable to carry out its mandate," said EAF coordinator Elizabeth Davenport in May 1981.

Burford might not have carried out EAF's mandate, but the Department of Energy did. On July 17, 1981 it gave EAF $179,644.

EAF's parent group, Environmental Action, boasted that its lobbying aims at "helping dedicated grassroots environmentalists fight the pro-pollution policies of President Reagan and Environmental Protection Agency administrator Anne Burford."

Environmental Action and other such groups—many supported with tax dollars, others in search of federal funds—ganged up on Burford. She quit. And those in the administration who funded these groups helped.●

SOLIDARITY SUNDAY WITH SOVIET JEWRY

HON. DANTE B. FASCELL

OF FLORDIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. FASCELL. Mr. Speaker, I am pleased to join with over 120 of our colleagues in sponsoring House Resolution 150 which expresses congressional support for Solidarity Sunday With Soviet Jewry. This Sunday, May 22, marks the 12th year that this event has been held.

A show of solidarity with those in the Soviet Union who wish to practice the beliefs of their Jewish ancestors gives the "refuseniks" strength and hope for the future. But it also makes all of us in the United States, regardless of religious affiliation, thankful for the freedoms we so often take for granted.

However, there is a sadness to this event as well. For 12 years we have come together to share the sorrows, frustrations, and strength of our brothers and sisters in the Soviet Union in hopes that soon, they may live their lives in freedom and without fear of persecution. Yet, despite efforts in the United States, within the Soviet Union and around the world, Soviet emigration is at an all-time low. Only 2,692 individuals were allowed to emigrate in 1982, a phenomenal decrease from over 50,000 emigres in 1979. Those who apply for visas risk loss of their jobs, their social status and their hope.

The Helsinki Final Act clearly guarantees the basic human right of freedom to emigrate and to be reunited with families abroad. As the Chairman of the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, and as the ranking majority member of the House Foreign Affairs Committee, I have worked with many others in the pursuit of freedom for people of all nationalities and religions who wish to emigrate from Eastern bloc nations and begin a fresh new life abroad, where they may fully and openly practice their beliefs. The callousness exhibited by Soviet officials toward those who wish to emigrate violates the very spirit of cooperation that we in the United States seek to encourage.

For 12 years now we have gathered to express our solidarity with 3 million Soviet Jews and others who wish to emigrate or live free within their native lands. On May 22 we will join together again. With hope, such gatherings will not be necessary in the future but, until then, on Sunday and on every day of the year, the voice of freedom among people the world over will be heard until all peoples are free from fear and persecution.●

SOCIETY OF PHILLIPINE OBSTETRICIANS AND GYNECOLOGISTS IN AMERICA

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. LONG of Maryland. Mr. Speaker, today, I would like to recognize the efforts of a new and growing professional association which helps promote excellence in its field.

The Society of Phillipine Obstetricians & Gynecologists in America was founded in March 1982 and has its principal office in my district in Fallston, Md. It has an international membership of not only obstetrician-gynecologists but also other professionals from nurses to lawyers who have an interest in the field.

This organization works to advance its profession and its professionals through scientific meetings, a newsletter, and other organizational support. In particular, it will be sponsoring the second annual clinical obstetric-gynecologic multidisciplinary update and meeting from July 10 to 14, 1983, in Seattle, Wash. About 1,000 people will attend this meeting to look into newer modes of diagnosis, treatment, laws, and the business aspects of the field.

Clearly, they have accomplished a great deal for such a young organization and have tremendous potential for promoting excellence in our Nation's health services. I am sure that my colleagues join me in wishing them success for their annual meeting and all of their future activities.●

JAMES VAN DER ZEE, AN AMERICAN ARTIST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. RANGEL. Mr. Speaker, I rise today to honor a great black artist and historian who died on May 16 at the age of 96. James Van Der Zee was a photographer who recorded the very rich history and cultural life of Harlem.

His subjects included great 20th century leaders and personalities of the black community: Adam Clayton Powell, Sr., and Jr., Marcus Garvey, Eubie Blake, Muhammad Ali, and Bill "Bojangles" Robinson. The routine of everyday life in Harlem was also recorded. The people, the activity, the buildings, and the lifestyle of six decades are visible for all to enjoy. We as a people have relied upon the collective memory of our elders to relive the past. Because of James Van Der Zee, we have the additional source of a visual record. This is a great gift of a great man to his people.

Mr. Van Der Zee was honored by President Carter in the White House, and by four academic institutions. It is fitting, Mr. Speaker, that this Chamber also salute and remember the achievements of such a talented and respected black American. Earl Caldwell composed a most appropriate eulogy of Mr. Van Der Zee, which I submit for insertion into the RECORD.

[From the New York Daily News, May 16, 1983]

HIS LIFE MIXED LIGHT AND DARK, TOO

(By Earl Caldwell)

At the end, the final remarkable chapter in his life was no different. He had a magic moment in the sun and then it turned the other way. It was always that way in his life, the bitter pushing in on the sweet.

In the afternoon on Saturday, he was in Washington and at the graduation ceremonies at Howard University he was awarded an honorary doctorate in humane letters. It had been a perfect day and in the afternoon, as the citation for him was being read, the big crowd that was there stood and applause began to rise and the last words that came from the president of the university were lost.

He would have been 97 in June and age put him in a wheelchair but in the afternoon on Saturday, on the campus of Howard University, he pulled himself to his feet and he stood to accept the acclaim and the degree. It was, perhaps, the finest hour in the remarkable life of James Van Der Zee.

He could not shake his destiny, though, and so it did not end there. By night he was ill. By 1 o'clock in the morning he was hospitalized. At 2:30 a.m. he was dead.

He was perhaps the most famous black photographer ever. He had in his collection over 125,000 prints, negatives, plates and transparencies. And he did all of his work in Harlem.

He had by 1969 close to 60 years of pictures from Harlem. He had faces and funerals and rallies and buildings. He had Father Divine and Adam Clayton Powell Jr. He had Marcus Garvey and Bojangles Robinson. He had them all, rooms filled with pictures and negatives, and he was 83 years old and that was when he was discovered.

It happened quite by accident. The Metropolitan Museum of Art was putting together a show on Harlem. "Harlem on My Mind" it was called, and that was how it happened that Reginald McGhee stumbled onto James Van Der Zee. McGhee was working for the museum, helping to put the show together and he was scouring around in Harlem.

"When he hit my place, it seemed he hit a gold mine," Van Der Zee was to say later.

The show the museum put together never received much acclaim. It was an idea that didn't work. But for Van Der Zee, it changed his life. It took him out of the obscurity where he had worked and make him a star. His pictures were shown at the finest galleries. Publishers wanted his work and books were made and suddenly, he was an overnight sensation.

The bitter, though, always followed the sweet for him and in 1969 it was that way too. He had a brownstone in Harlem where he lived with his wife and his studio was there too and at the moment his work was being acclaimed at the museum, he was evicted from his home and his treasure—his photographs—was carted away by a city marshal. He lost a dispute concerning his mortgage and it cost him his home.

"It is the highest time and the lowest time," he said.

The newspapers had stories of what happened and an institute was created just for his work. It opened on E. 125th St. and it looked good for him again but then the money ran out. His collection moved to the Metropolitan for a while and then it was placed in one of the leading black cultural institutions, the Studio Museum in Harlem. His collection was given to the Studio Museum but later, Van Der Zee, who had no sufficient income, wanted the collection returned. Again, the bitter followed the sweet and he found himself bringing a lawsuit against the museum to regain possession of his collection.

By yesterday, when he died, the lawsuit was still unsettled. But Van Der Zee went out with the one thing that he could not lose, which was the acclaim that his life's work brought. He was born in Lenox, Mass., in 1886.

"My mother and father were maid and butler to General Grant," he once told a reporter. "I didn't think much of it when I was young. Now there are so many questions I wish I'd asked them about that."

In the interview, he spoke of his first wife and there was in his words the tinge of the bitter and the sweet.

"My first wife thought I was a pretty smart fellow when she married me, but then as she got herself some education, I started getting dumber and dumber to her. Once she said something about my parents, and I told her, 'They didn't pick them out for the general because they were the dumbest Negroes they could find.' "

He started out with photography at an early age.

"I got my first camera when I was 12 years old," he said. "I won it as a premium for selling perfume. I kept running to the express offices to see whether the thing was coming in a box or a barrel. One day it came. My heart began pumping and beating and my eyes began popping, and I was astonished and amazed when I saw it. The camera was a little thing about 2½ by 4 inches." The sweet and the bitter.

He had two children by his first wife but both died, a daughter who was 15 and a son who did not live to a year. His life was filled with twists and turns and it never changed. But he worked. He always worked. But when the acclaim came for him, he had given his collection away and by yesterday, when he died, he had needed public assistance to keep going.

The camera—it was his life.

"It's a hard job to get the camera to see it like you see it," he once said of this work. "Sometimes you have it just the way you want it, and then you look in the camera and you don't have the balance. The main thing is to get the camera to see it the way you see it."

The life that he saw though his camera is recorded in a huge collection that is in the Studio Museum and that is the legacy of James Van Der Zee, whose life was a mixture of the sweet and the bitter.

He was 96.●

THE RETIREMENT OF MR. WILLIAM J. WALSH

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. MOORHEAD. Mr. Speaker, it is an honor for me to recognize an outstanding citizen and educator upon the occasion of his retirement.

Mr. William J. Walsh, principal of Washington School in Burbank, Calif., is being honored at a retirement celebration on June 10.

For the past three decades, Mr. Walsh has been with the Burbank Unified School District. During those 30 years, he has been a teacher, an administrator, a counselor, an adviser, and a trusted friend, and mentor.

He has served with distinction in many educational organizations, including the Burbank Teachers' Association, the California Teachers' Association, the Blue Key Fraternity, the National Council of Teachers of Mathematics, and the Association of School Administrators.

Mr. Walsh is respected and admired by his colleagues, esteemed by his teachers and appreciated by his students.

I am grateful to him for a lifetime of dedicated service to our children and I want to wish him a most satisfying and full retirement.●

TVA: 50 YEARS OF PROGRESS IN THE VALLEY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. DUNCAN. Mr. Speaker, the Tennessee Valley Authority has changed the shape, outlook, and perception of the Tennessee River region over the past 50 years. It has brought not only electricity to the valley, but also economic and industrial power which were unimaginable a half century ago today.

Senator George Norris brought forward the dream to harness the Tennessee River, control its flooding, and take advantage of its hydroelectric power. That dream took shape as Norris Dam rose above the Clinch River where it stands today a symbol of the new beginning in the Tennessee Valley.

It is difficult for my colleagues to envision the poverty and depravation that existed in this region before TVA. Kerosene lamps were more commonplace than lightbulbs. The laundry was done outdoors and hung on the fence to dry. Farming soil gave way through erosion to barren land, and the farmers would move on to another site like nomads of old. In addition to the poverty the ravaging floods of the Tennessee River and its tributaries took their toll. This was the cruelest blow to those who lived in its floodplain, stealing their livelihood through ruin and devastation. Once the floodwaters had subsided they would try to rebuild their lives and fortunes only to face the dilemma again years later.

This was the situation that bred TVA. Energy, conservation, and flood control were the solutions that brought growth and progress to the region. Despite their skepticism, the rural people took hold of this dream that was offered them and have followed it, learning through the lessons given by TVA to make the most of their newfound power. Under TVA they were able to learn farming techniques that reduced soil erosion. The test demonstration farm program played a major role in revitalizing the agricultural interests of the valley. Farmers could see the progress that was being made by their neighbors under this program and adapt the methods to their own needs.

The energy provided, first through hydroelectric dams, then coal-fired steam plants, and now nuclear power plants; has given an incentive for industries to locate in the valley. Improvements to the Tennessee River channel allowed barges to make the trip up the Tennessee to Knoxville, spawning riverfront industries and factories along the way. The cost of the electricity was a key factor in those early years. It appealed not only to industries, but to residential users as well. The rates dropped drastically from those charged prior to 1933 by private power companies. TVA rates remain competitive with private utilities and the use of hydroelectric power for residential use continues to this day.

The 34 multipurpose dams in the TVA system have more than paid their way through flood control. According to engineers, the dams have saved $2.2 billion in flood damages, well over the $1.25 billion they cost. In addition, the Authority has made residents and local officials aware of potential hazards and encouraged floodplain zoning to reduce the loss due to flood damage. The raging giant has been tamed, and harnessed for the good of the valley.

There are those who would have you believe that now, 50 years after its founding, TVA's mission is finished, that little more can be done, or should be done by the Federal Government in this region. These individuals, however, fail to recognize the most important factor about TVA. It is an ongoing experiment. The accomplishments that have been made in the past simply provide a foundation for the progress of the future. In this energy conscious era we live in, it is more important than ever that we have a utility that is able to research and develop new energy technologies. We must search for methods to provide additional power with fewer environmental risks. TVA still offers that opportunity. Through the development of atmospheric fluidized bed combustion technology, the Authority studies a process which is more environmentally acceptable than traditional coal-burning methods because it eliminates most of the emission of sulfur and nitrogen oxides, the major sources of air pollution, at a lower cost and with greater energy efficiency. This is only one of a number of areas where TVA has taken the lead in research and development. The National Fertilizer Development Center in Muscle Shoals is the world's most complete fertilizer research and development facility.

As it stood 50 years ago, so TVA stands today, at the forefront of progress. In the past it has been controversial, not only to the people of the valley, but also here in the Congress. I have no doubt it will continue to be controversial just as I am sure it will keep standing for progress. This anniversary is being celebrated today in Knoxville and Muscle Shoals, and I believe throughout the Tennessee Valley. It is a celebration of a controversial agency that has brought progress to us all, for as former TVA Chairman Gordon Clapp said years ago, "TVA is controversial because it is consequential."●

DASCHLE COSPONSORS RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT OF 1983

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. DASCHLE. Mr. Speaker, last week marked the 48th anniversary of the creation of the Rural Electrification Administration by Executive order on May 11, 1935. Fifty years ago the establishment and provision of reliable electric service in rural America seemed to be a distant, even unattainable, dream. Less than 1 farm in 10 nationwide had electric service. Kerosene lanterns, wood stoves, and water pumped by hand were not romantic nostalgia, but the stark reality of daily life in rural America.

In the nearly half century since the creation of the Rural Electrification Administration, revolutionary changes have occurred in America, not the least of which has been the electrification of the farm. Today, rural electric systems, predominantly consumer-owned nonprofit cooperatives, provide reliable, essential electric service to 30 million Americans.

The dream of rural electrification has become a reality because financing on terms and conditions which made possible affordable electric service has been provided by the Rural Electrification Administration. Likewise, modern telephone service is being provided today to nearly 5 million rural Americans because of telephone service system financing made possible by the Rural Electrification Administration.

Legislation is being introduced today to assure in the future the continued provision of essential, affordable, and reliable electric and telephone service to rural America. I am very pleased to be an original cosponsor of this measure, the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983.

Enactment of this legislation will insure the continued financial solvency of the rural electrification and telephone revolving fund and enable rural electric and telephone systems, including the 33 electric distribution cooperatives and 3 electric supply cooperatives which currently provide electric service to more than 80,000 South Dakota members and the 14 South Dakota telephone cooperatives which today provide service to more than 60,000 subscribers, to continue to obtain needed financing. Enactment of the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983 is as important to the provision of electric and telephone

service in rural America in the future as the creation of the Rural Electrification Administration 48 years ago has been to the past half century of progress, and I strongly support and urge the prompt consideration and approval of this vital public interest legislation.●

JUNIOR WOMAN'S CLUB NAMED "MOST OUTSTANDING SMALL CLUB"

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. CHAPPELL. Mr. Speaker, the Junior Woman's Club of Palatka, Fla., was named the "Most Outstanding Small Club in District IV of the Florida Federation of Women's Clubs." District IV consists of nine counties in northeast Florida, four of which—Duval, St. Johns, Putnam, and Clay—are located in my Fourth Congressional District.

I wish to salute not only the club, but Mrs. Emma Lou Fenton Morris, the current director of district IV.

At this time it is a distinct privilege to bring to the attention of my colleagues, the following news article which relates the details of the distinct honor earned by the Junior Woman's Club of Palatka, Fla.

JUNIOR WOMAN'S CLUB NAMED "MOST OUTSTANDING SMALL CLUB"

Members of the Junior Woman's Club of Palatka, attended the annual District IV Junior Awards Night program at the Women's Club of Jacksonville. Sheila Rowe, District IV Junior director and member of Palatka Juniors, presided at the meeting.

Competing with four other clubs in their membership category, Palatka Juniors won first place in all six federated departments, membership, leadership, programs, fund raising, public relations and assistance to the handicapped.

Certificates were also presented to Palatka Juniors for their Halloween Celebration project including a haunted house, pumpkin decorating contest and costume contest held at Palatka Mall; Art Auction benefiting Rodeheaver Boys' Ranch; Community Young Woman and Young Couple of the Year awards and reception; and the annual prom for Putnam County Association of Retarded Citizens.

These awards compiled with figures from their honor score, earned the Junior Woman's Club of Palatka the trophy for "Most Outstanding Small Club" in District IV.

Junior members attending the awards program were Mrs. Robin Longworth, Mrs. Ralph Rowe, Mrs. Jackie Arrington, Mrs. Gordon Bellamy, Mrs. Bruce Limanti, Mrs. Bill Gardner and Ms. Lisa Kilpatrick.

Mrs. Longworth is serving as District IV Junior secretary as well as current president of Junior Woman's Club of Palatka. The local club will co-host the District IV Junior Night in Palatka with the Junior Woman's Club of Lake City in April, 1984.

Mrs. Fenton Morris, District IV director, gave a program on parliamentary procedure at a recent Junior meeting. Special guest with her was Mrs. C.E. Merwin, president of the Woman's Club of Palatka. Both women were given a copy of the new Junior yearbook, which is dedicated to them.

Pat Cohorn was the member in the "talent spotlight" for the month sharing some of her samplers of counted cross stitch.

The monthly international affairs dinner will be a trip to Shogun in Gainesville April 22. Members should contact Mrs. Bruce Bellamy if they plan to attend.

The annual Mardi Gras social was Saturday in the home of Cheryl and Bruce Limanti.

Hostesses for the evening were Mrs. Dan Kilbourne and Mrs. Don Green. Winner of the "crazy hat" contest was Mrs. Limanti.●

THE AMERICAN PEOPLE DEMAND THAT WE GET TOUGH WITH CRIMINALS

HON. C. W. (BILL) YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. YOUNG of Florida. Mr. Speaker, I join together with all Americans this week in paying tribute to our Nation's brave and dedicated law enforcement officers. For the 20th year, we are honoring these men and women by designating this National Police Week. While it is appropriate that we set aside this time to recognize their unselfish service, this recognition must not stop at the end of the week, but must continue year round. Our Nation's law enforcement officers place their lives on the line each day to provide for our personal safety and security.

Despite the devoted service of these police officers, crime continues to be a major concern of Americans throughout the United States. Our constituents are not only frightened by the threat criminals pose to their families, friends and businesses, they are mad about it. And they have good reason to be upset. The FBI reported recently that in 1982, one violent crime was committed in the United States every 24 seconds.

Nothing better illustrates the fear and frustration the American people feel than the growth in the number of neighborhood crime watch programs such as those that have been formed in Pinellas County, Fla., which I represent. These highly successful volunteer groups have been organized to assist already overworked city and county law enforcement officials.

Because the budgets of local law enforcement organizations are stretched to the limit, the Federal Government must assist wherever possible in our national war against crime. President Reagan is to be applauded for presenting to the Congress a set of legislative proposals aimed at ridding our streets of criminals who threaten our personal safety. Legislation I am introducing today will further our commitment to reducing the threat of crime by providing additional protection to our Nation's law enforcement officials and by establishing mandatory sentences for any criminal possessing a firearm during the commission of a crime.

In accepting the responsibility of protecting us, our Nation's law enforcement officers and firefighters daily face the threat of personal assault in the line of duty. Between 1977 and 1981, assaults on law enforcement officers increased 17 percent. In all, more than 57,000 men and women dedicated to preserving the health and safety of others found themselves the victim of such attacks in 1981.

Only if these public servants are safe from assault can they continue to protect our communities. That is why I am reintroducing legislation today which would make the assault of firefighters, police officers, and other law enforcement officials a Federal offense.

Offenders would be subject to up to 10 years imprisonment or a maximum $10,000 fine, or both. If the assault results in personal injury to the officer, the penalties increase to up to 20 years imprisonment or a maximum $20,000 fine, or both. Finally, if the assault results in the death of an officer, the criminal could receive the death penalty.

To afford these public officials better protection, I also have cosponsored legislation which would restrict the availability and use of armor-piercing bullets. These bullets were originally designed and produced to assist law enforcement officials in their battle against crime. Now they are being purchased and used by the very criminals they were designed to stop.

These bullets, which are capable of piercing the bulletproof vests worn by police officers as well as the cars they drive, are so deadly that a handful of States have taken action to ban their sale and use. The State of Florida, which I represent, is now considering this legislation. Unfortunately, as long as this type of ammunition is allowed to be produced and sold in any part of the United States, the threat to law enforcement officials exists. The swift enactment of H.R. 953 is desperately needed to provide a nationwide ban on these bullets and to further protect those Americans who have dedicated their lives to protecting us and our families.

The Federal Government must also take a greater role in reducing the threat posed by the use of firearms. Legislation I am reintroducing today would set mandatory penalties for criminals in possession of a weapon during the commission of a crime. This mandatory sentence would be in addition to the penalty for the crime itself. By requiring a mandatory

prison term of 5 to 10 years for first time offenders, and a mandatory sentence of 10 years to life for second offenders, my legislation absolutely guarantees jail time for anyone possessing a weapon while engaged in criminal activities. It will not only act as a powerful deterrent for the use of a firearm by criminals, but it will also take those people who challenge the law off the street for a minimum of 5 years.

The protection of the American people from criminals continues to be one of our Nation's major concerns. By affording the brave men and women responsible for our protection greater protection, and by dictating mandatory sentences for any criminal possessing a firearm, we can strengthen the Federal Government's resolve to take the lead in making America's streets safer.

Mr. Speaker, it is my hope the Judiciary Committee will schedule hearings soon so we can move forward with these measures to send a signal to the American public that we will continue to protect our citizens by getting tough with those criminals who seek to violate their rights.●

NEW ATTACK ON OLD ENERGY

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. JONES of Tennessee. Mr. Speaker, when TVA was created 50 years ago, nearly 7 million acres of the 12 million cleared acres of land in the Tennessee Valley suffered from serious soil erosion. Crop yields were low and agriculture was in poor economic condition.

TVA's first agricultural objective was to stop soil erosion and help return agriculture to an economically important level. TVA teamed with land-grant universities, farmers, and local organizations to conduct programs to protect the soil and rebuild agriculture.

Today, TVA is again involved in a major effort to control soil erosion. The new wave of erosion was triggered as a result of agricultural changes in the early 1970's. With another billion people to feed and a sudden rising demand for U.S. agricultural products, U.S. farmers were asked to produce more food than ever before. Farmers were told to "plow up to the fence row." This resulted in more intensive use of the land, much of this subject to erosion.

Conservation measures and practices of the past were put aside as farmers sought to increase production, efficiency, and profits.

In 1979, TVA, as it did in 1933, declared war on soil erosion. In cooperation with USDA agencies, land-grant universities, farmers, and State and local organizations, TVA launched an accelerated soil and water conservation program in west Tennessee.

Average erosion on sloping cropland in the 21-county area was 30 to 40 tons per acre per year. Best management practices, including structure building and conservation tillage, are being promoted through education and demonstration programs.

The rapid acceptance of conservation tillage is indicative of progress being made. Acres devoted to no-till increased from less than 43,000 in west Tennessee in 1978 to more than 220,000. Other conservation tillage practices such as drilled soybeans and close row spacing increased to 690,000 acres in 1982. More than 1 million tons of soil were saved as a result of conservation tillage.

TVA has also helped start similar cooperative programs in Alabama, Mississippi, and Kentucky. Secretary of Agriculture John Block has asked TVA to coordinate efforts to establish a Tennessee Valley regional soil and water conservation program. This effort is being done in cooperation with the USDA Food and Agriculture Councils, farmers, and State and local organizations. Secretary Block said the joint agency soil and water conservation program in the TVA area can serve as a national model.

As in the 1930's, the threat to the Valley's farm productivity is real. TVA's commitment to solving the problem is strong. The accomplishments of soil and water conservation programs will contribute to sustained agricultural productivity into the future and will also serve as a national conservation demonstration.●

UNITED STATES, ALLIED, AND SOVIET NAVAL SHIP ACQUISITIONS, 1970–79

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. BATEMAN. Mr. Speaker, on April 7, there was inserted in the CONGRESSIONAL RECORD a Library of Congress report entitled "U.S. Allied, and Soviet Naval Ship Acquisitions, 1970–79." The central conclusion of the report was that the United States and her allies enjoyed a bountiful naval shipbuilding program during the last decade, in purported contrast to the statements made by President Reagan, Defense Secretary Weinberger, and Navy Secretary John Lehman.

While I do not quarrel with any of the shipbuilding figures presented in the report, I would urge my colleagues to view these figures in the proper perspective, and not in the narrow context that some have interpreted them. I would direct my colleagues' attention to pages 7751 to 7758 in the April 7, 1983, CONGRESSIONAL RECORD, and I would urge you to consider carefully the brief points that I make.

First and foremost, I would caution my colleagues against inferring from this report that the 600-ship Navy is not a worthy goal, because it would concentrate our sea-based aircraft on a relatively small number of vessels. It will come as a surprise to many Members to learn that the Soviet Union is now coming around to the concept of the carrier battle group. Navy intelligence reports indicate that the Soviet Navy is building a large deck strike aircraft carrier in the Nikolayev shipyard. This carrier will probably be in the 60,000-ton range, or about the size of the U.S. carrier *Midway*. In addition, we are also seeing evidence of construction at a naval air station in the Crimea which closely resembles the land-based steam catapult we use to train carrier pilots at the Patuxent River Naval Air Station in Maryland. What is more, the Soviet Navy has recently acquired, from Sweden and Japan ironically, two 80,000-ton capacity floating drydocks, of the kind necessary to service large carriers. It is expected that this new carrier will be nuclear powered, and that it will depend on embarked aircraft and vessels like the nuclear-powered *Kirov*—which does exist, contrary to the implication in the report—for its defense.

In short, if imitation is the sincerest form of flattery, then it appears that the Soviet Navy is paying the U.S. Navy a high compliment, by embarking upon a CVN program which may produce as many as five new carriers by the year 2000. The Soviets clearly have matured in their view of the naval order of battle, since the days of Krushchev, and we may be assured that these new carriers will be used to threaten U.S. and allied interests all over the world.

While the report correctly notes that the major surface vessel construction trends in the 1970's favor the United States and her allies, it is important to note that the report also details the growth in the Soviet ballistic missile submarine forces, the small surface combatants, amphibious vessels, and large auxiliary and support ships. Consider the important fact that the Soviet Union is fundamentally a land power, largely self-sufficient in many important minerals and raw materials, with secure land lines of commerce and communication. Contrast this situation with that of the United States and her allies, many of which are almost totally dependent on sea lines of commerce and communication. My point is that the Soviet Union does not need to construct and deploy a blue-water navy, if her intentions

are peaceful and honorable. Clearly her intentions are otherwise.

The high levels of construction in amphibious vessels will enable the Soviet Union to more readily implement the Brezhnev Doctrine, which calls for support of client states and "wars of national liberation." The high levels of unglamorous but very essential auxiliary and resupply vessel construction will further enable the Soviet Navy to operate with greater confidence in the open ocean, relatively independent of permanent anchorages, and in support obviously offensive operations against U.S. and allied interests. The conclusion of this section of the report is that the Soviet Navy and its allies are enhancing their capabilities to challenge the historical sea superiority of the United States and her allies. The trend is nothing short of alarming.

The great disparity in the production of ballistic missile submarines serves to emphasize the great value the Soviet planners place on SSBN's. Through the SALT process, we conceded numerical superiority to the Soviet Union in the area of SSBN's and their missiles.

The first Soviet nuclear missile was launched from a submarine, and Soviet SSBN patrols off the U.S. Pacific and Atlantic coasts are now commonplace. The world's largest submarine force belongs to the Soviet Union, as well as the world's largest submarine, the 25,000-ton Typhoon SSBN class. The report shows that the Soviets are increasingly going to sea with more sophisticated submarines of several classes, both SSBN's and SSN's, and we can expect this trend to be sustained. No one needs to be reminded what a relatively small and sophisticated Nazi submarine force did to Allied shipping during the Second World War. The Soviet Union, the world's foremost military land power, is aiming for maritime superiority, as well.

The relative fleet sizes for the Soviet Union and the United States and her allies are also instructive. The report summary "shows that the Soviet Union could sustain a fleet of 1,101 ships of all types if the 1970-79 building rates were maintained." With the Allied shipbuilding base included, the U.S./NATO sustainable naval force would be 1,047 vessels. It is my contention that the very stressful sea control requirements imposed upon the United States and NATO navies mandate a naval force that is much larger than the Soviet force, if we are to safeguard our security interests. The numbers quoted in the report are too close for comfort, given the vastly differing defense requirements of the Soviet and U.S./NATO alliances.

This "too close for comfort" trend is reinforced in the section of the report entitled "Comparison of Ship Deliveries, 1970-79." Comparing only United States and Soviet shipbuilding in the period, the Soviet Union outbuilt the United States in numbers of ships by 129 percent. With the NATO shipbuilders factored in, that margin shrinks to 18 percent. Soviet shipbuilding tonnage in that period exceeds NATO production by 1 percent. If the two alliances had similar security requirements, as we do in the strategic nuclear area, we might say that a rough parity had been achieved. However, anything less than overwhelming NATO numerical and technological superiority on the high seas is risky, at best.

While the shipbuilding trends cited in the report may afford some comfort to those analysts who will accept rough numerical parity, it needs to be noted that trends do not go to war; personnel and hardware go to war. U.S./NATO forces today, in 1983, would have to face a modern Soviet Navy consisting of 1,324 surface combatants, 367 submarines, 770 auxiliary vessels, 1,555 naval aircraft—including 100 Backfire bombers—62 ballistic missile submarines with over 950 missiles, and several hundred maritime transport vessels.

While we can debate the relative significance of the Soviet naval upgrades until the cows come home, we cannot ignore the following recent developments in Soviet naval forces: The Typhoon submarine has test-fired a MIRV'd missile, and a second Typhoon has been launched; there are now three Kiev class VSTOL aircraft carriers in operation, with a fourth recently launched, and the already-noted CVN program proceeding; four new classes of surface combatants are in series production, including new cruise missile, air-defense, and antisubmarine capable vessels; five Soviet shipyards continue to augment the largest submarine force in the world with such advanced vessels as the Oscar cruise missile submarine, two of which have already been launched.

These are the trends which will dictate control of the seas through the 1990's and beyond, and I am distressed at the prospect that, at some indeterminate future point, the control may be in the hands of the dominant military land power, the Soviet Union. Seafaring nations require sea control to insure their security, and I fear that the United States and her allies may learn this lesson the hard way.●

TVA'S 50TH ANNIVERSARY

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. FLIPPO. Mr. Speaker, today we proudly observe the 50th anniversary of the birth of TVA.

I suggest that the child is doing quite well and has made its parents justifiably proud, with a record of public service unequaled in its field.

Fifty years ago today, President Franklin D. Roosevelt signed the TVA Act, recognizing it as a noble experiment that he hoped would help seven States escape the iron fist of poverty, despair, and hopelessness.

In 1933, TVA was envisioned as a "bridge over troubled waters" for Tennessee and portions of Alabama, Kentucky, North Carolina, Georgia, Mississippi, and Virginia.

The seven-State service area had a per capita income of $168 per year—45 percent of the national average. Today, the service area has a per capita income of $7,378. We still have not caught up, but per capita income is 75 percent of the national average.

Some 97 percent of our farms had no electricity. Now, more than 97 percent of our farms are electrified.

Last year, TVA sold 108.5 kilowatts of electricity—by far the most of any utility to its 2.7 million customers.

Our homes, and even some courthouses, were often flooded. Our children had malaria. Our land was eroding. Our workers had no jobs. Our soil was poor. Our education was the worst in the Nation. And our spirits were at rock bottom.

TVA came and electrified our farms. Promoted industrial development. Brought plants to utilize the cheap power. Taught agriculture to our farmers. Taught soil and water conservation to our children. Tamed our river, made it navigable and a workhorse for commerce. Reclaimed our land. And lifted our spirits from the depths of utter despair.

The TVA still has problems. Several years ago, it started a building program to meet the escalating demand for electric power.

The oil-producing nations of the Middle East got together and decided they could get more for their scarce resource. Oil prices skyrocketed, followed closely by prices for all other fuels. Cheap energy was gone forever, as we now recognize.

TVA soon saw, as did most every large utility in the Nation, that it did not need all the generating capacity it had started. It had to stop building several nuclear plants. But the work already done, and the equipment purchased, had to be paid for. It was a painful and costly lesson.

Rates skyrocketed and the ratepayers screamed. TVA lost many of its supporters. Some 16,000 workers had to be laid off.

TVA had overbuilt. But the day will come when we do need that generating capacity, and more. But even that colossal problem is being corrected, if not overcome.

Last April, TVA announced its first rate decrease in 20 years. It still sells power for almost 2 cents less than the national average.

During the past few years, TVA has cut in half sulfur dioxide emissions from its coal-fired steam plants.

In 1977, 58 of 63 coal-burning plants did not meet stricter environmental standards. Today, 58 of those 63 plants are in compliance. Today, TVA is a national leader in nuclear-powered generating plants.

The agency has made great strides in becoming a more open, public agency. Even Common Cause says TVA is one of the most open of all public agencies.

The point is, TVA is meeting today's problems head on, just as it met head on the staggering economic problems of the 1930's.

Even the New York Times calls it "the most effective regional development agency."

Ten years ago, the United States, as well as the rest of the world was rudely shocked into a new reality—the unpleasant notion that cheap power was gone forever.

It was a lesson hard to learn, and even harder to accept. It was a traumatic experience that changed our way of thinking, if ever so gradually.

It was an experience that significantly and adversely changed our lifestyles.

The Nation reacted in many ways. First we cursed the Arabs. Then we blamed the power and light company.

Finally we began to look for answers. Some were obvious: build smaller cars. Concentrate on shifting our energy emphasis from leisurely consumption to necessary conservation. More importantly, we began looking for viable alternatives.

New answers, of course, did not come quickly. But I would like to point out one program that is undoubtedly one of the certain alternatives. It is a program initiated by TVA, which I feel is blessed with vision and enormous potential. It is a program which offers genuine promise for helping to solve our energy problems over the long term.

I speak of TVA's biomass fuels program, based at the agency's National Fertilizer Development Center at Muscle Shoals, Ala.

I think it is significant that this promising biomass program is in full swing on TVA's 50th anniversary. For the last half century TVA has nurtured our resources, keeping our air and water among the cleanest in the industrialized world, while taming a river.

It used that formerly wild river to bring electricity, and therefore light, power, and jobs to a poor, rural region of our country. It helped stop our life-giving topsoil from being prey to the winds and the rains.

And now, still looking forward and tackling our problems head on, it is examining two of the world's thorniest problems—shortages of food and fuel.

Have you ever heard of sulfur-coated urea? India has. It, as well as other nations all over the world, uses this TVA-developed fertilizer to nourish its rice crops that help feed its growing population. Though most Americans, even those in the Tennessee Valley, may never have heard of the NFDC, leaders and scientists from all over the world have, and they come to see it and to learn. They learn about not only urea-14, but about all the seemingly miraculous fertilizers that are increasing the productivity of our farms that our parents never thought possible.

And this partnership of our Federal Government, our agricultural and industrial leaders and our people is taking the lead in another area on which our future depends—developing fuels that will someday make us independent of the Ayotollah's of this world. TVA is involved in a biomass program. Just as it took a long destructive river that was often unnavigable and made it a highway for boats and barges and a source of energy, it is taking the low-grade hardwood trees of the valley and producing fuel. Someday it will be able to use these trees as well as other crops, and produce one-third of the fuel that this region needs.

Someday, with leadership and expertise such as that exhibited in the work of the Tennessee Valley Authority, this Nation may not have to worry as much about the problems in the Middle East. If the shieks of the East cut off our oil, we can produce our own fuel.

TVA continues to look forward while maintaining what is best about our past. It is doing just what it did in the beginning. It is making the best of what we have at hand. And not only the Tennessee Valley benefits, the entire world is more livable because of the Tennessee Valley Authority.

An engine built in 1933 might well be running out of steam long before now. But the factory that built the engine can be part of a thriving corporation.

Though TVA was built in 1933, today it is still a factory for research, technology, and innovation that is designed to make our lives richer and the whole world a better place.

How quickly we forget.

TVA has experienced some troubled waters, but it is still the same basic factory for change that made it the best regional development agency and a world-recognized model for resource development.

Ask the old folks.

TVA's strongest supporters are the old folks. Just as the veterans of World War I and World War II are among our greatest patriots, so are the people who lived in the Tennessee Valley before TVA, its strongest supporters.

Yes, TVA was Roosevelt's "Bridge Over Troubled Waters" during the Great Depression. The noble experiment worked like few others ever have.

But it can be a bridge that leads to even greater accomplishments, benefits, and horizons if we stay with it, nurture it and demand that it live up to its heritage.●

FAIRNESS COMMITTEE AND DEFUNDING THE LEFT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. McDONALD. Much has been entered in this CONGRESSIONAL RECORD the last few days from the April 1983 issue of Conservative Digest on the matter of some $40 billion being expended annually for causes not believed in by the overwhelming majority of the American people.

This is a national disgrace and should be eliminated. It is especially disgraceful for while individuals and organizations reap the fruit of the hard-working American, the same individuals who support such activity—do not support the defense of these United States.

Now there is an organization called the Fairness Committee Against Tax Funded Politics—and funded from the private sector I might add—which deserves the support of this body and Members' constituencies. So more may be known about this organization I share the article, "Fairness Committee Fights Taxpaid Politics" with my colleagues, and hopefully, their constituents. From the April 1983 issue of Conservative Digest, the article follows:

FAIRNESS COMMITTEE FIGHTS TAXPAID POLITICS

Defund the Left—Now. That was the message given by Conservative Caucus National Director Howard Phillips and Conservative Digest Publisher Richard Viguerie at a press conference in April 1982 when they announced the formation of the Committee of One Hundred to Defund the Left, a nonprofit organization.

It was the realization of the growing danger to traditional American values from federally funded left-wing political advocacy

groups that led Phillips and Viguerie to join with other leading conservatives and fight this abuse of taxpayers' hard-earned dollars.

The organization grew through the efforts of its directors: Phillips and Viguerie; Free the Eagle President Neal Blair; National Conservative Political Action Committee (NCPAC) Chairman John (Terry) Dolan; Moral Majority Vice President Ronald Godwin; and Committee for the Survival of a Free Congress Director Paul Weyrich.

They have devoted considerable time and money to combat this critical danger. In spite of full schedules, they continue to meet weekly because there is no more important priority for conservatives than to stop the flow of billions of taxpayer dollars used to fund the left-wing's domestic and foreign political agenda.

Last fall the Committee was renamed The Fairness Committee Against Tax Funded Politics and John Houston, former chief lobbyist with the Public Service Research Council, was hired as Executive Director.

As Houston said, "The Fairness Committee's purpose is simple: Defund the Left—not next year, not in bits and pieces, but now and completely."

The Urban Institute estimates that 100,000 non-profit organizations receive $40 billion in contracts and grants every year—even if only 10 percent engage in liberal political advocacy, that's 10,000 receiving $4 billion a year.

With a budget less than $100,000—all raised through private contributions (unlike its opponents)—and a small staff, the Committee, together with other groups, has made progress in the fight against the thousands of federally subsidized left-wing political advocates.

The Federal Office of Management and Budget issued guidelines in January 1983 which will have a similar effect. Although these guidelines have been withdrawn to be rewritten, OMB officials promise they will be re-issued shortly.

The Committee has also been testifying before Congress on the misuse of taxpayer monies, and is organizing conservative groups in Washington into a united front working to defund the left.

The fight is on several fronts—from research on federal funding of nuclear freeze and unilateral disarmament forces, to exposing government subsidies to pro-abortion feminists groups and labor unions.

The "Tax-Funded Politics Congressional Rating," issued by the Fairness Committee, gives voters an opportunity to judge their Congressmen's and Senators' records on dozens of votes concerning Legal Services Corporation funding, prohibitions of federal dollars for lobbying, and other matters. In the Senate, staunch conservatives Bill Armstrong (R-Colo.), Barry Goldwater (R-Ariz.), Gordon Humphrey (R-N.H.), James McClure (R-Idaho), and Jesse Helms (R-N.C.) were among the 15 senators to earn perfect 100 scores. Big-spending liberals Alan Cranston (D-Calif.), Gary Hart (D-Colo.), Charles Mathias (R-Md.), Edward Kennedy (D-Mass.), and Howard Metzenbaum (D-Ohio) were but 5 of the 19 scoring big fat zeroes.

According to Houston, the Fairness Committee has two main goals for 1983:

First, passing a bill introduced by Senator Roger Jepsen (R-Iowa) which would provide criminal penalties for both the bureaucracy and the lobby found guilty of using federal dollars for political purposes.

Its second goal is to make sure that examination of tax-funded lobbies is made an essential part of the budgetary process. Fairness Committee leaders are pushing for full-fledged hearings in every authorizing committee in Congress. They hope to educate Congress—and the public—on the extent of such abuses.

They have a big job on their hands. But they can't fight the thousands of federally-funded left-wing organizations alone.●

A TRIBUTE TO JOHN HAGGIN COOPER

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. HOPKINS. Mr. Speaker, word of mouth in a small town is the best advertiser, and it is refreshing to learn that Time magazine heard the message from our small town, Georgetown, Ky.

John Haggin Cooper, of Georgetown, was named Time magazine "Quality Dealer of 1983" in spite of the fact that he is the smallest volume dealer of the 14 national winners to date, selling 10 or 11 new cars or trucks every month.

Some of the "biggest" men I know come from small towns, and John Haggin Cooper is the latest example of hometown boy making good.

I could not be prouder of John Haggin, because his reputation as a man who will treat customers fairly, who can be trusted, and who also contributes to his community has stretched all the way to such metropolises as Lexington, Winchester, Cynthiana, Frankfort—and beyond.

As John Haggin Cooper's Congressman, I would like to include in the CONGRESSIONAL RECORD a feature about him, written in the May issue of Automotive Executive.●

MEMO TO A LAW-AND-ORDER PRESIDENT FROM A MERE MEMBER—RE DRAGGING THIS COUNTRY INTO OTHER PEOPLE'S WARS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. JACOBS. Mr. Speaker, the law does not say you cannot do it unless you are sneaky. The law says you cannot do it.

The most recent one we got into ran up an as yet unpaid tab of $400,000,000,000.33.

Balanced-budgetly yours, ANDREW JACOBS, JR.●

ISRAEL'S 35TH ANNIVERSARY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. HOYER. Mr. Speaker, as we join in the celebration of Israel's 35th anniversary, I would like to quote the eloquent words of a gifted writer, David Polish, which decribe Israel's search for identity:

> Israel contains the secret of survival for us all because through it the Jewish people has demonstrated the historically unprecedented capacity to undergo resurrection. * * * To have crawled out of the sewers of Warsaw, the barracks of Auschwitz, the forests of Poland, and to give birth to a people again is a marvel that no deterministic interpretation of history, no economic dialectics, can possibly cope with. * * * No one should dare to speculate about the meaning of Auschwitz and deny its victims the title of martyr. The capacity of a people to face the demonic in man and to overwhelm its own fate is a vindication not only of this people, Israel, but of the spirit of man, flickering desperately in the dark night of human anguish. If there is no meaning in Auschwitz, there is transcendent meaning in remembering Auschwitz from the midst of a people reborn to be a witness to the world. If there is no meaning in Auschwitz, there is meaning in the surge of hope released by the reality of Israel.

It is with the greatest honor that I salute the people of Israel on the occasion of the 35th anniversary of the founding of their great nation. Since that day in May 1948, the courageous men and women of Israel have transformed a barren desert into a flowering oasis. This physical transformation of the State of Israel has been accompanied by a cultivation of the spiritual and intellectual resources of its citizens. We see this burgeoning growth reflected in Israel's scholarly universities, internationally known and respected artists and writers, notable scientific achievements and its democratic form of government. The agonizing yet always hopeful search of the Jewish people for a homeland has unearthed a treasure, a treasure whose physical attributes sparkle like precious jewels in the Middle Eastern sun. This treasure reveals a State that on May 15 is 35 years old but whose spiritual essence reflects a heritage whose historical roots date thousands of years.●

NUCLEAR EXPLOSIVE CONTROL ACT WOULD CURB PROLIFERATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. MARKEY. Mr. Speaker, today, I am proud to join Congressman RICH-

ARD L. OTTINGER in introducing a major piece of nonproliferation legislation that would reverse the Reagan administration's policy of allowing the spread of nuclear material that can be used to build nuclear bombs.

The Nuclear Explosives Control Act of 1983, which is being introduced in the Senate by Senator GARY HART and Senator ALAN CRANSTON, would sharply restrict worldwide commerce in nuclear-explosive material such as plutonium and highly enriched uranium.

Two weeks ago, an historic vote was taken in the House on the nuclear freeze resolution.

That freeze resolution was the product of a growing grassroots movement across this country that has focused on the dangerous nuclear arms race the Reagan administration is prepared to heat up against the Soviet Union.

But what has largely escaped grassroots attention is the fact that for the last 2 years, the Reagan administration has not only been heating up the arms race, it has been selling out our nonproliferation policy and encouraging the spread of bombmaking material.

It is time to recognize that proliferation is our hidden killer.

A majority of Americans believe that nuclear weapons will be used one day. But what they do not realize is that the nation using them probably will not be the United States or the Soviet Union.

It will be a Galtieri dropping a bomb on a fleet of ships or a Qadhafi shoving one out of a 747. And that bomb will have been built from material the United States or another country has supplied.

This week, we are debating whether we should deploy 1,000 MX warheads. But if we stick to the Reagan policy of promoting plutonium technologies worldwide like they were tractors, there will be enough bombmaking material spread across this globe for tens of thousands of MX warheads.

And the debate will not be over who has the bomb.

It will be over who does not!

For an administration so concerned about the Soviet nuclear threat, so worried about a drain of militarily related technology, it is inconceivable to me why the White House is so cavalier about spreading technology that proliferates the nuclear threat from other countries.

It is like we are worried about all the doors to the bank being closed except the back door, and there we are throwing out the money—or, in this case, hawking the nuclear hardware.

The bill we are introducing today probably should have been called the Save Our Nonproliferation Policy Act of 1983—because, clearly, nonproliferation has become an endangered species these past 2 years.

What this legislation does is at least put us back on the right track with nonproliferation.

It represents only a beginning.

But I hope it represents a beginning for the grassroots in this country.

And I hope the grassroots begin to recognize that we not only need a freeze on the nuclear arms race, we need a freeze on the spread of nuclear arms.

Over the past 2 years, the Reagan administration has undercut U.S. leadership in nuclear nonproliferation in the following ways:

First. It eliminated the ban of the previous two administrations on domestic reprocessing of plutonium from spent fuel, and promoted reprocessing, plutonium use, and breeder development at home and abroad.

Second. It explored the option of using plutonium from the spent fuel of commercial nuclear powerplants for the manufacture of nuclear weapons. When the administration refused to rule out this option, Congress passed a law banning the use of commercial plutonium for atom bombs.

Third. It explored with Mexico the possibility of U.S. exports of enrichment and reprocessing technology as an inducement for Mexico to buy power reactors from the United States. These talks continued until Mexico canceled its entire nuclear power program due to financial difficulties.

Fourth. It advocated repeal of the Glenn/Symington amendments to the Foreign Assistance Act which had barred economic and military assistance to nations pursuing unsafeguarded uranium enrichment and plutonium separation programs. The administration persuaded Congress to exempt Pakistan from the required cutoff of assistance under Glenn/Symington, and reinstated $3.2 billion in military and economic assistance to Pakistan despite Pakistan's ongoing efforts to develop an atomic bomb.

Fifth. It relieved Brazil of a contractual obligation to pay a $20 million penalty to the United States for purchasing nuclear fuel from a non-U.S. source for its first power reactor. Previously, the United States held Brazil to its contractual obligation to purchase the uranium from the United States. The Nonproliferation Act bars the United States from exporting the uranium to Brazil until Brazil agrees to accept safeguards on all of its nuclear facilities.

Sixth. It assisted a U.S. uranium broker to find the fuel needed by South Africa to operate its first nuclear powerplant. Under the Nuclear Non-Proliferation Act, South Africa, like Brazil, could not receive uranium enriched in the United States until South Africa agreed to safeguards on all its nuclear facilities. The administration is now preparing to relieve South Africa of its contractual obligations to purchase this fuel from the United States and also to relieve South Africa of its obligation to pay a penalty for obtaining the fuel from non-U.S. sources.

Seventh. It approved the export of helium-3, a sensitive nuclear material, and two powerful reactors applicable to nuclear weapons design, to South Africa, despite the fact that South Africa refuses to ratify the Nuclear Non-Proliferation Treaty or to accept safeguards on all its nuclear activities.

Eighth. It arranged for France to serve as the alternative supplier of uranium fuel to India. India, like Brazil and South Africa, is ineligible to receive nuclear fuel from the United States until it accepts safeguards on all its nuclear activities. India refuses to accept the U.S. position that safeguards on plutonium in nuclear fuel supplied by the United States and France should continue to apply after 1993, when the United States-India agreement for nuclear cooperation expires. The United States gave the goahead to France to step in as an alternative supplier anyway.

Ninth. It approved the export by an American company of a powerful computer via Belgium and Switzerland to Argentina for use in an Argentine heavy water plant. Heavy water is a key ingredient in the manufacture of hydrogen bombs. Argentina has refused to ratify the Nuclear Non-Proliferation Treaty or to agree to accept safeguards on all its nuclear activities.

Tenth. It approved Japanese reprocessing of plutonium from U.S.-origin spent fuel in greater quantities, for a longer period, and under fewer restrictions than had been required by the previous administration.

Eleventh. It exported advanced laser technology to France and West Germany that can be applied to processing nuclear materials for use in weapons.

Twelfth. It prepared for West Germany and Japan a demonstration of safeguards equipment at the still-incomplete Barnwell nuclear reprocessing plant in South Carolina. The demonstration would involve the transfer of reprocessing technology that can be applied to producing nuclear-weapons material.

Thirteenth. It offered to export uranium enrichment technology, which can be applied to nuclear weapons, to Australia.

Fourteenth. Negotiating with other nuclear suppliers a "trigger list" of sensitive nuclear items that could be exported if the receiving country agrees to accept safeguards on the facility built with these items. These talks serve to legitimize commerce in such sensitive nuclear technology as enrichment and reprocessing that should not be exported at all because

safeguards cannot be effectively applied.

Fifteenth. It downgraded the importance of, and cut funding for, nonproliferation operations in the Arms Control and Disarmament Agency and the Department of Energy.

The legislation we are introducing today would go a long way toward reversing the 2 years of damage this administration has done to our nonproliferation policy. It would strengthen the 1978 Nuclear Nonproliferation Act, which this administration has been trying to circumvent. It would restrict overseas commerce in plutonium, which this administration seems willing to spread around the world. And it would require the United States to take a leadership role in nonproliferation efforts, which this administration has been unwilling to assume so far.●

AN ALASKAN POINT OF VIEW

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, I was recently contacted by a resident of Nome, Alaska, who expressed his concerns about nuclear warfare. To demonstrate the strength of his views on this subject, he composed the "Nuclear Disarmamotta" in which he suggests the actions that can be taken to avoid nuclear war.

While I do not necessarily agree with all of the sentiments and suggestions for action that are contained in the document, I do think it appropriate that other Members be aware of them. In addition, I think it important that this House be aware of the number of dedicated Americans who live in my State. Contrary to popular myth, Alaska is not a State covered by glaciers or composed entirely of beautiful scenery that must somehow be preserved regardless of the needs of the people who live their. Alaska is a vital and important part of the United States, populated by citizens who care deeply about what their Government and their country is doing. As in any other part of this Nation, the views of my constituents vary on different issues. Nevertheless, they are citizens of the United States, with needs and desires, hopes and fears, just like other Americans. Although the geography and climate of Alaska sometimes require that we do things differently than the lower 48, Alaskans are Americans and ask to be treated as such.

I ask that Mr. Daniel Bloom's "Nuclear Disarmamotta" be printed in the RECORD.

THE NUCLEAR DISARMAMOTTA

(By Daniel Halevi Bloom)

Go placidly amid the scorched cities and the burning bodies and remember what peace there once was on this Earth. As far as possible open up your eyes to the alarming rate of arms buildup and try to think of alternatives, for we pass this way but once. The arms race is becoming absurd if not statistically insane. We are all sisters and brothers of this fragile planet with its nation-states and their devastating armaments, and nuclear war will only mean one thing: mutually-assured-destruction (MAD). March peacefully in large united groups to protest this insanity and send messages to those who represent you in Congress, Parliament of the Politburo. Write also to your representatives in the United Nations and tell them of your fears and your tremblings. When you see the arms race proliferate, counsel the nations of the world to spend their monies more wisely and for human benefit. Go out among your fellow citizens and cross borders and boundaries to spread the word of disarmament. There is no reason under the sun for nations to frighten other nations and a war will solve nothing although it might end everything. There can be no victor in the holocaust that is so possible.

With your determination and your love of life, strive to convince others of the need for worldwide disarmament and be true to your own convictions and insights. Believe in the future and work for peace. You are not alone.●

HOW GOVERNMENT-SUPPORTED GROUPS FLEECE YOU THE TAXPAYER

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. McDONALD. Mr. Speaker, when this body takes the total hypocritical position that we have to cut the defense capability of these United States, or the poor will suffer, then the American people should be told the truth.

Thanks to the April 1983 issue of Conservative Digest, the American people can be told the truth. Just one quote from the News release from Conservative Digest effective May 3, 1983, tells it all:

Citing the Urban Institute's estimate that 100,000 non-profit organizations receive $40 billion in contracts and grants each year, this issue of CD contains an analysis of Federal funding of liberal organizations engaged in political advocacy by Reagan administration appointees.

The Robin Hood of yesteryear was symbolic of robbing the rich and truly sharing with the poor. The motto of the totally phony, autocratic, and hypocrite Robin Hood of today as pointed out in a cartoon in Conservative Digest is:

We take from the rich and give to the poor—keeping only enough for salaries, travel, equipment, depreciation, and so on and so on.

If such a motto were not to be true, then why is it that lawyers of today go through the roof when threatened with cutoff of taxpayer-funded Legal Services Corporation?

Well, read a few more items from Conservative Digest of April 1983 and ask yourself if the United States should fund the constitutionally mandated Department of Defense, or do we lie to our constituents and continue to fund the professional fleece to the tune of $40 billion? "Government-Supported Groups Help Liberals Fleece Taxpayers," follows:

GOVERNMENT-SUPPORTED GROUPS HELP LIBERALS FLEECE TAXPAYERS

The Department of Agriculture last July tried to curb the spiraling growth of food subsidies—but the Food Research and Action Center (FRAC) wouldn't allow Reaganites to cut the budget. An attempt to cut the costs of child nutrition programs by $1.8 million—less than 1 percent of the subsidies for children's food—was blocked when FRAC convinced liberal District Court Judge John H. Pratt to block USDA from implementing its miniscule budget cut.

The Food Research and Action Center has also teamed up with the Community Nutrition Institute in Orlando, Florida to teach poor people's lobbyists in "workshops on the legislative process and block grants."

The New York Times reports that two-thirds of FRAC's 1981 budget was taxpayer subsidized, some $600,000. In 1982, FRAC received $120,000 in federal subsidies.

These subsidies included a grant in July 1982 from the Western Law Center on Law and Poverty—a national support center of the Legal Services Corporation—to "convene regional conferences focusing on national economic policies." Thanks to federal tax dollars, leftist groups will be treated to "appropriate responses by advocates for the poor, minorities, organized labor, etc." involved in "formulating strategies for dealing with current political and economic policies and to determine how to implement more viable and humane policies. The conferences are intended to provide opportunities for constituencies that have not always joined forces in the past to do so."

The General Accounting Office found that FRAC illegally used tax dollars to lobby against Reagan administration "workfare" proposals.

The National Conference of State Legislatures (NCSL) is declaring war on the Reagan administration—and wants big government to grow even more. Calling for the federal government to take over funding of welfare, Medicaid, and food stamps from the states, Mary Jane Gallagher of the NCSL said that states "cannot take any more (federal) cuts."

The NCSL doesn't have to worry about federal cuts. During the Reagan administration, the NCSL has gotten a September 1981 grant of $184,469 from the Department of Housing and Urban Development; 3 grants from the Department of Education: an April 1981 grant of $40,000, a September 1981 addition of $10,000, and a third grant in March 1982 of $265,359; 3 grants from the National Science Foundation—one in April 1981 for $40,000, and 2 in September 1981 for $10,000 and $68,997; and 2 grants from the National Endowment for the Arts, in May 1982, for $76,000.

The East Los Angeles Community Union (TELACU) was set up to help poor people escape the poverty of California ghettoes. But in a 1982 audit, Department of Labor inspectors, according to the Los Angeles Times, accused TELACU of "squandering millions of tax dollars through deficient financial controls, improper investments, double billing, possible conflicts of interest, questionable loans to employees and non-existent restraints on travel."

Among TELACU's more creative uses of federal dollars were:

—giving loans of federal money to TELACU officers;

—keeping nearly $257,000 in interest from federal grants TELACU never used;

—reimbursing a $1,000 contribution by TELACU's general counsel to the Democratic presidential campaign of Senator Alan Cranston (D-Calif.);

—paying $23,000 in rent to a company owned by a TELACU vice-president;

—investing in businesses in 7 states, as far away as New York, and far removed from the ghettoes TELACU was supposed to serve.

No one knows how many tax dollars were given to TELACU; the biggest grant, however, was a $25 million subsidy from the Community Services Administration (CSA). Eighteen federal agencies helped provide TELACU with funds.

One TELACU had its federal funds, the Times reports, "they lost their federal identity and became private dollars—free to be spent on big salaries, fancy cars, personal loans, worldwide travel and plush accommodations."

Federal investigators may never learn how much money was wasted on TELACU, due to the byzantine shuffling of funds between 20 TELACU subsidiaries and 380 bank accounts. "We audited the city of Los Angeles," says Don Byrd, regional audit chief of the Department of Labor in Los Angeles, "and that was simple compared to TELACU."

The left wants an over-regulated economy to be burdend even more—and friendly bureaucrats are eager to help. Carol MacLennan, an anthropologist at the National Highway Traffic Safety Administration, (NHTSA) is currently teaching an 8-part course at the ultra-radical Institute for Policy Studies on "Health and Safety Regulation: An Agenda for 1984."

"In response to nearly a decade of attack on health and safety regulation," says a promotional brochure, "this course will be a working seminar towards developing a progressive agenda for health and safety reform for 1984."

Among the guest lecturers: Joan Claybrook, long-time Ralph Nader disciple who ran the NHTSA during the Carter administration. (The course runs from March 30 until May 18.)

In Inequality of Sacrifice: The Impact of the Reagan Budget on Women, the Coalition on Women and the Budget charges that "the continued effect of the administration's budgets of the last three years is one of continued pain. These efforts can no longer charitably be seen as unintended consequences of budgetary actions."

The Coalition includes 55 feminist groups. Coalition members receiving federal funds include at least the following: The American Federation of State, County, and Municipal Employees, the League of United Latin American Citizens, the League of Women Voters, the National Organization for Women's Legal Defense and Education Fund, Nine to Five, Wider Opportunities for Women, the Women's Legal Defense Fund, and Women USA.

Among the parts of big government the Coalition defends are:

Abortion. "There were 1.5 million abortions in 1981. For each of the 4.5 million who were able to benefit from the national family planning program last year there was at least one person who wanted and needed services, and could not obtain them."

Teenage Sex. Attacking the "squeal rule" that required parental notification when the government supplies birth control devices, the Coalition charges that "Barriers to family planning services must be eliminated, not created, especially for the young women whose education, lives, and futures are disrupted by unwanted teen pregnancies."

Affirmative Action. The two chief affirmative action agencies, the Equal Employment Opportunity Commission and the Office of Federal Contracts Compliance Programs, are both having their budgets increased next year. But that doesn't satisfy the feminist lobby. The massive budget increases, the Coalition charged, are "too little, too late."

At least one signer doesn't have to worry about receiving American dollars. Senator Jeremiah Denton (R-Ala.) charges that the Women's International League for Peace and Freedom "is either Soviet controlled or openly sympathetic with, and an advocate for, Communist foreign policy objectives."

In August 1982, a Federal appeals court rules that tiny Grove City College—which has never accepted federal aid—would be forced to comply with federal regulations that barred sex discrimination. "We'll be forced to secularize our campus," said Grove City president Dr. Charles S. MacKenzie. "This means that any private institution can be brought under government jurisdiction solely because some of its students may benefit in some way from Government largesse."

The liberals, however, were gloating in triumph over the decision. "Colleges and universities which have intentionally refused federal funds cannot shield themselves from their civil rights responsibilities," said Margaret A. Kohn of the National Women's Law Center, which filed a brief opposing Grove City.

The National Women's Law Center has gotten $181,400 in tax dollars under the Reagan administration from the Women's Educational Equity Act program of the Department of Education.

Interior Secretary James Watt tried to stop environmentalists from getting federal funds—but a liberal judge wouldn't let him. Watt tried to block environmentalists from getting a $59,500 reward for fighting oil leases in Alaska. But liberal judge Aubrey Robinson not only overturned Watt's ruling but tripled the amount that the Interior Department was forced to pay. Robinson even awarded the environmentalists a 15-percent bonus because the Interior Department dared to try to defund the left.

The $230,400 in tax dollars went to: the North Slope Bureau of Alaska, the National Wildlife Federation, and the Center for Law and Social Policy.

Interior Secretary James Watt isn't the only Reaganite forced by courts to subsidize his environmentalist enemies. In February 1982, liberal judges forced then-Environmental Protection Agency head Anne Burford to pay the Sierra Club and the Environmental Defense Fund $99,405 in federal subsidies—even though the court threw out the environmentalists' case! The courts rewarded the environmentalist lawyers $90 an hour for taking up the courts' valuable time.

A newsletter, "Federal Attorney Fee Awards Reporter," keeps liberals informed of the juiciest ways to fight government with taxpayer money.

"Public-interest" law firms' fees for suing the government, say experts at the Office of Management and Budget (OMB), will cost the taxpayer $146 million by 1984. OMB special counsel Michael Horowitz warns: "public-interest" legal subsidies "are a cottage industry right now, but are going to be big business if left unchecked."

The Department of Housing and Urban Development gave a grant of $98,066 to the National Association for the Advancement of Colored People (NAACP) in January 1983. The reason: to provide "technical assistance and training" to "members of eligible local NAACP affiliates" in 4 states. NAACP leaders will learn how to "manage" billions of additional federal dollars in Community Development Block Grants.

The National Council of Senior Citizens held its national convention in Detroit this past June. They adopted resolutions far removed from the concerns of the elderly, supporting national health insurance and calling for a nuclear freeze. "We will not be robbed to pay for the huge war machine," a jubilant delegate told the Communist Party newspaper Daily World.

With the National Council, however, it's easy to see who's doing the robbing. They're currently living high off the hog—thanks to a $59,000,000 grant from the Department of Labor.

Prison Legal Services of Michigan is defending Theodore G. Williams, who confessed to brutally murdering 7-year-old Sonya Santa Cruz and 13-year-old Laura Jo Sutliffe. Legal Services lawyers argue that Williams, whose history of mental aberration has lasted for 22 years, should not be held under Michigan's Criminal Sexual Psychopath Act because that law has now expired.

"I realize their [prisoners'] rights should be respected," says Edith Slordia, Sonya Cruz's mother, "but what about the rights of the innocent victims? What about the right of my daughter to live?"

"A lot of people think all we do is represent gay, black, homicidal criminals," says Gary Thomas, director of East Texas Legal Services, funded by the Legal Services Corporation. "Maybe 100 of our cases are touchy."

The "touchy" cases include:

Winning a lawsuit that forced Houston schools to admit illegal aliens into their classrooms.

Winning a lawsuit that barred Latexo County, Texas schools from using police dogs to search for drugs in the schools.

Picketing a Nacogdoches, Texas dentist who refused to treat poor people at reduced rates.

Representing a "poor" person in a divorce suit who owned 2 houses and several cars.

"I don't think the federal government should be in the position of furnishing a lawyer for a divorce," says Congressman Sam Hall (D-Tex.). East Texas Legal Services lawyers, Congressman Hall adds, "use the poor as pawns for their own personal efforts at lobbying and social engineering."

The left is organizing to push for a nuclear freeze—with your tax dollars. Of the 30 leftist groups organized to promote the

freeze, at least 15 are receiving federal money, according to the Washington Times.

These taxpayer-funded groups include:

$105,000 to Scientists Against Nuclear Energy (SANE) from the National Endowment for the Humanities for a series of radio documentaries which reportedly advocated unilateral disarmament.

$150,000 to the Mabou Mines theater company from the National Endowment for the Arts. The company, notes Richard Goldstein in the Village Voice, "will soon perform its federally-funded piece, Dead End Kids, as part of a seven-city tour sponsored by Performing Artists for Nuclear Disarmament."

At least $614,966 to members of Citizens Against Nuclear War (CAN), a pro-freeze umbrella group sponsored by the National Education Association. Environmental Action's research branch, the Environmental Action Foundation, received $179,644 from the Department of Energy (June 17, 1981). The United States Student Association and its affiliated National Student Education Fund received $312,677 from the Department of Education (February, June and July 1981). And the National Association of Social Workers, Inc. received $122,645 from the Department of Education (September 30, 1981).

Another pro-freeze group funded by the NEA is the Dance Theatre Workshop, which led an effort in the summer of 1982 to insert anti-nuclear propaganda in thousand of theater programs in New York City.

In a controversy with the government, the Native American Rights Fund (NARF)—a National Support Center of the Legal Serives Corporation—is representing Deganowidah-Quetzalcoatl University in a suit that would force the Department of Education to release $108,185 in frozen financial aid funds. Because the federal government gave NARF $205,000 in 1982, the government is funding a lawsuit against itself.●

THE TOWN OF DUDLEY'S SESQUIBICENTENNIAL

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. BOLAND. Mr. Speaker, on May 22, the people of the town of Dudley, Mass., will conclude the celebration of the 250th anniversary of the incorporation of their town.

Dudley's sesquibicentennial has been observed by a number of impressive events, including a festive parade, held last September, in which I had the honor to participate. All of the events have captured the spirit which characterizes Dudley and have evidenced the pride which the citizens of the town have in their community.

The sesquibicentennial celebration will close with the planting of a time capsule to be opened in Dudley's tricentennial year, 2032. We, of course, have no way of predicting with any degree of certainty what the world will be like 50 years from now. The children of those who will seal the time capsule on Sunday will undoubtedly reflect, when the capsule is opened in five decades, on lives which are quite different from those of their parents. Changes will also occur in Dudley's appearance but I have no doubt that the qualities which make the town such a special place to live will endure. When the tricentennial is celebrated, I hope those participating will pause to remember the generations of effort, sacrifice, and love which built their town and by which it has been sustained.

Mr. Speaker, all of the people of Dudley deserve congratulations on their town's anniversary. I want to extend my best wishes to them, and I want to particularly recognize the members of the sesquibicentennial committee, David Bernier, Carl Bounds, and William Celko; and the members of the board of selectmen, Bernard Wieloch, Donald Cristina, and Anthony DiDonato, Sr., for their services to Dudley.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 19, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 20

9:00 a.m.
*Judiciary
To resume oversight hearings on organized crime in the United States.
SD-226

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings to review developments in markets for banking and other financial services.
SD-538

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings on efforts to reduce taxpayer burdens.
SD-215

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
Business meeting, to mark up proposed legislation appropriating supplemental funds for fiscal year 1983 for the legislative branch of the Federal Government.
SD-192

Foreign Relations
To hold hearings on the nomination of Richard B. Stone, of the District of Columbia, to be Ambassador at Large.
SD-419

Judiciary
Constitution Subcommittee
Business meeting, to mark up S.J. Res. 73, proposing an amendment to the Constitution of the United States relating to voluntary prayer in public schools.
SD-628

MAY 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

Energy and Natural Resources
To hold oversight hearings on the Department of the Interior's Federal coal leasing program.
SD-366

Judiciary
To resume hearings on S. 610, to encourage college student-athletes to complete their undergraduate education before becoming professional athletes.
SD-226

Judiciary
*Criminal Law Subcommittee
To resume hearings on S. 829, to strengthen law enforcement in the area of violent crime and drug trafficking.
SD-562

1:30 p.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 237, to allow surface mine operators to establish a reserve for mining land reclamation costs and to deduct additions to such reserve, and S. 1006, to repeal the 15-percent reduction in percentage depletion for iron ore and coal.
SD-215

MAY 24

9:30 a.m.
Joint Economic
To hold hearings to review topics of discussion at the upcoming Williamsburg Summit Meeting (May 28-30, 1983), including the status of global economy.
345 Cannon Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
To hold hearings on the following pending treaties: Tax Convention with Australia (Treaty Doc. 97-28), Tax Convention with New Zealand and Related Protocol (Treaty Doc. 97-27), Agreement with the People's Republic of China with Respect to Mutual Exemption from Taxation of Transportation Income of Shipping and Air Transport Enterprises (Treaty Doc. 97-24), International Coffee Agreement, 1983 (Treaty Doc. 98-2), International Convention on the Simplification and Harmonization of Customs Procedures (the "Kyoto Convention") (Treaty Doc. 97-23), and the Revised Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (the "Geneva Act") (Exec. E, 96th Cong. 1st sess.).
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate the use of offshore banks, trusts, and companies to facilitate criminal activity in the United States.
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

11:00 a.m.
Foreign Relations
Business meeting, to consider the nominations of David F. Emery, of Maine, to be Deputy Director of the U.S. Arms Control and Disarmament Agency, Robert B. Keating, of the District of Columbia, to be Ambassador to the Democratic Republic of Madagascar and to serve concurrently and without additional compensation as Ambassador to the Federal and Islamic Republic of the Comoros, Curtin Winsor, Jr., of the District of Columbia, to be Ambassador to Costa Rica, Myles R. R. Frechette, of Washington, to be Ambassador to the United Republic of Cameroon, and Richard B. Stone, of the District of Columbia, to be Ambassador at Large, and pending treaties.
SD-419

MAY 25

9:00 a.m.
Labor and Human Resources
Business meeting, to mark up S. 564, to establish the U.S. Academy of Peace, S. 771, to authorize funds through fiscal year 1986 for health promotion and disease prevention programs of the Department of Health and Human Services, and S. 1129, to authorize funds through fiscal year 1986 for programs under the Domestic Volunteer Service Act (VISTA/ACTION), and to allow volunteers to be locally recruited and assigned to projects in order to alleviate poverty and poverty-related human problems.
SD-430

Office of Technology Assessment
To meet to consider pending Board matters.
EF-100, Capitol

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on the problem of parental kidnapping.
SD-226

Labor and Human Resources
To continue oversight hearings on health care cost.
SD-430

Special on Aging
To hold hearings to examine certain aspects of life-care communities.
SR-385

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate the use of offshore banks, trusts, and companies to facilitate criminal activity in the United States.
SD-342

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold oversight hearings to review Federal debt collection policy.
Room to be announced

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 369, to provide a limited waiver of the fiscal year 1982 executive level pay cap for specified medical officers of the Public Health Service who were awarded Senior Executive Service (SES) bonuses, and S. 1009, to extend the authority of Federal agencies to enter into service agreements with Federal physicians which grant comparability allowances.
SD-116

Select on Intelligence
To hold closed hearings on intelligence matters.
S-407, Capitol

Joint Economic
Agriculture and Transportation Subcommittee
To hold hearings to review farm policy in the post-PIK era.
SD-124

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-628

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Subcommittee on Postsecondary Education of the Committee on Education and Labor on consolidaton of student loans, focusing on findings of GAO studies mandated under Public Law 97-301, Sallie Mae Technical Amendments Act of 1982.
2175 Rayburn Building

MAY 26

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, and on related measures.
SD-628

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on the youth employment provisions of S. 724, proposed Public Investment/Jobs Act.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 958, to reform the current merit pay system of the Federal Government.
SD-342

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on title XIII, relating to Federal Tort Claims Act amendments, of S. 829, proposed Comprehensive Crime Control Act.
SD-226

Joint Economic
Agriculture and Transportation Subcommittee
To hold hearings to review the future direction in farm policy.
SD-124

2:00 p.m.
Judiciary
To hold hearings on plea bargaining matters.
SD-226

3:00 p.m.
Select on Indian Affairs
To hold hearings on S. 1168, to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma, S. 1224, to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation, and S. 1249, to provide for a representative of a federally recognized Indian tribal government in the membership of the Advisory Commission on Intergovernmental Relations.
SD-538

MAY 27

9:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax measures, including S. 654, S. 738, S. 1147, S. 1194, and S. 1195.
SD-215

JUNE 7

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on certain activities of the Teamsters Union, focusing on the substance of S. 336, proposed Labor Management Racketeering Act (pending on Senate calendar), and central State settlement matters.
SD-430

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

JUNE 8

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on the role of the administrative law judges of the Department of Health and Human Services related to social security disability.
SD-342
Labor and Human Resources
To hold hearings on food safety.
SD-430

10:00 a.m.
Judiciary
To hold hearings on S. 915, proposed Taxpayer Antitrust Enforcement Act.
SD-226
Veterans Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 9

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

10:00 a.m.
Energy and Natural Resources
To resume hearings on the geopolitics of strategic and critical minerals.
SD-366

JUNE 10

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

JUNE 13

9:30 a.m.
Finance
To hold hearings to examine the tax structure applicable to property and casualty insurance companies.
SD-215
Labor and Human Resources
To hold hearings on home health care services.
SD-430

JUNE 14

9:30 a.m.
*Labor and Human Resources
Labor Subcommittee
To hold hearings on the substance of S. 1227, to improve the single-employer pension plan termination insurance program created in 1974 by title IV of ERISA.
SD-430

JUNE 15

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume oversight hearings on activities of the Patent and Trademark Office, Department of Commerce.
SD-226
Labor and Human Resources
Business meeting, to mark up S. 772, proposed Smoking Prevention Health and Education Act, and other pending calendar business.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 314, proposed In-Flight Medical Emergencies Act.
SR-253
Veterans Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SR-418

10:30 a.m.
Labor and Human Resources
To hold hearings on the nominations of Ford B. Ford, of California, to be Under Secretary of Labor, and Madeleine C. Will, of Maryland, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 16

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on the deinstitutionalization of certain status offenders.
SD-226

JUNE 20

9:30 a.m.
Finance
To hold hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.
SD-215

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed authorizations for refugee programs
SD-226

JUNE 21

9:30 a.m.
Finance
To continue hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.
SD-215

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

JUNE 22

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1306, to encourage American innovation by restoring the patent system as it affects certain products subject to premarket testing by the Federal Government.
SD-226
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430
Veterans' Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 23

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To continue oversight hearings on the breakdown of the traditional family unit, focusing on the role of Federal policy.
SD-430

JUNE 27

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on airline deregulation.
SR-253
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 28

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal Mine Safety and Health Amendments.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on airline deregulation.
SR-253

JUNE 29

9:30 a.m.
Judiciary
To hold hearings on S. 737, proposed Joint Research and Development Ventures Act.
SD-226

10:00 a.m.
Veteran's Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

10:00 a.m.
Energy and Natural Resources
To resume hearings on the geopolitics of strategic and critical minerals.
SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on activities of the Office of Administrative Law Judges, Department of Agriculture.
SD-562

JULY 6

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources.
Business meeting, to consider pending calendar business.
SD-430

JULY 20

9:30 a.m.
Labor and Human Resources.
Business meeting, to consider pending calendar business.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

CANCELLATIONS

MAY 19

10:00 a.m.
Judiciary
Courts Subcommittee
To hold hearings to discuss bankruptcy matters relating to the Manville Corporation in Denver, Colorado.
SR-418

MAY 20

9:30 a.m.
Labor and Human Resources
To hold hearings on the effects of chemotherapy in the treatment of cancer.
SD-430

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on the constitutionality of private lobbying with public funds.
SD-628

MAY 23

2:30 p.m.
Judiciary
Patents, Copyrights, and Trademarks Subcommittee
Business meeting, to mark up S. 875, to strengthen criminal penalties for trafficking in counterfeit goods.
SD-226

MAY 24

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on certain provisions of the proposed Mortgage Retirement Account Act.
SD-538

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the Employee Retirement Income Security Act (ERISA).
SD-430

MAY 25

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 1174, proposed Public Utility Holding Company Act Amendments
SD-538

MAY 26

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To continue hearings on S. 1174, proposed Public Utility Holding Company Act Amendments.
SD-538

MAY 27

10:00 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corps, and related matters.
SD-226

JUNE 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 16

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
SD-430

HOUSE OF REPRESENTATIVES—*Thursday, May 19, 1983*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty God, whose hand protects and whose spirit sustains, bless our Nation and all those to whom authority is given. Help us as a free people to care about the less fortunate in our world, to remember always those with any special need, and to use our resources for Your glory and for the support for every person. May we not be content when injustice reigns or liberty is in doubt, but armed with Your love, may we eagerly serve You in word and deed. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

HOUR OF MEETING ON MONDAY, MAY 23, 1983

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that when the House convenes on Monday, May 23, 1983, it convene at 11 a.m.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESS ON MONDAY, MAY 23, 1983

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving former Members of Congress on Monday, May 23, 1983.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

UNITED STATES ENDORSES CONTADORA CONFERENCE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, I welcome a new signal given by the administration that—despite some of its public rhetoric—it apparently believes in the usefulness of negotiations between the contending factions and countries of Central America.

In today's Washington Post, we read that it is a "lead-pipe cinch" that the United States will vote for a resolution to be brought before the Security Council of the United Nations today by Nicaragua and seven other Third World countries. The language of the resolution was itself a product of lengthy negotiation between various parties, according to the article. All sides claimed "victory," including ours.

What the resolution says is that all countries in the Central American region have the right to live free of outside interference. It calls for "frank and constructive dialog" among the nations of the region and endorses the regional peace initiative by the so-called Contadora nations—Columbia, Mexico, Panama, and Venezuela.

Those of us in the Congress who have long sought to develop a bipartisan consensus for such a process will take heart from our country's support of this resolution. If negotiations in the often contentious United Nations can turn out this well, then we can be optimistic about the possible results of the proposed Central American dialog itself.

COMPENSATION FOR VICTIMS OF AGENT ORANGE

(Mr. HARRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRISON. Mr. Speaker, I was genuinely shocked at recent testimony by the Administrator of Veterans' Affairs before the Subcommittee on Compensation, Pension, and Insurance. Mr. Walters told the subcommittee that he opposes the payment of compensation to Vietnam veterans stricken with certain illnesses linked to the defoliant agent orange because, in his judgment, there is not enough evidence to establish such a linkage.

Agent orange is a toxic substance that was sprayed extensively by American forces in Vietnam from 1965 to 1971. Its purpose was to kill jungle growth that concealed enemy movements. In recent years, a growing number of Vietnam veterans who were exposed to this defoliant have suffered from cancer and other serious and unexplained diseases.

At the same hearings before the subcommittee, two of my constituents, James Roxby and Michael Milne, also testified. These two young men suffer today serious and debilitating injuries which cannot, in their judgment or in mine, be other than the effects of direct contamination from agent orange. The members of the subcommittee and indeed, anyone in the committee room, could not have been other than shocked at their appearance and impressed by their words.

My distinguished colleague from Texas, Mr. HALL, stated that these were the most cogent witnesses yet to appear before the subcommittee because they were the first who had actually dealt with dioxin in the field.

As shocking as are the individual cases of Mike Milne and Jim Roxby, they are, even more tragically, not alone. They are but two of many. Many scattered across the country, all suffering today in a similar fashion. According to the Administrator of Veterans' Affairs, any connection between their exposure to agent orange in the field and the injuries they suffer today is based upon unproven "theories and hypotheses." I can think of no better way to respond to that statement than by words of Mike Milne's testimony:

> Look at Vietnam veterans: don't you think it a little suspicious that veterans whose average age is only thirty-five are suffering from cancers, other severe metabolic and physical dysfunctions and producing deformed children at rates far and above "predicted averages;" who are experiencing illnesses more properly assigned to much older people? Don't you find that curious? And what in God's name do Vietnam veterans, people on farms in Oregon, the streets in Times Beach, Missouri, factory workers in Italy, clean-up workers in Sturgeon, Mississippi have in common? How about considering exposure to dioxin? How much more do you need before you start to wonder?

The purpose of creating a statutory presumption is to enact into law that which has been the common experience of mankind but which, in each or any individual case to come before the courts, might not be susceptible of proof. Or if it could be proved in each case, could be so only after a long, complicated and expensive process, one which would create an undue hardship on the plaintiff and an undue strain on the judicial system.

That is why and that is what the bill, H.R. 1961, introduced originally by our distinguished colleague from South Dakota, Mr. DASCHLE, seeks to do. It would write into the law a rebuttable presumption. It would state, as a matter of law, that certain adverse health effects, not otherwise explainable, "shall be considered to have been incurred in or aggravated by service in Vietnam."

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Hundreds of thousands of young men served in Vietnam not because they wanted to, but because their country sent them there and they obeyed the call of duty. It has been for 200 years the tradition and the pride of this Nation that we honor our veterans, reward their service, and compensate their injuries. How cruel it would be for us to act differently now with respect to the veterans of the most unpopular war in American history, veterans already maligned instead of praised for their military service and haunted by the memories of what they did in following the call of duty.

Mr. Speaker, I hope that responsible officials of this administration will read the record of testimony taken before the subcommittee. I hope they will come to understand the suffering of Mike Milne and Jim Roxby and uncounted others like them throughout this country. I hope that from this study and this understanding will come a reversal of this administration's policy.

I hope this administration will come to support H.R. 1961. And, most importantly, I hope that H.R. 1961 will rapidly become the law of the land. For it is only in this way that we can do justice to the young men who fought in the jungles of Vietnam. It is only in this way that we, in our day, can fulfill the timeless duty of which Lincoln spoke:

> To bind up the Nation's wounds, to care for him who shall have borne the battle, and for his widow and for his orphan.

GOODYEAR TIRE & RUBBER CO.

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL. Mr. Speaker, today marks an important occasion in Danville, Va., for on this day the Goodyear Tire & Rubber Co. will roll out its 3 billionth tire.

If I may be pardoned a small pun, tires have come a long way since the first Goodyear tire was produced in 1898. That first tire was a bicycle tire, and was essentially handcrafted. The tire which will be produced today is a low-profile truck tire, the G-167. It weighs 130 pounds, compared to the 2-pound weight of tire No. 1.

Someone has calculated that Goodyear's production to date would reach to the Moon 10 times. In fact, the very special G-167 which is being produced today, with a 300,000-mile life, could more than make the trip on its own.

All these things are interesting, and tell us much about the product of Goodyear Tire & Rubber Co. But they are statistics which could not be recorded without one very special ingredient. That ingredient is the men and women who make up Goodyear's work force. Almost 100,000 strong, with 2,300 employees in Danville alone, Goodyear personnel are a rich resource to the company and the Nation.

For 2 years now, it has been my privilege to meet with Goodyear-Danville's Top Ten Club, a group from first-line management which represents the top 10 percent in 10 areas of excellence. They are also representative of the quality of individuals who work for Goodyear in Danville, and are an asset to the company and the community.

Goodyear strives, day in and day out, for excellence—not just excellence in its products but excellence in its people. I am proud to report that Goodyear—our Goodyear in Danville—has been recognized with the honor of turning out this milestone tire, and want to share my pride with all my colleagues here today.

EXPRESSION OF SUPPORT FOR DECISION OF GOVERNMENTS OF LEBANON AND ISRAEL FOR WITHDRAWAL OF ISRAELI FORCES FROM LEBANON

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, this morning I am introducing a resolution, together with the gentleman from Texas, the majority leader (Mr. WRIGHT), the minority leader, the gentleman from Illinois (Mr. MICHEL), the gentleman from Wisconsin (Mr. ZABLOCKI), and the gentleman from Michigan (Mr. BROOMFIELD) and all of the other members of the Foreign Affairs Committee, a resolution expressing the support of the House of Representatives on the decision of the Governments of Lebanon and Israel on agreeing to arrangements for the withdrawal of Israeli forces from Lebanon. This is the same basic resolution that passed the other body just the other day.

But in doing so I also want to take this small opportunity to say something about what has occurred since the time that the withdrawal agreement has been signed between these two sovereign nations.

In the last few days the rhetoric has paced itself beyond anyone's imagination, and as of yesterday we heard that now Syria wishes to condemn Lebanon and reject it from the Arab League. In essence, they are going to punish Lebanon for waging peace instead of war.

This tirade against a sovereign nation now shows the true colors of Lybia and the PLO, and Syria, who seem to want nothing more than to carve up Lebanon for their own purposes rather than to let Lebanon exist as a sovereign nation.

I hope this resolution will go some lengths in convincing those Arab countries who wish to impede and possibly derail the peace process in the Middle East to understand that the United States will totally reject that form of conspiracy, and that the United States stands for peace in the Middle East.

SECRETARY OF STATE SHULTZ' ACCOMPLISHMENT

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, the resolution just announced by the gentleman from Florida is an appropriate and timely one and I am pleased to be a coauthor of it.

Mr. Speaker, Secretary of State Shultz set out to accomplish a formidable task when he flew to the Middle East earlier this month. That task was to craft an agreement which would lead to the withdrawal of Israeli, Syrian, and PLO troops from Lebanon.

The Secretary's patience has achieved significant progress. He listened to the fears, concerns, and legitimate needs of each country. Using his gift of diplomacy, he worked diligently to devise an agreement that would help insure the sovereignty of Lebanon and the security of Israel.

The first fruits of these efforts were realized 2 days ago when Israel and Lebanon formally signed the withdrawal agreement.

Syria's refusal to honor its commitment to withdraw its troops from Lebanon remains a serious impediment to full implementation of the agreement. Syria and the PLO continue to violate Lebanon's sovereignty. Once again these and other radical forces have chosen to play the role of spoiler in the Middle East.

The Syrian and PLO decisions, however, in no way diminish Secretary Shultz' accomplishment. He has proven once again that the way to peace in the region is through negotiation and diplomacy. He has earned the well-deserved praise and gratitude of all those who are sincerely interested in peace in the Middle East.

NATIONAL POLICE WEEK

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCANDLESS. Mr. Speaker, during National Police Week we are reminded to be thankful for the dedicated lives of those men and women who protect our communities by serving in our local law enforcement agencies. We indeed owe a debt of gratitude to the brave members of our police or-

ganizations, and to their families, as well.

Last Friday, May 13, 1983, the people of Riverside, Calif., honored the memory of 27 police officers who have been killed in the line of duty since 1900 in that jurisdiction, at a special ceremony.

Included in that event was the dedication of a bronze statue showing a police officer carrying a child wrapped securely in a blanket. The stylized sculpture is entitled "safe in his arms."

I was privileged to speak briefly at the dedication, which was well attended. The occasion was not only an appropriate tribute to the slain officers, but also a demonstration of appreciation and support for the policemen and policewomen who are serving our community today.

During my 12 years as a Riverside County supervisor, I had daily direct contact with our county sheriff's department, which is responsible for policing a territory of over 7,000 square miles. I have also had an opportunity to observe the operation of the police departments of the city of Riverside and several other cities in Riverside County which maintain excellent law enforcement agencies.

I have nothing but praise for their professionalism, their expertise, and their continuing ability to remain cool in emergencies. These qualities, of course, are to be found in police organizations all over the country, and I salute them all.

THE PEOPLE PROTECTION ACT OF 1983

(Mr. KRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRAMER. Mr. Speaker, today we introduce the People Protection Act of 1983 as a framework to protect the American people and our allies from nuclear war and to eventually make nuclear war obsolete. We share President Reagan's vision to remove the threat of nuclear war from the world. Too long have we relied solely on a policy of offensive nuclear retaliation.

For our Nation to meet his challenge and make the technological breakthroughs for a nonnuclear defensive policy, key changes must be made.

We need a directed energy systems agency to focus our R&D to develop lasers, particle beam, and microwave technologies.

We need a unified space command with Air Force, Army, and Navy participation.

We need immediate development by NASA of a manned space station and a complete overhaul of U.S. strategic policymaking to develop new conceptual approaches to arms control.

The President's challenge could remove the threat of nuclear war and change the course of human history. We believe with the passage of the People Protection Act we can begin to meet his challenge.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2715

Mr. WHITEHURST. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Arizona, Mr. RUDD, be removed as a cosponsor of H.R. 2715.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

POLICIES OF LIBERAL DEMOCRATS ARE THE TRUE CRUEL POLICIES

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, on television this morning I heard you describe the President of the United States as being cruel. The only thing I could think to myself was "physician, heal thyself."

When you and your liberal cronies work to reinflate the economy, thereby depriving older Americans of a decent livelihood on their fixed incomes, that is cruel.

When you and your liberal cronies work to take away the tax cuts for low and middle income Americans, thereby depriving them of the real income gains they are just beginning to see, that is cruel.

When you and your liberal cronies work to adopt policies that freeze more and more people into lives of welfare dependency and keep them from finding real work, that is cruel.

Cruelty is the failure of the liberal version of the American dream. President Reagan's efforts to restore the real American dream of growth and work are our hope for the future.

WASHINGTON POST-ABC NEWS POLL SHOWS PEOPLE APPROVE PRESIDENT'S PERFORMANCE

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, to those of our colleagues on the other side of the aisle who this week have futilely attempted to blame the President for their own shortcomings in getting the Federal budget under control, I commend to their attention the latest Washington Post-ABC News poll. It shows that the majority of the people in this country approve of President Reagan's performance in office.

What is more, 74 percent are convinced that the economy is improving, and among that number, three of every four credit the economic recovery we are experiencing to the President.

Moreover, despite what we have heard from the other side of the aisle this week, 88 percent believe President Reagan cares most about the majority of people in this country.

Mr. Speaker, the people are speaking, and they are happy with their President. I strongly encourage our colleagues who have tried to convince us otherwise to take advantage of the Memorial Day District Work Period to get in touch with their constituents.

Obviously, they have a communication gap. In so doing, they may also learn that the majority of the American people are not happy with the Democrat budget which will raise their taxes by $30 billion and add 10 new Federal spending programs to the Government's largesse.

Our colleagues are fortunate in that a recess is being called in the legislative calendar. I hope that they will take full advantage of that time to "huddle" with their constituents and "get their signals straight."

THE PRESIDENT'S CRUEL POLICIES

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend remarks.)

Mr. O'NEILL. Mr. Speaker, in view of the fact the gentleman from Pennsylvania (Mr. WALKER) mentioned my name and the fact I was on television this morning, I want to reiterate what I said.

I believe the program of the President of the United States is cruel. It is cruel to shift $57 billion to those who earn over $80,000 a year. That is what his tax program calls for.

If you earn less than $10,000 a year, there is a net loss to you of approximately $20 billion in the programs that have been cut.

You can look at every program: 14 million in the school lunch program have been affected; 3 percent less will be able to go to college this year because of the cuts that have been made in the Reagan budget.

We remember the President's promise of full employment, his promise of 13 million jobs.

Thirteen million are unemployed out there.

We remember the President's promise of a balanced budget by 1984.

Today, we have the highest deficits in the history of this country.

Who are being affected by these cuts more than anybody else? Yes, it is the

poor that are being affected, but middle-class America is also suffering.

This morning on television, I said that the President sweet-songs middle America and the blue-collar person. I do not like the way this is being done, to be perfectly truthful, because it is the person who earns $20,000 or $25,000 a year, the fellow that handles the shovel or the fellow that drives the truck; it is his family that is being affected.

It took years to bring this Nation forward. In the 1930's, 50 percent of the Nation was impoverished. When President Reagan took over in 1980, about 10 percent of the Nation was impoverished.

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We should go forward, not backward. And in my opinion, this program of President Reagan is cruel; it hurts middle America and it hurts the poor of America.

REPORT ON RESOLUTION TO DISAPPROVE THE ENERGY CONSERVATION DEFERRAL

Mr. YATES, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-209) on the resolution (H. Res. 177) to disapprove the energy conservation deferral, which was referred to the Union Calendar and ordered to be printed.

REPORT ON RESOLUTION TO DISAPPROVE THE FOSSIL ENERGY RESEARCH AND DEVELOPMENT DEFERRAL

Mr. YATES, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-210) on the resolution (H. Res. 178) to disapprove the fossil energy research and development deferral, which was referred to the Union Calendar and ordered to be printed.

REPORT ON RESOLUTION TO DISAPPROVE THE ADMINISTRATION OF TERRITORIES DEFERRAL

Mr. YATES, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-211) on the resolution (H. Res. 181) to disapprove the administration of territories deferral, which was referred to the Union Calendar and ordered to be printed.

HHS SHOULD WITHDRAW MEDICAID SPECIAL SUPPLEMENT

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, on Monday, I conducted a hearing of the House Select Committee on Aging's Subcommittee on Human Services to examine a new administration policy regarding family responsibility under medicaid.

As a result of this hearing, I am now working for a total withdrawal of this ill-advised and cost-inefficient policy. In February, as a seemingly innocuous special supplement to the monthly medicaid bulletin, the Health Care Financing Administration advised States they could now require family members to contribute to the cost of nursing home care under medicaid for an aged parent or relative.

This new directive is fundamentally flawed. First, while it is estimated to save $100 million in the first year, it will cost $75 million to administer. The net savings are $25 million; when compared to the hardships which may be imposed on people, it seems hardly worth the cost.

The new directive provides no income or age guidelines. People on medicaid are among our Nation's poorest citizens. So, too, are many of their adult children who would now be asked to pay for part of the nursing home bill. Further, many nursing care patients under medicaid are in their eighties meaning their adult children might be in their sixties. Is it fair to ask them to pay?

Further, the directive does not provide family members with any choice except paying for nursing home care. What about community or home care?

The policy is patently unfair and should be withdrawn by HHS before any State implements it. I am prepared to develop a legislative initiative to accomplish this but I hope HHS will see the light before this happens.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 114

Mr. MILLER of Ohio. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 114.

The SPEAKER pro tempore (Mr. ALEXANDER). Is there objection to the request of the gentleman from Ohio?

There was no objection.

SOLIDARITY SUNDAY WITH SOVIET JEWS, MAY 22, 1983

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, this Sunday marks the 12th observation of Solidarity Sunday with Soviet Jews. Twelve years ago, tens of thousands of Americans gathered in solidarity with Soviet Jews. With that first Solidarity Sunday, the American movement in support of Soviet Jewish emigration came of age. In the 12 years since that first Solidarity Sunday, and in no small part because of the strength of American voices, there have been many victories in the battle for more humane treatment of Jews by the Soviet Union.

As support in this country grew, the level of Jewish emigration from the Soviet Union increased. Recently, however, there have been setbacks. Emigration has come to a virtual standstill, and Soviet mistreatment of Jewish citizens has dramatically increased. At such a time, it is more important than ever to show Soviet Jews that our solidarity with them has not waned.

Each of us must do what we can. As part of the general congressional effort on behalf of Soviet Jews, I have adopted one Soviet Jewish family—that of Alexander Mariasin.

GETTING A GRIP ON DEFICITS/PRIORITIES

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, the Senate is going to once again try to pass a budget resolution. This time the Senate Budget Committee has recommended a budget with military spending and a deficit closer to the President's recommendation. The President has indicated that he will ignore any budget developed by the Congress if it does not include his budget priorities of tax cuts now, of major tax increases later, of massive increases in military spending, of continued deep reductions in education and other programs that are investments in the future. The ever-growing deficits that result from this administration's policies should alarm us all.

The people in this country want us to work together in a bipartisan manner to turn this situation around. They do not want delay, confusion and stalemate on the budget. Recognizing this, the House is examining the budget process.

I have the privilege of serving on the Rules Committee task force on the budget process. Under the able guidance of the distinguished gentleman from California (Mr. BEILENSON), we have had an in-depth exposure to the arcane aspects of budgeting such as: timetables for committee work, budget resolution enforcement procedures, credit activities and scorekeeping. I am convinced that if either party hopes to address the major economic problems facing this country, these complex subjects must be understood and the problems of the existing congressional budget process must be addressed.

If we want to get a grip on the deficits and redirect our country's priorities, we must get a handle on the process, as discussions of the various proposals for reform of the budget

process continue, the new members of the Democratic Party will be involved.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this special order.

The SPEAKER pro tempore. Is there objection to the request to the gentleman from New Jersey?

There was no objection.

SENATOR BILL BRADLEY—HALL OF FAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 60 minutes.

Mr. RODINO. Mr. Speaker, I take great pleasure today in rising to recite the accomplishments of our friend and colleague from the other body, the senior Senator from New Jersey, Senator BILL BRADLEY, who earlier this month was inducted into the Basketball Hall of Fame in Springfield, Mass.

This is a great honor for any individual; for most it would be the achievement of their lives. For BILL, however, it was but a milestone in a life that holds immense future promise, for himself certainly, but more important, for the conduct of Government.

It has been said that the best single word to describe BILL is "disciplined" and that there seems to be nothing that BILL cannot do—and do well—once he sets his mind to it. His athletic career, his scholarly achievements, and his service in the Senate attest to this.

Bucky Waters, basketball coach and broadcaster, once said that BILL BRADLEY had no innate basketball talent, an assessment all, including BILL BRADLEY, may not agree with. Nevertheless, BILL took the coach's advice and practiced tirelessly. And when BILL was graduated from Crystal City, Mo., High School in 1961, he was proclaimed the best player in the history of Missouri high school basketball. At the same time, he was a straight-A student and was twice named to Scholastic magazine's All-American team. He was offered athletic scholarships by 75 universities, but he chose to enter Princeton University, which had not offered him a scholarship.

At Princeton, BILL devoted himself to his studies as intensely as to basketball. After his games, when his teammates were off celebrating—or, less frequently, commiserating—BILL could be found in the library. With a sense of service to others, he joined the Fellowship of Christian Athletes, taught Sunday school, nurtured his ingrained concern for social justice, and first became involved in the political process.

He was a volunteer worker in Governor Scranton's unsuccessful Presidential campaign in 1964 and was an intern on Capitol Hill that summer when the Congress passed the historic Civil Rights Act. He would remark later that listening to the debates and watching the development of that law in the march toward equal rights was an inspirational experience.

When BILL was graduated from Princeton in 1965, he was considered one of the outstanding college basketball players of his generation. He was designated the 1965 College Player of the Year by the National Association of Basketball Coaches. He was named to virtually every All-American list. He was also a member of the U.S. basketball team that took the gold medal in the 1964 Olympic games.

By the time of his graduation, BILL had developed a distaste for the celebrity that accompanies athletic success. He therefore rejected professional basketball offers and accepted instead a much-coveted Rhodes scholarship to study at Oxford University.

At Oxford he studied politics, philosophy, and economics—disciplines that prepared him superbly for his future political career. But it was a career that had to wait.

Toward the end of his second year at Oxford, BILL picked up a basketball for the first time in nearly a year. As he dribbled around the court practicing his shots, he knew that to play against the best—the pros—was a challenge he had to take on. He signed a 5-year contract with the New York Knickerbockers and joined the team in 1967, the year before he obtained his master's degree, cum laude, from Oxford.

In his 10-year career with the Knicks, he helped them win two National Baskeball Association championships. As a forward for the Knicks, he was a brilliant team player, and an intense competitor.

Throughout his basketball career, BILL never gave up his public service. In the off-seasons, he worked as an assistant to the Director of the Office of Economic Opportunity in Washington. He taught reading in Urban League street academies in Harlem, promoted prison reform, environmental protection, and took an interest in national Democratic politics. During the seasons, he used the team's many road trips to assess the national mood and to learn of the needs and concerns of the people in the cities he visited.

In 1977, BILL retired from professional basketball. His induction into the Baskeball Hall of Fame commemorates his early achievements. But we are here also to honor BILL BRADLEY, the Senator from New Jersey, the man who continues to apply his legendary skills, hard work, discipline, and leadership qualities to his job as a representative of the people of New Jersey and to the search for solutions to the problems our Nation confronts.

BILL has been described as one of the most diligent and most thoughtful Members of the Senate, one who has earned the respect and admiration of his colleagues.

As soon as BILL entered the Senate, he took on some of the toughest legislative issues: Taxation, energy, and international banking. He has become an acknowledged expert in these areas. But in his concern with these national issues, BILL never neglects the day-to-day cares of the people of New Jersey. He works hard to meet with them, to learn and study their problems as he strives to make life better for all our citizens.

BILL stated his philosophy about his work in a recent interview: "It is the idea that you think through something before you do it and then you do it as well as you can."

It is a modest philosophy that is typical of the character of BILL BRADLEY. This and all the qualities he possesses are certain to stamp him as an outstanding legislator and leader.

Mr. Speaker, there is a good deal more I could say about BILL BRADLEY, but instead I am including herein under unanimous consent a recent profile of him by Robert Cohen which appeared in the May 16 Newark Star-Ledger.

The article follows:

[From the Newark Star-Ledger, May 15, 1983]

STILL SCORING—PETSISTENCE MARKS BRADLEY STYLE

(By Robert Cohen)

WASHINGTON.—When Bill Bradley was growing up in the small Mississippi River town of Crystal City, Mo., he would place obstacles on the basketball court to dribble around, and spend hour after hour choreographing and perfecting every move and shot he could imagine.

Bradley, says his mother, was always ready to go extra lengths to achieve his goals, and she and her husband were usually willing to adjust their routine to accommodate their son.

"We waited many dinners for Bill to shoot 25 straight free throws. It got to be a normal way to live." recalled Susan Crowe Bradley earlier this month when her son was inducted into the Basketball Hall of Fame.

Two decades later, after endless practice and singleminded determination has made him a nationally known college and professional basketball star, Bradley used the same technique to learn the ropes in the U.S. Senate.

In the first months after his election, Bradley set aside large chunks of his busy schedule to steep himself in the Senate's rules and procedures. Floyd Riddick, the Senate parliamentarian, recalls how Bradley spent more than 100 hours presiding over debates so he could observe the pros, absorb the detail and learn how to get things done.

Now 4½ years into his first term as a senator from New Jersey, Bradley continues to display the same perseverance, preparation

and what one friend calls his "burning desire to succeed."

He shows these traits in the committee rooms, on the Senate floor, and most recently in his plans for re-election.

Political observers consider Bradley virtually unbeatable in 1984 and Republicans wonder who will volunteer to run against him. Yet, he already has raised about $1 million, has some top campaign people in place, and is approaching the upcoming election as if it will be the toughest contest of his life.

To Bradley, this passion to achieve and to win began to take shape at age 13 when a basketball mentor told him that if he didn't practice, he should be aware that someone, somewhere was practicing. Given roughly the same abilities, the coach said, that other guy would beat him if they were to meet.

"I never wanted to lose because I didn't make that effort," said Bradley, "I never wanted to be unprepared."

Bradley sees this driving force as just "the internal coach," but a friend tells him it is really, "John Calvin haunting me."

This has been true for Bradley the All-America student-athlete at Princeton University. Bradley the Olympic Gold Medal winner, Bradley the Rhodes Scholar. Bradley the professional basketball player with the New York Knicks for 10 years, and now Bradley the U.S. senator.

Bradley said his mother always wanted him to be a success while his father wanted him to be a gentleman.

"Neither wanted me to be a basketball player or a politician," said Bradley.

When he left the basketball arena and entered the staid Senate in 1979, Bradley not only set out to master his new job like he did his old one, but he was determined to wipe away any thought that he might be just a sports celebrity.

Bradley by all accounts has become an accomplished member of the club. His colleagues say he has gotten their attention because he is thinking about, searching for and proposing some answers to questions dealing with taxes, the economy and energy.

"He picked a few areas, established a reputation as being knowledgeable and he gained respect," said Sen. Joseph Biden (D-Del.).

Some of the issues Bradley has chosen are tough, complex, and do not lend themselves to immediate solutions. They are the issues that do not necessarily yield short-term political gains.

Bradley has come to be known for his cautious, analytical approach. He avoids the political soapbox and reserves judgment when he has not thoroughly reviewed a problem.

Gordon MacInnes Jr., the executive director of the New Jersey Public Broadcasting Authority and the campaign manager for a 1978 Bradley primary opponent, said the senator has a "blurred image."

"It's tough to see a corner on the guy," said MacInnes. "He's illuminating on describing what the situation is and how complicated it is and what needs to be looked at, but it's difficult to know what he thinks about a situation and what he proposes."

Larry Fleisher, Bradley's friend and the lawyer for the National Basketball Association players' union, said the senator has always been this way.

"Some of us are free wheeling," said Fleisher, "He won't get involved in anything unless he analyzes it and knows what it is. This was done before his political days. It is not related to him trying to cover his fanny."

Bradley's mother agreed. "Bill never gives an immediate opinion," she said.

Fleisher said Bradley "keeps himself from being emotional."

"He is not a guy who will be marching in the streets with people cheering behind him. It's not his style."

Bradley says he knows he's not the most dynamic speaker in the world, but like everything else, he's working on it. "I used to see at least three people sleeping in the audience, but there are fewer now," he says in typical self-deprecating humor.

Asked what arouses his righteous indignation, Bradley thought for a moment, subtracted the word righteous from the question, and said:

"I guess, to summarize briefly, it would be phonies, bullies and bigots. That's how I would put it, and I suppose in the political context, there are some of those around, but I guess that's evident."

When it was suggested he is not often heard railing against the "phonies, bullies and bigots," the senator pointed out that "politics operates on many levels, and speech is only one of them."

"The important thing is to be effective, to get things done and to try and be clear," said Bradley.

When Bradley came to the Senate, he lobbied influential Democrats for his energy and finance committee assignments, and was repeatedly told there are two types of senators, workhorses and showhorses.

By nature, Bradley chose to be a workhorse.

"On a consistent basis, you have to like the nitty gritty. If you view the Senate only as an opportuity to make speeches, then I think you don't understand how it works and how the power flows," said Bradley.

"And in my own case, I like the nitty gritty and if anything, I've had to push myself to go out on the platform."

Bradley's former New York Knicks teammates are not surprised the senator favors fundamentals over showboating, but they say he wouldn't have made it to Washington without their help.

"Bill was a man in those days, unfortunately, who couldn't match a shirt and a pair of pants," former Knicks teammate Jerry Lucas deadpanned to an appreciative crowd May 2 when Bradley was inducted into the Hall of Fame in Springfield, Mass.

"I think as I look back at my time with Bill and the success he has had, I have to name his Knick teammate Dick Barnett. In those days, Dick taught Bill how to dress . . . Perhaps without that Bill may not have gotten past Eighth Avenue in New York," said Lucas.

Bradley, who is used to good-natured ribbing from his teammates and can give it back in kind, said he is proud of his basketball days and the friends he made in those times.

He also said he is now more comfortable talking publicly about his former career, a fact apparent by his use in recent weeks of basketball as a metaphor for his current endeavors.

"One of my major moments of insight in the U.S. Senate was the realization that dedication to the team, the community, has a larger, more important application than I ever dreamed," said Bradley. "I was in the Senate about five months, and I was sitting in the Democratic cloakroom about 11 o'clock at night because we were having late votes.

"I saw one senator angry, one senator talking, one senator walking up and down the floor pacing, one senator on the telephone, one senator thinking. I said to myself, 'This isn't a lot different from the Knicks locker room.' "

Bradley said both activities involve getting people from different backgrounds with different experiences and personal agendas to agree on a shared goal and to work toward it.

"That process defines both teamwork and the public interest," said Bradley.

An aide says Bradley's approach represents "inclusionary politics." Bradley's wife, Ernestine, says her husband is more comfortable when he's working as part of a team.

"It is germane to his vision, a condition he functions best under," says his wife. "He believes in consensus, cooperation, working out individual talents and stresses . . . He loves it. He thrives on it."

Bradley also is curious about what makes his colleagues tick, how different senators react and how coalitions are formed. He studies his colleagues and is intrigued how a senator is persuaded to make a decision.

"There are certain tried and tested techniques that you can see certain people using over and over on the senators, whoever they are," said Bradley. Sometimes those techniques are obvious, said Bradley, and sometimes they are more subtle.

During his brief tenure, Bradley has gotten along with his political opponents, has campaigned for many of his Democratic colleagues, and has studiously avoided rocking many boats. He is no maverick, and he plays by the rules.

"He's a bright liberal Democrat," said Republican Senate Finance Chairman Bob Dole of Kansas. "I don't get many votes out of him, but he's good to work with. If there's a problem, he'll help hammer it out."

Sen. Henry M. Jackson (D-Wash.) said Bradley is "not one of those people who try to do everything at once, or who is brash."

"He's humble, quiet, and never points a finger or shouts," said Jackson.

Jackson's observation about Bradley's lack of rancor appears to be a trait that goes back a few years.

"I never heard him say a derogatory word about a playmate, an opponent or any high school student," said Bradley's mother. "His best friend ran against him for student council president, and he never said a word against Johnny. But it cooked me.

"Mr. (Warren) Bradley is exactly like that," said Mrs. Bradley of her husband, a man she described as an avid reader and a frustrated politician. "He never said anything malicious about anybody."

While Mrs. Bradley accompanied her son to his Hall of Fame induction, her husband, a severe arthritic, was unable to travel and remained at the couple's winter home in Florida, Mrs. Bradley said her husband, a Republican banker, would have given anything to have been with his son on that day.

Bradley, whose first interest in politics came from his father, follows the same basic game plan and approach to New Jersey politics as he does in Washington.

He makes frequent public appearances in New Jersey and has avoided alienating state Democrats. He remains aloof from state party infighting, but helps candidates in the general elections.

Some Democrats have criticized him for not taking a more active role, but former Gov. Brendan Byrne suggests Bradley rightly avoids "unnecessary controversy" and

serves as a unifying force after primary elections or party squabbles.

"I was known for getting into unnecessary fights, but it was nice to know Bill Bradley was there to bind it all up when it was over," said Byrne.

New Jersey Assembly Speaker Alan Karcher (D-Middlesex) said Bradley has "made between one and no enemies" in his four and a half years in office.

"It's a wonderful thing to have Bill Bradley going into campaign," added Karcher. "He's an event all by himself."

In trying to grasp his politics, some commentators in New Jersey and in Washington have lumped Bradley with a group of young Democrats referred to as neo-liberals.

This term is used to describe a new generation of politicians who are trying to promote some of the standard values of the Democratic Party while disassociating themselves from the big spending, social welfare-state image of the traditional liberal Democrats.

Bradley neither accepts or completely rejects the neo-liberal label.

"I'm looking for a new agenda. Or a better way to put that is a new way to realize the old agenda," Bradley said. "I'm interested in economic growth—I think that's the key to everything, the cornerstone of the new agenda."

Bradley said the Democrats must begin talking about a few major issues, and he specifically mentioned taxation, education, arms control, the environment and international competitiveness.

Bradley feels it is important for Democrats to talk in broader, national terms and not become "captive to the narrower interests" by making too many small promises.

When asked about the traditional liberal social agenda, Bradley feigns ignorance. He later says he obviously supports the welfare and social services programs, but feels they must be more efficiently administered.

Bradley's major legislative initiative so far is his ambitious and detailed plan to reform the federal personal and corporate income tax systems.

Bradley says the current tax system is too complex and unfair, and impedes economic growth. He has proposed lowering the tax rates and eliminating most of the current deductions, loopholes and exemptions.

While the idea is not new, Bradley spent several years consulting with economists and has Congress. He admits his proposal faces stiff opposition, but in typical fashion says he intends to stick with it, and make it part of the national debate.

At the same time, Bradley working on a plan to help American workers cope with technological change. The proposal, though still on the drawing board, envisions severance funds to provide financial help for displaced workers.

If workers can be financially assisted during a period of disruption, Bradley said, a major obstacle to technological change and automation will be removed, enabling industry to more easily make the transition and compete effectively in world markets.

Some legislators have sought to address the problems facing American industry by calling for the imposition of trade restrictions to reduce competition from abroad. Bradley, instead, chooses to avoid this approach, and in a typical maneuver, addresses the problem on his own terms.

This way Bradley avoids the pitfalls of the sticky traditional argument of protectionism versus free trade.

When he arrived in Washington, Bradley focused on energy, warned about the U.S. dependence on the insecure foreign oil and tried to get the Carter administration to fill the Strategic Petroleum Reserve. Nobody had paid much attention to this oil reserve before, but Bradley kept the issue before the Senate.

In his first year, Bradley took on the oil companies and Sen. Russell Long (D-La.) during the debate on the windfall profits tax on decontrolled oil. Bradley managed to get the tax increased substantially, and won a backhanded compliment from Long, who good naturedly told the freshman senator he might know how to play basketball, but he didn't know how to compromise.

Bradley also lobbied members of the Senate Energy Committee to win approval of his experimental residential conservation program and a waste-to-energy plan, but both fell by the wayside with President Reagan's budget cuts.

In 1980 he filled a vacuum and helped negotiate a compromise chemical hazardous waste bill known as the superfund through the Senate—a measure important to a state like New Jersey. He also persisted and overcame several defeats to win adoption of an amendment that guarantees the state will get its first VHF television station in 15 years.

Two years earlier, Bradley spent his energies throwing facts and figures at the Army to disprove their contention that the basic training operation at Fort Dix was uneconomical. In the end, the Army retreated.

In March 1982 Bradley listened pensively to several days of debate, and then rose to call for the expulsion of Harrison A. Williams Jr., his fellow New Jersey senator who had been convicted of bribery in the Abscam corruption probe.

In 1981, he bucked the tide, and voted against President Reagan's three-year $750 billion tax cut measure after failing to win support for a one-year tax cut or a plan that would have allowed cancellation of the third year reduction.

However, he voted for the first round of Reagan budget cuts in 1981, and in 1982 supported the budget on final passage after trying to restore some social spending cuts. He also has supported increased defense spending.

A 1982 survey of 202 votes conducted by the respected Congressional Quarterly magazine shows Bradley sided with the majority of the Senate Democrats 87 per cent of the time. The magazine found in another survey of 119 key votes that Bradley opposed positions supported by President Reagan 62 per cent of the time in 1982—not a particularly high opposition score.

Bradley generally has received high marks from the liberal Americans for Democratic Action, organized labor, and environmental, consumer, senior citizen and good government groups. His ratings from conservative organizations and business groups have been low.

Neil Newhouse, a spokesman for the U.S. Chamber of Commerce, said Bradley's cumulative 29 per cent rating is "one of the lowest in the Senate."

Despite the low marks, Bradley has not alienated some segments of the business community in New Jersey.

Gerald Hall, vice president of the New Jersey State Chamber of Commerce, said there is "no doubt that Bradley has gone the wrong way on a number of things," but he added that "a good many businessmen in New Jersey find him a refreshing version of a big time politician."

"I give him credit. He makes an effort to meet with business groups, learn of their concerns and tell them how he thinks," said Hall. "They toss the bull back and forth. He's no stuffed shirt, and the businessmen always go away from the meetings with good feelings."

The conservatives don't like Bradley because of his voting record, but Jeffrey Bell, Bradley's 1978 opponent, gives the senator credit for "moving in a direction I think the country will eventually accept" regarding his plan to eliminate tax deductions and reduce tax rates.

Jay Angoff, a spokesman for the Ralph Nader group known as Congress Watch, said Bradley has been "pretty good" on consumer issues, but has been disappointing when it comes to some finance and tax matters.

"We wish he would be more a leader of the progressive wing," said Angoff.

Others take issue with Bradley's support of elective abortion and tuition tax credits, while some say he is indecisive on issues like El Salvador and should be a more forceful critic of the President. Bradley says he's still studying the Central American question.

Bradley responds that he cannot be all things to all people, and notes that many senators get stretched too thin trying to widen their band of issues.

Those who know Bradley say he has a dry sense of humor, a penchant for one-liners and likes to "horse around" and give impersonations in private, but will not show that side very often in public.

In his speech at the Hall of Fame dinner, Bradley told the crowd he had performed in Massachusetts many times but never before in long pants.

Although he lets his lighter side show now and then, Bradley tries to keep his family life as private as possible.

He makes a conscious effort to spend time with his wife and his 6-year-old daughter, Teresa Ann, whether it's at their Washington or Denville home.

Bradley's wife, a professor at Montclair State College, says he uses the time with his family to "rejuvenate," although she points out that he sometimes is put to work at home.

"Our back porch is falling apart, and he put in some nails knowingly," said his wife. "He even went out and bought the right nails. To my great surprise he is handy."

Bradley uses his private time to read, play with his daughter, help her with her homework, go to the movies or get occasional exercise like jogging or walking, but he no longer plays basketball.

"It's over," said Bradley. "I have occasionally in the last six months gone out and taken a few shots. My daughter and I go to the playground with a ball . . . Sometimes, I take three or four shots.

"I don't get enjoyment out of it," he said. "I'm not in the same condition. I couldn't shoot jump shots or anything. I can just shoot free throws."

Since his Princeton days, Bradley has been in the limelight, and very much a public figure.

He has grown used to this condition over the years, and his friends say he has learned to handle his fame and keep it in perspective.

Michael Kaye, Bradley's friend and campaign media consultant, said Bradley "has his ego in control and never makes anybody feel he is better than they are."

Bradley's almost storybook public life, including his quick acceptance in the Senate, has fostered repeated speculation about his

future. He has always had high expectations for himself, but so has the public.

His next hurdle could be a possible leadership role in the Senate, although wherever he goes, there are repeated suggestions that the Senate is only one rung on his climb up the political ladder.

Many suggest that Bradley is presidential timber.

Bradley says he is "flattered" by the comments, but claims not to give the subject any thought and insists he has no interest in any job other than being a senator from New Jersey.

"I like what I'm doing now," said Bradley. "I can only say no, it's the only way I can respond. I learned in my former profession that you play one game at a time. I don't have any expectations or plans."

He adds that he never plans anything eight or 10 years in advance.

Bradley is no doubt a patient man who takes his time making decisions, but it would be out of character for him not to at least be thinking about his future.

Bradley's mother says the night he was elected to the Senate, she pulled out a letter he wrote to her as a senior at Princeton.

"I hope to win a Rhodes scholarship, after which I want to enter the field of politics and become a U.S. senator," Mrs. Bradley remembered the letter as saying.

Bradley, with a bemused look on his face, said he does not remember writing that letter, but added, "If she said it, it must be so."

□ 1030

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to congratulate my distinguished colleague, Senator BILL BRADLEY of New Jersey, on his recent induction into the Basketball Hall of Fame. The honor is richly deserved by our great Senator. Through his committment to hard work and team spirit, BILL BRADLEY established himself as one of the greatest basketball players in history during his undergraduate days at Princeton University, and later during his professional career with the New York Knickerbockers.

Today, this same dedication to hard work and discipline has enabled Senator BRADLEY to distinguish himself as one of our Nation's outstanding political leaders. Both on and off the court, BILL BRADLEY has always been an inspiration to the citizens of New Jersey. I am pleased to pay tribute to Senator BRADLEY for his accomplishments as an athlete, and to thank him for his continued service to our Nation and to the traditions that has insured America's success over the years.

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Speaker, I want to associate myself with the remarks of the distinguished gentleman in the well.

I want to express my words of acknowledgement and congratulations to the senior Senator BILL BRADLEY of New Jersey for recognition of his achievement by his admission into the Basketball Hall of Fame.

I simply want to note that for all those years of his professional basketball career the people of New York, the people of my district especially where Madison Square Garden is located, had reason to be as proud of him as I think the gentleman and his constituents are of the Senator.

I also think that that pride has continued from his basketball career to his professional career as a Member of the U.S. Senate. He serves all of our people extremely well.

I thank the gentleman for yielding.

Mr. RODINO. Mr. Speaker, I thank the gentleman.

● Mr. RINALDO. Mr. Speaker, it is with great pleasure that I join with my colleagues today in paying tribute to Senator BILL BRADLEY of New Jersey in recognition of his recent induction into the Basketball Hall of Fame. This is a significant achievement that would cap the career of lesser individuals, but for BILL it is just another accomplishment in a brilliant career that has been studded with one success after another.

As a young man growing up in Crystal City, Mo., BILL developed his academic as well as his basketball skills and went on to Princeton University where he won recognition as an all-American student athlete. He later earned a Rhodes scholarship and an Olympic Gold Medal as a member of the 1964 U.S. basketball team.

The rest is history. He went on to play professional basketball with the New York Knicks for some 10 years. During this period the team wor Eastern Conference championships three times and the National Basketball Association championship in 1970 and again in 1973. BILL and his Knick teammates were heroes to the basketball world and will always be remembered for their exploits on the court.

For many, winning the national professional basketball championship not only once but twice would have been the ultimate goal, but for the Senator, it was just another plateau. He subsequently decided to run for the U.S. Senate and was elected in 1978.

The story was recently told in an article written by Robert Cohen of the Newark, N.J., Star-Ledger, about BILL's passion and determination to meet and surmount the challenges of life. This motivation began to take shape at age 13 when a basketball mentor told him that if he did not practice, he should be aware that someone, somewhere was practicing. Given roughly the same abilities, the coach said, that other guy would beat him if they were to meet.

BILL's response to that advice was, "I never wanted to lose because I did not make that effort. I never wanted to be unprepared."

Today, as we look back over his achievements, I think we will all agree that BILL has abided by that commitment. It is a pleasure to join this tribute to show my respect for BILL's achievements as a basketball player and for the service he has rendered as a legislator.●

● Mr. GUARINI. Mr. Speaker, I am most pleased to join my colleagues today in honoring Senator BILL BRADLEY of New Jersey. As many of you may know, BILL was inducted into the Basketball Hall of Fame 2 weeks ago in recognition of his long and successful career with the New York Knicks.

Senator BRADLEY has brought this personal tradition of hard work and success on the basketball court to the corridors of the Capitol. In 4½ short years, BILL has established himself as a careful, thoughtful statesman who has diligently worked in the best interests of his constituents in New Jersey and for the good of the Nation. In addition to the long hours of study and action here in Washington, Senator BRADLEY has spent countless hours criss-crossing New Jersey visiting community organizations, businesses, and individual constituents. He is known as a dedicated public official who combines sound judgment with compassion.

Senator BRADLEY's record of hard and honest competition, strong attention to academics—he studied at Princeton and was a Rhodes scholar—and as a selfless servant of the people provides a fine model for our youth. New Jersey is proud of Senator BILL BRADLEY and we congratulate him for his many successes. In the years to come, we are all looking forward to BILL's continued distinction in public service. Senator BRADLEY's talents in Government leadership will bring him to a position of extraordinary influence in shaping the future policies of our great Nation.●

● Mr. MINISH. Mr. Speaker, it's a pleasure to join my colleagues in tribute to New Jersey's senior Senator, BILL BRADLEY, and I commend the dean of the Garden State delegation, Mr. RODINO, on arranging this special order.

It would be possible to mention a good number of achievements which "Dollar Bill"—as he used to be called—has performed here in Washington, including his hard work on tax policy, fiscal questions, and the other issues so important to us. The occasion of his admission to the Basketball Hall of Fame brings to my mind another public service for which BILL is especially conspicuous: He has become a

kind of ambassador for our State of New Jersey. This occasion naturally brings to mind the many other great athletes associated with the Garden State, the fine tradition which they have created, and the fine facilities for sports of every kind. Beyond this, however, BILL has used his public celebrity status very consciously to let the Nation and the world know what is good about New Jersey. I recall his very eloquent and sincere speech to the New Jersey Chamber of Commerce dinner here in Washington a couple of years ago, when he vigorously took on all the jokes and cheap shots which are so unjustly inflicted on a very delightful and industrious State. Indirectly, his performance as a hardworking and conscientious public official is a credit to our State in the eyes of the world. This is no negligible achievement: negative publicity or a bad image can have a very marked economic impact, and by addressing this matter in word and deed, BILL BRADLEY is giving practical benefits to his constituents.

I am very happy to have this chance to reflect on BILL's admission to the hall of fame, especially since his athletic achievements merit this recognition. What is most important to us now, however, is the good work he is doing for New Jersey and the Nation now. I hope that he will continue to serve for years to come. For the people of the 11th District, let me convey our heartiest congratulations.●

● Mr. HOWARD. Mr. Speaker, I extend my congratulations to the distinguished Senator from New Jersey, BILL BRADLEY, for his induction into the Basketball Hall of Fame.

Few individuals have attained such success so early in their career—or careers, as the case may be. As a Princeton graduate and Rhodes scholar, BILL BRADLEY demonstrated his keen intellect and outstanding dedication to academia and the world of ideas. As a professional basketball player, the former forward consistently displayed his poise and leadership qualities. He was deeply admired by players and fans alike for his team spirit and clear thinking on the court. As a U.S. Senator, BILL BRADLEY has woven all of these impressive personal characteristics together to give New Jersey one of its finest public servants ever.

In 3 years, BILL BRADLEY has established himself so quickly as an effective Senator that I and many others think of him as a seasoned Senate veteran. It is extraordinary to consider that previous to the fine public service he is now giving our country BILL spent a full 10 years in another occupation.

The Senator never rested on his laurels as a basketball star and sports celebrity. He decided he wanted to help others and serve his country. Through tireless dedication and hard work, the Senator now stands as one of the ablest leaders in our State and Nation. It should be no surprise to anyone that BILL BRADLEY is proving himself as great in the Senate as he was in the sports arena.●

● Mr. FLORIO. Mr. Speaker, I take great pleasure in congratulating my colleague from New Jersey, BILL BRADLEY, for his induction into the Basketball Hall of Fame. Senator BRADLEY has shown an intensity in his efforts that makes success inevitable.

While at Princeton University he proved that it was possible to excel in academics and athletics, achieving such diverse honors as NCAA Player of the Year and a Rhodes scholarship. During his career with the New York Knicks Senator BRADLEY contributed to two championship teams.

The drive for excellence that BILL BRADLEY has shown in academics and athletics is also clear in his efforts as a U.S. Senator. His cognizance of the issues and his knowledge of procedure has been a great asset for te people of New Jersey and will continue to be so in the future.

Senator BRADLEY's induction into the Basketball Hall of Fame is only the latest item on a most impressive list of accomplishments. I again extend my congratulations to him.●

● Mr. FORSYTHE. Mr. Speaker, there are few people who are known for their athletic prowess on the basketball court as well as their political prowess on Capitol Hill. BILL BRADLEY is one of these people. I would like to take this opportunity to congratulate BILL on his recent induction into the Basketball Hall of Fame. BILL proved his talent and expertise on the courts; he now displays these attributes in the Senate. Even though I was a 76er's fan, I always recognized the Knickerbocker's success and fame, which in large part, was due to BILL. The Congress can indeed boast of the immense talent found within BILL BRADLEY.●

● Mr. DWYER. Mr. Speaker, it is an honor for me to join with my colleagues in paying tribute to Senator BILL BRADLEY upon the occasion of his induction into the Basketball Hall of Fame.

During his successful basketball career, both at Princeton University and with the New York Knickerbockers, BILL exemplified the team spirit and selflessness which is so critical to success in sports, much as it is to our work in the Congress.

Yet BILL's career has hardly been stereotypical. His years at Princeton gave true meaning to the term "scholar athlete." He gave up two lucrative years in professional basketball to pursue his studies at Oxford on a Rhodes scholarship, and was still able, upon his return, to become a vital factor in the Knicks' two world championships.

Those of us in New Jersey are fortunate, indeed, that upon the completion of his basketball career, BILL chose to remain in the State and embark upon a life in public service. He has been as successful in this field as he had been in his studies and sports. His work in the Senate has been characteristic of the team approach he exhibited during his days with Princeton and the Knicks. His service to New Jersey and to the Nation has been inspiring.

Mr. Speaker, I would like to thank my distinguished colleague, the dean of the New Jersey delegation, Mr. RODINO, for calling this special order on the occasion of BILL's elevation to his sport's highest honor. I congratulate BILL on his outstanding record, which I'm sure will only become more distinguished in the years to come.●

● Mr. ROE. Mr. Speaker, I take great pleasure today in rising to offer congratulations to my good friend BILL BRADLEY on the occasion of his induction into the Basketball Hall of Fame.

BILL is truly one of New Jersey's greatest assets and a hero to all Americans. In both athletics and now Government he has shown us what hard work and true dedication to duty can accomplish.

As an undergraduate at Princeton University, BILL reached the heights in the classroom and on the basketball court, becoming a Rhodes scholar, a basketball All-American and winning the Gold Medal as a member of the U.S. Olympic basketball team.

Following graduation, BILL BRADLEY joined the New York Knicks professional basketball team. For the next 10 years he electrified pro basketball fans around the Nation with his superb playing style and abilities.

His leadership of that team during his decade in the National Basketball Association gave an early indication of what the Nation as a whole could expect from his service in the U.S. Senate.

Although he is only in his first term as a Senator, BILL BRADLEY has already earned the reputation as being one of the true leaders of the Senate. He is an outstanding public servant completely dedicated to the needs of the people of New Jersey and this great Nation.

Be it on the basketball court or in the political arena, BILL BRADLEY is indeed a "Hall of Famer" and I am proud to call him my friend.

Many leaders throughout our land are keeping a close watch on BILL BRADLEY's fine performance as a Senator and his complete grasp of the complexities of National Government.

I would like to go on record today and state unequivocally that it will not be too long before we see BILL BRADLEY in the White House.●

CUBAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 60 minutes.

● Mr. PEPPER. Mr. Speaker, May 20 marks Cuban Independence Day. As we have done in years past, I believe it is only fitting to once again reflect upon this occasion and all that it signifies. Accordingly, I have attached a challenging message from the Cuban Crusade for Relief and Rehabilitation daring Castro to celebrate the day of Cuban independence and freedom and joining with our Cuban friends in commemoration of those great patriots, both Cuban and American, in their gallant and shared struggle against tyranny.

The message follows:

CUBAN INDEPENDENCE DAY—1983

CRUSADE 1983.—Worldwide Solidarity Message honoring Cuban patriots Jose Marti, General Antonio Maceo Grajales, General Generoso Campos Marquette and American patriot President Theodore Roosevelt, who personally led Americans fighting alongside Cubans to successfully liberate Cuba. That first real liberation date was commemorated on May 20, 1902 and is known as Cuban Independence Day.

To: His Excellency Ronald W. Reagan, Vice-President George Bush and Administration. Honorable Speaker Thomas P. O'Neill Jr., Congressmen Dante B. Fascell, Claude Pepper, Robert Garcia and all other members of the United States of America, House of Representatives and Senate and to the peoples of our world.

Cuban Independence Day is also Latin American and World American Solidarity Day since it signifies the very first day of Hemispheric and Global Brotherhood. In order to reflect the true beliefs and sentiments of world-wide peoples after having their memories refreshed as to the real historical and present day established and known facts that remain unchallenged today, we expose these facts for the global population to hear, see and take very careful notice of.

The United States in joining Cuban patriots last century in their struggle for freedom against Spanish tyranny did not exact their pound of flesh and colonize Cuba as has always and still is the practice when large powerful nations have aided small countries in their so-called freedom wars. Instead America rejoiced together with Cuba on May 20th, 1902 when they celebrated their hard-won freedom then. America had helped a new free democratic nation to be born by aiding them during their liberation struggles and after economically.

And today more than ever it is very necessary for the United States to point out their record, referring to all of their dealings with any nation small or large; America has always liberated or aided liberation but has never colonized anyone.

May 20th, anniversary of the free Republic of Cuba's liberation Day is the first and best example of America's fraternal behaviour towards a hemispheric brothers liberation struggle; the United States is your brother and not your master. The same is true for the rest of the world; proven time and again via its total aid for many European, Asian and African nations during World Wars I and II. Practically all militarily occupied or colonized nations were liberated by America at a very high cost of American materials and blood, at the end of those wars.

Soviet Russia and mainland China were major recipients of that aid. Communist Russia has repaid that debt by colonizing fourteen now captive nations and utilizing force to dominate its now imperialistic Russian Empire, a major political enemy of America. Chinese Communists overran mainland China and now threaten to colonize all Asia. It is important to note that all communist takeovers titled liberation revolutions have taken place after World War II, when both Russia and China were aided to liberate themselves from German and Japanese occupation with America's help.

The above statements are historically established facts forgotten under the stress of political battle by U.S. against an ever aggressive foe who specializes in propaganda trickery, such as Russian sponsored "World Peace Movement" and utter falsehoods represented by Russian backed "World Nuclear Freeze"; and who has enslaved countries utilizing the noble colors of liberation, falsely and criminally.

In the name of Cubans, Americans, and the world's peoples, we publicly challenge our atheistic totalitarian and political adversaries to produce and name just one May 20th style of real free self-autonomous sovereign state produced by Russia or China, via a communist induced and backed revolution. In two words, they cannot.

May 20th, Cuban Independence Day, also Latin-American and World Solidarity Day is the actual anniversary of America's Foreign Policy Principles; Liberate and Aid to Liberate, as against the Dominate by Force and colonize practice championed by World Communism.

American and global peoples our duty and moral obligation is to hammer out these truths via the entire global media to educate world opinion by commemorating next May 20th anniversary of Cuban Independence Day 1902 representing the first true 20th century liberation and transmitting the above Solidarity message of strong truths, hemispherically and universally.

We call upon the free nations of the world to stand united behind American Universal Foreign Policy and aid, liberate all of the world's enslaved peoples from communist tyranny and oppression now infiltering the Western Hemisphere and elsewhere via the communist surrogate of Soviet Russia, who in 1959 stole Cuban liberty from Cubans, Fidel Castros Red Cuba.

We also call upon the global free nations to join in complete solidarity; militarily, economically, politically and religiously and thus unified march to triump over World Communism before the 1980's end.

Dr. Joseph R. Julia, President, Cuban Crusade Political Committees.

Ms. Candy Achay, President, Hemispheric Committee.

Dr. Alejandro Paniagua, President, Canadian Committee.

Mr. Steve Min, (Wu Shiu Mei), Asian Committee President.

Charles Richter, European Committee.

Mr. Joseph Yali, President, African Committee.

Mr. Peter Hartwich, Chairman, Cuban Crusade Campaign 1983.●

CRUEL POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 30 minutes.

Mr. WALKER. Mr. Speaker, a few moments ago the Speaker of the House, the distinguished gentleman from Massachusetts, obviously took some umbrage at remarks that I had made earlier in the day with regard to his statement on television with regard to the President of the United States, describing the President as cruel.

The point that I made earlier was that as I watched that broadcast, I felt strongly that it should be labeled "Physician Heal Thyself," because there is no doubt that the kinds of policies that the gentleman from Massachusetts and many of the liberals in this House have pursued over a period of years have had the effect of being cruel regardless of how well intentioned they may have been. And the Speaker, a few moments ago, in describing what he thought the successes of his program were versus what he thought the cruel failures of the Reagan program were, outlined specifically where the problems are.

For example, the Speaker talked, rightfully so, about the high unemployment rates in this country. And there is no doubt that unemployment is unacceptably high. The kind of millions of Americans who are not working today is totally unacceptable in this society and the Speaker is right to point that out.

The question is: Is that a failure of Ronald Reagan's policies or is it a failure of the liberal policies that have governed this country for the last 50 years? And I would say it is the latter.

It is the latter because what the liberals have brought us to is a policy which says no growth. The liberals do not like growth. All of their policies are aimed at not allowing the country to grow any further, whether it be their environmental policies, whether it be their jobs policies, whether it be their economic policies, all of them are designed around a "no growth" kind of criteria.

I say a lack of growth in society is cruel because it keeps people from working. That is what brings about unemployment. That is the reason why 10.1 million Americans are unemployed.

Under Ronald Reagan, thank goodness, some of that has been reversed. Growth has been restored to the American economy. Let us remember that under Jimmy Carter and in Jimmy Carter's last couple of years, there was no growth in America. As a matter of fact, we were in decline. The GNP was declining, not growing. That was after 4 years of liberal leadership in the White House and liberal leadership in both Houses of this Congress. That was their program. It brought about a decline in GNP. When the

GNP is going down, when the economy is going down, people cannot work. There are no jobs. And that is what brought about the situation that we now have.

What has happened since Ronald Reagan came in? Once again the GNP is beginning to grow. We have real growth in the country. Also, the labor force has begun to expand. That is good news. We have 4 million more Americans looking for work today than were looking for work in the last year of the Carter administration. That is good news. We also today have more people actually at work than were working in the last year of the Carter administration. That is right. More people are actually working today in this country than were working in the last year of the Carter administration. Does that justify 10.1 percent unemployment? Obviously not, but it does mean that growth is taking place. More and more people are entering the labor market. More and more people want to work. And more and more people are getting jobs. And we would hope that that kind of process would continue out over the years.

Anything which is designed to stand in the way of that is cruel and that was the point that I was making. What kind of cruel policies have we seen developed on this House floor within the last several months? Well, on a couple of occasions I have come to the floor with jobs amendments. For example, back last December when we were considering the highway bill, which was supposedly a jobs creation bill. I came to the floor with an amendment which said that the jobs should go, 90 percent of the jobs, should go to the people who are now unemployed. That seems logical to me. If we are going to do something about unemployment, why not say that the jobs that we are creating should go to the people who are now unemployed?

That amendment, strangely enough, and I think callously enough, was turned down. We specifically said as a Congress, the liberals did, it was they who turned it down, the liberals said, "We are not interested in giving the jobs to the unemployed. What we have got here is a porkbarrel project that we are labeling a jobs bill and we want to make certain money gets out there and who cares if the unemployed do not get the jobs."

I say when they turn down those kinds of amendments, they are being cruel.

During this session of Congress I have offered a couple of amendments to wilderness bills. Now we knew when those bills came to the House floor that they were going to cost jobs. All the assessments said that a certain number of jobs were going to be lost. People who are now working were not going to be working as a result of those bills.

I offered an amendment. I said that the Secretary of Agriculture should have the ability to waive any provisions of those bills that would result in a loss of jobs.

Once again, the liberals, almost to a man, lined up and voted against those amendments, saying, in effect, trees are more important than jobs.

Well I say trees are important, but they are not more important than Americans working and when you start saying that trees are more important than jobs, you are being cruel to America.

Just the other day in committee we had a bill before us to extend the general revenue-sharing program. In that particular measure there are Davis-Bacon provisions. Now Davis-Bacon is one of those laws that nearly everybody now admits there is no intellectual justification for. As a matter of fact, there is no justification for it at all. We know that it costs the American taxpayers enormous amounts of money and we know that it costs many Americans their opportunity to work.

The only reason why Davis-Bacon continues to be preserved is because the big unions, the special interests, want to keep it. It is a perc. It is one of their protected little territories within the law.

I offered an amendment. I did not want to repeal Davis-Bacon. I simply said that where Davis-Bacon costs Americans jobs that local governments should have the ability to waive those provisions, thereby putting more people to work.

Not surprisingly, the liberals lined up and it was almost a party line vote, the Democrats lined up to vote against jobs. That is cruel. And I think that they ought to be held accountable for that kind of cruelty.

So the Speaker is right when he protests the fact that we have 10.1 million Americans unemployed, but the question is, Does he know where the cause lies? The cause lies with the liberals who have foisted upon America a program which does not permit America to work. And I think that it is important that Americans understand that that is unreasonable and it is cruel.

The Speaker also talked about the tax cut policy and he portrayed the tax cuts as going to the wealthy.

Well, I think it is high time that we begin to look at how that tax cut program is being implemented and how what the Speaker talks about took place.

The President recommended to this Congress an across-the-board tax cut, 30 percent across the board, 10 percent each year for a period of 3 years. That would have gone equally to all Americans.

This House, in its wisdom, and some of us would question whether or not it was wise, but we made a determination. We decided that we were only going to give him 25 percent, we were only going to give the President 25 percent, we were only going to put 5 percent in the first year and 10 percent in the second year and 10 percent in the third year.

By readjusting the formula, what we did was we gave the advantage to wealthy Americans first. In other words, the wealthier you were the more advantage the tax cut was to you in the early years. Low- and middle-income America had to wait until the third year of the tax cut in order to get their tax break. That is the way it was designed. Not by the President, but by this House.

Now when we get to the third year of the tax cut where 75 percent of the benefits are going to go to low- and middle-income America, that is when the Democrats want to wipe out the third year of the tax cut. The wealthy have already gotten theirs and they do not want to touch that, but they want to wipe out the third year when 75 percent of the money is going to go to low- and middle-income America. That to me is cruel and that is what I think we have a right to complain about.

They also want to eliminate indexing. Indexing goes 78 percent to low- and middle-income America.

Well, the question is then, if he complains about the fact that the tax cut went to the wealthy, why is it that he designed the program and helped put in place the program that put those tax cuts in the hands of the wealthy? Why not have given the President what he originally wanted? A 30-percent across the board, which would have been shared equally by all Americans. And not have designed it in a way that went to the wealthy first. And now they want to freeze in the tax cuts for the wealthy and not allow low- and middle-income America to get their tax cuts.

That is wrong, it is unreasonable, and it is cruel.

The Speaker also points to the fact that he claims that 50 years of liberal programs have done well for America. And I know he believes that. And I think that there are many Americans who believe that. And I know that what their beliefs are based upon has the very best of intent. What they hope to do for the future has the very best of intent.

□ 1045

The problem is, though, that the effects of their programs have, in too many cases, been cruel. What we have gotten, in terms of a social product of that 50 years of liberal programs, is a situation in which we are freezing more and more of our people into lives of welfare dependency. More and more of our people are dependent upon gov-

ernment for their livelihood. The only chance they have in life is that they have to reach out to government, and they have to depend upon the politicians to spend the money in government to eke out a livelihood in this society. They have lost their opportunity to work; they have lost their opportunity for hope; they have lost their opportunity for advancement. And I think that is cruel.

You know, back in the 18th and 19th centuries, we had one of the most horrendous chapters in the history of this country called slavery. And what happened during the period of slavery was that we had politically imposed slavery for economic purposes. What do I mean?

Well, the laws of the Nation permitted slavery so that certain wealthy landowners in the South could benefit from that kind of law. Today what we have created through years of liberal programs is a kind of slavery which is no less insidious and just as real. We have created an economically imposed slavery for political reasons. What you have today is people locked into cycles of dependency who have to depend upon politicians to fund those dependency programs so that they can keep their livelihood. That is just as wrong as the slavery of the 18th and 19th centuries. It is unreasonable and it is cruel.

I think that when we evaluate programs that we need to look at why we are where we are—and that is what the Speaker refuses to do when he sits on television and calls the President of the United States cruel and when he comes before the House then to explain his remarks.

I would hope that we could have a discussion of some of these issues, because I think that the cruelty is very much a problem of what has gone on for the last 50 years in this country and particularly for the last 20 years in this country. I happen to think that a reversal of priorities to change the direction in which the Nation is going is long overdue. I think Ronald Reagan has made some first steps. They have been very minor steps, they have not moved us very far. The idea of spending cuts that the Speaker talked about are principally a myth. The fact is, the Federal Government is spending much more today than it spent in past years. It will spend much more next year than it spent this year. We are on a spending spree unprecedented in the history of the country. To do that, we are financing that spending spree with debts that we cannot afford. And that is the product of what we do here.

We have been fascinated, many of us, over the last couple of days to hear liberal Democrats coming to the floor complainting about deficits. They complain about deficits because I think they feel the guilt of those deficits very heavily, because they know it is their spending programs that have brought on deficits; they know that for the last 3 years they have been turning down spending cuts which the President of the United States recommended, and by turning down those cuts, have helped expand the deficits; they know that the budget that they produced on this floor just a few weeks ago was a massive deficit budget, even though it called for massive new taxes and that those massive new taxes are again, to go back to my earlier point, the kind of thing that will bring about a lack of growth in society, which means less people working. They know that. They know what they are doing.

But they also know that deficits are not very popular out in America, and so they come to the floor of the Congress and they complain about deficits, but when they vote, they vote to expand the deficits.

Well, I think it is high time that we called them on that and that we call it what it really is: We call it cruel. That is what I did earlier today; that is what I shall continue to do.

WHAT'S IN A NAME?—IS WEBSTER'S DICTIONARY BEHIND THE TIMES?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, the American people are particularly adept at coining terms to describe new phenomena, attitudes, and objects when existing language does not fully portray those phenomena, attitudes and objects. Abundant examples can be found by reading the CONGRESSIONAL RECORD or the daily newspaper. We have "bytes," "bits," "ARMs," "Atari Democrats," "boll weevils," and "gypsy moths." All of these words and phrases are used to describe things which are often on the cutting edge of change in society.

Turning to what many view as an esoteric area—the world of finance—practitioners are coining phrases to describe institutions which provide financial services for consumers and businesses. We hear a lot today about "nonbank banks," "nondepository financial institutions," "nonbank bank bank holding companies," and other equally confusing and at times questionable terms.

These terms reflect the growing number and variety of corporate entities engaging in the business of providing new or differently packaged financial service products to a wide variety of customers. Examples include:

Gulf & Western which has a major stake in the financial services industry through its finance subsidiary which acquired a "consumer" bank in California.

Dreyfus, a securities firm, which acquired "consumer" banks. American Express with its travel and entertainment card, traveler's checks and brokerage operation which is attempting to acquire a savings and loan.

Merrill Lynch which recently offered to purchase a savings and loan.

Countless banks which have acquired or established discount brokerage operations.

Savings and loan service corporation subsidiaries which established full service brokerage operations.

These combinations are made possible by a number of developments in the financial services industry over the last several years. Technological changes that have an impact on the delivery of information, legislative changes at the Federal and State levels, regulatory actions at the Federal and State levels, increased consumer sophistication and demands, and creative thinking on the part of industry lawyers have all led to the breaking down of traditional barriers among financial industry segments. Ultimately, they have thrown into doubt the basic terminology used to describe those who provide financial services.

Into this breach and confusion come those who want to slow down or stop the process of change by imposing a moratorium on the creation of these new entities until the basic definitions used in statutes regulating the financial services industry can be changed. The Federal Reserve, in particular, wants to impose a legislative moratorium by defining the term "bank" in the Bank Holding Company Act to include any institution which offers an insured deposit. This would preclude, for example, securities firms or nonfinancial frims from acquiring a "bank" until the moratorium expired.

However, the legal staff at the Federal Reserve is discovering the simple issue of redefining one term in the Bank Holding Comapny Act—even for a moratorium—it is not as simple as it seems. Their draft legislation gets longer by the day as they look behind the phrases used in the statutes to the real world of firms competing for market share in the financial services sector of the economy.

The Federal Reserve staff and anyone else interested in establishing a moratorium must answer a number of questions before signing off on proposed legislation.

One. Should States be allowed to pass statutes providing their State chartered banks the authority to engage in activities which would be impermissible for national banks or banks regulated by the Federal Reserve?

Two. Should States be allowed to continue to authorize interstate bank-

ing operations involving financial institutions within their boundaries, authorizations which the large money center banks and savings and loans are beginning to use?

Three. If acquisitions of nonbanks by securities firms and nonfinancial firms should be halted, should bank and savings and loan acquisitions or establishment of securities operations be halted?

Four. Should the Federal Reserve authorization of discount brokerage under the nonbanking activity section of the Bank Holding Company Act or the more expansive Federal Deposit Insurance Corporation outline for securities activities of State chartered nonmember banks be restricted or prohibited?

Five. Should the lack of a prohibition against acquisitions of savings and loans by nonfinancial and securities firms be allowed to continue?

Six. If we impose a moratorium, should those firms which have already taken advantage of existing provisions of law or interpretations of that law be prevented from expanding their operations? For example, should the brokerage operation established by several savings and loans—called invest—be prevented from selling their service to more savings and loans throughout the country?

Seven. Should pending applications be allowed to move forward or should they be put on hold until expiration of a moratorium or the enactment of definitive legislation?

As can be seen from the questions raised about moratorium legislation, the changes which have occurred in the last few years are making the vocabulary used in statutes regulating financial services increasingly sterile and unrealistic.

Careful consideration must be given to these issues before we leap forward with legislation to impose a moratorium. We must recognize that such action affects consumers who may well be benefiting from the new competitive air in the financial services industry, on States whose laws may be preempted by Federal legislation, and on businesses which have made investments and decisions which have a large impact on their financial condition.

As we focus on these questions, we may find that answers also begin to emerge for the larger issues which are raised by proposals to impose a moratorium. These larger issues involve questions about the proper delineation of finance from other enterprises; whether the combination of commerce and financial services is rife with problems no matter what financial service is provided or whether the problems only arise when commerce and corporate lending is involved; whether the combining of different enterprises and operations on a national basis presents the possibility of undue concentration of economic resources; and what authority and power the Federal Government needs to adequately conduct monetary policy.

Mr. Speaker, I raise these questions and make these observations to indicate the complexity of the problem. I do not question the motives of those who argue for or against moratorium legislation. But, as I have attempted to indicate, we must first recognize that this is not a simple problem which allows a rush to judgment.●

THE NEED FOR A MORATORIUM ON SSI DISABILITY REVIEWS OF THE MENTALLY DISABLED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, when Federal regulations become inadequate, inappropriate and produce personal tragedies, it becomes necessary to call a halt to their use. This situation is presently taking place in the continuing disability review program of the mentally disabled receiving supplemental security income (SSI) benefits. As a result, I am introducing legislation today for myself and 14 of my colleagues on the Ways and Means Committee, which is almost a majority of the committee, to place a moratorium on these reviews until regulatory reform is completed.

The history of the continuing disability investigation (CDI) program since 1980 is a first-rate example of congressional intent gone berserk. Unquestionably it is prudent for the Government to monitor its programs to assure that undeserving recipients are stricken from the benefit rolls. For this reason, Congress enacted legislation in 1980 (Public Law 96-265 section 311) that requires all nonpermanently disabled beneficiaries be reviewed every 3 years to determine continued eligibility. However, what has ensued is a tragic story of thousands of mentally disabled individuals, individuals I might add who are least able to cope with stress, having their benefits terminated even though they are not capable of working and thus entitled to disability benefits under the SSI program.

Evidence from a General Accounting Office (GAO) study and an internal Social Security Administration (SSA) study reveal that the CDI process used in reviewing the mentally disabled is deeply flawed. The results are not only undependable but they are also frequently inaccurate. In an in-depth study of 40 cases conducted by GAO, they concluded that the terminations were wrongly decided in 27 cases, and that in each of the remaining 13 cases there was insufficient evidence upon which to base a valid decision. In short, GAO found deficiences in all of the 40 cases in its sample. As if this evidence were not appalling enough, another study conducted by GAO found that of the 1,400 mental disability reexamination cases appealed between June 1981 and August 1982, 91 percent of the decisions were reversed at the administrative law judge level and the claimants' benefits were reinstated.

Mr. Speaker, when 9 out of 10 decisions are reversed on appeal, it becomes more than obvious that something is terribly wrong with the present criteria for determining mental disability and the review process itself. Further, with 9 out of 10 individuals ultimately regaining their benefits after a painful and costly process, it also becomes more than obvious that we need to stop CDI reviews, until new regulations are written which more accurately assess these people's ability to work.

To understand the need for reform, we need to ask why this situation has come about. From the GAO and other expert testimony presented before the Senate Special Committee on Aging on April 7 and 8 of this year, we find that the wrong decisions are being made because they are based on the wrong criteria. The medical criteria, known as medical listings, are so defective that the American Psychiatric Association testified that the reviews are being conducted in a manner that is "contrary to sound medical practice—contrary to sound professional clinical practice."

Not only are the criteria deficient, but the decisions are being made by unqualified personnel. Most States have insufficient psychiatric resources in their CDI program. As a result, decisions are made by disability examiners with little, if any, training in psychiatry or psychology. These decisions are then ratified by State agency physicians, who are even less educated in dealing with the mentally disabled and therefore usually rely on the insufficiently trained disability examiners' recommendations. Needless to say this process is not conducive to accurate determinations.

There is a third reason why thousands of mentally disabled SSI recipients have been needlessly denied benefits: It is the result of the extremely negative climate that has reigned within the Social Security Administration toward the evaluation of the mentally impaired. The GAO in conducting field interviews with disability examiners found that they felt great pressure to define the criteria for benefits so narrowly as to deny almost everyone claiming a mental disability. The message to deny benefits has been enforced by quality assurance units within SSA, which have systematically found fault with the allowance of

mental disabilities made by the State agencies. Consequently State disability examiners have told the GAO that they have become reluctant to grant benefits, because so many cases were returned to them from the quality assurance units.

Mr. Speaker, the time for a moratorium on this disgraceful situation is now. Given that thousands of mentally disabled individuals are needlessly having their worlds turned upside down because of faulty criteria, administered by inadequately trained personnel, who are under the gun from a hostile administration, what else can we do but call a halt to the CDI review of the SSI mentally disabled, until necessary reforms are made? This is particularly needed as approximately 40 percent of those receiving SSI benefits are mentally disabled. Further, knowing that the CDI process is so flawed, it makes no sense to continue using this system to process new claims without allowing these claimants to be redetermined after regulatory reform has been completed.

The legislation my colleagues and I are proposing today will greatly improve the process by: First, requiring that SSA revise the regulatory criteria relating to mental impairments, after consultation with a panel of experts trained in mental health; second, until the criteria are revised, no new continuing disability reviews would be performed on the mentally disabled, unless the Secretary found evidence of fraud or that the individual is engaging in substantial gainful activity, except for those individuals receiving benefits under section 1619 of the Social Security Act; third, new applications and appeals of prior decisions would continue to be judged—except that SSA is required to identify these decisions so they can be redetermined after the regulatory reform has been completed; fourth, requires that the medical portion of the evaluation of mental disability be performed by a qualified psychiatrist or psychologist; fifth, to insure that the review system is functioning properly, requires specific annual authorization of funds for reviews involving disabilities based on mental impairment; sixth, with regard to section 1619 (a) and (b) recipients, makes permanent the authorization that expires December 31, 1983, which provides for the continuation of special cash assistance and medicaid coverage for disabled SSI recipients who are able to work in spite of the continuation of their disability; seventh, makes statutory a provision, now required under court order, for the continuation of benefits during the appeals process; eighth, requires SSA to determine through personal contact whether mentally disabled persons require assistance in complying with SSA's instructions and procedures under the SSI program; and ninth, provides continued assistance for potential concurrent beneficiaries, by requiring SSA to inform OASDI beneficiaries, who may be eligible, that assistance in applying for SSI benefits is available upon request.

I am pleased to report that several disability advocacy groups are supporting the bill my colleagues and I are introducing today. These groups include: Association for Retarded Citizens, United Cerebal Palsy Association, Inc., the National Easter Seal Society, the National Society for Children and Adults with Autism, the Epilepsy Foundation of America, the National Association of State Mental Retardation Program Directors, and the National Association of Private Residential Facilities for the Mentally Retarded.

Mr. Speaker, there is not a Member of Congress who condones the receipt of benefits by those who are undeserving. However, I also think there is not a Member of Congress who would support these regulations once he or she understands how totally they have failed to address the needs of one of the most vulnerable groups in our society. I urge my colleagues to join me in halting the implementation of these regulations until a panel of experts can develop new criteria for determining the boundaries of mental disability. We must put an end to the mismanagement of this program and set it on a more humane course. This bill is the first step in that process.

I include the full text of the bill and the names of the sponsors after these remarks for the benefit of my colleagues:

LIST OF SPONSORS

Mr. Stark, Mr. Ford (Tenn), Mr. Frenzel, Mr. Downey, Mr. Heftel, Mr. Fowler, Mr. Guarini, Mr. Shannon, Mr. Pease, Mr. Hance, Mr. Matsui, Mr. Anthony, Mr. Flippo, Mr. Dorgan, Mrs. Kennelly, Mr. Duncan, and Mr. Swift.

H.R. 3074

A bill to reform the Supplemental Security Income disability program with respect to the mentally impaired, to suspend periodic reviews of case involving mentally impaired disability beneficiaries under such program until regulatory reform is completed, to require specific annual authorizations under such program for appropriations to fund reviews of cases involving mental impairments, and to make other changes and improvements in the provisions of such program which concern mentally impaired or otherwise disabled individuals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Supplemental Security Income Mental Disability Determinations Reform Act of 1983".

REVISION OF REGULATORY CRITERIA RELATING TO MENTAL IMPAIRMENTS

SEC. 2. (a) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall revise the criteria emobodied under the category "Mental Disorders" in the "Listing of Impairments" in effect on the date of the enactment of this Act under appendix 1 to subpart P of part 404 of title 20 of the Code of Federal Regulations, to the extent that such criteria are applicable to individuals seeking or receiving benefits based on disability under the supplemental security income program under title XVI of the Social Security Act. The Secretary shall also revise the methods and procedures used under such program for assessing the residual functional capacity of individuals having mental impairments. The revised listings and residual functional capacity assessments shall individually and together be designed to realistically evaluate the ability of a mentally impaired individual to engage in substantial gainful activity in a competitive workplace environment.

(b)(1) The Secretary shall appoint a panel of outside experts to make recommendations with respect to the revisions to be made in accordance with subsection (a), consistent with the requirements of title XVI of the Social Security Act for individualized determinations of disability.

(2) The panel shall consist of persons who are experts in the field of mental health, and shall include at least one psychiatrist, one rehabilitation specialist, one medical social worker, and one vocational expert.

(3) Members of the panel shall be appointed without regard to the requirements of title 5, United States Code, and each member of the panel not otherwise in the employ of the United States Government shall receive the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which such member is actually engaged in the performance of the duties of the panel. Each member of the panel shall be allowed travel expenses in the same manner as an individual employed intermittently by the Federal Government under section 5730 of title 5, United States Code.

(c)(1) Until such time as revised criteria have been established by final regulation in accordance with subsection (a), no continuing eligibility reviews shall be carried out, under the requirements established for disability determinations and reviews under title XVI of the Social Security Act, with respect to benefits under such title in the case of individuals who are or have been determined to be under disabilities based in whole or in part on mental impairment.

(2) Paragraph (1) shall not apply in the case of any review where the Secretary determines that fraud was involved in the prior determination, or in any case where an individual (other than an individual eligible to receive benefits under section 1619 of the Social Security Act) is engaged in substantial gainful activity.

(d)(1) Any disability determination or reconsideration of appeal of such determination, and any reconsideration or appeal of a continuing eligibility review, made under title XVI of the Social Security Act after the date of the enactment of this Act and prior to the date on which revised criteria are established by final regulation in accordance with subsection (a), and any termination of benefits under such title resulting from a determination or review which occurred on or after March 1, 1981, and before the date of the enactment of this Act, if such determination, reconsideration, appeal, or review involved a disability based or alleged to be based in whole or in part on mental impairment, shall be redetermined

by the Secretary as soon as feasible after the date on which such criteria are so established, applying such revised criteria.

(2) In the case of a redetermination under paragraph (1) of a prior action which found that an individual was not under a disability, if such individual is found on redetermination to be under a disability, such redetermination shall be applied as though it has been made at the time of such prior action.

REQUIREMENT FOR EVALUATION BY PSYCHIATRIST OR PSYCHOLOGIST

SEC. 3. (a) Section 1614(a)(3) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(G) In any case in which an individual claims to be under a disability by reason of a mental impairment, the determination of whether such individual is under a disability shall be made only after the Secretary has demonstrated that a qualified psychiatrist or psychologist has completed the medical portion of the sequential evaluation and residual functional capacity assessment.".

(b) The amendment made by subsection (a) shall apply with respect to applications filed for benefits under title XVI of the Social Security Act on or after the date of the enactment of this Act.

REQUIREMENT OF SPECIFIC ANNUAL AUTHORIZATIONS OF FUNDS FOR REVIEWS INVOLVING DISABILITIES BASED ON MENTAL IMPAIRMENT UNDER SSI PROGRAM

SEC. 4. For the fiscal year beginning October 1, 1983, and each fiscal year thereafter, no funds are authorized to be appropriated for periodic eligibility reviews under the supplemental security income program with respect to individuals whose claim to disability benefits under such program is based in whole or in part on mental impairment, except to the extent that such funds are specifically authorized for such reviews in legislation enacted after the date of the enactment of this Act.

SSI BENEFITS FOR INDIVIDUALS WHO PERFORM SUBSTANTIAL GAINFUL ACTIVITY DESPITE SEVERE MEDICAL IMPAIRMENT; PROVISION MADE PERMANENT

SEC. 5. Section 201(d) of the Social Security Disability Amendments of 1980 is amended by striking out ", but shall remain in effect only for a period of three years after such effective date".

CONTINUED PAYMENT OF DISABILITY BENEFITS DURING APPEAL; PROVISIONS MADE PERMANENT FOR PURPOSES OF SSI PROGRAM

SEC. 6. In applying the provision of section 223(g) of the Social Security Act (or the corresponding provisions established for purposes of title XVI of such Act) with respect to individuals receiving benefits based on disability under such title XVI—

(1) paragraph (1) of such section 223(g) shall be read as though it omitted clause (iii), and

(2) paragraph (3) of such section 223(g) shall be read as though it omitted subparagraph (B).

ASSISTANCE TO DISABLED INDIVIDUALS IN COMPLYING WITH REQUIREMENTS AND PROCEDURES UNDER SSI PROGRAM

SEC. 7. (a) In any case where a disability determination is to be made under the supplemental security income program under title XVI of the Social Security Act with respect to an individual, or a review is to be carried out under such program with respect to an individual who has previously been determined to be under a disability, the Secretary of Health and Human Services shall take all possible steps (including personal contact whenever feasible) to ascertain whether such individual may require assistance in complying with the Secretary's instructions or with any other requirements and procedures which may be applicable under such program. If any such assistance is required, or if such assistance is requested by the individual, the Secretary shall either provide such assistance or refer the individual to an appropriate State or local agency or organization which can provide such assistance.

(b) In every case where an individual is applying for or receiving monthly insurance benefits based on disability under title II of the Social Security Act, the Secretary shall take such steps as may be necessary to assure that such individual is fully informed of the assistance in applying for supplemental security income benefits under title XVI of such Act, and in complying with any other requirements and procedures which may be applicable to individuals seeking benefits under such title on the basis of such a disability, which is available under subsection (a) of this section and otherwise.

(c) All hearings and other proceedings under title XVI of the Social Security Act with respect to individuals whose eligibility for benefits under such title is or would be based on disability shall be held at locations and in buildings that are reasonably accessible to such individuals and other similarly handicapped persons.●

AMERICA'S COMPETITIVE CHALLENGE: THE NEED FOR A NATIONAL RESPONSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

● Mr. LAFALCE. Mr. Speaker, over the past decade, the preeminence of the United States in international industrial competition and the insulation of U.S. domestic markets from foreign competition vanished. Meanwhile, this country has been slow to accept and adapt to the reality of a highly competitive global marketplace and what it means for our continued economic stability.

As a result, we have suffered severe economic dislocation, including massive unemployment, devastated communities across the country, and a general decline in the American standard of living.

Over the course of the coming year, the House Subcommittee on Economic Stabilization, which I chair, will hold a series of hearings into every facet of our country's industrial policy, with the intent of bringing legislation to the House floor during this Congress.

In this regard, I was pleased to read a report that was issued this past weekend by the Business-Higher Education Forum, an organization of corporate and academic leaders. The report, entitled "America's Competitive Challenge: The Need for a National Response," makes several recommendations for Presidential action to help reestablish America's competitive position in the world over the next decade.

Since I believe that this report deserves the attention of all Members of Congress, I am attaching the report in brief for their study.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As representatives of America's business and academic communities, we welcomed your invitation last year to prepare a set of recommendations designed to strengthen the ability of this nation to compete more effectively in the world marketplace. On behalf of the Business-Higher Education Forum, we are pleased to present you our report—"America's Competitive Challenge: The Need for a National Response."

We make one central recommendation: our society must develop a consensus that industrial competitiveness on a global scale is crucial to our social and economic well-being.

Unless the United States improves its ability to compete, unless we develop a comprehensive, coherent, long-term approach, and unless we address our problems from a broad perspective—we fear that domestic economic revitalization will remain an elusive goal. And unless we rebuild the American economy and strengthen our educational system, it will be increasingly difficult—if not impossible—to maintain a just society, a high standard of living for all Americans, and a strong national defense.

Many of the causes of our economic problems are deep-rooted and systemic—immune to "quick fixes." In the past, there have been many proposed changes in the areas of technology, innovation, capital investment, education, regulatory reform and international trade. Most have been ignored. As a result, we have lost ground in several key areas of international competitiveness.

We are convinced that previous efforts have failed for two principal reasons—an unwillingness to face the true nature and seriousness of the competitive challenge, and an inability to integrate the multitude of specific, short-term solutions into a multifaceted, long-term response.

Our approach must be comprehensive and based on the new economic realities. Given the emergence of a global marketplace, a turn inward will be self-defeating in the long run. Our mandate must not be to punish or retard the competitive gains made by other nations, but to do a better job of competing ourselves.

Our national competitive effort will require investment in physical capital (plant and equipment) and human capital, as well as a commitment to improved technological innovation. While this effort will require the active participation of all segments of society working individually and together, the leadership for such an initiative can come from only one person: the President of the United States.

We welcomed your recent State of the Union address, the subsequent Economic Report, and many of the budget recommendations you submitted to Congress. They were positive steps to place the interrelated issues of trade, technology and investment into the proper perspective for the American people.

More must be done, however, to elevate the competitive challenge to the top of the national agenda. We believe the time is right to build on your recent initiatives in

this direction. Thus, we recommend that you continue your leadership by taking several key actions to increase understanding of the importance of industrial competitiveness and to create the institutional mechanisms through which other leaders can begin the complex process of developing consensus on short- and long-term goals and solutions.

Our report does not pretend to provide all the answers. Rather, we approached the task with two objectives: to help us—and you—understand our present situation; and to find the missing links that have prevented effective action in the past. Our findings and accompanying recommendations are designed to provide a departure point for future initiatives.

We stand at the hinge of history, with an unprecedented opportunity to combine the lessons of our past with the resources of our future to revitalize the economy, create more jobs, and increase the standard of living.

As a nation, we have the tools: a rich knowledge base; an energetic and creative people; a flexible form of democratic government; and a wealth of scientific advances and technological breakthroughs waiting only to be put to productive use. Indeed, the richness and diversity of our resources imbues us with a special responsibility to utilize them for the good of not only our own citizens, but for all mankind.

The task will not be easy. It will call for institutional change as well as technological innovation. We must operate from a new worldwide perspective. We must find new approaches and forge new partnerships for coodinated action. Above all, we need a focused national commitment. We must start now.

We, and the institutions we represent, are committed to the pursuit of this vital and urgent national goal. We are prepared to assist you in whatever way we can.

Sincerely,

R. ANDERSON,
Chairman of the Board and Chief Executive Officer, Rockwell International Corporation; Task Force Co-Chairman; Chairman, Business-Higher Education Forum.

DAVID S. SAXON,
President, University of California; Task Force Co-Chairman.

DEREK C. BOK,
President, Harvard University.

PHILIP CALDWELL,
Chairman, Ford Motor Company.

EDWARD DONLEY,
Chairman,
Air Products and Chemicals, Inc.

THEODORE M. HESBURGH, C.S.C.,
President, University of Notre Dame.

GERALD D. LAUBACH,
President, Pfizer, Inc.

JAMES E. OLSON,
Vice Chairman of the Board,
American Telephone & Telegraph Co.

WESLEY W. POSVAR,
Chancellor, University of Pittsburgh.

JOHN F. BURLINGAME,
Vice Chairman of the Board.
General Electric Company.

RICHARD M. CYERT,
President, Carnegie-Mellon University.

PAUL H. HENSON,
Chairman,
United Telecommunications, Inc.

MATINA S. HORNER,
President, Radcliffe College.

ROBERT Q. MARSTON,
President, University of Florida.

J. W. PELTASON,
President,
American Council on Education.

CLIFTON R. WHARTON, JR.,
Chancellor,
State University of New York System.

FOREWORD

The questions of American economic vitality, innovation and industrial competitiveness have reached a level of broad discussion among the nation's leading public and private institutions. Recognition is growing that all sectors of American society have an important stake in economic renewal and important roles to play in bringing about that renewal.

In the spring of 1982, the President of the United States issued an invitation to the Business-Higher Education Forum to explore ways in which our national competitive position could be further strengthened through increased innovation and productivity. The Forum, a group of corporate and university chief executives, accepted the challenge not only to assess America's competitive condition, but to make specific recommendations for its improvement through the instruments of public policy.

A research and study effort, spanning the past year, was conducted by the Forum. A 16-member task force of forum members met periodically to review the information gleaned from past surveys and contemporary expertise. From these deliberations, the task force developed its report and recommendations.

The task force study project and its final report benefited from contributions and scrutiny from outside the Forum membership. As a special adviser to the project, William O. Baker, the distinguished former Chairman of the Board of Bell Telephone Laboratories, provided important guidance. Thanks are also extended to Pat Choate for his assistance in the preparation of this report. The study was underwritten in part by the Andrew W. Mellon Foundation and the National Science Foundation.

INTRODUCTION

The central objective of the United States for the remainder of the decade must be to improve the ability of American industry and American workers to compete in markets at home and abroad. The new economic realities of global competition demand a broadly based national effort to make this possible.

This effort must be structured to allow both independent and cooperative actions by all sectors. Thus, government's responsibility is not to direct the activities of the private sector, but to streamline its own processes and create an environment in which the individual and collective talents of the private sector can be focused to meet the competitive challenge.

Yet American society remains confused and divided about both the nature of the competitive challenge and the national response it requires. Until citizens recognize that industrial competitiveness on an international scale is the key to economic growth, and until they appreciate that the overall well-being of society itself depends on such economic growth, we fear that little progress will be made.

Developing that understanding will require leadership from all sectors of society—business, education, labor, as well as government. But the essential leadership can come from only one person: the President of the United States.

We are convinced that once the American people are sufficiently informed about the nature and severity of the competitive challenge, they will respond with the same national consensus that allowed the United States to land men on the moon, and with the same national effort that enabled the United States to establish world leadership in such industries as computers and information processing, telecommunications, biotechnology and commercial aircraft.

Fortunately, competitive vitality chiefly depends on precisely those three elements which historically have been America's most powerful economic tools—productive capital investment, pace-setting technological innovation, and a skilled work force. We must restore our strengths in all three areas simultaneously by fostering public policies and private initiatives that strengthen our competitive position in the world economy.

Strengthening America's ability to compete will require exceptional resources, patience, sacrifice and vision. It will require avoiding the twin pitfalls of protectionism and increased government intervention into private sector activities. Indeed, it will require each segment of society to perform those parts of the overall effort for which it is best suited and to enter into new cooperative alliances when necessary.

We are emerging from a period of severe economic difficulty. Renewed growth, more jobs and higher standards of living are well within the capacities of the American people. The requirements are innovation, commitment and leadership.

The following report, findings and recommendations are offered as a departure point for this important national endeavor.

THE COMPETITIVE CHALLENGE

The United States has experienced a prolonged period of economic difficulty. In the past 12 years, the nation has suffered three major recessions, each worse than the last. In 1982, more Americans were out of work than at any time since the Great Depression. Productivity growth has declined from earlier years. Trade and budget deficits have risen. Most importantly, a growing number of U.S. industries are less competitive than they were in the recent past—a decline that is simultaneously a cause and a consequence of our economic malaise.

Any review of U.S. economic conditions must recognize that the realities of economic competition have changed. While the U.S. economy has remained relatively stagnant in recent years, other countries have made rapid gains. The Japanese and the Europeans already have captured major shares of the world markets for products such as automobiles, steel, machine tools and other manufactured goods. Since 1960, the U.S. balance of trade in these highly visible, older industries has declined from about zero to an annual trade deficit of over $35 billion.

Today, these same countries have targeted and are winning major world market shares in the rapidly growing, high-technology and service industries of the future, such as computers, telecommunications, advanced electronics, biotechnology, aerospace, insurance and financing. In the past decade alone, America's share of world exports in these industries has declined from 25 percent to 20 percent.

The once-insulated American economy has become increasingly part of an international marketplace. As late as 1960, the total

value of U.S. imports and exports constituted less than 10 percent of the nation's Gross National Product (GNP); today, trade accounts for more than 25 percent. The world economy has become increasingly interdependent. Thus, the full revitalization of the U.S. economy is dependent upon the ability of American industry and workers to compete in global markets at home and abroad.

Other nations have recognized the new economic imperative and have integrated their domestic and foreign polices into aggressive, coordinated national strategies to meet the challenge of international competition. The United States has not.

Just as the new economic realities must be viewed from a broad perspective, so must the consequences of continuing decline. The repercussions of a stagnant economy go beyond the statistics that document lost market shares, decreased GNP and increased unemployment. A weak economy and an inadequately trained work force intrude upon our social and political well-being, adversely affecting the ability of the United States to deliver essential public services to its citizens, to maintain a strong national defense, and to improve the living standard of all its citizens.

A weak economy is also the breeding ground for rigid and reactive public policy solutions to economic problems. Trade protectionism, national economic planning, income redistribution and plant-closing restrictions are only some of the solutions that become attractive in the absence of jobs and opportunities provided by a dynamic, competitive economy experiencing long-term, non-inflationary growth. Such alternatives are at odds with America's traditions of free trade and a free economy with minimal government intervention. More importantly, they are counterproductive to achieving economic revitalization.

THE COMPETITIVE CLIMATE

A nation's ability to compete depends on the vitality of three primary, interactive and interdependent elements: productive capital investment; technological innovation, ranging from basic research to the commercialization of new products and processes; and development of human resources.

Despite the fact that the United States has the world's largest capital base, the world's most advanced technology, and a highly educated and skilled work force, there is disturbing evidence that the nation is failing to utilize these strengths fully.

Capital investment historically has been a major contributor to U.S. productivity growth and hence to the nation's ability to compete. Yet for more than a decade, production-related capital investment has been declining as a percent of the GNP. Although aggregate capital investment by American business annually exceeded 10 percent of the GNP throughout the 1970s, real productive investment in plant and equipment actually declined. Today, two of our principal competitors—Japan and West Germany—make greater efforts in capital investment as a portion of their GNPs than does the United States.

Technological innovation has long been a major contributor to the nation's productivity growth, too. Yet in the two key stages of technological innovation—the generation of new technology and the commercial introduction and use of new technology—disturbing trends are emerging.

There is growing evidence that the United States is falling behind competitively—not in inventiveness, but in the commercial application of scientific discoveries and technological advances.

A number of factors contribute to this decline: Since 1960 the proportion of industrially funded R&D devoted to basic research fell from 8 percent to 4 percent. Much of that research—which is necessary for major breakthroughs and sustained productivity improvements—was redirected to short-term objectives. In some industries, this shift was in response to health, safety, environmental and other regulatory requirements. At the same time, American universities—which conduct more than half the nation's basic research—have suffered from an accumulated underinvestment in facilities and equipment amounting to an estimated $1-4 billion.

Advances in manufacturing technology have been an important element in the increased competitiveness of Japan and Western Europe in such industries as automobiles, aircraft and agricultural machinery. In the United States it appears that the level of investment in manufacturing technology has, until recently, been quite low.

Federal R&D spending also plays an important role. The U.S. government spends substantially less than governments of other industrialized nations on projects to stimulate industrial development and growth. Instead, more than two-thirds of federal R&D monies are allocated to defense and space projects, and thus make a smaller direct contribution to productivity than would expenditures specifically for commercial projects.

Technology transfers—between government and industry and between universities and industry—are weak. More importantly, tax, regulatory and patent policies hamper the ability of industry to commercialize innovations.

Human resources are essential ingredients in the process of technological innovation and economic competitiveness. Yet the American work force may not be prepared for the new competitive challenges. Shortages are developing in critical skills, such as computer science and engineering; some industries are becoming less people-intensive, thus supplying fewer jobs; and one in every five American workers is functionally illiterate, unable to participate in even entry-level training.

In the next decade, 15 million new workers will enter the work force. They—and many of the 100 million currently employed—will need education, training and retraining to keep abreast of changing job needs. Yet U.S. institutions are inadequately prepared for this important challenge.

Among the many factors contributing to the weakened vitality of America's capital investment, technological innovation and human resources, three are critical: disordered public policy-making; inflexible institutions; and a failure to organize knowledge for action. Thus, the stagnation of the U.S. economy—and with it, the ability of American companies and workers to compete on a global scale—cannot be blamed on any one individual, group or institution. Rather, it is the consequence of years of policy-making based largely on the discrete needs of individual sectors of society rather than on the needs of society as a whole.

Public policy-making affecting U.S. competitivenss is disordered and fragmented—creating a climate of uncertainty, instability, and recurring boomlets and declines for the private sector. The ad hoc process by which fiscal, monetary, trade, investment, regulatory, antitrust, human resource and other policies are considered virtually guarantees that their limited objectives will be pursued with little regard either for broader national goals or for their effects on other policy objectives.

Not surprisingly, policies frequently operate at cross-purposes and undermine each other. For example, significant increases in regulatory activities in the 1970s annually diverted tens of billions of dollars of private investment capital into non-productive activities. At the same time, fiscal policies were attempting to stimulate productive capital investment in modernized plant, equipment and technology without achieving the intended benefits.

Significantly, the United States—unlike other nations—does not have a coherent foreign economic policy capable of addressing key issues affecting the nation's ability to compete in the new global marketplace.

Inflexible institutions impair a nation's ability to compete. The new economic realities posed by the competitive challenge require nations not only to keep pace with accelerating technological, economic, social and international change—but to set the pace. America's public and private institutions—government, business, labor and education—have become barriers to the flexible response which is the key to future prosperity.

An administrative gridlock exists within and among federal, state and local governments. Business has too often sacrificed longer-term competitiveness and markets for short-term results. Education has given insufficient attention to developing the basic skills—math and science—that will be needed by workers in an age governed by high technology. Labor has been slow in recognizing the economic realities of a changing world economy. And citizens themselves have supported, even demanded, programs that shift the nation's wealth from investment to consumption.

Finally, America has yet to capitalize fully on the opportunity to organize knowledge for action. U.S. institutions have failed to structure and share information in a way useful in taking steps to enhance America's ability to compete—ranging from the introduction of new products to the development of new laws and regulations. The country's vast resources of knowledge and sophisticated information-processing tools can be the basis for a powerful competitive advantage—if they are focused on that goal.

RECOMMENDATIONS

The central objective of domestic policy for the remainder of the decade must be to improve the ability of American industry and American workers to compete on an international scale. The U.S. economy is now inextricably and deeply linked to the world economy. Thus, unless the United States improves its ability to compete in global markets at home and abroad, the full revitalization of the American economy will not occur. At the same time, without a strong domestic economy, the United States will find it difficult, if not impossible, to achieve other important national goals—from maintaining a strong national defense to improving the quality of life for all American citizens.

The American effort must include: increased capital investment into long-term productive uses; increased technological innovation to help industry transform inventions into competitive commercial products and processes; and increased attention to, and nurturance of, the current and future

work force. Because these three areas are strongly interactive and interdependent, benefits will come only through improvements in all three.

For example, spending more on R&D than any other nation in the world will have little impact on economic growth unless American industry can successfully commercialize the results of that R&D. And a massive investment in new factories and state-of-the-art equipment will accomplish little unless a corresponding investment is made to develop a newly skilled and competitive labor pool.

Just as no single group or institution is responsible for the decline in America's capacity to compete, no single group can solve the problem alone. Orchestrating the multitude of specific public and private initiatives into an internally consistent long-term approach will require the collaboration of all segments of society—government, business, education and labor—as well as individual citizens.

In the past, a large number of specific recommendations have been made, each designed to solve a specific problem. The missing link has been an agreed-upon framework for the many actions, in the public and private sectors, that will constitute the American response. In appendices to the full report, the Business-Higher Education Forum has inventoried more than 200 relevant policy proposals that have been made in the past two decades. Most have been ignored. They stand as a monument to the well-intentioned failure of the nation to come to grips with the international economic challenge.

The Forum believes additional, specific recommendations are not the primary requirement at this point. Rather, changes are needed that will elevate the competitive challenge to the top of the national agenda.

Thus, the Forum makes only one overall recommendation: as a nation, we must develop a consensus that industrial competitiveness is crucial to our social and economic well-being. Such a consensus will require a shift in public attitudes about national priorities, as well as changes in public perceptions about the nature of our economic malaise.

We believe the process of developing a consensus should begin with a major public address by the President of the United States.

In his speech, the President should outline the nature and severity of the competitive challenge; explain why the new international economic circumstances demand a response from us that is both effective and compatible with the realities of our political and economical system; and point out that proposals for protectionism on the one hand, and centralized government direction of the economy on the other, are not solutions—but merely the same type of "quick fixes" that have failed in the past.

Further, the President should explain that reducing budget deficits, interest rates and unemployment—all important national goals—will lead to the full revitalization of the American economy only if those improvements simultaneously contribute to increasing the capacity of American industry and American workers to compete successfully.

In short, the President should raise the issue of our industrial competitiveness to such a level of importance that the need to reassess many of the nation's contradictory attitudes becomes widely accepted. Such acceptance would set the stage for subsequent initiatives by the public and private sectors to develop consensus on the specific short- and long-term changes needed.

As opposed to those who stress our current economic problems, the President should offer insight into the industrial potential of the new technologies. They are powerful tools with which the United States can inject new life into its industrial structure. The President should point out that as long as we fail to expoit the enormous pool of unused new technologies, other nations will gain a further competitive advantage. Therefore, the private sector—industry, higher education and labor—should strive to exploit, and should be encouraged to exploit, this new technology.

To emphasize further the importance of industrial competitiveness to the achievement of all other national goals, we also urge the President to take the following actions:

PRESIDENTIAL ADVISER ON ECONOMIC COMPETITIVENESS

The Forum recommended that the President appoint an Adviser on Economic Competitiveness. The Adviser's task would be to help the President and other policy-makers focus on the diverse concerns—such as trade and investment, regulatory reform, technological innovation and the development of human resources—that are basic to an effective competitive effort.

THE NATIONAL COMMISSION ON INDUSTRIAL COMPETITIVENESS

The Forum strongly supports the President's stated intention of establishing such a group. The Forum recommends that a private sector commission, composed of business, education and labor leaders, be charged with developing consensus on issues of competitiveness and conveying those views to government.

AN INFORMATION CENTER ON INTERNATIONAL COMPETITIVENESS

The Forum recommends that the U.S. Department of Commerce establish a bureau with the responsibility, funds and staff to operate an information center on international competitiveness. The purpose of this bureau would be to collect the substantial data, research and analyses of both U.S. and foreign economic competitiveness that are now scattered among numerous public and private agencies; prepare short- and long-term assessments of the competitiveness of specific sectors; prepare and maintain indices on U.S. competitiveness; assist other research organizations; and serve as a clearinghouse for information.

THE NEXT STEPS

The preceding recommendations are only a beginning. A series of more specific public and private initiatives will be needed to enhance America's ability to compete worldwide.

It is vitally important to narrow the agenda of possible actions so that critical initiatives can be debated, evaluated and implemented. The Forum believes, based on its year-long investigation and the combined experience of its members, that specific actions in the areas of trade, capital investment, technological innovation and human resources should be considered as a means of improving our national competitiveness.

The following suggestions for public policy-makers are neither exhaustive nor entirely original. They are not recommendations, but are offered as a starting point for discussion by members of the proposed National Commission on Industrial Competitiveness.

TRADE

Review the effects of domestic enconomic policies (e.g., tax, antitrust, monetary, regulatory) and trade policies on U.S. trade flows, including comparative analyses with policies of other nations.

Develop an annual executive branch report on U.S. foreign economic policy for submission to Congress.

Correct the exchange rate disparities that reduce U.S. competitiveness (especially the yen/dollar imbalances) and develop alternatives for achieving a balanced exchange rate system.

CAPITAL INVESTMENT

Further reduce the capital gains tax on long-term investments and increase tax incentives for investment in productive plant, equipment and technology.

Amend regulatory statutes (e.g., the Clean Water Act and the Clean Air Act) to ensure that they are compatible with the needs of our economy to remain competitive.

Strengthen current regulatory reform efforts (e.g., incentive-based regulations, performance standards and cost-benefit analyses).

Increase interactions between regulators and affected private sector parties through revisions in the Administrative Procedures Act and the Federal Advisory Committee Act.

Revise the Freedom of Information Act to protect proprietary information submitted to government agencies.

Develop integrated, consistent permit requirements at the federal, state and local levels.

TECHNOLOGICAL INNOVATION

Provide a refundable tax credit and/or increase the incremental tax credit for use by firms conducting long-term research.

Eliminate Treasury Regulation 1.861–8, which may reduce the incentive of U.S. multinational companies to conduct R&D in the United States.

Develop any "technology-forcing" regulations in cooperation with industry to ensure that sufficient time is allowed for the development of cost-effective technology.

Streamline regulatory processes, especially the product-approval process of the Food and Drug Administration and the licensing process of the Environmental Protection Agency.

Improve the patent system by reintroduction and passage of the Patent Term Restoration Act of 1981 or a similar bill, and negotiation of better protection of the intellectual property of U.S. firms conducting business in less-developed countries.

Make better use of information in patent documents to monitor foreign technology.

Extend the Patents and Trademarks Act of 1980 to allow large companies the option of retaining title to inventions developed with federal R&D funds.

Revise the Freedom of Information Act to prevent it use by foreign competitors to obtain access to U.S. industrial technology.

Remove antitrust constraints on cooperative research, and reduce constraints on projects involving joint technology development.

Encourage limited R&D partnerships through publicity and the clarification of current antitrust and tax policies.

Expand government funding programs for university-industry cooperation to encourage participation by universities and companies that have little experience with cooperation.

Modify the Economic Recovery Tax Act of 1981 to expand eligibility and clarify the allowable tax deductions companies can take for donations of equipment to universities.

Increase Independent Research and Development (IRAD) funding for company-sponsored projects at universities.

Support the proposed 10 percent increase in federal funding for basic research in the President's budget for FY84.

Increase federal funding to upgrade and replace universities' obsolete equipment and facilities.

Identify new methods of transferring technology developed with government R&D to private industry.

Develop a system for collecting information on foreign technology developments and disseminating it to U.S. industry.

HUMAN RESOURCES

Develop a coherent, comprehensive national displaced worker program modeled after the G.I. Bill with its educational "vouchers." The program would be financed jointly by employers, employees and the federal government.

Provide tax incentives to stimulate additional investment by industry in the education, training and retraining of workers, including apprenticeship programs.

Create an Individual Training Account (ITA), similar to the Individual Retirement Account (IRA), to provide incentives for individuals to save for their own training and retraining needs.

Provide special loans to U.S. graduate engineering students who agree to teach. The loans would be forgiven at a specified amount for each teaching year.

Provide additional support from the public and private sectors to train secondary school science and math teachers.

PRIVATE SECTOR INITIATIVES

While changes in public policy are essential, they only establish the climate for private sector activities. The revitalization of the U.S. economy through competition ultimately depends on the degree to which private sector institutions capitalize on available opportunities.

The following list of private sector initiatives is intended primarily to provide examples of the kinds of efforts that can be undertaken by businesses and institutions of higher education—working individually and together—to stimulate a renewal of American economic vitality, innovation and competitiveness.

INDUSTRY INITIATIVES

Encouraging Innovation and Competition. The American business community must bear a large portion of the burden of revitalizing industrial competitiveness. Actions are required in a number of areas to improve operations:

American industry should critically reexamine the long-term competitive viability of the time horizon used for planning investments and evaluating pay-backs.

Regional financial institutions should either develop an internal capability for supporting exports or create effective referral procedures to help local industry.

Industry should give more emphasis to manufacturing technologies, and upgrade the incentives for specializing in this area.

The career-long professional development of industrial scientific and engineering personnel should receive greater emphasis from both employees and companies.

Supporting Education. Industry can be of assistance to the educational system and, more importantly, to its own long-term interests by increasing its support of education. Key areas include:

Support for sophisticated equipment.

Greater use of academicians as consultants.

Greater support for university research, especially in neglected non-proprietary areas.

Assistance in improving precollege education, particularly in science and mathematics.

UNIVERSITY INITIATIVES

Teaching and Research. Universities can contribute by increasing their emphasis on teaching and research in the following areas:

The extent and impact of trade barriers on U.S. competitiveness.

Foreign management practices and comparisons to the United States.

Expanded study programs and curriculum requirements in the fields of foreign language, culture and sociopolitical institutions.

A number of suggested teaching emphases apply specifically to professional schools:

Business schools should expand their teaching and research on the elements of management that are fundamental to effective industrial R&D, technological innovation, high productivity and high product quality.

Centers for international study should strengthen programs and data bases in the areas of industrial, commercial, legal and financial practices and institutions.

Graduate schools in public administration, government, law and the social sciences should expand teaching and research on the importance of innovation and international trade to economic vitality.

Engineering schools should reemphasize manufacturing engineering.

Administrative. In addition to specific changes in teaching and research, universities can revise certain general administrative practices to enhance the contribution of university research and teaching to industrial competitiveness. Some actions are:

Alleviate equipment problems through such means as specialization by institution, shared facilities and arrangements with local industries.

Adjust academic schedules to accommodate mid-career science and engineering students.

Make engineering faculty salaries more competitive with market salaries by establishing separate wage scales independent of the campus-wide standard.

INDUSTRY-UNIVERSITY INITIATIVES

Cooperative Relationships. Working together, businesses and universities can pool talents and resources to accomplish what they could not achieve working independently. Potential benefits include the more expeditious transfer of research results to commercialization and the education of students on subjects relevant to industrial needs. Key areas include:

Collaborative problem-oriented research should be encouraged.

Industrial firms and universities should develop methods of accelerating commercialization, including the creation of new institutions and forms of cooperative relationships.

Business and higher education should work with government to develop better data on trends in technological change and competitiveness for use in business and government policy-making.●

PERMISSION TO HAVE REMARKS INCLUDED IN A PREVIOUS SPECIAL ORDER

Mr. WEISS. Mr. Speaker, I ask unanimous consent that my special order on today be considered as part of the special order that was taken on Thursday, May 12, 1983, by my colleague, the gentleman from New York (Mr. GARCIA).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANTHONY ALVARADO: EXCELLENT CHOICE TO HEAD NYC SCHOOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEISS) is recognized for 3 minutes.

Mr. WEISS. Mr. Speaker, I rise to congratulate Anthony Alvarado, the recently appointed chancellor of the New York City School Board.

The board made an excellent decision in selecting Mr. Alvarado to head the largest and one of the most troubled school districts in the country. His 10-year tenure as superintendent of district 4 has been marked by startling achievements.

At a time when student competence in basic skills was declining sharply throughout the country, Mr. Alvarado compiled a remarkable record in improving academic standards in his district, which encompasses one of the poorest areas of the city. The proportion of district 4 students reading at grade level nearly doubled during his tenure, rising from 25 percent in 1979 to 48 percent in 1982.

In an era when student interest and motivation was sagging, Mr. Alvarado attracted some 400 students from outside his district. His system of 22 alternative minischools, each focused on a particular subject area, has been a key in challenging students and stimulating student interest.

At a time when the entire Nation is searching hard for ideas and leadership with which to rebuild national educational excellence, Mr. Alvarado is generating enthusiasm with his ideas for New York City public schools. He has proposed pilot projects for dealing with the city's 45 percent high school dropout rate and all-day kindergarten classes throughout the district. Some of his ideas are controversial but I am confident that many of his innovations will be strongly supported and effectively implemented.

In addition to his demonstrated leadership in educational administration, there are other reasons that Mr. Alvarado was an excellent selection. He has roots and experience in the district, having started as a teacher in New York City in 1965 and quickly working

his way up through administrative positions. As a Hispanic he will serve as a role model for the city's large Hispanic and other minority enrollment. I believe that his creative talents and leadership abilities will also be instrumental in motivating students as well as teachers and raising overall educational standards for New York City.

I offer my support and best wishes for success in his new position.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McCOLLUM) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 30 minutes, today.

(The following Members (at the request of Mr. DE LUGO) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALES, for 30 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. LAFALCE, for 10 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. WEISS, for 3 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. McCOLLUM) and to include extraneous matter:)

Mr. FORSYTHE.

Mr. BROOMFIELD.

Mr. CORCORAN in two instances.

Mr. ERLENBORN.

Mr. BEREUTER in two instances.

Mr. McCANDLESS.

Mr. LAGOMARSINO.

Mr. MOORHEAD.

Mr. CONABLE.

(The following Members (at the request of Mr. DE LUGO) and to include extraneous matter:)

Mr. LIPINSKI.

Mr. WEISS.

Mr. DYSON.

Mr. SOLARZ.

Ms. FERRARO in two instances.

Mr. WYDEN.

Mr. HEFTEL of Hawaii.

Mrs. COLLINS.

Mr. MONTGOMERY.

Mr. JONES of Tennessee.

ADJOURNMENT

Mr. WEISS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 53 minutes a.m.), under its previous order, the House adjourned until Monday, May 23, 1983, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1158. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to revise and standardize the provisions of law relating to the distribution, appointment, and assignment of flag and general officers of the Army, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

1159. A letter from the Deputy Director, Legislative Liaison, Department of the Air Force, transmitting the annual report on the progress of ROTC's flight training program, pursuant to 10 U.S.C. 2110(b); to the Committee on Armed Services.

1160. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to the Federal Republic of Germany (Transmittal No. 83-35), pursuant to section 36(b) of the Arms Control Act; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAMILTON: Committee on Foreign Affairs. H.R. 2532. A bill to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes; with an amendment (Rept. No. 98-208). Referred to the Committee of the Whole House on the State of the Union.

Mr. YATES: Committee on Appropriations. House Resolution 177. Resolution to disapprove the energy conservation deferral (Rept. No. 98-209). Referred to the Committee of the Whole House on the State of the Union.

Mr. YATES: Committee on Appropriations. House Resolution 178. Resolution to disapprove the fossil energy research and development deferral (Rept. No. 98-210). Referred to the Committee of the Whole House on the State of the Union.

Mr. YATES: Committee on Appropriations. House Resolution 181. Resolution to disapprove the administration of territories deferral (Rept. No. 98-211). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of May 16, 1983]

Mr. FUQUA: Committee on Science and Technology. H.R. 2899. A bill to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1984-85, and for other purposes; with amendments; referred to the Committee on Appropriations for a period not to exceed 15 legislative days with instructions to report back to the House as provided in section 401(b) of Public Law 93-344 (Rept. No. 98-212, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GORE (for himself and Mr. GINGRICH):

H.R. 3070. A bill to provide for the continuous assessment of critical trends and alternative futures; jointly, to the Committees on Government Operations and Rules.

By Mr. ERLENBORN (for himself, Mr. CONABLE, Mr. FRENZEL, Mr. JEFFORDS, Mr. GOODLING, and Mr. BARTLETT):

H.R. 3071. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to reduce paperwork and unnecessary employee benefit plan costs, to simplify the administration of the provisions of law governing employee benefit plans, to codify improved procedures already adopted by regulation, to clarify congressional intent with respect to the broad Federal preemption of State laws while permitting necessary exceptions relating to State and foreign domestic relations laws, and to make other technical corrections; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. HEFTEL of Hawaii (for himself, Mr. FOWLER, Mr. MATSUI, Mr. DUNCAN, Mr. FLIPPO, Mrs. KENNELLY, Mr. FUQUA, Mr. UDALL, Mr. OTTINGER, Mr. FISH, Mr. MINETA, Mr. CORRADA, Mrs. SCHNEIDER, Mr. JEFFORDS, Mr. WYDEN, Mr. WILLIAMS of Montana, Mr. WIRTH, Mr. BEDELL, Mr. WOLPE, Mr. HARKIN, Mr. BEREUTER, and Mr. LONG of Maryland):

H.R. 3072. A bill to amend the Internal Revenue Code of 1954 to extend the energy tax credit for investments in certain classes of energy property, and for other purposes; to the Committee on Ways and Means.

By Mr. KRAMER (for himself, Mr. MONTGOMERY, Mr. WHITEHURST, Mr. BADHAM, Mr. SKELTON, Mr. CORCORAN, Mr. DAVIS, Mr. DANIEL B. CRANE, Mr. HUNTER, Mr. DYSON, Mr. HARTNETT, and Mr. SKEEN):

H.R. 3073. A bill to implement the call of the President for a national strategy seeking to protect people from nuclear war and to render nuclear weapons obsolete; jointly, to the Committees on Armed Services, Foreign Affairs, and Science and Technology.

By Mr. STARK (for himself, Mr. FORD of Tennessee, Mr. FRENZEL, Mr. DOWNEY of New York, Mr. HEFTEL of Hawaii, Mr. FOWLER, Mr. GUARINI, Mr. SHANNON, Mr. PEASE, Mr. HANCE, Mr. MATSUI, Mr. ANTHONY, Mr. FLIPPO, Mr. DORGAN, Mrs. KENNELLY, Mr. DUNCAN, and Mr. SWIFT):

H.R. 3074. A bill to reform the supplemental security income disability program with respect to the mentally impaired, to suspend periodic reviews of cases involving mentally impaired disability beneficiaries under such program until regulatory reform is completed, to require specific annual authorizations under such program for appro-

priations to fund reviews of cases involving mental impairments, and to make other changes and improvements in the provisions of such program which concern mentally impaired or otherwise disabled individuals; to the Committee on Ways and Means.

By Mr. WYDEN:

H.R. 3075. A bill to amend the Small Business Act to establish a Small Business Computer Crime and Security Task Force, and for other purposes; jointly, to the Committees on Small Business and the Judiciary.

By Mr. SMITH of Florida (for himself, Mr. WRIGHT, Mr. MICHEL, Mr. ZABLOCKI, Mr. BROOMFIELD, Mr. FASCELL, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. BONKER, Mr. IRELAND, Mr. MICA, Mr. BARNES, Mr. WOLPE, Mr. GEJDENSON, Mr. LANTOS, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. BERMAN, Mr. REID, Mr. LEVINE of California, Mr. FEIGHAN, Mr. WEISS, Mr. GARCIA, Mr. LAGOMARSINO, Ms. SNOWE, Mr. HYDE, Mr. BEREUTER, Mr. ZSCHAU, Mr. WINN, Mr. GILMAN, Mr. PRITCHARD, Mr. LEACH of Iowa, Mr. ROTH, Mr. SOLOMON, and Mr. SILJANDER):

H. Res. 203. Resolution expressing the support of the House of Representatives on the decision of the Governments of Lebanon and Israel on agreeing to arrangements for the withdrawal of Israeli forces from Lebanon; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

134. The SPEAKER presented a memorial of the Legislature of the State of New York, relative to the proposed designation of the Long Island Expressway as an interstate highway; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WAXMAN introduced a bill (H.R. 3076) for the relief of Marina Kunyavsky; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 826: Mr. EDGAR, Mr. GUARINI, and Mr. OTTINGER.

H.R. 943: Mr. DREIER of California, Mr. PEPPER, Mr. WON PAT, Mr. YOUNG of Alaska, and Mr. HORTON.

H.R. 1146: Mr. CARR, Mr. LEWIS of Florida, Mr. CORRADA, Mr. HARRISON, Mr. MURPHY, and Mr. HORTON.

H.R. 1307: Mr. PRITCHARD, Mr. LENT, and Mr. EDWARDS of Alabama.

H.R. 1434: Mr. BARNARD.

H.R. 1597: Mr. GOODLING.

H.R. 1918: Mr. O'BRIEN.

H.R. 2053: Mr. ERDREICH, Mr. OWENS, and Mr. RUSSO.

H.R. 2126: Ms. SNOWE.

H.R. 2127: Ms. SNOWE.

H.R. 2193: Mr. MOORHEAD.

H.R. 2250: Mr. FROST, Mr. DONNELLY, Mr. SCHUMER, and Mr. RATCHFORD.

H.R. 2374: Ms. SNOWE.

H.R. 2715: Mr. REID, Mr. BEDELL, and Mr. GUARINI.

H.R. 2759: Mr. GOODLING, Mr. BADHAM, Mr. LAGOMARSINO, Mr. RITTER, Mr. MCGRATH, Mr. FISH, and Mr. KOGOVSEK.

H.J. Res. 51: Mr. TORRICELLI.

H. Con. Res. 40: Mr. GAYDOS, Mr. ACKERMAN, Mr. CONTE, and Mr. MCCLOSKEY.

H. Res. 194: Mr. CLINGER, Mr. COLEMAN of Missouri, Mr. CORCORAN, Mr. EVANS of Iowa, Ms. KAPTUR, Mr. LEVIN of Michigan, Mr. LUKEN, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. PRITCHARD, and Mr. STOKES.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2715: Mr. RUDD.

H.J. Res. 114: Mr. MILLER of Ohio.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

98. By the SPEAKER: Petition of the City Council of Cambridge, Mass., relative to U.S. aid to Guatemala, Honduras, and El Salvador; to the Committee on Foreign Affairs.

99. Also, petition of the St. Louis Board of County Commissioners, Minnesota, relative to the nuclear freeze resolution; to the Committee on Foreign Affairs.

100. Also, petition of the City Council of New York, N.Y., relative to the release of Yevgeny Lieberman from the Soviet Union; to the Committee on Foreign Affairs.

SENATE—*Thursday, May 19, 1983*

(Legislative day of Monday, May 16, 1983)

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer today will be offered by the Reverend Father James B. Martin, Director, Chaplain Service, Veterans' Administration, Washington, D.C. The Reverend Martin is sponsored by Senator ALAN K. SIMPSON, of Wyoming.

PRAYER

The Reverend Father James B. Martin offered the following prayer:

Let us pray.
When you arise in the morning,
give thanks for the morning light,
for your life and strength.
Give thanks for your food and for the joy of living.
If you see no reason for giving thanks, the fault lies in yourself.
(Taken from an American Indian proverb.)
How thankful we need to be, each one of us who believes that:
"God has created me to do Him some definite service;
"He has committed some work to me which He has not committed to another.
"I have my mission. I am a link in a chain, a bond of connection between persons."
How thoughtful we need to be, each one of us who believes that:
If you give a man a fish he will eat for a day
But if you teach him how to fish, he may eat for the rest of his life.
How challenged we need to be, each one of us who is convinced that:
If there is right in the soul, there will be beauty in the person;
If there is beauty in the person, there will be harmony in the home;
If there is harmony in the home, there will be order in the nation;
If there is order in the nation, there will be peace in the world.

Eternal, All-Knowing and Almighty God, give this U.S. Senate, the staff members of all the Senators, and all who involve themselves in its work—this session, a spirit of thankfulness, a sense of profound purpose, the goal of peace with justice, and the warmth of your abiding love for each and all. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, today, after the recognition of the two leaders, three special orders, and a period for the transaction of routine morning business, at 4 p.m. we will resume consideration of the First Concurrent Budget Resolution. There are 3 hours remaining for debate on the resolution; is that correct, Mr. President?

The PRESIDENT pro tempore. The Senator is correct.

Mr. STEVENS. If all time is used we could reach a position to achieve a final vote on a budget resolution sometime in the early evening.

The leader will return shortly after 4 p.m.

I believe it is possible to achieve passage of a budget resolution today. There has been a great deal of work done by the Budget Committee under the leadership of its chairman, Senator DOMENICI, and its ranking member, Senator CHILES.

I have stated to the press, and I want to state again to the Senate, that from my own point of view these are the final hours to determine whether or not the budget process will survive. It is time, I think, that Members of the Senate review this process to determine whether they believe in the budget process.

If the Senate believes in the budget process, we will produce a budget resolution today that a majority can support. If the Senate wishes to kill the budget process, it will continue to refuse to find a position that can be endorsed by a majority of our Members.

After the budget resolution today, it is the intention of the leadership to take up the MX basing resolution. That resolution is not subject to amendment. It is a resolution that is required by the continuing resolution that was enacted last December.

If the MX basing resolution is approved, it will put the Senate on record as approving the expenditure of funds to continue the basing mode investigation and to complete the testing of MX. This resolution does not deal with the procurement of the MX.

Mr. President, the majority leader will make a further announcement regarding the program of the Senate for the remainder of the day and for the remainder of the week when he returns.

I want to point out to the Senate, as the distinguished minority leader did yesterday, that the distinguished majority leader complied with rule VI of the Standing Rules of the Senate in asking permission to be absent from the Senate during a portion of yesterday's session. We all believe that is the proper way to proceed for a Member of the Senate.

It was also complied with by the Senator from Maryland (Mr. MATHIAS), and we hope that Members of the Senate will commence complying with rule VI of the Standing Rules. It does enable us all to determine who will be absent from the Senate, and it is, I think, only fair to the leadership that Members of the Senate follow that rule.

SECRETARY OF STATE GEORGE SHULTZ SPEAKS ON PEACE PLAN FOR THE MIDDLE EAST

Mr. STEVENS. Mr. President, recently Secretary of State George Shultz addressed the Business Council at a conference held in Hot Springs, Va.

I am deeply impressed by his remarks for two reasons. First, clearly demonstrated is a tireless effort on the part of Secretary Shultz to achieve a plan for peace in the Middle East. Second, the administration is, without a doubt, fully committed to the Middle East peace process. The Senate has expressed its pleasure at the progress made thus far by unanimously passing the resolution introduced by the chairman of the Committee on Foreign Relations last evening, a resolution that was endorsed by 100 Members of the Senate. I am pleased with the progress made thus far.

Mr. President, the United States is indeed viewed as a helper to many throughout the world as noted by Secretary Shultz. We are also looked upon as a voice of hope, reason, and fairness. In essence, we have a major responsibility to do our best to preserve world peace. While the United States cannot dictate peace, we can serve as a conduit for peace. In that sense, I think Secretary of State Schultz has done a remarkable job.

I commend the remarks made by Secretary of State Shultz at the Business Council conference and I urge all Members of the Senate to take time to review them.

I ask unanimous consent that the speech given by Secretary Shultz at the Business Council conference on May 13, 1983, be printed in the RECORD at this point.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE GEORGE P. SHULTZ

As you know, I've been out of the country for a few weeks. It's great to be home.

The Middle East has been the focus of almost constant American diplomatic efforts for more than a decade now. I don't have to educate this group in the reasons why the Middle East is so important to the United States. It is a region of vital economic importance and strategic location; we have many friendships and relationships in the area, including a deep moral commitment to Israel and many friendships and ties with moderate Arab countries. And the United States is in a unique position to promote progress in the great task of reconciliation between Israel and its Arab neighbors.

This last point is worth emphasizing. Sometimes foreign policy seems a frustrating endeavor; we have so many problems on our plate, and some Americans must wonder whether our global exertions are worthwhile. They should have been with me in the Middle East! In the Middle East we see the remarkable phenomenon of Arabs and Israelis, locked in conflict for generations, looking to the United States as the one great power able to help them find a way out. Both sides trust our fairness; they respect our good faith, and they find reassurance in our participation as they face the risks and challenges of peace.

Even those who disagree with us on many issues want us involved as a counterbalance to others whose motives are more suspect.

This special trust in the United States is the main reason for the success we have had. I found it deeply moving to travel in the Middle East and see the admiration for America and the faith in America that peoples and governments in the Middle East show so openly. They know that the United States is not only strong but just, not only powerful but fair. It is an extraordinary tribute to this country—it is a tribute to the basic decency and generosity and goodness of the American people. I can tell you I was very proud to be there as Secretary of State of the United States of America.

Let me say a little about my trip to the Middle East, and about the negotiation that was just concluded last week between Israel and Lebanon.

THE LESSON OF THE EGYPTIAN-ISRAELI PEACE TREATY

By a symbolic coincidence, my trip began in Egypt at the time of the first anniversary of the final return of the Sinai to Egypt under the terms of the peace treaty with Israel.

There is a lesson in this symbolism, which I emphasized over and over again: Egypt recovered its sovereign territory through a negotiation with Israel. The process of negotiation worked, in a way that violence or rejectionism did not and could not work. Egypt and Israel together vindicated the principle of solving problems through peaceful means. It is a cardinal principle of a decent world order, and the success of that process is an instructive example for others.

It is, of course, the principle that we are striving now to vindicate again in Lebanon.

THE LEBANON-ISRAEL NEGOTIATION

The warfare that we saw last summer on our television screens was only the culmination of many years of bloodshed and turmoil in Lebanon. Lebanon is a beautiful country, with a proud and capable people who have long played a productive role in the economy of that part of the world. The Lebanese have had their internal political difficulties—but the delicate political balance within Lebanon was shattered during the 1970s largely by the involvement of external military forces—the PLO, the Syrians, and the Israelis.

The war in Lebanon last summer taught its own kind of lesson. There was a profound yearning, particularly in Lebanon, to turn the aftermath of that tragedy into the beginning of something better. Out of chaos came hope. Last July and August the United States, represented by Ambassador Philip Habib, President Reagan's special emissary, negotiated a ceasefire in Beirut and the withdrawal of PLO fighters from the Beirut area. United States Marines took up positions around Beirut to provide a sense of security.

Then, a new government in Lebanon, headed by its impressive young President, Amin Gemayel, set as its first priority the restoration of a strong central government exercising full sovereign control over all of its territory. Lebanon sought the withdrawal of all external forces from the country. Israel sought reassurance that Lebanese territory would not become again a staging ground for terrorist attacks on the cities, towns, and farms of northern Israel.

Last December, negotiations began between Lebanon and Israel on the withdrawal of Israeli forces and the creation of a new relationship between Lebanon and Israel. Lebanon thus became the second Arab state, after Egypt, to engage in direct negotiations with Israel.

Again, the United States played a pivotal role. Phill Habib, assisted by Ambassador Morris Draper, shuttled back and forth and worked with the parties to encourage and support an agreement. After four months of talks, much progress had been made, but the negotiations were stalemated over a number of key issues. At the end of April it became clear that more impetus was needed, to force the pace of decisions and resolve the issues that remained. President Reagan decided it was time for me to go out there. I did, and I spent about ten days shuttling between Beirut and Jerusalem to hammer out the final compromises.

It was clear to me when I got there that both sides wanted a solution. Many people had doubts that Israel really wanted to withdraw from Lebanon; in fact, both sides were negotiating in good faith over issues that were objectively difficult. Both sides knew that a solution was necessary. As I said in a dinner toast in Jerusalem, the issues "have been debated, analyzed, pored over, agonized over. Now is the time to resolve them. As the Bible tells us, to every thing there is a season. There is a time to debate and a time to decide. Now is the time to decide. . . . And the risks of failure are far greater than any of the risks of an agreement * * *."

It was an extraordinary experience for me on the personal level. The Government and people of Israel, who have yearned so long for acceptance and for security, and the Government and people of Lebanon, who have yearned for an end to a decade of horror and destruction, behaved throughout two weeks of intense negotiation with consummate dignity and graciousness. So much was at stake for their countries, yet they treated me and my colleagues with the greatest of courtesy and friendship throughout. And they did not shrink from hard decisions.

A week ago today, the Israeli Cabinet announced its acceptance in principle of the agreement as it then stood, which Lebanon had already accepted.

It was a victory for statesmanship on both sides.

The agreement provides for withdrawal of Israeli forces, which is the essential first step toward Lebanon's goal of withdrawal of all external forces. At the same time, Lebanon and Israel have agreed to security arrangements in the southern part of the country which support Lebanon's ability to carry out its strong intention to keep the area free of terrorist activity. In addition, there are provisions looking toward the improvement in mutual relations which both sides desire, reflecting the shared objective of living in peace side-by-side as neighbors.

The agreement has many technical provisions, of course, but its real meaning is much more than technical:

It offers hope that Lebanon, after more than a decade of civil war and external interference, will recover its sovereignty, independence, and security.

It offers hope that the international boundary between the two countries will be a border of peace, security and friendly relations.

It proves once again in the Arab-Israeli conflict that negotiations can achieve results.

As you may know, Israel is not prepared actually to withdraw its forces until Syrian and the remaining PLO forces also leave Lebanon. There will be a negotiation between Syria and Lebanon on the subject of Syrian withdrawal. I know Amin Gemayel well enough to know that he will vigorously defend Lebanon's sovereign right to determine its own future. He and his colleagues are showing courage and statesmanship, and they deserve wholehearted American support. When Lebanon makes its sovereign decision, with backing from the main constituent groups in the Lebanese national consensus, that decision will command considerable moral authority.

Syria too, is a proud country, and it has legitimate security concerns with respect to Lebanon. I was able to tell President Assad that the purpose of my mission was to start the process of restoring Lebanon's sovereignty over all its territory, and withdrawing all external forces, which would enhance the security and well-being of all of Lebanon's neighbors. The Israeli-Lebanese agreement was a necessary first step, fully consistent with the security of all countries in the area.

The Syrian Government, too, treated us all with great courtesy. I know that Syria—like Lebanon—will make its own sovereign decision on an issue so important to it. Both Syria and the United States regard a renewal of contacts and improved relations as in the mutual interest. And all parties will realize, I am sure, that the risks if the withdrawal process fails are greater than the risks of completing it.

We are in touch with all the concerned countries, and we will try to assist as desired by the parties.

What we have already achieved, as I said before, is the essential first step. The American people can be proud of what is, in essence, their accomplishment. They can be proud of the Marines whose presence around Beirut gives the people of Lebanon such a sense of assurance and confidence in the future.

There are risks in any diplomatic effort; there have been tragedies, such as the

bombing of our Beirut Embassy. But nothing significant is ever accomplished without risks, and sometimes sacrfice. Americans are not a timid people. In the past generation this country has made an enormous contribution to the world's peace, stability, and well-being. Thus we are being true to our heritage and to our moral responsibility. If those who attacked our Embassy thought they could intimidate the United States and derail our efforts, they were grossly mistaken.

THE PEACE PROCESS

Let me say a few words, finally, about our broader objectives of Middle East peace. Last September 1, President Reagan made a major proposal to bring Jordan and the Palestinians into direct negotiations with Israel to decide the future of the West Bank and the Gaza Strip.

It is a fair and balanced proposal, which has its roots in the Camp David Accords and UN Security Council Resolutions 242 and 338, which have been the bases of all our peace diplomacy in the Middle East over the last 15 years. It derives as well from the tragedy of Lebanon, as a signal of our determination to address one of the underlying problems of the Arab-Israeli conflict which had had its spillover effect on Lebanon.

I am pleased to be able to tell you, after my trip to the Middle East, that our friends in the Arab world are still supportive of President Reagan's initiative and are actively working to put together a positive Arab response. In our view, Arab support for King Hussein to step forward as interlocutor on the Palestinian question would create the best possibility for a fruitful negotiation. I am confident that Israel would respond positively to such a step, despite its negative reaction to the President's initiative last September.

The fate of the Palestinians living in the West Bank and Gaza is both a political problem and a humanitarian problem that cries out for the concerned attention of all people of goodwill. A particular responsibility rests now with the Arabs, who would do a grave disservice to the Palestinian people if they missed this precious opportunity to begin a negotiating process.

Only through a negotiating process can the Palestinian people hope to achieve their legitimate rights and their just requirements. As Egypt and Lebanon have shown, negotiation works; violence and rejectionism get nowhere.

We have only made a beginning, but it is an important beginning. President Reagan, I know, is determined to continue his efforts to carry the Lebanon negotiations, and the peace process, forward.

There is no more noble enterprise for our country to be engaged in. Here our strategic concerns and our moral concerns coincide; our tradition of leadership and our hopes for the future point in the same direction. It is a bipartisan effort—and an example of what this country can accomplish when Americans are united.

So, even though difficult days and weeks and months lie ahead, I look to the future with confidence.

ORDER OF SEQUENCE OF SPECIAL ORDERS

Mr. STEVENS. Mr. President, I ask unanimous consent that the three special orders may occur in any sequence as the Senators seek recognition.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The acting minority leader is recognized.

Mr. BURDICK. Mr. President, I ask unanimous consent that the time allotted to the minority leader be reserved until a later time today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the remainder of the leader's time be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, pending the arrival of one of the Senators who has a special order, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR SYMMS

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho (Mr. SYMMS) is recognized for not to exceed 15 minutes.

Mr. SYMMS. I thank the Chair.

REPORT ON EL SALVADOR

Mr. SYMMS. Mr. President, I take this 15 minutes today to make a report to the Senator on a recent visit that I took to the country of El Salvador. This was my second visit to that country and it was done as a followup to a previous visit, which was 1 year ago.

As I review the situation in El Salvador, I found that, in comparing this trip with the trip of 1 year ago, they have made progress in several crucial areas in their fight against foreign-supported Communist guerrillas. This is not to say, Mr. President, that the problems, in large part caused by guerrilla terrorism which has plagued the country, are close to being solved, but that the Salvadoran Government, working in a democratic fashion, is doing everything it can to restore peace and economic development.

No discussion of El Salvador can be undertaken without an understanding of some of the extremely serious problems facing this small Central American nation. It was apparent to me that the biggest problem facing El Salvador today is its depressed economy.

The goal and the mission of the Communist guerrilla in the country is to destroy the economy. I cannot say how many power poles, water towers, and so forth, we saw that were blown down and bridges blown out, they certainly have been somewhat successful in slowing down the economy. In fact, the economy of El Salvador some 3 years ago was, I believe, some $3.7 billion GNP and it is today sitting at around $700 million. So the Communists have been successful to that extent.

This country is smaller than the State of Massachusetts. In size, to compare it to my State of Idaho, it has less then one-tenth of the geographical land area of the State of Idaho, but it has five times more people than Idaho's population.

In fact, El Salvador is the second most densely populated country in the hemisphere and approaches the population density of India.

Idaho, to put it on a par with a country like El Salvador, would have some 55 million people. The current population of my State is not quite 1 million.

I think that the fact is if the entire United States of America were put on a par with El Salvador in terms of density of population, our population in this country would be 2.3 billion. So I think those of us here and those Americans who might consider what is at stake down there, could realize that they do have some problems that we are fortunate not to have in this country.

They have limited resources but they are fortunate to have rich, productive agricultural lands and a potential for a thriving fishing industry. In spite of a productive agrarian sector, El Salvador is a net importer of foods and must rely on the internal production of cotton, coffee, and sugar to generate export commodities for foreign exchange.

I think oftentimes, to note a criticism, Mr. President, some people say, what are we doing, supporting this military state, and so forth. The greater metropolitan area of Chicago, Ill., has approximately 5 million people. I do not have the figures here of how many policemen they have in the city of Chicago, but I was told when I was in El Salvador that there are many, many more times the policemen in Chicago than the entire Salvadoran military, which numbers somewhere around 5,000. I think that puts it in perspective.

It is certainly a country that has problems. They do have limited resources. Because El Salvador is a small country with limited resources and has a large and increasing population, even under the best of circumstances, it would be difficult to provide for the country's economic development and growth.

Regretfully, El Salvador is not faced with the best of circumstances, but rather is struggling with a calculated, well-organized terrorist campaign to destroy the country's economy.

As I traveled over El Salvador, I was disheartened to see vast areas of some of the country's richest farmlands lying fallow and unproductive. Factories, plants, fishing boats and fish-processing facilities were idle. Highway and railroad bridges across the country had been destroyed. Mile after mile of power transmission lines were downed. Water towers in village after village were rendered useless. All this is the result of sabotage carried out by the Communist guerrillas in a determined effort to obtain through terror and destruction what they cannot obtain through democratic processes.

The guerrillas' efforts to destroy the country by destroying its economy and thereby causing civilian unrest, have several facets. One of their aims is to cause desperately needed investment capital to leave the country because of the constant threat of violence and unrest. The problems of land reform aside, the extent to which the guerrillas have been successful can be seen in the economic inactivity caused by a state of siege.

I might note, as an aside, that 2 or 3 years ago, when the first efforts were made at land reform, it received a great deal of attention in this country, and I think it is proper that they do make some attempts at land reform. This Senator is certainly one who has a philosophy that the farmer who owns the land and farms it will produce more from that agriculture than someone who does not own it and farms it through tenant farmers. However, if one goes out and tries to confiscate private property from citizens of any country without compensation, the net result of that will be a reduction in productivity because of the violation of one of the very basic human rights. That is the right to private property.

I think what happened in that country is that there was some economic terrorism that took place by the Government there in their overzealous efforts to have too much land reform too fast in a fashion that does not pay, and then did not have particular respect for the principle of private ownership of the property and compensation of people who owned the property. Then, of course, there was that criminal terrorist activity from the guerrillas in the country, supported by the Soviets and the Cubans vis-a-vis Nicaragua. That has certainly been a part of the problem.

Another goal of the guerrillas is to attack the agricultural base of El Salvador. This is done in two ways. The first is to threaten those who plant and till the fields. After talking with several of the local citizens, it is not difficult to understand the concern of the local populace. They are told that "if you plant, you will die." In numerous cases, these threats have been carried out. In many areas that are subject to guerrilla activity, farming does take place but is done so only at the sufferance of the terrorists who extort either money or foodstuffs from the local farmers.

The second approach used by the guerrillas is to allow the planting, husbandry, and harvesting of the crops. Once the crops are harvested and warehoused, the place of storage is attacked and destroyed. This was recently the case where a coffee warehouse was burned, with a resulting loss of several hundred million dollars to the country's economy. The above methods are targeted primarily against the cash crops of sugar, coffee, and cotton. Such is a planned strategy to deny this country critically needed foreign exchange.

The loss of foreign exchange to the country, the land which lies unproductive, the fear and desperation among the populace as they see their means of livelihood being destroyed, cannot be adequately measured as causes of human misery and suffering.

Another aim of the Communists in attacking the economy of El Salvador is to destroy the physical infrastructure that makes economic growth and development possible. As I flew over the countryside, I was continually confronted with the sight of blownup highway and railroad bridges, of burned-out heavy trucks, of toppled steel electrical transmission towers, and water towers turned into metal junk through the criminal activity of the Communists there.

The people I talked with in the urban and rural areas could only shake their heads when asked why the guerrillas would do these things, or when asked if they knew what justification the guerrillas used to destroy what had taken this impoverished country years to build and which cannot be replaced overnight. In reality, there is no justification for any of the terrorist acts described above. As I pointed out earlier, each act is a calculated, considered attempt to terrorize and destroy a peaceful society—a society which is making tremendous strides socially and economically, if left to its own affairs. Instead, a small group of people, hardly even 1,000th of the population of the country, supported and dominated by foreign influence, is attempting to subject this small country to its will by force of arms.

In this war on the economy, the guerrillas have been somewhat successful. The GNP of El Salvador has fallen substantially with the decline in the economy approaching 30 percent each year for the last several years. The average income of a Salvadoran has fallen from $740 to $460 per year. This human misery has no price tag.

Yet, in spite of the hardship caused by the insurgents' activity and their attempt to alienate the populace from the national government, I found the Salvadoran citizen supportive of their government and the army. I found the morale of the populace high and was impressed by their pride in their democratic procedures. Local support for the guerrillas seems to be nonexistent. The guerrillas are able to survive in the rugged remote areas of the country and in neighboring Honduras and Guatemala only with continued outside support and by extorting food, money, and supplies from the local populace.

The area in which I noted the greatest Salvadoran progress since my last visit there was in the Salvadoran Armed Forces. This tiny country had generally been at peace with its neighbors and had had no real need to maintain a large army when funds were needed in the economic sector. Because of that, this country has found itself severely disadvantaged when confronted by the determined guerrilla confrontation. Until recently, El Salvador maintained an army of only a few thousand soldiers. This army was woefully underequipped and undertrained. In fact, when I visited military units last year, I found that many lacked modern rifles and almost all lacked basic infantry combat gear like boots, canteens, and uniforms. Combat support equipment such as mortars, radios, and artillery did not exist. The combat training of the army in basic infantry tactics was not as it should have been. As a result, offensive actions against the guerrillas were limited in their effectiveness.

With my recent visit this year, I am much more optimistic about the army's capability. I could tell that the attitude of the individual soldier was positive. They are now receiving basic infantry gear and most have rifles, uniforms, and boots; they have wet gear—ponchos, packs, and so on, to go into the field with. The level of training has increased with a resultant increase in the army's aggressiveness and success in the field. We visited with numerous field units and found them to be on the offense. We even had an opportunity to interview a captured guerrilla.

Even with all this, the most encouraging sign militarily is that the citizens of El Salvador support the army. Time after time, I encountered examples of civilian and army solidarity. Field commanders were actively engaged in civic action projects to insure continued civilian support and good will generated by a common cause.

Yet, having said this, Mr. President, militarily there remains a great deal

that needs to be done. The army still lacks adequate combat items. They are still short of rifles, ammunition, hand grenades, and particularly combat multipliers, such as mortar and artillery. Air support hardly exists. In addition, while members of the army have received increased supplies of arms such as rifles and pistols, the local civil defense forces in many cases are armed with machetes and sharpened poles. The local civil defense forces are an important and integral part of the national defense and must also be armed with suitable weapons after they have had suitable training.

What is really needed down there is small-unit training in tactics. They need to be encouraged to be out on patrol with small units 24 hours a day so that the guerrilla does not have the night. In some of the areas, I have to say sadly, the army has control of the area during the day and the guerrilla has control during the night. That simply is not good enough. That can only be solved by better leadership and better training. That will not happen overnight. That will take patience and it will take more training on the part of the United States. That is where a little bit of effort on our part can make a big difference in their performance in the field.

Further, the Salvadorans need assistance in expanding their personal support facilities. Because the army has had to increase its size so rapidly—they have to turn away volunteers, as a matter of fact—support facilities such as barracks, mess areas, and so on, are not large enough. Problems of health, sanitation, and habitability develop in the troop billeting areas.

A matter of primary concern to me is that steps should be taken to increase the training level of those combat units, as I mentioned earlier.

While they have more military proficiency today than they did a year ago, I think a small investment in increased training assistance could yield tremendous dividends. The units that have receiving training at U.S. military bases are notably more combat effective than those who have not had the benefit of such training. Toward this end, I hope that more Salvadoran units could receive basic and advanced training. However, it was found that bringing those large units to the United States for training was extremely expensive, to the point of not being cost effective. Therefore, Mr. President, I submit that our military advisory group of 55 should be expanded to at least 175, and the training of Salvadoran units take place in El Salvador. This would be much more cost effective and allow more Salvadoran soldiers to receive the basic and advanced training in their own country. I think that effort certainly should be made.

Rules of conduct that govern the present advisory group would still be maintained.

I remain optimistic for the Salvadoran people. I am particularly excited that the national government is for the first time instituting programs that will coordinate all national resources against the Communist insurgency. President Magána briefed me on the details of what will be called the national campaign. I will not now go into its specifics, but hope to do so at a later time.

I have been asked as to my opinion on how we in the United States can best help the country of El Salvador. I have seen that economic aid is sorely needed by this tiny country.

It is here in programs of economic development and repair of that which has been damaged, that we can best help El Salvador and serve our own short and long term interests. For surely the United States has a tremendous stake in this region. The peace and prosperity of our hemisphere lies in the balance of El Salvador. In the face of adversity the people of El Salvador have maintained their democratic government against a foreign movement which has nothing to offer that nation and which knows it has no claim to legitimacy. For the investment now of a small amount we can help a free people remain free.

Mr. President, I ask unanimous consent that a copy of my itinerary while in El Salvador be printed in the RECORD.

There being no objection, the itinerary was ordered to be printed in the RECORD, as follows:

ITINERARY AND MEETING LIST

MAY 13, EL SALVADOR

Briefing by U.S. Naval Attache and members of the U.S. Military Advisory Group.

Meeting with: Lt. Col. Carlos Rivas, D-II, EMGFA: Lt. Col. Aristibes Cienfuegos, Secretary to Chief of Staff, EMGFA; Capt. Jose Castro, Salvadoran Air Force; Manuel Rodriguez Melendez, Businessman.

Meeting with Lt. Col. Robert Rodriguez and Maj. Jose Parada Reyes, Sensuntepeque, Cabanas Provice.

Tour to Victoria, Cabanas Provinces.

Meeting with Mr. D'Aubuisson, President of El Salvador assembly.

Meeting with U.S. Ambassodar Deane Hinton and Salvadoran President Magaña.

MAY 14, EL SALVADOR

Meeting with Lt. Cmdr. Fernando Menjivar Campos, La Union Naval Base.

Tour of La Union area, port, and Gulf of Fonseca.

Meeting with military advisory group Navy Seals.

Tour of El Triunfo, San Vicinte.

Meeting with Lt. Col. Josge Adalberto Cruz and Lt. Col. Comingo Monterrosa, San Francisco Gotera.

Tour of villages San Francisco Gotera.

Meeting with: Col. Oscar Casanova, C.O. 2nd Inf. Brigade; Edwardo Palomo, Businessman; U.S. Embassy personnel.

Mr. SYMMS. I should like to add, Mr. President, that we have to recognize the alternative to our success in El Salvador. I know that many people in this Chamber and in Congress in general are making much ado about how this is a wrong program; it is not working; it is not successful; they are not worth the effort.

We as Americans have no alternative. If we turn our back on the situtation in Central America and allow the Communists to be successful, all Americans will have to get their basements ready because they are going to have another family living with them. There are 100 million people living between the southern border of the United States and the Panama Canal. When those people start walking north, we are going to have much bigger problems than the one facing us today.

I hope my colleagues carefully examine what the problems are and, Mr. President, in addition, a minimum effort should be made to support what President Reagan calls for in his wonderful address to the Congress.

In my judgment, it probably does not go far enough. The Congress of the United States has passed legislation as recently as last year stating that it is our purpose and policy to stop the flow of arms and equipment from Cuba into Central America.

Thus far, I have failed to see the proper response from the administration to carry out the law of the land in the United States. I hope that the efforts of the President will be met and opinion followed by the Congress, and that in fact it will give them heart to do a little more and give those people who are fighting for their freedom an opportunity to be successful so that we will not have this massive invasion of good human beings who will naturally walk north, vote with their feet and come into the United States.

Mr. President, I would like to pay my special thanks to the Naval Attache at our Embassy in El Salvador, U.S. Marine Corps Lt. Col. Phil Ray, my escort officer in the country. Those of us in the legislative branch should be proud of his high degree of military professionalism and his ability to communicate with the people in El Salvador.

Colonel Ray is a 27-year veteran of the U.S. Marine Corps, with two tours in Southeast Asia during the hostilities there during the 1960's. Prior to that time, he was an enlisted marine. He actually has been in the U.S. Marine Corps since 1956. We can be proud of him.

I also appreciated the able assistance of Capt. Tom Lynch, U.S. Navy.

As another personal note, Mr. President, concerning a part of my schedule which I have included, we visited La Union, which is where their naval base is at the Gulf of Fonseca. We have a small detachment there of U.S. Navy

seal teams. They are highly professional. They are living with the Salvadorian Navy, carrying out daily training activities and assisting them to be better able to patrol the gulf, stopping the flow of arms, et cetera, coming into El Salvador from Nicaragua. We had the opportunity to go out on a patrol boat with them.

They are commanded by Lt. Don Beam, U.S. Navy from Jerome, Idaho. We had a reunion there. I know some of his relatives in Idaho. It was nice to be able to talk with him.

Mr. President, I would just say that in general I think things are somewhat better. There were areas in our schedule that I had visited last year, such as San Vicinte, where we were not allowed to leave the brigade headquarter area because of security.

I was able to travel by jeep right up to the Honduran border and visit some of the members of the unit that is deployed in Cabanas Province, visit the Company C rifle company, see the troops deployed and see what they are actually doing. There have been some considerable efforts made in certain parts of the Salvadoran military to improve their operations. As I said earlier, there is still a lot to be done, but I think the price of doing nothing would be far, far too expensive. An investment that we would make now, a small amount of investment that we would make now to help a free people remain free would be, certainly, an investment that would be worthwhile for all Americans, from whichever part of this country we come.

I could not help but think, Mr. President, when we got on the plane to leave El Salvador, Senator SPECTER and I and the other people in our party, the trip back was too short and too close. When I think about the fact that if I travel from here to Boise, Idaho, it takes me longer than it takes to travel from Washington, D.C., to El Salvador. I realize we Americans have to recognize that if we fail in this effort, someone will want to know who it was who turned their back at a critical time, when some valiant people are fighting very hard for their opportunity to share in the kind of world we know, those people who cling to the same democratic ideals and principles, such as private property, religious freedom, and a respect for one's human person.

If we fail to measure up to the task and meet our responsibilities, the price we shall have to pay in terms of conscience and in terms of reality in the future will be a price that none of us in this Chamber or this country will want to pay.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania (Mr. SPECTER) is recognized for not to exceed 15 minutes.

VISIT TO EL SALVADOR

Mr. SPECTER. Mr. President, I rise today to join my colleague, the distinguished Senator from Idaho (Mr. SYMMS) in making a report on the trip which he and I made to El Salvador this past weekend, May 13 through May 15. I am submitting this report in the nature of a floor statement which I consider to be preferable to the delay occasioned by preparing a polished report.

Senator SYMMS and I were accompanied on our trip by representatives of the Department of State and the Department of Defense and received excellent cooperation from the Embassy staff headed by U.S. Ambassador Deane Hinton, who arranged a compact schedule giving us an opportunity to meet a broad variety of people in El Salvador and to do some traveling throughout the country.

During the course of our visit there, we were able to meet with a number of members of the executive branch, including President Magana, the Minister of Defense, Minister of Justice, the Attorney General, and many people from the legislative branch, including the leaders of all of the major parties and leaders of the Constituent Assembly.

We also had the opportunity to meet with members of the judiciary including the Chief Justice of the Supreme Court.

An initial impression of El Salvador was of a country wracked by civil war, gripped by tension where extreme security precautions were taken for Senator SYMMS, our party, and myself. We rode in bulletproof vehicles and were accompanied by a convoy of guards who had machineguns protruding out the windows as we came to intersections. That was typical of the atmosphere generally in the country.

A key part of my own participation in this visit was to examine the judicial system in El Salvador, because a number of conditions were imposed by the Foreign Operations Subcommittee of the Appropriations Committee on which I serve. One condition was to limit the number of U.S. military trainers in El Salvador to 55. A second condition was to open certain kinds of negotiations with the guerrillas, a subject I will comment on in a few minutes. A third condition was to respect human rights. A fourth condition was to improve the judicial system with special emphasis on the trial of cases involving U.S. victims.

The most critical observation on the judicial system in El Salvador was that they labor under great intimidation, insecurity, and physical fear for their own lives. That situation was illustrated by our visit to the chambers of Arturo Zeledun Castrillo, Chief Justice of the Supreme Court of El Salvador, who pointed out to us the bathroom area where last year a bomb was planted in the vicinity of the Supreme Court chambers, where later that day a conference was scheduled of the 13-member court. The bomb exploded early and the court had not yet assembled, but the Chief Justice was sitting at his desk some 50 feet from where the bomb was planted. The blast was so extreme that it hurled the Chief Justice against a bulletproof window. Had the window not been bulletproof, the Chief would have gone through the fourth-floor window and obviously been murdered. As it was, he suffered severe lacerations but did not die.

Another case was called to our attention involving Judge Avila, who was the intended victim of machinegun bullets, after he had established a deserved reputation for being tough on terrorists. General references were made to a continual series of intimidations.

The Chief Justice advised us of a written memorandum or letter received, apparently from terrorists, when there were 10 cases of habeas corpus pending in the city of San Salvador, which demanded the release of the individuals. It is incomprehensible for us who enjoy the judicial system of the United States to contemplate a court having a matter pending before it and being terrorized by a written communique.

The members of the Government and the judiciary acknowledged the impact of this kind of terrorism, although they need hardly have acknowledged it, in the face of factors such as machineguns and bombs. They would have to be superhuman not to be affected by that kind of terrorism.

Another aspect of intimidation pointed out to us appeared in a celebrated case involving the murder of two U.S. citizens who were seated in the coffee shop of the Sheraton Hotel, in the company of a Salvadoran official charged with land reform. Two hired gunmen walked into the coffee shop and murdered the three people. Immediately before, those two gunmen were observed in the parking lot of the Sheraton talking to a man, identified on the record, and were later seen fleeing with that man. Notwithstanding that evidence, the Salvadoran courts dismissed a murder charge against that individual.

On appeal, a replacement judge was substituted for the judge sitting on the appellate court, under their procedure, by the election of their constituent assembly. It was a case, pure and simple, of fixing, although authorized

under their law; the replacement of an appellate judge was instigated by the political party allies of the man whose case was pending before that judge.

These circumstances, as I have described to them informally to my colleagues in the Senate in the past few days, have been met with disbelief that any system could tolerate such inhibitions and such problems.

Beyond the issue of terrorism and intimidation, the system is fatally flawed—to use an expression from another subject—by a 3-year limitation of tenure. The Chief Justice of the Supreme Court, the 12 other justices, and all judges have a term of office limited to 3 years, a limitation hardly calculated to provide any judicial independence.

They are also plagued with limited resources. Our first stop on the visit was the courtroom of the judge who is charged with the trial of those national guardsmen accused of murdering the nuns, Judge Rauda, located in the Province of Zacatecoluca. When we arrived there, embassy officials delivered to him a typewriter ribbon and paper, so that he would have the means to prepare necessary reports to carry forward the case. We observed the courtroom, which was quaint and very rudimentary.

A five-man jury was hearing a robbery case. Their procedure, contrary to ours, is governed by majority rule of the five jurors present.

I have visited many courtrooms in the United States and every courtroom in the 67 counties in Pennsylvania. The tradition in the United States is that a courtroom is a place of solemn deliberation and has an atmosphere described by others, accurately in my opinion, as majestic. If you look at a Salvadoran courtroom, the feeling is quite different.

There are material differences between the procedures in El Salvador contrasted with those in the United States which make it very difficult for the people of the United States to understand what is happening in criminal cases there. For example, under Salvadoran law, accomplices cannot testify against a coconspirator. Under our legal procedures, accomplices are frequently granted immunity or are given lesser sentences, and can testify. It is then a question for the factfinder at the trial as to credibility, whether the accomplice is to be believed. But here innumerable big cases have been broken by having accomplices testify against principals.

One of the most famous was the case involving the murder of Joseph Yablonski, his wife, and daughter, in which, after a very elaborate prosecution procedure, the chain of criminality led to Anthony Boyle, the head of the union. I have some substantial familiarity with that case, having handled a large part of it out of the Philadelphia district attorney's office, under the direction of my first assistant, Richard Sprague. That case is cited only illustratively for the way American procedure allows—I think properly—the testimony of accomplices.

Another surprising aspect of El Salvadoran law is that no admissions to a police officer, however voluntary or with whatever warnings, are admissible, because all the investigative procedures have to be carried on by the court system under their procedures.

There are, in addition, intolerable—it is a judgment on my part that it is intolerable—pretrial delays. Each order of the trial judge can be taken on appeal, delaying the case a month at a time, whenever a defense lawyer finds something on which to take an appeal. That is very different from the American judicial system, which does not permit pretrial appeals except in most extraordinary cases and then only upon a certification, which is very difficult to get.

The cases involving the U.S. victims are proceeding very slowly and, for the most part, very unsatisfactorily—in fact, I would say entirely unsatisfactorily for all parties. We reviewed the evidence in the case involving the U.S. nuns. The evidence is very sound, and I shall not recount it here.

On our visit to Judge Rauda at Zacatecoluca, we were very careful in discussions with Judge Rauda to talk only about procedures and resources and not about the substances of the case. We were perhaps overly cautious in taking that course, but we wanted to respect the independence of the judge and not talk about the substance of the case. We also talked only about procedures in our discussions with the chief justice of the supreme court.

The case involving the murder of the four nuns has been in an appellate court for a protracted period of time. After reviewing procedures at length, finally the appellate court sent the case back to Judge Rauda for further investigation on the property charges.

It is a very surprising development by U.S. standards—where there was an abundance of evidence on the murder charge—to send the case back to ascertain the ownership of the jeeps and the amount of property damage it is hardly justifiable under any reasonable assessment of the circumstances. But that is permissible under Salvadoran law, but it carried with it the suggestion that they are not really very anxious to try the case very soon.

We were assured by the prosecutors that they would have an order to proceed to trial within a month. That does not mean that the case will go to trial, however, because there will be other potential pretrial appeals, which really are to be expected in that case.

Other cases, including the murder of the two labor leaders in the Sheraton Hotel which I have already alluded to, have had trials against the gunmen but not against others who are key political figures because of the limitations on evidence and because the judges have been replaced as outlined earlier or are under tremendous pressure.

Other cases involving U.S. victims, such as John Sullivan, Patricia Collar, and Michael Klein, have not been proceeded.

The PRESIDING OFFICER. Under the order the time of the Senator has expired. There is a previous order for the Senator from Idaho (Mr. McCLURE) for 15 minutes and then a period for the transaction of routine morning business and at 4 p.m. we will be on the bill.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may be permitted to proceed for a period not to exceed 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, with reference to the handling of the cases with the U.S. victims, it is my suggestion that Salvadoran officials should promptly undertake to institute reforms to give special security to those judges or other public officials who have responsibility for those cases so that there may be appropriate assurances that those cases will go forward without intimidation.

Other public officials in El Salvador have protection. Even given the circumstances of that country, I think it is possible to have protection for the judicial officials so that those cases may be processed without the threat of intimidation.

The second specific recommendation that I make is that Salvadoran officials allocate additional investigative resources to the Attorney General.

It may be that it would be preferable to give those investigative resources to the court under their procedure. But my sense is that the Attorney General would be in a better position to move forward.

In the interview with the Salvadoran Attorney General he commented about the lack of equipment, for example, to conduct the ballistics test on the evidence in the case involving the U.S. nuns. They do not have the sophisticated methods of investigation which we possess in the United States and those matters also are subject to being cured with additional resources.

A third specific recommendation would be to employ more prosecutors to handle the sensitive cases. The Attorney General told our group that he has only 15 full-time lawyers on his staff and that his obligation to staff some 60 courts in El Salvador requires the use of law students.

In the event that the Salvadoran officials do not undertake to allocate the resources in those cases, then it is my suggestion that the U.S. Congress should condition our subsequent aid specifically on the earmarking of those resources. That way, at least in the cases where American citizens are involved, there would be appropriate assurance of having those cases tried.

Mr. President, beyond the cases with the U.S. victims, we are also gravely concerned about their procedures generally. There must be proper restoring of human rights under their judicial system.

They labor under an emergency provision called decree 507 under which people can be detained for some 180 days for investigation and defendants have no rights as we understand them.

It is curious that this detention may work to the benefit of those who are detained because in cases where amnesty has been granted or in cases where terrorists have been arrested and taken before a judge and then released, frequently with overtones of intimidation against the judges, those terrorists were murder victims themselves at the hands of the so-called death squads. Thus the detention may really work to the benefit in that society for those who are subject to detention.

The prison system there has some 3,700 people in detention; approximately 700 are political detainees. Only about 600 or 700 have been convicted, and over 2,000 are awaiting trial, some, according to Salvadoran officials, for as long as 3, 4, and 5 years. They were uncertain as to what the average time might be, and thought it might be in the range of approximately 1 year. But detention is too prolonged.

In terms of long-range solutions, El Salvador is now proceeding, after significant U.S. pressure, to have its President appoint a judicial commission consisting of key governmental leaders and members of the private bar. An obvious recommendation is to change the tenure of judges there, and a new draft constitution would propose either life tenure or a 6-year term and, if followed by a subsequent 6-year term, then for that individual to have life tenure.

Compensation also has to be increased. Their Chief Justice earned the equivalent of US$1,000 a month, and other judges approximately $400 a month. Those are all items which have to be changed and improved for the long-range benefit of their judicial system.

I have discussed the issue of their judiciary with Secretary of State Shultz. I have discussed the matter with others in the State Department, and I intend to follow through on some of these recommendations to see what suggestions we might make to improve the Salvadoran justice system.

In the brief time remaining, Mr. President, I would like to comment on one other subject which I consider to be of importance: negotiations with the Salvadoran guerrillas.

Senator SYMMS and I arrived in El Salvador within 2 days of the news release that the House of Representatives committee had voted to cut off all aid to El Salvador unless there were immediate unconditional negotiations with the guerrillas. To say the Salvadoran officials were agitated and angry would be to put it mildly. A number of their leaders said we are "sticking our noses too deeply" into their business; they even reminded us that it was Salvadorans who were doing the dying and the bleeding.

I responded that there was tremendous opposition in the United States to any foreign aid. U.S. citizens are very concerned lest there be another Vietnam in El Salvador. I said I could personally attest from my conducting many open houses and town meetings in Pennsylvania to the great hostility toward foreign aid of any sort, considering the unemployment and the cutbacks in Federal expenditures in domestic programs. I said the requirements set for U.S. aid to El Salvador represented a compromise that was necessary to get sufficient support from the Congress and the public to permit us to proceed.

Some of the Salvadorians were not quite as violently opposed to the condition on negotiations, but all had substantial reservations, raising questions, about what it was they could talk about. One Salvadoran official of substantial repute said perhaps it would not be so bad to talk over the problems that led the guerrillas to take up the rifle although the guerrillas are really not concerned about the problems of the country but are only interested in sharing power.

I made it quite clear that it was not the intention of any of the Members of Congress with whom I had talked to impose any conditions on what should result from the negotiations. Certainly it was not our intention to impose any requirement that El Salvador share power with the guerrillas.

But the thought was to let the subjects be brought up, and if the Salvadoran governmental officials wished to reject them, so be it, they would be rejected.

A suggestion was made that perhaps they could engage in "tactical negotiations," as distinct from "sincere negotiations." Tactical negotiations, they opined, might lead people from some quarters of the world who thought the guerrillas were the "good guys" to understand they really were not interested in solving the problems of the country but only wanted power.

The thought was then suggested that if "tactical negotations" were started, they conceivably could lead to "sincere negotiations" and, perhaps, there might be some slight chance of solving the problems of El Salvador without further bloodshed and war.

Mr. President, the visit was extremely useful in gaining insights into what are the realities there.

I would suggest to my colleagues in the Senate that it is light years from the U.S. Senate Chamber, where we have peace and quiet—albeit relatively few Senators, which contributes to that peace and quiet—to the Supreme Court of El Salvador's chambers.

Mr. President, I thank the Chair for the extra time, and I yield the floor.

RECOGNITION OF SENATOR McCLURE

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho (Mr. MCCLURE) is recognized for not to exceed 15 minutes.

SENATORS SYMMS AND SPECTER COMMENDED ON EL SALVADOR REPORT

Mr. McCLURE. Mr. President, I thank the Chair. While the Senator from Pennsylvania is still on the floor, and my colleague from Idaho is still here, I want to commend both Senators for not only the action taken in the trip to El Salvador to make a determination of what was happening there, but what I think is important, report to the Senate their findings. Oftentimes our constituents may doubt the question of the value of foreign travel by Members of the Senate, but it is precisely this kind of report from a firsthand observation that becomes extremely important to the Senate of the United States and, therefore, to the people of this country, and I commend you both.

SOVIET VIOLATION OF THE KENNEDY-KHRUSCHCHEV AGREEMENT OF 1962

Mr. McCLURE. The Soviet threat from Cuba is more dangerous today than it has ever been before.

President Reagan recently emphasized this threat when he mentioned the Soviet military base in Cuba, and the Soviet nuclear blackmail threats to deploy strategic weapons in the Caribbean.

One of the reasons that America now is faced with increasing problems in Central America can be directly traced to the provocative actions of the Soviet Union and Cuba over the past 20 years.

In this period, Cuba has steadily increased its military capacity. For instance, in 1982, the Soviet Union reportedly shipped 66,000 tons of mili-

tary equipment to Cuba—three times the amount transferred in 1962. According to press reports, much of this equipment has since been transhipped to Nicaragua and then to Communist guerrillas in El Salvador.

The Congress is already deeply concerned about the dangerous communist aggression in Central America. The reason that I am now discussing these actions is not to directly focus attention on the growing problems in Central Americ a. Rather, the purpose of this speech is to further document the longstanding pattern of treaty violations by the Soviet Union.

Already, Using only unclassified sources, I have documented Soviet violations of the SALT I and SALT II Treaties, and the Threshold Test Ban Treaty (TTBT). At this time it is my intention to point out Soviet violations of the Kennedy-Khrushchev agreement of 1962.

The American people have the right to know about the evidence of Soviet arms control violations and circumventions. By bringing together the extensive unclassified material about these violations and circumventions—and making it available to the public—it will help enforce Soviet compliance with existing treaties and thus help preserve the integrity of the arms control process.

Today, America faces an increasingly clear pattern of Soviet violations of existing arms control treaties. American failure to challenge these Soviet violations is more dangerous than any other course of action because an American failure of nerve will only encourage more aggressive Soviet violations.

In 1962, the Soviets attempted to deploy in Cuba 42 SS-4 and SS-5 medium and intermediate range ballistic missiles. They also sought to deploy 42 IL-28 light bombers for a total of 84 nuclear delivery systems. But only about 28 of these nuclear delivery systems were operational in Cuba in late October 1962, before they were withdrawn.

This provocative act, as you recall, led to America's decision to quarantine all offensive military equipment going to Cuba. Subsequently, President Kennedy and Premier Khrushchev negotiated a settlement on October 27 and 28, 1962, known as the Kennedy-Khrushchev agreement. Under this agreement the Soviets pledged to remove their strategic weapons and to "halt the further introduction" of offensive weapons into Cuba as a "firm undertaking" of their government.

Soviet Premier Khrushchev said in a letter to President Kennedy, " * * * I make this proposal: We agree to remove those weapons from Cuba which you regard as offensive weapons * * *."

President Kennedy, in a letter to Khrushchev, stated: "The first thing that needs to be done is for ' * * all weapons systems in Cuba capable of offensive use to be rendered inoperable * * *." He added: "You [the Soviet Union] would agree to remove these weapons systems from Cuba * * * and * * * to halt further introduction of such weapons systems into Cuba * * *."

In Khrushchev's letter to Kennedy, it is further stated that: " * * * the Soviet Government * * * has given a new order to dismantle the arms which you [Kennedy] described as offensive and to return them to the Soviet Union."

Finally, Kennedy's letter stated: " * * * I consider my letter to you of October 27 and your reply as firm undertakings on the part of both our governments which should be promptly carried out * * *."

Despite the implied pledge by the Soviet Union to not reintroduce offensive weapons into Cuba, they have done just this.

Over the past 14 years the Soviets have regularly deployed to Cuba intercontinental strategic heavy bombers, nuclear delivery-capable fighter-bombers, and strategic submarines equipped with long-range nuclear missiles.

The Soviets now have nine airbases capable of operating intercontinental bombers and fighter bombers, and they have even built a strategic submarine base in Cuba, complete with a nuclear warhead storage facility.

While the United States does not have the capability to detect whether or not the Soviets have deployed actual nuclear weapons to Cuba, all of these offensive weapons mentioned are capable of delivering nuclear weapons to the United States.

The United States cannot know for certain if the Soviets have deployed nuclear weapons in Cuba. However, we do know they have introduced "offensive weapons" that are clearly in violation of our interpretation of the Kennedy-Khrushchev agreement.

Specifically, there are reportedly 12 TU-95 heavy bombers called the Bear, permanently based in Cuba. These aircraft are far superior to the IL-28 light bombers the Soviets tried to deploy in 1962. President Kennedy considered the light bombers to have a major offensive capability and insisted that the Soviets withdraw them.

In Cuba today, there are also reportedly 40 Mig-23 and 27 fighter-bombers. These aircraft are nuclear capable and are flown by Soviet and Eastern bloc personnel. The Mig-27 has a range greater than the IL-28 light bomber, which means that they can penetrate the entire Southeastern part of the United States on two-way missions. Thus the Soviets today have in Cuba about 52 operational nuclear delivery systems, more than they had in 1962.

Cuba also has nine airfields to accommodate the bombers and fighter-bombers. These airfields are also capable of handling Soviet Backfire bombers.

The Soviets have constructed several submarine docking piers at Cienfuegos, which constitutes a full-fledged strategic sub base. This area is linked by rail to a complex known at Punta Movida—a nuclear warhead storage facility. This area is off limits to all Cubans and is guarded by elements of the Soviet combat brigade that previously was assigned to guard Warsaw Pact nuclear stockpiles in Eastern Europe.

This Soviet combat brigade—which Khrushchev defined as an offensive weapon—probably also has a mission to guard other nuclear weapons. The brigade is equipped with tanks, armored personnel carriers, and long-range air transport capabilities.

In 1972 and 1974 Soviet Golf and Echo class submarines were sighted at Cienfuegos. The strategic submarines carried a total of six nuclear missiles. Again, in 1980, 1981, and 1982, several nuclear-missile-equipped Soviet naval task forces visited Cuba. These naval squadrons cruised around the periphery of the Caribbean, directly threatening vital Venezuelan, Mexican, and American oil fields and refineries.

As the essential part of the 1962 Kennedy-Khrushchev agreement, the Soviets pledged to remove all their "offensive weapons" from Cuba, which Khrushchev defined even to include troops.

Clearly, if troops are considered to be "offensive weapons," then missiles and bombers are also offensive weapons. Indeed, under Khrushchev's definitions, almost all military activity by the Soviet Union in Cuba can be considered in the category of "offensive weapons."

CIA Director Casey stated in March 1982, that the "Kennedy-Khrushchev agreement has been violated for 20 years."

In March 1982, General Jones, then the Chairman of the Joint Chiefs of Staff, testified before Congress: "We—the JCS—interpret Soviet actions in Cuba as a violation of the 1962 Agreement." Jones added, "They have gone beyond the 1962 accords."

Again in March 1982, Under Secretary of Defense Ikle testified before Congress that the agreement "has been eroded away to nothing" by Soviet actions. In addition, Ikle confirmed press reports of a probable Soviet nuclear delivery capability from Cuba.

Finally, in May 1982, President Reagan stated on television: "You know, there's been other things we think are violations also of the 1962 Agreement."

In summary, the Soviet threat from Cuba is today far greater than it was in 1962.

The implications of this situation are that the United States must take diplomatic action to warn the Soviets not to deploy nuclear weapons in Cuba. Unless a diplomatic and public warning is given to try to prevent them from deploying nuclear weapons to Cuba, the problem will get much worse.

If the President and his administration have accused the Soviets of violating an agreement that ended the 1962 Cuban missile crisis, the President should be all the more willing to act upon the compelling, conclusive evidence of Soviet violation of the less important SALT II Treaty.

SOVIET VIOLATION OF THE KENNEDY-KHRUSHCHEV AGREEMENT OF 1962 AND FOUR OTHER ARMS CONTROL AGREEMENTS POSES DANGEROUS THREAT

Mr. President, I believe that today, the Soviet threat from Cuba is more dangerous than it has ever been before.

President Reagan has recently emphasized the Soviet military bases in Cuba and cited the Soviet nuclear blackmail threats to deploy strategic weapons in the Caribbean.

But even before the Soviets made these nuclear backmail threats, President Reagan and three other top administration officials publicly accused the Soviet Union of violating the Kennedy-Khrushchev agreement of 1962.

Under the 1962 Kennedy-Khrushchev agreement the Soviets pledged to "halt the further introduction" of offensive weapons into Cuba as a firm undertaking of their Government. But the Soviets actually now have in Cuba today more nuclear-delivery-capable fighter-bombers and intercontinental bombers than they had operational missiles in October 1962, and the Soviets even have built a strategic submarine base in Cuba complete with a nuclear weapons storage facility.

Moreover, testimony to the Senate by the Secretary of Defense has acknowledged that the United States cannot detect whether Soviet nuclear weapons are present in Cuba or not. On the basis of the several types of delivery systems already deployed there now and the nuclear warhead facility and the probable mission of the Soviet combat brigade to guard nuclear weapons, we should presume nuclear weapons are already there covertly.

Mr. President, there is also evidence of Soviet biological and chemical warfare storage and training facilities in Cuba.

Finally, the above facts indicate that in addition to violating the Kennedy-Khrushchev agreement of 1962, the Soviets are violating four other arms-control treaties or agreements related to Cuba, in particular the Treaty for the Prohibition of Nuclear Weapons In Latin America.

Mr. President, Cuba is now a Soviet offensive military base, which the Soviets have established over 20 years using "salami" tactics of piecemeal provocation. The next step is for the Soviets overtly to deploy nuclear weapons in the Caribbean, unless stopped now by U.S. firm diplomacy.

Thus the Soviet threat from Cuba is today far greater than it was in 1962.

The implications of this situation are that the United States must take diplomatic action to warn the Soviets not to deploy nuclear weapons to Cuba. Unless a diplomatic and public warning is given to try to prevent them for deploying nuclear weapons to Cuba, the problem will get much worse. Thus, the purpose of my statement today is to urge an attempt through diplomatic means to keep a bad situation from getting worse. Moreover, if the President and his administration have already accused the Soviets of violating an agreement as serious as the Kennedy-Khrushchev agreement which ended the 1962 Cuban missile crisis, the President should be all the more willing to act upon the compelling, condusive evidence of Soviet violation of the less important SALT II Treaty.

REAGAN'S CARIBBEAN CRISIS SPEECH

President Reagan has repeatedly and specifically pointed to the Soviet threat from Cuba in recent months.

President Reagan stated to the joint session of Congress on April 27, 1983:

"Only last week, an official of the Soviet Union reiterated Brezhnev's threat to station nuclear missiles in this hemisphere, five minutes from the United States."

But in 1982, President Reagan and three other top Reagan administration officials declared publicly that the Soviet Union is in violation of the 1962 Kennedy-Khrushchev agreement, which ended the 1962 Cuban missile crisis.

We all recall that this was the crisis which brought the world closer to nuclear war than ever before or since. And the Soviets are now judged to be in violation of the very accord which resolved that crisis and brought the world back to peace from the brink of catastrophe.

Soviet risktaking brought the world into the 1962 Cuban missile crisis, and today Soviet risktaking has led to their violation of the accord which ended the crisis—at a time, unlike 1962, when the United States is far weaker and far more vulnerable.

President Reagan also stated to the Joint Session of Congress on April 27, 1983:

Cuba is host to a Soviet combat brigade, a submarine base capable of servicing Soviet submarines, and military airbases visited regularly by Soviet military aircraft.

Yet the President was downplaying the military significance of these Soviet military activities, by not mentioning the strategic nature of the subbase and the aircraft. Mr. President, the grave nature of the threats pointed out by the President can best be understood by looking at the terms of the Kennedy-Khrushchev agreement. Here are the key elements of the Kennedy-Khrushchev agreement of October 26 through 28, 1962, ending the Cuban missile crisis.

KEY ELEMENTS OF KENNEDY-KHRUSHCHEV AGREEMENT OF 1962 ENDING THE MISSILE CRISIS

First. Soviet Premier Khrushchev's letter to Kennedy October 27, 1962, stated:

• • • I make this proposal: We agree to *remove* those weapons from Cuba *which you regard as offensive weapons* • • • (while) representatives of the U.N. Security Council could *control on-the-spot* the fulfillment of these commitments. [Emphasis added.]

Second. Kennedy's letter to Khrushchev, October 27, 1962, stated:

The first thing that needs to be done is for • • • *all* weapons systems in Cuba capable of *offensive* use to be rendered inoperable, under effective United Nations arrangements • • • You would agree to *remove* these weapons systems from Cuba under appropriate *United Nations observation* and supervision, and undertake, with suitable safeguards, *to halt further introduction of such weapons systems into Cuba* • • • [Emphasis added.]

The requirement to halt further introduction of offensive weapons means that offensive weapons could not later be reintroduced into Cuba.

Third. Khrushchev's letter to Kennedy, October 28, 1962, stated:

• • • The Soviet Government • • • has given a new order to *dismantle* the arms which you described as *offensive* and to *return them* to the Soviet Union. [Emphasis added.]

Fourth. Kennedy's letter to Khrushchev, October 28, 1962 stated:

• • • I consider my letter to you of October twenty-seventh and your reply of today as *firm undertakings* on the part of *both* our governments which should be promptly carried out • • • [Emphasis added.]

Fifth. Finally, Khrushchev's letter to Kennedy, October 26, 1962:

• • • only people, *troops* can attack. Without people any means however powerful cannot be offensive.

Therefore, *troops are by Soviet definition offensive weapons.*

SOVIET MILITARY ACTIVITY IN CUBA

Mr. President, as the essential part of the 1962 Kennedy-Khrushchev agreement, the Soviets pledged to remove all their offensive weapons from Cuba, which Khrushchev even defined as including troops. Clearly, Soviet missiles and bombers would also be offensive weapons, if troops are. Indeed, under Khrushchev's own definition, almost all Soviet military activity in Cuba should be regarded as offensive.

Of course, Mr. President, Castro never agreed to a onsite inspection by the United Nations, so the Soviet missile withdrawal was never fully verified. Yet despite the clearly implied Soviet pledge not to reintroduce offen-

sive weapons into Cuba, over the last 14 years the Soviets have regularly deployed to Cuba intercontinental heavy bombers, nuclear delivery-capable fighter-bombers, Mig-23's, and strategic submarines equipped with long-range nuclear missiles. All of these offensive weapons are capable of delivering nuclear weapons on the United States.

Indeed, the Soviets have nine airbases capable of operating intercontinental bombers and fighter bombers, and they have even built a strategic submarine base in Cuba complete with a nuclear-warhead-handling facility.

SOVIET STRATEGIC OFFENSIVE CAPABILITIES IN CUBA IN VIOLATION OF THE KENNEDY-KHRUSHCHEV AGREEMENT

The Mig-23's are indistinguishable from Mig-27's which have a nuclear-delivery capability. The Mig-27's has greater range than the IL-28 light bombers, which were in Cuba in 1962 and helped to generate that crisis. They can cover the entire southeastern United States on two-way missions.

According to recent testimony to the Senate by the Defense Secretary, the United States does not have the capability to detect whether or not the Soviets have deployed actual nuclear weapons—bombs or warheads themselves—to Cuba.

For example, the Soviets could bring in nuclear weapons by air undetected by the United States. Alternatively, the Soviets could suddenly send strategic submarines to the Cienfuegos subbase. Prudence and experience with repeated Soviet aggressions and deceptions would suggest that we would be wise to presume that the Soviets have deployed nuclear weapons themselves in Cuba already. They certainly have established the precedent, with their nuclear weapons storage facility and their previous strategic submarine deployments.

And is not one of the main missions of the Soviet combat bridgade to guard nuclear weapons?

SOVIET OFFENSIVE NUCLEAR CAPABILITIES IN CUBA

Mr. President, it is clear that the Soviets have violated the 1962 agreement time and time again.

These are the most significant Soviet military activities in Cuba in violation of the Kennedy-Khrushchev agreement:

First. There are public reports that as many as 12 Bear bombers—TU-95 D and F with bomb bays—have been deployed in Cuba in recent months. While the Bear F is an antisubmarine warfare aircraft, it can deliver nuclear weapons to land and sea targets. The Soviets are now for the first time ever permanently basing Bear bombers in Cuba.

Second. There are reports that as many as 40 Mig-23/27 fighter-bombers are deployed in Cuba. Nine Cuban airfields are capable of handling bombers.

Third. Golf- and Echo-class submarines have visited Cuba in 1972 and 1974. These visits were to Cienfuegos and also to other ports. These strategic submarines carried a total of six nuclear missiles. The Soviets have constructed at Cienfuegos a nuclear-warhead storage facility and several submarine-docking piers. Cienfuegos, as a complex, constitutes a full-fledged Soviet strategic subbase in Cuba.

SOVIET OFFENSIVE MILITARY CAPABILITIES IN CUBA

Mr. President, I have already noted that Khrushchev himself defined troops as "offensive weapons." Let us look at Soviet military capabilities in Cuba.

First. There is a Soviet combat brigade in Cuba, which Khrushchev defined as an offensive weapon and which probably has a mission of guarding nuclear weapons.

Second. The Soviets have delivered three times as much offensive military equipment to Cuba in 1982 as in 1962. Much of this equipment was transshipped to Nicaragua and to the Marxist guerrillas in El Salvador.

Third. The Soviets are thus using Cuba as a revolutionary training and logistical support base.

Fourth. There is a probable Soviet biological and chemical warfare storage and training facility in Cuba.

Mr. President, in addition to the above Soviet strategic and military offensive threats in Cuba, there are some further examples of Soviet offensive military capabilities in Cuba:

First. Several nuclear-missile-equipped Soviet naval task forces have visited Cuba in 1980, 1981, and 1982. These naval squadrons cruised around the periphery of the Caribbean, directly threatening vital Venezuelan, Mexican, and American oilfields and refineries.

Second. The Soviet combat brigade deployed in Cuba is equipped with tanks, armored personnel carriers, long-range artillery, and is supported by long-range air-transport capabilities. This equipment accentuates its offensive capabilities. In fact, the number of Soviet Mig's and tanks in Cuba has tripled since 1962. These are the most important offensive weapons for ground warfare.

Third. During 1982, the Soviets shipped 66,000 tons of Soviet military equipment to Cuba, three times more than in 1962. As noted, much of this equipment was transshipped to Nicaragua and then to Communist guerrillas in El Salvador.

SOVIET NUCLEAR CAPABILITY GREATER THAN IN 1962

Mr. President, these shipments should be compared to the situation in 1962, when the Soviets deployed 42 SS-4 and SS-5 medium-and intermediate-range ballistic missiles, and 42 IL-28 light bombers to Cuba. But most of the IL-28's were judged not to be operational. These forces totaled 84 nuclear-delivery-capable systems. But only about 28 missiles, the MRBM's, were operational before they were withdrawn. Thus, in late October 1962, the Soviets only had a maximum of about 28 strategic-nuclear-delivery systems operational in Cuba.

Today, by contrast the Soviets have 40 Mig-23/27 fighter-bombers, 12 Bear bombers in Cuba for a total of about 52 strategic-nuclear-delivery systems probably operational in Cuba. Thus it is accurate to conclude that the Soviet threat from Cuba today is greater than it was in 1962. In addition, if the Soviets were suddenly to exploit precedents, they could deploy either a Golf or an Echo submarine to Cuba, or both, for another six nuclear missiles. Then their total would be 58 strategic-nuclear-delivery vehicles.

REAGAN ADMINISTRATION ACCUSATIONS OF SOVIET VIOLATION

Mr. President, because of these Soviet activities in defiance of a solemn accord, the 1962 Kennedy-Khrushchev agreement, Reagan administration officials drew the appropriate conclusions.

In March 1982, CIA Director Casey stated that the "1962 Kennedy-Khrushchev Agreement has been violated for 20 years."

Also in March 1982, then Joint Chiefs of Staff Chairman General Jones testified to Congress: "We (the JCS) interpret Soviet actions in Cuba as a violation of the 1962 Ageeement." Jones added: "They have gone beyond the 1962 accords."

Again, in March 1982, Under Secretary of Defense Ikle testified to Congress that the 1962 agreement "had been eroded away to nothing" by Soviet actions, and he confirmed press reports of a possible Soviet-nuclear-delivery capability from Cuba.

Most significantly, President Reagan himself stated on television in May 1982:

> You know, there's been other things we think are violations also of the 1962 agreement.

LATEST SOVIET NUCLEAR BLACKMAIL THREATS

The stated provocative actions of the Soviet Union in violation of the 1962 Kennedy-Khrushchev agreement pose very serious implications for U.S. national security. Even more ominous developments have occurred after the administration accusations of Soviet violations of the 1962 accords. Last March, the late Soviet President Brezhnev declared that if the United States deployed new missiles in NATO to try to balance existing Soviet superiority, Brezhnev would create an analogous threat to the United States. Soviet sources in Moscow stated that this Soviet threat would come from Cuba.

Just 2 months ago, a top Soviet spokesman threatened deployment of Soviet missiles near American borders—presumably in Cuba.

A Soviet propagandist threatened to deploy Soviet SS-20 missiles in Nicaragua 1 month ago.

Several weeks ago, Mr. President, a top Soviet diplomat here in Washington threatened to deploy Soviet missiles in the Caribbean.

These four Soviet statements are altogether unprecedented Soviet nuclear-blackmail threats, and they are even more provocative because they have come after the Reagan administration's accusations of Soviet violation of the 1962 accords.

SOVIET BW AND CW ACTIVITY IN CUBA

There are also recent unclassified reports linking the Soviets and the Cubans with biological and chemical warfare activities in Cuba, which violate the 1975 Biological Warfare Convention and the 1925 Geneva Chemical Warfare Protocol. These unclassified reports, some of which are documented in open sources by the State Department, indicate Soviet complicity in these violations. The reported violations include Soviet-Cuban biological-warfare and chemical-warfare storage and training assistance to other Third World groups, including the Nicaraguan Sandinistas, the Salvador revolutionary guerrillas, the PLO, and SWAPO in Namibia.

FIVE SOVIET VIOLATIONS IN CUBA

To repeat, the recent Soviet nuclear blackmail threats have come after the American accusations of Soviet violation of the Kennedy-Khrushchev agreement. This suggests a deliberate, unprecedented Soviet attempt to intimidate, provoke, and humiliate the United States. Perhaps the reason that President Reagan has repeatedly downplayed the strategic significance of Soviet military activities in Cuba and has not repeated his accusations against the Soviets is that his advisers are indeed intimidated by the Soviets.

In fact, such Soviet threats of force against America are in and of themselves a direct contravention of the 1972 United States-Soviet Agreement on Basic Principles of Relations. This agreement, which was signed at the time of SALT I and included in the preamble to SALT II, was supposed to preclude the use of force, or even the threat of force, in United States-Soviet relations.

Mr. President, in addition, there are three heretofore unmentioned probable cases of Soviet violation of the Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America. Articles 1, 2, and 3 of this protocol state:

1. The statute of denuclearization of Latin America in respect of warlike purposes, as *defined, delimited* and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this instrument is an annex, *shall be fully respected* by the Parties to this Protocol in all its express aims and provisions.

2. The Governments * * * undertake * * * *not to contribute in any way* to the performance of acts involving a violation of Article 1 of the Treaty in the territories to which the Treaty applies * * *

3. The Governments * * * also undertake *not to* use or to *threaten to use nuclear weapons* against the contracting Parties of the Treaty * * *" [Emphasis added.]

The United States has ratified both the protocols to the treaty. The Soviet Union signed the above protocol in 1978 and ratified it on August 1, 1979. The treaty includes Cuba in the effective area delimited.

Mr. President, the Soviet strategic-nuclear-delivery vehicles and nuclear-warhead-handling facility in Cuba probably violate article 1 of protocol II. This is because no part of Latin America, including Cuba, can be used as a nuclear weapons base. The Soviet use of Cuba as a strategic nuclear offensive base clearly violates article 2, and the Soviet nuclear-blackmail threats to the United States clearly violate article 3. Signatories are prohibited from using nuclear threats against each other, and both the U.S.S.R. and the U.S. are signatories.

In sum, by their actions in Cuba or related to Cuba, the Soviets are violating:

First. The Kennedy-Khrushchev agreement of 1962;

Second. Protocol II to the Treaty for the Prohibition of Nuclear Weapons In Latin America;

Third. The basic principles of United States-Soviet relations, by threatening force, and attempting to gain unilateral advantages;

Fourth. The Biological Warfare Convention of 1975;

Fifth. The Chemical Warfare Geneva Protocol of 1925.

Mr. President, I believe that today, the Soviet threat from Cuba is more dangerous than it has ever been before.

To repeat, President Reagan has recently emphasized the Soviet military bases in Cuba and cited the Soviet nuclear-blackmail threats to deploy strategic weapons in the Caribbean.

But even before the Soviets made these nuclear-blackmail threats, President Reagan and three other top administration officials publicly accused the Soviet Union of violating the Kennedy-Khrushchev agreement of 1962.

As noted under the 1962 Kennedy-Khrushchev agreement the Soviets pledged to "halt the further introduction" of offensive weapons into Cuba as a "firm undertaking" of their Government. But the Soviets actually now have in Cuba today more nuclear delivery capable fighter-bombers and intercontinental bombers than they had operational missiles in October 1962, and the Soviets even have built a strategic submarine base in Cuba complete with a nuclear-weapons storage facility.

Moreover, testimony to the Senate by the Secretary of Defense has acknowledged that the United States cannot detect whether Soviet nuclear weapons are present in Cuba or not. On the basis of the delivery systems already deployed there and nuclear warhead facility and the probable mission of the Soviet combat brigade to guard nuclear weapons, we should presume nuclear weapons are already there covertly.

Mr. President, there is also evidence of Soviet biological- and chemical-warfare storage and training facilities in Cuba.

Finally, the above facts indicate that in addition to violating the Kennedy-Khrushchev agreement of 1962, the Soviets are violating four other arms control treaties or agreement related to Cuba, in particular the Treaty for the Prohibition of Nuclear Weapons In Latin America.

Mr. President, Cuba is now a Soviet offensive military base, which the Soviets have established over 20 years using "salami" tactics of step-by-step provocation. The next step is for the Soviets overtly to deploy nuclear weapons in the Caribbean unless stopped now by U.S. firm diplomacy.

Thus the Soviet threat from Cuba is today far greater than it was in 1962.

The implications of this situation are that the United States must take diplomatic action to warn the Soviet not to deploy nuclear weapons to Cuba. Unless a diplomatic and public warning is given to try to prevent them from deploying nuclear weapons to Cuba, the problem will get much worse. Thus, the purpose of my statement today is to urge that the Reagan administration use diplomatic means to keep a bad situation from getting worse.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire Kennedy-Khrushchev correspondence.

There being no objection, the material were ordered to be printed in the RECORD, as follows:

MESSAGES EXCHANGED BY PRESIDENT KENNEDY AND CHAIRMAN KHRUSHCHEV DURING THE CUBAN MISSILE CRISIS OF OCTOBER 1962

(In response to requests from the public under Executive Order 11652, the Interagency Classification Review Committee has recently taken declassification action on a series of messages exchanged between President Kennedy and Nikita S. Khrushchev, Chairman of the Council of Ministers of the U.S.S.R., during the Cuban missile crisis of 1962. During October 1962 President Kennedy and Chairman Khrushchev exchanged a total of 10 messages about Cuba, only the last four of which were made public at the time. All 10 messages, with annotations supplied by the Historical Office of the Department of State, are printed here as a matter of general

public interest. For each of the five messages from Chairman Khrushchev there are included both the informal translation which was made immediately available to President Kennedy and the official translation prepared later. Related documentation was published in the Department of State Bulletin of November 12, 1962, and in "American Foreign Policy: Current Documents, 1962.")

PRESIDENT KENNEDY'S MESSAGE OF OCTOBER 22, 1962 [1]

[WASHINGTON,] *October 22, 1962.*

DEAR MR. CHAIRMAN: A copy of the statement I am making tonight concerning developments in Cuba and the reaction of my Government thereto has been handed to your Ambassador in Washington: [2] In view of the gravity of the developments to which I refer, I want you to know immediately and accurately the position of my Government in this matter.

In our discussions and exchanges on Berlin and other international questions, the one thing that has most concerned me has been the possibility that your Government would not correctly understand the will and determination of the United States in any given situation, since I have not assumed that you or any other sane man would, in this nuclear age, deliberately plunge the world into war which it is crystal clear no country could win and which could only result in catastrophic consequences to the whole world, including the aggressor.

At our meeting in Vienna and subsequently, I expressed our readiness and desire to find, through peaceful negotiation, a solution to any and all problems that divide us. At the same time, I made clear that in view of the objectives of the ideology to which you adhere, the United States could not tolerate any action on your part which in a major way disturbed the existing over-all balance of power in the world. I stated that an attempt to force abandonment of our responsibilities and commitments in Berlin would constitute such an action and that the United States would resist with all the power at its command.

It was in order to avoid any incorrect assessment on the part of your Government with respect to Cuba that I publicly stated that if certain developments in Cuba took place, the United States would do whatever must be done to protect its own security and that of its allies.

Moreover, the Congress adopted a resolution expressing its support of this declared policy. Despite this, the rapid development of long-range missile bases and other offensive weapons systems in Cuba has proceeded. I must tell you that the United States is determined that this threat to the security of this hemisphere be removed. At the same time, I wish to point out that the action we are taking is the minimum necessary to remove the threat to the security of the nations of this hemisphere. The fact of this minimum response should not be taken as a basis, however, for any misjudgment on your part.

I hope that your Government will refrain from any action which would widen or deepen this already grave crisis and that we can agree to resume the path of peaceful negotiation.

Sincerely,

JOHN F. KENNEDY.

CHAIRMAN KHRUSHCHEV'S MESSAGE OF OCTOBER 23, 1962

Informal translation [3]

MR. PRESIDENT: I have just received your letter, and have also acquainted myself with text of your Speech of October 22 regarding Cuba.

I should say frankly that measures outlined in your statement represent serious threat to peace and security of peoples. United States has openly taken path of gross violation of Charter of United Nations, path of violation of international norms of freedom of navigation on high seas, path of aggressive actions both against Cuba and against Soviet Union.

Statement of Government of United States America cannot be evaluated in any other way than as naked interference in domestic affairs of Cuban Republic, Soviet Union, and other states. Charter of United Nations and international norms do not give right to any state whatsoever to establish in international waters control of vessels bound for shores of Cuban Republic.

It is self-understood that we also cannot recognize right of United States to establish control over armaments essential to Republic of Cuba for strengthening of its defensive capacity.

We confirm that armaments now on Cuba, regardless of classification to which they belong, are destined exclusively for defensive purposes, in order to secure Cuban Republic from attack of aggressor.

I hope that Government of United States will show prudence and renounce actions pursued by you, which could lead to catastrophic consequences for peace throughout world.

Viewpoint of Soviet Government with regard to your statement of October 22 is set forth in statement of Soviet Government,[4] which is being conveyed to you through your ambassador in Moscow.

N. KHRUSHCHEV.

Official translation [5]

Moscow, *October 23, 1962.*

MR. PRESIDENT: I have just received your letter, and have also acquainted myself with the text of your speech of October 22 regarding Cuba.

I must say frankly that the measures indicated in your statement constitute a serious threat to peace and to the security of nations. The United States has openly taken the path of grossly violating the United Nations Charter, the path of violating international norms of freedom of navigation on the high seas, the path of aggressive actions both against Cuba and against the Soviet Union.

The statement by the Government of the United States of America can only be regarded as undisguised interference in the internal affairs of the Republic of Cuba, the Soviet Union and other states. The United Nations Charter and international norms give no right to any state to institute in international waters the inspection of vessels bound for the shores of the Republic of Cuba.

And naturally, neither can we recognize the right of the United States to establish control over armaments which are necessary for the Republic of Cuba to strengthen its defense capability.

We reaffirm that the armaments which are in Cuba, regardless of the classification to which they may belong, are intended solely for defensive purposes in order to secure the Republic of Cuba against the attack of an aggressor.

I hope that the United States Government will display wisdom and renounce the actions pursued by you, which may lead to catastrophic consequences for world peace.

The viewpoint of the Soviet Government with regard to your statement of October 22 is set forth in a Statement of the Soviet Government, which is being transmitted to you through your Ambassador at Moscow.

N. KHRUSHCHEV.

PRESIDENT KENNEDY'S MESSAGE OF OCTOBER 23, 1962 [6]

[WASHINGTON, *October 23, 1962*].

DEAR MR. CHAIRMAN: I have received your letter of October twenty-third. I think you will recognize that the steps [7] which started the current chain of events was the action of your Government in secretly furnishing offensive weapons to Cuba. We will be discussing this matter in the Security Council. In the meantime, I am concerned that we both show prudence and do nothing to allow events to make the situation more difficult to control than it already is.

I hope that you will issue immediately the necessary instructions to your ships to observe the terms of the quarantine, the basis of which was established by the vote of the Organization of American States this afternoon, and which will go into effect at 1400 hours Greenwich time October twenty-four.

Sincerely,

JOHN F. KENNEDY.

CHAIRMAN KHRUSHCHEV'S MESSAGE OF OCTOBER 24, 1962

Informal translation [8]

DEAR MR. PRESIDENT: I have received your letter of October 23, familiarized myself with it and am answering you.

Imagine, Mr. President, that we had posed to you those ultimative conditions which you have posed to us by your action. How would you have reacted to this? I think that you would have been indignant at such a step on our part. And that would have been comprehensible to us.

Having posed these conditions to us, you, Mr. President, have challenged us. Who asked you to do this? By what right have you done this? Our relations with the Republic of Cuba, like our relations with other states, regardless of what sort of state it may be, concern only the two countries between which those relations exist. And if one is really going to talk about a quarantine, referred to in your letter, it can be es-

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[1] Text communicated to the Soviet Ambassador at Washington at 6 p.m. on Oct. 22, 1962; text had previously been telegraphed to the American Embassy at Moscow for simultaneous delivery there.

[2] For President Kennedy's television and radio address on Oct. 22, 1962, see BULLETIN of Nov. 12, 1962, p. 715.

[3] Informal translation by the American Embassy at Moscow of text received by the Embassy from the Soviet Foreign Ministry at 3 p.m. Moscow time on Oct. 23, 1962, and transmitted to the Department of State by telegram at 5 p.m. Moscow time (received at 11:56 a.m., Oct. 23, Washington time).

[4] For text, see *New York Times* of Oct. 24, 1962.

[5] Prepared subsequently by the Department of State.

[6] Text transmitted by the Department of State to the American Embassy at Moscow at 6:51 p.m. Washington time on Oct. 23, 1962, and delivered in Moscow at 7 a.m., Oct. 24, Moscow time.

[7] So transmitted to the American Embassy at Moscow, but corrected there to read "step".

[8] Informal translation by the American Embassy at Moscow of text received by the Embassy from the Soviet Foreign Ministry at 11:30 p.m. Moscow time on Oct. 24, 1962, and transmitted to the Department of State by telegram at 2 a.m., Oct. 25, Moscow time (received at 9:24 p.m., Oct. 24, Washington time).

tablished, according to accepted international practice, only by the agreement of states between themselves, and not by any sort of third party. There exist, for example, quarantines on agricultural goods and products. But in the case at hand, the question is in no way one of quarantine, but rather of far more serious things, and you yourself understand this.

You, Mr. President, are not declaring quarantines, but advancing an ultimatum and threatening that unless we subordinate ourselves to your demands, you will use force. Consider what you are saying! And you wish to convince me to agree to this! What does agreement with such demands mean? This would mean to guide oneself in one's relations with other countries not by reason but to indulge arbitrariness. You are no longer appealing to reason, but wish to intimidate us.

And, Mr. President, I cannot agree with this and think that in your heart you recognize that I am correct. I am convinced that in my place you would act the same way.

Reference to the decision of the Organization of American States cannot in any way substantiate the demands now advanced by the United States. This organization has absolutely no authority or basis to make decisions like that of which you speak in your letter.[9]

Consequently, we do not recognize these decisions. International law exists, generally recognized norms of conduct exist. We firmly support the principles of international law, strictly observe the norms regulating navigation on the high seas and in international waters. We observe these norms and enjoy the rights recognized by all states.

You wish to compel us to renounce the rights that every sovereign state enjoys, you are attempting to legislate in questions of international law, you are trampling upon the generally accepted norms of this law. And all this not only out of hatred for the Cuban people and its Government, but also as a result of consideraticns of the election campaign in the USA. What morality, what law can justify such an approach by the American Government to international affairs? You cannot find such a morality and such a law, because the actions of the USA with regard to Cuba are outright banditry, or, if you like, the folly of degenerate imperialism. Unfortunately, the peoples of all countries, and at least of all the American people,[10] can suffer gravely from such folly, since the USA has fully lost its former inaccessibility with the advent of contemporary types of armament.

Consequently, Mr. President, if you coolly weigh the situation which has developed, not giving way to passions, then you will understand that the Soviet Union cannot fail to reject the arbitrary demands of the USA. When you confront us with such conditions, try to put yourself in our situation and think how the USA would react to these conditions. I do not doubt that if someone had attempted to dictate conditions of this sort to you, the USA, you would have rejected such an attempt. And we also say—No.

The Soviet Government considers that violation of freedom of the use of international waters and international air space is an act of aggression, pushing mankind towards the abyss of a world missile-nuclear war. Consequently, the Soviet Government cannot give instructions to the captains of Soviet vessels bound for Cuba to observe the instructions of the American naval forces blockading that island. Your instructions[11] to Soviet mariners are strictly to observe the generally recognized norms of navigation in international waters and not to retreat from them by even one step. And if the American side violates these rules, it must realize what sort of responsibility will rest on it in that case. Of course, we shall not be simply observers of piratical actions of American ships on the high seas. We will then be forced for our part to take the measures which we deem necessary and adequate in order to protect our rights. For this we have all that is necessary.

Respectfully yours,

N. KHRUSHCHEV.

Official translation[12]

DEAR MR. PRESIDENT: I have received your letter of October 23, have studied it, and am answering you.

Just imagine, Mr. President, that we had presented you with the conditions of an ultimatum which you have presented us by your action. How would you have reacted to this? I think that you would have been indignant at such a step on our part. And this would have been understandable to us.

In presenting us with these conditions, you, Mr. President, have flung a challenge at us. Who asked you to do this? By what right did you do this? Our ties with the Republic of Cuba, like our relations with other states, regardless of what kind of states they may be, concern only the two countries between which these relations exist. And if we now speak of the quarantine to which your letter refers, a quarantine may be established, according to accepted international practice, only by agreement of states between themselves, and not by some third party. Quarantines exist, for example, on agricultural goods and products. But in this case the question is in no way one of quarantine, but rather of far more serious things, and you yourself understand this.

You, Mr. President, are not declaring a quarantine, but rather are setting forth an ultimatum and threatening that if we do not give in to your demands you will use force. Consider what you are saying! And you want to persuade me to agree to this! What would it mean to agree to these demands? It would mean guiding oneself in one's relations with other countries not by reason, but by submitting to arbitrariness. You are no longer appealing to reason, but wish to intimidate us.

No, Mr. President, I cannot agree to this, and I think that in your own heart you recognize that I am correct. I am convinced that in my place you would act the same way.

Reference to the decision of the Organization of American States cannot in any way substantiate the demands now advanced by the United States. This Organization has absolutely no authority or basis for adopting decisions such as the one you speak of in your letter. Therefore, we do not recognize these decisions. International law exists and universally recognized norms of conduct exist. We firmly adhere to the principles of international law and observe strictly the norms which regulate navigation on the high seas, in international waters. We observe these norms and enjoy the rights recognized by all states.

You wish to compel us to renounce the rights that every sovereign state enjoys, you are trying to legislate in questions of international law, and you are violating the universally accepted norms of that law. And you are doing all this not only out of hatred for the Cuban people and its government, but also because of considerations of the election campaign in the United States. What morality, what law can justify such an approach by the American Government to international affairs? No such morality or law can be found, because the actions of the United States with regard to Cuba constitute outright banditry or, if you like, the folly of degenerate imperialism. Unfortunately such folly can bring grave suffering to the peoples of all countries, and to no lesser degree to the American people themselves, since the United States has completely lost its former isolation with the advent of modern types of armament.

Therefore, Mr. President, if you cooly weigh the situation which has developed, not giving way to passions, you will understand that the Soviet Union cannot fail to reject the arbitrary demands of the United States. When you confront us with such conditions, try to put yourself in our place and consider how the United States would react to these conditions. I do not doubt that if someone attempted to dictate similar conditions to you—the United States—you would reject such an attempt. And we also say—no.

The Soviet government considers that the violation of the freedom to use international waters and international air space is an act of aggression which pushes mankind toward the abyss of a world nuclear-missile war. Therefore, the Soviet Government cannot instruct the captains of Soviet vessels bound for Cuba to observe the orders of American naval forces blockading that Island. Our instructions to Soviet mariners are to observe strictly the universally accepted norms of navigation in international waters and not to retreat one step from them. And if the American side violates these rules, it must realize what responsibility will rest upon it in that case. Naturally we will not simply be bystanders with regard to piratical acts by American ships on the high seas. We will then be forced on our part to take the measures we consider necessary and adequate in order to protect our rights. We have everything necessary to do so.

Respectfully,

N. KHRUSHCHEV.

MOSCOW, *October 24, 1962.*

PRESIDENT KENNEDY'S MESSAGE OF OCTOBER 25, 1962[13]

[WASHINGTON,] *October 25, 1962.*

DEAR MR. CHAIRMAN: I have received your letter of October 24, and I regret very much that you still do not appear to understand what it is that has moved us in this matter.

The sequence of events is clear. In August there were reports of important shipments of military equipment and technicians from the Soviet Union to Cuba. In early September I indicated very plainly that the United

[9] In the Russian original the four sentences which follow form part of this paragraph. See the official translation below.

[10] As received by telegram in Washington. The passage should read "and not least of all the American people." Compare the official translation below.

[11] As received by telegram in Washington. The Russian text, however, read "Our instructions." See the official translation below.

[12] Prepared subsequently by the Department of State.

[13] Text communicated to the Soviet Embassy at Washington at 1:45 a.m. Washington time on Oct. 25, 1962; transmitted to the American Embassy at Moscow at 1:59 a.m., Oct. 25, Washington time for delivery also in Moscow.

States would regard any shipment of offensive weapons as presenting the gravest issues. After that time, this Government received the most explicit assurances from your Government and its representatives, both publicly and privately, that no offensive weapons were being sent to Cuba. If you will review the statement issued by Tass in September, you will see how clearly this assurance was given.

In reliance on these solemn assurances I urged restraint upon those in this country who were urging action in this matter at that time. And then I learned beyond doubt what you have not denied—namely, that all these public assurances were false and that your military people had set out recently to establish a set of missile bases in Cuba. I ask you to recognize clearly, Mr. Chairman, that it was not I who issued the first challenge in this case, and that in the light of this record these activities in Cuba required the responses I have announced.

I repeat my regreat that these events should cause a deterioration in our relations. I hope that your Government will take the necessary action to permit a restoration of the earlier situation.

Sincerely yours.

JOHN F. KENNEDY.

CHAIRMAN KHRUSCHEV'S MESSAGE OF OCTOBER 26, 1962

Informal translation [14]

DEAR MR. PRESIDENT: I have received your letter of October 25. From your letter, I got the feeling that you have some understanding of the situation which has developed and (some) [15] sense of responsibility. I value this.

Now we have already publicly exchanged our evaluations of the events around Cuba and each of us has set forth his explanation and his understanding of these events. Consequently, I would judge that, apparently, a continuation of an exchange of opinions at such a distance, even in the form of secret letters, will hardly add anything to that which one side has already said to the other.

I think you will understand me correctly if you are really concerned about the welfare of the world. Everyone needs peace: both capitalists, if they have not lost their reason, and, still more, communists, people who know how to value not only their own lives but, more than anything, the lives of the peoples. We, communists, are against all wars between states in general and have been defending the cause of peace since we came into the world. We have always regarded war as a calamity, and not as a game nor as a means of the attainment of definite goals, nor, all the more, as a goal in itself. Our goals are clear, and the means to attain them is labor.

It is thus that we, Soviet people, and, together with us, other peoples as well, understand the questions of war and peace. I can, in any case, firmly say this for the peoples of the socialist countries, as well as for all progressive people who want peace, happiness, and friendship among peoples.

I see, Mr. President, that you too are not devoid of a sense of anxiety for the fate of the world, of understanding, and of what war entails.[16] What would a war give you? You are threatening us with war. But you well know that the very least which you would receive in reply would be that you would experience the same consequences as those which you sent us. And that must be clear to us, people invested with authority, trust, and responsibility. We must not succumb to intoxication and petty passions, regardless of whether elections are impending in this or that country, or not impending. These are all transient things, but if indeed war should break out then it would not be in our power to stop it, for such is the logic of war. I have participated in two wars and know that war ends when it has rolled through cities and villages, everywhere sowing death and destruction.

In the name of the Soviet Government and the Soviet people, I assure you that your conclusions regarding offensive weapons on Cuba are groundless. It is apparent from what you have written me that our conceptions are different on this score, or rather, we have different estimates of these or those military means. Indeed, in reality, the same forms of weapons can have different interpretations.

You are a military man and, I hope, will understand me. Let us take for example a simple cannon. What sort of means is this: offensive or defensive? A cannon is a defensive means if it is set up to defend boundaries or a fortified area. But if one concentrates artillery, and adds to it the necessary number of troops, then the same cannons do become an offensive means, because they prepare and clear the way for infantry to attack. The same happens with missile-nuclear weapons as well, with any type of this weapon.

You are mistaken if you think that any of our means on Cuba are offensive. However, let us not quarrel now. It is apparent that I will not be able to convince you of this. But I say to you: you, Mr. President, are a military man and should understand: can one attack, if one has on one's territory even an enormous quantity of missiles of various effective radiuses and various power, but using only these means. These missiles are a means of extermination and destruction. But one cannot attack with these missiles, even nuclear missiles of a power of 100 megatons because only people, troops, can attack. Without people, any means however powerful cannot be offensive.

How can one, consequently, give such a completely incorrect interpretation as you are now giving, to the effect that some sort of means on Cuba are offensive. All the means located there, and I assure you of this, have a defensive character, are on Cuba solely for the purposes of defense, and we have sent them to Cuba at the request of the Cuban Government. You, however, say that these are offensive means.

But, Mr. President, do you really seriously think that Cuba can attack the United States and that even we together with Cuba can attack you from the territory of Cuba? Can you really think that way? How is it possible? We do not understand this. Has something so new appeared in military strategy that one can think that it is possible to attack thus. I say precisely attack, and not destroy, since barbarians, people who have lost their sense, destroy.

I believe that you have no basis to think this way. You can regard us with distrust, but, in any case, you can be calm in this regard, that we are of sound mind and understand perfectly well that if we attack you, you will respond the same way. But you too will receive the same that you hurl against us. And I think that you also understand this. My conversation with you in Vienna gives me the right to talk to you this way.

This indicates that we are normal people, that we correctly understand and correctly evaluate the situation. Consequently, how can we permit the incorrect actions which you ascribe to us? Only lunatics or suicides, who themselves want to perish and to destroy the whole world before they die, could do this. We, however, want to live and do not at all want to destroy your country. We want something quite different: to compete with your country on a peaceful basis. We quarrel with you, we have differences on ideological questions. But our view of the world consists in this, that ideological questions, as well as economic problems, should be solved not by military means, they must be solved on the basis of peaceful competition, i.e., as this is understood in capitalist society, on the basis of competition. We have proceeded and are proceeding from the fact that the peaceful coexistence of the two different social-political systems, now existing in the world, is necessary, that it is necessary to assure a stable peace. That is the sort of principle we hold.

You have now proclaimed piratical measures, which were employed in the Middle Ages, when ships proceeding in international waters were attacked, and you have called this "a quarantine" around Cuba. Our vessels, apparently, will soon enter the zone which your Navy is patrolling. I assure you that these vessels, now bound for Cuba, are carrying the most innocent peaceful cargoes. Do you really think that we only occupy ourselves with the carriage of so-called offensive weapons, atomic and hydrogen bombs? Although perhaps your military people imagine that these (cargoes)[17] are some sort of special type of weapon, I assure you that they are the most ordinary peaceful products.

Consequently, Mr. President, let us show good sense. I assure you that on those ships, which are bound for Cuba, there are no weapons at all. The weapons which were necessary for the defense of Cuba are already there. I do not want to say that there were not any shipments of weapons at all. No, there were such shipments. But now Cuba has already received the necessary means of defense.

I don't know whether you can understand me and believe me. But I should like to have you believe in yourself and to agree that one cannot give way to passions; it is necessary to control them. And in what direction are events now developing? If you stop the vessels, then, as you yourself know, that would be piracy. If we started to do that with regard to your ships, then you would also be as indignant as we and the whole world now are. One cannot give another interpretation to such actions, because one cannot legalize lawlessness. If this were permitted, then there would be no peace, there would also be no peaceful coexistence. We shoud then be forced to put into effect the

[14] Informal translation by the American Embassy at Moscow of text received by the Embassy from the Soviet Foreign Ministry at 4:43 p.m. Moscow time on Oct. 26, 1962, and transmitted to the Department of State at 7 p.m. Moscow time (received in four sections between 6 and 9 p.m., Oct. 26, Washington time).

[15] The parentheses are in the source text.

[16] On Oct. 27, 1962, the Department of State sent to the White House the following corrected version of this sentence: "I see, Mr. President, that you too are not devoid of a sense of anxiety for the fate of the world, of understanding and a proper evaluation of the character of contemporary war and of what war entails."

[17] The parentheses are in the source text.

necessary measures of a defensive character to protect our interests in accordance with international law. Why should this be done? To what would all this lead?

Let us normalize relations. We have received an appeal from the Acting Secretary General of the UN, U Thant, with his proposals. I have already answered him. His proposals come to this, that our side should not transport armaments of any kind to Cuba during a certain period of time, while negotiations are being conducted—and we are ready to enter such negotiations—and the other side should not undertake any sort of piratical actions against vessels engaged in navigation on the high seas. I consider these proposals reasonable. This would be a way out of the situation which has been created, which would give the people the possibility of breathing calmly.[18] You have asked what happened, what evoked the delivery of weapons to Cuba? You have spoken about this to our Minister of Foreign Affairs I will tell you frankly, Mr. President, what evoked it.

We were very grieved by the fact—I spoke about it in Vienna—that a landing took place, that an attack on Cuba was committed, as a result of which many Cubans perished. You yourself told me then that this had been a mistake. I respected that explanation. You repeated it to me several times, pointing out that not everybody occupying a high position would acknowledge his mistakes as you had done. I value such frankness. For my part, I told you that we too possess no less courage; we also acknowledged those mistakes which had been committed during the history of our state, and not only acknowledged, but sharply condemned them.

If you are really concerned about the peace and welfare of your people, and this is your responsibility as President, then I, as the Chairman of the Council of Ministers, am concerned for my people. Moreover, the preservation of world peace should be our joint concern, since if, under contemporary conditions, war should break out, it would be a war not only between the reciprocal claims, but a worldwide cruel and destructive war.[19]

Why have we proceeded to assist Cuba with military and economic aid? The answer is: we have proceeded to do so only for reasons of humanitarianism. At one time, our people itself had a revolution, when Russia was still a backward country. We were attacked then. We were the target of attack by many countries. The USA participated in that adventure. This has been recorded by participants in the aggression against our country. A whole book has been written about this by General [William Sidney] Graves, who, at that time, commanded the US expeditionary corps. Graves called it "The American Adventure in Siberia".

We know how difficult it is to accomplish a revolution and how difficult it is to reconstruct a country on new foundations. We sincerely sympathize with Cuba and the Cuban people, but we are not interfering in questions of domestic structure, we are not interfering in their affairs. The Soviet Union desires to help the Cubans build their life as they themselves wish and that others should not hinder them.

You once said that the United States was not preparing an invasion. But you also declared that you sympathized with the Cuban counterrevolutionary emigrants, that you support them and would help them to realize their plans against the present government of Cuba. It is also not a secret to anyone that the threat of armed attack, aggression, has constantly hung, and continues to hang over Cuba. It was only this which impelled us to respond to the request of the Cuban government to furnish it aid for the strengthening of the defensive capacity of this country.

If assurances were given by the President and the government of the United States that the USA itself would not participate in an attack on Cuba and would restrain others from actions of this sort, if you would recall your fleet, this would immediately change everything. I am not speaking for Fidel Castro, but I think that he and the government of Cuba, evidently, would declare demobilization and would appeal to the people to get down to peaceful labor. Then, too, the question of armaments would disappear, since, if there is no threat, then armaments are a burden for every people. Then, too, the question of the destruction, not only of the armaments which you call offensive, but of all other armaments as well, would look different.

I spoke in the name of the Soviet government in the United Nations and introduced a proposal for the disbandment of all armies and for the destruction of all armaments. How then can I now count on those armaments?

Armaments bring only disasters. When one accumulates them, this damages the economy, and if one puts them to use, then they destroy people on both sides. Consequently, only a madman can believe that armaments are the principal means in the life of society. No, they are an enforced loss of human energy, and what is more are for the destruction of man himself. If people do not show wisdom, then in the final analysis they will come to a clash, like blind moles, and then reciprocal extermination will begin.

Let us therefore show statesmanlike wisdom. I propose: we, for our part, will declare that our ships, bound for Cuba, will not carry any kind of armaments. You would declare that the United States will not invade Cuba with its forces and will not support any sort of forces which might intend to carry out an invasion of Cuba. Then the necessity for the presence of our military specialists in Cuba would disappear.

Mr. President, I appeal to you to weigh well what the aggressive, piratical actions, which you have declared the USA intends to carry out in international waters, would lead to. You yourself know that any sensible man simply cannot agree with this, cannot recognize your right to such actions.

If you did this as the first step towards the unleashing of war, well then, it is evident that nothing else is left to us but to accept this challenge of yours. If, however, you have not lost your self-control and sensibly conceive what this might lead to, then, Mr. President, we and you ought not now to pull on the ends of the rope in which you have tied the knot of war, because the more the two of us pull, the tighter that knot will be tied. And a moment may come when that knot will be tied so tight that even he who tied it will not have the strength to untie it, and then it will be necessary to cut that knot. And what that would mean is not for me to explain to you, because you yourself understand perfectly of what terrible forces our countries dispose.

Consequently, if there is no intention to tighten that knot and thereby to doom the world to the catastrophe of thermonuclear war, then let us not only relax the forces pulling on the ends of the rope, let us take measures to untie that knot. We are ready for this.

We welcome all forces which stand on positions of peace. Consequently, I expressed gratitude to Mr. Betrand Russell, too, who manifests alarm and concern for the fate of the world, and I readily responded to the appeal of the Acting Secretary General of the UN, U Thant.

There, Mr. President, are my thoughts, which, if you agreed with them, could put an end to that tense situation which is disturbing all peoples.

These thoughts are dictated by a sincere desire to relieve the situation, to remove the threat of war.

Respectfully yours,

N. KHRUSHCHEV.

Official translation [20]

DEAR MR. PRESIDENT: I have received your letter of October 25. From your letter I got the feeling that you have some understanding of the situation which has developed and a sense of responsibility. I appreciate this.

By now we have already publicly exchanged our assessments of the events around Cuba and each of us has set forth his explanation and his interpretation of these events. Therefore, I would think that, evidently, continuing to exchange opinions at such a distance, even in the form of secret letters, would probably not add anything to what one side has already said to the other.

I think you will understand me correctly if you are really concerned for the welfare of the world. Everyone needs peace: both capitalists, if they have not lost their reason, and all the more, communists—people who know how to value not only their own lives but, above all else, the life of nations. We communists are against any wars between states at all, and have been defending the cause of peace ever since we came into the world. We have always regarded war as a calamity, not as a game or a means for achieving particular purposes, much less as a goal in itself. Our goals are clear, and the means of achieving them is work. War is our enemy and a calamity for all nations.

This is how we Soviet people, and together with us, other peoples as well, interpret questions of war and peace. I can say this with assurance at least for the peoples of the Socialist countries, as well as for all progressive people who want peace, happiness, and friendship among nations.

I can see, Mr. President, that you also are not without a sense of anxiety for the fate of the world, not without an understanding and correct assessment of the nature of modern warfare and what war entails. What good would a war do you? You threaten us with war. But you well know that the very least you would get in response would be what you had given us; you would suffer the

[18] In the corrections to this message which the Department of State sent to the White House on Oct. 27, 1962, it was indicated that a new paragraph should start at this point.

[19] On Oct. 27, 1962, the Department of State sent to the White House the following corrected version of this sentence: "Moreover the preservation of world peace should be our joint concern, since if, under contemporary conditions, war should break out, it would be a war not only between the Soviet Union and the USA, between whom, strictly speaking, are no reciprocal claims, but a worldwide cruel and destructive war."

[20] Prepared subsequently by the Department of State.

same consequences. And that must be clear to us—people invested with authority, trust and responsibility. We must not succumb to light-headedness and petty passions, regardless of whether elections are forthcoming in one country or another. These are all transitory things, but should war indeed break out, it would not be in our power to contain or stop it, for such is the logic of war. I have taken part in two wars, and I know that war ends only when it has rolled through cities and villages sowing death and destruction everywhere.

I assure you on behalf of the Soviet Government and the Soviet people that your arguments regarding offensive weapons in Cuba are utterly unfounded. From what you have written me it is obvious that our interpretations on this point are different, or rather that we have different definitions for one type of military means or another. And indeed, the same types of armaments may in actuality have different interpretations.

You are a military man, and I hope you will understand me. Let us take a simple cannon for instance. What kind of a weapon is it—offensive or defensive? A cannon is a defensive weapon if it is set up to defend boundaries or a fortified area. But when artillery is concentrated and supplemented by an appropriate number of troops, then the same cannon will have become an offensive weapon, since they prepare and clear the way for infantry to advance. The same is true for nuclear missile weapons, for any type of these weapons.

You are mistaken if you think that any of our armaments in Cuba are offensive. However, let us not argue at this point. Evidently, I shall not be able to convince you. But I tell you: You, Mr. President, are a military man and you must understand: How can you possibly launch an offensive even if you have an enormous number of missiles of various ranges and power on your territory, using these weapons alone? These missiles are a means of annihilation and destruction. But it is impossible to launch an offensive by means of these missiles, even nuclear missiles of 100 megaton yield, because it is only people—troops—who can advance. Without people any weapons, whatever their power, cannot be offensive.

How can you, therefore, give this completely wrong interpretation, which you are now giving, that some weapons in Cuba are offensive, as you say? All weapons there—and I assure you of this—are of a defensive nature; they are in Cuba solely for purposes of defense, and we have sent them to Cuba at the request of the Cuban Government. And you say that they are offensive weapons.

But, Mr. President, do you really seriously think that Cuba could launch an offensive upon the United States and that even we, together with Cuba, could advance against you from Cuban territory? Do you really think so? How can that be? We do not understand. Surely, there has not been any such new development in military strategy that would lead one to believe that it is possible to advance that way. And I mean advance, not destroy; for those who destroy are barbarians, people who have lost their sanity.

I hold that you have no grounds to think so. You may regard us with distrust, but you can at any rate rest assured that we are of sound mind and understand perfectly well that if we launch an offensive against you, you will respond in kind. But you too will get in response whatever you throw at us. And I think you understand that too. It is our discussion in Vienna that gives me the right to speak this way.

This indicates that we are sane people, that we understand and assess the situation correctly. How could we, then, allow [ourselves] [21] the wrong actions which you ascribe to us? Only lunatics or suicides, who themselves want to perish and before they die destroy the world, could do this. But we want to live and by no means do we want to destroy your country. We want something quite different: to compete with your country in a peaceful endeavor. We argue with you; we have differences on ideological questions. But our concept of the world is that questions of ideology, as well as economic problems, should be settled by other than military means; they must be solved in peaceful contest, or as this is interpreted in capitalist society—by competition. Our premise has been and remains that peaceful coexistence of two different sociopolitical systems—a reality of our world—is essential, and that it is essential to ensure lasting peace. These are the principles to which we adhere.

You have now declared piratical measures, the kind that were practiced in the Middle Ages when ships passing through international waters were attacked, and you have called this a "quarantine" around Cuba. Our vessels will probably soon enter the zone patrolled by your Navy. I assure you that the vessels which are now headed for Cuba are carrying the most innocuous peaceful cargoes. Do you really think that all we spend our time on is transporting so-called offensive weapons, atomic and hydrogen bombs? Even though your military people may possibly imagine that these are some special kind of weapons, I assure you that they are the most ordinary kind of peaceful goods.

Therefore, Mr. President, let us show good sense. I assure you that the ships bound for Cuba are carrying no armaments at all. The armaments needed for the defense of Cuba are already there. I do not mean to say that there have been no shipments of armaments at all. No, there were such shipments. But now Cuba has already obtained the necessary weapons for defense.

I do not know whether you can understand me and believe me. But I wish you would believe yourself and agree that one should not give way to one's passions; that one should be master of them. And what direction are events taking now? If you begin stopping vessels it would be piracy, as you yourself know. If we should start doing this to your ships you would be just as indignant as we and the whole world are now indignant. Such actions cannot be interpreted otherwise, because lawlessness cannot be legalized. Were this allowed to happen then there would be no peace; nor would there be peaceful coexistence. Then we would be forced to take the necessary measures of a defensive nature which would protect our interests in accordance with international law. Why do this? What would it all lead to?

Let us normalize relations. We have received an appeal from U Thant, Acting Secretary General of the U.N., containing his proposals. I have already answered him. His proposals are to the effect that our side not ship any armaments to Cuba for a certain period of time while negotiations are being conducted—and we are prepared to enter into such negotiations—and the other side not undertake any piratical action against vessels navigating on the high seas. I consider these proposals reasonable. This would be a way out of the situtation which has evolved that would give nations a chance to breathe easily.

You asked what happened, what prompted weapons to be supplied to Cuba? You spoke of this to our Minister of Foreign Affairs. I will tell you frankly, Mr. President, what prompted it.

We were very grieved by the fact—I spoke of this in Vienna—that a landing was effected and an attack made on Cuba, as a result of which many Cubans were killed. You yourself told me then that this had been a mistake. I regarded that explanation with respect. You repeated it to me several times, hinting that not everyone occupying a high position would acknowledge his mistakes as you did. I appreciate such frankness. For my part I told you that we too possess no less courage; we have also acknowledged the mistakes which have been made in the history of our state, and have not only acknowledged them but have sharply condemned them.

While you really are concerned for peace and for the welfare of your people—and this is your duty as President—I, as Chairman of the Council of Ministers, am concerned for my people. Furthermore, the preservation of universal peace should be our joint concern, since if war broke out under modern conditions, it would not be just a war between the Soviet Union and the United States which actually have no contentions between them, but a world-wide war, cruel and destructive.

Why have we undertaken to render such military and economic aid to Cuba? The answer is: we have done so only out of humanitarian considerations. At one time our people accomplished its own revolution, when Russia was still a backward country. Then we were attacked. We were the target of attack by many countries. The United States took part in that affair. This has been documented by the participants in aggression against our country. An entire book has been written on this by General Graves, who commanded the American Expeditionary Force at that time. Graves entitled it American Adventure in Siberia.

We know how difficult it is to accomplish a revolution and how difficult it is to rebuild a country on new principles. We sincerely sympathize with Cuba and the Cuban people. But we do not interfere in questions of internal organization; we are not interfering in their affairs. The Soviet Union wants to help the Cubans build their life, as they themselves desire, so that others would leave them alone.

You said once that the United States is not preparing an invasion. But you have also declared that you sympathize with the Cuban counterrevolutionary emigrants, support them, and will help them in carrying out their plans against the present government of Cuba. Nor is it any secret to anyone that the constant threat of armed attack and aggression has hung and continues to hang over Cuba. It is only this that has prompted us to respond to the request of the Cuban Government to extend it our aid in strengthening the defense capability of that country.

If the President and Government of the United States would give their assurances that the United States would itself not take part in an attack upon Cuba and would restrain others from such action; if you recall your Navy—this would immediately change everything. I do not speak for Fidel Castro, but I think that he and the Government of Cuba would, probably, announce a demobili-

[21] The brackets are in the source text.

zation and would call upon the people to commence peaceful work. Then the question of armaments would also be obviated, because when there is no threat, armaments are only a burden for any people. This would also change the approach to the question of destroying not only the armaments which you call offensive, but of every other kind of armament.

I have spoken on behalf of the Soviet Government at the United Nations and introduced a proposal to disband all armies and to destory all weapons. How then can I stake my claims on these weapons now?

Armaments bring only disasters. Accumlating them damages the economy, and putting them to use would destroy people on both sides. Therefore, only a madman can believe that armaments are the principal means in the life of society. No, they are a forced waste of human energy, spent, moreover, on the destruction of man himself. If people do not display wisdom, they will eventually reach the point where they will clash, like blind moles, and then mutual annihilation will commence.

Let us therefore display statesmanlike wisdom. I propose: we, for our part, will declare that our ships bound for Cuba are not carrying any armaments. You will declare that the United States will not invade Cuba with its troops and will not support any other forces which might intend to invade Cuba. Then the necessity for the presence of our military specialists in Cuba will be obviated.

Mr. President, I appeal to you to weigh carefully what the aggressive, piratical actions which you have announced the United States intends to carry out in international waters would lead to. You yourself know that a sensible person simply cannot agree to this, cannot recognize your right to such action.

If you have done this as the first step towards unleashing war—well then—evidently nothing remains for us to do but to accept this challenge of yours. If you have not lost command to yourself and realize clearly what this could lead to, then, Mr. President, you and I should not now pull on the ends of the rope in which you have tied a knot of war, because the harder you and I pull, the tighter this knot will become. And a time may come when this knot is tied so tight that the person who tied it is no longer capable of untying it, and then the knot will have to be cut. What that would mean I need not explain to you, because you yourself understand perfectly what dread forces our two countries possess.

Therefore, if there is no intention of tightening this knot, thereby dooming the world to the catastrophe of thermonuclear war, let us not only relax the forces straining on the ends of the rope, let us take measures of untying this knot. We are agreeable to this.

We welcome all forces which take the position of peace. Therefore, I both expressed gratitude to Mr. Bentrand Russell, who shows alarm and concern for the fate of the world, and readily responded to the appeal of the Acting Secretary General of the U.N., U Thant.

These, Mr. President, are my thoughts, which, if you should agree with them, could put an end to the tense situation which is disturbing all peoples.

These thoughts are governed by a sincere desire to alleviate the situation and remove the threat of war.

Respectfully,

N. KHRUSHCHEV.

[Moscow,] *October 26, 1962.*

CHAIRMAN KHRUSHCHEV'S MESSAGE OF OCTOBER 27, 1962 [22]

Informal translation [23]

DEAR MR. PRESIDENT: It is with great satisfaction that I studied your reply to Mr. U Thant on the adoption of measures in order to avoid contact by our ships and thus avoid irreparable fatal consequences. This reasonable step on your part persuades me that you are showing solicitude for the preservation of peace, and I note this with satisfaction.

I have already said that the only concern of our people and government and myself personally as chairman of the Council of Ministers is to develop our country and have it hold a worthy place among all people of the world in economic competition, advance of culture and arts, and the rise in people's living standards. This is the loftiest and most necessary field for competition which will only benefit both the winner and loser, because this benefit is peace and an increase in the facilities by means of which man lives and obtains pleasure.

In your statement, you said that main aim lies not only in reaching agreement and adopting measures to avert contact of our ships, and consequently, a deepening of the crisis, which because of this contact can spark off the fire of military conflict after which any talks would be superfluous because other forces and other laws would begin to operate—the laws of war, I agree with you that this is only a first step. The main thing is to normalize and stabilize the situation in the world between states and between people.

I understand your concern for the security of the United States, Mr. President, because this is the first duty of the president. However, these questions are also uppermost in our minds. The same duties rest with me as chairman of the USSR Council of Ministers. You have been worried over our assisting Cuba with arms designed to strengthen its defensive potential—precisely defensive potential—because Cuba, no matter what weapons it had, could not compare with you since these are different dimensions, the more so given up-to-date means of extermination. Our purpose has been and is to help Cuba, and no one can challenge the humanity of our motives aimed at allowing Cuba to live peacefully and develop as its people desire.

You want to relieve your country from danger and this is understandable. However, Cuba also wants this. All countries want to relieve themselves from danger. But how can we, the Soviet Union and our government, assess your actions which, in effect, mean that you have surrounded the Soviet Union with military bases, surrounded our allies, with military bases, set up military bases literally around our country, and stationed your rocket weapons at them? This is no secret. High-placed American officials demonstratively declare this. Your rockets are stationed in Britain and in Italy and point at us. Your rockets are stationed in Turkey.

You are worried over Cuba. You say that it worries you because it lies at a distance of 90 miles across the sea from the shores of the United States. However, Turkey lies next to us. Our sentinels are pacing up and down and watching each other. Do you believe that you have the right to demand security for your country and the removal of such weapons that you qualify as offensive, while not recognizing this right for us? You have stationed devastating rocket weapons, which you call offensive in Turkey literally right next to us. How then does recognition of our equal military possibilities tally with such unequal relations between our great states? This does not tally at all.

It is good, Mr. President, that you agreed for our representatives to meet and begin talks, apparently with the participation of U.N. Acting Secretary General U Thant. Consequently, to some extent, he assumes the role of intermediary, and we believe that he can cope with the responsible mission if, of course, every side that is drawn into this conflict shows good will.

I think that one could rapidly eliminate the conflict and normalize the situation. Then people would heave a sigh of relief, considering that the statesmen who bear the responsibility have sober minds, an awareness of their responsibility, and an ability to solve complicated problems and not allow matters to slide to the disaster of war.

This is why I make this proposal: We agree to remove those weapons from Cuba which you regard as offensive weapons. We agree to do this and to state this commitment in the United Nations. Your representatives will make a statement to the effect that the United States, on its part, bearing in mind the anxiety and concern of the Soviet state, will evacuate its analogous weapons from Turkey. Let us reach an understanding on what time you and we need to put this into effect. After this, representatives of the U.N. Security Council could control on-the-spot the fulfillment of these commitments. Of course, it is necessary that the Governments of Cuba and Turkey would allow these representatives to come to their countries and check fulfillment of this commitment, which each side undertakes. Apparently, it would be better if these representatives enjoyed the trust of the Security Council and ours—the United States and the Soviet Union—as well as of Turkey and Cuba. I think that it will not be difficult to find such people who enjoy the trust and respect of all interested sides.

We, having assumed this commitment in order to give satisfaction and hope to the peoples of Cuba and Turkey and to increase their confidence in their security, will make a statement in the Security Council to the effect that the Soviet Government gives a solemn pledge to respect the integrity of the frontiers and the sovereignty of Turkey, not to intervene in its domestic affairs, not to invade Turkey, not to make available its territory as a place d'armes for such invasion, and also will restrain those who would think of launching an aggression against Turkey either from Soviet territory or from the territory of other states bordering on Turkey.

The U.S. Government will make the same statement in the Security Council with regard to Cuba. It will declare that the United States will respect the integrity of the frontiers of Cuba, its sovereignty, undertakes not to intervene in its domestic affairs, not to invade and not to make its territory available as place d'armes for the invasion of Cuba, and also will restrain those who would think of launching an aggression against Cuba either from U.S. territory or from the territory of other states bordering on Cuba.

Of course, for this we would have to reach agreement with you and to arrange for some

[22] Broadcast over Moscow radio at 5 p.m. Moscow time, Oct. 27, 1962; Russian text delivered to the American Embassy at Moscow at the same hour.

[23] Reprinted with corrected paragraphing from BULLETIN of Nov. 12, 1962, pp. 741-743.

deadline. Let us agree to give some time, but not to delay, two or three weeks, not more than a month.

The weapons on Cuba, that you have mentioned and which, as you say, alarm you, are in the hands of Soviet officers. Therefore any accidental use of them whatsoever to the detriment of the United States of America is excluded. These means are stationed in Cuba at the request of the Cuban government and only in defensive aims. Therefore, if there is no invasion of Cuba, or an attack on the Soviet Union, or other of our allies then, of course, these means do not threaten anyone and will not threaten. For they do not pursue offensive aims.

If you accept my proposal, Mr. President, we would send our representatives to New York, to the United Nations, and would give them exhaustive instructions to order to come to terms sooner. If you would also appoint your men and give them appropriate instructions, this problem could be solved soon.

Why would I like to achieve this? Because the entire world is now agitated and expects reasonable actions from us. The greatest pleasure for all the peoples would be an announcement on our agreement, on nipping in the bud the conflict that has arisen. I attach a great importance to such understanding because it might be a good beginning and, specifically, facilitate a nuclear test ban agreement. The problem of tests could be solved simultaneously, not linking one with the other, because they are different problems. However, it is important to reach an understanding to both these problems in order to make a good gift to the people, to let them rejoice in the news that a nuclear test ban agreement has also been reached and thus there will be no further contamination of the atmosphere. Your and our positions on this issue are very close.

All this, possibly, would serve as a good impetus to searching for mutually acceptable agreements on other disputed issues, too, on which there is an exchange of opinion between us. There problems have not yet been solved but they wait for an urgent solution which would clear the international atmosphere. We are ready for this.

These are my proposals, Mr. President.

Respectfully yours,

NIKITA KHRUSHCHEV.

[Moscow,] *October 27, 1962.*

Official translation [24]

Dear MR. PRESIDENT, I have studied with great satisfaction your reply to Mr. Thant concerning measures that should be taken to avoid contact between our vessels and thereby avoid irreparable and fatal consequences. This reasonable step on your part strengthens my belief that you are showing concern for the preservation of peace, which I note with satisfaction.

I have already said that our people, our Government, and I personally, as Chairman of the Council of Ministers, are concerned solely with having our country develop and occupy a worthy place among all peoples of the world in economic competition, in the development of culture and the arts, and in raising the living standard of the people. This is the most noble and necessary field for competition, and both the victor and the vanquished will derive only benefit from it, because it means peace and an increase in the means by which man lives and finds enjoyment.

In your statement you expressed the opinion that the main aim was not simply to come to an agreement and take measures to prevent contact between our vessels and consequently a deepening of the crisis which could, as a result of such contacts, spark a military conflict, after which all negotiations would be superfluous because other forces and other laws would then come into play—the laws of war. I agree with you that this is only the first step. The main thing that must be done is to normalize and stabilize the state of peace among states and among peoples.

I understand your concern for the security of the United States, Mr. President, because this is the primary duty of a President. But we too are disturbed about these same questions; I bear these same obligations as Chairman of the Council of Ministers of the U.S.S.R. You have been alarmed by the fact that we have aided Cuba with weapons, in order to strengthen its defense capability—precisely defense capability—because whatever weapons it may possess, Cuba cannot be equated with you since the difference in magnitude is so great, particularly in view of modern means of destruction. Our aim has been and is to help Cuba, and no one can dispute the humanity of our motives, which are oriented toward enabling Cuba to live peacefully and develop in the way its people desire.

You wish to ensure the security of your country, and this is understandable. But Cuba, too, wants the same thing; all countries want to maintain their security. But how are we, the Soviet Union, our Government, to assess your actions which are expressed in the fact that you have surrounded the Soviet Union with military bases; surrounded our allies with military bases; placed military bases literally around our country; and stationed your missile armaments there? This is no secret. Responsible American personages openly declare that it is so. Your missiles are located in Britain, are located in Italy, and are aimed against us. Your missiles are located in Turkey.

You are disturbed over Cuba. You say that this disturbs you because it is 90 miles by sea from the coast of the United States of America. But Turkey adjoins us; our sentries patrol back and forth and see each other. Do you consider, then, that you have the right to demand security for your own country and the removal of the weapons you call offensive, but do not accord the same right to us? You have placed destructive missile weapons, which you call offensive, in Turkey, literally next to us? How then can recognition of our equal military capacities be reconciled with such unequal relations between our great states? This is irreconcilable.

It is good, Mr. President, that you have agreed to have our representatives meet and begin talks, apparently through the mediation of U Thant, Acting Secretary General of the United Nations. Consequently, he to some degree has assumed the role of a mediator and we consider that he will be able to cope with this responsible mission, provided, of course, that each party drawn into this controversy displays good will.

I think it would be possible to end the controversy quickly and normalize the situation, and then the people could breathe more easily, considering that statesmen charged with responsibility are of sober mind and have an awareness of their responsibility combined with the ability to solve complex questions and not bring things to a military catastrophe.

I therefore make this proposal: We are willing to remove from Cuba the means which you regard as offensive. We are willing to carry this out and to make this pledge in the United Nations. Your representatives will make a declaration to the effect that the United States, for its part, considering the uneasiness and anxiety of the Soviet State, will remove its analogous means from Turkey. Let us reach agreement as to the period of time needed by you and by us to bring this about. And, after that, persons entrusted by the United Nations Security Council could inspect on the spot the fulfillment of the pledges made. Of course, the permission of the Governments of Cuba and of Turkey is necessary for the entry into those countries of these representatives and for the inspection of the fulfillment of the pledge made by each side. Of course it would be best if these representatives enjoyed the confidence of the Security Council, as well as yours and mine—both the United States and the Soviet Union—and also that of Turkey and Cuba. I do not think it would be difficult to select people who would enjoy the trust and respect of all parties concerned.

We, in making this pledge, in order to give satisfaction and hope of [to] the peoples of Cuba and Turkey and to strengthen their confidence in their security, will make a statement within the framework of the Security Council to the effect that the Soviet Government gives a solemn promise to respect the inviolability of the borders and sovereignty of Turkey, not to interfere in its internal affairs, not to invade Turkey, not to make available our territory as a bridgehead for such an invasion, and that it would also restrain those who contemplate committing aggression against Turkey, either from the territory of the Soviet Union or from the territory of Turkey's other neighboring states.

The United States Government will make a similar statement within the framework of the Security Council regarding Cuba. It will declare that the United States will respect the inviolability of Cuba's borders and its sovereignty, will pledge not to interfere in its internal affairs, not to invade Cuba itself or make its territory available as a bridgehead for such an invasion, and will also restrain those who might contemplate committing aggressions against Cuba, either from the territory of the United States or from the territory of Cuba's other neighboring states.

Of course, for this we would have to come to an agreement with you and specify a certain time limit. Let us agree to some period of time, but without unnecessary delay—say within two or three weeks, not longer than a month.

The means situated in Cuba, of which you speak and which disturb you, as you have stated, are in the hands of Soviet officers. Therefore, any accidental use of them to the detriment of the United States is excluded. These means are situated in Cuba at the request of the Cuban Government and are only for defense purposes. Therefore, if there is no invasion of Cuba, or attack on the Soviet Union or any of our other allies, then of course these means are not and will not be a threat to anyone. For they are not for purposes of attack.

If you are agreeable to my proposal, Mr. President, then we would send our representatives to New York, to the United Nations, and would give them comprehensive instructions in order that an agreement may be reached more quickly. If you also select

[24] Prepared subsequently by the Department of State.

your people and give them the corresponding instructions, then this question can be quickly resolved.

Why would I like to do this? Because the whole world is now apprehensive and expects sensible actions of us. The greatest joy for all peoples would be the announcement of our agreement and of the eradication of the controversy that has arisen. I attach great importance to this agreement in so far as it could serve as a good beginning and could in particular make it easier to reach agreement on banning nuclear weapons tests. The question of the tests could be solved in parallel fashion, without connecting one with the other, because these are different issues. However, it is important that agreement be reached on both these issues so as to present humanity with a fine gift, and also to gladden it with the news that agreement has been reached on the cessation of nuclear tests and that consequently the atmosphere will no longer be poisoned. Our position and yours on this issue are very close together.

All of this could possibly serve as a good impetus toward the finding of mutually acceptable agreements on other controversial issues on which you and I have been exchanging views. These issues have so far not been resolved, but they are awaiting urgent solution, which would clear up the international atmosphere. We are prepared for this.

These are my proposals, Mr. President.

Respectfully yours,

N. KHRUSHCHEV.

[MOSCOW,] *October 27, 1962.*

PRESIDENT KENNEDY'S MESSAGE OF OCTOBER 27, 1962 [25]

[WASHINGTON,] *October 27, 1962.*

DEAR MR. CHAIRMAN: I have read your letter of October 26th with great care and welcomed the statement of your desire to seek a prompt solution to the problem. The first thing that needs to be done, however, is for work to cease on offensive missile bases in Cuba and for all weapons systems in Cuba capable of offensive use to be rendered inoperable, under effective United Nations arrangements.

Assuming this is done promptly, I have given my representatives in New York instructions that will permit them to work out this weekend [26]—in cooperation with the Acting Secretary General and your representative—an arrangement for a permanent solution to the Cuban problem along the lines suggested in your letter of October 26th. As I read your letter, the key elements of your proposals—which seem generally acceptable as I understand them—are as follows:

(1) You would agree to remove these weapons systems from Cuba under appropriate United Nations observation and supervision; and undertake, with suitable safeguards, to halt the further introduction of such weapons systems into Cuba.

(2) We, on our part, would agree—upon the establishment of adequate arrangements through the United Nations to ensure the carrying out and continuation of these commitments—(a) to remove promptly the quarantine measures now in effect and (b) to give assurances against an invasion of Cuba.[27] I am confident that other nations of the Western Hemisphere would be prepared to do likewise.

If you will give your representative similar instructions, there is no reason why we should not be able to complete these arrangements and announce them to the world within a couple of days. The effect of such a settlement on easing world tensions would enable us to work toward a more general arrangement regarding "other armaments", as proposed in your second letter which you made public. I would like to say again that the United States is very much interested in reducing tensions and halting the arms race; and if your letter signifies that you are prepared to discuss a detente affecting NATO and the Warsaw Pact, we are quite prepared to consider with our allies any useful proposals.

But the first ingredient, let me emphasize, is the cessation of work on missile sites in Cuba and measures to render such weapons inoperable, under effective international guarantees. The continuation of this threat, or a prolonging of this discussion concerning Cuba by linking these problems to the broader questions of European and world security, would surely lead to an intensification of the Cuban crisis and a grave risk to the peace of the world. For this reason I hope we can quickly agree along the lines outlined in this letter and in your letter of October 26th.

JOHN F. KENNEDY.

CHAIRMAN KHRUSHCHEV'S MESSAGE OF OCTOBER 28, 1962 [28]

Informal translation [29]

DEAR MR. PRESIDENT: I have received your message of October 27. I express my satisfaction and thank you for the sense of proportion you have displayed and for realization of the responsibility which now devolves on you for the preservation of the peace of the world.

I regard with great understanding your concern and the concern of the United States people in connection with the fact that the weapons you describe as offensive are formidable weapons indeed.

Both you and we understand what kind of weapons these are.

In order to eliminate as rapidly as possible the conflict which endangers the cause of peace, to give an assurance to all people who crave peace, and to reassure the American people, who, I am certain, also want peace, as do the people of the Soviet Union, the Soviet Government, in addition to earlier instructions on the discontinuation of further work on weapons constructions sites, has given a new order to dismantle the arms which you described as offensive, and to crate and return them to the Soviet Union.

Mr. President, I should like to repeat what I had already written to you in my earlier messages—that the Soviet Government has given economic assistance to the Republic of Cuba, as well as arms, because Cuba and the Cuban people were constantly under the continuous threat of an invasion of Cuba.

A piratic vessel had shelled Havana. They say that this shelling was done by irresponsible Cuban emigres. Perhaps so; however, the question is from where did they shoot. It is a fact that these Cubans have no territory, they are fugitives from their country, and they have no means to conduct military operations.

This means that someone put into their hands these weapons for shelling Havana and for piracy in the Caribbean in Cuban territorial waters. It is impossible in our time not to notice a piratic ship, considering the concentration in the Caribbean of American ships from which everything can be seen and observed. In these conditions, pirate ships freely roam around and shell Cuba and make piratic attacks on peaceful cargo ships. It is known that they even shelled a British cargo ship.

In a word, Cuba was under the continuous threat of aggressive forces, which did not conceal their intention to invade its territory.

The Cuban people want to build their life in their own interests without external interference. This is their right, and they cannot be blamed for wanting to be masters of their own country and disposing of the fruits of their own labor. The threat of invasion of Cuba and all other schemes for creating tension over Cuba are designed to strike the Cuban people with a sense of insecurity, intimidate them, and prevent them from peacefully building their new life.

Mr. President, I should like to say clearly once more that we could not remain indifferent to this. The Soviet Government decided to render assistance to Cuba with the means of defense against aggression—only with means for defense purposes. We have supplied the defense means which you describe as offensive means. We have supplied them to prevent an attack on Cuba—to prevent rash acts.

I regard with respect and trust the statement you made in your message of October 27, 1962, that there would be no attack, no invasion of Cuba, and not only on the part of the United States, but also on the part of other nations of the Western Hemisphere, as you said in your same message. Then the motives which induced us to render assistance of such a kind to Cuba disappear. It is for this reason that we instructed our officers—these means as I had already informed you earlier are in the hands of the Soviet officers—to take appropriate measures to discontinue construction of the aforementioned facilities, to dismantle them, and to return them to the Soviet Union. As I had informed you in the letter of October 27, we are prepared to reach agreement to enable United Nations Representatives to verify the dismantling of these means.

Thus in view of the assurances you have given and our instructions on dismantling, there is every condition for eliminating the present conflict.

I note with satisfaction that you have responded to the desire I expressed with regard to elimination of the aforementioned dangerous situation, as well as with regard to providing conditions for a more thoughtful appraisal of the international situation, fraught as it is with great dangers in our age of thermonuclear weapons, rocketry, spaceships, global rockets, and other deadly weapons. All people are interested in insuring peace.

Therefore, vested with trust and great responsibility, we must not allow the situation

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[25] Reprinted from BULLETIN of Nov. 12, 1962, p. 743. This message was transmitted by the Department of State to the American Embassy at Moscow at 8:05 p.m. Washington time, Oct. 27, 1962; delivered to the Soviet Foreign Ministry at 10:30 a.m. Moscow time, Oct. 28. Text also delivered to the Soviet Embassy at Washington during the evening of Oct. 27 and released to the press.

[26] As transmitted to Moscow, this passage read "week and".

[27] As transmitted to Moscow, this sentence was joined with the following sentence with the word "and."

[28] Broadcast over Moscow radio at 5 p.m. Moscow time, Oct. 28, 1962; Russian text delivered to the American Embassy at Moscow at 5:10 p.m. on the same date.

[29] Text of a Moscow broadcast in English; reprinted with corrections from BULLETIN of Nov. 12, 1962, pp. 743-745.

to become aggravated and must stamp out the centers where a dangerous situation fraught with grave consequences to the cause of peace has arisen. If we, together with you, and with the assistance of other people of good will, succeed in eliminating this tense atmosphere, we should also make certain that no other dangerous conflicts which could lead to a world nuclear catastrophe would arise.

In conclusion, I should like to say something about a detente between NATO and the Warsaw Treaty countries that you have mentioned. We have spoken about this long since and are prepared to continue to exchange views on this question with you and to find a reasonable solution. We should like to continue the exchange of views on the prohibition of atomic and thermonuclear weapons, general disarmament, and other problems relating to the relaxation of international tension.

Although I trust your statement, Mr. President, there are irresponsible people who would like to invade Cuba now and thus touch off a war. If we do take practical steps and proclaim the dismantling and evacuation of the means in question from Cuba, in so doing we, at the same time, want the Cuban people to be certain that we are with them and are not absolving ourselves of responsibility for rendering assistance to the Cuban people.

We are confident that the people of all countries, like you, Mr. President, will understand me correctly. We are not threatening. We want nothing but peace. Our country is now on the upsurge. Our people are enjoying the fruits of their peaceful labor. They have achieved tremendous successes since the October Revolution, and created the greatest material, spiritual, and cultural values. Our people are enjoying these values; they want to continue developing their achievements and insure their further development on the way of peace and social progress by their persistent labor.

I should like to remind you, Mr. President, that military reconnaissance planes have violated the borders of the Soviet Union. In connection with this there have been conflicts between us and notes exchanged. In 1960 we shot down your U-2 plane, whose reconnaissance flight over the USSR wrecked the summit meeting in Paris. At that time, you took a correct position and denounced that criminal act of the former U.S. Administration.

But during your term of office as President another violation of our border has occurred, by an American U-2 plane in the Sakhalin area. We wrote you about that violation on 30 August. At that time you replied that that violation had occurred as a result of poor weather, and gave assurances that this would not be repeated. We trusted your assurance, because the weather was indeed poor in that area at that time.

But had not your planes been ordered to fly about our territory, even poor weather could not have brought an American plane into our airspace. Hence, the conclusion that this is being done with the knowledge of the Pentagon, which tramples on international norms and violates the borders of other states.

A still more dangerous case occurred on 28 October, when one of your reconnaissance planes intruded over Soviet borders in the Chukotka Peninsula area in the north and flew over our territory. The question is, Mr. President: How should we regard this. What is this: A provocation? One of your planes violates our frontier during this anxious time we are both experiencing, when everything has been put into combat readiness. Is it not a fact that an intruding American plane could be easily taken for a nuclear bomber, which might push us to a fateful step? And all the more so since the U.S. Government and Pentagon long ago declared that you are maintaining a continuous nuclear bomber patrol. Therefore, you can imagine the responsibility you are assuming, especially now, when we are living through such anxious times.[30]

I should like to express the following wish; it concerns the Cuban people. You do not have diplomatic relations. But through my officers in Cuba, I have reports that American planes are making flights over Cuba.

We are interested that there should be no war in the world, and that the Cuban people should live in peace. And besides, Mr. President, it is no secret that we have our people in Cuba. Under such a treaty with the Cuban Government we have sent there officers, instructors, mostly plain people: specialists, agronomists, zootechnicians, irrigators, land reclamation specialists, plain workers, tractor drivers, and others. We are concerned about them.

I should like you to consider, Mr. President, that violation of Cuban airspace by American planes could also lead to dangerous consequences. And if you do not want this to happen, it would better if no cause is given for a dangerous situation to arise.

We must be careful now and refrain from any steps which would not be useful to the defense of the states involved in the conflict, which could only cause irritation and even serve as a provocation for a fateful step. Therefore, we must display sanity, reason, and refrain from such steps.

We value peace perhaps even more than other peoples because we went through a terrible war with Hitler. But our people will not falter in the face of any test. Our people trust their Government, and we assure our people and world public opinion that the Soviet Government will not allow itself to be provoked. But if the provocateurs unleash a war, they will not evade responsibility and the grave consequences a war would bring upon them. But we are confident that reason will triumph, that war will not be unleashed and peace and the security of the peoples will be insured.

In connection with the current negotiations between Acting Secretary General U Thant and representatives of the Soviet Union, the United States, and the Republic of Cuba, the Soviet Government has sent First Deputy Foreign Minister V.V. Kuznetsov to New York to help U Thant in his noble efforts aimed at eliminating the present dangerous situation.

Respectfully yours,

N. KHRUSHCHEV.

[MOSCOW,] *October 28, 1962.*

Official translation [31]

DEAR Mr. PRESIDENT: I have received your message of October 27, 1962. I express my satisfaction and appreciation for the sense of proportion you have displayed, and for your understanding of the responsibility you now bear for the preservation of peace throughout the world.

I regard with great understanding your apprehension and the apprehension of the people of the United States of America over the fact that the weapons which you describe as offensive are indeed terrible weapons.

Both you and me understand what kind of weapons they are.

In order to eliminate as rapidly as possible a conflict which endangers the cause of peace, to give confidence to all peoples longing for peace, and to reassure the people of America, who, I am sure, want peace as much as the peoples of the soviet Union, the Soviet Government, in addition to previously issued instructions for the cessation of further work at the weapons construction sites, has issued a new order to dismantle the weapons, which you describe as offensive, and to crate and return them to the Soviet Union.

Mr. President, I would like to repeat, as I have already stated in my previous letters, that the Soviet Government has extended economic aid as well as arms to the Government of Cuba, since Cuba and the Cuban people have constantly been under the continual threat of an invasion of Cuba.

A piratical vessel has shelled Havana. It is said that irresponsible Cuban emigres did the shooting. This is possibly the case. But the question arises, from where did they shoot? After all, these Cubans have no territory; they are fugitives from their homeland; they have no funds for conducting military actions.

This means that someone put into their hands the weapons for shelling Havana and for piratical acts in the Caribbean, in Cuban territorial waters. It is unthinkable in our time that a pirate ship could pass unnoticed, particularly considering the saturation of the Caribbean with American ships from which literally all of this is seen and observed. And in such circumstances pirate ships freely roam about Cuba, shell Cuba, and carry out piratical attacks upon peaceful cargo ships. It is, after all, known that they even shelled a British freighter.

In short, Cuba has been under a continual threat from aggressive forces that have not concealed their intention to invade Cuba's territory.

The Cuban people wish to build their life in their own interests without external interference. This is their right, and they cannot be blamed for wanting to be masters of their own country and to enjoy the fruits of their labor. The threat of a Cuban invasion and all the other designs aimed at surrounding Cuba with tension are designed to engender uncertainty in the Cuban people, to intimidate them, and to hinder them in freely building their new life.

Mr. President, I want to say clearly once again that we could not be indifferent to this, and so the Soviet Government decided to help Cuba with means of defense against aggression—means only for purposes of defense. We placed means of defense there, means which you call offensive. We placed them there in order that no attack might be made against Cuba and that no rash acts might be permitted.

I regard with respect and trust the statement you made in your message of October 27, 1962, that no attack would be made on Cuba and that no invasion would take place –not only on the part of the United States, but also on the part of other countries of the Western Hemisphere, as your same message pointed out. In view of this, the motive which prompted us to give aid of this nature to Cuba no longer prevail. Hence, we have instructed our officers (these means, as I have already reported to you, are in the hands of Soviet officers) to

[30] See the official translation below for a paragraph omitted here.

[31] Prepared subsequently by the Department of State.

take the necessary measures to stop the construction of the facilities indicated, and to dismantle and return them to the Soviet Union. As I have already informed you in my letter of October 27, we are prepared to come to an agreement with you to enable representatives of the U.N. to verify the dismantling of these means.

In this way, on the basis of the assurances you have made and of our orders to dismantle, there appear to exist all the necessary conditions for the elimination of the conflict which has arisen.

I note with satisfaction that you have echoed my desire that this dangerous situation be eliminated and also that conditions be created for a more thorough appraisal of the international situation, which is fraught with great dangers in our age of thermonuclear weapons, rocket technology, space ships, global rockets, and other lethal weapons. All mankind is interested in ensuring peace.

Therefore, we who bear great trust and responsibility must not permit the situation to become aggravated but must eliminate breeding grounds where dangerous situations are created, fraught with serious consequences for the cause of peace. And if we, together with you and other people of good will, succeed in eliminating this tense situation, we must also concern ourselves with seeing that other dangerous conflicts do not arise which might lead to a world thermonuclear catastrophe.

In conclusion, I should like to say something about the improvement of relations between NATO and the states of the Warsaw Pact, which you mention. We spoke of this a long time ago, and are ready to continue exchanging opinions with you on this question and to find a reasonable solution. We also wish to continue to exchange opinions on the prohibition of atomic and thermonuclear weapons, on general disarmament, and on other questions relating to relaxation of international tensions.

Mr. President, I place belief in your statement. On the other hand there are irresponsible people who would like to carry out an invasion of Cuba at this time and thereby unleash a war. If we take practical steps and announce the dismantling and evacuation of the above-mentioned means from Cuba, in doing so we at the same time want the Cuban people to be sure that we are with them and are not relieving ourselves of the responsibility of granting aid to the Cuban people.

We are convinced that the peoples of all countries will, like yourself, Mr. President, understand me correctly. We do not threaten. We desire only peace. Our country is now on the upswing. Our people are enjoying the fruits of their peaceful labor. They have achieved tremendous successes since the October Revolution, and have created the greatest material, spiritual, and cultural values. Our people are making use of these values and want to develop their achievements further and by their steadfast labor to ensure even greater growth along the path of peace and social progress.

I should like, Mr. President, to remind you that military aircraft of a reconnaissance nature have violated the frontiers of the Soviet Union—over which matter we had a controversy with you, and an exchange of notes took place. In 1960 we shot down your U-2 aircraft, whose reconnaissance flight over the U.S.S.R. led to the disruption of the summit meeting in Paris. You took a correct position at the time in condemning that criminal action on the part of the previous administration of the United States.

But during your term of office as President, a second case of violation of our frontier by an American U-2 aircraft has taken place in the Sakhalin area. We informed you of this violation on August 30. You then replied that this violation had occurred as a result of bad weather and gave assurances that it would not be repeated. We accepted your assurances because there was, indeed, bad weather in that area at the time.

However, if your aircraft had not been given a mission to fly near our territory, then even bad weather could not have led an American aircaft into our air space. The conclusion follows that this is done with the knowledge of the Pentagon, which tramples on international norms and violates the frontiers of other states.

An even more dangerous case occurred on October 28, when your reconnaissance aircraft invaded the northern area of the Soviet Union, in the area of the Chukotski Peninsula, and flew over our territory. One asks, Mr. President, how we should regard this. What is this—a provocation? Your aircraft violates our frontier, and this happens at a time as troubled as the one through which we are now passing, when everything has been put in battle readiness. For an intruding U.S. aircraft can easily be taken for a bomber with nuclear weapons, and that can push us toward a fatal step. All the more so, because the U.S. Government and the Pentagon have long been saying that you continually maintain bombers with atomic bombs in the air. Therefore, you can imagine what kind of responsibility you assume, especially during such an anxious time as the present.

I should like to ask you to assess this correctly and to take steps accordingly, to prevent it from serving as a provocation to touch off a war.

I should also like to express to you the following wish. Of course, this is the Cuban people's affair—you do not at present maintain diplomatic relations, but through my officers in Cuba I have reports that American planes are conducting flights over Cuba.

We are interested in not having any war at all in the world and in the Cuban people's being able to live in peace. But, in addition to this, Mr. President, it is no secret that we have our people in Cuba. By agreement with the Cuban Government, we have there officers and instructors who are training the Cubans; they are mainly ordinary people, including specialists, agronomists, animal husbandry technicians, irrigation and reclamation experts, common laborers, tractor drivers, and others. We have concern for them.

I should like to ask you, Mr. President, to bear in mind that a violation of Cuban air space by American aircraft may also have dangerous consequences. And if you do not want that, no cause should be given for the creation of a dangerous situation.

We must now be very cautious and refrain from any acts that would not help in the defense of the states involved in the controversy, but which could arouse only irritation, and even prove to be a provocation for a fatal step. We must therefore display sense and wisdom, and refrain from acts of that kind.

We value peace, perhaps even more than other peoples, because we experienced a terrible war against Hitler. But our people will not flinch in the face of any ordeal; our people trust their own government, and we assure our own people and world public opinion that the Soviet Government will not allow itself to be provoked. But if the provocateurs unleash a war, they will not escape the responsibility and the grave consequences that war will bring to them. We are confident, however, that reason will prevail, that war will not be unleashed, and that the peace and security of peoples will be ensured.

In regard to the current negotiations of Acting Secretary General U Thant, with representatives of the Soviet Union, the United States of America and the Republic of Cuba, the Soviet Government has sent to New York V. V. Kuznetsov, First Deputy Minister of Foreign Affairs of the U.S.S.R., with a view to assisting Mr. Thant in his noble efforts aimed at eliminating the present dangerous situation.

Respectfully yours,

N. KHRUSHCHEV.

[MOSCOW,] *October 28, 1962.*

PRESIDENT KENNEDY'S MESSAGE OF OCTOBER 28, 1962 [32]

[WASHINGTON,] *October 28, 1962.*

DEAR MR. CHAIRMAN: I am replying at once to your broadcast message of October twenty-eight, even though the official text has not yet reached me, because of the great importance I attach to moving forward promptly to the settlement of the Cuban crisis. I think that you and I, with our heavy responsibilities for the maintenance of peace, were aware that developments were approaching a point where events could have become unmanageable. So I welcome this message and consider it an important contribution to peace.

The distinguished efforts of Acting Secretary General U Thant have greatly facilitated both our tasks. I consider my letter to you of October twenty-seventh and your reply of today as firm undertakings on the part of both our governments which should be promptly carried out. I hope that the necessary measures can at once be taken through the United Nations, as your message says, so that the United States in turn will be able to remove [33] the quarantine measures now in effect. I have already made arrangements to report all these matters to the Organization of American States, whose members share a deep interest in a genuine peace in the Caribbean area.

You referred in your letter to a violation of your frontier by an American aircraft in the area of the Chukotsk Peninsula. I have learned that this plane, without arms or photographic equipment, was engaged in an air sampling mission in connection with your nuclear tests. Its course was direct from Eielson Air Force Base in Alaska to the North Pole and return. In turning south, the pilot made a serious navigational error which carried him over Soviet territory. He immediately made an emergency call on open radio for navigational assistance and was guided back to his home base by the most direct route. I regret this incident and will see to it that every precaution is taken to prevent recurrence.

Mr, Chairman, both of our countries have great unfinished tasks and I know that your people as well as those of the United States can ask for nothing better than to pursue

[32] Reprinted from BULLETIN of Nov. 12, 1962, pp. 745-746. This message was transmitted by the Department of State to the American Embassy at Moscow at 5:03 p.m. Washington time, Oct. 28, 1962; delivered to the Soviet Foreign Ministry at 6:08 a.m. Moscow time, Oct. 29. Text also delivered to the Soviet Embassy at Washington on Oct. 28 and released to the press at 4:35 p.m. on that date.

[33] As transmitted to Moscow, the text read "in turn can remove".

them free from the fear of war. Modern science and technology have given us the possibility of making labor fruitful beyond anything that could have been dreamed of a few decades ago.

I agree with you that we must devote urgent attention to the problem of disarmament, as it relates to the whole world and also to critical areas. Perhaps now, as we step back from danger, we can together make real progress in this vital field. I think we should give priority to questions relating to the proliferation of nuclear weapons, on earth and in outer space, and to the great effort for a nuclear test ban. But we should also work hard to see if wider measures of disarmament can be agreed and put into operation at an early date. The United States government will be prepared to discuss these questions urgently, and in a constructive spirit, at Geneva or elsewhere.

JOHN F. KENNEDY.

[Treaty information]

CONVENTION AND UNIFORM LAW ON WILLS ADOPTED BY DIPLOMATIC CONFERENCE

DEPARTMENT ANNOUNCEMENT [1]

Representatives of 48 countries meeting at the State Department in Washington from October 16 to October 26 have produced a convention and uniform law providing for an "international will."

The number of countries participating at the conference was greater than that at any previous diplomatic conference held to adopt a uniform law in the field of private law. The conference was also the first private law conference for which the United States has served as host.

The treaty and annexed uniform law produced by the conference have great practical importance. At present, for example, a will made in the United States according to the formalities prescribed by our law could fail to meet the formal requirements for disposition of property located in another country. Consequently the will might not be enforced in that country. Under the convention, however, if the maker of the will has complied with the simple provisions regarding signing and witnesses, and if the necessary certificate has been made out, the will must be accepted as to form by the courts of all other countries that are parties to the convention. This should result in substantial saving of time and money in probating wills disposing of property in two or more countries.

The new international will is an addition to and not a replacement for existing forms of will. International acceptability will undoubtedly be a strong inducement to make a will according to the simple requirements of the uniform law. Thus in an increasingly mobile world this new convention marks another advance toward the elimination of legal disputes, delays, and uncertainties.

CURRENT ACTIONS

Multilateral

Automotive Traffic:

Convention on road traffic, with annexes and protocol. Done at Geneva September 19, 1949. Entered into force March 26, 1952. TIAS 2487.

Accession deposited: Lesotho, September 27, 1973.

Copyright:

Universal copyright convention. Done at Geneva September 6, 1952. Entered into force September 16, 1955. TIAS 3324.

Accession deposited: German Democratic Republic (with a statement), July 5, 1973.

Cultural Property:

Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property. Adopted at Paris November 14, 1970. Entered into force April 24, 1972.[2]

Acceptance deposited: Panama, August 13, 1973.

Exhibitions:

Convention relating to international exhibitions, as amended. Done at Paris November 22, 1928. Entered into force January 17, 1931; for the United States June 24, 1968. TIAS 6548, 6549.

Accession deposited: Australia, September 27, 1973.

Mr. McCLURE. Mr. President, I thank the Chair.

Mr. SYMMS. Will the Senator yield?

Mr. McCLURE. I am happy to yield to my colleague from Idaho, Senator SYMMS.

Mr. SYMMS. Mr. President, I compliment the Senator for his remarks today. I will just note that it has always escaped my understanding how it is that we have an agreement, the Kennedy-Khrushchev agreement, which has clearly been violated time and time and time again, yet the United States stands by and even stands in the way of those people who would like to help the good people of Cuba to be liberated from the oppressive government which they live under, where there are no human rights, there are no personal freedoms, there are no rights of private property, rights to religion, or anything else, and we stand in the way of interfering with that when there is a clear case of those violations.

I compliment the Senator for bringing that up. I have spoken on that subject several times on the floor of the Senate. It is very clear to this Senator that the goal of the Soviets and their Cuban surrogates in the Caribbean Basin and Central America is to destabilize Mexico. Once Mexico is destabilized, all of us in this Chamber and all the constituencies we represent across the country will suffer immeasurably.

So I think the effort we make now—although it might seem like a big effort to some and it is not without some risk, and I think we all realize that—could head off enormous difficulties down the road in the future.

I thank the Senator very much for making those points.

Mr. McCLURE. I thank the Senator for his comments.

Mr. President, in addition to the question the Senator has raised about our failure to support those elements which would like to see an expansion of human rights and freedom in Cuba as well as in Central America, there is also a pattern which I have tried to develop in the series of comments that I have made here in the past as well as today that the arms control negotiating process has always resulted in a relative diminution of American strength as compared to the Soviet Union. The arms control negotiating process has done so because the Soviets carefully negotiate agreements that allow them to magnify their strength without inhibiting their arms buildup programs. They then circumvent the agreement to the extent that we will allow, violate the agreement to the extent they can get away with, and because we are then negotiating the next round of agreements, we are inhibited from calling to the attention of the American people and the world the violations that have already occurred. That is a theme which I will continue to develop.

I thank my friend from Idaho for his comments and I thank the Chair.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 4 p.m., with statements therein limited to 5 minutes each.

IN COMMEMORATION OF ROBERT E. FULTON

Mr. DOMENICI. Mr. President, I send to the desk a resolution commending Robert E. Fulton and ask for its immediate consideration. It has been cleared on both sides.

Mr. PRYOR. Mr. President, it has been cleared on both sides and the Senator is absolutely correct.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 151) to commend Robert E. Fulton for his service to the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, today I present a resolution commending the services of the senior counsel of our Budget Committee, Robert E. Fulton. Mr. Fulton will be leaving his current position in just a few days to become the director of the department of human services in the State of Oklahoma, where he will be responsible for about 15,000 employees.

I have worked with Bob Fulton on the Budget Committee for the last 6 years in his capacity as minority counsel, senior analyst for human resources, and senior counsel, and I have learned to rely on his expertise, his dedication, and his judgment. I believe that all the members of the Budget Committee from both political parties join me in recognizing his fairness, his

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[1] Issued on Oct. 30 (press release 397).

[2] Not in force for the United States.

accuracy, his commitment to excellence, and his ability to accomplish worthwhile goals in the difficult and challenging environment of Capitol Hill.

While the resolution commends him for his work on the committee staff, he will also be remembered for his personal qualities—his friendliness, his kindness, his religious faith, his respect for the other person's point of view, and his personal integrity. For all these reasons, I am sure that he will perform well at his new position in Oklahoma, and for all these reasons, I will miss him when he leaves the Budget Committee.

BEST WISHES TO BOB FULTON

Mr. CHILES. Mr. President, I want to join today in wishing Bob Fulton of the Senate Budget Committee staff the very best as he leaves us for service in the State government of Oklahoma.

We have plenty of staff experts on the Budget Committee. Bob Fulton is an expert's expert. Whether in the long process of preparing a budget resolution, or in the hectic hours here on the Senate floor, Senators could, and often did, turn to Bob Fulton for help. And he always gave it willingly, in a capable, non partisan manner that earned him the esteem of Members on both sides of this Chamber.

Every now and then, someone writes about Senate staffers as though they were manipulators in the shadows of Government policy. Those writers have it wrong, and they certainly could never have been speaking of Bob Fulton. A professional in every way, Bob brought strict objectivity and balanced judgment to every issue presented to him.

Senators know the Budget Committee operates at a high tension level. Sometimes we generate answers for the same problems from philosophies poles apart. In those circumstances, we must search for the one or two common threads that can unite us and pave the way to compromise. Bob Fulton was exactly the kind of temperate, perceptive voice of reason who helped us sort out the differences and find the way to agreement. A man of abiding Christian principle, Bob Fulton was an is a builder, a dedicated man doing a difficult job.

It is no affront to the abilities of other Budget Committee staffers to say Bob Fulton was "a cut above." It simply reflects the unusual talent of a man who performed his duties with a high sense of responsibility and excellence. I hope the folks in Oklahoma appreciate the kind of man they're getting. Bob Fulton is professional evidence that the Government in Washington really can produce the best and the brightest.

I ask unanimous consent that my name be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

The resolution (S. Res. 151) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 151

Whereas, the Senate wishes to express its appreciation to Robert E. Fulton, who has served the United States as Senior Counsel of the Senate Budget Committee from 1981 to 1983;

Whereas, Robert E. Fulton served as Minority Counsel and Senior Analyst for Human Resources for the Senate Budget Committee from 1977 to 1981;

Whereas, Robert E. Fulton has discharged the difficult duties and responsibilities of his positions with the greatest efficiency and devotion which has earned for him our affection and our esteem: Now, therefore, be it

Resolved, That Robert E. Fulton is hereby commended for his long, faithful, and exemplary service to his Country and to the United States Senate.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Robert E. Fulton.

A TRIBUTE TO BOB HOPE

Mr. THURMOND. Mr. President, today, the U.S. Senate pays a special tribute to Bob Hope, a great American, a true patriot, an outstanding entertainer, and a good friend over the years to me and my wife, Nancy.

It is indeed a special pleasure and privilege for me to join my colleagues in honoring this man on his 80th birthday—an individual who has given so much of his time, energy, and talents to this country and its men and women in uniform.

The name Bob Hope is literally a household word in this country. He has dominated the entertainment scene for decades, delighting and enchanting his audiences with his wit, humor, and music. Through his performances, in movies and on television, Bob Hope has made Americans feel good about themselves and about their country. We know him as the inexhaustible comic and "good guy" of Hollywood, a man who is respected and honored by his peers for his great contributions to the entertainment industry.

But hundreds of thousands of American servicemen and servicewomen know him as the military's great morale booster. Throughout his illustrious career, Bob Hope has given up considerable portions of his time to entertain our troops overseas. He has done so without hesitation and without compensation, and in the process, has endangered his own safety in order to entertain American troops on duty in war zones.

Any American serviceman who has spent time away from home during a holiday season—away from his friends and loved ones while defending this country—is grateful for the work of Bob Hope.

More than anyone else in the entertainment industry, Bob Hope has boosted the spirits of our servicemen and servicewomen who give up their holidays with family and friends to defend our security and honor.

Today, a grateful Nation says "thank you" for the dedication and hard work of this man and honors him on his 80th birthday for all of his contributions. Congratulations, Bob, and happy birthday. All of us in the Senate wish you and your lovely wife, Delores, many more years of happiness and success.

U.S. RELATIONS WITH INDIA

Mr. HATCH. Mr. President, I commend the Reagan administration for its bold initiative in seeking this past year to improve relations with the Government of India. The visit of Prime Minister Indira Gandhi to Washington went well, and her meetings with President Reagan were cordial and useful. Although I do not expect a dramatic breakthrough that will produce front page newspaper headlines, I believe a historic shift is underway in United States-Indian relations. Ten years from now scholars will look back on this past year as an end of an ice age, or to shift the metaphor, the slow death of certain dinosaurs which have symbolized the cool relations between the United States and India for many years.

Mr. President, I believe this change in United States-India relations has been brought about by the strategic vision of President Reagan and his advisers who have correctly assessed three important trends in Asia. The President has moved adroitly to take advantage of these trends. First, the Government of China has undertaken to improve its long-strained relations with India in a number of steps in the past 2 years which, I believe based on my own contacts with Chinese officials, have been taken by the Chinese Government with the expectation that the United States would act in concert to pursue parallel interests in improving relations with India. The Indian Foreign Minister and Chinese Foreign Minister have now exchanged visits to each other's capital cities and the outlines of at least a partial settlement of outstanding Indian-Chinese problems including their frontier difficulties, can now be seen. Second, the Government of Pakistan has sought to improve its relations with India by putting forward a number of ideas for a nonaggression agreement and confidence-building measures along the Indian-Pakistan border which has been the scene of so much bloodshed

in the past 35 years. The establishment of a joint commission by the Governments of India and Pakistan, and the successful summit meetings of Prime Minister Indira Gandhi and President Zia al-huq have also aided this important reconciliatory process. Third, the Government of India has sought to diversify its earlier dependence on Soviet weapons and Soviet military technology by extending its military ties and purchasing advanced aircraft, submarines, and army equipment from France, Great Britain, and West Germany.

Mr. President, I believe the Soviet Union has reacted with alarm and concern to these three trends. The Soviet Union has within its power the capacity to reverse these trends and bring about a security situation in South Asia more favorable to Soviets interests by taking one single step: Withdrawing 100,000 Soviet troops from Afghanistan and restoring an authentic Afghan Government in Kabul. While the Soviets continue to refuse to end their aggression in Afghanistan, the trends in Indian-Chinese, Indian-Pakistan, and Indian-European relations I have described will continue and further harm Soviet relations with India.

Mr. President, there is reason to believe that the Soviet Union has warned India not to continue to pursue this course of reconciliation with China, Pakistan, and our NATO allies in Europe. In particular, the Soviets are upset that Soviet military influence in India will be diminished as a direct result of India's improving relations with China, Pakistan, Europe, and, especially, the United States.

Mr. President, it is for this reason that I encourage President Reagan to continue the path he is pursuing even to the point of approving any request of the Indian Government to purchase American military equipment, weapons, and military training that the Government of India dares to request from our Government or our commercial firms in defiance of Soviet warnings to India not to pursue this course. Prime Minister Indira Gandhi's independence and nonalinement will be tested in the months ahead if she chooses to continue to diversify the sources of India's military equipment. Mr. President, I do not propose that the most advanced, highest technology American weapons be sold to India without restriction. This would clearly be inappropriate, and I doubt that India desires to acquire technology that it cannot adapt to its own production under joint license arrangements. I also very much doubt that the proud Government of India will be willing to accept at the present time the national security disclosure team inspection that will be required before our Government could assure itself that our highest technology will be protected from compromise. Senate staff reports that there is no evidence that India has willfully compromised classified information or advanced technology provided to it by a foreign government. When even American defense firms in California cannot be safe from the efforts of Soviet espionage to steal our most advanced technology, I doubt that it would be wise to transfer to India our most advanced military technology in any event. Nevertheless, there is a broad range of defense articles and services that could be made available to meet Indian requests that would enhance the geopolitical trends in Asia about which the Soviet Union is so concerned.

Mr. President, it is my understanding from conversations I have had with officials of the Government of Pakistan and that my staff has had in Delhi, India, that the Reagan administration is on the verge of establishing a balanced American relationship with India and Pakistan for the first time in many years. Such a development would greatly decrease the opportunities for Soviet adventurism and mischief making in South Asia for many years to come. To this end, I believe the Senate should support any reasonable request from India for the purchase of American military equipment along the lines that has already been discussed between the two countries. I commend the efforts of Northrop Aircraft to demonstrate the F-20 Tigershark fighter to the Indian Air Force in the past year, and I am impressed with the efforts of Lockheed Aircraft to demonstrate to India the high-altitude advantages of the C-130 transport aircraft which could carry out aerial resupply missions to Indian military outposts in the otherwise inaccessible Himalaya Mountain regions. I also believe that the American manufacturers of advanced machineguns and self-propelled 155-millimeter artillery are to be commended for doing so well in the control competition that the Indian Defense Ministry has carried out in the past year to determine if these weapons, together with the 5-inch TOW antitank missile, would be suitable purchases to modernize the Indian Army. I believe that Indian requests to purchase such equipment will be acted upon favorably by the Congress and as evidence on this point I cite the thoughtful remarks of my colleague Senator GLENN of Ohio who addressed the Senate on July 29, 1982, by praising the Indian military and pointing out that unlike the military in most Third World countries the Indian military has had the wisdom to stay out of politics. Senator GLENN added in a significant comment, "We should also encourage India's efforts to diversify its weapons supply. If asked, we should be willing, on a selected basis to sell U.S. weapons." I agree. In discussions I have had in an informal group of conservative Senators called the Steering Committee, I have ascertained that many conservative Senators also support the effort to decouple Mrs. Gandhi from her close relations with the Soviet Union. The Government of India should understand that its 20-year friendship treaty and military supply relationship with the Soviet Union has been seriously undercut by the Soviet invasion of Afghanistan. We must bring about a more balanced Indian relationship between Moscow and Washington and bring additional pressure to bear on the Soviets to withdraw from Afghanistan. American efforts to improve relations with the Asian quadrilateral of China, India, Pakistan, and Japan will also reduce Moscow's options to encircle China to the south or to undermine President Reagan's Southwest Asia strategy and the facilities access agreements that are now active in the recently created Central Command.

Mr. President, these great geopolitical trends can be assisted only if certain petty bureaucratic obstacles are removed within the national security machinery here in Washington. I do not wish to embarrass any official or any department today but I draw the attention of the Senate to the sometimes sluggish process by which advisory opinions are issued by our Government for possible military commercial sales a country like India which has not had a strong security relationship with the United States for over 20 years since President Kennedy sold C-119 aircraft and ground weapons to India in 1962. I hope some means can be found to expedite advisory opinions, and, where necessary, final authorizations required for exporting American military equipment to India. Because of the geopolitical stakes involved, I hope the Departments of State, Defense, and Commerce will go the extra mile to nurture this most promising effort of President Reagan to improve relations with a nation that contains one-sixth of mankind and is therefore the world's largest democracy. Since Mrs. Gandhi's first visit to the United States almost 12 years ago, too much has happened in Vietnam, in Iran, in Afghanistan, in United States-Chinese relations, and in the growth of Soviet military might for the working-level officials of the executive branch to treat Indian arms requests in a nonchalant, business-as-usual fashion.

Mr. President, I hope as a symbol of improving United States-Indian relations in 1983 that a U.S. naval visit can be scheduled to as famous a port as Bombay by the flagship of our Middle East Force in the Persian Gulf. I know there is Indian sensitivity about visits by American naval ships to Indian ports because of the possibility that our ships could also call at Diego

Garcia Naval Base to which the Government of India has certain objections, but I can assure my colleagues today that our Middle East Force flagship, the U.S.S. *Coronado*, never calls at Diego Garcia. Of course, India's concern for a nuclear-free zone in the Indian Ocean would not be directly contradicted by the standard American official comment that we neither confirm or deny the presence of nuclear weapons aboard naval ships at sea such as the U.S.S. *Coronado* or other ships of the Middle East Force. Thus, while I could understand an Indian Government refusal to accept a ship visit by ships of the carrier battle group deployed in the Indian Ocean or ships operating from Diego Garcia, I see no reason why the U.S.S. *Coronado* could not resume the ship visit pattern of the early 1970's. Surely the Government of India will extend the same courtesies to such U.S. naval ships as are extended to the Soviet Navy. Nor is there any question of our Navy seeking naval access or bases at Indian ports beyond courtesy ship visits. I remain impressed at the firm denials with which the Government of India has rebuffed Soviet efforts to obtain naval access facilities or bases at Indian ports. Let us hope that Mrs. Gandhi will welcome U.S. naval ship visits with the same balanced nonalinement philosophy that caused her to reject these tactless Soviet requests for naval bases in India in the past few years while welcoming Soviet naval courtesy visits. A number of my colleagues and I will be watching with great interest in the months ahead as President Reagan and Mrs. Gandhi continue to improve their budding security relationship.

Mr. President, since we have heard in the past decade of the "China card" and the "Japan card," I would like to ask our strategic planners to consider in the same light the prospects for the development of the "India card" in the world wide competition we face with the Soviet Union.

DEATH OF THE REVEREND PAUL GLOVER

Mr. MURKOWSKI. Mr. President, on April 29, Rev. Paul Glover, one of Alaska's leading religious figures and a founder of the moral majority was shot and killed in an unprovoked attack in Mexico. Pastor Glover, his wife, Carolyn, and Reverend and Mrs. Curtis Nestegard of Naknek, Alaska, has been visiting missionary churches which Pastor Glover had ministered to some 25 years earlier north of Mexico City.

Expeditious action by Mexican and U.S. authorities enabled the safe return of Mrs. Glover, Pastor and Mrs. Nestegard to Anchorage, where a funeral was held for Pastor Glover on May 7. Investigation into this senseless and tragic killing is proceeding.

Paul Glover came to Alaska 20 years ago and began his missionary work in Anchorage. Through hard work and with strong moral conviction, he founded the Harvester Christian Church and Academy, and guided its growth to a highly respected institution in Anchorage. Paul inspired his followers to maintain the traditions of a moral and patriotic life, and carried his commitment to these ideals as a Ronald Reagan delegate to the 1980 Presidential convention.

Paul Glover was an extraordinary Alaskan who was committed to the principle that good Christian attitude and good government can work hand in hand for the betterment of all.

I share the deep grief felt by his wife, Carolyn, and his sons, Steven, Mark, and Dan, his colleagues and his congregation and all Alaskans who knew this devout Christian.

PRESIDENT REAGAN'S NOMINATION OF SENATOR STONE AS CENTRAL AMERICAN ENVOY

Mr. MURKOWSKI. Mr. President, on April 28 President Reagan announced his intention to appoint Richard Stone, our former colleague in the Senate from Florida, as Ambassador at Large and Special Envoy for Central America. I want to take this occasion to express my support for the President's excellent choice.

Although I did not have the pleasure of serving in the Senate with Senator Stone, I have had the opportunity to meet him and to discuss a wide range of subjects with him since coming to Washington. I have found him to be a most intelligent, thoughtful, and articulate individual. His exposure to foreign policy issues during his membership on the Senate Foreign Relations Committee and his subsequent activities as an informal adviser to the Reagan administration on Central America have equipped him well to undertake the responsibilities given him by President Reagan.

Senator Stone has a distinguished record of public service to his home State of Florida and to the country. After graduating from Harvard University and Columbia University Law School, Senator Stone entered the private practice of law in Miami, Fla. He served in the Miami City Attorney's Office before twice being elected to the Florida State Senate. In 1970, he was elected Florida Secretary of State. During these years in State government, Senator Stone was a leader of the "sunshine in government" movement which opened the institutions and processes of Florida State government to greater public participation and public secrutiny.

In 1974, Florida's voters elected Senator Stone to the U.S. Senate. While in the Senate, he served with distinction on the Committee on Interior and Insular Affairs, the Committee on Veterans' Affairs, the Committee on Foreign Relations, and the Committee on Agriculture and Forestry. He served as chairman of the Foreign Agricultural Policy Subcommittee and the Near Eastern and South Asian Affairs Subcommittee.

As a member of the Senate Foreign Relations Committee, Senator Stone was a strong advocate of a firm foreign policy to resist Soviet expansion throughout the world. His voting record manifests a determined commitment to a strong national defense. He took a special interest in our Nation's policy toward East Asia, the Middle East, and Central America. He is widely recognized as one of the authors of the Taiwan Relations Act, establishing our relationship with the Republic of China, following President Carter's recognition of the People's Republic of China. He was a leader in efforts to expand U.S. trade with the Pacific Rim, a matter in which I am especially interested. And, as chairman of the Near Eastern and South Asian Subcommittee, he offered counsel and support to those in our Government charged with bringing peace to the troubled Middle East region.

After his term in the Senate, Senator Stone joined the Washington office of the New York law firm of Proskauer, Rose, Goetz & Mendelsohn.

In 1982, he accepted the position of vice chairman of the board of the Capital Bank N.A., Washington, D.C., a position in which he continued to serve until the President's recent announcement.

Mr. President, as a former banker in Alaska, I cannot help but observe that Senator Stone's career has been characterized by constant improvement from one position to the next. After many political successes, culminating in his election to this body, he was finally elevated to the position of vice chairman of the Capital Bank Board. Of course, I say that as a joke.

The Foreign Relations Committee, on which I am privileged to serve, will soon conduct hearings on Senator Stone's nomination. I am confident that the committee under Chairman PERCY's able leadership will properly discharge its responsibility to examine the nominee's qualifications for this important post. Based on my personal knowledge of the Senator and his record of public service, I am equally confident that the committee and the full Senate will confirm him.

His task will be most difficult. The problems emerging in Central America are complex and difficult. Positive solutions will come about only if the United States is committed to the determined policy outlined by the Presi-

dent on April 27, and if that policy is implemented by talented and courageous representatives of our Government.

Senator Stone, with his long years of distinguished public service, his fluency in Spanish, and his personal knowledge—from years of travel and broad contacts—of the Central American region, is uniquely capable of undertaking this important assignment. I congratulate the President for his choice and urge that Senator Stone be confirmed by the Senate.

JOHN HARGROVE BOWLES: WORKING TO PRESERVE ANCIENT TRIBAL CULTURE OF HUICHOL INDIANS

Mr. HELMS. Mr. President, all of us take special pride in the achievements of our children—and the children of our friends. I hope I may be forgiven if I boast a bit about a son of a dear friend who has meant a very great deal to me since our boyhood days in Monroe, N.C.

John Bowles and I grew up together in our small hometown which will forever be very dear to us. John's career has led him to the top of America's business community. Today he lives in Beverly Hills, Calif. He retired some years ago as president of Rexall Drug Co.—but he hasn't really retired. He serves as consultant to some of America's most important corporations.

But it is not my friend, John Bowles, about whom I speak today. Rather, Mr. President, I address my remarks to John's son, John Hargrove Bowles, who has undertaken a project certain to be meaningful in terms of United States-Mexican relations.

Young Bowles has assembled and organized an exhibit of Huichol art, and a remarkable exhibit it is. He has booked a tour, and raised funds in the United States to finance it, which will result in this art collection being seen and enjoyed by thousands. The beginning of the tour is scheduled June 16 at Tropen Museum in Amsterdam. At the end of the tour of Europe and the United States, this remarkable collection will be sent to Guadalajara, Mexico, for permanent exhibition.

Mr. President, John Hargrove Bowles was graduated cum laude from Harvard's School of Art History. While this young man never lived in Monroe, N.C., I am proud that he is of Union County stock.

In any event, Mr. President, thanks to the efforts of a brilliant young American, the fate of an ancient and complex Mexican tribal culture may hang by a thread—threads of ordinary, but brilliantly colored, woolen yarn.

The Huichol—pronounced Weechol—Indians use strands of yarn to create richly textured and powerfully colored paintings, or tablas, which capture the essence of their profoundly religious life and traditions.

Mr. President, as I indicated earlier, a 1-year European tour of the works of five Huichol master artists will begin June 16 in Amserdam, following a preview reception hosted by Los Angeles Mexican Consul General and Mrs. Javier Escobar and Mr. and Mrs. George White of Beverly Hills. The paintings were shipped May 12 from Los Angeles.

Predating the Aztecs and speaking little or no Spanish, 7,000 Huichol eke out a livelihood farming maize in the remote, rugged mountains of Jalisco, 120 miles northeast of Guadalajara.

A Mexican scholar and writer named Juan Negrín has taken an interest in the Indians and has learned their language during the 10 years he has lived and worked among them. He says that the Huichol have great cultural integrity. Negrín serves as adviser to the European exhibition, which he hopes will draw public attention to the Huichol, who may be the last unacculturated Indian tribes in North America.

"What is exceptional about these Huichol paintings is their high artistic quality and relationship to their religion," says Negrín, one of the few outsiders to complete the 5-year cycle of arduous pilgrimages with the Indians.

Mr. President, without Negrín's encouragement of the artists, the yarn paintings might never have developed into the large masterpieces that are going to Europe; the tablas range from 16 inches by 16 inches to 8 feet by 4 feet. They evolved from crafted pieces devoid of religious significance, which were derived from nierikas—wooden disks emblazoned with beads and fiber in sacred designs—which the Indians traditionally leave, with prayers, at holy spots along pilgrimage routes. Nierikas are also used by the shamans—spiritual leaders—for commuting with their gods.

"The Huichol's lives are based on trying to reach very deep psychological roots of thought and tapping the preconscious mind," says Negrín.

One prilgrimage requires five annual journeys to Wirikuta, the Huichol desert holy land, some 300 miles to the east of their mountain home. In Wirikuta, they gather the sacramental peyote cactus, which the Indians believe contains the spirit of Tamatsi Kauyumarie—Our Elder Brother Deer Spirit—the intermediary to all their other gods. Peyote use is typically preceded by 30 days and sometimes several months of fasting, abstaining from sex, and other austere practices.

The five artists in the exhibition depict themes from their traditional mythology, according to the visions, dreams, and revelations experienced while training to become shamans; to date two of the artists have achieved that status.

Gods, goddesses, animals, plants, and sacred objects abundantly fill these Huichol masterpieces, which almost explode with life and color as the artists show how the dramatic conflicts between the gods established the universe and the precarious harmonies in nature.

Mr. President, included in the exhibition are examples of some of the most recent and complex tablas by José Benítez Sanchez—or Yacuye, "Silent Walker"—that have never been shown to the public. He is called the Picasso of Huichol art.

None of the tablas in the exhibition is for sale. Negrín hopes to build support to permanently install the masterpieces in a cultural center for the Foundation for the Preservation of Traditional and Sacred Art of the Huichol, a nonprofit Mexican foundation that he and a few shamans established with the help of Cultural Survival, Inc., a nonprofit organization based at Harvard University. Plans for the exhibition include a North American tour before its final installation in Mexico in 1986.

Also helping Negrín with his work are Mexico's Institute of Technical and Superior Studies of the West and the University of Guadalajara, as well as the Friends of the Huichol Culture, Inc., of Berkeley, Calif.

The exhibition, directed by John H. Bowles of Beverly Hills, a fine arts graduate of Harvard University, includes 50 tablas and 30 photographs of the Indians.

DEBATE ON NUCLEAR POLICY: A CHALLENGE TO THE SENATE

Mr. PROXMIRE. Mr. President, considering the immensity of the problem, it is strange that we have just begun to think about the problem of living with nuclear weapons and nuclear war. I mean really think to focus the massive intellectual energies of this country on nuclear war and what we can and should do about it.

Last year, the University of Wisconsin established a course in nuclear weapons and how we live with them, what we can do about nuclear war. It was an extraordinarily popular course. Many other universities have begun to consider following the lead of the University of Wisconsin.

Just last month the President of Harvard University, Derek Bok, wrote the foreword to a book, "Living With Nuclear Weapons," in which six Harvard scholars have written, and written very well, about the problems of the nuclear war and there was great objectivity as to what we can do about it.

Yale University has also established a series of courses, three courses in nuclear weapons, evaluating nuclear

strategy, American nuclear age, and the bomb.

Mr. President, there was a very interesting observation by a professor who teaches one of these courses at Yale which I would like to share with my colleagues in the Senate. It was this:

I think we have collectively brought ourselves to accept a degree of risk that we could not sustain or to rate in other areas of life. We accept living under this nuclear cloud because we do not know how to get out from under it, and because we have persuaded ourselves of the enormous risks that it is supposed to prevent. But decisions have been made without any systematic, societywide facing of these issues. How can society have adopted such a risky posture without facing its implications?

He points out:

People can give you all the statistics about baseball because they go out to Fenway Park on a Sunday afternoon. The necessary facts you have to put together to talk about nuclear deterrence are not really any more complicated and more difficult to learn, but they are a whole lot less pleasant.

Mr. President, I hope and pray that when the freeze issue comes before this body we can have the kind of informed and detailed debate on that overwhelmingly critical issue that will do credit to the U.S. Senate and give understanding and benefit to the country.

I ask unanimous consent that the article to which I referred in the Yale alumni magazine for May 1983 be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THINKING ABOUT THE UNTHINKABLE: COURSES DEALING WITH THE BOMB

(By D. Kimball Smith)

In this age of precarious detente, when the threat of nuclear war hangs over the world like a cloud, it is perhaps the most relevant of courses. It is called simply The Bomb, American Studies 445b, but it encompasses the concerns and worries and pressures and fears that have formed the contemporary world. First offered in 1981 as a residential college seminar, it is now being taught for the first time as part of the regular curriculum, the newest of three courses dealing with issues of nuclear weapons. Each offered in a different discipline—American studies, history and political science—these courses approach the subject from three distinct perspectives, but all have at their hearts different aspects of the same concerns and the same history, and all ultimately sprang from the same beginnings.

At 8:15 on the clear, bright morning of August 6, 1945, the bomb fell. It was only ten and a half feet long, twenty-nine inches in diameter, and it contained, at its core, a package of Uranium 235 the size of a football. When it exploded, approximately one gram of that U-235 was instantly converted into energy. Within nine seconds the temperature at ground zero grew as hot as the surface of the sun, and 100,000 people were killed or doomed. A hundred thousand more were injured. It was, according to President Harry Truman, "the greatest achievement of organized science in history."

In the succeeding thirty-seven years, organized science has built on its successes, creating far more destructive devices than that first A-bomb, and the repercussions have fanned out like ripples on a pond. It was to understand at least some of these ripples that Mark Ryan, Dean of Jonathan Edwards College and a lecturer in American studies, devised and offered his seminar on the bomb.

"I chose this subject because intuitively I found the issue extremely compelling. It seemed to raise questions that were fundamental," he said. "The nuclear predicament is life-threatening; it raises issues about eschatology, and for that reason it seems appropriate for a liberal-arts program: an attempt to get at the most basic issues.

"When I came to this course, it was not out of a sense of the political urgency of the issue, which is the assumption you tend to make about these courses being taught now; it was for intellectual reasons. I feel the political urgency more strongly now, but I'm conscious of not coming across with an explicit political agenda."

Lounging casually at one end of the long table in an elegantly paneled seminar room in Jonathan Edwards College, Ryan cuts a dapper figure, slim, elegantly dressed, smoothly sure of his material. He guides the discussion with a soft-voiced confidence that suggests the impact of the subject, not the drama of his delivery, will carry the students along.

To Ryan, the essential issues are varied, but they center around a general, and apparently benign, subject: the impact of technology on cultural change. He wanted to examine the bomb's impact on the many aspects of culture—on literature and psychology, politics and popular music.

He came to this approach by way of two courses he taught at Williams College before coming to Yale: one on technology and American life and the other on World War II. The decision to drop the A-bomb had been the focus of only one week of his war course, but as he began to do further research, the subject grew broader, and he found some common ground between the two courses.

"It just all began to fall together for me pretty readily around the questions of examining through various disciplines the cultural effects of the given technology," he explained.

But while this course is similar in principle to a study of, say, the effect of the steam engine or the power loom, it is a matter of far greater consequence. A power loom, after all, is relatively harmless.

"I think, since the course tends to raise up the image of man extinguishing himself with his own hands, it in turn forces us to examine and reexamine our views of the role technology plays in human history," he said.

Technology and science, seen for so long as the promise of progress and continuous improvement in western culture, has created the means for its own extinction. The knowledge of this potential extinction found its way into novels and films, such as On the Beach and Dr. Strangelove, into psychological studies, and even, for a while, into popular songs. Take, for example, a bouncy little number called "Atom Bomb Bady" or the 1946 song "Atom and Evil," with the catchy lyrics, "If you don't break up that romance soon, we'll all fall down and go boom," crooned in the sweetest of harmonies.

The threat was seen from the beginning, and it has gradually become part of people's lives, subdued, but always in the back of their minds.

"Tapping the students' emotions, making them visualize the effects of the bomb, that's always a problem, if only because it's a hard issue to face emotionally," said Ryan. "One thing we do, so that people don't consider this an abstract intellectual issue, is to drag them through the Hiroshima experience. We go through it in excruciating detail with films as well as readings, readings written from a personal point of view."

The series of fifteen films that Ryan has chosen to supplement his courses are by turns informative and funny, tragic and mind-numbingly horrifying. One film, Hiroshima-Nagasaki—August, 1945, a short documentary shot six days after the first bomb was dropped, is a sharp, victim's eye view of the devastation. It shows the city leveled to a plan of rubble, the few intact walls occasionally marked with the scorched silhouette of a plant or a person caught at that first fiery moment. In the hospital are the armies of injured, burned, dazed, and suffering, under the ineffectual care of overworked physicians.

"I felt very strongly that the gut-level reaction is extremely important in this particular endeavor," said Ryan. "I think it's very hard for somebody to sit through those films and to read some of these writers without finding the matter riveting.

"But at the same time, the intensity of emotions is not something one can hold in one's consciousness all the time. When I began teaching it the first time, I began to have nuclear horror nightmares. They faded. You go through a time when you become somewhat dulled. But one thing I'd like to promote with the students is an awareness of the dynamics of being dulled to it."

In order to help students hold the matter of the nuclear predicament in mind, Yale offers two other courses which, with Ryan's, provide a context for the study of the repercussions still echoing thirty-seven years after Hiroshima.

Evaluating Nuclear Strategy, which has been taught for the past three years by Professor of Political Science Bruce Russett, examines the nuclear predicament from the point of view of its political ramifications, beginning with an analysis of the current state of the arms race and jumping back to provide an historical context. The emphasis is on the study of policy. The purpose is to face the issues.

"I suppose the gist of this course is that you can think about nuclear strategic questions," Russett said. "It's not a pleasant topic to think about, and there are certain elements of it that are arcane and require highly technical or classified information. But the overwhelming majority of important questions are not of that sort. They're political questions, value questions: What's worth dying for? What's worth killing for? What kind of trade-offs in terms of monetary costs or risks of damage to life are we prepared to take? They are not very pleasant issues to talk about."

In fact, there seems little that is less pleasant than the thought of a nuclear war, even, as is sometimes contemplated, a "limited" one. As part of his course, Russett analyzes the capabilities and characteristics of the nuclear weapons available today and, as a corollary, what sort of damage they could produce if used. In a series of scenarios, the political scientist examines how po-

litical instability abroad could lead to U.S. nuclear involvement.

"Don't imagine that you could fight a nuclear war that had much meaning as limited," Russett observed.

"Take an example, a Soviet counterforce strike directed purely against American land-based ICBM missiles. If the Russians scrupulously avoided shooting at anything but ICBMs, depending on whether conditions and how the winds are blowing, between 2 and 22 million Americans are prompt fatalities, which doesn't say anything about long-term effects of fallout. That's within the first thirty days. That's a limited war."

Other scenarios are even more grim. A nuclear attack on major cities and industrial centers as well as military sites would leave between 76 and 165 million people dead and the country's industrial and communication and transportation systems shattered. Those who survived would face disease and starvation exacerbated by a killing shortage of physicians and an inability to transport food—assuming there was enough radiation-free land to grow any.

"Hardly anyone thinks in terms of this complex social organism that gets disrupted in so many ways so that you're dealing with interactive multiple effects and not just with the immediate destruction," he said. "That's very hard to grasp, but we get at it in this course. There is an enormous threat that exists there, and I want to do something about it insofar as I can as a political scientist, as a writer, as a teacher, getting people to think about it in a reasonable, rational, systematic way. It's something that is so easy to go off emotionally half-cocked on."

Russett's course has been growing in popularity since he first offered it in 1980, until now it contains almost 120 students.

"We have periodically had people around here doing defense policy and security courses, but only sporadically, and it's never been one of the great strengths of this university," he said. "But I had a sense about three years ago that we hadn't been doing it lately, that it ought to be done, that there was undergraduate interest in this, and indeed I was getting interested in these topics again myself. As the international situation deteriorated and as American security policies began to look as though they were getting crazier, there seemed to be a need to come back into the field.

"We have to look at a range of problems and solutions all the way from strict arms control and how to manage it to disarmament. I try to do political analysis, what we mean when we talk about the various factors that drive the arms race—international competition with the Russians, various domestic forces, the so-called military-industrial complex, domestic bureaucratic political forces—how these interact to produce the political questions such as what happens if you get into a crisis, and how you get out. So in fact we do economics and social psychology, political process analysis, normative political philosophy, and some history."

For a view that's more exclusively historical, however, undergraduates may turn to Associate Professor of History Gregg Herken and America in the Nuclear Age. For this course, Herken has revised the department's usual foreign-affairs offering, focusing it specifically on developments since the Second World War and the underlying effects of nuclear weapons. He examines the last forty years, administration by administration, tracing the intricate loops of policy and action that have molded world events, and although he does not always deal specifically with the danger of nuclear weapons, it is always in the background.

"The presence of nuclear weapons has dominated American foreign policy since 1945 and has led to a lot of policies and changes in those policies," Herken observed. "Traditionally through this period the bomb was sort of a crutch. It would be a last resort. But it was also a somewhat comforting thing, and even something that would mean that you didn't have to make decisions. You didn't have to adopt a conciliatory approach to the Soviet Union because we had the bomb and we had it alone. That's pretty explicit."

As a course in history, Herken's lecture serves to complement both Ryan's and Russett's efforts. Where the American studies seminar focuses on people and the human element—the men who built the bomb, the people against whom it was used, and those who were later affected—Herken studies policies; where the historian studies events, Russett's political-science course traces theoretical causes and results. The three courses work together, often using the same resources, films, and speakers, like John Hersey and Robert Jay Lifton. In each case these teachers are trying to open a subject that is too often closed by fear.

It has been estimated that, within the next decade, fifty countries will possess nuclear weapons, and as that number increases, the chances that at least one of them will be used increases. It is an issue that must be examined clearly and honestly.

"I think we have collectively brought ourselves to accept a degree of risk that we could not sustain or tolerate in other areas of life," said Russett. "We accept living under this nuclear cloud because we don't know how to get out from under it, and because we've persuaded ourselves of the enormous risks that it's supposed to prevent. But decisions have been made without any systematic, societywide facing of these issues. How can society have adopted such a risky posture without facing its implications?"

"People can give you all the statistics about baseball because they can go out to Fenway Park on a sunny afternoon," Russett added. "The necessary facts that you have to put together to talk about nuclear deterrence aren't really any more complicated and more difficult to learn than that, but they're a whole lot less pleasant."

GENOCIDE CONVENTION: RELEASE OF ANDREI SAKHAROV

Mr. PROXMIRE. Three years ago, Mr. President, Nobel prize winning physicist and outspoken political dissident Andrei Sakharov was arrested on the snowy streets of Moscow by the KGB and he was sent to Gorki, where he still is in political isolation, cut off from his family and friends, and in great danger of losing his life. He has asked to be able to emigrate from the Soviet Union. He has been flatly denied that. Here was a man who, as a matter of fact, developed the Soviet Union version of the hydrogen bomb, but a man who is also a great advocate of arms control and disagrees very strongly with the aggressive policies of the Soviet Union.

After braving the political isolation of Gorki for 3 years, Sakharov finally said, if granted an exit visa, he would be willing to leave the Soviet Union. Once he leaves, Sakharov knows he will never be allowed to return. There was an offer for Sakharov to teach at the University of Vienna and hopes were raised in the West that he would be allowed to leave. However, after weeks of speculation that Sakharov might be granted this visa, the Soviet official news agency Tass said that Sakharov would be barred from traveling abroad.

According to Tass, the reason for this prohibition on travel is that the physicist, who developed the Soviet Union's hydrogen bomb, was by the nature of his work a scientist in possession of state and military secrets. Soviet authorities claim that, in the interest of national security, Sakharov must be deprived of the possibility of making trips abroad.

In the meantime, Sakharov's wife, Yelena Bonner, has often complained about her husband's isolation in Gorki. She fears for his safety in the hands of government "terrorists" who she claims will kill her husband one day. Bonner said conditions in Gorki had grown worse for her husband in recent weeks, and he was very depressed and isolated. In spite of his separation from friends and supporters, Sakharov refuses to let the Soviet authorities silence him. He continues to defend human rights, criticize the nuclear arms race, and fearlessly challenge Soviet power. Even now, Sakharov is not afraid for his life. Elena Bonner says of her husand, "You can't frighten him. He's not that type."

Since Sakharov's exile his wife has traveled regularly to Gorki and reported that her husband was finding it extremely difficult to continue his work as a physicist. In his isolation, this great scientist has been deprived of books, papers, and scientific contacts. Soviet authorities have isolated Sakharov, taking away his livelihood, and maybe threatening his very life.

The United States has traditionally spoken out against political repression, recognizing that the bond of humanity and free expression are more important than problems arising over political, religious, or cultural differences. We must do everything in our power to uphold this tradition in our own country, and to spread this human rights ideology to other nations, in an effort to protect dissidents like Sakharov.

One way to reaffirm our commitment to the prevention of human rights violations is to ratify the Genocide Convention, an international treaty which outlaws the extermination, or intent to exterminate, any national, racial, ethnic, or religious group. This is not to imply that the

Soviet Union intends to exterminate all of their political dissidents, but they have often threatened outspoken political critics, sometimes using violent and inhumane tactics. Ratification of the Genocide Convention would give the United States more leverage to protest human rights violations like those occurring in the U.S.S.R., even when an act of genocide is not being committed.

Let us ratify this treaty immediately, so that we can demonstrate in our actions as well as our words, our true commitment to the protection of human rights.

PETS AND THE ELDERLY AND THE HANDICAPPED

Mr. PROXMIRE. Mr. President, today the Washington Post style section has an excellent article on the issue of whether or not the elderly and handicapped living in federally subsidized housing should be allowed to have pets in their apartment.

The author of the article, reporter Julie Rovner, points out that there is substantial medical evidence that pets can provide specific therapeutic benefits such as lowering blood pressure, reducing the mortality rate of heart attack victims, alleviating serious depression, and reducing the incidence of violent actions such as suicide attempts and aggressive behavior.

Despite the obvious value of pets to the elderly and handicapped, federally subsidized housing in general has a blanket no pet policy—imposed by local operators rather than Federal statute.

I have introduced legislation (S. 606) to allow pets in federally subsidized housing for the elderly and handicapped. My original bill has been incorporated into the Housing and Community Development Act which has been approved by the Senate Banking Committee.

Opponents of this pet legislation often argue that pets will create problems in the living units. In response to that concern, our legislation allows for the removal of any pet creating a health, safety, or nuisance hazard. This authority rests with the operator/owner of the subsidized housing unit.

How would this be handled? The same way other local problems are handled. When someone plays the television all night long at full blast, or leaves garbage in the hallway, or disrupts the other tenants of the building, then management steps in to resolve these problems. Problems with pets would be handled in the same manner.

Our legislation has been drafted to emphasize the responsibilities of pet owners as well as their rights to pet ownership. In that balance will come a beneficial relationship for all parties.

Pets can bring a richness to life for many elderly and handicapped individuals that is not easily available elsewhere. We cannot simply bar pets arbitrarily in the face of the medical evidence about their therapeutic value.

Mr. President, I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOCUS: "NO PETS ALLOWED"

(By Julie Rovner)

"No Pets Allowed . . . visiting pets may not enter the building," reads the sign at a Rockville apartment building offering subsidized housing for the elderly.

Resident Joan Smith (not her real name), 75, believes that sign means what it says: Last year she reluctantly gave away to friends her only companion, a 6-year-old cat named Baby.

"She was afraid she'd have to have the cat put to sleep," says Shayla Saltz, also of Rockville, who agreed to take the cat.

"She was terrified that a maintenance person would come into her apartment and find the cat and they'd be put on the street with no place else to go. When she lived in another apartment, someone saw the cat in the window and the next day she received a letter telling her she and the cat had to be out in five days."

"It's not that we're opposed to pets," explains Bob Banes, division manager for Dreyfus Bros., which manages Heritage House, "but we have to think of the building and of the tenants. Pets can really create problems with noises and odors and they can make an unholy mess."

Joan Smith's story—like others increasingly making the rounds—does not have a happy ending. Elderly or not, you are going to have a tough time finding a place to rent if you have a pet.

"It's not that all landlords are blue meanies," says Charles Edson, attorney for the National Housing Manager's Association, "but the fact is, pets can and do create management problems, and an apartment owner doesn't want to have to go to court every time he wants to evict a dog. It's easier to ban all pets."

Blanket bans on pets in rental housing, however, are coming under increasing attack from a new coalition of humane societies and advocacy groups for the elderly. The former argue that responsible pet owners should not be denied pet ownership; the latter cite increasing scientific evidence that pets, especially for the elderly and handicapped, can improve significantly the quality of a person's life.

Pet bans, opponents argue, are nothing more than a subtle form of discrimination in housing and deserve to be struck down.

"Of course pets can cause problems in a building, but you have laws to deal with that," says Alan Beck, director of the University of Pennsylvania's Center for the Interaction of Animals in Society.

"How can you justify banning pets when most of the things we do in apartment houses could and are, in fact, perverted by some to be problems? You don't say that people in apartments can't have hi-fi's because 10 percent of the people with hi-fi's play them past 11 o'clock at night. Instead, you say people can have hi-fi's, but they can't play them loud."

While animal shelters continue to report case after case of people forced to give up cherished companions because they cannot find affordable housing that accepts pets, the hardest hit seem to be the elderly. All too frequently they find themselves living alone on fixed incomes and facing subsidized housing, only to be informed that they must give up their pets, sometimes the last living links to their families.

Ironically—as the connections between the elderly and their animals are being severed—doctors, psychologists and social workers studying the implications of the human/companion animal bond continue to demonstrate the presence of pets can:

Lower blood pressure.

Reduce the mortality rate of heart attack patients.

Alleviate serious depression.

Reduce violent incidents, suicide attempts and medication needs in facilities for the criminally insane.

In studies of animals and the elderly, researchers have found that animals may help older people cope with their loss of dignity and self-esteem as well as maintain their sense of humor, all of which can lengthen a person's lifespan.

That irony hasn't been completely lost on legislators. Laws striking down pet bans in housing for the elderly and handicapped have been enacted in California and Arizona and are pending in at least four other states. (A similar bill failed to pass the Maryland legislature this year.)

At the federal level, legislation that would forbid federal funding for elderly and handicapped housing units that ban pets has been introduced by Rep. Mario Biaggi (D-N.Y.) and Sen. William Proxmire (D-Wis.). The bill is being backed by such diverse groups as The Humane Society of the United States, The White House Conference on Aging and The Delta Society, a nonprofit association of animal and health professionals.

While public-housing managers are concerned that passage of the federal legislation would create havoc in their facilities ("I'm getting more calls on the pet bill than on anything else," says the housing association's Edson), backers deny that allowing pets would turn public housing into zoos.

"Who says the pet necessarily means do?" snaps Linda Hines, director of the People-Pet Partnership Program at Washington State University, one of the first so-called pettherapy programs. "One of the most important parts of the legislation is that landlords can set reasonable guidelines for what kinds of animals can live in which buildings."

"The problem is that when these housing units say no pets, that means nothing, not even a goldfish," says Dr. Michael McCulloch, a Portland, Ore., psychiatrist and vice president of the Delta Society.

"What we're trying to do is suggest that there are much more imaginative ways that we can approach this issue. For instance, having pets in these housing units does not necessarily imply 24-hour-a-day ownership. Maybe you could have a career couple who could take their dog to an elderly person and leave it there for the day. Or you could give a person a bird or a fish instead of a dog or a cat. You just have to use common sense."

In an effort to bring pet proponents closer together with housing managers, the Department of Health and Human Services' Administration on Aging and the Department of Housing and Urban Development

have given a $50,000 grant to the National Center for Housing Management to "provide managers with the training and management tools necessary to support independence and maintain a high-quality social and physical environment for the elderly."

The Delta Society is using part of that grant to formulate a program for housing managers aimed at sensitizing them to the health benefits of pets and assisting in the accommodation of elderly tenants who wish to maintain animals companions. McCulloch says he hopes the conference, scheduled for September in Washington, will result in the establishment of guidelines to satisfy both tenants and managers.

"It's been easy to say that pets are just problems," he says, "but it's a shame to see people disenfranchised this way. Pets have been indicted, tried and convicted and it's time to see a change."

AMERICANS LIVING ABROAD

Mr. PROXMIRE. Mr. President, I am pleased to congratulate Angela E. Sword, a high school senior from Wisconsin Rapids, Wis. Miss Sword recently won a $1,000 scholarship award for her essay on the topic: "Americans Living Abroad: Their Contributions to the United States." This award for the best essay by a Wisconsin high school student is sponsored by American Citizens Abroad, Inc.

In her essay, Miss Sword emphasized that:

Americans who live and travel abroad contribute a great deal to the way the people of foreign nations regard us. Our attitudes toward our government, our knowledge of political issues, foreign and business affairs can help us or hurt us. Many foreigners have misconceptions about the way we regard other countries. Those who travel abroad can change their views.

Two other Wisconsin high school seniors, Sharlene Fritsch, of Reedsville High School, and Chad Bladow, of Kettle Moraine High School in Wales, shared honors as runnerups in the competition and are also receiving scholarship awards.

Mr. President, the topic of Miss Sword's prize-winning essay reminds me of another kind of contribution Americans living abroad could be making, but currently are not. I am referring to contributions in the form of taxes these Americans ought to be paying into the Treasury.

As you know, Americans living abroad are now allowed to exclude up to $75,000 of income earned abroad from Federal taxes here at home. By 1986, they will be able to exclude the first $95,000. This unnecessary and extravagant tax loophole was provided these citizens last year even though they were previously allowed to credit income taxes paid in foreign countries—dollar for dollar—against their U.S. Federal income tax.

This massive subsidy to some of the highest income and wealthiest citizens in our society now costs an estimated half billion dollars a year in lost revenues. At a time when all of us agree that we desperately need to reduce the deficit and find ways to raise additional revenues, I think it is important that we take a second, hard look at this glaring example of welfare for the well to do. These tax preferences are a wasteful loophole that we ought simply to eliminate.

Mr. President, I ask unanimous consent that the winning essay by Angela E. Sword be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

AMERICANS LIVING ABROAD: THEIR CONTRIBUTIONS TO THE UNITED STATES

(By Angela E. Sword)

Today the countries of the world are facing a great challenge maintaining friendly and peaceful relations with each other. This is becoming increasingly more difficult with the threat of weapons, most especially nuclear weapons, as a means of keeping "peace." It is up to the United States, ordinary citizens as well as government officials and diplomats, to make it known to the peoples of European and African nations that our interests, such as trade relations, are also in their best interests. We have heard and seen reports of violence, riots and protests, aimed at the United States. They blame us for the problems in their countries. The attitude we take when confronted with these accusations is very important. If we look at them as if they have nothing to do with us, we are indeed in trouble.

Americans who live and travel abroad contribute a great deal to the way the people of foreign nations regard us. Our attitudes toward our government, our knowledge of political issues, foreign and business affairs can help us or hurt us. Many foreigners have misconceptions about the way we regard other countries. They have been given the impression that we, as a nation, step on the toes of other nations to try and tell them what to do. Those who travel abroad can change their views. They can show how we have helped many countries get back on their feet again by lending them money. We have also given smaller, less fortunate countries the opportunity to improve themselves. We should remember, however, that some businesses and individuals try to take advantage of these countries. They should remember that their actions, big or small, good or bad, reflect upon the total picture of the U.S.

Those who live abroad can help our economy in the United States also. They, in a way, "advertise" our industries and products that are available. These products can range from eye makeup and jeans, to farm equipment and computers. Our farming industry can be helped in the same way. How they discuss these products, their advantages and disadvantages, can encourage or discourage foreign investments in our products.

Many times we are afraid of people whose system of government and customs are different than ours. Foreign nations have the same feeling about us. The gap between us can, and has, become narrower. By having the chance to live and study overseas we can get to know each other better. We can learn the language and customs of a country, and make friends with those who are different than us. The exchange programs in schools are a great step toward bringing our nations closer together.

We in America often take our freedoms for granted. We believe that they are always going to be there for us. However, when people abuse these freedoms, actions must be taken. We can show foreigners how greatly we value our rights by not abusing them in America or while visiting a foreign land.

Though we may not look the same, act the same, speak the same language, or agree on everything, the nations of the world have a common goal. We want to improve our relations with, and better understand each other. We can accomplish this by traveling and talking with people of other nations. If we can form a bond of true friendship and peace with one another, this world will indeed be a less fearful, more peaceful place to live. It is up to all of us.

TEETH OF CLEAN AIR ACT NEED EXTRACTION

Mr. SYMMS. Mr. President, the article that I would like to include in today's RECORD was written by Monte Throdahl, Monsanto Co.'s senior vice president for environmental policy. This statement, which was recently printed in the Chicago Tribune, deals with an issue of great consequence—the urgent need for reform of the Clean Air Act.

Mr. Throdahl points out that one of the most tragic aspects of the Clean Air Act is the sanctions that EPA is now forced to impose on counties which have failed to meet certain statutory standards, and that actually are delaying progress with air quality improvement. I have never supported these sanctions mandated by the Clean Air Act, and feel that they are but one of the provisions of the act that could be abandoned or streamlined without jeopardizing the Nation's air quality. I ask unanimous consent that the text of Mr. Throdahl's article be included in the RECORD so that my colleagues might share his astute observations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Mar. 16, 1983]

A MANUFACTURED AMERICAN CRISIS

(By Monte C. Throdahl)

Although most of us would deny it, I wonder if we aren't in fact a people who delight in crisis. How else to explain the one we've manufactured over the federal Clean Air Act?

This law requires the U.S. Environmental Protection Agency to ban certain new industrial construction and to impose other "sanctions" against parts of the country that failed to meet the Dec. 31, 1982, deadline for achieving clean-air standards. The other sanctions include a loss of federal highway funds and grant money for local air pollution control programs.

As noted in many headlines, the EPA has proposed a list of 144 counties that may be subject to these punishments. These counties include parts of New York City, Los Angeles, Chicago, Pittsburgh, St. Louis and other major cities.

How serious a blow these sanctions will be to the economics and clean-air efforts of these communities remains to be seen. Thus

far, the EPA's list is a "proposed" one. The agency has indicated that it will not impose every penalty on every area that makes the final list later this year.

Those that do, however, are in for some pain. The loss of federal highway dollars will mean fewer jobs and the continued deterioration of roads. The construction ban will have the perverse effect of ensuing that the polluting plants which helped put a county in violation in the first place will keep it there. Newer, cleaner facilities will not be allowed to replace them. The loss of grants for local clean air programs will have a similar self-defeating effect.

The saddest aspect of this clean-air crisis is that it need not have occurred. For the past two years, the Reagan administration, some labor groups and industry have urged Congress to adopt amendments to the Clean Air Act which would have extended the 1982 deadline for those areas unable to meet it despite every good faith effort.

These amendments, originally contained in a 1981 bill introduced by U.S. Rep. Thomas Luken [D., Ohio], also would have simplified the process for issuing air permits, would have continued to require best available pollution controls for new plants, and would have reinstated earlier auto emission standards to reduce car prices while not seriously affecting air quality.

Members of Congress supporting this approach to updating the act were many, but not enough. Some members may have been paralyzed by pollster Lou Harris' ominous warning that the act is a "sacred cow" to be tampered with only at the risk of losing elections. In any case, after two years of haggling, Congress has produced absolutely nothing in the way of an amended Clean Air Act.

Now that the chicken of this inaction has come to roost in the form of construction bans, the reactions of those who helped breed the bird are fascinating to note. For example, some legislators who battled the extension now argue that the sanctions should not apply to all violating counties but only to those without an approved plan for meeting standards.

In the same vein, environmental groups suggest various loopholes that would allow the EPA to go easy on the offending communities. Strange indeed from the folks who howl the loudest when EPA is lax in enforcing any other deadline or rule.

While the site of all this backpedaling is amusing, it's a diversion the country can ill afford. Now that the EPA's controversial administrator Anne Burford has stepped aside, it is time to get back to the business of taking care of the environmental and economic needs of the nation.

$1 TRILLION IN DEFICITS

Mr. BIDEN. Mr. President, this Nation has suffered through a whole series of budget disasters in the last 2 years. The sad thing is that the outlook for the future is, if possible, worse.

After weeks of manuevering, which at times threatened to stalemate the entire budget process, the Senate may be about to adopt a budget that could result in the highest deficits of any budget proposed this year—over $1 trillion in the next 5 years. If this proposal is adopted, it will have been pushed through the Senate by a partisan majority that has rejected two alternatives which had both bipartisan support and much lower deficits.

I supported both of these alternatives, both in the Budget Committee and on the Senate floor. They were far from perfect. But they pointed deficits in the right direction—down. I cannot support this latest budget proposal.

Mr. President, I ask unanimous consent that a comparison of the deficits that would result from various budget proposals be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALTERNATIVE BUDGET PROPOSALS AND THEIR DEFICITS

[Dollars in billions]

	Fiscal year—		
	1984	1985	1986
Baseline	$201	$211	$227
Original Budget Committee recommendation	163	147	133
Domenici-Chiles compromise	179	166	130
Second Budget Committee recommendation [1]	193	185	([2])
President reestimated	185	179	149
House of Representatives	175	147	136

[1] As reported from Committee.
[2] No budget estimates.

Mr. BIDEN. Clearly, Mr. President, either the original Budget Committee recommendation, or the Domenici-Chiles compromise, both of which I supported, make the greatest headway in lowering deficits. Even they are not satisfactory. But it makes no sense to vote for the second Budget Committee recommendation when it has deficits that are greater than the committee's first recommendation by $30 billion in fiscal year 1984 and almost $40 billion in fiscal year 1985.

Mr. President, the administration has just requested that the debt limit ceiling be raised again for the current fiscal year to a staggering $1.389 trillion. For the fiscal year 1984, it has asked that the national debt limit be further raised to $1.624 trillion. And the latter figure may not be enough to accommodate the $193 billion deficit that the Budget Committee proposal now proposes.

I cannot, in good conscience, support budget proposals that create such debt when there are alternatives available that would create less debt. Because, Mr. President, the proposal before us increases Federal spending and increases Federal deficits. It does this at a time when the financial markets are calling for exactly the opposite signal.

At this moment, we have a fragile recovery underway. We have interest rates that have fallen, but are now hovering uncertainly, awaiting the signal we send. The deficits proposed here could well force interest rates higher and stop economic recovery in its tracks—with over 11 million people still unemployed.

At such a time, this proposal would continue the wornout budget policies of the past 2 years. These are the policies that have brought us the worst recession since the 1930's with unemployment going to record highs of nearly 11 percent.

Mr. President, in a statement earlier in these budget proceedings, I commented at some length that we needed a new approach to our budget problems. I said that we could not continue the same approach that has been used for the past 2 years. That approach has been to increase Federal spending while decreasing revenues. It should be no surprise to anyone that such a policy has resulted in the highest deficits this Nation has ever known.

But now, this latest proposal as reported yesterday by the Budget Committee, does propose to continue exactly the same policies, when compared with the budget originally reported by the Senate Budget Committee. This budget proposes to increase budget authority $8.1 billion above that originally proposed by the Senate Budget Committee. Outlays would rise $1.8 billion. And it proposes to decrease revenues for fiscal year 1984 by $27.6 billion below the first Senate Budget Committee proposal.

The result of this, of course, is an increased deficit in fiscal year 1984. That deficit is $192.7 billion, which is $29.4 billion higher than that proposed originally by the Senate Budget Committee.

Even worse, Mr. President, this budget proposal makes no pretense of trying to deal with our unprecedented, long-range budget problems. In dealing with budget issues, it is usual practice to project the results of budget proposals for at least 3 years, in this case, fiscal years 1984, 1985, and 1986. The House of Representatives, the President, and the Senate Budget Committee in its original proposal, have all given at least 3-year figures. Often 5-year projections have been given to show the real impacts of proposed budget policies.

But the proposal now before us does not do so. It sets forth its budget proposals for only 2 years, fiscal years 1984 and 1985. Nothing about how it is proposed to deal with our continuing deficit program. This so-called budget plan simply says that it anticipates that the deficit in fiscal year 1985 will be $185 billion. And there its information, and its proposals for change, stop.

Instead of a 5-year deficit reduction plan, there is a statement called "Deficit Reduction Path" that "recognizes" that the President has proposed certain deficit reduction measures. It then says that "Congress endorses actions of this magnitude." But it makes no effort to initiate these actions.

In other words, Mr. President, instead of hard numbers for the outyears, we have soft phrases stating

good intentions. We have been talking for some time now about the need to send signals to the private sector about our intentions to reduce deficits. Surely, though, this amendment sends the wrong signal. It substitutes platitudes for instructions to committees to act.

Mr. President, I ask unanimous consent that the text of section 3 of the amendment be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFICIT REDUCTION PATH

SEC. 3. It is the sense of the Congress that further deficit reduction actions will be necessary in Fiscal Years 1986-88 in order to insure a long-lasting economic recovery. While one Congress cannot bind another, the Congress recognizes that the President has recommended Fiscal Year 1986-88 revenue increases and spending restraint that would yield a predictable path of declining deficits. The Congress endorses actions of this magnitude if the deficits exceed 2.5 percent of the Gross National Product of the Nation. The President estimates that such actions would yield deficits in the range of $144.6 billion in Fiscal Year 1986, $136.6 billion in Fiscal Year 1987, and $102.4 billion in Fiscal Year 1988. The Congress further recognizes that if the economic recovery approximates the typical post-World War II economic recovery, deficits will be more on the order of $110 billion in Fiscal Year 1986, $90 billion in Fiscal Year 1987, and $60 billion in Fiscal Year 1988. The Congress realizes the extreme uncertainty involved in any out-year forecasts of the economy and that deficit, unemployment, and inflation predictions three years hence may be wrong. In light of these uncertainties, the Congress believes it unwise to take actions now that may exacerbate economic problems in the future.

Mr. BIDEN. Mr. President, if you read that carefully, you will see that it is almost worse than meaningless. It seeks to imply that deficits will really be lower than the President's deficits "if the economic recovery approximates the typical post-World War II economic recovery * * *" Under those circumstances, this amendment says, deficits could be down to $60 billion in fiscal year 1988, as compared with the President's deficit estimate of $102.4 billion. These are indeed brave words from a proposal that contains no specific budget plan beyond fiscal year 1985.

The fact is, of course, that the original Budget Committee estimates were all based on an economic forecast prepared by the Congressional Budget Office. There have been no developments since that time to suggest that the economy is entering an accelerated recovery phase. In fact, the failure of this amendment to come to grips with the specifics of budgeting can only hurt any economic recovery.

The minority staff of the Senate Budget Committee has had prepared some estimates of what the deficits under this substitute will be under the committee's economic forecast. These calculations show that deficits will not decline in future years—which witness after witness before the Budget Committee has told us is essential to reduced interest rates and economic recovery. Instead, the deficits will increase, from $185 billion in fiscal year 1985 to $197 billion in fiscal year 1986; to $213 billion in fiscal year 1987; to $220 billion in fiscal year 1988. That is, indeed, a prescription for economic and budgetary disaster.

Mr. President, this proposed substitute threatens the entire budget process as it has evolved here in the Senate. When the budget process started in 1975 the budget resolution contained budget figures for only 1 year. But as the process evolved, it became apparent that multiyear budgeting was essential to the process—because the impact of a budget decision after 2 or 3 years is often more important than its initial effect. So, in the resolutions for fiscal year 1980, the Senate (as well as the House in the second resolution) included 3-year budget totals. These were essential to the meaningful instructions to committees to achieve savings that will persist over the years. Since that time, we have included 3-year totals in our resolutions.

These multiyear budget totals have often been challenged by those who would weaken the budget process. Those opponents only want to take a myopic view of the budget—seeing only blurred generalities for the future. This very issue arose in hearing of the Senate Budget Committee last fall on the issue of needed improvements to the Budget Act. I testified at those hearings. During my testimony, the following exchange occurred:

Chairman DOMENICI. You have heard in the House—they had similar hearings—some suggestions which are quite contrary in philosophy to your testimony, and that of all the other Senators who do not want to weaken it. Say it needs fixing but certainly not on the side of saying you only have 1-year budgets, and I think you obviously agreed a multiyear budget has great informative value.

Senator BIDEN. Absolutely.

Chairman DOMENICI. You have got to have it. You cannot control anything. Some of the witnesses in the other body want 1-year reconciliation, so I think there is a great deal of danger if we do not answer the first question right, that is should we do it at all?

Senator BIDEN. I would agree. I would agree with that.

I agreed then with the chairman—and I still believe—that multiyear budgeting is an essential tool to an effective budget process. It is the only way that we can seek to control the long-term impacts of budget decisions. Yet, today, he is proposing to reduce 3-year budgeting to 2-year budgeting to avoid having to reach decisions on the third year. But if the third year is difficult this year, may not the second year be difficult some time in the future? Would he support efforts in the future to budget only for a single year? I would not support that, and I cannot support his move in that direction this year. Such support would be a vote for reduced fiscal restraint. It would be a move to open the budget up again to uncontrolled spending. It would be contrary to all the efforts toward fiscal responsibility that started in 1975.

Mr. President, I have dwelt largely on two major reasons for opposing this proposal. My reasons are not complex; they are quite simple and direct. This amendment "busts the budget." It increases spending, cuts revenues, and send deficits soaring in terms of the budget originally reported by the Senate Budget Committee.

But equally important, it threatens to "bust the budget process" that has been built up so carefully over the years. And it does so only to avoid the hard decisions of putting together a total budget. There have been times in the last 2 years when I have disagreed vigorously with policies set forth in budget resolutions. I have spoken against those policies and I have voted against them. But I have never tried to dismember the process. We should not allow that to happen now.

I strongly urge the Senate not to take this gigantic step backward. The abandonment of multiyear budget will spell even higher deficits than those implied by this proposed substitute. It may well mean the end of economic recovery.

S. 1271—NATIONAL FISH AND WILDLIFE FOUNDATION

Mr. KENNEDY. Mr. President, I am extremely pleased to cosponsor S. 1271 to establish the National Fish and Wildlife Foundation. This legislation is endorsed by the National Wildlife Federation and would provide a mechanism to encourage citizen participation in the conservation and management of our fish and wildlife resources.

Two of the supporters of this legislation, Theodore Gianoutsos and Francoise Gianoutsos, have pledged their support for this foundation. In their eloquent testimony today before the Subcommittee on Environmental Pollution, Mr. and Mrs. Gianoutsos quoted President Kennedy, "Ask not what your country can do for you, but what you can do for your country." Truly, their generosity exemplifies precisely what President Kennedy hoped to encourage.

This legislation is in the highest tradition of American democracy and our concern for this preservation of the environment. I am proud to support it and proud of the Gianoutsos family

and their desire to share with others of this country an activity that has brought so much joy into their own lives.

Mr. President, I ask unanimous consent that today's testimony by Mr. and Mrs. Gianoutsos may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF THEODORE AND FRANCOISE GIANOUTSOS IN SUPPORT OF LEGISLATION TO ESTABLISH THE U.S. FISH AND WILDLIFE FOUNDATION

Mr. Chairman and members of the committee, it is great honor and privilege for us to be here today to testify in behalf of your recently introduced legislation to establish a United States Fish and Wildlife Foundation. We would like to briefly describe, to you and the committee, our interest in seeing such a foundation created.

We share the immigrant's love for America, principally because Ted's parents are Greek immigrants to America and Francoise herself is an immigrant from France. Over the past 20 years of our marriage, we have often remarked at how fortunate we are to be able to enjoy the many benefits and opportunities which our country affords us. As we have matured we have come to realize that with those benefits and opportunities come responsibilities and there comes a time when one should, in President Kennedy's words, "ask not what your country can do for you, but what you can do for your country". In truth, America has been very good to us. We had the opportunity to earn several university degrees, thanks in large part to Government loans and grants of one type or another. We have prospered and live a relatively very comfortable life. Many times over the past several years we have asked ourselves what can we do to help our country. Several events of 1982 crystalized our thoughts and motivated us to act. We suffered two deaths in the family; (Francoises' mother and great-uncle passed on, closely following the death of her father, who died 3 years ago); our brother-in-law, only 7 years older than we, suffered a massive heart attack, and finally, we were run off the road at high speed by an ongoing truck and were brought face to face with our own mortality. Realizing that the remaining members of our family were relatively well-off and have no children we focused our attention on our estate.

Mr. Chairman, our greatest pleasure in life is to be out in the woods and fields. We are both avid outdoor people and particularly enjoy hunting, fishing, and training bird dogs; currently two labradors. We spend every spare moment dog training or hunting or fishing or photographing wildlife or walking in the woods or just lying in some field watching the grass grow. Fish and wildlife conservation is therefore the area in which we have chosen to make our modest contribution. We became aware of the Department of the Interior's mission and especially that of the Fish and Wildlife Service through Ted's association with Interior over the last 5 years. We have developed a great respect and affection for the Department of the Interior, and the more we learned about the Fish and Wildlife Service's programs, the more we became convinced we could and should help.

In January of this year, we asked our friend and attorney, Pat O'Connor, of O'Connor & Hannan to help us redraft our wills and establish a 30-year testamentary trust for the benefit of the U.S. Fish and Wildlife Service. Our wish is to have the bulk of our estate invested in 30-year U.S. Treasury securities with the interest to be annually given to the service for use in their programs of hunter education, ethics, and safety and recovery of endangered species, particularly raptors. At the end of the 30 years, the principal would also be given to the service and thus over the course of 30 years, several million dollars would be made available for these important programs.

During the course of meeting at Interior with our attorneys, Interior attorney and program people, it became apparent that although Interior and the Service had gift authority, no mechanism existed, other than the National Park Foundation (which can only by law benefit park service programs), for the reception and administration of a multiyear grant or trust. We realized that we had inadvertently been presented with an opportunity to be of more immediate use to the Fish and Wildlife Service by acting as the catalysts for the creation of a U.S. Fish and Wildlife Foundation. We decided to meet the challenge and assume the responsibilities of championing the foundation's cause. We have been enthusiastically and warmly supported and encourage by many professionals with the Fish and Wildlife Service and especially by Director Jantzen and Assistant Secretary Arnett. There was no need to search very far for someone to introduce such legislation in the Senate. Mr. Chairman, you were the natural choice. Your enthusiastic response and the most generous contribution of your time and efforts, and that of your staff to draft, introduce, and hold hearings on this legislation are greatly appreciated by us and will not be forgotten. We thank you for being so accessible and so willing to help.

This foundation can and should be a focal point for those citizens and organizations who want to help the service in its important work. Indeed if the foundation had existed when Dupont made its generous multiyear grant to the service for the eagle recovery program, two-thirds of the grant could have been invested to earn interest and this interest would have increased the grant and would therefore have benefited the eagle program that much more. The foundation would also allow individuals to become involved in a sustaining and ongoing manner, through some sort of associates program, with fish and wildlife programs. In this regard we would welcome the opportunity to participate in such a program and would look forward to making a grant, of several thousand dollars each year, to the foundation for use in fish and wildlife programs. Additionally, in order to see the foundation started on a sound financial footing we have already made available a $5,000 check, entrusted to the care of the Secretary of the Interior until the foundation is established, to be used as seed money. We hope that other citizens will join us in providing seed money, grants or requests to the foundation so that it may thrive and foster cooperation between the private and public sectors and citizens and their Government and thus carry out together the important work of conservation of the fish and wildlife resources of America.

In closing, Mr. Chairman, we would like to take this opportunity to thank all those who have demonstrated an interest in this legislation and helped us in our commitment to it; especially Pat O'Connor and Brian Phelan of O'Connor & Hannan, Brian Cole and Russ Fielding of the U.S. Fish and Wildlife Service, Steve Shimberg and Martha Pope on the subcommittee staff, and of course our many friends in the Senate who have agreed so enthusiastically to support and cosponsor this legislation. We also wish to take this opportunity to once again thank all of our friends in the House where this legislation was first introduced as H.R. 2809 on April 28, by John Breaux chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the Committee on Merchant Marine and Fisheries. H.R. 2809 has wide bipartisan support and is cosponsored by more than 40 Members. We sincerely thank all of you for your help and encouragement.

HOLD THE LINE ON WITHHOLDING

Mr. KENNEDY. Mr. President, as the Senate and the House move to the final stages of the battle over withholding on interest and dividends, it is still not too late for Congress to do the right thing and sustain this important provision of the tax law.

The tide of mail and misleading propaganda from the banking industry is finally receding. I would like to share with Members of the Senate a letter I received today on this issue from Ann Kearns of Amherst, Mass. Ms. Kearns' letter speaks volumes about the merits of withholding and the unfair tactics employed by its opponents in this debate, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMHERST, MASS.,
May 17, 1983.

Senator EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Several months ago I wrote you to urge repeal of the withholding tax. I am writing now to urge you to support the bill and to chastise the banks who deliberately misled their customers as to its effects.

Sincerely yours,

ANN E. KEARNS.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

FIRST CONCURRENT BUDGET RESOLUTION—FISCAL YEAR 1984

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, the Senate will now proceed to the consideration of Senate Concurrent Resolution 27, which will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 27) revising the congressional budget for the United States Government for the fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984, 1985, and 1986.

The Senate proceeded to consider the concurrent resolution which had been reported from the Committee on the Budget with an amendment to strike out all after the resolving clause, and insert the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1984 is established, and the appropriate budgetary levels for fiscal year 1985 is hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, and October 1, 1984:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $603,100,000,000.
Fiscal year 1984: $658,000,000,000.
Fiscal year 1985: $729,200,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: −$100,000,000.
Fiscal year 1984: +$2,600,000,000.
Fiscal year 1985: +$5,700,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $39,700,000,000.
Fiscal year 1985: $44,200,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,500,000,000.
Fiscal year 1984: $166,500,000,000.
Fiscal year 1985: $187,700,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1983: $876,200,000,000.
Fiscal year 1984: $916,900,000,000.
Fiscal year 1985: $989,100,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1983: $870,100,000,000.
Fiscal year 1984: $850,700,000,000.
Fiscal year 1985: $914,200,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $204,000,000,000.
Fiscal year 1984: $192,700,000,000.
Fiscal year 1985: $185,000,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,383,900,000,000.
Fiscal year 1984: $1,620,500,000,000.
Fiscal year 1985: $1,856,200,000,000.

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $93,700,000,000.
Fiscal year 1984: $236,600,000,000.
Fiscal year 1985: $235,700,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1982, October 1, 1983, and October 1, 1984, are as follows:

Fiscal year 1983:
(A) New direct loan obligations, $55,400,000,000.
(B) New loan guarantee commitments, $94,500,000,000.
Fiscal year 1984:
(A) New direct loan obligations, $48,200,000,000.
(B) New loan guarantee commitments, $94,500,000,000.
Fiscal year 1985:
(A) New direct loan obligations, $48,100,000,000.
(B) New loan guarantee commitments, $97,400,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1985 for each major functional category are:

(1) National Defense (050):
Fiscal year 1983:
(A) New budget authority, $244,600,000,000.
(B) Outlays, $214,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $274,000,000,000.
(B) Outlays, $243,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $303,200,000,000.
(B) Outlays, $272,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

(2) International Affairs (150):
Fiscal year 1983:
(A) New budget authority, $24,900,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $9,200,000,000.
Fiscal year 1984:
(A) New budget authority, $18,200,000,000.
(B) Outlays, $12,700,000,000.
(C) New direct loan obligations, $11,200,000,000.
(D) New loan guarantee commitments, $10,300,000,000
Fiscal year 1985:
(A) New budget authority, $16,500,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $11,500,000,000.
(D) New loan guarantee commitments, $10,300,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1983:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $7,700,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $37,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

(4) Energy (270):
Fiscal year 1983:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $4,600,000,000.
(C) New direct loan obligations, $13,100,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984:
(A) New budget authority, $3,900,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $13,900,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1985:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $2,900,000,000.
(C) New direct loan obligations, $14,300,000,000.
(D) New loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):
Fiscal year 1983:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $12,200,000,000.
(B) Outlays, $12,600,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.

(6) Agriculture (350):
Fiscal year 1983:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $24,000,000,000.
(C) New direct loan obligations, $18,600,000,000.
(D) New loan guarantee commitments, $5,500,000,000.
Fiscal year 1984:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $11,400,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New loan guarantee commitments, $3,800,000,000.
Fiscal year 1985:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $3,800,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $2,700,000,000.
(C) New direct loan obligations, $6,500,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1984:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $1,800,000,000.

(C) New direct loan obligations, $6,400,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1985:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $0.
(C) New direct loan obligations, $6,300,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $26,800,000,000.
(B) Outlays, $22,100,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $1,100,000,000.
Fiscal year 1984:
(A) New budget authority, $27,700,000,000.
(B) Outlays, $25,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $600,000,000.
Fiscal year 1985:
(A) New budget authority, $28,400,000,000.
(B) Outlays, $26,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $400,000,000.
(9) Community and Regional Development (450):
Fiscal year 1983:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $7,900,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New loan guarantee commitments, $500,000,000.
Fiscal year 1984:
(A) New budget authority, $6,600,000,000.
(B) Outlays, $8,100,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New loan guarantee commitments, $300,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1983:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $26,800,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $6,500,000,000.
Fiscal year 1984:
(A) New budget authority, $30,800,000,000.
(B) Outlays, $27,000,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
Fiscal year 1985:
(A) New budget authority, $27,500,000,000.
(B) Outlays, $27,400,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
(11) Health (550):
Fiscal year 1983:
(A) New budget authority, $25,100,000,000.
(B) Outlays, $29,600,000,000.
(C) New direct loan obligations, $47,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984:
(A) New budget authority, $31,800,000,000.
(B) Outlays, $31,800,000,000.
(C) New direct loan obligations, $29,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985:
(A) New budget authority, $35,000,000,000.
(B) Outlays, $34,500,000,000.
(C) New direct loan obligations, $28,000,000.
(D) New loan guarantee commitments, $300,000,000.
(12) Medical Insurance (570):
Fiscal year 1983:
(A) New budget authority, $46,100,000,000.
(B) Outlays, $53,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $61,400,000,000.
(B) Outlays, $60,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $69,400,000,000.
(B) Outlays, $68,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1983:
(A) New budget authority, $121,700,000,000.
(B) Outlays, $110,200,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,600,000,000.
Fiscal year 1984:
(A) New budget authority, $125,900,000,000.
(B) Outlays, $104,000,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,700,000,000.
Fiscal year 1985:
(A) New budget authority, $127,400,000,000.
(B) Outlays, $105,400,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $16,500,000,000.
(14) Social Security (650):
Fiscal year 1983:
(A) New budget authority, $184,100,000,000.
(B) Outlays, $167,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $174,900,000,000.
(B) Outlays, $176,400,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $194,800,000,000.
(B) Outlays, $187,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $8,000,000,000.
Fiscal year 1984:
(A) New budget authority, $25,700,000,000.
(B) Outlays, $25,600,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $9,000,000,000.
Fiscal year 1985:
(A) New budget authority, $26,700,000,000.
(B) Outlays, $26,300,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $10,500,000,000.
(16) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $6,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $7,000,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $7,100,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1983:
(A) New budget authority, $87,600,000,000.
(B) Outlays, $87,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $96,500,000,000.
(B) Outlays, $96,500,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $106,100,000,000.
(B) Outlays, $106,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(20) Allowances (920):

Fiscal year 1983:
(A) New budget authority, $800,000,000.
(B) Outlays, $900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $600,000,000.
(B) Outlays, $600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $1,900,000,000.
(B) Outlays, $2,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$18,000,000,000.
(B) Outlays, −$18,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$17,900,000,000.
(B) Outlays, −$17,900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$18,700,000,000.
(B) Outlays, −$18,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) Not later than June 6, 1983, the Senate committees named in subsections (b) through (f) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than June 6, 1983, the House committees named in subsections (g) through (l) of this section shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SENATE COMMITTEES

(b) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; and $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985.

(c)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $856,000,000 in fiscal year 1984; and to reduce outlays by $2,024,000,000 in fiscal year 1985.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $2,600,000,000 in fiscal year 1984; and $5,700,000,000 in fiscal year 1985.

(d) The Senate Committee on Governmental Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; and to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985.

(e) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; and $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985.

(f) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; and to reduce budget authority by $178,000,000 and outlays by $176,000,000 in fiscal year 1985.

HOUSE COMMITTEES

(g) The House Committee on Agriculture shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; and $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985.

(h) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $816,000,000 in fiscal year 1984; and to reduce outlays by $1,538,000,000 in fiscal year 1985.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; and to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; and $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; and to reduce budget authority by $178,000,000 and outlays by $176,000,000 in fiscal year 1985.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $849,000,000 in fiscal year 1984; and to reduce outlays by $1,481,000,000 in fiscal year 1985.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $2,600,000,000 in fiscal year 1984; and $5,700,000,000 in fiscal year 1985.

DEFICIT REDUCTION PATH

SEC. 3. It is the sense of the Congress that further deficit reduction actions will be necessary in fiscal years 1986-88 in order to insure a long-lasting economic recovery. While one Congress cannot bind another, the Congress recognizes that the President has recommended fiscal years 1986-88 revenue increases and spending restraint that would yield a predictable path of declining deficits. The Congress endorses actions of this magnitude if the deficits exceed 2.5 per centum of the gross national product of the Nation. The President estimates that such actions would yield deficits in the range of $144,600,000,000 in fiscal year 1986, $136,600,000,000 in fiscal year 1987, and $102,400,000,000 in fiscal year 1988. The Congress further recognizes that if the economic recovery approximates the typical post-World War II economic recovery, deficits will be more on the order of $110,000,000,000 in fiscal year 1986, $90,000,000,000 in fiscal year 1987, and $60,000,000,000 in fiscal year 1988. The Congress realizes the extreme uncertainty involved in any out-year forecasts of the economy and that deficit, unemployment, and inflation predictions three years hence may be wrong. In light of these uncertainties, the Congress believes it unwise to take actions now that may exacerbate economic problems in the future.

MISCELLANEOUS PROVISIONS

SEC. 4. It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1984; or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1984,

within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by section 302(b) of the Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

SEC. 5. It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $37,600,000,000 in fiscal year 1983 and $29,300,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $17,800,000,000 in fiscal year 1983 and $18,900,000,000 in fiscal year 1984; and new loan guarantee commitments to an amount not to exceed $94,500,000,000 in fiscal year 1983 and $94,500,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $16,200,000,000 in fiscal year

1983 and $17,300,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $11,500,000,000 in fiscal year 1983 and $13,200,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

SEC. 6. (a) The joint explanatory statement accompanying the conference report on this resolution shall include an estimated allocation, based upon the first section of this resolution as recommended in such conference report, of the appropriate levels of total new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new obligations and commitments.

(b) As soon as practicable after the conference report on this resolution is agreed to, every committee of each House, after consulting with the committee or committees of the other House to which all or part of the allocation has been made, shall subdivide among its subcommittees the allocation of new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, allocated to it in the joint explanatory statement accompanying the conference report on this resolution.

SEC. 7. It is the sense of the Congress that the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

Amend the title so as to read: "Concurrent resolution revising and replacing the congressional budget for the United States Government for the fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984 and 1985.".

Mr. STEVENS. Mr. President, I apologize for the delay. We have been waiting the return of the majority leader. His plane has now landed, and we thought it was not necessary to delay any further.

It is my understanding that the committee has a modification to report, and I ask that it be reported now, so that we know what the wishes of the committee are.

I inquire of the Senator from New Mexico: Am I correctly informed that the committee has authorized him to file a modification of the resolution pending before the Senate?

Mr. DOMENICI. The distinguished acting majority leader is correct.

Mr. CHILES. When the Senator says "a modification," is he talking about the amendment that was voted out, or the modification to the amendment?

Mr. DOMENICI. I say to my good friend from Florida that, as I understand it, the amendment as reported out of the committee is now before the Senate. What I propose is a committee modification to that, which would include the three amendments that have been adopted by the U.S. Senate and which we debated last week.

As I told the Senator from Florida, I have received permission from the committee, by polling, to offer those three amendments as a committee modification.

Mr. CHILES. I say to my good friend from New Mexico that before that is actually reported, I should like to make a parliamentary inquiry.

The PRESIDING OFFICER. Does the acting majority leader yield for a parliamentary inquiry?

Mr. STEVENS. I do yield for a parliamentary inquiry.

Mr. CHILES. My inquiry is whether it would be in order to modify the amendment as reported out of the committee. Can it be modified on the authority of a poll of the committee even though that constitutes a majority of the committee? The rules of the Budget Committee specify to "no proxies." There is a special rule of the Budget Committee—not normally a rule of the Senate, but a rule of the Budget Committee—that says you shall not have proxy voting.

It appears to me that this would be a form of proxy voting, if, after a committee meeting, 12 members were polled and endorsed a modification that did not come up at the meeting itself. The proxy rule of the committee provides members have to be present at the committee and actually voting in order for their votes to be cast. So I make that point.

The particular rule of the committee says that no member may vote by proxy during the deliberations on budget resolutions. We are talking about modifying an amendment that is an amendment to the budget resolution. I think it very definitely is a budget resolution. It seems to me that the "no proxy" rule would affect that modification.

The PRESIDING OFFICER. The Chair responds to the parliamentary inquiry by the Senator from Florida as follows: Committee amendments may be modified when authorized by the committee. The Senator acting under the direction of the committee must be so authorized to make such a modification.

The Senate only requires that the Senator acting be authorized by a majority of the committee. The Chair does not go behind the word and the statement on the floor of the chairman of the committee.

Mr. STEVENS. Mr. President, I inquire if the distinguished chairman of the committee would be entitled to make that modification, under the rule that has been read by the Chair, if the yeas and nays had been ordered. Would it be possible to have the modification without regard to the yeas and nays?

The PRESIDING OFFICER. The yeas and the nays, if ordered, would amount to Senate action and thus would preclude that.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The acting majority leader still has the floor.

Mr. STEVENS. I am happy to yield to the Senator for a question.

Mr. DOMENICI. I only ask to explain what this is. I do not intend to abuse the yielding, I say to my friends on the other side.

I am not attempting to bring up anything new, nor did the committee members who were polled.

What I am doing in the modification, which I authorized by a majority of the committee to do, is nothing more than adding to the committee amendment the three amendments that heretofore have been adopted by the U.S. Senate in its votes: The amendment of the distinguished Senator from Kansas on health insurance for the longterm unemployed; the education amendment of Senators HOLLINGS and STAFFORD, as adopted here; and Senator CRANSTON'S amendment on medicaid maternity care.

So it is not as if I am attempting to do anything different and dramatic. It is a committee modification, but I want everyone to know that is what it is.

Mr. STEVENS. I inquire from the Senator from West Virginia—I know he will seek the yeas and nays. We are trying to expedite the work of the Senate, and I have not conferred with the Senator from New Mexico on this. If we had a procedure whereby we could get unanimous consent to vote on these three amendments en bloc, would that meet with the approval of the Senator from West Virginia?

I ask the Senator from New Mexico whether he wants them offered en bloc or the committee modification.

Mr. DOMENICI. I want to submit the committee modification. On the other hand, it is no big deal. We can put them on an amendment later.

Mr. STEVENS. I am just trying to work that out, I say to my friend. If the Senator from West Virginia asks for the yeas and nays, the Senator's right to modify expires.

Mr. BYRD. He can still amend.

Mr. STEVENS. He can still amend.

I am trying to work out an agreement whereby we have one vote on all three of these amendments, as I understand it.

Mr. DOMENICI. I wish to wait until a later time.

I ask the Chair if I have the privilege of offering the committee modification at this time.

Mr. STEVENS. I yield for the purpose of that inquiry.

Mr. BYRD. Only for the purpose of the inquiry.

The PRESIDING OFFICER. If the Senator will suspend, the Senator, of course, would have to have the floor to so offer that modification. The acting majority leader still has the floor.

Mr. STEVENS. Mr. President, I send to the desk on behalf of the committee a modification as reported by the chairman of the Budget Committee.

The PRESIDING OFFICER. The amendment is so modified.

The modified amendment is as follows:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1984 is established, and the appropriate budgetary levels for fiscal year 1985 is hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, and October 1, 1984:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $603,325,000,000.
Fiscal year 1984: $658,900,000,000.
Fiscal year 1985: $729,875,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: +$125,000,000.
Fiscal year 1984: +$3,500,000,000.
Fiscal year 1985: +$6,375,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $39,700,000,000.
Fiscal year 1985: $44,200,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,500,000,000.
Fiscal year 1984: $166,500,000,000.
Fiscal year 1985: $187,700,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1983: $876,425,000,000.
Fiscal year 1984: $918,849,000,000.
Fiscal year 1985: $990,824,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1983: $807,325,000,000.
Fiscal year 1984: $851,899,000,000.
Fiscal year 1985: $915,924,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $204,000,000,000.
Fiscal year 1984: $192,999,000,000.
Fiscal year 1985: $186,049,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,383,900,000,000.
Fiscal year 1984: $1,620,799,000,000.
Fiscal year 1985: $1,857,548,000,000.

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $93,700,000,000.
Fiscal year 1984: $236,899,000,000.
Fiscal year 1985: $236,749,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1982, October 1, 1983, and October 1, 1984, are as follows:

Fiscal year 1983:
(A) New direct loan obligations, $55,400,000,000.
(B) New loan guarantee commitments, $94,500,000,000.
Fiscal year 1984:
(A) New direct loan obligations, $48,200,000,000.
(B) New loan guarantee commitments, $94,500,000,000.
Fiscal year 1985:
(A) New direct loan obligations, $48,100,000,000.
(B) New loan guarantee commitments, $97,400,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1985 for each major functional category are:

(1) National Defense (050):
Fiscal year 1983:
(A) New budget authority, $244,600,000,000.
(B) Outlays, $214,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $274,000,000,000.
(B) Outlays, $243,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $303,200,000,000.
(B) Outlays, $272,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

(2) International Affairs (150):
Fiscal year 1983:
(A) New budget authority, $24,900,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $9,200,000,000.
Fiscal year 1984:
(A) New budget authority, $18,200,000,000.
(B) Outlays, $12,700,000,000.
(C) New direct loan obligations, $11,200,000,000.
(D) New loan guarantee commitments, $10,300,000,000
Fiscal year 1985:
(A) New budget authority, $16,500,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $11,500,000,000.
(D) New loan guarantee commitments, $10,300,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1983:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $7,700,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $37,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

(4) Energy (270):
Fiscal year 1983:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $4,600,000,000.
(C) New direct loan obligations, $13,100,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984:
(A) New budget authority, $3,900,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $13,900,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1985:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $2,900,000,000.
(C) New direct loan obligations, $14,300,000,000.
(D) New loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):
Fiscal year 1983:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $12,200,000,000.
(B) Outlays, $12,600,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.

(6) Agriculture (350):
Fiscal year 1983:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $24,000,000,000.
(C) New direct loan obligations, $18,600,000,000.
(D) New loan guarantee commitments, $5,500,000,000.
Fiscal year 1984:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $11,400,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New loan guarantee commitments, $3,800,000,000.
Fiscal year 1985:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $3,800,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $2,700,000,000.
(C) New direct loan obligations, $6,500,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1984:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $1,800,000,000.
(C) New direct loan obligations, $6,400,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1985:

(A) New budget authority, $6,500,000,000.
(B) Outlays, $0.
(C) New direct loan obligations, $6,300,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $26,800,000,000.
(B) Outlays, $22,100,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $1,100,000,000.
Fiscal year 1984:
(A) New budget authority, $27,700,000,000.
(B) Outlays, $25,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $600,000,000.
Fiscal year 1985:
(A) New budget authority, $28,400,000,000.
(B) Outlays, $26,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $400,000,000.
(9) Community and Regional Development (450):
Fiscal year 1983:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $7,900,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New loan guarantee commitments, $500,000,000.
Fiscal year 1984:
(A) New budget authority, $6,600,000,000.
(B) Outlays, $8,100,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New loan guarantee commitments, $300,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1983:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $26,800,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $6,500,000,000.
Fiscal year 1984:
(A) New budget authority, $31,800,000,000.
(B) Outlays, $27,250,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
Fiscal year 1985:
(A) New budget authority, $28,500,000,000.
(B) Outlays, $28,400,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
(11) Health (550):
Fiscal year 1983:
(A) New budget authority, $25,325,000,000.
(B) Outlays, $29,825,000,000.
(C) New direct loan obligations, $47,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984:
(A) New budget authority, $32,749,000,000.
(B) Outlays, $32,749,000,000.
(C) New direct loan obligations, $29,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985:
(A) New budget authority, $35,724,000,000.
(B) Outlays, $35,224,000,000.
(C) New direct loan obligations, $28,000,000.
(D) New loan guarantee commitments, $300,000,000.
(12) Medical Insurance (570):
Fiscal year 1983:
(A) New budget authority, $46,100,000,000.
(B) Outlays, $53,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $61,400,000,000.
(B) Outlays, $60,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $69,400,000,000.
(B) Outlays, $68,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1983:
(A) New budget authority, $121,700,000,000.
(B) Outlays, $110,200,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,600,000,000.
Fiscal year 1984:
(A) New budget authority, $125,900,000,000.
(B) Outlays, $104,000,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,700,000,000.
Fiscal year 1985:
(A) New budget authority, $127,400,000,000.
(B) Outlays, $105,400,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $16,500,000,000.
(14) Social Security (650):
Fiscal year 1983:
(A) New budget authority, $184,100,000,000.
(B) Outlays, $167,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $174,900,000,000.
(B) Outlays, $176,400,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $194,800,000,000.
(B) Outlays, $187,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $8,000,000,000.
Fiscal year 1984:
(A) New budget authority, $25,700,000,000.
(B) Outlays, $25,600,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $9,000,000,000.
Fiscal year 1985:
(A) New budget authority, $26,700,000,000.
(B) Outlays, $26,300,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $10,500,000,000.
(16) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $6,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $7,000,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $7,100,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1983:
(A) New budget authority, $87,600,000,000.
(B) Outlays, $87,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $96,500,000,000.
(B) Outlays, $96,500,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $106,100,000,000.
(B) Outlays, $106,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1983:
(A) New budget authority, $800,000,000.
(B) Outlays, $900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $600,000,000.
(B) Outlays, $600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $1,900,000,000.
(B) Outlays, $2,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$18,000,000,000.
(B) Outlays, −$18,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$17,900,000,000.
(B) Outlays, −$17,900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$18,700,000,000.
(B) Outlays, −$18,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) Not later than June 6, 1983, the Senate committees named in subsections (b) through (f) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than June 6, 1983, the House committees named in subsections (g) through (l) of this section shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SENATE COMMITTEES

(b) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; and $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985.

(c)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $856,000,000 in fiscal year 1984; and to reduce outlays by $2,024,000,000 in fiscal year 1985.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $2,600,000,000 in fiscal year 1984; and $5,700,000,000 in fiscal year 1985.

(d) The Senate Committee on Governmental Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; and to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985.

(e) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; and $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985.

(f) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; and to reduce budget authority by $178,000,000 and outlays by $176,000,000 in fiscal year 1985.

HOUSE COMMITTEES

(g) The House Committee on Agriculture shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; and $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985.

(h) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $816,000,000 in fiscal year 1984; and to reduce outlays by $1,538,000,000 in fiscal year 1985.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; and to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; and $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; and to reduce budget authority by $178,000,000 and outlays by $176,000,000 in fiscal year 1985.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $849,000,000 in fiscal year 1984; and to reduce outlays by $1,481,000,000 in fiscal year 1985.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $2,600,000,000 in fiscal year 1984; and $5,700,000,000 in fiscal year 1985.

DEFICIT REDUCTION PATH

SEC. 3. It is the sense of the Congress that further deficit reduction actions will be necessary in fiscal years 1986-88 in order to insure a long-lasting economic recovery. While one Congress cannot bind another, the Congress recognizes that the President has recommended fiscal years 1986-88 revenue increases and spending restraint that would yield a predictable path of declining deficits. The Congress endorses actions of this magnitude if the deficits exceed 2.5 per centum of the gross national product of the Nation. The President estimates that such actions would yield deficits in the range of $144,600,000,000 in fiscal year 1986, $136,600,000,000 in fiscal year 1987, and $102,400,000,000 in fiscal year 1988. The Congress further recognizes that if the economic recovery approximates the typical post-World War II economic recovery, deficits will be more on the order of $110,000,000,000 in fiscal year 1986, $90,000,000,000 in fiscal year 1987, and $60,000,000,000 in fiscal year 1988. The Congress realizes the extreme uncertainty involved in any out-year forecasts of the economy and that deficit, unemployment, and inflation predictions three years hence may be wrong. In light of these uncertainties, the Congress believes it unwise to take actions now that may exacerbate economic problems in the future.

MISCELLANEOUS PROVISIONS

SEC. 4. It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1984; or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1984,

within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by section 302(b) of the Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

SEC. 5. It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $37,600,000,000 in fiscal year 1983 and $29,300,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $17,800,000,000 in fiscal year 1983 and $18,900,000,000 in fiscal year 1984; and new loan guarantee commitments to an amount not to exceed $94,500,000,000 in fiscal year 1983 and $94,500,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $16,200,000,000 in fiscal year 1983 and $17,300,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $11,500,000,000 in fiscal year 1983 and $13,200,000,000 in fiscal year

1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

SEC. 6. (a) The joint explanatory statement accompanying the conference report on this resolution shall include an estimated allocation, based upon the first section of this resolution as recommended in such conference report, of the appropriate levels of total new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new obligations and commitments.

(b) As soon as practicable after the conference report on this resolution is agreed to, every committee of each House, after consulting with the committee or committees of the other House to which all or part of the allocation has been made, shall subdivide among its subcommittees the allocation of new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, allocated to it in the joint explanatory statement accompanying the conference report on this resolution.

SEC. 7. It is the sense of the Congress that the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BYRD. Mr. President, I ask for the yeas and nays on final passage of this resolution. That is final passage of the committee-reported resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, was the yeas and nays on the final version of the resolution as it is presented to the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. May I inquire does the Senator wish to order the yeas and nays on the modified amendment?

Mr. DOMENICI. I do not desire to do that at this point. I have time on the amendment. I do not want to yield the time at this point.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the amendment as modified.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. How much time does the Senator from New Mexico have on the pending amendment?

The PRESIDING OFFICER. The Senator has 49 minutes and 18 seconds.

Mr. DOMENICI. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. How much time does the Senator from New Mexico have on the budget resolution?

The PRESIDING OFFICER. One hour and twenty-two minutes remaining.

Mr. DOMENICI. I thank the distinguished Chair.

I yield myself 15 minutes at this point.

Mr. President, I bring to the Chamber an amendment to Senate Concurrent Resolution 27, the first budget resolution for 1984.

This amendment is in direct response to the Senate's recommital instruction, and I believe that it represents a plan which can be supported by a majority of Senators.

I, therefore, bring the Senate today a budget amendment to the reported budget resolution that is the same in most respects as the Domenici-Baker substitute that was narrowly defeated in the Senate last week.

The amendment, as modified, differs from the Domenici-Baker substitute in that it holds real growth in defense to 7.1 percent in fiscal year 1984 instead of 7.5 percent as in the original substitute budget plan.

This amendment also reduces the spending associated with the cost-of-living adjustments in functions 600, 650, and 700 to reflect the actual January 1984 COLA of 3.5 percent instead of 4.1 assumed in the earlier projections. This change in the COLA increase is based on the actual CPI increases through the first quarter of this year.

What I am saying to the Senate is that when we are estimating the functions that I have just described, and those functions include cost-of-living adjustments, it is most desirable that we modify them to make them as current as possible, and so we have done that and that will cause total spending to be somewhat less than we first thought. We have changed both the outlays and the budget authority to reflect this change.

As a result of the modification, this amendment also provides for the amendments to the original committee reported budget which passed on the Senate floor last week.

These amendments include the Dole amendment, as indicated in my earlier remarks to the Senate, to fund health care for the unemployed, the education amendment of Senators HOLLINGS and STAFFORD, and the Cranston medicaid amendment.

I think the Senate understands that just because I refer to those three items specifically, the budget resolution in noway affects the substantive law in these instances. They indeed are reflected herein only as assumptions pending action by the relevant committees.

Senators do not have to asume that all of those desired results will indeed become the law. We just have made room for them in exactly the same way as the Senate expressed its will last week.

This amendment retains as did the original Domenici-Baker substitute the domestic spending decisions contained in the original committee resolution as reported. It differs from the original resolution as recommitted only in two respects. Albeit they seem very important to this Senator, there are only two.

First, it limits the budget plan to the years of 1983, 1984, and 1985. Nineteen eighty-three is the recapitulation that is required. Since this is a first budget resolution, 1984 and 1985 are solely spending targets except for those accounts that are reconciled.

The resolution originally reported by the committee sets out targets for 4 years, 1983 through 1986, and reconciles for 3 years, 1984 through 1986.

Second, the committee amendment reduces the revenue increases in the original committee-reported resolution from $30.2 billion to $2.6 billion in 1984, and from $39.1 billion to $5.7 billion in 1985. This means that during the 2 years, fiscal years 1984 and 1985, the reconciled taxes which would be in the amendment that is before us would cause taxes to go up $8.3 billion compared to the 2-year total of $69.3 billion in the committee version.

I think those are the only changes, and I hope that the Senate understands them.

I would also say by way of explanation on the modifications that I had the acting majority leader submit in my behalf, I know we have done that before in the budget process. Yesterday afternoon as we finished the debate on the recommittal instruction, many Senators inquired as to how we might handle the three proposals that had already been acted on by the Senate. Overnight I thought about that, talked to a lot of Senators, and polled the committee. It was my honest belief that this would save a lot of time because whatever resolution is adopted I believe that at least those three amendments would be incorporated therein. One of them we voted 90 to 9. On the education amendment, we had a full day of debate and we agreed to it as the distinguished Senator sitting in the chair knows. Consequently, I do not want anyone to think I did this casually or in any cavalier manner. I thought in a very real way I

was expressing the general consensus of the institution because of its previous votes. So that is all I have accomplished, and that is where we stand at this point.

Mr. President, have I completed my 15 minutes?

The PRESIDING OFFICER (Mr. RUDMAN). The Senator has 7 minutes remaining.

Mr. DOMENICI. I do not desire to use them at this point, so I will yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. I yield myself such time as I might use now in discussing the matter before us.

Mr. President, we were here last Thursday, and at that time we had before us the Baker-Domenici substitute. We had a discussion on it at that time and we had a vote on a motion to table it. At that time, the substitute was tabled by a vote of 52 to 48. I think the reason it was tabled was because several fatally defective flaws were contained in the amendment. I am not sure, I do not know, that any of those fatally defective flaws have been cured now that it is back here again. First, this is a 2-year budget resolution. Up until now we have worked with 3-year budgets in the budget process. The resolution only allows 2 years of reconciliation. So we will only effect the reconciliation in savings for 2 years.

Under the resolution, there are very little revenues raised in year 1 and year 2. In fact the revenues are $2.7 billion in 1984 and $5.7 billion in 1985. So that is all, and I say that with emphasis, Mr. President, all of the new revenues that the resolution provides.

The President, in the plan that he presented Congress in January was a plan that as far as I know really has not gotten any votes anywhere, talked about a contingency tax in the third year, 1986. He raised major revenue, $46 billion to $49 billion in his contingency tax. Even his budget he directed that the 1986 tax be enacted into law this year. He did it that way to slow his deficit path and to show that the new revenue would be coming in 1986, and, therefore, deficits would be reduced in the years of 1986, 1987, and 1988.

Under the 2-year plan before us, there are minuscule revenues in the first 2 years, but no revenues after that. So that deficit grows larger every year.

The chart we put on the board depicting the Republican substitute is substantially accurate. It will be changed a little bit because we have added two or three spending measures the Senate has already approved. I happen to support those measures, and they make the deficits only a little higher. Mr. President, we are talking about 5-year deficits under the Domenici-Baker substitute, the 2-year budget. The 5-year deficits will be $1 trillion; $1 trillion in 5 years under a budget that is being presented as the Republican option, endorsed by the President and embraced by the Republicans. I would just say to my Republican friends I never thought Republicans supported deficits this size. I never thought they supported deficits at all. I always thought the Republicans were the party of fiscal responsibility. It has been drummed into me, certainly since I have been here. Now, all of a sudden my Republican friends are bailing out, not all of them thank goodness, and I hope it will not even be a majority of them, but some. Some in the leadership I regret to say, are beginning to leave us and are saying they are actually serious about passing out of the Senate of the United States a budget that has deficits over 5 years of a trillion dollars.

Is that the way to improve the economy? Is that the way to have economic recovery? Is that the way to have lower interest rates? Is that the way to provide a path for lower unemployment, a trillion dollars in 5 years? I have a hard time even getting my mouth around the term "a trillion."

Again what is the path of those deficits? What kind of signal do they send to the money markets? What kind of signal do they send to Wall Street and to all of the people who are making the decisions about what our interest rate is going to be—whether a new family is going to be able to buy a house, whether someone is going to be able to buy an automobile; whether a consumer can afford a loan at horribly high interest rates. The signal they send is portrayed right there on the chart. The deficits in this resolution climb each and every year.

Now, remember what the economic assumptions in that chart are, Mr. President. The economic assumptions are based on a glidepath of growth that provides approximatley 5 percent real growth every year for the next 5 years. The chart is based on the assumption that unemployment is coming down, and we will be at full employment in the year 1985. It is based on the assumption that we are going to have interest rates coming down, even lower than the interest rates we have today. It is based on the assumption that inflation never goes above 6 percent in the next 5 years. Those are all the assumptions.

Even with that path, and there is no way in the world it will ever happen with those kinds of deficits, in this resolution, Mr. President, these deficits get bigger every year. They are not closing, as the economy improves. They are not closing as the unemployment is supposed to fall toward full employment, they are not closing as the interest rate is supposed to be declining. This is a structural deficit we are talking about. In 1988, under this plan the structural deficit will be 4.6 percent of the gross national product.

You tell me, Mr. President, if 5 years from now, with a path supposedly driving headed for economic recovery, with a path supposedly headed to full employment, with a path supposedly pulling inflation down and supposedly driving interest rates down, any of that can really happen with a structure deficit of 4.6 percent of GNP. Is there any way in creation that can happen? All the good news is built into that plan and we still have deficits growing larger every year, exceeding $220 billion 5 years from now. Mr. President, that is a plan for catastrophe. That is a plan for disaster. That is a plan for creating a recession such as we have never seen in this country.

Sure, we have seen some cyclical shifts lately. We saw inflation shift above double-digit, interest rates shift to 20 percent and inflation go that high. That will be "peanuts" to what we will have if we allow deficits to build up every year for 5 years.

Now, remember, Mr. President, that plan means that in 1984 to finance that $192 billion deficit, you borrow 83 percent of all net private savings. What is left? What is left for the factories? What is left for housing? What is left for buying cars? What is left for even trying to pay off the loans that all of us now have? Seventeen percent is what is left. Seventeen percent for the great private sector of our free enterprise economy.

Is this the Republicans' idea of free enterprise, to have the Federal Government taking 83 percent of all of the capital, of all of the savings? And what happens in those other years?

If we turn down this monster, we are going to have a chance to vote for a proposal that has deficits that are way too high, that all of us would like to see lower—I certainly would—but still is a proposal that has those deficits coming down every year, Mr. President, working down every year, and starting in 1984 coming down to where they end up being a smaller part of the gross national product every year. They take a smaller part of that private savings every year, take a smaller part of the capital and allow this giant, this beautiful economy that seems to be trying to recover today in spite of what we have done to it, continue its recovery.

Mr. President, I think you just have to look at the facts that are before us and see the problem clearly. It is a matter of pride. The President of the United States says, "I am unmovable. I will accept no new revenue."

The President insists on no revenue in 1984, no revenue in 1985, but mas-

sive revenue in 1986. Now 1986 does happen to be after an election that takes place in November of 1984. So the no "new tax budget" before the election becomes the "new tax" budget after the election.

Since both parties are talking about closing the revenue gap, why do we let that interest rate go so high, why do we let that debt get so big before we start trying to do something about it? For the life of me, I really cannot understand why we have to do that.

Why should we incur all of that debt and all of that extra interest rate? It just goes not make sense to me.

In 1988, the interest we will pay is going to be so high that it will equal one-half of the defense budget. It will be two times the total medicare cost. It will be more than four times the cost of food stamps. So, whatever program you are for, whether you are for guns or butter, or both, they are all being squeezed because all of our money cannot go for programs, it is going to pay the interest rate.

You know they say the worst of all times is when a person has to start borrowing to pay his interest. The Federal Government is going to be doing that. Any other business we call bankrupt when they have to borrow to pay their interest. They do not have enough cash flow to pay the interest, so they have to borrow that. And that is exactly where we are headed.

Mr. President, when I think of those stalwart historical figures of the Republican Party, my goodness, what must they be doing now? Their graves must be trembling now at the idea that fiscal conservatives are the driving force behind such massive deficits.

Mr. GORTON. Gorton.

Mr. CHILES. Gorton. Just to go back in the history and see that those people time after time talked about the frugality, that we have got to live within our means, and thank goodness they are still representative in the Republican Party. But, goodness knows, if they would only think back to the heritage and think back to what that party has stood for, we would have a chance to pass a budget out of here that would get us on our way to economic recovery.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. I yield 3 minutes to the distinguished Senator from New York.

Mr. MOYNIHAN. Mr. President, it was a week ago that the Senator from Florida and I had a colloquy on the question of how much of the available credit coming to markets in this country would be absorbed by the Federal Government directly or indirectly in the coming years. Recognizing that this year 65 percent of the available credit is being absorbed by the Federal Government, with the economy's industrial capacity running at 71 percent, that is a tolerable situation, but it is one that would be intolerable if any serious recovery should begin. No serious recovery, sustained recovery, will begin in this fiscal situation.

Let me say to the Senate, if I can, that there are economies in the world that have for a generation or so behaved as we have for the first time in our history begun to behave. We will double the national debt in 5 years—204 years of Government bring you to 1, 5 brings you to 2. When you reach that point and your debt service becomes a huge and growing portion of your budget, there are a half-dozen economies in the world, industrial economies, you can point to. Economists know their names and have examined the situation. They resolved that situation in one way, the only way it can be resolved, that is by debasing the currency, by inflating costs.

Inflation is the natural response of a debtor. Easy money is the historical position of the debt owing classes. And when the largest debtor in the country is the Federal Government, it becomes an institution with a vested interest in inflationary economics, which it will follow out of sheer necessity. And in everything this administration proposes, the one thing we can say that has happened is inflation has come down. It will inevitably go up. It will go up not simply because of the pressure on markets for the available capital but it will go up because the only way the Federal Government will be able to finance itself will be through cheapening the currency and paying off its debt in a currency of lesser value.

That, Mr. President, is an experience of generations of other countries. And it seems to me no reason in the world we should embark on it now when we know it to be the course we are taking. I hope, I sincerely hope, we will not do so.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield myself 2 minutes.

Mr. President, rather than respond to what has been said about the Budget Committee amendment which is pending, I would merely choose to respond by way of addressing just a simple proposition.

Mr. STENNIS. Mr. President, may we have conditions here so we may hear? I am sure the gentlemen do not realize the disturbance they are creating.

The PRESIDING OFFICER (Mr. EAST). The Senator from Mississippi is correct. The Senator from New Mexico has the floor and is entitled to be heard.

The Senator from New Mexico will proceed, please.

Mr. DOMENICI. I thank the distinguished Senator from Mississippi.

Just to conclude, I would merely remind the Senate that there are only two differences between the committee amendment and the only other serious amendment that I believe will be offered today: one, this proposal has very nominal taxes for 1984 and 1985, $2.6 billion and $5.7 billion. The other proposal that will follow it will have a $73 billion increase in taxes over 3 years mandated by reconciliation.

The other difference is that this pending amendment provides for 7.1 percent real growth in defense budget authority for the year 1984. The other substitute will have 6 percent real growth in 1984. So whatever has been said here in depicting this proposal, I think it is only fair that everyone understands the nature of the differences between it and the proposal likely to follow.

I do not think we have to respond with any lengthy rebuttal. I think that is basically the issue. One might say in addition, "Will those taxes ever be enacted into law?" But I think those are the calculated risks you take with any budget resolution that is 3 years and contains reconciliation.

That is my response. I would be delighted to respond to further questions as I have in the past, but I have done that once. Most of the statements I heard this morning have been made once before and maybe twice. I do not want to waste the time of the Senate at this point. If the distinguished ranking minority member of the committee (Mr. CHILES) is ready to yield his time, I am ready to yield my time.

Mr. CHILES. I would say that I have one Senator on this side who would like to speak.

Mr. DOMENICI. I yield the floor on my side.

Mr. CHILES. I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. I thank the ranking minority member.

Mr. President, this budget which has been placed before the Senate is not merely a fiscal disaster which will add $1 trillion to the national debt over the next 5 years; it is a document which embodies the biggest political about-face in the annals of American Government. For here is a budget, presented by the Republican leadership, apparently supported by the President, that says to the American people, "Deficits do not matter."

What a change. What a change from those heady days when the President first took office.

Listen to the President as he addressed a group of Republican women on September 21, 1981:

> This administration is committed to a balanced budget, and we will fight to the last blow to achieve it by 1984. We will not sit on our hands and watch helplessly as the deficit swells and swells.

What that quote means to me is that deficits are the acid test of the President's economic program—how he himself wished to be judged. Could he or could he not control the Federal deficit.

Unfortunately, Mr. President, the record is all too clear. In February 1981, the President promised a balanced budget by 1984.

In February 1982, the President promised a deficit of only $83 billion in 1984. He had moved it up a bit. Then in February 1983, a year later, we learned that the President's deficit for 1984 had gone from a a balanced budget to $83 billion to $176 billion.

Now in May of 1983 what do you have? We have a substitute, supported by the President, with a deficit of $192 billion for 1984. It is not as though this administration and this Senate did not have another way to go. There was a real chance for a bipartisan approach to this budget. But the failure of the President and the majority leader to support such a proposal has made passage of that bipartisan proposal very difficult.

With the support of the President or with the support of the majority leader of the Senate alone, I have no doubt that the bipartisan budget would pass here on the floor of the Senate.

Unfortunately, bipartisanship to the President means that he goes before the cameras and rails at Congress and the Democratic Party for the deficits.

Let us examine a few of his accusations.

He said that we, the Congress, have not cut spending.

If Senators will look at page 174 of the report on the original resolution we passed in committee, they will find a CBO table which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

INCREASE IN THE DEFICIT ATTRIBUTABLE TO CONGRESSIONAL POLICY ACTION

[Fiscal years; billions of dollars]

	1982	1983	1984	1985	1986	1987	1988	Total
Tax reduction	38	68	93	121	154	178	207	+860
Defense spending increases	1	15	27	47	65	65	65	+285
Nondefense spending cuts	−42	−47	−56	−59	−61	−61	−61	−387
Net change in deficit due to policy action	−3	36	64	109	158	182	211	+757

Source: CBO baseline budget projections for fiscal years 1984 and to 1988.

Mr. METZENBAUM. The table shows that we have already cut nondefense spending by $387 billion over the next 5 years, and that does not include the $146 billion in savings included in both resolutions recently passed by the Budget Committee.

The President still insists we have not cut spending. Either he is confused or he is deliberately misleading the American people. There can be no other way about it.

Listen to another one of the President's wild accusations as quoted in the press on May 14:

The budget resolution is meaningless to them. They have never abided by that.

He is talking about the Congress.

The fact is that by use of the binding reconciliation process, Congress has more than abided by its budget. The first concurrent budget resolution for fiscal 1982 reconciled reductions of $36.5 billion. In the reconciliation bill that followed, Congress exceeded that target, cutting the deficit by $37 billion. The first concurrent budget resolution for fiscal 1983 reconciled $123 billion of deficit reductions between fiscal year 1983 and 1985. Congress once again did better than its pledge, enacting deficit reductions of $129 billion.

The major area of overspending has been national defense, where the President submitted a 1984 budget providing $75 billion more than the multiyear agreement he negotiated with a majority of the Senate Budget Committee.

Again, either the President is confused or he is deliberately misleading the American people.

In his state of the Union address, the President claimed that the crippling deficits we face are not rooted in defense spending or tax cuts.

The deficits we face are not rooted in defense spending nor is the deficit, as some would have it, rooted in tax cuts. The fact is our deficits come from the uncontrolled growth of the Budget for domestic spending.

Again, I direct the Senate's attention to the chart on page 174 of the original committee report. It shows from 1982–88, we have cut $387 billion off nondefense programs, added $285 billion to defense, and cut taxes by $860 billion. The total change in the deficit due to these actions, according to CBO, is to add a total of $757 billion to deficits over this period. These are not my figures; they are the projections of the Congressional Budget Office. So how can the President begin to claim that the spiraling Federal deficits have nothing to do with his defense buildup and his tax cuts. Again, I submit, either the President is confused, or he is deliberately misleading the American people.

I believe, Mr. President, that we will serve our Nation best if we see fit to reject the proposed budget before the Senate at the present time.

I yield back the remainder of my time.

Mr. MITCHELL. Mr. President, a major question which must be addressed in this debate concerns the military budget. We must ask: How much defense spending is enough to guarantee our Nation's security? And how can we most efficiently use that money?

I served in Berlin, Germany, as an Army intelligence officer at the height of the Cold War in the 1950's. As a result of that experience, I am under no illusions about the seriousness of the threat posed by the Soviet Union to U.S. security and to the security of the members of the Atlantic Alliance.

I am an advocate of a strong national defense, based on a strategy of deterring aggression and protecting our Nation's vital interests at home and abroad.

Since coming to the Senate in 1980, I have consistently supported DOD authorization and appropriations bills which have provided for real growth in our national defense. I have done so because our security is threatened by the Soviet Union's continuing substantial investment in its armed forces. We run a considerable risk unless we respond to this challenge by improving our own Armed Forces and by simultaneously pressing for verifiable and balanced international agreements to limit and reduce arms.

We run a similar kind of risk, however, if we indiscriminately throw money at defense efforts which are not part of a defined strategy or at weapons systems which underperform, do not work, or are unneeded.

President Reagan's defense budget for fiscal year 1984 is not based on a defined set of priorities derived from a sound military strategy.

Gen. David C. Jones, former Chairman of the Joint Chiefs of Staff, during a February 2 Budget Committee hearing described the all-encompassing nature of the administration's defense plan:

It is a little hard to go in and figure out just what is the strategy, because the strategy document that is written sort of emphasizes everything, and then the Services take that and are sort of able to pick and choose.

In response to the Budget Committee's question about the strategy which the President proposes to implement, General Jones said:

Even though I applaud the fact that the rhetoric has been toned down this year compared to the past, programs have not changed. But the guidance that we received was to prepare for protracted nuclear war, to provide enduring survivability over a long period of time, to do much more in space, to do much more in air defense, and in the whole strategic area to go beyond. Then it says let us be able to fight the Soviets any place in the world and implies simultaneity rather than a one-and-a-half war or whatever; and it says let us be able to fight a long war; and let us be able to have a maritime superiority with a 600 ship Navy; and let us be able to go to Southwest Asia; and let us improve our mobilization base; and let us improve our industrial preparedness. You can make a good case for each one of these—no question about it. But you cannot do it all.

The administration's apparent desire "to do it all" follows a revealing exercise in one-upsmanship. During the closing days of the 1980 Presidential campaign when the annual defense budget totaled $158 billion, Ronald Reagan promised to increase defense spending by 5 percent in real terms. Following the election, President Carter submitted to Congress a budget for fiscal year 1982 in excess of $200 billion. Not to be outdone, President Reagan then decided to seek a 7-percent increase to the already large Carter budget. As Steven R. Weisman noted in the New York Times Magazine, the result was a "new growth rate [of] 11 percent after inflation, more than twice what Reagan had promised."

This year the President has come to us asking that he be given an 11-percent increase in defense spending over the 25 percent in defense increases he has received since he took office. He asks this at the same time that he proposes to hold constant or reduce most domestic programs. Moreover, the President remains adamant in opposing elimination of the third year tax cut.

This is a formula which will jeopardize rather than promote a strong America. It is a formula which overemphasizes the military component of security while it dangerously disregards the economic component of security.

In our debates on national defense we often fail to acknowledge how important to our Nation's security are such things as the rate of economic growth, the strength of the nonmilitary industrial base and the level of productivity.

I share the view of Robert S. McNamara, former Secretary of Defense and World Bank President, who with McGeorge Bundy, Cyrus Vance, and Elmo Zumwalt has written:

> That the economic foundations of our national security, which are every bit as important as the defense component, have been undermined. The United States faces an economic problem of immense proportions, the solution to which has not yet been put into place. Not only has our nation, for many years, been favoring consumption over investment by a wide margin, it has lost its competitive edge in world markets; and real interest rates are at such high levels as to make any rapid and sustained reduction in unemployment very unlikely.

The situation outlined by McNamara and his colleagues will get worse, not better, as long as we continue to ignore the problem of the deficit. As a nation, we simply cannot afford to keep increasing the amount of deficit each year.

The administration's own estimate of the deficit for fiscal year 1984 is $200 billion, an amount equivalent to over 6 percent of our gross national product. This level is unacceptable. It will inevitably result in the diversion of private savings to Government use, driving interest rates up and leaving American business starved for the capital it requires to expand and prosper.

While the administration defense program will not be exclusively responsible for the anticipated 1984 deficit, it is certain to be the major contributor. And, if the administration is successful in carrying out an unrealistic 5-year defense plan, the deficits in the late 1980's and early 1990's will be even greater in real terms.

A major reason for this is the fact that the President's defense budget is unwisely weighted heavily in favor of weapons procurement instead of readiness spending. For example, the administration's budget increases nuclear force funding by 37 percent while general purpose forces funding is limited to an 8-percent increase. It proceeds with extremely expensive yet unnecessary programs such as the B–1 bomber while it cuts training exercises, and forces reductions in such things as annual flying hours per naval aircrew.

What this Congress approves for the Pentagon as part of the fiscal year 1984 budget will be paid for by American taxpayers during much the next decade. In fiscal year 1982, 30 percent, roughly $57 billion, of actual defense spending occurred as a result of authority granted by Congress in prior fiscal years. During the coming fiscal year—1984—the rate of actual spending as a result of prior commitments will climb to 35 percent, or $77 billion. According to an analysis conducted by the Federation of American Scientists, by the close of fiscal year 1984 the Administration "will have committed $146 billion for spending in future years."

I cannot express strongly enough my concern over the future procurement commitments we are making this year. When the bills for all these weapons systems become due in the late 1980's and early 1990's, enormous deficits resulting from high defense procurement outlays will be avoided only if the size of the forces are reduced, or if cuts are made in important operations and maintenance accounts.

After purchasing all this weaponry, I doubt seriously whether we will curtail operations, cut back on proper maintenance, or reduce the size of our uniformed services. The only course of action available will be to raise taxes.

Rudolf G. Penner, in a December 1982 Wall Street Journal opinion article entitled, "The War Over Pentagon Spending" characterized the situation this way:

> While the high deficits projected for 1984 and 1985 represent a severe problem, I believe that the financial markets would take a more sanguine view of them if the long-term growth of defense spending and the major domestic entitlement programs were slowed so that the deficit is put on a sharp downward path in the late 1980's.

And if after a reasonable debate, it appears that it would not be wise to slow defense spending growth significantly, then there is no other responsible decision but to commit ourselves to a higher tax burden in the longer run unless nondefense programs are cut more than seems likely.

Put another way, the debate over weapons procurement in the 1983 and 1984 budgets is really a debate over appropriate tax policy in the 1985–90 period. That point should be emphasized again and again until it is seared into our consciousness.

Mr. President, I cannot accept the administration defense program with its lack of a defined strategy, with its overemphasis on nuclear systems and its underemphasis on conventional war readiness and sustainability. Though I believe in the need for a strong defense, I do not feel I responsibly can support a budget, the defense portions of which promise either an enormous deficit burden or substantially increased taxes later in this decade. Accordingly, I have sought, and will continue to seek, a more realistic increase of about 5 percent in defense spending in each of the next 3 years. That is the level of defense spending best calculated to enhance our national security, at home and abroad.

● Mr. BRADLEY. Mr. President, I will vote against the Domenici-Baker substitute budget resolution—just as I did last week—because it strikes the wrong balance between spending and revenues, and between defense and nondefense spending.

Mr. President, I have warned my colleagues on numerous occasions over the past 2 years that we are on the wrong path if we want a sustained economic recovery. Massive tax cuts coupled with record defense spending have given us deficits that are three times larger than the deficits of any previous administrations: And the Domenici-Baker budget resolution assumes $200 billion deficits—consuming roughly 5 percent of GNP—as far as the eye can see.

To a great extent, this and next year's deficits are attributable to the current recession, which reduced Federal revenues and significantly increased Federal outlays for a variety of unemployment compensation and income maintenance programs. But even if the economic recovery continues, massive budget deficits remain. This mismatch between Federal spending and taxing must be corrected so that our economic recovery can continue.

The Congressional Budget Office agrees with this assessment. In a recent report to Congress, the CBO concluded as follows:

> The American economy faces unprecedented risks in the years ahead unless the federal government takes measures to narrow the gap betweeen tax revenues and spending. . . The prospect of continuing large federal deficits even after five years of

economic recovery is cause for alarm. In a deep recession, the growth of federal debt is usually funded in the capital market from savings that have no other outlet because business, consumer credit, and mortgage demands are at a low level. But as the economy recovers, private demands for credit will increase, leading to competition for funds between federal and private borrowers. Since total credit in the economy tends to remain at a fairly steady percentage of GNP, any increase in the ratio of federal debt to GNP threatens to "crowd out" other credit claimants. Intense competition for loanable funds would drive up real interest rates and increase the risk of aborting economic recovery. Even if the recovery continued, high interest rates would discourage the business investment in plant and equipment regarded as vital to improvements in productivity and economic growth. The projection of large government deficits in a period of economic recovery suggests that too small a share of GNP may be left for private investment, thereby limiting future standards of living and American competitiveness in the world economy.

How have we gotten into this dilemma? Mr. President, I ask unanimous consent that a table prepared by the Senate Budget Committee be included in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

INCREASES IN THE DEFICIT ATTRIBUTABLE TO CONGRESSIONAL POLICY ACTION

[By fiscal years, in billions of dollars]

	1982	1983	1984	1985	1986	1987	1988
Tax reduction	38	68	93	121	154	178	207
Defense spending increases	1	15	27	47	65	65	65
Nondefense spending cuts	−42	−47	−56	−59	−61	−61	−61
Net change in deficit due to policy action	−3	36	64	109	158	182	211

Mr. BRADLEY. The table highlights the problem. Congressional action on the budget over the past 2 years is a major cause of our deficit problems. We have cut taxes significantly but we have not cut Federal spending. All we have done over the past 2 years is shift an increasing share of Federal spending from domestic programs to defense. Our policies over the past 2 years will add an additional $725 billion to the deficit over the next 5 years.

Mr. President, the budget resolution before us merely ratifies the actions of the past 2 years. More Kemp-Roth, more defense spending and less domestic spending. I ask my colleagues, Is this the formula for sustained economic recovery? Is this the policy that will lead to lower deficits, lower real interest rates, lower unemployment and higher growth? I am afraid not.

In 1981 I voted for a budget that made significant cuts in domestic spending and I would have been prepared to vote for a reasonable tax cut. Unfortunately, my viewpoint on taxes did not prevail. To bankrupt our economy was irresponsible then and it makes no better sense today.

Mr. President, despite proclaimed concern about these truly massive deficits, the proponents of the Domenici-Baker substitute budget resolution have been unwilling to take the steps required to reduce out-year deficits. The third year of the tax cut and indexing are held inviolate and only minimal restraint is called for in defense spending. Instead, they turn, once more, to the programs serving middle- and lower-income Americans which bore the brunt of the last 2 year's budget cuts. They propose billions of dollars in savings by freezing spending for the next 5 years for education, job training, health, and environmental programs which improve the quality of life for so many Americans. This budget cuts nondefense discretionary programs from 4.6 percent of GNP in 1983 to 3.6 percent of GNP in 1988. And entitlement programs are cut from 12 percent of GNP to 10.4 percent of GNP in 1988.

Mr. President, this resolution calls for a 7.1-percent real growth rate in defense spending for 1984. Increases of this magnitude do not add to the national security of our Nation. Indeed, the administration's original program may have actually impaired our national security by all but destroying a national concensus for a steady, moderate improvement in our defense capabilities.

The way to approach a sustained increase in our defense capabilities is to present a defense strategy and a corresponding defense budget that the American people can understand and support. The administration has not built that confidence. Indeed, the administration's extreme request for a 10-percent real increase in defense spending has created a backlash of opinion against the needed increases in our defense capabilities. By asking for an unreasonable sum, the administration has jeopardized public support for a strong national defense.

Mr. President, the defense of our Nation requires a steady, sustained increase in resources for our military. The threats to our security do not rise with good economic times and fall in bad economic times. They face us every day. We neglected our defenses during the 1970's and we must rebuild our forces. But we cannot rush pell mell into the effort. We must provide steady real increases in defense resources.

To improve our Nation's defenses, we must provide resources, significant resources. I have argued for a 5-percent real growth rate in the past. That is what the Budget Committee recommended. The Domenici-Baker budget raises that figure to 7.1 percent. I must oppose an increase of this magnitude.

As I stated earlier, Mr. President, the Domenici-Baker substitute budget resolution merely ratifies the actions of the past 2 years. Rather than compound the mistakes of the past, we should instead bring our fiscal policies back into balance. We need to significantly reduce the out-year deficits through more balanced taxing and spending policies. And we need a more balanced mix between defense and nondefense spending. Because this Domenici-Baker substitute budget resolution compounds the mistakes of the past 2 years, I am forced to vote against it.●

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? If the Chair may have the attention of the Senate, who yields time? Time will run equally against each side.

Mr. DOMENICI. Mr. President, I yield 5 minutes to Senator SYMMS.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I shall be very brief. It may not take 5 minutes.

As I was in my office, I heard the distinguished ranking member of the committee, the Senator from Florida (Mr. CHILES), and the others over here talking about the fiscal situation we are in. I think mention should be made here in this Chamber of exactly where this situation is in answer to their charges that the Republican Party is no longer concerned about the size of the deficits. I think what we should do to put this in perspective is to say that if we want to take a course of action to balance the Federal budget by raising taxes—which is what I hear as the general trend that comes through the general thread of the argument that those Senators from the other side, the minority, were making—we ought to talk about how much we would have to raise taxes in order to bring about a balanced budget. I think if we examine it and examine the revenues that the Federal Government, the CBO, projects that we shall have coming in versus the outlays on the expenditure side, we would have to be talking about raising taxes some 30 percent from where they are now.

This Senator does not want to do that. I do not like the huge deficits at all, and I do not intend to vote to go further into debt. I believe that the way to solve the deficit problem is to

cut spending, rather than to raise taxes. This Senator is prepared to make the votes on the floor of this Chamber that would be necessary to put the Federal Government on a sound basis with regard to income versus outflow. Spending should be equal to revenues. We have never been able to muster the votes here to do that. We have gone through the social security program, we have gone through some of the benefit programs. Always, we fall short of making the structural changes that created this deficit. That is these built-in, automatic escalators, the cost-of-living adjustments, that have brought about the situation where we have spending growing faster than revenue. We have to count on massive increases in the economy to ever catch up with it, but we still have the automatic escalators built in. I might point out that it was Democratic initiatives and votes of the 1960's and 1970's which are largely responsible for the fact that spending is out of control.

I personally would be ready to make those votes to make the structural changes. But I do not think it is politically possible. What we are talking about here, then, is balancing the budget by another method, which is borrowing money. Or, if the Federal Reserve decides to go in and buy Treasury certificates, that is what they call monetizing the debt, which is creating money, which is a polite way of saying steal the value of the money that is in the pockets of the people in this good land already and inflating currency and having the taxes rise go across this society and usually hurt working people the most. In other words, inflate the currency to pay these bills. I do not think these are good choices.

What this Senator thinks needs to be done is to have another election in the fall of 1984 to decide where this country wants to go. What we are talking about here is fiscal priorities, about how much we want to spend on defense, how much we want to spend on nondefense appropriated accounts, and how much goes into the entitlement sector of the Federal budget. I certainly am against budget deficits the size we are faced with. I advocate cutting domestic spending to balance the budget. It does not seem to me that a balanced budget is in the immediate foreseeable future of this country. I think that is unfortunate. But we have failed to muster enough votes to make the structural changes in entitlements. We have passed up opportunities in the past.

There is enough blame here to go to both sides of the aisle. I do not cast all the blame on the other side of the aisle, or all the blame downtown at the White House. There have been some mistakes made in the past 25 or 30 years. Since President Reagan took office, there have been some mistakes made with respect to spending, that we did not seize the window of opportunity that was presented to us in early March 1981.

All I would say to my colleagues is I urge them to vote for this modified Domenici budget because, in the long run, what we are arguing about is a sense of priorities and which way we want to spend that percentage of the gross national product which the Federal Government will consume. But there is no question that the deficits are far too large. Maybe if we can not cut domestic spending in the budget, authorization, and appropriations process, we can cut the deficits by voting not to increase the debt ceiling. Somehow we have to cut domestic and entitlement spending.

Our tax revenues are at a level of approximately 19 percent of the GNP and expenditures are approximately 25 percent. So we have a gap in there of $100 billion, $150 billion, $180 billion, depending on whose numbers you use, or $200 billion.

As far as I am concerned, we do not know which of these numbers will come out right. No one knows. You cannot be that empirical in the calculation of where it will be, but the best choice for now would be to vote for the Domenici substitute. To those who are as concerned about budgets and deficits as I am, the alternative will be very little better but the relative spending priorities will be much worse in terms of how that revenue will actually be allocated and spent. That is why I intend to vote for it. I would hope we would do better when the authorizing legislation comes before this Congress and the appropriations; that we actually would not authorize as much or spend as much. But I see little hope under the present scenario with the position that the other body has taken and the position that a number of my colleagues in this Chamber have taken as to what they wish to do with the budget and the process. I see very little hope that we are going to get a balanced budget this year or next year.

There are other ways to do it. As I mentioned, one way would be for us to come in when the debt ceiling increase is considered and make some changes in the law and put the U.S. Government back on a cash basis. That would be very dramatic. It would certainly be far reaching. It would not be done without having some serious consequences to certain segments of our economy, and it may be that we do not have the votes to do it. If we do not, so be it. We will do the best we can.

I urge my colleagues to not reject this budget out of hand because what we are arguing about, debating, and discussing, is a sincere difference of how we should allocate the spending of the Federal budget whether we put so much in defense and so much in nondefense appropriated accounts and so much goes for the so-called entitlements, untouchable so-called expenditures. This budget is not a good budget, but as compared to what? The distinguished Presiding Officer will probably agree with me that the other budget looks worse than this one. That is the choice we all have to make in politics. I urge my colleagues to support the chairman, who has worked tirelessly in this effort for 2½ years to bring about a restraint on the growth of Federal spending.

I say to my good friend from Ohio—I heard Senator METZENBAUM talk about deficits—if he wants to advocate raising taxes 30 percent up front to balance this budget, then he will have more programs lined up where people will wish to spend more money because there is always somebody that needs more money. I personally would like to see us pull in our horns, spend a little bit at a time, and readdress our procedures, Mr. President, to put our Federal budget process on a formula basis and restrict the rate of growth of all of these programs, locked into a formula, reconcile that, and give us a time period of 3 or 4 years in which we could actually come out with a balanced budget where we would be implementing some structural changes in the rate of growth of the entitlement programs.

But until that happens, there is little hope to balance the budget. We are only kidding ourselves. To raise taxes by 30 percent to bring about a balanced budget will have the same detrimental impact on the constituencies that we represent——

Mr. MOYNIHAN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator is correct. We do not have order in the Chamber. The Senator from Idaho, as was the case with the Senator from Ohio, is entitled to be heard. Again, the cumulative effect of all the conversation is that you cannot hear the Senator. The Chamber then will be in order so that he can be heard.

Mr. SYMMS. I will summarize, Mr. President. To raise taxes to balance this budget will have a worse detrimental impact on the constituencies that we all represent as will passing this budget that is before us today and balancing it by means of borrowing money.

The negative impact on the public is going to be relatively worse if taxes are raised. When we are talking about revenues coming in at the tune of $600 billion, outflows at $807 billion for fiscal year 1983, revenues of $658 billion projected for fiscal year 1984 with expenditures of $851 billion, one can see that at that rate the rate of growth of revenues is not going to

catch up with the rate of growth of spending. Spending has to be cut. This is the only solution.

So raising taxes is not a good course to be charting at this time. Moreover, raising taxes is going to have the same negative impact because that tax has to come out of the work and the labors of the people that we represent. In the long run we are either going to borrow this money, we are going to print this money, counterfeit the currency and steal it from the public, or else it will be done by taxing the public and taking the money away from the working people of the country who have to pay those taxes. Alternatively, we can cut spending, which so far we have been unable to do.

The PRESIDING OFFICER. The Chair wishes to advise the Senator that his 5 minutes have expired at this time.

Mr. SYMMS. I yield the floor.

Mr. BYRD. Mr. President, I ask for 3 minutes from our ranking Member.

Mr. CHILES. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, the Senate has a long and proud tradition of bipartisan debate and compromise. In the past we have been successful in forging bipartisan solutions to pressing national questions. Until very recently the history of the budget process in the Senate has been one of bipartisanship. But that spirit has been sorely missing from the budget debates the last few years.

This amendment does a grave disservice to the American people. It produces deficits the likes of which we have never seen before. If we accept this amendment, we will be saddling the economy with an intolerable burden of red ink, high interest rates, and stillborn recovery. I cannot support such an amendment. I believe this body can do better than this. Indeed, I believe that for the future of our country we must do better. That is why I urge my colleagues to join with me in voting this amendment down.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, as I understand, the distinguished Senator from Florida is now prepared to yield back his time in opposition.

Mr. CHILES. I am.

Mr. DOMENICI. I yield back the time I have on the amendment.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the committee amendment in the nature of a substitute, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Iowa (Mr. JEPSEN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—43

Abdnor	Hatch	Quayle
Armstrong	Hawkins	Roth
Baker	Hecht	Rudman
Boschwitz	Heinz	Simpson
Cochran	Helms	Specter
Cohen	Humphrey	Stevens
D'Amato	Kassebaum	Symms
Danforth	Kasten	Thurmond
Denton	Laxalt	Tower
Dole	Lugar	Trible
Domenici	Mattingly	Wallop
Durenberger	McClure	Warner
Garn	Murkowski	Wilson
Goldwater	Percy	
Grassley	Pressler	

NAYS—56

Andrews	Ford	Metzenbaum
Baucus	Glenn	Mitchell
Bentsen	Gorton	Moynihan
Biden	Hart	Nickles
Bingaman	Hatfield	Nunn
Boren	Heflin	Packwood
Bradley	Hollings	Pell
Bumpers	Huddleston	Proxmire
Burdick	Inouye	Pryor
Byrd	Jackson	Randolph
Chafee	Johnston	Riegle
Chiles	Kennedy	Sarbanes
Cranston	Lautenberg	Sasser
DeConcini	Leahy	Stafford
Dixon	Levin	Stennis
Dodd	Long	Tsongas
Eagleton	Mathias	Weicker
East	Matsunaga	Zorinsky
Exon	Melcher	

NOT VOTING—1

Jepsen

So the committee amendment in the nature of a substitute, as modified, was rejected.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I understand, based on our previous discussions, that Senator GORTON desired to offer an amendment at this time. Is that correct, Senator?

Mr. GORTON. That is correct.

Mr. DOMENICI. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. The Senate is not in order. The Chair once again would like to advise those in the Chamber that we are not in a state of order so that we can proceed. The Chair will especially ask Senators and staff conducting conversations to please leave the Chamber.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. We are attempting to recognize the Senator from Washington so that we might proceed. He is entitled to be heard under the rules of the Senate. If the Chair could have the cooperation of Senators and staff the Chair would happily proceed to recognize the Senator from Washington and we might proceed.

The Chair will attempt to recognize the Senator from Washington so that we may proceed. But if the Senate does not remain in order we will once again be in the embarrassing position of having to halt any further effort to proceed.

The Chair observes that we are still not getting the cooperation of those in the Chamber. There is a heavy undercurrent of conversation here and we are about to take up an important matter. The Senator from Washington cannot be heard. The distinguished Senator is entitled to be heard and the Chair would like to proceed to recognize him.

The Chair recognizes the Senator from Washington.

AMENDMENT NO. 1285

Mr. GORTON. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Mr. GORTON), for himself and Mr. WEICKER, Mr. STAFFORD, Mr. CHAFEE, Mr. MATHIAS, and Mr. HATFIELD proposes an amendment numbered 1285.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the resolving clause, and insert the following:

"That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced the first concurrent resolution on the budget for fiscal year 1984 is hereby established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

"(1) The recommended levels of Federal revenues are as follows:

"Fiscal year 1983: $603,325,000,000.

"Fiscal year 1984: $671,100,000,000.

"Fiscal year 1985: $743,075,000,000.

"Fiscal year 1986: $835,900,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

"Fiscal year 1983: +$125,000,000.

"Fiscal year 1984: +$9,900,000,000.

"Fiscal year 1985: +$13,675,000,000.

"Fiscal year 1986: +$51,000,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

"Fiscal year 1983: $35,900,000,000.

"Fiscal year 1984: $39,700,000,000.

"Fiscal year 1985: $44,200,000,000.

"Fiscal year 1986: $50,900,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

"Fiscal year 1983: $148,500,000,000.
"Fiscal year 1984: $166,500,000,000.
"Fiscal year 1985: $187,700,000,000.
"Fiscal year 1986: $204,400,000,000.

"(2) The appropriate levels of total new budget authority are as follows:

"Fiscal year 1983: $875,925,000,000.
"Fiscal year 1984: $914,699,000,000.
"Fiscal year 1985: $986,374,000,000.
"Fiscal year 1986: $1,050,209,000,000.

"(3) The appropriate levels of total budget outlays are as follows:

"Fiscal year 1983: $807,325,000,000.
"Fiscal year 1984: $849,699,000,000.
"Fiscal year 1985: $910,774,000,000.
"Fiscal year 1986: $965,999,000,000.

"(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

"Fiscal year 1983: $204,000,000,000.
"Fiscal year 1984: $178,599,000,000.
"Fiscal year 1985: $167,699,000,000.
"Fiscal year 1986: $130,099,000,000.

"(5) The appropriate levels of the public debt are as follows:

"Fiscal year 1983: $1,383,900,000,000.
"Fiscal year 1984: $1,606,399,000,000.
"Fiscal year 1985: $1,824,798,000,000.
"Fiscal year 1986: $2,012,497,000,000.

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

"Fiscal year 1983: $93,700,000,000.
"Fiscal year 1984: $222,499,000,000.
"Fiscal year 1985: $218,399,000,000.
"Fiscal year 1986: $187,699,000,000.

"(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

"Fiscal year 1983:
"(A) New direct loan obligations, $55,400,000,000.
"(B) New loan guarantee commitments, $94,500,000,000.
"Fiscal year 1984:
"(A) New direct loan obligations, $48,200,000,000.
"(B) New loan guarantee commitments, $94,500,000,000.
"Fiscal year 1985:
"(A) New direct loan obligations, $48,100,000,000.
"(B) New loan guarantee commitments, $97,400,000,000.
"Fiscal year 1986:
"(A) New direct loan obligations, $48,700,000,000.
"(B) New loan guarantee commitments, $101,000,000,000.

"(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

"(1) National Defense (050):
"Fiscal year 1983:
"(A) New budget authority, $244,100,000,000.
"(B) Outlays, $214,300,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $270,650,000,000.
"(B) Outlays, $241,600,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $300,950,000,000.
"(B) Outlays, $269,650,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $333,060,000,000.
"(B) Outlays, $299,850,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.

"(2) International Affairs (150):
"Fiscal year 1983:
"(A) New budget authority, $24,900,000,000.
"(B) Outlays, $11,500,000,000.
"(C) New direct loan obligations, $11,700,000,000.
"(D) New loan guarantee commitments, $9,200,000,000.
"Fiscal year 1984:
"(A) New budget authority $18,200,000,000.
"(B) Outlays, $12,700,000,000.
"(C) New direct loan obligations, $11,200,000,000.
"(D) New loan guarantee commitments, $10,300,000,000.
"Fiscal year 1985:
"(A) New budget authority, $16,500,000,000.
"(B) Outlays, $12,800,000,000.
"(C) New direct loan obligations, $11,500,000,000.
"(D) New loan guarantee commitments, $10,300,000,000.
"Fiscal year 1986:
"(A) New budget authority, $15,900,000,000.
"(B) Outlays, $12,800,000,000.
"(C) New direct loan obligations, $11,600,000,000.
"(D) New loan guarantee commitments, $10,300,000,000.

"(3) General Science, Space, and Technology (250):
"Fiscal year 1983:
"(A) New budget authority, $7,900,000,000.
"(B) Outlays, $7,700,000,000.
"(C) New direct loan obligations, $200,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $8,500,000,000.
"(B) Outlays, $8,200,000,000.
"(C) New direct loan obligations, $37,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $8,500,000,000.
"(B) Outlays, $8,500,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $8,400,000,000.
"(B) Outlays, $8,400,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.

"(4) Energy (270):
"Fiscal year 1983:
"(A) New budget authority, $4,000,000,000.
"(B) Outlays, $4,600,000,000.
"(C) New direct loan obligations, $13,100,000,000.
"(D) New loan guarantee commitments, $200,000,000.
"Fiscal year 1984:
"(A) New budget authority, $3,900,000,000.
"(B) Outlays, $4,100,000,000.
"(C) New direct loan obligations, $13,900,000,000.
"(D) New loan guarantee commitments, $200,000,000.
"Fiscal year 1985:
"(A) New budget authority, $3,600,000,000.
"(B) Outlays, $2,900,000,000.
"(C) New direct loan obligations, $14,300,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $3,200,000,000.
"(B) Outlays, $2,700,000,000
"(C) New direct loan obligations, $14,400,000,000.
"(D) New loan guarantee commitments, $0.

"(5) Natural Resources and Environment (300):
"Fiscal year 1983:
"(A) New budget authority, $12,500,000,000.
"(B) Outlays, $12,800,000,000
"(C) New direct loan obligations, $100,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $12,000,000,000.
"(B) Outlays, $12,500,000,000
"(C) New direct loan obligations, $27,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $12,200,000,000.
"(B) Outlays, $12,600,000,000
"(C) New direct loan obligations, $27,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $12,500,000,000.
"(B) Outlays, $12,200,000,000
"(C) New direct loan obligations, $27,000,000.
"(D) New loan guarantee commitments, $0.

"(6) Agriculture (350):
"Fiscal year 1983:
"(A) New budget authority, $24,200,000,000.
"(B) Outlays, $24,000,000,000
"(C) New direct loan obligations, $18,600,000,000.
"(D) New loan guarantee commitments, $5,500,000,000.
"Fiscal year 1984:
"(A) New budget authority, $11,600,000,000.
"(B) Outlays, $11,400,000,000.
"(C) New direct loan obligations, $12,100,000,000.
"(D) New loan guarantee commitments, $3,800,000,000.
"Fiscal year 1985:
"(A) New budget authority, $14,000,000,000.
"(B) Outlays, $12,300,000,000.
"(C) New direct loan obligations, $11,700,000,000.

"(D) New loan guarantee commitments, $3,800,000,000.
"Fiscal year 1986:
"(A) New budget authority, $13,200,000,000.
"(B) Outlays, $13,100,000,000.
"(C) New direct loan obligations, $12,200,000,000.
"(D) New loan guarantee commitments, $3,800,000,000.
"(7) Commerce and Housing Credit (370):
"Fiscal year 1983:
"(A) New budget authority, $5,200,000,000.
"(B) Outlays, $2,700,000,000.
"(C) New direct loan obligations, $6,500,000,000.
"(D) New loan guarantee commitments, $48,700,000,000.
"Fiscal year 1984:
"(A) New budget authority, $5,900,000,000.
"(B) Outlays, $1,800,000,000.
"(C) New direct loan obligations, $6,400,000,000.
"(D) New loan guarantee commitments, $48,700,000,000.
"Fiscal year 1985:
"(A) New budget authority, $6,500,000,000.
"(B) Outlays, $0.
"(C) New direct loan obligations, $6,300,000,000.
"(D) New loan guarantee commitments, $48,700,000,000.
"Fiscal year 1986:
"(A) New budget authority, $6,500,000,000.
"(B) Outlays, −$300,000,000.
"(C) New direct loan obligations, $6,300,000,000.
"(D) New loan guarantee commitments, $48,700,000,000.
"(8) Transportation (400):
"Fiscal year 1983:
"(A) New budget authority, $26,800,000,000.
"(B) Outlays, $22,100,000,000.
"(C) New direct loan obligations, $200,000,000.
"(D) New loan guarantee commitments, $1,100,000,000.
"Fiscal year 1984:
"(A) New budget authority, $27,700,000,000.
"(B) Outlays, $25,900,000,000.
"(C) New direct loan obligations, $100,000,000.
"(D) New loan guarantee commitments, $600,000,000.
"Fiscal year 1985:
"(A) New budget authority, $28,400,000,000.
"(B) Outlays, $26,900,000,000.
"(C) New direct loan obligations, $100,000,000.
"(D) New loan guarantee commitments, $400,000,000.
"Fiscal year 1986:
"(A) New budget authority, $29,200,000,000.
"(B) Outlays, $27,800,000,000.
"(C) New direct loan obligations, $100,000,000.
"(D) New Loan guarantee commitments, $300,000,000.
"(9) Community and Regional Development (450):
"Fiscal year 1983:
"(A) New budget authority, $8,300,000,000.
"(B) Outlays, $7,900,000,000.
"(C) New direct loan obligations, $2,100,000,000.
"(D) New loan guarantee commitments, $500,000,000.
"Fiscal year 1984:
"(A) New budget authority, $6,600,000,000.
"(B) Outlays, $8,100,000,000.
"(C) New direct loan obligations, $1,700,000,000.
"(D) New loan guarantee commitments, $300,000,000.
"Fiscal year 1985:
"(A) New budget authority, $7,100,000,000.
"(B) Outlays, $8,200,000,000.
"(C) New direct loan obligations, $1,800,000,000.
"(D) New loan guarantee commitments, $300,000,000.
"Fiscal year 1986:
"(A) New budget authority $7,100,000,000.
"(B) Outlays, $7,600,000,000.
"(C) New direct loan obligations, $1,800,000,000.
"(D) New loan guarantee commitments, $400,000,000.
"(10) Education, Training, Employment, and Social Services (500):
"Fiscal year 1983:
"(A) New budget authority, $28,000,000,000.
"(B) Outlays, $26,800,000,000.
"(C) New direct loan obligations, $600,000,000.
"(D) New loan guarantee commitments, $6,500,000,000.
"Fiscal year 1984:
"(A) New budget authority, $31,800,000,000.
"(B) Outlays, $27,250,000,000.
"(C) New direct loan obligations, $700,000,000.
"(D) New loan guarantee commitments, $6,600,000,000.
"Fiscal year 1985:
"(A) New budget authority, $28,500,000,000.
"(B) Outlays, $28,400,000,000.
"(C) New direct loan obligations, $700,000,000.
"(D) New loan guarantee commitments, $6,600,000,000.
"Fiscal year 1986:
"(A) New budget authority, $28,500,000,000.
"(B) Outlays, $28,400,000,000.
"(C) New direct loan obligations, $800,000,000.
"(D) New loan guarantee commitments, $6,600,000,000.
"(11) Health (550):
"Fiscal year 1983:
"(A) New budget authority, $25,325,000,000.
"(B) Outlays, $29,825,000,000.
"(C) New direct loan obligations, $47,000,000.
"(D) New loan guarantee commitments, $200,000,000.
"Fiscal year 1984:
"(A) New budget authority, $32,749,000,000.
"(B) Outlays, $32,749,000,000.
"(C) New direct loan obligations, $29,000,000.
"(D) New loan guarantee commitments, $300,000,000.
"Fiscal year 1985:
"(A) New budget authority, $35,724,000,000.
"(B) Outlays, $35,224,000,000.
"(C) New direct loan obligations, $28,000,000.
"(D) New loan guarantee commitments, $300,000,000.
"Fiscal year 1986:
"(A) New budget authority, $37,849,000,000.
"(B) Outlays, $37,249,000,000.
"(C) New direct loan obligations, $28,000,000.
"(D) New loan guarantee commitments, $300,000,000.
"(12) Medical Insurance (570):
"Fiscal year 1983:
"(A) New budget authority, $46,100,000,000.
"(B) Outlays, $53,100,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $61,400,000,000.
"(B) Outlays, $60,300,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $69,400,000,000.
"(B) Outlays, $68,300,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $79,100,000,000.
"(B) Outlays, $75,600,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"(13) Income Security (600):
"Fiscal year 1983:
"(A) New budget authority, $121,700,000,000.
"(B) Outlays, $110,200,000,000.
"(C) New direct loan obligations, $1,000,000,000.
"(D) New loan guarantee commitments, $14,600,000,000.
"Fiscal year 1984:
"(A) New budget authority, $125,900,000,000.
"(B) Outlays, $104,000,000,000.
"(C) New direct loan obligations, $1,000,000,000.
"(D) New loan guarantee commitments, $14,700,000,000.
"Fiscal year 1985:
"(A) New budget authority, $127,400,000,000.
"(B) Outlays, $105,400,000,000.
"(C) New direct loan obligations, $800,000,000.
"(D) New loan guarantee commitments, $16,500,000,000.
"Fiscal year 1986:
"(A) New budget authority, $131,300,000,000.
"(B) Outlays, $108,500,000,000.
"(C) New direct loan obligations, $500,000,000.
"(D) New loan guarantee commitments, $18,100,000,000.
"(14) Social Security (650):
"Fiscal year 1983:
"(A) New budget authority, $184,100,000,000.
"(B) Outlays, $167,600,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $174,900,000,000.
"(B) Outlays, $176,400,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $194,800,000,000.
"(B) Outlays, $187,300,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.

"Fiscal year 1986:
"(A) New budget authority, $211,200,000,000.
"(B) Outlays, $199,700,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"(15) Veterans Benefits and Services (700):
"Fiscal year 1983:
"(A) New budget authority, $25,200,000,000.
"(B) Outlays, $24,500,000,000.
"(C) New direct loan obligations, $1,000,000,000.
"(D) New loan guarantee commitments, $8,000,000,000.
"Fiscal year 1984:
"(A) New budget authority, $25,700,000,000.
"(B) Outlays, $25,600,000,000.
"(C) New direct loan obligations, $800,000,000.
"(D) New loan guarantee commitments, $9,000,000,000.
"Fiscal year 1985:
"(A) New budget authority, $26,700,000,000.
"(B) Outlays, $26,300,000,000.
"(C) New direct loan obligations, $600,000,000.
"(D) New loan guarantee commitments, $10,500,000,000.
"Fiscal year 1986:
"(A) New budget authority, $27,200,000,000.
"(B) Outlays, $26,600,000,000.
"(C) New direct loan obligations, $700,000,000.
"(D) New loan guarantee commitments, $12,500,000,000.
"(16) Administration of Justice (750):
"Fiscal year 1983:
"(A) New budget authority, $5,200,000,000.
"(B) Outlays, $5,100,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $6,000,000,000.
"(B) Outlays, $6,000,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $5,800,000,000.
"(B) Outlays, $5,900,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $5,900,000,000.
"(B) Outlays, $5,800,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"(17) General Government (800):
"Fiscal year 1983:
"(A) New budget authority, $5,600,000,000.
"(B) Outlays, $5,700,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $5,700,000,000.
"(B) Outlays, $5,700,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $6,000,000,000.
"(B) Outlays, $5,800,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $6,200,000,000.
"(B) Outlays, $5,900,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"(18) General Purpose Fiscal Assistance (850):
"Fiscal year 1983:
"(A) New budget authority, $6,400,000,000.
"(B) Outlays, $6,400,000,000.
"(C) New direct loan obligations, $300,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $7,100,000,000.
"(B) Outlays, $7,000,000,000.
"(C) New direct loan obligations, $300,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $7,200,000,000.
"(B) Outlays, $7,100,000,000.
"(C) New direct loan obligations, $300,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $7,500,000,000.
"(B) Outlays, $7,500,000,000.
"(C) New direct loan obligations, $300,000,000.
"(D) New loan guarantee commitments, $0.
"(19) Net Interest (900):
"Fiscal year 1983:
"(A) New budget authority, $87,600,000,000.
"(B) Outlays, $87,600,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $95,900,000,000.
"(B) Outlays, $95,900,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $104,200,000,000.
"(B) Outlays, $104,200,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $107,000,000,000.
"(B) Outlays, $107,000,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"(20) Allowances (920):
"Fiscal year 1983:
"(A) New budget authority, $800,000,000.
"(B) Outlays, $900,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $600,000,000.
"(B) Outlays, $600,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $1,900,000,000.
"(B) Outlays, $2,000,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $3,200,000,000.
"(B) Outlays, $3,400,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"(21) Undistributed Offsetting Receipts (950):
"Fiscal year 1983:
"(A) New budget authority, −$18,000,000,000.
"(B) Outlays, −$18,000,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, −$18,100,000,000.
"(B) Outlays, −$18,100,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, −$19,000,000,000.
"(B) Outlays, −$19,000,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, −$23,800,000,000.
"(B) Outlays, −$23,800,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.

"RECONCILIATION

"SEC. 2. (a) Not later than June 6, 1983, the Senate committees named in subsections (b) through (f) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than June 6, 1983, the House committees named in subsections (g) through (l) of this section shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

"SENATE COMMITTEES

"(b) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985; and $1,327,000,000 in budget authority and $1,327,000,000 in outlays in fiscal year 1986.

"(c)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $856,000,000 in fiscal year 1984; to reduce outlays by $2,024,000,000 in fiscal year 1985; and to reduce outlays by $2,484,000,000 in fiscal year 1986.

"(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to in-

crease revenues as follows: $9,000,000,000 in fiscal year 1984; $13,000,000,000 in fiscal year 1985; and $51,000,000,000 in fiscal year 1986.

"(d) The Senate Committee on Governmental Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985 and outlays by $834,000,000 in fiscal year 1985; and to reduce budget authority by $636,000,000 and outlays by $1,486,000,000 in fiscal year 1986.

"(e) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

"(f) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

"HOUSE COMMITTEES

"(g) The House Committee on Agriculture shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985; and $1,327,000,000 in budget authority and $1,327,000,000 in outlays in fiscal year 1986.

"(h) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $816,000,000 in fiscal year 1984; to reduce outlays by $1,538,000,000 in fiscal year 1985; and to reduce outlays by $1,979,000,000 in fiscal year 1986.

"(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985; and to reduce budget authority by $636,000,000 and outlays by $1,486,000,000 in fiscal year 1986.

"(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

"(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

"(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $849,000,000 in fiscal year 1984; to reduce outlays by $1,481,000,000 in fiscal year 1985; and to reduce outlays by $2,077,000,000 in fiscal year 1986.

"(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $9,000,000,000 in fiscal year 1984; $13,000,000,000 in fiscal year 1985; and $51,000,000,000 in fiscal year 1986.

"MISCELLANEOUS PROVISIONS

"SEC. 3. It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

"(1) new budget authority for fiscal year 1984; or

"(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1984,

within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by section 302(b) of the Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

"SEC. 4. It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $37,600,000,000 in fiscal year 1983 and $29,300,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $17,800,000,000 in fiscal year 1983 and $18,900,000,000 in fiscal year 1984; and new loan guarantee commitments to an amount not to exceed $94,500,000,000 in fiscal year 1983 and $94,500,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $16,200,000,000 in fiscal year 1983 and $17,300,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $11,500,000,000 in fiscal year 1983 and $13,200,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transaction of Federal agencies should be, to the maximum extent possible, restricted to the Federal financing Bank.

"SEC. 5. (a) The joint explanatory statement accompanying the conference report on this resolution shall include an estimated allocation, based upon the first section of this resolution as recommended in such conference report, of the appropriate levels of total new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new obligations and commitments.

"(b) As soon as practicable after the Conference Report on this resolution is agreed to, every committee of each House, after consulting with the committee or committees of the other House to which all or part of the allocation has been made, shall subdivide among its subcommittees the allocation of new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, allocated to it in the joint explanatory statement accompanying the conference report on this resolution.

"SEC. 6. It is the sense of the Congress that the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.".

Mr. GORTON. Mr. President, we are very close to the end of the line of the time authorized by statute for the consideration of the First Budget Resolution for fiscal year 1985 and succeeding years.

The proposal which I and a number of other Members have before you is extraordinarily similar to the one which was before this body on Thursday of last week. It represents, as that one did, the most genuine attempt to reach a bipartisan solution to the budget crisis which faces us as Members of the U.S. Senate and which faces the people of the United States themselves.

I may point out this bipartisan resolution as recently as yesterday was good enough to receive the support of my distinguished and close friend, the chairman of the Senate Budget Committee, and the conditional support of the majority leader, conditioned upon its receiving one more vote from the majority party in the Budget Committee than it actually got.

I would say the proposal is every bit as good today and, in fact, somewhat better after the last vote, than it was yesterday and that, in fact, it deserves the very careful and thoughtful consideration of all of the Members of this body, both Republicans and Democrats.

Why is this the ideal solution which has succeeded in avoiding us for so

long? First, it is ideal because the proposal by the distinguished leader of the Budget Committee has been defeated twice, by a wider margin the second time than when it was presented the first time.

Second, this is a reasonable proposal because it takes a more considered and careful view toward the growth in defense spending, one which is more acceptable to the public and one which can be more easily absorbed by the economy of the United States. It does not have the abrupt changes which are included in the proposal just defeated by the distinguished Senator from New Mexico.

Third, and perhaps most importantly, this proposal is a reasonable solution because it deals more thoughtfully and more realistically with the subject of the necessary revenues to pay for the spending policies of the United States.

This amendment recognizes the very blunt fact that, no matter what line of economic growth we assume, we will never balance the budget of the United States without some broadening of the revenue base of the United States itself.

I point that out, that there is no way, there has been no realistic proposal presented to the U.S. Senate which can balance the budget without some changes in the revenue laws of the United States.

Next, this proposal, unlike some of those presented by Members of the Democratic Party here, and by the majority Democratic Party in the House of Representatives, defers most of that increase in revenues until late in calendar year 1985, a time at which we presume economic recovery will be in full steam and when inflation will almost certainly once again be one of the dangers facing a possibly overheated economy.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Will the Senator suspend for a moment? The Chair cannot hear the Senator and the Chair asks for order, please.

The Senator may continue.

Mr. GORTON. Increases in revenues under this proposal for the next 2 fiscal years are relatively modest. They will not, under any set of circumstances, adversely affect economic growth, but they are a recognition of the underlying fact that at some point or another it will be necessary to increase revenues as well as to cut spending in order to balance our budget and to have permanently low interest rates.

Next, of course, it is ironic that this proposal, supported by moderates of both parties, is actually closer to the President's original budget request than is the request of the Senator from New Mexico, which was just defeated. This reflects precisely the President's revenue requests in fiscal year 1986 and it also includes a feature of long-range planning; that is to say, it is reconciled through the next 3 fiscal years so that the economy, the money markets, the financial structure of the United States can have a reasonable expectation of fiscal policies of the United States for an extended period of time.

Finally, like each of the other proposals, it is both disciplined and fair in its dealing with domestic spending programs. The budget deficits projected in this budget are $179 billion for 1984, $168 billion for 1985, and $130 billion for 1986. They are lower by far than those of the Domenici budget. They are lower than the Weicker-Gorton budget of last Thursday, not because of significant changes in policy but because of more up-to-date financial projections and the growth of economic recovery as it has been reflected in recent days.

I am asked to yield to the majority leader, which I will be happy to do without losing my right to the floor.

Mr. BAKER. Mr. President, I thank the Senator. It is my understanding that the minority leader wishes to make a suggestion with respect to a brief recess, perhaps for a caucus on his side of the aisle. I have not yet had an opportunity to talk with the minority leader and if he is within the sound of my voice, maybe he can send a message on what his preferences are. I am happy to do that.

I would propose that, if it is to be a 30-minute recess, we charge 15 minutes, equally divided. I do not now make that request, Mr. President.

Mr. President, I am advised that the minority leader does wish a recess at this time for 30 minutes.

RECESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stands in recess for a period of 30 minutes and that 15 minutes of that 30 minutes be charged equally against the two sides, 7½ minutes each side. I further ask unanimous consent that, when the Senate resumes consideration of this measure, the Senator from Washington be recognized to continue his debate on this matter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

There being no objection, the Senate, at 6:05 p.m., recessed until 6:41 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BOSCHWITZ).

The PRESIDING OFFICER. Who yields time?

RECESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate stand in recess for 20 minutes, the time not to be charged to either side.

There being no objection, the Senate, at 6:42 p.m., recessed until 7:02 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MATTINGLY).

The PRESIDING OFFICER. Under the previous order the Senator from Washington is recognized.

Mr. GORTON. Mr. President, as I said when I was interrupted by the recess some time ago, I can summarize the virtues of this proposed budget relatively simply: It includes lower budget deficits than any other proposal which has been seriously considered and has come to pass on the floor of the U.S. Senate. From fiscal 1984 $179 billion down to $130 billion in fiscal year 1986, with considerably lower deficits than that if we do in fact have the high growth scenario for which so many of us hope. It meets the minimum requirements of many of those who feel that we must recognize the need for some additional revenues in the future in order to balance budget deficits. It meets the minimum requirements of those who feel that significant increases in revenues should be deferred until the recovery is well under way. It meets the best possible compromise as far as defense spending is concerned and it is therefore not totally satisfactory to any single individual in the U.S. Senate but it should be satisfactory to a majority of the Members of this body.

Its greatest single virtue is that its deficit line is such that it gives the greatest guarantee of stability over the course of the next 3 years, over lower interest rates, over the chances for a relatively high economic growth, and of the ability to keep inflation under control. After all it is that economic growth and the jobs which it will provide which are the most important goal of any fiscal policy. This is a responsible budget alternative and it includes 3 years of reconciliation, it includes stability for the future, and it is a proposal which should be passed by the U.S. Senate now at the very last moment in this debate.

I yield such time as he wishes to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I will be brief in my comments supporting the amendment of the distinguished Senator from Washington.

I do not think there is any question of the fact we could have resolved this matter early on if both sides were not trying to carry some political water here that really is obscuring the solution and the facts.

I appreciate the views of the executive branch of Government and I respect them. Certainly we have had that kind of input and, for the most part, the budget being constructed is directed toward the executive, toward the President. On the other hand, we have got a job to do separate and apart from that and it gets a little difficult to do the job in the sense of car-

rying any Presidential water around here with all the differences that already exist among my colleagues.

By the same token, I am sure that there is a Democratic position, a Democratic position that people, some people, would like to adhere to, to the embarrassment of Republicans and that obscures their vision and obscures their vision of the facts and logic and commonsense.

So really it boils down to whether or not a majority of us are just going to exercise good judgment, and regardless of the advantages to Democrats or the minuses to Republicans or the other way around all that pretty much washes out.

The fact is the big deficits are there and I do not think any of us can live with that regardless of any political direction. We cannot live with it, our constituents cannot live with it. Certainly we need an increase in defense spending, but even that has to moderate in terms of an overall picture. When it comes to the various spending matters those have been attended not too well by this Chamber.

I think the time has come to go ahead and just direct our own logic, our own knowledge of the facts, toward the vote that is coming up. And, as I said, there will be political pluses and minuses on both sides and they are going to wash and let us get a budget, a budget of commonsense, a budget of moderation, one that the Senate has executed and then, fine, let the White House execute its will, let the House execute its will. We have done our job in good conscience and in good faith and I support the amendment of the distinguished Senator from Washington.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. I yield such time as the Senator from Maryland may desire.

Mr. MATHIAS. Mr. President, I rise to support the amendment offered by the Senator from Washington and to discuss very briefly some of the considerations that are involved in this vote.

It is not a simple issue and it certainly is not a single issue. It is not merely a question of cutting taxes or of raising taxes. Rather it is a highly complicated question. It is very complex and it is global in its scope.

Just by way of illustration, I might recall that the Committee on Foreign Relations held hearings this year on problems of world debt and the consensus of the witnesses, both from the private sector and from the Government, was that we have a chance to avert a world financial disaster for the time being. But even if we were successful in averting a disaster, there would be no solution to the problem of world debt, no solution to the world economic difficulties, until there was a resumption of growth in the world economy, and that is the key word "growth." It is a key word as far as the domestic economy is concerned and it is a key word in the international economy.

That I see as a goal of the amendment offered by the Senator from Washington. It is to encourage growth.

Without a step such as that offered by this amendment, the prospect is that 80 percent, perhaps more, of the savings of the American people will be absorbed by debt service. I fail to see where there will be any capital for growth, for economic expansion; in other words, I fail to see where there will be the capital for jobs, for creating the new jobs that the American people need.

This amendment certainly could not be offered as a solution for all the problems. It does, however, indicate that we are willing to take the advice that we have been giving to other nations around the world whose deficits are too large and who we have urged to accept some form of fiscal restraint, fiscal discipline, and get their deficits under control.

I think this amendment gives a signal that we are determined to solve the problem and that would be a green light for recovery in the United States to proceed. I hope that the Senate will adopt the amendment.

Mr. GOLDWATER. Will the Senator from New Mexico yield me a couple minutes?

Mr. DOMENICI. I am pleased to yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I rise as a Republican very disappointed in the procedures that we followed and have been watching. This Republican was raised to believe that increased investment in our industrial segment has produced the greatest economy in the history of the world. This Republican was raised to believe that the goal of the Congress should be to lower taxes, not raise them. This Republican was raised to believe that we could control spending if we have what is called courage. We have a shorter word for it out West.

We do not have that courage. We are not attacking the problem. The problem is not defense. We can eliminate all defense and not solve our problem. The problem is we are now in a welfare state and we better admit it and wise up to the problems that it presents before us. Because there has never been a welfare state in the history of this world that did not wind up with a dictator. I do not prophesy that but history has told us it is true.

Now when I look at a budget that has an amendment to health care for the unemployed, including additional revenues to offset spending increases; an amendment to increase education for a program that is producing the worst students in the history of this country, the worst students in the world; when I see an amendment that will change medicaid for low-income pregnant women and newborn children, this is not my idea of a Republican budget.

Mr. President, the American people would like to see a deficit cut. How many American people understand deficits? But they do understand a reduction in taxes. And I can tell you, Mr. President, and I will tell my colleagues, that if we raise taxes and we are responsible for it, we are not going to come back here, because the American people are getting sick and tired of high taxes. How long will this country, 50 percent of the people, agree to support the other 50 percent of the people?

I know we have problems to attack. We have the tremendous problem of what to do about cost-of-living increases, the tremendous problem of what to do about retirement plans for civil service that is now bankrupt, railroad retirement that is now bankrupt, and social security which will be bankrupt again within 5 or 10 years.

We have not leveled with the American people, Mr. President. And if we are going to do what my friend from Maryland wants to do, see this world prosper, we are going to have to lead the way in industrial revoluton as we did back in the 1870's. We are not going to do it by continuing to lie to the American people about what we are trying to do for them. We are not trying to do anything for them. Let us face up to it. We are trying to get reelected, and that is about the story.

Mr. President, I cannot vote for this. I voted for the proposition brought forth by the Budget Committee and I swear I felt like going outside and relieving myself. [Laughter.] It is not my idea of the way to vote and I am going to vote against this.

I am also preparing a piece of legislation that will do away with the Budget Committee, which I voted for and I thought it would work. With all due respect to my friend from New Mexico, who has worked his heart out on this thing, the Budget Committee will not work and it stopped the whole movement of this body. We have not appropriated money for anything in 3 years—continuing resolutions, continuing resolutions. Where is the continuing money coming from? That is the thing that bugs me. We are spending this country into bankruptcy. We are not explaining to the American people in an honest way what we are doing.

As I say, Mr. President, we do not have the plain old guts to attack the problems that face this country and it is making me a little bit sick. Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE addressed the Chair.

Mr. DOMENICI. Mr. President, I yield 5 minutes to Senator CHAFEE.

Mr. GORTON. I should yield from my time.

Mr. DOMENICI. It does not really matter, it counts equally anyway.

Mr. CHAFEE. I thank you very much, whoever did yield me the time.

I support the Gorton subsitute, Mr. President, because it promises a measurable and significant reduction in the deficit over 3 years. I think that is what it is all about, Mr. President. What we are trying to do is pull these deficits.

Some here would like to have massive reductions in spending. That has been tried and the Senate has rejected it.

So what is the alternative? To go ahead with these massive deficits or try to do something about them on the revenue side?

This measure does not bring down the deficits as much as I would like or as much as those who are associated with me and others would like, but nonetheless it makes a significant reduction in the deficits.

As Senator GORTON has pointed out, the deficit would fall from $179 billion in 1984 to $126 billion in 1988. My goodness sake, when we are celebrating bringing down the deficity 5 years from now to $126 billion, it does not look like all that much progress. But still it is better than that proposed by the measure that was before us.

I think it is important to stress that the substitute would increase revenues in 1986 by exactly the amount proposed by the President in his contingency tax proposal. So this is not something wild that has been plucked from the sky. It seems to me my fellow Republicans ought to be able to go along with this. This is what the President proposed.

Now the Gorton amendment would leave the nondefense spending amounts intact, including those added through the resolutions of the amendment of Stafford-Hollings in education, and the Dole health benefits amendment, and the Cranston-Hatfield medicare amendment.

On defense, it would provide for a growth rate of 6 percent in 1984. Now, no one can call us pikers for doing that; 6 percent is more than other parts of the budget increasing. And then that would be at 5.5 percent in 1985 and 5 percent in 1986.

In revenues, it would call for what I consider a modest increase of $9 billion over the Domenici proposal in 1984 and $13 billion in 1985 and $51 billion in 1986.

It seems to me, Mr. President, that Senator GORTON's amendment is an appropriate middle ground, resulting in lower deficits than those proposed by the committee substitute, though higher than those contained in the committee resolution.

So I hope everybody would support this so we can get on with the business.

I thank the Chair and I thank whoever it was who yielded me the time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Would the Senator yield 1 minute?

Mr. DOMENICI. I yield.

Mr. LEVIN. Mr. President, the last time I voted against the Gorton amendment in the hopes that the Budget Committee would come back with a budget with a smaller deficit than the Gorton amendment provides. It did not.

If the Gorton amendment fails again, the almost certain end result will be a budget with a significantly larger deficit and an even bigger increase in defense. I will, therefore, vote for the Gorton amendment.

Mr. GLENN. Mr. President, I am going to vote today for the bipartisan compromise amendment to the first concurrent resolution on the budget. I do so not because I think it is good but because it appears to be the best of a poor choice of solutions to a sorry impasse; because its passage will help sustain our troubled budget process; and because I have an abiding hope that a much-improved document will emerge from the conference committee with the House of Representatives.

For me, the bottom line is that this compromise at least begins, however, barely, to move us toward lower deficits. Not as low as I would like to see them. Not as low as I think is needed to send the proper signal to the capital markets; a signal that this Government intends to get its affairs in order and quit pursuing the borrow and borrow, spend and spend policies of the Reagan administration—policies that in effect transfer $200 billion a year of debt to our children and grandchildren. It is irresponsible to implement the third year 10-percent tax cut and indexing when the revenue loss will be added directly to the already out-of-control budget deficit.

I could not support the substitute brought to the floor today by the Committee on the Budget. It was a budget that would have perpetuated the administration's wrong-headed policies by piling up deficits about $300 billion greater than the original committee-reported resolution. Unfortunately, I will probably never have a chance to vote on that original resolution. But there are other things that were wrong with the committee substitute budget as well. It was a budget that would greatly jeopardize today's fragile economic recovery in order to maintain a flawed tax policy, including the indexation of future tax rates. It was a budget that would sharply increase the level of Government's absorption of net private savings and all available capital, thus denying industry the capital it needs to expand, modernize, compete in world markets, and provide jobs for out-of-work Americans.

The administration came to office promising to balance the budget by fiscal year 1984. Well, we are now addressing the question of fiscal year 1984, and what do we see? We see a proposal that would result in a total budget deficit of $1 trillion over a 5-year period, doubling our national debt.

The new Budget Committee substitute, intended to sustain the President's policies, presented us with the following deficit projections:

Fiscal year:	*Billions*
1984	193
1985	185
1986	192
1987	211
1988	220

By contrast, the bipartisan proposal that I support has the following deficit impact:

Fiscal year:	*Billions*
1984	179
1985	166
1986	130
1987	130
1988	127

Clearly, the compromise is preferable. But it does not go far enough. By deferring the third year of the Reagan-Kemp-Roth tax cut and repealing indexing, we could shave another $225 billion from the deficit the President proposed over the next 5 years. But since that is not in the cards, I shall vote for the best alternative. After all, half a loaf is better than none.

Mr. BRADLEY. Mr. President, I urge my colleagues to support the bipartisan budget plan that is now before us. It is by no means a perfect budget, but it is probably the best budget plan that has any chance of passage by this body.

Mr. President, the bipartisan budget plan before us strikes a better balance than the Domenici-Baker plan between spending and revenues and between defense and nondefense spending.

The bipartisan plan recommends 6 percent real growth—a middle ground—for defense spending. The Budget Committee recommended 5 percent real growth, and the Republican budget recommended 7.1 percent real growth. And the bipartisan plan significantly reduces outyear deficits. The Republican plan assumes $200 billion deficits as far as the eye can see; the bipartisan plan cuts the deficits almost in half by 1988. We need to reduce these deficits if we are to achieve a sustained economic recovery.

The bipartisan budget provides minimally adequate funding in 1984 for social programs. It incorporates the

three budget amendments which the Senate has passed to date, adding funds for high priority education programs, health benefits for the unemployed and prenatal care for low-income mothers.

Mr. President, the bipartisan plan before us is not perfect. But it reverses some of the biggest mistakes of the past 2 years by providing a more balanced mix between taxing and spending policies and between defense and nondefense spending. I urge my colleagues to support the bipartisan budget resolution.

Mr. CHILES. Mr. President, the Senate has rejected another budget plan. I think I know why. Underlying every budget judgment we make is a concern about interest rates. The budget plan we just laid to rest would not have done much to lower those rates, and I did not support it either in committee or here on the floor.

I think we are all basically skeptical about the strength of recovery. We all want it to happen, but we keep looking at the size of the deficits and doubt recovery can be sustained. We all know those deficits cannot do anything but stop recovery, because deficits inevitably lead to high interest rates. The deficits mean the Government is the biggest borrower in the country. The money that is left costs everyone else more.

So we have still got a chance to do something about interest rates and about deficits. The substitute budget plan now pending in the Senate has worked out originally between the chairman of the Senate Budget Committee in itself. It was the only bipartisan agreement we could reach. It fell a few votes short of endorsement by the Budget Committee, but I think it deserves a vote of the full Senate.

So let me briefly outline what is in the compromise budget resolution now pending before the Senate.

The compromise plan is close to the budget originally reported by the Senate Budget Committee 2 weeks ago, differing only in these respects:

It provides for reconciled revenue increases of $9 billion in fiscal 1984, $13 billion in fiscal 1985, and $51 billion in fiscal 1986. The resolution reported by the Budget Committee has sought reconciled revenues of $30.2 billion in fiscal 1984, $39.1 billion in fiscal 1985, and $51.9 billion in fiscal 1986. The President's intransigence made it impossible for us to approve the more effective revenue increase. Even so, some critics will argue that the $73 billion contained in the revised resolution now before us is too high. I would point out that it is just one-tenth of $757 billion of red ink in the tax cut enacted by the Congress in 1981. That is, the tax cuts exceeded the spending cuts by $757 billion, so we are just sopping up one-tenth of the red ink.

The compromise budget resolution provides for real growth in defense budget authority of 6 percent in fiscal 1984, 5.5 percent in fiscal 1985, and 5 percent in fiscal 1986. That gives us solid and necessary defense spending increases over the next 3 years, without further jeopardizing the hopes of general economic recovery. Remember, 6 percent real growth means a $26 billion increase over last year.

The compromise budget resolution includes the three amendments adopted last week during floor debate on the committee's original budget resolution. Those are: Senator DOLE's amendment on health care for the unemployed, including additional revenues to offset the spending increases; the amendment sponsored by Senators HOLLINGS and STAFFORD dealing with education programs, and Senator CRANSTON's amendment on medicaid for low-income pregnant women and newborn children.

The compromise budget resolution makes adjustments in function 600—income security; function 650—social security; and function 700—veterans—to reflect January 1984 COLA increases of 3.5 percent instead of 4.1 percent as assumed in the reported resolution, based upon actual 1983 data.

Finally, the resolution adjusts net interest to reflect the above changes.

This resolution contrasts with the resolution adopted by the House and with the budget proposal originally offered by the President in January.

Yet, it has been made clear by the White House that they really do not care what we do. If our deficits are too low, if we cut them too much, the President will just ignore it. So, even though the deficits in this resolution are still too high, they are lower than those in the House, much lower than those of the President's, and on a steady declining path from $163 billion in fiscal 1984 down to $123.6 billion in fiscal 1988.

While we do not solve the deficit problem, we can at least persuade the Nation that Congress is serious about chopping down budget deficits, while the President is more serious about chopping up the budget process.

Like it or not, politics or not, we have got to chop a hole in the deficit beginning in fiscal 1985, and I will tell you why.

THE PATH OF RECOVERY

A typical recovery starts out with interest rates declining and housing and auto purchases picking up. So far, we have seen that, although at a relatively moderate pace compared to previous postwar recoveries. Nominal interest rates have fallen dramatically since 1981 and 1982 but so has inflation. So real interest rates are still very high. This is why the recovery has been relatively modest.

The second stage of a recovery normally proceeds with all types of expenditures picking up. Credit demands rise relative to supplies and interest rates rise. Prices of primary products also increase.

The second half of 1984 and all of 1985 will be the second stage of the recovery on which all types of expenditures will be growing rapidly relative to 1983 and the first half of 1984. Consumer durable expenditures, business fixed investment, and inventories will be growing more rapidly. These are expenditures that are financed with credit, so the demand for credit in the second half of the 1984 and 1985 will be growing rapidly.

It is important that we set policies now that will guarantee lower deficits so that available credit can be used by the private sector in this important phase of the recovery. With no additional revenues, the deficit will remain in the 5- to 6-percent range of GNP while interest-sensitive expenditures will rise from 21 percent of GNP in 1982 to the 24-25 percent range by 1985 and 1986.

If deficits remain that high as a share of GNP, interest rates—according to DRI and other forecasters—will rise and threaten the recovery. The housing market will be affected first and then automobile sales, which have been improving, will falter. in addition, business fixed investment will not get off the ground if interest rates rise in 1985.

According to Henry Kaufman, the Wall Street guru from Solomon Brothers, we have seen all the decline in interest rates we are going to see unless deficits are reduced and unless the Fed takes more aggressive action. Speaking this past Sunday on "Meet the Press," Kaufman's key points were:

First, interest rates will not fall further, and may rise without smaller deficits;

Second, stage two of recovery will be late 1984 and all of 1985 when Treasury financing clashes with increasing private credit demands;

Third, he said he would repeal half of the tax cut and indexing to reduce deficits.

This compromise resolution provides $73 billion in additional revenues over the next 3 years. If that sounds like a lot, it is less than one-tenth of the amount by which taxes were ordered cut in the 1981 tax bill. If adopted, this resolution will set taxes at 20.4 percent of the gross national product by fiscal 1988, compared with the 20.6 percent of GNP for taxes which the President proposed when he submitted his budget in January. And there is just no escaping the fact that we cannot ever hope to attack the deficits without a better balance of revenues to spending.

Over the last 2 years, we have already projected cuts of around $380 billion in domestic spending. Yet we have eaten up $265 billion of those savings with defense increases. And we cut taxes a total of $859 billion. So the net import was tax cuts $757 billion bigger than the spending cuts. That is $757 billion extra red ink.

We are facing deficits pushing $200 billion if we stick with the President's budget or with the Domenici-Baker substitute offered here. Big deficits lead to high interest rates. And those deficits are so high under the President's game plan, they will add $1.1 trillion to the national debt by 1988. That means the overwhelming majority of money available nationally for borrowing—at least 87 percent—will be eaten up by the Federal Government. Not much will be left for anybody else who wants to create jobs in business and industry. And what is left will cost too much for the average person who wants to buy the kind of durable goods that create a demand for jobs.

We have got work to do here. And we have got to start cutting deficits right now. Listen to the opinions of people who see the gravity of the problem.

OPINION OF ECONOMISTS

The President's top economic adviser, Martin Feldstein, says big future deficits are a "nontrivial risk," that will make the recovery "peter out" in 1 or 2 years.

Otto Eckstein of Data Resources, Inc., put his tongue in his cheek to say it would be OK if we had no budget resolution, just to show "the public the way in which this administration has led the budget to chaos."

Paul Volcker told this committee in February: "I do not see how you can handle this total budgetary problem without increases in revenues along the line and tax changes."

The distinguished former Cabinet officials of the bipartisan budget appeal spoke of the evils of deficits and told us the time to cut is now, in 1984 and 1985—that we cannot afford to wait until 1988 or we will abort the recovery. David Jones told us the structural deficit must be systemmatically eliminated through a series of credible annual declines, or we face interest rates 2 percent higher than what we have now.

Henry Kaufman said on Sunday he did not expect a "significant lift in economic activity" because he questioned our wherewithal and policies to sustain recovery.

Here is Treasury Secretary Regan telling us that a big 1985 deficit could force a return to a very strict monetary policy that endangers recovery. Secretary Regan wants a budget resolution passed. He believes we should do something significant to cut deficits and do it soon.

And we also have the recent views of the world's foremost expert on consumer attitudes to bolster the argument that interest rates growing out of high deficits are a threat to recovery. F. Thomas Juster, the director of the Institute for Social Research at the University of Michigan, told me just a week ago he felt the economy could do nicely without the tax cut scheduled for July. He went on to say, "If part of the consumer's residual concerns are with such things as the out-year deficit and the prospective recurrence of high inflation rates, a tax cut is not going to be the appropriate medicine to allay those concerns."

Now I want the Senate to understand one thing. I will be among the first to stand up and cheer for economic recovery. But I do not want to have to be among those to cry at the wake if the economy dies because we were not wise enough to help keep it going. Deficits of the kind recommended by the President and contained in the amendment just defeated by the Senate would have been terrible. They would have virtually guaranteed high interest rates, by chewing up the overwhelming majority of net private savings.

Mr. President, just this weekend the President was quoted in the Washington Post saying, "The budget resolution is meaningless to them (Congress). They've never abided by that."

Let us look at how the budget process has performed the last 2 years, and then we will see who abides by budget resolutions and who does not.

In 1981, Congress approved a budget resolution calling for deficit cuts of $36.5 billion. We followed that by approving a reconciliation bill the President signed so he must have seen it. But maybe he just forgot. The total effect of that reconciliation law, including budget rescissions, cut the deficit by $37.1 billion. So we were actually tougher when it came to practice than we were when we promised discipline.

Last year, we had two reconciliation measures, one for revenues and one for spending. We started off committing ourselves to deficit cuts of $125.5 billion over a 3-year span. By the time we were done, the 3-year cuts in the deficit totaled $128.8 billion. Once again, Congress paid attention to its own pledges and did even better than promised.

On May 14, President Reagan was quoted in the press saying that budget resolutions are not binding and that, "The budget resolution is meaningless to them (Congress). They've never abided by that."

The fact is that by use of the binding reconciliation process, Congress has more than abided by its budgets. The first concurrent budget resolution for fiscal year 1982 reconciled deficit reductions of $36.5 billion. In the reconciliation bill that followed, Congress exceeded the target, cutting the deficit by $37.1 billion for fiscal 1982. The first concurrent budget resolution for fiscal year 1983 reconciled $125.5 billion of deficit reduction between fiscal year 1983 and fiscal year 1985. Congress once again did better than its pledge, enacting deficit reductions of $128.8 billion. The major area of overspending has been national defense, where the President submitted a 1984 budget providing $75 billion more than the multiyear agreement he negotiated with the majority of the Senate Budget Committee

Mr. President, I ask unanimous consent to insert in the RECORD at this point a fact sheet on congressional adherence to budget resolutions prepared by the Budget Committee staff.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Table I

	Billions
Fiscal 1982 budget reconciliation:	
Reconciliation instruction	$36.5
Congressional action (Public Law 97-12 and Public Law 97-35)	37.1
Fiscal 1983 budget reconciliation:	
Reconciliation instruction (fiscal years 1983-85)	125.5
Congressional action (Public Law 97-248 and Public Law 97-253) (fiscal years 1983-85)	128.8

NATIONAL DEFENSE SPENDING

	Fiscal year						5-yr total
	1983	1984	1985	1986	1987	1988	
President's program:							
Budget authority	245.00	280.20	329.40	364.30	396.40	432.10	1,802.40
Outlays	214.30	244.70	282.20	321.50	357.50	389.80	1,595.70
1983 budget resolution (CBO baseline):							
Budget authority	243.90	278.30	322.40	350.00	373.00	398.00	1,721.70
Outlays	214.20	242.10	277.70	310.00	333.00	358.00	1,520.80
President's program over budget resolution:							
Budget authority	1.10	1.90	7.00	14.30	23.40	34.10	80.70
Outlays	.10	2.60	4.50	11.50	24.50	31.80	74.90

Mr. CHILES. So when the President says someone is not paying attention to the budget, I am afraid it is the President himself. In fact, it was the President who negotiated last year's first concurrent budget resolution last year. Then he went back on it. He did not abide by the numbers for national defense. In fact, he said he would not be bound by them, and added back $75 billion.

We have got to act now, this year, in this resolution. Next year is an election year and 1986 is too late. It is not an easy problem. But the only way we can start to solve it is to put a lot of political teeth marks on the economic bullet. The President is betting the economy will follow some tumbling ballistic path to recovery. I think we must take better aim.

I ask the Senate now to pause a minute and think seriously about the stakes here. Will we save recovery or will we risk it? Will we stick with a budget process that really works, or abandon it to chance? Can we show the people we serve that bipartisanship really stands for progress, or retreat back to partisan divisions? Can each of us as Senators risk just one vote that might be a little wide of our separate philosophical marks to do what's genuinely best for the American economy? We have got to answer those questions right now, right here, and we better be right on.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time do we have remaining in opposition to the amendment and for the proponents of the amendment?

The PRESIDING OFFICER. Forty minutes and 45 seconds in opposition, 34 minutes and 19 seconds for the proponents.

Mr. DOMENICI. And how much time on the resolution?

The PRESIDING OFFICER. There is no remaining time on the resolution, except the time allocated to this amendment.

Mr. DOMENICI. So the time remaining on it is all the time remaining on the resolution also?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I would like, if we can work this out, to start the vote in about 5 minutes, if that is satisfactory with the other side.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Will the Senator yield me 5 minutes?

Mr. BIDEN. Mr. President, I would like to have 3 minutes, or thereabouts. I would appreciate it.

Mr. DOMENICI. Is that all we need, 5 and 3? That is all right with me. I yield to Senator EXON first.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, as a member of the Budget Committee I want Congress to adopt a budget resolution for 1984. But the Senate should not vote for a resolution simply to have one without regard to its contents.

It should be clear to all fiscal conservatives that the Gorton proposal is far better than the Baker-Domenici-Reagan proposal that the Senate just defeated for a second time. But that does not make it good enough for this Senator to support.

Much of the discussion surrounding our consideration of the budget this hear has centered on taxes and deficits. As important as these two topics are, I want to try to shift the focus for a moment to even more important subjects: Spending and the accumulated national debt.

Let me discuss first the matter of spending. The two budgets which are receiving most attention today, the Baker/Domenici budget and the Republican "moderates" budget are not only high deficit budgets but they are also high spending budgets. Indeed, even the President's original submission to Congress must be labeled a high spending budget compared to other realistic alternatives. Let me illustrate this with some facts which may surprise some of my colleagues so that it does not turn out later to be a surprise to them.

The Johnston/Exon/Nunn/Boren budget, which was considered by this body 2 weeks ago, proposed spending levels which totaled over $22 billion less over the next 3 years than the President's budget recommendations. Compared to the Baker/Domenici budget which was recently brought back for a second try, the Johnston/Exon/Nunn/Boren budget would spend approximately $58 billion less over the next 3 years.

Mr. President, could we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order so that the Senator can make his statement.

Mr. EXON. The reason our budget proposed less spending is that we did not exempt any sacred cows from budget restraint. Not only did we propose a reasonable 5 percent real growth budget for defense, we faced head on the problem of unrestrained entitlement spending.

I guess that is what my friend from Arizona was speaking about a few moments ago on the floor.

For several years we have heard members of both the executive and legislative branches tell us how necessary it was to restrain entitlement spending. That subject has been the forgotten story in the battle of the budget this year.

Let me turn now to the subject of the national debt.

Mr. President, it is very difficult.

The PRESIDING OFFICER. The Senate will be in order. If anyone wants to converse, please retire to the cloakrooms.

Mr. EXON. I realize that when you talk about the national debt, you do not instantaneously receive the attention of the Members of the Senate. But I think it is important that we talk about it.

I want to remind my colleagues it will be necessary, according to the Treasury Department, to increase the ceiling on the national debt before the end of this month.

The national debt is nothing more than the accumulated deficits of the past which are coming back to haunt us. No one should plead ignorance about the necessity for increasing the debt ceiling for there have been sufficient warnings. On July 29, 1981, I warned this body that the national debt would be rising since adoption of the President's economic program "cuts taxes faster than spending, and relies upon a rosy set of economic addition to keep the (debt) from expanding and getting out of control."

On May 14, 1982, I said to the Senate:

> At the end of 1981, we saw the debt ceiling go through the trillion dollar level for the first time in history. Again, * * * if we would adopt the President's budget, we would see the total debt increasing nearly 50 percent again by the year of the next Presidential election, and exceeding $2 trillion by the end of 1987.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON. Three more minutes?

Mr. DOMENICI. I would like to do that, but I made a commitment to Senator BIDEN that he could have 3 minutes before we vote.

Mr. EXON. Could I ask for 3 minutes from the Senator controlling the time on my side of the aisle?

Mr. DOMENICI. I will yield.

The PRESIDING OFFICER. The Senator may proceed.

Mr. EXON. Just last week I said:

> I am very fearful * * * that the national debt will bust through the $2 trillion figure by the year 1986 * * * unless we somehow can get off the track that we are presently on.

Mr. President, since much of the debate in this body has been about whether taxes should be increased or decreased, why is it important to talk about total Federal debt? The reason, of course, is that this debt must be paid back, and the larger the amount of total debt, the larger the Federal budget will have to be in the future in order to pay interest costs. Net interest on the debt has been the fastest growing major item in the Federal

budget over the past several years, and the situation promises to get worse rather than better.

Again, let me give some concrete examples. The Johnston/Exon/Nunn/Boren budget, while not an immediate cure-all, did the most of any budget considered by the Senate to hold down interest costs. Compared to the Baker/Domenici/Reagan budget, total Federal debt in 1986 would be approximately $100 billion less. At 8 percent Federal borrowing costs, which may be optimistic given our likely action on this budget, the Johnston/Exon/Nunn/Boren budget would spend $8 billion less than the Baker/Domenici/Reagan budget for interest in 1986. These growing interest costs will continue to squeeze out moneys which could be better expended on defense, domestic needs, or, ideally, left in the taxpayer's pocket.

If this body passes a budget today which neglects these issues of spending and the national debt, the momentary victories on taxes and certain spending items in the budget will ring hollow indeed in the years to come.

The time for courage and leadership is now, not after the next election, not after the next recession, and not after a safe consensus has been formed which acknowledges the folly of our current budget direction.

Mr. President, I yield the floor.

Mr. BIDEN. Mr. President, I will be very brief. I am a little confused about what is going on here. We keep talking about cutting spending, we are going to cut taxes, and all the rest. Let me put it in perspective as I see it.

We have a budget of about $850 billion. The President says he wants to spend $245 billion on defense. He says we spent 2 years on the social security compromise, which is inviolate now. That guarantees a lock of $175 billion. You add that and medicare and veterans and you get yourself, with the retirement programs that everybody here says cannot be touched, and that is $325 billion. Interest on the debt is about $100 billion.

Are my 3 minutes up? They could not be.

The PRESIDING OFFICER. No; the 3 minutes are not up. I wanted the Senator to be heard.

Mr. BIDEN. They will not listen anyway. I thank the Chair for trying to get order. I want it in the RECORD, that the fact of the matter is add up defense, add up the retirement programs and safety net, and add up interest on the debt, all of which we say we are not going to cut. That leaves us, for the entire rest of the Federal Government—from welfare to food stamps to space to highways to education to justice—somewhere between $150 and $175 billion. We have a lot of phonies in this town. We have a deficit that is going to be about $200 billion and we just heard wonderful speeches about how we are going to cut spending. If you do not cut defense, you do not cut the retirement programs, and you do not cut the national debt, you either have to cut all the rest, or raise revenues.

What are we talking about? I mean really and truly, when is the press going to start to report it the right way? Look at the numbers. The President is wrong: You cannot cut it. If he says you cannot cut defense, you cannot cut social security and entitlement programs that relate to retirement, and you cannot cut interest on the debt, what is wrong with everyone in this town? There is only $175 billion left.

I do not understand what we are all talking about. Either raise revenues, folks, or cut defense, social security, veterans and those other things; one of the two. How do you vote?

I am ready to vote.

Thanks.

Mr. DOMENICI. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Washington yield back his time?

Mr. GORTON. I yield back my time.

Mr. BAKER. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington and others. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—48

Andrews	Ford	Metzenbaum
Bentsen	Glenn	Mitchell
Biden	Gorton	Moynihan
Bingaman	Hart	Packwood
Boschwitz	Hatfield	Pell
Bradley	Heinz	Randolph
Burdick	Huddleston	Riegle
Byrd	Inouye	Rudman
Chafee	Jackson	Sarbanes
Chiles	Kassebaum	Sasser
Cranston	Kennedy	Simpson
D'Amato	Lautenberg	Specter
Danforth	Leahy	Stafford
Dixon	Levin	Stennis
Dodd	Mathias	Tsongas
Eagleton	Matsunaga	Weicker

NAYS—52

Abdnor	Hatch	Nunn
Armstrong	Hawkins	Percy
Baker	Hecht	Pressler
Baucus	Heflin	Proxmire
Boren	Helms	Pryor
Bumpers	Hollings	Quayle
Cochran	Humphrey	Roth
Cohen	Jepsen	Stevens
DeConcini	Johnston	Symms
Denton	Kasten	Thurmond
Dole	Laxalt	Tower
Domenici	Long	Trible
Durenberger	Lugar	Wallop
East	Mattingly	Warner
Exon	McClure	Wilson
Garn	Melcher	Zorinsky
Goldwater	Murkowski	
Grassley	Nickles	

So the amendment (No. 1285) was rejected.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 1286

Mr. DOMENICI. Mr. President, I send to the desk an amendment in the nature of a substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes an amendment numbered 1286.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the resolving clause and insert in lieu thereof:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1984 is established, and the appropriate budgetary levels for fiscal year 1985 is hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, and October 1, 1984:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $603,325,000,000.
Fiscal year 1984: $658,900,000,000.
Fiscal year 1985: $729,875,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: +$125,000,000.
Fiscal year 1984: +$3,500,000,000.
Fiscal year 1985: +$6,375,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $39,700,000,000.
Fiscal year 1985: $44,200,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,500,000,000.
Fiscal year 1984: $166,500,000,000.
Fiscal year 1985: $187,700,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1983: $876,425,000,000.
Fiscal year 1984: $918,849,000,000.
Fiscal year 1985: $990,824,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1983: $807,325,000,000.
Fiscal year 1984: $851,899,000,000.
Fiscal year 1985: $915,924,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $204,000,000,000.
Fiscal year 1984: $192,999,000,000.
Fiscal year 1985: $186,049,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,383,900,000,000.
Fiscal year 1984: $1,620,799,000,000.
Fiscal year 1985: $1,857,548,000,000.

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $93,700,000,000.
Fiscal year 1984: $236,899,000,000.
Fiscal year 1985: $236,749,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1982, October 1, 1983, and October 1, 1984, are as follows:

Fiscal year 1983:
(A) New direct loan obligations, $55,400,000,000.
(B) New loan guarantee commitments, $94,500,000,000.
Fiscal year 1984:
(A) New direct loan obligations, $48,200,000,000.
(B) New loan guarantee commitments, $94,500,000,000.
Fiscal year 1985:
(A) New direct loan obligations, $48,100,000,000.
(B) New loan guarantee commitments, $97,400,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1985 for each major functional category are:

(1) National Defense (050):
Fiscal year 1983:
(A) New budget authority, $244,600,000,000.
(B) Outlays, $214,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $274,000,000,000.
(B) Outlays, $243,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $303,200,000,000.
(B) Outlays, $272,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

(2) International Affairs (150):
Fiscal year 1983:
(A) New budget authority, $24,900,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $9,200,000,000.
Fiscal year 1984:
(A) New budget authority, $18,200,000,000.
(B) Outlays, $12,700,000,000.
(C) New direct loan obligations, $11,200,000,000.
(D) New loan guarantee commitments, $10,300,000,000
Fiscal year 1985:
(A) New budget authority, $16,500,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $11,500,000,000.
(D) New loan guarantee commitments, $10,300,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1983:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $7,700,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $37,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

(4) Energy (270):
Fiscal year 1983:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $4,600,000,000.
(C) New direct loan obligations, $13,100,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984:
(A) New budget authority, $3,900,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $13,900,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1985:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $2,900,000,000.
(C) New direct loan obligations, $14,300,000,000.
(D) New loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):
Fiscal year 1983:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $12,200,000,000.
(B) Outlays, $12,600,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.

(6) Agriculture (350):
Fiscal year 1983:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $24,000,000,000.
(C) New direct loan obligations, $18,600,000,000.
(D) New loan guarantee commitments, $5,500,000,000.
Fiscal year 1984:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $11,400,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New loan guarantee commitments, $3,800,000,000.
Fiscal year 1985:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $3,800,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $2,700,000,000.
(C) New direct loan obligations, $6,500,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1984:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $1,800,000,000.
(C) New direct loan obligations, $6,400,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1985:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $0.
(C) New direct loan obligations, $6,300,000,000.
(D) New loan guarantee commitments, $48,700,000,000.

(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $26,800,000,000.
(B) Outlays, $22,100,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $1,100,000,000.
Fiscal year 1984:
(A) New budget authority, $27,700,000,000.
(B) Outlays, $25,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $600,000,000.
Fiscal year 1985:
(A) New budget authority, $28,400,000,000.
(B) Outlays, $26,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $400,000,000.

(9) Community and Regional Development (450):
Fiscal year 1983:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $7,900,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New loan guarantee commitments, $500,000,000.
Fiscal year 1984:
(A) New budget authority, $6,600,000,000.
(B) Outlays, $8,100,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New loan guarantee commitments, $300,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1983:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $26,800,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $6,500,000,000.
Fiscal year 1984:
(A) New budget authority, $31,800,000,000.
(B) Outlays, $27,250,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
Fiscal year 1985:
(A) New budget authority, $28,500,000,000.
(B) Outlays, $28,400,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.

(11) Health (550):
Fiscal year 1983:
(A) New budget authority, $25,325,000,000.
(B) Outlays, $29,825,000,000.
(C) New direct loan obligations, $47,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984:
(A) New budget authority, $32,749,000,000.
(B) Outlays, $32,749,000,000.
(C) New direct loan obligations, $29,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985:
(A) New budget authority, $35,724,000,000.
(B) Outlays, $35,224,000,000.
(C) New direct loan obligations, $28,000,000.
(D) New loan guarantee commitments, $300,000,000.
(12) Medical Insurance (570):
Fiscal year 1983:
(A) New budget authority, $46,100,000,000.
(B) Outlays, $53,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $61,400,000,000.
(B) Outlays, $60,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $69,400,000,000.
(B) Outlays, $68,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1983:
(A) New budget authority, $121,700,000,000.
(B) Outlays, $110,200,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,600,000,000.
Fiscal year 1984:
(A) New budget authority, $125,900,000,000.
(B) Outlays, $104,000,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,700,000,000.
Fiscal year 1985:
(A) New budget authority, $127,400,000,000.
(B) Outlays, $105,400,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $16,500,000,000.
(14) Social Security (650):
Fiscal year 1983:
(A) New budget authority, $184,100,000,000.
(B) Outlays, $167,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $174,900,000,000.
(B) Outlays, $176,400,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $194,800,000,000.
(B) Outlays, $187,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $8,000,000,000.
Fiscal year 1984:
(A) New budget authority, $25,700,000,000.
(B) Outlays, $25,600,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $9,000,000,000.
Fiscal year 1985:
(A) New budget authority, $26,700,000,000.
(B) Outlays, $26,300,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $10,500,000,000.
(16) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $6,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $7,000,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $7,100,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1983:
(A) New budget authority, $87,600,000,000.
(B) Outlays, $87,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $96,500,000,000.
(B) Outlays, $96,500,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $106,100,000,000.
(B) Outlays, $106,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1983:
(A) New budget authority, $800,000,000.
(B) Outlays, $900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $600,000,000.
(B) Outlays, $600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $1,900,000,000.
(B) Outlays, $2,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$18,000,000,000.
(B) Outlays, −$18,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$17,900,000,000.
(B) Outlays, −$17,900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$18,700,000,000.
(B) Outlays, −$18,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) Not later than July 6, 1983, the Senate committees named in subsections (b) through (f) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than July 6, 1983, the House committees named in subsections (g) through (l) of this section shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SENATE COMMITTEES

(b) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; and $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985.

(c)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $856,000,000 in fiscal year 1984; and to reduce outlays by $2,024,000,000 in fiscal year 1985.

(2) The Senate Committee on Finance shall report changes in laws within the ju-

risdiction of that committee sufficient to increase revenues as follows: $2,600,000,000 in fiscal year 1984; and $5,700,000,000 in fiscal year 1985.

(d) The Senate Committee on Governmental Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; and to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985.

(e) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; and $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985.

(f) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; and to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985.

HOUSE COMMITTEES

(g) The House Committee on Agriculture shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; and $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985.

(h) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $816,000,000 in fiscal year 1984; and to reduce outlays by $1,538,000,000 in fiscal year 1985.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; and to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; and $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; and to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $849,000,000 in fiscal year 1984; and to reduce outlays by $1,481,000,000 in fiscal year 1985.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $2,600,000,000 in fiscal year 1984; and $5,700,000,000 in fiscal year 1985.

DEFICIT REDUCTION PATH

SEC. 3. It is the sense of the Congress that further deficit reduction actions will be necessary in fiscal years 1986-88 in order to insure a long-lasting economic recovery. While one Congress cannot bind another, the Congress recognizes that the President has recommended fiscal years 1986-88 revenue increases and spending restraint that would yield a predictable path of declining deficits. The Congress endorses actions of this magnitude if the deficits exceed 2.5 per centum of the gross national product of the Nation. The President estimates that such actions would yield deficits in the range of $144,600,000,000 in fiscal year 1986, $136,600,000,000 in fiscal year 1987, and $102,400,000,000 in fiscal year 1988. The Congress further recognizes that if the economic recovery approximates the typical post-World War II economic recovery, deficits will be more on the order of $110,000,000,000 in fiscal year 1986, $90,000,000,000 in fiscal year 1987, and $60,000,000,000 in fiscal year 1988. The Congress realizes the extreme uncertainty involved in any out-year forecasts of the economy and that deficit, unemployment, and inflation predictions three years hence may be wrong. In light of these uncertainties, the Congress believes it unwise to take actions now that may exacerbate economic problems in the future.

MISCELLANEOUS PROVISIONS

SEC. 4. It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1984; or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1984,

within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by section 302(b) of the Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

SEC. 5. It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $37,600,000,000 in fiscal year 1983 and $29,300,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $17,800,000,000 in fiscal year 1983 and $18,900,000,000 in fiscal year 1984; and new loan guarantee commitments to an amount not to exceed $94,500,000,000 in fiscal year 1983 and $94,500,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $16,200,000,000 in fiscal year 1983 and $17,300,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $11,500,000,000 in fiscal year 1983 and $13,200,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

SEC. 6. (a) The joint explanatory statement accompanying the conference report on this resolution shall include an estimated allocation, based upon the first section of this resolution as recommended in such conference report, of the appropriate levels of total new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new obligations and commitments.

(b) As soon as practicable after the conference report on this resolution is agreed to, every committee of each House, after consulting with the committee or committees of the other House to which all or part of the allocation has been made, shall subdivide among its subcommittees the allocation of new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, allocated to it in the joint explanatory statement accompanying the conference report on this resolution.

SEC. 7. It is the sense of the Congress that the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMENICI. Mr. President, to be honest with the Senate——

Mr. BYRD. Mr. President, may we have order in the Senate so that we can understand what this amendment does?

The PRESIDING OFFICER. The Senate will be in order. Staff will retire.

Mr. BYRD. Mr. President, may we have order in the Senate so that the Senator from New Mexico can be heard?

The PRESIDING OFFICER. The Senate is in order.

Mr. DOMENICI. Mr. President, the amendment in the nature of a substitute, which I just offered, basically is the previous proposal with three or four changes, so that it is clearly in order, and gives the Senate one more opportunity to decide whether or not it wants to adopt the basic 2-year budget we proposed before.

There are no changes in the defense number, no changes in the domestic spending, and no changes in taxes. Basically, there are some reconciliation adjustments in 1985 for the Veterans' Affairs Committee to accommodate the shifting of future cost-of-living adjustments to January of each year. We had been requested to do that previously by the Veterans' Affairs Committee and were unable to do it. I have accommodated that request in the amendment. It would enable the Veterans' Affairs Committee to grant compensation and cost of living on exactly the same schedule as social security, which was enacted, as we all know, in the 1983 amendments.

This also changes the reconciliation response dates by 1 month, from June 6 to July 6, for all the committees involved, and reflects the delay in the passage of a budget resolution.

I say to the Members of the Senate it is my honest belief that, while I have the greatest and highest regard for Members of the Senate, we should adopt the budget resolution. I think we ought to adopt this one. It has come as close as any, and I hope we will pass it. Without one that we can take to conference with the House—the House has passed one that obviously most Members of the Senate do not like—we have nothing.

We can go to conference with this resolution—2 years, substantially less expenditures than the House resolution, substantially less taxes than the House resolution. On the other hand, they are extremely low on defense, and this is higher on defense.

Unless and until this body does what Senator GOLDWATER has suggested—that is, by substantive law, decide that we want another process—I believe we ought to pass a budget resolution.

I have conferred with the majority leader on this. We have decided that we are going to try this. We hope there will be 51 votes to support it. It will have some real impact on the future. It will give us a real opportunity to have an impact on spending, to set some blueprints that are meaningful and make sense. I truly hope the Senate will adopt it.

If anybody else desires to speak, I will be pleased to yield.

Mr. CHILES. I wonder if I could find out what the parliamentary situation is with regard to time.

Mr. DOMENICI. Mr. President, how much time remains?

The PRESIDING OFFICER. At the outset of the amendment, there were 62 minutes remaining. The Senator from New Mexico has used 4½ minutes. He has 7 minutes remaining. The Senator from Florida has 31 minutes remaining.

Mr. RIEGLE. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield.

Mr. RIEGLE. Will the Senator indicate the changes he has just outlined—what the deficits are that would occur for 1984 and for 1985?

Mr. DOMENICI. In my brief explanation, I told the Senate that, basically, this change leaves everything as it was before in the Domenici-Baker resolution and in the resolution that was adopted by the 11 members of the committee yesterday, except for the reconciliation dates. The deficits are the same. There is no change in them.

Mr. RIEGLE. That is what I am wondering. What are those numbers? Can we be told what they are?

Mr. DOMENICI. $193 billion, $186 billion. Exactly as they were before.

Mr. RIEGLE. So the deficit for 1984 is $193 billion and for 1985, you say it is $186 billion.

I thank the Senator.

Mr. CHILES. Mr. President, I yield 3 minutes to the distinguished Senator from Louisiana.

Mr. JOHNSTON. Mr. President, there are very few watershed, cataclysmic events that you can look to in the history of this country in which you can say that politics were basically changed.

I can think of a number. Marbury against Madison—that great Supreme Court decision which established appellate review of the Supreme Court. The election of Franklin Roosevelt—after all those generations where black people had been with the Republican Party, with the election of Franklin Roosevelt and henceforth they came with the Democratic Party.

Now how many years has it been, how many decades has it been that the Republican Party has been the party of the balanced budget? It has been your issue on that side of the aisle for all these decades, and even though we have had some on this side of the aisle who with great logic have argued for the balanced budget, it has been your issue.

Mr. President, 1983, in my judgment is a watershed year and this vote at this time I think is a watershed vote. The deficits in this budget resolution are $220 billion even yet in 1988. That is four times Jimmy Carter's deficit when he got laughed out of this town for the size of his deficit. Anyone who can embrace that can no longer with any logic claim any fidelity to the balanced budget.

Oh, you can be for balanced budget constitutional amendments. But never again really without your fingers crossed behind your back, your tongue in your cheek, and a grin on your face ever say that you are for the balanced budget if you can embrace this.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOMENICI. I am pleased to yield to the Senator.

Mr. HUMPHREY. Mr. President, I impose upon my colleagues' patience for just a few seconds. Notwithstanding my friendship with the Senator from Louisiana, I point out to him that it was his party predominantly that created the entitlement program and the wild out-of-control spending that got us into this position we face tonight. I say that with respect but with some emphasis.

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. CHILES. I yield 3 minutes to the distinguished Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am really interested in the comments just made by the Senator from New Hampshire.

You know, the President of the United States has talked continuously about this body not adopting his spending cuts, and according to the New York Times yesterday morning he is asking for $18 billion in social cuts. You know about all those terrible social programs that are breaking the country. He wants them to cut $18 billion and that will reduce this deficit down to only three times the biggest deficit we ever had before this man became President—$202 billion in 1988.

In June 1980 the President of the United States, then candidate Reagan, said to the American people when he thought the deficit for 1980 was going to be $30 billion how outrageous it was and he said "and Jimmy Carter refuses to take any responsibility for it. He refuses to be accountable. Why he acts as though it is some kind of a cosmic event over which he has no control."

Now, the deficit for that year turned out to be $60 billion but at the time candidate Reagan was making the speech he thought it was going to be $30 billion.

The Chicago Tribune this morning put it in perspective. You cannot take credit for a reduction in the taxes of the country, the biggest tax cut in history—oh, yes, you cannot take credit for that—and these colossal defense expenditures and not take responsibility for the deficit.

Take all the social programs out, every one of them, take away medicaid, legal services, women, infants and children programs, the maternity and child health—take them all away and you will still have a colossal deficit, bigger than any deficit Jimmy Carter ever had while he was President.

Mr. STEVENS. Mr. President, will the Senator yield to me for 2 minutes?

Mr. DOMENICI. I am pleased to yield.

Mr. STEVENS. Mr. President, it is fine rhetoric and it is awfully late, but

I say to my friend from Arkansas that it is Jimmy Carter's day here on the floor of the Senate. With the inflationary period we came through during his Presidency we will be paying for years and years and years and years. If you want to put the constant dollar value on the deficits now, based on the dollar value in Harry Truman's time and bring it through, you will find that the deficit right now is no greater than the deficits proportionately that occurred in any other recession since that time.

But the difficulty right now is the interest on the national debt that went up to 20-plus percent during the years that you supported your President, is what we are paying for now and will be paying for a long time to come.

Mr. BUMPERS. Mr. President, if I may make one observation, I just got through pointing out that all the things the Senator says are so bad, if you eliminated every one of them totally, forget the 20 million people who depend on medicaid for medical care, forget the people in this country who depend on that for immunizations, forget it all—you are still going to have a bigger deficit than Jimmy Carter ever had. And I dare say, and I am reluctant to say this on the floor of the Senate—I dare say that if this budget were being presented to the U.S. Senate with Jimmy Carter there would be a serious outcry for his impeachment.

Mr. HELMS. Mr. President, will the Senator yield to me?

Mr. DOMENICI. I am pleased to yield to the distinguished Senator.

Mr. HELMS. Mr. President, I do not have a political speech to make. I do have an amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The Chair informs the Senator that no amendment is in order until all time has been used or yielded back on the pending amendment.

Mr. HELMS. Very well.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. I yield myself such time as I may use.

Mr. President, I listened to some of the rhetoric after this vote. Feelings are kind of running a little high now on both sides, and I guess that is something that you can expect.

We have been here on this for a number of days. We have been to the committee twice. We are back on the floor.

I would just say to my friends on both sides of the aisle, if we do not look at this in a partisan way, if we look at the fact that the amendment that we just voted on received 48 votes, that is the highest number of votes that any amendment has received. The only thing higher was 48 votes on the tabling of Domenici-Baker last Thursday.

It was tabled by even more than that early today.

Mr. DOMENICI. No. It was up and down.

Mr. CHILES. Up and down. It failed by 57 votes I think today. So it has not gained. It actually lost.

But what is happening to the compromise? Something put together really by both sides? It received 46 votes last Thursday. It received 48 votes just a few minutes ago. It picked up votes.

It is a better resolution than it was Thursday because it has lower deficits. It has improved. It is the resolution I point out to this body that the chairman of the Budget Committee put his name on in the Budget Committee. I put my name on it in the Budget Committee. It was the first sort of that effort. We went back to the Budget Committee, remember, under instructions from the majority leader to try to come out with a bipartisan budget.

I will certainly say the Senator from New Mexico, the distinguished chairman, tried to do that. He tried to get six votes on his side. He tried to see if he could provide those votes and we tried to do it on our side.

We did not quite make it in there, but we came back to the floor and Senator GORTON introduced that amendment. It was cosponsored by a number of Republicans and it received 48 votes.

It is the only thing that we voted on that really sort of has the thinking of both sides of this body. It has lower tax numbers than the Democrats wanted, lower revenues, but it has more than some of the Republicans wanted.

It is a compromise. It has lower defense than a lot of the Republicans wanted but higher than some people on this side wanted. It is a compromise. It has higher deficits than we came out with in the committee substitute, that came out of the bipartisan budget, that came out of the committee, and yet it is lower by over $20 billion than what you are talking about voting on now. It is lower than what this body voted down with 57 votes. So again it is a compromise.

Is there some reason that this body cannot operate on a bipartisam basis? Is there some reason? Is it wrong to have a compromise? Have we got to have a budget that has to have 51 from that side of the aisle? We cannot participate? We want to participate. We provided 33 votes from our side of the aisle for a proposition that came from your side of the aisle, 33 votes. We are willing to provide at least that many again. Where, oh where, can we find the leadership to come up and say, "Give us, let's have, a compromise. Let's have a Senate budget that we can go to the House and that we can go to conference with. Let's have something that does not necessarily give any of us eveything we want and yet gives the country a chance."

My distinguished colleague said this budget would have—that is before us now and is an amendment, would have—a real impact on our future. I agree. I think it will. But I do not know how positive that impact is. I think we can have a budget. That is what the compromise budget that got 48 votes provides. It starts with deficits that we all agree are too high, but that are moving down every year, so that we can show the American people, so that we can show the financial markets, so that we can show businessmen who are waiting to determine what they are going to do as to whether they should stoke up their factories, whether they should invest their money, that we are serious, that we are ready to bring those deficits down. I think that would be the best signal. The signal that would be greater than that, I think, would be that the Senate of the United States is going to lay aside partisan politics as to who has to win and as to who has to lose, whether it is Jimmy Carter's fault or whether it is Ronald Reagan's fault. We are going to do something for the country.

There used to be a Senator up here, Richard Russell. The distinguished Senator from Mississippi told me about Richard Russell. I had a chance to meet him just before he passed on. He had emphysema and he was very, very ill and he died shortly after I got to the Senate, but he said something that the distinguished Senator from Mississippi reminded me of, and I want to remind you of. Richard Russell said, "Once in a while in this body you are required to cast a vote for the country."

You know, if you think about that a while, we cast a lot of political votes. We cast a lot of votes that are good for us. Whether we are running in our State, whether we are up or not, I think we have an opportunity to turn this down, go back to the Gorton compromise, or better still, have the majority leader instruct us to go back and come back with a bipartisan budget. We ought to be able to do it in 30 minutes. We ought to be able to do it in 30 minutes. The distinguished Senator from New Mexico put his name on the Gorton budget. I put my name on it. If it had had six votes on the Republican side, it would have flown today. It got five or there were five prepared to vote for it, one vote short of having something that we could say, will go out of here. Not something that either party can claim great credit for, but so all of us could be able to claim, we did something for the country, that we cast that vote for the country.

I hope we will turn down this amendment, and I would hope the dis-

tinguished majority leader would make a motion to send the Budget Committee back and to report back within 30 minutes. If we came back with Domenici-Chiles it will pass on the floor of this Senate.

Mr. DOMENICI. Mr. President——

The PRESIDING OFFICER (Mr. PRESSLER). The Senator from New Mexico.

Mr. DOMENICI. How much time do we have remaining?

The PRESIDING OFFICER. Twenty-four minutes and twenty-four seconds.

Mr. DOMENICI. I yield myself 5 minutes.

Mr. President, I would just like to tell the Senators here, all of you, what I think we are looking forward to in the next few years. I had the privilege of attending a meeting in Phoenix about 6 or 7 weeks ago. The distinguished Speaker of the House, TIP O'NEILL, the distinguished Representative from Massachusetts, gave about a 35-minute speech. I say to my good friend from Massachusetts, I had never heard the Speaker read a text and talk about the issues. I had never been privileged to have that occur. As one might suspect, it was rather partisan. I was supposed to follow him. That was by accident because my good friend, PAUL LAXALT, could not go and I went instead. I did not know I was to be on that panel. I told him that I wanted to talk about what was going to happen in the future. So I made a proposition to the Speaker. I said, "Mr. Speaker, other than the two things on which I believe you to be patently wrong, I am not going to argue about what you said. But I suggest to you that the economists on the left and on the right have told me that there is plenty of blame to go around. If you will stand up and suggest that I am right, then maybe we can get on to talk about something positive."

To my absolute amazement, the Speaker stood up and in his typical Irish manner with a very good demeanor said, "I don't know the Senator from New Mexico that well. I know of him, and I agree with him. There is plenty of blame to go around," said he, and so we proceeded to talk about the next few years.

Let me tell you that is what we are talking about here tonight, the next few years. I submit to the Senators on this side, first, that we have an opportunity to vote in a budget resolution. It is obvious that we have made a decision to this point that, for the most part, we want to try to vote on a resolution that is supported by the majority leader and myself, That is what is pending.

I am not going to tell you a lot about it. I will tell you a little bit about it, but I submit to you that it is absolute insanity for the U.S. Senate not to vote in a budget resolution. I know what my good friend from Arizona says, but let me tell you there is nothing wrong with the budget process. What is wrong is that these are extremely difficult economic times and so a budget resolution stares us in the face with facts. It is the facts we do not want to vote on and so we blame a budget process. The facts are there. This country is going to incur enormous deficits for the years 1984 and 1985. There are those who would say "We can make a significant dent in that within this body by getting 51 votes, by cutting the budget, cutting the outlays." I submit that has been tried and cannot occur. We have cut the budget tremendously on the discretionary side in the past. We have already reformed social security—whether you like it or not, it is done—and there is general consensus that defense is going up, not down. It is a matter of how much.

So the only issue remaining is that recession, a dramatic decline in inflation, and tax cuts that were thought, by both bodies by overwhelming majorities, to be necessary for the long-term vitality of this country, make the deficits at this point inevitable.

My friends, I tell you whether you vote for this one or for that one, this one or the Gorton one, you had better vote tonight to report a budget resolution. We are going to have chaos in the U.S. Congress without a budget resolution. We are going to have the appropriations process in an absolute muddle. I do not say that because Senator HATFIELD is anything but the very best chairman of a significant and powerful committee that will try to do right. But when the U.S. House sends those bills over and he has to work on them, he is not going to know what benchmark to use and he is not going to know what he is up against downtown. I will predict for you that we will get veto after veto and a continuing resolution before we are through if we do not have a budget resolution. And, in the middle of a recovery, we will have given the American people a tremendous example of veto government, I assure you. We will have not one single entitlement change, I assure you. There will be no modification of medicare. There will be no 6-month freeze on COLA's because those things are not in the House budget resolution and they are not going to do it.

So it all boils down to our arguing for 3 weeks, as I see it, over $1 billion in outlays in defense. I say $1 billion because you only set defense spending decisions for 1 year. These are the differences we are talking about, between Senator GORTON's amendment and the one I offered here.

It comes down to whether you want to predict now—whether you can predict now—that you will significantly help the economy by increasing $51 billion in taxes in 1986.

And believe me, I say to my good friend from Washington and my good friend from Florida, I am merely explaining the facts, because I want everyone to understand. I am not saying these differences are desperately wrong. I am merely saying that these are the only significant differences—$1 billion in military, and whether you want or not you want to order $51 billion in taxes 3 years from now or not.

The resolution I submit says do not raise taxes. And, I remind the Senate that raising taxes is the only way anybody has offered to reduce the deficits. I merely suggest we do not know enough to do that. We can put that on next year or whenever, in due course as we see fit.

What you are asking a budget process to do is what Congress can never do. You are asking to vote on 3 years and look out the 3 years and vote in a tax now for 3 years hence. I really do not believe Congress will ever do it. I do not believe the President will ever sign it.

And so what we are here doing tonight is defeating both propositions and leaving the Congress of the United States without a budget resolution. Incidentally the Congress tried a budget process one other time in its life way back in 1934 and the same thing happened. The committee process and the inability of the body to vote for something caused it to die. As a result, we had no discipline. We had no guidelines. By contrast, we have had some pretty good ones for the last 8 years. You are going to throw all that out of the window here tonight unless you are going to vote this one in and let us go to conference.

Again, I repeat, the process could be improved. Our distinguished leader wrote a guest column on it and he said it ought to be streamlined and made more simple. I do not disagree, Mr. Leader. Maybe we ought to do that.

But for now, I submit to you—and yes I have a special interest. I will guarantee you, that I think I understand, along with that special interest, what this process can do for us. I also understand what we are going to do if we throw it by the wayside here tonight over issues that are precisely what I have defined—$1 billion in defense and whether or not we want to vote in now $51 billion in taxes in 1986 or not.

That is really the issue. Those first years, I assure you, $2.6 billion in taxes versus $9 billion is nothing. It is not even relevant to the economics of this country. It is tough for BOB DOLE. It is easier to get $2.6 billion than $9 billion. But these differences have nothing to do with recovery or recession, I assure you of that.

So I urge that you each search your conscience right now. I do not know that we ought to be shooting for a totally partisan budget, but when it boils down to $51 billion in 1986 or not it seems that that is where we are. A predominance of Republicans do not want to set taxes now for 1986 and a predominance of Democrats seem to want to do just that. I did not define the issues to create a partisan budget. That is the issue. I urge that we not destroy a process over that issue. And that is all there is in the final analysis.

Whether or not the White House is helped or hurt, I submit to you is irrelevant. If you vote to kill this because of what they may have done or may not have done, it seems to me that in a very real way, at least for now, you have done exactly what they would like. I am not so sure they want the process. I have not said that before publicly. But for those who are angry that the President is talking about deficits and taxes, I say that if you vote against, given these small real differences in the issues I have just described, you are doing precisely what, at this point in time, it seems that they might want to happen. I submit you will rue the day.

And to my good friend from Arizona, we will work together in this body to fix this system up. But if this body cannot muster 51 votes, because of these small differences whatever the wrath of the people, the business community, and anyone else is, I believe we will have deserved it and earned it. Whether a budget process has real impact on the economy, I am not sure. But I will guarantee you it will not go without any impact if this body again decides that they cannot even muster 51 votes for one of the two propositions which are so easy to understand.

Now I have left out of this my predictions with reference to expenditures, but I will address that to some of my people on this side who are very worried about expenditures. I will predict for you that the expenditures of this country, with or without President Reagan, will be $15 to $25 billion higher than this budget resolution, unless we pass it—and I think that is the minimum—and chaos will follow along with it.

If you are worried about continuing resolutions because you think this process caused it, you wait and see. You will have continuing resolutions without it the likes of which you have not seen.

In the last 2 years, they were designed by the House. It was a calculated design. You will not have them as a result of that this time. You will have them as a result of absolute and utter confusion and everything that goes with it. And I guarantee you the President of the United States will not suffer. We will suffer. The U.S. Senate and the individual Members will suffer if that is the result.

I yield.

Mr. CHILES. Mr. President, I know we are ready to vote. I know everybody is ready for that. The Senator from New Mexico speaks very powerfully.

What I want is for the Senator from New Mexico to be able to speak to that side of the aisles and to be able to speak to this side of the aisles. I want us to be able to work off of both sides, not have to get 51 votes on that side of the aisles.

We have a chance to do that. A motion to reconsider is available. And if this vote is turned down, there is a Senator that has voted on the prevailing side that has already said on our side of the aisles that he is going to move to reconsider the Gorton amendment. That gives us an opportunity to have a budget that we can all say we participated in that was a bipartisan budget and we would have a chance to go to the House and stand and fight for that budget. I urge us to do that.

Mr. DOMENICI. Mr. President, I yield back any time I have remaining on the amendment.

Mr. CHILES. I yield back my time.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I wish to ask the Chair if an amendment is now in order.

The PRESIDING OFFICER. An amendment is in order.

AMENDMENT NO. 1287

Mr. HELMS. Mr. President, I have an amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 1287.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised, the first concurrent resolution on the budget for fiscal year 1984 is hereby established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $603,100,000,000.
Fiscal year 1984: $658,000,000,000.
Fiscal year 1985: $762,600,000,000.
Fiscal year 1986: $830,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: −$100,000,000.
Fiscal year 1984: +$2,600,000,000.
Fiscal year 1985: +$5,700,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $39,700,000,000.
Fiscal year 1985: $44,200,000,000.
Fiscal year 1986: $50,900,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,500,000,000.
Fiscal year 1984: $166,500,000,000.
Fiscal year 1985: $187,700,000,000.
Fiscal year 1986: $204,400,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1983: $836,610,000,000.
Fiscal year 1984: $874,970,000,000.
Fiscal year 1985: $942,760,000,000.
Fiscal year 1986: $1,003,960,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1983: $769,740,000,000.
Fiscal year 1984: $813,140,000,000.
Fiscal year 1985: $872,740,000,000.
Fiscal year 1986: $923,350,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $166,640,000,000.
Fiscal year 1984: $155,140,000,000.
Fiscal year 1985: $143,540,000,000.
Fiscal year 1986: $133,200,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,383,900,000,000.
Fiscal year 1984: $1,591,100,000,000.
Fiscal year 1985: $1,788,800,000,000.
Fiscal year 1986: $1,979,600,000,000.

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $93,700,000,000.
Fiscal year 1984: $207,200,000,000.
Fiscal year 1985: $197,700,000,000.
Fiscal year 1986: $190,800,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:

(A) New direct loan obligations, $55,400,000,000.

(B) New loan guarantee commitments, $94,500,000,000.

Fiscal year 1984:

(A) New direct loan obligations, $48,200,000,000.

(B) New loan guarantee commitments, $94,500,000,000.

Fiscal year 1985:

(A) New direct loan obligations, $48,100,000,000.

(B) New loan guarantee commitments, $97,400,000,000.
Fiscal year 1986:
(A) New direct loan obligations, $48,700,000,000.
(B) New loan guarantee commitments, $101,000,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

(1) National Defense (050):
Fiscal year 1983:
(A) New budget authority, $24,600,000,000.
(B) Outlays, $214,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $274,000,000,000.
(B) Outlays, $243,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $303,200,000,000.
(B) Outlays, $272,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $334,800,000,000.
(B) Outlays, $300,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

(2) International Affairs (150):
Fiscal year 1983:
(A) New budget authority, $22,410,000,000.
(B) Outlays, $10,350,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $9,200,000,000.
Fiscal year 1984:
(A) New budget authority, $16,380,000,000.
(B) Outlays, $11,430,000,000.
(C) New direct loan obligations, $11,200,000,000.
(D) New loan guarantee commitments, $10,300,000,000.
Fiscal year 1985:
(A) New budget authority, $14,850,000,000.
(B) Outlays, $11,520,000,000.
(C) New direct loan obligations, $11,500,000,000.
(D) New loan guarantee commitments, $10,300,000,000.
Fiscal year 1986:
(A) New budget authority, $14,310,000,000.
(B) Outlays, $11,520,000,000.
(C) New direct loan obligations, $11,600,000,000.
(D) New loan guarantee commitments, $10,300,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1983:
(A) New budget authority, $7,110,000,000.
(B) Outlays, $6,930,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,650,000,000.
(B) Outlays, $7,380,000,000.
(C) New direct loan obligations, $37,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,650,000,000.
(B) Outlays, $7,650,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,560,000,000.
(B) Outlays, $7,560,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

(4) Energy (270):
Fiscal year 1983:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $4,140,000,000.
(C) New direct loan obligations, $13,100,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984:
(A) New budget authority, $3,510,000,000.
(B) Outlays, $3,690,000,000.
(C) New direct loan obligations, $13,900,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1985:
(A) New budget authority, $3,240,000,000.
(B) Outlays, $2,610,000.
(C) New direct loan obligations, $14,300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $2,880,000,000.
(B) Outlays, $2,430,000,000.
(C) New direct loan obligations, $14,400,000,000.
(D) New loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):
Fiscal year 1983:
(A) New budget authority, $11,250,000,000.
(B) Outlays, $11,520,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $10,800,000,000.
(B) Outlays, $11,250,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $10,980,000,000.
(B) Outlays, $11,340,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $11,250,000,000.
(B) Outlays, $10,980,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.

(6) Agriculture (350):
Fiscal year 1983:
(A) New budget authority, $21,780,000,000.
(B) Outlays, $21,600,000,000.
(C) New direct loan obligations, $18,600,000,000.
(D) New loan guarantee commitments, $5,500,000,000.
Fiscal year 1984:
(A) New budget authority, $10,440,000,000.
(B) Outlays, $10,260,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New loan guarantee commitments, $3,800,000,000.
Fiscal year 1985:
(A) New budget authority, $12,600,000,000.
(B) Outlays, $11,070,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $3,800,000,000.
Fiscal year 1986:
(A) New budget authority, $11,880,000,000.
(B) Outlays, $11,790,000,000.
(C) New direct loan obligations, $12,200,000,000.
(D) New loan guarantee commitments, $3,800,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 1983:
(A) New budget authority, $4,680,000,000.
(B) Outlays, $2,430,000,000.
(C) New direct loan obligations, $6,500,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1984:
(A) New budget authority, $5,310,000,000.
(B) Outlays, $1,620,000,000.
(C) New direct loan obligations, $6,400,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1985:
(A) New budget authority, $5,850,000,000.
(B) Outlays, $0.
(C) New direct loan obligations, $6,300,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1986:
(A) New budget authority, $5,850,000,000.
(B) Outlays, −$330,000,000.
(C) New direct loan obligations, $6,300,000,000.
(D) New loan guarantee commitments, $48,700,000,000.

(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $24,120,000,000.
(B) Outlays, $19,890,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $1,100,000,000.
Fiscal year 1984:
(A) New budget authority, $24,930,000,000.
(B) Outlays, $23,310,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $600,000,000.
Fiscal year 1985:
(A) New budget authority, $25,560,000,000.
(B) Outlays, $24,210,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $400,000,000.
Fiscal year 1986:
(A) New budget authority, $26,280,000,000.
(B) Outlays, $25,020,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $300,000,000.

(9) Community and Regional Development (450):
Fiscal year 1983:
(A) New budget authority, $7,470,000,000.
(B) Outlays, $7,110,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New loan guarantee commitments, $500,000,000.
Fiscal year 1984:
(A) New budget authority, $5,940,000,000.
(B) Outlays, $7,290,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985:
(A) New budget authority, $6,390,000,000.
(B) Outlays, $7,380,000,000.
(C) New direct loan obligations, $1,800,000,000.

(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1986:
(A) New budget authority, $6,390,000,000.
(B) Outlays, $6,840,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New loan guarantee commitments, $400,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,120,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $6,500,000,000.
Fiscal year 1984:
(A) New budget authority, $27,720,000,000.
(B) Outlays, $24,300,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
Fiscal year 1985:
(A) New budget authority, $24,750,000,000.
(B) Outlays, $24,660,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
Fiscal year 1986:
(A) New budget authority, $24,750,000,000.
(B) Outlays, $24,660,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
(11) Health (550):
Fiscal year 1983:
(A) New budget authority, $22,590,000,000.
(B) Outlays, $26,640,000,000.
(C) New direct loan obligations, $47,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984:
(A) New budget authority, $28,620,000,000.
(B) Outlays, $28,620,000,000.
(C) New direct loan obligations, $29,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985:
(A) New budget authority, $31,500,000,000.
(B) Outlays, $31,050,000,000.
(C) New direct loan obligations, $28,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1986:
(A) New budget authority, $34,020,000,000.
(B) Outlays, $33,480,000,000.
(C) New direct loan obligations, $28,000,000.
(D) New loan guarantee commitments, $300,000,000.
(12) Medical Insurance (570):
Fiscal year 1983:
(A) New budget authority, $41,490,000,000.
(B) Outlays, $47,790,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $55,260,000,000.
(B) Outlays, $54,270,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $62,460,000,000.
(B) Outlays, $61,470,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $71,190,000,000.
(B) Outlays, $68,040,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1983:
(A) New budget authority, $109,530,000,000.
(B) Outlays, $99,180,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,600,000,000.
Fiscal year 1984:
(A) New budget authority, $113,310,000,000.
(B) Outlays, $93,600,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,700,000,000.
Fiscal year 1985:
(A) New budget authority, $114,660,000,000.
(B) Outlays, $94,860,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $16,500,000,000.
Fiscal year 1986:
(A) New budget authority, $118,260,000,000.
(B) Outlays, $97,740,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New loan guarantee commitments, $18,100,000,000.
(14) Social Security (650):
Fiscal year 1983:
(A) New budget authority, $184,100,000,000.
(B) Outlays, $167,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $174,900,000,000.
(B) Outlays, $177,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $194,700,000,000.
(B) Outlays, $188,400,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $211,000,000,000.
(B) Outlays, $200,800,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1983:
(A) New budget authority, $22,680,000,000.
(B) Outlays, $22,050,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $8,000,000,000.
Fiscal year 1984:
(A) New budget authority, $23,130,000,000.
(B) Outlays, $23,040,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $9,000,000,000.
Fiscal year 1985:
(A) New budget authority, $24,030,000,000.
(B) Outlays, $23,670,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $10,500,000,000.
Fiscal year 1986:
(A) New budget authority, $24,570,000,000.
(B) Outlays, $24,030,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $12,500,000,000.
(16) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $4,680,000,000.
(B) Outlays, $4,590,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,400,000,000.
(B) Outlays, $5,400,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,220,000,000.
(B) Outlays, $5,310,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,310,000,000.
(B) Outlays, $5,220,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,040,000,000.
(B) Outlays, $5,130,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,130,000,000.
(B) Outlays, $5,130,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,400,000,000.
(B) Outlays, $5,220,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,580,000,000.
(B) Outlays, $5,310,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $5,760,000,000.
(B) Outlays, $5,760,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,390,000,000.
(B) Outlays, $6,300,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,480,000,000.
(B) Outlays, $6,390,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,750,000,000.
(B) Outlays, $6,750,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1983:
(A) New budget authority, $87,600,000,000.
(B) Outlays, $87,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $95,300,000,000.
(B) Outlays, $95,300,000,000.

(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $102,100,000,000.
(B) Outlays, $102,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $104,300,000,000.
(B) Outlays, $104,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1983:
(A) New budget authority, $720,000,000.
(B) Outlays, $810,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $540,000,000.
(B) Outlays, $540,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $1,710,000,000.
(B) Outlays, $1,800,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $2,880,000,000.
(B) Outlays, $3,060,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$19,800,000,000.
(B) Outlays, −$19,800,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$19,690,000,000.
(B) Outlays, −$19,690,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$20,570,000,000.
(B) Outlays, −$20,570,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$25,850,000,000.
(B) Outlays, −$25,850,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) Not later than June 6, 1983, the Senate committees named in subsections (b) through (f) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than June 6, 1983, the House committees named in subsections (g) through (l) of this section shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SENATE COMMITTEES

(b) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985; and $1,327,000,000 in budget authority and $1,327,000,000 in outlays in fiscal year 1986.

(c)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $856,000,000 in fiscal year 1984; to reduce outlays by $2,024,000,000 in fiscal year 1985; and to reduce outlays by $2,484,000,000 in fiscal year 1986.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $7,600,000,000 in fiscal year 1984; $5,700,000,000 in fiscal year 1985.

(d) The Senate Committee on Governmental Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985; and to reduce budget authority by $636,000,000 and outlays by $1,486,000,000 in fiscal year 1986.

(e) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(f) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $202,000,000 and outlays by $201,000,000 in fiscal year 1984; to reduce budget authority by $117,000,000 and outlays by $115,000,000 in fiscal year 1985; and to reduce budget authority by $118,000,000 and outlays by $118,000,000 in fiscal year 1986.

HOUSE COMMITTEES

(g) The House Committee on Agriculture shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985; and $1,327,000,000 in budget authority and $1,327,000,000 in outlays in fiscal year 1986.

(h) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $816,000,000 in fiscal year 1984; to reduce outlays by $1,538,000,000 in fiscal year 1985; and to reduce outlays by $1,979,000,000 in fiscal year 1986.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985; and to reduce budget authority by $636,000,000 and outlays by $1,486,000,000 in fiscal year 1986.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $202,000,000 and outlays by $201,000,000 in fiscal year 1984; to reduce budget authority by $117,000,000 and outlays by $115,000,000 in fiscal year 1985; and to reduce budget authority by $118,000,000 and outlays by $118,000,000 in fiscal year 1986.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $849,000,000 in fiscal year 1984; to reduce outlays by $1,481,000,000 in fiscal year 1985; and to reduce outlays by $2,077,000,000 in fiscal year 1986.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $2,600,000,000 in fiscal year 1984; $5,700,000,000 in fiscal year 1985.

MISCELLANEOUS PROVISIONS

SEC. 3. It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1984; or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1984,

within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by section 302(b) of the Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

SEC. 4. It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $37,600,000,000 in fiscal year 1983

and $29,300,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $17,800,000,000 in fiscal year 1983 and $18,900,000,000 in fiscal year 1984; and new loan guarantee commitments to an amount not to exceed $94,500,000,000 in fiscal year 1983 and $94,500,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $16,200,000,000 in fiscal year 1983 and $17,300,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $11,500,000,000 in fiscal year 1983 and $13,200,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

SEC. 5. (a) The joint explanatory statement accompanying the conference report on this resolution shall include an estimated allocation, based upon the first section of this resolution as recommended in such conference report, of the appropriate levels of total new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new obligations and commitments.

(b) As soon as practicable after this resolution is agreed to, every committee of each House, after consulting with the committee or committees of the other House to which all or part of the allocation has been made, shall subdivide among its subcommittees the allocation of new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, allocated to it in the joint explanatory statement accompanying the conference report on this resolution.

SEC. 6. It is the sense of the Congress that the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

Mr. HELMS. Mr. President, we have heard a great deal of rhetoric here tonight and we will all go home for the Memorial Day holiday and talk about how much Federal spending there is. I read the clippings from all around the country and from the Democratic side and the Republican side we will all go home and say we ought to reduce Federal spending.

Well, I am going to give you a chance. This proposal is very simple. It would cut Federal spending 10 percent across-the-board in all categories except defense, social security, and interest payments. It would save $112,980,000,000 over the next 3 years.

There has been a lot of rhetoric tonight, and prior to tonight, about the need to balance the Federal budget. We must balance the budget. We must move in that direction. But too many of our colleagues can only see one way to balance the budget, and that is by increasing taxes. The distinguished Senator from New Mexico is correct on that point.

What I am proposing here this evening is that we go on record with a vote; that we do not go home and say, "I believe we ought to cut Federal spending." You can take the CONGRESSIONAL RECORD and you can show your constituents that you did, in fact, vote to cut Federal spending.

Now, the taxpayers have a right to know by our vote where we stand on this business of reducing Federal spending without increasing taxes. This amendment is based on the same economic assumptions as the leadership amendment. I do not agree with those economic assumptions. I think they are too pessimistic because they do not take into account the effects on economic growth and maintaining the tax cut. Such growth would increase revenues and reduce the deficit. But, for the purposes of this amendment, I accept the Budget Committee's assumptions.

Mr. HART. Will the Senator yield?

Mr. HELMS. Let me finish my statement.

Under those assumptions, this amendment would cut 10 percent across the board in every category except national defense, social security, and debt interest. This comes out to a net reduction in outlays of $37,360,000,000 in fiscal year 1984, $37,060,000,000 in fiscal year 1985, and $38,560,000,000 in fiscal year 1986, for a total of $112,980,000,000 in savings.

Mr. HART. Will the Senator yield?

Mr. HELMS. I yield.

Mr. HART. Is one-third of the Federal budget spent by the Defense Department?

Mr. HELMS. Yes.

Mr. HART. Then why is it not included?

Mr. HELMS. Because I think all Americans feel that we ought to have an adequate national defense.

Mr. HART. Then the Senator is not really serious about reducing Federal spending.

Mr. HELMS. I am not serious about cutting the kind of Federal spending that the Senator wants to cut.

Mr. HART. The Senator from Colorado wants an absence of hypocrisy in this body for a change.

Mr. HELMS. Regular order on that, Mr. President. Let me say this to the Senator: If he wants to offer an amendment, he can do that. I would rather for him to offer an amendment to my amendment than to stand up and make a political comment about it. I want you to show your guts.

Mr. DOMENICI. Mr. President, I yield back——

Mr. CHILES. I yield 2 minutes to the Senator from Michigan.

Mr. RIEGLE. Mr. President, I rise in opposition to the amendment. Something was said a while ago that indicates there was not an adequate presentation of the difference between the two propositions before the Senate. It has to do with the difference between a 3-year budget and a 2-year budget. Right now at the present time, this year, OMB projects this year's deficit to be $210 billion. That is the rate we are running at the present time.

Under the proposition of Senator DOMENICI, the deficit in 1984 would be another $189 billion and for 1985 another $184 billion, giving a total of $583 billion for 3 years. But the key point is that in 1986, which is the third year in a 3-year resolution which has been dropped out, the financial markets and everybody else would have absolutely no way to gauge what the deficit picture would look like in 1986. I can tell you right now, you cannot find anybody with any financial responsibility in the financial markets today in this country who would not agree with the proposition that a $587 billion addition to the deficit in this year and the next 2 years, and with absolutely no sense of what the 1986 deficit is going to look like, has got to drive up the interest rates. Driving up the interest rates has to start shutting down this recovery. That is the fundamental difference between the Gorton proposition for 3 years and the Domenici proposition for 2 years. I do not think we can afford to add $587 billion to the Federal deficit at this point with no idea what the 1986 deficit would look like.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HELMS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a suifficient second.

The yeas and nays were ordered.

Mr. HELMS. Will Senator DOMENICI yield back the remainder of my time at the appropriate time?

Mr. DOMENICI. Yes.

Mr. JOHNSTON. To take veterans benefits, function 700, does the Senator propose to cut the veterans 10 percent from what they presently have or 10 percent of what the law allows for the next years?

Mr. HELMS. That will be governed by the Domenici proposition. I know it is a tough vote. But I will say to the Senator that we all go home and say, "We have to cut Federal spending and I am in favor of cutting Federal spending," but when the roll is called up yonder we do not vote that way. I am giving you a chance.

Mr. JOHNSTON. I gave you a chance on our earlier budget. We bal-

ance the budget by 1988. I thank the Senator.

Mr. DOMENICI. I yield back all time in opposition and I yield back the time of the Senator from North Carolina.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 41, nays 59, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—41

Abdnor	Heflin	Nunn
Armstrong	Helms	Pressler
Bentsen	Huddleston	Proxmire
Boren	Humphrey	Pryor
Denton	Jepsen	Quayle
Dole	Johnston	Rudman
East	Kasten	Stevens
Exon	Laxalt	Symms
Garn	Long	Thurmond
Goldwater	Lugar	Tower
Grassley	Mattingly	Wallop
Hatch	McClure	Wilson
Hawkins	Murkowski	Zorinsky
Hecht	Nickles	

NAYS—59

Andrews	Domenici	Metzenbaum
Baker	Durenberger	Mitchell
Baucus	Eagleton	Moynihan
Biden	Ford	Packwood
Bingaman	Glenn	Pell
Boschwitz	Gorton	Percy
Bradley	Hart	Randolph
Bumpers	Hatfield	Riegle
Burdick	Heinz	Roth
Byrd	Hollings	Sarbanes
Chafee	Inouye	Sasser
Chiles	Jackson	Simpson
Cochran	Kassebaum	Specter
Cohen	Kennedy	Stafford
Cranston	Lautenberg	Stennis
D'Amato	Leahy	Trible
Danforth	Levin	Tsongas
DeConcini	Mathias	Warner
Dixon	Matsunaga	Weicker
Dodd	Melcher	

So amendment No. 1287 was rejected.

AMENDMENT NO. 1288

(Purpose: To transfer $89 million from function 150, International Affairs, to function 300, Environment and Natural Resources, for the soil conservation program)

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an amendment numbered 1288.

Mr. MELCHER. Mr. President. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 10, reduce the amount by $89 million.

On page 7, line 9, reduce the amount by $150 million.

On page 10, line 14, increase the amount by $89 million.

On page 10, line 13, increase the amount by $150 million.

Mr. MELCHER. Mr. President, on behalf of myself and Senators RANDOLPH and PRESSLER, I offer this amendment, which I had offered earlier in a larger amount. This amendment would transfer $89 million from function 150, foreign aid, to function 300 for soil conservation.

The previous amendment was for $100 million. This amendment is not an add-on. It is a simple transfer.

There is a need for soil conservation work. There is an unmet need. It has been described that in function 300 there has been an adjustment for inflation and that the amount that is called for in the budget is the same as last year with the added adjustment for inflation.

Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order. Conversation should move to the cloakrooms.

The Senator from Montana may proceed.

Mr. MELCHER. Mr. President, there is a real unmet need in soil conservation work. It has been on a declining basis over the past 10 years in terms of real dollars. We are doing approximately one-half of what we were doing 10 years ago in soil conservation work. We cannot afford that, because the land resources of this country are the key to its underlying strength, so it is absolutely essential that we pay attention to this.

Now, what about the other side of it, the transfer from foreign aid. Foreign aid has been greatly increased since 1979. It has more than doubled in terms of dollars, but in terms of real dollars it has been increased about 70 percent. Clearly, $89 million can be spared out of foreign aid, but there is yet another reason to consider this amendment in conjunction with foreign aid. One of the best parts of the foreign aid program, at least in my judgment, is the food-for-peace program, Public Law 480. Food production in the United States allows us to have the capability of providing——

Mr. EXON. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Montana may proceed.

Mr. MELCHER. Our capability to have food for ourselves and our neighbors abroad depends upon the strength of our soil base. It is absolutely essential that we reverse the downward trend that, unfortunately, we have been going through for the past 10 years. It does not satisfy our purpose to say we have increased Function 300. That is where soil conservation is. It simply has not kept up. It must be kept up. The current budget does not allow that.

Mr. RANDOLPH. Will my colleague yield?

Mr. MELCHER. I will be delighted to yield to a cosponsor, my great friend from West Virginia, Senator RANDOLPH.

Mr. RANDOLPH. Mr. President, I underscore the argument made by the able Senator from Montana (Mr. MELCHER). I recall again the New Deal, when the Soil Conservation Service was created. It was signed into law by President Franklin Roosevelt on April 27, 1935. We believed then, as we do now, in the value of the soil in this country, and the agricultural productivity of our people. Our amendment is a realistic answer to the declining quality and volume of farm products. Foreign aid is excessive as soil erosion is on the increase. Soil erosion continues to deteriorate our soil.

There are no additional funds requested. The foreign aid would be reduced by $89,000,000. It would be transferred to the soil conservation function.

Mr. MELCHER. I think my friend.

Mr. DOMENICI. I yield back time in opposition.

Mr. MELCHER. I yield my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. DOMENICI. I yield my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

Mr. DOMENICI. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Melcher amendment. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—57

Armstrong	Hart	Packwood
Baker	Hatch	Pell
Bentsen	Hatfield	Percy
Biden	Hawkins	Quayle
Boschwitz	Hecht	Roth
Bradley	Heinz	Rudman
Chafee	Inouye	Sarbanes
D'Amato	Kassebaum	Simpson
Danforth	Kasten	Specter
Denton	Kennedy	Stafford
Dodd	Lautenberg	Stevens
Dole	Laxalt	Thurmond
Domenici	Lugar	Tower
Durenberger	Mathias	Trible
Garn	Matsunaga	Tsongas
Glenn	Mattingly	Wallop
Goldwater	Metzenbaum	Warner
Gorton	Moynihan	Weicker
Grassley	Murkowski	Wilson

NAYS—43

Abdnor	East	Melcher
Andrews	Exon	Mitchell
Baucus	Ford	Nickles
Bingaman	Heflin	Nunn
Boren	Helms	Pressler
Bumpers	Hollings	Proxmire
Burdick	Huddleston	Pryor
Byrd	Humphrey	Randolph
Chiles	Jackson	Riegle
Cochran	Jepsen	Sasser
Cohen	Johnston	Stennis
Cranston	Leahy	Symms
DeConcini	Levin	Zorinsky
Dixon	Long	
Eagleton	McClure	

So the motion to table Mr. MELCHER'S amendment (No. 1288) was agreed to.

AMENDMENT NO. 1289

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 1289.

At the end of the pending amendment add the following:

Notwithstanding any other provision of this resolution the functional totals for all functions save social security and defense are reduced by 5 per centum. The function for defense shall be reduced by ½ of 1 per centum.

Mr. HELMS. Mr. President, this is merely a $60 billion savings for the taxpayer.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, will the Senator yield to me a moment.

Mr. HELMS. I yield.

Mr. BAKER. Mr. President, while we have just a moment, could I inquire if the Senators on either side of the aisle would give me some indication of how many amendments there are yet to be dealt with?

I believe there are probably 15 or 16 minutes of total time remaining.

Could I inquire of the Chair the amount of time?

The PRESIDING OFFICER. There are 15 minutes remaining.

Mr. BAKER. Fifteen minutes remaining of total time for debate on the resolution. Of course, that does not limit the number of amendments that can be offered. It simply limits the opportunity to discuss them.

Maybe it is asking too much. But could Members who have amendments beyond the amendment now being offered by the Senator from North Carolina indicate as much so we have some idea how to plan the remainder of the evening?

The Senator from New York has two. Will they require the yeas and nays, may I ask?

Mr. MOYNIHAN. They could be accepted. [Laughter].

Mr. BAKER. All right. I assume then they will require rollcall votes.

Mr. HEFLIN. I may have one.

Mr. BAKER. One from the Senator from Alabama.

Are there other Senators?

As far as I can tell then, there are four more, one from the Senator from Kansas perhaps—between two and four more amendments.

Mr. President, Senators should be on notice that we are going to try to finish this resolution tonight and we will be here for a while then.

So I strongly urge them to make their plans to stay close by the Chamber.

I thank the Senator for yielding.

Mr. BRADLEY. Mr. President, will the Senator from North Carolina yield for a series of questions?

Mr. HELMS. I yield.

Mr. BRADLEY. What is the Senator's amendment?

Mr. HELMS. It is a 5-percent across-the-board reduction in spending from the Domenici proposal, save for social security and defense. The function of defense shall be reduced by one-half of 1 percent.

Mr. BRADLEY. So the Senator's amendment is the same as the earlier one except it is a 5-percent reduction.

Mr. HELMS. Exactly.

Mr. BRADLEY. Does this mean that would be a 5-percent cut in drug enforcement administration?

Mr. HELMS. It involves cutting Federal spending, I will say to the Senator. You can list all of the emotional things you want, but the point is if we do not cut Federal spending, we are not going to bring interest rates down.

Mr. BRADLEY. Does the Senator's amendment that cuts the agricultural function include tobacco research?

Mr. HELMS. That is correct. Tobacco research is included in the agricultural function.

Mr. BRADLEY. And the administration of the tobacco price support program?

Mr. HELMS. That is a no cost program, I say to the Senator.

Mr. BRADLEY. No, the administration is not. The salaries are paid out of the budget.

Mr. HELMS. If the Senator wishes to cut tobacco or anything in his State, fine. I am simply saying to the Senator I propose to cut across the board 5 percent.

Mr. BRADLEY. Is the Senator's amendment drawn so that it is a 5-percent cut in the agricultural function?

Mr. HELMS. Absolutely.

Mr. BRADLEY. Therefore, it would be a cut in the administration of the tobacco price support program?

Mr. HELMS. Not necessarily. The Senator has to understand how these programs work. I am saying for the agricultural department, yes. I am saying for the Department of Transportation, yes. I am saying for the State Department, yes. But specific programs to be cut would be identified later.

Mr. BRADLEY. I thank the Senator.

Mr. HELMS. The Senator is welcome.

Mr. DOMENICI. I yield back my time in opposition.

Mr. HELMS. I yield back my time. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The question is on agreeing to the amendment of the Senator from North Carolina. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. JEPSEN). Are there any Senators in the Chamber desiring to change their votes?

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—45

Abdnor	Helms	Pressler
Armstrong	Humphrey	Proxmire
Bentsen	Jepsen	Pryor
Boren	Johnston	Quayle
DeConcini	Kassebaum	Roth
Denton	Kasten	Rudman
Dole	Laxalt	Simpson
Domenici	Long	Stevens
East	Lugar	Symms
Exon	Mattingly	Thurmond
Garn	McClure	Trible
Grassley	Murkowski	Wallop
Hatch	Nickles	Warner
Hawkins	Nunn	Wilson
Hecht	Percy	Zorinsky

NAYS—55

Andrews	Durenberger	Matsunaga
Baker	Eagleton	Melcher
Baucus	Ford	Metzenbaum
Biden	Glenn	Mitchell
Bingaman	Goldwater	Moynihan
Boschwitz	Gorton	Packwood
Bradley	Hart	Pell
Bumpers	Hatfield	Randolph
Burdick	Heflin	Riegle
Byrd	Heinz	Sarbanes
Chafee	Hollings	Sasser
Chiles	Huddleston	Specter
Cochran	Inouye	Stafford
Cohen	Jackson	Stennis
Cranston	Kennedy	Tower
D'Amato	Lautenberg	Tsongas
Danforth	Leahy	Weicker
Dixon	Levin	
Dodd	Mathias	

So Mr. HELMS' amendment (No. 1289) was rejected.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The substitute amendment offered by the Senator from New Mexico.

Mr. DOMENICI. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

VOTE ON AMENDMENT NO. 1286

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico (Mr. DOMENICI). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—43

Abdnor	Grassley	Quayle
Armstrong	Hatch	Roth
Baker	Hawkins	Rudman
Boschwitz	Hecht	Simpson
Cochran	Heinz	Specter
Cohen	Jepsen	Stevens
D'Amato	Kassebaum	Symms
Danforth	Kasten	Thurmond
Denton	Laxalt	Tower
Dole	Lugar	Trible
Domenici	Mattingly	Wallop
Durenberger	McClure	Warner
Garn	Murkowski	Wilson
Goldwater	Percy	
Gorton	Pressler	

NAYS—57

Andrews	Ford	Melcher
Baucus	Glenn	Metzenbaum
Bentsen	Hart	Mitchell
Biden	Hatfield	Moynihan
Bingaman	Heflin	Nickles
Boren	Helms	Nunn
Bradley	Hollings	Packwood
Bumpers	Huddleston	Pell
Burdick	Humphrey	Proxmire
Byrd	Inouye	Pryor
Chafee	Jackson	Randolph
Chiles	Johnston	Riegle
Cranston	Kennedy	Sarbanes
DeConcini	Lautenberg	Sasser
Dixon	Leahy	Stafford
Dodd	Levin	Stennis
Eagleton	Long	Tsongas
East	Mathias	Weicker
Exon	Matsunaga	Zorinsky

So Mr. DOMENICI's amendment (No. 1286) was rejected.

Mr. BAKER. Mr. President, may I have the attention of the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. I thank the Chair.

Mr. President, how much time remains on the resolution?

The PRESIDING OFFICER. Eleven minutes.

Mr. BAKER. Mr. President, it is 10 p.m., almost. It is essential, in my view, that we pass a budget resolution. I have a strong preference about the type of budget resolution we pass. This surely must be obvious to Members on both sides. But I also have a commitment made in public, on this floor and privately, to a number of Senators, including the two managers of this legislation, that if I could possibly do it, I intend to ask the Senate to pass a budget resolution. I do not know how the Senate is going to do that, Mr. President. I do not know what course we are going to follow. There are several things we could do.

We could send this resolution back to committee on another motion to recommit with instructions to report back within a very brief period of time. I have explored that possibility with the chairman and the ranking minority member. We could go through a series of other amendments, and, notwithstanding that there are only 11 minutes of debate remaining, there is no limitation on the number of amendments that could be offered. Or we could go forward with a motion to reconsider the Gorton amendment, which was rejected.

I did not support the Gorton amendment, I do not support the Gorton amendment. But I am committed to see that the Senate has an opportunity to express its preference and to pass a resolution. Therefore, Mr. President, I move to reconsider the vote by which the Gorton amendment was rejected.

Mr. PRYOR. Mr. President, can we get a 10-minute rollcall?

Mr. CHILES. No, Mr. President, we are going to voice vote.

Mr. PRYOR. That is even better.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote.

Mr. McCLURE. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. BAKER. Mr. President, the distinguished Senator from Idaho has asked for the yeas and nays. I think he is entitled to the yeas and nays. I urge Senators——

Mr. LONG. Mr. President.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

Mr. LONG. Mr. President, I suggest we not have the yeas and nays on the Gorton amendment. You are just trying to position yourself——

Mr. BAKER. Mr. President, this matter is one of extraordinary sensitivity. I know how I feel about it. I am determined that everyone here will have an opportunity to express his preference.

I agree with the Senator from Louisiana. I do not think we need a rollcall, but if the Senator from Idaho wants it, he should have it.

The PRESIDING OFFICER. The yeas and nays were ordered. The Chair advises the Senator that there was a sufficient second.

Is the time yielded back?

Mr. DOMENICI. I yield back my time.

Mr. CHILES. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the motion to reconsider.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—55

Andrews	Ford	Packwood
Baker	Glenn	Pell
Bentsen	Gorton	Pressler
Biden	Hart	Pryor
Bingaman	Hatfield	Randolph
Boschwitz	Heinz	Riegle
Bradley	Huddleston	Rudman
Burdick	Inouye	Sarbanes
Byrd	Jackson	Sasser
Chafee	Kassebaum	Simpson
Chiles	Kennedy	Specter
Cochran	Lautenberg	Stafford
Cohen	Leahy	Stennis
Cranston	Levin	Stevens
D'Amato	Mathias	Thurmond
Danforth	Matsunaga	Tsongas
Dixon	Metzenbaum	Weicker
Dodd	Mitchell	
Eagleton	Moynihan	

NAYS—45

Abdnor	Hatch	Melcher
Armstrong	Hawkins	Murkowski
Baucus	Hecht	Nickles
Boren	Heflin	Nunn
Bumpers	Helms	Percy
DeConcini	Hollings	Proxmire
Denton	Humphrey	Quayle
Dole	Jepsen	Roth
Domenici	Johnston	Symms
Durenberger	Kasten	Tower
East	Laxalt	Trible
Exon	Long	Wallop
Garn	Lugar	Warner
Goldwater	Mattingly	Wilson
Grassley	McClure	Zorinsky

So the motion to reconsider the vote by which the amendment (No. 1285) was rejected was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, a parliamentary inquiry. Is the amendment open to amendment?

The PRESIDING OFFICER. It is.

AMENDMENT NO. 1290

(Purpose: To revise the Federal budget for fiscal year 1983, and set forth the budget for fiscal years 1984, 1985, and 1986)

Mr. DOLE. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 1290.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is revised, the first concurrent resolution on the budget for fiscal year 1984 is established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are set forth.

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $606,200,000,000.

Fiscal year 1984: $689,100,000,000.
Fiscal year 1985: $765,900,000,000.
Fiscal year 1986: $831,500,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1983: −$100,000,000.
Fiscal year 1984: $35,200,000,000.
Fiscal year 1985: $48,100,000,000.
Fiscal year 1986: $58,000,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1983: $886,200,000,000.
Fiscal year 1984: $936,550,000,000.
Fiscal year 1985: $998,650,000,000.
Fiscal year 1986: $1,058,400,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1983: $814,700,000,000.
Fiscal year 1984: $863,550,000,000.
Fiscal year 1985: $912,600,000,000.
Fiscal year 1986: $967,550,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $208,500,000,000.
Fiscal year 1984: $174,450,000,000.
Fiscal year 1985: $146,700,000,000.
Fiscal year 1986: $136,050,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,389,200,000,000.
Fiscal year 1984: $1,607,450,000,000.
Fiscal year 1985: $1,804,000,000,000.
Fiscal year 1986: $1,993,750,000,000.

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $99,000,000,000.
Fiscal year 1984: $218,250,000,000.
Fiscal year 1985: $196,550,000,000.
Fiscal year 1986: $189,750,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:
(A) New direct loan obligations, $52,550,000,000.
(B) New primary loan guarantee commitments, $94,550,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:
(A) New direct loan obligations, $49,400,000,000.
(B) New primary loan guarantee commitments, $96,850,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:
(A) New direct loan obligations, $47,450,000,000.
(B) New primary loan guarantee commitments, $103,950,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:
(A) New direct loan obligations, $48,000,000,000.
(B) New primary loan guarantee commitments, $107,650,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

(1) National Defense (050):

Fiscal year 1983:
(A) New budget authority, $245,500,000,000.
(B) Outlays, $214,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority $263,850,000,000.
(B) Outlays, $235,400,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $290,350,000,000.
(B) Outlays, $256,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $317,500,000,000.
(B) Outlays, $284,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1983:
(A) New budget authority, $24,850,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $10,650,000,000.
(D) New primary loan guarantee commitments, $9,250,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $18,850,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New primary loan guarantee commitments, $10,250,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $12,400,000,000.
(D) New primary loan guarantee commitments, $10,250,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $16,550,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $12,950,000,000.
(D) New primary loan guarantee commitments, $10,250,000,000.
(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1983:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $7,700,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $8,850,000,000.
(B) Outlays, $8,350,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $8,800,000,000.
(B) Outlays, $8,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $8,150,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1983:
(A) New budget authority, $4,050,000,000.
(B) Outlays, $4,700,000,000.
(C) New direct loan obligations, $11,600,000,000.
(D) New primary loan guarantee commitments, $150,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $4,400,000,000.
(B) Outlays, $4,300,000,000.
(C) New direct loan obligations, $12,050,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $3,400,000,000.
(C) New direct loan obligations, $12,550,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $3,750,000,000.
(B) Outlays, $3,350,000,000.
(C) New direct loan obligations, $12,600,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1983:
(A) New budget authority, $11,550,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $11,850,000,000.

(B) Outlays, $12,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $12,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1983:
(A) New budget authority, $22,300,000,000.
(B) Outlays, $22,100,000,000.
(C) New direct loan obligations, $17,250,000,000.
(D) New primary loan guarantee commitments, $5,550,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $14,850,000,000.
(B) Outlays, $14,650,000,000.
(C) New direct loan obligations, $14,650,000,000.
(D) New primary loan guarantee commitments, $4,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $13,350,000,000.
(C) New direct loan obligations, $12,300,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $14,100,000,000.
(B) Outlays, $14,050,000,000.
(C) New direct loan obligations, $12,400,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1983:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $2,700,000,000.
(C) New direct loan obligations, $7,400,000,000.
(D) New primary loan guarantee commitments, $48,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1984:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $2,300,000,000.
(C) New direct loan obligations, $6,000,000,000.
(D) New primary loan guarantee commitments, $48,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $400,000,000.
(C) New direct loan obligations, $5,750,000,000.
(D) New primary loan guarantee commitments, $48,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, −$350,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $48,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $26,650,000,000.
(B) Outlays, $21,950,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $1,050,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $28,300,000,000.
(B) Outlays, $26,150,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $550,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $29,500,000,000.
(B) Outlays, $27,100,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $30,400,000,000.
(B) Outlays, $28,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1983:
(A) New budget authority, $6,750,000,000.
(B) Outlays, $7,650,000,000.
(C) New direct loan obligations, $2,250,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $8,250,000,000.
(B) Outlays, $8,550,000,000.
(C) New direct loan obligations, $1,650,000,000.
(D) New primary loan guarantee commitments, $2,450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $10,650,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $6,450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $12,450,000,000.
(B) Outlays, $11,150,000,000.
(C) New direct loan obligations, $1,750,000,000.
(D) New primary loan guarantee commitments, $6,450,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment and Social Services (500):
Fiscal year 1983:
(A) New budget authority, $32,800,000,000.
(B) Outlays, $32,000,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $6,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $39,150,000,000.
(B) Outlays, $32,700,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $33,050,000,000.
(B) Outlays, $31,150,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $33,700,000,000.
(B) Outlays, $32,800,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1983:
(A) New budget authority, $70,150,000,000.
(B) Outlays, $83,350,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $96,250,000,000.
(B) Outlays, $96,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $104,500,000,000.
(B) Outlays, $106,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $117,300,000,000.
(B) Outlays, $115,350,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Income Security (600):
Fiscal year 1983:
(A) New budget authority, $309,400,000,000.
(B) Outlays, $278,100,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,650,000,000.

(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $310,600,000,000.
(B) Outlays, $284,700,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $332,700,000,000.
(B) Outlays, $296,800,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $354,050,000,000.
(B) Outlays, $313,200,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $18,150,000,000.
(E) New secondary loan guarantee commitments, $0.
(13) Veterans Benefits and Services (700):
Fiscal year 1983:
(A) New budget authority, $24,850,000,000.
(B) Outlays, $24,550,000,000.
(C) New direct loan obligations, $950,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $26,000,000,000.
(B) Outlays, $25,550,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $9,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,400,000,000.
(B) Outlays, $26,000,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $10,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,500,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $12,500,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $5,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,550,000,000.
(B) Outlays, $5,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,450,000,000.
(B) Outlays, $5,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,550,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $6,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $6,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $6,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(16) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $7,550,000,000.
(B) Outlays, $8,700,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $7,600,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,450,000,000.
(B) Outlays, $7,500,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $7,600,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) Interest (900):
Fiscal year 1983:
(A) New budget authority, $87,800,000,000.
(B) Outlays, $87,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $96,150,000,000.
(B) Outlays, $96,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $103,400,000,000.
(B) Outlays, $103,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $105,650,000,000.
(B) Outlays, $105,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) Allowances (920):
Fiscal year 1983:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $2,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $1,200,000,000.
(B) Outlays, $1,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $2,500,000,000.
(B) Outlays, $2,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $3,850,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$18,050,000,000.
(B) Outlays, −$18,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:

(A) New budget authority, −$17,350,000,000.
(B) Outlays, −$17,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$18,750,000,000.
(B) Outlays, −$18,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$23,550,000,000.
(B) Outlays, −$23,550,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) The House Committee on Armed Services shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $591,000,000 and outlays by $580,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $646,000,000 in budget authority and $645,000,000 in outlays in fiscal year 1985; and requires decreases of $914,000,000 in budget authority and $913,000,000 in outlays in fiscal year 1986.

(b) The House Committee on Education and Labor shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $4,000,000 and outlays by $4,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $4,000,000 in budget authority and $4,000,000 in outlays in fiscal year 1985; and requires decreases of $4,000,000 in budget authority and $4,000,000 in outlays in fiscal year 1986.

(c) The House Committee on Foreign Affairs shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $0 and outlays by $3,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $0 in budget authority and $4,000,000 in outlays in fiscal year 1985; and requires decreases of $0 in budget authority and $8,000,000 in outlays in fiscal year 1986.

(d) The House Committee on Post Office and Civil Service shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $1,054,000,000 and outlays by $1,347,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $1,633,000,000 in budget authority and $2,068,000,000 in outlays in fiscal year 1985; and requires decreases of $2,518,000,000 in budget authority and $3,334,000,000 in outlays in fiscal year 1986.

(e) The House Committee on Small Business shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $139,000,000 and outlays by $287,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and requires decreases of $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(f) The House Committee on Veterans' Affairs shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $216,000,000 and outlays by $214,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $235,000,000 in budget authority and $234,000,000 in outlays in fiscal year 1985; and requires decreases of $241,000,000 in budget authority and $238,000,000 in outlays in fiscal year 1986.

(g) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues by $30,000,000,000 for fiscal year 1984; further the Congress finds that to attain the policy goals of this resolution in future years revenues should be increased by $40,000,000,000 for fiscal year 1985, and $50,000,000,000 for fiscal year 1986.

SEC. 3. (a) Not later than June 6, 1983, the committees named in section 2(a)-(f) shall submit their recommendations to the House Committee on the Budget, except for those committees exempt under subsection (b) of this section. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill incorporating all such recommendations without any substantive revision.

(b) Subsection (a) shall not apply to any committee named in section 2(a)-(f) which reports to the House by June 1, 1983, legislation pursuant to the committee's reconciliation instructions.

(c) The Committee on Ways and Means shall report its recommendations to the House not later than June 1, 1983. If the changes in laws reported to the House by the Committee on Ways and Means pursuant to section 2(g) contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other committee of the House, an appropriate referral pursuant to rule X of the Rules of the House should be considered.

MISCELLANEOUS PROVISIONS

SEC. 4. No bill or resolution providing new discretionary budget authority for fiscal year 1984, or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act for fiscal year 1984, which exceeds the appropriate allocation of such new discretionary budget authority or new spending authority made pursuant to section 302(a) of such Act shall be enrolled until after the Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act or until October 1, 1983, whichever occurs first.

SEC. 5. (a) If Congress has not completed action by October 1, 1983, on the concurrent resolution on the budget required to be reported under section 310(a) of the Budget Act for the 1984 fiscal year, then this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act, for the purposes of section 311 of such Act: *Provided, however,* That if Congress has not completed action by such date on the concurrent resolution required to be reported under section 310(a) of such Act for the 1984 fiscal year the Committee on the Budget may report to the House a House or concurrent resolution which only revises, for purposes of section 311 of such Act, the levels of total budget outlays, budget authority, and revenues for technical and economic assumptions.

(b) The report on such resolution to the House, in the case of a House resolution, or the conference report, in the case of a concurrent resolution, shall contain a statement allocating total new budget authority and total outlays to each committee of the House, and said statement shall be deemed to be the statement under section 302(a) of the Congressional Budget Act.

(c) Section 311(a) of the Congressional Budget Act, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdiction of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary budget authority or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act made pursuant to section 302(a) of such Act for fiscal year 1984 to be exceeded.

(d) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1984 pursuant to section 304 or 310 of the Congressional Budget Act.

SEC. 6. It is the sense of the Congress that monetary policy and the economic assumptions in the budget resolution shall be consistent with each other. To that end, it is the sense of the Congress that in the reports to Congress required by the Full Employment and Balanced Growth Act of 1978, the Board of Governors of the Federal Reserve System shall report to the Congress on the objectives of the Board of Governors and the Federal Open Market Committee with respect to the growth or diminution of gross national product in current and constant dollars, inflation, and unemployment for the current and three following calendar years. In addition, the Board shall in the same report explain the differences, if any, between these objectives and the economic assumptions of the most recent President's budget submission, the most recent projections of the Congressional Budget Office, and the economic assumptions of the most recent congressional budget resolution. It is further the sense of the Congress that, if necessary, the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate shall report legislation amending the Federal Reserve Act to require such reporting.

SEC. 7. It is the sense of the Congress that, in light of budget restraint, limited resources, and the need to foster economic growth, the House Committee on Armed Services should initiate a thorough review of military retirement programs which constitute a major sector of the defense budget and should recommend changes which would result in reduced spending under these programs.

Mr. DOLE. Mr. President, if I may have order, I will just take a minute or two.

Mr. DOMENICI. Mr. President, may be have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. Mr. President, this can be referred to as the Tip O'Neill amendment. It is the House budget resolution. I have heard a lot of people say they want to raise taxes. This is really a tax raiser. It raises $120 billion in the next 3 years, it increases spending, and it increases defense spending only 2.3 percent.

It seems to me that we have been debating here a long time about how much revenue we are going to raise. I think we ought to have a chance to vote. There seems to be a lot of support for what the House did. They are going to raise spending, raise taxes, and cut defense.

I think we should have a record vote, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CHILES. Mr. President, I will take just a minute.

I have felt that the work we did on the Senate side was much more realistic, in that, through a bipartisan effort in our committee, we reduced spending and we took any new revenue we put in, and that would be true with the Gorton amendment and true with any of the amendments—took that new revenue and took it off the bottom line and reduced deficits. Certainly, the Gorton amendment is far superior to the House measure.

I also point out that we have a defense number that is different. The House calls their defense number about 4 percent. It is really about 2.8 percent. So I see this as a chance for people to express themselves. In the Senate, I hope we are getting ready to report a budget that is much better in what it does to the deficits and gives us a chance.

Mr. DOLE. Mr. President, I intend to vote against my amendment.

Mr. CHILES. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. DOLE. I want to make it clear that I intend to vote against this terrible amendment. It should not be adopted. I hope no one votes for it. But it will indicate, finally, if we do adopt the other tragedy, that at least we will go to conference with the clear understanding that we do not like the House resolution at all; we did not get one vote in the Senate of the United States.

I yield back the remainder of my time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, will the Senator from Florida yield 30 seconds?

The PRESIDING OFFICER. Who yields time? Does the Senator from Florida yield time?

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BUMPERS. Before the Senator asks for the quorum, will he yield 30 seconds, so I can ask the Senator from Kansas a question?

Mr. CHILES. I yield.

Mr. BUMPERS. What is the deficit under the Senator's amendment?

Mr. DOLE. The deficit is $174 billion for 1984, $147 billion for 1985, $136 billion for 1986. It is only 500 and some billion dollars.

Mr. BUMPERS. That is $11 billion more for next year than the Senate bill.

The PRESIDING OFFICER. Who yields time?

SEVERAL SENATORS. Vote! Vote!

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. CHILES. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will resume the call of the roll.

The assistant legislative clerk resumed the call of the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, regular order.

Several Senators addressed the Chair.

Mr. DECONCINI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DECONCINI. Mr. President, I wish to know why all of a sudden the quorum call speeds up and sometimes it takes 3 hours, and I wonder if the Chair could advise. Now it is going to take 3 minutes.

Mr. DOLE. Regular order.

The PRESIDING OFFICER. The time for the debate is set.

The question is on agreeing to the Dole amendment.

Mr. DOLE. Regular order.

Mr. KENNEDY. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Kansas.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—54

Baucus	Ford	Melcher
Bentsen	Glenn	Metzenbaum
Biden	Gorton	Mitchell
Bingaman	Hart	Moynihan
Boren	Hatfield	Nunn
Boschwitz	Heflin	Packwood
Bradley	Hollings	Pell
Bumpers	Huddleston	Proxmire
Burdick	Inouye	Pryor
Byrd	Jackson	Randolph
Chafee	Johnston	Riegle
Chiles	Kennedy	Sarbanes
Cranston	Lautenberg	Sasser
DeConcini	Leahy	Stafford
Dixon	Levin	Stennis
Dodd	Long	Tsongas
Eagleton	Mathias	Weicker
Exon	Matsunaga	Zorinsky

NAYS—46

Abdnor	Hatch	Pressler
Andrews	Hawkins	Quayle
Armstrong	Hecht	Roth
Baker	Heinz	Rudman
Cochran	Helms	Simpson
Cohen	Humphrey	Specter
D'Amato	Jepsen	Stevens
Danforth	Kassebaum	Symms
Denton	Kasten	Thurmond
Dole	Laxalt	Tower
Domenici	Lugar	Trible
Durenberger	Mattingly	Wallop
East	McClure	Warner
Garn	Murkowski	Wilson
Goldwater	Nickles	
Grassley	Percy	

So the motion to lay on the table Mr. DOLE's amendment (No. 1209) was agreed to.

Mr. CHILES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHILES. Mr. President, I understand there are a few Senators that have some other amendments, some of which I think the committee might be prepared to take. I just wanted to ask, in the event the Gorton amendment is adopted now that it is up, will the bill then be open for further amendments for some Senators that have colloquies or amendments that could be adopted?

The PRESIDING OFFICER. If those amendments are mathematically consistent, yes.

Mr. CHILES. I thank the Chair.

VOTE ON AMENDMENT NO. 1285

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Washington (Mr. GORTON). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—53

Andrews	Eagleton	Mitchell
Bentsen	Ford	Moynihan
Biden	Glenn	Packwood
Bingaman	Gorton	Pell
Boschwitz	Hart	Percy
Bradley	Hatfield	Randolph
Burdick	Heinz	Riegle
Byrd	Huddleston	Rudman
Chafee	Inouye	Sarbanes
Chiles	Jackson	Sasser
Cochran	Kassebaum	Simpson
Cohen	Kennedy	Specter
Cranston	Lautenberg	Stafford
D'Amato	Leahy	Stennis
Danforth	Levin	Stevens
DeConcini	Mathias	Tsongas
Dixon	Matsunaga	Weicker
Dodd	Metzenbaum	

NAYS—47

Abdnor	Hawkins	Nickles
Armstrong	Hecht	Nunn
Baker	Heflin	Pressler
Baucus	Helms	Proxmire
Boren	Hollings	Pryor
Bumpers	Humphrey	Quayle
Denton	Jepsen	Roth
Dole	Johnston	Symms
Domenici	Kasten	Thurmond
Durenberger	Laxalt	Tower
East	Long	Trible
Exon	Lugar	Wallop
Garn	Mattingly	Warner
Goldwater	McClure	Wilson
Grassley	Melcher	Zorinsky
Hatch	Murkowski	

So Mr. GORTON's amendment (No. 1285) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

Mr. CHILES. I move to reconsider the vote by which the amendment was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1291

(Purpose: To express the Sense of the Congress that no funds from the U.S. Treasury shall be used by the International Monetary Fund to support subsidies by foreign governments of products which compete unfairly with American products)

Mr. SPECTER. Mr. President, I sent to the desk an amendment and ask for its immediate consideration. It does not affect the resolution figure and has been submitted to Senator Domenici, Senator CHILES, and the people on both sides.

Mr. DOMENICI. That is correct, Mr. President.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) for himself and Mr. RANDOLPH proposes an amendment numbered 1291.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading be dispensed with.

Mr. METZENBAUM. Mr. President, since no time is allowed for debate, may we hear the amendment read?

The PRESIDING OFFICER. The clerk will continue the reading of the amendment.

The legislative clerk resumed the reading of the amendment.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading be dispensed with.

Mr. TSONGAS. I object.

Mr. LEAHY. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senators will cease conversation. Let us have order in the Senate.

The clerk will resume.

The legislative clerk resumed and completed the reading of the amendment, as follows:

At the appropriate place in the concurrent resolution insert the following:

SEC. . (a) The Congress finds and declares that—

(1) Total Federal budgets are now very high and are expected to remain above 2.5 percent of the gross national product for the foreseeable future;

(2) Federal loans to the International Monetary Fund and to foreign governments contribute to this very high total Federal deficit;

(3) New direct loans to foreign governments assumed in the First Budget Resolution for fiscal year 1984 and commitments to multilateral financial institutions exceed $13 billion in fiscal year 1984 and $13 billion in fiscal year 1985;

(4) Projected levels of Federal deficits will require a historically large share of the Nation's savings and are likely to raise interest rates, halt economic growth and cause serious economic stress;

(5) Certain Federal loans may be directed to foreign governments either directly or indirectly through multilateral financial institutions which pursue unfair trade practices that cause direct losses in United States output and jobs;

(b) Therefore, it is the sense of Congress that the Federal borrowing levels assumed in this resolution should not be used, either directly, or indirectly, through the IMF, to provide loans to foreign governments which subsidize exports in unfair competition with products produced in the United States.

Mr. SPECTER. Mr. President, this amendment to the budget resolution expresses the sense of the Congress against allowing American contributions to the International Monetary Fund (IMF) from being used by foreign governments to subsidize their exports in violation of all principles of fair trade and at the cost of American jobs.

The administration has asked for an emergency authorization of $8.4 billion for the IMF to lend to countries heavily in debt. The necessary budget authority is reflected in the budget resolution, and so I submit this sense of Congress resolution is properly considered as an amendment to the budget resolution.

Many countries receiving loans from the IMF persist in subsidizing their exports to overwhelm competition by products sold at fair market prices by the United States.

The brunt of these subsidies has been borne by American workers, American industries, and the American economy. It defies reason to now ask the American taxpayer to pay for this exploitation of our country.

Consider the example of Brazil. Unquestionably, Brazil is in the throes of a crisis of foreign debt and needs emergency loans. However, Brazil has persisted in subsidizing steel exports to the United States. While our steel industry operates at less than 60 percent of capacity, while over 125,000 American steelworkers are out of work, and while we struggle to find funds even for their basic health care and housing needs, how can we justify funding the very unfair trading policy that has helped cause our economic distress? No justification is possible.

Earlier this week, I questioned Treasury Secretary Regan on how he proposed to stop such unfair trading practices by countries receiving IMF loans, specifically citing Brazil. He answered that those countries were being requested to cut back on such subsidies. I submit these subsidies should not be cut back; they should be cut out. What impact can simple jawboning have, even as we support the subsidies with American tax dollars?

Brazil is not unique. Other IMF loans have cost Americans jobs. A recent loan by the IMF to Mexico helped finance the transfer of a Zenith plant from Sioux City, Iowa, to Mexico. The result was 500 more unemployed Americans. As I told Secretary Regan, the cost of even a single American job is far too high a price to pay.

The Senate Banking Committee has already indicated in its authorization legislation for the International Monetary Fund that more must be done to curb the unfair trading practices of countries receiving loans from the IMF.

My amendment would put Congress firmly on record that we will no longer cut our own economy's throat.

If foreign countries continue to violate the principles of fair trade at our expense, they must at least know that we will not help them do it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BYRD. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BYRD. No, Mr. President. I withdraw that.

Mr. GARN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 47, nays 52—as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—47

Abdnor	East	Metzenbaum
Andrews	Exon	Mitchell
Armstrong	Ford	Murkowski
Baucus	Gorton	Nickles
Boren	Grassley	Pressler
Boschwitz	Hawkins	Pryor
Bumpers	Hecht	Randolph
Burdick	Heflin	Riegle
Byrd	Helms	Simpson
Chiles	Huddleston	Specter
Cochran	Humphrey	Symms
Cohen	Jackson	Thurmond
D'Amato	Kasten	Trible
DeConcini	Levin	Warner
Dixon	Matsunaga	Zorinsky
Durenberger	Melcher	

NAYS—52

Baker	Heinz	Pell
Bentsen	Hollings	Percy
Biden	Inouye	Proxmire
Bingaman	Jepsen	Quayle
Bradley	Johnston	Roth
Chafee	Kassebaum	Rudman
Cranston	Kennedy	Sarbanes
Danforth	Lautenberg	Sasser
Denton	Laxalt	Stafford
Dodd	Leahy	Stennis
Dole	Long	Stevens
Domenici	Lugar	Tower
Eagleton	Mathias	Tsongas
Garn	Mattingly	Wallop
Glenn	McClure	Weicker
Hart	Moynihan	Wilson
Hatch	Nunn	
Hatfield	Packwood	

NOT VOTING—1

Goldwater

So the amendment (No. 1291) was rejected.

Mr. GARN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1292

(Purpose: To facilitate the coordination of fiscal and monetary policy)

Mr. MOYNIHAN. Mr. President, I have an amendment at the desk which I submit for myself, Mr. HART, and others.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New York (Mr. MOYNIHAN), for himself and Mr. HART, Mr. SASSER, Mr. RIEGLE, Mr. CRANSTON, Mr. METZENBAUM, Mr. HUDDLESTON, and Mr. BAUCUS, proposes an amendment numbered 1292.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

As there is a need for coordination between fiscal and monetary policy;

And, as any reduction in the budget deficit brought about by this Budget Resolution will reduce pressures on monetary policy;

And, as actual and projected budget deficits have placed a heavy burden on monetary policy;

And, as there is a need for vigorous economic growth consistent with reasonable price stability;

Now, therefore, the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing and Urban Affairs are requested to report to their respective bodies, no later than June 30, 1983, a resolution expressing the Sense of the Congress as to the coordination of the Federal Reserve's monetary policy with the fiscal policy reflected in this Budget Resolution.

Mr. MOYNIHAN. Mr. President, this amendment concerns the coordination of fiscal and monetary policy and requests that the Committee on Banking, Housing, and Urban Affairs consider this matter.

We have the opportunity today to open a new stage in economic policymaking in our Government.

Congress can finally state, in no uncertain terms, that fiscal and monetary policy must, and will, be coordinated.

We can then debate what the central goal of that coordination is to be. I will argue that this goal must be vigorous economic growth.

But today we begin by setting in place a first mechanism to insure that such coordination can become a routine part of the way we conduct economic policy in this Nation.

For some months—indeed, for some years—I have been speaking about the need to coordinate fiscal and monetary policies.

We have balkanized these matters in the policymaking process, and even in our own minds.

Yet, it has been clear that, just as we will never solve our economic problems until we also restore some order to our fiscal affairs, so our fiscal affairs cannot be put in order until we restore growth and stability to our economy.

Last year, I argued that the looming budget deficits could not be significantly relieved unless, in addition to fiscal restraint, we also eased monetary policy, to end the recession and its tremendous drain on revenues.

With Senators SASSER and RIEGLE and the assistance of the chairman, I succeeded in attaching sense-of-the-Congress language on monetary policy to last year's budget resolution, calling on the Federal Reserve to reevaluate its targets.

Eventually the Reserve did so; when it did, as it had predicted, interest rates began to fall and the economy began its long process toward recovery.

It was the basic clash of fiscal and monetary policies—a program at war with itself, I called it back in December 1981—that brought on this most terrible recession since the 1930's.

This recession will long stand as a casebook example of the consequences of uncoordinated fiscal and monetary policies.

In 1981, we set in place fiscal policies that seemed to guarantee a nearly unending series of the highest deficits in our history—a $1.6 trillion 5-year defense program, tied to a $750 billion 5-year tax cut.

The President said this tax cut would actually increase revenues, to pay for the defense buildup—supply-side economics, so-called.

The Federal Reserve knew that these tax cuts would not generate new revenues, but rather huge deficits.

The financial markets shared this view, reacting to approval of the administration's supply-side program in late July of 1981 by nearly crashing in August.

The Federal Reserve looked at these historically unprecedented deficits, in a time of high inflation, and decided its only recourse was monetary restriction.

And restrict they did. In the face of the highest looming deficits in U.S. history, monetary policy gave us the sharpest 1-year plunge in money growth rates since the great deflations of the 1930's.

The easiest fiscal policy in peacetime history, then, met the tightest money supply policy in more than a generation.

M_1, the central measure of the money supply had grown at a 7.3-percent annual rate in 1980. President Reagan's program for economic recovery of February 1981 had called for gradual reductions in this growth rate, of about 0.6 percentage points per year. Instead in 1981, M_1 growth—shift adjusted—plunged to 2.3 percent, 5 full percentage points lower, or about eight times as restrictive as the President had suggested.

Yet, the administration repeatedly endorsed this policy.

The result was a program at war with itself—the most malcoordinated fiscal and monetary policies in our history. And the result of this was the worst economic downturn in the postwar era.

We all know the tragic statistics.

Nearly 11-percent unemployment.

American manufacturing operating at less than 72 percent of its capacity—that is, more than 28 percent of U.S. manufacturing capacity lying idle.

Corporate profits fell some $50 billion from 1981 to 1982, some 28 percent, or the sharpest 1-year plunge since 1938.

The steel industry, once the backbone of the Nation's industrial might, fell to less than 30 percent of its capacity operating. More than 70 percent of U.S. steel plants lying idle, in the week ending Christmas Day, 1982.

More moderate fiscal and monetary policies could have averted this catastrophe. Or it could have ended sooner if better coordination has been introduced—as I suggested with Senators SASSER and RIEGLE in the Budget Committee last year.

We proposed to return to the President's money growth path suggested in his program for economic recovery, and tie this more moderate monetary stance to some new measures for fiscal restraint. The staff of the Joint Economic Committee, working with one of the Nation's preeminent econometric forecasting firms, Data Resources, Inc., analyzed our proposal and reported that its implementation last spring would have ended the recession by summer.

Only about 8.9 percent of the work force—instead of 10.8 percent—could have been jobless at the close of 1982.

We did succeed in one respect, when with Senator DOMENICI we attached the first monetary policy language in congressional history to last year's budget resolution.

The general problem persists: How to insure that fiscal and monetary policies are coordinated?

The specific focus on this problem has changed somewhat from last year's. The problem is no longer how to end the recession as it was last year, but rather how to insure that the recovery is sustained and vigorous.

If we have learned anything from the developments of the last 3 years, it is that economic growth cannot be achieved without coordinating fiscal and monetary policy.

And it is a problem today: the recovery forecast by CBO and by the administration under current mix of fiscal and monetary policy—the recovery contained in the assumptions of this resolution—would be the slowest and weakest in postwar history.

By the close of next year—2 full years into recovery—9.4 percent of the work force will still be unemployed. Corporate profits, in real terms, will still be less than they were before the recession began, in 1979.

And we have little time to correct this course. The Nation's real GNP grew at a 3.1-percent annual rate in the first quarter. Permit me to tell you that this amounts to just two-fifths—41 percent—of the average growth for the first quarter of recovery from previous post-war recessions.

On the average, the Nation's economy grew at a 5.4-percent annual rate for the first 2 years of previous postwar recoveries. That should, and must, be the minimum goal of a coordinated fiscal and monetary policy.

On March 2, Senator HART and I introduced a resolution directing the Federal Reserve to manage monetary policy to produce this real growth rate.

Once again, we asked the Joint Economic Committee and Data Resources, Inc., to analyze this proposal. We asked, could fiscal and monetary policy be coordinated to produce 5.4-percent real growth and, if so, what would be the results?

They reported it can be done, with heartening results.

7.6-percent unemployment in 1985, instead of the 8.9-percent projected by the administration.

Corporate profits 28.6 percent higher in 1985 than projected by the administration.

GNP in 1985 some $203 billion greater than under the mix of fiscal and monetary policy assumed by the administration.

Senator HART and I were prepared to offer a compromise version of our original resolution in the Budget Committee markup, a compromise worked out with the staffs of the chairman and the ranking member. The chairman, however, asked us to hold our resolution until the floor debate, and we agreed.

At this point, we also entered into further negotiations with the chairman and ranking member of the Banking Committee, which oversees the Federal Reserve.

We have come up with new compromise language, that we offer today, with the cosponsorships of Senators SASSER, RIEGLE, CRANSTON, BAUCUS, HUDDLESTON, and METZENBAUM of this committee, and with the concurrence of the chairman and ranking member.

This language establishes the ongoing need to coordinate fiscal and monetary policy.

This language states that there is a relationship between the proper stance of monetary policy and the posture of fiscal policy set by the budget resolution.

This language states that any reductions in deficits will tend to relieve pressures on monetary policy to maintain restriction.

This language states the need for vigorous economic growth.

Finally, this language concludes with a request to the Banking Committees of both Houses to produce sense of the Congress language, by next June 30, as to how the Federal Reserve should coordinate its policies with the fiscal policy reflected in the budget resolution.

This could be the beginning of a new phase in economic policymaking. We can finally state, in no uncertain terms, that fiscal and monetary policy must and will be coordinated.

I am certain that, when the Banking Committees report their recommendations on how this coordination should proceed this year and next, I will join many of my colleagues to urge that the central goal of this coordination should be vigorous and sustained economic growth.

The distinguished chairman of the committee and the distinguished ranking minority member have graciously agreed to undertake this task, and I believe that the managers of the bill are willing to have this as part of the matter we have been considering in the Budget Committee for some time.

Mr. DOMENICI. Mr. President, it is my understanding that the chairman and the ranking minority member of the authorizing committee have urged that we accept this, and since they have, I am willing to accept it.

Mr. CHILES. I am willing to accept it.

● Mr. SASSER. Mr. President, I rise today to offer my wholehearted support for the monetary policy amendment being offered by the distinguished Senator and my good friend from New York, Mr. MOYNIHAN.

The amendment represents an important second step in the evolution of the concept of integrating monetary policy assumptions with fiscal policy assumptions in the formulation of the budget. The first step of the process was set in motion last year when, realizing the disastrous clash between fiscal and monetary policy, both the House and Senate Budget Committees incorporated monetary policy language into the first concurrent budget resolution for fiscal year 1983.

This step signaled the urgent need to address proper coordination between fiscal and monetary policy in an effort to more properly gage the performance of the economy. It was this notion which stood as the cornerstone of the economic and budget program offered by the Senator from New York, the Senator from Michigan, Mr. RIEGLE, and myself during consideration of the budget last year.

The plan we offered last year contained three important elements: First, it entailed fiscal restraint, including a freeze on domestic spending and 5 percent real growth in defense spending; second, it entailed revenue increases of $120 billion over the 3-year period without touching the third-year tax cut (revenue increases came from closing tax loopholes and deferring indexing); and last, it entailed coordination between fiscal and monetary policy consistent with the growth rates outlined in the President's economic recovery program.

The program was run through an econometric simulation developed by the Data Resources, Inc., one of the

prominent econometric forecasting outfits in the country. The results were quite dramatic.

The econometric model showed that we could have reduced the President's deficit projections over the 3-year period by some $218 billion. The deficit in fiscal year 1985 under the simulation would have been $43.7 billion.

The simulation also showed that we could have achieved these reductions without reigniting runaway inflation. As we sit here today, that $43.7 billion deficit figure looks pretty darn good. Last year we were staring at a prospective budget deficit for the current 1983 fiscal year of $121 billion. Last week, however, it was announced that the budget deficit for the first 6 months of this year alone was $129 billion. At this rate we are running almost $260 billion in deficit. For the current year the effects of deficits of this magnitude on the financial markets will be nothing short of disastrous. Deficits of this magnitude are sure to keep the level of real interest rates at their historically high levels, and we run the risk of restraining if not completely aborting the long-awaited economic recovery.

Over the past 2 years, the administration's views with respect to an appropriate monetary policy have been oftentimes confusing and sometimes contradictory. In general, however, it is fair to say that the President and many of his key economic advisers have been supportive and even encouraged a tight money policy on the part of the Federal Reserve Board. This has come in the face of a stimulative fiscal policy, and the consequences have been clearly documented in various statistical indices; unemployment, business bankruptcies, interest rates, capacity utilization, and deficits to name a few.

The need for further congressional directives on monetary policy is indeed called for once again. These calls are being sounded by economists and budget experts alike. Recently, several Nobel Prize winning economists were questioned on what, in their estimation, was needed to get the economy moving again. Their responses are telling.

Dr. Lawrence Klein, a 1980 Nobel Prize winner, concluded that to date monetary and fiscal policy have been working at cross purposes. He maintained that in order to reduce the large deficits, we should eliminate the third-year tax cut, trim military spending, and continue monetary stimulus.

Kenneth Arrow, a 1972 Nobel Prize winner, stated that continued monetary ease in an effort to reduce interest rates is the most important step at this point. He maintained that with the huge unemploment and idle capacity, there is little risk that additional monetary ease would reignite inflation.

James Tobin, a 1981 Nobel Prize winner stated, and I quote:

> To say that you're afraid that an expansionary monetary policy at this stage would touch off an acceleration of inflation is to say that you don't want a recovery, because recovery can't occur without a further relaxation of monetary policy.

Paul Samuelson, a 1970, Nobel Laureat, concluded that inflation has improved dramatically and therefore is not in danger of reignition. The Fed should continue, in his estimation, to allow more growth in the money supply until we are definitely in a healthy recovery.

These assessments, by acknowledged experts in the field of economics, simply cannot be summarily dismissed. To the contrary, these opinions should be looked at carefully and heeded.

The original budget resolution that emerged from the Senate Budget Committee satisfies two of the criteria most economists insist are crucial to healthy economic growth: spending reductions and revenue increases. A third criterion which still must be satisfied is language directing the Federal Reserve Board to accommodate a level of economic growth consistent with a healthy economic recovery. The Moynihan amendment asks the respective Banking Committees to report language expressing the sense-of-the-Congress to do just that.

The importance of economic growth cannot be underestimated. The Congressional Budget Office estimates that if monetary policy is coordinated with fiscal policy to achieve the 5.4-percent growth envisioned in the monetary resolution, the effect on the unemployment level will be substantial. By the fourth quarter of 1984, this economic growth would put over 1.1 million more people back to work than under current policy. In my home State of Tennessee this would mean putting more than 24,000 people back to work.

I urge my colleagues to join me in supporting this amendment.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DECONCINI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. MOYNIHAN. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 1292) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, on behalf of the ranking minority member of the Veterans' Affairs Committee (Mr. CRANSTON) and myself, I wish to take this opportunity to address a question to my colleague, the chairman of the Budget Committee, requesting that he outline what would constitute compliance with the reconciliation instruction in the budget resolution as amended by the Gorton amendment. Please note that the language is the same as it was in the resolution both times it was reported by the Budget Committee.

Mr. DOMENICI. Mr. President, I appreciate the opportunity to respond to the question raised by the chairman and ranking minority member of the Veterans' Affairs Committee as to what type of legislative provisions the Veterans' Affairs Committee would need to report in order to comply with the reconciliation instruction to that committee.

The spending reductions required of the Veterans' Affairs Committee can be achieved through whatever legislative changes the committee chooses—as long as those changes are estimated by CBO to produce savings from the CBO-estimated baseline figures for entitlement programs under the Veterans' Affairs Committee's jurisdiction which are at least equal to the amounts specified in the reconciliation instruction.

Mr. SIMPSON. I thank the Senator for that explanation. It is my intention to urge the Veterans' Affairs Committee to recommend a reconciliation provision that would require that the cost of the fiscal year 1984 VA compensation program COLA be capped at levels equal to the budget authority and outlay costs of a 3.5-percent increase taking effect on April 1, 1984—$175,500,000 in budget authority and $145,300,000 in outlays. This would achieve the amount of savings that would accrue from a 6-month delay in the compensation COLA and is based on the newly adopted assumption underlying the resolution as reported May 18 by the Budget Committee after recommittal and as just now amended; namely, that the social security COLA that will take effect on December 1, 1984, will be a 3.5-percent increase.

With respect to each of fiscal years 1985 and 1986, the legislation would provide for an effective date not earlier than December 1 for the compensation COLA. With a December 1 effective date, the compensation COLA effective dates would then be alined with other Federal income security programs such as social security and VA pension.

Mr. President, it is my understanding that such a legislative provision

would comply fully with the reconciliation instruction to our committee.

Do the distinguished floor managers agree?

Mr. DOMENICI. Mr. President, in response to the question raised by the distinguished chairman and ranking minority member of the Veterans' Affairs Committee, I have consulted with the ranking minority member of the Budget Committee (Mr. CHILES) on this matter, and we are both in agreement that the legislative provision that the Senator has described would satisfy the requirements in the reconciliation instruction to the Senate Veterans' Affairs Committee. This approach would leave for later legislation the final action on the COLA's, but would still result in the proper savings being "scored."

Mr. CHILES. Mr. President, the distinguished chairman has correctly stated my view on this matter. I agree with his description of the reconciliation requirements for the Veterans' Affairs Committee. I appreciate the cooperative manner in which the chairman and ranking minority member of the Veterans' Affairs Committee and the chairman of the Budget Committee have dealt with each other and myself to assist in resolving these technical problems.

Mr. CRANSTON. Mr. President, the chairman of the Veterans' Affairs Committee and I appreciate those kind remarks as well as the cooperation which the Budget Committee chairman and ranking minority member and their staffs have shown toward us.

I note that I will join my good friend, the chairman of the Veterans' Affairs Committee, in urging our committee to recommend, in response to the instruction as amended, the provision he has described.

Mr. SIMPSON. I, too, thank Senators DOMENICI, CHILES, and CRANSTON for their high degree of cooperation and sensitivity in reaching accord on these matters and express my special appreciation to the very able staffs of each of the Senators involved.

Mr. LEVIN. Mr. President, Senator SPECTER and I plan to introduce legislation which would extend the current Federal supplemental compensation (FSC) program for another 6 months beyond the September 30, 1983, termination date. We would be happy to withdraw the amendment which we are offering today which provides room in the budget for this extension if we can have the assurance of the chairman of the Finance Committee that he will hold hearings on this legislation and if we can have the assurances of the Senator from Kansas and the Senator from New Mexico, the chairman of the Budget Committee, that they will not use the Budget Act to preclude an extension of the program when it expires in September.

Mr. SPECTER. I agree with the Senator from Michigan that we will have to extend the FSC program beyond September 30. Even under the administration's revised—more optimistic—forecast, unemployment by the end of this year is still projected to be close to 10 percent, and the rate for all of 1984 is projected to be 9.1 percent. But I, too, will not press to bring this issue to a vote today if we can receive the assurances which the Senator from Michigan has described.

Mr. SPECTER. Mr. President, I support the distinguished Senator from Michigan, Mr. LEVIN, in the effort to extend the Federal supplemental compensation (FSC) program for an additional 6 months until March 30, 1984. The proposed amendment would provide additional funding under the income security function of the first budget resolution for fiscal year 1984, in order to prevent a termination of the program on September 30, 1983.

The Social Security Amendments of 1983 contained, among other unemployment provisions, an extension of the FSC program from April 1 to September 30, 1983. This extension was supported by the administration, in part due to the acknowledgement of the gravity of the unemployment situation. At that time, I supported and worked for passage of the FSC extension to try to assuage the devastating effects of unemployment in my State, the level of which stood at 12.9 percent. According to most recent estimates, the Commonwealth of Pennsylvania is now suffering from an unemployment rate of 13.4 percent, with over 719,000 Pennsylvanians out of work.

Mr. President, the Congressional Budget Office has estimated that this extension of Federal supplement compensation would cost approximately $1.89 billion during fiscal year 1984. While this may be expensive, I feel that allowing the program to lapse would create human trauma and severe economic and social deprivation on a scale that would dwarf the cost of the extension. At this juncture, even with many citing the upward motion of the economy, it is self-defeating to deny those in need of assistance the financial resources to survive the current crisis, until such time as they are able to rejoin the work force in a productive capacity.

The major economic forecasts project unemployment to be well above 8 percent through April 1984. Clearly, there will be a need for this program. The extension of the FSC program is absolutely essential for providing a safety net for the unemployed.

This extension is badly needed.

Mr. DOLE. As my good friends from Michigan and Pennsylvania know, the Finance Committee reported legislation recently to address the shortfall in social security funding and to extend the Federal supplemental compensation program. Neither change had been included in the budget resolution for this year.

This legislation was urgent and necessary. Before it reached the floor, the Senator from New Mexico obtained a waiver of the Budget Act to allow the Senate to consider the legislation. In this case, the Senate did not use the Budget Act as a device to prevent enactment of necessary legislation.

The unemployment situation at the end of summer may be severe enough to warrant an extension of the supplemental program. I pledge to hold hearings in the Finance Committee on this legislation and the need for an extension of the FSC program. If an extension is warranted, the Finance Committee will take the necessary steps to help lessen the hardships faced by the unemployed. It is my belief that the Senate would allow passage of a relief package, even if we do not include room for it in this particular resolution.

This Senator, for one, would not support a point of order under the Budget Act to impede passage of such critical legislation.

Mr. LEVIN. Mr. President, is that also the opinion of the senior Senator from New Mexico?

Mr. DOMENICI. Mr. President, the distinguished Senator from Kansas also must remember that when it looked as though the debate on interest withholding might delay passage of the social security amendments, the Budget Act was used to keep the social security legislation moving. I mention this to my colleagues to show that Budget Act procedures are not used to preclude the Senate from doing what is necessary.

To my colleagues from Michigan and Pennsylvania, I say this: It is my great hope that the unemployment rate might be low enough by late summer to make it unnecessary to pass an extension of the Federal supplemental compensation program, or some similar legislation. But we will not know until late summer if that is the case. At that time, we will have a much better idea of how best to respond to the unemployment situation.

If the Senators do not offer their amendment to the resolution, and if the Finance Committee hearings establish the need for an extension of the FSC program, this Senator would not use the provisions of the Budget Act to impede Senate consideration of such legislation.

As the Senator knows, however, a point of order under the Budget Act may be raised by any other Senator.

Mr. SPECTER. Would the majority leader care to comment on this?

Mr. BAKER. Mr. President, I should like to associate myself with the re-

marks of the Senator from New Mexico. I would pursue a similar course to that which he has outlined, if the Finance Committee hearings establish a need for the extension and legislation is introduced that reasonably addresses the needs established by the facts in the hearing.

Mr. LEVIN. I thank the Senators for their comments. Senator SPECTER and I will not offer the amendment at this time. We will continue to work with our colleagues to deal with the painful problem of high unemployment levels before the current Federal supplemental compensation program expires.

Mr. President, the budget resolution being considered by the Senate today does not account for the possibility that Congress may pass legislation this year to reform the continuing disability review process of the title II social security disability program. I ask the Senator from Kansas, the distinguished chairman of the Finance Committee, and the distinguished Senator from New Mexico, the chairman of the Budget Committee for their assurances that in the event the Finance Committee does report a social security disability reform bill to the floor this year, both Senators would join with me in opposing any point of order made to such a bill based on the argument that the bill exceeds the budget resolution.

Mr. DOLE. The Senator from Michigan has my commitment that if such legislation is reported by the Finance Committee, I will certainly join with him in seeking a budget waiver or in attempting to defeat any point of order raised against such legislation based on a violation of the budget resolution.

Mr. DOMENICI. Mr. President, I assure my friend from Michigan that I would not raise a point of order under section 311 of the Budget Act if the Finance Committee reports social security disability legislation later this year.

I want to remind the Senator from Michigan that any other Senator may raise a point of order under section 311. However, this Senator would not support such action.

Mr. CRANSTON. Mr. President, I am pleased that all of the budget resolution substitutes presented today have included the provisions for an increase in budget authority and outlays as the Senate previously agreed to when the Senator from New York (Mr. MOYNIHAN) and I and 13 other Senators, including Senator HATFIELD, Senator HOLLINGS, Senator METZENBAUM, Senator LEVIN, Senator RIEGLE, Senator INOUYE, Senator MATSUNAGA, Senator KENNEDY, Senator TSONGAS, Senator DODD, Senator SARBANES, Senator BRADLEY, and Senator BUMPERS, offered our amendment on May 10, 1983. As my good friend and colleague from New York (Mr. MOYNIHAN) stated during the floor debate on May 10, "If there is any primal responsibility a society owes its citizens, it is the provision of those services that enable them to be born alive and healthy." I deeply appreciate the very strong and effective support which the Senator from New York has given to this legislation over the past 5 years and to our efforts to complete action on this measure during this Congress.

I also want to express by appreciation to the distinguished ranking minority member of the Budget Committee (Mr. CHILES), whose strong support for the Cranston-Moynihan amendment was critical to its adoption, to the distinguished Senator from Arkansas (Mr. BUMPERS), whose knowledge of and commitment to issues relating to maternal and child health is deeply admired and respected, to the Senator from Ohio (Mr. METZENBAUM), who sought during the Budget Committee's initial deliberations to have budget authority and outlays included for this and other maternal and child health initiatives, to the Senator from New Jersey (Mr. BRADLEY) who has also been a strong supporter of our efforts in this area, and to the Senator from Oregon (Mr. HATFIELD), the distinguished chairman of the Appropriation Committee who has been a cosponsor of the underlying legislation for the past several Congresses. I also deeply appreciate the cooperation of the distinguished chairman of the Senate Budget Committee, the Senator from New Mexico (Mr. DOMENICI), and the distinguished chairman of the Senate Finance Committee, the Senator from Kansas (Mr. DOLE), in working out an agreeable amendment on this matter. I know that both the Senator from New Mexico and the Senator from Kansas are very sympathetic to the goals we are seeking to achieve in this area and their support for the compromise we agreed upon was very important.

Mr. President, on April 28, 1983, I inserted in the CONGRESSIONAL RECORD a list of the various organizations which had endorsed our efforts to provide for the enactment of S. 7, the underlying legislation aimed at closing the gap in medicaid with respect to certain low-income pregnant women. Since that time, several additional groups have endorsed this measure, specifically, the Women's Equity Action League, the California Association of Children's Hospitals, the National Association of Public Hospitals, and the National Right to Life Committee.

Mr. President, I ask unanimous consent that the full list of organizations be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING S. 7, A BILL TO EXTEND MEDICAID ELIGIBILITY TO CERTAIN LOW-INCOME PREGNANT WOMEN AND NEWBORN CHILDREN

National Conference of Catholic Charities.
Child Welfare League.
National Committee on Adoption.
Children's Defense Fund.
March of Dimes Birth Defects Foundation.
American Citizens Concerned for Life.
Epilepsy Foundation of America.
Lutheran Council in the U.S.A.
Planned Parenthood Federation of America.
National Perinatal Association.
National Association of Children's Hospitals and Related Institutions.
United Presbyterian Church.
Association for Retarded Citizens.
American Academy of Pediatrics.
American College of Obstetrics and Gynecology.
American Public Health Association.
National Organization for Women (NOW).
Association of Junior Leagues.
Family Service Association of America.
American College of Osteopathic Pediatricians.
American Medical Students Association.
Women's Equity Action League (WEAL).
California Association of Children's Hospitals.
National Association of Public Hospitals.
National Right to Life Committee.

● Mr. LAUTENBERG. Mr. President, this vote will be my first on final passage of a budget resolution. It caps my first direct experience with the congressional budget process. Like most human institutions, the budget process fails the test of perfection. but despite its flaws and frustrations, I believe it furnishes an indispensable framework for fiscal management. Without it, the tough choices inherent in reconciling limited public resources with competing and potentially unlimited public demands would seldom be explicitly posed. The budget process compels the Congress and ultimately the Nation to address such unpleasant realities.

No doubt this is in part what lies behind the President's effort to discredit it. The debate on the budget cannot avoid focusing on the massive fiscal imbalance that has resulted from enactment of the administration's program in 1981. Never before in the history of this country have we been faced with such desperate fiscal conditions. Never before have we been asked to choose among budget plans with such astronomical deficits. Never before have the President and his supporters in the Congress proposed adding over a trillion dollars in new Federal debt over the next 5 years—even on the assumption of a sustained and vigorous economic recovery. And never before, Mr. President, has there been such huge and persistent Federal pressure on the credit markets. The predictable result, of course, is a Hobsons' choice of continuing high real interest rates or rampant inflation.

The fashionable term for this state of affairs is the structural deficit. The reference is to the fiscal shortfall that occurs regardless of economic conditions. Even at "full" employment—for example 6 percent unemployment—there would be deficits under the President's plan of $154 billion in fiscal year 1983 increasing to $306 billion in 1988. The revised Baker-Domenici plan projects deficits on the order of $200 billion for the foreseeable future. Such an enormous drain on the financial markets will drive real interest rates up to prohibitive levels and undermine the economic recovery which is still fragile.

Now, Mr. President, it is no secret how we got to this point. The "structural deficit" is the direct result of the enactment of the President's program in 1981. Perhaps a little history is in order at this point. Return, if you will, to those days of unqualified faith in "supply-side" magic and look at what the President's "Program for Economic Recovery" promised. I have here a table of Federal Revenues and outlays from the document containing the President's proposals and ask that it be inserted in the RECORD at this point.

The table follows:

FEDERAL REVENUES AND OUTLAYS

[In billions of dollars]

Fiscal year	Revenues	Outlays	Deficit (−) or surplus (+)
1981	600.2	654.7	−54.5
1982	650.5	695.5	−45.0
1983	710.1	733.1	−23.0
1984	772.1	771.6	+0.5
1985	851.0	844.0	+7.0
1986	942.1	912.1	+30.0

Mr. LAUTENBERG. Note that, had the program performed as advertised, the deficit for fiscal year 1983 would have been $23 billion, not $204 billion—almost 10 times that amount. And we would be enjoying the prospect of rising, if small, surpluses through fiscal year 1986 instead of exploding deficits that will add on the order of half a trillion dollars to the Federal debt over the next 3 to 4 fiscal years.

What happened is not hard to understand. The "riverboat gamble"—as the distinguished majority leader characterized the Reagan package when it was before the Senate—did not pay off. The presumed stimulus of the huge tax cuts—$1.147 trillion in fiscal year 1982–88, which went disproportionately to upper income groups—was more than overridden by soaring real interest rates that accompanied the sudden surge in Federal credit demands. A plan that combined trillion-dollar revenue losses with increases in defense expenditures of $285 billion could not possibly be financed by offsetting cuts in the domestic budget. But the Congress certainly tried. The combined effort of reconciliation and appropriations restraint resulted in total reductions over the fiscal year 1982–88 period of $387 billion. It should be stressed, too, Mr. President, that while the Congress did not approve of every specific proposal by the President, the total savings in the 1981 reconciliation bill met and exceeded the President's goal.

Hence, Mr. President, the terrible fiscal disarray that has overtaken the Government threatens to preempt recovery from the deepest economic recession since the Great Depression.

Faced with such obdurate fiscal disorder, Mr. President, President Reagan's desire to avoid responsibility is entirely understandable. But I believe we have to deal with the problem. And there is simply no easy, readily discernible solution—at least none that commends itself immediately to 51 Members of this body. That is clear from the preceding votes on the various plans that have been offered. But deadlock cannot be an acceptable outcome. To permit that to happen would have, I believe, very serious repercussions in the financial markets.

It follows that a compromise plan capable of marshaling broad bipartisan support is absolutely essential. I had hoped that such a plan could be formulated. And I believe that the leadership on the other side of the aisle would have preferred to have been working in that direction long before now had it not been for the President's attitude. Indeed, this distinguished majority leader and Chairman DOMENICI, I believe, deserve to be commended for their efforts under what must be most trying conditions. The able senior Senator from Florida did all in his power to help them get a responsible budget resolution, but unfortunately the White House was unwilling to cooperate.

And so, Mr. President, we came down to choosing among alternatives that are probably more unpalatable than necessary from the point of view of most Senators, But choose we must. And I believe that preserving the budget process is important.

My own preference would be to adopt the original Chiles-Domenici proposal as reported from the committee. That plan would have put the deficit on a declining path from $163.3 billion in fiscal year 1984 to $133.2 billion in fiscal year 1986. But that proposal cannot get 51 votes. I am therefore prepared to support the Gorton-Chiles plan which, while it is far from meeting all my criteria, nonetheless is a step in the right direction. Again, it puts the deficit on a downward trajectory and begins the process of reducing Federal pressure on the credit markets. This, in my view, is essential if the recovery is to be sustained. Under Gorton-Chiles, the deficit would fall from $178.6 billion in fiscal year 1984 to $130 billion in 1986. That is still much too high. But it lays the groundwork for further progress. That is why, despite certain reservations, I voted to adopt it.

I could not, however, support a budget plan that simply perpetuates the mistakes of 1981. If there is a point on which economists and financiers are generally agreed, it is that deficits of the magnitude envisioned in either the original Reagan budget or the revised version incorporated in the Baker-Domenici proposal do matter. To refuse to face the problem is to exacerbate it. Unless we begin now to repair the damage done by cutting revenues far in excess of possible spending restraints, fiscal balance and economic growth may be preempted for the foreseeable future.●

EPA AMENDMENT

● Mr. STAFFORD. An amendment was to be offered to assure certain funding levels for the Environmental Protection Agency. The Senators cosponsoring the amendment are concerned that the budget resolution adopted by the Senate provide sufficient funds to allow the Environmental Protection Agency operating budget to be funded at $1.351 billion in fiscal year 1984. Thus, EPA operations would be returned to the level provided in fiscal year 1981. In addition, Superfund expenditures would be allowed to reach $383 million in fiscal year 1984. The Agency would easily be able to use that level of resources in the coming year to speed up implementation of that program. Mr. Ruckelshaus, as Administrator, should be given the opportunity to reverse the decline in Federal support for environmental programs unrestrained by a low budget resolution assumption.

I understand that the proposal being considered by the Senate which incorporates the substitute accommodates those levels of funding for EPA.

Mr. GORTON. The budget resolution now before the Senate accommodates the Environmental Protection Agency funding levels that you have mentioned. Fiscal year 1984 EPA operating levels of $1.351 billion and Superfund levels of $383 million are now assumed in the measure before us.

Mr. STAFFORD. I thank my good friend the Senator from Washington for providing that funding level and this specific guarantee.

Mr. HATFIELD. I understand from this discussion that the budget resolution now provides substantial funding for Environmental Protection Agency programs. I agree that the Congress must now reverse the decline in support for environmental programs which has occurred over the last few years. As chairman of the Appropriations Committee, I will attempt to assure that sufficient funds will be ap-

propriated to reverse the decline in those Environmental Protection Agency programs.

Mr. MOYNIHAN. I would like to address a question to the senior Senator from Vermont. I joined with the senior Senator, Senator LEAHY, and 16 others in a bipartisan coalition to offer an amendment, described in our "Dear Colleague" letter dated May 2, 1983. This amendment would have added funds for both the Environmental Protection Agency's operating budget and its Superfund program.

Can the Senator assure me that the assumptions stated in our "Dear Colleague" are identical to the assumptions for these functions in the alternative just adopted?

Mr. STAFFORD. Yes, they are. They are the same assumptions.

Mr. MOYNIHAN. Thank you. I will therefore concur with the judgment of the Senator that there is no need to offer our amendment. I shall ask that a copy of our "Dear Colleague" letter be placed in the RECORD at this point.

The letter follows:

U.S. SENATE,
Washington, D.C., May 2, 1983.

DEAR COLLEAGUE: During Senate consideration of the First Concurrent Resolution on the Budget (S. Con. Res. 27), we intend to offer an amendment to add $346 million to the Environmental Protection Agency's budget authority for fiscal year 1984.

Our amendment will restore the Environmental Protection Agency (EPA) operating budget to its fiscal year 1981 level of $1.351 billion. The amendment will also provide $383 million in fiscal year 1984 budget authority for the Superfund program to clean up hazardous waste dump sites throughout the country. This figure represents half of what will be available in the Superfund trust fund in fiscal year 1984, and is an amount which we believe could actually be spent by the Agency in that year.

The substantial reductions in EPA's budget since 1981 have had dramatic impacts around the nation. The Administration's request for the EPA operating budget in fiscal year 1984 represents a 30% decrease in funding in nominal dollars since 1981 and a 44% funding decrease in real, or inflation adjusted, dollars since 1981.

Research and Development.—The Administration's 1984 budget request reflects a 55% decrease in nominal dollars from the 1981 level for the Agency's research and development program. In an April 1983 report, the Congressional Budget Office (CBO) concludes that the EPA cuts in research and development have fallen most heavily on the Agency's long-term research program, particularly long-term health effects research. The result, contends CBO, may be to "hinder future standards development and slow the accumulation of information on health effects of environmental pollutants." Moreover, in this year's annual report, issued on April 23, 1983, the President of the National Academy of Sciences warned that "[T]he research activities of the Environmental Protection Agency continue to be devastated at a time when more, not less science, is needed for regulatory decision making."

State Grants.—At this time when the EPA is shifting more and more responsibility to the states to carry out federal environmental programs, the resources being made available by EPA to support the operation of state environmental management programs have diminished substantially. The President's 1984 budget request reflects a 36 percent decrease in nominal dollars from the 1981 level for EPA's grant programs to the states. The Congressional Budget Office reports that in aggregate terms federal support now accounts for 46 percent of the funding for state water quality programs, 45 percent for state air quality programs and 69 percent for state hazardous waste programs. A survey conducted by the National Governors' Association last year found that only a small number of states would be able to make up for the loss in federal environmental management grant assistance due to their own serious budget constraints. CBO concludes that cuts in state grant programs "contribute to delays in issuing environmental permits, hinder delegation of greater responsibility to the states, and discourage development and maintenance of innovative programs that require staff resources."

Enforcement and Agency Personnel.—Since 1981 there has also been a substantial reduction in the number of full-time employees at EPA. The Administration's fiscal year 1984 budget request would reduce Agency personnel by 29 percent from the 1981 level. Such a reduction cannot help but have a severe impact on the Agency's ability to enforce the Nation's environmental laws. To take one example, the reduction in manpower, according to CBO, will result in a backlog amounting to "a number of years" in EPA review of waivers for wastewater treatment permits.

Superfund.—Fiscal year 1984 will be the fourth year of the Superfund program. We believe it is not too much to expect that EPA should spend half of the $767 million that will be available in the trust fund in 1984. But the Administration proposes a budget authority of only $310 million. We propose a budget authority of $383 million.

The Superfund law, enacted in December 1980, created a $1.6 billion trust fund to finance the cleanup of abandoned or uncontrolled hazardous waste sites and to respond to spills of hazardous substances. The major source of funding (seven-eighths of the total) for the trust fund comes from a dedicated tax on various chemicals and petroleum. The revenues collected from the tax, which began on April 1, 1981, are held in the trust fund until such time as they are used for cleanup activities or other eligible Superfund expenditures.

There are currently 419 hazardous waste sites on the EPA Superfund priority list for assistance, but only 78 of these sites have received assistance thus far. EPA personnel testifying before the Senate Committee on Environment and Public Works admitted that previous agency policy had been to slow down the rate of Superfund expenditures. It is time to indicate to the Agency that it is the will of Congress that the funds collected to clean up hazardous waste dump sites be spent for just that purpose and not be left to accumulate in the dedicated trust fund.

In sum, although the EPA budget has diminished greatly since 1981, the Agency's tasks have not. The EPA is responsible for administering, in whole or in part, the major environmental laws enacted since the Agency's creation in 1970. In order to do this in a diligent and effective manner, the Agency must be provided with adequate resources. We believe that this amendment will do just that by restoring to the Agency its fiscal year 1981 level for operating programs and by providing $383 million for the Superfund program.

We urge you to support this amendment. If you have any questions or wish to cosponsor please contact Sueanne Pfifferling or Daryl Libow at 4-4451 or Ann Vom-Eigen at 4-6176.

Sincerely,

ROBERT T. STAFFORD.
DANIEL PATRICK MOYNIHAN.
JENNINGS RANDOLPH.
PATRICK J. LEAHY.
GORDON HUMPHREY.
BILL BRADLEY.
GEORGE J. MITCHELL.

ENVIRONMENTAL PROTECTION AGENCY'S OPERATING BUDGET BY APPROPRIATION ACCOUNT

	Fiscal year—				Percent change, 1981–84
	1981	1982	1983	1984 President's request	
Salaries and expenses	$562	$555	549	$540	−4
Abatement, compliance, and control	535	373	369	294	−45
Grants to States [1]	(272)	(241)	(233)	(173)	(−36)
Research and development	250	154	119	112	−55
Buildings and facilities	4	4	3	3	−25
Total	1,351	1,086	1,040	949	−30

[1] Grants to States is a subcategory of abatement, compliance, and control.

STATUS OF ASSISTANCE TO THE 419 PRIORITY SUPERFUND SITES

[Figures as of Jan. 31, 1983]

State	Number of priority sites	Number of sites assisted	Amount of remedial obligation
Alabama	3	1	$100,000
Alaska	0	0	0
Arkansas	7	1	118,700
Arizona	6	0	0
California	11	1	95,000
Colorado	6	1	293,600
Connecticut	4	0	0
Delaware	8	0	0
Florida	25	3	2,576,400
Georgia	0	0	0
Hawaii	0	0	0
Idaho	3	0	0
Illinois	11	1	236,000
Indiana	13	1	572,000
Iowa	3	1	735,000
Kansas	4	1	174,700
Kentucky	7	1	36,000
Louisiana	4	1	189,000
Maine	5	1	450,000
Maryland	3	0	0
Massachusetts	14	3	1,119,000
Michigan	46	2	1,419,900
Minnesota	10	1	2,453,300
Mississippi	1	0	0
Missouri	6	1	496,300
Montana	4	0	0
Nebraska	1	0	0
Nevada	0	0	0
New Hampshire	7	2	6,210,500
New Jersey	65	12	13,302,100
New Mexico	4	0	0
New York	26	3	12,495,000
North Carolina	3	1	2,543,300
North Dakota	1	1	218,400
Ohio	19	2	4,251,800
Oklahoma	2	1	435,400
Oregon	2	0	0
Pennsylvania	30	3	5,602,700
Rhode Island	6	3	5,566,900
South Carolina	3	1	1,178,300
South Dakota	1	0	0
Tennessee	6	1	75,000
Texas	8	7	2,860,400
Utah	1	1	9,900
Vermont	2	0	0
Virginia	4	0	0
Washington	10	2	418,000
West Virginia	4	0	0
Wisconsin	0	0	0
Wyoming	0	0	0

Mr. LEAHY. I would like to compliment the senior Senator from Vermont for his leadership on this alternative. I would just like him to confirm that the alternative just adopted assumes in fiscal year 1984 $1.351 billion, $402 million more than the President's January budget request, for EPA's operating program and $383 million, $73 million more than the President's January budget request for the Superfund.

Mr. STAFFORD. My colleague is correct. Looking at it another way, the substitute just offered includes $273 million more for the EPA operating program in function 300: natural resources and $73 million more for the Superfund than the resolution originally reported from the Senate Budget Committee.●

Mr. BAUCUS. Mr. President, I oppose the budget resolution.

I do so because I believe it fails to meet our commitment to lower the Federal deficit.

In recent months, the economic outlook has brightened. Interest rates are down. Unemployment has stopped rising. Inflation continues to remain at low levels.

At long last, it appears that an economic recovery is at hand. But, the real question is how long will it last if we adopt this budget resolution.

I do not think it will last very long.

The key is interest rates. The recovery will not live up to its advanced billing unless interest rates continue to drop and stabilize at reasonable levels.

If the Federal Government continues to spend beyond its means, piling up huge deficits, we do not have a chance of getting interest rates down.

We must make a commitment to reduce the Federal deficit. We need a plan of steady, long-term and realistic cuts in the Federal deficit. That would be the kind of signal needed to prove that deficits are headed down.

It is easy to talk about cutting Federal budget deficits. Getting the job done is another story. In the past weeks, I have advocated alternatives that would achieve budget savings.

Congress must do a better job of getting the most bang for every defense buck. I support increased military spending. We must maintain and strengthen our national defense.

But I believe a 5-percent-a-year real increase in the defense budget enables us to achieve that goal, without wasting money. A 5-percent growth rate over and above inflation would cut the deficit by $9 billion a year over the next 5 years.

It is popular here in Washington these days to talk about eliminating the third year of the tax cut. I disagree.

The third year of the tax cut is the one that is most beneficial to middle-income taxpayers. Instead, I think we should cap the benefits from the third year cut. I would limit the tax cut to $700.

This would save $7 billion a year.

In addition, the gradual closing of tax loopholes would save $6 billion a year.

Passing a budget that clearly reduces Federal deficits would send a clear signal to the business community that Congress is serious about regaining control over Federal spending.

And such a program would ease the credit crunch that is helping keep interest rates too high.

The budget resolution sent to the floor yesterday by the Budget Committee does not accomplish this objective. It would produce a $193 billion deficit next year and deficits over $200 billion later in this decade.

The Gorton substitute is appealing, but it too, in my view, does not achieve the kind of budget savings needed.

I believe Congress can make the tough choices needed to bring fiscal responsibility. But the budget resolution before us today is not the course we need to take.

This resolution merely heightens the fiscal irresponsibility that has led to the prospect of further economic turmoil.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution, as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The PRESIDING OFFICER (Mr. MURKOWSKI). Is there any Senator in the Chamber who wishes to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—50

Andrews	Eagleton	Moynihan
Bentsen	Glenn	Packwood
Biden	Gorton	Pell
Bingaman	Hart	Percy
Boschwitz	Hatfield	Randolph
Bradley	Heinz	Riegle
Burdick	Huddleston	Rudman
Byrd	Inouye	Sarbanes
Chafee	Jackson	Sasser
Chiles	Kassebaum	Simpson
Cochran	Kennedy	Specter
Cohen	Lautenberg	Stafford
D'Amato	Levin	Stennis
Danforth	Mathias	Stevens
Dixon	Matsunaga	Tsongas
Dodd	Metzenbaum	Weicker
Domenici	Mitchell	

NAYS—49

Abdnor	Ford	Laxalt
Armstrong	Garn	Leahy
Baker	Grassley	Long
Baucus	Hatch	Lugar
Boren	Hawkins	Mattingly
Bumpers	Hecht	McClure
Cranston	Heflin	Melcher
DeConcini	Helms	Murkowski
Denton	Hollings	Nickles
Dole	Humphrey	Nunn
Durenberger	Jepsen	Pressler
East	Johnston	Proxmire
Exon	Kasten	Pryor
Quayle	Tower	Wilson
Roth	Trible	Zorinsky
Symms	Wallop	
Thurmond	Warner	

NOT VOTING—1

Goldwater

So the concurrent resolution (S. Con. Res. 27), as amended, was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the resolution, as amended, was agreed to.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read: "Concurrent resolution revising and replacing the congressional budget for the United States Government for the fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984 and 1985."

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I hardly have the strength to say it, but we will have no more rollcall votes tonight.

Mr. BYRD. Mr. President, may we have order? Will the majority leader repeat what he said?

Mr. BAKER. I do not know whether I have the strength to say it a second time or not, but for many of you who may be disappointed by this statement, I will say that there will be no more votes tonight.

Mr. President, for the information of Senators, let me say that on Senate Concurrent Resolution 27 the Senate devoted 10 days in the consideration of that measure. We used, as of 11:28 p.m. tonight, which is approximately the time we began the rollcall on final passage, a total of 59 hours and 30 minutes. During that time we conducted 32 rollcall votes, we considered and disposed of 36 amendments.

Mr. President, this has been a difficult, a tedious and tumultuous debate. A closely divided Senate finally worked its will by a single vote. Members will, no doubt, continue to hold their own views on the adequacy or inadequacy of this resolution, and while I voted against the resolution, Mr. President, and voted against the Gorton substitute, which ultimately became the resolution for all practical purposes, I believe I fulfilled the commitment I made at the beginning of the consideration of that matter, and that is whether I agreed with the resolution or disagreed with it it is my intention to insist that the Senate make every effort to pass a resolution.

I commend both managers for their efforts.

I commend all Senators who offered their amendments, those who opposed amendments and opposed the resolution, as well, It has been a difficult

time for the Senate, but I think it has come through it in good style.

Mr. BYRD. Will the Senator yield?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, I commend the majority leader on the statement that he has just made. The majority leader did his duty and that was to see that the measure passed the Senate. I have been in somewhat the same situation in the past, when I saw the Senate go the opposite to my own viewpoint but I felt that my duty was to see that the Senate acted and did its will and I know how the majority leader feels about it. He did the right thing. He did his duty, and I commend him.

I also commend the manager of the resolution, Mr. DOMENICI, who has shown great skill and knowledge in the resolution and who has done his best.

I also commend the ranking Member, Mr. CHILES. He displayed equal skill, equal knowledge, worked hard, and made a very convincing case. I personally thank him on behalf of myself and on behalf of the Senate.

Mr. CHILES. I thank the distinguished minority leader.

Mr. DOMENICI. Mr. President, I have a couple of housekeeping proposals that I have checked on with Senator CHILES and the majority and minority leader.

CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1984

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now turn to consideration of House Concurrent Resolution 91.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 91) revising the congressional budget for the United States Government for the fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984, 1985, and 1986.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOMENICI. Mr. President, I ask unanimous consent to strike all after the resolving clause and insert in lieu thereof the text of Senate Concurrent Resolution 27, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I move the adoption of House Concurrent Resolution 91.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution (H. Con. Res. 91), as amended.

The concurrent resolution (H. Con. Res. 91), as amended, was agreed to, as follows:

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 91) entitled "Concurrent resolution revising the congressional budget for the United States Government for the fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984, 1985, and 1986", do pass with the following Amendments:

Strike out all after the resolving clause and insert:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced the first concurrent resolution on the budget for fiscal year 1984 is hereby established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $603,325,000,000.
Fiscal year 1984: $671,100,000,000.
Fiscal year 1985: $743,075,000,000.
Fiscal year 1986: $835,900,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: +$125,000,000.
Fiscal year 1984: +$9,900,000,000.
Fiscal year 1985: +$13,675,000,000.
Fiscal year 1986: +$51,000,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $39,700,000,000.
Fiscal year 1985: $44,200,000,000.
Fiscal year 1986: $50,900,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,500,000,000.
Fiscal year 1984: $166,500,000,000.
Fiscal year 1985: $187,700,000,000.
Fiscal year 1986: $204,400,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1983: $875,925,000,000.
Fiscal year 1984: $914,699,000,000.
Fiscal year 1985: $986,374,000,000.
Fiscal year 1986: $1,050,209,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1983: $807,325,000,000.
Fiscal year 1984: $849,699,000,000.
Fiscal year 1985: $910,774,000,000.
Fiscal year 1986: $965,999,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $204,000,000,000.
Fiscal year 1984: $178,599,000,000.
Fiscal year 1985: $167,699,000,000.
Fiscal year 1986: $130,099,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,383,900,000,000.
Fiscal year 1984: $1,606,399,000,000.
Fiscal year 1985: $1,824,798,000,000.
Fiscal year 1986: $2,012,497,000,000.

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $93,700,000,000.
Fiscal year 1984: $222,499,000,000.
Fiscal year 1985: $218,399,000,000.
Fiscal year 1986: $187,699,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:
(A) New direct loan obligations, $55,400,000,000.
(B) New loan guarantee commitments, $94,500,000,000.
Fiscal year 1984:
(A) New direct loan obligations, $48,200,000,000.
(B) New loan guarantee commitments, $94,500,000,000.
Fiscal year 1985:
(A) New direct loan obligations, $48,100,000,000.
(B) New loan guarantee commitments, $97,400,000,000.
Fiscal year 1986:
(A) New direct loan obligations, $48,700,000,000.
(B) New loan guarantee commitments, $101,000,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

(1) National Defense (050):
Fiscal year 1983:
(A) New budget authority, $244,100,000,000.
(B) Outlays, $214,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $270,650,000,000.
(B) Outlays, $241,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $300,950,000,000.
(B) Outlays, $269,650,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $333,060,000,000.
(B) Outlays, $299,850,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

(2) International Affairs (150):
Fiscal year 1983:
(A) New budget authority, $24,900,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $9,200,000,000.
Fiscal year 1984:
(A) New budget authority, $18,200,000,000.
(B) Outlays, $12,700,000,000.
(C) New direct loan obligations, $11,200,000,000.
(D) New loan guarantee commitments, $10,300,000,000.
Fiscal year 1985:
(A) New budget authority, $16,500,000,000.
(B) Outlays, $12,800,000,000.

(C) New direct loan obligations, $11,500,000,000.
(D) New loan guarantee commitments, $10,300,000,000.
Fiscal year 1986:
(A) New budget authority, $15,900,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $11,600,000,000.
(D) New loan guarantee commitments, $10,300,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 1983:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $7,700,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $37,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $8,400,000,000.
(B) Outlays, $8,400,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1983:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $4,600,000,000.
(C) New direct loan obligations, $13,100,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984:
(A) New budget authority, $3,900,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $13,900,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1985:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $2,900,000,000.
(C) New direct loan obligations, $14,300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $3,200,000,000.
(B) Outlays, $2,700,000,000.
(C) New direct loan obligations, $14,400,000,000.
(D) New Loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1983:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New Loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New Loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $12,200,000,000.
(B) Outlays, $12,600,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New Loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,200,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New Loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1983:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $24,000,000,000.
(C) New direct loan obligations, $18,600,000,000.
(D) New loan guarantee commitments, $5,500,000,000.
Fiscal year 1984:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $11,400,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New loan guarantee commitments, $3,800,000,000.
Fiscal year 1985:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $3,800,000,000.
Fiscal year 1986:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $12,200,000,000.
(D) New loan guarantee commitments, $3,800,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $2,700,000,000.
(C) New direct loan obligations, $6,500,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1984:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $1,800,000,000.
(C) New direct loan obligations, $6,400,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1985:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $0.
(C) New direct loan obligations, $6,300,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1986:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $−300,000,000.
(C) New direct loan obligations, $6,300,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $26,000,000,000.
(B) Outlays, $22,100,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $1,100,000,000.
Fiscal year 1984:
(A) New budget authority, $27,700,000,000.
(B) Outlays, $25,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $600,000,000.
Fiscal year 1985:
(A) New budget authority, $28,400,000,000.
(B) Outlays, $26,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $400,000,000.
Fiscal year 1986:
(A) New budget authority, $29,200,000,000.
(B) Outlays, $27,800,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $300,000,000.
(9) Community and Regional Development (450):
Fiscal year 1983:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $7,900,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New loan guarantee commitments, $500,000,000.
Fiscal year 1984:
(A) New budget authority, $6,600,000,000.
(B) Outlays, $8,100,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1986:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $7,600,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New loan guarantee commitments, $400,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1983:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $26,800,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $6,500,000,000.
Fiscal year 1984:
(A) New budget authority, $31,800,000,000.
(B) Outlays, $27,250,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
Fiscal year 1985:
(A) New budget authority, $28,500,000,000.
(B) Outlays, $28,400,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
Fiscal year 1986:
(A) New budget authority, $28,500,000,000.
(B) Outlays, $28,400,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
(11) Health (550):
Fiscal year 1983:
(A) New budget authority, $25,325,000,000.
(B) Outlays, $29,825,000,000.
(B) New direct loan obligations, $47,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984;
(A) New budget authority, $32,749,000,000.
(B) Outlays, $32,749,000,000.
(C) New direct loan obligations, $29,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985;
(A) New budget authority, $35,724,000,000.

(B) Outlays, $35,224,000,000.
(C) New direct loan obligations, $28,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1986;
(A) New budget authority, $37,849,000,000.
(B) Outlays, $37,249,000,000.
(C) New direct loan obligations, $28,000,000.
(D) New loan guarantee commitments, $300,000,000.
(12) Medical Insurance (570):
Fiscal year 1983;
(A) New budget authority, $46,100,000,000.
(B) Outlays, $53,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984;
(A) New budget authority, $61,400,000,000.
(B) Outlays, $60,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $69,400,000,000.
(B) Outlays, $68,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $79,100,000,000.
(B) Outlays, $75,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1983:
(A) New budget authority, $121,700,000,000.
(B) Outlays, $110,200,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,600,000,000.
Fiscal year 1984:
(A) New budget authority, $125,900,000,000.
(B) Outlays, $104,000,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,700,000,000.
Fiscal year 1985:
(A) New budget authority, $127,400,000,000.
(B) Outlays, $105,400,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $16,500,000,000.
Fiscal year 1986:
(A) New budget authority, $131,300,000,000.
(B) Outlays, $108,500,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New loan guarantee commitments, $18,100,000,000.
(14) Social Security (650):
Fiscal year 1983:
(A) New budget authority, $184,100,000,000.
(B) Outlays, $167,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $174,900,000,000.
(B) Outlays, $176,400,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $194,800,000,000.
(B) Outlays, $187,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $211,200,000,000.
(B) Outlays, $199,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $8,000,000,000.
Fiscal year 1984:
(A) New budget authority, $25,700,000,000.
(B) Outlays, $25,600,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $9,000,000,000.
Fiscal year 1985:
(A) New budget authority, $26,700,000,000.
(B) Outlays, $26,300,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $10,500,000.
Fiscal year 1986:
(A) New budget authority, $27,200,000,000.
(B) Outlays, $26,600,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $12,500,000,000.
(16) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $6,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $7,000,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $7,100,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,500,000,000.
(B) Outlays, $7,500,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1983:
(A) New budget authority, $87,600,000,000.
(B) Outlays, $87,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $95,900,000,000.
(B) Outlays, $95,900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $104,200,000,000.
(B) Outlays, $104,200,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $107,000,000,000.
(B) Outlays, $107,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1983:
(A) New budget authority, $800,000,000.
(B) Outlays, $900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $600,000,000.
(B) Outlays, $600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $1,900,000,000.
(B) Outlays, $2,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $3,200,000,000.
(B) Outlays, $3,400,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$18,000,000,000.
(B) Outlays, −$18,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$18,000,000,000.
(B) Outlays, −$18,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$19,000,000,000.
(B) Outlays, −$19,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:

(A) New budget authority, −$23,600,000,000.
(B) Outlays, −$23,800,000,000.
(C) New direct loan obligations, $0.
(D) New direct guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) Not later than June 6, 1983, the Senate committees named in subsections (b) through (f) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than June 6, 1983, the House committees named in subsections (g) through (l) of this section shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SENATE COMMITTEES

(b) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985, and $1,327,000,000 in budget authority and $1,327,000,000 in outlays in fiscal year 1986.

(c)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $856,000,000 in fiscal year 1984; to reduce outlays by $2,024,000,000 in fiscal year 1985; and to reduce outlays by $2,484,000,000 in fiscal year 1986.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $9,000,000 in fiscal year 1984; $13,000,000,000 in fiscal year 1985; and $51,000,000,000 in fiscal year 1986.

(d) The Senate Committee on Governmental Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985; and to reduce budget authority by $636,000,000 and outlays by $1,486,000,000 in fiscal year 1986.

(e) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(f) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

HOUSE COMMITTEES

(g) The House Committee on Agriculture shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985; and $1,327,000,000 in budget authority and $1,327,000,000 in outlays in fiscal year 1986.

(h) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $816,000,000 in fiscal year 1984; to reduce outlays by $1,538,000,000 in fiscal year 1985; and to reduce outlays by $1,979,000,000 in fiscal year 1986.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that Committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985; and to reduce budget authority by $636,000,000 and outlays by $1,486,000,000 in fiscal year 1986.

(j) The House Committee on Small Business shall report changes in law within the jurisdiciton of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $554,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $849,000,000 in fiscal year 1984; to reduce outlays by $1,481,000,000 in fiscal year 1985; and to reduce outlays by $2,077,000,000 in fiscal year 1986.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $9,000,000,000 in fiscal year 1984; $13,000,000,000 in fiscal year 1985; and $51,000,000,000 in fiscal year 1986.

MISCELLANEOUS PROVISIONS

SEC. 3. It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1984; or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1984,

within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by section 302(b) of the Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

SEC. 4. It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $37,600,000,000 in fiscal year 1983 and $29,300,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed, $17,800,000,000 in fiscal year 1983 and $18,900,000,000 in fiscal year 1984; and new loan guarantee commitments to an amount not to exceed $94,500,000,000 in fiscal year 1983 and $94,500,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $16,200,000,000 in fiscal year 1983 and $17,300,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $11,500,000,000 in fiscal year 1983 and $13,200,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

SEC. 5. (a) The joint explanatory statement accompanying the conference report on this resolution shall include an estimated allocation, based upon the first section of this resolution as recommended in such conference report, of the appropriate levels of total new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new obligations and commitments.

(b) As soon as practicable after the Conference Report on this resolution is agreed to, every committee of each House, after consulting with the committee or committees of the other House to which all or part of the allocation has been made, shall subdivide among its subcommittees the allocation of new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, allocated to it in the joint explanatory statement accompanying the conference report on this resolution.

SEC. 6. It is the sense of the Congress that the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and origina-

tions of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

SEC. 7. As there is a need for coordination between fiscal and monetary policy;

And, as actual and projected budget deficits have placed a heavy burden on monetary policy;

And, as any reduction in the budget deficit brought about by this budget resolution will reduce pressures on monetary policy;

And, as there is a need for vigorous economic growth consistent with reasonable price stability;

Now, therefore, the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing and Urban Affairs are requested to report to their respective bodies, no later than June 30, 1983, a resolution expressing the sense of the Congress as to the coordination of the Federal Reserve's monetary policy with the fiscal policy reflected in this budget resolution.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate insist upon its amendment to the House concurrent resolution and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair is authorized to appoint conferees.

Mr. CHILES. Mr. President, I just want to take this opportunity to say that I appreciated working with the chairman of the committee on this. It has been arduous. I know in many instances there were many times that he voted for and went along with things that he did not agree with. I know of the deep commitment that he has to the budget process.

I noticed that on final passage he changed his vote and voted for final passage. I know that was something that would not have been his personal preference to do. I congratulate him on putting the resolution and the fact that the Senate needs to work its will under the budget process ahead of his own particular views on that. I certainly congratulate him on that.

Mr. DOMENICI. Mr. President, I thank my good friend from Florida. I might say that he is correct. The final product is not something the Senator from New Mexico would have written. On the other hand, I feel very strongly that we have maintained the process. I look forward to the conference. I hope we come back with something that is satisfactory to a very broad base of Senators.

I would say in conclusion that it has been a real privilege to work with Senator CHILES, the new ranking minority member. I think this body succeeds only when various sides of any issue are adequately represented by Senators who are well prepared and well staffed.

I think it is obvious to say in this instance he has done a marvelous job. I commend him for that.

As I indicated, I do not know that I like the results in their detailed form, but I think over the past 2 or 3 months he has done an exemplary job on behalf of his views and views of others. I congratulate him.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

THE MX RESOLUTION AND THE DEBT LIMIT

Mr. BAKER. Mr. President, it is the intention of the leadership to ask the Senate to turn to the consideration of the MX resolution. It is not my intention to ask the Senate to begin debate on that tonight, but it is the intention of the leadership on this side to ask the Senate to lay it down and have it pending tomorrow.

I expect tomorrow will be a full day of debate. There are 50 hours on this resolution. Under the act the resolution is not amendable. I do not foresee that we will finish the debate tomorrow, so I think it is extremely unlikely that there will be any votes, but we will be in session and we will be in session all day. There is a possibility we will be in session for at least part of the day Saturday on the same basis.

Mr. President, the reason for this is because it is essential under the circumstances that we finish both the MX and the debt limit by the end of next week. We are advised that the debt limit must be dealt with, that is completed, by May 27, which is Friday, a week from today.

So next week will be a busy week. Nights next week may be late nights, and it will be very difficult, but we must undertake to finish both of those matters, both the MX and the debt limit.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BAKER. Yes.

Mr. STEVENS. I wonder if it would be possible to explore——

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. Would it be possible to explore the setting of a time certain to vote on Tuesday in which event we might not need the running of time on Friday and Saturday on the MX resolution?

Mr. BAKER. Mr. President, I say to my friend, the assistant majority leader, I have discussed that with the minority leader and other Senators, and I continue to hope we can work out a time certain for a vote. But it appears certain that there will be an objection to such an arrangement at this time. If the minority leader has a diffeent view of the situation I would be happy to hear him.

Mr. BYRD. I agree with the majority leader.

MX MISSILE BASING MODE FUNDS

Mr. BAKER. Mr. President, I now move that the Senate proceed to the consideration of Calendar No. 140, Senate Concurrent Resolution 26.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Con. Res. 26) approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode.

The motion was agreed to, and the Senate proceeded to consider the concurrent resolution.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 11:59 p.m. in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOVIET VIOLATIONS OF ARMS CONTROL AGREEMENTS

Mr. McCLURE. Mr. President, on May 17, 1983, President Reagan gave a nationally televised press conference. In this press conference, President Reagan was asked the following question:

Six weeks ago, you said there were serious grounds for questioning Soviet compliance with arms control agreements and that you might have more to say about that. Since then, the United States has confirmed that the Soviets have again tested the missile that has been raising US concerns. With the talks resuming today with the Soviets on a new arms control agreement, *don't the American people have a right to know if you believe the Soviets have violated past ones? (Emphasis added.)*

Mr. President, I strongly agree that the American people have a right to know if the Soviets are violating past SALT and other arms control agreements. It is because of my concern that the American people should know if the Soviets are violating SALT treaties that I am assembling all the unclassified evidence I can find on this subject. I think that there is plenty of unclassified evidence that the Soviets are violating SALT treaties, and this is what my analyses are base dupon entirely.

President Reagan made the following answer to the question. He walked the Soviet SALT violations "dog" out of the hootch and then back into the hootch. Here is what President Reagan said:

> It isn't so much as to whether we believe, it's a case of whether you have the evidence to actually pin down an infraction. You said they tested the weapon again. We even aren't sure that this is the same weapon or that they're not testing *two weapons.* But with the information that we have, from our own trying to verify what is going on, *we have reason to believe that very possibly they were in violation of the SALT agreement.* We have appealed to them for more information on the the weapon they tested. So far they have not provided that information to us. So, all we can tell you is that *we have a very great suspicion,* but again, you can't go to court without a case and without solid evidence. It's just too difficult, and we don't have that. (Emphasis added.)

I disagree with the President's answer. While intelligence is an art form, we do have conclusive evidence of the Soviet SALT violations. In fact, if indeed we went to court, we would have an open and shut case.

The President has also suggested that the Soviets are testing more than two new type ICBM's, when SALT II allows only one. If this is the case, then the Soviets are engaging in a worse violation.

Mr. President, on May 11, 1983, the distinguished Senator from Delaware, Senator BIDEN, made an excellent speech entitled "Possible Soviet Violations of Arms Control Agreements." I congratulate my colleague for his speech, which contained many important points with which I strongly agree.

First, Senator BIDEN correctly points out the strength of the evidence of Soviet-Cuban-Nicaraguan Sandinista military assistance to the Communist rebels battling democracy in El Salvador.

Second, Senator BIDEN also criticized the incriminating nature of Soviet refusal to agree to onsite inspection in the context of the Threshold Test Ban Treaty and the Comprehensive Test Ban Treaty negotiations.

Third, Senator BIDEN has stated that he is disturbed by possibly prohibited Soviet behavior related to their obligations under SALT II. He correctly questions whether this Soviet behavior is in keeping with assumptions about Soviet "good faith" in arms control. Indeed, Senator BIDEN has stated that he, too, has "serious concerns" of his own "about whether the Soviet Union has violated specific provisions of the SALT II texts."

Fourth, Senator BIDEN has correctly pointed out the evidence that the Soviets are violating the Biological Warfare Convention and the Chemical Warfare Convention.

In short, Senator BIDEN and I strongly agree on some key issues of Soviet noncompliance with arms control agreements.

All Senators and all conscientious Americans have an obligation to protect classified information from unauthorized disclosure. Senator BIDEN has suggested at least 16 times in his May 11, 1982, statement that in my April 14, 1983, Senate speech on arms control policy, I engaged in the selective and improper disclosure of classified information. Senator BIDEN's concern for protecting intelligence sources and methods is laudable and I agree entirely with his concern. My distinguished colleague is unaware, however, of the extreme care which my staff and I used in the preparation of my speech of April 14, 1983.

Senator BIDEN can be forgiven for his erroneous accusations. He really had no way of knowing about the great care that was exercised in insuring that my speech was totally unclassified. I assure my distinguished colleague from Delaware and the entire Senate that my speech contained no classified information.

But you need not rely on my word alone. Almost all of the information used in my speech was submitted well in advance to the Central Intelligence Agency for their review. The CIA itself determined that there was nothing classified or improper in that information, and further that the information in no way jeopardized intelligence sources and methods or sensitive information. In only one case, I introduced new information related to the Soviet ABM capability, but this new information was derived entirely from two newspaper articles, and was also referred to four times by the Scowcroft Commission report on the MX. So there is absolutely no basis for Senator BIDEN's accusations that I may have inadvertantly disclosed classified information or jeopardized sensitive intelligence sources and methods. And I completely forgive Senator BIDEN for his justifiable concern, because he had no way of knowing that I had previously cleared almost all of my information with the CIA.

Last February, Senator SYMMS wrote an article entitled "Soviet Violations of Existing Arms Control Treaties May Make Future Treaties Ineffective." Senator SYMMS' article was based entirely upon unclassified documentation, much of which was official U.S. Government open documentation. Indeed, a huge corpus of unclassified data exists on the question of Soviet SALT violations. The SYMMS article was submitted to the CIA for prepublication review on February 28, 1983. On March 14, 1983, Senator SYMMS received a letter from the CIA stating that nothing in the article was classified, after a thorough review by the CIA's Publications Review Board. On March 15, 1983, Senator SYMMS entered the article into the CONGRESSIONAL RECORD (page S2946, March 15, 1983), with the statement that the article "has ben carefully reviewed by the CIA, and it contains no classified information."

My speech of April 14, 1983, is entirely based upon the same corpus of unclassified documentation, used in the Symms article, and indeed, my speech analyzed by Senator BIDEN goes into considerably less detail on most Soviet SALT violations than the Symms article. On almost every mention of a Soviet SALT violation, in my speech, there is a more detailed reference in the Symms article. And the Symms article is based upon open sources cleared by the CIA in advance of publication. Moreover, the Symms article is itself based upon a booklet which Senator SYMMS inserted into the RECORD on May 13, 1982, entitled "The Bitter Fruit of SALT: A Record of Soviet Duplicity."

However, I do not mean to suggest that Senators have the obligation to submit all their statements on defense, foreign, and intelligence policy to the CIA for prior review. Nor do I suggest that CIA has the right to insist on prior review of Senator's statements, or to censor Senator's speeches on the Senate floor. Senators have no such obligation beyond their inherent duty to protect classified information, and CIA has no constitutional or legal right to censor Senators. But I want to assure the Senate that I am always scrupulously careful that I not reveal classified information in my speeches, and that I take great pains to insure that classified information is protected.

Senator BIDEN himself has, however, made explicit reference to sensitive intelligence sources and methods. At one point in his statement he refers to a particular kind of imagery. At another point, he refers to several other intelligence sources and methods. For my part, I prefer not to make direct reference to any intelligence source or method, because I so fully share Senator BIDEN's concern to protect them.

A fundamental logical contradiction runs throughout Senator BIDEN's statement, however. On the one hand, he correctly points out that there is a difference between the intelligence and verification functions in arms control. He points out accurately that:

• • • U.S. intelligence agencies do not even talk in terms of verification of arms control agreements. Instead, using the terminology of the intelligence agencies themselves, it is the function of the intelligence agencies to monitor compliance with arms control agreements. Verification of compliance, however, is a much more judgmental exercise.

Thus, Senator BIDEN has drawn a distinction between intelligence and verification. His distinction is correct, valid, and accurate.

But Senator BIDEN then goes on to state:

• • • there is not intelligence information available at this time which discloses Soviet violation of the SALT agreements or the Threshold Test Ban Treaty.

By his own analysis, therefore, intelligence is neither capable or obliged to determine violations. Determining whether there has been a Soviet SALT violation is a judgmental and political question and Senator BIDEN's own explicit concerns over the possibility of Soviet arms control violations suggests that he is himself wrestling with the problem of how, when, and whether to conclude that the Soviets are engaged in arms control violations.

I applaud Senator BIDEN's serious approach to this problem of verification judgments, because he is responsible and serious. It is a bipartisan problem, and we all have to grapple with it.

Senator BIDEN has correctly pointed out the role of the SALT Standing Consultative Commission—SCC—in compliance issues. My position on the SCC is concisely stated in a letter to the Washington Post printed on May 7, 1983. I ask unanimous consent that this letter be printed in the RECORD at this point.

Senator BIDEN has also stated that some of my allegations about Soviet SALT violations are accurate. He refers to Soviet encryption of their missile testing telemetry. He states that if the Soviets are almost totally encrypting the telemetry on their new PL–4 and PL–5 ICBM's, this is a "possible violation of article 15 of SALT II."

Finally, the following table provides a summary for documentation for my April 14, 1983, arms control policy speech.

McClure April 14, 1983, speech	CIA cleared Symms March 15, 1983, article	CIA cleared Symms "Bitter Fruit of Salt" (Yes indicates a source)	Open source bibliography (Yes indicates a source)
Soviet deployment of heavy ICBM's replacing light ICBM's	Yes; page S–2948, Congressional Record, March 15, 1983.	Yes; Congressional Record, May 13, 1982	Yes.
Soviet ICBM rapid reload/refire, stockpiling of extra missiles, covert soft launch, mobile ICBM capacity	Page S–2951	Yes	Yes.
Soviet flight-testing of two new type ICBM's	Page S–2951	Subsequent event	Yes.
Soviet violation of the Threshold Test Ban Treaty	Page S–2948	Yes	Yes.
Soviet development of a nationwide ABM defense, through their construction of ABM battle-management radars, three types of SAM's for ABM mode use, and a mobile or rapidly deployable new ABM in mass production.	Page S–2948	Yes	Yes.
Soviet violation of the biological warfare and chemical weapons conventions	Page S–2949	Yes	Yes.
Soviet deployment of offensive weapons to Cuba, in violation of the Kennedy-Khrushchev Agreement of 1962	Page S–2948	Yes	Yes.
The Soviet Union has repeatedly vented—30 known times—with sufficient intensity than the radioactive debris was carried beyond the Soviet boundaries.	Page 2948	Yes	Yes.
What few people know is that the 1969 U.S. decision to disarm unilaterally had been preceded by a secret Soviet invitation for mutual restraint in chemical and biological warfare that was passed to President Nixon via a Soviet double agent.	Not treated	Yes	Yes.
SS–11's at SS–4 sites and operational SS–9's at test ranges	Page S–2948	Yes	Yes.
Testing three air defense systems—both radars and missiles—in an ABM mode	Page S–2948	Yes	Yes.
If the test leads to subsequent models that have a significant capability against ICBM or SLBM warheads, the basis for a nation-wide defense is established. And, with the recent tests of the SAM–12 in an ABM mode, this is exactly what appears to have happened. The SAM–12 is a new mobile air defense system that has been tested in an ABM mode. This system has been tested against IRBM's and MRBM's and has been assessed as effective against Pershing and missiles aboard Poseidon and Trident submarines. The SAM–12 is expected to go into production shortly and have an initial operating capability in the mid-1980's. With the SAM–12, the Soviets have a relatively cheap ABM system that can be proliferated . . . [and] may provide an effective nationwide BMD capability . . . which is precisely as called for in the classified Soviet General Staff literature in the late 1960's.	Yes, not treated in detail	Yes, not in detail	Wall Street Journal, April 2, 1983. Washington Post, Jack Anderson, April 5, 1983. "Soviet Missile May Be Peril to U.S. Weapons," Scowcroft Commission Report. Joseph Douglas and Amoretta Hoeber, "Soviet Doctrine For Nuclear War".
These are the Construction of radars with assessed battle management capability at five locations, and the apparent development of a rapidly deployable mobile ABM. Together they could also provide a second base for a nationwide ABM capability.	Page S–2948	Yes	JCS posture statement, January 1981.
As revealed in reports from sensitive intelligence sources . . . [the SS–19 was] known and considered by the Soviet officials during the negotiations.	Page S–2949	Yes	William Beecher, Boston Globe, October 1976. Congressman Jack Kemp, Congressional Record, August 1979.
The final Soviet indiscretion during the SALT I Agreement was a steady increase in the use of deliberate camouflage, concealment, and deception designed to interfere with our national technical means of verification. The known measures employed include camouflage of ICBM testing, production, and deployment; concealment of ballistic missile submarine construction and berthing, including the famous "rubber submarine", and the encryption of missile telemetry.	Page S–2948	Yes	Various, Aviation Week.
Since the treaty (TTBT) yield limit went into effect in 1976, the Soviets are reported to have conducted over 15 tests in excess of the 150 kiloton threshold. In two reported cases, even the lower uncertainty bound on the yield calculation was in excess of 150 kilotons, with one reported to have been 400 kilotons.	Page S–2948	Yes	Science.
The [SALT II] actions of greatest concern have been rapid reload and refire exercises of the SS–18 missile; concealed deployment of banned mobile SS–16 missiles at the Plesetsk Test Range; deployment of long range air-to-surface cruise missiles on TU–95 Bear intercontinental bombers and on Backfire bombers, which greatly increases their intercontinental attack capability; almost total encryption of the telemetry associated with the testing of all significant missiles; development of two new types of ICBM's; testing of a new mobile air defense system, SAM–12, in an ABM mode; further increased strategic camouflage, concealment, and deception designed to interfere with U.S. national means of verification; and . . . evidence of direct attack on one of the U.S. national technical means with blinding laser radiation.	Page S–2951	Yes	New York Times.
It is becoming increasingly difficult not to give considerable credence to the conclusions from a 1973 British intelligence report on a meeting of high level East European officials at which the Soviet General Secretary, Leonid Brezhnev, explained that détente was really a ruse designed to better enable the Soviets to gain overall military superiority.		Yes	Washington Star, October 1975.

Former Senator Frank Church's Senate Foreign Relations Committee was so concerned about Soviet encryption of missile telemetry in 1979 that it adopted, by a unanimous 15-to-0 vote in 1979, an understanding to the SALT II Treaty proposed by Senator BIDEN himself. This understanding stated that telemetry encryption that impedes verification "will be raised by the United States in the Standing Consultative Commission and, if the issue is not resolved to the satisfaction of the United States, the United States reserves the right to exercise all other available remedies including but not limited to the right to withdraw from the treaty." Thus Senator BIDEN was as concerned about Soviet SALT violations in 1979 as he is now.

The Senate Intelligence Committee Report of October 1979 on the U.S. ability to monitor the SALT II Treaty made the following important points:

Deliberate concealment and deception would constitute *serious violations* of the treaty.

I strongly agree with that statement.

The Senate Intelligence Committee Report added:

Monitoring compliance with the new strategic arms agreement is only the first step in the SALT process. The capability to determine whether the Soviets had violated the SALT II agreement would be of *little consequence* if at the same time the United States did not have the *will* and *determination* to pursue an aggressive verification policy. (Italic added.)

This is the key to verification—the political will to enforce Soviet compliance. Senator BIDEN was and is, of

course, an influential member of the Senate Intelligence Committee.

Winston Churchill made an eloquent speech on the question of political will to enforce an arms control agreement. Churchill's speech to the British House of Commons focused on the "German Air Menace," and was delivered on November 28, 1934. Winston Churchill's words could have been written today to apply to Soviet SALT violations, and they echo through the years with the resonance of the bones of 40 million people who unnecessarily died in World War II due to the timidity of Democratic leaders in the face of totalitarian hostility:

According to the Treaty of Versailles, the German Government are *not* allowed to build any military aircraft or to organize any military air force . . . With any other country, the facts about its air development would have been stated quite promptly . . . *It is part of the process of waging war against war that there should be full disclosure, that people shall know where they stand* . . . The [British] Government have shrunk hitherto from stating the facts which they knew well—I am sure they know—about the German rearmament . . . if the Foreign Secretary had said there was this or that that they [the Germans] were doing contrary to the Treaty, he would immediately have had to make good his statement, or perhaps stand by his statement, that he was charging a great Power with a breach of a Treaty. The time has come when the mystery surrounding the German rearmament must be cleared up. We must know where we are. The House naturally in these matters leaves the main responsibility to the Executive, and that is quite right, but at the same time it can not divest itself of responsibility for the safety of the country and it must satisfy itself that proper measures are being taken. I will, therefore, this afternoon, assume the duty of stating what, to the best of my belief, are the strengths and programmes of the German military Air Force which is being built up in *contravention of the treaty*, and I invite my right honorable Friend the Lord President to confirm, correct, or contradict me when he speaks . . . if he does not contradict me or correct me, the House should assume that the statements which I make are true. (Italics added.)

In addition to the message which Winston Churchill's words to the British House of Commons in 1934 convey to us about the dangers of appeasement, I would like to cite some additional testimony. On May 3, 1983, there was some significant testimomy in the Senate Defense Appropriations Subcommittee on the question of Soviet SALT violations.

At the hearing, I asked former CIA Director, Adm. Stansfield Turner:

Do you believe that the Soviet encryption of the signals on their new ICBM's is a violation of Article XV of SALT II?

Admiral Turner asnwered:

If they have encrypted 100%, as some of the newspaper stories say, yes, that is a violation . . . if there is a hundred percent encryption, it is surely a violation . . . You are correct, it could be a violation at *less* than a hundred percent. (Italics added.)

I then went on to ask Admiral Turner a question about Soviet violation of the SALT I ABM Treaty. I asked:

Do you believe that the Soviets have violated the ABM Treaty?

Admiral Turner answered:

That is a very fine call here, sir, and I think *technically they have.* They claim that the did it by inadvertance *Twice;* that is, they were exercising an ABM system at the same moment at which they were testing a ballistic missile, in the same general environment . . . *that is a violation* and they claimed it was an inadvertance on their part. (Italics added.)

Mr. President, these statements by Admiral Turner confirm the numerous press reports during 1979, 1980, and 1981 that the Soviets were testing SAM-5's, SAM-10's, and SAM-12's, and their radars, in a prohibited ABM mode, in violation of the SALT I ABM Treaty. Dr. Henry Kissinger himself also confirmed these Soviet ABM Treaty violations, in an interview with John Lofton published by the Washington Times on September 12, 1982.

I would like to make several more points in response to Senator BIDEN's excellent speech.

First, according to the House Armed Services Committee report entitled "SALT II: An Interim Assessment" dated December 23, 1978, the Soviet SS-18 cold-launched ICBM does indeed have a "rapid" reload and refire capability. The report states:

Reload times for cold launch ICBM systems, according to testimony before the committee, would take only a matter of *hours.* (Italics added.)

Senator BIDEN has cited a report that the Soviets probably cannot reload in less than a few days. This testimony refutes that.

In regard to the Soviet PL-5 second new type ICBM, Senator BIDEN has raised the possibility of an entirely new violation, which I agree with. According to the Washington Post of May 12, 1983, the most recent test of the Soviet PL-5 "was held at night, so that we could not see the mobile launcher." But Senator BIDEN has correctly pointed out that SALT II prohibits deception measures aimed at concealing the association between ICBM's and launchers during testing. The reported Soviet tests of the PL-5 at night are doing just this.

Third, I would like to cite another statement in the above House Armed Services Committee document, which reinforces the fact that Soviet camouflage, concealment, and deception is a SALT violation because it deliberately impedes U.S. verification by National Technical Means. According to the House Armed Services Committee:

The Soviets have attempted to deny the United States access to test information on the SS-167 and the SS-20. They have transported the SS-16/20 from factories under cover and in darkness and have camouflaged it in wooded areas with netting when they have tested the system. US National Technical Means can not look within factories to verify that the SS-16 is not being manufactured.

Mr. President, I would like to present the following analysis and chart which argues that there is evidence of Soviet cheating on the TTBT. This analysis was provided to me by the Defense Department, and I have been assured by Defense Department officials that the analysis is totally unclassified.

THE THRESHOLD TEST BAN TREATY

In 1974 the United States and the Soviet Union negotiated and signed the "Threshold Test Ban Treaty" or TTBT limiting the yield of underground nuclear explosions conducted after March 31, 1976, to a maximum of 150 kilotons (150,000 tons of TNT). While neither party has ratified the treaty, both sides in March 1976 issued statements that they intended to observe the treaty. The United States has scrupulously observed the limit since March 1976. However, since 1978 the Soviet Union has repeatedly conducted tests that appear to U.S. sensors to have yields substantially above the 150-kiloton limit. President Reagan has indicated that "we have reason to believe that there have been numerous violations" although he said we did not have evidence that can stand up in a court of law.

President Reagan's statement accurately reflected the position of the U.S. intelligence community when he made it. However, despite the substantial uncertainty that exists in our ability to monitor to the TTBT, there is increasingly pursuasive evidence that the Soviet Union is systematically and deliberately violating the treaty. Indeed, there are scientists who believe the probability of a violation is in the range of 95 percent or more.

The TTBT states that verification of compliance will be through the use of national technical means. Intelligence is an art, and always contains some level of uncertainty. Among the NTM's, the only practical way to estimate the yield of Soviet underground nuclear tests is to measure the seismic signals produced by these tests at stations outside the Soviet Union, that is, thousands of miles from the tests themselves. These signals are used to calculate a magnitude (related to the Richter magnitude commonly given to describe earthquake size) for each event. The basic methodology is to estimate the yield of a Soviet event by comparing its magnitude with that for U.S. events of known yield.

Most of the Soviet events that appear to be over 150 kt were detonated at the Shagan River test site in eastern Kazakhstan in Central Asia. The yield estimates for these events are based on a magnitude-yield relationship developed from U.S. experi-

ence with underground tests at the Nevada test site (NTS). There is an inherent ambiguity in this methodology, because there can be systematic factors that cause the magnitude-yield relationship for one area to be biased with respect to another (leading to systematic over- or under-estimation of the yields). Differing assessments of the extent to which the Soviets are complying with the TTBT are due to differing scientific opinions about how much "bias" there is between NTS and the Shagan River site. These questions are really not resolvable with currently available technical information, but some reasonable judgements can be made.

The U.S. yield estimates now include a correction which reduces the yield estimates for the largest Shagan River explosions by slightly more than a factor of 2 compared to what they would be if no bias were assumed. Yet it is precisely these corrected estimates that indicate that the Soviets have tested repeatedly above 150 kt.

A key point is that while there are large uncertainties in the absolute value of the yield estimate for any particular event, the relative values (how big is event A compared to event B) of events within a test area can be estimated with much greater accuracy. Thus, we can see how the Soviet test program at Shagan River has evolved by plotting the mb values since the time when the Soviets claim to have begun observing the TTBT limit. The magnitude is a logarithmic scale, so a difference of 0.3 corresponds to about a factor of 2 in yield. The plot clearly shows that while the Soviets test at a variety of yields, their largest tests increased by about a factor of 2 after 1978.

Restated, if the Soviets were testing up to 150 kt limit of the TTBT in the first 3 years of the treaty (as one would expect—the United States certainly did), they are now testing up to 300 kt or so. Alternatively, if they are testing below 150 kt now, they must have restricted testing to below 75kt (half the limit) during the first 2 to 2½ years of the agreement. This assumption is undercut by the fact that the United States was testing at the 150-kt limit in this period, the Soviets knew this, and the Soviets characteristically operate at the outer margin of legality or beyond in all other arms control agreements. This is important circumstantial evidence indicating systematic Soviet violation of the TTBT.

Suspicion is also aroused by the timing of the change of the Soviet testing program in 1978-79. Prior to 1977, a different yield estimation procedure was used, and the Soviets were thought to be testing well above the 150-kt threshold at that time. In early 1977 the procedure was changed (by introducing the current bias correction) in a way that reduced all Soviet yield estimates to below 150 kt. Note that the dramatic shift upward in the seismic signals from Soviet nuclear tests occurred after the United States revised its yield estimating methodology. This suggests that the Soviet Union is testing at the yields it believes that it can get away with, rather than below the treaty limit. About a year after this change, however, the Soviet yields began to increase, and the United States estimates soon reached their former level and beyond. This suggests that the Soviets violated under the pre-1977 U.S. estimative methodology, and that they are again violating after the methodology was changed in their favor in early 1977. They have thus exploited the "shrinking ruler" methodology changes which the United States has used to give them the benefit of all possible doubts.

There is one other important point. In the total U.S. testing experience a magnitude like that measured for the largest Soviet events has only been seen for events with yields greater than 600 kiloton. Perhaps there is some geophysical reason for this large difference between Soviet tests and those in all other regions where tests have been conducted, and some U.S. scientists believe that this is the case. But this is, and will remain, a hypothesis in the absence of further information about the Soviet test site. The Soviets say nothing—other than to deny that their tests exceed 150 kiloton)—the entire argument is among U.S. scientists and is ultimately unresolvable without more direct information.

This evidence that the Soviet Union has been testing above 150 kiloton is strong enough to raise serious questions about Soviet compliance with the TTBT, and by extension, Soviet intentions regarding future arms control agreements. It should also be noted that the Soviets have several times raised questions about the yields of U.S. tests, illustrating the inherent ambiguity in the current verification arrangements. Improvements to the verification procedures are obviously needed.

The Soviets and others have suggested that adequate verification will result from ratifying the TTBT, since the agreement specifies exchange of certain data after ratification. But unfortunately these data will be nearly useless. The key item is the yields of two past explosions in each designated testing area. If these yields had been exchanged at the outset and were believed—a crucial assumption—they probably would have improved verification confidence. However, as it is now, the Soviet Union will surely provide false values if they are actually testing above 150 kiloton. Thus, this information will change nothing. Certain elementary physical properties of the test sites are a secondary part of the exchange. The properties, even if they were assumed to be perfectly accurate, would not be much help unless the Soviet Union gave details far beyond those specified in the treaty. This seems unlikely.

What kind of agreement would improve yield estimation so compliance with the TTBT can be verified? Clearly, it is necessary to obtain independently verified data that allow less ambiguous yield estimates. The specific U.S. proposal is for a direct yield measurement obtained by inserting a cable down the emplacement hole—or a nearby satellite hole—in the vicinity of the explosion. This cable would measure the speed with which the explosion energy travels through the ground, allowing an accurate yield estimate. This approach requires the presence of U.S. personnel at the Soviet test sites—and vice versa—but the United States and Soviet Union have previously agreed to such measurements for certain "peaceful explosions." We now need Soviet agreement to their use for certain weapons tests to verify compliance with the TTBT.

President Reagan has noted that we have "proposed some improvements to the testing treaty and so forth, and they have rejected our proposals." These involved procedures for verifying the yields of testing on both sides. Soviet rejection of even negotiations concerning verification is strong evidence that they are not currently complying with the treaty provisions.

If the Soviet Union is allowed to violate treaties with impunity it will have every incentive to do so. There are important military advantages in testing nuclear weapons at two or three times the limit established by the TTBT. We cannot allow this to go on forever. If the Soviets do not agree to effective verification procedures the United States has no choice but to invoke our rights under international law. We might, for example, announce in advance that if the Soviets conduct additional tests above our estimated yield of 150 kilotons, we reserve the right to conduct a test at the estimated yield of the Soviet test. It would be much better, of course, for the Soviets to agree to effective verification procedures, but if they continue to refuse to do so we must invoke self-help. We cannot allow them to violate arms control treaties with no penalty associated with it. If the Soviets refuse to cooperate in verification, inferences resulting from this refusal must be held against them.

I include the following articles:

[From the Washington Times, Feb. 22, 1983]

A SHAM IS A SHAM IS A SOVIET SHAM

(By John Lofton)

Did Kenneth Adelman, the president's nominee to head the Arms Control and Disarmament Agency, once tell a columnist

that arms control talks with the Russians would be "a sham"? Well, I don't know if he did or didn't. But he certainly should have said this. And he should have added that any agreements with the Russians are a sham, My dictionary defines "sham" as "an imitation that is meant to deceive; counterfeit; deception; fake."

As a case in point, consider the unratified SALT II treaty which various administration spokesmen have told us—with straight faces—is *not* being undercut by the Soviets. According to reliable sources, on Feb. 8 of this year, the Soviets tested a new type of ICBM which resulted in a triple violation of SALT II.

This new missile, known as the PL-5 (it is named after the Plesetsk Test Range 5 from which it was fired), has multiple independently targeted re-entry vehicles and it is mobile. It is a new light ICBM. It carries four MIRV warheads. The missile's telemetry signals were 100 percent encoded. Furthermore, its Transportation Erector-Launcher is 1.7 meters longer than the TEL of the mobile SS-16. And this establishes it as a missile derivative of the SS-16. The new missile the Soviets have tested cannot be regarded as a mere follow-on to the SS-13 because it is MIRVed.

What all of this amounts to is at least three violations of SALT II.

(1) As a derivative of the SS-16, the PL-5 violates the prohibitions on SS-16 testing, development, production and deployment contained in SALT II and its protocol.

(2) The PL-5 is a second new type Soviet ICBM, yet Article IV of SALT II allows only one new type ICBM for the Soviets. In mid-December of last year, State Department spokesman Alan Romberg said that if the Soviets tested the kind of missile they have just tested, "this would conflict with the terms of SALT II."

(3) The 100 percent encryption of the PL-5's telemetry signals by the Soviets violates Article XV of SALT II, which prohibits such encryption because this interferes with the capability of the United States to verify this arms control agreement.

The Soviets' illegal testing of its PL-5 missile is but the most recent violation of a series of United States-Soviet agreements. Other violations include the following:

There have been 15 Soviet underground nuclear weapons tests which United States intelligence sources believe to be over 150 kilotons. These rests violate the Threshold Test Ban signed in 1974 and jointly put into effect in 1976.

In January of this year, the Soviets used napalm to murder scores of men, women and children trapped in a cave in Afghanistan. These innocent non-combatant civilians were burned to death. This is a blatant violation of the 1980 Convention on Inhumane Acts of War, an agreement signed by the Russians in 1980.

The Arms Control and Disarmament Agency has recently completed a study, by Charles Sorrells, compiling the evidence that the Soviets have deployed SS-16s at Plesetsk. This study strongly supports the judgment that the Soviets have done this in violation of SALT II.

A new SS-20 mobile intermediate-range ballistic missile complex containing nine SS-20 launchers has recently been discovered near Novosibirsk in the U.S.S.R. This newly discovered complex—not previously associated with any missile activity—has been operational for several years. What this means is that all SS-20 deployment numbers must now be revised upwards. And this new discovery suggests that the U.S. verification capability may be inadequate to verify any Soviet intermediate range nuclear force agreement such as the one presently being negotiated with the Russians.

And finally, on May 25, 1972, the United States and the Soviets signed the so-called incidents at sea treaty which is designed to reduce the risk of unintended serious confrontations between our two countries on and over the high seas. Despite this agreement, the Soviets have repeatedly precipitated such incidents.

Based on this sorry record of performance, the word "sham" would seem to be a rather understated characterization of the Soviet attitude regarding bilateral agreements with the United States. When Lawrence Eagleburger, undersecretary of state for political affairs, testifies tomorrow before the Senate Foreign Relations Committee, it should be interesting to see what word he uses to describe how the Soviets have behaved. One thing's for sure: He will definitely be asked.

[From the Washington Post, Apr. 5, 1983]

SOVIET MISSILE MAY BE PERIL TO U.S. WEAPONS

(By Jack Anderson)

The Kremlin has been shrill in its denunciation of President Reagan's dream of a sci-fi umbrella to ward off Soviet missiles. But the most frightening military intelligence report I've seen in years warns that the Soviets are beginning to produce a surface-to-air missile that might be able to shoot down some U.S. strategic missiles.

This could put the Soviets in violation of the 1972 U.S.-Soviet treaty that Moscow claims Reagan's futuristic weapon would transgress.

The Soviet super-weapon is the SA12. Tests monitored by the CIA showed that the SA12 successfully shot down Soviet missiles roughly equivalent to U.S. Pershing II missiles, which have an 1,800-kilometer range.

That means the Pershing IIs, whose planned deployment in western Europe has aroused such vociferous protest, may be obsolete before they're put in place.

This would be scary enough. But what is truly hair-raising about the SA12 is that it may be capable of knocking our Poseidon missiles out of the sky. The Poseidons are the submarine-based long-range missiles, the supposedly invulnerable leg of our nuclear weapons triad.

Yet this is precisely what the CIA suggests in its "special weapons intelligence review," a just-completed report that is classified several levels above top secret. Though access to the report is restricted to a handful of high officials, details of its contents were given to my associate Dale Van Atta. He also saw a related State Department report on the subject so highly classified that even its code word is top secret.

The State Department experts suggest that the Soviets developed the SA12 as a weapon to use against tactical nuclear missiles, such as the Lance and the Pershing IA. And because "the distinction between strategic and tactical ABM systems is not well defined" in the 1972 treaty, the SA12's development wasn't necessarily a treaty violation.

But in addition to their obvious difference in range, tactical and strategic missiles differ in their speed. Generally speaking, the bigger the bang, the faster the flight.

Thus a Pershing IA travels its 1,800-kilometer range at 8,000 fps (feet per second). The Pershing II is faster. The Poseidons have a speed of 19,000 fps, while the Minuteman III, our best land-based missile, has a speed of 24,000 fps.

But it makes no difference to an anti-missile missile how far the incoming target has been travelling; all that matters is its speed. And the CIA report suggests that the SA12 is fast enough to intercept one of our 19,000-fps Poseidons.

This means that the SA12, designed originally to ward off U.S. short-range tactical missiles, might be capable of defending the Soviets' land-based ICBMs against our sub-based long-range missiles.

If the SA12 can in fact shoot down a Poseidon, or even if the Soviets only think it can, this would destroy the deterrent that many believe to be the only thing that keeps the Kremlin from nuclear aggression.

[From the Washington Post, May 7, 1983]

SOVIET SALT VIOLATIONS

I agree with much of Stephen Rosenfeld's column "Clogged Channel" [op-ed, April 29] on the "general crisis" of arms-control verification. He correctly points out that Soviet SALT violations "have put arms control advocates on the defensive intellectually as well as politically."

He also correctly points out that doubts about Soviet arms control compliance should not obstruct continued negotiations aimed at equitable and stabilizing arms control treaties.

However, I disagree with Mr. Rosenfeld's analysis of the SALT I Standing Consultative Commission (SCC). While it is true that the SCC has "resolved" all U.S. compliance concerns about the Soviets, these concerns have been "resolved" by American acquiescence. At a Senate Foreign Relations Committee hearing in 1979, Ambassador Paul Nitze was asked how Soviet Treaty violations before the SCC were resolved. He replied, "They [i.e., any violation that had come before the SCC] were resolved by accepting what had been done in violation."

For example, the Soviet SS19 heavy ICBM replaced the SS11 light ICBM after 1972, despite the SALT I prohibition on heavy ICBMs replacing light ICBMs. This Soviet SALT I circumvention helped to increase the Soviet counterforce threat to the United States by a factor of five during SALT I. Yet the United States failed to vigorously protest this Soviet circumvention to the SCC.

There are other examples of outright Soviet violations of the 1972 ABM Treaty, which the United States failed to pursue in the SCC. As a result, the Soviets have gotten away with actions that the United States told them in 1972 would result in its abrogation of the SALT I agreements.

During the 1972 SALT I ratification hearings, top American leaders assured Congress it was U.S. policy that three specific Soviet SALT violations would not be tolerated. They testified that if the Soviets deployed heavy ICBMs, produced mobile ICBMs contrary to Brezhnev's pledge not to, or constructed more than 62 strategic submarines, the United States would abrogate the SALT I agreements.

Nevertheless, all of these Soviet SALT I violations or circumventions have occurred. The SCC has not been able to enforce Soviet compliance, yet the United States still refuses to abrogate the agreement. Mr. Rosenfeld nevertheless praises the SCC's passive results as "unpolemical quality analysis."

The "mixed bag of alleged Soviet arms control violations" to which Mr. Rosenfeld refers are straightforward issues of compliance, involving Soviet testing of two new ICBMs, almost total encryption of all Soviet missile testing telemetry, production of more than 30 Backfire bombers a year, deployment of long-range, air-to-surface cruise missiles on Backfire and Bear bombers, and stockpiled reload/refire ICBMs.

Should these issues ever be referred to the SCC, I hope the United States will not again acquiesce in clear Soviet violations or circumventions or arms control agreements. The consequences of such complacency could have a profound effect on our national security.

JAMES A. MCCLURE.

WASHINGTON.

STATEHOOD FOR ALASKA

Mr. STEVENS. Mr. President, I would like to remind the Senate once again that 25 years ago, in May and June 1958, Congress debated and passed the Alaska statehood bill.

Opponents of statehood for Alaska had kept the bill bottled up in committee in the House of Representatives for nearly 1 year. When debate in the House finally opened on May 21, 1958, they immediately launched a series of stalling maneuvers and other tactics that tied up the House for days. Ultimately, these tactics backfired and the House passed the bill by a vote of 208 to 166 on May 28.

During the debate, statehood supporters pointed out Alaska's strategic military location, our great natural resources, the resourcefulness of our people, and the long tutelage Alaska had served as a territory.

Many good friends went to bat for our distant territory. Some of the key supporters were Leo O'Brien, of New York, chairman of the Territories Subcommittee; John Saylor, of Pennsylvania, who was in command of the floor fight for Republican supporters; Clair Engle, of California, chairman of the Insular Affairs Committee; Sam Rayburn, Speaker of the House; and, of course, our own Delegate, Bob Bartlett, who had worked for 14 years toward this victory in the House.

During this period, a number of newspaper articles and editorials on the statehood battle appeared across the country. I was in the House gallery when the Alaska statehood bill passed. It was a great day for Alaska. I ask unanimous consent to have the attached articles reprinted in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Seattle Post Intelligencer, May 23, 1958]

CONGRESS TOLD HOW PUBLIC FAVORS STATEHOOD FOR ALASKA

(By Nannette Milstead)

WASHINGTON, May 22.—The attention of Congress was directed today to the overwhelming public support throughout the United States favoring Alaskan statehood.

Representative Canfield (R., N.J.), and Representative Holifield (D. Calif.) pointed out that even in the home districts of some opponents sentiment was running high in favor of admission.

In addition to President Eisenhower, former President Harry S. Truman, Interior Secretary Seaton, former Democratic Interior Secretary Chapman, Generals Twining and MacArthur. Canfield said the following groups had unanimously indorsed statehood for Alaska:

U.S. Chamber of Commerce, U.S. Junior Chamber of Commerce, AFL-CIO, Railway Brotherhoods, Veterans of Foreign Wars, American Legion, Catholic War Veterans, Amvets, General Federation of Women's Clubs with five million active members, National Grange, Association of States' Attorney Generals, Loyal Order of Moose, etc.

Efforts to filibuster the statehood bill to death were smothered today with the House agreeing to end debatee at 5 o'clock Monday.

While supporters agreed their chances for passage have greatly improved, they admitted a stiff fight is still ahead with opponents likely to attempt "to amend the bill into oblivion" beginning next Tuesday.

Canfield cited a national poll made last March which showed Americans 12 to 1 favoring statehood.

Representative Wharton (R., N.Y.), pointing out that the territory's military importance "cannot be overestimated," declared it is "absolutely vital to bind Alaska to the U.S. by the ties of statehood."

Holifield noted that no poll taken by House members in the last three years had shown any constituency not favoring statehood. He chided those congressmen who took polls and then ignored the expressed feeling of constituents.

WASHINGTON DELEGATION ALL FOR IT

WASHINGTON, May 23.—The House of Representatives voted 217 to 173 to consider the Alaskan statehood bill. Members will have an opportunity to record their final attitude when the deciding vote on passage comes in the next few days.

This is how members of the Washington congressional delegation voted:

For: Pelly (R), Holmes (R), Magnuson (D), Moran (R), Mack (R), Tollofson (R), Westland (R).

Against: None.

[From the Oregonian, May 28, 1958]

ALASKAN STATEHOOD BILL HIT BY HOUSE

WASHINGTON (AP)—Opposition forces Tuesday maneuvered the Alaska statehood bill into position for a possible knockout blow.

On an unrecorded teller's vote, where members pass down the aisle but do not respond by name, the House voted 144-106 to strike out the bill's enacting clause.

Statehood forces, hurt but not out, had overnight to rally their forces for a roll call vote to stave off final defeat.

Wednesday's first roll call will come on a motion, also by Rogers, to send the bill back to the House Insular Affairs Committee, where it originated. Such a move, which also would in effect kill the bill for this session, usually musters more support than a motion to strike the enacting clause.

During debate which began last Wednesday, statehood opponents attacked the bill on grounds its land grant provisions constituted a giveaway of natural resources belonging to all the people, that Alaska was not contiguous to the existing union and its admission would be a precedent for similar action for other distant areas, and its two senators would dilute the Senate representation of more populous areas.

FELLING BLOW DELT

Representative Howard W. Smith (D-Va.), a leader of the antistatehood forces, predicted opponents would succeed in dealing the bill a death blow Wednesday.

Advocates looked hopefully however, toward the possibility of picking up needed support from among the 130 House members not on hand for Tuesday's vote.

"It was a tough blow, but our cause is far from lost," said Alaska's Delegate E. L. (Bob) Bartlett (D).

"It was testimonial to perfect organization and a revision of the old coalition of southern Democrats and some Republicans."

Representative Leo O'Brien (D-N.Y.), territories subcommittee chairman, attributed the defeat to "absentees, not people changing their positions."

ABSENTEES HOLD HOPES

Because of an understanding there would be no roll call votes until Wednesday, he said, a number of the bill's supporters were out of the city.

Two amendments, both by Rep. Craig Hosmer (R-Calif.), were defeated Tuesday. One, voted down 53-33, would have delayed the effective date of statehood until the Alaska legislature amended the proposed state constitution to prevent any future legalization of gambling.

The other, rejected on a voice vote, would have required Alaska to attain a population of 250,000 U.S. citizens before becoming a state. The population was 128,643 in the last regular census in 1950.

[From the New York Times, May 29, 1958]

HOUSE APPROVES ALASKA AS STATE

VOTES 208-166 ON ADMISSION—'GOOD FIGHTING CHANCE' SEEN FOR BILL IN SENATE

(By C. P. Trussell)

WASHINGTON, May 28.—The House of Representatives voted 208 to 166 today to admit Alaska as the forty-ninth state of the Union.

Eight years ago the House adopted a bill to admit Alaska, but the measure died in the Senate. Despite the many changes in personnel since 1950, today's vote was strikingly similar. Eight years ago Alaska won by forty votes; today it won by forty-two.

The measure now goes to the Senate which it is generally considered to have a good fighting chance of approval.

The Senate too, has approved Alaskan statehood in the past, as part of a joint Alaska-Hawaii measure, but the measure died in the House in 1954. Thus, final enactment has been defeated, although the northern territory has fought for admittance for forty-two years.

If the current program gets through, Alaska will be the first new state admitted to the union since Arizona in 1912.

However, there are some reservations about the process of the Alaska bill in the Senate because strong forces there want Hawaii, as well, to get statehood in the same bill. Had this issue gone before the House, it is widely conceded, the Alaskan bill would not have gone through today.

House rules prevented such a merger, but the Senate rules would not bar a try-out of a joint statehood bill. It has been indicated there that such a move would be made, or that promises would be made, that Hawaii's

bid would be considered immediately after a decision on Alaska.

HOUSE DEFEATED JOINT BILLS

There appeared to be an insistence among the House leadership that the bids of the two territories be considered individually rather than as a package. Joint measures have been rejected in the House twice before in 1954 and 1955.

Yesterday the House voted tentatively to kill the Alaska bill. But more than 100 of yesterday's absentees appeared today to block the elimination of its enacting clause or its return to committee "for further study" Either action would have been fatal to the legislation.

In today's vote, 117 Democrats and ninety-one Republicans voted for the bill. In opposition were eight-one Democrats and eight-five Republicans, including the minority leader, Joseph W. Martin, Jr., of Massachusetts.

Only one major amendment was inserted. This would reduce from 182,800,000 acres to 102,550,000 the idle and uncommitted land owned by the United States that would be granted to the new state. Much of this land, it was conceded, is rich in mineral resources. It would be given to the new state to enhance its tax base in shouldering the responsibilities of statehood.

The bill has these principal provisions:

Conformity by the new Alaska Constitution with that of the United States. Alaska would get two voting members in the Senate and one in the House.

A provision that the new state and its citizens disclaim all rights and titles to any lands not granted to the state under the act.

The right of the new state to select its 102,000,000 acres of vacant, unappropriated and unreserved public lands. The state would own the mineral lands and could lease them, but not sell them.

[From The Washington Post, May 29, 1958]

ALASKA PASSES THE TEST

The House has redeemed itself, and confirmed faith in its basic fairness, by its 208-166 vote approving statehood for Alaska. This is a major victory, the more remarkable after the tentative vote on Tuesday to strike out the enacting clause. Neither of the principal amendments—reducing the acreage of public lands to be transferred to the state and retaining some Federal control over fisheries—is crippling (although, paradoxically, state control of fisheries probably would mean better conservation). All of those who made possible the happy outcome—those who piloted the bill and the much larger number who saw the justice of Alaska's claim—can share in the satisfaction.

Now the bill comes before the Senate, where a comfortable majority reportedly favors it. There is cause to hope that it will be called up shortly; timing will be an important factor in beating a filibuster if one should arise. The greater danger in the Senate is the possibility of an attempt to tie the Hawaii bill to the Alaska bill. This is not the way to get statehood for either territory, and sincere believers in statehood ought to be wary of a cynical maneuver that would amount to attempted murder.

There will be jubilation today from Ketchikan to Barrow, and there ought also to be pleasure in Paduacah and Pocatello, that Alaskans have advanced this milestone on their road to full-fledged status as Americans. Both parties can share in the congratulations, and in the knowledge that statehood will open the way, as in the case of earlier members of the Union, to a development that will make most of today's problems insignificant. The Senate has a great opportunity and challenge to complete the process and mark the 85th Congress as the one which finally fulfilled the promise.

TVA'S 50TH ANNIVERSARY

Mr. BAKER. Mr. President, last night in Muscle Shoals, Ala., I was privileged to participate in ceremonies commemorating the 50th anniversay of the Tennessee Valley Authority. The celebration was a fitting tribute to one of our Nation's most honored programs, and I know that I am joined by millions of Americans in wishing that the next 50 years for TVA turn out as successful and productive as the last half century.

I was most pleased that my dear friend, and former chairman on the Environment and Public Works Committee, Senator RANDOLPH, also presided over ceremonies commemorating the anniversary of TVA, and I was not surprised to hear Senator RANDOLPHS moving and spirited recollection of the formation of the TVA. He was, as we all know, a vital part of the program's development and has been a strong supporter ever since.

I ask unanimous consent that the text of Senator RANDOLPH's remarks on TVA's 50th anniversary, delivered in Knoxville, Tenn., yesterday, be printed in the RECORD at this time.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

SENATOR JENNINGS RANDOLPH SPEAKS AT THE 50TH ANNIVERSARY OF THE TENNESSEE VALLEY AUTHORITY, IN KNOXVILLE, TENN., MAY 18, 1983

This is the place where I am very happy to be this morning. We are in Knoxville, Tenn. to observe the 50th anniversary of one of our country's most innovative and successful undertakings. Sunny skies shine down on the sturdy folks crowded into this plaza.

I appreciate the opportunity given to me by Chairman Charles Dean and Directors David Freeman and Richard Freeman to join with the people of the Valley in celebrating a half century of progress and prosperity.

The entire Nation will, in a sense, participate in this celebration through the purchase and use of the stamp which is being issued today. It will carry to every corner of our land the story of TVA and remind us of what can be accomplished when government and the people band together in mutual purpose with imagination and vigor.

In many ways 1983 is a year of anniversaries for me. It was 50 years ago last March that I became a Member of the Congress. I was privileged early in my career to aid in developing legislation that created the Tennessee Valley Authority.

The first 100 days of the Administration of Franklin Roosevelt were exciting times. Legislation which shaped the future of this country for decades ws developed.

I recall one particular bill, considered a crucial measure, that was in the House of Representatives during the last week of April 1933. It was House Resolution 5081 which authorized the completion of the Muscle Shoals project.

Work had commenced on this power and fertilizer project during World War I. It was never completed. The debate raged in Congress over its disposition. By 1933, the Nation's investment in Muscle Shoals approximated $150 million.

President Franklin D. Roosevelt visited Muscle Shoals and the Tennessee River Valley following his election in 1932. Convinced of its potential for assisting in economic recovery, he believed this as the forerunner of similar developments throughout the United States.

The President envisioned the program as more than power development. He argued that it included issues of soil erosion, reforestation, agricultural conservation, and the distribution and development of industry.

People at that time spoke of the Tennessee Valley as the "Ruhr of America." The valley was the conjunction of coal, iron, and waterpower. President Roosevelt said in his message to this legislation, "The development touches and gives life to all forms of human concern."

The debate covered several days in the House. Representative McSwain, chairman of the Committee on Military Affairs, managed the measure. Representative Hill of Alabama and Representative Almon, who represented Muscle Shoals, led the advocates. Discussions were spirited for 3 days. On April 25 the House passed the bill by a vote of 306 to 92.

I supported and voted for this vital legislation. This action was not my most popular vote. Coal miners in West Virginia were opposed. They feared that the development of power from hydroelectric generation would result in lost jobs in the coal fields.

I recognized the problems which could result. The concept embodied in TVA was necessary for maximization of economic recovery. Like many other areas of our country at that time, the Tennessee Valley was a resource waiting to be tapped.

The Authority was viewed then as a yardstick for the Nation. Over the 50 years following its authorization, that statement has proved correct. TVA today is among our largest utilities. It has been a leader in innovation in industry. We credit the Authority for much of the present economic development in the States of Alabama, Kentucky, Tennessee, Mississippi, and Georgia.

In the 1930's there were people who criticized TVA as a radical enterprise, a socialistic organization, that had no place in America. Critics were a minority but they were vocal and they were wrong. As much as any public organization, TVA is a people-oriented enterprise. The results of the labors of hundreds of men and women gathered for this program are everywhere to be seen.

I regret very much that my cherished friend Senator BAKER is unable to be with us. His responsibilities as majority leader of the Senate require him to remain in Washington until this evening, when he comes to Muscle Shoals to speak at another celebration in the TVA area.

Senator BAKER and I were associated earlier this week in the proposing of a resolution which was adopted by the Senate unanimously and which gave official deserved recognition to TVA's 50th anniversary with its accomplishments, its strengths, and its hopes for the future. Senator SASSER of your State, gave his approval.

I have carefully watched and actively aided the progress of TVA for half a centu-

ry. I will continue to support this noble enterprise as we begin its second 50 years.

Substance and vision and spirit are embodied in the life of the TVA. I know you will remember its past as only a prelude to an even greater contribution to better citizenship.

THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

Mr. DOMENICI. Mr. President, I would like to discuss the findings of a major independent study of the aid to families with dependent children (AFDC) program. It examines the changes made in AFDC by the 1981 Omnibus Budget Reconciliation Act. These changes limited and standardized earnings disregards and allowed States to institute workfare programs.

Over the past 2 years, there has been considerable controversy surrounding these changes. Several Members of the House of Representatives have even introduced legislation to repeal many of these policies.

Because I know that many Senators are concerned about these changes, I would like to make available the results of this study. It shows that the 1981 welfare reforms were very successful at moving welfare recipients with incomes adequate for self-support off the welfare rolls without encouraging them to quit their jobs and without discouraging nonworking welfare recipients from wanting to work.

I strongly urge that we take a closer look at the facts that we now have available before we take any action:

Working recipients who lost eligibility did not quit their jobs in order to return to the welfare rolls;

The work effort of AFDC recipients remained at the same level as before the changes; and

The 1981 reforms achieved significant welfare savings while targeting resources on those genuinely in need of assistance.

Mr. President, I ask unanimous consent that a summary of the findings of this study which was funded by the Social Security Administration be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FINDINGS OF A MAJOR INDEPENDENT STUDY ON THE IMPACT OF THE 1981 AFDC CHANGES ON WORKING WELFARE RECIPIENTS

A six-month comprehensive study, conducted by Research Triangle Institute (RTI), evaluates the effects of the recent changes to the Aid to Families with Dependent Children (AFDC) program implemented under the Omnibus Budget Reconciliation Act of 1981 (OBRA). Provisions addressed by the study are those which target assistance to familes with gross income below 150 percent of the state-set standard of need, standardize work expenses and child care deductions, and limit the additional $30 and one-third income disregard to four months.

Critics of the changes have charged that work effort of AFDC recipients would decrease, those who lost eligibility would quit their jobs and return to welfare, and that the changes would cost rather than save money.

The major findings of the study show that:

The changes do not decrease the work effort of AFDC recipients.

Both before and after OBRA, 18 percent of working AFDC recipients were no longer working one year later.

Those who were not working initially find work at the same rate as before (3-4 percent).

There is no increase in the percentage of working AFDC recipients who return to welfare after losing eligibility and are receiving benefits one year later.

The study showed 15 percent of the recipients who were terminated from the rolls had returned and were on the rolls at the end of one year. The pre-OBRA rate was 25 percent (very few working welfare recipients left AFDC prior to OBRA—the difference may not be statistically significant because of the small sample).

Those working recipients who do return to AFDC leave welfare again far more quickly. Almost half left again by the second month after reopening, compared to only 6 percent for pre-OBRA cases. Within six months, 68 percent closed for a second time as compared to only 23 percent in the pre-OBRA period.

Substantial state and federal savings are accrued as a result of the changes.

Combined state and federal savings are approximately $24.4 million per month one year later. This does not include other substantial savings likely from: non-working recipients who obtained work; new recipients who come on welfare after the changes and find work; and new applicants who are found ineligible due to high earnings.

The changes target scarce resources to those most in need.

Recipients who were capable of self-support were removed from the welfare rolls. A year after OBRA, 55 percent of the earners were off the rolls as compared to 28 percent of the earners prior to OBRA changes.

Those who remained on welfare and were working were found to be primarily those with lower earnings who had correspondingly higher AFDC payments.

The study says: "The major element in the reallocation of resources among AFDC recipient households has been the loss of eligibility by cases with higher levels of earned income at the time of implementation."

Those interviewed recipients with earned income who lost eligibility and stayed off have the following characteristics:

Two-thirds had high school education or higher;

60 percent had been on welfare 3 years or more and almost 40 percent 6 years or more;

Of those who were working, more than half were working full time and almost 90 percent at least 21 hours per week.

The RTI study was based on a nationally representative sample of over 1,600 AFDC cases selected from 40 counties. Cases that were on the rolls in either September 1980 or September 1981, the effective date of OBRA, were sampled and changes in case status, such as eligibility or earnings, over the subsequent 12 to 15 months were recorded from state case files. In addition, interviews were conducted with over 150 families that went off the welfare rolls as a result of OBRA and never returned.

URGING EARLY CONSIDERATION OF S. 24

Mr. HUDDLESTON. Mr. President, last week the House of Representatives completed consideration of H.R. 1190, the Emergency Agricultural Credit Act of 1983. I introduced a similar bill, S. 24, on January 26. The Senate Agriculture Committee favorably reported the bill, with amendments, on March 18.

Despite the emergency conditions that many farmers are operating under, the Senate has not taken action on this important legislation.

The threat of foreclosure is the most serious and demoralizing aspect of the current depression in the agricultural economy. Federal credit programs need to be adjusted immediately to prevent foreclosures against efficient farm operators who are experiencing temporary financial hardship through no fault of their own.

S. 24 provides the temporary emergency credit assistance that is needed immediately by our Nation's farmers.

The bill has been significantly modified by the Agriculture Committee to reduce possible costs and to address other concerns that have been raised about its provisions. I am prepared to make additional modifications in the bill to insure its enactment.

PROVISIONS OF THE BILL

Specifically, the bill establishes a temporary loan deferral program for Farmers Home Administration farm loan borrowers who are faced with foreclosure. Under the bill, the Secretary of Agriculture will be required to grant deferrals on repayment of loans if the borrower can show to the satisfaction of the Secretary—

First, that he has exercised good management practices;

Second, that due to circumstances beyond his control, he is temporarily unable to continue making payments on the loan; and

Third, that he has a reasonable chance of repayment of the loan after the deferral period ends.

Under the bill, no principal or interest owed to the Farmers Home Administration by borrowers will be forgiven. In addition, the bill restricts eligibility for deferrals to those farmers who are unable to make payments on their loans due to circumstances beyond their control; and the burden of proof to qualify for a deferral rests solely on the borrower.

The bill gives the Secretary of Agriculture discretionary authority, through the end of fiscal year 1984, to implement the insured economic emergency loan program.

The bill provides $200 million in additional insured operating loan funds for use during the remainder of this fiscal year, for farmers who are refused credit from their traditional lenders.

The bill raises the insured operating loan limit for individual FmHA farm borrowers to $300,000 and extends the maximum repayment period on operating loans from 7 to 15 years.

The bill requires the Farmers Home Administration to make use of the operating loan and ownership loan funds allocated for the low-income, limited-resource farmer programs during this fiscal year.

The bill provides that the interest rate on any Farmers Home Administration farm loan that is consolidated, reamortized, or rescheduled must be set at a rate that is the lower of the original rate of interest on the loan or the current rate being charged by the Farmers Home Administration on similar loans.

DEFERRAL PROVISIONS

The deferral provisions contained in S. 24 were modified by the Agriculture Committee to address administration concerns.

The bill, as reported, addresses the administration's concerns that, under S. 24, large numbers of FmHA borrowers, not just those in need, would seek loan deferrals, and that the provisions of S. 24 would lead to the filing of a large number of lawsuits by those seeking deferrals.

Specifically, the bill as reported, provides that the Secretary of Agriculture will be required to grant a deferral on repayment of the loan only if the borrower subject to foreclosure for nonpayment can show to the satisfaction of the Secretary that he meets all the qualification criteria.

It should be noted, that last year, about 8,000 Farmers Home Administration farm borrowers were foreclosed or liquidated for financial reasons. The Farmers Home Administration does not expect the foreclosure and liquidation figures this year to be higher than last year. If that is the case, a good estimate of the total number of farmers who could possibly receive deferrals under the bill this year would be 8,000. Of this number, not all would necessarily qualify for a deferral under the rigid qualification criteria established by the committee's amendment.

Also, it is important to note that the CBO estimate and other published estimates of the costs of the deferral do not fully reflect the true fiscal effect of deferrals under the bill.

These presentations estimate only the principal and interest lost during the periods of deferral; they do not include the income from repayment of loan installments deferred. As the Congressional Budget Office itself notes in its cost estimate on S. 24, as reported, and I quote, "most of such deferred payments would presumably be recovered in subsequent years, with interest."

We must recognize that, under the bill's deferral provisions, interest and principal payments on loans will only be deferred, not forgiven; the deferral payments will ultimately be recovered in subsequent years, with interest; and, based on these facts, notwithstanding the various estimates and regardless of assumptions as to the number of farmers participating, the major costs of the deferral will be administrative costs.

I share the administration's concern about involving the Farmers Home Administration in excessive litigation. FmHA is already being sued in 22 district courts and in several bankruptcy proceedings because, to many borrowers, its present foreclosure policy is not clear, is too subjective, and is open to interpretation by FmHA employees at the county level.

Any confusion and appearance of inequity will be eliminated by defining in law, as does the bill, the principles that will be used to grant a deferral.

ECONOMIC EMERGENCY LOANS

Under the bill, the implementation of the economic emergency loan program will be at the discretion of the Secretary of Agriculture. The Secretary needs this discretionary authority to respond to unanticipated economic emergencies, such as the credit conditions that, recently, resulted in the Farmers Home Administration running out of operating loan funds in 20 States.

CONCLUSION

The authorities provided in the bill will enable the Farmers Home Administration to assist FmHA borrowers who have been adversely affected by the depression in agriculture and many of the thousands of other farmers who have been refused credit from farm credit system and commercial lenders this year.

The provisions of S. 24 provide much more than symbolic support for our Nation's farmers. This legislation will provide the tangible and sensible assistance that our farmers need now.

Therefore, I urge the Senate to give this legislation the timely consideration that it deserves.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed in the end of the Senate proceedings.)

ANNUAL REPORT OF THE COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT—PM 49

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

Pursuant to the provisions of Section 13, Public Law 806, 80th Congress, I hereby transmit the report of the Commodity Credit Corporation for the fiscal year ended September 30, 1982.

RONALD REAGAN.

THE WHITE HOUSE, *May 19, 1983.*

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on the Judiciary, the Committee on Energy and Natural Resources, and the Committee on Finance:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one new deferral of budget authority totaling $2,750,000 and two increases to previously reported deferrals, increasing the amounts deferred by $57,047,000.

The deferrals affect Energy Activities, the Department of Justice, and the Railroad Retirement Board.

The details of each deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *May 19, 1983.*

PRESIDENTIAL APPROVAL

A message from the President of the United States reported that on May 18, 1983, he had approved and signed the following joint resolution:

S.J. Res. 51. Joint resolution designating May 21, 1983, as "Andrei Sakharov Day".

MESSAGES FROM THE HOUSE

At 2:41 p.m., a message from the House of Representatives delivered by Ms. Goetz, one of its reading clerks, announced that the House passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1416. An act to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1984 and 1985;

H.R. 2733. An act to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials.

The message also announced that the House has passed the bill (S. 143) to authorize the Twenty-nine Palms Band of Luiseno Mission Indians to lease for 99 years certain lands held in trust for such band, with amendments, in which it requests the concurrence of the Senate.

At 4:22 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2973. An act to repeal the withholding of tax from interest and dividends.

HOUSE MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1416. An act to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1984 and 1985; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2733. An act to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE BILL READ THE FIRST TIME

The following bill was read the first time:

H.R. 2973. An act to repeal the withholding of tax from interest and dividends; read the first time.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-160. A resolution adopted by the Assembly of the State of New York; to the Committee on Armed Services:

"RESOLUTION

"Whereas, The Federal Emergency Management Office has asked counties and local governments to prepare a preliminary plan for the evacuation of civilian populations in the event of a nuclear attack; and

"Whereas, Most informed scientific and political experts agree that the only way for people to survive a nuclear attack is to prevent it; and

"Whereas, An evacuation would not increase the safety of New York State's residents and might even increase the likelihood of injury and death, and that it is doubtful whether the host areas would adequately accommodate this State's residents even if the residents could reach those designated areas; and

"Whereas, This Legislative Body is justly proud of its long and unyielding commitment to world peace; and

"Whereas, Recent preparations for nuclear attack only heighten the mindless and unfounded speculation of survival; they enhance the possibility of nuclear action and misdirect our attention; and

"Whereas, It is the sense of this Legislative Body to urge that the dissemination of such information be discontinued and that further energies be expended to curtail the spread of nuclear arms; and

"Whereas, The need to plan for evacuation of civilian populations in the event of a nuclear attack can best be eliminated by reducing the threat of a nuclear attack; now, therefore, be it

"*Resolved*, That this Legislative Body pause in its deliberations and most emphatically urge President Reagan and the Congress of the United States to desist in the fruitless effort of crisis relocation and to work in unison for the consummate abrogation of the nuclear arms race; and be it further

"*Resolved*, That a copy of this Resolution, suitable engrossed, be transmitted to President Ronald W. Reagan and to the leadership of the Congress of the United States; and be it further

"*Resolved*, That a copy of this Resolution, suitably engrossed, be transmitted to Yuri Andropov and the leaders of the Soviet Politburo."

POM-161. A resolution adopted by the House of Representatives of the State of Indiana; to the Committee on Banking, Housing, and Urban Affairs:

"HOUSE RESOLUTION No. 6

"Whereas, The Federal Reserve System has a pervasive effect on our national economy through its manipulation of interest rates and the money supply; and

"Whereas, The Federal Reserve System operates without any supervision or direct responsibility to the citizens of this nation; and

"Whereas, The Federal Reserve System has never undergone an external audit of its function; Therefore,

"*Be it resolved by the House of Respresentatives of the General Assembly of the State of Indiana:*

"Section 1. The Indiana House of Representatives memorializes the Congress of the United States to authorize and implement an external audit of the Federal Reserve.

"Section 2. That the Principal Clerk of the House of Representatives transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the United States Senate and to each Member of the House of Representatives."

POM-162. A resolution adopted by the House of Representatives of the State of Indiana; to the Committee on Banking, Housing, and Urban Affairs:

"HOUSE RESOLUTION No. 7

"Whereas, Article 1, Section 8, of the Constitution of the United States, provides that only the Congress of the United States shall have the power 'to borrow money on the credit of the United States'; and

"Whereas, The Federal Reserve Act of December 23, 1913 (Act of December 23, 1913; 38 Stat. 251; 12 U.S.C. 221 et seq.) transferred the power to borrow money on the credit of the United States to a consortium of private bankers in violation of the prohibitions of Article 1, Section 8, of the Constitution of the United States; and

"Whereas, The Congress of the United States is without authority to delegate any powers which it has received under the Constitution of the United States established by the people of the United States; and

"Whereas, Article 1, Section 1, of the Constitution of the United States, provides that 'all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives'; and

"Whereas, The Federal Reserve Act of December 23, 1913 was imposed upon the people of the State of Indiana in violation of the provisions of Article 1, Section 1, of the Constitution of the United States; and

"Whereas, Members of the Federal Reserve System, a consortium of private bankers, have threatened the very integrity of our national government through their arbitrary and capricious control management of the nation's money supply; and

"Whereas, The United States is facing, in the current decade, an economic debacle of massive proportions due in large measure to a continued erosion of our national currency and the resultant high interest rates caused by the policies of the Federal Reserve Board; and

"Whereas, A consortium of private bankers which is not subject to any official periodic review or oversight by Congress has unconstitutionally controlled the economy of the United States through the Federal Reserve Act since 1913; and

"Whereas, This nation faces an immediate economic crisis. It is extremely urgent that the Congress of the United States act before it is too late by repealing the Federal Reserve Act and restoring the economy of this nation to a sound basis through withdrawal of all 'fiat money' now in circulation—the so-called Federal Reserve Notes—and return to the gold standard; Therefore,

"*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

"Section 1. That the Indiana House of Representatives urges the Congress of the United States to enact immediately such legislation as is necessary to repeal the Federal Reserve Act and restore the gold standard.

"Section 2. That the President of the United States immediately sign the necessary enabling legislation once it reaches his desk.

"Section 3. That the Principal Clerk of the House of Representatives transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to each member of the United States Senate, and to each member of the House of Representatives."

POM-163. A resolution adopted by the Legislature of Suffolk County, New York supporting inclusion of the Long Island Expressway in the Federal Interstate Highway System; to the Committee on Commerce, Science, and Transportation.

POM-164. A concurrent resolution adopted by the General Assembly of the State of Indiana; to the Committee on Commerce, Science, and Transportation.

"HOUSE CONCURRENT RESOLUTION No. 16

"Whereas, It is the practice of the television and radio networks to project the winners of electoral contest in eastern United States before the polls are closed in the central and western United States; and

"Whereas, That these projections affect the number of voters in the central and western states cannot be doubted; and

"Whereas, This state of affairs is not conducive to fair elections or good government; Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"SECTION 1. That the General Assembly of the State of Indiana urges the Congress of the United States to take appropriate action to curtail the television and radio networks from projecting winners in electoral races before the polls are closed in every state of the United States.

"SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit copies of this resolution to the members of Indiana's congressional delegation and to the presiding officers of both parties of both houses of Congress."

POM-165. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION No. 2

"Whereas, Natural gas is an essential fuel used by many in the preservation of health and life itself; and

"Whereas, Californians have experienced unprecedented increases in the price they pay for natural gas to heat the air and water in their homes and to prepare their food; and

"Whereas, Residential energy users in California are facing continued massive natural gas rate increases which are likely to intensify the utility ratepayer revolt which has already struck our state; and

"Whereas, The Federal Energy Regulatory Commission has the authority under the Natural Gas Act and the Natural Gas Policy Act to preclude pipeline companies from averaging or rolling in high-cost gas with their lower cost supplies and to preclude pipeline companies from requiring the purchase of high-cost gas by distribution companies; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectively memorializes the Federal Energy Regulatory Commission to:

"(a) Initiate a rulemaking proceeding directed toward precluding natural gas pipeline operators under its jurisdiction from averaging or rolling in high-cost natural gas.

"(b) Initiate a further rulemaking inquiry directed to establishing a general provision in service agreements providing that customers of natural gas pipline operators retain the discretion to purchase or not to purchase high-cost natural gas; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Federal Energy Regulatory Commission, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-166. A resolution adopted by the Assembly of the State of New York; to the Committee on Energy and Natural Resources:

"LEGISLATIVE RESOLUTION

ASSEMBLY NO. 360

"Whereas, Natural gas consumers are experiencing excessive price increases up to thirty percent in some parts of New York State at a time when the economy is in deep recession with substantial numbers of New York State consumers unemployed or living on fixed incomes; and

"Whereas, Approximately four million residential, commercial and industrial customers in New York State use natural gas for heating, cooking and/or commercial and industrial purpose; and

"Whereas, While current abundant supplies of natural gas would cause, under normal circumstances, moderation of gas prices, natural gas prices are rapidly increasing; and

"Whereas, The increase in the price of natural gas is due to unforeseen consequences of provisions of the Natural Gas Policy Act of nineteen hundred seventy-eight and the failure of the Federal Energy Regulatory Commission to adequately regulate gas pricing; now, therefore, be it

"Resolved, That this Legislative Body urge members of Congress representing New York State to require the Federal Energy Regulatory Commission to use its authority to bring down natural gas prices; and be it further

"Resolved, That Congress take steps to 1) amend the Natural Gas Policy Act of nineteen hundred seventy-eight to eliminate the indefinite price escalator on controlled gas, 2) require the renegotiation of contracts for natural gas that contain "favored nation" and "take or pay" clauses, and 3) prohibit suppliers from mixing small amounts of controlled gas with large amounts of decontrolled gas thereby unfairly inflating the average price of gas; and be it further

"Resolved, That this Legislative Body oppose the accelerated decontrol of natural gas prices either through changes in the NGPA or through administrative actions by the Federal Energy Regulatory Commission; and be it further

"Resolved, That this Legislative Body support the extension of NGPA price controls beyond its curent expiration date of nineteen hundred eighty-five; and be it further

"Resolved, That this Legislative Body support the imposition of a windfall profits tax on natural gas when natural gas prices are decontrolled under NGPA in nineteen hundred eighty-five, or if any accelerated decontrol program is enacted; and be it further

"Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the President pro tem of the Senate of the United States, to the Speaker of the House of Representatives and to each member of the Congress from the State of New York."

POM-167. A joint resolution adopted by the Assembly and the Senate of the State of Nevada; to the Committee on Environment and Public Works:

"ASSEMBLY JOINT RESOLUTION No. 13

"Whereas, In 1974, the Safe Drinking Water Act was enacted to ensure national compliance with standards in the treatment of drinking water; and

"Whereas, One standard of the Act provides for a maximum allowable fluoride content of 1.78 parts per million; and

"Whereas, The Moapa Valley Water Company system which serves Overton and Logandale, Nevada, has a fluoride level of 2.16 parts per million, only .4 parts per million above the federal standard; and

"Whereas, The estimated cost of constructing a water treatment plant to correct this could exceed $500,000, an amount which would increase unreasonably the 2,700 consumers' fees; and

"Whereas, Many experts view present standards for fluoride as too restrictive and believe that seasonal fluctuations in the levels of fluoride are beneficial to health as related to oral hygiene and skeletal development; and

"Whereas, Economically feasible alternatives for water treatment facilities for small water systems need to be developed within the framework of the Safe Drinking Water Act; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of Nevada, jointly, That this legislature urgently requests the President of the United States, the Administrator of the Environmental Protection Agency and the Congress of the United States to take appropriate action to modify fluoride standards in water supply systems, without adversely afffecting the public's health; and be it further

"Resolved, That copies of this resolution be transmitted forthwith to the President of the United States, the Administrator of the Environmental Protection Agency, the Vice President as presiding officer of the Senate, the Speaker of the House of Representatives and to each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval.

POM-168. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Environment and Public Works:

"RESOLUTION

"Whereas, hundreds of lakes in the northeastern United States and eastern Canada are devoid of animal and plant life due to the effects of acidic precipitation, so-called acid rain; and

"Whereas, the same acid rain continues to pose a similar threat to the lakes and rivers and animal and plant life of this region; and

"Whereas, in Maine the acidity in some of our lakes has increased eightfold in the last 40 years; and

"Whereas, acid rain poses an enormous economic burden on those regions it affects producing an estimated cost of $250 million in damages annually to lakes and rivers east of the Mississippi River; and

"Whereas, the effects of acid rain are not limited to aquatic resources, but also seriously affect a local flora; and

"Whereas, 90% of Maine is forested and 30% of all of its manufacturing jobs are in forest related industries which produce more than $2.5 billion worth of products, or 43% of the value of all products produced in this State; and

"Whereas, the potential loss to Maine's economy posed by the effects of acid rain is enormous; and

"Whereas, in a more general and yet more important regard the United States and Canada share a common stewardship of the resources, flora and fauna of one of the richest land masses in the world for the benefit of future generations which is being continually endangered by the effects of acid rain to the detriment of these future generations and in derogation of our stewardship responsibilities; and

"Whereas, the American response to this problem has succeeded only in causing a serious strain on our relationship with our Canadian neighbors; and

"Whereas, more responsible and responsive actions on the part of the American Government are required now to eliminate this problem before the damage done is totally irreversible; now, therefore, be it

"Resolved: That We, your Memorialists, respectfully urge and request that the 97th United States Congress take prompt action to make significant reductions in sulfur dioxide emissions in the 31-state region east of or bordering on the Mississippi River; and be it further

"Resolved: That a duly authenticated copy of this memorial be immediately submitted by the Secretary of State to the President of the Senate and the Speaker of the House of the Congress of the United States and to each member of Congress from this State."

POM-169. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION

"Whereas, the State of Hawaii recognizes, as one of its primary objectives, the development of greater opportunities for Hawaii's people to secure reasonably priced housing; and

"Whereas, the increasingly high cost of constructing housing in Hawaii, coupled with high mortgage interest rates, makes it extremely difficult for a moderate income family to purchase their first home; and

"Whereas, in 1980 the Hawaii Housing Authority began its Hula Mae program to provide necessary financing for first time home owners, and has since issued approximately $200 million in tax-exempt revenue bonds, the proceeds of which were used to finance mortgage loans enabling over 2,000 moderate income families to purchase residential units; and

"Whereas, the issuance of these bonds was authorized by the Mortgage Subsidy Bond Tax Act of 1980 which also specifies that these revenue bonds may not be issued after December 31, 1983, thereby jeopardizing the State's ability to further finance the purchase of housing by moderate income families; now, therefore,

"Be it resolved by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, the Senate concurring, that the President of the United States and the Congress of the United States are respectfully urged to support, in view of its great success, the continued use of tax-exempt revenue bonds as the primary source of funds for the Hula Mae mortgage loan program either through the extension or through the elimination of the tax-exempt revenue bond sunset clause of the Mortgage Subsidy Bond Tax Act of 1980; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of Hawaii's congressional delegation."

POM-170. A concurrent resolution adopted by the Legislature of the State of Oklahoma; to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION No. 5

"Whereas, the Tax Equity and Fiscal Responsibility Act of 1982, P.L. No. 97-248, was signed by the President on September 3, 1982; and

"Whereas, said Federal Act provides for a withholding system for the collection of income tax upon interest and dividend income; and

"Whereas, pursuant to the provisions concerning withholding found in said Federal Act, financial institutions are required to withhold ten percent of interest and dividend income; and

"Whereas, this withholding system requirement deprives investors of the full and immediate use of the interest and dividend income; and

"Whereas, this withholding requirement burdens financial institutions with inordinate bookkeeping expenses which investors in some manner must bear; and

"Whereas, this withholding requirement and the bookkeeping expenses incurred discourage investment in the affected financial institutions; and

"Whereas, this discouragement deprives the financial institutions of investment funds vital to economic recovery.

"Now therefore, be it resolved by the Senate of the 1st session of the 39th Oklahoma Legislature, the House of Representatives concurring therein:

"That the Oklahoma State Legislature does hereby petition the Congress of the United States to repeal provisions of the Tax Equity and Fiscal Responsibility Act of 1982, P.L. No. 97-248, which require the withholding by financial institutions of ten percent of interest and dividends.

"That copies of this resolution be distributed to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Oklahoma Congressional Delegation and the Secretary of the United States Department of the Treasury.

POM-171. A concurrent resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION—STATE OF HAWAII

"Whereas on February 24, 1982, the President of the United States proposed a three-pronged initiative to promote economic revitalization in the Caribbean Basin countries which included $350 million in financial aid, a twelve-year period of duty-free treatment of Caribbean products imported by the United States, and a program of tax credits and other incentives to induce American firms to invest in Caribbean nations; and

"Whereas in September of 1982, the $350 million financial aid portion of the initiative was approved by Congress, but the remaining portions were not well received by many congressmen who felt that it was unconscionable to promote trade and tax concession measures to improve the Caribbean economy at the expense of our own economy which is suffering from high unemployment and other ailments; and

"Whereas despite numerous attempts to stop the passage of the trade and tax portions of the Caribbean Basin Initiative, the House of Representatives, during the waning days of the 97th Congress, passed the Caribbean Basin Economic Recovery Act (H.R. 7393) which is now in the Senate Finance Committee for consideration; and

"Whereas the Legislature recognizes that the Caribbean Basin region forms the third border of the United States that contains vital sea lanes through which most of our oil imports must flow, that it is an important market of American exports, and that during its economic crisis, it is susceptible to terroristic and subversive exploitation by Cuba and other nations; therefore, this Act is important to promote the achievement of economic and political stability for the Caribbean countries; and

"Whereas the Legislature, however, is painfully aware that Hawaii's struggling agricultural industry is highly vulnerable to the effects of that portion of the Act which affords duty-free entry of Caribbean products into the United States because the climatic conditions in Hawaii are very similar to that of the Caribbean Basin; and

"Whereas although the Act contains special rules to limit the eligibility of sugar for duty-free treatment to assure that imports will not interfere with or impair the price support program for sugar, Hawaii is still in a tenuous position since the federal price support program does not afford Hawaii's ailing sugar industry sufficient protection against the effects of glut in the marketplace; and

"Whereas other agriculture and horticultural products in Hawaii such as pineapple, macadamia nut, papaya, and ornamental plants and flowers also could be seriously affected since the Caribbean Basin has the potential to compete in these products; and

"Whereas serious concern has also been expressed regarding the adverse effects of the Act on the American tuna industry which is already depressed with plant closures and layoffs attributable to increasing levels of foreign processed tuna, and Hawaii is among the states that will be affected; and

"Whereas with Hawaii's agricultural farm value dropping to one of the lowest points in several years, we can ill afford to be under cut at the market place by duty-free imports; and

"Whereas the Federal government must be sensitive to, and appreciate the interest, economy, and concerns of its member states territories; and

"Whereas one year has elapsed since the President proposed the initiative, and the concerns regarding the harmful economic effects of the trade and tax incentives have still not been satisfactorily addressed; now, therefore,

"Be it resolved by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, the Senate concurring, that this Legislature expresses its vehement opposition to the President's Caribbean Basin Initiative and requests the Hawaii Congressional delegation to assiduously protect Hawaii's economic interest by fighting against the passage of the Caribbean Basin Economic Recovery Act; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to Senator Daniel Inouye, Senator Spark Matsunaga, Congressman Daniel Akaka, Congressman Cecil Heftel, the President of the United States, the President Pro Tempore, the Speaker of the House of Representatives, and the Chairperson and members of the Senate Finance and House Ways and Means Committee.

POM-172. A resolution adopted by the Assembly of the State of New York; to the Committee on Foreign Relations:

"RESOLUTION No. 435—STATE OF NEW YORK

"Whereas the world today is increasingly troubled by international strife; and

"Whereas relatively recent technological advances have enabled international conflicts to have potentially disastrous consequences for all humankind; and

"Whereas members of the Assembly of the State of New York recognize the value of good international relationships and the imperative need to improve these relationships among all nations; and

"Whereas the peaceful resolution of conflicts whether national or international, can best be accomplished by the use of trained personnel; and

"Whereas the systematic use of trained personnel in the resolution of international conflicts could save this nation and others countless billions of dollars and untold human suffering; and

"Whereas the institution of a National Academy, emblematic of our consummate desire for world peace, would be a significant response to the expressed concern of the American people for the development of effective options to use of unconscionable force; and

"Whereas the establishment of a National Academy of such pervasive commitment to the ideal of peace is most clearly in accord with that Patrimony of Freedom which, in the final analysis, is our National Heritage; and

"Whereas the Congressionally appointed Commission on Proposals for the National Academy of Peace and Conflict Resolution has reported favorably to the President and the Congress; in light of that favorable response, it is the sense of this Legislative Body to urge the establishement of a National Academy, specifically designated with the purpose of assuring the promulgation of peace and the resolution of conflict among the nations of our world without recourse to violence; now therefore, be it *"Resolved,* That the Assembly of the State of New York memorialize the Congress of the United States to establish a United States Academy of Peace and Conflict Resolution; and be it further *"Resolved* That copies of this Resolution, suitably engrossed, be transmitted to the President Pro Tempore of the United States Senate; the Speaker of the United States House of Representatives and to each member of the Congress from the State of New York."

POM-173. A resolution adopted by the Assembly of the State of New York; to the Committee on Foreign Relations:

"LEGISLATIVE RESOLUTION

"Whereas, Untold millions of innocent citizens were put to death in Nazi occupied territory and concentration camps during World War II; and

"Whereas, Such atrocities were in direct violation of the Humane principles upon which the nations of the civilized world were founded; and

"Whereas, Such atrocities are horrifying and repugnant to all civilized peoples; and

"Whereas, A convicted war criminal, Klaus Barbie, has recently been returned to France to face justice; and

"Whereas, Klaus Barbie is held by French authorities to be personally responsible for the deaths of four thousand prisoners held at Lyon, France, and the deportation to concentration camps of seventy-five hundred other persecuted peoples during World War II; and

"Whereas, It has been further alleged that, following World War II, Klaus Barbie was employed by the United States of America as an intelligence agent; and

"Whereas, It has been further alleged that the United States Government, or its agents, attempted to thwart efforts by the French Government to bring Klaus Barbie to trial; and

"Whereas, If true, the allegations cast an appalling shadow over the sincerity of American efforts to locate other war criminals who must take responsibility for the heinous offenses against humanity that they have committed; now, therefore, be it

"Resolved, That this Legislative Body pause in its deliberations to memorialize the Congress of the United States of America to immediately undertake an investigation to ascertain the veracity of allegations against the United States that Klaus Barbie was employed by the United States as an intelligence agent after World War II; and be it further

"Resolved, That this Legislative Body further pause in its deliberations to memorialize Congress to expand such investigation to ascertain the veracity of allegations that the United States Government, or its agents, attempted to thwart efforts by the French Government to bring Klaus Barbie to trial; and be it further

"Resolved, That a copy of this Resolution, suitably engrossed, be transmitted to President Ronald W. Reagan, President Pro Tem of the United States Senate Howard Baker; Speaker of the United States House of Representatives Thomas P. O'Neill; and to each Member of Congress from the State of New York."

POM-174. A joint resolution adopted by the Legislature of the State of New Mexico; to the Select Committee on Indian Affairs:

"SENATE JOINT MEMORIAL 16

"Whereas, it has come to the attention of the legislature that the federal government is considering discontinuing the operation of the southwestern Indian polytechnic institute in Albuquerque, New Mexico, by the bureau of Indian affairs of the United States department of the interior; and

"Whereas, the southwestern Indian polytechnic institute is a vocational school accredited by the north central association of vocational schools and provides Indian students from New Mexico and throughout the nation with a unique opportunity to gain valuable vocational training in high-technology fields; and

"Whereas, the placement of Indian students in skilled and semiskilled jobs in New Mexico is of utmost concern, and the number of additional industries presently locating in New Mexico will provide job opportunities for Indian citizens trained at the southwestern Indian polytechnic institute; and

"Whereas, the closing of this institute would erase the opportunity of Indian students to become productive citizens of the state and nation and would deprive New Mexico's industries of skilled Indian workers; and

"Whereas, the continuance of the programs at the southwestern Indian polytechnic institute would contribute greatly to the economy of New Mexico and the United States, as well as to the economic well-being of Indians generally;

"Now, therefore, be it resolved by the legislature of the State of New Mexico, That it requests the congress of the United States to continue the operation of southwestern Indian polytechnic institute as a strong, Indian institution providing technical vocational training for the Indian students of our nation by appropriating sufficient funds for such operation for the next fiscal year; and

"Be it further resolved, That copies of this memorial be transmitted to the president pro tempore of the United States Senate, the speaker of the United States House of Representatives, the members of the New Mexico delegation to the Congress of the United States, the chairpersons of the appropriations committees of both houses, the secretary of the interior and the tribal chairmen and governors of the Indian tribes and pueblos in New Mexico."

POM-175. A joint resolution adopted by the Legislative Assembly of the State of Oregon; to the Committee on the Judiciary:

"SENATE JOINT MEMORIAL 2

"Whereas the Equal Rights Amendment is before Congress as House Joint Resolution 1; and

"Whereas this proposed amendment should be adopted by the Congress and sent to the states for ratification as soon as possible; now, therefore,

"Be it resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to adopt the proposed amendment to the United States Constitution known as the Equal Rights Amendment and send it to the states for ratification.

"(2) Copies of this memorial shall be sent to the Speaker of the House of Representatives, the President of the Senate and to each member of the Oregon Congressional Delegation."

POM-176. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION No. 1015.

"Whereas, Between 1960 and 1975 more than three million American soldiers, sailors, airmen, and marines served their country in Southeast Asia; and

"Whereas, The great majority of such veterans were neither professional soliders nor volunteers but merely young men called by this country to do their duty; and

"Whereas, Unlike the honored veterans of past wars, the Vietnam veterans returned to indifference, embarrassment, and even hostility; and

"Whereas, A nation ambivalent about the war in which its young men fought and died has gradually increased its recognition and has recently honored the Vietnam veterans for their sacrifice by the dedication of the Vietnam Veterans Memorial in Washington, D.C., in November 1982; and

"Whereas, The debt owed the Vietnam veterans by their country derives not from the success of its policies but from the nobility of their sacrifice; and

"Whereas, The deeds and actions of these Americans need to be remember so that all present and future generations may recall their sacifices; and

"Whereas, The Congress of the United States has delared May 7, 1975, as the termination date of United States involvement in Vietnam; now, therefore,

"Be it resolved by the House of Representatives of the Fifty-fourth General Assembly of the State of Colorado, the Senate concurring herein:

"That May 7, shall be designated Vietnam Veterans Recognition Day to honor those who served their country bravely and honorably in Southeast Asia.

Be it further resolved, That a copy of this Resolution be transmitted to the President

of the United States, the Congress of the United States, and the Department of Veterans Affairs."

POM-177. A resolution adopted by the Council of the City of Richmond, Calif. endorsing California Assembly Joint Resolution 1, petitioning the Congress to propose a new equal rights amendment to the U.S. Constitution; to the Committee on the Judiciary.

POM-178. A resolution adopted by the Assembly of the State of New York; to the Committee on Labor and Human Resources:

"LEGISLATIVE RESOLUTION ASSEMBLY No. 500

"Whereas, It is the sense of this Legislative Body that the furtherance of education is not only a fundamental right of every citizen, but is also a primary responsibility of government to provide for its good citizens; and

"Whereas, the pursuit of that education has become increasingly difficult to attain due to spiraling tuition costs, caused by budgetary cutbacks at both the federal and state level; and

"Whereas, Tuition assistance programs are vital to those citizens who cannot afford, and would otherwise not, attend higher education institutions, either private or public; now therefore, be it

"Resolved, That this Legislative Body memorializes the Congress of the United States to refuse to enact any legislation that would terminate the tuition assistance programs entitled: Supplemental Educational Opportunity Grant (SEOG); National Direct Student Loan (NDSL); and the State Student Incentive Grant (SSIG); and be it further

"Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the President Pro Tem of the Senate, Howard Baker; to the Speaker of the House, Thomas O'Neill, and to each member of Congress from the State of New York."

POM-179. A joint resolution adopted by the Legislative Assembly of the State of Oregon; to the Committee on Veterans' Affairs:

"SENATE JOINT MEMORIAL 1

"Whereas under current federal law a veteran making a claim for benefits from the Veterans' Administration, or appealing an adverse decision concerning a claim, may not pay an attorney more than $10 for legal services and representation; and

"Whereas this century-old fee limitation severely limits the ability of a veteran to obtain effective legal counsel; and

"Whereas current federal law further provides that decisions of the Veterans' Administration on any question of law or fact concerning claims for benefits for veterans, their dependents or survivors are final and conclusive and not subject to review by any other official or court of the United States; and

"Whereas the Veterans' Administration is unique among major federal agencies in that its benefit decisions are not subject to the scrutiny of the federal courts; and

"Whereas this lack of effective legal representation and absence of judicial review constitute a denial of due process of law to veterans; and

"Whereas this denial of due process often results in hardship and disillusionment for those who have defended our country; now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to promptly approve and enact S. 349, the Veterans' Administration Adjudication Procedure and Judicial Review Act, or similar legislation, in order to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs and for payment of reasonable attorney fees for rendering legal representation to veterans claiming benefits under laws administered by the Veterans' Administration.

"(2) A copy of this memorial shall be sent to the President of the United States, the President pro tempore of the Senate, the Speaker of the House, the Chairs of the Veterans' Affairs Committees of the House and Senate and to each member of the Oregon Congressional Delegation."

POM-180. A joint resolution adopted by the National Congress of the Republic of Palau; ordered to lie on the table:

"A HOUSE JOINT RESOLUTION

"Whereas, Phillip Burton, one of Palau's closest friends in the United States Congress, died on Sunday, April 10, 1983; and

"Whereas, Phillip Burton, a man of action, a man of compassion and a man of vision, was a fighter for all of the Pacific Islands; and

"Whereas, as Chairman of the House Subcommittee on National Parks and Insular Affairs during the 1970s, Phillip Burton, more than any other member of Congress, helped Palau on issues and needs that no one else in the United States was concerned about; and

"Whereas, due to his knowledge, dedication, and effectiveness in American politics, Phillip Burton became the Pacific's leading advocate in the United States; and

"Whereas, born on June 1, 1926, Phillip Burton became a San Francisco lawyer, and entered politics in 1956 when he was elected to the California Legislature where he remained for eight years; and

"Whereas, upon his election to the United States House of Representatives in 1964, Phillip Burton championed many social causes and served on the Education and Labor Committee as well as the Committee on Interior and Insular Affairs; and

"Whereas, the late Phillip Burton bravely served his country in the United States Navy during World War II, and the Korean conflict; now, therefore, be it

"Resolved, by the House of Delegates of the First Olbill Era Kelulau, Tenth Regular Session, April, 1983, the Senate concurring, that the Olbiil Era Kelulau expresses and through this Joint Resolution extends its most sincere condolences and sympthies to the family and friends of the late Phillip Burton; and be it further

"Resolved, that certified copies of this Joint Resolution be transmitted to Sala Burton, wife of the late congressman, and Joy Burton, daughter of the late congressman, Thomas P. O'Neill Jr., Speaker of the U.S. House of Representatives, Strom Thurmond, President Pro Tem of the U.S. Senate, and Ronald Reagan, President of the United States."

REPORT OF THE COMMITTEE ON THE BUDGET SUBMITTED DURING RECESS

Under the provisions of section 310(a) of the Congressional Budget Act of 1974, the following report of the Committee on the Budget was received on May 18, 1983, during the recess of the Senate:

By Mr. DOMENICI, from the Committee on the Budget, with an amendment in the nature of a substitute:

S. Con. Res. 27. A concurrent resolution revising and replacing the congressional budget for the U.S. Government for the fiscal year 1983, and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SIMPSON, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 1033. A bill to amend title 38, United States Code, to establish an emergency job training program for wartime veterans (Additional views filed) (Rept. No. 98-132).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 135. A resolution expressing the sense of the Senate with respect to the urgency of achieving and maintaining proper alinement of major international currencies essential to stem protectionism and aid early recovery of world trade expansion.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 92. Joint resolution designating the week beginning May 8, 1983, as "Municipal Clerks Week";

S.J. Res. 96. Joint resolution to designate August 1, 1983, as "Helsinki Human Rights Day";

S.J. Res. 42. Joint resolution designating Alaska Statehood Day, January 3, 1984, and

S.J. Res. 61. Joint resolution to designate the week of May 22, 1983, through May 28, 1983, as "National Digestive Diseases Awareness Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

E. Pendleton James, of California, to be a Member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1986;

Robert Setrakian, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 1987;

The following officers of the United States Coast Guard for promotion to the grade of commodore:

Capt. Theodore J. Wojnar, USCG.

Capt. Joseph A. McDonough, Jr., USCG.

Capt. Arnold M. Danielson, USCG.

The following officers of the United States Coast Guard for appointment to the grade of rear admiral: Sidney B. Vaughn, Jr., John D. Costello, Donald C. Thompson.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to

appear and testify before any duly constituted committee of the Senate.)

Mr. PACKWOOD. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably a nomination list in the Coast Guard which has previously been printed in the CONGRESSIONAL RECORD of May 16, 1983, and, to save the expense of reprinting them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. THURMOND, from the Committee on the Judiciary:

George Washington Proctor, of Arkansas, to be United States Attorney for the Eastern District of Arkansas for the term of four years.

Mr. TOWER. Mr. President, from the Committee on Armed Services I report favorably the following nominations:

887 cadets, graduating class of 1983, United States Military Academy for appointment in the regular Army of the United States in the grade of second lieutenant (list begins with Pamela J. Abear); and

180 U.S. Naval Academy graduates for permanent appointment in the grade of second lieutenant in the United States Marine Corps (list begins with Philip K. Adams).

Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk appeared in the RECORD of May 2, 1983, at the end of Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HUMPHREY (for himself, Mr. RUDMAN, Mr. LEAHY, Mr. STAFFORD, Mr. DODD, Mr. KENNEDY and Mr. TSONGAS):

S. 1327. A bill to provide for Congressional approval of the Connecticut River Atlantic Salmon Compact; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 1328. A bill to forgive certain loan repayments by the Southeastern Pennsylvania Transportation Authority to the Secretary of Transportation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAFEE (for himself and Mr. STAFFORD):

S. 1329. A bill to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat, and for other purposes; to the Committee on Environment and Public Works.

By Mr. STAFFORD (for himself and Mr. RANDOLPH):

S. 1330. A bill to authorize the U.S. Army Corps of Engineers to provide grants to the several States to encourage and foster the construction of necessary public capital investment projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRANSTON:

S. 1331. A bill to establish the Mono Lake National Monument in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL:

S. 1332. A bill to amend section 46 of the Internal Revenue Code; to the Committee on Finance.

By Mr. HELMS (for himself, Mr. MCCLURE, Mr. PRESSLER, Mr. GOLDWATER, Mr. ABDNOR, Mr. EAST, Mr. THURMOND, Mr. LAXALT, Mr. SYMMS, Mr. HUMPHREY, Mr. KASTEN, Mr. GRASSLEY, and Mr. NICKLES):

S. 1333. A bill to amend the Federal Election Campaign Act to prohibit the use of compulsory union dues for political purposes; to the Committee on Rules and Administration.

By Mr. GORTON:

S. 1334. A bill to amend the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURENBERGER (for himself, Mr. BIDEN, Mr. COHEN, Mr. HUDDLESTON, Mr. LEAHY, Mr. MATHIAS, and Mr. MOYNIHAN):

S. 1335. A bill to provide certain standards for the application of the Freedom of Information Act exemption for classified information; to the Committee on the Judiciary.

By Mr. DURENBERGER (for himself, Mr. HATCH, Mr. HEINZ, Mr. DANFORTH, Mr. KENNEDY, and Mr. INOUYE):

S. 1336. A bill to make permanent the exclusion from gross income of national research service awards; to the Committee on Finance.

By Mr. SIMPSON:

S.J. Res. 106. Joint resolution designating August 3, 1983, and "National Paralyzed Veterans Recognition Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself and Mr. CHILES):

S. Res. 151. A resolution to commend Robert E. Fulton for his service to the Senate; considered and agreed to.

By Mr. HUMPHREY (for himself, Mr. PRESSLER, Mr. RUDMAN, Mr. EAST, Mr. ARMSTRONG, Mr. DOLE, Mr. PELL, Mr. SYMMS, Mr. JEPSEN, Mr. HATCH, and Mr. EXON):

S. Con. Res. 37. A concurrent resolution expressing the sense of the Congress with respect to the actions of the Government of the Soviet Union in jamming the broadcasts of Voice of America and RFE/RL, Incorporated; to the Committee on Foreign Relations.

By Mr. PELL (for himself, Mr. KENNEDY, Mr. CRANSTON, and Mr. HART):

S. Con. Res. 38. A concurrent resolution expressing the sense of the Senate concerning martial law on Taiwan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY (for himself, Mr. RUDMAN, Mr. LEAHY, Mr. STAFFORD, Mr. DODD, Mr. KENNEDY, and Mr. TSONGAS):

S. 1327. A bill to provide for congressional approval of the Connecticut River Atlantic Salmon Compact; to the Committee on the Judiciary.

CONNECTICUT RIVER ATLANTIC SALMON COMPACT

Mr. HUMPHREY. Mr. President, I am joined today by Senators RUDMAN, STAFFORD, LEAHY, TSONGAS, KENNEDY, and DODD in introducing legislation to grant congressional consent and approval to the formation of the Connecticut River Atlantic Salmon Commission. The purpose of the Commission is to promote the restoration of sea run Atlantic salmon in the Connecticut River Basin by a joint interstate program of management and research. The goal is to restore Atlantic salmon to the Connecticut River to historic levels of abundance. An identical piece of legislation was introduced yesterday in the House of Representatives.

The decline of the Atlantic salmon in New England's rivers is a matter of historical record, but it has only been in recent years that efforts to restore this valuable game fish have been successful. Since 1977, the States of New Hampshire, Vermont, Massachusetts, and Connecticut, joined by the Fish and Wildlife Service and the National Marine Fisheries Service, have worked together to propose a compact for State and Federal membership in a Connecticut River Atlantic Salmon Commission. As of January 4, 1982, the Governors of all four States had signed into law similar legislation which authorizes each to engage in such a compact. However, the Constitution requires that before an interstate compact can take effect, it must receive congressional consent and approval. The four States and the two Federal agencies involved are anxious for speedy consideration and approval of the compact, for it serves as the necessary next step in the Atlantic salmon restoration program.

By historical accounts, measures to restore the Atlantic salmon to the Connecticut River Basin began as early as 1867. A four-State agreement to form The New England Commission on Inland Fisheries met with little success, because the problems of overfishing and dams without fish passages could not be overcome. Efforts continued into the late 1880's, but lack of a formal compact ultimately led to failure.

The contemporary restoration program began in earnest in 1967 when

5,000 2-year smolts were released into the Connecticut River. This time, passage of the Anadromous Fish Conservation Act provided the impetus for the State and Federal agencies to pool resources for a new joint venture. Since then, a great deal has been accomplished through much hard work and good fortune. In 1974, one adult salmon returned to the Connecticut River, the first in over 100 years. In 1971, the annual run reached its new height of 530 fish. A new Federal hatchery was constructed in Vermont with the capacity to produce 400,000 annually. In addition, State hatcheries combine to provide another 200,000 smolts annually. In the past 2 years, fish ladders around power generating dams have become operational at Turner's Falls, Mass. and Vernon, Vt. With these ladders in operation, the Connecticut River is now opened to Atlantic salmon for 173 miles to Bellows Falls, Vt., where another ladder is scheduled to open in 1984. A final ladder on the mainstem at the Wilder Dam, 217 miles from the ocean, is scheduled to open later in this decade. Also, on two major tributaries in Connecticut, the Salmon and Farmington Rivers, fish passage facilities constructed in the last 6 years provide a means to trap adults as well as allow free access of returning adults to historic spawning and nursery habitat.

The cooperators have as their goal an annual run of 6,000 by the year 1990. But they recognize that in order to achieve this and future goals, a formal compact is necessary. The bill that we are introducing today authorizes the formation of the four-State compact, and requires no Federal appropriations. The product of a lengthy cooperative effort, the compact to be recognized by this legislation will provide the mechanism by which the Atlantic salmon can be restored to its former abundance to the benefit of the entire four-State region. I am joined by the cosponsors of this bill in urging prompt consideration and passage.

I ask unanimous consent that a summary of the bill as well as the actual text be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY

The Connecticut River Atlantic Salmon Compact contains the following basic elements:

1. Establishes the Connecticut River Atlantic Salmon Commission, which will be composed of two representatives from each of the four states (the Fishery agency head and a private citizen), and the Northeast Regional Directors of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

2. The duties and authorities of the Commission are:

Recommending stocking programs, management procedures and research.

Coordinating interstate management and research projects.

Promulgating regulations for salmon fishing in the mainstem of the Connecticut River.

Issuing an Atlantic Salmon License with fees collected to be used by the Commission.

Accepting gifts, state and federal grants to be used along with the license fees for Atlantic salmon management and research.

3. A technical committee of fishery experts from each member state and the federal agency will be formed to act in an advisory capacity to the Commission.

4. For the first three years that the Compact is in effect, each state will provide $1,000 annually. No federal funds are required.

S. 1327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, which compact was entered into by the States of Connecticut, Massachusetts, New Hampshire, and Vermont pursuant to the laws of those respective States and is set forth in the statutes of the States of Connecticut (P.A. 79-528), Massachusetts (Chap. 716, 1981), New Hampshire (108:1, 1979) and Vermont (1979, No. 89; Amended in 1981, No. 85:9) and reads substantially as follows:

"ARTICLE I

"The purpose of this compact is to promote the restoration of anadromous Atlantic salmon, hereinafter referred to as Atlantic salmon, in the Connecticut River Basin by the development of a joint interstate program for stocking, protection, management, research, and regulation. It is the purpose of this compact to restore Atlantic salmon to the Connecticut River in numbers as near as possible to their historical abundance.

"ARTICLE II

"This agreement shall be operative immediately whenever all of the States of Connecticut, Massachusetts, New Hampshire, and Vermont have executed it in a form that is in accordance with the laws of the executing State and the Congress have given its consent.

"ARTICLE III

"Each State joining herein shall appoint two representatives to a commission hereby constituted and designated as the Connecticut River Atlantic Salmon Commission. One shall be the executive officer of the administrative agncy of such State charged with the management of the fisheries resources to which this compact pertains or his designee. The second shall be a citizen who shall have a knowledge and interest in Atlantic salmon to be appointed by the Governor for a term of three years. The Director of the northeast region of the Fish and Wildlife Service, United States Department of the Interior or his designee and the Director of the northeast region of the National Marine Fisheries Service, United States Department of Commerce or his designee shall be members of said commission. The commission shall be a body corporate with the powers and duties set forth herein.

"ARTICLE IV

"The duty of said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the restoration of Atlantic salmon in the Connecticut River and its tributaries.

"To promote restoration, preservation and protection of Atlantic salmon in the Connecticut River Basin, the commission may draft and recommend to the Governors of the various signatory States legislation to accomplish this end. The commission shall, more than 60 days prior to any regular meeting of the legislature of any signatory State, present to the Governor of the States its recommendations relating to proposed enactments to be made by the legislature of the State in furthering the intents and purposes of this compact.

"The commission shall have the power to recommend to the States party hereto stocking programs, management procedures, and research projects and when two or more States party hereto shall jointly stock waters or undertake cooperative management or research, the commission shall act as the coordinating agency. The commission, using all available means, shall encourage acquisition by the signatory States of river bank, river bed, and access thereto.

"The commission shall consult with and advise the pertinent administrative agencies in the signatory States with regard to other anadromous species and their potential impact or the potential impact of sport fisheries and commercial fisheries for other anadromous species on the restoration of Atlantic salmon to the Connecticut River Basin.

"In the interest of developing a sound program of Atlantic salmon management, the commission shall promulgate regulations governing Atlantic salmon fishing in the mainstem of the Connecticut River in all four signatory States as hereinafter provided. Such regulations may: (1) establish the open and closed seasons for Altantic salmon which may vary by river section, (2) establish hours, days or periods during the open season when fishing for Atlantic salmon shall not be permitted in designated areas, (3) prescribe the legal methods of taking Atlantic salmon including the type of gear such as gaffs, landing nets, or tailers which may be used to assist in landing fish, (4) establish a minimum legal length for Atlantic salmon, (5) establish a daily creel limit, the season creel limit, and the possession limit for Atlantic salmon.

"The commission shall recommend, review, and issue comments on such regulations as may be promulgated by the signatory States governing Atlantic salmon fishing in tributary streams. The States of Connecticut and Massachusetts agree to make available for broodstock, from fish taken in the fish passage facilities at the Rainbow Reservoir Dam and the Holyoke Power Company Dam, such numbers of adult Atlantic salmon as the commission deems necessary to carry out the Atlantic salmon restoration program.

"The commission shall have the power to issue a Connecticut River Basin Atlantic salmon license and the sale of such licenses shall be handled by the individual signatory States or their authorized agents. The individual signatory States shall be accountable to the commission for all such licenses and the moneys received therefrom. The initial fee for such licenses shall be determined by majority vote of the commission but shall not exceed the maximum resident angling license fee of the signatory States except that the commission may upon determina-

tion of need and with the unanimous approval of its membership increase such license and issuing fee. The individual signatory States or their issuing agents may retain a recording fee up to 50 cents for each license issued. Forms for such license shall be provided to the signatory States by the commission. Such license shall be a legal prerequisite for any person including minors fishing for or possessing Atlantic salmon in the waters or on the shores of the Connecticut River and all of its tributaries. In addition to said Connecticut River Basin Atlantic salmon license, all persons, except those specifically exempted because of age, disability, or other limitations as determined by statute or regulations of the individual signatory States shall be required to possess a valid resident or nonresident sport fishing license issued by the State in which the person is fishing. The commission shall recognize that in certain waters or sections of waters a daily rod permit may also be required, such daily rod permit to be issued by the State in which such waters or sections of waters are located; however, the signatory States shall not, by fee, distinguish between residents and nonresidents. The authority to limit the numbers of persons fishing for Atlantic salmon in certain tributaries or sections of certain tributaries shall remain the preerogative of the individual signatory States.

"The respective police agencies of the signatory States shall have the authority to enforce all of the regulations and license requirements of the commission any place in the Connecticut River Basin.

"The commission shall have the authority to accept gifts, State grants, and Federal funds. The commission shall have the authority to expend money from fees collected for Connecticut River Basin Atlantic salmon licenses or from such other funds available to the commission to finance the cost of stocking, management, or research carried on by signatory States to further the purposes of this compact. Such funds shall be in the form of direct grants to the agency of such State charged with the management of the fisheries resources and may be up to 100 percent of the cost of projects approved by a majority vote of the commission.

"ARTICLE V

"The commission shall elect from its number a chairman and a vice chairman and at its pleasure may remove such officers. Said commission shall adopt rules and regulations for the conduct of its business. At such time as funds are available to the commission, the commission may establish and maintain an office for the transaction of its business. The commission may meet at any time or place but must meet at least semiannually.

"The commission shall have the authority to expend money from available commission funds to reimburse its membership for necessary travel expenses.

"ARTICLE VI

"At such time as funds are available, the commission may employ and discharge at its pleasure such personnel as may be required to carry out the provisions of the compact and shall fix and determine their duties, qualifications, and compensation.

"ARTICLE VII

"There shall be established a technical committee to consist of one fishery biologist from each of the signatory States, the United States Fish and Wildlife Service and the National Marine Fisheries Service to act in an advisory capacity to the commission. The technical committee shall have the authority to request employees of the signatory States, the United States Fish and Wildlife Service and the National Marine Fisheries Service or others who have special fields of expertise to act as special advisors to the committee. At such time as funds are available, the commission may reimburse technical committee members and special advisors for necessary travel expenses.

"ARTICLE VIII

"No action shall be taken by the commission in regard to its general affairs except by affirmative vote of a majority of members present at any meeting, provided there is a quorum. A quorum shall consist of a simple majority of all members of the commission. *Provided further,* That no action shall be taken by the commission unless each signatory State is represented at any such meeting. No recommendation or allotment of grant funds shall be made by the commission except by the affirmative vote of a majority of the members.

"ARTICLE IX

"Continued absence of representation or of any representative on the commission from any party hereto shall be brought to the attention of the Governor thereof.

"ARTICLE X

"The States signatory hereto agree to make an annual appropriation to the initial support of the commission in the amount of $1,000 for each of the first three years that this compact is in effect.

"ARTICLE XI

"The commission shall keep accurate accounts of all receipts and disbursements and shall report to the Governor and the legislature of each State party to this compact on or before the tenth day of January of each year setting forth in detail the transactions conducted by it during the 12 months preceding January first of that year. The comptrollers of the States are hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements, grants and such other items referring to its financial standing as such comptroller may deem proper and to report the results of such examination to the Governor of said State.".

SEC. 2. The Congress authorizes the Secretary of Commerce and the Secretary of the Interior to participate as members of the commission in the manner specified by the compact approved by the first section of this Act.

SEC. 3. Nothing contained in the compact approved by the first section of this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of that compact.

SEC. 4. The right to alter, amend, or repeal this Act is expressly reserved.

By Mr. SPECTER:

S. 1328. A bill to forgive certain loan repayments by the Southeastern Pennsylvania Transportation Authority to the Secretary of Transportation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

LOAN REPAYMENTS BY THE SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY

Mr. SPECTER. Mr. President, this loan was entered into with the Secretary of Transportation under the Urban Mass Transportation Act of 1964 for the acquisition of rights-of-way.

An amount equaling 80 percent of the balance of the principal and interest on the loan would be forgiven outright by this provision. The remaining 20 percent would have to be repaid, unless the Secretary of Transportation chose to convert it into a grant.

The loan was originally taken out with the hope and intention of providing rail passenger service to Chester County. Under the provisions of the loan, it would be forgiven and converted into a grant if passenger service were provided by April 1, 1986. This goal seems untenable at this point, since economic conditions do not favor such a development.

While the potential for passenger service at this time is slim, the prospect for expanded freight service is very good. For instance, the addition to the railroad of an intermodal terminal has generated new customers as far away as 20 miles. In July 1983, a wood products business will come onto the rail line, while a rail car rehabilitation firm has purchased property along the railroad and plans to initiate business there by 1984.

The rail line currently serves a variety of commercial traffic. Several different types of freight are being hauled, including compost materials for the mushroom industry, fertilizer for the agricultural industry, and perishables, and related food grade products. Southern Chester County, the mushroom center of the country, produces 25 to 30 percent of all mushrooms in the United States. Furthermore, NVF, Inc., an electronics component manufacturer which has recently developed a new use for recycled materials, uses the rail line for bulk shipment of these materials. Usage of the rail line for commercial purposes will continue to serve as a development tool to bring industry into the area.

If assistance is not provided, there is every likelihood that the rail line would be abandoned. Neither the Southeastern Pennsylvania Transportation Authority nor the county of Chester can afford to pay back the loan in order to retain control of the rail line. Because of its light density, the railroad would not generate the interest of a large rail company if it were to be sold, and Octorari Railroad, the current operator, cannot afford to buy it. By providing assistance to preserve the rail line for commercial traffic, the line will already exist should the community expand enough to accommodate passenger service.

Precedent for this type of assistance has already been established. Section 312 of the Surface Transportation Assistance Act of 1982 excused the Massachusetts Bay Transportation Authority from repaying 80 percent of

the principal and interest owed on two loans entered into with the Secretary of Transportation under the Urban Mass Transportation Act of 1964 for the acquisition of rights-of-way. Under the provisions of these loans, they would have been forgiven and converted into grants if 20 percent of the purchase price has been put into improvements. However, a weak economy served as an impediment to such improvements. The terms set forth in the bill I am introducing today are identical to those set forth in section 312 for excusing the loans of the Massachusetts Bay Transportation Authority.

It is only the unexpected turn of economic trends in Chester County that has made this assistance necessary. Because of the slowing of residential development brought on by the recession, the need for passenger service did not develop as originally anticipated.

The southern part of Chester County, through which the railroad passes, has been an expanding community. The population of the 18 municipalities in this area increased 19.4 percent between 1970 and 1980, while per capita income increased 149 percent. Identified employment in the area remained stable during this period, while the civilian labor force, residents 16 years or older, more than doubled. The recent relocation of the national headquarters of Clarks' Shoes to Kennett Square, which is also on the rail line, is expected to attract additional residents to the area.

The above statistics point out that the potential for growth exists. Preservation of the rail line will enable Chester County to fully develop this potential.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Southeastern Pennsylvania Transportation Authority shall have no obligation to repay the United States 80 per centum of the principal and the interest owed on the following loans entered into with the Secretary of Transportation under the Urban Mass Transportation Act of 1964 for the acquisition of rights of way: the loan numbered PA03 9002 entered into on April 29, 1976, and the loan numbered PA03 9003 entered into on April 29, 1976.

(b)(1) The Secretary of Transportation may convert the remaining 20 per centum of the principal and interest owed on the loans described in subsection (a) to grants under the conditions set forth in paragraph (2).

(2) In lieu of the local matching share otherwise required, the grant agreement may provide that State or local funds shall be committed to public transportation projects in the urbanized area, on a schedule acceptable to the Secretary of Transportation, in an amount equal to the local share that would have been required had the amount of principal and interest forgiven under subsection (a) been the Federal share of a capital grant made when the original loan was made. The State or local funds contributed under the terms of the preceding sentence shall be made available for capital projects eligible for funding under section 3(a) of the Urban Mass Transportation Act of 1964 and may not be used to satisfy the local matching requirements for any other grant project.

By Mr. CHAFEE: (for himself and Mr. STAFFORD):

S. 1329. A bill to extend until October 1, 1983, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat, and for other purposes; to the Committee on Environment and Pubic Works.

EMERGENCY WETLANDS RESOURCES ACT OF 1983

● Mr. CHAFEE. Mr. President, on April 5, 1983, I introduced S. 978, Secretary Watt's proposal entitled "The Protect Our Wetlands and Duck Resources Act of 1983." Although I expressed some doubts about the efficacy of that bill as written, I commended the Secretary and the administration for helping to focus the attention of the Federal Government, the Congress, State, and local governments, the private sector, and the general pubic on a serious natural resource problem: inadequate conservation of our Nation's rapidly disappearing wetlands. That commendation should be repeated today. Secretary Watt and the POWDR Task Force deserve recognition for their continuing efforts in this area. I look forward to continuing to work with the Secretary and the members of POWDR on this issue.

I stated on April 5 that I was in the process of drafting legislation that would build upon the base provided by Secretary Watt's proposal. Today, Mr. President, I am introducing one part of that legislation, the Emergency Wetlands Resources Act of 1983. Working with my distinguished colleague on the Finance Committee, Senator WALLOP, and our colleagues on the House Ways and Means Committee, I hope to introduce shortly the second part of this legislative package, a bill that will build upon the Tax Treatment Extension Act of 1980 and will encourage the dedication of private lands to wetland uses.

The problems with the POWDR bill (S. 978) are threefold. First, although I agree that it makes little sense for the destruction of important natural resources to be underwritten and encouraged with Federal tax dollars, I am disturbed by the number and scope of exceptions to the bill's proposed subsidy prohibition. Enactment of a bill with many loopholes could, in the long run, be counterproductive for wetlands by giving the appearance that they have been protected when, in fact, they have not. There are many questions which need to be answered concerning the effects of the title I limit on Federal expenditures and the methods to be used for mapping. Second, the bill does not adequately address the Federal role in and responsibility for the acquisition of wetlands habitat. This responsibility stems, in part, from our Nation's migratory bird treaty obligations with Japan, the Union of the Soviet Socialist Republics, Canada, Mexico, and with various other countries in the Western Hemisphere. Third, the bill does nothing to encourage the dedication of private lands to wetland uses.

All this is not to say, Mr. President, that the POWDR bill was a waste of time. Many of the provisions found in my legislation are based upon discussions that took place at various POWDR meetings and appear in the Secretary's bill. The Secretary and I both recognize that the introduction of legislation is a first step, not a final one. These bills are not in competition. My legislation contains recommendations for refinement of the Secretary's proposal. I intend to proceed quickly to hearings on S. 978 and the Emergency Wetlands Act and hope to eventually marry the best features of both.

The Emergency Wetlands Resources Act of 1983 will accelerate Federal and State acquisition of wetlands habitat, equitably distribute the costs of such acquisition by utilizing an existing source of funding—the land and water conservation fund—to supplement moneys provided by hunters and other conservationists, place a high priority on the national wetlands inventory project which maps and analyzes the status and trends of our Nation's wetlands, and will develop the information needed to decide how we can stop the destruction of these important natural areas that is currently being underwritten and encouraged with Federal tax dollars. The second part of this legislative package, the tax proposal, will encourage the dedication of private lands to wetland uses by providing tax incentives for such activities. Together, these two bills will constitute a major step in the initiative to conserve the Nation's rapidly disappearing wetlands.

For the record, I would like to repeat many of the observations and comments that I expressed on April 5. First, it should be noted that the need to conserve wetlands has never been more critical than it is today. At present, the modification and the destruction of wetland habitat is the singlemost important factor affecting migratory waterfowl abundance. Wetlands, however, are important for many reasons other than the conservation of waterfowl. They are biologically and economically important to the lives of every American. They contribute to the production of a commercial and recreational fishery harvest

valued at several billion dollars annually. Equally important, they provide millions of Americans with opportunities for recreational activities such as boating and bird watching, support a major portion of the Nation's multimillion dollar annual fur harvest, provide savings in natural flood and erosion control, and help to supply the Nation's increasing demand for safe, pure water. In all, wetlands contribute from $20 to $40 billion a year to the national economy.

For far too long, wetlands have been considered wastelands. They have been drained or filled and converted to other uses, often with technical and financial assistance through various governmental programs, including those for navigation, flood control, and agricultural development.

Approximately one-half of the 215 million acres of wetlands that once existed in the contiguous United States have disappeared and the continued destruction of these areas poses a serious threat to the Nation's environmental and economic well-being. A recent Department of the Interior study concerning the status and trends of wetlands in the United States found that current losses total 458,000 acres, or 715 square miles, every year. Over 9 million acres, an area nearly twice the size of New Jersey, were lost in the 20-year period from the 1950's to the 1970's covered by the study.

A Federal role in the acquisition of wetland habitat has been recognized by Congress for many years. The enactment of the Migratory Bird Conservation Act in 1929 and the Migratory Bird Hunting and Conservation Stamp Act of 1934 established the foundation for our present wetland acquisition program. Other programs have also contributed. The enactment of the Wetlands Loan Act in 1961, as amended, has generated to date some $145 million in loan money for acquiring wetlands. Contributions from the land and water conservation fund have supplemented wetland acquisition efforts but only to the extent that the area acquired is for a congressionally authorized refuge or is habitat for an endangered species. Although the Federal Government obviously cannot purchase all wetlands, we should, at a minimum, accelerate the acquisition program that was established in the 1950's.

During the 1950's the Department of Interior, the States, and the International Association of Fish and Wildlife agencies jointly determined the 12.5 million acres of waterfowl habitat needed to be under State and Federal control and managed to maintain waterfowl populations that existed then. The responsibility for acquiring this habitat was split with the Federal share placed at 8 million acres—including 3.5 million already owned. The passage of the Wetlands Loan Act in 1961 provided a source of additional funds for the migratory bird conservation fund and enabled the U.S. Fish and Wildlife Service to increase acquisition of wetlands. The Service determined during 1976 that 1.95 million acres of the Federal portion of waterfowl habitat remained to be acquired and that those acres should be preserved during a 10-year period between fiscal year 1977 and fiscal year 1986. This would be done to offset accelerated losses and degradation of wetlands and help maintain waterfowl populations at desired levels. The 10-year acquisition objective was divided into 33 habitat categories and acquisition concept plans were developed for categories 1 to 15. In the first 7 years of the 10-year period, the Fish and Wildlife Service will have acquired only about 18 percent, or 359,410 acres, of the remaining 1.95 million acres of waterfowl habitat needed. Clearly, we need to do a better job of meeting our goals.

The Federal Government would need to spend an average of $140 million per year to accomplish the current acquisition goal of 1.6 million acres in a new 10-year period—it was originally supposed to have been completed in 1986. With or without this bill, we will not be able to satisfy our original goals. The Emergency Wetlands Resources Act of 1983 will provide, for an emergency 10-year period, approximately $50 million per year for Federal acquisition and an additional $50 million per year for State acquisition. Of this, approximately $25 million per year will be raised from user fees and $75 million per year will come from the existing land and water conservation fund which contains $900 million each year consisting primarily of offshore oil and gas revenues. It is my hope that the effect of the failure to meet our original goals will be lessened by enactment of legislative proposals based on the Tax Treatment Extension Act of 1980, the foundation for gifts for conservation purposes, and increased dedication of private lands to wetland uses.

Mr. President. No discussion of wetlands would be complete without reference to the major Federal provision, enacted in 1972, for the protection of wetlands, including such areas as coastal and inland marshes and estuaries, river-associated water-saturated areas, inland lakes, potholes, bogs, mudflats, and bottomland hardwood forests: Section 404 of the Clean Water Act. A new role in wetland maintenance was established, that of regulator of wetland development. Permit requirements under the U.S. Army Corps of Engineers' regulatory authority of section 404 of the act extend to all waters of the United States, including wetlands. The Secretary's POWDR bill and the bill being introduced today cannot and should not be viewed as substitutes for a strong section 404 program. These bills are designed to augment, not replace, existing programs.

I urge my colleagues to review these important issues and to join me in an attempt to develop a reasonable, aggressive wetlands program. It gives me great pleasure to announce that the distinguished chairman of the Committee on Environment and Public Works, Senator STAFFORD, is a cosponsor of this bill and that a gentleman with whom I have collaborated on several important environmental issues in the past, Congressman ED FORSYTHE, plans to introduce identical legislation in the House of Representatives. I look forward to working with Senator STAFFORD, Congressman FORSYTHE and our other colleagues, as well as Secretary Watt, members of the POWDR Task Force, and interested members of the public. I ask unanimous consent that the text of the Emergency Wetlands Resources Act of 1983 and a summary of its major provisions be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows;

S. 1329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Wetlands Resources Act of 1983".

FINDINGS AND STATEMENT OF PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water supply and quality, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all our citizens;

(2) wetlands provide habitat essential for the breeding, spawning, nesting, migration, wintering and ultimate survival of a major portion of the Nation's migratory and resident fish and wildlife, including migratory birds, endangered species, commercially and recreationally important finfish, shellfish and other aquatic organisms, and contain many unique species and communities of wild plants;

(3) our Nation's migratory bird treaty obligations with Canada, Mexico, Japan, the Union of the Soviet Socialist Republics, and with various countries in the Western Hemisphere require Federal protection of wetlands used by migratory birds for breeding, wintering or migration and needed to achieve and to maintain optimum population levels, distributions, and patterns of migration;

(4) wetlands, and the fish, wildlife, and plants dependent thereon, provide significant recreational and commercial benefits, including—

(A) contributions to a commercial marine harvest valued at over ten billion dollars annually;

(B) support for a major portion of the Nation's multi-million dollar annual fur and hide harvest; and

(C) fishing, hunting, birdwatching, nature observation and other wetland-related recre-

ational activities that generate billions of dollars annually;

(5) wetlands enhance the Nation's water quality and supply by serving as groundwater recharge areas, nutrient traps and chemical sinks;

(6) wetlands provide a natural means of flood and erosion control by retaining water during periods of high runoff, thereby protecting against loss of life and property;

(7) wetlands constitute only a small percentage of the land area of the United States, are estimated to have been reduced by half in the contiguous States since the founding of our Nation, and continue to disappear by hundreds of thousands of acres each year;

(8) certain activities of the Federal government have inappropriately altered or assisted in the alteration of wetlands, thereby unnecessarily stimulating and accelerating the loss of these valuable resources and the environmental and economic benefits that they provide; and

(9) the existing Federal, State and private cooperation in wetlands conservation should be strengthened in order to minimize further losses of these valuable areas and to assure their management in the public interest for this and future generations.

(b) PURPOSE.—It is the purpose of this Act to promote, in concert with other Federal and State statutes and programs, the conservation of our Nation's wetlands in order to maintain the public benefits they provide and to fulfill international obligations contained in various migratory bird treaties and conventions with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and with various countries in the Western hemisphere by—

(1) intensifying cooperative efforts among private interests and local, State, and Federal governments for the management and conservation of wetlands; and

(2) intensifying efforts to protect the Nation's wetlands through acquisition in fee, easements or other interests and method by local, State, and Federal governments and the private sector.

DEFINITIONS

SEC. 3. For purposes of this Act, the term—

(a) "Committees" means the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate;

(b) "Secretary" means the Secretary of the Interior; and

(c) "wetland" means land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Generally, wetlands are areas inundated or saturated by surface or ground water frequently enough and for long enough duration to support a prevalence of plants or animals typically adapted to life in saturated soil conditions including but not limited to such areas as coastal or inland marshes or estuaries, river-associated water-saturated areas, inland lakes, potholes, bogs, mudflats, or bottomland hardwood forests.

TITLE I. EXTENSION OF WETLANDS LOAN ACT

SEC. 101. (a) The first section of the Act entitled "An Act to promote the conservation of migratory waterfowl by the acquisition of wetlands, and for other essential waterfowl habitat, and for other purposes," approved October 4, 1961 (75 Stat. 813; 16 U.S.C. 715k-3) (referred to in this Act as the "Wetlands Loan Act"), is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1993."

(b) Section 3 of the Wetlands Loan Act (75 Stat. 813: 16 U.S.C. 715k-5) is amended by striking out the first three sentences thereof.

TITLE II. REVENUES FOR MIGRATORY BIRD CONSERVATION FUND

ADMISSION FEES AT CERTAIN REFUGE UNITS

SEC. 201. (a) Notwithstanding the provisions of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897: 16 U.S.C. 4601-4 et seq.), in order to provide additional revenues for the conservation of the Nation's wetland resources, entrance or admission fees may be charged at certain units of the National Wildlife Refuge System designated by the Secretary of the Interior for such fees (referred to in this Act as "designated units").

(b) A valid migratory bird hunting and conservation stamp, as established under the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718a), as amended, or a valid Golden Eagle Passport, as established under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-4 et seq.), shall function as a permit for entry into any designated unit. Use of a valid migratory bird hunting and conservation stamp as a permit under this subsection shall not affect the requirements of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718a), as amended, relating to the taking of migratory waterfowl.

(c)(1) Permits for a single visit to any designated unit shall be made available by the Secretary of the Interior at reasonable admission fees for persons who choose not to purchase an annual permit as provided in subsection (b) of this section. For purposes of this subsection, "single visit" means a more or less continuous stay within a designated unit by a person or group described in subsection (d) of this section. Payment of a single visit admission fee and issuance of a single visit permit shall authorize exits from and re-entries to a single designated unit for a period of from one to fifteen days. Such period shall be defined for each designated unit by the Secretary based upon a determination of the period of time reasonably and ordinarily necessary for such a single visit.

(2) Notwithstanding section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715a), as amended, revenues from permits under this subsection, less 10 percent to be used—

(A) to defray administrative costs incurred by the Secretary in providing for such permits; and

(B) for the purposes for which the designated units have been established;

shall be paid into the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d), as amended.

(d) A permittee pursuant to subsection (b) or (c) of this section and any persons accompanying such permittee in a single, private, noncommercial vehicle, or, where entry to the area is by any means other than a single, private noncommercial vehicle, the permittee and any accompanying spouse, children, or parents shall be entitled to general entrance into any designated unit.

(e) The Secretary of the Interior shall establish procedures providing for the issuance of a lifetime admission permit to any citizen of, or person domiciled in, the United States, if such citizen or person applies for such permit, and is blind or permanently disabled. Such procedures shall assure that such permit shall be issued only to persons who have been medically determined to be blind or permanently disabled for purposes of receiving benefits under Federal law as a result of said blindness or permanent disability as determined by the Secretary. Such permit shall be nontransferable and shall be issued without charge.

(f) The Secretary of the Interior shall establish procedures providing for the issuance of a lifetime admission permit to any citizen of, or person domiciled in, the United States, if such citizen or person applies for such permit, and is sixty-two years of age or older. Such permit shall be nontransferable and shall be issued without charge.

(g) Special admission permits for uses such as group activities, or for travel by private, noncommercial vehicle over any road or highway to any land in which a permittee has a property interest if such land is within any designated unit, may be issued in accordance with procedures and at fees established by the Secretary. Revenues from such permits shall be paid into the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d), as amended.

(h) Any permit authorized by this section shall be non-transferable and shall be available for purchase at any designated unit. Such permit shall not authorize any uses for which fees are charged under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-4 *et seq.*).

(i) All fees established pursuant to this section shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the recipients, the public policy or interest served, the comparable fees charged by non-Federal public agencies, the economic and administrative feasibility of fee collection and other pertinent factors. Clear notice that a fee has been established pursuant to this section shall be prominently posted at each designated unit and at appropriate locations therein and, to the extent practicable, shall be included in publications distributed at such units.

(j) Periodic reports indicating the number and location of fee collection areas, the number and location of potential fee collection areas, capacity and visitation information, the fees collected, and other pertinent data, shall be coordinated and compiled by the U.S. Fish and Wildlife Service and transmitted to the Committee on Merchant Marine and Fisheries of the United States House of Representatives and the Committee on Environment and Public Works of the United States Senate. Such reports, which shall be transmitted no later than March 31 annually, shall include any recommendations which the Service may have with respect to improving this aspect of the migratory bird conservation fund program.

PRICE OF MIGRATORY BIRD HUNTING AND CONSERVATION STAMP

SEC. 202. Section 2(b) of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718b), as amended, is amended by striking out "$7.50" and inserting in lieu thereof "$10.00" and by striking out "any hunting year" and inserting in lieu thereof "hunting years 1984 and 1985, $12.50 for hunting years 1986 and 1987, and $15.00 for each hunting year thereafter,".

TRANSFERS TO MIGRATORY BIRD CONSERVATION FUND

SEC. 203. Notwithstanding any other provision of law, all import duties collected on

arms and ammunition, as specified in subpart A of part 5 of schedule 7 of the Tariff Schedules of the United States, shall, beginning on the date of the enactment of this Act, be paid into the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d), as amended.

SEC. 204. For the period beginning on October 1, 1983, and ending at the close of September 30, 1993, $75,000,000 shall be paid each year from the land and water conservation fund established under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-4 et seq.) into the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d), as amended.

TITLE III—FINANCIAL ASSISTANCE TO STATES FOR WETLANDS ACQUISITION

SEC. 301. (a) Subsection (b) of section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d), as amended, is amended by striking out "subsection (c)" and inserting in lieu thereof "subsections (c) and (d)".

(b) Section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d), as amended, is amended by inserting at the end thereof the following new subsection:

"(d)(1) For the period beginning on October 1, 1983, and ending at the close of September 30, 1993, the Secretary of the Interior is authorized to provide from the fund financial assistance not to exceed $50,000,000 annually to the States for purposes of wetlands acquisition, as defined in subsection (d)(2) of this section. Payments for such purposes may be made to the States as hereinafter provided, subject to such terms and conditions as the Secretary considers appropriate and in the public interest.

"(2) For purposes of this subsection, the term 'wetlands acquisition' means obtaining a property interest in wetlands or associated areas by purchase or lease if obtaining such interest contributes appreciably to the preservation of said wetlands and associated populations of fish, wildlife and plants.

"(3) Sums available from the fund for wetlands acquisition under this subsection shall be apportioned among the States by the Secretary, whose determination shall be final, on the basis of (i) the ratio which each State's obligation of funds, other than federal funds, to wetlands acquisition bears to the total amount of funds, other than federal funds, obligation by the States to wetlands acquisition during the most recent fiscal year for which the calculation of such funds is practicable, as determined by the Secretary; less (ii) an amount not to exceed 1 percent of the total of amounts allocated to the States under this subsection, to be used to defray administrative costs incurred by the Secretary in making payments under this subsection. Such apportionments shall be adjusted equitably so that no less than one-half of 1 per centum of the total amount apportioned shall be allocated to each State.

"(4) A State may elect to avail itself of the benefits of this subsection by:

"(A) submitting to the Secretary a comprehensive fish and wildlife resource management plan which shall ensure the perpetuation of these resources for the economic, scientific and recreational enrichment of the people. Such plans will be prepared with opportunity for public comment and provided in a format required by the Secretary which shall be compatible with standards and formats required of States for other fish and wildlife grants administered by the Secretary, particularly the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669 et seq.) Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777 et. seq.), and Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et. seq.).

If the Secretary finds that such plans conform to standards established by him and approves such plans, he may finance up to 75 per cent of the cost of implementing segments of those plans meeting the purposes of this subsection from funds apportioned under this subsection; or

"(B) submitting to the Secretary full and detailed statements of any wetlands acquisition project proposed for that State. If the Secretary finds, after opportunity for public comment, that such project meets with the standards set by him and approves said project, the State shall furnish the Secretary such surveys, plans, specifications, and estimates therefore as may be required. If the Secretary approves the plans, specifications, and estimates for the project, he shall so notify the State within 90 days of receiving said plans, specifications, and estimates and immediately set aside so much of the fund as represents the share of the United States payable under this subsection on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof.

"(5) The Secretary shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved wetlands acquisition plans or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this subsection. No payment of any money apportioned under this subsection shall be made on any comprehensive wetlands acquisition plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary.

"(6) When the Secretary finds that any approved project or segment of an approved comprehensive plan has been completed in compliance with approved plans and specifications or an approved comprehensive plan the Secretary shall cause to be paid to the proper authority of such State the amount set aside for said project or plan. The Secretary may from time to time make payments on said project or plan as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro rata share of the project in conformity with said plans and specifications or said comprehensive plan.

"(7) Any amount of any apportionment under paragraph (3) of this subsection that for any fiscal year remains unobligated at the close thereof shall continue to be available for obligation until the close of the succeeding fiscal year. At the close of such succeeding fiscal year, such amounts shall remain in the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d), as amended, and shall become available for expenditure under said Act.

"(8) The Secretary is authorized to make rules and regulations for carrying out the provisions of this subsection.".

TITLE IV. WETLANDS INVENTORY AND TREND ANALYSIS

SEC. 401. (a) The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall continue the National Wetlands Inventory Project and shall—

(1) produce, by September 30, 1986, final National Wetlands Inventory maps for the areas that have been identified by the Service as top priorities for mapping, including the entire coastal zone of the United States, floodplains of major rivers and the Prairie Pothole Region;

(2) produce, by September 30, 1988, final National Wetlands Inventory maps for those portions of the contiguous United States for which final maps have not been produced earlier;

(3) produce, as soon as practicable, final National Wetlands Inventory maps for Alaska and other noncontiguous portions of the United States; and

(4) produce, by September 30, 1985, and at 10-year intervals thereafter, reports to update and improve the information contained in the report dated September 1982 and entitled "Status and Trends of Wetlands and Deepwater Habitat in the Coterminous United States, 1950's to 1970's".

(b) There is authorized to be appropriated the following sums, to remain available until expended:

(1) $7,000,000 per fiscal year for the fiscal years beginning on October 1, 1983 and ending at the close of September 30, 1986, to carry our paragraph (1) of subsection (a) of this section:

(2) $5,000,000 per fiscal year for the fiscal years beginning on October 1, 1987 and ending at the close of September 30, 1993, to carry out paragraphs (2) and (3) of subsection (a) of this section; and

(3) $3,000,000 per fiscal year for the fiscal years beginning on October 1, 1983 and ending at the close of September 30, 1995, to carry out paragraph (4) of subsection (a) of this section.

REPORT TO CONGRESS

SEC. 402. (a) The Secretary shall, by September 30, 1985, prepare and submit to the Committees a report regarding wetlands losses in the United States.

(b) The report required under subsection (a) shall contain—

(1) an analysis of the causes of wetlands destruction and degradation;

(2) a compilation and analysis of federal statutory and regulatory mechanisms, including expenditures and financial assistance, which induce wetlands destruction or degradation;

(3) a compilation and analysis of federal expenditures resulting from wetlands destruction and degradation;

(4) an analysis of the environmental and economic impact of eliminating or restricting future federal expenditures and financial assistance, whether direct or indirect, which have the effect of encouraging the destruction or degradation of wetlands, including but not limited to: public works expenditures; assistance programs such as price support programs, commodity loans and purchase programs and disaster assistance programs; soil conservation programs; and certain income tax provisions.

(5) an analysis of the environmental and fiscal impact of failure to restrict future federal expenditures and financial assistance which have the effect of encouraging the destruction or degradation of wetlands, including but not limited to: assistance for normal silviculture activity (such as plowing, seeding, planting, cultivating, minor drainage, or harvesting for the production of fiber or forest products); federal expenditures required incident to studies, evalua-

tions, design, construction, operation, maintenance, or rehabilitation of federal water resource development activities, including channel improvements; the commodity loans and purchases program and cotton, feed grain, wheat, and rice production stabilization programs administered by the Department of Agriculture; federal expenditures for the construction of publicly owned or publicly operated highways, roads, structures, or facilities that are essential links in a larger network or system; and general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (86 Stat. 919; 31 U.S.C. 1221); and

(6) recommendations for the conservation of wetlands resources based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions, Federal actions, and initiatives by private organizations and individuals.

(c) There is authorized to be appropriated $1,000,000 to carry out the provisions of this section, which sum shall be available until expended.

EMERGENCY WETLANDS RESOURCES ACT OF 1983: SUMMARY OF MAJOR PROVISIONS

TITLE I. EXTENSION OF WETLANDS LOAN ACT

This title would amend the Wetlands Loan Act to extend the availability of funds under it for 10 years, through September 30, 1993, and to delete the provisions for repayment of advances under the Act.

TITLE II. REVENUES FOR MIGRATORY BIRD CONSERVATION FUND

Section 201 would provide the Secretary of the Interior with authority to require a fee for entrance into certain designated units of the National Wildlife Refuge System. A valid migratory bird hunting and conservation stamp (a Federal duck stamp) or a Golden Eagle Passport would function as an annual entry permit. Single visit permits would also be available. The approximately $3.5–5.0 million that this provision is expected to raise on an annual basis would be deposited into the Migratory Bird Conservation Fund for federal and state wetlands acquisition programs.

Section 202 would gradually increase the price of the federal duck stamp from $7.50 to $10.00 to $12.50 to $15.00.

Section 203 would direct that duties on imported arms and ammunition be paid into the Migratory Bird Conservation Fund.

Section 204 would direct that $75,000,000 be transferred each year, for an emergency 10-year period, from the Land and Water Conservation Fund into the Migratory Bird Conservation Fund for federal and state wetlands acquisition programs.

TITLE III. FINANCIAL ASSISTANCE TO STATES FOR WETLANDS ACQUISITION

This title would amend the Migratory Bird Conservation Fund Act to authorize, for 10 years, a program of matching-grants to States to assist with federally approved wetlands aquisition projects. The program would make $50,000,000 available annually for federal assistance in an amount equal to 75 percent of the total cost of each approved project.

TITLE IV. WETLANDS INVENTORY AND TREND ANALYSIS

Section 401 would require competition of the National Wetlands Inventory program for mapping the Fish and Wildlife Service's priority areas within 3 years. Mapping of the rest of the contiguous United States would be completed within 5 years. This section would also require a periodic update of the Service's recent report on the status and trends of our nation's wetlands.

Section 402 would require that the Secretary conduct a study and, by September 1985, prepare a report to Congress regarding wetland losses in the United States. The study would examine the extent to which federal subsidies encourage the destruction of wetlands and would make recommendations for the conservation of wetlands resources based on an evaluation and comparison of all management alternatives.●

By Mr. STAFFORD (for himself and Mr. RANDOLPH):

S. 1330. A bill to authorize the U.S. Army Corps of Engineers to provide grants to the several States to encourage and foster the construction of necessary public capital investment projects, and for other purposes; to the Committee on Environment and Public Works.

PUBLIC CAPITAL INVESTMENT ACT OF 1983

● Mr. STAFFORD. Mr. President, I was pleased, earlier this week, to file with the Senate an amended version of S. 724. That bill, as our committee report, 98-94, notes, did not include two titles of S. 724 as it was introduced originally. Those two titles were not included, without prejudice.

Therefore, I am most pleased to reintroduce those two titles today. I am also honored that the distinguished ranking member of the Committee on Environment and Public Works (Mr. RANDOLPH) has again joined me in sponsoring these provisions. It is our hope that we will be able to resume hearings on this bill in the near future, as well as related bills, such as S. 23 and S. 532.

Mr. President, this bill involves our Nation's infrastructure, our public capital investment, which appears to be in serious need of additional investment. To give my colleagues a better perspective of the needs, I ask unanimous consent to include in the RECORD a breakdown on public capital investment trends among the most industrialized nations. This study, undertaken by the Library of Congress, shows that the United States spends far less of its gross national product on public capital investment than any other major western nation. That is a tragedy, one that will inevitably damage our economy in the future.

Mr. President, I also ask unanimous consent to have the bill printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Capital Investment Act of 1983."

TITLE I—PUBLIC CAPITAL INVESTMENT

SEC. 101. (a) The Congress finds and declares that—

(1) a sustained program of public capital investment is essential for the Nation's continued prosperity and long-term economic vitality;

(2) building, rehabilitation, and maintaining the Nation's public capital investment will produce jobs during the period of construction, and then create long-term economic efficiencies that benefit the economy and all Americans; and

(3) the annual expenditure by the American people for new or renovated public capital investment projects has declined in recent years by more than 50 per centum, as a percentage of the gross national product.

(b) It is, therefore, the policy of the United States that—

(1) the declining trend in public capital investment should be reversed;

(2) any strategy for wise public capital investment must be long range and sustained;

(3) because of climatic, historic, and economic differences, the several States can more effectively establish realistic priorities for most public capital investment decisions than the Federal Government; and

(4) any long-term public capital investment program should involve a partnership between the Federal Government and other levels of government.

SEC. 102. The Secretary of the Army, acting through the Chief of Engineers (hereinafter in this Act referred to as the "Secretary") is authorized to make grants to any State under procedures established by the Secretary pursuant to this title for the purpose of the construction or rehabilitation of public capital investment project.

SEC. 103. (a)(1) Any State may submit to the Secretary an application for a public capital investment grant under this title. Such application shall contain information, as the Secretary shall require, to determine that—

(A) sums granted to the State under this title will be utilized exclusively for the purpose of improving the public capital investment in such State;

(B) the State will contribute annually from non-Federal revenues, a sum no less than the sum it receives annually under this title, with such State moneys to be used exclusively for the purpose of improving the public capital investment in such State;

(C) moneys granted to the State under this title, or provided by the State to meet the requirements of this title, will be placed in an appropriate fund (hereinafter in this title referred to as the "Fund"), established pursuant to State law, and will be utilized exclusively to construct or rehabilitate public capital investment projects undertaken as a result of a plan developed by such State, after public hearings, that establishes priorities and is applicable to such investments throughout such State;

(D) the State requires repayment into the Fund of user charges or other payments sufficient to maintain such Fund for the foreseeable future so that the Fund will continue to be available to finance public capital investments throughout such State following the termination of this title;

(E) the State requires that any project constructed or rehabilitated using funds provided by this title will be maintained and repaired on a scheduled basis during its useful life, utilizing moneys other than those available under the terms of this title;

(F) the State has established, in connection with projects to be financed under the terms of this title, training programs satisfactory to the Secretary that are designed to assure that work on the design, construc-

tion, rehabilitation, maintenance, repair, and operation of projects constructed with moneys made available under this title are fully available to women and persons of ethnic or racial groups that are economically disadvantaged, including provisions for childcare facilities to serve persons employed on such project;

(G) the State will permit access, on a reasonable basis, to representatives of the Secretary to review the operation of the Fund in order to assure the State's compliance with this section; and

(H) if such State contains one or more cities with a population exceeding 250,000, that such city or cities shall be assured, over any five-year period, the receipt of its proportional share of the moneys in the State Fund, based on the city's population as a percentage of the population of the State.

(2) Whenever the Secretary finds that a State has met the requirements under paragraph (1) of this subsection, the Secretary shall within thirty days approve the application, and such States shall receive a grant under the terms of this title.

(b)(1) Once approved for a grant under this title, a State shall receive subsequent annual grants under this title, provided the Secretary does not find, as a result of periodic audits pursuant to subsection (a)(1)(G) of this section, that such State has failed to maintain its program substantially as originally proposed.

(2) Whenever the Secretary finds under paragraph (1) of this subsection that a State has failed to maintain its program substantially as originally proposed, the Secretary shall withdraw approval of the grant, and refuse to make any additional grants to such State under this title until such State has submitted a new application under this title, and such application is reviewed and approved by the Secretary under the terms of this section.

(c) Moneys received by a State under this title may be utilized by the State, or loaned to any local unit of government in such State, for the purposes of public capital investments.

(d) Following action to meet the requirements of subsection (a)(1)(H) of this section, if appropriate, two or more States may utilize moneys deposited in the Funds in such States for use to finance a regional authority, if the primary purpose of such authority is to construct and rehabilitate public capital investments of a regional character.

SEC. 104. (a) Sums appropriated under this title shall be made available to the States on the basis of a formula, established by the Secretary, based 50 per centum on the population of the State, as a percentage of the population of all the States, and 50 per centum on the basis of the paved highway mileage, in the State as a percentage of the paved highway mileage in all the States: *Provided, however,* That no State identified under section 301(a)(6)(A) of this Act shall receive less than one-half of 1 per centum of the funds made available annually under this title, if such State's application is approved by the Secretary.

(b)(1) Sums allocated to any state in any given fiscal year, for which an application is not received from such State for such sums, shall be returned to the Treasury of the United States on the first day of the succeeding fiscal year.

(2) Sums allocated to any State in any given fiscal year, for which an application for such sums is not approved by the Secretary, shall be returned to the Treasury of the United States on the final day of the succeeding fiscal year.

SEC. 105. (a) Each Federal agency shall review and, where necessary, revise its rules and regulations to assure, consistent with existing law, that any permit to be issued by the United States will be reviewed and acted upon expeditiously when such permit is necessary for the repair or rehabilitation of any public capital investment undertaken by a non-Federal public body.

(b) The Secretary, together with other appropriate Federal officials, shall seek to develop and publish criteria and information on techniques for establishing inventories of existing and needed public capital investment, that will be consistent among Federal agencies, the several States, and other local units of government.

SEC. 106. Of those sums made available annually to the Secretary pursuant to this title, one-quarter of 1 per centum shall be allocated by the Secretary to support research and development activities intended to augment the cost-effectiveness of the Nation's system of public capital investments. The Secretary may, under this section, contract with appropriate non-Federal research organizations.

SEC. 107. On April 15 of the year following enactment of this Act, and on each April 15 thereafter, the Secretary shall report to Congress on the disbursement of funds under this title, and the use of those funds by participating States.

SEC. 108. In section 205 of the Clean Water Act, add a new subsection as follows:

"(l)(1) Notwithstanding any other provision of this title, any sums allotted to the States for the fiscal year ending September 30, 1983, the fiscal year ending September 30, 1984, and the fiscal year ending September 30, 1985, may be utilized for revolving loans or grants or combinations thereof for the construction of waste water treatment works, provided that the funding of such works meets with all applicable regulations concerning project eligibility and priorities for funding of the Administrator of the Environmental Protection Agency. Repayment of these loans shall be made to the States and the funds repaid may be used for additional loans or grants or combinations thereof, pursuant to this subsection.

"(2) Sums allocated to the States to be used in revolving loan programs shall be made available in total as grants to States at the time of allotment."

SEC. 109. There is authorized to be appropriated to the Secretary for the purposes of this title, including necessary administrative expenses, the sum of $5,000,000,000 for each of the fiscal years beginning with the fiscal year ending September 30, 1985, through the fiscal year ending September 30, 1994, with such sums to remain available until expended.

SEC. 110. Except for the provisions of sections 105 and 108 of this title, the authorities of this title shall terminate on October 1, 1994.

TITLES II—STANDBY PUBLIC INVESTMENT

SEC. 201. (a) The Congress finds that—

(1) the state of the public capital investment of the Nation is critical to the economic welfare of the Nation;

(2) the Nation's economic strength is determined to a great extent by the economic vitality of its regions, States, and communities, and the status of the public capital investment in such States, regions, and communities;

(3) the maintenance of economic vitality serves the interest of the Nation and its citizens;

(4) unemployment, whether cyclical or permanent, produces great hardship for people; and

(5) government at all levels must be responsive to public need.

(b) In recognition of the findings in subsection (a) of this section, the Congress declares there is a need to—

(1) reverse decades of neglect in the public capital investment, and

(2) create a standby countercyclical program that will contribute to the renovation of public capital investments and long-term economic vitality to utilize the Nation's resources and manpower more effectively by employing them at a time when they would otherwise stand idle.

SEC. 202. (a) The Secretary is authorized to provide technical and planning assistance to States, local units of government, and Indian tribes for the development of long-range plans and programs for the construction, rehabilitation, and repair of public capital investment projects.

(b) A State, local unit of government, or Indian tribe may submit to the Secretary an application for a grant for planning or technical assistance, and, upon a satisfactory showing that the status of its public capital investment is threatened with deterioration, receive such assistance.

(c) Grants under this section shall be used, to the maximum extent possible, to develop an investment plan designed to coordinate future investment in public capital investment projects with economic development, the creation of jobs, and activities under title I of this Act.

(d) For the purposes of this section, there is authorized to be appropriated to the Secretary, for each of the fiscal years ending September 30, 1985, through September 30, 1994, the sum of $20,000,000, to remain available until expended.

SEC. 203. (a) There is established in the Treasury of the United States a "Counter-Cyclical Trust Fund" (hereinafter in this title referred to as the "Trust Fund"), consisting of the funds appropriated under the terms of this section: *Provided,* That, the balance in the Trust Fund shall not accumulate in excess of $2,000,000,000.

(b) For the purposes of this section, there is authorized to be appropriated to the Secretary, for immediate transfer to the Trust Fund, the sum of $200,000,000 in each of the fiscal years ending September 30, 1985, through September 30, 1994, together with such additional sums as may be necessary to fulfill the purposes of this title, subject to the limitation contained in subsection (a) of this section.

(c)(1) Sums in the Trust Fund shall become available to the Secretary for distribution to approved projects following a declaration under the terms of section 206(b) of this title. Following any declaration under the terms of Section 206(b) of this title, the Secretary shall utilize all of the moneys in the Trust Fund, or such portion of the Trust Fund as the Secretary deems necessary to fulfill the purposes of this title.

(3) No project shall receive funds from the Trust Fund unless such funds can be fully obligated within one year of the date such funds are made available.

SEC. 204. (a) The Secretary is authorized to agree to making grants for repair, rehabilitation, or construction of public capital investments upon the application of any State, local unit of government, or Indian

tribe. Such grants shall become available during the six-month period following a declaration under the terms of section 206(b) of this title.

(b) The percentage of any grant under this section shall not exceed 75 per centum of the cost of the work to be undertaken.

(c) Eligible public capital investments under this title include, but are not limited to:

(1) sewers and wastewater treatment facilities,

(2) stormwater collection systems,

(3) water treatment and distribution facilities,

(4) solid waste disposal facilities,

(5) urban streets, bridges, and roads not included on the Federal aid system of highways,

(6) sidewalks,

(7) public transportation facilities (excluding rolling stock),

(8) parks,

(9) schools,

(10) libraries, and

(11) publicly owned historical properties and museums.

(d) Projects eligible for grant assistance under this section must be contained in any investment plan developed by a State under the terms of section 202(c) of this title, and have designs, specifications, and engineering acceptable to the Secretary. Such project must also be capable of having the funds for such project obligated fully within six months of the receipt of its grant.

SEC. 205. The Secretary shall, prior to approving any project for State, local unit of government, or Indian tribe, determine that—

(a) the project is part of an areawide contercyclical investment plan, developed under the terms of section 202(c) of this title;

(b) the area, at the time of application, is suffering economic problems, as measured for the most recent six months for which data is available from the Bureau of Labor Statistics:

(1) per capita income that is 80 per centum or less of the national average, and

(2) unemployment has been, on average, 1 percentage point or more above the national average; and

(c) the applicant has not postponed its ongoing local public capital investment program, or the maintenance and rehabilitation thereof.

PROGRAM TRIGGER

SEC. 206. (a) The Secretary shall accept applications from jurisdictions eligible under the terms of section 205(b) of this title, in accordance with the provisions of 204 of this title, whenever the Secretary determines that the Index of Total Industrial Production has declined for three consecutive months.

(b) Funds for the purposes of section 204 of this title shall be made available whenever the Secretary makes a finding, and published notification thereof in the Federal Register, that the rate of total civilian unemployment exceeds by at least 1½ percentage points the prevailing rate of unemployment recorded during the first month of observed decline in the Index used to initiate applications under the terms of subsection (a) of this section: *Provided*, That the specified increase in the rate of unemployment shall occur during a period not to exceed nine months.

TITLE III—GENERAL PROVISIONS

SEC. 301. (a) For the purposes of this Act, the term—

(1) "public capital investment" means any facility owned or operated by a State, local unit of government, or other public agency or authority organized pursuant to State or local law, including, but not limited to, non-Federal-aid highways, streets, and bridges, mass transit, publicly owned rail transportation, airports, water supply and distribution systems, sewers, dams, resource recovery facilities, buildings (including schools and libraries), ports, waterways, docks, and parks;

(2) "construction" means the actual building of a new project at a site where no similar project previously existed, including the acquisition of land for such project and nonstructural alternatives, and the reconstruction of a project at an existing site or adjacent to an existing site;

(3) "rehabilitation" means the correction of structural flaws in a facility so as to extend the design life of such a facility;

(4) "repair" means the correction of a structural flaw in the facility without adding significantly to the design life of such facility;

(5) "maintenance" means routine and regularly scheduled activities intended to keep the facility operating at its designed specifications;

(6) "State" means (A) any State of the United States, and (B) the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianas Trust Territories, and the Virgin Islands; and

(7) "local unit of government" means, but is not limited to, any city, county, town, parish, village, or other general purpose political subdivision of a State.

(b) Nothing in this Act shall alter the requirements of the National Environmental Policy Act (42 U.S.C. 4343), the Fish and Wildlife Coordination Act (16 U.S.C. 661) the Endangered Species Act (16 U.S.C. 1530 et seq.), or title III of the Clean Water Act (33 U.S.C. 1311-1328).

(c) No grant under this Act shall be approved until the Secretary is satisfied that the project for which Federal assistance is to be granted will be properly and efficiently administered, operated, and maintained.

(d) In performing his duties, the Secretary is authorized to—

(1) adopt, alter, and use a seal, which shall be judicially noticed;

(2) hold such hearing, sit and act at such times and places, and take such testimony, as he may deem advisable;

(3) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each department, bureau, agency, board, commission, office, establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

(4) acquire, in any lawful manner, any property (real, personal or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized by this Act;

(5) procure by contract the temporary or intermittent services of experts and consultants or organizations therefor as authorized by section 3109(b) of title 5, United States Code, compensate individuals so employed at rates not in excess of $100 per diem, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) in accordance with section 5703 of title 5, United States Code;

(6) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne, or final, shall be issued against the Secretary or his property. Nothing herein shall be construed to except the activities under this Act from the application of sections 517, 547, and 2679 of title 28, United States Code; and

(7) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this Act.

(e) The Secretary shall make a comprehensive and detailed annual report to the Congress of his operations under this Act for each fiscal year beginning with the fiscal year ending September 30, 1985. Such report shall be printed and shall be transmitted to the Congress not later than February 1 of the year following the fiscal year with respect to which such report is made.

(f) All laborers and mechanics employed by contractors or subcontractors on projects assisted by the Secretary shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary shall not extend any financial assistance for such project without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standard specified in this provision, the authority and functions set forth in Reorganization Plan numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z-15), and section 2 of the Act of June 13, 1964, as amended (40 U.S.C. 276c).

(g)(1) Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which—

(A) fully disclose the amount and the disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and

(B) review the efficiency, economy, and effectiveness of the project carried out.

(2) Not later than ten days after January 1 and July 1 of each year, each recipient shall transmit a report to the Secretary containing all information prescribed under paragraph (1) of this subsection which relates to all activities carried out during the preceding period relating to grants. Each report submitted in January of each year shall include an audited statement of all funds spent on the project or undertaking during the preceding fiscal year prepared by an independent certified public accountant in accordance with the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the Comptroller General of the United States.

(3) For the purpose of reviewing the efficiency, economy, and effectiveness of programs carried out under the provisions of the Act, including audit and examination, the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of any recipient, subrecipient, con-

tractor, or subcontractor that are pertinent to assistance.

PUBLIC CAPITAL INVESTMENT AS A PERCENTAGE OF GROSS DOMESTIC PRODUCT IN THE UNITED STATES AND SELECTED FOREIGN COUNTRIES, 1960-80

The attached table gives annual data on gross capital investment of general government as a percentage of gross domestic product in 1960-1980 for the United States, Canada, Japan, West Germany, France, and the United Kingdom. Percentages have been calculated from basic data published by the Organization for Economic Cooperation and Development in its publication National Accounts of OECD Countries.

Data for public capital investment have been taken from country tables in the source, showing income and outlay transactions of general government. General government comprises all agencies or instruments of the central, states, or local public authorities, including non-profit institutions which, while not an integral part of the government, are wholly, or mainly, financed and controlled by the public authorities, or primarily serve government bodies; social security arrangements imposed, controlled, or financed by a government; and government enterprises which mainly produce goods or services for government itself, or primarily sell goods or services to the public on a small scale. Excluded are other government enterprises and public corporations.

Capital investment data are those shown in the source at the entry for "gross capital formation," which includes increases in stocks as well as fixed capital formation. Separate data on fixed capital formation as a government outlay are not available. It is highly unlikely, however, that the inclusion of increases in stocks in public capital investment significantly distorts the data for purposes of this comparison.

Gross fixed capital formation is defined in the source as the outlays (purchases and own-account production) for additions of new durable goods to stocks of fixed assets less net sales of similar second-hand or scrapped goods. Excluded are outlays of government services for durable goods for military use. Included are acquisitions of reproducible and nonreproducible durable goods, except land, mineral deposits, timber tracts, and the like, for civilian use.

Since the source does not give data on gross national product (GNP) but only on gross domestic product (GDP), the latter have been used for the calculation of the desired percentage. The difference between GNP and GDP is not sufficient to distort significantly the results.

In comparing the percentage ratios of the United States with those of other countries, one has to keep in mind that in foreign countries (somewhat less so in Canada) governments have a dominant or at least substantial role in several areas of capital investment which, in the United States, are left entirely or substantially to private initiative. The more obvious of such areas are: railroads, telecommunications, education, and cultural facilities in the United States (and to some extent Canada) encompasses a smaller array of activities and services to the public at large than in other countries and, consequently, is likely to be smaller in relation to the GDP.

GROSS CAPITAL OUTLAYS OF GENERAL GOVERNMENT AS A PERCENTAGE OF GROSS DOMESTIC PRODUCT, 1960–80

	United States	Canada	Japan	Germany	France	United Kingdom
1960	2.53	3.90	.....	3.10	.....	3.31
1961	2.67	4.19	.....	3.31	3.01	3.41
1962	2.67	4.37	.....	3.77	3.39	3.66
1963	2.85	4.24	.....	4.28	3.61	3.69
1964	2.80	3.87	.....	4.76	3.94	4.27
1965	2.84	4.34	4.46	4.32	4.13	4.25
1966	2.93	4.54	4.71	4.16	4.08	4.50
1967	2.96	4.43	4.29	3.59	4.27	4.97
1968	2.86	4.11	4.31	3.68	4.38	5.08
1969	2.62	3.80	4.29	3.79	4.05	4.92
1970	2.48	3.66	4.47	4.34	3.85	4.86
1971	2.59	3.89	5.04	4.23	3.71	4.57
1972	2.20	3.76	5.47	3.88	3.64	4.38
1973	2.22	3.45	5.67	3.61	3.32	5.08
1974	2.33	3.69	5.22	3.87	3.36	5.31
1975	2.31	3.81	5.30	3.73	3.80	4.78
1976	1.91	3.30	5.18	3.39	3.30	4.39
1977	1.76	3.23	5.57	3.14	3.05	3.41
1978	1.99	3.07	6.18	3.25	2.86	2.86
1979	1.82	2.79	6.42	3.47	2.90	2.62
1980	.....	2.73	6.27	3.76	2.88	2.50

Note.—Data for Japan 1960–64, France 1960, and the United States 1980 are not available.

Source: OECD. National accounts of OECD countries, 1960–77, vol. II; 1963–80, vol. II.●

By Mr. CRANSTON:

S. 1331. A bill to establish the Mono Lake National Monument in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

MONO LAKE NATIONAL MONUMENT

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish the Mono Lake National Monument in California. This bill is identical to H.R. 1341 introduced in the House by Congressman RICHARD LEHMAN and others.

Situated on the eastern side of the Sierra Nevada Mountains due east of Yosemite National Park, the Mono basin is an area of geologic wonder. Formed some 3 million years ago, the basin has held a lake perhaps a million years, making Mono Lake one of the world's oldest lakes. Mono Lake has no outlet, and over time minerals have concentrated in the lake so that the water today is 2½ times as salty as the ocean. This high saline content has had numerous effects on the lake and its ecosystem, including the formation of tufa structures as freshwater springs bubbled up through Mono Lake's carbonated brine. These tufa formations occur not only as towers but also as domes, tubes, flanges, and castellated sand forms. Nowhere else in the world can one see the variety of tufa forms that exist in the Mono basin.

Of even greater geologic significance are the Mono craters. These craters are an exceptional string of volcanic cones generally south of Mono Lake rising to heights of 9,400 feet. Two of the craters are actually within Mono Lake itself, forming Paoha and Negit Islands. On the south shore of Mono Lake is Panum Crater, an ash ring surrounding a central dome of obsidion. This small cinder cone is considered one of the classic volcanos in North America. On the northwest shore of the lake is Black Point. This volcano was formed beneath the surface of Mono Lake in the late Pleistocene, and later became exposed when the lake level dropped. Today Black Point is the only fully exposed underwater volcano in the world.

Geologists consider the Mono basin remarkable because of the number and variety of fascinating geologic processes that can be found in this one small area. In addition to the tufa spires and volcanic features, there are active glaciers, hotsprings, every kind of fault known to occur on land, alpine crags, preserved ancient land surfaces, giant mountain escarpments and virtually every kind of glacial deposit known. This great diversity and the basin's accessibility make the Mono volcanic fields a world-class feature as well as a major point of interest for visitors.

Today, Mono Lake also is a major sanctuary of numerous migratory birds—more than 100 species in all. It is estimated that as many as 50,000 California gulls—95 percent of those in the State—annually flock to Mono Lake to nest. The great attraction for the birds is the unique lifeform known as the Mono brine shrimp which provides an abundant source of food. In recent years, however, this food source has declined—people believe as a result of increasing salinity caused by water diversions—and in 1981 nearly all the baby gull chicks died from starvation.

Mr. President, many have recognized the uniqueness of Mono Lake and consider it a national treasure. In the past few years, there have been articles about Mono Lake in the National Geographic, the Smithsonian, Harpers, New West, Audubon, the Christian Science Monitor, and a cover story in Life magazine.

The legislation I am introducing today confirms that recognition by designating Mono Lake and its immediate environs as a national monument. Under the bill, 68,000 acres, the majority of the land presently owned by the Federal Government and administered by the Forest Service and the Bureau of Land Management, would be administered by the U.S. Forest Service. To address the problem of declining lake water levels, the bill calls for two studies. The first to be undertaken by the Secretary of Agriculture, in cooperation with the Secretary of the Interior, the State of California, the city of Los Angeles and the Mono County Board of Supervisors, is to estimate the demand for the water by Los Angeles over a 50-year period, evaluate the Los Angeles aqueduct system for possible increased efficiencies, and consider quantity and cost of alternative water supplies. The second study to be conducted by the

National Academy of Sciences is to consider the biological, ecological, historical, and esthetic values of Mono Lake and the need to maintain a critical water level. These studies should provide much needed information on which to make informed and sound decisions in the future. It is most important to note that the bill in no way affects existing water rights.

Mr. President, the House Interior and Insular Affairs Committee has already held a field hearing on H.R. 1341, and I understand it has scheduled a Washington, D.C., hearing for June 2. I anticipate that in the course of the House deliberations and in the Senate there will be adjustments and refinements to the bill, in particular regarding boundaries. But the basic provisions of the legislation are sound. Mono Lake merits national recognition. Water studies are necessary to plan for the future—for the future of Los Angeles and the future of Mono Lake. I hope that the Senate will consider this important issue in the 98th Congress.

By Mr. MITCHELL:

S. 1332. A bill to amend section 46 of the Internal Revenue Code; to the Committee on Finance.

CAPITAL CONSTRUCTION FUND

● Mr. MITCHELL. Mr. President, I am today introducing legislation which would enhance the attractiveness of the Capital Construction Fund (CCF) program by permitting program participants to take the full 10 percent investment tax credit (ITC) on CCF withdrawals.

The Tax Reform Act of 1976 (TRA) provided, for tax years beginning after December 31, 1975, an investment tax credit (ITC) equal to one-half of the regular ITC on qualified expenditures made from tax-deferred amounts in a CCF. The TRA also provides that where a fund holder purchases a vessel with borrowed funds and uses the CCF (to pay off the indebtedness), there is to be a recapture of 50 percent of the amount of investment credit taken on the indebtedness which is being liquidated. However, the TRA and its legislative history made it clear that holders of CCF's were entitled to a judicial determination as to whether they were entitled to 100 percent of the credit irrespective of the use of tax-deferred amounts in a CCF to pay for a vessel or vessel indebtedness, without any adverse inference being drawn from the provisions of the TRA.

Since the adoption of the TRA several corporate taxpayers have received favorable determinations in the U.S. Court of Claims, allowing the full ITC even though there was a basis reduction for depreciation purposes as a result of withdrawals from the CCF. These Court of Claims decisions allowed the full ITC on the entire cost of vessels regardless of the reduction of depreciable basis as a result of the use of tax-deferred earnings from a fund.

All of the parties which have sought the full ITC in the Court of Claims have been successful in their efforts. These parties have been shipping companies which, for the most part, are not intimidated by the prospect and cost of initiating legal action.

The capital construction fund was designed to benefit commercial fishermen as well as commercial shippers. However, many commercial fishermen lack the resources necessary to undertake legal action in the Court of Claims. As a result, they must be content with only 50 percent of the investment tax credit which their shipping colleagues have succeeded in obtaining in the courts.

I believe that the effect of denying the full investment credit in the case of vessels built from moneys taken from tax-deferred construction funds is to substantially reduce the inducement to set funds aside in construction funds rather than using them for other forms of capital formation for which an investment credit is available.

The United States needs both a strong merchant fleet and a strong fishing fleet. The inequity which now exists should be eliminated by rewriting the TRA so that both groups which seek to build or overhaul vessels using the CCF are entitled to the full ITC. The bill which I am introducing today accomplishes this. It will not only enhance the incentive which the CCF program provides to prospective vessel owners, but it will also remove from the Court of Claims an increasing case burden created by the 1976 act.

Mr. President, I ask unanimous consent that the text of my bill appear at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That (a) section 46 of the Internal Revenue Code (relating to the amount of investment credit) is amended by striking subsection (g) and inserting in lieu thereof the following new subsection:

"(g) CERTAIN VESSELS.—Notwithstanding any other provision of law, a vessel (and a barge or container which is part of the complement of such vessel) shall not fail or cease to be section 38 property, nor shall the amount of qualified investment (determined under subsections (c) and (d)) or the amount of credit allowed by section 38 be reduced because of any deposit in or any qualified withdrawal from a capital construction fund established under section 21 of the Merchant Marine Act of 1970 (46 U.S.C. 1177) or because of any reduction in basis required thereunder. This subpart shall be applied by treating any such reduction and basis as resulting from the allowance for depreciation under section 167. For purposes of this subpart, the actual useful life of such property shall be treated as the useful life for computing depreciation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1982, and to the amount of credit allowed by section 38 of the Internal Revenue Code of 1954 for such taxable years.●

By Mr. HELMS (for himself, Mr. MCCLURE, Mr. PRESSLER, Mr. GOLDWATER, Mr. ABDNOR, Mr. EAST, Mr. THURMOND, Mr. LAXALT, Mr. SYMMS, Mr. HUMPHREY, Mr. KASTEN, Mr. GRASSLEY, and Mr. NICKLES):

S. 1333. A bill to amend the Federal Election Campaign Act to prohibit the use of compulsory union dues for political purposes; to the Committee on Rules and Administration.

POLITICAL USE OF COMPULSORY UNION DUES

● Mr. HELMS. Mr. President, today I am pleased to introduce legislation to halt one of the most blatent violations of political freedoms that I have every witnessed. My bill would prohibit the use of compulsory union dues for any political purpose.

Thomas Jefferson said, "To compel a man to furnish contributions for the propagation of opinions which he disbelieves is sinful and tyrannical." Yet a loophole in the Federal election laws grants to organized labor a special privilege enjoyed by no other organization—the right to take money from American workers as a condition of employment and against their will, and to contribute that money to political causes and candidates the workers themselves do not necessarily support.

Contrary to what officials of organized labor have said about my proposal, I do not propose to deny labor unions, or anyone else for that matter, the right to participate freely in the political process. What I do propose is that organized labor be required to play by the same rules as everyone else and that the fundamental political freedoms of every American worker be protected.

The U.S. District Court for the District of Maryland recently handed down a decision that makes the case for my bill. The court ordered officials of the Communications Workers of America to refund 79 percent of the compulsory dues money the union had collected from 18 nonunion employees of the Chesapeake & Potomac Telephone Co. The court held that the union had to return the money because it had been spent, not for permissible collective bargaining purposes, but for such impermissible purposes as support of political causes and candidates.

This is a landmark decision, Mr. President, and illustrates the court's agreement that the use of compulsory

union dues is wrong. Congress ought to put a stop to this practice at once.

Recently enacted and currently proposed campaign reforms have been based on the fallacious notion that all special interest groups contribute to political candidates in the same way. But while business, trade, and issue-oriented organizations contribute voluntary money through direct cash and reported in-kind contributions, the officials of organized labor funnel the bulk of their political efforts into indirect in-kind political services spent on behalf of political candidates and causes.

These political services, of course, cost money. And most of that money comes from workers—workers who would be fired if they refused to pay their union dues.

Only labor unions, out of all the private organizations in the country, can require that a person pay dues as a condition of getting and keeping a job. Under this unique grant of special privilege, unions collect an estimated $3.5 billion a year from individuals who have to pay up or be fired.

The Federal Election Campaign Act, as amended in 1976, gives the appearance of restricting the use of compulsory union dues for political purposes. The law prohibits the use of compulsory dues for direct and indirect "in-kind" cash contributions to political candidates.

It does not, however, prohibit the use of forced union dues for a number of other indirect means of supporting union-backed political candidates and causes.

The FECA specifically permits union officials to use money taken from workers as a condition of employment to communicate with union members and their families, to urge their support for a particular candidate, to conduct unquestionably partisan get-out-the-vote drives, and to operate and administer the extensive union PAC's.

In short, the law prohibits union officials from giving a worker's dollars directly to a candidate the worker may oppose—although the often-substantial cost of raising those funds (salaries, parties, raffle prizes, et cetera, are paid with forced dues). The law, does, however, permit these union officials to use the worker's compulsory dues dollars to support that same candidate through numerous indirect means.

In light of this dichotomy created by Federal legislation, union officials have divided their political expenditures into two categories.

The first is commonly referred to as union hard money. It consists of money given directly to candidates in the form of cash or in-kind contributions, taken from funds given voluntarily by union members.

The second category is referred to as union soft money, spent by union officials on behalf of—but not contributed directly to—political candidates.

"Soft money" comes directly from compulsory union dues. It finances the operations of union PAC's and provides extensive "in-kind" political services. While it represents the overwhelming bulk of union political expenditures, it is neither documented nor reported to the FEC.

A relatively small portion of the millions of dollars in "soft" compulsory union dues money is used to operate the union PAC's. This portion pays the salaries of numerous full-time union political operatives across the Nation. It provides PAC supplies, finances mass mailings and travel expense accounts, and purchases sophisticated office machinery and computers.

Even voluntary PAC contributions from union members originate with this compulsory dues "soft money." Compulsory dues bankroll the administrative overhead costs of union partisan political fundraisers. And the overhead for the average union political fund totals close to 50 percent of the fund's total expenditures.

Compulsory dues "soft money" used for financing union PAC's runs well into the millions every year. In July 1976, AFL-CIO public relations director, Bernard Albert, admitted that the annual budget of the national COPE alone ran to approximately $2 million.

But in spite of the vast sums of compulsory union dues which finance the operating costs of union PAC's the bulk of compulsory dues "soft money" goes for unreported, unlimited "in-kind" political expenditures.

The July 1979 issue of Steelabor, the official newspaper of the United Steelworkers of America, offered its readers a surprisingly candid and straightforward explanation of "in-kind" political spending. Union dues money, reported the union paper, "can't go for direct political contributions—but it can do a lot; mailings supporting or opposing political candidates, phone banks, precinct visits, voter registration and get-out-the-vote drives."

In spite of these admissions, Steelabor's account only tells half of the story. To fill out the picture, several key expenditures need to be added to the list: Weeks, sometimes months, of the staff time of literally tens of thousands of union employees devoted almost solely to partisan politics; election day workers, paid overtime rates from compulsory dues; millions of political pamphlets and flyers; and paid election-day carpools and babysitters, to name a few.

Once again, these indirect union "inkind" political expenditures are not subject to any limitations under the FECA. They are paid for with dues money taken from workers as a condition of employment. And without question they represent the overwhelming bulk of union political expenditures.

AFL-CIO COPE director, Alexander Barkan, has boasted that "money is just a minor feature of the support we can give a candidate." No official statistics for total union "inkind" expenditures are available, because the FECA requires no documentation or reporting of "soft" union "inkind" political spending of compulsory dues. Labor columnist Victor Riesel, however, has put the 1976 total at $100 million—not including cash donations.

Any meaningful campaign reform must deal with this abusive use of compulsory union dues. The time has come to return to individual workers the right to choose for themselves which political candidates and causes their dollars will be used to support.

In the final analysis, to simply focus on the amount of money spent by union officials would be to miss the point. I do not question the right of union officials to communicate with their members on behalf of a candidate. If we were to refuse to permit unions to operate political phone banks, to mount get-out-the-vote drives or to engage in precinct visits, we would be guilty of gross violations of freedom of speech.

But because of my commitment to freedom of speech for all Americans, I must object strenuously to the widespread practice of using forced union dues for partisan politics. Until we act to put an end to this abuse, millions of American workers will continue to be forced to finance the campaigns of political candidates chosen by union officials—regardless of the worker's own convictions.

Many union members resent having their union dues used for political business and for other activities not related to union business. The average union member wants to vote as he pleases; he wants to support the candidates of his—not the union leaders'—choice. He does not want his political decisions to be dictated to him; he does not want the dues that are extracted from him to be used for political purposes.

Because of the continuing menance of the use of involuntary union dues for political purposes, I am introducing legislation today to guarantee that all political expenditures will come from money voluntarily contributed.

Congress should be neutral in matters of political conscience. We should seek neither to favor nor to elevate certain groups as a result—intended or unintended—of Federal law.

But as I pointed out earlier, labor unions have been favored and elevated because they are the only organizations involved here which can collect money for their treasuries through the use of force.

Enactment of this important legislation will guarantee the voluntary nature of each person's participation in the political process by prohibiting the use of compulsory union dues for political purposes. This bill will insure that in matters of political conscience, Federal election laws will be neutral while voluntary participation will continue to be protected. I respectfully urge my colleagues to give this legislation their fullest consideration.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 316(b)(2)(c) of the Federal Election Campaign Act is amended by inserting before the period "; provided all contributions, gifts, or payments for such activities are made freely and voluntarily, and are unrelated to dues, fees, or other moneys required as a condition of employment".

SEC. 2. Section 316(b)(3) of the Federal Election Campaign Act is amended by—

(1) striking "and" at the end of subparagraph (B);

(2) striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) adding after subparagraph (C) the following:

"(D) to use any fees, dues, or assessments paid to any organization as a condition of employment, or money or anything of value secured by physical force, job discrimination, or financial reprisal for (i) registration or get-out-the-vote campaigns, (ii) campaign materials or partisan political activities used in connection with any broadcasting, direct mail, newspaper, magazine, billboard, telephone banks, or any similar type of political communication or advertising, (iii) establishing, administering, or soliciting contributions to a separate segregated fund, or (iv) any other expenditure in connection with any election to any political office or in connection with any primary election or political convention or caucus held to select candidates for any political office.".●

By Mr. GORTON:

S. 1334. A bill to amend the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EXPORT ADMINISTRATION ACT AMENDMENTS

● Mr. GORTON. Mr. President, today I am introducing the Export Administration Improvement Amendments of 1983.

As Members who have followed the reauthorization of the Export Administration Act know, there have been a number of controversies surrounding this year's action on the measure. The distinguished chairman of the Banking Committee (Senator GARN) and the distinguished Senator from Pennsylvania (Senator HEINZ) have proposed comprehensive reforms to the act which address many of the concerns observers have had about this measure. There is much in these gentlemen's proposal which I will support. The amendments I am introducing today represent constructive suggestions for further improvements.

The controversies that have surrounded the Export Administration Act have, for the most part, been a result of a fundamental tension in the act. On the one hand, the act is designed to help insure our domestic security by denying the benefits of our technology to other countries which are hostile to us. There is no dispute over the value and necessity of doing this. We must never put ourselves in the position of selling the shovels to those who would bury us.

At the same time, it is the policy of this country to promote the development of export markets as a way of capturing the benefits-of-scale economies in production and supporting domestic employment. Again, the value of the fundamental goal is not at issue. Exports have become an increasingly important component of our economic strength, and the United States must continue to pursue an aggressive policy of encouraging exports of domestically produced goods.

Naturally, these goals frequently come into conflict. This has always been recognized, and one of the purposes of the Export Administration Act was to establish a structure to permit the resolution of these conflicts. In recent years, however, it has become clear that the structure under the present act is insufficient to the task. My goal in introducing these amendments to the Export Administration Act is not to change in any fundamental way our national policy on what we provide to countries which are our adversaries. Rather, my goal is to make more efficient the structure for resolving the many necessary conflicts which of necessity will arise in implementing the act.

It is my belief, Mr. President, that in recent years a number of provisions of the Export Administration Act have led to unwarranted interference with export promotion by private companies. Many firms have found it difficult to receive permission to export products which are in no way militarily threatening to us. Many companies have experienced long and unnecessary delays in receiving permission to export, resulting in a cloud over our international reputation as dependable suppliers. The amendments I am offering are intended to improve the administration of the act and to facilitate the export of goods when it is clearly in our interest to engage in such exports. My amendments are not intended to weaken or eliminate safeguards on the export of American technology when such safeguards are important to our national security.

Briefly, Mr. President, the key features of the bill I am introducing here, and the problems they are intended to address, are as follows:

This amendment would terminate the need to acquire an export license for the purpose of exporting to our allies who participate with us in a multilateral export control agreement. This does not affect items on the military critical technologies list, for which licenses would still be required. It would remove an unnecessary barrier, however, to trade between the United States and its Western allies.

The amendments would also authorize comprehensive operations licenses, which would eliminate the need for companies to make repeated application for export licenses for goods already approved in the past for transfer to foreign subsidiaries or partners of U.S. companies.

My amendments would also remove an ineffective and unwarranted feature of the existing act, which permits items which are freely available in world markets to nonetheless be placed on the military critical technologies list, and hence embargoed from trade. There is no sense in forbidding the export of American products which could be competitive on the world market on military grounds, if comparable products are readily available from other sources.

My amendments would also provide for the sanctity of contracts between exporters and foreign customers, by forbidding the imposition of export controls on exports pursuant to a contract entered into prior to the imposition of such controls. This is basic good business. Regardless of the inherent quality of American products, and the degree of favorableness of the terms on which they are offered, American companies will not be able to compete in world markets if they are regarded as unreliable suppliers. Delivering on contracts signed is the fundamental requirement of being a reliable supplier, and my amendments would insure that contracts are not violated after they are entered into. Once again, this does not inhibit our national security, since the freedom of the President to act when our national security is at stake is still preserved.

A related issue is the authority of the President to impose export controls for foreign policy purposes, as distinct from national security purposes. In general, I am dubious about the efficacy of export controls as a foreign policy tool. I do not reject them completely. I think there may be instances where they are necessary and justified. But I believe we have been too ready to appeal to such measures in the past, and my amendments would set forth additional criteria which must be met before export controls are imposed for foreign policy purposes. I believe this is a healthy requirement for Congress to impose, since it insures that such controls will

not be exercised for light or transient reasons.

The final major provision of my amendments has to do with the determination of foreign availability. It requires the Secretary of Commerce to review on a continuous basis the foreign availability of goods subject to export controls. If a good is found to be available in foreign markets, then the Secretary may not require an export license to export the good, unless the President determines that such a control is essential for foreign policy purposes. Also, it requires the Secretary to accept the representations of the exporter as to the foreign availability of the commodity in question, unless there exists reliable evidence to the contrary.

My amendments also make other provisions which the Banking Committee will want to consider. These include a provision prohibiting imposition of export controls solely because a good contains microprocessors, and the extension of certain short-supply provisions. These are somewhat narrower amendments, and I will not go into them in detail here.

I believe the amendments I have offered here represent a significant step in the right direction in terms of allowing our domestic producers to compete freely on world markets, while still preserving those export control provisions which we genuinely require for our national security. I look forward to a productive discussion within the Banking Committee, and to passage this year of a measure which will constitute a significant improvement to the Export Administration Act.●

By Mr. DURENBERGER (for himself, Mr. BIDEN, Mr. COHEN, Mr. HUDDLESTON, Mr. LEAHY, Mr. MATHIAS, and Mr. MOYNIHAN):

S. 1335. A bill to provide certain standards for the application of the Freedom of Information Act exemption for classified information; to the Committee on the Judiciary.

FREEDOM OF INFORMATION PROTECTION ACT OF 1983

● Mr. DURENBERGER. Mr. President, I am introducing the Freedom of Information Protection Act of 1983 in order to protect the Freedom of Information Act from the sort of damage that only faceless bureaucrats can inflict.

The problem in this case is Executive Order 12356 on National Security Information, which was signed last April. Ed Meese, the counselor to the President, was right when he described the draft Executive order as "the fault of an overzealous bureaucracy trying to have its own way." It was drafted by security bureaucrats who think only of how to keep everything secret, and by legal bureaucrats who think only of how to get away with filing fewer affidavits.

Nobody gave much thought to the public's right to know what their Government is doing. Nobody worried about maintaining public support for the governmental secrecy system, which is essential if we are ever to stem the flow of leaks that is our most real security problem. Nobody thought to buttress public support for judges who have almost always allowed the Government to withhold information that it says should be kept secret.

A year has gone by now, and what has happened? The public is ever more cynical about governmental secrecy. Bureaucrats and policymakers are ever more cynical about the information they control. Instead of sensible declassification we have selective leaks, both official and unofficial. And to fight those leaks, we now have a Presidential directive that calls for more lie detectors and more censorship. Is that the best we can do?

The Freedom of Information Protection Act will make sure that information withheld from FOIA petitioners under the exemption for classified information meets two tests that used to apply to all classification decisions: First, that it be information the disclosure of which could reasonably be expected to cause identifiable damage to national security; and, second, that the agency withholding the information first consider the public interest in disclosure. It will also put into legislation, explicitly and for the first time, limits on judicial review of the balancing test between the public interest in disclosure and the need to protect information.

Neither the identifiable damage standard nor the balancing test changes the types of information that the Government can keep secret. Rather, they will reinstate the requirement that decisionmakers think about each individual case instead of using broad rules of thumb.

The limit on judicial review of the balancing test will prevent judges from second-guessing the agency determination that the need to protect information does outweigh the public interest in disclosure. Government lawyers had feared such judicial meddling. This was their major reason for removing the balancing test from the Executive order. My bill will solve that problem so that we can maintain the balancing test.

Mr. President, the Freedom of Information Act is especially worth defending from the misguided arrows of last year's Executive order. FOIA is where the journalist and the historian turn when they seek particular information so as to inform the public. FOIA is where parents and widows turn when someone has died in the line of duty and they want to know why. FOIA and the Privacy Act are what the concerned citizen uses to find out whether the Government has been watching him. In protecting FOIA, we are protecting the most basic element of open Government.

By protecting the Freedom of Information Act, we also send a signal that moderation and thoughtfulness are the keys to effective security. Past Executive orders have been clearly based on that premise. Executive Order 12065 contained the identifiable damage standard and the balancing test, as well as automatic declassification for most information. Executive Order 11652, which applied during the Nixon and Ford administrations began as follows:

> The interest of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the Executive branch.

Section 4 of that order added:

> Each person possessing classifying authority shall be held accountable for the propriety of the classifications attributed to him. Both unnecessary classification and overclassification shall be avoided.

Section 13 called for administrative reprimands and corrective action in the event of unnecessary classification or overclassification. The Nixon and Ford order also had automatic declassification, with significantly fewer exceptions than under the Carter order.

Thus the two previous orders both sent the bureaucracy a message that the goal was openness. Even as the Government keeps information secret, it must minimize that secrecy—both to insure an informed citizenry and to maintain public acceptance of secrecy where it is needed.

Last year's order sent the opposite message. It told bureaucrats to be rigid. It allows them to ignore the public interest in disclosure. In the end, it can only undermine public confidence in the secrecy system these bureaucrats are running.

My bill will prevent excessive secrecy from undermining the Freedom of Information Act. It will relieve the Government of the fear of judicial meddling when Government officials take the time to consider the public interest in disclosure. It will tell the bureaucrats—and reassure the public—that their Government will withhold information only after careful thought. This can only benefit us all.

Mr. President, I am especially pleased to note cosponsorship of this bill by six fine colleagues, all of whom are current or former members of the Intelligence Committee. It is particularly gratifying to have as my principal partner Senator LEAHY of Vermont, who is both vice chairman of my Subcommittee on Legislation and Rights of Americans and ranking on

Senator HATCH's Constitution Subcommittee.

I ask unanimous consent to insert in the RECORD at this point an analysis of the Freedom of Information Protection Act of 1983 and the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF THE FREEDOM OF INFORMATION PROTECTION ACT OF 1983

This bill amends the Freedom of Information Act (5 U.S.C. § 552) in two ways. Section 3 amends the (b)(1) exemption for classified information to require that the information meet both the "identifiable damage to national security" standard and the "balancing test" that the need to protect the information outweighs the public interest in disclosure. Section 2 amends the (a)(4)(B) language on de novo review to limit the district courts' review of the "balancing test" to ascertaining that the test was in fact made.

SECTION 3

The beginning of this section and subparagraph (A) repeat the language of the current (b)(1) exemption. Subparagraphs (B) and (C) are new requirements.

Subparagraph (B)

Subparagraph (B) adds the "identifiable damage to national security" standard that was deleted in subsections 1.1(a)(3) and 1.3)(b) of the new Executive Order on National Security Information.

The Executive Branch fears that "identifiable damage" might be interpreted by judges as a higher standard than were "damage to the national security." The cases cited by Executive Branch officials, however, make no mention of such interpretations. The only judicial mention of the difference between "damage" and "identifiable damage" is in *Baez* v. *U.S. Department of Justice,* where Circuit Judge Wilkey stated that "that difference is not substantial.".

The practical effect of this amendment will not be to require a higher standard in FOIA declassification decisions, but rather to require a more thoughtful approach to such decisions. It will require decisionmakers to look at the facts in each case, rather than relying upon a broad sense that some undefinable "damage" could be caused by the release of the information.

Subparagraph (C)

Subparagraph (C) adds the requirement that decision-makers in FOIA cases involving classified information determine that "the need to protect the information outweighs the public interest in disclosure." This language is taken from the statement of declassification policy that was deleted in the new Executive Order. The determination is commonly known as the "balancing test."

Executive Order 12065 required that "a senior agency official" make any "balancing test" decisions and left it to the agencies to decide which cases should be referred to such a senior official. The CIA, for example, issued a Regulation that set forth six categories of information that should be forwarded to a higher official. Each piece of information was reviewed, therefore, to see whether it fell within the six categories. The effect of subparagraph (C) will be to maintain a system of this sort for FOIA cases. The precise criteria will not be subject to judicial review, due to Section 2 of this bill.

SECTION 2

This section amends subparagraph (a)(4)(B) of the Freedom of Information Act, which provides for de novo review by the United States district courts when a person sues to enjoin an agency from withholding material that is the subject of an FOIA request.

Paragraph (2) of this section limits judicial review of the "balancing test" to "ascertaining whether the agency withholding such records made the determination that the records are matters described in" section 3, subparagraph (C). The effect of this amendment is to allow judges to ask whether the "balancing test" was made, but not to question the result of that balancing. This amendment disposes of a significant Executive Branch concern, that judges might second-guess the balancing performed by agencies. It was that concern that led the Executive Branch to delete the "balancing test" from the Executive Order.

S. 1335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Freedom of Information Protection Act of 1983."

SEC. 2. Subparagraph (B) of section 522(a)(4) of title 5, United States Code, is amended—

(1) by inserting in the second sentence after "court shall" a comma and "except as provided in the third sentence of this subparagraph"; and

(2) by adding at the end thereof the following new sentence: "In the case of agency records withheld under the exemption set forth in paragraph (1) of subsection (b), the court determination with respect of subparagraph (C) of such paragraph shall be limited to ascertaining whether the agency withholding such records made the determination that the records are matters described in such subparagraph.".

SEC. 3. Paragraph (1) of section 522(b) of title 5, United States Code, is amended to read as follows:

"(1) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are—

"(A) in fact properly classified pursuant to such Executive order,

"(B) matters the disclosure of which could reasonably be expected to cause identifiable damage to national security, and

"(C) matters in which the need to protect the information outweighs the public interest in disclosure.".●

● Mr. MOYNIHAN. Mr. President, I rise in support of the Freedom of Information Protection Act of 1983, which I have joined the distinguished Senator from Minnesota, Senator DURENBERGER, in cosponsoring. The bill is well titled, for it is indeed designed to protect the public's access to information from being barred by unwarranted national security classifications. It would accomplish this purpose by adding two tests to the current exemption in the Freedom of Information Act for information classified in the interests of national security pursuant to Executive order.

The first would condition the exemption on a finding that the information could reasonably be expected to cause "identifiable" damage to national security

The second would require consideration whether the need to protect the information outweighs the public interest in disclosure.

The tests commonly known as the identifiable damage and balancing tests were made a part of classification criteria by President Carter in Executive Order 12065 in 1978. After considering a draft revision of this order proposed by the Reagan administration, the Select Committee on Intelligence recommended that these principles be retained. Unfortunately, the Executive order issued by President Reagan on April 2, 1982, Executive Order 12356 dropped these tests.

Why this action was taken has not been adequately explained. Indeed, it conflicts with the views expressed by the President's own counselor, Mr. Meese, who told the Washington Post that he has found "way too much classification" and "that this is one of the problems of Government" (July 7, 1981, p. A-15). Mr. Meese is correct. As former Justice Stewart noted in the Pentagon Papers case, the hallmark of a truly effective classification system "would be the maximum possible disclosure, recognizing that secrecy can best be preseved only when credibility is truly maintained."

President Reagan's Executive order undermines this objective by removing standards which, in effect, require Govenment officials to have a reasonable basis for classification decisions. The new order signals to the bureaucracy—which Mr. Meese told the Post has "tried to expand classification" (Mar. 15, p. A-11)—that it may apply secrecy stamps without articulating a damage rationale and without considering public interest factors.

Mr. President, I regret that this is not the only instance in which the administration has unsettled public confidence in the Government's system for protecting secrets. On March 11, 1983, the President issued a directive intended to prevent unauthorized disclosures of classified information through leaks to news media. A singular feature of this directive is that it requires prepublication clearances of articles and books written by policymaking Government employees after they leave Government, if they have had access to sensitive compartmented information (SCI)—that is, information to which access is limited to protect sources and methods. Suffice it to say that there are as many as 200,000 people with SCI clearances, including a large number of officials of the Departments of Defense and State and the White House—people who can and do contribute much to public debate after they leave office. As Mr. Floyd

Abrams, a distinguished authority on the first amendment observes:

Some of the most important speech that occurs in our society would be subjected to governmental scrutiny and that, if the government in power decided that something could not be written or said, to judicial review.

For some time, CIA and other intelligence agencies have obliged their former employees to seek review prior to public disclosure of any information concerning intelligence activities. This is a reasonable rule given the complete immersion of their personnel in the world of secrecy and their perhaps not altogether keen sense of what is and is not classified. But officials at Defense and other nonintelligence agencies, while having access to sensitive information, must and do address vital national security issues without using classified information. They do this every day at congressional hearings, in speeches and press conferences. Moreover, it has not been uncommon for these officials to write books after they leave the Government and to submit, on a voluntary basis, all or portions of the manuscripts for prepublication review by their former employers.

May I say that this sensible practice of some of our former leaders suggests a basis for establishing a system that relies primarily upon voluntary cooperation—one in which compulsory review is strictly limited to cases in which the former Government official knows or is uncertain that his manuscript contains sensitive classified information. It strikes me as curious that the new directive appears to call for a mandatory, and most likely, inefficient censorship bureaucracy. This from a President who staunchly opposes intrusive big government, and indeed, advocates private voluntary action, as an alternative to governmental programs, to meet basic social needs.

The directive's implementing regulations have yet to be written. I urge my colleagues to make their views known to the administration so the new rules adequately accommodate first amendment values.

Late last month, we also learned that the March 11 directive was based on an interagency study which proposed prison terms for offenders. Now this could readily lead us to the point where at any given moment half the Cabinet is in jail. Mind, there have been times in the recent past where we almost reached that point without the aid of any special legislation. Even so, one wonders if the Republic is really ready for such an experiment.

With something such in mind, on March 22 I wrote the President enclosing a more or less routine press report of that day citing "senior Reagan administration" officials and suchlike letting us in on details of "low altitude flights by United States spy planes" flying about Central America, I said I assumed there would be a "thorough internal executive branch investigation of this matter" and asked if the Intelligence Committee might be favored with a copy of the findings. On May 5, I wrote a similar letter to the President following additional apparent leaks of classified information in press reports sourced to administration officials. I have yet to hear back on the results.

If the investigative procedures of the directive are followed, I believe the administration will learn that the sources of leaks are more likely to be Presidential advisers, rather than defense or intelligence professionals. This, at least, would appear to have been the pattern of previous administrations. That is where the problem seems to be.

The new directive calls for each agency to adopt regulations concerning contacts with news media. As vice chairman of the Select Committee on Intelligence, it has been my practice to speak to the press on intelligence matters only on the record. I would commend this practice to the executive branch. It certainly would help us determine which disclosures are authorized or not.

Mr. President, the Freedom of Information Protection Act does not address all of these concerns. It is a modest bill, but nonetheless important. It would emphasize the intent of Congress that the executive branch maintain a high standard we hope will also be employed in all aspects of its public information policies. I strongly urge that my colleagues support this legislation.●

● Mr. BIDEN. Mr. President, I would like to express my strong support for Senator DURENBERGER's Freedom of Information Protection Act of 1983 and to urge its prompt consideration by the Senate. Senator DURENBERGER is to be congratulated for his sponsorship of this, not only symbolically but also substantively, important piece of legislation.

It is difficult to avoid cliches in stating the importance that an informed and free citizenry has had in the history of the United States. Certainly these qualities and the full functioning of the democratic process depend on making the maximum amount of information available to the public consistent with the needs of the national security for legitimate classification.

The initial enactment of the Freedom of Information Act in 1966 gave clear expression to the value which the United States attaches to open government. It also created a powerful tool for the American people to use in extricating information from the labyrinthian corridors of government.

The fact that the United States has Executive orders, public documents, governing the classification of information further expresses the importance of public access to information in the United States. Surely, the United States is one of a very few countries that sets forth in a public document the exact procedures to be followed and criteria to be met in the withholding of information from the public. As Senator DURENBERGER has already pointed out, there has been a clear trend in the evolution over the past 30 years of Executive orders governing the classification activities of the U.S. Government. Since the administration of President Eisenhower, that trend had been to reduce the amount of information which would be classified and, therefore, out of reach of the American public.

Unfortunately, President Reagan's Executive Order 12356 on national security information reversed this trend toward greater availability of governmental information. In two areas in particular, Executive Order 12356 was disappointing. First, it dropped the previously minimal requirement that before information could be classified at all there must be the reasonable expectation that at least identifiable damage would result. Now there is only a requirement for a reasonable expectation of damage; there is no requirement to specify exactly what damage the classifying authority expects.

Second, Executive Order 12356 dropped the so-called balancing test that previous Executive orders required to be applied before information could be classified. Under that balancing test, even though information might be properly entitled to classification, if the American public's interests in the disclosure of the information outweighed the national security interests in its classification, the Government officials could decide to keep the information unclassified.

I am fully aware of the need to classify and restrict access to information the disclosure of which really could cause damage to vital U.S. intelligence sources and methods. Like many other members of the Intelligence Committee, I have argued that the U.S. Government needs to take specific, tough, and effective steps to make sure that objectively important and sensitive secrets that the Government has are kept secret. Furthermore, I am sympathetic to the arguments that some groups in both the law enforcement and business communities have made about the need to adapt, in a most cautious fashion, the Freedom of Information Act to meet their legitimate concerns. So, it is not the case that I would criticize any and all attempts to improve the information security practices of the United States.

However, these attempts and these adaptations must be prudent. They must be well balanced. They must rigorously take into consideration the exact problem to be solved and the narrowest governmental authority necessary to address this problem.

I regret to say that the Reagan administration's steps in the area of what is euphemistically described as information management fail these tests. It is an ironic but established fact that this administration, with its scorn for the values of Government and the people who work in it, has tried on a wide range of fronts to limit the access of the American people to information about the workings of Government.

Numerous agencies have adopted regulations restricting communication between agency personnel and the press. Legislation has been sent to the Congress that would weaken the Freedom of Information Act. As already indicated, Executive Order 12356 on national security information was a stroke against the currents of 30 years of more narrowly defined classification authorities. On March 11, 1983, the President issued a "Directive on Safeguarding National Security Information" which was, at best, a meat-ax attack on maladies in need of surgical precision.

I am afraid to say that through all these acts, the administration has given vent to crude, ideological impulses against people who would dare to question its conduct of Government, its management of Federal agencies. What we need instead are clear-eyed, dispassionate solutions to specific and serious problems of unauthorized disclosure of truly sensitive information.

An article in the April 19, 1983, New York Times entitled "The Problem of Keeping So Many Secrets Secret" estimated some dimensions of the problem of excessive, improper classification. The article describes a survey, by GSA's Information Security Oversight Office, of classification in 1980, the year of the most recent survey. According to that survey, in 1980, 7,150 officials had original authority to classify information as secret, but they had delegated that authority to 133,000 other officials. The article states:

> In a random check, the oversight office estimated that 600,000 papers had been classified without authority; another 800,000 had been classified unnecessarily.

It seems as though we are getting in a real muddle in this country in which we have far too much classification and restriction of information but too little protection of secrets. Of course, one highly desirable remedy for this problem would be for the Congress to enact a clssification statute. To do so would be to put on firmer ground the entire classification process. It would avoid the instability inherent in having each new Presidential administration reviewing and rewriting policy on something as important as the availability of Government information to the American people.

Until that time when the United States does have a classification statute, we must rely on the diligence and farsightedness of individuals like Senator DURENBERGER who can supply specific solutions like the Freedom of Information Act of 1983.●

● Mr. MATHIAS. Mr. President, I am pleased to join with Senator DURENBERGER and other of my colleagues to introduce the Freedom of Information Protection Act.

This legislation is significant in two respects. First, it would correct some of the problems which have arisen from the issuance last year of Executive Order 12356. This most recent directive on security classification represents a step backward from the efforts of previous administrations to deal with the serious problem of overclassification. A recent report of the House Committee on Government Operations lists some of the costs of such excessive secrecy. The committee noted that:

> Overclassification results in unnecessary restrictions on the public availability of information, a reduction in public confidence in the classification system, a weakening of the protection for information that is truly sensitive, and an increase in the cost of government.

The bill which we introduce today would reinstate a simple but important safeguard against overclassification which was eliminated by Executive Order 12356: Information should not be classified unless identifiable damage to the national security, which outweighs the public interest in the free flow of information, is likely to result from its disclosure. The Freedom of Information Protection Act would codify this commonsense principle.

The measure is important in another way as well. It manifests a growing congressional interest in Government information policy in general, and security classification policy in particular. The entire complex edifice of the classification system is built on shifting legal sands. The intricate provisions of the mass of Government secrecy regulations derive their authority, not from a specific statute enacted by the Congress, but from the implied constitutional powers of the Chief Executive.

I hope that the introduction of this legislation will call into question the long history of congressional passivity on issues of classification policy. Legislative action in this field might clarify the proper relationship among the three branches of Government on information policy matters. It also could strengthen the protection of legitimate secrets, by forging a consensus on the appropriate standards for classification, and by increasing public understanding of and acceptance for the needs of the secrecy system. The Freedom of Information Protection Act, in my view, is an important first step in this process. I commend the senior Senator from Minnesota for taking the initiative in this matter.●

● Mr. LEAHY. Mr. President, the balance between the needs of national security and the public's need to know has always been a delicate one. The Freedom of Information Act established a presumption in favor of access, constrained only by a series of narrowly drawn exemptions, where the need to keep Government information secret clearly outweighed the public's right to know.

President Reagan's Executive order on classifying national security information had the effect of reversing that presumption. In doing so, it did more than just to create the risk that zealous officials will overclassify. FOIA has only worked because the burden on an agency to justify a decision in favor of secrecy puts a mammoth Government and its citizens on an equal footing. Shifting the burden to the public will have the inevitable effect of upsetting that balance and giving Government its natural advantages in the fight for access: size and resources.

Congress now has the opportunity, and I believe the strongest duty, to restore the FOIA exemption for national defense and foreign policy matters to its former meaning and to maintain the presumption of openness. And yet, building on more than 15 years of experience with the act, we can make those changes in a way that perpetuate and indeed strengthen the protection required for documents that clearly and legitimately require classification on security grounds.

Senator DURENBERGER and I are proposing an amendment to the Freedom of Information Act that would require an agency to find that national security documents withheld "could reasonably be expected to cause identifiable damage to national security." This amendment restores the identifiable damage test contained in Executive Order 12065 for FOIA declassification decisions.

Second, our proposal would make explicit the kind of balancing test that has always characterized critical agency decisions under FOIA. Our bill would exempt national security matters "in which the need to protect the information outweighs the public interest in disclosure." Courts reviewing agency compliance with the balancing test requirement would not be able to substitute their judgment for that of the decisionmaker but would be limited to ascertaining that the test was in

fact made. This should clearly answer the criticism of those who fear that judges will impose unreasonably high standards of specificity and thereby harm national security.

I always hesitate to urge my colleagues to codify commonsense, as this bill admittedly does. But the President's Executive order has made this proposal necessary. Statutes like the Freedom of Information Act work best when they enjoy the good will of the administration and the agencies charged with their implementation. In the absence of evidence that the presumption of openness will be held high as a standard, the present bill becomes crucial.

The Executive order is not the only example of this administration's narrowness toward the principle of open access. On April 12, 1983, I introduced the Freedom of Information Improvement Act of 1983, which addresses some of the major concerns that requesters have under the current law, particularly as it is being construed. The Judiciary Committee is hard at work dealing with many of the concerns raised in my bill, and there is every prospect for a fair and workable result at the conclusion of that process.

Similarly, I think that both Government and requesters would benefit from adopting the careful standard Senator DURENBERGER and I have set forth in the present bill. If this standard becomes part of the FOIA, both national security and the principle of openness will be the beneficiaries.

I want to offer my personal thanks to Senator DURENBERGER, whose role on the Intelligence Committee has been vital and whose perceptions about the balance between the needs of security on the one hand and the public's right to know on the other have been an example to all of us.●

By Mr. DURENBERGER (for himself, Mr. HATCH, Mr. HEINZ, Mr. DANFORTH, Mr. KENNEDY, and Mr. INOUYE):

S. 1336. A bill to make permanent the exclusion from gross income of national research service awards; to the Committee on Finance.

NATIONAL RESEARCH SERVICE AWARDS

Mr. DURENBERGER. Mr. President, today I am introducing along with Senators HATCH, HEINZ, DANFORTH, KENNEDY, and INOUYE legislation to bring a permanent solution to the issue of the tax status of awards granted by the Public Health Service for biomedical research training—national research service awards (NRSA's). In 1977 the Internal Revenue Service ruled that NRSA's were not scholarships because recipients must engage in health research or teaching or equivalent service for a period equal to the length of the award. Thus, NRSA's did not qualify under section 117 of the code exempting the entire amount of the scholarship for degree candidates and up to $300 per month—$3,600 per year—for a total of 3 years for nondegree candidates.

Repeatedly since that time Congress has passed legislation to treat NRSA's as scholarships under section 117. The latest extension expires at the end of this year. By providing for a permanent inclusion of NRSA's under section 117, the Congress would relieve itself of the burden of periodic extension of the moratorium on full taxation of the awards.

A permanent exemption would lift a burden not only from Congress but from the recipients of the awards. Even though the section 117 qualification expired at the end of 1981, Congress did not act until the Tax Equity and Fiscal Responsibility Act last year. That meant months of needless worry for recipients of the awards as they tried to stretch their limited dollars further to cover possible taxes on the awards.

Last year during Finance Committee consideration of TEFRA we agreed to make another limited extension of section 117 treatment. This temporary measure was taken so Treasury could complete a study of section 117 and the tax treatment of various Government awards. It now appears that Treasury may not be completing the study on the schedule planned. Therefore, it is time to make a permanent solution without further delay.

Treatment of the National Research Service Awards as scholarships under section 117 would be in keeping with the intention of both the Senate and House authorizing committees. The most recent expression of intent by the authorizing committees is found in the statement of managers in the Omnibus Budget Reconciliation Act of 1981. After citing other expressions of intent over the years since the Internal Revenue Service first ruled NRSA's taxable, the managers stated:

> National Research Service Awards are not made for the purpose of receiving services designated by this grantor. Rather, the payback requirement offers benefits to the Nation from the participation of NRSA recipients in the research enterprise. As the committee does not believe that the payback requirement is a quid pro quo, the tax exemption should be applicable.

As a member of the committee with jurisdiction over the tax issue and as chairman of its Subcommittee on Health, I concur with my colleagues on the authorizing committees. NRSA's are the primary means of assuring an adequate manpower pool for our Nation's health research enterprise. Taxation of these awards would severely limit the effectiveness of this program in encouraging our country's most promising, aspirant scientists to direct their careers toward much-needed biomedical research. Further, these awards are the principal incentive offered prospective physician investigators to enter medical research and forego the considerably greater financial rewards of private sector practice.

The awards are not large, and taxing them would certainly diminish their attractiveness. Degree candidates receive between $7,040 and $13,040 to cover tuition, fees, and living expenses. Postdoctoral trainees receive a larger sum—between $13,380 and $18,780, but these are people who could be receiving substantially more for other activities, and their exclusion is limited to $3,600 per year.

It is clear that taxation of these awards is not in keeping with the intention of the original legislation, and that such taxation would create an economic disincentive to accepting awards without any significant concomitant benefit to the U.S. Treasury. Consequently, I believe that the Nation's interests are served best by maintaining these awards as fellowship under the Tax Code.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 161(b) of the Revenue Act of 1978 (relating to exclusion from gross income for national research service awards) is amended by striking out "during calendar year 1974 through 1983" and inserting in lieu thereof "after December 31, 1973."

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 27, a bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes.

S. 212

At the request of Mr. PRESSLER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 212, a bill to authorize funds for the U.S. Travel and Tourism Administration.

S. 553

At the request of Mr. HART, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 553, a bill to authorize a national program of improving the quality of education.

S. 667

At the request of Mr. SIMPSON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a

cosponsor of S. 667, a bill to enhance the benefits available under the contributory education program and to eliminate the termination date for the GI bill education program, and for other puproses.

S. 688

At the request of Mr. HATFIELD, the names of the Senator from North Dakota (Mr. BURDICK), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 688, a bill to provide that, unless the Government of El Salvador actively participates in negotiations with all major parties to the conflict which are willing to participate unconditionally in negotiations for the purpose of achieving a cease fire and an equitable political solution to hostilities, U.S. military support for El Salvador shall be terminated, with military assistance funds to be transferred for use for development and humanitarian assistance.

S. 786

At the request of Mr. PRESSLER, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 786, a bill to amend title 38, United States Code, to establish a service-connection presumption for certain diseases caused by exposure to herbicides or other enviornmental hazards or conditions in veterans who served in Southeast Asia during the vietnam era.

S. 830

At the request of Mr. BIDEN, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 830, a bill to fight violent crime and crime or organizations and to improve the administration of the criminal justice system.

S. 907

At the request of Mr. DANFORTH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 907, a bill to amend the tariff schedules of the United States to clarify for duty purposes the distinction between dress gloves and work gloves.

S. 911

At the request of Mr. CHILES, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 911, a bill to establish a Commission to make recommendations for changes in the role of nonparty multicandidate political action committees in the financing of campaigns of candidates for Federal office.

S. 980

At the request of Mr. WALLOP, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 980, a bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to the surface mining of stone, clay, and sand work.

S. 995

At the request of Mr. EXON, the name of the Senator from Virginia (Mr. TRIBLE), the Senator from Tennessee (Mr. SASSER), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 995, a bill to amend title 38, United States Code, to modify the rule for the commencement of the period of payment of certain adjustments in compensation in the case of hospitalized veterans.

S. 1033

At the request of Mr. SIMPSON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1033, a bill to amend title 38, United States Code, to establish an emergency job training program for wartime veterans.

S. 1065

At the request of Mr. EXON, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 1065, a bill to authorize continued Federal and State cooperative efforts to study the depleting water resources of the States of the high plains, and for other purposes.

S. 1108

At the request of Mr. DANFORTH, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1108, a bill to amend various provisions of law to provide for more effective highway and motor vehicle safety regulations and enforcement, and for other purposes.

S. 1145

At the request of Mr. DENTON, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from North Dakota (Mr. BURDICK), the Senator from Indiana (Mr. LUGAR), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 1145, a bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.

S. 1210

At the request of Mr. BAKER, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1210, a bill to amend the Internal Revenue Code of 1954 to provide that the election to use the alternate valuation date for purposes of the estate tax may not be made under certain circumstances and to permit an election to be made on a return that is filed late.

S. 1248

At the request of Mr. D'AMATO, the names of the Senator from Utah (Mr. HATCH), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Florida (Mr. CHILES), the Senator from Texas (Mr. BENTSEN), the Senator from Louisiana (Mr. JOHNSTON), the Senator from California (Mr. WILSON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Mr. INOUYE), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 1248, a bill to require the Federal Government to reimburse State governments for the cost of imprisoning aliens who commit felonies.

SENATE JOINT RESOLUTION 75

At the request of Mr. SYMMS, the names of the Senator from Georgia (Mr. NUNN), the Senator from Missouri (Mr. DANFORTH), the Senator from Indiana (Mr. QUAYLE), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of Senate Joint Resolution 75, a joint resolution to provide for the designation of June 12 through 18, 1983, as "National Scleroderma Week."

SENATE JOINT RESOLUTION 104

At the request of Mr. GARN, the names of the Senator from Maine (Mr. COHEN) and the Senator from California (Mr. WILSON) were added as cosponsors of Senate Joint Resolution 104, a joint resolution to designate July 20 of each year as "Space Exploration Day."

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. DOLE, the name of the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to implementing the objectives of the U.S. Decade of Disabled Persons (1983-92).

SENATE RESOLUTION 114

At the request of Mr. PRESSLER, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of Senate Resolution 114, a resolution to express the sense of the Senate that certain rural fire protection programs should receive a level of funding for fiscal year 1984 which is at least as high as the level of funding provided for such programs for fiscal year 1983.

SENATE RESOLUTION 115

At the request of Mr. PRESSLER, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of Senate Resolution 115, a resolution to express the sense of the Senate on the need to facilitate U.S. exports by opposing international restrictions on the marketing and distribution of such exports.

SENATE RESOLUTION 119

At the request of Mr. D'AMATO, the names of the Senator from Kansas (Mr. DOLE) the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), The Senator from Oklahoma (Mr. BOREN) and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 119, a resolution expressing the sense of the Senate that the

United States should proceed with the sale and delivery of F-16 aircraft to Israel.

SENATE RESOLUTION 122

At the request of Mr. MOYNIHAN, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Mr. DIXON), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of Senate Resolution 122 a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

SENATE RESOLUTION 137

At the request of Mr. KASTEN, the names of the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Maine (Mr. COHEN), the Senator from Florida (Mrs. HAWKINS), the Senator from Oklahoma (Mr. NICKLES), the Senator from Georgia (Mr. MATTINGLY), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Iowa (Mr. GRASSLEY), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Alabama (Mr. DENTON), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Utah (Mr. HATCH), the Senator from Delaware (Mr. ROTH), the Senator from North Carolina (Mr. EAST), the Senator from North Dakota (Mr. ANDREWS), the Senator from California (Mr. WILSON), the Senator from Iowa (Mr. JEPSEN), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of Senate Joint Resolution 137, a resolution expressing the sense of the Senate that Taiwan should retain full membership in the Asian Development Bank, and that it should not be expelled as a precondition for membership in that body by the People's Republic of China.

SENATE CONCURRENT RESOLUTION 37—RELATING TO THE JAMMING OF INTERNATIONAL RADIO BROADCASTS BY THE SOVIET UNION

Mr. HUMPHREY (for himself, Mr. PRESSLER, Mr. RUDMAN, Mr. EAST, Mr. ARMSTRONG, Mr. DOLE, Mr. PELL, Mr. SYMMS, Mr. JEPSEN, Mr. HATCH, and Mr. EXON) submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 37

Whereas the permanent unrestrained flow of accurate information would greatly facilitate mutual understanding and world peace;

Whereas the Soviet Union and its allies are at present electronically jamming the broadcasts of Voice of America and RFE/RL, Incorporated (also known as Radio Free Europe and Radio Liberty); and

Whereas electronic jamming of international broadcasts violates at least four international agreements: Articles 35(1) of the International Telecommunications Union Convention, Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe (also known as the Helsinki Accords): Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should urge the Govenment of the Soviet Union to terminate its jamming of the broadcasting of Voice of America and RFE/RL, Incorporated (also known as Radio Free Europe and Radio Liberty).

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. HUMPHREY. Mr. President, I offer a concurrent resolution stating the sense of the Congress that the President should urge the Soviet Government to cease its jamming of Voice of America, Radio Free Europe, and Radio Liberty broadcasts. Congressman KEMP will be introducing an identical resolution, with 28 cosponsors, in the House this week; the bill currently enjoys the cosponsorship of 10 of my colleagues.

To hear some talk, the United States is a warmonger, building up a vast military machine to bully the Soviet Union, and purposefully leading the world toward a nuclear war. Yet, it takes a very selective memory and a distorted view of history to justify such a position. One little known activity of the U.S. Government and the Soviet response provide further evidence of the true state of affairs. The activity is international broadcasting: the Voice of America, Radio Free Europe, and Radio Liberty. The response: jamming, a $300 million a year Soviet industry. In comparison, the annual budgets of VOA and RFE/RL are roughly $140 million and $90 million respectively. It is clear the Soviet spend more on jamming than we spend on broadcasting. For our part, we have never jammed Soviet broadcasts.

The Voice of America is a global radio network broadcasting over 900 hours a week in more than 40 languages with an estimated weekly audience of 100 million people all over the world. VOA broadcasts are of tremendous importance, especially in countries behind the Iron Curtain where truth refers primarily to the title of a newspaper, Pravda, rather than its contents.

In a similar way, the United States provides funding for Radio Free Europe and Radio Liberty, independent corporations overseen by the Board for International Broadcasting, an independent Federal agency. Together, RFE and RL broadcast to the peoples on the Soviet Union, Bulagaria, Czechoslovakia, Hungry, Poland, and Romania in 21 of the languages native to these countries. In the course of a typical week, some 40 to 50 million listen to RFE/RL broadcasts, despite heavy Soviet-bloc jamming. RFE/RL serve as an alternative domestic radio service, providing uncensored news and commentary to people living in Soviet-bloc countries.

The Soviet response to U.S. international broadcasts has been heavy jamming, all designed to make Western broadcasts unintelligible.

Such jamming violates at least four international agreements, including article 19 of the Universal Declaration of Human Rights, which states that all have the right to seek, receive, and impart information and ideas through any media and regardless of frontiers. It is in contravention of the International Telecommunications Convention, which forbids harmful interference to radio services of communications of other members.

Jamming is a human rights issue. The control and obstruction of ideas and information is probably the most effective of the totalitarian methods of repression. Jamming is also an international security issue. By jamming competing sources of information, national leaders facilitiate their ability to manipulate their citizens into supporting actions that they otherwise might not take if they were exposed to the truth.

In accordance with international law, the United States has never jammed Radio Moscow or other like entities. However, as recently as November 1982, the Soviet bloc attempted to secure international approval of its jamming activities. At a meeting of the United Nations International Telecommunications Union held in Nairobi, Czechoslovakia asked delegates to sanction the electronic jamming of international radio broadcasts deemed dangerous to state security, but withdrew its proposal following threats by Western nations to disrupt the conference.

Fortunately, jamming is never completely effective despite the intensity of the effort. Powerful transmitters, favorable atmospheric conditions and even the use of female broadcasters whose voices more easily penetrate the jamming screen allow Western nations' message of freedom and hope to reach millions. Nevertheless, jamming is a very significant hindrance.

The Reagan administration is appropriately concerned about the problem of jamming. On many occasions, and in various international forums, the United States has denounced jamming. I believe it both appropriate and necessary that the Congress state its concern about this important foreign policy issue.

We must continue to use every available means, technical, legal and diplomatic, to neutralize Soviet jammers. A vast and hungry audience depends on our efforts.

SENATE CONCURRENT RESOLUTION 38—RELATING TO MARTIAL LAW IN TAIWAN

Mr. PELL (for himself, Mr. KENNEDY, Mr. CRANSTON, and Mr. HART) submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 38

Whereas 1983 marks the 34th year of martial law on Taiwan;

Whereas The Taiwan Relations Act states, "The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States";

Whereas martial law on Taiwan denies people their political rights and civil liberties, through such practices as the imprisonment of legislators, the censorship of the press and the detention of citizens for political reasons;

Whereas there are also welcome trends on Taiwan, including the release of long-term political prisoners, increased political representation of all the people on Taiwan, and prospects for more open elections;

Whereas a more free and open Taiwan with full respect for human rights would have an even stronger claim to the moral support of the American people;

Now, therefore be it

Resolved, that it is the sense of the Senate (the House of Representatives concurring) That the authorities on Taiwan should continue democratic progress and end martial law in order to establish a more democratic, free and open system that will gurarantee and protect the rights of all the people on Taiwan.

Mr. PELL. Mr. President, today marks the 34th anniversary of martial law on Taiwan. On behalf of Senators KENNEDY, CRANSTON, HART, and myself, I wish to introduce a concurrent resolution expressing the sense of the Senate concerning martial law on Taiwan. It indicates that the Senate and House of Representatives believe "that the authorities on Taiwan should continue democratic progress and end martial law in order to establish a more democratic free and open system that will guarantee and protect the rights of the people on Taiwan."

For the native Taiwanese—some 16 million strong—martial law continues to frustrate their quest for a free society. The mainlander Chinese perpetuate their martial law control over the Taiwanese by denying press freedoms, censoring the mail and severely restricting freedom of speech, assembly, and other political activities. The authorities' preoccupation with Communist subversion and a broad definition of subversive activities combine to constrain political opposition and dissent, and encourage a tendency for the security apparatus to abuse its power. For too long, the Government has, by its actions, impeded respect for human rights and the growth of a democratic system on Taiwan.

Last year, I urged the authorities on Taiwan to make a start at real reform. My recommendations called for the immedate establishment of a clearly defined timetable for change that included:

First, an end to martial law;

Second, provision for the organization of new political parties;

Third, freedom of the press; and

Fourth, a plan for including a fair representation of Taiwanese in all national level government offices.

Such a program would greatly improve the human rights conditions on Taiwan and begin the process of opening up the political process to all of the Taiwanese people. Happily, some officials on the island heard my plea and have begun to discuss reform along the lines I suggested. Unfortunately, I have seen little concrete results so far. Consequently, I renew my call for reform today, hoping that the Government moves from talking about the need for change to an action program designed to bring real freedom to the people on Taiwan.

Despite my longstanding concerns for human rights on Taiwan and my criticisms of Government abuses there, I was shocked and saddened by recent reports that Taiwanese opposed to the regime had resorted to violence and terrorist acts to demonstrate their opposition. I cannot condone such activities. Violence is not the answer to the problems of Taiwan. Taiwanese must continue to work within the system to bring about change. Such a democratic revolution requires patience, sacrifice, and hard work. Results sometimes come slowly. But, in the end, I am confident that the Taiwanese can achieve their goals peacefully.

Not too many years ago the mainlanders used brutal force to consolidate their grip on power. Today, most members of the ruling KMT party are Taiwanese and the native-born dominate local and state elections. Tomorrow, a way can be found, mark my words, for Taiwanese and mainlanders to live together in a more open and free political system.

● Mr. KENNEDY. Mr. President, I am proud to join my colleague, Senator PELL, in introducing a concurrent resolution expressing the sense of the Senate that the authorities on Taiwan should continue democratic progress and end martial law in order to establish a more democratic, free, and open system that will guarantee and protect the rights of all the people on Taiwan.

May 20 marks another bleak anniversary for the people of Taiwan. An entire generation has passed since the ruling Kuomintang Party declared a state of emergency in 1949 and imposed martial law on the island. The time has come to end this permanent state of seige against human rights. Thirty-four years of martial law is enough. What possible justification can there be for maintaining martial law in such a land? There is no serious threat of military invasion from the mainland. The repressive measures associated with martial law are anathema to democratic government. They are a violation of fundamental human rights. They weaken Taiwan's ability to meet the challenges it faces, by suppressing legitimate debate and excluding citizens from participation in the political process. And they undermine Taiwan's relations with the United States.

U.S. ties with the people of Taiwan are based on a clear American commitment to their security and well-being. I am proud of my role in the Senate as a principal sponsor of the Taiwan Security Resolution of 1979, now a part of the law of the land. In that resolution, Congress reassured the people of Taiwan about our concern for their security and prosperity and for lasting peace in the area.

But the close ties between the people of the United States and the people on Taiwan include a clear commitment to human rights. Political repression on Taiwan blights our mutual interests and friendships. Only a decent respect for individual liberty on Taiwan can guarantee the future of the island and continued close relations between our peoples. Only an end to martial law can insure that civil rights and liberties on Taiwan will be safeguarded.

Despite official claims to the contrary, basic liberties are still denied on Taiwan today. Restrictions remain on press and political freedom. Political and religious leaders are subjected to arrest and imprisonment. Military tribunals mete out justice to civilian defendents.

Legislative and religious leaders—including Assemblyman Lin and Reverend Kao, the courageous leader of the Presbyterian Church on Taiwan—remain imprisoned. There still have been no satisfactory explanations for the death of Prof. Chen Wen-Cheng and the killings of Mr. Lin's mother and daughters.

But in deploring continued human rights shortcomings on Taiwan, I want to make three very important additional points:

First, we are in no way singling out Taiwan for unique criticism. Abritrary arrest and persecution of individuals for their beliefs casts a shadow over any country where these practices occur. I am committed to speaking out against such abuses wherever they exist, whether in Poland, or El Salvador, on Taiwan or in the People's Republic of China.

Second, we recognize that progress has been made on Taiwan. A number of long-term political prisoners has been released; the proportion of native Taiwanese serving as local officials has increased; fair local elections have taken place and further legislative elections are scheduled for the end of

this year; restrictions have been reduced on freedom of speech and association. But these steps do not lessen the urgency of ending abuses of human rights.

Third, I condemn the recent bombings in Taipei attributed to opponents of the regime. There is no justification for resorting to violence and destruction. The goal of democracy for Taiwan cannot be won by tactics that rely on the bomb or the bullet.

I therefore renew my call today for the leadership of Taiwan to take action now to release remaining political and religious prisoners, to guarantee basic human rights for all, to lift the censorship, and to end the repressive reign of martial law.●

AMENDMENTS SUBMITTED

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1984

GORTON (AND OTHERS) AMENDMENT NO. 1285

Mr. GORTON (for himself, Mr. WEICKER, Mr. CHAFEE, Mr. STAFFORD, Mr. MATHIAS, and Mr. HATFIELD) proposed an amendment to the concurrent resolution (S. Con. Res. 27) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986, as follows:

Strike out all after the resolving clause, and insert the following:

"That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced the first concurrent resolution on the budget for fiscal year 1984 is hereby established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

"(1) The recommended levels of Federal revenues are as follows:

"Fiscal year 1983: $603,325,000,000.
"Fiscal year 1984: $671,100,000,000.
"Fiscal year 1985: $743,075,000,000.
"Fiscal year 1986: $835,900,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

"Fiscal year 1983: +$125,000,000.
"Fiscal year 1984: +$9,900,000,000.
"Fiscal year 1985: +$13,675,000,000.
"Fiscal year 1986: +$51,000,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

"Fiscal year 1983: $35,900,000,000.
"Fiscal year 1984: $39,700,000,000.
"Fiscal year 1985: $44,200,000,000.
"Fiscal year 1986: $50,900,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

"Fiscal year 1983: $148,500,000,000.
"Fiscal year 1984: $166,500,000,000.
"Fiscal year 1985: $187,700,000,000.
"Fiscal year 1986: $204,400,000,000.

"(2) The appropriate levels of total new budget authority are as follows:

"Fiscal year 1983: $875,925,000,000.
"Fiscal year 1984: $914,699,000,000.
"Fiscal year 1985: $986,374,000,000.
"Fiscal year 1986: $1,050,209,000,000.

"(3) The appropriate levels of total budget outlays are as follows:

"Fiscal year 1983: $807,325,000,000.
"Fiscal year 1984: $849,699,000,000.
"Fiscal year 1985: $910,774,000,000.
"Fiscal year 1986: $965,999,000,000.

"(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

"Fiscal year 1983: $204,000,000,000.
"Fiscal year 1984: $178,599,000,000.
"Fiscal year 1985: $167,699,000,000.
"Fiscal year 1986: $130,099,000,000.

"(5) The appropriate levels of the public debt are as follows:

"Fiscal year 1983: $1,383,900,000,000.
"Fiscal year 1984: $1,606,399,000,000.
"Fiscal year 1985: $1,824,798,000,000.
"Fiscal year 1986: $2,012,497,000,000.

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

"Fiscal year 1983: $93,700,000,000.
"Fiscal year 1984: $222,499,000,000.
"Fiscal year 1985: $218,399,000,000.
"Fiscal year 1986: $187,699,000,000.

"(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

"Fiscal year 1983:
"(A) New direct loan obligations, $55,400,000,000.
"(B) New loan guarantee commitments, $94,500,000,000.
"Fiscal year 1984:
"(A) New direct loan obligations, $48,200,000,000.
"(B) New loan guarantee commitments, $94,500,000,000.
"Fiscal year 1985:
"(A) New direct loan obligations, $48,100,000,000.
"(B) New loan guarantee commitments, $97,400,000,000.
"Fiscal year 1986:
"(A) New direct loan obligations, $48,700,000,000.
"(B) New loan guarantee commitments, $101,000,000,000.

"(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

"(1) National Defense (050):
"Fiscal year 1983:
"(A) New budget authority, $244,100,000,000.
"(B) Outlays, $214,300,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $270,650,000,000.
"(B) Outlays, $241,600,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $300,950,000,000.
"(B) Outlays, $269,650,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $333,060,000,000.
"(B) Outlays, $299,850,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.

"(2) International Affairs (150):
"Fiscal year 1983:
"(A) New budget authority, $24,900,000,000.
"(B) Outlays, $11,500,000,000.
"(C) New direct loan obligations, $11,700,000,000.
"(D) New loan guarantee commitments, $9,200,000,000.
"Fiscal year 1984:
"(A) New budget authority $18,200,000,000.
"(B) Outlays, $12,700,000,000.
"(C) New direct loan obligations, $11,200,000,000.
"(D) New loan guarantee commitments, $10,300,000,000.
"Fiscal year 1985:
"(A) New budget authority, $16,500,000,000.
"(B) Outlays, $12,800,000,000.
"(C) New direct loan obligations, $11,500,000,000.
"(D) New loan guarantee commitments, $10,300,000,000.
"Fiscal year 1986:
"(A) New budget authority, $15,900,000,000.
"(B) Outlays, $12,800,000,000.
"(C) New direct loan obligations, $11,600,000,000.
"(D) New loan guarantee commitments, $10,300,000,000.

"(3) General Science, Space, and Technology (250):
"Fiscal year 1983:
"(A) New budget authority, $7,900,000,000.
"(B) Outlays, $7,700,000,000.
"(C) New direct loan obligations, $200,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $8,500,000,000.
"(B) Outlays, $8,200,000,000.
"(C) New direct loan obligations, $37,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $8,500,000,000.
"(B) Outlays, $8,500,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $8,400,000,000.
"(B) Outlays, $8,400,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.

"(4) Energy (270):
"Fiscal year 1983:
"(A) New budget authority, $4,000,000,000.
"(B) Outlays, $4,600,000,000.

"(C) New direct loan obligations, $13,100,000,000.
"(D) New loan guarantee commitments, $200,000,000.
"Fiscal year 1984:
"(A) New budget authority, $3,900,000,000.
"(B) Outlays, $4,100,000,000.
"(C) New direct loan obligations, $13,900,000,000.
"(D) New loan guarantee commitments, $200,000,000.
"Fiscal year 1985:
"(A) New budget authority, $3,600,000,000.
"(B) Outlays, $2,900,000,000.
"(C) New direct loan obligations, $14,300,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $3,200,000,000.
"(B) Outlays, $2,700,000,000
"(C) New direct loan obligations, $14,400,000,000.
"(D) New loan guarantee commitments, $0.
"(5) Natural Resources and Environment (300):
"Fiscal year 1983:
"(A) New budget authority, $12,500,000,000.
"(B) Outlays, $12,800,000,000
"(C) New direct loan obligations, $100,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $12,000,000,000.
"(B) Outlays, $12,500,000,000
"(C) New direct loan obligations, $27,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $12,200,000,000.
"(B) Outlays, $12,600,000,000
"(C) New direct loan obligations, $27,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $12,500,000,000.
"(B) Outlays, $12,200,000,000
"(C) New direct loan obligations, $27,000,000.
"(D) New loan guarantee commitments, $0.
"(6) Agriculture (350):
"Fiscal year 1983:
"(A) New budget authority, $24,200,000,000.
"(B) Outlays, $24,000,000,000
"(C) New direct loan obligations, $18,600,000,000.
"(D) New loan guarantee commitments, $5,500,000,000.
"Fiscal year 1984:
"(A) New budget authority, $11,600,000,000.
"(B) Outlays, $11,400,000,000.
"(C) New direct loan obligations, $12,100,000,000.
"(D) New loan guarantee commitments, $3,800,000,000.
"Fiscal year 1985:
"(A) New budget authority, $14,000,000,000.
"(B) Outlays, $12,300,000,000.
"(C) New direct loan obligations, $11,700,000,000.
"(D) New loan guarantee commitments, $3,800,000,000.
"Fiscal year 1986:
"(A) New budget authority, $13,200,000,000.
"(B) Outlays, $13,100,000,000.
"(C) New direct loan obligations, $12,200,000,000.
"(D) New loan guarantee commitments, $3,800,000,000.
"(7) Commerce and Housing Credit (370):
"Fiscal year 1983:
"(A) New budget authority, $5,200,000,000.
"(B) Outlays, $2,700,000,000.
"(C) New direct loan obligations, $6,500,000,000.
"(D) New loan guarantee commitments, $48,700,000,000.
"Fiscal year 1984:
"(A) New budget authority, $5,900,000,000.
"(B) Outlays, $1,800,000,000.
"(C) New direct loan obligations, $6,400,000,000.
"(D) New loan guarantee commitments, $48,700,000,000.
"Fiscal year 1985:
"(A) New budget authority, $6,500,000,000.
"(B) Outlays, $0.
"(C) New direct loan obligations, $6,300,000,000.
"(D) New loan guarantee commitments, $48,700,000,000.
"Fiscal year 1986:
"(A) New budget authority, $6,500,000,000.
"(B) Outlays, −$300,000,000.
"(C) New direct loan obligations, $6,300,000,000.
"(D) New loan guarantee commitments, $48,700,000,000.
"(8) Transportation (400):
"Fiscal year 1983:
"(A) New budget authority, $26,800,000,000.
"(B) Outlays, $22,100,000,000.
"(C) New direct loan obligations, $200,000,000.
"(D) New loan guarantee commitments, $1,100,000,000.
"Fiscal year 1984:
"(A) New budget authority, $27,700,000,000.
"(B) Outlays, $25,900,000,000.
"(C) New direct loan obligations, $100,000,000.
"(D) New loan guarantee commitments, $600,000,000.
"Fiscal year 1985:
"(A) New budget authority, $28,400,000,000.
"(B) Outlays, $26,900,000,000.
"(C) New direct loan obligations, $100,000,000.
"(D) New loan guarantee commitments, $400,000,000.
"Fiscal year 1986:
"(A) New budget authority, $29,200,000,000.
"(B) Outlays, $27,800,000,000.
"(C) New direct loan obligations, $100,000,000.
"(D) New Loan guarantee commitments, $300,000,000.
"(9) Community and Regional Development (450):
"Fiscal year 1983:
"(A) New budget authority, $8,300,000,000.
"(B) Outlays, $7,900,000,000.
"(C) New direct loan obligations, $2,100,000,000.
"(D) New loan guarantee commitments, $500,000,000.
"Fiscal year 1984:
"(A) New budget authority, $6,600,000,000.
"(B) Outlays, $8,100,000,000.
"(C) New direct loan obligations, $1,700,000,000.
"(D) New loan guarantee commitments, $300,000,000.
"Fiscal year 1985:
"(A) New budget authority, $7,100,000,000.
"(B) Outlays, $8,200,000,000.
"(C) New direct loan obligations, $1,800,000,000.
"(D) New loan guarantee commitments, $300,000,000.
"Fiscal year 1986:
"(A) New budget authority $7,100,000,000.
"(B) Outlays, $7,600,000,000.
"(C) New direct loan obligations, $1,800,000,000.
"(D) New loan guarantee commitments, $400,000,000.
"(10) Education, Training, Employment, and Social Services (500):
"Fiscal year 1983:
"(A) New budget authority, $28,000,000,000.
"(B) Outlays, $26,800,000,000.
"(C) New direct loan obligations, $600,000,000.
"(D) New loan guarantee commitments, $6,500,000,000.
"Fiscal year 1984:
"(A) New budget authority, $31,800,000,000.
"(B) Outlays, $27,250,000,000.
"(C) New direct loan obligations, $700,000,000.
"(D) New loan guarantee commitments, $6,600,000,000.
"Fiscal year 1985:
"(A) New budget authority, $28,500,000,000.
"(B) Outlays, $28,400,000,000.
"(C) New direct loan obligations, $700,000,000.
"(D) New loan guarantee commitments, $6,600,000,000.
"Fiscal year 1986:
"(A) New budget authority, $28,500,000,000.
"(B) Outlays, $28,400,000,000.
"(C) New direct loan obligations, $800,000,000.
"(D) New loan guarantee commitments, $6,600,000,000.
"(11) Health (550):
"Fiscal year 1983:
"(A) New budget authority, $25,325,000,000.
"(B) Outlays, $29,825,000,000.
"(C) New direct loan obligations, $47,000,000.
"(D) New loan guarantee commitments, $200,000,000.
"Fiscal year 1984:
"(A) New budget authority, $32,749,000,000.
"(B) Outlays, $32,749,000,000.
"(C) New direct loan obligations, $29,000,000.
"(D) New loan guarantee commitments, $300,000,000.
"Fiscal year 1985:
"(A) New budget authority, $35,724,000,000.
"(B) Outlays, $35,224,000,000.
"(C) New direct loan obligations, $28,000,000.
"(D) New loan guarantee commitments, $300,000,000.
"Fiscal year 1986:
"(A) New budget authority, $37,849,000,000.
"(B) Outlays, $37,249,000,000.
"(C) New direct loan obligations, $28,000,000.
"(D) New loan guarantee commitments, $300,000,000.
"(12) Medical Insurance (570):

"Fiscal year 1983:
"(A) New budget authority, $46,100,000,000.
"(B) Outlays, $53,100,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $61,400,000,000.
"(B) Outlays, $60,300,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $69,400,000,000.
"(B) Outlays, $68,300,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $79,100,000,000.
"(B) Outlays, $75,600,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"(13) Income Security (600):
"Fiscal year 1983:
"(A) New budget authority, $121,700,000,000.
"(B) Outlays, $110,200,000,000.
"(C) New direct loan obligations, $1,000,000,000.
"(D) New loan guarantee commitments, $14,600,000,000.
"Fiscal year 1984:
"(A) New budget authority, $125,900,000,000.
"(B) Outlays, $104,000,000,000.
"(C) New direct loan obligations, $1,000,000,000.
"(D) New loan guarantee commitments, $14,700,000,000.
"Fiscal year 1985:
"(A) New budget authority, $127,400,000,000.
"(B) Outlays, $105,400,000,000.
"(C) New direct loan obligations, $800,000,000.
"(D) New loan guarantee commitments, $16,500,000,000.
"Fiscal year 1986:
"(A) New budget authority, $131,300,000,000.
"(B) Outlays, $108,500,000,000.
"(C) New direct loan obligations, $500,000,000.
"(D) New loan guarantee commitments, $18,100,000,000.
"(14) Social Security (650):
"Fiscal year 1983:
"(A) New budget authority, $184,100,000,000.
"(B) Outlays, $167,600,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $174,900,000,000.
"(B) Outlays, $176,400,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $194,800,000,000.
"(B) Outlays, $187,300,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $211,200,000,000.
"(B) Outlays, $199,700,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"(15) Veterans Benefits and Services (700):
"Fiscal year 1983:
"(A) New budget authority, $25,200,000,000.
"(B) Outlays, $24,500,000,000.
"(C) New direct loan obligations, $1,000,000,000.
"(D) New loan guarantee commitments, $8,000,000,000.
"Fiscal year 1984:
"(A) New budget authority, $25,700,000,000.
"(B) Outlays, $25,600,000,000.
"(C) New direct loan obligations, $800,000,000.
"(D) New loan guarantee commitments, $9,000,000,000.
"Fiscal year 1985:
"(A) New budget authority, $26,700,000,000.
"(B) Outlays, $26,300,000,000.
"(C) New direct loan obligations, $600,000,000.
"(D) New loan guarantee commitments, $10,500,000,000.
"Fiscal year 1986:
"(A) New budget authority, $27,200,000,000.
"(B) Outlays, $26,600,000,000.
"(C) New direct loan obligations, $700,000,000.
"(D) New loan guarantee commitments, $12,500,000,000.
"(16) Administration of Justice (750):
"Fiscal year 1983:
"(A) New budget authority, $5,200,000,000.
"(B) Outlays, $5,100,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $6,000,000,000.
"(B) Outlays, $6,000,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $5,800,000,000.
"(B) Outlays, $5,900,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $5,900,000,000.
"(B) Outlays, $5,800,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"(17) General Government (800):
"Fiscal year 1983:
"(A) New budget authority, $5,600,000,000.
"(B) Outlays, $5,700,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $5,700,000,000.
"(B) Outlays, $5,700,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $6,000,000,000.
"(B) Outlays, $5,800,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $6,200,000,000.
"(B) Outlays, $5,900,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"(18) General Purpose Fiscal Assistance (850):
"Fiscal year 1983:
"(A) New budget authority, $6,400,000,000.
"(B) Outlays, $6,400,000,000.
"(C) New direct loan obligations, $300,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $7,100,000,000.
"(B) Outlays, $7,000,000,000.
"(C) New direct loan obligations, $300,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $7,200,000,000.
"(B) Outlays, $7,100,000,000.
"(C) New direct loan obligations, $300,000,000.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $7,500,000,000.
"(B) Outlays, $7,500,000,000.
"(C) New direct loan obligations, $300,000,000.
"(D) New loan guarantee commitments, $0.
"(19) Net Interest (900):
"Fiscal year 1983:
"(A) New budget authority, $87,600,000,000.
"(B) Outlays, $87,600,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $95,900,000,000.
"(B) Outlays, $95,900,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $104,200,000,000.
"(B) Outlays, $104,200,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, $107,000,000,000.
"(B) Outlays, $107,000,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"(20) Allowances (920):
"Fiscal year 1983:
"(A) New budget authority, $800,000,000.
"(B) Outlays, $900,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, $600,000,000.
"(B) Outlays, $600,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, $1,900,000,000.
"(B) Outlays, $2,000,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:

"(A) New budget authority, $3,200,000,000.
"(B) Outlays, $3,400,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"(21) Undistributed Offsetting Receipts (950):
"Fiscal year 1983:
"(A) New budget authority, −$18,000,000,000.
"(B) Outlays, −$18,000,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1984:
"(A) New budget authority, −$18,100,000,000.
"(B) Outlays, −$18,100,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1985:
"(A) New budget authority, −$19,000,000,000.
"(B) Outlays, −$19,000,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.
"Fiscal year 1986:
"(A) New budget authority, −$23,800,000,000.
"(B) Outlays, −$23,800,000,000.
"(C) New direct loan obligations, $0.
"(D) New loan guarantee commitments, $0.

"RECONCILIATION

"SEC. 2. (a) Not later than June 6, 1983, the Senate committees named in subsections (b) through (f) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than June 6, 1983, the House committees named in subsections (g) through (l) of this section shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

"SENATE COMMITTEES

"(b) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985; and $1,327,000,000 in budget authority and $1,327,000,000 in outlays in fiscal year 1986.

"(c)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $856,000,000 in fiscal year 1984; to reduce outlays by $2,024,000,000 in fiscal year 1985; and to reduce outlays by $2,484,000,000 in fiscal year 1986.

"(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $9,000,000,000 in fiscal year 1984; $13,000,000,000 in fiscal year 1985; and $51,000,000,000 in fiscal year 1986.

"(d) The Senate Committee on Governmental Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985; and to reduce budget authority by $636,000,000 and outlays by $1,486,000,000 in fiscal year 1986.

"(e) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

"(f) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $137,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

"HOUSE COMMITTEES

"(g) The House Committee on Agriculture shall report changes in laws within the jurisdication of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985; and $1,327,000,000 in budget authority and $1,327,000,000 in outlays in fiscal year 1986.

"(h) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $816,000,000 in fiscal year 1984; to reduce outlays by $1,538,000,000 in fiscal year 1985; and to reduce outlays by $1,979,000,000 in fiscal year 1986.

"(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985; and to reduce budget authority by $636,000,000 and outlays by $1,486,000,000 in fiscal year 1986.

"(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

"(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

"(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $849,000,000 in fiscal year 1984; to reduce outlays by $1,481,000,000 in fiscal year 1985; and to reduce outlays by $2,077,000,000 in fiscal year 1986.

"(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $9,000,000,000 in fiscal year 1984; $13,000,000,000 in fiscal year 1985; and $51,000,000,000 in fiscal year 1986.

"MISCELLANEOUS PROVISIONS

"SEC. 3. It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

"(1) new budget authority for fiscal year 1984; or

"(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1984,

within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by section 302(b) of the Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

"SEC. 4. It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $37,600,000,000 in fiscal year 1983 and $29,300,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $17,800,000,000 in fiscal year 1983 and $18,900,000,000 in fiscal year 1984; and new loan guarantee commitments to an amount not to exceed $94,500,000,000 in fiscal year 1983 and $94,500,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $16,200,000,000 in fiscal year 1983 and $17,300,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $11,500,000,000 in fiscal year 1983 and $13,200,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transaction of Federal

agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

"SEC. 5. (a) The joint explanatory statement accompanying the conference report on this resolution shall include an estimated allocation, based upon the first section of this resolution as recommended in such conference report, of the appropriate levels of total new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new obligations and commitments.

"(b) As soon as practicable after the Conference Report on this resolution is agreed to, every committee of each House, after consulting with the committee or committees of the other House to which all or part of the allocation has been made, shall subdivide among its subcommittees the allocation of new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, allocated to it in the joint explanatory statement accompanying the conference report on this resolution.

"SEC. 6. It is the sense of the Congress that the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.".

DOMENICI AMENDMENT NO. 1286

Mr. DOMENICI proposed an amendment to the concurrent resolution (S. Con. Res. 27), supra; as follows:

Strike all after the resolving clause and insert in lieu thereof:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1984 is established, and the appropriate budgetary levels for fiscal year 1985 is hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, and October 1, 1984:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $603,325,000,000.
Fiscal year 1984: $658,900,000,000.
Fiscal year 1985: $729,875,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: +$125,000,000.
Fiscal year 1984: +$3,500,000,000.
Fiscal year 1985: +$6,375,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $39,700,000,000.
Fiscal year 1985: $44,200,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,500,000,000.
Fiscal year 1984: $166,500,000,000.
Fiscal year 1985: $187,700,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1983: $876,425,000,000.
Fiscal year 1984: $918,849,000,000.
Fiscal year 1985: $990,824,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1983: $807,325,000,000.
Fiscal year 1984: $851,899,000,000.
Fiscal year 1985: $915,924,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $204,000,000,000.
Fiscal year 1984: $192,999,000,000.
Fiscal year 1985: $186,049,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,383,900,000,000.
Fiscal year 1984: $1,620,799,000,000.
Fiscal year 1985: $1,857,548,000,000.

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $93,700,000,000.
Fiscal year 1984: $236,899,000,000.
Fiscal year 1985: $236,749,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1982, October 1, 1983, and October 1, 1984, are as follows:

Fiscal year 1983:
(A) New direct loan obligations, $55,400,000,000.
(B) New loan guarantee commitments, $94,500,000,000.
Fiscal year 1984:
(A) New direct loan obligations, $48,200,000,000.
(B) New loan guarantee commitments, $94,500,000,000.
Fiscal year 1985:
(A) New direct loan obligations, $48,100,000,000.
(B) New loan guarantee commitments, $97,400,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1985 for each major functional category are:

(1) National Defense (050):
Fiscal year 1983:
(A) New budget authority, $244,600,000,000.
(B) Outlays, $214,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $274,000,000,000.
(B) Outlays, $243,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $303,200,000,000.
(B) Outlays, $272,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(2) International Affairs (150):
Fiscal year 1983:
(A) New budget authority, $24,900,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $9,200,000,000.
Fiscal year 1984:
(A) New budget authority, $18,200,000,000.
(B) Outlays, $12,700,000,000.
(C) New direct loan obligations, $11,200,000,000.
(D) New loan guarantee commitments, $10,300,000,000
Fiscal year 1985:
(A) New budget authority, $16,500,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $11,500,000,000.
(D) New loan guarantee commitments, $10,300,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 1983:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $7,700,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $37,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1983:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $4,600,000,000.
(C) New direct loan obligations, $13,100,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984:
(A) New budget authority, $3,900,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $13,900,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1985:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $2,900,000,000.
(C) New direct loan obligations, $14,300,000,000.
(D) New loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1983:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $12,200,000,000.
(B) Outlays, $12,600,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1983:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $24,000,000,000.
(C) New direct loan obligations, $18,600,000,000.

(D) New loan guarantee commitments, $5,500,000,000.
Fiscal year 1984:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $11,400,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New loan guarantee commitments, $3,800,000,000.
Fiscal year 1985:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $3,800,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $2,700,000,000.
(C) New direct loan obligations, $6,500,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1984:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $1,800,000,000.
(C) New direct loan obligations, $6,400,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1985:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $0.
(C) New direct loan obligations, $6,300,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $26,800,000,000.
(B) Outlays, $22,100,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $1,100,000,000.
Fiscal year 1984:
(A) New budget authority, $27,700,000,000.
(B) Outlays, $25,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $600,000,000.
Fiscal year 1985:
(A) New budget authority, $28,400,000,000.
(B) Outlays, $26,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $400,000,000.
(9) Community and Regional Development (450):
Fiscal year 1983:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $7,900,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New loan guarantee commitments, $500,000,000.
Fiscal year 1984:
(A) New budget authority, $6,600,000,000.
(B) Outlays, $8,100,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New loan guarantee commitments, $300,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1983:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $26,800,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $6,500,000,000.
Fiscal year 1984:
(A) New budget authority, $31,800,000,000.
(B) Outlays, $27,250,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
Fiscal year 1985:
(A) New budget authority, $28,500,000,000.
(B) Outlays, $28,400,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
(11) Health (550):
Fiscal year 1983:
(A) New budget authority, $25,325,000,000.
(B) Outlays, $29,825,000,000.
(C) New direct loan obligations, $47,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984:
(A) New budget authority, $32,749,000,000.
(B) Outlays, $32,749,000,000.
(C) New direct loan obligations, $29,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985:
(A) New budget authority, $35,724,000,000.
(B) Outlays, $35,224,000,000.
(C) New direct loan obligations, $28,000,000.
(D) New loan guarantee commitments, $300,000,000.
(12) Medical Insurance (570):
Fiscal year 1983:
(A) New budget authority, $46,100,000,000.
(B) Outlays, $53,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $61,400,000,000.
(B) Outlays, $60,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $69,400,000,000.
(B) Outlays, $68,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1983:
(A) New budget authority, $121,700,000,000.
(B) Outlays, $110,200,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,600,000,000.
Fiscal year 1984:
(A) New budget authority, $125,900,000,000.
(B) Outlays, $104,000,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,700,000,000.
Fiscal year 1985:
(A) New budget authority, $127,400,000,000.
(B) Outlays, $105,400,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $16,500,000,000.
(14) Social Security (650):
Fiscal year 1983:
(A) New budget authority, $184,100,000,000.
(B) Outlays, $167,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $174,900,000,000.
(B) Outlays, $176,400,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $194,800,000,000.
(B) Outlays, $187,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $8,000,000,000.
Fiscal year 1984:
(A) New budget authority, $25,700,000,000.
(B) Outlays, $25,600,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $9,000,000,000.
Fiscal year 1985:
(A) New budget authority, $26,700,000,000.
(B) Outlays, $26,300,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $10,500,000,000.
(16) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $6,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $7,000,000,000.

(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $7,100,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1983:
(A) New budget authority, $87,600,000,000.
(B) Outlays, $87,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $96,500,000,000.
(B) Outlays, $96,500,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $106,100,000,000.
(B) Outlays, $106,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1983:
(A) New budget authority, $800,000,000.
(B) Outlays, $900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $600,000,000.
(B) Outlays, $600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $1,900,000,000.
(B) Outlays, $2,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$18,000,000,000.
(B) Outlays, −$18,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$17,900,000,000.
(B) Outlays, −$17,900,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$18,700,000,000.
(B) Outlays, −$18,700,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) Not later than July 6, 1983, the Senate committees named in subsections (b) through (f) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than July 6, 1983, the House committees named in subsections (g) through (l) of this section shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SENATE COMMITTEES

(b) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; and $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985.

(c)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $856,000,000 in fiscal year 1984; and to reduce outlays by $2,024,000,000 in fiscal year 1985.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $2,600,000,000 in fiscal year 1984; and $5,700,000,000 in fiscal year 1985.

(d) The Senate Committee on Governmental Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; and to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985.

(e) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; and $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985.

(f) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; and to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985.

HOUSE COMMITTEES

(g) The House Committee on Agriculture shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; and $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985.

(h) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $816,000,000 in fiscal year 1984; and to reduce outlays by $1,538,000,000 in fiscal year 1985.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; and to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; and $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; and to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $849,000,000 in fiscal year 1984; and to reduce outlays by $1,481,000,000 in fiscal year 1985.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $2,600,000,000 in fiscal year 1984; and $5,700,000,000 in fiscal year 1985.

DEFICIT REDUCTION PATH

SEC. 3. It is the sense of the Congress that further deficit reduction actions will be necessary in fiscal years 1986-88 in order to insure a long-lasting economic recovery. While one Congress cannot bind another, the Congress recognizes that the President has recommended fiscal years 1986-88 revenue increases and spending restraint that would yield a predictable path of declining deficits. The Congress endorses actions of this magnitude if the deficits exceed 2.5 per centum of the gross national product of the Nation. The President estimates that such actions would yield deficits in the range of $144,600,000,000 in fiscal year 1986, $136,600,000,000 in fiscal year 1987, and $102,400,000,000 in fiscal year 1988. The Congress further recognizes that if the economic recovery approximates the typical post-World War II economic recovery, deficits will be more on the order of $110,000,000,000 in fiscal year 1986, $90,000,000,000 in fiscal year 1987, and $60,000,000,000 in fiscal year 1988. The Congress realizes the extreme uncertainty involved in any out-year forecasts of the economy and that deficit, unemployment, and inflation predictions three years hence may be wrong. In light of these uncertainties, the Congress believes it unwise to take actions now that may exacerbate economic problems in the future.

MISCELLANEOUS PROVISIONS

SEC. 4. It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1984; or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1984,

within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by section 302(b) of the Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

SEC. 5. It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $37,600,000,000 in fiscal year 1983 and $29,300,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $17,800,000,000 in fiscal year 1983 and $18,900,000,000 in fiscal year 1984; and new loan guarantee commitments to an amount not to exceed $94,500,000,000 in fiscal year 1983 and $94,500,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $16,200,000,000 in fiscal year 1983 and $17,300,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $11,500,000,000 in fiscal year 1983 and $13,200,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

SEC. 6. (a) The joint explanatory statement accompanying the conference report on this resolution shall include an estimated allocation, based upon the first section of this resolution as recommended in such conference report, of the appropriate levels of total new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new obligations and commitments.

(b) As soon as practicable after the conference report on this resolution is agreed to, every committee of each House, after consulting with the committee or committees of the other House to which all or part of the allocation has been made, shall subdivide among its subcommittees the allocation of new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, allocated to it in the joint explanatory statement accompanying the conference report on this resolution.

SEC. 7. It is the sense of the Congress that the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

HELMS AMENDMENT NO. 1287

Mr. HELMS proposed an amendment to the concurrent resolution (S. Con. Res. 27), supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised, the first concurrent resolution on the budget for fiscal year 1984 is hereby established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $603,100,000,000.
Fiscal year 1984: $658,000,000,000.
Fiscal year 1985: $762,600,000,000.
Fiscal year 1986: $830,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: −$100,000,000.
Fiscal year 1984: +$2,600,000,000.
Fiscal year 1985: +$5,700,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $39,700,000,000.
Fiscal year 1985: $44,200,000,000.
Fiscal year 1986: $50,900,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,500,000,000.
Fiscal year 1984: $166,500,000,000.
Fiscal year 1985: $187,700,000,000.
Fiscal year 1986: $204,400,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1983: $836,610,000,000.
Fiscal year 1984: $874,970,000,000.
Fiscal year 1985: $942,760,000,000.
Fiscal year 1986: $1,003,960,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1983: $769,740,000,000.
Fiscal year 1984: $813,140,000,000.
Fiscal year 1985: $872,740,000,000.
Fiscal year 1986: $923,350,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $166,640,000,000.
Fiscal year 1984: $155,140,000,000.
Fiscal year 1985: $143,540,000,000.
Fiscal year 1986: $133,200,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,383,900,000,000.
Fiscal year 1984: $1,591,100,000,000.
Fiscal year 1985: $1,788,800,000,000.
Fiscal year 1986: $1,979,600,000,000.

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $93,700,000,000.
Fiscal year 1984: $207,200,000,000.
Fiscal year 1985: $197,700,000,000.
Fiscal year 1986: $190,800,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:
(A) New direct loan obligations, $55,400,000,000.
(B) New loan guarantee commitments, $94,500,000,000.
Fiscal year 1984:
(A) New direct loan obligations, $48,200,000,000.
(B) New loan guarantee commitments, $94,500,000,000.
Fiscal year 1985:
(A) New direct loan obligations, $48,100,000,000.
(B) New loan guarantee commitments, $97,400,000,000.
Fiscal year 1986:
(A) New direct loan obligations, $48,700,000,000.
(B) New loan guarantee commitments, $101,000,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

(1) National Defense (050):
Fiscal year 1983:
(A) New budget authority, $24,6000,000,000.
(B) Outlays, $214,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $274,000,000,000.
(B) Outlays, $243,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $303,200,000,000.
(B) Outlays, $272,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $334,800,000,000.
(B) Outlays, $300,000,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

(2) International Affairs (150):
Fiscal year 1983:
(A) New budget authority, $22,410,000,000.
(B) Outlays, $10,350,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $9,200,000,000.
Fiscal year 1984:
(A) New budget authority, $16,380,000,000.
(B) Outlays, $11,430,000,000.
(C) New direct loan obligations, $11,200,000,000.
(D) New loan guarantee commitments, $10,300,000,000.
Fiscal year 1985:
(A) New budget authority, $14,850,000,000.
(B) Outlays, $11,520,000,000.
(C) New direct loan obligations, $11,500,000,000.
(D) New loan guarantee commitments, $10,300,000,000.
Fiscal year 1986:
(A) New budget authority, $14,310,000,000.
(B) Outlays, $11,520,000,000.
(C) New direct loan obligations, $11,600,000,000.
(D) New loan guarantee commitments, $10,300,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1983:
(A) New budget authority, $7,110,000,000.
(B) Outlays, $6,930,000,000.

(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,650,000,000.
(B) Outlays, $7,380,000,000.
(C) New direct loan obligations, $37,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,650,000,000.
(B) Outlays, $7,650,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,560,000,000.
(B) Outlays, $7,560,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1983:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $4,140,000,000.
(C) New direct loan obligations, $13,100,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984:
(A) New budget authority, $3,510,000,000.
(B) Outlays, $3,690,000,000.
(C) New direct loan obligations, $13,900,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1985:
(A) New budget authority, $3,240,000,000.
(B) Outlays, $2,610,000,000.
(C) New direct loan obligations, $14,300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $2,880,000,000.
(B) Outlays, $2,430,000,000.
(C) New direct loan obligations, $14,400,000,000.
(D) New loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1983:
(A) New budget authority, $11,250,000,000.
(B) Outlays, $11,520,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $10,800,000,000.
(B) Outlays, $11,250,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $10,980,000,000.
(B) Outlays, $11,340,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $11,250,000,000.
(B) Outlays, $10,980,000,000.
(C) New direct loan obligations, $27,000,000.
(D) New loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1983:
(A) New budget authority, $21,780,000,000.
(B) Outlays, $21,600,000,000.
(C) New direct loan obligations, $18,600,000,000.
(D) New loan guarantee commitments, $5,500,000,000.
Fiscal year 1984:
(A) New budget authority, $10,440,000,000.
(B) Outlays, $10,260,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New loan guarantee commitments, $3,800,000,000.
Fiscal year 1985:
(A) New budget authority, $12,600,000,000.
(B) Outlays, $11,070,000,000.
(C) New direct loan obligations, $11,700,000,000.
(D) New loan guarantee commitments, $3,800,000,000.
Fiscal year 1986:
(A) New budget authority, $11,880,000,000.
(B) Outlays, $11,790,000,000.
(C) New direct loan obligations, $12,200,000,000.
(D) New loan guarantee commitments, $3,800,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1983:
(A) New budget authority, $4,680,000,000.
(B) Outlays, $2,430,000,000.
(C) New direct loan obligations, $6,500,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1984:
(A) New budget authority, $5,310,000,000.
(B) Outlays, $1,620,000,000.
(C) New direct loan obligations, $6,400,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1985:
(A) New budget authority, $5,850,000,000.
(B) Outlays, $0.
(C) New direct loan obligations, $6,300,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
Fiscal year 1986:
(A) New budget authority, $5,850,000,000.
(B) Outlays, −$330,000,000.
(C) New direct loan obligations, $6,300,000,000.
(D) New loan guarantee commitments, $48,700,000,000.
(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $24,120,000,000.
(B) Outlays, $19,890,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New loan guarantee commitments, $1,100,000,000.
Fiscal year 1984:
(A) New budget authority, $24,930,000,000.
(B) Outlays, $23,310,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $600,000,000.
Fiscal year 1985:
(A) New budget authority, $25,560,000,000.
(B) Outlays, $24,210,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $400,000,000.
Fiscal year 1986:
(A) New budget authority, $26,280,000,000.
(B) Outlays, $25,020,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New loan guarantee commitments, $300,000,000.
(9) Community and Regional Development (450):
Fiscal year 1983:
(A) New budget authority, $7,470,000,000.
(B) Outlays, $7,110,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New loan guarantee commitments, $500,000,000.
Fiscal year 1984:
(A) New budget authority, $5,940,000,000.
(B) Outlays, $7,290,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985:
(A) New budget authority, $6,390,000,000.
(B) Outlays, $7,380,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1986:
(A) New budget authority, $6,390,000,000.
(B) Outlays, $6,840,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New loan guarantee commitments, $400,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,120,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $6,500,000,000.
Fiscal year 1984:
(A) New budget authority, $27,720,000,000.
(B) Outlays, $24,300,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
Fiscal year 1985:
(A) New budget authority, $24,750,000,000.
(B) Outlays, $24,660,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
Fiscal year 1986:
(A) New budget authority, $24,750,000,000.
(B) Outlays, $24,660,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $6,600,000,000.
(11) Health (550):
Fiscal year 1983:
(A) New budget authority, $22,590,000,000.
(B) Outlays, $26,640,000,000.
(C) New direct loan obligations, $47,000,000.
(D) New loan guarantee commitments, $200,000,000.
Fiscal year 1984:
(A) New budget authority, $28,620,000,000.
(B) Outlays, $28,620,000,000.
(C) New direct loan obligations, $29,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1985:
(A) New budget authority, $31,500,000,000.
(B) Outlays, $31,050,000,000.
(C) New direct loan obligations, $28,000,000.
(D) New loan guarantee commitments, $300,000,000.
Fiscal year 1986:
(A) New budget authority, $34,020,000,000.
(B) Outlays, $33,480,000,000.
(C) New direct loan obligations, $28,000,000.
(D) New loan guarantee commitments, $300,000,000.
(12) Medical Insurance (570):
Fiscal year 1983:
(A) New budget authority, $41,490,000,000.
(B) Outlays, $47,790,000,000.
(C) New direct loan obligations, $0.

(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $55,260,000,000.
(B) Outlays, $54,270,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $62,460,000,000.
(B) Outlays, $61,470,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $71,190,000,000.
(B) Outlays, $68,040,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1983:
(A) New budget authority, $109,530,000,000.
(B) Outlays, $99,180,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,600,000,000.
Fiscal year 1984:
(A) New budget authority, $113,310,000,000.
(B) Outlays, $93,600,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $14,700,000,000.
Fiscal year 1985:
(A) New budget authority, $114,660,000,000.
(B) Outlays, $94,860,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $16,500,000,000.
Fiscal year 1986:
(A) New budget authority, $118,260,000,000.
(B) Outlays, $97,740,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New loan guarantee commitments, $18,100,000,000.
(14) Social Security (650):
Fiscal year 1983:
(A) New budget authority, $184,100,000,000.
(B) Outlays, $167,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $174,900,000,000.
(B) Outlays, $177,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $194,700,000,000.
(B) Outlays, $188,400,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $211,000,000,000.
(B) Outlays, $200,800,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1983:
(A) New budget authority, $22,680,000,000.
(B) Outlays, $22,050,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New loan guarantee commitments, $8,000,000,000.
Fiscal year 1984:
(A) New budget authority, $23,130,000,000.
(B) Outlays, $23,040,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New loan guarantee commitments, $9,000,000,000.
Fiscal year 1985:
(A) New budget authority, $24,030,000,000.
(B) Outlays, $23,670,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New loan guarantee commitments, $10,500,000,000.
Fiscal year 1986:
(A) New budget authority, $24,570,000,000.
(B) Outlays, $24,030,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New loan guarantee commitments, $12,500,000,000.
(16) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $4,680,000,000.
(B) Outlays, $4,590,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,400,000,000.
(B) Outlays, $5,400,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,220,000,000.
(B) Outlays, $5,310,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,310,000,000.
(B) Outlays, $5,220,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,040,000,000.
(B) Outlays, $5,130,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,130,000,000.
(B) Outlays, $5,130,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,400,000,000.
(B) Outlays, $5,220,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,580,000,000.
(B) Outlays, $5,310,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $5,760,000,000.
(B) Outlays, $5,760,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,390,000,000.
(B) Outlays, $6,300,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,480,000,000.
(B) Outlays, $6,390,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,750,000,000.
(B) Outlays, $6,750,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1983:
(A) New budget authority, $87,600,000,000.
(B) Outlays, $87,600,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $95,300,000,000.
(B) Outlays, $95,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $102,100,000,000.
(B) Outlays, $102,100,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $104,300,000,000.
(B) Outlays, $104,300,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1983:
(A) New budget authority, $720,000,000.
(B) Outlays, $810,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $540,000,000.
(B) Outlays, $540,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $1,710,000,000.
(B) Outlays, $1,800,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $2,880,000,000.
(B) Outlays, $3,060,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$19,800,000,000.
(B) Outlays, −$19,800,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$19,690,000,000.
(B) Outlays, −$19,690,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$20,570,000,000.
(B) Outlays, −$20,570,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$25,850,000,000.
(B) Outlays, −$25,850,000,000.
(C) New direct loan obligations, $0.
(D) New loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) Not later than June 6, 1983, the Senate committees named in subsections (b) through (f) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than June 6, 1983, the House committees named in subsections (g) through (l) of this section shall submit their recommendations to the House Committee on the Budget. After re-

ceiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SENATE COMMITTEES

(b) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985; and $1,327,000,000 in budget authority and $1,327,000,000 in outlays in fiscal year 1986.

(c)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $856,000,000 in fiscal year 1984; to reduce outlays by $2,024,000,000 in fiscal year 1985; and to reduce outlays by $2,484,000,000 in fiscal year 1986.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $7,600,000,000 in fiscal year 1984; $5,700,000,000 in fiscal year 1985.

(d) The Senate Committee on Governmental Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985; and to reduce budget authority by $636,000,000 and outlays by $1,486,000,000 in fiscal year 1986.

(e) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(f) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $202,000,000 and outlays by $201,000,000 in fiscal year 1984; to reduce budget authority by $117,000,000 and outlays by $115,000,000 in fiscal year 1985; and to reduce budget authority by $118,000,000 and outlays by $118,000,000 in fiscal year 1986.

HOUSE COMMITTEES

(g) The House Committee on Agriculture shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,243,000,000 in budget authority and $1,243,000,000 in outlays in fiscal year 1984; $1,332,000,000 in budget authority and $1,332,000,000 in outlays in fiscal year 1985; and $1,327,000,000 in budget authority and $1,327,000,000 in outlays in fiscal year 1986.

(h) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $816,000,000 in fiscal year 1984; to reduce outlays by $1,538,000,000 in fiscal year 1985; and to reduce outlays by $1,979,000,000 in fiscal year 1986.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $258,000,000 and outlays by $534,000,000 in fiscal year 1984; to reduce budget authority by $368,000,000 and outlays by $834,000,000 in fiscal year 1985; and to reduce budget authority by $636,000,000 and outlays by $1,486,000,000 in fiscal year 1986.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $202,000,000 and outlays by $201,000,000 in fiscal year 1984; to reduce budget authority by $117,000,000 and outlays by $115,000,000 in fiscal year 1985; and to reduce budget authority by $118,000,000 and outlays by $118,000,000 in fiscal year 1986.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $849,000,000 in fiscal year 1984; to reduce outlays by $1,481,000,000 in fiscal year 1985; and to reduce outlays by $2,077,000,000 in fiscal year 1986.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $2,600,000,000 in fiscal year 1984; $5,700,000,000 in fiscal year 1985.

MISCELLANEOUS PROVISIONS

SEC. 3. It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1984; or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1984,

within the jurisdiction of any of its committees unless and until such committee makes the allocations or subdivisions required by section 302(b) of the Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

SEC. 4. It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $37,600,000,000 in fiscal year 1983 and $29,300,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $17,800,000,000 in fiscal year 1983 and $18,900,000,000 in fiscal year 1984; and new loan guarantee commitments to an amount not to exceed $94,500,000,000 in fiscal year 1983 and $94,500,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $16,200,000,000 in fiscal year 1983 and $17,300,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $11,500,000,000 in fiscal year 1983 and $13,200,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

SEC. 5. (a) The joint explanatory statement accompanying the conference report on this resolution shall include an estimated allocation, based upon the first section of this resolution as recommended in such conference report, of the appropriate levels of total new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new obligations and commitments.

(b) As soon as practicable after this resolution is agreed to, every committee of each House, after consulting with the committee or committees of the other House to which all or part of the allocation has been made, shall subdivide among its subcommittees the allocation of new direct loan obligations and new loan guarantee commitments for fiscal year 1983 and fiscal year 1984, allocated to it in the joint explanatory statement accompanying the conference report on this resolution.

SEC. 6. It is the sense of the Congress that the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

MELCHER (AND OTHERS) AMENDMENT NO. 1288

Mr. MELCHER (for himself, Mr. Randolph, and Mr. Pressler) proposed an amendment to the concurrent resolution (S. Con. Res. 27), supra; as follows:

On page 7, line 10, reduce the amount by $89 million;

On page 7, line 9, reduce the amount by $150 million;

On page 10, line 14, increase the amount by $89 million;

On page 10, line 13, increase the amount by $150 million;

HELMS AMENDMENT NO. 1289

Mr. HELMS proposed an amendment to the concurrent resolution (S. Con. Res. 27), supra; as follows:

At the end of the pending amendment add the following:

Notwithstanding any other provision of this resolution the functional totals for all functions save social security and defense are reduced by 5 per centum. The function for defense shall be reduced by half of 1 per centum.

DOLE AMENDMENT NO. 1290

Mr. DOLE proposed an amendment to the concurrent resolution (S. Con. Res. 27); as follows:

In lieu of the language proposed to be inserted, insert the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is revised, the first concurrent resolution on the budget for fiscal year 1984 is established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are set forth.

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $606,200,000,000.
Fiscal year 1984: $689,100,000,000.
Fiscal year 1985: $765,900,000,000.
Fiscal year 1986: $831,500,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1983: −$100,000,000.
Fiscal year 1984: $35,200,000,000.
Fiscal year 1985: $48,100,000,000.
Fiscal year 1986: $58,000,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1983: $886,200,000,000.
Fiscal year 1984: $936,550,000,000.
Fiscal year 1985: $998,650,000,000.
Fiscal year 1986: $1,058,400,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1983: $814,700,000,000.
Fiscal year 1984: $863,550,000,000.
Fiscal year 1985: $912,600,000,000.
Fiscal year 1986: $967,550,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $208,500,000,000.
Fiscal year 1984: $174,450,000,000.
Fiscal year 1985: $146,700,000,000.
Fiscal year 1986: $136,050,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,389,200,000,000.
Fiscal year 1984: $1,607,450,000,000.
Fiscal year 1985: $1,804,000,000,000.
Fiscal year 1986: $1,993,750,000,000.

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $99,000,000,000.
Fiscal year 1984: $218,250,000,000.
Fiscal year 1985: $196,550,000,000.
Fiscal year 1986: $189,750,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:
(A) New direct loan obligations, $52,550,000,000.
(B) New primary loan guarantee commitments, $94,550,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:
(A) New direct loan obligations, $49,400,000,000.
(B) New primary loan guarantee commitments, $96,850,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:
(A) New direct loan obligations, $47,450,000,000.
(B) New primary loan guarantee commitments, $103,950,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:
(A) New direct loan obligations, $48,000,000,000.
(B) New primary loan guarantee commitments, $107,650,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

(1) National Defense (050):

Fiscal year 1983:
(A) New budget authority, $245,500,000,000.
(B) Outlays, $214,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority $263,850,000,000.
(B) Outlays, $235,400,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $290,350,000,000.
(B) Outlays, $256,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $317,500,000,000.
(B) Outlays, $284,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1983:
(A) New budget authority, $24,850,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $10,650,000,000.
(D) New primary loan guarantee commitments, $9,250,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $18,850,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New primary loan guarantee commitments, $10,250,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $12,400,000,000.
(D) New primary loan guarantee commitments, $10,250,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $16,550,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $12,950,000,000.
(D) New primary loan guarantee commitments, $10,250,000,000.
(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1983:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $7,700,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $8,850,000,000.
(B) Outlays, $8,350,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $8,800,000,000.
(B) Outlays, $8,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $8,150,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1983:
(A) New budget authority, $4,050,000,000.
(B) Outlays, $4,700,000,000.
(C) New direct loan obligations, $11,600,000,000.
(D) New primary loan guarantee commitments, $150,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $4,400,000,000.
(B) Outlays, $4,300,000,000.

(C) New direct loan obligations, $12,050,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $3,400,000,000.
(C) New direct loan obligations, $12,550,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $3,750,000,000.
(B) Outlays, $3,350,000,000.
(C) New direct loan obligations, $12,600,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1983:
(A) New budget authority, $11,550,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $11,850,000,000.
(B) Outlays, $12,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $12,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1983:
(A) New budget authority, $22,300,000,000.
(B) Outlays, $22,100,000,000.
(C) New direct loan obligations, $17,250,000,000.
(D) New primary loan guarantee commitments, $5,550,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $14,850,000,000.
(B) Outlays, $14,650,000,000.
(C) New direct loan obligations, $14,650,000,000.
(D) New primary loan guarantee commitments, $4,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $13,350,000,000.
(C) New direct loan obligations, $12,300,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $14,100,000,000.
(B) Outlays, $14,050,000,000.
(C) New direct loan obligations, $12,400,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1983:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $2,700,000,000.
(C) New direct loan obligations, $7,400,000,000.
(D) New primary loan guarantee commitments, $48,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1984:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $2,300,000,000.
(C) New direct loan obligations, $6,000,000,000.
(D) New primary loan guarantee commitments, $48,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $400,000,000.
(C) New direct loan obligations, $5,750,000,000.
(D) New primary loan guarantee commitments, $48,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, −$350,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $48,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $26,650,000,000.
(B) Outlays, $21,950,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $1,050,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $28,300,000,000.
(B) Outlays, $26,150,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $550,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $29,500,000,000.
(B) Outlays, $27,100,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $30,400,000,000.
(B) Outlays, $28,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1983:
(A) New budget authority, $6,750,000,000.
(B) Outlays, $7,650,000,000.
(C) New direct loan obligations, $2,250,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $8,250,000,000.
(B) Outlays, $8,550,000,000.
(C) New direct loan obligations, $1,650,000,000.
(D) New primary loan guarantee commitments, $2,450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $10,650,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $6,450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $12,450,000,000.
(B) Outlays, $11,150,000,000.
(C) New direct loan obligations, $1,750,000,000.
(D) New primary loan guarantee commitments, $6,450,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment and Social Services (500):
Fiscal year 1983:
(A) New budget authority, $32,800,000,000.
(B) Outlays, $32,000,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $6,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $39,150,000,000.
(B) Outlays, $32,700,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $33,050,000,000.
(B) Outlays, $31,150,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $33,700,000,000.
(B) Outlays, $32,800,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1983:
(A) New budget authority, $70,150,000,000.
(B) Outlays, $83,350,000,000.

(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $96,250,000,000.
(B) Outlays, $96,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $104,500,000,000.
(B) Outlays, $106,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $117,300,000,000.
(B) Outlays, $115,350,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Income Security (600):
Fiscal year 1983:
(A) New budget authority, $309,400,000,000.
(B) Outlays, $278,100,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $310,600,000,000.
(B) Outlays, $284,700,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $332,700,000,000.
(B) Outlays, $296,800,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $354,050,000,000.
(B) Outlays, $313,200,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $18,150,000,000.
(E) New secondary loan guarantee commitments, $0.
(13) Veterans Benefits and Services (700):
Fiscal year 1983:
(A) New budget authority, $24,850,000,000.
(B) Outlays, $24,550,000,000.
(C) New direct loan obligations, $950,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $26,000,000,000.
(B) Outlays, $25,550,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $9,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,400,000,000.
(B) Outlays, $26,000,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $10,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,500,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $12,500,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $5,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,550,000,000.
(B) Outlays, $5,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,450,000,000.
(B) Outlays, $5,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,550,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $6,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $6,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $6,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(16) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $7,550,000,000.
(B) Outlays, $8,700,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $7,600,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,450,000,000.
(B) Outlays, $7,500,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $7,600,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) Interest (900):
Fiscal year 1983:
(A) New budget authority, $87,800,000,000.
(B) Outlays, $87,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $96,150,000,000.
(B) Outlays, $96,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $103,400,000,000.
(B) Outlays, $103,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $105,650,000,000.
(B) Outlays, $105,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) Allowances (920):

Fiscal year 1983:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $2,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $1,200,000,000.
(B) Outlays, $1,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $2,500,000,000.
(B) Outlays, $2,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $3,850,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$18,050,000,000.
(B) Outlays, −$18,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$17,350,000,000.
(B) Outlays, −$17,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$18,750,000,000.
(B) Outlays, −$18,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$23,550,000,000.
(B) Outlays, −$23,550,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) The House Committee on Armed Services shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $591,000,000 and outlays by $580,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $646,000,000 in budget authority and $645,000,000 in outlays in fiscal year 1985; and requires decreases of $914,000,000 in budget authority and $913,000,000 in outlays in fiscal year 1986.

(b) The House Committee on Education and Labor shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $4,000,000 and outlays by $4,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $4,000,000 in budget authority and $4,000,000 in outlays in fiscal year 1985; and requires decreases of $4,000,000 in budget authority and $4,000,000 in outlays in fiscal year 1986.

(c) The House Committee on Foreign Affairs shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $0 and outlays by $3,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $0 in budget authority and $4,000,000 in outlays in fiscal year 1985; and requires decreases of $0 in budget authority and $8,000,000 in outlays in fiscal year 1986.

(d) The House Committee on Post Office and Civil Service shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $1,054,000,000 and outlays by $1,347,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $1,633,000,000 in budget authority and $2,068,000,000 in outlays in fiscal year 1985; and requires decreases of $2,518,000,000 in budget authority and $3,334,000,000 in outlays in fiscal year 1986.

(e) The House Committee on Small Business shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $139,000,000 and outlays by $287,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and requires decreases of $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(f) The House Committee on Veterans' Affairs shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $216,000,000 and outlays by $214,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $235,000,000 in budget authority and $234,000,000 in outlays in fiscal year 1985; and requires decreases of $241,000,000 in budget authority and $238,000,000 in outlays in fiscal year 1986.

(g) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues by $30,000,000,000 for fiscal year 1984; further the Congress finds that to attain the policy goals of this resolution in future years revenues should be increased by $40,000,000,000 for fiscal year 1985, and $50,000,000,000 for fiscal year 1986.

SEC. 3. (a) Not later than June 6, 1983, the committees named in section 2(a)-(f) shall submit their recommendations to the House Committee on the Budget, except for those committees exempt under subsection (b) of this section. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill incorporating all such recommendations without any substantive revision.

(b) Subsection (a) shall not apply to any committee named in section 2(a)-(f) which reports to the House by June 1, 1983, legislation pursuant to the committee's reconciliation instructions.

(c) The Committee on Ways and Means shall report its recommendations to the House not later than June 1, 1983. If the changes in laws reported to the House by the Committee on Ways and Means pursuant to section 2(g) contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other committee of the House, an appropriate referral pursuant to rule X of the Rules of the House should be considered.

MISCELLANEOUS PROVISIONS

SEC. 4. No bill or resolution providing new discretionary budget authority for fiscal year 1984, or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act for fiscal year 1984, which exceeds the appropriate allocation of such new discretionary budget authority or new spending authority made pursuant to section 302(a) of such Act shall be enrolled until after the Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act or until October 1, 1983, whichever occurs first.

SEC. 5. (a) If Congress has not completed action by October 1, 1983, on the concurrent resolution on the budget required to be reported under section 310(a) of the Budget Act for the 1984 fiscal year, then this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act, for the purposes of section 311 of such Act: *Provided, however,* That if Congress has not completed action by such date on the concurrent resolution required to be reported under section 310(a) of such Act for the 1984 fiscal year the Committee on the Budget may report to the House a House or concurrent resolution which only revises, for purposes of section 311 of such Act, the levels of total budget outlays, budget authority, and revenues for technical and economic assumptions.

(b) The report on such resolution to the House, in the case of a House resolution, or the conference report, in the case of a concurrent resolution, shall contain a statement allocating total new budget authority and total outlays to each committee of the House, and said statement shall be deemed to be the statement under section 302(a) of the Congressional Budget Act.

(c) Section 311(a) of the Congressional Budget Act, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdiction of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;
would not cause the appropriate allocation for such committee of new discretionary budget authority or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act made pursuant to section 302(a) of such Act for fiscal year 1984 to be exceeded.

(d) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1984 pursuant to section 304 or 310 of the Congressional Budget Act.

SEC. 6. It is the sense of the Congress that monetary policy and the economic assumptions in the budget resolution shall be consistent with each other. To that end, it is the sense of the Congress that in the reports to Congress required by the Full Employment and Balanced Growth Act of 1978, the Board of Governors of the Federal Reserve System shall report to the Congress on the objectives of the Board of Governors and the Federal Open Market Committee with respect to the growth or diminution of gross national product in current and constant dollars, inflation, and unemployment for the current and three following calendar years. In addition, the Board shall in the same report explain the differences, if any, between these objectives and the economic assumptions of the most recent President's budget submission, the most recent projections of the Congressional Budget Office, and the economic assumptions of the most recent congressional budget resolution. It is further the sense of the Congress that, if necessary, the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate shall report legislation amending the Federal Reserve Act to require such reporting.

SEC. 7. It is the sense of the Congress that, in light of budget restraint, limited resources, and the need to foster economic growth, the House Committee on Armed Services should initiate a thorough review of military retirement programs which constitute a major sector of the defense budget and should recommend changes which would result in reduced spending under these programs.

SPECTER AMENDMENT NO. 1291

Mr. SPECTER proposed an amendment to the concurrent resolution (S. Con. Res. 27), supra; as follows:

At the appropriate place in the concurrent resolution insert the following:

SEC. . (a) The Congress finds and declares that—

(1) Total Federal budgets are now very high and are expected to remain above 2.5 percent of the gross national product for the foreseeable future;

(2) Federal loans to the International Monetary Fund and to foreign governments contribute to this very high total Federal deficit;

(3) New direct loans to foreign governments assumed in the first budget resolution for fiscal year 1984 and commitments to multilateral financial institutions exceed $13 billion in fiscal year 1984 and $13 billion in fiscal year 1985;

(4) Projected levels of Federal deficits will require a historically large share of the Nation's savings and are likely to raise interest rates, halt economic growth and cause serious economic stress;

(5) Certain Federal loans may be directed to foreign governments either directly or indirectly through multilateral financial institutions which pursue unfair trade practices that cause direct losses in United States output and jobs;

(b) Therefore, it is the sense of Congress that the Federal borrowing levels assumed in this resolution should not be used, either directly, or indirectly, through the IMF, to provide loans to foreign governments which subsidize exports in unfair competition with products produced in the United States.

MOYNIHAN (AND OTHERS) AMENDMENT NO. 1292

Mr. MOYNIHAN (for himself, Mr. HART, Mr. SASSER, Mr. RIEGLE, Mr. CRANSTON, Mr. METZENBAUM, Mr. HUDDLESTON, and Mr. BAUCUS) proposed an amendment to the concurrent resolution (S. Con. Res. 27), supra; as follows:

As there is a need for coordination between fiscal and monetary policy;

And, as actual and projected budget deficits have placed a heavy burden on monetary policy;

And, as any reduction in the budget deficit brought about by this budget resolution will reduce pressures on monetary policy;

And, as there is a need for vigorous economic growth consistent with reasonable price stability;

Now, therefore, the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing and Urban Affairs are requested to report to their respective bodies, no later than June 30, 1983, a resolution expressing the sense of the Congress as to the coordination of the Federal Reserve's monetary policy with the fiscal policy reflected in this budget resolution.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on the Family Farm will hold a hearing on the impact of the USDA payment-in-kind program on the agricultural support industries on June 9, 1983, at 10 a.m. in room 428A Senate Russell Office Building. For further information please contact John McNamara of the committee staff at 224-5175.

Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on the Family Farm will hold a hearing on the impact of Canadian agricultural imports and its effect on the small business community on June 29, 1983, at 10 a.m. in room 428A, Senate Russell Office Building. Senator D'AMATO will chair the hearing. For further information please contact John McNamara of the committee staff at 224-5175.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. LUGAR. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Agricultural Research and General Legislation has scheduled hearings on S. 1263, a bill to reauthorize the Federal insecticide, fungicide, and rodenticide program (FIFRA). The hearing will be held on Tuesday, May 24, at 9:30 a.m. in room 328-A Russell.

Representatives of the Environmental Protection Agency, industry, environmental, farm and scientific groups have been invited to testify.

Anyone wishing further information should contact the Agriculture Committee staff at 224-2035.

ADDITIONAL STATEMENTS

FREEDOM AND HUMAN RIGHTS IN VIETNAM

● Mr. ARMSTRONG. Mr. President, freedom is an idea that will not die as long as brave men live.

Nowhere in the world today is the outlook for freedom and human rights darker than in Southeast Asia, where the dark Communist night of terror has descended with a vengeance upon the gentle peoples of Vietnam, Laos, and Cambodia. In the 8 years since the Communists imposed their version of peace on that beleaguered region, more than 3 million human beings have lost their lives, and nearly 2 million others have been driven into exile.

Despite this savage repression, the light of freedom burns brightly in the hearts of Vietnamese, Lao, and Khmer patriots who willingly risk their lives so that their ancient nations may regain their freedom and independence. One such is Adm. Hoang Co Minh, who left his family and safety in the West to return clandestinely to Vietnam to lead the freedom fighters there in their unequal struggle with the Communist despots.

Admiral Hoang recently returned to the United States for a brief visit to rally Co Minh support for his cause among Vietnamese emigres here. He addressed an International Conference on Freedom and Human Rights in Vietnam, which was held in Washington April 28-30. It was a most inspiring address, one which demonstrates that there is no tyrant strong enough to crush the human spirit. I ask that Adm. Hoang Co Minh's address be printed at this point in the RECORD, and I urge all Senators to study it carefully.

The address follows:

ADDRESS BY ADMIRAL HOANG CO MINH

Mr. Chairman and members of the World Movement for the Support of the Resistance in Vietnam, distinguished guests, dear compatriots, comrade Commissioner for Overseas Operations, and other comrades:

It is an honor for me to be allowed by the Movement for the Support of the Resistance in Vietnam to attend this International Conference on Freedom and Human Rights in Vietnam.

I bring with me the greetings and congratulations of the resistance soldiers and members of the National United Front for the Liberation of Vietnam, for the valuable support that our compatriots abroad have contributed to the struggle to liberate our country, a struggle for which we all share responsibility.

I would also like to express my admiration for the patriotic feelings and the close union displayed by our people abroad.

On behalf of the National United Front for the Liberation of Vietnam, I take this opportunity to express my gratitude toward the people of the various nations of the world who have shown their concern and sympathy, as well as encouragement and support, for the righteous resistance of the people of Vietnam.

Ladies and Gentlemen,

The liberation of Vietnam has been an imperative of conscience for all Vietnamese citizens. This dictate did not spring up today. It did not develop in recent months. This dictate has been embedded in our hearts, has accompanied every meal, and has haunted us in our dreams every night for many years.

This dictate entered our minds the same day we saw the first Soviet Russian tank destroy the streets of Saigon and brutally smash the gate of Independence Palace.

We remember this dictate each time we recall the images of those nationalist soldiers who proudly committed suicide and forever left our motherland and this world.

This same dictate has obsessed our minds since the end of Black April, in 1975, when we had to wipe our tears as we fled our country to take refuge elsewhere, leaving behind all that had been most dear in our lives.

The struggle to liberate our country, however, could not progress as we wished, due to the innumerable difficulties and hardships faced by our nation, by each family, by each one of us.

Time continues to pass. One year, two years, then the next few following years went fast. Each minute that has gone by has added to the suffering of our people. News and pictures of a miserable and suffering Vietnam continue to catch our eyes and our ears.

Under the terrorism and brutal oppression of the enemy, our compatriots inside Vietnam have become victims of a widespread and endless holocaust. Some have attempted to flee, while others have regrouped to resist. Generally speaking, our compatriots inside Vietnam wait impatiently for the support and assistance of their fellow citizens abroad who were fortunate enough to have succeeded in escaping from the living hell.

Faced with the innumerable difficulties posed by a new life abroad, and imagining the power necessary for the liberation of the country, we often ponder certain critical issues: Can we single-handedly initiate and carry out our plan to liberate the country? Or shall we first seek some help from other nations? Then come the issues of leadership and of the role of the Vietnamese refugees in the struggle. Much has been discussed; however, little has been done.

To resolve our problem, we have chosen a heroic course of action that has developed us into what we are today. This course of action is enlightened by the indomitable spirit and based on self sufficiency.

While the whole world has become pessimistic, skeptical, coyly, and undecided before the flagrant crimes committed by the despotic Vietcong against the people of Vietnam and the world, our people have proudly stood up to proceed with our struggle to liberate our country.

From the initial opposition to the despotic Vietcong regime in its various forms both inside and outside Vietnam since 1975, we have come to unite together, and the first encouraging result has been the formation of the National United Front for the Liberation of Vietnam on April 30, 1980. This Front is three years old today. This is the result of eight years of struggle by our entire people, resulting from four thousand years of heroic history of the people of Vietnam.

More than a year ago, on March 8, 1982, the Front presented its Political Program to our people and the world, announcing the policies and strategies guiding our struggle for the liberation of Vietnam.

Ladies and Gentlemen,

The struggle in which we are engaged is guided by Righteous Cause. We resort to this Righteous Cause to motivate our people, to win world support and to subjugate our enemy.

No individual, no establishment, no nation induced or coerced us into undertaking this struggle. Although our allies withdrew, and the whole world turned a deaf ear and closed its eyes on the fifty million Vietnamese who still suffer under the yoke of the despotic Vietcong, our people now stand up to liberate themselves. We have undertaken this struggle because of the suffering of fifty million of our compartriots inside Vietnam, and because of the hundreds of thousands of people who have died an unjust death in the thick jungles or by drowning in the ocean. We struggle because millions of our compatriots now have to live in foreign lands all over the world.

We do not fight to protect the interest of a family as people did for a feudal clan in the ancient past. Neither do we fight to protect the interest of a certain class or a dictatorial party.

Our righteous cause lies in the fight to restore freedom and independence, for the supreme interest of our country and for the sake of our people's survival. Any struggle undertaken in response to such a need is a legitimate struggle for a just cause.

Having a just cause is not enough. We must widely publicize and heighten it. We must take it to every corner of the country and spread it the world over. We will not express this cause through words alone, nor by merely stating that we have a just and righteous cause. This cause must be manifested in our actions.

The fact that we accept all hardships to stand up and undertake the struggle is in itself an action which clarifies and affirms the righteous cause. Nobody can distort the truth and say that this is again another war by proxy or that it is induced by foreign powers. It is the selling-out of our country to Soviet Russia by the Vietcong, their use of the sweat and blood of our young men to serve the expansionist wishes of imperialist Russia and their vengeance and brutal oppression in Vietnam that has instigated our people to stand up and fight.

The fact that we are willing to sacrifice our own lives and contribute all our means to the undertaking of this struggle is in itself an action which clarifies and affirms the Righteous Cause. It clearly indicates that this is our struggle and we undertake it ourselves.

And today, from all corners of the world, we have come to attend this Conference in order to express our determination to liberate Vietnam. This is also an action to proclaim our Righteous Cause and to heighten it.

Under the banner of the Righteous Cause, we carry out our struggle, using the strength of our people as the basis, the spirit of unity of all our people as weapon, and we will fight until all of our people are liberated.

We are not bellicose. We are not declaring a new war. We are merely undertaking a struggle to liberate our people. If the principal power of a war comes from gun muzzles, artillery, and tanks, the principal power of a struggle of liberation comes from the hearts and the determination of the people. The power of our struggle comes from the strength of fifty million hearts full of resentment, determined to destroy the despotic Vietcong clique.

Since the people's strength is the main power behind a liberation struggle, and since a liberation struggle is a struggle of the people, we can only derive its strength if we can motivate the whole population to participate in the struggle.

The strength of our people has always been there, it has always been latent within each of us, within the whole population. This strength, however, can only become an effective weapon if it can be consolidated, only if we can unite together. Unity among our people will serve as an unmatched weapon to destroy our enemy.

We must have a precise and overall view of unity. We cannot claim that unity has been achieved just because a few individuals or a few dozen individuals belong to the same organization. Nor can we hastily say that unity is lacking when a few dozen people cannot yet cooperate with one another. Both of these views are superficial and fragmentary. It is a mistake to assume that there is unity when there is not. To think that unity is lacking when it already exists is also a mistake that can cause alarm and confusion. The unity of a large community should not be judged by the action of a few dozen persons but must be found in the vast majority of the people, since it is in this block that the power of the mass is found. We can only say that unity really exists when the vast majority of the people energetically work together in the struggle to liberate the country.

Ladies and Gentlemen,

Since the day the Front first promulgated its political program, approximately one year ago, everyone of us has made every effort to strengthen and develop the Resistance, expanding it and making it stronger every day.

In foreign countries, as you may be aware, the movement for the support of the Resistance has grown rapidly. From the days of dissension, worries, and loss of faith, we have regrouped into a strong and solid block, creating an evergrowing Movement for the Support of the Resistance as it is today.

Which factors have led us to such success?

It is simply a result of our unlimited patriotism and our traditional spirit of unity. Patriotism has directed our countrymen abroad toward our native land. The spirit of unity has gathered us together to share a task, the task of supporting the resistance in order to liberate our country.

This fact has explicitly answered the false arguments by some people that Vietnamese refugees have forgotten their homeland,

and they cannot unite together. When Vietnamese abroad, from Europe to Asia, from America to Australia, look toward their homeland, follow and share the good and sad feelings of the Resistance, what is the motive if it is not the ardent patriotism of our people? When the majority of the people, side by side, support the Resistance, what is the motive if it is not our spirit of unity? It is because of their patriotism and their spirit of unity that our seniors and notables have appealed to the public for the support of the Resistance Movement. For the same reason, our artists, writers, students, youths, and Vietnamese compatriots of all ranks have contributed to and participated in the Resistance Movement. An old Vietnamese mother donating her jewelry, young children sacrificing their toys in order to save their money for the support of the Resistance: each has contributed to the glorious history of our people and brightened the future of our country. Materialistically, these contributions may only be enough for a single gun or for some supplies. But these wonderful patriotic actions mean more than a hundred or even a thousand guns, since they represent the spirit of unity of our people, giving us an unequalled weapon with which to defeat our enemy.

We can say that in 1982 we had achieved unity among the Vietnamese communities abroad. We are determined to improve and develop this unity in order to bring our struggle to a successful conclusion.

In regards to winning world opinion, we have also achieved important results. From a state of being unknown and unnoticed in recent years, news of the Resistance activities gradually caught the attention of world media and were reported with much sympathy. This process started with some local newspapers, then gradually gained the esteem of the international press. The fact that our compatriots have actively participated in the support of the Resistance, the fact that various committees for the support of the Resistance have been formed in various places, all have created favorable conditions for our diplomatic efforts. Many nations and international organizations have become interested in our struggle. They have contacted us for information and for further understanding of our cause. After several years of silence, the Vietnamese Resistance begins to have a voice, to imprint its image on world politics. This is a very important factor, since if we want to win world support for our struggle, the prerequisite is to show the world that we are still fighting. Only then can the world consider our request for assistance. Otherwise, no individuals, organizations, or nations can do anything to help us, since they do not know whom to help, although their goals are complementary to ours. In a conversation, the representative of an organization from a friendly nation has said, "We know very well that the people of Vietnam are being brutally oppressed and we want to help, but should we discuss the help with the Vietcong? We do not want to do that. Today, after meeting with you and understanding your problem, we are very glad, since now we have another choice."

Ladies and Gentlemen,

The above response has indicated the importance of bringing the Vietnamese Resistance to world attention.

We might say that in 1982 the free Vietnamese abroad have achieved two important things. First, we have achieved unity; second, we have called world attention to the Resistance Movement, using it as a spur for future diplomatic campaigns. These two achievements have greatly encouraged our people inside Vietnam. These are two outstanding achievements because these are precisely the two things that, for many years, the despotic Vietcong have sought to prevent. They want to prevent us from holding together, and they want to prevent the world from seeing us still fighting. We must keep ourselves calm but alert in the days to come since the enemy will surely continue to try to disrupt our unity, smear the heroic resistance of our people by distorting the facts, creating dissension, creating misunderstanding within our ranks.

Ladies and Gentleman,

Inside Vietnam, after several long years of fighting alone since 1975, several Resistance groups are going to have to face a lot of difficulties for lack of necessary support. They are alarmed because they do not have access to the current world situation and particulary because they do not have a long-term guiding policy appropriate to their available resources and abilities and responsive to the needs of new situations. Many organizations cannot rid themselves of the old concepts, still maintaining hope that our allies will yet again intervene. Many groups fight for the sake of fighting. They fight because there is no other choice, without long-term planning.

The establishment of the National United Front for the Liberation of Vietnam has been an important achievement, a strategic success that has helped resolve the most basic issue of the whole process of struggle: the issue of systematic organization. Starting now, we can realistically proceed with the necessary tasks that serves as the basis for protracted struggle plan, at the same time preventing deadlock that may be coming to our people inside Vietnam.

By the end of February, 1982, after successful contacts, the first group from abroad had put their feet on the soil of the motherland, linking with other Resistance groups inside Vietnam. Although this group from abroad was very small, its silent success has been an extremely important event: it is an event that has opened a new phase of resistance by the entire population.

Not until March 8, 1983, did we actually provide a new approach for our struggle, with real hope and opportunities. The Front's Political Program is like a torch lighting the darkness, restoring faith and providing incentives and encouragement to the people inside Vietnam, helping the Resistance forces to clearly see an approach to the common struggle, to fully assess the enemy, to see where the real power of struggle lies. The flag of the uprising for the just cause begins to wave freely. Unity achieved, policies and strategies defined and adopted, we shall begin to proceed with our Resistance tasks.

While the movement for the support of the Resistance has been fervently developing abroad, other tasks aimed at consolidating the effort of our people, establishing the infra-structure, organizing the population, and laying the foundation for a protracted struggle, have also been undertaken inside Vietnam.

The unification of various resistance forces inside Vietnam has been achieved beyond our expectations. To date, from small groups consisting of a mere ten persons to larger groups of a thousand soldiers, our Front has contacted and united thirty-six different resistance organizations from all over the country, a total of approximately ten thousand Resistance soldiers. In many cases, some Resistance groups have proclaimed themselves members of the Front and adopted the Front's policy immediately after receiving the Front's Political Program and long before the Front officially contacted them, sometimes two or three months before. This also favorably indicates the spirit of unity and unanimity of our people and that our people are making every effort to unify in order to consolidate our strength.

In regards to guiding the people and establishing local infra-structure, the Front has trained and organized armed propaganda groups and has secretly sent them to work in appropriate areas in preparation for guiding the people in their participation in our common and nationwide struggle. The people have very positive emotions toward our Resistance soldiers. Today, with a strong faith and hope that increases every day, our people inside Vietnam have become our eyes and ears and a wall of protection for our revolutionary army.

Not only did our Political Program inspire encouragement and hope for our people, it has had a strong impact on the ranks of Vietcong soldiers. Our Political Program and other propaganda efforts have been circulating among the alarmed and fearful Vietcong soldiers, opening their eyes to the truth, to the right way to serve our country. In the past year, the number of Vietcong who have defected to our side has increased every day. There has even been contact with an army unit with plans for the defection of the whole unit.

The small supplies that the overseas Vietnamese begins to provide to the Resistance forces, although not more than a drop in the ocean, have brought about considerable progress, marking the beginning of a new and important phase. The news and pictures of our compatriots abroad participating in the support programs for the Resistance movement have been an immense source of hope and encouragement to our people inside Vietnam, boosting the faith of everybody. People begin to realize that they no longer have to fight alone and that the hope of liberating the country has appeared.

Ladies and Gentlemen,

The results that I have just summarized, although very encouraging, are only the beginning. They are only the basic steps in a long struggle. In the future, our struggle will intensify and spread out, the tasks of supporting the Resistance will become more and more important. We consider the strength of our people to be the power behind our struggle. Such a concept cannot be just on paper, empty words: It must be realized by concrete action, with the participation of the whole population. Participation by the whole population does not mean that everybody has to be up in arms. It only means that each of us, in his own capacity and under various circumstances, will do whatever is most appropriate and commensurate with his abilities and most beneficial to the common struggle. Today we have the manpower of approximately one million refugees all over the world. This only accounts for two percent of the total population. However, the ability of this group to support the struggle is very high, as high as twenty to thirty percent of the total needs. Consequently, the Vietnamese communities abroad can support the struggle well and in various ways. Those who can return to Vietnam to fight will do so; those who can make financial contributions will support in this form; others who can motivate world sup-

port or explain to our foreign friends about the Righteous Cause of our struggle will employ their talents thus. Those who have friends and relatives now serving in the Vietcong ranks must write and appeal for their defection to our side. When we see our neighbors or acquaintances being poisoned by distorted news about the Resistance, we must explain.

Concerning the support for the struggle, we must have a precise concept of the support: the spirit of support and how to support.

In the spirit of support, we must always bear in mind that supporting a liberation movement is a mandatory duty, and that is not a charitable act. A charitable act is not mandatory; one can do it if he so desires. However, one is required to do his duty. To be able to do this, one must restrict his leisure and reduce his recreation in order to have time to support the movement. One must also cut down his expenses and sacrifice luxuries to save money for the movement. In the present situation, the Vietnamese overseas must fulfill certain duties and obligations in their host countries. However, it should not be used as an excuse to rid ourselves of all the duties we have toward our Motherland. To put it another way, we can say that our host countries are our adopted parents and our beloved country of Vietnam, our natural parents. In difficult times, when our natural parents are unable to protect us, it is our obligation to look after them. Seeking freedom, many of our compatriots have been denied entry by many countries. Someday, once our country is liberated, Mother Vietnam will open her arms widely to welcome back her stray children. Only our Motherland will never refuse to accept us.

We should also keep in mind that our support to the cause must be continual and consistent. To achieve this continuity and consistency, we need to be alert and patient and keep our confidence firm. We cannot expect to see changes and results overnight, in a week, or in a month. Neither should we be able to see our Resistance grow overnight, in a week or a month. If we set our expectations too high, when progress does not come quickly, we will grow impatient and discouraged, and thus become unable to pursue our long struggle of liberation. To be engaged in this type of struggle is like planting a large tree; we do not see it grow as fast as vegetables or rice. A year ago, our compatriots all over the world welcomed the news and pictures of our Resistance Movement from Vietnam. The encouraging initial achievements did not materialize as a result of several weeks' or months work by a handful of individuals. Those achievements represent several years of struggle ever since 1975 with support from Vietnamese both inside the country and overseas.

If we are able to maintain our spirit and attitude in supporting the Movement, our ultimate goal of liberation will certainly be achieved. We will have to accept hardship and sacrifices in the process. Our compatriots inside the country will have to volunteer their lives and their resources. Those living overseas will need to consolidate into a strong rear echelon for our Resistance forces. The higher the level of our hardships and sacrifices, the greater our victory will be. The longer the endurance, the more firm our victory will be.

Ladies and Gentlemen,

The problem of Vietnam today is not restricted to the Vietnamese. It affects the balance of power in the world. The Soviet Russian policy of war and aggression in Southeast Asia, enforced by its local lackey, the despotic Vietcong, with Soviet Russian military bases in Vietnam, is a major factor threatening the peace in Southeast Asia and the world. We Vietnamese are prepared to accept hardships and sacrifices in solving our own problem. However, we are appealing to the world to cooperate with us so that we can solve this common problem together.

Today is the last day of our Conference. Please allow me to commend the invaluable and realistic achievements reached in this Conference.

The results summed up in this Conference will help direct our efforts toward accomplishing our struggle to liberate and reconstruct our country. The laying of the wreath at the Vietnam Veterans' Memorial this morning is a deed that displays the faithfulness of our people. We will never betray the sacred sacrifices for the independence and freedom of Vietnam, especially when these sacrifices come from our allied friends, made not only for the independence and freedom of Vietnam but also for the freedom and peace of the world and of mankind. The solemn resolution that was unanimously passed is the symbol of patriotism, the symbol of our people's strength, the strength of a heroic and indomitable people. This resolution is a glorious victory, a historical document, a symbol of the Righteous Cause for which we struggle.

Seven hundred years ago, at the Diên Hông National Referendum Assembly, our people were unanimously determined to fight the foreign invaders and save our country. All this was done with the historic declaration, "Quyêt Chiên." ("Resolve to Fight.") Today our Motherland is once again in danger, and at this Conference we are determined to follow the example of our forefathers. We are reaffirming our pledge to Liberate Vietnam. Giai Phóng Viêt Nam!●

CHANGES IN THE AMERICAN TELEPHONE NETWORK

● Mr. PRESSLER. Mr. President, I ask that a recent article from the Sioux Falls, S. Dak., Tribune be printed immediately after my remarks. This article, written by Ken Detweiler, vice president and chief executive officer, South Dakota, Northwestern Bell, is an excellent summary of the changes taking place in the telephone industry.

I urge my colleagues to read this article carefully because, in a few short months, Congress will face a public outcry when residential telephone rates begin to escalate. We must all become knowledgeable about the causes of rising costs and possible solutions. I also urge my colleagues to support telephone legislation which genuinely addresses the issue of universal telephone service, especially in our rural communities.

Mr. President, Ken Detweiler is correct when he says that this country has the best telecommunications network in the world. It is our responsibility to assist this network as it adapts to the twin challenges of competition and deregulation.

The article referred to follows:

[From the Sioux Falls Tribune, May 18, 1983]

COMPETITION, DEREGULATION CAUSE RAPID CHANGES IN TELECOMMUNICATIONS

(By K. L. Detweiler)

Centuries ago, an old Greek philosopher claimed that "there is nothing constant . . . except change."

That's still accurate today, in fact, change is occurring at a more rapid rate in Northwestern Bell and the entire telecommunications industry. It's being driven by three factors: competition, deregulation, and advanced technology.

It's quite widely known that competition has grown considerably in the phone business. Two recent government decisions are aimed at boosting that competition. The first is a Federal Communications Commission (FCC) ruling that took effect last Jan. 1. Then on Jan. 1, 1984, Northwestern Bell and the other 22 Bell System operating companies will be "spun off" from AT&T as a result of an agreement between AT&T and the U.S. Department of Justice.

More than ten years ago, when Congress, regulators and the courts were pressing for competition in our industry, we pointed out that along with the benefits of competition also come some consequences, such as some changes in the way service would be provided and a shifting of some costs.

For years, to make local phone service widely available, local rates were held below cost. They have been subsidized by profits from long distance rates, which were set above cost. This pricing method, although possible in a monopoly environment, is not sustainable in a competitive world.

Increased competition, encouraged by the FCC and federal courts, is driving prices toward their actual cost. That means the end of most price averaging and subsidization. Each service will need to pay its own way. The result: some prices, such as those for local service, will go up; others, like long distance rates and prices for telephone equipment, are likely to come down.

The FCC ruling is aimed at promoting competition in the telephone products portion of the business. It has required deregulation of all new phone products, such as telephones and business PBX systems. Northwestern Bell can still provide phones until Jan. 1, 1984, but we're limited to those we had in stock as of Jan. 1, 1984.

The agreement between AT&T and the Department of Justice will have a greater impact on both telephone companies and customers. As I pointed out, it "breaks up" the Bell System by splitting off the local Bell companies like Northwestern Bell, effective Jan 1, 1984. We will then be owned by a new regional holding company, U.S. West, that also will own Mountain Bell and Pacific Northwest Bell.

When this restructing occurs, a number of changes must be made. Phones now leased from us will become the property of AT&T, and of course, AT&T also will get the monthly revenue associated with those phones.

Individuals arranging for new service will still call Northwestern bell for their line—dial tone—to gain access to the calling network. Like today, there will be a wide variety of telephone supplies to choose from for equipment at the end of that line. One of them might be—once again—Northwestern Bell. The federal judge signing the agreement said we could re-enter the new phone equipment business after breaking away from AT&T.

AT&T-loaned phones (the ones formerly leased from Northwestern Bell) will still be fixed at no extra charge. Repair of phones bought out-right will depend on the arrangements made with the dealer.

Next year will also bring changes in long distance service. Northwestern Bell will continue to handle long distance calls within South Dakota. For long distance calls between states, phone users will be able to choose from any supplier offering that service.

When we break from AT&T, we will need to change how we recover the subsidy provided by interstate calling—termed "access" by the FCC. By "access," I mean the lines, cables and other facilities needed to give phone users the ability to make and receive local or long distance calls. We incur those fixed costs whether a customer makes one or 101 long distance calls—or one or 101 local calls.

Today, when out-of-state locations are called, those calls are completed through an industry partnership of AT&T long lines and local telephone companies. The partners share in both the costs and profits from this integrated long distance system. Under this arrangement, about 40 cents out of every $1 collected for interstate long distance service is sent back to South Dakota to keep local rates low.

By 1984, these subsidies will end. Motivated by the increasingly competitive environment and the need to relate prices more closely to costs, the FCC has ordered that our local customers, beginning next year, assume more of the cost of providing their local service and that—over a five year period, we increase the charges until our customers are paying all costs associated with their own connections to the local and long distance network. We will need to file such a plan with the FCC; the changes involved will be announced when it is filed.

Competition and deregulation, then, will be major causes of local rate increases. A third factor is changing technology. New advances in call-handling equipment and growing competition use up the service life of that equipment much faster than before. The cost of that investment must be recovered in rates charged while the equipment is in service, and these days that's a much shorter period.

The time for change has come. We agree that the benefits of competition should outweigh the costs. Overall, phone users will have more choice and flexibility. Now products and services will be offered by a growing number of suppliers—as well as by Northwestern Bell—enabling customers to tailor their service to meet their own special needs. Also, as a result of eliminating the subsidy from long distance service, costs are anticipated to come down.

There also will be opportunities for customers to control their own costs. Some examples:

Consumer's Service and Business Local Measured Service, which is now available in Sioux Falls, will let subscribers pay only for the local phone service they use.

Customers can avoid monthly phone charges by buying their own Northwestern Bell phones, including those they already have in place.

Since customers now own their own wiring and jacks, they can install and maintain telephone equipment themselves and avoid paying us for that work.

The future will bring about more changes in telecommunications service and the way it's provided. We'll do our best to keep customers informed.

One goal of our business will not change. Our job is still to provide the best telecommunications service in the world and to put the latest and best technology to work for everyone.●

NIGERIAN DEMOCRACY MERITS U.S. SUPPORT

● Mr. KENNEDY. Mr. President, at a time when civilian democratic rule remains no more than a distant dream in so much of the world, it is doubly important to take note of the vigorous multiparty political campaign currently taking place in Nigeria—whose 90 million people account for one-fourth of Africa's total population. Nigeria's August elections will represent the next crucial test for the democratic institutions and constitution which have guided that country's political process since the army handed over power to an elected government in 1979.

Unfortunately, adverse economic circumstances brought about by the current world recession are compounding the challenge of sustaining and strengthening Nigerian democracy. The international economic downturn, world energy conservation and other factors have drastically reduced Nigeria's foreign exchange earnings, 90 percent of which are generated by oil exports. The result is a short-term commercial credit crisis which should concern all of us who applaud Nigeria's commitment to democracy and its vital role in Africa's continuing struggle for economic growth, political independence and racial equality throughout the continent.

I invite my colleagues' attention to the thoughtful commentary by Prof. Jean Herskovits, one of this country's best informed observers of the Nigerian scene, which appeared in the May 11 edition of the New York Times. Professor Herskovits urges that American and European banks step in quickly with short-term credits and that the U.S. Government support them with nonconcessional assistance such as commercial credit guarantees. I am sure that my colleagues wholeheartedly agree that, as her article concludes, "it is in America's self-interest to respond flexibly and urgently to help Nigeria maintain the stability of its democratic institutions." I request that this important article be printed in the RECORD.

The article follows:

[From the New York Times, May 11, 1983]

UNITED STATES HELP NIGERIAN DEMOCRACY

(By Jean Herskovits)

The next three months are critical to the future of democracy in Africa. Nigeria, a major oil producer, and the world's fourth largest democracy (its 90 million people constitute a quarter of Africa's population) is in the midst of an intense political campaign leading to elections in August. In 1979, the army handed over power to an elected Government with a Constitution based on the American model.

This test for Nigeria's fledgling democratic institutions comes at a time of dire economic circumstances, created in large part by the world recession. Fifty years ago, depression brought down democracy altogether in Europe, and, as one American banker commented recently, "The present conditions in Nigeria would topple any government in the West." The United States Government and American banks should join European banks to alleviate the pressures.

As a member of the Organization of Petroleum Exporting Countries, Nigeria benefited accordingly after 1973. But expectations rose as fast as revenues, and since 1980, revenues have fallen 45 percent. Worldwide recession, conservation and anticipation of a sharp drop in prices halved and halved again the oil exports that still earn 90 percent of Nigeria's foreign exchange. Shortages of spare parts in the manufacturing sector threaten to cripple industry and compound already serious unemployment.

More than half of Nigeria's people can subsist off the rural economy if they must. But for millions in the cities, finding food may become a serious problem. Bread (consumption is encouraged by imported American wheat) has replaced cassava, yams and rice as the cheapest staple, and wheat imports must be paid for in dwindling foreign exchange.

Mounting unemployment and scarcity of bread in the cities would be serious at any time, and the combination is particularly dangerous in the volatile political climate created by imminent elections. Political violence figured heavily in the demise of Nigeria's post-colonial parliamentary democracy in the 1960's. And given the intense rivalries of Nigerian politics, it is not hard to imagine that some people would encourage the jobless—especially non-Nigerians with no stake in preserving political stability—to intimidate opponents and voters. This possibility underlay the unfortunate expulsion, in January and February, of two million illegal immigrants, most living in cities and many of them unemployed.

Nigerian elections are often a time for bread and circuses. But economic circumstances have made a difference this time. In the past year, President Shehu Shagari has implemented two sets of austerity measures, including cutting back severely on imports and revising debt servicing procedures. He is determined to maintain these measures and has opened talks with the International Monetary Fund. Nigerians say the crisis may be salutary, forcing them to confront skewed priorities and corrupt practices. Still, no economy can be restructured overnight.

At the moment, Americans are compounding Nigeria's problems. Oil producers in trouble don't get much sympathy in the United States. Nor do third-world debtors. And American banks are nervous about their over-exposure in Brazil, Mexico, Zaire and Poland. By comparison, Nigeria's long-term debt—less than $10 billion—is relatively small (Mexico's is $85 billion; Venezuela's nearly $30 billion; Poland's $27 billion). And the Nigerian debt is being dutifully serviced. But American commercial bankers and the Administration, which have already rescued some major debtor countries, have not been eager to help Nigeria through its short-term crisis of commercial arrears and credits for essential imports.

Nigeria is hardly a model of economic management, but thanks to its Governments' determination to live within their

means throughout the oil-boom years, the economy is essentially sound and could sustain a larger long-term debt. Recently, trying to salvage its increasingly desperate situation, Nigeria played a critical role in stablizing world oil prices. Exports have picked up, but not enough.

A Saudi loan and an I.M.F. agreement are mentioned as palliatives down the road—too long a road. In the short term, before such arrangements are in place, American and European banks should step in quickly with short-term credits. The United States Government can support them with nonconcessional assistance such as commercial-credit guarantees. I.M.F. loan conditions, which are expected to be in place by early fall, should encourage bankers to act now.

It is in America's self-interest to respond flexibly and urgently to help Nigeria maintain the stability of its democratic institutions. Nigerians are determined that their democracy shall survive. The citizens of our democracy should help.●

MAKING BANKS RESPONSIBLE FOR THEIR PAST LENDING POLICIES

● Mr. GRASSLEY. Mr. President, for those of my colleagues who are convinced Congress has no alternative but to support an increase in the IMF quota, I direct their attention to an article in the May 9 Forbes magazine by Howard Banks. The article points to at least one alternative: making banks more responsible for their past lending policies. Of particular interest are the comments of George Champion, a retired chairman of Chase Manhattan. Mr. Champion maintains banks should be held responsible for their management and lending decisions.

The Federal Government cannot be placed in the position of bailing out institutions who made less than prudent loans. Nor can we be frightened into believing an international economic crisis is inevitable if the IMF quota increase is not approved. I am not dismissing the seriousness of the magnitude of the debt many nations have managed to accumulate, nor do I dispute the potential impact a worldwide default would have on some of our banks. But I do question the appropriateness of the proposed increase in dealing with those problems. It is an ill-conceived, unimaginative approach which merely throws good money after bad. Furthermore, it is money this Nation does not have.

It is time we look for other alternatives to the world debt situation. We do have options.

Mr. President, I ask that the Forbes article appear in the RECORD at the end of my remarks.

The article follows:

[From Forbes, May 9, 1983]

WRITE DOWN LOANS? PERISH THE THOUGHT

(By Howard Banks)

As we all have been told in numbing detail, the international loan mess is about to be papered over with a $32 billion increase in the funds available to the International Monetary Fund. At least $8.4 billion, and probably more, of the IMF quota increase—a 47.5 percent boost in the fund's lendable deposits—will come from the United States. However you cut the situation, it's another taxpayer bailout of other people's mistakes.

The Reagan Administration strongly supports the quota increase for the IMF, the vast credit cooperative created by the 1944 Bretton Woods agreement to help its 146 member nations when they have balance of payments problems. The Reagan Administration fears that the more than half-trillion-dollar debt overhang of non-OPEC Third World countries might stall any chance of domestic economic recovery. Hence its eagerness to help the IMF.

Without IMF aid, many Third World countries will not be able to meet even the interest payments on their monumental debt, and those debts would have to be written down in American banks' books. That means the banks would be less able to lend to American industry and business in order to fuel the nascent domestic recovery. And Third World countries would be unable to keep up even a minimal level of importing, which would further dampen business in America.

Goodness knows, the exposure of the major U.S. banks is nothing to sneeze at: Manufacturers Hanover has close to $7 billion lent out to the less developed countries (245 percent of equity); Chase Manhattan, $6 billion (220 percent); and Citicorp, $9.8 billion (200 percent). The nation's ten largest banks have an average of 170 percent of their equity lent to the Third World. It's a scary situation, but it isn't reflected in bank earnings of balance sheets. The reason it isn't reflected is that even where interest payments are late, the loans are not being classified—as would be the case with domestic loans. Where no cash interest is forthcoming, the banks simply tack unpaid interest onto principal that isn't being repaid either. Thus U.S. bank revenue and profitability look better than reality might suggest.

Bankers' interest in maintaining that none of the Third World debts is bad coincides with the Reagan Administration's desire to maintain lending, particularly to Latin America, whose political stability is vital to the United States. Moreover, the IMF can do what the U.S. government cannot do: force the debtor governments to adopt less irresponsible fiscal policies.

There are two questions involved: Is it necessary to avoid default at any cost? And, is it right to ask the taxpayers to bail out bankers' bad loans? For those who think the answer to both questions is "no," there is an alternative course of actions. Paul Craig Roberts, until recently an assistant secretary at the Treasury, explains: "The alternative to an IMF bailout is not default, but a partial writedown of some of the loans"—to a more rational and realistic value in the banks' books. The effect on bank profits would be sharp, of course. But so it should be, say George Champion, the respected retired chairman of Chase Manhattan, who refused point-blank to allow the Chase in his day to lend to any foreign government or government-owned entity.

Champion agrees with Roberts that the banks should be made to bite the bullet. Champion says: "It [would] mean cutting down on the published earnings of the banks very materially, and that is what they [bankers] object to. It would mean that a lot of those fellows who have been getting big bonuses would be without them." What about the bankers' jobs? "Some of them should get the sack, no question. Management has to be held accountable."

Not surprisingly, bankers now in charge do not agree. "That's unfair," says George Clark, a senior vice president at Citicorp. "We may still be showing these loans at full value and not writing them off against revenues. But look at our stock prices. Our multiples are at 5 to 6 times earnings. I'm feeling considerable pains through my stock options."

No one is suggesting there should be any suicidal change in banks' accounting policies. "It has to be realistically handled over a number of years," says Champion. What he has in mind is for banks to write down all nonperforming loans using 50 percent of their pretax profits, creating each year an extra quarter percentage point of reserves. "They are going to show enormous first-quarter earnings," he says. "It's a terrific opportunity to start."

Those who support the take-the-write-down argument claim that a writedown of the face value of the loans on the lenders' books would immediately reduce the debt of the borrowing nation, while also reducing its interest burden. The developing nation's economy could then work at returning to health with its finances in more realistic order. There would be those developing-country governments, undoubtedly, that would see in the apparently reduced debt burden an opportunity for more borrowing. But would any bank be foolish enough to lend to them? The market is attentive, as witness the fact that the Philadelphia National Bank, which has never lent to developing countries, can borrow in the money market cheaper than most banks in the United States.

There is a sharp contrast between the U.S. banks' behavior and that of West German banks with large suspect loans to Eastern Europe and Latin America. There are difficulties in making direct comparisons between such different tax and accounting systems as they affect banks, warns Citicorp's Clark. Even so, he acknowledges that the impression is broadly correct.

There is a measure of hypocrisy in the U.S. banks' public stance that none of their Third World loans is going to stay bad. In their credit policies they are behaving far more cautiously. At first, banks took fairly narrow spreads on loans to developing countries (LDCs), particularly where there were other opportunities for business, such as setting up a local offshoot. But now, spreads and fees have been jacked up. Take the recent emergency $5 billion loan to Mexico, organized under IMF pressure (and on top of a $3 billion IMF facility). The banks are charging 2¼ points over the London interbank offered rate (the base rate of the Eurodollar market) and massive fees—said in all to exceed $600 million. Even though no actual money changes hands, these fees appear on the good side of the banks' income statements.

"I think it's outrageous," says Champion of these practices. "If collected at all, these fees should be paid over the life of the loan. If the loan is paid, then take your profit." Indeed, that is one of several, mostly cosmetic, changes now being proposed by the Comptroller of the Currency as part of a move to fend off a still small but growing pressure in Congress against bailing out the banks.

The liquidity crisis in the Third World came to a head for the U.S. last summer, when falling oil prices and declining

demand meant that Mexico could not meet its repayment schedule. It then became painfully clear that the developing countries, especially those not members of OPEC, had built up vast levels of debt to the West, debt that they were quite unable to cope with without help.

The Administration's response was to shift suddenly from skepticism to enthusiasm for the IMF solution, even though it threatens credit distortions by giving the banks an implied guarantee on foreign loans. The motives were commendable, the thinking muddled, because until then the Administration had remained true to its principles and had argued for trusting the free market rather than for an IMF solution.

If the market is trusted, there seems little chance that a default by a country would today produce more than a quick scare for the markets and fat losses for the bank concerned. But the losses have, in reality, already occurred. Some observers, like Representative Jerry Lewis (R-Calif.), a member of the House Appropriations Committee, even suggest that—as a lesson to all—it might be worth while foreclosing on some debtor nation that has behaved in an impossible way. The Central African Republic, for example, which spent money from international loans to hold a coronation for its short-lived emperor, as its bloodstained former dictator styled himself.

Fantasize a little. Suppose that a group of young officers in, say, Argentina, raised their hands in "Heil, Peron" salutes, announced a coup and stridently defaulted on that country's billions of international debt. What would happen? A media crisis, a couple of banks or so in bankruptcy, lots of money poured in from central banks. And after this useful if costly lesson? Give it a year or so, and those young officers, older and wiser, would beg to be allowed to rejoin the international fold. And, as happened time and again in the 19th century—a better model for what is now happening than the 1930s—they would repay all those once-defaulted debts.

It was John Maynard Keynes, writing about the 1931 crisis in money values, who saw the flaw in bankers' armor most clearly. Keynes wrote: "Lifelong practices [to maintain appearance and to profess a conventional respectability] make [bankers] the most romantic and the least realistic of men. It is so much their stock in trade that their position not be questioned, that they do not even question it themselves until it is too late." That's why voices like George Champion's are worth listening to when he declares that "management has to be held accountable."●

THE MALCOLM PRICE LABORATORY SCHOOL

● Mr. JEPSEN. Mr. President, the Malcolm Price Laboratory School in Cedar Falls, Iowa, is celebrating its 100th anniversary.

The school, located on the campus of the University of Northern Iowa in Cedar Falls, is an integral part of the college of education.

The Malcolm Price School is noted worldwide for its excellence in training modern educators. The educational techniques used there in training educators and their elementary and secondary students are innovative and advanced.

All of us are aware of the pressing need this country has for highly qualified educators. The Malcolm Price School is at the forefront of the effort to provide this country with those able and qualified educators.

As a graduate of this fine school I join with all Iowans in saluting the 100th anniversary of the Malcolm Price Laboratory School and extend congratulations to the administrators, faculty, and students.

Mr. President, I ask that the following history of the Malcolm Price Laboratory School be included in the RECORD.

The history follows:

A BRIEF HISTORY OF THE LABORATORY SCHOOL

(By Joan Diamond)

Malcolm Price Laboratory School, on the campus of the University of Northern Iowa in Cedar Falls, Iowa, celebrates this spring the 100th school year since its formation. Teaching and celebration activities will be held throughout the spring semester.

It was in 1883 that the directors of Iowa State Normal School authorized Principal J. C. Gilchrist to establish a "model" school on the campus originally constructed as a civil war orphans' home. The idea behind the model school was for education students to learn by observing firsthand good teaching done by skilled, experienced teachers. The first pupils in the school were those who had been attending the country school across the street from the rural campus.

The first years of the school were rocky ones with dissatisfaction expressed by various teachers of the model school as well as the faculty of the normal school. Other alternatives explored by new President Homer Seerley failed to serve. However, the model, or training, school continued and expanded. By 1914, the school had its own multistory building on campus, and had expanded to include grades K-12, with the 4-year high school accredited by the regional accrediting association, the North Central Association.

Under the leadership of school Principal Wilbur H. Bender, college students could observe good teaching, and also gain college credit for practice teaching.

Today the school plays an integral role in the college of education that offers bachelors', masters', specialists', and doctors' degrees on a university campus with more than 10,000 students. Named for a former college president and directed by school head Dr. Ross Nielsen and Principals Dr. Jim Doud and Dr. Jerry Duea, the school program is a varied and vigorous one. University students use the school as a laboratory for learning on several preprofessional levels during their undergraduate years. Graduate students from this and other State universities come to the school for practicum experiences or research interests. Teachers from around the State, the Nation, and the world come to observe and to talk with faculty about common interests in education.

Faculty of the school daily teach children and also direct university students. In addition they are professionally active in many ways—in curriculum, research, and publication. Staff members or publications written by them were requested by schools in every county of the State last year. Many faculty are officers in State and National professional associations. Each year many presentations are given at professional meetings at all levels. Graduates of the school too serve with distinction. They are today in a wide variety of careers in all levels of professions, the arts, sciences, and government.

Malcolm Price Laboratory School has well earned the slogan chosen for their centennial year, "A Century of Service to Education in Iowa."●

THE CURRENT SITUATION IN CENTRAL AMERICA

● Mr. EAST. Mr. President, two articles appearing in last Friday's edition of the Washington Times provide valuable information on the current situation in Central America. Jeremiah O'Leary reports on a speech by William P. Clark, the President's National Security Adviser, in Los Angeles last week. Judge Clark reportedly confirmed that Castro's Cuban troops constitute 14 percent of the armed forces of Communist Nicaragua, which has more troops under arms than all other Central American states combined. U.S. forces, by contrast, constitute only 0.2 percent of the forces of the elected government of El Salvador—a mere 55 men engaged in training free Salvadorans to defend themselves against the terrorists armed and supported from Nicaragua, Cuba, and the Soviet Union. Yet it is the United States that, in the fantasies of some, is the source of aggression, destabilization, and tyranny in Central America.

In the same edition of the Washington Times, Georgie Anne Geyer reports on the growing forces of the freedom fighters in Nicaragua who are valiantly trying to reverse the tide of Communist conquest in that region. Mrs. Geyer reports that the pro-Somoza forces are no longer the major part of the anti-Sandinista resistance, that leaders and members of the mainstream Nicaraguan Conservative Party are now in control of the Nicaraguan Democratic Force, and "unquestionably the most beloved leader in Nicaragua" today is not Tomas Borge or his cohorts in the illegal junta that claims power in Managua but Eden Pastora—who fought against Somoza in the revolution and now fights for freedom against those who betrayed the revolution.

Mr. President, I commend both articles to my colleagues as necessary reading as the debate on the crisis in Central America develops, and I ask that they be printed in full in the CONGRESSIONAL RECORD at the conclusion of these remarks.

The articles follow:

[From the Washington Times, May 13, 1983]

EAST BLOC TROOPS AID NICARAGUA

(By Jeremiah O'Leary)

Soviet bloc advisers including Cubans constitute 14 percent of the military forces of Marxist Nicaragua, according to President Reagan's National Security Adviser William P. Clark.

In contrast, Clark declared, the U.S. military presence in El Salvador is only 0.2 percent—a total of 55 training personnel. Clark, who has never given an on-the-record interview and rarely makes speeches, leveled some of the hardest-hitting charges made by a senior U.S. official against the Nicaraguan government and the Soviet bloc involvement in that nation.

His comments came in a speech that was not open to press coverage before the Citizens for the Republic in Los Angeles last week.

The Sandinista government has a regular army of about 25,000 troops, with an additional militia force of another 25,000 men of uncertain quality. In all, Nicaragua has more men under arms than all the other Central American nations combined. Clark did not give a breakdown of the nationalities of the Soviet bloc advisers serving the Managua regime.

"The only thing standing in the way of the U.S. proposed area-wide arms reductions is Nicaragua's massive arsenal," Clark said, according to a text obtained by The Washington Times, "Meanwhile, El Salvador requires a military shield to assure that its social and economic reforms can continue."

He said there is a similarity between the conflict in El Salvador and Vietnam that "will become evident to all of us should El Salvador be conquered by communism as Indochina was. The communist initiative in Central America will not end in El Salvador just as it has not ended in Indochina with Vietnam. Neighboring nations will be threatened, subverted and overcome."

White House officials said the Clark speech went beyond the message of concern expressed by President Reagan in his address on Central America to the joint session of Congress on April 27.

Referring to Sen. Christopher Dodd, D-Conn., by name, Clark fired a heavy verbal broadside at the legislator who delivered the Democratic rebuttal on national television to Reagan's Central America speech. Referring to Dodd's appeal that El Salvador negotiate with the leftist guerrillas, Clark said, "Those who urge us to support negotiations for 'power sharing' in El Salvador dishonor our country. Should we agree to these negotiations, we would acknowledge to the region and the whole world that an armed guerrilla challenge supplied by foreign Marxist governments can succeed in wearing down American resolve and force a political surrender.

"Those who urge such a surrender, particularly when it comes from elected American officials, merely encourage communist guerrillas to redouble their efforts to destroy those values for which Americans stand."

Clark said the United States is being asked to agree that El Salvador surrender a part of its government to communist revolutionaries merely because they have guns and are willing to use them.

"Those who urge us to do so advocate failure, not success; timidity, not courage; and Marxism, not democracy," Clark told the organization of Republican supporters of Reagan. He said Reagan has made it clear where he stands on escalating Soviet adventurism and views with grave concern the Soviet threat not only to Central America but to the United States.

"The spokesman for the Democratic Party has said that the party would stand vigilantly against Soviet military installations in Central America," Clark said. "If truly vigilant, the party will recognize that what we are witnessing now in Central America is Soviet implantation of a political and military environment which will support such installations. No American, and certainly not Ronald Reagan, will let that happen."

He said one wonders why we are urged to support negotiations in democratic El Salvador while we are urged not to support negotiations in Marxist Nicaragua. The chief of the National Security Council said the United States has offered a democratic solution through national elections in El Salvador but that the Marxist-Leninist guerrillas have refused to take part in elections because they recognize that they cannot gain popular support.

More than a year ago, 80 percent of eligible voters chose the democratic process in a national election that also was boycotted by the guerrilla leaders. It is estimated by the U.S. government that the active guerrilla forces in El Salvador consist of about 7,000 individuals. Clark noted that the Sandinistas never held the elections they promised when they defeated the Somoza regime in 1979.

Clark declared that the Soviet intervention in Cuba in the 1950s is now being repeated in Nicaragua and Grenada. Cuba targeted Nicaragua and now Nicaragua has targeted El Salvador.

"If we lack the resolve and dedication the president asked for, can we not expect El Salvador to join Nicaragua in targeting other recruits for the Soviet brand of communism?" Clark asked. "When will Mexico and then the United States become the immediate rather than the ultimate targets?"

THE ANTI-SANDINISTAS—A LEGITIMATE LIBERATION FORCE

(By Georgie Anne Geyer)

Behind the strange scenes in Congress over Central America policy this last week, a story is quietly unfolding that is changing the entire equation. The "Somocista" forces everyone is criticizing are rapidly becoming a legitimate and democratic liberation force in Nicaragua.

When the Reagan administration began supporting the followers of the late and hated dictator Anastasio Somoza—followers who had fled in 1979 into Honduras—these rightly hated "Somocistas" were the major force fighting the Marxist Sandinistas. This is no longer the case.

My sources on all sides confirm that of the two major groups now fighting the Sandinistas in both the north and the south, only about 15 percent are now ex-Somocistas (and perhaps fewer). This is because in the last few months so many others, including large numbers of disillusioned Sandinistas, have joined the fight.

Moreover, the leadership of the Nicaraguan Democratic Force, the larger of the two groups, operating from the Honduran side, is now totally non-Somocista.

On the NDF's seven-person directorate, there is only one member, Enrique Bermudez, who was a Somocista—and he was exiled by Somoza near the end of the dictator's life. Most are members of the former highly respected Conservative Party established by the great, assassinated anti-Somoza editor, Pedro Joaquin Chamorro.

On the southern front, the forces are fervently anti-Somoza. There, Eden Pastora, the famous "Commander Zero," who was a wildly popular Sandinista commander, now has entered the anti-Sandinista fight with his Costa Rican-based Democratic Revolutionary Alliance.

Pastora is unquestionably the most beloved leader in Nicaragua. When I was in Managua last year, poor peasants and city workers were always sidling up to me on the streets of that now-gray Eastern-Europeanized city, saying things like, "Do you know where Commander Zero is?"

What does this mean—for the congress, for the Nicaraguans, for American policy? Can these two anti-Sandinista groups work together? Are they already?

We are dealing with quite a different—and new—situation from the one that Congress is responding to. It presents us with the exorbitant irony that Congress, which is being lobbied these days by all the Central American Marxist groups in the most extraordinary manner, is turning its back on a democratic movement and embracing movements clearly backed by the Soviet Union through Cuba.

For the Nicaraguans, the situation is confused. Even the anti-Sandinista NDF, by far the largest group, says it does not believe it could overthrow the Sandinistas and that is not its intention. Adolpho Calero, the NDF spokesman and a Conservative, was recently in Washington and told me the NDF wants to "pressure the Sandinistas to fulfill their original promises—pluralism, free elections, a mixed economy.

One has to wonder about this. Calero also said that his group is now within 65 miles of Managua—and the fact is that while it is difficult to topple a highly organized government, the Sandinista government is also unpopular and ineffective at this point.

The NDF and Pastora's Democrative Revolutionary Alliance are working together, but they are not as yet unified. Speaking of Alfonso Robelo, one of the original and most respected Sandinista commanders who is now with Pastora, Calero said, "Robelo and I are here together in Washington. We are appearing together."

Then this attractive gray-haired man shook his head. "We are winning on the battlefield," he said, "but we are losing in Washington. There is some kind of a mea culpa attitude, some kind of a complex, some kind of a syndrome that does not allow the United States to act in its own interest and in the interest of democracy."

So, we may be coming to an extraordinary turn where Congress is refusing to help just the kind of movement it says we should have been supporting in Central America in the past. I have myself been bitterly critical, first of Somoza himself and our support of him, then of our initial support in Honduras for what were then the Somocistas. But when the world changes, perceptions and answers should also change.

The anti-Sandinistas are at least Nicaraguans fighting for their own country. Before he (apparently) committed suicide, Cayentano Carpio, the top leader of the Salvadoran Marxist guerrillas, said in Nacaragua, "After the victory in El Salvador, Nicaragua and El Salvador would then unite in the fight for the total liberation of Central America." That is what we are dealing with.●

THE DAVIS-BACON ACT

● Mr. HELMS. Mr. President, I am pleased to be a cosponsor of S. 1172, a bill sponsored by my good friend from Oklahoma, Senator NICKLES, to reform the Davis-Bacon Act.

I strongly oppose the Davis-Bacon Act, Mr. President. It is irrelevant to modern times, and it has cost American taxpayers untold billions of dollars in unnecessary and excessive payments for construction on Government contracts. Quite frankly, Mr. President, I think Congress ought to repeal the Davis-Bacon Act outright.

Unfortunately, that does not appear possible. What may be possible, however, is genuine reform of this onerous act. I applaud my colleague from Oklahoma for taking the lead in this effort, and I am proud to support his bill.

Mr. President, I recently received from the Congressional Action Committee of the Greater Wilmington, N.C., Chamber of Commerce a report on the Davis-Bacon Act entitled, "Davis-Bacon Act: A Disputed Malady." This report constitutes the most concise and accurate analysis of the Davis-Bacon Act that I have seen.

In order that my colleagues might have the benefit of this report, I ask that it be printed in the RECORD at the conclusion of my remarks.

The report follows:

DAVIS-BACON ACT: A DISPUTED MALADY

PREFACE

The following report is the result of the Congressional Action Committee, of the Greater Wilmington Area Chamber of Commerce, attempts to research and report on the history and ramifications of the Davis-Bacon Act, as amended.

The objective of this report is to present its findings and recommendations to the local Chamber for their consideration and presentation to the U.S. Chamber as an affirmation of support to the U.S. Chamber's efforts to repeal, or favorably modify, the Act.

ACKNOWLEDGEMENTS

Acknowledgement is extended to the U.S. Chamber's "Washington Report" from which a vast amount of information was excerpted for this report. Also, and expecially, acknowledgement is extended to Mr. G. John Tysse, U.S. Chamber of Commerce, for his cooperation and promptness in supplying information essential to this report.

INTRODUCTION

The Davis-Bacon Act of 1931, as amended, requires that federally financed or federally assisted contracts for construction, alteration, and repair, including painting and decorating, of public buildings or public works, specify minimum wages to be paid the various classes of laborers and mechanics working under the contract. "Minimum wages" are defined by the Act as those determined by the U.S. Secretary of Labor to be prevailing in the locality of the project for similar class of crafts or skills on projects of a similar nature. The Davis-Bacon Act covers all such contracts in excess of $2,000, whether arranged through bids or negotiation, of all agencies of the Federal Government and the District of Columbia, where such construction and related work is involved. In addition, Davis-Bacon provisions have been written into more than fifty other statutes at the Federal level. Further, some states have enacted "little Davis-Bacon acts" within their respective jurisdictions. The Federal law covers directly purchased construction work, but may also cover federally-assisted constructions.

The Davis-Bacon Act has been criticized as an inflationary Federal program that is difficult, if not impossible, to administer in a fair and equitable manner and which is not needed in today's economy. Others contend that the Act offers an essential stabilizing element for the construction industry and protects both contractors and workers from unscrupulous, "fly-by-night" competition. The result, they suggest, is a higher quality product and a better value for the Federal construction dollar. Perspectives about the Act and its administration differ sharply.

BACKGROUND [1]

Although the Davis-Bacon Act became law in 1931, its roots extend back into the 19th century and are an outgrowth of a variety of wage and hour statutes enacted by the several states. The several State statutes (which became significantly more numerous in the wake of passage of the Davis-Bacon Act) have been open to court challenge; but, generally, they have been sustained by the courts.

In 1927, Congressman Robert L. Bacon (N.Y.) introduced legislation to require that local prevailing standards be met in Federal public construction. When introducing his prevailing wage bill, Congressman Bacon noted that wages and hours and conditions of labor in New York State were good, and that the relationship between labor and management in the construction industry was peaceful. However, he noted, local standards and labor management harmony were in danger of being subverted through the importation of cheap (often, non-union) workers from low-wage sections of the country and by contractors whose bids for public construction work were based upon depressed wages and standards inconsistent with those prevailing locally within the region of the construction. The intent of the Bacon proposal was not to increase wages artificially to a level out of step with local prevailing rates but, rather, to take note of local prevailing rates and simply to comply with or meet them in contracting for Federal Governmental Construction.

A 1928 bill, offered by Congressman Bacon, won the warm endorsement of the Department of Labor. Ethelbert Stewart, Commissioner of Labor Statistics (during the Hoover Administration), called for the Department's support for the Bacon proposal, a judgment in which Labor Secretary James J. Davis concurred. In 1930, Bacon again attempted to secure enactment of prevailing wage legislation, being joined in a similar proposal by Congressman Elliott Sproul (R-Ill.), the latter a Chicago-area building contractor prior to his election to the House.

Late in 1930, after nearly a decade as Secretary of Labor in three Republican administrations, James J. Davis was elected to the U.S. Senate from Pennsylvania. One of his first acts was to introduce prevailing wage legislation for the construction industry—companion legislation to that offered in the House by Congressman Bacon. With the unanimous support of the Hoover Administration, on March 3, 1931, the Davis-Bacon Act was signed into law by President Herbert Hoover.

In 1934, the Congress adopted the Copeland "Anti-Kickback" Act, dealing with deductions or kickbacks from the wages of workers on Federal public construction and requiring regular reporting by contractors to the Department of Labor on salary matters. In 1935, the Act underwent extensive revision. Among other things, the 1935 amendments provided for (a) predetermination of prevailing local wages by the Secretary of Labor so that contractors would know their approximate labor costs in advance of submission of bids; (b) extension of the coverage of the Act from public buildings to public works and also specifically including contracts for painting and decorating under the Act; and (c) lowering the dollar value of contracts covered under the Act from $5,000 to $2,000 and above. In 1940, the coverage of the Act was extended to include the then-Territories of Hawaii and Alaska. In 1941, the Act was amended to make it clear that its provisions applied not only to contracts determined through competitive bidding but also to contracts awarded on a cost-plus or other negotiated basis. In 1964, the concept of "wage" under the Act was broadened to include fringe benefits, as might locally prevail, such as medical and/or hospital care, pensions, vacation pay and "other bona fide fringe benefits * * * not required by other Federal, State, or local law."

Regulations governing the administration of the Act are under constant review by the Department of Labor and other public agencies.[2] During recent Congresses, numerous bills have been introduced to provide for revision or repeal of the Davis-Bacon Act.[3] Several committees of the Congress have considered, both in committee and on the floor, of removal of the Davis-Bacon provisions from various pieces of program legislation. No changes have been effected, however: all legislative efforts having failed.

A provision in this law gives the President authority to suspend the Act in the event of a national emergency and this provision has been invoked twice. The first suspension was ordered in June 1934 by President Franklin Roosevelt to end the administrative confusion[4] caused by the simultaneous operation of the Davis-Bacon Act and the National Industrial Recovery Act. This suspension was rescinded after 25 days. The second instance occurred on February 23, 1971, when President Nixon suspended the Davis-Bacon Act in an effort to reduce rapidly rising wage costs in the building industry. The Act was reinstated the following month, on March 29, on the same day that a 12-member tripartite Construction Industry Stabilization Committee (CISC)—later part of the Cost of Living Council—was established by Executive Order 11588 to review and approve wage increases negotiated in the construction industry.

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[1] Congr. Rsch. Svc., the Library of Congress, issue brief No. 1B8103, 11/19/82 update.

[2] 98 statutes including the Davis-Bacon Act, as amended, have been enacted that are governed by the Davis-Bacon Act. "Statement of the U.S. Chamber of Commerce" on the Repeal of Davis-Bacon Act, 4/28/81.

[3] See attachment 1. Also, see "How Congress voted" portion of this report.

[4] Confusion arose over the wage scales on public projects.

ARGUMENTS OPPOSED TO DAVIS-BACON [5]

(1) The Act was a depression measure which has long since outlived its usefulness. The bill was passed in haste as an emergency statute in 1931, at a low point in this country's most severe depression on record. Workers at that time would accept almost any pay and travel almost anywhere for a job. The Act was designed to protect local wage standards by preventing migratory contractors from "picking off" Government construction contracts and bringing in low-paid itinerant workers. If the Act ever had any justification, it was then. That situation no longer exists; in fact, the opposite is true today. One of the impetuses to present-day inflation comes from rising construction costs. The industry is one of the least likely candidates for special Government protection, and yet that is what it is getting.

(2) The Act interferes with the workings of a free competitive market. The dynamic growth of our economy has been due mainly to its competitive nature, with producers seeking to turn out the best possible product at the lowest possible price. In order to do this, producers must strive for the lowest possible costs—for materials, machinery, and for labor too. Consumers benefit from the lowest possible prices. Workers benefit because such a policy results in the maximum possible employment. It is contrary to the best economic policy to narrow the scope of competition, geographic or otherwise. The Federal Government should be combatting this type to protectionism, not promoting it.

(3) The Act is inflationary because it results in Federal and federally assisted construction contracts costing more than other construction contracts. Partly this is because Labor Department procedures for determining prevailing wage rates help assure that the union pay scale—generally higher than nonunion pay—will be selected. But the law itself is inflationary because of its provision requiring payment of at least prevailing local wages.

(4) It is widely believed that Davis-Bacon hampers efforts to provide low-cost housing for the poor. Interest rate subsidies provided under Federal housing laws to encourage low-income housing are washed out wholly or partly by the higher construction costs resulting from the Davis-Bacon prevailing wage clause included in those same laws.

(5) The Act tends to discourage nonunion (open shop) contractors from bidding on Federal and federally assisted construction jobs because the law's prevailing wage requirement neutralizes any advantage they have when their pay scales are below prevailing levels.

(6) The Act impedes entry of minority groups into the construction industry. They often get into construction work informally as helpers or trainees. The job structure in Davis-Bacon wage determinations tends to follow union occupational classifications and seldom includes separate categories for helper or informal trainee. Employers with Government contracts typically must pay helpers and trainees at the appropriate journeyman (craftsman) rate or else—the more likely outcome—not hire them at all for Davis-Bacon work.

(7) At the wages relating to Davis-Bacon contracts would, most likely, be higher than the local average wages, the construction workers may be inclined to delay completion of the construction as long as possible therefore enjoying these higher wages longer.[6] G.A.O. estimates that the Act inflates the cost of taxpayer-financed construction by up to 15 percent.[7]

ARGUMENTS SYMPATHETIC TO DAVIS-BACON [8]

(1) The Act is more than a depression measure, and is needed now as much as ever. The large majority of the 55 Federal statutes which incorporate the Davis-Bacon provision for federally assisted construction were enacted long after the 1930's decade; evidently Congress believes the wage floor provided by the law is needed now as much as ever.

(2) The assertion is that coverage of the Fair Labor Standards Act has expanded significantly in recent years and the minimum wage level has risen substantially. The fact is that the FLSA is intended to protect only the nation's lowest-wage workers; the present minimum is $2.65 an hour. It does nothing for workers above the "poverty pay" level, such as those in construction. The FLSA differs in philosophy from prevailing wage legislation and cannot seriously be suggested as an acceptable alternative.

(3) The Act prevents cutthroat competition and promotes fair competition based on decent labor standards. As the purchaser, assister, or guarantor of the construction project, the Federal Government has the right and in fact the duty to resist becoming a party to the deterioration of community labor standards.

Without the Act the Federal Government would be placed in the position of rewarding the contractor who undercuts the going rates. It is this practice which the framers of the legislation intended to prevent.

(4) The Act follows established Federal Government policy to pay prevailing wages. It is only one of several Federal statutes mandating the payment of prevailing wages. It is consistent with national policy to eliminate wage rates below those prevailing locally, at least where the Government is purchaser of labor services. The Walsh-Healey Public Contracts Act, enacted in 1936, requires the payment of the prevailing wage rate for Government contract work in manufacturing industries. The McNamara-O'Hara Service Contract Act of 1965 requires pay at prevailing rates for employees performing services under contract with the Federal Government. The Federal Government itself employs about a half million blue-collar workers whose wage rates are determined on the basis of prevailing local rates in the communities where they are employed.

(5) The Act is not inflationary. In the long run it may reduce costs by (a) preventing awards to incompetent contractors competing only by virtue of low wages, and (b) decreasing industrial strife through the maintenance of decent labor standards and through helping more Americans live healthier and fuller lives.

(6) Repeal or weakening of Davis-Bacon would adversely affect apprenticeship programs in the construction industry and hurt minority groups. The chaos that would come with the repeal of Davis-Bacon would have to have an adverse effect on the labor-management apprenticeship program in the unionized sector of the construction industry. Too many of the unionized employers, under pressure from nonunion competition, would be forced to cut costs—and one place to trim them would be in training outlays. In time, many of the existing apprenticeship programs would be curtailed, and others would be terminated. This would represent another hidden cost that society would have to pay.

HOW CONGRESS VOTED [9]

(1) On 5 November 1981, an amendment to the Military Construction bill for fiscal year 1982, by Sen. Henry M. Jackson (Wash.), was adopted in the Senate 55–42. The amendment struck language from the bill that would have exempted projects authorized by the Bill from the Davis-Bacon Act.

(2) On 29 September 1982, on a complex procedural move during the consideration of fiscal year 1983 Continuing Appropriations Resolution, a motion by Sen. Mark O. Hatfield (Ore.) killed an amendment by Sen. Don Nickles (Ok.) to mandate certain reforms in the administration of the Davis-Bacon Act. Sen. Hatfield's motion was adopted 52–44.

(3) On 19 December 1982, an amendment by Sen. Don Nickles (Ok.) that would have exempted "some" federal highway construction from the Davis-Bacon Act, was voted down on a motion by Sen. Robert T. Stafford (Vt.). Sen. Stafford's motion was adopted 48–46. On 6 December 1982, an amendment by Rep. Charles W. Stenholm (Tx.) regarding similar exemptions was defeated in the House 223–174.

The two senators, and the 11 members of the House, from North Carolina supported the U.S. Chamber's position on the three above-noted issues.[10]

While it may not be directly relevant to the Davis-Bacon Act, 42 Senators have supported the U.S. Chamber's various positions 51 percent, or more, of the time since the Chamber began rating them.[11] The House has 204 members who supported the Chamber's position by the same percentages during the same period.[12]

CONCLUSION

It is apparent that the Davis-Bacon Act is antiquated, inflationary, costly, non-competitive and discriminatory and therefore, should be repealed. If not repealed, the Act should be modified to the extent that it is beneficially palatable to the American economy.

Since there are many apparent reasons for repealing or modifying the Act, why hasn't legislation been enacted to do so? It is this writer's opinion that (mainly) because of the strong labor lobby, support for such a change has repeatedly been defeated.

RECOMMENDATION

The Greater Wilmington Area Chamber of Commerce reaffirmed its support to U.S. Chamber of Commerce in its efforts to get legislation enacted to repeal the Davis-Bacon Act, as amended. Further, the U.S. Chamber is urged to fully use its Legislative Committee's resources to accomplish this endeavor.

ATTACHMENT—CHRONOLOGY OF EVENTS

Sept. 29, 1982—During floor consideration of H.J. Res. 599, the fiscal year 1983 Continuing Appropriations Resolution, the

[5] "The Davis-Bacon Act: History, Administration, Pro and Con Arguments and Congressional Proposals". Joseph F. Fulton, Congr. Rsch. Svc., Library of Congress, 7/11/78

[6] Opinion of this writer.

[7] "Washington Report", 1/18/83

[8] "The Davis-Bacon Act: History, Administration, Pro and Con Arguments and Congressional Proposals". Joseph F. Fulton, Congr. Rsch. Svc., Library of Congress. 7/11/78

[9] 97th Congress "Washington Report". 11/18/83.

[10] "Washington Report"; Legis-Action, 2/28/83.

[11] Current as of 12/31/82.

[12] "Washington Report"; Legis. Action, 2/28/83.

Senate voted (52 ayes to 44 nays) to table an amendment offered by Sen. Nickles (Okla.) to mandate certain reforms in the administration of the Davis-Bacon Act (essentially, the substance of S. 2929, noted above).

Sept. 23, 1982—During floor consideration of H.R. 5540, the "Defense Industrial Base Revitalization Act," the House adopted an amendment by Congressman Bruce Vento (Minn.) to delete Davis-Bacon coverage for persons involved in the "installation of equipment," set forth as a clarifying amendment, while rejecting an amendment by Congressman John Erlenborn (Ill.) that would have deleted Davis-Bacon coverage from the bill.

Sept. 17, 1982—Sen. Nickles (Okla.) introduced S. 2929, which would effect through legislation many of the changes in the administration of the Davis-Bacon Act earlier proposed by the Department of Labor by rulemaking procedures. The proposals of the Department are currently undergoing challenge in the courts.

Aug. 12, 1982—The House rejected, by a vote of 140 ayes to 237 nays, an amendment offered by Congressman Tom Hagedorn (Minn.) which would have allowed, under certain circumstances, exemption of local public works, funded under H.R. 6100 (the National Development Investment Act), from Davis-Bacon prevailing wage standards.

Aug. 10, 1982—The "open shop" Associated Builders and Contractors filed a "friend-of-the-court" brief in support of the Department of Labor in the suit brought by organized labor to block enforcement of the final Davis-Bacon regulations. Also filed were statements of support for the Department by several academic scholars.

July 22, 1982—Judge Harold Greene, U.S. District Court for the District of Columbia, granted a preliminary injunction against implementation of the proposed Davis-Bacon regulations, resulting in deferral of implementation of the regulations by the Department of Labor.

June 24, 1982—New panel members were named by Secretary Raymond Donovan to the Wage Appeals Board (responsible for Davis-Bacon and Copeland Act appeals) and sworn in. This action revitalizes the Board which had been in a "period of inactivity" since late 1980.

June 11, 1982—The Building and Construction Trades Department, AFL-CIO, with the International Brotherhood of Teamsters and various other trade union bodies, filed suit in the U.S. District Court for the District of Columbia to block implementation of the final regulations issued by the Department of Labor, dealing with the Davis-Bacon and related statutes.

May 28, 1982—The Department of Labor published its final regulations in the Federal Register. The regulations are given an effective date of July 27, 1982.

May 25, 1982—The Senate, by a voice vote, agreed to table an amendment offered by Senator William Armstrong (Colo.) to the "Urgent Supplemental Appropriations, 1982" (H.R. 5922) which would have precluded the use of funds, under the Supplemental, for enforcement of the Davis-Bacon Act or of Davis-Bacon provisions of program legislation.

May 17, 1982—H.R. 6100 was reported from the House Committee on Public Works and Transportation. Davis-Bacon coverage was retained in the measure as reported. The vote for retention of Davis-Bacon coverage was 25 yeas to 10 nays.

May 4, 1982—House Subcommittee on Economic Development, during a markup session on H.R. 6100, rejected an amendment offered by Congressman John Hammerschmidt (Ark.) to raise the threshhold for Davis-Bacon covered construction under the proposed legislation from $2,000 to $1,000,000, and to create a program of experimentation with construction costs under Davis-Bacon and in Davis-Bacon free construction. H.R. 6100 was ordered reported to the full Committee on Public Works and Transportation.

Apr. 29, 1982—The President's Commission on Housing, created by President Reagan in June of 1981, issued its final report, recommending that "housing construction and related infrastructure work should be excluded from coverage under the Davis-Bacon Act (p. XXXIV).

Apr. 28, 1982—House Subcommittees on Economic Development (Committee on Public Works and Transportation) and Economic Stabilization (Committee on Banking, Finance and Urban Affairs) conducted joint hearings on H.R. 6100, local public works and investment legislation. In part, the focus of the hearing was inclusion of a Davis-Bacon provision in the proposed legislation. James Oberstar (Minn.) chaired the joint hearing.

Apr. 5, 1982—President Reagan, addressing the annual legislative conference of the AFL-CIO's Building and Construction Trades Department at the Washington, D.C., Hilton, affirmed that he "has not and will not" seek repeal of the Davis-Bacon Act. (BNA/DLR, Apr. 5, 1982, p. A11; and the New York Times, Apr. 6, 1982, p. A17.)

Mar. 30, 1982—Idaho Governor John V. Evans vetoed a State measure (H. B. 822) that would have repealed Idaho's "little Davis-Bacon" prevailing wage law. "Some form of prevailing wage statute has been on the books in Idaho since 1911." (BNA/DLR, Mar. 30, 1982, p. A9.)

Mar. 24, 1982—The House Banking Subcommittee on Economic Stabilization voted to add to H.R. 5540, "The Defense Industrial Base Revitalization Act," a provision specifically bringing construction performed under the legislation under coverage of the Davis-Bacon Act. The Davis-Bacon amendment was offered by Congressman Bruce Vento (Minn.). The amendment was approved in the Subcommittee by a vote of 14 yeas to 7 nays—one Republican voting with the Democratic majority.

Feb. 2, 1982—The Senate Small Business Subcommittee on Government Procurement, chaired by Senator Don Nickles (Okla.), conducted one day of hearings on the impact of the Davis-Bacon Act upon small businesses.

Nov. 5, 1981—The Senate, on a roll-call vote of 55 yeas to 42 nays agreed to a amendment offered by Senator Jackson to S. 1408, the Military Construction Authorization Act of 1982, sustaining Davis-Bacon coverage for military construction projects. The Senate Armed Services Committee had voted to delete such coverage.

Aug. 14, 1981—The Department of Labor published in the Federal Register proposed new guidelines for the administration of the Davis-Bacon Act and the Service Contract Act, calling for public comment through Oct. 13, 1981. The earlier regulations, proposed on Jan. 16, 1981, by the Carter Administration (but never given effect), were permanently withdrawn.

Apr. 28-29, 1981—The Senate Subcommittee on Labor, Senate Committee on Labor and Human Resources, chaired by Senator Don Nickles (Okla.), conducted hearings on the Davis-Bacon Act (oversight).

Mar. 9, 1981—Governor Bruce King of New Mexico vetoed a legislative measure repealing the New Mexico Public Works Minimum Wage Law (the State's "little Davis-Bacon Act"). Thus, the act remains on the books.

Mar. 3, 1981—The Utah State Legislature overrode a veto by the State's governor of legislation to repeal the Utah "little Davis-Bacon Act." Thus, the measure has been repealed.

Jan. 16, 1981—The Carter Administration published in the Federal Register proposed changes in the regulations governing the Davis-Bacon Act and the Service Contract Act. [In order that the Reagan Administration might review the impact of the proposed regulations, the effective date for the regulations has been deferred.]●

HAPPY BIRTHDAY, BOB HOPE

● Mr. BOSCHWITZ. Mr. President, many of us in the United States (and probably the world) are joining together today to wish one of the world's greatest entertainers a very happy 80th birthday.

Bob Hope, a name synonomous with laughter, is finally reaching middle age! And I have heard that some think he'll be slowing down now, but to believe that, you would also have to believe Dolly Parton was planning to . . . well, maybe I should leave the analogies to Bob.

Most of us who want to pay tribute to Bob Hope have so many great things we could mention, that we really don't know what to say—and that is certainly a rare circumstance in these Chambers! But Bob Hope deserves all the accolades we can give him.

He has brought a little bit of home to millions of American GI's serving overseas. He has made them laugh and has given them memories that will last a lifetime. He has worked with, or organized, or headed up more charities in his life than most of us have even heard of.

It takes a special kind of person to offer his time and skills to others. Bob Hope has spent a lifetime being that sort of person.

I have only had the opportunity to meet Bob once, and I know I will never forget it. I also know I am not alone in expecting Bob Hope and his theme song to entertain us for another 20 years!

Happy Birthday, Bob.

SENATOR DODD ON EL SALVADOR

● Mr. MITCHELL. Mr. President, the policy challenge which El Salvador and the entire Central American region presents today is both complex and important.

The stability of our Hemisphere and its protection against outside subversion remain paramount U.S. policy goals. At the same time, the deprivation, injustice, and sheer brutality

which are the background that has fueled today's fighting will, if ignored, create a quagmire for American policy goals in the region.

Senator DODD's response to President Reagan's speech on April 27 eloquently depicts the realities of current circumstance and past history which are influencing the nature of the regional conflict.

Senator DODD reminded us that, even as we have pumped more than $650 million into the country in the past 30 months, for every dollar of U.S. money going into El Salvador, more than a dollar in private El Salvadoran capital is being exported for safekeeping to Miami, to off-shore banks, and to Europe.

Senator DODD does not propose that we unilaterally withdraw and instantly cease our involvement with our Central American neighbors.

His point is that sincere and continued efforts to negotiate, to involve the other Central American nations, and to reach agreements are a surer way to avoid more bloodshed than continued shipments of arms.

Our Nation's persistent efforts to negotiate, not make war, have borne fruit in the Middle East. Our efforts are, in fact, the only basis on which a realistic hope of a future regional peace there rests. We know negotiations are never easy. They do not stop all the bloodshed immediately. We know negotiations are frustrating and complex and require patience and persistence. But we also know that if we are willing to provide that patience and persistence, they can pay off.

In the Middle East, negotiations have paid off. We still lack a region-wide peace. But who can deny we have made progress? And who can claim that the situation in Central America is worth less effort, less patience, less care than we have bestowed on the Middle East?

Senator DODD's statement makes this alternative clear and makes it clear in a way that can provide the basis for a bipartisan consensus on our policy in Central America.

I ask that the statement be printed in the RECORD at this point.

The statement follows:

DEMOCRATIC RESPONSE TO PRESIDENT REAGAN'S ADDRESS TO JOINT SESSION OF CONGRESS

(Remarks delivered by Sen. Christopher J. Dodd)

Good evening. I want to thank the networks for the opportunity to offer a different viewpoint. While there is no unanimity in Congress—on either side of the aisle—on Central America, tonight I am speaking for the many Americans who are concerned about our ever-deepening involvement in the military conflict in that part of the world.

I am pleased to note that the President this evening was willing to recognize an economic and political dimension of the problems in Central America, including the possibility of negotiations. Concerned Members of Congress have been pressing this point of view since he came to office. Regretably, however, as his statement tonight demonstrates, the fundamental view continues to emphasize military problems and the search for military solutions.

In the months and years that follow this evening, after the applause has faded and the ringing phrases are forgotten, Americans will have to live with the choices we make in this fateful time of decision.

In the past, we as a nation have learned painfully that the truth is never as simple as some would paint it. Charts and statistics can be used or misused to prove any side of a case. And speeches can sound very good without being very right.

So first of all, let me state clearly that on some very important things, all Americans stand in agreement.

We will oppose the establishment of Marxist states in Central America.

We will not accept the creation of Soviet military bases in Central America.

And, we will not tolerate the placement of Soviet offensive missiles in Central America—or anywhere in this hemisphere.

Finally, we are fully prepared to defend our security and the security of the Americas, if necessary, by military means.

All patriotic Americans share these goals. But many of us in Congress, Democrats and Republicans, respectfully disagree with the President because we believe the means he has chosen will not fulfill them.

Those of us who oppose the President's policy believe that he is mistaken in critical ways. To begin with, we believe the Administration fundamentally misunderstands the causes of the conflict in Central America. We cannot afford to fund so important a policy on ignorance—and the painful truth is that many of our highest officials seem to know as little about Central America in 1983 as we knew about Indochina in 1963.

I've lived with the people in this region. Let me share some facts with you about Central America.

Most of the people there are appallingly poor. They can't afford to feed their families when they're hungry. They can't find a doctor for them when they're sick. They live in rural dirt shacks with dirt floors or city slums without plumbing or clean water. The majority can't read or write. Many of them don't even know how to count.

It takes all five Spanish-speaking countries of Central America more than a year to produce what this nation does in less than three days. Virtually none of even that meager amount ever reaches the bulk of the people. In short, a very few live in isolated splendor while the very many suffer in shantytown squalor. In country after country, dictatorship or military dominance has stifled democracy and destroyed human rights.

If Central America ware not racked with poverty, there would be no revolution. If Central America were not racked with hunger, there would by no revolution. If Central America were not racked with unjustices, there would be no revolution. In short, there would be nothing for the Soviets to exploit. But unless those oppressive conditions change, the region will continue to seethe with revolution—with or without the Soviets.

Instead of trying to do something about the factors which breed revolution, this Administration has turned to massive military buildups at a cost of hundreds of millions of dollars. Its policy is ever increasing military assistance, endless military training, and further military involvement. This is a formula for failure. And it is a proven prescription for picking a loser. The American people know that we have been down this road before—and that it only leads to a dark tunnel of endless intervention.

Tonight the President himself told us that things were not going well in Central America. But for this the President cannot blame Congress. We have given him what he has asked. $700 million in economic and military assistance has been delivered or is on its way to El Salvador since Ronald Reagan came to office . . . all at his request, and all with Congressional approval. One of every five Salvadoran soldiers fighting for its government was trained right here in the United States. American soldiers are there now training Salvadoran army units which are employing modern weapons built in American factories.

Now the President asks for an even greater commitment. His requests for El Salvador alone will bring the total aid to that country during his term to more than $1 billion.

One billion dollars to counter a rebel army that, according to all reports, does not exceed 7,000 guerrillas. That means you are paying $140,000 in hard-earned tax dollars for each one of those guerrillas we are trying to defeat.

While your tax dollars have been pouring into El Salvador, the money skimmed off by that nation's rich is leaving the country. For every dollar we've sent in, more than a dollar has gone out—to numbered accounts in Zurich or to buy Wall Street stocks. It raises the question of why we should invest in the future of El Salvador when the wealthiest citizens of that country are investing in Swiss banks.

What return have we achieved for all we have spent? The army in El Salvador has been reluctant to fight—and it is led by an officer corps working a nine-to-five shift with weekends off. Land reform has been abandoned. At least 30,000 civilians have been killed, and the majority of them have been victims of the government's own security forces. American nuns and labor advisors have been murdered—and the judicial system is so intimidated that it cannot even bring accused murderers to trial.

For those 30,000 murders, confirmed by our own embassy, there have been fewer than 200 convictions.

American dollars alone cannot buy military victory—that is the lesson of the painful past and of this newest conflict in Central America. If we continue down that road, if we continue to ally ourselves with repression, we will not only deny our own most basic values, we will also find ourselves once again on the losing side. It is folly, pure and simple, to pursue a course which is wrong in principle—in order to wage a conflict which cannot be won.

After 30,000 deaths, after hundreds of millions of dollars, with the ante going up, with no end in sight, and with no hope for any real change, the time has come for a different approach. Yes, we are fully prepared to be involved in Central America. But the question is the nature and quality of our involvement. We must offer an alternative policy that can work.

First, we should use the power and influence of the United States to achieve an immediate cessation of hostilities in both El Salvador and Nicaragua. Already in both those countries too many people have died. It is time for the killing to stop.

Second, the United States should use all its power and influence to work for a negotiated political settlement in Central America.

In El Salvador, the rebels have offered to negotiate unconditionally. Let us test their sincerity. We certainly have the leverage to move the government to the bargaining table. On his recent trip to that very Catholic region, the Pope lent the moral force of his office to such a step. It is practical and realistic to expect, that if we support it, these talks can get underway. And every major ally of ours in the region—Mexico, Panama, Venezuela, and Colombia—is anxious for such a step to be taken, and has offered to make the arrangements.

Those same nations have volunterred to bring Nicaragua into negotiations—and Nicaragua has agreed to talk. Instead, as we know from press accounts, this Administration is conducting a not so secret war inside that country.

No one in this Congress or this country is under the delusion that the Sandinista government is a model democracy or a force for stability. But the insurgents we have supported are the remnants of the old Somoza regime—a regime whose corruption, graft, torture, and despotism made it universally despised in Nicaragua. The Sandinistas may not be winners, but right now we are backing sure losers. We are doing for the Sandinista Marxists what they could not do for themselves. We are weakening the very groups inside Nicaragua which believe in a free and democratic society. And that is the sad irony of this Administration's policy.

Third, we must restore American's role as a source of hope and a force for progress in Central America. We must help governments only if they will help their own people. We must hear the cry for bread, schools, work, and opportunity that comes from campesinos everywhere in this hemisphere. We must make violent revolution preventable by making peaceful revolution possible.

Most important, this approach would permit the United States to move with the tide of history rather than stand against it.

For us, the stakes are diplomatic, political, and strategic. But for the people of El Salvador, life itself is on the line.

I have been to that country and I know about the morticians who travel the streets each morning to collect the bodies of those summarily dispatched the night before by Salvadoran Security Forces—ganglandstyle—the victim on bended knee, thumbs wired behind the back, a bullet through the brain.

We recoil at such an image for our association with criminals such as these is not America's tradition. In other, brighter days we have stood for the aspirations of all the people who are part of the Americas. Two centuries ago, our nation raised the light of liberty before the world—and all of this hemisphere looked to us as an example and an inspiration. In this Capitol building from which I speak tonight, men like Daniel Webster, Henry Clay and Abraham Lincoln once spoke of an America leading the way to human progress and human rights—and people everywhere listened with hope.

There is no greater or larger ideal than the one which was forged here in the early days of this Republic. That ideal of liberty is our greatest strength as a nation; it is a powerful and peaceful weapon against tyranny of any kind anywhere in this hemisphere.

We can take the road of military escalation. But we really don't know what the next step will be, where it will lead, or how much it will cost. This much, however, we do know. It will mean greater violence. It will mean greater bloodshed. It will mean greater hostilities. And, inevitably, the day will come when it will mean a regional conflict in Central America.

When that day comes—when "the dogs of war" are loose in Central America, when the cheering has stopped—we will know where the President's appeal for more American money and a deeper American commitment has taken us.

Thank you and good night.●

NATIONAL TRANSPORTATION WEEK

● Mr. DANFORTH. Mr. President, from the Pony Express to the Santa Fe Trail, to riverboats, railroads, trucks, and airplanes, transportation has played a vital and historical role in the development of the State of Missouri. Nationwide, transportation is vital to the economy, necessary to the national defense, essential to personal mobility and leisure.

Mr. President, to recognize the critical importance of transportation to our society, and to honor the millions of Americans involved in transportation-related industries, the Congress designates one week each year as National Transportation Week. This is that week, and as chairman of the Senate Surface Transportation Subcommittee, I would like to pay tribute to all those who help to make our country's transportation systems work so well.●

WORLD COMPUTER COMPETITION

● Mr. KENNEDY. Mr. President, America's competitive edge in the world computer market is being seriously challenged. There have been a number of speeches, magazine articles, television programs, and newspaper stories about the current threat to our computer industry.

The Japanese electronics industry, in cooperation with the Japanese university research complexes and the Japanese Government, has set out to corner the world information processing market, with a billion-dollar, 10-year effort.

In the area of the so-called fifth-generation supercomputer, also called symbolic or knowledge-based computers, the Japanese have devised a new program involving at least $850 million in government and private funds over the next 10 years.

America's current effort in fifth-generation computers is uncoordinated and anemic. It is scattered among 20 universities and companies; however, only small grants go to most of those universities with adequate funding going only to three or four universities.

The problems that America will face in world computer competition will not only be in the area of fifth-generation computers. Japanese companies, with assistance from the Japanese Govenrment, are stepping up their efforts to displace America from the numerical supercomputer market. This subsidized and coordinated joint effort will involve $200 million, the Japanese Government industry, and universities.

In the area of supercomputers, both symbolic and numerical, America needs help from its universities. While there is Defense Department activity in super-computers, it focuses on military applications and applied work. There is a great need for continued theoretical research with a focus on broader applications. While there has been a recent involvement of the private sector, this will not help universities build up the infrastructure in computer sciences and artificial intelligence. Further, it will not help turn out the increased number of sophisticated scientists, engineers, and technicians that our Nation needs in defense, in industry, and in research.

In recognition of the need for our universities to be able to contribute more to America's supercomputer effort, the Committee on Labor and Human Resources accepted a $25 million amendment to S. 1087, the National Science Foundation Authorization Act, before it was reported out of committee. My amendment would increase the amount of research in both numerical and symbolic supercomputers. It would increase access to computing networks for the scientific and engineering communities. It would diversify research activity to more universities with strong computing departments, rather than to three or four sites. Finally, my amendment would allow for an increase in the training of personnel in scientific and engineering computing to meet the increasing demands for trained people by the private sector, the Defense Department, and the university research departments.

The Japanese threat to America's place in the world economy cannot be taken lightly. In fact, in the May 20 issue of Science magazine, there is detailed a new program to which Britain has committed itself to enable it to remain competitive with Japan and the United States in advanced information technology.

Mr. President, Britain has committed itself to a 5-year, $300 million investment in collaborative research between university and industrial scientists to meet Japan's computer challenge and to maintain its position in the world computer marketplace. The British clearly recognize that a strong domestic capability is critical to their national interests. Furthermore, they are supporting this recognition in a way that counts, with resources.

The British are not only rising to meet the Japanese challenge, but they are also increasing their chances to encroach upon the future marketshare of American industries.

I think that the Members of this body should take note to the British effort. We should recognize the international aspect of the competition for the information market. When the authorization for the National Science Foundation comes before us here, I hope that it and the supercomputer initiative that it contains get the full approval of the Senate. I realize that many here are concerned about the budget. I know that some will see this as simply more spending. However, I urge us not to be penny-wise and pound-foolish. The Japanese and the British recognize the need for this investment. The United States also must recognize these facts.

Mr. President, I ask unanimous consent that the article in Science of May 20, 1983, by David Dickson, describing the new British computer initiative be printed in the RECORD.

[From Science, May 20, 1983]

BRITAIN RISES TO JAPAN'S COMPUTER CHALLENGE

(By David Dickson)

LONDON.—Britain's Conservative government has bent its free-market economic principles and committed itself to an ambitious 5-year, $300-million investment in collaborative research between university and industrial scientists in advanced information technology. Government ministers hope that the results will enable Britain to remain competitive with Japan and the United States in microelectronics over the next decade.

"This is the first time in our history that we shall be embarking on a collaborative research project on anything like this scale," industry minister Patrick Jenkin told the House of Commons on April 28. "Industry, academic researchers, and the government will be coming together to achieve major advances in technology which none could achieve on their own."

The British government's decision to virtually double its current level of support for research in information technology follows a top-level study carried out last year by a team of civil servants and industrial research executives into the appropriate response to Japan's plans for a so-called fifth-generation computer program. The government has also been monitoring the U.S. Defense Department's research program into very high speed integrated circuits, as well as collaborative research ventures that are being supported by different consortia of U.S. computer companies.

The committee, chaired by John Alvey, senior director for technology of the publicly owned telephone service British Telecom, produced its findings at the end of last summer. It concluded that, "Compared with our competitors, our overall effort is badly fragmented. The interface between industry and the research community is nowhere near as productive as it is in the United States, for example. And our industry does not collaborate on basic research to the same extent as in Japan."

Claiming that there was a need for "urgent action" to generate a strong domestic capability in information technology, it recommended a national program covering a range of so-called "precompetitive activities" to include basic research, design tools, and "a communications infrastructure to link researchers." The Alvey committee suggested in particular that joint support from government and industry be concentrated on four fields:

Software engineering, an activity in which, it claims, Britain is currently recognized as the leader in Europe and as second only to the United States worldwide.

Man-machine communication.

The study of systems embodying so-called artifical intelligence.

The development of very large scale integration (VLSI) of circuits on silicon.

After 8 months of internal debate in Whitehall, the government has decided to accept virtually all of the Alvey committee's recommendations. In the case of artifical intelligence, for example, this is expected to include a program of R & D which will double the size of the research community within 5 years, and attempt to develop systems for computer-based planning and decision-making.

There was less consensus over the size of the investment proposed by the Alvey committee, or where it should come from. In the past, the Conservative government of Prime Minister Margaret Thatcher has set its face firmly against increased public subsidies for any activity—including research—where it felt the main responsibility should rest with the corporate sector.

When the Alvey recommendations were raised in the Cabinet at the beginning of April, they are said to have received a decidedly cold initial reaction from Thatcher. However, the case for substantial commitment to new research money has been strongly argued by Britain's Minister of Information Technology, Kenneth Baker, who pointed to a general consensus within British computer companies that only a broad-based collaborative research effort will be sufficient to meet the Japanese and U.S. challenges. Indeed the Alvey committee was itself set up at the request of industry.

There have been some concessions to Thatcher's political qualms. The Alvey committee, for example, suggested that some research carried out in industry should be 90 percent sponsored by the government, although the results were going to be made widely available to other companies. This proposal, however, has been dropped, so that government support for all industrial research projects will be limited to 50 percent of the cost. "Ninety percent government funding does not secure a sufficient industrial commitment and could lead to the program becoming divorced from industry's needs," according to Jenkin.

In virtually all other respects, however, the Alvey recommendations have been accepted. For example, the government has agreed that the subsidiaries of foreign multinationals will be able to take part in the research program in cases where, in Alvey's words, they can contribute "a particular asset vital to the program" but on condition that "it is guaranteed that valuable technical information will not leak from the United Kingdom."

The 5-year program will involve the activities of three government ministries. The Department of Education and Science, through its funding both of universities and of the Science and Engineering Research Council (SERC), will be primarily responsible for promoting advanced research in academic institutions and the training of the necessary manpower. The Ministry of Defense will—as in the United States—contribute its experience in the field of integrated circuits, and will fund any of the research felt to be of particular interest to the defense industry.

Principal responsibility for the program, however, will rest with a small directorate being established within the Department of Industry, which will also contribute most of the new research funds. The directorate will be headed by Brian Oakley, for the past 4 years secretary of the SERC and one of the main architects of the Alvey committee's proposals. It will itself report to a small supervising board of industrialists chaired by Sir Robert Telford, chairman of Marconi Avionics.●

AGREEMENT ON LEBANON IS WELCOME

● Mr. LAUTENBERG. Mr. President, I welcome the signing and approval of the Lebanese-Israeli Security Agreement this week. I was pleased to join in sponsoring Senate Resolution 148, which expresses the support of the Senate for the decision of the Governments of Lebanon and Israel and urges the prompt withdrawal of Syrian and Palestinian forces from Lebanon. The extent of support in the Senate for the peace agreement is reflected by the fact that every Senator cosponsored this resolution by the time it was adopted yesterday.

The accords terminate the state of war between Lebanon and Israel that has existed since June 1982. They encourage and provide for the development of stronger bilateral relations and the freer, safer movement of peoples and goods. In a most historic step Lebanon and Israel recognize "their right and obligation to live in peace with each other as well as with all states, within secure and recognized boundaries." In this agreement we can see emerging a formula for a secure and lasting peace in the Middle East.

The American people always have been ready to commit time and resources to the pursuit of such a peace in this most vital region. Americans have supported Israel when the need has arisen over the 35 years since its founding. And rightly so. As a democratic ally, a secure and prospering Israel is in our national interest.

It is clear from the scrupulous observance of the details of the Camp David accords by Israel that we can depend on Israel to make this agreement work. There is a well-established record of Israel taking major steps for peace at great risk.

Americans also have given massive assistance for development and security to Arab States in the region, because growing economics and more responsive governments are in our national interest. But our assistance has always been designed to further behaviors leading to peace and stability

in the region. It will continue to be conditioned on moderate behavior and the acceptance of Israel's place among the states of the region.

Having done so much, we should not hesitate to do more. The agreements provide that the United States will become a party, along with Lebanon and Israel, to the Joint Liaison Committee. The Committee will monitor the implementation of the agreement. Language specifically charges the United States with "expeditious resolution of disputes" that inevitably will arise as this disengagement of troops leads to reengagement of peoples.

The Lebanese-Israeli Agreement is hardly perfect, a point made clear by division within the Knesset on whether or not to approve the initiative. Major provisions, including actual withdrawal of troops, are contingent on the actions of other armed forces still in Lebanon. Syrian and Palestinian forces must move, too. And it is time for these other parties in Lebanon to join this initiative.

But we now have a framework that will allow an independent Lebanon, free of foreign military forces, to resume its place among the Middle East States and to meet the basic needs of its citizens. And we now have a framework that addresses the legitimate security concerns of Israel and Lebanon to the benefit of both.

The United States can take some fair share of credit for helping further these developments in the Middle East. We have been active and involved. But the weeks ahead will be no less important for peace than those we have just seen. I know that the American people and their Representatives in Congress will continue to support strong and direct U.S. participation in the peace process in the Middle East.

I must add, Mr. President, that I was impressed when both the leaders of Israel and Lebanon submitted the Security Agreement to their national legislative bodies for approval, even though this step was not actually required by law. These acts confer a special legitimacy on the accords. Consultations and discussions, debate, and open decision are the essence of democratic and representative government. The democratic process by which Israel and Lebanon ratified this agreement should strengthen both governments and deepen public commitment in both countries to making this promise for peace a reality.●

THE U.S.S.R. TODAY

● Mr. ARMSTRONG. Mr. President, every so often there appears on the Western news media an item which purports to show that the leaders of the Soviet Union are just "folks like us" who share our desires for a peaceful and prosperous world. A case in point is a letter sent recently by Secretary Andropov to a little girl in Vermont. It just gushed with sympathy and warm human feeling.

It is, of course, possible, that Secretary Andropov meant what he wrote in his letter. Virtually anything is possible. But it is good, on occasions like this, to remind ourselves that we should judge others not so much by what they say, but by what they do.

I believe that the best means for determining the nature and intent of a particular regime is by studying how it treats its own people. If this is so, we would do well to pay attention to the work that has been done by Avraham Shifrin, the executive director of the Research Center for Prisons, Psychoprisons, and Forced Labor Concentration Camps of the U.S.S.R. I submit for the RECORD two research papers prepared by Mr. Shifrin, one on "Extermination Camps in the USSR," and the other on "Women and Children in Soviet Concentration Camps." These papers paint a somewhat different portrait of the U.S.S.R. today than that suggested in the news stories about Secretary Andropov's letter to the little girl. I urge all Senators to study them carefully.

The material follows:

EXTERMINATION CAMPS IN THE U.S.S.R.—1980

The research concerning the existence in the USSR of concentration camps whose prisoners are being used in various work presenting danger of death or leading to fatal diseases has been conducted by our Research Centre for a number of years. In search of information we interview people arriving from the USSR. We also get direct information from our friends still residing in the USSR and sending us new data on the subject.

In 1977 we published an article under the title *Death Camps* wherein 8 addresses of such camps in the USSR were given; in the camps described in that article prisoners work at the extraction of the uranium ore and on cleaning of the exhaust tubes of the atomic submarines without any protective overalls.

By 1980 we have information concerning 41 Soviet concentration camps of death (see the appendix: a list of these camps and a map of the USSR showing their location). Both the map and the list are included in our *Guidebook Around Camps, Prisons and Psychiatric Prisons of the USSR* in which you can also find a more detailed information concerning means of transportation to these camps—in case you wish to visit them.

Soviet extermination camps can be divided into three main categories:

(1) camps where work results in inevitable death from leukemia received at the extraction and processing of the uranium;

(2) camps where the risk of getting an overdose of radio-active irradiation is very high and where prisoners quite often get sick with leukemia as a result of work; this group includes, in particular, the camps where prisoners are forced to clean the exhaust tubes of the atomic submarines or where they work in the unhealthy workshops of military plants producing warheads for nuclear rockets;

(2) camps where work for a certain period of time inevitably results in such diseases as tuberculoses of lungs, silicosis, loss of sight, etc. or where prisoners get poisoned as a result of work. These are, for e.g., the camps where prisoners work at polishing glass without any ventilation, at splitting mica, painting with or pulverizing of acetone lacquers, polishing of surfaces with the acetone by hand, etc.

The list of these camps published in the appendix will show you where and what kind of work prisoners do in Soviet camps being subjected to deliberate extermination. Therefore, we intend to give below just a few detailed examples.

On Mangyshlak peninsula on the Caspian Sea there is a closed zone. Here is located a complex of camps whose prisoners work at the extraction of the uranium and its processing for the purpose of getting the plutonium necessary for the ballistic rockets. An atomic reactor works here as well, and it is also manned by the prisoners of the same camp complex. All these camps, as well as the residential settlements of the civilian specialists and guards, are located in the salt-marshes. The entire complex is headed by the Hero of Socialist Labour Grigorian. Once, one of his subordinates offered to try planting of greenery in the area; but Grigorian gave him the most unambiguous answer: "The best decoration of the area are the barbed-wire fence and the watch-towers of the camps". Ever new parties of prisoners are being delivered by prison barges to the Port Shevchenko; but cases of release from these camps are extremely rare . . .

In another part of the USSR, in the North, in the area of Cherepovets (Vologodskaya oblast) there is also a large camp complex whose prisoners extract the uranium ore from the open pits. Witness L., a phyician by profession, told us that once he received a patient with leukemia. Being very upset and excited the patient told the doctor "confidentially" that he was an officer of guard in one of the camps where prisoners work at the uranium ore extraction and that the irradiation zone was so vast that they had to bring the prisoners to the place of work at the distance of some 50 kilometers every day, as it was absolutely impossible to keep the camps any closer to the uranium quarries. The officer also told the doctor that there had even been a strike of the guards: they refused to convoy the prisoners to work because there had been cases of leukemia among the guards. He said that the guards do receive some protective clothes, but even this is not enough to protect from irradiation, whereas prisoners work without any protective clothes.

Another camp complex where prisoners work at the extraction and processing of uranium is located in the Ural Mountains, in the area of Kishtym town (Chelyabinskaya oblast). This complex is comparatively new: it was created already after the awful explosion which happened here in 1960 at the uranium processing plant sending its output to Chelyabinsk-40 where another military plant produces nuclear warheads and where also work prisoners from the nearby camps. Thousands of people died in the explosion, among them certainly all the prisoners kept in the area. The disaster embraced the territory of about 1500 sq. kilometers with villages, settlements, plants and factories. Those who survived were severely irradiated. Now, in this dead region there are again camps and prisoners doomed to death again extract uranium, process it, deliver it to special repositories, move out the radio-active waste . . .

Under the same horrible conditions and also without any protective clothes prisoners work in dozens of other places all over the USSR: in the Far North, in the Caucasus, in the Middle Asia, on the islands beyond the Polar Circle and in the Far East.

To the best of our knowledge, the administration of the camps, where prisoners are being exterminated in the above described manner, do not inform the prisoners of the fatal doses of irradiation they get and even of what kind of ore they extract and process. Those who get sick are transferred by the KGB to special invalid camps where they die out of sight of those prisoners who are still well enough to continue to work.

The same awful kind of extermination camp complexes exist today in the Middle Asian settlements of Rudnii, Aksu, Al'malyk, Kairagaly, all of them in Kazakhskaya SSR. It may be interesting to mention that in the same Kazakhskaya SSR prisoners extract the uranium ore from the open quarries in the vicinity of Borovoye settlement which is one of the most popular resort places visited by people from all over the country. Nobody tells the people that they are "resting" in the area of extremely high irradiation which jeopardizes their health. Why? Because this is a state secret. Anything concerning the extraction and processing of uranium is a top secret in the USSR, and nothing gets published in the media about the disasters similar to the one in Kishtym.

Here is another typical example: prisoners extract uranium near the town of Leninobad in Tadzhikskaya SSR, and the radioactive waste stone was used by the authorities for the foundations of new apartment buildings. As a result, thousands of people were fatally irradiated, thousands got into hospitals. This too has never been published in the Soviet press and there have been no demonstrations of protest. And nobody in the USSR demands cessation of works in the atomic industry of the USSR. . . . As you can see, the "advantages" of the communist methods of government are apparent.

Still more horrifying data concerning the work of prisoners at uranium extraction do we have from Novaya Zemlya and Vaigach (the islands beyond the Polar Circle) and from Bukhta Ol'ga, Bukhta Shamor, Kavalerovo settlement on the Pacific shore in Primorye. Here the prisoners are kept in the immediate vicinity of the uranium quarries and they are, therefore, subjected to irradiation 24 hours a day.

It has been already mentioned above that in the camps where prisoners work on cleaning the exhaust tubes of the atomic submarines they are also subjected to severe irradiation and also work without any protective overalls. Such camps you can see marked on the attached map in Bukhta Paldiski in Estonian SSR, in Bukhta Rakushka in the Far East, in Severodvinsk in the North and in Bukhta Tarya on Kamchtka peninsula.

There are other camps where the work is considered less dangerous and where, in fact, it leads to the loss of health and very often to death. Such is the work in the unhealthy workshops of military plants where prisoners are used in the production of the warheads for nuclear rockets and where the irradiation is very high (for e.g. in Novosibirsk). Such is the process of polishing of glass with carborundum disks without any ventilating pipes (for e.g. in the special strict regime camp in "Dubrovlag", Mordovia), where the air is filled with the glass dust accumulating in the prisoners' lungs and resulting in silicosis. Such is the process of splitting mica by hand (for e.g. in the women's camp in Slyudyanoye settlement of Irkutskaya oblast where the administration tells the women their work is "easy and warm under the roof" and do not explain that this work leads both to the loss of sight and to silicosis. The same is true of the process of painting of various machines, radio- and TV-set cases and other items by way of hand spraying of acetone lacquers, which is not regarded as unhealthy work at all and which leads, however, to numerous cases of poisoning and to various lung diseases. After painting the prisoners polish the painted surfaces by hand. This is being done with a polishing wad which is dipped into an open vessel with acetone every couple of minutes. As everywhere else, the prisoners work on this work 10 hours a day and breathe with the poisonous miasma.

The fate of invalids in the U.S.S.R. is horrible: after they are released from camp the disabled man gets a state pension in the amount of several rubles per month and is doomed, therefore, to beggary. The state, having squeezed from him whatever was possible, is no longer interested in his fate, which is hungry existence and fading away from a professional disease. As for the prisoners getting an overdose of irradiation they, as a rule, die in the camps.

Do not think that such deathly dangerous work is given by the Soviet authorities to prisoners sentenced to death—not at all. In these camps you can see prisoners sentenced to 5-10-year terms for the "crimes" which can hardly be regarded as crimes in any normal country: for faith in God, for the desire to emigrate, for reading prohibited books, for writing protests or leaflets demanding the democratization of the regime, for private initiative in trade (which is called "speculation" in the U.S.S.R.), for the struggle for national rights, for dignity and independence. The Soviet authorities are eager to get rid of these people, and this is being done without bullets or Oswencim-type gas-chambers: the prisoners merely give up all their energy and health to the murderous state and then die.—Avraham Shifrin, Executive Director.

LIST OF EXTERMINATION CAMPS MARKED ON THE ATTACHED MAP OF EXTERMINATION CAMPS IN THE USSR

[Map not reproducible in RECORD.]

1. Estonian SSR, Bukhta Paldiski—cleaning of the exhaust tubes of atomic submarines.

2. The town of Severodivinsk, Arkhangelskaya oblast—cleaning of the exhaust tubes of atomic submarines.

3. The town of Omutninsk, Kirovskaya oblast—prisoners work at uranium extraction; radiation is extremely high in the whole area surrounding the quarries.

4. The town of Tot'ma, Vologodskaya oblast—prisoners work in the uranium mines and in the uranium concentrating mill.

5. The town of Cherepovets, Vologodskaya oblast—open uranium quarries and uranium concentrating mill are manned by prisoners; an area of extremely high radiation.

6. Station Cholovka, Zhitomirskaya oblast—uranium mines.

7. The town of Zeltiye Vody, Dnepropetrovskaya oblast—uranium mines.

8. Station Lermontovskaya, Stavropolskii Krai—uranium mines.

9. The area of Rakhov, Zakarpatskaya oblast (reserve of Zakarpatskii military district)—uranium extraction from open quarries with strong irradiation of the entire surrounding area.

10. Groznii, Checheno-Ingush ASSR—uranium mines and uranium concentrating mill.

11. Mangyshlak peninsula (the Caspian Sea)—uranium extraction and its processing in concentrating mill; atomic reactor.

12. Aksu settlement, Kazakh SSR—uranium extraction and its processing in concentrating mill; an area of extremely high radiation.

13. Tselinograd, Kazakh SSR—uranium extraction from open quarries with strong irradiation of the surrounding area.

14. Borovoe settlement, Kazakh SSR (resort area) uranium extraction from open quarries with strong irradiation of the entire surrounding area.

15. Kairagaly settlement, Kazakh SSR—uranium mines and open uranium quarries.

16. Al'malyk settlement, Kazakh SSR—uranium mines.

17. Rudnii settlement, Kazakh SSR—uranium extraction and its processing in concentrating mill.

18. Achinsk, Krasnoyarskii Krai—uranium extraction in open quarries and its processing in "Glinozyomnii" plant.

19. Leninsk, Uzbek SSR—uranium mines and processing of uranium in concentrating mill.

20. Fergana, Uzbek SSR—uranium mines and concentrating mill.

21. Margelan, Uzbek SSR—uranium mines and concentrating mill.

22. Kokand, Uzbek SSR—uranium mines.

23. Leninabad, Tadzhik SSR—uranium mines and concentrating mill; an area of very high radiation dangerous for health.

24. Sovetabad, Tadzhik SSR—uranium mines.

25. Bekabad, Tadzhik SSR—uranium mines and concentrating mill.

26. Asht settlement, Tadzhik SSR—uranium mines; high radiation.

27. Zerovshan settlement, Tadzhik SSR—extraction and processing of uranium; an area of high radiation.

28. Frunze, Kirgiz SSR—uranium mines and concentrating mill.

29. Chelyabinsk-40, RSFSR—prisoners work in the production of warheads for nuclear rockets at the military plant.

30. Kyshtim, Chelyabinskaya oblast—extraction and concentration of uranium with its consequent delivery to the warheads' plant in Chelyabinsk-40; the entire area is strongly irradiated, dangerous for health.

31. Severnii posyolok, a suburb of Novosibirsk, RSFSR—prisoners are used in the production of nuclear warheads in the military plants "Khimkontsentrat" and "Khimapparat".

32. Oimyakon settlement, Yakut ASSR—uranium mines.

33. Slyudyanka settlement, Urkutskaya oblast—splitting of mica (women's camp).

34. Dubrovlag (Pot'ma), Mordovian ASSR—polishing of glass without ventilation.

35. Vaigach island (Arctic Ocean)—extraction and concentration of uranium on uranium concentrating mill.

36. Novaya Zemlya island (Cape Medvezhii)—extraction and concentration of uranium.

37. Bukhta Tarya, Kamchatskaya oblast—cleaning of the exhaust tubes of the atomic submarines.

38. Bukhta Rakushka, Primorskii Kraii—cleaning of the exhaust tubes of the atomic submarines.

39. Bukhta Ol'ga, Primorskii Kraii—uranium concentrating mill.

40. Kavalerovo settlement, Primorskii Kraii—extraction of uranium from open quarries; the entire area is strongly irradiated and dangerous for life.

41. Bukhta Shamor, Primorskii Kraii—uranium mines and concentrating mill; an area of strong irradiation, dangerous for life.

WOMEN AND CHILDREN IN SOVIET CONCENTRATION CAMPS—1978

("Women and men have equal rights in the USSR. Exercise of these rights is ensured by . . . providing conditions enabling mothers to work; by legal protection, and material and moral support for mothers and children, including paid leaves and other benefits for expectant mothers and mothers, and gradual reduction of working time for mothers with small children.") (Constitution of the Union of Soviet Socialist Republics, art. 35).

In the system of labor camps and prisons in the USSR a special place is occupied by the places of detention for women and children (both born in the camps and taken away from the mothers at the time of arrest). Since all convicted prisoners are used in forced labor, correspondingly some part of this slave work is being done by women-prisoners. An analysis of the facts collected during the interviews of former women-prisoners gives the following general picture on the whole for the USSR:

1. In every province of the USSR there is at least one labor camp for convicted women, with the number of women imprisoned ranging up to 2,000. In the republics and territories (in Russian krai) there are 2-3 women's camps; and in the Russian Republic, the Belorussian Republic and the Ukrainian Republic there are several dozens of camps in each of them.

Here is a small part of the camps for women and children which are known to us: the city of Odessa, the city of Gorky, the town of Abakan, the town of Kherson, the city of Kazan, the town of Achinsk, the island of Shikoatan (Kurily—former Japanese territory), the city of Volgograd, the town of Ulvanovsk, the settlement Veseloe of the Volgograd Province, Chamalchan Station of the Irkutsk Province, the settlement Suslovo of the Kemerov Province, the city of Tobolsk, the settlement Russkoe (Moldavia)—it would take many pages just to list all the women's camps.

In an addition, there is a special women's prison with a special regime in the city of Minsk, where approximately 3,000 women-prisoners are held in punishment for the violation of the regime in the camps. Although the exact number of women-prisoners in the USSR is unknown, even a conservative estimate places the figure at not less than half a million.

2. The labor camps for women are divided into 3 types: the general regime for first convictions, and the intensified and strict regimes for repeated offenders, as well as for those opposing the regime in the camps.

Besides, within all camps there are BUR's (barracks of intensified regime, in Russian, baraki usilennogo rezhima), ShIZO (penal insulators, in Russian, shtrafnye izolyatory) and PKT (cell-like room, in Russian, pomescheniya kamernogo tipa). In these places are kept those who resist the regime of the camp: in BUR—up to 3 months, with reduced food rations and taking out for work; in ShIZO—for up to 15 days with feeding once every other day, and in PKT—for 6 months on reduced food rations with hard labor within the prison.

Women's general regime camps, as a rule, use prisoners for work in sewing factories, where they make both bedding, work overalls and prison clothing and military uniforms and equipment for the army (ammunition cases, gas masks, waterproof tents, etc.). At the same time, the production norms are extremely high, and if they are not fulfilled the prisoners are sent either to a strict regime camp or, temporarily, to BUR, ShIZO or PKT. In general regime camps, after serving half their terms, prisoners may receive each year: two food parcels of up to five kg., two food parcels of up to 1 kg. (cookies, biscuits but not fats), two visits with family for 7 days and two visits for one day; letters are unlimited; in the camp grocery store the prisoner may buy food up to the sum of 9 rubles per month (only from wages earned in the camp). All these "benefits" are taken away from the woman if she commits acts considered a violation of the regime: non-fulfilment of the production norms, failure to report at work, disputes with the administration, visiting the barracks other than her own, entering the dining-room out of line, speaking in her national (and not in the Russian) language, reading or possessing religious literature, wearing a cross, openly praying aloud, sending or receiving letters avoiding the camp censorship, failure to attend political lessons, failure to report for gymnastic exercises and many other similar "crimes".

In the strict regime camps, the women-prisoners, as a rule, are used for hard physical labor: for woodcutting and carrying timber, for auxiliary work in mines and on the construction sites. We have a number of photographs taken secretly in the working zones of women's camps: women chopping down trees, women unloading railroad cars by hand, a woman carrying a log on her shoulder.

In the strict regime camp, after serving half of her term, the woman may receive per year: one food parcel of 5 kg. and one parcel of 1 kg. (without fats); in the camp store she may buy with her earnings (if she has not committed any of the above mentioned "violations") food up to the sum of 5 roubles; she may write only one letter per month; she may see her family once a year for one day.

In the special strictly closed prison the woman prisoner has the right to write only to her immediate family two letters per year; she does not have the right to receive packages; a meeting with family is permitted only for 1-2 hours through glass once a year; her clothing is crude striped (like in a concentration camp) fabric; in summer it is a dress, in winter—a cotton-wadding jacket-windbreaker (in Russian, telogreika).

In the camps women wear identical dresses and in winter they are given canvas boots and cotton-wadding jacket-windbreakers. When they work in the forest, where the temperatures in winter reach 40-50 degrees (centigrade) below zero, the woman-prisoners are supposed to be allotted felt boots (in Russian, valenki), but very often they fail to get those simply because the felt boots are not available in the camp storage.

3. For the maintenance of children, both taken away from religious parents by court and those left without parents when the latter were arrested, there exist a number of closed children's homes of the boarding school type.

The cruelty and inhuman attitude which reigns there often force the children to run away and then, without their having committed any crime, when they are caught they are sent to children's correction colonies, which in general are almost indistinguishable from the camps in their internal regime and are surrounded with high fences and barbed wire.

We cite the addresses of several of these children's colonies: the town of Rovenki (Lugansk Province), the town of Kochmas (Komi ASSR), Dubosary (Mold.SSR), the town of Krasnodon (Ukr.SSR), the city of Baku (Azerbaijan SSR), the town of Dragobich (Ukr.SSR), the settlement of Kopichilitsi (Perm Province), the settlement of Zakataly (Azerb.SSR).

If a child commits a crime he is tried and sent to a camp for juveniles. There are children's camps of general and intensified regimes.

In the children's homes, colonies and camps, the whims of the "educators" prevails, and also the administration provokes the taunting of the younger children by the older ones.

Here we cite a fragment of the testimony of Vyacheslav Volubuev who recently died in a camp for political prisoners and who had lived through the horror of such a children's home:

". . . I lived in the boarding school until 1963, and then they sent a whole group of us, former residents of the children's homes, to the town of Makeevka, to a children's colony, as "difficult cases" (for running away from the children's home—note of the Centre). They took us there in winter, and the first thing that I remember is the huge iron gate and the high stone fence with barbed wire and electric lights glaring on top. They took us into the guard's room, dressed us in the uniform, shaved our heads and led us into quarantine to sleep. And also the woman attendant in military uniform warned us to put all thoughts of running away out of our heads, because here for running away the pupils themselves would beat us to a bloody pulp. The commander of our department was the pupil Sinegubov, and the teacher was a young woman. They received me in a very alienated way. In the evening, after retreat to bed, the kids called me into the washroom; I went there and nobody was there. I returned to the bedroom and when I entered, they threw a blanket over me from behind and began to beat me blindly. They beat me up and ran away. I got up and someone ordered me to go and wash, scrub off the blood, lie down in my bed and be quiet. When I had washed myself off, some tiny little kid came running up to me and again announced: shut up about the beating. I asked why they beat me, and he said that they beat all newcomers. And that the teachers know this and are not surprised that the new boy has black eyes.

But this was not all: that night I awoke several times from pain. And again this was from the "jokes" of the colonists: they put between my fingers photographic film or plastic from tennis balls and lit them. This is called "to make a bicycle". After all this I had the feeling that I had ended up in hell; you begin to be afraid of everything. In the morning they led us into the dining room. The food was good. But it turned out that here some ate and some only looked . . . All the basic foods were taken for themselves by the commander and his "six"—older pupils—and the rest had to content themselves with cooked cereal and bread.

If in school (they taught us) you receive a bad mark, the commander of the depart-

ment and his "six" beat you until the water flows out of you. Sometimes it begins in this way: they call you into the classroom where sit the teacher, the head of the troop and the detachment commanders. The head of the troop calls up your department commander and gives him a good punch in the mug; then he calls you and, together with the teacher, beats you with a "joker" (this is sort of triangular belt which is called in the Russian slang shutlnik). Each teacher has such a "joker"; they make them themselves. After such a "conversation" aided by the "joker" the pupil is usually left bleeding and with blackened eyes.

"The years passed, I grew more mature and, along with age in this environment, came spite and hatred toward people, cruelty, withdrawal, doubt that there exists justice in this world. A sadist and criminal also was formed within myself. From conversations with the more experienced, I had already learned how to steal from the store, how to open a lock, how to break glass noiselessly, where to hit a person in order to shut him up. And until the correction colony I did not know all this. The time came when I became the "oldest pupil and some power came to me. I became a detachment commander (which gave me power over 200 children). And I began to take revenge for all the old insults and taunts. I would beat pupils for no reason, degrade them, steal from them and make them drill for my amusement. This was my entertainment; I did not know any other. I acted the same way people once had acted toward me. I was not forbidden anything by the administration; everything was permitted to me because I kept order in the detachment. Our superintendent at that time was Evgenii Konstantinovich Timofeev. He personally took part in all the beatings of the pupils being punished. First, he himself would do the beating, and then he would say to us, the detachment commanders: 'Just have a little "conversation" with him; I am going to be away for about 20 minutes.' Then we would all beat him, all together. And Timofeev himself would horribly beat the heads of the troops in which there was a violation. After this the heads of the troops would run to the dormitory and brutally beat the guilty pupil. All life was ruled by beating.

"I remained in the colony until 1969 and then I escaped again. I was very hungry, since I had made my way for four days without eating. On trains, without a ticket. At Kurakino Station in Voroshilovgrad Province, I left the train and saw the window of a grocery store, lit up at night. I went to the back entrance, broke down the door, grabbed food, sat down under the counter and started to eat. I was tried for this theft and ended up in the children's colony in the town of Kopychantsy in Ternopolsk Province. In this colony, the morals and customs were the same as in the colony in Makeevka. I made myself at home here quickly, since I had already gone through the school and knew how to behave. Almost immediately they made me assistant commander of the detachment, and I lived off others. This was how others behaved, and this was how I too behaved.

"When I reached the age of 18, I was taken to a camp for adults in the town of Zhitomir."

From this fragmentary information (sent to the free world from the camps of Potma by E. Kuznetsov), one can partially understand how children live in the "corrective labor colonies" of the USSR.

Children in the children's homes, colonies and children's labor camps live in isolation from their parents and those close to them. Visits of women-prisoners with their children in the children's homes and colonies are forbidden by the government. And after many years of imprisonment women often lose track of their children who have been sent from colony to colony.

Sometimes women-prisoners have a small baby or are pregnant at the time of arrest and give birth after they come to the camp. These children are formally not counted in the number of prisoners of the camp, and upon petitioning by their kins, they may be given to them "free." But such cases are extremely rare, since it is very hard, under the conditions in the USSR, to provide for a child; in actual fact, these children live in the camp until the age of 2 and live the life of prisoners. The first 6 months the mother has the right to nurse the child. And therefore, these children are kept in a special barracks fenced off by barbed wire, right in the zone of the women's camp. The mothers are allotted 15 minutes 3 times a day for nursing. At other times the mother may not see the child. Nursing mothers-prisoners work at the general work tasks and do not receive any supplementary nourishment; they have no rights for supplementary food parcels from relatives nor the right to purchase supplementary food in the camp grocery store.

As a consequence, the children grow up malnourished, with rickets, sickly from infancy, and the mortality rate among them reaches 50 percent, according to the testimonies of former women-prisoners. After the age of 2, the surviving children are transferred to the children's homes of closed type, where the atmosphere described above prevails.

We have interviewed many witnesses on the subject of elucidation and clarification of the living conditions of women-prisoners in the labor camps of the USSR. We quote one such eyewitness testimony: Edella Sherman, born 1944, USSR, Jewess, who lived until her emigration to Israel in the town of Oryol, teacher by profession, has an eight-year-old child, arrived in Israel in November, 1978, lives in Absorption Centre Aba Hushi in Haifa; was imprisoned in a camp for women during the period of 1976 through 1978.

Question. Reason for your arrest and conviction?

Answer. In 1976 I received an invitation to emigrate to Israel from my mother who had left for Israel before me, and from this moment the KGB began to persecute me. In the beginning I did not pay much attention to this. When I travelled to the town of Kaliningrad (formerly Kenigsberg) on a personal matter I was detained by the militia and held under guard in a preliminary detention cell from June 21 to July 13, 1976 (i.e. 22 days) without a warrant for my arrest. (Note of the Centre: According to the law, a person may be held under guard for no more than 2 days without a warrant for his arrest.) I spent 12 days in solitary confinement and then in a common cell: filthy, covered with fleas, among prostitutes. The KGB agents who called me for interrogation affirmed that I was a traitor to my homeland, that they know all about me and that I "must confess". But I had nothing to confess about. They did not inform my family about my arrest for 8 months. During the investigation period I saw neither a lawyer nor a supervising prosecutor. From day to day the investigator would repeat that I must "frankly confess my crimes", i.e. to slander myself. Seeing that I was not giving the evidence necessary for the investigation to create a legal case for the court, they came up with a new accusation: that I had allegedly come to Kaliningrad with the aim of speculating. And with such charges they sentenced me to four years in a general regime labor camp. The trial was conducted behind closed doors. After this I was transported from Kaliningrad to a camp in the city of Gorky. During this whole period I did not know anything about the fate of my little girl.

Question. Did you have interesting contacts in prison; whom do you particularly remember of the investigators and prisoners?

Answer: The prison of Kaliningrad is overcrowded: no less than 3000 prisoners are held there, although it is designed for only 1000. There are among the prisoners soldiers and officers of the local garrison; there are many people who were arrested and imprisoned for the so-called economic crimes (cashiers, accountants, shop managers, stall salesmen, etc.). There was one man among them whom I particularly remember, by the name of Levin. Prior to his arrest he used to be the director of a military plant. He had been made short work of purely out of antisemitic reasons. He was accused of stealing large quantities of alcohol from the enterprise and sentence to capital punishment (to be shot), but the Supreme court reduced the sentence to 4 years of imprisonment, because there was no proof of his crime. This man was working as a librarian in the prison library; he was bringing books to the cells, and when he got acquainted with me he sympathized with me very much and gave me a great moral and even material support: he arranged so that his friends sent me a food parcel from the freedom. He also sympathized very much with my desire to emigrate to Israel and said that it was his dream too.

From conversations of prisoners through the cell windows I would hear a lot about the camps of Kaliningrad Province, about the prisons and about what happened there. For instance, I could hear conversations of prisoners who had arrived from camp no. 9 located near Kaliningrad and from camp no. 8 located in the town of Chernyakhovsk. Both camps are designed for 1000 prisoners while in fact over 2500 prisoners are held in each of them. The prisoners would tell about the horrible life conditions there, about starvation, exhausting labor, the taunting by the administration and arbitrariness of the convoy and guards. It was awful to hear those stories, as I realized that the same was awaiting me in the near future. I also remember that many prisoners were ill with tuberculosis.

As for the KGB and the militia officers, I can say that all of them were either rude or tried to receive the necessary evidence by playing polite. But it is hard to describe their brutality: for the refusal to slander myself I was thrown into a damp and cold underground punishment cell; there were, for a strange reason, terrible, huge, yellow mosquitos which would sting you if you fall asleep; it was impossible to sleep there from cold and from these mosquitos; and also hunger was a torture. When I was released from that cell the overseers had to hold me by my arms since I was falling down from exhaustion. The one who placed me into the punishment cell was authorized KGB representative Vysotskyi.

In the next-door punishment cell there was held a teenaged boy, Seryozha by name. (Note of the Centre: it is forbidden by law to place minors into punishment cells.) He

would often cry. And sometimes he would shout: "I hate you all, Soviet skunks!" But no matter how you shout, nobody can hear you there . . .

Question: How and through which deportation prisons were you transported to the camp?

Answer: On January 7, 1977, I was taken from the Kaliningrad prison for transportation. I was put into a dark "voronok" (Black Maria—a special prison van—note of the Centre) with cells inside: you can hardly go in that tiny "box"-cage and then you suffocate in it all the way because the exhaust gas penetrates through the floor and makes you sick. Then, at the railway station (they do it during the night time so that people will not see the loading of prisoners) we were put into a special prison-car which looks from the outside like a mail-van. Inside it is divided into cages in each of which can normally sit 10 persons. But 25 of us women were shoved in one cage after which they pushed inside our belongings. Our bodies were flattened, we could not breathe; women began to swoon but they were not even given water. On the contrary, the convoy soldiers were laughing: "This is not a resort, is it?" Such was our journey: black bread, salty herring, two mugs of water per day, going to the toilet twice a day: in the morning and in the evening. When we tried to protest the convoy threatened: "If you shout we shall throw you to the thieves—they will make you quiet all right!" We certainly shut up: nobody wanted to be raped.

In our cage there were women with babies: these nursing mothers were with us in that cram, eating the same rusty herring with black bread. In such conditions we were going for two days and nights. In Yaroslavl we were detrained: machine-gunned soldiers and dogs met us women with nursing babies. We had been all arrested in the summer time, therefore we were wearing summer dresses, and here the frost was about 25-30 degrees (centigrade) below zero and the snow was covering the earth up to our knees. The convoy ordered: "Sit down in the snow!" We began to cry, the children were crying (many of them had fallen ill in the way) but we had to obey. Then they walked us to the local deportation prison and brought us, cold enough, into an unheated bathroom where they made us wash ourselves with ice-cold water: without such a "bath" we would not be allowed into the cells . . . Then we were taken into the cell, filthy, damp, with black walls. We asked for food but the answer was that we were not yet put on the list for that day. So we remained hungry until the next day, all of us, including nursing mothers. When finally food was given to us we saw that everything was rotten and stinking, so we had to eat stopping up our nostrils. We began to discuss among ourselves the idea of declaring a hunger strike to support our protest. But again we were taken to a train and again put into cages; this time there were 22 women in our cage, and again impossible to breathe; the transportation went on. We arrived in the town of Pskov. Again in the frost we were walked undressed to the prison, again to an unheated washroom; again overcrowded cells, crying children and stinking soup made of rotten, frozen potatoes and cabbage. From there, again by train, under the same conditions, we travelled to the city of Gorky. We were brought to the huge Gorky prison half-dead from exhaustion. This is a very large prison holding about 10,000 prisoners, while it is designed for only 5,000. It is located in a street to the left from Lenin Street, at the distance of approximately 800 meters from former palace of Queen Ekaterina II, right near the military garrison.

While there, I heard a lot of terrible stories about unjust convictions, about how people steal out of hunger, because their children at home have nothing to eat, about the taunts of the interrogators during the investigation period and how the court refuses to summon witnesses of defense. And I realized then that my own fate was not an exception, that I was not the only one to have been convicted innocently: I was surrounded by a mass of people with similar fates.

Question: What sort of camp was the one you were in?

Answer. The women's camp no. 43-62/2, to which I was brought, is located in the city of Gorky, approximately 5 bus stops past the auto plant, on the right side of the road (P.O. Box no. 41-A). It is located not far from the residential area; one can see the apartment houses and people around them. None of them pays any attention to the camp: they have gotten used to it. There are 3 zones in the camp: the living area—8 barracks, 1500 prisoners. The size of the barracks is approximately 300 sq.m. and approximately 150 women live in it. There are not enough plank-beds, and at night part of the women put plank boards on the floor and make up their bed on them. Two out of the eight barracks are new; 6 are old and rotten. They are damp and filthy inside, and at night rats freely walk along the bodies of the sleeping women. I heard that this camp is designed for 800 prisoners, while in fact there is twice this number of women in it, because all the camps for women are overcrowded.

There is also a dining barracks in the zone and auxiliary premises, such as medical department, administration rooms, laundry and wash-room. Besides, special premises for punishment cells are fenced out by barbed wire.

The second zone is the barrack for children. It is also fenced out with barbed wire, and mothers are let in by a guard.

The third zone is the work zone. This zone is also separated from the residential area, but in an addition there is a special guard's booth where you undergo a search going to and from work. The work zone has 8 barracks housing workships of a sewing factory. The machinery used at the factory is very old, often out of order; no safety measures whatsoever are being taken. And the working norms are almost impracticable: we had to work 12 hours without any breaks in order to try to fulfill the norm given for an 8-hour working day. I always worked on the night shift: from 3 o'clock in the morning till 3 o'clock in the afternoon (the factory works in two shifts of 12 hours each, although officially each shift lasts 8 hours). When we returned to the living zone after the work and wanted to rest, the overseers deliberately bothered us demanding either that we must go to another check-out or inviting us to clean the territory or to do some auxiliary work at the construction of new barracks (there without any payment we were unloading timber, digging ditches for future foundations, carrying sacks with cement, and many other similar things).

The conditions in the camp were as follows: it was forbidden to enter any barracks but your own; you had to go to the dining-room, to work and from work only in strict formation with your brigade; the same once a week to the laundry and once in ten days to the bath; it was forbidden to speak in any national language—only in Russian. The food in the dining-room: rotten soup of sour cabbage and porridge; there were absolutely no vegetables (I do not even mention fruit); there was no way to get somehow, to buy onions, apples, or any other vegetable or fruit. In the camp store one could only see soap, tooth-powder, envelopes, postal stamps, makhorka (a very bad sort of tobacco), cheap cigarettes, black bread, margarine, bad sorts of candies, sometimes a fruit-jam and canned fish. Neither meat nor fats were available.

We appealed to the camp commander Col. Vladimir Nikolayevich Korotkov asking him to improve food and life conditions. But he would always answer that this is a camp rather than a rest-house. My immediate commander was Capt. Angelina Alexandrovna Pichugina: she was the head of detachment no. 4 (all prisoners are divided into detachments). This woman was a sadist; she personally several times hounded women convicted for murder (there were such women in our camp) at me: several times they tried to strangle me at night; three times they beat me up in the barracks; at work they would throw heavy items trying to hit me on the head, and always they were shouting to me at such moments (apparently, on Pichugina's instructions—they would have never hit upon such an idea themselves): "We won't let you out alive to Israel, you unfinished Kike! "Numerous atrocities were committed in the camp also by the regime commander Capt. Valeryi Ilyichev: for a minor "violation" he and his overseers would drag the women to the punishment cell for 10-15 days. Regarded as "violations" are the following: failure to stand up when Capt. Ilyichev was passing by; going to the dining-room without your brigade; was seen praying; possessed an item of civilian clothes. It should be mentioned here that we were receiving for summer one striped dress (wide blue and white stripes) and for winter tarpaulin boots and jacket-windbreaker were added. On the breast of the dress and of the jacket we were obliged to wear numbers with our last names also written on them. For failure to have a number or if it was dirty, the women was sent to the punishment cell. No overalls for work were given to us.

Among the others, I also remember the inspector of the operative department Capt. Tukhmanova. This woman was also a sadist. She was even beaten up several times by the desperate women, although they all got additional terms of 2 or 3 years for this.

Special department of the camp is headed by Capt. Pechorskaya: she is the one who checks all the complaints of women-prisoners to higher authorities, and if they contain something against the camp administration she does not let them through.

There were several cases when our camp was visited by representatives of the local procurator's office and by some commissions, but all our appeals to them resulted inevitably in one and the same thing: those who dared to complain were then put into punishment cells.

All our correspondence was to go through the camp censorship; as a result, many letters disappeared, and letters from our families were quite often confiscated without any explanations. Very frequently, women were deprived of our camp "benefits," such as food parcels, the right to buy in the camp grocery store, visits with families, just by a mere report of an overseer saying: "The

prisoner entered into an argument with a representative of the administration." I was among those who were systematically deprived even of those minor rights. I served a term in the punishment cell for arguments at the political lectures. I was given 15 days for this "crime" in a damp, cold cell under the earth, with food—hardly warm soup—once in every two days. When I got out I was "thin, ringing and transperant", as the camp joke goes.

Another terrible torture in the camp was searches: again and again overseers go about the barracks and search prisoners and their beds. This is besides the regular daily searches when you go to and from work. Besides, there are two over-all searches which take place one or two days prior to the red-letter days of May 1 and November 7. Before these Soviet holidays the searches in the camp zone last the entire day after which prisoners, their beds and belongings are searched too. I do not even mention how it humiliates you; I just say how tiresome this is!

Question: You were deprived of visits with relatives; but what did other prisoners tell about their meetings with their families? What could you see yourself?

Answer: I could see that it was quite hard for other prisoners too to receive a visit with their relatives although they were entitled to get these accordingly to the law.

First of all, it should be remembered that visits are allowed only with immediate family and cannot be given with an unregistered husband or with a fiance. In order not to lose the right for such a visit with family the women-prisoners would work overtime and without payment and were always afraid to utter an extra word in the presence of the administration, and would even denounce the others in order to show their own loyalty. And after all this they would go to the meeting with their relatives and would return in tears: the relatives are subjected to a body-search before the meeting, they are humiliated and insulted in every way; the woman-prisoner is also searched before the meeting during which she is stripped naked and all the openings of her body are checked. No food is allowed to be taken to the zone after the visit; and the relatives, as a rule, bring something in the hope to support the health of the imprisoned woman, but they have to take everything back with them.

Question: What were the sanitary conditions in the camp?

Answer: It was dirty and insanitary to an awful extent; often times there was no water available; several times there were epidemics of typhus (spotted fever) in the camp because of lice. Using this as a pretext the administration would forcibly shave the heads of all women-prisoners in the camp.

Question: What was the physical state of women-prisoners and how often were cases of death among the women and children in your camp?

Answer: Many women reached the state of complete emaciation and dystrophia due to the insufficient nourishment and absolute absence of vitamins. In our barrack there lived women in the state of distrophia: Solovieva, Igonina, Erkina, Kozlovskaya. Two of them were quite old and almost could not walk; both of them—Igonina and Erkina—were Christain believers; in spite of their physical state they were forced to go to work and were even accused of simulation. No less than ten women in our barrack were extremely emaciated and reached the state of distrophia. Within 19 months, out of 140 women in our barrack 11 women died and 4 others hanged themselves being unable to withstand such life any longer. As for the children's barrack, out of 60–70 children 15 died within 8 months.

Question: Were there many invalids in your camp who had been injured at work?

Answer: There were many like this, although I do not know the exact number. What I remember is that in 1977, 15 women were returned to the camp out of those who worked convoyless in the punching shop of the Gorky Automobile Plant; all of the 15 women returned with either hands or fingers cut off. They told us that the punching preses were out of order and they were injured therefore.

Question: Was there a physician or a hospital in your camp?

Answer: There was a medical room with a doctor's assistant in it. If there was a case with high temperature the doctor's assistant could give a release from work and offer pills (although she did not have anything but aspirin). But if you happen to have toothache it is useless to ask for help; you may cry—there will be no dentist. If a woman-prisoner fell so ill that she could no longer get up she could be transported by a prison-van "voronock" to a prison-hospital also in Gorky. In that hospital there were chambers where the prisoners were laid up, and there were also doctors. But the women who had been there said: "It is better to die in the camp rather than to lie sick in such a hospital". Because there the sick are locked up in the chambers where they have to shout for help for a long time; there reign rudeness, heartlessness and practically, as prisoners say, "one gets crippled rather than cured" there. There are no necessary medications while to order them from the outside of prison or from abroad, as well as to invite a civilian doctor, is prohibited. My parents located me in the camp from abroad and tried to help me with medications but nothing from them reached me. However, I am very grateful to the "Red Cross" because due to their inquiries the camp administration began to fear me and stopped setting at me criminal-murderers.

Question: Among the women-prisoners were only criminal offenders or were there also women who had been charged with criminal articles but were in fact persecuted for political reasons?

Answer: First of all, it is incorrect to call all the imprisoned women criminals: among them there are many cashiers whose accounts had been found short, bookkeepers whose books showed errors, heads of stores whose stores showed shortages. Mostly, these are not professional criminals. One cannot hear their stories without tears: in one story the head of the store wanted to make love with the cashier; she refused and he began to pick at her until he found her account short. In another story the regional party bosses demanded free food from the store in which the woman worked; she would give it as long as she could and when she could not give any longer, they took revenge on her by fabricating a shortage in her store. Quite a few of the girls in the camp had been imprisoned for prostitution. Many of them were graduates of the children's homes where they had been taught depravity from childhood: their "tutors" would first make prostitutes out of them and then would set them up at such jobs where these girls could not even earn enough for bread. So they had either to sell their body or to steal from work. Both ways inevitably resulted in imprisonment. Beside these women, who were after all convicted for criminal acts, I have met women who had been sentenced to various camp terms for belief in God or for their participation in the Ukrainian or other national movements, or, as well as myself, for the desire to emigrate to Israel.

For instance, Galya Doroshenko of Odessa. She was a heroine in our camp, she always stood up for those who were offended by the administration for which she was persecuted by the latter. She had been imprisoned formally for negligence and in fact for the participation in the Ukrainian liberation movement. I remember how in August 1977, dozens of women in our camp were literally falling from emaciation and avitaminosis. And Doroshenko openly declared to the administration that they were deliberately killing us. Then Major Maria Nikolaevna Chukova and the regime commander Ilyichev told her: "We shall make you shut up!" After that murderers were set up against Doroshenko but they failed. Twice she was placed into underground punishment cell for no reasons whatsoever. She would refuse to go to the punishment cell and was dragged there by soldiers, with her arms twisted in manacles, with a gag in her mouth to prevent her from screaming out anti-Soviet slogans. The last time I saw her all in blood when she was being dragged by soldiers to the guard-house; she managed then to shout to us that she had been beaten up, her arm had been broken, that she had concussion of the brain and that they wanted to hide her in a mental hospital. Following this there were rumours in the camp that Doroshenko had been sent into mental prison-hospital and also that she was being kept on a special strict regime in the women's prison in Minsk.

There were also other women who had been imprisoned for noncriminal deeds: I remember a Tatar-woman, Zoya Timirgaleeva of Kazan, who wanted to return to her motherland, to the Crimea, from where she was repeatedly sent out by the authorities; finally she was sentenced to a long prison term for resistance to the authorities. I remember several women who had been convicted for their belief in God: they had arranged secret prayers in their homes because they do not recognize the official Soviet church. I do not remember the names of all of them, but I do remember the names of Evangelist Selezneva of Gorky, Erkina of Kaluga, the 70-year-old Igonina of Kaluga. I remember the Lithuanian woman Anna Drevenskene of Shaulai who had been convicted for a demonstration. There were many such cases, I have forgotten their names. I have more than once seen how crosses were torn off from the bodies of the believers, how prayers were confiscated from them. I remember a Baptist (if I am not mistaken, her name was Ioneva) from whom sheets with hand-written prayers were confiscated during a search. The overseers mocked at her, and although she cried and begged the prayers were not returned to her.

There was a Ukrainian woman in our camp, by name Nina Kotlyakova—she had been convicted for resistance to the authorities; at the time of arrest her 7-year-old son was taken away from her and she was deprived of parental rights because she was also accused of having taught religion to her child. Her boy got into a children's home for children of prisoners (my daughter was also in one of such homes). Once she received a letter from her son: "Mummy, how much I want to see you! Mummy, it is so very bad

here!" She was sobbing day and night over this letter and died of a heart attack.

One of the women who were in the camp with me was Liza Zamoshkina, born 1927, a Jewess from Oryol. She, like myself, received an invitation to Israel in 1974, after which a criminal case was fabricated against her at the place of her work (allegedly connected with getting an apartment illegally) and she was sentenced to 15 years of camps. She is an invalid of 2-nd category and she terribly suffers in the camp where she is made to work at general works 12 hours a day.

All in all, there were some 15 or 16 women in our camp who had been convicted in fact for religious or political matters.

Question. Were there any young girls in the camp?

Answer. Oh, certainly, there were many. Many of them were graduates of the children's homes who had been convicted for petty theft at the place of work.

Among them I remember Nina Gerasimova, an eighteen-year-old Russian girl of Bobruisk. She had been sentenced for stealing cigarettes from the tobacco factory. She told about her life in the factory hostel and how there wasn't even enough money for bread and there was nobody to ask for help because everybody around lived the same life. This Nina was extremely nervous, and when in the evening the "educator" would deliver her daily lecture about the happy life of people in the USSR, she would often jump up and shout: "We are sick and tired of your tales about the happy life, it is disgusting to hear them! As if I did not swell enough of hunger in the freedom, as if I did not sell myself enough for a piece of meat!"—and she would run out of the barrack. Afterwards she was always placed into the punishment cell for this.

Another girl, Nadya by her first name (I have forgotten her last name), a Ukrainian aged 18 or 19, announced once at the political hour: "I hate all of you communists, there is no life because of you!" Then this Nadya served a term in the punishment cell for this and she got out she found indian ink somewhere and made a tattoo on her body: "I hate the Soviet power, I hate Brezhnev!"—and she was taken away from our camp.

Question. Have you seen cases of brutality and sadism on the part of prison and camp commanders or on the part of the convoy?

Answer. In prisons and camps you can see brutality every day, you even get used to it. Let me start from minor things: after a 12-hour working day we prisoners were forced to sit at the political lessons where semi-literate "educators" were reading to us articles from Soviet newspapers. And we were sitting there hungry and could not walk out because this would result in punishment cells for us. And in the morning when we were still cold after the night spent in damp unheated barracks, we were forced to go out, no matter rain or snow, and to make physical exercises, while we, emaciated by awful nourishment, did not have the energy to move our feet.

I also remember a case, still in the prison of Kaliningrad, when we women of chamber no. 105 were taken out to wash the floor in the corridor with "box"-cells; we peeped in the peep-hole of one of the "boxes" and saw two officers in black robes beating up a young prisoner whose arms were tied and whose mouth was gagged with a rag. A physician in a white robe was present there. We got terribly frightened but continued to look. We managed to see that the beaten prisoner was in a sort of military uniform. They were beating him with rubber sticks and with feet. Then all the three of them walked out into the corridor, took off their robes and washed their hands: they were all in blood. I never learned anything else about that prisoner. But on another occasion, also while cleaning the prison, I saw 25 military men, but already without their shoulder-straps, who were brought into the quarantine of the prison; it was on December 31, 1976. Later on, I heard there had been some arrests in the local military garrison for non-fulfillment of orders.

Question. Under what conditions are kept in the camps nursing mothers and mothers with infants? How are children kept?

Answer. I have already mentioned that I had a chance to see women with children, often with nursing infants, during the transportation. I saw them eating the same rotten herring and damp black bread, their children crying sucking out no milk from the mothers' empty breasts; I could see the babies rot in the dirty rags substituting diapers (the mothers were not even allowed to go to the toilet to wash them); I could see children die of cold and other diseases without ever seeing a doctor.

When I arrived in the camp in Gorki, I saw a separately standing barrack fenced out of the camp zone with barbed wire; an overseer was standing at the entrance to the barrack: in it were kept (and are kept today too) babies of women-prisoners. There were 60 or 70 of them. They were taken care of by "nannies," as a rule wifes of overseers—in order to prevent spreading of the information about the children among the civilian. These "nannies" are either indifferent or feel hatred towards the prisoners and their children. They give exactly 15 minutes for nursing three times a day and ruthlessly urge the mothers out immediately after this, although the babies are crying in their wet diapers. The babies are not given enough to drink, they are carelessly given the additional nourishment part of which is being stolen by the "nannies". As a result, it is awful to see these children when they are let out in the walking yard surrounded with barbed wire. The children are yellow, pale, rickety, without a smile on their faces; they almost do not move—they stand in silence staring at their mothers who are crying or trying to smile to the kids through tears from behind the barbed fence. The children are dressed in identical suits made of coarse material. In winter these clothes do not keep them warm, therefore the mothers always tried to find some scraps at the sewing factories and sew some additional clothes for their children. And often times the only material available was the special striped one for prisoners, therefore the children were frequently dressed in suits or overalls made of striped camp material. In the beginning, for want of habit, I always cried looking at them and imagining my own girl who was somewhere in a children's home.

Standing near that fence, I myself many times heard how the heartless "nannies" shouted to the mothers-prisoners: "She first delivers them and then cries here!" I remember also such "soothing" statements in cases of child's death: "Why are you crying, you fool? Had not he died here, he would have any way died in the children's home—nothing but additional suffering. And if he does not die, he will grow to be a bandit—still worse for you." Women whose babies died in that barrack many times told in my presence that these "nannies"—overseers frankly say: "It is better if these degenerates die: otherwise they will grow into our enemies!" That's why it is no wonder that children die there every day.

In our camp there were many cases when mothers were not allowed to visit their sick children and were even mocked at: "What did you deliver him for?" I remember that once a young mother, an Osset from the town of Ordzhonikide, Khalilova by name, begged to be allowed to visit her sick son; she even declared a hunger-strike in support of her demand and did not go out to work. Instead, she was thrown into punishment cell. A few days later she was let out of the punishment cell to see her dead child. She sobbed so that all the women of the camp gathered around. But the overseers twisted her arms and walked her back to the punishment cell. When she was released from the punishment cell she broke the windows in the working room of major Chukova, deputy-commander of the camp in charge of political education; for this she was sentenced to additional two years of prison and taken to the prison of Minsk.

I have seen one woman who returned from the Minsk prison. She told that the chambers are overcrowded there; they are cold, damp, the food is rotten, and prisoners are forced to work in the same chambers 12 hours a day. She said that one can get out of that prison only as an invalid. She herself came with an open tuberculosis of the lungs. She told us that very many women die in the prison of Minsk.

I have seen many awful scenes: in my presence, during a transportation, the convoy-soldiers beat up a pregnant woman. They were beating her with their feet and she was screaming horribly. And we were kept under the machine-guns and could not stand up for her.

I remember that once a transport arrived in our camp from the so-called "chemistry", i.e. where convoyless women work at the construction-sites. It was in early spring, in April 1977, and the women were being transported together with their babies. All of the babies died on the way because there was no medical help. We asked major Chukova: "how can you allow such things?" And the answer was: "You should not have delivered them; prison is not the place to think of children!"

My 5-year-old daughter was sent, after my arrest, to a children's home for children of prisoners. After my release I hardly managed to find her and take back to me. She was intimidated, yellowish-pale and so emaciated that you could see through her. She would not tell anything about her past life, and when I tried to ask she only cried with horror in her eyes. The only details I got from her mentioned that there were 50 children in her bed-room, that she was always hungry and that their "educators" would beat them up every day. I stopped asking her, being afraid to evoke those terrible memories in her.

And many mothers-prisoners, after their children reach the age of two, have them taken away to special children's homes for children of prisoners where they fail to locate them after they get released from the camps; so their children are doomed to grow orphaned and their fate quite often brings them also to the camps . . .

Here our Centre finds it possible to stop the description of life of women and children in Soviet camps. The publication of this work happened to coincide in time with the International Year of the Child an-

nounced by the UNO, one of those members is the USSR.●

RECOGNITION FOR COMMUNITY SERVICE

● Mr. WILSON. Mr. President, today I wish to enter into the RECORD a brief recognition for an outstanding community leader from my state, Mr. Robert J. Mayer.

For the past year, Bob Mayer has served his community as chairman of the board of the Western Los Angeles Regional Chamber of Commerce. That people are willing to take an active part in the betterment of their community and the country is something I greatly respect, admire, and feel should be given recognition.

Bob has shown the unselfish dedication necessary to shape and build communities which are ideal for individuals and families to prosper.

Bob not only helps shape the future with his involvement with the chamber, but also in his private business. He has been in the continuous practice of architecture, planning, and design since 1946. He has been involved in all phases of architecture, planning, and design, which includes shopping centers, master planning, banks, theaters, restaurants, office buildings, medical buildings, retail store planning and design, industrial, naval housing, libraries, schools, low-cost housing, high-rise apartments, showrooms, and office interiors.

Therefore, it is most appropriate that our friend and great community leader, Bob Mayer, is being honored at the chamber's annual installation of officers event on June 17.●

REPEAL OF WITHHOLDING OF TAX FROM INTEREST AND DIVIDENDS

Mr. BYRD. Mr. President, I ask that the Senate proceed to the first reading of H.R. 2973. I have notified the majority leader about this.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

An act (H.R. 2973) to repeal the withholding of tax from interest and dividends.

Mr. BYRD. I ask that the Presiding Officer proceed to the second reading of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. I object.

The PRESIDING OFFICER. Objection is heard.

Objection having been heard to the second reading on the same legislative day, the bill will remain at the desk pending second reading on the next legislative day.

RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. I inquire of the minority leader if he has further business tonight.

Mr. BYRD. No, I do not. I thank the distinguished majority leader.

Mr. BAKER. Mr. President, in view of that, I move, in accordance with the order previously entered, that the Senate stand in recess until 10:30 a.m. tomorrow morning.

The motion was agreed to, and the Senate, at 11:56 p.m., recessed until Friday, May 20, 1983, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 19, 1983:

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John J. Murphy [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. James E. Light, Jr., [redacted] FR, U.S. Air Force.

EXTENSIONS OF REMARKS

THE DECADE OF DISABLED PERSONS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. WALGREN. Mr. Speaker, I am pleased to cosponsor House Concurrent Resolution 39 asking the President of the United States to recognize the next 10 years as the "Decade of Disabled Persons." Already, the United Nations General Assembly has promoted a similar theme which in addition to recognizing disabled persons, will encourage them to participate in national and community life. Still, much must be done to open doors to the full participation and equality of disabled persons throughout the world. The United States can recognize this need by strengthening public understanding and awareness of the needs and aspirations of disabled persons.

The Decade of Disabled Persons will encourage organizations and individuals to promote long term goals for the disabled. Designating the next 10 years as the Decade of Disabled Persons will continue the work begun in the 1981 International Year of Disabled Persons and hopefully will help maintain the momentum of the last few years.

In connection with this, I am pleased that the House Energy and Commerce Committee incorporated into the NIH reauthorization bill, H.R. 2350, my bill (H.R. 1552) to authorize funds for research into spinal cord regeneration. I hope the House Appropriations Committee will provide sufficient funds in the 1983 appropriations bill. On May 9, I testified before the Appropriations Subcommittee on Labor, Health and Human Services and Education on the need to adequately fund this effort. For people between the ages of 1 and 44, trauma is the leading cause of death.

Each year, car accidents, sports injuries, and other misfortunes paralyze innocent victims. The majority of these victims are young, often between the ages of 15 and 25 years. In the past, these victims faced little or no hope of improvement. Doctors, lawyers, families, and friends considered a spinal cord injury permanent. There have been many new research advances in recent years. While progress has occurred, more research and faster results must take place to help people walk again.

The United States has a commitment to equality for all men and women. By declaring the next 10 years the Decade of the Disabled, we will continue to insure this right to all persons. I hope the Congress will give attention to this important bill.●

TOXIC WASTE AND CORPORATE VOLUNTARISM

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. FLORIO. Mr. Speaker, diminishing the role of Government and encouraging volunteerism are key tenets of the administration.

An editorial in the current issue of Forbes by Malcolm S. Forbes, the magazine's editor in chief, strongly suggests that corporations apply the administration's philosophy to hazardous waste.

Mr. Forbes' prescription for voluntary corporate cleanup actions would certainly diminish the need for Government intervention in this area. His suggestion that the business community profit from developing technologies to deal with hazardous waste so that it does not endanger public health and the environment is also commendable.

The editorial follows:

[From Forbes, May 23, 1983]

FACT AND COMMENT

(By Malcolm S. Forbes, Editor in Chief)

Managements who disposed/dispose of toxic wastes, dangerously should have the book thrown at them. If those top managements are still around who did it, or are doing the same still, their boards of directors should throw them out, as they did the toxic wastes.

It's hard to conceive that such giant corporations as those majors in chemicals didn't long ago tackle the whole waste problem and wrestle it to the point of solution.

They and other corporations had to be aware—long before an aroused public was—that there was no way to sweep the problem under the rug for long, i.e., into the streams and porous ground around.

Who better could come up, in their research and development programs, with ways of detoxifying the toxic, of encapsulating what can't be made to go harmlessly away?

What a fantastic new business opportunity for those who can, or have, or will come up with the least expensive solutions. The problem has been around long enough, the needs are great enough that the potential for profit in a solution, vis-à-vis the cost of ducking a solution, is huge.

It's beyond understanding that top management would not meet the problem head-on, instead of, as in some current instances, waiting around to be bludgeoned, albeit belatedly.●

TVA'S 50TH ANNIVERSARY

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. GORE. Mr. Speaker, 50 years ago Franklin Roosevelt, the Congress, and the Nation saw the Tennessee Valley as a potential unfulfilled region. From its infancy the agency has aspired to be the Nation's yardstick, through innovation, prospective research, and development.

When the energy crisis disrupted the Nation's energy markets, TVA was not left out. TVA fought even harder to outthink and outplan the future. Disagreement arose and mistakes were made, but TVA is coming out of its adolescence with the hope of renewed strength.

President Carter's admonition to TVA to become a leader in conservation has inspired one of the world's largest savings of energy. TVA has come a long way from the days of promoting boundless use of electricity.

TVA can no longer depend on hydropower and cheap fossil fuels to provide cheap electricity. The cost of adding on those last few megawatts of power has become phenominally expensive. Good sense has brought the Nation to realize that saving that last watt saves more than your average watt's worth. TVA is a leader.

TVA's home insulation program has helped consumers reduce their power consumption by providing free home energy surveys and long terms, no interest loans for installing insulation. Almost 600,000 surveys have been performed and about 360,000 homes have been weatherized under the program, resulting in an annual savings of more than 1 billion kilowatt-hours.

About 3,000 customers took advantage of TVA's solar water heater financing and inspection program. Solar water heaters can save up to 80 percent of the electricity used by conventional electric water heaters. A similar program for wood heater installations promises additional energy savings.

TVA conducted more than 36,000 surveys for the installation of energy saving heat pumps. If the customer's house was insulated to TVA standards, financing for the heat pumps and installation inspection were available. A

total of 19,000 heat pumps were installed, representing an energy saving of about 70 million kilowatt-hours.

In addition to these energy savings measures, TVA started the TVA solar homes for the valley project in 1979. The project encourages the use of passive, nonmechanical solar features in conventionally built homes. Thirty-five homes were designed and built to demonstrate the practical and efficient use of these solar designs.

To help make solar homes available at a moderate price, TVA promoted passive solar technology in modular homes through the solar modular homes project, started in 1980. The program offers technical and financial assistance to modular home manufacturers.

In 1981, TVA started the energy saver home program which assists valley homebuilders in developing a construction package that includes conservation features and solar options.

Other conservation efforts aim to shift commerical power consumption to offpeak hours, when supplement power loads cost power systems the most.

TVA is also fulfilling its reponsibilities by reaching out to the economically disadvantaged. Conservation programs such as the insulation programs now show 39 percent of their beneficiaries as low-income, compared to 9.4 percent prior to 1980.

Research and development offers the prospect of advances in energy conservation, and TVA is a leader here, too.

TVA is the first electric utility to operate an atomspheric fluidized bed combustion coal plant. TVA will use the 20-megawatt plant at the Shawnee steam plant to demonstrate this new coal burning process, which is more environmentally acceptable than conventional coal-fired plants.

TVA is experimenting with a 1-acre solar pond. By testing the technical and economic feasibility of its use, a reliable heat source for industry may be found.

The agency is working with communities to find ways to produce energy from the more than 5.8 million tons of garbage produced in the region annually. The valley's garbage represents the energy equivalent of 9 million barrels of crude oil. In this effort, TVA entered a cooperative project with the Sumner County, Tenn., Resources Authority to build a solid waste cogeneration facility, which can process 150 tons of waste per day—the equivalent of 235 barrels of oil—and provide electricity and steam for industrial uses.

TVA is continuing its research and testing of electric vehicles in an effort that may help the Nation further reduce its dependence on imported oil.

The same spirit of cooperation and dedication that helped form the agency can help carry it over the obstacles to its progress that lie ahead. Sticking to the principles of natural and human resource development that have helped move the Tennessee Valley region forward over the last 50 years will mean continued growth.

I commend TVA for its first 50 years and join in the hope for an even brighter future.●

AMERICAN INDIAN DAY

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. DASCHLE. Mr. Speaker, May 13 was American Indian Day. Congress was not in session that day, and so I will make my comments now in special recognition of American Indians.

Despite the grim realities of high unemployment and other circumstances related to poverty, there is a spiritual strength, a strength which is the essence of Indian people. It is a spirit which endures through both good and bad times. It is the source of hope for the Indian nation.

It used to be official Federal policy to attempt to eradicate Indian culture and have Indian people dissolve into European lifestyles. Federal policies banning the speaking of Indian language and the practice of certain religious ceremonies are not as far in the past as most people might think. It has only been in the past 20 years that observance of some traditional religious ceremonies, such as the Sun Dance, has been able to be openly celebrated among Sioux people.

Education was once a major vehicle used to suppress Indian culture. It is now, because of the perseverence of Indian people, serving the opposite purpose. Federal education programs, among all Indian programs, are the most decentralized and have the highest level of Indian control. The result is better education and education which builds on native cultures.

Native languages are now being taught and preserved. The strong emphasis on teaching Lakota in the schools is, for example, a relatively new initiative. Lakota language contains many connotations which cannot easily be translated into English. The language serves, therefore, as a teacher and reinforcer of cultural concepts, that is, the primacy of family and the increased value of a person to society as he or she ages.

There are two Indian education efforts I would like to highlight—Title IV of the Indian Education Act and the tribally controlled community colleges. Title IV, which was signed into law in 1974, provides assistance to public schools in the training of Indian teachers and the development of courses designed for Indian students. Title IV is a major help in South Dakota. Not only are Indian students provided better education but the presence of native American courses and activities is educational for non-Indian students and community members as well.

I have particular praise for the people associated with the tribally controlled community colleges and for the support given these institutions by the Indian tribes. The oldest of the 18 tribal colleges (5 of which serve South Dakota) is only about 10 years. The success of these schools—whether it be in terms of academic excellence, development of courses, community involvement, high employment rate among their graduates—is the result of the determination and sacrifice of people committed to quality Indian education. These schools were begun, and are still operating, under very difficult economic circumstances. I would like to take this opportunity to once again urge my colleagues to vote for passage of the reauthorization of the Tribally Controlled Community College Act. This bill, H.R. 2307, will soon be on the House floor.

The American Indian Freedom of Religion Act, signed into law in 1978, is testimony to the fact that Indian people, unlike minorities who came to this country seeking rights, have had to wage a battle to preserve their rights. The American Indian Freedom of Religion Act requires that Federal agencies evaluate their policies with regard to their impact on the practice of Native religions, and requires that we do not impede those practices. There have been some disagreements over the implementation of this law in specific cases, but it is, nevertheless, a good law because it makes the Federal Government conscious of and accountable for its polices vis-a-vis religious freedom of Indian people. Because of the land-based nature of Indian religions and beliefs regarding reburial of Indian remains, cultural resource management policies on Federal lands are particularly important. Some agencies are making adjustments in order to have more consistent enforcement procedures and to more fully comply with the American Indian Freedom of Religion Act. Once again, it is Indian people, who have, by their pressure for passage of the American Indian Freedom of Religion Act and by their use of that law, forced institutions and individuals to gain a better knowledge of and grant rightful accommodation for Indian religious beliefs and practices. The education is not completed, but rather is a continual process.

As the Congressman for South Dakota which includes approximately 50,000 Lakota and Dakota people representing 9 tribes, one of my most important and cherished experiences is

the ongoing education I am receiving about Lakota-Dakota culture. I will not gloss over what we all know are strains in Indian-white relations, but I do feel that a major part of the answer for improving this situation is for non-Indian people to be more interested in and more knowledgeable about, Indian history and culture. We need to appreciate and learn from Indian concepts of a land-based society and our relationship to nature, of sharing and of providing for future generations. We need to understand the history, particularly the history of the relationship between the Federal Government and Indian nations which is largely responsible for the economic conditions and legal disputes and uncertainties which exist today. With that understanding and by drawing of strength from each other, we will be able to more constructively address our problems, and all our lives will be enriched for it.●

EXTENSION OF REMARKS, CONGRESSMAN BILL NICHOLS, MAY 18, 1983

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. NICHOLS. Mr. Speaker, in recent weeks this body has debated the merits of a variety of defense programs. Consistently the subject of the host country's participation has surfaced and too often it is noted that American presence in many locations is not enthusiastically endorsed by our host allies.

Let me say that this is not always the case.

For a moment I would like to highlight the very successful combined defense improvement projects (CDIP) program provided by United States and Korean Forces in the Republic of Korea.

Operational since the Korean conflict, the CDIP is an example of how U.S. forces overseas can be supported when a host nation is willing and eager to support joint defense missions. In the case of the CDIP project in Korea, our allies assist the U.S. troops in missions such as joint ammunition handling, terminal service, ground service support, and transportation. This joint effort saves the American military millions of dollars annually.

In addition, our allies are also concerned about the welfare of the American troops stationed there. The Korean Government recently completed a project of building 1,085 family housing units for the U.S. Force personnel at a cost of $44.3 million. This new housing is leased to the U.S. Forces at or below operating costs.

Further, direct assistance to troops stationed in Korea includes a waiver of the value-added taxes, preferred electricity rates, and lease-free real estate.

At a time when the strength of our overseas alliances are coming into question, I feel obligated to highlight the contributions of our allies. The Republic of Korea has demonstrated through the combined defense improvement projects and other programs, its strong support for the U.S. commitment.●

DEFENSE SPENDING: II

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 18, 1983, into the CONGRESSIONAL RECORD:

DEFENSE SPENDING: II

The 98th Congress will make some of the most critical decisions on defense spending in recent history. The federal outlays at stake may determine the pattern of defense costs—as well as the size of government deficits—for the next decade. There are steps that Congress and the President should take now to reduce the risk of large deficits and guard against competition for defense resources.

First, Congress and the President should work closely together to identify the procurement programs most essential to rebuild our armed forces. So far, President Reagan has refused to indicate any weapon programs which might be cut back or dropped altogether, and Congress will also be reluctant to cut defense given the political pressures it is under. President Reagan must compromise and work with Congress to determine which spending cuts will achieve long-term savings without harming our national security.

Second, there is growing evidence that the Reagan Administration set aside insufficient funds to operate and repair all the weapons that have been ordered. In the fall of 1982, the Congressional Budget Office estimated that it will cost 41% more to operate a battalion of new M-1 Tanks than it did to operate a battalion of old M-60A1 Tanks. The Army's estimate was 17% more. Congress must insist upon more realistic calculations of the future costs of operations and maintenance.

Third, Congress must work toward consistent spending for defense. Instead of retreating to our "stop-and-go" funding patterns of the past, we must set a course of slow, steady growth in support of weapon modernization and readiness improvement programs. For effective national security planning and practice, there should never be a crash buildup. We must strive for predictable, affordable growth which will keep us ready from year to year, decade to decade, far into the future.

Much of American industry stood by helplessly over the last few decades as the third and fourth years of our five-year defense plans failed to materialize. This failure confuses our defense industries and gives them little incentive to invest in plants and train their skilled labor force. Public support eroded during previous military buildups because of the view that large amounts of money were being spent rapidly and wastefully without any real increase in security. We must moderate our approach to improving our military, lest the consensus for defense vanish and public opinion force us to fall further behind than we were just two years ago.

Fourth, we must be more "output-oriented" in evaluating how much we spend on defense. While bigger defense budgets are psychologically satisfying, they are ultimately judged on their contribution to overall national security, including economic health. When a defense buildup weakens the economy, it does not serve our national security interests as fully as it might. This connection is fundamental: without a strong economy, there can be no genuinely strong defense effort.

There is every indication that Congress is becoming more interested in burgeoning defense costs and their effect on our armed forces. The "congressional military reform caucus", a loose association of legislators concerned about overall military capability and performance, is the clearest evidence of this interest. Although most of them favor spending more to improve national security, the military reformers put more stress on the need for "smarter" defense spending.

Among other things, the military reformers are critical of complex weapon systems which may not be suited to the chaos of battle. They also argue for realistic military exercises and more training. While they have not yet given Congress clear guidance as to the spending levels needed to achieve our defense goals, the military reformers have nonetheless provided Congress with alternate ways to analyze defense policy. Most members of Congress expect to hear more from them on an ever wider variety of military topics.

It is sound politics and sound public policy to insist that without a dire, immediate threat of war, the defense budget should share whatever constraints are placed on government spending in general. My view is that we should continue with the buildup, but not go so far as to stifle a badly needed economic recovery.

National security is an admittedly complex concept. It is hard to measure, but there is certainly more to it than aggregate levels of defense expenditures. A loss of economic power in the world would detract almost as much from American influence abroad as a decline in military power. A strong, vibrant economy is the flagship of any great world power. We would do well to see that ours remains seaworthy.

Increases in defense outlays in many areas are overdue. We must improve the combat readiness of our conventional forces as we remove the maintenance backlog in our shipyards and aircraft repair depots. Our strategic nuclear forces require attention as well. But the preferred way to improve national defense is to moderate the Reagan program and avoid a crash effort which might shock the economy, stall the recovery, and waste limited military resources.

If we see that war is imminent, then we should spare nothing to arm ourselves as quickly as we can. If, however, we see that war is possible but not really imminent, then slow, steady growth in defense expenditures over an extended period of time is a far better course. It will show the Soviets that we are committed to making our economy strong and to improving our military so that it can respond with overwhelming force

should the necessity to mobilize for war arise.●

HOUSTON: THE BEST OF THE WEST

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. FIELDS. Mr. Speaker, with the 1983 school year rapidly drawing to a close, the American people will soon begin the ritual of planning for their annual summer vacations.

This year, I would urge every American to add the city of Houston to their list of prospective vacation stops and to come enjoy the hospitality of our great city.

While I am certainly biased, since my family has lived in the Houston metropolitan area since 1860, I truly believe Houston is a unique city which offers a traveler many opportunities to visit spectacular and memorable sites.

With this in mind, I am submitting for the RECORD a recent article that appeared in the May issue of the Courier entitled "Houston: The Best of the West." I would urge my colleagues to not only read this fine article but to encourage their constituents to have a once-in-a-lifetime vacation by visiting Houston, Tex.

The text of the article follows:

[From the NTA Courier, May 1983]

HOUSTON: THE BEST OF THE WEST

DYNAMIC HOUSTON OFFERS CONVENTIONGOERS A KALEIDOSCOPE OF ATTRACTIONS AND ENTERTAINMENT

(By Jim Wiseman)

Perhaps it could only happen with a town like Houston.

What's that, you ask? Well, with most cities, it's easy to know where to start in dscribing their attributes. With Houston, the acknowledged "Golden Buckle of the Sunbelt," it's almost impossible to know where to begin. Houston has a multitude of stars in its galaxy of attractions, and all seem to be vying for top billing.

Need proof? Consider this list, for starters:

Houston is one of the fastest growing of all cities, almost doubling in size since 1960, and now the fifth largest in the United States.

Houston is the Energy Capital of the World, hands down. It made the wonderful discovery several years ago that oil sat beneath it on all sides.

Houston is the busiest seaport in the nation.

Houston is the country's space capital. It was the jumping-off point for all those ventures to the lunar surface way back when.

Houston has recently been the Convention Capital of the World, boasting the biggest trade show and the biggest convention ever.

Houston may be the legitimate Medical Capital of the World, owing to the fact that nowhere is more concentrated medical research being done than at the vast Texas Medical Center.

THE "URBAN COWBOY"

Get the picture? More about the details later. And remember that we have not yet mentioned some of the most attractive items. Such as chili. Or Gilley's, the famous Western "hangout" that helped spawn the hit movie "Urban Cowboy." And what about cowboy hats, probably the most obvious symbol of Houston and Texas in general.

Put it all together and it's easy to see why Houston is such a premiere destination point for travelers. And NTA members who haven't had the pleasure of viewing firsthand the City of Tomorrow will soon get their chance. Remember that the NTA 1983 Convention is only a little more than six months away.

When NTA visitors arrive, they'll be welcomed by a city that has developed a thriving tourist trade. In 1981, Houston hosted the Construction Equipment Exposition (Con-Expo) that was the largest in the world. Later the same year, Houston was the site for the Offshore Technology Conference and its 100,000 delegates. That was the largest convention ever. All told, Houston hosted nearly a million delegates at 668 conventions during the year, making it one of the top four convention cities in the country.

"CITY OF DESTINY"

Houston may not have always been big and booming, but the city was founded on big dreams. In fact, Houston has long been called "The City of Destiny."

It began in the 1830's when Augustus and John Allen, two adventurous brothers from New York City, decided it would be a nice place to build a town. The site was selected because it was the farthest point inland that was reachable by small flat-bottomed boats. While others did not see the potential of a thriving seaport when they looked at the site, the Allen's did. And they advertised their dream, insisting in the ads that Houston was a world trade center.

And sure enough, it happened. By 1914 engineers had completed the Houston Ship Channel and the Houston Turning Basin. Houston now handles in the neighborhood of 6,000 ships per year from 200 steamship lines.

Perhaps it was only natural that, judging from its success with boats, Houston was chosen as the base of another mode of transportation—outer space vehicles. The moon flights are long gone, but Houston is still Space City.

Try to visit the Johnson Space Center when in Houston. It includes Mission Control, the guiding light for America's current space shuttle flights. Also, you can walk through a history of America's space history. A self-guided tour is available that allows the visitor to encounter Mission Stimulation, the Space Shuttle Orbiter Mockup, and the integration Laboratory. Walking around, you can almost hear those familiar words from the moon: "Come in Houston . . ."

LUNAR VACATION

Houston was so devoted to space exploration that they formed Tranquility Park, named after that loverly lunar vacation site. The park, which commemorates the various Apollo flights, is something to see. It features a fountain that stretches for two city blocks and involves 32 levels. The fountain also has rising towers resembling rockets. Also, note the landscaped lunar and solar mounds.

Ever wonder why important people are always rushed to Houston when they're suffering from poor health? Visit the Texas Medical Center and wonder no more. It's a 225-acre tract, and it includes more than 20 major inpatient hospitals, medical schools and research facilities. Although the leaders of the world get the publicity, the Medical Center's overwhelming majority of patients includes average Americans.

The Medical Center is just one example of Houston's penchant for thinking big. Say something can't be done and someone in Houston is likely to try and prove you wrong. Note the Astrodome. With domed stadiums scattered around the country now, it's easy to forget that the granddaddy of them all was the Astrodome. Built nearly 20 years ago, it quickly gained the label of "The Eighth Wonder of the World" when completed.

THE ASTRODOMAIN

The massive, air-conditioned home of the baseball Astros and the football Oilers is really just part of the even-larger Astrodomain, a huge complex that includes the Astrohall, the largest, one-level air-conditioned convention facility in the country. Coupled with the Houston Civic Center, Astrohall is the destination point for all those conventioneers.

But, again, Houston is not one to rest on its laurels. Recognizing that they have not fully tapped the convention market, Houston's city fathers are currently moving toward construction of a THIRD convention complex, one that might mean an extra 700,000 delegates annually. Hold onto your hats.

All those visitors, of course, want a taste of the Western life when they come. They want to experience Texas with a capital T, complete with all the Western garb, dancing, and food. Suffice it to say that hardly anyone leaves disappointed on that score.

If Western is what you want, Houston can give it to you. Hundreds of Western-wear shops will give you ample opportunity to look like a bona fide Texan, and the city's nearly 6,000 restaurants give you plenty of chances to satisfy your hunger for food with a Mexican tang. The "Texas Two-Step" can be seen nightly on the dance floors of the town's nightspots, and some of those same places have one of the best challenges of the 80's. The Mechanical Bull. If you're desperate for more Western adventure, venture out to an armadillo race.

INNOVATIVE THEATER

But Western culture is not the only thing that Houston offers up for entertainment. The Houston Ballet has been labeled one of the nation's best, and the Houston Grand Opera, along with the Houston Symphony, has equally vocal supporters. Another worthwhile stop would be the Nina Vance Alley Theater, which has gained a national reputation recently as an innovative showplace.

Perhaps the best way to get a true feel for Houston's burgeoning energy and accent on growth is to take a stroll through the downtown area. Most of the buildings are new, and most go straight up to dizzying heights. Many critics have compared Houston's skyline favorably with New York's in terms of interest and variety.

The latest additions is the tallest—the 75-story Texas Commerce Tower. But it won't be the tallest for long, which isn't surprising, given Houston's verve. An 82-story Art Deco Office Tower is planned that will be the tallest building anywhere outside of New York or Chicago.

Many of the city's 99 hotels are located downtown, contributing about 30,000 rooms to visitors. Also downtown is the lovely Post Oak Galleria area, which features a three-story atrium mall. It was modeled by Gerald P. Hines, Houston's most distinguished developer, after the Galleria in Milan. If you like to shop, you'll like the shopping at the Galleria.

HOUSTON: 556 SQUARE MILES

Once downtown, you might notice how the streets seem to be exceptionally wide. Perhaps, it's necessary, because those streets help dispense traffic to about 450 miles of freeway. If that seems like a LOT of freeway, keep in mind that the Houston area sprawls across some 556 square miles of space.

Although Houston cannot claim any world-renowned event of historical significance, its history does include much that is important to Texans. The area is rich in regional history and legend. Just a few miles from the business district stands the San Jacinto Monument, the world's tallest monumental column, capped off by a star 570 feet from the ground. It marks the site where Texas won its independence from Mexico. Also on that site is a museum that gives the visitor the complete Texas story from Indian Civilization to statehood.

Sadly, very little now remains of Houston's old commercial section, except for a small area around Old Market Square. This was the site of longhorn cattle drives, caravans of oxen carrying cotton to waiting barges, saloons, and an opera house. Believe it or not, Houston had 50-plus saloons and an opera house before it built a church.

1800'S TRADING POST

Some of Market Square has been saved, however. Still there is the oldest commercial structure, an Indian trading post dating back to the early 1800's. Those who take the time to visit will be struck by the contrast between the trading post and the modern skyscrapers that stand nearby. The contrast might be the perfect symbol of Houston—from lonely outpost to husky cityscape in a very short time.

Another historical site of much interest, Allen's Landing, is located nearby. It's a city park that marks the spot where the Allen brothers got off their boat called "The Laura" and named the new town for their hero of Texan Independence, venerable old Sam himself.

When shopping downtown, visitors can use the three-plus miles of underground tunnel or skywalk system. What's the purpose? Those who have been to Houston in the sultry summer months can answer that question fast—they're AIR CONDITIONED! Thermometer readings in the summer often creep past the 100 degree mark. The result is the most air-conditioned city in the country. (Houston spends more on power for air conditioning each year than the gross national product of 30 countries!) Visitors to the NTA convention in November shouldn't have to worry about hot weather, fortunately.

For more information on Houston, contact the Greater Houston Convention and Visitors Council. The phone number is 713-523-5050.●

BASING OF THE MX

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. GORE. Mr. Speaker, one of the most important issues we will be facing this Congress is the Scowcroft Commission report on the basing of the MX. I would like to commend to the attention of my colleagues three articles on this matter that I thought were especially insightful. I hope that my colleagues will reflect carefully on these articles as they deliberate on this critical issue.

The articles follow:

[From the Washington Post, May 16, 1983]

Rx FOR MX

An authentically national policy on strategic arms may be taking shape. This rare prospect follows from President Reagan's decision to reverse course and to try to take the politics out of key nuclear questions by submitting them to the consensus-seeking ways of the Scowcroft Commission.

Many in Congress feared that Mr. Reagan would pick and choose among the commission's recommendations and use them simply to renew his earlier single-minded pursuit of the controversial MX missile. But in recent days he has gone far to show he is accepting the commission's recommendations in the compromise spirit in which they were offered. As a result Congress is starting to swallow what it considered the least palatable part of the Scowcroft package, the MX.

Mr. Reagan now agrees to review his position at the START talks with the Russians in order to make it conform with the commission's emphasis on shifting the land-based part of the American nuclear deterrent over time from big multi-warhead missiles to small single-warhead missiles designed to be more secure and less threatening. To this end, he promises to put the single-warhead missile program into high gear, as the Scowcroft panel urged.

In addition, Mr. Reagan is showing himself openminded at the least to two other promising ideas arising in Congress. The first is to propose to Moscow a negotiated agreement on a "build-down"—retiring two old nuclear weapons for each new one deployed. Some such formula linking arms control and force modernization has high political and substantive appeal.

The second congressional idea is to set up what is in effect a permanent Scowcroft-type public commission "to provide advice and continuity" on strategic issues, as Mr. Reagan put it last Wednesday in carefully granting "merit" to the idea. The success of the Scowcroft commission, which went out of business with its report, has given powerful impetus to the idea of making such a body a regular part of the Washington furniture.

Mr. Reagan's immediate purpose in making these gestures to Congress and his critics is plain: to win support for the MX, a weapon he continues to regard as vital for both security and bargaining reasons. Even here, however, he has edged back a bit in evident response to congressional and public concern. The figure of 100 MXs is no longer front and center in the President's statements; now he would adjust the level of MX deployment to "Soviet strategic programs and arms reductions agreements." With conciliatory moves like these, it would have been surprising, and disappointing, if key committees in both houses were not going along with him toward the new MX package.

[From the New York Times, May 13, 1983]

MX AND ARMS CONTROL

(By Tom Wicker)

President Reagan has begun to get what he wanted from the report of the Scowcroft commission—new movement toward development of the MX missile. But the MX still is a long way from being deployed, and Mr. Reagan had to give Congress several important pledges that may yet mean it never will be:

He promised that a review of his strategic arms reduction proposals would result in the modifications necessary "to reflect the commission's approach"—that is, to seek arms control restraints on numbers of warheads rather than numbers of launchers.

He gave about as strong a commitment as a President can that he would "undertake a major effort to bring the proposal of a small single-warhead ICBM to fruition on a high-priority basis."

He recognized that the "overall level" of MX deployment "will be influenced by Soviet strategic programs and arms reduction agreements."

His letter containing these statements influenced a House subcommittee to clear $560 million in blocked funds for MX testing and development. But the other aspects of the letter far outweigh this advance for what many arms control authorities consider an unnecessary, even dangerous missile—particularly when, as Mr. Reagan recognized, Congress still has numerous future opportunities to kill or minimize the MX program.

First, the modifications in his negotiating approach that the President promised are aimed, he wrote, at "the attainment of stability at the lowest level of forces." That seems a far cry from his former insistence on "deep cuts" that, in practice, demanded more sacrifice from the Soviet Union than from the United States. The new language suggests that a more generalized stability between the superpowers—rather than specific numbers of missiles and warheads for each, as Mr. Reagan originally proposed—has become his primary goal.

But a huge, immobile, multi-warhead missile like the MX doesn't fit well with that redefined goal. The single-warhead, mobile missile the Scowcroft commission recommended and the President promises to develop will be relatively invulnerable, and will not pose a "first-strike" threat against Soviet hard targets. Neither of these statements is true of the MX, which with its 10 warheads would be both a tempting target *for* the Russians and a perceived threat *to* them. That would make it doubly destabilizing.

Second, a shift to negotiated limits on warheads rather than launchers similarly outdates the MX, because heavy "MIRVed" missiles, with their multiple warheads, make sense only when limits on launchers put a premium on the number of independently targeted warheads each side can deploy on a single missile.

Finally, Mr. Reagan's recognition that Soviet actions, both in weapons development and strategic arms negotiations, would affect MX deployment may well mean that

that missile has become little more than a bargaining chip. If the Soviet Union moves in the same direction as the United States—toward less vulnerable and less threatening single-warhead missiles, and to limited numbers of warheads over all—the MX would almost have to be abandoned, or its numbers reduced or the numbers of warheads on each missile cut back.

In fact, the most useful role the MX can play may be to pose a theoretical future threat to the Soviet Union's huge MIRVed missiles, on which its nuclear forces primarily depend. A recent study of Soviet approaches to arms control prepared for the Carnegie Endowment for International Peace concluded that the Russians may already have begun to worry about land-based missile vulnerability, "in light of their huge investment" in such missiles.

It was those heavy Soviet missiles and their possible threat to the United States' land-based deterrent that caused the Scowcroft commission to recommend the shift to single-warhead missiles. So if the United States appears to be going ahead with the MX, the Soviet Union too may see the necessity for a turn toward smaller, less vulnerable single-warhead missiles.

President Reagan might even be able to convert the Scowcroft report into a modified arms control proposal. He could offer only a limited MX deployment—perhaps even fewer than the 100 recommended by the commission—in return for a balancing limitation on a Soviet MIRVed missile, together with an agreement that any future ICBM on either side be a mobile, single-warhead missile. That approach could be coupled with any reductions in existing forces or limits on warheads that the two powers could negotiate.

An arrangement of that kind would leave to the future the intricate questions of limits on sea-launched, cruise and intermediate-range missiles, as well as the overall nuclear balance. But it would open the door to less threatening and less vulnerable land-based deterrent forces on both sides, a useful step that might also help dispel the atmosphere of acrimony and distrust that now clouds the negotiations.

[From the Christian Science Monitor, May 3, 1983]

HOW CONGRESS CAN MAKE GOOD USE OF THE MX REPORT

(By Antonia Handler Chayes)

The report of the President's Commission on Strategic Forces (Scowcroft commission) has attempted a healing job in developing a plan to unify fragmented constituencies that exist today. The report tries to save face and save money while avoiding embarrassment for the United States at the bargaining table with the Soviets.

It offers an integrated plan, made up of three major elements that are, in its terms, inseparable:

100 MXs in Minuteman silos.

Engineering design of a small single-warhead missile and the evaluation of a variety of potentially survivable basing modes for its deployment in the 1990s.

A transition to an arms-control position of "equal levels of warheads of roughly equivalent yield", and a move away from counting launchers, as was done in SALT I, SALT II, and currently in START.

It has two additional elements:

Continuation of current strategic modernization programs.

A program to resolve uncertainties about hardening silos and shelters.

The commission has emphasized that this is an integrated package and no element can be taken alone or eliminated. Arms control is an inseparable element of the report, and the commission urges that the US negotiating stance move toward the control of warheads rather than launchers. The report should have made clearer the essential premise that if the United States fails to conclude a satisfactory strategic arms-control treaty, it will not achieve adequate stability.

While small, single-warhead missiles, because they present less attractive targets than a larger, MIRVed missile, arguably move in the direction of stability, no deployment in the US could be open-ended and remain politically acceptable. Yet, without agreed constraints, there is no reason to believe that the Soviets would exercise unilateral restraint and build fewer warheads than needed to destroy all of the US missiles.

Perhaps we will find a solution to vulnerable basing by mobility, deception, shelter hardness, or some combination. But we have failed up to now, not because of lack of technical ingenuity, but because we are an open society and the secrecy and restrictions needed to conceal thousands of missiles is very difficult to obtain. On the other hand, a lower number of small missiles, limited by treaty, presents a more promising deployment task.

The commission's strongest argument for MX is related to arms control. It is not a military argument so much as one of perception. The report argues that program cancellation would indicate both to the Soviets and our allies that we lack resolve. Conversely, proceeding with MX, it argues, will put pressure on the Soviets to reach a more satisfactory START agreement.

In this way, the commission tries to reconcile the apparent inconsistency of reducing vulnerability by shifting away from MIRVed missiles to a small missile and, at the same time, deploying 100 larger, 10-warhead missiles in place of the Minuteman missile, whose largest version has only three. One commission member has stated that the MX, without the other elements of the Scowcroft report, was a "dead end."

How is a congressman going to provide assurance that by voting for 100 MXs now, the country will obtain the whole package plan and particularly the arms-control segment? For, as indicated, without the stability that an agreement provides, the new deployments may be useless at best, and destabilizing at worst, for the Soviets are likely to match and surpass whatever the US does.

This has not been an administration whose zeal for arms control is noteworthy. Even our European allies have demanded the assurance of a "two-track" system; of arms-control efforts accompanying deployment of intermediate-range nuclear weapons.

Congress could demand its two-track system in one of several ways. It could require, as part of the legislation, that before deployment funds can be released the President must certify, in a detailed report to Congress at periodic intervals, the nature of its good-faith efforts in START talks, and that despite such efforts substantial progress is not being made. This would not make the MX program hostage to the Soviets—quite the contrary, it would make whatever pressure on them that MX theoretically exerts quite concrete.

Or a similar device could be developed whereby Congress would approve increments of MX deployment, say 10 or 20 missiles at each certification, thus putting pressure on the Soviets to move swiftly to a mutually satisfactory treaty in order to keep the number of MX deployed as low as possible

Or the submission of SALT II for ratification might be required as a trade-off for approval of the Scowcroft commission report. As unlikely as this is politically, it has the advantage of setting a framework for further negotiations. It would also serve to perpetuate the counting rules and verification procedures, and continue the Standing Consultative Committee to resolve ambiguities, all of which have no legal status in strategic arms limitation today, because the interim agreement expired and Salt II was never ratified.

What Congress should not do is to set out a specific arms-control position, however sound it may seem, as a prerequisite to the other elements of the Scowcroft report. The point is that Congress should find some device that locks in the arms-control element, and puts pressure on both US negotiators and the Soviets to reach satisfactory agreement. Congress should not be content with merely the hope that arms-control progress will evolve along the lines of the Scowcroft report.

(Antonia Handler Chayes was Under Secretary of the Air Force with a major responsibility for MX development during the Carter administration.)●

TO PARAPHRASE LENIN: "WHAT IS TO BE DONE," TO DEFUND THE LEFT?

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. McDONALD. Mr. Speaker, it was the second father of modern communism who once wrote the text on how to bring about Communist reality throughout the world. That second father was Lenin and his book was titled "What Is To Be Done."

The modern disciple of Lenin has somewhat re-written the text, but the aim is the same. It is to utilize the public trough or the taxpayers' pocket to fund literally, total control over how this Nation will be run. They tie up over half this Nation allegedly in the cause of the environment; they murder millions of the unborn, a sacrilege against the law of God and man; they fund the media to the open advocacy of homosexuality, communism, socialism, and sending media representatives to the capital of North Vietnam while our boys were dying in South Vietnam. Much more could be added and have been in the last few days in this CONGRESSIONAL RECORD.

Thanks immeasurably to the April 1983 issue of Conservative Digest, quite a bit of this financing of the destruction of the American way of life, has been exposed.

And what to do about it all? The answer to this is simple. More Ameri-

cans are going to have to be informed as to what is going on. The average taxpayer is fed up with some $40 billion per year going to fund his or her own demise. The word has to be passed.

A simple remedy is found in the following articles from the April 1983 issue of Conservative Digest. One is titled, "Conservatives Must Pressure Reagan To Defund The Left." The other is titled, "Defunding The Left: The Reagan Years." And let my colleagues ask their conscience, could not this annual expenditure of $40 billion be better spent on defending this Nation or giving it back to those who have earned it, your and my constituents. Articles follow:

CONSERVATIVES MUST PRESSURE REAGAN TO DEFUND THE LEFT

(By Gary Maloney)

SOME TAX MONEY CUT, BUT ADVOCACY GROUPS STILL GET MILLIONS

"The Office of Management and Budget will press ahead with new regulations prohibiting the use of federal tax dollars for the purposes of political advocacy."—President Ronald Reagan, February 18, 1983.

When the President made this promise to the Conservative Political Action Conference in Washington, there were more than a few conservatives surprised to hear it.

It wasn't that the subject was new. For months, many in the audience had been trying to convince Reagan's advisers of the problem.

But now President Reagan himself has spoken publicly on the matter, and his will was made clear—stop funding political activities with taxpayer dollars.

The campaign to defund the left has come a long way. But the Reagan administration has plenty of work to do before the problem is solved.

Throughout 1982 and early 1983, politically active organizations—from labor unions to Planned Parenthood and environmentalists—received tens of billions of taxpayer dollars with few strings attached.

And, for the moment, President Reagan's promised OMB regulations are back on the drawing board, following Budget Director David Stockman's decision in early March to withdraw the first draft.

The administration has chosen to write regulations to apply throughout the government and issue them in a White House edict. This is politically wise, considering the strength of liberal pressure groups with Democratic and even Republican leaders on Capitol Hill; it's unlikely Congress would pass a "defund" bill.

Whether the OMB regulations are enforceable is another matter, given bureaucratic resistance to any interference with the prevailing Washington buddy system. Many conservatives—including Howard Phillips, the leading expert on the defund-the-left issue—think ending giveaway grant programs is the only effective solution.

Still, all agree that a regulatory clamp is better than the present practice of no checks or balances on the grants. And so the task has fallen on attorney Michael Horowitz, OMB's general counsel, to write the promised regulations.

After several months of consulting with conservatives and representatives of major grant-giving agencies, Horowitz on January 24, 1983 produced the now-famous revisions to Circular A-122, "Cost Principles for Non-Profit Organizations."

There was no fanfare, no tipoff to the press or Congress that a major move was in the works. "Horowitz did it just right, without clearance with outside types," said one administration official. "It just appeared in the Federal Register like every other regulation."

In brief, the regulations would have:

Banned the use of tax-paid facilities and equipment for political purposes;

Banned use of tax money for paying salaries of political advocates and lobbyists;

Banned use of federal dollars to pay dues of trade associations and other lobbying groups;

Banned use of tax money for rent or depreciation on facilities used more than 5 percent for political advocacy.

Political activities by grantees or contractors were not prohibited—the regulations merely ensured that taxpayers would not pay for those activities.

Washington's liberal lobbies were enraged. They moved immediately to spark opposition to the regulations from liberals in Congress and the entire lobbying community.

Independent Sector, part of the ultraliberal Common Cause organization, warned its members:

"In a move intended for entirely different purposes, the Reagan administration has issued proposed changes . . . which would, in effect, virtually end public advocacy efforts by most nonprofit groups that receive federal funds . . .

"Contact your Congresspersons and Senators now, explain the potential effects of the circular on your organization, and urge them to in turn contact the president and OMB, asking them to withdraw the circular."

Ironically, in its August 1981 issue, Common Cause's own magazine criticized government funding of lobbyists—but only those working with the Pentagon, not social-activists groups. (Conservative Digest's position, and that of the conservative movement in general, is to end all funding for lobbyists.)

According to the Washington Post, OMB received letters from 171 House members protesting the proposed regulations. Liberal groups made up the bulk of protesters, of course, but organizations as unlikely as the Girl Scouts of America and the U.S. Chamber of Commerce also lodged complaints.

Why, Because the regulations proposed on January 24 were, if anything, too effective and broad in their sweep. An OMB aide explains: "Even a phone call between a grantee and a government agency could be ground for disallowing a major funded program. For instance, the American Heart Association consults with the Federal Emergency Management Agency on the distribution of blood in emergencies.

"Those talks affect 'government policy,' and are prohibited under the January 24 regulations. This clearly has nothing to do with political advocacy."

The January 24 proposed regulations were withdrawn by OMB, and are presently being rewritten by the agency to correct these problems.

The effectiveness of OMB's proposed regulations, and the administration's commitment to defunding all political advocacy, has been called into question by some New Right conservatives. They see the withdrawal of the January 24 regulations as another sign of administration weakening on conservative issues.

While the President is committed to stopping tax-funded political advocacy, according to conservatives in the administration, the united support of all conservatives will be necessary for success. Divisiveness over minor points could doom the President's efforts.

Down in the trenches of federal agencies and departments—where the battle to defund political advocacy is being fought—OMB's proposed regulations are a sign of hope. Yet, this marks only the beginning of larger war.

Among the challenges remaining:

Congress—Elected officials pass spending programs and promptly forget about them. By abdicating responsibility to the unelected bureaucracy, Congress allows special interests to feed off taxpayers through government grants.

Solution: Congress must vigorously exercise its oversight prerogative for government programs.

Bureaucracy—Ronald Reagan won a mandate for change in 1980. Washington's bureaucratic establishment has a permanent, self-granted mandate—maintain the status quo, and protect established programs and agencies. If that means defying the elected administration, so be it.

Solution: Reagan appointees must seize control of the agencies and departments. James Watt at Interior and Tom Pauken at ACTION are excellent examples of Reaganites in control. No dollar should flow to outside organizations without expressed approval by a Reagan appointee enforcing the law against funding political advocacy.

Voters—The people are still largely unaware of where their money goes. They do not hold their elected officials responsible for political fraud, waste and abuse in grant programs. To many people, "Budget cuts" are merely another term for "human misery."

Solution: The truth about political use of tax dollars must be allowed to prevail.

DEFUNDING THE LEFT: THE REAGAN YEARS

November 1980 to January 1981. After Ronald Reagan's landslide victory over Jimmy Carter, liberal bureaucrats frantically dispense tens of millions of dollars in grants to left-wing groups. Major grants go to Planned Parenthood and many labor unions.

January 20, 1981. Ronald Reagan, America's first conservative president, is inaugurated.

January 20 to September 30, 1981. During the remainder of Fiscal Year 1981, Carter holdovers and establishment Republicans allow millions of dollars in grant money to continue flowing to left-wing groups. Major grants to the NOW Legal Defense and Education Fund, the U.S. Student Association, and many environmentalist groups.

November 13, 1981. The Republican-controlled Senate votes to re-fund the Legal Services Corporation. (The Democratic House passed funding legislation on June 18.) Over $275 million continues flowing into activist political lobbying groups.

March 1982. Conservative Caucus Director Howard Phillips meets with Reagan administration officials, including presidential counselor Edwin Meese III, briefing them on the extent of government funding of political groups.

April 6, 1982. Conservative Digest publishes a special 56-page issue, "How Washington Funds the Left." A Washington news conference announces the creation of the "Committee of One Hundred to Defund the

Left." (Later, the group is renamed the Fairness Committee.)

Throughout April and May 1982, reporters and columnists examine government funding of political advocacy, with near-unanimous agreement: this is a major problem costing Americans hundreds of millions of dollars each year.

April 24, 1982. Budget director David Stockman sends a memo from the White House to all agencies and departments reiterating federal law—no appropriated money can be used to lobby the government, and lobbying groups may not receive funding. Stockman's memo is a prelude to new government-wide regulations to be developed by the Office of Management and Budget (OMB).

April 26, 1982. The liberal Washington Post publishes an editorial praising Conservative Digest for "raising some difficult questions that thoughtful people of right, left and center should ponder" about funding political advocacy.

May 1982. The Department of Education (DoEd) hires the Conservative Caucus Foundation's Susan Phillips as a top-level consultant. Her research on funding the left greatly aided CD's investigation.

May 1982 to January 1983. Over a 9-month period, OMB general counsel Michael Horowitz meets informally with several agency and department representatives. They discuss how best to end funding political advocacy, using OMB regulations.

January 24, 1983. OMB publishes revisions to Circular A-122 in the Federal Register. A 45-day "public comment" period begins, after which the regulations may be finalized and put into effect.

February 18, 1983. President Reagan promises the Conservative Political Action Conference that OMB will press ahead and prohibit tax-funded political advocacy.

March 1983. OMB withdraws the January 24 proposals for rewriting, promising to submit modified regulations in the near future.

March 23, 1983. Howard Phillips and the Conservative Causus propose new regulations, an Executive Order and model legislation to end funding for political advocacy.●

HOUSE JOINT RESOLUTION 168: "NATIONAL TOURISM WEEK"

HON. HARRY M. REID

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. REID. Mr. Speaker, I rise in support of House Joint Resolution 168, a joint resolution of Congress designating the week beginning May 29, 1983, as "National Tourism Week." As a member of the Steering Committee of the Congressional Travel and Tourism Caucus and the Representative in the House for southern Nevada, I am pleased and proud to be an original cosponsor of this worthwhile proposal.

Tourism is Nevada's largest employer, providing jobs to more than 121,000 people in the hotel, gaming, and recreation industries. About one of every five working Nevadans has a job in the service industry. Tourists spend more than $3 billion in Nevada each year. Aside from the favorable and essential role tourism plays in my State, it is the third-ranking industry in the country. In fact, tourism is the leading industry in 18 States and ranks second in another 15.

Tourism is vital to the Nation's economic well-being. Americans spend billions of dollars each year on recreational and leisure activities. During 1982, more than 21 million international travelers visited the United States, spending more than $12 billion. Despite an increase in unemployment generally, tourism employment growth stood at 16 percent of all new jobs in 1981.

By calling upon the President to issue a proclamation designating the week beginning May 29 as "National Tourism Week," we will call attention to the importance of this vital and growing industry.

Thank you for your support.●

JEWISH CENTERS ASSOCIATION CELEBRATES 40TH ANNIVERSARY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. WAXMAN. Mr. Speaker, on April 1, 1983, the Jewish Centers Association celebrated its 40th anniversary. Jewish Centers Association is a nonprofit community organization that provides educational, social, recreational, and cultural services to people of all ages in the Los Angeles community. In all, more than 1 million people have benefited from the many programs JCA sponsors.

Jewish Centers Association is responsive to the changing needs and requirements of the community and has geared its programs to several distinct groups in the community most in need of support and services. For example, JCA was one of the first agencies to establish a senior citizen activities program designed to meet the social, informational, and health awareness needs of seniors.

In the area of child services, Jewish Centers Association is known for outstanding work and its programs serve as models for the entire community. JCA operates six nursery schools, and in its licensed child care services program, children are picked up from school and brought to a JCA center for extended day care until parents return from work. Jewish Centers Association has an extensive summer program operating 11 summer day camps and a variety of resident camping programs—all meeting the highest standards of care.

To meet the challenge of single parenting, Jewish Centers Association has recently begun to serve the needs of single adults and single-parent families, providing a network of services including child care, counseling, and the means by which singles can connect with each other.

Jewish Centers Association staff have performed with a sense of commitment that has been a tribute to the organization and to the Jewish community as a whole.

I ask the Members to join me in congratulating Jewish Centers Association for four decades of service to the Los Angeles community.●

TRIBUTE TO ROBERT C. "BOBBY" MITCHELL

HON. WALTER E. FOUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. FAUNTROY. Mr. Speaker, Mr. Speaker, I want to take this opportunity to honor and congratulate Robert C. "Bobby" Mitchell. Just prior to the Washington Redskins' victory in Super Bowl XVII, Bobby Mitchell was elected to the National Football League Hall of Fame. Recently, the District of Columbia City Council celebrated and recognized Bobby Mitchell's achievements. What follows is the text of the City Council's resolution.

ROBERT C. "BOBBY" MITCHELL RECOGNITION RESOLUTION OF 1983

Whereas, Robert C. "Bobby" Mitchell began his National Football League career with the Cleveland Browns in 1958;

Whereas, Robert C. "Bobby" Mitchell at left halfback paired with Jim Brown at right halfback for 4 seasons;

Whereas, Robert C. "Bobby" Mitchell joined the Washington Redskins in 1962 as a receiver;

Whereas, Robert C. "Bobby" Mitchell was the 1st Black to star with the Washington Redskins;

Whereas, Robert C. "Bobby" Mitchell totalled 2,735 yards rushing and caught 521 passes for 7,953 yards in his 11 years with the Washington Redskins and Cleveland Browns;

Whereas, Robert C. "Bobby" Mitchell holds Redskins' records for the most passes caught in a season (1,436); and the most yards gained in a regular season game (218);

Whereas, Robert C. "Bobby" Mitchell was a 4-time Pro Bowl selectee;

Whereas, Robert C. "Bobby" Mitchell holds the 2nd highest all-time record of 14,078 yards gained in a career;

Whereas, Robert C. "Bobby" Mitchell retired in 1968;

Whereas, Robert C. "Bobby" Mitchell continues in the Burgundy and Gold as an assistant general manager; and

Whereas, Robert C. "Bobby" Mitchell was elected to tyhe National Football League Hall of Fame on the eve of the Washington Redskins' victory at Super Bowl XVII.

Resolved by the Council of the District of Columbia, that this resolution may be cited as the "Robert C. "Bobby" Mitchell Recognition Resolution of 1983".

SEC. 2. The Council of the District of Columbia further recognizes the outstanding

contributions Robert C. "Bobby" Mitchell has made to Professional Football.●

KING HUSSEIN'S VIEW ON THE MIDDLE EAST

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. RAHALL. Mr. Speaker, I would like to bring to the attention of my colleagues a speech by His Majesty King Hussein of Jordan, presented by his brother, His Royal Highness Crown Prince Hassan, to the National Association of Arab Americans 11th Annual Convention recently here in Washington. The question of Jordan's participation in peace negotiations in the Middle East has been a controversial one lately and I feel that the remarks of King Hussein will help clarify the Jordanian position.

The message by His Majesty King Hussein follows:

MESSAGE BY HIS MAJESTY KING HUSSEIN OF THE HASHEMITE KINGDOM OF JORDAN, CONVEYED BY HIS ROYAL HIGHNESS, CROWN PRINCE HASSAN TO THE ANNUAL CONVENTION OF THE NATIONAL ASSOCIATION OF ARAB AMERICANS, MAY 14, 1983

Ladies and Gentlemen, I believe it appropriate at this annual convention of the National Association of Arab Americans to speak of what is an odious phenomenon that affects you, Arab Americans, as much as it concerns us in the Arab World at home. It is that of the stereotype; a bland dictionary definition which is a "standardized conception or image invested with special meaning". More often than not, it has other connotations, such as characteristics attributed to a group of people, portraying them as repugnant or unworthy.

I am here to say that you should take pride in your cultural background. You must be as conscious of your ancestors in their countries of origin in the Arab World as you are of being American nationals. Your forebears carried the torch of a glorious civilization to the four corners of the world in the same manner as Americans raised the torch of liberty and led the world in the field of technology and know-how.

The Arab Nation today may be weak, divided and quarrelsome, yet a cursory look through the pages of history will indicate the contribution Arabs have made to human civilization in sciences and the arts. We, in Jordan, have watched the birth and development of the National Association of Arab Americans with expectation. We indeed feel privileged to have supported this movement from its early beginnings.

The odium of cultural victimization cannot be easily resolved, yet it is less complex than that of the political stereotype. Arabs have, in general, been labelled as 'war mongers' for too long. Ironically, Jordan, and I personally, have recently been singled out as 'obstacles to peace'. What is not appreciated, particularly where it matters—in the corridors of power—is that for the last sixteen years, a fundamental reversal of roles has transformed the nature of the Arab-Israeli conflict.

It is a fair assertion that the road from Khartoum, the venue of the Arab Summit Conference in 1967, to Khalde, one of the sites of the recent negotiations in Lebanon, has been littered with opportunities, missed largely due to Israeli intransigence. Over the central issue of the Palestine question, it is the Israeli Premier, Mr. Begin, and not President Nasser's successors in Egypt, who stands firm on the three No's: No recognition; No negotiations and No peace. It is the Israeli Premier, and not I, who vehemently opposed and rejected the Reagan peace initiative of September 1982, and even accused his fellow countrymen of treason were they to consider it as the basis for Middle East peace.

It is after sixteen years and two more wars, in 1973 and 1982, that the cornerstone for the peace we all seek remains United Nations Resolution 242. I contributed directly to the formulation of that resolution, which was confirmed in the disengagement agreements of 1974 between Egypt, Syria and Israel respectively.

United Nations Resolution 338, which called for the disengagement in 1973, was based on 242, the spirit of which should have been reaffirmed in words and deeds in the Camp David Accords and President Reagan's initiative. Israel has flaunted every provision of Resolution 242.

Under the provisions of 242 and 338, Israel was offered recognition and security within its own borders. The Arabs, in return, sought the restoration of occupied territories, including Arab Jerusalem. Israel refused to comply. The peace treaty with Egypt in 1979 did lead to the evacuation of Israeli troops from Sinai, but its formulation and implementation over the last four years has been a step back from the provisions of United Nations resolutions which called for a comprehensive settlement.

We had no quarrel with the statement made by President Sadat in the Knesset in 1977, but the Egypt-first approach adopted at Camp David has seriously damaged the expectations of comprehensive peace. The strategic balance was shifted in favour of Israel as a direct result of the neutralization of Egypt. A triumphant Israel, consolidating its role of policeman in the Middle East, has sapped Arab political will to act constructively; to the detriment of American-Arab friendship and interests. Israel leaders claimed, sixteen years ago, that they did not covet one foot of Arab territory. Today they dominate the West Bank, employing vestitive biblical arguments to claim it as an exclusive and integral part of historic Israel. They may, no doubt, evolve similar claims to Gaza and the Golan Heights, and if withdrawal is thwarted again, Southern Lebanon may become the 'North Bank' of the Jordan. Israel's apologists cannot continue to reiterate Israel's desire to live in peace with its Arab neighbours; they disregard the fact that by military annexation, Israel refuses to co-exist on anything short of its own terms.

It is not a mere coincidence that while the Arabs were engaged in energetic efforts to evolve a peace formula, which crystallized in the Fez Peace Plan, Israel chose to seek peace in Galilee by going to war in Lebanon. The objective, inter alia, was to shatter the emerging Arab peace consensus. The Israeli public has been stricken by doubts on the validity, as well as the morality, of this protracted campaign.

We, in Jordan, believe that the spirit of the Reagan initiative and the Fez Peace Plan, offers the broad delineations within which a just and lasting settlement must be found. I, for my part, welcomed the Reagan proposals from the very outset and wanted to see them evolve and develop. They were not perfect, but marked a refreshing change and injected a new impetus into the peace process.

We welcome and appreciate the President's perception of the Palestine question as 'the root cause' of the conflict. We noted with keen interest his interpretation of the Camp David provisions on the status of the West Bank and Gaza Strip, to be essentially part of the Arab patrimony. The omission of a link between Israel's security needs and the recognition of Arab legitimate rights in Palestine was unfortunate. Although the President called for a freeze on the construction of settlements and demographic movement in the areas under Israeli occupation, the Palestinian people are concerned that he did not reaffirm the illegality of acquisitionof territory by force.

While keeping ur Jordanian-Palestinian family aware of the time constraint caused by rapid changes i the occupied territories, I have tried to attract international attention to the plight of the Palestinian people. An essential dialogue with the PLO was embarked on, in accordance with their role as the sole ;legitimate representative of the Palestinian people—determined by the Rabat Summit of 1974.

Our goal is plainly and simply the restoration of Arab rights in Arab lands ocupied in June 1967. Our Palestinian interlocuters are also concerned about the future status of the occupied terriories, to have been predetermined by the Reagan plan as self-government linked to Jordan. I led the sevennation committer, set up in the wake of the Fez Summit, to four of the capitals of the five permanent member states of the United Nations Security Council and personally visited Washington, to inform them of the Arab consensus on a peaceful settlement. I have earnestly striven, with Arab support, to establish a Jordanian-Palestinian accomodation, having been assured y the Israelis that decisive measures are undertaken to make the Presiden's approach serious and effective.

While the administration in Washington anticipated our positive response, the Arab World felt outraged by increasing Israeli intransigence and provocation. The Soviets, feeling excluded from the peace process, made their opposition known. Moderate Arab opinion felt intimidated and was further dismayed by the outcome of the Palestine National Council meeting at Algiers.

In the meantime, it appeared as though aggression has been rewarded and modernation punished, when a House of representatives Foreign Affairs Sub-Committee voted to make future arms sales to Jordan contingent on our willingness to join the Camp David peace negotiations and to grant diplomatic recognition to Israel. While American assistance to Jordan, for fiscal year 1983, is about $100 million, the same Sub-Committee added $365 million to President Reagan's request for $2.55 billion in economic and military aid to Israel for the same year. These measures have undermined the peace-making process initiated by the President.

Gradually, the Jordan-PLO dialogue has lost its momentum. My faith in the President's resolve and his unquestionable good intentions remains strong. I believe the administration concurs that the United states should not initiate a policy which it cannot implement. The risks are too high and the repercussions are extremely dangerous; for what is at stake is American credibility, not

just in the Middle East, but throughout the world. The recent visit by Secretary of State Shultz to the area is a clear indication that the President intends to persevere in spite of the difficulties encountered so far. Though our joint efforts have been thwarted for the time being, it should go without saying that our commitment to peace with dignity is paramount.

Israel's quest for power and dominance in our region seems boundless. A hardline Israeli security concept and strategy for the eighties is based not simply on the destruction of the corporate nature of the Arab people of Palestine, but also on the fragmentation of the Arab Nation into ineffectual warring tribes of ethnic and religious-sectarian groupings. As a descendant of the leader of the Great Arab Revolt, I shall continue to endeavour to preserve Arab unity, as you must do in your own ranks.

Ladies and Gentlemen, You are familiar with the slogan, "Jordan is Palestine". Today, the Palestinians want their own homeland. Zionist extremists are offering them Jordan as an alternative. Is it not strange that the Palestinians are not making that demand, but the Zionists are? Of course, that is because the Palestinians have a country of their own, which cannot be confused with Jordan.

The advertisements which have recently appeared in some of the leading American papers may be dismissed as a mere contrivance and a gimmick, but for their sinister implication. The claim has no substance in history or law. Indeed, it contradicts earlier assertions that there were no Palestinians; the people were 'southern Syrian', we were told. Today, we are told these are Palestinians, and their rights to self-determination should be exercised in Jordan. It is a perculiar kind of logic that led Zionist spokesmen to such conclusions. Germany has been able to settle 20 million refugees, but Germany remains Germany. I am not going to hazard a guess as to the millions the United States has absorbed over the years, but I believe the United States is still the United States—unless you know otherwise.

It is rather a serious matter. In history, Jordan has always been distinct from Palestine. We border the Jordan Rift Valley, the longest of its kind in the world, and geology, if nothing else, dictates that it is the Western and not the Eastern Bank that is Palestine.

In law, Jordan was excluded from the provisions of the Balfour Declaration, almost as soon as hostilities were terminated at the end of the Great War. At the peace conference, Zionist lobbying for the inclusion of parts of Jordan and Southern Lebanon, on economic grounds, within the boundaries of Palestine, was rejected. It was at the same conference in 1919 that my great-uncle Faisal I called for self-determination in Palestine.

Our association with Palestine is deep and long. The Palestinians are as aware of the fact that our destinies have been intertwined, as we are. In 1950, the unity of the two Banks of the Jordan came about as a result of the exercise of the right of self-determination by the Palestinians, and the integratin of two distinct entities, to make up the State. The Jordanian Parliament, representing both Banks, made it clear that union did not mean the relinquishment of existing Arab rights and claims in Palestine. In the wake of the 1967 occupation of Arab territories, the right of self-determination has been denied tothe Palestinians by Israel. It is noteworthy that Israeli leaders have proposed the alternative homeland slogan in reaction to international recognition of Palestinian rights, although Israel did not dissent from the declaration on general principles of international law adopted by the General Assembly in 1970, without vote. We are deeply commited to a peace process that would recognize legitimate Palestinian rights to their own homeland.

Time is running extremely short. The situation is growing ever more desperate. The physical and demographic changes introduced by the Israel authorities in the occupies areas threaten the very existence of the Palestinian people there. The mood of desperation must be redressed. The world has to recognize that the principal constituency that needs immediate protection is those Palestinians under Israeli occupation. We seek your assistance, Americans of all political persuasions, to make an unequivocal commitment to a broader peace process. Our vital interests will have to be defended whereby extremists are unable to dictate the future course of events. Our region is threatened by strident populist radicalism of various dhades of political opinion.

We shall continue our effort in the search for a just and lasting settlement in the Middle East. It must be a comprehensive peace, so that the energies of all the parties concerned, particularly the Palestinians, could be directed towards creative endeavours. A resolution of the Lebanese question, important as it is, should not be the end, but the means, to an overall settlement of the Arab-Israeli conflict.

We believe the time is opportune and the climnate precipitous for such a settlement. However, Israelis must abandon their siege mentality and accept to live in the region as partners, and not overlords or masters.

We call upon you to reach out to all decent Americans for the establishment of a peace lobby. We need a constituency—a bipartisan body—as advocated by former Presidents Gerald Ford and Jimmy Carter, and for which President Reagan has indicated the way to promote and support peace moves, rather than fan the flames of constant war. A peace constituency cannot evolve without a factual representation of the dangers that beset our Near East region. In this pursuit, I urge all concerned members of Congress and the Senate to visit Jordan, to acquaint themselves with the facts, and to interact in sharing the joint responsibility we bear in making a lasting Middle Eastern peace a reality. Time is of the essence, and I trust, Ladies and Gentlemen, that this invitation can be accepted and acted upon with the sense of urgency with which it has been extended.

Jordan is forworld peace, without which none of us can hope for prosperity or a better standard of living for our peoples. Our vision of the resourceful people in the Middle East, the cradle of civilization, contributing fully to human betterment, has yet to be dimmed.

We belong to the pragmatic school of our forebars, which in no way dilutes our idealism or dedication to the cause in which we believe. Of the present and the future, our basic aim is summarized in the words of Franklin roosevelt to the representatives of the first United Nations Conference (on Food and Agriculture, in 1943):

". . . It is to build for ourselves, for all men, a world in which each individual human being shall have the opportunity to live out his life in peace; to work productively, earning at least enough for his actual needs and those of his family; to associate with the friends of his chiice; to think and worship freely; and to die secure in the knowledge that his children and their children, shall have the same opportunity."

We count on you, the National Association of Arab Americans, to act as a link; a cultural bridge, between the Arab World and the United States, to promote and articulate the vital intersests of your country, the United States, in our part of the globe. You should acquaint and familiarize the great American public, which is world-known for its love and appreciation of justice and liberty, wity our tangible hopes and aspirations, so as to obtain a settlement which preserves the dignity of man.

Thank you.●

BERTRAM BERNS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. MINETA. Mr. Speaker, I rise today in order to join those paying tribute to a truly outstanding citizen, Mr. Bertram Berns. A lifelong resident of San Jose, Bert has served his community for 20 years as the cantor of Temple Emanu-El.

In a few days, Bert is going to retire, and to recognize Bert on that occasion, Temple Emanu-El will present Bert with the temple's greatest honor, the prestigious Tzedek award.

I should note, Mr. Speaker, that Bert's career has been extraordinary. For two decades, Bert labored not for money—but from love.

Bert Berns is by profession an attorney, and a prominent one at that, for he is a past treasurer of the Santa Clara County Bar Association. Yet, even as he carried the burden of a full law practice, Bert always found time for the temple and its congregation. In addition to serving as cantor, Bert also contributed time as a member of the temple's board of directors, as chairman of the temple's social action committee and as chairman of the Jewish Community Relations Council.

Somehow, Bert also managed to carve out the time to teach at local educational institutions, and most impressively, Bert accomplished all of this while working with his wife to maintain a home and raise four children.

Indeed, with the foresight that too many lack, Bert is insuring that he will be able to spend more time with his family. Bert is only 49, but his children are nearing maturity. Recognizing the central position of the family in Jewish life, Bert will now be spending Friday evenings with his wife and children in the seated area of the congregation, instead of at the bima with the rabbi. Bert's family is sure to appreciate the change.

In recognition of Bert's many years of service to the temple, the larger

Jewish community and the San Jose area as a whole, Temple Emanu-El will, as I have mentioned, award Bert Berns with this year's Tzedek award, an award presented annually to an individual who has rendered exceptional service to his or her fellow citizens.

Certainly, Bert deserves this high honor for his many years of selfless service.

Mr. Speaker, I ask you and the entire House to join me and the congregation of Temple Emanu-El in paying tribute to Bert Berns. Though Bert will certainly continue to serve as an active citizen in San Jose, his fellow congregants will miss Bert's leadership on Friday evenings. As the retiring cantor, Bert leaves behind a record of achievement which will set the standard for years to come.●

AUGUST 1983: NATIONAL CHILD SUPPORT ENFORCEMENT MONTH

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. BIAGGI. Mr. Speaker, today, I introduced, with my colleague, Mr. CLARENCE LONG of Maryland, legislation designating the month of August 1983 as National Child Support Enforcement Month. I believe that such a proclamation will serve to stimulate much needed public attention on the issue of child support as every child's right and every parent's responsibility. Given the fact that 40 percent of American marriages contracted in the 1980's are expected to end in divorce and that each year over 1 million American marriages ends in divorce—it is critical to the health and well being of American children that child support be established and enforced. By the 1990's only 56 percent of the children in the United States will spend their entire childhood living with both biological parents. These children have a right to financial support from both parents and correspondingly parents have a responsibility to their children. This is the message of National Child Support Enforcement Month.

The Office of Child Support Enforcement (OCSE) was established 7 years ago with the belief that all children have the right to receive support from their fathers. Since the program's inception in 1976 total child support collections has exceeded $8.7 billion. Over $3.7 billion has been collected in AFDC recoveries and over 2,200,000 enforceable orders were established.

Yet the progress to date represents just the tip of the iceberg in solving the problem of nonpayment of child support that affects 8.4 million women in this country with over 13 million dependent children. For example, an estimated 40 percent of the more than 8 million households in the United States with absent parents do not even have the court orders for child support needed to collect payments. This points to the need for increased public awareness of the services to be provided by the Office of Child Support Enforcement.

The purpose of National Child Support Enforcement Month is to stimulate the public's attention to the issue and engender an awareness and understanding of the purpose and services provided by the child support enforcement program. Clearly, failure to collect child support payments forces custodial parents to apply for the aid to dependent children—AFDC—program; 87 percent of the children receiving benefits under the AFDC program are eligible precisely because an absent parent is not providing adequate support. We all pay, through our taxes, when families must rely on welfare instead of the delinquent payer. The party who suffers the most in delinquent cases is the child, this is indeed a form of child abuse. Public awareness of these facts will exert social pressure on delinquent payers.

The nonpayment of court-ordered child support undermines people's confidence in the law and contributes to social irresponsibility. It is critical that both legal and ethical codes be established and maintained that address a basic need of every child and that is, to be financially supported by both their parents. It is the intention of this proclamation that during National Child Support Enforcement Month of August 1983—the invocation of the slogan "child support: a right—a responsibility," will raise the consciousness of the American people to the tragedy of nonpayment of child support.

This resolution is the House companion to Senate Joint Resolution 56 introduced in the Senate by Senator CHARLES GRASSLEY of Iowa. It is sponsored by: National Reciprocal and Family Support Enforcement Assn., National Council of State Child Support Enforcement Administrators, National Child Support Advisory Council, American Public Welfare Association, Focus "For Our Children and Us" Inc., New York, National Council of Juvenile and Family Court Judges, National Institute for Child Support Enforcement, California Family Support Council, Colorado Family Support Council, Florida Family Support Council, Maryland Joint Child Support Council, Minnesota Family Support and Recovery Council, New Jersey Family Division Association, and Pennsylvania Domestic Relations Association.

I enclose for the benefit of my colleagues the complete text of the resolution:

RESOLUTION

Whereas significant progress has been made toward improving laws and regulations dealing with child support enforcement by the States;

Whereas the provisions of part D of title IV of the Social Security Act have provided a needed response in alleviating problems that exist within and among States as to legal rights and financial needs of their citizens;

Whereas the child support program's ultimate goal is to reduce financial deprivation among America's children by ensuring that the responsibility of support rests with the responsible parent, thereby diminishing the need for welfare dependency by women and children;

Whereas the dedicated service of family support enforcement personnel, the judiciary and the legal community has contributed to increased child support collections, paternity establishments and the location of absent parents;

Whereas the growth and success of child support programs have resulted from and continue to rely on increased cooperation of federal, state and local agencies: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the month of August 1983 is designated "National Child Support Enforcement Month" and that the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the month with appropriate programs, ceremonies and activities.●

TENNESSEE'S SMALL BUSINESS PERSON OF THE YEAR

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. COOPER. Mr. Speaker, today I would like to pay special tribute to Mr. Jerry Cooper of McMinnville, Tenn., who has recently been recognized as Tennessee's Small Business Person of the Year. Jerry and his sponsor, Mr. Herb Miller, also of McMinnville, were in Washington last week to accept the award from the Small Business Administration.

In 1973 Jerry Cooper founded Cooper Manufacturing, Inc., a successful small business venture that manufactures furniture parts and buys and sells lumber and wood products. The success of this company is a real testament to the hard work of Jerry Cooper, his partners, Mr. R. L. Cope, Mr. Clint Moore, and his employees. In just 10 years the firm's sales have grown in excess of $1.4 million, and employment has increased to 44 workers. Despite periodic setbacks, including a fire that destroyed the company's kiln, the firm has grown steadily. Even during the recession of the past 2 years, the company has continued to show a profit. Cooper Manufacturing, Inc., is a clear example of how hard

work and determination can make a small business succeed.

Jerry Cooper has also played an active role in the affairs of his community. Two years ago he served as the State president of the Jaycees, and he is currently the vice president of the Tennessee Jaycee Foundation Camp for the Handicapped. During Small Business Week, it is only fitting that we pay tribute to people like Jerry Cooper.

Cooper Manufacturing, Inc., is a vital part of Warren County, and the success of the firm would not have been possible without the support and guidance of the entire community. I am very proud to congratulate Jerry Cooper for being Tennessee's Small Business Person of the Year.●

HIGH TECHNOLOGY IN THE TRENCHES: AN AMERICAN STRATEGY?

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. LLOYD. Mr. Speaker, recently, as part of a memorial lecture series at the Fordham University Center for Study of the Presidency, Mr. Thomas J. Murrin, president of the energy and advanced technology group of Westinghouse, gave a most thoughtful presentation entitled "American Strategies for Productivity and International Competitiveness." Mr. Murrin is an articulate corporate executive who has considered carefully the challenge which the United States is facing in terms of international competition, and I thought it was important to share his thoughts with my colleagues in the House.

The following are excerpts from a reprint of Mr. Murrin's lecture.

He began by pointing out the depth of our dilemma.

Our country is poised on the brink of a major industrial and economic crisis—brought on by more than a decade of low capital investment; limited R & D spending; high labor demands; and too little management attention to productivity and quality improvement—to cite just a few factors. This has been encouraged by a myriad of federal laws and regulations which have inhibited capital formation—and constitute an implicit industrial policy that has led to a disastrous decline in U.S. productivity.

In addition, this industrial and economic crisis makes much more difficult the concurrent revitalization of our national-security, military capabilities—necessary to counter the growing Soviet military and political threats. But that is a separate subject . . .

As you probably are aware, the growth rate of America's industrial productivity slowed down in the '70s—and came to a screeching halt at the end of the decade. Our productivity actually declined a couple of points in 1981.

During this same period, productivity kept rising in most other industrial nations—and particularly in the Far East. Consequently, some foreign companies which could once survive only in their protected home markets can now compete with American industry everywhere—including our home markets in the United States.

He also outlined the nature of the challenge, specifically that posed by the Japanese.

The challenge to American industry and—consequently to the American economy, and our people's security and prosperity—is awesome. In industries in which America was preeminent—steel, ship-building, automobiles, consumer electronics—our leadership has been stripped away.

To help calibrate you on this challenge, let me cite the following information from a recently published report, which we've verified with our own analysis—concerning a product that we're all familiar with; the automobile: "Ford Motor Company's better plants turn out an average of two engines a day per employe using 777 square feet of plant space; the plants have up to three weeks of backup inventory, and use over 200 labor classifications. In contrast, a Toyota plant turns out nine engines a day per employe, or more than four times as many as Ford's; it uses only 454 square feet of plant space per engine, or less than 60 percent of Ford's. A Toyota plant has only one hour of backup inventory and only seven labor classifications, less than 4 percent of Ford's".

Of crucial concern to industry, and the future health of much more of our American economy—is the current targeting by the Japanese of microelectronics, computers, communications, machine tools, and robots—as the next industries for Japanese world dominance.

In regard to robots, for example, Japan has in place several times the number of robots as the United States—and is far in advance of the rest of the world.

By 1981, they had installed over 60,000 robots—while we in the United States have installed about 4,000.

There are now over 200 companies in Japan producing robots. Last year they produced some 24 thousand and they expect to double that this year. Their typical robot producer is apparently planning to triple production over the next four to five years, suggesting output by then to be 150 to 200 thousand robots per year.

America must not lose these current battles for industrial supremacy—since these advanced technologies will be the foundation industries for every industrialized nation's economy for the next several decades.

It is worthwhile noting the manner in which Westinghouse has responded to this challenge with their own strategy.

One of the most important lessons we've learned from these studies is that management must be willing to discard outmoded business practices and embrace new ideas.

Consequently, we are successfully adapting much of what we have learned—and combining what we adapt with some of our own innovations, to keep our business healthly, and to establish productivity and quality improvement as a way of life throughout the corporation.

We have established six fundamental strategies for the improvement of our performance . . .

Three of these strategies are co-equal. The first is to improve the management and motivation of our people—with particular emphasis on getting our people involved in the identification and solution of problems, through a participative management approach. Second is the introduction of new technology in both the office and the factory. And the critical third strategy is quality improvement—which must permeate the implementation of all our other strategies.

Note that quality improvement has equal emphasis! It is the quality of their products that has given the Japanese a strategic advantage in world markets—not just their productivity. It appears to me that many of their productivity improvements are actually by-products of their emphasis on quality. That is, by literally "doing it right the first time", they don't waste resources fixing it, and this automatically improves productivity.

Productivity improvement, in its broadest sense, means improving the way we use all business resources—people's knowledge and labor; technology; energy; raw materials; plant and equipment; money, and time.

Our final three strategies address this broad definition of productivity . . .

Our fourth strategy is to increasingly apply the techniques of value analysis to improve our products, processes, services and organizations. The fifth strategy is to improve the utilization of all our resources—including energy, raw materials and money. And the sixth strategy is what Peter Drucker calls "transnational production"—that is, strategically locating our new manufacturing facilities, particularly our feeder facilities, around the world, in a way that reduces our product costs, and improves our access to world markets.

In my view, this is the most challenging and promising program that we have ever undertaken. It may also be the most important!

The nature of the Japanese challenge also raises the question of the need for government/industry cooperation.

In other words, meeting the Japanese challenge is beyond the reach of any one company or industry—though company and industry efforts are certainly essential. In my judgment, even if every major corporation in the United States were to undertake programs to improve their productivity and their competitiveness, their efforts would not suffice against Japan's National Industrial Policy.

The goal of the Japanese has for sometime been to catch, and then surpass all others in economic performance. They have created a strategy and a set of institutional relationships to implement it—a cooperative relationship among industry, government, labor, and academe and an organization, MITI, to orchestrate the process. As if the economic success of this system to date were not proof enough of its effectiveness compared to the American system, recent studies in South Korea, Taiwan, Hong and Singapore indicate that it is the Japanese—not the American—model that is being emulated by these newly industrialized countries.

Our competitive model is no longer being copied—because, to a worrisome extent, it has been rendered obsolete!

These East Asian countries—without significant natural resources—have achieved rapid growth by developing efficient, specialized manufacturing organizations backed by a system of social and economic incentives designed to promote work, savings, risk

taking, investment, and labor mobility. They have achieved success by better organizing human and finanical resources. Their rapid industrialization has grown out of an economic strategy designed to promote productivity, and international competitiveness.

Their game plan in goal-oriented national economic growth; their strategy is worldwide preeminence in selected industries—and their facilitating mechanism is a relationship among industry, government, labor and academe that is fundamentally different from our American counterpart. We are being surpassed by a political/economic system that creates growth, strength, and wealth for a nation's economy—and thereby promises to provide for an improved prosperity and standard-of-living for its people.

In the "bread and butter" area of trade and investment, the U.S. position is cause for alarm.

First, in the area of international trade and investment, recent trends have given rise to the observation that other nations export unemployment—whereas we export jobs. While tariffs have generally fallen, non-tariff barriers, investment requirements, offset demands, and export incentives often fall with disproportionate severity on the U.S. economy.

The United States is too heavily engaged in the world trading system to ignore these trends. In 1980, for example, the United States exported almost one-quarter of its manufactured output, and imported over 21 percent of its manufactured consumption—more than double the percentage of ten years earlier. Consequently, trade is no longer an "also ran". The line between what is "domestic"—and what is "foreign"—is increasingly blurred. What other governments do to promote exports, and restrict investment, now impacts heavily on America's domestic economy.

The U.S. government should be applauded for intensifying its effort to break down foreign barriers to U.S. exports. But if we cannot be successful soon, then our policymakers should consider selective measures to enable our industries that are targeted by foreign industrial policies to compete fairly.

At the same time, the U.S. government should propose new negotiations aimed at establishing a set of common rules that apply to all.

In an era when export markets are becoming the world's most promising—and sometimes only—opportunities for economic growth, the United States government sometimes seems intent on dealing itself out of export opportunities abroad. For example, while other governments put together attractive financing packages in support of their exports, the U.S. government has adopted a negative attitude toward the Export-Import Bank. Studies by Wharton Econometric Forecasting Associates have estimated that for every dollar of interest differential that Exim loans out, the Federal Government gets back roughly nine to ten dollars in net revenues—and state and local governments another four dollars—mainly through increased tax revenues from increased economic activities, and the reduction of various welfare payments.

What is needed is a binding international agreement on export financing that sets firm limits on interest rates, and the duration of loans financed by governments.

In the key area of technology, it is important to recognize that we need to pull together in framing an American response.

Second, technology. While the United States leads the world in spending for basic research and development, our technological leadership has eroded in several key areas that have a profound effect on our world competitve position. The economy of a modern industrial society is driven by rapid development and application of technology in products, services and manufacturing processes.

Our major competitors include a Technology Strategy as an explicit part of their National Industrial Policy.

For example, the Japanese and the French are concentrating on aerospace, electronics, communications, robots, machine tools, and computers. These are all major industries of the United States that are driven by rapid technological evolution.

Recent history suggests that a foreign national thrust into a chosen market or technology will successfully acquire very large U.S. and world market shares from American firms competing individually.

Therefore, an American response must be formulated and implemented to ensure our competitive strength, and avoid an erosion of our national capabilities. Such a response should include:

Joint multi-firm, government-laboratory and university research ventures that have government approval—and are focused to supply basic technology to meet market requirements.

Manufacturing Technology programs to stimulate the development and deployment of advanced manufacturing techniques—as exemplified by the Department of Defense's Manufacturing Technology and Technology Modernization programs. Through this mechanism, the government removes barriers and provides incentives for its contractors to pursue higher risk—and higher payoff—technologies. These advances result in substantial savings to the government, contribute to the national-security—and help create a domestic capability that is of substantial value to the economy. And,

Intelligence gathering; in which Government—through its executive branch agencies—cooperates with industry and academe to assess the direction and nature of foreign competitive threats. This is an essential ingredient for effective executive policy and legislative initiatives—as well as business planning. Such coordinated efforts are necessary to provide the quality of information required to support successful government and business strategies.

In the area of education and training, the sad truth is that we are not first across-the-board, and we are not taking the kind of measures that guarantee our ability to make the transition to a high technology age.

Third, we must recognize that America's education and training system is poorly matched with the skills needed for modern U.S. occupations. While Americans are among the most educated people in the world, they are not as well-trained, in many cases, as are workers of our foreign competitors. Consequently, we are faced with a serious and growing shortage of critical scientific and vocational skills that are in high demand, and essential to improving American productivity.

The response to our educations system's shortcomings ought to be similar to our response to the Sputnik launch—that is, a national effort to improve the quantity and quality of college trained engineers and scientists at all levels. Japan graduates more engineers than the U.S.—even though it has half our population. And France has decided to double its national force of computer engineers over the next four years—in response to industrial needs and opportunities.

Recently, the National Science Foundation reported that about 10 percent of the full-time engineering faculty positions were vacant at the beginning of the 1980–81 academic year—while the IEEE reported that more than 37 percent of the PhD engineering graduates in 1981 were not available to U.S. industries or universities because they are non-US nationals with temporary student visas. Action must be taken to upgrade faculty salaries and capital facilities for higher education in engineering and the sciences—and we must provide loans and loan guarantees, for students in engineering and the sciences.

In addition, the typical Japanese factory worker—such as those who produce the Toyotas noted earlier—has had about 30 percent more classroom hours than our workers; has passed a rigorous Japanese fluency test, and acquired the ability to read English. When first employed, he goes through a several month orientation program—and then he becomes a career-long member of quality circle.

Obviously, we have much catching up to do in our factories—as well as our offices and laboratories.

In domestic saving and investment, we must insist on providing a climate for producing sufficient capital for critical expansion.

Assuming the other elements of our strategy are in place—including an aggressive trade policy; strategic education programs; joint R & D projects, productivity inducing government procurement policies and flexible anti-trust policies—we must recognize, fourthly, that the program may still fail without sufficient capital resources for the critical growth industries. While capital is available in the U.S., its availability does not necessarily coincide with the long term interests of the U.S. Economy. This problem exists for several reasons—such as:

Historically, U.S. firms have tended to focus on short-term profits. In large part, this reflects our reliance on the equity markets for capital—and our preoccupation with stock market prices.

Since World War II, the U.S. has enjoyed a technological advantage over the rest of the world—and has not had to critically examine the relationship between capital investments and its technological base; and also

Our earlier history of long-term, real-growth meant that there was a sufficient capital supply to fund almost any venture—and apparently this has bred inattention to our current capital needs.

Our inattention to the problem of capital formation and strategic domestic investment has led to a situation where now the future of the technological and hence, industrial base of the U.S. is by no means assured. A Commerce Department study indicates that in 1980, 45 percent of all new U.S. investment in high technology plants and equipment came from foreign sources. In a sense we are losing control of our own economic destiny!

While the Economic Recovery Act of 1981 has helped with this problem, there are several other opportunities available to us. . . .

Promising ways to encourage savings and capital formation include elimination of tax-

ation on interest earned on savings—and allowances for a speedier write-off for investments in new plants and equipment.

This is demonstrated in Japan, where earned interest is tax-free—when one invests in government savings programs. This explains, in part, why the Japanese level of savings is several times ours.

Two relevant proposals recently emerged at a hearing before the Joint Economic Committee offer an opportunity to enhance the capital resources for new ventures.

One calls for a revision of federal laws governing pension funds—in relation to the Employes Retirement and Income Security Act—to permit some of the 800 billion dollars in pension funds to be invested in venture capital projects.

The GAO estimates that if only one percent of the total pension funds were made available, that would be six to eight times the total venture capital invested last year.

The second proposal would allow for "differential" capital gains tax rates. Currently, all long-term capital gains are taxed at 20 percent—whereas the proposal calls for taxing "new" business ventures held for a certain period of time—at a lower rate, or possibly not taxing them at all.

Finally, we must make the national commitment to implement an aggressive policy in a timely manner.

Fifth and finally, there is virtually no disagreement that when Government, Management, Labor and Academe all work in a complementary fashion toward shared objectives, the most difficult challenges become manageable. But what is lacking are effective mechanisms to bring the leaders of these facets of society together, on neutral ground—in pursuit of common goals.

Therefore, we encourage the Executive Branch to adopt a Consensus-Based Policy Formulation Mechanism—to provide leadership in resolving issues on which there is a broad agreement that solutions must be developed and implemented.

For example, the retraining and relocating of displaced workers is the kind of high priority problem that requires the concerted and coordinated effort of Industry, Labor, Government, and Academe. It is an issue on which industry, labor, government, and academic policies and actions must be cooperatively devised—and carefully coordinated.

This is an issue that has near universal consent on the need of action—but no consensus yet on the appropriate actions. There are approximately fifty bills in the Congress to address aspects of the current dichotomy of having critical shortages of skilled workers in some industries—while tens of thousands of workers form other industries swell the ranks of the unemployed.

To this end, a legitimate and necessary role for the Cabinet Council on Economic Affairs—in close cooperation with industry, labor and academe—would be to assist in the adjustments from nature and declining industries into new and emerging opportunities.

To meet this challenge, it is going to take a lot of hard work on the part of the Government, industry, our educational system and the Congress. We need to supply a lot more than wishful rhetoric in addressing this problem because the stakes are economic survival.●

LEGISLATION TO COMBAT DRUG TRAFFICKING

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. LaFALCE. Mr. Speaker, for too many years drug abuse in our Nation has been a raging epidemic which has left in its wake a legacy of crime, financial loss, and immeasurable human suffering. The incidence of drug abuse among our youth is especially tragic and it threatens our Nation's future hopes and aspirations.

We know that drug abuse is a serious problem, but the dimensions of this human tragedy are difficult to understand. How do we react when we learn that over 10 percent of graduating students in America's high schools use marihuana every day? What anguish can be felt by those of us removed from the human incapacitation which is experienced by nearly half a million daily heroin users? Can we possibly comprehend the conclusions of one recent study that reported that over a 11-year period, some 243 addicts committed about 500,000 crimes—an average of 2,000 each—or a crime every other day, to support their drug habits?

If these statistics are difficult to convert into human terms, perhaps straightforward financial figures are more easily understood. The U.S. Attorney General reported that in 1980 illicit retail drug sales were estimated to total more than $79 billion—almost equal to the combined profits of America's 500 largest industrial corporations. This drain on America's health, safety, and prosperity must be stopped.

One critical link in the vast drug trafficking network that feeds the international drug trade is the illegal exporting of money from the United States to purchase narcotics abroad and then import them back into this country. In February 1983, the Senate Committee on Governmental Affairs issued a staff study entitled, "Crime and Secrecy: The Case of Offshore Banks and Companies." The study documents in great detail the crucial role that illegal currency transactions play in oiling the gears of the invidious drug trade.

The current administration has taken important steps toward cracking down on the drug trade. The President has established task forces to upset drug importing operations and efforts have been made to better coordinate the activities of different Federal agencies with responsibility for fighting drug traffic. Yet, breaking the illegal flow of currency that supports the international drug trade has proved difficult. The present status of the law makes it difficult for law enforcement officials to follow leads and investigate suspected incidents of illegal exporting of currency.

I am convinced that there is something positive that we can do to crack down on the enormous illegal transfers of money which subsidize the international drug trade. Accordingly, today I am introducing a package of five bills designed to help law enforcement officials police the movement of drug-related currency into and out of this country.

The bills would amend the Currency and Foreign Transactions Reporting Act—popularly called the Bank Secrecy Act—to fill serious gaps in current law which hinder the law enforcement capabilities of U.S. customs agents. Although these bills are similar to measures that I have introduced in the past, certain technical and substantive changes have been made to address concerns raised by some Members of Congress.

Versions of these bills were contained in the House and Senate omnibus crime control measures that were considered last year. The same provisions are found again this year in the Comprehensive Crime Control Act of 1983. I am introducing these measures as spearate bills, as has Senator WILLIAM ROTH, in the hope of drawing special attention to these currency control provisions.

Mr. Speaker, I would like to take this opportunity to briefly describe the current operation of some of the provisions of the Bank Secrecy Act, and how my bills would address some of the loopholes contained in that law.

Present law makes it illegal to leave the country with more than $5,000 without filing a Customs Service report form. However, courts have held that a person cannot be arrested for violating this law until he has actually left the country. But by that time the violator is outside the jurisdiction of the United States and cannot be successfully prosecuted. Tying the hands of our own customs officials in this way is an obvious loophole in the law.

Thus, the first of my five bills would make it illegal to attempt to leave the United States with large amounts of currency without filing the reports already required under the Bank Secrecy Act. The bill raises the amount of money being taken out of the country, in order to require a customs report, from $5,000 to $10,000.

The second, third and fourth bills would allow customs officials to search for unreported amounts of cash—in their presently authorized search for contraband—where cause exists to believe that currency is leaving the country as a result of illegal activities. Each bill proposes a different standard of cause: First, "reasonable cause", second, "probable cause", and third,

when the customs official shall "suspect that there are monetary instruments in the process of being transported out of the country" in violation of the Bank Secrecy Act. I encourage the Members who will study these bills at the committee level to help me determine the most appropriate or, more precisely, the most acceptable standard.

The fifth and final bill would give informants a portion of the recovered currency, thereby giving a further incentive to those who know of cash smuggling to report this to the U.S. Government officials. These rewards would prove to be extremely helpful for obtaining information from informants. The Secretary of Treasury would have discretion to determine the amount of the award, within a specified ceiling, to be given to informants.

The drug abuse problem is one that has premeated our society and, at times, seems totally out of control. My bills will not solve the drug abuse epidemic nor put a complete halt to this illegal currency transaction problem. These bills however, will give our law enforcement officials an extra weapon in their increasingly complex battle against the global drug trade.●

"PINK ISLANDS" OF FLORIDA

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. BOSCO. Mr. Speaker, recently I had the opportunity to visit Key Biscayne, Fla., to witness the completion of "Surrounded Islands," an extraordinary event created by the great American artist Christo and his wife Jean Claude. Eleven tiny islands were surrounded by over 6 million square feet of pink fabric, giving these rather ordinary firmaments a once-in-a-lifetime opportunity to bask in the glow of worldwide attention. The pilot of our 737 announced shortly after takeoff from Washington, D.C., that he would make every effort to fly over the "pink islands." Hundreds of motorboats crisscrossed Biscayne Bay to see them up close. Mundane office cubicles in nearby skyscrapers became the scene of cocktail parties and social gatherings as viewers flocked to the windows. Turnpikes and bridges were packed with local motorists who may not have paid much attention to these tiny islands before, but now came to be part of the event. Not to mention those who came from as far away as Japan and California to join in the festivities.

A delegation of over a dozen residents of Sonoma County, Calif., made the trip across country because, to them, Surrounded Islands brought back memories of yet another magic period of time when the artist Christo touched their lives. Six years ago, the brown, rolling hills of their dairies and cattle ranches attracted national attention, as a 24-mile long, 18-foot-high fabric fence suddenly appeared, giving breathtaking color to the sunset, drawing attention to the vast expanse of the hills, and gently working its way to the ocean where it disappeared in the surf. Why would these veterans of Running Fence, these hardworking people who have little time for art galleries and the sophistication that seems to surround the arts take time from their daily duties and travel some 3,000 miles to once more be with Christo for another of his escapades?

Perhaps it is because that artist draws attention to the beauty of the land and the elements. Perhaps it is because his projects are always controversial but always bring people together through their sheer imagination and beauty. Perhaps because this art is participatory—not the work of one solitary artist in his studio, but the product of hundreds of people young and old who join together for a brief period of teamwork to make something worthwhile happen. And perhaps simply because Christo and his wife do more than their part to lift the drudgery of everyday life, add a little bit of excitement, humor, and enjoyment to otherwise ordinary objects of our existence.

All of this, I believe, is in the best tradition of American art. For those who witnessed the brief lifetimes of Valley Curtain in Colorado, the Running Fence in California, Surrounded Islands in Florida—or any of his other projects—Christo has left memories that will provide the stuff for bedtime stories to children and grandchildren for years to come. I salute him, his wife, and the many people who join in making these miracles happen, for their outstanding contributions to the people of our country.●

RABBI ZALMAN AND RACHEL MANELA ARE HONORED IN LOS ANGELES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. WAXMAN. Mr. Speaker, on May 29, 1983, Rabbi and Mrs. Zalman Manela will be honored by Etz Jacob congregation in Los Angeles as man and woman of the year. This tribute is being bestowed upon Zalman and Rachel Manela for their outstanding support and participation in countless religious and community endeavors. They represent the highest ideals in Jewish family and community life.

Rabbi Zalman Manela has been a Los Angeles resident since the age of 16 when he began his studies at the Ohr Elchanan Yeshiva under the spiritual leadership of Dean Rabbi Simcha Wasserman. Even as a young man he displayed his dedication and leadership by his participation in many important charitable functions. He was the founding father of the Pirchei Agundas Yisroel Youth Group and ran it singlehandedly for many years.

Rabbi Manela continues his activities in the community. He is presently serving as a member of the board of directors of P'Tach, Young Israel of Los Angeles, the Kollel, Rais Yaakov and Etz Jacob congregation. He is also well known for his charity and generosity. Through his pioneering efforts, perhaps his most noteworthy accomplishment is the establishment of the Chevra Kadisha, a traditional mortuary, much needed in Los Angeles.

Rachel Manela is in her own right a valued member of the Etz Jacob community. She is an "Eshas Chayil," a true woman of valor. By her example of maintaining the strong traditions of Jewish womanhood as wife and mother of five children, she is an inspiration for others to follow. As a devoted elementary schoolteacher, her influence is further extended into the community.

I ask the Members to join me in saluting Rabbi and Mrs. Zalman Manela on this occasion and to wish them many more years of a happy and productive life.●

GILMAN LAUDS DISTRICT'S CONTRIBUTION TO NATIONAL TOURISM WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. GILMAN. Mr. Speaker, I rise in support of the resolution designating the week of May 29, 1983, as "National Tourism Week." I thank my colleague from Pennsylvania, Mr. RITTER, for suggesting that we take this opportunity to note the contributions to our Nation by the tourist trade.

Summer officially begins with Memorial Day weekend, and in the ensuing months, thousands of men, women, and children will look to various vacation spots for their rest and relaxation. I suggest and invite them to come to New York State this summer, and to visit the historic Mid-Hudson Valley, the cradle of our Revolutionary period and one of the most beautiful districts in all of New York State, which I am privileged to represent.

Many of the summer camps to which New Yorkers send their children are located in my district, and on trips which familiarize them with the forests and streams of our State are

the wild and scenic Delaware River, the thousands of wilderness acreage in Bear Mountain State Park and in Palisades Interstate Park.

Museum Village, in Monroe, is an outstanding portrayal of the lives of our forefathers in the last centuries, where men and women, dressed in period clothing, go about a daily routine that we all can learn from. Sunnyside, the home of the distinguished writer, Washington Irving, is the legacy of Irvington in Westchester County.

Further north in my district are the many beautiful and restful Catskill Mountain resorts that cater to those who seek to escape the hustle and bustle of city life. There, the facilities are so extensive that they cannot all be mentioned in one breath.

Mr. Speaker, my congressional district is chock full of exciting places to visit for those planning an historic trip, an environmentally minded one, or for those who seek to rest in a lounge chair while soaking up the sun.

House Joint Resolution 168, of which I am a cosponsor, is certainly a fitting tribute, not only to the many men and women whose livelihood depends on tourism, but to each and every one of us who has ever taken a well-earned vacation.●

THE NUCLEAR FREEZE RESOLUTION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. HOYER. Mr. Speaker, many of my constituents have expressed to me their great interest and support for a nuclear freeze resolution. Unfortunately, they may have greeted the adoption of the freeze with a modicum of confusion because of the muddle analysis offered by some as to the effect of this or that amendment, and the claims of victory on both sides of the issue.

Therefore, I am submitting the complete text of the freeze as finally adopted by the House so that my constituents can review the entire document for themselves, and make their own determination viability of the resolution.

The text is as follows:

H.J. RES. 13

Whereas the greatest challenge facing the Earth is to prevent the occurrence of nuclear war by accident or design;

Whereas the United States and the Soviet Union have signed the Joint Statement of Agreed Principles for Disarmament Negotiations, known as the McCloy-Zorin Agreement, enumerating general principles for future negotiations for international peace and security;

Whereas the increasing stockpiles of nuclear weapons and nuclear delivery systems by both the United States and the Soviet Union have not strengthened international peace and security but in fact enhance the prospect for mutual destruction;

Whereas adequate verification of compliance has always been an indispensable part of any international arms control agreement; and

Whereas a mutual and verifiable freeze and reductions in nuclear weapons and nuclear delivery systems would greatly reduce the risk of nuclear war: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, consistent with the maintenance of essential equivalence in overall nuclear capabilities at present and in the future, the Strategic Arms Reduction Talks (START) between the United States and the Soviet Union should have the following objectives:

(1) Pursuing the objective of negotiating an immediate, mutual, and verifiable freeze, then pursuing the objective of negotiating immediate, mutual, and verifiable reductions in nuclear weapons.

(2) Deciding when and how to achieve a mutual verifiable freeze on testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems and systems which would threaten the viability of sea-based nuclear deterrent forces, and to include all air defense systems designed to stop nuclear bombers. Submarines are not delivery systems as used herein.

(3) Consistent with pursuing the objective of negotiating an immediate, mutual, and verifiable freeze, giving special attention to destabilizing weapons, especially those which give either nation capabilities which confer upon it even the hypothetical advantages of a first strike.

(4) Providing for cooperative measures of verification, including provisions for onsite inspection, as appropriate, to complement National Technical Means of Verification and to ensure compliance.

(5) Proceeding from this mutual and verifiable freeze, pursuing substantial, equitable, and verifiable reductions through numerical ceilings, annual percentages, or any other equally effective and verifiable means of strengthening strategic stability, with such reductions to be achieved within a reasonable, specified period of time as determined by the negotiations.

(6) Preserving present limitations and controls on nuclear weapons and nuclear delivery systems.

(7) Incorporating ongoing negotiations in Geneva on intermediate-range nuclear systems into the START negotiations. Discussing the impact of developing comprehensive defensive systems consistent with all provisions of the Treaty on the Limitation of Anti-Ballistic Missile Systems.

(8) Nothing in this resolution shall be construed by United States negotiators to mandate any agreement that would jeopardize our ability to preserve freedom.

In those negotiations, the United States shall make every effort to reach a common position with our North Atlantic Treaty Organization allies on any element of an agreement which would be inconsistent with existing United States commitments to those allies.

SEC. 2. In the absence of a bilateral agreement embodying the objectives set forth in this joint resolution, nothing in this resolution is intended to prevent the United States from carrying out its responsibilities under the December 1979 North Atlantic Treaty Organization decision regarding intermediate range nuclear forces.

SEC. 3. (a) Consistent with pursuing the overriding objective of negotiating an immediate, mutual, and verifiable freeze, nothing in this resolution shall be construed to prevent the United States from taking advantage of concurrent and complementary arms control proposals.

(b) Nothing in this resolution shall be construed to supercede the treatymaking powers of the President under the Constitution.

SEC. 4. This resolution does not endorse any type of unilateral disarmament on the part of the United States.

SEC. 5. Consistent with pursuing the overriding objective of negotiating an immediate, mutual, and verifiable freeze, nothing in this resolution should be construed to prevent measures necessary for the maintenance of and credibility of the United States nuclear deterrent.

SEC. 6. Until such time as the final instrument embodying the objectives set forth in section 1 has been fully ratified by both the Soviet Union and the United States, nothing in this joint resolution shall be construed to prevent whatever modernization and deployment of United States weapons may be required to maintain the credibility of the United States nuclear deterrent.

SEC. 7. The Congress proposes that the House Committee on Foreign Affairs and the Senate Committee on Foreign relations study measures relating to reductions pursuant to the first section, and relating to concurrent and complementary arms control proposals pursuant to section 2, especially those aimed at progressive reductions in the number of destabilizing weapons through a mutual "build-down" or other verifiable processes.

SEC. 8. Any freeze agreement negotiated pursuant to this resolution should not prevent the United States from taking such measures with respect to our strategic systems as are necessary to protect the lives of the United States personnel operating those systems.

SEC. 9. For purposes of this resolution, a nuclear delivery vehicle is a device whose primary or exclusive mission requires it to carry a nuclear weapon into territory of or occupied by hostile forces.

SEC. 10. A freeze agreement in accordance with this resolution will not preclude the one-for-one replacement of nuclear weapons and nuclear delivery vehicles in order to preserve the credibility of the United States nuclear deterrence, provided the new weapon or delivery vehicle is the same type as the old.

SEC. 11. Nothing in this joint resolution shall be construed—

(1) to prevent, during any negotiations pursuant to this resolution, or

(2) to require that, in any negotiations pursuant to this resolution, the United States agree to a provision which would prevent, such modernization and deployment of United States new or improved dual capable delivery systems as the United States may determine is required to maintain the capability of the United States defense posture.

SEC. 12. Consistent with Public Law 88-186, as amended, no action shall be taken under this Act that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treatymaking power of the President under the Consitution or unless authorized by further affirm-

ative legislation by the Congress of the United States.

SEC. 13. Consistent with the provisions of Public Law 92-448, as amended, negotiations undertaken pursuant to this Act shall provide for the maintenance of a vigorous research, development, and safety-related improvements program to assure that the United States would not be limited to levels of nuclear deterrent forces inferior to the force levels of the Soviet Union. Further, such negotiations should recognize the difficulty of maintaining essential equivalence and a stable balance in nuclear deterrent capabilities in a period of rapidly developing technology, and that any future arms control agreements should promote a stable international balance and enhance the survivability of United States nuclear deterrent forces.

SEC. 14. In all negotiations pursuant to this resolution, the United States shall make every effort to ensure that any agreement reached shall provide for full compliance by all parties with preexisting international treaties, obligations, and commitments.

SEC. 15. Any item both sides do not agree to freeze would not be frozen.

SEC. 16. The President shall take all necessary steps to ensure that any agreement embodying the objectives set forth in this joint resolution can be adequately verified, including pursuing the objective of providing for cooperative measures of verification (including provisions for onsite inspection as appropriate) to complement National Technical Means of Verification and to ensure compliance.

SEC. 17. Nothing in this joint resolution shall be construed to prevent safety-related improvements in strategic bombers.●

IN RECOGNITION OF THE 35TH ANNIVERSARY OF THE WOMEN'S DIVISION, SAN PEDRO PENINSULA CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. ANDERSON. Mr. Speaker, on May 25 a champagne reception will be held in San Pedro, Calif., to honor the Women's Division of the San Pedro Peninsula Chamber of Commerce on this, their 35th anniversary. Betty Bloom, the women's division current president, will preside over this historic milestone in the history of the division.

It was in 1948 when a dynamic group of local women leaders, motivated by pride in their community, formed the Women's Division of the then San Pedro Chamber of Commerce. The women's division, which is open to any civic and community-minded woman, has three basic objectives and/or purposes. They are:

One. Civic improvement projects;

Two. Communitywide cultural and arts projects; and,

Three. Public issues and problems of the community.

These are notable goals which should be emulated by any civic-minded organization across the country.

The women's division sponsors or participates in numerous annual community projects. These include the scholarship award; San Pedro cleanup day; operating an information booth at American President Lines to help overseas passengers visiting our country; Spirit of Christmas event on Christmas Day; participation in the Christmas Land Parade; and, representing San Pedro women at statewide chambers of commerce conventions.

Mr. Speaker, as you can see, the women's division is involved in a wide variety of civic affairs—all of which are designed in making San Pedro a better place to live and work. You can be sure that their tireless efforts and many contributions to the harbor area are deeply appreciated by all.

In closing, let me say that few organizations can claim to have done as much for their community as the Women's Division of the San Pedro Peninsula Chamber of Commerce has done for San Pedro. My wife, Lee, joins me in congratulating the women's division on this occasion and we extend our sincere hopes for continued success in the future.●

STRENGTHEN RURAL ELECTRIFICATION

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. DE LA GARZA. Mr. Speaker, I am pleased today to join Mr. JONES of Tennessee, chairman of the Subcommittee on Conservation, Credit, and Rural Development and more than 100 of our other colleagues in both parties in introducing a bill to strengthen the rural electrification program.

This bill has solid bipartisan support both within the House Agriculture Committee and the House as a whole. Its cosponsors on the committee include Mr. COLEMAN of Missouri, who is ranking minority member of the Conservation, Credit, and Rural Development Subcommittee and Mr. MADIGAN of Illinois, who is ranking minority member of the full committee. Other sponsors include Mr. FOLEY of Washington and Mr. MARLENEE of Montana.

Mr. Speaker, the bill we are offering today is another chapter in a story which began 48 years ago when President Franklin D. Roosevelt issued an Executive order creating the Rural Electrification Administration. Since that time, there have been many changes in the operation of the program, but one thing has been constant. We have made changes through the years in order to keep the program on constant track toward its goal of assuring adequate electric and telephone service in rural areas—and that is the goal of this latest proposed change, and that is why I am here today to add my support to the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983.

The legislation will make the rural electric and telephone programs stronger and more viable in the years to come by making sure that the revolving fund is able to cover its costs. The depth of support for this bill is underlined by the fact that three former Administrators of the Rural Electrification Administration have endorsed the proposals covered by the bill. They are David A. Hamil, Administrator from 1956 to 1961; Norman Clapp, Administrator from 1961 to 1969; and Robert Feragen, Administrator from 1978 to 1981.

The REA program through the years has made a remarkable contribution to life in rural America by giving rural cooperatives a chance to help themselves meet basic service needs. And because the program has worked, the whole Nation and—in a sense—the whole world has been helped. The United States has rightly been called the food basket of the world in large part because of the role rural electrification has played in upgrading the productivity as well as the standard of living of rural America.

Some have questioned the Federal role in this process. The fact is, however, that the Government provides assistance of some kind to every segment of the electric utility industry in many forms ranging from tax credits to authority for issuance of tax-exempt bonds by municipal systems. It is, in fact, a long-settled and basic national policy that we should seek to promote the availability of reliable electric service at reasonable prices in every part of the country, rural as well as urban.

For these reasons, I am glad to join in sponsoring the new REA Revolving Fund Self-Sufficiency Act, and I look forward to action on the bill in the House Agriculture Committee for the benefit of rural areas in particular and the Nation in general●

NUCLEAR EXPLOSIVES CONTROL ACT OF 1983

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. BARNES. Mr. Speaker, I want to express my strong support for the bill introduced today by the gentleman from New York (Mr. OTTINGER), on the subject of nuclear nonproliferation. The bill, entitled the "Nuclear

Explosives Control Act of 1983" would provide a comprehensive approach to the problem of nuclear proliferation, recognizing the legitimate need of other nations for nuclear power, while at the same time reducing the proliferation risks posed by the acquisition and use of sensitive nuclear technologies and highly explosive materials.

This bill strengthens the provisions of the Nuclear Non-Proliferation Act of 1978, which is the basis for our current export controls in this area. The bill set up a system that will guide approvals, incorporating a strategy that provides for assured supplies of nonexplosive nuclear fuel in return for acceptance of certain nonproliferation commitments by the recipient country. On the one hand, the bill would place a ban on exports of reprocessing and enrichment plants/technologies and impose additional conditions on reprocessing of U.S.-originated fuel. On the other hand, the bill would provide economic incentives for nonproliferation cooperation by providing a U.S. nuclear fuel assurance program of discounted enrichment, available to countries that agree to forgo plutonium use and reprocessing technologies. This involves both discounting the price and insuring supply of non-weapons-grade enriched uranium. This program is particularly attractive given the existing world uranium surplus, the excess capacity of enrichment services, the development of improved nuclear fuel, and the fact that there is no economic justification for reprocessing, breeder, and plutonium use.

Our export policy should be one that discourages the use of highly explosive nuclear materials and sensitive technologies in so-called peaceful nuclear programs, because these can easily be channeled to the production of nuclear weapons. In the not-too-distant future, our capability to significantly retard nuclear weapons proliferation will be gone, and our last-minute efforts will be meaningless. This is the time for our country to continue and strengthen the leadership role we have had in the past.

Unfortunately, the Reagan administration's nonproliferation policies have effectively weakened our antiproliferation controls and have undermined the bipartisan spirit that has always characterized our approach to solving this serious problem. Today, I have joined a group of my colleagues in sending a letter to the President urging him to strengthen U.S. commitment to the goal of nuclear nonproliferation and to support several principles that should guide our policy in this area. We believe that halting the spread of nuclear weapons should be a principal goal of our foreign policy, and that the spread of separated plutonium, highly enriched uranium, and the facilities which produce these weapons-grade materials, is the most direct threat to our ability to control nuclear proliferation. Restraints on the transfer of these materials is therefore imperative. In addition, we must work with other nuclear-supplier nations to gain agreement on nuclear export controls, and work to strengthen the capabilities of the International Atomic Energy Agency. Finally, we must keep the commitment we made in the Treaty on the Non-Proliferation of Nuclear Weapons to actively pursue efforts to halt the arms race.

Nine years ago today, India exploded its first nuclear device. By the end of this century, there may well be 20 more countries with that capability. We have the opportunity now to take the lead in determining how the technologies of the nuclear age will be used and whether or not they will be used for nuclear power or nuclear weapons. Nuclear power does not depend on the highly explosive materials and sensitive technologies that produce nuclear weapons. If we do not take the necessary steps today, the problem will have moved beyond our capacity to manage it, the capability to make nuclear weapons will belong to many others, and the decision to use nuclear weapons will be beyond our control.

We need not accept the inevitability of a proliferated world and we owe it to ourselves and our children to accept the responsibility to try to prevent it. I am very pleased to be a cosponsor of the Nuclear Explosives Control Act and I would strongly urge my colleagues to support it.●

HOUSE JOINT RESOLUTION 273

HON. KENT HANCE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. HANCE. Mr. Speaker, today I rise once again to call attention to a problem of immense proportion. Earlier this afternoon, the House nodded its approval to raising the public debt by $99 billion to a staggering $1.389 trillion.

In view of that kind of deficit spending, Mr. speaker, I think it is time for this body to give serious attention to bringing fiscal responsibility back to Government.

And the best way to bring our Nation back from the trillion-dollar-plus debt is to cut off the ability to charge and to return to a pay-as-you-go Government.

Today, my colleague from California (Mr. PASHAYAN), and I introduced legislation that addresses this problem. Our bill proposes an amendment to the constitution that would require Congress to implement balanced budgets. We intend to accomplish such a goal by requiring a three-fifths recorded vote by both the House and Senate before the Federal Government can borrow a dime.

Today, Mr. Speaker, we raised the debt limit on a voice vote. Under the Pashayan-Hance balanced budget amendment, that would have been illegal.

Every American taxpayer realizes that borrowing money is the root of our budget problems. If we expect to restore fiscal integrity to this House and to our Federal Government, we must bring the Federal budget under control. And to achieve such control, we must make the effort to maintain tight controls over the Government's capability to borrow money.

The Pashayan-Hance balanced budget amendment is one of the answers. The budget needs to be put back in balance. Our economy needs the sound footing that a balanced Federal budget would provide and put us back on the road to fiscal responsibility. I urge support for this legislation.●

RURAL ELECTRIC AND TELEPHONE PROGRAM

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. JONES of Tennessee. Mr. Speaker, today I am introducing the "Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983," which I believe will be one of the most important legislative items the Congress will address in the coming months of this session.

By making some very fundamental changes in the financing programs created under the Rural Electrification Act of 1936, this legislation will insure the ability of America's rural electric and telephone systems to continue the job they set out to do nearly a half century ago: To provide adequate, reliable, and affordably priced electric and telephone service to the consumers of rural America.

In basic terms, what we are attempting to accomplish through this bill is to provide long-term strength and stability to the Rural Electric and Telephone Revolving Fund. This revolving fund is the mechanism which Congress created in 1973 to serve as the source of capital for REA insured loans to rural electric and telephone systems, thereby eliminating the need for the use of appropriated dollars to fund these loans.

Every major segment of the rural electric and telephone program has expressed support for the basic thrust of this legislation. In addition, more than one hundred of my House colleagues are joining me as original cosponsors of this legislation. While the

bill does not, nor could it hope to, solve every single problem and concern of the REA borrower community, it does, I believe, address in an adequate and forthright way the key issues which must be faced if rural America and the Nation as a whole is to continue to benefit from a strong rural electric and telephone program.

Following is a brief description of the major changes which this legislation would make in the existing REA loan programs and policies:

It would restore fiscal balance to the REA revolving fund by creating a mechanism for periodic adjustments in the interest rate on REA insured loans. Now fixed by law at 5 percent, the REA interest rate would in the future be set at a level sufficient to cover interest expense of capital borrowed by the Revolving Fund.

Recognizing that some REA borrowers provide service under circumstances that would make it impossible for them to survive any increase in financing costs, the proposed legislation also would authorize the REA Administrator to make loans at a rate of not less than 2 percent nor more than one-half the standard rate under specific guidelines. The revolving fund would be reimbursed for the costs of providing loans at less than the standard rate by appropriations approved by the Congress.

Another key provision of this bill would convert notes currently due to be paid to the U.S. Treasury beginning in 1993, into permanent equity capital of the revolving fund. These notes represent funds that were appropriated for use as REA direct loans in the pre-1973 period, and were treated as expenditures in the budget years in which they were made available to REA. This change in the status of these funds would enhance the long term viability of the revolving fund by reducing the need for future borrowings. However, I want to make it clear that this legislation would not release any REA borrower from its obligation to repay all principal and interest due on existing or future loans made by the agency. There is absolutely no forgiveness of debt feature in this bill to release any electric or telephone cooperative or utility from its legitimate loan payment obligation made with the Federal Government.

Other sections of the bill of particular interest and concern to the Nation's rural electric borrowers include the proposals to maintain supplemental financing criteria and ratios currently in effect when minimum loan levels are under $1 billion; to authorize the REA Administrator to refinance Treasury borrowings (Certificates of Beneficial Ownership) by the fund which carry interest rates at least 1 percent above current rates; authorize REA loan guarantee lenders to refinance long-term loans which have interest rates at least 1 percent above current rates; and, to direct the REA Administrator to subordinate or accommodate liens or mortgages at the request of the borrower upon a finding that the borrower has the ability to repay its debt.

In addition, the bill would direct that the revolving fund be divided into separate electric and telephone subaccounts, each reflecting the assets, liabilities, income, and expenses pertaining to the particular program.

The legislation also contains several provisions needed to insure that the REA telephone program is brought up to date with both the current needs of our rural citizens, and the state of the art in telecommunications technology. These include sections which would eliminate the prohibition against a loan in any State without a State regulatory body unless the Administrator makes a finding that no duplication of services would result; modify the definition of telephone service to specifically include transmission by wire, fibre, radio, light or other visual or electromagnetic means; change the limit on rural areas eligible for REA or Rural Telephone Bank (RTB) financing to towns of no more than 2,500 instead of no more than 1,500; eliminate the fiscal year 1991 limit for further capitalization of the Rural Telephone Bank if the goal of $600,000,000 has not been reached by then; and, eliminate the size limitations on acquisitions of exchange facilities which can be financed by the Rural Telephone Bank, and the RTB's interest coverage test to compute it before income taxes and to make it more flexible.

In conclusion, this bill contains provisions which will result in improved electric and telephone services throughout rural America. And, although it will enhance the immediate and long-term viability of the REA revolving fund, passage of the bill involves no appropriation or outlay. Therefore, I believe it deserves the complete support of the Congress and the President.

Mr. Speaker, at this point I request that a detailed summary and the actual text of the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983 be printed following my remarks.

SUMMARY OF MAJOR PROVISIONS OF THE RURAL ELECTRIFICATION & TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT OF 1983

AMENDING THE RURAL ELECTRIFICATION ACT OF 1936

1. Balance the Rural Electric & Telephone Revolving Fund through periodic adjustments in the REA interest rate. The Revolving Fund has served as the sole source of all REA insured loans for the past ten years. It has received no appropriations whatsoever, but instead relies on loan repayments as its primary source of funding new REA loans. Additional required funds are obtained through the sale of Certificates of Beneficial Ownership (CBOs) to the Federal Financing Bank (FFB).

Whereas the REA insured loan rate is fixed by law at 5%, the CBOs reflect market rates of interest, which have ranged from 10-15% in recent years. This interest differential has resulted in an imbalance between interest income (on new loans) and interest expense (on new CBOs).

The legislative proposal authorizes the REA Administrator to set the interest rate on new loans to be sufficient to cover the interest expense on new CBOs, thereby restoring and maintaining balance in the Fund.

2. Divide the Revolving Fund into separate electric and telephone subaccounts. The division of the Fund will better enable each of the electric telephone programs to meet their future financial requirements in a changing environment. The subaccounts will reflect each program's assets, liabilities, income and expenses.

3. Convert notes due the U.S. Treasury in 1993 into equity capital of the Revolving Fund. This change would convert the Treasury notes from a liability of the Revolving Fund to that of invested capital, or government equity, in the Fund. Otherwise, funds are scheduled to be transferred from the Revolving Fund to the Treasury during the period of 1993-2016, thereby reducing the Fund's resources and increasing its CBO borrowings. Although this change significantly enhances the Fund's long term viability, it involves no appropriation, outlay, or government spending.

4. Authorize the REA Administrator to repurchase CBOs. In order to manage the Fund in the most cost effective manner, the REA Administrator deserves authority to repurchase outstanding CBOs without penalty when interest rates drop at least one percent.

5. Authorize REA loan guarantee lenders to refinance loans. Under current requirements, REA loan guarantee borrowers are required to accept a fixed interest rate loan for at least 28 years without any reasonable provision for prepayment or refinancing. This proposal authorizes lenders to refinance REA loan guarantees without penalty periodically (every 7 years) if interest rates are at least one percent lower.

6. Authorize special interest rate loans for borrowers which are experiencing financial hardship and another specified criterion. The REA Administator is authorized to make loans at a rate of not less than 2 percent nor more than one-half the standard rate under specific guidelines. The Administrator is directed to include in a supplemental budget request the costs of making special interest rate loans.

7. Direct the REA Administrator to subordinate or accommodate liens or mortgages at the request of the borrower upon a finding that the borrower has the ability to repay its debt. As new supplemental sources of financing have developed, an unfortunate conflict has arisen between the Administration's desire to reduce the borrowers' reliance on REA and its simultaneous refusal to diminish its security interests in the assets of the borrowers. This increased and clear authority will enable and encourage increased non-REA investment capital.

PROVISIONS APPLYING TO ELECTRIC PROGRAM EXCLUSIVELY

8. Maintain supplemental financing criteria and ratios currently in effect, when minimum loan levels are less than $1 billion.

of taking Federal funds away from social programs in favor of military spending.

I will submit one statement to the CONGRESSIONAL RECORD per day. It is my hope that we learn from them and follow the path they have set.

The following material was submitted for the RECORD:

My name is Gertrude Berger. I represent CRAFT, Concerned Rank and File Teachers, a caucus within the Chicago Teachers Union. As an organization of Chicago public school teachers, we are testifying at this hearing as a demonstration of our commitment, not only in maintaining our school system, but upgrading it to adequately serve the needs of Chicago's children.

Last Monday the Chicago Board of Education projected deficit for the coming year of 202 million dollars. Harold Washington, our mayor-elect, went to Springfield on Wednesday to try to get more revenue for Chicago. If he is unsuccessful, more than 2,000 teachers will lose their jobs in September. Already, 6,000 Illinois teachers outside of Chicago have received layoff notices for September.

It is highly unlikely that the steady erosion of educational services in the city will be halted by a sufficient infusion of state revenue. As a matter of fact, the state trend is to reduce educational services. The governor is robbing teachers' pension funds for the third straight year to balance his own proposed 1984 budget, which contains a 10 percent cut for public education. Legislation is being introduced to eliminate bilingual and driver education and to reduce physical education in the high schools.

This means that we must look to the federal government for the money necessary to maintain our school system. The reason we are in such dire straits is the fact that the military has, year after year, funneled off funds from the nation's social services to feed the evergrowing appetite of the Pentagon. The United States spends an average of $15,000 a year per soldier and an average of $230 on public education per school age child. Federal aid to education was cut in half between 1981 and 1983. Loans and grants to college students have been radically reduced. Aid to disadvantaged elementary and high school students has been slashed by 37 percent. Public day care centers are almost non-existent.

Our organization believes that reducing the 273 billion dollar military budget by the 65 billion recommended in the Dellums proposal will still have an amount amply adequate for our nation's defense.

The Chicago Peace Budget compiled by the Chicago Peace Council points out that in 1983 Chicagoans will pay an average of $1,081 for every man, woman and child to the Pentagon. Sixty-five percent of our general tax dollar goes to the military. From the remaining 35 percent must come the funds for all other services.

Dellums' Alternative Budget, diverting 65 billion from the military, would give Chicago about one billion. Of this amount, the Peace Budget accords to education 157 million. That amount would restore funding of Title I, which involves CETA positions and money to handicapped, vocational and bilingual education. This would create jobs for 800 people at a cost of 40 million. 2,300 new teachers could be hired to reduce classroom size, at a cost of 39 million. Vocational education programs could be extended at a cost of 30 million. An increase in teachers' salaries, frozen for the last three years, would take 38 million. That would leave 10 million to help pay for a meaningful desegregation program.

The Children's Defense Fund of Washington, D.C also has compiled some interesting figures which could be made to apply to Chicago's situation. For example, the cost of one Trident submarine would run the Chicago schools for an entire year. Waikiki Beach Hotel in Hawaii is a million dollar resort, a vacation spot for military officers. Military bands cost another 100 million. By using high school bands to play at patriotic events and selling the Waikiki Beach Hotel, we could wipe out the $202 million deficit in the Chicago school budget.

The Reagan administration proposes to build 240 MX missiles at a cost of 110 million each. If we build 238—two less—we could balance the Chicago Board of Education budget. The B1 bombers cost 250 million each. One bomber would pay for the Board's deficit and we could hire 2,800 new teachers in addition.

We should like to conclude this listing of cold, impersonal statistics by citing the impact on children when their parents are unemployed, when the family's food stamps are denied or reduced, when their home is lost through mortgage foreclosures, when medicaid restrictions cut the family off from health services, and the effect of these negatives on the children's mental health and their ability to profit from the educational process.

The American Teacher, in its April 1983 issue, reports that 13 million children will be living in households affected by unemployment this year. Chicago will have its share of this total. According to child psychologists, these children are more likely to suffer from malnutrition, to be neglected or abused, less likely to receive medical care, more likely to display behavior problems and to be maladjusted in school.

We have just gone through a campaign in which both candidates for mayor declared that education would be their first priority. Harold Washington, said, "As mayor, I would make improvement in the school system one of my highest priorities. Failure to educate our children and young adults jeopardizes the future of the city."

We recommend this concern to our lawmakers in Congress. Passage of the Dellums' budget would be a fine first step.●

A MESSAGE ON AGING

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1983

● Mr. CAMPBELL. Mr. Speaker, May has been designated as "Older Americans' Month," and one of my young constituents, Joel Dobbs, a ninth-grade student at Hampton Park Christian School in Greenville, S.C., has addressed the subject of old age in an award-winning speech. Joel's family and teachers can be proud of this outstanding young man, whose remarks I would like to share with my colleagues:

The remarks follow:

It's May 1, and today is your sixty-second birthday. You've finally reached the magic age—the age that everyone yearns for: retirement. But, somehow this glittering landmark was not gold for you. You look in the mirror. Hate that gray? Wash it away. That's right. Just wash that gray right out of your hair. A little "Lady Clairol" or "Grecian Formula" should do the trick. But . . . what about those wrinkles? It's too late for the "Oil of Olay," but maybe a few tucks by the surgeon . . . why, with a few modest changes you might even look fifty-five again. Of course, that's still old. If you're to believe the "Jordache" commercials, thirteen is the prime of life. Some people even put Brooke Shields over the hill. But even if you could look eighteen again, you still have a problem. You know that you are sixty-two, and you're ashamed of it. You're ashamed of having lived sixty-two years upon this earth. You're ashamed at having survived the Great Depression, a world war, and two limited wars. You're ashamed at having seen the advent of air travel, automation, computer technology, the bomb, and television. You're ashamed at having lived through good times and bad, at having nurtured a family to maturity, or at having been in the American work force for forty-five years. And most of all, you're ashamed that you have sixty-two years worth of experiential knowledge, understanding, and wisdom. You're ashamed . . . but why? Of course, you're really not ashamed of all of those things. You have nothing of which to be ashamed. American society has taught you to be ashamed of those crowning years that should be the most fulfilling time of your life.

David Van Tassel, a specialist in U.S. social history and gerontology, presents this bleak prognosis: "Western culture has always had a negative stereotype of old age. Older people have been viewed as cranky, wrinkled, ugly, and unable to change their ways. This stereotype has been passed from generation to generation through literature and schools. The image dates back to the ancient Greeks, who honored youth, not age. In this century, the U.S. has become even more of a youth-centered culture. In the years ahead, older people have an even bleaker future unless there is a major change in the attitudes of the young."

Today in America, twenty-six million citizens are over sixty-five and another thirty-three million are fifty to sixty-five years old. It is estimated that by the year 2030, one out of every four Americans will be sixty or older, including myself. The number of elderly will rise from fourteen point four percent in 1960 to twenty-three point four percent in 2040. And as new medical advances occur every day, these figures may be conservative. Can you imagine one out of every four Americans wasting away in old folks' homes, or rocking their lives away on their children's front porches? As a nation, we must decide the role that we want our elderly to play for us. We have in our hands either a productive resource on which we can draw, or a horrible burden that will take from society a great amount of its output.

What about the elderly? Is old age just a phase of life in which the senile mind waits for the withering body to put it out of its misery? Does meaningful life suddenly come to a gruelling halt? Is all that's left merely the wishes of youth and the memories of a day in which life had something new to offer every morning? I say "no" to all of these questions. All Americans, from ages zero to one hundred must start to reassess old age. We must all answer emphatic "no's" to the negatives that we carry in our minds

about life after fifty. We have not begun to appreciate the vast resource that lies at our disposal in our aging citizens. Consider, for instance, that Albert Einstein proved his scientific genius well into his mid seventies. Toscanini was still conducting until his death at age ninety. Oliver Wendall Holmes wrote "Over the Teacups" at age seventy-nine. Darwin wrote most of his books after he was fifty. Ben Franklin was Chief Executive Officer of Pennsylvania when he was eighty-two. Lord Tennyson wrote "Crossing the Bar" when he was eighty-three. Verdi wrote "Ava Maria" at age eighty-five. Galileo made scientific discoveries well into his nineties. Florence Nightingale engaged in medicine until her death at age ninety. Titian painted the "Last Judgement" in his eighties. Grandma Moses started painting at seventy-nine. Clara Barton was president of the Red Cross until she was eighty-one. And what we have here is just the tip of the iceberg. Even today, we have those few brave elderly souls who refuse to quit on life: George Burns, Bob Hope, Claude Pepper, Frank Sinatra, Louis L'amour, James Michner, Strom Thurmond, and our most visible example, President Ronald Reagan. Be assured that there are more out there—countless grandmas and grandpas who are struggling to lead productive and meaningful lives in the face of a society that has very few places for them.

But we are not in a hopeless dilemma with our elderly. There are things that we can all do to assure that our waning years are waxing in life. First, as a society, we can correct some of the legislation that has forced our elderly out of the independence they deserve in later life. Take mandatory retirement laws. How can we, in good conscience, punish a human being for being old? Why should a person who has put many productive years into the work force suddenly be pushed aside to make room for younger, more inexperienced people? Granted, if the elderly cannot do their jobs, they must yield to those who can. But if all other things are equal, a person should not be asked to retire. Another area where the elderly could use a boost is in their social security/work dilemma. Elderly people should not be punished for working by losing their social security benefits. If social security is actually social security, and not welfare, then the elderly deserve the return on their investment into the system, no matter what their present level of income. If our government has mismanaged social security, then they must figure out a way to make it solvent. We cannot ask our elderly, who deserve to be reaping benefits, to bail the system out. Neither is it fair to make them choose between a pay check or their social security return. The private sector could do more for our elderly by making available more part-time work. The elderly could be offered job training for positions that would better suit their needs. Can young people do anything for the elderly? Of course. We can start by recognizing the potential our older citizens possess. They have the capacity to learn, just like we do. Sometimes, it may take them a little longer, because their brains are already crowded with the learning of many years. Young people can also make "trade-offs" with our senior citizens. We need their knowledge, their experience, their wisdom. Wouldn't you rather hear tales of World War II from a veteran than to read stories of it in a book? And all of us young people could serve our elderly in small ways, such as providing rides to the doctor, shovelling snow from their walks, or just providing them with our occasional company. As we grow older, we must do all that we can to insure that our elderly parents remain autonomous. We must give them support, yet we must allow them the dignity of running their own lives and making their own decisions. Respect and love are rewards of which no elderly parent should be robbed.

What can the present and future elderly do for itself? We can begin by accepting the fact that the golden years are coming to us all. It is a privilege to live into the fullness of years. Then, we can prepare for those years—financially, emotionally, intellectually, and physically—the best we can. We can determine that even if retirement is forced on us, we'll never retire from life until life is no longer in us. We'll volunteer work if we have to, but we will not become idle, useless, and a burden to society and others. Last, and most important, we must determine not to be ashamed of our age, rather to be proud of it. For there truly is glory in the gray, and there is resource in the wrinkle. It's time we honor those who have been long in the school of life. I hope I live to receive that honor.●

U.S. ARMY ORDNANCE MUSEUM

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1983

● Mr. DYSON. Mr. Speaker, I am very pleased to have in my Congressional District the U.S. Army Ordnance Museum at Aberdeen Proving Ground in Harford County, Md. The Ordnance Museum currently has 18,000 items in its famed collection of weaponry from around the world. I would like to submit the following article from the Retired Officer magazine, by G. Cole Morris, which describes the wide array of arms and equipment at the museum.

In the summer of 1916, the British offensive on the Somme was fast becoming the bloodiest and most useless battle in history. Desperate because each advance was costing him hundreds of thousands of lives, British Gen Douglas Haig ordered a newly developed contraption into battle.

On Sept. 15, 1916, forty-nine Mark I tank rumbled toward the front. No man's-land was covered with smoke and fog as the 26-ton monsters plodded toward the German lines. Hearing the strange metallic sounds, the Germans peeked from their trenches. With devastating accuracy, the Mark I's opened fire. Terrified, the German troops panicked and scrambled for the rear.

The Mark I—together with hundreds of similar beasts of battle—is housed in the world's most comprehensive collection of tanks and modern weapons: the U.S. Army Ordnance Museum at Aberdeen Proving Ground, Md.

Historically, the Ordnance Museum traces its origins to just after World War I. The U.S. Army wanted to evaluate the lessons learned in using artillery and to develop strategy for future conflicts. Equipment was shipped from war-torn Europe to Aberdeen Proving Ground for careful scrutinizing by weapons engineers.

Over the years, Aberdeen became a repository for all types of military hardware. Tanks, cannons, small arms and ammunition from around the world found their way to Maryland. As the collection grew, it was opened to the public, and steps were taken to organize and catalog the museum in a meaningful way. Today the collection consists of more than 18,000 items. Each year, 200,000 plus people visit this awesome display of firepower.

The museum building houses small ordnance such as mines, grenades, pistols and machine guns. Of particular interest is the collection of the Combined Material Exploitation Team. Made up of enemy weapons acquired in Southeast Asia, these arms were brought to Aberdeen for purposes of intelligence exploitation.

Among the Soviet Bloc weapons are several versions of the famous Kalashnikov automatic rifle. Known from Albania to Zimbabwe as the AK-47, this Russian-designed weapon combines tough, simple construction with almost uncanny accuracy. With more than 30 million copies produced to date, the AK-47 is by far the most numerous small arm in the world.

In addition to its massive array of firearms, the Ordnance Museum documents the evolution of the modern combat helmet, gas mask and body armor.

Likewise, several vehicles of historic significance are displayed including a command car from Germany's Afrika Korps, a Willys Jeep and Gen. John J. Pershing's beautifully restored 1917 Locomobile staff car.

It is outside, however, behind the museum building, where the really heavy ordnance is found. Everything from World War I tanks to an atomic cannon stand in mute testimony of a world constantly at war.

A German V-2 rocket illustrates the technical wizardry of the Third Reich. The Germans could have been victorious with their vengeance weapon, the V-2, a supersonic rocket that would have been capable—in advanced form—of striking New York City. Only a late start in the development program and lack of support within the Nazi high command prohibited the rocket from threatening the war's outcome. The V-2 possessed the basic components of today's space vehicles, including an inertial guidance system.

FOREIGN TANKS DISPLAYED

Nonetheless, it's the museum's acres of tanks which immediately grab the imagination. Panzers peacefully share ground with Pershings. Its red star still brilliant, a Soviet PT-76 amphibious light tank squats among adversaries of bygone battles.

Hulking nearby is the massive Jagdpanzer Tiger. Nicknamed "Elephant," this leviathan weighs 68 tons and specialized in the tank-killing role. It was a solidly armored, hard-hitting, but sluggish beast. Easily outmaneuvered by lighter Allied tanks, it could be attacked from the flank where its armor was thinner. Ironically, the "Elephant" was designed by Dr. Ferdinand Porsche, whose firm in more tranquil times became famous for sports cars.

A Japanese Type 95 light tank, designed in 1935, appears unimposing and fragile. In fact, all Japanese tanks of World War II were light—none weighed more than 22 tons. They were thinly armored, cramped, uncomfortable and outdated. But in the Pacific war, the scope and role of tanks were different to those in Europe and North Africa. Easily transportable, the Japanese light tanks proved ideal for the amphibious warfare of the Pacific Islands. Because American and British forces in the Far East

were at the bottom of the list for replacements of newer tanks and anti-tank weapons, Japanese armored attacks faced little serious opposition. Tanks such as the diminutive Type 95 contributed immensely to Japan's early victories.

Although Guido da Vigevano in 1300, and Leonardo da Vinci in 1500, designed armored combat vehicles, the first modern motorized tank was invented in 1912 by E. L. de la Mole of Australia. De la Mole sent his designs to the British War Office where they quickly vanished into bureaucratic oblivion.

Not realizing that de la Mole had already invented the tank, Col. Ernest Swinton of the British Royal Engineers began reinventing it during the early days of World War I. Colonel Swinton's primitive tank was based largely on early American agricultural tractors. Greatly impressed, the War Office put the new weapon into production.

IRONIC NAMING OF TANK

As already mentioned, the first tank to see action was the Mark I. Box-shaped, it was armed with two movable cannons protruding from its flanks in addition to six machine guns. Manned by a crew of eight soldiers, the Mark I was driven by a six-cylinder, 105-horsepower engine. Maximum speed was a less than breathtaking four mph. Strangely, the name "tank" originated during World War I, when the British, to keep their new weapon secret, shipped the first Mark I's to France in crates labeled "Water Tanks." The rest, as they say, is history.

Today, the historical value of the U.S. Army Ordnance Museum continues to be overshadowed only by its research value. By carefully studying the design features of the past, contemporary engineers often solve today's problems.

Like a ghostly juggernaut from the past, the arms of Aberdeen provide a fascinating reminder of man's brutal yet ingenius nature.

I would like to invite my colleagues to visit the U.S. Army Ordnance Museum. A tour of the museum provides a fascinating education in military history, and its collection is unrivaled anywhere in the world. The facility is important not only for its historical purposes but also for current research needs, and I am honored to have both the Ordnance Museum and the fine people who work there in my district.●

A TRIBUTE TO MR. KENNETH L. WILLIAMS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1983

● Mr. JONES of Tennessee. Mr. Speaker, the U.S. Department of Agriculture's 37th Annual Awards Ceremony was held here in Washington, D.C. yesterday, and I want to call my colleagues' attention to one of the honorees, Mr. Kenneth L. Williams who recently retired as Deputy Chief of Planning and Evaluation of the Soil Conservation Service. Mr. Williams was presented the Superior Service Award by Secretary John Block who cited him for "eminent leadership and creativity in designing a cost-effective, long-range national program for conservation of soil and related natural resources on America's nonfederal lands."

Mr. Williams was among 53 individuals and 18 groups selected to receive Superior Service Awards this year.

For the last 3 years, Ken has directed the national effort to devise the Secretary's recommended conservation program as required by the Soil and Water Resources Conservation Act (RCA) of 1977. The RCA program was sent to Congress in December of 1982, along with a statement of Presidential policy on soil and water conservation.

Ken had completed 32 years of Federal service when he retired March 30. Before his promotion to the National Headquarters staff in Washington, D.C., he was director of the SCS National Technical Center, Portland, Oreg., for 8 years. He became a charter member of the Senior Executive Service when it was created for top Federal positions in 1979.

Ken Williams began his SCS career in July 1948 in his birthplace, Provo, Utah, and held increasingly responsible positions in several other States, including California, Indiana, and Arizona. He was State conservationist for New Mexico from October 1968 to April 1972.

He studied agronomy at Brigham Young University where he received a bachelor of science degree in 1951, and natural resource administration at the University of Michigan where he earned his masters in 1965. He also served briefly with the U.S. Army in 1950.

Ken and his family now reside in Portland, Oreg. I am sure that all who know Ken are extremely proud of him, and I join all his friends in wishing him and his family every success and enjoyment in his retirement.●

STATUS OF THE IMMIGRATION REFORM AND CONTROL ACT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1983

● Mr. MAZZOLI. Mr. Speaker, I want to take this opportunity to advise my colleagues on the present status of the Immigration Reform and Control Act of 1983, H.R. 1510.

The bill was reported favorably by the full Judiciary Committee on May 5, 1983, by a vote of 20 to 10. I wish to commend highly Chairman PETER W. RODINO, Jr., for having conducted an excellent 3-day markup of the bill. Chairman RODINO was, at all times, fair and judicious, but he made it clear to all of us on the committee that he wanted the bill to proceed to the next step in the legislative process.

Let me, too, Mr. Speaker, thank devotedly all my committee colleagues for their time, patience, and cooperation during the 3 days we deliberated.

Special thanks go to my subcommittee colleagues who earlier went through 2 days of devoted effort when the Subcommittee on Immigration, Refugees, and International Law marked up the bill on April 5 and 6. I could not have a greater group of people to work with than they.

The bill was improved during committee consideration, just as it was during its subcommittee markup. It remains the fair and balanced bill that is essential if the Nation is to have a humane and effective immigration policy.

The committee report (H. Rept. 98-115) and the hearings before the Subcommittee on Immigration, Refugees, and International Law (Committee on the Judiciary, House of Representatives, 98th Congress, 1st session on H.R. 1510, Immigration Reform and Control Act of 1983, March 1, 2, 9, 10, 14, and 16, 1983, Serial No. 2) have been printed.

Mr. Speaker, because the bill touches upon so many areas, you have referred it to four other committees—Agriculture, Education and Labor, Energy and Commerce, and Ways and Means. These committees are required under your referral to take action on the bill they deem appropriate by June 27, and report back to the House.

I hope the bill will be scheduled for full House action soon after those reports are received.

For the benefit of my colleagues I am including at the end of my remarks a summary of H.R. 1510 as it passed the full Judiciary Committee on May 5.

I am also pleased to report that the Senate passed their immigration bill by a vote of 76 to 18 on May 18.

Any questions about the bill should be addressed to me or to the subcommittee staff on extension 5-5727.

SUMMARY OF IMMIGRATION REFORM AND CONTROL ACT OF 1983

(As reported by the House Committee on the Judiciary on May 5, 1983)

I. ILLEGAL IMMIGRATION

A. Employer sanctions

Makes it unlawful for any employer knowingly to hire for employment or to recruit for a fee or consideration, after the date of enactement, any alien not authorized to work in the United States.

Employers found by the Immigration and Naturalization Service (INS) to have an undocumented alien in their employ (or to have recruited or referred an undocumented alien) will be ordered by the INS to have all prospective employees show them, as a condition of hiring, either: (1) a U.S. passport, or (2) a U.S. birth certificate or social security card and a driver's license, or a state issued I.D. card, or an alien identification document. Employers may comply with

those procedures at their option even if they have not been ordered to do so by INS. In either case, all new hirees, not just minorities, must be checked by the employer.

Requires each employer who is following the verification procedure to attest in writing, under penalty of perjury, that he has seen the necessary documentation; requires the employee, to attest in writing, that he or she is authorized to work in the U.S.

Any employer ordered by INS to follow the verification procedure who does not meet the requirements for checking documents, signing the appropriate form, and retaining the appropriate form is liable to a civil fine of $500 per employee hired.

States that within three years of enactment the President shall report to Congress on such changes "as may be necessary" to make the system more secure.

States that the bill does not authorize the creation of national identification cards.

Establishes a graduated penalty structure for hiring unauthorized aliens—first offense: warning; second offense: $1,000 civil fine per unauthorized alien hired; third offense: $2,000 civil fine per unauthorized alien hired; fourth offense: $3,000 criminal fine per unauthorized alien hired or one year in jail, or both. Also, Attorney General may seek an injunction to stop "pattern or practice" violators.

Requires extensive outreach program to inform employers, employees, and the general public of this new law. Allows violations occurring during the first six (6) months after enactment to go unpunished.

Gives violators a right to a hearing before a Department of Justice Administrative Law Judge. (See page 2.)

Requires Civil Rights Commission to issue reports on possible discriminatory effect of this law.

Creates an affirmative defense for employers who have complied with the attestation requirements in good faith.

Creates a Department of Labor/Department of Justice/Equal Employment Opportunity Commission Task Force to review complaints of discrimination. Authorizes $6 million each year for fiscal years 1984, 1985, and 1986 for its activities.

Makes it a felony to use fraudulent documents in order to obtain employment.

B. Increased border and other enforcement; user fees

Creates criminal penalty for bringing an alien to the U.S., knowing or in reckless disregard of the fact, that the alien had not received prior official authorization to enter.

Provides a three year authorization for the Immigration and Naturalization Service to carry out their present duties, to increase enforcement and service to the public generally, and to implement the provisions of H.R. 1510. (Fiscal Year 1984—$716 million; Fiscal Year 1985—$689 million; Fiscal Year 1986—$731 million. This is approximately $500 million more over the three years than would be provided under a static budget.)

Allows Attorney General to impose fees for the use by aliens of border and other immigration facilities and services in an amount commensurate with cost.

Adjudication procedures and asylum

Creates United States Immigration Board, an independent agency within the Department of Justice. Seven member Board is appointed by the President with the advice and consent of the Senate, with members serving six year terms. It may meet en banc or in panels of three or more. It hears all appeals from decisions made by the Administrative Law Judges.

Chairman of the Board appoints Administrative Law Judges to hear all exclusion and deportation cases (including those involving asylum), challenges to fines, and all other matters heard by the present immigration judges. Some of the Administrative Law Judges are specially trained to hear asylum cases.

Decisions by the Administrative Law Judges would be reversible by the Board if not supported by substantial evidence.

Judicial review of exclusion and deportation cases available in U.S. Court of Appeal.

Allows class actions to contest violations of constitutional rights.

Judicial review of asylum matters available in U.S. Courts of Appeal.

Retains right of habeas corpus when judicial remedies have been exhausted.

At asylum hearings, alien is entitled to an open hearing, representation by counsel, the right to call witnesses, present evidence, and confront witnesses.

Aliens who attempt to enter the U.S. without proper documents can be excluded unless they assert some reasonable basis for entering the U.S. or claim asylum, in which case they are entitled to go before an Administrative Law Judge and receive a full scale hearing. No alien shall be excluded without first being notified of right to counsel (at no expense to the government).

Requires speedy asylum hearing: If alien is not given asylum hearing within 45 days of the filing of the application, the alien, if detained, will be released on parole.

Imposes various time limits in the processing of asylum claims.

D. Adjustment of status

Adjustment of status procedure would not be available to aliens who have violated the terms of their nonimmigrant visa.

II. LEGAL IMMIGRATION

A. Country ceilings

Increases legal immigration ceilings for colonies to 3,000 from the present 600.

Increases per country legal immigration ceilings for Canada and Mexico to 40,000 from the present 20,000.

Requires the President to submit to Congress every three years a report on the impact of immigration on the U.S.

B. G-4's

Relief provisions are provided for certain children and widowed spouses of employees of international organizations.

C. Nonimmigrants

Special procedure established for H-2 seasonal workers in agriculture:

The employer must apply to the Secretary of Labor no more than 50 days in advance of need, asking for foreign workers; employer then must attempt to recruit domestic workers;

The Secretary of Labor must provide a decision on the certification no later than 20 days in advance of need;

If the Secretary of Labor determines that a certain number of qualified U.S. workers will be available at the time needed, but at the determined time those workers are not qualified and available, an expedited procedure to determine need would be available.

Establishes a three year phased down transition program for agricultural producers to employ aliens who would not otherwise be entitled to enter or work in the U.S.

H-2 and "transition" workers guaranteed certain benefits such as housing or a housing allowance and worker compensation (to be provided by the employer if not available under a state program).

D. Visa waiver

After the Immigration and Naturalization Service has implemented a system to track the entry and exit of nonimmigrants, the State Department may establish a three year pilot nonimmigrant visa waiver program for eight countries which provide or will provide a similar benefit to the U.S. The visa refusal and visa abuse rates for the nationals of such countries must be minimal, and the visitors must have nonrefundable, roundtrip tickets.

E. Foreign students

Foreign students who enter the U.S. after date of enactment will not be allowed to adjust status or return to the U.S. until they have resided in their home countries for two years, unless such a student is an immediate relative of a U.S. citizen. Foreign students who entered before date of enactment, will not be permitted to adjust status, and must leave the U.S. to seek a visa if they wish to return. Exceptions are allowed, until 1989, for students with degrees in natural science, engineering, computer science, mathematics, or advnaced degrees in business or economics and other speical skills with certified job offers in industry or who have advanced degrees and have been offered a teaching or research job by a college or university. Exceptions also for adjustment to three year nonimmigrant training status in industry.

III. LEGALIZATION

Permanent resident status (not citizenship) for aliens who have continuously resided in the U.S. since before January 1, 1982 and who are not excludable (See below).

Federally funded public assistance (other than emergency medical care, aid to aged, blind, or disabled, and for serious injury or in the interest of public health) will not be available to permanent residents for five years (other than "Cuban-Haitian entrants").

Persons will not be eligible for legalization who:

Have been convicted of a felony or three misdemeanors committed in the U.S.;

Have assisted in political persecution;

Have been convicted of a crime involving moral turpitude, or two or more offenses for which sentences aggregating five or more years were imposed;

The government has reason to believe seek to enter for activities inimical to the welfare, safety or security of the U.S.;

Are, or have been, anarchists, Communists, or who advocate the overthrow of the government;

Are Nazis;

Would engage in subversive activities;

Have been convicted of a drug violation, other than simple possession of 30 grams or less of marijuana;

Are nonimmigrant exchange aliens subject to a two year foreign residency requirement.

Authorizes "such sums" for each year through Fiscal Year 1989 for the purpose of reimbursing state and local governments for increased educational and public assistance costs resulting from the legalization program.

Provides that aliens in the U.S. continuously since before January 1, 1973 may adjust to permanent resident status if of good moral character and not ineligible for citizenship; imposes a five year public benefits disability on aliens thus legalized.

IV. MISCELLANEOUS

A. Putative fathers

Recognizes, for preference petitioning purposes, the relationship between a biological father and his illegitimate child.

B. Retirees

Allows self-sufficient aliens who entered U.S. prior to 1978 in expectation of obtaining an immigrant visa as retirees to adjust to permanent resident status.●

JACK BENNY MEMORIAL AWARD TO LUCILLE BALL

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1983

● Mr. MOORHEAD. Mr. Speaker, on June 2 at the Century Plaza Hotel, Lucille Ball will receive the March of Dimes Jack Benny Memorial Award.

This wonderful honor is going to America's favorite redhead in recognition of her remarkable accomplishments as a great entertainer; in gratitude for her countless charitable contributions to countless persons, and in deep and happy appreciation for her joyfully reoccurring gift of laughter and mirth.

Throughout her life and career she has been a grand and storied success.

For a few fortunate individuals, she has been the loving, dedicated parent; for hundreds of persons in show business she has been the forceful, innovative businesswoman; and for millions of us, she has been and still is the consummate comedienne.

For most of the people in this great country, she has been a constant companion; she has been an anticipated part of our daily routine. She has been a mirthmaker, a chaser of shadows, a bannisher of ennui, a creator of glee, a purveyor of warmth and smiles, and a peddler of light and inner song.

Innumerable times she alone has lifted our collective spirits. She has brought great good to all of us with her humor, her talent, and her bouyant affection.

We adore her. We are grateful to her beyond measure for her many gifts. Few have raised the cup of goodwill as high and as often as this legendary lady of show business.

Mr. Speaker, it is a distinct honor for me to play a small role in the March of Dimes tribute to a national treasure, Lucille Ball.●

A SPEECH BY THE HON. MARIO M. CUOMO

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1983

● Ms. FERRARO. Mr. Speaker, last weekend I was privileged to hear an address by New York Gov. Mario M. Cuomo to the Democratic National Committee's Strategy Council, meeting here in Washington.

Government, Governor Cuomo told us, is not the enemy of the American people, but the instrument with which our society seeks to promote human dignity, economic justice, and national security.

He said that survival of the fittest may be a law of the jungle but it is a precept unworthy of a democratic society.

Monday, May 16, the senior Senator from Massachusetts, Mr. KENNEDY, placed the text of the Governor's speech in the CONGRESSIONAL RECORD where it appears on page 12353. I commend it to my colleagues as must reading.●

THE SMALL BUSINESS COMPUTER CRIME PREVENTION ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1983

● Mr. WYDEN. Mr. Speaker, today I am introducing legislation to protect America's small businesses from what threatens to be one of its biggest businesses—the burgeoning underground industry of computer crime.

Computer crimes in the marketplace—ranging from the theft of services, products, or funds, to the tampering with inventories, personnel records, product distribution, and proprietary data systems—are on the increase.

Criminals have become increasingly aware of the vast potential of computerized resources—and they are taking advantage of these resources in everyincreasing numbers.

For small businesses—faced with limited resources and an habitual capital crunch—this has become a growing problem. The business of computer crime is expanding so rapidly that few in the private sector feel they even can calculate the dimensions of the problem, let alone implement a strategy for crime prevention.

That is why today I am introducing the Small Business Computer Crime Prevention Act of 1983.

This legislation will not bring about a halt to all computer abuse and fraud—or even put all computer criminals behind bars. But it will provide our small businesses with basic information about the unique threat computer crime poses to these businesses, and will aid them in the development of safeguards that will reduce the likelihood that they will be victimized by this new form of criminal behavior.

Under my bill, the Administrator of the Small Business Administration (SBA) is directed to establish a task force charged with outlining the problem of computer crime and abuse, creating a clearinghouse for information on this subject and developing guidelines to support small business computer security efforts.

The purpose of these efforts is to improve the management of information technology—and thus move us closer to a solution to computer crime.

Media reports of computer crime often highlight the more exotic and sensational computer penetrations of private business—especially where multimillion dollar losses are suspected.

Experts believe, however, that reported computer crimes represent just the tip of the iceberg. In many instances, small businesses are reluctant to report a computer crime for fear that the admission of a computer-related abuse may result in the erosion of public trust. Moreover, the evidence indicates that many small businesses fear that such a disclosure of sensitive information will cause them additional harm.

Small businesses have become dependent on computers, communications, data networks, word processors, and associated technologies to fuel their growth—and when they grow, our economy grows. The value of these technologies—and the possible harm that can occur from their criminal abuse—is what prompts my call to arms.

Mr. Speaker, newspaper headlines about computer abuses of government, academia, and private sector computer systems provide us with virtually no substantive background on this complicated problem. When asked which systems are most vulnerable, I am reminded of the convicted bankrobber, Willie "the actor" Sutton's, remark about why he robbed banks—his now famous response: "That is where the money is."

Likewise, it is safe to say that computer crimes occur where the information is. Unfortunately, many small businesses lack information on security measures and the trained personnel to implement appropriate countermeasures. Many small businesses may not even recognize the need for security safeguards until it is too late.

Mr. Speaker, the Small Business Computer Crime Prevention Act breaks new ground. However, it will become increasingly important ground. Abuse of technology, including both unauthorized and illegal actions involving computers, is harmful and costly to us all.

For this reason, I am calling on the small business community, representatives of the computer industry, and Government specialists to work with me to help in forging a better understanding of this complex problem.●

PERSONAL EXPLANATION FOR TUESDAY ABSENCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1983

● Mr. BIAGGI. Mr. Speaker, on Tuesday, I was unable to be present and voting because I was in attendance at the graduation ceremonies for my son Mario II at Columbia Law School. Were I present and voting I would have voted "aye" on rollcalls 117, 118, 119, 120, 121, 122, 123, 124, and 125 under suspension of the rules.

With respect to rollcall 123, as an original cosponsor of the legislation to repeal the 10 percent withholding tax, as well as a signer of the discharge petition, I commend the House's action and hope our position will prevail over that of the Senate.●

LOOKING UP

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1983

● Mr. BEREUTER. Mr. Speaker, the seesawing of the American economy the past few years has tested the stamina of even the heartiest among us. Willing workers have fallen victim to the catastrophe of unemployment, high interest rates have suppressed homebuilders, and families have been forced to cut back further than ever before. These struggles make us especially grateful for each bit of good news associated with the economy. Very recently we have seen the stock market soar, interest rates fall, and gas prices drop. While these indicators cannot signal instant recovery, they can boost the morale of a weary country.

I would like to point out to my colleagues an editorial that recognizes a few such economic victories. The editorial, titled "Looking Up," is upbeat and optimistic, a good sign that the people sense economic recovery on the horizon. May all the gloomy forecasters read the prediction and realize that we are walking the road to recovery.

The editorial follows:

[From the Sioux City Journal, Mar. 7, 1983]

LOOKING UP

No doubt about it, the nation's economic health is improving by leaps and bounds.

Inflation continues to moderate, There's an increase in consumer buying. The stock market has reached an all-time high. The bond market soars. Interest rates are falling.

Gasoline and heating oil prices are dropping. Jobless claims are falling. New orders to factories have risen 4.5 percent. Sales of existing single-family homes posted their largest monthly increase on record in January. Sales of new houses jumped 9.9 percent the same month. The index of leading economic indicators shot upward 3.6 percent in January.

Good signs, all. And the president has told the nation it is beginning to taste the rewards of doing away with government spending.

When Reagan proposed his $848.5 billion budget at the end of January, he predicted the Gross National Product—the broadest measure of the nation's economic activity—would increase 1.4 percent for 1983.

Now, economists are more optimistic anticipating the GNP will rise 4 or 5 percent in that time. GNP growth for January alone was almost 1 percent.

Unemployment still is a major concern. The rate of joblessness is 10.4 percent, and is not expected to drop below 10 percent during the year.

But there is a good sign. The latest Labor Department reports show the number of first-time filings for unemployment benefits fell to 472,000 in the second week of February, down 38,000 from the week before. The drop indicates labor conditions are stabilizing.

The reduction in oil prices from $34 a barrel has been called "very good" for the United States by Commerce Secretary Malcolm Baldrige. He says every $1 per barrel drop saves consumers $2 billion in the United States and another $2 billion in Europe. Baldrige says lower oil prices can mean consumer prices will rise only 4 percent this year instead of the 5 percent officially forecast—another indication of recovery.

Most signs are healthy. But because unemployment will continue, there is justification for a modest jobs program. What the nation doesn't need is out-of-control spending legislation that could once more send interest rates soaring. Let's hope Congress will read the signs correctly and restrain its impulse to tinker with the economy.●

SENATE—*Friday, May 20, 1983*

(Legislative day of Monday, May 16, 1983)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, strong men and women are rarely free to reveal their weakness or vulnerability. It is not acceptable in our sophisticated culture—certainly not in a powerful body such as the Senate of the United States. Nevertheless, Lord, we are weak—we are inadequate—we are vulnerable. Forgive us for concealing our need behind an armor of invincibility. Help us to see that such armor not only covers up the need inside, but also prevents love and care from the outside to get in.

Deliver us, Dear Lord, from hypocrisy and pride that would leave us alone in our weakness. Give us the humility that is free to acknowledge need and receive the support which friends want to give and which Thou art so ready and willing to supply.

Merciful Father, yesterday, the Senate passed a budget that no one is really satisfied with. As the Senators move on to other business, help them find resolution that is truly responsive to reality. If there be alienation between Senators or between the Senate and the President, we pray for healing and reconciliation. Father God, may Thy kingdom come and Thy will be done on Earth as it is in Heaven. In the name of Him who is the loving Reconciler. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

CONGRATULATIONS TO THE PRESIDENT PRO TEMPORE

Mr. STEVENS. Mr. President, I am happy to see my good friend, the distinguished President pro tempore, here so early in the morning after such a late evening on yesterday. I again congratulate the President pro tempore for his dedication to the Senate and his willingness to be here as we commence the operation of the Senate, as he is here until the last minute as we complete the daily work. I really do not feel we have left the floor for long enough between yesterday and today.

CONGRATULATIONS TO THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET

Mr. STEVENS. Mr. President, I want to start off this morning on behalf of the leadership in congratulating the chairman of the Budget Committee for his diligence and for doing his very best under an extremely difficult set of circumstances during the debate on the budget resolution over the last week. He has shown ability as a leader. It was, I think, a tribute to Senator DOMENICI more than anything else that there was a group of us who decided that his bill should pass and be taken to conference just as he himself had decided that the bill should come to the floor in terms of the vote in the Budget Committee when the resolution was first brought to the floor.

SENATE SCHEDULE

Mr. STEVENS. Today, Mr. President, we are going to consider the Senate Concurrent Resolution 26, the MX basing resolution. There is a 50-hour time limitation on the resolution. It is not subject to amendment. It is the intention of the leadership to ask the Senate to be in session today for at least 7 hours, and we shall continue under the same arrangement for tomorrow unless we can work out an agreement concerning the Saturday session and the balance of today's session.

On Monday, it is our intention to commence the consideration of the MX resolution early and we hope to have the final vote on that resolution occur on Tuesday, if at all possible, and no later than Wednesday because, Mr. President, we must consider the debt ceiling bill. It is the majority leader's plan to ask us to consider those items prior to recessing the Senate for the Memorial Day holiday.

The majority leader has requested that Senators should plan to be here through Friday of next week and anticipate late nights next week.

BENEFITS OF THE U.S. POSTAL SERVICE MONOPOLY

Mr. STEVENS. Mr. President, occasionally, as chairman of the Post Office and Civil Services Subcommittee of the Governmental Affairs Committee, I get inquiries, as do other Members of the Senate, regarding the feasibility of maintaining the U.S. Postal Service's monopoly status in the first class letter mail area. As Members of the Senate realize, the monopoly that the U.S. Postal Service enjoys in the delivery of first class mail is because of the private express statutes.

We often hear that the general public, particularly the business community, might be better served if the private express statutes were repealed. Such an assumption, in my opinion, could not be more wrong. The general public, especially the business community, are served best by the maintenance of these statutes. A succinct statement to that effect, written by William G. Mullen, executive director of the Third Class Mail Association, recently appeared in the March issue of the Zip magazine. I ask unanimous consent that the entire article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BENEFITS OF USPS "MONOPOLY"

(By William G. Mullen)

Occasionally one reads or hears of efforts to repeal the Private Express Statutes. Seemingly good reasons are offered: competition from private delivery firms would improve the level of service offered by USPS, or bring prices down; it's wrong in this day and age for a government entity to have such a "monopoly"; and so on.

At the same time, the Postal Service and postal unions all rise to vociferously defend the Private Express laws and demand their retention.

"What's the big deal?" you might ask. Why should mailers be concerned whether an apparent "featherbedding" rule is kept or thrown out?

ASSURING UNIFORMITY

The Third Class Mail Association believes very strongly that the Private Express Statutes should be kept in force—not to protect the Postal Service or postal unions—but for other extremely important reasons.

What the Private Express laws do is assure maintenance of a system of uniform postal service, serving everyone with uniform rates and service.

The laws basically say that only the Postal Service can deliver "letter" mail, and that if any item that is a "letter" is delivered by a private firm or individual it must have postage affixed anyway. The Private Express laws cover not only First-Class mail but extend to many types of third-class mail as well, in addition to mail in other classes. The laws have nothing to do with what rate is paid, only with whether postage should be affixed and who has the right to carry a particular type of mail.

Opponents of repeal fear that such action would destroy the Postal Service as it is known today and make it much more expensive for mail that remains in the system to be delivered.

Opponents of change argue that if there were no Private Express Statutes private delivery firms would skim off the most profitable mail—primarily within large cities—leaving only the more expensive-to-deliver rural areas to the Postal Service.

Opponent are also concerned with how mail users would coordinate the distribution of large regional or nationwide mailings through a myriad of independent private delivery firms as well as the Postal Service.

A CLOSER LOOK

Other questions surrounding this issue include:

How to handle the exchange of mail with other countries when the US would have a number of independent companies instead of a single nationwide system;

How to provide for mail forwarding;

How to assure the security of the mails;

How to protect against mail-order deception.

The Postal Service as we know it today depends on a large volume of mail to keep rates close to reasonable. Third-Class mail generates much of this important volume and is the only class of mail with any significant growth. It would be extremely expensive, due to the fixed costs of the Postal Service, to maintain a Postal Service able to deliver mail to all parts of the country—especially rural areas not served by private firms—without the kind of volume the Postal Service has today.

Business mailers need to think seriously about the end result before jumping on the bandwagon to repeal the Private Express laws under the guise of "deregulation" and "free enterprise". Business mailers really need to consider exactly how they would reach their customers in a "system" that might require the use of several private companies as well as the Postal Service itself to deliver an advertising piece or product.

ORDER FOR PERIOD FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that, following the time for the two leaders, there be a period for the transaction of routine morning business not to exceed 10 minutes.

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

Mr. STEVENS. I yield back the remainder of my time.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the acting minority leader is recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time for the minority leader be set aside for his use later on today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business of no more than 10 minutes.

Mr. PROXMIRE. Mr. President, is there any limit on the time that any one Senator can speak in morning business?

The PRESIDING OFFICER. There is not at the present time.

BUDGET RESOLUTIONS AND DEFICIT SPENDING

Mr. PROXMIRE. Mr. President, during the past weeks, the Congress has passed a budget resolution, both in the House and the Senate. Last night, we passed a budget resolution, as we all know, by a 50-to-49 margin. I think that budget resolution was utterly ridiculous, and I think it is an insult to the intelligence of American citizens.

The purpose of a budget resolution is to put the Congress on record on an overall budget the way a family or a business might do it. The Federal budget is to determine how much we will spend during the coming year and how much we shall raise in taxes to pay for that spending. It is similar to how a well-run business will determine how much they can expect to bring in from what they sell and how much they will have to pay out to produce what they sell. For the business, the difference is profit. Since businessmen live and die by their profits, there is a strong incentive for them to hold down their costs and to sell as much as they can and to operate efficiently, and they do.

In the Government, the opposite is true. All the pressures on the Congress and the President are to spend and spend and spend. We get pressure to spend money on military weapons and health programs, on education and housing and welfare, on space programs, farm price supports. But, of course, no one wants to pay taxes, so we get strong pressure constantly to hold down and cut taxes. The trouble is, when Members of the Congress together do this, spend more and tax less, the result is a deficit and big, fat, Federal borrowing that drives up interest rates, knocks our economy recovery flat on its back, and throws people out of work.

The budget resolution is designed to provide a promise the Congress makes to the country and itself that for the rest of the year it will hold down overall spending and, to the extent that it has to spend money, it will raise that money in taxes so it will bring in as much or nearly as much as it pays out. Obviously, cutting spending and raising taxes takes political courage. Reducing the Federal deficit takes political courage. So you can measure the political courage of the Congress by the kind of budget resolution it passes. On that basis, How does the Congress stack up? If I were a teacher grading the Congress, I would give it a flat flunk, a zero. Consider the past couple of weeks. The House of Representatives and the U.S. Senate have passed the most disgraceful budget resolution in history. The budget resolution squeezed through the Senate by a 50-to-49 vote last night. How does it do on spending? Together with the House budget resolution—you have to put these things together—it will increase domestic spending on social programs.

How about military programs? In spite of a pretense at restraint in holding down the percentage increase, I cannot think of a single weapons system that the Congress will say no to.

It now appears we are going to pass the MX, the B-1 bomber, the two new aircraft carriers, the fantastically expensive fighter planes, the gold-plated tanks, the works.

How does Congress propose to pay for it? Will it increase taxes? No. It will cut taxes. It will permit the Reagan tax cut, taking another 10-percent reduction in your income tax, to go into effect on July 1.

So we will get our tax cut. We will get all we could dream of for our military, and we will provide more than ever for social programs.

This sounds great except that we will also incur the biggest debt in any one year in the history of this or any country. It is like a family that has a nice income of $30,000, buys everyone in the family a new car, buys a new house, takes a Hawaiian vacation, gives a local charity $10,000 donation, and puts everything on a credit card. It is wrong, wrong, wrong. We will not pay for it this year, maybe not next year, but we will pay for it in inflation and a record depression within the next 3 or 4 years.

DEPLOYMENT OF NUCLEAR MISSILES IN EUROPE SHOWS INSANITY OF ARMS RACE

Mr. PROXMIRE. Mr. President, rarely has the insanity of the nuclear arms race been more dramatically and strikingly described than by Walter Pincus in the Washington Post of last Sunday. Pincus argues that both—I repeat both—the United States and the Soviet Union are throwing money away on nuclear weapons that accomplish absolutely nothing and have no purpose.

Pincus writes that we are preparing to deploy nuclear weapons in Europe—Pershings and cruise missiles—that will serve absolutely no purpose. Every single target they would hit is already fully targeted by other U.S. nuclear weapons. Has anyone argued that our present nuclear weapons will not do the job under any conceivable circum-

stances, including an all-out Soviet nuclear attack on the United States? Of course not. Much of our nuclear might, particularly our submarines, is invulnerable. No one has questioned the assertion of the Secretary of the Navy and the Chief of Naval Command who told the Senate Appropriations Committee a month ago that our nuclear submarines are not only invulnerable but they would stay that way throughout the century.

Of course, the Russians are equally guilty. They have produced and deployed a force of 350 SS-20's, 240 targeted at Europe—enough to deliver 720 warheads on Europe. They only have 200 targets at the most.

Pincus concludes:

The new missiles in Europe have taken on political importance for Reagan and Yuri Andropov, Helmut Kohl, and Margaret Thatcher that is already far beyond their limited military value.

The only certainty today is that deployment of these militarily unnecessary and unwanted weapons, accompanied by some imaginative arms control negotiations, will send us down a totally new, uncharted hole in the nuclear wonderland.

Mr. President, at a time when we face the massive deficits that constitute by far the most imposing threat to our economic recovery, it is ridiculous for us to throw away billions in this insane arms race.

I ask unanimous consent that the article by Walter Pincus be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NUCLEAR NONSENSE: THE NEEDLESS CRISIS IN EUROPE

(By Walter Pincus)

The United States and the Soviet Union are heading for an artificially created crisis in Western Europe this fall, one that proves the folly of politicians using nuclear weapons to solve their own internal political and diplomatic problems.

Why? Because deployment is scheduled to begin in December of a new generation of U.S. nuclear missiles that the American military originally never wanted to build and for which there are no Soviet targets not already covered by other U.S. nuclear weapons. In other words, every target the new missiles will be pointed at is already a target for some existing American nuclear weapon.

Moscow has put itself in a similarly ridiculous position. Since the late 1970s, despite growing NATO concerns, the Soviets have built up a force of over 350 SS20 intermediate-range missiles, each with three warheads, that is far beyond any conceivable military need. Of these, 240 or so are aimed at Western Europe—enough to deliver more than 720 warheads, each 10 times more powerful than the bomb that destroyed Hiroshima. But there are fewer than 200 worthwhile targets for nuclear warheads of that size in all of Western Europe. So the Russians must want them for some symbolic reason—for coercion, or for bargaining, or both.

Neither superpower is really prepared for or eager for a showdown in Europe at the end of this year. Both have serious problems at home and within their alliances. Theoretically, at least, the negotiations that resume Tuesday in Geneva could provide a way out of this absurd situation, but in fact they are unlikely to do so. The allied leaders, meeting at the end of the month in Williamsburg, Va., might also look for a way out, but they won't.

So what ought to be nonsense is a real crisis. Anti-nuclear groups in Western Europe, fired up by talk of an impending nuclear war, have mobilized million of men, women and children for demonstrations and marches; Soviet officials are making public and private threats to deploy new nuclear weapons; West European governments and party coalitions face serious political challenges; even the future of the 34-year-old NATO alliance is said to be in jeopardy.

Thus, as the December deployment date approaches, it seems the superpowers have voluntarily begun a game of nuclear "chicken," with the world looking on to see which one blinks first.

THE WEAPONS

There have been nuclear weapons in Europe for more than 30 years. The first were crude by today's standards—American bombers loaded with nuclear bombs, then later, medium-range Thor and Jupiter missiles. The Soviets' first weapons were also bombs loaded in airplanes; later they deployed medium-range SS4 and SS5 missiles in the western portions of the Soviet Union, aiming them at air bases and military targets in Western Europe.

By the mid-1960s, some 600 SS4s and 100 SS5s were in place. These were liquid-fueled missiles that carried a single warhead with explosive power in the megaton range—that is, the force of one million or more tons of TNT, or 80 times bigger than the Hiroshima bomb. These missiles were clustered together, mostly in unprotected sites in northwest Russia. They required eight hours to fuel before firing and could remain loaded, on alert, for only five hours, because of the volatility of their fuel.

The American missiles—1,500-mile-range Air Force Thor and Army Jupiter missiles—were similarly slow firing and relatively rudimentary. Nikita Khrushchev reacted with strong public anger when the United States deployed 105 of them in England, Italy and Turkey beginning in late 1959. There is persuasive evidence that the Soviet attempt in 1962 to put 40 of their SS4s and SS5s in Cuba was in part, at least, a reaction to the introduction of U.S. missiles into Europe.

Whatever the truth of the matter, the settlement of the Cuban missile crisis involved removal of the Soviet missiles from Cuba and the American missiles from Europe. For Washington, there was no reduction of strategic power because Atlas, Titan and oncoming Minuteman ICBMs based in the U.S. were aimed at the targets of the withdrawn Jupiters and Thors. But from that time on, there was a recognition within the U.S. government that reintroduction of American missiles on West European soil would cause a major response from Moscow.

In order to get NATO approval to remove the Jupiters and Thors, the United States agreed to introduce two new nuclear systems in Europe that also covered the targets of those missiles. One was a new fleet of missile-bearing submarines which the U.S. assigned to NATO's European waters—initially five Polaris submarines each carrying 16 missiles. (Later these were replaced by more modern Poseidon subs. But these weapons were not visible. To provide a symbolic replacement for the visible rockets, the Americans also deployed fighter-bombers armed with nuclear weapons on West European airfields. Some of them remained on 15-minute alert at the ends of runways 24-hours a day. These so-called "quick reaction aircraft" could strike Soviet targets in less than 30 minutes from bases in Turkey, and in somewhat longer periods from Greece, Italy and West Germany.

All these forces are still in place today, as the Soviets have been noting heatedly during the current negotiations over European-based missiles.

In the 1960s, the Soviets sought to modernize their missile forces aimed at Western Europe. But their first attempt to build more efficient solid-fuel replacements for the SS4s and SS5s were unsuccessful, and only a few new SS14s and SS15s were deployed.

At the same time, the break between Moscow and Peking created a new military situation. Soviet commanders decided they had to aim some missiles at China.

To fill the gap created by the solid-fuel missile failures, the Soviets turned to a new, liquid-fueled ICBM about the size of the U.S. Minuteman that did work—the SS11, an intercontinental range missile that could also be used over shorter ranges against European targets. In the late 1960s, the Russians began to deploy SS11s in missile fields that had formerly housed SS4s and SS5s, both in Europe and the Far East.

In the mid-1970s the Soviet finally succeeded in building a solid-fuel medium-range rocket that worked, the SS20. With three accurate and independently-targeted bombs on each missile, the SS20 represented a significant improvement on its older, relatively inaccurate, liquid-fueled predecessors. The first SS20s began to appear at operational sites in 1977, but their initial deployment was very slow.

The U.S. built no new medium-range missile for European use. All it had was the Army's Pershing missile, with a range of just 400 miles; 180 of them had been deployed in West Germany since the mid-1960s.

Though weapons scientists thought up ways to modernize the Pershing to make it a more potent weapon, the Army never considered the missile a high priority item, in part because it is costly to operate, eating up more than $1 million per year per missile. Army generals were not eager to spend even more money to modernize the missile.

Weapons designers had also come up with plans for new "cruise missiles"—unpiloted drones that could carry explosives—nuclear or conventional—long distances to hit their targets. The Air Force, however, was much more interested in getting the B-1 bomber and a new MX intercontinental ballistic missile, and the Air Force brass never fell in love with cruise missiles, even the air launched variety that could be fired from bombers. But Henry Kissinger forced cruise missiles on the Air Force in the mid-1970s so that he could have a bargaining chip in his strategic arms negotiations with the Russians.

In other words, intermediate-range ballistic and cruise missiles were more like orphans than favorite children inside the American military.

THE POLITICIANS

In 1977, the NATO alliance ran into a major personality problem. The newly-elected American president, Jimmy Carter, and the experienced West German chancellor,

Helmut Schmidt, quickly learned to dislike and then to distrust each other.

That mutual animus broke out in the open early in Carter's Administration during the dispute over neutron weapons, the new generation of battlefield "tactical" nuclear weapons that would kill enemy soldiers with high radiation, but do much less damage to land and buildings than ordinary nuclear weapons.

Public disclosure of the neutron weapons program in June, 1977, caught Washington and the NATO capitals by surprise. Neutron weapons became politically explosive because they suggested to West Europeans that NATO actually planned to explode nuclear shells on their own soil.

American presidents before Carter had taken full responsibility for decisions to introduce new nuclear weapons into the NATO arsenal. But Carter asked NATO leaders to share responsibility for introducing neutron weapons.

At some political risk, Schmidt spoke in support of the weapons. But Carter's initial hesitancy gave Schmidt concern. The Germans began to worry about how the new American president would handle the more serious problem of strategic nuclear weapons.

That concern increased as 1977 wore on. Schmidt became alarmed when he learned that American negotiators at the Geneva strategic arms limitation talks were pursuing the idea of barring American cruise missiles from European territory as part of the SALT II package. Schmidt argued that it was a mistake to consider eliminating a weapon that could be used by NATO to counter then accelerating Soviet deployment of new SS20 missiles in Europe.

Schmidt voiced his worries in a famous speech in London in October, 1977. He pointed out that the alliance had no system comparable to the SS20. He called for parity in such missiles because the two superpowers were agreeing in the SALT negotiations to parity at the strategic or intercontinental nuclear level.

In April, 1978, Carter surprised everyone by deferring production of the neutron shells and missiles. Privately, West European leaders were outraged at the way this decision was made. Publicly, it looked like the alliance could not make a military decision and, faced with Soviet opposition, make it stick.

After the neutron fiasco, top aides to Carter and Schmidt agreed privately that for the good of the alliance, NATO would have to institutionalize its nuclear weapons modernization program. That would mean deciding on another new weapons program that NATO could stick by, to prove its mettle.

From the beginning, the idea was to deploy a new missile that could threaten Soviet territory from the Western European bases—with the clear understanding that Moscow would complain sharply. That's what was needed for an initiative designed to prove NATO still had some political will.

At the Pentagon, the U.S. Air Force said it could make an intermediate-range missile quickly, using just two stages from its Minuteman III ICBM. It also said it was willing to explore an entirely new medium-range ballistic missile. Low on its list was the ground-launched cruise missile.

The Army proposed a further modernization to the Pershing rocket that would extend its range to about 1,000 miles—enough to hit many Soviet targets, but not enough to reach Moscow.

The Navy was working on plans for a submarine-launched cruise missile that also would have filled the requirement. But the Europeans preferred a visible, land-based missile that could be compared directly to the Soviet SS20.

At the same time, some NATO governments, particularly the Dutch, saw the need to assuage their citizens' concern about nuclear weapons if they were going to be able to deploy the new missiles in their countries. This led NATO to adopt a "two-track" policy. An attempt would be made to engage the Soviets in negotiations to limit deployments of missiles in Europe even as plans for the new NATO deployments went ahead.

The NATO military committee originally decided that the West deploy 200 to 600 missiles. More than 600 would be too threatening; less than 200 would be no threat at all. (The final choice of 572 represented the closest number to the top figure—it was assumed that out of negotiations, some lower number would emerge.)

When the alliance voted to approve the deployment in December, 1979, NATO leaders assumed that the prospect of new negotiations with the Soviets would defuse any public opposition that developed to the new weapons.

But NATO was also assuming that the U.S. Senate would ratify the SALT II treaty that Carter and Leonid Brezhnev had signed the previous June in Vienna. Both Americans and their European allies reckoned that SALT III negotiations would be the obvious forum to discuss limits on the "Eurostrategic" systems like SS20s, Pershings and cruise missiles.

The Soviets were furious at the NATO decision. Initially, Brezhnev insisted there could be no new negotiations if NATO approved deployment. But the Russians reversed themselves by the summer of 1980, thanks in good part to the representations of Schmidt in Moscow.

In October, with the presidential campaign in full swing, then-President Carter sent American negotiators to the first sessions in Geneva with an alliance-approved position calling for a global total for SS20s, with a sublimit for those deployed in Europe. The Americans were prepared, under this formulation, to give the Soviets a warhead advantage in European weapons as compensation for the British and France nuclear forces.

When Reagan came to power, these negotiations with the Soviets were in recess. The new American administration was inclined to delay resumption of talks until deployments of the Pershing and cruise missiles had begun.

But this didn't satisfy the Europeans, who eventually persuaded Defense Secretary Caspar W. Weinberger that NATO had to appear serious about negotiating to defuse public concern over the Reagan approach. Under this European pressure, the new administration embraced the "zero-zero" option.

It is fitting, given the ironic history of these missiles, that the Reagan administration's proposal that the United States withhold deployment (the first zero) if the Soviets destroy all their medium-range missiles (the second zero), originated in the late 1970s with the Dutch peace movement. It was brought to Brussels in 1979, by the Netherlands delegation when the two-track option was being put together. It was rejected at that time as too idealistic and clearly unacceptable by Moscow. According to U.S. officials who were there, it also was turned down because it would be too hard a position to back off of once the Soviets turned it down.

Nonetheless, Weinberger bought it and came back to Washington to sell it as administration policy. However, the State Department under then-Secretary of State Alexander M. Haig Jr. pushed for the same arms negotiating formulation favored by the Carter administration—equal missiles for both superpowers at the lowest possible levels. Haig argued that the zero option would be unacceptable to Moscow since they would give up everything while we gave up nothing. If the U.S. made such a proposal, he argued, the Russians would doubt that the U.S. really wanted to reach an agreement.

Weinberger won the bureaucratic battle, and the president's speech announcing the zero option was hailed as a political triumph.

Now, however, the administration has drawn away from the "zero-zero option" and proposed an "interim agreement" that in fact is a variant of the original Haig State Department formulation—equal numbers of warheads and missiles for the United States and Soviet Union at the lowest possible levels. But the American position has not budged on one basic point, that as long as the Soviets maintain SS20 missiles aimed at Western Europe, the U.S. will deploy an equal number of new missiles in Europe.

The Soviets, while changing the numbers and approach of their initial position, have also held to their one basic point, that the European balance would be provided by British and French nuclear systems, and no new U.S. missiles should be deployed.

THE OUTLOOK

To evade the December deployment deadline, an agreement must emerge in Geneva in the next few months. It probably won't, and then there will be a pause while the Russians withdraw from the talks and decide what to do next.

Luckily the deployment schedule is exceedingly slow. The original planners back in 1979 expected that the negotiations to limit numbers would only become serious after the first missiles reached Europe.

The initial group of nine Pershings, for example, is expected to take months to become operational. The entire deployment of 108 is scheduled to require at least two years.

The cruise missile deployments are expected to be spread over almost six years.

In a more sensible world, the experienced U.S. and Soviet negotiators in the Geneva intermediate-range missile talks, Paul Nitze and Yuli Kvitsinski, would be able to guide their respective governments toward a mutually acceptable compromise. But this is not likely now.

A year ago, in an unusual initiative begun by Nitze, the two negotiators did draw up a framework for a settlement. The Americans would drop the Pershing and in the coming years, the number of U.S. cruise missile launchers deployed in Europe would be equal to the number of SS20s based west of the Urals. In turn, the Soviets would freeze at 108 the SS20s in the Far East aimed at China, Japan and other targets including countries where the U.S. maintains nuclear weapons.

Moscow turned the idea down, as did Washington after some initial study. But that framework is still available.

Perhaps what's needed is a grander step, like merging the Euromissile talks with those on strategic arms reductions (START), in order to work out some overall mix for all land and sub-based nuclear warheads, missiles that fire them and airplanes capable of delivering nuclear weapons.

That approach would mean giving de facto recognition to Moscow's view that the planned European-based, U.S. nuclear missile systems are equal to American-based longer-range missiles that can reach Soviet territory. (Americans might understand this point better if the Soviets were putting similar weapons in Cuba, say.)

In a new negotiation that takes into account all medium- and long-range weapons, it would be much easier to balance weapons belonging not only to the Soviets and Americans, but to the British, French and Chinese as well. The object would not be exactly identical numbers on both sides, but a balance of forces that leaves both sides feeling relatively secure.

But as you may have noticed, this is not a sensible world. The new missiles in Europe have taken on political importance for Reagan and Yuri Andropov, Helmut Kohl and Margaret Thatcher that is already far beyond their limited military value.

The only certainty today is that deployment of these militarily unnecessary and unwanted weapons, unaccompanied by some imaginative arms control negotiations, will send us down a totally new, uncharted hole in the nuclear wonderland.

EVIDENCE OF TORTURE

Mr. PROXMIRE. Mr. President, this week Amnesty International provided detailed evidence that Chilean political detainees were systematically tortured in a secret security prison in Santiago, Chile.

This detention center, used by the Chilean secret police, appears to have been specially equipped for inflicting torture. Amnesty International said that procedures followed at the center were part of a widespread and continuing pattern of torture in Chile.

A report released this week, Chile: Evidence of Torture, cites the cases of 19 former detainees who were medically examined by an Amnesty International mission which included two doctors.

Eighteen of the former detainees alleged that they had been tortured by members of the Chilean security forces—13 said this happened in the detention center in Santiago; others said they had been tortured in provincial centers or in police stations.

Most said they had been slapped, punched, kicked or beaten with a blunt instrument and 14 said they were electrically tortured. Amnesty International's doctors found that the tortures alleged by the former detainees were consistent with the symptoms they described or the marks they carried at the time of the examinations.

The report also states that trained medical personnel were present in the detention center and examined a number of detainees before and after torture. "In certain cases there are grounds for believing that one or more of these people actively participated in torture," the report said.

Mr. President, this is a shocking and frightening report, not merely of human rights abuses, but of outright physical abuse. These detainees were not only deprived of their rights to be free from illegal arrests, detentions, and interrogations, they were completely deprived of their physical and emotional well-being.

I am not suggesting that the torture that Amnesty International has reported is genocide, but it certainly shocks our collective conscience. Such a serious abuse of human rights as this serves as another strong reminder of our need to speak out against such atrocities wherever they occur. And in a very real and important way, our ratification of the Genocide Convention would strengthen our ability to denounce these brutal tortures.

I urge my colleagues to take a look at the Amnesty International report and then take immediate action to ratify the Genocide Convention. We have waited far too long already.

TRIBUTE TO BERRY GORDY AND TO MOTOWN AT 25

Mr. KENNEDY. Mr. President, Motown is 25 this year, and it is a privilege for me to take this opportunity to pay tribute to one of the truly remarkable success stories in the history of American enterprise and to its founding genius, Berry Gordy.

Berry Gordy launched Motown Industries in 1958 with $750 borrowed from his family. And now, in 1983, as it has been for 11 consecutive years, Motown is the largest black-owned company in America, with annual revenues of over $100 million.

For millions of Americans, the story of Motown and Berry Gordy have been a continuing source of inspiration and achievement—proof that the barriers of poverty and discrimination are not insuperable, that talent truly can prevail, and that the Horatio Alger story knows no rigid bar of color in our free enterprise system or in modern American democracy.

In addition to their remarkable business success, Berry Gordy and Motown have achieved renown not only throughout this country but around the world for their immense contribution to contemporary American music and culture. The Motown sound that began in a row house on West Grand Boulevard in Detroit has become an international language heard around the world and loved in many different lands. Many of the most famous artists and entertainers of our time owe the success of their own careers to Berry Gordy and his extraordinary ability to identify talent in "kids on the street"—and then develop it to perfection. And in that process, Berry Gordy and Motown have helped to take an entire generation of Americans and bring us together.

Mr. President, earlier this week, as part of this silver anniversary year, an NBC special reminded us again of the special contributions of Berry Gordy and Motown, and I ask unanimous consent that a review by Tom Shales in the Washington Post may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post May 16, 1983]

MOTOWN AT 25: YESTER-ME, YESTER-YOU

NBC'S STUNNING LOOK AT THE MOTOR CITY'S MARVELOUS SOUND

(By Tom Shales)

Baby, baby. Where did our love go?
Where did our youth go?

It's the same old song, but how glorious to hear it again. The poor old '60s have taken a terrible thrashing, but if there was one thing about them we would wish back just as it was, it would be Motown. If you were a white kid, loving Motown was almost a political act, and you felt so good about it. If you were a black kid, it had to be heaven. You could say to your white friends, "This is ours. See what you've been missing?"

Tonight's NBC special, "Motown 25: Yesterday, Today, Forever," a two-hour compression of a celebratory reunion held in March by artists currently or formerly associated with Detroit's pop-music renaissance (maybe just 'naissance), is more than an entertainment. It is an astonishment. For millions of those who watch, it will also be a personal matter. This was music that meant as much to a generation as any music ever did.

The old protest tunes and folk songs of the '60s sound so corny now—and, ugh, to think how self-righteously moony we once got about them! But on tonight's special, at 9 on Channel 4, the Motunes sound better than ever. They are perfection. There's such a purity to them rediscovered in, more or less, their natural state, especially now that it's the retread '80s and a number of white artists insist on rerecording many old Motown hits, never duplicating the originals.

There are so many performers on the show, and so many of their classics are cut short, that it's a pity somebody thought it necessary to include an appearance by Linda Ronstadt, who is a fine performer but not terribly relevant here, and another by Adam Ant, flashing his famous navel. The sole highlight of Mr. Ant's performance is that during it, Diana Ross wanders out absentmindedly from the wings and wiggles through something that might pass for a dance. She has so much hair now, Newton would marvel that she can remain erect.

Although "Motown 25" had to be edited down from three hours to around 115 minutes, the overwhelming warmth and luster of it seem to have been brilliantly preserved by producer-director Don Mischer and executive producer Suzanne de Passe, Motown's president. One could certainly quibble over priorities, and there really isn't enough of anyone (save Adam Ant and Linda Ronstadt), but when Stevie Wonder shucks the highfalutin stuff of recent years and dips back in time for "My Cherie Amour," and asks the audience to join him on the "La La

Lahhh La La La's," the sense of sentimental event is sensationally moving.

For about the first 90 minutes, it's a show consisting almost entirely of stoppers, starting early when Smokey Robinson is reunited with The Miracles for "Tears of a Clown." Wonder also sings "You Are the Sunshine of My Life." The Four Tops and the Temptations are reunited for a group medley, the Tops in silver silk tuxedo jackets, the Temps in black, all wearing red pocket handkerchiefs, everybody moving in the stylish clockwork unison they exhibited a couple of decades ago.

During a mock deejay session cohosted by Howard Hesseman and Tim Reid, formerly of "WKRP in Cincinnati," the memory-joggers include Martha Reeves (without, alas, the Vandellas) and a too-brief "Heat Wave," and Mary Wells, who appears to be dressed in a large cloud and a too-brief "My Guy."

But then, the second hour, the special goes from the sublime to the sublimer—sublime to the nth degree; the original Jackson Five are re-united. Mischer cuts briefly to a shot of a little boy in the audience who, though obviously too young to remember them, is bouncing up and down in elation. They sing "I Want You Back" and "I'll Be There." They hug. And then Michael is left alone on the stage to sing his current (non-Motown) hit, "Billie Jean," and proceeds to set a new standard in sheer, shocking electrification.

Jackson's voice hasn't really changed much over the years. But the *moves* have. Oh, how they have changed! Michael Jackson is more dazzling than a Fourth of July fireworks display. He redefines showmanship right in front of your amazed little eyes.

The reunion of Diana Ross and The Supremes was to have been the climactic moment of the evening, but the Jacksons really aren't topped; Ross sounds out of voice, even out of sorts, and according to published reports, botched up the show's finale. But Berry Gordy Jr., the entrepreneur of inestimable faith and resourcefulness who founded Motown and, says host Richard Pryor, recruited most of its phenomenal talent from among "kids off the street," bounds down to the stage to join in a closing sing-along.

In addition to the performances, the program includes film clips from Motown history, including the Jackson Five's crudely shot 1968 audition tape; a clip of Ed Sullivan introducing "Dye-anna Ross and The Supremes," then stalling when told Ross is making a wardrobe change and joking, "Dye-anna Ross will be fired for this"; and a medley of Grammy Awards presenters announcing the winning name of "Stevie Wonder" over the years, one presenter a still-robust (now seriously ill) Kate Smith.

Dick Clark offers a history of Motown in which he recalls that many early Motown LP covers made a point of not picturing the recording artist because a black face was considered an impediment to sales. Have we come a long way? Not particularly. MTV, the Warner-Amex rock video channel, has been severely criticized for refusing to play more videos by black artists. Motown represented a triumph of what's called in the movie business "crossover": black-oriented entertainment with a strong appeal to white audiences. But there doesn't seem to be as much crossing over as there used to be, except for the occasional Richard Pryor and Eddie Murphy movies, or such saccharine-coated cookies as the lamentably self-congratulatory McCartney-Wonder "Ebony and Ivory."

But once upon a time, there really was a Motown, and "I Hear a Symphony," and "Dancin' in the Street." And it really did bring a lot of us, at least momentarily, together.

For two hours tonight, sweet dreams are recreated, youth recaptured, an era invoked, and in such splendid fashion that it becomes, at one or two points, almost too transporting, maybe even a little too wonderful. So much so that some may feel inclined to shout out, tearfully or otherwise, "Stop—in the name of love. Before you break my heart."

THE FIRST CONCURRENT BUDGET RESOLUTION

Mr. PERCY. Mr. President, last night after many hours of debate, the Senate approved a budget resolution for fiscal year 1984. I voted for the final passage of that resolution and would like to make a few remarks today about why I voted for it.

First, having failed for 2 weeks to pass the President's budget proposal—which I supported on every vote—the Senate was faced with the virtual collapse of the congressional budget process. Failure to pass a resolution would result in higher interest rates and would be a severe threat to continued economic recovery. Major economists are now suggesting that if we do not get a grip on the $200 billion deficits projected for this year and future years, that the fledgling recovery underway will be choked off by higher interest rates later this year or early next year.

I know the people of Illinois do not want to see interest rates climb again. Sending the budget process down to defeat is the surest path to higher deficits and rising interest rates.

Second, I had to ask myself what the alternative was. It would have been a return to the days prior to the enactment of the Budget Reform Act where we had every committee in Congress appropriating money without the ceilings and restraint of the budget resolutions. So spending would have surely shot up and there would have been fiscal chaos again in Congress. This is exactly what I aimed to prevent when I coauthored, with Senator Sam Ervin, the Budget Reform Act of 1974.

Third, the budget I supported provides for one of the lowest levels of taxes considered by the Senate over the past 2 weeks. The tax burden originally recommended by the Budget Committee—like the House-passed budget—called for tax increases this year of over $30 billion. Can you imagine tax increases of that magnitude in a recovery? It could have pulled the rug out from under the economic recovery we have worked so hard to build these last 2 years. I did not support this budget, however, and voted to send it back to the committee.

The Budget Committee did come back this week with a resolution supported by the President containing much lower revenue increases. I voted for it. Unfortunately the Senate rejected this version by a vote of 43 to 56. I also worked with my colleagues on an alternative that would have eliminated all tax increases by cutting spending 5 percent across the board. But the Senate also rejected this alternative.

The final budget passed by the Senate last night calls for 1984 tax increases of $8 billion, well under the $30 billion in new taxes recommended originally. In addition, should the recovery now under way proceed at a bit more robust rate, Federal revenues will rise as employment rises, thereby making additional tax increases unnecessary. That is my hope, but to keep the recovery on track, we cannot afford rising interest rates. Twenty other Republican Senators voted with the chairman of the Senate Budget Committee, Senator DOMENICI, in supporting this budget.

The President's budget, submitted to us last February, contained a deficit that was much too big and which could threaten the recovery later this year. There seemed to be widespread interest in the Senate in curbing the deficit. No one defended such a large red ink budget. But some wanted to cut it by reducing spending and others favored raising taxes to accomplish it.

Some Senators have argued that we only got into these large deficits because of the 1981 tax cut. From their point of view, we would have very low deficits if we only had not cut taxes. Well of course, the individual taxpayer's overall tax burden was not really cut. Ask any taxpayer if he paid less Federal tax this year than last. Despite the 5-percent tax reduction of 1981 and the 10-percent cut of last summer, Americans are still paying more taxes. What we did in 1981 was to cut the marginal tax rates, so that additional earned income would be taxed at a lower rate than in the past.

We also wrote into that 1981 law indexing of taxes, slated to take effect in 1985. That is one of the most important and fundamental parts of the 1981 tax law. Tax indexing is a pledge to the people of this country that we will not allow taxes to rise automatically, well ahead of the rate of inflation. That is how the Government pulled in revenues in the 1970's but it was essentially a dishonest way to raise taxes. Under indexing, Congress is free to raise taxes. But it must vote to do so. And that is the way it should be.

But the original Senate budget would have undone nearly all that progress on taxes. It called for a tax hike of $30 billion in 1984 alone, and more and more taxes in subsequent years. That type of tax increase would mean loss of the third year of the individual tax cut—set for this July—and

the repeal of indexing. It is a mistake to go this route just as the recovery is getting underway. The July tax cut is important to that recovery, especially in a State like Illinois where the recession is bound to lag the national recovery, at least according to economists.

So, Mr. President, I could not support a budget that called for such large tax increases and the loss of two very important tax programs that mean so much to so many Americans. That is why I voted to send that budget back to committee.

The tax cuts that I feel are important to recovery and fairness are well-distributed among all taxpayers. There has been some debate over who receives the greatest benefit from the tax cuts and indexing. Recent information I have received from the Treasury Department makes it clear that it is the middle class in this country that reaps the greatest benefits. Indexing is weighted even more in favor of low- and middle-income taxpayers.

The chart I have here shows that taxpayers with less than $50,000 in income pay 66.6 percent of the 1984 tax burden. But 72.1 percent of the July 1983 tax cut will go to this middle-income group. And this same group will receive almost 78 percent of the benefits of indexing.

Taxpayers who earn less than $10,000 a year—2.1 percent of all taxpayers—will receive 2.6 percent of the July tax cut, almost equal to their proportion of taxpayments. But under indexing, this will be tripled, to 6.5 percent of all benefits. So if we repeal indexing, we will be hurting the low- and middle-income taxpayers the most. Wealthy taxpayers will not be hurt by repeal of these tax cuts.

Mr. President, I ask unanimous consent that the Treasury Department table showing the distribution of tax cuts be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DISTRIBUTION OF TAX CUTS AND INDEXING

Income bracket	1984 share of income tax burden (percent)	1984 share of index provision (percent)	1984 share of third year tax cut (percent)
Under $10,000	2.1	6.5	2.6
$10,000–$20,000	13.9	16.6	14.3
$20,000–$50,000	50.6	54.6	55.2
$50,000–$100,000	17.7	16.3	18.8
$100,000–$200,000	8.6	4.8	7.2
$200,000 and up	7.1	1.2	1.8
Under $50,000	66.6	77.7	72.1
Over $50,000	33.4	22.3	27.9

Source: U.S. Treasury, Office of Tax Policy Analysis.

Mr. PERCY. Let me point out to my colleagues another way that we might look at this tax burden and what it means to spending. This year's 1983 budget of about $805 billion will mean that a family of four earning $25,000 will mean a tax bite of $6,323, according to the Tax Foundation.

Tax Foundation economists have done the Nation a great service with their work, because it makes this huge Federal budget comprehensible to the average taxpayer. It breaks out where the $6,323 in taxes will go, proportionally, in Federal spending. For example, 34 percent of the taxpayer's taxes—$2,163—will go for the many income security programs in the budget. Another big chunk—$1,645 of this worker's taxes—will go for national defense.

Mr. President, I ask unanimous consent that this excellent table from the Tax Foundation be included in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

HOW THE FEDERAL GOVERNMENT WILL SPEND A WORKER'S TAX DOLLARS IN FISCAL 1983 [1]

Function	Worker's share		Total amount (millions)
	Amount	Percent of total	
Income security	$2,163	34.21	$282,472
National defense	1,645	26.01	214,769
Interest	681	10.77	88,936
Health	631	9.98	82,362
Education, training, employment, and social services	204	3.23	26,676
Veteran' benfits	187	2.96	24,411
Transportation	168	2.65	21,876
Agriculture	161	2.55	21,075
Natural resources and evironmental	93	1.46	12,087
International affairs	91	1.45	11,939
General science, space, and technology	59	.94	7,759
Community and regional development	57	.89	7,373
General purpose fiscal assistance	49	.77	6,382
General government	44	.70	5,794
Administration of justice	40	.64	5,273
Energy	35	.55	4,506
Commerce and housing credit	15	.23	1,928
Total	6,323	100.00	[2] 805,202

[1] In this example, the worker is the sole source of support for a spouse and 2 dependent children, and earns $25,000 per year.
[2] After deducting $20,414 million for undistributed offsetting receipts not classified by function.

Source: Office of Management and Budget, and Tax Foundation computations, based on official budget estimates presented Jan. 31, 1983.

Let me say to my colleagues that we need to take a look at Federal spending, now taking about 25 percent of GNP. That is up considerably from past years. As recent as 1979, spending accounted for 21 percent of GNP. In 1982 it had gone up to 24.6 percent and now we are at 25 percent, on our way to 26 percent. This spending is consuming an ever larger share of our national wealth, depriving taxpayers to use their income for consumption and investment.

I believe this rapid runup in spending, despite our recent efforts to trim spending, is the primary cause of the budget deficit we have today. Too much of the debate focuses solely on the deficit, without a careful look at where the deficit problems start. And it is on the spending side, with its continuing runup in red ink that we can see the source of most of the deficit.

The budget the Senate approved last night is far, far from perfect. It is better than the document that first came to the Senate 2 weeks ago. It is not the type of document I would have written by myself, but the Senate is a consensus legislative body. The budget we passed is better than passing no budget at all, as I outlined earlier in my remarks.

The Senate will have hard decisions on spending when each of the 13 appropriations bills come up this summer. I will personally vote for spending lower than that envisioned in this document. And of course I will not vote for repeal of the third installment of the personal tax cut or tax indexing.

FILMING OF UPPER YANGTZE RIVER RAFTING EXPEDITION

Mr. HATFIELD. Mr. President, I am pleased to bring to the attention of my colleagues an historic event of international magnitude. As a Senator from the State of Oregon, I am honored to announce that the People's Republic of China has given permission to two Oregon companies to proceed with their planning and filming of a major rafting expedition on the Upper Yangtze River.

Ken Warren Outdoors, the largest rafting company in the Pacific Northwest, will conduct the first organized descent of the Upper Yangtze River. This first-ever expedition will be filmed for an Upper Yangtze expedition documentary by World Pacific Pictures.

Plans are being made for a 1,700-mile rafting expedition over a 45-day period. The expedition team's equipment will feature the very latest in U.S. manufacturing technology. For example, the crew will use four inflatable rafts which have been specifically designed for this project by Mr. Ken Warren, the expedition leader. Each raft will be self-contained and totally capable of supporting its crew of four for the 45-day trip; however, a road crew team is being proposed to resupply the rafts at three rendezvous points along the Upper Yangtze.

Eighteen Oregonians have been selected as members of the expedition team. Also, an offer has been made to include several Chinese athletes on the expedition team subsequent to training in Oregon. Thus, this historic rafting expedition will also serve to establish people-to-people relationships between Americans and Chinese, increasing the ties of friendship and cooperation between our two great nations.

In appreciation to the People's Republic of China for the permission to conduct this expedition on the Yangtze River, the expedition team plans to donate two of their fully equipped inflatable rafts to the Chinese Government upon completion of their trip.

It is indeed a rare privilege for Americans to comprise the first expedition team to raft the Upper Yangtze River. I am very proud that residents of my great home State of Oregon have been granted this unique opportunity.

HOUSE MEASURES HELD AT DESK

The following bills were ordered held at the desk by unanimous consent:

H.R. 2681. An act to make certain amendments to sections 4, 13, 14, 15, and 15B of the Securities Exchange Act; and

H.R. 2936. An act to amend title 38, United States Code, to increase the authorized number of members of the Board of Veterans' Appeals in the Veterans' Administration, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1091. A communication from the Acting Administrator of the Environmental Protection Agency transmitting a draft of proposed legislation extending the Federal Insecticide, Fungicide, and Rodenticide Act for 2 years; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1092. A communication from the Secretary of Agriculture transmitting, pursuant to law, the fiscal year 1982 report of the Forest Service; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1093. A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report on a deferral of budget authority for the strategic petroleum reserve petroleum account which should have been but was not, reported to the Congress; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, and the Committee on Energy and Natural Resources.

EC-1094. A communication from the Director of the Federal Emergency Management Agency transmitting, pursuant to law, plans for administration of the emergency food and shelter program; to the Committee on Appropriations.

EC-1095. A communication from the Assistant Secretary of the Army for Civil Works transmitting, pursuant to law, an environmental impact statement on the State Road Coulee project, Wis.; to the Committee on Appropriations.

EC-1096. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to revise the distribution, appointment, and assignment of flag and general officers of the Army, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

EC-1097. A communication from the Secretary of Defense transmitting, pursuant to law, a report on 10 violations of law involving overobligation of appropriated funds; to the Committee on Armed Services.

EC-1098. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Singapore; to the Committee on Armed Services.

EC-1099. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Saudi Arabia; to the Committee on Armed Services.

EC-1100. A communication from the Acting Secretary of the Treasury transmitting, pursuant to law, a report on activities carried out within the previous 45 days under the Olympic Commemorative Coin Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-1101. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the community development block grant formula; to the Committee on Banking, Housing, and Urban Affairs.

EC-1102. A communication from the Director of the Office of Technology Assessment, U.S. Congress, transmitting, pursuant to law, a report entitled "Technology and East-West Trade: An Update"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1103. A communication from the Chairman of the Federal Home Loan Bank Board, transmitting, pursuant to law, a report entitled "Deregulation: A New Era"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1104. A communication from the Director of the Office of Technology Assessment, U.S. Congress, transmitting, pursuant to law, the office's 1982 Annual Report; to the Committee on Commerce, Science, and Transportation.

EC-1105. A communication from the Deputy Administrator of the National Highway Traffic Safety Administration transmitting, pursuant to law, a report on the status of the highway safety innovative grants program; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. 662: A bill to provide for confirmation of the repayment contract of the Dallas Creek participating project of the Upper Colorado storage project (Rept. No. 93-133).

S. 818: A bill to authorize the replacement of existing pump casings in Robert B. Griffith water project pumping plants 1A and 2A (formerly the Southern Nevada water project), and for other purposes (Rept. No. 98-134).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

S. 680: A bill entitled the "Gladys Noon Spellman Parkway" (Rept. No. 98-135).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment:

S. 886: A bill to designate the Alben Barkley National Historic Site (Rept. No. 98-136).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 268: A bill to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes (Rept. No. 98-137).

S. 448: A bill to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes (Rept. No 98-138).

S. 805: A bill to amend the act of July 28, 1954 (68 Stat. 575), to authorize the Secretary of the Interior to construct, operate, and maintain the Santa Margarita project, California, and for other purposes (Rept. No. 98-139).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 999: A bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes (Rept. No. 98-140).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

H.R. 1213: A bill to amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes (Rept. No. 98-141).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 174: A bill entitled: the "Gladys Noon Spellman Parkway."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE:

S. 1337. A bill to amend part B of title XVIII of the Social Security Act with respect to payment for laboratory services under the medicare program; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 1337. A bill to amend part B of title XVIII of the Social Security Act with respect to payment for laboratory services under the medicare program; to the Committee on Finance.

FAIR LABORATORY PAYMENTS ACT

Mr. PROXMIRE. Mr. President, I sent a bill to the desk and ask that it be appropriately referred. This bill, if enacted, would save the medicare program at least $161 million over the next 5 years and save our Nation's elderly even more in out-of-pocket costs that they now face for routine laboratory tests under medicare part B.

This bill is, the Fair Laboratory Payments Act of 1983. It draws upon the work of the General Accounting Office, the Oversight Subcommittee of the House Energy and Commerce Committee, which held hearings on this issue last year, and Congressman RON WYDEN of Oregon, who has introduced similar legislation in the House of Representatives.

The inequity which this bill addresses is very simple.

For years a large number of independent laboratories have maintained

two price lists for low-cost routine tests which they conduct: In essence, a wholesale and a retail price.

The lower price was available to physicians and, in some States, medicaid, and was justified on the grounds that there was less administrative cost in billing a physician once for a number of tests that laboratory may have conducted for several of his or her patients.

The higher price, which has consistently been charged to medicare, was justified on two grounds: The billing costs I have just mentioned and the fact that the laboratory had to determine if the beneficiary had fulfilled the annual medicare deductible ($75) and, if so, then to bill medicare—which paid 80 percent of the reasonable charge—and assess the medicare beneficiary the coinsurance fee of 20 percent.

The average difference between these two prices is $2.75 per test. When you multiply that amount by the number of routine tests being conducted annually—estimated at 18 million—the increased costs to medicare and our Nation's elderly are phenomenal.

My legislation would address this problem in several ways:

First, it would require the Secretary to pay laboratories for routine tests at the lower charge now available to physicians—what I term the "wholesale price".

Second, it would require that the laboratories who conduct tests under medicare part B to accept this amount as payment in full. They will be prohibited from billing medicare recipients any additional charges.

Third, to lessen the administration costs on the laboratories and to ease the financial burden of medicare beneficiaries, this bill would waive the application of the medicare part B deductible and coinsurance requirements. Therefore, the medicare recipient would not be assessed any charges for such tests. Medicare would pay 100 percent of the reasonable charge, as determined under the bill.

Even waiving the application of the coinsurance and deductible requirements, the Congressional Budget Office has estimated Federal medicare savings at $161 million in outlays over 5 years—$21 million in fiscal year 1984 alone.

An informal estimate by a health care specialist at the General Accounting Office predicted that savings to the medicare beneficiaries in this country may be as large as $35 million.

Mr. President, it is very unusual when we can consider legislation which will save medicare money without reducing benefits or transferring those costs to our Nation's elderly.

My legislation would save money for our Nation's medicare recipients as well as saving the Federal Government money.

We urge all of our colleagues who share our concern for reducing the burden of health care for our Nation's elderly to join in cosponsoring this legislation.

I ask unanimous consent that the text of the Fair Laboratory Payments Act of 1983 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Lab Payments Act".

SEC. 2. (a) Section 1833 of the Social Security Act is amended—

(1) by striking out "negotiated rate" in subsection (a)(1)(D) and inserting in lieu thereof "estabished payment rate";

(2) by inserting "or for low-cost diagnostic tests the amount of payment for which is determined under subsection (h)" in subsection (b)(1) after "1861(s)(10)"; and

(3) by amending subsection (h) to read as follows:

"(h)(1) With respect to low-cost diagnostic tests performed in a laboratory for which payment is made under this part to the laboratory, the Secretary shall establish payment rates on a statewide or area wide basis which shall be considered the full charge for such tests under this part. The Secretary shall establish such payment rates for a test in a manner—

"(A) that assures that the payment amount will not exceed either the amount that would have been paid for the test in the absence of this subsection or the amount the laboratory commonly charges physicians for the test; and

"(B) that takes into consideration (i) the payment amounts determined with respect to the test under paragraphs (2)(B) and (3) of section 1842(h), and (ii) the amounts established under the State plan approved under title XIX for the payment for the test.

"(2)(A) For purposes of this subsection, the term 'low-cost diagnostic test' means a diagnostic test the payment amount for which (under this subsection) the Secretary estimates will be equal to or less than the applicable amount as determined under subparagraph (B).

"(B) For purposes of subparagraph (A), the applicable amount for tests performed in calendar year 1983 is $15. For tests performed after 1983, the applicable amount is the applicable amount for the preceding calendar year, increased by the percentage increase (if any) in the Consumer Price Index for the 12-month period ending on the September 30 of such preceding calendar year.".

(b)(1) Section 1861(s) of such Act is amended—

(A) by striking out "and" at the end of paragraph (11);

(B) by redesignating paragraphs (12), (13), and (14) as paragraphs (13), (14), and (15), respectively; and

(C) by inserting after paragraph (11) the following new paragraph:

"(12) has an agreement in effect with the Secretary by which the laboratory agrees to accept the amount determined under section 1833(h) as full payment for diagnostic tests to which that section applies and to accept an assignment described in section 1842 (b)(3)(B)(ii) with respect to payment for all services furnished by the laboratory to individuals enrolled under this part; and".

(2) Section 1864(a) of such Act is amended by striking out "(11) and (12)" and inserting in lieu thereof "(11) and (13)".

SEC. 3. The amendments made by this Act shall apply to diagnostic tests furnished on or after October 1, 1983.

ADDITIONAL COSPONSORS

S. 31

At the request of Mr. MATHIAS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 31, a bill to amend title 17 of the United States Code with respect to home recording and video and audio recording devices and media, and for other purposes.

S. 32

At the request of Mr. MATHIAS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 32, a bill to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings.

S. 33

At the request of Mr. MATHIAS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 33, a bill to amend title 17 of the United States Code with respect to rental, lease, or lending of motion pictures and other audiovisual works.

S. 617

At the request of Mr. STENNIS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 617, a bill to promote the use of energy-conserving equipment and biofuels by the Department of Defense, and for other purposes.

S. 865

At the request of Mr. HATFIELD, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Florida (Mrs. HAWKINS), the Senator from Georgia (Mr. NUNN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 865, a bill to establish a nationally uniform deep-draft vessel tax for the purpose of financing operations and maintenance of deep-draft commercial channels and harbors; to fund a percentage of new channel improvements; and to provide an expedited procedure for the authorization and permitting of navigation improvement projects and related landside facilities in deep-draft ports, and for other purposes.

S. 891

At the request of Mr. CHAFEE, the name of the Senator from New Hampshire (Mr. RUDMAN) was added as a cosponsor of S. 891, a bill to develop ad-

ditional procedures for Federal land sales.

S. 1159

At the request of Mr. HATFIELD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1159, a bill to amend the Export Administration Act of 1979 to extend the provisions relating to the export of domestically produced crude oil.

SENATE JOINT RESOLUTION 61

At the request of Mr. ANDREWS, the names of the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Joint Resolution 61, a joint resolution to designate the week of May 22, 1983, through May 28, 1983, as "National Digestive Diseases Awareness Week."

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Indiana (Mr. LUGAR), the Senator from Virginia (Mr. TRIBLE), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

AMENDMENTS SUBMITTED

EXTENSION OF CERTAIN HOUSING INSURANCE PROGRAMS

GARN AMENDMENT NO. 1293

Mr. STEVENS (for Mr. GARN) proposed the following amendment to the joint resolution (H.J. Res. 265) to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes; as follows:

Strike out all after the resolving clause and insert in lieu threof the following:

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "May 21, 1983" in the first sentence and inserting in lieu thereof "October 1, 1983".

(b) Section 217 of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 221(f) of such Act is amended by striking out "May 20, 1983" in the fifth sentence and inserting in lieu thereof "September 30, 1983".

(d) Section 235 of such Act is amended—

(1) by striking out "May 20, 1983" in subsection (m) and inserting in lieu thereof "September 30, 1983"; and

(2) by striking out "May 20, 1983" in subsection (q)(1) and inserting in lieu thereof "September 30, 1983".

(e) Section 236(n) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(f) Section 244(d) of such Act is amended—

(1) by striking out "May 20, 1983" in the first sentence and inserting in lieu thereof "September 30, 1983"; and

(2) by striking out "May 21, 1983" in the second sentence and inserting in lieu thereof "October 1, 1983".

(g) Section 245(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(h) Section 809(f) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(i) Section 810(k) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(j) Section 1002(a) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(k) Section 1101(a) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

FLEXIBLE INTEREST RATE AUTHORITY

SEC. 2. Section 3(a)(1) of Public Law 90-301 is amended by striking out "May 21, 1983" and inserting in lieu thereof "October 1, 1983".

FLOOD INSURANCE

SEC. 3. (a) Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 1336(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

CRIME AND RIOT INSURANCE

SEC. 4. Section 1201 (b) of the National Housing Act is amended by striking out "May 20, 1983" in paragraph (1) and inserting in lieu thereof "September 30, 1983".

RURAL HOUSING

SEC. 5. (a) Section 515 (b) (5) of the Housing Act of 1949 is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 517(a)(1) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 523(f) of such Act is amended by striking out "May 20, 1983" each place it appears and inserting in lieu thereof "September 30, 1983".

EXEMPTION OF FEDERAL HOME LOAN MORTGAGE CORPORATION SECURITIES FROM SECURITIES REGULATIONS

SEC. 6. Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following new subsection:

"(g) All securities which are issued or guaranteed by the Corporation, which are identical to the types of securities issued or guaranteed by the Corporation prior to the enactment of this subsection, and which are backed by the same type or types of obligations, if any, as the obligations backing securities issued or guaranteed by the Corporation prior to the enactment of this subsection (other than securities guaranteed by the Corporation and backed by mortgages not purchased by the Corporation) shall, to the same extent as securities that are direct obligations of or obligations guaranteed as to principal or interest by the United States, be deemed to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission. Nothing in this subsection limits the authority of the Secretary of the Treasury under section 3(a)(12) of the Securities Exchange Act of 1934 to designate securities issued or guaranteed by the Corporation as exempted securities.".

FHA INSURANCE AUTHORITY

SEC. 7. During fiscal year 1983, the limitation on additional commitments to guarantee loans to carry out the National Housing Act is increased by $5,000,000,000.

UNIFORM RELOCATION ACT AMENDMENTS

DURENBERGER AMENDMENT NO. 1294

Mr. STEVENS (for Mr. DURENBERGER) proposed an amendment to the bill (S. 531) to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; as follows:

Strike line 20 on page 32 through line 10 on page 33 and insert in lieu thereof the following:

"(d) Section 202 of the Uniform Act (42 U.S.C. 4622) is amended by adding at the end thereof the following new subsections:

"(d)(1) For the purposes of this section and section 101(6)—

"The term cost of relocation shall include the entire amount paid by the utility company properly attributable to a relocation after deducting any betterment in the relocated utility and any salvage from the old utility.

"The term utility means any electric, gas, water, steam power or materials transmission or distribution system, any transportation system, or any communications system (including cable television), and any fixtures, equipment, or other property appropriate to the operation, maintenance, or repair of the foregoing. A utility may be publicly, privately, or cooperatively owned.

"(2) Except when provided otherwise by Federal law, whenever a federally assisted program or project undertaken by a displacing agency other than a Federal agency will result in the displacement of a utility from property under the ownership or control of a State or local agency, the head of the displacing agency shall provide a payment to the utility company pursuant to State or local law or a written contract, if any, between the utility company and the State or local agency, but in no event shall payment exceed the actual reasonable cost of relocation of such utility.

"(3) Nothing in this subsection shall supersede a State or local law or a written contract between a utility company and a State or local government, or require a payment to be made where none is required under State or local law or a written contract.

"(4) Nothing in this subsection shall deprive a utility company of its rights under State or local law.

"(5) Nothing in this subsection shall require a Federal agency to increase its payment if the increased payment is attributable to a contract or contract amendment that is made in anticipation of the Federal payment.

"(6) Nothing in this subsection shall require a Federal payment in excess of the

payment that a State or local agency would pay if no Federal funds were involved.

"(7) Nothing in this subsection confers jurisdication on a court of the United States (as defined in section 451 of title 28, United States Code) to review any action of a displacing agency in carrying out this subsection or to review the right of a utility company to be compensated under State or local law.

"(e) Whenever a program or project directly undertaken by a Federal agency will result in the displacement of a utility as the result of Federal acquisition of real property under the ownership or control of a State or local agency, the head of the Federal agency shall either relocate the utility with the utility company's consent, or provide a payment to the utility equal to the actual reasonable cost of relocation of such utility. Such relocation or such payment shall not be required when it is provided otherwise by a Federal law, or a Federal regulation promulgated prior to March 17, 1983, or a contract or agreement with a Federal agency.".

Strike line 24 on page 25 through line 22 on page 27 and insert in lieu thereof the following:

"The term 'displaced person' means—

"(A) except as provided under paragraph (E) (with respect to a utility on real property under the control or ownership of a State or local agency,) any person who moves from real property, moves personal property, or moves a business or farm operation, as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance;

"(B) solely for the purpose of subsections (a) and (b) of section 202 and of section 205, any person who moves from real property or moves personnel property from real property—

"(i) as a direct result of the written notice of intent to acquire or the acquisition of other real property, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; and

"(ii) as a direct result of rehabilitation or demolition for a program or project undertaken by a Federal agency or with Federal financial assistance, where the person is a residential tenant, farm operation, or a small business and where the head of the displacing agency determines that such displacement is permanent;

"(C) solely for the purpose of subsections (a) and (b) of section 202 and of any other provisions of this Act which the head of the displacing agency may prescribe, any other person who is a residential tenant, farm operation, or small business and who the head of the displacing agency determines will be permanently displaced as a direct result of a program or project undertaken by a Federal agency or with Federal financial assistance;

"(D) any person who is eligible for relocation assistance under paragraphs (A), (B), or (C) of this subsection, unless such person has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act; or

"(E) solely for the purpose of subsections (d) and (e) of section 202, any utility company which moves its facilities from real property under the ownership or control of a Federal, State, or local agency.".

DEBT COLLECTION ACT AMENDMENTS

PERCY AMENDMENT NO. 1295

Mr. STEVENS (for Mr. PERCY) proposed an amendment to the bill (S. 376) to amend the Debt Collection Act of 1982 to eliminate the requirement that contracts for collection services to recover indebtedness owed the United States be effective only to the extent and in the amount provided in advance appropriations acts; as follows:

Lines 13 and 14 of S. 376 are hereby deleted.

COMMITTEE AUTHORITY TO MEET

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, May 23, in order to receive testimony concerning S. 610, the Student Athlete Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Patents of the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, May 23, at 2 p.m. to hold a hearing on patent term restoration.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

H.R. 174 AND S. 680

● Mr. McCLURE. Mr. President, on May 13, 1983, the Senate Energy and Natural Resources Committee ordered both S. 680 as amended and H.R. 174 as amended favorably reported to the Senate. The committee is filing a report on S. 680. It is Senate Report 98–135.

I wish to inform the Senate that S. 680 as amended and H.R. 174 as amended are identical bills and the report on S. 680 applies to the Senate's legislative history of H.R. 174 as amended by the Senate Energy and Natural Resources Committee.●

A NUCLEAR FREEZE PROPOSAL

● Mr. LEAHY. Mr. President, on May 10 I spoke to the Senate about issues which would need to be addressed in developing an acutal negotiating proposal based on the nuclear freeze concept. My statement included the text of a CRS analysis of nuclear freeze alternatives I had requested.

In my further reading of material on the nuclear freeze idea, I have come across an interesting document which examines the advantages of a comprehensive approach. This paper, the testimony of Mr. Christopher Paine before a penal organized by the Federation of American Scientist, sets out the terms of a possible arms agreement based on a comprehensive freeze on the production, testing, and deployment of nuclear weapons and their delivery systems.

I find this paper interesting in that it deals precisely with the sorts of verification, security, and negotiating issues identified in the CRS study I placed in the RECORD. Mr. Paine's statement should be of interest to all those who are serious about examining how a specific nuclear freeze proposal might be structured.

I ask that Mr. Paine's statement be printed in the RECORD.

The statement follows:

RETHINKING ARMS CONTROL: ADVANTAGES OF A COMPREHENSIVE APPROACH

(Testimony of Christopher E. Paine, Staff Assistant for Arms Control, Federation of American Scientists, before the FAS Panel of Inquiry Into a Comprehensive Nuclear Weapons Freeze, March 7, 1983)

The burden of my testimony today is that a comprehensive approach to ending the nuclear arms race is both politically and technically feasible, and in fact offers distinct verification and security advantages over more limited approaches.

Although traditional thinking about arms control comes encased in a veneer of purportedly technical constraints, close examination reveals that these are not purely technical constraints, but rather limits based on subjective—indeed highly political—determinations of the "national interest" and the fragility of the nuclear balance. For example, if you believe that the balance in specific measures of nuclear capability is an oracle of geopolitical fortune, you will probably demand high levels of on-site inspection to monitor each and every incremental improvement in the Soviet nuclear arsenal, on the grounds that the United States must be able to respond promptly to Soviet efforts to change the balance, no matter how small these may be in relation to the total arsenals.

On the other hand, if you believe, as I do, that the destiny of world affairs depends far less on the balance in nuclear capabilities than on the dangers arising from the race to maintain these capabilities, then you are likely to have a far different set of preferences. Specifically, if one reaches the conclusion that the nuclear balance is, within a fairly broad range of disparities, inherently stable with respect to the deliberate initiation of nuclear conflict, then one is willing to tolerate a comprehensive agreement characterized by lower-levels of monitoring confidence for marginal changes in the Soviet arsenal, in exchange for a halt in the overall process.

Between these two extremes lies a wide and fertile ground for exploration and compromise. It behooves us all to examine the actual range of possibilities that really do exist, rather than continue to dwell in the small box (see Figure 1) defined by the present Administration's ideological and strategic preoccupations.

For example, it is often said that in addition to National Technical Means (NTM)

the Freeze will require "on-site inspection," which the Soviets will presumably be unwilling to grant. What kind of National Technical Means? What kind of "on-site" inspection? And can these be used in combination? There are many possible combinations (Table 1) of current (and feasible near-term) NTM, intrusiveness, frequency of coverage, cooperative measures, and information exchange, yielding a wide range of possible confidence levels when applied to a broad spectrum of possible agreements. Some of these possibilities are spelled out in Table 2.

Similarly, the problem of treaty compliance is not a simple "yes they are—no they're not" kind of problem. There is in fact a wide range of possible forms of treaty non-compliance (Table 3) and a wide range of possible responses to treaty violations (Table 4). We need to know, for example, which violations in Table 3 should be paired with which remedies in Table 4? What kinds of treaty violations threaten our security such that they would justify abrogation, and what kind of violations would merit lesser actions. In short, there is a great deal of investigation to be done here, and from one perspective, perhaps the most we can say is to admit the scale of our current ignorance and get to work. One way of looking at the range of possibilities is summarized in Figure 1, which attempts to show geometrically how differences in three important subjective preferences relating to arms control can affect the domain of possible agreement.

However, I would like to suggest that there are sound technical and political grounds for believing in the validity of the comprehensive approach. This is set forth in detail in Table 5 and represented schematically in Figure 2, "A Nuclear Weapons Freeze Verification Flow Chart." What we really care about, and what we are really trying to stop is represented at the far right hand side of the chart—a freeze on the number and the characteristics of deployed nuclear weapons and delivery vehicles. We are very concerned about this with or without a treaty. A Treaty limiting numbers alone is fine, but this in no way addresses the dangers arising from Soviet improvements in the performance characteristics of their weapons, which we would continue to monitor with a great deal of interest. At a minimum, a deployment freeze which also prohibited modernization would allow us to probe the Soviets concerning these characteristics, thereby improving our intelligence concerning the Soviet nuclear threat.

However, if we are really serious about limiting Soviet improvements, we would obviously pursue test restrictions. Presumably these would greatly impede the flow of improvements filtering into deployed Soviet nuclear forces, increasing our confidence in the deployment freeze and increasing our knowledge of Soviet missile capabilities through an NTM non-interference clause; non-encryption of telemetry; provisions for advance notification of tests; and data exchange under the agreement.

However, a testing and deployment freeze would leave an unconstrained Soviet production potential for rapid "breakout" from the treaty constraints, a frequently recurring nightmare among those who are inclined toward intense distrust of the Soviets. Since this potential would exist with or without an agreement, as would the potential for an American response, and presuming one makes the judgement that the prevailing nuclear balance is not all that delicate, why not freeze the production of dedicated delivery vehicles, nuclear warheads, and fissionable materials? As long as the Soviet clandestine production potential remained below a given threshold, over a given period of time, and we felt comfortable with both those estimates, a production ban would seem to offer nothing but advantages—increased confidence that the deployment freeze was limiting future as well as present deployments and increased confidence that the Soviets were not running a secret test program, on the grounds that they are not likely to produce something they have not tested. And while the Freeze would not directly ban research and development on new warheads and delivery systems, it would dramatically limit the design parameters of such systems as well as the incentives for pursuing them.

In short, while certain individual provisions of a freeze agreement might be monitored with only a moderate degree of confidence, the increased scope of the freeze generates increased opportunities for monitoring Soviet compliance, multiple requirements for cheating to increase deployed military capability, and multiple chances for detecting Soviet violations. Thus the overall chance of detecting Soviet cheating on the agreement could be as high or higher for the freeze than for more limited agreements. And under the verification provisions of a freeze agreement, we could seek clarification of a far wider range of Soviet military activities than we can at present, or than we could under the President's START proposal.

These observations add up to the conclusion that the main task of arms control negotiations at the present time is not to rework the strategic balance through a combination of selective nuclear reductions and broad-based modernization, but rather to coordinate a halt in the offensive nuclear weapons programs of the two sides. This would complement the defensive ABM freeze we already have in place and close the loopholes in the SALT II structure. Reductions could be negotiated and implemented simultaneously with a freeze, resolving "stability" problems by throwing away weapons rather than by building more of them. Thank you for hearing me, and I certainly will try to answer any questions you may have.

TABLE 1

Illustrative modes of monitoring compliance	Outside Soviet territory	Remote monitoring	Onsite	Technically assisted	Nonintrusive	Mildly intrusive	Intrusive	On request with probable cause
$Mode_1$ (satellites)	X	X		X	X			
$Mode_2$ (Seismic)	X	X	X	X	X			
$Mode_3$ (SCC)	X							X
$Mode_4$ (IAEA)		X	X	X	X	X	X	
$Mode_5$ (Nuke-weapon sanitization)	X	X	X	X	X	X		?
$Mode_6$ (test notice)								
$Mode_7$ (inspection)							X	X
$Mode_8$								
$Mode_n$								

Illustrative modes of monitoring compliance	On request with right of refusal	Quota	Continuous	Location specific	Random	Cooperative measures	Data exchange	Inspection by interrogation
$Mode_1$ (satellites)			X	X	X			
$Mode_2$ (Seismic)			X			X		
$Mode_3$ (SCC)							X	X
$Mode_4$ (IAEA)		?	?	X			X	
$Mode_5$ (Nuke-weapon sanitization)	?	?	?	?	?			
$Mode_6$ (test notice)						X		
$Mode_7$ (inspection)				X				
$Mode_8$								
$Mode_n$								

[Table 2]

ILLUSTRATIVE MODES OF MONITORING COMPLIANCE

1. Remote monitoring by National Technical Means outside Soviet territory.
2. Remote monitoring by tamper proof NTM located within Soviet territory.
3. On-site monitoring by non-instrusive inspections using technical means.
4. On-site monitoring by mildly intrusive inspections using technical means.
5. Intrusive "Quota" Inspections.
6. Intrusive Continuous On-Site Inspection.
7. Inspection by the Public (report a violation if you've seen or heard of one).
8. Data base exchange.
9. Cooperative measures on request (removal of shielding against NTM).
10. Inspection by Interrogation, hierarchy of requests for clarification and responses, leading to a prima facie case of violation or compliance with the right to request inspection to resolve doubts.

[Table 3]

FORMS OF TREATY NON-COMPLIANCE

Level I

High-level cheating

1. Intentional Systematic violation on Executive orders to achieve Treaty Breakout/Stategic Superiority.
2. Intentional violation on Executive orders to achieve new capability within Treaty regime.
3. Intentional violation on Executive orders to achieve marginal improvements within Treaty regime.
4. Intentional violation on Executive direction to maintain or increase confidence in existing weapons.

Level II

Bureaucratic non-compliance

5. Intentional Chiseling at Lower Military/Industrial echelons to achieve new capability within Treaty regime.
6. Intentional Chiseling at Lower Military/Industrial echelons to achieve marginal improvements within Treaty regime.
7. Intentional Chiseling at Lower Military/Industrial echelons to maintain/increase confidence in existing weapons.
8. Unintentional violations at lower echelons due to inadequate education/information/supervision (e.g. overenthusiastic major turns on air defense radar unit to track incoming RV's).

Level III

"Apparent" violations

9. Conscious exploitation of treaty ambiguities, loopholes.
10. Genuine difference of interpretation regarding a treaty provision.
11. "Apparent violations" which arise from developments which are inherently ambiguous at certain stages but which are later revealed to be consistent with treaty requirements.
12. Involuntary temporary non-compliance arising from circumstances beyond leadership control (war, natural disaster, internal political upheaval).
13. Signatures registered by monitoring systems mistaken for prohibited activity (e.g. gas fire for ground-based laser, earthquake for nuclear test).
14. Charges of violations arising from inadequate information concerning activity under observation.

[Table 4]

POSSIBLE REMEDIES TO TREATY VIOLATIONS

1. Reinterpretation of Treaty Provisions to eliminate violation.
2. "Consent Decree" not to engage again in specific forms of activity whether or not these are judged to be "violations" of the agreement.
3. "Tit for Tat" limited retaliation in response to prohibited activity, limited in scope but not necessarily identical to adversary's action.
4. Denial of rights under the treaty, such as inspections or data exchange, until prohibited activity ceases.
5. Withdrawal from part of the Treaty until adversary violations cease.
6. Suspension of Compliance with Entire Treaty until violations cease.
7. Withdrawal from the Treaty.
8. Punitive International Sanctions.●

COLLECTIVE RATEMAKING IN TRANSPORTATION

● Mr. PRYOR. Mr. President, Dr. Grant M. Davis is a distinguished teacher at the University of Arkansas in Fayetteville, the holder of the Oren Harris professorship of transportation. He has brought to the attention of the State a number of transportation needs, and he is able to claim major advancements in the field of transportation throughout our region of the country.

Dr. Davis recently published an article in Traffic World spelling out his point of view on collective ratemaking in transportation. I am not an expert in this field, and I wish to point out that the conclusions of Dr. Davis are not necessarily my own. But he has long been notable in this area and I believe that his views are worth the reading of my colleagues. I ask that his article be printed in the RECORD.

The article follows:

EDUCATOR SEES FLAWS IN REPORT OF RATEMAKING STUDY COMMISSION

(By Grant M. Davis)

One of the putative purposes of the Motor Carrier Act of 1980 was to increase rate competition by simultaneously providing shippers with increased price and quality options.[1] Supposedly the reason for congressional inclusion of this section of the Act, together with other provisions, was simply to resolve a general perception that price competition in the trucking industry was neither pervasive nor effective.

Critics of the traditional rate conference pricing process used in the regulated segment of the motor carrier industry have contended over the years that freight rates were not only excessive, but were unresponsive to changing shipper needs.[2] Advocates of collective ratemaking, on the other hand, forcefully pointed out that accurate cost allocation is virtually impossible in the industry because of joint and single-line rates, and competition—factors compounded by a large body of overhead costs which have to be allocated to specific shipments. Because of the operational and institutional nature of the for-hire motor carrier industry and shipper desires for joint rates and service, advocates of collective ratemaking have contended that antitrust immunity is needed in order for the industry to function, fulfill business commitments, and adhere to various legal requirements and contracts existing between shippers and carriers.[3] A majority of shippers, not surprisingly, perceived the LTL general commodity carriers as public utility types of businesses, and hence antitrust immunity was needed not only for the carriers, but for shipper organizations as well.

This interminable debate was supposed to be resolved by the Motor Carrier Act of 1980, but instead Congress created the Motor Carrier Ratemaking Study Commission to investigate and analyze certain issues involved in the collective ratemaking process and to subsequently report its findings and recommendations regarding the future of maintaining or eliminating this important pricing approach. Unfortunately, the commission has generated almost as much controversy as the basic issue of collective ratemaking by adopting a highly controversial staff preliminary draft report after the original Commission voted not to accept the report.[4] Following the 1982 senatorial elections and questions concerning industry qualifications of one member, the commission voted on February 24, 1983, by a six-to-four vote, to accept the contentious preliminary draft report. This report is the primary purpose of this brief paper simply because the findings contained in the preliminary draft do not appear to be either correlated closely with the bulk of the evidence presented before the Commission, nor previous studies concerning collective ratemaking in trucking.

The basic issues involved in collective ratemaking such as antitrust immunity, cartel profits, and service to small shippers and communities were carefully defined and examined, albeit in the context of the deregulation debate, several years prior to the Motor Carrier Act of 1980, and the subsequent creation of the Motor Carrier Ratemaking Study Commission.[5] In fact, public policy issues such as participation in bureau activities by shippers, the validity of the common carrier concept, rate levels, subsidization, small community service, and a variety of other issues were examined and published in article form in the *ICC Practitioners' Journal*, in the *Transportation Journal*, and in other referred journals, and even several books were written concerning the important features and shipper perceptions of the collective ratemaking debate.[6]

In the course of these formal studies, shipper respondents were analyzed, categorized, and subjected to various statistical tests to measure significant changes in their preceptions of collective ratemaking and major issues over time.[7] Not surprisingly, a majority of shippers in these studies favored collective ratemaking, desired some selected modifications in the process, generally reported satisfaction with the pricing procedures, and believed that this particular pricing process, while definitely in the public interest, would be jeopardized without specific antitrust immunity.[8]

In short, any serious review of the exising literature dealing with this subject clearly reveals two distinct bodies of thought regarding the collective ratemaking controversy. On the one hand, a majority of shippers favored the process, whereas a small coterie of federal officials, together with some academics, vehemently oppose virtually any facet of collectively established rates. In short, definitive empirical data existed concerning shipper perceptions of the issues prior to Congress creating the Motor Carrier Ratemaking Study Commission.

Within this highly contentious and divided environment, the Motor Carrier Ratemaking Study Commission should have anticipated the overall thrust of the evidence that would be submitted during its formal hearings, i.e., a majority of witnesses would support collective ratemaking whereas a few government officials and a few academics would oppose the process.[9] This division of perceptions was surveyed and recorded over a seven-year period before Congress even considered creating the Commission. Nevertheless, the Motor Carrier Ratemaking Study Commission originally consisted of three U.S. Senators, three U.S. Representatives, two shippers, one motor carrier member representing a general commodity carrier, and one motor carrier member belonging to a rate bureau. At the end of a six-month hearing process an evenly divided Commission voted five-to-five to reject the preliminary draft report.[10]

In fairness to all parties involved in the hearings, a serious examination of the record reveals that substantially more issues

[1] Footnote at end of article.

and questions were raised during the course of the Motor Carrier Ratemaking Study Commission hearings than were resolved.[11]

The controversy involving the collective pricing process intensified when the reconstituted commission (one member was defeated in his bid for re-election to the U.S. Senate and was subsequently replaced by a new appointee by Vice President Bush) reconvened on February 24, 1983, and with a minimum amount of debate promptly accepted the previously rejected polemical draft report on a six-to-four vote.[12] Needless to say, not only is collective ratemaking a misunderstood and controversial topic, but now the draft report has developed into a major controversy.

A QUESTION AND AN ANSWER

At this particular point, a question concerning the report certainly needs to be proffered: Why question the report? The answer is simple. First, serious students of national policy rely extensively upon congressional committee reports and hearings before public agencies and commissions to gain insight into policy changes and trends regarding positions of various groups relative to major public policy issues. Secondly, courts frequently rely upon congressional hearings and records to glean congressional intent in matters involving litigation. Thirdly, commission reports receive inordinate emphasis in scholarly pursuits simply because all parties do not have access to hearing transcripts and all of the evidence submitted for inclusion in the record.

Even though the Motor Carrier Ratemaking Study Commission report contains a plethora of references favoring and disapproving collective ratemaking, the report failed to reflect all the evidential statements submitted to it for inclusion in the record. In this regard, the report is open for serious question of equity, fairness, and a variety of other assorted ills for two simple reasons, i.e., the change in vote, and the sheer volume and diversity of the evidence presented before the Commission from any different parties.

The Motor Carrier Ratemaking Study Commission essentially directed its attention to the major issues of collective ratemaking in the industry as perceived by Congress. These included rate levels, discrimination, cross subsidization, monopoly profits, and the need for continuing antitrust immunity in the industry. Ancillary issues such as national policy, infrastructure development, monopsony shippers, and the validity of the common carrier concept were not directly mandated, even though they are extremely important to our transportation system. These issues, moreover, were examined in a highly structured manner. Each of these issues will be briefly examined in light of the evidence submitted by over a thousand witnesses supporting collective ratemaking as opposed to twenty-seven witnesses who appeared in opposition to continuing the collective ratemaking process. These witnesses include the uncounted membership of associations favoring collective ratemaking.

To gain some insight into both the magnitude and affiliation of witnesses supporting collective ratemaking in actual appearances before the Motor Carrier Ratemaking Study Commission, one should look to the number of witnesses supporting, disapproving, or assuming neutral positions regarding the process. Thirty-five shippers supported the institutional process, three were opposed, while one was neutral; 44 associations (representing hundreds of members) supported collective ratemaking, five appeared in opposition, and one assumed a neutral position; 260 carriers supported the process, and one opposed collective ratemaking; 18 witnesses favored collective ratemaking; 45 individuals supported the process, 11 opposed, and three were neutral; and finally, 13 consultants favored collective ratemaking, and four appeared in opposition to the process. In all, 500 submissions were made and presented by 460 different entities and individuals.

A somewhat different perspective is provided by examining the composition of the witnesses presented in tabular form. As depicted in Table 1, 90 percent of the submissions before the Motor Carrier Ratemaking Study Commission favored continuing collective ratemaking, 9 percent opposed, and 1 percent assumed no position. Furthermore, 1,238 additional individuals associated with the transportation industry (excluding carriers) signed a resolution subsequently presented to the commission favoring the continuation of collective ratemaking for both single-line and joint-line rates. Indeed, the magnitude of evidence, while not only enormous in terms of volume and coverage, was expected, given the nature of previous studies concerning shippers' perceptions regarding antitrust immunity, deregulation, and other physical distribution, logistics-type issues.[13] Even when the evidence presented before the commission is excluded, the Commission's findings clearly conflict with past studies, the issues and perceptions of which were validated and strengthened by examining statements supplied by 90 percent of the witnesses presenting submissions to the agency.

Any serious research into a socioeconomic phenomenon that can be sustained over time in terms of issues must be accorded a validity even in the somewhat nebulous area of public policy. In fact, the commission's draft report appears to be unrelated to the bulk of the evidence submitted in support of collective ratemaking.

Any serious and detailed examination of the Motor Carrier Ratemaking Study Commission's highly polemical report, when contrasted with the aggregate record submitted to the agency, reveals either an inveterate position assumed by the commission before the hearings, a weighing of evidence presented before the commission by certain witnesses, or both. Either position would be clearly wrong in terms of accessing the contentious public policy aspects of the collective ratemaking debate. In any event, the sheer weight of evidence when viewed in terms of the shipper/buyer of transportation services clearly reveals the salient conflicts existing between the agency's report and the record compiled during 1981 and 1982. Each of these findings will now be succinctly examined.

TABLE 1

[In percent]

	Pro	Con	No position
Shippers	80	18	2
Associations	88	10	2
Government	60	40	
Carriers	99	1	
Individuals	76	19	5
Traffic consultants	77	23	
Total	90	9	1

The commission's initial finding dealing with the historical basis of collective ratemaking being neither relevant nor needed relative to antitrust immunity is certainly at odds with the historical evolution of the concept.[14] Any diligent reading of the history of collective ratemaking and attendant litigation involved in the process over time reveals the concept evolved and developed because of the economic characteristics of the initiating railroad industry.[15] A careful reading of the record, moreover, reveals that collective ratemaking evolved chronologically because of practical business considerations and practices, as well as the ICC issuance of regional trucking operating authorities. The need for immunity, as stated by several witnesses during the Commission hearing in Cambridge during March of 1982,[16] clearly reveals that a continuing need for antitrust immunity is perceived to be needed by both carriers and shippers. Past studies, moreover, certainly support this observation.[17]

The second finding of the commission that collective ratemaking conflicts sharply with our national transportation policy, which calls for increased reliance upon market competition, is clearly at odds with the evidence presented before the agency. Numerous witnesses testified to the pervasive nature of price competition in the industry,[18] and the commission was cautioned repeatedly by several witnesses regarding the interrelated problems of capacity cost and monopsony shippers.[19] Ample evidence, moreover, was submitted regarding the nature of both price and service competition occurring in the industry both before and after the 1980 Act. This Act, moreover, calls for price-quality options for shippers, a hoary assumption that quality and price in transportation always maintains an inverse relationship, which is not always true in the case of transportation markets.[20]

The third finding of the commission, "that homogeneous service is based on average cost, and rates do not meet changing shipper needs," certainly conflicts with testimony submitted to the commission. Testimony rendered to the commission demonstrated that service is not homogeneous in either terms of price or cost, and that accurate costing in the industry is impossible.[21] Historical studies clearly reveal that shippers had difficulty in costing LTL truck service even when they attempted to do so. The commission's findings in terms of product uniqueness and changing shipper needs ignores the very existence of our classification of carriers such as contract carriers, as well as the nature of specialized carriers functioning in freight markets.[22]

Finding number five of the commission's draft report stipulated that participation in the collective ratemaking process by shippers is limited and is at best nebulous relative to the need for an argument against the basic collective ratemaking process. Indeed, failure to exercise a fundamental right is not necessarily beguiling or an abridgement of the legal process. For that matter, rate negotiations were primarily between individual shippers and carriers, and rates agreed upon were forwarded to the bureaus for publishing. Evidence regarding actual participation in bureau hearings in the form of a list of companies, together with the dates of their appearances, was presented to the commission during the January hearing in Akron, Ohio.[23] Earlier studies submitted to the commission also revealed that active participation by shippers appears to be a function of firm size and probably is indicative of similar participation behavior by

small firms in other areas of business. Failure to participate is also misleading because many rate matters were resolved by traffic or trade groups representing small groups of shippers in the ratemaking process.[24]

The commission's sixth finding that the Interstate Commerce Commission's authority to regulate rates is broad, but limited by poor costing methodology, is somewhat strange in terms of its meaning to the collective ratemaking debate. Unequivocally, the ICC possesses comprehensive rate regulation jurisdiction if it cares to exercise that power.[25] In the area of costing, moreover, the Commission has historically been assisted by bureaus who have contributed to improved costing in the industry.[26] Regarding why so few protests were filed with the Commission, the ICC has basically relied upon shipper complaints because of the sheer volume of rate changes filed with the agency, together with manpower and funding shortages.

Finding number seven of the commission—that the ICC can continue to meet its statutory obligation in the area of motor carrier rate regulation when antitrust is eliminated—clashes dramatically with testimony presented in Cambridge before the agency.[27] That is, the antitrust legal experts testifying in that city before the Commission seriously questioned the wisdom of eliminating antitrust immunity and any subsequent reliance upon the antitrust statutes for recourse to shippers or carriers in matters involving rate litigation.[28] In fact, practical experience certainly indicates that some carriers are overreacting to avoiding antitrust matters.

The eighth finding of the commission concerns rate levels, i.e., the overall rate level for motor carriers is higher than it would be without collective ratemaking because the basic process creates an environment that encourages wage increases that exceed labor productivity gains. This finding is totally in conflict with financial data submitted to the agency, as well as in-depth studies presented before the Motor Carrier Ratemaking Study Commission in the Kansas City hearing held during March of 1982. Even though the general rate level is a fairly meaningless concept in terms of either efficiency or productivity, the commission did receive extensive evidence in the form of statistical studies depicting the efficient use and allocation of industry resources broken down by cost components. These data were supplemented by statistical studies, none of which illustrated any gross inefficiencies in terms of price, productivity, or restrictions of output.[29] In fact, an inordinate amount of time was expended during the course of this particular hearing session to a discussion concerning the average carrier, and the consensus opinion of most of the witnesses was that no such carrier exists.[30]

Finding nine of the commission's executive summary deals primarily with the problem of excess capacity currently existing in the motor carrier industry. Somewhat ludicrously, the report states, "This excess capacity is the combined result of earlier planned capacity, and the slack in demand brought about by the current recession. This temporary excess capacity has placed substantial downward pressure on many rates. There is, however, no evidence of the conditions required for unhealthy (destructive) competition over the long-run." During the entire course of its field hearings, the commission was repeatedly informed of rampart destructive price competition in the industry, a condition accelerated by liberalized market entry and the recession.[31] If the commission (finding number three) believes trucking service is homogeneous, it is incongruent to assert that destructive price competition is a short-run problem. Evidence was presented before the commission illustrating the pervasiveness of the very conditions necessary for creating excess capacity in the industry (liberalized market entry) to be a long-run and not short-term phenomenon; ergo, the conditions for ruinous competition may well continue.[32] Professor D. Philip Locklin pointed out the potential for destructive rate competition in trucking almost twenty years ago.[33]

The draft report's tenth finding, that collective ratemaking has little salutary effect on the stability of rate levels, and that changes in rate levels are in response to changes in underlying cost conditions, reflects the commission's obvious belief that collective ratemaking is simply a cost-plus type of pricing process, which is patently incorrect. Previous studies examined the rate stability features of prices established through the collective ratemaking process, and shipper desires for such a rate practice, which in turn facilitates strategic planning for both in and outbound freight movements. Studies presented in the form of evidence before the Commission in Cambridge demonstrated that cost-plus rates are ineffective in motor transportation,[34] and that most shippers favor collective ratemaking because of the need for rate stability and price knowledge. Throughout the course of the hearings, the need for price information was emphasized because it is difficult to perceive how carriers can offer nation-wide service without being able to quote origin and destination prices to a shipper.

The eleventh finding, that "the conditions necessary for a successful exercise of predatory pricing strategies are not present in the industry; and, collective ratemaking has no demonstratable effect on the probable success of predatory behavior," obviously involves a new and innovative definition of predatory pricing.[35] Evidence of discounting and its subsequent impact upon small shippers and communities was introduced throughout the hearing, and if massive discounting, excess capacity, and virtually negative earnings fails to constitute the necessary conditions precedent for predatory pricing, then perhaps a novel definition of this form of price behavior has now been accepted in the field of economic theory. In that collective ratemaking employs the same standards as the ICC relative to rate reasonableness considerations, to find that the collective pricing process has no demonstrable effect on predatory pricing either involves a novel definition of the term or failure to clearly examine the prevailing economic conditions in the industry,[36] conditions which have existed for almost three years.

Finding number 12 deals with rate reasonableness. The Commission report states, "the collective ratemaking process is not designed to and does not have the wide-spread practical effect of preventing preference, prejudice or discrimination with respect to different shippers, shipments, and communities." Previous studies submitted to the commission clearly reveal that one reason few bureau protests of independent rate announcements occurred before 1977 was simply because bureaus employed the same statutory standards regarding rate discrimination, undue preference, prejudice, and discrimination as the Interstate Commerce Commission. Evidence presented before the commission in hearings held in Phoenix, Kansas City, Cambridge, and San Francisco clearly demonstrated that collective ratemaking is designed to prevent these abuses that are presently widespread in the industry.[37] A lacuna has been created in this area that clearly impacts upon small shippers and communities evidence of this fact was provided to the Commission at virtually all of its public hearings.[38] Even a facile examination of rate discounts based on volume and any subsequent impact on profits and cost differentials between small and large shippers supports this particular observation.[39] (In fact, a casual review of the fall 1982 issue of the Transportation Journal clearly reveals the blatant discrimination existing against small shippers and small communities as a result of the present pricing practices which are rampant throughout the industry.)

Finding number 13 of the draft report is somewhat amusing given other findings in the draft report. This finding simply states that, "small shippers and shippers in small communities pay the undiscounted class rates, i.e., the highest prevailing rates. Carriers generally find that traffic contributes revenues to overhead cost and they freely choose to continue providing such services." The finding obviously ignores the systems features of collective ratemaking, i.e., a system of freight rates for continuous service throughout the country that binds carriers to small communities. Rate discounting is truly pervasive, and the commission's finding is not universally true, but clearly demonstrates who pays for the current discounting practices taking places in the industry. As pointed out during the Kansas City hearing, small shippers and shippers in small communities are bearing an inordinate proportion of the systems capacity cost generated and created by monopsony shippers, a problem compounded by excess capacity in the industry.[40] Rate protection for small shippers appears to be decreasing dramatically.

The fourteenth finding in essence declares that general rate increases result in small shipments and shippers not being subsidized. There is no question but that this finding is essentially correct, but not in all instances; and the reasons for such action were explained to the commission during the Kansas City hearing. Small shippers and shipments are bearing more than their allocated capacity cost shares simply because liberalized market entry has affected traffic mix and loads by facilitating special commodity carriers to enter various markets. The capital intensive nature of LTL general commodity carriers was pointed out to the Commission. It was also pointed out that truck load freight was needed for load mix and cost consideration purposes. Rate and entry control must be exercised simultaneously if reasonable rates are to be achieved. Entry liberalization when combined with excess capacity is representing, and will continue to represent a cost which is borne by small shippers.[41] This position was emphasized by several academics testifying before the commission.[42]

A corollary to the fifteenth finding was the sixteenth finding of the commission, where almost ludicrously the report states that the commission found that neither adequate service nor reasonable rates for shippers or receivers in small communities is dependent upon the collective ratemaking process.[43] Furthermore, the Motor Carrier Ratemaking Study Commission report stated that while a large percentage of small

community traffic moves in joint-line service provided by potentially competing carriers, all necessary arrangements for such service can be made efficiently and lawfully under full application of the antitrust laws."

Testimony, previous studies, and written submission certainly conflict with this finding.[44] Carriers are not only reserved concerning joint-line rates, but actual freight interchange between major and local carriers for service to small communities has declined substantially during recent years a harbinger of future decreases in interchange if antitrust immunity is eliminated.[45] The commission is also more than fully aware that nation-wide service exists only on paper, and although in practice the ICC persists in awarding such authority to common and contract carriers, no carrier is presently providing LTL general commodity service throughout this nation.

The three remaining findings appear to be mere statements, but the nineteenth finding is a statement to the effect that neither practical nor legal considerations would prevent carriers from establishing joint-line arrangements in the absence of antitrust immunity. A plethora of contrary evidence was presented to the Commission, but the Motor Carrier Ratemaking Study Commission's report states *arrangements*, not rates, which is a different phenomenon.

CONCLUSIONS

There is no question but that collective ratemaking is a controversial topic, and the Motor Carrier Ratemaking Study Commission's report has certainly contributed to rather than diminished the growing controversy. By accepting a highly questionable report, together with contested maneuverings in terms of commissioner votes and membership qualifications, the commission has not rendered a true public service to the American public in this debate. Fortunately, all the parties involved in this interminable debate are interested in achieving the same goals; providing an efficient transportation system by motor available to all citizens on an equal basis. One group believes America's institutions are capable of providing such a system, whereas the other group believes that market forces will simply produce a better transportation system.

The Motor Carrier Ratemaking Study Commission did not contribute to any meaningful solution to the collective ratemaking debate with its contentious report. By either purposefully ignoring the evidence or assigning disproportionate weights to testimony rendered, the Commission has elected to ignore or minimize past studies which clearly reveal the nature of the evidence which would be presented. Future scholars of public policy researching collective ratemaking will be and should be skeptical of the Commission's report, particularly if they have access to all data associated with the hearings and the myriad of submissions.

Ideally, statistical tests of certain hypotheses should be developed concerning market efficiency or lack of efficiency in terms of the actual issues that the commission is charged by law to address. That is to say, perceptions can be measured since no actual elimination has taken place, but samples from the universe of shippers clearly indicate a propensity favoring collective ratemaking and antitrust immunity. Definitions of efficiency, of course, will probably remain controversial, but hopefully some consensus can be attained. In any event, perceptions of users of the system (shippers) are important and should be carefully considered in collective ratemaking debates. Tests of hypotheses regarding shippers' perceptions of collective ratemaking over time certainly indicate that most shippers believe efficiency was attainable under collective ratemaking.

It is unfortunate that a needed public commission such as the Motor Carrier Ratemaking Study Commission has issued such a tainted report which is as controversial as the various issues it addresses. Unfortunately, future reliance upon commission reports as accurate indicators of issues and the intensity of feelings associated with these issues may well be seriously discounted by future students seeking the true issues and positions of various groups associated with the collective ratemaking debate.

FOOTNOTES

[1] Public Law 96-296.

[2] Motor Carrier Ratemaking Study Commission hearings, Washington, D.C., November 18, 1982. See statement of witnesses from the U.S. Department of Transportation.

[3] See Grant M. Davis, editor, *Collective Ratemaking in the Motor Carrier Industry: Implications to the American Public* (Danville, Illinois: Interstate Publishers, 1980), Chapter 6.

[4] Meeting of the Motor Carrier Ratemaking Study Commission, Washington, D.C., December 14, 1982. Senators Kennedy and Packwood and public members Edler, Thometz and Warren voted to accept the report after two amendments were proffered. Senator Cannon and Congressmen Seiberling, Shuster and Roe and public member Murphy voted not to accept the staff's preliminary draft report.

[5] Consult ICC Ex Parte 297, Sub. 4, for example.

[6] Not only did these publications examine the major issues involved in collective ratemaking, but also dealt with specific problems such as the logistical implications of collective ratemaking and long-run strategic planning. See for instance Grant M. Davis, "Logistical Planning and the Common Carrier Concept," in *Logistics: Issues for the 1980's* (Shaker Heights, Ohio: Corninthian Press, 1982), pp. 113-123; and "Surface Transportation Regulation: A Succinct Analysis," *ICC Practitioners' Journal*, Vol. 47, No. 1 (November-December, 1979), pp. 55-68; *ad infinitum*.

[7] Grant M. Davis and John E. Dillard, "Collective Ratemaking: Does It Have a Future in the Trucking Industry?" *ICC Practitioners' Journal*, Vol. 48, No. 1 (October-November, 1982) pp 1112-1119.

[8] Ibid.

[9] Given the nature of the research in this area, the positions of the witnesses should have been expected. In fact, a review of the appearance listing to each public hearing reveals the magnitude of support for collective ratemaking, even though the Commission assidiously sought to balance each hearing with witnesses both supporting and opposing the process. The Commission also correctly attempted to structure the subjects to be examined because of time constraints established by Congress. Interestingly, oral testimony before the Commission was by invitation only. For an example of the opposition to collective ratemaking, see National Transportation Policy Study Commission, *National Transportation Policies*, (Washington, D.C.: National Transportation Policy Study Commission, June, 1979), p. 250.

[10] *Supra*, note 4. Questions of fairness, moreover, were raised before the Commission even voted; consult "RCCC Chairman Challenges Article on Collective Rates," *Transport Topics* (November 15, 1982), p. 8.

[11] Not only were the technical issues addressed, but national defense, regional development, regulated vs. non-regulated transportation, deregulation vs. regulation, ERISA, etc., were raised, not to mention serious problems concerning monopsony and the Robinson-Patman Act. See transcript of hearings, *Motor Carrier Ratemaking Study Commission*, Washington, D.C., November 18, 1982.

[12] Voting to accept the report as drafted were Senators Packwood, Goldwater and Kennedy and public members Warren, Edler and Thometz, with Congressmen Roe, Seiberling and Shuster and public member Murphy voting against accepting the draft report. A minority position is being prepared for submission to the Senate Committee on Commerce, Science and Transportation.

[13] *Supra*, note 6. Also see Grant M. Davis, *Motor Carrier Economics, Regulation, and Operation* (Washington, D.C.: University Press of America, 1981), Chapter 7.

[14] Ibid. Also, consult Joseph L. Cavinto and Gary B. Kogan, "An Assessment of the Impacts From Repeal of Section 10706 (Antitrust Immunity) Upon the Motor Carrier Industry and Its Users," *ICC Practitioners' Journal*, Vol. 47, No. 4 (May-June, 1980), pp. 427-449.

[15] Grant M. Davis and Charles S. Sherwood, *Rate Bureaus and Antitrust Conflicts in Transportation: Public Policy Issues* (New York: Praeger Publishers, 1975), Chapters 1 and 2; also see D. Philip Locklin, *Economics of Transportation* (6th ed.; Homewood, Illinois: Richard D. Irwin, Inc., 1966), pp. 299-300; also consult statement of William B. Tye, "Regulatory Reform and the Trucking Industry: An Evaluation of the Motor Carrier Act of 1980," and his subsequent statement before the *Motor Carrier Ratemaking Study Commission*, Cambridge, March 19, 1982.

[16] Consult statements of Paul Duke and Andrew Popper before the *Motor Carrier Ratemaking Study Commission*, Cambridge, Mass., March 19, 1982, p. 334 and p. 349.

[17] Davis and Dillard, loc, cit.; and Cavinto and Kogan, loc. cit.

[18] See, for example, the statements of Stan Hille of the University of Missouri, and Donald V. Harper of the University of Minnesota, hearings before the *Motor Carrier Ratemaking Study Commission*, Kansas City, Missouri, March 5, 1982.

[19] Statement of Professors Roy Sampson, University of Oregon, and Charles S. Sherwood, California State University, hearings before the *Motor Carrier Ratemaking Study Commission, San Francisco, California*, February 12, 1982.

[20] A considerable amount of quantitative date exists regarding the supply of transportation, only estimates exist regarding demand. See George W. Wilson, *Economic Analysis of Intercity Freight Transportation* (Bloomington, Indiana: Indiana University Press, 1980), p. 55.

[21] Consult statement of Dabney Waring, hearing before the *Motor Carrier Ratemaking Study Commission*, Kansas City, Missouri, March 5, 1982.

[22] Contract carriers offer specialized service that provides shippers with unique price/quality options. 49 C.F.R. 1041.

[23] Hearings before the *Motor Carrier Ratemaking Study Commission*, Akron, Ohio, January 29, 1982.

[24] Shipper associations and traffic leagues frequently become involved in rate matters. Consult statement of Richard G. Velten, hearings before the *Motor Carrier Ratemaking Study Commission*, Washington, D.C., November 8, 1981.

[25] The ICC can establish maximum, minimum, or ranges of rates in addition to rejecting rates or suspending rates. The Motor Carrier Act permits carriers to a zone of rate flexibility of ± 10% of rates in effect on July 1, 1980. Obviously, the Commission has elected not to become overly involved in motor carrier rate matters.

[26] See Davis and Sherwood, *Antitrust Conflicts in Transportation*, loc. cit.

[27] *Supra*, note 16.

[28] Ibid. Also see Martin T. Farris, "Discrimination in Transportation and Antitrust Laws," in Davis, *Collective Ratemaking in the Motor Carrier Industry*, op. cit., pp. 71-85.

[29] Consult statements of John W. McFadden, Donald V. Harper, Edmund A. Nightingale, Stanley J. Hille, and James P. Rakowski, before the *Motor Carrier Ratemaking Study Commission*, Kansas City, Kansas, March 5, 1982.

[30] See "No Protection for the Inefficient Carrier in Collective Ratemaking," statement of Dabney T. Waring, Jr., before the *Motor Carrier Ratemaking Study Commission*, Kansas City, Missouri, March 5, 1982.

[31] In fact, see Senator CANNON's prepared amendment before the *Motor Carrier Ratemaking Study Commission* meeting in Washington, D.C., December 9, 1982, where on the subject of liberalized market entry a rule-making was not adopted when the Commission voted five-to-five on the amendment.

[32] Consult statement of Martin T. Farris, hearing before the *Motor Carrier Ratemaking Study Commission*, Phoenix, Arizona, December, 1981. Also see statement of Irwin Silberman submitted to the *Motor Carrier Ratemaking Study Commission*, July, 1982, wherein the financial conditions existing in the industry were enumerated and analyzed.

[33] Locklin, op. cit., p. 665, where Professor Locklin pointed out, ". . . The ruinous type of competition does develop; discrimination in rates does appear;

the condition for overcapacity does not correct itself automatically; and the struggle for service in the face of inadequate revenues leads to deterioration of safety standards, erosion of safety regulation, financial responsibility, and generally unsatisfactory service."

[34] Consult statement of Paul Roberts, hearing before the *Motor Carrier Ratemaking Study Commission*, Cambridge, Mass., March 19, 1982.

[35] Consult notes 32 and 33.

[36] Also, see statement of Irvin H. Silberman before the Subcommittee on Surface Transportation, Committee on Commerce, Science and Transportation, U.S. Senate, December 14, 1982.

[37] Consult hearing transcripts, Motor Carrier Ratemaking Study Commission for these hearings. Also see Donald V. Harper, "Consequences of Reform of Federal Economic Regulation of the Motor Trucking Industry," *Transportation Journal*, Vol. 21, No. 4 (Summer, 1982), pp. 35-58. Regarding rate bureau standards, see Grant M. Davis and William Cunningham, "Deregulation—A Green Light for Trucking Efficiency—A Comment," *Regulation* (November-December, 1982), pp. 4-5.

[38] Ibid.

[39] The distinterested reader needs only to examine discount tariffs currently in effect in the industry for ample evidence of rate discrimination activities.

[40] Supra, note 18.

[41] Davis and Cunningham, loc. cit.

[42] *Supra*, notes 18 and 19.

[43] Reference Cavinato and Krogan, loc. cit.; also consult William B. Wagner and Michael L. Dean, "A Perspective View Toward Deregulation of Motor Common Carrier Entry," *ICC Practitioners' Journal*, Vol. 48, No. 4 (May-June, 1981), pp. 406-418; David and Dillard, loc. cit.; and Michael W. Pustay, "Transportation Regulation and Service to Small Businesses: The Case for Contract Carriage," *Transportation Journal*, Vol. 23, No. 1 (Fall, 1982), pp. 11-12.

[44] See statements of Professor David L. Shrock, Ronald V. Meeks, and Tim Ravey, before the Motor Carrier Ratemaking Study Commission, Phoenix, Arizona, December 10, 1981, and Dale C. Anderson and Elmo Falcon, "Implications of Motor Carrier Deregulation for a Case Study Rural Community," Proceedings—*Transportation Research Forum*, (Oxford, Indiana: Richard B. Cross Co., 1981), pp. 33-40.

[45] Several small carriers in Arkansas, for example, report 40 to 60 percents declines in interchange freight to small communities.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL ON BEHALF OF SOVIET JEWRY

● Mr. TRIBLE. Mr. President, I am pleased to be one in the chain of voices that forms the Congressional Call to Conscience Vigil on behalf of Soviet Jewry. We have too few opportunities to set right the great wrong that is religious persecution. The enormity of Soviet wrongs requires that those of us who value religious freedom speak out. I want to thank my distinguished colleague from Oklahoma, Senator BOREN, for organizing this vigil and providing me with the opportunity to address this issue.

To understand the plight of Jews in the Soviet Union, it is necessary only to look at what the U.S.S.R. has done with one of the greatest heroes of the Jewish people. The story—one I am sure my colleagues have heard before—begins in Budapest in World War II.

It begins in Budapest because this city was the home of the most significant Eastern European Jewish community to survive the war. When the fighting was over, 120,000 Jews still drew breath in the Hungarian capital. And that this 120,000 lived to see 1946 was in large measure due to the noble bravery of a young, non-Jewish Swede named Raoul Wallenberg.

Wallenberg's ingenious daring was the stuff of which legends are made. He purchased buildings and disguised them with Swedish flags as diplomatic property. He distributed SS uniforms to Jewish men that they might guard their people in hiding. By means of his own charismatic authority, he commanded Nazi soldiers to open the doors of the very cattle cars they had been ordered to fill.

It is the Nazis who are justifiably and immediately identified in the public mind with anti-Semitism, and indeed, if they had caught Wallenberg, they would certainly have executed him. But this brave defender of the Jewish people did not meet his fate at the hands of the Nazis. Rather, he paid for his valor in a nation whose anti-Semitism is less celebrated, but that columnist George Will rightly calls Naziism's "moral twin." On January 17, 1945, Wallenberg was arrested by the Soviet forces entering Budapest.

And the Third Reich itself could not have demonstrated more abject hatred for the Jews than did the Soviet Union, by its barbaric retribution against their greatest friend.

Although at first the U.S.S.R. denied that it held Wallenberg at all, since 1957 it has claimed that he died in prison of natural causes, shortly after the war. Yet there have been scores of reports to the contrary. A Russian now living in Israel claims to have seen him as recently as 1972 in a Soviet psychiatric hospital. Noticing a Jewish-looking man, the emigre reports, he asked him who he was, and the man replied—in a foreign accent—that he was Raoul Wallenberg and was there "because he helped the Jews." This and other eye witness evidence—evidence including dates, locations, and descriptions—leave little doubt that a now 70-year-old Wallenberg is alive and rotting in the Gulag, for the sin of "helping the Jews."

But equally persuasive evidence that the U.S.S.R. is lying about Wallenberg is that the lie is so perfectly in character: The Soviet Union is the systematic, unrelenting, brutal enemy not only of Jews, but of religion and humanity everwhere. Wallenberg is not alone.

The Soviets are doing their best to snuff out Judaism at all levels. Recently, unofficial Hebrew teachers in all the major cities have been called before the state police. Members of the unofficial Leningrad Jewish Theater are under attack. Jewish quotas for university entrance are reduced. Jewish scientists are stripped of their degrees and deprived of the work for which they have been trained. Anti-Soviet and anit-Zionist propaganda fill the state-controlled media—propaganda which promote the themes of the Protocols of the Elders of Zion. And most terrifying of all, a new directive requires all Soviet Army personnel to be indoctrinated in anti-Jewish and anti-Zionist ideology; toward this end, soldiers are routinely shown films so incendiary that they are withheld from the public for fear that they might result in pogroms. If it sounds like Germany in the late 1930's, that is because it is like Germany in the late 1930's.

But there is a new and horrible wrinkle, here; Russian Jews cannot get out. They have no escape.

As the Berlin Wall so eloquently testifies, the Soviet Union has always restricted the emigration of its citizens—a sensible policy, from its perspective, because if it did not, they would be leaving in droves to tell the true tale of life in the U.S.S.R. But where it has prevented the flood of emigres it has always allowed a trickle. Lately, though, it has been ominously strangling the emigration of Jews. Whereas in 1979, 51,000 Jews were granted exit visas, in 1980 the number was reduced by more than one half to 21,000 and thence to 9,400 in 1981, and a heartbreaking 2,670 in 1982. And it is no secret that if a Jew has applied unsuccessfully for a visa, the state authorities render his life thereafter at best wretched and at worst, dangerous.

Like that of the Swede who once defended them, this, then, is the plight of Soviet Jews: They are trapped, oppressed, imperiled, and bereft of hope.

If we are to understand the enormity of their situation, though, it is essential that we understand that others suffer, too, in the Soviet Union.

The Jews are an ancient and pious people and they suffer more than most. Their struggle to uphold their God-centered way of life commands our most profound respect. Indeed, it is precisely because they are the kind of people they are that I am sure they would support me in saying that they are not really even the point.

The larger point is that in a state where the people do not rule no one is secure. Just as Wallenberg is not simply the Jew's hero but the world's hero, so the plight of Soviet Jews is not simply an outrage against Jews—although it is that—but an affront to justice. The plight of Soviet Jewry is the plight of freedom itself, and it is a grim vision from which freedom loving people must not turn away.●

JOAN W. HARRIS WINS OHIO STATE AWARD

● Mr. METZENBAUM. Mr. President, since 1936, the Ohio State University has annually sponsored what is now the Nation's oldest broadcasting program competition. The objective of the competition is to provide recogni-

tion and encouragement to excellence in educational, informational and public affairs programs. The Ohio State awards, administered by WOSU, the university's broadcast licensee and sponsored by the Institute for Education by Radio-Television, are among the most prestigious in the broadcast field.

This year, nearly 500 programs were entered in the competition. Entries came from all parts of the United States, from Canada and from as far away as West Germany and New Zealand.

I want to express my special congratulations to Joan W. Harris, a native Ohioan now residing in Chicago. Ms. Harris, who is president of the board of directors of the Chicago Opera Theater, served as coordinating producer of a stunning television production of Lee Hoiby's opera based on the Tennessee Williams play, "Summer and Smoke." This performance by the Chicago Opera Theater won an Ohio State award for WTTW, a Chicago television station. In recognition of her extraordinary contribution to the success of the project, Ms. Harris was accorded the honor by her colleagues of personally accepting this prestigious award.

Mr. President, Joan Harris, the Chicago Opera Theater, and WTTW have done a real service to the creative arts in our country by bringing to the public this fusion between the work of a great American playwright and that of a leading contemporary composer. I commend Ms. Harris and her coworkers for their brilliant success and wish them more of the same in the future.●

S. 1334—EXPORT ADMINISTRATION IMPROVEMENT AMENDMENTS OF 1983

● Mr. GORTON. Mr. President, yesterday I introduced S. 1334, a bill to amend the Export Administration Act. Unfortunately, the text of the bill was not printed in the CONGRESSIONAL RECORD. Mr. President, I ask unanimous consent that the attached text of S. 1334 be printed in today's RECORD.

The bill follows:

S. 1334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Administration Improvement Amendments of 1983".

EXPORT LICENSES

SEC. 2. (a) Section 5(e) of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(5) No authority or permission to export shall be required under this section before goods or technology are exported to a destination in any country which participates with the United States in multilateral export controls on such goods and technology.".

(b) Section 4(a) of the Export Administration Act of 1979 is amended by redesignating paragraph (4) as paragraph (6) and by inserting after paragraph (3) the following:

"(4) A comprehensive operations license issued pursuant to an application by the exported, authorizing multiple exports, between a domestic concern and any foreign subsidiary, joint venture partner, licensee or subcontractor of that concern, in lieu of a validated license for such exports.

"(5) A distribution license issued pursuant to an application by the exporter, authorizing exports of goods to approve distributors or users of the goods, in lieu of a validated license for such exports.".

MILITARY CRITICAL TECHNOLOGIES

SEC. 3. Section 5(d)(5) of the Export Administration Act of 1979 is amended—

(1) by inserting "and except as otherwise provided in this paragraph" before the period; and

(2) by adding at the end thereof the following: "An item on the list of militarily critical technologies shall become a part of the commodity control list only if—

"(A) the Secretary of Defense finds that the item would make a direct and significant contribution to the military capabilities of countries to which exports are controlled under this section and would permit a significant advance in the military system of such a country; and

"(B) the Secretary finds that countries to which exports are controlled under this section do not possess the item or a like item, and the item or a like item is not available in fact to such a country from sources outside the United States in sufficient quantity and sufficient quality so that the requirement of a validated license for the export of such item is or would be ineffective in achieving the purpose set forth in subsection (a) of this section.".

GOODS CONTAINING MICROPROCESSORS AND REMOVAL OF CERTAIN CONTROLS

SEC. 4. Section 5 of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(m) GOODS CONTAINING MICROPROCESSORS.—Export controls may not be imposed under this section on a good based solely on the fact that the good contains an imbedded microprocessor or microcomputer. An export control may be imposed under this section on a good containing a microprocessor or microcomputer when (1) the microcomputer's or microprocessor's capabilities exceed the COCOM general exception levels established for computer devices, or (2) the functions of the good itself are such that the good, if exported, would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States.

"(n) REMOVAL OF CERTAIN CONTROLS.—At the close of any one-year period during which all export license applications filed for the export of a good subject to an export control under this section have been approved, the Secretary shall remove the export control on exports of that good, or provide notice of a determination to retain the control, which notice must be published together with the reasons therefor in the Federal Register.".

EFFECT OF CONTROLS ON EXISTING CONTRACTS AND LICENSES

SEC. 5. (a) Section 6 of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(1) EFFECT ON EXISTING CONTRACTS AND LICENSES.—(1) Any export controls imposed under this section shall not apply to exports pursuant to a contract or other agreement entered into prior to the imposition of such controls.

"(2) Any license required under this Act for the export of goods or technology pursuant to a contract or other agreement entered into prior to the imposition of controls under this section shall not be denied, revoked, suspended, or modified, and renewal of such license may not be denied, as a result of the imposition of such controls.".

(b) Section 7 of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(k) EFFECT OF CONTROLS ON EXISTING CONTRACTS.—Any export controls imposed under this section shall not affect any contract to export entered into before the date on which such controls are imposed, including any contract to harvest unprocessed western red cedar (as defined in subsection (i)(4) of this section) from State lands, the performance of which contract would make the red cedar available for export. For the purpose of this subsection, the term 'contract to export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology.".

(c)(1) The amendment made by subsection (a) shall not apply to export controls imposed before the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply to export controls in effect on the date of the enactment of this Act and export controls imposed on or after such date.

FOREIGN POLICY CONTROL CRITERIA

SEC. 6. Section 6(b) of the Export Administration Act of 1979 is amended to read as follows:

"(b) CRITERIA.—The President may impose, expand, or extend export controls under this section only if he determines that—

"(1) such controls will achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls;

"(2) the proposed controls are compatible with the foreign policy objectives of the United States, including the effort to counter international terrorism, and with overall United States policy toward the country to which the controls would apply;

"(3) other countries support the imposition or expansion of such export controls by the United States;

"(4) the proposed controls will not have an adverse extraterritorial effect on countries friendly to the United States;

"(5) the proposed controls will not have an adverse effect on the export performance of the United States, on the competitive position of the United States in the international economy, on the international reputation of the United States as a supplier of goods and technology, and on individual United States companies and their employees and communities, taking into account the effects of the controls on existing contracts; and

"(6) the United States has the ability to enforce the proposed controls effectively.

A report setting forth such determinations shall be transmitted to the Congress not later than the date on which controls are imposed.".

FOREIGN AVAILABILITY

SEC. 7. (a) Section 6(g) of the Export Administration Act of 1979 is amended—

"(1) by inserting "(1)" after "Foreign Availability.—"; and

(2) by adding at the end thereof the following:

"(2) The Secretary, in consultation with appropriate Government agencies and with appropriate technical advisory committees established pursuant to section 5(h), shall review, on a continuing basis, the availability, to countries to which exports are controlled under this section, from sources outside the United States, including countries which participate with the United States in multilateral export controls, of any goods or technology the export of which requires a validated license under this section. In any case in which the Secretary determines, in accordance with procedures and criteria which the Secretary shall by regulation establish, that any such goods or technology are available in fact to such destinations from such sources in sufficient quantity and of sufficient quality so that the requirement of a validated license for the export of such goods or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section, the Secretary may not, after the determination is made, require a validated license for the export of such goods or technology during the period of such foreign availability, unless the President determines that the absence of export controls under this section would prove detrimental to the foreign policy of the United States. In any case in which the President determines that export controls under this section must be maintained notwithstanding foreign availability, the Secretary shall publish that determination together with a concise statement of its basis, and the estimated economic impact of the decision.

"(3) The Secretary shall approve any application for a validated license which is required under this section for the export of any goods or technology to a particular country and which meets all other requirements for such an application, if the Secretary determines that such goods or technology will, if the license is denied, be available in fact to such country from sources outside the United States, including countries which participate with the United States in multilateral export controls, in sufficient quantity and of sufficient quality so that denial of the license would be ineffective in achieving the purpose set forth in subsection (a) of this section, subject to the exception set forth in paragraph (2) of this subsection. In any case in which the Secretary makes a determination of foreign availability under this paragraph with respect to any goods or technology, the Secretary shall determine whether a determination of foreign availability under paragraph (2) with respect to such goods or technology is warranted.

"(4) With respect to export controls imposed under this section, in making any determination of foreign availability, the Secretary shall accept the representations of applicants as conclusive unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information.".

(b) Section 5 (f) (3) of the Export Administration Act of 1979 is amended to read as follows:

"(3) With respect to export controls imposed under this section, in making any determination of foreign availability, the Secretary shall accept the representations of applicants as conclusive unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information.".

DOMESTICALLY PRODUCED CRUDE OIL

SEC. 8. Section 7(d) of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(4) Notwithstanding the provisions of section 20 of this Act, the provisions of this subsection shall expire on September 30, 1989.".

AMENDMENT RELATING TO RED CEDAR

SEC. 9. Section 7(i)(1) of the Export Administration Act of 1979 is amended in the last sentence by inserting "harvested from State or Federal lands" after "red cedar logs".

AMENDMENT TO MAGNUSON ACT

SEC. 10. Clause (viii) of section 201(e)(1)(E) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1821(e)(1)(E)) is amended by inserting "fishery" before "matters".●

TUITION TAX CREDITS

● Mr. TSONGAS. Mr. President, frequently, there are issues that appear to benefit a significant portion of the population. Yet, upon further research it is apparent that only a small group will be served by certain legislation and what is worse, the good of the Nation will be compromised if that legislation is passed. Tuition tax credits for families who send their children to private schools is, in my opinion, just such an issue.

In my State of Massachusetts, 12 percent of children in kindergarten through 12th grade attend parochial and private schools. That figure is higher than the national average of 11 percent, thus tuition tax credits is a topic that is frequently discussed. Oftentimes, I receive letters from constituents who are trying to make ends meet and keep their children in private schools. I empathize with them and I understand their concerns, but I cannot agree that tuition tax credits are a fair or sensible approach to addressing the problems of educating our children.

In February, President Reagan proposed the Educational Opportunity and Equity Act of 1983. If enacted, this legislation would allow a taxpayer to claim a credit for 50 percent of the tuition for full-time elementary or secondary school students. The credit would be limited to $100 per dependent in 1983, $200 in 1984, and $300 in 1985, and each year thereafter.

The administration argues that this bill would provide for increased diversity in educational opportunities, encourage innovation and experimentation in education, and assist lower income families in sending their children to private schools. I submit, if passed, this bill would have a debilitating effect on public education, cost the Federal Treasury hundreds of millions of dollars and end upon the docket of the Supreme Court on the question of its constitutionality.

The argument that individuals who pay taxes and send their children to private schools are doubly taxed is inaccurate. An individual's tax liabilities are not calculated upon the use of a particular public service. It is the responsibility of the government to provide public services. It is the choice of our citizens to pay for private ones.

Moreover, many private schools do benefit from public funds. They frequently receive student textbook loans, costly standardized tests and scoring services free of charge, and free transportation to and from school. The Federal Government provides private school students with compensatory instruction and other services under the Educational Consolidation and Improvement Act, the Education of the Handicapped Act and other Federal education legislation. It also reimburses many private schools for at least a part of the cost of student lunches they serve.

Another argument that is made in favor of tuition tax credits is that the number of lower income students able to attend private schools will increase. The administration's bill does not provide for a refundable tax credit and it is possible for the amount of a refundable tax credit to exceed the amount of taxes some low income families pay. Are we really to believe that a tax credit of $100 or $200 is going to enable low-income families to put their children in private schools? We can better serve these families if we insure that the public schools their children attend are the best they can be.

The cost of tuition tax credits to the Federal Treasury is not small. The Office of Tax Analysis in the Department of the Treasury has estimated the cost of the administration's bill at $245 million in 1984, $525 million in 1985, and $753 million in 1986. The Federal budget's projected deficit already exceeds $200 billion. During the last 2 years, funding for education has been severely cut and in Massachusetts the problem of financing education has been exacerbated by Proposition 2½. We cannot justify these expenditures for tuition tax credits while we watch funding for public education being gutted by the current administration.

I do not believe that our public schools are without difficulty. In some schools, the quality of the curriculum

and the teachers is questionable. In others there is a discipline problem which prevents teachers from giving 100 percent to students who do not present problems. Basic negative attitudes toward teachers and a lack of adequate compensation is forcing many competent teachers out of the profession.

The answer to these problems is not to abandon public education; 89 percent of our Nation's children attend public schools. Rather than provide tuition tax credits for the minority, we must demand quality public education for the majority. We must develop legislation that supports the teaching profession and encourages bright young students into the field of education. We must assist today's teachers in keeping their skills updated and their compensation reasonable. We should have legislation that insures accessibility to new technologies in our public school. Local school districts must develop a functional policy to cope with discipline problems and the Federal Government should, if necessary, help to implement those policies. If the Federal Treasury can afford to do without more than a billion dollars over the next 3 years, we should give that money to local school districts to improve the quality of education nationwide.

Clearly, private education serves a useful purpose in our educational system. It is an option that hundreds of thousands of parents prefer, but it must remain just that, a personal choice not a Federal responsibility. The obligation of the Government must be to quality public services and there is no reason why, with the full force of the Federal Government behind them, that a vast majority of our public schools cannot become totally competitive with the Nation's best private schools.●

TRIBUTE TO INTERIOR'S "DOC" DORASAVAGE

● Mr. PRYOR. Mr. President, on May 31, William J. "Doc" Dorasavage will retire from the Bureau of Land Management at the Department of the Interior. This national authority in public land laws and adjudication will have completed 30 years of exemplary service in the Federal Government.

My State is particularly indebted to "Doc" for firmly establishing the interdependency between Federal and State records of inestimable value to the people of Arkansas. These records, which go back to the early beginning of our Nation and State and which are important from a historical perspective, are essential in current business transactions providing validation of title and land documents.

Under Mr. Dorasavage's guidance and in cooperation with Arkansas State Lands Commissioner Bill McCuen, a system has been established to properly catalog, film, store, restore, and preserve these valuable records. Jointly, gaps and missing links between the Federal and Arkansas records are being filled to provide continuity between the two.

In April Doc Dorasavage's service was recognized by Interior Secretary Watt as he was presented the Department's Meritorious Service Award.

Mr. President, on behalf of the people of Arkansas, I want to congratulate and thank this dedicated public servant.●

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MX MISSILE BASING MODE FUNDS

The PRESIDING OFFICER. The Senate will resume consideration of the pending matter, which will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Con. Res. 26) approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode.

The Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Will the Chair please state the time limitation and who controls the time?

The PRESIDING OFFICER. Debate on the resolution shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

Motions to postpone and motions to proceed to the consideration of other business shall be decided without debate.

Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution shall be decided without debate.

Mr. STEVENS. I thank the Chair.

Mr. President, a parliamentary inquiry: If there is a quorum call, under this statutory limitation is it charged automatically to the overall limit?

The PRESIDING OFFICER. The time is charged automatically against the side making the request, unless there is another agreement.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time be charged equally to both sides in this case.

Mr. STEVENS. I thank the Senator, and I agree.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending business be set aside temporarily, that we return to the pending business after we dispose of S. 639, and that the time used on S. 639 not exceed 20 minutes.

The PRESIDING OFFICER. Is there objection?

Would the acting minority leader repeat his request?

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending business be set aside for a period not to exceed 20 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

BUDGET ACT WAIVER

Mr. STEVENS. Mr. President, I now ask that the Chair lay before the Senate, Senate Resolution 131, the resolution waiving section 402(a) of the Budget Act.

The PRESIDING OFFICER (Mr. DENTON). The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 131) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 639.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 131) was agreed to, as follows:

S. RES. 131

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 639, the "Lebanon Emergency Assistance Act of 1983", a bill to authorize supplemental assistance to aid Lebanon for fiscal year 1983.

Such a waiver is necessary to allow the authorization of $150,000,000 in additional budget authority for fiscal year 1983, which will be available until expended, for the purpose of providing economic assistance to Lebanon for the rebuilding of its economy, and $1,000,000 for military training under the provisions of chapter 5 of part II of the Foreign Assistance Act. The administration has requested an additional $151,000,000 in budget authority for this purpose.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by May 15, 1982, because the circumstances that required and enabled the funding did not exist at the time.

The effect of defeating consideration of the supplemental authorization will be a disruption and delay of the United States assistance to Lebanon's reconstruction.

The desired authorization will not delay the appropriations process and will need to be accommodated in a supplemental appropriation.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEBANON EMERGENCY ASSISTANCE ACT OF 1983

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate for the remainder of the time under the previous unanimous-consent agreement, S. 639, Calendar Order No. 120.

Mr BYRD. Mr. President, reserving the right to object, that is with the understanding that the time will be equally divided between Mr. PELL and Mr. PERCY.

Mr. STEVENS. I accept that. That is our intention.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 639) to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with amendments, as follows:

On page 3, line 3, strike "$100,000,000", and insert "$1,000,000"; and

On page 3, after line 8, insert the following:

UNITED STATES ARMED FORCES

SEC. 4. (a) The President shall obtain statutory authorization from the Congress with respect to any substantial expansion in the number or role of United States Armed Forces in Lebanon or for the creation of a new, expanded or extended multinational peacekeeping force in Lebanon.

(b) Nothing in this section is intended to modify, limit or suspend any of the standards and procedures prescribed by the War Powers Resolution of 1973.

So as to make the bill read:

S. 639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Lebanon Emergency Assistance Act of 1983".

The PRESIDING OFFICER. The bill is under a time agreement. Who yields time?

Mr. PERCY. Mr. President, I yield myself such time as I might require from the 10 minutes allotted to me.

Mr. President, this matter will not, I would like to advise my colleagues, require a rollcall vote. It is an important measure, but I know of no opposition to it. In fact, it was reported by the Foreign Relations Committee with a unanimous vote of 17 to 0.

Mr. President, the Lebanon Emergency Assistance Act of 1983 (S. 639) now before us is a high priority. The recent agreement between Israel and Lebanon on the withdrawal of Israeli troops and the efforts to obtain from Syria and the PLO a similar agreement make it all the more imperative that we pass this legislation to demonstrate to all concerned our strong support to the people and Government of Lebanon.

Prompt enactment of the bill will have an important symbolic impact as well as contribute to the reconstruction of Lebanon. Senate Resolution 639 was passed by the Foreign Relations Committee without objection.

The bill contains the following provisions:

First, declaration that the national interests of the United States are served by assisting the promotion of the economic and political stability and the sovereignty of Lebanon;

Second, $150 million in economic support fund assistance for Lebanon. The funding is to be available until expended;

Third, $100 million in foreign military sales loan guarantees at market rates to enable the purchase of equipment for the Lebanese Army;

Fourth, $1 million for military training under the international military educational training (IMET) program; and,

Fifth, a requirement that the President obtain congressional authorization for a substantial expansion in the size or role of the U.S. peacekeeping forces or the creation of a new or expanded force.

I might say that probably the latter point, on the authorization for U.S. peacekeeping forces, occupied a good deal of the time of the committee. Question was not seriously raised about the amount of assistance. We want to help and we want to help immediately. We want to play our role with other nations and with Lebanon itself as it rebuilds under its own power.

This bill underlines the basic understanding that bringing peace to Lebanon and helping the Lebanese Government reassert its authority throughout the nation is an important interest of the United States. The assistance included in this bill is designed to help the Lebanese achieve our common goals of helping Lebanon regain its economic health and political sovereignty. The economic assistance is designed to help the Central Government in rebuilding and repairing the economic infrastructure of the nation which has been seriously damaged by more than 8 years of war and neglect. This assistance is also meant to be a political demonstration of the American commitment to a strong central government in Lebanon. I am also hopeful that other potential donor countries and private investors will view the speedy approval of this legislation as a demonstration of confidence that will encourage them also to contribute to Lebanon's reconstruction efforts.

The recent tragic bombing of the U.S. Embassy in Beirut has temporarily hampered AID's effort to assist Lebanon in its reconstruction effort. I urge AID to place top priority on reestablishing the AID team in Lebanon in an effort to resurrect our AID effort there.

In addition, it is particularly important that the World Bank accelerate its efforts in Lebanon. Reestablishment of security and economic reconstruction in Lebanon is crucial to Western interests. It is important that the World Bank show no signs of timidity in proceeding with their program for Lebanon. I am confident they will so proceed.

A Lebanese Army capable of maintaining security is a key element in the rebuilding of Lebanon and promotion of stability in the region. The Lebanese Army must be able to control all armed elements within the country and to prevent the infiltration of terrorist organizations. To accomplish these goals, the army needs to be reequipped and retrained. Considerable progress had been made in this direction but much remains to be done. The $100 million in FMS guaranteed loans provided in this bill is to reequip two additional Lebanese brigades. Prompt

enactment of the bill is important to facilitate deliveries of the equipment.

The Foreign Relations Committee added a new section 4 to the bill requiring that specific authorization be obtained by the President for any extended U.S. role in the multinational peacekeeping force in Lebanon. This provision is comparable to one also recommended by the House Foreign Affairs Committee.

This requirement was added after a thorough debate in the committee, which included consideration of various alternative formulations of the requirement for congressional approval. It represents a bipartisan agreement on the need for congressional participation in a decision to commit U.S. Armed Forces to any long-term peacekeeping role. It was also proposed, as the second paragraph of the provision makes clear, with careful consideration of its relationship to the War Powers Resolution of 1973. Senator MATHIAS proposed this language so there would be no doubt on this question.

Nothing in this provision should affect the operation of the war powers resoluton. In particular, it does not change the responsibilities of the President with respect to "situations where imminent involvement in hostilities is clearly indicated by the circumstances". Indeed, Congress retains the right under the war powers resolution to make its own judgments as to whether this threshold has been met and to decide whether to provide the authorization necessary to continue the operation or to direct its termination. I outlined my views on these issues in a floor statement to the Senate on December 18 of last year and will not repeat them at this time.

Mr. President, the Committee on Foreign Relations made clear in a letter to President Reagan on December 15 its intention to insist upon specific authorization for any extended commitment of peacekeeping forces in Lebanon. I ask unanimous consent that a copy of this letter appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, AS FOLLOWS:

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: As members of the Senate Foreign Relations Committee, we have a particular concern for the situation in Lebanon and a particular responsibility under the war powers resolution with respect to the commitment of U.S. Armed Forces abroad. We are convinced that it is in the national interest of the United States to work toward a stable and independent Lebanon as part of a broader peace settlement in the Middle East. We also recognize that the current multinational force in Lebanon has played a constructive role in preventing further violence in and around Beirut and that the U.S. Marine component of that force has performed admirably under difficult circumstances.

In reintroducing U.S. Armed Forces into Lebanon on September 29, you reported under the war powers resolution that there was "no intention or expectation that U.S. Armed Forces will become involved in hostilities." Individual Members of Congress, including members of our committee, have disagreed with your assessment of the risks inherent in the Beirut operation and, therefore, with your interpretation of the war powers resolution in this case. No Member has chosen to contest the issue through congressional action at this time. Under the procedures set out in the war powers resolution, Congress reserves the ability to direct the removal of such forces at any time they are engaged in hostilities if it should determine that the circumstances no longer justify a U.S. military presence.

As the Beirut operation continues, and as discussions proceed regarding its possible extension or expansion, we want to insure that the Congress has an adequate opportunity to consider the full implications of any extended commitment of U.S. forces and to fulfill its responsibilities in this area. We recognize the difficulties in developing longer term proposals for such a multinational force until the negotiations for the departure of all foreign forces have progressed. However, we would expect Congress to be involved at the earliest possible stage in the development of such proposals and that formal congressional authorization would be sought before undertaking long-term or expanded commitments or extending indefinitely the present level of operations.

In the longer term, it may be appropriate to consider more general legislation to clarify the respective roles of the President and the Congress in undertaking the commitment of U.S. Armed Forces to such operatins. We look forward to further discussions with you and the members of your administration in the exercise of our joint responsibilities in this area.

Sincerely,

CHARLES H. PERCY,
Chairman.
RICHARD G. LUGAR.
NANCY L. KASSEBAUM.
PAUL E. TSONGAS.
S. I. HAYAKAWA.
JOHN GLENN.
CHARLES MCC. MATHIAS, JR.
CLAIBORNE PELL,
Ranking Minority Member.
JOSEPH R. BIDEN, JR.
LARRY PRESSLER.
EDWARD ZORINSKY.
CHRISTOPHER J. DODD.
PAUL S. SARBANES.
RUDY BOSCHWITZ.

Mr. PERCY. The provision as it appears in section 4 is also based upon assurances given to the committee by Acting Secretary of State Dam in a letter dated April 20 of this year. Secretary Dam's letter is in effect a response to the committee's earlier letter. I ask unanimous consent that this letter also appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF STATE,
Washington, April 20, 1983.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I understand that the House Foreign Affairs Committee has adopted an amendment to the Lebanon supplemental which provides that the President shall obtain statutory authorization from the Congress with respect to the introduction of U.S. Armed Forces into Lebanon in conjunction with agreements for the withdrawal of foreign forces and the creation of a new multinational force. I understand that this language, was deliberately drafted so as not to interfere with the President's ability to begin such an introduction, if circumstances urgently require it, while Congress is considering his request for statutory authorization.

Under these circumstances, the HFAC amendment correctly describes what this administration intends to do, is consistent with what we have done in comparable situations in the past (such as the Sinai Multinational Force), and is therefore acceptable to us. It is our intention to seek authorization from Congress as soon as possible following the completion of the ongoing negotiations, and we trust that Congress and the executive branch would then work expeditiously together with the objective of obtaining such authorization, if at all possible, prior to such new deployments.

I strongly hope that your committee will not find it necessary to deal with this question in the context of section 4(a)(1) of the war powers resolution. It would be highly premature and unwise, and potentially damaging to the integrity of the resolution, for Congress to prejudge the possible applicability of that section to future arrangements which have not yet been negotiated and future circumstances which cannot yet be predicted. Such an action, which would amount to a public finding that U.S. forces will be exposed to an imminent risk of involvement in hostilities, is in no way a foregone conclusion, and could give entirely the wrong public impression as to what results these negotiations are intended to produce. Surely it would be far preferable for Congress to reserve judgment on this matter (as we will) until it can evaluate the circumstances as they develop, knowing that the provisions of the war powers resolution will, of course, remain available.

I appreciate this opportunity to comment on your committee's work, and hope that we can arrive at a result which accommodates our mutual intersts in this matter.

Sincerely,

KENNETH W. DAM.

Mr. PERCY. I would like to highlight Secretary Dam's assurance that the President intends to seek congressional authorization "as soon as possible following the completion of the ongoing negotiations" and "if at all possible, prior to such new deployments."

Members will also note on page 9 of the committee report that language was included at Senator BOSCHWITZ' request to clarify the meaning of the phrase "substantial expansion in the number or role of United States Armed Forces." Senator BOSCHWITZ is particularly concerned that American military personnel not be stationed in border areas of potential hostilities

without congressional approval and we have made clear that such stationing would be a substantial expansion of the role of U.S. forces.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I wish to express my strong support for the Lebanon Emergency Assistance Act of 1983.

The agreement of the Governments of Lebanon and Israel on the withdrawal of the Israeli forces from Lebanon gives us all renewed hope that we are on the way toward control of Lebanon by the Lebanese. If Syria and the Palestine Liberation Organization will respect the sovereignty and territorial integrity of Lebanon by agreeing to a prompt withdrawal, major impediments to the recovery of Lebanon will have been removed.

This bill authorizes the appropriation of $150,000,000 to assist in the reconstruction of Lebanon's economy, $100,000,000 for foreign military sales at market rates and $1,000,000 for military training. That is a sound and necessary investment in Lebanon's future.

Secretary of State Shultz, Ambassador Philip Habib, and others deserve our commendations for their effort. The Israeli and Lebanese Government certainly have a major achievement to their credit. It is in our interest as well as in the interest of the two parties involved that we give the necessary financial backing to insure continued peace and stability in that part of the Middle East.

U.S. Marines, together with military units from Italy, France, and Great Britain, are making a significant contribution to the maintenance of calm in Lebanon. We want to insure that we have not injected our forces into a situation for which there can be no solution. It is vital that we make a strong effort to restore the authority of the Lebanese Government and to develop the peacekeeping capabilities of the Lebanese Army, so that the need for the multinational forces in Lebanon will be removed as soon as possible.

In that context, the funds authorized by this bill will be very important to our national objectives. I urge my fellow Senators to support this authorization.

● Mr. BOSCHWITZ. Mr. President, for the first time in months, there are some encouraging developments for the tragic country of Lebanon.

The Lebanon supplemental assistance bill now before us, S. 639, is one of them. The other encouraging development is the Lebanese-Israeli agreement which was signed Tuesday, May 17, at twin ceremonies in both countries.

The Senate already spoke strongly in support of Lebanon with the passage on Wednesday, May 18, of Senate Resolution 148 which was cosponsored by all 100 Members of the Senate. The resolution supported the Lebanese-Israeli agreement and called on the Syrian and PLO forces to also agree to a prompt withdrawal from Lebanon. I spoke at the time on that measure.

Today, I support the Lebanon Emergency Assistance Act of 1983 (S. 639). I will not attempt to duplicate the description by the chairman of our committee, the senior Senator from Illinois, who is the floor manager for the bill.

However, as chairman of the Senate Foreign Relations Subcommittee on the Near East, which considered the legislation during our March 2 hearing, I would like to express strong support for the bill. It is an important step in helping Lebanon regain its economic and political health.

The bill authorizes $100 million in foreign military sales loans which are key in helping rebuild the Lebanese Army. The loans will finance armored personnel carriers and other vehicles needed for the army's mobility. The $150 million in economic assistance is an important element in helping the Lebanese Government rebuild and improve public facilities which suffered from the civil war, the fighting last summer, and years of neglect.

Lebanese officials estimate that the reconstruction effort will cost between $12 and $15 billion and take 9 to 10 years. Only part of this damage—AID officials estimate about $2 billion—resulted from the Israeli invasion last June. However the U.S. assistance will not try to differentiate between damage caused last summer, or by the civil war during the 1970's or deterioration from lack of maintenance during the past 8 years.

The U.S. assistance will cover only a fraction of the costs. In a written response to the Senate Foreign Relations Committee, AID said:

> The Lebanese expect that their own resources and those of Arab donors will cover about three-quarters of their rebuilding costs. They hope that Western donors—the OECD countries, including the United States as well as the World Bank—can supply the balance over a period of years. There is no precise share of reconstruction costs for the United States or other individual donors; however, this may become clearer after the World Bank report has been reviewed. We expect that our current $150 million being requested will constitute the bulk of what the United States will contribute to this reconstruction program. We believe that most of the longer range reconstruction will be financed by Lebanon's own resources including the private sector.

It is our hope that the bill will act as a catalyist—that it will prompt other countries to join in helping Lebanon.

Because I want to expedite passage of the bill and minimize the differences with the House version, I decided not to offer a proposed amendment urging the administration to encourage other countries to assist the Lebanese reconstruction efforts without preconditions. The point was made in the committee report on the bill and, I would like to reinforce it here on the floor.

Lebanon needs financial help and it is looking to other countries, including fellow Arabs, for reconstruction assistance. Unfortunately, some of them, including Saudi Arabia, reportedly told the Lebanese that aid would not be forthcoming if Lebanon signed a normalization agreement with Israel.

This may have been only a bargaining ploy. However it had the effect of making things more difficult for the Lebanese negotiators and was one of the obstacles in working out an agreement earlier. Now that the agreement has been concluded perhaps the Saudis and other oil-producing Arab countries will give Lebanon the help she needs. A rebuilt and stable Lebanon is in their own interest too.

PEACEKEEPING FORCES

I would like to comment on one other aspect of the bill, section 4. The section requires congressional authorization for United States participation in any new, expanded or extended peacekeeping force in Lebanon. Again, to expedite passage, I did not press a proposed amendment on the subject. Instead the committee adopted report language "to make clear that depoyment or stationing of U.S. military men as trainers or advisors in the border areas of potential hostilities in Lebanon would constitute a substantial expansion in the role of such forces and, therefore, should not be taken without congressional authorization."

I raised the issue because of concern that some administration officials had indicated a possibility that U.S. trainers or advisors might accompany Lebanese Army units into southern Lebanon if they were sent there before their training was finished. I think this a very questionable idea which could lead to all sorts of potential problems. It could have important foreign policy implications and therefore congressional authorization should be required before any such idea is implemented.

So far, it appears that such a plan is not in the works, and the recently published Lebanese-Israeli withdrawal agreement might preclude it. Nevertheless, I thought a cautionary note was advisable.

With these points having been made, I urge prompt passage of this legislation. It is a clear and tangible show of our support for the reconstruction of Lebanon. Along with the withdrawal agreement, it is another most encouraging development for the people and Government of Lebanon.●

Mr. PELL. I am prepared to yield back the remainder of my time.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MX MISSILE BASING MODE FUNDS

The PRESIDING OFFICER. The question recurs on the MX resolution. Time runs equally on both sides.

The Senate continued with consideration of the resolution.

Mr. KENNEDY. Mr. President, as we begin this critical debate on funding for the MX missile, I wish to set this issue into historical context to provide some perspective on the decision we are about to make.

The Senate has a long record of skepticism about the MX, particularly plans to deploy it in fixed silos. In March 1982, the Senate Armed Services Committee rejected the Reagan administration's plan to deploy MX temporarily in Minuteman silos. Last December, the full Senate voted to deny $625 million in research and development funds and to prohibit flight testing until the administration developed an acceptable basing mode for the missile. That was 6 months ago. What has happened since then?

As I see it, three new factors have led the administration back to its proposal of 1 year ago. First is the report on strategic nuclear forces prepared by the Scowcroft Commission. This distinguished group worked hard to develop a coherent view of the strategic nuclear future. Its report urged a shift to small, mobile single-warhead ICBM's and a corresponding shift in our arms control objectives toward an emphasis on warhead limits rather than launcher limits.

The second new factor is yet another basing mode for MX. This proposal, to base MX missiles in existing Minuteman silos, is the most dangerous and destabilizing basing mode ever advanced for the missile without a home. The only virtue of this basing mode is to make some of the earlier basing modes look logical and rational by comparison. And that is quite an accomplishment, given how many imaginative schemes have been considered for basing this missile.

Just for the record, let us review the 34 ways the Pentagon has considered for making the new land-based missile invulnerable since 1976:

1. Launch Under Attack (LUA).
2. Orbital Based.
3. Shallow Underwater Missile (SUM).
4. Hydra.
5. ORCA.
6. Ship—Inland.
7. Ship—Ocean.
8. Sea Sitter.
9. Wide Body Jet (W. B. J.).
10. Short Takeoff and Landing (STOL).
11. Vertical Takeoff and Landing (VTOL).
12. Dirigible.
13. Midgetman.
14. Hard Rock Silo.
15. Hard Tunnel.
16. South Side Basing.
17. Sandy Silo.
18. Commercial Rail.
19. Dedicated Rail.
20. Off-Road Mobile.
21. Ground Effect Machine (GEM).
22. Road Mobile (Minuteman).
23. Road Mobile (New Missile).
24. Covered Trench.
25. Hybrid Trench.
26. Dash to Shelter.
27. Mobile Front End.
28. POOL.
29. Minuteman/MPS.
30. MX/MPS.
31. Continuous Airborne Aircraft.
32. Deep Underground Basing.
33. Ballistic Missile Defense (BMD).
34. Dense Pack.

It takes a huge leap of faith to begin to understand why we have returned to the most vulnerable basing mode of all—the existing silos.

Yet many new advocates of the basing mode have apparently forgotten that it was the vulnerability of Minuteman silos which prompted our search for a new basing mode several years ago. We have now truly come full circle. We are now contemplating the deployment of a new, multibillion-dollar missile in fixed silos which this administration claimed are almost certain to be destroyed in a Soviet first-strike. The Air Force recently developed a point paper on survivability, which shows that by the end of this decade the Soviets will have the capability of destroying virtually our entire ICBM force. By 1989, the Air Force says that perhaps only 1 percent of our ICBM force would survive. We must ask ourselves whether it is worth spending $15 billion to deploy a dangerous, destabilizing weapon system that invites a Soviet preemptive attack and that would provide us, after such an attack, with one surviving missile; $15 billion for one ICBM.

I would like to insert in the RECORD a collection of quotations compiled by the Council for a Livable World. These quotes, from Senators, administration officials, and authoritative defense experts, offer eloquent testimony to the folly of deploying MX missiles in Minuteman silos.

Many people who staunchly opposed the deployment of MX in Minuteman silos say now that such a move is acceptable because it provides a bargaining chip for arms control negotiations. They say they are heartened by President Reagan's new commitment to arms control. Some say privately that MX is a bad idea, but a price worth paying to get the Reagan administration committed to serious strategic arms negotiations.

That brings me to the third new factor, the President's renewed interest in arms control. I commend and admire the efforts of Senators NUNN and COHEN to secure a commitment from Mr. Reagan, but with all due respect to my colleagues, I find the President's response to this effort unconvincing.

In his letter to Senator NUNN dated May 12, 1983, President Reagan promised to review his START proposal. He is currently examining the structure of a build-down proposal. This is not a pledge to negotiate a new proposal or even to revise the current nonnegotiable START proposal. While I commend the President for promising to think about arms control, I am pessimistic about the outcome. The Reagan administration's record on arms control over the past 2 years is dismal. There is no agreement, no evidence of flexibility, no evidence of progress. Mr. President, I would also like to submit to the RECORD an editorial from the May 17 edition of the New York Times, which argues convincingly that Congress is buying a dangerous deal if it unblocks funds for the MX missile in return for President Reagan's vague promises about new arms control and weapons policies.

Mr. President, in summary, some things have changed since the Senate last debated MX, but they have all changed for the worse. First, we have the report of a blue-ribbon panel of nuclear experts who urge us to move away from multiwarhead MX-type missiles. The Scowcroft Commission recommends deploying 100 MX missiles, but this recommendation is flatly inconsistent with the logic of the report itself.

Second, we have a new basing mode, but it is more dangerous and destabilizing than any basing mode yet proposed. Putting MX missiles in Minuteman silos is not just a waste of $15 billion; it is a new serious threat to our national security.

Finally, we have a pledge to study new arms control ideas, but this pledge comes from a President who for 2 years has shown no interest in previous arms control negotiations.

I support a strong, secure, and effective national defense. I am proud to serve as a member of the Armed Services Committee. I favor real growth on the defense budget, and I support the maintenance of a survivable Triad of strategic nuclear forces, including a land-based leg. Foregoing the MX does not mean abandoning ICBM modernization. I believe we should move as quickly as possible to develop a small single warhead mobile missile and to upgrade our current Minuteman III force. I would like to insert in the RECORD a letter which Senator BUMPERS, Senator HOLLINGS, and I have sent to our colleagues outlining our objections to MX and our proposals to insure a survivable strategic nuclear force in the years ahead. I would also

like to insert an excellent paper written by Mr. Russell Murray, former Director of Program Analysis and Evaluation in the Office of the Secretary of Defense. Mr. Murray's paper outlines the military objectives of our strategic nuclear forces and explains why the MX will not help the United States meet these objectives.

This may be our last chance to put this dangerous weapon behind us, and to begin a constructive dialog on the future of our strategic nuclear forces. I urge my colleagues to vote against MX.

Mr. President, I ask unanimous consent that all the materials I refer to in my statement be inserted into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MX MISSILES IN MINUTEMAN SILOS? OR WHAT ADMINISTRATION OFFICIALS, CONSERVATIVE SENATORS AND OTHERS SAY ABOUT MX IN MINUTEMAN SILOS

In October 1981, President Reagan announced his intention to base between 18 and 100 MX missiles in "superhardened" Titan and Minuteman silos on a temporary basis while proceeding with research on three other basing modes. The plan drew criticism from many quarters. Within months the superhardening plan was junked and the idea of using Titan silos was dropped; by the middle of the following year, the whole plan had been quietly shelved.

On December 2, 1981, the Senate approved by a 90-4 margin an amendment to the FY 1982 Defense Appropriations Bill sponsored by Senators Cohen, Quayle, Mattingly, Rudman and Nunn that redirected the use of MX research and development funds, $354 million, away from the plan of deploying the MX in existing hardened Minuteman and Titan silos toward a more permanent solution. The purpose of the amendment, according to its sponsors, was to "send a strong signal to DOD" that deployment of the MX in Minuteman silos was the "wrong direction to go in."

In March 1982, the Senate Armed Services Committee unanimously refused to approve the first $1.5 billion for MX missile procurement on the grounds that interim deployment in Minuteman silos was unacceptable. The Committee used very strong language to criticize the idea of placing the MX in Minuteman silos. The full Senate went along with that decision without dissent, although a later compromise with the House Armed Services Committee restored the funds.

Below is a series of statements by Reagan Administration officials, conservative Senators and Representatives, ex-government officials and others, who at various times strongly criticized the idea of placing the MX in Minuteman or Titan silos.

These statements should be examined in light of the latest Reagan Administration MX plan—which is in fact a return to the discarded October 1981 proposal for an interim MX deployment in existing silos.

Sen. John Tower, November 2, 1981—"By stuffing the MX's into fixed silos, we're creating just so many more sitting ducks for the Russians to shoot at . . . True, the MX missile itself will be more powerful, more accurate—and we need that kind of weapon. But it's of little use to us unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms-control talks."

Caspar Weinberger, Secretary of Defense, January 6, 1981—"I would feel that simply putting it [the MX] into existing silos would not answer two or three of the concerns that I have: namely, that [the location of] these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces."

Sen. Henry Jackson, October 5, 1981—"My main criticism—and I criticized the Carter administration—is that in the 1980's Minuteman and Titan are vulnerable in those silos. I think you and others properly have criticized that deployment. Then after 8 months we come back here; we have looked at all these other things supposedly, but it took 8 months to do that, and we end up with what we have now . . . We have given the Soviets a better target to shoot at."

Senate Armed Services Committee report on the FY 1983 Defense Authorization Bill, April 13, 1982—"The planned interim basing of MX does not redress the problem of the vulnerability of the land-based ICBM force . . . The $715 million requested for research and development on interim basing of the MX is denied. No further work is to be undertaken in support of fixed-point silo basing of MX."

Sen. William Cohen, December 16, 1982—"The reason Sam Nunn and I proposed our amendment a year ago was that we were frustrated with what we perceived to be an intention to move forward with an interim basing mode—placing the initial missiles in superhardened silos—that was not survivable, but was costly and probably in violation of the terms of SALT I and II. We specified that the MX funds could not be used for that purpose . . ."

Rep. Melvin Price, October 6, 1981—"What is to be gained by deploying just 36 MX missiles in existing silos? If 4,600 silos of the MPS mode would be too vulnerable to proliferation of Soviet ICBMs, how are 36 or even 100 MXs in fixed silos to be more survivable? What technical knowledge do we have now as to the feasibility of deep silos basing?"

William Perry, Former Undersecretary of Defense, November 13, 1981—"My concern is that if we had this very accurate, very threatening missile in unprotected silos, and if they do not go to a survivable system themselves . . . that simply increases the hair trigger . . . on both sides."

"I agonized over that and said on balance I would not go ahead with that [MX in silos] because I don't believe we will come up with a survivable basing mode that is acceptable.

"Since I am pessimistic that we will get a basing mode that is both survivable and acceptable, I am opposed to putting a weapon that lethal in an unsurvivable mode, for reasons I have described in terms of hair triggering the alert."

Senate Strategic and Theater Nuclear Forces Subcommittee Report on FY83 Defense Authorization Bill, March 24, 1982 (endorsed by Sens. Thurmond, Goldwater, Cohen, Quayle, Jackson, Nunn, Hart and Exon)—"The number of additional warheads that would survive an attack upon MX missiles so deployed [in Minuteman silos] does not appear to justify the costs—assessed at $2.6 billion over the next five years—associated with this basing scheme.

"The Committee also is concerned that the possibility may exist that strategic deterrence and crisis-stability could be jeopardized, rather than enhanced, by the deployment of high-value, militarily important weapons in so small a number of relatively easily destroyed shelters."

General Lew Allen, Chief of Staff, U.S. Air Force, January 29, 1981—". . . an essential feature of the MX deployment is that the basing mode be survivable. One does not obtain that through placing it in Minuteman silos. Therefore, I do not favor such a deployment."

Dr. James P. Wade, Principal Deputy Undersecretary of Defense, October 27, 1981—". . . if you focus just on the survivability aspect of the value gained by placing the MX in a hardened silo . . . the value is at best marginal."

Harold Brown, former Secretary of Defense, November 13, 1981—"The Oct. 2 decision adopts an admittedly very vulnerable basing system, and indicates an intention to continue to explore other possibilities for some time in the future. . . . There is talk of further hardening of existing silos for a much-truncated MX force, but since the MX will not be available until 1986, that further hardening, if it is at all feasible, will not be available before the Soviets can install a new generation of guidance systems. The Soviets, using technology that they have already developed, will surely be able by that time to improve the accuracy of their ICBMs further, so that in the case of a nuclear war the hardened MX silos will find themselves in the fireball and in the crater left by the nuclear explosion of Soviet warheads; the silos would not survive such an experience.

Sen. Sam Nunn, December 2, 1981—"The experts who have testified before the Armed Services Committee, and I am sure other committees have had similar testimony, agree that the Soviets today have the combination of yield and accuracy necessary to overcome the levels of hardness contemplated. The MX simply is not survivable in existing silos, whether they are hardened or unhardened. This fact is confirmed by every expert witness who has testified, and it includes also not only governmental witnesses but also knowledgeable outside witnesses, including the Air Force and our intelligence community."

Rep. William Dickinson, October 6, 1981—"From my understanding of the physics of the problem, it is almost impossible to guarantee a respectable level of survivability with missiles encased in a silo of ICBM's. In other words, we are trying to address our so-called window of vulnerability, and I am concerned that we are not closing that window of vulnerability but simply pulling down the shade."

Sen. William Cohen, December 2, 1981—"If you believe in the window of vulnerability, then putting those missiles [the MX] in unprotected, immobile silos is a very dangerous move. It's inviting of the very kind of Russian strike that we fear . . .

It also, I think can be agreed upon that the hardening of missile silos, as has been recommended by the administration on an interim basis, does very litte to improve missile survivability, and that such hardening does not reduce the threat of nuclear conflict or strengthen nuclear deterrence . . .

I think inherently in any decision about having fixed silos, we must deal with the question as to whether or not, by putting these new, bigger, more destructive missiles in a fixed mode we thereby lower that threshold and make them much more targetable, much more attractive for the So-

viets to attack in a moment of strategic error, miscalculation, and madness."

Dr. Richard DeLauer, Undersecretary of Defense for Research and Engineering, March 11, 1982—"The reason that I did not relate interim basing [of the MX missile in Minuteman silos] to the survivability problem is that the resulting survivability will be no better than it is now."

Caspar Weinberger, Secretary of Defense, October 5, 1981—"I don't think they [Minuteman silos] can be hardened enough on a permanent basis to warrant putting [MX missiles] in fixed and known silos. I think they can be hardened enough to give added strength for a few years."

Lt. Gen. Kelly Burke, Deputy Chief of Staff, U.S. Air Force, March 15, 1982—". . . I testified earlier that the Air Force had recommended, irrespective of congressional action, that superhardening was not worth the cost. It had some value. It also had a very big price tag and our recommendation was not to do that."

Sen. Dennis DeConcini, December 3, 1981—"By placing our most advanced strategic weapon—the MX—in silos which belong to an earlier era of nuclear technology, the President has reduced—perhaps even eliminated—the usefulness of the MX. Hardened existing silos would make a nice target for Soviet planners; it might even encourage them to contemplate a pre-emptive attack because the payoff—America's MX missile—would be so attractive."

Sen. Dan Quayle, December 3, 1981—"The primary justification for a new land-based missile must be that it is relatively invulnerable to a Soviet first strike. If it is not, it will lose its deterrent value, which is the position we are facing with our Minuteman missiles.

It continues to distress me that, despite years of discussion and debate, we still lack an acceptable basing mode for the MX."

Sen. James Exon, December 3, 1981—"Probably the most serious of all is the ill-conceived placing of the 10-warhead MX missile in place of the 3-warhead Minuteman III missile or the single-warhead Minuteman II and Titan missiles which would contribute to the unstable "launch-on-warning" doctrine we should instead be trying to avoid. It makes no sense to this Senator to place a more valuable weapon such as the MX in silos which are becoming more vulnerable with each passing month. During time of tension or warning of actual Soviet missile launch there will be a greater tendency to "use them or lose them" rather than having our land-based missiles attempt to "ride out" an attack and then retaliate. This situation does not contribute to crisis stability—one of the administration's own properly stated goals."

General David Jones, then Joint Chiefs of Staff, October 5, 1981—"In my own view, I consider the MX in a very survivable mode to be extremely important to the security of the Nation. I remain to be convinced there is a surviviable mode other than MPS. So, if forced with the difficult choice, B-1, ATB, and MX, I would put MX last under the current program slice."

Sen. Sam Nunn, December 2, 1981—"There is considerable doubt in my mind about the wisdom of proceeding with an MX program at all if we cannot, at some point, come up with a reasonable opportunity for survivability of the missile."

Conference report on the FY 1977 Defense Department Authorization Bill, June 1976—"The rationale behind the development of a new missile system (MX) is to provide a land based survivable strategic force. The development of an alternate basing mode as opposed to a fixed or silo based mode is the key element in insuring this survivable force. The conferees are in agreement that providing a survivable system should not be constrained for silo basing; that none of this program's funds shall be expended in fixed or silo basing for MX; and that none of the program reduction shall reduce the Department's proposed investigations of mobile deployment."

Sen. John Warner, March 24, 1982—"The MX would be too vulnerable to a Soviet first strike under that arrangement [MX in existing silos] and the Subcommittee saw no point in building the missiles until the permanent basing decision was made."

Sen. John Tower, October 2, 1981—"I am enormously skeptical to the point of feeling that this plan [MX in Minuteman silos] doesn't give us enough added capability for the money involved and leaves us with a highly vulnerable land-based system."

Sen. Mark Andrews, December 2, 1981—"If we spend over $300 million to harden a bunch of silos, to put a 10-warhead missile in a fixed point because we are afraid that the Russians are targeting 3-warhead missiles in a fixed point all we do is step up the opportunity for them to take out 10 warheads at a time instead of 3 warheads at a time."

Sen. Alan Dixon, December 2, 1981—"I support the MX missile. I think hardening of the silos in permanent basing modes, as presently contemplated, invites disaster and is a terrible mistake."

Adm. Stansfield Turner, former Director of the C.I.A., March 13, 1983—"For several years now, the immediate problem with the MX has been how to base it. Placed in existing silos, it would be vulnerable to surprise attack by the Soviet Union's beefed-up strategic forces—just as vulnerable as our present generation of land-based missiles."

General Ellis, then Commander-in-Chief of the Strategic Air Command, February 18, 1981—"We must correct our vulnerability by deploying the MX in a mobile basing configuration. . . .

Senator, if we had the mobility in the Minuteman force that we are building into the MX force we wouldn't need an MX force."

[From the New York Times, May 17, 1983]

THE MX BARGAIN IS A SNARE

Congress is buying a dangerous deal if it unblocks funds for the MX missile in return for President Reagan's vague promises about new arms control and weapons policies.

The President and the Air Force are very clear about their end of the bargain: they want the MX to match the counter-silo capability of the biggest Soviet missiles. Testing and production of the 10-warhead American missile would soon begin, looking toward its deployment in existing silos starting in 1985.

But the Administration is dismayingly unclear about when the Congressional objective of strategic stability would be achieved—if at all.

Mr. Reagan would take a decade to develop a new mobile Midgetman, and only to supplement rather than replace the MX. As for the promised new arms control proposals, they are already hedged with qualifications. Even if eventually plausible, they would require three to five years of negotiation.

As now envisioned, the MX would be a doubly dangerous weapon. By threatening the Soviet Union's land-based missiles from vulnerable silos, it would practically invite preemptive attack in a crisis. And by concentrating so many warheads on each launcher, it would be a lucrative target for a Soviet first strike.

One already audible Pentagon answer for this new instability is to shift to a "launch-under-attack" strategy. But that would greatly increase the danger of accidental war. The shorter the time for human or mechanical verifications of an attack, the greater the risk of a mindless response. False alarms have occurred. The idea that the nation would commit itself to a defense that deprives it of time to take the measure of any alarm is grotesque.

The MX remains a weapon in search of a function. It is not a worthy instrument of compromise, either in our own politics or in negotiations with Moscow. Congress should finally muster the courage to say no.

Ironically, the MX has found a new life in a report that ably recognized its dangers and inadequacies. That report, from a commission headed by Gen. Brent Scowcroft, highlighted the instabilities of multi-warhead weapons. It urged a major shift to mobile, single-warhead missiles. It also urged corresponding changes in arms control objectives, to obtain limits on the numbers of warheads instead of steep reductions in the numbers of missiles.

But in a weakly argued political gesture to the Administration, the report went on to recommend some MX deployment. It said this could demonstrate national "will" and gain a bargaining chip for negotiations. The White House quickly accepted the report, more for this backhanded MX endorsement than for its persuasive warnings about the direction of Mr. Reagan's arms policies so far.

To appease its critics further, the Administration also pretends to accept the Nunn-Cohen "builddown" idea, which 45 senators endorse. The idea is to hasten the shift to single-warhead missiles through a Soviet-American agreement that would require each side to retire two older warheads for every new one deployed. But if Mr. Reagan really buys the idea, his deployment of 100 MX's with 1,000 warheads would require retiring 2,000 of America's 2,100 Minuteman warheads. Who's kidding whom?

There is no demonstration of national will in a demonstration of illogic. If the problem is the potential vulnerability of the existing Minuteman silos, there is no gain in stuffing a more lethal missile into the same holes. The answer to that problem is a more survivable land-based missile that affords ample time before firing in a crisis. Urgent development of a mobile Midgetman could make it available in this decade instead of next.

If the problem is acquiring a heavier missile for bargaining, the better answer would be speeding up development of the Trident II submarine-based missile. It, too, would threaten Soviet silos and could be available only a year or two later than the MX—and without MX's vulnerabilities.

As now proposed, the MX answers neither problem. Congress has been wise to resist it all these years. There is now authoritative support for rejecting the weapon altogether.

U.S. SENATE,
Washington, D.C., May 18, 1983.

DEAR COLLEAGUE: As the Senate moves to a floor vote on the MX, we want to express our grave reservations about the acquisition

and deployment of this vulnerable and expensive weapon system. While we highly commend the Scowcroft Commission's thrust for selective strategic modernization tied to arms control goals, we find no justification for its MX proposal. Consistent with the Senate's emphatic rejection of fixed-silo basing for MX last May, we should disapprove the President's recommendation.

Foregoing the MX is not a signal of abandonment of ICBM modernization or of the concept of the strategic Triad. Coupled with cancellation of the MX should be a firm commitment for favorable Congressional action on development of a small, single warhead missile and the Trident system in an expeditious manner; and upgrading should commence this Fall on the current Minuteman III force to provide it with comparable capability to that proposed for MX. According to the Air Force, such an improved Minuteman force can be available within the same timeframe suggested for MX deployment. The cost estimate for a comparable Minuteman force is $12.8 billion versus the MX cost of over $25 billion including the warheads.

Three reasons have been used repeatedly in justifying MX: (1) survivability of our ICBM force; (2) an enhanced U.S. counterforce capability; and (3) a means for an arms control agreement and a sign of U.S. resolve and will. Clearly, this MX proposal fails on all three counts—particularly when considering other U.S. strategic modernization options.

The goal of fielding a more survivable ICBM force has been discarded by the Administration in its current recommendation. In response to the Administration's request for placing MX in Minuteman silos, the Senate Armed Services Committee declared in its Report on the DOD FY 83 Authorization Bill that: "The committee is also concerned that the possibility exists that strategic deterrence and crisis stability could be jeopardized, rather than enhanced by the deployment of high value, militarily important weapons in so small a number of relatively easily destroyed shelters . . . No further work is to be undertaken in support of fixed-point silo basing of MX."

The MX does not provide greater counterforce capability than an improved Minuteman III force of over 300 missiles with comparable range, accuracy, and hard target capability—yet it would cost twice as much.

On the issue of arms control and U.S. resolve, it is extremely doubtful that the Soviets will consider MX a serious step by the U.S. In the recent past, Defense Secretary Weinberger stated that, ". . . putting MX into existing silos would not answer two or three concerns . . . the location of these are well known and are not hardened sufficiently . . . to be of sufficient strategic value to count as a strategic improvement of our forces." The Chairman of the Senate Armed Services Committee has declared that ". . . unless the Soviets are convinced that it (MX) can survive an attack . . . the Russians will have no incentive to start serious arms control talks."

It is fallacious to state that MX deployment is vital to demonstration U.S. resolve and will to maintain an effective deterrent capability. The range of strategic modernization programs now underway is a forceful illustration of U.S. commitment to enhance the capability and survivability of strategic nuclear forces. It is also unclear how the Reagan Administration's new arms control concept will be acted upon.

The MX in a vulnerable basing mode does not deserve our support. Savings from MX cancellation should be used for higher priority defense needs—the strategic modernization programs discussed above—and those critical requirements of our conventional forces and for personnel and readiness items. Unless we are willing to ensure a balance of priorities between strategic and conventional forces today, our options will be severely limited in future years.

Sincerely,

ERNEST F. HOLLINGS.
DALE BUMPERS.
EDWARD M. KENNEDY.

STRATEGIC NUCLEAR FORCES

I—OBJECTIVES AND CRITERIA

The objective of our strategic nuclear forces is of unprecedented importance: to prevent the ultimate catastrophy—thermonuclear war—and also to prevent even the threat of that catastrophy being used as a way of coercing us or our friends and allies.

A traditional criterion for our strategic nuclear forces is that they must be strong enough to convince the Soviet leadership that it could not profit from starting—or threatening to start—a nuclear war. This criterion covers the case of a confident and supremely aggressive Soviet leadership, set on achieving its goals through the ultimate form of war.

But that is not enough; we must also cover the case of a deeply worried Soviet leadership, convinced in the depth of some deadly crisis that we may be about to attack them, and persuaded that the devastation they will suffer from us in retaliation for a Soviet strike on the United States—terrible though it may be—will still be less than the devastation they would suffer if they waited for us to strike them first. This is not a Soviet leadership trying to profit through a thermonuclear war that they *want* to start, but one trying only to minimize their potential *losses* in a war that they feel *forced* to start. It is a Soviet leadership contemplating a preemptive thermonuclear attack on us as the lesser of two evils.

This second criterion emphasizes crisis stability—a concept to which the Scowcroft Commission has given much applause but little adherence. It requires not just that we have forces that can ride out a Soviet preemptive strike, but also that we do not have forces that threaten great damage to the Soviet Union, but that are also vulnerable to a preventive, preemptive Soviet attack. We must not give the Soviets any hope that, by going first and destroying some important part of our strategic nuclear forces, they could at least escape some of the destruction of a U.S. attack.

II—THE TRIAD

Our strategic nuclear forces consist of a "triad" of land-based intercontinental ballistic missiles (ICBMs) and bombers, and sea-based submarine-launched ballistic missiles (SLBMs), all armed with thermonuclear weapons. Much has been made of the triad, but it is more the result of technical possibilities than any intrinsic merit in the number "three".

There are two reasons for wanting more than one delivery system. One is to hedge against the possible failure or defeat of one (or more) of the delivery systems. The other reason is to make any enemy less certain of success by complicating the timing, coordination, and tactics of his attack. But there is no inherent reason why we should have precisely three delivery systems, much less invest equally in each of them.

III—THE ICBM LEG

The traditional advantages accorded ICBMs are that they are accurate, fast, easy to communicate with, hard to defend against, inexpensive to operate, and almost always ready for use. Buried in their silos, they have also been able to ride out a Soviet preemptive strike—until now. The technology of making warheads accurate has so outstripped the technology of making silos "hard" that the traditional ICBM has now come to the end of its rope. If it is to regain its former role as a useful system, it will have to be based somewhere other than in silos.

With all due deference to its truly distinguished members, we disagree with the Scowcroft Commission's recommendation to finish the development of the MX ICBM and to install 100 of them in existing Minuteman silos.

What an MX is: That ICBM shelters have become vulnerable does not seem to be in doubt. Indeed, it was why we started the MX program in the first place. The Commission does not deny that vulnerability.

Therefore, it is important to keep uppermost in one's mind that the MX, in silos and unable to ride out a Soviet attack, would be useful to us only if we intend to rely on the highly unreliable and immensely dangerous policy of launch-on-warning, *or* if we intend to shoot first—that is, if we intend to initiate thermonuclear war. The decision to build a weapon that would be as devastating in a first strike as it would be useless in retaliation marks a fundamental and ominous change in the U.S. national security policy.

Furthermore, given the great damage that its 10 extremely accurate warheads could inflict on the Soviet Union, and the relative ease with which the Soviets could prevent that damage by attacking its silo, the MX would be by far the most destabilizing weapon and the most tempting target that the United States has ever had in its arsenal. We do not believe that we should build such weapons.

Only 100 MXs? We are not convinced by the Commission's assertion that (because "only" 100 MXs would be too few to "attack all hardened Soviet ICBMs, much less all of the many command posts and hardened targets") we could put 100 MXs silos "without threatening stability."

Even 100 MXs would have *some* destabilizing effect, though it is true that their 1000 warheads would not be enough to threaten all 1400 Soviet ICBM silos and other hard targets. But what guarantee is there that once started down this perilous road of increasing instability, we would stop at 100 MXs? A program to fill all 1000 Minuteman silos starts with the first 100.

Particularly troubling is the Commission's contemplation of more than 100 MXs: after assuring us that "a larger deployment of several hundred MX missiles should be unnecessary", the report goes on to say that "Should the Soviets refuse to engage in stabilizing arms control and engage instead in major new deployments, reconsideration of this and other conclusions would be necessary." We read that to say that if the initial 100 MXs should not be enough to bend the Soviets to our will, the Commission would be prepared to up the ante with a second round of MXs in Minuteman silos, and perhaps a third, matching instability with yet more instability.

Indeed, the Commission's assertion that 100 MXs should be enough is confounded by the statement elsewhere in its report that

". . . deployment of the MX is essential in order to remove the Soviet advantage in ICBM capability" and that "the serious imbalance between the Soviets' massive ability to destroy hardened targets with their ballistic missile force and our lack of such a capability must be redressed promptly"—something that the first 100 MXs could only start to do.

SOVIET REACTION TO THE MX

One of the Commission's major arguments seems to be the assertion that "Abandoning the MX . . . would undermine the incentives to the Soviets to change the nature of their own ICBM force". We find that argument unpersuasive. We already threaten the Soviet ICBM force with our bombers and cruise missiles, and soon will threaten it with Trident II ballistic missiles and nuclear-armed cruise missiles launched from submarines. If we want to threaten them more, we can add more of those weapons, none of which have anything like the potential for destabilization that a silo-based MX would.

But more important, if the US reaction to the Soviet deployment of destabilizing SS-17, -18, and -19 ICBMs is to be a tit-for-tat deployment of the destabilizing silo-based MX, why should the Commission assume that the Soviet reaction to MX will be some sudden flexibility at the bargaining table, rather than simply a deployment of even more SS-17s, -18s, and -19s (or their successors) to restore the status quo ante?

COMMUNICATING THE NATIONAL WILL

The Commission argues that "Cancelling the MX . . . does not communicate to the Soviets that we have the will essential to effective deterrence." We disagree; the national will (and wisdom) would be better evidenced by additional deployments of less destabilizing weapons than MX (though that would clearly not demonstrate the national will to undertake "preventive" thermonuclear war—the only reliable mission of the vulnerable MX).

THE ALLIES' REACTION TO THE MX

The Commission alleges that "Our ability to assure our allies that we have the capability and will to stand with them, with whatever forces are necessary, if the alliance is threatened by massive conventional, chemical or biological, or limited nuclear attack is in question as long as this imbalance exists."

Are we to believe that the 100 MXs that the Commission proposes are the key to holding the alliance together, and that ending the MX program today (and investing instead in better alternatives) would also end the alliance? That might be so if we had no other way of delivering nuclear weapons, but we already have literally thousands of nuclear weapons in and around Europe on land-based aircraft and missiles (soon to be augmented by the Ground-Launched Cruise Missile (GLCM) and the Pershing II ballistic missile), on carrier-based attack aircraft, on submarine-launched ballistic missiles (soon to be joined by nuclear armed cruise missiles), and in the U.S. on strategic bombers, air-launched cruise missiles, and Minuteman ICBMs.

The argument that we cannot expect our European allies to accept the GLCM and the Pershing II on their territory if we are unwilling to accept the MX on ours is specious: the MX would be silo-based; both the GLCM and the Pershing are mobile (as would be the new, small, single-warhead ICBM that both we and the Commission endorse).

OTHER USES FOR THE MX

The Commission argues that it would be nice to have a missile with the large payload of the MX 1) to be able to carry penetration aids to break through possible future Soviet Anti-Ballistic Missile (ABM) defenses, and 2) to launch our most important satellites if something should happen to the space shuttle.

Being able to penetrate a Soviet ABM system would be a prudent hedge to have, but (unless we intend to fire first) not very useful in a force of MXs that would have been destroyed in their silos before ever having the chance to face a Soviet ABM system. If we are worried about Soviet ABMs, we had better devote our efforts to assuring the penetration of the missiles that we would still have after a Soviet strike.

Being able to launch satellites could also be a useful hedge, but we don't need the MX to do that; all we need do is stockpile the same kind of boosters that we have used to launch all of our military satellites. If the concern is that those boosters would not survive a Soviet attack, the vulnerable MX is no answer.

THE SMALL ICBM ALTERNATIVE

The Commission recommends study of a small, single-warhead ICBM. We concur, though we are astounded by the Commission's implication that we can move ahead on this promising and potentially stabilizing new missile only as part of a "package deal" that starts off with the clearly destabilizing silo-based MX.

We believe that the best potential for basing the small, single-warhead ICBM lies in a mobile, hardened truck, called a "transporter". We do not believe that the American public would tolerate mobile, ready-to-fire, nuclear-armed ICBMs on the nation's highways or railroads in peacetime. The alternative is operation within the confines of military bases. But if the small ICBMs are to be crowded into those limited areas, their transporters would have to be hardened to some degree so that each Soviet missile would not be able to kill several of them simultaneously. Whether a satisfactory degree of hardening could be achieved—something on the order of a hundreth the hardness of a missile silo would probably be enough—is apparently the major technology hurdle to be overcome.

As veterans of the long, frustrating, and unsuccessful search for a suitable basing scheme for the MX, we recall how easily the most attractive-sounding schemes can fall apart, and caution against premature reliance on any untested solution, including the small ICBM. In any event, the small ICBM is a long way from deployment, and cannot solve our near-term problems.

SUMMARY

We do not find the Commission's arguments in favor of the MX to be convincing. We believe that spending a further $15 billion or more to put the MX in silos—a proposal until recently rejected by the vast majority of defense experts, including some on the Commission itself—would be a move very much in the wrong direction. Indeed, the Committee's own statement that "A more stable structure of ICBM deployments would exist if both sides moved toward more survivable methods of basing than is possible when there is primary dependence on large launchers and missiles" seems to us irreconcilable with its recommendation to deploy the MX—a large missile with a large launcher. We do agree that the strategic balance needs redressing, but we firmly believe that there are far better and safer alternatives, to which we will turn in the final section of this paper.

IV—THE BOMBER LEG

The bombers in our triad (roughly 250 B-52s and 50 FB-111s) share with the ICBMs the characteristic of accurate weapon delivery, but are very different in most of their other characteristics. bombers are much slower, easier (though not easy) to defend against, more expensive to operate, and much harder to keep fully ready.

But, because they are so different from the ICBMs (and the SLBMs to be discussed next), bombers are an immensely valuable part of the triad. For example, the development of a Soviet ABM system, which could threaten our ICBMs and SLBMs, would have no effect on the bomber leg, nor would the development of an effective Soviet anti-submarine defense, which could threaten our SLBMs. The bomber leg is thus not only an important hedge, but also forces the Soviets to divert resources to costly and specialized defenses they would not otherwise need.

Bombers have traditionally been designed to penetrate enemy defenses and fly all the way to their targets—thus leading to the term "penetrating bomber". Some years ago, we equipped our B-52s with short-range (20 miles) ballistic missiles (SRAMs) so that at least they wouldn't need to penetrate the local defenses around their targets. Now we have begun to equip some of them with cruise missiles (ALCMs) so that they can attack without having to penetrate even the peripheral defenses of the Soviet Union. The ensuing debate over the relative merits of such "stand-off" bombers as opposed to the traditional penetrating bomber is only the latest phase of the 20-year search for a replacement for the venerable B-52.

In the 1960s we abandoned development of the expensive, high-altitude, Mach 3 B-70 penetrating bomber because of its vulnerability to missile defenses, and started on the supersonic B-1 that would penetrate at low altitude. The Carter administration cancelled the B-1 on grounds that cruise missiles, launched from stand-off bombers outside the Soviet Union, would have a far better chance of penetrating Soviet defenses than would the B-1. The future of the penetrating bomber would have rested then on an entirely new "stealth" bomber, designed to be very hard to track with radar. However, the Reagan administration has given the penetrating bomber new life by resurrecting the B-1, and announcing plans to end production of the current ALCM-B cruise missile and start afresh with a new stealth cruise missile.

(As an aside, we find it inexplicably inconsistent for the administration to continue development of the conventional B-1 instead of waiting for a stealth bomber, but at the same time to stop production of the already-developed conventional ALCM-B and wait for a stealth cruise missile, particularly when it's the huge heavy bomber that needs stealth so much more than the tiny cruise missile, which is already a tough target for radar to detect.)

Some believe that a penetrating bomber would be useful in attacking targets of opportunity in the Soviet Union—important fixed targets that our missiles had missed and mobile targets that we could not locate in advance. We do not believe that such missions would have much chance of success, particularly amid the chaos of a thermonu-

clear exchange. Rather, we feel that the principal utility of the penetrating bomber is as a hedge against something going wrong with some of our missile systems; the penetrating bomber has at least been tested in war.

However, we would not be prepared to pay any price for such a hedge, and therefore believe that the B-1 is not worth its cost of over a quarter of a billion dollars—each—or roughly $25 billion for the 100 we are planning to buy. How successful the B-1 would be in penetrating Soviet defenses depends in large measure on how successful its electronic equipment would be in its battle against Soviet radar—an outcome difficult to predict. But the odds against the B-1 would be high.

Out of the force of 100 B-1s, we would be doing well to get 40 launched before the rest were destroyed at their bases in a Soviet attack. These 40 would then have to face a force of some 2500 Soviet interceptors, 5000 earlywarning and height-finding radars, and 10,000 surface-to-air missile launchers—more than 60 interceptors, 125 radars, and 250 missile launchers for *each* B-1. Those are long odds.

In our opinion, a better alternative would be to cancel the B-1 and invest instead in a stand-off aircraft designed only to launch cruise missiles from outside the Soviet Union. Because it would need neither the B-1's basic supersonic design nor its immensely expensive electronic penetration aids, each one would cost much less, and we could buy well more than 100 with the funds now earmarked for the 100 B-1s. Since each one could carry many cruise missiles, we believe that instead of having to face the Soviets with a mere 40 B-1s, we could instead face them with at least 1,500 cruise missiles, each one a far more difficult target than a B-1.

Since that alternative would require development of a new aircraft (or at least modification of an existing one), it is not a near-term solution. For that, we recommend accelerated procurement—instead of termination—of the ALCM-B to equip the entire B-52 force as soon as possible.

We endorse the current research on "stealth" technology for both manned bombers and cruise missiles. However, as with the currently promising small, hard, mobile, single-warhead ICBM, we caution against premature reliance on unproven technology. We need to be more certain of how much we would loose in terms of range and payload for what we would gain in terms of invisibility, and we need be sure that we understand how the Soviets might counter our stealth technology before we commit ourselves too deeply to it.

V—THE SEA-BASED LEG

The sea-based leg of our triad consists of 31 Poseidon and 2 Trident submarines (with more Tridents on the way) armed with ballistic missiles (SLBMs), and we will soon add nuclear-armed cruise missiles to the rest of our submarine fleet, acknowledged to be the most survivable of the three legs of the triad. Its SLBMs are about as hard to defend against as ICBMs are and, though less accurate, should (with the new Trident II missile) even be able to threaten Soviet ICBM silos. However, this accuracy does not imply the same degree of destabilization as does the MX because the Soviets do not have any way of preemptively attacking our submarines as they could attack our MX silos. The principle problem in the sea-based leg is communications—the very physical principals that make submarines hard to find also make them hard to talk to.

We feel that the sea-based leg is likely to remain the least vulnerable of the triad for the foreseeable future. The problem of finding any submarine in the open ocean is difficult enough, but the problem of finding one whose whole intent is to be evasive is immensely greater—not to mention the Soviets' problem in trying to find all of our ballistic missile submarines at the same time.

While we would never counsel putting all our eggs in one basket—even one as attractive as this—we do feel that the sea will remain a prudent place for investment in strategic nuclear forces, and a far better choice than vulnerable and destabilizing MXs in silos. We therefore recommend more investment in Trident submarines and missiles as one way of strengthening our strategic nuclear forces, assuring our allies, deterring the Soviets, and demonstrating national "will". We also endorse the Commission's recommendation for research into smaller and more numerous ballistic missile submarines as a longer-term program.

VI—COMMAND, CONTROL AND COMMUNICATIONS

The strategic nuclear weapons we build can be no more useful than the ability of the President, or his successor, to control them. Thus, our first requirement is for satellite and ground-based systems that will give prompt and reliable warning of a thermonuclear attack on the United States.

The second requirement is for the President, or his successor, to be able to order retaliatory strikes. That requires at least a minimal communications system that can withstand an enemy attack, including the electromagnetic pulse effects of nuclear weapons—a challenge second only to the one of assuring the continuity of the U.S. government under attack, or at least enough of it to direct the retaliation.

A third possible requirement would be to be able to control our forces over a period of weeks or months, instead of merely hours. Even though such capabilities could be desirable, we do not believe that a deliberate, carefully controlled thermonuclear war would be practical over a protracted period. We therefore caution against the potentially great diversion of resources that could be involved in trying to build an invulnerable communications system to link, some months after the initial thermonuclear exchange, the remnants of our strategic forces with the scattered survivors of our government so that we could continue to attack whatever might be left of the Soviet Union. We should indeed hedge against more than a spasm war, but we should not divert resources to quixotic quests at the expense of demonstrably urgent programs.

VII—OUR RECOMMENDED PROGRAM

We believe that our strategic nuclear forces need strengthening, but we advocate doing it in a way that will promote, not degrade, stability. We recommend the following program at no change in total cost:

For the ICBM leg of the triad:

Cancel the MX and transfer its considerable funding to more stabilizing alternatives.

Maintain the existing force of Minuteman ICBMs in their silos.

As a matter of high priority, begin development of a small, hardened, mobile, single-warhead ICBM.

For the sea-based leg of the triad:

Increase the production rate of the Trident-class ballistic missile submarine.

Complete development of the Trident II (D-5) missile as soon as possible, and replace all Trident I missiles in Trident-class submarines with Trident IIs.

Explore the desirability of a class of ballistic missile submarines smaller than the current Trident.

For the bomber leg of the triad:

Cancel the B-1, and transfer its funding to more effective alternatives.

Accelerate production of the current ALCM-B cruise missile, and equip each B-52 as soon as possible with a full complement of 20.

Develop and build a new stand-off bomber (or modify an existing design) to launch cruise missiles.

Continue the development of the stealth version of the cruise missile (but do not end production of the current ALCM-B until the stealth version has passed rigorous operational testing).

Continue development of the stealth bomber.

For Command, Control, and Communications:

Continue efforts to improve satellite and ground-based systems to assure prompt, reliable, and unambiguous warning of thermonuclear attack on the United States.

Continue programs to assure prompt and reliable communications for ordering U.S. retaliatory strikes, with special emphasis on resistance to the electromagnetic pulse effects of nuclear weapons.

Be prudent in expenditures intended to assure communications for the conduct of protracted thermonuclear war.

Since such a force would retain our Minutemen, it would still be a three-legged (ICBM, bomber, and submarine) triad—not a two-legged dyad. But since it would greatly strengthen the sea-based and bomber legs, but defer strengthening the ICBM leg until the small ICBM is ready, it would no longer be an "Equilateral Triad". Rather, to continue the geometric analogy, we would move—at least for the near-term—to an "Isosceles Triad".

This proposal compensates for the vulnerability of the silo-based ICBM by strengthening the other two legs of the triad. These forces would not only be less threatening and destablizing than those recommended by the Scowcroft Commission, but the ones that would survive a Soviet attack would be far stronger than those proposed by the Commission.

We would maintain the Minuteman ICBM force, even though it is vulnerable, for several reasons. One is that it would not in itself be particularly destabilizing. Of the 1000 Minutemen, 450 have only single warheads, the rest only three (as opposed to the MX's 10), and none is quite as accurate as the MX.

Another reason is that the existing Minutemen are relatively inexpensive to operate and do not siphon much funding away from other systems.

A third (and more important) reason is that, in spite of their small size relative to an MX, a surviving force of Minutemen would still represent an awesome amount of destruction. Thus the Soviets could not afford to ignore this "weak" leg of the Isosceles Triad, and would have to target it. That, in itself, would dilute any Soviet attack and greatly complicate its coordination.

A fourth reason would be for "limited" nuclear wars—being ready not just for a single spasm of thermonuclear devastation, but also for "limited" exchanges with "limited" objectives, using perhaps only a few missiles at a time to persuade the other side to come to its senses before the ultimate catastrophy.

The existing Minuteman force could trade "limited" strikes with the Soviet Union—assuming that "limited" means no more than several hundred or perhaps even a thousand warheads. What it could not do is trade "limited" strikes after a Soviet attack sufficiently massive to kill all the Minutemen—well over a thousand warheads, no matter how accurate. But that doesn't matter; after escalation to that level, and the killing of tens of millions of Americans in the process, the time for sending subtle messages via "limited" thermonuclear strikes would have unequivocally passed, if the whole idea makes any sense to begin with. So the Minuteman force could handle exchanges limited to hundreds of warheads, and the strengthened submarine and bomber forces of the Isosceles triad would deal with massive exchanges.

Some might argue that the lack of an MX would mean that the Isosceles Triad would have no "prompt" hard-target kill capability (i.e., within minutes instead of hours). Actually, the Minutemen would give it some prompt hard-target kill capability from the outset, and the Trident II considerably more fairly soon after the MX would have been deployed. But admittedly, without the ultra-accurate MX, it would not have the same prompt hard-target kill capability—nor would it have what inevitably goes with that capability when it's based in vulnerable silos: destabilization of the nuclear balance.

Some might also argue that the Isosceles Triad would have us bank too heavily on the submarine leg—at least until the small, single-warhead ICBM is ready; "What", they might ask, "if the Soviets find out how to cope with our submarines?" The answer is that it makes no sense to limit a submarine force that the Soviets might someday figure out how to defeat, in favor of silo-based ICBMs that they've already figured out how to defeat.

Some, citing the importance of how the world perceives the strategic balance, could argue that we can't afford to be seen as being driven out of the ICBM leg by Soviet power. Perceptions are important. If we were to announce that our new strategic nuclear force is building for the future, rather than clinging to the past as the Soviets are with all their silo-based ICBMs, and centering in the areas where we have the greatest technological edge (nuclear-powered submarines and cruise missiles), the world might just perceive that we'd stolen the march on the Soviets.

Though we have endorsed some of the Scowcroft Commission's recommendations, we believe that our program would be greatly preferable to the one recommended by the Commission and endorsed by the administration. We cite it as evidence that the Commission's program is not the only alternative; it is not the only way we can strengthen our strategic nuclear defenses; it is not the only way we can persuade the Soviets to change the course they are on; and it is not the only way to assure our friends and allies of our reliability, our strength, and our will. And we cite it as evidence that we do not have to start off on the path to a more stable balance by building the most destabilizing weapon ever proposed for U.S. forces.

RUSSELL MURRAY II.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. HECHT). The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I yield time in opposition to the resolution.

I might mention, Mr. President, with respect to the resolution itself, that it is not amendable. That is not to prevent us from looking at the problem comprehensively. The fact is that we are looking at it too comprehensively. We are bringing in extraneous matters that do not go to the heart of whether or not the MX missile is an effective weapon. I say that because of the fad that has come about with respect to arms limitation. I characterize it as a fad advisedly. I will never forget back at the time that we debated SALT I; we had a similar fad. It was a fad, Mr. President, with respect to bargaining chips.

I traveled with the distinguished majority leader of the Senate, Senator Mike Mansfield, at the request of President Nixon to several capitals in Europe, we were discussing the 10-percent surcharge on imports and the devaluation problem. Our distinguished majority leader was asked to confer with various European heads of state. In Helsinki, we met with the SALT I negotiating team headed by Ambassador Jerry Smith.

When we went into that conference, one of the first things the SALT team conveyed to Senator Mansfield and myself was

Gentlemen, do not concern yourselves with bargaining chips. The Russians are very sophisticated. They know weaponry. They know every piece of the United States arsenal, its effectiveness and its usefulness. They immediately can see through the attempt to launch a particular defense program as a bargaining chip. If you need it for defense, then you should proceed because it enhances the security of the country. If you do not need it but buy it merely as a bargaining chip, the Soviet negotiators will immediately discount it. It would not have a bargaining effect.

I will never forget that particular lesson. I emphasize, Mr. President, that we were discussing all during 1971 and later in 1972—at the time of the ratification of SALT I—bargaining chips between the United States bargaining with the Soviets. We never had envisioned that there would be bargaining chips with respect to bargaining with our own President. This is the unfortunate development, as I see it.

What has occurred is our President has come to office with his administration talking of invading El Salvador, talking of perhaps blockading Cuba. And he has said, "Yes, there could be limited nuclear war. Yes, we may fire a warning nuclear shot. Yes, we are in a prewar posture rather than a postwar posture."

As a result, 700,000 Americans spilled onto the streets of New York City—not frightened by the Russians, but frightened by their own President. Therein, our distinguished President diminished, in a measurable sense, his credibility on arms control.

That approach to foreign policy, coupled with some of his team and the way he has conducted that team is the problem. When Mr. Eugene Rostow wanted to show flexibility, he was dismissed on the premise that there could be no flexibility. Even when our own allies in NATO that had asked for the Pershing II missile, were saying, "Let's be a little more realistic. A journey of a thousand miles begins with one step; let's begin not with whole hog—namely, you pull out all your SS-20's or we will put in all our Pershing II's," but saying, "If you withdraw some, then we won't put in all;" and, in a measured sense, begin the negotiating process.

But we were militant, we were strident, we were confrontational; and, as a result, there was no progress whatever on the arms limitation talks. With the appointment of Kenneth Adelman, again the matter of the President's credibility on arms control came into play.

So now you find that the pressure is being brought by the National Congress in various ways to make the President serious about arms control.

There is one recommendation on the House side by the distinguished Representative from the State of Washington, Mr. NORMAN DICKS, relative to a bipartisan commission. If the President would go along and be serious about arms control and approve an oversight commission to advise and counsel on the matter of arms control, then, yes, we will vote for an MX.

That, to me, is a nonsequitur. Therein is falling into the trap.

I remember that our kids used to have a little show called "Big John and Sparky." They said, "All the way through life, make this your goal: Keep your eye on the doughnut and not on the hole." Here, they put their eye on the hole.

We have so many in Congress wrapped up in arms control that they have left home plate, that is, where the MX is being considered, and say, "We are not really concerned whether the MX is good or not and how it can fit into our arsenal and whether or not it has now become survivable, under the Scowcroft Commission or any of those deliberate considerations." But, rather, since we really cornered the President, I can go back and tell my constituency I moved Ronald Reagan on arms limitation. Then, for some reason, we are supposed to buy the MX missile.

Similarly, on this side of the Capitol, if we can move President Ronald Reagan into the builddown approach in arms control, then all of a sudden the MX missile that we voted against in December as a bad and nonsurvivable weapon becomes a survivable and a

very effective piece of weaponry—all because the President has agreed to the builddown.

I have cosponsored the builddown resolution of the distinguished Senators from Maine and Georgia, and I would vote for it in the next 2 seconds on the floor of the U.S. Senate. But it is not to be considered. It has no real relation, other than the demise of the President's effectiveness, the demise of his credibility relative to arms control. That is the unfortunate thing.

I will never forget last spring when the entire Armed Services Committee filed a committee report on the defense authorization bill for 1983. On March 24, 1982, Senators THURMOND, GOLDWATER, COHEN, QUAYLE, JACKSON, NUNN, HART, and EXON all joined in the report which said:

The number of additional warheads that would survive an attack upon MX missiles so deployed [in Minuteman silos] does not appear to justify the costs—assessed at $2.6 billion over the next five years—associated with this basing scheme.

The Committee also is concerned that the possibility may exist that strategic deterrence and crisis-stability could be jeopardized rather than enhanced by the deployment of high value, militarily important weapons in so small a number of relatively-easily destroyed shelters.

In a sober moment in the spring of last year, we were jeopardizing the American's security and crisis stability by placing the MX missile in the Minuteman silo.

At this point, I would divert, along with that particular observation of our Armed Services Committee to say that if MX did constitute in any way a bargaining chip, it would enhance the bargaining power of the Soviet Union, not the United States of America.

If I were on the Soviet negotiating team and found that my counterparts on the other side were ready, willing, and able to waste up to $40 billion—by taking and dispersing in positions where I now have my SS-18's targeted, that is, the Minuteman field—I would know that my adversary is only going to give me a bigger bullseye to shoot at since I do not have to change my aim point one iota. I just smile to myself and say, "Look at that ninny. They are going forward and wasting tens of billions of dollars, and we don't have to spend any extra money whatsoever to overcome that particular so-called add-on to their defense capability." They spend nothing to wipe out a $40 billion U.S. investment.

We should not be able to show the will, as some of them are now trying to argue until we start acting with some commonsense and logic and with some reason and judgment. Unless we do that we would be going against America demonstrating any will. All we are demonstrating is America's resigning to this California crowd wanting to let a contract. They have it on the desk at the Pentagon, and they are ready to sign.

And the great pressure now is to sign the contract and get it fast.

So the President turned to a TV show, a news conference and the letter-writing to each one of the Senators—Dear Sam, Dear Bill, Dear this and Dear that. And super, let us call over the Congressmen so can we now have a bipartisan move to do the same thing that I was voted down on trying to do last December. Put MX in the most highly vulnerable basing mode possible.

Here is what Senator JACKSON, our distinguished leader in national defense, said in October of 1981:

My main criticism—and I criticized the Carter administration—is that in the 1980's Minuteman and Titan are vulnerable in those silos. I think you and others properly have criticized that deployment. Then after 8 months we come back here; we have looked at all these other things supposedly, but it took 8 months to do that, and we end up with what we have now . . . We have given the Soviets a better target to shoot at.

I agree with the distinguished ranking minority member on the Armed Services Committee, a defense authority. I think he is right on target there, and that is why I am voting against the MX. He said that 2 years ago and nothing has changed. You can embellish it with all the Commission reports you want. Everyone on that Commission was committed to an MX missile before they began their evaluation. There was no minority report there reflected any of the judgment of the Congress in voting MX down in December.

The Senate Armed Services Committee report on the fiscal year 1983 defense authorization bill in the spring of last year said as follows:

The planned interim basing of MX does not redress the problem of the vulnerability of the land-based ICBM force . . . The $715 million requested for research and development on interim basing of the MX is denied. No further work is to be undertaken in support of fixed-point silo basing of MX.

And there are our authorities in the Senate, the members of the Armed Services Committee, read their report. Nothing has changed other than the side show and charade on arms control and whether or not we can make our President a serious arms control negotiator. That is a problem. There is no question about that.

And you get all kinds of promises. But You look at them very carefully and you see what Secretary Weinberger said recently on the TV. No additional promise on arms control was given. Actually he said we just have reaffirmed what we intended all along.

Mr. President, I ask unanimous consent to have printed in the RECORD the other quotes from leading authorities and defense matters that provide sound judgments for voting against the MX. These include quotes from the Secretary of Defense; Senator COHEN of Maine on the Armed Services Committee; William Perry, the former Under Secretary of Defense; Gen. Lou Allen, former Chief of Staff of the U.S. Air Force; and Dr. James P. Wade, the principal Deputy Under Secretary of Defense. They all relate to the MX missile and particularly to the ridiculous notion of putting it in a fixed silo base such as Minuteman.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MX QUOTES WITH REFERENCES

Sen. John Tower, November 2, 1981—Interview in the U.S. News & World Report:

"By stuffing the MX's into fixed silos, we're creating just so many more sitting ducks for the Russians to shoot at . . . True, the MX missile itself will be more powerful, more accurate—and we need that kind of weapon. But it's of little use to us unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms-control talks."

Caspar Weinberger, Secretary of Defense, January 6, 1981—Confirmation hearings in front of the Senate Armed Services Committee:

"I would feel that simply putting it [the MX] into existing silos would not answer two or three of the concerns that I have: namely, that [the location of] these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces."

Sen. Henry Jackson, October 5, 1981—SASC hearings, "Modernization of the U.S. Strategic Deterrent," page 11:

"My main criticism—and I criticized the Carter administration—is that in the 1980's Minuteman and Titan are vulnerable in those silos. I think you and others properly have criticized that deployment. Then after 8 months we come back here; we have looked at all these other things supposedly, but it took 8 months to do that, and we end up with what we have now. . . . We have given the Soviets a better target to shoot at."

Senate Armed Services Committee report on the fiscal year 1983 Defense Authorization Bill, April 13, 1982:

"The planned interim basing of MX does not redress the problem of the vulnerability of the land-based ICBM force. . . . The $715 million requested for research and development on interim basing of the MX is denied. No further work is to be undertaken in support of fixed-point silo basing of MX."

Sen. William Cohen, December 16, 1982—Congressional Record, page 15206:

"The reason Sam Nunn and I proposed our amendment a year ago was that we were frustrated with what we perceived to be an intention to move forward with an interim basing mode—placing the initial missiles in superhardened silos—that was not survivable, but was costly and probably in violation of the terms of SALT I and II. We specified that the MX funds could not be used for that purpose. . . ."

Rep. Melvin Price, October 6, 1981—Opening statement, HASC hearings, Military Posture, part 2, pg. 2:

"What is to be gained by deploying just 36 MX missiles in existing silos? If 4,600 silos of the MPS mode would be too vulnerable

to proliferation of Soviet ICBMs, how are 36 or even 100 MXs in fixed silos to be more survivable? What technical knowledge do we have now as to the feasibility of deep silos basing?"

William Perry, Former Undersecretary of Defense, November 13, 1981—SASC hearings, Strategic Force Modernization Programs, page 441 and 447:

"My concern is that if we had this very accurate, very threatening missile in unprotected silos, and if they do not go to a survivable system themselves . . . that simply increases the hair trigger . . . on both sides."

"I agonized over that and said on balance I would not go ahead with that [MX in silos] because I don't believe we will come up with a survivable basing mode that is acceptable.

"Since I am pessimistic that we will get a basing mode that is both survivable and acceptable, I am opposed to putting a weapon that lethal in an unsurvivable mode, for reasons I have described in terms of hair triggering the alert."

Senate Strategic and Theater Nuclear Forces Subcommittee Report on fiscal year 1983 Defense Authorization Bill, March 24, 1984—(endorsed by Sens. Thurmond, Goldwater, Cohen, Quayle, Jackson, Nunn, Hart and EXON):

"The number of additional warheads that would survive an attack upon MX missiles so deployed [in Minuteman silos] does not appear to justify the costs—assessed at $2.6 billion over the next five years—associated with this basing scheme.

"The Committee also is concerned that the possibility may exist that strategic deterrence and crisis-stability could be jeopardized, rather than enhanced, by the deployment of high-value, militarily important weapons in so small a number of relatively-easily destroyed shelters."

General Lew Allen, Chief of Staff, U.S. Air Force, January 29, 1981 SASC hearings

". . . An essential feature of the MX deployment is that the basing mode be survivable. One does not obtain that through placing it in Minuteman silos. Therefore, I do not favor such a deployment."

Dr. James P. Wade, Principal Deputy Undersecretary of Defense, October 27, 1981—SASC hearings "Strategic Force Modernization Programs" p. 42:

". . . If you focus just on the survivability aspect of the value gained by placing the MX in a hardened silo . . . the value is at best marginal."

Harold Brown, former Secretary of Defense, November 13, 1981—Washington Post, op-ed page:

"The Oct. 2 decision adopts an admittedly very vulnerable basing system, and indicates an intention to continue to explore other possibilities for some time in the future. . . . There is talk of further hardening of existing silos for a much-truncated MX force, but since the MX will not be available until 1986, that further hardening, if it is at all feasile, will not be available before the Soviets can install a new generation of guidance systems. The Soviets, using technology that they have already developed, will surely be able by that time to improve the accuracy of their ICBMs further, so that in the case of a nuclear war the hardened IX silos will find themselves in the fireball and in the crater left by the nuclear explosion of Soviet warheads; the silos would not survive such an experience."

Sen. Sam Nunn, December 2, 1981—Congressional Record page 29358:

"The experts who have testified before the Armed Services Committee, and I am sure other committees have had similar testimony, agree that the Soviets today have the combination of yield and accuracy necessary to overcome the levels of hardness contemplated. The MX simply is not survivable in existing silos, whether they are hardened or unhardened. This fact is confirmed by every expert witness who has testified, and it includes also not only governmental witnesses but also knowledgeable outside witnesses, including the Air Force and our intelligence community."

Rep. William Dickinson, October 6, 1981—HASC hearings on Military Posture, part 2, Pg. 4:

"From my understanding of the physics of the problem it is almost impossible to guarantee a respectable level of survivability with missiles encased in a silo of ICBM's. In other words, we are trying to address our so-called window of vulnerability, and I am concerned that we are not closing that window of vulnerability but simply pulling down the shade."

Sen. William Cohen, December 2, 1981—Congressional Record, pages S14262, 14265:

"If you believe in the window of vulnerability, then putting those missiles [the MX] in unprotected, immobile silos is a very dangerous move. It's inviting of the very kind of Russian strike that we fear . . .

"It also, I think can be agreed upon that the hardening of missile silos, as has been recommended by the administration on an interim basis, does very little to improve missile survivability, and that such hardening does not reduce the threat of nuclear conflict or strengthen nuclear deterrence . . .

"I think inherently in any decision about having fixed silos, we must deal with the question as to whether or not, by putting these new, bigger, more destructive missiles in a fixed mode we thereby lower that threshold and make them much more targetable, much more attractive for the Soviets to attack in a moment of strategic error, miscalculation, and madness."

Dr. Richard DeLauer, Undersecretary of Defense for Research and Engineering, March 11, 1982—HASC hearings on Military Posture, Part 5, pp. 387, 388.

"The reason that I did not relate interim basing [of the MX missile in Minuteman silos] to the survivability problem is that the resulting survivability will be no better than it is now."

Caspar Weinberger, Secretary of Defense, October 5, 1981—SASC hearings, Modernization of the U.S. Strategic Deterrent, page 21.

"I don't think they (Minuteman silos) can be hardened enough on a permanent basis to warrant putting (MX missiles) in fixed and known silos. I think they can be hardened enough to give added strength for a few years."

Lt. Gen. Kelly Burke, Deputy Chief of Staff, U.S. Air Force, March 15, 1982.

". . . I testified earlier that the Air Force had recommended, irrespective of congressional action, that superhardening was not worth the cost. It had some value. It also had a very big price tag and our recommendation was not to do that."

Sen. Dennis DeConcini, December 3, 1981—Congressional Record, page S29543:

"By placing our most advanced strategic weapon—the MX—in silos which belong to an earlier era of nuclear technology, the President has reduced—perhaps even eliminated—the usefulness of the MX. Hardened existing silos would make a nice target for Soviet planners; it might even encourage them to contemplate a pre-emptive attack because the payoff—America's MX missile—would be so attractive."

Sen. Dan Quayle, December 3, 1981—Congressional Record, page 29498:

"The primary justification for a new land-based missile must be that it is relatively invulnerable to a Soviet first strike. If it is not, it will lose its deterrent value, which is the position we are facing with our Minuteman missiles.

"It continues to distress me that, despite years of discussion and debate, we still lack an acceptable basing mode for the MX."

Sen. James Exon, December 3, 1981—Congressional Record, page 29501:

"Probably the most serious of all is the ill-conceived placing of the 10-warhead MX missile in place of the 3-warhead Minuteman III missile or the single-warhead Minuteman II and Titan missiles which would contribute to the unstable "launch-on-warning" doctrine we should instead be trying to avoid. It makes no sense to this Senator to place a more valuable weapon such as the MX in silos which are becoming more vulnerable with each passing month. During time of tension or warning of actual Soviet missile launch there will be a greater tendency to "use them or lose them" rather than having our land-based missiles attempt to "ride out" an attack and then retaliate. This situation does not contribute to crisis stability—one of the administration's own properly stated goals."

General David Jones, then Joint Chiefs of Staff, October 5, 1981—SASC hearings, Modernization of the U.S. Strategic Deterrent, page 19:

"In my own view, I consider the MX in a very survivable mode to be extremely important to the security of the Nation. I remain to be convinced there is a survivable mode other than MPS. So, if forced with the difficult choice, B-1, ATB, and MX, I would put MX last under the current program slice."

Sen. Sam Nunn, December 2, 1981—Congressional Record, page 29358:

"There is considerable doubt in my mind about the wisdom of proceeding with an MX program at all if we cannot, at some point, come up with a a reasonable opportunity for survivability of the missile."

Conference report on the fiscal year 1977 Defense Department Authorization Bill, June 1976:

"The rationale behind the development of a new missile system (MX) is to provide a land based survivable strategic force. The development of an alternate basing mode as opposed to a fixed or silo based mode is the key element in insuring this survivable force. The conferees are in agreement that providing a survivable system should not be constrained for silo basing; that none of this program's funds shall be expended in fixed or silo basing for MX; and that none of the program reduction shall reduce the Department's proposed investigations of mobile deployment."

Sen. John Warner, March 24, 1982—Baltimore Sun:

"The MX would be too vulnerable to a Soviet first strike under that arrangement [MX in existing silos] and the Subcommittee saw no point in building the missiles until the permanent basing decision was made."

Sen. John Tower, October 2, 1981:

"I am enormously skeptical to the point of feeling that this plan [MX in Minuteman silos] doesn't give us enough added capability for the money involved and leaves us with a highly vulnerable land-based system."

Sen. Mark Andrews, December 2, 1981—Congressional Record, page 29346

"If we spend over $300 million to harden a bunch of silos, to put a 10-warhead missile in a fixed point because we are afraid that the Russians are targeting 3-warhead missiles in a fixed point all we do is step up the opportunity for them to take out 10 warheads at a time instead of 3 warheads at a time."

Sen. Alan Dixon, December 2, 1981—Congressional Record, page 29369:

"I support the MX missile. I think hardening of the silos in permanent basing modes, as presently contemplated, invites disaster and is a terrible mistake."

Adm. Stansfield Turner, former Director of the C.I.A., March 13, 1983—New York Times Magazine:

"For several years now, the immediate problem with the MX has been how to base it. Placed in existing silos, it would be vulnerable to surprise attack by the Soviet Union's beefed-up strategic forces—just as vulnerable as our present generation of land-based missiles."

General Ellis, then Commander-in-Chief of the Strategic Air Command, February 18, 1981:

"We must correct our vulnerability by deploying the MX in a mobile basing configuration. . . .

"Senator, if we had the mobility in the Minuteman force that we are building into the MX force we wouldn't need an MX force."

Mr. HOLLINGS. Now, Mr. President, my first preference before MX would be to move with the Trident II D-5 missile. The whole idea is to find a survivable missile with a hard target kill capability and the accuracy of the MX missile. We will soon have such a weapon in the arsenal of the United States of America, and that is the Trident D-5 missile.

Some 5 to 6 years ago when the Navy came forward with the D-5, some of us were interested in a common missile. Our question was why should not the D-5 be the common missile—for both land and sea deployment? We could hold up on the MX and use this same D-5 on land and use this same D-5 in the Trident submarine.

But there was a definite conspiracy or understanding between the Navy and the Air Force, and therein is a problem that causes cost overruns. Everyone is trying to watch the waste, fraud, and abuse. The waste, fraud, and abuse comes in with respect to two branches of the DOD wanting their own missiles and their own contracts. Forget about saving money with a common system to serve several missions. They each want their own.

They would not join together and as a result we have duplication, we have added cost and we have the extravagance that we cannot afford and, at this point we are running $200 billion deficits.

So, they were coming in at that time for two systems and now we are developing them. I was emphasizing the hard target kill capability and accuracy. I would prefer—if I were king for a day—to move from the 15 Trident II submarines in the DOD 5-year defense plan to at least 22 Trident II submarines. With these seven additional submarines and the D-5 missile on each you would not only have hundreds of warheads more than the MX provides but at one-half the cost. Let me emphasize that—at one-half the cost and let me emphasize the bottom line. It would be survivable. As a matter of fact, one Trident sub may likely provide more warheads than the MX after a Soviet first strike since it is survivable and the MX goes up in a cloud of dust.

While we have beefed up survivability at one-half the cost saving $15 billion we could move to the Midgetman, to the single warhead missile. I talked on that particular point when we were opposing the MX missile last year and even the year before that. If my memory strikes me now they were saying, "Well, you could not have it because who would accept it in populated areas.

I do not advocate that. I would advocate dispersing it in the unpopulated areas of the country. But that is not to say that at this very minute we do not have nuclear missiles and warheads passing right in front of my bedroom window in Charleston, S.C. We have hid them for over a decade—at the distance between where I am standing and the front steps of the Capitol. They leave the port of Charleston with first the Polaris and then the Poseidon and the other nuclear subs that have come into the force—all armed with nuclear missiles.

But if you could not go with the particular approach of a D-5 and then move to the dispersal of Midgetman in the next 7 years or so, at least we could save the difference between $12 billion by upgrading the Minuteman III in their silos and the $25 billion minimum for MX.

If we could go forward and modernize Minuteman with the proper warhead and the proper guidance system, that is, the MK-12A warhead and the AIRS, which is the acronym for the guidance system—on 350 Minuteman III's we could do that at a cost of $12.8 billion whereas the MX program without the warhead costs $22.7 billion. With the warhead, that MX cost would be far in excess of $25 billion.

That, however, is a restricted figure. I cannot submit it in accuracy for the RECORD. But we all know the truth of my statement.

Mr. President, I ask unanimous consent to have printed in the RECORD the MX program costs and the Minuteman upgrade costs furnished by the Air Force to various Senate committees.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MX PROGRAM COSTS—SCOWCROFT COMMISSION RECOMMENDATION

[Then-year dollars, in millions]

	Fiscal year—							Total
	1983	1984	1985	1986	1987	1988	1989	
RDT&E	2,506	2,034	1,676	897	410	0	0	7,523
Procurement	0	2,536	3,476	3,042	2,878	2,130	661	14,723
Milcon	17	72	141	98	78	71	0	477
Total	2,523	4,642	5,293	4,037	3,366	2,201	661	22,723
Missile buy		27	37	48	48	48	15	

Note: Excludes Department of Energy Costs.

Source: Air Staff.

MINUTEMAN UPGRADE

[Then-year dollars, in millions]

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	Total
R&D	634.25	733.02	579.67	346.36	206.88	0	0	0	0	0	2,500.36
Missile procurement	0	1,850.58	1,672.59	1,520.55	1,403.15	1,391.07	1,406.75	928.03	37.06	39.2	10,248.98
Milcon	0	11.79	24.68	25.8	26.96	0	0	0	0	0	89.23
Total	634.25	2,595.57	2,276.94	1,892.71	1,636.99	1,391.07	1,406.75	928.03	37.06	39.2	12,838.57

Note: 48 mo. IOC after go ahead; 24 mo later for full operational capability. Thus, July 1983 go ahead equals July 1987 IOC and July 1989 FOC. Approximately 350 Minuteman III with AIRS guidance and MK 12A warhead.

Source: Air Staff.

Mr. HOLLINGS. Three reasons have consistently been used in justifying MX: First, system survivability; second, an enhanced U.S. counterforce capability; third, a means for an arms control agreement and a sign of U.S. resolve and will. Clearly, this MX proposal fails on all three accounts—particularly when considering other U.S. strategic modernization options.

The goal of fielding a more suvivable ICBM force has been discarded by the administration in its current recommendation. This view is supported by a quote from the Senate Armed Services Committee's report, April 13, 1982, on the DOD fiscal year 1983 authorization bill in response to the administration's request for placing MX in Minuteman silos:

> The committee is also concerned that the possibility exists that strategic deterrence and crisis stability could be jeopardized, rather than enhanced by the deployment of high value, militarily important weapons in so small a number of relatively easily destroyed shelters. . . . No further work is to be undertaken in support of fixed-point silo basing of MX.

The MX provides no greater counterforce capability than an improved Minuteman III force of over 300 missiles with comparable range, accuracy, and hard target capability—yet it would cost twice as much. Further, one Trident submarine with D-5 missiles would provide approximately 200 survivable warheads at a cost of roughly $2.5 billion. The MX—at $25 billion and a fewer survivable warheads after a Soviet first strike—is a ridiculous price for the capability.

On the issue of arms control and U.S. resolve and will, it is extremely doubtful that the Soviets will consider and MX a serious proposal by the United States. In the recent past, Defense Secretary Weinberger and other ardent supporters of the MX have stated—among many misgivings of MX in fixed silos—the following:

> Putting MX into existing silos would not answer two or three concerns * * * the location of these are well known and are not hardened sufficiently * * * to be of sufficient strategic value to count as a strategic improvement of our forces. * * * unless the Soviets are convinced that it (MX) can survive an attack * * * the Russians will have no incentive to strat serious arms control talks.

It is fallacious to state that MX deployment is a cornerstone of the U.S. resolve and will to maintain an effective deterrent capability. Our entire modernization effort is a forceful illustration of U.S. will. There is an abundance of will and resolve in the Trident with D-5, a new single warhead missile, B-1 and stealth bombers, Pershing II and GLCM, ALCM, and Stealth cruise missiles, strategic C3, research and development on a BMD system, a significantly improved Minuteman III force.

The MX in vulnerable basing mode does not deserve our support. Savings from MX cancellation should be used for higher priority defense needs—the strategic modernization programs discussed above—and those critical requirements of our conventional forces and for personnel and readiness items. Unless we address the balance of priorities between strategic and conventional forces today, our options may be severely limited in future years.

In summary, Mr. President, I thank the distinguished Presiding Officer and the managers of the bill for their attention. I am distressed, as you can tell, because of the detour that my colleagues have taken. I am glad to have the credibility that I do have on defense. Everyone knows that this particular Senator has been as strong as possible for bolstering the national defense capability of the United States. We are overprepared for nuclear war and we are underprepared for conventional. In that vein in September 1979 I went after the Carter administration on the floor of the Senate, over the objection of the then chairman of the Budget Committee and the then Democratic chairman of the Armed Services Committee, and over the objections of the entire White House and Pentagon staffs. So 3½ years ago, this body saw the need for beefing up the national security of this country, and as a result we passed an amendment for a 5-percent real growth add on for national defense. I led that particular fight and I am proud I was successful. I was very concerned recently when I presented my deficit reduction plan to the budget resolution to emphasize that keeping defense at a now 3-percent real growth level exceeded both the 5-percent real growth resolution of mine some 3 years ago, and the Carter defense budget that he submitted at the time he left office in January of 1981.

So I have not cut back on the commitments we were trying to have the Senate make at that time. We were not cutting back on our commitments to the North Atlantic Treaty Organization. But we were trying to keep an even higher commitment for fiscal responsibility to the people of this land. There will be no economy to defend if we do not sober up and start cutting back on these $200 billion deficits. We must all show a shared sacrifice across the board in social programs, in defense programs, in entitlement programs, and in tax spending programs.

Let me admonish and emphasize that come July we do not have the tax revenues to cut. We are running at a $210 billion deficit. I cannot emphasize enough that what the President characterizes as a tax increase, it is not. He is messing with peoples' minds. I am saying that here, in May 1983, we should not raise taxes, we should not cut taxes, but keep them at the same level. Let us avoid the impact of having to go out and borrow an additional $33 billion in order to put into effect that July increment of a 10-percent income tax cut.

We cannot afford it, and no economist that has come before the Budget Committee has recommended it. Who in America would say "look the economy is fine. Let us cut taxes another 10 percent." That would be institutionalized chicanery. What we really need is stimulation and now. What all economists are saying is that we really need less deficits so that the industry of America can reinvest and reemploy, and turn this country's economy around.

Sadly we see this morning that the growth rate for the first quarter was not at the level where the normal growth rates are as we recover from recessions. Most postwar recession recoveries have all been in the range of 6 and 7 percent. This one is not the 4-percent projected by the administration nor even at the 3-percent. It is now 2.5 percent and that is really what the market is reflecting when they saw that we were not having a true economic turnaround.

I believe in turning the economy of this country around, becoming fiscally sound and building a strong defense. Mr. President, we can take the money saved from programs that are a waste such as the MX missile, and the B-1 program, where we should be moving forward with the Stealth instead of the B-1. We can go down to DIVAD, we can go through all these particular programs that are a waste in our national defense effort and throw out the bad ones that do not work, that duplicate others, and that serve no mission. We can take the savings and divide them among our many critical conventional need such as the rapid deployment force, and beefing up the Reserve and Guard in America—that is now 400,000 people shy of requirments. I would also emphasize that this is a Senator who has sponsored for the last several years legislation to reinstitute the draft.

The voluntary Army is lacking. We have the bodies but we do not have the skills. From a national Government and country standpoint it is a dangerous anachronism for the most affluent of nations to depend for its defenses on the least advantaged in its society. We are not receiving that cross section of American population, of America's young people at every level in life. They are not coming into the Army, Navy, Air Force, and Marines. What we need more than a demonstration of military power in this country is a demonstration of will power; that all citizens share in the defense of this Nation.

I oppose this MX extravagance. I would save this money to help us beef up our conventional forces and strengthen the Nation's defenses at less cost. The money saved could also be allocated to lowering the deficit and having Defense do its part in a shared sacrifice.

If we could do that, if we could kick off on that right foot, then we could fashion a discipline to have us hold the line on social programs, on entitlements and on tax spending programs. But when the distinguished President comes and says, "I want my $40 billion more in national defense," even though he has received—since he has come to Washington—about $100 billion in defense add-ons, he loses credibility and no one can hold the spending line if he will not. We have the Deputy Secretaries of Defense, whether it be the one who is there now, Paul Thayer, or Charley Duncan, who was there under President Carter, saying, "You can't spend the money." We slowed down the military-industrial complex in the seventies, and if you have a President saying, "On top of the $100 billion I must have another $40 billion," then everybody breaks ranks. He even exacerbates the problem when he says, "Not only must I have another $40 billion, but also a tax cut for the rich is in the cards," I told him that the silly Kemp-Roth had frozen America's industry in its tracks so they will not invest due to the impending high deficits and high interest rates. But he says it is because "I want my $33 billion tax cut for the rich come July and I want my $40 billion worth of MX contracts to go back to California with," and then by the way, "let's freeze everybody else's programs." That is our dilemma. That is why we had a difficult time with the budget resolution. We had persons who voted for the budget last evening who did not even believe in it but they were trying to maintain the process, because we are not being led by the President toward austerity, we are not being led by the President toward sacrifice, we are not being led by the President into developing a discipline, we are not being led by the President to frugality, we are not being led by this President toward economic sanity.

On the contrary, he is leading the way for extravagances and putting on his TV shots of tax and tax and spend and spend—all on the backs of Congress.

The message is coming through all over America and we will have time to discuss that at another point.

I do appreciate the colleagues' attention on the matter of the MX missile and I hope we can table the resolution and save our defenses, save our country, and more than anything else save the economy. If we could start on that path, Mr. President, then we might be able to turn America around. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. HOLLINGS. Evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

[Applause from the galleries.]

The PRESIDING OFFICER. The galleries will be in order.

Mr. GOLDWATER. I did not know that would happen or I would have come sooner.

Mr. President, this afternoon I wish to address just a few remarks to the subject that is under discussion today, the MX missile. I have been acquainted with this missile for many, many years. I would like to go back a bit.

To begin with, when the Army and the Air Force called this the MX, they made their first mistake. It put into people's minds the idea that this was something entirely new, something different. They followed that by suggesting an entirely different basing mode. I remember this because they first thought of the deserts of southern Arizona as a proper place to put this rather extensive basing mode. And they were married to that idea until suddenly they discovered that it would require enough water to take care of 30,000 people needed to operate the site.

Well, as the occupant of the chair well knows, Nevada and Arizona do not have that much water to spare. So they moved the site suggestion up, frankly, to the State of Nevada, where, for the same general reasons plus the growing concern of the citizenry that having such a missile site nearby might be dangerous, that was given up and the site was moved up into the general areas of Wyoming.

Mr. President, one time they experimented in the deserts of Arizona with a missile system that would be buried underground and come up in an erect firing position, breaking the ground and the cement casing in which the missile was located. That was abandoned. So we have gone through this now for quite a few years. And MX has come to mean something entirely different to the average Member of this body and the average citizen as to what it really is.

The MX is nothing but a replacement missile for the Minuteman. The Minuteman, like all weapons systems is getting older. We are replacing the Titan missile. They have already been in the silos 10 years longer than they were supposed to be. I think the Titan probably is still effective but there is no certainty about it.

So the present suggestion that we will be debating here on the floor is whether we will spend the money needed to buy new Minuteman missiles and replace the existing Minuteman in the silos located at Vandenberg and elsewhere around the country.

The question readily comes up: Will the silos adapt to the new Minuteman? Yes; it will. I have to admit there is a question in my mind as to what might happen to the present Minuteman silo after one new Minuteman, what we call the MX, was fired. There are two schools of thought on this. Some say the silo will survive, others have their doubts.

But, Mr. President, I want to remark about one other thing in relation to this whole debate that is not well understood, if understood at all, and that is the fact that you do not reload a silo with the same speed that you reload a .30-caliber rifle. While we do have a large, large number of warheads, putting a new warhead on a missile orienting that new warhead for the target that might be selected is a long job. I would say we would be fortunate if we could do it in less than 24 to 36 hours.

Well, in that length of time, if we ever have to go to the use of missiles, and I pray we will not, there will be no need for additional warheads. That, by the way, is a very good argument, in my opinion, for both the Soviet Union, ourselves, and any other country that might have warheads, to do away with all missile warheads with the exception of what they have in the ground now.

Now the new warhead of the so-called MX will have a number of reentry warheads that we do not have now. We will start out with about 10. That means that in flight this warhead can select 10 other targets and fire their warheads individually at them while in flight.

I think this is a highly desirable asset because the Soviets have warheads that will fire up to 25. The Soviets also have warheads that can discharge 25 megatons—that is 25 million tons—of explosives against our 1.2. I am not going to argue that we should try to copy them. I do not think that is necessary.

A 1½-megaton warhead striking within 2 or 3 miles of this Capitol Building would render it inoperative.

Mr. President, that gets me into another point that I do not think will be debated too much, but I would like to mention it. That is the question of accuracy.

We hear a lot about the accuracy of our warheads and the accuracy of the

Soviet warheads. We do not know, Mr. President. It is that simple. We have never fired a missile with an actual warhead on it. We have fired them with simulated warheads, but we do not know what the vibration setups might be using a real warhead. We know that we can hit in the general proximity of a lagoon thousands of miles out in the Pacific on Johnson Island. We have no way of knowing the accuracy of the Soviet missiles. Yet, I hear debated time and again, mentioned time and again, and I read in technical journals, that their heat seeking, which is the way we measure long)range weapons, is down to a few hundred feet. We do not know that.

When you think of a device being fired at a target some 30 or 40 feet in diameter 5,000 miles away and you expect to hit it, I have to remind the Chair and my colleagues that man, with all his genius, has never developed a rifle that can fire with that type of accuracy. That is getting down to the point where every shot fired from a rifle, if the rifle were held steady, would go through the same hole. Everyone who has fired a rifle knows of the impossibility of that being done.

I believe, Mr. President, that we need these new warheads. We need to spend the money on them. We do not need the money to spend, if we had it, to develop conglomerate sites where we might put 50 or 100 or more in one general area. I do not think for a moment that would do anything but make any enemy of ours very, very happy, because it would reduce their problem from one of hitting a silo some 30 to 40 feet in diameter to one of hitting a site that might be as long as 100 miles and maybe as wide as 20 or 30.

As this debate develops, Mr. President, I hope we can keep it on the right track. The right track is going to be a technical track. It will get into the politics of the budget and the politics of money, but I do not believe for one moment—I never will believe for one moment—that the United States is going to be able to maintain any kind of peace in this world unless it builds a strength with which we can say to the enemy, "Do not bother us." We have an old-fashioned saying in the West of, "Do not step on me." That means do not step on a rattlesnake or you are liable to get hurt.

I honestly believe, Mr. President, that had we been armed, had we been strong in the 1930's, had we been willing to say to Hitler, "You put your foot on one piece of soil of an ally of ours and you are at war," I do not think there ever would have been a World War II.

When we think back to the wars this country has been in, almost invariably we have gone to war because we were weak.

While I was far too young to have served in this body back in the 1930's I was old enough to be a member of the service. I was old enough to remember what was going on. I sit in this chair, Mr. President, day after day, night after night, I sit in my committees hour after hour and listen to people who sound like they were back in the 1930's.

I have said this before: It took 4 long years for this body to buy the B-17. We would buy it 1 year and cancel it, buy it the next year and cancel it.

Even though I am Air Force oriented, I am not going to say that the bombers won the war. They had a big part in winning the war. Without them, the war never would have been won.

I do not like to sit here and hear us talking about cutting a defense budget that is too low anyway.

I would like to cite to you, Mr. President, that we do not even buy enough aircraft in the tactical division to meet normal attrition. We have not done that in years.

What do I mean by normal attrition? Just the normal attrition of accidents that we have to expect. There are not many. We have the lowest accident rate in history. We have the safest accident rate of any country in the world. But men are men and women are women and they are bound to run into things. There are bound to be aircraft that catch fire, that blow up. We are not buying enough planes to replace those. We are not improving our tactical Air Force.

Here we are with a strategic air fleet comprised of B-52 bombers that I flew in 1957, Mr. President. We have grandsons flying that aircraft whose grandfathers flew it.

That is too old; it is too long. Yet we hear people saying, "We do not need that B-1. We have something else coming."

I can say something about that something else. It is the biggest pipe dream that has come along. I cannot get into it too much, but we are many, many years away from a bomber that can replace the B-1, let alone the B-52.

So I am hopeful in the days ahead, if we ever get this budget thing straightened out, if we ever get this Congress back to normal operations, such as the distinguished Senator from Mississippi remembers so well, when we used to decide in the Armed Services Committee how much of this we needed and how much of that we needed and we would come to the floor and argue about it—if we can ever get our word in the Armed Services people—and I do not mean to brag about this but there are people who serve on committees who have no reason in the world to be acquainted with the peculiarities of aircraft, naval ships, tanks, or guns—I think then we can get back to the kind of business we should get to and produce the kind of military strengths we have to produce.

We also hear talk going around that, "Well, we have to reduce the pay of the man in uniform" or "We are not going to give him the increases that he is due."

Mr. President, we can talk about bombers, we can talk about tactical fighters, we can talk about tanks, we can talk about aircraft carriers, we can talk about a modern Navy, but there is only one thing that makes the Armed Forces work and that is people. Once you forget that you have forgotten everything. In fact, if you want to get down to it, people make the whole world work. We spend all our time in here worrying about people. I think the people ought to be worrying more about the people sitting here. But that is beside the point.

Mr. President, I do not like to see what is going on. I do not like to see any Senator think for one moment that we can cut the expenses involved in keeping a man in feed, in uniform, in a place to live, providing decent living quarters for his family overseas, providing safety for him. I do not like to see that because, again, we are going back, we are going back to the days when the GI's said, "Nobody cares about us. Why should we stay in this bloody outfit?" Who could blame them? So they got out.

I hope my colleagues in this Senate as well as in the House will remember those who serve in the forces, that it is the man, and now the woman, who makes the outfit. It is not the gun, not the bullets, not all of this complicated equipment that we pile on their backs. It is the willingness of a man or woman to serve, it is the willingness of the man or woman to defend our freedom.

Mr. President, that is all we are talking about. We are not talking about dollars and cents, though this country is in bad shape in that area and we have been getting there for a long, long time.

The freedom of this country is the first thing we are put on Earth to protect. When we are willing to laugh at the man in uniform, when we are willing not to provide him with the equipment to fight a war while our poten-

tial enemies are doing everything in the world they can to become militarily superior to us, it worries me.

It worries me to see the inattention being paid by this body to Central America.

I live close to the Mexican border, as does the present occupant of the chair, the junior Senator from Nevada. We know that there is nothing the Mexicans would rather do than get back the land we took from them back in 1848 with the signing of the Peace Treaty of Guadalupe Hidalgo. If Central America falls, I say to my colleagues, the chances of our going to war in that general area are very, very good.

I think the time has come, personally, that the President of the United States has to say something that a President has not said in a long time: "If it requires our force to keep Central America, we are going to use our force."

We have been kicked around long enough. We have yielded too many times. We have given in. We have made it look to our allies and the people around this world as if we are not willing to argue or even fight for the freedoms that many of our forefathers have fought hard for.

Mr. President, while I did not have any intention of getting into such a long, rather loose-jointed discussion, I like to do my level best to try to keep the Senate alive. I know everybody here, including myself, would much rather go home. So, Mr. President, I thank my good friend from Mississippi, who is sitting here listening. It is always a pleasure to have someone on this floor. It is unusual. I know the occupants of the Parliamentarian's and clerk's chairs get tired of listening to this all day long—and Mr. Greene, too. It is a great pleasure to be here and I thank the Chair for recognizing me.

I just hope that this MX debate can be kept on the level of do we need it to defend our country—not how much money we are going to save to put in this crazy idea or that crazy idea, but will it work to save us, our children and our grandchildren? Those are my concerns.

I yield the floor, Mr. President. I suggest the absence of a quorum.

Mr. STENNIS. Mr. President, if the Senator will withhold on that, I want to thank the Senator, and he is the very proper one to open the debate on the so-called MX. His counsel here is valuable, always. It is sought frequently. I have said about him that Senator GOLDWATER has some thoughts about things that some of the rest of us have but do not express. He will come right out and say all that he thinks about a situation.

I appreciate his counsel not only in the armed services field. We have served together a long time on that committee. But I appreciate his counsel in other ways, too. I just wanted to say so publicly.

Mr. GOLDWATER. Mr. President, I thank my good friend from Mississippi, and I do not hesitate to say that without his guidance over the many years past, our military services would be in even worse shape. He is the champion of the man in uniform and the champion of better and more equipment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. STEVENS. I ask unanimous consent that it be charged equally.

The PRESIDING OFFICER. Without objection it is so ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL MONDAY MAY 23, 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate recesses today, it stand in recess until 12 noon Monday.

MX MISSILE BASING MODE FUNDS

UNANIMOUS-CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that 10 hours be considered as having been used on Friday, May 20, on Senate Concurrent Resolution 26.

I also ask unanimous consent that 10 hours be considered as having been used on Saturday, May 21, on Senate Concurrent Resolution 26.

I further ask unanimous consent that at 1 p.m. on Monday, May 23, the Senate resume consideration of Senate Concurrent Resolution 26, and that there be 30 hours of debate remaining on Senate Concurrent Resolution 26 to be equally divided in the following way: 18 hours equally divided between the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Oregon (Mr. HATFIELD), who are opponents of the resolution; 12 hours equally divided between the Senator from Mississippi (Mr. STENNIS), and myself, the Senator from Alaska, who are proponents of the resolution, provided further that nothing in this agreement precludes the right of any Senator from making a nondebatable motion to further limit debate as provided in the statute.

I further ask unanimous consent that any quorum calls occurring prior to 8 p.m. on Monday, May 23, and Tuesday, May 24, be charged at a 3-2 ratio, 3 minutes against the opponents and 2 minutes against the proponents.

Mr. BYRD. Mr. President, reserving the right to object, does the able acting Republican leader with respect to quorum calls mean this to appear as it reads—all of Tuesday, May 24?

Mr. STEVENS. Yes, all of the time. It is the intent of the leadership that all of the time that we are on the bill any quorum call would be charged, rather than equally as we have done in the past, on a 3 to 2 ratio.

Mr. BYRD. Until 8 p.m. on Monday?

Mr. STEVENS. Until 8 p.m. on Monday and until 8 p.m. on Tuesday.

Mr. BYRD. I see. The 8 p.m. applies for each of Monday and Tuesday?

Mr. STEVENS. But that does not apply on Wednesday or thereafter.

Mr. BYRD. I see.

Now, Mr. President, still reserving the right to object, I have cleared this request, I think, with everybody on this side. Mr. LEVIN, Mr. STENNIS, and Mr. BUMPERS were present on the floor when we discussed this request. We have run the hot line. We find no objection to it. It does provide that the nondebatable motion which is set forth in the statute for further reduction of time is not waived by virtue of this agreement?

Mr. STEVENS. Yes. I thank the distinguished Democratic leader for that suggestion. It has been included.

Mr. BYRD. I have chosen Mr. PROXMIRE on my side of the aisle to be in charge of the time of the opponents, and I have chosen Mr. STENNIS on my side of the aisle to be in charge of the time for the proponents.

So this agreement I think is fair and reasonable and has been cleared. Therefore, I have no objection.

I congratulate the distinguished and able acting Republican leader for the contributions that he has made to this time agreement.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Mississippi is recognized.

Mr. STENNIS. Reserving the right to object, and I shall not object, I think this is highly commendable. I thank the Senators who worked this out. I certainly agree with it and believe it is the thing to do.

I infer that there will be efforts made, as I understand, next week to bring this debate to a conclusion sometime Wednesday. Is that now the expectation?

Mr. STEVENS. Mr. President, it is the hope of the leadership that we will be able to conclude the debate on the MX resolution—it is not amendable—

on Tuesday, if possible, so that we may go to the debt ceiling bill on Wednesday. In any event, I say to my friend that it is the intent to try to further limit debate on the MX busing resolution. We have had discussions that I think have been very fruitful.

Mr. STENNIS. Very good.

Mr. BYRD. Mr. President, further reserving the right to object, in listening to the distinguished presently acting Republican leader, I want to make sure that this agreement in itself does not require a final vote on Tuesday.

Mr. STEVENS. No. There is nothing in this that would require a final vote on Tuesday. It merely limits the time to 30 hours when we resume consideration of the bill on Monday, which under this agreement will be 1 p.m.

Mr. BYRD. Yes. Mr. President, I made that statement so that the record will be clear; that Senators, who for one reason or another want the final vote not to occur on Tuesday, will clearly understand in reading the record that there is nothing in this request that requires such a final vote to occur on Tuesday.

Mr. STEVENS. The Senator is correct.

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That at 1:00 p.m. on Monday, May 23, 1983, the Senate resume consideration of S. Con. Res. 26 (Order No. 140), a concurrent resolution approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode, and that there be 30 hours of debate remaining on the resolution, to be divided and controlled with 18 hours to be equally divided and controlled by the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Oregon (Mr. HATFIELD) as opponents, and with 12 hours to be equally divided and controlled by the Senator from Mississippi (Mr. STENNIS) and the Senator from Alaska (Mr. STEVENS) as proponents.

Ordered further, That nothing in this agreement shall preclude the right of any Senator from making a non-debatable motion to further limit debate, as provided in the statute.

Ordered further, That any quorum calls occurring prior to the hour of 8:00 p.m. on Monday, May 23, 1983, and Tuesday, May 24, 1983, be charged at a 3 to 2 ratio, with 3 minutes against the opponents, and 2 minutes against the proponents.

Mr. STEVENS. Mr. President, before we leave this matter, I wonder if my good friend would have any problem if I ask unanimous consent that there be the normal period on Tuesday from 12 noon to 2 p.m., for the conference so there can be notice in advance that we will not be in session on this resolution during that period?

We would like to let the clock run during this period, but I leave that up to my colleague.

Mr. BYRD. I hope the distinguished Republican leader will make that request. We on our side will certainly want to have a conference and have already announced that there will be a conference.

Mr. STEVENS. This side would like to have one also. I think it would be fair to take the 2 hours off on the basis that is in this resolution of three to two.

Mr. BYRD. I would not think that we ought to quibble over that.

Will the Chair indulge me for a moment?

Mr. President, I will have to clear the taking out of the entire time the time consumed in the conferences. It would be all right with me, but I have no authority to clear that.

Mr. STEVENS. There will be negotiations on Monday concerning the whole issue. I will withdraw that suggestion at this time.

Is the Senator prepared that we might go to these other items at this time?

Mr. BYRD. Yes. The agreement has been cleared?

Mr. STEVENS. The agreement has been cleared, Mr. President?

The PRESIDING OFFICER. It has been agreed to.

ORDER FOR STAR PRINT—SENATE JOINT RESOLUTION 42

Mr. STEVENS. Mr. President, I ask unanimous consent that the reported version of Senate Joint Resolution 42 be star printed to reflect the change which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The changes follows:

ment are still being fulfilled;

Whereas the State of Alaska is a storehouse of this nation's natural resources;

Whereas Alaska provides one-eighth of the nation's gold; one-fifth of the nation's oil production; and two-fifths of its harvested fish all to the benefit to the Union;

Whereas Alaska possesses ten of the sixteen strategic minerals

THE CALENDAR

Mr. STEVENS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 202, Senate Joint Resolution 42; Calendar Order No. 203, Senate Joint Resolution 92; Calendar Order No. 204, Senate Joint Resolution 96; Calendar Order No. 205, Senate Joint Resolution 61.

Mr. BYRD. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALASKA STATEHOOD DAY

The joint resolution (S.J. Res. 42) designating Alaska Statehood Day, January 3, 1984, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 42

Whereas July 7, 1983, marks the twenty-fifth anniversary of enactment of the Alaska Statehood Act as approved by the United States Congress and signed by President Dwight D. Eisenhower;

Whereas the Alaska Statehood Act authorizes the entry of Alaska into the Union on January 3, 1959;

Whereas the State of Alaska is still growing and developing based on the principles established by the Alaska Statehood Act;

Whereas the Alaska Statehood Act is the foundation of the union between the State of Alaska and the United States of America which has been to the benefit of both parties;

Whereas many commitments between Alaska and the Federal Government are still being fulfilled;

Whereas the State of Alaska is a storehouse of this Nation's natural resources;

Whereas Alaska provides one-eighth of the Nation's gold; one-fifth of the Nation's oil production; and two-fifths of its harvested fish all to the benefit of the Union;

Whereas Alaska possesses ten of the sixteen strategic minerals needed for our Nation's security;

Whereas the Federal Government collects $3 in taxes from Alaska for every $1 it spends there;

Whereas the United States has reaped economic rewards from Alaska many times greater than its original $7,000,000 investment;

Whereas the people of Alaska contribute to the cultural diversity and cultural resources of this Nation; and

Whereas the Alaska Statehood Act authorized Alaska's entry into the United States of America and provided the basis for these benefits shared by Alaska and the Union: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 3, 1984, be known as "Alaska Statehood Day" in honor of the silver anniversary of the entry of Alaska into the Union. The President is requested and authorized to issue a proclamation calling upon the people of the United States; and the Federal, State, and local governments to observe "Alaska Statehood Day" with the appropriate ceremonies and recognition.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MUNICIPAL CLERKS WEEK

The joint resolution (S.J. Res. 92) designating the week beginning May 8, 1983, as "Municipal Clerk's Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 92

Whereas the municipal clerk, oldest of public servants, is the hub around which revolves efficient and responsive local government;

Whereas as local government has grown in responsibility and importance through the centuries, so has the commission of the municipal clerk;

Whereas the municipal clerk provides a direct link between past, present, and future by preserving records for posterity and implementing decisions of the legislative body, all the time seeking better and more efficient ways to do these jobs;

Whereas the accurate recording, careful safeguarding, and prompt retrieval of public records are vital functions, without which efficient and responsive local government could not exist;

Whereas municipal clerks follow a mandate to seek better and more effective ways to perform those critical responsibilities in light of the rapid technological advances of today's world; and

Whereas in keeping with this mandate, municipal clerks also are dedicated to continuous professional education and training, in order to stay abreast of those advances: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the outstanding and vital services performed by municipal clerks, reflecting their dedication to public service for the community, the week beginning May 8, 1983, is designated "Municipal Clerk's Week". The President is requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HELSINKI HUMAN RIGHTS DAY

The joint resolution (S.J. Res. 96) to designate August 1, 1983, as "Helsinki Human Rights Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 96

Whereas August 1, 1983, will be the eighth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (hereafter in this preamble referred to as the "Helsinki accords");

Whereas the Helsinki accords express the desire of the participating states to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language, or religion";

Whereas the Helsinki accords also express the commitment of the participating states to "facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions, and organizations of the participating states, and to contribute to the solution of the humanitarian problems that arise in that connection";

Whereas the Helsinki accords specify that the participating states will "deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family" and will "deal with applications in this field as expeditiously as possible";

Whereas the Helsinki accords also state that the participating states will facilitate travel by citizens of such states for both personal and professional reasons and that for this purpose such states will simplify exit and entry procedures;

Whereas the Government of the Union of Soviet Socialist Republics, in agreeing to the Helsinki accords, has aknowledged an adherence to the principles of freedom and to the basic human rights of citizens to emigrate, to be reunited with their families, and to enjoy at least minimal governmental respect for their individuality and human worth;

Whereas the Soviet Government has not fulfilled its commitment to the Helsinki accords by denying individuals inherent rights to freedom of religion, thought, conscience, and emigration;

Whereas the governments of the Soviet Union and its satellites have increased the difficulties faced by citizens who wish to reunite with family members in other countries, resulting in a drastic decline in recent emigration figures;

Whereas Jews, Ukrainians, Balts, Byelorussians, Armenians, Georgians, and members of other nationalities in the Soviet Union are persecuted and often imprisoned for attempts to celebrate their national heritage, to practice their religion, to express freely their opinions, to emigrate, or to monitor Soviet Government compliance with the provisions of the Helsinki accords;

Whereas the satellite nations of the Soviet Union have increased repression against labor union members, peace activists, religious and political dissenters, and others desiring to emigrate; and

Whereas the denial of fundamental rights by the Soviet Government is a threat to peace throughout the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1983, the eighth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory nations, particularly the Soviet Union and its satellites, to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities; and

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance with authorities of the Soviet Union and East European countries at every available opportunity.

SEC. 2. The Secretary of the Senate is directed to transmit copies of this joint resolution to the President, the Secretary of State, and the Ambassadors of the thirty-four Helsinki signatory nations.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DIGESTIVE DISEASES AWARENESS WEEK

The joint resolution (S.J. Res. 61) to designate the week of May 22, 1983, through May 28, 1983, as "National Digestive Diseases Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 61

Whereas digestive diseases rank third in the total economic burden of illness in the United States, and measured in terms of human discomfort and pain, mortality, personal expenditures for treatment, working hours lost, and burden on the Nation's economy, digestive diseases represent one of the Nation's most serious health problems;

Whereas twenty million Americans suffer from chronic digestive diseases and disorders, and in excess of fourteen million cases of acute digestive diseases are treated in this country each year, including one-third of all malignancies and some of the most common of acute infections;

Whereas such diseases cause more Americans to be hospitalized than any other, necessitate 25 per centum of all surgical operations, and comprise one of the most prevalent causes of disability in the working force;

Whereas digestive diseases cause a yearly expenditure of over $17,000,000,000 in direct health care costs and a total economic burden approaching $50,000,000,000 annually;

Whereas at least one hundred different diseases and disorders of the gastrointestinal tract cause more than two hundred thousand deaths every year;

Whereas research into the causes, cures, prevention, and clinical treatment of digestive diseases and related nutrition problems should become a national concern, and the people of the United States should recognize diseases of the digestive system as a major health priority;

Whereas national lay and professional digestive disease organizations, individually and collectively, through the Coalition of Digestive Disease Organizations and the Federation of Digestive Disease Societies, are committed to heightening awareness and understanding of digestive tract disorders among members of the general public and the health care community;

Whereas the National Digestive Diseases Advisory Board and the National Institutes of Health, through its National Digestive Disease Education and Information Clearinghouse, are committed to encourage and coordinate these educational efforts; and

Whereas the week of May 22, 1983, through May 28, 1983, marks the creation of

the National Digestive Disease Education Program, a coordinated effort to mobilize and focus the activities of the digestive disease community to educate the public and health care community as to the seriousness of digestive diseases and to provide information relative to treatment, prevention, and control: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 22, 1983, through May 28, 1983, is designated as "National Digestive Diseases Awareness Week", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and people of the United States to observe the week with appropriate programs and activities.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TEMPORARY EXTENSION OF CERTAIN INSURANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 198, House Joint Resolution 265.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 265) to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to the consideration of the joint resolution.

AMENDMENT NO. 1293

(Purpose: To extend certain Federal Housing Administration mortgage insurance authorities, and for other purposes)

Mr. STEVENS. Mr. President, I send to the desk an amendment in the nature of a substitute, on behalf of Senator GARN.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. GARN, proposes an amendment numbered 1293.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "May 21, 1983" in the first sentence and inserting in lieu thereof "October 1, 1983".

(b) Section 217 of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 221(f) of such Act is amended by striking out "May 20, 1983" in the fifth sentence and inserting in lieu thereof "September 30, 1983".

(d) Section 235 of such Act is amended—

(1) by striking out "May 20, 1983" in subsection (m) and inserting in lieu thereof "September 30, 1983"; and

(2) by striking out "May 20, 1983" in subsection (q)(1) and inserting in lieu thereof "September 30, 1983".

(e) Section 236(n) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(f) Section 244(d) of such Act is amended—

(1) by striking out "May 20, 1983" in the first sentence and inserting in lieu thereof "September 30, 1983"; and

(2) by striking out "May 21, 1983" in the second sentence and inserting in lieu thereof "October 1, 1983".

(g) Section 245(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(h) Section 809(f) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(i) Section 810(k) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(j) Section 1002(a) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(k) Section 1101(a) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

FLEXIBLE INTEREST RATE AUTHORITY

SEC. 2. Section 3(a)(1) of Public Law 90-301 is amended by striking out "May 21, 1983" and inserting in lieu thereof "October 1, 1983".

FLOOD INSURANCE

SEC. 3. (a) Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 1336(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

CRIME AND RIOT INSURANCE

SEC. 4. Section 1201(b) of the National Housing Act is amended by striking out "May 20, 1983" in paragraph (1) and inserting in lieu thereof "September 30, 1983".

RURAL HOUSING

SEC. 5. (a) Section 515(b)(5) of the Housing Act of 1949 is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 517(a)(1) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 523(f) of such Act is amended by striking out "May 20, 1983" each place it appears and inserting in lieu thereof "September 30, 1983".

EXEMPTION OF FEDERAL HOME LOAN MORTGAGE CORPORATION SECURITIES FROM SECURITIES REGULATIONS

SEC. 6. Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following new subsection:

"(g) All securities which are issued or guaranteed by the Corporation, which are identical to the types of securities issued or guaranteed by the Corporation prior to the enactment of this subsection, and which are backed by the same type or types of obligations, if any, as the obligations backing securities issued or guaranteed by the Corporation prior to the enactment of this subsection (other than securities guaranteed by the Corporation and backed by mortgages not purchased by the Corporation) shall, to the same extent as securities that are direct obligations of or obligations guaranteed as to principal or interest by the United States, be deemed to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission. Nothing in this subsection limits the authority of the Secretary of the Treasury under section 3(a)(12) of the Securities Exchange Act of 1934 to designate securities issued or guaranteed by the Corporation as exempted securities.".

FHA INSURANCE AUTHORITY

SEC. 7. During fiscal year 1983, the limitation on additional commitments to guarantee loans to carry out the National Housing Act is increased by $5,000,000,000.

Mr. PROXMIRE. Mr. President, I wish to inquire of the Senator from Utah as to whether the FHA 232 and 242 programs of insurance for nursing homes and hospitals are included among the programs extended through the end of fiscal year 1983 by this resolution.

Mr. GARN. The Senator is correct. They are.

Mr. PROXMIRE. Also, I wish to inquire as to whether the authorization bill for 1984, which has been reported by the Banking Committee, would extend those programs through fiscal year 1985.

Mr. GARN. Yes, the nursing home and hospital programs are included among those to be extended through fiscal year 1985.

Mr. PROXMIRE. There seems to be some misunderstanding in some of the HUD offices as to the future of those two important programs, based on a March 14 HUD memorandum to the field anticipating their termination. Do you agree that HUD offices should be informed of our intent to continue these programs and that they should now treat new applications for insurance as if those programs will be continued in the future.

Mr. GARN. Yes, I agree.

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR H.R. 2681 TO BE HELD AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives H.R. 2681, the Securities Exchange Act of 1934, from the House of Representatives, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR H.R. 2936 TO BE HELD AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives H.R. 2936, the Veterans Appeals Board bill, from the House of Representatives, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNIFORM RELOCATION ACT AMENDMENTS OF 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 119, S. 531.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 531) to amend the Uniform Relocation and Real Property Acquisition Policies Act of 1970.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Uniform Relocation Act Amendments of 1983".

TITLE I—GENERAL PROVISIONS

DEFINITIONS

SEC. 101. (a) Section 101(1) (42 U.S.C. 4601(1)) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter the "Uniform Act") is amended by striking out "(except the National Capital Housing Authority)" and "(except the District of Columbia Redevelopment Land Agency)".

(b) Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

(3) The term 'State agency' means any entity which has eminent domain authority under State law.".

(c) Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting, "or mortgage interest subsidy to a person" after "insurance".

(d) Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

"(6) The term 'displaced person' means—

"(A) except as provided under paragraph (E) (with respect to utility facilities on real property under the control or ownership of a Federal, State, or local agency), any person who moves from real property, moves personal property from real property, or moves a business or farm operation, as a direct result of the written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance;

"(B) solely for the purpose of subsections (a) and (b) of section 202 and of section 205, any person, other that a utility who moves from real property or moves personal property from real property—

"(i) as a direct result of the written notice of intent to acquire or the acquisition of other real property, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; and

"(ii) as a direct result of rehabilitation or demolition for a program or project undertaken by a Federal agency or with Federal financial assistance, where the person is a tenant and where the head of the displacing agency determines that such displacement is permanent;

"(C) solely for the purpose of subsections (a) and (b) of section 202 and of any other provisions of this Act which the head of the displacing agency may prescribe, any other person, other than a utility, who is a tenant and who the head of the displacing agency determines will be permanently displaced as a direct result of a program or project undertaken by a Federal agency or with Federal financial assistance;

"(D) any person who is eligible for relocation assistance under paragraphs (A), (B), or (C) of this subsection, unless such person has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act; or

"(E) solely for the purpose of subsection (d) of section 202, any utility which moves its facilities from real property under the ownership or control of a Federal, State, or local agency.".

"(e) Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new subsections:

"(10) The term 'suitable replacement dwelling' means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally similar; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services and the displaced person's place of employment.

"(11) The term 'displacing agency' means any Federal agency, State or State agency utilizing Federal financial assistance or, for the purposes of paragraphs (B) and (C) of section 101(6), any person furnished Federal financial assistance which causes a person to be a displaced person.

"(12) The term 'lead agency' means the Federal department, agency, or other entity designated by the President to coordinate implementation of the Uniform Act under section 213 of this Act.

"(13) The term 'appraisal' means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.".

TITLE II—UNIFORM RELOCATION ASSISTANCE

SEC. 201. Section 201 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621), and its catchline are amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

"(2) displacement occurs in a variety of social, economic, geographic, and legal circumstances;

"(3) relocation assistance policies must provide for sufficient flexibility to assure fair, uniform, and equitable treatment of all affected persons;

"(4) the displacement of businesses often results in their closure; and

"(5) minimizing the adverse impact of displacement of businesses is essential to maintaining the economic and social well-being of communities.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance, in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

"(c) It is the intent of Congress that—

"(1) the primary purpose of this title is to minimize the hardship of displacement on persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance;

"(2) Federal agencies shall carry out this law in a manner which minimizes waste, fraud, and mismanagement;

"(3) the administration of this Act shall, to the maximum extent feasible, minimize unnecessary administrative and program costs borne by States and State agencies through the promulgation of economical regulatory requirements and the delegation of substantial administrative discretion to State and local governments;

"(4) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act; and

"(5) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals.".

MOVING AND RELATED EXPENSES

"SEC. 202. (a) Section 202(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will

result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced nonprofit organization or small business at its new site, but not to exceed $10,000.".

(b) Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.".

(c) Section 202(c) of such Act (42 U.S.C. 4622(c)) is amended to read as follows:

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000. A person whose sole business is renting displacement property to others shall not qualify for this payment.".

(d) Section 202 of the Uniform Act (42 U.S.C. 4622) is amended by adding at the end thereof the following new subsection:

"(d) Whenever a program or project undertaken by a displacing agency will result in the displacement of utility or cable television facilities from real property under the ownership or control of a Federal, State, or local agency, the head of the displacing agency may provide a payment to a utility, the amount of which shall be set pursuant to a written agreement between the utility or cable television operation and the Federal, State, or local agency, but in no event shall such payment exceed the actual reasonable expenses of moving such facilities. Nothing in the preceding sentence shall deprive a utility or cable television operation of its rights under State or local law, or require a State or local agency to revise a contract or alter State or local law.".

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. Section 203(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)) is amended—

(1) by striking out "Federal" in paragraph (1) and inserting in lieu thereof "displacing";

(2) by striking "$15,000" and inserting in lieu thereof, "$22,500";

(3) by striking out "acquired by" and all that follows through "market" in paragraph (1)(A) and inserting in lieu thereof "acquired by the displacing agency, equals the reasonable cost of a suitable replacement dwelling";

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) The amount, if any, which will compensate such person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such suitable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling."; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a suitable replacement dwelling within one year of such date.".

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. Section 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"SEC. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling unit not eligible to receive a payment under section 203 which was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to the initiation of negotiations for acquisition of such dwelling, or, where displacement is not caused by acquisition, any other event which the head of the lead agency may prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed three years, a suitable replacement dwelling. For a person whose income exceeds 50 per centum of the median income of the area, as determined by the Secretary of Housing and Urban Development, the amount referred to shall equal the lesser of (i) $4,500 or (ii) 36 times the amount obtained by subtracting the monthly housing costs for the displacement dwelling from the monthly housing costs for a suitable replacement dwelling. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments.

"(b) Any displaced person eligible for payments under subsection (a) of this section may elect to receive in lieu thereof either Federal low income housing assistance or similar State or local governmental assistance if such assistance is available at the time of displacement and such person is otherwise eligible for such assistance. The failure of any such person to make such an election shall be considered when evaluating the eligibility of such person for any Federal or federally assisted low income housing assistance program during the three years following the date on which such person received the payment authorized under subsection (a) of this section.

"(c) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a downpayment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. A displaced homeowner who has occupied the displacement dwelling for at least ninety days but not more than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling may, at the discretion of the head of the displacing agency, be eligible for the maximum payment allowed under this subsection, provided that such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person occupied the displacement dwelling for one hundred and eighty days immediately prior to the initiation of such negotiations.".

RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

SEC. 205. Section 205 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4625) and its catchline are amended to read as follows:

"RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

"SEC. 205. (a) The head of any displacing agency shall assure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(b) The Secretary of Housing and Urban Development shall assign a high priority for assistance under the programs referred to in sections 204(b) and 206(b) of this Act to persons eligible under such sections. To the extent practicable, the Secretary shall require that federally assisted State and local governmental low income housing assistance programs assign priority for assistance to such persons. To the extent practicable, the Administrator of the Small Business Administration and the heads of other Federal agencies administering programs which may be of assistance to displaced persons shall make available technical assistance under subsection (c)(5) of this section and expedite the applications for such assistance by such persons.

"(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information about sales prices and rental changes on suitable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

"(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a suitable replacement dwelling;

"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply information concerning other Federal programs which may be of assistance to displaced persons, and technical as-

sistance to such persons in applying for assistance under such programs;

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation; and

"(7) assure that a one hundred and eighty day homeowner-occupant is given a reasonable opportunity to remain in such occupancy status.

"(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may by agreement designate one such agency as the cognizant Federal agency whose procedures shall be utilized to implement the activities. If such agreement cannot be reached, then the head of the lead agency shall designate one such agency as the cognizant agency. Such related activities constitute a single program or project for purposes of this Act.".

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. Section 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4626) is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because suitable replacement dwellings are not available, and the need of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the lead agency shall require that this section may be used to exceed the payment ceilings established in sections 203 and 204 only as on a case-by-case basis, for good cause.

"(b) Whenever housing replacement as a last resort will result in the provision of housing for persons who are otherwise eligible for low income housing assistance, the requirement that the displacing agency provide suitable replacement housing may be met through such assistance as the provision of a certificate of family participation under the existing section 8 housing program pursuant to the United States Housing Act of 1937, as amended (42 U.S.C. 1437f).".

CERTIFICATION

SEC. 207. (a) Section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4630) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 210. (a) Except as provided in paragraph (b) of this section, the head of a federal agency shall not approve any grant to or contract or agreement with a displacing agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such agency that—

"(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 of this title shall be provided to such displaced person;

"(3) within a reasonable period of time prior to a displacement, suitable replacement dwellings will be available to displaced persons in accordance with section 205(c)(3) of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this title and title I of this Act, with the exception of sections 208 and 211 of this title, by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title and title I: *Provided*, That the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title and title I, particularly with respect to the definition of a displaced person, the categories of assistance required, and the levels of assistance provided to such persons in such categories.

"(2) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of such certification, and a State agency shall make available any information required for such purpose. The head of a Federal agency, after consultation with the head of the lead agency, may withdraw his acceptance of the certification for good cause: *Provided*, That the State government is given due notice prior to taking any such action and is given a reasonable opportunity to demonstrate why such action should not be taken.

"(c) Prior to making a determining regarding State law under subsection (b) of this section, the head of the lead agency shall provide interested parties with an opportunity for public review and comment. In particular, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under the Act.

"(d) The head of a Federal agency may withhold his approval of any grant, contract, or cooperative agreement with any displacing agency found to have intentionally circumvented a State law adopted under subsection (b) of this section.".

FEDERAL SHARE OF COSTS

SEC. 208. (a) Section 211(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and assistance pursuant to titles II and III shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program costs.".

(b) Section 210(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended by striking out and all that follows "required by" and inserting in lieu thereof "State law which is determined by the head of the lead agency to have substantially the same purpose and effect of such payment under this section.".

REGULATION

SEC. 209. Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) and its catchline are amended to read as follows:

"REGULATION

"SEC. 213. (a) The President shall designate a lead agency.

"(b) The head of the lead agency shall—

"(1) develop, publish, and promulgate, with the active participation of other Federal agencies responsible for funding relocation and acquisition actions, and in full coordination with State and local governments, such rules as may be necessary to carry out this Act;

"(2) assure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency, or a State or State agency with Federal financial assistance;

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and

"(4) perform other duties as may be provided by law as relate to the purposes of this Act.

"(c) The rules promulgated pursuant to subsection (b) shall apply to the Tennessee Valley Authority only with respect to relocation assistance under this title and title I.".

TRANSFER OF SURPLUS PROPERTY

SEC. 210. Section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4638) is amended by inserting "net" after "all".

REPEALS

SEC. 211. Sections 214, 215, 217, and 219 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4634, 4635, 4637, and 4639) are hereby repealed.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. (a) Section 301(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651(2)) is amended by inserting the following before the period at the end thereof: ", except that the head of the lead agency may prescribe a procedure which forgoes the appraisal."

(b) Section 301(9) of the Uniform Act (42 U.S.C. 4651(9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the acquiring agency shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the acquiring agency has determined has little or no value or utility to the owner.".

(c) Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following section:

"(10) A person whose real property is being acquired in connection with a project under this title may, after the person has been fully informed of his right to receive just compensation of such property, donate such property, any part thereof, any interest therein, or any compensation paid therefor to an acquiring agency, as said person shall determine.".

CERTIFICATION

SEC. 302. Section 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4655) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"Sec. 305. (a) Except as provided in paragraph (b) of this section, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, an acquiring agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on or after the effective date of this title, unless he receives satisfactory assurances that—

"(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies under section 301 of this title and the provisions of section 302 of this title; and

"(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this title by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title: *Provided*, That the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title.

"(2) The head of the lead agency in coordination with other Federal agencies shall from time to time monitor State agency implementation of such certification and the State agency shall make available any information required for such purpose. The head of the lead agency shall by regulation develop criteria for withdrawal of acceptance of a certification.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under this Act.".

TITLE IV—EFFECTIVE DATE

SEC. 401. (a) Section 209 of the Uniform Act takes effect on the date of its enactment.

(b) The remainder of this Act takes effect either twenty-four months from the date of its enactment or when a State agency makes such provisions applicable under State laws, whichever is earlier.

Mr. DURENBERGER. Mr. President, S. 531 now before the Senate, will provide long overdue management and benefit reforms to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, a law designed to bring about the fair and equitable treatment of persons displaced from their homes and businesses by federally funded programs and projects. I am particularly pleased to acknowledge on this occasion the valuable assistance and support of Senators SASSER and LEVIN, as well as that of the Office of Management and Budget, in the development of this bill, the Uniform Relocation Act Amendments of 1983.

The 1970 Act, which this legislation would amend, consolidated the diverse and often contradictory property acquisition and relocation policies of the various Federal agencies into a single uniform act applicable to all Federal and federally assisted programs and projects. It is a complex law. And due to this complexity, it took 7 years, from 1963 to 1970, to achieve the consensus necessary for enactment. Similarly, enactment of the reforms of S. 531 appears to be following a comparably arduous course to consensus. Its passage today will mark the second consecutive year that the Senate has approved amending legislation and the seventh consecutive year that the Subcommittee on Intergovernmental Relations has concerned itself with the act's deficiencies. A broad, bipartisan consensus has been formed regarding the need for these reforms. Accordingly, I strongly urge our House colleagues to act expeditiously on this legislation in the spirit of good will and cooperation which has thus far characterized the Senate's actions.

NEEDED REFORMS

Despite the Uniform Act's notable success in assuring that most individual homeowners and tenants are not made to pay disproportionately for programs that benefit the public, there remains a tangible residue of unfairness and inequity in the act's implementation. The incidence of small business failures following displacement continues at unacceptably high levels. Due to changes in housing statutes, displacements under many housing programs are no longer covered by the Uniform Act—even while others reap substantial unintended windfalls under faulty benefit formulas. And, most unfortunately, in the commendable process of restraining the heavy hand of Government from falling upon the individual, we have allowed it to come down, full force, upon the State and local governments of this Nation. As a consequence, the Uniform Act—implemented under 20 different overly protective regulations and with the oversight of hundreds of Federal bureaucrats—has been identified by the Advisory Committee on Intergovernmental Relations (ACIR) as among the most burdensome and costly cross cutting "strings" on Federal assistance. In its December 1982 report on intergovernmental regulation, ACIR described the genesis of such problems:

At least from the standpoint of the rulemakers themselves, Congress often has provided insufficient guidance as to its actual intent, leaving the key issues to be resolved at the administrative level; or else it runs to the opposite extreme and has been so specific that it forces the adoption of rules that seem quite unreasonable when applied to specific cases, circumstances, and jurisdictions. Some statutes combine both flaws, vacillating between rigidity in some provisions and ambiguity in others.

Mr. President, S. 531 is designed to comprehensively address precisely these kinds of problems. In addition to raising benefits to compensate for inflation, the amendments would broaden the act's coverage to cover displacement through activities other than simple acquisition; institute a variety of management reforms designed to eliminate windfalls, duplication, waste, and fraud; and enhance the discretion of State and local governments while removing unnecessary and costly administrative burdens. Indeed, because over 90 percent of all federally funded displacements are carried out by State and local governments under grants-in-aid, reforms in this latter category should receive a high priority.

Of particular interest to the intergovernmental community are the certification amendments to sections 210 and 305 of the act. These provisions would essentially permit States which adopt relocation statutes having the same purpose and effect as the Federal law—as distinct from the Federal regulations—to operate under their own uniform, statewide regulations. The intent, which is analogous to that of the block grant, is to return substantial administrative discretion over project-related decisions to State and local officials—who, because of their proximity to, and knowledge of, local circumstances, are best equipped to make them. This process, similar to other housing and transportation program certification procedures, would not be unconditional. It would depend upon a State's record in upholding the principles and policies of the act.

TIMELINESS

The approach of S. 531 is indeed comprehensive—but its primary concern is with the implementation of existing policy, not the creation of new policies. The Committee on Governmental Affairs has as its mandate the task of improving the management of grant and other Federal programs. S. 531 fulfills this mandate, as evidenced by the strong support of the Office of Management and Budget and other Federal agencies, the U.S. Conference of Mayors, the National Governors Association, the National Association of Housing and Redevelopment Officials, and many others in the housing and transportation communities. Quite lit-

erally, I am not aware of any opposition to this bill.

Yet the benefits of these reforms will depend in large part upon the timeliness of congressional action. Recent and anticipated initiatives to dramatically increase Federal funding of programs to rebuild the infrastructure presage a significant increase in the number of displacements covered by the number of displacements covered by the Uniform Act—for example, displacement under highway programs is expected to increase 82 percent by 1985. Clearly, all indications are that the time is ripe for action. I, therefore, urge Senate passage of S. 531 today, and the timely and constructive consideration of this legislation in the House Committee on Public Works and Transportation by month's end.

Mr. President, I ask unanimous consent that a fact sheet on S. 531 be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET: UNIFORM RELOCATION ACT AMENDMENTS OF 1983

A. Reduces Administrative Burdens on State and Local Governments

Establishes a lead Federal agency to consolidate 20 different Federal agency regulations into a single, uniform regulation;

Delegates "substantial administrative discretion" to the states to accommodate the need for flexibility to meet local circumstances;

Allows states to develop their own implementing regulations.

B. Broadens Coverage to Promote Greater Fairness and Equity

Expands coverage to include persons displaced by federally-funded rehabilitation and demolition programs, and any other programs or projects that result in a person's permanent displacement;

Expands coverage to include persons displaced by private entities that have been granted the power of eminent domain;

Creates an entitlement for displaced nonprofit organizations or small businesses of up to $10,000 to help them re-establish at their new site. (Currently, businesses do not qualify for mortgage or rental adjustment payments.)

C. Raises Payment Ceilings to Compensate for Inflation

Removes the ceiling on "Expense and Dislocation Allowance" for an individual's moving expenses, letting local officials set the amount; (Individuals may instead elect to receive actual moving expenses, which have no ceiling.)

Raises the ceiling on relocation payments to homeowners from $15,000 to $22,500;

Raises the ceiling on relocation payments to tenants from $4,000 to $4,500, while reducing the number of years rent may be subsidized from four years to three years;

Raises the ceiling on payment businesses may receive in lieu of actual moving expenses from $10,000 to $20,000.

D. Eliminates Windfalls, Duplication, Waste, Fraud and Mismanagement

Changes mortgage interest differential formula (which compensates for cost of acquiring new mortgage) to reflect current mortgage interest rates, thereby eliminating annual windfalls of over $2 million;

Allows the donation of property to the Federal government;

Allows the compensation of public utilities for the cost of moving transmission lines only when such compensation is established in state law or a franchise agreement;

Directs the Secretary of HUD to assign a high priority under federally-assisted housing programs to eligible persons displaced under the Uniform Act. Heads of other agencies whose programs assist such persons are directed to provide technical assistance during the application process, and to expedite consideration of the applications;

Changes the definition of an acceptable replacement dwelling for displaced persons from a "comparable" to a "suitable" dwelling, removing unnecessary administrative rigidity;

Incorporates protections against persons who purposely locate in the path of Federal projects in order to obtain URA benefits.

Budget Impact: Preliminary estimates by the Congressional Budget Office and the OMB indicate that the mix of additional costs and savings under the Amendments would roughly balance out.

Mr. SASSER. Mr. President, the 1970 Uniform Relocation Assistance Act is the classic case of a well meaning Federal law gone awry. This bill, S. 531, amends the act to correct this situation.

I am pleased to cosponsor this legislation. Its provisions are similar in purpose to those in a bill I myself sponsored during the 96th Congress. The measure before us represents 5 years of work by the Subcommittee on Intergovernmental Relations to amend this law.

The courts, the General Accounting Office and the Federal agencies all pointed out inequities in the Uniform Relocation Act that can only be resolved by congressional action. Yet the fact remains that, 13 years after passage of this act, there are inconsistences in interpretation by the Federal Agencies and actual loopholes in the law. The losers are the poor, the elderly people on fixed incomes and the "mom and pop" business owners whom the law is supposed to protect.

Too often we hear stories about how the places these people live and work are condemned and demolished for the public good by the Government with Federal dollars, yet not a single penny of the cost of relocating is paid because of inconsistences in the law.

S. 531 goes a long way toward improving matters at the Federal level. It extends the coverage of the Act and closes major loopholes. The extensive work that I did during the 96th Congress on amendments to the act have, I hope, been useful in pinpointing the problems with the act and pointing the way toward appropriate solution.

Senator DURENBERGER is to be congratulated for the work that he has done in shaping this legislation and achieving a consensus on its provisions. I urge my Senate colleagues to act rapidly on S. 531. The need is great. There are just too many people being displaced by federally assisted projects at the present time who do not quality for benefits under the current law.

AMENDMENT NO. 1294

(Purpose: To clarify the standing of a utility which is displaced from property under the ownership or control of a State or local government as a "displaced person" under the Uniform Relocation Act)

Mr. STEVENS. Mr. President, on behalf of Senator DURENBERGER, I send to the desk two amendments and ask that they be considered en bloc.

Without objection, it is so ordered.

The amendments will be stated.

The bill clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. DURENBERGER, proposes amendments en bloc numbered 1294.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

Strike line 20 on page 32 through line 10 on page 33 and insert in lieu thereof the following:

"(d) Section 202 of the Uniform Act (42 U.S.C. 4622) is amended by adding at the end thereof the following new subsections:

"(d)(1) For the purposes of this section and section 101(6)—

"The term "cost of relocation" shall include the entire amount paid by the utility company properly attributable to a relocation after deducting any betterment in the relocated utility and any salvage from the old utility.

"The term "utility" means any electric, gas, water, steam power or materials transmission or distribution system, any transportation system, or any communications system (including cable television), and any fixtures, equipment, or other property appropriate to the operation, maintenance, or repair of the foregoing. A utility may be publicly, privately, or cooperatively owned.

"(2) Except when provided otherwise by Federal law, whenever a federally assisted program or project undertaken by a displacing agency other than a Federal agency will result in the displacement of a utility from property under the ownership or control of a State or local agency, the head of the displacing agency shall provide a payment to the utility company pursuant to State or local law or a written contract, if any, between the utility company and the State or local agency, but in no event shall such payment exceed the actual reasonable cost of relocation of such utility.

"(3) Nothing in this subsection shall supercede a State or local law or a written contract between a utility company and a State or local government, or require a payment to be made where none is required under State or local law or a written contract.

"(4) Nothing in this subsection shall deprive a utility company of its rights under State or local law.

"(5) Nothing in this subsection shall require a Federal agency to increase its payment if the increased payment is attributable

to a contract amendment that is made in anticipation of the Federal payment.

"(6) Nothing in this subsection shall require a Federal payment in excess of the payment that a State or local agency would pay if no Federal funds were involved.

"(7) Nothing in this subsection confers jurisdiction on a court of the United States (as defined in section 451 of title 28, United States Code) to review any action of a displacing agency in carrying out this subsection or to review the right of a utility company to be compensated under State or local law.

"(e) Whenever a program or project directly undertaken by a Federal agency will result in the displacement of a utility as the result of Federal acquisition of real property under the ownership or control of a State or local agency, the head of the Federal agency shall either relocate the utility with the utility company's consent, or provide a payment to the utility equal to the actual reasonable cost of relocation of such utility. Such relocation or such payment shall not be required when it is provided otherwise by a Federal law, or a Federal regulation promulgated prior to March 17, 1983, or a contract or agreement with a Federal agency.".

Strike line 24 on page 25 through line 22 on page 27 and insert in lieu thereof the following:

"The term 'displaced person' means—

"(A) except as provided under paragraph (E) (with respect to a utility on real property under the control or ownership of a State or local agency,) any person who moves from real property, moves personal property, or moves a business or farm operation, as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance;

"(B) solely for the purpose of subsections (a) and (b) of section 202 and of section 205, any person who moves from real property or moves personal property from real property—

"(i) as a direct result of the written notice of intent to acquire or the acquisition of other real property, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; and

"(ii) as a direct result of rehabilitation or demolition for a program or project undertaken by a Federal agency or with Federal financial assistance, where the person is a residential tenant, farm operation, or a small business and where the head of the displacing agency determines that such displacement is permanent;

"(C) solely for the purpose of subsections (a) and (b) of section 202 and of any other provision of this Act which the head of the displacing agency may prescribe, any other person, who is a residential tenant, farm operation, or small business and who the head of the displacing agency determines will be permanently displaced as a direct result of a program or project undertaken by a Federal agency or with Federal financial assistance;

"(D) any person who is eligible for relocation assistance under paragraphs (A), (B), or (C) of this subsection, unless such person has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act; or

"(E) solely for the purpose of subsections (d) and (e) of section 202, any utility company which moves its facilities from real property under the ownership or control of a Federal, State, or local agency.".

Mr. DURENBERGER. Mr. President, on behalf of the Committee on Governmental Affairs, I offer today an amendment to S. 531 designed to resolve a 13-year outstanding controversy over the eligibility of utility companies to receive moving payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Utilities have long maintained that they have the status of any other business under the Uniform Act, and, therefore, are entitled to the payment of their full cost of relocation whenever they are forced to move as the result of a federally funded acquisition. Conversely, State and local governments have maintained that utilities are not businesses for the purposes of the act because utilities are allowed on public rights-of-way rent free and, in addition, are guaranteed a reasonable rate of return on their cost of operation under utility law. The uncertainty surrounding this question has carried with it many costs. Not only has there been much unproductive and expensive litigation, but State and local governments have shied from enacting legislation to provide relocation payments to utilities out of fear that there is no Federal authority to participate in such payments.

One consequence has been that substantial relocation cost—in the millions of dollars—are commonly passed on the utility ratepayers in a hidden, often regressive form of taxation. Another result has been a long string of court cases by utilities against State and local governments, exemplified by the case, C&P Telephone against Norfolk Housing and Redevelopment Authority, et al., now pending before the Supreme Court.

Now, after 13 years, the utilities and the State and local governments have agreed that it is time to end this controversy. The compromise, which I have developed in full and open consultation with the utility industry, the intergovernmental community, and the affected Federal agencies, will essentially codify existing utility relocation practice. The intent is to reinforce such practice with certainty and predictability, while preserving the fundamental division of responsibility which characterizes our federal system. Compensation under federally funded programs occurs under three circumstances:

First, when displaced as the result of a federally funded acquisition of privately owned property in which a utility has acquired ownership or right-of-way for its facilities, the utility company is fully compensated for its cost of relocation. The utility is not treated differently from any other business in such cases essentially because it is not occupying a public right-of-way rent free.

Second, when displaced from property under the ownership or control of a State or local government as the result of a federally assisted State or local project, it is State or local law, or a contract with a State or local government, which determines whether, and how much, relocation assistance is paid to the utility. Federal agencies have generally considered State and local payments to be eligible project costs, but have not mandated such payments because transfers of property among State and local agencies are not acquisitions covered under the act.

Third, when displaced from property under the ownership or control of a State or local agency as the result of the direct acquisition of such property by a Federal agency, a utility's full cost of relocation are paid. In such cases, utilities are compensated as business, but the principle has been to prevent the few—the ratepayers—from having to pay disproportionately for programs designed to benefit the many—the Federal taxpayer.

Mr. President, because the committee's amendment will only codify existing practice, it will not directly increase the amount or relocation assistance presently provided to utilities under Federal or federally assisted programs and projects. If, however, the result is to facilitate the subsequent enactment of State and local laws providing greater utility relocation compensation, the outcome will be appropriate. In these instances, Congress must show a willingness to provide State and local governments with the necessary policy and administrative tools to address the legitimate concerns of interests, such as utilities. For only then can we hope to dissuade such interests from descending upon us with demands for a Federal remedy to problems whose nature is fundamentally rooted in State and local politics.

Mr. President, a more extensive discussion of the committee's intent in proposing this amendment may be found in the additional views section of the report accompanying S. 531.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Uniform Relocation Act Amendments of 1983".

TITLE I—GENERAL PROVISIONS

DEFINITIONS

SEC. 101. (a) Section 101(1) (42 U.S.C. 4601(1)) of the Uniform Relocation Assistance and Real Property Acquisition Policies

Act of 1970 (hereinafter the "Uniform Act") is amended by striking out "(except the National Capital Housing Authority)" and "(except the District of Columbia Redevelopment Land Agency)".

(b) Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

"(3) The term 'State agency' means any entity which has eminent domain authority under State law.".

(c) Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting, "or mortgage interest subsidy to a person" after "insurance".

(d) Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

"(6) The term 'displaced person' means—

"(A) except as provided under paragraph (E) (with respect to a utility on real property under the control or ownership of a State or local agency), any person who moves from real property, moves personal property, or moves a business or farm operation, as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance;

"(B) solely for the purpose of subsections (a) and (b) of section 202 and of section 205, any person who moves from real property or moves personal property from real property—

"(i) as a direct result of the written notice of intent to acquire or the acquisition of other real property, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; and

"(ii) as a direct result of rehabilitation or demolition for a program or project undertaken by a Federal agency or with Federal financial assistance, where the person is a residential tenant, farm operation, or a small business and where the head of the displacing agency determines that such displacement is permanent;

"(C) solely for the purpose of subsections (a) and (b) of section 202 and of any other provisions of this Act which the head of the displacing agency may prescribe, any other person who is a residential tenant, farm operation, or small business and who the head of the displacing agency determines will be permanently displaced as a direct result of a program or project undertaken by a Federal agency or with Federal financial assistance;

"(D) any person who is eligible for relocation assistance under paragraphs (A), (B), or (C) of this subsection, unless such person has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act; or

"(E) solely for the purpose of subsections (d) and (c) of section 202, any utility company which moves its facilities from real property under the ownership or control of a State or local agency.".

(e) Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new subsections:

"(10) The term 'suitable replacement dwelling' means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally similar; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services and the displaced person's place of employment.

"(11) The term 'displacing agency' means any Federal agency, State or State agency utilizing Federal financial assistance or, for the purposes of paragraphs (B) and (C) of section 101(6), any person furnished Federal financial assistance which causes a person to be a displaced person.

"(12) The term 'lead agency' means the Federal department, agency, or other entity designated by the President to coordinate implementation of the Uniform Act under section 213 of this Act.

"(13) The term 'appraisal' means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.".

TITLE II—UNIFORM RELOCATION ASSISTANCE

SEC. 201. Section 201 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621), and its catchline are amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

"(2) displacement occurs in a variety of social, economic, geographic, and legal circumstances;

"(3) relocation assistance policies must provide for sufficient flexibility to assure fair, uniform, and equitable treatment of all affected persons;

"(4) the displacement of businesses often results in their closure; and

"(5) minimizing the adverse impact of displacement of businesses is essential to maintaining the economic and social well-being of communities.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance, in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

"(c) It is the intent of Congress that—

"(1) the primary purpose of this title is to minimize the hardship of displacement on persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance;

"(2) Federal agencies shall carry out this law in a manner which minimizes waste, fraud, and mismanagement;

"(3) the administration of this Act shall, to the maximum extent feasible, minimize unnecessary administrative and program costs borne by States and State agencies through the promulgation of economical regulatory requirements and the delegation of substantial administrative discretion to State and local governments;

"(4) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act; and

"(5) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals.".

MOVING AND RELATED EXPENSES

SEC. 202. (a) Section 202(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced nonprofit organization or small business at its new site, but not to exceed $10,000.".

(b) Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.".

(c) Section 202(c) of such Act (42 U.S.C. 4622(c)) is amended to read as follows:

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in hieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria estabhished by the head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000. A person whose sole business is renting displacement property to others shall not qualify for this payment.".

(d) Section 202 of the Uniform Act (42 U.S.C. 4622) is amended by adding at the end thereof the following new subsections:

"(d)(1) For the purposes of this section and section 101(6)—

"(A) The term 'cost of relocation' shall include the entire amount paid by the utility company properly attributable to a relocation after deducting any betterment in the relocated utility and any salvage from the old utility.

"(B) The term 'utility' means any electric, gas, water, steam power or materials transmission or distribution system, any transportation system, or any communications system (including cable television), and any fixtures, equipment, or other property appropriate to the operation, maintenance, or repair of the foregoing. A utility may be publicly, privately, or cooperatively owned.

"(2) Except when provided otherwise by Federal law, whenever a federally assisted program or project undertaken by a displacing agency other than a Federal agency will result in the displacement of a utility from property under the ownership or control of a State or local agency, the head of the displacing agency shall provide a payment to the utility company pursuant to State or local law or a written contract, if any, between the utility company and the State or local agency, but in no event shall such payment exceed the actual reasonable cost of relocation of such utility.

"(3) Nothing in this subsection shall supercede a State or local law or a written contract between a utility company and a State or local government, or require a payment to be made where none is required under State or local law or a written contract.

"(4) Nothing in this subsection shall deprive a utility company of its rights under State or local law.

"(5) Nothing in this subsection shall require a Federal agency to increase its payment if the increased payment is attributable to a contract or contract amendment that is made in anticipation of the Federal payment.

"(6) Nothing in this subsection shall require a Federal payment in excess of the payment that a State or local agency would pay if no Federal funds were involved.

"(7) Nothing in this subsection confers jurisdiction on a court of the United States (as defined in section 451 of title 28, United States Code) to review any action of a displacing agency in carrying out this subsection or to review the right of a utility company to be compensated under State or local law.

"(e) Whenever a program or project directly undertaken by a Federal agency will result in the displacement of a utility as the result of Federal acquisition of real property under the ownership or control of a State or local agency, the head of the Federal agency shall either relocate the utility with the utility company's consent, or provide a payment to the utility equal to the actual reasonable cost of relocation of such utility. Such relocation or such payment shall not be required when it is provided otherwise by a Federal law, or a Federal regulation promulgated prior to March 17, 1983, or a contract or agreement with a Federal agency.".

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. Section 203(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)) is amended—

(1) by striking out "Federal" in paragraph (1) and inserting in lieu thereof "displacing";

(2) by striking "$15,000" and inserting in lieu thereof, "$22,500";

(3) by striking out "acquired by" and all that follows through "market" in paragraph (1)(A) and inserting in lieu thereof "acquired by the displacing agency, equals the reasonable cost of a suitable replacement dwelling";

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) The amount, if any, which will compensate such person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such suitable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling."; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a suitable replacement dwelling within one year of such date.".

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. Section 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"SEC. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling unit not eligible to receive a payment under section 203 which was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to the initiation of negotiations for acquisition of such dwelling, or, where displacement is not caused by acquisition, any other event which the head of the lead agency may prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed three years, a suitable replacement dwelling. For a person whose income exceeds 50 per centum of the median income of the area, as determined by the Secretary of Housing and Urban Development, the amount referred to shall equal the lesser of (i) $4,500 or (ii) 36 times the amount obtained by subtracting the monthly housing costs for the displacement dwelling from the monthly housing costs for a suitable replacement dwelling. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments.

"(b) Any displaced person eligible for payments under subsection (a) of this section may elect to receive in lieu thereof either Federal low income housing assistance or similar State or local governmental assistance if such assistance is available at the time of displacement and such person is otherwise eligible for such assistance. The failure of any such person to make such an election shall be considered when evaluating the eligibility of such person for any Federal or federally assisted low income housing assistance program during the three years following the date on which such person received the payment authorized under subsection (a) of this section.

"(c) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a downpayment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. A displaced homeowner who has occupied the displacement dwelling for at least ninety days but not more than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling may, at the discretion of the head of the displacing agency, be eligible for the maximum payment allowed under this subsection, provided that such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person occupied the displacement dwelling for one hundred and eighty days immediately prior to the initiation of such negotiations.".

RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

SEC. 205. Section 205 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4625) and its catchline are amended to read as follows:

"RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

"SEC. 205. (a) The head of any displacing agency shall assure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(b) The Secretary of Housing and Urban Development shall assign a high priority for assistance under the programs referred to in sections 204(b) and 206(b) of this Act to persons eligible under such sections. To the extent practicable, the Secretary shall require that federally assisted State and local governmental low income housing assistance programs assign priority for assistance to such persons. To the extent practicable, the Administrator of the Small Business Administration and the heads of other Federal agencies administering programs which may be of assistance to displaced persons shall make available technical assistance under subsection (c)(5) of this section and expedite the applications for such assistance by such persons.

"(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information about sales prices and rental charges on suitable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

"(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a suitable replacement dwelling;

"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply information concerning other Federal programs which may be of assistance to displaced persons, and technical assistance to such persons in applying for assistance under such programs;

"(6) provide other advisory services to displaced persons in order to minimize hard-

ships to such persons in adjusting to relocation; and

"(7) assure that a one hundred and eighty day homeowner-occupant is given a reasonable opportunity to remain in such occupancy status.

"(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may by agreement designate one such agency as the cognizant Federal agency whose procedures shall be utilized to implement the activities. If such agreement cannot be reached, then the head of the lead agency shall designate one such agency as the cognizant agency. Such related activities constitute a single program or project for purposes of this Act.".

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. Section 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4626) is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because suitable replacement dwellings are not available, and the need of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the lead agency shall require that this section may be used to exceed the payment ceilings established in sections 203 and 204 only on a case-by-case basis, for good cause.

"(b) Whenever housing replacement as a last resort will result in the provision of housing for persons who are otherwise eligible for low income housing assistance, the requirement that the displacing agency provide suitable replacement housing may be met through such assistance as the provision of a certificate of family participation under the existing section 8 housing program pursuant to the United States Housing Act of 1937, as amended (42 U.S.C. 1437f).".

CERTIFICATION

SEC. 207. (a) Section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4630) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 210. (a) Except as provided in paragraph (b) of this section, the head of a Federal agency shall not approve any grant to or contract or agreement with a displacing agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such agency that—

"(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 of this title shall be provided to such displaced person;

"(3) within a reasonable period of time prior to a displacement, suitable replacement dwellings will be available to displaced persons in accordance with section 205(c)(3) of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this title and title I of this Act, with the exception of sections 208 and 211 of this title, by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title and title I: *Provided*, That the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title and title I, particularly with respect to the definition of a displaced person, the categories of assistance required, and the levels of assistance provided to such persons in such categories.

"(2) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of such certification, and a State agency shall make available any information required for such purpose. The head of a Federal agency, after consultation with the head of the lead agency, may withdraw his acceptance of the certification for good cause: *Provided*, That the State government is given due notice prior to taking any such action and is given a reasonable opportunity to demonstrate why such action should not be taken.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall provide interested parties with an opportunity for public review and comment. In particular, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under the Act.

"(d) The head of a Federal agency may withhold his approval of any grant, contract, or cooperative agreement with any displacing agency found to have intentionally circumvented a State law adopted under subsection (b) of this section.".

FEDERAL SHARE OF COSTS

SEC. 208. (a) Section 211(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and assistance pursuant to titles II and III shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program costs.".

(b) Section 210(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended by striking out and all that follows "required by" and inserting in lieu thereof "State law which is determined by the head of the lead agency to have substantially the same purpose and effect of such payment under this section.".

REGULATION

SEC. 209. Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) and its catchline are amended to read as follows:

"REGULATION

"SEC. 213. (a) The President shall designate a lead agency.

"(b) The head of the lead agency shall—

"(1) develop, publish, and promulgate, with the active participation of other Federal agencies responsible for funding relocation and acquisition actions, and in full coordination with State and local governments, such rules as may be necessary to carry out this Act;

"(2) assure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency, or a State or State agency with Federal financial assistance;

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and

"(4) perform other duties as may be provided by law as relate to the purposes of this Act.

"(c) The rules promulgated pursuant to subsection (b) shall apply to the Tennessee Valley Authority only with respect to relocation assistance under this title and title I.".

TRANSFER OF SURPLUS PROPERTY

SEC. 210. Section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4638) is amended by inserting "net" after "all."

REPEALS

SEC. 211. Sections 214, 215, 217, and 219 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4634, 4635, 4637, and 4639) are hereby repealed.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. (a) Section 301(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651(2)) is amended by inserting the following before the period at the end thereof: ", except that the head of the lead agency may prescribe a procedure which forgoes the appraisal."

(b) Section 301(9) of the Uniform Act (42 U.S.C. 4651 (9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the acquiring agency shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the acquiring agency has determined has little or no value or utility to the owner.".

(c) Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following section:

"(10) A person whose real property is being acquired in connection with a project under this title may, after the person has been fully informed of his right to receive

just compensation of such property, donate such property, any part thereof, any interest therein, or any compensation paid therefor to an acquiring agency, as said person shall determine.".

CERTIFICATION

SEC. 302. Section 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4655) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 305. (a) Except as provided in paragraph (b) of this section, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, an acquiring agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on or after the effective date of this title, unless he receives satisfactory assurances that—

"(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies under section 301 of this title and the provisions of section 302 of this title; and

"(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this title by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title: *Provided*, That the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title.

"(2) The head of the lead agency in coordination with other Federal agencies shall from time to time monitor State agency implementation of such certification and the State agency shall make available any information required for such purpose. The head of the lead agency shall by regulation develop criteria for withdrawal of acceptance of a certification.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under this Act.".

TITLE IV—EFFECTIVE DATE

SEC. 401. (a) Section 209 of the Uniform Act takes effect on the date of its enactment.

(b) The remainder of this Act takes effect either twenty-four months from the date of its enactment or when a State agency makes such provisions applicable under State laws, whichever is earlier.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEBT COLLECTION ACT AMENDMENTS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 123, S. 376.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 376) to amend the Debt Collection Act of 1982 to eliminate the requirement that contracts for collection services to recover indebtedness owed the United States to be effective only to the extent and in the amount provided in advance appropriation Acts.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs with an amendment to strike out all after the enacting clause, and insert the following:

That (a) subsection (c) of section 3718 of title 31, United States Code, is amended by adding at the end thereof the following new sentence: "This limitation does not apply in the case of a contract that authorizes a person to collect a fee as provided in subsection (b) of this section.".

(b) Such subsection shall apply only in the case of a contract made after September 30, 1983.

Mr. DOMENICI. Mr. President, I would like to clarify the circumstances which necessitated the passage of S. 376, a bill to amend the Debt Collection Act of 1982.

When the Debt Collection Act was introduced in the 97th Congress, it provided authority for Federal agencies to contract with private debt collections to collect debts owed to the Federal Government. Under section 401(a) of the Congressional Budget and Impoundment Control Act of 1974, this authority must be limited to amounts provided in advance by appropriation acts. The Budget Act provides a point of order against consideration of legislation containing contract authority which is not limited to appropriations.

Under the Debt Collection Act, two types of contracts are authorized. First, a collector may be paid a fixed fee, regardless of how much money is collected. Second, the collector may retain as his fee a percentage of the money collected before remitting the balance to the Treasury. Fees paid by the Federal Government to the collector under the fixed-fee contract are scored under the Budget Act as outlays. Fees retained "off the top" by the collector are not scored as outlays, and in fact are never reflected in the congressional budget. Therefore, the Senate Budget Committee determined that section 401(a) of the Budget Act required only fixed-fee contracts to be limited to appropriations.

The Governmental Affairs Committee was informed of the point of order against the bill, and agreed to amend the bill on the floor to comply with the Budget Act. Unfortunately, the amendment that was accepted by the Senate during floor debate limited both type of contracts to appropriations acts. This was not the intent of the Budget Committee, and in fact resulted in many problems for several Federal agencies which were then negotiating contingent-fee contracts for which funds had not been appropriated.

In order to correct this inadvertence, Senator PERCY introduced S. 376 on February 2, 1983, and the bill was referred to the Governmental Affairs Committee. S. 376 was reported out of that committee on May 5, 1983, with language which makes clear that the limitation to annual appropriations required by the Budget Act applies only to fixed-fee contracts, as originally intended by the Budget Committee.

Unfortunately, S. 376 as reported contains language which in effect waives section 401(a) of the Budget Act until September 30 of this year, by lifting the requirement for annual appropriations until that date. S. 376 is therefore subject to a point of order under section 306 of the Budget Act. That section requires all legislation within the jurisdiction of the Budget Committee to be reported by that committee. The waiver of a section of the Budget Act is undeniably within the jurisdiction of the Budget Committee.

To correct this problem, the Governmental Affairs Committee has agreed to amend S. 376 on the floor to remove the language which constitutes the waiver of section 401(a) of the Budget Act.

The Debt Collection Act is an important and well-conceived piece of legislation. Its implementation will result in millions of dollars of much-needed revenue to the Federal Government. The Budget Committee has nothing but praise for an endeaver which strengthens the Federal Government's revenue base and insures that the Federal Government will collect money owed to it. The purposes of the Debt Collection Act and of the Budget Act are very similar in this regard. Both seek to promote fiscal responsibility and a sound Federal budget. I have been pleased to work with the distinguished senior Senator from Illinois, Senator PERCY, who played an important role in the formulation of the Budget Act, in harmonizing these two vital laws.

AMENDMENT NO. 1295

Mr. STEVENS. Mr. President, I send to the desk an amendment in behalf of Senator PERCY and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. PERCY, proposes an amendment numbered 1295.

Lines 13 and 14 of S. 376 are hereby deleted.

Mr. PERCY. Mr. President, let me begin by thanking Senator DOMENICI and the Budget Committee staff for their role in bringing S. 376 before the Senate today. S. 376 is urgently needed by many Federal agencies in order to facilitate their debt collection efforts.

S. 376 will allow Federal agencies to contract with private collectors without the requirement of an advance appropriation. It is important to note that the fee paid to a private contractor under this bill would not come from the U.S. Treasury or revenues from taxes. Rather, S. 376 will allow the contractor to be paid a fixed percentage of the loans collected. In most cases, this is money that never would have been collected otherwise.

In cases where the contractor is paid a flat fee, an advance appropriation would still be required.

Section 13 of the Debt Collection Act of 1982 provided specific authority for all agencies, except the IRS and Social Security Administration, to use collection agencies. It also allowed Federal agencies to use a portion of the proceeds of collection to pay the contractors. However, the act also provided that "any such contract shall be effective only to such extent and in such amounts as are provided in advance appropriation acts." This language has resulted in the following problems:

The Department of Education already has contracts with collection agencies for over $500 million in claims. The contract allows for the contractor to keep a percentage of the collections as commission. The Department of Education has no advance appropriation for this commission. In some cases, it is up to 40 percent of the collections.

There is no way to predict how much a collection contractor will collect over a year, or how much will be sent to them for collection. Thus, it is virtually impossible to set the amount in an advance appropriation.

This provision has tied the hands of Federal departments in their efforts to contract with collection agencies. Some of these departments have already contracted, or are in the process of doing so. A significant part of the $2 billion in annual savings from last year's legislation is tied up with the use of private contracting.

S. 376, as ordered reported from the Governmental Affairs Committee, contains a sentence which was included to allow contracts in the process of being let in fiscal year 1983 go ahead without the requirement of an advance appropriation. However, the Budget Committee has expressed concern over this provision, and I am offering an amendment today which would strike this sentence: "Such subsection shall apply only in the case of a contract made after September 30, 1983." I urge the Senate to adopt S. 376 with this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 1295) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 3718 of title 31, United States Code, is amended by adding at the end thereof the following new sentence: "This limitation does not apply in the case of a contract that authorizes a person to collect a fee as provided in subsection (b) of this section.".

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR STAR PRINT—S. 1040

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate bill S. 1040 be star printed to correct some technical and printing errors which appear in the bill's rate schedule.

I also ask unanimous consent that the corrected bill, Senator QUAYLE's accompanying statement, along with its tables and footnotes and the section-by-section analysis, all of which have been corrected, be printed in the RECORD and I make that statement on behalf of the Senator from Indiana (Mr. QUAYLE).

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. Mr. President, the technical changes have been examined on this side and there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The material follows:

S. 1040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SELF-Tax Plan Act of 1983".

SEC. 2. SIMPLIFIED RATES FOR INDIVIDUALS.

Subsections (a), (b), (c), (d), and (e) of section 1 of the Internal Revenue Code of 1954 (relating to imposition of tax) are each amended by striking out the table contained in paragraph (3) and inserting in lieu thereof the following new table:

(1) In subsection (a)(3):

"If taxable income is:	The tax is:
Not over $10,000	No tax.
Over $10,000, but not over $26,000.	14% of the excess over $10,000.
Over $26,000, but not over $60,000.	$2,240, plus 21% of the excess over $26,000.
Over $60,000	$9,380, plus 28% of the excess over $60,000.".

(2) In subsection (b)(3):

"If taxable income is:	The tax is:
Not over $6,000	No tax.
Over $6,000, but not over $19,000.	14% of the excess over $6,000.
Over $19,000, but not over $50,000.	$1,820, plus 21% of the excess over $19,000.
Over $50,000	$8,330, plus 28% of the excess over $50,000.".

(3) In subsection (c)(3):

"If taxable income is:	The tax is:
Not over $6,000	No tax.
Over $6,000, but not over $16,000.	14% of the excess over $6,000.
Over $16,000, but not over $40,000.	$1,400, plus 21% of the excess over $16,000.
Over $40,000	$6,440, plus 28% of the excess over $40,000.".

(4) In subsection (d)(3):

"If taxable income is:	The tax is:
Not over $5,000	No tax.
Over $5,000, but not over $13,000.	14% of the excess over $5,000.
Over $13,000, but not over $30,000.	$1,120, plus 21% of the excess over $13,000.
Over $30,000	$4,690, plus 28% of the excess over $30,000.".

(5) In subsection (e)(3):

"If taxable income is:	The tax is:
Not over $8,000	14% of taxable income.
Over $8,000, but not over $25,000.	$1,120, plus 21% of the excess over $8,000.
Over $25,000	$4,690, plus 28% of the excess over $25,000.".

SEC. 3. FLAT RATE FOR CORPORATIONS.

Section 11 of the Internal Revenue Code of 1954 (relating to tax imposed on corporations) is amended to read as follows:

"SEC. 11. TAX IMPOSED.

"There is hereby imposed for each taxable year on the taxable income of every corporation a tax equal to 25 percent of such taxable income.".

SEC. 4. REPEAL OF ALL SPECIAL PROVISIONS.

(a) IN GENERAL—Except as provided in subsection (b), all specific exclusions from gross income, all deductions, and all credits against income tax are hereby repealed.

(b) RULES OF APPLICATION OF SIMPLIFIED TAX SYSTEM.—The repeals provided in subsection (a) shall be subject to the following exceptions:

(1) The following provisions shall not be repealed:

(A) Section 31 (relating to credit for tax withheld on wages).

(B) Section 32 (relating to credit for tax withheld at source on nonresident aliens).

(C) Section 102 (relating to gifts and inheritances).

(D) Section 115 (relating to income of States, municipalities, etc.).

(E) Part V of subchapter B of chapter 1 (relating to deductions for personal exemptions), except that the amount allowable for each such exemption shall be $1,000.

(2) The following principles shall control with respect to such repeals:

(A) Deductions shall be allowed for ordinary and necessary business expenses (including a capital recovery allowance).

(B) Income earned by a trade or business shall be taxed only once, thus eliminating any taxation of dividends, interest, or gain from the sale or exchange of an interest in a trade or business.

(C) No individual shall be taxed twice on the individual's social security (or other retirement) contributions.

(D) Married individuals may file income tax returns separately and be treated in the same manner as single individuals.

SEC. 5. EFFECTIVE DATE, ETC.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable years beginning after December 31, 1983.

(b) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury or his delegate shall, as soon as practicable but in any event not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1954 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

● Mr. QUAYLE. Mr. President, today I am introducing the SELF-Tax Plan Act of 1983, a proposal to simplify the Internal Revenue Code by providing low-rate progressive schedules for individuals and a flat-rate tax for business. The SELF-Tax Plan of 1983 is a modified version of the bill which I introduced last year, and is based on the same principles: the bill attempts to restore the basic principles of simplicity, efficiency, low rates, and fairness (SELF) to the U.S. Federal tax structure. My plan would permit the American taxpayer to complete the required tax return forms quickly, accurately and by himself or herself.

In my statement last year, I outlined what many perceive to be the failings of our current system. These failings persist, and many Members of Congress have advanced proposals to address our current difficulties.

FAILINGS OF THE CURRENT TAX SYSTEM

While our current tax system features an officially progressive rate structure, in every other respect it fails to meet the primary requirements of a fair tax system. These requirements, as we all know, are: simplicity, efficiency, low tax rates and fairness (SELF). Our current tax system, taking into account all the exceptions and preferences built into the law, is also not even very progressive.

A. SIMPLICITY

A simple tax system is one in which the Tax Code is relatively simple to understand and administer. Regulations, forms and instructions should be easily understood by taxpayers and tax administrators alike.

Today our tax structure is more complex than it has ever been. In 1954, only 18 percent of taxpayers used tax return preparers; over 80 percent filled out their tax form personally. In 1981, 52.4 percent of all 1040 forms were prepared by specialists as were 16.9 percent of all 1040A forms—an average of almost 40 percent overall.

In addition, in 1953, even though most Americans filled out their own tax forms, only 3.2 percent of 1040 and 1040A returns had mathematical errors. In 1976, 8.8 percent of these forms had such errors, and in 1980 the error rate was 7.4 percent.

The Commissioner of Internal Revenue, in 1977, summarized the difficulty clearly when he stated that the basic filing requirements for U.S. tax returns are beyond the comprehension of a large portion of the adult population.[1]

B. EFFICIENCY

An efficient tax system is neutral: It allows personal and business decisions to be made on the basis of their perceived value, apart from tax considerations. It does not induce individuals and businesses to engage in uneconomic activity in order that they receive specific tax breaks.

Clearly the U.S. tax system has been a major factor influencing recent U.S. patterns in trade, investment, research, and development. The tax structure has promoted consumption and over-investment in such items as residential housing and racehorses, while it has discouraged business modernization. It has been a major factor contributing to our recent decline in productivity growth.

An efficient tax system is also one which can collect necessary revenues with relatively simple enforcement procedures, made possible by public support and cooperation. Thus, an efficient tax system must be perceived as basically fair and worthy of support.

There was a time when Americans were proud to pay their income tax. Efficiency of collection surpassed the efforts of most other nations, with relatively few tax collectors and special enforcement mechanisms. Today, this situation is dramatically different.

More Americans each year are taking advantage of the available tax loopholes. For every year since 1976 a smaller percentage of American tax returns have chosen to take the standard deduction while a higher percentage has chosen to itemize. Also, the average American taxpayer who itemizes no longer fills out his own tax form; a clear majority of those who itemize have their returns filled out by professionals. American business also has taken advantage of the tax preferences; it is now estimated that nearly half of all American businesses, as a result of the complex collection of available business tax provisions, will pay no corporate income tax in fiscal year 1983.

Enforcement of the tax laws has become extremely costly to Government. Nearly half of all Government-created paperwork stems from different tax forms, requiring an estimated expenditure of 650 million man-hours annually. The system, rather than inducing cooperation, has angered the average taxpayer who is beginning to turn away from the system altogether. It is now estimated that 15 percent of income goes unreported, probably the highest percentage in the history of the Internal Revenue Code. In 1982 Senator DOLE estimated that the income tax compliance gap for both individual and corporate income taxes—the difference between what the Federal Government is owed and what it collects—grew from $21 billion in 1973 to $76 billion in 1981.[2] The compliance provisions of the 1982 Tax Equity and Fiscal Responsibility Act (TEFRA) were designed to reduce the level of noncompliance, but these certainly do not improve the level of respect people have for the tax system.

The regulatory cost of the present tax system is staggering. Today IRS regulations contained in title 26 of the Internal Revenue Code fill some 10,000 pages. The IRS employs more than 50 attorneys who spend 65 percent of their time writing new regulations, generaly specifically authorized by Congress. Rather than attempting to cut down on these regulations, we are now considering expanding and enforcing them more effectively. This can only serve to anger the average taxpayer even more.

C. LOW TAX RATES

The profusion of tax preferences in the present code substantially redistributes the Federal tax burden and renders it considerably less progressive than the published tax rates. Also, by excluding substantial amounts of imposed from the tax base, rates imposed on the remainder must be kept high so the necessary amount of revenue can be raised.

For example, in 1961 only 10 percent of U.S. tax returns had a positive marginal tax rate other than 20 to 22 percent. In that year we had almost a flat, rather than progressive schedule of tax rates.[3] Today, in comparison, published tax rate schedules are much more progressive than they were in 1961, but we also have enacted a profusion of tax expenditures.

The result has been, in spite of all the changes in the tax laws over the last 30 years, average tax rates, as a percent of personal income, have gradually increased, despite passage of the 1964 and 1981 tax laws which both subtantially lowered maximum tax rates (from 91 to 70 percent in 1964; from 70 to 50 percent in 1981[4]). Be-

Footnotes at end of article.

tween 1951 and 1981 the average tax rate, as a percentage of personal income, increased from 9.2 percent in 1951 to 12.1 percent in 1981.[5]

D. FAIRNESS

A tax system is fair if it is based on the basic principle of ability of pay. All income should be treated equally as part of the tax base, and people with the same income should pay the same tax.

Clearly this does not describe the current American tax system. Today, U.S. individual income tax rates range from 0 to 50 percent. However, U.S. law also provides for well over 100 separate exclusions, exemptions, deductions, preferential tax rates, credits, and tax deferrals which allow for relief or exemption from current taxes. These so-called tax expenditures either reduce taxable income or reduce taxes by applying lower rates, credits, or delays in tax payment. The total revenue lost to all tax expenditures was over $250 billion in fiscal year 1982, about twice the size of the Federal budget deficit of $127 billion in that year.[6]

Because of the complexity in the tax law, substantial equity has been lost; different taxpayers with roughly the same income pay far different rates of tax depending on their eligibility for different tax preferences. Tax expenditures have rendered the otherwise progressive rate structure less progressive, partly because tax preferences are most prevalently used by wealthy taxpayers to reduce their tax burden: These are the taxpayers who can afford to hire specialists to take advantage of the Tax Code's complexity.

THE SELF-TAX PLAN OF 1983

As I said last year, I believe we need to reexamine the fundamental structure of our tax system. We must reestablish SELF as the overriding principles in taxation: simplicity, efficiency, low tax rates, and fairness. These principles entail the following:

People should be able to understand the basic requirements of the tax law and to file their returns by themselves, without the need for professional assistance.

All income should be taxed as equally as possible, with some consideration given to ability to pay. People who earn the same income should pay the same tax.

The poor should not be taxed at all, and we should be careful to establish this standard fairly generously.

Specific preferences and subsidies should be removed from the tax code; economic policy should be addressed directly and not through incomprehensible tax manipulations.

What I am advocating is a return to a relatively simplified, low rate, progressive tax structure. My plan, which would raise roughly the same amount of revenue as under current law, would establish low rate tax schedules while broadening the tax base. Under the SELF-tax, almost all special tax exemptions would be eliminated from the internal revenue code.

Under the SELF-tax, income which would be subject to tax would include present law adjusted gross income, income from capital gains and capital losses, Government transfer payments, half of social security benefits, employer benefits currently not taxed, tax-exempt interest, and income from other tax preferences. Social security and other pension contributions would, however, not be taxed twice.

In order that the poor should not be subject to tax I would establish a relatively high zero-bracket. Currently, the officially defined poverty level is about $9,000 per year for a family of four; the value of transfer payments received by the same size family is now estimated to be equal to about $5,000 per year. Under the SELF-tax, a married couple filing jointly would not have to pay tax on any income up to $10,000 and would, in addition, receive a personal exemption of $1,000 per person. A family of four could thus earn $14,000 free of tax under this plan; no poor family would pay any tax.

I believe that wealthier taxpayers should pay somewhat higher rates of tax than average- or lower-income taxpayers. I also believe that the marriage penalty should be reduced as far as possible, but without creating a large singles bonus. After considerable study and analysis, the SELF-tax plan of 1983 provides for the following tax rate schedules for individuals.

(See table 1.)

As can be seen from table 1, the SELF-tax has four tax brackets. For single individuals, income under $6,000 would not be taxed; between $6,000 and $16,000 the tax would be 14 percent; between $16,000 and $40,000 the tax would be 21 percent; and over $40,000 the tax rate would be 28 percent. For married taxpayers filing jointly, income below $10,000 would not be taxed; between $10,000 and $26,000 the rate would be 14 percent; between $26,000 and $60,000 the tax rate would be 21 percent; and over $60,000 the tax rate would be 28 percent. No taxpayer would pay a higher rate than 28 percent.

The SELF-tax plan of 1983 also provides for a personal exemption of $1,000 per person in order to be equitable to families incurring the costs of raising children and supporting other dependents who have no income. I believe that these provisions plus the SELF-tax's proposed tax schedules reduce the current marriage penalty, recognize the differential costs of single compared to married taxpayers, and generally establish a system in which single and married taxpayers are treated fairly and evenhandedly.

The SELF-tax plan of 1983 would create numerous "winners" and "losers" compared to current law. The comparison in total tax increases and decreases received by income group is shown in table 2.

Table 2 shows that under the SELF-tax, there are winners and losers in all income classes when compared to present law. For individuals in the less than $10,000 category, almost 14 million returns would have a tax decrease, while 9.7 million would have a tax increase. Many taxpayers who in this category would suffer a tax increase under the SELF-tax, would do so because of a loss of tax shelters under the proposal. Middle-income taxpayers generally fare better under the SELF-tax than under current law: For example, in the $10,000 to $20,000 category, almost 18 million returns show a tax decrease while nearly 6.5 million show an increase. While the highest income groups also show numerous winners and losers, their proportions are much closer: For example, in the above $200,000 category, 76,000 returns show a decrease while 80,000 returns show an increase. Income groups earning over $100,000 per year would pay higher taxes under the SELF-tax than under current law.

Another way of comparing the effercts of the SELF-tax plan to current law is to compare average income tax liabilities for those who itemize to those who do not itemize by income category. This is presented in table 3.

TABLE 1.—SELF-TAX PLAN OF 1983: TAX SCHEDULES

If taxable income is—	The tax is—
Schedule I. Single taxpayers who do not qualify for rates in schedules II and III:	
Not over $6,000	No tax.
Over $6,000 but not over $16,000	Zero plus 14 excess over $6,000.
Over $16,000 but not over $40,000	$1,400 plus 21 percent of excess over $16,000.
Over $40,000	$6,440 plus 26 percent of excess over $40,000.
Schedule II. (A) Married taxpayers filing joint returns, (B) Certain widows and widowers:	
Over $10,000	No tax.
Over $10,000 but not over $26,000	Zero plus 14 percent of excess over $10,000.

TABLE 1.—SELF-TAX PLAN OF 1983: TAX SCHEDULES—Continued

If taxable income is—	The tax is—
Over $26,000 but not over $60,000	$2,240 plus 21 percent of excess over $26,000.
Over $60,000	$9,380 plus 28 percent of excess over $60,000.
Schedule III. Unmarried (or legally separated) taxpayers who qualtify as heads of household:	
Over $6,000	No tax.
Over $6,000 but not over $19,000	Zero plus 14 percent of excess over $6,000.
Over $19,000 but not over $50,000	$1,820 plus 21 percent of excess over $19,000.
Over $50,000	$8,530 plus 28 percent of excess over $50,000.
Schedule IV. Married individuals filing separate returns:	
Over $5,000	No tax.
Over $5,000 but not over $13,000	Zero plus 14 percent of excess over $5,000.
Not over $13,000 but not over $30,000	$1,120 plus 21 percent of excess over $13,000.
Over $30,000	$4,690 plus 28 percent of excess over $30,000.
Schedule V. Estate and trust:	
Over $8,000	14 percent of taxable income.
Over $8,000 but not over $25,000	$1,120 plus 21 percent of excess over $8,000.
Over $25,000	$4,690 plus 28 percent of excess over $25,000.

TABLE 2.—TAX DECREASES AND INCREASES: THE SELF-TAX VERSUS 1984 CURRENT LAW

Expanded income (actual)	Returns (thousands)	Amount (millions)	Average (actual)	Returns (thousands)	Amount (millions)	Average (actual)	Tax change (millions)	Total distribution
Less than $10,000	13,930	−$2,668	−$192	9,742	$4,749	$487	$2,081	−28.1
$10,000, but less than $20,000	17,915	−7,151	−399	6,497	4,013	618	−3,139	42.3
$20,000, but less than $30,000	11,653	−10,105	−867	5,532	5,233	946	−4,872	65.7
$30,000, but less than $40,000	6,249	−8,357	−1,337	3,077	4,315	1,403	−4,042	54.5
$40,000, but less than $50,000	2,731	−4,957	−1,815	1,375	3,107	2,260	−1,849	24.9
$50,000, but less than $75,000	1,682	−4,304	−2,558	1,050	4,141	3,944	−163	2.2
$75,000, but less than $100,000	399	−1,740	−4,364	337	2,346	6,960	606	−8.2
$100,000, but less than $200,000	342	−3,022	−8,827	281	3,938	14,012	917	−12.4
$200,000	76	−2,877	−37,618	80	5,925	73,601	3,048	−41.1
Total	54,977	−45,179	−822	27,971	57,766	1,350	−7,413	100.0

Source: Proposal versus 1984 present law, Joint Committee on Taxation.

TABLE 3.—DISTRIBUTION OF AVERAGE INCOME TAX LIABILITIES: CURRENT LAW, THE SELF-TAX AND TAX CHANGE BY EXPANDED INCOME FOR ALL RETURNS

[1981 levels of income]

Expanded income	Current (1984) law		Self-tax plan of 1983		Tax change		
	Returns (units)	Average tax liability	Returns (units)	Average tax liability	Returns (units)	Average tax liability	Percent change
Less than $10,000	3,272,183	$206	2,209,425	$484	3,524,461	$113	54.8
$10,000, but less than $20,000	6,995,807	1,201	6,653,123	1,344	7,198,189	75	6.2
$20,000, but less than $30,000	10,038,044	2,496	10,104,951	2,427	10,128,456	−52	−2.1
$30,000, but less than $40,000	7,238,387	4,061	7,286,618	3,795	7,298,665	−238	−5.9
$40,000, but less than $50,000	3,589,204	6,084	3,602,573	5,740	3,603,803	−321	−5.3
$50,000, but less than $75,000	2,520,023	9,629	2,520,307	9,579	2,525,162	−49	−.5
$75,000, but less than $100,000	694,221	16,549	692,201	17,334	696,027	733	4.4
$100,000, but less than $200,000	601,179	30,652	599,129	32,105	602,234	1,341	4.4
$200,000	153,330	111,505	152,871	131,803	153,758	19,769	17.7
Itemize, total	35,102,376	4,463	33,821,197	4,683	35,730,753	49	1.1
Less than $10,000	18,145,905	206	11,211,407	483	20,147,221	84	40.7
$10,000 but less than $20,000	17,120,093	1,272	15,511,869	1,167	17,213,091	−214	−16.8
$20,000 but less than $30,000	7,011,076	2,802	7,046,050	2,172	7,056,940	−616	−22.0
$30,000 but less than $40,000	2,008,097	4,855	2,032,357	3,663	2,026,481	−1,137	−23.4
$40,000 but less than $50,000	500,686	7,533	502,290	6,132	502,290	−1,378	−18.3
$50,000 but less than $75,000	205,251	10,772	201,538	10,781	206,863	−185	−1.7
$75,000 but less than $100,000	39,243	17,497	39,585	19,780	39,716	2,425	13.9
$100,000 but less than $200,000	20,886	31,490	21,125	36,286	21,125	5,152	16.4
$200,000	3,197	152,297	3,200	154,771	3,201	2,626	1.7
Nonitemize, total	45,054,432	1,392	30,569,419	1,464	47,216,926	−194	−13.9
Less than $10,000	21,418,088	206	13,420,833	483	23,671,682	88	42.8
$10,000, but less than $20,000	24,115,900	1,251	22,164,991	1,220	24,411,280	−129	−10.3
$20,000, but less than $30,000	17,049,120	2,622	17,151,002	2,322	17,185,396	−284	−10.8
$30,000, but less than $40,000	9,246,484	4,233	9,318,975	3,766	9,325,146	−433	−10.2
$40,000, but less than $50,000	4,089,890	6,261	4,104,865	5,788	4,106,093	−450	−7.2
$50,000, but less than $75,000	2,725,274	9,715	2,721,845	9,668	2,732,025	−59	−.6
$75,000, but less than $100,000	735,464	16,599	731,786	17,466	735,743	824	5.0
$100,000, but less than $200,000	622,065	30,680	620,254	32,248	623,359	1,470	4.8
$200,000	156,527	112,417	156,071	132,274	156,959	12,419	17.3
All returns, total	80,156,808	2,737	70,340,616	3,011	82,947,679	−896	−3.3

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

As can be seen from the table, taxpayers who do not itemize, on the average, would receive greater benefits from the SELF-tax than those who do itemize. For all taxpayers (itemizers and nonitemizers), those in the less than $10,000 income group (many of whom are now sheltering much income) would have an average tax increase of $88, while the over $200,000 income group would have an average tax increase of $19,419. The middle groups ($10,000–$75,000) would all have tax decreases averaging between $59 and $450 per return.

According to estimates made by the Joint Committee on Taxation, the SELF-Tax Plan, if it were law today, would raise only $7.4 billion less than under current law (see table 2). In effect the SELF-tax plan is revenue neutral.

With respect to business taxes, I would establish a flat 25-percent rate that would apply to all forms of business, including corporations, partnerships, and farms. Business would be

taxed on the base of gross earnings, less the amount paid for goods, services and employee compensation. I would permit a capital recovery allowance to encourage investment in plant and equipment and allow deductions for such normal costs of business as interest and depreciation. Based on calculations made by the Joint Committee on Taxation, a business tax based on these principles can be devised which would raise roughly the same amount of revenues as does the corporate income tax under current law.

As with the individual income tax base, I would repeal the current morass of deductions from the numerous specific business subsidies in the present Tax Code. Businesses would not be taxed on earnings received from ownership of other businesses, provided the owned business files its own tax return.

Under this general plan, then, all official tax rates would be reduced substantially. The top individual tax rate would drop from 50 to 28 percent. The top business tax rate would be reduced from 46 to 25 percent.

Since the flat rate for corporations (25 percent) would be very close to the top rate for individuals (28 percent), there would be very little special inducement for individuals to incorporate, unless they could expect special gains from being taxed under the business tax format.

Overall, the SELF-tax would provide for major improvements in productivity and incentives. Paperwork for business would be cut very radically, as it would for Government. Lower rates would be made possible by the expansion of the tax base. The poorest individuals would pay no tax, and we would retain a slightly progressive individual rate schedule. In addition, business would pay its fair share of the tax burden.

NECESSITY FOR DEALING WITH THE TAX PROBLEM NOW

The present tax structure, including its numerous preferences and loopholes, is no longer able to raise sufficient revenues for the operation of the Federal Government. If we do nothing to raise revenues we cannot avoid large budget deficits. Such deficits frighten businessmen and investors, causing interest rates to remain very high. This weakens the prospects for a healthy economic recovery. It is clear that Congress must address the issue of long-term revenues if the Federal deficit is to be reduced.

The need to simplify the tax structure is widely recognized. Several bills have already been introduced in the Senate which would order the Treasury Secretary to propose legislation or to draft changes in regulations to provide for massive simplification of the tax code.[7]

If a serious approach to increasing the tax base is not soon adopted, we will face the prospect of either raising rates or adding new taxes. I believe we will all be better off if we took the path of reform. If we do not, we will be perpetuating the present inequities and inefficiencies in the system.

Many advantages would ensue from a program of tax simplification. Americans could once again compute their own taxes. They no longer would have to employ tax preparers to wade through a jungle of incomprehensible regulations. The ease of dealing with the tax system should result in an increase in income reported, and the underground economy would begin to shrink.

The system would be much fairer. People with the same income would pay the same level of tax. There would be no reward to employing high priced tax specialists to gain special benefits by manipulating confusing rules and regulations; there would be relatively few regulations to manipulate. Everyone who pays tax would do so on the same, straightforward basis. This should reduce taxpayer anger and restore basic public respect for the total system.

The system would also be more equitable and more efficient. The poor would not pay anything, the wealthy would pay a higher rate than anyone else, and business would pay its fair share. A substantial burden in paperwork would be lifted from business, Government, and individuals alike. Tax considerations would no longer be the driving force behind specific business decisions; the economy would be freer to respond to normal market forces. The result should be higher economic growth and productivity. Overall long-term benefits from such tax reform can be very great and I believe we should begin to consider the issue seriously.

FOOTNOTES

[1] Speech, May 23, 1977.

[2] Statement to the Press of Senator Bob Dole on the Underground Economy, March 5, 1982, pp. 1-2.

[3] Eugene Steurle and Michael Hartzmark, "Individual Income Taxation, 1947-1979," National Tax Journal, v. 34, June 1981, p. 156.

[4] J. Pechman, Federal Tax Policy (Brookings Institution), Table A-2, p. 300.

[5] Steurle and Hartzmark, op. cit., p. 157.

[6] CBO, Tax Expenditures: Budget Control Options and Five year Budget Projections for Fiscal years 1983-1987 (November 1982), p. 89.

[7] The 97th Congress saw the introduction of several bills, including H.R. 4821 (Rep. George Hansen); H.R. 5313 and S. 2200 (Sen. Jesse Helms and Rep. Philip Crane); S. 2147 (Sen. Dennis DeConcini); H.R. 6070 (Rep. Leon Panetta); H.R. 6352 (Rep. Ron Paul; S. 2557 (Sen. Dan Quayle) and S. 2817 and H.R. 6944 (Sen. Bill Bradley and Rep. Richard Gebhardt).

SECTION-BY-SECTION ANALYSIS

Sec. 1. Establishes the "SELF-tax Plan Act of 1983" as short title of the bill.

Sec. 2. Provides simplified tax rates for individuals. For married couples filing jointly, there will be no tax on income up to $10,000; a 14 percent tax rate on income over $10,000 but not over $26,000; a 21 percent tax rate on income over $26,000 but not over $60,000; and a 28 percent tax rate on income over $60,000. For single taxpayers, there will be no tax on income over $6,000; a 14 percent tax rate on income over $6,000 but not over $16,000; a 21 percent tax rate on income over $16,000 but not over $40,000; and a 28 percent tax rate on income over $40,000.

Sec. 3. Establishes a flat rate of 25 percent for corporations.

Sec. 4. Repeals all specific exclusions from gross income, deductions and credits against the income tax. A number of exemptions are provided:

(1) Withholding is permitted and credits for taxes withheld;

(2) Income from gifts and inheritances will be treated as under current law;

(3) The Federal government will not tax state and local governments;

(4) Deductions will be permitted to corporations for ordinary and necessary business expenses, including a capital recovery allowance;

(5) Income earned by a trade or business will be taxed only once, eliminating taxation of dividends, interests, or gains from the sale of an interest in a trade or business;

(6) No individual will be taxed twice on the individual's social security or retirement contributions;

(7) A personal exemption of $1,000 will be allowable as a deduction;

(8) Those filing joint returns may elect to file as two single returns if they so choose.

SEC. 5. The Amendments made by this Act shall apply to taxable years beginning after December 31, 1983. The Secretary of the Treasury or his delegate are directed to submit, not later than 90 days after enactment of this Act, any necessary conforming changes in the Internal Revenue Code of 1954 to the Committee on Ways and Means of the House of Representatives.

ORDER FOR STAR PRINT—S. 865

Mr. STEVENS. Mr. President, on behalf of the distinguished Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that S. 865 be star printed to reflect the following changes which I send to the desk.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. Mr. President, the changes which are being sent to the desk by the distinguished acting Republican leader have been carefully examined on this side and there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The changes follow:

the United States and its allies;

(2) the current national system of deep-draft waterborne transportation has been accomplished through a productive partnership in which the Federal Government has developed and maintained the navigability of deep-draft channels and harbors and

EXECUTIVE SESSION—EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I now ask my good friend if it would meet his approval if we went into executive session to consider the nominations on the calendar beginning with new reports on page 4 and all of the nomina-

tions that appear therein including those at the Secretary's desk.

Mr. BYRD. Mr. President, on this side of the aisle all nominations on the calendar have been cleared, beginning on page 2 and continuing through page 6, so the acting Republican leader has no problem from this side of the aisle.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session to consider all nominations on the Executive Calendar commencing with Calendar No. 162 through and including all nominations at the Secretary's desk and that it be in order to consider those nominations en bloc.

There being no objections, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. Without objection the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of commodore:

Capt. Theodore J. Wojnar, USCG.
Capt. Joseph A. McDonough, Jr., USCG.
Capt. Arnold M. Danielson, USCG.

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

Sidney B. Vaughn, Jr.
John D. Costello.
Donald C. Thompson.

COMMUNICATIONS SATELLITE CORPORATION

E. Pendleton James, of California, to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1986, vice Joan F. Tobin, term expiring.

FEDERAL MARITIME COMMISSION

Robert Setrakian, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 1987, vice Richard J. Daschbach, resigned.

DEPARTMENT OF JUSTICE

George Washington Proctor, of Arkansas, to be U.S. attorney for the eastern district of Arkansas for the term of 4 years. (Reappointment.)

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE ARMY, COAST GUARD, MARINE CORPS

Army nominations beginning Pamela J. Abear, and ending Cheryl M. Zywicki, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 2, 1983.

Coast Guard nominations beginning James W. Boteler, and ending Robert S. Wagenaar, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 16, 1983.

Marine Corps nominations beginning Philip K. Adams, and ending Steven M. Zotti, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 2, 1983.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were confirmed en bloc.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, to my knowledge, that is all of the routine items we have before this Senate.

PROGRAM

Mr. STEVENS. Mr. President, I would remind the Members of the Senate under the agreement we have just entered we do resume consideraton again of the MX resolution on Monday at 1 p.m.; that the time is available for debate on the resolution. We have made available the time for debate on a ratio of 3 to 2, and the time that is not used will be charged against the opponents and proponents in that same ratio, that is at least until 8 p.m.

We do urge Members of the Senate to be prepared to debate that resolution and, hopefully, we will try to get that resolution to a final vote sometime on Tuesday.

Mr. BYRD. Mr. President, does the distinguished majority whip anticipate any rollcall votes on Monday, other than perhaps procedural votes to get attendance of Senators or does he anticipate there might be some other business that would result in rollcall votes?

Mr. STEVENS. Mr. President, I know of no business that would require a rollcall vote, at this time. The resolution is not subject to amendment or to a motion to recommit. One motion we do anticipate is the motion to reduce debate. It is not anticipated at this time that that will be made on Monday—it might be, but I believe we would make that motion on Tuesday.

So I would state it is not the leadership's intention to have rollcall votes on Monday.

Mr. BYRD. I thank the distinguished Senator.

RECESS UNTIL MONDAY, MAY 23, 1983

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 12 noon on Monday.

The motion was agreed to; and at 2.32 p.m. the Senate recessed until Monday, May 23, 1983, at 12 o'clock noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 20, 1983:

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of commodore:

Capt. Theodore J. Wojnar, USCG.
Capt. Joseph A. McDonough, Jr., USCG.
Capt. Arnold M. Danielson, USCG.

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

Sidney B. Vaughn, Jr.
John D. Costello
Donald C. Thompson

COMMUNICATIONS SATELLITE CORPORATION

E. Pendleton James, of California, to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1986.

FEDERAL MARITIME COMMISSION

Robert Setrakian, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 1987.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

George Washington Proctor, of Arkansas, to be U.S. attorney for the eastern district of Arkansas for the term of four years.

IN THE ARMY

Army nominations beginning Pamela J. Abear, and ending Cheryl M. Zywicki, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 2, 1983.

IN THE MARINE CORPS

Marine Corps nominations beginning Philip K. Adams, and ending Steven M. Zotti, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 2, 1983.

IN THE COAST GUARD

Coast Guard nominations beginning James W. Boteler, and ending Robert S. Wagenaar, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 16, 1983.

SENATE—*Monday, May 23, 1983*

(Legislative day of Monday, May 16, 1983)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

I will extol thee, my God, O King; and I will bless thy name for ever and ever. Every day will I bless thee; and I will praise thy name for ever and ever. Great is the Lord, and greatly to be praised; and his greatness is unsearchable.—Psalm 145: 1-3.

Thou art worthy to receive our praise O Lord and we are edified when we praise Thee. Thou art deserving of our worship and adoration and we enrich our humanness when we magnify Thy name. We demean ourselves when we refuse to acknowledge Thee; for humanity has value only as the crowning glory of Thy creation. We praise Thee, we honor Thee, we glorify Thee. Be exalted in our hearts and in our homes and in our offices today. Praise be to God, Father, Son, and Holy Spirit. In the name of Him in whom dwells all the fullness of God. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

EVERYDAY THINGS

Mr. BAKER. Mr. President, this weekend, the rain may have kept us from doing all that we had wanted to do, but those are the weekends that make us grateful for memories. In that sense, we are always doing something we want to do. I ask unanimous consent, Mr. President, that this week's poem "Everyday Things" by Debora Greger, be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

EVERYDAY THINGS

Think of the swimming
that does for flight in dreams—feet
dragging through leaves, you watch
yourself climb through a stagy light,
like this afternoon's, doubly lit
by lamps and weaker sun. How can you
not believe the merely visible?
A boy struggles into costume
over a harness that's half the magic
of theatrical flying. Like humans,
ducks are slipping on the river,
feet out from under them
across the ice. Tossed from a window,
the carrier pigeon charts a course
as long as the night stays clear,
leaving me, armchaired, to imagine
a message worth wingbeats per mile
as ground traversed brings closer
nothing but dawn. The chair's
upholstered wings shelter, stiffly;
maybe the painter was right about
a floating world: chair not resting on
but hovering just above the floor,
everyday wings keeping us
from collisions that are touch
without will. I want to be a book—
pages riffling with pinions,
coverts, underwings, primary
and secondary feathers of flight,
its wings fall open in your hands.

—DEBORA GREGER.

COMMITTEE REPORTS DUE TODAY

Mr. BAKER. Mr. President, committees should be reminded that 5 p.m. today is the deadline to file reports to comply with the provisions of the Budget Act.

SENATE SCHEDULE

Mr. BAKER. Mr. President, the Senate is meeting today pursuant to the recess over from last Friday, with the proviso that at 1 p.m. today the Senate will resume consideration of Senate Concurrent Resolution 26, the so-called MX resolution, on which 30 hours of debate remains.

ORDER FOR ROUTINE MORNING BUSINESS

I ask unanimous consent, Mr. President, that, after the recognition of the two leaders under the standing order, the time remaining from that moment until 1 p.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 3 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, Senators should know that this is going to be a difficult week. I sound like a broken record. I said that last week, but I sure was right.

But this week we not only have 30 hours remaining, unless that time is reduced for debate on the MX resolution, but we also have the debt limit to deal with, we also have the heady expectation of a Memorial Day recess to begin at the close of business on Friday, and we also have the prospect of the Senate being out and the House coming back next Wednesday.

Those who put their minds to it will see immediately in that a grave problem; that problem is that I think we need to finish the debt limit all the way through the conference report before we go out for that recess because otherwise there is the distinct possibility that we will have to come back or stay on some basis or other into the Memorial Day recess.

Now, for the benefit of those who are already shuddering at that thought, as they may hear these words in their offices, I apologize. But I simply point out that the debt limit must be increased. According to the letter that I have from the Secretary of the Treasury, the very last moment is May 31. We have a very awesome challenge before us.

Mr. President, I hate to say what I am about to say, but if we cannot do the debt limit by the end of this week, it will be necessary for us to come back and do it. I hope that we can reconcile our differences so that we can obtain the passage of the debt limit in time for a conference this week, a final consideration of the conference report, and its submission to the President for his determination on whether to sign or veto that and still make our Friday date to go out for the Memorial Day break. But that will take some doing.

So, Mr. President, I will discuss these matters with the minority leader in a more formal way later in the day and with Senator DOLE, who is chairman of the Finance Committee, the committee of jurisdiction, and perhaps with Senator LONG, if the minority leader so indicates. We will have to have a further evaluation of the situation later today.

Senators should be aware of the fact that we have a very grave threat to the possibility of the Senate being fully released from its responsibilities next week. We may have to be here to deal either with the conference report or a Presidential veto or the passage of the debt limit itself. I hope not, because I have plans just like everybody else has plans.

But the Senate, in my view, simply cannot be out of town with the Government running out of money and credit and the House of Representatives still in session. I could barely withstand the onslaught of the press this morning in dugout chatter. I can only imagine what they would say if the Senate was not here and attending

to our duties and responsibilities. Not that that determines our course of action—perish the thought—but it is a thought that should give us pause because we do have a heavy responsibility and fundamental responsibility to see that the Government continues to function.

Mr. President, for the moment, that is all I can say or ought to say.

Mr. President, I have no further need for my time, if any time remains under the standing order, and I see no Senator seeking recognition. I yield the remainder of my time to the control of the distinguished minority leader.

Mr. BYRD. Mr. President, I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). The minority leader is recognized.

Mr. BYRD. Mr. President, the majority leader and I discussed earlier today the problems involving the debt limit and the MX measure. We also discussed the possibility—and I do not know how my side feels about it; I expect to explore it with them, though, if the majority leader wishes—the possibility of setting aside the MX matter for the moment and going directly to the debt limit so as to avoid, hopefully avoid, the problems that the majority leader has outlined here and has done so quite correctly.

It is not a matter I have discussed with any of my colleagues. I want to do so if the majority leader feels that he would like to do so. It is my understanding we could do that by unanimous consent or by a nondebatable motion.

So, would the majority leader have any indication at this point as to whether or not he wishes me, on my side, to pursue that matter to see how my colleagues feel?

Mr. BAKER. Yes, Mr. President, I hope the Senator will do that. I, too, must confer with Members on this side of the aisle and I will see how they feel about it. I welcome the suggestion of the minority leader. We discussed this earlier today.

The important part is we have to either get this bill to conference or we have to pass it clean, one way or the other. The sooner we know that, the better, especially if we have to go to conference with the House.

I intend at 12:30 p.m. to take this matter up with the leadership on this side of the aisle. I would be grateful if the minority leader would consult and confer and give me the benefit of his advice on the subject.

Mr. BYRD. I thank the majority leader.

Mr. President, I have no request for time on this side. I can either yield my remaining time to the majority leader or yield it back.

Mr. BAKER. I am prepared to yield back my time.

Mr. BYRD. I yield it back.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning buisness to extend not past 1 p.m. in which Senators may speak for not more then 3 minutes each.

The Senator from Wisconsin.

SOVIETS NEGOTIATING ONSITE NUCLEAR PLANT INSPECTION

Mr. PROXMIRE. Mr. President, on Friday the Washington Post reported interesting and potentially very good news, that the International Atomic Agency team is in Moscow right now negotiating an agreement for onsite inspection of civilian nuclear facilities that the Director of the Agency says "could set a precedent for verifying a United States-Soviet arms control pact in the future."

What is interesting about this is that it is onsite inspection. It is also interesting because it represents a reversal of the Soviet position that has been held for many years, a longstanding refusal to open any of its atomic programs to international inspection.

So this represents a genuine potential step in the direction of onsite inspection.

Mr. President, by itself onsite inspection cannot do a reliable job, in fact, cannot do as reliable a job, as other methods of inspection, including satellite inspection, intelligence from refugees, and other sources of information. But it can provide the remaining component of a verification system that can give an arms control agreement credibility.

A couple of weeks ago, former Director of the CIA William Colby told the Appropriations Committee that he supported a nuclear freeze and he was convinced that we could effectively verify such a freeze without onsite inspection. He contended that any violations sufficient to represent a genuine increase in the threat of nuclear arms on the other side would be clearly detectable by technical monitoring methods that did not rely on onsite visitation.

Well, Mr. Colby is an expert. He may very well be right. On the other hand, when it comes to verification of something as absolutely vital as nuclear arms control between the two superpowers, we can use every bit of redundancy that we can get.

After all this willingness to negotiate on the nuclear inspection does represent a reversal of the Soviet longstanding refusal to open any of its atomic program to international inspection. So this represents a genuine and clear step in the right direction for arms control.

Here is another reason for this body to give careful consideration to a sentiment that the great majority of the American people—according to referendum after referendum—widely share: that this country should negotiate a mutual, verifiable, comprehensive nuclear weapons freeze with the Soviet Union.

I ask unanimous consent that the article from the Washington Post by Milton Benjamin be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 20, 1983]

SOVIETS INVOLVED IN A-PLANT SITE INSPECTION TALKS

(By Milton R. Benjamin)

SEATTLE, May 19.—An International Atomic Energy Agency team is in Moscow negotiating an agreement for on-site inspection of civilian nuclear facilities that Director-General Hans Blix said could set a precedent for verifying a U.S.-Soviet arms control pact in the future.

"I think a new perspective has been opened with the Soviet Union's voluntary offer to us to come and safeguard some of their peaceful nuclear installations," Blix said in an interview. "This clearly raises the question to what extent the safeguards technique could be employed in a nuclear disarmament context."

A team of four atomic energy agency officials flew to Moscow on Monday to discuss which Soviet facilities will be opened to international inspection, sources said. The Soviets so far have agreed only to permit inspectors to visit atomic power plants and research reactors, the sources said.

Blix conceded that Soviet willingness to permit inspection of "peaceful, identified installations" was not the same as agreeing to let monitors of a disarmament agreement "roam the territory."

Nevertheless, State Department officials said they believe that Moscow's reversal of its longstanding refusal to open any of its atomic program to international inspection—and its acceptance of the principle of institutionalized on-site inspection and related verification measures—represent at least a modest step forward.

Blix, who has been attending an IAEA conference on radioactive waste management here, said he found it "very interesting that in a number of recent Soviet statements they have a great emphasis on safeguards as a model for verification methods in the field of disarmament."

Though he conceded that the current arms control climate does not appear to be "a very hopeful one," he suggested that a future approach might be for the United States and the Soviet Union to agree to cease further production of the plutonium and highly enriched uranium needed for nuclear weapons.

"We now have the experience, and are increasing our experience, in safeguarding reprocessing plants and enrichment plants, which are the installations that produce weapons-grade material," Blix said. "So if one day the great powers wish to ask themselves, could we have a cutoff of fissionable

materials for weapons purposes, the techniques are there to monitor it," he said.

This approach to arms control is similar to the "plutonium freeze" proposal currently being circulated in Congress by Sen. Gary Hart (D-Colo.) and Rep. Richard L. Ottinger (D-N.Y.).

Verification of U.S.-Soviet arms agreements never has included on-site inspection, but always has relied on monitoring from outside the country and satellite reconnaissance.

Nevertheless, Blix said he felt that "the more recent Soviet statements on verification and control" suggest that Moscow is open to this approach.

The United States, Britian and France for some time have permitted the IAEA to inspect some of their civilian nuclear facilities. China, the fifth nuclear weapons state, does not have a civilian atomic program and is not open to IAEA inspectors.

GENOCIDE CONVENTION: MEMORY OF HITLER

Mr. PROXMIRE. Mr. President, the hoax of the Hitler diaries has generated much discussion in the media of the greedy and arrogant motives for perpetrating these falsified journals. However, there are other timely and relevant issues, besides the hoax itself, which could be discussed in connection with the diaries. Flora Lewis, in a recent New York Times opinion column, points out that it would have been both useful and important to focus attention once again on Hitler the man. After all, German officials have found that large portions of the purported diaries were lifted directly from Hitler's speeches and statements, so much of the text was authentic.

Lewis fears that for people born after the Second World War, Hitler has become a less and less credible myth. Even those who today have heard his shouts on radio broadcasts or seen his face on newsreels find it now hard to believe that he could have been taken seriously. The tragic point is that he was taken seriously. He was allowed to pursue his goal to remake the world to fit his sinister vision. This one human being capable of infinite evil, provoked a monstrous nightmare. Unfortunately, his ugly accomplishments cannot be shrugged off with a shiver, like a horror movie or a bad dream.

As Lewis points out, the fact that these atrocities did happen, means that the possibility exists anywhere that they could happen again. It is well to be reminded that there has always existed a fragile balance between human capacities for good and evil. For this reason, resistance against these evil forces must be continually renewed.

Rather than despair over these grim realities, Lewis offers a philosophical perspective of the past and its relationship to the present. In her article, she says:

The world was permanently changed as a result of the war launched by Hitler and his allies. In many ways it was for worse, but in some ways for the better, especially in the creation of international institutions to enable states to cooperate and in the recognition of interdependence for security and prosperity. Those lessons, too, need renewal in a period when understanding of the horrible way they had to be learned has dimmed.

Mr. President, nothing can be done to erase the damage done in this frightful era, but this Nation can make a firm commitment to help assure that such an event never happens again. One way to fulfill this commitment is to ratify the Genocide Convention. This treaty declares the systematic destruction of any racial, ethnic, religious, or national group a crime under international law. Although it has been pending before the Senate since 1949 when President Truman first submitted it for approval, the Genocide Convention remains unratified today.

Let us prove that we have learned from tragic lessons of the past. I strongly urge my colleagues to ratify this important treaty.

THE AWFUL NEWS

Mr. THURMOND. Mr. President, last week, the Senate approved a budget resolution which includes almost $10 billion in new taxes for the 1984 fiscal year. I do not know about my colleagues, but the people of South Carolina are wondering why the conservative Senate—where so many of its Members were elected on platforms of reducing taxes and Government spending—felt it necessary to approve such an outlandish proposal.

Mr. President, I am concerned that we may be spending more time listening to the so-called Washington political analysts, than to our own constituents, the vast majority of which are sick and tired of new and increased taxes. It is certainly true that Americans are equally incensed about mounting Federal deficits. However, there should be no misunderstanding: There continues to be strong—although not always vocal—opposition to tax solutions to our budgetary problems.

I voted against the budget resolution because I believe that the best way to eliminate the deficit is to cut Government spending, not increase taxes. I am also firmly committed to the proposition that no budget resolution would have been infinitely better than one which seeks to balance the budget on the backs of America's working men and women, people who are already saddled with high taxes and fed up with the prospect of additional ones.

Perhaps my greatest concern, however, is that the Congress will indirectly eliminate or dilute the last segment of the President's tax cut by approving appropriations measures which mandate new or increased taxes.

As is often the case, Washington is a bad place from which to judge the political and social sensibilities of Americans. In traveling around this country, I have sampled a wide variety of voter sentiments, and it is my belief that people want continued tax relief. They are also largely in favor of economic policies which do not refuel inflation through massive increases in Government spending.

A recent splendid editorial in the Greenwood, S.C., Index-Journal demonstrates the strength of support for the President's economic policies and the opposition to higher taxes. I ask unanimous consent that the editorial, entitled "The Awful News," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Greenwood (SC) Index-Journal, May, 11, 1983]

THE AWFUL NEWS

The nation's economic news is the worst in years to a select circle of Americans—the pundits and politicos who have been ranting about "Reagan's recession."

Inflation and interest rates have reached surprisingly low levels. The stock market is healthy. Productivity in nonfarm business went up at an annual rate of 4.8 percent in the first quarter. That is the best showing in two years.

"The rise in productivity is a good sign because it means we are starting to improve our international competitiveness, which will eventually create more jobs," said David Ernest, vice president of Evans Economics Inc., a Washington forecasting firm.

That must be the worst news of all to the kind of people who have been "viewing with alarm" ever since economic indicators began to rise.

The viewing with alarm people undoubtedly have a plan ready to put into action to reverse the economic upswing. In Congress, in the bureaucracies, in the states, in the layers of special interest groups dedicated to ever-bigger, ever-costlier government, the plan is obvious: spend more, tax more.

In other words, do the same things that derailed the economy in the first place. Then there will be a mounting crisis. Then there will be more government intervention in the people's lives and the economy. Then the American people can be herded farther on down the road to serfdom.

At present it looks as though that might not happen. Things are getting better. The outlook for freedom and prosperity is improving. To the bigger government, bigger tax and bigger spending crowd, that is terrible news.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1106. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a notice of rulemaking concerning the care labeling of textile wearing apparel and certain piece goods; to the Committee on Commerce, Science, and Transportation.

EC-1107. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the Board for calendar year 1982; to the Committee on Commerce, Science, and Transportation.

EC-1108. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a planned funding level for NASA's fiscal year 1983 Physics and Astronomy program; to the Committee on Commerce, Science, and Transportation.

EC-1109. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the National Climate Program Act to authorize appropriations for the carrying out of the provisions of such Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-1110. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Saltonstall-Kennedy Act to allow the carryover of funds without fiscal year limitation; to the Committee on Commerce, Science, and Transportation.

EC-1111. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Managing the Nation's Public Lands"; to the Committee on Energy and Natural Resources.

EC-1112. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Analysis of the Powder River Basin Federal Coal Lease Sale: Economic Valuation Improvements and Legislative Changes Needed"; to the Committee on Energy and Natural Resources.

EC-1113. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the thirteenth report of the Commission concerning the impact on competition and on small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the International Energy Program; to the Committee on Energy and Natural Resources.

EC-1114. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend title I of the Reclamation Project Authorization of 1972 as amended by Public Law 96-375; to the Committee on Energy and Natural Resources.

EC-1115. A communication from the Acting Director of the Minerals Management Service, transmitting, pursuant to law, an application from Mobil Oil Corporation, Chevron U.S.A. Inc., Shell Oil Company, and Tenneco Oil Exploration and Production for repayments of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1116. A communication from the Acting Director of the Minerals Management Service, transmitting, pursuant to law, applications by Superior Oil Company, Gulf Oil Exploration and Production Company, Chevron U.S.A. Inc., Phillips Petroleum Company, and Mobil Oil Corporation for repayments of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1117. A communication from the Acting Director of the Minerals Management Service, transmitting, pursuant to law, applications by Mobil Oil Corporation, Louisiana Land and Exploration, ARCO Oil and Gas Company, General American Oil Company of Texas, and Chevron U.S.A. Inc. for refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1118. A communication from the Acting Director of the Minerals Management Service, transmitting, pursuant to law, applications by Chevron U.S.A. Inc., Phillips Petroleum Company, Gulf Oil Exploration and Production Company, and Texas Gas Exploration Corporation for repayments of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1119. A communication from the Secretary of Transportation, transmitting, pursuant to law, the fourth annual report on the Highway Bridge Replacement and Rehabilitation Program, dated March 1983; to the Committee on Environment and Public Works.

EC-1120. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a CBO study entitled "Public Works Infrastructure: Policy Considerations for the 1980's"; to the Committee on Environment and Public Works.

EC-1121. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to repeal the Community Services Block Grant Act, and for other purposes; to the Committee on Environment and Public Works.

EC-1122. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on the activities of the Economic Development Administration, Department of Commerce, for fiscal year 1982; to the Committee on Environment and Public Works.

EC-1123. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the annual reports on the financial condition and results of operations of the Airport and Airways, Hazardous Substances Response, Highway, Inland Waterways, and Reforestation Trust Funds for fiscal year 1982; to the Committee on Finance.

EC-1124. A communication from the Acting Secretary of State, transmitting, pursuant to law, a monthly report on financial transactions with the People's Republic of Poland in the absence of a declaration that they are in default on certain debts to individuals and corporations; to the Committee on Foreign Relations.

EC-1125. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of the Overseas Private Investment Corporation's Financial Statements For the Fiscal Years Ending September 31, 1982 and 1981"; to the Committee on Foreign Relations.

EC-1126. A communication from the Director of the International Division, General Accounting Office, transmitting, pursuant to law, a report entitled "Donor Approaches to Development Assistance: Implications for the United States"; to the Committee on Foreign Relations.

EC-1127. A communication from the Acting Director of the International Development Cooperation Agency, transmitting, pursuant to law, the annual report of the Agency for International Development for fiscal year 1982; to the Committee on Foreign Relations.

EC-1128. A communication from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act and the District of Columbia Code with respect to the borrowing authority of the District of Columbia; to the Committee on Governmental Affairs.

EC-1129. A communication from the Director of the Office of Congressional, Intergovernmental, and Public Affairs, Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-1130. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office during April 1983; to the Committee on Governmental Affairs.

EC-1131. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-1132. A communication from the Director of Administration, Department of Energy, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1133. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a report on the use and distribution of certain Indian judgment funds awarded by the United States Court of Claims; to the Committee on Indian Affairs.

EC-1134. A communication from the Assistant Attorney General (Antitrust Division), transmitting, pursuant to law, a report on Competition in the Coal Industry; to the Committee on the Judiciary.

EC-1135. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a report on the activities of the Corporation under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-1136. A communication from the Director of the Selective Service System, transmitting, pursuant to law, a report on the activities of the System under the Free-

dom of Information Act for calendar year 1982; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1338. An original bill to authorize appropriations and extend authorities for housing development and rehabilitation, community development, and mortgage insurance, and for other purposes (with additional views) (Rept. No. 98-142).

By Mr. HEINZ, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 979. A bill to amend and reauthorize the Export Administration Act of 1979.

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. 1340. An original bill to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes; and

S. 1341. An original bill to revise and extend the Education of the Handicapped Act, and for other purposes.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. 1342. An original bill to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes (Rept. No. 98-143).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Res. 152. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1342; referred to the Committee on the Budget.

By Mr. PERCY, from the Committee on Foreign Relations, with amendments:

S. 608. A bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations (Rept. No. 98-144).

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. 1344. An original bill to extend the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research until December 31, 1986.

By Mr. SIMPSON, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute, and an amendment to the title:

S. 578. A bill to amend title 38, United States Code, to provide for adult day health care services for veterans, to authorize the Veterans' Administration to administer a community residential care program, to establish a presumption of service-connection for former prisoners of war suffering from dysthymic disorder and to revise and clarify eligibility for reimbursement of travel for Veterans' Administration health care (Rept. No. 98-145).

By Mr. PERCY, for the Committee on Foreign Relations, without amendment:

S. 1347. An orginal bill to provide a supplemental authorization of appropriations for the fiscal year 1983 for certain foreign assistance programs and to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for the fiscal year 1984 for international security and development assistance, and for other purposes (Rept. No. 98-146).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Res. 153. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1347; referred to the Committee on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GARN, from the Committee on Banking, Housing and Urban Affairs.

S. 1338. An original bill to authorize appropriations and extend authorities for housing development and rehabilitation, community development, and mortgage insurance, and for other purposes; placed on the calendar.

By Mr. PROXMIRE:

S. 1339. A bill for the relief of Shyh-Fann Tyan-Norem and Bin-Ti Yao Tyan-Norem; to the Committee on the Judiciary.

By Mr. HATCH, from the Committee on Labor and Human Resources:

S. 1340. An original bill to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes; placed on the calendar.

S. 1341. An original bill to revise and extend the Education of the Handicapped Act, and for other purposes; placed on the calendar.

By Mr. PERCY, from the Committee on Foreign Relations:

S. 1342. An original bill authorizing appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes; placed on the calendar.

By Mr. COCHRAN (for himself and Mr. STENNIS):

S. 1343. A bill to amend the Nuclear Waste Policy Act of 1982 to create an independent agency to administer the act; to the Committee on Governmental Affairs.

By Mr. HATCH, from the Committee on Labor and Human Resources:

S. 1344. An original bill to extend the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research until December 31, 1986; placed on the calendar.

By Mr. PELL:

S. 1345. A bill to provide that former provisions relating to the trigger under the Federal-State Extended Unemployment Compensation Act of 1970 shall apply until the national unemployment rate falls below 8 percent, and to restore the former definition of insured unemployment rate; to the Committee on Finance.

By Mr. BENTSEN:

S. 1346. A bill to provide that in Federal elections, candidates shall be provided free political broadcasting under certain circumstances; to the Committee on Commerce, Science, and Transportation.

By Mr. PERCY, from the Committee on Foreign Relations:

S. 1347. An original bill to provide a supplemental authorization of appropriations for the fiscal year 1983 for certain foreign assistance programs and to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for the fiscal year 1984, for international security and development assistance, and for other purposes; placed on the calendar.

By Mr. COCHRAN:

S.J. Res. 107. Joint resolution to designate the year of 1983 as the "Wagner-Peyser Fiftieth Anniversary Year."; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PERCY, from the Committee on Foreign Relations:

S. Res. 152. Original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1342; to the Committee on the Budget.

S. Res. 153. Original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1347; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN (for himself and Mr. STENNIS):

S. 1343. A bill to amend the Nuclear Waste Policy Act of 1982 to create an independent agency to administer the Act; to the Committee on Governmental Affairs.

NUCLEAR WASTE MANAGEMENT AUTHORITY ACT OF 1983

Mr. COCHRAN. Mr. President, when the Congress passed the Nuclear Waste Policy Act last December, I stated my concern that we would still have problems with this program unless we establish a single-purpose independent authority to administer the site selection and repository program. I still have that concern. As the Congressional Office of Technology Assessment points out, there is widespread lack of public confidence that the Federal Government has the institutional capacity to actually carry out the difficult and sustained effort required to build and operate a waste isolation system for handling large amounts of waste safely and reliably. Therefore, today I am introducing legislation to establish the Nuclear Waste Management Authority.

The Authority will carry out the nuclear waste site selection, construction and management functions in accordance with the Nuclear Waste Policy Act—and that will be its only responsibility.

The new Authority would be headed by a nine-person board, six chosen by the President and three chosen by the States which have been nominated to have waste sites. This will assure to the extent possible that the States

views' are properly represented. Three of the members of the board selected by the President must have demonstrated scientific expertise in nuclear radiation or geology or a related discipline. All of the members of the board would be subject to Senate confirmation.

The four major functions of the new Authority will be handled by separate offices within the agency. There will be an Office of Site Selection to carry out the studies and characterizations of possible repository sites. The Office of Site Management will be responsible for the day-to-day operation of the sites and the management of the Nuclear Waste Fund. The Office of Public Health, Safety, and Information will undertake the critical duties of monitoring the safety of the persons in areas adjacent to the sites, investigating any problems brought to it by the public about danger or harm caused by the nuclear waste, and providing reliable information to the public about the program. The public will have one clear place to take its concerns. Finally, the Office of Economic Development will provide financial and technical assistance to any State that has a nuclear waste site to promote the long range social and economic well being of the area where the storage sites are located.

The activities of the Nuclear Waste Management Authority will be paid for out of the user fees paid into the Nuclear Waste Fund, subject to a 5-year appropriation based on the mission plan under section 301 of the Nuclear Waste Policy Act.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Waste Management Authority Act of 1983".

TITLE I—ESTABLISHMENT OF THE NUCLEAR WASTE MANAGEMENT AUTHORITY

SEC. 101. The Nuclear Waste Policy Act of 1982 (Public Law 97-425) is amended by adding at the end thereof the following new title:

"TITLE IV—NUCLEAR WASTE MANAGEMENT AUTHORITY

"ESTABLISHMENT OF THE NUCLEAR WASTE MANAGEMENT AUTHORITY

"SEC. 401. (a) ESTABLISHMENT.—There is established as an independent agency in the executive branch of the Federal Government an agency to be known as the Nuclear Waste Management Authority to perform the functions of selection, construction, and management of civilian nuclear waste sites in accordance with the provisions of this Act.

"(b) COMPOSITION.—The Authority shall be composed of—

"(1) six members appointed by the President, by and with the advice and consent of the Senate, three of which who have substantial experience, training, or expertise in geology, hydrology, nuclear radiation pollution and its effects, and the mechanics of handling and transporting nuclear waste; and

"(2) three members to be selected by States having or nominated to have nuclear waste sites, subject to approval by the Senate.

No member of the Authority shall—

"(A) have a financial interest in a utility that produces nuclear waste; and

"(B) have worked for the Department of Energy or Battelle Engineering on the site selection program.

"(c) TERM OF OFFICE.—(1) Except as provided in paragraphs (2) and (3), the term of office of each member of the Authority shall be nine years.

"(2)(A) Of the six members of the Authority first appointed under subsection (b) (1)—

"(i) one shall be appointed for a term of one year;

"(ii) one shall be appointed for a term of two years;

"(iii) one shall be appointed for a term of four years;

"(iv) one shall be appointed for a term of five years;

"(v) one shall be appointed for a term of seven years; and

"(vi) one shall be appointed for a term of eight years.

"(B) Of the members first appointed under subsection (b)(2)—

"(i) one shall be appointed for a term of three years;

"(ii) one shall be appointed for a term of six years; and

"(iii) one shall be appointed for a term of nine years.

"(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(d) CHAIRMAN AND VICE CHAIRMAN.—(1) The President shall designate, by and with the advice and consent of the Senate, one member of the Authority appointed under subsection (b) to serve as the Chairman. The Chairman shall be the principal executive officer of the Authority and shall preside at meetings of the Authority.

"(2) The President shall designate, by and with the advice and consent of the Senate, one member of the Authority appointed under subsection (b) to serve as the Vice Chairman. In the absence or disability of the Chairman, the Vice Chairman shall act as Chairman.

"(e) MEETINGS.—(1) The members of the Authority shall meet regularly and shall perform the functions and exercise the powers of the Authority on a majority vote of a quorum of the Authority.

"(2) A vacancy in the Authority shall not impair the authority of a quorum of the Authority to perform the functions or exercise the powers of the Authority.

"(f) QUORUM.—Five members of the Authority shall constitute a quorum for the transaction of business.

"FUNCTIONS OF THE NUCLEAR WASTE MANAGEMENT AUTHORITY

"SEC. 402. The Authority shall—

"(1) develop policy for the selection, construction, and management of civilian nuclear waste sites;

"(2) select, construct, and manage civilian nuclear waste sites as provided in this Act; and

"(3) make annual recommendations to the President, the Congress, and the agencies for such action as the Authority considers appropriate with respect to—

"(A) national policy on civilian nuclear waste disposal; and

"(B) research and development relating to civilian nuclear waste disposal.

"OFFICE OF SITE SELECTION

"SEC. 403. (a) ESTABLISHMENT.—There is established within the Authority an Office of Site Selection. The Office shall be headed by a Director who shall be appointed by the Chairman.

"(b) FUNCTION.—The Office of Site Selection shall be responsible for the selection and characterization of sites for a nuclear waste repository for both deep geological sites and monitored and retrievable sites pursuant to the provisions of this Act.

"OFFICE OF SITE MANAGEMENT

"SEC. 404. (a) ESTABLISHMENT.—There is established within the Authority an Office of Site Management. The Office shall be headed by a Director who shall be appointed by the Chairman.

"(b) FUNCTION.—The Office of Site Management shall be responsible for site management and for the management of the Nuclear Waste Fund established in section 302.

"OFFICE OF PUBLIC HEALTH, SAFETY AND INFORMATION

"SEC. 405. (a) ESTABLISHMENT.—There is established within the Authority an Office of Public Health, Safety and Information. The Office shall be headed by a Director who shall be appointed by the Chairman.

"(b) FUNCTIONS.—The Office of Public Health and Safety shall be responsible for—

"(1) the continuous monitoring of environmental and health conditions in the area of any nuclear waste storage facility; and

"(2) receiving and investigating all complaints and allegations of environmental harm and danger to public health arising from the storage of nuclear waste as provided in this Act; and

"(3) providing reliable, accurate and timely information to the public about the nuclear waste storage program.

"(c) Public Docket and Public Hearings.—All complaints received by the Office pursuant to subsection (b)(2) shall be a matter of public record. Upon the request of any member of the Commission or the Governor of any affected State, the Office shall hold a public hearing for the purpose of determining what action should be taken by the Authority on any allegation of environmental harm and danger to public health.

"OFFICE OF ECONOMIC DEVELOPMENT

"SEC. 406. (a) ESTABLISHMENT.—There is established within the Authority an Office of Economic Development. The Office shall be headed by a Director who shall be appointed by the Chairman.

"(b) FUNCTION.—The Office of Economic Development shall be responsible for providing financial and technical assistance to any State requesting such assistance in which a repository is constructed as provided in section 116(c)(2)(A).

"ADMINISTRATIVE PROVISIONS

"SEC. 407. In order to carry out its functions under this Act, the Authority may—

"(1) prescribe such regulations as the Authority considers necessary to carry out the provisions of this Act;

"(2) subject to civil service and classification laws, appoint, employ, and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

"(3) obtain from any Federal agency, including any independent establishment or instrumentality of the United States, advice, information, estimates, statistics, and such other assistance as the Authority considers necessary for the performance of its functions under this Act;

"(4) solicit from any State or political subdivision thereof advice, information, estimates, statistics, and such other assistance as the Authority considers necessary for the performance of its functions under this Act;

"(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

"(6) accept and utilize the services of individuals employed intermittently in the Government service and reimburse such individuals for travel expenses, as authorized by section 5703 of title 5, United States Code, including per diem as authorized by section 5702 of such title;

"(7) enter into contracts or other arrangements, or modifications thereof, to carry out the provisions of this Act;

"(8) make advance, progress, and other payments which the Authority considers necessary to carry out the provisions of this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

"(9) make such other expenditures as the Authority determines are necessary to carry out the provisions of this Act; and

"(10) pay the compensation of personnel, per diem, travel expenses, and all other expenses of the Authority from the Nuclear Waste Fund established by section 302.".

AMENDMENTS REGARDING USE OF THE NUCLEAR WASTE FUND AND AID TO AFFECTED STATES

SEC. 102. Paragraph (2) of subsection (e) of section 302 of such Act is amended to read as follows:

"(2) The Authority shall submit the budget of the Waste Fund to the Office of Management and Budget every five years. Except for the initial budget, the budget of the Waste Fund shall consist of the estimates made by the Authority of expenditures from the Waste Fund and other relevant financial matters for the succeeding five fiscal years. The budget shall be included in the Budget of the United States Government. The Secretary may make expenditures from the Waste Fund, subject to appropriations which shall remain available until expended. Appropriations shall be subject to authorization every five years.".

(b) Section 116(c)(2)(A) of such Act is amended by striking out the period at the end of the last sentence and inserting in lieu thereof "and shall continue, as requested by such State, for the purpose of assisting such State in promoting the long range social and economic well being of the area of the site."

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 103. (a) Section 2 of the Nuclear Waste Policy Act of 1982 (Public Law 97-425) is amended—

(1) in clause 4 by striking out "Secretary" and inserting in lieu thereof "Authority";

(2) by striking out clause 17 and inserting in lieu thereof the following:

"(17) the term 'Authority' means the Nuclear Waste Management Authority established in title IV."; and

(3) by striking out clause (20).

(b) Titles I, II, and III of such Act are amended by striking out "Secretary" where such word appears alone or "Secretary of Energy" and inserting in lieu thereof "Authority".

(c) Title III of such Act is amended by striking out section 304 and by redesignating sections 305 and 306 as sections 304 and 305, respectively.

(d)(1) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Chairman, Nuclear Waste Management Authority.".

(2) Section 5314 of such title is amended by adding at the end thereof the following new item:

"Members, Nuclear Waste Management Authority (8).".

(e)(1) The table of sections for title III of such Act is amended by striking out the item for section 304 and redesignating sections 305 and 306 as sections 304 and 305, respectively.

(2) The table of sections for such Act is amended by adding at the end thereof the following:

"TITLE IV—NUCLEAR WASTE MANAGEMENT AUTHORITY

"Sec. 401. Establishment of the Nuclear Waste Management Authority.

"Sec. 402. Functions of the Nuclear Waste Management Authority.

"Sec. 403. Office of Site Selection.

"Sec. 404. Office of Site Management.

"Sec. 405. Office of Public Health and Safety.

"Sec. 406. Office of Economic Development.

"Sec. 407. Administrative provisions.

TITLE II—TRANSFER, SAVINGS, AND PERSONNEL PROVISIONS

SEC. 201. For the purposes of this title—

(1) the term "authority" means the Nuclear Waste Management Authority established by the title IV of the Nuclear Waste Policy Act of 1982 as added by section 101 of this Act; and

(2) the term "agency" has the same meaning as provided in section 551(1) of title 5, United States Code.

SEC. 202. (a) There are transferred to the Authority all functions of the Secretary of Energy on the day before the effective date of this Act.

(b) The assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, available, or to be made available in connection with or arising from the functions transferred to the Authority by this Act are, subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), tranferred to the Authority.

(c) The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may provide for such additional incidental transfers of assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, available, or to be made available in connection with or arising from the functions transferred to the Authority by this Act as may be necessary to carry out the provisions of the Nuclear Waste Policy Act of 1982.

SEC. 203. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the performance by any other agency, before the effective date of this Act, of functions transferred to the Authority by this Act; and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Authority, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceeding pending at the time this Act takes effect before any agency or any component thereof; but such proceedings, to the extent that they relate to functions transferred to the Authority by this Act, shall be continued before the Authority. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if the this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Authority, by a court of competent jurisdiction, or by operation of law.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect actions commenced before the effective date of this Act, and

(2) in all such actions proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d)(1) No action or other proceeding commenced by or against any officer in his official capacity as an officer of any agency shall abate by reason of the enactment of this Act. No cause of action of or against any agency, or any officer thereof in his official capacity, shall abate by reason of the enactment of this Act. Causes of action and actions or other proceedings with respect to a function transferred to the Authority by this Act may be asserted by or against the United States or the Authority, as may be appropriate.

(2) If, before the date on which this Act takes effect, any agency, or any officer thereof in his official capacity, is a party to an action arising from the performance of a function transferred to the Authority by this Act, such action shall be continued with the Authority substituted or added as a party.

(3) In any action pending on the effective date of this Act, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(e) Orders issued and actions taken by the head of an agency in the performance, before the effective date of this Act, of the functions transferred to the Authority by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders had been issued and such actions had been taken by the head of the agency performing such functions on the day before the effective date of this Act. Any statutory requirements relating to notice, hearings, actions upon the record, or administrative review that apply to any functions transferred to the Authority by this Act shall apply to the performance of such functions by the Authority.

(f) Reference in any other Federal law to the Secretary of Energy, any agency, or any officer or office of such agency with respect to any function transferred to the Authority by this Act, shall be deemed to refer to the Authority.

SEC. 404. In appointing or employing personnel, the Authority shall consider the applications for appointment or employment submitted by individuals who, as of the day before the date of the enactment of this Act, have been appointed or are employed to perform the functions transferred to the Authority by this Act. Notwithstanding any other provision of law, the Authority shall not be required to appoint or employ such individuals or to give preference to any such individual in appointing or employing personnel.

TITLE III—INTERIM ACTIONS; INTERIM FUNDING; EFFECTIVE DATE

SEC. 301. (a)(1)(A) The members of the Authority may be appointed in the manner provided by this Act at any time after the date of the enactment of this Act.

(B) The Authority may, at any time after the date of the enactment of this Act, select for appointment or employment personnel to be appointed or employed by the Authority on or after the effective date of this Act.

(2) Each member of the Authority shall be compensated from the date the member is appointed.

(3) The compensation of members of the Authority and the other expenses of the Authority incurred under this subsection shall be paid from funds in the Nuclear Waste Fund established by section 302 of the Nuclear Policy Act of 1982.

(b) There are authorized to be appropriated, from funds in the Nuclear Waste Fund not otherwise appropriated, such amounts as may be necessary to carry out the provisions of subsection (a).

SEC. 302. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect one hundred and eighty days after the date of the enactment of this Act.

(b) This section and section 301 shall take effect on the date of the enactment of this Act.

By Mr. PELL:

S. 1345. A bill to provide that former provisions relating to the trigger under the Federal-State Extended Unemployment Compensation Act of 1970 shall apply until the national unemployment rate falls below 8 percent, and to restore the former definition of insured unemployment rate; to the Committee on Finance.

STATE ELIGIBILITY FOR EXTENDED BENEFITS

Mr. PELL. Mr. President, I am today introducing legislation to maintain our Federal commitment to the Nation's unemployed workers. That commitment, which was so recently reinforced by the emergency jobs bill passed in March, is undermined by a grave mistake made by Congress in 1981, and I hope to correct that mistake before many of the unemployed are damaged.

In August 1981, Mr. President, the Nation's unemployment rate was 7.4 percent. The average unemployment for the year 1980 had been 7.1 percent, and in 1979 had been 5.8 percent. In the thirty-five years since the end of World War II, unemployment had risen above 7 percent in only 3 years, from 1975 through 1977. The only time in the history of recorded employment and unemployment statistics in which unemployment has exceeded that level was during the Great Depression of the 1930's.

These unemployment figures are significant, Mr. President, because in August 1981, this Government enacted fundamental changes in the way in which unemployed workers can qualify for unemployment compensation. The Reconciliation Act of 1981, passed by the Senate on August 5 of that year, was a major experiment by a new administration in directing the course and purpose of Federal Government. In dozens of agencies and in hundreds of programs, funding was reduced or eliminated, and eligibility was restricted. One of the programs restricted was a program of Federal assistance to help pay the unemployment benefits in States with high unemployment; this program is known as extended benefits, and eligible States can receive Federal assistance to pay 50 percent of extended unemployment benefits for periods up to 13 weeks.

The Reconciliation Act restricted State eligibility for extended benefits by raising the threshold levels, or triggers, of unemployment at which a State could qualify. Under prior law, a State would qualify for extended benefits if its insured unemployment rate, which measured the workers in the labor force already receiving State unemployment benefits, was over 5 percent. A State also could qualify for extended benefits if its insured unemployment rate was over 4 percent and was more than 120 percent of its rate 1 year earlier.

Reconciliation changed these triggers by raising each of them a full percentage point, so that a State must now have a 6-percent insured unemployment rate under the first alternative of the trigger. Reconciliation also reduced the number of unemployed workers counted as receiving benefits by eliminating those who receive extended benefits, thus lowering each State's unemployed insurance rate.

In 1981, Mr. President, these changes in our unemployment law may seem warranted. The Nation was in the grip of a conservative revolution, and there seemed to be no reason why unemployment benefits should be immune from the budget-cutting. The Nation's unemployment was at 7.4 percent, and much of our country waited with baited breath for the President's tax cuts and defense buildup to restore prosperity.

As we know, however, prosperity did not arrive and unemployment did not decline. The Nation's unemployment rate continued climbing steadily until it reached a post-war high of 10.8 percent in December 1982, signifying that over 12 million workers had no job and were still searching for one. In my own State, the unemployment rate reached 11.4 percent in December and climbed to over 12 percent on an unadjusted basis in January and February. Rhode Island's unemployment remains over 9.2 percent even today.

Ironically, Rhode Island and 18 other States will soon lose their eligibility for extended benefits. This is not because unemployment has been decreasing in these States, but because workers have exhausted their unemployment benefits, or they have dropped out of the labor force, or the number of new layoffs has decreased, or any one of several factors. Unemployment nationally is expected to remain above 9 percent for this year and next year, and extended benefits will remain just as necessary throughout that time period in order to help workers who have lost their jobs through no fault of their own.

As long as we have high unemployment across the Nation and in individual States, Mr. President, our States require that extended benefits be offered on a basis that is responsive to the human suffering that exists. The bill that I am filing today will therefore roll back the changes made in trigger levels to their prereconciliation levels until national unemployment drops to 8 percent, a rate that indicates that recovery has truly started for workers as well as for Wall Street. States will be able to remain qualified for extended benefits if their insured unemployment rate is above 5 percent, or if is above 4 percent and more than 120 percent of unemployment 1 year earlier.

My bill will also permanently correct the types of unemployed workers who are counted for extended benefit purposes to more accurately reflect the number of workers receiving unemployment. Unemployed workers who receive extended benefits will once again be counted, as well as those receiving basic State benefits. States will therefore not be refused eligibility by an arbitrarily restrictive measurement of unemployed workers.

Mr. President, the changes contained in my bill are not new. They have been proposed, in various forms, by several of my colleagues in the past year. Neither are these changes an answer to unemployment or to the human misery that accompanies joblessness. But neither of these facts are a sufficient reason to say that we must leave a mistaken law the way that it is. Our continued high level of unemployment require a continued commitment by the Federal Government to assist the unemployed, and the need for such correction will become more and more obvious as more and more States are forced to drop out of the extended

benefits program this summer. I fervently hope that more of my colleagues grow to recognize the continued need for extended benefits, and that we can maintain our country's commitment to unemployed workers at the level that we ought to.

If there is no objection, Mr. President, I request that the provisions of this bill be printed in full in the RECORD following the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new sentence: "With respect to compensation for weeks of unemployment beginning on or after June 1, 1983, and before the first week thereafter which begins in a month following a month for which the national total rate of unemployment (as determined by the Bureau of Labor Statistics) is below 8 percent, determinations under this subsection shall be made as if the figure '5' in paragraph (1)(B) were '4', and the figure '6' in clause (ii) of this paragraph were '5'.".

(b)(1) Section 203(e)(1)(A) of such Act is amended by striking out "individuals filing claims for regular compensation" and inserting in lieu thereof "individuals filing claims for compensation (including regular, extended, sharable regular, and Federal supplemental compensation)".

(2) The amendment made by paragraph (1) shall apply for purposes of determining whether there are State "on" or "off" indicators for weeks beginning on or after the date of the enactment of this Act. For purposes of making such determinations for such weeks, such amendment shall be deemed to be in effect for all weeks, whether beginning before, on, or after the date of the enactment of this Act.

By Mr. BENTSEN:

S. 1346. A bill to provide that in Federal elections, candidates shall be provided free political broadcasting under certain circumstances; the the Committee on Commerce, Science, and Transportation.

FEDERAL ELECTIONS CAMPAIGN REFORM ACT

● Mr. BENTSEN. Mr. President, there is a fundamental inequity in our Federal election laws. It is embodied in a legal loophole created by the Supreme Court in Buckley against Valeo allowing so-called independent expenditures to be made without limit in Federal elections. This loophole means that the candidate who finances a race within the legal limits set by Congress—$1,000 per individual and $5,000 per political action committee—could run against an opponent who receives limitless contributions in effect from so-called independent committees. The candidate who plays by the rules is at a clear disadvantage against an opponent who bends them. If there is to be any reform of our Nation's election laws, and the prospect for reform apears more likely now than at any time in the recent past, it must include a provision to rectify the "independent committee" inequity. Today, I am introducing legislation to close this loophole, and resolve the unfairness it has created.

My proposal will give candidates for Federal office an opportunity to respond at no cost to independent campaigns on television or radio. It will force accountability on those who have exploited and abused our constitutional protection of freedom of expression. While encouraging free speech, my bill will allow the target of distortions to set the record straight. My hope is that it will assure at least some respect for the truth by these political predators, because they will know that their intended victim will have an opportunity to defend himself.

In 1974, the Court ruled that independent expenditures in Federal elections could not be limited by the Congress. It determined that individuals and truly independent groups have a right to air their views without restriction, during campaigns. That is a proposition that I fully support. Our Constitution is clear on the protection of individual expression, and my proposal will do nothing to restrict that right.

My bill amends the Federal Communications Act of 1934 in the following way: When a candidate for Federal office is faced with an independent campaign on radio or television, that candidate would be acceded an equal amount of broadcast time, at no cost, to respond to the charges. Without in any way threatening freedom of speech, my bill allows the target of distortions and false charges an automatic right to reply. My proposal would help assure at least some respect for the truth and accuracy in independent campaign advertising. It should also help enable the candidates, rather than outside "independent" groups, to set the agenda in our Federal elections.

Let me make clear the intent of my proposal: There is nothing in this bill that would require broadcasters to sell advertising time to so-called independent committees. Present law places no restrictions on the broadcaster's absolute discretion as to whether to sell or not to sell time to independent committees, and nothing in my proposal will effect that right. In fact, the broadcasters' right of discretion was upheld in court 2 weeks ago last Friday, when the National Conservative Political Action Committee's suit against several Members of this body and licensees asserting their right to broadcast time was dismissed. Only when a broadcaster exercises that absolute discretion to sell time to an independent committee will the equal time provisions included in this measure be triggered.

In the last few elections, so-called independent groups have engaged in multimillion dollar campaigns of hit-and-run guerilla politics designed to tear down candidates through distortions and half truths. National Conservative Political Action Committee Chairman John Dolan, in an interview with the Washington Post, said, "A group like ours could lie through its teeth and the candidate it helps stays clean." These groups, accountable to no one, can and do lie through their teeth, and their distortions often go unquestioned, because the victims lack the campaign resources to respond and set the record straight.

Mr. President, many Members of the 98th Congress have introduced far-reaching reforms of our election laws to limit political action committees. I believe they are aiming at the wrong target. Most political action committees are to be commended for their part in increasing participation in the political process, allowing individuals to augment the impact of their political activity, and increasing the accountability in election campaign financing. My proposal will effect the fewer than 3 percent of the political action committees that make independent expenditures. It will be triggered only when the independent group purchases radio or television broadcast time. Not all of the independents have the means with which to wage media campaigns because, as every Member here knows, they are tremendously expensive.

It is time that the Congress came to grips with the independent loophole created by the Supreme Court, and I believe my proposal deals with it effectively, while still providing for the freedom of speech.

Mr. President, I ask that the measure be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Elections Campaign Reform Act".

SEC. 2. For purposes of this Act—

(1) the term "candidate" has the meaning given such term in section 301 (2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (2));

(2) the term "political committee" has the meaning given such term in section 301 (4) of the Federal Election Campaign Act of 1971;

(3) the term "person" has the meaning given such term in section 301 (11) of the Federal Election Campaign Act of 1971; and

(4) the term "political party" has the meaning given such term in section 301 (16) of the Federal Election Campaign Act of 1971.

SEC. 3. Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) If, with respect to an election of a candidate, any licensee shall exercise its absolute discretion to permit any individual, political committee, or other person (other than a candidate for such office, or a political committee authorized by a candidate for such office or by a committee authorized by a political party) to purchase time on a broadcasting station to support a candidate or to criticize the views, positions, actions, or qualifications of a candidate, the licensee shall provide to any candidate whose views, positions, actions, or qualifications were criticized, or to any opponent of the candidate supported, as the case may be, the opportunity to use the same amount of time on such broadcasting station, during the same period of the day, without charge: *Provided*, That such licensee shall have no power of censorship over the material required to be broadcast under this subsection.

"(2) As used in this subsection, the terms 'candidate', 'political committee', and 'political party', have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).".

SEC. 4. The amendments made by this Act shall apply to elections taking place after December 31, 1983.●

By Mr. COCHRAN:

S.J. Res. 107. Joint resolution to designate the year of 1983 as the "Wagner-Peyser Fiftieth Anniversary Year"; to the Committee on the Judiciary.

WAGNER/PEYSER FIFTIETH ANNIVERSARY YEAR

Mr. COCHRAN. Mr. President, on June 6, 1983, we will commemorate the 50th anniversary of the Wagner-Peyser Act, which, as we all know, established a nationwide system of public employment offices. Today, I send to the desk a joint resolution recognizing the year 1983 as the "Wagner-Peyser 50th Anniversary Year."

During its 50-year history, the Employment Service, commonly known as the Job Service, has played a significant role in the functioning of the labor market and the supply of labor in this country. The assistance provided by the Employment Service, which includes recruitment, counseling, job placement, administration of the unemployment insurance program and coordination of occupational information, has been an integral and necessary factor in the recovery we are experiencing in the economy.

Throughout the remainder of this year, the Employment Service offices all over the United States will be sponsoring job-a-thons and other public forums to make business, industry and the community at-large more aware of the services and programs it provides. In my own State of Mississippi, under the excellent direction of Mr. O. H. Simmons, we have scheduled several more statewide job-a-thons, numerous local and community job forums and a big celebration on June 3 in each of the 38 Employment Service offices where business and industry leaders have been invited to "open house" in order to gain first hand experience in the services and assistance provided by this important component of the Federal Government.

These kinds of ceremonies, programs, and activities will go a long way toward making economic recovery really meaningful for those who are now unemployed or underemployed.

ADDITIONAL COSPONSORS

S. 57

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 57, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

S. 722

At the request of Mr. HUDDLESTON, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 722, a bill to amend the Foreign Trade Zones Act to exempt bicycle component parts which are not reexported from the exemption from the customs laws otherwise available to merchandise in foreign trade zones.

S. 764

At the request of Mr. WARNER, the names of the Senator from Alaska (Mr. STEVENS), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 980

At the request of Mr. WALLOP, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 980, a bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to the surface mining of stone, clay, and sand work.

S. 1006

At the request of Mr. SPECTER, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 1006, a bill to amend the Internal Revenue Code of 1954 to repeal the 15-percent reduction in percentage depletion for iron ore and coal.

SENATE JOINT RESOLUTION 104

At the request of Mr. GARN, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 104, a joint resolution to designate July 20 of each year as "Space Exploration Day."

SENATE RESOLUTION 115

At the request of Mr. PRESSLER, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Resolution 115, a resolution to express the sense of the Senate on the need to facilitate U.S. exports by opposing international restrictions on the marketing and distribution of such exports.

SENATE RESOLUTION 130

At the request of Mr. GORTON, the names of the Senator from California (Mr. WILSON), the Senator from Illinois (Mr. DIXON), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of Senate Resolution 130, a resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory.

SENATE RESOLUTION 152—ORIGINAL RESOLUTION WAIVING THE CONGRESSIONAL BUDGET ACT

Mr. PERCY, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 152

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1342, a bill to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes. Such waiver is necessary to allow the authorization of $13,283,000 to enable Radio Free Europe/Radio Liberty, Inc. (RFE/RL) to enhance programming, improve audio quality, and renovate broadcast facilities, in accordance with the President's announcement of July 19, 1982 "to move forward . . . with a program to modernize our primary means of international communication, our international radio system."

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 28, 1982 deadline because the Administration failed to submit this request until November 23, 1982. This request was resubmitted to the Congress in March of 1983.

SENATE RESOLUTION 153—WAIVING THE BUDGET ACT

Mr. PERCY, from the Committee on Foreign Relations, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 153

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1347, "A bill to provide a supplemental authorization of appropriations for the fiscal year 1983 for certain foreign assistance programs and to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for the fiscal year 1984 for international security and development assistance, and for other purposes".

This waiver is necessary to allow appropriations under the Foreign Assistance Act of 1961 for the following amounts and purposes: $132,000,000 for military assistance under section 503; $105,500,000 for economic support funds under part II, chapter 4; and $4,500,000 for international organizations and programs under part II, chapter 3.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by May 28, 1982, because (a) in the case of the military assistance and economic support funds, the Committee reported out authorizations in 1982 which were never enacted and (b) in the case of authorization for the United States contribution to the International Atomic Energy Agency, the Committee directed completion of an assessment of the value of this agency to United States objectives prior to final consideration of the amount proposed for authorization.

The effect of defeating consideration of the supplemental authorization will be: (a) with regard to funds for the military assistance program, failure to restore the most critical shortfalls resulting from a sharp cutback and extensive earmarking of funds under the fiscal year 1983 continuing resolution; this supplemental requests funds for programs pivotal to United States efforts in Central America and Africa; (b) with regard to economic support funds, dilution of priority efforts in support of peace in Central America (Honduras and Costa Rica) and the Middle East (Sudan), and of assistance to Turkey to meet the United States pledge under the multinational economic rehabilitation efforts; (c) with regard to funds for international organizations and programs, delay in resuming United States participation in the International Atomic Energy Association, postponed by legislative mandate pending completion of assessment of the value of continued United States participation, which the study found to be highly supportive of United States pursuit of its nuclear nonproliferation objectives.

The desired authorization will not delay the appropriations process and will need to be accommodated in a supplemental appropriation.

AMENDMENTS SUBMITTED

INTERNATIONAL MONETARY FUND

HELMS AMENDMENT NO. 1296

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill (S. 695) to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for an increase in the U.S. quota in the International Monetary Fund and to authorize appropriations for increased U.S. participation in the IMF's General Arrangements to Borrow, as follows:

On page 9, line 9, strike out the closing quotation mark and the second period and insert in lieu thereof the following:

SEC. 45. (a) In order to contribute to global economic stability through a cooperative framework for the conduct of a free and market oriented system of world trade in agricultural commodities and products thereof, the Secretary of the Treasury shall instruct the United States Executive Director to the Fund to propose and to vote for the adoption by the Fund of the following policies with respect to any purchases, drawings, or other use of Fund resources (including loans under the General Arrangements to Borrow), by members, except for purchases or drawings within a member's reserve tranche:

"(1) That as a condition of receiving Fund resources, a member must present to the Fund information describing all direct or indirect export subsidies, including among other things the use of special tax incentives and subsidized financing for exports, employed by such member in connection with the exporting of agricultural commodities and products thereof to foreign countries.

"(2) That as a further condition of receiving Fund resources, if it is determined by the Fund that the export subsidies being employed by such member are predatory export subsidies and the U.S. Executive Director to the Fund has been advised by the Secretary of Agriculture, after consultation with the United States Trade Representative, that such subsidies have an adverse impact on United States exports of agricultural commodities and products thereof, such member must agree to a specific program of steps to eliminate expeditiously such predatory export subsidies over a period of time not to exceed three years.

"(b) For purposes of subsection (a) of this section, the term 'predatory export subsidies' means the provision by any country or organization of countries, or instrumentality thereof, of my financial assistance through loans, payments, or comparable means (including the use of special tax incentives or subsidized financing for exports) to any person in connection with the export sale to a third country of agricultural commodities and products thereof produced in such country or organization of countries, that has the effect of lowering the export price, directly or indirectly, of such commodities and products thereof to less than the highest comparable price that a like commodity or product thereof produced and processed in the United States could be exported to the same third country in the ordinary course of trade.

"(c) Not later than January 1, 1985, the President shall prepare and transmit a report to Congress setting forth his determination on whether the Fund has adopted and fully implemented the policies set forth in subsection (a) of this section. If the President determines that the Fund has not adopted the policies set forth in subsection (a), or that the Fund has adopted but not fully implemented the policies set forth in subsection (a), the President shall take immediate action to suspend United States participation in the Fund. Within thirty days after any such suspension, the President shall prepare and transmit a report to Congress setting forth his recommendations with regard to any further United States participation in the Fund, and, such suspension shall continue in effect until there is enacted specific authorization for further United States participation in the Fund.".

Mr. HELMS. Mr. President, I submit an amendment to S. 695 for printing.

S. 695, a bill to increase by about $8.4 billion the U.S. contribution to the International Monetary Fund, is now on the Senate Calendar. It has been reported by both the Senate Committee on Foreign Relations and the Senate Committee on Banking, Housing, and Urban Affairs, and may be taken up by the Senate in early June.

I am troubled by even the possibility that the IMF may be left with any authority to contribute to the undermining of U.S. farmers—and our agricultural industry generally—through the encouragement of certain export policies by nations receiving IMF assistance. My amendment to S. 695 will assure that this will not happen in the future.

Mr. President, S. 695 will nearly double the amount of U.S. resources previously made available to the IMF and is part of an overall increase in total IMF resources equivalent to about $32 billion, an increase of 47 percent.

We are told by the proponents of S. 695 that this massive increase in IMF resources is necessary to quell the debt crisis that some claim is threatening the world financial system and to meet the likely challenges posed by the conditions in the international economy. Whether the debt crisis actually exists and whether increasing the IMF's resources to such an extent is appropriate under any circumstances are questions subject to question. I am convinced that the case for added IMF resources simply has not been made.

It is not now my intention, however, to repeat the reasons for my opposition to the quota increase. Those reasons are set forth in detail in the report of the Foreign Relations Committee on S. 695 (S. Rept. No. 98-35, at pp. 27-54). The point I would make now is quite another issue, and one that is yet to surface in the IMF debate. I am referring to the use of IMF resources to assist nations with monetary problems in those instances where the recipient nation is using predatory export subsidies, in connection with world trade in agricultural products, to the detriment of the United States and other fair-trading nations. Mr. President, the amendment I am submitting to the Bretton Woods Agreements Act would address this problem in a reasonable fashion. However, before describing my amendment further let me explain the problem in some detail.

U.S. agriculture, in particular, has suffered from the adverse effects of predatory export subsidies being used by certain nations in connection with trade agricultural products. The value of U.S. agricultural exports fell from $43.8 billion in fiscal year 1981 to $39.1 billion in fiscal year 1982, the first year-to-year decline since 1969. Export values are expected to decline to $36 billion this year.

Mr. President, I acknowledge that this decline in U.S. agricultural exports can be attributed to a number of factors. Record production and large

surpluses combined with the world recession, weak foreign currencies, and massive debt of many potential importers are causal factors that clearly deserve some of the credit. This residual effect of the grain embargo imposed on the Soviet Union in 1980 is also a factor.

However, in my capacity as chairman of the Agriculture Committee, I have spent a great deal of time looking into these matters and I am convinced that the use of export subsidies by a growing number of competitor nations is one of the principal factors for the decline in U.S. exports. The basis for this conclusion can be demonstrated with a couple of illustrations, but, before I continue, let me just state that I can see no reason for American contributions to the IMF to be used to benefit any country employing such subsidies. These practices can easily consume substantial sums of money, straining the budgets of governments employing them and resulting in funds being diverted away from more productive uses in order to maintain otherwise uncompetitive export industries.

Consider for instance the recent track record of the countries of the EEC in agricultural export trade. While the level of U.S. exports has declined, the EEC's share of the world market has risen dramatically with the assistance of a generous export subsidy policy. EEC exports to countries outside the Community have more than doubled in the past 5 years. The EEC's 1982 exports of over $80 billion in farm products to all sources will continue two decades of uninterrupted gains in their farm exports. This dramatic growth is closely correlated with increases in export subsidies. In 1976, the EEC exported $12 billion worth of agricultural commodities to non-EEC members, using approximately $2 billion in direct export subsidies. In 1982, the EEC exported nearly $30 billion of agricultural commodities to non-EEC members using nearly $8 billion in direct export subsidies.

It strikes me as a bit curious that the world recession would so differently affect U.S. and EEC exports of agricultural products. After all, U.S. farmers are the most efficient in the world and domestic prices for agricultural products tend to be lower in the United States than in the EEC countries. No; the world recession and related problems surely dampen demand, but it is the subsidies that explain the displacement of U.S. products from world markets by EEC products.

Another glaring example is Brazil. Brazil has used a complex combination of tax incentives, subsidized financing, quotas, export rebates and credits, and similar benefits to build an industry that now dominates the world soybean markets. During the period 1973–81, the U.S. soybean industry declined precipitiously in the face of impressive gains for the subsidized Brazilian industry. During this same period world demand increased substantially.

In 1973–74, the world soybean meal market was 6.4 million metric tons. The United States supplied 78 percent, or 5 million metric tons, and Brazil supplied the remaining 22 percent, or 1.4 million metric tons. By 1980–81, the world market had grown to 15.5 million metric tons. U.S. volume increased to 6.1 million metric tons, but our market share dropped to 39 percent. Over this same period, Brazil increased its market share to 55 percent, exporting 8.6 million metric tons. In soybean oil, Brazil was not a supplier in 1973–74. The United States had 64 percent of the world market, the EEC had 27 percent, and all others had 9 percent. But by 1980–81, Brazil had jumped to 45 percent of the world soybean oil market. The U.S. share had declined to 24 percent, while the EEC's share had fallen to 14 percent.

In the poultry industry much the same thing has taken place. Take broilers for instance; from 1979 to 1982, U.S. exports went from about 90,000 metric tons in 1979 to a high of about 150,000 metric tons in 1981, then plunged to less than 50,000 metric tons in 1982. During this same period, EEC exports steadily rose from about 230,000 metric tons to about 500,000 metric tons, and Brazilian exports from about 90,000 metric tons to 300,000 metric tons. Again, the difference can be clearly demonstrated by looking at the subsidy practices of these three competitors. In the United States, broiler exports are not subsidized. The EEC on the other hand provided export subsidies in 1981 totaling about $41 million on $371 million worth of exports, while in Brazil credit subsidies estimated at about $37 million were provided on total exports valued at about $354 million.

Mr. President, some of the very nations that are devastating U.S. agricultural exports with their predatory subsidies have at the same time turned to the IMF, as in the case of Brazil, or are planning to turn to the IMF, as in the case of France, to bail them out of their monetary problems, brought on in great measure by irrational and poorly conceived economic policies. This situation presents two very serious problems in my opinion.

First, I object strenuously to the use of American-donated resources by the IMF to assist countries that have adopted export policies that undermine American export markets to the detriment of the agricultural industry of this Nation. I submit that the economies of some of the offending nations would not be in nearly such bad condition as they are now if the funds they have been pouring into these subsidies were used instead to develop industries whose products are naturally more competitive in world markets.

Let us not lose sight of the fact that the United States is the largest single contributor to the IMF. At the present time, the United States contributes about 20.7 percent of total IMF quotas. The next largest contributor is the United Kingdom at 7.2 percent, followed by West Germany at 5.3 percent. In addition, the U.S. dollar is one of the principal usable currencies relied on by the IMF—that is, the currencies of members whose balance of payments and reserve positions are judged to be sufficiently strong for the IMF to be able to sell their currencies.

I see no reason why the United States should continue to divert its increasingly limited resources to aid the economies of nations that in turn are pouring massive amounts of their own resources into export subsidies that adversely impact on the U.S. economy. The use of these export-subsidy practices simply must be brought under control by the competitor nations if the United States is to be expected to continue providing assistance to these same nations in their times of economic need.

Second, and more broadly, I believe the focus of conditionality attached by the IMF to the use of its resources must be broadened. Currently, the primary objective of conditionality is to assure that a member using the IMF's resources will overcome its balance-of-payments difficulties and be able to repurchase its currency from the Fund during a specified period.

The objective of improving the balance-of-payments situation of a member seeking IMF assistance, however, should not be used to justify the continuation of export policies, such as the use of predatory subsidies, that are of questionable economic value. This is particularly true when, as is frequently the case, the subsidies are used in order to maintain inefficient or uncompetitive export industries at the expense of more competitive exporting nations. It simply is not economically rational for any country to develop or to maintain an export industry for a particular product on this basis. This is just another version of the self-defeating "beggar-thy-neighbor" policies followed by many countries, prior to the establishment of the Bretton Woods system, which contributed to lower trade, higher unemployment, and a less efficient allocation of resources at the global level. Such policies were supposed to be eliminated by the IMF, not perpetuated by it. In addition, providing funding to maintain these subsidies places severe budgetary strains on the governments that use them, worsening their debt

situations and further weakening their economies.

Clearly, then, when nations suffering from economic and monetary problems seek help from the IMF it is completely reasonable to require that the use of such practices be examined and that conditions be imposed to bring about the termination of export policy that lack economic value—particularly when those policies adversely impact on the economy of the United States. This is exactly what I propose be done.

My amendment to S. 695 would amend the Bretton Woods Agreements Act to require that the U.S. Executive Director to the Fund propose and vote for the adoption of certain policies applicable to member purchases or drawings from the Fund about their reserve tranche level. If adopted by the Fund, these policies would require that any member seeking access to Fund resources provide information to the Fund describing all direct and indirect export subsidies being used by that member in connection with agricultural exports. In addition, if the Fund determines that the member's trade practices involve the use of predatory export subsidies and the U.S. Executive Director to the Fund has been advised by the Secretarty of Agriculture, after consultations with the U.S. Trade Representative, that they have a serious adverse impact on U.S. agricultural exports, the member must agree to the elimination of the predatory export subsidies within a period of 3 years as a condition of receiving Fund resources.

My amendment also defines the term "predatory export subsidies" so as to clarify the type of trade practices being objected to. As defined, this would include any financial assistance, such as loans, direct payments, subsidized interest rates, tax incentives, or similar means, being made directly or indirectly by the member to any person in connection with agricultural exports to a particular market that have the effect of reducing the export price of the products involved to less than the highest comparable price that a like product produced and processed in the United States could be exported to the same market in the orindary course of trade.

Finally, recognizing that the United States has only about 20 percent of the voting power in the IMF and thus could easily be blocked in its efforts to get these important policies adopted, the amendment would require that the President take action to suspend U.S. participation in the Fund by January 1, 1985, if the President determines that the Fund has failed to adopt these new policies by that time. The President would also be required to report to Congress, within 30 days after such suspension, his recommendations for further U.S. participation in the Fund. The suspension would then remain in effect pending congressional action on the President's recommendations.

Mr. President, the adoption of this amendment is consistent with the current policies of the IMF to impose conditionality requirements on members seeking access to Fund resources above the reserve tranche level. It simply adds a new and very important dimension to that conditionality that will take into account the economic value of export policies being used by members seeking IMF assistance and the extent to which those policies adversely impact on agricultural exports from the Fund's largest contributing member.

ADDITIONAL STATEMENTS

BLUE CROSS AND BLUE SHIELD OF GREATER NEW YORK

● Mr. D'AMATO. Mr. President, during the last several years our Nation has realized dramatic changes in U.S. health-care systems. One corporation has been in the forefront in the effort to increase health-care quality while decreasing health-care costs. That corporation is Blue Cross and Blue Shield of Greater New York.

While health-care costs rose 11 percent last year, Blue Cross and Blue Shield of New York saved $134 million by various cost-effective measures. For years this fine health organization has provided services to millions of New Yorkers. Its efforts to provide the best health-care system to New York should not go unnoticed.

The dedication and energy of Blue Cross and Blue Shield of Greater New York is motivated by my friend, Edwin R. Werner, chairman and executive director. Mr. President, I ask that a speech by Mr. Werner before the faculty at Pace University be printed in the RECORD in its entirety.

The speech follows:

HEALTH CARE ISSUES: PRESENTED AT THE FACULTY CONVOCATION, PACE UNIVERSITY

(By Edwin R. Werner)

Dr. Mortola, distinguished members of the Pace Faculty, ladies and gentlemen, I am deeply honored to be the recipient of the degree you have conferred upon me today. It is flattering to become a part of your academic family. There is a very personal tone to today's event that makes the occasion a very pleasant one for me. Most of you don't know this, but in the early forties I was a student at Pace. Unfortunately, the war interrupted my studies, and I did not return here. However, I am proud to report that I have a son who did his undergraduate work at Pace. Multiple generations of Pace students are not unique to the Werner family. I have watched Pace grow and flourish under the direction of Dr. Mortola and am proud of my family's involvement and of the fact that so many Blue Cross and Blue Shield employees have studied or hold degrees from your University. For these reasons, I feel very close to you and am deeply moved by your honor.

Good health, in my judgment, is the most important ingredient in the recipe for human happiness. Without it little else really matters.

You honor me because of my accomplishments and that of our company in providing services for others in that most important area of life—health. But I also assume that your interest in me also speaks to the interest of the academic and business community in answering the question of how to secure the best health care system without bankrupting society. To try to answer that question, it seems only appropriate to address my comments to the rapidly changing aspects of health care, how to improve it and contain its costs, and the role that Blue Cross and Blue Shield of Greater New York is playing in that regard.

A recent study among leaders in the health care field, and those concerned with it, including providers, corporate executives of Fortune 500 companies, top executives in the health insurance industry, government officials, union leaders, and authorities on health public policy at universities confirms that the American Health care system is undergoing major changes, and relates these changes to various historical developments in our society during previous years.

To gain perspective on the current problems of today's health care system, it is appropriate to examine several trends of the past decades and how values have shifted in the American social environment.

Following World War II, the United States became very prosperous with its technological developments. The majority of people accepted the ethic of hard work and reaped its rewards. Our economy made rapid strides and middle-class life styles became the norm. Moral standards prevailed as the accepted form of behavior, and in most families, the husband was still the sole provider, while the wife was a mother and a homemaker.

By the end of the fifties, optimism was so high that most Americans felt our economic growth was limitless. They also came to believe that affluence should no longer require struggle and hard work, and were determined to eliminate any financial or social inequities among the populace.

The decade of the sixties, in response to the change in social attitudes, focused on worker happiness instead of worker productivity, and emphasis was placed on the responsibility business had to society. If business was not willing to meet certain standards, the government was ready to step in and regulate it. The Civil Rights movement began with activists aggressively attacking the inequalities between blacks and whites.

Medical care was viewed as inequitable because the poor and many aged could not afford it. America began to change this inequity and accepted the notion of universal health care programs such as Medicaid and Medicare.

The new style of American life during the sixties and seventies began to change from materialism and upward mobility to self-fulfillment. The traditional values of hard work, moral standards, money and success were replaced with self-expression, enjoyment, and freedom from moral and financial constraints, all based on the assumption of the permanence of our economic strength.

But toward the end of the seventies, doubt began to set in about the economy. Inflation and unemployment could not be ignored. Massive government spending programs, in-

stituted ten years before, which were intended to repair the inequalities of poverty and to end racial discrimination did not do so. Inequity continued while the national debt rose rapidly.

As we confront these new facts in the eighties, there is a certain decline in optimism. We are witnessing ideas of entitlement being replaced with recognition of merit. There are new thoughts about cost consciousness, rather than fulfilling ideal wishes, regardless of price. This new attitude appears to be widely shared throughout society.

In this hall sit not only leaders today, but equally or even more importantly the teachers of the leaders of tomorrow. What you might suggest is that the eighties will be a period of realignment when we attempt to blend our social goals with economic realities.

We are living and working in a society that has many fears and frustrations. While we are all interested in progress, legitimate concerns about the impact of our technology have been raised; concerns about world peace; concerns about toxic waste; concerns about institutionalizing high unemployment to contain inflation; concerns about the international monetary situation; the crumbling infrastructure of our cities, alcoholism and drug addiction among American youth, the changes in the traditional nuclear family, are just some of the issues confronting us today.

Your business, the field of education, has also witnessed many changes over these past decades. From the time Pace was founded in 1906, until today, the curriculum offered, the number of students receiving an education and the increased competition among colleges and universities to obtain funds, are all areas which are now viewed from a much different perspective. Surely you know much more about this than I.

My business, health care and its financing, must also be reexamined. We at Blue Cross and Blue Shield are taking a hard look at the current medical system, assessing the sources of the rise in health care costs, and very especially what we have a right to expect from the medical profession, the hospital industry, government, the business community, labor, insurers and the public itself in our collective effort to solve this problem.

The nation's health care bill last year reached $325 billion, and for the first time in history, exceeded 10% of our gross national product. Health care costs jumped 11% in 1982, while overall inflation was reduced to 4%. Health care providers are no longer just a part of the ever-increasing inflation in all areas of the economy. With inflation under control, they now stand out and must defend their increases to a public that demands continual reassurance that what they receive is worth what they pay for it.

The public finds the costs of health care an ever-increasing burden, and while it is not prepared to sacrifice quality and quantity, it hungers for new approaches, and is ready to listen and act upon suggestions that promise moderation.

Containing health care costs requires delicate balancing. On the other hand we need to cut or curtail expenditures, while on the other we need to protect the high quality of care to which we have become accustomed and support the growth of modern medical technology. Nowhere can the presence of competing and contradictory demands be seen more clearly than in the governmental and regulatory arena.

Regulatory agencies have exerted tremendous pressures on providers and payors to contain health costs. At the same time, legislative bodies mandate broader coverage for specific categories of people, resulting in greater administrative and benefit costs.

We should also note that the government's interest in reducing spending for programs such as Medicare and Medicaid has had the effect of shifting costs to an already burdened private sector.

The challenges faced by physicians, hospitals, insurers and employers are for the most part generally the same, but their responses to these challenges can differ to such an extent, that the solution for one group may well result in the creation of additional issures for another.

One example of this is the New York State Commission appointed by our previous Governor, Hugh Carey, to make recommendations on the Capital Financing of Health Care Institutions.

The report of that Commission, on which I was privileged to sit, was endorsed by both Governor Carey and supported by Governor Mario Cuomo, in the early weeks of his administration. It calls for a reworking of the planning process, five-year capital plans by all institutions, explorations of shared services and less expensive alternatives, and measurements of affordability as a component of the Certificate of Need process. It clearly calls for a proper balance of representation on the State Planning Council to assure the presence of business and labor and for an assurance that no one interest can or will unduly influence the process.

All health care institutions have six months to prepare their plans, and the state another six months to bring them together, in what might be called a statewide capital expenditure program. In the interim, a moratorium on construction and major renovation has been declared for one year, and only the most essential of projects will be considered during that time. What brought all of this about? Projects for capital construction or renovation in New York State, on the table now, or expected before the end of 1984, are estimated to price out at $5 billion. The debt service alone on these projects would add a substantial increment to the increases in cost, which will flow from inflation, new technology and increased demand. The Commission's Report calls for a more rational allocation of resources, and an end to the unlimited competition among institutions who aspire to be all things to all people and number one in the community.

Other questions that are currently under consideration nationally, and will affect us at the state and local level are: whether working Americans will be taxed on a part of the health insurance premiums paid by their employers, and what approach will be used to provide health insurance for the unemployed.

There is much talk about "competition" in the health care field. But we must ask ourselves what kind of competition will be useful in contributing to a solution?

Years ago, the governmental decision to encourage an increase in the number of physicians was based on the theory that this would increase competition and would result in reduced fees. The secondary effect expected was that physicians would be more prone to start practices in under served outlying areas, where there was less competition, and a greater demand for doctors.

While this idea was very good in theory, little if any of the expected results were achieved. Physicians have remained in the highly populated urban cities, and fees have not been reduced but have increased at rates beyond the Consumer Price Index.

A theory which is in the forefront today is the question of the consumer's role in holding down health care costs through "competitive" shopping for medical care.

We must remember that shopping for medical care cannot be compared to shopping for an ordinary product or service and that normal market forces in the traditional manner are not likely to have similar impact.

How much control can the consumer exert? Illness is not a state which is freely chosen, and it often arises unexpectedly in emergency circumstances. The consumer is usually under stress, and is nowhere near as likely to search for or haggle over competitive prices for health care.

Due to the complexity of medical treatment, the average consumer is hardly able to judge the degree of expertise of one physician versus another, or why one doctor's fee may be higher than another. In truth, the patient is ill equipped to really judge either the quality of care or the appropriate quantity essential to a good result.

Given these aspects of the situation, consciousness as to cost must rest far more with the providers of care, that with the consumers.

Another question which arises in controlling cost is the technological developments in the medical field, which now make it possible for us to prolong lives to an extent which was impossible even twenty years ago.

These developments have indeed prolonged life, but at a great cost. An additional issue is the condition of the life that is prolonged. Given these two difficulties are we going to deny access to treatment? Regardless of our position on competition or on government regulations, or our concern about cost, it is not likely that there will be serious proposals to limit treatment, thus selecting who shall live and who shall die.

To solve these and other problems of health care nationwide, the Blue Cross and Blue Shield system of America recognizes the need for an effectively coordinated strategy across the country to meet the demands and the needs of the marketplace.

Blue Cross and Blue Shield of Greater New York, for its part, has been a pioneer in developing responsible cost controls, and I am proud of our accomplishments in this area.

In 1982 alone, a savings of $134 million was realized by:

The prevention of the duplicate collection of benefits for claims covered by more than one insurer;

The monitoring of physicians' claims to detect those who abuse benefits by charging excessively high fees, perform services not medically necessary, or give inappropriate treatment;

The medical evaluation of hospital claims which are reviewed for contractual limitations and exclusions, or the rejection of claims for services not covered; and

The tracking of fraudulent claims for services not performed;

The encouragement of second surgical opinions for elective surgical procedures; and

Per-admission out-patient testing before admission.

Another important way that we contain costs is through alternate care programs. My company has led the nation in the de-

velopment of ambulatory surgery as an alternate care option. Many surgical procedures can be safely performed on an out-patient basis, and this saves the expense of in-patient hospital care. We must and will continue our efforts to expand this modality.

Alternate care programs are also provided for individuals who have serious chronic illnesses, enabling them to receive threatment on an out-patient basis, rather than having to be hospitalized as an inpatient. This allow them to spend more time at home, and significant savings are achieved because hospitalization becomes unnecessary.

We have an active role in the New York Business Group on Health, which is a coalition of business firms who work with the major payors and providers in a variety of ways to address the issues of health care costs. Businesses lose substantial monies in sick time and loss of productivity, which go beyond the cost of health insurance premiums. Therefore, the more they can participate and serve on governing boards of hosptials, health planning agencies, advisory committees, and study panels, the more effective, will be the results. we encourage business and labor to increase their participation in the dialogue and decision making.

What can we expect as the emerging health care patterns and prospects for the future?

Technology, both operational and professional, will expand.

The number of alternate and less costly delivery modalities will grow.

Benefit programs with deductibles and coinsurance features will increase.

Innovative and creative reimbursement methods will emerge to change the current mode of demand and practice, to encourage cost containment.

Highly competitive pricing will occur in all areas of health care service.

These are but some of the directions that the health care system will be taking in the ensuing years.

While the responses to new challenges may differ from one group in society to another, it is our united efforts which are important. By working together in deriving mutually agreeable goals such as good health for all, at an affordable price, and working to develop a strategy to achieve those goals, we will arrive at results which may differ considerably from what we have come to expect, but which will guide us safely through to a sound future for all.

Health care issues and their finances are complicated and hardly conducive to brief description. My message to you is simple. We fully recognize our responsibility as the largest single private sector purchaser of health care and our obligation to use our economic power—some $6,000,000,000 to influence the system to assure that the high quality of health care we enjoy is not weakened but that every dollar spent for it is used wisely. This is our corporate philosophy. We will work that philosophy for all its worth.

Again, thank you for a most memorable afternoon.●

ANALYZING ECONOMIC POLICY ISSUES

● Mr. GARN. Mr. President, last week I received a letter from Susan Humphreys, a student at Kearns High School in Salt Lake County, Utah. She summarized the efforts of her Contemporary Social Problems class in analyzing the questions of whether or not to repeal the third year of the tax cut and indexing. Both her letter and the efforts of her class are very impressive. Since there are those in this body who seem to be wondering about the same thing, I ask that her letter be printed in the RECORD. I highly recommend it to my colleagues.

The letter follows:

GRANITE SCHOOL DISTRICT,
KEARNS HIGH SCHOOL,
Kearns, Utah, May 10, 1983.

Hon. JAKE GARN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GARN: We are writing to you from our Contemporary Social Problems class at Kearns High School in Salt Lake City. Our class is part of a project to develop a 20-week course in Private Enterprise Education. We are learning about private enterprise by analyzing economic policy issues.

We have just finished analyzing the issue, "Should we repeal the third year of the tax cut and indexing?" After studying this issue, our class has unanimously decided that the third year of the tax cut and indexing should not be repealed. We are, therefore, urging you to vote against any legislation which would have the effect of reducing or eliminating the tax cuts and indexing.

Our study went through several phases. First, we researched the issue and made some tentative conclusions. Then, we wrote letters to experts in economics asking for their help. Several experts sent comments to us which we used to arrive at our final decision.

We make our final decision by weighing the good things about repeal against the bad things. We gave more weight to the consequences which we were sure of.

Below is a list of consequences we are sure of. All of these consequences are bad things that would happen if we repeal the third year of the tax cut and indexing.

1. The lower income taxpayer would not receive his/her full share of the tax cuts. The higher income taxpayer has already received most of his/her tax cuts. Repeal of the third year of the tax cut would favor the very rich. This is unfair to the lower income person.

2. The Congressional Budget Office concludes that, if we repeal indexing, "Taxpayers with lower incomes would continue to be less than fully compensated for the bracket creep caused by inflation since the late 1970s."

3. If indexing is repealed, a way of maintaining the purchasing power of the dollar will be lost.

4. If indexing is repealed, an incentive for Congress and the President to be fiscally responsible would be lost.

5. The Legislative and Executive branches of the government could continue to engage in "Sneak-a-Tax" on the income of the American wage earner. They would not have to stand up and be counted for levying a tax increase.

6. We might lose an ideal opportunity to index. Professors Fellner, Friedman, and Gordon in a 1974 study sponsored by the American Enterprise Institute all agreed that an ideal time to begin indexing is during a period when price increases are slowing down. That time is now.

7. Most of the American people would lose direct personal choice of how to spend a portion of their earnings if repeal goes into law.

8. There would be more concentration of power (Power of the Purse) in the Federal Government. The Federal Government has direct access to and control over the police forces (Armed Forces, FBI, Secret Service, etc.). We were shocked to find out that total State, local, and Federal Government spending was 42% of the national income, up from 12% in 1929 (Professor Peery, University of Utah). That's almost half of the nation's income. This percentage has gone too high, too fast.

Below is a list of consequences which we strongly believe. Most of the experts we contacted also believe these consequences.

1. The incentive to work, save, and invest would be reduced if repeal were allowed to take place (Professor Peery, James Edwards, University of Utah). Professor Thurow pointed out that the U.S. is a low tax country compared to others, and incentives are determined by factors other than taxes. He didn't disagree with our consequence about incentives, however.

2. If incentives are reduced, productivity would also be reduced if repeal were to take place (Professor Peery, James Edwards). Professor Thurow pointed out that many other factors besides incentive affect productivity. However, he didn't disagree with our consequence about productivity.

3. Economic growth would be lower if repeal takes place. The Congressional Budget Office concludes that if repeal takes place, the recession could be prolonged or the recovery dampened. James Edwards concludes that, if the tax cut and indexing are repealed, "the disincentive effects resulting from bracket creep and the tax increase will lower the growth rate."

4. Unemployment would be higher if repeal takes place. This is because economic growth would be lower.

5. If the tax cut and indexing were repealed, we would lessen the new emphasis now being placed on individual enterprise. Emphasizing individual enterprise should be encouraged.

Below are some factors we weren't sure of:

1. Deficits. The Congressional Budget Office concludes that, if the third year of the tax cut were repealed, revenues would be increased by $30 billion in 1984 and $40 billion by 1988, thus substantially reducing projected future-year deficits. What puzzles us is that the Congressional Budget Office also thinks that economic growth would be slower if repeal were to take place but does not estimate how much in revenue would be lost due to lower economic growth and higher unemployment. For example, if the unemployment rate were 1% higher, the $30 billion "gained" in revenues from repealing the third year of the tax cut could be completely wiped-out as could the $40 billion in revenues for 1988. This probably wouldn't happen, but just how much of the "gain" in revenues would be wiped-out?

2. Interest Rates. The Congressional Budget Office concludes that reducing projected future deficits by repealing the third year of the tax cut would ease upward pressure on long-term interest rates. Others suspect that as the recovery gains momentum, private borrowers will be crowded-out of the credit markets by government borrowing to finance the deficits. The key question is "How much larger will the deficits be if the tax cut and indexing are not repealed?" Will the deficit by any larger? We don't know the answer.

You can see where our investigation led us and why we decided the way we did. We were sure that repealing the third year of the tax cut and indexing would be unfair to moderate and low-income taxpayers. We were sure that an incentive for fiscal responsibility and a device for maintaining the purchasing power of the dollar would be lost. We were sure that the government could continue to impose an unlegislated inflation tax on the people. We were sure that we would lose an ideal opportunity to index and that direct personal choice would be lost. Finally, we were sure that there would be more concentration of power of the purse in the Federal Government. In addition, we were reasonably sure that, if repeal were accomplished, incentive and productivity would decline as would economic growth. This would mean that unemployment would be higher if repeal took place. Also, emphasis on individual enterprise would be lessened. All of these bad things were weighed against the possibility of lower deficits, possible easing of upward pressure on long-term interest rates, and a reduced probability of crowding-out.

We realize the difficult task that the Congress and the President face in trying to agree on a budget. We also realize that our form of government is based on compromise. However, we believe that the case against repeal of the third year of the tax cut and/or indexing is so strong that there should be no compromise—the tax cut and indexing legislation should be retained.

As you know, we are still in high school, and so we may be taking too much of a long-term perspective on this issue. But we would like to know that in the future our earnings will be safe from inflation. After all, the future is being molded now, and we will be the ones who have to live with the consequences of today's decisions.

Respectfully,

SUSAN HUMPHERYS,
Student Represenative.●

"MR. BASEBALL" HONORED

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. BAUCUS. Mr. President, I would like to note today the achievements of a man from my State, a longtime resident affectionately known as "Mr. Baseball" to young and old alike. From the moment William T. (Bill) Cullen arrived in Butte, Mont., in 1915, he has changed the lives of all the people around him—and all for the better. Born in Illinois in 1891, Bill was educated in Marinette, Wis., and graduated from Stevenson Normal College in 1912.

After several years playing semipro baseball in Wisconsin and Michigan, Bill travelled west. On his way to the coast, he stopped off at Butte, and never moved on. Asked why he chose to stay in Butte, he always answers, "It's the people." The people feel the same way about Bill.

In the 1920's, Bill played on several teams in the Butte Miners League which spawned several big league players. In his spare time, Bill organized a grade school baseball league. He began teaching during this time at various towns in Montana, moving into the Butte school system in 1936. There he became activity director and operated the physical education and athletic departments. After receiving his master's degree in history and political science from the University of Montana, Bill began coaching baseball at Montana Tech, a voluntary position he held for over 30 years.

His involvement in baseball, from his early years on the high school team, through his semipro days, to coaching grade school, intermediate, and college teams, has affected Bill Cullen greatly. "I think it's not only a game but an institution," he remarks. "I think it's the greatest game of them all." A truly American sport and a truly American citizen, Mr. Baseball.

Mr. President, on June 5, 1983, the citizens of Butte will be honoring Bill for his contributions to the community over the past 68 years. I join them in saluting Bill Cullen and wish him all the best in the future.●

REINHARDT COLLEGE—CHANGING WITH THE TIMES

● Mr. NUNN. Mr. President, this year Reinhardt College, located in Waleska, Ga., celebrates its 100th year of service to Georgia and the Southeast. I would like to take a few minutes to reflect on the challenges and successes that have come to this small Methodist college located in the foothills of North Georgia's Blue Ridge Mountains.

Reinhardt began as the dream of two Georgia Methodist laymen, Capt. A. M. Reinhardt and John J. A. Sharp. The two wished to found a school where the young people of Civil War-ravaged north Georgia could receive an education. Armed with this vision and little else, the two approached the North Georgia Conference of the Methodist Church with their plan in 1883. Conference leaders then meeting in Dalton, Ga., were asked to charter a school and to appoint a Methodist minister to the school as teacher, president, and pastor.

Acknowledging the need, the Conference made the appointment and Reinhardt soon had its humble beginnings in a small cabinet shop near the site of the college's present campus. From that point onward the progress of the institution was steady.

The school began with about 12 students of varying ages and educational levels. Soon, a year beyond high school was added, and eventually, in the 1920's, a second year of post-secondary instruction to make Reinhardt a full fledged, coeducational junior college. It is today one of the oldest coeducational junior colleges in the Nation.

During the past century the college has accumulated a physcial plant valued at over $5 million and an endowment of approximately $2.5 million. The main campus is made up of 11 major buildings on a 600-acre campus of rolling hills and woodlands located near Waleska in northern Cherokee County. The student body has grown from those original 12 students to 500 young men and women enrolled in both day and evening classes.

Reinhardt, which is accredited by the Southern Association of Colleges and Schools and the University Senate of the United Methodist Church, now offers 20 degree programs through six academic divisions. Approximately 100 associate degrees are awarded each year. These graduates join more than 4,000 living in Georgia, the 50 States, and throughout the world.

Over the years, the college has responded to the major changes in our society's educational needs. In 1975 Reinhardt added an evening division to meet the needs of older, working students. To make education available in the community itself, off-campus evening programs were established in Woodstock in southern Cherokee County in 1981 and in Chatsworth in 1975. In 1981 the college began offering classes at Pickens Area Vocational Technical School in Jasper as part of a cooperative program with that institution.

Reinhardt has also organized and provided educational programs for local banks and industry. It meets the specialized scheduling needs of area employers through programs such as the "mini-quarter" for criminal justice personnel and the "Trooper School" for Georgia State Patrol officers.

Reinhardt has also become a major contributor to the economic stability of Cherokee County. The college has more than 85 full- or part-time faculty and staff employees and an annual payroll of over $815,000, making it one of the community's largest employers. In addition, the college spends another $1 million a year on goods and services required to operate its physical facilities.

Reinhardt is still associated with United Methodist Church, which continues to provide financial support. At Reinhardt the clear intention, through providing quality education in a Christian context, is to prepare students to cope with life not only on the intellectual level but on the spiritual, emotional, psychological, social and physical levels as well.

Mr. President, I congratulate Reinhardt College on its accomplishments and encourage it to continue its outstanding service to the people of Georgia and the Nation.●

AMENDMENT TO THE BUDGET RESOLUTION

● Mr. STAFFORD. Mr. President, I joined with 18 members from both sides of the aisle and filed, on May 11, amendment No. 1260 to Senate Concurrent Resolution 27, the first budget resolution for fiscal year 1984 to increase funding for the Environmental Protection Agency. (EPA). However, amendment No. 1285, the substitute budget offered by Senator GORTON for myself, Mr. CHAFEE, Mr. HATFIELD, Mr. WEICKER, and Mr. MATHIAS on May 19, provided significant funding for EPA. Adoption of that substitute by the Senate on May 19 eliminated the need to increase the EPA allowance in the budget. Consequently, the amendment to increase EPA funding was not offered.

In engaged in two colloquys with cosponsors of both the EPA and substitute budget amendments at the time the Senate adopted the budget resolution to explain the situation. This statement further clarifies my rationale in cosponsoring the amendment filed solely to increase funding for EPA as well as the assumptions in the budget resolution adopted by the Senate.

The EPA amendment would have added a little less than $350 million in fiscal year 1984 and approximately $300 million annually in fiscal years 1985–88 to function 300: Natural Resources. The additions would have brought fiscal year 1984 funding for the Environmental Protection Agency's operating budget to $1.351 billion, the fiscal year 1981 level. Superfund would have been increased to $383 million.

The budget substitute included those funding levels within function 300: Natural Resources.

The table below shows the funding levels for these two programs for the next 3 years assumed in the adopted budget resolution:

	Fiscal year—		
	1984	1985	1986
Superfund	383	435	550
	218	318	390
EPA operating budget	1,351	1,393	1,476
	1,272	1,338	1,365

The Environmental Protection Agency has undergone some far-reaching changes in the last month. The Administrator and several Assistant Administrators resigned under pressure generated by the public perception that they failed to implement and enforce the Nation's environmental laws.

However, there is also a widespread and, I believe, justifiable belief that the resources for the Agency proposed in the President's 1984 budget are simply not adequate.

A new Administrator is now in office. Based on our committee's exhaustive examination of his record, I believe Bill Ruckelshaus will discharge his duties faithfully and well. I also believe it is incumbent on the Congress to provide the Agency and its head with the resources needed to carry out its statutory mandate.

The Committee on Environment and Public Works recommended in March that the Budget Commission fund EPA operating programs at $1.140 million in fiscal year 1984 and Superfund at $310 million. However, in the process of preparing for confirmation hearings and additional oversight hearings, I reached the conclusion that increased funding is essential.

In fiscal year 1982, EPA operating funds were cut 20 percent from fiscal year 1981 levels. In fiscal year 1983, funds were cut an additional 5 percent below fiscal year 1982. For fiscal year 1984, the President's January budget request of $949 million is actually 30 percent below fiscal year 1981 levels. By bringing operating funds to the nominal fiscal year 1981 dollars level, our recommendation would merely reduce the decline in real growth to 22 percent.

These reductions are having a very real impact on the Federal Government's ability to enforce current environmental laws and to conduct the research necessary to both develop methods by which we can assess our impact on the environment, and reverse environmental degradation.

The cuts in the EPA operating budget achieved between 1981 and 1983 have had dramatic effects.

Over this period, enforcement resources exclusive of Superfund declined 36 percent in real terms. The number of civil cases referred to the Department of Justice from EPA fell 76 percent over that period.

Research and development resources were reduced 58 percent in real terms. The Congressional Budget Office in a report on the fiscal year 1984 EPA budget proposal, warns that research and development cuts may hinder future standards development and allow the accumulation of information on health effects of environmental pollutants.

State grants were reduced 33 percent in real terms between 1981 and 1983. State officials and organizations testifying before our committee contend that reductions proposed by the administration for fiscal year 1984 would reduce the ability of States to determine the amount and sources of pollution because of cutbacks in ambient monitoring and source inspections. They would also impair the assessment of compliance and program success and delay permit reviews, this increasing industry costs.

The Superfund law was enacted in 1980 to create a Government response mechanism for abandoned hazardous waste disposal sites and other releases of hazardous materials into the environment. It created a $1.6 billion trust fund to finance the cleanup efforts. The major source of funding is a dedicated tax on various chemical and petroleum. Tax receipts are held in the fund until they are used for cleanup or other Superfund expenditures. In fiscal year 1984, a total of $786 million is available in the fund for EPA's use.

Currently, there are 419 hazardous waste sites on Superfund's priority list for assistance. Only 78 sites have received assistance so far. Criticism of EPA's administration of the Superfund law, including the slow pace of commitment of funds, has been one of the chief complaints against the Agency. The Committee on Environment and Public Works conducted hearings to review changes that the law has not been implemented as aggressively as possible.

As a result of those hearings, I am convinced the Agency can accelerate the cleanup program. We should give the new Administrator the opportunity to do just that. Clearly, the resources to allow that are available from Superfund tax receipts, and he should not be constrained in his actions by an artifically imposed ceiling.

I hope this clarification helps the Senate to maintain its position on the EPA operating budget and Superfund programs in conference with the House. A low budget resolution assumption for EPA could hamper Mr. Ruckelshaus' ability to obtain the resources necessary to do his job.●

THE IMF: INSTITUTIONALIZED AFFLUENCE

● Mr. HUMPHREY. Mr. President, today's edition of the Washington Times undertakes an examination of an issue that I believe deserves a great deal of attention as Congress prepares to pass judgment on the proposed $8.4 billion International Monetary Fund quota increase. In essence, Mr. President, the article cites a National Taxpayers Union study of salaries and benefits earned by IMF bureaucrats and causes this Senator to wonder how we can indeed consider turning over such a vast sum of American capital to support this system of institutionalized affluence.

The NTU study reports that 20 percent of IMF personnel earn more than $100,000 per year in salaries and benefits, including highly generous pension and mortgage subsidy plans. It is further reported that the IMF salary-and-benefit figure exceeds the total assistance package provided to 14 of 20 countries which received standby fund assistance in the year ended April 30, 1982.

The statement of an IMF spokesman that the salaries are not paid from U.S. taxpayer dollars but rather from "the differential between its lending to members and the interest it pays to members whose currencies it lends" would be laughable were it not so gravely misleading. As the Fund's largest contributor, and the source of the most liquid and widely sought currency, the United States—through the contribution of taxpayer dollars drained from the credit markets—provides the foundation of this favorable interest spread.

I hope my colleagues will agree that the quota increase should be given a long and hard second look before we agree to turn over funds that will in part be used to fatten the wallets of an international bureaucracy.

I ask that the article appear in the RECORD.

The article follows:

[From the Washington Times, May 23, 1983]

IMF PAY AND BENEFITS SCRUTINIZED

(By Steven K. Beckner)

As the Reagan administration seeks an $8.4 billion increase in the U.S. contribution to the International Monetary Fund and a supplementary fund, the IMF's salary and benefit levels are coming under growing scrutiny.

A bipartisan group of legislators including Rep. Andrew Jacobs, D-Ind.'; Rep. Jerry Lewis, R-Calif.; and Sen. Gordon Humphrey, R-N.H., has joined with a coalition of conservative and liberal groups in challenging the IMF's need for increased funding.

As in 1981, when Congress raised the U.S. contribution to the IMF by $5.5 billion, the reputed high living of the international lending agency's 1,525 officers is being used as ammunition.

In an interview, Humphrey called the IMF "an elitist organization living high on the hog at the expense of hard-pressed Western taxpayers."

The National Taxpayers Union, which is helping lead opposition to the IMF quota increase, issued a study last week claiming that 20 percent of IMF personnel earn more than $100,000 per year in salaries and benefits. James D. Davidson, chairman of the 120,000-member organization, charged, "These exorbitant salaries make a mockery of the IMF's professed concern for the impoverished Third-World nations."

In a lengthy statement, an IMF spokesman charged that the NTU's salary calculations are "so inaccurate as to not be identifiable with any fund salary."

Total IMF staff salaries and benefits of $122,100,000 for fiscal year 1982 exceeded the funds disbursed to many of the agency's borrower countries, according to the NTU study prepared by researcher Mark Hulbert.

Fourteen of the 20 countries which received funds under IMF standby arrangements in the year ended April 30, 1982, got less than the IMF staff, the NTU found. They were: Burma, Ethiopia, Gambia, Grenada, Guatemala, Liberia, Madagascar, Mauritania, Mauritius, Panama, Senegal, Solomon Islands, Somalia and Urguay.

The IMF, financed by capital subscriptions from its 146-member nations, makes medium-term loans to countries with balance-of-payments deficits on condition that they take steps to correct their financial problems.

A person at the IMF's top salary level—level "M"—earns a "taxable gross equivalent" salary of $139,470, calculates the National Taxpayers Union, a non-profit organization dedicated to limiting government spending and taxation.

Adding the 14 percent of salary the IMF pays into its employees pension plan, a staffer at the "M" level gets a salary and benefit package of nearly $159,000, according to NTU. IMF employees are largely exempt from taxation.

IMF personnel at the lower salary levels of "L," 'K," "J" and "I" also receive salary and benefits in excess of $100,000 according to the organization's findings. Altogether, the NTU claimed, more than 300 IMF employees earn the equivalent of over $100,000 per year.

By contrast, the highest financial officials in the U.S. government make considerably less. Federal Reserve Chairman Volcker's salary is $69,800, and Treasury Secretary Donald Regan makes $80,100.

In addition to salaries and benefits, Davidson noted that IMF staffers are able to get mortgage loans equal to their annual salary "at the ridiculously low-interest rate of 5 percent."

Comparing this rate to the average market mortgage rate of 15 percent, Davidson termed such loans a "gift" of $10,000 for a person with a $100,000 salary.

The NTU also blasted the IMF for spending $20.4 million on travel, claiming, "Only $11.4 million were considered business travel expenses."

"In light of such profligate spending by the IMF to its own staff we need to question seriously the premise that the IMF is the best way to channel resources into LDCs (less-developed countries)," Davidson asserted.

Asked to respond to the NTU's allegations, an IMF spokesman refused to give specific salary levels. But he stated that in fiscal year 1982, "Not a single staff member was receiving cash compensation including allowances in excess of $100,000."

He said only Managing Director Jacques de Larosiere made as much as $100,000.

NTU staffer Katherine Kiggins explained that the higher figures were derived by calculating what an IMF employee's gross salary would be if he was subject to taxation. Like employees of other international agencies, nonresident IMF personnel are exempt from U.S. taxes.

U.S. citizens are subject to taxation, but the IMF reimburses its American staffers for their taxes.

The IMF official pointed out that agency salaries "are set on the basis of those actually paid by a wide range of public service agencies and private firms in the U.S., France and Germany."

He added that total IMF administrative expenses of $165 million, including salaries of $125 million, were "less than 1 percent of the use of Fund resources at the end of that year."

New IMF commitments in fiscal 1982 were 11.3 billion SDRs or about $12.4 billion, according to the IMF annual report.

Moreover, the IMF spokesman continued, IMF salaries are not paid by U.S. taxpayers but come from "the differential between its lending to members and the interest it pays to members whose currencies it lends."

He stressed that the U.S. government, which in 1978 borrowed $6.3 billion from the IMF, is a net creditor of the IMF and so received $200 million in interest last year.

In rebuttal to the NTU complaint about low-rate IMG mortgage loans, the spokesman explained that this service is provided for foreign employees who "are not free to transfer their assets to Washington where they have no established credit rating."

He said that in 1982, outstanding credit to employees amounted to less than 5 percent of total salary and personnel expenses.

Apprised of the IMF denials, Humphrey complained that when his staff has tried to obtain salary information, the IMF has been "tight-lipped and almost contemptuous, even though they're asking us for another $8.4 billion."

But referring to data emerging from Senate hearings on foreign assistance and related programs in 1981, Humphrey said that even in 1980, "186 IMF employees had total salary and benefits of between $100,000 and $135,000."

Congress is expected to vote on the IMF quota increase in June or July. Of the $8.4 billion the administration is requesting, $5.8 billion would go to increase the U.S. quota to $24 billion, and $2.6 billion into a special fund, the General Agreements to Borrow. The bill already has been approved by the House and Senate Banking Committees.●

THE VOA: ITS MISSION, OPERATIONS, AND NEEDS

● Mr. HUMPHREY. Mr. President, more often than not, our budget debates focus around the perennial guns versus butter issues. While these are undeniably critical matters that merit our attention, important but less costly activities are often overlooked. Specifically, I have in mind the Voice of America, who has suffered from this lack of attention and support in recent years even though it is at the forefront of our public diplomacy efforts.

A recent Los Angeles Times editorial forcefully argues that the Voice should be supported at a level commensurate with its congressionally mandated responsibilities. Mr. President, I ask that this article be placed in the RECORD following my remarks.

I hope that my colleagues will read with care this timely piece on the Voice, its mission, its operations, and its needs.

The article follows:

[From the Los Angeles Times, May 17, 1983]

AMERICA NEEDS A STRONGER VOICE

The Voice of America has been growing weak and increasingly less audible from lack of financial nourishment. Economies inflicted in recent years on the nation's official broadcasting station to the world have left it short of personnel and bereft of adequate technology. In the continuing contest for international attention the United States has put itself at a competitive disadvantage, diminishing its opportunities to influence the opinions of others and to broadcast the news around the world.

The world's most technologically advanced country has been satisfied to leave the Voice trying to work with obsolescent and in many cases obsolete broadcasting equipment. More than 35% of the agency's transmitters date from the Korean War period or earlier. The Voice has only 20

people with engineering degrees to keep this embarrassing abundance of vintage material functioning. It needs scores more, and it needs new equipment, including replacements for its antiquated antennas, to reach the audiences that it should reach.

Of the agency's 42 language services, 38 are understaffed. Broadcasting in Polish was increased to seven hours a day when martial law was declared in Poland, but staff shortages have meant that only half that broadcasting can be original material. The Voice now lacks correspondents in Rome, in Geneva and even in Islamabad, the closest site for covering the Afghanistan war. In all, the agency is seeking funding for six additional overseas reporters and for an increase of 141 in its language divisions.

Congress tends to be generous in its praise for what the Voice tries to do, but all too often it has shown itself miserly when it comes to paying the necessary bill. Currently the Voice is asking for $170 million for its 1984 budget. That includes $23 million to implement a supplemental request that was made last year for specific modernization steps.

The Voice, in its news operations, is required by law to report fully and impartially on events in America and the world. It is required, in other words, to tell the truth. The truth is a powerful weapon, but it is powerful only when it can be heard. The Voice of America deserves to be heard more clearly and widely than its present physical and personnel resources allow. Congress will be remiss if it does not act now to begin making up for the serious shortcomings in the Voice's quality that past inaction has brought about.●

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there any further morning business? If not, morning business is closed.

MX MISSILE BASING MODE FUNDS

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of Senate Concurrent Resolution 26, which the clerk will state by title.

The legislative clerk read as follows:

A resolution (S. Con. Res. 26) approving the obligation and expenditure of funds for MX missile procurement and fullscale engineering development of a basing mode.

The Senate resumed consideration of the resolution.

The PRESIDING OFFICER. Under the previous order, there are 30 hours of debate remaining on the resolution. Eighteen hours will be divided equally and controlled by the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Oregon (Mr. HATFIELD) as opponents of the resolution. Twelve hours will be equally divided and controlled by the Senator from Mississippi (Mr. STENNIS) and the Senator from Alaska (Mr. STEVENS) as proponents of the resolution. All quorum calls will be charged according to the previous order.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, as chairman of the Committee of Jurisdiction and cofloor manager of the bill, I want to expedite debate over Senate Concurrent Resolution 26 as much as possible. I do, however, have very strong beliefs about the basing mode for the MX missile as did 10 of my colleagues on the Appropriations Committee who also voted against the resolution of approval. I would, therefore, like to summarize briefly a few of the major flaws in the proposal to deploy 100 MX missiles in existing silos.

The MX missile placed in existing Minuteman silos continues to be as vulnerable to Soviet attack as our current missiles. Because the silos will not be hardened, the MX missile with 10 warheads will be as vulnerable to attack as Minuteman III missiles with 3 warheads. Moreover, basing the MX in existing Minuteman III silos makes it a "high value" target. This is exactly what the Scowcroft Commission recommended against.

Many argue that without the MX, the United States will lose its arms control leverage with the Soviets. Not only does this ignore the fact that only a small percent of all 100 MX missiles will even survive a Soviet attack, but it fails to recognize several other modernization programs which consitute more of a credible threat to the Soviets than does the MX. Within the President's trillion-dollar defense budget, for example, are plans to build 100 B-1 bombers; the advanced "Stealth" bomber; 15 Trident submarines with highly accurate D-5 missiles; 3,000 air-launched cruise missiles; ground-launched cruise missiles; and the deployment of Pershing II missiles in Western Europe.

These systems, Mr. President, will be our strength at the negotiating table, not a vulnerable land-based missile.

Finally, Mr. President, knowing that the MX is highly vulnerable to Soviet attack, one must question whether the MX is, in fact, being considered for use as a first strike weapon. Only as a first strike weapon does the MX increase our negotiating leverage and the missile's effective deterrence with the Soviets. As you know, Mr. President, this is a substantial departure from our current policy. In my mind the MX will severely exacerbate an already precarious mistrust which may lead to an unintended and irrevocable action we are attempting to avoid.

I must also say, Mr. President, that those who have decided to support the MX in conjunction with a "build-down" fail to realize that even as the number of arms are reduced, the threat will continue to grow because of the first strike potential of the MX.

Mr. President, as floor manager for the opposition of the MX missile, I want at this time to suggest that those Members of the Senate who wish to make oral statements in opposition to the MX missile notify Senator PROXMIRE, myself, or their respective cloakrooms by the close of business today. We do not mean to cut off any debate or alter the time agreement at this time, but we do want to expedite consideration of this nonamendable resolution by accommodating the schedules of all Senators. As soon as we can get a list of those and how much time will be required, I think it will help expedite this particular measure.

Mr. STEVENS. Mr. President, I yield myself such time as I may need in the statement I am about to make.

I think this is a very significant decision to come before the Senate, and I would like to put it in proper perspective. The resolution, which has been presented by the Appropriations Committee, removes the so-called fence from the continuing resolution which prohibited the expenditure of funds to continue the MX basing mode development and the flight testing of the MX missile.

The resolution unfortunately is not subject to amendment, because it has an error in it. It says, "for MX missile procurement." We are really not dealing with procurement. We are dealing with a question of a restriction on the full-scale engineering development of a permanent basing mode and testing of the MX. The funds that have been appropriated in the past include $560 million for the full-scale engineering development of the permanent basing mode, and the moneys for the flight testing, which are $65 million.

So the issue before the Senate is not one of missile procurement, it is for continue research and development, full-scale development, of the permanent basing mode.

I wish to speak as one of those who supports this resolution. I do so very much mindful of some of the comments what have been made to me lately as the father of a new baby daughter and the father of five children before that and now I am proud

to say that I am a grandfather three times.

People have asked me why do I not join those who oppose the MX in view of my family which continues to grow and, God willing, will grow more. I believe very sincerely that the Scowcroft Commission has taken us one step more toward the possibility of a meaningful reduction in the missile strength of both the Soviet and the United States. By having recommended, as it does, the ultimate concept of a single warhead smaller missile to the extent that it is required, the Scowcroft Commission report, again in my opinion, embraces the concept of the graduated build-down of missile forces between the Soviet Union and the United States. It really goes toward trying to find a stable relationship between the missile forces of the two major powers of the world.

One of the statements they made in the Scowcroft report was this:

> Over the long run, stability will be fostered by a dual approach towards arms control and ICBM deployments which moves towards encouraging small single warhead ICBMs.

I firmly believe that the concept of the Geneva talks should be in the forefront of any discussion of the MX missile. In my opinion, it is and it should be our goal to reduce the numbers of these weapons that are deployed by the Soviet Union or by the United States. In order to get to that point of a meaningful reduction, we have to have a situation in which the Soviet Union is convinced that we are not going to allow them to continue to outproduce and outdeploy massive missile systems.

Now we have committed ourselves to a whole concept of strategic defense. I do believe that it is essential, as we consider this resolution, to realize that the resolution we are debating clearly means a great deal more than the production and deployment of a single weapons system.

What it really means is that we are going to decide whether the United States is going to have three strong legs of a strategic triad to stand on when it begins its negotiations with the Soviet Union on the control of nuclear weapons. It really, to me, is as simple as that.

There is no other alternative immediately available to us that has the clout that the MX will have in the arms control talks. Those who question whether the MX will really strengthen our bargaining position should remember it will be the most potent weapon of its kind in the world. It will be more powerful than any other intercontinental ballistic missile that we have, and more accurate than any weapon that we know that they have.

The Congress has now agonized over how to deploy the MX for over 5 years. Four successive Presidents have endorsed the MX system since it was first funded in 1973. Billions of dollars have been placed into this program after they have been collected from our taxpayers.

Now it is decision time. I do not feel that we can afford to put off that decision any longer.

In recommending approval of this resolution, the Appropriations Committee has recognized that the Nation cannot afford to vacillate at this critical time on the urgent need to modernize its land-based ICBM forces. The strategic triad that has worked so effectively as a deterrent to nuclear war, we feel, must be preserved. And to be preserved, the 10-year development of the MX and the more than $6 billion already invested in this new generation of ICBM's must be sustained.

And again, I say that by sustaining it, it will give those who negotiate for us in Geneva the strongest possible position they could have to bring back an agreement that will be meaningful in terms of reduction of nuclear weapons.

We all realize that available technology does not permit a full immediate solution to the problem of basing vulnerability and the Scowcroft Commission recommendation to deploy the MX in existing Minuteman silos does not guarantee survivability. But this deployment plan is an interim measure that retains the MX as a potent weapon of deterrence while basing improvements and other advances such as the "midgetman" force can be developed while the negotiations continue.

On the surface, the MX resolution, as I indicated, is narrow. It does deal only with the release of fiscal year 1983 appropriations for the MX basing development and flight testing. But I think we should be grateful to the chairman of the committee for the manner in which this was drafted. But we all know it really is a preliminary endorsement of the entire Scowcroft Commission recommendation that the President has endorsed in full as a complete package. And that is a logical conclusion. It just is not realistic to support the interim MX basing plan without a commitment to move forward with the other important initiatives developed by the Commission.

But the importance of the MX to the U.S. negotiating posture in future strategic arms limitation talks was, I believe, the key factor in the Appropriation Committee's decision to support the accompanying resolution. The President must have the strongest possible bargaining position to achieve realistic and favorable arms control agreements, and strong congressional support to produce and deploy the MX along with a vigorous program to develop more survivable land-based systems will provide the essential leverage that is needed in those negotiations.

If we were to do any less, we would not only turn away from the Triad concept but we would also hand the Soviets the advantage of their land-based ICBM's at the negotiation.

The committee did not accept the interpretation offered by many critics of the Scowcroft report that deployment of the MX in Minuteman silos is tantamount to adopting a launch-on-warning doctrine. Limiting the deployment to 100 missiles precludes any such dangerous and destabilizing policy. This limited deployment, however, does increase the potency of the land-based ICBM force and strengthens its effectiveness as a deterrent to any first strike by a foreign power. It also will not go unnoticed by the Soviets in terms of the Geneva negotiations.

Let me stress one important point: While the resolution endorses modernizing the land-based leg of the strategic triad, it is not an irrevocable commitment to produce and deploy the MX in any single basing mode. Future congressional action on appropriations will continue to control both the extent and pace of deployment and can be adjusted to reflect favorable arms control agreements and technological advances. Congress will retain full flexibility in future years in shaping all our strategic forces—land, sea and air.

In approving the President's April 19, 1983, decision to endorse the recommendations of his bipartisan Scowcroft Commission, the committee recognized many difficult decisions had to be taken by that Commission. Not the least of these was its acknowledgement that there is no basing mode available during this decade that satisfactorily redresses the vulnerability of this Nation's ICBM force. On the other hand, as acknowledged by the members of the Commission, survivability is not the only issue to concern the United States in making a judgment on the MX resolution. Rather, there are at least five other major issues which had to be addressed.

First, the committee recognized the aging nature of this Nation's ICBM force. For example, the Titan missile force which is now being retired was first deployed in 1962. The most modern missile in our ICBM arsenal, the Minuteman III, was first flight-tested 18 years ago. And as each year passes, this force becomes more costly to maintain and less reliable in its expected performance.

Second, largely because this Nation has not tried to match the Soviet Union's aggressive deployment of a prolific strategic rocket force, and because the Soviet Union has mounted a substantial effort to harden both its forces and its command-and-control in-

frastructure, our ICBM force is no longer capable of threatening those targets which the Soviets value most. This resulting asymmetry in prompt hard target kill capability is understood by the Soviet Union and could portend a potentially dangerous situation in a crisis between the two superpowers. The near-term deployment of the MX missile effectively redresses this asymmetry, thus inhibiting Soviet adventurism during a potential crisis and thereby strengthening deterrence.

Third, the committee agreed with the Scowcroft Commission that Soviet perception of U.S. resolve to modernize its ICBM force will provide significant incentive to the Soviet leadership to engage promptly in meaningful and verifiable arms reduction negotiations.

Fourth, our friends and allies will also perceive our national will to proceed with ICBM modernization on our own soil as a strong inducement to their commitment to deploy modernized U.S. nuclear forces on NATO soil.

Finally—in fiscal year 1983 constant dollars the MX deployment in Minuteman silos represents a cost savings of some $10 billion over the closely spaced basing program and $30 billion over the multiple protective shelter program.

In the longer term, as I have said, the resolution has the effect of supporting the development and deployment of a small missile and the continuation of research and development on various hardening programs for either fixed or mobile launchers. Those of us who support the resolution hope that, when viewed as an entire package, the ICBM modernization program in the near term will expedite the capping of the dangerous nuclear arms race with the Soviets. In the longer term, this must provide the technological basis for establishing a more stable strategic balance at considerably lower force levels than both sides possess today.

Mr. President, as I indicated at the beginning, feeling as I do, as I have just stated, I have told those people who have commented to me about the necessity to stop the arms race in order to protect the young people of this country that, in my opinion, we are doing our best to do just that.

It is unfortunate, I think, that those of us who have the duty of presenting these resolutions also have the privilege of the classified briefings that are presented to us who are concerned with the defense of this country.

As I stated earlier this year, the difference between the briefing this year concerning the Soviet threat and the one last year is that this year my hair stood on end. I cannot believe that anyone who really loves his children and his grandchildren—and I think we all do—could help but be concerned over what is there to defend this country against the growing threat of not only the Soviet overproduction of military equipment, including missiles, but their ever-constant redeployment of those forces throughout the world, with the increasing threat toward our own security and our own independence implied by the deployment.

I am of the opinion that there is nothing that we could do to protect our young people in coming generations more than to do what the Constitution tells us to do. The Constitution tells us to provide for the common defense and provide for the general welfare.

The general defense of this country now more than ever requires a land-based missile force. It also requires us to have available to those people who are trying to convince the Soviets to reduce the threat that it is creating against our own security and that of the world with the demonstrated evidence of our will, our national will, not to allow the Soviets to dominate the world by a threat of destruction.

Mr. President, I would say this: I can remember full well the time when I came back from World War II, sitting on the deck of an aircraft carrier, wondering about the 3 years that had just come out of my life. I wondered at the time who had made the decisions which led us into that controversy. I am convinced that those of us who are here now have the responsibility to try to assist this Nation's leadership, which, by our Constitution, in this area is the executive branch; the President is Commander in Chief of the Armed Forces. We have the duty to assist our Nation's leadership to execute the plans and to provide the defense that is necessary so that we will not be led into another massive world struggle with arms.

I can tell you, Mr. President, as I have told people throughout this country, I sincerely believe the course this President is on is a course which can lead to a meaningful reduction in nuclear arms. It can lead to increased stability in terms of the relationships between the two superpowers and our relationships around the world. Whether it does depends upon the action of the Congress in demonstrating our commitment to support our President as he goes to those Geneva negotiations; whether we demonstrate our commitment to take the action that is necessary to assure that we will be able to defend against this growing menace and threat from the Soviet Union if they do not agree to commence the program of arms reductions.

I say to the President that, for myself, I am perfectly willing to consider the concept of a nuclear freeze, provided it is preceded by a meaningful arms reduction agreement. I think that is the key right now. Unless we can get an agreement which indicates a willingness to commence arms reductions, to go toward the goal that is enunciated by the Scowcroft Commission report, then I think it would be impossible for us to have a nuclear freeze which would be in the best interest of our country, and particularly in the best interest of those young people I mentioned at the beginning of my statement. Their future requires that we rededicate ourselves within our generation to the goal of reducing nuclear armaments now.

I think approval of this resolution is the first step toward achieving meaningful arms reductions. I am hopeful, Mr. President, that there will be support by the Senate for the MX resolution and that it will be followed tomorrow or the next day by approval by the House of this MX resolution. It will be a meaningful step if we do just that.

Mr. President, I, too, join the chairman of our committee by indicating that I hope that those Members who wish to speak on the issue on either side will notify the Members on either side who are managing the time. Because of the unique situation of this resolution, we have managers on each side for both the proponents and opponents of the resolution. There were, as we began at 1 o'clock, 18 hours remaining for the opponents and 12 hours remaining for the proponents of this resolution. We agreed to that imbalance on Friday because it was stated there were many more who wished to speak at length who are opponents of the resolution. We believed that the proponents had spoken, in effect, by reporting the resolution favorably to the Senate.

I do hope that the Members of the Senate who wish to speak will notify us, those who are in charge of the time on either side, as soon as possible and that the statements that will be made, some of them, will be made today. It is obvious we cannot accommodate the full time agreed upon in one session tomorrow.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. STEVENS. I yield the floor.

Mr. PROXMIRE. May I inquire of the Senator from Mississippi, I understand he wants to make a brief statement.

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me. I just want to reiterate what has been said here about those who wish to speak. I have a growing suspicion that we are going to have less than overwhelming attendance here at best. If those who are planning to speak let us know first and then come over in advance, that would assure an audience of some degree and may stir up more interest as time goes on.

We do have a problem here that is a problem of the entire Senate, not just the ones who control time. I hope

those who are for this resolution will let us know right away so we can plan and organize the time.

I thank the Senator for yielding.

Mr. PROXMIRE. Mr. President, I have attended every hearing of the Appropriations Committee that I could on the MX. I have read the testimony carefully. I have read everything I could on the part of those people who advocate the MX. I have asked myself what is right about the MX and I find absolutely, positively nothing—nothing, zero, zip. It is the wrong weapon at the wrong time in the wrong place for the wrong reasons at the wrong cost. It is wrong, wrong, wrong.

It not only will not contribute anything to the safety of American citizens; exactly the opposite is the case. It will sharply reduce our safety, it will make this an even more dangerous world to live in, it will surely increase the prospect that we will die in a nuclear holocaust.

Sure, they can call it a bargaining chip and they do, but the MX is not a bargaining chip as I am going to point out later. They will say it will show our national will, as if we had not already poured so much into our nuclear arsenal that we could absolutely obliterate the Russians from the face of the Earth if they should attack us. Even if they should attack us first, we could utterly destroy them, even if they hit us with everything they had.

But does not the MX show our national will? No. Why in the world do we have to build the MX at a cost of at least $17 billion, and probably a great deal more, to show a national will when we have already poured so many billions into showing national will by nuclear arms spending?

They claim it will give us a capacity to knock out Soviet land-based missiles that are emplaced in hardened targets. They claim it would begin to restore an element of balance with the U.S.S.R. which has so many more land-based missiles than we have. They say it will slam shut the window of vulnerability. That is wrong for two reasons.

First, the vulnerable missile, the MX, will slam nothing shut.

Second, the very commission, the Scowcroft Commission, whose recommendations we are supposed to be acting on, tells us there is no window of vulnerability.

They say it would give us a basis we lack now for bargaining with the Soviet Union in arms control to reduce their land-based missiles by agreeing to destroy our MX if they will destroy an equivalent number of land-based warheads.

All of these arguments are fallacious; the MX would give us no greater capacity to knock out their land-based missiles than we can get and got with effective invulnerability, by developing and deploying the D-5 missile in Trident submarines. Unless we immensely increase the production of the MX to eight times its planned size, it would not provide a balance for the far greater number of Russian land-based missiles. For that reason, it does not provide a credible bargaining chip for Russian land-based missiles. Why would they trade their 8,000-warhead, land-based missiles for our 1,000-warhead MX missiles? They would not. And we do not heed it anyway as a bargaining chip, because any trade with the Russians would have to be part of our far less vulnerable and equally devestating submarine and bomber deterrent on the one hand for their land based arsenal on the other. What's directly wrong with the MX? First it suffers from the same case of terminal stupidity as any proposal to build more nuclear arms. What in the name of heaven do we need a still greater kill capability for? We already can blast the Soviet Union to kingdom come—even if they hit us first and knock out all of our vulnerable missiles. Building the MX is like going on an eating binge when you're already 50 pounds overweight.

Second, the MX is vulnerable. It would be a sitting duck for any kind of Soviet attack.

Why is it more vulnerable than the rest of our nuclear arsenal? It is vulnerable because it is stationary, it is fixed, it is on land. It would not survive a first Russian strike.

That brings us to its third defect. It would make the nuclear standoff between the Soviets and the United States far less stable and far more hair triggered. It would advance the prospect of a nuclear war. Why? Here is why. Because the MX is vulnerable. We either use it as a first strike weapon or we use it to fire on warning. In either event, it is a strictly a "use it or lose it" proposition; that is, in the first few minutes after we think there may be a Soviet nuclear attack underway on this country, the President must press the button to launch the MX warhead. If the advice that we were under attack was wrong, then it is, "Opps. Gee, I'm sorry. There goes civilization and a couple hundred million people but, after all, fellas, nobody is perfect."

In the fourth place, the MX is wrong because it will not advance arms control. It will not serve, as I say as an effective bargaining chip. Why should the Russians trade off any significant part of their land based missiles when the MX fully constructed will only equal one-eighth of their land based missiles?

Fifth, this is immensely expensive. The Air Force owns up to a cost of $15 billion, but that excludes what I have learned the hard way that we can always count on in a weapons system—the overruns. The MX will cost at least $25 billion. What do we get for $25 billion? A highly vulnerable, hair trigger weapon that will destabilize the arms race and bring us closer to the terrible catastrophe of a nuclear war between the United States and the Soviet Union.

Mr. President, I have great respect for the people on the other side, but a vote for the MX is a vote to hasten the possibility of the end of mankind on earth.

Now, Mr. President, who can a Senator believe in this contradictory debate about nuclear arms policy. We are told that our Minuteman silos are vulnerable and that to put the MX missiles in such launchers would make them sitting ducks, but who tells us that? Well, let us take a look at who tells us that. Senator JOHN TOWER, chairman of the Senate Arms Services Committee, the most authoritative member of this body on military matters. Senator TOWER told us that in 1981. Here is what he said:

> By stuffing the MX's into fixed silos, we're creating just so many more sitting ducks for the Russians to shoot at . . . True, the MX missile itself will be more powerful, more accurate—and we need that kind of weapon. But it's of little use to us unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms control talks.

Now, who else told us that? Secretary of Defense Caspar Weinberger, the most authoritative official in the administration on military matters, also in 1981. Here is what Mr. Weinberger said:

> I would feel that simply putting it (the MX) into existing silos would not answer two or three of the concerns that I have: namely, that (the location of) these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces.

That is Caspar Weinberger, the Secretary of Defense—as I say, the most authoritative official in the administration on military matters.

Who else took the same strong position against deploying the MX and Minuteman silos in 1981? The Chairman of the Joint Chiefs of Staff. Mr. President, you cannot get a more authoritative expert than the Chairman of the Joint Chiefs of Staff, particularly when he is a man as able as Gen. David Jones. Here is what General Jones said:

> In my own view, I consider the MX in a very survivable mode to be extremely important to the security of the Nation. I remain to be convinced there is a survivable mode other than MPS. So, if forced with the difficult choice, B-1, ATB, and MX, I would put the MX last under the current program slice.

William Perry, former Under Secretary of Defense and as highly respected in these matters as anyone in our military, had this to say:

My concern is that if we had this very accurate, very threatening missile in unprotected silos, and if they do not go to a survivable system themselves . . . that simply increases the hair trigger . . . on both sides.

I agonized over that and said on balance I would not go ahead with that (MX in silos) because I don't believe we will.

That was in 1981, about 2 years ago. Mr. President, that was sound.

Basic arguments such as the deployment of the MX would make them vulnerable to a Soviet strike was sound. Why? Because they would be located in a fixed, immobile, easily located site.

Now, Mr. President, 10 days ago the Air Force announced that the Russians could destroy 99 percent of our fixed, immobile, land based missiles with a preemptive first strike. The MX would be deployed in a fixed, immobile, land based mode. Senator STEVENS, the distinguished chairman of the Defense Appropriations Subcommittee and manager of the bill, has just told us that the Scowcroft Commission brings us one step nearer to a reduction of our nuclear arsenal on both sides. I would like to put that in the context of an article that appeared just today in the New York Times by Charles Mohr. Today, Monday, May 23, the New York Times reported:

In the opinion of many nuclear analysts, the Reagan modernization program . . . would increase the number of warheads likely to survive a Soviet attack on the United States and be available for retaliation.

That article, hot off the press today, goes on to say:

The result of the Reagan program would be to increase the inventory of about 1,400 relatively weak and not wholly effective hard target warheads likely to survive an attack to a much larger number of more destructive weapons. The total number of hard target warheads likely to survive attack would rise to 3,900 by 1990 and more than 6,000 by 1996, increases of 175 percent and 375 percent, respectively.

Then the article goes on to point out that even if the President and the Soviets succeed in reaching agreement on arms control, even if there is an agreement, such a treaty would permit the nuclear arms competition to race on pell-mell because, as the Times article puts it:

Even if the President's proposals on arms reduction became the basis of a treaty, most of his overall weapons program could be carried through within the terms of the treaty. The small reduction in overall numbers that the treaty would require would be offset by the substantial increase in the arsenal's power, accuracy and capability.

I repeat: Even, if we get an arms agreement with the MX, even if we get an arms agreement, the agreement that the administration is proposing would result in a substantial increase in the nuclear arsenal's power, accuracy and capability, and would have to be on both sides.

Incidentally, what does all this do to the President's purported accommodation to the Cohen-Nunn-Percy build down proposal which the President indicated he would accomodate? Anyone who would argue for the notion that the administration really intends to limit the arms race should read the next two paragraphs in the Times story, particularly in the context of this so-called Cohen-Nunn-Percy build down.

The Times story says this:

In fact, Mr. Reagan is believed most likely to modify his treaty proposal by increasing both the proposed ceiling of 5,000 ICBM warheads and increasing or eliminating a proposed limit of 850 ICBM missiles. Reduction or retirements——

Here is the build down:

reduction or retirements could be made in older, less capable missiles and aircraft so that more lethal new systems with much greater ability to attack Soviet military and command targets could be deployed.

Some build down. Some build down.

For those who have argued that we are pouring far too much money down this nuclear arms race rathole, consider this observation in the Times article:

The nuclear modernization program will cost about $50 billion a year for the next 5 years, according to the Congressional Budget Office.

Mr. President, in spite of the feeble case for spending at least $15 billion for the MX, a number of Senators and Representatives have indicated that they will support the President because he has indicated a more serious interest in arms control and the MX provides a reasonable quid pro quo for a strong arms control agreement.

So here is the way it would work: Congress would give the President his MX. The President, in return, would give Congress the assurance that he would sincerely negotiate with the Soviets for arms control.

But what is the real result? I challenge anyone to read this article in the New York Times, by a thoroughly capable, honest, and expert reporter, Charles Mohr, and then tell me how the funding of the MX will do anything but speed up the arms race, even if the President and the Soviet conclude an agreement.

Mr. President, any notion a Senator has that we should go ahead with the MX because, as the Senator from Alaska argued, this is part of a way to reduce the nuclear arms on both sides and to get an agreement, falls on the basis of this very recent—it came out today—article by Mr. Mohr, which is documented by studies by the Congressional Budget Office and others and which, it seems to me, makes it very clear that the MX and the President's initiative toward an agreement with the Soviet Union will in no way reduce the nuclear threat.

Mr. President, I oppose the MX primarily because there is no way we can avoid the fact that it is a hairtrigger, use-it-or-lose-it kind of weapon. It is a weapon which obviously increases the instability and the likelihood that we are going to have nuclear war, a nuclear war that could very easily come, not on the basis of some vicious, evil action, but on the basis of a mistake.

So, Mr. President, I earnestly hope that the Senate will vote against the resolution.

I ask unanimous consent to have printed in the RECORD the article in this morning's New York Times by Charles Mohr, headlined, "Nuclear Weapons: Power Through Modernization."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times May 23, 1983]

THROUGH MODERNIZATION NUCLEAR WEAPONS: POWER

(By Charles Mohr)

WASHINGTON, May 22.—If Congress approves all of President Reagan's program to modernize nuclear striking forces, the result will be a dramatic increase in the size and especially the power of the nation's nuclear arsenal, according to a Congressional staff study and other analyses.

The program will also give the Pentagon the ability to increase the arsenal's size and power more rapidly in future years, according to a Defense Department document. The Pentagon is, for instance, arguing in Congress that one benefit of new missiles will be "an open missile production line" ready to increase the force size quickly.

A significant number of legislators who had opposed building the 10-warhead MX missile have said they will now probably support Mr. Reagan's request because he has promised to modify his strategic arms control proposals and to develop a less "destabilizing" small mobile missile with a single warhead.

If no arms reduction treaty is reached with the Soviet Union, the result of the overall Reagan strategic arms program will be to increase the inventory of strategic nuclear warheads to 14,000 from 9,000, a Congressional Budget Office analysis has found.

INCREASE IN STRONGER WARHEADS

More significant, in the opinion of many nuclear warfare analysts, the Reagan modernization program will greatly increase the overall number of "hard target kill warheads," projectiles with accuracy and nuclear yield sufficient to destroy missile silos and Soviet command bunkers greatly reinforced with steel and concrete. The program would also increase the number of such warheads likely to survive a Soviet attack on the United States and be available for retaliation.

It is this "hard target capability" that is most desired by the Defense Department and most feared and opposed by the Soviet leadership.

The budget office's analysts found that the result of the Reagan program would be to increase the inventory of about 1,400 relatively weak and not wholly effective hard target warheads likely to survive an attack to a much larger number of more destructive weapons. The total number of hard

target warheads likely to survive attack, the budget office said, would rise to 3,900 by 1990 and to more than 6,000 by 1996, increases of 175 percent and 375 percent, respectively.

Even if the President's proposals on arms reductions become the basis of a treaty, most of his overall weapons program could be carried through within the terms of the treaty. The small reduction in overall numbers that the treaty would require would be offset by the substantial increase in the arsenal's power, accuracy and capability.

MODIFICATION ON ICBM'S

But, in fact, Mr. Reagan is believed most likely to modify his treaty proposal by increasing both a proposed ceiling of 5,000 ICBM warheads and increasing or eliminating a proposed limit of 850 ICBM missiles.

Reductions or retirements could be made in older, less capable missiles and aircraft so that more lethal new systems with much greater ability to attack Soviet military and command targets could be deployed.

Thus, as one critic remarked, "This is force modernization given the name of arms control."

The nuclear modernization program will cost about $50 billion a year for the next five years, according to the Congressional Budget Office, and will result in a great increase in United States retaliatory power.

PLANS FOR DEPLOYING MISSILES

It includes a plan to deploy at least 100 large MX missiles with 1,000 hard target kill warheads, to design and presumably to deploy a force of Midgetman single-warhead missiles with the same hard target capability and to build a fleet of 20 Trident submarines, each with 24 launching tubes for multi-warhead missiles. Eventually all of these submarines would be fitted with the D-5 submarine missile, which will have the accuracy and hard target capability of ICBM's.

The plan also calls for the deployment of 100 B-1B bombers by the late 1980's and 132 advanced technology bombers in the early 1990's, about 3,200 air-launched cruise missiles, and about 400 nuclear sea-launched cruise missiles by 1988.

The Defense Department, meanwhile, has made increasingly clear that it is seeking the potential to increase the size of that proposed force rapidly if the Soviet Union takes what the Pentagon describes as "responsive actions" to counter the United States buildup.

A strategic forces technical assessment review that the department gave Congress in April said the modernization program should "incorporate an inherent growth potential" to counter "Soviet responsive actions."

NEW CRITERIA URGED

The review also urges Congressional committees to evaluate different missiles by criteria that include some qualities that will be new to many members of Congress.

One is "resiliency," which the Pentagon document defines in a missile as the "capability to counter responsive threats." One example would be the ability to build more missiles quickly.

Another criterion would be "payload flexibility," which in most cases would involve putting fewer but more powerful warheads on MX missiles to counter any Soviet improvements in reinforcement of silos and bunkers. The review argues that with its great ability to lift heavy weights the MX is much superior to both the Midgetman and the D-5 submarine missile in payload flexibility.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. RUDMAN). The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we are now facing one of the most critical issues that this Congress or any Congress will ever make and that is whether to proceed with the MX missile in a fixed basing mode. The MX as proposed is dangerous to us. It makes us less secure, not more secure, and it will put the world even more on a hair trigger than it now is. It will make the world more perilous than it now is. It will push us closer than we are now to the ultimate abyss.

Because the MX is nonsurvivable, because it is vulnerable in fixed silos, it will give the Soviets a tempting target—10 warheads in one fixed hole—and should they get jittery in times of tension, they would be afraid we would launch first and they would be more tempted to launch themselves because they could knock out 10 warheads with just one of theirs, and thereby stop us from removing their hard targets.

Mr. President, this proposal is a radical departure. The Congress has spoken over and over and over again on the question of putting the MX missile in fixed silos, and I want to review today some of the history of the action of Congress relative to the MX missile and the rationale behind it.

On June 25, 1976, in one of the earliest references to the MX missile in the conference report on the fiscal 1977 Defense Authorization Act, this is what was stated:

The rationale behind the development of a new missile system, MX, is to provide a land-based survivable strategic force. The development of an alternate basing mode as opposed to a fixed- or silo-based mode, is the key element in insuring this survivable force. The conferees are in agreement that providing a survivable system should be the only purpose of this effort; that the design of this system should not be constrained for silo-basing; that none of this program's funds shall be expended in fixed- or silo-basing for MX.

So in June of 1976 this Congress acted. It adopted the rationale behind the MX and that was to provide a land-based survivable strategic force. We said that an alternate basing mode as opposed to a fixed- or silo-based mode is the key element in insuring the survivable ICBM force, and we said that providing a survivable system should be the only purpose of the MX. That the design of this system should not be constrained for silo basing and our critical words, if the world can believe us, were that "None of this program's funds shall be expended in fixed- or silo-basing for the MX."

So Congress adopted that conference report back in 1976.

On May 10, 1977, the Senate Armed Services Committee filed its report on the fiscal 1978 Defense Authorization Act, and here is what my committee said in that report:

In recommending support of the requested $134 million for MX this year, the committee reaffirms its conviction that our deterrent depends on the continued survivability of our Triad of strategic forces. . . . The committee is satisfied that the Department of Defense has complied with last year's congressional direction that providing a survivable system should be the only purpose of the MX program.

So our own Armed Services Committee spoke May 10, 1977, that providing a survivable system should be the only purpose of the MX program.

The House Armed Services Committee report on the fiscal 1980 DOD Authorization Act, dated May 15, 1979, on page 14, spoke as follows:

Whatever the decision, the committee will not consider, under any conditions, an approach that leaves the MX missile with no basing mode other than the current fixed Minuteman silo. This fixed-silo basing mode is the principal cause of the Minuteman vulnerability, and a system using an advanced ICBM with fixed silos would only be worse—in fact highly destabilizing.

I am not sure whether the country has a lot of confidence in the Congress but this Congress, over and over and over again, has said that the only purpose of the MX missile is to make our land-based missiles survivable. We have said over and over again that the fixed-silo basing mode is "the principal cause of the Minuteman vulnerability," to use the words of the House Armed Services Committee in a judgment which has been shared repeatedly by the Senate and repeatedly by the Congress, and "a system using an advanced ICBM with fixed silos would only be worse, in fact highly destabilizing."

In 1979, in the Department of Defense Supplemental Authorization Act, in a conference report dated June 18, 1979, this is the language which the Congress adopted:

It is the sense of the Congress that maintaining a survivable land-based intercontinental ballistic missile system is vital to the security of the United States and the development of a new basing mode for land-based intercontinental ballistic missiles is necessary to assure the survivability of the land-based system. To this end, the development of the MX missile, together with a new basing mode for such missile, should proceed.

Mr. President, the origin of the MX missile, what it was intended to accomplish, is therefore clear in congressional history, as clear as anything we ever do, and I think the public has followed this with great interest, very closely, and knows, knows very well, why the MX came into existence. We have, many of us individually have, spoken on the issue of the MX missile while it was being developed, and, as a matter of fact, the Department of Defense itself has spoken on the purpose of the MX missile.

Let me read now from the fiscal year 1982 Department of Defense annual report or posture statement, dated January 19, 1981, page 40. This is what the Department of Defense told us and told the country and told the world:

The key to escalation control is the survivability and endurance of our nuclear forces and the supporting communications, command and control, and intelligence (C^3I) capabilities. The supporting C^3I is critical to effective deterrence, and we have begun to pay considerably more attention to these issues than in the past. We must ensure that the United States is not placed in "use or lose" situation, one that might lead to unwarranted escalation of the conflict. That is a central reason why, while the Soviets cannot ignore our capability to launch our retaliatory forces before an attack reaches its targets, we cannot afford to rely on "launch on warning" as the long-term solution to ICBM vulnerability. That is why the new MX missile should be deployed in a survivable basing mode, not in highly vulnerable fixed silos, and that is why we spend considerable sums of money to ensure the continued survivability of our ballistic missile submarine fleet.

Can we believe DOD? The Department of Defense then told us that it was the search for survivability, it was the solution to ICBM vulnerability, which is why the new MX missile should be deployed in a survivable basing mode and not in highly vulnerable fixed silos.

The President of the United States, in October of 1981, said the same thing:

That he had ordered completion of the MX missiles but not in the once-proposed, multiple protective structure (MPS) basing mode because, "We have concluded that these basing schemes would be just as vulnerable as the existing Minuteman silos."

What did our Secretary of Defense tell us in October and November of 1981 about basing MX in MPS? He told the Senate Armed Services Committee:

What we think we cannot do is put a vast amount of our resources in that plan that we know is not survivable even now.

Do our people and does the world have a right to rely on the Congress of the United States which has so many times said it would not put the MX in fixed silos? Do our people have a right to rely on the Department of Defense which, in one posture statement after another, has said that the MX missile should not be deployed in a fixed silo? Do your people have a right to rely on the President of the United States who says that he did not want to put the MX missile in even the earlier basing mode because, "We have concluded that these basing schemes would be just as vulnerable as the existing Minuteman silos"?

Do our people and the world have a right to rely on the Secretary of Defense who said about that same earlier basing mode that "what we think we cannot do is put a vast amount of our resources in a plan that we know is not survivable even now?"

That is the critical issue that we have to decide, with all this background, with all the origin of the MX being as it was, with all the representations from our President, the Secretary of Defense, the Congress, and so many of us, whether we are now simply going to say, "We are tired of it. Let us put it behind us. Let us put the darn thing somewhere. Get it into a fixed silo." Is that what it all comes down to in this legislative process, that we finally want to get something behind us so we will do something that makes no sense, that is illogical and that, as a matter of fact, is dangerous?

The Secretary of Defense, in November 1981, said the following:

It is very difficult to get a survivable ground-based system, but that difficulty, we think, should not drive us to a decision to produce a system that we know is just as vulnerable as what we have now, but costs an enormous sum without accomplishing anything.

We don't think it would add anything to the deterrent quality of our strategic system and we don't think it would add anything to its survivability.

That was the Secretary of Defense on November 5, 1981, when he testified before our committee.

The Department of Defense posture statement for fiscal year 1983 said that the President's program of nuclear assurance and strategic modernization consisted of five mutually reinforcing elements. The fourth part of that program was outlined as follows on page I-40 of the DOD posture statement:

Fourth, a step-by-step plan to improve the survivability and accuracy of new land-based intercontinental ballistic missiles and to reduce their vulnerability.

And so it is continuing right up to the present that we have this concern about vulnerability, this concern about the destabilizing problem of sticking a new MX missile in an old silo.

Senator THURMOND asked a question about the window of vulnerability that Secretary Weinberger answered in February of 1982, during our committee's fiscal 1983 defense budget hearings. Secretary Weinberger said the following:

The window of vulnerability that you refer to is comprised of four areas of serious concern.

I am jumping down to area No. 3, and this is perhaps the heart of the matter. Secretary Weinberger said:

The vulnerability of our ICBM force because it creates an incentive for the Soviets to strike first in a crisis.

That is the window of vulnerability that Defense Secretary Caspar Weinberger talked to us about just about a year ago. It appears in this little green book that we all have called Hearings of The Armed Services Committee. We have loads of these in our offices. We issue them by the hundreds. I am not sure how many of us or how many other people ever read them. But in this one, which is dated February 2, 1982, Caspar Weinberger says that the window of vulnerability, in part, is the vulnerability of our ICBM force which creates an incentive for the Soviets to strike first in a crisis.

And so what are we doing to close that window of vulnerability that Secretary Weinberger defined so well back then? We are putting 10 warheads in the same fixed silo that previously held three. That gives the Soviets, in the words of Secretary Weinberger, and here I am extrapolating, even a greater incentive to strike first in a crisis.

Mr. President, the very election platform on which this administration ran, the 1980 Republican platform, identified the source of the MX missile when it said:

. . . The United States has moved from essential equivalence to inferiority in strategic nuclear forces with the Soviet Union. . . . In order to counter the problem of ICBM vulnerability, we will propose a number of initiatives to provide the necessary survivability of an ICBM force in as timely and effective a manner as possible. In addition, we will proceed with—

and this is the platform of this administration—

The earliest possible deployment of the MX missile in a prudent, survivable configuration.

And what we face in the next few days is the imprudent, nonsurvivable configuration of the MX missiles in fixed Minuteman silos.

Why are we doing it? Why are we doing what we said we would never do? How can we explain to the public, to the world, that we are now about to put the MX missile in the very fixed silo that this Congress, that this President, that this administration, that all of us said we would never do? How do we explain it? How do we justify it?

Well, perhaps the backdrop for it is the statement of the President and of Secretary Weinberger that we have virtually stood still while the Soviet Union has modernized their strategic forces.

Secretary Weinberger, on April 29, 1982, said:

The fact is that while we have virtually stood still over the years, the Soviet Union

has pursued a dramatic and an unprecedented expansion of their strategic forces.

Mr. President, that statement is half true. The Soviet Union, in fact, has pursued a dramatic and unprecedented expansion of its strategic forces. But the other part of the statement is not true, because it says that we have virtually stood still over the years in this area of defense capability. In fact, we have not.

Let me just read into the RECORD some of the strategic improvements that we have made since 1970, the period when the Secretary of Defense said we virtually stood still while the Soviet Union dramatically moved ahead.

We have deployed 550 new, multiple warhead Minuteman III ICBM's. We have deployed 496 new, multiple warhead Poseidon SLBM's on 31 submarines. We have deployed 216 new, multiple warhead Trident I SLBM's on 13 submarines—12 Poseidon, and one Trident SSBN.

We have deployed 1,140 new, nuclear short-range attack missiles aboard B-52 bombers and FB-111 bombers.

We accelerated full-scale engineering development of the MX missile.

We completed research and development and initiated production of air-launched cruise missiles and now there are 276 operational on one B-52 squadron.

We doubled the yield-destructive power of Minuteman III warheads by beginning deployment of 900 new Mark 12A reentry vehicles to replace existing, less capable RV's.

We upgraded the guidance system of Minuteman III ICBM's with the new NS-20 system to improve accuracy. We upgraded silo hardness of Minuteman ICBM silos to reduce vulnerability to nuclear bursts and installed titanium shrouds on missile nose cones to reduce their vulnerability to electromagnetic pulse from nuclear explosions.

We constructed 10 new, more capable and quiet strategic Trident missile submarines: One is now operational, one is on sea trials.

We replaced and modernized B-52 bombers' weapons, engines, airframes, navigation systems, avionics, and electronic countermeasures. We deployed 62 FB-111 bombers. We installed the Command Data Buffer systems for rapid retargeting of Minuteman ICBM's.

That is not standing still. That is major improvement in strategic capability.

And, may I say, I asked Gen. John Vessey, the Chairman of our Joint Chiefs of Staff whether these strategic modernizations had occurred—whether or not, in fact, they were made. The Chairman of our Joint Chiefs of Staff, our Nation's highest military leader, in fact, did confirm that the improvements I listed were accurate and complete.

So then the question becomes: How is this kind of exaggerated statement of the Secretary of Defense, that we have virtually stood still over the years and the Soviet Union has pursued dramatic and unprecedented expansion, been used to justify what we are in all likelihood about to do, which is to move ahead with the MX missile in a basing mode that we said we never would use—the fixed silos of the Minuteman missiles?

The President of the United States, perhaps, phrased it well in terms of the position of the proponents when he said that:

> Unless we domonstrate the will to rebuild our strength and restore the military balance, the Soviets, since they are so far ahead, have little incentive to negotiate with us.

Our President, our Commander-in-Chief, has said that the Soviets are so far ahead that they have little incentive to negotiate with us.

I wish he would talk to the Chairman of the Joint Chiefs of Staff. I know that they know each other. I wish they would talk about the subject of who is ahead, in both strategic and conventional military capabilities.

We asked the Chairman and other members of the Joint Chiefs of Staff whether or not they, as our military leaders would swap our overall strategic capabilities for that of the Soviet Union. Here is the question to the Chairman of the Joint Chiefs and the other chiefs:

> Would each of you swap our overall strategic nuclear triad of forces for that of the Soviets?
>
> Answer: None of us would trade our overall strategic nuclear forces with the Soviets.

That is an answer to a question that I asked at a hearing on April 21, 1983.

So we have the Chairman and the other members of the Joint Chiefs of Staff saying, "None of us would trade our overall strategic nuclear forces with the Soviets," but we have the President of the United States saying that the Soviets are so far ahead that they have little incentive to negotiate with us. How can both those statements be true? The answer is they cannot be. They are inconsistent.

The President, when he says that the Soviets are so far ahead, is running directly counter to the statements of his own military chiefs who say that, in fact, they would not swap overall our military capability for that of the Soviet Union.

I asked a similar question of Richard Perle, our Assistant Secretary of Defense for International Security Affairs, clearly someone who is well known to Members of the Senate, not somebody who is about to expand on what we have compared to the Soviet Union. He is one who is very negative about our capability. He is someone who wants to proceed with most of the systems which we have before us. But I asked him on March 15 of this year:

> Would you trade our Triad for their Triad?

Richard Perle said, "No, I would not."

So we are in a situation where the atmosphere which has been created to sell this MX weapon system to the Congress is one where the President has said over and over again, "We are so far behind we have to do something to catch up," and our uniformed people, our top uniformed people, have told us they would not swap.

I think we ought to ignore the atmosphere which the President has attempted to create for us. I think we ought to look at the real balance. We ought to realize that we added more strategic nuclear warheads and bombs to our inventory since 1970 than did the Soviet Union.

Virtually standing still, as the Secretary of Defense said? Take a look at warhead production from 1970 to 1981. We produced 5,254 and the Soviet Union 5,019. We produced over 200 more warheads than the Soviet Union did in that period.

Is that virtually standing still? Is that the kind of atmosphere in which we are going to vote on the production of a missile which we know in this body is destabilizing, which we know we have promised the American people and the world over and over again we would never place in a fixed silo?

Then we are told, "National will requires it. National will requires that we proceed."

I have a lot more confidence in this Congress than that kind of argument implies. I do not believe that we are going to proceed to do something which is illogical, dangerous, costly, destabilizing and does not solve the perceived problem which caused it to be brought into existence to begin with because of an argument that, "My gosh, we have to do something."

I have a lot more confidence in us than that. We do not require illogical and wasteful military expenditures because someone argues that not to do it would reflect negatively on national will. Is that what the supporters really believe that national will is all about, that the national will, the national purpose, the national spirit, the national goal, and the national drive of this country require us to do something which is illogical, dangerous, and wasteful?

That is the issue: Is it illogical and wasteful and dangerous? If it is, I have a lot more confidence in the American public that national will will not be utilized as an argument to justify it. We are not going to do things, I hope, which are indefensible in the name of national will. That argument cannot

compel us to do what is wrong from the point of view of our national security or national budget or national survival.

Then we are told, "Well, we need the hard-target kill capability of the MX." But when we ask the Air Force, as we did recently, what does it add to our hard-target kill capability, the answer is that putting the MX missile in the Minuteman silos gives us from 10 to 70 surviving warheads. That is what it will provide by the late 1980's, when it is deployed fully, 10 to 70 surviving warheads, at a cost of $15 billion to $20 billion—at the same time that we are providing for ourselves a heck of a lot more of surviving hard-target kill capability in the form of the Trident II missile, in the form of cruise missiles, in the form of two new bombers—lots of hard-target kill capability, if we want it. Which I guess we do because the Soviets have it.

They have it so they can threaten the world. That is not, presumably, our purpose. Our purpose is to retaliate if attacked and therefore to deter. We do not have to go around bullying and threatening everybody with our missiles, if that is the purpose of the Soviet missile systems—and I think it is. How else can they justify such a land-based system as theirs is? We do not have to do that. That is not our purpose, that is the Soviet's purpose. If that is the Soviet's purpose, it is nothing we should want to duplicate.

As former Secretary of Defense James Schlesinger said before the Senate Committee on Foreign Relations in April 1982:

> We should not brood about or overstate the recognizable deficiency in hard-target-kill capability. Above all, we should not suggest that the deficiency in this single dimension implies "inferiority." Because the word "inferiority" may suggest to others that our deterrent is, indeed, inadequate.

Then we are told, my gosh, we had better do this because it will give the Soviets some incentive to enter into arms control. That is the next reason we are given for proceeding with the MX: You have to give the Soviets some incentive to enter into the arms-reductions talks, as though what we have already, with the capacity for obliteration of the planet with our missiles, and tridents, and so on are not enough for that; as if the new cruise missiles, the new B-1 bomber, the new Stealth bomber and all the rest were not adequate to the Soviets to avoid mutual suicide. The answer is that somehow this MX in the fixed basing mode is going to give them incentive to enter into arms talks.

I think the answer was best provided by the chairman of the Senate Armed Services Committee in May 1981, when he said the following:

> By stuffing the MX's into fixed silos, we are creating just so many more sitting ducks for the Russians to shoot at—true, the MX missile itself will be more powerful, more accurate—and we need that kind of weapon. But it is of little use to us unless the Soviets are convinced it can survive an attack. Without that, the Russians will have no incentive to start serious arms control talks.

Those are the words of the chairman of our Armed Services Committee: "Without that," without survivability, "the Russians will have no incentive to start serious arms control talks."

The next argument: The Europeans will be looking at us to see whether or not we deploy MX; somehow or other the decision on MX is going to affect their decision on Pershing. It and ground-launched cruise missiles. We have asked the Secretary of State if he would give us some evidence of that. We have not seen any. We have asked the Library of Congress to give us the European response through the press. We find almost none in the European press on the issue of MX missile. We see in the column of the New York Times respected writer, Flora Lewis, the following interesting quotes, talking about influential West Germans on April 22, 1983:

> For example, West Germans were astonished to find an American politician wondering whether failure to deploy the MX missile would be taken as a sign of United States weakness, whether it would reinforce the arguments of West Germans opposed to Pershing 2's. Would they say that if Americans don't install bigger missiles why should they?
>
> The situation is just the opposite, the West Germans explained. "What we're afraid of isn't American weakness," was the politely truncated answer, leaving implicit that the real fear is of stumbling into war.

As this morning's Washington Post says, what the West Germans, for instance, seek is arms-control flexibility on our part. Their fear is not that we will display weakness. Their fear is that we will continue to display inflexibility.

I ask unanimous consent that the article from this morning's Washington Post, as well as the column of Flora Lewis, be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE POWER TO PROPOSE

(By Flora Lewis)

ROME, April 21—The irony of the Trilateral Commission is that its name became a dirty word on two continents for opposite reasons.

In the United States, right-wingers saw a subversive, practically Communist conspiracy for world domination in David Rockefeller's effort to bring people of influence from the United States, Europe and Japan together to discuss key issues. In Europe, leftists saw in it a conspiracy to impose "monopoly capitalism" on the world.

At its 10th anniversary conference here, it showed it has become about what was intended: a mild attempt to spread internationalism and to focus on worries that major industrial societies share rather than on their quarrels, as governments now inevitably do.

Mr. Rockefeller is a mild, amiable man, essentially conservative. The atmosphere is above all gentrified. There are scores of international conferences nowadays where people sit in closed rooms for days and nights in earnest talk. They don't get much done, but they do serve to create an international community whose members know each other as people with ideas rather than stereotypes.

They also provide a chance to whittle away at some of the startling misperceptions that the width of oceans seems to create.

What comes through most clearly in these ostensibly inner circles of power is how little capacity these people feel they have to shape events. Far from flexing muscles to manipulate hidden levers of control, for benefit of left or right, they are groping almost desperately for ways to bring back some order.

It there is any conspiracy, it seems to be in the diffusion of power, of impersonal if not inhuman forces eluding and confusing the attempt to plan. The big issues now are the economy and arms, but everybody suggests it's up to somebody else to take the initiative to grapple with them.

The feelings of impotence and frustration are scarcely less among the elite than in the most modest households. Still, there are so many institutions and organizations with the machinery to bring decisions. The need isn't to create new tools for international affairs, as it was in the aftermath of World War II, but to set them functioning again.

The talk goes round and round. There isn't even much doubt about the right direction. There has to be much broader, more energetic cooperation among the Western states to get the world's economy moving again. And there has sooner or later to be cooperation between the United States and the Soviet Union to turn away from the nuclear arms race and the risk of conflict.

So the question keeps coming back to who will take the lead. The former West German Chancellor Helmut Schmidt, who was basking in California during the sessions but whose views were widely echoed, has come up with an outline of what's to be done.

Defense issues can't be effectively resolved, he argues, until there is more assurance of economic and social stability in the world. And this requires a detailed, coordinated system to link currency relations, trade and the flow of credit in support of renewed economic growth.

Treasury Secretary Donald Regan has mused aloud in a similar vein, but he refuses to move. Mr. Schmidt stops just short of providing momentum, saying that only the U.S. can make proposals and mobilize lagging energies.

This is probably the crux just now. It is true that when the United States strides forth with determination, allies complain of coercion. They are often right, perhaps inevitably. By its size and nature, America has never developed a habit of easy cooperation, taking other countries' views into account, as smaller states have had to do. But the diffusion of power has left the United States without its previous capacity to command by sheer weight.

When the United States turns inward, leaving others to their own devices, allies complain of neglect. The conclusion to draw is not that nobody can act, but that allies who feel the need for joint action most urgently are in the best position to propose it. The United States won't say they're trying to dominate.

And Mr. Schmidt, without the burden of office but with the knowledge, insights, contacts and persuasiveness that holding it conferred, is in the best position to organize concrete proposals. There is enough international machinery lying around, and enough good will and good intentions are emerging from the endless talk to fuel it. Someone has to turn on the ignition. The Trilateral Commission doesn't have the key, but maybe Mr. Schmidt does.

KOHL SEEKS SIGNAL OF FLEXIBLE U.S. ARMS STANCE TO TAKE TO MOSCOW

(By William Drozdiak)

BONN, May 22—West German Chancellor Helmut Kohl hopes to obtain new assurances of U.S. flexibility in the Geneva arms control talks from President Reagan this week in order to carry a positive message to Soviet Leader Yuri Andropov when Kohl travels to Moscow on July 4, according to Chancellery and Foreign Ministry officials here.

Kohl's trip to Moscow is considered here the most crucial diplomatic effort this year to nail down an arms control agreement, and he is anxious for assurances of cooperation from Washington during his trip to the United States for the Williamsburg economic summit.

Senior government officials in Bonn are concerned by what they perceive as a growing conviction in the Reagan administration that Pershing II missiles must be deployed in West Germany later this year before the Soviets will bend toward a plausible compromise.

While prepared to deploy the missiles if necessary, the Kohl government wants to explore every possible avenue to curtail medium-range nuclear weapons before the December stationing deadline.

Senior government officials in Bonn said they are pleased that chief U.S. negotiator Paul Nitze has gained more flexibility to explore possible compromises at Geneva. But they also said that they would like to see Nitze acquire even more authority and possibly revive the tentative proposal he reached last summer with his Soviet counterpart, Yuli Kvitsinsky.

During a walk in the woods near Geneva, Nitze and Kvitsinsky focused on an outline that would limit the Soviet Union to 75 SS20s and the West to 75 cruise missiles. The proposal was later rejected in Moscow and Washington.

A senior minister in Bonn said, "The walk in the woods deal was certainly something we could live with."

When he meets privately with Reagan, Kohl hopes to extract a conciliatory message he can take to Moscow in early July. This might include another plea for lower missile deployments or new overtures for an East-West summit, something that Kohl has advocated since taking office last October.

Despite his conservative leanings, Kohl acknowledges the need to shore up West Germany's ties with the East Bloc and is particularly eager to enhance western dialogue with Moscow.

From the Soviet viewpoint, Bonn has emerged as the most likely interlocutor in the prospective bid to repair East-West relations. Moscow's traditional diplomatic conduit to the West, through Paris, has been stymied by poor relations with the Socialist-led government of Francois Mitterrand.

The summit participants are expected to reaffirm the West's steadfast intention to deploy 572 cruise and Pershing missiles in Europe later this year unless the United States and the Soviet Union reach an accord at the Geneva arms control talks.

West German officials are relieved by the Reagan administration's decision to consign the controversial issue of East-West trade to a minor place on the summit agenda.

But they said a new row possibly could erupt over protectionism, pitting Japan against the Europeans and Americans, who have long argued that Tokyo must lower barriers to foreign imports.

European countries have grown more optimistic about the strength of the U.S. economic recovery. Nonetheless, there are lingering worries about the massive U.S. budget deficit and the related danger that interest rates could rise again and thus abort an economic upturn, Bonn officials said.

Another issue that could raise problems is how to stabilize key currencies. There is little enthusiasm in Bonn, London or Washington for Mitterrand's call for "a new Bretton Woods" that would resurrect fixed exchange rates.

West German officials said last week's Paris-Bonn summit between Kohl and Mitterrand resulted in "the most frank discussions we've ever had."

Bonn fears that the Socialist government in Paris will not be able to resist widespread domestic opposition to austerity measures. If Mitterand should offer concessions, the West Germans are worried that they will be forced to spend heavily to rescue the franc again this autumn.

The problems of the international economy have grown so complex that few analysts expect more than anodyne vows of good will to emerge from the Williamsburg session.

West German officials say a final "common declaration" will include strictures against the dangers of protectionism and high interest rates. It will also express support for developing countries and encouraging words of the United Nations Conference on Trade and Development, which will meet a week later in Yugoslavia.

"We already have enough difficulties," explained a Chancellery aide. "Our main goal is not to create new problems. We know we simply cannot achieve more than cautious promises."

Besides economic matters, the seven western leaders also plan to discuss such political topics as disarmament, East-West relations and the Middle East.

While the sensitive issue of trade with the East Bloc has declined in importance, Bonn sees some merit in exploring how the West could revive a dialogue with the martial law regime in Poland. Kohl is known to believe that if Pope John Paul II's trip there goes well next month, the West should take steps to dissolve sanctions against Warsaw.

On the Middle East, the summit leaders are expected to endorse the Israeli-Lebanese accord calling for withdrawal of all foreign forces, which recently was negotiated by Secretary of State George P. Shultz. The Europeans, in particular, will be urged to exert their influence to elicit Syria's cooperation with the troop withdrawal pact.

Mr. LEVIN. Mr. President, we are also told, as part of the effort to sell the MX missile, that the commission which recommends that we do what we promised ourselves and our countrymen and the world that we would never do—that is, put MX in fixed silos—the Scowcroft Commission, was bipartisan. That it was. But so were goodness knows how many other commissions before it that have given us reports. They were also bipartisan, but I presume that the Scowcroft Commission would agree they were wrong. So is this one portion of the Scowcroft Commission's report. Bipartisan or not, the question is whether or not we now want to do what I think all of us up until a few months ago generally agreed we would never do, which is put the MX missile in that fixed, nonsurvivable silo.

While the Scowcroft Commission may have been bipartisan, and I believe it was, it clearly was not representative. That is the real issue. Were they able to take a group of individuals of different views about how we can achieve strategic equivalence, and strategic steadfastness, and strategic stability and try to figure out whether we should proceed with this MX missile? Did they have anybody on the commission who believed that it would be a mistake to put the MX missile in the fixed Minuteman silos and persuade them that we should be doing what we are now about to do?

That is the test, not whether it was bipartisan. We know very well from our own work in the Senate that we can achieve usually bipartisan support for most proposals. We are not divided on partisan lines, even though that aisle may go up the middle. That is not a wall between two sides of this Chamber. We cross that aisle with as much frequency as we enter these doors. So the fact that something has bipartisan support does not make it right. The question is whether or not the Scowcroft Commission was representative of different points of view on the issue of the MX missile. Then, were they able to persuade people who started out not believing in putting the MX in fixed silos into saying, "By gosh, we are persuaded"?

There is an answer by Dr. William Perry, who, as the former Under Secretary of Defense for Research and Engineering, was on the Commission. His answer to my question was illuminating. My question was:

Was there anybody on the commission who strongly advocated not proceeding to MX unless it could be placed in a survivable basing mode?

Dr. Perry answered:

I do not believe so.

May I say, Mr. President, I do not believe so, either.

So what it all comes down to, what we are now confronted with in the critical decision of whether to proceed is, Are we going to proceed because we do not know what else to do, because we are tired, because we want to get the MX question behind us? Or are we going to pursue the wisdom of one Congress after another, one President after another, one Secretary of De-

fense after another, that we would build an MX in order to give ourselves surviving, survivable land-based missile capability? As I indicated in the quotes from the original Congresses which set us on this road, that was the only purpose for the MX missile. That was the only purpose.

It has been stated as being the purpose for MX over and over again. Now, when that purpose cannot be fulfilled, we are seeing other arguments being made for it—arguments which cannot justify a $15 to $20 billion expenditure of public funds for a missile which makes us less secure rather than more secure, for a missile which puts 10 warheads in a single hole instead of 3, for a missile which is destabilizing, which will create even more of a nuclear hair trigger than we have now to pass on to our children and to their children.

Mr. President, we can do better. In terms of the real threats of the Soviet Union—and they are real—we can do better. We can meet them in ways which add to our security and not detract from it. We can meet them in ways which do not throw money at a problem and not solve it. We can do things which do not waste $15 to $20 billion in public funds, and which, I believe, we are being asked to do mainly because we want to get the problem behind us and not because we believe in them.

If we really believed in them, I would feel a lot better than I do today. But what I believe we will be doing in the next couple days is approving a missile that we really have doubts about, that we really do not believe in but that we want to get behind us. And of all the reasons that I have stated which do not hold water, I believe that one is the worst.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I do not know of anything in the field of weaponry that is more important than the question before the Senate this afternoon in this resolution, which does not appropriate any money. The money already has been appropriated. The case has already been made to a large extent, or the money would not have been appropriated. But there was a condition or a limitation that the money would not be spent unless there was a chance to consider further the basing mode for this missile, the missile itself not being in controversy or directly in issue.

Mr. President, I think one reason why there is no better attendance in this debate is that, by and large, the membership is fairly well satisfied with going on and meeting a situation that is not altogether a happy one; but, nevertheless, it is a condition and a situation that we must meet.

This morning, someone with high purposes and great intentions, a very sound thinker and a Member of this body, said to me, "Do you feel sure that further preparations for a possible strike with this missile would not make the Russians believe that we were contemplating a first strike?"

To me, that situation is overwhelmingly answered, in that for years and years, we had the advantage, we had all the capacity that was known to mankind with reference to these missiles, and the ability to deliver them on target. We had all the advantages, virtually all the knowledge on the entire subject matter of anyone who was at least contemplating the use or possible use, offensively or defensively, and we never raised a finger and never made a threatening remark that I have heard about of any purpose along that line.

Mr. President, I have never tried to master the technical part of these weapons, the missiles. I have never tried to be an expert in that particular field. I have never tried to be too well informed. It is a field of activity and thought in which I have had no special training and have had no inclination to put that up front in the spending of my time as a Member of this body. But I have applied what commonsense I have. You learn some things by experience, and I believe that I do have a feel to some degree for this matter.

It has been my privilege to be on the Armed Services Committee of this body since 1951. Not only is that a good while ago, but also, it was not long after the first nuclear weapon in recorded history had been fired. So I had a feel for things as we came along in those uncertain years.

The Korean war was on in 1951, and that led to a resolve. I remember quite well when we first started taking evidence about missiles and the concept of an intercontinental ballistic missile. I remember that we had as one of the witnesses the late Werner Von Braun. He had been in the German Army and had charge of the missiles they pitched over into London from a spot in Germany. I will not say that they came very near to destroying the city or very near to obtain peace through the influence of these weapons, but they made a terrific impression. They drove a long way and did an exclusive job at that time.

Von Braun was perhaps the most knowledgeable man in the German Army. I remember his description of how he would set up and prepare and fire these rockets, send these small missiles over on their course, and how he knew that because of the curve, the travel of that weapon, the English were able to pinpoint his exact location; and he knew that the return fire from airplanes would be coming in a matter of minutes. He had to grab his paraphernalia together the best he could, he and his small crew, with their little carts, and head for new ground and try to hide. He was chased back and forth for days and days and days.

I remember, too, that in all his testimony, he never did give up the idea, and he recommended a missile that had a moving base.

So we went on from that condition, and things developed rather fast.

Incidentally, I recall something else. At that time, I was chairman of the Subcommittee on Military Construction. These prospective bases for missiles, the basing mode or whatever it was going to be, first had to be authorized and money had to be appropriated.

Some knowledgeable person came along and stopped when I was taking this testimony for just a minute. He said, "Now we have something that is going to take all of your money."

He gave me my first concept of how expensive these missiles were going to be. I never dreamed, of course, we would be at it so long or it would take so many billions and billions of dollars.

So I know we are not going to get away from this highly distasteful procedure we have to follow, using all this money out of the available means that we have each year at our disposal. But we have to put these things first.

We have none to spare. I still feel that we have none to spare for that or any other purpose to throw away. So I am still money conscious, even though we acted well on these billions of dollars.

So I mention those matters as a background, and I looked upon this and I have really lost sleep over the situation as to where our Nation was and how much safety we could honestly tell the people they had and what the future would be in this era of this weaponry.

I have looked on it on our part all the time, though, more for deterrence. I have always believed that if we had a proper, effective deterrent, the weapons from the other side would never be fired for the simple reason that the consequences to the aggressor will be so overwhelming—and I will not try to describe that now as to what my concept of it is—and so destructive for the main part of the target that no nation could survive the price that might have to be paid.

So in my thinking and in my part of the planning—and I have never tried to be an expert comparing one weapon

with another—I have thought in terms of deterrence, and as I stand here this very minute, that is the primary thing that is in my mind and makes me yield and say that even though the cost is great and even though perfection has not been attained in the basing mode, we have no choice except to go forward for the protection of our people.

That is the theme. Those are the facts as I see it, and we have no choice about what we shall do now.

There was a time when we had a choice. If we had tried harder, perhaps we could have had another basing mode of a different type or could have had a better one of this type. If we had just tried harder, we could have had the first basing mode that was authorized for this so-called MX missile—that was the roving basing mode that was to be concealed under the coverage of the natural ground.

We bought that. The entire Congress bought it. The bill was signed by the President, and it has been at the disposal, to a degree, of other Presidents.

The matter just has not been pressed hard enough to have obtained that basing mode.

There were arguments that could be made against it and powerful arguments for it.

But we did not do those things, and I am not lamenting that or blaming anyone. I voted for it all the way through, but I was a member of the Armed Services Committee, chairman of it part of the time, and maybe I did not push hard enough or press hard enough. But anyway we are without it. We do not have the benefit of whatever success might have come from that basing mode, and I think it would have been successful.

But whatever it was, it is not here today. We do not have it.

What do we have? The only thing we have is the basing mode that is represented in this resolution. That is a fact of life.

It has been proven as far as you can prove them. It has been suitable and serviceable.

Now what are we going to do? Can we wait for another time, another interim period? I think not, if we are going to be successful at all at the arms limitation talks.

It was brought in this debate that we have the wrong missile, that we should have a smaller missile. It has taken us well over 10 years to get this missile down to its present stage, which is not perfected yet. It will take approximately the same period of time for another missile, a new start just in its research time. That is 20 years, 10 of it gone past, and the other 10 in the future that will be consumed.

That itself is a rather good argument that could be made by our possible enemy: "They do not know how to use their time. They are not effective in what they set out to do. Another way of saying it is they do not know what to do."

But it all goes back to this, that if we are going to continue to be effective we are going to have to move forward.

Now, in this process that I talked about, that started back there with Dr. Von Braun's testimony, there was conceived—this was not an original thought with me, and I do not claim it—but there was conceived the idea of a triple defense, that we would have a weapon to protect us, one by sea, one by air, and one intercontinental ballistic missile, and that is where we get the idea of the so-called Triad. It seems to me like we could just call it the tripod. It has three legs. And we all know what a weapon is that has three shells or three bullets to fire simultaneously.

So we have that, and it was a great thought, a great plan, a tremendous plan, that changed the whole concept of things and has controlled this problem. It has controlled this problem even until today. We have had this these number of years we have been protected.

I know that as a member of the Armed Services Committee I have been determined all the time as I saw it to hold to the Triad, those three weapons as we call it, not depend on one alone or even two alone but have three.

Again, I am not an expert in that field, but you do not hear any assault here or any attacks on our sea power missile, the Trident. We do not hear any discounting of the Navy's capacity to carry out their mission, not any. I am not partisan between the services. I try not to be.

(Mr. TRIBLE assumed the chair.)

Mr. STENNIS. I do not hear anyone—I would hear if there was—attack the capacity there nor do we hear any attack on the bomber capacity, except the aging of our present member of the triad by air, the tremendous capacity of this B-52 bomber, which is getting to be old.

We have had one, another substitute, on its way for a good long time, and it ran into legislative trouble of a very effective kind where the money was cut off. But the bomber we have is still recognized as capable of carrying out a tremendous mission, and others are on their way.

Going back to the Navy, I do not want to go into detail. Some of this is classified anyway, but I have heard vague charges made that we were shy in this naval capacity, and I know of instances where that challenge was accepted and run down and found to be false.

So in all the intensity of this argument here over this particular setup, with this missile and this basing mode, there are no real charges made of the deficiency of the other weapons, and there is a good chance, it seems to me, that we can bring up to date this basing mode that has been tried, you might say, and even though it is not as strong defensively, it could be knocked out, so to speak, it will still be a tremendous weapon and it is bound to have a deterrent effect of great magnitude.

What adversary can say, what enemy can say, "I can knock them all out effectively, none will be left, not one?" He has to say that he would nevertheless set off all the other weaponry that we have in the other legs of this triad, where he would have to take the full impact.

So I think it is clear to me, at least, certainly on this matter of deterrent, having something to keep them from experimenting or trying out how good our defenses are, we have the door virtually totally closed, and this is the only basing mode, the only weapon in that field, that we have available.

We have lost some time already on that. So I have no doubt, Mr. President, that if this resolution is approved now by the Senate and the House, the $560 million of already appropriated fiscal year 1983 funds will be properly released for the MX program and flight-testing will be allowed to start and can and will be carried out to a favorable—a plus for us—conclusion.

I strongly believe that it is time to move forward with this program, which would keep up-to-date the land-based leg of our triad and would undergird ongoing arms control negotiations and would show our allies that we are willing to do what we ask them to do; that is, deploy missiles. We cannot fail to carry through on this important matter.

Now, Mr. President, for over 35 years, we have relied upon deterrence for our protection against nuclear war and the bulwark of this deterrence has been the triad—land-based intercontinental missiles, sea-based ballistic missiles, and manned strategic bombers. Early in that period we developed and deployed a number of land-based ICBM's—Atlas, Titan, Minuteman I, Minuteman II, and Minuteman III. But for over 10 years we have not deployed a new ICBM.

In 1973, we began funding the development of a new ICBM—the MX. I do not know why we gave it a new name. I think we are confusing ourselves and the public too, trying to give everything a new name, an abbreviation of some kind, outside the military. But in all these new names or abbreviations, a lot of it is just kind of a brand name.

So this further advanced missile is—what I like to call it—is next in line to prevent deterioration of the land-based part of the triad. Let me make clear here now there is nothing, so far

as I know—nor is it challenged—to deny that the missile itself, this land-based new missile, has come along very successfully indeed in its degrees and in its years of research and development, and it is not in issue here. But if we do not buy some type of modernization of our ICBM's we are buying trouble for the triad, and the triad concept which we have relied upon for our security.

Mr. President, if we do that, and we have already done it to a slight degree, but if we continue to fail to come through with something that at least tends to supply the missing link in our present triad, to supply that concept, then we are gradually losing the security we have. Make no mistake about that. You are not going to find the perfect missile or the perfect land-based concept. There will always be room for criticism. For every single missile we have made and every single weapon almost, beyond the rock and the stick, there are arguments that could be made on two sides, a difference of opinion. But there is no question now that we are down to the licklog and we are going to have to have something that moves forward.

The MX was first funded by Congress, as I have said, in 1973 and has been funded each year for 10 years. Over $6.7 billion has been appropriated so far on development. The last four Presidents of the United States—Presidents Nixon, Ford, Carter, and Reagan—have recommended MX; the last four Secretaries of Defense—Schlesinger, Rumsfeld, Brown, and Weinberger—have strongly argued for MX and continue to do so. The Joint Chiefs of Staff for 10 years have all recommended going forward with the MX. The Chairmen of the Joint Chiefs of Staff in that time were men from all three services, Admiral Moorer, Navy; General Brown, Air Force; General Jones, Air Force; and General Vessey of the Army. Last year, 1982, the Joint Chiefs, who were against the densepack basing mode, still recommended going forward with the MX in Minuteman silos. That is exactly what we are arguing about, that is what the resolution does today, going forward with MX in Minuteman silos.

It is not exactly what they would like to have, as I have said, but it is the only thing that we do have. The present President of the United States has endorsed this recommendation, the House Appropriations Committee voted in favor of this resolution to approve the MX, and the Senate Appropriations Committee last Thursday, by a vote of 17 to 11, recommended Senate approval of this resolution.

So, Mr. President, there must be something about it that is far better than these ugly words that have been used about this weapon right here on this floor today.

I urge the Senate to also give the green light go-ahead to this important program. The MX missile, I repeat with emphasis, is moving along well in development. There have been a total of 45 successful tests among the four rocket stages. The earlier problem which caused two test failures of one stage has been corrected and retested. The guidance system and the reentry system have been successfully tested. In other words, all major components of the MX missile have successfully completed testing in preparation for first flight and the first flight missile is ready for flight testing. It is now up to Congress to give the green light that goes with approval of this resolution.

This resolution merely has to be approved. The money has already been appropriated last year and is standing there ready to be expended when it gets this green light.

I know I am repeating, but the United States has relied upon deterrence for its protection against nuclear war for over 35 years. I imagine if a man repeats the same thing over three times without moving out of his tracks, that must be his position. That is what I have done.

The bulwark of this deterrence has been the triad—land-based ICBM's, sea-based SLBM's, and bombers. The Russians know they cannot attack one part of this three-pronged spear without risking catastrophe from the other two groups. But if we let one part of the triad deteriorate, they could use all of their power to overcome the other two parts. Further, the triad provides insurance against all parts of our nuclear strength running into difficulties at the same time. It would be very bad indeed if the United States allowed one part of its triad to deteriorate and then learn later on that the other two parts had become vulnerable. We simply cannot afford to take that risk.

Further, Mr. President, failure to move forward with the MX would be the beginning of deterioration of one part of the triad. This would weaken the bulwark of deterrence upon which we have successfully relied all these years. Of course, it could encourage the perception, if not the reality, that the Russians have gained a nuclear advantage. Deterrence is not and cannot be a bluff.

Now, if this resolution should not pass and that money be cut off, it will go around the world as a matter of news in a matter of seconds and the assumption would be for the moment, "Well, they have got something else ready that they think is better." As a matter of fact, we do not have anything else ready. We have nothing that could begin to take this weapon's place.

They should have no doubt that neither our weaponry nor our purpose would fail us in the event of attack upon us. Moving forward with the MX is a signal to them that both our weaponry and our purpose will be kept strong. Approval of this resolution would be a firm step in the direction of shoring up the triad and keeping deterrence strong.

I believe the President is sincerely trying to get an arms control agreement with the Russians. He has pledged himself on that. He has given his word on that. And I have been close enough to these negotiations not one time, but several times, not as a part of it but, as I say, just living close with it as a member of the Armed Services Committee. I know that this is one of the most rugged experiences that a President could have, to have to undergo the ordeal that will go with these negotiations. He may not be sitting there at the table with his fist doubled up all the time, but he is taking the main mauling. He is having to make the same agonizing decisions as the No. 1 man is making.

I think I know what I am talking about. I have never had to make it myself, except as a member of the committee, but I believe I know something or have a feel for it.

In spite of all those facts, we are talking about withholding from him the positive part of this third leg of this triad. It does not make sense to me. When you send a man to battle, you give him weapons to take with him, all that you have and the best you have, and as many as he can handle. This will be a battle royal at this negotiating table.

He has already sent a proposal and the Russians have responded some with some suggestions of their own. Just last week the Russian leaders said they would consider shifting more to counting warheads in the arms control agreement.

Only May 12, the President said in a letter to Senator NUNN and others that he was reviewing the U.S. negotiating proposal in order to modify it to reflect the Scowcroft Commission's views, which he endorses. He further said he would work toward a new proposal to facilitate a START agreement that would incorporate some of the thinking of a build-down proposal.

So there is motion in this field. But the MX is a major tool in the negotiating kit of the President as we try to deal with the Russians on arms limitations—not disarmament, no, no, not now—but some limitations in an arms agreement that can be verified. It undergirds our whole negotiating stance and proposal. Removal of this tool would undermine the American position and chances of an agreement. Of course it would. Approval of this resolution will give a green light to the President to move forward on these negotiations and these new proposals

by providing him the negotiating leverage and tools represented by the MX.

If we are not going to do that—I am not a man given to making threats—we better call this thing off. We better call him home. We better decide on some other course if any we can, and I do not think we can. But if we are not going to give this approval, this green light, in unmistakable terms, at least the best weaponry we have, instead of carrying on this argument over and over and over again about possible faults in the setup, let us make up our minds as a strong, powerful people to decide what we are going to do. If we are not going this way, call it off and try to make a new start. In talking about a new missile, you might as well add 10 years in the future for having something effective. If you add that 10 years to the 10 years we have already spent on this matter, that is 20 years. That would be proof that we do not know what we are going to do.

Finally, America's allies look to us to counter nuclear threats against them. I am talking about our people, what we think we have to do. Sometimes they may rely on our nuclear strength too much, and fail to provide enough for their own conventional defense. But we are living in a real world where we must keep our allies for our own security interests. At this time, in the defense field we need to convince our allies to do more for their own conventional defense and to accept the deployment of new nuclear missiles in Europe if the Russians fail to agree to nuclear arms limitations in Europe.

We have done a lot. I am not saying we have done too much, but I know something about what we have done. Year after year after year I have voted for increased appropriations for our allies' benefit, and I do not claim credit for that. I have stood here day and night for many, many weeks trying to fight down, and we were able to do it with a lot of splendid help, the limitations put on appropriations requiring us to bring home at least half of the soldiers we have in Western Europe. I think we may have too many, but not that many too many. There was a drive to kill off that whole concept then, and I think if we had not gone the way we did, to give them support in NATO, all of Western Europe now would be in the hands of Communist forces.

If we fail to move ahead with MX, our ability to convince these allies to take these important steps of their own will be seriously undermined, reaching a point where they cannot change their mind.

This could easily lead to further trouble. We should not let this cycle of trouble begin, or this cycle of doubt run around this Chamber year after year. I think approval of this resolution will give our allies encouragement and, hopefully, be a leadership step in having our allies go forward with the deployment of missiles in Europe.

Mr. President, I do not want to use too much time now. I may speak again later.

However, this covers the situation as I see it. I started on deterrence, and I end on the same tone. To deter the other side is something we can do. We have been doing it. It is the most effective weapon we have. It is one we cannot afford to lose.

I trust that the second thought of the Members of this body will bring an overwhelming vote.

I do not blame anyone for being concerned. We have to save ourselves first, and we have to save what we can of those that we have allied with us. I think every youngster today can look forward with considerable assurance to a far better day in which he is going to live and have opportunity, I hope and believe, really far beyond anything that any generation present or past has had, and that America will be in the front in leadership.

We must not overlook this little resolution here that could turn the tide and will turn the tide if it is going to be stopped now at this critical time.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to address two arguments that are made in support of MX, but which strike me as persuasive reasons to vote against the missile rather than in favor of its deployment.

The first is that we need the MX as a bargaining chip or lever for progress in strategic arms negotiation. I believe that deployment of the MX missile will make arms control more difficult to achieve and that we can negotiate a meaningful arms control agreement without first funding the MX.

This point of view is also supported by many national security experts who have testified before Congress in recent weeks.

Mr. President, for the RECORD I wish to read some quotes from their testimonies:

Admiral TURNER. It seems ironical to try to reduce the probability of someone starting a nuclear war, when you are building a weapon like the MX that drives the superpowers to a hairtrigger response. It is inimical, I believe, to the objective of arms control.

Admiral GAYLER. The MX works against all of the arms control objectives endorsed by the Scowcroft Commission. The Commission says that arms control should reduce the risk of war, but MX is a destabilizing weapon that increases that risk. The Commission says that we should help limit the spread of nuclear weapons, but it makes no sense for either us or the Soviets to try to persuade other countries not to build up or possess nuclear weapons, if we take no action on our solemn obligations under the Nulear Non-Proliferation Treaty to reduce our own. The Scowcroft commission suggests that we should remove or reduce the risk of misunderstanding of particular events or accidents. But surely a hair-trigger weapon like the MX doesn't reduce that risk, it increases it.

Ambassdor Smith, a very distinguished, knowledgeable expert in these areas, Mr. President, pointed out as follows:

What has happened is that the Administration has recognized it made a mistake in its START proposal by concentrating so much on launchers and missiles instead of on warheads. I think that is a healthy correction of position, but as I said earlier, it is just a start. The idea that Congress can now breathe easily and say, 'we are on the right track in arms control,' I think is wrong. . . . To say that the Administration now is converted to warhead control, I say is an insufficient evidence that their hearts are really in the right place.

Mr. President, I also ask unanimous consent to have an op-ed piece from today's New York Times by Gerard C. Smith, the chief SALT I negotiator, printed into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 23, 1983]

CHIPS ARE NO BARGAIN

(By Gerard C. Smith)

As the Scowcroft commission recommendations move toward a vote in Congress, the phrase "bargaining chip" is often used in support of the MX. We would do well to stop using this vague expression in thinking about arms control negotiations. That won't be easy, because it is tempting for officials to argue that the weapons they are developing can be used to persuade Moscow to agree to arms limitations.

Much more useful in convincing the Russians to negotiate seriously would be American willingness to ratify agreements Moscow has already accepted. In fact, we have failed to ratify the last three arms control treaties to which they agreed: the SALT II Treaty, the Threshold Test Ban Treaty and the Treaty on Peaceful Nuclear Explosions. That record can hardly encourage Soviet leaders to negotiate a fourth.

The bargaining chip notion is akin to the idea that we must negotiate from a "position of strength." United States arms controllers and weapons builders disagree sharply over whether our bargaining position is weak or strong. As a proponent of arms control, I believe we are in a strong position to negotiate. The foresight of the 1950's has given us air, sea and land-based strategic forces that President Reagan's own Scowcroft commission now finds sufficiently invulnerable—a rebust retaliatory force. More recently, we are enhancing this strategic arsenal with Trident submarines; the Trident II missile, of high accuracy and

large explosive power; four new types of cruise missiles; two new strategic bombers, and major improvements authorized for command and control of the strategic forces.

Yet the Administration doubts that all of this is sufficient to encourage the Kremlin to bargain. It says we must also match the vast Soviet buildup of land-based intercontinental ballistic missiles. Before the President endorsed the commission's finding that the "window of vulnerability" was nonexistent, our failure to keep up in long-range land-based missiles was the main argument for the MX. And according to the President's logic, we must go ahead with MX deployment unless we reach an agreement that completely eliminates the Soviet intercontinental missile threat that the MX is intended to match. The MX can hardly be considered a bargaining chip if we have no intention of stopping its development—even if a reasonable compromise agreement is reached in strategic arms limitations talks at Geneva. That's the trouble with bargaining chips: They tend to take on a life of their own. In 1972, the development of cruise missiles was accelerated as a bargaining chip in SALT II. Now, we have built hundreds of cruise missiles—and plan thousands more—and soon the Soviet Union will begin to deploy similar weapons.

Both the Soviet Union and the United States possess strategic forces that are more than capable of destroying each other. We both negotiate from positions of strength—to which no additional weapons systems could add much. Some 30 years ago, the father of the atomic bomb, J. Robert Oppenheimer, referred to the superpowers as "two scorpions in a bottle." The situation has not changed.

Neither side is going to concede a substantial change in the strategic balance in the course of negotiating an arms control agreement. The sooner they both appreciate this, the better. In the meantime, it is dangerous and destabilizing for either side to try to alter the balance by modernizing its forces. Efforts to that end disguised alluringly as the development of arms control bargaining chips will likely prove counterproductive. Certainly, the risk is increased if the so-called bargaining chip is a system like the MX, which will destabilize the strategic balance.

The MX not only threatens the Soviet Union's strategic forces but also, because of its basing mode, leaves us vulnerable. And it risks encouraging both sides to move to a "launch on warning" system—to prepare to launch their missiles on a possibly false warning of incoming attack. What is the sense of trying to increase bargaining power by moving to a system that will encourage both sides to adopt hair-trigger launching procedures?

Better to modernize our strategic forces—as we already are—in ways that increase their survivability and reduce their vulnerability. We should also press simultaneously for negotiated agreements that do not try to alter the strategic balance in our favor but instead reduce the risk of nuclear war. In this way, we would separate the two avenues that lead to strategic equilibrium: maintaining sufficient forces, but also preparing and bargaining hard on realistic arms control proposals. We have tended in the recent past to put too much weight on the first of these approaches to enhancing our national security. Both approaches are essential for success.

Mr. KENNEDY. Mr. President, this eloquent article puts to rest any notion that the MX can still be considered a bargaining chip. In Ambassador Smith's words:

The MX can hardly be considered a bargaining chip if we have no intention of stopping its development—even if a reasonable compromise agreement is reached in strategic arms limitations talks at Geneva. That's the trouble with bargaining chips: They tend to take on a life of their own. In 1972, the development of cruise missiles was accelerated as a bargaining chip in SALT II. Now, we have built hundreds of cruise missiles—and plan thousands more—and soon the Soviet Union will begin to deploy similar weapons.

The second argument is that we need an affirmative vote on MX in order to forge a bipartisan consensus on our strategic forces. I agree that we need such a consensus, but I do not see how the deployment of a dangerous and destabilizing weapons system puts us any closer to achieving bipartisan agreement on the requirements for our strategic nuclear force.

The report of the Scowcroft Commission provides the clearest evidence to date that not even members of the Reagan administration can agree on why we need the MX. First, the report concludes that, although our land-based missiles may be vulnerable, the Soviets would not launch an attack against them for fear of retaliation by our more survivable submarine-based missiles and bombers. Sane people agree with this conclusion; indeed, ever since the window of vulnerability was invented, many of us have dismissed it in the knowledge that we could rely safely upon the survivability of our Triad of strategic nuclear forces. On the strength of this conclusion, it seemed only logical that we could safely abandon the MX and all of the Rube Goldberg schemes for making it invulnerable.

But the administration and the Scowcroft Commission failed to follow the dictates of their own logic. Instead of rejecting the MX, they argue that we must now deploy it to demonstrate national will and resolve, the same will and resolve which has been undermined by irresponsible claims that we are militarily inferior.

The most significant contribution that the Scowcroft Commission report has made to bipartisanship is to close the window of vulnerability. But by staying the course on the MX, the Commission has opened a new and more threatening window on both the United States and the Soviet Union.

Mr. President, I urge my colleagues to join me in rejecting the MX, and to begin a constructive dialog on how best to insure the maintenance of a survivable and secure strategic nuclear force for our Nation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I have been seated over in my office reading a paper given before the G. Warren Nutter lectures in political economy by retired Adm. Thomas Moorer, who at one time, as we all know, was Chairman of our Joint Chiefs of Staff. This paper is so applicable to what we have been discussing in the Chamber for the last several days that I wanted to come over and read parts of it. Dr. Nutter, of course, is no longer with us. He was one of the most outstanding economists that ever lived in this country. He probably knew more about the Russian economy than the Russians themselves and was a great student of that country.

Admiral Moorer pointed out something that I had heard Dr. Nutter talk about on a different occasion. I am going to ask unanimous consent to have this article put in the RECORD at the end of my remarks, but I did want to read from the just briefly:

Warren pointed out three significant conditions, developed at the end of World War II, that would affect international relations and confrontations for many years to come: First, it was clear that no matter where a problem arose throughout the world, the United States would be immediately involved. Second, nuclear weapons had imposed a new dimension on warfare, which would bring about vast change in military relations and military balances. Third, it was clear before the guns ceased firing that the Soviet Union had embarked on a grand design of world conquest—conquest in the sense that their objective was not so much to destroy us as to defeat us in terms of national will and international influence throughout the world.

Then the admiral goes on to discuss those three points. I am not going to get into each of them separately, but I want to emphasize that he could see then the Soviet Union's aims are not necessarily to destroy the United States as we think of the destruction of an enemy but the Soviet process is to change national will to take advantage of economic problems, to take advantage of political problems, and gradually be able to replace the national will, which in our case is freedom, with the Soviet concept which is wrapped up in slavery.

Let me go on, Mr. President, reading a bit from Admiral Moorer's statement:

Second, let me discuss the effect of the advent of nuclear weapons and the delivery vehicles that can transport them quickly across the oceans. No longer can the United States hide behind these oceans, as we did in World War I and World War II, while our

great industrial machine, which has been decisive in both world wars, is geared up for full production.

Let me interdict that we do not have those oceans to hide behind and neither do we have that great industrial capacity that we had back in World War I and World War II. Our industrial capacity is not the machine that it once was. I continue with Admiral Moorer:

Today we must be ready at the very outset and maintain a permanent ready force, both nuclear and conventional. This force must have the capability of inflicting unacceptable damage on the other side, no matter what preemptive action they choose to take against us. This position, commonly known as deterrance, certainly has worked so far. So long as the United States maintains a modern force with a secure command and control system, I am confident that the Soviets, faced with such a U.S. capability, will recognize that there can be no winner in a nuclear war. Consequently they will be deterred from starting such a war. They will not be deterred, however, if through actions on our part they come to believe that they can succeed and win. I cannot emphasize too much that deterrance depends on a perception by the leaders of the hostile nation about their chances of winning.

This is the paragraph that I was reading when the thought struck me that the words of Admiral Moorer would make a very good addition to the RECORD being built on the floor in these hours, and I quote again from the admiral:

This idea of perception was brought very forcefully home to me at the end of World War II when I had an opportunity to question the Japanese leaders about why they had attacked Pearl Harbor. The answer was the same from all. They pointed out that we had passed the draft law by only one vote, that we had failed to fortify Wake and Guam islands, and that we had our army in Louisiana training with wooden guns. In the general perception of the United States built up in the minds of the Japanese, we did not have the will to defend ourselves, so they made the decision to attack our sovereign territory. Never mind that this was a major mistake; it did result in a major war.

I have been listening to the arguments against improving the Minuteman missile, which is all the MX amounts to, and I am carried constantly back to the days of the 1930's when I was a much younger person.

I can remember the Army training in Louisiana with wooden guns. I can remember 1,300 people in the U.S. Army Air Corps with practically no airplanes.

I remember that this body, the Congress of the United States took 4 long years to buy the B-17. I am not going to stand here and say that the B-17 won the war, but it certainly made a whale of a dent in the German position.

I was listening to Admiral Turner on television yesterday decrying the need for a carry-on missile. He seems to forget that a large percentage of our torpedoes at the start of World War II did not work. Why? They were old. We had not designed a new torpedo in years.

Can this happen to a missile? Yes; I think it can. Some of our missiles are 10 years older than they were designed for.

I think the Minuteman in the silos around this country will work. We do not know about their accuracy. We have never tested them with a warhead.

So when the argument is made that we cannot afford to strengthen our arsenal because we are opposed to nuclear war, yes; we are opposed to nuclear war. Nobody in their right mind wants nuclear war. But no Americans in their right minds want the United States to be undefended against a nuclear attack launched by the Soviets, particularly if they feel we are weak.

I heard one Member of this body today talking about national will. He wanted to know what is national will. National will, in my opinion, is the will to stay free. It is the will to keep America free. It is the will that we call patriotism at times, although there are times when you wonder if there is much of it floating around, and I think there is more of it than people realize.

If we show an enemy that we do not have a national will to deter or to retaliate, then that enemy is more likely to take the risk of war than if we were prepared.

I have always believed firmly in the proposition that a strong nation is never attacked and that weak nations are attacked. We have been attacked in our history because we were not ready for war.

As I have said before, there never would have been a World War II had we been ready in the 1930's to tell Hitler that a foot upon any friend's soil was a foot upon our own.

Here we are today debating whether or not we should take some old Minuteman missiles out of their silos and replace them with some new ones. It may be that in the course of our lives, in 25 more years, we may have to take these new ones out of the silos and replace them with new ones. Things wear out. We buy new airplanes. In due course of time, they are no longer useful. We have to replace ammunition. It wears out. We build new ships because the old ones wear out.

That is what we are asking, those of us who want a successful vote on what we call the MX, which in reality is a carry-on Minuteman. That is all we are asking—to minimize that particular part of our force.

Yes; it is going to cost money. Everything we do costs money.

When I look at what the House did the other day in raising the national debt ceiling to over $1 trillion, that is hard to believe. I think there is only about $3 trillion floating around this country. So we have about a third of it now in hock.

Everything costs money. Freedom costs money. The defense of our country costs money. I do not like to hear the arguments used like that. I am convinced, as a member of the Armed Services Committee—and I have served on that committee under my good friend from Mississippi for many years—that we can cut the money out of the defense budget.

The Air Force, as seen in yesterday's paper, already has taken steps to reduce its budget. I was privileged today to see the complete list, and it is an understandable and acceptable list with which we can live. I think that as time goes on—by "time," I mean a few days or a week—all these plans will be put into effect.

So instead of debating one important facet of our military, a replacement vehicle for the Minuteman missiles now in their silos, I hope we will cut this debate as short as we can and let us get on with the business of giving this country something I know we do not want, because we do not like nuclear war or even the thought of nuclear war. But I do not want to think of my children and my grandchildren not having any way in the world of saying to a potential enemy, "You attack me, I'm going to attack you." That is the greatest way in the world to keep somebody away from you.

When I was a young kid in school, I never picked on any body I thought I could not whip. As a result, I got through my grammar school days with just a few broken noses, a few cuts, a few bleedings. But I learned my lesson young.

Mr. President, I ask unanimous consent to have printed in the RECORD the paper to which I have referred, "Global Evolution Since World War II," by retired Adm. Thomas H. Moorer.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GLOBAL EVOLUTION SINCE WORLD WAR II

INTRODUCTION

(By Richard A. Ware)

I join in a welcome to all of you and especially to Admiral Moorer and his gracious lady, Carrie.

These late afternoon talks and conversations, followed by an informal dinner, are designed as gatherings of Warren Nutter's friends to respond to the challenges of ideas, to visit over our recollections of Warren and his works. I like to believe these events would have been enjoyed by Warren as instructive intellectual exchanges in a setting of good cheer.

Those who have preceded me in offering a few words of introduction to the lecturers have been either colleagues or students of Mr. Nutter the political economist. Those introduced have been distinguished scholars of the economic affairs of mankind—Professors Frankel, Friedman, Coase, and Stigler, two of them Noble Laurates. This fifth occa-

sion is of a different character and relates to another facet of Professor Nutter's career. Our lecturer today comes from the world of political-military affairs, his last active duty post having been four years as senior officer of all American armed forces and chief military adviser to the Congress and the president.

The introduction today is presented by a practitioner who once served as principal deputy to and comrade of the Honorable G. Warren Nutter, assistant secretary of defense, international security affairs. Two of the great opportunities that have come to me were those of serving with Secretary Nutter and with Admiral Moorer. Perhaps you will not consider it presumptuous of me to offer a few personal remarks.

My first must be to acknowledge the opportunity Warren Nutter gave me to serve with him. The memories are precious ones. I have continued to find joy in sharing them with Jane Nutter. I am grateful for the trust Warren placed in me.

Second, I recall the day early in 1969 when Secretary Nutter held the Bible and Secretary Laird administered to me the oath of office. Since I am not a person enamored of public office, this was a new experience for me. The chief of naval operations was interested enough to attend. He probably wanted to take the measure of a chap from Michigan.

When Admiral Moorer congratulated me, he displayed his skill in human management by inquiring whether I was related to the naval officer after whom the USS *Ware* was named. Although my response had to be negative, some months later I was presented with a striking aerial photograph of this ship at sea. With its inscription from Admiral Moorer, the photograph now graces the wall of my study. What a fine lesson on how to establish relationships in Washington!

Finally, one of the few instructions issued by Secretary Laird to Mr. Nutter said something about bringing to an end the "cannonading on the fourth floor of E Ring"—that it was time to establish harmonious and productive relations between the civilians and the military. Admiral Moorer was one of those who made such relations possible. He worked closely with us on many occasions and on many problems.

I recollect also that Admiral Moorer always proceeded at flank speed. He and I attended National Security Council committee meetings in the Situation Room when I acted for Secretary Nutter. Somehow after the meeting the admiral always managed to arrive ahead of me at General Pershing's desk to report to Secretary Laird. Apparently, he had a better located parking place and a more adroit driver than I. I finally overcame this handicap by thumbing a ride with the admiral. It solved what could have been a serious problem for me in terms of Secretary Laird's perception of my bureaucratic capabilities. The admiral also taught me the value of note taking; he is a master of the art.

These informal recollections are my attempt to convey my esteem for a military statesman with whom I share a love of the man to whom these lectures do honor.

Admiral Thomas Hinman Moorer of Alabama graduated from the Naval Academy in 1933 with a solid record of academic achievement and football prowess. "Dead Eye" was his acquired nickname. One of the limited number of Great Depression graduates offered commissions, he served at sea, took flight training, and was awarded his gold wings in 1936. In that year he and Mrs. Moorer made the first of twenty-six moves in their years of active duty.

On December 7, 1941, Lieutenant Moorer was at Pearl Harbor. A few weeks later he was in the Dutch East Indies attempting to stem the Japanese push. In February 1942 his PBY reconnaissance plane was shot down, and he was wounded. He landed his crew safely; they took to a life raft and were picked up by a freighter later sunk by the enemy; under Moorer's leadership the forty survivors made their way to an island and were rescued. Lieutenant Moorer was cited for "gallant and intrepid conduct."

By July 1942 Tom Moorer was serving in Europe with the Royal Navy, and at the end of the war he was a tried and true officer, thirty-three years of age, with service in the Pacific, the Atlantic, the Caribbean, and also in Australia, England, and Africa. He knows the sea lanes and harbors of the world.

In 1945 he was assigned to the now famous Strategic Bombing Survey in Japan and then to various tours at sea, at naval installations ashore, and in the office of the chief of naval operations. He was selected for rear admiral in 1957, vice admiral in 1962, and admiral in 1964. He commanded the Seventh Fleet, the Pacific Fleet, and the Atlantic Fleet and became chief of naval operations in 1967 and chairman, Joint Chiefs of Staff, in 1970. He retired in 1974 after forty-five years of service to the Republic as a midshipman and sailor, naval aviator, sea commander, staff officer, military statesman, and student of political-military affairs. He continues to serve his country in the last role, especially in association with the Center for Strategic and International Studies at Georgetown University. He has a rich experience as the basis for his wise counsel.

Admiral Moorer has been awarded four Distinguished Service Medals, the Silver Star, the Legion of Merit, the Distinguished Flying Cross, the Purple Heart, a Presidential Unit Citation, many campaign and theater medals, and the decorations of ten foreign governments.

I present Thomas H. Moorer of Alabama, Admiral, United States Navy, Retired.

GLOBAL EVOLUTION SINCE WORLD WAR II

(By Thomas H. Moorer)

(Thomas H. Moorer, after commanding the Seventh Fleet, the Pacific Fleet, and the Atlantic Fleet, became chief of naval operations in 1967 and chairman, Joint Chiefs of Staff, in 1970. He retired in 1974. Admiral Moorer is now affiliated with the Center for Strategic and International Studies at Georgetown University.)

It is a high honor for me to join the distinguished speakers who have preceded me in the G. Warren Nutter Memorial Lectures sponsored by the Thomas Jefferson Center Foundation and presented by the American Enterprise Institute. I believe I am unique among these speakers in that my warm friendship with Dr. Nutter was developed in an environment somewhat different from the academic world: the Pentagon. Of all the civilian officials I encountered in the Pentagon during the long years I spent there, I found Warren Nutter one of the most intelligent, most dedicated, and most profound. While he was assistant secretary of defense for international security affairs, I was chairman of the Joint Chiefs of Staff, and we had almost daily contact over issues of mutual interest, in addition to a periodic luncheon engagement in the privacy of my office. Many times we went together to the White House to participate in what was called at that time the Washington Special Action Group, chaired by Henry Kissinger, which was in effect the White House instrument for crisis management. Warren would sit in these meetings paying close attention and saying little until the final wrap-up. At that time he would express in the most succinct and, in my view, sound terms the factors involved and the best course of action to follow.

Perhaps my most lasting memory of Warren Nutter is founded in the long discussion we once had over the future of the world as he saw it. This afternoon I propose to structure my remarks around the comments made by Warren at that time. He clearly saw the effects of the worldwide population explosion, the emergence of third world nations, and the attitude of many politicians that the world owed all citizens a living and would take care of them from the cradle to the grave regardless of any efforts they might put forward. In particular he suggested that democracy in the United States would be replaced by a conglomerate of special interests, each bringing pressure to bear on the policy of our government. Throughout these discussions he frequently expressed his concern that Americans soon forget history and the lessons learned from it. But the matters we discussed at greater length dealt with national security, with which we were involved on a day-to-day basis.

Warren pointed out three significant conditions, developed at the end of World War II, that would affect international relations and confrontations for many years to come: First, it was clear that no matter where a problem arose throughout the world, the United States would be immediately involved. Second, nuclear weapons had imposed a new dimension on warfare, which would bring about vast change in military relations and military balances. Third, it was clear before the guns ceased firing that the Soviet Union had embarked on a grand design of world conquest—conquest in the sense that their objective was not so much to destroy us as to defeat us in terms of national will and international influence throughout the world. Let me discuss the conclusions drawn by Dr. Nutter in somewhat more detail.

First, with respect to the international involvement of the United States, nations that were once our allies with worldwide influence no longer find themselves in that position. The Netherlands, a world power before World War II, lost access to the vast areas packed with valuable raw materials now known as Indonesia, as well as to other territories; it has withdrawn to become a very small nation in Europe. The British, who at one time boasted the sun never set on the British Empire, have withdrawn not just east of Suez but also east of Gibraltar; they have very little strength dispersed around the world, as the Falkland Islands incident so well demonstrated.

In the Pacific the Japanese, who with our assistance have developed into one of the world's leading economic powers, have spent very little of their gross national product on defense and rely on the United States to provide their nuclear umbrella and their overall national security. The other nations of the world look to the United States to take a leading position in every crisis.

In the Middle East we are, of course, heavily involved and will be for some time to come. We have made a major commitment to Israel, having provided about $21 billion

of aid since 1970; $6 billion of that has been economic aid, of which 90 percent has been forgiven, and $15 billion has been military aid, which either has been forgiven or is supported by most favorable terms.

In Africa, where a confrontation has existed, particularly with respect to Namibia, all nations look to the United States to settle this difficult problem. When one looks at the natural catastrophes of the world—famine, or volcanic eruptions, or floods—here again it is the United States that is expected to rush to the rescue. In Central America the United States is heavily burdened in an effort to improve the economy and at the same time put a stop to the conflicts that are continually funded and promoted by the Soviets through their surrogate Cuba.

There is thus no question that the United States is involved worldwide. This involvement is made more difficult because we no longer have bipartisan support of foreign policy in the Congress. The result is that each administration has taken its own position, which has often been reversed as soon as the next administration moved into the White House or to Capitol Hill.

Another problem for our country revolves around the acquisition of raw materials, which are being rapidly depleted. These resources are located primarily in the undeveloped countries. Petroleum, which has held our attention so strongly since 1973, is typical of such resources. I believe that military confrontation over the access to critical raw materials is far more likely in the future than a major confrontation with Soviet Russia in Western Europe.

Second, let me discuss the effect of the advent of nuclear weapons and the delivery vehicles that can transport them quickly across the oceans. No longer can the United States hide behind these oceans, as we did in World War I and World War II, while our great industrial machine, which has been decisive in both world wars, is geared up for full production. Today we must be ready at the very outset and maintain a permanent ready force, both nuclear and conventional. This force must have the capability of inflicting unacceptable damage on the other side, no matter what preemptive action they choose to take against us. This position, commonly known as deterrence, certainly has worked so far. So long as the United States maintains a modern force with a secure command and control system, I am confident that the Soviets, faced with such a U.S. capability, will recognize that there can be no winner in a nuclear war. Consequently they will be deterred from starting such a war. They will not be deterred, however, if through actions on our part they come to believe that they can succeed and win. I cannot emphasize too much that deterrence depends on a perception by the leaders of the hostile nation about their chances of winning.

This idea of perception was brought very forcefully home to me at the end of World War II when I had an opportunity to question the Japanese leaders about why they had attacked Pearl Harbor. The answer was the same from all. They pointed out that we had passed the draft law by only one vote, that we had failed to fortify Wake and Guam islands, and that we had our army in Louisiana training with wooden guns. In the general perception of the United States built up in the minds of the Japanese, we did not have the will to defend ourselves, so they made the decision to attack our sovereign territory. Never mind that this was a major mistake; it did result in a major war.

For this reason I am very concerned about the nuclear freeze movement, which is gaining momentum. President Reagan is absolutely right in taking the position that we are for verifiable reductions but against a freeze at the current state of our strategic forces. Our forces were allowed to deteriorate for the past ten years while the Soviets were carrying out a major buildup of their large strategic missiles, such as the SS-17, SS-18, and SS-19. Unfortunately, we are becoming a nation ruled by placards and demonstrations. Consequently, the federal government is severely handicapped in its efforts to provide for the nation's security. There is certainly no question that such groups as the American Peace Council and others are in full support of the nuclear freeze movement. It is an emotional movement, fueled by fear of the unknown. A study of the facts will, however, prove the fallacy of this effort by so many well-meaning but confused citizens, aided and abetted by some whose basic objective is unilateral disarmament by the United States. Certainly much about this will be expressed—in some cases, acrimoniously expressed—during the forthcoming debates on the defense budget in Congress.

Finally, I do not think that any sane person can quarrel with Dr. Nutter's statement that the Soviets have embarked on a grand design of world conquest. From the very outset, Dr. Nutter pointed out, the Bolshevik ideologists were aware that people become gullible and irrational when offered the slightest temptation to believe that peace and the absence of confrontation are at hand. Lenin said: "As an ultimate objective, peace simply means Communist world control."

To understand how the Communist dogma operates, one has only to examine the Soviets' rapid shifts of position at the beginning of World War II. Before the Molotov-Ribbentrop Pact was signed in 1939, all Communists were mobilized against Facism, whether in Spain, Italy, or Germany; but as soon as the pact was signed, their notions of what was progressive and what was not changed dramatically. In 1940 the German Communist leader Walter Ulbricht, later to become head of the East German state, published an article in which he said: "Those who intrigue against the friendship of the German and Soviet people are enemies of the German people and accomplices of the British Imperialists." The British Daily Worker adopted a similar line and greeted the new alliance as a victory for peace. So did the American Daily Worker, which proclaimed that the war declared by France and Britain on Nazi Germany was an imperialist war and should be opposed by the workers. Trade unions were called upon to sabotage production in munitions factories.

This struggle for peace was particularly influential in France, where the Communist party and its fellow travelers were openly defeatist before the Nazi invasion of France. As soon as Nazi Germany turned against its great eastern ally and invaded Russia, however, the so-called struggle for peace was instantly terminated. For the remainder of World War II the Allies were to enjoy a relaxation of what the Communists like to call the "class struggle."

The Soviet "peace offensive" has been resumed with significant success. The Western governments insisted on linking participation in the Helsinki Agreement to the observance of human rights agreements inside the Communist bloc. The idea was to bring about the internal relaxation of the Soviet regime and so make it open and less oppressive. In exchange the West provided everything Brezhnev had demanded in his peace program of the Twenty-fourth Party Congress in 1971: the inviolability of the postwar frontiers in Europe, that is, legitimation of the Soviet territorial annexations between 1939 and 1948; and a commitment to a substantial increase in economic, scientific, and cultural cooperation. We had earlier agreed to a division of Germany without raising the issue of the Berlin wall.

Far from making the Soviets more dependent, increased trade and huge Western credits have made the West more and more dependent on the Soviet Union, as shown in the dispute between the United States and European nations over the sanctions against the pipeline. In addition, as the press has reported, we have had a devastating flow of technology into Russia, which has been used primarily to enhance its military capability. The Soviets invariably put this technology to military use. The Kama River truck factory built by Americans in the 1970s, for example, manufactured the trucks used during the Soviet invasion of Afghanistan.

After the invasion, which brought about so much negative reaction in and outside Russia, the Soviets accelerated their peace movement. The World Peace Council declared that the people of the world are alarmed, that never before has there been so great a danger of a world nuclear holocaust. This alarm has spread to our country, where we now have all kinds of reactions. The amazing thing about the nuclear freeze movement in both Europe and the United States is that millions of people supposedly of sound mind march about claiming that the threat of war comes from their own governments rather than from the Soviet Union. No matter what one may think of President Reagan, he was elected by the majority of our population, to whom he is fully accountable. He cannot declare war on his own. One should look for the real source of aggression. Was it American or Soviet troops who occupied half of Germany and built a wall in Berlin? Is it not the Soviets who still occupy Hungary, Czechoslovakia, and the Balkan states, not to mention Afghanistan, very much against the wishes of the people in those countries? Was it East or West German troops who took part in the occupation of Czechoslovakia and who are prepared to help subjugate Poland? What do we really know about the decision-making process of the fourteen old terrorists in the Politburo, who were never elected by anyone and who are not accountable to anyone? No press is allowed to criticize them; no demonstrations can be held to protest against their orders. Anyone who refused to obey the orders would disappear forever. There is no real difference between the Soviet system today and Nazi Germany under Hitler.

Dr. Nutter was correct when he called attention to the fact that the Soviets have embarked on a grand design of world conquest, supported by a system completely foreign to ours. In that connection let us examine some of the external activities of the Soviet armed forces after World War II.

Before the guns had even stopped firing, the Soviets were moving into Iran. According to some sources, President Truman told Stalin he would drop the bomb on them if they did not get out—and I emphasize that this was at a time when the United States had a monopoly on nuclear weapons. Only

then did the Soviets withdraw from Iran, but shortly thereafter they were in Greece. There followed the very difficult positions the Soviets took that resulted in the Berlin airlift. Shortly thereafter came the Korean War, in which the Soviets fully supported the North Koreans and the Red Chinese. And, of course, everyone knows the Soviets' contribution to the continuation of the Vietnam War, when they were providing approximately $1 billion a year in military supplies to North Vietnam.

Then there was the Cuban crisis, in which the Soviets endeavored to plant missiles on our very doorstep. But perhaps even worse, they have succeeded in maintaining control of Cuba and have used Cuban troops to infiltrate and subjugate many areas in Africa and the Middle East: Angola, Mozambique, Ethiopia, South Yeman, and others.

After the Cuban crisis, at which time we had clear superiority in nuclear weapons as well as in naval forces, the Soviets embarked on a major weapons buildup; today they have without a doubt the largest strategic nuclear force in the world. They exceed us in the number of large missiles, their throwweight, the number of submarines, and the number of tactical nuclear weapons. They have clearly made a major effort to increase both their strategic and their conventional military strength. In a comment on the death of Brezhnev, a Soviet expert pointed out that although Brezhnev had been a total failure in the development of his own economy and in feeding his people, he had nevertheless presided over the most accelerated and largest buildup of military strength in the history of the world. That is the situation we face today.

Let us be hopeful that the advances being made by Secretary Shultz and Vice President Bush will show the Soviets that some kind of accommodation must be reached between the United States and the Soviet nation. As Secretary Shultz has clearly said, however, and as President Reagan has stated over and over again, the United States does have the will and the determination to stay the course despite the storms and the rocks and the shoals that the ship of state faces. Certainly that determination is due in large part to our having men such as Dr. Warren Nutter, who have served their country well and who have been able to state clearly and succinctly the nature of the problems we face.

I repeat that it was a great honor and an education for me to have known my good friend G. Warren Nutter.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I understand that there is no further debate on the MX resolution tonight. Both cloakrooms, I believe, have solicited speakers for the remainder of this day and the cupboard seems to be bare.

I have a proposal, Mr. President, that I believe is agreeable on both sides, and I will state it now for the benefit of the acting minority leader and, of course, for other Senators.

Mr. President, I ask unanimous consent that the time between now and 8 p.m. today be considered as time in which the resolution was debated and that the time beween now and 8 p.m. be charged against the respective sides according to the agreement entered into on Friday which would be a 3-to-2 ratio.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 10 A.M. AND PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. on tomorrow and further that after the recognition of the two leaders under the standing order there be a period for the transaction of routine morning business to extend not past 10:30 a.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF CONSIDERATION OF SENATE CONCURRENT RESOLUTION 26 ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that at 10:30 a.m. tomorrow the Senate resume consideration of Senate Concurrent Resolution 26, a resolution approving the obligation and expenditures of funds for MX missile procurement and full-scale engineering development of a basing mode.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow the Senate stand in recess between the hours of 12 noon and 2 p.m. and that the time between 12 noon and 2 p.m., notwithstanding the recess, be charged against the parties according to the same ratio, that is three parts for the proponents and two parts for the opponents.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. STENNIS. Mr. President, if the Senator will yield to me, and I shall not object, I understand the minority leader, Mr. BYRD, has been notified about this.

Mr. BAKER. Yes, Mr. President, it is my understanding that the minority leader is fully aware of this arrangement and has indicated his approval.

Mr. STENNIS. I think it is a good arrangement that the majority leader has proposed, and I have no objection.

There are no speakers from this side, as I understand the situation.

Mr. BAKER. Very well. I fear that is correct.

I think this is the best arrangement. I now put that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, if I could have the attention of the Senate for a moment, the net effect of this is to provide that all the time between now and 8 p.m. will be charged on a ratio arrived at according to the unanimous-consent agreement on last Friday.

We will convene at 10 a.m. tomorrow and be back on this resolution at 10:30 a.m.

We will recess as is usually the case on Tuesday between 12 noon and 2 p.m. The reason for that recess as Members know is that on Tuesdays there are regular caucuses of Senators on both sides of the aisle held separately and away from the Chamber.

Mr. President, it is anticipated that tomorrow will be a late day and it is hoped by leadership on this side that either by the utilization of time or the absence of demand for time or by unanimous consent we can finish the resolution on the MX tomorrow evening.

In any event, Senators should be on notice at least of the possibility of a late day tomorrow.

Mr. President, the reason for the seeming haste for this is that this week we have to do both the MX resolution and the debt limit. The debt limit, of course, has no time limitation on it and it is traditionally a controversial item. But it must be done this week. I am advised by the Secretary of the Treasury that it is imperative that the debt limit issue be addressed before we go out for the Memorial Day recess.

So may I repeat what I said earlier. It may be necessary to ask the Senate to remain beyond the usual working hours this week, even on the weekends and perhaps next week, perish the thought, since we have already indicated that next week will be Memorial recess for the Senate. But it is urgently important that we pass the debt limit and that means not just in the Senate but the House of Representatives, the Senate, the conference report, and the President's signature in order to complete our responsibilities and duties.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. President, I see no other Senator seeking recognition.

I, therefore, move in accordance with the order previously entered that the Senate now stand in recess until the hour of 10 a.m. on tomorrow.

The motion was agreed to, and the Senate, at 4:28 p.m., recessed until Tuesday, May 24, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 1983:

DEPARTMENT OF STATE

L. Paul Bremer III, of Connecticut, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

DEPARTMENT OF LABOR

John J. O'Donnell, of the District of Columbia, to be an Assistant Secretary of Labor, vice Donald Elisburg.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Robin Raborn, of New York, to be an Assistant Secretary of Housing and Urban Development, vice Harry K. Schwartz, resigned.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Robert H. Morris, of Maryland, to be Deputy Director of the Federal Emergency Management Agency (new position).

BOARD FOR INTERNATIONAL BROADCASTING

The following-named persons to be members of the Board for International Broadcasting for the terms indicated:

For terms expiring April 28, 1984:

Josephine Lane Kirkland, of the District of Columbia (new position).

Arch L. Madsen, of Utah (new position).

James Albert Michener, of Pennsylvania (new position).

For a term expiring April 28, 1985:

Clair W. Burgener, of California (new position).

For a term expiring April 28, 1986:

Malcolm Forbes, Jr., of New Jersey, vice Mark Goode, term expired.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Marion C. Ross, xxx-xx-xxxx (age 55), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles P. Graham, xxx-xx-xxxx xxx..., U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. William J. Livsey, xxx-xx-xxxx, U.S. Army.

IN THE MARINE CORPS

The following-named officers, under the provisions of title 10, United States Code, section 601, to be assigned, or reassigned, to positions of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. William R. Maloney, xxx-xx-xxxx, U.S. Marine Corps.

Lt. Gen. Charles G. Cooper, xxx-xx-xxxx, U.S. Marine Corps.

Maj. Gen. Bernard E. Trainor, xxx-xx-xxxx xxx-..., U.S. Marine Corps.

IN THE AIR FORCE

The following-named officers for promotion to the Reserve of the Air Force, under the appropriate provisions of chapters 36 and 837, title 10, United States Code.

LINE OF THE AIR FORCE

To be lieutenant colonel to colonel

Almquist, John A., Jr., xxx-xx-xxxx
Asay, Al H., xxx-xx-xxxx
Beyers, Ronald L., xxx-xx-xxxx
Boone, Allen W., xxx-xx-xxxx
Clark, Edward R., xxx-xx-xxxx
Fenimore, John H. V., xxx-xx-xxxx
Hofford, Leon K. D., xxx-xx-xxxx
Holtzmann, William C., xxx-xx-xxxx
Hubbard, Don V., xxx-xx-xxxx
Idzkowski, Richard J., xxx-xx-xxxx
Johnson, Kenneth M., xxx-xx-xxxx
Johnson, Kurt E., xxx-xx-xxxx
Kaser, Glen J. Jr., xxx-xx-xxxx
Kennedy, Neil D., xxx-xx-xxxx
Kier, Jack W., xxx-xx-xxxx
Kruckemeyer, Clayborne E., xxx-xx-xxxx
Macias, Manuel M., xxx-xx-xxxx
Magee, James T., xxx-xx-xxxx
Melancon, Ralph J., Sr., xxx-xx-xxxx
Meucci, Dean A., xxx-xx-xxxx
Milbauer, Joseph R., xxx-xx-xxxx
Ockerhausen, Bobby J., xxx-xx-xxxx
Rosamond, Jack M., xxx-xx-xxxx
Saltzgiver, Pere W., xxx-xx-xxxx
Saunders, Donald H., xxx-xx-xxxx
Schweich, Julius S., Jr., xxx-xx-xxxx
Smith, Rowland F., Jr., xxx-xx-xxxx
Snyder, Austin P., xxx-xx-xxxx
Spencer, John H., xxx-xx-xxxx
Stracener, John R., xxx-xx-xxxx
Suttle, James F., III, xxx-xx-xxxx
Vandyke, Glen W., xxx-xx-xxxx
Walker, Charles A., xxx-xx-xxxx
Yelton, Roy J., xxx-xx-xxxx

MEDICAL CORPS

Apfelbaum, Ronald I., xxx-xx-xxxx
Chang, Walter W.Y., xxx-xx-xxxx
Constant, Richard R., xxx-xx-xxxx
Davidson, Allan D., xxx-xx-xxxx
Demarco, Salvatore J., III., xxx-xx-xxxx
Diaz, Humberto, xxx-xx-xxxx
Forrester, James S., xxx-xx-xxxx
Jenkins, John T., xxx-xx-xxxx
King, Charles E., Jr., xxx-xx-xxxx
Norbeck, George P., xxx-xx-xxxx
Reid Philip R., xxx-xx-xxxx
Robertson, Roland B., Jr., xxx-xx-xxxx
Rosen, Leonard E., xxx-xx-xxxx
Smith, Ralph S., Jr., xxx-xx-xxxx

IN THE AIR FORCE

The following cadets, U.S. Air Force Academy, for appointment as second lieutenants in the Regular Air Force, under the provisions of sections 9353(b) and 531, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force.

Abbott, Mark J., xxx-xx-xxxx
Abbott, Milton C., xxx-xx-xxxx
Accardo, Andrew J., xxx-xx-xxxx
Aiken, Timothy R., xxx-xx-xxxx
Aikens, Johnny, III., xxx-xx-xxxx
Aipoalani, Dundy L., xxx-xx-xxxx
Aldaz, Joe V., Jr., xxx-xx-xxxx
Aldinger, Roger L., xxx-xx-xxxx
Aliberto, Charles J., xxx-xx-xxxx
Alligood, Merril J., Jr., xxx-xx-xxxx
Allton, Glenn R., xxx-xx-xxxx
Alvarez, Guadalupe G., xxx-xx-xxxx
Amen, Paul J. H., xxx-xx-xxxx
Amidon, John M., xxx-xx-xxxx
Andersen, Erik L., xxx-xx-xxxx
Anderson, Carol A., xxx-xx-xxxx
Anderson, Nicole P., xxx-xx-xxxx
Anderson, Troy D., xxx-xx-xxxx
Anderton, James F., xxx-xx-xxxx
Andreshak, John L., xxx-xx-xxxx
Andress, Steven R., xxx-xx-xxxx
Andress, Walter G., Jr., xxx-xx-xxxx
Arata, Alan W., xxx-xx-xxxx
Arnette, Talmadge E., Jr., xxx-xx-xxxx
Arnold, Richard W., xxx-xx-xxxx
Arvin, Beth A., xxx-xx-xxxx
Ash, Scott S., xxx-xx-xxxx
Asselin, David C., xxx-xx-xxxx
Atkinson, Reuben, Jr., xxx-xx-xxxx
Atwell, Mark A., xxx-xx-xxxx
Austin, Christopher C., xxx-xx-xxxx
Babers, Alonzo C., xxx-xx-xxxx
Bagby, David B., xxx-xx-xxxx
Baggott, Sean S., xxx-xx-xxxx
Bailey, Rex F., xxx-xx-xxxx
Ball, Jeffrey K., xxx-xx-xxxx
Baltrusaitis, Daniel F., xxx-xx-xxxx
Baner, Carl D., xxx-xx-xxxx
Banna, Joseph A., xxx-xx-xxxx
Barkate, Joseph G., Jr., xxx-xx-xxxx
Barnett, Robert E., Jr., xxx-xx-xxxx
Barnson, Jeffrey K., xxx-xx-xxxx
Bartley, Burt A., xxx-xx-xxxx
Bartley, Michael L., xxx-xx-xxxx
Bartos, Peter P., xxx-xx-xxxx
Bauerschmidt, Diana R., xxx-xx-xxxx
Beall, Thomas W., Jr., xxx-xx-xxxx
Beatty, Silvia A., xxx-xx-xxxx
Bechard, Gregg R., xxx-xx-xxxx
Bednarek, Thomas J., xxx-xx-xxxx
Beeks, Robert W., Jr., xxx-xx-xxxx
Beeson, Benjamin W., xxx-xx-xxxx
Beletic, Robert J., xxx-xx-xxxx
Benge, Scott I., xxx-xx-xxxx
Benike, Christopher A., xxx-xx-xxxx
Bennett, Clinton D., xxx-xx-xxxx
Benson, Thomas M., xxx-xx-xxxx
Bentler, Katarina S., xxx-xx-xxxx
Berberick, Tami D., xxx-xx-xxxx
Berg, Paul D., xxx-xx-xxxx
Bergeron, Keith, xxx-xx-xxxx
Berry, Brian H., xxx-xx-xxxx
Bierstine, James Jr., xxx-xx-xxxx
Billey, Stuart J., xxx-xx-xxxx
Bishop, Brian T., xxx-xx-xxxx
Bizub, Dawn D., xxx-xx-xxxx
Blaich, James, xxx-xx-xxxx
Blake, Sandra V., xxx-xx-xxxx
Bleyl, Wallace W., Jr., xxx-xx-xxxx
Bloom, Peter G., xxx-xx-xxxx
Blust, Raymond J., xxx-xx-xxxx
Boddicker, Mathias C., II, xxx-xx-xxxx
Bodine, Ronald J., xxx-xx-xxxx
Boedicker, Christopher A., xxx-xx-xxxx
Boepple, Jack E., Jr., xxx-xx-xxxx
Boesdorfer, Todd A., xxx-xx-xxxx
Bogdan, Christopher C., xxx-xx-xxxx
Bogosian, Mark H., xxx-xx-xxxx
Bomalski, Martin D., xxx-xx-xxxx
Bond, Calvin C., xxx-xx-xxxx
Bontly, Gregg S., xxx-xx-xxxx
Boswell, Williams S., xxx-xx-xxxx
Bosworth, Kark S., xxx-xx-xxxx
Botts, Wynne D., xxx-xx-xxxx
Boughton, Daniel V., xxx-xx-xxxx
Bowen, Aaron A., xxx-xx-xxxx
Bowers, William M., xxx-xx-xxxx
Boyington, Michael J., xxx-xx-xxxx
Bradford, Carlisle J., xxx-xx-xxxx
Brantley, Christopher N., xxx-xx-xxxx
Braund, Sharon M., xxx-xx-xxxx
Brazelton, Donald G., xxx-xx-xxxx
Brey, Michael J., xxx-xx-xxxx
Bricker, Paul N., Jr., xxx-xx-xxxx
Brisbon, Harris L., xxx-xx-xxxx

Brodzik, Martha M., xxx-xx-xxxx
Brown, Rand L., xxx-xx-xxxx
Brown, Robert W., xxx-xx-xxxx
Brown, Steven M., xxx-xx-xxxx
Brown, Timothy R., xxx-xx-xxxx
Brown, Virginia G., xxx-xx-xxxx
Browning, Michael R., xxx-xx-xxxx
Broyhill, Raymond J., xxx-xx-xxxx
Brozenick, Norman J., Jr., xxx-xx-xxxx
Brunskole, Daniel K., xxx-xx-xxxx
Bryant, Michael P., xxx-xx-xxxx
Buckenmyer, David V., xxx-xx-xxxx
Buckner, Thomas M., xxx-xx-xxxx
Bullock, Jay P., xxx-xx-xxxx
Buongiorno, Robert A., xxx-xx-xxxx
Burdick, Melvin F., xxx-xx-xxxx
Burdick, Nancy A., xxx-xx-xxxx
Burke, Richard J., xxx-xx-xxxx
Burnes, Michael D., xxx-xx-xxxx
Burns, David M., xxx-xx-xxxx
Burr, Rita A., xxx-xx-xxxx
Bustamante, Luis E., Jr., xxx-xx-xxxx
Byers, Andrew J., xxx-xx-xxxx
Cannon, Kevin A., xxx-xx-xxxx
Caporicci, Louis A., xxx-xx-xxxx
Carlen, James E., xxx-xx-xxxx
Carnevale, Christian N., xxx-xx-xxxx
Carpico, Joseph F., xxx-xx-xxxx
Carr, Cody B., xxx-xx-xxxx
Carreno, Kevin A., xxx-xx-xxxx
Carrier, Richard J., xxx-xx-xxxx
Carrubba, Paul D., xxx-xx-xxxx
Carson, Eldra D., xxx-xx-xxxx
Carswell, Marina, xxx-xx-xxxx
Carter, John B., xxx-xx-xxxx
Carter, Norris E., xxx-xx-xxxx
Casello, Jon A., xxx-xx-xxxx
Cassady, Allan R., xxx-xx-xxxx
Castor, Edgar S., xxx-xx-xxxx
Cate, Devin L., xxx-xx-xxxx
Cephas, Earl F., Jr., xxx-xx-xxxx
Cercone, John J., xxx-xx-xxxx
Cerny, James N., xxx-xx-xxxx
Cespedes, George E., xxx-xx-xxxx
Changose, William J., xxx-xx-xxxx
Chestnut, William A., xxx-xx-xxxx
Childress, Iris R., xxx-xx-xxxx
Christianson, Diann M., xxx-xx-xxxx
Chun, Francis K., xxx-xx-xxxx
Cicere, Christopher M., xxx-xx-xxxx
Cilea, Stephen A., xxx-xx-xxxx
Clarke, Paul O., xxx-xx-xxxx
Cline, Richard A., xxx-xx-xxxx
Cline, Russell S., xxx-xx-xxxx
Coble, Willard D., xxx-xx-xxxx
Coccia, Larry J., xxx-xx-xxxx
Cochran, Donald M., xxx-xx-xxxx
Colburn, Tracy W., xxx-xx-xxxx
Collier, Courtney L., xxx-xx-xxxx
Collins, Brian D., xxx-xx-xxxx
Comeaux, Michael K., xxx-xx-xxxx
Comer, Jeffrey H., xxx-xx-xxxx
Compagno, Vincent M., xxx-xx-xxxx
Conley, Harry W., xxx-xx-xxxx
Conrad, Peter M., xxx-xx-xxxx
Conrad, Stuart P., xxx-xx-xxxx
Cook, Landis B., xxx-xx-xxxx
Cool, William E., xxx-xx-xxxx
Cooney, Robert A., xxx-xx-xxxx
Cooper, Charles E., xxx-xx-xxxx
Copeland, John O., xxx-xx-xxxx
Corbett, David W., xxx-xx-xxxx
Corbett, Dorian I., xxx-xx-xxxx
Cosley, Michael J., Jr., xxx-xx-xxxx
Couture, Williams, xxx-xx-xxxx
Cox, Steven J., xxx-xx-xxxx
Craig, Margaret E., xxx-xx-xxxx
Cronin, Mayrita T., xxx-xx-xxxx
Crow, John S., xxx-xx-xxxx
Croxton, Craig A., xxx-xx-xxxx
Croy, Michael E., xxx-xx-xxxx
Cruz, Robert E., xxx-xx-xxxx
Cumming, Brian S., xxx-xx-xxxx
Curl, Steven A., xxx-xx-xxxx
Curry, Frank P., xxx-xx-xxxx
Cushing, Robert L., Jr., xxx-xx-xxxx
Daly, Raymond T., Jr., xxx-xx-xxxx
Damico, Simon, xxx-xx-xxxx
Damschroder, Kathryn J., xxx-xx-xxxx
Danel, Keith W., xxx-xx-xxxx
Davis, John M., xxx-xx-xxxx
Davis, Joseph S., xxx-xx-xxxx
Davis, Michael D., xxx-xx-xxxx
Debusmann, Peter M., xxx-xx-xxxx
Dee, Joseph A., xxx-xx-xxxx
Dees, John L. xxx-xx-xxxx
Degreef, Michael P., xxx-xx-xxxx
Deiters, Mark R., xxx-xx-xxxx
Delarosa, Thomas, xxx-xx-xxxx
Demandante, Carlo N., xxx-xx-xxxx
Dennis, Dwyer L., xxx-xx-xxxx
Depaolo, Richard D., xxx-xx-xxxx
Dering, Cindy L., xxx-xx-xxxx
DeWitt, Bruce R., xxx-xx-xxxx
DeWitt, Joseph W., III, xxx-xx-xxxx
Diaz, Michael L., xxx-xx-xxxx
Dickman, Steven M., xxx-xx-xxxx
Dimech, Paul J., xxx-xx-xxxx
Dingley, Dennis F., xxx-xx-xxxx
Dipp, Thomas M., xxx-xx-xxxx
Dismukes, John P., xxx-xx-xxxx
Dodd, James M., xxx-xx-xxxx
Domkowski, Donald W., xxx-xx-xxxx
Donaldson, Lynn M., xxx-xx-xxxx
Dooley, Bryan P., xxx-xx-xxxx
Dorian, John A., xxx-xx-xxxx
Dorsey, Charles S., xxx-xx-xxxx
Dorsey, John J., xxx-xx-xxxx
Drensek, Robert A., xxx-xx-xxxx
Droze, Gary A., xxx-xx-xxxx
Dublin, Richard D., xxx-xx-xxxx
Duda, Thomas F., xxx-xx-xxxx
Dudney, David W., xxx-xx-xxxx
Duffy, Christina M., xxx-xx-xxxx
Duffy, Timothy, xxx-xx-xxxx
Dumbacher, Francis X., xxx-xx-xxxx
Dungee, Gerald, xxx-xx-xxxx
Dunham, John I., Jr., xxx-xx-xxxx
Dunn, Michael G., xxx-xx-xxxx
Duresky, Jon A., xxx-xx-xxxx
Durkee, Darren P., xxx-xx-xxxx
Duvall, David J., xxx-xx-xxxx
Dzoba, Gregory M., xxx-xx-xxxx
Eastman, Patrick G., xxx-xx-xxxx
Edwards, Michael J., xxx-xx-xxxx
Egan, Gregory S., xxx-xx-xxxx
Eggensperger, Harold S., xxx-xx-xxxx
Eicholtz, Timothy C., xxx-xx-xxxx
Eidman, Craig A., xxx-xx-xxxx
Elwell, Daniel K., xxx-xx-xxxx
Elwer, Diane L., xxx-xx-xxxx
Englehart, Robert S., xxx-xx-xxxx
Ennis, David, xxx-xx-xxxx
Erb, Russell E., xxx-xx-xxxx
Erchinger, David A., xxx-xx-xxxx
Erickson, Mark S., xxx-xx-xxxx
Evans, Quintin A., xxx-xx-xxxx
Evans, Thomas E., xxx-xx-xxxx
Ewing, Kevin D., xxx-xx-xxxx
Fandel, John A., xxx-xx-xxxx
Farese, John T., xxx-xx-xxxx
Farrell, Vincent M., xxx-xx-xxxx
Featherston, Terry M., xxx-xx-xxxx
Feldman, Bradley H., xxx-xx-xxxx
Fentress, Joseph B., xxx-xx-xxxx
Ferkau, Susan M., xxx-xx-xxxx
Fiebig, Jeffrey W., xxx-xx-xxxx
Fiedler, George M., xxx-xx-xxxx
Filbey, Thomas E., xxx-xx-xxxx
Filippini, David A., xxx-xx-xxxx
Finley, Michael J., xxx-xx-xxxx
Finver, Mark A., xxx-xx-xxxx
Fischer, Gregory J., xxx-xx-xxxx
Fisher, Craig H., xxx-xx-xxxx
Fisher, Edward L., xxx-xx-xxxx
Flanigan, Daniel J., xxx-xx-xxxx
Flores, Tonia R., xxx-xx-xxxx
Fluker, Mark E., xxx-xx-xxxx
Fogg, Arthur C., xxx-xx-xxxx
Ford, Terry D., xxx-xx-xxxx
Forsberg, Leslee E., xxx-xx-xxxx
Fowler, Robby G. Jr., xxx-xx-xxxx
Francino, Christopher J., xxx-xx-xxxx
Frank, Daniel M., xxx-xx-xxxx
Franz, Holly R., xxx-xx-xxxx
Frassinelli, Mark C., xxx-xx-xxxx
Frazee, David C., xxx-xx-xxxx
Frazier, Kenneth C., xxx-xx-xxxx
Fridley, Dale C., xxx-xx-xxxx
Fritz, Thomas L., xxx-xx-xxxx
Frost, Patrick E., xxx-xx-xxxx
Fujimoto, Cynthia L. A., xxx-xx-xxxx
Fullerton, Richard L., xxx-xx-xxxx
Fulton, Ted V., xxx-xx-xxxx
Funk, Frederick H., xxx-xx-xxxx
Furtmann, Raymond J., xxx-xx-xxxx
Fuschino, Robert F., xxx-xx-xxxx
Fussell, Jack H., xxx-xx-xxxx
Gailey, Alan L., xxx-xx-xxxx
Gallagher, Mark A., xxx-xx-xxxx
Gann, Bradford A., xxx-xx-xxxx
Garcia Alfred D., xxx-xx-xxxx
Garcia, Charles P., xxx-xx-xxxx
Gardner, David., xxx-xx-xxxx
Garner, Kent T., xxx-xx-xxxx
Garstka, John J., xxx-xx-xxxx
Garvey, Patrick M., xxx-xx-xxxx
Gaulton, Ronald P., xxx-xx-xxxx
Geddie, Samuel T., xxx-xx-xxxx
Gelzinis, Edward C., xxx-xx-xxxx
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Weaver, Dennis D., xxx-xx-xxxx
Webster, Thomas M., Jr., xxx-xx-xxxx
Weekes, Charles D., xxx-xx-xxxx
Weesner, Robert M., xxx-xx-xxxx
Welling, Karol R., xxx-xx-xxxx
Wells, Geoffrey M., xxx-xx-xxxx
Wells, Mark A., xxx-xx-xxxx
Wendell, Jon S., xxx-xx-xxxx
Wendlberger, Joseph C., xxx-xx-xxxx
Wermuth, Michael J., xxx-xx-xxxx
Wheeler, Gregory W., xxx-xx-xxxx
Wheeler, Walter W., xxx-xx-xxxx
Wheeler, William L., xxx-xx-xxxx
Whitacre, James L., xxx-xx-xxxx
White, Thomas P., xxx-xx-xxxx
Wichmann, Stephen J., xxx-xx-xxxx
Wickman, Michael P., xxx-xx-xxxx
Wiedenhoeft, Christopher J., xxx-xx-xxxx
Wiegand, Ronald C., xxx-xx-xxxx
Wignall, William, xxx-xx-xxxx
Wilkerson, James J., xxx-xx-xxxx
Wilkey, William H., xxx-xx-xxxx
Williams, Benard S., Jr., xxx-xx-xxxx
Williams, David L., xxx-xx-xxxx
Williams, Donald S., xxx-xx-xxxx
Williams, Duane R., xxx-xx-xxxx
Williams, Troy M., xxx-xx-xxxx
Williamson, Daniel J., xxx-xx-xxxx
Wilson, Benjamin O., xxx-xx-xxxx
Wilson, Chester D., xxx-xx-xxxx
Wilson, Darrell R., xxx-xx-xxxx
Wilson, Gary L., xxx-xx-xxxx
Wimmer, Amy L., xxx-xx-xxxx
Winslow, Philip J., xxx-xx-xxxx
Winston, Moses B., IV, xxx-xx-xxxx
Wise, Andrew T., xxx-xx-xxxx
Wisniewski, John A., Jr., xxx-xx-xxxx
Witt, Roger G., xxx-xx-xxxx
Wittman, Clayton E., xxx-xx-xxxx
Wong, Howard L., xxx-xx-xxxx
Wood, John W., xxx-xx-xxxx
Wood, Stephen E., xxx-xx-xxxx
Wright, David L., Jr., xxx-xx-xxxx
Wright, Kenneth C., xxx-xx-xxxx
Wright, Mark R., xxx-xx-xxxx
Wright, Vernon L., Jr., xxx-xx-xxxx
Yamazaki, Tomoko G., xxx-xx-xxxx
Yancy, Daniel M., xxx-xx-xxxx
Yelken, David L., xxx-xx-xxxx
Yeshnik, Roger A., xxx-xx-xxxx
Younker, Barr D., Jr., xxx-xx-xxxx
Yuen, Jeffrey, xxx-xx-xxxx
Zak, Randall J., xxx-xx-xxxx
Zalewski, Daniel J., xxx-xx-xxxx
Zazworsky, John K., Jr., xxx-xx-xxxx
Ziegler, Daniel B., xxx-xx-xxxx
Zienert, Mark S., xxx-xx-xxxx
Zuehlke, Sheila, xxx-xx-xxxx
Zwijacz, Theodore A., xxx-xx-xxxx

IN THE NAVY

The following-named Naval Reserve officers for permanent appointment in the line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Bowdren, Stephen J.	Jurcsak, Paul T.
Caldwell, Charles W.	Korth, Kelly J.
Coile, Jonathan R.	Kresek, Carolyn M.
Davis, Christopher R.	Nelson, Eric T.
Fisher, Michael L.	Ogle, Catherine L.
Flynn, Daniel L.	Peterson, Gary C.
Fouts, Lawrence E.	Poor, Michael E.
Gallup, Pamela J.	Ririe, John T.
Gerstberger, M.	Serocki, John
Griggs, Ronald K.	Sinkiewicz, James A.
Griswold, Steven M.	Taggart, Michael S.
Jenkins, David A.	Welliver, David E.
Jennings, Harold D., Jr.	White, Steven A.
	Zabecki, Danny R.

The following-named U.S. Navy officers to be appointed permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Marsh, Donald W.
Taylor, Emmett L.

The following-named ex-Naval Reserve officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Johnson, Francis C.
Trent, Robert M.

The following-named medical college graduates to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Hanson, Stephen L.
Haym, Jerome L.

Commander Thomas A. Schultz, U.S. Navy, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

HOUSE OF REPRESENTATIVES—*Monday, May 23, 1983*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Grant, O God, that with all the necessary tasks that call for attention, we may ever be open to Your voice, calling us to obedience to Your way of understanding and peace. We recognize, O God, that all peoples share together in Your common creation and all benefit when the hungry are fed, the naked clothed, and the homeless given shelter. May we be instruments of Your love and stewards of Your grace that Your will may be done on Earth as it is in Heaven.

We are thankful for all men and women, who in days before, have served You in justice and mercy. Give us in our time the strength and wisdom to be faithful to the high calling that is ours. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

RECESS

Pursuant to the order of the House of May 19, 1983, the House will stand in recess, subject to the call of the Chair, to receive the former Members of Congress.

Accordingly (at 11 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. On behalf of the Chair and the Chamber, I consider it a high honor and distinct privilege to have the honor of welcoming so many of our colleagues who are present today.

We all pause to welcome them. This is a bipartisan affair. In that spirit the Chair is going to recognize the floor leaders of both parties.

I personally want to welcome my former colleagues, so many of whom I served with. I see the old minority whip right back in his old seat. It looks like a great, familiar face.

Les Arends, as we all know, held the record of serving in the leadership of one party longer than anybody else, 22 years as the Republican whip.

I want to welcome you, Walter; it is a great bipartisan spirit that you have out there. It is great. I know you have been taking trips on occasion out of the country. The report comes back to us when we travel of the good will that you have created for our Nation, the understanding which the foreign nations have of the way our operation runs and the feeling we have for peace around the world.

This is a great and interesting body. I have traveled a bit, myself.

You know, you go into the foreign countries of the world where the minority sits on one side and the majority sits on the other side and they never speak to each other because of their differences in philosophy.

But in this country, you know, after 5 o'clock at night or even during the course of the day a Democrat's closest friend may be a Republican and the Republican wife's closest friend will be a Democratic wife. That is the way it is under a democratic nation, freedom to choose your own friends, though you may not agree philosophically. That is the way this country works and that is the way it should be.

I am delighted to see so many of my former colleagues here. Some of the great orators that we had in the House, Senator PEPPER, still a Member, one of the great orators; William Jennings Bryan Dorn, from the great State of South Carolina. Many a time I heard him wax eloquent here, as I look around at old familiar faces.

The Chair now recognizes the gentleman from the great State of Mississippi, TRENT LOTT, to bring the greetings of the House.

Mr. LOTT. Thank you, Mr. Speaker.

It is a great pleasure for me to be here this morning and see familiar faces. At least one of you is from my own class from January of 1973. A lot of you were here when I worked as a staff member to Congressman Bill Colmer from the Fifth District of Mississippi.

I see Walter Flowers over there. I know he remembers "Mr. Bill". We are pleased to have you here. It gives us an opportunity to visit with you again and reminisce about old times and good times.

You know, it is traditional here to talk about how it used to be, how great it was when we were here as staff members or whenever we first came here.

It has changed a lot. I acknowledge that. But some of the better things are still here. Such as the relationships that we develop with each other, on both sides of the aisle, in our desire to be of service to our country.

It is a special pleasure for me also to represent our distinguished Republican Leader, BOB MICHEL, who as some of you may know, had teenage surgery recently.

Bob had appendicitis and he had to have surgery last week. But he is back on the job; and he was on the job last week. I know he would have liked very much to be here and welcome all of you on this special occasion, and I send his regrets.

You know, since I first came to Congress in 1973, every year it seems that things get tougher. I used to go back and visit with Mr. Bill Colmer and he used to say, "Boy, you fellows are really messing things up now." I said, "Well, Mr. Bill, it is because you left it in such a big mess when you left in 1973."

We do appreciate what so many of you did when you served here in this great institution, the things that you did to preserve this institution and to help our great country.

There is one quote that I think very much of from one of my favorite former Members, a fellow named Henry Clay.

Henry Clay was one of our most outstanding Speakers. He was Speaker of the House when he was, I think, 32 years old. He served in the Senate and in the House. He had a tremendous reputation. He ran for President.

In one of his great quotes on the floor he was debating a gentleman by the name of Alexander Smyth, who was a very tedious speaker.

Mr. Smyth observed to Henry Clay, "You, sir, speak for the present generation; but I speak for posterity."

"Yes," Mr. Clay said, "and you seem resolved to speak until the arrival of your audience."

I promise you I will not wait for my audience this morning. Thank you very much, and welcome back.

The SPEAKER. The Clerk will now conduct a rollcall of the former Members of Congress.

The Clerk called the roll of former Members of Congress, and the following former Members answered to their names:

FORMER MEMBERS OF CONGRESS—ROLLCALL MAY 23, 1983

Hugh Q. Alexander of North Carolina;

Leslie C. Arends of Illinois;

William H. Ayres of Ohio;

E. Lamar Baker of Tennessee;
Robert Barry of New York;
Laurie C. Battle of Alabama;
J. Glenn Beall, Jr. of Maryland;
Richard Bolling of Missouri;
Gary Brown of Michigan;
Charles B. Brownson of Indiana;
William T. Cahill of New Jersey;
Elford A. Cederberg of Michigan;
Charles E. Chamberlain of Michigan;
Frank M. Clark of Pennsylvania;
James C. Cleveland of New Hampshire;
Jeffery Cohelan of California;
Albert M. Cole of Kansas;
W. Sterling Cole of New York;
David L. Cornwell of Indiana;
Paul S. Cronin of Massachusetts;
Willard S. Curtin of Pennsylvania;
W. J. Bryan Dorn of South Carolina;
Michael A. Feighan of Ohio;
Charles K. Fletcher of California;
Walter Flowers of Alabama;
L. H. Fountain of North Carolina;
Nick Galifianakis of North Carolina;
Charles S. Gubser of California;
Richard Hanna of California;
Robert P. Hanrahan of Illinois;
Ralph Harding of Idaho;
Porter Hardy, Jr. of Virginia;
William Harsha of Ohio;
Harry G. Haskell of Delaware;
A. Sydney Herlong, Jr. of Florida;
Chet Holifield of California;
Roman L. Hruska of Nebraska;
William L. Hungate of Missouri;
Jed Johnson, Jr. of Oklahoma;
Walter H. Judd of Minnesota;
Hastings Keith of Massachusetts;
Martha Keys of Kansas;
David S. King of Utah;
Horace R. Kornegay of North Carolina;
Peter N. Kyros of Maine;
John V. Lindsay of New York;
Robert McClory of Illinois;
Gale W. McGee of Wyoming;
William S. Mailliard of California;
James S. Mann of South Carolina;
D. R. (Billy) Matthews of Florida;
George Meader of Michigan;
D. Bailey Merrill of Indiana;
Thomas J. Meskill of Connecticut;
John S. Monagan of Connecticut;
Frank E. Moss of Utah;
F. Jay Nimtz of Indiana;
Alvin F. O'Konski of Wisconsin;
Shirley Pettis/Harville of California;
James M. Quigley of Pennsylvania;
Wm. J. Randall of Missouri;
John M. Robison, Jr. of Kentucky;
J. Edward Roush of Indiana;
Philip E. Ruppe of Michigan;
Harold J. Ryan of Michigan;
Fred Schwengel of Iowa;
William L. Scott of Virginia;
Carlton R. Sickles of Maryland;
Alfred D. Sieminski of New Jersey;
Henry P. Smith III of New York;
William L. Springer of Illinois;
William S. Stratton of Illinois;
James W. Symington of Missouri;
Roy A. Taylor of North Carolina;
Andrew J. Transue of Michigan;
Charles Vanik of Ohio;
Charles W. Whalen, Jr. of Ohio;
John Wydler of New York; and
Ralph W. Yarborough of Texas.

□ 1115

The SPEAKER. The Chair announces that 72 former Members of the Congress have responded to their names.

For many years the precedent has always been that the party in power is the one who controls the gavel. It has been 29 years since the opposite party controlled the gavel.

I know Les Arends was in power for oh so many years. He always had his eye on the Speaker's seat, but he never was able to get anything else on it.

In view of the fact that we should have a true nonpartisan spirit, I ask Les to come up and be the acting Speaker during this particular time.

Mr. ARENDS (presiding). The Chair recognizes Mr. Charles E. Chamberlain of Michigan.

Mr. CHAMBERLAIN. Mr. Speaker, thank you.

It is a great pleasure for all of us to be back in this Chamber to make our annual report to the Congress. We are particularly grateful to you for making our visit possible, and to both you and the minority leadership, and all of the Members who are on the floor this morning, for sharing this occasion with us.

As you well know, Mr. Speaker, the Association of Former Members of Congress is a bipartisan, nonprofit, educational, research, and social organization. Called together 13 years ago by our foresighted cofounders, Dr. Walter Judd, who is here with us today, and the late Brooks Hays, we have grown to a membership some 600 strong. Each of us has served in either the U.S. Senate or the House of Representatives.

Earlier this year, the Congress granted a Federal charter to the association. We thank all the Members of Congress who worked so diligently on this legislation, not only for your efforts on our behalf, but for your overwhelming vote of confidence. The charter officially recognizes our purpose: To promote the cause of good Government at the national level by improving understanding of the Congress as an institution, thus strengthening its public support. To accomplish this task effectively, we consciously and conscientiously function as bipartisans, selecting half of the board of directors from our Republican roster and half from our Democratic ranks. We also strive to balance our officers between the approximately 500 former House Members and 100 former Senators who are members of the Association.

We are a unique group, with backgrounds as varied as those of the present Members of Congress. Our membership hails from far-flung places across the country and from different walks of life. After serving in the Congress, some of our Members have returned to their home towns and to the business, professional, or civic interests that they left to come to Washington; others have become Cabinet officers, ambassadors, Governors, mayors, judges, leaders in the private sector, heads of Government agencies—even gone on to the Presidency itself. But, diverse as we are, we all have one interest in common: the effectiveness of the Congress as an institution. And we have discovered that, working together as an organization to promote the Congress, we provide a human resource that can build on the successes of previous years and utilize our experience in a growing number of meaningful ways.

Let me enumerate some of those ways by reporting on our major educational and research endeavors of the past year.

Still foremost among them is our project to enrich students: The congressional fellows program, which sends congressional alumni to college and university campuses throughout the Nation. Initiated over 5 years ago, this program continues to grow and to be enthusiastically received by students and faculty alike, as evidenced by the reviews that come back to us. With your permission, I would like to insert some of those comments in the RECORD at this time.

SAMPLE COMMENTS ON 1982 CONGRESSIONAL FELLOWS PROGRAM

"Both of our visits have been wonderfully successful. Both Ms. Keys and Ms. Bedell are warm, well-informed, energetic, thoroughly intelligent women who interacted with faculty members and students inside and outside our classrooms with unflagging interest . . . Everyone learned from them and responded to them with a whole new set of insights into governmental processes and problems . . . In addition to their educational presence with us, both of our visitors met and talked with community and corporate leaders while they were in this city."—Alberta Arthurs, President, Chatham College, Pittsburgh, Pennsylvania, March 26, 1982.

"He (Charles Vanik) participated in such a wide variety of activities that students and others were able to interact with him in different ways; as politician, as statesman, as teacher, and indeed, as friend. The students, who participated very enthusiastically, expressed great admiration for Mr. Vanik and are as grateful as I am for the opportunity provided us by the Congressional Alumni Fellowship Program."—Toni H. Oliviero, Director, Office of Career Planning, Wheaton College, Norton, Massachusetts, April 26, 1982.

"In another class, he (L. Richardson Preyer) discussed child health policy from a theoretical perspective and was most effective in answering questions about the process by which child health legislation is passed and on Congressional procedures in this respect. He gave an inside look at the

problems of creating and passing policy into legislation . . . My view of this visit is that the Brandeis community experienced a unique opportunity which was successful in every respect. Congressman Preyer, besides being exceptionally knowledgeable, came across as 'a marvelous human being and a true credit to the Congressional Corps!' "—Sanford M. Lottor, Director of Continuing Studies, Brandeis University, Waltham, Massachusetts, April 28, 1982.

"I want to thank you for making our program possible. It was the learning process at its best, and I commend the former Members for their efforts. We really need to keep our young people interested in government service and do a better job of informing them about how our institutions really work. I think your program is the answer." (A comment on Judge William Hungate's visit.)—Phillip M. Simpson, Professor of Government, Cameron University, Lawton, Oklahoma, May 10, 1982.

"Quite frankly, I had expected to find someone who was well versed on American politics; I had not expected someone so unpretentious and easy to talk to, so adaptable to our needs and so willing and eager to put in so many hours on campus . . . I would surely commend Congressman Mailliard to other college and university campuses, and I would like to thank you on behalf of the McNeese Student Union Board, the Department of Social Sciences, and myself for an enriching and exciting experience."—John R. Vile, Head, Department of Social Sciences, NcNeese State Unviersity, Lake Charles, Louisiana, October 29, 1982.

"Senator Yarborough's stay at Montclair College was a resounding success and a very fine learning experience for our students . . . The Senator again captivated the students with his knowlegdge, wit and eloquence . . . Both the Senator and your program should be highly praised."—George T. Menake, Chairman, Department of Political Science, Montclair State College, Upper Montclair, New Jersey, November 18, 1982.

"During the week he (Theodore Kupferman) participated in classes ranging from Political Science to the ethics course in philosophy, recent United States history, an introduction to human services, urban sociology, and a class in women in the law . . . Judge Kupferman's visit was valuable to Albion College . . . all of those who spent any time with him were favorably impressed and benefited from the visit."—Michael Dively, Director, Gerald R. Ford Institute, Albion College, Albion, Michigan, November 23, 1982.

"The visit was certainly a success in every respect. Reports from the professors whose classes he (Gale W. McGee) spoke to were most enthusiastic whether he was dealing with foreign policy or domestic politics. The Senator, of course, is knowledgeable in a wide variety of subjects, is an accomplished speaker, and was fully at ease in an academic setting."—James S. Chase, Professor of History, University of Arkansas, Fayetteville, Arkansas, January 7, 1983.

With the help of an increasing number of sponsors and colleges that are contributing directly to the program and with the support of the Charles Stewart Mott Foundation, which this year awarded a substantial fourth fellows' grant, we have completed 130 campus visits in 45 States. A list of those schools and fellows is submitted, and I ask that they, too, be included in the RECORD.

COLLEGES AND UNIVERSITIES VISITED UNDER THE CONGRESSIONAL ALUMNI CAMPUS FELLOWS PROGRAM

COLLEGE/UNIVERSITY, STATE, AND FELLOW

Alaska Pacific University, Alaska, William S. Mailliard (California).

Albion College, Michigan, David S. King (Utah).

Albion College, Michigan, Ted Kupferman (New York).

Alfred University, New York, Frank E. Moss (Utah).

Arizona State University, Arizona, Gale W. McGee (Wyoming).

Assumption College, Massachusetts, Gale W. McGee (Wyoming).

Auburn University, Alabama, William L. Hungate (Missouri).

Bainbridge Jr. College, Georgia, Gilbert Gude (Maryland).

Baylor University, Texas, James Roosevelt (California).

Bradley University, Illinois, Charles W. Whalen, Jr. (Ohio).

Brandeis University, Massachusetts, Abner J. Mikva (Illinois).

Brandeis University, Massachusetts, L. Richardson Preyer (North Carolina).

California Poly. State, California, Frank E. Evans (Colorado).

Cameron University, Oklahoma, William L. Hungate (Missouri).

Carleton College, Minnesota, William S. Mailliard (California).

Carroll College, Montana, Ralph W. Yarborough (Texas).

Chaminade U. of Honolulu, Hawaii, Catherine M. Bedell (Washington).

Chatham College, Pennsylvania, Catherine M. Bedell (Washington).

Chatham College, Pennsylvania, Martha Keys (Kansas).

Colgate University, New York, William S. Mailliard (California).

College of the Sequoias, California, Gale W. McGee (Wyoming).

Columbia College, South Carolina, Catherine M. Bedell (Washington).

Concordia College, Michigan, Walter H. Moeller (Ohio).

Connecticut College, Connecticut, Ralph W. Yarborough (Texas).

Converse College, South Carolina, Jed Johnson, Jr. (Oklahoma).

Dartmouth College, New Hampshire, John O. Marsh, Jr. (Virginia).

Dartmouth College, New Hampshire, William S. Mailliard (California).

Davis & Elkins College, West Virginia, J. Glenn Beall, Jr. (Maryland).

Davis & Elkins College, West Virginia, Frank E. Moss (Utah).

Denison University, Ohio, Frank E. Moss (Utah).

DePauw University, Indiana, Hugh Scott (Pennsylvania).

Dillard University, Louisiana, Georg Kahn-Ackermann (Germany).[1]

Duke University, North Carolina, Georg Kahn-Ackermann (Germany).[1]

Eckerd College, Florida, William L. Hungate (Missouri).

Elmira College, New York, Charles W. Whalen, Jr. (Ohio).

Friends University, Kansas, Henry P. Smith, III (New York).

Furman University, South Carolina, Jed Johnson, Jr. (Oklahoma).

Georgia State University, Georgia, Georg Kahn-Ackermann (Germany).[1]

Grinnell College, Iowa, Neil Staebler (Michigan).

Gustavus Adolphus College, Minnesota, Charles W. Whalen, Jr. (Ohio).

Hamilton College, New York, William S. Mailliard (California).

Hartwick College, New York, Ralph W. Yarborough (Texas).

Hiram College, Ohio, Howard H. Callaway (Georgia).

Hiram College, Ohio, Roman L. Hruska (Nebraska).

Hope College, Michigan, Walter H. Judd (Minnesota).

Hope College, Michigan, Gale W. McGee (Wyoming).

Hope College, Michigan, Catherine M. Bedell (Washington).

Idaho State University, Idaho, John R. Schmidhauser (Iowa).

Indiana State University, Indiana, Gordon L. Allott (Colorado).

Indiana University N. W., Indiana, Neil Staebler (Michigan).

Jackson State University, Mississippi, Allard K. Lowenstein (New York).

Johns Hopkins University, Maryland, Hugh Scott (Pennsylvania).

Kansas-Newman College, Kansas, Henry P. Smith, III (New York).

King College, Tennessee, Charles W. Whalen, Jr. (Ohio).

King's College, Pennsylvania, Philip Hayes (Indiana).

Kirkland College, New York, William S. Maillard (California).

LaGrange College, Georgia, Ralph W. Yarborough (Texas).

Lake Forest College, Illinois, Ralph W. Yarborough (Texas).

Lindenwood Colleges, Missouri, Gaylord Nelson (Wisconsin).

Luther College, Iowa, Gilbert Gude (Maryland).

McNeese University, Lousiana, William S. Mailliard (California).

Marshall University, West Virginia, John J. Gilligan (Ohio).

Mary Hardin Baylor, Texas, Brooks Hays (Arkansas).

Mesa Community College, Arizona, Gale W. McGee (Wyoming).

Miami University-Middletown, Ohio, James Roosevelt (California).

Mid-America Nazarene, Kansas, John Dellenback (Oregon).

Millsaps College, Mississippi, Allard K. Lowenstein (New York).

Montclair State College, New Jersey, Walter H. Judd (Minnesota).

Montclair State College, New Jersey, Ralph W. Yarborough (Texas).

Morehead State University, Kentucky, Dan H. Kuykendall (Tennessee).

Mount Vernon College, Washington, D.C., Martha Keys (Kansas).

Murray State University, Kentucky, Brooks Hays (Arkansas).

Northern Illiniois University, Illinois, William L. Hungate (Missouri).

Oklahoma State University, Oklahoma, Ralph W. Yarborough (Texas).

Oregon State University, Oregon, Martha Keys (Kansas).

Otterbein College, Ohio, James Roosevelt (California).

Randolph-Macon College, Virginia, Gale W. McGee (Wyoming).

Rose Hulman Institute of Technology, Indiana, Gordon L. Allott (Colorado).

St. Cloud State University, Minnesota, Charles W. Whalen, Jr. (Ohio).

St. Lawrence University, New York, Roman Pucinski (Illinois).

St. Mary-of-the-Woods Coll. Indiana, Gordon L. Allott (Colorado).

St. Mary's College, Indiana, Gale W. McGee (Wyoming).

St. Michael's College, Vermont, Walter H. Judd (Minnesota).
St. Olaf College, Minnesota, William S. Mailliard (California).
Salem College, North Carolina, Martha Keys (Kansas).
Sangamon State University, Illinois, Andrew J. Biemiller (Wisconsin).
Sangamon State University, Illinois, Martha Keys (Kansas).
Sangamon State University, Illinois, Alan Lee Williams (Great Britain).[1]
Siena College, New York, Frank E. Moss (Utah).
Southeast Community College, Kentucky, Donald E. Lukens (Ohio).
Southwestern College, Kansas, Henry P. Smith III (New York).
SUNY-Binghamton, New York, John B. Anderson (Illinois).
State University at Oswego, New York, Martha Keys (Kansas).
Syracuse University, New York, Charles W. Whalen, Jr. (Ohio).
Talladega College, Alabama, Ted Kupferman (New York).
Tougaloo Southern Christian College, Mississippi, Allard K. Lowenstein (New York).
Transylvania University, Kentucky, James M. Quigley (Pennsylvania).
U.S. Air Force Academy, Colorado, Alan Lee Williams (Great Britain).[1]
U.S. Coast Guard Academy, Connecticut, Ralph W. Yarborough (Texas).
U.S. Naval Academy, Maryland, John S. Monagan (Connecticut).
U.S. Naval Academy, Maryland, William S. Mailliard (California).
University of Alaska, Alaska, William S. Mailliard (California).
University of Arkansas, Arkansas, Gale W. McGee (Wyoming).
University of Delaware, Delaware, John Gilligan (Ohio).
Univ. of Calif. at Berkeley, California, Henry S. Reuss (Wisconsin).
Univ. of Calif. at Berkeley, California, Newton I. Steers, Jr. (Maryland).
University of Georgia, Georgia, Georg Kahn-Ackermann (Germany).[1]
University of Georgia, Georgia, Otis Pike (New York).
University of New Orleans, Louisiana, Georg Kahn-Ackermann (Germany).[1]
University of North Dakota, North Dakota, Neil Staebler (Michigan).
University of Oregon, Oregon, Martha Keys (Kansas).
University of Redlands, California, Catherine M. Bedell (Washington).
University of South Carolina, South Carolina, Gale W. McGee (Wyoming).
University of South Carolina, South Carolina, Alan Lee Williams (Great Britain).[1]
University of South Dakota, South Dakota, William L. Hungate (Missouri).
University of Utah, Utah, Robert N. Giaimo (Connecticut).
University of Utah, Utah, Alan Lee Williams (Great Britain).[1]
University of Washington, Washington, Alan Lee Williams (Great Britain).[1]
University of W. Virginia, West Virginia, Georg Kahn-Ackermann (Germany).[1]
University of Wisconsin—Milwaukee, Wisconsin, Georg Kahn-Ackermann (Germany).[1]
University of Wyoming, Wyoming, Frank E. Moss (Utah).

[1] Pilot project funded by the Ford Foundation of former Members of the British Parliament and former Member of the German Bundestag.

Urbana College, Ohio, David S. King (Utah).
Vanderbilt University, Tennessee, Ralph W. Yarborough (Texas).
Virginia Military Institute, Virginia, Gale W. McGee (Wyoming).
Wake Forest University, North Carolina, William L. Hungate (Missouri).
Wake Forest University, North Carolina, Georg Kahn-Ackermann (Germany).[1]
Washington & Lee University, Virginia, Gale W. McGee (Wyoming).
Westmont College California, Ronald Sarasin (Connecticut).
Wheaton College Massachusetts, Charles A. Vanik (Ohio).
Whitman College Washington, Frank E. Moss (Utah).
William and Mary College, Virginia, Hugh Scott (Pennsylvania).

Each fellow spends 3 to 5 days on a campus, talking to students about representative government and how the Congress actually functions. Given our reservoir of practical experience and expertise, former Members are especially well qualified to interpret the Congress as an institution. And, freed from the burden of office, we can address issues with detachment, and with the advantages of both insight and hindsight.

A congressional fellow is selected by each college or university from a register of nearly 300 names—former Members who have agreed to participate in the program. The only restriction, to insure maximum objectivity, is that a fellow may not visit a campus in the same State he represented in the Congress. Former Congresswoman Martha Keys, a colleague from Kansas and a former Assistant Secretary of Education, is the able director of the program. With a grant from the Rockefeller Foundation, she is also developing plans to expand our campus activities by integrating humanities disciplines into the fellows program, and into other of our educational and research endeavors.

Building on the success of campus visits, an international campus fellows program was initiated last year with a pilot grant from the Ford Foundation, bringing two former parliamentarians, one British and one German, to speak at a total of 11 colleges from coast to coast. Last autumn, Dr. Georg Kahn-Ackermann, who has a rich background of 21 years in the Bundestag and active participation in European affairs as Secretary-General of the Council of Europe, visited seven campuses, discussing West German foreign policy, the future role of the European Parliament, the Atlantic Alliance in a critical period, as well as addressing language and literature classes in his native German. Obviously, such distinguished visitors provide a resource heretofore unknown on many of our smaller campuses and contribute to a greater understanding among students, faculty, and local communities of the political, economic, and cultural realities of other countries. Under a second-year grant from the Ford Foundation, two additional parliamentarians will visit the United States this year, including Brian Talboys, former Foreign Minister of New Zealand.

Another educational feat for the association this past year was the publication, with a grant from the Japan-United States Friendship Commission, of the first comprehensive study of the Congress and the Japanese Diet. Published in both English and Japanese, the work is an authoritative examination of the two legislative bodies and is being distributed by the U.S. Information Agency to its libraries worldwide. It is the result of an earlier symposium of legislators and scholars at the East-West Center in Honolulu. The association conducts ongoing seminars at the center, attended by Members and former Members of Congress, the Diet, and other Pacific parliamentarians. The fifth such conference was held in February, focusing on Japanese-American foreign policy issues.

I am pleased to report that a similar study of the Bundestag and the Congress is on the drawing board, jointly sponsored by the association, our counterpart German organization, and the Association for Parliamentary Questions, a group of German scholars working on legislative issues. The work will be under the direction of Dr. R. Gerald Livingston, of Georgetown University, a well-known expert on German affairs. Because of the increasingly urgent need for effective working relationships among our allies, and the important role legislative procedures play in those relationships, our association also expects to undertake seminars with French and Canadian parliamentarians in the future.

In line with cooperative ventures, last autumn association members attended our third joint meeting with the Association of Former Members of the German Bundestag at the Friedrich Ebert Foundation headquarters in Freudenberg, Germany. At that time, plans were laid for the conference we are sponsoring at the Salzburg Seminar, in Austria, over the upcoming Memorial Day weekend. With travel grants from the German Marshall Fund of the United States, 10 younger, successor generation Members of the Congress will meet with younger members of the Bundestag, prominent government officials, scholars, and former members of both bodies to discuss the validity of the alliance today. We intend to make this cross-generational exchange an annual trans-Atlantic event.

Earlier this month, the association cosponsored a Pacific Community Seminar at the James F. Byrnes International Center at the University of South Carolina with the Pan-Pacific Community Association, whose chair-

man is board member Hugh Scott and president is colleague Lester Wolff. Delegates from Japan, the ASEAN nations, New Zealand, Australia, and Canada participated in the program, hosted by University President James Holderman and the Brynes Center director, Dr. James Kuhlman. The conference was part of the association's continuing institutional collaboration with the center.

Another educational initiative undertaken this year was the 2-day program on the Congress we conducted at the Capitol for official international guests, here in the United States under the auspices of the USIA's international visitor program. In planning this event, the association was pleased to have the able assistance of Ambassador Wells Stabler, career diplomat and German Marshall Fund consultant. We will direct another, week-long congressional program in the fall.

As part of the USIA's American participant program, our Members continue to travel overseas to speak to students and civic groups about the Congress and our political system. This year congressional alumni delivered lectures in Africa, Asia, Australia, and Europe.

We also conduct cooperative programs, not only with our German counterparts, but with similar groups in Britain, France, Italy, Belgium Switzerland, and Austria. Our former colleague Judge William Hungate traveled to Italy early this year to attend a conference on terrorism and organized crime. Today we are most honored to have here with us on the floor two representatives from our French and Italian counterpart organizations, Dr. Jacques Soustelle, former French Deputy and Minister, and Prof. Giuseppe Vedovato, former Italian Senator and prominent president of the Council of Europe. Would these distinguished guests please stand?

Above and beyond the impact and human contact our educational programs provide nationally and internationally is the cogency former Members of Congress are bringing to serious studies of institutional problems confronting the Congress. Last fall, President Gerald R. Ford, one of our more illustrious Members, assembled at the Ford Presidental Library in Ann Arbor an impressive group of foreign policy experts for the purpose of launching a study of the interrelationships between the Presidency and the Congress in foreign policymaking. Included in the discussions were three former Secretaries of State, National Security Council Advisers, and former Members of the House and Senate who shared responsibility in foreign policy decisions. President Ford, who witnessed foreign policy tensions as a Member of the Congress and from the White House, called on the association to make an in-depth examination of executive and legislative functions in foreign policymaking, with a view toward alleviating major frictions. He has asked that we report back to the Ford Library in late 1984 so that recommendations will be available as the 99th Congress convenes. The project will be undertaken in cooperation with the Atlantic Council and Dr. Kenneth Thompson, director of the Miller Institute of Public Affairs, University of Virginia, who will act as rapporteur. Five former Secretaries of State have agreed to take part, and the study will be directed by association consultant Francis R. Valeo, former Secretary of the Senate and long an assistant with the Senate Foreign Relations Committee. We are grateful to the Ford Foundation for a $50,000 grant in support of the study, and to the Lilly Endowment, Peter Grace, and the Earhart Foundation for their contributions.

Before concluding, I would like to mention our annual fall meeting that we held in Bermuda last November and the warm reception we were given by Consul General and Mrs. Max Friedersdorf, whom so many of our Members have known through the years on Capitol Hill. We are extremely grateful to them for making our visit the great success that it was. While in Bermuda, we had the opportunity to acquaint ourselves with the work of the historic and impressive Bermudian Parliament, the third oldest in the Western World.

This spring we also made our first study tour to Australia and New Zealand, with the assistance and advice of Australian Ambassador Sir Robert Cotton and New Zealand Ambassador Sir Lance Adams-Schneider, both former members of their Parliaments and enthusiastic supporters of efforts to form parliamentary organizations in their countries. In addition, we will be making our first study tour to Eastern Europe and the Soviet Union next month. These trips, which are made at the expense of the participant, contribute in immeasurable ways to bridges of understanding between our own members and officials and citizens of other countries with whom they have contact. Previous study tours have been made to China, the Middle East, and Western Europe.

I cannot close this report without mentioning the outstanding assistance and support I have received from this year's executive committee, the board of directors, and our executive director, Jed Johnson, Jr., who continues to provide the direction, drive, and dedication that has accounted for our phenomenal growth over the past few years. We are especially grateful to our office manager, Dorothy Bageant, for her diligent and loyal efforts on behalf of our association.

And I would like to add a special word of thanks to colleague John Lindsay, who agreed to take on the difficult task of finance chairman, and whose aggressive pursuit of contacts and willingness to make himself available are in large measure responsible for our fundraising successes this year. Having recently reached the milestone of our 100th sponsor, thanks to John's herculean efforts, we have set our next objective as 100 sponsors per annum.

□ 1130

I would like to insert at this point, if I may, the list of our foundation, corporate, institutional, and individual donors, whose contributions have helped us forge the foregoing accomplishments and to whom we are deeply and eternally grateful.

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96. University of Utah.
97. Mr. Francis R. Valeo.
98. Representative Guy Vander Jagt.
99. Whalley Trust.
100. Mr. and Mrs. James Yao.

Mr. CHAMBERLAIN. Mr. Speaker, since the past is prologue, we are confident that the association's programs will continue to grow in number and in significance in the years ahead. We are fortunate indeed to have as our incoming President Senator Frank Moss. Ted is a leader whose expertise encompasses many areas, and it is a great honor to pass the gavel to such competent hands.

But while we look to the future, Mr. Speaker, we are truly saddened to report the loss of a number of our Members this past year:

E. Ross Adair, Indiana
Andrew J. Biemiller, Wisconsin;
Clarence G. Burton, Virginia;
Louis J. Capozzoli, New York;
Clifford P. Case, New Jersey;
Frank L. Chelf, Sr., Kentucky;
Irwin D. Davidson, New Jersey;
Edwin B. Dooley, New York;
Homer Ferguson, Michigan;
Sidney A. Fine, New York;
Geogre A. Goodling, Pennsylvania;
George Grant, Alabama;
Don Hayworth, Michigan;
Frank E. Hook, Michigan;
Craig Hosmer, California;
John Jarman, Oklahoma;
Glen D. Johnson, Oklahoma;
George P. Miller, California;
Thruston B. Morton, Kentucky;
Leo W. O'Brien, New York;
Alexander Pirnie, New York;
Herman T. Schneebeli, Pennsylvania;
Keith G. Sebelius, Kansas;
Horace Seely-Brown, Jr., Connecticut;
Katherine St. George, New York
Thor C. Tollefson, Washington; and
John Bell Williams, Mississippi.

Their families have our deep sympathy and condolences. We all share their loss.

Finally, Mr. Speaker, I speak for the association when I assure the Members of the Congress that we are steadfastly committed to the trust that you have placed in us in the Federal charter: To use, working together, whatever talents we possess to improve the democratic process. We believe that these Chambers represent one of the greatest achievements in recorded history. We are proud to be part of that human drama and want, in turn, to promote in any way we can effective government among our fellow men and women.

Thank you again for this opportunity to return to the Congress in order to renew, once more, the mandate that inspires our programs and binds our purposes.

Mr. Speaker, it is now my great privilege to present the Distinguished Service Award of the Association of Former Members of Congress, a nonpartisan award we make each year in recognition of outstanding service to the Congress and to the Nation.

This year I have the distinct honor and great pleasure to present the award to a long-time colleague, mentor, and one of the most effective leaders in the history of the House of Representatives, Richard Bolling of Missouri.

Dick Bolling needs no introduction to the persons gathered here today. As a 34-year veteran of the House, he undoubtedly served with all of you sometime or other during his long and fruitful career.

Dick was elected to the 81st Congress in 1948, and served in each succeeding Congress until January of this year. As chairman of the House Rules Committee, he was responsible for many important reforms in legislative procedures, and will be long-remembered as the author of two authoritative studies on the House of Representatives, "House Out of Order" and "Power in the House."

Dick's educational bent and leadership qualities came naturally. He began his career as a scholar, teacher, coach, and student adviser. His academic years were interrupted by World War II, which he entered as a private and ended as a lieutenant colonel, after receiving the Legion of Merit and the Bronze Star. Having served as an adviser of veterans at the University of Kansas for several years, he began his congressional career in January 1949.

From the beginning, and through the ensuing 34 years, Dick's service in the House was outstanding. He made his mark as an innovative and independent legislator at an important period of change in the history of the Congress. His record stands as an impressive testimony and abiding tribute to a great American. For all these reasons, it is our special privilege to honor Dick Bolling today.

Dick, it is a great pleasure to present to you this award.

In addition to the gavel which Dick has here, we have letters from his colleagues who have served with him in the Congress, not one volume but two volumes of kind wishes.

Our congratulations to you, and we would like to have you say a few words.

Mr. BOLLING. Thank you, thank you all.

I really am flattered and honored by this presentation. There are a lot of people on this floor right now with whom I had fairly rough fights, and I think we all forgave each other on the way. But it gives me a very real feeling of the institution to look out and see so many people that I have known and have known well.

There are at least three men on this floor who had a major role in my career, in that they taught me an enormous amount. There is hardly anybody on this floor who did not teach me something. I am proud to be a member of this organization, just as I was proud to be an active Member of the Congress, and I think those of us who really know the institution in our own different ways have a great deal still to do, regardless of our retirement and regardless of whatever we do, because without being too platitudinous about it, as usual, the country is in a lot of trouble—and I do not say that in a partisan way. It has been in a lot of trouble, so far as I know, for the 36 years I have been looking at it, which you will notice is 2 more years than I served. It gives me a feeling of confidence and pleasure to be here with

former members who are still active in their concerns for the United States and to know that we will be supporting the same things that our active successors support.

Again, I repeat, I am flattered and honored, and I thank you.

Mr. CHAMBERLAIN. Mr. Speaker, this presentation concludes our ceremonies on the House floor. On behalf of all of our colleagues, we thank you for receiving us today and for your past courtesies.

We reaffirm again our everlasting affection for the Congress of the United States, the Senate and the House, and our continued interest to be of such help as we can to preserve and strengthen our great system of government.

Mr. ARENDS (presiding). The Chair announces to the Members who may not have answered to the rollcall when their names were called that they will have permission to enter their names.

On behalf of the Speaker, the Chair announces that the House will continue in recess until 12 o'clock.

Accordingly (at 11 o'clock and 40 minutes a.m.), the House continued in recess until 12 o'clock noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock noon.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 265. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 376. An act to amend the Debt Collection Act of 1982 to eliminate the requirement that contracts for collection services to recover indebtedness owed the United States be effective only to the extent and in the amount provided in advance appropriation acts;

S. 639. An act to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes;

S.J. Res. 42. Joint resolution designating Alaska Statehood Day, January 3, 1984;

S.J. Res. 61. Joint resolution to designate the week of May 22, 1983, through May 28, 1983, as "National Digestive Diseases Awareness Week"; and

S.J. Res. 92. Joint resolution designating the week beginning May 8, 1983, as "Municipal Clerk's Week."

The message also announced that the Vice President, pursuant to the provisions of sections 276(d)-276(g) of title 22, United States Code, as amended, appointed Mr. JOHNSTON as a member of the Senate delegation to the Canada-United States Interparliamentary Group, to be held in Kenora, Canada, on June 16-20, 1983.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to House Resolution 200 agreed to on May 18, 1983, the Speaker did on May 19, 1983, make certification to the U.S. district attorney for the District of Columbia, as required by House Resolution 200, on the refusal of Rita M. Lavelle to testify before the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce.

GENERAL LEAVE; PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD, and that all Members and former Members who spoke during the recess may have the privilege of revising and extending their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

REAGAN'S RHETORIC HURTS EDUCATION

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I am growing very tired of the constant harangue against public education by President Reagan. It seems that every chance he gets, the President cannot resist telling the American people how bad our teachers and schools are. His rhetoric just simply is not true, and it is very demoralizing to the hundreds of thousands of dedicated teachers, parents, and school board members throughout this country who sacrifice themselves for the benefit of our schools.

We all know that there is room for improvement. But what does the President propose? Reduced dollars for education, tuition tax credits for private schools, and school prayer. His first two solutions will most definitely harm the pursuit of excellence in our schools and his third proposal is of dubious constitutionality.

It is time to end the rhetoric. It is time to restate the principle that a strong public school system is at the heart of a strong, diverse America.

PENNSYLVANIA LAWYERS VISIT WASHINGTON, SEE GOVERNMENT IN ACTION

(Mr. GEKAS was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, it is good for many of us from time to time to review the balance and the separation of powers, the judiciary, the executive, and the legislative branches of Government.

Today, a group of lawyers came from my home district of Dauphin County, Pa., and presented themselves and were admitted to practice before the Supreme Court of the United States. It was an excellent review of that process. We heard opinions being rendered by various justices, and I myself was privileged to become a member of the Supreme Court bar. To those people who came down, I am sure it was an outstanding display of American democracy at work.

They have now fulfilled their day by coming to the House of Representatives to see us in action, and perhaps later they will have an opportunity to see the White House and the chief resident therein, so that they will then have a full panoply of American democracy at work.

Mr. Speaker, I say to them, welcome to Washington.

WEST FRONT EXPANSION

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. CHANDLER. Mr. Speaker, I would like to take this time to add my 2 cents to an issue that could cost U.S. taxpayers millions of dollars in unnecessary expenses.

I am referring to the $70.5 million that has been added to the supplemental appropriations bill to finance the expansion of the west front of the U.S. Capitol.

When we vote on this measure later this week, we owe it to our constituents to consider the esthetic, historic, and economic implications of this expenditure. Instead of a costly expansion, I support an effort to restore the west front at a more reasonable cost of $49 million.

As a new Congressman, I have been repeatedly struck by the architectural beauty and historic value of the Capitol. It is a unique structure and an important part of our history. The west front should be restored for future generations, not expanded to make space available for hideaway offices for senior Members of Congress and possibly a fancy new restaurant.

This body has reason to doubt the cost estimate put forward by the Capitol Architect since the last four construction projects under the sponsorship of that office have run over cost by 50 to 300 percent. Most recently, the construction of the Hart Senate Office Building tripled to a cost of $137.7 million before it was completed. Taxpayers were justifiably outraged over that expense, and I don't think we want to repeat such a fiasco this week by voting for a costly and unnecessary expansion project.

THE MX MISSILE—A $23 BILLION FLIMFLAM

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, I think one of the most disgusting pieces of flimflam I have had the opportunity to observe in the 4½ years I have been in Congress is the agreeing to go forward on a $17 to $30 billion MX missile. That is a gigantic new lap, a negative lap, in the arms race in exchange for some position that supposedly the President has given us in a letter.

I would like to put into the RECORD the response that Defense Secretary Weinberger made last week on a morning television program. On being asked if the letter was anything different than the President's previous position, Mr. Weinberger said that the President's position is the position that he has always had.

The exact text of that answer, Mr. Speaker, follows:

Question by ABC's Steve Bell: "Mr. Secretary, are we going to see a new bargaining stance on the part of the United States now, given the President's written assurances last week?"

Response by Secretary Weinberger: "Well, I don't really understand, and never have understood, what it is additionally that is wanted from the President. The President has been the leading advocate of arms reduction, drastic arms reductions, down to the point of equality and that would be fully verifiable from the beginning. And he has reiterated that. And that is exactly the position he's always had."

Question by Bell: "So he hasn't changed anything."

Response by Weinberger: "Well, essentially, what's been changed is the fact that the Scowcroft commission has come in with a recommendation of the new missile [Midgetman] which Senator [GARY] HART, I think, has given a rather lukewarm endorsement to."

WEINBERGER ALSO STATES MX IS NO BARGAINING CHIP

(Statement in same May 16 "Good Morning America" interview)

WEINBERGER: "The question is not whether or not it's [MX] a bargaining chip. Nobody ever suggested that it was a bargaining chip. It's part of our necessary modernization.

"The Soviets have already modernized. They have the SS-18's and the 19's at the intercontinental range, and they are very much more accurate and have a much higher yield than ours do. And so the MX is, and has been for 12 years that it's been debated, a generally recognized needed modernization of our ICBM system."

Those Members of this House who are saying that they are going to now switch their previous positions and go for the MX missile because of a letter from the President of the United States are deluding themselves. The President has not changed his position on arms control. It is the Members of this House who proclaimed their opposition to MX in Dense Pack last year and now support the more vulnerable basing in existing silos this year who have flip-flopped.

MERCHANT MARINE MEMORIAL SERVICE

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, I was privileged this morning to attend the National Maritime Memorial Service held in conjunction with the 50th anniversary of Nationial Maritime Day. This is a memorial service that is unique because it is the only one of its kind that honors the seafarers of this Nation who have been lost in time of war.

In World War II alone, 733 vessels and 5,636 seafarers were lost due to enemy action.

I was privileged to be there with leaders of the Maritime Commission, of the Navy, of business, of labor, and of management to pay tribute to these great American patriots.

Mr. Speaker, I would hope that in their memory we will, in this House and in this Nation, develop a maritime policy that will indeed insure the security of the United States and its forces in time of peace and in time of war.

A SALUTE TO HANDICAPPED GIRL SCOUTS FROM CALIFORNIA ON THEIR TRIP TO WASHINGTON

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I want to call to your attention eight extraordinary individuals who have come to Washington this week. These young women, members of Girl Scout Troop 6050 in El Cajon, Calif., started raising money 2 years ago to be able to come on this trip. The fact that they were able to raise enough money through selling cookies and donations from the Elks Club Lodge 1812 and the Easter Seal Society to get here is in itself commendable. But what makes their effort truly extraordinary is that they raised this money from their wheelchairs. These girls of Troop 6050, one of the few Girl Scout troops for the handicapped in the country, made coming to Washington their goal and they achieved it. Their courage and perseverance provide an example to all of us and I urge my colleagues to join me in saluting these terrific young ladies. Amber Duclos, 9; Amy Gordon, 12; Kirstie Klodzienski, 6; Lainie Lewis, 11; Bridget Payne, 17; Susan Petrucelli, 10; Diana Plumbley, 8; and Andria Warnberg, 12. As Lainie's mother, Mary Lewis, the troop leader, said, "They are really proud of themselves. They've taught themselves a lesson and they've shown the community just how productive and active they can be."

We, in Congress, welcome these young ladies and we hope that we can emulate the perseverance, self-reliance, and determination that they have shown.

BENEFIT CONCERT FOR "SAVE LEBANON" IS BIG SUCCESS

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, 1 year ago "Save Lebanon" began its effort to aid Lebanese and Palestinian children wounded during the fighting in Lebanon. Since then, hundreds of young people have been assisted. Under the auspcies of "Save Lebanon", 31 severely wounded children have already been brought to the United States, where they are receiving specialized medical care in hospitals nationwide, many of which have donated their services, through "Save Lebanon" Americans have reached out to help these innocent victims of war—but thousands still need help.

Last night I had the honor, along with several of my colleagues, of sponsoring and attending a benefit concert at the Kennedy Center for "Save Lebanon." The evening was a huge success and I would like to offer my congratulations and thanks to the artists who donated their services to this worthy cause: The Paul Hill Chorale, the Symphony for United Nations directed by Mr. Joseph Eger, guest vocalists Jennifer Barron, Linn Maxwell, Gene Tucker, and McHenry Boatwright, and the host for the evening, radio personality Casey Kasem. I would like to extend my heartfelt gratitude to the special guest star, Mr. Danny Thomas, who did a magnificant job.

The proceeds from this concert will be used to bring more injured children to the United States for treatments in our hospitals, expanding the important relief work of aiding the children of Lebanon. All of us, as Americans, can take pride in this fine organization.

ON-SITE VERIFICATION NEEDED IN ARMS CONTROL AGREEMENT

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, confounding some of our skeptics, the President of the United States appears finally to be coming to an arms control agreement. Unfortunately, it is not with the Russians, as many of us had hoped; it is with some of the Democratic Members of the House.

I suppose any agreement is better than none, but one thing about it bothers me, and that is the apparent absence in this agreement of any provision for onsite verification.

Now, when two somewhat distrustful groups come together in an agreement, it is very important to get onsite verification, as we have been told, particularly in arms control agreements, I am not myself a believer in the agreement, but I would hope that those who are are getting the right to make unannounced visits to the National Security Council and to the Pentagon, because to accept this kind of agreement wholly on faith without the kind of provisions for onsite verification that are necessary in an arms control agreement is, I think, to invite serious difficulty.

The agreement may be a step forward, although some of us doubt that. But if we look at the remarks of Secretary of Defense Weinberger and others within the administration, there is some hesitancy about the agreement. As any student of Pentagonology will tell us, we are dealing here with a somewhat closed society and we cannot always tell what they are doing.

Mr. Speaker, I would urge my colleagues, in pursuing their agreement with the President on arms control, to insist that we get the onsite verification of the policies of the National Security Council and the Pentagon, without which it will not be very useful.

DECISION ON MX IS POLITICAL, NOT MILITARY

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, this week we will begin debate on one of the great debates of our time, the MX missile. It is a political debate, because even the Scowcroft Commission admitted that there is little military justification for putting the MX missile in Minuteman silos. Their MX decision was a political decision, not a military decision.

Here are the political facts of life: Ronald Reagan has staked his political reputation on building the MX missile. Ronald Reagan has opposed practically every arms control agreement that this Nation has ever signed, and after 2 years in office, Ronald Reagan still has not gotten over his arms control allergy.

So to get Ronald Reagan to overcome this allergy, we now have this famous bargain: In return for a $20 billion MX system, Ronald Reagan promises to get serious about arms control.

Twenty billion dollars, that is the price tag. We do not get an agreement out of the deal, just a vague promise written in invisible ink.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MURTHA) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
May 19, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from The White House as follows:

(1) At 2:20 p.m. on Thursday, May 19, 1983 and said to contain a message from the President wherein he transmits the annual report of the Commodity Credit Corporation for fiscal year 1982; and

(2) At 2:20 p.m. on Thursday, May 19, 1983 and said to contain a message from the President wherein he transmits the eighth special message for fiscal year 1983 under the Impoundment Control Act of 1974.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNUAL REPORT OF THE COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Agriculture:

(For message, see proceedings of the Senate of Thursday, May 19, 1983, at page S7143.)

DEFERRAL OF BUDGET AUTHORITY AND INCREASES TO PREVIOUSLY REPORTED DEFERRALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-64)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of Thursday, May 19, 1983, at page 13109.)

□ 1215

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, May 24, 1983.

VETERANS' ADMINISTRATION HEALTH PROGRAMS AMENDMENTS OF 1983

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2920) to amend title 38, United States Code, to revise and extend certain health-care programs of the Veterans' Administration, and for other purposes.

The Clerk read as follows:

H.R. 2920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Veterans' Administration Health Programs Amendments of 1983".

THREE-YEAR EXTENSION OF PERIOD FOR REQUESTING PSYCHOLOGICAL READJUSTMENT COUNSELING

SEC. 2. Section 612A of title 38, United States Code, is amended—

(1) by striking out "September 30, 1984" in subsection (a) and inserting in lieu thereof "September 30, 1987"; and

(2) by striking out "September 30, 1984", "October 1, 1984", and "April 1, 1984" in subsection (g) and inserting in lieu thereof "September 30, 1987", "October 1, 1987", and "September 30, 1986", respectively.

STUDY OF POST-TRAUMATIC STRESS DISORDERS

SEC. 3. (a) The Administrator of Veterans' Affairs shall conduct a comprehensive study of the readjustment of Vietnam-era veterans to civilian life. The study shall include a nationwide survey of the prevalence and incidence of post-traumatic stress disorder and related readjustment problems among Vietnam-era veterans and a survey of the health status of the Vietnam-era veteran population in relation to that of the general population.

(b) Each portion of the study shall be done with a sample of sufficient size to support statistically valid projections about the entire population of Vietnam-era veterans and shall include separate statistical findings for veterans with service-connected disabilities, veterans who served in the Viet-

nam theater of operations during the Vietnam era, and women veterans.

(c)(1) The readjustment portion of the study shall include a psychological evaluation of the population of Vietnam-era veterans, an economic evaluation of such population in terms of income level and employment achievement and satisfaction, and a sociological evaluation of such population, including an evaluation of the extent and incidence of the long-term effect of post-traumatic stress disorders among Vietnam-era veterans on the families of such veterans (and on persons in other social relationships with such veterans). The survey shall also be designed to yield information to aid in determining whether there is a correlation between the occurrence of post-traumatic stress disorders in such veterans and alcohol abuse or drug abuse among such veterans and whether there is a correlation between the occurrence of post-traumatic stress disorders in such veterans and the incarceration of such veterans in Federal, State, or local penal institutions.

(2) The health status portion of the study shall survey (through the use of established health inventory methodologies) the current and past health status of the population of Vietnam-era veterans and shall specifically be designed to determine the extent of and relationship (if any) between the occurrence of post-traumatic stress and related psychological disorders within such population and the occurrence of psychobiological or medical disorders within such population. The survey shall also include a determination of the extent of the use by Vietnam-era veterans of Veterans' Administration health care facilities. Such determination shall be categorized by type of facility, type of care provided, and (to the extent practicable) user satisfaction with the care provided.

(d) Not later than December 31, 1985, the Administrator shall submit to Congress a report on the study conducted under this section. The report shall include detailed findings and conclusions and a description of methodologies used and statistical assumptions made. All findings and conclusions shall be stated in terms of the population of Vietnam-era veterans in general and of the portion of that population consisting of veterans with service-connected disabilities, the portion consisting of veterans who served in the Vietnam theater of operations during the Vietnam era, and the portion consisting of women veterans.

INCREASE IN PER DIEM RATES PAYABLE TO STATES PROVIDING CARE TO VETERANS IN STATE HOMES

SEC. 4. (a) Section 641 of title 38, United States Code, is amended—

(1) by striking out "$6.35", "$12.10", and "$13.25" in subsection (a) and inserting in lieu thereof "$9.50", "$16.00", and "$16.90", respectively; and

(2) by adding at the end the following new subsection:

"(c) The Administrator shall submit a report every three years to the Committee on Veterans' Affairs of the Senate and House of Representatives on the appropriate rates for payments under subsection (a) of this section. The first such report shall be submitted not later than June 30, 1983.".

(b) The amendments made by clause (1) of subsection (a) shall take effect on October 1, 1983.

CONTRACT CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 5. Section 601(4)C)(v) of title 38, United States Code, is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1984".

ADVISORY COMMITTEE ON WOMEN VETERANS

SEC. 6. (a)(1) Chapter 3 of title 38, United States Code, is amended by inserting after section 221 the following new section:

"§ 222. Advisory Committee on Women Veterans

"(a) The Administrator shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as the 'Committee').

"(b) The committee shall consist of—

"(1) members appointed by the Administrator from the general public, including—

"(A) representatives of women veterans;

"(B) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the health-care needs of women; and

"(C) representatives of both male and female veterans with service-connected disabilities;

"(2) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

"(3) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary after consultation with the Defense Advisory Committee on Women in the Services); and

"(4) the Chief Medical Director and the Chief Benefits Director (or their designess).

"(c) The Administrator shall determine the number, terms of service, and pay and allowances of members of the committee appointed by the Administrator, except that the term of service of any such member may not exceed three years.

"(d) The Administrator shall, on a regular basis, consult with and seek the advice of the committee with respect to (1) the administration of benefits for women veterans under laws administered by the Veterans' Administration, and (2) the unique needs of women veterans with respect to compensation, health care, and rehabilitation.

"(e)(1) Not later than July 1, 1984, and not later than July 1 of each second year thereafter, the committee shall submit to the Administrator a report on the programs and activities of the Veterans' Administration insofar as they pertain to women veterans. The committee shall include in each such report an assessment of the needs of women veterans with respect to compensation, health care, and rehabilitation, a review of the programs and activities of the Veterans' Administration designed to meet such needs, and such recommendations (including recommendations for administrative and legislative action) as the committee considers to be appropriate.

"(2) The Administrator shall promptly submit each such report to Congress together with any comments of the Administrator concerning the report.

"(3) The committee may submit to the Administrator such other reports and recommendations as the committee considers appropriate.

"(4) The Administrator shall include in each annual report submitted to Congress pursuant to section 214 of this title a summary of all reports and recommendations of the committee submitted to the Administrator since the previous annual report of the Administrator.

"(f) The committee shall continue in existence until terminated by a provision of law enacted after the date of the enactment of this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 221 the following new item:

"222. Advisory Committee on Women Veterans."

(b) Section 222 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 1983.

REAL PROPERTY MANAGEMENT

SEC. 7. Section 5022 of title 38, United States Code, is amended—

(1) by striking out "30 days" in subsection (a)(2)(A) and inserting in lieu thereof "180 days"; and

(2) by adding at the end the following new subsection:

"(d) Real property under the jurisdiction of the Administrator may not be declared excess by the Administrator and disposed of by the General Services Administration or any other entity of the Federal Government unless the Administrator determines that the property is no longer needed by the Veterans' Administration in carrying out its functions.".

RELEASE OF REVERSIONARY INTEREST, BILOXI, MISSISSIPPI

SEC. 8. (a) The Administrator of Veterans' Affairs may execute such instruments as may be necessary to release the reversionary interest of the United States restricting to use as a public park or other public purpose the parcel of land described in subsection (b) which is a portion of a larger tract of land previously conveyed by the United States to the city of Biloxi, Mississippi, pursuant to the Act entitled "An Act to provide for the conveyance of certain real property to the city of Biloxi, Mississippi", approved October 4, 1966 (Public Law 89-629; 80 Stat. 876).

(b) The parcel of land referred to in subsection (a) is that parcel of land, consisting of approximately 7.24 acres, conveyed from the city of Biloxi, Mississippi, to Gulf Paving, Incorporated (a corporation organized under the laws of the State of Mississippi), by deed of June 29, 1973, recorded at book 65, page 589, in the records of the Office of the Chancery Clerk of Harrison County, Mississippi.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2920 was ordered reported by the committee by unani-

mous voice vote. The bill would strengthen certain veterans' health care programs and would establish an Advisory Committee on Women Veterans within the Veterans' Administration. In addition, the bill would revise procedures with respect to real property of the agency. I have been concerned for several years with the pressures applied to the Veterans' Administration by the General Services Administration and the Office of Management and Budget to declare surplus certain property that may be critical to the agency's future needs.

The subject matter contained in the bill resulted from extensive hearings conducted by the Subcommittee on Hospitals and Health Care both in Washington and in the field. The subcommittee recently held 2 days of field hearings where many members of the subcommittee visited several VA medical facilities and State nursing homes. In addition, my Subcommittee on Oversight and Investigations held 2 days of hearings and following those hearings visited VA hospitals in Jackson and Biloxi. The committee is doing thorough oversight work in the medical area, and I am delighted with the interest shown by our members who are willing to take the time to go into the field and see the type of care and treatment our veterans are receiving.

I want to thank the gentleman from Pennsylvania, Mr. EDGAR, chairman of the subcommittee, for his leadership. I also want to thank the very able ranking minority member of the subcommittee and the full committee, my good friend from Arkansas, Mr. HAMMERSCHMIDT, for his leadership and cooperation. The gentleman knows how very grateful I am for the key role he plays as a member of the committee.

Mr. Speaker, this bill contains several features that will allow us to continue to provide quality medical care and treatment to veterans and I strongly support the measure.

Mr. Speaker, I would now like to yield as much time as he might need to the chairman of the subcommittee, the gentleman from Pennsylvania, Mr. EDGAR, and I thank him for the outstanding job he has done.

Mr. EDGAR. Mr. Speaker, the Subcommittee on Hospitals and Health Care of the House Committee on Veterans' Affairs has held long and extensive hearings on several pieces of legislation which the committee has incorporated. Before discussing the provisions of this measure, however, I would like to express my appreciation for the support of the full committee chairman, SONNY MONTGOMERY, the ranking minority member, JOHN PAUL HAMMERSCHMIDT, and the members of the subcommittee for their energies expended in perfecting this legislation. I would also like to pay special recognition to the freshman members of the subcommittee, particularly LANE EVANS and MIKE BILIRAKIS. The subcommittee has had a productive beginning in the 98th Congress due to our freshman members' enthusiasm, diligence, and willingness to learn. I believe our veterans have been well served by their initial tenure.

H.R. 2920 extends the psychological readjustment counseling program for Vietnam era veterans for a period of 3 additional years, or until September 30, 1987. The 12-month period ending September 30, 1987, would be a transition period for shifting the operations of the program from the vet centers to existing VA health care facilities. The subcommittee has received testimony as to the great service this program has been to Vietnam era veterans both from the veteran population and professionals within the VA.

Public Law 96-22 authorized this counseling program for Vietnam veterans through September 30, 1981. Public Law 97-72 extended veterans' eligibility for service under this program through September 30, 1984, and established a mechanism for the orderly transition of this program into the VA health care system; 136 vet centers are now operating throughout the country.

The committee is aware that it takes a substantial period of time for a new vet center to establish a reputation in its community and to overcome the skepticism that often accompanies new program initiatives. During the current fiscal year, vet centers will provide counseling for an estimated 80,000 visits by Vietnam era veterans. The program has enhanced the VA's reputation as a recognized leader in the study treatment of posttraumatic stress disorder.

Since the vet centers will fall short of realizing their maximum potential by September 30, 1984, and based upon the performance and the results of the vet center program thus far, we have concluded that the program must continue for a minimum of 3 years beyond the current expiration date. This minimum extension of 3 additional years is absolutely necessary due to the large number of Vietnam veterans being seen by vet center teams for the first time and the increase in veterans being recognized as suffering from severe mental stress conditions. The latter condition must be treated on more long-term basis and frequently requires the vet center team to prepare the veteran and his or her family for entrance into the mainstream of VA mental health care.

In fact, strong testimony before the subcommittee on March 24, 1983 from expert witnesses revealed that even a 3-year extension of the program might not be sufficient.

Dr. Lawrence Kolb, one of only five physicians within the Veterans' Administration who holds the title of "distinguished physician" within his own field of psychiatry, recommended that the program be extended for an additional 5 years. Dr. Kolb made that recommendation not only from his experience working with troubled Vietnam veterans, but as a past president of the American Psychiatric Association, former chairman of the Psychiatry Department of Columbia University and director of the New York State Psychiatric Institute.

H.R. 2920 also requires the Administrator of Veterans' Affairs to conduct a comprehensive study of the readjustment of Vietnam veterans to civilian life. This study will include a survey of the prevalence and incidence of posttraumatic stress disorder and related readjustment problems. It further requires a survey of the health status of Vietnam veterans in relation to the general population of the Nation. The study is due to the House and Senate Committees on Veterans' Affairs not later than December 31, 1985.

The bill also authorizes increases in the per diem rates payable by the Veterans' Administration to the several State veteran extended care facilities. It would increase the rate for domiciliary care from the present $6.35 to $9.50 per day; nursing home care from $12.10 to $16 per day; and hospital care from $13.25 to $16.90 per day.

The committee has found this program to be among the most cost-effective and successful methods of providing hospital and extended care for our Nation's veterans and has provided an excellent auxiliary service to the Veterans' Administration.

However, since 1970, the Veterans' Administration per diem reimbursement share of the total cost of the State home program has ranged from 35.3 percent in fiscal year 1970 to a low of 20.3 percent in fiscal year 1982. In the past few years, program participation has been continually dropping. To maintain this credible and viable program, we feel the increase in per diem rates is essential.

Along with the increase in the per diem rates payable to State Veterans' Homes, the bill requires the Administrator of Veterans' Affairs to submit a report every 3 years on the appropriate rates for payments to the several State extended care facilities under section 641 of title 38, United States Code. The first such report shall be submitted to the House and Senate Committees on Veterans' Affairs no later than June 30, 1984. The increase in per diem rates will take effect on October 1, 1983.

H.R. 2920 extends for 1 additional year the authority of the Administrator of Veterans' Affairs to waive the restrictions placed on the provision of hospital care and medical services to eligible veterans residing in the Commonwealth of Puerto Rico and the Virgin Islands. Mr. Speaker, Public

Law 97-251 extended until September 30, 1983, the Veterans' Administration authority to continue to rely on the private sector in order to meet the health-care needs of veterans in the Commonwealth of Puerto Rico and the Virgin Islands.

The joint explanatory statement accompanying Public Law 97-251 directed the Veterans' Administration to prepare a comprehensive plan for providing appropriate and cost-effective health care to these veterans and, to the extent that new construction was involved, to prepare the needed project or projects for inclusion in the President's budget. This study was due to the committee on December 1, 1982. It was received on January 20, 1983. Both the cover letter from the Administrator which accompanied the study and the executive summary of the study state that it does not constitute a request for funding or any other legislative action.

It further states "Nor does it necessarily represent the views of the Agency or of the Administration."

Mr. Speaker, it is the opinion of the committee that the special authority to provide hospital care and medical services for the treatment of non-service-connected conditions of veterans residing in the Commonwealth of Puerto Rico and the Virgin Islands must be extended for 1 additional year. However, the committee desires to make it clear that unless the Veterans' Administration takes a position in relation to the study conclusions as required by Public Law 96-251, further extensions of the authority to provide such care by the Administration will not be considered. If the agency does not submit a proposal to Congress next year, including a request for funds in the budget, to deal with existing problems on a permanent basis, the committee will be required to initiate legislation on its own. The committee is not satisfied with the way the matter has been handled by the agency.

The bill also establishes within the VA an Advisory Committee on Women Veterans. While representing only 2.5 percent of all veterans, the female veteran population is growing significantly. As of September 1981, there were about 742,000 female veterans. Women made up only 2 percent of the military strength before 1975, but under the All-Volunteer Force, the percentage rose to nearly 6 percent in 1977 and is expected to reach 12 percent in 1984. According to a 1981 VA professional services letter sent to VA medical center directors and chiefs of staff, the increasing women veteran population is already appearing in some geographical areas and making demands in acute, nursing, and intermediate care programs. Further, the letter states that "Changes in the roles women are currently assuming in the military will impact the nature and kind of injuries they receive and the medical care they require."

VA health care programs have traditionally been oriented toward male health care needs. The need to plan for and provide medical care that meets the special needs of women veterans is becoming more important in view of the increasing numbers of female veterans coming into the system now and anticipated in the future. Women require care for gender-related disorders that may not be available in VA medical centers. Privacy must also be provided in hospital-bed areas and bath facilities in order to provide equal access to VA medical treatment programs.

In response to a General Accounting Office report entitled, "Actions Needed To Insure That Female Veterans Have Equal Access to VA Benefits," the VA has taken the initial steps to create this equal access. We find this commendable and also commend the current Administrator of Veterans' Affairs, Harry N. Walters, for his intention to establish an Advisory Committee on Women Veterans within the VA. However, the committee also notes that the next Administrator may not have the same feelings about this matter. Therefore, we have decided to make the committee statutory.

Section 6 of H.R. 2920 requires the establishment of this advisory committee with representatives appointed from the general public, including representatives of women veterans; recognized authorities in fields pertinent to the needs of women veterans, including health care; representatives of both male and female veterans with service-connected disabilities; representatives of the Secretaries of Labor and Defense; and the Chief Medical Director and the Chief Benefits Director of the VA.

It will be required that the Administrator consult with and seek the advice of the advisory committee on a regular basis. It is also required that not later than July 1, 1984, and not later than July 1 of each second year, the advisory committee shall submit to the Administrator of Veterans' Affairs a report on the programs and activities insofar as they pertain to women veterans. The Administrator is required to promptly submit each such report along with his comments and recommendations to the Committees on Veterans' Affairs. This provision becomes effective upon the date of enactment of the bill.

The bill revises the procedures with respect to the disposal of excess real property by the VA by extending the current 30-day delay in disposition period required under section 5022 of title 38 to 180 days. The committee has long been concerned about the excessing of property belonging to the Veterans' Administration, particularly when it is known that additional property will be needed beyond the year 2000 to take care of the health care needs of the aging veteran population. The extension of time in reviewing these property transactions should give the committee some control to prevent the excessing of real property that will be necessary to satisfy the needs of VA programs over the next 20 to 25 years.

In addition, this bill also states that VA property may not be declared excess by the Administrator and disposed of by the General Services Administration or any other entity of the Federal Government unless the Administrator determines that the property is no longer needed by the VA in carrying out its functions.

Finally, Mr. Speaker, H.R. 2920 incorporates the provisions of H.R. 741, a bill introduced by the distinguished minority whip, TRENT LOTT. Public Law 89-629 conveyed to the city of Biloxi, Miss., all rights, title, and interest of the United States in and to a portion of the real property of the VA medical center, Biloxi, Miss., approximating 75.82 acres on the condition that such real property shall be used for a public park or for other public purposes.

The city of Biloxi has requested that restrictions previously imposed be removed from a parcel of land approximating 7.24 acres which was conveyed by the city of Biloxi to Gulf Paving, Inc., by deed of June 29, 1973. The VA imposes no objection to releasing these restrictions, as the city of Biloxi indicates that zoning restrictions imposed by the city will prevent any site usage adverse to the interests of the Veterans' Administration.

H.R. 2920 provides that the Administrator of Veterans' Affairs execute a change in the deed to release the reversionary interest of the United States restricting the use of property in question.

Mr. Speaker, I would like to insure my colleagues that this legislation does not constitute a budget add-on. Funding for H.R. 2920 is provided for in the First Concurrent Budget Resolution for Fiscal Year 1984 which was approved by the House earlier this year.

Mr. Speaker, I would again like to thank my chairman, SONNY MONTGOMERY, the ranking minority member, JOHN PAUL HAMMERSCHMIDT, and the other committee members for their hard work and assistance in moving this legislation. H.R. 2920 is a good bill. It is necessary. I urge my colleagues to support it.

Mr. Speaker, in closing, I would like to express my appreciation to the staff of the subcommittee, Beatrice Eld, Chuck Wright, and to subcommittee counsel Ralph Casteel. This bill marks

the culmination of Ralph's service with the House Veterans' Affairs Committee. After 46 years in Government service, Ralph retired last week. I would like to express my deep appreciation to him for his hard work, his compassion, and humanity which is demonstrated in this legislation and the scores of other bills, programs, and services he has helped us shape in behalf our Nation's veterans.

We are all in his debt.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2920. In so doing, I commend the chairman of the House Veterans' Affairs Committee, the gentleman from Mississippi (Mr. MONTGOMERY) and the chairman of our Subcommittee on Hospitals and Health Care, the gentleman from Pennsylvania (Mr. EDGAR) for their leadership in bringing the bill before the House. They deserve our deep appreciation.

Mr. Speaker, H.R. 2920 has six provisions: One of them is legal in nature merely providing for removal of certain restrictions on 7.24 acres of land previously conveyed to the city of Biloxi, Miss., by the Veterans' Administration. That agency poses no objection to the proposal.

Mr. Speaker, Mr. EDGAR has explained the entire bill. I agree with him that each provision of the bill has been fully justified by hearings and studies of our committee.

Mr. Speaker, there can be no doubt that the VA's readjustment counseling program for Vietnam veterans has proven its worth. It had a somewhat difficult beginning but the problems associated with that beginning have been worked out. The program is now working and working well. Currently, it is scheduled to expire on September 30, 1984. Yet, thousands of Vietnam veterans are being served by these centers and thousands more will surely be asking for their assistance. H.R. 2920 would continue the centers until 1987. Mr. Speaker, we ought to approve such an extension to again show our concern for the special problems of a significant number of Vietnam veterans and our commitment to assist in the solving of those problems.

Mr. Speaker, in my view one of the best veterans' medical benefits is that provided by State veterans' domiciliaries, nursing homes, and hospitals. H.R. 2920 proposes to increase per diem rates for veterans in such facilities by very modest amounts. If passed into law the Federal payment to State homes would be $9.50 per day for domiciliary care, $16 for nursing home care, and $16.90 for hospital care. It seems to me, Mr. Speaker, that this is indeed a bargain program insofar as the Federal grant is concerned, and I would hope the Congress would agree.

Mr. Speaker, we simply have no real alternative to extending contract authority in Puerto Rico and the Virgin Islands in order that the Veterans' Administration can continue to pay for necessary medical care for the veterans who live there. There is, however, a longstanding problem concerning future VA medical programs in Puerto Rico which needs to be finally solved. The language of the report on H.R. 2920 speaks to this issue and urges the VA to attack it forthwith. In my view, if new VA hospital construction as recently suggested by VA will solve the problem in Puerto Rico with long-range cost savings and also higher quality medical care for veterans, then the Government ought to move vigorously in that direction.

With respect to a provision in the bill to establish an Advisory Committee on Women Veterans, I can only say, Mr. Speaker, that it is overdue. The administration would do this administratively while H.R. 2920 would mandate it into law. The Administrator of Veterans' Affairs, Mr. Harry Walters, is to be commended for his efforts in this area for he has moved aggressively. He has had some legitimate concerns as to legislative action being necessary to establish the Committee on Women Veterans, the testimony on this proposal, and its legislative history, will hopefully allay most of Mr. Walters' concerns. Our committee simply felt that legislative action was required to provide long-term continuity and stability to a much needed new national advisory committee.

Finally, Mr. Speaker, the House Veterans' Affairs Committee has had a long-standing concern about excessing VA property that might well be needed by VA in the future or sometimes needed at the very time excessing is proposed. H.R. 2920 speaks to the issue and seeks to assure that VA holdings, particularly its medical property, will not be excessed unless it is entirely appropriate and necessary, and recommended by those who have expertise in VA programs and its future needs.

Mr. Speaker, this is a good bill. It has received extensive study. Its provisions are sound. I congratulate all of those on our committee who have worked on it, and I urge its passage by the House.

□ 1230

Mr. Speaker, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois, Mr. LANE EVANS.

Mr. EVANS of Illinois. Mr. Speaker, each year billions of dollars are taken from State and Federal coffers to provide for the operation of hospitals and health-care facilities. We place considerable emphasis upon the upkeep of health-care programs for the elderly, the disadvantaged, and veterans. And we spend millions of dollars each year to maintain our public mental health facilities.

And yet we now face the possible elimination of one of the most successful and well-designed programs ever implemented in the mental health field—the VA's Vietnam veterans' readjustment counseling program, better known as the vet center program. This worthwhile effort was started only 4 years ago in an effort to provide veterans of the Vietnam era a successful reintegration into American society.

I have introduced legislation to extend the vet center program for a period of 3 years. I believe that it is absolutely necessary that our colleagues realize the danger of not continuing its important function.

Many of these young men and women who served in Vietnam encountered a war which still vividly lives in their minds today.

Flashbacks, nightmares, and psychological trauma are an everyday occurrence for many. And these problems were compounded by the negative feedback they received from an unappreciative American public. In many cases, what resulted were psychological regressions of the type found in posttraumatic stress disorder.

The vet center program was designed specifically to help these individuals come to grips with their unique problems. And no other segment of the Veterans' Administration has the capacity to address the readjustment problems of those. An extension on the program's life will allow the thousands of veterans still suffering to benefit from this needed service.

Mr. Speaker, as an original sponsor of H.R. 2323, which has been included within the VA health-care bill, H.R. 2920, I urge my colleagues to give their full support to this measure.

I would also commend to my colleagues the following essay by Ms. Lori Johnson of Moline, Ill., which graphically describes her personal encounters with posttraumatic stress disorder:

DOMESTIC VIOLENCE "BATTERED WIFE" . . . OR VICTIM OF VIETNAM?

We will sit and laugh at movies and comics depicting cavemen dragging their mates around by the hair or keeping them in line with the use of clubs, but the truth of the matter is, domestic violence is painful. If you are the victim of domestic violence, there is, as you know, nothing funny about it.

Use of force (physical or psychological) is nothing new. It's been used for centuries to exercise control of one human over another—enemies, friends, wives, girlfriends, children and even parents. In many instances, the acts are committed without the person being able to account for why they acted or reacted in the manner which they did—a manner oftentimes resulting in physi-

cal harm to the person who, in many instances, is someone dearly loved.

Perhaps even more frightening than not being able to account for why, is the realization that sometimes there may even be no recollection of the act of violence itself.

"I was sitting in the TV room and suddenly the door burst open and there stood my husband. His arms were held tight against his body, his fists were clenched and he was breathing heavily—almost gasping.

"He stood there looking at me, and said, 'you * * * Gook! You killed my people.'

"Before I could move, he jumped on my chest and started choking me. I felt faint; then nothing. I had lost consciousness. When I came to, he was still sitting on my chest, but had my tongue pulled out of my mouth and he was burning it with his cigarette.

"He kept saying, 'I'll teach you to talk, Gook!'

"He began crying. Sobbing. Like a little boy. He moved back and looked at me, like I was a stranger. Watching him cry, all I could say was, 'It's OK, it'll be alright.' He got up and ran out of the house. It was days later before I saw or talked to him. He remembered nothing about the incident."

The above account is a true incident, described by the wife of a Vietnam veteran, who, during a flashback actually believed that his wife was a Viet Cong infiltrator who was responsible for the deaths of eight of his men.

Flashbacks. Blackouts. Words common to the vocabulary of Vietnam veterans and their families who are seeking help for a new phrase that everyone should become familiar with and add to their vocabulary: "Delayed stress syndrome."

There are, of course, those who will call it a cop-out. Sadly, there are some veterans who will use it as a cop-out, but it's like a cancer, which if left unattended, will not go away.

Some skeptics will even say it's a new affliction of the weak, and those unable to cope in today's society. The data surfacing will contradict this theory—that it was the stronger, the more controlled who are now (ten years later) finding the memories and the terror creeping back into their lives at unguarded moments. A very popular television series today depicts its main character, a rough and tough private eye frequently experiencing flashbacks and making reference to "stress." Surely, it is not an affliction of the weak nor those unable to cope with everyday pressures. It doesn't have to take the form of flashbacks or blackouts. There are many equally obvious side-effects. Nightmares (sometimes not even remembered by the vet—but often vivid enough to his bed partner); unexplained and unprovoked fits of rage; severe depression; and frequent mood swings. The high incidence of alcoholism, drug abuse and crime among Vietnam vets is criticized by the masses, but, like domestic violence, understood by few—until now. We now see real attempts being made to understand, cope with and resolve. But before the problem itself can be understood, the reasons which created it must be understood.

Volumes have been, and still are, being written concerning the causes for delayed stress syndrome. One of the major factors emerging is the undeniable fact that Vietnam was different than any military involvement this country had ever seen. It was fought different, its popularity was different and it was reported different by the news media. Subsequently, we, as Mr. and Mrs. John Q. Public, reacted in our "American" way and treated our returning vets different.

In World Wars I and II, the average age of the fighting force was 25; in Korea it was 22; in Vietnam, it was 19. Tours differed in length. We sent younger men into battle potential situations for longer periods of time. When the tour was completed, he didn't have six weeks on a ship with his buddies to make the physical and mental transition from soldier to civilian. What our Vietnam vet had was thirty-six hours from jungle to living room—cold turkey.

From the understanding fellowship of his "brothers" in Nam to families and friends who did not understand and all too often did not approve of their son's involvement in the war they witnessed on their television sets every night with their dinner. The folks at home flew the flag in honor of their son who was "off in the war", but they could never accept the fact that their son and/or brother actually took part in the kind of warfare that they were seeing on the tube. "Did they really cut off the ears to keep body counts—well, you didn't, did you?"

"The C.O. decided I needed time state-side to get my shit together. When I got home and felt safe I started to relax. The folks kept saying, 'You're different. What's bothering you?' I started to talk and couldn't quit. They listened to me. Mom looked at me like I was some sick stranger who had invaded her kitchen. Dad just looked sick. Then they pleaded with me not to go back. I was so sick of killing and massacre. I stayed home. I knew they'd catch me and take me back. They caught me and threw me out. Every day I look at my 'bad paper' and sometimes I resent my folks for talking me into staying home. But I couldn't go back. I couldn't kill any more babies."

Most returning vets found they could not share their combat experiences with the folks at home. In some more select and publicized instances, we felt the need to whitewash the unacceptable activities through the courts and we used people like Lt. Calley to pacify our guilt.

Most of the vets simply lied to their families. Then they started lying to themselves. That works—but not for long.

Stuffed feelings come out side-ways. You can take your anger and pain, your frustration, bad memories and hurt and stuff them all way into a deep corner of your subconscious. But, they will come out. When your guard is down; when you least expect it. When you are least able to cope with it, there it is.

"I'd been home from Nam for eight years and hadn't even thought about it that much. Then my son and I made our plans to go on our first-ever deer hunt. We were both excited. The weather was unseasonably warm that day. I remember going into the woods and thinking how beautiful it was. Then it wasn't beautiful anymore. The first gun shot set me off and I was back in the jungle. My son wasn't twelve years old any more. Now he was my buddy. The next thing I remember is him leaning over me crying, 'Daddy, don't you remember me?' Later, in one of the group meetings, my son told how I started 'talking out of my head' about the Cong being just over that hill.' The 'Cong' that I described was another party of hunters. All I can remember is that before we left I felt so good—so safe."

Fortunately, the majority of the vets returning from Vietnam made successful transitions back into the mainstream of the populace. They were able to go back to school, get good jobs, have families. Put the war behind them.

Even some of them have found the war creeping back into their lives in the form of birth defects in their children. We armed our men and boys with the most modern tool of chemical warfare—agent orange, and by doing do, turned our own children and children for generations to come into casualties of the Vietnam war. This realization and the fear felt by the vets who are now fathers, is a contributing factor to delayed stress syndrome.

The suicide rate among Vietnam vets is staggering.

Again, hitting closer to home (literally) is the increasing incidence of domestic violence.

"I want to be close to my wife and kids, but something inside me keeps me from getting close.

"Even in a room filled with friendly people, I make sure I find a chair against the wall. Need to 'cover' my back."

"Sometimes, like maybe I'm walkin' down the street and I see this kid walking toward me and I wonder if he's carrying a bomb to blow my * * * away—like happened to Bill."

Vietnam veterans, with and without the help of informed professionals, have begun working to control the effects of delayed stress. With the help of professionals, they can be found in group therapy sessions. Without the help of professionals, they can be found in informal rap sessions, group meetings, etc. call it what you will. They find the comradeship that they have been lacking for over ten years and in being able to openly discuss their fears, their desires, and even the things they did that have been pushed back into their minds, they are better able to deal with delayed stress.

Certainly, no one would claim that every man who commits domestic violence is suffering from delayed stress. That assumption would be as foolish as saying every Vietnam veteran beats his wife and kids. But, in households which have had had occurrences of domestic violence, and there is a Vietnam veteran involved, it certainly must be worth exploring the possible connection.

"When my husband would come home from work, I never knew when he walked through the door if he was going to kiss me on the lips or punch me in the mouth."

No one should have to live with that kind of fear.

Most veterans groups being established take into account the feelings and fears of the wives and children and actively involve them in the meetings. It is a family matter. Domestic violence hurts everyone. The counseling has to involve the whole family.

If any of what is written here sounds familiar, or you desire more information about delayed stress syndrome, you can write:

If you would like to become involved in a group dealing with delayed stress, contact:

None of the information you have read here is hard fact that applies to every Vietnam veteran. However, it's based on study and very personal experience.

The quotes herein are quotes from veterans I know. The experiences of domestic violence described herein are mine.

I am a casualty of the Vietnam war. If I could be granted one wish, it would be that I could be the last casualty.

Mr. EDGAR. Mr. Speaker, will the gentleman yield to me?

Mr. EVANS of Illinois. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Speaker, I would like to commend the gentleman in the well for his leadership on the issue of extending readjustment counseling centers.

The gentleman in the well joined in the hearings and we listened together as witness after witness told of the value of these veterans' centers.

While some of us were unsure whether to extend the program for 1 year, 2 years, or 5 years, I think the committee was right to settle on a 3-year extension and to incorporate the provisions of the gentleman of Illinois' (Mr. EVANS) bill into this legislation.

I think the gentleman's leadership has been outstanding. It is my hope that we can convince the other body of the wisdom of the 3-year extension.

One of the things that I was unable to say in my statement given the time constraint, was the fact that the study that is incorporated in this 3-year extension will take the Veterans' Administration almost 2 years to complete and that study will form the basis for future directions of the veterans' centers.

So I commend the gentleman for his leadership and I hope all of us will urge the other body to support the full 3-year extension.

Mr. EVANS of Illinois. Mr. Speaker, I thank the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. EDGAR) for his support and I thank the chairman of the full Committee on Veterans' Affairs, the gentleman from Mississippi, SONNY MONTGOMERY, for his support and on the Republican side, I think we had unanimous support on both sides of the aisle. We appreciate the efforts of Mr. HAMMERSCHMIDT and Mr. BILIRAKIS.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would certainly like to commend the chairman of the subcommittee, the gentleman from Pennsylvania, Mr. EDGAR, again, and also the ranking minority member of the subcommittee, the gentleman for Arkansas (Mr. HAMMERSCHMIDT), along with the 12 new members who are now serving on the Committee on Veterans' Affairs.

The attendance has been excellent. These Members are there for all of the markup sessions and do participate.

Mr. Speaker, the subcommittee responsible for this legislation has 12 new Members of Congress, and I want my colleagues to know that in all of my years on the committee, I have never seen a group more dedicated to their work than these Members. The attendance of our Members at all hearings and markup sessions has been excellent. Their contributions to the committee's work have been outstanding. I am grateful to Mr. EVANS of Illinois, Ms. KAPTUR of Ohio, Mr. HARRISON of Pennsylvania, Mr. MOLLOHAN of West Virginia, Mr. PENNY of Minnesota, Mr. STAGGERS of West Virginia, Mr. ROWLAND of Georgia, Mr. SLATTERY of Kansas, Mr. BRYANT of Texas, Mr. RICHARDSON of New Mexico, Mr. BILIRAKIS of Florida, and Ms. JOHNSON of Connecticut. These Members have already taken time to visit several hospitals at field hearings. They plan to make other site visits in the coming weeks. They want to make certain that veterans are receiving proper care at all VA facilities.

I am also grateful to members of the subcommittee who have served on the committee prior to this Congress, Mr. MICA of Florida, Mr. DOWDY of Mississippi, Mr. DASCHLE of South Dakota, Mr. HILLIS of Indiana, Mr. SOLOMON of New York, Mr. MCEWEN of Ohio, Mr. SMITH of New Jersey, and Mr. GRAMM of Texas. Their time and attention to committee work has always been tremendous.

Mr. Speaker, this bill was reported unanimously by the Committee on Veterans' Affairs. It is a very good bill, and I urge its adoption.

Mr. CORRADA. Mr. Speaker, I rise in strong support of H.R. 2920, the Veterans' Administration Health Programs Amendments of 1983 which revises and extends certain health-care programs of the Veterans' Administration.

The bill would extend the veterans readjustment counseling program for 4 years. There is still a lot of wounds to heal and this extension would allow the counseling program to continue its good work. The bill also calls for a comprehensive study of the readjustment of Vietnam-era veterans to civilian life which would aid the readjustment counseling program in maximizing efforts in this area.

H.R. 2920 establishes an Advisory Committee on Women Veterans within the VA which would provide us with much needed information on problems affecting women veterans and how we can best address them. In addition, the legislation provides for a sorely needed increase in per diem rate payments for domiciliary, nursing home, and hospital care of eligible veterans in State extended care facilities. Inflation rendered inadequate the current per diem rates and is only fitting we make the necessary adjustments.

The bill would also extend for 1 year the VA's authority to contract out hospital and health-care services for eligible veterans living in Puerto Rico and the Virgin Islands, among other things.

Mr. Speaker, H.R. 2920 is a sound piece of legislation and merits our approval. I am particularly supportive of the 1-year extension of the VA's contract authority in Puerto Rico. Currently that is the only way the VA, given the limited facilities it has on the island, can provide medical attention to thousands of our needy veterans living there. I have placed a great deal of effort since I came into office in 1977 to secure proper medical attention for our veterans in Puerto Rico. Reports have been presented to Congress by GAO and the VA which portray the urgent need for additional VA facilities on the island.

I would hope that this 1-year extension be the last one before a comprehensive plan is crafted by the VA leading to the offering of complete quality health-care to every ill veteran in Puerto Rico. It is unfortunate to see veterans who have fought in the same wars, for the same cause, under the same flag of their country, suffering from inadequate medical attention as opposed to their counterpart on the mainland.

I urge my colleagues to lend their support to the passage of this legislation and to join me in securing adequate health care for the veterans of Puerto Rico. This is the least a good soldier deserves and they have rightfully earned it.

● Mr. DASCHLE. Mr. Speaker, I rise in support of H.R. 2920, which authorizes the tremendously successful readjustment counseling program for Vietnam veterans suffering from the psychological condition known as posttraumatic delayed stress. This program, which now includes over 135 centers, has served more than 150,000 veterans and nearly as many family members. It is clear that there continues to be a need for the services offered by this program and a 3-year extension, which H.R. 2920 provides, will insure that service is uninterrupted.

H.R. 2920 also establishes within the VA an Advisory Committee on Women Veterans in order to better meet the particular needs of women veterans. An increasing number of women today are in our Nation's Armed Forces, yet the Veterans' Administration has been slow to develop programs, facilities, and resources to allow women veterans the same services presently available to their male counterparts. The establishment of this advisory committee will facilitate these changes and provide a forum for grievances and suggestions to better adapt the VA system to the thousands of women veterans who will be eligible for services and benefits in the years ahead.

Finally, H.R. 2920 will increase the per diem rates paid by the VA to State domiciliaries, nursing homes, and hospitals for the care of eligible veterans. This increase will assist the States in defraying the costs of these services which are in many cases provided at lower costs to begin with by the individual States.

Mr. EDGAR, Mr. HAMMERSCHMIDT, and the able committee chairman, SONNY MONTGOMERY, as well as all the Subcommittee on Hospital and Health

Care members who worked on this legislation are to be commended for their diligent work in producing this excellent and necessary piece of veterans' legislation.●

● Mr. RATCHFORD. Mr. Speaker, H.R. 2920 is one of the most significant pieces of veterans legislation to be considered this year. This omnibus health care bill would extend for 3 years the psychological readjustment counseling centers for Vietnam-era veterans. There is an urgent need for extension of these centers, and the 1-year extension provided by similar legislation in the other body is not sufficient. The streetfront centers established after the war have been popular among our Vietnam veterans. Without congressional reauthorization, they would close September 30, 1984.

This bill will also require the Veterans' Administration to study the prevalence of stress disorders and related redjustment problems of Vietnam-era veterans. And last but certainly not least, it would establish a VA Advisory Committee on Women Veterans to review the programs and activities of the administration as they pertain to women veterans, and make recommendations for administrative and legislative action. Each of the provisions of this omnibus measure will help to insure that Vietnam and women veterans will receive the respect and services they so richly deserve. I urge all of my colleagues to support H.R. 2920.●

● Mr. JENKINS. Mr. Speaker, I rise in support of H.R. 2920, the Veterans' Administration Health Programs Amendments of 1983.

I would like to commend my colleagues who serve on the Veterans' Affairs Committee for developing this important legislation. They have established an outstanding record of achievement for Vietnam era veterans over the last few years. Passage of this bill represents yet another legislative initiative for these young veterans. The bill would expand the highly successful readjustment counseling program for Vietnam veterans for 3 additional years until September 30, 1987. Now in its fourth year of operation, these "vet centers" have proven instrumental in assisting those Vietnam veterans who suffer a wide variety of readjustment and stress-related difficulties. I know many of the more than 20,000 Vietnam era veterans in my district alone have voiced their support for the program, and I have heard many good things concerning the two centers in Atlanta, one of which is a mobile unit.

I am especially pleased with a provision of the bill that would require the VA administrator to establish an Advisory Committee on Women Veterans within the VA in order to better assess the needs of women veterans with respect to compensation, health care, and rehabilitation. Such a committee is an excellent starting point in attempting to meet their particular needs, which will be increasing greatly in the years ahead.

Another problem of H.R. 2920 would increase the Veterans' Administration per diem rate payment for the care of eligible veterans in State extended care facilities. This increase is totally justified and represents well-conceived planning for the coming years. State extended care facilities provide the most cost-effective health care delivery to eligible veterans available to the Federal Government. Furthermore, the professional care and treatment of these veterans has proven consistently to be of a very high quality.

Finally, the bill would require that the Veterans' Administration, before declaring VA property excess, be required to submit proposals to the House and Senate Veterans' Affairs Committees so that Congress could determine whether or not the Agency is justified in declaring property surplus. This is important, Mr. Speaker, because in the next 15 years World War II veterans will need more care in VA hospitals as they become older. I would not want to see property declared excess by the Agency when there may be a need to use it between now and the year 2000. I support the committee's efforts in this regard.

Again, I would like to thank the Chairman of the Committee on Veterans' Affairs, SONNY MONTGOMERY, and the ranking minority member, JOHN PAUL HAMMERSCHMIDT, for giving the House the opportunity to support this outstanding measure, I urge my colleagues to unanimously approve the bill.

Thank you.●

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill H.R. 2920.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VETERANS' HOUSING BENEFITS AMENDMENTS OF 1983

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2948) to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide mortgage assistance to veterans with loans guaranteed by the Veterans' Administration in order to avoid foreclosure of such loans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Veterans' Housing Benefits Amendments of 1983".

MORTGAGE PAYMENT ASSISTANCE TO AVOID FORECLOSURE OF HOME LOANS GUARANTEED BY THE VETERANS' ADMINISTRATION

SEC. 2. (a)(1) Chapter 37 of title 38, United States Code, is amended by inserting after section 1816 the following new section:

"§ 1816A. Loans to refinance delinquent indebtedness

"(a)(1) The Administrator may, at the Administrator's option, provide assistance to a veteran under this section for the purpose of avoiding the foreclosure of a housing loan made to that veteran and previously guaranteed by the Administrator under section 1810 or 1819 of this title (hereinafter in this section referred to as a 'primary loan').

"(2) Assistance under this section shall be in the form of a loan to the veteran. Such assistance may be provided only if—

"(A) the dwelling that secures the primary loan is the current residence of the veteran and is occupied by the veteran as the veteran's home;

"(B) the veteran is at least six months delinquent in payments on that primary loan;

"(C) the veteran is unemployed or has had a substantial reduction in household income (as defined in regulations prescribed by the Administrator) through no fault of the veteran; and

"(D) the Administrator determines that there is a reasonable prospect that the veteran will be able to resume payment on the primary loan within six months after receiving assistance under this section.

"(3) For the purposes of this section, the term 'veteran' includes the surviving spouse of a veteran if the surviving spouse was a coobligor of the primary loan.

"(b)(1) A loan under this section shall be advanced to the holder of the primary loan. The amount of the loan under this section shall first be applied to the amount delinquent on the loan guaranteed under this chapter including any amount delinquent on taxes, assessments, and hazard insurance required by the holder to be included in the veteran's monthly payment on the mortgage. Any remaining amount of such loan shall be retained by the holder and shall be applied to future payments including taxes, assessments, and hazard insurance due on the loan and unpaid (in whole or in part) on the date the payment becomes due.

"(2) The Administrator may make more than one loan under this section to a veteran. The total amount of loans under this section to any veteran may not exceed $8,400.

"(c) A loan under this section—

"(1) shall bear interest at the lower of (A) the maximum rate in effect (as of the date of the first loan made to the veteran under this section) for loans guaranteed under section 1810(a)(1) of this title, or (B) the rate on the primary loan;

"(2) shall be secured by a lien on the property securing the primary loan and by such other security as the Administrator may require; and

"(3) shall be subject to such additional terms and conditions as the Administrator may require.

"(d) As a condition of receiving a loan under this section the veteran shall execute an agreement, in such form as the Administrator may prescribe, to repay the loan not later than forty-eight months after the period for which assistance with the last loan under this section is to be provided. If the Administrator determines that the veteran has sufficient income or other resources to do so, the Administrator may require the veteran to make partial payments on the primary loan guaranteed under this chapter during the period the holder of that loan is applying the amount of the loan under this section to payments becoming due on the primary loan.

"(e) Notwithstanding any other law, the Administrator may employ attorneys to bring suit to collect any amount of a loan under this section on which the veteran to whom the loan is made is in default.

"(f) The Administrator's decisions regarding assistance under this section, including whether or not to grant such assistance and the terms and conditions under which such assistance is granted or not granted, are final and conclusive, and are not subject to judicial review.

"(g) The Administrator may not make a loan under this section after the end of the two-year period beginning on the effective date of this section.".

"(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1816 the following new item:

"1816A. Loans to refinance delinquent indebtedness.".

"(b) Section 1816A of title 38, United States Code, as added by Act, shall take effect at the end of the 60-day period beginning on the date of the enactment of this Act.

LOAN GUARANTEES FOR MANUFACTURED HOMES PERMANENTLY AFFIXED TO A LOT

"SEC. 3. (a) Section 1810 of title 38, United States Code, is amended—

(1) by inserting after subsection (a)(8) the following new paragraph:

"(9)(A)(i) To purchase a manufactured home to be permanently affixed on a lot that is owned by the veteran.

"(ii) To purchase a manufactured home and a lot on which the home will be permanently affixed.

"(B)(i) To refinance in accordance with subsection (e) of this section (other than paragraph (1)(E) of such subsection) an existing loan guaranteed, insured, or made under this chapter that is secured by a manufactured home permanently affixed on a lot that is owned by the veteran.

"(ii) To refinance in accordance with section 1819(a)(5) of this title an existing loan that was made for the purchase of, and that is secured by, a manufactured home that is permanently affixed to a lot and to purchase the lot on which the manufactured home is affixed."; and

(2) by adding at the end the following new subsection:

"(f)(1) For a loan to be guaranteed for the purpose specified in clause (A)(ii) or (B)(ii) of subsection (a)(9) of this section, the purchase of (or the refinancing of a loan secured by) the manufactured home and the lot for that home shall be considered as one loan and must comply with such other criteria as may be prescribed by the Administrator in regulations.

"(2) A loan may not be guaranteed for the purposes of subsection (a)(9) of this section unless the manufactured home purchased, upon being permanently affixed to the lot, is considered to be real property under the laws of the State where it is located.".

(b) Section 1819(a)(5) of such title is amended by inserting "or section 1810(a)(9)(B)(ii) of this title" after "paragraph (1)(G) of this subsection" both places it appears.

(c) Section 1803(c)(3) of such title is amended—

(1) by striking out "or (8)" in clause (A) and inserting in lieu thereof ", (8), or (9)(B)(i)"; and

(2) by inserting "1810(a)(9)(B)(ii) or" after "section" in clause (E).

(d) The amendments made by this section shall take effect on October 1, 1983.

SUBSTITUTION OF HOME-LOAN ENTITLEMENT WHEN A VETERAN TO WHOM A HOME IS TRANSFERRED IS NOT THE IMMEDIATE TRANSFEREE

SEC. 4. Section 1802(b)(2) of title 38, United States Code, is amended by striking out "an immediate" and inserting in lieu thereof "a".

FIVE-YEAR EXTENSION OF PROGRAM TO PROVIDE ASSISTANCE TO STATE VETERANS' CEMETERIES

SEC. 5. Section 1008(a)(2) of title 38, United States Code, is amended by inserting ", and such sums as may be necessary for fiscal year 1985 and for each of the four succeeding fiscal years," after "fiscal years".

CONTRIBUTIONS TO LOCAL AUTHORITIES TO PROVIDE SAFE INGRESS TO OR EGRESS FROM NATIONAL CEMETERIES

SEC. 6. (a)(1) Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1009. Contributions to local authorities

"The Administrator may make contributions to local authorities toward, or for, the construction of traffic controls, road improvements, or other devices adjacent to a national cemetery if considered necessary for safe ingress or egress.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1009. Contributions to local authorities.".

(b) Section 1009 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 1983.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, although most economic indexes show that the economy is beginning to recover, thousands of veterans are still without jobs. Not only have they lost their jobs, but many have lost their homes. Many thousands more are threatened with foreclosure. According to the Veterans' Administration, over 94,000 VA guaranteed home loans are now in default. At the end of February, the number of pending defaults had increased over 20 percent from the previous year.

Mr. Speaker, I regret the distinguished chairman of our Subcommittee on Housing and Memorial Affairs, the gentleman from Alabama (Mr. SHELBY) cannot be present today to manage the bill. He, along with the distinguished and very able gentleman from New Jersey (Mr. SMITH) have worked very hard to come up with a measure that will provide much needed relief for many veterans in a cost-effective manner.

H.R. 2948 would authorize the Administrator of Veterans' Affairs, at his sole discretion, to provide mortgage assistance to certain veterans facing foreclosure. Assistance under this new temporary program could not exceed $8,400. Assistance would be made available to any veteran who is unemployed, or who has suffered a substantial reduction in household income, and who has a previously guaranteed VA housing loan that is at least 6 months delinquent. This relief program would be for a 2-year period.

The assistance provided would not be a grant to the veteran. It would be a loan secured by a lien on the veteran's home.

The veteran would have 48 months from the date of the last advance to complete repayment to the Government. The loan would require interest at current rates or at the rate on the original loan, whichever is less.

As I said, Mr. Speaker, our committee has attempted to come up with a measure that will assist the veteran without costing a lot of money. No new appropriations would be required to fund this bill. Funds would come from the VA's direct loan revolving fund. According to the Veterans' Administration and the Congressional Budget Office, this new mortgage assistance program will actually result in savings of $1.8 million in fiscal year 1984 and $2.4 million in fiscal year 1985. Although there will be a drawdown from the direct loan revolving fund should this bill be enacted, there will be a net savings to the Government since the relief granted to the veteran will eliminate much of the high costs currently incurred by the VA in paying claims of lenders, instituting foreclosure procedures, and reselling acquired properties.

Mr. Speaker, there are other minor provisions contained in the bill. I will

take time to mention only two of them.

Section 3 would authorize the Administrator to guarantee a loan to purchase or refinance a manufactured home and lot under the same financing terms as are now available for conventional home loans when the home is permanently affixed to the lot.

Section 5 of the bill would extend for 5 additional years, through fiscal year 1989, the grant-in-aid program under the State cemetery grant program instituted by Public Law 95-476. So far, 11 States, including the territory of Guam, have submitted 16 applications for Federal assistance. Twenty-four additional States have expressed interest and some plan to submit applications for assistance within the next 2 or 3 years. The committee feels we should continue to encourage States to establish new State veterans' cemeteries and to expand or improve existing cemeteries so that veterans can be buried near their homes. The Federal Government cannot build a national cemetery in every State. This program offers a very good alternative.

Mr. Speaker, I want to compliment the very able chairman of our Subcommittee on Housing and Memorial Affairs, Mr. RICHARD SHELBY of Alabama, for moving so quickly on this measure. The committee is most grateful to the ranking minority member of the subcommittee, the distinguished gentleman from New Jersey (Mr. SMITH).

I also want to thank the very able ranking minority member of the full committee, the gentleman from Arkansas (Mr. JOHN PAUL HAMMERSCHMIDT) who is always helpful. I am also most grateful for the support of all members of the subcommittee, Mr. APPLEGATE, Mr. MOLLOHAN, Mr. MICA, Mr. BRYANT, Mr. RICHARDSON, Mr. SUNDQUIST, and Mr. BILIRAKIS. They have acted quickly on this proposal and I want to thank each one of them for their work on the subcommittee.

There follows in detail an explanation of the bill:

I. MORTGAGE PAYMENT ASSISTANCE

UNEMPLOYED/UNDEREMPLOYED/RECENTLY REEMPLOYED VETERANS

Assistance under the reported bill may be afforded, in the Administrator's discretion, to veterans who are either unemployed or underemployed and to veterans who have recently been unemployed or underemployed and as a result have fallen behind in their mortgage payments. In any of the above cases, the assistance would be limited to those veterans who have fallen 6 or more months behind in their mortgage payments.

ADVANCE TO HOLDER/ASSISTANCE TERM MAY BE INCREASED IF VETERAN MAKES PARTIAL PAYMENTS

The assistance provided may take the form of one loan or a series of loans which will be disbursed directly to the holder of the primary loan, who is responsible for assuring that the veteran's obligation to repay the assistance is secured by a lien of record. The loan or total of loans may not exceed $8,400. The assistance may be applied against the veteran's mortgage obligation as either payment in full of each monthly installment, or, if supplemented by cash from the veteran's own resources, as partial payment of the monthly installment.

Under the latter option, a veteran could be assisted for a longer period of time, although the $8,400 maximum would still apply. Increasing the period of time over which the assistance is provided would also afford the veteran a longer period of time, measured from the first assistance payment, to repay the assistance, as the veteran is provided 48 months from the date of the last advance to complete repayment to the Government. It should be noted that the Administrator, at his discretion, may require the veteran to make partial payments when the veteran's income and other resources indicate, in the Administrator's judgment, that the veteran can afford to do so. Similarly, in appropriate cases the Administrator may establish, initially or as a result of changed circumstances that a sum less than the $8,400 statutory maximum is the maximum amount of assistance to be provided in a particular veteran's case.

NO ADVANCE IN CASES WHERE THE VETERAN DOES NOT HAVE REASONABLE PROSPECT FOR REPAYMENT

No assistance should be afforded in a case where the veteran has no reasonable prospect of repaying the assistance provided. The Administrator will determine whether or not the veteran has, in the Administrator's sole discretion, a reasonable prospect of both being able to resume full mortgage payments on the primary loan and being able to repay the assistance provided. Assistance under this section is not a grant; it is a secured loan which requires an analysis of the ability of the veteran to repay both obligations.

SECURITY

The loan must be secured by a lien on the veteran's home, and the Administrator may require additional security, when he believes it to be available and appropriate. There is no requirement that the Administrator determine the value of the veteran's home or estimate the amount of equity the veteran may have in the home.

MAXIMUM ASSISTANCE/FORBEARANCE/ABILITY TO COLLECT

The assistance available under this section would be available only once. A veteran who has obtained the maximum authorized benefits of temporary mortgage assistance—$8,400—may not thereafter receive additional benefits. Additionally, when a veteran has successfully resumed payments on the VA first mortgage he/she would have 48 months to repay the mortgage payment assistance loan under an agreement prescribed by the Administrator. The Administrator would be authorized to grant forbearance, in his discretion, where the veteran cannot meet the terms of the repayment agreement, and the Administrator may extend the term of payment beyond 48 months in cases where such forbearance would give the veteran an opportunity to successfully repay the mortgage payment assistance loan. However, the Administrator would be authorized to employ attorneys and to bring suit at any time to enforce collection of the repayment agreement, if necessary.

NO REDUCTION IN GUARANTY LIABILITY

The Administrator's maximum liability under the guaranty on the primary loan would not be reduced by virtue of the holder having received the proceeds of a loan under this program should the veteran, notwithstanding this assistance, still be unable to maintain payments on the primary loan.

Since the assistance provided by the Administrator will have reduced or eliminated the prior delinquency on the primary loan, it is possible that the Administration's ultimate claim payment might be less than would have been the case had assistance not been provided.

EFFECTIVE DATE

This assistance becomes effective within 60 days of enactment. The committee expects that VA will have regulations in place in order to begin operation of the program on time. Because of the current economic emergency, it is critical that the VA be ready to begin administering the program immediately. Accordingly, it is anticipated that interim regulations will be issued for immediate effect without public comment. VA should request public comment on such interim regulations, and issue revised regulations incorporating public concerns as soon as feasible.

No new money would be required to provide this assistance. This program would be funded out of existing revolving funds. If this program is implemented in the manner desired by the committee and most loans recouped, it should prove cost effective to the U.S. Government by substituting this mortgage payment advance for the high expenses currently incurred by the Veterans' Administration in paying claims of lenders, instituting the foreclosure procedures, and reselling acquired properties.

II. MANUFACTURED HOUSING LOANS

The bill would authorize the Administrator to guarantee or refinance a manufactured home unit and lot as a conventionally built home under sec-

tion 1819 of title 38, provided the unit is permanently affixed to the lot, and the unit is regarded as real property under State law.

Notice should be taken of the recent extension of the Federal Housing Administration's (FHA) basic single-family mortgage insurance program to provide financing to purchasers of manufactured homes on developed lots. Eligibility of manufactured housing real estate mortgage loans for FHA financing is expected to improve the range for many consumers of affordable housing alternatives to site-built homes.

The popularity and success of the Veterans' Administration existing manufactured home personal property program is evidence of the growing acceptance of manufactured homes and the important part such homes have in satisfying the housing needs of veterans. Since the enactment of Public Law 91-506 in 1970 whereby the Congress authorized the Veterans' Administration to guarantee loans on manufactured homes and home and lot combinations, there have been over $1 billion worth of manufactured home loans guaranteed by the VA. In fact, the BA has assisted over 67,000 veterans in purchasing manufactured homes since the program began.

In providing this new authority to the Administrator to guarantee a real estate mortgage loan for the purchase of a manufactured home permanently affixed to a lot under section 1810 of title 38, United States Code, the current authority of the Administrator to guarantee a manufactured home real property loan or a combination real and personal property, loan under section 1819 of title 38, United States Code is not intended to be dminished in any way. It is recognized that the status of a manufactured home as real versus personal property is not altogether clear in many States. This bill, therefore, would permit a lender to have the option of requesting guarantees under section 1810 or under 1819 as a traditional-manufactured home loan. This would assure that the housing needs of veterans who choose to purchase manufactured homes can be well met.

III. SUBSTITUTION OF A VETERAN'S HOUSING LOAN ENTITLEMENT

The bill deletes the requirement that a veteran assuming another veteran's guaranteed home loan be an immediate transferee in order for the first veteran to have his or her home loan entitlement restored.

When the Servicemen's Readjustment Act of 1944 was enacted into law, it granted veterans a one-time loan guaranty entitlement of $2,000. The law was amended in 1950 to permit restoration of entitlement in certain cases if, through no fault of their own, the property was destroyed or disposed of and again in 1974, at which time the criteria for such restoration was greatly expanded by the Congress.

Presently, section 1802(b) of title 38, United States Code, permits home loan guaranty entitlement to be restored when either of two conditions are met.

First. The property which secured the prior loan is disposed of by the veteran or destroyed by fire or natural hazard, and the prior loan is paid in full without loss to the Administrator. Any such loss must be repaid; or

Second. Another veteran, who fully qualifies for the guaranty, agrees to assume the outstanding loan and to substitute his or her VA entitlement for that of the original veteran. (The law states, however, that the new veteran must be an immediate veteran transferee.)

Mortgage assumptions have become more prevalent in this highly mobile society and it is not unusual for loans to be assumed by two or more successive purchasers. Statistics indicate that an increasing number of requests are being received for substitution of entitlement where the veteran assuming the loan is not an immediate transferee of the original veteran.

Additionally, where a spouse has been awarded a home through divorce proceedings and resells the property to a veteran at a later date on an assumption, restoration of the first veteran's loan guaranty entitlement is not legally possible.

There appears to be no logical reason to preclude substitution of entitlement merely because the assuming veteran is not an immediate transferee, and the bill, by virtue of a small technical amendment, would liberalize the substitution of entitlement policy.

IV. FIVE-YEAR EXTENSION OF STATE CEMETERY GRANT PROGRAM

The bill would authorize the extension of the State cemetery matching grant program for establishing, expanding, or improving State veterans' cemeteries for an additional 5 years. The program is due to expire September 30, 1984.

Many important improvements have been made in the National Cemetery System since the enactment of Public Law 93-43, which transferred jurisdiction of all federally owned cemeteries, except Arlington National Cemetery, from the Department of the Army to the Veterans' Administration.

One of these improvements, authorized the VA to assist individual States in establishing, expanding, and/or improving veterans cemeteries. Section 1008 of title 38, United States Code, makes it possible for States and the Federal Government to share their mutual obligation toward meeting the burial needs of our Nation's veterans.

The VA has made a continuous and aggressive effort to publicize the program over the last several years and it is anticipated that program funds will be fully utilized. Funds totaling $6.3 million have been obligated in support of 13 applications, and 10 grants totaling $4.1 million, have been awarded.

The establishment of State veterans' cemeteries complements the National Cemetery System, enabling veterans to be interred in their State of residence.

V. CONTRIBUTIONS TO LOCAL AUTHORITIES FOR SAFE INGRESS AND EGRESS FROM NATIONAL CEMETERIES

The bill would authorize the Administrator to make contributions to local authorities for construction of traffic controls, road improvements or other devices adjacent to a national cemetery if considered necessary to facilitate safe ingress or egress as is currently done for property adjacent to medical facilities.

There is no existing statutory authority under which the Administrator of Veterans' Affairs may negotiate to contract with States, counties, municipalities, private firms, or private citizens for the purpose of making contributions to improve public or private lands, roads or walks contiguous with or in the immediate vicinity of national cemeteries when such improvements are for the benefit or greater good of the cemeteries. Conditions that exist outside the cemeteries are now beyond the jurisdiction of the Administrator.

Although in section 5008 of title 38, United States Code, the Administrator has the authority to take similar actions where hospitals and domiciliary facilities are involved, the language in the code does not cover cemeteries. Nor is the language comprehensive enough to cover the many types of situations involving national cemeteries where it would be desirable and necessary to negotiate a contract with outside agencies or persons, as may be appropriate to improve safety.

The need for authorizing legislation is necessary for safety reasons.

Mr. Speaker, I urge my colleagues to support this bill. We have a rare opportunity to provide much needed assistance to many veterans and their families throughout the land who are faced with the loss of their homes. What is unique is that we can help the veteran without any costs to the Federal Government.

□ 1240

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2948 and I join with the chairman of the House Committee on Veterans' Affairs, the gentleman from Mississippi (Mr. MONTGOMERY) in urging its passage. I commend the chairman of the Housing and Memori-

al Affairs Subcommittee, the gentleman from Alabama (Mr. SHELBY), and his ranking counterpart, the gentleman from New Jersey (Mr. SMITH) for expediting the measure to the House floor.

Mr. Speaker, this is a modest proposal. Its major provisions will prevent a significant number of veterans from losing their GI homes through foreclosure. It is true as our chairman has stated that the economy is improving but some foreclosures are imminent and can be prevented. This program will assist individual veterans who have good credit records but who have suffered temporary economic adversity. Limited advances will be made to lending institutions to cover payments of veterans which are past due and which cannot be met. The advances will be treated as loans to the involved veteran and must be repaid. According to the Congressional Budget Office, the proposal will actually save some money because the cost of foreclosure and resultant maintenance and resale of properties will be avoided. Under the proposal, funds would come from the VA loan guarantee direct loan revolving fund and payments would go into that fund. New appropriations would not be required.

Mr. Speaker, other provisions of H.R. 2948 are relatively minor in nature. One provision, however, should be brought to the specific attention of Members of the House. It is proposed to extend for 5 years the matching grant authority of the Federal Government for the building of State veterans cemeteries. This is another good example of Federal-State partnerships. The program is cost effective and is growing in popularity in many of the States where it is not feasible to build new national cemeteries.

Mr. Speaker, I urge my colleagues to support H.R. 2948. It is a good bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the Resident Commissioner of Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 2948, the Veterans Housing Benefits Amendments of 1983 which was drafted to avoid foreclosure of loans guaranteed by the Veterans' Administration.

In essence, the bill is directed to those veterans facing foreclosure proceedings due to the economic adversities the long recession has created. Financial assistance would be provided under the bill to those veterans who have been unable to meet the monthly mortgage payments during 6 months or more because of being unemployed, underemployed, or seriously ill.

Mr. Speaker, the bill is in line with the objectives of the crusade we embarked in 1944 which was directed to make feasible the acquisition of homes by veterans. The VA's home loan program has been instrumental in securing the success of our efforts to readjust our returning warriors to civilian life. In this difficult time, we must not disregard what we intended to achieve through the program and lend a hand in trying to safeguard it from failure.

As the plight of our veterans worsens due to the unstable economy, we must be prepared to step in to help as they were when we needed them. Given the fact that the bill authorizes assistance solely in the form of a loan and only to those veterans who have a reasonable prospect of repaying it, the burden on the taxpayers, if any, would be minimal. On the other hand, its approval translates into new hopes for many desperate veterans who see themselves and their families homeless in the near future.

I urge my colleagues to vote for the passage of this legislation for its positive impact on the lives of our most deserving citizens, our veterans.

● Mr. SHELBY. Mr. Speaker, H.R. 2948 is a bill that would give the Administrator discretionary authority to make emergency mortgage assistance loans of up to $8,400 to veterans with GI loans in order to avoid foreclosure. Mr. Speaker, this assistance is a loan to the veteran, not a grant, and would be secured by a lien on the property. It is a modest bill and would simply let the Administrator make these small loans only in those cases where he determines there is a reasonably good chance that the veteran will recover financially.

Mr. Speaker, I wish to emphasize that no new appropriations will be required to provide such loans to veterans. Funding will be provided from the VA direct loan revolving fund. VA statistics indicate that the enactment of this new program will save the Federal Government money by eliminating much of the high costs currently incurred by the Veterans' Administration in paying claims of lenders, instituting foreclosure procedures, and reselling acquired properties. The Congressional Budget Office estimates that the VA will save $9.6 million over a 5-year period.

Additionally, the bill contains four other provisions which would:

First: Authorize the Administrator to guarantee on refinance a manufactured home unit if permanently affixed to a lot under the same terms available for conventional housing.

Second: Restore guaranteed-home-loan entitlement by deleting the requirement that a veteran assuming another veterans' guaranteed home loan be a immediate transferee.

Third. Extend the State cemetery matching grant program for an additional 5 years.

Fourth. Authorize the Administrator to make contributions to local authorities for construction of traffic controls, road improvements, or other devices adjacent to a national cemetery if considered necessary to facilitate safe ingress or egress as is currently done or property adjacent to medical facilities.

Mr. Speaker, I wish to commend the chairman of the full committee, Mr. MONTGOMERY, for his expert management of the bill on the floor. I also wish to thank the ranking minority member of the full committee, Mr. JOHN PAUL HAMMERSCHMIDT of Arkansas, and the ranking minority member of the subcomittee, Mr. CHRISTOPHER SMITH of New Jersey, for their strong support of this legislation.

This is a good bill. It is not controversial. We have very carefully drafted H.R. 2948 so that if it is enacted, it will save the homes of 2,000 to 4,000 veterans.

Mr. Speaker, we have here a unique opportunity in that we can help veterans maintain their homes and yet save the taxpayers money. That is a deal we cannot pass up.●

● Mr. JENKINS. Mr. Speaker, I rise in support of the Veterans' Housing Benefits Amendments of 1983, and I commend the distinguished chairman of the full Committee on Veterans' Affairs, SONNY MONTGOMERY, the ranking minority member of the full committee, my good friend, JOHN PAUL HAMMERSCHMIDT, and all members of the committee for bringing this legislation to the floor of the House. I was pleased to join in cosponsoring the bill.

As the distinguished chairman of the committee has explained, Mr. Speaker, assistance could be provided under this bill to veterans who are either unemployed or who have recently been unemployed and as a result have fallen behind in their mortgage payments 6 months or more. As I understand the bill, the Administrator, at his discretion, could help the veteran make his home loan payments up to an amount not to exceed $8,400. This assistance would not be a grant but a loan which the veteran would have to repay within 48 months of the date of the last advance.

It should be noted, Mr. Speaker, that the way the bill has been drawn up, many veterans would be able to receive assistance at no appreciable cost to the Federal Government. The payments would be made from the direct loan revolving fund; however, the foreclosure rate would be reduced and there would be a savings resulting to the Federal Government since the average cost of the VA for acquiring and selling a property after foreclosure is approximately $7,600. According to the Congressional Budget Office the

enactment of this bill would realize a savings of $1.8 million in fiscal year 1984 and $2.7 million in fiscal year 1985.

Mr. Speaker, the enactment of this bill will be of great benefit to the veterans in my district and in my State. Loans with payment problems in our regional office in Atlanta now total more than 5,000 as compared with about 4,000 1 year ago. During the months ending March 31, 1983, 184 VA loans have been foreclosed. The foreclosure rate is expected to follow the same pattern for the next few months. Something should be done and this bill is a step in the right direction.

I commend the Committee for bringing this bill to the floor. Mr. Speaker, and I am delighted to support it.●

● Mr. BILIRAKIS. Mr. Speaker, I want to take this occasion to reaffirm my support for an important bill recently reported unanimously by the Veterans' Affairs Committee. H.R. 2948. As a veteran myself and a Representative of a highly veteran populated district, I know that passage of this bill is essential to many who have served our country and in fulfilling the great American dream of homeownership.

The Veterans' Administration of home loan programs serve a clientele which is diverse in many ways, but they share a common bond in their service in the Armed Forces of the Nation. Since the inception of these programs the objective has been to assist eligible veterans to become homeowners. Veterans are assisted by making it possible for them to compete in the marketplace for credit with persons who were not obliged to forgo the pursuit of gainful occupation by reason of service to our country. These Veterans' Administration programs are not designed to serve as instruments of attaining general economic or social objectives.

The Veterans' Housing Benefits Amendments, H.R. 2948, before us, today, authorizes the Administrator of the Veterans' Administration to provide mortgage assistance to veterans with loans guaranteed by the Veterans' Administration. Also, keeping in line with today's changes in housing codes, it expands the availability of loans guaranteed by the Veterans' Administration for the purchase of manufactured homes that are permanently affixed to a lot. This is especially important to retirement areas like my congressional district.

All evidence points to the Veterans' Administration loan programs having made mortgage credit available to many veterans whose loans otherwise would not have been made. The Veterans' Administration home loan programs have contributed greatly to the recovery of the housing industry, which is so vital to this Nation's overall economy.

Mr. Speaker, toegether with the other members of the Veterans' Affairs Committee, I wish to bring this bill to the attention of my colleagues. Its importance cannot be overlooked and I am hopeful the full House will recognize the necessity of approving the veterans' housing benefits amendments.●

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have designed this bill so that it will save the Government money. I do not see how any Member of the House could object to helping a veteran get through a difficult period because of temporary unemployment or serious illness. In providing this relief to the veteran and his or her family, we can also save the Federal Government money by keeping the veteran current with his or her home loan so that foreclosure proceedings will not have to be initiated.

It is a good bill, and I urge all Members of the House to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 2948, as amended.

The question was taken.

Mr. DAUB. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ARMS CONTROL AND DISARMAMENT ACT AMENDMENTS

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2906) to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations.

The Clerk read as follows:

H.R. 2906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended to read as follows:

"SEC. 49. (a) To carry our the purposes of this Act, there are authorized to be appropriated—

"(1) for the fiscal year 1984, $20,888,000; and

"(2) for the fiscal year 1985, $21,932,000;

and such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection are authorized to remain available until expended.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

SEC. 2. Section 22 of the Arms Control and Disarmament Act (22 U.S.C. 2562) is amended by inserting "(of which the Director shall be a permanent member)" immediately after "National Security Council".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Wisconsin (Mr. ZABLOCKI) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. BROOMFIELD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2906, a noncontroversial bill to authorize appropriations for the Arms Control and Disarmament Agency for fiscal years 1984 and 1985.

H.R. 2906 was reported unanimously by voice vote from the Committee on Foreign Affairs on May 9 with complete bipartisan support. The principal purpose of H.R. 2906 is to authorize ACDA's appropriations for fiscal year 1984 and fiscal year 1985. In addition to the authorization of appropriations, it stipulates that the Director of ACDA should be a permanent member of the National Security Council.

Before explaining the major provisions of H.R. 2906, I would like to inform this body that the committee conducted several extensive oversight hearings on the fiscal year 1984–85 authorization request for ACDA. During the hearings, the committee received testimony from the GAO on its preliminary findings of a first-time ever audit of ACDA which is being conducted at the request of the committee.

For fiscal year 1984, the committee recommends an authorization of $20,888,000 which is a 5-percent increase over the level authorized in fiscal year 1983 ($19,893,852). This, indeed, is a modest amount for an Agency charged with the responsibilities of formulating and implementing our country's arms control policy.

The fiscal year 1984 authorization will enable the Agency to do the following:

To enhance its capacity to fulfill its statutory role as the primary coordinator and formulator of U.S. arms control policy;

To increase the Agency's personnel level to at least 175 from its near record low of 154;

To restore the Agency's Bureau of Operations Analysis and the Agency's independent computer capability; and

To support external research in verification, chemical weapons, antisatellite arms control areas, and nuclear nonproliferation.

H.R. 2906 also provides an authorization level for fiscal year 1985 of $21,932,000 which is based on the same

amount authorized for fiscal year 1984 plus a 5-percent inflationary increase. This recommended level actually provides ACDA with a fiscal year 1985 authorization which is the same as fiscal year 1984 in constant fiscal year 1984 dollars.

Section 2 of the bill strengthens the status of ACDA by designating the Director as a permanent member of the National Security Council. This action reaffirms the fundamental principle that arms control is a basic and integral component of U.S. national security and strengthens the status and effectiveness of the Agency by enhancing the status of its Director. I understand that Mr. NICHOLS, the gentleman from Alabama, and chairman of the Subcommittee on Investigations of the House Armed Services Committee would like to engage in a brief colloquy on this section.

□ 1250

Mr. NICHOLS. Mr. Speaker, will the gentleman yield for a question?

Mr. ZABLOCKI. I would be happy to yield to the gentleman from Alabama (Mr. NICHOLS) for the purpose of a colloquy on section 2 of the bill.

Mr. NICHOLS. I note that section 2 of the bill would designate the Director of the Arms Control and Disarmament Agency as a permanent member of the National Security Council. Would the gentleman agree that, according to the rules of the House, the Committee on Armed Services has legislative jurisdiction over the membership of the National Security Council?

Mr. ZABLOCKI. I would agree with the gentleman. Section 2 of the bill amends section 22 of the Arms Control and Disarmament Act, which the Committee on Foreign Affairs has legislative jurisdiction over, by designating the Director of the Arms Control and Disarmament Agency as a permanent member of the National Security Council. In my letter to my good friend, the chairman of the House Armed Services Committee, MEL PRICE, I noted that the membership of the National Security Council does fall within the legislative jurisdiction of the Committee on Armed Services. The complete correspondence has been included in the committee report on H.R. 2906.

I might say that this is not intended to be a precedent. If it were not with the agreement of the Armed Services Committee, I do not think we would have included it in this particular legislation.

Mr. NICHOLS. And would the gentleman further agree that this expansion of the membership of the National Security Council is an exception to the jurisdiction of the Committee on Armed Services and undertaken with the concurrence of our committee chairman?

Mr. ZABLOCKI. I would agree with the gentleman. The Committee on Foreign Affairs reviewed this proposal very carefully and held extensive hearings on the desirability of designating the Director of ACDA as a permanent member of the National Security Council. The committee views this action as complementary to the intent of the original legislation establishing ACDA as a unique and autonomous agency. Designating the ACDA Director as a permanent member of the NSC, the committee believes, would enhance the President's stated desire for the Director of ACDA to be "front and center" in the foreign policy decisionmaking process.

I again repeat that the Committee on Armed Services has the primary jurisdiction over the National Security Council members.

Mr. NICHOLS. Would the gentleman further stipulate that the Committee on Foreign Affairs does not, in the future, intend to undertake any additional enlargement of the membership of the National Security Council?

Mr. ZABLOCKI. I have no knowledge, at this time, that the Committee on Foreign Affairs intends to undertake any additional enlargement of the membership of the National Security Council.

Mr. NICHOLS. The Committee on Armed Services concurs in the inclusion of the Director of the Arms Control and Disarmament Agency in the membership of the National Security Council. I should point out, however, that in our continuing oversight activity, our committee will evaluate this enlargement of the membership of the National Security Council. Historically, our committee has opposed any further enlargement of that body, most recently when we rejected a proposal to designate the Secretary of the Treasury as a member.

I should also point out that it is the view of our committee that the National Security Council does not suffer from any lack of civilian contribution to its deliberations. As a matter of fact, we have observed numerous instances in which the National Security Council has acted either without, or with, insufficient advice from the military leadership of the Nation.

I thank the gentleman for yielding on this matter.

Mr. ZABLOCKI. I thank the gentleman from Alabama for his remarks, and we welcome the continued oversight by your committee on this provision and would hope that in the committee's evaluation of the addition of the Director of ACDA as a member of the National Security Council, that this committee would be able to work closely with you in this effort.

I thank the gentleman for engaging in this useful colloquy on such an important issue.

Mr. Speaker, in this time of increasingly complex arms control challenges, the committee believes that ACDA should be provided more, not fewer, analytical resources, personnel, and support services. As my colleagues will note, the total authorization for fiscal year 1984 contained in H.R. 2906 ($20,888,000) would only amount to .002 percent of the President's budget request. Certainly, this is a minuscule part of the entire Federal budget; but nonetheless, an exceedingly important part.

With important arms control negotiations on the table, we need to revitalize the Agency and give it the money and the analytical capabilities that it needs, to carry out its responsibilities over the next 2 years, so that we can move forward on these and hopefully even other arms control endeavors.

In conclusion, Mr. Speaker, this measure has enjoyed wide and full bipartisan support, as reflected in the unanimous support for H.R. 2906 by both Democrats and Republicans on the Committee on Foreign Affairs.

At this time, I would like to pay tribute to the ranking member of the committee, my colleague and good friend, the gentleman from Michigan (Mr. BROOMFIELD) for his support for this measure, as well as the gentleman from Illinois (Mr. HYDE) for his participation in the subcommittee hearings and favorable consideration of H.R. 2906.

I urge the adoption of H.R. 2906.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I fully endorse the comments of my good friend, Chairman ZABLOCKI, and I especially would like to compliment him for his bipartisan support on this matter.

The legislation we have before us provides for a 2-year authorization of appropriations for the Arms Control and Disarmament Agency. In particular, the legislation represents a 5-percent increase over the fiscal year 1983 authorization and authorizes the same amounts as the Senate bill for fiscal years 1984 and 1985.

In this regard, the legislation before us will allow the Arms Control Agency to continue to participate in a wide variety of activities concerning international security. Among these activities are the strategic arms reduction talks (START) and the intermediate nuclear force (INF) talks, as well as research in the important areas of nuclear nonproliferation and verification.

In short, the legislation will enable ACDA to fulfill its role as a coordinator of U.S. arms control policy at a time of continuing challenges to our security. Moreover, this legislation was supported, in a bipartisan fashion, by the members of the Committee on

Foreign Affairs and I, therefore, urge my colleagues to support H.R. 2906.

Mr. Speaker, I yield back the balance of my time.

Mr. ZABLOCKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) that the House suspend the rules and pass the bill, H.R. 2906.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1300

ORDERLY TERMINATION OF FEDERAL MANAGEMENT OF THE PRIBILOF ISLANDS, ALASKA

Mr. BREAUX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2840) to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska, as amended.

The Clerk read as follows:

H.R. 2840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of November 2, 1966 (Public Law 89-702; 16 U.S.C. 1151-1187), known as the Fur Seal Act of 1966, is amended to read as follows:

"TITLE I—FUR SEAL MANAGEMENT

"SEC. 101. (a) 'Convention' means the Interim Convention of the Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the protocol signed in Washington on October 8, 1963; by the exchange of notes among the party governments which became effective on September 3, 1969; by the protocol signed in Washington on May 7, 1976; and by the protocol signed in Washington on October 14, 1980, by the parties.

"(b) 'Party' or 'parties' means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics.

"(c) 'Commission' means the North Pacific Fur Seal Commission established pursuant to article V of the Convention.

"(d) 'Sealing' means the taking of fur seals.

"(e) 'North Pacific Ocean' means the waters of the Pacific Ocean north of the thirtieth parallel of north latitude, including the Bering, Okhotsk, and Japan Seas.

"(f) 'Import' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

"(g) 'Person' means any individual, partnership, corporation, trust, association or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

"(h) 'Take' or 'taking' means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill.

"(i) 'Natives of the Pribilof Islands' means any Aleuts who are permanent residents of the Pribilof Islands, or any organization or entity representing such natives.

"(j) Pribilof Islands means the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock.

"(k) "Secretary" means the Secretary of Commerce.

"SEC. 102. It is unlawful, except as provided in this Act or by regulation of the Secretary, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of fur seals in the North Pacific Ocean or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, fur seals or the parts thereof, including, but not limited to, raw, dressed, or dyed fur seal skins, taken contrary to the provisions of this Act or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the Exclusive Economic Zone of the United States, a duly authorized official of Canada, Japan, or the Union of Soviet Socialist Republics to board and search any vessel which is outfitted for the harvesting of living marine resources and which is subject to the jurisdiction of the United States to determine whether such vessel is engaged in sealing contrary to the provisions of said Convention.

"SEC. 103. (a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific Ocean are permitted to take fur seals and dispose of their skins after the skins have been officially marked and certified by a person authorized by the Secretary: *Provided,* That the seals are taken for subsistence uses as defined in Section 109(f)2 of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1379), and, only in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms.

"(b) The authority contained in this section shall not apply to Indians, Aleuts, and Eskimos who are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person.

"SEC. 104. The Secretary shall (1) conduct such scientific research and investigations on the fur seal resources of the North Pacific Ocean as he deems necessary to carry out the obligations of the United States under the Convention, and (2) permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes.

"SEC. 105. (a) The Secretary shall prescribe such regulations with respect to the taking of fur seals on the Pribilof Islands and on lands subject to the jurisdiction of the United States as he deems necessary and appropriate for the conservation, management, and protection of the fur seal population, and to carry out the provisions of the Convention, and shall deliver to authorized agents of the parties such fur seal skins as the parties are entitled to under the Convention.

"(b) The Secretary is authorized to enter into agreements with any public or private agency or person for the purpose of carrying out the provisions of the Convention and of this title, including but not limited to the taking of fur seals on the Pribilof Islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom.

"(c) The Secretary shall give preference to the village corporations of Saint Paul and Saint George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92-203) for the taking of fur seals on the village corporations' respective islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom. Any proceeds therefrom will be deposited in a separate fund in the Treasury and will be available to the Secretary, subject to appropriations, for the purposes of this section. To finance the 1983 harvest, the Secretary may transfer to the Fund established pursuant to section 105 an amount equivalent to the estimated proceeds of the sale of sealskins from the harvest ending in 1982. Thereafter, all seal harvests will be financed from amounts collected in the preceding year. Such amounts as are determined by the Secretary to exceed amounts required to carry out section 105 shall be transferred to the General Fund of the Treasury.

"SEC. 106. (a) Any person authorized to enforce the provisions of this Act who has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the parties to the Convention is violating the provisions of article III of the Convention may, except within the areas in which another State exercises fisheries jurisdiction, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary or Secretary of the department in which the Coast Guard is operating which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

"(b) If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person onboard, is violating said article, he may seize such vessel or arrest such person, or both. The Secretary of State shall, as soon as practicable, notify the party having jurisdiction over the vessel or person of such seizure or arrest.

"The Secretary or the Secretary of the department in which the Coast Guard is operating, upon request of the Secretary of State, shall deliver the seized vessel or arrested person, or both, as promptly as practicable to the authorized officials of said party: *Provided,* That whenever said party cannot immediately accept such delivery, the Secretary or the Secretary of the department in which the Coast Guard is operating may, upon the request of the Secre-

tary of State, keep the vessel or person in custody within the United States.

"(c) At the request of said party, the Secretary or the Secretary of the department in which the Coast Guard is operating, shall direct the person authorized to enforce the provisions of this Act to attend the trial as a witness in any case arising under said article or give testimony by deposition, and shall produce such records and files or copies thereof as may be necessary to establish the offense.

"SEC. 107. The President shall appoint to the Commission a United States Commissioner who shall serve at the pleasure of the President. The President may also appoint a Deputy United States Commissioner who shall serve at the pleasure of the President. The Deputy Commissioner shall be the principal adviser of the Commissioner, and shall perform the duties of the Commissioner in the case of his death, resignation, absence, or illness. The Commissioner and the Deputy Commissioner shall receive no compensation for their services. The Commissioners may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5 of the Administrative Expense Act of 1946 when engaged in the performance of their duties.

"SEC. 108. The Secretary of State, with the concurrence of the Secretary, is authorized to accept or reject, on behalf of the United States, recommendations made by the Commission pursuant to article V of the Convention.

"SEC. 109. The head of any Federal agency is authorized to consult with and provide technical assistance to the Secretary or the Commission whenever such assistance is needed and reasonably can be furnished in carrying out the provisions of this title. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

"TITLE II—ADMINISTRATION OF THE PRIBILOF ISLANDS

"SEC. 201. The Secretary shall administer the fur seal rookeries and other Federal real and personal property on the Pribilof Islands, with the exception of lands within the National Wildlife Refuge System and, in consultation with the Secretary of the Interior, shall ensure that activities on the islands, are consistent with the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife and for other purposes consistent with that primary purpose.

"SEC. 202. In carrying out the provisions of this title, the Secretary is authorized—

"(1) to operate, maintain, and repair such Government-owned property, both real and personal, and other facilities held by the Secretary on the Pribilof Islands as may be necessary;

"(2) to provide the employees of the Department of Commerce and other Federal agencies and their dependents, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, and transportation.

"SEC. 203. The State of Alaska shall meet the educational needs of the citizens of the Pribilof Islands in the same manner as the State meets the educational needs of all its citizens, including the furnishing of necessary facilities thereof.

"SEC. 204. The Secretary of Health and Human Services shall provide medical and dental care to the natives of the Pribilof Islands with or without reimbursement, as provided by other law. He is authorized to provide such care to Federal employees and their dependents and tourists and other persons in the Pribilof Islands at reasonable rates to be determined by him. He may purchase, lease, construct, operate, and maintain such facilities, supplies, and equipment as he deems necessary to carry out the provisions of this section; and the costs of such items, including medical and dental care, shall be charged to the budget of the Secretary of Health and Human Services. Nothing in this Act shall be construed as superseding or limiting the authority and responsibility of the Secretary of Health and Human Services under the Act of August 5, 1954, as amended, or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands.

"SEC. 205. Any provision of law relating to the transfer and disposal of Federal property to the contrary notwithstanding, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, is authorized to bargain, grant, sell or otherwise convey, on such terms as he deems to be in the best interests of the United States and in furtherance of the purposes of this Act, any and all right, title, and interest of the United States in and to the property, both real and personal, held by the Secretary on the Pribilof Islands, if—

"(1) the Secretary includes a description of all such conveyances, the text of the terms he proposes to impose with respect thereto, and a statement noting acceptance of the terms by the proposed recipients of such property, in a document entitled, 'Transfer of Property on the Pribilof Islands: Descriptions, Terms and Conditions' (hereinafter referred to as the 'Transfer Document'); and

"(2) Such Transfer Document is approved by Congress in accordance with section 206(b).

"SEC. 206. (a)(1) There is established in the Treasury of the United States a fund to be known as the 'Pribilof Islands Fund' (hereinafter in this section referred to as the 'Fund') consisting of such amounts as may be appropriated, or credited in accordance with paragraph (3)(C), to the Fund.

"(2) Amounts in the Fund shall be available for making expenditures in accordance with subsection (c).

"(3)(A) The Secretary shall invest such portion of the Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired—

"(i) on original issue at the issue price; or

"(ii) by purchase of outstanding obligations at the market price.

"(B) Any obligation acquired by the Fund may be sold by the Secretary at market price.

"(C) The interest on, and the proceeds from the sale or redemption of, any obligation held in the Fund shall be credited to and form a part of the Fund.

"(4) There are authorized to be appropriated to the Fund $20,000,000.

"(b) No expenditure may be made by the Secretary from the Fund unless and until the Congress, by joint resolution, approves all of the following documents, copies of which shall be submitted to each House of Congress by the Secretary at the same time:

"(1) The Transfer Document referred to in section 205 regarding the conveyannce of Federal property on the Pribilof Islands.

"(2) An Agreement entered into between the Secretary and a nonprofit corporation established under the laws of the State of Alaska by natives of the Pribilof Islands, which agreement shall specify how monies from the Fund will be expended for purposes of fostering a stable, diversified, and enduring economy in the Pribilof Islands after Federal management of the islands is terminated; and shall address, but not be limited to, such matters as the defraying of community expenses and the payment of necessary corporate administrative expenses.

"(3) A Memorandum of Understanding entered into between the Secretary, the corporation referred to in paragraph (2), and the appropriate officer of the State of Alaska setting forth the respective responsibilities of the Federal Government, the corporation, and the State regarding—

"(i) the application of Federal retirement benefits, severance pay, and insurance benefits with respect to natives of the Pribilof Islands;

"(ii) the appropriation by the State of Alaska of monies necessary to construct boat harbors on St. Paul and St. George Islands;

"(iii) the assumption by the State of Alaska of responsibility for airports, roads and other facilities on such islands in accordance with applicable laws and regulations; and

"(iv) such other matters as may be necessary and appropriate for purposes of ensuring an orderly transition from Federal management of such islands.

"(c) The Secretary shall make such expenditures from the Fund to a nonprofit corporation established and operated by the natives of the Pribilof Islands in accordance with the laws of the State of Alaska, the principle purposes and expenditures of which would be to defray community expenses and to foster a stable, diversified, and enduring economy not dependent on sealing following the termination of Federal management of the islands, and to pay necessary corporate administrative expenses. Such expenditures by the Secretary to the corporation shall be only those necessary to fulfill Federal obligations under the Transfer Document, Agreement, and Memorandum of Understanding referred to in subsection (b) (1), (2), and (3), after approval thereof by Congress. Such expenditures shall also be made only after the Secretary has determined that such corporation has been established and will be operated in accordance with articles and bylaws, approved by the Secretary, which further the purposes and policies of this Act. The Secretary may require the submission to him of such reports from the corporation as he deems appropriate. Such reports shall include a report by the corporation concerning its implementation of this section three years from the date of enactment.

"(d) The Secretary shall submit to Congress an annual report, the first of which is due on March 31, 1984, and subsequent reports on the same date each year thereafter, providing information on expenditures made from the Fund and the implementation of the Agreement and Memorandum of Understanding referred to in subsection (b) (1) and (2). For purposes of preparing such reports, the Secretary may by regulation require that the corporation and the State of Alaska submit such relevant information to the Secretary as he deems appropriate.

"SEC. 207. The Secretary is authorized to enter into agreements or contracts or leases

with, or to issue permits to, any public or private agency or person for carrying out the provisions of the Convention or this Act.

"SEC. 208. (a) Service by natives of the Pribilof Islands engaged in the taking and curing of fur seal skins and other activities in connection with the administration of such islands prior to January 1, 1950, as determined by the Secretary based on records available to him, shall be considered for purposes of credit under the Civil Service Retirement Act, as amended, as civilian service performed by an employee, as defined in said Act.

"(b) The annuity of any person or the annuity of the survivor of any person who shall have performed service described in subsection (a) of this section, and who, prior to November 2, 1966, died or shall have been retired on annuity payable from the civil service retirement and disability fund, shall, upon application filed by the annuitant within one year after November 2, 1966, be adjusted, effective as of the first day of the month immediately following November 2, 1966, so that the amount of the annuity shall be the same as if such subsection had been in effect at the time of such person's retirement or death.

"(c) In no case shall credit for the service described in subsection (a) of this section entitle a person to the benefits of section 11(h) of the Civil Service Retirement Act.

"(d) Notwithstanding any other provisions of this Act or any other law, benefits under the Civil Service Retirement Act made available by reason of the provisions of this section shall be paid from the civil service retirement and disability fund subject to reimbursement to such fund from the Operations, Research, and Facilities Account of the National Oceanic and Atmospheric Administration in the Department of Commerce, for the purpose of compensating said retirement fund for the cost, as determined by the Civil Service Commission during each fiscal year, of benefits provided by this section.

"SEC. 209. The Secretary is authorized to prescribe such regulations as he deems necessary to carry out the provisions of this title.

"TITLE III—ENFORCEMENT

"SEC. 301. (a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provision of this Act, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture; and all fur seals, or parts thereof, taken or retained in violation of this Act, or the monetary value thereof, shall be forfeited.

"(b) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act.

"SEC. 302. (a) Enforcement of the provisions of this Act is the joint responsibility of the Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating. In addition, the Secretary may designate officers and employees of the States of the United States to enforce the provisions of this Act which relate to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes; but they shall not be held and considered as employees of the United States for the purpose of any laws administered by the Office of Personnel Management.

"(b) The judges of the United States district courts and United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this Act and any regulations issued thereunder.

"(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act.

"(d) Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this Act or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person onboard is in violation of any provision of this Act or the regulations issued thereunder, to search such vessel and to arrest such person.

"(e) Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this Act or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this Act or the regulations issued hereunder.

"(f) Such person so authorized may seize, whenever and wherever lawfully found, all fur seals taken or retained in violation of this Act or the regulations issued thereunder. Any fur seals so seized or forfeited to the United States pursuant to this Act shall be disposed of in accordance with the provisions of section 105 of this Act.

"SEC. 303. The Secretary is authorized to prescribe such regulations as he deems necessary and appropriate to carry out the provisions of this title.

"SEC. 304. (a) Any person who knowingly violates any provisions of this Act or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000 for such violation, or imprisoned for not more than one year, or both.

"(b) Any person who violates any provision of this Act or any regulation or permit issued hereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Hearings held during proceedings for the assessment of civil penalties authorized by this subsection shall be conducted in accordance with section 554 of title 5. The Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any civil penalty assessed may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

"SEC. 305. (a) There are authorized to be appropriated to the operations, research, and facilities account of the National Oceanic and Atmospheric Administration in the Department of Commerce, $736,000 for Fiscal Year 1984, and such sums as may be necessary for each fiscal year thereafter for the purposes of section 104 and 208 of this Act."

"(b) The contract authority of the Secretary under this Act is effective for any fiscal year only to the extent that appropriations are available for such purposes."

The SPEAKER pro tempore. Is a second demanded?

Mr. FORSYTHE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. BREAUX) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before the House, H.R. 2840, is designed to resolve a century-old problem in the Pribilof Islands, a problem which has only been exacerbated by recent Federal spending and interference. Since 1867, when Alaska was purchased from Russia, the United States has used the Probilofs solely for the purpose of harvesting North Pacific fur seals. Sadly, the Federal Government's efforts to properly manage the islands and the seal harvest have failed to integrate the native island culture into the mainstream of American life.

Over the past decade, the Federal Government has allocated substantial sums of money, through the National Marine Fisheries Service, to supplement the meager economy of the Pri-

bilofs and to pay for social services such as the maintenance, operation, and repair of extensive Federal facilities on the islands, including those used for fuel oil storage and delivery and electrical power generation. In fiscal year 1983, $6.3 million was appropriated for the Pribilofs, of which approximately 95 percent supports social welfare programs and only 5 percent actually supports Federal scientific research responsibilities for the fur seal. In addition, Federal expenditures on the islands account for 73 percent of all earned income on the Pribilofs. Pribilof Natives have thus become heavily dependent on the Federal Government for subsidies and employment and are unable to achieve a desirable level of economic independence.

The purpose of H.R. 2840 is to assist the Natives of the Pribilof Islands in achieving economic diversification and independence through livelihoods not dependent on seal harvesting and to terminate Federal administration of the islands' economy and social welfare. The bill, which was developed in close cooperation with the Department of Commerce, the Pribilof natives, the State of Alaska, and concerned environmental organizations amends the Fur Seal Act of 1966, which implements for the United States the Interim Convention on the Conservation of North Pacific Fur Seals, signed on February 9, 1957, by the United States, Japan, Canada, and the Soviet Union and which has perpetuated, for the last 17 years, the current Federal administration of the islands' economy.

The bill will not alter the status or nature of U.S. participation in the Convention but, instead: First, authorizes the transfer of certain Federal property on the islands to Native and governmental entities, and second, authorizes a one-time appropriation of $20 million to a Pribilof Islands fund which will be used by a Native nonprofit corporation to facilitate the transition of the islands' economy from one entirely based on Federal handouts to one which is truly self-sustaining. With the enactment of this bill, the need for an annual appropriation of almost $6 million will cease.

Since the Pribilofs are located in the rich Bering Sea fishing grounds, the potential for economic diversification and independence is significant. The $20 million appropriation, as authorized in H.R. 2840 at the request of the administration, would supplement the islands' economy during the development of halibut, king crab, and groundfish fisheries and other industries. Such development is also contingent upon the commitment of the State of Alaska to develop adequate port and transportation facilities on the Pribilofs.

To insure the proper implementation of this legislation, H.R. 2840 provides that the release of the $20 million appropriation to a nonprofit corporation to be established by the existing native corporations is contingent upon congressional approval of:

First, an agreement between the State of Alaska, the Native corporations, and the Secretary of Commerce detailing the transfer of Federal property;

Second, an agreement between the Secretary of Commerce and the nonprofit corporation concerning the manner in which the $20 million will be expended;

Third, an agreement between the Secretary of Commerce, the State of Alaska, and Native corporations regarding the respective responsibilities of the parties.

Mr. Speaker, as I have already indicated, the primary reason for this legislation is the recognition of the fact that Federal administration of the Pribilof Islands has hindered the Pribilovians' development of a self-reliant economy. I believe it is time that we put a halt to this unwise use of Federal dollars and facilities and allow the Pribilovians to pursue an unfaltered path toward self-sufficiency. I, therefore, request your support and the support of my colleagues for this important legislation.

Mr. Speaker, I would like to commend particularly our colleague in this body, the gentleman from Alaska (Mr. YOUNG) for his work and his persistence in seeing that this legislation was brought to the floor in a timely fashion, as we seek to do today.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2840 represents the culmination of a cooperative effort to find a means by which the residents of the Pribilof Islands in the Bering Sea can attain economic self-sufficiency while reducing their dependence on the harvesting of fur seals. The bill would remove the Federal Government from the responsibility for administration of the social welfare program which for too long has governed the day-to-day lives of the 750 Pribilof Islanders. This would be accomplished through the appropriation of $20 million to the Secretary of Commerce for release to a nonprofit Pribilof Island corporation, subject to a resolution of Congress. The level of funding and the concept of utilizing a nonprofit corporation were proposed by the administration.

In recent years, approximately 95 percent of the funds appropriated under the Fur Seal Act of 1966 have gone to support social welfare programs on the Pribilofs. With enactment of this bill, the corporation would assume responsibility for the major share of those programs and would be provided with a means to generate local employment through investment in development projects.

When the Committee on Merchant Marine and Fisheries considered H.R. 2840, it was concerned about the lack of specifics on what Federal property was to be transferred to non-Federal ownership, and under what terms and conditions. The committee was also concerned about the lack of specifics on how and for what purposes the corporation would be established and administered and what responsibilities the State of Alaska would undertake to stimulate development of the Pribilofs' economy. The committee subsequently amended the bill to provide that the $20 million would be appropriated to a fund administered by the Secretary of Commerce and released only upon the adoption of a resolution expressing congressional approval of an agreement to be negotiated between the parties. I believe this amendment insures the proper degree of congressional review.

The committee also amended the bill to clarify that one purpose of the $20 million fund is to move the Pribilof economy away from dependence on sealing. I supported this amendment because it emphasizes that the long-term objective is a diversified economy for the Pribilofs which will take advantage of, among other things, the wealth of other natural resources available to the islanders.

As the gentleman form Louisiana indicated, the committee is today offering an amendment to the bill as reported. This amendment, which is responsive to an administration request, specifies that the agreements negotiated by the parties must be approved by a joint resolution rather than a concurrent resolution.

While I have expressed concern about whether the fund, in combination with other sources of revenue, will be sufficient to meet the needs of the Pribilof Islands if they are to succeed in their goal of economic independence, I urge the passage of H.R. 2840 with the hope that it will lead to a workable plan for self-sufficiency.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I first want to thank the chairman of the subcommittee, the gentleman from Louisiana, (Mr. BREAUX) and the ranking member, the gentleman from New Jersey (Mr. FORSYTHE) for expediting this legislation.

Mr. Speaker, I rise in support of H.R. 2840, a bill to terminate Federal management on the Pribilof Islands, and urge its passage.

This bill, which I introduced on April 28 represents the product of

many weeks of discussions between the Federal Government, the State of Alaska, and the Aleut residents of the Pribilof Islands. Most important, it brings a happy ending to a sad chapter of the history of the United States and Alaska.

The Pribilof Islands are small volcanic islands in the Bering Sea. The ancestors of the current residents were brought to the islands by Russia in the 18th century and were kept as virtual slaves while being required to harvest the abundant North Pacific fur seals that come to the Pribilofs to breed. When the United States purchased the Territory of Alaska in 1867, the condition of the Aleuts showed only minor improvement. First the Alaska Commercial Co., and then the U.S. Government, kept the Aleuts in bondage. They were allowed to develop no economy other than the fur seal harvest.

Outsiders were prevented from visiting the islands. Many Aleut families that left the islands had their homes burned so that they could not return. During World War II, the islanders were moved to detention camps in southeast Alaska, where nearly one-third of them died from disease and malnutrition. At the end of the war, they were moved back to the islands so they could harvest seals for the Government.

In 1966, this Congress passed the Fur Seal Act, which became a "Bill of Rights" for the Aleuts. Under the act, the Secretary of the Interior—and later the Secretary of Commerce—was authorized to provide certain social services for the islands. As a result, we have annually appropriated money to the Pribilof program. Money has also been appropriated for fur seal research.

Two years ago, Members of Congress and representatives of the administration began suggesting that the Federal responsibilities on the Pribilofs be ended. Initially, the Aleuts were opposed to this idea, as they had no economic base other than the annual fur seal harvest. However, they recognized that they needed to find some other means of livelihood and entered into discussions with the administration to determine how best to end Federal responsibilities. The State of Alaska was also involved in these discussions as the State would be required to provide those services that it normally makes available to rural communities. As a result of these discussions, legislation was drafted that ended the Federal role.

In order to provide an economic base for the Aleuts, the administration agreed to continue its spending for 4 years. After further discussion, it became obvious to all parties that smaller appropriations over a 4-year period would not provide a sufficient economic base. The parties therefore agreed that the appropriations would be made in one lump sum and that the funds would be put in the hands of a nonprofit corporation designed to insure that the funds would be used to develop a stable and diversified economy.

I introduced the suggested legislation on April 28 with several technical refinements. Because the Aleuts and the administration wanted to begin the program immediately, they requested the House Marine and Fisheries Committee to take expedited action. On May 19, the committee held a half-day hearing on the bill and then reported it to the House. I expect that the Senate will take similar quick action so that the necessary money can be appropriated in fiscal year 1983.

I want to stress that this legislation is necessary and important. It is supported by the administration, by the Aleuts, by the State of Alaska, and the environmental groups that testified before the committee. It does not change any U.S. commitments under the North Pacific Fur Seal Treaty, nor does it seek to mandate any increase in fur seal harvest. It does not force the State of Alaska to take any action that is contrary to State law. It does not allow the Federal Government to continue making piecemeal appropriations to the Aleuts, thereby preventing them from reaching economic self-sufficiency. It does provide a reasonable settlement to end a problem that has been around since the 18th century. It deserves this body's support.

Mr. FORSYTHE. Mr. Speaker, if the gentleman will yield, I also want to commend the gentleman from Alaska and the gentleman from Louisiana, and really the rest of the committee for their cooperation in working very hard in order to get this legislation to the floor in an expeditious manner. It took a lot of cooperation with the staffs of both the majority and the minority, working with the Natives, with the State, and with the Federal Government, to accomplish this. I am glad it has been done.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members wishing to do so may have 5 legislative days in which to revise and extend their remarks on this bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. SEIBERLING. Mr. Speaker, I have reviewed this bill carefully, and have also discussed it with the distinguished gentleman from Arizona (Mr. UDALL) the chairman of the Committee on Interior and Insular Affairs, because I was concerned that it deals with some matters which are within the jurisdiction of our committee. Based on that review and discussion, I believe that there are no problems with the substance of the bill.

I am informed that the leadership of the Committee on Merchant Marine and Fisheries agree that some aspects of the bill—such as its effects on Native corporations organized under the Alaska Native Claims Settlement Act, for example—involve matters within the exclusive jurisdiction of the Committee on Interior and Insular Affairs. I have also been assured that the action of the Committee on Merchant Marine and Fisheries in bringing this bill forward now is not intended to interfere with or affect the jurisdiction of the Committee on Interior and Insular Affairs.

Therefore, Mr. Speaker, let me say that in view of the desirability of moving forward with this bill today, and because there appear to be no problems with its substance, I support its passage under a motion to suspend the rules. But, Mr. Speaker, my support for the bill is not intended to reflect any agreement by Mr. UDALL or myself or any other member of the Interior Committee to waive future referrals of bills such as this to the Interior Committee, for exercise of the committee's jurisdiction under the rules of the House.

● Mr. JONES or North Carolina. Mr. Speaker, H.R. 2840, which was introduced by our colleague from Alaska (Mr. YOUNG) is a measure which I fully support for two reasons. It will extend a helping hand to a group of Americans—the Natives of the Pribilof Islands in Alaska—to assist them in their goal of becoming self-sufficient. It will, at the same time, provide for an annual savings in the Federal budget, beginning in fiscal year 1984, in the neighborhood of $5.8 million, due to the discontinuance of the welfare-type payments which, for many years, have constituted the major source of income for these Natives.

At first glance, it may appear that the Aleuts who reside on St. Paul and St. George Islands, numbering around 700 individuals, will be the recipients of a windfall upon passage of this legislation. But appearances are deceiving and the $20 million one-time payment, which the Federal Government will make to them upon passage of this bill and completion of certain required documents, is in fact small return for the many years during which these Americans have been prevented from controlling their own destinies.

We have all heard of one industry so-called company towns where the citizens were, in fact, virtual subjects of the owners and lacked the tools to set themselves free. Fortunately, most of these have disappeared from the American landscape. But the Pribilof Island communities have for more than a century been a company town,

the company has been the U.S. Government, and the industry has been the seal harvest.

Of course, to some extent, we inherited this situation when we purchased Alaska from the Russians and I am sure there were good reasons for the establishment of many of the social programs which were instituted through the years to provide a decent standard of living for the Pribilof residents. Still, the time is long past due for these people to be given an opportunity and a small capital base upon which, we are hopeful, they will build a strong and enduring, diverse economy which is not based on sealing. The islands sit in the midst of one of the world's richest fisheries and development of a commercial fishing industry and related sources of employment are contemplated.

For many years my committee has been urging the executive branch to take just such a step and we welcomed their proposed legislation for that reason. However, a review of the proposal sent to us by the Department of Commerce and recent hearings brought to light what the committee considered certain deficiencies. In order to assure the best prospects for accomplishment of the goal of the legislation, it has, therefore, been amended to require congressional approval of certain documents regarding properties which are to be turned over to the Pribilovians, details of a Native-run corporation to administer the fund, and designation of the respective responsibilities of the three parties whose roles are vital to the success of this endeavor—the Federal Government, the State of Alaska, and the Natives. This will give the Congress an opportunity to assure that before the money changes hands a strong foundation will be in place for the accomplishment of a self-sufficient economy.

It is not often that we have an opportunity to redress a wrong of long duration at the same time that we provide for a decrease in future Federal budgets, but this is such a case and I urge all of my colleagues to give H.R. 2840 their wholehearted support.●

Mr. BREAUX. Mr. Speaker, I yield back the balance of my time.

Mr. FORSYTHE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BREAUX) that the House suspend the rules and pass the bill, H.R. 2840, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MEALS FOR OLDER AMERICANS

Mr. ANDREWS of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2807) to increase the level of funds authorized to be appropriated for the fiscal years 1982, 1983, and 1984 to permit adequate reimbursement for meals served under the Older Americans Act of 1965, as amended.

The Clerk read as follows:

H.R. 2807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated $6,800,000 to provide reimbursement to maintain the annually programed level of cents per meal during fiscal year 1982, determined under section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4)). For purposes of subsections (a), (b), and (d)(2) of section 311 of such Act, the sum authorized to be appropriated by this section shall be deemed to have been authorized to be appropriated for fiscal year 1982 by section 311(d)(1) of such Act.

SEC. 2. Section 311(d)(1) of the Older Americans Act of 1965 (42 U.S.C. 3030a(d)(1)) is amended—

(1) by striking out "$100,000,000" and inserting in lieu thereof "$116,000,000", and

(2) by striking out "$105,000,000" and inserting in lieu thereof "such sums as may be necessary".

The SPEAKER pro tempore. Is a second demanded?

Mr. PETRI. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. ANDREWS) will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. PETRI) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. ANDREWS).

Mr. ANDREWS of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our bill today is needed to take care of a shortfall in funds for one of the most respected programs on the books. I am referring to the senior nutrition program under the Older Americans Act. Every weekday hundreds of thousands of senior citizens gather together to share a hot meal. Many others, who are unable to leave their homes, have the meal delivered to them—what is generally known as Meals on Wheels.

These meals are supported from a combination of sources, title III of the Older Americans Act provides the largest share, the States and localities add other funds from a variety of sources, and the senior citizens contribute what they can afford. While there is no means test to participate, emphasis is placed on low-income individuals and 62 percent of those who do take part are reported as low income.

The part of the program that concerns us today is the surplus commodity portion. States serving meals under this program are entitled to receive additional cash or surplus commodities through a Department of Agriculture reimbursement program. States let the Department of Agriculture know how many meals have been served and then are reimbursed accordingly.

This surplus commodity portion was open-ended, but the 1981 amendments to the Older Americans Act placed a ceiling on the authorization based on estimates from the Department of Agriculture on the need for funds to maintain the program. However, now the Secretary of Agriculture has told us that those ceilings are too low, that more meals are being served than was originally estimated. The Secretary has reprogramed some money, but more will be needed, and that is what this bill is all about.

The program has exceeded estimates for several reasons. First, Congress appropriated an additional $30 million for title III nutrition programs in 1983. Second, States and localities are using more of their own resources to support the program. And, finally, the older people themselves are contributing more to help pay for the cost of the meals. In fact, these contributions added up to $100 million in 1982.

Instead of the 190 million meals per year that the Department of Agriculture originally estimated, we now expect some 214 million meals to be served during 1983. I might add that the House Appropriations Committee, in anticipation of this bill, has already provided an additional $16 million in the 1983 supplemental appropriations bill just reported out of committee.

I urge my colleagues to support this meals program by voting for this legislation.

Before I close, I want to thank those Members who have worked hard to bring this bill to the House today. I particularly want to thank the chairman of the Education and Labor Committee, CARL PERKINS, for his great efforts on behalf of nutrition programs for young and old. Also, my colleague from New York, Mr. BIAGGI, and my colleague from New Jersey, Mr. RINALDO, deserve thanks for their work on developing this legislation.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the chairman of the Subcommittee on Human Resources of the Committee on Education and Labor for successfully piloting this bill to the floor.

Mr. Speaker, I rise in support of H.R. 2807.

This legislation makes a minor modification in the authorization levels for the USDA commodity program supporting Older Americans Act nutrition

programs. By making this change, we will help State and local aging programs maintain their existing levels of service for both congregate and home delivered meals.

The USDA commodity program for Older Americans Act nutrition programs operates through providing States with a reimbursement based on the number of meals served to senior citizens by meal providers in their State. States have the option of receiving their reimbursement either in cash or in commodities.

In the Older Americans Act Amendments of 1981, Congress placed a cap on the total amount of appropriations which could be used to support the USDA program. The ceilings set for each of the 3 years of the reauthorization period were determined with the assistance of the Department of Agriculture based on these estimates.

Because of a higher than expected demand for both congregate and home delivered meals, the ceilings set in 1981 have proved to be too low. For fiscal year 1982, a shortfall of $6.8 million was found to exist. For fiscal year 1983, a shortfall of $16 million is projected. A similar, but as yet undetermined shortfall is also projected for fiscal year 1984.

H.R. 2807 is a responsible reaction to these projected shortfalls. The bill leaves in place the concept of a cap on the USDA commodities or cash in lieu of commodities program. The bill also sets specific new ceilings for both fiscal year 1982 and 1983.

I believe H.R. 2807 is sound legislation which should be adopted. I urge approval of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 2807 and would like to commend my colleagues, Mr. PERKINS chairman of the Committee on Education and Labor, Mr. ANDREWS and Mr. PETRI, chairman and ranking member of this Subcommittee on Human Resources as well as Representatives MATTHEW RINALDO and MARIO BIAGGI, ranking republican and chairman of the Subcommittee on Human Services of the Select Committee on Aging, respectively, for their efforts in bringing this bill before the House for consideration. H.R. 2807 authorizes additional funds for the U.S. Department of Agriculture's (USDA) cash-in-lieu-of-commodities program for fiscal years 1982, 1983, and such sums as may be necessary for fiscal year 1984.

The need for this legislation is a result of the 1981 reauthorization of the Older Americans Act, when a monetary cap was placed on the commodity reimbursement program. In doing so, Congress repealed the entitlement status of the program, making it subject to the regular authorization and appropriations process and placing a ceiling of $93.2 million on the program for fiscal year 1982. The ceilings for fiscal year 1983 and fiscal year 1984 are $100 million and $105 million, respectively. These funding levels were based on estimates from USDA on the need for funds to maintain the programs at the same level of meals served during fiscal year 1981. As we have seen, the appropriations have proven to be insufficient to fully reimburse States for the meals they serve under title III (nutrition services) of the Older Americans Act.

In fiscal year 1982, USDA estimated that $93.2 million would be sufficient to fully reimburse States for the number of meals served. States calculated their expenses and submitted their claims for reimbursement to USDA at the end of the fiscal year, only to find that funds available to cover costs were inadequate. For the State of Arkansas alone, an additional $32,000 is needed to make up the difference between what the State spent on meals in fiscal year 1982 and what it was reimbursed. Nationally, USDA reports that the total deficit for fiscal year 1982 is about $6 million.

Based on projections from States on the number of meals served, it appears that the $100 million appropriated for this year will also be insufficient and that there will be a shortfall in fiscal year 1983 as well. USDA has estimated that the total deficit will reach $16 million. My own State of Arkansas projects a $176,000 deficit for the nutrition program at the end of this year, based on present cash flow. Taken with the fiscal year 1982 shortfall, Arkansas' total deficit will be $202,000 unless we act quickly.

Mr. Speaker, the Older Americans Act nutrition program is a very worthwhile and cost-effective program that should be fully funded. Studies have shown that proper nutrition is the cornerstone of preventive medicine and one of the best ways of maintaining good health and avoiding the much greater costs that are associated with degenerative diseases and required medical care it is only with nutritious diets that older people will retain their capacity to remain active and productive.

Many elderly people suffer from some form of malnutrition, which can be the result of the body's inability to absorb major nutrients and also from economic and social causes. Limited income, social isolation and physical disabilities restricting an older person's ability to shop and prepare food can all cause the problem.

Conditions such as anemia, lowered resistance to infectious disease, weight loss, and confusion can stem from malnutrition caused by insufficient protein and calories. These conditions, however, are correctable. "Studies indicate clearly that nutritional support can markedly improve not only the well-being of the elderly person but also his or her ability to fight infection and respond to stress," said Dr. David A. Lipshitz, professor of medicine and chief of the division of hematology and oncology at the University of Arkansas at a conference on Nutrition and Aging in 1981.

The meals program sponsored by the Older Americans Act goes a great distance toward correcting these problems by providing at least one balanced, nutritious meal each day and I hope that my colleagues will join me today in support of full funding for the program.

□ 1310

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to my colleague, the distinguished gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. Mr. Speaker, I rise in strong support for this legislation. Since 1965, its year of origin, the Older Americans Act has garnered broad and deep support from Members of Congress on both sides of the aisle, as well as every administration, including the present one. It is not surprising. Ably administered through the Department of Health and Human Services' Administration on Aging, by State units and area agencies on aging, the programs under this act—supportive services, nutrition, employment, geriatric research, education, and training—assist 36 million older individuals in living healthy, independent, and productive lives.

it is in this strong bipartisan tradition that we consider this legislation today.

Section 311 of the act allows States to be reimbursed on a cents-per-meal basis for each meal served under the elderly nutrition program. I am pleased that the Secretary of Agriculture has now determined that it will be able to satisfy all reimbursement requests by the States for fiscal year 1982 out of unobligated balances.

Yet passage of this measure is necessary to guarantee against meal cutbacks and insure that sufficient reimbursement to the States, is provided to meet the expected number of meals to be served in fiscal year 1983 and 1984. I wish to insert in the RECORD a letter addressed by my fellow aging committee colleagues MARIO BIAGGI and MATTHEW J. RINALDO for the National Association of State Units on Aging. The letter details how critical this legislation is to each State.

In my own State of Nebraska, up to 48,000 meals may be lost if its $144,028 share of the projected $1.6 million shortfall is not made up.

How would I explain that to the hundreds of older Americans who take advantage of these basic, nutritious

meals at the 28 nutrition sites across the 5 counties I represent?

Significantly, the Administration on Aging reports that over two-thirds of the beneficiaries of this program are either low income: Below or near the poverty line, or minority. Moreover, while there is no mandatory charge for a meal, senior citizens are encouraged to pay what they can. Indeed, the administration, quite appropriately, has developed a new initiative to encourage greater voluntary contributions by program beneficiaries.

It is a tribute to this initiative, and to the support of this program by older Americans nationwide, that client contributions are up 17 percent from fiscal year 1981 to fiscal year 1982, and are expected to rise still further this year.

This increase in the amount of donations contributed by the diners themselves, plus an influx of greater State and local support, has resulted in a higher-than-expected number of meals being served and projected to be served.

I also want to thank the chairmen of the Education and Labor Committee and its Subcommittee on Human Resources, as well as the ranking members, Mr. ERLENBORN and Mr. PETRI, respectively. My distinguished friend and fellow Aging Committee colleague, MATTHEW J. RINALDO, who serves as ranking member of that committee, deserves particular praise for authoring this legislation.

Further I wish to acknowledge the contributions of the ranking member of the Agriculture, Rural Development and Related Agencies Subcommittee of the Appropriations Committee, my distinguished colleague and fellow Nebraskan, VIRGINIA SMITH, for her effort in including the projected $16 million needed this year in the 1983 supplemental appropriations bill the House will be considering shortly.

In closing, I ask you to ponder whether we want to risk a rise in malnutrition, a rise in institutionalization, a rise in expenditures for food stamps, medicare, medicaid, and other Federal programs by not approving this bill.

I urge its adoption.

The letter follows:

NATIONAL ASSOCIATION OF STATE UNITS ON AGING,
Washington, D.C., May 23, 1983.

Hon. MATTHEW J. RINALDO,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RINALDO: The National Association of State Units on Aging applauds your efforts to address the shortfall in funding for the elderly commodities program by introducing H.R. 2807 and H.R. 2808. As you know, it is critical to the continued successful operation of this valuable program that the authorizations be adequately raised. Without passage of H.R. 2807 and subsequent additional funding, elderly nutrition programs throughout the nation will be unable to provide meals to many older persons now participating in the program. H.R. 2807 will accommodate estimated increases in reimbursement requests by state units on aging, based on the number of meals they are able to serve the elderly.

Once again, thank you for your continued support for Older Americans Act programs which are essential to the well-being of millions of our senior citizens.

Sincerely,

CHARLES REED, *President.*

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I think this is a good program. I think the amounts of money spent are not excessive, and I think the program is well administered. I know that it certainly is within my district where the congregate dining program and Meals on Wheels are well received and well managed.

For those reasons, I hate to be the onion in the petunia patch today, but I must ask some questions about this bill so that Members at least have an idea what they are doing to the budget if they pass this kind of bill.

This bill will take us from the current authorization program to an entitlement program in the coming fiscal year. In 1984 it will be a plain entitlement program. That means there will be no budgetary or appropriations control from now on.

Worse than that, Mr. Speaker, we are creating a new entitlement in a program that is nonmeans tested.

As previous speakers have indicated, there is no asset or earnings limitation for those who participate. That, of course, is one of its strengths, because it is not only a nutrition program but it is a social program as well. But from a budgetary point of view, all entitlements are risky, but non-means-tested entitlements have the greatest cost exposure.

If we approve this open ended, nonmeans-tested entitlement, it is in my judgment the worst thing we can do to our budget. I note that many of the Members who complain about deficits daily on the floor are in strong support of this kind of legislation. If we are ever to get control over our budget, or if we are ever to get control over deficits, we must stop passing more and more entitlement programs.

I have no complaint with the program, nor with the expected expenditures for fiscal year 1984. However, to make the spending automatic and open ended does extreme violence to our budget and sets an unwholesome precedent for other potential end runs of the budget process.

Mr. Speaker, it is, therefore, with great regret and with no criticism of the program that I call the attention of the House to the entitlement aspect of the bill. If we continue to create uncontrollable, open-ended entitlements, we will continue to have deficits and we will continue to have lack of control. Despite my affection for this worthwhile program, I have no choice but to vote against the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. ANDREWS of North Carolina. Mr. Speaker, I now yield such time as he may consume to the chairman of the full Committee on Education and Labor, the distinguished gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I will take just 1 minute. As has already been stated, we enacted the Older Americans Act of 1965. It was not until 1972 that we enacted the nutrition program.

I do not know of any nutrition program that has been more popular over the years than the program for the elderly, and I do not know of any money that has ever been wasted in connection with the administration of the reimbursement for the elderly in serving the meals.

We had a shortage of money, and I feel that we should reimburse the States for 1982 and 1983. As the gentleman from Minnesota (Mr. FRENZEL) has stated, we do have an open-ended authorization for 1984, and it has been converted to an entitlement program.

We have many entitlement programs, and I do not know of any program that this Congress has ever enacted that deserves to be an entitlement program more so than the nutrition program for our elderly people in this country.

It would be my hope that all the Members will support this bill. It is a good bill. There is not much money involved. The bill in the future will be scrutinized every year, and we have never appropriated more money than has been needed for the program.

□ 1320

The constituency served by this program is remarkable. I think practically all of the Members of the House will support the program and should support the program.

Mr. Speaker, I rise in support of H.R. 2807, a bill which would increase the level of funds authorized to be appropriated for the fiscal years 1982, 1983, and 1984 to permit adequate reimbursement for meals served under the Older Americans Act of 1965.

Initially, I want to thank our colleague, the distinguished chairman of the Subcommittee on Human Resources—IKE ANDREWS—for his dedicated efforts in connection with this bill we are considering today. I would also like to thank our colleague from New York, Congressman MARIO BIAGGI, for his foresight and work in developing this legislation which is so vital to our Nation's elderly.

The Older Americans Act amendments of 1981 set authorization ceil-

ings for the commodities nutrition program under this act. The Department of Agriculture, which administers this program, thought initially that it could satisfy all the States' reimbursement requests for meals with the fiscal year 1982 appropriation level of $93,200,000; however, this level of funding is clearly not sufficient. There is currently a shortage of funds under this program for fiscal year 1982. For example, the State of Kentucky received during fiscal year 1982 $1,597,896 under the commodities program. This level of funding allowed the State to serve 798,948 meals. Kentucky needs, however, approximately $1,751,688, an increase of $153,792 in order to satisfy an additional 76,897 meals that have been requested and made during that fiscal year.

In addition, for fiscal year 1983, the Department of Agriculture projects that an additional $16,000,000 more than the fiscal year 1983 level of $100,000,000 authorization and appropriation level will be needed under this program. Again, during fiscal year 1983 Kentucky will need $1,853,559 in order to serve 926,779 meals.

Mr. Speaker, H.R. 2807 would correct this funding problem by authorizing for the commodities program an additional $6,800,000 in funds for fiscal year 1982 and increase the authorization ceiling for fiscal year 1983 by $16 million and for fiscal year 1984 to "such sums as may be necessary."

It is extremely important that this bill be passed as quickly as possible so that we can insure that the number of meals provided to our elderly citizens will not be reduced. I therefore strongly urge my colleagues to support H.R. 2807.

Mr. ANDREWS of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. CORRADA) a member of the subcommittee.

Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 2807, which would raise authorization levels for the senior meals programs under title III-C of the Older Americans Act.

In 1981, the Department of Agriculture provided Congress with estimates of funding levels necessary to maintain meals served that year. These reimbursement estimates were then used to set spending limits under the Reconciliation Act, holding fiscal year 1982 expenditures to $93.2 million and fiscal year 1983 outlays to $100 million.

As a practical matter, however, it has become impossible for the Department of Agriculture to meet requests for reimbursement for meals served under that cap. For 1982 alone, Secretary Block estimates a shortfall of $6.8 million, and for fiscal year 1983, $16 million additional will be needed.

H.R. 2807 merely increases authorization levels consistent with Secretary Block's estimates. It does not increase the number of meals served nor does it change the legislative intent of the meals program in any way.

I urge my colleagues to support this bill in order to keep firm in the commitment we made to our senior citizens in approving the Reconciliation Act.

Mr. Speaker, I would like to commend the chairman for bringing this matter to the House.

Mr. ANDREWS of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, as the author of this legislation before us today, I rise to lend my strong support of H.R. 2807 to address the impending shortfall in the senior nutrition program. In my capacity as a member of the House Education and Labor Committee which considered this legislation—as well as an original member of the House Select Committee on Aging—I wish to thank my colleagues on both committees for their timely show of bipartisan support on this bill. I especially wish to thank my colleague, MATT RINALDO, who is our ranking Republican on the Aging Committee, who introduced this bill along with me. I also wish to acknowledge the support of my chairman, CARL PERKINS, for his timely attention to this bill and for his tireless dedication to all programs of benefit to the elderly. I also wish to thank the subcommittee chairman, Mr. ANDREWS, for facilitating this bill as well as the 26 cosponsors who have lent their names in support of this measure.

By passing H.R. 2807 today we will be averting the need to cut back this program by $16 million over the next year—which could translate into upward of 8 million meals. We have no one to blame for this situation we find ourselves into today—yet by not passing H.R. 2807 we will be sending the wrong message to the millions of seniors who have benefited from this program since its creation in 1973.

By way of background, for the benefit of my colleagues, the 1981 amendments to the Older Americans Act amended section 311 to place a cap on the amount of money that could be spent providing funds to States to pay for senior meals—$93.2 million in 1982—$100 million in 1983, and $105 million in 1984. States are reimbursed on a per-meal basis—with the amount per meal set by statute and revised annually in accordance with changes in the Consumer Price Index. In 1982, States received 51.5 cents per meal and in this year they are to receive 54.25 cents per meal. Despite this increase in the reimbursement rate to reflect the CPI—the administration has advised us that there is a shortfall in this program for both 1982 payments as well as for 1983.

H.R. 2807 addresses this problem by providing a first step in the solution to this problem. It raises the authorization levels in both fiscal years 1982 and 1983 by $6.8 million and $16 million respectively. This is the amount USDA has provided to us. I am pleased to note that our colleagues on the Appropriations Committee have begun the second step in this process by providing these funds in the supplemental bill reported out of committee last week.

Mr. Speaker, H.R. 2807 cannot be construed as a budget buster. In fact, it appears likely that it will cost even less than the $22.8 million that was estimated when H.R. 2807 was introduced last month. Subsequent information we have received indicates that USDA has found the necessary funds to pay for the 1982 shortfall of $6.8 million. Passage of H.R. 2807 today will insure that the will of Congress is carried out in this manner and that these payments will be made.

The senior nutrition program remains one of the most popular and vital programs under the Older Americans Act of 1965. Since 1973, when the congregate meals program was first established—and in 1978 when the companion home-delivered program was created—together these programs have provided over 1 billion meals in their short—but impressive 9-year history—to those elderly in the greatest social and economic need. It is a wise investment of the dollar and a small price to pay for such a large return. The meals program allows the elderly to remain in their homes and in their communities—avoiding more costly institutionalization. These meals also provide seniors with a modest degree of self-sufficiency. The history of these programs are replete with testimonials—before our committees as well as on this House floor—of their merit and their worth.

Let us reinforce this bipartisan support for the senior meals programs and pass my bill, H.R. 2807, before us today.

Mr. Speaker, at this time I would introduce into the RECORD a statement from the National Association of State Units on Aging which represents all of the State units. The letter states as follows:

NATIONAL ASSOCIATION OF
STATE UNITS ON AGING,
Washington, D.C., May 23, 1983.

Hon. MARIO BIAGGI,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN BIAGGI: The National Association of State Units on Aging applauds your efforts to address the shortfall in funding for the elderly commodities program by introducing H.R. 2807 and H.R. 2808. As you know, it is critical to the continued successful operation of this valuable program that the authorizations be adequately raised. Without passage of H.R. 2807 and subsequent additional funding, el-

derly nutrition programs throughout the nation will be unable to provide meals to many older persons now participating in the program. H.R. 2807 will accommodate estimated increases in reimbursement requests by state units on aging, based on the number of meals they are able to serve the elderly.

Once again, thank you for your continued support for Older Americans Act programs which are essential to the wellbeing of millions of our senior citizens.

Sincerely,

CHARLES REED,
President.

Mr. Speaker, I would emphasize the letter states "will be unable to provide meals to many older persons now participating," and I emphasize the now participating in the program. It is not a question of new people, it is current recipients who will be denied that privilege.

Mr. Speaker, I yield back the balance of my time.

Mr. ANDREWS of North Carolina. Mr. Speaker, I would like to thank the gentleman from New York (Mr. BIAGGI), and I now yield such time as he may consume to the gentleman from Connecticut (Mr. RATCHFORD), a former Commissioner on Aging from the State of Connecticut.

Mr. RATCHFORD. Mr. Speaker, I rise as a strong supporter of H.R. 2807.

Some of my colleagues know for a 2-year period of time I served as a Cabinet-level Commissioner on Aging in Connecticut. From this perspective and its background as far as experience, I can say to my colleagues that no program authorized under the Older Americans Act is more critical to aging services in America than the nutrition program. In Connecticut alone last year we served 2.5 million meals under this program.

This program takes on two forms. The first is the congregate meal portion of the program. By the way, concerning the expression of concern by my colleague from Minnesota (Mr. FRENZEL) about the costs, may I point out that each of the services provided at the congregate meal site is done by volunteers who work in this program believing that it provides decency and dignity and an opportunity for individuals who otherwise would not have a well-balanced meal daily.

In addition to providing that one balanced meal each day, the congregate program really is much more. It is the attraction for the Social Service programs offered at the meal sites or the senior centers. It is the draw also for the health screening programs, for the blood pressure programs, and for a variety of the health services offered in connection with this program.

□ 1330

It is a program, Mr. Speaker, that pulls many, many Americans who are beyong the age of 60 out of the shadow of isolation and insulation and into the daylight of a full life that still can be offered to older Americans.

There is a second very important part of the program and that is the home-delivered meal portion of it. For many older Americans, this is the thread that keeps them out of nursing homes because that home-delivered meal provided daily at very low cost, provided daily, again, with heavy involvement of volunteer services as part of the homebound program, this meal delivered daily may well be the difference between a person living at home with decency and dignity and respect, or a person being forced prematurely into a nursing home or hospital.

In every respect this is a people program that deserves our continued support.

In addition to that it is a program that clearly saves dollars, it clearly saves dollars because it again may be the difference between many Americans living on welfare and it may be the difference between many Americans being forced into a nursing home or allowing that older American to live in decency and dignity and respect.

The cost, traditionally, has been a very low cost. Realistically, Mr. Speaker, looking back at what we did in 1981, we imposed, I think, a cap that was unrealistic, unreasonable, and was too little.

What we do now is to reach out and say we as Americans charged with public service are going to keep faith with older Americans who look to us as those who will see to it that living longer in America also will be an opportunity for living better.

Both from the humanity of it and also from the cost efficiency of it, this is a very good program; it is a program that does provide dignity, it is a program that does provide respect and, in addition, Mr. Speaker, it keeps our commitment with the very important sector of America, the older American who has, after all, made this country the great country that it is.

So in passing this resolution today, what we really are doing is being both cost efficient and also conscious of the contributions of older Americans.

It is rare that we have this combined opportunity. Let us take this opportunity today and in so doing keep our commitment to the older Americans.

● Mr. ERLENBORN. Mr. Speaker, I rise in support of the bill.

This legislation would make additional money available to the States for nutrition programs for senior citizens for fiscal years 1982, 1983, and 1984. With the additional funds authorized to be appropriated under this bill, the sponsors anticipate that up to 8 million additional meals can be served.

This bill will assure stability in the nutrition programs supported under the Older Americans Act. State aging programs operated in both 1982 and 1983 anticipating the full reimbursements authorized under the Older Americans Act. A higher than anticipated number of demand meals served led to requests for reimbursements which exceeded the fiscal year 1982 authorization ceiling of $93.2 million. Similar situations are now projected for fiscal year 1983 and 1984. Not providing the additional funds needed could cause a disruption in the program that could lead to a reduction in the number of meals served at a time when demand has never been greater. Enacting H.R. 2807 could help avoid this problem.

The Department of Agriculture informs us that no new appropriations will be needed to cover the 1982 shortfall of $6.8 million. These funds will be made available through the reprograming of appropriations already made. For fiscal year 1983, I understand that the Appropriations Committee has indicated it intends to appropriate the $16 million needed.

H.R. 2807 came out of the Committee on Education without a dissenting vote. I attribute this in large part to the excellent work of the gentleman from New Jersey (Mr. RINALDO). The gentleman has served with distinction as the ranking Republican on the Aging Committee and helped the gentleman from New York, Mr. BIAGGI, to develop the estimates of the amount of funds needed for this bill.

I believe, Mr. Speaker, the Congress should approve H.R. 2807 in order to help the States continue the excellent job they are doing in meeting the nutritional needs of our senior citizens. I urge passage of H.R. 2807.●

● Mr. RINALDO. Mr. Speaker, as the original sponsor of this legislation with my distinguished colleague MARIO BIAGGI of New York, I rise in favor of H.R. 2807. At the outset, I want to thank, in addition to Mr. BIAGGI, the chairman and ranking member of the Education and Labor Committee, Mr. PERKINS and Mr. ERLENBORN, as well as the chairman and ranking member of the Subcommittee on Human Resources, Mr. ANDREWS and Mr. PETRI. This is, appropriately, a completely bipartisan effort.

Few Federal programs which serve our Nation's 36 million senior citizens are as popular and highly regarded as the elderly nutrition program. This program affords individuals over 60 years of age and their spouses the opportunity to have a complete meal each weekday at 1 of 13,246 nutrition sites in their own communities or, if infirm, at home. These meals provide not only a nutritious, well-balanced, and satisfying supplement to one's diet, but the opportunity to interact in group settings with one's friends and neighbors. The nutrition program is essential to both the physical and psychological well-being of our elderly,

promoting their health, their independence, and their participation in the world around them. And, it is important to note that, while no means test may be applied, the program is specifically targeted and preference is given to those individuals with the greatest economic or social needs. Few would disagree that expenditures for institutional care, medicare, medicaid, food stamps, and other Federal programs would be higher if it were not for the elderly nutrition program.

This program is administered by the Department of Health and Human Services, Administration on Aging, through State and local area agencies on aging, and receives the bulk of its funding through title IIIC (1) and (2) of the Older Americans Act of 1965, as amended (42 U.S.C. 3001 et seq). State units on aging are also reimbursed on a per-meal-served basis under a separate authorization and appropriation through the Agriculture Department's commodities/cash-in-lieu-of commodities program (section 311 of the act).

The Older Americans Act Amendments of 1981 (Public Law 97-115) mandated authorization ceilings for the commodities/cash-in-lieu-of commodities provision, but these ceilings have proven unrealistically low. While the Department of Agriculture initially thought it could satisfy all the State's reimbursement requests of 51.50 cents per meal with the fiscal year 1982 appropriation of $93.2 million, additional funds are needed. In my own State of New Jersey, the New Jersey Division on Aging reports that the equivalent of at least 18,000 meals could be lost if reimbursement is not forthcoming. While I applaud the Agriculture Department's decision to reprogram other funds to meet the fiscal year 1982 shortfall, the problem for this year and next year remains. For fiscal year 1983, the Agriculture Department projects that $16 million more than this year's $100 million authorization and appropriation level will be needed.

To address this shortfall, Congressman BIAGGI, chairman of the Select Committee on Aging's Subcommittee on Human Services and an original member of the committee, has joined with me in sponsoring this legislation to authorize an additional $6.8 million in funds for fiscal year 1982 and to amend the authorization ceilings for fiscal year 1983 and 1984 in order to accommodate estimated increases in reimbursement requests by the States, based on the number of meals that they are able to serve the elderly.

Because the statute allows reimbursement for each meal served under the aegis of the title III nutrition program, section 311 provides an incentive for nutrition providers to seek supplemental, non-Federal support for meals provision. I am pleased that New Jersey and many other States, despite severe revenue constraints, are channeling increased State and local dollars into the program, thus providing more meals eligible for reimbursement. The administration's commendable initiatives to increase voluntary contributions by program beneficiaries and improve management techniques have also boosted meal counts beyond earlier expectations.

Thus, while 185 million meals were served in fiscal year 1981, over 194 million meals were served in fiscal year 1982, and an estimated 214 million meals will be served in fiscal year 1983. A still greater number are likely in fiscal year 1984.

Without the additional Federal funds authorized by H.R. 2807, however, retrenchment would replace expansion at a time when need has never been greater. The intent and purpose of section 311—maximizing the number of meals served with the least amount of Federal dollars—would be frustrated.

It is significant to note that H.R. 2807 was reported out of the Education and Labor Committee by voice vote. In a further tribute to the broad, bipartisan support for this legislation, the House Appropriations Committee has already voted to make available the full supplemental amount of $16 million required for fiscal year 1983. My able colleague VIRGINIA SMITH of Nebraska, the ranking member of its Subcommittee on Agriculture, Rural Development and Related Agencies, deserves particular credit for the inclusion of these funds in the fiscal year 1983 supplemental appropriations bill soon to be considered by the House.

Mr. Speaker, as ranking minority member of the Select Committee on Aging and a longtime champion of all programs and services under the Older Americans Act, I urge my colleagues to join me in approving this legislation. Our Nation's elderly are counting on us.●

● Mr. COLEMAN of Missouri. Mr. Speaker, I rise in support of H.R. 2807.

The bill before us today is small in terms of money, but quite important in terms of the nutrition programs operated under the Older Americans Act. This year these programs will serve over 190 million meals to elderly persons across the country. H.R. 2807 will make a small contribution toward paying for those meals and will help the States avoid possible service cutbacks.

Under the Older Americans Act Amendments of 1981, we placed a ceiling on the total amount of appropriations available to reimburse States under the USDA cash or commodities program. The ceilings established in 1981 were based on an estimate of the number of meals likely to be served in fiscal years 1982, 1983, and 1984. Since that time it has become increasingly apparent that these ceilings were set at an unrealistically low level. H.R. 2807 would raise these ceilings in order to provide the States with the full per meal reimbursement envisioned in the 1981 amendments.

In my home State of Missouri, unpaid claims for reimbursement for fiscal year 1982 alone amount to $179,807. For fiscal year 1983, Missouri's unpaid claims would be at least twice this amount. For fiscal year 1984, the amount could be even greater. Similar shortfalls exist in every other State, Puerto Rico, the District of Columbia, and the territories.

I believe that the enactment of H.R. 2807 would encourage our State programs to continue their good work in meeting the nutritional needs of our senior citizens. I urge support of the bill.●

● Mr. BILIRAKIS. Mr. Speaker, I wish to join my colleagues in expressing my support for H.R. 2807—a measure which insures that the congregate and home-delivered meals programs will continue at current levels.

With the new advances in medical technology and research, we have made it possible to prolong life. There is no reason, though, that these extended years should be filled with sorrow, suffering, and hunger. Rather they should be years of pleasure and ease.

The congregate meals programs give our elderly not only a meal, but also much more. Through such programs, our senior citizens share their meals, their time and much fellowship. For some, it is their only activity. Can we deprive them of it?

Others, who are not able to leave their homes, rely on such programs as "meals on wheels" to eat what may be the only hot meal of the day. Can we also deprive these individuals?

We have no choice in this case, but to vote to increase the funds to meet the rising costs and needs. We cannot allow our people to go hungry. While we supply other peoples of the world. Charity begins at home.●

● Mrs. SCHNEIDER. Mr. Speaker, today the House is voting on H.R. 2807, a bill that sets a $93.2 million authorization ceiling for 1982 for title III of the Older Americans Act and authorizes $6.3 million for fiscal year 1982 reimbursement purposes. Title III, as you know, provides both congregate and home delivered nutritional services to millions of seniors throughout the country.

In my own State of Rhode Island for instance, in 1982, 54 meal sites served over 1 million meals to seniors over the age of 60.

In visiting numerous meal sites throughout the State, I have been continually impressed by the quality of food served, the level of competence displayed by the site workers, and the

large number of seniors who rely on the program for their one square meal a day. For those who question the voluntary contribution scheme, let me inform you that more seniors than not contribute the 50 cents or $1,25 that they are encouraged to drop in the hat prior to each meal. Moreover, I find it comforting to know that those truly improverished seniors are able to receive a nutritional meal at least once daily without any questions asked.

From my experience, these meal sites provide seniors with not only a well-balanced diet, once a day, 5 days a week, but also allows them an opportunity to get out of their homes and socialize. For many seniors, the meal site provides the only opportunity to gather with familiar faces and find comfort in the company of new found friends.

While I understand the concern of many of my colleagues in calling for the need to cut the fat from many of our Federal expenditures, I strongly support the Federal commitment to the senior meals programs. I was disturbed to learn during recent hearings of the Select Committee on Aging that the administration was planning to reduce the congregate meals by some $28 million and home delivered meals by $3.8 million.

I urge my colleagues to support the increased levels of funding to continue the good work of these valuable senior meals programs.●

Ms. FERRARO. Mr. Speaker, today we will vote on H.R. 2807, a bill to authorize additional money for older Americans, I would like to take this opportunity to express my strong support for this important legislation.

Mr. Speaker, yesterday senior citizens from all over the United States came to our Nation's Capital to participate in the annual congressional senior citizen intern program. Part of the agenda for this week's program will be to examine the legislation before the Congress affecting the elderly.

I think it is important that these seniors return home next week knowing that this body has passed legislation which will allow millions of senior citizens to take advantage of the nutrition programs funded under title III of the Older Americans Act. Without those additional funds 8 million older Americans may lose what may be for many the only nutritious meal they eat each day.

This legislation has bipartisan support in the House and I urge all my colleagues to vote for this additional funding.●

● Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 2807, the Older Americans Act amendments.

Under title III of the Older Americans Act of 1985 elderly persons are eligible for congregate and home-delivered meals prepared in part with surplus commodities donated by the USDA. By authorizing funds for the purpose of reimbursing outlays from fiscal year 1982 and granting increases in the current year 1983 and fiscal year 1984, the passage of H.R. 2807 insures that we will continue to provide our elderly population with the vital meals services.

The psychological as well as the nutritional benefits of this program cannot be praised enough. One of the many unfortunate side-effects of our highly mobile, youth-oriented society is that our senior citizens and their concerns are often relegated to a back corner and once there forgotten. By bringing groups of elderly citizens together for a well-balanced meal or by taking a nutritional dinner into an elderly individual's home this program is able to supplement the senior citizen's often meager diet while allowing them to maintain their independence and dignity. In providing this important service, we are often able to prevent unnecessary institutionalization of many of our Nation's 30 million senior citizens.

Not a week passes that I do not receive correspondence from a concerned constituent expressing their interest in programs that may be available for their elderly family members. It is of great satisfaction that we have been able to address and answer this very real need and to be able to continue to serve our elderly who promoted and safeguarded the freedoms and riches that we now enjoy.●

Mr. PETRI. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. ANDREWS of North Carolina. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. ANDREWS) that the House suspend the rules and pass the bill H.R. 2807, as amended.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ANDREWS of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

INDEPENDENT SAFETY BOARD AUTHORIZATION

Mr. MINETA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1707) to amend the Independent Safety Board Act of 1974 to authorize appropriation for fiscal years 1984, 1985, and 1986, and for other purposes.

The Clerk read as follows:

H.R. 1707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

INDEPENDENT SAFETY BOARD AUTHORIZATION OF APPROPRIATIONS

Section 309 of the Independent Safety Board Act of 1974 (49 U.S.C. 1907) is amended by adding at the end thereof the following new sentence: "There are authorized to be appropriated for the purposes of this Act not to exceed $22,600,000 for the fiscal year ending September 30, 1984, $24,500,000 for the fiscal year ending September 30, 1985 and $26,100,000 for the fiscal year ending September 30, 1986, such sums to remain available until expended.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. MINETA) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. MINETA).

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1707 authorizes appropriations for the National Transportation Safety Board for the next 3 fiscal years. Although the amounts involved are small, this is very important legislation. NTSB has critical responsibilities for insuring the safety of our transportation system by investigating and determining the probable cause of accidents affecting all modes of transportation.

Two years ago the Congress authorized funds for the Board through fiscal 1983. At that time, it was contemplated that the Board would have a staff of approximately 380 positions. Although this would have been the lowest level of staffing in 6 years, it was felt that the necessary cuts could be made from support positions while preserving the agency's technical capabilities. Regrettably, during the last 3 fiscal years the administration's budgets and the appropriations bills have not followed our recommendation and the funds appropriated have been well below the authorized levels. As a result, the Board has been required to cut back on staffing. Instead of the 380 positions we contemplated in the last authorization bill, the Board now has a total of 316 employees, representing a staffing cutback of 21 percent in the past 3 years. At one point, in 1982, staffing of the Board had actually been cut even lower, by 27 percent.

The staffing cutbacks have forced the Board to make substantial reductions in its professional staff of accident investigators. As a consequence, the Board is stretched too thin to fulfill its important mission. The staffing cuts have resulted in measurable decreases in the Board's output. The

Board has been able to investigate fewer accidents and has been issuing fewer safety recommendations.

The bill now before the House would begin to reverse the unfortunate and unwarranted decline of the Board's capabilities. The reported bill calls for 3 years' authorizations of $22.6 million for fiscal 1984, $24.5 million for fiscal 1985, and $26.1 million for fiscal 1986. These funds will enable the Board to restore 22 of the approximately 85 positions it has lost. The proposed authorization will also enable the Board to provide increased emphasis to the study of the role human factors play in transportation accidents.

The authorization levels in H.R. 1707 are identical to those in the bill which the Senate passed in April.

The staffing levels provided for in H.R. 1707, if fully appropriated, would allow the Board to stabilize at approximately 347 positions, still well below the 1980 level of 401. I feel that the levels in this bill are the minimum required for the Board to carry out its important transportation safety mission. I urge my colleagues to join me in passing this legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the proper moment I do plan to yield half of this time to the distinguished gentleman from New York (Mr. LENT) because we have joint jurisdiction over this bill. Mr. LENT serves as ranking minority member of the Subcommittee on Commerce, Transportation, and Tourism of the Committee on Energy and Commerce.

I want to thank my distinguished chairman, the gentleman from California (Mr. MINETA) for bringing this bill to the floor and want to associate myself with his remarks.

Mr. Speaker, I rise in support of H.R. 1707 and urge my colleagues to adopt this important legislation.

H.R. 1707 was introduced by the Public Works Committee Leadership at the request of the NTSB and hearings were held recently to examine this legislation in considerable detail.

After hearing the testimony presented, I firmly believe that the funding levels contained in H.R. 1707 should be supported by this body. Although the fiscal year 1984 authorization contained in the bill is nearly $3 million higher than the administration's request—$22.6 million versus $19.7 million, I firmly believe that the additional funds will go a long way toward maintaining the highest level of safety throughout our national air transportation system.

Although the NTSB is a relatively small agency, most of us are well aware of the important role it performs in protecting the public and appreciate the job it has done recently under some very difficult circumstances. Recently, the Board has been called upon to investigate a series of major air carrier accidents, as well as a fatal subway accident in Washington and an Amtrak fire incident in California. In addition to these more prominent occurrences, the NTSB continued to investigate a large number of other accidents in all of the transportation modes. Special investigations, such as the inquiry into the post-strike air traffic control system also were undertaken.

This study, which the Board issued only last week, explored the FAA's efforts to bring the capacity of the air traffic control system up to the levels attained prior to the PATCO strike. While the safety record of the system has been excellent since that time, the Board has made some important recommendations and its report addresses many concerns about whether additional air traffic capacity should be added at this time.

I believe studies such as this are invaluable since they provide Congress with an independent and objective assessment of safety conditions in a particular transportation mode. Moreover, I submit that this is but one example of the kind of work which will either be delayed or not performed at all if the Board is not funded at the levels provided for in H.R. 1707.

As my colleagues are aware, the NTSB's primary mission is to determine the probable cause of transportation accidents, issue safety recommendations designed to prevent such accidents from recurring and conduct special safety studies and investigations as warranted to assure public safety.

The funding levels called for in H.R. 1707 would allow the Board to be staffed at 347 positions in fiscal year 1984—which is still a long way from its previous high level of 401. This increase in funds would allow the NTSB to add key investigatory positions and would also permit the Board to increase its emphasis on the study of human factors and the role they play in all kinds of transportation accidents. The funding levels for fiscal year 1985 and 1986—$24.5 million and $26.1 million, respectively contemplate the same staffing levels and responsibilities as that which would be provided in fiscal year 1984.

Mr. Speaker, the NTSB is an agency with a small budget but one which has the capability to save countless lives and avert millions of dollars in property damage if it is only given the resources necessary to do its job. I believe H.R. 1707 accomplishes this and for the foregoing reasons, I urge my colleagues to support this legislation.

□ 1340

Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. LENT).

Mr. LENT. Mr. Speaker, I rise in support of H.R. 1707, a bill which would reauthorize the National Transportation Safety Board for fiscal years 1984, 1985, and 1986.

I would note that this is strictly an authorization bill. It does not make any other changes with respect to the Board. The authorization levels included in this bill are $22,600,000 for fiscal year 1984, $24,500,000 for fiscal year 1985, and $26,100,000 for fiscal year 1986. These authorization levels should assure the Board's continued operation with sufficient staffing necessary to carry out its mandate.

That mandate includes accident investigation, determination of probable cause, and recommendations designed to avert the accident's recurrence in five modes of transportation: aviation, highway, rail, marine, and pipeline. With the ever-increasing movement of people, products, and chemicals from one place to another, the potential for disaster is always there.

Let me give an example: The derailment of a single railroad car carrying a hazardous chemical can endanger the lives of all residents in the area, thus necessitating the immediate evacuation of several thousand people from the vicinity of the accident. The Board's prompt investigation of such an accident, along with its independent analysis of the cause and the issuance of safety recommendations designed to avoid its recurrence, serve to protect and improve one thing: the safety of transportation generally in this country.

Finally, I would note that the full Senate unanimously passed an identical bill on April 7, 1983.

I support this bill and urge my colleagues to support it, too.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. LENT. I yield to the gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for yielding.

Mr. Speaker, I rise not in opposition to this bill but in protest over the manner in which it has been brought to the floor under the Suspension Calendar. It precludes this Member from California from offering an amendment to it that I think is necessary to bring it into line with several items the House has previously passed.

Specifically, I would remind my colleagues that at page 125 of the Budget Committee report on the budget resolution, which we adopted in March, the following statement appears:

> The savings indicate the effect of maintaining discretionary programs in this function at the fiscal year 1983 program level for the next three years.

This language indicates that it was the premise of the concurrent budget resolution that funding for this Board be consistent with what was appropriated in 1983. This figure happens to be $19.9 million.

In other words, our budget resolution which we passed here about 2 months ago assumed we would fund this agency at a constant level for the next 3 fiscal years.

I happen to believe that this House should be consistent with the budget which we passed 2 months ago. If we

are not consistent with that budget, how else will we ever have an opportunity of reining in runaway spending with which we must contend every day.

There is a second reason that I ask an opportunity to offer an amendment to this authorization matter and it relates to the President's budget request. The President's budget request for 1984 was $19,735,000; in 1985, $20,215,000; in 1986, $20,615,000. I think those requests by the President are modest and certainly we should give respect to them. The budget request by the President is almost in line with the premise of the first concurrent budget resolution.

I offered an amendment in the Commerce Committee when this matter came up to incorporate the amendments that I am talking about for lowering the authorization level, and that measure enjoyed substantial support. It did not carry by a majority, but it enjoyed substantial support.

Therefore, I believe on the floor we would be making a mistake to permit this measure to pass under suspension. It should come up under the orderly process of the House where Members would have an opportunity of offering an amendment.

And it is for these reasons that I oppose the bill in its present form.

Mr. LENT. Mr. Speaker, I would simply point out in the remaining moments that are left to me that the NTSB has already sustained over the last several years a 27-percent cut in its staff.

We understand that as a result of the staffing cuts already made in the NTSB, the Board has lost professional staff in some key technical areas such as flight data, cockpit voice recorders, meteorology and human factors, with the result that to some extent the Board has not been able to conduct as many accident investigations as it would like to. In 1982, the Board investigated 18 percent fewer accidents, issued 25 percent fewer accident reports, and 20 percent fewer major safety recommendations.

So I would certainly urge that this is one of those cases where we are justified in being a couple of million dollars over the budget figures, particularly in view of the fact that the Senate has unanimously passed a companion bill, S. 967, in April, which contains the identical figures. Also, as I understand it, OMB has no objection to the funding levels that are contained in this bill.

● Mr. FLORIO. Mr. Speaker, today the House will consider H.R. 1707, a 3-year reauthorization for the National Transportation Safety Board (NTSB). Jurisdiction over this legislation is shared by the Committee on Energy and Commerce and the Committee on Public Works and Transportation. The two committees have reported identical versions of this legislation.

The NTSB is an independent Federal agency charged with impartially investigating transportation accidents of all modes, including railroad accidents. The NTSB determines the probable cause of the accident and then makes recommendations to involved parties, including those agencies within the Department of Transportation that have regulatory authority over the mode, on how to improve safety. The NTSB also conducts periodic special safety studies and evaluations. The NTSB itself has no regulatory authority; rather, its authority derives from its power to persuade.

I have been concerned over past cuts in the NTSB's budget and staff. Because the NTSB's recommendations can reduce the number and severity of transportation accidents and their enormous costs, adequate funding for the NTSB to perform its functions is crucial. The authorization levels contained in the reported bill should provide for adequate funding, and are the authorization levels recommended by the Board.

I am concerned that if adequate funding were not provided for the Safety Board, serious accidents could go uninvestigated. The public would be unable to learn the cause of the accidents, and similar accidents could occur in the future. In contrast, the Board's investigations, by determining the probable cause of an accident, help avoid future accidents, thus sparing the public enormous costs.

I urge favorable action on this legislation.●

● Mr. HOWARD. Mr. Speaker, I rise in support of the bill. This bill would authorize appropriations for the National Transportation Safety Board for fiscal years 1984, 1985, and 1986. The NTSB is a small agency in terms of staff and budget, but with most important responsibilities.

The NTSB investigates and determines the probable cause of aviation, highway, rail, pipeline, and marine accidents. After its investigations the NTSB makes important safety recommendations to Federal, State, and local agencies, and these recommendations are extremely important since they can prevent the recurrence of future accidents.

The Committee on Public Works and Transportation is recommending $22.6 million for fiscal year 1984, $24.5 million for fiscal year 1985, and $26.1 million for fiscal year 1986. These levels were supported without opposition in our committee. These levels are necessary to stabilize the Board's staffing level of 347 positions and increase the Board's ability to devote attention to the role human factors play in transportation accidents.

Mr. Speaker, I urge the House to pass this bill.●

● Mr. FRENZEL. Mr. Speaker, I object to the procedure under which H.R. 1707, the authorization for the National Transportation Safety Board, comes to this House. Under the suspension procedure, no amendments are allowed. Therefore, although I have great respect for the work of the NTSB, I shall vote against H.R. 1707.

The authorization for the coming fiscal year, 1984, is $2½ million, or more than 12 percent, over the amount appropriated for 1983. Absent some showing of emergency, no agency of Government should be allowed that large an increase at a time of $200 billion deficits.

Since no amendments to lower the authorization to a reasonable figure are allowed, I have no choice except to vote "no."●

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MINETA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MINETA) that the House suspend the rules and pass the bill, H.R. 1707.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the gound that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1350

PHILLIP BURTON FEDERAL BUILDING AND U.S. COURTHOUSE

Mr. MINETA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2895) to designate the Federal Building and U.S. Courthouse at 450 Golden Gate Avenue, San Francisco, Calif., as the Phillip Burton Federal Building and U.S. Courthouse.

The Clerk read as follows:

H.R. 2895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Building and United States Courthouse at 450 Golden Gate Avenue, San Francisco, California, shall hereafter be known and designated as the "Phillip Burton Federal Building and United States Courthouse". Any reference in any law, map, regulation, document, record, or any other paper of the United States to such building shall be deemed to be a reference to the "Phillip Burton Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. MINETA) will be recognized for 20 minutes, and the gentleman from Florida

(Mr. SHAW) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. MINETA).

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering H.R. 2895, a bill which designates that the Federal Building and U.S. Courthouse at 450 Golden Gate Avenue in San Francisco, Calif., be named in honor of our late, good friend and distinguished colleague, Phillip Burton.

Congressman Burton's office in San Francisco was located in this building where he had a sweeping vista not only of the city he served for 28 years but also of the Golden Gate national recreation area, one of his proudest achievements, which is visited by more people than any other unit of the national park system.

Mr. Speaker, Phillip Burton was elected to the California State Assembly in 1956 and served until his election to the U.S. House of Representatives in a special election in 1964. He served on the Committee on Interior and Insular Affairs with distinction for 19 years, and was chairman of the Subcommittee on National Parks and Insular Affairs during the 95th and 96th Congresses. He also served on the Committee on Education and Labor, and was chairman of the Subcommittee on Labor-Management Relations when he died on April 10, 1983.

Mr. Speaker, this legislation honors an outstanding American who served with distinction and dedication in this body into his 10th term. Phillip Burton was a man who always had the national viewpoint and his long record of service both in the California Legislature and here in this body indicated quite clearly the contribution he made not only to the development of the legislative process but to the benefits his actions provided for all of our citizens in the fields of recreation, social welfare, and the economy.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to associate myself with the remarks of my colleague, the gentleman from California (Mr. MINETA), who served with Phillip Burton as part of the California delegation, and I rise in support of H.R. 2895 which will designate the Federal Building and U.S. Courthouse at 450 Golden Gate Avenue, in San Francisco, Calif., as the "Phillip Burton Federal Building and United States Courthouse."

By the naming of this facility in honor of our late colleague, we pay tribute to his distinguished and many achievements.

Phillip Burton was recognized as both a leader and a statesman.

His long record of service and lasting contributions to the citizens of the State of California and the Nation in the fields of recreation, social welfare, and the economy will be remembered by many.

Phillip Burton toiled tirelessly for those in need and he was among the original authors pioneering the concept of urban parks which would provide accessible, scenic recreation areas to urban Americans.

The Golden Gate national recreation area evolved and developed from this concept and is one of his proudest achievements.

I urge the House to suspend the rules and pass H.R. 2895.

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 2895, a bill to designate the Federal Building and U.S. Courthouse at 450 Golden Gate Avenue in San Francisco, Calif., in honor of our late, beloved colleague, the Hon. Phillip Burton.

Phillip Burton served in the U.S. House of Representatives with distinction from 1964 until his untimely death on April 10, 1983. During his tenure in the Congress, he skillfully pursued his legislative agenda with vigor and sought to help the disadvantaged and minorities in our society who are least able to provide for themselves. He worked hard and successfully to use the vast resources and power of the Federal Government to serve those most in need, to correct injustice in the world, and to preserve for future generations the wild and scenic areas of this country.

Mr. Speaker, in view of Phillip Burton's leadership and numerous contributions to the city of San Francisco, the State of California, and this Nation, it is most fitting that the Federal Building and U.S. Courthouse in San Francisco, Calif., be named in his honor.●

Mr. MINETA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MINETA) that the House suspend the rules and pass the bill, H.R. 2895.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California,

There was no objection.

REQUEST FOR PERMISSION OF SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION AND COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON WEDNESDAY, MAY 25, 1983, DURING 5-MINUTE RULE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation and the Committee on Public Works and Transportation have permission to sit during the 5-minute rule in the House on Wednesday, May 25, 1983.

The SPEAKER pro tempore. The Chair will advise the gentleman that under the Speaker's statement he will have to make that request tomorrow.

LIMITATION OF DEBATE ON HOUSE CONCURRENT RESOLUTION 113, APPROVING THE OBLIGATION AND EXPENDITURE OF CERTAIN FUNDS FOR THE MX MISSILE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that debate on the concurrent resolution (H. Con. Res. 113) approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode, be limited to not to exceed 6 hours, the time to be equally controlled by the gentleman from Alabama (Mr. EDWARDS) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 113, approving the obligation and expenditure of certain funds for the MX missile, and that I may be permitted to include certain tables and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

APPROVING THE OBLIGATION AND EXPENDITURE OF CERTAIN FUNDS FOR THE MX MISSILE

Mr. ADDABBO. Mr. Speaker, pursuant to Public Law 97-377, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consider-

ation of the concurrent resolution (H. Con. Res. 113) approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ADDABBO).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, House Concurrent Resolution 113, with Mr. MINETA in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to section 101c of Public Law 97-377 and the unanimous consent agreement, the gentleman from New York (Mr. ADDABBO) will be recognized for 3 hours, and the gentleman from Alabama (Mr. EDWARDS) will be recognized for 3 hours.

The Chair recognizes the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a rather unique procedure that we are following today. The issue at hand is House Concurrent Resolution 113, which is before us as a result of the continuing resolution of last year which contained the fiscal year 1983 defense appropriations bill in toto, and it was in that bill that the provision was set out to finally try to resolve the issue of the basing of the MX missile.

Members will recall that we had restrictive language advising the President to go back to the drawing board. The President came up with what has been known as Dense Pack—closely spaced basing. That came to us just as we were getting ready to complete the work of the Subcommittee on Defense. Nobody understood Dense Pack; most people still do not understand it. And the net effect of it was that the appropriations bill contained in the continuing resolution in December of this past year set out a procedure whereby the President would conduct a study, would make further recommendations on the basing and would, thereafter, advise the Congress of his recommendations.

The procedure required that the President would not report back prior to March 1, 1983. The procedure then stated that the Congress would have 45 days to study the proposal of the President, to then come to the floor of the House and the Senate in a concurrent resolution with a closely worded resolution purporting to approve the basing mode if that be the will of the Congress.

The resolution (H. Con. Res. 113) passed the Subcommittee on Defense Appropriations of the House by a vote of 9 to 3. It passed the full Appropriations Committee by a vote of 30 to 26, and it now comes, under this unusual procedure, to the House.

The Appropriations Committee of the other body passed an identical resolution out by a vote of some 17 to 11, and the identical resolutions in the other body is now before the other body, and I understand that a vote will be taken on that resolution sometime later in the week, perhaps on Wednesday.

So we find ourselves, Mr. Speaker, here with a very narrow purpose, and that is to carry out the provisions of the continuing resolution of last year to determine whether or not the Congress will approve the basing mode proposed by the President.

I will now read into the record the language contained in numbered paragraph 2 of the President's transmittal to the Speaker of the House, dated April 19, 1983, where he set out the proposed basing method for the MX, and if I may, Mr. Speaker, I will read that at this time.

2. Proceed with the immediate production of the Peacekeeper missile and deployment of 100 such missiles in existing Minuteman silos in the Francis E. Warren Air Force Base area which I propose as the alternative basing plan required by Public Law 97-377. Specifically, the first 50 missiles will replace the Minuteman missiles in the 400th Strategic Missile Squadron (SMS). In turn, the second 50 will replace the Minuteman missiles in the 319th SMS.

I have chosen Francis E. Warren Air Force Base because the existing silos at that location offer the best operational considerations.

That, along with the balance of the letter addressed to the Speaker, set out the basing mode that we are here considering today.

Now, the President has fully adopted the basing mode as proposed by the Scowcroft Commission, which we are all familiar with by now, I am sure. The President has gone beyond the basing mode proposed for the MX, and he has agreed time and again to adopt the whole Scowcroft Commission report. It also includes, therefore, moving forward with the modernization of the balance of the Triad. It also includes research into hardening of the silos. It includes the so-called Midgetman missile, the single-warhead missile, sometimes referred to as the mobile missile, although it certainly does not have to be mobile, depending on the situation at the time. And the President has committed himself to go forward with research on that missile.

It includes, most specifically, Mr. Speaker, the President's commitment to go forward with the efforts at securing agreements with the Soviet Union in the START talks to try to find a way to keep these talks moving in a direction that will reduce the number of intercontinental ballistic missiles. The President has committed himself to a proposal referred to sometimes as build-down, and has committed himself to make such proposals at the negotiating table.

By and large, Mr. Speaker, the President has, without exception, adopted the Scowcroft Commission report as his own. He has enlarged upon it in an exchange of correspondence with a number of Members of the other body, as well as a number of Members of this body. He has been very forthcoming in all of this effort to meet more than halfway with the Congress, to meet in a bipartisan way to try to find the proper formula not only for going forward with securing the United States of America from a strategic standpoint, but also to move forward in a positive way in seeking the answer to the long-sought effort at arms reduction with the Soviet Union.

So, Mr. Speaker, I would argue to Members that the President has met the commitment required of him by the continuing resolution of last year. He has presented to us a basing mode that is acceptable. He has presented to us not only a basing mode but a whole system dealing with the strategic defenses of this country that I think is more than acceptable. He has committed himself to move forward in a very positive way on the negotiations front, and I think, therefore, Mr. Speaker, that this House now can move forward with approval of this basing mode.

I think it does meet the requirements. We will have more to say about it, I am sure, as the debate goes on, but in my view, the commitment has been met by the President and the House should approve House Concurrent Resolution 113.

Mr. ADDABBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to House Concurrent Resolution 113. It had been my original intention to offer a joint resolution which would have given the House an opportunity not only to vote on the question of the MX basing mode, but also on the adoption of the findings of the Scowcroft report. That substitute joint resolution had been offered in the full committee, but was turned down by a simple vote of 29 to 26, just by 3 votes.

I appeared before the Committee on Rules to obtain a rule for a substitute joint resolution. I did so because, under the rules and the language of the continuing resolution passed in December, the concurrent resolution on MX basing was a privileged resolution and could not be amended. So it was my intention to offer a joint resolution which would have denied, because I do not support the MX, the funding for MX procurement and de-

ployment, but would have adopted the bulk of the Scowcroft recommendations.

But those who oppose my position and those who support the MX do not want, as far as I am concerned, the House to decide on the provisions of the Scowcroft report. In its place, we are asked to support and vote for a program which will put us directly on the road to spending $22 billion on the MX, a weapon that we definitely do not need, cannot use, cannot afford, which adds nothing to deterrence, and which actually moves us closer to first-strike or launch-on-warning procedures.

I would ask my colleagues to consider carefully what the resolution says and what it does not say. What is before us is a simple resolution, which approves both a basing mode and procurement of the MX. Now, the proponents would claim it approves only a basing mode because no procurement funds were provided in fiscal year 1983, which is correct; there were no procurement funds appropriated for 1983. But we, on the Committee on Appropriations; we, in the Congress, know how the Defense Department can, and has, manipulated unobligated balances and other dollars within the missile procurement and other accounts. So make no mistake, if we approve this resolution, the Pentagon will begin immediately to reprogram and transfer funds.

□ 1410

They will begin immediately to lock the Government into costly Government production contracts, and the horse will be out of the barn.

I ask the Members to read the resolution before the House, House Concurrent Resolution 113—the resolution approves "a" basing mode. I ask my colleagues, how vague can a piece of legislation get?

The President could use—I do not say he will; we have letters of explanation, et cetera—but the President could use the released funds for any basing mode he desires and still comply with the law. The resolution does not attach any conditions on the funds being released. There are no reporting requirements.

There are no performance requirements. If we approve this resolution, the Congress will have absolutely no control over the funds released, and the Pentagon can proceed in any way it wants.

Mr. Chairman, the proponents of House Concurrent Resolution 113 are attaching great significance to what they claim are its long-term strategic implications. But what does this resolution not do?

It does not endorse the recommendations of the Scowcroft report. It does not endorse a permanent basing mode; it speaks only of a basing mode. It does not endorse investigations of super hardening of silos. It does not endorse development of a new single warhead ICBM. It does not endorse the principles of arms control alluded to in letters between the President and several Members of the House and Senate. It does not endorse the concept of build down, whereby two old warheads are removed from the inventory for each new one added.

So what are we asked to approve by a few vague words? We are asked to vote only for procurement of MX and development of a basing mode, whatever that turns out to be. We are asked to give the President the same blank check the Congress refused to give him last December.

Mr. Chairman, I will not dwell on the just plain silly aspects of putting MX in vulnerable Minuteman silos. We all know that idea was turned down by the Senate over a year ago by a vote of 90 to 4. We all know that idea will make a 10-warhead MX an even more attractive target than a 3-warhead Minuteman. We all know that idea does not follow logically from the body of the Scowcroft report.

We all know that idea is a last-ditch attempt to save the MX, and is based on politics and not on military need. We all know by now the Air Force estimates on survivability. The Air Force says that by 1989 the Soviet Union could have so many accurate nuclear warheads that as few as 1 percent of our ICBM's might survive a first strike. And so we are asked to spend $22 billion for one surviving MX missile.

What are we to conclude, Mr. Chairman, about the arms control aspects of this issue? We are given solemn assurances by the President of his commitment to arms control.

I note that it took demands and threats from Members of Congress before the President announced his commitment. I note that the President says he will deploy MX with Midgetman in a mix with Midgetman.

I ask the Members to read, in the report which accompanies House Concurrent Resolution 113, the President's letter to our colleague, the gentleman from Washington. He does not say, a Midgetman in place of MX; he says a mix of MX with the Midgetman. So there is no stated intention of deploying only 100 MX's or, under an arms control agreement, seeing the removal of MX's. And so the President's intention is a mix of MX with the Midgetman, with MX in the most vulnerable possible mode, the Minuteman silos.

We also note that Secretary Weinberger now says publicly that "nobody ever suggested MX was a bargaining chip."

I note that what we get in return for approving release of MX funds are some very vague promises to pursue arms control. Those promises, as far as I am concerned, are as vague as the resolution now before the House.

Those promises were made in the name of bipartisanship by the President. But this is the same President who asked businessmen to lobby the Congress for votes to pass this $22 billion MX program.

We have heard just recently the nationwide reports that the President says the budget deficits are entirely the fault of the Congress, and that he states it is up to the Congress to cut irresponsible spending. I agree with him, and here is one place where we can cut $22 billion of irresponsible spending in the name of national defense where, in fact, no national defense is received.

Mr. Chairman, this House must take the President at his word when it comes to irresponsible spending. It can do so by saying "no" to House Concurrent Resolution 113 and preventing the first installment on $22 billion for a weapon we do not need, we cannot use, and we cannot afford.

There are those who say that we are unilaterally disarming. We are not. We will become stronger without the $22 billion being wasted on the MX, because that $22 billion can either be used to reduce our deficit, which will help our economy, or to plough back for planes, ships, and other conventional weapons that are needed. We are not unilaterally disarming. We have the Trident D-5 missile being developed which is a hard target killing missile. We are continuing with our bomber force. We are continuing with our submarines.

Mr. Chairman, I say to my colleagues that all these issues were outlined in the resolution that I had attempted to offer as a substitute. I was denied that opportunity because of the opposition of those who support this vague resolution. I ask my colleagues to vote down this resolution and save $22 billion so we can then move on to true national defense.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, I thank the gentleman for yielding.

Like so many Members of this House, I want to thank the gentleman for his leadership on this extremely important issue. The gentleman has been a great leader in this area, and no person who ever served in this Congress has a stronger national security record than the gentleman from New York. I think his record absolutely shows that.

I would like to take this opportunity to reinforce an important issue the gentleman has already mentioned, that we need the MX for a bargaining

chip. The Secretary of Defense has made it clear they do not consider the MX a bargaining chip.

Specifically, Secretary Weinberger said on ABC television, on May 16, 1983:

> The question is not whether or not the MX is a bargaining chip. Nobody ever suggested that it was a bargaining chip.

I do not know why our colleagues who are now trying to justify the fact of switching from their position last year of being against the MX can now be for the MX and try to say they are for it because it is a bargaining chip. The administration does not say it is a bargaining chip.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from New York.

Mr. McEWEN. Mr. Chairman, would the gentleman be gracious enough to share with me at what point he feels a new land-based missile would be appropriate? In recognition of the fact that some 20 years ago the numbers were frozen and that now we are dismantling the Titans, in the learned gentleman's expertise, could he share with me at what point, as these Minuteman I's and Minuteman II's and Titans are taken out of inventory, a new consideration of a new land-based missile should be taken up?

Mr. ADDABBO. Yes; when we find one that is reasonably survivable, but there is nothing on land that is totally survivable.

It remains the third leg of the triad. It has some deterrence in its present base, but it does not need a new $22 billion weapon to make it more survivable. The Minuteman III, the latest of which was put in in 1978, will remain capable for many years.

Under the resolution which I attempted to offer, we can look to the Midgetman, and the Midgetman could be available before 1990, given the proper funding for research and development. That might be the answer, but not a $22 billion, 10-warhead missile which gives us nothing but first strike capability.

Mr. McEWEN. Mr. Chairman, will the gentleman yield further?

Mr. ADDABBO. I yield to the gentleman from Ohio.

Mr. McEWEN. Do I understand the gentleman's response then that it is basically because of its economics, then?

Mr. ADDABBO. No, it is not economics; it is a matter of national defense.

Why waste $22 billion on a weapon that gives us nothing? The MX gives us nothing. Why waste the money when there are so many needs in our Nation, whether we look at national defense or other needs? That $22 billion could be properly used for other purposes rather than wasting it on sticking another missile in the same vulnerable silo.

□ 1420

Mr. McEWEN. A final request for the gentleman to yield, and the gentleman has been more than generous with his time. Would the gentleman share with me what the Midgetman, in his estimation, potentially has to offer that the MX does not have to offer other than the differential in economics?

Mr. ADDABBO. I cannot answer that question. That is why I proposed and was supporting continued research and development funds to see what the Midgetman would offer. That work could address whether Midgetman offers more than the Minuteman III, as was testified to in the Scowcroft report, and whether it might be less attractive to the enemy because it is only a single warhead missile and not a triple warhead missile as is Minuteman, or a 10 warhead MX.

Mr. McEWEN. I thank the gentleman.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself so much time as I may consume.

The gentleman from New York (Mr. ADDABBO) has made a few points that I would like to comment on. First I would like to agree with the gentleman from Washington, there is nobody in this House who is any more concerned with the defense of this great Nation of ours than the gentleman from New York. I think it is fair to say that he and I frequently disagree as to how best you defend this country, but I do not for a minute suggest that he is not just as interested as anybody in this House in being sure that we have a secure Nation and that we protect the freedom that we all love so much.

The gentleman made the point and ticked off a number of things that House Concurrent Resolution 113 does not do, and there is no argument about that. It was not designed to do anything, really, except to approve or disapprove the mode of basing the MX missile, and that is the purpose of it.

In the process of approving House Concurrent Resolution 113 we then would, in effect, be releasing some $560 million held back by the terms of the continuing resolution last year for the basing of the missile. What we said last year was that $560 million would be held back until such time as the Congress approved the basing mode, and so once that approval goes through the House and the other body then that money would be released.

Second, we said that there would be no inflight testing of the MX missile until such time as a basing mode had been approved. Again, the approval of this resolution in this body and the other body would have the effect of permitting inflight testing to go forward.

But I would make this point very strongly, and I think it is important that we understand it, there is no procurement money in this resolution. At the time that this resolution was provided for in the continuing resolution last year, the conference had knocked out $988 million, for procurement of the MX missile. So procurement is not the issue here.

What of those items the chairman of our committee mentioned as not being in this resolution? Those items will be taken up in the near future in the Armed Services Committee bill which will be before this body perhaps this week, but certainly the part we are interested in I am told will be up shortly after we come back from the Memorial Day recess. At that time the question of R&D on the missile, the question of procurement on the missile and other items dealing with the Scowcroft report will be before this body and votes will be in order at that time.

So there is nothing unusual about the fact that those items are not a part of this resolution.

Finally, on the question of vulnerability that the chairman so ably addressed, nobody argues that the MX missile in the Minuteman silos is the least vulnerable thing we could ever do. I do not know any system of basing any intercontinental ballistic missiles that is invulnerable. So what we have to do is go with the modernization of the whole triad, and in that context then deal with the question of vulnerability.

So it is true that if we sit there and watch the missiles come flying in and we do not do anything about that, we just let them hit all of our sites out at Warren Air Force Base, I suppose most of them will not survive. I am not at all certain, though, that that is our national policy nor should it be. We have a number of means of detecting what may be in flight coming our way, and I would venture to say that we would not ever have a national policy that would be to sit there and simply watch 100 MX missiles be wiped out.

The final point, of course, is that this is all a matter of deterrence. It is a matter of showing the strength that we have to the point that the Soviet Union or any other adversary would find it extremely unwise to play the game of first strike. That is what it is all about, Mr. Chairman. And let me just say to all of my colleagues here, I would hope that the day will come when we can see the reduction of this missile and the Soviet missiles, and all of the missiles of the world as we start to build down, as we reduce the strategic systems in all countries. But I would argue to you, Mr. Chairman, that we simply cannot at this point sit here and watch the Soviet Union

deploy the SS-18's, deploy the SS-19's, move forward with their missiles and assume that everything is going to be all right, somehow it is going to be worked out. Life is just not that way.

So I believe that we must go forward with this. This resolution is the next step as we move along toward dealing with our national security.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. DOWNEY of New York. Does the gentleman believe that the MX missile in land-based silos, in Minuteman silos is less vulnerable or more vulnerable than the Dense Pack?

Mr. EDWARDS of Alabama. I think if you believe the theory of Dense Pack, and I happen to believe it, then Dense Pack would be less vulnerable.

Mr. DOWNEY of New York. I thank the gentleman.

Mr. EDWARDS of Alabama. But I will say to the gentleman that at the time Dense Pack came before the House, almost at the 11th hour, as the gentleman well knows, very few people in this body had any understanding of Dense Pack whatsoever. I am not sure that we could have ever convinced 218 people that it made sense. But under the circumstances, there was no way we could convince them.

Mr. DOWNEY of New York. Will the gentleman yield further?

Mr. EDWARDS of Alabama. Surely.

Mr. DOWNEY of New York. I appreciate the gentleman's answer and I happen to agree with him. I also happen to agree with the statement where the gentleman said about not allowing the Soviets to realize what our position is with respect to launch on warning. I think it would be terribly dangerous for us to adopt such a policy, but frankly, if they do not know what the policy is, that does just as well.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman briefly.

Mr. MARKEY. Does the gentleman think that putting the MX missiles in the Minuteman silos is more or less vulnerable than the multiple protective shelter concept?

Mr. EDWARDS of Alabama. I must say to the gentleman that the gentleman has asked a little different question. The gentleman wants to know about the race track. The gentleman from New York asked about Dense Pack.

I would say to the gentleman as one who never fully appreciated the race track theory, I am not sure I can give you an unbiased answer. I just thought the race track did not make any sense at all.

Mr. MARKEY. So you think this is a better idea? You think this is more secure in the Minuteman silos?

Mr. EDWARDS of Alabama. I would probably argue, I would probably agree that the race track would be less vulnerable. But it had so many other things that I did not like about it that I do not think that it was the kind of system that we should have.

Mr. MARKEY. Will the gentleman yield?

Mr. EDWARDS of Alabama. Yes, I yield.

Mr. MARKEY. Does the gentleman have any concern with the studies that indicate the vulnerability of these land based missiles in the Minuteman silos by the end of this decade with the increase targeting capacity of the Soviet Union making it very likely that upward of 95 to 99 percent of these targets will be, in fact, capable of being destroyed by a Soviet land based attack? Does it disturb the gentleman that we are investing this kind of money in that kind of weapon?

□ 1430

Mr. EDWARDS of Alabama. I thought I had just addressed that question just before the gentleman came into the Chamber.

Of course I am concerned about it; of course I am concerned about the vulnerability of any system that we have; of course I would not want to see any more of our weapons systems destroyed than is absolutely necessary. But I do not know any such thing as a perfectly invulnerable land-based system and I know that we have got to take losses if we ever end up in a war. It would grieve me greatly but I do not think that we can prepare for the defense of this country on that basis.

We have simply got to do the best we can on all fronts.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I thank the gentleman.

I think the important thing on the vulnerability issues is that the MX is really not a part of the Scowcroft package which deals with the vulnerability part of it. The part of the Scowcroft package which deals with the issue of land based vulnerability is the small single warhead missile, probably mobile, but we do not know yet. But that is the thing that deals with vulnerability.

The MX is certainly, in the fixed silos, very vulnerable. But the purpose that it serves in the Scowcroft package is an entirely different function.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. MARKEY. I thank the gentleman.

Mr. Chairman, would the gentleman from Wisconsin explain that purpose?

Mr. ASPIN. If the gentleman would yield to me for that purpose.

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. ASPIN. I think the purpose of the MX missile in the Scowcroft package as I understand it is essentially to encourage the Soviet Union to move in the direction in which the Scowcroft package would like the United States to move in terms of single warhead missiles but more particularly an overall warhead limitation on the systems, the arms control approach.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from New York.

Mr. BOEHLERT. I thank the gentleman for yielding.

Mr. Chairman, I am one of those few in this Chamber who genuinely has not made up his mind as yet. That is the reason I am here paying particular attention to the debate as it proceeds.

I think this is a very important issue.

Now, the gentleman from Alabama mentioned in this resolution there are no dollars for procurement. Am I correct in my understanding that this is just for research and development and in-flight testing?

Mr. EDWARDS of Alabama. The gentleman is correct. In this resolution there are no procurement dollars, period, in the strictest sense. This resolution does release some money already appropriated in last year's bill for fiscal 1983 for research and development of the basing mode.

Mr. BOEHLERT. And the gentleman said this was the next step. What is the next logical step in the progression? Is that the DOD authorization?

Mr. EDWARDS of Alabama. The next logical step in my judgment would be the DOD authorization bill which would be on the floor, as I understand it after the Memorial Day recess.

Mr. BOEHLERT. Mr. Chairman, I know the gentleman's position with respect to this issue but let me ask: Is it logical to assume a scenario where we might proceed with the R&D money and the in-flight testing but deny funds for actual procurement?

Mr. EDWARDS of Alabama. Well, I would hope that would not be the case but that issue will come up in a couple of weeks or so and not today nor tomorrow.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from New York briefly.

Mr. DOWNEY of New York. The gentleman mentioned before that there is no money here for the procurement of the missile. Page 2 of the gentleman's resolution says:

MX missile procurement and full-scale engineering development of a basing mode for the MX missile.

Mr. EDWARDS of Alabama. That is a fair question and I am glad the gentleman brought it.

When that language was written, it was written in the other body and it was written at the time when procurement money was in the continuing resolution.

This releases those funds that were held back pending the basing mode approval. In fact, no procurement money was held back because none was appropriated and therefore none is released by this resolution.

Mr. DOWNEY of New York. I thank the gentleman.

Mr. EDWARDS of Alabama. Mr. Chairman, I would ask the chairman of the subcommittee if he would agree with that explanation.

Mr. ADDABBO. Mr. Chairman, would this be on the time of the gentleman from Alabama or my time?

Mr. EDWARDS of Alabama. I yield to the gentleman such time as he may consume.

Mr. ADDABBO. I thank the gentleman for yielding.

Yes, the gentleman is absolutely correct. In House Concurrent Resolution 113 there are no funds for procurement being released because no funds were provided in fiscal year 1983 for procurement. It releases the balance of the R&D money for testing and for a basing mode. If the gentleman would yield further, in my opening remarks I mentioned that in my opinion, there will be MX missile procurement if this resolution is passed. And the reason I say this is that in an Air Force point paper on MX missile funding, there is a footnote, which I will read:

Congress did not approve $988 million of fiscal year 1983 procurement funding, pending basing review. With Commission's recommendation, no fiscal year 1983 supplemental is required if CRA is interpreted to mean that RDT&E funds may be used for long lead procurement.

And the gentleman from Alabama knows as well as I do that the General Counsel of the Defense Department gives the most liberal interpretation to the Department's ability to spend funds and I can envision DOD's using R&D funds for procurement. In addition, DOD has sent up a 1983 appropriations supplemental request for an additional $1 billion of 1983 transfer authority for DOD. This can lead to the reasonable conclusion that if this resolution is passed, DOD will use this transfer authority for procurement of the MX missile in fiscal year 1983.

Mr. Chairman, I thank the gentleman for yielding.

Mr. EDWARDS of Alabama. Well, I am glad the gentleman mentioned these points. First, I must say that I have not seen the Air Force paper that the gentleman just read from. That is my fault, not the gentleman's. But I think that it is clear if the gentleman would give me his attention a moment, I think it is clear notwithstanding the footnote on an Air Force paper, I think it is clear that the issue of procurement of the MX missile is to be decided in the Armed Services fiscal 1984 authorization bill and I would have to say, the footnote notwithstanding, that this gentleman from Alabama was not under any impression that we were providing procurement money for the MX missile by virtue of any of this process we are now embarked upon.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield further?

Mr. EDWARDS of Alabama. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

The gentleman is absolutely correct that the armed services authorization bill which will be before us after completion of the work on this resolution. I know the gentleman from Florida (Mr. BENNETT) will offer an amendment to that authorization bill deleting the funds for MX but that deals with fiscal year 1984 funds. We have seen what DOD did with the Pershing II missile procurement after the Congress said "Do not spend any money." They went right ahead and spent money. I am saying that with this footnote they have put us on notice that if we approve this fiscal year 1983 appropriation language, we will see $988 million spent on procurement of the MX, under the guise of RDT&E.

Mr. EDWARDS of Alabama. No, they will not, because the gentleman from New York and the gentleman from Alabama will not let them do it.

Mr. ADDABBO. The gentleman from Alabama and the gentleman from New York told them last December, when the President signed the bill: "Pershing II, no procurement." The gentleman from Alabama knows as well as the gentleman from New York, right ahead they went. And our committee unfortunately rubber stamped what they did last October over our objection, and over the President's signing of a bill telling them not to do it.

We can envision that happening again. Here they are specifically telling us that they have authority for $988 million.

Mr. EDWARDS of Alabama. We will have an opportunity to debate that point. The gentleman and I seem to enjoy being together a lot on the floor. We will debate the Pershing II perhaps later this week, I am not sure. But let us save that issue for later.

Now, I would like to, if I may, respond to the last point the gentleman made.

I do not know where the gentleman got his last point. Is the gentleman saying $1.2 billion was proposed as a supplemental?

Mr. ADDABBO. After we had marked up the supplemental in our subcommittee and voted it out, the President sent up on May 17 a supplemental request of an additional $1 billion of transfer authority for the DOD.

□ 1440

It is not pending before our committee because we had already voted it out. It is now pending before the Senate.

Mr. EDWARDS of Alabama. The gentleman is not suggesting that he is going to bring that up any time soon in our committee, is he?

Mr. ADDABBO. I cannot. We did not have a chance to vote on it because we had already voted the supplemental out of subcommittee and the full committee, but I would expect—while hoping not—that the other body in their markup may very well include this additional transfer authority, which I naturally will oppose in the conference.

Mr. EDWARDS of Alabama. I must say this to the Members of this body because one thing I would try never to do is break faith with my colleagues, that as far as this gentleman is concerned, the issue of procurement will be settled on the Armed Services Committee's bill for fiscal 1984. That is where it should be settled and I think that is where it will be settled.

Mr. YOUNG of Florida. Mr Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

The conversation about vulnerability is one I think we touched on and got away from too quickly, because it failed to take notice of the fact that our strategy, our tactic, is still one of deterrence, one of preventing the first launch by the Soviet Union because of our capability to retaliate. The question of whether the United States would launch a first strike, I think, is something that we really do not even need to spend a lot of time discussing, we are not going to launch the first strike. It is not our policy, it has never been our policy, and has been very well known emphatically time after time. I think it is appropriate to say that the United States of America is not today and never has been the aggressor in the world. The United States today is not now and never has been a threat to the peace of the world.

To talk about first strike from the United States I think is just trying to cloud the issue.

So on the question of vulnerability and maintaining the retaliatory capability which is what this is all about.

In the Strategic Review, fall 1982, Col. Thomas Fabyanic, who is now retired from the Air Force, wrote these words.

He said:

Indeed, it appears that we may have reached a stage in the development of warfare in which all weapons systems are vulnerable to a considerable extent, and the trends certainly point to more rather than less vulnerability. Increased vulnerability—or the lack of survivability—must thus be accepted as a fact of modern warfare.

And, I think that Colonel Fabyanic recognizing the tremendous advancement in the state-of-the-art technology, has hit upon something that we should be paying attention to. I am not aware of any weapons system that is totally invulnerable today and they grow more vulnerable as technology advances.

Anyway, based on what Colonel Fabyanic said, at a hearing of the subcommittee on May 3 I asked Secretary Weinberger if he agreed with this statement of Colonel Fabyanic. Secretary Weinberger responded like this.

He said in effect there is more to this issue than just the vulnerability of the system. He said:

By deploying the Peacekeeper in Minuteman silos as soon as possible, we will be providing our ICBM force with the crucial prompt, hard target capability that it currently lacks.

And, I think in that one sentence he restated our strategy and that is retaliation, the capability to retaliate should we be attacked. In fact, Weinberger went on to say in his next sentence:

In effect, the Peacekeeper will restore an effective, retaliatory capability to our ICBM force.

So while recognizing that weapon systems do become more vulnerable as the state-of-the-art advances, also our capability to retaliate must be maintained and the Secretary of Defense believes that this ability to attack a hard target in the Soviet Union helps us to at least keep up somewhat with that retaliatory capability.

Mr. EDWARDS of Alabama. I thank the gentleman for his comments.

Mr. ADDABBO. Mr. Chairman, I yield 7 minutes to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, a person who supports national defense to the extent that I do, being here in the well speaking in opposition to a matter which on its surface looks like a defense measure, that perhaps needs some explanation.

My main objection to this proposal is that it is leading us toward a $20 billion-plus expenditure for nuclear weapons which I do not think we need, No. 1. No. 2, this proposal will not be effective in any positive fashion. And No. 3, this is greatly needed—this $20 billion—for conventional weapons.

A use of terms here a moment ago needs some explanation. There is a lot of talk about first strike. As I understand a first strike it is where you believe with the weapon that you have that you are able to wipe out the ability of the opposition to respond. It has little to do with aggression. Aggression has to do with whether you are the first to use nuclear weapons to begin with. And the Scowcroft Report says at page 6 and also page 16 that if we find a conventional war going against us, that we will be the first to use nuclear weapons and we will use the MX in that context.

Now I think that first use of nuclear weaponry is a much more important way to think about this weapon than thinking about the technical question about whether after an atomic war is underway you might decide you were going to use a weapon in a "first strike" situation, which merely means that you would use a nuclear weapon in a way which would not allow the opponent to use any responsive or retaliatory nuclear weapon in return.

It seems to me important to look at the language on page 6 and 16 of the Scowcroft resolution about MX use. And frankly, if we go ahead with this proposal we have today, it seems to me we are in a sense buying an agreement among people that we will take a particular first nuclear use action with regard to this MX weapon because of this language of that report. This weapon is a weapon which does have first strike capability if it is in sufficient numbers. We will only get 100 of them to begin with, but believe me, after being 35 years or thereabouts on the Armed Services Committee, I have no idea we will stop at 100, because when you get 100 in place, then people will say, "We could have a quantum jump forward if you just added the classified number that is required to go to having a real first strike situation."

So you will then have the industrial complex working, you will have people who have jobs in their districts, and you will have the idea of how much cheaper you can get them than the ones you got before. You will have all those things going down the pike. It would be hard to resist.

People have talked as if this thing would be a chip. What kind of a chip would it be? It has already been announced in the December 6, 1982, New York Times, which told us what kind of chip it would be, because the Soviet Defense Minister said as reported in that edition of the New York Times: "If the United States deploys the MX the Soviets will respond by deploying a new ICBM not inferior to the MX."

So we will have a chip all right, but the chip will be to trade our MX for their new MX. That does not seem to be a very positive thing, it seems to me, if we are trying to see that the world is safe and protected.

It seems to me another aspect of this ought to be considered. Perhaps I will address this more at length tomorrow, but I was opposed to the war powers legislation we passed some time back, because I thought it opened the door for the President to do some very belligerent things without even getting the consent of Congress to declare war like our Constitution says.

When you add this nuclear power, this almost first strike capability and avowed first nuclear use policy to the ability of the President to start a war without ever asking Congress to have voted for a declaration of war, it seems to me we are doing one of the most dangerous things that I have ever seen Congress do in a cavalier manner.

Now I was one of the great majority of Members of Congress who voted for the Gulf of Tonkin resolution. At the time I voted for it I really did not think it was a declaration of war, but it turned out to be a declaration of war. And we had a horrible war with many thousands of Americans killed, many thousands of other people killed. We sort of backed into it.

Well, it looks like to me possibly by the agreement of what we are thinking about today on this House Resolution 113, we might be backing into a nuclear war without realizing we are doing it. This is because we have already passed the war powers legislation which allows the President to do certain belligerent things without getting the consent of Congress. So, it seems to me, this is one of the most dangerous things this country has ever done.

And in danger for what? $20 billion for a weapon that is not a good weapon, which is thoroughly vulnerable and taking away the $20 billion from conventional weapons which we greatly need. We have only a third of the artillery that the Warsaw Pact has, only one-fifth of the tanks. We need this money to correct that, which might prevent nuclear war.

I want to emphasize that my opposition to this is not to save the money to balance the very great deficit we have in our Treasury today and it is not to provide more money for very benign things we might have to do in the social programs. It is instead to see to it that we make it unnecessary to have a nuclear war by the ability to win a conventional war.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. I thank the gentleman for yielding.

I want to compliment the gentleman on his statement. I wish every Member of this House would read the gentleman's statement. The gentleman's 35 years of distinguished experience in this House, plus the gentleman's previ-

ous experience in service to this Nation has to rank close to the top of anybody here.

I would just like to ask the gentleman, with the gentleman's 35 years of experience, does the gentleman believe that if we proceed now with the MX we will stop at 100 MX's?

Mr. BENNETT. I have no idea that we will because I think it would be a quantum jump to go on to another 100 or so, which would make a different kind of a weapon, a real first strike weapon.

Mr. LOWRY of Washington. It would be easy to go on to the next 100.

Mr. BENNETT. The pressure would be all on us from industrial complex which President Eisenhower warned us against.

Mr. LOWRY of Washington. I wish our neoliberal friends would yield to the gentleman's experience of 35 years on this, those who think they are arms negotiators.

Mr. ADDABBO. Mr. Chairman, I yield 15 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, it is with a certain sense of sadness that I begin this discussion because I am afraid that the forces that the gentleman from Alabama (Mr. EDWARDS) leads may have the votes and that we will make an historic mistake by developing this weapon.

□ 1450

Since we used nuclear weapons in 1945, the nature of warfare has changed. I think it is fair to say that no longer do the great armies on this planet, ourselves and the Soviets, prepare and get ready to win war. In a nuclear war there can be no winner.

So we prepare these forces, the forces that we have up until the deployment of MX, to deter war. It is that notion of deterrence that is wrapped up in this whole discussion.

To me it is quite clear that if one wants to deter war the way to do that is to have survivable forces that create stability.

You will hear throughout this debate the argument by both the supporters of the MX, and those who support arms control but also support the MX, that it is necessary, in order for us to have a survivable deterrent, that we have the MX. And if you read the Scowcroft Commission reports, which is a pretty good report, you will find that they are interested in survivability and they are interested in stability and that they understand the whole question of deterrence. They just miss the boat on one of the three items. They think that the MX is the way to achieve it. And they are prepared, frankly, to make this political deal in order to get MX.

Let us take a look at the things around which most people do not argue anymore with respect to MX deployment. In a brief colloquy with my friend, the gentleman from Alabama (Mr. EDWARDS), for whom I have great admiration and affection and recognize his expertise, he said that MX in silos is probably more vulnerable than MX in dense pack. And I think that is right.

Caspar Weinberger agrees that it is vulnerable, the Air Force agrees that it is vulnerable. No one disputes the fact that the Soviets have the capability of destroying MX in their currently configured silos.

So this marks a departure for us. Here we are about to spend $16 billion, $30 billion, whatever figure one would like to use, for a system that we know in advance is vulnerable; a system that is an attractive target to a Soviet first strike, because for every 2 warheads deployed against it, one could destroy 10 MX warheads. So it is vulnerable, and it is dangerous because it invites attack in a period of crisis.

Why could we then even consider such a system? Well, let us take a look at some of the arguments that have been proffered by the proponents.

The first seems to be that we desperately need this ability to strike Soviet hard targets, that without it we somehow do not have a sufficient retaliatory capability to deter war. This is unadulterated nonsense.

We have right now existing within some 300 Minuteman warheads, Minuteman III's, 900 fully capable hard-target killers. If we should decide after some exchange of warheads that did not destroy the Minuteman that we wanted to go after hard targets, we would have this capability with the 900 Mark 12-A warheads. We have an additional 300 ALCMS on our bombers that are fully capable of destroying Soviet hard targets. We have another 960 bombs known as gravity bombs, designed to be dropped out of the bay of airplanes that find their targets with high accuracy.

So we have about 2,160 highly accurate warheads today.

Now, the question is: Do we need another thousand?

Well, even if we do not build MX, by 1990, if we go ahead, which I hope we do not, with the Trident II missile, we will have some 380 warheads there, 400 more ALCMS, 2,600 SLCMS and ALCMS, for a total by 1990 of 6,572 hard-target warheads, only 1,000 of which would be hard-target killers from MX.

So for those of you who think that we have got to have this retaliatory capability, I say two things: One, we already have it. But fortunately most of it exists, not on dangerous, time-urgent weapons, but on retaliatory second-strike weapons like bombers. Second, if you want to go ahead with the rest of the modernization force, if you believe that hard-target kill is where it is at, you are going to get more than you need with Trident II, with other ALCMS and with other SLCMS.

So it is not necessary to build MX to get that.

Second, the argument is made by Mr. ASPIN, Mr. GORE, Mr. DICKS, and others, that in order to propel the administration to arms control we need to get MX as an interim measure to get Midgetman. The theory is that we need to do something profoundly stupid to do something smart. I think on its face that speaks for itself. MX is not going to be a bridge to Midgetman. Mr. BENNETT and Mr. ASPIN and Mr. DICKS and the others who served on the Armed Services Committees for a combined very lengthy period of time understand a number of things. That is, with the amount of money that we are spending on strategic development programs—in fiscal year 1982 we spent some $4.6 billion; by fiscal year 1985 we will be spending some $10.6 billion—that when you take all these programs together, B-1, Stealth, SLCMS on submarines, ALCMS, the Trident II missile, MX, that when you start to see the money that is going to be consumed by strategic forces and in the Air Force alone, and when you start to see the unit cost of MX go down, that MX is going to be a barrier, not a bridge, to Minuteman; that the minute MX enters into the force, you will suddenly see the arguments for Midgetman begin to dissolve. We are not going to build Midgetman if you build MX. So if you believe it is the way to get to Midgetman, you have misread history dangerously.

And what about those who suddenly feel—and this is argument No. 3—that the President is infused with the notion that we need to control weapons, that now if he only gets this one additonal weapon that he needs, he will be converted to the ideal that arms control is here and now and that MX is the way to convince him.

Take a look at the letter that the President sent to Mr. DICKS, our colleague. In it are a series of vague promises for some very real missiles, the notion that we will change our posture at START. Well, I certainly hope so, because the proposal that the President has laid on the table is not going anywhere. So that does not seem to me to be a great concession.

□ 1500

Are we going to build anything less than 100 MX warheads? No? That is not in the President's letter. He does vaguely say he wants a Commission. He already has a Commission so laden with hawks and antiarms controllers that maybe a new one will help out. But it is a vague promise. For the vague promises that the President has offered Mr. DICKS and the others, we have the very real missile. We have a

missile that cannot survive a first strike. We have a missile that can only be used either on a launch on warning, which is dangerous and provocative, or as a first strike.

Let me deal with the last question of a bargaining chip. We are told that the Soviet Union values its military targets more than it does anything else, its population or its survival as a society. I question that notion, given their historic problems with war. But let us assume for a moment that we want to build MX solely for the purpose of a bargaining chip. We already have the Russians saying they do not view MX in the sense that if it is built, they are prepared to dismantle the SS-18's or the SS-19's. They have not said that. Wise heads in our own country, McGeorge Bundy and others, think that if we deploy MX, what we will certainly get out of the Soviet Union is their version of MX. We are not going to get the Soviet Union, by building MX, to dismantle the SS-18 and the SS-19. If we think that we will, we are engaging in a fantasy world that you should describe to us that I frankly do not understand.

MX is not a bargaining chip for existing systems. If anything, it is a bargaining chip for future systems, and we have far better bargaining chips than MX. We have from 1984 through 1988 a strategic weapons program of $45 billion, two new bombers, the B-1 and the advanced technology bomber, Cruise missiles, the Trident-2 missile, and if you think it might enter into the force, Midgetman. We have bargaining chips galore. We do not need the MX as a bargaining chip to get the Soviets to the table. Indeed, even Mr. Scowcroft himself, in a colloquy he had with McGeorge Bundy before a group of us, indicated that the problems with arms control today have been more some of the United States positions than the Soviet position.

So put the bargaining chip idea out of your head and think for a minute, if we can.

Mr. LOWRY of Washington. Will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. I thank the gentleman for yielding.

The gentleman does such an excellent job in putting this in perspective. I just want to add the one thing that, of course, we are all aware of.

President Reagan also agrees it is not a bargaining chip, as he said last December 10. He said this missile would not be taken out of circulation. So the President also does not think it is a bargaining chip.

Mr. DOWNEY of New York. I thank the gentleman. And so does Caspar Weinberger and a whole host of other people. This is not a bargaining chip. Indeed, in the letter that was sent to Mr. DICKS, there is a mention that the development of MX would be tied to and possibly conditioned upon future Soviet development. So that even there, the 100 MX question remains in doubt. We may be building many more.

Now, we can do this as sensible people. If you are sitting there in the Soviet Union and you are watching the U.S. development program, you listen to our leaders saying, "Do not worry. We do not want a first strike." But all the first-strike warheads we are building belie the statements that we make. If we do not believe the Soviets when they say they are not interested in a first strike, why should they believe us when everything we do contradicts what, in fact, we are saying about the capabilities of our system. Our system will be capable of providing a first strike if we so desire simply because the Soviets have put more of their nuclear eggs in their land-based basket.

So we are told on the one hand that it is destabilizing for the Soviets to place in jeopardy 21 percent of our arsenal, but it is somewhat not destabilizing for us to put 80 percent of their arsenal in jeopardy. This becomes a kind of mindless, tit for tat that has put us in the position where we are today.

If we move away from the numbers and the cost and the irrefutable logic that the MX is just a very bad idea, we are then faced with the words of people like George Kennan and others who have taken a look at the lessons since the postwar period and come to some very startling conclusions.

They tell us that we have been lucky—to avoid war or the use of nuclear weapons over the last 38 years. They tell us that the next generation of weapons will be the most destabilizing and will increase the chance of war by accident or miscalculation.

Now, maybe we should ignore these people. Maybe we should listen to the counsel of the people who have studied this question and have decided that the entry into force of 6,000 more warheads over the next 5 years is really what will provide us stability. I say this is absolute, unadulterated madness. If we are to avoid war by accident or miscalculation, if we are to provide for a stable relationship with the Soviet Union, we need both to eschew the notion of first-strike weapons. If they do not decide to do that, then we should, because there is absolutely no reason, militarily, politically, or socially, for both of the superpowers to face each other down with a first-strike arsenal.

I believe that the way to provide for stability and survivability and deterrence is to make sure that we have survivable systems. MX is not a survivable system. MX is a dangerously expensive first-strike weapon what can only exacerbate relations between us.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I thank the gentleman for yielding.

Let me commend the gentleman for his broad knowledge and background on the issue that is being discussed here on the floor of the House this afternoon.

One point is that I was not serving here in 1976, and I believe at that time testimony was given as to why these silos with the Minuteman III missiles were so vulnerable and the MX missile had to be placed in another kind of basing mode. I think the argument started back in 1976.

The gentleman makes a good point when he talks about the other weapons systems. If we feel that the MX missile is going to deter the Soviet Union from building other large strategic weapons, I think we are making a great mistake on the floor of this House.

The CHAIRMAN pro tempore (Mr. SLATTERY). The time of the gentleman from New York (Mr. DOWNEY) has expired.

Mr. ADDABBO. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York (Mr. DOWNEY).

Mr. MAVROULES. Will the gentleman continue to yield?

Mr. DOWNEY of New York. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I appreciate very much the gentleman yielding.

Mr. Chairman, the last Minuteman III missile that was procured, I believe, was back in 1978. Five years later, and since that time, the Soviet Union has build about two or three missiles. We have built Trident submarines and the Soviet Union is now building Typhoon submarines.

I think what the gentleman from New York is saying is absolutely correct. We have deterrents, but if we continue to build these strategic weapons, at least in his view and I think in mine, it begets another weapon and, therefore, the escalation continues and continues and continues.

I want to commend the gentleman for his statements.

Mr. DOWNEY of New York. I thank the gentleman.

Mr. Chairman, I think it becomes axiomatic at this point. There is just no doubt that we have a survivable system today and we can make it more survivable, and should, in the future. There are a whole host of improvements that I agree with that are being undertaken right now.

I just think it is crazy to think that the MX missile and its deployment is somehow going to demonstrate to the Soviets or to our allies some will that we have not demonstrated already. Certainly, the vast amount of money

that we already are expending and will expend on other systems is ample demonstrations of our will. And if one believes Flora Lewis, who wrote several weeks ago in a column, indeed the Europeans are not worried about our will; they are more worried and more concerned about our stumbling into war by accident and miscalculation.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Ohio.

Mr. McEWEN. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has mentioned vulnerability of the MX. Could he share with me how the Midgetman would be less vulnerable and how we can look forward to that security?

Mr. DOWNEY of New York. I think that the Midgetman, by virtue of its mobility and its increased hardness is that it would have much greater hardness and it would be mobile.

□ 1510

Mr. McEWEN. Mr. Chairman, will the gentleman yield for just one additional question?

Mr. DOWNEY of New York. Certainly, I yield to the gentleman from Ohio.

Mr. McEWEN. Mr. Chairman, what would be the gentleman's definition of a first-strike weapon? Could he define that for the benefit of the Members?

Mr. DOWNEY of New York. A first strike weapon would be a weapon that, in my opinion, within 30 minutes' time or under would be capable of destroying large numbers of Soviet hardened targets. I do not consider the hard target capability of the bombers a first strike, given the amount of warning time the Soviets would have.

Mr. McEWEN. But all cruise missiles would fall under that definition?

Mr. DOWNEY of New York. All cruise missiles are hard target killers. I do not consider them first strike weapons.

Mr. McEWEN. How is that a distinction from the gentleman's other definition?

Mr. DOWNEY of New York. The amount of time it takes to deliver a warhead to the target.

The CHAIRMAN pro tempore (Mr. SLATTERY). The time of the gentleman from New York (Mr. DOWNEY) has expired.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it is hard to argue with the gentleman from New York (Mr. DOWNEY). He is a very bright, knowledgeable Member on the subject of defense, and the last thing I want to do is to get into some big debate over what he is very knowledgeable about. I wish the gentleman would listen to me for just a moment. I am not just paying him a compliment; I want to ask him a question.

Mr. DOWNEY of New York. All right, I am sorry.

Mr. EDWARDS of Alabama. Mr. Chairman, I would appreciate it if the gentleman would give me his attention for just a moment. I ask this question in the most sincere way.

General Vessey, when he testified before the Appropriations Committee earlier this year, said that the Soviets during the last year had deployed more nuclear warheads in a 12-month period than we plan to deploy in our whole MX program.

How does the gentleman deal with that? I understand the problem of escalation on both sides. I understand that if we get too far ahead, they are just going to play catchup, and I understand, by like means, that if they get too far ahead, as we perceive them, we are going to try to play a little catchup, too.

So we are told that they deployed 638 SS-18's and SS-19's in the last short period to time, that they have two more systems on the drawing board, and that they have not shown any inclination whatsoever to slow down.

If General Vessey's numbers are right—and I have to assume they are—and they have deployed more in the last year in warheads than we will in the whole MX program, how does the gentleman deal with that?

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. Certainly, I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, that is a good question. I think if the gentleman will permit me a minute or two to answer the question, I might be able to.

I think in the beginning, when we deployed Minuteman, there was a hotly contested debate—and then Secretary of Defense McNamara can testify to this—on whether or not we should have 1,000 Minutemen or 10,000 Minutemen. Then there was widespread discussion at the time of whether or not we should go for a first strike, and it was currently the prevailing view in the 1960's in the Air Force that we should. Ultimately we decided not to.

Secretary McNamara makes the point—and I think it is an interesting one, and I also think it is a correct one—that what we see in terms of development today is from forced modernization decisions made in the early 1970's, and a lot of what we see the Soviets doing is a response to some of the things we do. Some of it is not.

Let us take the gentleman's figures. I am not going to contest them for a minute. If they are General Vessey's figures, I am sure they are correct. The Soviets have added a whole host of first-strike weapons to their arsenal. The question then should become for us, how do we deal with that? Do we deal with that by placing their warheads in jeopardy, or should we deal with it by making the warheads that we have in our arsenal survivable?

The CHAIRMAN pro tempore. The time of the gentleman from Alabama has again expired.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself an additional 2 minutes, and I yield further to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, it is a question of how we deal with the other side that says they do not want a first strike, but all of their capabilities suggest that is what they are going for.

The way I would respond to it would be to continue my Trident modernization program and my bomber modernization program and make sure that I had survivable systems. And then, if we really engage in any of the crazy war games—and we have to, to a certain extent, to figure out what we want to buy—we would find that the current force posture that we have today gives the President a full range of retaliatory capability.

So directly in answer to the question, I say to the gentleman, we should continue to modernize our forces and continue to place a premium on survivable systems.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding, and I would like to use the time to ask the gentleman from New York (Mr. DOWNEY) a question.

The gentleman said that what we should do is to create a force that is survivable and not go ahead and produce a force that has counterforce capabilities, as the Soviet Union does.

Therefore, is the gentleman in favor of Midgetman?

Mr. DOWNEY of New York. Yes, I would support Midgetman.

Mr. COURTER. Does the gentleman support Minuteman or Midgetman?

Mr. DOWNEY of New York. Yes, I could support Midgetman.

Mr. COURTER. Does the gentleman support the B-1 bomber?

Mr. DOWNEY of New York. Pardon me?

Mr. COURTER. Does the gentleman support the B-1 bomber?

Mr. DOWNEY of New York. I said all along that——

Mr. COURTER. Mr. Chairman, let me continue.

Mr. DOWNEY of New York. Does the gentleman want an answer to the question?

Mr. COURTER. I would like an answer, but I would like to ask this first.

The gentleman said we should go ahead and make the land based leg survivable. That is No. 1. He answered my question by saying he would offer support for Midgetman, and I am very happy to hear that.

Mr. DOWNEY of New York. It is my intention to support Midgetman.

Mr. COURTER. I am glad that the gentleman is going to support that.

No. 2, the gentleman indicated that we should modernize the bomber force, and I would ask, how would we do that?

Mr. DOWNEY of New York. I would answer the gentleman by saying that we should stretch the 111 and continue to build the ATB. I do not think the B-1 is the way to modernize. I think it is much too expensive, and I think a stretched version of the 111 would have been a far more preferable way to go.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. EDWARDS) has again expired.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, the problem seems to be, as I perceive it, that there are a number of good, well-meaning members of this committee who are strong for defense but who nevertheless are always looking out there in the future somewhere for that deterrence, and so many of the same Members who do not want the MX do not want the B-1. Many of the same Members who do not want this system want another system. They say, "Well, we want to go with the Midgetman later on, and then later on we will go with the ATB." The problem is that we never quite get there.

So that is the thing that troubles me. I can agonize over the B-1 and the ATB issue, but I do not think we can get to the ATB quickly enough, and so we need the B-1. The problem is that there is this theory out there that we have go to modernize and we have got to continue to maintain our strength. I think that is the area where we fall apart. It is not that we all do not want to get to the same point out there, but I have a hard time getting some of the opponents to come along and ever move with a system.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I should yield to the gentleman from New York first.

Mr. DOWNEY of New York. Mr. Chairman, I have too much respect for the gentleman from Alabama to engage in the sort of a debate over who is for or against defense or arms control, depending on part practice. I do not feel that I have to defend my record.

Mr. EDWARDS of Alabama. The gentleman certainly does not.

Mr. DOWNEY of New York. I feel that it is essential that we understand that because we buy one system or are in favor of one system and not another, it does not preempt us in any way from discussing what is probably the most important issue we will deal with in terms of defense in this Congress, and that is the question of the MX missile.

Both of the gentlemen have served on the authorizing committee and on the Appropriations Committee respectively, and they have to feel a certain amount of unease about putting a system in the ground that we know to be vulnerable. Both of the gentlemen must feel a certain unease about the idea that the theoretical vulnerability will exist, and that this will be, if the Soviets are interested in a first strike—and the gentleman has mentioned the number of warheads they have—the first target of a first strike, and it forces us into a position of going to launch on warning, which I think is a very, very dangerous thing for us to do.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. EDWARDS) has again expired.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, I would just say to the gentleman from New York that I feel uneasy about everything I vote for on defense. I wish I felt as secure about my convictions as some Members in this Chamber seem to feel about theirs. I agonize over every one of these things.

This is a poor comparison, but I think back to one day when I said to my public relations firm back home, the firm that was managing my campaign:

We are spending too much money on this campaign. Can't we save some?

He said:

Sure. We know we are wasting 50 percent of what we are spending. We just don't know which 50 percent.

□ 1520

The problem we have in defense is that we have got to provide for the best defense that we know how. Again, that is where we disagree. We all want to defend this country. We know that some of the things we are spending money on in hindsight 20 years from now perhaps will be viewed as waste; but at this point as we try to do the thing that we feel is best, this Member feels that we must go forward with the MX now.

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. COURTER).

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding. I would like to respond a little bit to the dialog.

The question was: "Don't I feel somewhat ill at ease or uneasy about going ahead and advocating the procurement of MX?"

As a matter of fact, I would feel very uneasy if we did not do it. It seems to me that there is great asymmetry between the Soviet capability and our capability.

The CHAIRMAN pro tempore (Mr. SLATTERY). The time of the gentleman has again expired.

Mr. EDWARDS of Alabama. Does the gentleman desire some time?

Mr. COURTER. I would like some time at some point.

Mr. EDWARDS of Alabama. Well, I would be glad to yield the gentleman some time in just a moment, if I may. If it is my turn, I promised to yield 7 minutes to the gentleman from Wisconsin (Mr. ASPIN).

Mr. ASPIN. Mr. Chairman, I thank the gentleman very much.

Mr. Chairman, I would like to enter into a little dialog if I could with the gentleman from New York, because he and I agree really on so much in this business; not that I am under any illusions about being able to change the gentleman's mind about this issue, but if we could kind of talk about it a little bit and lay out the differences and why we have come to those differences, it might help.

I agree with the gentleman when he says that the problem is the vulnerable first-strike systems. I think that the real arms-control problem, if you look at the whole panoply of weapons out there today it really is land-based systems on both sides that have become vulnerable and as they become more accurate, they become more critical in the first-strike situation, because they are both first-strike weapons, but they are also vulnerable to a first strike by the other side. In a crisis situation, nothing could be more dangerous. Itchy fingers move toward the button and there is an incentive for one side or the other to go first and in that kind of circumstance, it is very dangerous.

I start, of course, with the fact that the Soviets have proceeded to put us into this place. I mean, they are the people who developed the highly accurate weapons on their side.

I think it has not really been recognized the extent to which sense the SALT has been put into place. The development of the SS-18 and the SS-19, both missiles with lots of warheads and very, very accurate, have really put the world into this kind of shape. Of all the things I guess that the Soviet Union is doing, that is one of the things that worries me the most.

I think that the Reagan administration does overhype the Soviet threat, and I think the gentleman from New

York would probably agree that this kind of blindly listing all the things that the Soviets are doing and claiming some kind of horrible thing is not really very intelligent; but that does not mean that the Soviet Union is not doing some things that we need to respond to.

Now, as I look at the whole list of things that the Soviet Union is doing across the whole spectrum of nuclear conventional systems, I pick out three areas of activity by the Soviet Union that I think we need to respond to. I see a lot of things that we do not need to respond to. I see some things that I think they are wasting their money on. I see some things they are doing in response to threats that we do not have, like the Chinese border; but there are three things that I see out there that we really ought to respond to.

One of those things is the building of the SS-18's and SS-19's. I say that from an arms-control standpoint and from a defense standpoint.

I think one of the things that the Soviet Union has done in the last 10 years which has made it incumbent upon the United States to respond to in some way is the building up of the SS-18's and SS-19's, that force of highly accurate warheads on those two missile systems. Our response need not be a mindless deployment. It need not be the kind of response that says that we go ahead and build a whole bunch of new missiles. It might be an arms-control response or it might be some other response; but basically, I think it requires some kind of a response on our part for the future stability and for the future of arms control and for the future of the safety of this country.

The Scowcroft Commission has come up with a recommendation, which I take it as a package is a response to that situation. The SS-18's and SS-19's development by the Soviet Union required, I believe, some kind of response.

Now, the Scowcroft Commission has come up with a package, which we can agree to or disagree to, but it is a package response to this situation and it is composed of the three components, 100 MX's in fixed silos, small, single warhead missiles, a new arms-control approach based on warhead limitations. Basically that is the issue. As I see it, it is a response to that kind of situation.

Now, the critics come from two angles. One set of critics finds something wrong with the Scowcroft Commission recommendations themselves. They do not object to the fact that we need a response. They do not like what the Scowcroft Commission has recommended; but there is a group of people who are opposed to it on the grounds I think that they are saying we do not need to have any kind of response at all.

In other words, there is a feeling among some people, and it is a perfectly legitimate one from a defense standpoint, that we do not need to worry about this, that the land-based missile systems, that is the Soviets build the SS-18's and the SS-19's that it does not require a response on behalf of the United States. The argument is a good one from a defense standpoint. I mean, we are ahead in the bombers. We are clearly ahead in the bombers. We are ahead in the submarines.

So one line of argument is, and I guess I would like to ask the gentleman from New York does he believe that we need to have something on the land-based systems, or is the gentleman of the opinion that we ought to just rely on the bombers and on the submarines, just the diad.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from New York.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

The gentleman is correct. There are very few areas where we disagree. Unfortunately, this is a major one.

No; I believe there is a synergism that exists with the triad, that you cannot simultaneously strike the bombers and the ICBM's without alerting one force or the other, so that it is essential that we maintain a land-based deterrent for secure communications and for potential reserves and for a whole variety of reasons, with which the gentleman is amply familiar.

I would also agree with the gentleman that it is important that the Soviets understand that we are prepared to respond.

I might also add, and I do not think the gentleman disagrees here, but I think our first response should be at the bargaining table at Geneva with a meaningful START proposal that allows us to move to a position of rationality, which I do not think the current START proposal is.

Mr. ASPIN. Let me get to that in a moment.

Let me just ask if there is anybody here in the chamber who would like to go over the issue of, do we need to respond to the Soviets? I mean, it is a perfectly valid defensible point of view.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman for yielding.

I would like to respond in kind. The gentleman asked the gentleman from New York about the land-based missile. Is the gentleman saying to us today, and the gentleman hears the same testimony I do in the same committee, are our Minuteman III's impotent?

Mr. ASPIN. No, no.

Mr. MAVROULES. Are they obsolete?

Mr. ASPIN. No; I am just asking if there is anybody here who would like to argue the point that we do not need to have any response to the Soviet Union on the SS-18's and SS-19's. Do we need a land-based system?

Mr. MAVROULES. Yes. I think when we talk about strategic weapons, talking about a triad, we have got to take into consideration, and the gentleman and I know that, we all understand, we have to take into consideration all three parts of the triad. I do not think we are doing that and being fair to ourselves.

The gentleman referred to the Scowcroft Commission. I want to thank the Scowcroft Commission and the members for being very honest in evaluating the window of vulnerability, which they have eliminated.

Mr. ASPIN. I understand; but is the gentleman from Massachusetts in favor of a small, single warhead missile?

Mr. MAVROULES. I most certainly am.

Mr. ASPIN. That is all I am asking.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

First of all, I think the Congress and the Appropriations Committee have proven that we have answered the Russian threat. We have gone through Minuteman I, we have gone through Minuteman II, we have gone through Minuteman III. We have improved our strategic communications. So we have answered the threat.

What we have is a deterrent that is a real deterrent. We do not need a system which is going to cause great escalation. That is my only argument against the MX.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 6 additional minutes to the gentleman from Wisconsin.

□ 1530

Mr. ASPIN. Let me just ask the gentleman from New York the question, though, about what is the response to this particular vulnerable first-strike combination. What we are really talking about is the SS-18's and SS-19's. If we do nothing, and you know there are people who advocate that we do not respond to that, that we just in effect do not have a survivable land-based missile system, that we go to the bombers and submarines. If we can all agree that that is not the position of

anybody here we can go to the second issue which is whether the Scowcroft Commission is the proper response to the problem.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman.

Mr. ADDABBO. I thank the gentleman for yielding. Yes, I think the Scowcroft report contains the proper answer, and that is why I had offered that as an alternative.

If the gentleman will read the resolution before us, this is not Scowcroft. I repeat, this is not Scowcroft.

The gentleman is talking about Scowcroft, but the Scowcroft report and findings are not before the Congress. All that is before us is a basing mode of the MX. Forget Scowcroft and the rest. That is not before the Congress.

Mr. ASPIN. The reason, as the gentleman from New York well knows, is because of the Appropriations Committee and the conference report that wrote language on that.

Mr. ADDABBO. If the proponents of the MX had really wanted Scowcroft, they could have let my resolution come out, as that would have endorsed Scowcroft. But they did not want Scowcroft. They just wanted a basing mode for MX, period.

Mr. ASPIN. Not at all. The gentleman from New York is not correct.

The vote we are taking is on the basing mode for the MX for 1983 money. But it is clearly an important vote in terms of the Scowcroft Commission. I do not think anybody is confused about that issue.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Oregon.

Mr. AuCOIN. I appreciate very much the gentleman yielding to me. The gentleman knows how much respect I have for him on most of these matters, minus the one pending before us now.

I hope the gentleman is not suggesting that those who want to make sure that we continue a viable triad must vote for funds for the MX missile.

Mr. ASPIN. No; not at all.

Mr. AuCOIN. It took the gentleman a while before he just made that statement, because I am concerned about Members who were listening who might think that is the gentleman's conclusion.

Mr. ASPIN. No. Let me make clear that what I am trying to do is narrow down our range of differences so that we can at least talk about what it is that is different.

I was saying that there is a need to respond, as I perceived it, to the deployment by the Soviet Union of the SS-18's and SS-19's. The Scowcroft Commission is a response to that.

Opposition to that, it seems to me, outside of this Chamber, and I am trying to find out whether in this Chamber, outside this Chamber opposition comes from two sources. One source says we do not need to have a survivable land based system at all because we can rely on the bombers and the submarines. If that is the point of view of anybody here we ought to discuss it. If that is not the point of view, then we ought to take the second criticism.

The second criticism is yes, we need to have a response, but the Scowcroft Commission package is not the right response. I take it that is the point.

Mr. AuCOIN. Will the gentleman yield?

Mr. ASPIN. I am happy to yield.

Mr. AuCOIN. I would say to the gentleman, and I think the views of the gentleman from New York would be pertinent here as well, I would say to the gentleman that this is a Member of Congress, and I think the overwhelming majority of the Members of the House agree that we must have a viable triad.

Mr. ASPIN. OK.

Mr. AuCOIN. But here is the difficulty I have with the so-called package, if the gentleman will allow me to state it.

Mr. ASPIN. If the gentleman will just let me finish, I will be happy to yield. We will have a chance I guess later to get some more time to debate the issue.

But it seems at least we have narrowed this down to the question of what kind of response is appropriate here to what the Soviet Union is doing. The Scowcroft package now is a combination of 100 MX's in the silos, the small single warhead missile and the third part is the new approach to arms control which is to limit warheads.

The point that the Scowcroft Commission is making, an argument I find a great deal of sympathy with, is that this is a package which fits together, that the three things do go together, and that if you take part of that package out there is a certain thing that has to be explained as to how you get from here to there. If you take out the MX part, I would contend that the question then is how do you get the Soviets from here to there.

Again, what has happened in terms of arms control and arms control negotiations, we need, if this thing makes any sense, to move the Soviets to agree to an overall warhead limitation, preferably for them to move to single warhead missiles, not necessarily, but the most important ingredient is to get them to move toward an overall warhead limitation.

My question is I see the MX as a leverage, not a bargaining chip, which I think is something that gives it away, but the leverage that allows us to move the Soviets in that direction.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from New York.

Mr. DOWNEY of New York. I think this is a critical point and a point on which we disagree. If we enter 100 MX into force, what does the gentleman consider the likely Soviet response at the bargaining table or in their force structure to be?

Mr. ASPIN. I think that the likely Soviet response is that they will see that their land-based missile systems are starting to be vulnerable in the way that ours are. They are in a sense getting back some of their own medicine.

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. MAVROULES).

Mr. MAVROULES. I thank the Chairman very much for yielding, and if my friend will remain I would want to yield some time to him.

Let me commend and congratulate the gentleman from Wisconsin (Mr. ASPIN). The gentleman has opened up a real meaningful colloquy here and I think we ought to stick with it. That is why I asked for some time to give to the gentleman.

But before I do that, I have a question I want to ask the gentleman. The gentleman made a statement before, and let us get back to that, where he talked about survivable system. The gentleman was here in 1976 and 1977. I was not. I came here in 1979.

You have the same testimony before the Armed Services Committee and testimony coming out of a conference report which talked about the vulnerability of the silos for the Minuteman missiles. Does the gentleman honestly believe that we are going to spend $20 billion to $30 billion on that MX missile to go into these same silos that we have heard from two administrations, from the Carter administration and from the Reagan administration, is the gentleman willing to gamble taxpayers' money? Let me put the question back to the gentleman. Is the gentleman willing to gamble $30 billion?

Mr. ASPIN. Will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman.

Mr. ASPIN. I would caution the gentleman to be careful of the numbers.

Mr. MAVROULES. $20 billion?

Mr. ASPIN. As this debate has gone on, I have noticed that the cost of the 100 MX's in fixed silos has been gradually creeping up.

Mr. FRANK. Will the gentleman yield to me?

Mr. MAVROULES. I yield to the gentleman from Massachusetts.

Mr. FRANK. I would say to the gentleman that is only because they go up as they build them.

Mr. ASPIN. Let us start the rest of this with a reasonable number, but whatever the number is, whatever the number is, my contention as a proponent of the Scowcroft Commission recommendations is that the MX is fixed silos is not invulnerable. It is vulnerable.

Of course it is vulnerable. It is like the Minuteman is vulnerable.

But I say putting it in Dense Pack is vulnerable. I say any configuration we came up with is vulnerable. It is just putting them in the fixed silos is cheaper. It is vulnerable but cheaper.

But that is not the important part. The part of the Scowcroft package which gets to the system, to the invulnerable parts, is the single warhead missile, which may be mobile, which may not be mobile. It depends upon how many warheads we get in the warhead limitation.

So it seems to me what we are doing with this package is to move the U.S. deployment in the direction of an invulnerable system, and at the same time using the MX as leverage, moving the Soviet Union into that way.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I am happy to yield.

Mr. DOWNEY of New York. It is that point that I want to let the gentleman from Wisconsin finish.

Mr. ASPIN. I think that is the question of our difference, but I am trying to get to that.

Mr. DOWNEY of New York. The gentleman believes that the entry of 100 MX into force will accomplish a couple of things. It will have the Soviets counter that 100 MX into force, is that one of the likely responses, by going mobile?

Mr. ASPIN. I would ask the gentleman to repeat his question.

Mr. DOWNEY of New York. That the Soviets might go mobile to counter?

Mr. ASPIN. They might. They might.

Mr. DOWNEY of New York. Or they might develop their own or what they consider their own version of the MX, though we both agree that the SS-18 is more than the equivalent of the MX. But it is still conceivably possible that our 100 MX will elicit a response which they have already stated would be their response of their building another missile?

Mr. ASPIN. It is possible. It is possible.

But the point, the point about this Scowcroft Commission, what it does is it says land based systems that are very accurate and that are vulnerable are bad. We have been trying to convince the Soviets of that for a long time. They have made our systems vulnerable with the SS-18's and SS-19's.

Mr. DOWNEY of New York. But we are ignoring their advice, are we not?

Mr. ASPIN. No. I think we cannot seem to get their attention unless we start to do the similar thing to them.

□ 1540

Now the MX is part of it, the D-5 which I know the gentleman from New York is not in favor of, but we are also building, is also going to help make the Soviet system. They will be able to see over a particular time period, over a calendar number of years or whatever, they will see when this system will start to be vulnerable.

Mr. MAVROULES. If the gentleman will permit me, I think I have about 30 seconds left. Let me interrupt.

Let me ask the hard question, talking about the vulnerability of the silos. The gentleman admits that they are vulnerable?

Mr. ASPIN. Correct.

Mr. MAVROULES. Yet the gentleman is willing to spend $10 or $20 billion to put the MX missiles into those silos.

Mr. ASPIN. Correct. Because the purpose of the MX in fixed silos is not to be invulnerable, the purpose of the MX in fixed silos is to encourage the Soviet Union to move in the direction which, unless both of us move, would mean that the future is doomed.

Mr. MAVROULES. If I may continue, that is my point: You are building a Trident submarine, that does not stop the Soviet Union from building the Typhoon submarine. You are building a B-1 bomber, have we stopped the Soviet Union from building four other bombers, or four other aircraft?

Mr. ASPIN. They are building one other new bomber, yes.

Mr. MAVROULES . Whatever.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ADDABBO. Mr. Chairman, I yield myself 2 minutes.

The gentleman from Wisconsin has raised the point that if we go ahead with the MX then that will bring the Russians to the table to discuss arms control and disarmament. Why should they? Why should they come to the bargaining table if they know we have a vulnerable weapon?

Mr. ASPIN. If the gentleman will yield, only part of it is vulnerable.

Mr. ADDABBO. What part is not vulnerable?

Mr. ASPIN. The Trident submarine with the D-5 warhead.

Mr. ADDABBO. That is what our argument is. Why waste $22 billion on the MX when you have other nonvulnerable weapons.

Mr. ASPIN. But they are coming on the system much later and I think the Soviets believe, and I think they are right to believe, that the land-based systems offer certain advantages in command and control which are not offered by the submarine.

Mr. ADDABBO. The gentleman from Wisonsin knows the value and the capability of the Minuteman III. It is not impotent.

Mr. ASPIN. No.

Mr. ADDABBO. It is still a nuclear weapon.

Mr. ASPIN. Yes.

Mr. ADDABBO. It is still many times the strength of the atomic bomb which wiped out several Japanese cities in World War II. So that is a weapon to be contended with.

Mr. ASPIN. But, the gentleman from New York, we are talking about hard target kill capability of the weapons. There was one thing that I did disagree with what the gentleman from New York talked in the well, talked about the hard target kill capability of the Minuteman with the Mark-12A warhead. I think it is not as great as the gentleman from New York said because of hardening by the Soviet Union.

Mr. ADDABBO. The gentleman again uses the term hardened targets. We do not know how hard those targets are.

Mr. ASPIN. Right.

Mr. ADDABBO. We thought the Soviet tanks were invulnerable until they were captured and we found out how weak those tanks were. So why waste $22 billion on a weapon that we know is vulnerable and will not bring the Soviets to the bargaining table?

Mr. ASPIN. I told the gentleman from New York that we have tried with a number of carrots; Kissinger and Ford tried, Carter tried with Vance and others, to try to get the Soviet Union to abandon the SS-18's and SS-19's, to change their system, which we found so threatening. We were totally unsuccessful. I think that this is an attempt and it is an attempt that I think has some success; this is a chance to accomplish something. If it accomplishes what we set out to do then I think it would be money well spent.

Mr. ADDABBO. But we have tried that road and it has not worked.

Mr. ASPIN. But we have not tried that road.

Mr. ADDABBO. The Soviets have said: "We will destroy you from within. You will spend yourselves to death." And this $22 billion of deficit money for a weapon that is so questionable in value is an example of this reckless spending.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman for yielding.

The question that we put forth, and again let me congratulate the gentleman in the well for the opportunity for this colloquy. If the Soviet Union depends upon their land-based mis-

siles—70 percent of their strength—does the gentleman honestly believe that this will give them an incentive to take away from their strength? Does the gentleman honestly believe we would take away from the submarine force of the Soviet Union for negotiating with the United States?

Mr. ASPIN. Exactly. The point being——

Mr. MAVROULES. Please just answer my question.

Mr. ASPIN. Yes, yes, I think it would, because they are in much worse shape than we are in terms of vulnerability. If we get the kinds of weapons that we are talking about, they can see a date, 5 years from now—well it is more like 10 years from now—in which their land-based missiles, as you say 70 or 75 percent of their force, will become vulnerable, the Soviet Union would have to make some kind of a response.

Mr. MAVROULES. If the gentleman will excuse me, please do not misunderstand me. Seventy or seventy-five percent did not become vulnerable; I am saying 70 percent of their strength is in the land-based missiles.

Mr. ASPIN. But all of that will become vulnerable when the MX is built and as the D-5 comes on to line.

When that happens they will have to make some kind of response. One of the responses they should make and ought to make is to move to less vulnerable systems, to mobile systems.

Mr. ADDABBO. Mr. Chairman, I must reclaim my time.

They have not made that response yet. Every move they have made has been escalation and not a movement to reduction.

Mr. ASPIN. There is no reason to——

Mr. ADDABBO. Why spend $22 billion when you still have Minuteman III? William Perry, former Under Secretary of Defense, has stated that the Minuteman III still has hard-target-kill capability, so it is still a capable weapon.

Mr. ASPIN. I am not suggesting—I am not suggesting we take it away, I am not suggesting we take away the Minuteman.

Mr. ADDABBO. Yes; you are, if you are going to place MX missiles in Minuteman silos.

Mr. ASPIN. One hundred of them.

Mr. ADDABBO. You are taking out 100 Minutemen.

Mr. ASPIN. Yes, but there is 1,000 Minutemen and we have to take away 100 to put the MX's in.

Mr. ADDABBO. That is another argument. Why bunch the 100 MX's in one relatively small area?

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from New York.

Mr. DOWNEY of New York. I think the real tragedy of this, and I say this with all due respect to my friend from Wisconsin, to make the focus of forced policy decisions on the part of the United States centered completely on what the Soviets have done with the SS-18 and the SS-19 to me is a mistake for a whole host of reasons.

First of all, as the gentleman knows, the Soviets have always invested in their land-based rocket forces because that is the only thing they ever did well. They did not do bombers well, they never learned how to refuel and their submarines leaked radiation.

Mr. ASPIN. Correct.

Mr. DOWNEY of New York. So it was a decision that they made. Now, to suggest, as the gentleman has, that 100 MX's is going to cause a behavior response in the Soviet Union I think is flawed——

Mr. ASPIN. Will the gentleman yield?

Mr. DOWNEY of New York. Let me make a point. That is a flawed understanding of the Soviets. There is very little I think we can do to influence internal decisionmaking from outside forces. I think what we can do with the Soviets is maybe force them to go mobile over time. But what you do immediately, without MX, is go ahead and build your Midgetman and offer them START proposal that makes some sense in terms of limiting either sea based to become land based or whatever mixture you want. Warheads, both of us agree on warheads. I think what the gentleman has to concede is a possibility that the Soviets not only go mobile and counter the MX but that they also build another version of the SS-18 or another of the SS-25 or whatever it is called and then we have spent a fortune, they have countered it, and they have spent another fortune for a missile that would threaten even more systems.

Mr. ASPIN. Will the gentleman yield?

Mr. Chairman, I do not know who has the time, but would the gentleman yield?

Mr. ADDABBO. I yield to the gentleman.

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, the point about this is that the Soviets will be able to see that the United States has under a deployment schedule of MX's, plus D-5 missiles, that their land-based missile system is going to be vulnerable. To build more fixed land-based missile systems, they might do that, but they are going to be vulnerable, too. They have got two choices at that point, to either move the systems to sea or to go to the smaller or some kind of a mobile system, and that would be a stabilizing move.

The point is that we are trying to get both sides to move to a system which is stable on both sides, which is essentially the mobile systems, whether they be at land or at sea.

It seems to me this has a chance. We have never done this before. Of course they have never done that. Their systems have never been threatened.

□ 1550

Why should they do anything about brand new systems if they have got them in place and we have nothing to counter them?

Mr. ADDABBO. Mr. Chairman, if I may reclaim my time.

Their systems have been consistently vulnerable. We do have the Trident D-5 missile coming down the line. We have other weapons that make Soviet missiles vulnerable. They know that. We do not need a $22 billion weapon to convince them that their missiles are vulnerable.

Therefore, I say that maybe we should make a move the other way and that is we should start spending our defense dollars more wisely. They have put out ghost ships, they have put out ghost weapons to make us spend and spend and possibly spend the wrong way.

Twenty-two billion dollars. Costing us planes, ships, tanks, and other weapons, which would give us true defense.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. ASPIN.)

Mr. ASPIN. I thank the gentleman for yielding.

Let me just respond to the gentleman from New York because I think the purpose of all of this discussion is to get to the heart of the disagreement. And I think we are getting to the heart of the disagreement.

I believe that the MX is a critical part of this package which is important to make the Soviet systems threatened in order for them to move in the direction that I believe is important to move to—which is toward the less destabilizing systems, the more stabilizing systems. I would contend that we have never done this before and that because we have never done this before we have never been able to get rid of those systems.

Now does the gentleman from New York believe that they will do it without this kind of threat?

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

I want to compliment the gentleman from Wisconsin for bringing us to the center of this entire argument. I think it is important too to recognize that in the last 5 years the Soviet Union has built 500 to 600 SS-18's and SS-19's. They have deployed over 6,000 MX

quality warheads and I think that is something that we have got to take into account. In the last year they deployed 1,200 MX warheads.

Now the hope of the Scowcroft Commission recommendation is that we would, as a country, after this bipartisan Commission has put together I think a very comprehensive report, get behind that report and support it.

Now I happen to believe that if unilaterally this Congress stops the MX program now, it takes away any leverage that we have over the Soviets to negotiate any kind of deep reductions or a freeze, as my colleague from Massachusetts so desperately wants. And what I think our friends who are trying to argue against MX are doing is undercutting any ability of this administration to get an arms control agreement which is what we are supposed to be after.

And I compliment the gentleman from Wisconsin for making that point.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I hate to break off this debate because I think it has been very useful on both sides. It is the kind of debate that I think is worthy of this House and I am sorry that we have got to move on, although I am sure that the next speaker will add immeasurably to that.

Mr. Chairman, I yield 7 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I am really not sure whether I could add anything or not, but I feel very strongly about the remarks that I would like to make. I have listened to this debate. I have listened to the nuclear freeze debate. This is the first time that I have taken the well pertaining to nuclear weapons and I do rise in support of the House Concurrent Resolution 113 and hope that the funds will be released for the MX.

Now, Mr. Chairman, I have been saying around here for 2 years that what we should do with the MX missile is put them in existing silos. And I can back that up by statements I made in public that it made a lot of commonsense to put these in existing silos. And I am glad to see that the Defense Department agrees with this concept.

Now several reasons why we should put these MX's in existing silos is one that it is the quickest way to get the MX on line, to get them in the ground, to get them as a deterrence. You can do it very quickly. As soon as the MX's are built, then they can be put in existing silos.

The point that I like the best is that the MX will be much cheaper to the taxpayer by going to the existing silos. I have had the privilege of serving on the Subcommittee on Military Construction of the House Armed Services Committee. And only 2 weeks ago we were able to remove $400 million from the 1984 construction bill because of the elimination of construction on the Densepack concept. We were able to take $400 million out of the military construction bill because of the move into existing silos. So it is much cheaper to the taxpayers to use the Minuteman silos.

I have listened to the debate here earlier this afternoon and I know the arguments will be made on my concept of putting the MX's in the existing silos that they will be very vulnerable. And I heard that mentioned over and over again. And that most of them will be knocked out by a first strike by the Soviet Union.

In fact, the Washington Post was quoting an Air Force chart, which I have not had the privilege of seeing. It said: Only 1 percent of the existing silos we had would survive and only 1 out of 100 MX's would be able to be launched and would be going toward the Soviet Union.

Well, I challenge that statement today. We do not know how many MX's would be knocked out. Basically, thank God, we never have had a nuclear war. We have never had a nuclear war, so we do not know how many MX missiles could be knocked out.

Now we do know and some of us have had a little experience and I wish my colleagues over here, who I have listened to for several days now, would listen. I think I have some points here.

In a conventional war it has been said that those commanders and those troops who made the least mistakes win the battles.

□ 1600

And in a conventional war, we all know that everything goes wrong. You can go back and read history of the wars that we have fought. We have attacked in the wrong direction, the equipment does not work, we do not hit the ready line at the right time and we have bombed our own troops and on and on. Combat is a terrible time in one's life. You cannot tell me that missiles coming from 5,000 miles away, from the Soviet Union, can hit the targets and knock out all of the MX missiles that we have in the existing silos. Atmospheric conditions, fuel burning, radio control, malfunctions can make a difference in a nuclear war of how close you hit the target.

So I think this: We have been kicking around here for a number of years what to do about upgrading our missiles, what types of missiles we should use. For 15 years we have been talking about upgrading the Titan and the Minuteman missile. And I really sincerely believe this: For deterrence of the Soviet Union, we should move ahead and we should put the MX missiles in the existing silos. I do not think you even have to harden the existing silos, it would be a lot cheaper on the taxpayers, and I certainly believe it would deter war for another 30 years as far as the Soviet Union is concerned.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I thank the gentleman, who is not only a good friend but an outstanding Member of Congress and a member of the Armed Services Committee, for yielding.

Mr. Chairman, we have been listening for many years now about the conventional modernization, and I am fully in agreement with the initiatives taken by the administration, not only this one but the one previous to that.

I think the program, the initiatives taking place in the modernization of conventional arms, is on target and one that we both fully support.

Is it not true, however—and the gentleman has a military background which I respect very much—that if our modernization in the conventional area takes place, that the nuclear confrontation, the chances are, are lessened considerably?

And the reason I say that is because it is a budgetary item. When they came back in the Armed Services Committee and to the chairman so we can reduce even more funds, in my opinion, not $1 was reduced in the strategic areas. We had to cut that out, all of it, out of the modernization of conventional arms. And I think that is the wrong direction for this country to be taking, and perhaps the gentleman and I could engage in a short colloquy on that.

Mr. MONTGOMERY. I certainly agree, as Mr. EDWARDS said earlier in this debate this afternoon, you do not know how much money to spend on defense. But if you spend a lot and if it deters both conventional and nuclear war, it is worthwhile.

I would just like to say that I think sometimes we take too much time up here, and I really should not have taken more than my 5 minutes. I do not want to set a bad example. I think we ought to let as many Members as we can participate in this. We keep asking for time over and over, and I certainly will not ask for any more. But I am really going the same route that the gentleman is, I believe, on the nuclear, putting the nuclear weapons, the MX's, in existing silos. And I think the gentleman would agree with me that we need to update our missile systems. The gentleman is nodding in the affirmative. I guess my approach is that it is the least cost, and nobody in this Chamber can tell me that the Soviets on a first strike can knock out all 100 MX missiles that we would put in existing silos. That is basically my point. It is the cheaper way to go.

Mr. MAVROULES. If I may respond, we have been told since 1976,

1977, we are now in 1983, going into the 1984 fiscal year, that the reason they could not go into the Minuteman III silos is because they are vulnerable, and suddenly we are willing to spend $20 billion to take that chance.

Mr. ADDABBO. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Chairman, tomorrow we will be voting on what will go down in history as the Edsel of the missile systems, the MX.

Never have we seen such a push by the White House to bail out a missile that clearly cannot be protected, is not needed and certainly is not wanted.

The Scowcroft Commission was nothing more than a "Save-The-MX-Commission." Its goal was simple: Overlook any fact, concoct any argument, throw out any smokescreen, but save the MX.

Now, the White House has come up with all of these vague promises that it will finally get serious about arms control if only the Congress lets it build 100 MX missiles.

That reminds me of the drunk who promises the bartender that he will go to Alcoholics Anonymous if only the bartender will sell him one more bottle of whiskey. It does not work that way. Congress will be selling out if it swallows these promises.

If Ronald Reagan were serious about swearing off the arms race, the first thing he would have done is to swear off the MX. The time to go cold turkey is now, not after 100 MX's are built.

Mr. Chairman, the debate over the MX this week with the Appropriations Committee resolution to free up $625 million for MX development and testing promises to be a key test of how committed Congress is to setting a rational defense policy for this nation.

The most charitable I can be with the MX funding is that it is totally irrational. This administration first looked high and low for a basing-mode scheme for the MX that would make it survivable. That is the only way that the administration could rationally justify this weapon. But when the administration could not come up with a rational basing mode for the MX, it decided to try to sell the Congress on an irrational one, the one the Pentagon chiefs already said would not work, placing the MX in vulnerable Minuteman silos.

So what this administration is asking us to do is to spend $20 billion for 100 sitting ducks. How irrational can you get?

But I will have to give the administration credit for one thing: Each MX-basing mode the President has proposed has always been more irrational than the previous one. Dense Pack was more irrational than multiple protective shelters. And putting the MX in Minuteman silos is more irrational than Dense Pack. And I suppose if we reject MX in Minuteman silos, this administration will propose placing the missiles in Disneyland. After all, the Soviets would never attack Mickey Mouse and Donald Duck.

What we are seeing here is a masterful shell game being played with the American people. First the administration said, "We have to have the MX because we have this window of vulnerability. Our land-based missiles are vulnerable, so we have to build the MX to correct this problem and we have to put the MX in Dense Pack so the missiles will not be vulnerable."

But when the Congress and the American people learned what Dense Pack really was and realized it was a ridiculous idea, it was scrapped. That is when the administration formed its high-powered Scowcroft Commission.

What did the Scowcroft Commission do about the MX and the window of vulnerability? Simple. It said, "We do not have a window of vulnerability problem anymore. Just put the MX in the vulnerable Minuteman silos, but tell everyone they are no longer vulnerable."

Ronald Reagan seized upon it immediately. How do you solve the window of vulnerability problem? Simple. You just say it no longer exists. What a great way to deal with the problems of this country. Got an unemployment problem? Simple. You solve it by just rewriting the script and saying it does not exist. Got a problem with the $200 billion budget deficit? Simple. Just say that the budget deficits are no longer a problem.

We are here in 1984, not a novel written by a George Orwell. A reelection program of Ronald Reagan. Double think.

Now we see the administration trying to hide the MX under another shell. This shell holds out the vague promise the White House will think about getting serious about arms control in the future if only Congress will let it build the MX missile, the most destabilizing weapons of them all.

Of course, the administration has done absolutely nothing in terms of arms control in the past two years. If anything, it has been allergic to arms control. But the administration now promises to think about getting serious about arms control if it can build 100 MX missiles. We now have all of these letters from the White House telling us so.

And for those who support this, a 100-year-old bridge in Brooklyn is celebrating its birthday this week, and I have the title that I can sell to any of the Members who believe that the President is giving us a good deal.

"Just let me build 100." Now, who here thinks that once we open up the production line of MX missiles to build 100 that we are going to shut it down? Have you ever seen anyone eating just one potato chip? We are going to build 100, 200, 300. The economies of scale do not take hold until 200 or 300. Who in the world thinks that that is going to be the case?

The MX missile, on the basis of this vote here tomorrow and in the ensuing couple of weeks, is going to become the missile of the 1980's and the 1990's. Let us not kid ourselves. We are never going to shut down that weapon systems line. It is a classic conspiracy of silence between the Navy and the Air Force. There is not one Navy officer who you talk to off the record that will not tell you that it is a turkey. But what we have to realize is that there are two arms races going on, one between the United States and the Soviet Union, the other between the Air Force and the Navy. And there is a conspiracy of silence that neither one of them will ever testify against any other weapons system that the other service wishes to build that they know is bad.

So here is the deal we are going to get: If there had to be a title to this issue we are debating today, it would be, "Let's Make a Deal." Monty Hall in this case are a group of my colleagues who claim that Mr. Reagan has seen the light. After a lifetime of opposing arms control, Mr. Reagan has been born again and is ready to sit down and talk seriously with the Soviets. All Congress has to do is give Ronald Reagan 100 MX missiles, and behind door No. 1, door No. 2 and door No. 3 is a promise to pursue arms control.

Remember, this deal we are talking about is not with the Soviets. The MX is no longer a bargaining chip to get the Soviets to be serious about arms control because the President and the Secretary of Defense say that once they get the MX they will not bargain on it. No. The MX is now a bargaining chip to get Ronald Reagan to get serious about arms control. We now have these famous letters, like the one the gentleman from Washington has received and which has been passed back and forth between some Members of Congress and the White House, which have supposedly sealed this deal.

Well, the letter is specific on one side of the deal. Ronald Reagan gets the missile. As to the other side of the deal, well, I hope the gentlemen never have to take this letter to court to extract an arms control agreement from Mr. Reagan.

□ 1610

Ronald Reagan promises to review—to review his START proposal with the intention of developing such modifications as are necessary to reflect the Commission's approach. He does not make specific promises here, he does not say he is going to change the

START proposals substantially, he does not set out any table for these changes. He just says that he is going to review his START proposal. Mr. Reagan says in the letter that he only plans to deploy a minimum number of MX missiles, but he does not say if that minimum number is 100 MX missiles, 200 MX missiles, or 300 MX missiles. He leaves that door wide open, with the overall level of MX deployment dependent upon what the Russians do.

So if you think this letter means that the President will only deploy 100 missiles and then he will get serious about arms control, think again. This letter has a loophole in it big enough to fit hundreds more MX missiles.

As for this future bipartisan panel that my colleagues who have hatched this deal say they have extracted from the President, well, according to the letter, the President only sees merit in the idea; he does not say he will appoint one. He does not say it will have teeth. He does not commit himself. He just offers another vague promise.

Mr. Chairman, it is difficult to talk about what we are getting out of this deal because the President has kept it deliberately vague. He has left himself so many exits that he will never get himself pinned down on this deal. That is why I say what we are getting out of this deal is not worth the paper that it is printed on.

Let us start with the person in the White House who is making this deal. Let us look at his record and see how genuine his interest in arms control is. I will not give you my opinion on this; let me give you the opinion of my distinguished colleague from Wisconsin, who is one of the Members who has supposedly agreed to this new deal in the White House. Here is what the gentleman from Wisconsin (Mr. ASPIN) said about Mr. Reagan's arms control sincerity on August 5, 1982, during the first debate on the nuclear weapons freeze resolution:

Now, the President says that he is interested in genuine arms control. I would like to believe him, but look at the record. The record tells us something different.

When President Kennedy proposed a test ban treaty in 1963, Ronald Reagan opposed it.

When President Johnson pushed for the non-proliferation treaty in 1967, Ronald Reagan opposed it.

When President Nixon negotiated the SALT-I agreement in 1972, Ronald Reagan opposed it.

When President Ford restricted the sale of weapons-grade material in 1975, Ronald Reagan opposed it.

When President Ford concluded the Vladivostok agreement in 1976, Ronald Reagan opposed it.

And when President Carter negotiated SALT-II in 1979, Ronald Reagan opposed it.

For 20 years, Ronald Reagan has opposed every step toward arms control by every President of either political party, whether they be Republican or Democrat. Now they are trying to say they are for arms control. Well, maybe and maybe not.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

Mr. ADDABBO. Mr. Chairman, I yield 2 additional minutes to the gentleman from Massachusetts.

Mr. MARKEY. That is what Mr. ASPIN said. I have the greatest respect for the gentleman from Wisconsin, as he well knows, but I would say his assessment of Ronald Regan's arms control sincerity last August still applies today, and Mr. Reagan's tenure in the White House only backs up the gentleman's assessment in August.

Since Mr. Reagan has been in office, he has:

First, refused to seek ratification of Salt II.

Second, abandoned the negotiations for a comprehensive test ban treaty.

Third, turned over every key arms control position in his administration to people who are philosophically opposed to arms control.

Fourth, frittered away 18 months before he even came up with an arms control proposal.

Fifth, then drafted two totally unworkable arms control proposals at START and INF that were designed mainly to be publicity ploys to soften protests from the European and American peace movements.

Is this the kind of person that we can now trust to finally get off the dime on arms control with just a vague promise? Would you buy an arms control promise from Ronald Reagan?

That is what we are doing here. This arms control promise is going to cost us 100 MX missiles at a minimum $20 billion, at a minimum. That is the deal.

And what are we getting from this promise? Nothing more than what we have gotten from Ronald Reagan in the past.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has again expired.

Mr. ASPIN. Mr. Chairman, will the gentleman yield 1 more minute, please?

Mr. ADDABBO. Since the gentleman's name has been mentioned, I yield 1 additional minute to the gentleman from Massachusetts.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Wisconsin.

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, I would just like to point out that the big difference here from what we are discussing there is that what I am suggesting about this package is that it works even if Ronald Reagan does not move to an arms control agreement. It really is dependent upon the effect that this has on the Soviet Union and on their deployment.

If we did not have a further arms control agreement, but the Soviet Union moved toward a more stabilizing deployment and we moved toward a more stabilizing deployment, the world would be better off.

Mr. MARKEY. Mr. Chairman, if I may reclaim my time, all of this is based upon the premise that when we build these MX missiles, we limit them to only 100, and then we go on to the additional missiles.

Mr. ASPIN. I agree. That is what I bought as part of the package.

Mr. MARKEY. Mr. Chairman, if I may reclaim my time, Caspar Weinberger, on "Good Morning, America" last week, the letters to Congress on the MX and arms control represent no change in administration policy. The problem is this, I say to the gentleman from Wisconsin: We will build these missiles and they will become out first-strike weapons, our missile systems of the 1980's and 1990's. It is an illusory promise, and I do not believe it.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I do not doubt that the gentleman from Massachusetts is extremely sincere in the comments he has been making here on the floor today, but the truth is that we do not serve any particular purpose around here by trying to lay some kind of a bum rap on the President of the United States who is just as determined to find an avenue to peace as any of us.

I suppose if there is a difference in the philosophy of the President and others in this Chamber, it is in the degree of strength that you should take to the bargaining table when you deal with the Soviet Union. I would say that other than that issue, there is nobody around here who has locks on trying to find peace any better than the President of the United States has.

I will tell you that I think that is a poor argument to make on this issue that we have before us today. It was this President 2 years ago who proposed going from 200 MX missiles, as proposed by President Carter, down to 100. This is not something that he has just dreamed up in the last few minutes to try to find some way to get a bill through the Congress. He proposed 2 years ago to give up the 200 and go to the 100.

And, of course, he is not going to say in a letter or to this body or in any other communication exactly what he is going to take to the bargaining table with the Soviet Union. You know, we have this great luxury in this country of ours to live in a goldfish bowl. There is very little we say here that is not public the minute it is uttered, or even thought about, in this great Nation of ours. The Soviet Union, on the other hand, can operate totally

free—totally free—of local opinion and in many cases world opinion, because they operate totally in the dark as far as the people of this Nation and their own nation are concerned.

So I get a little tired here, Mr. Chairman, from time to time when we have to start talking about our own people, chewing our own folks up right and left, laying it all out here for the world to see, when our adversaries continue to build missiles, continue to build warheads, continue to develop weapons of war, most of it unknown to the people generally in this country or to their country, and to somehow kind of lay that on the President.

The President, has, in fact, No. 1, proposed and moved forward with START talks to try to bring about the reduction of the arms race in this country and the Soviet Union. To his credit, he has done it. The President has, in fact, responded favorably to the communications sent to him by Members of this body and the other body, and he has, in fact, made some movements as a result of those communications. He has, in fact, started addressing the question of build-down. He has, in fact, addressed the question of a follow-on commission that was asked of him by Members of this body and the other body.

I think he has shown that he is determined to seek peace in this world, and it is a bum rap to treat him any way other than to say he is doing his very best to bring peace.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

□ 1620

Mr. FRANK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think one of the most striking things about the debate has been the relative absence of any good words being said about the weapons system in question. No one seems, at least that I have heard, to come forward and defend this new MX proposal for which we are going to be asked ultimately to appropriate $20 billion, if you believe that there will be no cost overruns and an exact holding to estimates.

We have given a variety of justifications for it, but none of them really address the justification of the weapon as a weapon. That is understandable.

In fact, what we have had is admissions that the weapon is flawed. As I recall, the whole notion of the need for an MX came from the argument that the existing silos were vulnerable and we began a search, and let me say in deference to the spirit the gentleman from Alabama has suggested, and I think correctly, it was a bipartisan search. It was a search which began in the previous Democratic administration. We began a search for a new basing mode. We began a search for a way to replace these vulnerable silos and a lot of money and a lot of time has been spent on a merry chase through the landscape, the atmosphere and everything else and every mode of transportation has been argued and consistently we have been told that we need a new one because the existing silos do not work.

Now we have solved the problem. We have solved the problem of the vulnerability of the existing silos by wishing it away, by announcing that we should spend tens of billions of dollars to put those missiles into existing silos. In other words, the justification for this weapons system has changed 180 degrees. The estimate of the vulnerability, apparently, changes 180 degrees. Everything is changed, except that we are still being asked to put money into it.

Now, one argument is that while it is vulnerable, and is not justifiable as a weapons system on its own terms, it will be useful because it will encourage the Soviets to have an agreement; although the gentleman from Wisconsin did say that this was not dependent upon President Reagan's willingness to negotiate an agreement with the Soviets. For a minute, I was afraid that he meant that he was going to be able, having negotiated an agreement with President Reagan, to negotiate one with Uri Andropov. Dearly as I love him, I was afraid of him getting in trouble with the Logan Act and I am glad the gentleman pulled back from that.

The fact, however, is that while we are talking about leverage and bargaining and chips, et cetera, we are also talking about $20 billion taxpayers' dollars and the fundamental fact has not been disputed that we are being asked today to build a weapons system which originally we were supposed to build to replace a vulnerable one and, instead, we are going to put a lot more money into that same existing vulnerable system, apparently because the only justification I have heard is that, one, we have to show national will.

Mr. Chairman, I suggest that a $20 billion good impression is beyond our means at this point and not a justification for this kind of effort.

We are told that if we build an admittedly vulnerable system, which if it was used in a first strike capacity would do damage to the Russian system that will encourage the Russians to negotiate. I do not think it is true.

I would add only that if we are not prepared to reject this admittedly vulnerable weapons system, that we ought to declare that Congress is not going to say no to any system and that we are simply going to have budget deficits that blossom and bloom and cause economic damage, because if we do not say no to this one, we probably never will.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN. Mr. Chairman, I thank the gentleman for yielding.

This debate must confuse a lot of people who think about these issues. This weekend I was in North Dakota, where we have 300 Minuteman ICBM's in silos at 2 Air Force bases.

I not only stopped in some small town cafes and talked about issues, including this one, but I also peered into a Minuteman silo this weekend.

I was thinking about the difference between the reality and the perception here on the debate on the floor and the debate out there in the coffee shops of America. The people must feel very confused, because for 2 years the President of the United States campaigned on, and then talked about, the window of vulnerability. The window of vulnerability is open, he says. Our land-based missiles, our silos, including those in North Dakota, are vulnerable to Soviet attack; therefore, we need to develop the MX missile.

One would suggest, I suppose, that if your window is open and threatened, you ought to board it up. Instead, the folks who are proposing that we build the MX and put them in the vulnerable silos are saying, "The window is open. Let us put a target in the window." That is absurd. I simply cannot believe the debate I have been hearing today on the floor of the House.

The only conceivable reasons for putting an MX missile in a vulnerable silo is to provide a first strike capability for a country that says it does not want to and will not use it or a second strike capacity to attack empty Soviet missile silos. Neither reason makes sense.

Now, I think what we have got to talk about here is reality. And the reality is that there are people telling us we should put the MX missile, at a cost of probably well over $20 billion, in silos that the President has spent 2 years telling us are vulnerable, at a time when this country has a $200 billion Federal budget deficit this year.

Again, let us reiterate that proposal. The people who support this MX are saying, let us spend $20 billion, and probably much more, putting a missile in a silo we consider to be vulnerable, when this country has a budget deficit of $200 billion. Why? Because, they say, we have got to convince the Soviets that this country is really serious about the arms race.

Well, listen, anybody that does not believe this country is not serious about the arms race has not been watching the budget dollars floating out of the doors of this House of Representatives and the Senate to pay for

the largest peacetime military buildup in the history of mankind.

The point I am making is that those who say, "Let's spend $20 billion in order to give the Soviets a perception that we are serious about the defense," are people who are not very serious about the economy in this country. And we have serious economic troubles.

When we talk about spending money for defense, I say fine, I am willing to spend a lot of money for defense. You do not put a price on freedom. You spend what it takes; but you do not spend $20 billion on weapons systems that do not make any sense, and that is what we are talking about here. Putting MX missiles in Minuteman silos that the President has spent 2 years telling us are vulnerable silos makes no sense.

Now, it seems to me that our responsibility is to make better decisions on how to invest the defense dollar. That is our responsibility this year.

Someone once said, the question is not whether we can win a nuclear war. The question is whether we can prevent a nuclear war. It is a very important difference.

Will building the MX missile at $20 billion and putting it in a Minuteman silo bring us one step closer toward preventing nuclear war? Clearly not. That is why I intend to vote against the MX. The arguments for it are clearly and completely illogical.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 8 minutes to the gentleman from New Jersey (Mr. COURTER).

Mr. COURTER. Mr. Chairman, I thank the gentleman.

Mr. Chairman, the debate so far has been talking about, obviously, the MX missile. What we seem to forget is the fact that the Soviet Union now has approximately 650 MX capable missiles, although they are not called MX missiles, and we have none.

The adopted strategic doctrines of this country are based on deterrence. That deterrence generally is a belief that one should not be able to profit from a nuclear war. We have relied on deterrence and that reliance is based on a triad. The triad, obviously, has various characteristics. Some of those characteristics are survivability, a prompt response, flexibility, accuracy and yield sufficient enough to put at risk Soviet targets, good and worthwhile command and control and a high state of readiness. Each one of the legs of the triad do not have all those characteristics. It is impossible.

The air breathing leg of the triad is very slow, but you can call it back.

The submarine-launched leg of the triad is not very good in command and control, but it is certainly almost invulnerable.

Looking together, so that the debate here today should be viewing the entire triad and not dissecting the vulerability, if you will, of each one of the legs of the triad.

As I mentioned before, the Soviet Union during the past few years has built approximately 650 MX missiles and we none at all.

There has been a great deal of discussion during the past couple hours about the fact that the MX missile is a first-strike missile, or has first-strike capabilities, and nothing very frankly, if you build a hundred of them, is at all truthful.

The MX missile has counterforce capabilities. That means it can put at risk the hardened targets, whether they happen to be missile targets or command and control targets on the other side; but if you are going to build 100 of them, which is the policy of this administration and certainly the policy of the Congress, it does not have first-strike capability.

Let us talk very briefly about survivability. Much has been said about survivability, but let us dissect for a couple moments what survivability is or how you can achieve survivability. Obviously, you can achieve survivability by proliferation, increasing the number of missiles that you have. You can have survivability by various methods of concealment, mobility and deception. Our sea-launched ballistic missiles are very high in that type of concealment.

You can have an invulnerable weapons system by utilization of arms control, that is, limiting the number of warheads on one or both sides.

You can make a system that is otherwise nonsurvivable, survivable by having defenses to that system. They can be active or passive defensive. A passive defense would be hardening a particular silo. An active defense, would be deployment of a ballistic missile defense system.

□ 1630

You can obviously go if you wanted to, and no one advocates that in this room, to launch on warning, or preemptive first strike. You can also have deep based silos.

Merely because the MX missile has to look at the three legs of the triad for survivability at the present time does not mean that in the future it cannot be made survivable by utilization of deep base, by utilization of passive methods, by increase of hardness or utilization of the ballistic missile defense system, all within the legitimacy of the SALT I and II treaties.

We have not really discussed our European allies as we start talking about deploying an MX missile. Would it be difficult or should we think about whether Europe at the present time would want to go forward with deploying a land-based system in Europe if we decide at this particular time not to have a land-based system in the United States? I think they probably would not.

Let us look at the issue of believability if we do not go forward and finally deploy an MX missile. As was said by Harold Brown, who is obviously a person who worked in the Defense Department under not Mr. Reagan but Mr. Carter, he wrote very recently as follows relative to the issue of believability:

> We said in the early 1970's that we would modernize with a new missile in the late 1970's. In the mid-1970's we said that we would do so in the early 1980's, and in the late 1970's that we would in the mid-1980's. We have failed so far to do any of those things, even while the Soviets were deploying over 600 new ICBM's, each with a payload equal to or greater than that of MX.

I will go on now according to testimony of Mr. Weinberger:

> To say that the United States will modernize in the early 1990's with a small single-warhead missile will just not be believable. The Soviets would be justified in calculating that any new U.S. ICBM system will be aborted by some combination of environmental, doctrinal, fiscal, and political problems.

Also I might mention arms control. Unless we go forward with creation and deployment of a system that equals the Soviet Union system, they will absolutely have no desire, no motive whatsoever to negotiate a new arms control treaty.

How about world perception if we do nothing? We have had four Presidents say that it is absolutely essential to deploy a new land-based system, and we failed to do so, as I mentioned before.

Mr. Weinberger indicated not long ago as follows on the issue of world perception if we do not act with a great deal of resolve today:

> The peacetime, day-to-day decisions that collectively make up the behavior of the United States, the Soviet Union and all other nations are influenced by perceptions of the U.S.-Soviet strategic balance. The greater the imbalance, the more conscious we become of the limits to our options in international affairs and the greater the chance that we might be forced to compromise our interests to avoid crises that might overburden our capacity to deter conflict. In the same vein, the greater the imbalance, the greater the tendency of the Soviet Union to embrace even more ambitious definitions of what constitutes legitimate Soviet interests.

As I said before, four Presidents have urged that we go forward and modernize the land-based leg of the triad. If we do not do that now, no one will ever believe us.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding. The gentleman has mentioned a number of statements that the Secretary of Defense has made. I have listened to the Secretary of De-

fense in hearings before the Defense Appropriations Committee repeatedly trying to sell this argument.

I have been mindful, as I am sure the gentleman has, of previous comments the Secretary of Defense has made. The gentleman has just quoted a couple of statements from the Secretary of Defense in support of the MX missile. But I am wondering if the gentleman also remembers Mr. Weinberger stating on January 6th of 1981 the following, and I am quoting him:

I would feel that putting the MX into existing silos would not answer one or two or three of the concerns that I have; namely, that the location of these are well known, and are not hardened sufficiently, nor could they be to be of sufficient strategic value to count as a strategic improvement of our forces.

That was last year by our Defense Secretary, who the gentleman has just cited as an authority on this proposition before us today. That, of course, was when he was advocating Dense Pack, which I think for all of its comical features had probably more going for it than putting a highly accurate silo-busting missile in fixed Minutemen silos.

Mr. COURTER. If I can take back my time, I know what the gentleman's point is. At the time the Defense Secretary uttered those comments the Defense Secretary was advocating obviously I think the close base spacing, which he felt was more ideal when viewed singly as one leg of the triad. If you have close base spacing it is obviously more survivable if you examine that one particular leg.

But what we have now is perhaps not steak as far as the Defense Secretary is concerned, but it is lobster. It is not nothing at all. It is perhaps not the one that he was advocating a year or 2 years ago, but in view of the situation you have in the United States, it is obviously far better than nothing at all.

Mr. AuCOIN. Will the gentleman yield further?

Mr. COURTER. I yield to the gentleman.

Mr. AuCOIN. I give that to the gentleman. I grant that.

Mr. COURTER. I thank the gentleman.

Mr. AuCOIN. But in making that statement, the Secretary of Defense made the following comments about the real problems of putting these missiles in fixed silos, and he stated those concerns very explicitly.

Mr. COURTER. If I might regain my time, my minute is running out. What I am suggesting is the fact that you can indeed, you can indeed make these MX missiles survivable, even in those silos, by going forward with regard to other things.

Mr. AuCOIN. In 1981 he said you could not hold them sufficiently.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, we are here to discuss an item of vital importance to the national security of the United States. We could discuss the precise specifications of the missile, the throw weight, the number of warheads, the basing mode, et cetera, but I wish to talk for a few moments about perceptions. For this, I believe, is the key to the debate over the MX missile system in particular, and U.S. nuclear arms policies in general.

The United States has not deployed a new nuclear missile on our soil for close to 15 years. Yet, in our agreement with our European allies, we have decided that to protect the security of Western Europe, we need to counter the Soviet threat posed by SS-20's by building and deploying Pershing II's and ground-launched cruise missiles (GLCM's). The Soviets, I believe, will finally decide to come to the negotiating table in Geneva with the intention of seriously working for reducing the number of intermediate range nuclear missiles. The perception of the Western Alliance's determination to counter the threat posed by the SS-20's has probably done more to bring the Soviets to the bargaining table than the actual deployment of these missiles.

Along these same lines, Soviet perception of United States resolve in allocating funding for the production and flight testing of the MX missile will be increasingly important for stimulating Soviet willingness to engage in meaningful negotiations at the strategic arms reduction talks recently reopened in Geneva. As the Armed Services Committee has pointed out, Soviet investment in strategic nuclear capabilities in recent years has been triple our own investment, and without a move on our part to develop a replacement for our aging Minuteman force, the Soviets, with their newer, more accurate ICBM's, will have little incentive to negotiate away what is currently a favorable position for them in ICBM forces.

As the Scowcroft Commission points out:

Effective deterrence is in no small measure a question of the Soviets' perception of our national will and cohesion. Cancelling the MX, when it is ready for flight testing, when over $5 billion have already been spent on it, and when its importance has been stressed by the last four Presidents, does not communicate to the Soviets that we have the will essential to effective deterrence. Quite the opposite.

Accordingly, I support House Concurrent Resolution 113, and similar measures that give substantive proof to the Soviets of our resolve in maintaining a credible land-based leg of our nuclear deterrent. Indeed, while remaining within feasible defense spending levels, we must show that our sense of purpose in defending the United States and our allies remains strong.

□ 1740

Mr. ADDABBO. Mr. Chairman, I yield 13 minutes to the gentleman from Oregon, (Mr. AuCOIN).

Mr. AuCOIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the release of funds for the further development of the MX because the MX will be in my judgment a destabilizing development in our effort to achieve arms control.

I have listened to my colleagues in the Defense Appropriations Committee, I particularly listened to the remarks and arguments by the gentleman from Alabama, (Mr. EDWARDS), who sincerely believes that we need to build the MX in order to effect an arms control agreement.

I have listened to the debate today but I really urge my colleagues, I urge my colleagues not to release funds for the MX because it is my judgment that the MX, if we do release funds for it, will take us further away from arms control, not closer to it.

Every administration since the Eisenhower administration has always said that if you want deterrence you must have as an intrinsic part of it survivability. You cannot have deterrence without survivability.

The MX, as it is being proposed to us is not survivable. It has been amply demonstrated by witnesses before the committees and by colleagues who stated it on the floor, that if you put a highly accurate, hard target kill capability missile with 10 warheads in it in a fixed silo that was vulnerable for Minuteman III missiles, it is going to be equally vulnerable, if not more vulnerable, for MX missiles. Why? Because MX missiles will be more inviting for the Soviet attack than a Minuteman III missile would be.

So what we have is not deterrence, what we have in the case of the MX missile is not deterrence but what we have is something that is very destabilizing. It is not survivable.

McGeorge Bundy, a former administrator in the Kennedy administration, who has impeccable credentials on this subject, stated it very eloquently in an article recently in the New York Times.

He said the Congress of the United States is being asked today to fund a use-it-or-lose-it weapon. The only way the MX can be kept safe is if it is used first, before it is struck, struck by an enemy strike.

That is a very destabilizing thing. That is not deterrence. If we put MX in fixed silos, we are not deterring a

thing; we are inviting the other side to strike us first.

Some have indicated today on the floor that we need—they questioned whether or not Members of Congress agreed that we should have a triad response to our defense posture. I do not believe that there is a reasonable person in the entire Congress who believes we should not have a modern triad in order to be safe. The question is how do we respond to the vulnerability we have in our land-based wing of the triad?

I want to suggest to you that spending, what could be $20 billion, what could be $30 billion in highly accurate multiwarhead missiles in fixed silos is not the way to modernize the land-based leg of our triad.

If you make vulnerable, even more vulnerable, the land-based leg of our triad, you are not modernizing a thing; you are putting into more jeopardy the land-based leg of the triad.

Now, the gentleman from Wisconsin (Mr. ASPIN) whom I respect a great deal—I happen to think he would make a great Secretary of Defense someday. The gentleman from Wisconsin might agree with me on that question the way he has been negotiating with the administration on arms control.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, I think he would be a great Secretary of Defense as far as getting cost controls into line, but I do not agree with his preference for destructive weapons systems.

Mr. AUCOIN. I must say it was in a moment of weakness when the gentleman from Wisconsin supported the MX missile.

Mr. COURTER. Mr. Chairman, will the gentleman yield to me?

Mr. AUCOIN. I yield to the gentleman.

Mr. COURTER. Mr. Chairman, I appreciate the gentleman yielding.

The gentleman has indicated, as everybody has who is against the deployment of the MX missile, that it does have hard target kill capabilities, that it puts at risk Soviet hardened silos and hardened command and control centers.

Does it bother the gentleman that the Soviet Union now, and during the past 10 years, have deployed over 600 missiles?

Mr. AUCOIN. Of course it does.

Mr. COURTER. Those do the very thing, that very thing to the United States; does that bother the gentleman?

Mr. AUCOIN. Let me say to the gentleman——

Mr. COURTER. What is the gentleman's response, if I may ask?

Mr. AUCOIN. If the gentleman will be silent for a moment, and let me reclaim my time, I will be happy to respond.

Mr. Chairman, I am very concerned about that development. The question is not whether we respond but how we respond.

The gentleman from New York (Mr. DOWNEY), I think, was very eloquent; he said we ought to be moving to protect the land leg of our triad by making our land-based missiles more mobile, we ought to be equipping them with single warheads rather than multiple warheads which are destabilizing in themselves; we ought to be introducing an element of camouflage.

Now I want to finish my statement here. I only have a limited amount of time. I am responding to the gentleman's position.

We ought to be adding furthermore an element of camouflage to the land leg of our triad.

None of those things are being done in the case of the MX. The Russians know where every one of these fixed silos are. There is no element of mystery about where these missiles would be placed. You cannot move them around when they are fixed silos.

So that is strike two. And strike three, in my judgment, is that it is moving toward multiple warheads on those missiles rather than single warheads.

Now some of us, and I am not going to yield any more to the gentleman because I have some other points I want to make, but some believe, including the Scowcroft Commission, that the way we get to Midgetman, which apparently does have those laudable features, being mobile, camouflage, single warhead, that the bridge to that is the MX.

I want to suggest as strongly as I possibly can that I think that is fundamentally wrong, it is fundamentally wrong. Here is the way I look at this proposition: I look forward over the next 2 years to the budget dilemma each of us in Congress is going to have to face, including the gentleman from Alabama, who is the ranking Republican on the Subcommittee on Defense Appropriations of the Committee on Appropriations. Now, that deficit, no matter how you cut it, is going to be awesome to deal with. I believe we are in the range of $100 billion, $200 billion deficits even under the best of circumstances, for as far forward as the eye can see.

Look what is happening in the other body right now, trying to come to terms in the budget deficit for this fiscal year, let alone the outyears when the bow wave of the extra costs on the military side begin to be felt. We are funding the tip of the iceberg in many of these military spending programs now.

Now when the full ticket, when the full price begins to come in the years to come, we are really going to be dealing with substantial, staggering, and I believe catastrophic deficits.

Picture yourselves forward 3 or 4 years and as Members of this body, when after accelerated research and development on the Midgetman, which everyone says, including the Scowcroft, that we ought to be trying to move toward, at least as a concept, that is a concept we ought to be going for. We have at that time then approved the MX in fixed silos and the cost may be $20 billion. Then the production lines are open, they are being produced, they are being deployed and we are looking at a budget deficit of $200 billion at that time and somebody is going to say: "OK, now is the time to go forward with the Midgetman."

Now, the Midgetman is more expensive than the MX, given its sophistication, complexity, and all the rest.

Then you can hear the arguments today, just as well as I can, those arguments from those who will oppose it and who will say, "Why, we have budget deficits we have got to deal with. We have hungry children not getting nutrition programs. We are not doing nearly enough in the field of education. We cannot open up the production line for the Midgetman, especially when we have this bargain over here."

Now what is the bargain? The MX missile: "Already funded, production lines are already open, and if we build another 100 or 200, the per unit cost will be less than the Midgetman."

□ 1650

I think I know what the outcome of that debate would be. I think the outcome will be, well, we will just go ahead and go the cheap approach, the least expensive approach, though it may be destabilizing, though it may bring us closer to a first strike capability on the part of both superpowers. We will go the cheap approach because of the fiscal imperatives. And what will that mean? It will mean we will build another 100 MX missiles or maybe 200 more MX missiles.

The point of all of it is we—you think we are not at a first strike position today with 100 MX missiles, I guarantee you we will be if we continue to allow the production line to go forward.

I believe it is a very, very serious argument. It is not a prospect that any Member of this body ought to write off or dismiss. I believe the fiscal imperatives are going to—if we allow the production lines ever to open on the MX—be totally behind the continued development, continued production of the MX. And for those reasons, the MX is wrong.

Now speaking of deficits, some Members of the House are saying—I heard it in debate in the committee; I have heard it in the cloakrooms and elsewhere—that when we are dealing with the question of the MX, really the problem of the deficit is a subordinate problem. Security is our most important problem. There is no one here who disagrees that we have got to have a secure Nation, but I just happen to resent a little bit those who say, "Wait a minute. Those of you who are worried about the deficit don't go crowding in on our argument here. We are talking about security. MX is going to give us security. So don't give us these cost arguments. Forget the $20 billion," in effect, they are saying. Forget what could be $30 billion. "We want security."

I want to say to my friend we are being asked to put into vulnerable unsurvivable silos a missile that cannot survive—to the tune of $20-$30 billion, that $20-$30 billion could either reduce the deficit or be deployed into accelerated R&D in the Midgetman or other conventional aspects of our military budget and buy us more for the money.

It really bothers me when we can just throw $20 billion around at something that people say at least will be a bargaining chip.

The gentleman from Washington, my friend (Mr. DICKS) who once opposed the MX, he did in December—I wish he still opposed it today—used in the debate in December a letter written by Gerald Smith and Paul Warnke, experts on arms control.

In that letter, which was written to Chairman ADDABBO, and Mr. DICKS introduced it into the RECORD in December, Mr. Warnke and Mr. Smith said the following:

> As former United States strategic nuclear arms negotiators, our experience in past arms control talks has taught us to be wary of bargaining chips. We believe the United States should proceed with strategic arms programs that are necessary for our security.

Parenthetically I would have to say survivability ought to figure into the equation in some small measure.

They go on to say:

> Such weapons systems need no bargaining chip rationale to secure public support or approval by Congress. They will stand on their own merit.

They continue to say:

> The MX missile program should not be justified as a useful bargaining chip.
>
> Weapons systems employed as bargaining chips have led to agreements to arm, rather than to reduce weaponry.

And finally, as Mr. DICKS reminded all of us in December, finally, the signers of this letter, Mr. Warnke and Mr. Smith said this:

> As a bargaining chip, were the Soviets to accept the U.S. START proposals at Geneva, the United States would be free to deploy the MX as proposed. Some bargaining chip.

Please, do not accept this as a bargaining chip. Do not accept it as deterrence. It is neither of those things. It is a waste of $20 billion.

● Mr. LEVINE of California. Mr. Chairman, one of the most significant responsibilities given to Congress is that of providing for a strong national defense. The vote we will cast to release funds for testing and basing activities for the MX missile is one of the most important issues with which Congress must deal this year.

I have spent a great deal of time listening to the arguments on both sides of this issue. I have visited the White House to attend briefings by members of the President's Commission on Strategic Forces. The Foreign Affairs Committee, on which I serve, has received extensive testimony from both proponents and opponents of the missile. I have discussed the issue with my constituents, many of whom have very strong opinions on this subject, and some of whom are employed on the MX program.

After these extensive briefings and a great deal of reflection, I have come to the conclusion that I cannot support the resolution now before us. There are a number of reasons for my decision:

First, the MX will not increase our national security;

Second, the MX will serve to destabilize the current balance of power between the Soviet Union and the United States, and will make negotiating a meaningful arms control agreement more difficult; and

Third, we must reduce wasteful Government spending if we are to reduce the $200 billion deficit projected for the coming fiscal year. Eliminating the MX program will significantly contribute to efforts to reduce the deficit.

The history of the MX missile and the Rube Goldberg basing options which have been used in an attempt to justify its existence is an example of just how far the Pentagon and the missile's supporters are willing to go to try and sell this expensive new war toy to the Congress and the American people.

In 1979, President Carter proposed that 200 MX missiles be based in 4,600 silos in the Utah and Nevada desert. This would have been the largest public works project in history, and would have strained water resources to their limits. It was rejected both because of its high cost—in excess of $100 billion—and after experts suggested that the Soviet Union already had the capacity to overcome the system.

When President Reagan took office he suggested that the MX be placed in superhardened Minuteman silos until a more suitable basing mode could be found. Congress rejected this alternative because it did nothing to solve the problem of missile vulnerability.

Defense Secretary Weinberger proposed basing the MX on large transport planes. This plan was later dubbed the big bird option and died after it provoked heated opposition from both Congress and the Air Force and a great deal of amusement on the part of the American public.

Next came Dense Pack, which proposed that 100 MX missiles be placed in superhardened silos clustered in an area 14 miles long by 1 mile wide. The Dense Pack proposal was based on the theory of fratricide which predicted that the initial blast, radiation, and debris would destroy subsequent incoming Soviet warheads.

This option was rejected both because of concern that it violated the terms of SALT II and because the administration was unable to convince Congress that it would work.

Today, we are back at square one. The President's Commission, chaired by former National Security Council Chairman Brent Scowcroft, has issued a remarkable report on the subject. Its findings include:

First. The window of vulnerability which had initially been used as a justification to build the MX does not, in fact, exist. This may be one of the Scowcroft Commission's major contributions to the debate now underway about the future composition of our strategic nuclear deterrent. While there is little doubt that our land-based ICBM's are vulnerable to a first strike—in fact, a recent Air Force study suggests that up to 99 percent of our land-based missiles would be destroyed by a Soviet first strike—the destructive power of our bomber fleet and our relatively invulnerable submarines is more than sufficient to inflict unacceptable damage on the Soviet Union should it launch a nuclear attack on the United States.

Second. There is no way to harden a silo sufficiently to make it invulnerable from attack. This means that so long as the next generation of ICBM's are placed in existing silos, no matter how much they are hardened, they will be destroyed.

Third. The United States should begin to move, as quickly as possible, to develop a small, mobile land-based missile in order to overcome the problems inherent in any land-based, stationary ICBM.

The Scowcroft Commission's recommendation that 100 MX's be placed in Minuteman silos is totally inconsistent with its findings and recommendations. If a window of vulnerability does not exist, and if the 100 MX missiles the Scowcroft Commission recommends be built are destroyed in a first strike, why should the United States spend the nearly $25 billion necessary for its construction? Why should not

some of the money which the President wishes to spend on the MX missile instead be shifted to speed development of the Midgetman? The Scowcroft Commission is recommending construction of the MX proceed even though it knows that the missile is vulnerable and must be replaced in the very near future.

A recent study by the Congressional Budget Office suggests that the same hard target kill capacity used to justify the MX could be provided by the D5 Trident missile at a significantly lower cost. This would not only save billions of dollars and base the missiles in a much more survivable mode, but this proposal would also remove from the continental United States some very lucrative targets which the Soviets would certainly attack in the first minutes of a nuclear war.

Given these doubts about the survivability of the MX, one wonders how it could add in any significant way to our strategic nuclear deterrent. It has been clear for some time that a weapons system such as MX no longer can be built with any hope of surviving a Soviet attack. No matter what new, bizarre basing system the Pentagon devises for the MX, it must face the facts that the days of large, fixed nuclear missiles have passed, and the time has come to proceed with construction of smaller, more survivable nuclear missiles.

In additional, the SALT II agreement, the terms of which President Reagan has pledged to abide by, limits the United States to the deployment of one new strategic missile system. As yet, neither the President nor any member of the Scowcroft Commission has been able to explain how both the MX and the Midgetman can be deployed by the United States in a manner consistant with the terms of SALT II.

For all of these reasons, I cannot support House Concurrent Resolution 113. Continued development of the MX is not in our national interest, will not add to our national security, and will divert funds from military readiness, over budget items, and the construction of new, more efficient weapons systems which would strengthen our nuclear deterrent and make a nuclear war less likely to occur.●

● Mr. BATES. Mr. Chairman, I rise today to speak in opposition to the MX missile. If we place this weapon in existing silos, we will be sitting ducks. It makes no sense to threaten the Russians from a position of vulnerability. These silos practically invite a surprise attack.

The basic, underlying problem is the vulnerability of the existing Minuteman silos. What gain is there in stuffing a more lethal missile into the same holes?

Even the administration admits that the vulnerability of the MX means that we will have to launch our missiles upon warning that the Russians may have fired theirs. This is insanity. The President may react before it is clear that an attack is of a limited nature. And what of false alarms? Our system frequently generates false alarms. I do not think that we should incinerate the world over a technician's hangover or a bad microchip. That is what this policy amounts to. If you vote for the MX, you vote for this sort of madness.

The Russians have said time and time again that if we force them into a corner with the MX, they will also adopt a launch-on-warning policy. We have to face the fact that the Russians have more false alarms than we ever will. Is this what we want? Surely the MX is not the best that we can do.

It is understatement to say that the MX is the wrong system. It is a bad system. And ultimately, it is not the bargaining chip that its supporters suggest, but a move that will open a new and more terrifying chapter in the arms race.●

Mr. ADDABBO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MINETA, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 113) approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode, had come to no resolution thereon.

THE CHARLES A. HALLECK FEDERAL BUILDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. MYERS) is recognized for 5 minutes.

● Mr. MYERS. Mr. Speaker, today, I have introduced a bill to name the present Federal Building located at Fourth and Ferry Streets in Lafayette, Ind., as the "Charles A. Halleck Federal Building."

This day, the day that we are observing as Former Members' Day, is a most appropriate time to present this bill to honor one of the most able Members to ever serve in this House and certainly is the most outstanding Member to have served from Indiana.

Charles Halleck served the Second District of Indiana 34 years and served as Republican Leader of the House for 10 years. He retired from Congress after the 90th Congress when he was not a candidate for reelection in 1968.

Because of his long and dedicated service is this House, he is most deserving of this small recognition. I hope the House will take early action on this request.●

VOLUNTEERS HONORED AT CHICAGO'S NORTHWEST HOSPITAL

The SPEAKER pro tempore. Under a previous order of the Houe, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, As the Congressman for the 11th District of Illinois, which I have the privilege to represent, I am very proud of the volunteer organization at the Northwest Hospital located in my district at 5645 West Addison Street in Chicago.

Every year the Women's Auxiliary of Northwest Hospital has a ceremony during which the volunteers are honored and are presented with volunteer service awards. The ceremony, reception, and luncheon were held this year on May 21 at Di Leo's Restaurant in my district.

These outstanding volunteers have worked many long hours at the hospital and are an inspiration to the patients, many of whom are neighbors and friends. This is truly a noble example of wholehearted devotion to our community and its people. We hear much talk about the lack of civic spirit in various cities throughout America, but on the Northwest Side of Chicago we are a community of people who care about each other.

It was a special privilege for me to participate in the awards ceremony, along with Peter Rusin, the administrator of Northwest Hospital; Dr. Manu Khodadad, secretary-treasurer of the medical staff; and Dr. Leon Gershbein, director of the Research Institute and member of the board of trustees. I congratulate all of the volunteers at Northwest Hospital who merited awards for their selfless and compassionate service.

Mr. Speaker, the program of Northwest Hospital's 14th Annual Volunteer Awards Presentation follows, as does the volunteer honor roll. A poem by Lou Zoelle, 10,500 Hour Guard, follows the honor roll.

PROGRAM

WELCOME ADDRESS

Mrs. Lyn Kearns—Director of Volunteers.

INVOCATION

Father Elder Senesac—Hospital Chaplain.

GUEST SPEAKER

Honorable Frank Annunzio—United States Congressman.

HONORED GUESTS

Mr. Peter Rusin—Executive Director.

Dr. Howard Lieberman—President, Medical Staff.

Dr. Manu Khodadad—Secretary/Treasurer, Medical Staff.

Dr. Leon Gershbein—Director of Research Institute & Member, Board of Trustees.

Mrs. Lucy Wolski, RN—Director of Nursing.

Mr. Jerome Salzman—Architect.
Members—Board of Women's Auxiliary.
Members—Executive Nursing Staff.

VOLUNTEER SERVICE AWARDS

17,500 HOUR GUARD

Kay Kehoe.

14,500 HOUR GUARD

Chris Callahan.

10,500 HOUR GUARD

Lou Zoelle.

9,500 HOUR GUARD

Joan Carracio.

8,000 HOUR GUARD

Anne Markussen.

7,500 HOUR GUARD

Mary Roggetz.

5,500 HOUR GUARD

Alice Corrigan, Frances Plezia.

5,000 HOUR GUARD/4TH DIAMOND

Betty Karzis, Hazel McClement, Agnes Pradzinski.

4,500 HOUR GUARD

Evelyn Hahn, Alice Nelson.

4,000 HOUR GUARD/3RD DIAMOND

Anna Hovde, Louise Malanga, Irene Mandrake, Sophie McGrath, Sam Perrone, Mike Ross, Virginia Sobolewski.

3,000 HOUR GUARD/2ND DIAMOND

Evelyn Gruetering, Naomi Johnson, Mary Lewald, Agnes Nellis, Mabel Rupany, Florence Urban.

2,500 HOUR GUARD

Dorothy Mueller, Cornelia Rembowski.

2,000 HOUR GUARD/1ST DIAMOND

Mary Hane, Marian Lischalk, Toni Pawlowski, Helen Rutz, Eleanor Seurbom, Irene Tumbarello.

1,500 HOUR GUARD

Josephine Cannone, Antionette DeGroot, Helen DeMarco, Helen Mundo, Laura Schultz.

1,000 HOUR GUARD

Martha Agnes, Frances Bram, Marian Casper, Loretta Ficht, Clare Fitko, Vito Loiacono.

June Mathisen, Louise Mendicino, Kay Norton, Mary Pelton, Vicki Riche, Doris Webster.

500 HOUR PIN

Martha Agnes, Lucille Bauter, Genevieve Beverage, Loretta Fay, Clare Fitko, Johanna Grabow, Clara Gramann, Dorothy Hogan, Elizabeth Holt, Marie Interrante, Bernice Lawler.

Thomas Mayo, Louise Mendicino, Catherine Naughton, Mary O'Kane, Mary Pelton, Lillian Piskorski, Bessie Rasiarmos, Loretta Rock, Jeanette Snyder, Ann Strzemieczny, Ron Tabert.

VOLUNTEER HONOR ROLL

Martha Agnes, Antoinette Arini, Lyndell Ayres, Sally Baier, Lucille Bauter, Lorraine Belstner, Linda Bennardo, Dee Bernhauser, Gene Betti, Lea Betti, Genevieve Beverage, Mira Bieganski.

Josephine Bochenek, Trina Boley, Ruth Boortz, Eunice Bradley, Frances Bram, Mabel Breitbarth, Jeanne Buchholz, Ruth Buckley, Irene Cafarelli, Chris Callahan, Josephine Cannone, Josephine Carlina.

Joan Carracio, Joseph Casper, Marian Casper, Tina Catalano, May Chada, Lillian Chase, Mary Conley, Alice Corrigan, Edythe Cuttone, Anna Dachtler, Leona Davis, Margaret DeFalco.

Antionette DeGroot, Helen DeMarco, Albina Dempewolf, Gertrude Fabach, Loretta Fay, Julia Feindt, Loretta Ficht, Deborah Figura, Clare Fitko, Helen Flink, Mary Francesconi, Marie Galbreath.

Lillian Gentz, Johanna Grabow, Vivien Graf, Clara Gramann, Evelyn Gruetering, Lillian Gurke, Evelyn Hahn, Margarete Haines, Mary Hane, Jeanette Hart, Marg Hehn, Ethel Hempel.

Irene Hemphill, Marie Hince, Coletta Hitzelberger, Ruth Hobby, Dorothy Hogan, Beth Hogstrom, Elizabeth Holt, Anna Hovde, Anne Hoversen, John Hughes, Frances Huth, Marie Interrante.

Lucille Iversen, Signey Jahn, Helen Jezuit, Naomi Johnson, Edna Joseph, Josephine Kall, Irene Karas, Elizabeth Karzis, Kay Kehoe, Joseph Keller, Celia Kirstein, Mary Kolle.

Priscilla Konecki, Sandra Kozanecki, Norma Kraszewski, Adeline Kuczma, Lillian Kudla, Ann LaMantia, Bernice Lawler, Mary Lewald, Marian Lischalk, Vito Loiacono, Patricia Loranca, Patricia Majcan.

Louise Malanga, Josephine Malinowski, Irene Mandrake, Rite Manola, Rose Margentina, Ann Markussen, Mary Mascari, Connie Mathias, June Mathisen, Thomas Mayo, Ruth Meindl, Louise Mendicino.

Ruth Milich, Joan Moore, Dorothy Mueller, Helen Mundo, Edna Murray, Catherine McCann, Hazel McClement, Sophie McGrath, Catherine Naughton, Agnes Nellis, Alice Nelson, Florence Nelson.

Kay Norton, Trudi Nowakowski, Kevin O'Donnell, Mary O'Kane, Mary Papa, Ella Parelius, Betty Paullan, Toni Pawlowski, Ewald Peitsch, Mary Pelton, Sam Perrone, Dorothy Peterson.

Lillian Piskorski, Frances Plezia, Kelly Pople, Bessie Posner, Agnes Pradzinski, Bessie Rasiarmos, Marie Rebel, Cornelia Rembowski, Sam Rini, Loretta Rock, Mary Roggetz, Mike Ross.

Mabel Rupany, Helen Rutz, Margaret Salce, Irene Salerno, Mary Sanders, Mary Ann Schiller, Laura Schultz, Phil Serpico, Frank Serrecchia, Eleanor Seurbom.

Prashna Shah, Lorraine Smith, Jeanette Snyder, Virginia Sobolewski, Britta Soderlund, Lyn Sologub, Mary Sroka, Molly Stewart, Gertrude Stover.

Ann Strzemieczny, James Szmurlo, Ron Tabert, Blanche Taramino, Corinne Timko, Rosalie Todd, Irene Tumbarello, Ida Ullo, Kay Ulrich, Florence Urban.

Maria Vlitou, Margaret Watson, Roberta Weber, Doris Webster, Janet Wickstrom, Eileen Wilde, Kye-Sook Won, Lou Zoelle, Anne Zolik.

6 Volunteers will receive 3 Stars (300 Hours).

16 Volunteers will receive 2 Stars (200 Hours).

30 Volunteers will receive 1 Star (100 Hours).

25 Volunteers will receive Certificates for Service under 100 Hours.

During the past year our senior volunteers have served approximately 48,500 hours. Their dedication and loyalty is sincerely appreciated by everyone at The Medical Center of Northwest Hospital.

Our sincere sympathy to the family of Marion Watson who passed away January 22, 1983. She will be missed by her fellow volunteers.

THE PLACE TO BE IN 1983

Here's a poem that's been designed
With each and every one of you in mind
You know we're here—we congregate
And because of our dedication—celebrate.

This special day has been set aside
To honor you with love and pride
It would be sad indeed to miss
A lovely gathering such as this.

Please move about to greet new faces
And pamper them with charming graces
While wearing our professional blue
Extend a welcome to all who are new.

We cover the hospital's numerous floors
As we perform many and various chores
Specialized groups often in space unseen
But always in unison as a perfect team.

The theme for the title up above
Like a graceful winging of a dove
To spread our unity as we progress
Resulting in much health and happiness.

To conclude this ending from our ranks
We submit our appreciation and our thanks
Lift up your glass—join in this toast
For this day and for those we love the most.

—LOU ZOELLE.●

WITNESS SECURITY PROGRAM AND MERIT SELECTION OF U.S. MARSHALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

● Mr. KASTENMEIER. Mr. Speaker, today I am introducing a bill to restructure the U.S. Marshals Service and to reform the operation of the witness security program. This bill represents a continuation of the bipartisan work done in this area by myself, and Senators NUNN, BAUCUS, and COCHRAN.

The U.S. Marshals Service is among the oldest and proudest Federal law enforcement agencies. In the past decade, the Marshals Service has been assigned two important law enforcement responsibilities: First, operation of the witness security program; and second, apprehension of fugitives. Each of these duties involves sensitive law enforcement operations and requires modern management structure and accountability. Thus, a singularly important change made by my bill with respect to the Marshals Service is to provide for the merit selection of marshals by the Attorney General.

The second major feature of this bill is to revamp the way in which the witness security program is run. In 1970 the Congress authorized the Justice Department to hide and give new identities to persons who are witnesses in organized crime cases. In the intervening years this program has become an important tool in organized crime prosecutions in the view of many law enforcement personnel. Unfortunately, the program has also been strongly criticized by Members of Congress, the General Accounting Office and victims of the program. These critics point to: First, the excessive number of participants; second, poor admission screening; third, frequent complaints about noncompliance with agreements between the Government and protected witnesses; fourth, inability of persons

with legal claims to find a secure judgment against protected witnesses; and fifth, tragic incidents of protected witnesses committing crimes of violence against innocent persons.

In the bill I am offering today I have attempted to balance the needs of the law enforcement community with the valid concerns of the program's critics. Thus, the bill creates a new authorization for the program, but does so with some new constraints. Specific changes made by the bill include:

First, more restrictive selection criteria, and a requirement that persons placed in the program be approved by top officials in the Department of Justice;

Second, creation of a crime victims compensation fund for victims of crimes committed by protected witnesses;

Third, procedures to make it easier for judgment creditors to seek relief;

Fourth, provision for Federal probation officers to supervise all protected witnesses on probation or parole (regardless of whether the person is serving a State or Federal sentence);

Fifth, creation of an independent hearing mechanism for the adjudication of disputes between protected witnesses and the Marshals Service;

Sixth, a firm requirement that the Federal Government disclose to State and local law enforcement officials the identity and previous criminal history of protected witnesses.

In closing, I must express my appreciation for the work done on this subject in the other body. I have especially benefited from the substantive legislative suggestions of Senators NUNN, BAUCUS, and COCHRAN. I hope to work with them and my House colleagues to enact this measure into law.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SAWYER (at the request of Mr. LOTT), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EDWARDS of Alabama) to revise and extend their remarks and include extraneous material:)

Mr. BROOMFIELD, for 30 minutes, on June 6.

Mr. MYERS, for 5 minutes, today.

The following Members (at the request of Mrs. BOXER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HAMMERSCHMIDT, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,053.

Mr. CORRADA, immediately prior to vote on H.R. 2920, in the House, today.

Mr. SEIBERLING, prior to the vote in the House today on H.R. 2480.

(The following Members (at the request of Mr. EDWARDS of Alabama) and to include extraneous matter:)

Mr. GRADISON.
Mr. HANSEN of Utah.
Mr. FIELDS in two instances.
Mr. CONTE in two instances.
Mr. CONABLE.
Mr. RINALDO.
Mr. BOEHLERT.
Mr. HAMMERSCHMIDT.
Mr. GREEN.
Mr. PETRI.
Mr. HILER.
Mr. THOMAS of California.
Mr. MCEWEN.
Mr. BROOMFIELD.
Mr. CHENEY.
Mr. FORSYTHE.
Mr. WOLF.
Mr. SOLOMON in two instances.
Mr. MCKERNAN.
Mr. MADIGAN.

(The following Members (at the request of Mrs. BOXER) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. MARKEY.
Mr. RODINO in two instances.
Mr. STARK in two instances.
Mr. BORSKI.
Mr. HARRISON in two instances.
Mr. KOSTMAYER in two instances.
Mr. DIXON.
Mr. GARCIA.
Mr. FOWLER.
Mr. OBEY in five instances.
Mr. FORD of Michigan.
Mr. MAZZOLI.
Mr. RICHARDSON.
Mr. FRANK.
Mr. DYSON.
Mr. ASPIN.
Mr. LIPINSKI.
Mr. SHANNON in two instances.
Mr. WALGREN.
Mr. CHAPPELL.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 42. Joint resolution designating Alaska Statehood Day, January 3, 1984; to the Committee on Post Office and Civil Service.

S.J. Res. 92. Joint resolution designating the week beginning May 8, 1983, as "Municipal Clerk's Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mrs. BOXER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 24, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1161. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 3a of the Cotton Statistics and Estimates Act to provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton-classing services to producers; to the Committee on Agriculture.

1162. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to extend the authority of the Secretary of Agriculture to collect fees to cover U.S. Government costs incident to services rendered in connection with the enforcement of plant and animal quarantine laws, laws governing the humane care, treatment, and transportation of animals, and for other purposes; to the Committee on Agriculture.

1163. A communication from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1983 and amendments to the request for appropriations for fiscal year 1984 (H. Doc. No. 98-65); to the Committee on Appropriations and ordered to be printed.

1164. A letter from the Acting Secretary of State, transmitting a report explaining the manner in which the national interest of the United States has been served by payments made during the previous month to private individuals or corporations in satisfaction of assurance agreements or payment of loan guarantees entered into by an agency or corporation of the U.S. Government with respect to loans made and credits extended to the Polish People's Republic in the absence of a declaration of default of its debt, pursuant to section 306 of Public Law 97-257; to the Committee on Appropriations.

1165. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period of June 18, 1983, to June 30, 1983, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

1166. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's proposed letter of offer to Israel for defense articles estimated to cost in excess of $50 million, pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Armed Services.

1167. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank during April 1983 to Communist countries; to the Committee on Banking, Finance and Urban Affairs.

1168. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act and the District of Columbia Code with respect to the borrowing authority of the District of Columbia; to the Committee on the District of Columbia.

1169. A letter from the Secretary of Education, transmitting a copy of the document "Training Personnel for the Education of the Handicapped" scheduled for publication in the Federal Register, pursuant to section 405 of Public Law 94-482; to the Committee on Education and Labor.

1170. A letter from the Secretary of Education, transmitting a copy of the document "Secretary's Initiative to Improve the Quality of Chapter 1, ECIA Projects" scheduled for publication in the Federal Register, pursuant to section 405 of Public Law 94-482; to the Committee on Education and Labor.

1171. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to Israel (Transmittal No. 83-37), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1172. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed lease of defense articles to the Government of Jordon, pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1173. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1982, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations

1174. A letter from the Director of Administration, Department of Energy, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1175. A letter from the Assistant Secretary for Administration, Department of Housing and Urban Development, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1176. A letter from the Director, Selective Service System, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1177. A letter from the Secretary, Chrysler Corporation Loan Guarantee Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1178. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1179. A letter from the Secretary of Commerce, transmitting the annual report on the fishermen's contingency fund for calendar year 1982, pursuant to section 406(a) of Public Law 95-372; to the Committee on Merchant Marine and Fisheries.

1180. A letter from the Secretary of Commerce, transmitting the annual report on the operations under the Public Works and Economic Development Act of 1965 for fiscal year 1982, pursuant to section 707 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works and Transportation.

1181. A letter from the Secretary of Transportation, transmitting the first annual report of accomplishments under the airport improvement program, pursuant to section 521 of Public Law 97-248; to the Committee on Public Works and Transportation.

1182. A letter from the Secretary of Energy, transmitting a report on the wind energy program management plan status, pursuant to section 4(c) of Public Law 96-345; to the Committee on Science and Technology.

1183. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Hostage Relief Act of 1980, and for other purposes; jointly, to the Committees on Post Office and Civil Service, Foreign Affairs, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2840. A bill to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska; with amendments (Rept. No. 98-213). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1076. A bill to strengthen the domestic water borne commerce of the United States (Rept. No. 98-214). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 3077. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide that the label and advertising of certain alcoholic beverages contain a statement warning consumers of possible health hazards associated with consumption of the beverage, unless such a requirement is in effect under other Federal law; to the Committee on Energy and Commerce.

H.R. 3078. A bill to amend the Internal Revenue Code of 1954 to provide that advertising of alcoholic beverages is not a deductible expense; to the Committee on Ways and Means.

By Mr. DASCHLE:

H.R. 3079. A bill to amend the Military Selective Service Act to provide that retired members of the Armed Forces may serve as members of local boards of the Selective Service System; to the Committee on Armed Services.

H.R. 3080. A bill to amend title 38, United States Code, to allow veterans with service-connected disabilities who are eligible for military retired pay for nonregular service to receive compensation for such disabilities from the Veterans' Administration and to receive such retired pay without reduction in either such compensation or such retired pay; to the Committee on Veterans' Affairs.

By Mr. FRENZEL (for himself, Mr. MICHEL, Mr. VANDER JAGT, Mr. THOMAS of California, Mr. MARTIN of North Carolina, Mr. LAGOMARSINO, Mr. DICKINSON, Mr. BADHAM, Mr. GINGRICH, and Mrs. MARTIN of Illinois):

H.R. 3081. A bill to amend the Federal Election Campaign Act of 1971 to increase the role of political parties in financing campaigns under such act, and for other purposes; to the Committee on House Administration.

By Mr. FORSYTHE:

H.R. 3082. A bill to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for the other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SAM B. HALL, JR.:

H.R. 3083. A bill to provide for equitable waiver in the compromise and collection of Federal claims; to the Committee on the Judiciary.

By Mr. SAM B. HALL, JR. (for himself and Mr. KINDNESS):

H.R. 3084. A bill to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 3085. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to make loans to operators of certain water supply systems for the rehabilitation, improvement, and expansion of those systems, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. KASTENMEIER:

H.R. 3086. A bill to amend title 18, United States Code, to provide for the protection of Government witnesses in criminal proceedings, to establish a U.S. Marshals Service, and for other purposes; to the Committee on the Judiciary.

By Mr. LUKEN:

H.R. 3087. A bill to amend the Clean Air Act to provide for further assessment of the validity of the theory concerning depletion of ozone in the stratosphere by halocarbon compounds before proceeding with any further regulation of such compounds, to provide for needed further research and study, and for other purposes; to the Committee on Energy and Commerce.

By Mr. McEWEN:

H.R. 3088. A bill to establish the U.S. Academy of Peace and Conflict Resolution whose function shall be to develop and im-

plement programs to promote the peaceful resolution of international conflicts through the use of conflict-resolution techniques; to the Committee on Foreign Affairs.

By Mr. MADIGAN (by request):

H.R. 3089. A bill to reduce the cost of and improve the food stamp program and for other purposes; to the Committee on Agriculture.

By Mr. MYERS:

H.R. 3090. A bill to designate the Federal Building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building"; to the Committee on Public Works and Transportation.

By Mr. PETRI:

H.R. 3091. A bill to amend the Fair Labor Standards Act of 1938 to remove the minimum that is required to be paid to handicapped workers employed under certificates issued by the Secretary of Labor; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 3092. A bill to amend the Food Stamp Act of 1977 to modify the numerical limitation applicable to group living arrangements, for determining the eligibility of certain recipients of social security benefits who reside in such arrangements to receive allotments; to the Committee on Agriculture.

By Mr. SEIBERLING:

H.R. 3093. A bill to amend the Age Discrimination in Employment Act of 1967 to adjust the exclusion applicable to certain executive and high-policymaking positions; to the Committee on Education and Labor.

H.R. 3094. A bill to repeal baseball's antitrust exemption; to the Committee on the Judiciary.

By Mr. SHANNON (for himself and Mr. ARCHER):

H.R. 3095. A bill to amend the Internal Revenue Code of 1954 to encourage the contribution of scientific equipment to institutions of higher education and to foster university research and scientific training; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 3096. A bill to amend the Internal Revenue Code of 1954 to prevent certain abuses involving tax straddles and to prevent the avoidance of the accumulated earnings tax through the use of foreign corporations; to the Committee on Ways and Means.

H.R. 3097. A bill to amend the Internal Revenue Code of 1954 to provide that the operation of a lawyer referral service by a State or local bar association shall not be treated as an unrelated trade or business; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. ARCHER):

H.R. 3098. A bill entitled: the "Technology Education Assistance and Development Act of 1983"; to the Committee on Ways and Means.

By Mr. THOMAS of California:

H.R. 3099. A bill to amend the Internal Revenue Code of 1954 to provide that the windfall profit tax shall not apply to an amount of crude oil equal to the amount of residual fuel oil used in tertiary recovery processes; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 3100. A bill to repeal the existing suspension of duty on carob flour; to the Committee on Ways and Means.

By Mr. SOLARZ (for himself and Mr. LEACH of Iowa):

H. Con. Res. 129. Concurrent resolution expressing the sense of the House of Representatives concerning martial law on Taiwan; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

135. By the SPEAKER: Memorial of the Legislature of the State of New Hampshire, relative to public education for military dependents to the Committee on Education and Labor.

136. Also, memorial of the House of Representatives of the State of Pennsylvania, relative to the regulation of natural gas and pipelines; to the Committee on Energy and Commerce.

137. Also, memorial of the Legislature of the State of New York, relative to acid rain; to the Committee on Energy and Commerce.

138. Also, memorial of the Legislature of the State of Colorado, relative to designation of Vietnam Veterans' Recognition Day; to the Committee on Post Office and Civil Service.

139. Also, memorial of the House of Representatives of the State of Hawaii, relative to the Caribbean Basin Initiative; to the Committee on Ways and Means.

140. Also, memorial of the Senate of the State of Delaware, relative to Marine Resource Development; to the Committee on Merchant Marine and Fisheries.

141. Also, memorial of the Legislature of the State of Hawaii, relative to National Aquaculture Act of 1980; jointly, to the Committees on Agriculture and Merchant Marine and Fisheries.

142. Also, memorial of the Legislature of the State of Tennessee, relative to Railroad retirement system; jointly, to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. MCDONALD.

H.R. 141: Mr. SHUMWAY.

H.R. 171: Mr. TAUZIN.

H.R. 210: Mr. ROEMER.

H.R. 676: Mr. DOWNEY of New York.

H.R. 800: Mr. FAZIO, Mr. MILLER of California, Mr. PANETTA, Mr. BERMAN, Mr. WAXMAN, and Mr. LEHMAN of California.

H.R. 887: Mr. DREIER of California.

H.R. 898: Mr. BENNETT, Mr. CHAPPELL, Mr. DYMALLY, Mr. DASCHLE, Mr. HAMILTON, Mr. KASICH, Mr. KEMP, Mr. KINDNESS, Mr. MOLLOHAN, Mr. VENTO, and Mr. STANGELAND.

H.R. 927: Mr. RANGEL.

H.R. 988: Mr. RATCHFORD.

H.R. 1031: Mr. WILLIAMS of Montana and Mr. NIELSON of Utah.

H.R. 1077: Mr. WILLIAMS of Montana.

H.R. 1176: Mr. COURTER, Mr. MARTIN of New York, Mr. SHARP, Mr. LOEFFLER, Mr. MCCANDLESS, and Mr. PACKARD.

H.R. 1193: Mr. BOEHLERT.

H.R. 1197: Mr. MCGRATH, Mr. SCHUMER, Mr. MURPHY, Mr. OLIN, Mr. PRICE, Mr. SWIFT, Mr. DIXON, Mr. ANDREWS of Texas, Mr. GEJDENSON, Mr. MURTHA, Mr. FRANKLIN, Mr. HAWKINS, Mr. BROOKS, Mr. DANIEL, Ms. FIEDLER, Mr. LEVINE of California, Mr. VALENTINE, Mr. PATTERSON, Mr. PERKINS, Mr. CORRADA, Mr. SHUSTER, and Mr. BRITT.

H.R. 1510: Mr. HORTON.

H.R. 1622: Mr. FORD of Tennessee.

H.R. 1797: Mr. ZABLOCKI and Mr. SCHEUER.

H.R. 1887: Mr. CLINGER, Mr. MCKINNEY, Mr. MORRISON of Washington, Mr. HERTEL of Michigan, Mr. SKELTON, Mr. GINGRICH, Mr. LEWIS of California, Mr. BLILEY, Mr. APPLEGATE, Mr. LENT, Mr. LATTA, Mr. FLIPPO, and Mr. NOWAK.

H.R. 1961: Mr. FROST, Mr. DOWDY of Mississippi, Mr. COURTER, Mr. ROWLAND, Mr. RUSSO, Ms. FERRARO, Mr. CARPER, Mr. WAXMAN, Mr. BARNARD, Mr. LUJAN, Mr. HAMILTON, Mr. ST GERMAIN, Mr. SPENCE, Mr. NOWAK, and Mr. ANNUNZIO.

H.R. 2094: Mr. GINGRICH, Mr. ROBERTS of Kansas, Mr. FORD of Tennessee, Mr. DANNEMEYER, Mr. ROGERS, Mr. STOKES, Mr. ROE, Mr. WILSON, Mr. LEWIS of Florida, Mr. HYDE, Mr. FAZIO, Mr. LEHMAN of Florida, Mr. WHITTAKER, Mr. FORSYTHE, Mr. JEFFORDS, Mr. WEISS, Mrs. JOHNSON, Mr. BEDELL, Mr. MCGRATH, Mr. HUGHES, Mr. DWYER of New Jersey, Mr. CHANDLER, Mr. WINN, Mr. MCCAIN, Mr. NIELSON of Utah, Mr. RATCHFORD, Mr. CROCKETT, Mr. FLORIO, and Mr. VANDERGRIFF.

H.R. 2099: Mr. CHANDLER, Mrs. SCHNEIDER, Mr. HERTEL of Michigan, Mrs. LLOYD, and Mr. BORSKI.

H.R. 2100: Mrs. SCHNEIDER, Mr. MITCHELL, and Mr. HERTEL of Michigan.

H.R. 2131: Mr. RANGEL.

H.R. 2183: Mr. SCHEUER, Mr. TAUKE, Mr. BEDELL, and Mr. RANGEL.

H.R. 2187: Mr. FORD of Tennessee, Mr. FLORIO, Mr. SIMON, Ms. KAPTUR, Mr. DOWDY of Mississippi, and Mr. PATTERSON.

H.R. 2225: Mr. KRAMER, Mr. DE LUGO, Mr. RINALDO, Mr. BETHUNE, Mr. DREIER of California, Mr. PURSELL, Mr. WHITTAKER, Mr. MCKINNEY, Mr. COOPER, Mr. SUNDQUIST, and Mr. FRANKLIN.

H.R. 2377: Mr. HYDE.

H.R. 2380: Mr. YATES, Mr. PEASE, Mr. PASHAYAN, Mr. WON PAT, Mr. ROE, Mr. WALGREN, Mr. RAHALL, Mr. WOLF, Mr. MINISH, Mr. SMITH of Florida, Ms. OAKAR, Mr. RANGEL, Mr. LEHMAN of Florida, Mr. BEVILL, Mr. ECKART, Mr. WORTLEY, Mr. SCHUMER, Mr. HYDE, and Mr. LEVIN of Michigan.

H.R. 2410: Ms. SNOWE, Mrs. HOLT, and Mr. CORRADA.

H.R. 2411: Mr. CORRADA and Ms. SNOWE.

H.R. 2468: Mr. BROWN of Colorado, Mr. SAWYER, Mr. WOLF, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. KEMP, Mr. WHITTAKER, Mr. STOKES, Mr. WHITEHURST, Mr. FORSYTHE, Mr. DUNCAN, Mr. ROE, Mr. BEVILL, Mr. MARRIOTT, Mr. VENTO, and Mr. LIVINGSTON.

H.R. 2489: Ms. KAPTUR, Mr. MINISH, Mr. MORRISON of Connecticut, Mr. SWIFT, Mr. FAUNTROY, and Mr. CONTE.

H.R. 2533: Mr. BROOMFIELD, Mr. MINISH, Mr. FRANK, Mr. FORD of Tennessee, Mr. ROE, Mr. RATCHFORD, Mr. ACKERMAN, and Mr. CORRADA.

H.R. 2567: Ms. OAKAR, Mr. GINGRICH, Mr. SIKORSKI, Mr. PARRIS, Mr. MCGRATH, Mr. HOWARD, Mr. CLINGER, Mr. QUILLEN, Mr. MURPHY, Mr. FISH, Mr. KOGOVSEK, Mr. PRITCHARD, Mr. ECKART, and Mr. DAVIS.

H.R. 2568: Mr. BARNARD, Mr. MCNULTY, Mr. BADHAM, Mr. GOODLING, Mr. MCGRATH, Mr. LANTOS, Mr. MITCHELL, Mr. GEJDENSON, Mr. TAUKE, Mr. MADIGAN, Mr. BEDELL, Mr. RANGEL, Mr. CLINGER, and Mr. LOWERY of California.

H.R. 2701: Mr. STOKES, Mr. SMITH of New Jersey, Mrs. SCHNEIDER, and Mr. MINISH.

H.R. 2732: Mr. LIVINGSTON, Mr. MCGRATH, Mr. BARNARD, Mr. MADIGAN, Mr. NIELSEN of Utah, Mr. BATEMAN, and Mr. MARTIN of New York.

H.R. 2868: Mr. PAUL.

H.R. 2916: Mr. DOWDY of Mississippi, Mr. YOUNG of Alaska, Mr. HEFNER, Mr. MURPHY, Mr. FORSYTHE, Mr. YOUNG of Missouri, Mr. EVANS of Iowa, Mr. SMITH of New Jersey, Mr. D'AMOURS, Mr. PRITCHARD, Mr. LANTOS, Mr. SOLOMON, Mrs. SCHNEIDER, Mr. PASHAYAN, and Mr. PATMAN.

H.R. 3024: Mr. FORSYTHE, Mr. CORCORAN, Mr. SHELBY, Mr. WHITEHURST, Mr. PARRIS, Mr. KINDNESS, and Mr. MCDONALD.

H.R. 3072: Mr. BARNES, Ms. MIKULSKI, and Mr. JENKINS.

H.J. Res. 29: Mr. KASICH, Mr. BRITT, Mr. DAUB, Mr. WEISS, Mr. LAGOMARSINO, Mr. HUTTO, Mr. MCGRATH, Mr. FAZIO, Mr. EDWARDS of Alabama, Mr. HUGHES, and Mr. TAUKE.

H.J. Res. 103: Mr. D'AMOURS, Mr. NATCHER, and Mr. PRICE.

H.J. Res. 120: Mr. DIXON and Mr. SWIFT.

H.J. Res. 132: Mr. ACKERMAN, Mr. AKAKA, Mr. BARNES, Mr. COURTER, Mr. CRAIG, Mr. DASCHLE, Mr. FLORIO, Mr. GEJDENSON, Mr. HANSEN of Idaho, Mrs. HOLT, Mr. JEFFORDS, Ms. KAPTUR, Mr. LANTOS, Ms. OAKAR, Mr. PATTERSON, Mr. RICHARDSON, Mr. ROYBAL, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SMITH of Florida, Mr. SOLOMON, Mr. TALLON, Mr. TORRICELLI, Mr. WEISS, and Mr. ZABLOCKI.

H.J. Res. 258: Mr. MCGRATH, Mr. BONIOR of Michigan, Mr. HUGHES, Mr. RATCHFORD, Mr. KAZEN, Mr. GUARINI, Mr. FRENZEL, Mr. LUNGREN, Mr. PORTER, Mr. LELAND, Mr. LEVIN of Michigan, Mr. MCCLOSKEY, Mr. CROCKETT, Mr. FISH, Mr. RANGEL, Mr. WYLIE, Mr. BRITT, Mr. SOLARZ, Mr. PHILIP M. CRANE, Mr. HYDE, Mr. STENHOLM, Mr. VANDER JAGT, Mrs. SCHNEIDER, Mr. KASTENMEIER, Mr. DYMALLY, Mr. CHANDLER, Mr. CHAPPIE, Mr. BEREUTER, Mr. ADDABBO, Mr. HILER, Mr. DENNY SMITH, Mr. DAUB, and Mr. TORRICELLI.

H. Con. Res. 9: Mr. SMITH of Florida.

H. Con. Res. 39: Mr. EMERSON, Mr. FRANK, Mr. HEFNER, Mr. LEHMAN of California, Ms. OAKAR, Mr. O'BRIEN, Mr. PEPPER, Mr. SIMON, Mr. SMITH of New Jersey, Mr. STUMP, Mr. TAUKE, Mr. VENTO, and Mr. YOUNG of Missouri.

H. Con. Res. 100: Mr. BROOMFIELD, Mr. MARKEY, Mr. GLICKMAN, Mr. LANTOS, Mr. EMERSON, Mr. ANNUNZIO, Mr. JACOBS, Mr. BEVILL, Mr. VANDERGRIFF, Mr. RICHARDSON, Mr. MCCAIN, Mrs. SCHNEIDER, Mr. CONTE, Mr. STANGELAND, Mr. WALGREN, Mr. PATTERSON, Mr. WHITEHURST, Mr. LOWERY of California, Mr. HORTON, Mr. LEWIS of Florida, Mr. DIXON, Mr. CORRADA, Mr. MADIGAN, Ms. OAKAR, Mr. PHILIP M. CRANE, Mr. FLORIO, Mr. BROWN of California, Mr. HILER, Mr. LEHMAN of Florida, Mr. FISH, Mr. MCKINNEY, Mr. DASCHLE, Mr. BILIRAKIS, Mr. MCKINNEY, Mr. FOGLIETTA, Mrs. BOXER, Mr. WILLIAMS of Montana, Mr. LEACH of Iowa, and Mr. ADDABBO.

H. Con. Res. 107: Mr. BEILENSON, Mr. KOLTER, Mr. LAGOMARSINO, Mr. TOWNS, Mr. ANDREWS, of Texas, Mr. LEVINE of California, Mr. SABO, and Mr. Edgar.

H. Con. Res. 109: Mr. MCDADE.

H. Res. 166: Mr. MCGRATH, Mr. LANTOS, Mr. KASICH, Mr. SUNDQUIST, Mr. LEHMAN of Florida, Mr. DWYER of New Jersey, Mr. ADDABBO, Mr. STOKES, Mr. BEILENSON, Mr. SCHUMER, Mr. ROE, Mr. LEATH of Texas, Mr. FRANK, Mr. SMITH of Florida, Mr. WAXMAN, Mr. FEIGHAN, Mr. BONER of Tennessee, Mr. TORRES, Mr. GREEN, Mr. ERDREICH, Mr. RINALDO, Mr. ACKERMAN, Ms. FERRARO, Mr. CORCORAN, Mr. FROST, Mr. HOWARD, Mr. DANIEL B. CRANE, Mr. SISISKY, Mr. MCKERNAN, Mrs. SCHROEDER, Mr. PORTER, Mr. MORRISON of Connecticut, Mr. EDWARDS of Oklahoma, Mr. LEVIN of Michigan, Mr. FLORIO, Mr. THOMAS of Georgia, Mr. MRAZEK, Mr. LAFALCE, Mrs. BOXER, Mr. MACK, Mr. WORTLEY, Mr. COURTER, Mr. PEPPER, Mr. GLICKMAN, Mr. GILMAN, Mr. WALGREN, Mr. LUKEN, and Mr. FOGLIETTA.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

101. By the SPEAKER: Petition of Alexander Gee of Fontana, Calif., relative to Federal and State courts; to the Committee on the Judiciary.

102. By Mr. JONES of North Carolina: Petition of the City Council of Gulf Breeze, Fla., relative to the Outer Continental Shelf; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

103. Also, petition of the City Commission, Panama City, Fla., relative to the Outer Continental Shelf; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

104. Petition of the West Florida Regional Planning Council, Pensacola, Fla., relative to the Outer Continental Shelf; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

105. Petition of the Laurel Hill City Council, Fla., relative to the Outer Continental Shelf; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2969

By Mr. DELLUMS:

—Page 2, line 12, strike out "$2,990,900,000" and insert in lieu thereof "$2,558,100,000, none of which shall be available for the Pershing II missile system".

—Page 3, line 1, strike out "$3,090,800,000" and insert in lieu thereof "$2,698,200,000, none of which shall be available for the sea-launched cruise missile program".

—Page 6, line 21, strike out "$21,051,300,000" and insert in lieu thereof "$14,871,700,000, none of which shall be available for the B–1B bomber program".

—Page 6, line 22, strike out "$5,719,100,000" and insert in lieu thereof "$5,102,400,000, none of which shall be available for the ground-launched cruise missile program".

—At the end of the bill add the following new section:

LIMITATION ON DEPLOYMENT OF PERSHING II AND GROUND-LAUNCHED CRUISE MISSILES

SEC. 1111. The Pershing II missile and the ground-launched cruise missile may not be deployed in Europe before December 31, 1984.

By Mrs. SCHROEDER:

—Page 26, line 11, insert "(a)" after "SEC. 503.".

Page 26, after line 17, insert the following new subsection:

(b) The Secretary of Defense shall take such steps as are necessary, consistent with the requirements of military readiness, to reduce the number of permanent changes of station of members of the Armed Forces. Such steps shall include—

(1) reductions to the minimum essential level in the number of permanent changes of station required within the continental United States;

(2) extensions of the lenght of tours of duty overseas in locations other than locations that do not allow for accompanied tours; and

(3) reductions in the number of active duty military personnel stationed outside the continental United States.

—At the end of title V (page 26, after line 25), insert the following new section:

REDUCTION IN NUMBER OF ACTIVE DUTY MILITARY PERSONNEL STATIONED OUTSIDE THE UNITED STATES

SEC. 505. (a) The Congress makes the following findings:

(1) The military strength of the United States is dedicated to protecting our national security, preserving the liberties of the American people, and maintaining world peace.

(2) In order to implement these principles, the United States has maintained large contingents of active-duty military personnel on the territory of allies in Europe, Japan, and Korea.

(3) The allies of the United States in Europe, Japan, and Korea are in substantially better condition, both economically and militarily, than they were when large contingents of active-duty United States military personnel were first deployed on the territory of those allies.

(4) The means and capacity of allies of the United States to provide forces to resist aggression has significantly improved since the original United States deployment.

(5) The allies of the United States have not contributed a fair and equitable share to the common defense, forcing the United States to bear a disproportionately large financial burden to meet common defense needs.

(6) Relations between Eastern Europe and Western Europe have improved since the initial deployment of United States military personnel in Europe through increased trade and other interchanges.

(7) The present policy of maintaining large contingents of United States military personnel and their dependents on the territory of our allies costs the United States tens of billions of dollars each year.

(8) Relations between host country nationals and United States military personnel and their dependents stationed abroad are often marked by unnecessary friction and animosity.

(9) The deployment of large contingents of United States military personnel on the territory of our allies detracts from the ability of our military to react to crises elsewhere in the world.

(10) The United States should pursue a new division of labor with its allies whereby the allies provide for their own territorial defense needs while the United States meets strategic and common defense needs.

(11) The level of Federal spending must be reduced in order to balance the budget and revitalize the economy.

(12) In order to achieve a new division of labor with our allies, the United States should reverse the recent trend of increasing the number of active-duty military personnel stationed in locations outside the United States.

(b)(1) Except as provided in paragraph (2), on September 30, 1984, the number of active-duty military personnel stationed in locations outside the United States and its territories and possessions may not exceed

the number so stationed on September 30, 1980.

(2) There shall be excluded in applying the limitation contained in paragraph (1) any members of the Armed Forces stationed outside the United States and its territories and possessions on September 30, 1984, with respect to whom the President has submitted a report pursuant to section 4(a)(1) of the War Powers Resolution (50 U.S.C. 1534).

—Page 42, after line 17, add the following new section:

SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE FOR MEMBERS OF THE ARMED FORCES SERVING IN LEBANON

SEC. 1009. (a) A member of the Armed Forces serving in Lebanon during any month shall be entitled to special pay under section 310 of title 37, United States Code, for that month.

(b) The Secretary of the military department concerned shall pay a lump-sum payment to each member of the Armed Forces under his jurisdiction who served in Lebanon during the period beginning on October 1, 1982, and ending on September 30, 1983. Each such payment shall be in the total amount the member would have received under section 310 of title 37, United States Code, for such period by reason of service in Lebanon if subsection (a) had been in effect on October 1, 1982.

(c) This section shall take effect on October 1, 1983. The authority to make payments pursuant to this section is subject to the availability of appropriated funds for that purpose.

—Page 47, after line 15, add the following new section:

LIMITATION ON RETIRED PAY TO ACTIVE-DUTY RATES OF BASIC PAY

SEC. 1014. Section 1401a of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) In the case of a member who becomes entitled to retired or retainer pay after September 30, 1983, the monthly retired or retainer pay of such member may not exceed the rate of basic pay of a member who is serving in the same grade as the retired grade of that member and has the same number of years of service as the number credited in computing the retired or retainer pay of that member.".

—At the end of the bill add the following new section:

OVERALL LIMITATION ON AMOUNT AUTHORIZED TO BE APPROPRIATED

SEC. 1111. Notwithstanding any other provision of this Act, the total amount that may be appropriated pursuant to authorizations of appropriations in this Act is $183,154,800,000.

—At the end of the bill add the following new section:

EFFECTIVE DATE FOR PAY RAISE FOR FISCAL YEAR 1984

SEC. 1111. Notwithstanding any other provision of this act or any other law, any increase in basic pay to take effect during fiscal year 1984 for members of the Armed Forces and for civilian employees of the Department of Defense shall take effect on October 1, 1983. The amount authorized to be appropriated in section 103 for procurement of aircraft for the Air Force is hereby reduced by $1,220,000,000, to be derived from funds for the B-1B bomber program, in order to provide amounts necessary for pay increases to be effective pursuant to the preceding sentence.

By Mr. SMITH of Florida:

—On page 2, line 14, strike out "$4,738,400,000" and insert in lieu thereof "$4,067,300,000, none of which may be used for the procurement of the DIVAD gun".

By Mr. SOLOMON:

—Page 56, after line 24, insert the following new section:

PROMOTION OF ARMY RESERVE OFFICERS ON ACTIVE DUTY

SEC. 1025. (a) Section 3380 of title 10, United States Code, is amended to read as follows:

"§ 3380. Commissioned officers: promotion of reserve officers on active duty

"(a) Subject to the grade limitations contained in section 524 of this title, a reserve commissioned officer on active duty (other than for training but not on the active-duty list who is recommended for promotion to, or found qualified for Federal Recognition in, a reserve grade higher than the reserve grade in which he was ordered to active duty may be promoted to that higher reserve grade and may continue to serve on active duty, or be ordered to serve on active duty, in the higher reserve grade.

"(b) The date of rank for promotion purposes only of a reserve commissioned officer who is recommended for promotion to, or found qualified for Federal recognition in, a higher reserve grade but whose promotion to, or recognition in, such higher reserve grade is delayed only because of the grade limitations contained in section 524 of this title is the date the officer would have been promoted to, or recognized in, that higher reserve grade if the limitations contained in section 524 of this title did not exist.".

(b) The item relating to section 3380 in the table of sections at the beginning of chapter 337 of such title is amended to read as follows:

"3380. Commissioned officers: promotion of reserve officers on active duty.".

EXTENSIONS OF REMARKS

WELCH FOOD DAY

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SHANNON. Mr. Speaker, today has been proclaimed Welch Food Day by the Governor of Massachusetts, for Welch Foods, Inc., has moved its corporate headquarters and its historic Concord grapevine back to its origins in Concord, Mass. Ephraim Wales Bull, a Concord resident, spent many years cultivating his grapevines until he had grown what he considered to be the perfect strain of grape which is now known as the Concord grape.

I am glad to see the Concord grapevine return to its rightful home in Concord and have attached for my colleagues attention a history of the Concord grape and Welch Foods.

GRAPE INDUSTRY TAKES ROOTS IN CONCORD, MASS.

Welch Foods Inc., the company responsible for the American grape juice industry, is putting down roots in Concord, Massachusetts, where the Concord grape was developed.

ORIGIN OF THE CONCORD GRAPE

This truly American grape was developed by Ephraim Wales Bull, who has been called "the father of the Concord Grape." Bull, born in Boston on March 4, 1805, purchased seventeen acres of land near Concord when he was a young man. It was next door to "Wayside," the home of Nathaniel Hawthorne. The farm was ideal for growing grapes but the harshness of New England winters ruined Bull's original crops. Bull decided to develop his own grape, one that would withstand severe winters, late frosts in the spring and early frosts in the fall.

He spent many years perfecting this grape, beginning with a wild vine on his farm which he planted, skins and all. He cared for these seedlings for six years and at the end found one worth keeping.

On September 10, 1849 he picked a bunch of grapes that suited him in flavor and appearance. Year after year he planted the seed from his new vine, resulting in, according to Bull: "grapes of great variety, many of them excellent, if my judgement is to be relied upon. The original wild habit of the gypsy grape seems to be entirely eliminated, and from the original stock, black as night. I have obtained grapes white as the Chasselas, delicious of texture, and of a most agreeable flavor."

SEEDLING EXHIBITED IN 1853

The new seedling was exhibited before the Massachusetts Horticultural Society in 1853 and in 1854, placed on the market. The grapes were called "Concord Grapes" after the town of Concord.

Horace Greeley called the Concord "The grape for the millions" and it was awarded the Greeley prize by the American Institute.

BULL'S HOME HISTORIC SITE

Ephraim Bull's cottage and little garden where the original vine still produces grapes each year are historic sites to grape growers. Over the fireplace in Mr. Bull's living room is an inscription which reads:

"I confess I did not expect to arrive at so great success so soon, but when I had the good fortune to find the Concord among the first crop of seedlings, the thought dawned upon me that perhaps in the far off future higher success awaited the cultivator who had the patience to wait. I had almost said, also, the courage to venture, for I was sensitive that any attempt to improve the wild grape would be considered an imputation upon the judgment and sagacity of the operator. Fully aware of this, I kept my own counsel, and if I had not succeeded, nobody would have known I had ever ventured."

400,000 TONS ANNUALLY GROWN TODAY IN UNITED STATES

Over 400,000 tons of Concord grapes are grown annually in five areas of the United States. The largest of these borders on the southern shore of Lake Erie, stretching just south of Buffalo, New York, through Erie County, Pennsylvania and into northern Ohio. A smaller growing area borders on the Finger Lakes region of New York State. The Yakima Valley in the state of Washington ranks second in tons produced, followed by Van Buren and Berrien Counties bordering Lake Michigan. Concord grapes are also grown in northwest Arkansas around Springdale and in the southwest Missouri area known as the Ozarks.

THE COMPANY KNOWN AS WELCH FOODS INC.

Welch Foods Inc. is the world's leading processor of Concord grape products. The company makes this American grape into juices, concentrates, jams and jellies and drinks.

It began with a New Jersey dentist, Dr. Thomas Bramwell Welch, who, in 1869, wondered if the theories of Louis Pasteur could be applied to the processing of grapes to produce an unfermented wine that could be used in his church's communion service.

He and his wife and 17-year-old son picked about 40 pounds of Concord grapes near their home in Vineland, New Jersey; cooked the grapes for a few minutes, then squeezed the juice through cloth bags into twelve quart bottles.

After sealing the bottles with cork and wax, Dr. Welch lowered them into boiling water long enough to kill all the yeast organisms in the juice and prevent fermentation . . . the same technique used in the pasteurization of milk.

Weeks later, when the bottles were opened, Dr. Welch discovered that he had succeeded in producing a sweet, unfermented grape juice.

This unfermented wine, as he called it, was used in his church and he began processing and selling it to churches in Southern New Jersey and Southeast Pennsylvania.

It was the beginning of the fruit juice industry.

CHARLES WELCH DEVELOPS THE BUSINESS

Dr. Welch's son Charles took over the business in 1872 and in 1890 changed the name from "Dr. Welch's Unfermented Wine" To "Dr. Welch's Grape Juice." By then the juice was being sold to drug stores and other outlets.

A HIT AT THE CHICAGO WORLD'S FAIR

Thousands sampled the grape juice at the Chicago World's Fair in 1893. Charles Welch had a new label adopted, omitting the "Dr." from before the name Welch's.

THE COMPANY MOVES TO THE NEW YORK FINGER LAKES REGION

In 1896 Dr. Thomas Welch reinvested in the company as a partner with this son, Charles, and they moved the company to Watkins, New York, in the Finger Lakes region, where they would have a better supply of grapes. The Welches then began a vigorous advertising campaign . . . starting with $600. In the over eighty years that have followed, Welch advertising has been an accepted and dramatic part of the American scene because of its imagination and good taste.

In 1897 the Watkins operation was moved to Westfield, New York, so that even further expansion could be accomplished. That first year a plant was built and 300 tons of grapes were pressed. A ten-minute blast from the plant whistle traditionally started the grape pressing season for the community that now had the Concord grape as its chief agricultural interest.

Dr. Thomas Welch died in 1903 and in the next decade the present Westfield, New York, plant was constructed across from the original plant, the general office was built in the center of town, another plant was acquired in nearby North East, Pennsylvania, and a 4-ounce bottle of grape juice was introduced to children all over the United States. Called the "Welch Junior," it sold for ten cents.

WILLIAM JENNINGS BRYAN BOOSTS GRAPE JUICE

The juice had its biggest boost when Secretary of State William Jennings Bryan gave a dinner on April 22, 1913, for James Bryce, the retiring British Ambassador. Bryan shocked the world by serving Welch's Grape Juice instead of wine at this full dress diplomatic function. The newspapers wrote about it for months. Cartoonists lampooned it. And Welch's exploited the situation with the policy, "every knock is a boost." The knocks drove sales higher.

When Josephus Daniels, Secretary of the Navy, forbade the use of alcoholic beverages aboard Navy ships, a year later, and substituted Welch's Grape juice, the Navy became known as "Daniel's Grape Juice Navy." Again . . . sales rose.

In the next twenty years sales were increased by the "Welch Palace" at the Panama-Pacific Exposition in San Francisco, new product developments, the purchase of Welch products by the U.S. Army, and the building of plants in Lawton, Michigan, and Springdale, Arkansas. Edgar T. Welch, one of Charles' four sons, became President when Charles died. Soon afterwards the majority of stock was sold to a group of private

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

investors in Nashville, Tennessee. Edgar became Chairman of the Board and Paul R. Welch, Charles' eldest son, became President.

THE DEPRESSION

During the Depression years of the 1930's and into the 1940's, Concord grape growing and processing declined. Demand for premium quality grape juice gave way to the necessity for basic food staples. Vineyards were abandoned. Weeds grew where grapes should have been. Growers were disspirited. Prices for grapes paid by processors barely covered production costs. The Welch equipment became run-down.

And then along came a man of vision.

ENTER THE ENTREPRENEUR

In 1933 J. M. Kaplan, an energetic entrepreneur from New York City, purchased a small winery in Brocton, New York, as a means of guaranteeing a supply of wine for a New York retail store of which he was president. The plant also had grape processing equipment and Kaplan used these facilities to produce a small amount of juice.

The grapes came from five small growers' cooperatives and North East Fruit Growers in North East, Pennsylvania. Kaplan saw that he could upgrade the financial status of the growers, providing that they managed their own affairs—viticulture—and the National Grape Corporation controlled management of the processing and marketing. It worked. Within seven years the Brocton facility doubled in size. The growers received increased prices for their grapes and were guaranteed a minimum before the harvest.

THE NATIONAL GRAPE COOPERATIVE ASSOCIATION IS BORN

When the government set a limit on the price producers could pay to growers during World War II, the six grower cooperatives supplying Kaplan his grapes decided to form a single cooperative, encouraged by Kaplan. They approached Kaplan in 1945 to buy the plant and business of the National Grape Corporation. The growers would supervise the growing and Kaplan would manage the processing and marketing of the finished products.

Two months later the controlling interest in the Welch Grape Juice Company was offered for sale. Although he was not interested at first—Kaplan realized the plants were in poor condition—eventually Kaplan realized the potential in Welch for National. The Welch brand name was well established—as was the market. Welch had production and distribution facilities in five states.

The sale was set in motion and realized in 1956.

Today, this unique arrangement continues. National Grape Cooperative Association has 1,650 members, the plants are modern, Welch Food sales have increased every year. Growers are consistently paid more for their grapes than they ever were from independent processors.

Jack Kaplan's dream became a unique enterprise that serves as a model for cooperatives.

THE INDUSTRY GOES FULL CIRCLE

And in May, 1983, the Concord grape industry has come full circle. For, today, Welch Foods and the National Grape Cooperative Association are returning to their roots. Welch Foods Inc. is opening its corporate headquarters in the town where the Concord grape was seeded, born and nurtured—100 Main Street, Concord, Massachusetts—just half a mile from the site where Ephraim Wales Bull planted his first Concord vine, over 150 years ago.●

TRIBUTE TO SAM TALARICO

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. BOEHLERT. Mr. Speaker, our entire Nation, and my community especially, suffered a great loss Wednesday with the death of a leading figure in American labor, Sam Talarico.

Sam was a prime example of the self-made man. Born in Chicago, his father died when he was 2. By age 14, he was supporting himself. He worked in coal mines and cotton mills, and finally ended up at a slaughterhouse in Utica.

There, he rose through the ranks and in 1953 founded District Local No. 1 of the Amalgamated Meatcutters. The union's members were impressed with Sam's leadership and in 1976, he was elected secretary-treasurer of the international. He retained that post in 1979 when the union merged with the retail clerks to form the 1.3-million member United Food and Commercial Workers Union.

Sam's dedicated work on behalf of the workers who had put their trust in him would be enough to earn our lasting respect.

But Sam did more. He brought his vision and his tirelessness to work for his community and numerous causes. That is why he received such honors as the Israel Bond Award and the Contemporary American Award.

Sam's death leaves a profound gap. We must all carry on his work, inspired by his example.●

BASEBALL'S ANTITRUST EXEMPTION SHOULD BE REPEALED

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SEIBERLING. Mr. Speaker, I am introducing today the Sports Competition Act. This bill has a simple purpose: To bring professional baseball under the antitrust laws to the same extent that other professional team sports are now subject to those laws.

Competition is central to our most basic social and political values. Our economic freedom has always depended on the twin concepts of private enterprise and the decentralization of economic power, and these require a healthy, competitive market environment. To maintain this competitive environment, the Sherman Antitrust Act was enacted in 1890 and the Clayton Act in 1917. These are the core of the antitrust laws.

In 1922, the Supreme Court ruled that professional baseball was not an interstate business and, therefore, was exempt from the antitrust laws. Since then, other pro sports have sought similar antitrust immunity, but the courts have recognized that these sports are obviously engaged in interstate commerce and are subject to the antitrust laws. Nonetheless, as recently as 1972, the Supreme Court, while admitting that pro baseball's antitrust exemption is an "aberration," has refused to overturn its 1922 decision which judicially created pro baseball's antitrust exemption.

Repeal of pro baseball's exemption, the Supreme Court held, must come from Congress. My bill accepts that Supreme Court invitation, as well as the recommendation made by the House Select Committee on Professional Sports in 1977. The Justice Department, during the Ford and Carter administrations, endorsed this measure, and in 1981, during hearings before the House Judiciary Subcommittee on Monopolies and Commercial Law, Deputy Assistant Attorney General Abbott Lipsky testified that the Reagan administration Justice Department supported my proposal to subject baseball to the same antitrust laws adhered to by other sports. Mr. Lipsky said:

> Principles that are embodied in the antitrust laws should apply to sports as they do to every other unregulated sector of our economy * * * I know of no economic data or other persuasive justification for continuing to treat baseball differently from the other professional team sports, all of which are now clearly subject to antitrust laws.

Reflecting just how widespread the support for this proposal is, even a baseball team owner, Ted Turner of the Atlanta Braves, spoke in favor of my bill last Congress. Mr. Turner told subcommittee members that he knew of no reason for the sport to be exempt from the Nation's antitrust laws.

Congress should now adopt that same view and repeal baseball's exemption by enacting this legislation. A new development makes the need for this legislation even more urgent. The major league baseball owners recently entered into an agreement requiring that all teams maintain an assets-liabilities ratio of 60/40 or higher. Since liabilities are defined to include salary commitments, this agreement means that some franchises will not be able to incur high salary commitments. Absent baseball's antitrust exemption, this agreement, which restricts teams from competing with each other for outstanding and high-salaried players, would be illegal.

Obviously, the business of professional sports does require some cooperation between teams and leagues. In

other businesses, such interaction might be deemed a per se violation of the antitrust laws. Therefore, the courts have generally held that challenged practices of the professional sports industry should be subject to the rule of reason analysis. That standard would not be changed by my bill as it would relate to baseball. In other words, a court would inquire into whether the challenged baseball practice has a legitimate business purpose whose realization serves to promote competition. If such were deemed to outweigh any anticompetitive effects, the practice would be allowed to continue, despite the antitrust challenge.

Other pro sports teams beneficially coexist with the antitrust laws, and so can baseball. The beauty of the antitrust laws is that they are sufficiently flexible to account for facts peculiar to specific industries, including the professional sports industry. If certain of pro baseball's features or activities have anticompetitive effects, but on balance do more to promote competition, then a rational application of the antitrust laws under the rule of reason would not disallow such activities.

I find it ironic that the sport of baseball is based on healthy competitition on the field while the business of baseball enjoys monopoly power off the field. Professional baseball is an aggressive enterprise with the aim of making profits, just like any other big business. And just like any other big business, it should be subject to the antitrust laws. Pro baseball team owners are in a position today to exercise unreasonable monopoly powers and the bill I have introduced would, if enacted, remove this special, undeserved ability which has been afforded professional baseball.●

OLYMPIAD ROSE CONTRIBUTION TO 1984 OLYMPICS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. DIXON. Mr. Speaker, the city of Los Angeles and those of us in the 28th Congressional District have the honor to host the 1984 Olympic Games.

This year, the Los Angeles Olympic Organizing Committee has designated the Olympiad, a beautiful hybrid tea rose produced by Armstrong Nurseries of Ontario, Calif., as the official rose of the 1984 Olympic Games.

Armstrong Nurseries, in conjunction with the Los Angeles beautiful program, is graciously providing proceeds from the sale of the Olympiad rose to the LAOOC Olympic youth beautification program, which gives young people an opportunity to learn about the environment, while enhancing our community for the Olympic Games.

Twenty thousand Olympiad rose bushes have been donated to public gardens, parks, and cities across the United States including 7,500 in the city and county of Los Angeles.

This joint effort is a credit to Los Angeles and the State of California. I appreciate having this opportunity to commend everyone involved with the Olympiad rose project for their important contribution to a successful 1984 Olympics.●

REV. EDWARD P. NOLAN, 50TH ANNIVERSARY AS A PRIEST

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday afternoon, June 5, the parishioners of St. Jude's Parish, in Mountaintop, will celebrate with their pastor, Rev. Edward P. Nolan, the jubilee of this 50th anniversary as a priest.

Father Nolan was ordained on June 10, 1933, in St. Peter's Cathedral in Scranton. He was assigned as assistant pastor in parishes from Stroudsburg to Scranton, until he entered the Chaplain Corps of the U.S. Army in April 1942. He served with distinction throughout World War II and was discharged with the rank of major in November 1945.

Upon his return from military service, Father Nolan was named administrator of St. Patrick's Church in Wilkes-Barre and, thereafter, pastor of St. Thomas Church in Elkland.

Father Nolan was recalled to active military duty in January 1952 and, upon his discharge, was given one of those difficult jobs which men like Father Nolan make look easy. He was assigned as the first pastor of St. Jude's Church, which did not then exist. From a small Catholic community of 70 families, Father Nolan has built a parish of 1,300, with two mission churches of its own, and the largest parochial school in Luzerne County.

Father Nolan has been active in the American Legion for almost three decades, and his service and dedication was recognized by his election as National Chaplain in 1967.

Mr. Speaker, for 50 years, Rev. Edward P. Nolan has served God and man with dedication and distinction. For 30 of those years, he has labored with devotion and perseverance to build St. Jude's from humble beginnings into an example for all of the Diocese of Scranton. In the meantime, he has served in the Diocesan Senate of Priests, as a member and former president of the board of Bishop Hoban High School and as chaplain of the Mountaintop Knights of Columbus.

It is an honor, Mr. Speaker, for me to join with the parishioners of St. Jude's, the entire Luzerne County community and all of his colleagues and brothers in the American Legion, in saluting Father Edward P. Nolan on this magnificent occasion and in wishing him many, many more years of health, happiness, and service to God, his country, and his fellow man.●

BAYLOR UNIVERSITY: THE PLACE TO LEARN AND GROW

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. FIELDS. Mr. Speaker, many parents and high school students are engaged in the time-honored experience of selecting the appropriate institution for higher education. Numerous publications have recently offered articles with information about some of our country's most outstanding universities. I am proud that a persistent member of this distinguished lineup is my beloved alma mater, Baylor University.

The home of the green and gold is one of the most select of institutions of higher learning in the country, and the oldest university in continuous existence in the great State of Texas. Baylor has the coveted distinction of producing "work ready" men and women graduates; these are young people fully prepared to take their places in many areas of national life and contribution.

I am personally proud to be both an alumni of Baylor University and a member of its board of trustees. I enthusiastically recommend Baylor to the families and friends of my colleagues.

I am pleased to present for the record a recent article about Baylor University written by Gracie Hilton for the May 1983 issue of Parkway, the magazine of north Dallas. Gracie Hilton is also a trustee of Baylor.

BAYLOR UNIVERSITY: A GOOD BUY FOR YOUR MONEY

(By Gracie Hilton)

Although many believe it was 1974—the year the Baylor Bears' surprise defeat of the Texas Longhorns led to Baylor's first Southwest Conference football championship in 50 years—that enabled the school to gain national attention, Baylor University has long been recognized as one of the outstanding major institutions of higher learning in the country.

Baylor is the oldest university in continuous existence in Texas. During its 138-year history, dating to 1845 during the prestatehood days of the Republic of Texas, about 67,600 have graduated—all under the leadership of only 10 presidents, including Dr.

Herbert H. Reynolds, who assumed the reins only two years ago.

Baylor's 350-acre campus adjoins the historically significant Brazos River near downtown Waco, where a recreational marina provides facilities for a number of water spots. The school's more than 55 buildings, with architectural design ranging from restored 19th-century complexes to traditional to modern structures, include world-renowned museum and library collections. About $4 million in construction and renovation projects are under way.

More than 35 degree programs in 100 major areas of study are administered by 500 full-time equivalent faculty members with impressive backgrounds from at least 275 educational institutions throughout the world.

Baylor prides itself on producing "work-ready" graduates. In 1982, job offers for Baylor's bachelor's degree candidates *increased* 7.98 percent over the previous year. That compares with a *drop* of 18.4 percent in the national average.

Alumni have distinguished themselves in a number of fields. Case in point: Texas government. The governor, attorney general, treasurer, comptroller, and at least a half dozen of the newly elected representatives are Baylor graduates.

Even though academic standards and tuition at Baylor are stricter and higher than those of public universities, students are clamoring to get in. Baylor rejects 2,500 applicants every year. To maintain an enrollment no larger than 10,000, Baylor admits about 1,000 men, 1,000 women and 500 transfer students a year. Period.

Baylor is among the top 20 universities in the nation in the number of National Merit scholars enrolled, a figure that provides an important gauge of academic standards.

Academically superior students are offered unique challenges through a host of enrichment activities. Baylor is one of 230 among 2,000 senior colleges and universities in the nation to have a Phi Beta Kappa chapter.

Tuition at Baylor, although high, is less than that of many private universities. A recent article in *Changing Times* magazine listed Baylor among 50 bargains in higher education—colleges and universities throughout the nation with below-average costs but above-average academic credentials. Baylor also was included in the recent publication, *The Twenty Best Buys in College Education.*

About two-thirds of the student body receives some form of financial assistance. Baylor administers $20 million in financial aid through scholarships, grants, campus jobs and loans.

Tuition covers only a portion of the actual cost of educating a student; the balance is provided by special gifts and endowment income. Baylor ranks 37th in the nation in endowment, and has a goal of $300 million in endowment by 1992. Attainment of that goal will ensure reasonable tuition costs.

Enrollment represents students from all 50 states and about 45 foreign countries. Almost equally divided between men and women, the student body enjoys a student-teacher ratio of 20 to 1. Average class size is 30, ensuring that professors have adequate time for conferences and encounters with students outside classrooms and laboratories.

A consulting partner for a large internationally known accounting firm who regularly recruits on college campuses said, "I recruit on many campuses but recruiting at Baylor is different. When I talk to the professors, they know all about the students. They sometimes even know the family."

Activities outside academia include 150 campus organizations including national fraternities and sororities. Southwest Conference membership provides excitement in all phases of intercollegiate athletic competition. Many students are involved in sports through intramural rivalry; still others enjoy a myriad of activities at the recreation marina.

Baylor is the largest Baptist university in the world. But is Baylor only for Baptists? Decidedly not. Although 59 percent are Baptist, the enrollment represents students from all walks of life, with 35 denominations and faiths represented.

In the area of academic freedom, administration and faculty are encouraged to enlighten rather than indoctrinate students. Baylor is a Texas Baptist institution, not a seminary. The university's particular ministry is to operate an institution of higher learning where quality education is offered within a Christian environment.

But land, bricks, dollars and academic excellence do not tell the story of the people at Baylor. A typical homecoming weekend draws some 25,000 visitors to the Waco campus. When these thousands join what seems to be the entire population of Waco for the annual homecoming parade—reportedly the biggest and best in the nation—the streets are emblazoned in green and gold.

Non-Baylor friends and acquaintances are constantly amazed at the strong friendships and easy camaraderie that develop among Baylor people everywhere. An elusive, hard-to-define feeling is shared.

Several years ago, while trying to express my feelings about Baylor to a group of out-of-state alumni, I struggled with choice of words. "Unique spirit" sounded so overused and trite. But I finally settled on that very phrase. Baylor does have a unique spirit, exemplified by people with an indefinable loyalty to, and love for, Baylor and what it stands for.●

PROVIDING LAWYER REFERRAL SERVICES TO THE PUBLIC

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. STARK. Mr. Speaker, I am today introducing legislation which would exempt from the tax on unrelated business income, fees generated from the operation of a bar-sponsored lawyer referral service.

This is an issue that encompasses not only my district's county bar association but bar associations throughout the entire country.

The Alameda County Bar Association operates a Lawyer Referral Service. In 1977, the Internal Revenue Service issued a letter ruling that the fees received by the bar association through its operation of the referral service are not subject to the tax on unrelated business income. The IRS is currently auditing the Alameda County Bar Association returns for 1978 and 1979 and proposed to treat a portion of the income derived from its referral service as unrelated business income.

The Alameda County Bar Association receives three types of fees from the operation of its referral service: First, an annual $15 membership fee from attorneys; second, a $15 referral fee from the prospective client—which is often waived, and third, 15 percent of any contingent fee over $100 which may be generated as a result of the referral. The IRS does not take issue with the first two fees but states that the portion of any contingent fee returned to the Alameda County Bar Association Referral Service constitutes unrelated business income.

In doing so, the service relies on a recently issued private letter ruling 7952002 (August 3, 1979). This ruling similarly acknowledges that the referral services and the initial consultations promote the common business interests of the entire profession as well as benefit the public by making such programs available to all persons regardless of income. However, the letter ruling reasons that the relationship which develops between the participating attorney and the client is a business relationship for the private benefit of the attorney and the client and, therefore, does not contribute importantly to the exempt purpose of the association.

Congress main objective in adopting the unrelated business income tax was to eliminate a source of unfair competition by placing the unrelated business activities of exempt organizations upon the same tax basis as the nonexempt business with which they compete. In this case there is no competing business since the California rules of professional conduct prohibit attorneys from paying any fee to an organization or person which obtains clients for an attorney except to a qualified bar-sponsored lawyer referral service.

The rules which govern the operation of such authorized lawyer referral services eliminate the possibility of abuses. The Alameda County Bar Association has a legitimate, nonprofit interest in making legal services more readily available to the public. The bar referral services cannot use the forwarding fees to defray the expenses of its other activities or to benefit its members. Unlike the operation of a referral service as a trade or business, no element of profit exist in a referral service operated in conformity with State Bar of California rules.

These referrals are important to the exempt purpose of the association. Referrals are made to assist the public in obtaining legal services. They are not made for the profit of the referral service or to reward any particular attorneys. The Alameda County Bar Association Referral Service requires participants to obtain malpractice insurance and requires attorneys who

are referred cases to make regular reports to the referral service.

Lawyer referral services operate closely in conjunction with voluntary programs to provide pro bono legal services to the poor. At a time when legal services for the poor have been substantially reduced, it is unfitting to abbreviate existing, voluntary programs to provide such services. If income which bar associations presently receive and apply to defray the costs of maintaining such programs is curtailed, the programs themselves will be cut off and the legal services available to the poor will be further reduced.

It is my opinion that the fees at issue here are charged for the performance of an exempt function. They do not compete with any private business and result not from a private business relationship between attorney and client but rather directly as a result of the exempt function of referring clients. I hope that my bill will resolve this dispute and allow lawyer referral services throughout the country to continue to provide this vital service to the public.●

CLEAN AIR ACT REFERENDUM

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. GRADISON. Mr. Speaker, I would like to take this opportunity to bring to my colleagues' attention the results of a Clean Air Act referendum held recently by the students of the University of Cincinnati.

Of the 2,184 who voted on this issue, 70.5 percent favored a stronger Clean Air Act. This poll is yet another indication of the strong public sentiment for continued efforts to improve the quality of our air. Last January, Business Week magazine published the results of a Harris poll indicating that: 46 percent of the American people support a stronger Clean Air Act; 30 percent supported the status quo; and only 7 percent wanted to weaken the act.

As legislators we have the responsibility to enact laws to protect the health of the people we serve. By failing to reauthorize the Clean Air Act 19 months after it has expired, we clearly have not lived up to that responsibility. Our constituents want a new Clean Air Act now and I urge that the Members of the House make this one of their highest priorities.●

AN OFTEN "MISUNDERSTOOD AND CONTROVERSIAL TOPIC"

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to take this opportunity to share with my colleagues in the House of Representatives, a timely analsysis by Grant M. Davis, Ph. D., Oren Harris, professor of transportation, University of Arkansas, of the Motor Carrier Ratemaking Study Commission's recent report.

In the collective ratemaking debate, the topic of antitrust immunity for the motor carrier industry is not only one of great interest to carriers, shippers and academics, but to all of us who would be affected by the termination of this immunity. Dr. Davis' analysis has been reprinted in the lead editorial of Traffic World, the largest trade press in transportation. The text is as follows:

[From Traffic World, May 9, 1983]

EDITORIAL: "A MISUNDERSTOOD AND CONTROVERSIAL TOPIC"

Dr. Grant M. Davis, the Oren Harris professor of transportation in the College of Business Administration of the University of Arkansas, Fayetteville, and recipient of the Delta Nu Alpha "Transportation Man of the Year" award in 1971, has performed a public service by writing a scholarly assessment (published elsewhere in this issue) of the report of the Motor Carrier Ratemaking Study Commission that was recently made public (T.W., Feb. 28, p. 9, and March 7, p. 49).

Dr. Davis places proper emphasis on his finding that the conclusions stated by the Study Commission in its report to Congress are not supported by the evidence put before the Study Commission in the hearings it conducted. He made the comment that collective ratemaking is "a misunderstood and controversial topic."

"The sheer weight of evidence when viewed in terms of the shipper/buyer of transportation services," Dr. Davis writes, "clearly reveals the salient conflicts existing between the agency's report and the record compiled during 1981 and 1982."

He stated that the Study Commission essentially directed its attention to the major issues of collective ratemaking *as perceived by Congress* (italics ours), including rate levels, discrimination, cross-subsidization, monopoly profits, and the need for continuing antitrust immunity in the industry. Ancillary issues, such as national policy, infrastructure development, monopsony shippers, and the validity of the common carrier concept were not directly mandated, "even though they are extremely important to our transportation system," Dr. Davis wrote. As to each of those issues, he added, "evidence was submitted by over 1,000 witnesses supporting collective ratemaking, as opposed to 27 witnesses who appeared in opposition to continuing the collective ratemaking, process." These witnesses include the uncounted membership of associations favoring collective ratemaking. In all, Dr. Davis said, 500 submissions were made and presented by 460 different entities and individuals.

American citizens have a right to assume, we believe, that investigations instituted or ordered by Congress will be premised on the principles of fairness, or giving ample opportunity to opponents and proponents of controversial issues to present pertinent evidence, without refusal by the investigators to hear or receive "pro" and "con" arguments. But those principles were apparently ignored by the Study Commission.

For the stated purpose of gaining some insight into the magnitude and the affiliations of witnesses supporting collective ratemaking in actual appearances before the Study Commission, Dr. Davis included in his assessment of the commission's report a tabulation of the number of witnesses supporting, disapproving, or assuming neutral positions regarding the collective ratemaking process.

The tabulation shows that 80 percent of the shippers who testified favored collective ratemaking, while only 18 percent opposed it and 2 percent took no position; that 88 percent of the associations heard by the Study Commission favored and only 10 percent were against collective ratemaking, while 2 percent were neutral; that 99 percent of the carriers were for and only 1 percent against collective ratemaking; that 76 percent of the individuals who testified and 77 percent of the traffic consultants heard by the MCRSC supported collective ratemaking (5 percent of the individuals being neutral), and that government witnesses were 60 percent for and 40 percent against collective ratemaking. The record of the hearing held by the Study Commission in Cambridge, Mass., in March 1982, Dr. Davis noted, clearly revealed a continuing need for antitrust immunity by both carriers and shippers. He added that "past studies, moreover, certainly support this observation."

One of the various findings set forth in the Study Commission report to which Dr. Davis takes exception is that the ICC can continue to meet its statutory obligations in the area of motor rate regulation when antitrust immunity is eliminated. This. Dr. Davis observes, clashes dramatically with testimony presented in Cambridge before the Study Commission. There, he said, the antitrust legal experts who testified questioned seriously the wisdom of eliminating antitrust immunity and any subsequent reliance on the antitrust laws for recourse to shippers and carriers in matters involving rate litigation.

The "conclusions" stated by Professor Davis include the following:

"By accepting a highly questionable report, together with contested maneuverings in terms of commissioner votes and membership qualifications, the Study Commission has not rendered a public service to the American public in this debate. . . . By either purposefully ignoring the evidence or assigning disproportionate weights to testimony rendered, the commission has elected to ignore or minimize past studies which clearly reveal the nature of the evidence which would be presented. . . . Tests of hypotheses regarding shippers' perceptions of collective ratemaking over time certainly indicate that most shippers believe efficiency was attainable under collective ratemaking.

"It is unfortunate that a needed public commission such as the Motor Carrier Ratemaking Study Commission has issued such a tainted report which is as controversial as the various issues it addresses. Unfortunately, future reliance on commission reports as accurate indicators of issues and the intensity of feelings associated with these issues

may well be seriously discounted by future students seeking the true issues and positions of various groups associated with the collective ratemaking debate."

EDUCATOR SEES FLAWS IN REPORT OF RATEMAKING STUDY COMMISSION

(By Grant M. Davis)

One of the putative purposes of the Motor Carrier Act of 1980 was to increase rate competition by simultaneously providing shippers with increased price and quality options.[1] Supposedly the reason for congressional inclusion of this section of the Act, together with other provisions, was simply to resolve a general perception that price competition in the trucking industry was neither pervasive nor effective.

Critics of the traditional rate conference pricing process used in the regulated segment of the motor carrier industry have contended over the years that freight rates were not only excessive, but were unresponsive to changing shipper needs.[2] Advocates of collective ratemaking, on the other hand, forcefully pointed out that accurate cost allocation is virtually impossible in the industry because of joint and single-line rates, and competition—factors compounded by a large body of overhead costs which have to be allocated to specific shipments. Because of the operational and institutional nature of the for-hire motor carrier industry and shipper desires for joint rates and service, advocates of collective ratemaking have contended that antitrust immunity is needed in order for the industry to function, fulfill business commitments, and adhere to various legal requirements and contracts existing between shippers and carriers.[3]

A majority of shippers, not surprisingly, perceived the LTL general commodity carriers as public utility types of businesses, and hence antitrust immunity was needed not only for the carriers, but for shipper organizations as well.

This interminable debate was supposed to be resolved by the Motor Carrier Act of 1980, but instead Congress created the Motor Carrier Ratemaking Study Commission to investigate and analyze certain issues involved in the collective ratemaking process and to subsequently report its findings and recommendations regarding the future of maintaining or eliminating this important pricing approach. Unfortunately, the commission has generated almost as much controversy as the basic issue of collective ratemaking by adopting a highly controversial staff preliminary draft report after the original Commission voted not to accept the report.[4] Following the 1982 senatorial elections and questions concerning industry qualifications of one member, the commission voted on February 24, 1983, by a six-to-four vote, to accept the contentious preliminary draft report. This report is the primary purpose of this brief paper simply because the findings contained in the preliminary draft do not appear to be either correlated closely with the bulk of the evidence presented before the Commission, nor previous studies concerning collective ratemaking in trucking.

The basic issues involved in collective ratemaking such as antitrust immunity, cartel profits, and service to small shippers and communities were carefully defined and examined, albeit in the context of the deregulation debate, several years prior to the Motor Carrier Act of 1980, and the subsequent creation of the Motor Carrier Ratemaking Study Commission.[5] In fact, public policy issues such as participation in bureau activities by shippers, the validity of the common carrier concept, rate levels, subsidization, small community service, and a variety of other issues were examined and published in article form in the *ICC Practitioners' Journal*, in the *Transportation Journal*, and in other referred journals, and even several books were written concerning the important features and shipper perceptions of the collective ratemaking debate.[6]

In the course of these formal studies, shipper respondents were analyzed, categorized, and subjected to various statistical tests to measure significant changes in their preceptions of collective ratemaking and major issues over time.[7] Not surprisingly, a majority of shippers in these studies favored collective ratemaking, desired some selected modifications in the process, generally reported satisfaction with the pricing procedures, and believed that this particular pricing process, while definitely in the public interest, would be jeopardized without specific antitrust immunity.[8]

In short, any serious review of the exising literature dealing with this subject clearly reveals two distinct bodies of thought regarding the collective ratemaking controversy. On the one hand, a majority of shippers favored the process, whereas a small coterie of federal officials, together with some academics, vehemently oppose virtually any facet of collectively established rates. In short, definitive empirical data existed concerning shipper perceptions of the issues prior to Congress creating the Motor Carrier Ratemaking Study Commission.

Within this highly contientious and divided environment, the Motor Carrier Ratemaking Study Commission should have anticipated the overall thrust of the evidence that would be submitted during its formal hearings, i.e., a majority of witnesses would support collective ratemaking whereas a few government officials and a few academics would oppose the process.[9] This division of perceptions was surveyed and recorded over a seven-year period before Congress even considered creating the Commission. Nevertheless, the Motor Carrier Ratemaking Study Commission originally consisted of three U.S. Senators, three U.S. Representatives, two shippers, one motor carrier member representing a general commodity carrier, and one motor carrier member belonging to a rate bureau. At the end of a six-month hearing process an evenly divided Commission voted five-to-five to reject the preliminary draft report.[10]

In fairness to all parties involved in the hearings, a serious examination of the record reveals that substantially more issues and questions were raised during the course of the Motor Carrier Ratemaking Study Commission hearings than were resolved.[11]

The controversy involving the collective pricing process intensified when the reconstituted commission (one member was defeated in his bid for re-election to the U.S. Senate and was subsequently replaced by a new appointee by Vice President Bush) reconvened on February 24, 1983, and with a minimum amount of debate promptly accepted the previously rejected polemical draft report on a six-to-four vote.[12] Needless to say, not only is collective ratemaking a misunderstood and controversial topic, but now the draft report has developed into a major controversy.

A QUESTION AND AN ANSWER

At this particular point, a question concerning the report certainly needs to be proffered: Why question the report? The answer is simple. First, serious students of national policy rely extensively upon congressional committee reports and hearings before public agencies and commissions to gain insight into policy changes and trends regarding positions of various groups relative to major public policy issues. Secondly, courts frequently rely upon congressional hearings and records to glean congressional intent in matters involving litigation. Thirdly, commission reports receive inordinate emphasis in scholarly pursuits simply because all parties do not have access to hearing transcripts and all of the evidence submitted for inclusion in the record.

Even though the Motor Carrier Ratemaking Study Commission report contains a plethora of references favoring and disapproving collective ratemaking, the report failed to reflect all the evidential statements submitted to it for inclusion in the record. In this regard, the report is open for serious question of equity, fairness, and a variety of other assorted ills for two simple reasons, i.e., the change in vote, and the sheer volume and diversity of the evidence presented before the Commission from any different parties.

The Motor Carrier Ratemaking Study Commission essentially directed its attention to the major issues of collective ratemaking in the industry as perceived by Congress. These included rate levels, discrimination, cross subsidization, monopoly profits, and the need for continuing antitrust immunity in the industry. Ancillary issues such as national policy, infrastructure development, monopsony shippers, and the validity of the common carrier concept were not directly mandated, even though they are extremely important to our transportation system. These issues, moreover, were examined in a highly structured manner. Each of these issues will be briefly examined in light of the evidence submitted by over a thousand witnesses supporting collective ratemaking as opposed to twenty-seven witnesses who appeared in opposition to continuing the collective ratemaking process. These witnesses include the uncounted membership of associations favoring collective ratemaking.

To gain some insight into both the magnitude and affiliation of witnesses supporting collective ratemaking in actual appearances before the Motor Carrier Ratemaking Study Commission, one should look to the number of witnesses supporting, disapproving, or assuming neutral positions regarding the process. Thirty-five shippers supported the institutional process, three were opposed, while one was neutral; 44 associations (representing hundreds of members) supported collective ratemaking, five appeared in opposition, and one assumed a neutral position; 260 carriers supported the process, and one opposed collective ratemaking; 18 witnesses favored collective ratemaking; 45 individuals supported the process, 11 opposed, and three were neutral; and finally, 13 consultants favored collective ratemaking, and four appeared in opposition to the process. In all, 500 submissions were made and presented by 460 different entities and individuals.

A somewhat different perspective is provided by examining the composition of the witnesses presented in tabular form. As depicted in Table 1, 90 percent of the submissions before the Motor Carrier Ratemaking

[1] Footnotes at end of article.

Study Commission favored continuing collective ratemaking, 9 percent opposed, and 1 percent assumed no position. Furthermore, 1,238 additional individuals associated with the transportation industry (excluding carriers) signed a resolution subsequently presented to the commission favoring the continuation of collective ratemaking for both single-line and joint-line rates. Indeed, the magnitude of evidence, while not only enormous in terms of volume and coverage, was expected, given the nature of previous studies concerning shippers' perceptions regarding antitrust immunity, deregulation, and other physical distribution, logistics-type issues.[13] Even when the evidence presented before the commission is excluded, the Commission's findings clearly conflict with past studies, the issues and perceptions of which were validated and strengthened by examining statements supplied by 90 percent of the witnesses presenting submissions to the agency.

Any serious research into a socioeconomic phenomenon that can be sustained over time in terms of issues must be accorded a validity even in the somewhat nebulous area of public policy. In fact, the commission's draft report appears to be unrelated to the bulk of the evidence submitted in support of collective ratemaking.

Any serious and detailed examination of the Motor Carrier Ratemaking Study Commission's highly polemical report, when contrasted with the aggregate record submitted to the agency, reveals either an inveterate position assumed by the commission before the hearings, a weighing of evidence presented before the commission by certain witnesses, or both. Either position would be clearly wrong in terms of accessing the contentious public policy aspects of the collective ratemaking debate. In any event, the sheer weight of evidence when viewed in terms of the shipper/buyer of transportation services clearly reveals the salient conflicts existing between the agency's report and the record compiled during 1981 and 1982. Each of these findings will now be succinctly examined.

TABLE 1

[In percent]

	Pro	Con	No position
Shippers	80	18	2
Associations	88	10	2
Government	60	40	.....
Carriers	99	1	.....
Individuals	76	19	5
Traffic consultants	77	23	.....
Total	90	9	1

The commission's initial finding dealing with the historical basis of collective ratemaking being neither relevant nor needed relative to antitrust immunity is certainly at odds with the historical evolution of the concept.[14] Any diligent reading of the history of collective ratemaking and attendant litigation involved in the process over time reveals the concept evolved and developed because of the economic characteristics of the initiating railroad industry.[15] A careful reading of the record, moreover, reveals that collective ratemaking evolved chronologically because of practical business considerations and practices, as well as the ICC issuance of regional trucking operating authorities. The need for immunity, as stated by several witnesses during the Commission hearing in Cambridge during March of 1982,[16] clearly reveals that a continuing need for antitrust immunity is perceived to be needed by both carriers and shippers. Past studies, moreover, certainly support this observation.[17]

The second finding of the commission that collective ratemaking conflicts sharply with our national transportation policy, which calls for increased reliance upon market competition, is clearly at odds with the evidence presented before the agency. Numerous witnesses testified to the pervasive nature of price competition in the industry,[18] and the commission was cautioned repeatedly by several witnesses regarding the interrelated problems of capacity cost and monopsony shippers.[19] Ample evidence, moreover, was submitted regarding the nature of both price and service competition occurring in the industry both before and after the 1980 Act. This Act, moreover, calls for price/quality options for shippers, a hoary assumption that quality and price in transportation always maintains an inverse relationship, which is not always true in the case of transportation markets.[20]

The third finding of the commission, "that homogeneous service is based on average cost, and rates do not meet changing shipper needs," certainly conflicts with testimony submitted to the commission. Testimony rendered to the commission demonstrated that service is not homogeneous in either terms of price or cost, and that accurate costing in the industry is impossible.[21] Historical studies clearly reveal that shippers had difficulty in costing LTL truck service even when they attempted to do so. The commission's findings in terms of product uniqueness and changing shipper needs ignores the very existence of our classification of carriers such as contract carriers, as well as the nature of specialized carriers functioning in freight markets.[22]

Finding number five of the commission's draft report stipulated that participation in the collective ratemaking process by shippers is limited and is at best nebulous relative to the need for an argument against the basic collective ratemaking process. Indeed, failure to exercise a fundamental right is not necessarily beguiling or an abridgement of the legal process. For that matter, rate negotiations were primarily between individual shippers and carriers, and rates agreed upon were forwarded to the bureaus for publishing. Evidence regarding actual participation in bureau hearings in the form of a list of companies, together with the dates of their appearances, was presented to the commission during the January hearing in Akron, O.[23] Earlier studies submitted to the commission also revealed that active participation by shippers appears to be a function of firm size and probably is indicative of similar participation behavior by small firms in other areas of business. Failure to participate is also misleading because many rate matters were resolved by traffic or trade groups representing small groups of shippers in the ratemaking process.[24]

The commission's sixth finding that the Interstate Commerce Commission's authority to regulate rates is broad, but limited by poor costing methodology, is somewhat strange in terms of its meaning to the collective ratemaking debate. Unequivocally, the ICC possesses comprehensive rate regulation jurisdiction if it cares to exercise that power.[25] In the area of costing, moreover, the Commission has historically been assisted by bureaus who have contributed to improved costing in the industry.[26] Regarding why so few protests were filed with the Commission, the ICC has basically relied upon shipper complaints because of the sheer volume of rate changes filed with the agency, together with manpower and funding shortages.

Finding number seven of the commission—that the ICC can continue to meet its statutory obligation in the area of motor carrier rate regulation when antitrust is eliminated—clashes dramatically with testimony presented in Cambridge before the agency.[27] That is, the antitrust legal experts testifying in that city before the Commission seriously questioned the wisdom of eliminating antitrust immunity and any subsequent reliance upon the antitrust statutes for recourse to shippers or carriers in matters involving rate litigation.[28] In fact, practical experience certainly indicates that some carriers are overreacting to avoiding antitrust matters.

The eighth finding of the commission concerns rate levels, i.e., the overall rate level for motor carriers is higher than it would be without collective ratemaking because the basic process creates an environment that encourages wage increases that exceed labor productivity gains. This finding is totally in conflict with financial data submitted to the agency, as well as in-depth studies presented before the Motor Carrier Ratemaking Study Commission in the Kansas City hearing held during March of 1982. Even though the general rate level is a fairly meaningless concept in terms of either efficiency or productivity, the commission did receive extensive evidence in the form of statistical studies depicting the efficient use and allocation of industry resources broken down by cost components. These data were supplemented by statistical studies, none of which illustrated any gross inefficiencies in terms of price, productivity, or restrictions of output.[29] In fact, an inordinate amount of time was expended during the course of this particular hearing session to a discussion concerning the average carrier, and the consensus opinion of most of the witnesses was that no such carrier exists.[30]

Finding nine of the commission's executive summary deals primarily with the problem of excess capacity currently existing in the motor carrier industry. Somewhat ludicrously, the report states, "This excess capacity is the combined result of earlier planned capacity, and the slack in demand brought about by the current recession. This temporary excess capacity has placed substantial downward pressure on many rates. There is, however, no evidence of the conditions required for unhealthy (destructive) competition over the long-run." During the entire course of its field hearings, the commission was repeatedly informed of rampart destructive price competition in the industry, a condition accelerated by liberalized market entry and the recession.[31] If the commission (finding number three) believes trucking service is homogeneous, it is incongruent to assert that destructive price competition is a short-run problem. Evidence was presented before the commission illustrating the pervasiveness of the very conditions necessary for creating excess capacity in the industry (liberalized market entry) to be a long-run and not short-term phenomenon; ergo, the conditions for ruinous competition may well continue.[32] Professor D. Philip Locklin pointed out the potential for destructive rate competition in trucking almost twenty years ago.[33]

The draft report's tenth finding, that collective ratemaking has little salutary effect

on the stability of rate levels, and that changes in rate levels are in response to changes in underlying cost conditions, reflects the commission's obvious belief that collective ratemaking is simply a cost-plus type of pricing process, which is patently incorrect. Previous studies examined the rate stability features of prices established through the collective ratemaking process, and shipper desires for such a rate practice, which in turn facilitates strategic planning for both in and outbound freight movements. Studies presented in the form of evidence before the Commission in Cambridge demonstrated that cost-plus rates are ineffective in motor transportation,[34] and that most shippers favor collective ratemaking because of the need for rate stability and price knowledge. Throughout the course of the hearings, the need for price information was emphasized because it is difficult to perceive how carriers can offer nation-wide service without being able to quote origin and destination prices to a shipper.

The eleventh finding, that "the conditions necessary for a successful exercise of predatory pricing strategies are not present in the industry; and, collective ratemaking has no demonstrable effect on the probable success of predatory behavior," obviously involves a new and innovative definition of predatory pricing.[35] Evidence of discounting and its subsequent impact upon small shippers and communities was introduced throughout the hearing, and if massive discounting, excess capacity, and virtually negative earnings fails to constitute the necessary conditions precedent for predatory pricing, then perhaps a novel definition of this form of price behavior has now been accepted in the field of economic theory. In that collective ratemaking employs the same standards as the ICC relative to rate reasonableness considerations, to find that the collective pricing process has no demonstrable effect on predatory pricing either involves a novel definition of the term or failure to clearly examine the prevailing economic conditions in the industry,[36] conditions which have existed for almost three years.

Finding number 12 deals with rate reasonableness. The Commission report states, "the collective ratemaking process is not designed to and does not have the wide-spread practical effect of preventing preference, prejudice or discrimination with respect to different shippers, shipments, and communities." Previous studies submitted to the commission clearly reveal that one reason few bureau protests of independent rate announcements occurred before 1977 was simply because bureaus employed the same statutory standards regarding rate discrimination, undue preference, prejudice, and discrimination as the Interstate Commerce Commission. Evidence presented before the commission in hearings held in Phoenix, Kansas City, Cambridge, and San Francisco clearly demonstrated that collective ratemaking is designed to prevent these abuses that are presently widespread in the industry.[37] A lacuna has been created in this area that clearly impacts upon small shippers and communities evidence of this fact was provided to the Commission at virtually all of its public hearings.[38] Even a facile examination of rate discounts based on volume and any subsequent impact on profits and cost differentials between small and large shippers supports this particular observation.[39] (In fact, a casual review of the fall 1982 issue of the Transportation Journal clearly reveals the blatant discrimination existing against small shippers and small communities as a result of the present pricing practices which are rampant throughout the industry.)

Finding number 13 of the draft report is somewhat amusing given other findings in the draft report. This finding simply states that, "small shippers and shippers in small communities pay the undiscounted class rates, i.e., the highest prevailing rates. Carriers generally find that traffic contributes revenues to overhead cost and they freely choose to continue providing such services." The finding obviously ignores the systems features of collective ratemaking, i.e., a system of freight rates for continuous service throughout the country that binds carriers to small communities. Rate discounting is truly pervasive, and the commission's finding is not universally true, but clearly demonstrates who pays for the current discounting practices taking place in the industry. As pointed out during the Kansas City hearing, small shippers and shippers in small communities are bearing an inordinate proportion of the systems capacity cost generated and created by monopsony shippers, a problem compounded by excess capacity in the industry.[40] Rate protection for small shippers appears to be decreasing dramatically.

The fourteenth finding in essence declares that general rate increases result in small shipments and shippers not being subsidized. There is no question but that this finding is essentially correct, but not in all instances; and the reasons for such action were explained to the commission during the Kansas City hearing. Small shippers and shipments are bearing more than their allocated capacity cost shares simply because liberalized market entry has affected traffic mix and loads by facilitating special commodity carriers to enter various markets. The capital intensive nature of LTL general commodity carriers was pointed out to the Commission. It was also pointed out that truck load freight was needed for load mix and cost consideration purposes. Rate and entry control must be exercised simultaneously if reasonable rates are to be achieved. Entry liberalization when combined with excess capacity is representing, and will continue to represent a cost which is borne by small shippers.[41] This position was emphasized by several academics testifying before the commission.[42]

A corollary to the fifteenth finding was the sixteenth finding of the commission, where almost ludicrously the report states that the commission found that neither adequate service nor reasonable rates for shippers or receivers in small communities is dependent upon the collective ratemaking process.[43] Furthermore, the Motor Carrier Ratemaking Study Commission report stated that while a large percentage of small community traffic moves in joint-line service provided by potentially competing carriers, all necessary arrangements for such service can be made efficiently and lawfully under full application of the antitrust laws."

Testimony, previous studies, and written submission certainly conflict with this finding.[44] Carriers are not only reserved concerning joint-line rates, but actual freight interchange between major and local carriers for service to small communities has declined substantially during recent years a harbinger of future decreases in interchange if antitrust immunity is eliminated.[45] The commission is also more than fully aware that nation-wide service exists only on paper, and although in practice the ICC persists in awarding such authority to common and contract carriers, no carrier is presently providing LTL general commodity service throughout this nation.

The three remaining findings appear to be mere statements, but the nineteenth finding is a statement to the effect that neither practical nor legal considerations would prevent carriers from establishing joint-line arrangements in the absence of antitrust immunity. A plethora of contrary evidence was presented to the Commission, but the Motor Carrier Ratemaking Study Commission's report states *arrangements,* not rates, which is a different phenomenon.

CONCLUSIONS

There is no question but that collective ratemaking is a controversial topic, and the Motor Carrier Ratemaking Study Commission's report has certainly contributed to rather than diminished the growing controversy. By accepting a highly questionable report, together with contested maneuverings in terms of commissioner votes and membership qualifications, the commission has not rendered a true public service to the American public in this debate. Fortunately, all the parties involved in this interminable debate are interested in achieving the same goals; providing an efficient transportation system by motor available to all citizens on an equal basis. One group believes America's institutions are capable of providing such a system, whereas the other group believes that market forces will simply produce a better transportation system.

The Motor Carrier Ratemaking Study Commission did not contribute to any meaningful solution to the collective ratemaking debate with its contentious report. By either purposefully ignoring the evidence or assigning disproportionate weights to testimony rendered, the Commission has elected to ignore or minimize past studies which clearly reveal the nature of the evidence which would be presented. Future scholars of public policy researching collective ratemaking will be and should be skeptical of the Commission's report, particularly if they have access to all data associated with the hearings and the myriad of submissions.

Ideally, statistical tests of certain hypotheses should be developed concerning market efficiency or lack of efficiency in terms of the actual issues that the commission is charged by law to address. That is to say, preceptions can be measured since no actual elimination has taken place, but samples from the universe of shippers clearly indicate a propensity favoring collective ratemaking and antitrust immunity. Definitions of efficiency, of course, will probably remain controversial, but hopefully some consensus can be attained. In any event, perceptions of users of the system (shippers) are important and should be carefully considered in collective ratemaking debates. Tests of hypotheses regarding shippers' perceptions of collective ratemaking over time certainly indicate that most shippers believe efficiency was attainable under collective ratemaking.

It is unfortunate that a needed public commission such as the Motor Carrier Ratemaking Study Commission has issued such a tainted report which is as controversial as the various issues it addresses. Unfortunately, future reliance upon commission reports as accurate indicators of issues and the intensity of feelings associated with these issues may well be seriously discounted by future students seeking the true issues and positions of various groups associated with the collective ratemaking debate.

FOOTNOTES

[1] Public Law 96-296.

[2] Motor Carrier Ratemaking Study Commission hearings, Washington, D.C., November 18, 1982. See statement of witnesses from the U.S. Department of Transportation.

[3] See Grant M. Davis, editor, *Collective Ratemaking in the Motor Carrier Industry: Implications to the American Public* (Danville, Illinois: Interstate Publishers, 1980), Chapter 6.

[4] Meeting of the Motor Carrier Ratemaking Study Commission, Washington, D.C., December 14, 1982. Senators Kennedy and Packwood and public members Edler, Thometz and Warren voted to accept the report after two amendments were proffered. Senator Cannon and Congressmen Seiberling, Shuster and Roe and public member Murphy voted not to accept the staff's preliminary draft report.

[5] Consult ICC Ex Parte 297, Sub. 4, for example.

[6] Not only did these publications examine the major issues involved in collective ratemaking, but also dealt with specific problems such as the logistical implications of collective ratemaking and long-run strategic planning. See for instance Grant M. Davis, "Logistical Planning and the Common Carrier Concept," in *Logistics: Issues for the 1980's* (Shaker Heights, Ohio: Corninthian Press, 1982), pp. 113-123; and "Surface Transportation Regulation: A Succinct Analysis," *ICC Practitioners' Journal*, Vol. 47, No. 1 (November-December, 1979), pp. 55-68; *ad infinitum*.

[7] Grant M. Davis and John E. Dillard, "Collective Ratemaking: Does It Have a Future in the Trucking Industry?" *ICC Practitioners' Journal*, Vol. 48, No. 1 (October-November, 1982) pp 1112-1119.

[8] Ibid.

[9] Given the nature of the research in this area, the positions of the witnesses should have been expected. In fact, a review of the appearance listing to each public hearing reveals the magnitude of support for collective ratemaking, even though the Commission assidiously sought to balance each hearing with witnesses both supporting and opposing the process. The Commission also correctly attempted to structure the subjects to be examined because of time constraints established by Congress. Interestingly, oral testimony before the Commission was by invitation only. For an example of the opposition to collective ratemaking, see National Transportation Policy Study Commission, *National Transportation Policies*, (Washington, D.C.: National Transportation Policy Study Commission, June, 1979), p. 250.

[10] *Supra*, note 4. Questions of fairness, moreover, were raised before the Commission even voted; consult "RCCC Chairman Challenges Article on Collective Rates," *Transport Topics* (November 15, 1982), p. 8.

[11] Not only were the technical issues addressed, but national defense, regional development, regulated vs. non-regulated transportation, deregulation vs. regulation, ERISA, etc., were raised, not to mention serious problems concerning monopsony and the Robinson-Patman Act. See transcript of hearings, *Motor Carrier Ratemaking Study Commission*, Washington, D.C., November 18, 1982.

[12] Voting to accept the report as drafted were Senators Packwood, Goldwater and Kennedy and public members Warren, Edler and Thometz, with Congressmen Roe, Seiberling and Shuster and public member Murphy voting against accepting the draft report. A minority position is being prepared for submission to the Senate Committee on Commerce, Science and Transportation.

[13] *Supra*, note 6. Also see Grant M. Davis, *Motor Carrier Economics, Regulation, and Operation* (Washington, D.C.: University Press of America, 1981), Chapter 7.

[14] Ibid. Also, consult Joseph L. Cavinto and Gary B. Kogan, "An Assessment of the Impacts From Repeal of Section 10706 (Antitrust Immunity) Upon the Motor Carrier Industry and Its Users," *ICC Practitioners' Journal*, Vol. 47, No. 4 (May-June, 1980), pp. 427-449.

[15] Grant M. Davis and Charles S. Sherwood, *Rate Bureaus and Antitrust Conflicts in Transportation: Public Policy Issues* (New York: Praeger Publishers, 1975), Chapters 1 and 2; also see D. Philip Locklin, *Economics of Transportation* (6th ed.; Homewood, Illinois: Richard D. Irwin, Inc., 1966), pp. 299-300; also consult statement of William B. Tye, "Regulatory Reform and the Trucking Industry: An Evaluation of the Motor Carrier Act of 1980," and his subsequent statement before the *Motor Carrier Ratemaking Study Commission*, Cambridge, March 19, 1982.

[16] Consult statements of Paul Duke and Andrew Popper before the *Motor Carrier Ratemaking Study Commission*, Cambridge, Mass., March 19, 1982, p. 334 and p. 349.

[17] Davis and Dillard, loc, cit.,; and Cavinto and Kogan, loc. cit.

[18] See, for example, the statements of Stan Hille of the University of Missouri, and Donald V. Harper of the University of Minnesota, hearings before the *Motor Carrier Ratemaking Study Commission*, Kansas City, Missouri, March 5, 1982.

[19] Statement of Professors Roy Sampson, University of Oregon, and Charles S. Sherwood, California State University, hearings before the *Motor Carrier Ratemaking Study Commission, San Francisco, California*, February 12, 1982.

[20] A considerable amount of quantitative date exists regarding the supply of transportation, only estimates exist regarding demand. See George W. Wilson, *Economic Analysis of Intercity Freight Transportation* (Bloomington, Indiana: Indiana University Press, 1980), p. 55.

[21] Consult statement of Dabney Waring, hearing before the *Motor Carrier Ratemaking Study Commission*, Kansas City, Missouri, March 5, 1982.

[22] Contract carriers offer specialized service that provides shippers with unique price/quality options. 49 C.F.R. 1041.

[23] Hearings before the *Motor Carrier Ratemaking Study Commission*, Akron, Ohio, January 29, 1982.

[24] Shipper associations and traffic leagues frequently become involved in rate matters. Consult statement of Richard G. Velten, hearings before the *Motor Carrier Ratemaking Study Commission*, Washington, D.C., November 8, 1981.

[25] The ICC can establish maximum, minimum, or ranges of rates in addition to rejecting rates or suspending rates. The Motor Carrier Act permits carriers to a zone of rate flexibility of ± 10% of rates in effect on July 1, 1980. Obviously, the Commission has elected not to become overly involved in motor carrier rate matters.

[26] See Davis and Sherwood, *Antitrust Conflicts in Transportation*, loc. cit.

[27] *Supra*, note 16.

[28] Ibid. Also see Martin T. Farris, "Discrimination in Transportation and Antitrust Laws," in Davis, *Collective Ratemaking in the Motor Carrier Industry*, op. cit., pp. 71-85.

[29] Consult statements of John W. McFadden, Donald V. Harper, Edmund A. Nightingale, Stanley J. Hille, and James P. Rakowski, before the *Motor Carrier Ratemaking Study Commission*, Kansas City, Kansas, March 5, 1982.

[30] See "No Protection for the Inefficient Carrier in Collective Ratemaking," statement of Dabney T. Waring, Jr., before the *Motor Carrier Ratemaking Study Commission*, Kansas City, Missouri, March 5, 1982.

[31] In fact, see Senator CANNON's prepared amendment before the *Motor Carrier Ratemaking Study Commission* meeting in Washington, D.C., December 9, 1982, where on the subject of liberalized market entry a rule-making was not adopted when the Commission voted five-to-five on the amendment.

[32] Consult statement of Martin T. Farris, hearing before the *Motor Carrier Ratemaking Study Commission*, Phoenix, Arizona, December, 1981. Also see statement of Irwin Silberman submitted to the *Motor Carrier Ratemaking Study Commission*, July, 1982, wherein the financial conditions existing in the industry were enumerated and analyzed.

[33] Locklin, op. cit., p. 665, where Professor Locklin pointed out, ". . . The ruinous type of competition does develop; discrimination in rates does appear; the ondition for overcapacity does not correct itself automatically; and the struggle for service in the face of inadequate revenues leads to deterioration of safety standards, erosion of safety regulation, financial responsibility, and generally unsatisfactory service."

[34] Consult statement of Paul Roberts, hearing before the *Motor Carrier Ratemaking Study Commission*, Cambridge, Mass., March 19, 1982.

[35] Consult notes 32 and 33.

[36] Also, see statement of Irvin H. Silberman before the Subcommittee on Surface Transportation, Committee on Commerce, Science and Transportation, U.S. Senate, December 14, 1982.

[37] Consult hearing transcripts, Motor Carrier Ratemaking Study Commission for these hearings. Also see Donald V. Harper, "Consequences of Reform of Federal Economic Regulation of the Motor Trucking Industry," *Transportation Journal*, Vol. 21, No. 4 (Summer, 1982), pp. 35-58. Regarding rate bureau standards, see Grant M. Davis and William Cunningham, "Deregulation—A Green Light for Trucking Efficiency—A Comment," *Regulation* (November-December, 1982), pp. 4-5.

[38] Ibid.

[39] The distinterested reader needs only to examine discount tariffs currently in effect in the industry for ample evidence of rate discrimination activities.

[40] Supra, note 18.

[41] Davis and Cunningham, loc. cit.

[42] *Supra*, notes 18 and 19.

[43] Reference Çavinato and Krogan, loc. cit.; also consult William B. Wagner and Michael L. Dean, "A Perspective View Toward Deregulation of Motor Common Carrier Entry," *ICC Practitioners' Journal*, Vol. 48, No. 4 (May-June, 1981), pp. 406-418; David and Dillard, loc. cit.; and Michael W. Pustay, "Transportation Regulation and Service to Small Businesses: The Case for Contract Carriage," *Transportation Journal*, Vol. 23, No. 1 (Fall, 1982), pp. 11-12.

[44] See statements of *Professor David L. Shrock, Ronald V. Meeks, and Tim Ravey, before the Motor Carrier Ratemaking Study Commission*, Phoenix, Arizona, December 10, 1981, and Dale C. Anderson and Elmo Falcon, "Implications of Motor Carrier Deregulation for a Case Study Rural Community," Proceedings—*Transportation Research Forum*, (Oxford, Indiana: Richard B. Cross Co., 1981), pp. 33-40.

[45] Several small carriers in Arkansas, for example, report 40 percent to 60 percent declines in interchange freight to small communities.●

NATIONAL POLICE WEEK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday May 18, 1983

● Mr. CONTE. Mr. Speaker, I rise to join my colleagues in honoring this Nation's 528,000 law enforcement officers. As we all know, this week has been designated "National Police Week" and calls upon each and everyone of us to recognize and honor these important men and women so vital to the American principles of law and order.

I was a Member of this Congress when 20 years ago, President John F. Kennedy signed into law legislation designating May 15 as "Police Memorial Day" and the week including May 15 as "National Police Week." Since then, Congress has consistently been a strong supporter of the police officers of this Nation. In 1976, for example, I cosponsored, and Congress passed, legislation designed to provide benefits to the survivors of police officers killed in the line of duty. Since its inception, the fund has provided over $70 million to help surviving families. More recently, our distinguished colleague from Connecticut, BARBARA KENNELLY, introduced H.R. 2276, a bill to increase death benefits to families of police officers. This is a tradition Congress can be proud of and this is not a time for us to ignore that tradition.

Law enforcement is not easy work. Hours are long, duties are dangerous, and well-done jobs too often go unnoticed. Despite these odds, the number of crimes in the United States have actually dropped between 1981 and 1982.

This is most certainly a noteworthy achievement.

The police officers of this Nation deserve a great deal of credit for their hard work. Once again, I urge you to join with me in honoring these important guardians of the American principles of law and order.●

NATIONAL POLICE WEEK

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. BORSKI. Mr. Speaker, this week marks the annual observance of National Police Week. I wish to pay tribute to the many achievements and sacrifices made by our law enforcement officers in their efforts to fight crime. Too often their important contribution to this Nation's security and well-being have been taken for granted.

The job of our policemen is more difficult than ever before. Although the number of serious crimes increased by 22 percent between 1978 and 1981, the ranks of our Nation's police declined by 8 percent. Today's policemen are required to do much more than patrol the streets and apprehend criminals. They must spend a great deal of time answering civil complaints and performing specialized duties such as records management, communications, and traffic control.

Despite these problems, the rate of serious crime, including murder, rape, and robbery, has declined somewhat since 1981. The police officer deserves much of the credit for this achievement.

In this era of scarce resources, Federal, State, and local assistance to help our police officers fight crime has been reduced considerably. Our police departments cannot hire the additional officers they need and cannot fully equip existing forces. We should not forget that the average police officer today earns only $18,000 annually after 5 years service in a profession wrought with danger and hardship. Last year 162 officers were killed in the line of duty.

I intend to lend my full support toward increasing the resources available to our law enforcement agencies and making their job as safe as possible. I have cosponsored H.R. 953, the Law Enforcement Officers Protection Act of 1983. This legislation would ban new ammunition capable of penetrating the bullet-proof vests now worn by our police officers.

Police work is one of the noblest of professions. By commemorating National Police Week, we renew our commitment to and admiration for the men and women who are our first line of defense against crime.●

SMALL BUSINESS WEEK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1983

● Mr. SKELTON. Madam Speaker, the week of May 8 to 14 is set aside to honor small businesses throughout the country. Small businesses are as fundamental to our country and our way of life as just about anything I can think of. Over 90 percent of our businesses are small businesses and they employ the majority of the work force. Small businesses are responsible for creating most of the new jobs in this country. Almost all of our Founding Fathers were small businessmen, whether farmers or printers or silversmiths. They all had their own ingenuity and enterprise to thank for making it in the new country. The Constitution reflects this independent thought and the free spirit that drives men to establish something of their own.

I feel that it is vitally important to support our small businesses and encourage their growth. Small Business Week was a good way to call attention to our small businesses, and to honor those who have helped insure America's leadership and high economic standing in the world. An article appeared recently in the Cass County Democrat Missourian which I feel does a good job of summing up Small Business Week and I include it in the RECORD:

Giant corporations are the most important factor in the nation's economy, right?

Not exactly. The fact is, there are 13.3 million small businesses in this country and their number has been growing steadily for decades.

Small businesses employe more than half the work force, create most new jobs, are responsible for most new products and most new technologies. They bring new products to market faster than large corporations. During the 1981-82 recession, they laid off fewer workers than did their big brothers.

Accomplishments and contributions of small businesses will get special recognition during National Small Business Week, May 8-14. Outstanding small business men and women from around the country will be honored at a White House ceremony and in every state.

Small business deserves a big pat on the back. As business and civic leaders in their states and towns, small business men and women improve the quality of life to all Americans.●

A LETTER TO CONGRESS: CENTRAL AMERICA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. FIELDS. Mr. Speaker, Georgie Anne Geyer of the Washington Times has recently published an open letter to the Congress. In the event that some of my colleagues missed it, I present it for the RECORD. The letter is self-explanatory.

A LETTER TO CONGRESS

DEAR MEMBERS OF CONGRESS: Every day that goes by, I sense more and more strongly what I can only call a "Munich mood" in Washington.

Now, correct me if I'm misinterpreting what you are saying and doing, day after day. I think as you tie up the nation in more and more knots so it cannot act in Central America, you are really saying this:

"Leave us alone. Don't bother me. Go away. If we go away, they will go away. If we don't do anything, they might not do anything. Maybe we should just stay in the Congress today and not even venture home. I'm afraid."

Of course, this isn't exactly what you did. You who are on the House Permanent Select Committee on Intelligence voted recently to stop financing any U.S. involvement with anti-Marxist guerrilla forces fighting the regime in Nicaragua. (It was barely mentioned that the administration had totally and properly briefed you on the involvement every step of the way—and that you had thoroughly approved all such aid!)

While the "Munich mode" was most alarming present in the Congress, it seemed to be permeating other unlikely areas. To name just one example of many, only last week a high-level group of American and Latin leaders called for the United States and the Soviet Union to negotiate their differences in the Western Hemisphere, thus for the first time in history in effect recognizing Soviet rights in this hemisphere.

As one highly placed administration official said at week's end, almost in disbelief: "What we are seeing is another of those turns in American history in which pacifism and isolationism suddenly come together. And we begin to lose track of reality."

It would be funny if it were not so deadly serious, because you of all people love to decry what happened at Munich, when the Allies thought they were giving Hitler what he wanted and that he would then go away. But is that not the same mood—the mode?—present today?

I'm afraid your excuses, gentlemen, just won't wash. This time we know beyond the shadow of a doubt the danger posed by Marxist revolutions spreading throughout Central America. We know what the Russian/Cuban military reality—and intention—is. As U.N. Ambassador Jeane Kirkpatrick has rightly pointed out, this is not like Vietnam.

And your answer? Well, there are the ones on the surface.

"The answer to El Salvador is not military but economic aid." (But any beginning student of revolution knows you can't have development without some security).

"If the situation is as serious as you say it is, we ought to do something really serious." (You don't mention that at this very moment you're ruling out the possibility of even the most rudimentary actions.)

"The Marxists are going to win anyway . . . The Salvadoran military is mean . . . We're piqued at you conservatives for having supported the dictators in Central America all these years, and so it is really all your fault."

Well, my friends, I am even more piqued than you are. Many of us have been begging the United States to change its policies in

Central America since the mid-1960s, when change would have been so simple. A depressingly large number of my friends, both Central Americans and North Americans, gave their lives to try to bring decent regimes to that area.

As wrong as most of the Reagan people were over the years, that is just not enough reason for us now to sit back in anger and let the whole area disintegrate. As unpleasant as it is, we have to start where we are and work with what we have. We can't predict whether we'll win, but we can certainly predict what will happen if we do nothing. Can democracies afford to remain passive in today's world? Again?

You see, this is not just another cycle of history for the United States. This is a point where history changes once and for all. The importance of this moment is that it represents a profound readjustment for America: a transition from an isolated country that could most of the time stand safely aside from the great catastrophes afflicting the rest of mankind to a country as involved and interdependent—and as vulnerable—as all the rest.

In the Middle East, we are now clasped by the treacherous arms of Byzantium. In Central America, we are involved now in the quicksand of the Balkans.

It is therefore not only a grave moment militarily; it is a grave moment for our very being, and it is not enough simply to answer, "No." In fact, you're disappointing the public you serve. Please think again.

Sincerely yours,

GEORGIE ANNE GEYER.●

MISS MATILDA OLASH TESTIMONINAL DINNER

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. HARRISON. Mr. Speaker, on Saturday evening, June 11, her family, friends and former students will honor Matilda E. Olash at a testimonial dinner marking her 50th year of teaching in the elementary schools of Luzerne County, Pa.

Miss Olash began her work in the classroom at the age of 18, in 1933, this year she will complete a half-century of dedication to the students of our west side communities, now combined into the Wyoming Valley West School District. Over all these years, she has enlightened and stimulated minds of the young just as she has guided and assisted in the formulation of their character.

There is no calling more noble, Mr. Speaker, than that of teaching the young. At this calling, Matilda E. Olash has excelled for half a century and it is my honor to join today with her many friends and admirers in wishing her many, many more years of health and success in all that she undertakes.●

AMENDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SEIBERLING. Mr. Speaker, I am introducing legislation today to amend the Age Discrimination in Employment Act.

The only serious controversy surrounding the ADEA's enactment in 1978 was provisions it contained providing certain exemptions from the law's protections. The House-passed bill contained no such exemptions, but the Senate Labor and Human Resources Committee added several, including one permitting mandatory or forced retirement for high-level business executives if the corporate pension benefits to which they are entitled exceed $20,000. The $20,000 was to be adjusted annually for inflation. The conference committee adopted an exemption from ADEA protections for business executives entitled to more than $27,000 a year in pension benefits. Under the act, the $27,000 figure is not adjusted annually for inflation.

The legislation I am introducing today increases the $27,000 exemption to $42,400, reflecting the 57-percent increase in the Consumer Price Index since 1978. It also requires the Secretary of Labor to adjust the exemption limitation annually to reflect changes in the CPI. Without this increase and inflation adjustment, more and more business executives will lose the protections of the Age Discrimination in Employment Act. It is arguable whether the business-executive exemption, or any other exemption, is justifiable at all, but at a minimum, we should not permit inflation to erode the protections afforded by this important law.●

COVERT OPERATIONS IN NICARAGUA

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. HARKIN. Mr. Speaker, after the passage of the amendment of Chairman EDWARD BOLAND by a unanimous vote of 411 to 0 during the 97th Congress, it was hoped that the administration would at long last realize the unwillingness of the American people to support the overthrow of the Nicaraguan Government. Covert actions taken by past administrations against foreign governments to cause their fall have come back to haunt us on numerous occasions. The Boland amendment serves as a reminder of past excesses.

Unfortunately, the Congress and the American people have read in recent days published reports that have cast doubt the administration's willingness to conform either to the letter or the spirit of the requirements of the Boland amendment. It is for this reason that 72 Members of the House have joined me in sponsoring a resolution of inquiry, H.R. 159. This resolution asks the President to provide certain documents on the conduct of covert operations in Honduras and Nicaragua against the Nicaraguan Government.

The Armed Services and Intelligence Committees have reported the resolution out unfavorably, under the assumption that the secret session to be held before consideration of H.R. 2760—prohibition on covert assistance amendment—will suffice. The Foreign Affairs Committee reported out the resolution without recommendation pending the secret session where members of the intelligence panel will provide information on covert activities to their colleagues. I still believe that the American people deserve more information from the executive branch on CIA activity in and around Nicaragua. I will wait until after the secret session to decide my next step.

We took this initial action so that we can prevent another administration from engaging in one more "secret little war" against a sovereign nation, which would only serve to waste the taxpayers money, exacerbate regional tensions, cause innocent people to be killed, and lead to the possible involvement of U.S. troops. Mr. Speaker, I now wish to submit the resolution of inquiry into the RECORD along with a recent article from the Washington Post:

H. RES. 159

Resolution directing the President to furnish certain information to the House of Representatives with respect to United States activities in Honduras and Nicaragua

Resolved, That the President shall furnish to the House of Representatives within ten days after the adoption of this resolution the following:

(1) Any documents showing the number of reconnaissance sorties flown by United States military and civilian personnel for military intelligence gathering purposes over Honduras and Nicaragua during the period March 9, 1981, through April 15, 1983, including any documents distinguishing such sorties by type of aircraft and by military and civilian unit designations.

(2) Any documents listing military weapons and equipment furnished by or on behalf of any agency of the United States to Honduras or any group or individual in Honduras during the period March 9, 1981, through April 15, 1983, including—

(A) any documents distinguishing such weapons and equipment by type,

(B) any documents showing whether the recipients of such weapons or equipment were Honduran military forces or were other groups or individuals, including docu-

ments identifying any such groups or individuals and the weapons or equipment they received, and

(C) any documents showing that any such military weapons and equipment are no longer in Honduras, including any documents showing the disposition of such weapons and equipment.

(3) Any documents giving estimates of civilian and military casualties incurred in Honduras and Nicaragua during the period November 1, 1982, through April 15, 1983, including any documents identifying military units engaged in battle and identifying locations and times of battle.

(4) Any documents showing the costs incurred by the United States in carrying out reconnaissance in or over Honduras and Nicaragua during the period March 9, 1981, through April 15, 1983.

(5) Any documents showing the costs incurred by the United States in furnishing military weapons and equipment, military training and advice, or other material or financial support to Honduras or to any individual or group (excluding United States Government personnel and United States citizens) in Honduras during the period March 9, 1981, through April 15, 1983.

(6) Any documents showing the names of the military and civilian authorities who approved the undertaking during the period March 9, 1981, through April 15, 1983, of reconnaissance in or over Honduras or Nicaragua or approved the furnishing during the period March 9, 1981, through April 15, 1983, of military weapons and equipment to Honduras or to any group or individual in Honduras.

(7) Any documents concerning the approval by military and civilian authorities of the furnishing of military weapons and equipment to Honduras or to any individual or group in Honduras and discussing the application of the prohibition in section 793 of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377).

(8) Any documents concerning the granting of approval or disapproval of the furnishing of military weapons and equipment to any group or individual to be used in or against Nicaragua, including any documents showing the purposes of, or the possible effects of such weapons and equipment, especially any document showing that such weapons and equipment were furnished for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras; and the names of the civilian authorities who gave such approval.

(9) Any documents showing the names of the officials in the executive branch, the members of Congress, or any individuals outside the Government, who received information regarding (A) the use of intelligence information gathered from reconnaissance in and over Honduras and Nicaragua, and (B) the use or disposition of military weapons and equipment furnished to Honduras or to groups or individuals in Honduras, including weapons and equipment no longer in the possession of Honduras or under the control of the United States.

[From the Washington Post, May 8, 1983]

A LITTLE INFORMATION, PLEASE

(By Patt Derian)

There is something unnerving about aging administration officials talking to the press like simpering ingénues of the 1940s. Wide-eyed and guileless, they avow chastity in the Nicaraguan adventure. Provoking military exchanges in Central America? Trying to overthrow the Nicaraguan government? Breaking the law by bankrolling the "contra" guerrillas who used to be Nicaraguan National Guardsmen? Helping people shoot their way into office? Little me? Heaven forbid.

What, the administration says it's doing is trying to stop the flow of arms from Nicaragua to El Salvador's guerrillas. This is a little hard to swallow when intense-looking men in Miami and Honduras explain, on television, that what they're doing is trying to overthrow Nicaragua's government. The illusion is further undermined by U.S. officials' continuing public comment that the Salvadoran guerrillas provide for themselves largely through purchase or theft from their enemies, the Salvadoran government forces, which we also supply.

The administration doesn't deny instigating or paying for its "secret" war. It only denies that it is violating the Boland amendment, which forbids any U.S. assistance in overthrowing the Nicaraguan government. It maintains that masses of arms are flown over the sea nightly to Salvadoran rebels. But it doesn't make clear how sending foot soldiers across the border from Honduras to shoot up rural communities in Nicaragua will stop the air supply.

It is also hard to figure how reconnaissance sorties and intelligence gathering by U.S. personnel will stop air shipment of arms. One thousand photos, a thousand radio intercepts and purloined documents won't ground a single plane, by themselves.

This semi-overt "covert" war is mighty murky. All the American people know is that "we" are engaged. That's the overt part. The big secret is what is being given, to whom, at what cost, for what purpose.

Another piece of the secret is who decided to take these actions. Perhaps it is part of the Haig legacy. Secretary of State George Schultz doesn't give a fig for anything south of Texas, so it's unlikely that he took any initiative. There is sufficient leakage around the edges to ascertain that some CIA officials view this undertaking with a jaundiced eye. Maybe the president got the idea from Reader's Digest.

It doesn't seem much to ask of a democratic government: who did it?

The president has already put us into two wars down south. But the polls consistently demonstrate that they are not supported by the public. Poor people are falling dead from our bullets and the machete-wielding soldiers U.S. tax dollars underwrite. The Argentines have pulled out; Honduras lends its territory; Guatemala is hustling its own case. Who are our allies in this debacle?

A couple of weeks ago, Rep. Tom Harkin and 73 of his colleagues in the House introduced a resolution of inquiry to find out the who, where, why and when of administration involvement in Nicaragua. It was referred to three committees—Armed Services, Foreign Affairs and Intelligence. They must act and report to the House. The resolution asks the pertinent questions in this matter. If the House passes it, the president "shall furnish" the answers within 10 days. As Rep. Jim Wright said to one of the "contra" leaders last week, "I do not believe financing the invasion of another country is what the United States should be doing."

Reps. Edward Boland and Clement Zablocki have a bill that ought to knock the relationship with the "contras" out of the box. It prohibits secret funding of military and paramilitary groups that want to harass, destabilize or overthrow any of the regional governments. Instead, it authorizes $30 million this year and $50 million next year for open military assistance, only to governments and only to help them stop military supplies from Cuba and Nicaragua from getting to or through their countries. The participating governments can't move the assistance on to others, nor can they conceal its source.

While the bill is explicit on the military-paramilitary side, it does not cover covert political actions by the administration. It would still be possible, apparently, to pass money and "advice" to anyone. Is this a loophole through which the administration could continue to hand over cash so that the "contras" or others could simply buy what they want from the black market? If so, harassment, destabilization and efforts to overthrow governments could continue with secret U.S. political aid, unless there are clear prohibitions on political activities.

While the House leadership is prepared to move it quickly, the Senate must also act and the administration still has a given number of days before the bill comes into effect. And it is wise to remember that between passage of legislation cutting off military assistance to Chile and its signing by the president, there was wild contract-signing and obligation that kept the pipeline filled and flowing for years. There should not be a repetition, all these years later, in the interval.

For some reason, the conventional wisdom on Capitol Hill seems to hold that the Zablocki-Boland bill makes the Harkin resolution of inquiry unnecessary and that the answers to the questions don't need to be given. It could be that was the price that had to be paid to get rid of covert military assistance. But it might be too high a price if it closes out the questions.

This bill is a firm step in the necessary direction in spite of its imperfections. And the resolution of inquiry is equally important. It may be more important, in fact, because until we have the answers to its questions, other legislative actions, congressional hearings and opinions are based on fragments of facts in contention. Decisions of the public and Congress about U.S. policy should be based on as much real information as they can get. The administration has that information, and we need to know it.●

ON SACRED GROUND

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. KOSTMAYER. Mr. Speaker, last Tuesday, May 17 the voters of Bucks County, Pa., overwhelmingly defeated a proposal to construct the Point Pleasant Pumping Station on the banks of the Delaware River in the village of Point Pleasant, Pa.

The citizens of Bucks County have once again expressed their determination to preserve the character of our community.

"On Sacred Ground" by Joseph Chorlton, New Hope, Pa., expresses their sentiments and I am delighted to enter it into the RECORD today.

ON SACRED GROUND

No sunshine patriots we,
Our ancestors fought to be free,
Where Washington crossed the Delaware,
Our dedication we'll never spare.

All this talk about a pump,
This generation has the spunk.
We decry a loss of liberty,
For which brave men fought to be free.

Those who shun a referendum
March to another patron's drum,
But, by God, we ever swear
To stop the pump, and spare the Delaware!

—Joe Chorlton, New Hope.●

RESULTS OF RECENT SURVEY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. FORD of Michigan. Mr. Speaker, since coming to Congress 19 years ago, I have polled my constitutents on issues pending before Congress and on critical problems at home and throughout the Nation. I wanted to take this opportunity to share with you and my esteemed colleagues the results of my most recent survey.

In 1983, it comes as no surprise to me that the foremost issue on the minds of residents in the 15th Congressional District is jobs. The 68-percent positive response I received on whether there was support for a Federal jobs program reconfirms my deep-seated belief that what people want most is employment.

Their distress with the Nation's economy and its impact on their quality of life was also demonstrated in their assessment of how they have fared after 2 years of the administration's program. Eighty-three percent said they are doing "not as well" or "about the same," with the clear majority of those, 53 percent, in the "not as well" category.

Still another indication of their concern for current economic conditions in Michigan is their ranking of unemployment as the Nation's most serious problem. Among five options listed as the important issues facing our country, more people checked unemployment than any other item. With 37 percent, it outdistanced taxes at 23 percent, interests rates at 16 percent, energy costs at 15 percent, and national defense at 8 percent.

Respondents reconfirmed their disapproval of the administration's assault on human needs programs in that, by a more than 2-to-1 margin, they rejected proposed and ongoing plans to cut such programs as public health, medical research, and child immunization. Only 32 percent of those returning their surveys would cut further into human services programs.

As an important new policy initiative, overwhelming majorities throughout my congressional district would support both "American Content" legislation to require a significant percentage of American-made parts in automobiles sold in the United States, and quotas to limit foreign automobile and steel imports to the United States.

Almost 60 percent of those polled encouraged me to support a nuclear freeze resolution on the House floor. This margin very closely reflects the November 1982 Michigan general election ballot results in which 56.6 percent statewide indicated their preference for the freeze. Since my poll was taken, the House passed a nuclear freeze resolution with my full support.

I was particularly pleased with my constituents' response to my inquiry about the need for a new Federal program in math and science education. My constituents have indicated by a 63-percent to 36-percent margin that they endorse my efforts to help assist local school districts in boosting their curriculum and improving teachers' skills in math and science.

The lack of support for increased defense spending was reinforced with the 15th District residents' belief that in order to curb the trend in Federal deficits, the Congress should decrease defense spending. While 70 percent chose defense as a place to cut, 45 percent would opt for slashes in human services programs. A small percentage would prefer a tax increase to eliminate the deficit, and a clear majority of 71 percent would choose an economic stimulus program.

Of the several thousand responding to the 1983 questionnaire, the majority of respondents would seek more attention in the Federal budget for aid to the elderly, with other priorities being jobs programs, education, crime control, and energy. As in previous years, the program receiving the smallest degree of support was foreign aid, with only a 3-percent support rating. When asked to list their own priorities for more funding, my constituents suggested that the space program, mass transit, child abuse programs, energy cost control, basic education skills, and small business initiatives should receive more attention.

Asked about their choice of options for solving the short-term problems in the social security system, there was no clear favorite among the five options presented. Twenty-four percent would slightly reduce the rate of growth of benefit payments and tie benefit payments to a wage increase instead of consumer price increases. A significantly smaller group would gradually raise the retirement age for full benefits, tax social security payments above a certain level, and/or increase the contribution rate by 1 or 2 percent over the next few years.

The number of constituents who responded to my questionnaire continues to grow each year. I am gratified with the quality and quantity of responses, and this year I found it particularly beneficial to have received so many well-written personal letters accompanying the questionnaire forms. This exercise in public input is perhaps one of the most valuable activities I conduct to gage the needs and concerns of my constituents. And, often I have found that it is an enriching learning experience, both for them and for me.●

NATIONAL POLICE WEEK

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. HANSEN of Utah. Mr. Speaker, I am honored to pay tribute to our Nation's brave and dedicated police officers, who protect our families, who share in our sorrow and grief when crime threatens us, and who literally place their own lives on the line for the security and well-being of all Americans.

Today, I especially want to pay tribute to the American Police Hall of Fame and Museum, the only police memorial in the country that honors officers killed in the line of duty. It was built more than 22 years ago from donations by lawmen and citizens, and has honored more than 2,000 officers who have been killed in our country.

Lawmen are something like the Vietnam veterans who suffered at the hands of the media for years. This is a gross injustice to such a dedicated and hard-working group of individuals.

God has blessed our Nation with many things, among the greatest of which are our police officers. Let us not forget that they are one of our best friends.●

THE BRONX: LIVING, GROWING, AND VERY MUCH ALIVE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. GARCIA. Mr. Speaker, I am entering in the RECORD an article which appeared in the Washington Post regarding the continuing vitality of the Bronx. This article is indicative of many articles exclaiming the virtues of the Bronx. The interesting thing is that these articles are extolling what people in the Bronx have been saying for a long time, the Bronx is a thriving, growing community.

Despite some negative publicity, the facts are, that the Bronx has turned the corner. We who live there are proud of what is happening in the way of community involvement to rebuild

our neighborhoods. In this regard, the article in the Post represents only the tip of the iceberg. Neighborhood groups, local government, and the private sector have made a comitment to the Bronx that will mean jobs, prosperity, and the rebirth of many neighborhoods we remember as children.

As indicated in the article, there is a new hope emerging in the Bronx that is guiding the hopes and dreams of us who live and care about maintaining a sense of community.

The article follows:

[From the Washington Post, May 11, 1983]

SOUTH BRONX FINDS HOPE IN TWO HOMES

(By Sara Rimer)

NEW YORK.—There they are: two new, prefabricated, ranch-style houses, with aluminum siding and picture windows, standing in the South Bronx rubble.

So begins Charlotte Gardens, a 90-home development that will center on Charlotte Street, the devastated site that brought visits from two presidents, Jimmy Carter and Ronald Reagan.

Carter promised to help revive the South Bronx. But it was the nonprofit South Bronx Development Organization (SBDO), along with a group of indomitable citizen activists known as the Mid-Bronx Desperadoes, who brought about Charlotte Gardens.

"The South Bronx is experiencing a resurrection, a resurgence, a renaissance," said Peter Bray, Charlotte Gardens project manager. "The houses are a part of that story."

Financed with federal, state and local funds, the houses were built in Berwick, Pa., and trucked in. The asking price: $47,800 for three bedrooms, 1½ baths; $6,000 extra for a basement; 10 percent down, no subsidies.

With their cathedral ceilings, custom kitchen cabinets and washer-dryer hookups, they look much like the suburban homes that thousands fled the city for, a decade or so ago. But they also come with burglar bars, alarm systems and deadbolt locks.

From the front windows, you can see Crotona Park, the young ones on the swings, the old ones under the oaks.

There have been 800 prospective buyers, according to Bray. Most are working class Bronxites or former Bronxites who remember a South Bronx that was filled with life.

They come by and remember the stickball games, the corner drug store and the movies, and the factory jobs that gave immigrants a chance.

The Bronx, with its beautiful Art Deco buildings lining the Grand Concourse—an avenue fashioned after the Champs Elysees—was then a place of aspirations. Fifty years ago, it was called a city without a slum. Today it has 50,000 abandoned housing units.

Charles Doherty moved away 19 years ago, but returns for his job as a bus mechanic. On his lunch hour he runs through deserted streets where once he played. Stopping to catch his breath one recent afternoon, he said "I grew up here. This was a fine Jewish community."

He pointed out the landmarks of his childhood in Crotona Park. "You could rent boats there. And over there you could sit on a bench till 1 a.m. and never worry. See those rocks—I used to make out with my girlfriend on those rocks. I played stickball in the street, basketball in the park."

His family's house, just a few blocks away, was destroyed by fire. "It's a vacant lot now," he said. "I run around there every day, and I still feel terrible."

Each afternoon, Venerando Velilla and his wife, Sara, and their friend Victor Colon—all custodial workers at P.S. 98, the nearby junior high—spin daydreams about Charlotte Gardens.

"We've already chosen our spots," said Colon, 26, a father of four who lives in a West Bronx apartment. "I'm on the corner."

Velilla, 56, pointed to a pair of trees holding on in the rubble. "See those two trees? We want ours between those two trees." He smiled at his wife. "She wants to keep them, but I told her no; they're too old already."

He and his wife emigrated to the South Bronx in 1946, among the Hispanics and blacks who followed the earlier immigrants from Ireland, Italy and Eastern Europe.

"It was a better future," Mrs. Velilla, 56, said. "I love this neighborhood. We were married here—in 1948. All my kids were born here."

There is constant activity at the houses. Peter Bray gives tours to urban planners, politicians and reporters.

He ticks off facts and statistics: Mayor Ed Koch spent his early childhood a few blocks away. The nearby elementary school—P.S. 61—has the highest reading scores in the district (all but five of the students at the school come from families on welfare). The South Bronx still has 450,000 residents.

A regular visitor in Genevieve Brooks, executive director of the Mid-Bronx Desperadoes.

"We were desperate for housing, health care, education, everything," she said. "So we called ourselves the Desperadoes—Spanish, to give it a little zing. Then people thought we were revolutionaries, and we had to live down our image."

Con Edison hooked up the electricity recently. One of the workers, who said he long since had left the Bronx for an upstate New York town 51 miles away, surveyed the desolation around the houses.

"You ever been to Germany?" he asked. "That's what it looks like—a bombed-out city. It makes me feel sad when I look at this area. I'll tell you: It was a great place to live. They had nice trees and grass. They even had a beautiful pool—Crotona Pool. They had all kinds of baseball fields."

But to him, the South Bronx is past, and 90 new houses on 15 acres won't bring it back. "My total opinion? The Bronx is shot."

But Otha Mitchell sees a new beginning. A 50-year-old butcher, he lives with is wife and five children in a city housing project in Manhattan. He drove out after work one day to look at Charlotte Gardens, where he dreams of buying his first house.

"I've been paying rent all my life," he said. "I should've had one of these a long time ago. I was raised in the South. I never had a break. A lot of my buddies have houses like these."

Sociologists offer many explanations for the ruin of the South Bronx—the unemployment and poverty that became a way of life in the 1960s when 600,000 manufacturing jobs were lost: landlords who stopped caring; drugs; decisions by well-meaning but misguided planners in Washington.

But the people who come to look at the houses and reminisce, and perhaps imagine a future in one of them, seem mystified about the reasons for the area's decline.

"Damned if I know," said Willie Horne, 63, a retired city worker who moved to the neighborhood from North Carolina in 1939, "It just got burned out, burned up."

There are other signs of hope and a will to endure in the six-story apartment building that stands behind the two new houses.

Its 38 tenants held on when the others were fleeing. They rallied behind Harlem-born great grandmother Alice Myers, 73, and painted in huge black letters on one side of the building their message to the world: Last Hope.

Finally, last December, they were able to buy their building for $9,750. Now, the Last Hope is undergoing renovation, and the tenants have chosen a new name: New Hope.

Alice Myers has seen it all, the glory days and the destruction. "I saw it go down to the dogs," Myers said. "But now it's going to come back up."●

DEDICATION OF THE LEONIDAS S. EPPS GYMNASIUM—A TRIBUTE TO A FINE ATHLETE AND SCHOLAR

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. FOWLER. Mr. Speaker, it is a special pleasure for me today to pay tribute to Coach Leonidas S. Epps, a man who has dedicated 34 years of service to Georgia's and the Nation's youth. I am privileged to bring this man's achievements to the attention of my colleagues.

Coach Epps has combined his superb 34 year coaching career with academic excellence and community service. Following Coach Epps graduate education at Indiana University and a successful career at Gilbert Academy in New Orleans, he came to Clark College in Atlanta in 1949 as head basketball coach and assistant football coach. In addition to coaching basketball, he coached track, football, golf, and tennis. In all sports, Coach Epps has produced championships.

In 1977, Coach Epps resigned as basketball coach and he now serves as associate professor of education and athletic director at Clark College. Among his many honors, Coach Epps was one of the first inductees of the Atlanta University Center's Hall of Fame.

Clark College, in designating the Leonidas S. Epps gymnasium, honors and recognizes a man of considerable achievement and sensitivity to the needs of others. Leonidas Epps makes all Atlantans and Georgians extremely proud.●

BUSINESS EXECUTIVES FOR NATIONAL SECURITY OPPOSE MX

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. GREEN. Mr. Speaker, I recently received a letter from Business Executives for National Security, Inc.

(BENS) outlining the organization's opposition to the MX missile. BENS has concluded, "The military advantages of the MX are too questionable—and the security risks far too great—to merit any further spending on the production and deployment of this costly, marginal, and destabilizing weapon system."

BENS argues that the enormous cost of MX deployment will threaten our national well-being far more than any theoretical "window of vulnerability." The letter also concludes that the MX serves no useful military purpose and undermines U.S. interests by moving our country to a first-strike strategy. More than anything else, the Scowcroft Commission recommendation that we base the MX in vulnerable existing silos proves that "America's defense programs are not proceeding from a coherent long-range strategy for a strong national defense," and BENS urges Congress to reject MX now so that we may "break free of the pointless acquisition of every conceivable weapon."

BENS' letter, especially considering its source, provides an insightful contribution to the important MX debate now going on in this House. I ask that the letter be printed in the RECORD at this point.

BUSINESS EXECUTIVES
FOR NATIONAL SECURITY, INC.,
Washington, D.C., May 12, 1983.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR REPRESENTATIVE: On behalf of Business Executives for National Security (BENS), Inc., a national, non-partisan organization of business leaders committed to help boost America's fundamental national security, I would like to share with you our analysis of the President's proposal to spend at least $15 billion over the next five years to procure the MX missile system and to develop its basing mode. In order to ascertain whether clear and overriding military needs justify such a major expenditure, BENS has consulted a broad array of defense experts and we have carefully reviewed many relevant documents, including the Report of the President's Commission on Strategic Forces. BENS has now concluded that the military advantages of the MX are too questionable—and the security risks far too great—to merit any further spending on the production and deployment of this costly, marginal, and destabilizing weapon system.

In the first place, it is critical that the economic dimension of our national security receive close attention. Bernard J. O'Keefe, Chairman of the National Association of Manufacturers and Chairman of E G & G, Inc., a Fortune 500 corporation with important defense contracts, wrote in this month's issue of Enterprise, "The spiral that is choking our economy must be broken. The place to start is with the deficit. Critics claim that [cutting the deficit by reducing the federal budget] will adversely affect our well-being and our national defense. To the contrary, our well-being and our national security will be better served by a strong and viable economy." O'Keefe, an expert on the Soviet Union, observed in a recent interview that the MX system "is unnecessary and should be scrapped." BENS agrees.

The value of the Scowcroft Commission's Report is in the criteria it provides for your decision on the MX. The Report recommends a worthwhile new approach for reviewing all of our strategic arsenals. The Report proposes the following: that arms control and weapon modernization efforts be linked; that "our words, policies and actions should all make clear the American conviction that nuclear war, involving few or many nuclear weapons, would be a tragedy of unparalleled scope for humanity"; that force comparisons should center on warhead levels, rather than launchers; that we should make every effort to move away from MIRV's; that stability should be the primary objective of our arms control and modernization programs; and that, as a basic prerequisite to the prevention of nuclear war, all such programs must proceed from a realistic assessment of the Soviet Union as a militaristic regime which will respond to our actions accordingly.

We are disappointed that the Scowcroft Commission has failed to apply these wise criteria rigorously to the MX itself. BENS has concluded that the MX meets none of the above standards established by the Commission.

By proposing that the MX be placed in a situation of greater vulnerability, warhead for warhead, than our existing land-based arsenals, the Commission has effectively demonstrated the impracticality of the MX system. Is the MX to be simply a "bargaining chip" in the START negotiations currently underway in Geneva? We can find no evidence of this in Administration statements. How then will the MX have the positive effect on arms control the Commission calls for? Even if the MX were conceived of as a future negotiating point, recent history abounds with examples of expensive bargaining chips—like the multiple warhead technology—on which the bargainers could never quite come to terms. Many such weapons are now permanent fixtures of U.S. and Soviet arsenals. If we produce the MX, we can be certain that the Soviet military will respond in kind—either by moving to a hair-trigger launch-on-warning posture or by further developing their arsenal of "first-strike" weapons.

If deterrence cannot be bluffed, as the Commission argues, and if we must be prepared to use those weapons which we deploy, then producing and deploying the MX will announce to the world that the United States is preparing to launch a first strike against the Soviet Union. Whether or not such a first strike without retaliation could ever be a feasible option—and recent reports in Physics Today and Scientific American lead us to question whether it could—escalating our first-strike arsenals can only undermine our efforts to demonstrate that the United States will not tolerate nuclear war in any form. And it can only encourage other nations to develop nuclear weapons.

BENS applauds the Commission's aim of achieving a broad consensus on our national security. Defense experts and business leaders alike are disturbed that America's defense programs are not proceeding from a coherent long-range strategy for a strong national defense. Our economic and military strength is suffering as a result. Experts as diverse as General Maxwell Taylor, former Chairman of the Joint Chiefs of Staff, Adm. Stansfield Turner, former Director of the Central Intelligence Agency, William Van Cleave, Former director of President Reagan's defense transition team, and Adm. Elmo Zumwalt, former Chief of Naval Operations and a member of the Joint Chiefs of Staff under President Nixon, have called for a halt to development of the MX, citing its dubious military benefits and its enormous costs. Indeed, the MX is a prime example of a program that will be so destabilizing as to pose a threat to the security of the very country it purports to protect.

The upcoming authorization and appropriation votes on the MX will provide critical tests of Congressional resolve to act in the best interests of the United States in matters vital to our national defense. Rather than bowing to institutional momentum and the sheer availability of the MX, BENS asks you to choose a commonsense alternative for America. Vote no. Let us break free of the pointless acquisition of every conceivable weapon, no matter how expensive or marginally useful it may be. In the interest of restoring our fundamental national security, I strongly urge you, on behalf of business executives throughout the country, to vote against appropriating any further funds to the production and deployment of the MX.

Sincerely,

STANLEY A. WEISS,
President, Business Executives for National Security, Inc., Chairman, American Minerals, Inc.●

DRAFT LETTER OF CONGRATULATIONS TO REPRESENTATIVE RICHARD BOLLING

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. DYSON. Mr. Speaker, I join my colleagues today in offering our gratitude to our distinguished friend from Missouri's Fifth Congressional District. RICHARD BOLLING has had an outstanding 34-year career as a Member of Congress. For the 17 terms he has served in the House of Representatives, RICHARD BOLLING consistently demonstrated his unwavering dedication to our system of representative government. As a seasoned legislator he exhibited an unlimited resolve to do what he believed was right. In developing a most distinguished congressional track record over the years, he will be thought of particularly as an effective, trusted, and responsive chairman of the House Rules Committee. In his capacity as the steward of House rules, he remains a central figure in setting the legislative agenda for the House, after presiding over major efforts to reform the House committee structure in the 1970's.

In addition to his remarkable achievements as an able legislator, RICHARD BOLLING is also an author of notable repute. He has penned two first-rate books based on his experience in Congress: "House Out of Order" and "Power in the House." RICHARD BOLLING has certainly been a

figure of great value in and out of the House of Representatives over the past 3½ decades. For his dedication and commitment, we salute RICHARD BOLLING. For his invaluable contributions and astute achievements, we congratulate him today and wish him all the best in the future.●

THE PRESIDENT SPEAKS OUT ON SMALL BUSINESS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. BROOMFIELD. Mr. Speaker, on May 14, the last day of this year's observance of Small Business Week, President Reagan made his regular radio broadcast to the Nation a tribute to small businesses.

It certainly pleases me that the administration places high priority on the importance and accomplishments of this vital sector of our economy. Although he speaks on behalf of all small businesses, I like his mentioning for special tribute those he calls the forgotten heroes. These are the successful entrepreneurs that ask only that they have conditions that will allow them to prosper and that they have only proper incentives and opportunities for new ventures.

As a member of the House Small Business Committee, I can attest that the administration adheres to the adage that "deeds speak louder than words." In addition to the "victories" the President cited in his speech, I would like to add his effort to make the U.S. Small Business Administration more beneficial.

In his radio broadcast, the President voiced a strong commitment to do more for small businesses. He is not content to rest on past accomplishments.

Mr. Speaker, I think this is one of the most important speeches the President has given in his radio broadcast series and an informative and commendable tribute to small businesses.

The speech follows:

RADIO ADDRESS BY THE PRESIDENT TO THE NATION, CAMP DAVID

THE PRESIDENT: My fellow Americans, this is the last day of Small Business Week. So I'd like to mark the occasion by speaking about the importance of entrepreneurs and how we are trying to help them.

When you think about it, every week should be Small Business Week, because America is small business. Small firms account for nearly half our jobs. They create some 60 percent of new jobs. And they're on the cutting edge of innovation, providing products and ideas for the future. Everything from ballpoint pens to FM-radios, automatic transmissions and helicopters was conceived in the minds of entrepreneurs, men and women who had the spirit to dream impossible dreams, take great risks, and work long hours to make their dreams come true.

In his book, Wealth and Poverty, George Gilder wrote, ". . . most successful entrepreneurs contribute far more to society than they ever recover. And most of them win no riches at all. They are the heroes of economic life. And those who begrudge them their rewards demonstrate a failure to understand their role and their promise." Well, he's right. Too often, entrepreneurs are forgotten heroes. We rarely hear about them. But look into the heart of America, and you'll see them. They're the owners of that store down the street, the faithfuls who support our churches, schools and communities, the brave people everywhere who produce our goods, feed a hungry world, and keep our homes and families warm while they invest in the future to build a better America.

That word "invest" helps explain why entrepreneurs are a special breed. When small business people invest their money, they have no guarantee of a profit. They're motivated by self-interest. But that alone won't do the trick. Success comes when they can anticipate and deliver what you, the consumer, wants and do it in a way that satisfies you. As Gilder points out, entrepreneurs intuitively understand one of the world's best-kept secrets: capitalism begins with giving. And capitalism works best and creates the greatest wealth and human progress for all when it follows the teachings of scripture: give and you will be given unto . . . search and you will find . . . cast your bread upon the waters and it will return to you many fold.

In the Parable of the Talents, the man who invests and multiplies his money is praised. But the rich who horde their wealth are rebuked in scripture. True wealth is not measured in things like money or oil, but in the treasures of the mind and spirit. Oil was worthless until entrepreneurs with ideas and a freedom and faith to take risks managed to locate it, extract it, and put it to work for humanity. We can find more oil and we can develop abundant supplies of new forms of energy if we encourage risk-taking by thousands and thousands of entrepreneurs, not rely on government to horde, ration, and control. The whole idea is to trust the people. Countries that don't, like the U.S.S.R. and Cuba, will never prosper.

Entrepreneurs have always been leaders in America. They led the rebellion against excessive taxation and regulation. They and their offspring pushed back the frontier, transforming the wilderness into a land of plenty. Their knowledge and contributions have sustained us in wartime, brought us out of recessions, carried our astronauts to the moon and led American industry to new frontiers of high technology.

We came to Washington confident that this small business spirit could make America well and get our economy moving again. Well, it's working. And we want to keep on using that special principle of giving by putting America's destiny back into the people's hands, providing you new incentives to save, invest and take risks, so more wealth will be created at every level of our society.

We know small business is ready. That group fared better during the recent recession, laid off less workers than big business and will recover faster. Over the last two years, you heard about the high rate of small business failures. You heard about it over and over again.

What you didn't hear very often was that in 1981 a record 580,000 new businesses were formed. And 560,000 new enterprises were begun in 1982. They're the seeds of lasting recovery.

I think America's witnessing a renaissance in enterprise. And it's being nurtured by victories we've won—for example, reducing the regulatory burden; knocking down the rate of inflation by more than two-thirds; cutting more than in half the record 21.5 percent prime interest rate we inherited; passing a Small Business Innovation Development Act to direct millions of dollars in research funds to high-tech firms; passing the Prompt Payments Act to assure that small businesses dealing with the federal government get paid promptly; and, most important, providing solid incentives for new investment and risk taking by cutting personal tax rates, shortening depreciating schedules and sharply reducing estate taxes on family-owned businesses and farms

At least 85 percent of the 13 million small firms in America pay their taxes by personal rates, not by corporate rates. These firms will provide most of the new jobs to bring down unemployment. Any action that tampers with the third year of the tax cut or the indexing provision, which protects you from being pushed by inflation into higher tax brackets, would harm small business and send unemployment up, not down. That's why I must and I will veto any attack on the tax incentives.

They belong to you, the people. They're not the government's to take away. If the Congress wants to help us spur small business growth and jobs in depressed regions, it should pass our Enterprise Zones proposal. This could provide genuine opportunity for those in need. So, we hope there'll be no further delay.

Governments don't reduce deficits by raising taxes on the people. Governments reduce deficits by controlling spending and stimulating new wealth, wealth from investments of brave people with hope for the future, trust in their fellow man and faith in God.

Until next week, thanks for listening. And God bless you.●

NATIONAL POLICE WEEK

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1983

● Mr. LEVINE of California. Mr. Speaker, the week of May 15 has been declared "National Police Week" in honor of our Nation's policemen and policewomen. All too often, we forget to provide these brave men and women the recognition they deserve for the important role they play in helping to fight crime and insure the public saftey.

It is largely because of their efforts that the number of violent crimes committed last year declined by 4 percent nationally. It has been a long time since crime actually went down. It is my fervent hope that these recent figures indicate that we may, at last, have begun to win the battle against the hoods and thugs who have terrorized our neighborhoods for much too long.

I especially would like to recognize the law enforcement personnel of the cities of Santa Monica, El Segundo, Manhattan Beach, Redondo Beach, Hermosa Beach, Lawndale, and Los Angeles, and the Los Angeles County Sheriff's Department for the invaluable services which they provide to the residents of my district 24 hours a day, 365 days a year. It is very easy to take for granted the hard work and dedication of these fine people. Police Week is a much deserved tribute to them.

I would also like to pay special tribute to the families of police officers who have been killed in the line of duty. Their sacrifice, courage, and dedication serve as examples of the kinds of qualities which have helped make America a great Nation.

I join with my colleagues in paying this tribute to police officers throughout the country and particularly to those of southern California, who are undoubtedly the finest in the Nation.●

DICK BOLLING HONORED

HON. PETER W. RODINO JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. RODINO. Mr. Speaker, it is my privilege to pay tribute to our eminent former colleague, Dick Bolling of Missouri, on his receipt today of the Distinguished Service Award from the Association of Former Members of Congress. No one I know is more worthy of this distinction, for, even among his most illustrious colleagues, Dick Bolling was always outstanding.

When he retired last year at the peak of his career as chairman of the Rules Committee, this body lost one of its smartest and most courageous leaders.

Dick Bolling and I came to Congress together in 1949. He quickly established himself as a no-nonsense, effective legislator—one of great intellect, eloquence, and integrity. I soon came to regard this premier legislative strategist as a friend and confidant who always spoke his mind and never swerved from principle.

With all his bluntness and seeming brusqueness, Dick Bolling was a man of extraordinary compassion. In his three decades in the House of Representatives, he was constantly in the vanguard in the battle for not-always-popular reforms to bring about social justice for all our citizens.

Working tirelessly with Speaker Sam Rayburn, Dick Bolling, in the early 1950's, began building a coalition in Congress that produced the historic civil rights legislation of that decade and of the 1960's. And no one worked harder—or was more effective—than he, in securing passage of the Great Society programs under President Johnson. He was a most able representative of his Missouri constituency, but he would not sacrifice his judgment to their opinions as he fought to transform long-deferred dreams into reality for the poor and powerless: Equal job opportunity, decent education, housing and health care, basic nutrition, old-age security. I was privileged to work with him in many of these legislative battles.

In addition, the rules and the processes of this House stand as a monument to him. Early on, he mastered the workings of our system, and in the early 1970's, this mastry moved the Congress to alter its procedures to become a more effective and democratic legislature and more responsive to the needs of the citizenry. The 1974 Budget Reform Act, which he fashioned, has done more than any other reform to shape the way the House addresses national budgetary policy.

Dick Bolling knew the tremendous effect of this act when he stated: "Congress needed to balance its love of Federal spending with its distaste for levying taxes."

Many of us were unhappy with the way the budget process was used in the last 2 years. Today, others of us do not like the prospect of the tough decisions that process now demands.

I heartily urge that we not let this process, this legacy of Dick Bolling, wither away, as some seem to wish. We must not give up on the sytem because of the difficulty in resolving problems that are inevitable in a society of conflicting goals, competing values, and finite resources.

Dick Bolling is justly honored today by the Association of Former Members for his service to this institution and to the American people—for his contributions to democracy.

We in the Congress, can honor him further by striving to insure that the process for which he, more than any other, is to be credited is employed reasonably and responsibly.●

SYRIA, PLO MUST ACCEPT RESPONSIBILITY FOR WEST BANK PROBLEMS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. OBEY. Mr. Speaker, Syria and the PLO must take significant responsibility for the continued plight of the Palestinians and the future shape of the West Bank.

I have thought in the past and continue to think that the settlements policy being engaged in by the Begin government is a long range time bomb which threatens Israel, the entire Middle East, and the United States as well. I do not believe that new facts on the ground can overcome resentments and hatreds as deep as those which will be exploited by continued inability to reach some kind of compromise on the West Bank problem.

On the Lebanese front, I can understand Israel's getting fed up with the constant harassment and bombardment which it has had to endure from across the border. That, however, does not justify Israel's continued military advance to Beirut.

But Syria and the PLO, by their recent actions, have indicated a continued preference for screaming about present conditions rather than taking constructive risks to change them.

I met with Mr. Arafat a number of years ago to try to assess his flexibility and his willingness to take risks to achieve a lasting and just peace in the Middle East. Since that meeting, the question I have always had in my mind about Mr. Arafat is whether he would be willing, or able, in the end to take a risk for peace, as Mr. Sadat finally did, or whether he would fall back into the comfort of the status quo. It appears to me that we got an answer in the PLO's refusal to endorse King Hussein's entry into talks about President Reagan's peace initiatives on behalf of the Palestinians, and that answer was the wrong answer.

The question about Syria has been similar. The question has always been whether or not Mr. Assad, who has shown at times more flexibility than previous Syrian leaders, would in the end, along with his associates, be willing to do more to solve the problem of the Palestinians than just talk about it.

The Lebanese and West Bank problems are two different things, but I believe the longer it takes to build trust in Lebanon, the longer it will take to build the kind of trust needed to deal with the West Bank problem. Mr. Assad's refusal to even see Mr. Habib to discuss the Lebanese situation is regrettable and short sighted. It indicates a continuing and unfortunate tendency for Syria to avoid demonstrating the kind of long range vision that would make it easier to press all parties for more flexible positions on Middle East problems. Anyone who knows of my past statements on the Middle East knows that I do not support the Begin government's continued expansion of settlements on the West Bank for all the reasons I have mentioned earlier. But it needs to be said that Mr. Begin cannot fairly be viewed as the only obstacle to a fair resolution to a very serious human problem.

The Syrians and major elements of the PLO leadership have in the past been all too willing to use the existence of the Palestinian problem, rather than consistantly looking for ways that would in the end resolve

their plight. Their refusal to reasonably explore the possibilities for compromise on the West Bank issue and on the Lebanese front—even though the issues are different—means that expansion of settlements on the West Bank will continue and they must share major responsibility for that melancholy and dangerous fact. Their actions—or rather lack of action—at a crucial time places them in a historically tragic and morally unjustified position.●

THE 98TH CONGRESSIONAL SCOUTING SURVEY

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. CONABLE. Mr. Speaker, during each of the past eight Congresses, the Members of the House and Senate have been surveyed by the Boy Scouts of America to determine their participation in scouting, either as scouts during their youth, or as leaders.

This year I was asked to survey the Members and the information has now been compiled. I thank my colleagues for their participation and cooperation. I am placing the results of the survey in the RECORD, so they will be available to Members and others with an interest in scouting.

I am pleased to report that the percentage of Members who have participated in scouting has increased by 1 percent since the 97th Congress, continuing a welcome increasing trend.

The percentage of Members who have participated in scouting stands at 66 percent for the 98th Congress. The 353 Members who have participated are an increase over the 348 Members of the 97th Congress. Totals include 279 Members of the House and 74 Members of the Senate.

There is one more Eagle Scout in the 98th Congress than in the 97th. The House lost 7 Eagle Scouts from the 97th Congress, but gained seven new Eagle Scouts. The Senate gained one new Eagle Scout.

The results of the survey follow:

98TH CONGRESSIONAL SCOUTING SURVEY

	Representatives	Senators	Total
Scout	194	51	245
Scout and leader	72	19	91
Leader only	13	4	17
Grand total	279	74	353

Percentage of Members who participated in scouting: 66 percent.

Percentage of Representatives who participated in scouting: 64 percent.

Percentage of Senators who participated in scouting: 74 percent.

Percentage of Members in 97th Congress who participated in scouting: 65 percent.

98TH CONGRESSIONAL SCOUTING SURVEY—EAGLE SCOUTS AND OTHERS

	Representatives	Senators	Total
Eagle Scout	32	8	40
Silver Buffalo recipients	0	3	3
Silver Beaver recipients	3	4	7
Silver Antelope	2	4	6
Grand total	37	19	56

EAGLE SCOUTS

SENATE

Mark Andrews, N. Dak. (R).
Lloyd Bentsen, Tex. (D).
Bill Bradley, N.J. (D).
Thad Cochran, Miss. (R).
Chic Hecht, Nev. (R).
Richard Lugar, Ind. (R).
Sam Nunn, Ga. (D).
Warren Rudman, N.H. (R).

REPRESENTATIVES

Gary Ackerman, N.Y. (D).
Bill Alexander, Ark. (D).
Ike Andrews, N.C. (D).
Doug Barnard, Jr., Ga. (D).
Charles Bennett, Fla. (D).
John Bryant, Tex. (D).
Bob Carr, Mich. (D).
Barber B. Conable, Jr., N.Y. (R).
Jim Cooper, Tenn. (D).
William Dannemeyer, Calif. (R).
Hal Daub, Nebr. (R).
John Duncan, Tenn. (R).
Don Fuqua, Fla. (D).
Richard Gephardt, Mo. (D).
Dennis Hertel, Mich. (D).
Dan Marriott, Utah (R).
John Murtha, Pa. (D).
James R. Olin, Va. (D).
Charles Pashayan, Jr., Calif. (R).
William Patman, Tex. (D).
Donald Pease, Ohio (D).
Claude Pepper, Fla. (D).
J. J. (Jake) Pickle, Tex. (D).
Jim Rowland, Ga. (D).
Eldon Rudd, Ariz. (R).
Richard Schulze, Pa. (R).
Philip Sharp, Ind. (D).
Ike Skelton, Mo. (D).
Christopher Smith, N.J. (R).
Robert F. Smith, Oreg. (R).
Larry Winn, Jr., Kans. (R).
Gus Yatron, Pa. (D).

SILVER BUFFALO

SENATORS

William Cohen, Maine (R).
Sam Nunn, Ga. (D).
Malcolm Wallop, Wyo. (R).

SILVER BEAVER

SENATORS

John Glenn, Ohio (D).
Mark Hatfield, Oreg. (R).
Sam Nunn, Ga. (D).
Malcolm Wallop, Wyo. (R).

REPRESENTATIVES

Floyd Spence, S.C. (R).
Larry Winn, Jr., Kans. (R).
George Wortley, N.Y. (R).

SILVER ANTELOPE

SENATORS

Wendell Ford, Ky. (D).
Mark Hatfield, Oreg. (R).
Sam Nunn, Ga. (D).
Malcolm Wallop, Wyo. (R).

REPRESENTATIVES

Duncan Hunter, Calif. (R).
George Wortley, N.Y. (R).

MEMBERS' SCOUTING PARTICIPATION BY STATE

NOTE.—Scout denoted by "S" Adult Volunteer denoted by "L" Scout and Leader denoted by "S" and "L".

ALABAMA

Sen. Howell T. Heflin (D), S.
Rep. William L. Dickinson (R), S.
Rep. Ronnie G. Flippo (D), S&L.
Rep. Richard C. Shelby (D), S.

ALASKA

Sen. Frank H. Murkowski (R), S.
Sen. Theodore F. Stevens (R), S&L.

ARIZONA

Sen. Barry Goldwater (R), S.
Rep. John S. McCain III (R), S.
Rep. Eldon D. Rudd (R), S.
Rep. Morris K. Udall (D), S&L.

ARKANSAS

Sen. Dale Bumpers (D), S.
Sen. David H. Pryor (D), S.
Rep. Bill Alexander (D), S.
Rep. Beryl F. Anthony, Jr. (D), S.
Rep. Ed Bethune (R), S.
Rep. John P. Hammerschmidt (R), S&L.

CALIFORNIA

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Sen. Alan K. Simpson (R), S&L.
Rep. Malcolm Wallop (R), S.
Rep. Dick Cheney (R), S.●

AMENDMENT TO H.R. 1590

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. DE LA GARZA. Mr. Speaker, during the consideration of the bill H.R. 1590 it is my intention to offer the following amendment:

On page 5, line 12, insert after the period the following: "If the President releases all of the wheat in the food security wheat reserve for the purposes specified in the Food Security Wheat Reserve Act of 1980, to the extent that stocks of wheat acquired by the Corporation are not adequate fully to replenish (as provided in the preceding sentence) the quantity of wheat from the reserve used for domestic food programs, the Secretary shall, notwithstanding the last sentence of section 302(b)(2) of such Act, use funds of the Corporation to acquire wheat through purchases from producers or in the market to complete such replenishment.".●

FOOD STAMP AND COMMODITY DISTRIBUTION AMENDMENTS OF 1983

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. MADIGAN. Mr. Speaker, today I am introducing a bill, on the request of the Secretary of Agriculture, that amends the Food Stamp Act of 1977. This bill contains proposals that are designed to:

Support the President's fiscal year 1984 budget by achieving approximately $800 million in savings;

Improve the administration of the food stamp program and restore full authority to Puerto Rico to design its own food assistance program; and,

Provide additional administrative funding for the commodity supplemental food program.

A section-by-section summary of the provisions of this bill follows:

SECTION-BY-SECTION SUMMARY FOOD STAMP AND COMMODITY DISTRIBUTION AMENDMENTS OF 1983

TITLE I—REFERENCES TO THE FOOD STAMP ACT OF 1977

Unless otherwise provided, all references in this bill are to the Food Stamp Act of 1977.

TITLE II—FOOD STAMP BUDGETARY REVISIONS

Section 201—Household definition

All persons who live under the same roof would be considered to be a single household, with certain exceptions.

Section 202—Thrifty food plan adjustments

The amounts of the thrifty food plan would be frozen at the current, October 1, 1982, levels through April 1, 1984. Subsequent adjustments will take place on April 1 of each year.

Section 203—Standard/shelter deduction

The current standard deduction, excess shelter deduction and the combined dependent care/shelter deduction would be eliminated. Instead a standard/shelter deduction would be available to all households. A separate dependent care deduction would be available and permanently capped at $115 per month.

Section 204—Standard earnings deduction

The current 18 percent earned income deduction would be replaced by a standard earnings deduction of $75 per month.

Section 205—Categorical eligibility for AFDC participants/simplified benefit Determinations

This section would provide categorical eligibility and simplified benefit determination for food stamp households, all of whose members are certified to receive AFDC payments.

Section 206—Work requirements and community work experience programs

This provision would establish greater conformity between the food stamp work requirements and those of the AFDC program. In addition it mandates a nationwide community work experience program (CWEP) for the food stamp program.

Section 207—State agency liability

The error rate sanction and incentive systems would be revised to hold states liable for the full amount of incorrect issuances (eligibility and overissuance errors) over three percent.

TITLE III—IMPROVING ADMINISTRATIVE PROCEDURES FOR THE FOOD STAMP PROGRAM

Section 301—Clarification of student eligibility

This section deletes the income exclusion for students' reimbursements. Current law concerning exclusion for education income, to the extent it is used for tuition and mandatory fees, remains.

Section 302—Technical amendment

The provision deletes the reference to an out-of-date section of the Immigration and Nationality Act. References to conditional entrant status would be deleted and replaced by references to refugee status.

Section 303—Treatment of food stamps under Federal housing assistance laws

This provision lifts prohibitions against considering food stamp benefits as income or resources under Federal housing assistance programs and against decreasing Federal housing assistance because of the receipt of food stamps.

Section 304—Redemption of coupons

This provision changes the definition of a financial institution to include all banks and savings and loan associations, not only those insured by FDIC or FSLIC.

Section 305—Expedited coupon issuance

The time frame in which state agencies are required to provide food stamps on an expedited basis would be changed from five calendar days to five working days.

Section 306—Improved wage matching

This provision corrects erroneous references to a section of the Internal Revenue Code. It also allows state agencies, with USDA approval, to base wage matching procedures on sources of information comparable to SSA files and state unemployment records.

Section 307—State administration of work registration and job search

This provision would amend the Act to identify administration of all work requirements as a required state activity and subject to the usual funding level.

Section 308—Stays of retailer/wholesaler disqualifications

The conditions appellant retail food stores and wholesale food concerns must meet in order to obtain judicial stays of administrative penalties are changed.

Section 309—Repeal of noncash benefit requirement for Puerto Rico nutrition assistance

The requirement that food assistance benefits in Puerto Rico be issued in a form other than cash, by October 1, 1983, would be deleted.

TITLE IV—ADMINISTRATIVE FUNDS FOR THE COMMODITY SUPPLEMENTAL FOOD PROGRAM

The bonus value of commodities will be included in determining the administrative cost ceiling for the commodity supplemental food program.

TITLE V—EFFECTIVE DATE

The effective dates for the provisions of the bill, except sections 205 and 207, would be prescribed by the Secretary, taking into account the need for orderly implementation.●

ANTI-ZIONIST COMMITTEE OF THE SOVIET PUBLIC

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. WOLF. Mr. Speaker, I want to express my serious concern and adamant opposition to the establishment of an Anti-Zionist Committee by the Soviet Public. This committee was set up to mask and conceal discrimination against Soviet Jews and the emigration obstacles they face.

A handful of Soviet Jews—eight to be exact—purporting to speak on behalf of Soviet Jews published a statement in the Communist newspaper Pravda criticizing international Zionism and accusing Israeli and other Jewish organizations of distorting Soviet policies. These persons do not represent the hundreds of Soviet Jews who have been falsely accused of crimes, repressed and refused emigration and subjected to internal exile.

I believe that this anti-Zionism drive launched in the wake of the World Conference of Soviet Jewry must be unanimously and loudly condemned by the United States. This statement and the creation of this committee seeks to weaken claims about persecution of Jews in the Soviet Union and to deny the existence of a Jewish question in the U.S.S.R. It is apparent that these actions are designed to counter and diffuse the impact of hard and sustained assaults made at the conference against Moscow's treatment of Soviet Jews.

We have witnessed many attempts in the past to make the process of applying to emigrate more difficult and the establishment of this committee has sent a new wave of fear throughout Soviet Jews. Many believe that the Anti-Zionist Committee foreshadows a Government-backed drive to persuade Jews waiting for exist visas to withdraw their applications and to dissuade others from applying.

Jewish cultural and religious activism which has become widespread since the early 1970's is the most important element sustaining the emigration drive. The advent of this committee suggests that the authorities may intend to restrict private Jewish religious and cultural activities. This plan reflects a determination to continue to enforce a recent sharp reduction in Jewish emigration.

The number of Jews allowed to leave the Soviet Union fell from a 1979 total of 51,320, to a 1982 total of 2,688. This is a drop of 95 percent in 3 years. In January 1983, only 81 Jews were permitted to emigrate. If this trend continues throughout this year only about 1,000 Jews will be allowed to leave Russia.

The suffering of refuseniks and prisoners of conscience cannot be denied or buried. The current attempt to influence Soviet Jews and silence the world outcry on their behalf should be seen for what it is: A propaganda device.

I urge Members of Congress to recognize how critical this human rights situation is and join me in voicing loud opposition.●

SOCIAL SECURITY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. McEWEN. Mr. Speaker, on March 9, we deliberated and cast our votes for a proposal that is purported to resolve the short-term and long-term shortfall of the Social Security System. While I commend the Bipartisan Social Security Commission for providing an outline for a short-term solution, unfortunately, they did not provide a viable method to close the long-term deficit. Although I am committed to the necessity of restoring solvency to the social security system, I could not in good conscience support this legislation.

Social security is a vital program for all Americans, and we must face this important issue carefully and responsibly if we are to insure future benefits. I believe that H.R. 1900 was merely a bellwether of higher taxes, unsafe margins of security in the trust funds, and continued requests for general revenue funding down the road.

This bill penalizes those who save, and rewards those who do not, it discourages the spouse of a disabled person from earning beyond the income threshold, thereby causing a reduction in benefits, it imposes a "means test" for social security beneficiaries, and it disrupts the historic parity between the tax treatment of employee and employer.

A far-reaching precedent is established for the social security system by this bill. The "earned right concept," on which the system was based, is undermined by a massive infusion of General Treasury funds through direct and indirect transfers. The self-sustaining principle of social security is dismantled through the use of these funds, and we have lost any hope of returning social security to its proper role as a floor of protection.

These changes are a dramatic deviation from the discipline of a self-contained system, which was recognized by Franklin Roosevelt as the essential component in the original design of the social security program. Make no mistake, I am totally committed to the necessity of restoring solvency to the social security system upon which so many Americans depend. I am not, however, willing to abdicate my principles of responsibility. We owe more to the elderly and to our children and their children.●

SOLOMON OUTLINES U.S. STAKES IN CENTRAL AMERICA

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SOLOMON. Mr. Speaker, on Wednesday, April 27, 1983, President Ronald Reagan made an elegant and urgent plea to the Congress and the American people for a bipartisan effort to rescue the duly elected democratic Government of El Salvador. Since then, however, critics have questioned the size of the President's proposed commitment, as well as its value.

The Friday, April 29 edition of the Albany Times-Union contained an editorial that clearly outlines the stakes involved in Central America, and the need for American resolve.

The article follows:

[From the Albany (N.Y.) Times-Union, Apr. 29, 1983]

CENTRAL AMERICA

As President Reagan remarked to the Joint Session of Congress Wednesday night, it would be difficult to find many Americans who were not aware of the large stake the U.S. has in the Middle East or the Persian Gulf or in the security of Western Europe. But the same, unfortunately, cannot be said for Central America.

Mr. Reagan corrected that deficiency. In an eloquent address he laid before the American people the huge stake we have in all of the Americas, especially those countries just to the south of our border.

The President made his case not only by recalling the historic importance of Central America in world politics and by illustrating the importance of guaranteeing that Central America remain friendly to the U.S. He did so also by showing the importance the Soviet Union—through its agents the Cubans, the Libyans, the PLO—attaches to reducing our sphere of influence by establishing a foothold there.

The threat to Central America, and especially to El Salvador, is not only real, it's pressing. The Marxist regime in Nicaragua has been busy virtually since it was born trying to bring down its neighbors' governments, whether they be autocratic or democratic. Today it daily moves arms and supplies to the rebel forces in El Salvador, hoping to bring down a regime that, despite its numerous and serious faults, has been democratically elected.

If Nicaragua succeeds in bringing down all the governments in Central America it has its sights on, the whole of Central America may soon join Cuba and Grenada as bases for Soviet influence and activity. It is a prospect that would clearly pose a grave threat to our own security.

Our stake in Central America then is real. We cannot simply sit on our hands while our "sphere of influence" is gradually reduced. President Reagan did an admirable job of making that plain enough.

His four-fold plan to recover our influence and stem the Marxist contagion is likewise admirable, encompassing as it does, political, economic military and diplomatic strategies and goals. Instead of relying wholly on military might, Mr. Reagan wisely recognizes the need for "democracy, reform and human freedom" as well as economic development and social justice. He even announced that he is willing to settle the war in El Salvador through negotiations within that country and in conjunction with that country's neighbors.

The administration, in short, recognizes the immense importance of a free Central America, and has outlined an open-minded way the help insure that that is accomplished.

However, we cannot share Mr. Reagan's optimism either with the number and the extent of reforms he said have already been made in El Salvador or with his implied claim that we will never need to send American combat troops to that part of the world.

Though the first phase of El Salvador's land reform program has gotten under way, the mass of people in El Salvador, like the mass of people in most of Central America, continue to live in abject poverty while a select few wallow in riches. In addition, in spite of the recent progress reported on human rights, the Salvadorans are still subject to intimidation and even worse by their own government. If the present regime is to have any chance to grow to old age, it's going to have to move to get the support of the people it is meant to serve.

The economic problem, of course, is in itself a big enough challenge. As Sen. Christopher Dodd pointed out, it takes all the Central American countries one full year to produce the goods the U.S. produces in three days. This stark contrast nicely illustrates the commitment it will be necessary for us to make if we are to achieve the goals in El Salvador and Central America that Mr. Reagan has proposed.

Critics have charged that the Reagan stance toward El Salvador betrays an internal contradiction. If that part of the world is as vitally important to us as he insists, they say, then why can the President so confidently assure us that we will not send American combat troops there?

The critics make a good point. But perhaps Mr. Reagan is not contradicting himself so much as he is facing an unpleasant political fact. Namely, many Americans, even a majority, may not be willing to pay the terrible price that may be necessary to insure our security and freedom in this, our own hemisphere.

This nation has, after all, come a long way from the time when President John Kennedy could say that we would go anywhere and fight any foe in the name of freedom. Today most Americans may not be willing to send a single combat soldier to a hotly contested area that is closer to the U.S., in Mr. Reagan's apt comparison, than Massachusetts is to Texas.

We hope this nation hasn't, as some have suggested, lost confidence in what it believes or lost its sense of responsibility and mission, or, worse, its purpose and will. It may be necessary to pay a greater price to meet the Marxist challenge in Central America then we are being led to believe. But even that is not a prospect from which we can lightly shy away.

To prevent even this contingency, the U.S. should work to help bring about in El Salvador a government that we can support because it is supported by all the Salvadoran people.●

BUCKS COUNTY REFERENDUM

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. KOSTMAYER. Mr. Speaker, at the beginning of this legislative session, Mr. Speaker, I came before the House to introduce H.R. 826, a bill to designate a 21-mile segment of the Delaware River, running from Washington's Crossing, Pa., to Uhlerstown, Pa., as a component of the National Wild and Scenic Rivers System.

The need to preserve this portion of the middle Delaware still exists, but our efforts were given a solid boost by the people of Bucks County last Tuesday, May 17, when after months of open debate they voted in a referendum to terminate construction of the Point Pleasant Pumping Station on the Delaware.

When I introduced H.R. 826, one of the major reasons for my opposition to the pumping station was that the people of Bucks County had not been given the opportunity to vote on the issue. But in March a three-judge panel finally ruled that a referendum on the pumping station should be placed on the ballot for the May 17 primary. On Tuesday the people of Bucks opposed the pump, 55 percent against and 45 percent in favor.

Now that the wishes of the people of Bucks County are clear, I ask my colleagues to join me in preserving this historic section of the Delaware.

At the same time, I will work to build a consensus in Bucks County to develop benign alternatives to the Point Pleasant Pumping Station to satisfy our water needs. I welcome supporters of the pump to work with me to develop reasonable alternatives.

Tuesday's referendum shows us once again that you can fight city hall. The success of the referendum vote would not have been possible without the hard work of many concerned citizens, led by the organization Del-Aware. It is the people of Bucks County who deserve credit for this victory. In the end, it is the democratic process which has won in Bucks County, Mr. Speaker, and how appropriate that is for it is there in Bucks County that the process began in large part for us as a people more than two centuries ago.●

CONSERVATION OF WETLANDS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. FORSYTHE. Mr. Speaker, on March 23, 1983, I introduced, by request of the administration, a bill entitled "Protect Our Wetlands and Duck Resources Act of 1983" (POWDR). As I noted in my remarks on that date, the need to conserve wetlands for their value as critical wintering, breeding, and resting habitat for migratory waterfowl is critical.

In addition to providing recreational hunting opportunities to more than 8 million waterfowl hunters who spend between $100 and $500 each per year in pursuit of their sport, our Nation's magnificent migratory waterfowl also provide esthetic satisfaction to all.

Numerous other species find homes in wetlands, including mink, beaver, muskrat, raccoon, and nutria, which support a multimillion dollar per year fur-trapping industry. An estimated 66 percent of the Nation's recreational and commercially important fish and shellfish species, which contribute an estimated $7.5 billion annually to the Nation's economy, depend on coastal

marshes for at least part of their life-cycle. The collapse of commercial fisheries of northern pike, muskellunge, lake sturgeon, and whitefish in the Great Lakes basin has been correlated with degradation and destruction of wetlands.

Wetlands have other, perhaps even more valuable, functions. They slow the flow of water by storing flood peaks and releasing the stored water to the ground and to streams during low-flow periods. The Corps of Engineers, evaluating the effects of a 1955 hurricane on a river basin near Boston estimated that wetlands stored 50 acre feet of floodflows and reduced damage by approximately $1.2 million.

The capacity of wetlands to trap, filter, and decompose some toxic materials as well as silt and organics, and thereby recycle nutrients to the environment is well documented in the scientific literature. Indeed, wetlands have been used very successfully as a replacement for expensive advanced waste-treatment facilities for municipal wastewater.

Environmental economists estimate that wetlands contribute $20 to $40 billion per year to the national economy. We would need to pay at least $50,000 to $80,000 per acre to replace all of the functions that a wetland performs.

Approximately half of the 250 million acres of wetlands, which are estimated to have existed in the United States prior to our colonial period, have disappeared and the continued destruction of these areas poses a serious threat to the Nation's economy as well as its environmental well-being. The Fish and Wildlife Service has recently concluded that over the 20-year period, from the 1950's to the 1970's, there has been a net average annual loss of 458,000 acres of wetland habitat.

In the early 1950's, the Fish and Wildlife Service, the States, and the International Association of Fish and Wildlife Agencies set a goal for the protection of 12.5 million acres—8 million acres by the Federal Government and 4.5 million acres by the States—of waterfowl habitat needed to maintain populations that existed at that time. To date, 1.6 million acres of the Federal share are still necessary and remain to be acquired. The major source of Federal funding for wetland acquisition has been the migratory bird conservation fund. Established in the 1930's, this fund receives money from the sale of migratory bird hunting and conservation stamps, more popularly referred to as duck stamps, and advances from the wetlands loan fund. The Committee on Merchant Marine and Fisheries last week reported out H.R. 2395, and act to extend the authorization of the wetlands loan fund for an additional 10 years, thereby making available the $53 million remaining in that fund. A recent review of the revenues from duck stamps is somewhat alarming in that the annual receipt has dropped from a level of $16.5 per year in 1980 to an estimated $14.5 per year for the current fiscal year.

I believe that the demonstrated value and need for preservation of wetlands, coupled with the alarming decreases still in evidence, and a reduction in Federal acquisition of valuable habitat, requires us to take emergency actions at this time.

The POWDR legislation, which was proposed by Secretary Watt, is an important basis for discussing legislative needs and has stimulated and fostered much-needed debate. The POWDR task force which has recently been established as a Federal advisory committee serves as a focus for this debate. The Secretary is to be commended for his oft-stated willingness to work with the Congress and interested parties toward developing a reasonable, workable, aggressive wetlands protection program.

Since March, I have received a number of suggestions for improving the proposal and comments on potential problems or misunderstanding arising from its provisions. In response to that input, Mr. Speaker, today I have introduced a bill entitled "Emergency Wetlands Resources Act of 1983." My distinguished colleague, Senator JOHN H. CHAFEE of Rhode Island, has, I understand, introduced similar legislation in the Senate and is responsible in no small measure for much of the dedicated effort which has gone into the drafting of this bill. I believe that the Emergency Wetlands Resources Act is an appropriate and very positive response to the initiatives of Secretary Watt.

Title I of this bill, which is intended to augment the Wetlands Loan Act extension contained in H.R. 2395, provides for significant additional revenues for the migratory bird conservation fund. In a manner similar to that provided in POWDR, entrance fees for certain units of the national wildlife refuge system will be paid into the migratory bird conservation fund. I believe that this is an appropriate user fee, since the national wildlife refuge system provides rewarding opportunities for its millions of visitors per year. The price of a migratory bird hunting and conservation stamp—duck stamp—is raised gradually to $15 per year as opposed to the immediate increase contained in POWDR. For hunting years 1984 and 1985, the fee would be $10; for hunting years 1986 and 1987, $12.50; and $15 per year thereafter. Import duties now collected on arms and ammunition will be paid into the migratory bird conservation fund. Perhaps the most significant increase in revenues would be a transfer from the land and water conservation fund of $75 million per year for the 10-year emergency period ending in 1993.

Title II of the bill would provide for a cooperative Federal/State program for acquisition using up to $50 billion per year of the moneys contained in the migratory bird conservation fund. States wishing to participate would be reimbursed for up to 75 percent of the cost of approved projects. This provision is based in large part on the POWDR proposal.

Title III provides schedules and increased funding for the development of inventory maps by the Fish and Wildlife Service's national wetlands inventory project. The area which have been identified by the Service as top priorities would be required to be mapped by September 30, 1986, with the remaining portions of the contiguous United States mapped by September 30, 1988.

Title III also provides for the continuations of reporting to update and improve the information contained in the Fish and Wildlife Service's report entitled "Status and Trends of Wetlands and Deep Water Habitat in the Coterminous United States, 1950's to 1970's." This report has been particularly valuable in assessing the nature of our wetland loss.

The second section in title III contains a requirement to prepare, and submit to the Congress, a report regarding the causes of wetlands destruction and degradation with a special emphasis on the Federal statutory and regulatory mechanisms, including expenditures and financial assistance, which induce such losses. Also required in that report, to be submitted by September 30, 1985, are (1) a compilation and analysis of Federal expenditures resulting from wetlands destruction and degradation, an analysis of the environmental and economic impacts of eliminating or restricting future Federal expenditures and financial assistance, and recommendations for the conservation of wetlands resources based on an evaluation and comparison of all management alternatives. The POWDR bill, H.R. 2268, contains in title I a prohibition of certain new Federal expenditures within any component of the POWDR system mapped in accordance with that bill. I believe that the study provided for in the Emergency Wetlands Resources Act will provide much needed data and information to support decisionmaking on which Federal expenditures must be controlled, how to institute those controls, and whether or not the exemptions contained in POWDR are necessary and warranted.

Today, Mr. Speaker, in addition to soliciting the support of my colleagues for this necessary legislation, I am also soliciting their insights, views, comments, and discussion of the provisions of the act and any other appropriate

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measures which can and should be included.

There are several areas which I recognize need to be developed and are being pursued. First, neither this bill nor POWDR include any mechanisms which would enlist the private sector's assistance in preserving valuable wetlands in the form of new and innovative tax incentives to encourage a landowner or his estate to give or sell qualified property or conservation easements. It is also necessary to review the existing Internal Revenue Code to determine if there are sections which presently provide incentives to drain wetlands. These should be carefully examined to determine if their deletion from the code would be beneficial.

Second, while this bill provides for a study of the economic and enviromental impacts of Federal assistance and expenditures on the destruction of wetlands, there may well be types of expenditures or assistance which could be productively prohibited at this time, without the need for further study.

Finally, the protective provisions contained in section 404 of the Clean Water Act are under a concerted attack intended to weaken them. Conversely, I believe that these provisions may well need to be strengthened in order to insure that the protection and preservation of wetlands remains a program of high priority.

Mr. Speaker, I look forward to the continuing dialog between the administration and my colleagues in the Congress concerning these vital interests. The Subcommittee on Fisheries and Wildlife Conservation and the Environment will be scheduling hearings for the latter part of June to discuss these and other associated legislative proposals.●

A TRIBUTE TO WILBERTA LEEANN CHINO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. RICHARDSON. Mr. Speaker, we can all be proud of the many young men and women who have completed their high school educations. During this time of graduations, I want to share with my colleagues the story of a special high school student in my district.

Wilberta Leeann Chino will graduate from the Santa Fe Indian School in my district this week. She will receive the honor of being named the outstanding student of the year.

Wilberta Leeann has earned several academic distinctions during her high school years. Her involvement, interest, and participation in the Santa Fe Indian School theater arts program has won her State recognition as the recipient of this year's coveted Mark Medoff Scholarship for the Dramatic Arts. I know that Wilberta Leeann will gain the special skills she needs to reach her goal as a professional actress when she begins her college career at New Mexico State University this fall.

Wilberta Leeann will also receive the Acoma Pueblo Scholarship for the 1983 academic year. She has been an active member of the Acoma Pueblo community participating in traditional dances and ceremonies. She was a team leader for the Acoma Pueblo youth recreation program.

Mr. Speaker, Wilberta Leeann's many fine personal achievements serve as a shining example and inspiration to young people in her community and in the State of New Mexico.●

INTRODUCTORY STATEMENT FOR CONABLE-SHANNON BILL TO ENCOURAGE GIVING TO FOUNDATIONS

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SHANNON. Mr. Speaker, throughout this century foundations have played a special and vital role in responding to the needs of our society. However, present tax law restrictions on giving to private foundations are eroding foundations' capacity to make similar contributions in the future. A bill that I introduced on May 18 with Mr. CONABLE and Mr. GEPHARDT, H.R. 3043, will eliminate these restrictions and thus help insure that foundations will be able to continue their important philanthropic work.

To appreciate the importance of this bill, one need only consider some of the ways in which our lives might be different if foundations did not exist. For example, without foundation-funded medical research we might well still be living with typhus, malaria, hookworm, and a variety of other major diseases. Without sustained foundation funding, the thousands of black college students who have attended the colleges served by the United Negro College Fund might have been denied an education and the opportunity for fuller participation in American life. Without massive foundation grants, public television in this country might have died in its infancy. The list of foundation contributions to our society goes on and on and on. Without foundations the quality of our lives would be reduced and the justness of our society diminished.

All who share my belief in the importance of foundations must also share my concern about the decline in foundations' grant-making capacity. Since 1969 the birthrate of new foundations has dropped by two-thirds, and the value of foundation assets measured as a percent of GNP has fallen by over 40 percent.

These alarming trends stem largely from the unfavorable tax rules applicable to lifetime gifts to foundations. For example, under present law if a donor gives stock purchased for $10 and now worth $100 to a public charity he can deduct $100; if he gives the same appreciated property to a foundation he can deduct only a fraction of this amount. Other aspects of current law likewise discourage gifts to foundations.

These discriminatory tax rules are an unfortunate anachronism. As the legislative history makes clear, enactment of these restrictions reflected congressional concern that, under the law as it existed prior to 1969, some foundations were not using their resources actively and exclusively in the public interest. However, in 1969 Congress addressed these concerns directly by subjecting foundations to a comprehensive set of legal restrictions—including requirements that foundations make specified annual distributions for charitable purposes and comply with stringent prohibitions on dealings with related parties. These rules guarantee that all funds given to private foundations will be used for public purposes.

Accordingly, the restrictions on giving to foundations are no longer needed and should be repealed. H.R. 3043 accomplishes this objective by making contributions to foundations deductible on the same basis as gifts to other charities.

Mr. Speaker, this bill represents a major step toward insuring the continued vitality of foundations and their continued ability to respond to society's ever-changing needs. The bill also eliminates four important technical problems with the existing private foundation rules.●

AMERICA IS PAYING FOR JAPAN'S DEFENSE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. ASPIN. Mr. Speaker, each year the Reagan administration asks for large increases for defense. This is followed by an announcement from Tokyo that Japan will increase its defense spending by an infinitesimal amount.

Put succinctly, Americans are paying for Japan's defense.

The Japanese decision is quite rational. Why should it spend more on defense when it can count on Wash-

ington to shoulder the burden alone? Right now, Japan, with the second largest economy in the world, spends 0.9 percent of its gross national product on defense. The United States already spends 6.2 percent and President Reagan wants to hike that by 25 percent over the next 5 years.

The money Japan and other allies do not spend on defense is being used to outdo us in the free market that we are spending huge sums to defend. We are paying to preserve the freedom of others, which is fine, while others are investing their money to improve Toyota's and Sony's and undercut our products, which is not so fine.●

HONORING THE VOLUSIA COUNCIL OF GOVERNMENTS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. CHAPPELL. Mr. Speaker, I rise today to honor the Volusia Council of Governments. The council is made up of participating governments in Daytona Beach, Daytona Beach Shores, DeLand, Edgewater, Holly Hill, Lake Helen, New Smyrna Beach, Oak Hill, Orange City, Ormond Beach, Pierson, Ponce Inlet, Port Orange, South Daytona, and Volusia County.

The Volusia Council of Governments documentary film "The Clean Water Crisis" won first place at the recent American Planning Association's national conference in Seattle. The Volusia Council of Governments was the only planning agency in the competition. The winning film was made with a small staff, using employees as actors, a bare minimum budget and outdated equipment; yet this film withstood competition from professional filmmakers and films made with far greater financial backing.

It is an honor to represent creative and productive governments on the national level. I would respectfully like to enter into the RECORD, supporting data concerning this remarkable and laudable achievement:

SEVEN WINNERS ANNOUNCED IN PLANNERS VIDEO FESTIVAL

(The APA Information Division announces winners of its First Annual Planners Video Festival, and also the program for its Planners Video Theatre at Seattle Center. Special closed-circuit viewing facilities will assure multiple showings of all tapes during the National Conference. For exact schedules and more details, consult the Planners Video Theatre marquee in the Exhibition Hall.)

SEATTLE, WASH.—Seven productions were named winners of the First Annual National Planners' Video Festival, which debuted at the annual conference of the American Planners Association here April 16.

Top prize for documentaries went to "Stormwater Runoff: The Cleanwater Crisis," an 18-minute tape produced by the Volusia Council of Governments (metro Daytona Beach, FL). Four second prize documentary winners were named from New York City's government access cable organization, the Channel L Working Group (CLWG); the University of Michigan; and the University of Southern California at Los Angeles. Two Public Service Announcements (PSAs) were cited, and 13 additional Certificates of Merit were announced by APA's Information Systems Division.

The Divison sponsored both the Festival and closed-circuit installation ("APA-TV: The Planners Channel") for the continuous exhibition of 11 hours of product at the Seattle Center conference site.

Second place documentary winners included: "Architecture and Video: Tool of the New Professional" produced by Amin Houry and Robert Wojcik to highlight activities of the University of Michigan's video planning "laboratory"; "Environmental Modelling: A Case Study," a UCLA Master's Thesis production by Susan Cloke highlighting participatory planning techniques for farmworker housing in South Texas; and two productions of CLWG: "Community Gardens and Open Space," produced with the New York City Council on the Environment to highlight four urban revitalization projects, and "Loisada: A Movement on its own Accord," a widely-acclaimed video-verité look at innovative neighborhood renewal strategies on Manhattan's Lower East Side.

CLWG also swept first and second places in the PSA category for two "spin-off" productions from the "Community Gardens . . ." piece.

The 13 Certificates of Merit went to planners, students, government agencies and community groups in Massachusetts, California, Pennsylvania, Florida, New York and Louisiana (see attached list).

Festival co-chairs Philip B. Wallick and William F. Rushton described the event as "a major breakthrough in promoting planner use of video." Wallick, Assistant Executive Director of the New York City Department of City Planning, and Rushton, Special Assistant to the Electronic Technology Task Force of the Port Authority of New York and New Jersey, are—respectively—Chairman of APA's Information Systems Division and editor of its quarterly newsletter.

Jurors included Galen Cranz, a sociologist and Associate Professor of Architecture at the University of California, Berkeley; Eva Hanhardt, planner and community organizer for the Community Service Society of New York; Lillian Jimenez, Program Coordinator for the Film Fund and board chairperson of the Foundation for Independent Video and Film; Dr. Floyd Lapp, AICP, Executive Director of the Kingsbridge-Riverdale-Van Cortlandt Development Corporation, Bronx, NY and Chairman of the American Institute of Certified Planners Commission; Shirley S. Passow, long-time APA member and Special Assistant to the Commissioner of Finance for the City of New York; and Stuart Turner, AICP, a member of the firm Raymond, Parish, Pine and Weiner, Inc., White Plains, NY.

The jurors warmly commended all entrants for their efforts, and urged more planners to learn or continue to develop their visual communication skills.

FIRST PRIZE, DOCUMENTARY

"Stormwater Runoff: The Clean Water Crisis"—18:34 (July, 1982). Produced by the Volusia Council of Governments, including 15 governments in the county surrounding Daytona Beach, Florida. Great balance of information, aesthetics, science and art in this well-paced look at stormwater runoff pollution and its impact on Florida's delicate ecology and the lifestyle dependent on its maintenance. Has had television, library and civic club showings.

SECOND PRIZES, DOCUMENTARY

"Architecture and Video: Tool of the New Professional"—38:00 (September, 1979). Produced by Amin Houry and Robert Wojcik, in part with a grant from the University of Michigan, to document video use in all areas of architecture, urban and interior design, focusing on research by an interdisciplinary faculty team and a well-displayed laboratory facility available to them.

"Community Gardens and Open Space"—28:00 (Summer, 1979). Intern Producer Pat Cadavid for the New York City Council on the Environment and the Channel L Working Group, Inc. Documentary visits to four Manhattan restful spaces reclaimed from vacant lots. See also public service announcement category, where spin-offs from this production won top honors.

"Environmental Modelling: A Case Study"—23:00 (June, 1982). UCLA Master's Thesis production by Susan Cloke (Graduate School of Architecture and Urban Planning), in cooperation with Department of Media Instruction. Documentary on participatory techniques used by student-faculty team for union-owned farmworker housing in South Texas.

"Loisada: A Movement on Its Own Accord"—28:00 (1979), Intern Producers George Pessin and Edgar Price for the Channel L Working Group, Inc. Videpverite documentary of the East 11th Street Movement, an experiment in sweat-equity financing of housing rehab, with solar technology, and basement aquaculture, featuring original local music. First Place Winner, Documentary Category, 1980 "Hometown USA" Festival sponsored by the National Federation of Local Cable Programmers.

FIRST PRIZE, PUBLIC SERVICE ANNOUNCEMENT

"Dome Project"—2:00 (Summer, 1979). PSA promoting the use of a community space included in "Community Gardens and Open Space" documentary by Channel L Working Group and New York City Council on the Environment, Pat Cadavid, Intern Producer. Is played on access channels and can be inserted into vacant local "avails" on ad-supported satellite cable services.

SECOND PRIZE, PUBLIC SERVICE ANNOUNCEMENT

"Ninth Street Garden"—2:00 (Summer, 1979). PSA promoting the use of a community space included in "Community Gardens and Open Space" documentary by Channel L Working Group and New York City Council on the Environment, Pat Cadavid, Intern Producer.

CERTIFICATES OF MERIT

"Air Rights Over New York"—58:00 (Winter, 1982). Produced by Intern Michael Routh for Metro New York City Chapter, APA, in cooperation with Channel L Working Group. Straight meeting coverage of the "aim the camera and roll tape" variety, featuring a panel moderated by Chapter Chairman George Raymond.

"Around the Highlands"—21:45 (November 3, 1982). Executive producers Newton Highlands Community Development Corporation and Director George E. Mansfield AICP with Meg Mansfield, Marcia Novak and Nancy Partiacca, in cooperation with the graduate program in Community Planning and Development at the University of

Rhode Island. Newsmagazine-format episode from a weekly cable access series started in this Boston suburb in May, 1982, focusing on affordable housing options, congregate housing for the elderly, and other local issues, and supported in part by a grant from the Newton Cable Television Foundation.

"Community Development Block Grant Fund"—28:00 (December 16, 1982). Debut production by Iowa City, Iowa's Community Development Block Grant staff for the Committee on Community Needs, primarily for cable distribution. Panel discussion followed by brief on-site visits to community projects-in-process.

"Dial-A-Ride"—1:05 (May, 1982). PSA for Dial-A-Ride services in the City of Modesto, California, produced by John Herrick with Mike Herrero, Bonnie Long and Larry Shanklin. Played during intermissions of televised Modesto City Council meetings, and on the local public access channel.

"Floodplain: The Path of Nature's Power"—20:04 (December 20, 1982). Executive Producer Peter C. DiBacco for Pennsylvania Department of Community Affairs. Documentary on floodplain management with historical footage of floods, alternative control measures, current efforts. "Good visual & musical background," our jurors say.

Glorietta Bay Beautification Project"—27:40 (Summer, 1981). Produced by Tim Broderick and Valorie Wiggins for City of Coronado, California. Documentary on Master Development Plan for the city's historic waterfront prepared by Jim Burns/POD, Inc./Moore Ruble Yudell.

"Honey Locust POD Gall Midge"—1:45 (June, 1982). PSA on tree pest by John Herrick with Peter Cowles for the City of Modesto, California.

"H.P.O Alumni Show, 1982"—12:59 (December, 1982). Executive producer John Herrick with Harry Demmel and Steve Hallacy for the City of Modesto, California. These guys actually did this for the annual joint meeting of the City Council, Planning Commission, and Department of Planning and Community Development, to review the progress of the year, and are apparently all still employed—to the hilarious amusement of our jurors, who unanimously admired its valor and panache and demanded to be put on the circulation list for the 1983 edition.

"North Beach: A Time to Choose"—10:22 (December 21, 1982). Executive producers Christopher Cutro, Principal Planner, and Vicki E. Silver for the City of Hollywood, Florida. Narrated slide show transferred to tape for presentation to the Governor, Cabinet aides and State staff to urge purchase of North Beach, the last natural dune system left in Southeast Florida, under Florida's Save Our Coast Program. Producers claim presentation "played a part in a commitment of $42.6 million dollars to purchase North Beach."

"Planning in Action"—30:52 (May 12, 1982). Executive Producer, Writer and Director Roberts Zucker Catalinotto in cooperation with Global Village and Gibbs and Hill, Inc. Documentary prepared for cable distribution on three planning projects, including aid by Gibbs and Hill, including a proposed "Plating City" to rescue the troubled electroplating industry of Brooklyn, New York's Bushwick section; foster care for the elderly; and neighborhood preservation on the edges of the South Bronx.

"The Time of the Senate: The Eighties and Beyond"—11:28 (November, 1982). John Rials and Donna Irvin for the Senate of the State of Louisiana. Jazzy glimpse of the computer system that gives Louisiana lawmakers much wider information and planning possibilities.

"The Waterfronts of New York"—28:00 (Fall, 1979). Intern Producer Suzanne Rudloff for a joint production of Cornell Sea Grant Project and the Channel L Working Group, Inc. Soft documentary on water edge parks, ocean fishing from Brooklyn's Sheepshead Bay, the Fireboat House Environmental Center and other pleasures available to New Yorkers.

"What the City of Walnut Creek is all About"—15:38 (Spring, 1982). Debut production of Gary Binger, Community Development Director for the City of Walnut Creek, that explores this San Francisco bedroom community with a planner's appreciation of infrastructure. Produced and aired for access channel distribution over General Electric Cablevision of Walnut Creek, with free availability to local schools.

ALSO EXHIBITED

"APA Telecommunications Workshop"—58:00 (1982). Produced by William F. Rushton and American Television and Communications for the Information Division of APA. Debut documentary production of the Division, excerpting panel discussions and videotape presentations by seven planners plus audience participation during a 4½-hour marathon session in Dallas at last year's National Conference

"Community Planning Portfolio"—28:00 (Tape 1, April 28, 1978) and 58:00 (Tape 2, May 24, 1978). New York City Department of City Planning in cooperation with the Channel L Working Group, Inc. Pioneer use of government access channel for planning purposes. Tape 1 provided an educational introduction to the map and statistics portfolios being created for 58 grass roots "community planning boards," was moderated by then—City Planning Commission Chairman Robert Wagner, Jr., and was given the "Video jukebox" repeat treatment for one month over Manhattan's Channel L; Tape 2 provided an hour of phone-in discussion, and was moderated by Philip B. Wallick, proposed director.

"Legislative Commission on Science and Technology Presents: Telecommunications Deregulation"—58:00 (July 14, 1982). Intern Producer Vera Scalingi for Hon. Joseph Ferris, Chairman, Joint Legislative Commission on Science and Technology and the Channel L Working Group, Inc. Changes in telecommunications technology and public use and perception, and appropriate regulatory responses, are the subject of this cable phone-in panel discussion moderated by Assemblyman Ferris, and featuring telephone expert Gerald Oppenhiem of the New York Attorney General's office, and William F. Rushton, formerly Staff Director of the Telecommunications Advisory Committee to the Tri-State Regional Planning Commission.

"Zoning From A-Z"—28:00 each (1982). First three parts in a series being produced by Gwenn Wiesemann of the Channel L Working Group with the New York City Department of City Planning for use as training tapes for staff and the planner/student interns who provide liaison between DCP and 58 "community planning boards," and also for general audience showing over government access Channel L in Manhattan. Part 1, "History and Legislative Basis" and Part 3, "The New Midtown Zoning," are illustrated lectures hosted by DCP Counsel Norman Marcus and Midtown Development Project Director Richard K. Bernstein, respectively. "The Role of the Board of Standards and Appeals," is a talk-show featuring Marcus with Commissioner Sylvia Deutsch.●

CONSUMERS AND THE DEALERS' ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. MARKEY. Mr. Speaker, I rise today to oppose H.R. 1159, the Office Machine and Equipment Dealers Agreement Act, pending before Mr. FLORIO's Subcommittee on Commerce, Transportation and Tourism of the Energy and Commerce Committee.

The Dealer's Act is a classic piece of special interest legislation. Its effect would be to develop a unique set of anticompetitive and inequitable Federal regulations, aimed at providing market insulation for one segment of one industry: Certain office machine equipment dealers. It would work to the detriment of all other participants in this vital sector of the economy, harming consumers, manufacturers, wholesalers, and retailers.

I urge Members of the House to consider its one-sided, special interest provisions. It would give a dealer the power to demand from a supplier that any of its products—current or future—be distributed through his dealership. It would establish a new Federal cause of action if a manufacturer did not renew an expired dealership agreement. It would grant dealers an unprecedented Federal claim to compensation for "goodwill."

The cumulative impact of these and other features of the act would be the creation, in effect, of contracts in perpetuity between suppliers and dealers, enforced by the threat of expensive and time-consuming Federal litigation. The costs of this structure would be borne by consumers, who would see the litigation expenses passed along to them in the prices of the goods they buy, and who would suffer a loss of service and quality from dealers insulated from market practices.

The Dealers' Act runs contrary to our Nation's antitrust policy. Its anticompetitive, anticonsumer scheme would allow existing office equipment dealers to avoid market competition, while creating severe entry barriers for new firms, which might be able to better serve consumers. It would encourage large manufacturers to vertically integrate, forming chains of manufacturer-owned dealerships, in their efforts to avoid the legal hassle of haggling with independent dealers. It would be most harmful to America's newer and smaller high technology firms, which are in the greatest need of obtaining outlets for their products

and which cannot afford to open their own dealerships.

The act is opposed by a broad alliance of retailers, manufacturers, wholesalers, distributors, small business organizations, and consumer and public interest groups. A predecessor bill was strongly opposed last Congress by the Federal Trade Commission and the Justice Department's Antitrust Division. Supporters of the bill suggest that it is a remedy for the threats to our markets posed by Japanese manufacturers. It is nothing of the sort. The bill would, instead, severely harm American commercial interests, which have substantial shares in all of the office equipment markets covered by its provisions. My State, like many others, is benefiting from the competitive activity in today's equipment market. As evidence of this, I note that the entire Massachusetts congressional delegation, concerned about the disastrous effects the act would have on U.S. high technology firms, recently wrote Chairman DINGELL and urged that his committee not consider H.R. 1159.

The Dealers' Act, if passed, would be harmful to American manufacturers, wholesalers, retailers, and most importantly, consumers. It would wreak havoc on a segment of our economy that is expanding even in these difficult times. I urge my colleagues to oppose this bill vigorously.●

TEACHING AMERICANISM

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SOLOMON. Mr. Speaker, the American education system is under siege. The Commission on Excellence in Education points to the "rising tide of mediocrity" in our public school. Many advocate a return to basics and traditional values.

One basic that should be required is the teaching of American history, to give young people an appreciation of our constitutional government and our free enterprise system. Students should also be taught that there are those who would undermine the West through Communist totalitarianism.

Instruction in these important lessons is now required in the Florida public schools through a course entitled "Americanism versus Communism." I have read, Mr. Speaker, that this course is now being debated. I applaud those who would revitalize this course, and I sincerely hope that other States follow the lead of the great State of Florida.

Mr. Speaker, we must prepare students while they are in high school to withstand the assault they will receive in college classrooms that are dominated by professors who openly expouse Marxism and give it almost exclusive attention.

I wonder, Mr. Speaker, whether those who teach that Marx has a scientific theory of human history also teach that he has not been right on a single prediction. You would have better luck with a ouija board. And I wonder, Mr. Speaker, whether those who teach Marxism as a theory also point out its practical effect on the Soviet economy and imperialism.

The other side is rarely taught, Mr. Speaker, and academic freedom is a one-sided sham. That is why I believe that teaching American values should be included in America's return to traditional educational discipline. Thank you.●

LARSON CLAIMS MAJORITY OF RANCHERS, FARMERS IN CHEYENNE AREA FAVOR MX

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. CHENEY. Mr. Speaker, the Casper Star Tribune last week carried an interesting article by Phil White, and I wanted to bring it to the attention of my colleagues as we begin debate on the MX. In the article, State Representative Richard Larson of Albin, Wyo., indicates that most residents of his area have no objection to the MX. Albin is located in eastern Laramie County and is surrounded by Minuteman III silos, which are proposed for MX deployment. I think it is important for my colleagues to realize that the MX is supported by most southeast Wyoming residents, many of whom have lived near these silos for over 20 years. The article follows:

LARSON CLAIMS MAJORITY OF RANCHERS, FARMERS IN CHEYENNE AREA FAVOR MX

(By Philip White)

CHEYENNE—Wyoming State Sen. Richard Larson told a Capitol press conference Thursday that most southeast Wyoming farmers and ranchers support MX missile deployment in this area.

The 64-year-old Larson, R-Laramie, an Albin native and farmer, said the media has created a false concept, "that we who live and work in this area with missiles in our backyards are violently opposed to the MX."

He said "only one or two voices have been heard" from his area, referring specifically to Lindi Kirkbride, who ranches near Meriden and has been an outspoken opponent of the MX. Mrs. Kirkbride just returned Wednesday from a lobbying trip to Washington.

Larson said he had spoken to 50 of his "friends and neighbors" recently about the MX, "and not one of them" was opposed.

"This area is made up of patriotic, hard working, loyal people," he said. "I believe we are a people who desire to maintain our freedom at any cost. If it takes the MX, and all evidence says it does, to deter and defend against attack, to prevent blackmail and to negotiate arms reduction, we are for it.

"The very few vocal opponents of the MX do not represent the majority of the rural Laramie County residents and they should not try to represent that they do," Larson said.

"Mrs. Kirkbride, a very fine lady with a sacred right to her sincere opinions, is simply not speaking for all of us," Larson said.

He said the impact of MX deployment in Minuteman silos will be minimal and that he agrees with Gov. Ed Herschler's decision not to involve the Industrial Siting Council in the impact mitigation process.

"The environment, following completion of the installation, will be no different than it is today," Larson said, noting that an amendment he sponsored this year to the sales tax law "could bring millions" in sales taxes into Laramie County for impact mitigation.

He said, the inference that the State II water project and the MX are related "is absurd," but he called for federal funding assistance to bring more Colorado River Basin water to Laramie County through the State II and III projects.

When asked if he was concerned that MX deployment might be just the precursor of other and bigger missile development, Larson said, "We certainly aren't at this point."●

SALUTE TO NICK STIPANOVICH, PITTSBURGH LABOR LEADER

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. WALGREN. Mr. Speaker, today I want to salute a great leader in the American labor movement whose life's work has been service to others and who now is retiring.

On April 2, 1921, Nick Stipanovich was born in Pittsburgh, Pa., the son of Theodore and Amelia Stipanovich. The Stipanovich's made their home in the Arlington Heights section of Pittsburgh and Nick later attended South High School. After high school, Nick served in the U.S. Navy in World War II from 1942 to 1945. Always an imposing figure, Nick developed into quite a boxer in the service competing in the middleweight, light heavyweight, and heavyweight divisions. Without question, the crowning achievement of his boxing career came in Alaska in 1945 when he won the Navy heavyweight title.

In 1945, Nick married the former Josephine Dawida and started to work as an ironworker in Pittsburgh. Nick was always a hard worker and was soon widely respected for his ability and commitment to his fellow workers. In 1957, Nick was first elected as a business agent for Ironworker Local 3 in Pittsburgh. This was the beginning of over 17 years of service as the local business agent. As a true indication of the esteem and respect of his peers, in

1977, Nick became the business representative for the Building and Construction Trades Council of Pittsburgh.

It is in this capacity which so many people inside and outside of the labor movement learned about Nick's principles of fairness, dignity of the worker, and compassion and concern for all of those less fortunate in our society. All who deal with Nick, labor or management, elected official or private citizen, know him to be a fair and forthright man of his work. In every sense of the word, Nick exemplifies the meaning of the word "gentleman."

Nick is a dedicated family man and he and Josephine are the parents of one son and grandparents of one grandson. He has always given unselfishly of himself in church and community affairs, like Camp Variety, and everyone knows he will continue to stay active in these ways in his retirement.

Nick's colleagues will miss his daily presence and the skill and good humor which he brings to his work. The labor community in Pittsburgh will also miss Nick's guidance and counsel. And we, as elected officials, will miss Nick's candid advice and support when we needed it most.

Mr. Speaker, Nick Stipanovich has enriched all of our lives and we salute his many contributions to his community. We all realize that the Pittsburgh scene will not be the same without Nick's day-to-day involvement. We all want to wish Nick the very best in his retirement and that his many years ahead will be filled with happiness and good health.●

MEDICAL MISSION REPORT ON EL SALVADOR

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. SHANNON. Mr. Speaker, I am submitting for the RECORD a special report, the Medical Mission Report on El Salvador, recently printed in the "New England Journal of Medicine." The report chronicles the result of a 5-day mission to El Salvador sponsored jointly by the National Academy of Sciences, the Institute of Medicine, the American Association for the Advancement of Science, the New York Academy of Sciences, and the International League for Human Rights. I commend this brief report to my colleagues for its objectivity and its precise handling of the issues.

The report follows:

SPECIAL REPORT—MEDICAL MISSION REPORT ON EL SALVADOR

Alarmed by reports of the harassment, murder, and disappearance of doctors, dentists, nurses, members of the medical faculty, social and physical scientists, and members of related health professions, the National Academy of Sciences, the Institute of Medicine, the American Association for the Advancement of Science, the New York Academy of Sciences, and the International League for Human Rights cosponsored a medical mission[1] to San Salvador. The mission's purpose was to determine the fate of those professionals and to assess the impact of conditions in El Salvador on medical institutions and on the health of the people.

From January 11 through January 15, 1983, we spoke with people from a wide range of backgrounds: government officials, the archbishop and others in the Catholic Church, members of the International Committee of the Red Cross, officials in the Ministry of Health, members of nongovernmental human-rights organizations, political prisoners, and numerous private citizens, including the families of victims. We also visited four places of detention for political prisoners, two refugee camps, and the public maternity hospital (Maternidad). Wherever we turned we found the chilling effects of the ever-widening devastation to health and health care that has been caused by the breakdown of education, the slashing of budgets for national health programs, and the repression of human beings by the systematic use of terror in ways that are hideous and frightful.

The persecution of health personnel is real. It began in 1979 and intensified through 1981, when a group of doctors, nurses, and medical students protested the killing and kidnapping of patients and doctors in hospitals—sometimes even during surgery. Retaliation against this group by death squads, suspected of being government forces, was swift and brutal. The group's members "disappeared," or fled to avoid death, or were killed.

We came to El Salvador with a list of 20 health workers and scientists who had disappeared in the previous 12 months. Our investigation revealed that only seven could be accounted for: four were in prison, two had been freed, and one was confined to a mental hospital outside the country. There was no trace of the other 13. Moreover, while in San Salvador we were given documentation on the disappearance of 20 additional health workers during 1982. From frightened families and colleagues we also learned of a number of other physicians, nurses, and paramedics who had disappeared or been killed. Since merely notifying the Church and independent human-rights groups of a relative's disappearance can jeopardize the whole family, statistics on disappearances are minimal.

Early in our visit we interviewed the colonels who command the two branches of the security forces—the National Police and the Treasury Police—and the information we gained was unsettling. We learned that there was no central registry of arrests or of the disposition of those who were arrested and no sharing of information between the two armed police forces; they therefore had no knowledge of the persons whose names we gave them. At our request we were shown the detention facilities where political prisoners, including the four medical students on our list, are held for up to 15 days or longer. At the National Police headquarters we walked along a row of foul, pitch-black, steel-barred cells furnished with only a concrete bench and a hole in the floor for a latrine. Led by Colonel Lopez Nuila, the commander of the National Police, and followed closely by two guards with M-16 rifles, we were forbidden to speak with or examine the dirty, haggard political prisoners.

In July 1982, the International Committee of the Red Cross threatened to leave El Salvador because of its growing concern over human-rights abuses by the Salvadoran armed forces—particularly their practice of not taking prisoners alive. Officials of the International Red Cross told us that, although these problems have not been resolved, they have decided to remain in the country because, on balance, they believe they are a force for decent human behavior.

Health and health care in El Salvador have suffered since 1979 even more than would have been expected in a poor developing country. The rate of endemic diseases is rising dramatically, as social programs are sacrificed so that funds can be allocated to the military. Infant mortality is climbing, the rate of suspected tuberculosis (unverifiable because of a shortage of x-ray film and equipment) is increasing, and there is a high prevalence of measles, diphtheria, and polio because there are no toxoids or vaccines. Malnutrition and skin and intestinal-tract parasites add to the toll.

The Ministry of Health has suffered a 50 per cent reduction in its budget during each of the past two years and is finding it difficult if not impossible to provide adequate staff and medical services for the 6,000 beds under its jurisdiction. We visited the only public maternity hospital in San Salvador, a facility that has 75 deliveries each day but only 263 beds. The patient turnover is very rapid, but even so, up to three women are assigned to a single bed. Premature births are common, but none of the bassinets for premature babies is functional. The x-ray equipment is obsolete, there is no x-ray film, and the pharmacy shelves are thinly supplied; the anesthesia equipment is outdated and unsafe, but it is used for the 5 to 10 cesarean sections that are performed daily. Dr. Roberto Rivera Martelli, a senior obstetrician who was our host at the hospital, and a man deeply committed to the care of the poor, was taken from this clinic on February 10 (less than a month after our visit with him) by three armed men in civilian clothes and has not been heard from since. Since then, cables have been sent to our embassy in San Salvador and to the colonels who head the National and Treasury Police by our sponsoring organizations, members of the U.S. Senate, the Human Rights Division of the State Department, and individual U.S. citizens, but Dr. Rivera Martelli, remains "disappeared."

The public educational system in San Salvador is in disarray. The large number of schoolteachers and members of the university faculty (including medical-school professors) who have disappeared, been imprisoned as political prisoners, or fled the country has depleted the educational establishment. No professors of basic medical science remain. All entrances to the National University have been sealed for the past two years, and the principal laboratory building located outside the university grounds has

[1] The participants were Alfred Gellhorn, M.D., visiting professor, Harvard School of Public Health; Robert Lawrence, M.D., director, Department of Medicine, Cambridge Hospital; Kathie McCleskey, American Association for the Advancement of Science; and Nina Shea, J.D., International League for Human Rights.

been gutted by the military so that only exterior walls remain. No students have been admitted since the closing of the university. In the past semester, medical students in the last two years of the six-year course have been taught in storefronts and private homes by a few intrepid professors, but the complete absence of equipment, books, medical journals, and demonstration materials makes this valiant effort doomed. The devastation is both physical and intellectual.

Our group visited two facilities for political prisoners that are operated by the Ministry of Justice: Ilopango for women and Mariona for men. We were permitted to interview the inmates alone and without time restriction. Medical care in the women's prison is provided by a recent graduate of medical school who devotes a few hours a week to the prison as just one of his four jobs. Medical records are inadequate and incomplete. Prescriptions for medications are usually not available in the prison medical facility, so they are disregarded; if the prisoner is fortunate, her family may obtain the medicine. In both prisons the political prisoners have established their own health facility using minimal supplies of drugs and first-aid materials.

Few prisoners have been tried and convicted. The medical students we saw in Mariona, the men's prison, had been there for two years—and others had been there for as long as four years—without appearing before a judge. However, the prisoners told us that they were the lucky ones: They were alive and probably would not disappear—no matter that they were being held indefinitely without due process.

In summary, we found direct and indirect evidence of frightful violations of human rights, and we found fear among private citizens who feel unprotected in a lawless society. We found that the health of the public has suffered, that medical education, medical care, and medical facilities have been desperately depressed. How can one account for the willful dismantling of the university, including the imprisonment (or worse) of medical professors and practicing physicians and the physical destruction or sealing up of university buildings and the medical school? University personnel with whom we spoke ascribed it to the political liberalism or radicalism that is characteristic of a university campus, to the outspoken indignation of the medical profession at the atrocities and wanton killing of noncombatants and alleged subversives, and to the fear among those in power of middle-class intellectuals. Doctors and other health professionals meet many of the criteria for "disappearing."

We have returned to our affluent country shaken but eager to inform our colleagues, sponsors, and all who will listen that we can save many thousands of lives by protesting to the Salvadoran authorities disappearances and other human-rights violations. Physicians and other concerned persons can help privately by donating equipment and funds through such international relief agencies as the International Committee of the Red Cross and Catholic Relief Services. U.S. foreign aid must make abundant provision for such essentials as food, medicine, vaccines, medical equipment, teaching materials for students, and other forms of economic assistance. Aid to this war-torn country should emphasize life-giving sustenance rather than arms and military equipment.●

THE 25TH ANNIVERSARY OF FATHER LUIS CARDOSO

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. FRANK. Mr. Speaker, on June 15, Father Luis Cardoso will celebrate the 25th anniversary of his ordination to the priesthood. Father Cardoso is not the only person who will be celebrating this anniversary. People throughout southeastern Massachusetts will join in thankfully commemorating this day, in recognition of the good work that Father Cardoso has performed in his 25 years as a priest. In particular, his parishoners at Espirito Santo Church in Fall River will be expressing their love and respect for the man who was their assistant pastor from 1968 to 1976, and who has been their pastor since 1979.

Shortly, this House will again be debating the subject of immigration. This is an appropriate time to note the great contributions that immigrants have made and continue to make to the economy and the culture of the United States. Father Cardoso is himself an immigrant, born and ordained in the Azores. He came to Massachusetts shortly after his ordination, and the people of southeastern Massachusetts have been the beneficiaries of his good works ever since. As a priest, Father Cardoso has ministered to all of those in the parishes he has served. But he has been a particular source of comfort and strength to many of those who have joined him in immigrating to the United States.

During difficult economic times, Father Cardoso has worked hard and successfully to build a strong and vibrant parish. Under his leadership, all facets of church life are doing well at Espirito Santo. The parish has grown bigger; the school is well run; and the parish plays an important part in the life of the Greater Fall River community.

Mr. Speaker, I wish to join with the many people in southeastern Massachusetts whose lives he has brightened in congratulating Father Cardoso on the 25th anniversary of his ordination, and expressing my thanks for the work he has done.●

H.R. 3096, A BILL TO PREVENT CERTAIN ABUSES INVOLVING TAX STRADDLES AND TO PREVENT THE AVOIDANCE OF THE ACCUMULATED EARNINGS TAX THROUGH THE USE OF FOREIGN CORPORATIONS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. STARK. Mr. Speaker, today, I am introducing a bill to close certain loopholes involving the use of foreign corporations, operating out of tax-haven countries, as vehicles through which taxpayers funnel U.S. investments in order to circumvent current tax laws. The bill would also close a loophole involving the use of a domestic or foreign corporation to avoid aspects of the straddle rules Congress adopted in 1981.

Loopholes in current tax laws permit taxpayers to defer—and, thereby, minimize—U.S. tax on earnings derived through a foreign corporation until either those earnings are distributed as dividends or the taxpayer disposes of the shares in the corporation. The advantage of using a foreign corporation to defer U.S. tax is considerably enhanced when the corporation is organized in a tax-haven country that imposes little or no tax on the corporation's earnings. In recent years, more and more investment firms have organized foreign corporations in tax-haven countries solely for the purpose of minimizing U.S. tax liability. Where this practice serves as a means to circumvent recent tax reforms, the advisability of continuing the policy of deferral is called into question.

In 1981, Congress enacted legislation that was designed to deny tax shelter benefits from straddled investments in commodities, commodity futures contracts, and other interests in publicly traded property. However, investment firms are now touting the use of foreign corporations, organized in tax-haven countries, to circumvent this straddles legislation. Prior to the enactment of this 1981 legislation, taxpayers were able to eliminate their tax liabilities by postponing the taxation of income through the timing of the realization of losses and offsetting gains in such interests. The 1981 straddles legislation was expecting to save the Federal Treasury an estimated $1.7 billion in otherwise lost taxes over a 6-year period.

One provision of the 1981 straddles legislation requires taxpayers with positions in the commodity markets to pay tax at a 32-percent rate—a rate of tax between the maximum rates for long-term and short-term capital gains—on the value of their yearend positions as well as realized gains and

losses. Under another provision of the 1981 legislation, the deduction of a taxpayer's losses from straddled investments is deferred to the extent that the taxpayer has unrealized gains in offsetting positions. I am informed by the staff of the Joint Committee on Taxation that investment firms may be circumventing these provisions by taking advantage of loopholes in current tax laws that are inadequate to prevent sophisticated abuse. It is imperative that we send a clearer message to those who circumvent the intent of one of our most recent tax reforms. For this reason, I urge adoption of this bill.

EXAMPLE OF SCHEMES TO CIRCUMVENT THE 1981 STRADDLES LEGISLATION

In one scheme, investors are offered stock in a foreign corporation that trades in commodities futures on U.S. exchanges through an offshore subsidiary. The corporations are insulated from U.S. taxation by incorporating offshore and, although potentially liable for tax on U.S. source accumulated earnings, seek to escape that tax through distributions from the subsidiary to the parent corporation in whose hands the earnings become nontaxable foreign-source dividends. The deal is structured so that the investors will not be subject to tax until they dispose of their stock and then, if the long-term capital gain holding period requirements are satisfied, will pay tax at a maximum capital gain tax rate of only 20 percent. If successful, this scheme results not only in deferral of tax but in taxation of gain from futures trading at a maximum 20-percent rate, rather than the 32-percent rate prescribed in 1981 for taxpayers who engage in such futures trading directly. The plan is also intended to avoid the present law treatment of gain that results from the disposition of the stock of certain foreign investment companies. Under the foreign investment company rules, gain attributable to untaxed corporate earnings is taxed as ordinary income, but this ordinary income treatment is not applied to corporations trading in commodities.

Under a second offering, U.S. investors may invest in stock in an offshore corporation that enters into forward contracts in U.S. Government guaranteed debt instruments, such as GNMA certificates. The U.S. investors enter into offsetting positions in their individual capacities. The offshore corporation does not pay U.S. tax on its gains and the U.S. investors are not required to defer the deduction of losses on their individually held positions notwithstanding unrealized gain in their stock. Direct investment in both legs of this type of straddle would have required such deferral of the deduction of loss until the gain was recognized. Under the tax shelter investment the result is that losses are deducted and gain is deferred. This offering is a deliberate effort to exploit the exclusion of corporate stock from the restrictions of the 1981 straddles legislation.

PROVISIONS OF THE BILL

Section 1 of the bill provides that a foreign corporation that engages primarily in trading in commodities or interests in commodities, and which is at least 50-percent owned—directly or indirectly—by U.S. persons, will be treated as a foreign investment company. Thus, on the disposition of shares in such a corporation, gain attributable to previously untaxed earnings will be treated as ordinary income subject to tax at regular tax rates of up to 50 percent—rather than the lower capital gains rate. This provision will apply to sales or exchanges and distributions that occur on or after May 23, 1983.

Section 2 of the bill contains a new source-of-income rule, applicable solely for purposes of the accumulated earnings tax. Under this provision, if more than 10 percent of a foreign corporation's earnings and profits is derived from U.S. sources—or is effectively connected with a U.S. trade or business—then any dividends distributed from such a corporation—directly or through one or more other entities—to a U.S.-owned foreign corporation will be treated as from U.S. sources. For purposes of this provision, the term "U.S.-owned foreign corporation" is defined as any foreign corporation 50 percent or more of the stock of which is owned—directly or indirectly—by U.S. persons. Under this provision, which will apply to distributions received on or after May 23, 1983, it will no longer be possible to avoid the accumulated earnings tax by interposing a holding company between U.S. shareholders and a foreign corporation that earns significant U.S.-source income.

Section 3 of the bill provides for a limited category of stock that will be treated as an offsetting position for purposes of the loss deferral rules of current law. Under this provision, offsetting position stock is included in the definition of property that is subject to the straddle rules. The term "offsetting position stock" is defined as any stock of a corporation formed or availed of to take positions in personal property that offset positions taken by such corporation's shareholders. This provision will apply to positions established on or after May 23, 1983.

The bill that I am introducing today is necessary to prevent abuse of our tax system. It removes an anomaly of present law that permits a U.S. person to avoid U.S. tax on U.S. business by simply conducting that business through a tax-haven corporation when a U.S. person who earned this income directly in the United States would be fully taxed. It also corrects an anomaly in present law that permits a taxpayer to avoid the 1981 antiabuse rules by the simple device of doing half of a straddle transaction in a corporation. I believe this bill deserves, and will enjoy, broad support.

Text of the legislation follows:

H.R. 3096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF FOREIGN INVESTMENT COMPANY.

(a) GENERAL RULE.—Paragraph (2) of section 1246(b) of the Internal Revenue Code of 1954 (defining foreign investment company) is amended to read as follows:

"(2) engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in—

"(A) securities (as defined in section 2(a)(36) of the Investment Company Act of 1940, as amended),

"(B) commodities, or

"(C) any interest (including a futures or forward contract or option) in property described in subparagraph (A) or (B),

at a time when 50 percent or more of the total combined voting power of all classes of stock entitled to vote, or the total value of all classes of stock, was held directly (or indirectly through applying paragraphs (2) and (3) of section 958(a) and paragraph (4) of section 318(a)) by United States persons (as defined in section 7701(a)(30))."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to sales and exchanges (and distributions) on or after May 23, 1983, in taxable years ending on or after such date.

SEC. 2. TREATMENT OF CERTAIN DISTRIBUTIONS RECEIVED BY U.S. OWNED FOREIGN CORPORATIONS.

(a) GENERAL RULE.—Section 535 of the Internal Revenue Code of 1954 (defining accumulated taxable income) is amended by adding at the end thereof the following new subsection:

"(d) INCOME DISTRIBUTED TO U.S. OWNED FOREIGN CORPORATION RETAINS U.S. CONNECTION.—

"(1) IN GENERAL.—For purposes of this part, if more than 10 percent of the earnings and profits of any foreign corporation for any taxable year—

"(A) is derived from sources within the United States, or

"(B) is effectively connected with the conduct of a trade or business within the United States,

any distribution received (directly or through 1 or more other entities) by a U.S. or foreign corporation out of such earnings and profits shall be treated as derived by such corporation from sources within the United States.

"(2) U.S. OWNED FOREIGN CORPORATION.—The term 'U.S. owned foreign corporation' means any corporation 50 percent or more of the total combined voting power of all classes of stock entitled to vote, or the total value of all classes of stock, was held directly (or indirectly through applying paragraphs (2) and (3) of section 958(a) and paragraph (4) of section 318(a)) by United States persons (as defined in section 7701(a)(30))."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions received by a U.S. owned foreign corporation (within the meaning of section 535(d) of the Internal Revenue Code of

1954) on or after May 23, 1983, in taxable years ending on or after such date.

SEC. 3. TREATMENT OF OFFSETTING POSITION STOCK.

(a) GENERAL RULE.—Paragraph (1) of section 1092(d) of the Internal Revenue Code of 1954 (defining personal property) is amended by adding at the end thereof the following new sentence: "Such term also includes any offsetting position stock."

(b) DEFINITION OF OFFSETTING POSITION STOCK.—Subsection (d) of section 1092 of such Code is amended by adding at the end thereof the following new paragraph:

"(6) OFFSETTING POSITION STOCK.—The term 'offsetting position stock' means any stock of a corporation formed or availed of to take positions in personal property which offset positions taken by shareholders."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to positions established on or after May 23, 1983, in taxable years ending on or after such date.●

JESSIE BALL DU PONT HONORED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. BENNETT. Mr. Speaker, on Sunday, May 15, the Cathedral of St. Peter and St. Paul, commonly called our National or Washington Cathedral, dedicated its newly constructed narthex in memory of Jessie Ball du Pont, who was until her death a constituent of mine and a very dear and respected friend. My wife and I were present for the ceremony, along with members of the Ball and du Pont families and the trustees of Mrs. du Pont's philanthropic trust. This trust, following the provisions of her will provided generously for educational and religious contributions as well as for many other charities. During Mrs. du Pont's lifetime she gave to many charities, usually anonymously; and it is good to see her so appropriately recognized as in this event.

Jessie Ball du Pont was a member of the Ball family of the Northern Neck of Virginia, the same family which included Mary Ball, mother of George Washington. The du Pont family and the Ball family produced many examples of dedicated American leadership; and none of them showed more concern for needy causes and people than Jessie Ball du Pont.

The priest who gave the sermon on this dedicatory occasion was the Reverend Provost Charles A. Perry; and he ably and appropriately spoke on "The Doors of Life," since the Narthex is the great door area of the cathedral, its massive western entrance. The scripture chosen by Reverend Perry was significantly John 1: 1-10, which quotes Jesus as saying in part:

I am the door; by me if any man enter in, he shall be saved.

Jessie Ball du Pont was a person who devoted most of her life to opening doors of opportunity to those less fortunate. There could not be a more appropriate memorial to Jessie Ball du Pont than the beautiful Narthex of this great cathedral; and Reverend Perry and the others who made this event a significant one are to be congratulated.●

LESSONS FROM NEW JERSEY'S EXPERIENCE WITH PROSPECTIVE PAYMENT

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. RINALDO. Mr. Speaker, beginning October 1, the Federal Government will implement a new method of reimbursing hospitals which participate in medicare. This system of prospective payment based on diagnostic related groups (DRG's) has sparked new debate in Congress on the need for hospital cost containment through cost-saving reforms.

As Congress looks to new, innovative means of paying hospitals and physicians, we must carefully analyze any side effects which these changes may create. With this in mind, I have called upon the Advisory Council on Social Security, which is studying medicare, to include along with all their recommendations, a projection of their impact on the adequacy of care for older Americans.

Currently, hospitals are reimbursed under medicare on a retrospective basis in which they are paid essentially whatever they spend. This cost-based system offers no incentive for hospitals to cut expenses, and in turn imposes no constraints on physicians to limit unnecessary procedures.

The idea of a prospective payment system is not a new one. In 1969 researchers at Yale University began developing a plan of rate setting based on diagnoses. The Yale program eventually developed 467 diagnostic related groups, which were the basis of Secretary Schweiker's prospective payment proposal to Congress issued last December and enacted this spring.

My own State of New Jersey began developing a prospective payment system based on DRG's in 1976 which applies to all payers. In 1980, New Jersey received a waiver from the Health Care Financing Administration to begin implementing this rate-setting plan. By 1982, all 99 acute care hospitals in the State had entered the new system. Although still preliminary, the results of this experiment in New Jersey point to the savings attainable through prospective payment, but highlight as well some of the possible results which must be addressed before we can proclaim prospective payment a complete success.

While hospital costs rose over 17 percent nationwide in 1981, in New Jersey the increase over the same period was less than 13 percent.

At a hearing of the Select Committee on Aging which I chaired recently in Princeton, N.J., the committee heard testimony from the New Jersey Department of Health, medical experts, and representatives of senior citizens organizations. Their comments concerning the experience with DRG's in New Jersey offer a valuable perspective as we implement the nationwide DRG program.

Briefly summarized below are some of the concerns we heard at the hearing:

Cost shifting to other payers: The national DRG system will apply only to medicare hospital patients, unlike the New Jersey program which applies to all payers. Congress and HCFA will have to work together to prevent the transfer of costs from medicare patients to others. Congress should also consider eventually expanding the DRG system to cover all payers.

Cost shifting to noncovered services: Hospitals may choose to shift as many services as possible to medicare Part B coverage to avoid the DRG rates in favor of cost-based reimbursement. Congress has directed the Secretary of Health and Human Services to develop a prospective payment proposal to cover outpatient services. Such a plan deserves the active attention of Congress.

DRG "creep": Hospitals will face incentives to recapture costs by elevating patients into higher diagnostic categories.

Disincentives for developing new medical technology: Some investment in new medical technology may be forgone if it increases the cost of a particular treatment category without a concomitant reimbursement adjustment.

Outliers: These are patients whose diagnoses and lengths of stay do not match any of the 467 DRG categories. In New Jersey, fully one-third of hospital admissions are outliers.

Unnecessary readmissions: Hospitals will face incentives to discharge patients early, then readmit them, and thereby double the reimbursement. In New Jersey, hospitals can only recoup a portion of the DRG rate for readmissions. Congress and HCFA should consider a similar remedy nationwide.

Premature discharge: The most dangerous side effect of the New Jersey DRG experience brought to light at the Aging Committee hearing was the possible early release of patients who may not be healthy enough to leave the hospital. While there is no hard evidence that the quality of care has suffered in New Jersey under prospective payment, it should be our top priority under the nationwide program to see that professional review organiza-

tions (PRO's) are used effectively to monitor quality assurance.

The introduction of prospective reimbursement for medicare hospital coverage is the most significant change in medicare since its founding in 1965. As Congress continues to reform our Federal health care programs, we must do so with full knowledge of the impact these cost-saving measures will have on the elderly and disabled.●

RAYMOND E. HICKS' 10 YEARS OF PUBLIC SERVICE AS VIENNA TOWN COUNCILMAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. WOLF. Mr. Speaker, an article appeared in the Gazette of May 12 concerning Raymond E. Hicks' 10 years of dedicated service as Vienna, Va., town councilman. The article written by Jim Watson captures the energy and spirit of this outstanding public servant who has had such a positive effect on the town of Vienna and serves as a model for others in public service. I ask that the Gazette article be printed at this point in the RECORD.

The article follows:

[From the Gazette, May 12, 1983]

TEN IS ENOUGH—VIENNA COUNCILMAN'S DECADE OF DEVOTION

(By Jim Watson)

It was the night after the final game of last year's World Series, and Raymond E. Hicks had gone to bed "feeling good." But he woke up in the middle of the night drenched in a cold sweat, his chest pounding. From the beginning, the 64-year-old Vienna Town Councilman figured he was having a heart attack, but he wasn't going to take it lying down. So he got up, dressed and softly stepped into the living room where he said he was more comfortable. But by that time his left hand began to go numb, and he realized he couldn't simply wait the thing out. As he tells it, he didn't make a scene; he gently woke his wife and suggested, "I think you'd better call the rescue squad."

For 12 days he remained in the hospital, five of those in intensive care. But throughtout the ordeal, the five-term town father demonstrated the same casual, diehard resolve and characteristic spirit with which he served Vienna and fought to preserve its small-town charm.

It has been 12 years since Hicks first tossed his hat into Vienna's political ring, and, having lost his first bid, 10 since he actually was elected. Before that, though, he had served on a number of other town boards, including the Transportation Safety Commission, (then the Highway Safety Commission), the Planning Commission and the Board of Zoning Appeals. His reasons for aspiring beyond those memberships, he said, were simple and specific: to fight what he saw as big-city development lumbering into small-town Virginia.

Now, largely because of his health and partly because of a decision he made years ago, he is calling it quits, at least for now. "I made up my mind a while back," he said, "10 years is enough. Now let some younger man run."

During his tenure, Hicks has seen the town government effect what has been essentially an about-face in its approach to growth and development. At one time, he said, there was a push to turn some of the town's side streets into one-way commuter lanes. He remembers, too, when the town was looking for ways to almost double its population.

But over the years, he said, the council as a whole adopted a uniformly conservative position, with Hicks and Mayor Charles A. Robinson Jr. at the forefront of the change. Once as he remembers it, he and Robinson were flies in the ointment whose votes always seemed to go against the grain. Now, more often than not, their viewpoint is the one that prevails. "It's a more conservative approach," said Hicks, and its basic premise is "to try to hang onto what we have."

Twenty springs ago, the now-retired Rockwell International sales representative left another picture-postcard town in Pennsylvania for his present home. Like Vienna, Wallingford was a slice of Americana; its lifeblood was its neighborhoods, its "Mom and Pop" shops that flourished downtown, and one each of a post office, drug store, grocery store and gas station.

Unlike Vienna, Wallingford carried a population of some 37,000, but the town functioned smoothly because of a government that was mindful of preserving its residential character, said Hicks. When he was first elected in the spring of 1973, he envisioned similar success for Vienna. And his optimism never waned. "If you're determined, you can keep this as a single-family residential area," he said. "It's just a matter of resisting the pressures."

Hicks' history on the council goes back beyond his successful race to 1971, when Bob Skahan won the seat he sought by 51 votes. At the time, he recalls, the town was coming up with a couple of proposals which Hicks bitterly opposed. One would have allowed for the construction of a high-rise office building at the intersection of Church Street and Lawyers Road, where the Post Office now sits. The other, he said, would have turned Church Street and Locust Street on either side of Maple Avenue into one-way streets. In order to fight those and any other future assaults on the character of the town, he figured the best place for him was in a council seat.

"If we want Vienna to remain a top-notch community, a little oasis in the middle of high-rise construction, we have to defend it and make sure we keep it that way," he said.

The passion that drove Hicks to serve five consecutive terms, though, was not unlike the community-minded spirit that propelled him into scores of town activities almost from the day his family moved in.

Deep-set brown eyes beaming under a strand of graying hair, mouth poised to smile at the slightest provocation, Hicks looked back over his 20 years as a Vienna resident and proudly noticed that 19 of them were filled with service to his town.

When he wasn't haggling with the county, pondering Vienna's perennial traffic problem or some land-use policy as a town official, more than likely he was taking care of business on quite a different level.

In fact, Hicks seems proudest of his preoccupation with and dedication to Vienna Youth Sports. This father of five is past coach, vice president and president of the Vienna Little League, treasurer (for eight years) of the town's Babe Ruth League and coach of the Pigtail and Ponytail Leagues, to name a few.

One of the reasons, perhaps, for Hicks' success on the council and in other areas is that urge to make his town an appealing place in which to live. In the case of development, which increasingly brings into conflict the desire to prosper and the struggle to keep from being consumed, Hicks says he always tries to think what is best for residential homeowners like himself. "If there's a development coming in I always ask myself, 'Would this be a desirable thing in my neighborhood?" '

He also asks, though, not to be misunderstood: "Don't get me wrong; I always have insisted that we ought to encourage people to shop in Vienna." With a casual reference to the fact that some 90 percent of the town's businesses are owned by non-residents, he added, "I just don't want the business community to run the town."

By law, Hicks cannot serve on town government for a year. That being the case, he figures he'll spend his days resting, playing golf, maybe pursuing his real estate license. In time, he said, he would like to continue his work with youth sports and possibly, just possibly even try to find an empty seat back on the Board of Zoning Appeals.

In the meantime, though, life will go on almost as usual: "I certainly won't lose my interest in the town just because I'm not in office."●

EXEMPTION FROM THE WINDFALL PROFIT TAX

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. THOMAS of California. Mr. Speaker, I am introducing legislation today that will provide oil producers using certain tertiary recovery methods with flexibility in choosing the fuel they may use to recover crude. This is an important option, because it would encourage producers to substitute the residual fuel oil for heavy crude currently burned under the windfall profit tax. By encouraging producers to use residual fuel oil instead of crude to power their recovery processes, the bill would also encourage refiners to top additional heavy crude, making more gasoline and other economically attractive products available in the marketplace.

Heavy oil production requires use of an enhanced oil recovery process, usually steam injection. Prior to passage of the windfall profit tax, heavy oil producers burned residual fuel oil to create needed steam. This practice is no longer followed. Because removing crude from a producing property is a taxable event under the windfall profit tax, producers switched to burning crude produced at the site of the steam generating facility because that crude is not taxed. This is a less desirable practice because supplies of refined products once obtained by top-

ping at refineries have been sacrificed in order to limit producers' tax liability.

To encourage heavy oil producers to resume use of residual fuel oil, the bill amends the Internal Revenue Code to offer producers an exemption from the windfall profit tax equal to one barrel of crude for each barrel of residual fuel oil used in tertiary recovery processes. The bill places noteworthy limits on the exemption: It would apply only to domestic crude oil the producer removes from his property, crude that would otherwise be taxable but for the fact that it has been exchanged for residual fuel oil used by the producer. An exchange in this context can be either a swap of crude for residual fuel oil or residual fuel oil purchased by the producer which is substituted for crude produced on the property.

I urge my colleagues in the House to act swiftly to adopt this legislation. As was the case with a similar bill I introduced during the previous Congress, this bill is designed to be revenue neutral. While it will not affect cash revenue flow to the Treasury, the bill does encourage producers to make more efficient use of our Nation's resources, an objective worthy of support.●

SERVICE CONNECTION DISABILITIES AND AGENT ORANGE

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. McKERNAN. Mr. Speaker, as a part of Congress continuing study of the establishment of a service connection between certain disabilities and exposure to agent orange, I commend to my colleagues the testimony of Paul S. Egan, deputy director of the National Legislative Commission of the American Legion, and John F. Sommer, Jr., deputy director of National Veterans' Affairs and Rehabilitation Commission of the American Legion. This testimony was given before the Subcommittee on Compensation, Pension and Insurance of the Committee on Veterans' Affairs on April 26. Mr. Egan and Mr. Sommer outlined the need for legislation to establish a service connection, and they present a review of pertinent objective research. I urge my colleagues to consider the following statement:

STATEMENT BEFORE THE SUBCOMMITTEE ON COMPENSATION, PENSION AND INSURANCE

The American Legion is pleased to have this opportunity to appear before the Subcommittee today to present our views on legislation that would establish a presumption of service connection for certain diseases related to exposure to Agent Orange and other herbicides or environmental hazards that have been incurred by Vietnam veterans.

The American Legion policy on Agent Orange is set forth in Resolution No. 410 (Iowa), approved by the 1982 National Convention. Our policy on compensation payable to Vietnam veterans for Agent Orange related problems, as provided in the resolution, mandates this organization to support legislation to establish a mechanism for presumption of service connection for disabilities found to be caused by Agent Orange, based on scientific and medical evidence. In other words, diseases suffered by Vietnam veterans that bear a causal relationship to Agent Orange exposure as determined by competent scientific authority should be presumed to be service-connected, regardless of how long after service they become manifest, and compensation should be paid for them based upon the degree of severity of the disabilities.

The legislative proposal currently under consideration, H.R. 1961, would, in part, amend section 312 of title 38, United States Code—which pertains to presumptions relating to certain diseases and disabilities—by adding a new subsection. This subsection would provide that in the case of a veteran who served in Southeast Asia during the Vietnam era and who after such service suffers from soft tissue sarcomas, porphyria cutanea tarda, active and residual chloracne, or any other disease that medical research has shown may be due to exposure to herbicides, chemicals, medications, or environmental hazards or conditions, as determined by the Administrator and prescribed by regulation, the disease shall be considered to have been incurred in or aggravated by service, notwithstanding that there is no record of evidence of such disease during the period of service.

This measure also provides the Administrator with the authority to determine what other diseases may be included, based upon scientific evidence, and to promulgate regulations relating to the additional diseases, to include a specification of the standards used in making the determination.

Mr. Chairman, The American Legion does not make a practice of supporting any legislative or administrative issue because it may seem to be the popular thing to do, or due to the fact the issue may be politically attractive. The positions of this organization are based upon our understanding of an issue acquired through existing knowledge and objective research of pertinent subject matter. The Legion, since early 1978 has been involved in every aspect of the issue of Agent Orange. The effects of the herbicide on those Vietnam veterans who were exposed to it in Southeast Asia continues to be a high priority issue of the organization.

Our review has shown that there is scientific evidence that the three specific conditions contained in H.R. 1961 may result from dioxin exposure, and we would like to share the following information with the Subcommittee.

SOFT TISSUE SARCOMAS

In reviewing a Respondent's Prehearing Brief on the Risks Associated With the Registered Uses of 2,4,5-T and Silvex, prepared for the U.S. Environmental Protection Agency and dated January 25, 1980, we noted the following:

"Two recent case-control studies of the relation between cancer and occupational exposure to phenoxyacetic acids and chlorophenols present persuasive evidence that human exposure to pesticide products containing 2,4,5-T and/or dioxin constitutes a carcinogenic hazard. Each of these new studies found statistically significant increases in the risk of malignant mesenchymal tumors of the soft-tissue (soft-tissue sarcomas) related to occupational exposure to phenoxy herbicides and to occupational exposure to chlorophenols. Each study utilized an entirely separate population of cases and controls, and the studies thus clearly corroborate and replicate one another.

PORPHYRIA CUTANEA TARDA AND CHLORACNE

Porphyria cutanea tarda results from a disturbance in the capacity to break down hemoglobin, which leads to high levels of porphyrins (nitrogen-containing organic compounds) in the liver and urine. In many, if not most cases there is also skin involvement.

In reviewing available literature we have found a substantial number of references to the connection between dioxins and prophyria cutanea tarda. Many references to PCT are made in conjunction with those pertaining to chloracne.

A VA Chloracne Task Force report dated November 30, 1982 contains the following: "The examination will incorporate new findings and old confirmed by the 3rd International Symposium on Chlorinated Dioxin and Related Compounds in Salzburg, Austria, October 12-14, 1982. New and confirmed findings are:

(1) Chloracne may persist in 25-50% of cases, up to 30 years, as shown by the longest follow-up to date of an industrial accident. It was previously believed it cleared in a few years.

(2) Porphyria cutanea tarda may result from low chronic exposure to dioxin (as may have occurred in some Vietnam veterans). Therefore, screening of urine, stool and any liver biopsy tissue will be done for porphyrins.

(3) Hirsutism of face and hyperpigmentation may be due to PCT."

In an October 1982 report by a Subcommittee of the National Academy of Sciences on a review of the protocol for the VA Agent Orange study, it was recommended, in part, that the protocols should be focused, if possible, on known effects on humans and animals of exposure to phenoxy herbicides contaminated with TCDD (dioxin). Included among the conditions were effects on the skin and liver function, including porphyrin metabolism.

Mr. Chairman, these are but a few of the references to the relationship between dioxin exposure, and porphyria cutanea tarda and chloracne that we uncovered during our review. However, the Legion feels that these representative examples are sufficient to illustrate that a casual relationship does in fact exist, and that Vietnam veterans exposed to dioxin while serving in Vietnam and who incur these disabilities, should be presumed to be service-connected and compensation awarded where applicable.

With respect to the diseases that would be listed in regulations prescribed by the Administrator, as required by this measure, The American Legion has urged the Centers for Disease Control to release all relevant findings as they become available during the epidemiological study of the long-term health effects of Agent Orange exposure, mandated by PL 96-151. And while we are on this subject, it must be said that we are encouraged by the manner in which CDC has performed since accepting the responsibility for the Agent Orange study in January. Within a matter of days following the signing of the Interagency Agreement with

the Veterans Administration, CDC officials met with the American Legion, other veterans organizations and representatives of other government agencies involved in the study, to discuss the study and elicit input and recommendations relating to the research. The CDC officials have assured that they will maintain open lines of communication throughout the study.

In turn, we have offered the cooperation of the Legion in encouraging the participation of Vietnam veterans in the study, as we are aware of the importance that such participation will play in the success of the Agent Orange study.

Mr. Chairman, we understand and appreciate that the intent of this legislation must undergo the prudent deliberation of this Subcommittee, and, as with other issues where differences of opinion in the scientific community exist, we have no doubt that H.R. 1961 will be closely but objectively scrutinized. May we point out that other presumptions have been established by Congress based upon a lesser amount of evidence than is currently available in support of the instant legislation.

The American Legion thanks you Mr. Chairman for your timeliness in scheduling this hearing on an issue that is of great importance to Vietnam veterans; and, again, we appreciate this opportunity to provide the Subcommittee with the views of this organization.●

CONGRESS MUST HOLD THE LINE ON DEFICITS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. MAZZOLI. Mr. Speaker, this week the House overwhelmingly voted to repeal the proposal to withhold 10 percent of earned interest and dividends which was contained in the tax bill adopted last summer. The Senate earlier adopted a compromise plan dealing with the withholding provision. Now the measures will be resolved by a House-Senate conference. Looming large over all this is the possibility of a Presidential veto since Mr. Reagan has often stated his opposition to a repeal of this withholding provision.

Mr. Speaker, I am not a fan of withholding on interest and dividends earned. In point of fact, I voted against the 1982 tax bill which ordered the withholding to start effective July 1 of this year.

But, still I could not vote for H.R. 2973—the bill repealing withholding—especially since also this week the House, by voice vote, increased the ceiling on the national debt.

If we do not withhold interest and dividends, full taxes will not be collected on these earnings. This means Treasury revenues will decrease. With less money coming into the Treasury there will be less revenues to pay the Government's bills. Less revenue means more deficit spending, more borrowing by the Government, more Federal debt, higher deficits, and higher interest rates.

A vote to repeal withholding—to allow the tax cheats and evaders to get away scot-free—is a vote to increase the Federal debt. Accordingly, those who voted to repeal the withholding provision should logically support an increase in the debt ceiling. But do not hold your breath, Mr. Speaker. The fact that the debt ceiling was increased by a voice vote testifies that it would have lost on a recorded vote.

Mr. Speaker, I could not go back home to face my auto workers, my electrical workers, my homebuilders, and others who are out of work because high interest rates have devastated their industries, and I could not face the small business people in the Third Congressional District who are being forced to shut down because they can not afford the cost of money had I voted to decrease revenues and to increase Federal debt.

But, the repeal measure was passed. It is water under the bridge. I am disappointed that so many of my colleagues who have voiced serious concern over high deficits jumped on the repeal bandwagon. Now the House will have to act to make up, in a fair and balanced way, the revenues that will be lost. But, again, Mr. Speaker, if the past is prolog: Do not hold your breath awaiting that fair and balanced tax bill.●

OUR VIETNAM EXPERIENCE AND LATIN AMERICA

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. DASCHLE. Mr. Speaker, a very revealing article was published in the New York Times concerning the Pentagon's views on events in Latin America. Certainly, one of the lessons we have all learned and can agree on from the Vietnam war is that you do not commit American troops to a conflict without the support and commitment of the American people. Leaders in the Pentagon today who fought in Vietnam, more than anybody else, realize the accuracy of this axiom.

It is quite apparent that this Nation is not united behind the President's plan to rely on military solutions to the political, social, and economic problems in Latin America. Of all the analogies between Vietnam and El Salvador, this one may be the most prophetic. Unfortunately, many in the White House and State Department have yet to be convinced.

Following is the text of the article:

VIETNAM CONSEQUENCE: QUIET FROM THE MILITARY

(By Richard Halloran)

WASHINGTON, May 1—In the widening and increasingly intense debate over the Reagan Administration's policy on Central America, one voice has been noticeably quite. The nation's senior military officers have had little to say in public.

The reason, in a word: Vietnam. Not the Vietnam of a bloody war a long way from home, but the Vietnam of what they see as an absence of a national commitment, of a solid consensus supporting a carefully devised and executed policy.

Many military officers bear emotional as well as physical scars from being in Vietnam and feeling that nobody at home was behind them. The generals and colonels at the top today were the lieutenant colonels and captains who fought in Vietnam yesterday.

"We were the scapegoats of that confict," said a senior officer. "We're the ones pulling back on the reins on this one."

The reluctance among military officers was reinforced by a reaction in Congress to the President's address Wednesday night. Military officers pointed to the applause President Reagan got when he said that no American combat troops would be sent to Central America.

ADVICE FROM THE JOINT CHIEFS

The reluctance, staff officers said, has shown up in advice from the Joint Chiefs of Staff, who are the senior military advisers to the President and to Secretary of Defense Caspar W. Weinberger. They said the chiefs had strongly recommended against looking for military solutions. Aides to Mr. Weinberger said he had agreed.

The lack of enthusiasm for dispatching American military forces to Central America has been compounded by what some officers consider privately to be disarray in the Administration and a wide gap between policy and action.

They said that top officers enthusiastically supported a policy paper entitled "U.S. Policy in Central America and Cuba Through F.Y.84" that was drawn up a year ago by the National Security Council. It outlined a strategy to foster political reform, regional cooperation, economic aid, military assistance and public information.

But the officers complained that the policy had not been executed, largely because no one in the Administration was in charge of carrying it out. They hoped the President's speech would correct that. "They're trying to get their act together now," said one officer.

ISSUES CALLED POLITICAL

Several senior officers were critical of the Administration for failing to nurture a public consensus. "The military and the C.I.A. are doing as they're told but that hasn't been coupled with public affairs or persuading Congress," said an officer. "We're not presenting the American people with the facts."

Many military officers said the problems in Central America were basically not military problems and that the military therefore shouldn't be asked to solve them. They asserted that the issues were mainly political, economic and internal.

Many officers said they had learned from Vietnam that if a foreign government was either unwilling or unable to undertake political action and economic reform or to provide internal security, there was little the United States could do.

Internal security is for police and paramilitary forces to provide, the officers said, and not for regular troops. If United States help was requested, that would be a task for the Army's Special Forces and similiar units in the Navy and Air Force, they said.

Moreover, several officers argued, the real threat was not in Central America but from Cuba and the Soviet Union. They contended that it would be useless to get bogged down in a fight in Central America unless the nation was willing to confront the main adversaries.

QUESTION OF THE DRAFT

Officers in the Army, which would bear the brunt of a battle in Central America, said their service was just getting new weapons to replace obsolete equipment or arms burned up in Vietnam. They said they didn't want that supply consumed in Central America when they might have to fight more threatening enemies.

The military services, particularly the Army, are just getting the volunteer force on its feet, 10 years after the draft ended. Fighting in Central America could well lead to a return to the draft, the officers said, with all the divisiveness that would entail.

The Chief of Staff of the Army, Gen. Edward S. Meyer, once summed up in a speech a bit of ancient military philosophy that seemed to lie behind the thinking of officers today. "Armies don't fight wars," he said. "Nations fight wars."

On another occasion, he expanded on that thought, saying: "When the United States Army, which is genuinely a people's army, is committed, the American people are committed. And when the American people drop that commitment, then the Army cannot remain committed."●

AMEND THE FAIR LABOR STANDARDS ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. PETRI. Mr. Speaker, today, I am introducing legislation which would amend section 14(c) of the Fair Labor Standards Act.

The Fair Labor Standards Act has always provided special provisions to pay physically and mentally handicapped persons special minimum wages based on their individual productivity. These provisions allow employment opportunities for handicapped persons who would not be able to compete for jobs in the regular labor marketplace if the regular minimum wage had to be paid.

While many handicapped persons are now able to work competitively and earn wages and salaries equal to those of nonhandicapped persons, there are still large numbers of handicapped persons whose disabling conditions are so severe as to substantially reduce their ability to work when compared with nonhandicapped persons. Many of these severely handicapped persons work in sheltered workshops where jobs within the limitations of the handicapping conditions can be provided as well as many supportive services, which enable these persons to live and work outside of institutional settings.

The last major change in the special minimum wage provision, section 14(c) of the Fair Labor Standards Act, came in 1966 when a floor of 50 percent of the minimum wage was set for handicapped workers. There was a recognition that there would be circumstances when that level could not be met by the productivity of a handicapped person. Thus, there were exceptions for persons engaged in evaluation or training programs, persons certified by the State vocational rehabilitation agency as being too severely handicapped to meet the 50 percent level, and for persons in work activities centers where the work is primarily for therapeutic reasons. The Department of Labor issues special certificates for the basic program and for each of the four exceptions to the 50-percent floor. Currently there are 4,782 workshops holding 8,144 program certificates. Seventy-five percent of the certificates are for exceptions to the 50-percent floor.

Since 1966, there has been a dramatic turnaround in the nature of persons served in sheltered workshops. Where once there were predominantly physically handicapped persons, now persons with mental or developmental disabilities predominate. These more severely handicapped persons need more extensive assistance and tend to be less able to produce at a level equal to or greater than the 50-percent level and must work under one of the exemptions to that general rule.

A study of sheltered workshops by the General Accounting Office published in 1981 concluded that the 50 percent floor was not having the intended effect. Because of the high intake of much more severely handicapped persons, only 17 percent of the persons served or employed in sheltered workshops benefited from the 50-percent floor. GAO recommended elimination of the 50-percent floor. Workshops would be required to pay each handicapped worker based on his or her individual productivity. This would greatly simplify the process for certification and would allow sheltered workshops and the Department of Labor to focus their efforts on substantive compliance reviews rather than paperwork and technical compliance. Another major study prepared for the Department of Health and Human Services found that the 1966 amendments to the Fair Labor Standards Act were complex and implemented by even more complex regulations and produced an "administrative nightmare." This 1980 study also recommended elimination of the 50-percent floor and use of a single certificate.

Based on a documented need to simplify the Fair Labor Standards Act provisions with regard to sheltered workshops and handicapped workers, I am recommending changes in the Fair Labor Standards Act based on language recommended by the General Accounting Office. The changes in section 14(c) would guarantee that each handicapped worker would be paid according to his or her individual productivity.

I invite all Members to join as cosponsors of this bill. This is significant legislation for rehabilitation facilities and the severely disabled persons for whom they provide services and employment. It is supported by the National Association of Rehabilitation Facilities. The full text of the bill follows:

H.R. 3091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214) is amended to read as follows:

"(c) The Secretary, to the extent necessary to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age or physical or mental deficiency or injury, at wages which (1) are lower than the minimum wage applicable under section 6, (2) are commensurate with those paid to nonhandicapped workers, employed in the vicinity in which the workers under the certificates are employed, for essentially the same type, quality, and quantity of work, and (3) are related to the worker's productivity.".●

WARSAW, IND.—A CITY ON THE MOVE

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1983

● Mr. HILER. Mr. Speaker, much has been written about the so-called decline of our Nation's industrial belt, of which my State, Indiana is considered a member. Declining populations and decaying cities are the image many Americans outside the Midwest seem to have of our region.

I was very pleased to find that the New York Times has discovered that one important community in northern Indiana, Warsaw, is doing much to dispel that image.

Warsaw is the seat of Kosciusko County. A growing city of nearly 11,000 people, Warsaw is undergoing a tremendous transformation thanks to the ingenuity, leadership, energy, initiative, and foresight of community leaders.

Mr. Speaker, I commend the following article to my colleagues as an excellent example of what our communities can do on their own. I look for-

ward to commending the Warsaw Downtown Development Commission personally and extend my thanks to Frank Saemann for converting civic pride and vision into reality.

WARSAW, IND., WRESTS ITS DOWNTOWN FROM PIGEONS

(By Andrew H. Malcolm)

WARSAW, IND., May 13.—The view from Bob Goley's bank office window was a common sight in many Middle Western small towns: the village square, the old county courthouse, the crumbling sidewalks, the decaying century-old brick building whose broken windows made flyways for scores of pigeons.

"Things did not look good for downtown," said Mr. Goley, executive vice president of the First National Bank of Warsaw. But now, nearly a decade later, despite high interest rates, high unemployment and low morale, things are looking up here, thanks to an unusual combination of foresight, private initiative, tax breaks and determination, not to forget Frank Saemann's personal fortune.

Of course, the cigar selection at Breading's, the downtown cafe and domino parlor and all-male refuge, is still not what it once was. And Mr. Saemann thought old Doc McCleary, the optometrist was asking too much for his land. But rebuilding a downtown, and a sense of downtown, takes time and a lot of pushing.

"It has been a slow, slow, very slow process," said Deborah Wiggins, executive vice president of the Greater Warsaw Chamber of Commerce. In the last four years Mrs. Wiggins moved here, met her husband-to-be, was courted and married, had one child and is nearing the birth of her second. That is just about half the time it has taken to get the old brick Crownower Building refurbished and reborn as the Saemann Building.

BIG NEWS IN THE TOWN

But that development alone is big news in this city of 10,000 people, so big, in fact, that The Warsaw Times-Union published a three-part series about the front of just one city block.

Most small-town downtowns across the Middle West have a similar block, the one that used to have a hardware, a drugstore, a lawyer's and a dentist's office upstairs, something called a dry goods store and perhaps an aging moving picture house near the corner.

"I remember in the Depression," said Jean Northenor, the Republican County Auditor in a very Republican county, "we'd do our Saturday shopping over there, get some candy at the dime store and then everyone would sit in their cars on Center Street all evening and watch their friends go by and talk and socialize. Your entertainment had to be cheap in those days."

More recently, Fort Wayne and South Bend were both still 50 miles away. But that 50 miles, once a forbidding two-day ride on horseback through Indian country, had become a one-hour, think-nothing-of-it, air-conditioned outing to the big-city mall for the whole family.

Some local commercial strip developments were also giving the city center tough competition with their new structures, bright lights and easy free parking. So an informal group of downtown Warsaw businessmen began meeting for lunch monthly almost 10 years ago to discuss their area's ills.

THEY GAVE THEMSELVES A NAME

Unofficially, the 10 businessmen called themselves the Downtown Development Commission. Their first priority was fixing up that one vital block of storefronts, many of them vacant and one of them, the movie, charred by fire.

It was a multimillion-dollar job for someone with vision and enough millions to need a tax break or two. Enter Frank Saemann, who left Chicago as a youth to turn salesman and help turn Warsaw into the self-proclaimed orthopedics capital of the world. The city claims four of the largest medical equipment companies in the world, including Mr. Saemann's own corporate creation, Orthopedic Equipment Company, Inc.

The 76-year-old Mr. Saemann, who divides his time between Warsaw and Florida, had already acquired some lots on the block. At the gentle urging of commission members ("You don't push Frank hard," one warned), he quietly bought other plots too until word got out and the remaining prices got too high.

Then five banks put together a $925,000 Economic Development Bond, which takes on many of the tax-saving characteristics of a municipal bond, enabling the banks to charge lower interest, in this case 7.75 percent instead of 12 or 14. Mr. Saemann also got a 25 percent investment tax credit for rehabilitating a building over 40 years old.

HE WANTS PROSPERITY

"I'd like to see the town prosper," Mr. Saemann said in an interview. "It's a nice town."

The 100-year-old corner building was restored and modernized and named for its investor. Other adjacent structures were renovated. And the old Boice Theater and Eagles Club is now becoming a little mall with "atrium-effect." But everything must retain its old small-town look.

Mr. Saemann, recently in poor health, hired Thomas E. Smith, a successful 29-year-old real estate consultant, to oversee his private land investments across northern Indiana. Using what oldtimers call "brass," the energetic Mr. Smith has filled all of the new stores with tenants including a jeweler, Taco John's and Baskin-Robbins. For some of the downtown facilities there is even a waiting list. He helped Mr. Saemann turn a vacant lot into a much-needed city parking lot. And Mr. Smith has talked up his benefactor's municipal generosity to journalists across the region.

Mr. Saemann did not have a reputation for an overabundance of civic spirit," said one friend, "He's a, uh, shrewd fellow. And he tended to dominate any place he was." Last winter he was chosen as Warsaw's Man of the Year.

THEN THE CLEANUP BEGAN

And as word spread this spring that Indiana's senior Senator, Richard G. Lugar, would cut the ribbon at the new dedication of the old building May 22, an interesting thing happened. The impact of Mr. Saemann's investments began to spread here. Other downtown store owners started to clean up, paint up and think positively. "Now," says Mrs. Wiggins, "there aren't any vacant places downtown. And when one does go empty, it's filled right away."

Not long ago the new Kosciusko County Justice Building opened, combining the jail and courts. The old courthouse was renovated. A nursery helped landscape the grounds. Downtown streets were repaved. Citizens and companies are buying trees and benches to scatter around downtown.

"We're about to have a change of generations around here," says Mrs. Wiggins, "There are some young, aggressive types coming along. We've got a diversified economy. And we've got momentum now."

Mr. Saemann doesn't talk much now. But he still likes to keep his hand in business, poring over the numbers on the balance sheets for his own private urban renewal. "I don't know why the hell I'm doing this," he said, "because it doesn't add up." and then he smiled.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, May 24, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 25

8:45 a.m.
*Labor and Human Resources
To resume oversight hearings on health care cost.
SD-430

9:00 a.m.
Office of Technology Assessment
To meet to consider pending Board matters.
EF-100, Capitol

9:30 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to mark up proposed legislation amending the Export Administration Act.
SD-538

Judiciary
Juvenile Justice Subcommittee
To hold hearings on the problem of parental kidnapping.
SD-226

Labor and Human Resources
Business meeting, to mark up S. 564, to establish the U.S. Academy of Peace, S. 771, to authorize funds through fiscal year 1986 for health promotion and disease prevention programs of the Department of Health and Human Services, and S. 1129, to authorize funds through fiscal year 1986 for programs under the Domestic Volunteer Service Act (VISTA/ACTION), and to

allow volunteers to be locally recruited and assigned to projects in order to alleviate poverty and poverty-related human problems.
SD-430

Special on Aging
To hold hearings to examine certain aspects of life-care communities.
SR-385

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate the use of offshore banks, trusts, and companies to facilitiate criminal activity in the United States.
SD-342

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold oversight hearings to review Federal debt collection policy.
SD-138

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 369, to provide a limited waiver of the fiscal year 1982 executive level pay cap for specified medical officers of the Public Health Service who were awarded Senior Executive Service (SES) bonuses, and S. 1009, to extend the authority of Federal agencies to enter into service agreements with Federal physicians which grant comparability allowances.
SD-116

Select on Intelligence
To hold closed hearings on intelligence matters.
S-407, Capitol

Joint Economic
Agriculture and Transportation Subcommittee
To hold hearings to review farm policy in the post-PIK era.
SD-124

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-628

Labor and Human Resources
To continue oversight hearings on health care cost.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Subcommittee on Postsecondary Education of the Committee on Education and Labor on consolidation of student loans, focusing on findings of GAO studies mandated under Public Law 97-301, Sallie Mae Technical Amendments Act of 1982.
2175 Rayburn Building

MAY 26

9:00 a.m.
Judiciary
Constitution Subcommittee
Business meeting, to mark up Senate Joint Resolution 73, proposing an amendment to the Constitution of the United States relating to voluntary prayer in public schools.
SD-628

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on title II, to encourage States to take effective action to reduce traffic safety problems resulting from persons driving under the influence of alcohol or other drugs of S. 1108, proposed Highway Safety Act.
SR-253

Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, and on related measures.
SD-628

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on the youth employment provisions of S. 724, proposed Public Investment/Jobs Act.
SD-430

10:00 a.m.
Appropriations
Business meeting, to mark up the substance of H.R. 3069, appropriating supplemental funds for fiscal year ending September 30, 1983, for the Federal Government (pending on House Calendar).
SD-192

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
To continue hearings on S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants.
SD-406

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 958, to reform the current merit pay system of the Federal Government.
SD-342

Judiciary
Courts Subcommittee
Business meeting, to mark up S. 645, proposed Court Improvements Act.
S-224, Capitol

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on title XIII, relating to Federal Tort Claims Act amendments, of S. 829, proposed Comprehensive Crime Control Act.
SD-226

Joint Economic
Agriculture and Transportation Subcommitee
To hold hearings to review the future direction in farm policy.
SD-124

2:00 p.m.
Judiciary
To hold hearing on S. 52, to establish a mandatory sentence of 15 years to life imprisonment to combat crimes of armed robbery and armed burglary.
SD-226

3:00 p.m.
Select on Indian Affairs
To hold hearings on S. 1168, to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma, S. 1224, to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation, and S. 1249, to provide for a representative of a federally recognized Indian tribal government in the membership of the Advisory Commission on Intergovernmental Relations.
SD-538

MAY 27

9:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax measures, including S. 654, S. 738, S. 1147, S. 1194, and S. 1195.
SD-215

JUNE 7

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on certain activities of the Teamsters Union, focusing on the substance of S. 336, proposed Labor Management Racketeering Act (pending on Senate Calendar), and central state settlement matters.
SD-430

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

JUNE 8

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on the role of the administrative law judges of the Department of Health and Human Services related to social security disability.
SD-342

*Judiciary
To hold hearings on S. 915, proposed Taxpayer Antitrust Enforcement Act.
SD-226

Labor and Human Resources
To hold hearings on food safety.
SD-430

10:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 9

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

10:00 a.m.
Energy and Natural Resources
To resume hearings on the geopolitics of strategic and critical minerals.
SD-366

Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of the Department of Agriculture's payment-in-kind program on agricultural support industries.
SR-428A

JUNE 10

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

JUNE 13

9:30 a.m.
Finance
To hold hearings to examine the tax structure applicable to property and casualty insurance companies.
SD-215

Labor and Human Resources
To hold hearings on home health care services.
SD-430

JUNE 14

9:30 a.m.
*Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 1174, proposed Public Utility Holding Company Act Amendments.
SD-538

Commerce, Science, and Transportation
To hold hearings on title III, to promote commercial motor vehicle safety and health regulations, of S. 1108, proposed Highway Safety Act.
SR-253

Labor and Human Resources
Labor Subcommittee
To hold hearings on the substance of S. 1227, to improve the single-employer pension plan termination insurance program created in 1974 by title IV of ERISA.
SD-430

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

JUNE 15

9:30 a.m.
*Banking, Housing, and Urban Affairs
Securities Subcommittee
To continue hearings on S. 1174, proposed Public Utility Holding Company Act Amendments.
SD-538

Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, and on related measures.
SD-562

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume oversight hearings on activities of the Patent and Trademark Office, Department of Commerce.
SD-226

Labor and Human Resources
Business meeting, to mark up S. 772, proposed Smoking Prevention Health and Education Act, and other pending calendar business.
SD-430

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SR-418

10:30 a.m.
Labor and Human Resources
To hold hearings on the nominations of Ford B. Ford, of California, to be Under Secretary of Labor, and Madeleine C. Will, of Maryland, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 16

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-562

Judiciary
Juvenile Justice Subcommittee
To hold hearings on the deinstitutionalization of certain status offenders.
SD-226

JUNE 17

10:00 a.m.
Commerce, Science, and Transportation
*Aviation Subcommittee
To hold hearings on S. 314, proposed In-Flight Medical Emergencies Act.
SR-253

JUNE 20

9:30 a.m.
Finance
To hold hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.
SD-215

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed authorizations for refugee programs.
SD-226

JUNE 21

9:30 a.m.
Finance
To continue hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.
SD-215

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

JUNE 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on title IV, to provide for increased coordination between Federal, State, and local governments in the transportation of hazardous materials, of S. 1108, proposed Highway Safety Act.
SR-253

Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, and on related measures.
SD-562

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1306, to encourage American innovation by restoring the patent system as it affects certain products subject to premarket testing by the Federal Government.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

Veterans' Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 23

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226

Labor and Human Resources
To hold hearings on the effects of anti-cancer drugs in the treatment of cancer patients.
SD-628

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To continue oversight hearings on the breakdown of the traditional family unit, focusing on the role of Federal policy.
SD-430

JUNE 24

9:30 a.m.
Judiciary
Courts Subcommittee
To hold hearings to discuss the current bankruptcy situation of the Manville Corporation in Denver, Colo.
SD-562

JUNE 27

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on airline deregulation.
SR-253

Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 28

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal Mine Safety and Health Amendments.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on airline deregulation.
SR-253

JUNE 29

9:30 a.m.
Judiciary
To hold hearings on S. 737, proposed Joint Research and Development Ventures Act.
SD-226

Labor and Human Resources
To hold hearings to examine fire safety matters.
SD-430

10:00 a.m.
Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of Canadian agricultural imports and their effect on the small business community.
SR-428A

Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

Labor and Human Resources
To hold oversight hearings on the activities of the Equal Employment Opportunity Commission and the administration's equal employment opportunity policy.
SD-430

10:00 a.m.
Energy and Natural Resources
To resume hearings on the geopolitics of strategic and critical minerals.
SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on activities of the Office of Administrative Law Judges, Department of Agriculture.
SD-562

JULY 6

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 20

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

CANCELLATIONS

MAY 24

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on certain provisions of the proposed Mortgage Retirement Account Act.
SD-538

MAY 27

10:00 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

JUNE 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 16

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

SENATE—*Tuesday, May 24, 1983*

(Legislative day of Monday, May 16, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Infinite, eternal God, the Senate confronts a task profoundly complex, challenging the best of human ingenuity and resources. The issues are virtually impossible of solution: Provide for the welfare of the poor, the oppressed, the elderly, the disadvantaged, the unemployed; respond to sensitive international relations; see to an adequate national defense; prevent inflation; control the national debt; balance the budget. And they face these imponderables under the pressure of a citizenry who are impatient for measurable results plus conflicting special interests which clamor for attention.

Lord God, this is beyond human comprehension let alone human solution. Grant to Thy servants the wisdom of God and the power of God as they face these inexorable responsibilities. Help them to believe that with God all things are possible and that in His light and truth they will find the way. We pray this in the name of Him who has all power in Heaven and on Earth. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

SENATOR ROBERT C. BYRD IS 1983 WINNER OF THE HORATIO ALGER AWARD

Mr. BAKER. Mr. President, I want to take this opportunity to advise the Senate that this evening, at the National Botanic Garden, I will be privileged to participate in a special tribute to the distinguished minority leader, Senator ROBERT C. BYRD, of West Virginia, in celebration of his being named as a 1983 winner of the Horatio Alger Award.

Mr. President, I wish to take this opportunity to personally congratulate my good friend, Senator BYRD, on this most remarkable recognition. In offering my congratulations, I am certain that I am joined by every Member of the Senate on both sides of the aisle.

The Horatio Alger Award was established in 1947 and is presented each year to men and women whose success in their respective fields has been achieved through hard work, honesty, and individual initiative. I cannot think of anybody who better fits that description than ROBERT C. BYRD.

There are many past awardees who have added luster to this award and who are the beneficiaries of this special citation. They include President Hoover, President Eisenhower, Bob Hope, Pearl Buck, Hank Aaron, and a fellow awardee on the occasion just past, President Gerald R. Ford.

Mr. President, this is a special award given to special people, and ROBERT BYRD fits right in. He is a man whose individual expertise embraces the true quality of life. His unyielding commitment to his family, his dedication to public service, and his fondness and knowledge of music and the arts serve as examples of someone who managed to overcome a great deal in his early life, and who has not only survived but emerged as a truly great leader of this Nation.

I want once again to commend the minority leader for receiving this award. Perhaps the only thing more obvious than the fact that Senator BYRD is most qualified for this citation is the fact that it comes as no surprise to those of us who are privileged to work with him.

Mr. President, the very excellent remarks of the minority leader on the occasion of the receipt of this citation at the Horatio Alger dinner in Pittsburgh, are worth the reading of every Member, indeed every American. They were delivered on Friday, May 13, 1983, and I ask unanimous consent that those remarks be included in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAKER. Mr. President, there is also a letter that I have in my possession from Senator BYRD'S colleague from West Virginia and our colleague in the Senate, Senator JENNINGS RANDOLPH. It is a touching letter and it describes a bond of friendship between the two representatives of the State of West Virginia in the Senate, and outlines a number of their accomplishments together and their courage in standing together.

I think it would be fitting and appropriate that Senator RANDOLPH'S letter appear at this point in the RECORD, and I ask unanimous consent for that purpose.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 24, 1983.

DEAR ROBERT: Congratulations on receiving the Horatio Alger Award! You fully merit this recognition.

Since 1959, I have cherished our work together—for West Virginia—in the United States Senate. It has been a privilege for me to nominate you as our Democratic Leader and to stand beside you again in 1983 at the official swearing-in ceremonies.

Your personal initiative, steadfastness in purpose and constructive effort for the citizens of our State and our Country are effective.

From Geneva, Switzerland, where I am participating in the 4th annual Agri-Energy Roundtable "on world food and energy security," I convey my very best wishes to you on this memorable evening.

Truly,

JENNINGS RANDOLPH.

Mr. BAKER. Mr. President, I wish to extend to the minority leader my very special congratulations and my personal respect for an award well earned and well deserved.

EXHIBIT I

REMARKS AT HORATIO ALGER AWARD DINNER

(By U.S. Senator Robert C. Byrd From West Virginia)

Xenophon wrote, "The sweetest of all sounds is praise." And I am moved by the praise and honor that you have given me in presenting me with the Horatio Alger Award.

In fact, you have twice-honored me. First, in giving me this award. And just as important, in recognizing me along with such a distinguished company of other Americans—all champions and victors in their own fields. To receive honor here tonight is to receive the paramount honor of a lifetime.

But when I think about whatever I may have done that is praiseworthy—I am not so much impressed by anything that I have done as much as I am impressed by the opportunity that America gave me to do it. Even well after 200 years, the marvel is not I—nor even any of us. The marvel is still America.

That is not to say that I did not have my struggles.

And I have had my disappointments—as most of you have had. But nothing really lasting is built or won without testing—discipline—stretching our minds, bodies, and spirits. Struggle is a keynote of achievement.

But the common denominator of our lives is not struggle alone. Nor does that struggle by itself explain the great achievements of

so many whom you have honored over the years.

The more salient fact is that those struggles took place largely in America—that America has given us the opportunity to make our struggles mean something—the chance to achieve something on our own—to satisfy our deepest ambitions to measure up to our own values and standards.

Tonight as we sit here, we enjoy citizenship in one of the few countries where such opportunity is available to anybody. Words like "opportunity" and "achievement" ring hollow in Poland, Iran, Afghanistan, and in country after country around the world.

But opportunity is an inherent part of our American way of life. And—strange as it may sound to some—never has that opportunity been greater than in America today—an America of computers, mass and instant communication, television, radio, rapid transportation, and open doors. Today's young Americans have the world at their fingertips—if they but reach out their hands far enough. True, the competition to grasp that world may be tough, but it has always been tough—and the opportunity is still there.

So I thank you for the honor and recognition—the laurel wreath—that you have given me tonight. And I know that all of you join me in echoing Daniel Webster, who said, "Thank God! I—even I—am an American!"

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. Mr. President, I am deeply grateful and very touched by the remarks made by the majority leader. There is no one in this country whose words would have meant more to me than those of the majority leader.

He is my friend and I am extremely fond of HOWARD BAKER. We are put in an adversarial relationship once in a while, but when those situations come, we handle them as best we can, and try to do our duty as we see it. Afterward, we walk out of the door as friends.

I deeply appreciate his kind words on this occasion.

Mr. BAKER. Mr. President, I am most grateful to the minority leader. I have said this before, but I will say it again. There is a special understanding that must evolve and develop between leaders in the Senate on both sides of the aisle. I have witnessed that relationship a few times but not over a great span of years. I saw it between Mike Mansfield and Ev Dirksen; I saw it between Mike Mansfield and Hugh Scott. But I never really understood the nature of the responsibilities—until I had to endure them.

Perhaps endure is a strange word to choose, because it is a great honor, a great privilege, and an exhilarating experience, to serve in the leadership. I have not regretted one moment. I have worked hard all my life—in school, as a kid, and as a practicing lawyer—but I have never worked as hard as I have worked in the leadership role in the Senate. It is a responsibility I welcome, but it is one that is made far more attractive by the association and understanding of that leadership responsibility that the minority leader brings to this post.

Some have observed that almost every morning before the Chaplain utters his prayer it is the personal custom of Senator BYRD and I to shake hands before the combat begins, and that is more than an idle gesture. It is a symbolic reiteration of the understanding of our respective roles, our respect for the political system, and our friendship between each other.

So I take great pleasure in remarking on this excellent award to the minority leader which he so richly deserves.

(Later the following occurred:)

Mr. PROXMIRE. Will the majority leader yield very briefly?

Mr. BAKER. Yes.

Mr. PROXMIRE. Mr. President, I wish to join the majority leader in paying tribute to our leader for receiving the Horatio Alger Award. Awards are given and very often they are misplaced. We give a sportsman award to somebody who is anything but a sportsman.

But, in this case, we see a person who deserves the Horatio Alger Award. I do not know anybody in the Senate, or in the House, in fact, no one in my acquaintance, that deserves it more richly than ROBERT BYRD.

Horatio Alger was a person who struggled against all kinds of odds to become a success in business. He has been an inspiration, of course, to generations of Americans.

Well, this is what our fine minority leader has done. In the years I have been here, I have served under, or with, I should say, four, I believe, great majority leaders—Lyndon Johnson, when I first came here; Mike Mansfield for many years; and ROBERT BYRD; and now, of course, HOWARD BAKER. Every one of them, I believe, has been a great leader and I have been delighted to serve under them.

But there is a special quality about BOB BYRD'S persistence, patience, concern, and absolute dedication to this job. Others, as I say, have served this Senate brilliantly, but I do not know anyone who has given more of himself.

After all, what other Senator, while he is so vigorously working as a Senator, actually went to law school and became a lawyer while he was in the Senate? BOB BYRD did that.

And BOB BYRD, I remember, as chairman of the District of Columbia Committee, gave that committee more than any other Senator gave committees of far, far greater jurisdiction, power, and importance.

So I just wish to join my majority leader in paying tribute to a man who richly deserves this honor. It is such a pleasure to find somebody who gets an award that he is just born for, as he is.

Mr. BAKER. Mr. President, BOB BYRD absolutely fits this bill, and I agree completely with the statements of the Senator from Wisconsin. I am sure that every other Member of the Senate joins him in those remarks.

Mr. BYRD. Mr. President, I thank the Senator from Wisconsin for his very gracious comments.

I remind all Senators that Senator PROXMIRE has quite a record. He spoke of persistence and patience. He holds the record for consecutive rollcall votes with 8,161 rollcalls over a period of 18 years. He has not missed a rollcall vote in all that time.

He has cast 10,033 Senate rollcall votes. It is a truly remarkable display of duty, diligence, and dedication.

Mr. BAKER. Mr. President, I agree absolutely with the minority leader. I will say facetiously, and I am sure the Senator from Wisconsin understands, that it seems as if he voted more than once a time or two. He has been so effective in legislative combat that not only is his record impressive in numbers but also in the contribution he makes to the Senate.

Mr. BYRD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The minority leader has 8 minutes remaining.

Mr. BYRD. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I was not going to be left in the minority here when it comes to attesting to our worthy floor leader for the minority.

As a matter of fact, I think one of the true blessings of the Senate this year and previous years is that we have had these two gentlemen here who have been highly valuable to the Senate and to the country in their roles as leaders on the floor of the Senate.

Mr. President, I had the privilege of introducing the Senator from West Virginia in my home State to a large audience on graduation day at one of our universities. I told part of this old Horatio Alger story which fits so well. I remember when he first came here I had not had the chance to know him well. We put him in charge of the appropriations subcommittee which has already been mentioned. It is an important item, but it is not as sought after as some.

I told him then, "You will make an important office out of a small one." That is exactly what he has done.

We made him clerk of the caucus, I believe, at that time. But anyway, that was the first rung of the ladder. He went right on up rapidly without a break to become the leader of that group.

The big thing about it is that it has been earned by him. He came here as

a Member of this body and went on and obtained a law degree some years after he had finished high school, while serving with distinction here in the Senate. That is the mettle he is made of. I am delighted to attest to his ability.

I did not know of the Horatio Alger award. I want to put that in. I had the vague thought, though, that there ought to be one.

But here it comes that there is an award of this kind, and we have the perfect man for it, the Senator from West Virginia. I salute him.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I thank the Senator from Mississippi. He has always been, is now, and will continue to be an inspiration to me and to other Senators. He is a Senator's Senator.

As I have said so many times, he is a man who looks like a Senator, talks like a Senator, acts like a Senator, and is really a great Senator. I thank him.

SENATE SCHEDULE

Mr. BAKER. Mr. President, now that we have gotten that out of the way we can get down to combat.

I would remind Senators that we have two major items to deal with this week, one of which is the MX resolution, which must be completed within the time allotted by statute, that is to say 50 hours.

Could I inquire of the Chair how many hours are remaining of that 50 hours?

The PRESIDING OFFICER (Mr. WILSON). Of the 50 hours, there are roughly 23 remaining.

Mr. BAKER. I thank the Chair. That is a long time, Mr. President.

I urge Senators, as soon as we get back on this measure, which is at 10:30 a.m., to come to the floor and offer their debate. No amendments are in order, no motions are in order, and we will have a vote on this measure at some point. It would be my hope that we can get to final disposition of this resolution either today or at a time certain tomorrow.

I do not intend to ask the Senate to remain late tonight. That is not my present intention, in any event. There are a number of occasions that must be attended away from the Hill including a reception at the National Botanic Garden of which I just remarked and the occasion of the award of the annual prize for excellence in journalism by the Dirksen Center, which also will be done tonight.

I think that we can plan to go out at about 6 o'clock tonight if we can arrive at a time certain for the final disposition of the MX resolution.

The minority leader has a caucus today, and I have a caucus today on my side of the aisle. I hope that we can arrive at a time that is mutually agreeable for disposition of that resolution, if not today then sometime midday tomorrow.

After we do that, we still have the very sticky matter of the debt limit to deal with. That attracts amendments like flypaper attracts flies. I have never quite understood why that is so, but it is.

One of these days, in a seizure of excess candor, I am going to say what I really think about the debt limit; that the debt limit is a fiction that we create for self-flagellation and that it really gives us no choice. We have spent the money, and the choice before the Congress of the United States is either pay them or beat them out of it. I do not think it is in the best American tradition to spend other folks' money and then not pay for it.

So a debt limit is not a question of a statement of policy intention but rather the question of whether you are going to pay your bills or not. But, you see, I have succumbed already to this excess candor, and that has nothing to do with the question of scheduling the debt limit.

I would like, Mr. President, to pass the debt limit clean, if possible, send it to the President, and have it out of the way. But if we cannot do that—and I still hope we can do that—if we cannot do that, I would like to discuss with the minority leader any other arrangement that we could make that will assure that the Senate will act in a responsible way on this issue.

Mr. BYRD. Mr. President, if I may respond, I join the majority leader in hoping that we can work our way to passage of the debt limit extension without amendments. In a private conversation I had with him earlier, we discussed the possibility of having a 20-day extension, which would encourage our colleagues to avoid adding amendments on this occasion. If they would just withhold on that inclination—and I might have a similar inclination—until about the 20th of June, or some such, and agree to a final vote on the MX by, 1 or 2 o'clock p.m., tomorrow, it would be helpful. I am going to discuss this with my colleagues in caucus and I will get back to the majority leader in respect thereof.

Mr. BAKER. I thank the minority leader.

Mr. President, I will do the same in our caucus which begins at 12:30 today.

I might observe, by the way, there is already an order for the Senate to stand in recess from the hour of 12 noon to 2 p.m. so that those caucuses, the Democratic Caucus and the Republican Caucus, can be carried in their respective locations away from the Senate Chamber.

Mr. President, I have consulted with Senator DOLE, the chairman of the Finance Committee, on this subject. I have attempted to reach other Senators, but I will bring that subject up in our caucus and, if the minority leader is agreeable, we will get together after 2 p.m. and talk about it again.

Mr. President, I am sure I do not have any more time. I apologize to anyone whose time I have encroached on. I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of routine morning business, not to extend beyond the hour of 10:30 a.m., with statements therein to be limited to 5 minutes each.

THE MX: A KEY TO ARMS REDUCTION

Mr. STEVENS. Mr. President, this morning's editorial page of the Washington Post contained a statement by President Reagan on the important vote we, in the Congress, are about to make on the approval of basing and flight testing the MX Peacekeeper missile. President Reagan emphasizes two points: (1) That MX deployment is part of a strategic force modernization package which includes the development of the small ICBM, which will serve to strengthen deterrence; and (2) that the MX vote "concerns far more than one piece of military hardware. It bears on our ability to strengthen the peace through arms agreements that make for more security and stability by reducing overall force levels."

The President stresses that the MX decision before us involves the question of whether or not we build a consensus on a common approach to arms reductions and strategic stability—one that can last from one administration to the next, from one Congress to the next.

And finally, the President states that he will work closely with the Congress in pursuit of a reduction—a build-down—of strategic nuclear forces. To succeed in this effort, the President states that he needs bipartisan support from Congress.

Mr. Chairman, that is the choice before Congress. In approving the MX resolution, we will move toward that bipartisan consensus on arms reductions and strategic stability which is so vitally needed to maintain the peace.

I ask unanimous consent that the entire text of the President's remarks be placed into the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 24, 1983]

(By Ronald Reagan)

THE MX: A KEY TO ARMS REDUCTION

In a matter of hours, the Congress will vote on a question of vital concern to all Americans—one of the most important votes involving arms reduction it may ever be

called on to cast. The debate on the MX Peacekeeper missile, and the whole issue of strategic modernization, has been on the front pages for months now and may seem to have reached its saturation point. But, as is too often the case, the nature of much of the debate has generated far more heat than light, and made it harder for many sincere citizens to reach a calm, reasoned decision.

In these final hours before the Congress acts, I want to state, clearly and directly, what is at stake, and why it is so important to our country and to the world our children will inherit from us. Most of us are already familiar with what the vote will be about. The specific legislative proposal is to approve flight testing of the MX Peacekeeper missile and the work needed to base it in existing Minuteman silos. This is the first essential step toward deployment of 100 Peacekeeper missiles beginning in 1986, and for the development of a new, small and mobile single-warhead ICBM—all part of a long-overdue modernization of our aging defense system.

But if the details of the debate are clear enough, its importance may not be. At stake is the future of arms reductions—balanced, verifiable arms reductions that can make the world of tomorrow a safer place for all the Earth's people. That is a goal all sensible people share, an issue that cuts across party and philosophical lines and unites us as Americans and as members of the human family.

When I endorsed fully the Scowcroft Commission's recommendations on the MX Peacekeeper and modernization, I did so because I was firmly convinced that they balanced the three keys to our country's present and future safety: modernization, to maintain state-of-the-art readiness against a much newer Soviet array of systems; deterrence, to continue to make clear to the Soviets that aggression on their part would never pay; and progress in arms reductions to move from a balance of terror toward stable, peaceful discourse in the competition of ideas.

All three of these elements are crucial to our country's present and future well-being; they are also interdependent. Modernization goes hand-in-hand with a credible deterrent; both are necessary incentives to persuade the Soviets that it is in their best interest as well as ours to achieve meaningful arms reductions.

So the vote on the MX package concerns far more than one piece of military hardware. It bears directly on our ability to strengthen the peace through arms agreements that make for more security and stability by reducing overall force levels.

The Scowcroft Commission proved that this is not a partisan issue. Its members, drawn from both parties, from several previous administrations, and from some of our best technical and scientific institutions, demonstrated that Americans with widely differing attitudes can cope with a complex, emotional issue, rise above politics, and achieve a workable, bipartisan consensus.

The members of the commission agreed on the need to build and deploy the MX, not as an engine of destruction, but as a safeguard for peace; not as a means to fight a war, but as a deterrent to conflict and an incentive to peaceful negotiation. These are things we all want.

The question now before us is whether or not the Congress will join this consensus, a consensus that can unite us in our common search for ways to protect our country, reduce the level of nuclear weapons and the risk of war. Such a consensus is more than desirable; it is crucial to America's future and to the future of all the civilized values we hold dear and would protect from mass destruction.

If we can consolidate this consensus now, it can be sustained from one administration to the next, from one party to another, and lay the groundwork for steady progress toward arms reduction and a more peaceful and secure world. It is this realization which has caused many members of the Congress, who disagree with this administration on other issues, to make common cause with us on this one. Only last week, Democratic Rep. Les Aspin of Wisconsin explained why the Scowcroft Commission's recommendations deserve support as a tool for peace and arms reductions.

"A core question," he wrote, "is whether you can get the Soviets to negotiate without dangling the MX over their heads. . . . [I] tend to believe we need the MX—not to give the United States the capability to wipe out the Soviet ICBM force, but to turn on a lightbulb in the Kremlin's brain and make it realize that it is in Moscow's interest as well as ours to shift to single-warhead missiles and to agree to a limit on warheads.

"The goal of all this is to prevent nuclear weapons from being used in the first place. The best way to achieve that goal is to create a situation in which neither side has an incentive to use nuclear weapons. That is precisely what the Scowcroft approach does."

The appropriations committees of both House and Senate, on a broad biparisan basis, have already voted to support this package.

As the full Congress now reaches the eleventh hour, the choice is clear: a vote for the MX is a vote for what all of us—here and among our friends overseas—want for our country and for posterity—peace, security, significant arms reductions and an end to nuclear horror. Toward this noble goal, I pledge to continue to work closely with the Congress in pursuit of a reduction—a build-down—of nuclear arsenals. But, to succeed, I will need its bipartisan support. I cannot think of any single issue where it is more justified, and more vital to the future of mankind.

EPA AMENDMENT TO THE BUDGET RESOLUTION

Mr. MOYNIHAN. Mr. President, during Senate consideration of Senate Concurrent Resolution 27, the first concurrent resolution on the budget, I had intended to offer an amendment, along with my colleagues Senators STAFFORD, LEAHY, RANDOLPH, MITCHELL, BRADLEY, HUMPHREY, HART, LEVIN, RIEGLE, SARBANES, CRANSTON, RUDMAN, KENNEDY, LAUTENBERG, INOUYE, DODD, JACKSON, and BURDICK, to increase the Environmental Protection Agency's (EPA) budget authority for fiscal year 1984.

The assumptions in the amendment—$1.351 billion in budget authority for the EPA operating budget for fiscal year 1984 and $383 million in budget authority for the Superfund program in fiscal year 1984—were included in the bipartisan budget resolution adopted last Thursday. As such it was not necessary to offer our amendment.

I am delighted by the outcome. A fiscal year 1984 budget authority of $1.351 billion will restore the EPA operating budget in nominal dollars to its 1981 level. A budget authority of $383 million for the Superfund in fiscal year 1984 will add $73 million to the President's budget request and allow half of the moneys available in the trust fund in 1984 to be spent.

There can be no question that these funds are vitally needed. The EPA is responsible for administering, in whole or part, more than half of the major environmental laws enacted since the Agency's creation in 1970. These laws include the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, the Federal Insecticide, Fungicide, and Rodenticide Act, and the Comprehensive Environmental Response, Compensation and Liability Act (Superfund). To enforce these laws as written by Congress EPA must be able to perform many complex and difficult tasks. More resources—not less—will be needed.

The substantial reductions in EPA's budget since 1981 have had dramatic impacts around the Nation. The EPA operating budget, which includes agency salaries and expenses, extramural research and development funding and grants to the States, has already been cut by 23 percent in nominal dollars. Had the administration's budget request for fiscal year 1984 been approved, the result would have been a 30 percent decrease in funding in nominal dollars and a 44 percent funding decrease in real, or inflation adjusted, dollars.

The EPA is now under new leadership. On May 4, 1983, EPA Administrator William D. Ruckelshaus appeared in confirmation hearings before the Senate Committee on Environment and Public Works of which I am a member. He stated quite clearly his belief that the environmental laws of this country are meant to be taken seriously. They are meant to be enforced, he said, and he intends to enforce them. To do so he will need adequate resources and he recognizes this fact. Mr. Ruckelshaus told the committee that "[I]t will be a high priority of mine to review the existing budgetary ceilings to see if additional money or people are needed to carry out the mandate of Congress."

The tasks required to be performed by the EPA in 1984 are well documented in an April 1983 report prepared by the Congressional Budget Office (CBO) entitled "The Environmental Protection Agency: Overview of the Proposed 1984 Budget." I commend this study to my colleagues. It takes but a brief look at this study to see what is ahead for the agency. Some

examples are: ambient air quality standards that must be reviewed; standards for hazardous pollutants that must be set; control standards for stationary sources of air pollution that must be developed; standards for wastewater discharges that must be reviewed; thousands of water quality permits that must be issued; permit reviews of thousands of hazardous waste treatment, storage, and disposal facilities that must be done; performance standards for hazardous waste disposal facilities that must be put in place, and many new chemical substances that must be tested to determine their toxicity and regulated if necessary. And so the list goes on.

The adequacy of the Agency's resources to carry out the tasks at hand are a particular concern in the several areas—research and development, grants to States, enforcement activities and, of course, Superfund.

The administration's 1984 budget request reflected a 55-percent decrease in nominal dollars from the 1981 level for the Agency's extramural research and development program. EPA's extramural research and development program has already suffered a cut of 53 percent in nominal dollars since 1981.

At this time when the EPA is shifting more and more responsibility to the States to carry out Federal environment programs, the resources being made available by EPA to support the operation of State environmental management programs have diminished substantially. The President's 1984 budget request reflected a 36-percent decrease in nominal dollars from the 1981 level for EPA's grant program to the States. State grant funding has already fallen by 14 percent between 1981 and 1983.

Since 1981 there has also been a substantial reduction in the number of full-time employees at EPA. The administration's fiscal year 1984 budget request would have reduced Agency personnel by 29 percent from the 1981 level. Such a reduction could not help but have a severe impact on the Agency's ability to enforce the Nation's environmental laws. To take one example, the reduction in manpower, according to CBO, will result in a backlog amounting to a number of years in EPA review of waivers for wastewater treatment permits.

Fiscal year 1984 will be the fourth year of the Superfund program. It is not too much to expect that EPA should spend half of the $767 million that will be available in the trust fund in 1984.

The Superfund law, enacted in December 1980, created a $1.6 billion trust fund to finance the cleanup of abandoned or uncontrolled hazardous-waste sites and to respond to spills of hazardous substances. The major source of funding—seven-eighths of the total—for the trust fund comes from a dedicated tax on 42 chemicals and petroleum. The revenues collected from the tax, which began on April 1, 1981, are held in the trust fund until such time as they are used for cleanup activities or other eligible Superfund expenditures.

There are currently 419 hazardous waste sites on the EPA Superfund priority list for assistance, but only 78 of these sites have received assistance thus far. And only five sites have been cleaned up completely. EPA personnel testifying before the Senate Committee on Environment and Public Works admitted that previous agency policy has been to slow down the rate of Superfund expenditures. It is time to indicate to the Agency that it is the will of Congress that the funds collected to clean up hazardous waste dump sites be spent for just that purpose and not be left to accumulate in the dedicated trust fund.

In sum, although the EPA budget has diminished greatly since 1981, the Agency's tasks have not. In order to do its job in a diligent and effective manner, the Agency must be provided with adequate resources. Our amendment was designed to restore to the Agency its fiscal year 1981 level for operating programs and provide $383 million for the Superfund program. I am most pleased therefore that the assumptions in our amendment were included in the budget resolution adopted by the Senate.

Mr. President, I ask unanimous consent that several charts displaying the changes in the EPA budget since 1981 and excerpts from the April 1983 report of the Congressional Budget Office (CBO) be printed in the RECORD in full along with my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY'S OPERATING BUDGET BY APPROPRIATION ACCOUNT

[By fiscal years]

	1981	1982	1983	1984 President's request	Percent change 1981–84
Salaries and expenses	$562	$555	$549	$540	−4
Abatement, compliance, and control	535	373	369	294	−45
Grants to States [1]	(272)	(241)	(233)	(173)	(−36)
Research and development	250	154	119	112	−55
Buildings and facilities	4	4	3	3	−25
Total	1,351	1,086	1,040	949	−30

[1] Grants to States is a subcategory of abatement, compliance, and control.

SUPERFUND BUDGET REQUESTS

[By fiscal years, dollar amounts in millions]

	Available moneys in trust fund [1]	President's budget request	President's request as percentage of available funds
1981	$153	$68	44
1982	419	190	45
1983	587	230	39
1984	767	310	40

[1] Includes taxes, general appropriations, fines, and recoveries.

THE ENVIRONMENTAL PROTECTION AGENCY: OVERVIEW OF THE PROPOSED 1984 BUDGET

PREFACE

This paper analyzes the Environmental Protection Agency's 1984 budget request for five programs: water quality, air quality, toxic substances, hazardous waste, and superfund. The report was prepared at the request of Senators Patrick Leahy and Slade Gorton, and Representatives Howard Wolpe, and Claudine Schneider. In keeping with the mandate of the Congressional Budget Office (CBO) to provide objective and impartial analysis, this paper contains no recommendations.

This study was written by John B. Thomasian and Ken Rubin of CBO's Natural Resources and Commerce Division and Anne Hoffman of CBO's Budget Analysis Division, under the supervision of David L. Bodde and Everett M. Ehrlich. The authors wish to thank Cynthia Fulton and Mark Adams for providing valuable assistance. Francis Pierce edited the manuscript, and Mary Pat Gaffney typed the many drafts and the final version.—Alice M. Rivlin, Director.

SUMMARY AND INTRODUCTION

This paper contains a brief analysis of the President's 1984 budget request for the Environmental Protection Agency (EPA), submitted in January 1983. The analysis concentrates on four major programs within the EPA operating budget: water quality, air quality, hazardous waste, and toxic substances. It also examines budget trends in the Superfund program, which is not part of EPA's operating budget.[1]

[1] EPA's operating budget covers 17 activities, including air and water quality, drinking water, hazardous waste, pesticides, radiation, noise, interdisciplinary, and energy programs. The hazardous substance response trust fund (Superfund) and the

METHODOLOGY

All projected and historical budget figures presented in this paper were obtained from the EPA Appropriations Justification documents submitted for fiscal years 1983 and 1984. Budget figures from 1981 and 1982 depict actual obligations, while figures for 1983 and 1984 represent anticipated budget authority.[2] While budget obligations and budget authority may differ in any given year—depending on the amount of funds carried over from the previous year and those deferred to the next—they are comparable in most of EPA's operating programs, since obligations for any given year tend to approximate appropriations for that year.

Throughout this paper budget levels are generally cited (unless otherwise indicated) in terms of nominal dollars (not adjusted for inflation); however, percent changes from year to year are expressed in real terms, which are, adjusted for inflation. All figures were adjusted using historical and projected gross national product (GNP) deflators consistent with the forecast contained in CBO's February 1983 economic report.[3]

Two types of comparisons are made in this paper. The immediate budget changes are shown by comparing the 1984 request with the 1983 estimated budget authority. For longer-term trends, the 1984 request is compared with 1981 spending levels.

OVERVIEW OF THE EPA BUDGET

The total EPA budget request for 1984 in current dollars is $3.7 billion, including $2.4 billion in funds for construction of publicly owned treatment works (the construction grants program), $0.3 billion in funds for emergency hazardous waste cleanup (Superfund), and roughly $0.9 billion for operating expenses. Operating expenses include most of the funds (including salaries and expenses and money for outside contracts) for the traditional programs designed to protect the environment. Four of these programs are examined in this study: air quality, water quality, hazardous waste, and toxic substances. Air quality and water quality are among the oldest programs at EPA, while hazardous waste and toxics are among the newest.

The 1984 combined budget request for the four operating programs analyzed here is 19 percent lower in real terms than the 1983 appropriation (see Table 1). The largest decrease (33 percent) will occur in the water quality program, while the smallest (9 percent) is proposed for the toxics program. In contrast to these operating budget changes, the 1984 budget request for Superfund is over 40 percent higher than the 1983 appropriation.

Compared with the actual obligations in 1981, the 1984 budget request for each program indicates substantial real reductions in funds over the four-year period. The 1984 request will be roughly 44 percent lower in real terms than the 1981 funding level. Similarly, full-time employment will be significantly reduced: 29 percent fewer full-time employees will be supported in 1984 as compared with 1981.

The budget for the EPA operating programs can also be viewed in terms of three key activities common to the four programs; abatement and control, enforcement, and research and development, In 1984, the abatement and control activity will receive the greatest real budget reduction—46 percent less funds compared to 1981. The research and development activity will receive the smallest reduction—38 percent less funds compared to 1981. These trends are shown in Table 2.

HIGHLIGHTS OF THE 1984 BUDGET REQUEST

Two trends present in all four programs characterize EPA's operating budget request for 1984. One is the further decrease in federal support of state programs: the other is a continued shift in research and development priorities from the long-term studies of health and environmental effects of pollutants to the immediate needs of standards setting.

In each of the four programs, the 1984 EPA budget request further reduces federal assistance to state environmental programs while anticipating increases in state responsibility. In aggregate terms, federal funds currently provide about 46 percent of state water quality funds, 45 percent of state air quality funds, and about 69 percent of state hazardous waste program funds. In 1984, federal grants to these areas will fall roughly 28 percent in real terms from 1983 levels, and 44 percent in real terms from 1981 levels (see Table 3). Between 1981 and 1984, federal support to state water quality programs will fall from $270 million to $127 million, air quality grants will fall from $96 million to $64 million, and hazardous waste grants will fall from $42 million to $39 million in real terms. Last year, in a survey by the National Governors Association, only a small number of states indicated they would be able to compensate for the lost federal support in 1983 in the face of their own severe financial constraints.[4] They generally reported that the lower state budgets would contribute to delays in issuing environmental permits, hinder delegation of greater program responsibility to the states, and discourage development and maintenance of innovative programs that require staff resources. Further budget cuts in this area would doubtless be seen as exacerbating this problem.

With regard to research and development, the 1984 budget request maintains in-house scientific assessment capabilities to support standards development, while it reduces outside contracting funds used to support long-term health research. This shift, which began in fiscal year 1983, accommodates budget reductions (38 percent less in real funds for research and development in 1984 compared with 1981) while maintaining efforts needed to meet immediate regulatory deadlines. Between 1981 and 1984, agency salaries and expenses for research will have been reduced 22 percent in real terms, while extramural funds (typically supporting long-term research) will have been reduced 48 percent (See Table 4). The research needs of near-term standards development may be served, but the reduction in long-term basic research may hinder future standards development and slow the accumulation of information on health effects of environmental pollutants.

TABLE 1.—BUDGET AND EMPLOYMENT TRENDS FOR FOUR EPA OPERATING PROGRAMS, 1981–84

[By fiscal year]

	Actual obligations		Budget authority		Percent change	
	1981	1982	1983 (estimated)	1984 (requested)	1983–84	1981–84
	Millions of dollars					
Nominal dollars, total	789	674	614	519	−16	−34
Constant 1982 dollars:						
Water quality	341	251	207	138	−33	−59
Air quality	252	230	204	175	−14	−31
Hazardous waste	151	111	112	100	−10	−34
Toxics	100	82	67	61	−9	−40
Total	844	674	590	474	−19	−44
	Permanent full-time employees					
Water quality	2,781	2,273	1,953	1,663	−15	−40
Air quality	1,754	1,576	1,375	1,351	−2	−23
Hazardous waste	726	586	643	626	−3	−14
Toxics	716	634	627	606	−3	−15
Total	5,977	5,069	4,598	4,246	−8	−29

Note.—Percent changes were calculated from annual budget figures before rounding and, therefore, represent actual differences. Budget figures in the table have been rounded to the nearest million and may not produce the same percent differences.

Source: Congressional Budget Office, based on data obtained from EPA.

TABLE 2.—TOTAL BUDGET AND EMPLOYMENT TRENDS IN THREE KEY ACTIVITIES WITHIN FOUR EPA OPERATING PROGRAMS, 1981–84

[By fiscal year]

	Actual obligations		Budget authority		Percent change	
	1981	1982	1983 (estimated)	1984 (requested)	1983–84	1981–84
	Millions of dollars					
Nominal dollars, total	789	674	614	519	−16	−34
Constant 1982 dollars:						
Abatement and control	584	426	397	313	−21	−46
Enforcement	82	68	49	50	+4	−39
Research and development	178	180	144	111	−23	−38
Total	844	674	590	474	−19	−44
	Permanent full-time employees					
Abatement and control	3,364	2,761	2,663	2,445	−8	−27
Enforcement	1,513	1,307	1,011	990	−2	−35
Research and development	1,100	1,001	924	811	−12	−26
Total	5,977	5,069	4,598	4,246	−8	−29

Note.—Percent changes were calculated from annual budget figures before rounding and, therefore, represent actual difference. Budget figures in the table have been rounded to the nearest million and may not produce the same percent differences.

Source: Congressional Budget Office, based on data obtained from EPA.

construction grants programs are not considered part of the agency's operating program.

[2] Budget authority allows the agency to enter into obligations that will result in immediate or future outlays involving federal government funds, but does not include authority to insure or guarantee the repayment of indebtedness. The basic forms of budget authority are appropriations, authority to borrow, and contract authority. Obligations indicate the amounts of orders placed, contracts awarded, services received, and similar transactions during a given period that require payments during the same or a future period. Such amounts include outlays for which obligations had not been previously recorded and actual outlays to liquidate those obligations.

[3] See Congressional Budget Office, The Outlook for Economic Recovery (February 1983), and Baseline Budget Projections for Fiscal Years 1984–1988 (February 1983).

[4] National Governors Association, State of the States: Management of Environmental Programs in the 1980s, June 1982.

TABLE 3.—CHANGES IN FEDERAL RESOURCE ASSISTANCE TO STATES UNDER THE AIR, WATER, AND HAZARDOUS WASTE PROGRAMS, 1981–84

[By fiscal year, in millions of dollars]

	Actual obligations		Budget authority		Percent change	
	1981	1982	1983 (estimated)	1984 (requested)	1983–84	1981–84
Nominal dollars, total	383	231	335	252	−22	−38
Constant 1982 dollars:						
Water quality	270	101	198	127	−36	−53
Air quality	96	88	81	64	−21	−33
Hazardous waste	42	42	42	39	−9	−8
Total	408	231	321	230	−25	−47

Source: Congressional Budget Office, based on data obtained from EPA.

TABLE 4.—TRENDS IN THE RESEARCH AND DEVELOPMENT BUDGET FOR THE AIR QUALITY, WATER QUALITY, HAZARDOUS WASTE, AND TOXICS PROGRAMS, 1981–84

[By fiscal year, in millions of dollars]

	Actual obligations		Budget authority		Percent change	
	1981	1982	1983 (estimated)	1984 (requested)	1983–84	1981–84
Nominal dollars, total	168	180	150	122	−19	−27
Constant 1982 dollars:						
Salaries and expenses	68	65	69	54	−22	−22
Extramural funds	110	115	75	57	−24	−48
Total	178	180	144	111	−23	−38

Source: Congressional Budget Office, based on data obtained from EPA.

CONTINUED REPORTS OF MASSACRES IN GUATEMALAN COUNTRYSIDE REINFORCE NEED FOR GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, this past week, the Inter-Church Committee on Human Rights in Latin America brought to my attention a horrifying event.

On the evening of April 15, 1983, more than 100 men, women, and children were massacred in the Guatemalan village of Xoraxaj. The mass slaughter, according to the Inter-Church Committee, was carried out by civilian patrols under the direction and pressure of the military authorities in the area.

The survivors, the majority wounded, were taken to a nearby village. There, the civilian patrol was forced by military guards to cut some of the survivors to pieces with machetes in the main square in the presence of the population of the town.

Other captured survivors were placed in the military command post and were taken out two by two over a number of days and killed by members of the civil patrols under orders from the soldiers.

The massacre and subsequent murders were carried out as a punishment on villagers who had failed to become members of the civil patrols. According to the Inter-Church Committee, the villagers had not joined the civil patrols because their extreme poverty forced them to work 7 days a week in order to merely survive.

According to the testimony of survivors, other people who are unable to join the civil patrols are in imminent danger of being massacred. The Ecumenical Justice and Peace Committee of Guatemala, which has also confirmed these tragic occurrences, strongly urges international pressure on the Government of Guatemala to end this policy of mass murder.

Mr. President, how can we with a strong and clear voice go on record against this kind of heinous crime if we are not willing to condemn the act of genocide, the total destruction of a national, ethnic, racial, or religious group?

It is events such as the one I have described today that made it very clear that we can wait no longer to do just that. Each of us should take any individual action we can to bring about the immediate halt of such horrendous abuses of human dignity and disregard for human life. Together, as a body, the Senate should ratify the Genocide Convention so that the United States will be clearly on record as in absolute opposition to the act of genocide.

THE NUCLEAR FUSE GROWS SHORTER AND SO DOES THE CHANCE FOR PEACE

Mr. PROXMIRE. Mr. President, the current issue of Newsweek carries an article that reports that both the United States and the Soviet Union are moving rapidly toward a far more hair-trigger, launch-on-warning nuclear confrontation. If we go ahead with the MX and the cruise and Pershing missiles in Europe and the Soviets move ahead with counterdeployments as they say they would we will certainly be closer—far closer—to the nuclear holocaust.

As both superpowers build these awesome arsenals, it seems likely that some time—today, tomorrow, next year, 10 years from now—someone will make a mistake and warn our President or the Soviet leader that a missile attack is on its way. With much of our nuclear deterrent invulnerable in mobile submarines or bombers or moving on land, a superpower might wait it out, but as we move to more fixed, land-based missiles and the Russians countermove, in the words of Newsweek, both countries "feel more vulnerable than ever to a first strike. As a result both countries are hinting that, in the event of an attack from the other side, they might have to launch first and ask questions later."

Some of this, of course, is posturing, trying to push the other side to make concessions to avoid blame for taking the world closer to the precipice. But underlying any posturing is the cold, cruel fact that the nuclear fuse has indeed shortened. We have moved closer than ever to a nuclear exchange, and in the next few years the terrible prospects of war will almost certainly increase. Surely the MX deployed in its land-based, stationary mode would be vulnerable—an obvious use it or lose it weapons system. This already goes for the most of the Russian nuclear arsenal. And our deployment of the Pershings in West Germany, only a few minutes away from Russian targets, tightens the tension and the danger further.

Newsweek states the case about as mildly and conservatively as it can be stated. But what they write makes chilling reading. I ask unanimous consent that the article in this week's Newsweek magazine, entitled, "Shortening the Nuclear Fuse?" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMS CONTROL—SHORTENING THE NUCLEAR FUSE?

If an enemy launches nuclear missiles in your direction, how long should you wait before shooting back? Do you fire as soon as the other side's rockets are in the air? Or should you absorb the first strike and consider your response while the dust is settling? For years, many strategic thinkers have argued that the most sensible approach—if anything in the theory of nuclear war can be said to make sense—is to ride out the assault and then explore the options: to destroy the enemy's remaining missiles, or to slaughter his population or even to sue for peace. Taking a moment to think might avoid an all-out war caused by accident or miscalculation. But these days both the United States and the Soviet Union feel more vulnerable than ever to a first strike. As a result, both countries are hinting that, in the event of an attack from the other side, they might have to launch first and ask questions later.

Such calculations used to be reserved for the arena of intercontinental ballistic missiles. Now intermediate-range weapons have to be factored into the deadly equation. Already Moscow has deployed 243 modern SS-20 missiles within a few minutes' range of Western Europe. NATO plans to respond by deploying 572 new Pershing II and cruise missiles capable of attacking Soviet targets. The Geneva talks on European missiles, which resumed last week, may yet eliminate the danger, but at the moment there is little hope for a quick agreement. Meanwhile, Washington and Moscow are putting on a good show of nervousness about each other's nuclear capabilities and intentions.

As the Geneva talks resumed, the chief Soviet negotiator, Yuli Kvitsinsky, warned his U.S. counterpart, Paul Nitze, that Moscow "will never accept" the U.S. proposal for an interim reduction in the number of missiles deployed or planned for deployment by both sides. He said the proposal was "clearly aimed" at allowing the United States to field new weapons while requiring "unilateral arms reduction" by the Soviet Union. Back in Moscow, Anatoly Aleksandrov, the 80-year-old physicist who heads the Soviet Academy of Sciences, issued the most explicit warning yet about the consequences of deploying Pershings in West

Germany. The missiles would create "a new strategic situation," he told a scientific convocation, claiming that they could hit Soviet targets in only five to seven minutes. "If those missiles are launched," he asked, "what should the Soviet Union do? Wait until they explode and destroy the majority of Soviet cities and part of the missile force that can deliver a retaliatory strike? We don't think that way. There is only one possibility: a counterattack that must be unleashed in two to three minutes."

Doctrine: Aleksandrov overstated the danger Moscow would face from deployment of the new missiles. Western analysts pointed out that the Pershings would need 11 to 14 minutes to reach Soviet targets from West Germany, and they contended that the missiles, which are designed for use against tank and troop concentrations, do not have enough range and explosive power to threaten Soviet missile silos. But Aleksandrov's speech was a clear sign that Soviet planners were moving openly toward a risky strategic doctrine known as "launch on warning," under which they would fire their own missiles as soon as they learn that U.S. warheads are on the way. Thus the Kremlin would make sure that Soviet missiles are not destroyed in their silos.

American military men are worried about the "survivability" of their own ICBM's. Last week the Air Force told Congress that by 1989 the Soviets may be capable of destroying as much as 99 percent of America's land-based strategic missile force in a first-strike attack. That possibility may force a change in U.S. strategy. For more than 20 years the official doctrine has called for absorbing the full brunt of a Soviet attack before shooting back. Because of the increasing accuracy of Soviet missiles, the Pentagon hinted earlier this month that it might have to adopt a "launch under attack" posture, in which U.S. missiles would be fired as soon as the first Soviet warhead explodes on target.

In part, the superpowers are bluffing. Both Washington and Moscow hope to ward off a first strike by threatening an immediate response—perhaps ordered by computers without a moment's human thought. Each side also hopes to gain a propaganda advantage in the separate negotiations over intermediate and strategic missiles by suggesting that the policies of its adversary have made the threat of instant retaliation necessary. Ronald Reagan believes in holding Moscow's feet to the fire. In order to do that, the president wants to build the powerful MX missile, and he has offered his dovish U.S. critics an implicit deal: congressional approval of the MX in exchange for greater administration flexibility on arms control. In the end, Reagan believes, fear will induce the Soviets to talk sensibly about reductions in nuclear weapons. The president's strategy may work eventually. But in the meantime, the world will hear a lot of alarming talk about nuclear hair triggers and the growing risk of an accidental Armageddon.

MARTIN TOLCHIN TO RECEIVE EVERETT DIRKSEN AWARD

Mr. PROXMIRE. Mr. President, tonight a distinguished member of the Senate Press Gallery, Martin Tolchin of the New York Times, is going to be honored by receiving the Everett Dirksen Award for excellence in journalism.

Mr. Tolchin is a superlative reporter. I think he has done a magnificent job in covering the Senate for years. He is very fairminded, whether covering Democrats or Republicans, or covering people who may disagree with whatever convictions he has. He always is meticulously fair. I think he personifies, more than almost anyone else I know, the great improvement in the professionalism in journalism.

I think the people who have selected Mr. Tolchin have done themselves proud and certainly have honored the name of Everett Dirksen in giving Martin Tolchin the award.

I might point out, incidentally, that most people remember Mr. Dirksen as the leader of the Republicans in the Senate. He was also a fine writer and an imaginative writer. It was one of his many, many talents.

Mr. Tolchin is also a superb writer as well as a first-class, topflight professional journalist. I congratulate him as well as the people who have given him the award.

PORTLAND MUSEUM OF ART

Mr. COHEN. Mr. President, I recently participated in a very joyous and memorable ceremony—the opening of a major new wing at the Portland Museum of Art. The occasion marked another large step forward for Portland, Maine, which is rapidly becoming one of the most progressive cities in the Nation. It also marked a major advance for Maine's cultural and artistic community, as an important new facility was opened to encourage appreciation of the arts.

Many words were written and spoken during the several days of festivities marking the opening. I was especially moved and impressed by an address given by Mrs. Eleanor Parker Merrill. Mrs. Merrill is an instructor in literature at Westbrook College. She is also a poet, a book reviewer, and a lover of language. Her remarks concerning the opening are eloquent and merit the attention of my colleagues.

Robert Frost once said that a poem is "a stay against the confusion of the world." Mrs. Merrill also demonstrates that it can be an instrument of celebration as well.

I ask unanimous consent to have Mrs. Merrill's address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

OF PAC-MAN AND PICASSO

(An address by Mrs. Eleanor Parker Merrill in celebration of the opening of the Charles Shipman Payson Wing of the Portland Museum of Art)

So much that is exciting and exhilarating has happened in the last few days that it might be difficult to remember that it was only last Sunday that an insert in the Sunday Telegram announced the events that marked the opening of our magnificent museum. I hope that you remember that insert. On the cover there was a picture of the museum facade—below it the phrase "A Celebration" was written in red. I do not know who designed that cover, but its proportions were beautiful, and it emphasized so graphically the two things which I would like to talk about this morning—celebration and proportion.

In his little book "The Feast of Fools" theologian Harvey Cox talks about the importance of the type of festivity that we all observed yesterday.

He says that . . . "man is by nature a creature who works and thinks, but he is also a creature who sings, dances, prays, tells stories and celebrates. No other creature relives the legends of his forefathers, blows out candles on a cake, or dresses up and pretends that he is someone else. . . . Without such ritual, fantasy, and festive occasions man's spirit as well as his psyche shrinks and he becomes something less than a man—a gnat with neither origin nor destiny." [1]

Here in Portland we are not gnats without origin or destiny. And so, we have a right on festive occasions to be self-congratulatory. Rather like the variety store which advertised this week, "We may not be the Charles Shipman Payson Museum, but our sandwiches are a work of art."

In this city we understand the proper relationship to the past, the present, the future. We have a long tradition of leadership by citizens generous with time, money, and plain hard work who understand the proper proportions between

the essential and the esthetic,
between ice arenas and museums,
between the practical and the ornamental,
between Pac-Man and Picasso.

Many of the same citizens participate in government, work for the museum, the symphony, the hospitals, the Portland Stage Company, and for Greater Portland Landmarks.

These same citizens had the wisdom to erect our public library downtown where it is used by hundreds of people every day. Whenever I go into the library, I think of the boy in the movie "Goodbye, Columbus" who went into the library every day to look at the art books. We have created just such an environment for just such a boy.

We have a branch of the state university and we have Westbrook College, that fine small school which is truly a part of the community with its facilities always in use.

We are met this morning in a beautiful historic church which combines tradition with the social action that is necessary if our lives are to have proportion.

If our city is as wonderful as I have described, and if our leaders are as wise as I have pictured them to be, they would also be people who know that such sweet music would turn sour if we heard it every day. They know that life is fraught with problems and that we have not yet built a society where the poor are fed, tyrants are humbled, or men have discovered the true meaning of life.

Yesterday, though, in the tradition of the ages we set such problems aside, and we saw dancing, we heard music, we watched a juggler, people smiled, and ordinarily stoic people cried. Balloons floated over our city and we became one with such ceremonies throughout time.

[1] Harvey Cox, "The Feast of Fools," New York: Harper and Row, 1969.

Harvey Cox tells us that festivity is also a time when we should think about the future. If I could express a personal wish for the future of my city, it would be that it would always have such leadership as that which has brought us to where we are this morning and that the same proportions would exist between work and play, things secular and things sacred, things essential and things esthetic.

Wordsworth has said that a poet is a man speaking to other men. Whether or not we get the message depends on the poet's skill and our own sensitivity. Wordsworth was speaking of poets, but we can say that equally of the painter. A modern poet, Lawrence Ferlinghetti sees all of suffering humanity in Goya's greatest scenes,[2] it is true of the sculptor the composer, the architect. We look to the artist because he expresses better than we can something that we feel very deeply. And so it is with me. I have turned to poetry to reiterate what I have been trying to say about my wish for Portland's future. The poet is James Elroy Flecker and the poem is entitled "To a Poet A Thousand Years Hence." I as sure that Mr. Flecker, wherever he is, will forgive me if I address it "To a Citizen of Portland a Thousand Years Hence."

I who am dead a thousand years,
And wrote this sweet archaic song,
Send you my words for messengers
The way I shall not pass along.

I care not if you bridge the seas,
Or ride secure the cruel sky,
Or build consummate palaces
Of metal or of masonry.

But have you wine and music still,
And statues and bright-eyed love,
And foolish thoughts of good and ill,
And prayers to them who sit above?

O friend unseen, unborn, unknown,
Student of our sweet English tongue,
Read out my words at night, along:
I was a poet, I was young.

Since I can never see your face,
And never shake you by the hand,
I send my soul through time and space
To greet you. You will understand.

BEN HILL GRIFFIN, JR., HONORED

Mr. CHILES. Mr. President, recently, my former colleagues in the Florida Legislature honored one of my good friends and a lifelong friend of Florida agriculture by adopting concurrent resolutions in appreciation for the establishment of an eminent scholars chair at the University of Florida by the Honorable Ben Hill Griffin, Jr., of Frostproof, Fla. This event marked the first $1 million endowed chair to be created by a former member of the Florida Legislature.

The name of Ben Hill Griffin, Jr., is recognized immediately by anyone familiar with Florida agriculture. From virtually nothing, he built an agricultural empire which includes thousands of acres of citrus groves, a beef cattle operation, fertilizer and citrus processing plants, as well as a number of other business interests.

The only son of a pioneer Florida citrus family, Ben Hill began his career by helping his father on a 2-acre tract and by sweeping out a warehouse. After graduating from Frostproof High School, his desire to succeed led Ben Hill to enroll in the University of Florida where he studied agricultural economics, botany, horticulture, and agricultural engineering. Since those early days of warehouse sweeping and education, Ben Hill has gone on to become one of the State's—indeed, one of the Nation's—most highly successful and respected agribusiness leaders.

In the mid-1950's Ben Hill's concern for Florida's future spurred a 12-year involvement in the State's political arena. He served four terms in the State house of representatives and another 4 years in the Florida Senate. While in office he was a member of more than 50 legislative committees and served as chairman of the senate agriculture, citrus, finance and taxation and air pollution control committees. In 1974 he was a candidate for Governor.

As a member of the Florida Legislature during much of this time, it was a pleasure and an honor for me to serve with a man of Ben Hill's talents. He was every bit as good a legislator as he is a businessman and grower.

Ben Hill's service to civic, charitable, and business organizations has also been impressive. He has served on boards as varied as Winn-Dixie, Founders Financial Life Insurance, the Florida Citrus Commission and the Gulf Ridge Council of the Boy Scouts of America. He has also held high posts in such major organizations as the State chamber of commerce, Florida Canners Association, and the Florida Cattleman's Association. He also has been named to the Citrus Hall of Fame.

Ben Hill received an honorary doctorate degree from Florida Southern College in Lakeland, Fla., and has served as its honorary chancellor. He has also been on the board of trustees of Eckerd College in St. Petersburg. Currently, Ben Hill is on the board of directors of the University of Florida Foundation, Inc., is a sustaining member of the university's president's council and remains a staunch Gator athletic backer. In 1974, he received the University of Florida Distinguished Alumnus Award.

Ben Hill Griffin, Jr., credits much of the growth of the Florida citrus industry to research conducted by the University of Florida. He had worked tirelessly on behalf of UF's Institute of Food and Agricultural Sciences and his contributions of time and money have been both frequent and generous. His continued leadership and support have helped establish outstanding programs in research and education. As a dedicated member of the committee charged with raising funds for a much-needed addition to the Lake Alfred Research and Education Center—now the largest citrus experiment station in the world—Mr. Griffin was especially effective.

The Florida Legislature recognized his contribution by naming the building in his honor. Over the years his efforts and contributions have greatly enhanced IFAS programs, the most recent being the establishment of the Ben Hill Griffin, Jr., eminent scholars chair in agricultural economics marketing, given by Ben Hill in memory of several University of Florida faculty who made a positive impact on his life.

Ben Hill Griffin, Jr., is a man of great initiative and vision. He is much appreciated for his knowledge, his wit, his enthusiasm and his ability to accomplish whatever he sets out to do regardless of the apparent risks and obstacles. His achievements, his leadership, and his generosity will long be remembered and acclaimed by the Florida agricultural community and the citizens of Florida. I am fortunate to call him my friend.

ICBM MODERNIZATION AND NUCLEAR ARMS REDUCTION

Mr. GARN. Mr. President, during the period of the 1930's leading up to the outbreak of World War II, Winston Churchill repeatedly called to the attention of his colleagues and the public the sad phenomenon of mankind's inability to benefit from the experiences of history. At one point in a debate in Parliament concerning the failure of Great Britain to keep pace with the aircraft buildup of Nazi Germany, Churchill exclaimed:

". . . when the situation was manageable, it was neglected, and now that it is thoroughly out of hand we apply, too late, the remedies which then might have effected a cure." There was, he added, nothing new in that story. . . . It fell into what Churchill now called, "that long dismal catalogue of the fruitlessness of experience, and the confirmed unteachability of mankind."

Today we face a somewhat analogous situation, with the important exception that there yet remains time to act. Despite our efforts in the SALT negotiations, the Soviet Union has moved ahead with steadfast determination to build its nuclear arsenal in an effort to achieve superiority over U.S. forces. The result, as Secretary of Defense Weinberger pointed out during recent Appropriations Committee hearings on the MX, is that the U.S. nuclear deterrent is not as strong as it should be. Now, let me emphasize, this does not mean that the Soviets are contemplating a bolt-from-the-blue nuclear attack against the United States. Nor does it mean that the balance of terror which exists between our two countries will suddenly collapse, thereby resulting in a nuclear

[2] Lawrence Ferlinghetti, "In Goya's Greatest Scenes," from "A Coney Island of the Mind," 1958.

exchange of unimaginable destruction and death. What it does mean is that time is slipping away and the need to take measured steps to modernize our nuclear deterrent becomes increasingly more urgent.

Former Secretary of Defense Harold Brown stated in his testimony before the Armed Services Committee that:

> . . . we said in the early 1970s that we would modernize with a new missile in the late 1970s. In the mid-1970s we said that we would do so in the early 1980s, and in the late 1970s that we would in the mid-1980s. We have failed so far to do any of those things, even while the Soviets were deploying over 600 new ICBMs, each with a payload equal to or greater than that of MX, and with accuracies now matching those of the most accurate U.S. ICBMs.

We must move ahead now and put this plague of delay and indecisiveness behind us, for if we fail to do so we will come to be judged by the future Churchill's of this world as having contributed to the "long dismal catalogue of the fruitlessness of experience and the confirmed unteachability of mankind".

Mr. President, I must remark that since coming to the U.S. Senate in 1974, I can think of no single issue which held greater significance for the security of the United States and its allies than President Reagan's proposal on ICBM modernization and nuclear arms reduction. That recommendation is comprised of three interdependent, mutually reinforcing elements. First, deploy 100 MX missiles in existing Minuteman silos to address the serious counterforce superiority of Soviet missiles. Second, pursue the development of a small, single warhead ICBM which will provide for greater basing flexibility and long-term survivability. Third, negotiate an arms reduction treaty with the Soviet Union, thereby allowing for greater stability at significantly lower levels of armaments.

The President's program, which is based on the recommendations made by the bipartisan Scowcroft Commission on Strategic Forces, is consistent with several fundamental and longstanding principles of U.S. nuclear policy. First, U.S. policy remains one of deterrence. We possess nuclear weapons for defensive, or retaliatory, purposes only; they are not intended for the purpose of initiating aggression by means of a first strike. Second, the President's program preserves the versatile and flexible force posture that has historically characterized our nuclear deterrent in the form of a strategic triad. A combination of land, air and sea-based nuclear forces remains the best means of deterring a Soviet first strike and guaranteeing the peace. Finally, President Reagan has reaffirmed his commitment to the goal of verifiable and mutual reductions in the nuclear arsenals of both superpowers in order to reduce the threat of nuclear war. He has thus proposed a balanced program of negotiated arms reduction and prudent force modernization which has been the traditional basis of our country's nuclear policy and security.

I have said that President Reagan's recommendation to the Congress is based on the report of the Scowcroft Commission, and it would be entirely inappropriate for me to speak on this subject without applauding the masterful work that was done by this Commission. Each of its members deserve to be warmly commended for their efforts. Who among us did not believe 6 months ago that the prospect of reaching any kind of consensus on this very difficult issue was extremely slim? Yet it is just such a consensus that the Scowcroft Commission has helped to make possible.

The Commission operated in the best tradition of bipartisanship in the area of national defense, and that spirit is reflected in its report. Indeed, their concluding words speak to us this day as we debate the merits of their proposal:

> If we can begin to see ourselves, in dealing with these issues, not as political partisans or as crusaders for one specific solution to a part of this complex set of problems, but rather as citizens of a great nation with the humbling obligation to persevere in the long-run task of preserving both peace and liberty for the world, a common perspective may finally be found.

I have had firsthand experience with the lack of common perspective regarding the MX. As a member of the Armed Services Committee, in the mid-1970's, I became increasingly concerned about the growing counterforce imbalance between the United States and Soviet missile forces and the threat that posed to the land-based element of our nuclear deterrent. I authored several amendments at that time in an effort to insure the timely development and deployment of the MX. Finally, with the decision by President Carter calling for the deployment of the MX in a "racetrack," or multiple protective structures (MPS), basing mode in Utah and Nevada, I become all the more intensely involved in the controversy surrounding this much needed missile modernization program. In fact, my campaign for reelection in 1980 was dominated by the issue of MX basing, and I was severely criticized by my opponent for refusing to rule out any deployment in my home State.

Despite the fact that I consistently supported MX, while reserving judgment on the question of a basing mode, and was reelected in November 1980 with some 74 percent of the vote, the opposition Senator LAXALT and I expressed against the MPS basing system in June 1981 continues to be characterized by some of my colleagues as having been politically motivated. I will not dwell on this particular issue, other than to say that: One, if I was looking to score political points with my constituents on the subject of MX then it would have made no sense to wait until after the 1980 election to announce my opposition to MPS; and, two, I simply would not put the security interests of this country second to my own parochial political interests.

My decision to oppose the MPS basing system, not MX, was based on conclusions I reached following 3 days of indepth hearings before the Defense Appropriations Subcommittee, as well as additional congressional hearings, Defense Department briefings and public discussions I participated in over a period of several years. From the combined perspective of military effectiveness, cost, technological uncertainty, and environmental and socioeconomic impacts I could not in good conscience support the proposed deployment of MX missiles in 4,600 shelters no matter what State or States would be involved. The fact remains that neither I nor the citizens of Utah stood alone in voicing these concerns. Indicative of this was the unanimous vote approving the Stevens amendment to the 1980 Defense appropriations bill prohibiting the Air Force from using the funds provided to lock the Congress into accepting the proposed MPS basing system. In addition, respected columnists across the political spectrum and military authorities, including Adm. Thomas Moorer and Dr. William Van Cleave, objected to the MPS basing proposal.

In announcing our opposition to the MPS system, Senator LAXALT and I issued a white paper entitled, "MX Basing and National Security Posture for the United States." That document recommended an approach to nuclear security based upon a program of force modernization and arms reduction negotiations. I am pleased to say that many of our recommendations were later reflected in the programs proposed by President Reagan to revitalize all three legs of our strategic triad and to redirect U.S. arms control policy. With specific reference to the modernization of our land-based nuclear deterrent, we recommended the deployment of MX in existing Minuteman silos, to be defended by an ABM system, together with the development of a small, mobile ICBM which would provide much greater flexibility in terms of its basing.

At no point did we believe that we had hit upon the perfect solution to the question of MX basing. The statement we issued on June 1981 in this regard is as relevant to our deliberations today concerning President Reagan's recommendation as it was to the similar proposal we made at that time. We admitted that our plan—

Is not a panacea. We have not discovered a single basing alternative which will provide a perfect solution. . . . It is unfortunate that the United States has gotten itself into such a dangerous situation because of plitical miscalculations and a flawed arms control process. Nevertheless, we believe our proposal represents the best available approach for protecting our nation's security through the end of the century and into the next and affords hope for achieving real nuclear arms stability.

The conclusion that I reached in June 1981 in support of MX deployment in Minuteman silos is the same position that I hold today. It is a proposal that addresses the principal concerns of military effectiveness, cost, environmental and socioeconomic impacts that caused me to oppose the MPS system. There seems to me to be no way of denying that the advantages of deploying MX in Minuteman silos over an MPS system with respect to cost, environmental and socioeconomic impacts are overwhelming. We can deploy this system at approximately one-third the cost and with only minimal disruption to the citizens and environment that would be affected.

With respect to the question of military effectiveness, I think we have to be honest in admitting that placing the MX in existing silos, without proposing a defensive system to protect them from attack, is not the optimal solution to our "window of vulnerability" problem. But then what is the optimal solution? We have gone more than half a dozen years attempting to find that optimal solution without success. The problem is that what is optimal from one perspective, say military effectiveness, is unacceptable from another, cost for example. I cannot but agree with the conclusion reached by the members of the Scowcroft Commission when they stated that:

. . . by trying to solve all ICBM tasks with a single weapon and a single basing mode in the face of the trends in technology, we have made the problem of modernizing the ICBM force so complex as to be virtually insoluble.

If we continue to search for an illusionary best answer, while discarding proposals that are merely good, then we are doomed to fail, and the only benefactor of our inability to act will be the Soviet Union.

It is not often that I find myself agreeing with Congressman LES ASPIN, no less quoting him, but he recently hit the nail on the head when he made the following observation about the arms control and weapons modernization issues before us today:

We need to break this logjam. The Scowcroft recommendations give us the opportunity to do, that by accepting a compromise that has something for everybody but not everything that any one group wants. The alternative is not "something better," the alternative is sinking deeper in the quicksand in which we have been mired for some years.

Mr. President, I would like to conclude my statement with an overview of the arms control issues involved in this proposal. There has been almost unanimous agreement from all parties that the United States should adopt the Scowcroft Commission's recommendation that our arms control efforts should focus on reducing the number of deployed nuclear warheads, rather than missile launchers. Now, I will not belabor the point, but I, and many of the critics of SALT, have long argued that warhead limitations were far more meaningful than the laucher limits that were negotiated under SALT. In fact, with all the talk about getting President Reagan to bring his START position fully into line with this recommendation, it has generally been overlooked that it was the Reagan administration that first made the breakthrough in emphasizing warhead reductions. It seems, however, that the Commission members are among the few individuals who recognize this fact, as indicated by the following statement from their report:

The current Administration's START proposal is centered on warhead limitations and reductions, with some attention to throw-weight limitations. These are consistent with the Commission's recommended program.

There has also been a great deal of political pressure exerted against the President to endorse a nuclear builddown proposal originally recommended by my colleagues Senator COHEN and Senator NUNN. In a letter to Senator COHEN, the President responded to this pressure with assurances that a builddown proposal "if formulated and implemented flexibly, and negotiated within the context of our modified START proposal, would be a useful means to achieve the reductions that we all seek." The President went on to point out the need to examine variable builddown ratios, as compared to the 2-for-1 ratio originally proposed, and the requirements for effective verification measures to insure compliance. As one who did not endorse the builddown resolution, I join with the President in his statement of conditional support for such a concept. Serious issues must, however, still be resolved if a modified START proposal incorporating elements of a builddown concept is to work in the best interest of stability and peace.

But let us be frank with one another. The principal problem we face is not the exact specifics of our negotiating proposal. After all, the Soviets have already rejected our START proposal and our zero option and interim agreement INF proposals. They would just as likely reject a builddown proposal or a modified START position. So what is the problem? Is it that our negotiating positions are patently unfair or if agreed to would fail to enhance stability while reducing the nuclear arsenals of both superpowers? Of course not. We should rid ourselves of the illusion that if only we were a little more flexible, a little more creative or innovative, we would achieve a breakthrough at the negotiating table.

Since we have misread the problem, we have also tended to misread the answer. Our positions are fair and negotiable; they would also reduce nuclear weapons and the threat of nuclear war. The problem is that the Soviets have no incentive to make meaningful concessions when they believe that public and political pressures in the West, such as we see in the nuclear freeze movement, will force us to continually back down from our stated positions and in the process make unilateral concessions in the face of persistent Soviet demands. The answer then is to demonstrate our resolve in pursuing needed modernization programs while continuing to negotiate fair and verifiable reductions in our nuclear arsenals. That is why I introduced Senate Joint Resolution 74 in order to provide the Congress with a legislative vehicle to express its support, not for a new arms control formula, but for a balanced program of arms reduction and force modernization. It is my personal view that in dealing with the Soviets, an ounce of resolve will bring us closer to our goal of arms reduction than a pound of new negotiating positions, no matter how creative they might appear.

To recognize the difficult task we face in achieving an arms reduction agreement, we would do well to ponder the truth of a statement made by Prof. Seweryn Bialer when he wrote in a recent Washington Post article, "The Soviets Really Need Their Nukes," that:

. . . if nuclear weapons were ever abolished or decisively reduced in number, it is the Soviet Union that would really suffer—militarily, politically and psychologically. This is an important reason why the total elimination of nuclear weapons is an unattainable goal, and why even their substantial reduction will be very difficult to achieve, though we must strive to achieve it.

And strive to achieve it we will. It is with a sense of hope, tempered by realism, that I endorse the President's ICBM modernization program and the recommendations of the Scowcroft Commission as the best means of furthering the objectives of nuclear stability and arms control.

MX

Mr. LEAHY. Mr. President, as Congress considers the question of funding for the MX missile system, there is a clear need for trenchant analysis of the basic issues involved. The MX debate has been long and has become clouded somewhat by the rhetoric used to explain the latest deployment plan.

My distinguished colleague and friend from Arkansas, Mr. BUMPERS, recently wrote an article for the Christian Science Monitor of May 20 on the MX. In the article, he lays out clearly and succinctly some of the major issues involved and exposes some of the myths being employed to sell the latest version of the MX.

Our colleague analyzes seven major assumptions of those using MX deployment "to force the Reagan administration into serious and substantive nuclear negotiations" and explains how these assumptions are in fact based on "leaps of faith that threaten to turn reason on its head."

I commend Mr. BUMPERS for his succinct analysis of the MX debate and ask unanimous consent that the article be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Friday, May 20, 1983]

TO CONGRESS RELUCTANT MX BACKERS

(By Dale Bumpers)

Many congressmen appear willing to support the latest plan to deploy the MX missile in Minuteman silos because they believe it is the best means to force the Reagan administration into serious and substantive nuclear negotiations.

They admit that the new missile would be every bit as vulnerable to Soviet attack as existing Minuteman missiles. But these reluctant supporters argue that the MX should be approved because it is a necessary interim step to building the new Midgetman missile, and because approval of the MX would send a signal to the Soviet Union of a bipartisan consensus in support of both strategic modernization and arms control.

Unfortunately, these assumptions and others are based on leaps of faith that threaten to turn reason on its head.

Assumption: The MX is a necessary interim step before we develop the Midgetman missile. Most people agree that the US should consider developing a small, single-warhead missile such as the proposed Midgetman, because our land-based nuclear arsenal would be less tempting to the enemy if our warheads were dispersed on a large number of single-warhead missiles. MX proponents argue that during the decade it will take to develop Midgetman the MX should be deployed as an interim step to replace the aging Minuteman missiles.

The problems is that once the MX is build, the Midgetman, which is clearly a lower priority program than the MX for the Air Force, may never be built. Future administrations and future Pentagon leaders may or may not decide to build Midgetman in the late 1980s. MX, rather than leading to Midgetman, may crowd it out.

Asumption: By building the MX, we will force the Soviet Union to agree to deep reduction in its strategic arsenal. While it is conceivable the Soviets would respond positively to a US approach that combined deployment of MX with a call for cuts in strategic arms, it is at least equally likely that they would respond by producing a new, large MIRVed missile. Indeed, such a new Soviet missile is already well along in its development and testing. Administration officials have made it abundantly clear that we will not bargain away our 100 MX missiles as part of any agreement, so it is difficult to see how a non-negotiable item on our side will produce tangible concessions on the Soviet side.

Assumption: A corollary argument is that the MX would put the Soviet force at greater risk and therefore force the Soviets toward a more survivable mobile missile. This would be a positive development for us, because the more vulnerable the missiles are on either side the greater the chances are for an accidental nuclear exchange. But there is little in Soviet history to suggest that the Russians will scrap the large investment they have made in their existing heavy missile force in response to any new US deployments. It is just as plausible that, recognizing the MX as a first-strike weapon, they would go to an even more hairtrigger, launch-on-warning concept to protect their land-based missile force while building new MIRVed missiles.

Assumption: Congress can keep the administration on a short leash by authorizing a small number of MX missiles. The argument here is that Congress can force the administration to engage in serious arms control by authorizing only a portion of the total 100 missiles requested.

But history indicates two problems with this. First, Congress is a collection of 535 different wills and is therefore in no position to keep any administration on a short leash. Recall that former Secretary of Defense Harold Brown promised in 1978 that, if Congress approved the sale of "stripped down" F-15s to Saudi Arabia, the administration would never come back asking for enhancements of AWACS aircraft. Yet this is exactly what a new administration did only three years later.

In the second place, once production of a new weapon system is begun, it is extemely difficult to turn it off. A coalition of political, military, business, and labor interests will resist any effort to stop production. Congress can make a show of limiting initial MX procurement to 35 or 50 or 75, but it is likely that 100 or more will actually be produced and deployed. After all, proponents will argue, the start-up cost of the MX would be relatively high; the cost of additional MX missiles would be relatively low.

Assumption: Building the MX and Midgetman would not violate previous arms control agreements. Developing two new US missiles would clearly violate existing SALT constraints. The future of Midgetman itself is clouded by whether a deployment mode can be found that is both survivable and verifiable. And there is likely to be a future effort to develop and deploy ballistic missile defense systems to protect the MX field, a move that would almost certainly require amendment or abrogation of the 1972 ABM treaty.

Assumption: MX is the price we must pay for rebuilding a bipartisan consensus for arms control. The MX is an issue that divides Congress and the American people as perhaps no other weapon system has. The fact is that there was a fairly strong bipartisan consensus for arms control that extended through Republican and Democratic administrations from Eisenhower to Kennedy to Johnson to Nixon to Ford to Carter. It was the extreme right represented by candidate Ronald Reagan in the 1970s and by President Ronald Reagan in the early 1980s that broke the consensus by seeking to abandon existing arms agreements and goals.

There is no evidence to suggest that, even if Congress accepted all the Scowcroft commission recommendations, the administration would suddenly develop enthusiasm for nuclear arms agreements. An administration determined to achieve arms control does not need to be pushed into it, and an administration hostile to arms control cannot be forced into it. It should also be pointed out that, while the Scowcroft commission report embodied a bipartisan consensus, it was a consensus only among those who were committed in advance to finding a way to save the MX.

Assumption: It is impossible to separate the MX from the other elements of the Scowcroft commission package. Notwithstanding the attempt to mold a new "holy trinity"—MX, Midgetman, and arms control—Congress will vote up or down on a simple resolution approving the proposed plan to deploy the MX in Minuteman silos. Public Law 97-377 establishes clear-cut procedures that will produce a vote only on whether Congress approves the release of fiscal year 1983 funds for full-scale engineering development of the latest MX basing mode. Congress will not at that time be in a position to vote on the other elements of the Scowcroft commission recommendations.

We are all tired of hearing the MX debated. Some have developed the attitude, "We've been discussing this thing so long let's just get on with it." But it is the wrong system. It is expensive, to be sure. More important, it ultimately could prove to be not the "bargaining chip" that its supporters suggest but a move that would open a new and more terrifying chapter in the nuclear arms race. We can find a better system around which to build a bipartisan consensus.

THE RED HERRING IN THE MX DEBATE

Mr. QUAYLE. Mr. President, a chief complaint of the opponents of the MX missile is that it is a destablilizing weapon. This is so, they argue, because MX is a vulnerable, first strike weapon with lots of warheads—a combination tailor-made for inviting a preemptive Soviet strike that could catapult us into World War III. This argument increasingly will become the centerpiece of efforts to derail the MX, a missile which has at one time or another been endorsed by four successive Presidents.

Given the "window of vulnerability" rhetoric of the past decade, their skepticism is understandable. We have debated, proposed and researched ad nauseum to find a "more survivable" land based follow-on to our aging Minuteman force. Certainly enhancing the survivability of individual nuclear systems—irrespective of where or how they are based—is something to strive for. That is exactly why the Scowcroft Commission has recommended examining the feasibility of a small, single war head missile and looking at more than one basing mode. Interestingly, many MX opponents accept this, even though there are still many political, technical, arms control, manpower, environmental, and cost questions unresolved.

Naturally, it is easier to accept a missile in the future because when the future arrives there will be another future missile down the road. The MX opponents tend to ignore what is probably the single most important conclusion of the Commission's report. As they certainly know, the key to survivability is the diversity and interdependence—in the Commission's language, the "synergism"—of our strategic triad. After reading their report and hearing hours of testimony before the Armed Services Committee, it is not clear that we should focus so heavily on the survivability of the MX—or any other leg of the triad—in isolation.

Maintaining such a focus is analogous to suggesting that troops going ashore in combat without close air support or the protection of naval gunfire are vulnerable and therefore should be eliminated. The whole strategy of modern warfare, and hence of modern deterrence, is based on the interdependency of forces which enhances the effectiveness of each component.

For a host of technical reasons, the Soviets would not be able to wipe out all legs of our triad in one fell swoop, even if the attack was a complete surprise. In the real world, what Soviet planner would dream of initiating a preemptive strike against the MX knowing full well that the U.S.S.R. could be devastated by our air- and sea-based systems and what was left of our land-based systems? Moreover, since such an attack has never taken place, the Soviet planner knows full well he could not be confident that a preemptive strike would take out all the MX and—presumably—Minuteman ICBM's it was supposed to.

The flip of the vulnerability coin is first strike. Supposedly, the improved accuracy of the MX warhead could tempt us into a first strike against the Soviet land based force or make the Soviets so fearful of the first strike potential that they would be tempted to initiate a first strike of their own. In the first place, many critics seem to forget that we have always maintained a second strike policy. Even if we did launch a first strike which is not over policy, however, 100 MX missiles with 1,000 warheads would not be sufficient to accomplish a successful first strike even if we could put every warhead directly on a Soviet silo before its missiles could be launched—a most unlikely scenario. But even more important, just like the Soviet planner, what American planner would dream of initiating a preemptive strike against Soviet ICBM's knowing full well that it could not be successful and would result in a massive counterattack from the remainder of the Soviet triad?

As we debate the merits of MX, we should certainly address the questions of survivability and first strike capability. But we cannot allow these questions to be taken out of context or to accept unreal scenarios as the answers. It is far more important for us to decide what the deployment of MX would mean for our overall deterrence and our arms control posture. I believe there are sound technical, political and arms control reasons to deploy the MX missile as recommended by the Scowcroft Commission.

I urge my colleagues not to allow the red herring of vulnerability and first strike divert us from the real issues here—deterrence and arms control.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MX MISSILE BASING MODE FUNDS

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m., having arrived, the Senate will now resume consideration of Senate Concurrent Resolution 26, which the clerk will state by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 26) approving the obligation and expenditure of funds for MX missile procurement and fullscale engineering development of a basing mode.

The Senate resumed consideration of the resolution.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, the manager on this side is on his way to the Chamber. May I inquire of the distinguished minority manager if a quorum call on the same 3 to 2 ratio would be acceptable to him?

Mr. STENNIS. Mr. President, if I understood correctly, he means the ratio of time division?

Mr. BAKER. Yes.

Mr. STENNIS. Yes, that is alright. I have no objection.

Mr. BAKER. Mr. President, I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield myself such time as I may require in opposition to the resolution.

Mr. President, yesterday, I received a mailgram from a former member of this body who served with considerable distinction in this body for something like 12 years, I believe, and has served as Vice President of the United States. I am talking, of course, about former Senator Walter (Fritz) Mondale, who often spoke when he was here in the Senate on defense matters. He spoke with considerable knowledge and concern.

Mr. Mondale has sent a telegram on this issue that confronts the Senate now, the MX missile. He says in that telegram:

Last month the report of the Scowcroft Commission was made public. Now, the Congress must decide whether to approve President Reagan's plan to produce the MX missile and deploy it in minuteman silos.

He goes on to say:

I agree with most of the Scowcroft Commission recommendations for strengthening our strategic forces. But I believe that building the MX missile is a serious mistake. It is unnecessary, it will not promote our security. It is destabilizing, and will therefore increase the risk of nuclear conflict, and it will hinder—not further—the cause of arms control.

Then Mr. Mondale ticks off seven key reasons for the Senate to reject the MX missile. I think, in doing so, he hits the most critical problems that the MX missile must face. I hope that anyone who favors deploying the missile would confront these problems, because I frankly have listened to and read the arguments in favor of the MX missile, and I have not seen an answer to any of the seven very persuasive arguments that former Senator Mondale makes.

He says:

First, there is no way of hardening fixed minuteman silos sufficiently over the long term to enable the MX to survive a Soviet strike. As the Scowcroft report points out, "Eventually the survival of even the hardest such targets would be doubtful in light of . . . accuracy improvements." Thus the MX will be a vulnerable as well as valuable target, and that means that it will be destabilizing.

Mr. President, let me just spend a minute on that destabilizing element, because it is by far the most serious problem. As I say, I challenge those who favor the MX to answer that problem. The answer on the MX is it is vulnerable because it is placed in a stationary launcher that will never move and the Soviets can identify; they know where it is, it is on land and, as former Senator Mondale says, it cannot—cannot—be hardened sufficiently to stand up to the kind of attack which we know the Soviet Union can use.

Yesterday, I pointed out that the Air Force has argued that the Soviets can knock out 99 percent—99 percent—of our land-based missiles. That would certainly apply to the MX.

The second argument made by Mr. Mondale is:

Second, the MX is not needed as a bargaining chip. There are already plenty available. Besides, there is no evidence that the Reagan administration regards the first 100 MX's as negotiable.

On that point, Mr. Mondale is absolutely right. It is not a bargaining chip because the President of the United States has made it crystal clear that he would not bargain away the MX. This would be a permanent system we would not use as a bargaining chip. He has said that, the President of the United States, and said it repeatedly.

Third, Mr. Mondale said:

There is no good evidence that deploying 100 MX's would induce the soviets to shift their arms control stance in our favor. Indeed, the Scowcroft Commission explicitly contemplates the possibility that the Soviets would instead initiate major new deployments of their own, threatening the chances for a negotiated freeze and reductions in nuclear arsenals.

Indeed, the Scowcroft Commission explicitly contemplates the possibility that the Soviets would instead initiate major new deployments of their own, threatening the chances for a negotiated freeze and reductions in nuclear arsenals.

This argument is that the MX would aggravate the arms race. I do not see how anybody could argue anything else. After all, it would mean a thousand new nuclear warheads added to thousands and thousands and thousands that we have already at a cost of $15 billion. It can do nothing but aggravate the arms race and provoke a counteraction on the other side. We have seen that take place again and again.

Fourth, the MX is not needed to demonstrate our national will. We are doing that right now by modernizing every element of our strategic deterrent—from the D-5 missile to the cruise missiles to the stealth bomber.

This is true. It is not as if the MX were the only game in town. The MX, as I say, is vulnerable; it is stationary, but what are we doing? We are spending billions of dollars to plan and then to deploy a D-5 which has a hard target capacity which would be deployed on our submarines and therefore would be certainly infinitely less vulnerable than the MX.

We are going ahead with cruise missiles, and we intend to deploy them in Europe and elsewhere. They are also a devastating and far more economical weapons system. We are moving ahead sled length, and there is no dispute about it, with the Stealth bomber and in many other areas, nobody can argue that we are neglecting our nuclear capacity.

Fifth, there is no reason to believe that the confidence of our allies in our capability and will to defend them would be shaken by a decision not to deploy the MX. On the contrary—their confidence in our wisdom, already weakened by the Reagan administration's reckless talk about limited nuclear war and unproductive approach to arms control over the past 2 years, would be further eroded by a weapon that makes no strategic sense.

The sixth point made by former Senator Mondale is this:

We must move away from MIRV'd missiles.

He goes on to say:

As I argued more than a decade ago, these missiles increase our vulnerability, decrease crisis stability, and rachet up the arms race. The Scowcroft Commission endorses the development of a smaller, single warhead missile—an idea which now commands broad bipartisan support. The MX is wholly inconsistent with this objective. In fact, if it should ever go into production, the MX may well divert needed resources from the single-warhead missile, delaying its development and deployment.

Mr. President, in the course of the hearings we had on arms control in the Appropriations Committee, I asked former National Security Director Bundy about this very issue. He agreed with my estimate that when you have a major weapons system that is established like the MX, there is every expectation and likelihood, it is clearly predictable, that what we will do is to go on from the 100 MX's with 1,000 warheads to build more and more and more rather than move in the new direction, the far more stable direction of single warheads on mobile missiles that would not be vulnerable, be far harder to hit, and we could produce in much greater number for the same cost.

I think that Mr. Mondale is absolutely on target and correct in saying this would keep us with MIRV'd missiles, that is, 10 warheads per missile, and inviting target, stationary and vulnerable, hair triggered, because with that kind of a target we either have to use it or lose it. We either launch it or we recognize that it could be knocked out by the Soviet Union in a strike. We have to launch it on warning.

The final point made by Mr. Mondale in this mailgram is as follows:

Finally, we should be shifting toward warheads rather than missiles as the basis for arms control.

Of course, that is something that we proposed. The Soviet Union seems to have tentatively accepted it. It would be far more stabilizing and far wiser. A far more precise count of the actual nuclear capability than counting missiles would be counting warheads. We have made progress in that direction. The MX would go in exactly the opposite direction by putting 10 warheads in a single missile.

So Mondale argues that we should be shifting toward warheads rather than missiles as the basis of arms control. He is right.

He points out:

This goal is inconsistent with large-scale deployment of the MX—unless we are prepared to countenance major increases in strategic arsenals or to dismantle substantial portions of our other more survivable missiles. The former course is the antithesis of arms controls, while the latter would leave us highly dependent on vulnerable MIRV'ed weapons—a stance that would be counterproductive from every point of view.

Mr. President, these are the seven points made by Mr. Mondale:

First. There is no way of hardening fixed Minuteman silos sufficient to permit them to survive a Soviet strike;

Second. it is not a good bargaining chip;

Third. No evidence that deploying 100 MX's would induce the Soviets to shift their arms control stance in our favor;

Fourth. The MX is not needed to demonstrate out national will;

Fifth. There is no reason to believe that the confidence of our allies in our capability and will to defend them would be shaken by a decision not to deploy the MX;

Sixth. We must move away from MIRV'd missiles;

And finally, by moving to the MX we shift in exactly the wrong direction in arms control from single warhead missiles to MIRV'd missiles that are far more vulnerable, a far more inviting target, for less stabilizing, and far more likely to provoke a war through mistake, through error, or through a first strike on one side or the other.

Mr. President, I ask unanimous consent that the document to which I have referred, the mailgram from the former Vice President and former Senator Mondale, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *May 20, 1983.*

Hon. WILLIAM PROXMIRE,
Senate Office Building, Washington, D.C.

Last month the report of the Scowcroft Commission was made public. Now the Congress must decide whether to approve President Reagan's plan to produce the MX missile and deploy it in Minuteman silos. I have just learned of the decision that will result in a final House vote early next week. I therefore feel that it is urgent for me to share my thoughts with you.

I understand the many pressures that bear upon you. No one underestimates the Soviet threat. No one wants to weaken our country. We all agree that the Soviet challenge is real, and that me must respond to it firmly and steadily, on a bipartisan basis.

I agree with most of the Scowcroft Commission recommendations for strengthening our strategic forces. But I believe that building the MX missile is a serious mistake. It is unnecessary. It will not promote our security. It is destabilizing, and will therfore increase the risk of nuclear conflict. And it will hinder—not further—the cuase of arms control.

Let me review some of the key arguments.

First, there is no way of hardening fixed Minuteman silos sufficiently over the long term to enable the MX to survive a Soviet strike. As the Scowcroft report points out, "eventually the survival of even the hardest such targets would be doubtful in light of . . . accuracy improvements." Thus the MX will be a vulnerable as well as valuable target. And that means that it will be destabilizing.

Second, the MX is not needed as a bargaining chip. There are already plenty available. Besides, there is no evidence that the

Reagan administration regards the first 100 MX's as negotiable.

Third, there is no good evidence that deploying 100 MX's would induce the Soviets to shift their arms control stance in our favor. Indeed, the Scowcroft Commission explicitly comtemplates the possibility that the Soviets would instead initiate major new deployments of their own, threatening the chances for a negotiated freeze and reductions in nuclear arsenals.

Fourth, the MX is not needed to demonstrate our national will. We are doing that right now by modernizing every element of our strategic deterrent—from the D-5 missile to the cruise missiles to the Stealth bomber.

Fifth, there is no reason to believe that the confidence of our Allies in our capability and will to defend them would be shaken by a decision not to deploy the MX. On the contrary—their confidence in our wisdom, already weakened by the Reagan administration's reckless talk about limited nuclear war and unproductive approach to arms control over the past 2 years, would be further eroded by a weapon that makes no strategic sense.

Sixth, we must move away from MIRV'ed missiles, as I argued more than a decade ago, these missiles increase our vulnerability, decrease crisis stability, and rachet up the arms race. The Scowcroft Commission endorsed the development of a smaller, single warhead missile—an idea which now commands broad bipartisan support. The MX is wholly inconsistent with this objective. In fact, if it should ever go into production, the MX may well divert needed resources from the single-warhead missile, delaying its development and deployment.

Finally, we should be shifting toward warheads rather than missiles as the basis for arms control. This goal is inconsistent with large-scale deployment of the MX—unless we are prepared to countenance major increases in strategic arsenals or to dismantle substantial portions of our other more survivable missiles. The former course is the antithesis of arms control, while the latter would leave us highly dependent on vulnerable MIRV'ed weapons—a stance that would be counterproductive from every point of view.

I am convinced, that the MX would diminish the natural security of the United States. Not only does it have numerous undesirable features as a weapons system, but also the $16 billion it would cost to deploy the first 100 would detract from other, much worthier strategic modernization programs. We need real increases in defense spending. But we cannot afford to act—as the Reagan administration does—as if the defense budget has an open-ended claim on the Treasury. The economy will not support such a budget, and neither will the American people.

I share the desire of the Congress to put the interminable MX debate behind us and forge a long-term national strategic policy. We can best accomplish this by decisively terminating a weapons program that has failed the test of technical and political acceptability, and placing our emphasis instead on systems that make sense. It is regrettable that President Reagan has refused to do so.

WALTER F. MONDALE.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that it come from both sides equally.

Mr. President, when I said "equally," I meant proportionately. It should be 3 to 2. I think that was the original agreement. That is what I intended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, I seek as much time as I may require from the side of the proponents of the issue before us.

A little over a decade and a half ago, I was traveling in Kenya, in East Africa, and we had been going down from Nairobi, the capital, to Mombassa, and were going to stop in Tsauo, the great national park of Kenya.

As we drove into that area, there suddenly was the most incredible view of Mount Kilimanjaro, one that I think is almost indescribable, but very appropriate here today.

Kilimanjaro is higher than any mountain we have in the 48 States. Rising some 20,000 feet off a plain not much higher than 2,000 or 3,000 feet, it lies or sits all by itself there, and as we looked at it, the bottom of it was covered by rain forests and the great plain which runs up to it, the middle part of it was swathed in clouds completely invisible. On top and snow-covered, rising up even higher than other layers of clouds around it, was the summit.

I bring this up because I expressed amazement to our guide about its immense size and the band of clouds surrounding the lower part of the mountain. He replied in terms that are both Moslem and mystical: he said there are many paths on the mountain, and while all seek the same summit, not all go there directly.

Some of them that we could see from where we stood were clearly difficult paths, and some of them were shrouded and invisible, given the band of clouds that surrounded the mountain, and some circled toward the far side.

Some were easier, some otherwise, but they all headed up.

The summit all of us in the Senate and in this country seek is peace for the world. This is both a practical and a moral issue, a moral issue involving highly conflicting moral principles of great value.

Peace, I think everyone will agree, is not alone the absence of war. And the sanctity of life, which brings most of us here today, includes more than just a sustained heartbeat.

I think you have to ask yourself the question: Is there a connection between freedom, justice, and true peace? And I think you have to ask the question in fairness: Must peace ever be defended, or is the mere prolonging of life a greater good than justice and liberty?

And if these principles are not worthy of argument, my argument is over.

Some believe that the best path to peace is to freeze further development of all nuclear weapons, to build no more of these dangerous instuments. My question to those who advocate such an approach is, where we are now a moral position? We have lived with a doctrine called MAD—Mutual Assured Destruction—which is perhaps the most accurate acronynm ever devised. From the perspective of the nuclear freeze, advocates will freeze in place a doctrine which I consider amoral, because it focuses not on combatants but on people.

We had agreed with each other—we and the Soviet Union—on a doctrine espoused and devised by Robert McNamara to hold our civilian populations hostage. And I think it is wrong, both morally and strategically.

Another path is strategic defense, active protection for our country from the things that would do us harm. Most Senators remember my advocacy during consideration of the last three defense authorization bills of accelerated research and development of space-based lasers to defend our homeland. I have urged that programs should not focus alone on continued research into promising technologies, but on the integration of existing, proven technologies into a defensive weapon that can help to defend us. The major effort should be on the significant, but not overwhelming, engineering problems of putting a demonstrator in space, and on solving complex battle management problems.

But that is not the issue today. Those of us concerned with these issues argue about how quickly space defense systems can be operational, but they are not in the 1986 initial operational capacity timeframe. The Scowcroft Commission has mapped a path for our strategic forces for the near term, positive choices that we can take now. The bipartisan commission was charged with looking at the entire range of our strategic modernization programs and to recommend improvements. In 3 months they held 28 full meetings and numerous smaller conferences, and talked to over 200 technical experts. In the end, they came up with a package that all could sign off on. No one should say that the package is perfect, offering 100-percent certainty that each component can work independently without chance of countermeasure. No such package exists today, but the Commission unanimously said this was the best "path" at this time. Some would put off taking any action until some

better piece or component is available. This is surely wrong. Too often, we have held ourselves hostage to technological navel gazing, hoping somehow that a perfect solution will emerge so each of us could be sure no criticism would be directed our way. After waiting, we have looked about us and discovered the entire environment has changed, demanding a new "perfect" solution. The horizon, like the rainbow's pot of gold, remains beyond where we stand.

I do not mean to say that we in the Senate or all citizens should not examine and debate the Commission's recommendation carefully. That is our right and our obligation. It is also something that is not available to the citizens in the Soviet Union. To debate an issue is our right, but we do no service to our citizens by refusing to commit to a course of action now.

The Scowcroft Commission made three near-term recommendations for the ICBM force.

Deploying Peacekeeper missiles in existing Minuteman silos to satisfy immediate needs of our ICBM Force.

Initiating R&D or a single-warhead small ICBM to reduce target value and provide long-term survivability.

Seeking arms control agreements designed to enhance strategic stability.

The package is just that, a package, the Commission would not recommend any one item by itself. The small missile offers increased stability and increased survivability. With one warhead for each launcher, it would be a less attractive target and is more easily concealed. In spite of the fact that we know a great deal about making missiles, there are still many unknowns about this new missile that must be resolved so that an initial operational capacity will not be until the early 1990's versus 1986 for the MX. Moreover, to be an effective deterrant, arms control changes must occur. The arms control. The unit of counting must become warheads instead of launchers, and ceilings on warheads must be negotiated. As former Secretary of Defense, Harold Brown, testified, On a warhead for warhead basis, small single warhead missiles are more expensive. Competing in an arms race without a ceiling on numbers would put us on the wrong side of the cost curve.

Thus, the Arms Control recommendations are equally important and are an approach that I favor.

Without a strong commitment to proceed with modernization of our ICBM force in the near term, little incentive exists for the Soviets to negotiate either reductions in nuclear weapons or a change to counting warheads instead of launchers. This change is essential to a transition to a more stable smaller missile. What we must avoid in our eagerness for arms reductions is the tendency to negotiate with ourselves in the newspapers, offering one new proposal after another while the Soviets do nothing. Thus, the commitment to deploy MX is an essential component of the package; essential to providing the increased hard target kill capability that will convince the Soviets that it is in their interest to negotiate in earnest.

Let me address several issues that have caused concern about MX. One is that it is a first strike weapon. A first strike capability has two requirements: One is hard target kill capability, which MX most certainly will have. It is this ability to hold Soviet hardened targets at risk that makes it a valuable incentive to move the Soviets to realistic arms control. The second is sufficient numbers of warheads to be able to annihilate the enemy's strategic forces without fear of retaliation. The number of MX missiles was purposefully set at a level clearly insufficient to do this, only a third or fourth of what is necessary. So deployment of 100 MX missiles does not provide first strike capability, and it clearly is blowing smoke to claim otherwise.

The second matter is survivability. Independent survivability of each component of the strategic triad would be a desirable thing to have. The Commission members have correctly pointed out there are significant operational uncertainties for the Soviets to consider in planning an attack on our ICBM forces, uncertainties that, in the near term, would probably result in a significant portion of our missiles surviving to retaliate.

More importantly, the ICBM force and the bomber force provide synergistic support because of the different types of attacks that would have to be launched at each. The Scowcroft report illustrates this Soviet dilemma.

For example, if Soviet war planners should decide to attack our bomber and submarine bases and our ICBM silos with simultaneous detonations—by delaying missile launches from close-in submarines so that such missiles would arrive at our bomber bases at the same time the Soviet ICBM warheads (with their longer time of flight) would arrive at our ICBM silos—then a very high proportion of our alert bombers would have escaped before their bases were struck. This is because we would not only have been able to, but would have, ordered our bombers to take off from their bases within moments after the launch of the first Soviet ICBM's. If the Soviets, on the other hand, chose rather to launch their ICBM and SLBM attacks at the same moment (hoping to destroy a higher proportion of our bombers with SLBM's having a short time of flight), there would be a period of over a quarter of an hour after nuclear detonations had occurred on U.S. bomber bases but before our ICBM's had been struck. In such a case the Soviets could have and should have no confidence that we would refrain from launching our ICBM's during that interval after we had been hit. It is important to appreciate that this would not be a "launch-on-warning," or even a "launch under attack," but rather a launch after attack—after massive nuclear detonations had already occurred on U.S. soil.

Finally, I wish to make a positive comment about nuclear weapons.

It is a strange thing to do but it is necessary in any total consideration of this issue.

Because of their power, people justifiably have great anxiety about them. I wish to point out, to be historically honest, one would say nuclear weapons have indeed produced some benefit. The classic circumstances that have driven the world to war on many occasions have existed numerous times since the end of World War II, yet we have not gone to conventional continental or global war primarily because of the nuclear threat.

Recall the invasion of Czechoslovakia, the invasion of Hungary, the 1970's trouble in the Middle East when we mobilized all our forces, the recent vulnerability of the free world to the cutoff of its energy supplies from the Middle East, the subjection of Poland, all classical circumstances which in the past have invited war.

And one has to ask what the conventional equivalent would have cost in terms of dollars, and one would have to conclude that it would have been significantly more than we have spent—however great and distressing the dollar figure has been on our nuclear deterrent.

It is just as well, too, not to romanticize "classic" war. I ask you if you think it is just as well to forget those who died in Tokyo, Dresden, or Verdun, in World War I, not from nuclear but from conventional weapons. The firestorm bombing of Tokyo in the close of World War II when 135,000 persons died—who remembers them? Their sin was that they did not fall to the atom. Yet were their deaths any less meaningful, less painful than those who died in Hiroshima or Nagasaki? And whence does that madness and that morality rise?

In Dresden, 40,000 people and the classical works of centuries died; in Verdun in World War I, a half million died. So do not conventionalize what conventional war is all about. It is not romantic. It is horrible. It is mean, it is nasty, and it is bloody. And we have been spared it. Historically, the European continent is presently in the second longest period free of war in its history.

Now the question is, Can we continue to control ourselves with the nuclear power that we have?

A second question is: Why do we not negotiate? To the former, I affirm that we can, we have, and nothing has changed that is likely to add to any risk that is there. The answer to the latter is, we have negotiated. America has made 16 major initiatives since the end of World War II. We have sought nuclear reductions and are seeking them now.

It is interesting to note that never has there been a proposal from the Soviet Union to reduce the nuclear threat.

In November 1981, President Reagan proposed a zero option for immediate nuclear arms in Europe under which the United States and NATO would cancel the deployment of Pershing II and ground-launched cruise missiles while the Soviet Union would remove their SS-20's, SS-4 and SS-5 missiles.

It was rejected out of hand.

In May 1982, President Reagan issued a call for strategic arms reduction talks, and proposed that we have a one-third cut in nuclear warheads for the United States and the Soviet Union. Under the terms and concepts of that plan, both sides would have equal numbers of warheads and missile launchers of which no more than half would be land-based. In a second phase, both nations would equalize their payload or throwweight of their forces.

Is it not curious that the Soviets always rejected reductions? They did so with Presidents Nixon and Ford, and gave President Carter his first major disappointment in arms control.

We have had in this country and the West, acts of restraint that are unmatched by the Soviet Union. In the last decade alone, they have built, designed, tested, and developed the SS-17, SS-18, SS-19, all of which are the equivalent or greater than the MX missile which brings us here today. In addition, they have put together two new submarine classes, Typhoon and Delta, with a whole new generation of sea-launched ballistic missiles.

In 15 years, we have known no new submarines until the Trident in 1982. And during that same period, the Soviets built 60 submarines and four new classes of missiles.

We have in this country unilaterally canceled the B-1 bomber and they responded with Backfire and a new intercontinental missile. And during that time, we introduced the cruise missile in response to the negotiated agreements under SALT I and II.

There is a question on another level that must be asked, and that is, why is it that we alone in this country face the moral judgment of those in the West who seek nuclear disarmament? Where, oh, where, Mr. President, is their sense of balance, their equitable judgment, their conception of morality?

Before ending, let me say something about the deployment location for MX, the Minuteman silos in my State, Wyoming, and in Nebraska. This is the same area that was selected when interim deployment was suggested 1 year ago. There are good and valid military reasons for this choice, the geotechnical characteristics of the surface and subsurface, proximity to existing ICBM forces, a northerly location, and other good military reasons. The people of Wyoming, as they have from the days when Atlas was deployed before Minuteman near Cheyenne, will accept their share of the national defense burden. The Air Force has worked hard with the Wyoming delegation, the State and local officials to plan the deployment process to minimize any impacts on Wyoming communities. They have gone beyond the requirements of law by committing immediately to do a full environmental impact statement, and are working out arrangements to conduct a full socioeconomic impact analysis which mirrors the requirements in Wyoming State law. And I personally have worked closely with the Air Force and the Department of Defense to bring Wyoming concerns to their attention and to assure these concerns are dealt with fairly. I have personally met in my office with General Fornel, head of the MX Office, to discuss Wyoming impacts on several occasions, both on Closely Spaced Basing (CSB) and silo deployment. I have sent my Washington staff to all the Wyoming scoping meetings for the CSB environmental impact study and intend to do so again for the new scoping meetings. I submitted questions for the record on Wyoming concerns at the Senate Armed Services hearing on CSB deployment, and I have personally discussed these concerns with Secretary of Defense Weinberger and President Reagan.

I might say, Mr. President, we, in Wyoming, do not relish the role of being the area in which the defense of the Nation is based. But we, in Wyoming, accept it, as do other communities in this country accept naval installations and Air Force bases and military bases, which are required for the common good and defense of this country.

Some would say that basing MX provides somehow a greater threat to our people. I have said to our people in Wyoming, and I say to the Nation, if you take the most advanced missile, the most capable intercontinental ballistic missile that this country has, and replace it with the most capable intercontinental ballistic missile this country has, you have not changed the level of threat under which our people have lived and worked. There is no new dimension to the threat to the people of Wyoming. We have lived with it, we have done that for America, and I believe that we will do that for America.

I might note that both here and across the land, there has understandably been some confusion among the various MX basing modes. The impact of present plans for putting MX in existing Minuteman silos is orders of magnitude less than the so-called racetrack deployment in Nevada and Utah and significantly less than that projected impact for Dense Pack. The latest estimate of the peak year work force is less than 2,000 and the added permanent work force is about 350. The construction requirements for water, a precious commodity in my part of the country, are almost nonexistent, since there will be no new silo construction.

In fact, deployment of MX will have an impact quite comparable to the 1972-75 experience at F. E. Warren Air Force Base when the existing Minuteman I's were replaced with Minuteman III's.

In summary, I believe that the Scowcroft Commission has provided America with a clear path for modernization of our strategic forces and toward meaningful arms control negotiating postures. The President has fully endorsed the Commission's recommendations. I urge a positive vote for Senate Concurrent Resolution 26 to permit expenditure of funds for missile procurement and full-scale engineering development of a basing mode for MX, and I pray at the same time, Mr. President, that somehow, somewhere along this line, the Soviet Union will see that it is to its advantage that we would all be better off with a reduction. If fact, and in frankness, there is no reason for them to see that because they somehow or other are so adroit in manipulating the arguments in the world's mind and in our mind that we end up alone negotiating with ourselves.

But it is devoutly to be hoped that halfway through this deployment of MX, that somehow or other, the sense and reason that all of us would hope would visit the world would visit the Soviets as well, and we will have wasted the money, and indeed take out those missiles and the others. But until we see signs of that, Mr. President, it is in the country's national interest and in the interest of world peace and freedom that we proceed as the President has suggested, and as we must, in developing and deploying this missile, proceeding concurrently with intense efforts in arms control.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged under the order.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, on April 29, 1983, Senator PERCY, Senator NUNN, and I sent a letter to President Reagan outlining some concerns regarding the administration's responsiveness to the arms control elements of the Scowcroft Commission report. We recommended that he announce a firm commitment to certain measures, and noted that, before we reached a decision on the question of opening the production line for the MX missile, we wanted an expression of his opinion on these measures.

The President provided us with these views in a letter sent on May 12. Today, I would like to describe my thinking on this letter and outline what I believe should be the subsequent steps on the road to achieving a more stable nuclear environment through arms control and selected weapons modernization programs.

First, I wish to go point by point through the exchange of communications.

My colleagues and I asked in our letter for a commitment to reformulate the U.S. START position to incorporate the recommendations of the Scowcroft Commission. President Reagan responded that he is now reviewing the U.S. START proposal "in order to develop such modifications as are necessary to reflect the Commission's approach."

We asked for a firm commitment to propose in the appropriate arms control context a mutual guaranteed build-down of nuclear forces between the United States and the Soviet Union. The President responded that his administration was examining the structure of a build-down proposal, and he pledged to work with us to develop such a proposal.

We asked for an immediate start on research and development of a new, small, single-warhead ICBM, with an assurance that it would retain a high priority in these budget-constrained times. The President responded that his administration "will promptly undertake a major effort to bring the proposal of a small, single-warhead ICBM to fruition on a high priority basis."

Finally, as a separate point, we urged the President to consider establishing a new, bipartisan arms control panel to advise him on implementing the Commission's arms control policy. Such a body, we hoped, would insure a policy that would endure beyond any one administration. The President replied that he saw merit in a bipartisan panel "with staggered terms of membership to provide advice and continuity" on arms control policy. He wrote that he would work with the Congress "to strengthen and supplement" the consultative and advisory processes to assure a durable, national consensus.

What does all this mean? Has the President met the concerns expressed in our letter? How do our proposals and his responses translate into a sensible arms policy?

I, of course, can speak only for myself in answering these questions.

Last week, in a very thoughtful and constructive statement, my colleague, Senator LEAHY, said that "it would be unfortunate if 'the build-down' became inextricably linked with a strategy intended merely to gain support for President Reagan's plan to deploy 100 MX's in vulnerable Minuteman silos." He correctly noted that this was not the intent of the sponsors.

I have not, in the past, been satisfied with the basing modes proposed for the MX missile. My overriding concern has been that we are not developing a framework which combines weapons modernization and arms control in a manner which will ultimately improve stability. In and of itself, the present proposal for MX deployment would not satisfy my concerns. Why not, then, simply vote against such a proposal?

In a simple world, this might be the militarily sensible and politically prudent course to follow. We are in the midst, however, of a fractious debate in this country over nuclear weapons policy, an intricate set of negotiations with the Soviet Union on measures to limit nuclear arms, and a continuing dialog with our allies over how best to insure their—and our—security.

I believe there is a desperate need for an approach which will take into account each of these complex elements. In thinking through this problem, I reasoned that if, through the debate over the MX missile, we could gain acceptance for a long-term approach which promises to enhance stability, we would be well advised to proceed with such a plan. It was with this in mind that I proposed the build-down concept, and engaged the President in the dialog over the relationship between arms control, weapons modernization and the MX missile.

I believe the build-down concept offers a means of achieving significant arms reductions while moving toward nuclear forces with characteristics, such as survivability, that will enhance stability. The President accepts this point in his letter. He emphasizes the need to implement the concept flexibly, and notes that variable ratios could be employed to encourage more stabilizing systems.

In my Washington Post article last January outlining the build-down concept, I noted that "the formula is not chiseled in stone, but the principle would remain fixed—the price of modernization would be reductions." My friend and former colleague, Ed Muskie, noted in an article in March that the incentives for stability inherent in the build-down concept could be strengthened by varying the ratios to favor less threatening systems, such as the small, single-warhead ICBM subsequently endorsed by the Scowcroft Commission.

I agree with this recommendation. If applied in the spirit in which the build-down concept was developed, variable ratios could enhance achievement of a more stable nuclear environment. For example, one might consider establishing a 3-for-1 ratio for newly deployed warheads on MIRV'd ICBM's to discourage their deployment, and a 1½-for-1 ratio for newly deployed warheads on single-warhead ICBM's to encourage their deployment. I would caution that deviation from the original 2-for-1 ratio would have to be formulated to be consistent with the objectives of the build-down concept, which requires negotiability to be successful. I would consider unacceptable, for example, a formula which was crafted to require a radical restructuring of Soviet forces but which had little real effect on U.S. forces. To achieve true stability, each side must be satisfied that its forces are, and will remain, secure.

The administration has agreed to work with us to define a specific build-down rule that could be presented to the Soviets promptly. Such a measure could go into effect immediately after its negotiation, in order to regulate force changes pending a final START agreement.

To be workable and negotiable, the build-down concept must be applied comprehensively to all strategic nuclear warheads. In personal discussions with the Chairman of the Joint Chiefs of Staff and other administration officials, I have been assured directly that the build-down would be proposed in this comprehensive form.

Applied in this manner, the build-down would place a cap on the strategic nuclear forces of the two sides. Under present trends, and in the absence of a strategic arms control agreement, the number of warheads in the strategic arsenals of each of the two sides could easily double by the early 1990's. The build-down mechanism would halt and reverse the present buildup in nuclear warheads, resulting in levels which could be half or lower than the sides might otherwise deploy.

Mr. President, I have carefully studied and discussed with administration officials the commitments in President Reagan's letter to reformulate the U.S. START proposal, develop a specific build-down proposal, implement a program to develop and deploy a

small, single-warhead ICBM, and create a bipartisan durable and effective advisory mechanism on arms control policy. In the exchanges, I have made clear that I wish the administration to have sufficient flexibility in negotiations to facilitate positive movement. At the same time, I have made clear that my support for the present and succeeding steps in developing and deploying the MX missile are contingent upon the administration's good faith in following through on the commitments outlined by the President in his letter to Senator PERCY, Senator NUNN, and me.

I am not now endorsing the full MX program outlined by the administration. In order to proceed toward a long-term program of arms control and weapons modernization, I will support the immediate step in the MX program: The obligation and expenditure of funds from last year's appropriations bill for flight testing of, and full-scale engineering development of the basing mode for, the MX missile. In the near future, the Senate will address additional and equally important milestones, which will determine the fate of the MX milestones, which will determine the fate of the MX program. Most immediate will be the authorization and appropriation of funds for opening the MX production line.

Two factors will dictate my position on these and any subsequent steps in the MX program: The administration's demonstrated sincerity in developing and implementing a framework for weapons modernization and arms control—in particular, its attitude and actions on the build-down proposal—and developments in arms control negotiations with the Soviet Union.

In an article in this morning's Washington Post, President Reagan characterized the Scowcroft Commission's recommendations on the MX question as a consensus, and wrote that "The question now before us is whether or not the Congress will join this consensus." Let me make one clarification. What we are discussing here today is not a consensus, but a bargain. We in Congress are considering whether to approve funding for a militarily controversial missile in exchange for a strong commitment to proceed seriously and immediately with an alteration of the U.S. START proposal, a meaningful guaranteed build-down proposal, and development of a more survivable, small, single-warhead ICBM. I will begin to deliver on my part of the bargain by voting for release of fiscal year 1983 funds. I will be watching carefully to see if the administration begins similarly to make good on its part of the bargain.

Mr. President, I believe we have reached a point of great opportunity in our search for means of developing a more stable nuclear environment. There is a growing consensus among Americans, but it is around a broader issue than any one weapon system. There is a consensus that we need to initiate action toward reducing the risk of nuclear war. I believe the present debate over the MX missle can be expanded to encompass this broader issue. With good faith on all sides, we can create a framework for real progress.

Mr. STENNIS. Mr. President, I commend highly the discussion just entered into by the Senator from Maine. He is a very able member of the Senate Armed Services Committee. He does not deal with the subject in a halfway manner, but thoroughly and completely, and has a very firm foundation for his conclusions.

He has made a contribution here, not just in the debate but in working on this troublesome matter of the MX, as well as any other aspect of strategic weaponry, and what the future problem is and what we are going to do about it. I am proud to have had a chance to hear him. He has made a contribution to this debate, and I commend him highly for it.

Mr. President, by agreement heretofore made, we will stand in recess from 12 noon until 2 p.m. today, and I suggest that we go into recess when that time comes.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2 p.m. today.

Thereupon, at 12 noon, the Senate recessed until 2 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. WALLOP).

The PRESIDING OFFICER. The Chair in his capacity as a Senator from Wyoming suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JACKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAWKINS). Without objection, it is so ordered.

Mr. JACKSON. Madam President, my time will come out of Senator STENNIS' time.

Madam President, the recommendations of the Scowcroft Commission as they pertain to the MX missile, involve two basic points. First, the MX missile is needed in order to preserve a credible, land-based deterrent. Second, the MX missile is needed in order to make possible serious strategic arms reduction negotiations with Moscow. Both of these concerns are critical to our Nation's security.

I want to commend President Reagan for his receptivity to the Commission's recommendations, and particularly for his clear recognition that the MX is a key to arms reduction.

PRESERVING A CREDIBLE, LAND-BASED DETERRENT

The Scowcroft Commission understood and faced squarely the fact that there is no such thing as a totally invulnerable strategic nuclear system. No matter what steps we take, all such systems, but especially those that are land-based, will be vulnerable to a degree. But the Commission also recognized that it is the existence of a triad of forces—land-based missiles, strategic bombers, and sea-based nuclear forces—that so complicates the problem of Soviet war planners as to provide deterrence against the nuclear capability of our adversary.

For almost 25 years our strategic traid has proved effective in inhibiting Soviet adventurism and maintaining the peace. The strongest leg of that triad has been until recently the land-based ICBM force. However, the Soviets have hardened their important military assets which we would plan to target. Thus, our Minuteman III force is no longer sufficiently effective as a counterforce to a first strike by the Soviets. Modernization of our land-based ICBM force is required to maintain deterrence by restoring our ability to retaliate promptly against hardened targets such as the Soviet command and control centers, thus making it clear that a nuclear attack by Moscow would never pay.

If we fail to modernize our land-based ICBM force, the survivability of our strategic bombers and sea-based nuclear forces would soon be called into question. Should the Soviet leaders become convinced that our land-based ICBM force is not a sufficient threat to their hardened military assets, they would focus their efforts on how to attack our bomber and sea-based forces. They might, for instance, adopt a strategy of attacking the bomber force first before most of it can became airborne. With our bombers losing their credibility for retaliation, the Soviets could then concentrate formidable resources on ways to overcome our sea-based strategic forces.

In other words, Madam President, failing to modernize or land-based strategic systems would significantly affect the survivability of the other two legs of the triad. The result would be the unravelling of deterrence.

We not only should worry about deterrence of the strategic Soviet force, but also about deterring Moscow's imposing conventional forces. While we and our allies need to maintain strong, conventional defense capabilities, these forces alone will not deter the Soviets. We must also maintain parity in strategic nuclear systems, thereby fortifying the resolve of our allies and other peace-loving nations to stand up to adversary blackmail and aggression. If we as a nation are seen as standing paralyzed in the face of an unrelent-

ing Soviet buildup of strategic forces, our national prestige and our credibility as an ally will suffer decisively.

Facing the need for strategic modernization there is a tendency to want to wait for the next generation of technology believing that it will be available on schedule, on cost, and will be more acceptable than the current system. That approach may be acceptable in coal gasification technology or automotive developments, but it is not prudent in planning and maintaining our national defense.

There are those who advocate the further upgrading of the Minuteman III force rather than deploying the MX. This proposal would cost about 60 percent of the MX deployment cost with several negative aspects. The MX would still have a better hard-target kill capability due to an improved warhead design with potentially a higher yield. The range of the Minuteman III would be further reduced and the MIRV footprint would be affected. The accuracy might not be as good as the MX since it is an adaptation rather than a fully integrated design. Also, it might not be available until 2 years after the MX deployment.

As I see it, the Scowcroft Commission proposal for a modernization package for land-based ICBM's makes eminent good sense—a limited MX deployment in existing silos, coupled with the development and deployment of a new, small, single RV ICBM, which could be mobile, for deployment in the 1990's.

While there are many technical questions to be answered, this Midgetman offers the clear possibility of nullifying the accuracy of the Soviet missiles, by increasing the positional uncertainty of the target. This would greatly complicate the Soviet planners' task and further strengthen the land-based ICBM deterrent. Furthermore, the small, single warhead ICBM could contribute substantially to nuclear arms reduction by allowing over time the elimination of multiple warhead missiles.

ARMS REDUCTION NEGOTIATIONS AND THE MX

The Scowcroft Commission fully endorsed the central importance of arms reduction negotiations. At the same time, the Commission recognized that progress in negotiations is not likely to be made at all if we unilaterally freeze our strategic nuclear forces.

I might point out that, contrary to popular belief, the United States has reduced the total number of its nuclear weapons by about one-third and decreased the overall megatonnage of our arsenal by a factor of four in the past 20 years. The good faith of our country in seeking arms reductions is a matter of record.

Yet, while we have unilaterally reduced the size of our arsenal and for over a decade have made only incremental improvements in existing land-based systems, the U.S.S.R. has continued to build up its forces massively and steadily. They have not been willing to respond to U.S. reductions by making goodwill concessions of their own. What is the United States receiving from the Soviet Union in exchange for reducing the size of the titan missile force? The United States cannot simply wait for the U.S.S.R. to begin negotiating in good faith while our own strategic arsenal becomes increasingly outmoded. We have no choice but to modernize.

In fact, I believe the Soviets will seriously negotiate on mutual reductions only with our modernization program going forward. This is testified to by history where the ABM treaty was negotiated only after the Congress approved a limited deployment of an ABM system.

The experience at the INF talks sheds some light on how the START talks will proceed if we begin deploying the MX missile. The reaffirmation of the will and resolve of the NATO alliance to proceed with the modernization of the theater nuclear forces has begun to elicit proposals from the Soviets. While their current proposals are not adequate, they do indicate Soviet respect for tough-minded positions. In my view, the Soviets will negotiate more seriously only after the first introduction of the Pershing II and ground-launched cruise missiles later this year.

We need to show the same national resolve in deploying the MX missile that we are asking our NATO allies to show with respect to theater nuclear forces.

Deployment of the MX strikes me as absolutely necessary as an incentive to Soviet leaders to persuade them that it is in their own national interest to seek strategic arms reductions. Without MX being deployed where is their incentive to negotiate? Given our 10-year debate on the MX program what credibility would the Soviets place in statements of our intent to deploy a small, single-warhead ICBM sometime in the 1990's?

Madam President, let me add just this:

We should now press ahead and do what is necessary to fortify our land-based deterrent, while we faithfully work for mutual, verifiable nuclear arms reductions. I urge my colleagues in the Senate to follow the basic recommendations of the Scowcroft Commission, as the administration has done, and to move forward together in this crucial aspect of our national defense.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Madam President, the critically important issue before the Senate has divided people of sound judgment on what is best for this Nation's defense, especially nuclear deterrence. Like so many important issues, there is no "all right" or "all wrong" conclusion to be reached. However, it is imperative that we all take a stand, after studying the options as best we can, and then vote what each of us believes to be in the best security interests of our country.

Madam President, my skepticism on basing the MX missile in a highly vulnerable mode is well known and my careful reevaluation of all the facts since the President's latest recommendation has not altered my position. I do not oppose the MX as an improvement to our deterrent and have supported its research and development. Were the basing option before the Senate one of deceptive or mobile deployment as recommended by all previous Presidents and the overwhelming majority of all present and past military leaders, it would have my support.

Why is deceptive or mobile basing important? It is important because we have built our triad of deterrence on the basis of our President, whoever that person may be, never being placed in a position of having to consider a first strike or reacting hastily before all the facts in a warning of attack situation are at hand.

Our correct deterrence posture has been to provide our President the maximum flexibility as a real or imagined crisis develops. Placing this new, MIRV'ed 10-warhead MX in the most highly vulnerable of all basing modes already targeted for destruction by the Soviets runs the risk of encouraging a first strike by them and is just as likely to drive them to further enhancements of their nuclear strike force as to the bargaining table.

It makes no military or arms control sense to deploy the MX in any obviously and admittedly vulnerable silo in Wyoming, Nebraska, Utah, Washington, D.C. or in Timbuktu. The foolishness of such a plan has been denounced by most military leaders, but no better than by Secretary of Defense Caspar Weinberger on January 6, 1981, when he said:

> I would feel that simply putting it (the MX missile) into the existing silos would not answer two or three of the concerns that I have; namely, that these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces.

Madam President, in my view a terrible mistake was made when a sur-

vivable, deceptive MX basing mode was gutted during the 1980 Presidential campaign. To attempt to correct that mistake now—by going ahead with deployment in an admittedly highly vulnerable pit as the home for the MX—to supposedly demonstrate "national will" is dubious, self-serving "double talk."

Our well thought out and certainly sound strategic Triad principle has evolved over time into a system which has served us well and should be continued. It consists of three essentially balanced legs—land-based missiles, submarine-launched missiles, and air-launched systems. The value of this historic Triad is being proven today as the increasing vulnerability of all land-based ICBM's is being compensated for, in U.S. forces, by superior submarine, bomber, and cruise missile forces. The ICBM-land based leg could be strengthened by upgrading our existing Minuteman III missiles to enhance our hard target kill potential. This has been all but ignored in the rush to build the MX. I will discuss this in more detail later.

The Soviet Union, on the other hand, has placed approximately 75 percent of its strategic forces in land-based ICBM's which has served that nation's objectives to date, but which will work to their increasing disadvantage over time. The Soviet advantage today in land-based missiles will be their "Achilles Heel" of the late 1980's and beyond as the U.S. deploys in numbers various weapons with hard-target kill capability including the Trident II (D-5) missile, cruise missiles, additional bombers, and a new ICBM. We must not lose sight of this fact as the Nation contemplates its strategic modernization plans.

The "window of vulnerability" argument—do you remember that argument—which has emerged during the last few years centered around the growing accuracy and payload of Soviet land-based ICBM's, which possess the theoretical capability to destroy U.S. land-based missiles. The Presidential Commission on Strategic Forces dealt with this question in detail. In summary, the Commission acknowledged the theoretical vulnerability of U.S. land-based ICBM's; however, the Commission also reaffirmed the large body of military thought which maintains that the diverse nature of the U.S. triad complicates the task of the potential attacker to such a large degree that deterrence is maintained. Nevertheless, in the long term, the United States must deal with its land-based vulnerability issue.

The Commission report, endorsed by the President, calls for the deployment of 100 MX missiles in existing Minuteman III missile silos until a new, single-warhead ICBM can be developed and deployed. The Commission and the administration cite the principal needs for initial MX deployment in 1986 as: First, correction of the current imbalance in prompt counterforce capability between the United States and Soviet Union; second, providing U.S. leverage in arms control negotiations with the Soviets; third, the need to exhibit national will and cohesion in U.S. defense policy; and fourth, the need to replace aging U.S. ICBM's. This line of argument needs to be examined.

During the 1980's, the Soviets will continue to maintain an advantage in prompt-response counterforce capability with nuclear weapons already in place. However, this counterforce capability is militarily useful solely against fixed-point, high-value targets—namely, U.S. silo-based missiles. The Commission endorsed the development of a so-called Midgetman single-warhead ICBM to be deployed in numbers aimed at providing a larger number of aim points for Soviet warheads. Such a deployment would also help pave the way for a new arms control regime concentrating on warhead limits rather than launcher or throw weight limits. This could be a useful step from both a military and arms control standpoint.

Deployment of the MX missiles in existing silos, acknowledged to be vulnerable, moves against the goals endorsed by the Commission. This step was rejected by the Congress in 1982 for this very reason. It is a contradiction to deploy a fixed, vulnerable MX missile and simultaneously race to develop a new mobile, less vulnerable small ICBM. As we modernize, the United States needs to move in the direction of greater stability and less vulnerability of its strategic nuclear deterrent. The proposed MX deployment is a backward step in this direction. This deployment would place a President in a position of having to "use or lose" his land-based ICBM's upon warning of Soviet ICBM launches. While "launch on warning" has always been an option to maintain as a means of raising the uncertainty of a potential attacker, this doctrine should not be the sole means of protection of any strategic system by design.

Madam President, as the Soviet missile threat has increased the MX missile has been represented to the Congress as requiring mobility and/or deceptive basing to insure its survivability. Since I came to the Senate in 1979, I have served on the Senate Armed Services Subcommittee which has had jurisdiction over this project and can personally attest to this fact. The legislative record confirms this statement. The Defense Department's own "ICBM basing options study" of 1980 lists 30—count then, 30—basing modes which had been investigated until that time. MX in existing silos is nowhere to be found in this study. Simply put, the MX was supposed to based in either a mobile or deceptive mode. This was the basis upon which Congress approved all research and development of this system.

On October 2, 1981, when the President first proposed silo basing of MX, he literally turned our strategic thinking and doctrine "on its head." Since that time, Congress has wisely not approved any similar basing proposals. Supporters of the latest MX proposal unanimously concede that silo basing is not the most militarily effective deployment mode. Additionally, silo-basing of MX will not complicate the task of Soviet planners since the theoretical capability to destroy U.S. silos already exists. The Soviets can destroy a 10-warhead MX missile in a vulnerable silo just as easily as a 3-warhead Minuteman missile in that same silo.

In December 1982 Congress disapproved initial MX production and flight testing and deferred MX basing mode funding until the President submitted a detailed technical assessment of alternatives to the MX in a closely spaced basing mode. This comprehensive comparative assessment was the result of an amendment which I offered at that time in an effort to insure that the MX missile was not considered in isolation from alternatives or our other strategic forces in existence or coming on line. That assessment was forwarded; however, the President's MX decision was at variance with the judgments which caused Congress to disapprove much of the administration's fiscal year 1983 MX funding and plans. It appears to this Senator that the President's latest MX proposal is the result of a review process over the last few months which had its result decided in advance.

As a workable alternative to the administration's MX proposal the United States should upgrade our existing Minuteman III missiles to provide them with a hard-target kill capability comparable to that of the MX by combining the guidance system intended for the MX and the existing MK-12A warhead. This Minuteman improvement program could provide such a hard-target kill capability at one-half the cost and facilitate the path to the single-warhead ICBM. I have proposed this course of action in the Armed Services Committee and believe this course of action is what the President should have proposed. The upgraded Minuteman force I have proposed would provide 50 more deployed counterforce weapons than the President's MX proposal. Its initial operating capability would be several months later than that of the MX; however, it would be fully deployed the same year as the 100 MX missiles in the Presi-

dent's proposal—again, Madam President, at half the cost.

Additional prompt hard-target kill capability is planned for introduction with the Trident II (D-5) missile. This submarine-launched ballistic missile will embody all of the capability to attack the full spectrum of targets envisioned for the MX missile with the advantage of invulnerable basing. U.S. submarines at sea today are invulnerable and expected to remain so as far into the future as such predictions can reasonably be made. Ten Trident submarines have already been procured and the first two are already at sea. The first eight submarines will be equipped with the Trident I (C-4) missile, which does not possess hard-target kill capability. D-5 missiles, however, will be deployed on the ninth and subsequent Trident submarines, with the first eight subs being planned for D-5 retrofit during their 1990's overhauls.

The initial operating capability, (IOC) of the D-5 missile is late 1989, as opposed to late 1986 for the MX. While the IOC of the D-5 cannot be accelerated for technical reasons independent of funding, the Trident/D-5 force can grow in size more rapidly than currently planned in the early 1990's. Communications with our strategic submarine force is already highly reliable and will be improving throughout the 1980's in capability and endurance. This force can also be contracted or expanded with relative ease depending upon the success or failure of arms control measures since each submarine and its missiles constitutes an independent force.

During the next few years, in addition to the Trident submarine and missile programs, the United States will be bringing into our inventory the following nuclear systems:

Development of a new, single-warhead ICBM; Deployment of first and second generation air-launched cruise missiles aboard bombers; deployment of the B-1B bomber; development of the advanced technology, "stealth" bomber; deployment of land-attack cruise missiles onboard attack submarines and complete modernization of strategic command, control and communications.

These programs, as well as the dramatically increased defense budgets which have been approved since 1980, provide the President with the leverage and demonstration of national will and cohesion he needs to negotiate necessary arms reductions with the Soviet Union.

Madam President, military programs deserve support when they are vital to our security. They deserve support when they leverage U.S. strengths and the weaknesses of potential opponents. The MX fails this test. We must press on with other programs which make military sense as we proceed with the task of protecting our security, maintaining deterrence, attending to our conventional force needs and working for nuclear arms reductions.

Madam President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Madam President, the MX is a very monumental decision for this Chamber and for the Congress. One of the monumental parts of the decision is the fact that the President's request, if put into effect, will stop the agreements that we have been living under under SALT II. So this attempt to go ahead with the MX carries right along with it putting SALT II on the scrap heap.

I do not know how many Senators have approached this problem with that idea in mind. That is exactly what this debate means. SALT II, which the President has said that he will abide by as long as the Soviets do, although it went unratified in the Senate, provides that only one new missile could be tested. What the President has proposed is that the MX be tested and put in place and that an additional smaller missile, the mobile missile, or Midgetman as it is called, would also be developed and used at a later time. Now, that violates the terms of SALT II.

I was one of those Senators who, when SALT II was in committee, voted against it, not on the basis of disagreeing with the balance—in fact, I was supportive of the balance that had been struck at that time—but I voted against SALT II in the Senate Foreign Relations Committee at that time because we could not verify what the Soviets were doing as far as living up to the terms of the treaty.

I could not buy a pig in a poke. I would not express confidence in the Soviets as taking actions always in our own best interests. And for lack of verification capability, because of the loss of our tracking sites in Iran and because of the lack of satellite capability we had at that time, I voted against it.

Madam President, that time has passed. We now have adequate facilities to monitor the requirements of SALT II, and I have long since advocated that we go ahead and approve SALT II as a way of limiting some of the building of nuclear ICBM's.

I hate to see us go ahead and approve this MX proposal of the President, because we will then stand before the world as the nation that broke ranks. We will be the first to say that we will not live up to SALT II.

In a discussion with the Soviet Ambassador just a few days ago, he indicated that the Soviets had all along thought we would continue under the present arrangement or that we would ratify SALT II.

So, once again, we will be the ones who see SALT II running out even sooner perhaps than the 5-year limit it was supposed to have.

I approach another item—that this is a big bargaining chip for the President, that he needs this to bring the Soviets into some sort of negotiating posture.

I submit today that if, through four Presidencies, some 200 MX missiles proposed in hardened silos have not been sufficient to bring the Soviet Union to the bargaining table, the present proposal, which is 100 MX missiles in soft silos, is hardly going to be the item that brings them to the bargaining table.

The Soviets are not stupid, and they are not about to be bluffed. When we have some thousand warheads ready to go, that is what they watch, not whether we are going to put a few MX missiles—few compared to the overall total—into soft silos, which will make even more attractive targets than those originally in those silos and which have long since been targeted by the Soviet Union.

One of the major arguments against the small mobile, which I have long favored, has been that it could not be used off Federal reservations. But I submit that while it would normally be based on Federal lands and Federal reservations, in an emergency we had better have a mobile missile and it had better be for real and have real capability. In that situation, our people will certainly support a mobile, because it then will become a vital, best deterrent to prevent any Soviet attack.

I opposed the MX missile almost 3 years ago in this Chamber and lost that vote very badly. I opposed it on the basis that it was the wrong missile, at the wrong time, for the wrong purpose, and that we could best perform the functions of what we wanted to do with regard to deterrence by going to the small mobile missile. That way, we are not tied to fixed geographical points that the Soviets already have targeted. That way, the missile could go to any number of sites, which is exactly what we asked the Europeans to accept with the Pershings in Europe, which are mobile and can be dispersed to any particular point, up and down the roads, and they exercise them in that mode. Yet, we cannot bring ourselves to think of a similar situation in this country.

It is also why the Soviet SS-20 gives the Europeans and ourselves such pause, because it too is a mobile and it is one we do not know how to target, because we do not know where the thing is going to be after war starts.

So, in effect, a mobile gives the greatest deterrence and gives it at a cheaper cost than any other weapons system. It can normally be used on a base on Federal lands. It does not have to be out on the highway, although that is the way they use them in

Europe, deployed on roads in exercises, and it does not seem to cause a strain in their society. We had better have a mobile capability if we ever get into a combat situation where we want the deterrence of a new missile.

I do favor a new missile. The ones we have are very old. We are already receiving indications of cracks in the grains—the propellants—and things like that, which indicate an aging process, and we must deal with it. So I have no doubt about the need for a new missile.

If we are not to see this, too, go down the drain completely, we have only one new missile type we can build, and to me that should be the small mobile missile. Experts tell us they could have that missile onstream by 1989. In the same breath, they say that is a pessimistic estimate and that we probably could have it by the 1987 time period.

Some of the research work already done for the MX could be applicable to the Midgetman, and that would hasten the timetable to some extent.

Last year, when the Townes Commission was meeting concerning the MX, I met with them for about 2½ hours and presented my views. I had no disagreement from that Commission, with one exception, and that is that it would not be politically acceptable to have a missile out on the highways or out where it could be seen in this Nation, even though the Europeans accept that as the norm and will accept it with the new Pershing later this year, and which the Soviets also accept as the norm for their SS-20's.

All agreed at that time in our discussions that this would give a greater deterrence at a cheaper cost, and to me that is the way we should have gone a long time ago.

I brought that proposal to a vote in this Chamber almost 3 years ago, in July 1980, and again in May 1982, and it was turned down both times. I submit that that is the way we still should be going.

Madam President, what is before us today is a request that would free the "fenced" MX money for R&D and flight testing. I am strongly opposed to this proposal. I believe that approval of MX would be a grave error. It is likely to become, in effect, irreversible. If we approve the MX in this vote, we will probably be stuck with the full 100-missile deployment whether or not we need it and no matter what it does to SALT II.

We find ourselves facing today's vote in large part because of the recommendations of the Scowcroft Commission, which the President has adopted and urges us to adopt. There are some things to admire in the report. It is, on balance, a sensible, bipartisan, and professional study of the strategic issues confronting U.S. defense planners. In particular, I concur with the Commission's restatement of the importance of America's mutually reinforcing triad of strategic forces; its recommendation to preserve the triad; its endorsement of the small ICBM, with its inherent flexibility, as the long-term answer to ICBM vulnerability; and the Commission's words of caution about putting too large a share of our deterrent into a few high-value targets.

Yet, the Commission has apparently felt driven, by political and indeed psychological arguments, to include one recommendation that is not up to the high standards of the rest; I refer to the proposal to put 100 MX missiles in existing Minuteman silos.

My colleagues know me as a strong supporter of our Nation's defense. Freedom, and the power to deter war by strength, are worth whatever they cost. I have always recognized that an adequate defense is not cheap. The first order of Government responsibility is to make certain that our people remain alive, independent, and free forever and that we do whatever we have to do in order to preserve that freedom. That is true even amidst our current economic troubles.

I do not believe that cutting defense is a magic carpet back to balanced budgets. But I cannot support the MX. Indeed, I have concluded that the latest recommendation on MX fails utterly to correct the errors of the past. It is even weaker than the Dense Pack proposal that the Congress justifiably rejected last year.

As many Senators know, I have long been unhappy with the whole strategic trend exemplified by MX—the trend toward putting more and more warheads, a greater and greater percentage of our total nuclear deterrent, on a few, large, immobile targets.

I have tried for 4 years to convince this Chamber, and any outside it that may have some respect for my views, that MX is not the answer to whatever problems of strategic vulnerability our Nation may face. In July 1980, I tried to cut MX funding and switch R&D efforts to a more survivable option. I get nine votes.

In May 1982, I tried again. In the course of my remarks that night, I said:

> There is no way to make a 192,000 pound missile into anything other than a fixed-point target for Soviet attack, and if we are going in that direction I think we are off on the wrong foot * * * if we go with the current MX, we are deluding ourselves only, because we are certainly not fooling anyone in the Soviet Union that by placing a big new booster in the same old hole that they already have targeted that we have somehow lessened our vulnerability to a first strike * * * It just seems commonsense to me, if we are going to a new missile that would mean probably mean going to a much smaller missile than anything we have proposed so far.

At that time when the votes were counted, our total had risen to 29, but we were still on the short end. This time, I hope, it will be different.

When I spoke in May 1982, President Reagan had announced the previous October his intention to base some MX missiles in existing missile silos. This idea found favor with very few in this Chamber. The Armed Services Committee had unanimously refused to approve the first $1.5 billion for MX procurement on the grounds that existing silos were not the way to proceed.

As a result of such opposition, the administration was forced to look again at basing options, and last fall the Dense Pack scheme emerged as the last hope for survivable MX. I do not think there is any point in belaboring the reasons why we found fault with this idea. It simply failed to win support.

The decision to return now to the MX in existing silos plan should be no more acceptable than 18 months ago. Perhaps it might be helpful to recall just what was said about this option the last time it was brought forward.

In an interview with U.S. News & World Report, on November 2, 1981, the distinguished chairman of the Armed Services Committee said:

> By stuffing the MX's into fixed silos, we're creating just so many more sitting ducks for the Russians to shoot at * * * it's of little use to us unless the Soviets are convinced that it can survive an attack.

In his confirmation hearings, in January 1981, Secretary of Defense Weinberger said:

> I would feel that simply putting (the MX) into existing silos would not answer two or three of the concerns that I have: namely, that these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces.

The report of the Subcommittee on Strategic and Theater Nuclear Forces, of the Armed Services Committee, overwhelmingly adopted on March 20, 1982, stated that:

> The number of additional warheads that would survive an attack upon MX missiles so deployed (in Minuteman silos) does not appear to justify the costs * * * associated with this basing scheme. The Committee is also concerned that the possibility may exist that strategic deterrence and crisis-stability could be jeopardized, rather than enhanced, by the deployment of high-value, militarily important weapons in so small a number of relatively easily destroyed shelters.

Additional, similar quotes are readily available, but I will consider my point made; scarcely anyone who studied this idea 1 year ago liked it. That the Commission has now resurrected MX in silos says more about the constraints under which the Commission labored than about any persuasive strategic logic for this action.

I believe that we must reject this portion of the Commission's findings. The time has come to kill the MX pro-

gram and move on to more productive ways of insuring our Nation's defense.

First, I agree that we need a triad, one which will continue to include land-based ICBM's. But our land-based ICBM must be survivable. A system that cannot survive attack is not worth having. For the cost of creating 100 potentially vulnerable MX targets for the Soviets, we could buy a dozen more Tridents. Which would you rather have?

The MX portion of the Commission's report also has significant arms-control implications, which are troubling. Let me go into that for a moment.

In advocating MX in silos, the Commission report holds that this deployment will actually bolster arms control by giving the Soviets an incentive to negotiate. The point is highly doubtful.

It is hard to see why the Soviets should be eager to consider dismantling their large SS-18's and other land-based systems, as we would like, merely because we create 100 new high-value targets of the type that SS-18's are best able to destroy.

The additional nonsurvivable hard-target capacity of the MX's gives us nothing, I repeat, nothing unless it is used in a first strike, which runs against all U.S. policy and makes no sense and which I would not support, or unless it is planned to avoid destruction by launch on warning.

It might be better argued that fielding a survivable system that does not depend on fixed sites, like the small ICBM, will help motivate the Soviets to negotiate a reduction in their SS-18's. The hard target accuracy and throwweight of the SS-18's are very useful against silo targets but much less so against a mobile system. In short, you do not know where to aim because you do not know where the thing will be.

There is another and even more decisive objection to the Commission's dual recommendation, from the standpoint of arms control. I refer to the limitation of one new ICBM, placed on both sides by the SALT II accords. Although they are unratified, both sides have agreed to observe these accords. If we deploy MX, we are barred from even flight testing the small ICBM; or vice versa.

It will be argued that, since flight testing of the small mobile is not expected for several years, such flight testing would fall after the original termination date of the SALT II treaty. Hence, no actual violation would occur. This observation begs the question. Our hope should be to build on the arms-control achievements of the past, not to reverse them.

Moreover, such thinking fails to consider the possible Soviet responses. The current regime of tacit observance of the unratified SALT II treaty is inherently fragile. That fragility is not helped by the rhetorical excess typical of this administration. I do not rule out the possibility that, if we announce plans to deploy one new ICBM while developing another, the Soviets may pubicly withdraw from arms control for the indefinite future. They certainly have that option, and they have the industrial base in existence to rapidly increase their missile production if SALT limits are abandoned. Such an event is not in our national interest, particularly at a time when we have virtually no immediate ability to match such increases.

I will add that, if I thought our Nation's defense needed—underline "needed"—MX, I would not let either SALT II or Soviet reaction dissuade me. But the point is we do not need MX and deploying it risks harm to arms control and stirs up the Soviets uselessly and without gain to America.

The shift to the small ICBM, on the other hand, creates no serious problems for arms control. As the Commission itself notes, movement toward a regime of small, single-warhead missiles actually enhances nuclear stability.

Let it be the small missile, then, as the center of our future land-based ICBM deterrent. I am pleased to find that this idea, which once had so few friends, now has so many.

But I am troubled by the implications of a long delay in actually achieving IOC of such a missile. The Commission specifically states that no crash program is called for and advocates engineering studies until 1987, followed by full-scale development and IOC in the early 1990's. The Commission could scarcely have urged haste on the small ICBM, while it insisted on a deployment of MX. If MX is not to be deployed, however, the picture is different.

(Mr. PRESSLER assumed the chair.)

Mr. GLENN. The need for the small ICBM becomes greater and the funds available for work on it become somewhat easier to find. Indeed, a time compression has been indicated of a time period of having the IOC moved to 1989, and if pressure was put on for this program there are many of the experts who feel this could be in the field and operational by as early as 1987.

For good and sufficient reasons, I have decided to reject MX. But I am sensitive to the criticism that we should not wait another decade to modernize our land-based deterrent in a way that promotes survival and deterrence.

In short, I urge my colleagues to vote against the MX. But I also urge you to vote for the small ICBM, at the appropriate time and to do so in a way that avoids the errors of procrastination and uncertainty that have wasted time and money in the MX program.

It is a failure of the Commission report that it does not specifically conclude that the small ICBM must be mobile. The report implies as much, but leaves open the possibility that some other system may emerge. I have already heard the argument, for example, that if we can achieve a stable nuclear balance with the Soviets on the basis of small, single-warhead ICBM's on both sides, then both could continue to use silos, since a disarming first strike would be impossible for either side.

I believe, however, that our only sensible course is to plan for a mobile missile. Development of a small ICBM that is not mobile would run too many risks. Symmetrical United States-Soviet forces of single-warhead missiles may prove impossible to attain, for a whole variety of reasons. Furthermore, fixed silos will within a decade probably be as vulnerable to submarine-based missiles as they are now to land-based missiles. In a world of ever-rising missile accuracy, mobile systems have an inherent superiority over fixed systems.

Of course, if we do reach agreement on a comprehensive new arms-control regime, there is nothing to stop us from putting mobile missiles in fixed silos. But a missile designed for silos cannot always be made mobile without extensive and expensive changes.

But, you cannot build a survivable force if we only talk about which missile we are going to budget for. We also need to consider how we communicate with the firing units—command and control—and choose high value targets—intelligence—after our adversary's first strike. Otherwise, we could find ourselves in the absurd position of having a surviving missile force, but with no reliable way to communicate with it or tell it what to fire at.

Do not get me wrong. I hope we never have to use our deterrent force. But if our capability to retaliate is not credible adversaries might miscalculate or consider our retaliation rhetoric merely a bluff. For deterrence to work America's enemies must believe that if we are attacked we can and will respond. Right or wrong that is the essence of deterrence.

This calls for designing a survivable force and support structure that demonstrates convincingly to our enemies that even if they strike first sufficient command and control intelligence assets and missile units will survive to retaliate accurately with devastating force. Only a madman would initiate a nuclear attack under such circumstances.

The very basic outline of a small mobile program should not require further elaborate studies. The problem and the solutions have both been

studied to death. For those who might be interested, this could be a precis of my view of how the small mobile program should look: First, the mobile force should supplement the existing, fixed Minuteman systems, not replace them. What we need is a survivable, accurate, mobile force as a hedge against Soviet breakthroughs that might reduce the deterrent value of the other parts of the Triad. If we must pick a number, 200 or 300 missiles, with an organic unit capability to reconstitute communication and intelligence capabilities, is about right. The force should be based in peace time on Federal reservations and military bases, but with the capacity to flush during a crisis to much more dispersed locations. To deal with the danger of a surprise barrage attack, the system should be modestly hardened, but need not resemble a tank. A wheel-mounted vehicle much like a conventional truck, with some protection against blowover from telescoping legs and tiedown anchors, is probably sufficient. Also, modifications of existing hardware, both land based and sea based, should be used wherever possible to cut costs and reduce development time.

I simply refuse to believe that we cannot have a mobile force in service in less than the 10 years projected by the Commission. In the early 1960's, our Nation developed the Polaris submarines and missiles, a truly revolutionary concept, in 3 years from beginning to deployment of the first submarine. The small mobile ICBM is by comparison a simple task. We can and should have the first units deployed in 4 to 5 years, if we are willing to cut the redtape and bureaucratic obstacles.

Bolstered by rapid progress in the small, mobile ICBM program, we could soon be in a position to make a new arms-control initiative to the Soviets. We will do so from a firm basis in the observation of the terms of the existing SALT II accords.

If the Soviets are interested in a long-term, stable, nuclear balance—which we hope, but is not yet proven—then prospects for getting them to follow us into unthreatening, survivable nuclear systems should improve.

If not, then we will at a minimum have reinforced our own deterrent power, at a point where it now shows weakness, by development of a new ICBM force that neither threatens first strikes nor is vulnerable to one. That will, I believe, be a good piece of work for our Nation and the world, and I urge my colleagues to support this at the appropriate time.

MX is a bad choice for our Nation's defense. It is yesterday's solution to tomorrow's vulnerabilities. But opposing MX is not enough. We need a positive solution that bolsters deterrence, even as it makes arms control and eventual attainment of a stable nuclear balance more likely. I urge you to vote against MX now. But when we have defeated MX, I urge my colleagues to join in making the explicit connection: "No" to MX, but "Yes" to the small, mobile missile, the sensible alternative to bolster America's deterrence.

Mr. President, I would only repeat the following points: The Soviets are not about to be bluffed. They know what our actual force is. They are aware that the silos in which we will put the MX under the President's proposal are silos they have already targeted, they already have missiles aimed at, so we are accomplishing very little, very little indeed. Furthermore, it will in that case be the United States that broke ranks with a possibility of living on into the indefinite future under the provisions of SALT II.

The Soviets expected that SALT II would go on. They expect the current President, who is living under SALT II and saying he will abide by its limitations, to continue to do that. But if we go by the President's own proposals for this MX and for the small mobile together we will indeed have put SALT II and its agreements in the scrap heap.

As to the argument that this should be a bargaining chip, that the MX proposal will be a bargaining chip, I submit once again that if, through four U.S. Presidencies, some 200 MX missiles in hard sites have not brought the Soviets to the bargaining table, this new proposal for only 100 MX missiles in soft sites is not likely to be the deciding factor.

Another instance of objection to the proposal for going only with the smaller missile, the Midgetman or the more mobile missile, is that it will never be acceptable for highway use or could never be accepted out on site by the American public.

I disagree with that. Its normal use would be on Federal lands or bases. But I submit that in an emergency, where the American people really feel that war might be imminent, a mobile missile that gives a better deterrent is going to be welcomed by the people, whether it is on Federal lands or elsewhere.

This mobile missile would be a for-real deterrent capability because the Soviets could not possibly think that they can hit all the spots where those missiles might be based or launched from.

Some members of the Scowcroft Commission have agreed privately with this viewpoint. The Townes Commission agreed basically with this viewpoint when I talked to them.

Another objection to the missile has been that we should trust—one of the proposals of the administration is that we should trust—them to move to better arms control. Well, Mr. President, I would say to you that this administration's actions to date have not proven very encouraging as to what their future actions might be with regard to arms control, and I think that is a direction they should be moving in, whatever we do with MX.

But we get the greatest protection at a cheaper cost, Mr. President, if we go with the small mobile MX, and the only way we can do that without declaring SALT II to be null, void and dead is to go not with the MX but with the smaller mobile missile.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk called the roll.

Mr. STENNIS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, will the Senator from Mississippi yield me 15 minutes?

Mr. STENNIS. I am more than happy to yield to the Senator from Colorado.

Mr. HART. Mr. President, I thank the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 15 minutes if there is no objection.

Mr. HART. I thank the Chair.

Mr. President, the MX missile makes no sense. There are a lot of aspects of the nuclear arms race that seems so obscure and so technical and so given over to professional judgment that ordinary people cannot really be called upon to deal with them. One of the hazards of service in a legislative body is that we become convinced that only we can understand whether a system of this sort makes any sense.

The MX missile is a very complicated weapons system. It is going to cost the American taxpayers a lot of money. There are a lot of very fancy words that are used with regard to the MX and whether or not it ought to be placed one place or another. The jargon that surrounds the nuclear debate must frustrate the American people an awful lot. It is their money we are spending. It is their lives we are dealing with.

Mr. President, it seems to me we have gotten the MX, after 12 years, down to a point where it could easily be put to a referendum of the American people. There is no mystery here. There are no secrets involved. What are involved are commonsense judgments.

The Congress of the United States is headed toward making a very unwise and nonsensical judgment. This missile makes no sense without a SALT II agreement that limits the number of Soviet warheads. It makes no sense,

even more, to put it in silos, existing silos, that the Soviets can destroy.

The argument is made by some people in the administration that we need it to convince the Soviets we are serious about the nuclear arms race so that we can bargain with them to limit nuclear weapons.

If anyone had told me at some time in the past that I would pick up a newspaper and read an article by the President of the United States arguing for the expenditure of $20 billion to $30 billion of taxpayers' dollars for a vulnerable, first-strike, new missile as a device to enhance arms control, I would have responded that George Orwell was alive and living in Washington. And that is essentially what has happened.

The President of the United States is arguing to the Congress, presumably to the American people, that we need to spend $20 billion to $30 billion, at a time when we have $200 billion deficits, to buy a missile with 10 warheads and weighs 190,000 pounds and put it in silos that he, himself, said for the last 5 years are vulnerable to a Soviet attack. Now I would place that argument before any American and ask him if it makes any sense and the answer clearly is, no, it makes no sense at all.

And the argument that we are going to use it for a bargaining chip makes no sense because the President himself has said we do not intend to. On December 10, 1982, in a news conference, he said, "I am not going to bargain away the MX missile." He repeated that statement in an open letter to Members of Congress in January 1983. And, as recently as 2 weeks ago, on nationwide television, the Secretary of Defense reiterated that position by saying we have no intention, no intention, of bargaining away the MX missile. So much for a bargaining chip. So much for convincing the Soviets that we are serious so that we can sit down at the bargaining table and destroy these weapons, maybe not even build them.

This administration wants the MX missile. They want to spend the $20 billion to $30 billion and they want to put them in the vulnerable silos. The net effect of that is to lower the nuclear threshold, make this country and the world less secure rather than more secure and threaten the survival of mankind in the future.

Mr. President, the MX makes no sense. We can go on and on about arguments recondite, obscure, arguments about basing modes, survivability, MIRV'ing, deterrence, even arms control. And at the end of that debate, what you come up with is a proposal that makes absolutely no sense. And it particularly makes no sense when the administration's position is clear cut that even given the authority, the authority to build and deploy this missile, it has no intention whatsoever to bargain it away.

Now it is beyond me, perhaps it is a measure of my own ignorance, how the President of the United States can, with a straight face, write an article in this morning's paper that says we need to spend $20 billion to $30 billion on a first strike, hard target, kill, new missile in order to achieve arms control.

As I said before, Mr. President, George Orwell is alive today and living in Washington. We have entered the period of newspeak. Black is white and white is black. We have to build up to build down. We have to spend a lot of money to save money. We have to threaten the Russians with a first-strike offense in order to prevent a first-strike offense.

Mr. President, the nuclear arms race has finally gotten to the point where we can put the experts out to pasture and just put this issue to the commonsense of the American people, as the first Democrat, Thomas Jefferson, said we ought to.

Mr. President, I am absolutely convinced that if we took this debate to the main streets of America, if we dropped all the fancy jargon, the obtuse rhetoric, the twisted logic and the falsity and bargains and just put it to the American people in plain simple terms—does this make any sense?—there is no doubt in my mind it would be rejected by 10 or 20 to 1, because it does not make any sense and the American people know it.

I think the American people in the last few years have decided they are going to have to take this nuclear issue into their own hands. The political process, from the White House on down, is failing the American people and failing the people of the world because we are letting technology and we are letting twisted logic drive the most dangerous race in the history of mankind, and that is the nuclear arms race.

We have lost our way here in the Congress, we have lost our way in Washington, because we have lost commonsense. We are making political decisions. The Skowcroft Commission itself said on the record, on the record, the decision to keep the MX in the package was a political decision. I do not know of one serious military authority who believes there is military justification for the MX missile. It is a political missile that is being promoted by political report by a political administration.

Mr. President, if there is one thing that ought to be depoliticized, it is the nuclear arms race. We are engaged here, Mr. President, in a political debate. This is not a military debate. This is not a debate about national security. It is a political debate.

We are not negotiating with the Soviet Union; we are negotiating between the Congress and the White House. The bargain is not if we reduce missiles, will you, the Soviets, reduce missiles? The bargain is if we, the Congress, give the President the MX missile, will he get serious about arms control?

Lord help us. How have we gotten to this point?

How have we gotten to the point where the Congress of the United States is being asked to spend $20 to $30 billion of hard-earned taxpayers' dollars in a $200 billion annual deficit period for a missile that not only we do not need but that threatens the survival of the world in order to get the President of the United States serious about arms control?

The President sends Members of Congress, with a straight face, a letter saying, "If you give me this missile, I will get serious about arms control." No wonder the American people are beginning to doubt the good judgment of their elected officials.

It is madness, Mr. President. It makes no sense. This whole debate makes no sense. A President in the third year of his term, who got elected in part because of blaming his predecessor for a window of vulnerability, for having our land-based deterrent in fixed silos, is now, with a straight face, before the Congress of the United States, convincing sober men and women that the answer to our nuclear problems is to build a bigger, more expensive, more threatening missile and put it in the same silos.

I ask, Mr. President, if that makes any sense. It does not. If we took this debate outside these Halls and engaged the American people in this decision the way decisions like this ought to be made, there is no doubt in my mind which way this decision would be made. We are sitting here, in this Chamber, in the Capitol of the United States, making one of the most awesome decisions in our lifetimes based on politics. This is not a military decision. It is not a military decision; it is not a diplomatic decision. This is not an arms control issue. It is a political decision.

It is a decision designed to attract presumably thoughtful men and women from the so-called moderate ranks of both political parties to engage in support of a weapons system, not to convince the Soviets but to convince the President of the United States to become serious about the issue most dominant on the minds of the American people and the people of this world; that is ultimate destruction.

Where is sanity, Mr. President? Where is it?

Where is it when people who are elected to give to their constituents and their Nation and their children and their children their best judgment

about the interests of this Nation and, most of all, survival, are making political decisions designed to try to convince the American President to get serious about arms control.

The record is now replete with quotations from the Secretary of Defense, senior military officers, and serious civilian officials in this administration's Defense Department about why putting this missile in silos makes no sense—replete. Richard DeLauer, Under Secretary for Research and Engineering, March 11, 1982:

The reason that I did not relate interim basing [of the MX missile in Minuteman silos] to the survivability problem is that the resulting survivability will be no better than it is now.

Caspar Weinberger, Secretary of Defense, October 5, 1981:

I don't think they [Minutemen silos] can be hardened enough on a permanent basis to warrant putting [MX missile] in fixed and known silos. I think they can be hardened enough to give strength for a few years.

That is the Secretary of Defense.

The chairman of the Joint Chiefs of Staff, Gen. John Vessey, Jr.:

If we rode out the attack—

If we let the Soviets strike these missiles—

probably 30 percent would survive today.

The U.S. Air Force, in its own report, entitled "MX Permanent Basing," September 15, 1982, says the following:

The use of current Minuteman silos has obvious advantages in environmental and programmatic areas since existing land and facilities would be used. This option would be least costly and cause the least schedule risk. However, it does not provide the required prelaunch survivability to withstand a Soviet first strike and promote strategic stability. It is also not resilient to future threats.

Let me repeat:

It does not provide the required prelaunch survivability to withstand a Soviet first strike and promote strategic stability.

Mr. President, what can be said for this proposal? I think very little. Some people are arguing we have to have it so we can convince the administration to negotiate limitations on nuclear weapons. Nonsense. This administration either believes in arms control or it does not. If it does not, it is not going to be convinced by $20 billion for a new threatening first-strike missile.

Some people say we have to use it, we have to buy it so we can bargain it away at the negotiating table, and the President of the United States says he is not going to. The Secretary of Defense backs him up. They know if they did not make that commitment, they would not get the votes from certain elements in their own party.

This missile was originally based 12 years ago on three assumptions: Cost effectiveness, affordability, technical performance, and survivability—survivability. Twelve years—this missile has been wandering in the desert in search of a home for 12 years and it has not found one today because there is no place to put it where it is survivable. The Air Force has testified to that effect.

With $200 billion annual deficits, 15 million Americans out or work, 3 million schoolchildren who have lost school lunches, and the Senate of the United States seriously debating buying a 10-warhead missile to put in existing silos so we can get the President of the United States serious about arms control; God help this country, Mr. President.

I will listen to the debate. I intend to listen very carefully, Mr. President, to the proponents of this missile. I challenge them, I challenge every one of them, I particularly challenge my friends who claim to have made a history of support for nuclear arms control, to justify this missile on any ground—on any ground.

You cannot justify it on arms control grounds; you cannot justify it on military grounds; you cannot justify it on economic grounds.

Mr. President, the people of this country have reason to believe, justifiably, that the political process has gone mad. I do not blame them. If someone were to come from outer space and land on Earth today and listen to this debate, they would think we had all gone mad. There is no justification for this missile, none whatsoever. It is particularly mad to have the Congress of the United States occupying its time in these desperate hours talking about buying a new missile so we can placate our own President and try to get him back on the track of six administrations in both political parties for 25 years. Because he wandered off the track, we are now being blackmailed into buying a missile we do not need and putting it someplace it does not make sense to bargain with our own President.

Mr. President, I hope, I pray, that in the next day or so, sanity returns. The decision we are called upon to make is not the final decision on this missile. It is to release some funds for flight testing, release them from a condition that the Congress had decided that the basing mode makes sense.

I hope every person who votes to release these funds is called upon in their own States to stand up before the people they represent and justify on any logical grounds that decision. I hope their constituents force them to do it.

There will come a time in the next few weeks when we will have the final decision about whether to go ahead and produce and deploy this missile. I intend to do all I can to reverse that vote and call upon people who may vote to release these funds today or tomorrow to think seriously about what they have done and the reasons for it, to deny funds to this administration for this missile and kill it forever.

I yield the floor.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. STENNIS. Mr. President, I yield to the Senator from New Hampshire.

Mr. RUDMAN. Mr. President, the steady expansion of the Soviet Union's nuclear arsenal over the past decade and the relative absence of timely improvements to our own strategic forces have made a prudent modernization program necessary. Present and emerging imbalances favoring Moscow in certain categories of weapons leave us open to political exploitation at a time demanding increased U.S. strength in the discharge of our global responsibilities. How effectively all elements of the Reagan administration's proposed rearmament plan respond to these problems is, quite naturally, a matter of intense controversy. Within the overall debate, few issues have polarized the American public more than the appropriateness of the MX intercontinental missile in our strategic force structure. Questions about its cost, implications for arms control, and the feasibility of the Scowcroft Commission's recommendation that the missile be based in existing Minuteman silos have dominated discussion of whether, and to what degree, the MX will contribute to our overall deterrent needs. Yet, sound strategic thinking requires that the current debate involve more than inconclusive judgments about technicalities or unprovable theories. What is essential is that the larger dimensions of deterrence be fully explored and faithfully reflected in our decision on the fate of the MX missile.

In this vein, it is useful to recall that deterrence is largely a product of multiplied uncertainties. Beyond the assurance of prompt retaliation against attack, our present doctrine embraces a purposeful ambiguity as to the nature and level of our response to nuclear aggression. Though the operational requirements of deterrence may change with circumstances, its psychological basis in influencing an adversary's strategic behavior remains remarkably constant.

Curiously enough, and despite starkly contrasting views on the MX issue itself, there exists within this Chamber general agreement on certain fundamental conditions of the United States present strategic situation. No one seriously challenges the proposition that our current land-based ICBM force has become increasingly vulnerable to modern Soviet missiles combining high-yield warheads with greatly enhanced accuracies. The proposed

MX basing mode admittedly does little to redress this disturbing feature of our force posture. However, to gratuitously restrain our ICBM modernization efforts at this critical moment risks the even more dangerous prospect of weakening the credibility of the retaliatory threat which underlies effective deterrence. The increased hard-target coverage afforded by 100 MX missiles would not represent a quantum leap in either the arms race or aggregate U.S. deterrent power; it would merely permit us a deployed counterforce capability similar to—but markedly less than—that which the Soviet Union already possesses. Indeed, it is an unfortunate commentary on the nature of the superpower relationship that roughly comparable levels of nuclear striking power are the indispensable precursor to substantive efforts to achieve equitable cuts in the most destabilizing weapons.

Nor is it widely disputed, for a variety of military and political reasons, that retention of a triad of central strategic forces is desirable. Beyond complicating Soviet targeting problems, an upgraded and versatile nuclear inventory can confer useful leverage on the direction of talks aimed at achieving meaningful arms reductions. To reject this potential advantage to the promise of force modernization at some unspecified future date might well compromise irreparably our negotiating position. Those who propose the D-5 or Midgetman missiles as alternatives to the MX either minimize development leadtimes or the potential deployment problems specific to each. Moreover, neither missile could be deployed rapidly enough to measurably enhance our bargaining leverage in ongoing negotiations. I, for one, do not find it reasonable to assume that the Soviet Union will willingly make concessions on its most threatening land-based systems if we fail to proceed with near-term deployment of an improved missile. Against an adversary whose own strategic forces are undergoing relentless modernization, strong rhetoric unsupported by decisive action will surely be perceived as empty posturing. As Britain's Lord Salisbury aptly noted in the last century:

The policy which invites contempt seldom fails to earn more substantial punishment.

The effects of that perception on our global security interests are chilling to contemplate.

The appreciation of this vital point is being subtly eroded by the zeal with which we seek to determine, precisely and absolutely, whether basing the MX in existing silos can, independently or in conjunction with other proposed initiatives, insure the survivability of our follow-on ICBM force. There are simply no ready, empirically verifiable answers. In all probability, there can no longer be—if there ever was—a perfectly survivable deployment plan. The crucial issue is whether our land-based deterrent—as part of a greater whole—can be endowed with various properties which, in concert with the other legs of the triad will suffice to dissuade the Soviets from contemplating an attack as a rational option.

In this regard, I reject the exaggerated claims that the MX missile represents a dramatic change in our nuclear weapons policy. To characterize the MX as a first strike system is to suggest a radical, even grotesque, reversal of our strategic philosophy, from retaliation to preemption. I find this highly improbable. Even with improved counterforce capabilities, 1,000 MX warheads would hardly be sufficient to destroy the vastly superior and widely dispersed Soviet hard-target base. Furthermore, since Soviet targeting doctrine already incorporates the preemptive option, the marginal improvement of U.S. counterforce potential represented by MX deployment will not measurably increase the risk we already face.

Ultimately, then, our analysis must address the following question: If we cannot prove beyond all doubt that the MX force will be invulnerable enough to assure stable deterrence, can the Soviets be unmistakably certain that it will not? The burden of proof that these assumptions are flawed shifts inexorably to Moscow. MX deployment will thus enhance deterrence for the simple reason that given the unanswerable question of survivability, a larger portion of Moscow's strategic assets will have been placed at risk by an improved missile. This invariably calls to mind Benjamin Franklin's succinct admonition that "one sword keeps another in its scabbard."

To the above value of the MX must be added issues relating to arms control efforts. Arms control and force modernization should be seen as complementary aspects of a uniform strategic policy. The President has endorsed this philosophy. The Scowcroft Commission has recommended, and the President has endorsed also, a transition from launchers to warheads as the principal units of account in effecting genuine arms reductions. Since hard-target warheads are the most critical—and hence potentially the most destabilizing—measure of nuclear destructive power, we cannot credibly bargain for any reduction in Moscow's unilateral advantage in this category if we lack a minimal countervailing capability. While the MX missile is hardly a panacea for curing our present strategic force deficiencies, its rejection by Congress risks compounding the difficulties we face at the bargaining table.

Furthermore and in conclusion, we must not overlook the inevitable linkage among the various forces which comprise our overall deterrent strength. Should our central strategic forces come to be perceived as inferior in their totality to those of the Soviet Union, it will adversely affect the credibility of the extended nuclear deterrent we have committed to Europe's and our own defense. The present, troubled transatlantic efforts to partially offset the Soviets' absolute advantage in land-based "Eurostrategic" missile systems may alone convince some of the need for a deployed MX. We would all be ill-served if the cohesion of the NATO alliance were the unintended casualty of a negative verdict on the MX missile.

Mr. President, it is time for a final decision on the MX issue. We have exhausted ourselves in debate over questions which in the final analysis must remain unanswerable. We must not continue to cast ourselves as misguided theologians, content to debate eternally the number of angels able to dance on the head of a pin, in fear that we will never find definitive answers to our inquiries. Shakespeare once observed that:

Our doubts are traitors,
And make us lose the good we oft might win
By fearing to attempt.

In a world defined by an increase in knowledge so vast as to call into question our capacity to comprehend fully any of the new mysteries which are unveiled almost daily, we must act, one way or another, on those issues that confront us or renounce all right to judge others upon their actions.

Mr. STENNIS. Mr. President, if the Senator will yield, I commend him highly for the work he has done on this complicated subject. His opinion is worth a great deal because he is thorough. This is a very serious debate, and his tone of voice carries that import convincingly.

Mr. RUDMAN. I thank the Senator from Mississippi for his gracious words.

Mr. BAKER. Mr. President, I, too, commend the Senator from New Hampshire for his contribution to this debate.

In the relatively brief time the Senator from New Hampshire has been in the Senate, we have come to look to him for incisive, important, and succinct statements on vital issues. He has given such an address at this time, and I commend him for it. Remarks of this sort and of this depth and importance contribute to the final crystallization of important issues.

It has been my experience in the Senate that there comes a time when the tide begins to run for or against issues, and almost always in those cases there is a speech of this sort—there is sometimes a series of speeches—that suggests the logic, the weight of evidence, even the intuition of the

Senate will be for or against a particular point of view.

I support the MX. I believe the Senate should, and I hope it will, approve the MX missile system. I believe that the incisive remarks of the Senator from New Hampshire have been a major contributor to the final judgment the Senate will make in this respect.

Mr. RUDMAN. I thank the majority leader for his very gracious comments.

Mrs. KASSEBAUM and Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Who yields time to the Senator from Illinois?

Mr. STENNIS. Mr. President, I yield, for the proper person, 10 minutes, if he wishes.

Is the Senator for or against?

Mr. DIXON. If I may have 5 minutes——

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I will be happy to yield—I am in control of the time—and I should like to be recognized after the Senator finishes.

Mr. DIXON. I thank the Senator from Kansas for her kindness.

Mr. President, the question before many of us in connection with this resolution is a difficult one to resolve. I call the attention of the Senate to what this concurrent resolution says. It reads:

Resolved by the Senate (the House of Representatives concurring), That the House of Representatives and the Senate of the United States approve the obligation and expenditure of funds appropriated in Public Law 97-377—

That, of course, is last year's continuing resolution.

for MX missile procurement and full-scale engineering development of a basing mode for the MX missile.

This presents a dilemma to a number of us in the Senate, for this reason: So far as this Senator is concerned, I support the MX missile. In my past votes and in my public views, I have expressed support for the MX missile. But the dilemma that this resolution presents to me and others equally situated is that part of this resolution places our stamp of approval on a basing mode for the MX missile in existing silos, soft silos, which, in the view of most of us, is not a satisfactory basing mode for the MX missile.

I hope this is not an unreasonable statement, but I believe it to be a fact: Not one of the 100 men and women constituting this august, deliberative body would personally support as a basing mode for the MX missile, given their individual choice, the basing mode that has ultimately been suggested by the Scowcroft Commission.

I suggest, in fact, at the expense of possibly overstating the case, that, for the vast majority of Members of the U.S. Senate, the basing mode suggested by the Scowcroft Commission is the worst possible basing mode that could be brought back to the Senate as the appropriate solution to the problem.

I have not been in the Senate long, but in my first year, we debated the superhardened basing mode—rejected out of hand by the Senate. In my second year in the Senate, we debated the question of Dense Pack—rejected out of hand by the Senate.

I suggest, for those of us who believe in a strong America, equal to or superior to the Soviet Union, that we ought to have an opportunity to support, on a continuing basis, the concept and the ultimate reality of the MX missile with a basing mode that makes sense to a majority of the American people, and this basing mode does not.

Everywhere I have gone, in almost all the conversations I have had with people who believe in the concept of the MX missile, I think I can state without any fear of successful contradiction that almost all would say they want deceptivity and mobility or at least, in the alternative, deceptivity or mobility. None would suggest that these MX missiles be placed in silos already in existence, soft silos already in existence, that are known to the Soviet Union and are presently targets of the Soviet Union.

Now there are some here who have an easy choice to make. There are some who are just against the MX missile, and for them the choice is an easy one. There are some who would embrace the MX missile under any circumstances, and for them the choice is an easy one. But for those of us who have to face this resolution on the basis of the difficult dilemma it presents to this Senator I think there should be another alternative.

I think this Senate should call upon the President to again reconsider this problem and on a day certain when the Senate is in session I think we should ask the President to submit to us and to Congress a written report proposing and containing plans for a basing mode for the MX missile that is either deceptive or mobile.

MOTION BY MR. DIXON

Mr. President, I send to the desk a motion in that language and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, this is just a matter of my own interest. I was momentarily distracted. Could the Senator from Illinois tell me what motion he is sending to the desk?

Mr. DIXON. I have sent a motion to the desk, may I say to the majority leader, a very short motion, a paragraph in length, which essentially calls for the President to do exactly what I said in my closing remarks; in other words, on a day certain when the Senate is in session to file with us a written report and the basing plans for basing the MX missile in a basing mode that is either deceptive or mobile.

I understand that motion to be nondebatable and appropriate at any time.

Mr. BAKER. Yes; Mr. President, I believe that under the act the motion is in order and is not debatable.

Is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. And it is subject, of course, to the yeas and nays and a record vote.

May I inquire of the Chair is the motion subject to a motion to table?

The PRESIDING OFFICER. It is.

Mr. BAKER. Very well.

Has the motion been stated by the clerk?

Mr. DIXON. It has not been.

The PRESIDING OFFICER. The clerk will state the motion.

The assistant legislative clerk read as follows:

A motion by Mr. Dixon: I move that the Senate postpone further consideration of Senate Concurrent Resolution 26 relating to the approval of the obligation and expenditure of funds for procurement of the MX missile and full-scale engineering development of a basing mode for such missile, until the President, on a day when the Senate is in session, submits a written report to the Congress proposing (and containing plans for) a basing mode for the MX missile that is either deceptive or mobile.

Mr. BAKER. Mr. President, I move to table the motion and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting bill clerk will proceed to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. BYRD. I yield to the majority leader.

Mr. BAKER. Mr. President, I ask unanimous consent that the time consumed in the quorum call which I am about to suggest, which will replace the one just called off by the minority leader, may be charged to the time allocable to the debate on this motion on the same basis as that previously ordered.

The PRESIDING OFFICER. Does the Senator's request include the time previously consumed?

Mr. BAKER. Yes; I include the time already consumed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Let me say that I expect this quorum to run a little while, not a long time but for a while, for good and sufficient reasons, by, I would guess, 5 p.m. or thereabouts, and Senators should expect a rollcall vote on the motion to table which has previously been ordered.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there is one colloquy that needs to be conducted and one statement that a Senator wants to make, and perhaps another statement if the Senator from Kansas, who is in the Chamber, wishes to proceed. I do not know of any reason why we should not do that while we are waiting for approximately 5 p.m.

Let me make the unanimous-consent request and then, if it is granted, we will go on from there.

Mr. President, I ask unanimous consent that it may be in order to permit a colloquy between the distinguished Senator from Ohio (Mr. METZENBAUM) and the distinguished Senator from Kansas (Mr. DOLE), the chairman of the Finance Committee, on another matter but that that time will charge against the time allocated to the debate on the MX resolution under the same terms and conditions, to be followed by a statement by the Senator from South Carolina (Mr. THURMOND), the President pro tempore, on MX of not more than 6 minutes, which will charge against the time allocated to the resolution.

I inquire of the Senator from Kansas (Mrs. KASSEBAUM) if she wishes to go ahead at this point or if she would rather wait.

Mrs. KASSEBAUM. I would ask for 10 minutes.

Mr. STENNIS. Mr. President, reserving the right to object, and I do not expect to object, but I think we ought to have it understood that this is not setting a precedent here. We are glad to have Senators come in, but we want to keep this matter pending here until it is voted on.

Mr. BAKER. Mr. President, the Senator is right. These are on the MX, with the exception of the colloquy, which is not, but it will charge against the time on the MX as well.

That the Senator from Kansas might then make a statement not to exceed 10 minutes, at which time, Mr. President, it would be in order to suggest the absence of a quorum with the time to charge on the same ratio basis as previously ordered.

Mr. President, I put that request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield the floor so that the Senator from Ohio and the Senator from Kansas may have a colloquy contemplated by the order, reminding Senators that the time so used, even though it is not on the MX, will charge against the MX allocation of time.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

SALE AND LEASEBACKS

Mr. METZENBAUM. Mr. President, first, I wish to express my appreciation to the majority leader for making it possible for the Senator from Kansas and myself to engage in this colloquy.

Mr. President, members of the House Ways and Means Committee today introduced a bill to halt a practice known as sale and leasebacks by Government and tax-exempt entities. This is a practice through which cities and other nontaxpaying entities are able to increase their budgets at the expense of the Federal taxpayer.

How does the scheme work? Because a city does not pay Federal income taxes it is unable to take advantage of the investment tax credit and depreciation deductions associated with its property. But a city can sell the building to a taxpayer, who can take advantage of the lucrative tax benefits, and then lease the building back to the city.

Who benefits?

The city benefits because the sale price that it receives is far greater than the amount it must pay to lease back the building in question.

The taxpayer-investor benefits from substantial tax writeoffs, purchased at bargain basement prices.

But, unfortunately, Mr. President, all of these benefits come at the direct expense of the Federal Government and of every American who pays taxes to support that Government.

In recent months the practice has been spreading. Bennington College is transferring its entire campus to alumni, who will take advantage of the tax benefits, and then lease the campus back.

The Baltimore incinerator is no longer owned by the city of Baltimore; it is owned by tax-shelter participants.

The Oakland Coliseum and Art Museum is owned not by Oakland, but by tax-shelter investors.

The torpedo factory in Alexandria, Va., is being sold and leased back.

And earlier this week the press reported that the District of Columbia is considering selling and leasing back a number of buildings.

I am deeply concerned about the drain on the Federal Treasury associated with this practice. And I believe that it is wrong to permit cities and tax-exempt organizations to expand by, in effect, selling Federal tax shelters.

If we are going to provide assistance to the cities, the colleges and other tax-exempt organizations, we should do so directly. But it makes no sense to use the Tax Code for this response.

I would like to ask the Senator from Kansas, the chairman of the Finance Committee, if he shares my concerns.

Mr. DOLE. I join my friend from Ohio in expressing concern about the increasing use of sale and leasebacks as a tax shelter. I agree that it is important for Congress to address this issue. I do not want to suggest, however, that this Senator believes that all of the tax benefits claimed by some from these transactions are available even under present law.

As the Senator from Ohio knows, we have been discussing this problem directly for the past 2 or 3 months, and, in addition, our staff has been working with the staff of the Treasury Department and with the staff of the Joint Committee on Taxation to halt this abuse in the future. Probably hundreds of such transactions are being planned right now.

I believe we are very close to introducing a bill very similar to the House bill introduced today.

Mr. METZENBAUM. I appreciate the response of the distinguished Senator from Kansas.

I want to say that his staff and he have certainly been cooperative and very helpful in attempting to bring about a resolution of this very sensitive issue. I think we are pretty close to having the final draft.

I would like to inquire of my friend from Kansas about his opinion as to the appropriate effective date for such legislation when we finalize the language of that legislation.

Mr. DOLE. Mr. President, I want to assure my good friend from Ohio that the effective date will prohibit such transactions for property not placed in service as of May 23, 1983. To do otherwise would simply encourage more transactions. In addition, a transition rule will be included in the bill so as not to impose an unreasonable financial burden on entities which have reasonably relied on existing law. I understand that the staff is working out the details of that transition rule.

Let me further add that I can expect to have a bill ready for introduction shortly after the Memorial Day recess.

I am certain the Senator from Ohio will join in that effort. He has been a leader in this effort. To me, leasing by private tax-exempt entities and government entities is a problem that we should address. Before long, taxpayers will be leasing the Capitol of the United States or perhaps only the Senate Chamber. I am certain someone out there would like to have the Senate Chamber. It might not be a bad idea, for a short term.

Mr. METZENBAUM. I thank the distinguished Senator. I look forward to working with him. I believe we can bring this issue to a satisfactory resolution.

MX MISSILE BASING MODE FUNDS

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise to voice my support for approval of funds for the MX missile. Last year, as a result of public and congressional concern, the Congress took strong action that required the President to further study the need for MX and the various basing options for the missile, and report back to Congress to get release of funds for the missile.

I strongly opposed further delays in approval of funds for flight testing of the MX missile because I felt that such delays were superfluous. The last four Presidents of the United States have all supported the MX. Additionally, the last six U.S. Congresses have voted funding for the missile by large margins.

The topic of nuclear weapons, however, is difficult for many Americans to understand. In response to public concern and congressional directive, the President appointed a bipartisan commission of defense experts who have served in both Democratic and Republican administrations.

The Commission, known as the Scowcroft Commission, served two very important functions. First, it verified the need for the MX missile to modernize our strategic forces. Second, it helped to inform the American public about a very complex issue. The result has been growing public support for the President's initiatives in modernizing our strategic forces.

It is not uncommon for such defense-oriented organizations as the Veterans of Foreign Wars or the Catholic War Veterans of the United States of America to support strong defense initiatives. It is not as common, however, to have such organizations as the AFL-CIO and the chamber of commerce endorse such programs. The Washington Post has referred to this growing consensus as "an authentically national policy on strategic arms."

We need the MX missile for both deterrence and leverage in arms-reduction negotiations. We can ill afford to concede such an important issue to the Soviet Union without concessions from the Soviets in return.

The pejorative attacks of Yuriy Andropov upon the President of the United States should be dismissed as Communist rhetoric. The Communists do not like dealing with a President who will deal with them only on the terms of equality and not inferiority.

Critics of our strategic modernization program claim that our initiatives to restore the balance of power will simply be met by greater expenditures by the Soviet Union to maintain their position of strategic superiority. Indeed Soviet propaganda leads one to believe that this would be true. Unfortunately, such a mentality is sadly reminiscent of the period shortly before the outbreak of World War II. Adolf Hitler claimed that he would be satisfied if Europe would only concede the return of the Sudetenland to Germany. Such cowardice in the face of threats sold the occupants of the Sudetenland into slavery.

Are we to give in to Soviet threats today? The answer is "no." It is imperative that we proceed with the MX missile.

Linked to our modernization program, however, must be a commitment to negotiate faithfully for arms reductions. Meaningful reductions cannot be gained by a freeze, only through equality.

It is distasteful that certain public figures prey on the legitimate fears of our citizenry claiming that nuclear annihilation is at hand because of our strong stance on defense. Such puerile rhetoric distorts perception and changes the focus from the actual threat which is Soviet backed Communist aggression.

What benefits has détente actually brought the United States? Afghanistan is still occupied by Soviet troops, whose barbarous behavior is commonly reported in the press. Poland is still under the Soviet boot. Cuba, Nicaragua, and the Soviet Union are still aiding the attempted overthrow of an elected government in El Salvador.

The Soviets have world domination as their goal, and their acts of aggression, oppression, and terrorism are reminiscent of Nazi actions. History has taught us not to concede to threats and aggression.

Therefore, we must remain resolute in our plans to modernize our strategic forces. Failure to do so will appear to be a failure of nerve to our allies and our adversaries. It is imperative that we proceed with the MX. We cannot afford to allow one portion of the triad to be negated in the hopes that the other two legs will remain fully capable.

Mr. President, this decision is one of the most important that I have seen during my tenure as a U.S. Senator. I urge my colleagues to support the President's proposal.

Mr. BAKER. Mr. President, notwithstanding that the order provides that the Senator from Kansas (Mrs. KASSEBAUM) be recognized next, she has indicated to me that it is not possible for her to use that time at this moment. Therefore, I ask unanimous consent that the order be modified so that I may suggest the absence of a quorum under the specified conditions at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAST). Is there objection?

Mr. LEAHY. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued the call of the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

The question is on agreeing to the motion to lay on the table the motion of the Senator from Illinois. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD (after having voted in the negative). Mr. President, I have a live pair with the Senator from West Virginia (Mr. RANDOLPH). If he were present he would vote "yea." I voted "nay," and I therefore withdraw my vote.

Mr. STEVENS. I announce that the Senator from New York (Mr. D'AMATO) and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), would vote "nay."

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 35, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—59

Abdnor	Hatch	Percy
Andrews	Hawkins	Pressler
Armstrong	Hecht	Quayle
Baker	Heflin	Roth
Bentsen	Heinz	Rudman
Boren	Helms	Simpson
Boschwitz	Humphrey	Specter
Chafee	Jackson	Stafford
Cochran	Jepsen	Stennis
Cohen	Johnston	Stevens
Danforth	Kassebaum	Symms
Denton	Kasten	Thurmond
Dole	Laxalt	Tower
Domenici	Lugar	Trible
Durenberger	Mathias	Wallop
East	Mattingly	Warner
Garn	McClure	Weicker
Goldwater	Murkowski	Wilson
Gorton	Nickles	Zorinsky
Grassley	Nunn	

NAYS—35

Baucus	Exon	Matsunaga
Biden	Glenn	Melcher
Bingaman	Hart	Metzenbaum
Bradley	Hatfield	Mitchell
Bumpers	Hollings	Moynihan
Burdick	Huddleston	Pell
Byrd	Inouye	Proxmire
Chiles	Kennedy	Pryor
Cranston	Lautenberg	Riegle
DeConcini	Leahy	Sarbanes
Dixon	Levin	Sasser
Eagleton	Long	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Ford, against.

NOT VOTING—5

D'Amato	Packwood	Tsongas
Dodd	Randolph	

So Mr. BAKER's motion to lay on the table the motion of the Senator from Illinois was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion to table the Dixon motion was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, I would very much like to get a time certain to vote on the MX resolution. I have no desire to deprive any Senator of their opportunity to speak.

Mr. BYRD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. Will Senators please take their seats? Will the Senate please be in order?

The majority leader.

Mr. BAKER. I have no desire to deprive any Senator of the opportunity to speak, but in order to make plans for the schedule of the Senate for this evening and tomorrow, it seems to me a reasonable request to ask how many more Senators wish to speak and indeed if they have a preference when they would like to speak. After we ascertain that, Mr. President, and get a reading on it, I intend to ask, if it is possible, to get a time certain for the final vote on the MX resolution.

First, Mr. President, if I may, I would like to inquire of those Senators who still desire to speak on the MX resolution.

I understand from the minority leader there are seven on his side.

Mr. BYRD. Nine.

Mr. BAKER. And there are seven on this side. That would be 16 Senators who still wish to speak.

Mr. President, what I would like to do is to let the Senate recess over at about 6 o'clock tonight until 9:30 in the morning, and put us back on the resolution at 10 o'clock. That would give us 4 hours before the hour of 2 o'clock in which Senators might make their statements.

I would suggest, also, that if it is agreeable Senators agree to a 10-minute time limitation on their statements. Statements so far have been running less than that. It may be possible, of course, to extend that time in the course of the day. But 16 Senators at 10 minutes each would be 160 minutes, which would be a little under 3 hours, which would fit very nicely into that arrangement.

First, Mr. President, let me ask unanimous consent that statements on the MX resolution may be limited to not more than 10 minutes each.

Mr. BYRD. Mr. President, reserving the right to object, I believe, may I say to the distinguished majority leader, that there are 16 persons who indicated they wanted to speak. If we have 4 hours, that would give them 15 minutes apiece.

Mr. BAKER. I tried to build a little cushion in there but 15 minutes is all right.

Mr. President, I ask unanimous consent that statements may be entered for not more than 15 minutes.

The PRESIDING OFFICER (Mr. EAST). Is there objection?

Mr. NUNN. Reserving the right to object——

Mr. BAKER. I yield to the Senator from Georgia.

Mr. NUNN. Reserving the right to object, is there any reason we could not start at the hour of 9 a.m.? We might pick up a little more time.

Mr. BAKER. Mr. President, let me suggest something else. Mr. President, I withdraw my request for the moment.

Let me suggest this, Mr. President, that tomorrow when the Senate resumes consideration of this measure, there be 4 hours of debate remaining, and that the time be equally divided between the two managers of the bill. They can allocate the time according to their respective arrangements as circumstances might dictate.

Mr. President, let me put a series of requests.

First, Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 tomorrow morning.

The PRESIDING OFFICER. Is there objection?

ORDER FOR RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. President, I am not doing very well. I am told now that there is a desire to have that at 10 a.m. I make that request, that the Senate stand in recess until the hour of 10 a.m.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. BAKER. Mr. President, the request at this moment is simply that when the Senate completes its business tonight it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? If not, without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, could I inquire of the minority leader if he would be agreeable to reducing the time tomorrow under the standing order for each of us?

Mr. BYRD. Yes. I would suggest 1 minute.

Mr. BAKER. I thank the Senator.

ORDER FOR REDUCTION IN LEADERSHIP TIME

Mr. President, I ask unanimous consent that on tomorrow the time allocated to the two leaders under the standing order be reduced to 1 minute each.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

ORDER DESIGNATING PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the amended standing order there be a period for the transaction of routine morning business to extend no longer than 10:15 a.m., in which Senators may speak for not more than 1 minute each.

The PRESIDING OFFICER. Is there objection to the majority leader's request? Hearing none, it is so ordered.

Mr. BAKER. Now, Mr. President, I ask unanimous consent that at the hour of 10:15 a.m. tomorrow the Senate resume consideration of the MX resolution, that the time remaining between 10:15 a.m. and 2:15 p.m. be equally divided and that the control of the time be under the same terms and conditions as previously ordered.

Mr. HUDDLESTON. If the majority leader will yield, will the majority leader consider beginning the vote at 1:45?

Mr. BAKER. I have no problem with that, Mr. President.

Mr. President, it should be borne in mind that we have at least 16 speakers, unless they decide not to speak. We have to put them in between 10:15 and 1:15.

Mr. JACKSON. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Could the rollcall go beyond the 15-minute period if we start earlier?

Mr. BAKER. The Senator is suggesting that we start the rollcall at 1:45 and have a slow clock?

Mr. JACKSON. That the final time be at 2:30 for the termination of the rollcall.

Mr. McCLURE. Will the Senator yield for a question?

Mr. BAKER. Yes.

Mr. McCLURE. I think earlier the Senator asked unanimous consent that the Senate come in at an earlier hour. A committee chairman indicated he had a problem with that and you revised it. I have the same problem the Senator from Kansas has. That is that under the Standing Rules of the Senate we are not permitted to meet in committees more than 2 hours after the convening of the Senate. Can he couple a convening time with permission for Senate committees to meet later than the 2 hours after the Senate convenes?

Mr. BAKER. I am agreeable to that. If the minority leader wishes to consider that, I will be glad to change it.

Mr. LEVIN. Will the majority leader yield for a question?

Mr. BAKER. Yes.

Mr. LEVIN. How many minutes are left to each side? Can that be determined?

Mr. BAKER. Will the Chair please advise how many minutes or hours are left of the time remaining to each side?

The PRESIDING OFFICER. Sixteen hours, six minutes remain. The proponents of the resolution have 5 hours, 46 minutes, and the opponents, have 10 hours, 20 minutes.

Mr. LEVIN. Now, could I ask the leader one other question? If there are 16 speakers who want to speak at 10 minutes each, I am wondering if the 16 speakers are going to be divided is some way proportionate to the time remaining? We may run into a real time problem if we divide it another way. Could we get some idea how many speakers are on each side, so we can determine if the time is apportioned fairly? I mean on each side of the issue?

Mr. BAKER. No, I cannot tell the Senator that.

Mr. President, I have no wish to exclude any Senator from an opportunity to speak. If that is a problem, I would be perfectly willing to amend it so that the time remaining between 10 and 2 is allocated on the same basis as the previous order.

Mr. LEVIN. My concern would be met if the unanimous-consent request identified all Senators who wish to speak and guaranteed them 10 or 15 minutes. Otherwise, some may get squeezed out because of this allocation.

Mr. BAKER. Mr. President, I really would prefer not to do that, I say to the Senator from Michigan. I am afraid if we try to designate those speakers and then we use up all the time, there are going to be Members who are not present to protect their interests on the floor. It is virtually impossible to do justice among Senators on that basis. I think the idea of providing a block of time, provided on the ratio that the previous order did, and I am agreeable to that, then leave it to the two managers or the four Senators designated in the original order, is the best way, the best and fairest approach.

Mr. LEVIN. Would the Senator be willing to allocate that block of time in the same proportion as previously?

Mr. BAKER. As in the previous order, 3 to 2?

Mr. LEVIN. Or on the basis of the time remaining, 10 to 5, either way.

Mr. BAKER. Mr. President, let me say this: There is one sure way to address this. That is to stay in tonight for a while. I hate to do that, but it looks like the only way we are going to relieve the stress. I urge Senators to make their statements tonight. The request granted so far provides only for the Senate to resume consideration of this measure at 10:15 a.m. tomorrow.

ORDER ALLOCATING TIME TOMORROW

Now, Mr. President, I ask unanimous consent that the time remaining between 10:15 a.m. and 1:45 tomorrow be divided on the basis of two parts for the opponents and one part for the proponents, and that at the hour of 1:45 p.m., the Senate vote on passage of the resolution, with the provisions of rule XII, paragraph 4 waived.

Mr. JACKSON. Will the majority leader yield?

Mr. BAKER. Yes, I will.

Mr. JACKSON. Would he agree that the final rollcall be at 2:30 p.m., go from 1:45 to 2:30?

Mr. BAKER. Yes, Mr. President, I ask unanimous consent that the time for the rollcall extend from 1:45 to 2:30.

I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, if I understand that, that has cut down that time by another half hour tomorrow to do that. We are coming in at 10:15, start voting at 1:45. That is a further half hour reduction in the time tomorrow.

Mr. BAKER. Mr. President, I want to urge Senators to make their speeches tonight. That is the best way to do that.

I put my request now.

The PRESIDING OFFICER. The majority leader has made a unanimous-consent request. Is there objection?

Mr. BAKER. Before the Chair rules, let me say what we are doing now is completing a request that will provide that when the Senate completes its business tonight, it go out until 10 a.m. tomorrow. At 10:15 a.m. we will be back on the resolution. The time between 10:15 a.m. and 1:45 p.m. will be divided on the basis of 2 to 1, 2 for the opponents, 1 for the proponents, to be managed and controlled by the four Senators named in the original order. At 1:45 p.m., the vote on passage will come, with the provisions of rule XII, paragraph 4, being waived and the rollcall vote which occurs at 1:45 p.m. will be 45 minutes in length.

Mr. PERCY. A question of the majority leader. Will there be time tonight to give my statement of 5 minutes?

Mr. BAKER. There would indeed and I encourage Senators to do that tonight.

Mr. BOREN. Mr. President, does the majority leader's request include a request for committees to meet?

Mr. BAKER. No; it does not. Committees will have from 10 a.m. to 12 noon tomorrow under the rules of the Senate.

Mr. BYRD. Reserving the right to object, Mr. President, the time for debate tomorrow will be 3½ hours?

Mr. BAKER. I guess that is right, between 10:15 a.m. and 1:45 p.m.

Mr. BYRD. Is the Senator seeking to place a limitation on speeches of 15 minutes?

Mr. BAKER. That is not included. It will be in the discretion of the managers.

I will say if this order is entered, there will be no more rollcall votes.

Mr. President, let me say that I cannot promise that, because under the act, there are certain motions that can be made that are nondebatable. I do not anticipate those, but Senators should understand that the leadership in this case does not have the degree of control the leadership usually has to guarantee there will not be rollcall votes. I can say to Senators I do not plan any rollcall votes.

Mr. JACKSON. By unanimous consent, those rollcalls could go over until tomorrow, could they not?

Mr. BAKER. I do not think there will be any.

Mr. JACKSON. But if there should be.

Mr. BAKER. Mr. President, I add to my request that if there are any rollcall votes ordered for the balance of the day, they be stacked to begin at 1:45 p.m. tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Hearing none, it is so ordered.

Mr. BAKER. I thank all Senators. Under this circumstance, there will be no more votes tonight.

Mr. DECONCINI. Mr. President, it is with some reluctance that I cast my vote for Senate Concurrent Resolution 26, the MX missile basing mode approval resolution. I have always supported the production of the MX missile; indeed, I am a strong supporter of the strategic modernization program pursued by both the Carter and Reagan administrations. But I have supported the MX missile program as a feature of the strategic modernization program because it was to be deployed in a survivable manner. Specifically, I supported the MX missile's deployment in the multiple protective shelter basing mode—MPS—and I believe that when President Reagan took office, he had sufficient support in Congress to allow him to base the missile in the MPS mode. I continue to support such deployment. Indeed, the Scowcroft report is very supportive of the MPS mode, particularly if its arms control recommendations became a part of a United States-Soviet agreement.

During testimony before the Appropriations Committee and in various other statements, the Reagan administration, using the Scowcroft report as a pretext, argued that survivability is no longer the primary concern, that MX can deter the Soviets and add to our strategic might, even though it will not be able to survive a first strike attack. Secretary Weinberger was quite evasive about the specific strengths that a vulnerably based MX would bring us and, instead, suggested that advances in silo hardening—improvements that were not really a part of the Scowcroft report—might make the missile less vulnerable than the experts believe.

The administration abandoned its arguments for a survivable MX, but did not replace these arguments with any other rationale which would make a vulnerable MX acceptable. The administration argued that we need the MX to increase our ability to destroy hardened Soviet targets, yet the only chances we will have to use this capability with Minuteman MX basing is if we adopt a first strike or launch on warning policy.

In my view, after the Scowcroft Commission report was released, the administration had two alternatives in terms of utilizing the MX in a way that enhances the security of the United States. Either it could go back to the drawing board and come up with a plan such as the MPS system which will provide a significant degree of survivability for the MX, or it could accept in full the recommendations of the Scowcroft Commission report by fitting the deployment of the MX missile into a framework designed to integrate strategic force modernization with arms control in order to move both in the direction of stability. The chances of another basing mode reassessment were slim, at best. Therefore, I urged the administration to take a much closer look at the totality of the Scowcroft Commission report.

True, the report advocates basing the MX in a vulnerable manner. However, judging from the administration witnesses who appeared before the Appropriations Committee, it seems that the administration did not read the Scowcroft report beyond the point where it made this recommendation. The message I read from the report is that short-term ICBM vulnerability is worthwhile only is we can achieve arms control agreements which enhance stability, both from the U.S. perspective and from the perspective of the Soviet Union. Prior to the very day on which the Appropriations Committee was to vote on the resolution of approval, I had seen no evidence that the administration recognizes the need for attaining strategic stability through arms control, and I had seen no evidence that the administration accepts the logic of the committee report that such stability may actually be attainable in a United States-Soviet arms control agreement if the administration modifies its negotiation proposals to emphasize, for example, the need to reduce warheads rather than launchers.

On the day of the Appropriations Committee's vote on this resolution, I received a lengthy letter from the President expressing wholehearted agreement "with the essential theme of the Scowcroft Commission approach to arms control: The attainment of stability at the lowest possible level of forces." In this letter, President Reagan also affirms that "The Scowcroft Commission's recommendations on modernization and arms control are integrally related." Although I can only be sure that the President accepts the Scowcroft report in full by seeing concrete arms control proposals incorporating the Scowcroft recommendations, I believe that, in this instance, I must take him at his word. I voted in favor of Senate Concurrent Resolution 26 in the Appropriations Committee and again here today, but I shall keep the President's assurances very much in mind during each and every vote that we cast which will impact on our arms control negotiations position. I hope very much that the administration has, indeed, changed its perspective on the arms control issue and accepted the need to pursue stability through arms control. Until it does, I do not think that we can attain an arms control agreement which both protects U.S. interests and helps to call a halt to the nuclear arms race.

The PRESIDING OFFICER (Mr. WALLOP). The Senator from Illinois.

Mr. PERCY. Mr. President, Senate Concurrent Resolution 26 affects only a relatively small percentage of the total fiscal year 1983 program costs of the MX missile. If passed, it would continue research, development, and testing on this weapons system, but it would not open the missile production line. Nonetheless, we cannot help but consider this resolution in the much broader context of the report issued last month by the President's Commission on Strategic Forces.

In previous statements in this Chamber and in the Foreign Relations Committee, I have paid tribute to the extraordinary public service performed by General Scowcroft and the members of his Commission. On May 11, General Scowcroft, joined by former Secretary of Defense James Schlesinger and former Under Secretary of the Navy James Woolsey, testified before our committee on the Commission's principal arms control and ICBM modernization recommendations. As I told the witnesses after the hearing, their presentation was the most cogent and well-reasoned analysis of strategic and arms control issues that I have heard since I became chairman of the committee.

In the course of its deliberations, the Commission reached a consensus on three principal assumptions which guided its specific programmatic and arms control recommendations. First, the Commission registered its fundamental disagreement with the primacy placed by the Reagan administration on promptly closing the so-called window of vulnerability. The Commission conceded that most U.S. ICBM silos could theoretically be destroyed in a Soviet first strike, but it maintained that this specific vulnerability posed less of a threat in the near term to U.S. national security than the Reagan administration had represented. The report noted that the Soviets could not be confident that they could actually destroy such a very high percentage of ICBM silos, and it emphasized that due to synergisms within the triad, U.S. bombers and sea-based missiles could still devastate the Soviet Union.

Nonetheless, the Commission insisted that the problem posed by vulnerable U.S. ICBM silos must be redressed in time. The Commission argued that survivable ICBM forces would be needed by the 1990's as a hedge against unforeseen breakthroughs in antisubmarine warfare (ASW) technology and continued upgrading of Soviet air defenses. In this respect, the panel reaffirmed the importance successive

administrations have attached to maintaining a strategic triad within which each leg retains formidable retaliatory capabilities.

In a second major departure from Reagan administration policy, the Commission concluded that there can be no satisfactory solution to the problem of vulnerable land-based missiles unless arms control could succeed in significantly reducing the number of Soviet warheads now deployed. In effect, then, the Commission closed the door on the extraordinary 5-year search for a technical solution to making the MX survivable. Indeed, the Commission determined that highly MIRV'd missiles, such as the MX and its Soviet counterparts, were the problem, and not the solution, in the calculus of strategic stability. Accordingly, the Commission urged both superpowers to transition to strategic systems which are individually less valuable as targets for a would-be attacker.

The third assumption reached by the Commission has proven the most controversial. The panel agreed that unless the Soviets were first confronted with a U.S. counterforce capability that would place their ICBM force at serious risk, they would never agree to give up their modern, highly MIRV'd ICBM force for a posture based on single-warhead missiles. Although this judgment has been denounced by critics as contradictory to the logic of the rest of the report, the Commission has defended it as a necessary paradox.

In testimony before various committees, members of the Commission have underscored one theme which is central to their report: The Commission's proposals for modernizing the ICBM leg of the triad cannot be separated from the Commission's proposals on arms control. Without a new direction in arms control—one that significantly reduces the current ratio of one side's warheads to the other side's launchers—neither deploying the MX in existing silos nor developing a small, single-warhead ICBM make sense. Conversely, without the incentives presented to the Soviet Union by the deployment of a modest number of MX missiles, it is unlikely that we can achieve agreement on moving toward an arms control regime under which the role of multiple-warhead missiles like the MX and its Soviet counterparts is severely restricted or eliminated outright. As one Commission member testified, the Commission's recommendations represent a package; taken separately, they fail.

Last month, I joined with Senators COHEN and NUNN in urging the President to respond more fully and more quickly to the arms control recommendations outlined by the Commission. In our April 29 letter to the President, we pointed out that the Congress could not be expected to vote on the MX before the administration had indicated how, specifically, it intends to implement the new direction on arms control called for in the Commission report.

I was, therefore, extremely gratified by the President's May 12 response, in which he assured me and my colleagues that the administration's actions with respect to implementing the Commission's arms control recommendations will be equally comprehensive as its actions with regard to the strategic force modernization recommendations. In his letter, President Reagan accepted all four suggestions which Senators COHEN, NUNN, and I had offered: Modification of the U.S. START proposal to incorporate the Scowcroft Commission guidelines; establishment of a new, bipartisan arms control advisory panel; funding priority for the new, single-warhead ICBM; and acceptance of the mutual guaranteed build-down concept which has now been endorsed by 45 Senators. In my judgment, President Reagan's letter sets the stage for significant progress in START.

Mr. President, when a high-level panel such as the Scowcroft Commission or the Greenspan Commission on Social Security issues its report, it is tempting to select "a la carte" just those recommendations that one agrees with while disregarding the others. If this practice were followed by everyone, we would never make progress in resolving the great challenges confronting Government today. The Scowcroft report was endorsed by all members of the Commission and all of its senior counselors, including six former Secretaries of Defense and State. These distinguished Americans obviously had to reconcile a number of differences before achieving a unanimous consensus in support of the specific recommendations.

If Congress were now to say that it would accept the Commission's proposals on arms control but not those on the MX, it would effectively reject the work of the Commission and, in the process, undermine the bipartisan consensus which has already coalesced on these issues. Neither the cause of maintaining peace nor that of achieving substantial reductions in nuclear armaments will be served if the country is again paralyzed by a divisive extremely fractious debate on these issues.

Mr. President, I wish we could achieve our common arms control objectives without having to go forward with the MX. I wish I could believe that the Soviet Union, having invested tens of billions of dollars over the past decade to deploy well over 600 ICBM's equal or superior in capability to the MX, would willingly give up its newly acquired superiority in ICBM forces if only we asked them to do so.

But I do not believe that the Soviets are this philanthropic. Nor do I believe that the history of the last 15 years of strategic arms negotiations suggests that the Soviets can be relied upon to act out of enlightened self-interest. It is indeed regrettable that the United States must confront the Soviets with a worse alternative before they will agree to move in directions that would enhance mutual security. This is, however, the reality with which we must deal. We only have to look back to 1980 when the Soviets agreed to negotiations on Intermediate-Range Nuclear Forces (INF) only when it was evident that NATO was prepared to go forward with a countervailing capability, to remind ourselves of this unfortunate truth.

In voting in favor of releasing these fiscal year 1983 MX funds, I maintain the hope that through arms control we can significantly restrict the number of these missiles that might eventually be required. As President Reagan stated in his May 12 letter, the United States will constrain the number of MX missiles to "the minimum number needed to assure the effectiveness of our deterrent and no more." If the Soviets accept the new U.S. START proposal which will be tabled next month in Geneva, I am confident that we could then proceed with follow-on negotiations that could lead to the complete prohibition of highly MIRV'd ballistic missiles, such as the MX and its Soviet counterparts.

Mr. President, it is my fervent hope that history might one day judge that the Senate's vote tomorrow in favor of the MX proved to be a decisive step in achieving a new and far more stable nuclear arms control regime with the Soviet Union. From my visits to Illinois, I know that citizens of all walks of life and all political affiliations have united as never before in demanding an end to the nuclear arms race. With the incentives for serious negotiation which the MX presents the Soviet Union and the new and eminently sensible arms control vision articulated by the Scowcroft Commission, I believe we stand on the threshold of realizing this paramount goal.

When I entered the campaign for the U.S. Senate some years ago, I said then, and I say again, the nuclear issue is the paramount issue of our times. Although we may differ in approach as to how we will gain this objective, we all agree that it is a goal which must be achieved. The Foreign Relations Committee clearly stated this objective in a resolution adopted by two-thirds vote last year, in which we said our ultimate goal is to destroy every single nuclear weapon on Earth.

That objective is one that we must all share. We must unite in doing everything we conceivably can to move in the direction of achieving a signifi-

cant mutual reduction in nuclear forces. The build-down proposal will guarantee such a reduction in nuclear weapons. Significant reductions in United States and Soviet forces are essential if we are to set an example for the world and stop the proliferation of nuclear weaponry to other countries. There are now some 18 countries that either possess or have the capability of possessing or who are striving for the capability to develop and produce nuclear weapons.

This is a terrifying thought. This is a terrifying age. If we have the rationality to build this destructive weapon, we have the rationality to think through the best way to end this nuclear arms race. None of us can disagree with that objective.

Mr. CRANSTON. Mr. President, I am strongly opposed to spending any more money on the MX missile. I will vote against the resolution of approval to provide funding for basing the MX in Minuteman silos, and I strongly urge my colleagues to do likewise.

I will vote against the resolution of approval because it will not add to our security. The most tangible result of proceeding with the MX is to fuel the recklessly dangerous and costly arms race.

The original justification for the MX was that it would be more survivable than our current land-based ICBM force of Minuteman III's. With the advent of more accurate and lethal weapons—a development hastened and encouraged by our deployment of MIRV'd missiles—proponents of the MX argued that we needed a more survivable missile system. A more survivable missile system they said, would close the so-called window of vulnerability.

To its great credit, the Scowcroft Commission has effectively and permanently, I hope, put the notion of the window of vulnerability to rest. With our combined capabilities supplied by the triad of land-based, sea-based, and air-launched strategic weapons, we have and will continue to have a strong and credible deterrent.

Any proposal to modernize our strategic triad must add to a credible and stable nuclear deterrent—it must make us demonstrably more secure. While the Scowroft Commission did effectively destroy the concept of the window of vulnerability unfortunately it did not follow the logic of its own conclusions: the termination of the MX program.

Unless the MX will make our land-based ICBM forces invulnerable—while placing them in fixed silos will not do—there is no justification for the MX. More important, to add the MX to our strategic arsenal and to place it in fixed silos will be extremely destabilizing. The MX, with its 10 warheads that are more accurate and lethal than the Minuteman III with its 3 warheads, is a more inviting target for the Soviets. Its greater capability would put in danger the vast majority of the Soviets' nuclear forces—since most of their strategic forces are land based. The goal of our nuclear forces is to provide a stable deterrent—the MX would do just the opposite. The Reagan administration says it has no first strike mission. And the Air Force has acknowledged that less than 5 percent of MX missiles would survive a Soviet attack. What is the mission of this $26 billion-plus missile?

MX AS A HOSTAGE OF ARMS CONTROL

Perhaps the greatest travesty of the debate on the MX thus far is that President Reagan and officials of his administration have advanced the argument that MX is necessary to demonstrate our national will and our determination to defend ourselves and our allies. They argue that if we do not proceed with the MX we will appear weak and indecisive.

This is again turning logic on its head.

The Scowcroft Commission sensibly concluded that there was no real military mission for the MX. The Commission also noted that there was no great urgency for proceeding with the MX and that we should explore the possibility of a small single-warhead missile. The only justification it could come up with is national will.

There is no logic, no justification in proceeding with a missile that will cost us more than $26 billion when it has no essential military role, no satisfactory basing mode and when it will be replaced in a mere 5 years. If this is a demonstration of political or national will, it is a demonstration of misguided will.

It is a travesty to justify the MX in terms of arms control and to hold it hostage to an arms control agreement. The Soviets already know that we are deadly serious about maintaining our defensive capabilities. We are proceeding with the modernization of both the sea leg and air leg of the triad.

Although the administration claims that it needs the MX as a bargaining chip, this same administration has said that the MX is nonnegotiable. Action speaks louder than words; the record of this administration on arms control easily shows that the latter position, rather than the former, reflects more accurately the administration's true feelings and intentions regarding the MX.

The history of weapons system deployment should teach us that once we develop a system, the momentum to deploy it is virtually irresistible. We must not make the mistake of believing that the Congress can somehow hold back the tide a few years from now. We cannot. The time is now to make this decision.

Mr. KASTEN. Mr. President, as we debate the merits of the MX and determine whether or not we ought to release funds for its development and deployment, we ought to take this opportunity once again to reflect upon the moral dimensions of nuclear weapons.

There are those who maintain that nuclear weapons are in themselves immoral, and that a policy which allows the deployment of more of them is also immoral. Some suggest that unilateral disarmament is preferable to no disarmament, implicitly denying the aggressive intent of the Soviet Union. These individuals apparently believe the Soviet Union is a mirror image of the United States, and that, since we share similar aspirations for a liberal world order, we can come to an agreement on nuclear weapons with the U.S.S.R. if only we take the first step.

Mr. President, no one wants war, nuclear or otherwise. But any moral evaluation of nuclear weapons has to consider the survival of Western democracy as a part of the moral calculus. It also must take into account the differences in perspective between the United States and U.S.S.R.

Recently, the Roman Catholic Bishops of the United States examined the morality of nuclear weapons. While their pastoral letter was the outcome of deep thought and earnest prayer, there are many, non-Catholics as well as Catholics, who believe that important aspects of the nuclear debate were not sufficiently examined. Michael Novak, a Catholic theologian, has given voice to some of these doubts in his "Moral Clarity in the Nuclear Age." He writes:

For most of its history, the human race did not live under nuclear threat; there is nothing inevitable or necessary about the continuance of that threat. Efforts to remove it must be sound, prudent, and wise, lest they result in a deterioration of the present situation into something even worse. But eventually to lift such a threat is surely within the reach of sustained moral efforts. It is the vocation of Christians and Jews not only to reflect on the world but to change it, bringing it closer to the outlines of the Kingdom promised in both the Old and the New Testaments. It is the vocation of American citizens, civilian and military, called by the Seal of the United States to evoke "Novus Ordo Seclorum," a new order of liberty and justice for all, to extend the boundaries of liberty and justice by peaceful means, through the consent of the governed. Although not without failures and flaws, the United States' foreign and military policy since World War II has had as its purpose to defend and to extend such liberties, on which alone true peace can rest. We cherish the hope that even our adversaries will one day experience liberty for all their peoples, and join with us in the cooperative task of bringing all peoples on earth to a fuller measure of human development, in peace, liberty, and justice for all mankind, fulfilling thereby the will of god on earth. It is in seeking to follow His will that we have, to the best of our ability, formulated these arguments for the respectful con-

sideration of our fellow Catholics, our fellow citizens, and all persons of good will throughout the world. May God favor this purpose. Though His ways, be dark, His constancy abides forever.

Mr. President, Michael Novak shows in this essay that nuclear deterrence, insofar as it prevents war, is moral. And if the possession of nuclear weapons, as a deterrent, can be shown to be moral, we in the Senate can get on with determining the best practical way to go in maintaining this deterrent. I am personally convinced that our land-based ICBM is an important part of the U.S. deterrent, that it must be modernized, and that the MX is the most practical way of modernizing it, pending development of a small ICBM.

Michael Novak is to be commended for his contribution to the moral debate over nuclear arms. His essay is worthy of study by every Member of the Senate. Accordingly, I ask unanimous consent that "Moral Clarity in the Nuclear Age" be printed in the RECORD at this point. I also ask that an article from the Wall Street Journal by David Satter, entitled "Soviet Threat is One of Ideas More Than Arms" be printed in the RECORD. It clearly illustrates the flaw in the widespread view that the U.S.S.R. is simply a mirror image of the United States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Review, Apr. 1, 1983]

MORAL CLARITY IN THE NUCLEAR AGE

(By Michael Novak)

Although in recent times, as in earlier times, there has been a tendency to use the expression "the Church" to mean chiefly its ordained leaders, the clergy, the Church in fact consists of the entire people of God, including those laymen and laywomen who participate in "the saving mission of the Church." As the Second Vatican Council puts it:

"Every layman should openly reveal to [his pastors] his needs and desires with that freedom and confidence which befits a son of God and a brother in Christ. An individual layman, by reason of the knowledge, competence, or outstanding ability which he may enjoy, is permitted and sometimes even obliged to express his opinion on things which concern the good of the Church. When occasions arise, let this be done through the agencies set up by the Church for this purpose. Let it always be done in truth, in courage, and in prudence, with reverence and charity toward those who by reason of their sacred office represent the person of Christ." [*Lumen Gentium*, No. 37.]

In recent years, many laymen, laywomen, and clergy have awaited the early drafts of a pastoral letter from the U.S. bishops on morality in nuclear matters. Both the first and second drafts that have appeared have awakened many questions. Rather than merely react to flawed portions of the two early drafts—with which many bishops are not yet satisified—it seemed wiser to attempt a constructive statement of our own reasoned moral views. The task is immensely difficult. No more than our bishops do we expect complete unanimity. Emulating their example, we are moved by our responsibilities to the Gospel of Jesus Christ and to our vocations as Christians in the world. We hope that this constructive act will be useful to our bishops, and we make it public in accord with their express desire that the complex issues involved be treated to extensive and reasoned debate.

For nearly the whole of our adult lifetimes, since the first use of atomic power, and since the passing of its secrets into the hands of the USSR, we have all of us lived under the shadow of new and terrible weapons. Descriptions of the horrible devastation that might be wrought upon the entire world through these weapons have been set before the public not only in scientific testimony but also in popular novels and movies. For more than thirty years, a primary moral imperative placed upon governments and peoples has been to assure that these weapons shall never be unjustly used.

The technology upon which these weapons are based is sufficiently simple that its secrets have now become dispersed throughout the world. Knowledge is good in itself; so is human liberty; we can scarcely wish that these secrets had never been learned. Moreover, it is virtually impossible that, once discovered, they can be wholly repressed or permanently banished from this earth. The moral imperative that they never be unjustly used, therefore, will retain its full force for the foreseeable future.

Yet it must immediately be observed that such weapons have two quite different uses. The most obvious use is through their explosion in warfare. The more subtle use is through intimidation, since powers that possess them exercise over others that do not a threat beside which conventional armed forces pale. While the use of nuclear weapons in the first sense is most to be guarded against, use in the second sense also constitutes a grave danger to justice, liberty, and peace. The moral imperative mentioned above applies in both uses.

More than once in our lifetime, superior nuclear force has obliged weaker nations either to surrender (Japan) or to abandon projects in which they were engaged (the USSR in Cuba) or otherwise to moderate their intentions and actions. The possession of nuclear weapons seems also to have moderated actions that might in other times have led to confrontation by force of conventional arms. In this sense, while nuclear weapons constitute a grave threat to justice, liberty, and peace, their possession has also had pacific effects.

From biblical times, the human race has often been warned that God might will or permit its destruction. When Cain slew Abel, he prefigured the possibility of a threat to all the progeny of Adam and Eve, including himself, for by the same passion he might have slain not only his brother but also his parents and finally himself. In the story of Noah, the Bible instructs us in an image of the destruction of the whole world by flood, and warns us of God's threat to destroy all the world by fire. Sodom, Gomorrah, and other cities were utterly destroyed in vivid warning, as was the Temple of Jerusalem. To live under threat of flood, fire, glacier, plague, pestilence, war, and destruction is not novel for an imagination attuned to biblical history. The destruction of Carthage, the leveling of the glories of Greece and Rome, and the coming night of barbarism inspired St. Augustine to oppose secular millenarianism and a false sense of catastrophe as he penned The City of God. The ruin of civilization is not a theme new to our time, nor is the theme of the destruction of all things living. Since Jewish and Christian conscience has long been steeled by contemplation of the fragility of this world and the overpowering sovereignty of God, our generation should not separate itself too dramatically from all others. The prophecies in the Book of Revelation exceed even the horrors of the twentieth century.

In fulfilling the moral imperative to prevent unjust uses of nuclear weapons, therefore, Christian citizens must exercise clear and sustained thought. Any flight of reason into panic must be quietly resisted, and every flight into illusion curbed. Both for good and for ill, the "mobilization of the masses" has frequently characterized life in this century. Neither slogans nor cold fear in a suitable substitute for prudent judgement. Questions of this magnitude cannot be left to experts, governmental or ecclesiastical, but must be prayerfully and lucidly relected upon by all citizens. Only a broadly supported, carefully reasoned public policy, sustained over decades, meets the imperative laid upon all of us. Strong majorities must grasp and nourish such a policy.

For this reason, we Catholic citizens welcome the effort of the National Conference of Catholic Bishops in the United States, and the bishops of various Conferences in Europe and elsewhere, to draft pastoral letters on nuclear arms. The bishops have a right and a duty to express the truth of the Gospels entrusted to them and to restate the Catholic tradition for our time. On these matters, they, and only they, in their vocation as teachers, have full authority with respect to the Gospels and the Catholic faith.

According to the teaching of Jacques Maritain and Etienne Gilson, there are three spheres of Gospel teaching in human life.[1] The first concerns the life of the spirit, human life in the light of eternity. The second concerns those areas of the social order on which the Gospels and Catholic teaching directly impinge and in which they are necessarily enmeshed—such areas as are

[1] See Maritain, "The Structure of Action," *Integral Humanism*, trans. Joseph W. Evans (Scribner's 1968). Addressing the Society of Jesus on February 27, 1982, John Paul II said: "As I said on 2 July 1980 in Rio de Janeiro, priestly service, 'if it is really to be faithful to itself, is essentially and *par excellence* spiritual. This must be even more emphasized in our times against the many tendencies to secularize the priest's work by reducing it to a purely philanthropic function. He is not a medical doctor, a social worker, a politician, or a trade unionist. In certain cases, no doubt, the priest can help, but in a supplementary fashion—as in the past priests have done so with remarkable success. Today, however, these services are admirably rendered by other members of society, whilst our service is always more precisely and specifically spiritual.'" In his letter of March 25, 1982 to the entire Society of Jesus, Father Dezza applied the prescriptions of the Holy Father, while speaking of the recommendations presented by Pope Paul VI: "The second recommendation was not to confuse roles proper to priests with those proper to lay people. In the economic, social, and political fields, the role of the priest is to educate toward justice and social commitment, and to encourage lay people to carry out their duties fully without replacing them in these. The priest's role is to indicate Christian principles concerning economic, social, and political life; to denounce injustices, to exhort people to work with the improvement or reform of institutions, to 'expound the social doctrine of the Church, not so much to find solutions for concrete social and political problems, which is the task of lay people, but to help them reflect on the principles which should guide the search for such solutions.'"

addressed in the social encyclicals of the popes, for example. The third concerns the area of worldly interpretation of social reality and fact, tactical and strategic judgment oriented to results in the concrete world of history, choice among various permissible means, practical detail, and, in general, questions of prudential judgment.

While in all three spheres every member of the Church may have important witness to contribute, there is an ordinary differentiation of functions and authority. In the first of these spheres, the teaching of the bishops is clear and supreme when in conformity with that of the Holy Father and the whole college of bishops. In the second, the teaching of the bishops and popes is necessary and fruitful, although more engaged with matters fraught with ambiguity and danger of error. In the third, the focus of Catholic teaching normally passes from the hands of the bishops and popes to the concrete moral reasoning of individual Catholics responsible for fulfilling their vocations in the world. This is because in the world of contingency and action, Church leaders cannot summarize all concrete possibilities, but must enunciate religious ideals and moral principles and demand that lay people apply them to concrete situations prudently and prayerfully. In this third sphere, the God of the Last Judgment will not be satisfied by a claim that a Christian followed the general authority of his bishop or of anyone else; each will be judged by what he or she did in the light of his or her own concrete moral reasoning in particular cases. From such personal responsibility, there will be no escape in the encompassing light of Judgment.

It is in this third sphere that we associate ourselves in the task of Christian moral reasoning, reflecting on the realities of nuclear weapons in our time. We are conscious of the presence of God. It is His judgment we fear. "The fear of the Lord is the beginning of wisdom" (Proverbs 9:10). Being faithful to the teachings of the Gospel and of the Catholic tradition, including the recent teachings of the Second Vatican Council, the popes, and the bishops, we propose to deal as clearly and as conscientiously as we can with the prudential matters of the third sphere. We speak for no others but ourselves. The matters with which we wrestle are, in the nature of the case, full ambiguity, complex in their chains of reasoning, dependent upon difficult judgments of fact at every step. Other Christians of good will are certain to make quite different judgments at any of ten or twelve places in the argument. So it always is in complex judgments of fact. We are certain only that we have tried to be faithful to biblical realism: both to the Gospels and the Catholic tradition, and to a realistic assessment of matters of fact and rational principle. We welcome argument, since it is by argument that we have arrived where we are, and by argument that we hope to learn. Among ourselves, we also have differences. Nonetheless, we have found it possible to offer what follows as a public and moral policy, which we as Catholics support.

PEACE IN THE WORLD TODAY: CATHOLIC PERSPECTIVES

The Catholic tradition on war and peace is long and complex: it reaches from the Old Testament and the beginning of the New, from the slaughter of the innocents at the birth of Christ to the baptism of the Roman centurion, from the practice of the early Church to recent statements by Pope John Paul II. Its development cannot be sketched in a straight line. It seldom gives a simple answer to complex questions. It speaks through many voices. It has produced multiple forms of religious witness.

We rely upon *The Pastoral Constitution on the Church in the Modern World* and on *The Decree on the Apostolate of the Laity* of Vatican II (Walter M. Abbott, SJ, ed., *The Documents of Vatican II*, America Press, 1966) as the most authoritative recent statements on the question of nuclear weapons and on the role of the laity. We note that *The Pastoral Constitution* carefully differentiated in its own teaching between those elements "of permanent value" and others of "only a transitory one." It said that future "interpreters must bear in mind . . . the changeable circumstances which the subject matter, by its very nature, involves." In this spirit, we are mindful of the indispensable, central role of accurate discrimination and sound prudential judgment.

We note also that Vatican II did not speak of nuclear weapons as such, but of "scientific weapons." We understand this more general concept to be essential, since developments in rocketry, computers, and explosives since 1945 have given even "conventional" weapons awesome destructive power at great distances and with amazing accuracy. Because of their power, many of the novel "conventional" weapons seem to fall under the same moral strictures as do nuclear weapons, in terms of proportionality and discrimination in targeting. Indeed, the larger "conventional" weapons now exceed in their destructive power the smaller nuclear weapons. If one cannot distinguish between such weapons on the scale of sheer physical power, nonetheless the divide between conventional and nuclear explosives is a critical boundary.

The *Pastoral Constitution* bids us to read the "signs of the times." We note three vital factors in particular. The first is recorded in the *Pastoral Constitution* itself: "Insofar as men are sinful, the threat of war hangs over them, and hang over them it will until the return of Christ. . . . In spite of the fact that recent wars have wrought physical and moral havoc on our world, conflicts still produce their devastating effect day by day somewhere in the world." The second comes from that constitution's definition of peace: "This peace cannot be obtained on earth unless personal values are safeguarded and men freely and trustingly share with one another the riches of their inner spirits and their talents." This is not the peace of totalitarianism. It is the peace of liberty and justice. The third vital factor is that considerations of the need to avoid nuclear war "compel us to undertake an evaluation of war with an entirely new attitude." It is a moral imperative to deter not only nuclear war but all war. Yet the very act of nuclear deterrence has its own novel characteristics, involving new ways of thinking about intention, threat, use, means and ends, and lesser evils. "An entirely new attitude" is indeed required on some of these matters.

At the center of the Catholic teaching on war and peace is, first, the sovereignty of God and, second, the dignity of the human person. The perennial sinfulness of human beings makes the threat of war perennial; their longing to be true to the image of God within them makes perennial the longing for peace. Directly to take innocent human life is a prerogative only of the sovereign God, the Author of life. To defend the dignity of human life is both the motive force of peace and the just cause of war. When an unjust aggressor injures human dignity, to stand aside is a form of complicity and collusion. To resist an unjust aggressor with proportionate means is demanded by justice. Thus, human dignity is the cause both of just peace and of just war. As there are wars that are unjust, so also there is peace that is unjust.

It is sometimes held that there are on these questions plural traditions in the Catholic Church, one addressed to Catholics and another addressed to the pluralistic public, one evangelical and the other based on natural law, one committed to pacifism and the other committed to the tradition of just-war reasoning. But there is not one teaching for initiates, another for the uninitiated; not one teaching for the perfect, another for imperfect. In the matter of celibacy and marriage there may be two vocations in the Church, yet one vision of a common faith. So in matters of war and peace there is more than one vocation, yet one common teaching about justice in war and in peace. One common set of precepts, many different counsels; one life of charity, many different vocations: this is our vision.

PEACE AND THE KINGDOM

Although God has always promised His people peace and rest, the paradoxical nature of these promises is ever-present in the Bible. "Not as the world gives do I give peace," Jesus says (John 14:27). Again: "I have come to bring not peace but the sword" (Matthew 10:34). And, admonishing Peter in Gethsemane, Jesus says: "Put your sword back into its place; for all those who take up the sword shall perish by the sword. Do you think that I cannot appeal to my Father, and He will at once send me more than twelve legions of angels? But how then should the Scriptures be fulfilled, that it must be so?" (Matthew 26:52-54).

In the Old Testament, God is often portrayed as One Who leads His people into battle. Whose power helps them to prevail, Who avenges wrongs done to them by their enemies. Paradoxically, Gideon says, "God is peace," and the blessing of the Lord on Israel includes this, that "the Lord lift up His countenance and give you peace" (Numbers 6:23-27). Ezekiel speaks for Yahweh: "I will make a covenant of peace with them; it shall be an everlasting covenant with them . . ." (Ezekiel 37:26). Yet as sin persists, so does war. False prophets "heal the wound of the people lightly" (Jeremiah 6:14). Peace would have come, had people not persisted in sin: "O! that you had harkened to my commandments! Then your peace would have been like a river, and your righteousness like the waves of the sea" (Isaiah 48:18). Only in the time of full righteousness and no more sin shall the people "bend their swords into plow-shares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more" (Isaiah 2:4).

Although Jesus comes as the Prince of Peace, inaugurating a kingdom of peace, He was a man of sorrows, bloodily slain on the cross. He called His disciples to share in self-sacrifice. His vision of this world was no vision of the easy triumph of justice and light. On the contrary, the vision of Jesus is a divisive force in history, dividing even families, a two-edged sword that "pierces to the division of soul and spirit, of joints and marrow, and discerns the thoughts and intentions of the heart" (Hebrews 4:12). It will divide believer from infidel. It will trouble individuals, like the rich young man (Matthew 19:16-26), and in time divide the na-

tions. In this world Jesus does not promise peace. When Jesus speaks of peace, it is not as the absence of war between nations, or as an end to persecution, or as a cessation of injustice, or as an end to terror and lies, but, rather, as a form of knowing and being in union with God (John 17:3), a "peace which the world cannot give" (John 14:27). It is worth noting that no one in the New Testament thinks of telling the Roman centurions to give up their military careers—neither Jesus (Matthew 8:5-13), nor John the Baptist (Luke 3:14), nor St. Paul (Acts 22:25).

In being condemned to a cruel death (Galatians 3:13), Jesus did not defend Himself against unjust treatment and assaults upon His human dignity. He followed here not His will, but His Father's, offering a redemptive sacrifice for all. His gentleness under torment, His nonviolence, and His forgiveness of His killers have led some to choose, in imitation of Him, nonviolence as a way of life, both in their persons and in public policy. We recognize this choice, but believe it to be a misreading both of the Scriptures and of virtually the entire Catholic tradition. We sharply distinguish between pacifism as a personal commitment, implicating only a person who is not a public figure responsible for the lives of others, and pacifism as a public policy, compromising many who are not pacifists and endangering the very possibility of pacifism itself. It is not justice if the human race as a whole or in part is heaped with indignities, spat upon, publicly humiliated, and destroyed, as Jesus was. It is not moral to permit the human race so to endure the injustice of the passion and death of Christ. Many serious arguments against pacifism as a Christian vocation have been offered throughout Christian history. Closest to our own time, the arguments of Reinhold Niebuhr and C. S. Lewis may be cited. While following closely the paradoxical language of the Scriptures and the Catholic tradition, and choosing against pacifism for ourselves, however, we honor the liberty of others to choose differently, and, in particular, the calling of the clergy not to take up arms.

KINGDOM AND HISTORY

With Pope John Paul II we hold: "Christian optimism based on the glorious cross of Christ and the outpouring of the Holy Spirit is no excuse for self-deception. For Christians, peace on earth is always a challenge because of the presence of sin in man's heart.

"Although Christians put all their best energies into preventing war or stopping it, they do not deceive themselves about their ability to cause peace to triumph, nor about the effect of their efforts to this end. They therefore concern themselves with all human initiatives in favor of peace and very often take part in them. But they regard them with realism and humility. One could almost say that they relativize them in two senses: they relate them both to the self-deception of humanity and to God's saving plan." [World Day of Peace Message, 1982.]

History is open; therefore, one must always say that peace is possible. On the other hand, we heed Pope John Paul II, who observes, in that same message, "that in this world a totally and permanently peaceful human society is unfortunately a utopia, and that ideologies that hold up that prospect as easily attainable are based on hopes that cannot be realized, whatever the reason behind them."

History is full of ambiguities, contingencies, and complex patterns of fact. No two people perceive world affairs in identical fashion. Interpretations even of the simplest events radically diverge. In this respect, we cherish the wisdom of the *Pastoral Constitution:*

"Very often their Christian vision will suggest a certain solution in some given situation. Yet it happens rather frequently, and legitimately so, that some of the faithful, with no less sincerity, will see the problem quite differently. Now if one or other of the proposed solutions is too easily associated with the message of the Gospel, they ought to remember that in those cases no one is permitted to identify the authority of the Church exclusively with his own opinion. Let them, then, try to guide each other by sincere dialog in a spirit of mutual charity and with anxious interest above all in the common good."

MORAL CHOICES FOR THE KINGDOM

From some of the early Christians through Dorothy Day and Martin Luther King, Jr., some Christians—joining others like Leo Tolstoy, Mahatma Gandhi, and Norman Thomas—have held that any use of military force is immoral. Yet we observe that military and police power has been necessary from time immemorial to preserve civilized societies—and pacifists themselves—against unjust aggression and brutal violation of rights. As a set of practical methods, nonviolent techniques have preeminence for nonpacifists as well as for pacifists. They are, after all, the stuff of diplomacy and statecraft, within which adversaries observe civil discourse and amenities of many sorts. Although a full discussion of these issues would take us too far afield, we observe that there are important distinctions to be made between force and violence, between nonviolence and pacifism, and between the power and the authority of the state. For example, nonpacifists prefer nonviolence to violence, respect for legitimate authority to naked state power, and legitimate uses of force to violent acts. Deterrence itself is a form of nonviolence, a legitimate use of force, based upon legitimate authority.

While some Christian communities, such as the Mennonites, the Quakers, and the Church of the Brethren, make the refusal of military service an obligation for their members, the Catholic Church has not done so—indeed, has afforded many arguments, biblical, theological, moral, and political, against pacifism. In this world of sin and threat of war, for every pacifist who refuses to take up arms, some other citizen, who would also prefer to live in peace, must take his place. Nonetheless, in the full liberty of an open church, nonviolent witness through a conscientious refusal of military service has been honored in the Catholic tradition. Recognizing this liberty of conscience, we nonetheless argue against the pacifist option, as did C. S. Lewis in *The Weight of Glory:*

"Only liberal societies tolerate pacifists. In the liberal society, the number of pacifists will either be large enough to cripple the state as a belligerent, or not. If not, you have done nothing. If it is large enough, then you have handed over the state which does tolerate pacifists to its totalitarian neighbor who does not. Pacifism of this kind is taking the straight road to a world in which there will be no pacifists."

Thus widespread pacifism in churches and universities during the 1930s helped convince Hitler and the Japanese that the West lacked the resolve to defend itself, and encouraged them to launch World War II.

The pacifist refuses to restrain with proportionate force an aggressor who is injuring the innocent. By contrast, St. Augustine understood the command of love to demand a just defense of the innocent. This is because St. Augustine understood that the world of history is in part evil, and that action to restrain evil is an essential component of justice. While some Christians stress the fact that the "New Kingdom" has already come with Jesus, others, like Augustine, stress the continuing power of sin and the complex texture of social ambiguity. War, for example, may arise from human sinfulness, but it may also afford a tragic remedy for sin in political society. (It was in this spirit that we observed, above, that the possession of nuclear weapons has had both threatening and moderating effects during the past 25 years.) Moreover, if love demands the defense of others (such that a failure to defend them can be a sin), both love and justice also command self-defense. Peace is sometimes unjust; war is sometimes morally imperative. In clarifying such paradoxes, the traditional just-war teaching has stood the tests of time. Many who claims to reject it do, nonetheless, invoke its criteria; as, for example, in judging nuclear weapons immoral (for lack of proportionality and discrimination), in defending wars of liberation like those against Somoza and the Shah, and in opposing the U.S. presence in South Vietnam.

The essence of just-war theory lies in the conviction that wars are wrong and to be avoided, except under quite stringently defined conditions. These are seven in number: 1) Only a *competent authority* may declare a war for the common good and in the interests of the public order. 2) It must be inspired by a *just cause:* such as to defend against aggression, to protect innocent life and human rights from real and certain injury, and to resist tyranny. 3) A *right intention* must guide the purpose, means, conduct, and aims of war in the light of the "just cause." Violence may be chosen only 4) *as a last resort,* when all peaceful methods of negotiation have failed, and 5) with *probability of success*—so that irrational resort to force is not mandated in the name of justice. The nature of the war itself must manifest 6) *proportionality:* the damage to be inflicted and the costs incurred must not constitute a greater evil than the evil to be avoided. 7) *Just means* that are *both discriminate* and *proportional* must be employed. This means that: a) *discrimination* between combatants and civilians, while not easy to observe under modern conditions, must be maintained in every act of war; b) the *proportionality* of each act of war derives from its indirect, collateral, and long-term effects. It will be noted that common-sense criticisms of wars and the conduct of wars usually fall under one of these headings.

There are some gaps in just-war theory today, since new conditions have raised new questions. Among these may be mentioned the following: a) Does any band of idealists or cynics that takes up arms in the name of a "just cause" constitute a competent authority to launch a just war? b) Under what circumstances, if any, are acts of terrorism (that is, violent act directed at persons, property, or public order), for whatever motives, whether revolutionary or absurdist or other, justified? c) Considering the current literature of instruction in the conduct of guerrilla warfare, the training of terrorists, and the techniques of espionage and subversions, what light can be shed by just-war

theory on existing practices in widespread underground wars? d) According to just-war theory, is a "cold war" of espionage and counterespionage to be preferred to a "hot war" of conventional conflict, as a means of self-defense; and, if so, according to what standards of behavior? e) Under the "paradoxes of deterrence" (to be discussed below), does the traditional teaching on "intention" have to be refined and stated more precisely? f) If it may be concluded that a particular totalitarian regime is evil in a special way—as was the case with National Socialism under Adolf Hitler, at least from the time of the death camps in 1941—do other nations acquire moral responsibilities, in the name of justice, for what happens within those regimes? What responsibility have citizens of one nation to be keeper of the human rights of those of another? These are only a few of the unanswered questions of our day.

WAR AND PEACE TODAY

Because of the unparalleled power of nuclear weapons, it is easy to be deflected from reasoned discourse. When one has listened to eminent scientists and physicians detail the horrors of the worst imaginable case of nuclear destruction, one is driven to recall the lessons of Christian faith about the precariousness of all human life, the approaching end of history, the perennial wickedness and obdurateness of the human race, and the total sovereignty of God. Nuclear weapons have changed our world but have not altered the fundamentals of the Jewish-Christian vision. In the biblical era, only about fifty million human beings, widely separated from each other, lived on earth. Under ancient conditions of communications, those who lived in a particular village, town, region, or country believed they knew "the whole world," and did not know they inhabited a tiny planet spinning in space. For them, the destruction of their whole world could descend in one violent sacking, pillaging, and leveling—as, more than once, the heads of infants in Israel were dashed against stones; and as Moscow, Kiev, Warsaw fell to Mongol invaders in horrors still not forgotten. Images of horrible plague and destruction often arose in medieval times. Not even our fears are as novel as we think. This is the context in which Pope John Paul II said at Hiroshima: "In the past it was possible to destroy a village, a town, a region, even a country. Now it is the whole planet that has come under threat." Today, nuclear weapons add new dimensions of scale and time, through prolonged radioactivity. These new possibilities make two questions most insistent: Can nuclear war be prevented? If so, which strategies and tactics, and which principles of human behavior, are most likely to succeed in preventing it? The first question involves a principle: We must seek to prevent nuclear war. The second, while also involving principles, is ultimately a question for prudential judgment.

THE NEW MOMENT

There is a widespread, well-organized, and well-financed "peace movement" in several free countries today, particularly in those about to make decisions for their future defense against superior nuclear forces now arrayed against them: West Germany, the Netherlands, Denmark, Belgium, and the United Kingdom. (France is militarily independent of NATO and has its own deterrent; its "peace movement" is far less visible.) There is also a well-organized "peace movement" in many cities in the United States. Some have found the public discussion here and abroad "unprecedented in its scope and depth." Democratic societies entrust such matters to public discussion; that is one reason they are worth defending. Democracy itself depends upon the civility, reasonableness, and wisdon of the discussion.

Political peace has always been precarious, and statesmen imply fragility when they use such phrases as "the balance of power." An overall balance of power, always shifting, does not guarantee peace. Yet experience has shown that the capacity to retaliate in kind has prevented some weapons systems from being used, even when peace is breached—e.g., chemical weapons in World War II. But deterrence has never been wisely thought of as a "safe and stable" system, except by comparison with other proposed alternatives. Today a spiritual sea change does threaten deterrence. Since 1945, the 400 million citizens of the NATO countries have enjoyed liberty and prosperity unparalleled in human history. Changes in material conditions also unleashed new possibilities for spiritual fulfillment. This great transformation in life has been sudden and profound. Children can scarcely know the almost wholly different conditions under which their parents entered upon life during the Depression and wartime. The horrors and deprivations of forty years ago are unknown to a majority of those now living. Consequently, unrealistic and utopian expectations find fertile soil. Deterrence is sometimes judged against ideals, not against recent history. There is a danger that history may once again repeat itself, not only in Europe but elsewhere. Preserving peace and defending justice and political tasks; and politics, while always ambiguous are imperfect, is the instrument of natural law for the protection of the weak and the innocent. Constitutional law, democratic procedures, and political processes are far from perfect, but they are noble in their dependence upon civil discourse, persuasion, and realistic judgment about the less than perfect.

To be sure, it is tragic that so much treasure has had to be spent on arms since 1945. The postwar world might have been different. Moreover, if one compares the crude atomic bomb of 1945 and its primitive delivery system with the weaponry to be found 37 years later in the arsenals of the U.S. and the USSR, one sees that the "arms race" means not only treasure spent but conditions transformed. This is true even though the total money spent on nuclear weapons and their technology has been a very small fraction of U.S. economic resources. Expenditures on the research and production of nuclear weapons by the United States since 1945 have been estimated to be less than $400 billion, about $12 billion per year. In fiscal year 1983, U.S. expenditures on nuclear weapons constitute 9 per cent of the military budget, 2.9 per cent of the entire federal budget, and about 0.6 per cent of GNP. Compared to conventional arms, nuclear arms are vastly less expensive.

Under the terms of the treaties ending World War II, the United States has chiefly been charged with the defense, not simply of its own interests, but of Western Europe and Japan, as well. After the war, all Western nations virtually disarmed. Even in the face of a massive Soviet build-up since 1965—the most massive in peacetime history—the defense budget in 1981 for Western nations was, according to the International Institute for Strategic Studies in London: for Belgium, 3.3 per cent of GNP; Britain, 5.4; Canada, 1.7; Denmark, 2.5; France, 4.1; Germany, 4.3; Greece, 5.7; Italy, 2.5; Japan, 0.9; Luxembourg, 1.2; Netherlands, 3.4; Norway, 3.3; Portugal, 3.8; Spain, 1.9; Turkey, 4.5; U.S., 6.1. (It is estimated that the Soviet Union spends, for its armed forces alone, not counting the military KGB, between 11 and 12 per cent. The Soviet GNP is lower than that of the U.S.; but costs, not least in salaries to military and military industries, are much lower in the Soviet Union.) These considerations suggest two conclusions. First, the percentage of national resources spent on arms by the Western allies is low. Second, the percentage of national resources spent on *nuclear* arms is, in the case of the U.S., ten times as low. Thus when, in 1976, the Holy See condemned the arms race as a danger, an act of aggression against the poor, and a folly that does not provide the security it promises, the Holy See could not reasonably be interpreted as asking the Western allies to spend much less than they are spending. The reason for poverty in the world is not adequate defense. Furthermore, efforts to supplant reliance on nuclear weaponry with reliance on conventional weaponry are bound to raise military costs dramatically, since conventional weapons are far more expensive.

While we cannot speak for the "arms race" of Third World Countries or in the Soviet Union, we do note that the percentage of world gross economic product being spent on arms has declined during every year since 1967. According to *The Statistical Abstract of the United States,* in 1978, the last year for which figures are available, the world spent 5.4 per cent of its gross economic product on arms, down from 6.7 per cent a decade earlier. In 1978 this amounted to $480 billion. Since virtually all nations of the world are welfare states to some degree or another, it must be noted that government expenditures alone for health and welfare, not counting expenditures by private citizens on their own behalf, amounted to several times the level of military expenditures. In the United States, for example, the portion of the *federal* budget spent on health and welfare programs of various sorts during 1982 was 51 per cent, and on defense programs, 26 per cent. This does not include human services provided by state and local governments and by private agencies of every sort. Since the United States bears the free world's heaviest defense burden, comparisons of percentages of human-services expenditures to military expenditures in West Germany, the United Kingdom, and other nations are even more favorable. In the free nations, moneys from all sources spent on health, education, welfare, and other human services exceed moneys spent on weapons by a factor of about twenty to one.

It is, nonetheless, true that lower spending on defense would be advantageous to all. Since government spending that creates deficits has implications for inflation and unemployment, every reduction in pressure on government budgets may have salutary effects throughout the economy. For many reasons, we favor the minimum amount of defense spending consistent with moral obligations to defend the innocent with just means. We recognize that moral means may be more costly than less moral means, as conventional deterrence may be more costly than nuclear deterrence, but we accept this as the price of moral behavior.

To say no to nuclear war is both a necessary and a complex task, especially since *saying* no doesn't make it so. It is also a task full of paradox, and demands new ways of thinking. It is a task demanding perseverance from one generation to another. It is a task exquisitely dependent upon cool-headedness and the force of reason, a task made difficult by outbursts of passion, accusation, flagrant hyperbole, and misleading assertion. In denouncing the relations between the United States and the USSR for being based upon a balance of nuclear power, some critics fail to imagine the consequences of losing a war to a tyrannical power. Some also fail to imagine the consequences of attempting a balance of conventional power. First, the history of modern Europe is not reassuring about balances of conventional power. Second, world leaders do not seem by their behavior to fear conventional wars—of which there have been more than 67 since World War II—as they fear nuclear conflict. Third, at present the conventional military arms of the Soviet Union sufficiently outnumber those of Western Europe to create an imbalance whose rectification would require immediate, sustained, and heavy military expenditures by Western nations. A political leader seeking to solicit those expenditures from voters might not be successful, and might not win support from the churches, the universities, and the press. In short, an alternative to the nuclear balance is easier to talk about than to realize. Further, it is one-sided to speak of "psychological damage" done to ordinary people, especially the young, by the nuclear balance without comparing it to the "psychological damage" that would be caused by heavier taxes and conscription for conventional forces, on the one hand, and by intimidation under "Finlandization," on the other. Appeasement, too, causes "psychological damage." It is also extreme to contrast the "billions readily spent for destructive instruments"—$17 billion were spent in the U.S. in 1982 on strategic forces—with "pitched battles" being waged in the U.S. Congress over "a fraction of this amount for the homeless, the hungry, and the helpless." Moneys allocated by Congress for housing assistance, food stamps, Medicaid, Medicare, and other forms of welfare vastly exceed moneys allocated for nuclear arms. Although one might wish that cuts in spending on nuclear weapons would go to the homeless, the hungry, and the helpless, the second draft of the Pastoral Letter of the U.S. Catholic Bishops (November 1982) prudently observes: "Rejection of some forms of nuclear deterrence might therefore require a willingness to pay higher costs to develop conventional forces. Leaders and peoples of other nations might also have to accept higher costs for their own defense if the United States Government were to withdraw any threat to use nuclear weapons first." Saying no to nuclear weapons might, therefore, impose a greater burden on the poor than they now bear.

RELIGIOUS LEADERSHIP AND PUBLIC DEBATE

Religious leaders who wish to influence public policy by influencing public opinion owe a special debt to democratic states, and incur an obligation to defend them against those who would destroy them. "Rulers must be supported and enlightened by a public opinion that encourages them or, where necessary, expresses disapproval," Pope John Paul II says, thus preferring societies in which the public may express disapproval of their leaders. Is it just to defend such societies with nuclear weapons? Some would "build a barrier against the concept of nuclear war." But a parchment barrier will not prevent nuclear war. As even God's commandments have frequently been disobeyed, so also a nuclear war may be waged by sinful men. Since this possibility cannot be excluded, it does not seem wrong for the potential victims of nuclear war to give some thought to surviving it. Is it a necessary assumption that any one use of any one type of nuclear weapon will result almost at once in the explosion of every nuclear weapon? History is full of surprises and sudden turns. What seems most probable often does not occur. Prudent leaders must, therefore, consider other possible eventualities.

It is possible that one step into nuclear warfare will escalate outside human control to total expenditure of every nuclear weapon. But this is not the only possibility. Moral reflection requires the moralist to face other eventualities. Today, these possibilities are shaped by two great concrete realities: the actual nature of the Soviet Union and the actual nature of the United States and other Western democracies. The problem of saying no to nuclear war is not abstract; it is concretely directed most of all to Moscow, to Washington, and to the European capitals. Actual decisions about existing and forthcoming nuclear weapons are made by real persons in specific political and geographical locations. Moral thinking about nuclear war must be concrete, as well as abstract.

THE CONCRETE MORAL CONTEXT

In deciding ethical questions in political matters it is wise procedure to seek first a clear grasp of realities, interests, and powers. This attained, one then wisely asks: "What ought we to do?" and appeals to all one's resources of vision and principle. Virtually all arguments about the prevention of nuclear war hinge on judgments concerning the nature of the Soviet Union and its nuclear forces. In 1968, the U.S. had a larger number of nuclear warheads, a greater total throw-weight, and a larger and more varied number of delivery systems than did the Soviet Union. In an effort to promote arms control, Secretary of Defense Robert McNamara froze the strategic bomber fleet at 600 aircraft, froze the number of land-based missiles at 1,054, and froze the maximum number of nuclear submarines at 41. By 1982 the total throw-weight of U.S. nuclear arsenals had been reduced by more than one-half, and warheads have been reduced in number and size. Emphasis has been placed upon smaller, more accurate warheads, in order to meet the just-war criteria of proportionality and discrimination, and in order to avoid entrapment in a strategy of Mutual Assured Destruction. (We ourselves judge that this shift away from MAD is morally correct despite the fact that MAD affords conceptual simplicity and lower costs.) Since 1968, no new delivery system for U.S. land-based missiles has been built, no new bomber has been built, and both the ICBM missiles (1,052) and the B-52s (315) are entering obsolescence.

Since 1968, by contrast, the Soviets have developed the number, power, variety, and accuracy of their delivery systems and warheads. As Carter's Defense Secretary, Harold Brown, said: "When we build, they build. When we stop building, they build." The U.S. did try a freeze, for 14 years. The trend lines of Soviet forces kept mounting, while those of U.S. forces either fell or rose more slowly and have now become subject to public pressure for a total freeze. The Soviets have developed a strategic triad, with nuclear weapons on aircraft and in submarines. Their land-based missiles outnumber ours by a third, and are larger, more modern, and more powerful.[2] Although some critics of U.S. policy *fear* that the U.S. may by 1990 develop a first-strike capability against Soviet land-based missiles—an intention denied by U.S. officials—the Soviets already possess such a capability.[3] Their land-based missiles are sufficient in number and power to deliver at least two warheads on each of the 1,052 American silos, while still retaining a large number of warheads and delivery systems for a second strike. If it is wrong for the U.S. to have a first-strike capability, it would seem to be wrong to acquiesce in the Soviets' having one.

Some citizens are inclined to stress the possibilities of negotiation, agreement, neighborly coexistence, and perhaps even ultimate friendship with the Soviets. Pointing out that now-friendly nations like Germany and Japan were not long ago our foes, they correctly say that in world affairs there are no permanent enemies. They believe that taking risks, taking first steps, and launching initiatives will draw the Soviet leaders into amicable, or at least non-hostile, relations. Since the days of Lenin, the Soviets have fequently supported "peace offensives." Surely, some citizens conclude, peace is better than war, agreement better than conflict, amity better than struggle.

Much depends on how cynical Soviet leaders are. If their purpose is the eventual destruction of democratic societies, feigned friendship may suit them now. On the other hand, if the Soviet Union intends to become a nation like other nations, committed to living and letting live, respectful mutuality may be possible. Among these and other possibilities, how should we judge the purposes and character of the leadership of the Soviet Union? That is the factual question on which subsequent ethical judgment turns. Naïveté in this judgment, on the one hand, or excessive cynicism, on the other, would undercut moral correctness in later judgments. For it is not moral to place trust in a liar, nor is it moral, from erroneous hardness of heart, to withhold trust. Judgment about the Soviet leaders must therefore be carefully developed, beginning with their own view of themselves and their strategies for war. This is another instance of the crucial role played by prudence.

In assessing the purposes and character of the Soviet leaders, it is crucial to observe three facts. First, the number of relevant decision-makers is very small (14 in the Politburo), and their means of attaining power

[2] The Soviet ICBM force currently numbers 1,389 missiles, compared to 1,052 for the U.S., and possesses greater aggregate throw-weight than the U.S. Missile forces. The latest-generation Soviet warheads are more accurate than their American counterparts, and the smallest Soviet MIRVed warheads are twice as large as the largest U.S. MIRVed warheads. See the Institute for Strategic Studies, *The Military Balance 1982-83*, pp. 112-113; and the Committee on the Present Danger's *Has America Become Number 2?*

[3] Admiral Thomas Hayward, the Chief of Naval Operations, testified before the Senate Armed Services Committee in 1979: "With respect to essential equivalence it is my view that without any question the Soviets will have a first-strike capability over the next few years. If that is not a loss of essential equivalence, I do not know what is." *Military Implications of the Treaty on the Limitation of Strategic Arms and Protocol Thereto*, Hearings, Senate Armed Services Committee, Part 1, p. 177.

and of holding power are far from regular, systematic, open, and under public control. Much jockeying goes on; there have been many murders, executions, disappearances, and obliterations from the historical record ("nonpersons") among them. Second, the ideology of Marxism-Leninism, which legitimates their role in history, their authority, and their morality, operates as a check upon their behavior. Even for those who do not believe this ideology in their hearts, ideological deviation may swiftly become a source of vulnerability to their positions and their lives. Third, the culture of centuries of Russian experience, including xenophobia and a sense of inferiority, affects their understanding of the role of the Russian people in history. Observers properly debate what comparative weights to assign to each of these three characteristics: organizations struggle; the ideology of Marxism-Leninism; and Russian experience and culture. All three factors bear on the Soviet sense of security and historical destiny. All three must be soberly considered. Whether one entertains prospects of friendship or coexistence or struggle with such leaders is much affected by such assessment. How one weighs the moral value of Soviet words and deeds is also affected by one's judgment about their cultural world. Words spoken and deeds done have full significance only in such contexts. How to interpret their significance within one's own context is a quite different matter.

The record of arms-control negotiations during the past hundred years has been, for the most part, a record of deception on the part of the cynically ambitious and self-deception on the part of those who thought peace might be bought cheap.[4] The record of other nations' negotiations with the Soviet Union on nonaggression and noninterference pacts, and treaties on chemical and biological warfare and the like, has always demanded unusual amounts of vigilance against betrayal. Marxist-Leninist ideology rejects "bourgeois formalism," including promises and signed agreements; Soviet practice in observing treaties, while sometimes good, is selective. Furthermore, to demand on-the-ground verifiability of Soviet arms is to demand a sweeping change within the structure of Soviet society. Despite all this, negotiations are both necessary and useful. But signed agreements by Soviet leaders cannot be prudently understood as deterrents to any course of action Soviet leaders choose to take when they choose to take it. Parchment barriers have seldom restrained players of Realpolitik.

In 1968, Defense Secretary McNamara judged that U.S. strategic forces were both superior to Soviet forces and at a point of sufficiency for the deterrence of any possible Soviet attack. For this reason, he instituted the freeze mentioned above. Secretary McNamara's judgment was that the Soviets would build up their forces until they reached parity. By 1972, with the signing of SALT I, leaders on both sides claimed that parity had been reached. Since 1974, the Soviets have added two new generations of delivery systems and warheads, with others in development. This includes strategic missiles of unprecedented size and throw-weight, and large, swift missiles for the European theater, as well.[5] In a sense, the nuclear initiative has passed into Soviet hands.

As for the United States, military budgets in constant 1972 dollars remained relatively level from 1962 to 1982, and expenditures for nuclear weapons as a percentage of the military budget and in constant 1972 dollars have also remained remarkably level.[6] From 1968 until 1976, virtually every presidential campaign and many congressional campaigns were conducted on the pledge to cut military spending. As a proportion of GNP, military spending went from 9 per cent in 1960 to 5 per cent in 1980. As a proportion of the federal budget, military spending during the same period went from 44 per cent to 23 per cent. Beginning under President Carter, and continuing under President Reagan, the military budget (in actual outlays) has now been slated to rise, in real terms, at 7 per cent per year, reaching about 6.3 per cent of GNP and 32.4 per cent of the projected federal budget for 1984. Unlike other nations, the United States is charged not solely with its own defense but with that of Western Europe and Japan. It is estimated that the maintenance of 303,000 troops in Europe costs the defense budget $133 billion yearly, compared to the expenditure (in 1981) of $16.7 billion on all nuclear forces together.[7] U.S. strategic bombers, under the McNamara freeze, have been reduced from 600 to 315. The number of land-based ICBMs remains at 1,052. The number of nuclear submarines remains at 31, of which only half are on station at any one time. Military hardware inexorably becomes obsolete and less reliable with age. Even without expanding capacity, the replacement of weapons systems every ten or fifteen years is required. Such hardware, therefore, has a time factor: a preponderance (almost two-thirds) of U.S. delivery systems are more than ten years old, while a preponderance (more than two-thirds) of Soviet delivery systems are less than six years old.[8] Technology, of course, does not stand still, so the new generations of weapons have new potential. For U.S. forces, such changes have been generally in the direction of smaller warheads and greater accuracy.

U.S. military strategy is defensive in configuration. This fact is clearest in conventional weaponry. Neither U.S. nor NATO forces are equipped for offensive use, not in numbers of tanks, nor in numbers of fighters, bombers, or support vehicles. No attempt has been made to match Soviet forces on the Western front, tank for tank, artillery piece for artillery piece, aircraft for aircraft. To equalize the numbers of NATO forces with those of Soviet forces in Europe would require raising the number of NATO fighter planes and interceptors from 3,100 to the 8,600 of the Warsaw Pact forces. To equalize tanks would require raising the northern NATO number of 10,500 to the Warsaw Pact number of 27,300. The Soviet all-ocean navy now numbers 2,429 ships, the U.S. Navy 514.[9] But the task of equalizing all forces is not necessary for two reasons. First, the NATO configuration is defensive, the Soviet offensive. Second, U.S. forces are believed still to hold a technological edge, which, however, has diminished over the years.

It has long been recognized that democracies are inferior to dictatorships in their capacity to mobilize armies during peacetime.

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[4] After chronicling the various unsuccessful efforts at arms control in this century, the historian Barbara Tuchman says: "I have engaged in this long and dreary survey in order to show that control of war in the form of disarmament or limitation of arms has been a fruitless effort." Part of the reason why this is the case is suggested by Salvador de Madariaga, chairman of the League of Nations Disarmament Commission and Disarmament Conference, who observed in his memoirs in 1973, as quoted by Mrs. Tuchman: " 'The trouble with disarmament was (and still is) that the problem of war is tackled upside down and at the wrong end . . . Nations don't distrust each other because they are armed; they are armed because they distrust each other. And therefore to want disarmament before a minimum of common agreement on fundamentals is as absurd as to want people to go undressed in winter.' " *New York Times Magazine*, April 18, 1982.

See also Theodore Draper, "How Not To Think About Nuclear War," *The New York Review of Books*, July 15, 1982: "Once different weapons and even different weapons systems must be evaluated and balanced off against each other, negotiations inevitably degenerate into endlessly futile haggling sessions, brought to a close only by agreement on a crazy quilt of trade-offs and loopholes. Negotiations of this sort become more important for the mere consolation that the deadly antagonists are negotiating than for anything the negotiations may bring forth. . . . short of abolishing all nuclear weapons forever, . . . deterrence is all we have."

[5] Modernization of the Soviet ICBM force has focused on the SS-17, SS-18, and SS-19 missiles; during the last decade, more than half of Soviet silos have been rebuilt to house these weapons. See Department of Defense, *Soviet Military Power* (U.S. Government Printing Office, 1981), p. 54. Of particular concern is the giant SS-18, which carries a payload large enough and is accurate enough to threaten U.S. ICBMs in their silos. The SS-18, of which 308 have been deployed, dwarfs the proposed MX: it is 120 feet high, 10 feet in diameter, has a throw-weight of 16,000 pounds, and can carry up to 10 warheads. By comparsion, the MX is 72 feet high, about 8 feet in diameter, has a throw-weight of about 8,000 pounds, and can carry 6 to 10 warheads. The SS-17 and SS-19 are comparable in these respects to the MX. See *The Military Balance 1982-83*, p. 113 and Michael B. Donley, ed., *The SALT Handbook* (The Heritage Foundation, 1979), pp. 62, 75. The Committee on the Present Danger notes that "in only the last five years, the number of deployed Soviet IRBM [intermediate-range ballistic missile] warheads targeted on NATO—Europe and Asia—has more than doubled." *Has America Become No. 2?* p. 21. The principal threat is the Soviet SS-20: "The SS-20, with three MIRVs per missile and significant improvements in survivability, mobility, responsiveness, and accuracy, is a far more capable weapon than the older SS-4 and SS-5 missiles. . . . [it] can cover the entire European theater and provide significant coverage of other areas." Organization of the Joint Chiefs of Staff, *United States Military Posture for FY 1983*, p. 27.

[6] Charles Mohr, "Drop in U.S. Arms Spurs Debate on Military Policy," *New York Times*, October 24, 1982. For spending on nuclear forces as a percentage of the military budget for 1962-1982, see Kevin N. Lewis, *The Economics of SALT Revisited* (Rand Corp., 1979), p. 10, and Caspar W. Weinberger, *Annual Report to Congress, Fiscal Year 1983*, p. A-1.

[7] For the number of U.S. military personnel in NATO, see *Defense/81*, Special Almanac Issue (September 1981): 22. The cost of the U.S. commitment to NATO is given in the remarks of Senator Ted Stevens on the continuing appropriations legislation for fiscal year 1983. See the *Congressional Record*, December 16, 1982, 149, pt. 3: S-15138. The budget figure for nuclear forces includes both those over which the Department of Defense has jurisdiction and those which the Department of Energy supervises, and covers all personnel, operation and maintenance, and warhead procurement costs, strategic as well as tactical/theater.

[8] See *The Military Balance 1982-83*, pp. 112-113, 140; and *Soviet Military Power*, pp. 55-56. The data supplied by these sources indicate that about 62 per cent of U.S. strategic warheads are on systems with an initial operational capability prior to 1972, whereas 70 per cent of Soviet strategic warheads are on systems initially deployed since 1977.

[9] *The Military Balance 1982-83*, pp. 132-33. For figures on the U.S. Navy see *Annual Report to Congress, Fiscal Year 1983*, p. III-20. For the Soviet navy, see *Soviet Military Power*, p. 40. Both sets of figures include attack submarines, major surface combat vessels, and minor surface combatants (corvettes, patrol craft, minesweepers, amphibious ships, and support craft). The U.S. figure as given in the *Report to Congress* does not include ballistic-missile submarines; the Soviet figure does. Adding this figure (31) to the U.S. count gives 545 ships.

Free voters are reluctant to bear expenses not widely seen to be essential; they discern many social needs of greater moment and value. Free economies seem to thrive on production for peace rather than for military purposes, as the Japanese, West German, and other economies demonstrate. The ideology of the West does not require the destruction of socialism, but the ideology of Marxism-Leninism does teach a law of history according to which socialism must replace capitalism. A part of this law is encapsulated in the "Brezhnev Doctrine" that nations, once socialist, may never be permitted to return to an earlier stage in history. Such cultural and political discrepancies are also part of the present reality.

THE IMPERATIVE OF DETERRENCE

It is not necessary to decide the argument whether Soviet forces, nuclear and conventional, are now superior to U.S. forces, whether in Europe or worldwide. Forces superior in number are not necessarily superior in other respects. More important for forces committed to defense is the simpler question of sufficiency for deterrence of aggression. Superiority is not essential. Sufficiency is. Moreover, sufficiency to deter aggression is a moral imperative of the right to self-defense and the duty to defend the innocent from unjust aggression. This includes the defense of good citizens living under totalitarian regimes who, as Solzhenitsyn reminds us, would be left by our failure without any hope whatever.

This is the concrete context within which the moral standing of doctrines of deterrence arises. The overriding moral imperative is to deter the use of nuclear weapons, both their explosive use and their political use to intimidate the free. To fulfill this imperative, prolonged social sacrifices and resoluteness of public will are indispensable. To weaken this will is immoral, since a public unwilling to make these sacrifices fails in its moral duty. That duty is purely defensive.

Some hold that it is not enough to deter aggression. One must also attempt to bring about changes in the potential aggressor, especially by appeals to self-interest in avoiding mutual destruction, by negotiations, by cultural exchanges, by trade, and, in a word, by peaceful and friendly pursuits. With these arguments we are in full accord, when and insofar as the potential aggressor shows himself by deeds to be a mutual partner. Adolf Hitler, however, both betrayed and was betrayed by Josef Stalin. Not all states seek relations of mutuality. In affairs of state, Aristotle once observed, one must be satisfied with a tincture of virtue. Reinhold Niebuhr in *Moral Man and Immoral Society* showed with several reasons why this is so. Just conduct can, however, be morally demanded of states, and exacted by the force of arms.

An adequate morality of conduct between states, therefore, must take account of the various moral conducts of different states, including outlaw states whose only moral law is their own aggrandizement. Such states have appeared, and do appear, in history. Knowledge about how such states act is pivotal.

In this context, moral clarity in a nuclear age raises exceedingly difficult questions. A major complexity is this: The deployment of Soviet nuclear arms on the borders of the West has political uses far beyond material considerations like potential physical destruction; this point has been well stressed by German Catholics. Since nuclear weapons have a political as well as an explosive use, deterrence of both uses demands a sufficiency of threat. The only known path to this sufficiency is a corresponding threat of destruction to a potential aggressor's industrial base or else to its war-making capacity. The first alternative is called "countervalue," the second "counterforce." The moral problem posed by countervalue strategies is that they hold noncombatants in urban areas hostage. The moral problem posed by counterforce strategies is that they awaken possibilities of a hair-trigger response to perceived threats. The countervalue strategies require much less accuracy, fewer warheads and delivery systems, and much less expenditure. The counterforce strategies require far greater technological sophistication, numbers, precision, and prior intelligence. It must be said that both strategies make one sad, except by comparison with the only current alternative. That alternative is to fail in the duty of defending the innocent, by having no deterrent at all. Such a dilemma, like the Fall, ought not to have existed, but when it does exist, actions to prevent evil are not bad but good. On its face, it would seem that countervalue strategies are less to be approved, by the just-war criteria of lack of proportionality and indiscriminate taking of innocent life. Countervalue strategies give rise to the terror of Mutual Assured Destruction. On the other hand, some support them because they seem to afford less risk of miscalculation and cost less money. Furthermore, some regimes are such that they do not shrink from using Western principles to confound Western strategies, deliberately emplacing offensive weaponry amidst civilian targets.

It is clear that the complexities of nuclear deterrence change the meaning of "intention" and "threat" as these words are usually used in moral discourse. Those who intend to prevent the use of nuclear weapons by maintaining a system of deterrence in readiness for use do intend to use such weapons, but only in order not to use them, and do threaten to use them, but only in order to deter their use. That this is not mere rationalization is shown by the fact that several generations of nuclear-weapons systems have become obsolete and been retired, without ever having been used. These are considered to be successful and moral systems. In the same way, deterrence is judged to be successful insofar as nuclear war does not occur.

That a human system like deterrence is not infallible, is not foolproof, and does not convey full safety and security, goes without saying. In the world of contingent matters of fact, no system is. That one might devoutly wish for some other alternative also goes without saying. Contemplation of the horror of a breakdown in deterrence, through either the outbreak of nuclear hostilities or the intimidation of innocent peoples, leads some to seek a way out of this dilemma by putting the best possible face upon the enemy to be deterred. But this is to deny the premise from which the dilemma arises in the first place. Were the Soviet Union a benign nation, even a nation like Japan and Germany, a nation like others, the need for deterrence would by now have much diminished or disappeared. The U.S. has no deterrent in place against any other power. The reality of the Soviet Union is the linchpin of the dilemma.

But the moral dilemma remains. No choice before U.S. leaders is wholly satisfactory. To abandon deterrence is to neglect the duty to defend the innocent, to preserve the Constitution and the Republic, and to keep safe the very idea of political liberty. No President by his oath of office can so act, nor can a moral people.

We must, then, confront anew the moral hazards of deterrence. The fundamental moral principle here is to make the moral choice that occasions the fewest evil consequences. To abandon deterrence occasions the greatest evil, for it entails endangering that liberty which is more precious than life itself. Free societies are an indispensable social condition of free moral life and the preservation of human rights. That is why for the signers of the Declaration of Independence (and for millions before and since) liberty is worth the pledge of life, fortune, and sacred honor. If one chooses deterrence, one does so as the choice of a lesser evil. Insofar as deterrence succeeds, no evil is committed and the worst evils—whether of destruction in nuclear war or of abandoning the duty to preserve liberty—are avoided. It is the fundamental moral intention of those who embrace deterrence that it should succeed in preventing these worse evils. Those who say that deterrence may fail are, of course, correct. But they do not, and cannot, show that the abandonment of deterrence will succeed either in preventing nuclear devastation or in preserving liberty. Their claim to a superior morality is, therefore, flawed in a fundamental respect.

An example may illustrate this. Had Japan had the capacity in 1945 to strike Sacramento and Portland as Hiroshima and Nagasaki were struck, one may doubt that President Truman would have ordered the flight of the *Enola Gay*. In that case, a bloody amphibious assault on the Japanese mainland might have had to ensue, with far greater devastation and loss of life than actually occurred. Two points arise from this illustration. Without justifying the decision of President Truman, the first highlights the uses of deterrence from the point of view of the Japanese. The second highlights the awful destructive force even of modern conventional warfare. It was perhaps for this reason that the Second Vatican Council spoke of "modern scientific weapons" rather than explicitly of nuclear weapons.

Some find the moral flaw in deterrence in the choice of an evil means to attain a good end, calling this "consequentialism." They admit that the end of preventing nuclear war is good. But they hold it evil actually to intend to use any deterrent force lacking proportionality and moral discrimination in order to attain this end. This formulation contains, we judge, two flaws. First, the appropriate moral principle is not the relation of means to ends but the choice of a moral act that prevents greater evil. Clearly, it is a more moral choice and occasions less evil to hold a deterrent intention than it is to allow nuclear attack. Second, the nature of the intention in deterrence is different from intention in ordinary moral action. There is a paradox in its nature, such that the word "intention" is clearly used equivocally.

It is true that on entering the arena of public policy and prudential judgment, moral actors are bound primarily by the ethic of consequences rather than by the ethic of intentions ("The road to hell is paved with good intentions"). Further, existing alternatives in a world of sin often present policymakers with no alternative that is purely good, and oblige moral actors to choose the course that occasions the least evils. Nonetheless, the quality of moral intentions deserves moral scrutiny. Alas, the work "intention" (like "threat") has many

meanings. Since many moral issues cluster here, some detail is necessary.

In the carrying of a firearm, a) a policeman, b) a burgler, and c) a murderer have each of them different intentions with respect to using the firearm. The policeman intends deterrence but no actual use unless governed by justice and the disciplines of his profession; the burglar intends only a threatening and conditioned use outside justice; the murderer intends not a conditional but a willful use. These three are only a few of the many senses of "intention" and "threat." The intention in deterrence, for example, is analogous to case a), not to b), and certainly not to c). In nuclear matters we would further distinguish between a fundamental, secondary, and architectonic intention. Each of these must also be treated in turn.

The fundamental moral intention in nuclear deterrence is never to have to use the deterrent force. That this is in fact so is shown by the honorable discharge of military officers, after their term of duty expires, who have succeeded in their fundamental intention. Besides this fundamental intention, however, deterrence requires by its nature a secondary intention. For the physical, material weapon is by itself no deterrent without the engagement of intellect and will on the part of the entire public that called it into being. It is also no deterrent if it fails to meet and to halt the will, intellect, and social organization of the particular opposing regime. A people that would be judged incapable of willing to use the deterrent would tempt an adversary to call its bluff. Thus, a secondary intention cannot be separated from deterrence. Without that secondary intention, distinct from the fundamental intention, a deterrent is no longer a deterrent but only an inert weapon backed up by a public lie.

As a counter to this, some might argue that the Soviet Union could never be sure whether a weapon held in readiness were backed by the secondary intention to use it. Given Soviet ideology about the perfidy of capitalist powers, however, Soviet leaders would be obliged to assume the worst. Arguing the casuistry of truth-telling may indeed permit leaders of one nation to allow the leaders of another, who have no title to know the truth, to be self-deceived. But probes and tests of real intentions cannot be ruled out. In nuclear matters, such uncertainty willfully created would seem to constitute immoral behavior.

The word intention has yet a third sense, beyond the two subjective intentions we have so far discussed. The Catholic moral tradition holds that human acts have objective intentionality apart from subjective dispositions. In order to construct and to maintain a nuclear deterrent force, a democratic society must generate a complex, highly rational, socially organized, objective intentionality. Citizens through their representatives vote funds for it; research and production are organized; elaborate systems of communication and command are maintained. The architectonic of objective political intention suffuses the entire process. This already is a sustained intention of a crucial sort. To be sure, many individuals must also be committed to their tasks to infuse this objective intentionality with appropriate subjective dispositions. The latter are indispensable. But a society that possesses a deterrent also has an organized objective intention. In the case of the United States, individuals add to this objective intention subjective intentions which are both fundamental—that the deterrent succeed in never being used—and secondary—that the deterrent be held in readiness for use. The proposition that a nation may possess a deterrent but may not intend to use it is fulfilled by the fundamental intention but not by the objective intention and the secondary intention. To condemn the latter is to frustrate the former and to invite a host of greater evils.

Moral clairty in a nuclear age requires that governments not willfully allow certain kinds of miscalculation to arise in the minds of other governments. While not every capability or intention or option needs to be—or should be—revealed, a basic and clear set of understandings is necessary. This requirement rules out bellicose threats as it rules out mere bluff. Public statements about nuclear policy must, therefore, be unambiguous and reasoned, restrained and understated. Leaders have sometimes erred in this matter. Communications between adversaries should be swift, clear, unthreatening, and unambiguous, especially during times of stress. The record of the last 37 years shows that this is difficult but possible.

A dilemma arises when some say that countervalue strategies are immoral in substance but preferable on grounds of economy and sufficiency; and that counterforce strategies, more moral in substance, are immoral because more dangerous. A similar dilemma arises when some say that making nuclear weapons smaller and more precise, so as to approximate the force of larger conventional weapons, thus reducing the moral problem of proportionality and discrimination, makes the use of nuclear weapons more thinkable and so should be avoided. If the use of both sorts of nuclear weapons is to be deterred, total reliance on one alone is likely to enlarge the options and temptations of an aggressor.

Similarly, some critics condemn the attainment by the U.S. of a first-strike capability, while ignoring the fact that the Soviets already have, or very shortly will have, this capacity with respect to U.S. land-based delivery systems. By first-strike capability is meant the capacity to destroy the opponent's delivery systems before they can be called into use. This the United States does not have, and has no plans to attain. The one hundred MX missiles requested by President Reagan cannot possibly wipe out all Soviet land-based missiles. Since two warheads on each silo are believed to be required, the 1,398 Soviet land-based delivery systems cannot be threatened by the MX, for it would be suicide to strike some without destroying all. Meanwhile, the existing 1,052 American silos *are* vulnerable to the multiple warheads of a fraction of the Soviet missile force. Since U.S. B-52s are not likely to penetrate Soviet defenses, a first strike by the Soviets may leave only submarine-launched missiles under U.S. command. To launch these would guarantee a second strike on U.S. cities. Given these capacities, the Soviets could, even without a first strike, hold U.S. forces immobilized and in checkmate, freeing Soviet conventional forces from restraint. Nuclear weapons do not have to be fired in order to exact surrender.

The reasons why the United States maintains a strategic triad—land-based, airborne, and submarine-borne delivery systems—are two: first, to reduce the temptation of a simple first strike and, second, to prevent the President of the United States from facing only a single option, the command to destroy Soviet cities. Such an option would be suicidal for American cities. No President can be fairly placed in that position.

In short, given the nature of the USSR's leadership, its ideology, and its political culture, and recognizing the configuration of its nuclear forces, we see no completely satisfactory position: neither abandonment of the deterrent, nor a deterrent strategy based upon counterforce, nor a deterrent based upon countervalue. Among these, we judge the best of the ambiguous but morally good options to reside in a combination of counterforce and countervalue deterrence. We uphold the fundamental intention of deterrence that no nuclear weapon ever be used. We uphold the secondary intention of being ready to use the deterrent within the narrowest feasible limits, as indispensable to making deterrence work. We reject the policy of national bluff that permits possession but does not permit its essential secondary intention. We discern no other way to defend the Constitution of the United States, to protect its institutions of liberty, and to prevent the most awful aggression against innocent peoples here and elsewhere. It would hardly be better for us if some other people bore this burden, but in any case there is none that can lift it from us. In due course, the Soviet Union may learn to prefer ways of peace abroad and ways of liberty at home—in which case, peace among nations may be possible. For this we labor and pray.

CONVENTIONAL WAR AND NUCLEAR WAR

Even should the specter of nuclear war be lifted at last from the human race, we recognize the horrors of modern conventional warfare. The power and terrible accuracy of rocket-driven conventional arms, launched at great distances, became visible during the last days of World War II. These horrors have been magnified since, as exhibited in the Falkland Islands and elsewhere. In World War I, 15 million civilians died. In World War II, 51 million civilians died. In some 67 conventional wars since that time, millions of other civilians have died. It cannot be thought that an end to nuclear deterrence will necessarily usher in an era without war. Insofar as war springs from evil in the human heart, insofar as that evil is ineradicable except by the grace of God, and insofar as human beings can, and do, resist God's grace, we do not expect that war will ever be wholly eliminated from human history. Nonetheless, the dream of a world without war abides. Institutions of liberties and rights, peaceful competition and cooperative labors, and the conversion of every human heart are devoutly to be labored for. They cannot be said to have yet been attained. Like Christ, we see ahead the cross: Not our will, but Thine be done.

Distinguished strategists have argued that an end to nuclear deterrence raises the probability of conventional war on the part of the Soviet Union. This is because of the great superiority of the Soviets' conventional forces, wherever they should choose to mass them, on the central German plain or on the northern borders of the Middle East. (See the analysis by Edward N. Luttwak, "How to Think about Nuclear War," *Commentary*, August 1982.) However, this may be, we hold it to be a good worth sacrificing for to raise the capabilities of NATO forces in Europe and the Middle East to a level sufficient to deter any Soviet temptation to aggression. The editors of *The Economist* have worked out a study of the as-yet-unmet requirements of such sufficiency.

They hold that this goal is costly, but attainable ("Without the Bomb," July 31, 1982). Economically, at least, it is feasible; whether political will for the sacrifices entailed is available is questionable. Still, the present weakness of NATO on the German plain now makes recurrence to defense will tactical nuclear weapons a necessary part of NATO strategy. To supplant this reliance on tactical nuclear weapons with a sufficient conventional deterrent seems to us both morally good and morally required. Even so, prudence dictates that the nuclear deterrent be held in reserve. Certainly, it will have to be so until the current imbalance in conventional forces is redressed. We urge speedy and generous cooperations to this end, even though welfare states naturally prefer to evade heavier expenditures except for social programs.

It has not been sufficiently recognized, in the U.S. and in Europe, that the people of the United States have made themselves hostage to an outbreak of war in Europe. Should such a war arise, and should a terrified Europe demand that tactical nuclear weapons be called into play (when, for example. Soviet troops had made a breakthrough across half of Germany), further nuclear escalation could not be ruled out, in which the Soviets would threaten the United States with nuclear destruction. To protect themselves from this possibility, the people of the United States might someday seek disengagement from the European theater. But this step, too, would have fateful consequences not only for Europe and the United States but for mankind. In this context, the cry of "no first use" of tactical or other nuclear weapons has for some much appeal. Heeding such a cry, the United States might at first save itself. It would not be likely to have done so for long. Until an adequate conventional deterrent is in place in Europe, we hold a pledge of "no first use" to be divisive and destabilizing. Perhaps most clearly among our differences, this conviction differentiates our judgment from that of the Bishops' second draft. Since NATO forces are not designed for offensive use, the question arises only in the case of Soviet aggression. Deterrence of that aggression is the first moral imperative. When NATO conventional forces are able to present a sufficient deterrent without recourse to nuclear weapons, such a pledge would be in effect whether stated or not.

FACING THE FUTURE

We do not consider the present situation of nuclear deterrence ideal; we consider it a moral choice involving the lesser evil. When we look to the future, we see both creative possibilities and even greater dangers. The greatest danger is spiritual. Democratic peoples find protracted danger and sacrifice more onerous by far than do the leaders of totalitarian states. The latter benefit by military mobilization; the former find it a threat to democracy itself. Again, successful deterrence buries the evidence that brought it into play to begin with, and a free people must take up the argument ever anew. Thus, hope for peace nourishes illusions in a democratic people, eternal vigilance being the price of liberty most difficult to pay. That is why today broad popular discussion, argument, and consensus are indispensable to the preservation of liberty. The military strategy of the United States and its allies depends upon popular understanding and popular support.

In this respect, every citizen might well wish that our lives were not burdened, as they are, by sacrifices for defense. Many cannot help wishing that nuclear dangers might simply vanish. Indeed, much time and energy is well spent trying to imagine prudent steps to diminish the present danger.

Many citizens have hoped that a mutually verifiable nuclear freeze by both the U.S. and the USSR would offer surcease. We judge that the hope that the Soviets will consent to on-site verification is remote. We recognize that verification by technical means such as satellite observation and electronic monitoring is subject to deception and disinformation. Moreover, there are four reasons for believing that a freeze now would be destabilizing. First, the Soviet nuclear force already holds two destabilizing advantages: its first-strike capacity concerning the U.S. land-based Minutemen, and its targeting of European capitals with SS-20s. Similarly, the trend lines of new Soviet weapons development are up, whereas the process of strengthening U.S. and NATO deterrent forces is appropriately democratic and slow. Second, a freeze at present levels would not at all diminish the present danger; it would freeze it in place. This danger includes the rapidly approaching obsolescence of U.S. delivery systems and the relative youth of Soviet systems. Third, we note that a "verifiable" freeze—including a freeze on nuclear research and development (which can go on inside buildings anywhere)—would require a massive regimen of verification beyond anything remotely sustainable at present. Finally, Soviet officials have begun offering schemes of reduction, below levels envisioned in a mere freeze. For these reasons, we judge that a negotiated freeze may well be inferior to negotiated reductions, and thus cannot be insisted on by moralists. Such concrete judgments must finally be resolved democratically, by duly constituted governments amid reasoned public debate, in which good people disagree.

Since the Soviets have several forms of superiority at present—not necessarily in every respect, but in some important ones—it is obviously difficult for Soviet leaders to surrender advantages they have amassed through great sacrifices on the part of their people. On the other hand, Soviet leaders have reason to fear the greater inventiveness of free societies. If American and NATO resolve were now to falter, Soviet leaders would be likely to continue their present successful strategy. If, on the contrary, they must face the fact that the U.S. and NATO are determined to maintain deterrence through new inventions, they may conclude that they must alter their course. The linchpin of preventing war is Soviet will. Soviet intentions, strategies, weapons development and procurement follow from Soviet will. At the present moment, we judge that negotiations for reductions in both strategic and theater nuclear weapons coincide with real interests on both sides. Such negotiations, however fragile and risky, as history shows, have a reasonable prospect of success, provided that the Soviets perceive greater risks in the determination of Western nations to rectify the current imbalance. Such an opportunity must be pursued, despite the sorry record of arms negotiations in the past. Caution is required, since negotiations for the sake of negotiations may occasion greater evils. Criteria distinguishing moral from less than moral negotiations are required. Many of our current difficulties arise out of judgments made by American negotiators in the past. The current emphasis on large offensive land-based missiles, for example, and on offensive rather than defensive weapons, arose from past negotiations. Nonetheless, a change in Soviet will—through negotiations, if possible—is to be pursued with determination.

The question of defensive weapons raises further technological possibilities in the future. It is not our role to recommend particular weapons systems, but it is important to recall that technology does not stand still and that the future is not determined. Future developments in satellite detection systems, matched with satellite laser weapons, could enable defenders to destroy ballistic weapons shortly after take-off. Ballistic missiles would, therefore, be rendered obsolete. Some experts hold that current laser technology affords just such a defensive possibility; others believe this is not feasible at all. In any case, this is a nonnuclear defense. As a deterrent system, it does not rely on counterforce or countervalue but on nonnuclear defensive instruments. Not only does its moral character seem to be superior, but its implementation would seem to remove the threat of land-based missile systems. While it is not our role here to pass judgment for or against this or other particular systems, we do wish to note that the present situation may one day be lifted from the human race. The human race is neither static nor foredoomed.

For most of its history, the human race did not live under nuclear threat; there is nothing inevitable or necessary about the continuance of that threat. Efforts to remove it must be sound, prudent, and wise, lest they result in a deterioration of the present situation into something even worse. But eventually to lift such a threat is surely within the reach of sustained moral efforts. It is the vocation of Christians and Jews not only to reflect on the world but to change it, bringing it closer to the outlines of the Kingdom promised in both the Old and the New Testaments. It is the vocation of American citizens, civilian and military, called by the Seal of the United States to evoke *Novus Ordo Seclorum*, a new order of liberty and justice for all, to extend the boundaries of liberty and justice by peaceful means, through the consent of the governed. Although not without failures and flaws, the United States' foreign and military policy since World War II has had as its purpose to defend and to extend such liberties, on which alone true peace can rest. We cherish the hope that even our adversaries will one day experience liberty for all their peoples, and join with us in the cooperative task of bringing all peoples on earth to a fuller measure of human development, in peace, liberty, and justice for all mankind, fulfilling thereby the will of God on earth. It is in seeking to follow His will that we have, to the best of our ability, formulated these arguments for the respectful consideration of our fellow Catholics, our fellow citizens, and all persons of good will throughout the world. May God favor this purpose. Though His ways be dark, His constancy abides forever.

[From the Wall Street Journal, May 23, 1983]

SOVIET THREAT IS ONE OF IDEAS MORE THAN ARMS

(By David Satter)

When I returned to the United States 14 months ago, after living for six years in the Soviet Union, I was startled by the widespread attitude in the U.S. that the Russians are people "just like us."

Not a day goes by, it seems, without a national figure suggesting the time has come to resolve our differences, to "get down to business" or to "make a deal."

Logical extensions of this point of view are the assumptions that if we reduce our military strength, the Soviets will reduce theirs; if we do not press our influence in the world, they will cease to expand theirs; and if we increase the flow of trade to the Soviet Union, the Soviets will make trade their first priority.

To have lived in both the Soviet Union and the U.S. is to have experienced not only two different countries but also two different mentalities. Foremost in this regard is the fact that the Soviet Union is a country based on an ideology which, like a religion, claims to be a system of universal explanation.

Soviet leaders, as the interpreters of this ideology, operate on the assumption that they are infallible, and the Soviet regime finds its fundamental support in the ideological mentality of the Soviet people.

Shortly before I left Moscow, I met with Leonid Borodin, a Russian nationalist who has since been arrested by the KGB on political charges.

Mr. Borodin said that unlike the American who has goals which are tangible—success in his career, a house in the suburbs, a big car, expensive clothes—the Soviet citizen, who has no access to these things, dedicates his life to the service of abstract goals—the eventual victory of world communism and an end to the exploitation of man by man.

A FEELING OF PARTICIPATION

What matters is that he feels he is part of a great historical enterprise, and this feeling of participation gives a sense of purpose to what otherwise would be an unrelievedly bleak life.

The differences in mentality between the Soviet Union and the U.S. determine radically different types of political behavior.

Unlike Americans, Soviet citizens defer instinctively to authority. Almost all Soviet citizens are aware that they lack full information about the world but they accept this lack of information as natural and unchangeable, like the weather.

Soviet citizens are also patient. They see themselves as part of a movement and view society's problems as their own. If living standards fall and they are told that money is necessary for defense, there are no arguments over the guns vs. butter. Decent food is a luxury. Everyone understands that a new airplane is a necessary.

The readiness of the Soviet citizen to subordinate all aspects of life to the service of an idea he doesn't understand is almost incomprehensible to an American, and after living for years in the Soviet Union, it seems to me that the U.S. has never understood the nature of communism, neither when we tried to blast it to bits in Vietnam nor when we tried to buy it off with grain and technology during the era of detente.

What we have consistently failed to recognize—and what every Soviet citizen takes for granted—is that the power of the Soviet Union and its ability to expand do not owe principally to the military and political instruments that have built empires in the past but rather to the success of an idea and the desire of people to find a system of explanation that will give purpose to their lives.

Many persons in the U.S. are inclined to ridicule the ideological appeal of communism and to argue that military power is the Soviet Union's only source of strength. Nothing could be further from the truth.

As absurd as communist ideology may appear from the outside, it provides a consistent view of history to those who adhere to it and makes even the simplest citizen feel as though his life has meaning, thus fulfilling, albeit falsely, a basic spiritual need.

It is, in fact, our failure to recognize the importance of ideology, rather than any military or economic weakness of the U.S., that is the reason the Soviet Union is now poised to spread its influence over ever larger areas of the developed and underdeveloped world.

In an era without faith, communism has emerged as a powerful anti-faith, which renders irrelevant our accustomed frame or reference. It cannot be defeated militarily and its adherents cannot be bribed into giving it up. It can be defeated in only one way: by being confronted with an idea that is better.

The irony of the situation is that, despite the longstanding ideological passivity of the U.S., Soviet totalitarianism is extremely vulnerable.

The weakness of the Soviet Union lies in the fact that in order to fulfill its ideology's Utopian predictions, it must create reality.

In the years after the revolution, the will to remake reality became, in practice, the drive to use overwhelming violence to create appearances. As an incredulous world looked on, there sprang up in the Soviet Union a whole set of mirage-like imitations of democratic institutions—trade unions which defended management, newspapers which contained no information, courts to which there was no recourse and a parliament which always supported the government.

If in previous years it was difficult to demonstrate the falsity of the Soviet Union's ideological reality because of our own lack of knowledge, there are now a handful of Westerners and 250,000 Soviet emigres in the West who can give accurate information about every aspect of Soviet life.

For this reason, and others, it is at last possible to mount the ideological counter-offensive, now 65 years overdue, which may offer the best hope of stopping communism without war.

The only requirement, if the U.S. is to enter seriously the competition to sway men's minds in every country of the world, including the Soviet Union, is that we understand not only what we are against but also what we are for.

Whatever we may think of communism, we must recognize that it attempts to answer basic questions about the nature of history and the source of values, questions that have plagued mankind since the beginning of recorded time.

It is therefore essential that we answer in kind. If our notion of an ideological counter-offensive is to try to generate the fervor on behalf of free enterprise that communists are able to inspire on behalf of socialism, we will only succeed in making ourselves look ridiculous. Capitalism stands in need of values to restrain and guide it. It can never be the source of such values.

If the representatives of the U.S. are able to clarify for the world, the difference between universal Judeo-Christian values and the "class values" of Marxist-Leninism, the world role of the U.S. will be seen to be as inherently honorable as it is.

The following are a number of suggestions as to how it might be done.

In its every action the U.S. must make clear that it has principles and is ready to sacrifice in defense of them. If we embargo grain to the Soviet Union because of their aggression, we must under no circumstances rescind that embargo, no matter what the economic cost.

If we are defenders of human rights, we must defend them in countries that are our "friends" as well as in communist states.

We must insist that words have meaning. The Soviet signature on all international human rights agreements should be annulled. If the Soviet signature is allowed to stand on a human rights document, we should withdraw ours.

We should call things by their rightful names. The Soviet move into Afghanistan is an invasion not an "intervention"; Soviet "journalists' are not journalists; Soviet "parliamentarians" are not parliamentarians.

OUR DANGEROUS SILENCE

Every American official can and should become familiar with the internal life of the Soviet Union. Spokesmen should refer with easy familiarity to the Soviet "truth seekers," the nature of Soviet double-think, life in the mental hospitals, and the theft of food from warehouses, railroad cars and meat packing plants.

Finally, we should use the forum of the United Nations as an opportunity to address the central philosophical questions of this century.

As 20th century Americans, we find it difficult to raise fundamental questions, but this silence in an ideological world could prove our undoing. An ability to answer, with eloquence, the challenge posed to the Judeo-Christian tradition by communism can unite Americans behind the difficult decisions that may be necessary to contain Soviet expansionism in the next decade. It can make Third World students aware that there is an alternative to a communist value system, even if they want change. And it will be a powerful psychological deterrent in its own right to Soviet aggression.

Man-made values and an artificial reality are never as convincing as eternal values and truthful facts. The Soviet authorities, lacking the capacity for self-restraint, are continuously trying to induce us to accept their ideological fiction as reality. To the extent that we treat it as the delirium that it is, the Soviets will understand that we see them for what they are.

Mr. STENNIS. Mr. President, we are open for speakers now, for either side. We have put out a notice on the speaker system of both cloakrooms that anyone who wishes to speak tonight can conveniently do so if they can come to the floor. We will stay in session until there are no more speakers. Senator STEVENS and I are the only ones here.

With that observation, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I believe there is no further debate on the resolution tonight.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past 6:30 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

ANNUAL REPORT ON THE OPERATION OF THE ALASKA RAILROAD—MESSAGE FROM THE PRESIDENT—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the 1982 Annual Report on the operation of the Alaska Railroad, as required by the Alaska Railroad Enabling Act of March 12, 1914, as amended (43 U.S.C. 975(g)). This report covers the period from October 1, 1981 through September 30, 1982.

RONALD REAGAN.

THE WHITE HOUSE, *May 24, 1983.*

PRESIDENTIAL APPROVAL

A message from the President of the United States reported that on May 23, 1983, he had approved and signed the following bill:

S. 287. An act to establish the Harry S Truman National Historic Site in the State of Missouri, and for other purposes.

MESSAGE FROM THE HOUSE

At 4:27 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the following joint resolution, with an amendment, in which it requests the concurrence of the Senate:

H.J. Res. 265. Joint resolution to provide for the temporary extension of certain insurance programs related to housing and community development, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2895. An act to designate the Federal Building and United States Courthouse at 450 Golden Gate Avenue, San Francisco, California, as the Phillip Burton Federal Building and United States Courthouse;

H.R. 2906. An act to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations; and

H.R. 2920. An act to amend title 38, United States Code, to revise and extend certain health-care programs of the Veterans' Administration, and for other purposes.

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2895. An act to designate the Federal Building and United States Courthouse at 450 Golden Gate Avenue, San Francisco, California, as the Phillip Burton Federal Building and United States Courthouse; to the Committee on Environment and Public Works.

HOUSE MEASURE PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2906. An act to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-181. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Agriculture, Nutrition, and Forestry:

"HOUSE JOINT MEMORIAL NO. 6

"Whereas, the United States Department of Agriculture National Small Grains Collection is presently located at Beltsville, Maryland and is antiquated in terms of size and storage conditions for preservation of irreplaceable germ plasm essential for cereal variety improvements; and

"Whereas, the United States Department of Agriculture is considering the construction of a modern facility for the National Small Grains Collection to be a working collection of all wheat, barley, oat and rice seed known to mankind; and

"Whereas, the University of Idaho Agricultural Research and Extension Center at Aberdeen, Idaho has long been the major station for growing replacement wheat, barley, and oat seed for this National Small Grains Collection, and offers nearly an ideal climate for small grain seed production and storage; and

"Whereas, scientists, both public and private, who use the National Small Grains Collection in development of new small grain varieties, closely identify Aberdeen, Idaho with the Small Grains Collection and often visit the Aberdeen site to see the Small Grains Collection being grown; and

"Whereas, the University of Idaho Research and Extension Center at Aberdeen, Idaho, as a location for the National Small Grains Collection has received support from wheat grower organizations throughout the nation including the Kansas Wheat Commission, Oklahoma Wheat Commission, Montana Wheat Research and Marketing Committee, Washington Wheat Commission, Nebraska Wheat Board, Idaho Wheat Commission and the Oregon Wheat Commission; and

"Whereas, the State of Idaho has pledged both land and financial assistance for the construction of this facility through funds from the Idaho Wheat Commission and land allocation from the University of Idaho College of Agriculture.

"Now, therefore, *be it resolved* by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the United States Department of Agriculture is hereby urged to locate the National Small Grains Collection Facility at the University of Idaho Agricultural Research and Extension Center at Aberdeen, Idaho.

"*Be it further resolved* that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the Secretary of Agriculture of the United States of America, to the President of the United States Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States."

POM-182. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Agriculture, Nutrition, and Forestry:

"HOUSE CONCURRENT RESOLUTION NO. 193

"Whereas, the world needs increased supplies of protein to feed its burgeoning population; and

"Whereas, most of the world's principal fisheries are being harvested at or beyond their maximum sustainable yields and the majority of the world's arable lands are already under cultivation; and

"Whereas, the United States presently imports more than 50 percent of the fish and shellfish consumed within its borders each year; and

"Whereas, aquaculture, which means the propagation and rearing of the aquatic plant and animal species in controlled or selected environments, is an environmentally sound, energy-efficient food production alternative in both developed and developing countries; and

"Whereas, although aquaculture currently contributes approximately 10 percent of the world seafood production, less than 3 percent of the current United States fish and shellfish production results from commercial aquaculture; and

"Whereas, the United States has the technical and natural resources, as well as consumer demand for the development of a great diversity of aquaculture species, technologies and markets, such that each State can have the opportunity to further develop the variety of potentials within its borders; and

"Whereas, the State of Hawaii has been a leader in the United States in planning and actively developing its aquaculture potential, and it was the first state in the nation to publish in 1978 a comprehensive state aquaculture development plan; and

"Whereas, the State of Hawaii, in partnership with the Federal government, has committed significant resources to aquaculture development as an environmentally clean, socially acceptable, economic development alternative to create new jobs, broaden the state tax base and fulfill long-term State goals; and

"Whereas, the State of Hawaii has made significant progress in fostering a commerical aquaculture production sector, which produces products for local consumption and export, as well as an aquaculture research, training and technology transfer sector, which provides aquaculture research and consulting services locally, nationally and particularly internationally to developing countries in tropical areas of the world; and

"Whereas, the Federal government has established a firm policy to encourage national aquaculture development with the passage of the National Aquaculture Act of 1980, which among other things, calls for the preparation of a National Aquaculture Plan as a blueprint for expanded national development and authorizes significant federal expenditures for national aquaculture expansion activities; and

"Whereas, the National Aquaculture Act of 1980 was originally authorized through Fiscal Year 1983 and the Congress is presently considering holding reauthorization hearings before May of this year; and

"Whereas, the National Aquaculture Plan has not been finalized at this time and significant amounts of new aquaculture development funding have not been appropriated to-date, yet both the need for increased national aquaculture development and the constituency of public and private sector interests, who wish to participate in its rapid expansion, continue to grow; now, therefore,

"Be it resolved by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, the Senate concurring, that the President of the United States and the United States Congress are respectfully urged to reauthorize the National Aquaculture Act of 1980 and appropriate funds for its implementation for the greater good of the United States and the world; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Chairman of the Senate Committee on Commerce, the Chairman of the Senate Committee on Agriculture, the Speaker of the United States House of Representatives, the Chairman of the House Merchant Marine and Fisheries Committee, the Chairman of the House Merchant Marine and Fisheries Subcommittee on Fisheries and Wildlife Conservation and the Environment, the Chairman of House Committee on Agriculture, and Hawaii's congressional delegation."

POM-183. A resolution adopted by the Senate of the State of Hawaii; to the Committee on Agriculture, Nutrition, and Forestry:

"SENATE RESOLUTION

"Whereas, pesticides that have been canceled for use in the United States continue to be produced in this country for export and sale to developing countries; and

"Whereas, the governments of the importing countries often have poorly developed institutions to gather and disseminate authoritative information about the hazards posed by pesticides to humans and fish and wildlife, and to monitor ecological impacts; and

"Whereas, farm workers involved in the application of pesticides as well as the general public in these developing countries are usually unaware of the dangers posed by pesticides and often apply excessive amounts of chemicals, sometimes due to improperly labeled pesticides, without taking safety precautions, resulting in one human being poisoned every minute in underdeveloped countries, many fatally according to the World Health Organization; and

"Whereas, United States consumers are being exposed to canceled or unregistered pesticides returning as residues in or on imported foods such as coffee, bananas, tea and beef; and

"Whereas, persistent and broad spectrum pesticides such as DDT and heptachlor are now causing in other countries the same widespread harm, such as eliminating nontarget species, killing fish, and causing thin egg shells and poor breeding success in many species of birds, that caused them to be canceled in the United States; and

"Whereas, the populations of many waterfowl, doves and other migratory bird species that overwinter in Latin America could be adversely affected by pesticide contamination of their wintering habitats; now, therefore,

"*Be it resolved* by the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, that the United States Congress and the Environmental Protection Agency (EPA) are respectfully and strongly urged to prohibit the export of pesticides that are not registered for use in this country, except where public health emergencies may require their use and where the importing government gives its informed consent; and

"Be it further resolved that the Senate respectfully urges the United States Congress, the EPA and the State Department to provide information to developing countries on medical and biological research conducted in this country, and to assist in the design of training programs, rules, regulations and standards for the use of pesticides; and

"Be it further resolved that the Senate respectfully urges the United States Government to reassume its leadership role in the design of agreements among developed nations on guidelines for the testing, export and sale of pesticides and the promotion of integrated pest management; and

"Be it further resolved that certified copies of this Resolution be transmitted to Hawaii's Congressional delegation, the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of the Environmental Protection Agency, and the Secretary of State."

POM-184. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Banking, Housing, and Urban Affairs:

"HOUSE JOINT MEMORIAL NO. 3

"Whereas, the Constitution of the United States vests in the Congress of the United States the supreme power 'to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures'; and

"Whereas, Congress passed the Federal Reserve Act in 1913 and thereby abdicated its duty to fix a constant lawful value for United States money; and

"Whereas, the national debt in 1913 was less than two billion dollars while the national debt in 1983 exceeds one trillion dollars; and

"Whereas, the people of Idaho are suffering from the effects of high unemployment and the recession, which has been caused principally by high interest rates; and

"Whereas, the control of interest rates by the Board of Governors of the Federal Reserve Board has led the Nation down a course toward economic calamity; and

"Whereas, Section 19 of the Federal Reserve Act specifically precludes the State of Idaho from effectively legislating or enacting any lawful ceiling or interest rates charged by the Federal Reserve, thereby immunizing banks and bankers from any threat of civil or criminal liability for interest rates charged; and

"Whereas, the United States Government owns no stock in the Federal Reserve System, and the Federal Reserve, as such, is not a government agency, and is, in fact, a monopoly entirely independent of U.S. Government control absent direct legislative action by the Congress.

"Now, therefore, *be it resolved* by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the United States Congress enact legislation providing for the immediate repeal of the Federal Reserve Act and place back in the Congress the power to regulate the value of the United States money.

"*Be it further resolved* that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States in Congress assembled and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-185. A resolution adopted by the House of Representatives of the State of Indiana; to the Committee on Banking, Housing, and Urban Affairs:

"HOUSE RESOLUTION NO. 6

"Whereas, The Federal Reserve System has a pervasive effect on our national economy through its manipulation of interest rates and the money supply; and

"Whereas, The Federal Reserve System operates without any supervision or direct responsibility to the citizens of this nation; and

"Whereas, The Federal Reserve System has never undergone an external audit of its function; Therefore,

"BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA:

"SECTION 1. The Indiana House of Representatives memorializes the Congress of the United States to authorize and implement an external audit of the Federal Reserve.

"SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this Resolution to the President of the United States, the President of the

United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the United States Senate and to each Member of the House of Representatives."

POM-186. A resolution adopted by the House of Representatives of the State of Indiana; to the Committee on Banking, Housing, and Urban Affairs:

"HOUSE RESOLUTION NO. 7 URGING CONGRESS TO REPEAL THE FEDERAL RESERVE ACT

"Whereas, Article 1, Section 8, of the Constitution of the United States, provides that only the Congress of the United States shall have the power "to borrow money on the credit of the United States"; and

"Whereas, the Federal Reserve Act of December 23, 1913 (Act of December 23, 1913; 38 Stat. 251; 12 U.S.C. 221 et seq.) transferred the power to borrow money on the credit of the United States to a consortium of private bankers in violation of the prohibitions of Article 1, Section 8, of the Constitution of the United States; and

"Whereas, The Congress of the United States is without authority to delegate any powers which it has received under the Constitution of the United States established by the people of the United States; and

"Whereas, Article 1, Section 1 of the Constitution of the United States, provides that "all legislative powers herein granted shall be vested in the Congress of the United States, which shall consist of a Senate and House of Representatives"; and

"Whereas, The Federal Reserve Act of December 23, 1913 was imposed upon the people of the State of Indiana in violation of the provisions of Article 1, Section 1, of the Constitution of the United States; and

"Whereas, Members of the Federal Reserve System, a consortium of private bankers, have threatened the very integrity of our national government through their arbitrary and capricious control management of the nation's money supply; and

"Whereas, The United States is facing, in the current decade, an economic debacle of massive proportions due in large measure to a continued erosion of our national currency and the resultant high interest rates caused by the policies of the Federal Board; and

"Whereas, A consortium of private bankers which is not subject to any official periodic review or oversight by Congress has unconstitutionally controlled the economy of the United States through the Federal Reserve Act since 1913; and

"Whereas, This nation faces an immediate economic crisis. It is extremely urgent that the Congress of the United States act before it is too late by repealing the Federal Reserve Act and restoring the economy of this nation to a sound basis through withdrawal of all "fiat money" now in circulation—the so-called Federal Reserve Notes—and return to the gold standard; Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

"SECTION 1. That the Indiana House of Representatives urges the Congress of the United States to enact immediately such legislation as is necessary to repeal the Federal Reserve Act and restore the gold standard.

"SECTION 2. That the President of the United States immediately sign the necessary enabling legislation once it reaches his desk.

"SECTION 3. That the Principal Clerk of the House of Representatives transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to each member of the United States Senate, and to each member of the House of Representatives."

POM-187. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources:

"HOUSE JOINT MEMORIAL NO. 7

"Whereas, the Supreme Court of the State of Idaho has recently pronounced that Idaho Power Company water rights at Swan Falls are not subordinated to upstream development; and

"Whereas, Idaho's economy is significantly dependent upon agricultural production and domestic and industrial use of water resources of the State; and

"Whereas, the Idaho Legislature and the Idaho Water Resources Board have established 3300 C.F.S. at Murphy as a minimum stream flow within the State Water Plan; and

"Whereas, Idaho Power is currently applying for relicensing of the Swan Falls site and such application is now pending before the Federal Energy Regulatory Commission.

"*Now, therefore, be it resolved* by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Senators and Representatives representing the State of Idaho in the Congress of the United States to use their influence to seek subordination of Idaho Power's water right at Swan Falls (and other Snake River hydrogenerating facilities) as a condition to relicensure by the Federal Energy Regulatory Commission.

"Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the honorable congressional delegation representing the State of Idaho in the Congress of the United States."

POM-188. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources:

"HOUSE JOINT MEMORIAL NO. 2

"Whereas, one of the foremost concerns of all Idahoans is the creation and retention of job opportunities and assistance in the national effort to assure a strong defense; and

"Whereas, the Idaho National Engineering Laboratory contractors in Easten Idaho are the largest private employers in Idaho, providing more than 8,000 jobs; and

"Whereas, some of the projects at the site are being completed with a potential loss of several thousands of jobs within the next five years; and

"Whereas, a New Production Reactor (NPR) will create 800 new long-term jobs and demand construction forces of 3,500 during the peak of construction; and

"Whereas, the national defense of our country is of paramount importance; and

"Whereas, the Idaho National Engineering Laboratory has been involved for many years in nuclear testing for this defense; and

"Whereas, one New Production Reactor will be built to provide for advance weaponry; and

"Whereas, invaluable contributions to nuclear safety have been accomplished at the Idaho site; and

"Whereas, the steam generated from this project can be sold to a private utility which can generate 1,000 to 1,500 megawatts of low-cost electricity; and

"Whereas, the solid support of the Idaho congressional delegation and entities is beneficial in advancing and supporting this project for the nation; and

"Whereas, the Idaho voters at the polls on November 2, 1982 adopted by a 60.5 percent vote of 175,506 to 114,408 Initiative Petition No. 3 supporting the future generation of electricity through nuclear energy; and

"Whereas, Idaho's state government by resolutions and statements of both the legislative and executive branches is strongly supportive of seeking the NPR for and in Idaho.

"Now, therefore, be it *Resolved*, by the members of the First Regular Session of the forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we encourage the siting of this project at the Idaho National Engineering Laboratory and that the Department of Energy is requested to designate Idaho as the location for the reactor.

"Be it further *Resolved*, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the Secretary of Energy, Donald Hodel, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-189. A resolution adopted by the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources:

"HOUSE RESOLUTION NO. 31

"Whereas, Public Law 95-87, the Federal Surface Mining Control and Reclamation Act of 1977, imposed a reclamation fee of 35¢ per ton of coal produced by surface coal mining and a reclamation fee of 15¢ per ton of coal produced by underground mining; and

"Whereas, The revenue from these reclamation fees has been deposited in the Abandoned Mine Reclamation Fund to be used to carry out the reclamation of lands and waters which were mined for coal or were affected by coal mining, which were abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or other Federal laws; and

"Whereas, Each state is entitled to receive for reclamation projects a sum equal to 50% of the amount paid into the Abandoned Mine Reclamation Fund on account of coal mined in that state; and

"Whereas, The United States Secretary of the Interior is authorized to utilize the remainder of the Abandoned Mine Reclamation Fund for reclamation projects in any state and, to assist in carrying out those projects, is authorized to allocate up to 20% of the Abandoned Mine Reclamation Fund to the United States Secretary of Agriculture for a rural abandoned mine program; and

"Whereas, The Secretary of the Interior has been releasing funds to the states and allocating funds for a rural abandoned mine program at a slower rate than permitted by the Surface Mining Control and Reclamation Act of 1977; and

"Whereas, The drop in steel production and in the anticipated usage of electricity

has significantly reduced the demand for coal, thereby causing high unemployment in the coal industry and in communities dependent upon the coal industry; and

"Whereas, Mine reclamation projects not only correct environmental problems but also help fight the recession by enabling at least some coal operators to use their otherwise idle equipment and workers to carry out those projects and by creating a demand for the materials used in reclamation; and

"Whereas, The Reagan Administration and Congressional leaders are considering an accelerated public works jobs program; therefore be it

"*Resolved*, (the Senate concurring), That the General Assembly memorialize the President of the United States and the Congress to release the money in the Abandoned Mine Reclamation Fund at substantially accelerated rate for reclamation programs by states experiencing high unemployment in the coal industry and for a rural abandoned mine reclamation program in rural areas experiencing high unemployment in the coal industry; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States, the Secretary of the Interior, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-190. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Energy and Natural Resources:

"HOUSE RESOLUTION 48

"Whereas, Hawaii depends upon imported oil for 91.4 percent of the total energy it consumes; and

"Whereas, Hawaii is thus vulnerable to cutbacks or cutoffs in the supply of oil, which could occur for any number of reasons—war, an OPEC boycott, political instability in oil-producing nations, a tanker collision, or closure of the Straits of Malaca; and

"Whereas, if a severe shortage of oil supplies were to occur, it could shut down the economy of Hawaii and make it difficult for the government of Hawaii to maintain public services, public order, health and safety; and

"Whereas, the United States Department of Energy is building a national Strategic Petroleum Reserve in the salt domes of Texas and Louisiana with a goal of 750 million barrels for the entire nation; and

"Whereas, in the event of an oil cutback or cutoff, it could be two months before oil stored in the nation's Strategic Petroleum Reserve could reach Hawaii; and

"Whereas, supplies within the State of Hawaii may not be sufficient to keep the economy and public services functioning adequately until oil from the Strategic Petroleum Reserve arrives; and

"Whereas, the Energy Policy and Conservation Act of 1975, Public Law No. 94-163, authorizes the creation of a component of the Strategic Petroleum Reserve, to the maximum extent practicable, for each noncontiguous area of the United States which does not have overland access to domestic crude oil production, and Hawaii is such a non-contiguous area; and

"Whereas, the State of Hawaii has for many years requested the United States Department of Energy to establish a component of the Strategic Petroleum Reserve in Hawaii, and such component of the Strategic Petroleum Reserve could consist of three million barrels of crude oil; and

"Whereas, Hawaii is a strategic base for United States military activities in the Pacific and the Far East; and

"Whereas, the effective functioning of the military in Hawaii depends upon the effective functioning of Hawaii's economy, including the 19,000 federal defense workers who directly serve military operations in Hawaii; and

"Whereas, a component of the strategic petroleum reserve could be allocated by the Federal Government in times of crises to support the civilian economy so that it can effectively support military operations, now, therefore,

"*Be it resolved by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of the 1983*, That the President of the United States and the United States Congress are respectfully urged to establish a component of the Strategic Petroleum Reserve in the State of Hawaii; and

"*Be it further resolved*, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Energy, and Hawaii's Congressional Delegation."

POM-191. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Energy and Natural Resources:

"HOUSE CONCURRENT RESOLUTION No. 21

"House concurrent resolution 21 urging the establishment of strategic petroleum reserves in Hawaii.

"Whereas, Hawaii depends upon imported oil for 91.4 percent of the total energy it consumes; and

"Whereas, Hawaii is thus vulnerable to cutbacks or cutoffs in the supply of oil which could occur for any number of reasons—war, and OPEC boycott, political instability in oil-producting nations, a tanker collision, or closure of the Straits of Malaca; and

"Whereas, if a severe shortage of oil supplies were to occur, it could shut down the economy of Hawaii and make it difficult for the government of Hawaii to maintain public services, public order, health and safety; and

"Whereas, the United States Department of Energy is building a national Strategic Petroleum Reserve in the salt domes of Texas and Louisiana with a goal of 750 million barrels for the entire nation; and

"Whereas, in the event of an oil cutback or cutoff, it could be two months before oil stored in the nation's Strategic Petroleum Reserve could reach Hawaii; and

"Whereas, supplies within the State of Hawaii may not be sufficient to keep the economy and public services functioning adequately until oil from the Strategic Petroleum Reserve arrives; and

"Whereas, the Energy Policy and Conservation Act of 1975, Public Law No. 94-163, authorizes the creation of a component of the Strategic Petroleum Reserve, to the maximum extent practicable, for each noncontiguous area of the United States which does not have overland access to domestic crude oil production, and Hawaii is such a non-contiguous area; and

"Whereas, the State of Hawaii has for many years requested the United States Department of Energy to establish a component of the Strategic Petroleum Reserve in Hawaii, and such component of the Strategic Petroleum Reserve could consist of three million barrels of crude oil; and

"Whereas, Hawaii is a strategic base for United States military activities in the Pacific and the Far East; and

"Whereas, the effective functioning of the military in Hawaii depends upon the effective functioning of Hawaii's economy, including the 19,000 federal defense workers who directly serve military operations in Hawaii; and

"Whereas, a component of the Strategic Petroleum Reserve could be allocated by the Federal Government in times of crises to support the civilian economy so that it can effectively support military operations, now, therefore,

"Be it resolved by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983 Senate concurring, that the President of the United States and the United States Congress are respectfully urged to establish a component of the Strategic Petroleum Reserve in the State of Hawaii; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Energy, and Hawaii's Congressional Delegation."

POM-192. A joint resolution adopted by the General Assembly of the State of Tennessee; to the Committee on Finance:

"HOUSE JOINT RESOLUTION No. 143

"Whereas, many residents of the State of Tennessee are currently engaged in railroad employment or have engaged in such employment in the past and look to the railroad retirement system to provide benefits when they retire; and

"Whereas, many residents of our state are currently receiving benefits under the railroad retirement system and rely on such benefits to a large extent to meet the normal costs of living; and

"Whereas, any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic effect on the ability of these beneficiaries to meet normal living expenses; and

"Whereas, projections of the financial condition of the railroad retirement system show that unless corrective action is taken, monthly annuities will have to be reduced significantly beginning with the annuity checks to be sent out October 1, 1983, with additional reductions required in the future; and

"Whereas, a bill, House Resolution 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983, by Mr. Florio; and

"Whereas, House Resolution 1646 would resolve the short-term and long-term financial problems of the railroad retirement system, through an even-handed approach of tax increases on railroad employers and employees and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving benefits and those who would receive such benefits in the future; now, therefore,

"*Be it resolved by the House of Representatives of the Ninety-Third General Assembly of the State of Tennessee, the Senate concurring*, That it is the sense of the Legislature of the State of Tennessee that the Members

of Congress representing our state should actively support and vote favorably on House Resolution 1646, the Railroad Retirement Solvency Act of 1983.

"Be it further resolved, That copies of this Resolution be sent to each member of the Tennessee Congressional delegation, Vice-President George Bush, and Speaker 'Tip' O'Neill."

POM-193. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Foreign Relations:

"HOUSE CONCURRENT RESOLUTION NO. 69

"Whereas, the Reagan Administration has publicly advocated peace and cooperation among nations and the defense of the nation and its allies warrant the nation's priority; and

"Whereas, the nation has developed its nuclear capabilities far beyond the need of defense leading the nation on a dangerous course towards the unimaginable horror and destruction of a nuclear war; and

"Whereas, a nuclear war would result in death, injury, disease, pollution, and suffering on a scale unprecedented in human history and the contamination of food, air, water, and other basics of life, the destruction of virtually all forms of living organisms for countless generations to come and the loss of essential medical facilities, supplies, personnel, and support systems resulting in certain agonizing death for the few survivors of an initial nuclear strike; and

"Whereas, the State of Hawaii faces a uniquely ominous threat from the perils of nuclear war and radiation due to its geographic isolation, the location of military bases within the State, and the basing, storage, and maintenance of nuclear weapons and nuclear powered ships at Pearl Harbor and other military sites; and

"Whereas, the well-being of the people of Hawaii, the United States, and the world demand that the leaders of every nation assume the responsibility to avert the certain extinction of life on earth in the event of a nuclear war; now, therefore,

"Be it resolved by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, the Senate concurring, That it urges the United States and the Soviet Union to immediately begin serious negotiations with the goal of implementing major, mutual, and verifiable reductions in the existing stockpiles of nuclear warheads, missiles, and other delivery systems; and

"Be it further resolved, That certified copies of this Concurrent Resolution be transmitted to President Ronald Reagan, to the Secretary of State, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Members of Hawaii's congressional delegation."

POM-194. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Foreign Relations:

"HOUSE CONCURRENT RESOLUTION NO. 120

"Whereas, during the last several years the United States has negotiated several treaties concerning sovereignty of certain islands of the Pacific with New Zealand, the United Kingdom, and representatives of the Cook Islands, the Tokelau Islands, Tuvalu, the Republic of Kiribati, and the American Samoan Government; and

"Whereas, these treaties are important links in an enlightened United States Pacific policy because (1) they recognize the legitimate rights of the indigenous Pacific islanders to manage their own affairs; (2) they foster a stable and peaceful environment in the South and Central Pacific; (3) they assist our own territories in the area in achieving needed economic viability; (4) they deny strategic areas to adverse foreign influence through the consent of the island nations; and (5) they facilitate future access to vital raw materials of the ocean floor; and (6) ratification will reinforce close and friendly relations with Pacific island states; and

"Whereas, the said treaties were initially submitted to the Senate of the United States by President Jimmy Carter, and, after hearings conducted in early December 1981 wherein they received full support of the Reagan Administration, were reported favorably to the full Senate by the Foreign Relations Committee in early 1982; however, action has not been taken by the full Senate reportedly due to the opposition of several very conservative senators and misinformation published by such publications as "The Washington Times" which is owned by Rev. Sun Myung Moon's New World Communications, Inc.; and

"Whereas, one of these senators scheduled a hearing on the treaties on March 8, 1983 at which time opponents of the treaty testified; and

"Whereas, the State of Hawaii has very real interests, both economically and socially, in developing constructive relations with the Pacific island states, countries and territories affected by these friendship treaties; and

"Whereas, further delay in ratification may create understandable concern and resentment among Pacific Island nations which will impact negatively upon United States interests in the Pacific, as well as the interests of the State of Hawaii; now, therefore,

"Be it resolved by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, the Senate concurring, That the United States Senate is respectfully requested to advise and consent to these treaties at its earliest opportunity in order that the goals and objectives of sound United States Pacific policy be enhanced; and

"Be it further resolved, That certified copies of this Resolution be transmitted to Vice President George Bush, President of the Senate; Senator Howard Baker, Senate Majority Leader; Senator Ted Stevens, Assistant Majority Leader; Senator Charles Percy, Chairman of the Senate Foreign Relations Committee; Senator Frank Murkowski, Chairman of the Subcommittee on Pacific and Far Eastern Affairs of the Foreign Relations Committee; Senator Paul Laxalt of Nevada; Senators Daniel K. Inouye and Spark M. Matsunaga, from Hawaii; and United States Secretary of State George Shultz."

POM-195. A resolution adopted by the Board of County Commissioners of St. Louis County, Minn., reaffirming its support of the nuclear freeze resolution adopted March 22, 1982, and urging the U.S. Senate to pass the freeze resolution adopted by the U.S. House of Representatives on Tuesday, May 3, 1983; to the Committee on Foreign Relations.

POM-196. A concurrent resolution adopted by the General Assembly of the State of Indiana; to the Committee on Governmental Affairs:

"HOUSE CONCURRENT RESOLUTION NO. 58

"Whereas, In 1942 the first night-fighter squadrons of the United States Army Air Corps were formed; and

"Whereas, These units served valiantly during the Second World War, and were pioneers of airborne radar offensive and defensive tactics; and

"Whereas, The aircraft most representative of those manned by American squadrons was the P-61 "Black Widow," developed solely as a night-fighter by the Northrup Aircraft Corporation of Hawthorne, California; and

"Whereas, It is appropriate on the 40th anniversary of the formation of American nightfighter squadrons that a commemorative postage stamp be issued by the United States Postal Service, and the most fitting design for such a stamp is a depiction of the P-61 "Black Widow" aircraft; Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"SECTION 1. That the General Assembly of the State of Indiana requests the United States Postal Service to issue a postage stamp in 1983 to commemorate the service of the American night-fighter squadrons of World War II, and that the postage stamp depict the P-61 "Black Widow" aircraft.

"SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this Resolution to the Postmaster General, to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from Indiana in the Congress of the United States."

POM-197. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Labor and Human Resources:

"HOUSE JOINT MEMORIAL NO. 5

"Whereas, the Idaho Legislature is considering legislation to provide for the safe importation, manufacture, distribution, sale and use of dimethyl sulfoxide and its compounds and mixtures within the State of Idaho for prescriptive use by licensed physicians; and

"Whereas, the provisions of the Food, Drug and Cosmetic Act (15 U.S.C. 301) and the Fair Packaging and Labeling Act (15 U.S.C. 1451) prevent citizens of the State of Idaho from the full enjoyment of those rights to be granted by the government of this state;

"*Now, therefore, be it resolved* by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring, That the Congress of the United States and the United States Food and Drug Administration take appropriate action to remove any federal impediments to the full implementation of Idaho law governing the importation, manufacture, distribution, sale and use of dimethyl sulfoxide.

"Be it further resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-198. A concurrent resolution adopted by the General Assembly of the State of Indiana; to the Committee on Commerce, Science, and Transportation:

"HOUSE CONCURRENT RESOLUTION No. 16

"Whereas, It is the practice of the television and radio networks to project the winners of electoral contest in eastern United States before the polls are closed in the central and western United States; and

"Whereas, That these projections affect the number of voters in the central and western states cannot be doubted; and

"Whereas, This state of affairs is not conducive to fair elections or good government; Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"SECTION 1. That General Assembly of the State of Indiana urges the Congress of the United States to take appropriate action to curtail the television and radio networks from projecting winners in electoral races before the polls are closed in every state of the United States.

"SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit copies of this resolution to the members of Indiana's congressional delegation and to the presiding officers of both parties of both Houses of Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE, from the Committee on Finance, without amendment:

H.R. 2990. An act to increase the permanent public debt limit, and for other purposes.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 125. Resolution expressing the sense of the Senate that the Government of the Soviet Union should allow Ida Nudel to emigrate to Israel, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs:

Stephen F. Eilperin, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years.

By Mr. TOWER, from the Committee on Armed Services:

Richard Lee Armitage, of Virginia, to be an Assistant Secretary of Defense;

Chapman Beecher Cox, of Virginia, to be an Assistant Secretary of the Navy.

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Lt. Gen. Arnold W. Braswell, U.S. Air Force (age 57) to be placed on the retired list, Lt. Gen. James M. Thompson, U.S. Army (age 55) to be placed on the retired list, Maj. Gen. John B. Blount, U.S. Army, to be lieutenant general, Lt. Gen. John W. McEnery, U.S. Army (age 57) to be placed on the retired list, Maj. Gen. Robert L. Schweitzer, U.S. Army, to be lieutenant general, Maj. Gen. Herman O. Thomson, U.S. Air Force, to be lieutenant general, Vice Adm. James A. Lyons, Jr., U.S. Navy, to be reassigned in the grade of vice admiral and to be the senior Navy member of the Military Staff Committee of the United Nations, Vice Adm. Arthur S. Moreau, Jr., U.S. Navy to be reassigned in the grade of vice admiral, Vice Adm. Thomas J. Kilcline, U.S. Navy, (age 57) to be placed on the retired list, and Lt. Gen. John K. Davis, U.S. Marine Corps, to be Assistant Commandant of the Marine Corps and to be general. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Army there are 22 permanent promotions to the grade of colonel and below (list begins with Ronald J. Lewis), in the Naval Reserve there are 1,388 permanent appointments to the grade of commander and below (list begins with Wiita M. Dale), in the Navy there are 6 permanent appointments to the grade of commander and below (list begins with Jay P. Bullock), in the Navy there are 156 permanent appointments to the grade of captain and below (list begins with Todd M. Allison), Lt. Col. John R. Bourgeois, U.S. Marine Corps, to be colonel, in the Marine Corps and Marine Corps Reserve there are 581 permanent appointments to the grade of major (list begins with Charles W. Adair), in the Air National Guard there are 18 promotions in the Reserve of the Air Force to the grade of lieutenant colonel (list begins with Jacob C. Armstrong, Jr.), in the Army there are 55 appointments to the grade of major and below (list begins with George C. Baxley), in the Air Force there are 36 appointments/promotions to the grade of colonel and below (list begins with John A. Anderson), in the Air Force there are 19 permanent promotions to the grade of lieutenant colonel and below (list begins with John A. Carnaghie) and in the Air Force there are 4 appointments to the grade of lieutenant colonel and below (list begins with Dennis G. Paddock), and in the Air Force there are 953 appointments in the grade of second lieutenant (list begins with Mark J. Abbott). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of May 2, May 11, May 12, May 16, and May 23, 1983, at the end of the Senate proceedings.)

By Mr. WILSON, from the Committee on Armed Services:

Lt. Gen. Charles G. Cooper, U.S. Marine Corps, to be lieutenant general.

By Mr. DOLE, from the Committee on Finance:

Peter Otto Murphy, of the District of Columbia, to be a Deputy U.S. Trade Representative, with the rank of Ambassador.

Mr. DOLE. Mr. President, I am pleased to report the recommendation of the Committee on Finance that the Senate give its advice and consent to the nomination of Ambassador Peter O. Murphy, whom the President has nominated to be Deputy U.S. Trade Representative and head of our trade mission to the GATT in Geneva.

Mr. Murphy is an outstanding nominee. For the past 2 years he has been the chief textile negotiator for the United States, one of the most difficult negotiating jobs to be had. He has performed with distinction. Under his direction, the United States completed negotiations on renewal of the multifiber arrangement in 1981, and on the subsequent bilateral agreements with our major textile trade partners, including Hong Kong, Taiwan, and Korea. Only the People's Republic of China remains; I understand Ambassador Murphy is slowly convincing the Chinese of his advocacy skills. Throughout his tenure, Ambassador Murphy apparently has managed to promote U.S. textiles policy to the satisfaction of our domestic firms and workers, and our trading partners. That is a major achievement that I hope will be carried forward in Geneva.

I urge the Members to confirm Mr. Murphy.

By Mr. PERCY, from the Committee on Foreign Relations:

Myles Robert Rene Frechette, of Washington, a career member of the Senior Foreign Service, class of counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Cameroon.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Myles R. R. Frechette.

Post: Cameroon.

Contributions, amount, date, and donee.

1. Self: None.
2. Spouse: None.
3. Children and spouses names: None.
4. Parents names: None.
5. Grandparents names: None.
6. Brothers and spouses names: None.
7. Sisters and spouses names: None.

Curtin Winsor, Jr., of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Costa Rica.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Curtin Winsor, Jr.

Post: Ambassador to Costa Rica.

Contributions, amount, date, and donee.

1. Self: Reagan Campaign, (1980) $1,000; George Bush Campaign, (1979/1980) $500; Republican Senate Campaign Cmte (Inner Circle) $1,000 (1979/80); W. Emerson for Congress, (1979/1980) $500, (1982) $250; T.

Evans for Congress, (1979-80) $500, (1982) $250; Prescott Bush for Senate, (1982) $500.
2. Spouse: None.
3. Children and spouses names: None.
4. Parents names: Curtin and Eleanor Winsor: Carter for President (1980), $100.
5. Grandparents names: None.
6. Brothers and spouses names: None.
7. Sisters and spouses names: None.

James J. Needham, of New York, for the rank of Ambassador during the tenure of his service as Commissioner General of the United States Exhibition for the International Exposition, Tsukuba, Japan, 1985.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: James J. Needham.
Post: Ambassador.
Contributions, amount, date, and donee.
1. Self: (see attachment for James J. Needham's contributions.).
2. Spouse: Dolores H. Needham.
3. Children and spouses names: Dolores A. Needham, Michael A. Needham, James J. Needham, Jr., Robert J. Needham, Catherine E. Needham.
4. Parents names: Amelia & James [1] Needham.
5. Brothers and spouses names: John A. Needham (Eileen).
6. Sisters and spouses names: Sandra Reda (Joseph).

POLITICAL CONTRIBUTIONS—JAMES J. NEEDHAM

1978

Mens Republican Club, August, $15.
Caputo for Governor, September, $100.
Duryea for Governor, September, $100.
Martinelli for Congress, October, $50.
Republican National Committee, Novemer, $250.
Subtotal, $515.

1979

National Republican Senate Committee, May 4, $30.
National Republican Senate Committee, August 31, $30.
Republican National Committee, August 31, $25.
Men's Republican Club, October 15, $10.
Reagan for President, October 24, $1,000.
Baker Campaign, December 4, $25.
Citizens for Building, December 20, $50.
George Bush Campaign, December 20, $100.
Subtotal, $1,370.

1980

New York Victory, February 11, $100.
Father G. O'Brien, February 11, $290.
Jacob Javits Campaign, May 17, $250.
Jacob Javits Campaign, August 12, $100.
United Rep., July 8, $100.
Lindsay for Senator, July 8, $100.
NYS Republican Party, July 8, $100.
Baker Campaign, July 8, $100.
George Bush Campaign, July 8, $100.
S. Bus. CEDO, July 30, $750.
Citizens for Buckley, July 8, $100.
Mens Republican Club, October 6, $15.
Caputo for Senator, October 6, $250.
A. Albanese, October 6, $50.
Americans for Effective Pres., November 26, $1,000.
Subtotal, $3,405.

1981

Republican National Committee, February 9, $35.
Citizens for Buckley, April 17, $100.
NY Republican Committee, May 4, $200.
Republican National Convention, June 3, $100.
Mens Republican Club, November 6, $15.
Subtotal, $450.

1982

Republican National Committee, June 25, $100.
Republican National Committee, December 30, $100.
Lew Lehrman for Governor, October 2, $50.
Mens Republican Club, October 7, $10.
Reagan/Bush Campaign, October 25, $50.
Subtotal, $310.

1983

Westchester Republican Committee, January 17, $150.
NY Republican State Committee, January 17, $100.
Subtotal, $250.
Total political contributions July 1978-January 1983: $6,300.

Richard B. Stone, of the District of Columbia, to be Ambassador at Large.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Richard B. Stone
Post: Ambassador at Large for Central America
Contributions, amount, date, and donee.
1. Self: Richard B. Stone, $100, October 6, 1981, Manolo Reboso, $200, March 2, 1982, Alan Becker, $200, March 24, 1982, US Rep. William Lehman.
2. Spouse: Marlene Stone, $1,000, October 15, 1981, US Sen. H. Metzenbaum.
3. Children names: Nancy, Amy and Elliot—None.
4. Parents names: Mr. and Mrs. Alfred Stone, $20, 1980, Democratic Party, $200, 1980, Richard B. Stone.
5. Grandparents names: (Deceased).
6. Brothers and spouses names: Mr. and Mrs. Robert Stone—None; Mr. and Mrs. Benjamin Stone—None; Mr. and Mrs. Nathaniel Stone, $25, 1980, John Cosgrove, $2 per month, Florida Power & Light BAC, $100 August 7, 1982, Paul Friedman.
7. Sisters and Spouses Names (I have no sisters)

David F. Emery, of the Maine, to be Deputy Director of the U.S. Arms Control and Disarmament Agency.

Mr. PERCY. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which has been previously printed in the CONGRESSIONAL RECORD of May 16, 1983, and, to save the expense of reprinting them on the Executive Calendar, ask that they may lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 1348. A bill to authorize the President of the United States to present on behalf of Congress a specially struck gold medal to the widow of Roy Wilkins; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STENNIS:

S. 1349. A bill for the relief of Maria Refugio Navarro Ruiz; to the Committee on the Judiciary.

By Mr. LAXALT (for himself and Mr. LUGAR):

S. 1350. A bill to amend the Federal Election Campaign Act of 1971 to increase the role of political parties in financing campaigns under such Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. HEINZ:

S. 1351. A bill to amend the Tariff Act of 1930 to provide a special remedy for the artificial pricing of articles produced by nonmarket economy countries; to the Committee on Finance.

By Mr. PACKWOOD (for himself and Mr. BAUCUS):

S. 1352. A bill to define the circumstances under which construction workers may deduct travel and transportation expenses in computing their taxable incomes for purposes of the Federal income tax; to the Committee on Finance.

By Mr. ANDREWS (for himself and Mr. BURDICK):

S. 1353. A bill for the relief of certain employees at antiballistic missile sites; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. WILSON):

S. 1354. A bill to authorize the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes, to the Committee on Environment and Public Works.

By Mr. BAKER (for himself, Mr. BUMPERS, Mr. PRYOR, Mr. GORTON, Mr. HOLLINGS, Mr. COCHRAN, Mr. MATSUNAGA, Mr. BAUCUS, Mr. DURENBERGER, Mr. KENNEDY, Mr. LUGAR, Mr. STEVENS, Mr. PELL, Mr. CRANSTON, Mr. STAFFORD, Mr. INOUYE, Mr. CHILES, Mr. RIEGLE, Mr. TSONGAS, Mr. HEINZ, Mr. STENNIS, Mr. RANDOLPH, Mr. DOMENICI, Mr. DECONCINI, Mr. EAST, Mr. LEVIN, Mr. D'AMATO, and Mr. WILSON):

S.J. Res. 108. A joint resolution authorizing and requesting the President to designate October 15, 1983, as "National Poetry Day."; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ARMSTRONG:

S. Con. Res. 39. Concurrent resolution expressing the sense of the Congress concerning the condition of the international financial system; to the Committee on Foreign Relations.

By Mr. LEVIN (for himself, Mr. STENNIS, Mr. D'AMATO, Mr. ZORINSKY, Mr. HELMS, Mr. RANDOLPH, Mr. MOYNIHAN, Mr. BURDICK, Mr. MATSUNAGA, Mr. INOUYE, Mr. HUDDLESTON, Mr.

[1] Deceased. Note: All others listed have not contributed more than $100 in any one year, if anything, to political organizations.

BENTSEN, Mr. HEINZ, Mr. FORD, and Mr. BUMPERS):

S. Con. Res. 40. A concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 1348. A bill to authorize the President of the United States to present on behalf of Congress a specially struck gold medal to the widow of Roy Wilkins; to the Committee on Banking, Housing, and Urban Affairs.

PRESENTATION OF GOLD MEDAL TO WIDOW OF ROY WILKINS

Mr. MOYNIHAN. Mr. President, the death of Roy Wilkins on September 8, 1981, was an enormous loss to our Nation. He devoted his life to the cause of civil rights, desegregation, and equality for all Americans, regardless of color. Roy Wilkins was a driving force behind the landmark Supreme Court decision Brown against Board of Education, the March on Washington in 1963, and, perhaps most importantly, passage of the Civil Rights Act of 1964. His effect on our Nation was tremendous. It was this man, perhaps more than any American, who taught us that a country's greatness is directly related to the freedom and opportunities it affords its people.

It is for these reasons that on September 15, 1981, I proposed a bill that would authorize the President to present, on behalf of Congress, a gold medal of appropriate design to Aminda Badeau Wilkins, the widow of Roy Wilkins. I feel this to be an altogether appropriate way to express the appreciation of all Americans for the contributions of Roy Wilkins.

Today I am reintroducing that bill. Congressman RANGEL is sponsoring a companion measure, and I hope and expect both Chambers will move quickly on this legislation.

Mr. President, I ask unamimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to present, on behalf of the Congress, to Aminda Badeau Wilkins, the widow of Roy Wilkins, a gold medal of appropriate design in recognition of the incomparable contribution of Roy Wilkins to the struggle for civil rights and equality for all Americans. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be stricken a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury. There are authorized to be appropriated not to excced $15,000 to carry out the provisions of this subsection.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

(c) The medals provided for in this Act are national medals for the purpose of section 3551 of the Revised Statutes (31 U.S.C. 368).

By Mr. LAXALT (for himself and Mr. LUGAR):

S. 1350. A bill to amend the Federal Election Campaign Act of 1971 to increase the role of political parties in financing campaigns under such act, and for other purposes; to the Committee on Rules and Administration.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1983

● Mr. LAXALT. Mr. President, I rise today to introduce the Federal Election Campaign Act Amendments of 1983 together with my distinguished colleague, Senator LUGAR. This legislation contains a series of amendments which are designed to reduce unfair and harmful restrictions on political party activity.

At the outset, I would like to emphasize the necessity of mandatory disclosure of campaign contributions. This is the most significant improvement the present act has made in the system of campaign financing that existed before 1974. The public disclosure requirements have enabled the electorate to know who financially supports their candidates. This bill in no way hampers disclosure.

While mandatory disclosure has been beneficial, we cannot ignore the imbalance the act has created among various sources of campaign funding. There is a clear consensus among political scientists and professional political practitioners that the present campaign law has diminished the role of political parties, the most important institutions for organized political participation in our country. In 1972, political parties provided 17.3 percent of the total receipts for campaigns. In 1982, that figure dropped to 2 percent of total receipts.

The reason for this decline is apparent. There is a finite number of political party committees and a legal limit on what they can contribute to their candidates, so there is a maximum dollar amount of party support available. As the cost of campaigns continues to grow, the percentage of funding from nonparty sources must grow because party support cannot grow. This limit on party support has increased the importance of political action committees as a source of campaign financing.

Our proposed legislation is a simple, logical solution. First, it raises the limits on party contributions to candidates. Second, it removes the limits on the amounts party committees can spend on behalf of their House and Senate candidates. Eliminating this coordinating expenditure limit puts those committees on a par with other multicandidate committees and allows the parties to function as major support mechanisms for candidacies.

This legislation also makes a number of changes in the Presidential public financing provisions. The base expenditure limitations for the primary and general elections are increased and the State-by-State limitation deleted. The amount the national party committee can spend on behalf of its Presidential candidate is increased.

To encourage party building activities, this bill exempts from the definition of contribution and expenditure donations which are used to defray the adminstration and solicitation costs of political party committees. These donations would, however, be reported to the Federal Election Commission.

Under current law, payments by State and local party committees for items usually connected with volunteer activities—pins, bumper stickers, and year signs, for example—need not be allocated to the candidates. This legislation extends this exemption to the national party committees. Similarly, State and local party committees are currently allowed an exemption for voter registration and get-out-the-vote activities on behalf of Presidential candidates. This legislation expands the class to include all Federal candidates and extends the exemption to the national committee of a political party.

The legislation makes a number of changes with respect to FEC enforcement procedure. Many of these changes were recommended by the American Bar Association's section of administrative law. For example, the Commission is required to establish time limits on investigations undertaken by the General Counsel's office. Procedures are altered so that the Commission cannot require a confession or levy a civil penalty except for a knowing or willful violation. Finally, a respondent is given notice and a greater opportunity to respond during a Commission investigation.

This proposal avoids further emasculation of political parties which would occur with public financing or continuing the present law. If you share with me a belief in strong political parties and in our traditional two-party system, then I believe you will want to support this legislation. The

present law has chilled party activity and removed local parties from many of their traditional functions. This proposal lets political parties play their role. Both Republicans and Democrats will benefit, for this legislation is good for our process.

Mr. President, I ask unanimous consent that the bill in its entirety and the section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Election Campaign Act Amendments of 1983".

SEC. 2. Except as otherwise expressly provided in this Act, any reference in this Act to a section or other provision is a reference to a section or other provision of the Federal Election Campaign Act of 1971.

SEC. 3. (a) Section 301(8)(A)(i) (2 U.S.C. 431(8)(A)(i)) is amended by inserting after "Federal office" the following: "or for the purpose of expressly advocating that a clearly identified individual become a candidate for Federal office".

(b) Section 301(8)(B) (2 U.S.C. 431(8)(B)) is amended—

(1) in clause (xiii), by striking out "and" after the semicolon;

(2) in clause (xiv), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(xv) with respect to a political committee of a political party, any payment to such committee specifically designated to defray establishment, administration, and solicitation costs of such committee, but such payment shall be reported in accordance with section 304(a)(11).".

(c)(1) Section 301(8)(B)(x) (2 U.S.C. 431(8)(B)(x)) is amended by striking out "by a State" and inserting in lieu thereof "by a national, State,".

(2) Section 301(8)(B)(xii) (2 U.S.C. 431(8)(B)(xii)) is amended—

(A) by striking out "by a State" and inserting in lieu thereof "by a national, State,"; and

(B) by striking out "for President and Vice President".

(d) Section 301(9)(A)(i) (2 U.S.C. 431(9)(A)(i)) is amended by inserting after "Federal office" the following: "or for the purpose of expressly advocating that a clearly identified individual become a candidate for Federal office".

(e) Section 301(9)(B) (2 U.S.C. 431(9)(B)) is amended—

(1) in clause (ix), by striking the "and" after the semicolon;

(2) in clause (x), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(xi) with respect to a political committee of a political party, any establishment, administration, solicitation costs of such committee, but such costs shall be reported in accordance with section 304(a)(11);".

(f)(1) Section 301(9)(B)(viii) (2 U.S.C. 431(9)(B)(viii)) is amended by striking out "by a State" and inserting in lieu thereof "by a national, State,".

(2) Section 301(9)(B)(ix) (2 U.S.C. 431(9)(B)(ix)) is amended—

(A) by striking out "by a State" and inserting in lieu thereof "by a national, State,"; and

(B) by striking out "for President and Vice President".

SEC. 4. Section 304(a) (2 U.S.C. 434(a)) is amended by adding at the end the following new paragraph:

"(11) If the committee is a political committee of a political party, with respect to payments under section 301(8)(B)(XV) and costs under section 301(9)(B)(VI) the treasurer shall file—

"(A) a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31; and

"(B) a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 3 of the following calendar year.".

SEC. 5. Section 307(e) (2 U.S.C. 437d(e)) is amended to read as follows—

"(e) Except as provided in section 437g(a)(8) of this title and except with respect to complaints alleging a violation of § 438(a)(4) of this title, the power of the Commission to initiate civil actions under subsection (a)(6) of this section shall be the exclusive civil remedy for the enforcement of the provisions of this Act.".

SEC. 6. Section 308(a)(2) (2 U.S.C. 437f(a)(2)) is amended by striking out "or any authorized committee of such candidate" and inserting in lieu thereof "any authorized committee of such candidate, or any political committee of a political party".

SEC. 7. (a) Section 309(a) (2 U.S.C. 437g(a)) is amended by adding at the end the following new paragraphs:

"(13) The Commission shall establish time limitations for investigations under this subsection.

"(14) The Commission shall publish an index of all investigations under this section and shall update the index quarterly.".

(b) Section 309(a)(2) (2 U.S.C. 437g(a)(2)) is amended by adding at the end the following new sentences: "Before the Commission conducts any vote under this paragraph based on information ascertained in the normal course of carrying out its supervisory responsibilities, the person alleged to have committed the violation shall be notified of the allegation and shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the information. Prior to any determination, the Commission may request voluntary responses to questions from any person who may become the subject of an investigation. A determination under this paragraph shall be accompanied by a written statement of the reasons for the determination.".

(c) Section 309(a)(3) (2 U.S.C. 437g(a)(3)) is amended by adding at the end the following new sentences: "The Commission shall make available to a respondent any documentary or other evidence relied on by the general counsel in making a recommendation under this subsection. Any brief or report by the general counsel that replies to the respondent's brief shall be provided to the respondent".

(d) Section 309(a)(4)(A) (2 U.S.C. 437g(a)(4)(A)) is amended by adding at the end the following new clauses:

"(iii) A determination under clause (i) shall be made only after opportunity for a hearing upon request of the respondent and shall be accompanied by a statement of the reasons for the determination.

"(iv) The Commission shall not require that any conciliation agreement under this paragraph contain an admission by the respondent of a violation of this Act or any other law.".

(e) Section 309(a)(5) (2 U.S.C. 437g(a)(5)) is amended—

(1) by strking out subparagraph (A); and

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

SEC. 8. The sentence beginning "The district court" in section 310(a) (2 U.S.C. 437h(a)) is amended by striking out ", which shall hear the matter sitting en banc".

SEC. 9. (a) Section 311(a) (2 U.S.C. 438(a)) is amended—

(1) by inserting the following new paragraph as subsection (5):

"(5) require each person requesting copies of reports and statements to sign an affidavit certifying that the information requested shall not be used in violation of the prohibitions contained in this section. The Commission, the Secretary and the Clerk shall, within forty-eight hours, provide a copy of each such affidavit to the treasurer of each committee which is the subject to each request;" and

(2) by redesignating sections (6), (7), (8), (9) and (10) as sections (7), (8), (9), (10) and (11), respectively.

(b) Section 311(b) (2 U.S.C. 438(t)) is amended by adding at the end the following new sentences: "Audits under this subsection shall be conducted in accordance with procedures published by the Commission. Prior to any vote relating to any audit findings, the Commission shall give the political committee involved an opportunity to respond in writing to any information relating to the prospective audit furnished to the Commission by the general counsel or any other member of the staff of the Commission.".

SEC. 10. (a) Section 315(a)(2) (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A), by inserting after "(A)" the following: "except as provided in subparagraph (D),";

(2) in subparagraph (B), by striking out "or" after the semicolon;

(3) in subparagraph (C), by striking out the period and inserting in lieu thereof "; and"; and

(4) by adding at the end the following new subparagraph:

"(D) in the case of a multicandidate political committee that is a political committee of a political party, to any candidate and his or her authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $15,000.".

(b) Section 315 (2 U.S.C. 441a) is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(c) Section 315(b)(1) (2 U.S.C. 441a(b)(1)) is amended—

(1) in subparagraph (A), by striking out "$10,000,000" and inserting in lieu thereof "$18,000,000", and by striking out ", except the" and all that follows through "or $200,000"; and

(2) in subparagraph (B), by striking out "$20,000,000" and inserting in lieu thereof "$30,000,000".

(d)(1) Section 315(d)(1) (2 U.S.C. 441a(d)(1)) is amended by striking out "paragraphs (2) and (3) of this subsection." and inserting in lieu thereof "paragraph (2) of this subsection."

(2) The sentence beginning "The national committee" in section 315(d)(2) (2 U.S.C. 441a(d)(2)) is amended by striking out "2 cents" and inserting in lieu thereof "3 cents".

(3) Section 315(d)(3) (2 U.S.C. 441a(d)(3)) is amended by striking out subsection (3).

(e) Section 315(g) (2 U.S.C. 441a(g)) as redesignated by this section is amended by striking out "$17,500" and inserting in lieu thereof "$30,000".

SEC. 11. (a) Section 316(b)(4)(C) (2 U.S.C. 441b(b)(4)(c)) is amended by inserting after "without capital stock" the third place it appears the following: ", and from the families of such members".

(b) Section 316(b)(4)(D) (2 U.S.C. 441b(b)(4)(D)) is amended by adding at the end the following new sentence: "An approval under this subparagraph continues until revoked.".

SEC. 12. Title III (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"BONA FIDE COMMERCIAL TRANSACTIONS OF CERTAIN POLITICAL COMMITTEES

"SEC. 324. Nothing in this Act shall prevent a political committee of a political party from engaging in bona fide commercial transactions the proceeds of which are used solely to defray establishment, administration, and solicitation costs of such committee.".

SEC. 13. (a) Section 9007 of the Internal Revenue Code of 1954 is amended by adding at the end the following new subsection:

"(e) OPPORTUNITY FOR HEARING.—A determination under subsection (b) shall be made only after opportunity for a hearing upon request of the candidate.".

(b) Section 9008(e) of the Internal Revenue Code of 1954 is amended by striking out "July 1" and inserting in lieu thereof "January 1".

(c) Section 9038 of the Internal Revenue Code of 1954 is amended by adding at the end the following new subsection:

"(e) OPPORTUNITY FOR HEARING.—A determination under subsection (b) shall be made only after opportunity for a hearing upon request of the candidate.".

SEC. 14. The foregoing provisions of this Act shall become effective upon enactment.

SECTION-BY-SECTION EXPLANATION

Sec. 1. The title is the Federal Election Campaign Act Amendments of 1983.

Sec. 2. This section provides that any reference in this Act to a section or other provision is a reference to a section or provision of the Federal Election Campaign Act of 1971, as amended in 1974, 1976 and 1979.

Sec. 3. Paragraph (a) defines contribution to include donations made to draft committees advocating that a clearly identified individual become a candidate for federal office.

Paragraph (b) exempts from the definition of contribution donations to political committees of political parties which are used solely to defray establishment, administration, and solicitation costs. The donations would not be subject to any limitations, but would be reported on a semi-annual basis.

Paragraph (c)(1) extends to the national committee of a political party the current exemption from the definition of contribution regarding costs for campaign materials such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs.

Paragraph (c)(2) extends to the national committee of a political party the exemption from the definition of contribution the costs of voter registration and get-out-the-vote drives. This provision also expands the class of candidates on whose behalf this activity can be undertaken to include all federal candidates.

Paragraphs (d), (e), (f)(1) and (f)(2) are technical amendments to incorporate the above changes in the definition of expenditure.

Sec. 4. This section requires political committees of a political party receiving donations which are used solely to defray establishment, administration, and solicitation costs under Section 3, Paragraph (b) to report those donations on a semi-annual basis.

Sec. 5. This provision creates a private civil cause of action in favor of any person who has been harmed by another person who violates section 438(a)(4). That section prohibits the use of information from FEC reports for solicitation or commercial purposes.

Sec. 6. This provision allows a political committee of a political party to seek the expedited procedure for advisory opinion requests during the 60 day period before an election.

Sec. 7. Paragraph (a)(13) requires the Commission to establish time limits on investigations undertaken by the general counsel.

Paragraph (a)(14) requires the Commission to publish an index of all investigations and to update the index on a quarterly basis.

Paragraph (b) requires the Commission, in any internally generated matter, to notify the potential respondent of the alleged violation and permit such person to demonstrate why no action should be taken. The Commission may request further voluntary responses before taking any action. Any finding by the Commission must be accompanied by a written statement of reasons.

Paragraph (c) requires that the Commission make available to a respondent any evidence relied upon by the general counsel in recommending whether the Commission should find probable cause to believe that a violation has occurred. This paragraph also requires that a copy of any brief or report by the general counsel in reply to the respondent's brief shall be provided to the respondent.

Paragraph (d) requires that an opportunity for a hearing be provided to a respondent before the Commission makes any determination regarding probable cause. This paragraph further provides that the Commission may not demand an admission of guilt by the respondent in any conciliation agreement.

Paragraph (e) deletes the authority of the Commission to levy civil penalties for violations other than a knowing and willful violation of the Act.

Sec. 8. This section deletes the requirement of 2 U.S.C. 437(h) that the Court of Appeals sit en banc when hearing cases brought under this provision.

Sec. 9. Paragraph (a) requires that each person requesting copies of reports and statements from the Commission, Clerk or Secretary to sign an affidavit certifying that they will not use the information in violation of the prohibitions. It further requires that copies of the affidavit shall be forwarded within 48 hours to the treasurer of each committee which is the subject of the request.

Paragraph (b) requires the Commission to conduct audits in accordance with published procedures. Additionally, prior to any vote on any audit finding, the political committee involved is given an opportunity to respond in writing to any information furnished to the Commission.

Sec. 10. Paragraph (a) would increase the party committee contribution from $5,000 per election to $15,000 per election.

Paragraph (b) deletes the state expenditure limitations for a publicly funded candidate for the presidential nomination.

Paragraph (c) increases the base presidential primary expenditure limitation from $10,000,000 to $18,000,000. Additionally, this provision deletes the computation method for the state expenditure limitations. The presidential general election base expenditure limitation is raised from $20,000,000 to $30,000,000.

Paragraph (d) increases the amount of money a national party committee can spend on behalf of their presidential nominee. Additionally, this paragraph eliminates the limitation on the amount a party committee can spend on behalf of their Senate and House candidates.

Paragraph (e) increases the contribution limitation to candidates for the United States Senate from the Republican or Democratic Senatorial Campaign Committee or the national committee of a political party or any combination of such committees from $17,500 to $30,000.

Sec. 11. Paragraph (a) permits membership organizations, cooperatives or corporations without capital stock or their separate segregated funds to solicit the families of their members.

Paragraph (b) eliminates the annual corporate authorization requirement for trade association PAC corporation approval to stand until revoked.

Sec. 12. This section permits political committees of political parties to engage in bona fide commercial transactions in order to defray establishment, administration and solicitation costs.

Sec. 13. Paragraph (a) provides the opportunity for a presidential general election candidate to request a hearing before the Commission if a demand for a repayment of funds is made.

Paragraph (b) changes the availability of party convention funding from July 1 to January 1 of the calendar year preceding the convention.

Paragraph (c) provides the opportunity for a presidential primary candidate receiving public monies to request a hearing before the Commission if a demand for repayment is made.

Sec. 14. The effective date for these amendments to the Act is upon enactment.

Mr. LUGAR. Mr. President, the bill which Senator LAXALT and I are introducing today would enhance the role of the national political parties in the campaign process, and would strengthen the political process by allowing more, not less, participation. Our bill would remove unjustified limitations on national party expenditures and in so doing would achieve campaign reform in a manner consistent with our heritage of voluntary participation.

In my view, this approach is preferable to further limiting the civic participation of Americans acting through political action committees. Such restrictive proposals, I believe, proceed

from fundamentally antidemocratic premises which are fully as political as the activities they would restrict.

The fact is—and we should keep this in mind as we debate the role of PAC's—all money contributed through PAC's and party committees ultimately comes from individuals. PAC's are now providing a channel of public expression for millions of Americans who voluntarily give money for causes or candidates in which they believe. Let us be absolutely clear about what is at stake here: It is citizens, not faceless corporations or interest groups, whose rights we are discussing, and whose political activities would be curtailed by further restrictions.

I have had direct experience with this in my own campaign of 1982. A number of the PAC groups who contributed to my campaign were those contributions at warehouse luncheons at various factories in my State. I remember on one occasion meeting for a potluck lunch on a hot summer day. The workers brought homemade pies and covered dishes. After eating together on paper plates, we held a town meeting and talked about a wide range of issues. Many of these workers who made up this PAC had never before actively participated in our political process, but they did that day and again in November on election day. I challenge anyone to call them fat cats.

The chief attack on PAC's centers on the claim that PAC's unduly "influence" legislators. To be blunt about it, I have simply seen no credible assertion that any specific candidates have become captive to PAC's. Let us consider a few facts. Total PAC contributions to the average 1982 Republican Senate campaign came to only 17 percent of all of the campaign's receipts. And that is the total for all PAC's of all kinds including groups which frequently oppose one another.

Our colleague, Senator DAVID DURENBERGER of Minnesota, has pointed out that the average PAC contribution to his campaign amounted to three one-hundredths of 1 percent of his overall campaign receipts. The largest contribution allowable under current law amounted to just two-tenths of 1 percent. Some "influence." If a $5,000 limit was reasonable when Congress set the current standard in 1974, then inflation has made it two or three times relatively safer now.

A 1982 survey of business PAC's revealed that fewer than one-third have any representation in Washington. The danger of being influenced by a lobbyist who does not exist is difficult to discern. Beyond this, it is well known to most people familiar with the PAC process that funding decisions are arrived at through many letters, calls, and meetings and in some cases even opinion surveys involving the PAC's membership. Often, PAC decisions are arrived at far more democratically than are the decisions of those groups which attack them.

Those who wish to silence these groups in order to have the field of public opinion to themselves have understandable motives; but the Constitution does not confer on them the right to achieve their ends. The fact is that the Political Action Committee movement is a reform movement itself. It is a straightforward way in which many individuals make small contributions and work in concert to achieve ends in which they believe. It is the antithesis of backroom politics, and in my judgment PAC's have brought new vitality to the American political process.

The courts have already ruled in several areas of campaign finance. They have indicated in major decisions that Americans have the right to become active in political campaigns, and that spending one's own money is an inherent part of that right, a part which ought to be abridged only when a very great burden of evidence demands it. No such burden exists in this case.

We have gradually evolved in the direction of campaign financing based on this fundamental premise: voluntary support with full disclosure. This is the principle which ought to guide our deliberations on campaign reform; this is the principle which I believe is most consistent with our heritage.

We should not be in the business of compelling citizens to contribute through the Internal Revenue System to candidates with whom they may or may not agree. We should not be in the business of establishing further complicated formulas for how much is the "right" of "just" amount to spend on elections. The American people are perfectly competent to decide that for themselves.

The public interest is served by more, not less, freedom. Freedom in the political process means the right and the ability to assemble and to pursue shared objectives with like-minded people. The broadest and least "special" of all such political associations are our two national political parties. If the fraction of campaign funds contributed by PAC's is troublesome to some, then the antidote most consistent with our free heritage is to eliminate unreasonable limits on our political parties and dilute PAC dollars still further through more competition.

For example, the National Republican Senatorial Committee has served as a conduit for greater citizen action in the political process. During the past election cycle, the committee received 1.4 million individual contributions, averaging $34.29 each.

The bill which Senator LAXALT and I are introducing today would help restore to the political parties a measure of importance which they have lost in recent years. There are undoubtedly many reasons for the relative decline of political parties in recent years, and I for one do not believe that PAC's are solely, or even largely responsible for this phenomenon. But it is fair to say that many changes which have been made in Federal campaign laws in the last decade or so have weakened the position of the political parties.

Specifically, our bill would permit the national committees of political parties to provide an unlimited supply of campaign materials to candidates. It would also allow national committees to provide unlimited assistance to candidates for registration and get-out-the-vote drives. These changes would extend to the national party organizations the same freedom to assist candidates that the 1979 amendments to the Federal Election Campaign Act extended to State parties. The 1979 changes were a welcome development, and I believe that we ought to extend this reform further yet.

Our bill would also permit the national parties to provide unlimited assistance to Senate and House candidates. Under current law, the respective Senate and House campaign committees may offer only limited assistance to candidates. For example, the senatorial committees may now contribute no more than $17,500 directly to any candidate. Our bill would raise this limit to $30,000.

More significantly, the committees are currently limited as to how much they can spend in coordination with any particular candidate. The combined expenditures of the party committees for a Senate candidate, for example, may not exceed about $78,000 in States like Maine, South Dakota, and Wyoming in 1984. Given the enormous cost of modern campaigning, this is a very small amount of assistance indeed.

These limits should be lifted in their entirety. The parties should be able to spend without arbitrary restrictions all funds which they can raise on behalf of their candidates. Party money tends to come in relatively small contributions from a great many individuals. It is the antithesis of special interests. Those who are concerned about the makeup of PAC contributions—and I am clearly not one of them—ought to find these party contributions wholly acceptable.●

By Mr. HEINZ:

S. 1351. A bill to amend the Tariff Act of 1930 to provide a special remedy for the artificial pricing of articles produced by nonmarket economy countries; to the Committee on Finance.

ARTIFICIAL PRICING REMEDY

● Mr. HEINZ. Mr. President, as I have done in two previous Congresses, I am introducing legislation to change the way our law deals with unfair trading

practices by nonmarket economies. As the growing number of trade cases involving nonmarket economies attests, we can only look forward to continuing difficulties in this area as some Eastern Bloc countries seek to become more integrated into the world economy, and as the People's Republic of China rapidly expands its trade with the United States now that it has most-favored-nation status.

My previous bills, S. 1966 in the 96th Congress and S. 958 in the 95th Congress, attempted to deal with the fact that cost and price data from state-controlled economies have no meaning and no usefulness in the context of our antidumping and subsidy laws by creating a standard of comparison based on the lowest average price free market producer. The bills also provided for the possibility that the data obtained from the nonmarket economy could be sufficient and verifiable in some cases, and thus would permit the complaint to be handled under the normal procedures of current law.

S. 1966 was introduced too late in the session for any action. S. 958 was the subject of a hearing on January 29, 1982, although no subsequent action was taken last year. As discussion about the bill proceeded it became clear that there was some disagreement in the private sector and on the Finance Committee over the lowest average price standard, with some believing that a tougher standard was both more realistic and more appropriate. A tougher standard would most likely be comparison with the average price of all free market producers, or the average of the major free market producers, simply to facilitate the calculation. This would, in some cases, produce a higher price as the point of reference for the nonmarket economy's price.

Both these alternatives have merit, and I have not yet finally decided on which one is preferable. In order to get the process of considering this bill moving again, however, I have decided to introduce it with the same standard—lowest average price—as I have in previous years, leaving it to the Finance Committee to make the judgment on the final standard.

Beyond the question of the standard, this year's bill will look considerably different from its predecessors because it has been redrafted as an amendment to title VII of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979 instead of an amendment to section 406 of the Trade Act of 1974. This action, which is not a substantive change, has been taken to better reflect the fact that the procedure the bill creates for nonmarket economies is intended to parallel the antidumping and countervailing duty procedures presently in title VII. That was implicit in previous versions of the bill and is made explicit in this draft. In addition, the question of extension of the injury test has been clarified by providing it for all GATT members, which would cover a number of nonmarket economies, including Hungary, Poland, and Romania.

Mr. President, I note that the Subcommittee on Trade of the House Ways and Means Committee, under the leadership of Congressman GIBBONS, is planning legislation on trade law reforms this year. Congressman GIBBONS indicated, when I testified before the subcommittee last month, that he intends to focus his efforts on amendments to the antidumping and countervailing duty statutes. My nonmarket proposal is relevant to that focus, and it is my hope that the House will consider the problem of unfair trade practices by nonmarket economies as it develops its legislation. It will also be my intent, of course, to raise this issue if and when such a bill comes to the Senate for consideration.

Mr. President, in order to provide additional background and explanation of this legislation, I ask that my opening statement at the hearing on S. 958 from January 29, 1982, be printed in the RECORD following these remarks, along with the text of the bill I am introducing today. Despite the redrafting that has taken place, that statement remains an accurate summary of the mechanism and standards erected by the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNFAIR TRADE PRACTICES BY NONMARKET ECONOMIES

I am particularly pleased that we are having this hearing on S. 958. It represents the results of two years of work on this legislation, work which has involved extensive consultations with the private sector, two Administrations, and representatives of nonmarket economies. The bill has been through two major drafts and a host of minor ones, and I expect a few additional revisions will be necessary during markup.

This hearing is also important for another reason. S. 958 quite possibly represents the first significant trade legislation the Finance Committee will consider since the Trade Agreements Act became law in 1979. At that time there was general agreement that a number of issues had been left for later resolution, including action on safeguards and non-market economy legislation. While I plan shortly to introduce legislation on the safeguards issue, today's hearing will concentrate on the latter issue.

In my view consideration of this issue is particularly timely due to the growing complexity of our trade relations with socialist economies. Increased trade has produced more unfair trade practice cases involving non-market economies and consequently more dissatisfaction with present law. I expect several of our witnesses today will have more detailed comments on the inadequacy of present law, but they will all be based on one fundamental deficiency—the concept of dumping—sales at less than fair value—is inherently a free-market concept. It is useful only to the extent that costs and prices in an economy are real, so that a fair value can be determined. With rare exceptions, these conditions do not exist in a nonmarket economy, and our law has become seriously contorted in an effort to deal logically with this fundamental inconsistency.

Since 1978, U.S. administrative regulations have attempted to cope with these problems through the use of the comparable economy concept. In this approach, a free-market country at a comparable stage of economic development with the non-market country is selected and the price of a like article in that economy (or the constructed value of the article—what it would cost to produce it) is used to make the comparison.

This concept, however, is flawed in several important respects, notably in its two basic assumptions that a simple and accurate basis exists for determining when economies are at comparable stages of development and that comparable overall levels of development—assuming such can be determined—mean comparable levels within a particular industry. For example, when a country has targeted a particular industry for rapid development in order to stimulate its export sector, the level of development in that industry is likely to be greater than the economy as a whole, thus making industry specific comparisons based on aggregate national analyses highly misleading.

S. 958 seeks to deal with this problem by replacing both section 406 of the Trade Act of 1974 and the non-market sections of the Antidumping Act with a new system based on the principles of treating non-market economies as much like Western economies as possible and of providing a fairer and more certain means of determining whether an unfair practice has occurred.

Let me emphasize this latter point—GAO studies and other evidence presented to Congress in different contexts makes clear that uncertainty is one of the major deterrents to trade. One of the biggest drawbacks of present law is the uncertainty that the investigatory process creates for both parties in a dispute.

In S. 958, an interested party could file a complaint against a non-market economy alleging artificial pricing. Procedures and time limits for the ensuing investigation are the same as in a countervailing duty investigation.

During the course of the investigation, the Commerce Department would consult with the non-market economy's government and solicit from it information that would enable the Department to determine dumping or the presence of a subsidy subject to the standards of current law for free-market economies.

If, in the Department's judgment, sufficient, verifiable information is provided to permit the case to be treated as a normal antidumping or countervailing duty case, then the Department shall do so, moving the investigation to the appropriate track at the same point in time, and applying the injury test as appropriate if the nonmarket economy in question has signed the relevant code. Of course, the provisions of those statutes permitting suspension of the investigation would also apply, as would all other provisions of current law.

In those cases where the non-market economy will not or cannot provide the necessary information, preventing the complaint from being handled in a normal way, a different standard would be employed. That standard would define artificial pricing as sales below the price of the lowest average price free-market producer with appropriate adjustments. Even in this case,

however, the petition would be treated pursuant to the time frames and procedures applicable to countervailing duty investigations in existing law. In short, the current concept of section 406, which in many ways parallels section 201, would cease to exist, and instead the section would be redesigned to deal with unfair trade practices by nonmarket economies rather than simple market disruption. The latter could be handled through existing escape clause procedures under section 201 of the Trade Act of 1974. This approach is more consistent with the division in current law between fair and unfair trade practice relief provisions and is intended to conform to that division.

In my judgment, we have tried to create with this legislation a carrot and stick mechanism that will encourage non-market economies to cooperate with our government in investigating the allegations in petitions filed against them and to adjust their economies in a way that will permit such cooperation to take place. Every opportunity is presented to treat these countries in these cases precisely as all other nations are treated under our laws, even to the extension of the injury test in appropriate cases. This represents a normalization of present law; while at the same time the alternative "lowest average price free market producer" test provides a certainty and administrative ease of determination absent in present regulations.

I am particularly pleased to have as our first witness today, Lionel Olmer, the Undersecretary of Commerce. As the agency charged with administering current law, the Commerce Department, and Mr. Olmer in particular, know better than most the problems with it. I know the Department has been involved in a careful analysis of the bill and has a number of technical suggestions based on this experience with nonmarket cases that will be presented at the appropriate time. I am looking forward to hearing those suggestions, as well as the testimony of our other expert witnesses so that the Committee can then move on to mark up this legislation.

S. 1351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREATION OF ARTIFICIAL PRICING INVESTIGATION REMEDY.

(a) AMENDMENT OF TITLE VIII.—Title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) is amended by redesignating subtitles C and D as subtitles D and E, respectively, and by inserting after subtitle B the following new subtitle:

"Subtitle C—Imposition of Artificial Pricing Duties

"SEC. 741. ARTIFICIAL PRICING DUTIES IMPOSED.

"(a) IN GENERAL.—If—

"(1) the administering authority determines that a class or kind of merchandise which is the product of a nonmarket economy is being, or is likely to be, sold in the United States at an artificial price, and

"(2) in the case of a country which is a party to the General Agreement on Tariffs and Trade, the Commission determines that—

"(A) an industry in the United States—

"(i) is materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise,

then there shall be imposed upon such merchandise an artificial pricing duty in an amount equal to the amount by which the minimum allowable import price exceeds the actual price for such merchandise.

"(b) DUTY IN ADDITION TO OTHER DUTIES.—Any duty imposed under this section shall be in addition to any other duty other than a countervailing or antidumping duty.

"SEC. 742. PROCEDURES FOR INITIATING AN ARTIFICIAL PRICING DUTY INVESTIGATION.

"(a) INITIATION BY ADMINISTERING AUTHORITY.—An artificial pricing duty investigation shall be commenced whenever the administering authority determines, from information available to it, that a formal investigation is warranted into the question of whether the elements necessary for the imposition of a duty under section 741 exist. If the investigation concerns a country which is a party to the General Agreement on Tariffs and Trade, the administering authority shall immediately notify the Commission in the manner prescribed in subsection (d).

"(b) INITIATION BY PETITION.—

"(1) PETITION REQUIREMENTS.—

"(A) FILING OF PETITION.—An artificial pricing duty proceeding shall be commenced whenever an interested party described in subparagraph (C), (D), or (E) of section 771(9) files a petition with the administering authority, on behalf of an industry, which—

"(i) alleges the elements necessary for the imposition of the duty imposed by section 741, and

"(ii) is accompanied by information reasonably available to the petitioner supporting the allegations.

"(B) AMENDMENT OF PETITION.—Any petition under this paragraph may be amended at such time, and upon such conditions, as the administering authority and the Commission may permit.

"(2) SIMULTANEOUS FILING WITH COMMISSION.—The petitioner shall file a copy of the petition with the Commission on the same day as it is filed with the administering authority, if the allegations are made against a country which is a party to the General Agreement on Tariffs and Trade.

"(c) PETITION DETERMINATION.—Within 20 days after the date on which a petition is filed under subsection (b), the administering authority shall—

"(1) determine whether the petition alleges the elements necessary for the imposition of a duty under section 741 and contains information reasonably available to the petitioner supporting the allegations,

"(2) determine whether the subject of the petition is a nonmarket economy country,

"(3) if the determinations under paragraphs (1) and (2) are affirmative—

"(A) commence an investigation to determine whether the class or kind of merchandise described in the petition is being, or is likely to be, sold in the United States at an artificial price, and

"(B) provide for the publication of notice of the determinations in the Federal Register,

"(4) if the determination under paragraph (1) is negative, dismiss the petition, terminate the proceeding, notify the petitioner in writing of the reasons for the determination, and provide for the publication of notice of the determination in the Federal Register, and

"(5) if the determination under paragraph (2) is negative, terminate the proceeding, notify the petitioner in writing that the petition should be filed under section 702 or 732, as appropriate, and provide for the publication of notice of the determination in the Federal Register.

"(d) NOTIFICATION TO COMMISSION OF DETERMINATION.—In the case of a petition making allegations against a country that is a party to the General Agreement on Tariffs and Trade, the administering authority shall—

"(1) notify the Commission immediately of any determination made under subsection (a) or (c) by the administering authority, and

"(2) if the determination is affirmative, make available to the Commission such information as the administering authority may have relating to the matter under investigation.

Information shall be made available under paragraph (2) under such procedures as the administering authority and the Commission may establish to prevent unauthorized disclosure of any information to which confidential treatment has been given by the administering authority.

"(e) NO DUPLICATION OF INVESTIGATION.—Except as provided in section 748(b), the administering authority shall not initiate an artificial pricing investigation pursuant to a petition filed by an entity with respect to the artificial pricing of an article from a nonmarket economy country with respect to which that entity has filed a petition for a countervailing duty or antidumping duty investigation under section 303 of the Trade Act of 1974 (19 U.S.C. 2413) or this title if—

"(1) the countervailing duty or antidumping duty proceeding is in process, or

"(2) a countervailing duty or antidumping duty is in effect with respect to such article.

"SEC. 743. PRELIMINARY DETERMINATIONS.

"(a) DETERMINATIONS BY COMMISSION OF REASONABLE INDICATION OF INJURY.—Except in the case of a petition dismissed by the administering authority under section 742(c)(4) or (5), the Commission, within 45 days after the date on which a petition is filed under section 742(b)(2) or on which the Commission receives notice from the administering authority of an investigation commenced under section 742(a), shall make a determination, based upon the best information available to the Commission at the time of the determination, of whether there is a reasonable indication that—

"(1) an industry in the United States—

"(A) is materially injured, or

"(B) is threatened with material injury, or

"(2) the establishment of an industry in the United States is materially retarded,

by reason of imports of the merchandise which is the subject of the investigation by the administering authority. If that determination is negative, the investigation shall be terminated.

"(b) PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—Within 85 days after the date on which a petition is filed under section 742(b), or an investigation is commenced under section 742(a), but not before an affirmative determination by the Commission under subsection (a) if such a determination is required, the administering authority shall make a determination, based upon the best information available to such administering authority at the time of the determination, of whether there is a reasonable basis to believe or suspect that the merchandise is being sold, or is likely to be sold, at an artificial price. If the determination of the administering authority is affirmative, the determination shall include the estimated average amount by which the minimum

allowable import price exceeds the actual price for such merchandise.

"(c) EXTENSION OF PERIOD IN EXTRAORDINARILY COMPLICATED CASES.—

"(1) IN GENERAL.—If—

"(A) the petitioner makes a timely request for an extension of the period within which the determination must be made under subsection (b), or

"(B) the administering authority concludes that the parties concerned are cooperating and determines that—

"(i) the case is extraordinarily complicated by reason of—

"(I) the number and complexity of the transactions to be investigated, or adjustments to be considered,

"(II) the novelty of the issues presented, or

"(III) the number of firms whose activities must be investigated, and

"(ii) additional time is necessary to make the preliminary determination,

then the administering authority may postpone making the preliminary determination under subsection (b) of this section until not later than the 150th day after the date on which a petition is filed under section 742(b), or an investigation is commenced under section 742(a).

"(2) NOTICE OF POSTPONEMENT.—The administering authority shall notify the parties to the investigation, not later than 20 days before the date on which the preliminary determination would otherwise be required under subsection (b), if the administering authority intends to postpone making the preliminary determination under paragraph (1). The notification shall include an explanation of the reasons for the postponement, and notice of the postponement shall be published in the Federal Register.

"(d) EFFECT OF DETERMINATION BY ADMINISTERING AUTHORITY.—If the preliminary determination of the administering authority under subsection (b) is affirmative, the administering authority—

"(1) shall order the suspension of liquidation of all entries of merchandise subject to the determination which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the determination in the Federal Register,

"(2) shall order the posting of a cash deposit, bond, or other security, as the administering authority deems appropriate, for each entry of the merchandise concerned equal to the estimated average amount by which the minimum allowable import price exceeds the actual price of such merchandise, and

"(3) in the case of an investigation in which a determination under section 741(b) is required, shall make available to the Commission all information upon which determination was based and which the Commission considers relevant to the injury determination of the Commission.

Information shall be made available under paragraph (3) under such procedures as the administering authority and the Commission may establish to prevent unauthorized disclosure of any information to which confidential treatment has been given by the administering authority.

"(e) CRITICAL CIRCUMSTANCES DETERMINATION.—

"(1) IN GENERAL.—If a petitioner alleges critical circumstances in the original petition, or by amendment at any time more than 20 days before the date of a final determination by the administering authority, then the administering authority shall promptly determine, on the basis of the best information available to the administering authority at that time, whether there is a reasonable basis to believe or suspect that—

"(A)(i) there is a history of dumping or artificial pricing in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

"(ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at an artificial price, and

"(B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

"(2) SUSPENSION OF LIQUIDATION.—If the determination of the administering authority under paragraph (1) is affirmative, then any suspension of liquidation ordered under subsection (d)(1) shall apply, or, if notice of such suspension of liquidation is already published, be amended to apply, to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which suspension of liquidation was first ordered.

"(f) NOTICE OF DETERMINATIONS.—Whenever the Commission or the administering authority makes a determination under this section, the petitioner, other parties to the investigation, and the other agency shall be notified by the Commission or the administering authority of the determination and of the facts and conclusions of law upon which the determination is based, and such notice of the determination shall be published in the Federal Register.

"SEC. 741. TERMINATION OR SUSPENSION OF INVESTIGATION.

"(a) TERMINATION OF INVESTIGATION ON WITHDRAWAL OF PETITION.—An investigation under this subtitle may be terminated by either the administrative authority or, if appropriate, the Commission after notice to all parties to the investigation, upon withdrawal of the petition by the petitioner. The Commission may not terminate an investigation under the preceding sentence before a preliminary determination is made by the administering authority under section 743(b).

"(b) AGREEMENTS TO ELIMINATE ARTIFICIAL PRICING OR TO CEASE EXPORTS OF ARTIFICIALLY PRICED MERCHANDISE.—The administering authority may suspend an investigation if the exporters of the merchandise which is the subject of the investigation who account for substantially all of the imports of that merchandise agree—

"(1) to cease exports of the merchandise to the United States within 6 months after the date on which the investigation is suspended, or

"(2) to revise the prices to eliminate completely any amount by which the minimum allowable import price of the merchandise which is the subject of the agreement exceeds the actual price of such merchandise.

"(c) AGREEMENTS ELIMINATING INJURIOUS EFFECT.—

"(1) GENERAL RULE.—If the administering authority determines that extraordinary circumstances are present in a case, the administering authority may suspend an investigation upon the acceptance of an agreement from the government of the nonmarket economy country under investigation, or from exporters described in subsection (b), if the agreement will eliminate completely the injurious effect of exports to the United States of the merchandise which is the subject of the investigation.

"(2) CERTAIN ADDITIONAL REQUIREMENTS.—Except in the case of an agreement by a foreign government to restrict the volume of imports of the merchandise which is the subject of the investigation into the United States, the administering authority may not accept an agreement under this subsection unless—

"(A) the suppression or undercutting of price levels of domestic products by imports of such merchandise will be prevented, and

"(B) for each entry of each exporter the amount by which the estimated minimum allowable import price exceeds the actual price will not exceed 15 percent of the weighted average amount by which the estimated minimum allowable import price exceeded the actual price for all artificially priced entries of the exporter examined during the course of the investigation.

"(3) QUANTITATIVE RESTRICTIONS AGREEMENTS.—The administering authority may accept an agreement with a foreign government under this subsection to restrict the volume of imports of merchandise which is the subject of an investigation into the United States, but the administering authority may not accept such an agreement with exporters.

"(4) DEFINITION OF EXTRAORDINARY CIRCUMSTANCES.—

"(A) EXTRAORDINARY CIRCUMSTANCES.—For purposes of this subsection, the term 'extraordinary circumstances' means circumstances in which—

"(i) suspension of an investigation will be more beneficial to the domestic industry than continuation of the investigation, and

"(ii) the investigation is complex.

"(B) COMPLEX.—For purposes of this paragraph, the term 'complex' means—

"(i) there are a large number of transactions to be investigated or adjustments to be considered,

"(ii) the issues raised are novel, or

"(iii) the number of firms involved is large.

"(d) ADDITIONAL RULES AND CONDITIONS.—

"(1) PUBLIC INTEREST; MONITORING.—The administering authority shall not accept an agreement under subsection (b) or (c) unless—

"(A) the administering authority is satisfied that suspension of the investigation is in the public interest, and

"(B) effective monitoring of the agreement by the United States is practicable.

"(2) EXPORTS OF MERCHANDISE TO UNITED STATES NOT TO INCREASE DURING INTERIM PERIOD.—The administering authority may not accept any agreement under subsection (b) unless that agreement provides a means of ensuring that the quantity of the merchandise covered by that agreement exported to the United States during the period provided for elimination of the artificial pricing or cessation of exports does not exceed the quantity of such merchandise exported to the United States during the most recent representative period determined by the administering authority.

"(3) REGULATIONS GOVERNING ENTRY OR WITHDRAWALS.—In order to carry out an agreement concluded under subsection (b) or (c), the administering authority is authorized to prescribe regulations governing the entry, or withdrawal from warehouse, for consumption of merchandise covered by such agreement.

"(e) SUSPENSION OF INVESTIGATION PROCEDURE.—Before an investigation may be sus-

pended under subsection (b) or (c) the administering authority shall—

"(1) notify the petitioner of, and consult with the petitioner concerning, its intention to suspend the investigation, and notify the other parties to the investigation and, if appropriate, the Commission not less than 30 days before the date on which it suspends the investigation,

"(2) provide a copy of the proposed agreement to the petitioner at the time of the notification, together with an explanation of how the agreement will be carried out and enforced (including any action required of foreign governments), and of how the agreement will meet the requirements of subsections (b) and (d) or (c) and (d), and

"(3) permit all parties to the investigation to submit comments and information for the record before the date on which notice of suspension of the investigation is published under subsection (f)(1)(A).

"(f) EFFECTS OF SUSPENSION OF INVESTIGATION.—

"(1) IN GENERAL.—If the administering authority determines to suspend an investigation upon acceptance of an agreement described in subsection (b) or (c), then—

"(A) the administering authority shall suspend the investigation, publish notice of suspension of the investigation, and issue an affirmative preliminary determination under section 743(b) with respect to the merchandise which is the subject of the investigation, unless such a determination in the same investigation has been previously issued,

"(B) the Commission shall suspend any investigation the Commission is conducting with respect to that merchandise, and

"(C) the suspension of investigation shall take effect on the day on which such notice is published.

"(2) LIQUIDATION OF ENTRIES.—

"(A) CESSATION OF EXPORTS; COMPLETE ELIMINATION OF ARTIFICIAL PRICING.—If the agreement accepted by the administering authority is an agreement described in subsection (b), then—

"(i) notwithstanding the affirmative preliminary determination required under paragraph (1)(A), the liquidation of entries of merchandise which is the subject of the investigation shall not be suspended under section 743(d)(1).

"(ii) if the liquidation of entries of such merchandise was suspended pursuant to a previous affirmative preliminary determination in the same case with respect to such merchandise, that suspension of liquidation shall terminate, and

"(iii) the administering authority shall refund any cash deposit and release any bond or other security deposited under section 743(d)(1).

"(B) OTHER AGREEMENTS.—If the agreement accepted by the administering authority is an agreement described in subsection (c), then the liquidation of entries of the merchandise which is the subject of the investigation shall be suspended under section 743(d)(1), or, if the liquidation of entries of such merchandise was suspended pursuant to a previous affirmative preliminary determination in the same case, that suspension of liquidation shall continue in effect, subject to subsection (h)(3), but the security required under section 743(d)(2) may be adjusted to reflect the effect of the agreement.

"(3) WHERE INVESTIGATION IS CONTINUED.—If, pursuant to subsection (g), the administering authority and, if appropriate, the Commission, continue an investigation in which an agreement has been accepted under subsection (b) or (c), then—

"(A) if the final determination by the administering authority or the Commission under section 745 is negative, the agreement shall have no force or effect and the investigation shall be terminated, or

"(B) if the final determinations by the administering authority and the Commission under such section are affirmative, the agreement shall remain in force, but the administering authority shall not issue an artificial pricing duty order in the case so long as—

"(i) the agreement remains in force,

"(ii) the agreement continues to meet the requirements of subsections (b) and (d) or (c) and (d), and

"(iii) the parties to the agreement carry out their obligations under the agreement in accordance with its terms.

"(g) INVESTIGATION TO BE CONTINUED UPON REQUEST.—If the administering authority, within 20 days after the date of publication of the notice of suspension of an investigation, receives a request for the continuation of the investigation from—

"(1) the government of the nonmarket economy country under investigation,

"(2) an exporter or exporters accounting for a significant proportion of exports to the United States of the merchandise which is the subject of the investigation, or

"(3) an interested party described in subparagraph (C), (D), or (E) of section 771(9) which is a party to the investigation,

than the administering authority and, if appropriate, the Commission shall continue the investigation.

"(h) REVIEW OF SUSPENSION.—

"(1) IN GENERAL.—Within 20 days after the suspension of an investigation under subsection (c), an interested party which is a party to the investigation and which is described in subparagraph (C), (D), or (E) of section 771(9) may, by petition filed with the Commission and with notice to the administering authority, ask for a review of the suspension.

"(2) COMMISSION INVESTIGATION.—Upon receipt of a review petition under paragraph (1), the Commission shall, within 75 days after the date on which the petition is filed, determine whether the injurious effect of imports of the merchandise which is the subject of the investigation is eliminated completely by the agreement. If the Commission determination under this subsection is negative, the investigation shall be resumed on the date of publication of notice of such determination as if the affirmative preliminary determination under section 743(b) had been made on that date.

"(3) SUSPENSION OF LIQUIDATION TO CONTINUE DURING REVIEW PERIOD.—The suspension of liquidation of entries of the merchandise which is the subject of the investigation shall terminate at the close of the 20-day period beginning on the day after the date on which notice of suspension of the investigation is published in the Federal Register, or, if a review petition is filed under paragraph (1) with respect to the suspension of the investigation, in the case of an affirmative determination by the Commission under paragraph (2), the date on which notice of the affirmative determination by the Commission is published. If the determination of the Commission under paragraph (2) is affirmative, then the administering authority shall—

"(A) terminate the suspension of liquidation under section 743(d)(1), and

"(B) release any bond or other security, and refund any cash deposit, required under section 743(d)(2).

"(i) VIOLATION OF AGREEMENT.—

"(1) IN GENERAL.—If the administering authority determines that an agreement accepted under subsection (b) or (c) is being, or has been, violated, or no longer meets the requirements of such subsection (other than the requirement, under subsection (c) (1), of elimination of injury) and subsection (d), then, on the date of publication of such determination, the administering authority shall—

"(A) suspend liquidation under section 743(d)(i) of unliquidated entries of the merchandise made on or after the later of—

"(i) the date which is 90 days before the date of publication of the notice of suspension of liquidation, or

"(ii) the date on which the merchandise, the sale or export to the United States of which was in violation of the agreement, or under an agreement which no longer meets the requirements of subsections (b) and (d) or (c) and (d), was first entered, or withdrawn from warehouse, for consumption,

"(B) if the investigation was not completed, resume the investigation as if the affirmative preliminary determination under section 743(b) were made on the date of the determination under this paragraph,

"(C) if the investigation was completed under subsection (g), issue an artificial pricing duty order under section 746(a) effective with respect to entries of merchandise the liquidation of which was suspended, and

"(D) notify the petitioner, interested parties who are or were parties to the investigation, and, if appropriate, the Commission of the action under this paragraph.

"(2) INTENTIONAL VIOLATION TO BE PUNISHED BY CIVIL PENALTY.—Any person who intentionally violates an agreement accepted by the administering authority under subsection (b) or (c) shall be subject to a civil penalty assessed in the same amount, in the same manner, and under the same procedure, as the penalty imposed for a fraudulent violation of section 592(a) of this Act.

"(j) DETERMINATION NOT TO TAKE AGREEMENT INTO ACCOUNT.—In making a final determination under section 745, or in conducting a review under section 751, in a case in which the administering authority has terminated a suspension of investigation under subsection (i)(1), or has continued an investigation under subsection (g), the Commission and the administering authority shall consider all of the merchandise which is the subject of the investigation, without regard to the effect of any agreement under subsection (b) or (c).

"SEC. 745. FINAL DETERMINATIONS.

"(a) FINAL DETERMINATION BY ADMINISTERING AUTHORITY.—

"(1) IN GENERAL.—Within 75 days after the date of the preliminary determination under section 743(b), the administering authority shall make a final determination of whether the merchandise which is the subject of the investigation is being, or is likely to be, sold in the United States at an artificial price.

"(2) CRITICAL CIRCUMSTANCES DETERMINATIONS.—If the final determination of the administering authority is affirmative, then that determination, in any investigation in which the presence of critical circumstances has been alleged under section 743(e), shall also contain a finding as to whether—

"(A)(i) there is a history of dumping or artificial pricing in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

"(ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at an artificial price, and

"(B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

"(b) FINAL DETERMINATION BY COMMISSION.—

"(1) IN GENERAL.—If the Commission has made an affirmative preliminary determination under section 743, then the Commission shall make a final determination of whether—

"(A) an industry in the United States—

"(i) is materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is materially retarded,

by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under subsection (a).

"(2) PERIOD FOR INJURY DETERMINATION FOLLOWING AFFIRMATIVE PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—If the preliminary determination by the administering authority under section 743(b) is affirmative, then the Commission shall make the determination required by paragraph (1) before the later of—

"(A) the 120th day after the day on which the administering authority makes the affirmative preliminary determination under section 743(b), or

"(B) the 45th day after the day on which the administering authority makes the affirmative final determination under section (a).

"(3) PERIOD FOR INJURY DETERMINATION FOLLOWING NEGATIVE PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—If the preliminary determination by the administering authority under section 743(b) is negative, and the final determination under subsection (a) is affirmative, then the final determination by the Commission under this subsection shall be made within 75 days after the date of that affirmative final determination.

"(4) CERTAIN ADDITIONAL FINDINGS.—

"(A) If the finding of the administering authority under subsection (a)(2) is affirmative, then the final determination of the Commission shall include findings as to whether—

"(i) there is material injury which will be difficult to repair, and

"(ii) the material injury was by reason of such massive imports of the artificially priced merchandise over a relatively short period.

"(B) If the final determination of the Commission is that there is not material injury but that there is threat of material injury, then the determination shall also include a finding as to whether material injury by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under subsection (a) would have been found but for any suspension of liquidation of entries of that merchandise.

"(c) EFFECT OF FINAL DETERMINATIONS.—

"(1) EFFECT OF AFFIRMATIVE DETERMINATION BY THE ADMINISTERING AUTHORITY.—If the determination of the administering authority under subsection (a) is affirmative, then—

"(A) the administering authority, in a case in which a determination by the Commission is required, shall make available to the Commission all information upon which such determination was based and which the Commission considers relevant to the determination, under such procedures as the administering authority and the Commission may establish to prevent unauthorized disclosure of any information to which confidential treatment has been given by the administering authority, and

"(B) in cases where the preliminary determination by the administering authority under section 743 (b) was negative, the administering authority shall order under paragraphs (1) and (2) of section 743 (d) the suspension of liquidation and the posting of a cash deposit, bond, or other security.

"(2) ISSUANCE OF ORDER; EFFECT OF NEGATIVE DETERMINATION.—If the determinations of the administering authority and, if required, the Commission under subsections (a)(1) and (b)(1) are affirmative, then the administering authority shall issue an artificial pricing duty order under section 746(a). If either of such determinations is negative, the investigation shall be terminated upon the publication of notice of that negative determination and the administering authority shall—

"(A) terminate the suspension of liquidation under section 743(d)(1), and

"(B) release any bond or other security and refund any cash deposit required under section 743(d)(2).

"(3) EFFECT OF NEGATIVE DETERMINATIONS UNDER SUBSECTIONS (a)(2) and (b)(4)(A).—If the determination of the administering authority or the Commission under subsections (a)(2) and (b)(4)(A), respectively, is negative, then the administering authority shall—

"(A) terminate any retroactive suspension of liquidation required under section 743(e)(2), and

"(B) release any bond or other security, and refund any cash deposit required under section 743(d)(2) with respect to entries of the merchandise the liquidation of which was suspended retroactively under section 743(e)(2).

"(d) PUBLICATION OF NOTICE OF DETERMINATIONS.—Whenever the administering authority or the Commission makes a determination under this section, the petitioner, other parties to the investigation, and the other agency shall be notified of the determination and of the facts and conclusions of law upon which the determination is based, and notice of the determination shall be published in the Federal Register.

"SEC. 746. ASSESSMENT OF DUTY.

"(a) PUBLICATION OF ARTIFICIAL PRICING DUTY ORDER.—Within 7 days after being notified by the Commission of an affirmative determination under section 745(b), or within 7 days after an affirmative determination by the administering authority under section 745(a), if its determination by the Commission is required, the administering authority shall publish an artificial pricing duty order which—

"(1) directs customs officers to assess an artificial pricing duty equal to the amount by which the minimum allowable import price of the merchandise exceeds the actual price of such merchandise, within 6 months after the date on which the administering authority received satisfactory information upon which the assessment may be based, but in no event later than 12 months after the end of the annual accounting period of the manufacturer or exporter within which the merchandise is entered, or withdrawn from warehouse, for consumption.

"(2) includes a description of the class or kind of merchandise affected, in such detail as the administering authority deems necessary, and

"(3) requires the deposit of estimated artificial pricing duties along with the deposit of estimated normal customs duties on the merchandise pending liquidation of entries of such merchandise.

"(b) IMPOSITION OF DUTIES.—

"(1) GENERAL RULE.—If the Commission, in the final determination under section 745(b), finds material injury or threat of material injury which, but for the suspension of liquidation under section 743(d)(1), would have led to a finding of material injury, then entries of the merchandise subject to the artificial pricing duty order, the liquidation of which has been suspended under section 743(d)(1), shall be subject to the imposition of artificial pricing duties under section 741(a).

"(2) SPECIAL RULE.—If the Commission, in the final determination under section 745(b), finds threat of material injury (other than threat of material injury described in paragraph (1)) or material retardation of the establishment of an industry in the United States, then merchandise subject to an artificial pricing duty order which is entered, or withdrawn from warehouse, for consumption on or after the date of publication or notice of an affirmative determination of the Commission under section 745(b) shall be subject to the imposition of artifical pricing duties under section 741(a), and the administering authority shall release any bond or other security, and refund any cash deposit made, to secure the payment of artificial pricing duties with respect to entries of the merchandise entered, or withdrawn from warehouse, for consumption before that date.

"SEC 747. TREATMENT OF DIFFERENCE BETWEEN DEPOSIT OF ESTIMATED ARTIFICIAL PRICING DUTY AND FINAL ASSESSED DUTY UNDER ARTIFICIAL PRICING DUTY ORDER.

"(a) DEPOSIT OF ESTIMATED ARTIFICIAL PRICING DUTY UNDER SECTION 743(d)(2).—If the amount of a cash deposit, or the amount of any bond or other security, required as security for an estimated artificial pricing duty under section 743(d)(2) is different from the amount of the artificial pricing duty determined under an artificial pricing duty order issued under section 746, then the difference for entries of merchandise entered, or withdrawn from warehouse, for consumption before notice of the affirmative determination of the Commission under section 745(b) is published shall be—

"(1) disregarded, to the extent that the cash deposit, bond, or other security is lower than the duty under the order, or

"(2) refunded or released, to the extent that the cash deposit, bond or other security is higher than the duty under the order.

"(b) DEPOSIT OF ESTIMATED ARTIFICIAL PRICING DUTY UNDER SECTION 746(a)(3).—If the amount of an estimated artificial pricing duty deposited under section 746(a)(3) is different from the amount of the artificial pricing duty determined under an artificial pricing duty order issued under section 746, then the difference for entries of merchandise entered, or withdrawn from warehouse, for consumption after notice of the affirmative determination of the Commission under section 745(b) is published shall be—

"(1) collected, to the extent that the deposit under section 706(a)(3) is lower than the duty determined under the order, or

"(2) refunded, to the extent that the deposit under section 706(a)(3) is higher than the duty determined under the order.

together with interest as provided by section 778.

"SEC. 748. CHANGE FROM ARTIFICIAL PRICING DUTY INVESTIGATION TO ANTIDUMPING DUTY OR COUNTERVAILING DUTY INVESTIGATION; CHANGE FROM ANTIDUMPING DUTY OR COUNTERVAILING DUTY INVESTIGATION TO ARTIFICIAL PRICING DUTY INVESTIGATION.

"(a) CHANGE FROM ARTIFICIAL PRICING DUTY INVESTIGATION TO ANTIDUMPING DUTY OR COUNTERVAILING DUTY INVESTIGATION.—

"(1) If in the course of an artificial pricing duty investigation, the administering authority determines that the country in which the product under investigation is produced is a nonmarket economy country, but—

"(A) the industry or sector of the nonmarket economy country under investigation is market-oriented, and

"(B) there is sufficient verifiable information to permit the investigation to be conducted as an antidumping duty or countervailing duty investigation.

then the administering authority shall treat the investigation as if the investigation had been commenced as an antidumping duty or countervailing duty investigation, whichever the administering authority determines to be appropriate.

"(2) Whenever the administering authority determines under paragraph (1) that an artificial pricing investigation will be treated as an antidumping duty or countervailing duty investigation, the administering authority shall terminate the artificial pricing investigation and begin to conduct the antidumping duty or countervailing duty investigation at the same time period as such investigation would have been had such investigation been originally commenced as an antidumping duty or countervailing duty investigation, except that—

"(A) if the administering authority had not previously made a preliminary artificial pricing duty determination—

"(i) the administering authority shall have an additional 30 days in which to make a preliminary antidumping duty or countervailing duty determination, and

"(ii) any determination made under section 743(c) to postpone a preliminary artificial pricing duty determination shall apply as if such determination had been made under section 703(c) or 733(c), whichever is appropriate, or

"(B) if the administering authority had previously made a preliminary artificial pricing duty determination the administering authority shall make a preliminary antidumping duty or countervailing duty determination within 30 days of the date on which the artificial pricing duty investigation is terminated (but any suspension of liquidation and any deposit, bond, or other security requirement previously imposed under paragraphs (1) and (2) of section 743(d) shall remain in effect until the administering authority makes a preliminary antidumping duty or countervailing duty determination).

"(3) No later than 10 days before making a determination under paragraph (1), the administering authority shall notify the petitioner of, and consult with the petitioner concerning, the intention of the administering authority to treat an artificial pricing duty investigation as an antidumping or countervailing duty investigation.

"(b) CHANGE FROM ANTIDUMPING DUTY OR COUNTERVAILING DUTY INVESTIGATION TO ARTIFICIAL PRICING DUTY INVESTIGATION.—

"(1) If in the course of an antidumping duty or countervailing duty investigation, the administering authority determines that—

"(A) the industry or sector of the nonmarket economy country under investigation is not market-oriented, or

"(B) there is insufficient verifiable information to permit the investigation to be conducted as an antidumping duty or countervailing duty investigation.

then the administering authority shall treat the investigation as if the investigation had been commenced as an artificial pricing duty investigation.

"(2) Whenever the administering authority determines under paragraph (1) that an antidumping duty or countervailing duty investigation will be treated as an artificial pricing duty investigation, the administering authority shall terminate the antidumping duty or countervailing duty investigation and begin to conduct an artificial pricing duty investigation at the same time period as such investigation would have been had such investigation been originally commenced as an artificial pricing duty investigation, except that—

"(A) if the administering authority had not previously made a preliminary antidumping duty or countervailing duty determination—

"(i) the administering authority shall have an additional 30 days in which to make a preliminary artificial pricing duty determination, and

"(ii) any determination made under section 703(c) or 733(c) to postpone a preliminary countervailing duty or antidumping duty determination shall apply as if such determination had been made under section 743(c), or

"(B) if the administering authority had previously made a preliminary antidumping duty or countervailing duty determination, the administering authority shall make a preliminary artificial pricing duty determination within 30 days of the date on which the antidumping duty or countervailing duty determination is terminated (but any suspension of liquidation and any deposit, bond, or other security requirement previously imposed under paragraphs (1) and (2) of section 703(d) or paragraphs (1) and (2) of section 733(d) shall remain in effect until the administering authority makes a preliminary artificial pricing duty determination).

"(3) No later than 10 days before making a determination under paragraph (1), the administering authority shall notify the petitioner of, and consult with the petitioner concerning, the intention of the administering authority to treat an antidumping duty or countervailing duty investigation as an artificial pricing duty investigation.

"(c) NOTICE OF DETERMINATION.—Whenever the administering authority makes a determination under subsection (a)(1) or (b)(1), the petitioner, other parties to the investigation, and the other agency shall be notified of the determination and of the facts and conclusions of law upon which the determination is based, and notice of the determination shall be published in the Federal Register.".

SEC. 749. DEFINITIONS; TECHNICAL AND CONFORMING AMENDMENTS.

(a) ADDITIONAL DEFINITIONS.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end thereof the following new paragraphs:

"(18) NONMARKET ECONOMY COUNTRY.—The term 'nonmarket economy country' means any country the economy of which as determined by the administering authority operates on principles of nonmarket cost or pricing structures so that sales or offers of sale of merchandise in that country or to countries other than the United States do not reflect the fair value of the merchandise.

"(19) LIKE ARTICLE.—The term 'like article' means an article which is like, or in the absence of like, most similar in characteristics and uses with the article subject to an investigation under this title.

"(20) DOMESTIC INDUSTRY.—The term 'domestic industry' means an industry producing an article in whole or in part in the United States, including any territory or possession of the United States.

"(21) MINIMUM ALLOWABLE IMPORT PRICE.—The term 'minimum allowable import price' means the lesser of—

"(A) the lowest average price of the most suitable United States producer in arms-length sales to customers in the United States during the investigatory period, or

"(B) the lowest average price of the most suitable foreign producer in the market economy in arms-length sales to customers in the United States during the investigatory period.".

(c) ADMINISTRATIVE AND JUDICIAL REVIEW OF DETERMINATIONS.—

(1) ADMINISTRATIVE REVIEW.—

(A) PERIODIC REVIEW.—Paragraph (1) of section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) is amended—

(i) by inserting "an artificial pricing duty order under this title" after "1921,",

(ii) by striking out "and" at the end of clause (B),

(iii) by adding "and" at the end of clause (C),

(iv) by inserting "or at artificial prices" after "fair value" in clause (C), and

(v) by inserting after clause (C) the following new clause:

"(D) review and determine (in accordance with paragraph (3)), the amount of any artificial pricing duty,".

(B) DETERMINATION OF ARTIFICIAL PRICING DUTIES.—Subsection (a) of section 751 of the Tariff Act of 1930 (19 U.S.C. 1675(a)) is amended by adding at the end thereof the following new paragraph:

"(3) DETERMINATION OF ARTIFICIAL PRICING DUTIES.—For the purpose of paragraph (1)(D), the administering authority shall determine—

"(A) the minimum allowable import price and the actual price of each entry of merchandise subject to the artificial pricing duty order and included within that determination, and

"(B) the amount, if any, by which the minimum allowable import price of each such entry exceeds the actual price of the entry.

The administering authority, without revealing confidential information, shall publish notice of the results of the determination of artificial pricing duties in the Federal Register, and that determination shall be the basis for the assessment of artificial pricing duties on entries of the merchandise included within the determination and for deposits of estimated duties.".

(C) REVIEWS.—

(i) IN GENERAL.—Paragraph (1) of section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)(1)) is amended—

(I) by striking out "or 734" and inserting in lieu thereof "734, or 744",

(II) by striking out "or 735(b)" and inserting in lieu thereof "735(b), 744(h)(2), 745(a), or 745(b)",

(III) by striking out "or 734(h)(2)" and inserting in lieu thereof "734(h)(2), or 744(h)(2)", and

(IV) by striking out "or 734(c)" and inserting in lieu thereof "734(c), or 744(c)".

(ii) LIMITATIONS.—Paragraph (2) of section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)(2)) is amended—

(I) by striking out "or 735(b)" in clause (A) and inserting in lieu thereof "735(b), or 745(b)",

(II) by striking out "or 735(a)" in clause (B) and inserting in lieu thereof "735(a), or 745(a)", and

(III) by striking out "or 734" and inserting in lieu thereof "734, or 744".

(D) SUSPENSIONS.—Subsection (e) of section 751 of the Tariff Act of 1930 (19 U.S.C. 1675(e)) is amended by striking out "or 734(i)" and inserting in lieu thereof "734(i), or 744(i)".

(2) JUDICIAL REVIEWS.—

(A) IN GENERAL.—Paragraph (1) of section 516A(a) of the Tariff Act of 1930 (19 U.S.C. 1516a) is amended—

(i) by striking out "or 702(c)" in subparagraph (A)(i) and inserting in lieu thereof "702(c), or 742(c)",

(ii) by striking out "or 733(a)" in subparagraph (A)(iii) and inserting in lieu thereof "733(a), or 743(a))",

(iii) by striking out "or 733(c)" in subparagraph (B)(i) and inserting in lieu thereof "733(c), or 743(c)", and

(iv) by striking out "or 733(b)" in subparagraph (B)(ii) and inserting in lieu thereof "733(b), or 743(b)".

(B) REVIEWABLE DETERMINATIONS.—Paragraph (2) of section 516A(a) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)) is amended—

(i) by striking out "or countervailing" in subparagraph A((ii) and inserting in lieu thereof "countervailing, or artificial pricing",

(ii) by striking out "or 735" in clauses (i) and (ii) of subparagraph (B) and inserting in lieu thereof "735, or 745",

(iii) by striking out "or 734" in subparagraph (B)(iv) and inserting in lieu thereof "734, or 744",

(iv) by striking out "duty or a countervailing" in subparagraph (B)(iv) and inserting in lieu thereof ", countervailing, or artificial pricing", and

(v) by striking out "or 734(h)" in subparagraph (B)(v) and inserting in lieu thereof "734(h), or 744(h)".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 773 of the Tariff Act of 1930 (19 U.S.C. 1677b(c)) is repealed.

(2) Subsection (f) of section 303 of such Act (19 U.S.C. 1303(f)) and subsection (c) of section 701 of such Act (19 U.S.C. 1671(c)) are each amended—

(A) by inserting "(1)" before "For", and

(B) by inserting at the end thereof the following new paragraph:

"(2) For provisions of law applicable in the case of a product of a nonmarket economy country, see subtitle C of title VII of this Act.".

(3) Section 731 of such Act (19 U.S.C. 1673) is amended—

(A) by inserting "(a) In General.—" before "If", and

(B) By adding at the end thereof the following new subsection:

"(b) CROSS REFERENCE.—

"For provisions of law applicable in the case of a product of a nonmarket economy country, see subtitle C of title VII of this Act.".

(e) CLERICAL AMENDMENT.—The table of contents for title VII of the Tariff Act of 1930 is amended by redesignating subtitles C and D as subtitles D and E, respectively, and by inserting after the items relating to subtitle B the following new items:

"Subtitle C—Imposition of Artificial Pricing Duties

"Sec. 741. Artificial pricing duties imposed.
"Sec. 742. Procedures for initiating an artificial pricing duty investigation.
"Sec. 743. Preliminary determinations.
"Sec. 744. Termination or suspension of investigations.
"Sec. 745. Final determinations.
"Sec. 746. Assessment of duty.
"Sec. 747. Treatment of difference between deposit of estimated artificial pricing duty and final assessed duty under artificial pricing duty order.
"Sec. 748. Treatment of artificial pricing investigations as antidumping duty or countervailing duty investigations and the treatment of antidumping duty or countervailing duty investigations as artificial pricing investigations.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to petitions filed, requests made, and resolutions adopted after the date of the enactment of this Act.●

By Mr. PACKWOOD (for himself and Mr. BAUCUS):

S. 1352. A bill to define the circumstances under which construction workers may deduct travel and transportation expenses in computing their taxable incomes for purposes of the Federal income tax; to the Committee on Finance.

TRAVEL EXPENSES FOR CONSTRUCTION WORKERS

● Mr. PACKWOOD. Mr. President, today Senator BAUCUS and I are introducing a bill to resolve the longstanding conflict about the deduction of travel expenses for construction workers employed at jobsites distant from their home.

Under this bill, employment at a jobsite more than 30 miles from a construction worker's home would be deemed temporary for the first 2 years the worker is employed at that jobsite. For jobs lasting more than 2 years, the job would be determined to be temporary or not temporary based on an examination of all the facts and circumstances.

For many years, the IRS has applied the restrictive 1-year rule in determining the deductibility of travel expenses for construction workers. Under this rule, no deduction is allowed for workers employed or expected to be employed for more than 1 year in a project area. Payments to employees for travel expenses in these cases are also subject to withholding, FICA, and FUTA taxes.

All signs indicate that the IRS intends to continue to apply the overly strict "1-year rule," which was suspended in 1976 by an even more restrictive ruling. Enforcement of the stricter IRS ruling, Revenue Ruling 76-453, was blocked several times by Congress, and the ruling was withdrawn by the IRS. Although Congress blocked Revenue Ruling 76-453, it did not affirmatively state what standards should apply. The bill we are introducing today is our proposal for providing those standards. This bill replaces the "1-year rule" with rules which I believe are more fair to construction workers faced with exorbitant travel costs.

Before describing the provisions of this bill let me set forth my reasons for rejecting the 1-year rule. I believe the 1-year rule fails to realistically consider the nature of construction work, and taxes workers unfairly due to circumstances unique to the construction industry.

Construction workers often must travel long distances to construction sites at great expense. Construction jobs are usually temporary, involving very real risks of layoffs, seasonal interruptions, and construction delays. Once a construction job is completed the worker must seek employment at another job site, which may be equally distant from his home and family but in an opposite direction.

Under these circumstances a construction worker cannot expect employment to last long enough to warrant relocating near a new job site. It is unfair to ask construction workers to continually uproot their families and relocate near their job site. Moreover, moving to the construction area may in fact be impossible in many cases if the area is uninhabitable. The 1-year rule ignores these facts of life.

The bill we are introducing today would allow the deduction of expenses incurred by a construction worker from travel to a job at a work site for the first 2 years of employment at that job, so long as the site is at least 30 miles from the worker's principal place of residence. For jobs lasting more than 2 years, deductibility of travel expenses would depend on whether, based on an examination of all the facts and circumstances in each case, the job is considered temporary. In determining whether this standard is met three special rules are provided in the bill.

First, the fact that the employee was employed for 2 years will not be taken into account in determining if a job is temporary after 2 years.

Second, indefiniteness of duration of employment will not be used as a basis for disallowing the deduction of travel costs.

Third, the "1-year rule" set out in Revenue Ruling 59-371 will not be

taken into account, nor will any other length of time be automatically deemed to make a job not temporary.

Companion legislation for this bill has been introduced in the House of Representatives. It is H.R. 700, sponsored by Congressmen PETE STARK and KENT HANCE.

Mr. President, we look forward to working on this bill with other Members of Congress and the Treasury Department. I request unanimous consent that the text of the bill be inserted in the RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF INTERNAL REVENUE CODE OF 1954.

(a) TRAVEL AND TRANSPORTATION EXPENSES OF CONSTRUCTION WORKERS.—Section 162 of the Internal Revenue Code of 1954 (relating to deductions for ordinary and necessary business expenses) is amended by inserting therein the following new subsection:

"(h) SPECIAL RULE FOR CONSTRUCTION WORKERS.—

"(1) DEFINITION OF TEMPORARY JOB SITE.—For purposes of applying subsections (a)(1) and (a)(2) to travel and transportation expenses incurred by construction workers, a job at a site located more than 30 miles from a construction worker's principal place of residence—

"(A) shall be deemed to be temporary for the first 2 years that the worker is employed at that job, and

"(B) shall be determined to be temporary or not temporary with respect to periods following the first 2 years of employment based on an examination of all the facts and circumstances, subject to the rules set forth in subparagraphs (2), (3), and (4).

"(2) EFFECT OF FIRST 2 YEARS ON SUBSEQUENT DETERMINATION.—In determining whether or not a job is temporary under subparagraph (1)(B), the worker's employment at the job during the period specified in subparagraph (1)(A) shall not be taken into account.

"(3) INDEFINITE EMPLOYMENT.—No deduction shall be disallowed, by reason of section 262 or any other provision of law, solely because a construction worker's employment at a job site is of indefinite duration.

"(4) PROHIBITION ON APPLICATION OF 1-YEAR RULE.—In making the determination specified in subparagraph (1)(B), no length of time shall be deemed, either automatically or presumptively, to make the job other than temporary. The '1-year' rule set forth in Revenue Ruling 59-371, or in any similar ruling or regulation, is expressly disapproved as a grounds for disallowing deductions.

"(5) DEFINITION.—For purposes of this subsection, the term 'construction workers' means any individual employed, whether as a skilled, semiskilled, or unskilled laborer, in the building or construction industry, but does not include clerical or management employees.".

(b) TECHNICAL AMENDMENT.—Subsection 162(h) of the Internal Revenue Code of 1954 is amended by striking out "(h)" and inserting therefor "(j)".

SEC. 2. EFFECTIVE DATE.

This Act shall be effective upon enactment.●

Mr. BAUCUS. Mr. President, the legislation Senator PACKWOOD and I are introducing today corrects deficiencies in the way business expense deduction rules apply to construction workers.

Senator PACKWOOD already has explained the legislation's background and provisions. I would like to emphasize a few points.

THE BASIC RULE

Section 162(a) of the Tax Code, 26 U.S.C. Sec. 162(a), permits taxpayers to deduct their ordinary and necessary business expenses. These expenses do not include personal expenses.

At first blush, the expense of traveling to work seems like a business expense. But further analysis shows that it usually is not. For example, assume that two businessmen work in the same city. The first lives in a suburb 30 miles away. The second lives in the city itself. It is, of course, more expensive for the first to travel to work than it is for the second; the difference is attributable to the first's personal decision to live 30 miles away; thus, his expense is a personal expense and should not be deductible.

The Supreme Court has reached a similar conclusion and held that the expense of traveling to work generally is a nondeductible personal expense. See *Commissioner* v. *Flowers*, 326 U.S. 465 (1946).

There is, however, an exception to this general rule. Courts have recognized that, in some circumstances, a worker does not have a reasonable option of moving near his workplace and that, in such circumstances, his traveling expenses should be treated as deductible business expenses. The main formulation of this exception is the "temporary job" test, which permits a taxpayer to deduct expenses he incurs traveling to a temporary job. Unfortunately, the temporary job test sometimes has been applied simplistically to construction workers. As a result, these workers have unfairly been denied business expense deductions.

CONSTRUCTION WORKERS

Construction work is inherently temporary. The work at any given job site is limited, by definition, to the time it takes to finish the project. Frequently, the work is seasonal, with no guarantee that the workers employed before a seasonal layoff will be the ones reemployed after it. And sometimes political and financial events threaten to interrupt construction.

Let me give you an example. Louis Fredrick, a carpenter, lived in Belcourt, N. Dak. with his wife and five children. For 18 years, Fredrick worked around Belcourt. Then, carpentry jobs around Belcourt became scarce and Fredrick's union referred him to a project constructing an antiballistic missile base in Nekoma, 81 miles away. He took the job.

When he did so, Fredrick knew that his tenure was uncertain. Work at the project was seasonal. Frequent change orders made layoffs routine, and rehiring rules made it unlikely that a laidoff worker would be rehired soon. And the project was part of the controversial Safeguard ABM system, whose construction depended on the progress of the SALT talks and on related political events.

In order to take the job at Nekoma, Fredrick had only two choices. Either he had to drive 81 miles to and from Nekoma each day, or he had to move closer to the project. Moving closer to the project was not a realistic option, because he could be laid off at any time, and if he was, there would be no other available work in the Nekoma area. In any event, there was no housing available in Nekoma or the surrounding communities, because the limited amount of existing housing had long been taken, and the Government and the contractor had refused to build more. Fredrick tried to find a room near the project, but none was available, and on several occasions he had to sleep in his car. In light of these circumstances, Fredrick made the only reasonable decision. He decided to drive back and forth each day.

Fredrick's case is not unusual. I am sure all of my colleagues know of construction workers who rise before dawn to drive 50 miles or more to a distant jobsite, returning home late each night. Or who take rooms near the jobsite during the week, returning home only on weekends. In either case, they incur substantial expenses.

These expenses are, by any reasonable standard, business expenses. Construction workers like Mr. Fredrick are not executives commuting from quiet suburbs to secure jobs downtown; they are skilled workers incurring substantial expenses in order to practice their trade, as they sometimes must, over wide geographical areas. Therefore, their travel expense should be treated as business expenses, deductible under section 162(a).

THE IRS POSITION

But the IRS disagrees. To determine whether construction workers' expenses are business or personal expenses, it has applied the traditional temporary job test in a way that overlooks the special characteristics of construction work.

Specifically, the IRS has established, and some courts have upheld, a distinction between temporary jobs and indefinite jobs; that is, if a job's duration is indefinite, the job is not temporary, and travel expenses cannot be deducted. See Rev. Rul. 60-189, 1960-1 C.B. 60. See also *Kasun* v. *U.S.*, 671 F.2d 1059 (7th Cir. 1982). This dis-

tinction is inappropriate for construction workers because, in some cases, the extreme uncertainty about how long the job will last is precisely what discourages workers from moving near the jobsite.

In addition, the IRS has developed a so-called 1-year rule that presumes a job is indefinite if it actually lasts more than 1 year. See Rev. Rul. 60-189, 1960-1 C.B. 60, 63-64. See also *Kasun* v. *U.S.*, 671 F.2d 1059, 1061 n.2 (7th Cir. 1982). This rule, too, is inappropriate for construction workers. The mere fact that a worker ends up working a long time at a job site does not mean that he should have expected to, and therefore that he had a reasonable option of moving near the job site. For example, after Mr. Fredrick deducted the expense of traveling back and forth to Nekoma, the IRS disallowed his deductions on the ground, among others, that he had ended up working at Nekoma for 3 years. A Federal district court found, nevertheless, that Fredrick's job remained temporary because he always faced the reasonable probability that he would be laid off soon. See *Fredrick* v. *U.S.*, 427 F. Supp. 1274, 1282 (D.N.D. 1978), aff'd, 603 F.2d 1292 (8th Cir. 1979). The IRS has indicated, however, that it will not follow the Fredrick decision outside the Eighth Circuit. See Rev. Rul. 80-833, 1980-2 C.B. 60.

As a result of the distinction between temporary and indefinite jobs and of the 1-year rule, construction workers frequently are denied travel expenses even though the expenses are incurred not for personal reasons but because moving near the job site is not a reasonable option.

THE PACKWOOD-BAUCUS BILL

Mr. President, the IRS has struggled with construction workers, for many years, over whether ordinary travel expense rules are appropriate for construction workers. It is time to resolve this struggle by establishing specific rules for the construction industry. That is what the Packwood-Baucus bill does.

These rules do not permit construction workers to deduct ordinary commuting expenses. Instead, they simply modify the existing rules to reflect the special nature of construction work.

Specifically, construction workers will be deemed to be temporarily away from home for their first 2 years of employment at any job site more than 30 miles from their home. Thereafter, the deductibility of their travel expenses will be determined, case by case, on the basis of whether the expenses were incurred because of business necessity rather than personal convenience. In making that determination, the IRS and the courts will be prohibited from using either the 1-year rule or the "indefinite employment" rationale.

Mr. President, this simple bill corrects deficiencies that have caused construction workers to be treated unfairly. I hope that many of our colleagues will join Senator PACKWOOD and I in supporting this legislation and working hard to enact it during this Congress.●

By Mr. ANDREWS (for himself and Mr. BURDICK):

S. 1353. A bill for the relief of certain employees at antiballistic missile sites; to the Committee on the Judiciary.

RELIEF OF CERTAIN EMPLOYEES AT ANTIBALLISTIC MISSILE SITES

Mr. ANDREWS. Mr. President, Senator BURDICK and I are introducing today a bill that would require the Internal Revenue Service to comply with Fredrick against United States, an Eighth Circuit Court of Appeals decision.

In 1979, the eighth circuit held that Louis Fredrick had properly deducted transportation expenses under section 162(a) of the Internal Revenue Code. The expenses occurred over a 3-year period during which Mr. Fredrick traveled daily from his home to an antiballistic missile project in Nekoma, N. Dak. The court determined that the expenses were an ordinary and necessary business expense since the taxpayer had reasonably expected to be employed on the project only for a temporary period of time.

Along with Mr. Fredrick, other taxpayers had utilized section 162(a) and deducted expenses for travel to the Nekoma worksite. All such individuals reasonably expected to be employed on the project only for a temporary period of time. In all of the cases, the IRS had denied the travel deduction. Unlike Mr. Fredrick, these individuals were not plaintiffs in the eighth circuit case.

Nonetheless, the Fredrick decision was clearly applicable to the above mentioned group of taxpayers. As a result, the Internal Revenue Service should have paid back the previously disallowed tax deduction.

Unfortunately, during the time period prior to final determination of the case, the IRS disallowed the amended returns of numerous taxpayers who are now desiring relief under my bill. The disallowance of the amended returns, in effect, allowed the statute of limitations to expire, thereby effectively foreclosing the taxpayers from obtaining refunds.

There is no question that the IRS has the right and authority to deny a request for the filing of amended returns. However, in this case, the final court decision clearly shows that a wrong has been committed and that the ordinary and necessary business expense deduction should never have been disallowed.

It is only fair and equitable that all taxpayers be given the same treatment. To deny a deduction for some because of technical problems while giving it to others in the same circumstances is clearly unjust. This legislation would correct once and for all this situation.

By Mr. CRANSTON (for himself and Mr. WILSON):

S. 1354. A bill to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes; to the Committee on Environment and Public Works.

EXPENDITURES FOR EMERGENCY RELIEF

Mr. CRANSTON. Mr. President, I introduce legislation to increase the fiscal year 1983 authorization for the Emergency Road Relief program under the Surface Transportation Assistance Act of 1982 (Public Law 97-424). My bill—which is cosponsored by my California colleague Senator PETE WILSON—provides an additional $150 million in ERR moneys for fiscal year 1983 only, in order to meet legitimate and outstanding disaster expenses, on the part of States, for which the existing authorization is clearly deficient.

Severe winter storms have created havoc in several States. While California has so far sustained the greatest dollar amount of road damage, other States—Louisiana, Oregon, West Virginia, Mississippi, Alabama, Utah, and Massachusetts—have suffered storm damage that would be reimbursed under the bill I offer. There is no impact on the Federal budget. Moneys are available in the highway trust fund. What is lacking is the authority to spend additional sums for emergency road repair.

For California, continuous rainfall and severe coastal storms have resulted in the governor proclaiming 44 counties as being in a state of emergency. The Federal Emergency Management Agency (FEMA) has, as of March 21, 1983, accepted California's request for assistance under Public Law 93-288 and determined that 32 counties are eligible for reimbursement of repairs for damaged public facilities not on a Federal-aid road system.

Currently, the estimated road damage in California now exceeds the $200 million mark:

State highway damage (Federal-aid system)	$122,500,000
Local roads (Federal-aid system)	40,600,000
Local roads (Non-Federal-aid system)	35,000,000
Public Lands (Federal-aid system)	13,000,000
Total	211,100,000

California may sustain further highway damage when this year's record

Sierra snow pack begins to melt. Other States previously named have sustained severe road damage totaling additional millions eligible for emergency relief.

Funds for disaster assistance and restoration are expected to be extremely limited. Disaster assistance under FEMA's Public Law 93-288 program is limited to 75 percent of eligible costs. FEMA requires roads and bridges to be repaired to the condition that existed prior to the disaster or to the agencies demonstrated standard. The FHWA, however, rebuilds the facility to current standards. The net effect is that FEMA's participation usually approximates just 50 percent of the actual restoration cost. Furthermore, FEMA funds may only be used for roads not on the Federal aid system.

Funds for repair of disaster damaged State highways and local roads on Federal-aid road systems are available under the emergency relief program of the Surface Transportation Assistance Act of 1982 (Public Law 97-424). Of the $211 million of estimated road damage in California, approximately $150 million is eligible for emergency relief funding. However, the total amount of emergency relief funds available nationwide is only $100 million per year with no State to receive more than $30 million for each disaster.

The existing authorization level of $100 million is clearly inadequate to handle even the disasters California alone has suffered this year, much less respond to further disaster assistance needs throughout the Nation without additional emergency relief funds available. The legislation I introduce would raise the authorization and also waive the provision establishing a cap of $30 million on the amount any State can receive per disaster.

The Federal Highway Administration (FHWA), which administers the program, has indicated the need for increased emergency relief funds for this year. Its latest funding estimate of May 6, 1983, shows a shortfall of approximately $63 million in emergency relief funds. FHWA also acknowledged California's need for a minimum of $128 million in emergency relief funds in its April 25 status report on the disaster assistance was necessary and acceptable to accommodate the State's needs.

I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. That, in addition to any amounts authorized to be appropriated by section 125 of title 23, United States Code, for the fiscal year ending September 30, 1983, there is authorized to be appropriated, out of the Highway Trust Fund, for such fiscal year $150,000,000 to carry out such section.

SEC. 2. The proviso in the first sentence of subsection (b) of section 125 of title 23, United States Code limiting the aggregate amount of obligations for projects under such section, shall not apply to funds authorized to be appropriated by the first section of this Act.

SEC. 3. A project to repair or reconstruct any portion of the Federal-aid primary route in San Mateo County, California, which was destroyed as a result of a combination of storms in the winter of 1982-1983 and a mountain slide and which, until its destruction, had served as the only reasonable access between two cities and as the designated emergency evacuation route of one of such cities shall be eligible for assistance under section 125 of title 23, United States Code.

ADDITIONAL COSPONSORS

S. 57

At the request of Mr. SPECTER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 57, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

S. 237

At the request of Mr. WALLOP, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining land reclamation and for the deduction of amounts added to such reserves.

S. 476

At the request of Mr. LEVIN, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 555

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 555, a bill to stop the proliferation of "cop-killer" bullets.

S. 657

At the request of Mr. DOLE, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 657, a bill to amend the Animal Welfare Act to insure the proper treatment of laboratory animals.

S. 738

At the request of Mr. DANFORTH, the names of the Senator from California (Mr. WILSON) and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 738, a bill to amend the Economic Recovery Tax Act of 1981 to make the credit for increasing research activities permanent.

S. 788

At the request of Mr. QUAYLE, the names of the Senator from New Hampshire (Mr. RUDMAN), the Senator from Washington (Mr. GORTON), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 788, a bill to amend the Agricultural Act of 1949 to reduce the loan rates for the 1983 through 1985 crops of sugarcane and sugar beets.

S. 860

At the request of Mr. HART, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 860, a bill to to reauthorize and expand the Hazardous Waste Response Trust Fund.

S. 971

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 971, a bill to authorize the Secretary of Health and Human Services to expedite research on a disease or disorder which constitutes a public health emergency.

S. 972

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 972, a bill to appropriate funds for epidemiological and medical research on acquired immune disorders and related opportunistic infections.

S. 995

At the request of Mr. EXON, the names of the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mr. CHILES), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 995, a bill to amend title 38, United States Code, to modify the rule for the commencement of the period of payment of certain adjustments in compensation in the case of hospitalized veterans.

S. 1051

At the request of Mr. TOWER, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 1051, a bill to amend the Internal Revenue Code of 1954 to allow certain prepayments of principal and interest to be treated as contributions to an individual retirement account, to allow amounts to be withdrawn from such account to purchase a principal residence, and for other purposes.

S. 1146

At the request of Mr. BENTSEN, the names of the Senator from South Carolina (Mr. THURMOND), the Senator

from Hawaii (Mr. INOUYE), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from California (Mr. WILSON) were added as cosponsors of S. 1146, a bill to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes.

S. 1168

At the request of Mr. BOREN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1168, a bill to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma.

S. 1183

At the request of Mr. MATSUNAGA, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1183, a bill to amend the Internal Revenue Code of 1954 to provide that certain indebtedness incurred by educational organizations in acquiring or improving real property shall not be treated as acquisition indebtedness for purposes of the tax on unrelated business taxable income.

S. 1194

At the request of Mr. DANFORTH, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 1194, a bill to amend the Internal Revenue Code of 1954 to encourage the contribution of scientific equipment to elementary and secondary schools and institutions of higher education and to foster university research and scientific training.

S. 1249

At the request of Mr. ANDREWS, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 1249, a bill to add a representative of Indian tribal governments to the membership of the Advisory Commission on Intergovernmental Relations.

S. 1300

At the request of Mr. HUDDLESTON, the names of the Senator from Nevada (Mr. HECHT) and the Senator from Mississippi (Mr. STENNIS) were added as cosponsors of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund, and for other purposes.

S. 1302

At the request of Mr. HEINZ, the name of the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 1302, a bill to amend title XVIII of the Social Security Act with respect to purchase and rentals of durable medical equipment.

SENATE JOINT RESOLUTION 42

At the request of Mr. MURKOWSKI, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of Senate Joint Resolution 42, a joint resolution designating Alaska Statehood Day, January 3, 1984.

SENATE JOINT RESOLUTION 50

At the request of Mr. LEVIN, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of Senate Joint Resolution 50, a joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week".

SENATE JOINT RESOLUTION 75

At the request of Mr. SYMMS, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. BURDICK), the Senator from South Carolina (Mr. THURMOND), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of Senate Joint Resolution 75, a joint resolution to provide for the designation of June 12 through 18, 1983, as "National Scleroderma Week".

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the names of the Senator from Mississippi (Mr. STENNIS), the Senator from Michigan (Mr. RIEGLE), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE RESOLUTION 126

At the request of Mr. WALLOP, the names of the Senator from Tennessee (Mr. BAKER), the Senator from North Dakota (Mr. BURDICK), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 126, a resolution to express the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should be modified.

SENATE RESOLUTION 127

At the request of Mr. ANDREWS, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of Senate Resolution 127, a resolution to make the Select Committee on Indian Affairs a permanent Committee of the Senate.

SENATE RESOLUTION 137

At the request of Mr. KASTEN, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of Senate Resolution 137, a resolution expressing the sense of the Senate that Taiwan should retain full membership in the Asian Development Bank, and that it should not be expelled as a precondition for membership in that body by the People's Republic of China.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the names of the Senator from Nebraska (Mr. EXON), the Senator from South Carolina (Mr. THURMOND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Arizona (Mr. DECONCINI), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Florida (Mr. CHILES), the Senator from North Dakota (Mr. ANDREWS), the Senator from North Dakota (Mr. BURDICK), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Maine (Mr. COHEN) were added as cosponsors of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION 39—RELATING TO THE CONDITION OF THE INTERNATIONAL FINANCIAL SYSTEM

Mr. ARMSTRONG submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 39

Whereas the international banking system is currently threatened by a series of national financial crises;

Whereas the Congress is desirous of finding a solution to the current monetary crisis which will result in a stable monetary system and preservation of a liberal international economy;

Whereas this solution must be found without placing inordinate pressures on United States credit markets;

Whereas the breakdown in the Bretton Woods monetary system has contributed directly to these problems;

Whereas the economic policies prescribed by the International Monetary Fund often are harmful to economic growth;

Whereas the International Monetary Fund currently holds approximately $40 billion of uncommitted assets in the form of gold bullion and has not utilized them fully to date; and

Whereas loss reserves of many United States banks are inadequate to absorb potential defaults: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) Restoration of a stable monetary system is necessary to assure economic growth and to maintain a liberal international economic system;

(2) As a first step toward this restoration the Secretary of the Treasury should renew his call for an international conference on the monetary system to investigate its systemic problems;

(3) In coping with the current financial crisis and prior to any quota increase, the International Monetary Fund should make full use of its current assets, including its gold holdings;

(4) The International Monetary Fund should revise the conditions placed on its loans so as to encourage economic growth;

(5) Any additional financial resources made available during the current crisis

should be made available on a temporary basis, preferably through bilateral arrangements;

(6) United States banks should be required to adjust the value of loans on which interest payments are not received; and

(7) United States banks should be allowed to increase deductible loss reserves in order to make these write-downs without endangering the banking system.

Mr. ARMSTRONG. Mr. President, I am submitting a sense of the Congress resolution which outlines a realistic approach to the current international financial problems faced by the United States and the rest of the world. My concurrent resolution, which is a companion to the measure introduced in the House of Representatives by JACK KEMP, addresses the issue of international monetary stability as well as problems of nations heavily in debt and the impact these debts are having on international banks. Specifically, the concurrent resolution states that it is the sense of the Congress that:

First, restoration of a stable monetary system is necessary to assure economic growth and to maintain a liberal international economic system;

Second, as a first step toward this restoration the Secretary of the Treasury should renew his call for an international conference on the monetary system to investigate its systemic problems;

Third, in coping with the current financial crisis, and prior to any quota increase, the International Monetary Fund (IMF) should make full use of its current assets, including its gold holdings;

Fourth, the IMF should revise the conditions placed on its loans so as to encourage economic growth;

Fifth, any additional financial resources made available during the current crisis should be made available on a temporary basis, preferably through bilateral agreements;

Sixth, U.S. banks should be required to adjust the value of loans on which interest payments are not received; and

Seventh, U.S. banks should be allowed to increase deductible loss reserves in order to make these write-downs without endangering the banking system.

In short, the concurrent resolution calls for an international economic summit which will study, in depth, the issues of currency valuation, trade barriers and restrictions, international investment barriers, and the role and purpose of the IMF. The Williamsburg Economic Summit to be held at the end of this month will provide a starting point for such deliberations. Given the importance and magnitude of the problems facing the international monetary system, a second summit, similar to the Bretton Woods Conference, is certainly in order.

The need for serious consideration of the issues raised by the concurrent resolution which Mr. KEMP and I have submitted is also emphasized by the pending IMF quota increase. The Senate, in a few short weeks, will be considering a request to increase the U.S. contribution to the fund by $8.4 billion. The quota increase, it is argued, is necessary to alleviate temporary strains currently impacting the international financial system. Although supported by the administration, the quota legislation is seriously questioned by other authorities on the following grounds:

An economic revival of major Western industrial nations began around the start of 1983, with demand and production rising especially in the United States, West Germany, and Britain. Further, Japan's economy is likely to expand 3 percent this year. All agree that economic revival is the key to insure continued international financial stability.

Since 1959, the IMF's resources have increased 468 percent by increasing quotas alone. At the same time, the IMF's gold has remained untouched and has appreciated in value to approximately $40 billion at today's gold prices. The IMF should use its gold as collateral to obtain additional currency to facilitate short-term balance-of-payments problems.

Additional IMF resources will be used to make additional loans to hard-strapped countries. Clearly, when a borrower is in financial trouble you do not lend him more money. You help the borrower by restoring his cash flow through a reduction of unnecessary expenditures, an increase in productivity, and development of a work-out plan to insure debt repayment over a period of years.

The United States will incur a budget deficit of $210 billion this year. Deficits through 1988 are likely to continue to be large because of our inability to reduce Government spending. The IMF quota increase will have a direct negative effect on the U.S. credit markets because the $8.4 billion quota increase will come directly from our own domestic savings pool. The IMF quota increase, as well as the other borrowings undertaken by the Federal Government, will inevitably lead to higher interest rates and thus a short economic recovery. Granted, exports play a vital role to our economic health. The IMF quota increase will not, however, directly stimulate export growth. Moreover, our internal economic health should be of primary importance. Budget deficits of $207 billion are our primary concern.

Whether or not one is persuaded by these and other arguments made by opponents of the IMF quota increase, I believe we all can agree that such issues deserve serious consideration. And the concurrent resolution which Mr. KEMP and I propose responds to several of these concerns. Our resolution calls for two specific actions to help financially pressed countries to deal with their problems without asking the U.S. taxpayer to foot the bill. First, the IMF is instructed to change its "conditionality requirements" so as to encourage economic growth. In the past, many countries have, at the behest of the IMF, increased taxes which, as in the United States, stifles both productivity and innovation. Conditionality requirements must emphasize reducing government waste and subsidized consumption.

The second specific action called for is the writing down—or adjusting—of the value of the loans on which interest payments have not been received. Commercial banks which have made loans to borrowers which are unable to pay their interest, let alone make principal reductions, should be required to admit that the loan has soured and treat it as they would any other domestic loan. Commercial banks entered into a risk-taking businessmen's agreement with their borrowers. Accordingly, banks stood to benefit by making the loans and therefore the commercial banks must bear the burden of their business decisions. Further, the Comptroller of the Currency has a special obligation to enforce regulations equally relating to nonperforming loans of both international and domestic portfolios.

The benefit of writing down the bad loans is simple. It reduces the loan amount on which interest accrues, thereby providing breathing room to the borrower. As with any domestic loan, should the borrower's financial position improve significantly—as the IMF and commercial banks assert they will—the borrower will repay the entire amount of the loan. Writing down of loans does not forever forgive the borrower. It merely acknowledges that a problem exists and that those who stood to benefit from the loan have also borne the risk of the loan. Of course, commercial banks will not want to do this because it will negatively impact their earnings and dividend paying ability. But, it is only equitable that banks that made the loans bear the burden of these loans. The American taxpayer cannot be asked to contribute $8.4 billion to a pool of funds that will be used in part to repay the interest on loans made by banks.

I invite my colleagues in the Senate to join me in this concurrent resolution and, within a reasonable time, to hold hearings to determine whether the proposals contained in the concurrent resolution which Mr. KEMP and I have submitted are appropriate steps in the effort to restore world economic health. If hearings show our proposals need modification, we shall willingly accept such modifications. But our

main purpose today is to encourage our colleagues to seriously reflect on these and related issues and to join us in pressing for a solution to problems that have been put off too long.

SENATE CONCURRENT RESOLUTION 40—RELATING TO THE RIGHTS OF GRANDPARENTS TO VISIT THEIR GRANDCHILDREN

Mr. LEVIN (for himself, Mr. STENNIS, Mr. D'AMATO, Mr. ZORINSKY, Mr. HELMS, Mr. RANDOLPH, Mr. MOYNIHAN, Mr. BURDICK, Mr. MATSUNAGA, Mr. INOUYE, Mr. HUDDLESTON, Mr. BENTSEN, Mr. HEINZ, Mr. FORD, and Mr. BUMPERS) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 40

Whereas approximately 75 per centum of all older Americans are grandparents;

Whereas grandparents play a vital role in millions of American families;

Whereas an estimated one million children a year experience the divorce of their parents;

Whereas the laws of forty-two States (1) provide grandparents with certain rights to petition State courts for privileges to visit their grandchildren after the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and (2) allow such courts to grant such visitation privileges if such courts consider it in the best interests of such grandchildren;

Whereas such procedural rights to petition State courts often do not provide grandparents with adequate opportunities to be fully heard with respect to the granting of such visitation privileges;

Whereas the factors considered by State courts in determining whether the granting of such visitation privileges is in the best interests of the children involved varies widely among such States;

Whereas the ability of grandparents who have meaningful relationships with their grandchildren before the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents to help satisfy such grandchildren's needs for continuity of care and familial ties after such dissolution is often not fully taken into account in determining the best interests of such grandchildren;

Whereas the lack of uniformity among the laws of States with respect to such visitation privileges adversely affects the ability of grandparents to enforce and exercise such visitation privileges once granted by a court because of the interstate movement of the parties involved;

Whereas four national grandparents' rights organizations have been established for the purpose of focusing national, State, and local attention on the issue of grandparents' visitation rights; and

Whereas the Subcommittee on Human Services of the House Select Committee on Aging held a hearing on such issue on December 16, 1982: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) it is the sense of the Congress that—

(1) the National Conference of Commissioners on Uniform State Laws should develop a model State act which—

(A) provides grandparents with adequate rights to petition State courts for, and to be fully heard in such courts with respect to the granting of, privileges to visit such grandparents' grandchildren after the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents;

(B) ensures that such rights extend to cases in which, after such dissolution, such parents remarry and stepparents adopt such grandchildren; and

(C) establishes procedures for the interstate recognition and enforcement of State court orders granting such visitation privileges; and

(2) States should adopt the model State act so developed.

(b) It is the sense of the Congress that the Secretary of Health and Human Services, through the National Center for Child Abuse and Neglect, should provide technical assistance to States in developing, publishing, and disseminating guidelines which—

(1) may be used in determining the "best interest of the child" in cases in which the grandparents of such child seek privileges to visit such child after the dissolution (because of divorce, separation, or death) of the marriage of such child's parents, including cases in which such privileges are sought in situations described in subsection (a)(1)(B); and

(2) take into account the ability of grandparents to help satisfy such child's need for continuity of care after such dissolution.

Mr. LEVIN. Mr. President, I am today introducing with Senators STENNIS, D'AMATO, ZORINSKY, HELMS, RANDOLPH, MOYNIHAN, BURDICK, MATSUNAGA, INOUYE, HUDDLESTON, BENTSEN, HEINZ, FORD, and BUMPERS legislation on behalf of grandparents who have been denied the privilege of maintaining contact with their grandchildren following a divorce or other marital dissolution. This measure, the Grandparent Visitation Act, expresses the sense of the Congress that a uniform State act should be developed which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution of the marriage of the grandchildren's parents. In effect, the measure would urge the National Conference of Commissioners on Uniform State law (which is a nongovernmental entity that promotes uniformity in State laws) to develop this model.

Currently, some 42 States statutorily authorize grandparental visitation under certain circumstances, usually the death or marriage dissolution of the grandchild's parents. None of these statutes give grandparents an absolute right of visitation. Rather, they authorize a grandparent to petition the court asking that such privilege be granted. Because of pending new statutes in many States, a great deal of confusion exists as to the present status and interpretation of existing laws.

At the Federal level, Congress has no general authority to legislate in this area, although it can utilize some indirect approaches, such as what this measure proposes—urging States to adopt the model act if it so desires.

The only uniform act which involves the subject of custody and visitation is the Uniform Marriage and Divorce Act which states that a noncustodial parent must be allowed reasonable visitation rights unless this would endanger the child's physical, mental, moral, or emotional health. While grandparental visitation is not mentioned, some cases decided under this section have authorized such visits even in the absence of specific statutory language.

The proposed model Grandparent Visitation Act would not have the power of law or regulation and it would not set conditions for the receipt of Federal aid. It would simply be model State legislation, all or parts of which individual State legislatures may choose to enact into State law.

The House initiated action in this area when it held hearings before the Subcommittee on Human Services on December 16, 1982. In his introductory statement, Subcommittee Chairman MARIO BIAGGI assessed the nature of the problem this way:

Today in America, approximately seventy percent of older people in the United States have grandchildren. Statistics reveal that women become grandmothers at approximately 50 years of age and men become grandfathers around age 52. Based on current life expectancy, this can leave as much as a 20 to 30 year period for the development of meaningful relations between grandparents and grandchildren. That is the positive side of the coin.

On the negative side, over one million children a year experience the divorce of their parents—a startling 48 percent of those married in 1970 will eventually divorce. Most people who get divorced will remarry in many instances within three years. These contemporary shifts in divorce and remarriage are radically changing the character and structure of the family as we know it. In 1978, 10 million children lived in a household with one birth parent and one step-parent. Today we have far more than the traditional grandparenting. We now have the step grandparent and the multiple grandparent family.

At this point I wish to thank Mr. and Mrs. Lee Sumpter of Haslett, Mich., founders of Grandparents and Grandchildren Inc., for their assistance and guidance in this matter. The Sumpter's sensitivity and knowledge of the vital connection between grandparents and grandchildren brought the issue into focus.

May has been traditionally recognized as Older Americans Month and the time is ripe to express support for legislation that takes into account the rights of grandparents to visit their grandchildren. I hope we all agree that grandparents are a vital part of the family unit and, if so, then it is appropriate to recognize the rights and responsibilities that we all face in the most basic structure that was created—the family.

I urge the speedy enactment of this much needed legislation.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy, Nuclear Proliferation, and Government Processes of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, May 25, at 10 a.m., to hold an oversight hearing on the Oversight of Federal Debt Collection.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CIVIL SERVICE, POST OFFICE, AND GENERAL SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Civil Service, Post Office, and General Services of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, May 25, at 10 a.m., to hold a hearing on the Federal physicians comparability legislation, S. 369, and S. 1009.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Civil Service, Post Office, and General Services of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, May 26, 10 a.m., to hold a hearing to consider S. 958, the Merit Pay Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, May 24, at 10 a.m., to hold a hearing on offshore banking.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 25, at 10 a.m., to hold a hearing on offshore banking.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 24, 1983, in order to consider and act on pending nominations, commemorative resolutions, and the following bills:

S. 53—The Justice Assistance Act of 1983.

S. 57—To amend the Protection of Children Against Sexual Exploitation Act of 1977.

S. 500—Christopher Columbus Quincentenary Jubilee Act.

S. 774—The Freedom of Information Reform Act.

S. 779—Intelligence Personnel Protection Act.

S. 1235—United States Holocaust Memorial Council Appropriations Authorization for Fiscal Year 1984.

Budget Waiver Authorization(s) for any bills requiring the same.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, May 24, to hold a hearing on S. 1263, the Reauthorization of the Federal Insecticide, Fungicide, and Rodenticide Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 24, to hold a confirmation hearing on Donald Hovde, to be a member of the Federal Home Loan Bank Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE TRUTH ABOUT THE ECONOMY

● Mr. JEPSEN. Mr. President, one of the greatest concerns regarding the strength of the current recovery is the degree of participation by the consumer. Reality went a long way last Wednesday in quieting this concern. It was announced that retail sales for April had increased a dramatic 1.7 percent. The advance was widespread as auto, construction, furniture, and durable goods sales were up substantially in April. Just as importantly, the retail sales figures for March were adjusted from only a 0.3-percent rise to another strong 1.7-percent increase. This means that during the past 2 months, retail sales have grown at a 22-percent annual rate. These figures show that the consumer is not reluctant but, instead, has jumped into this recovery with both feet.

But it is striking, Mr. President, that such a dramatic turn in such a key economic variable went almost unnoticed on the nightly national news telecasts. After months of stressing how consumers would determine this recovery's path, only one of the networks carried a story on this significant turning point in consumer behavior.

Mr. President, this type of nonreaction to positive economic news has been troubling me for a long time. So much so that, as chairman of the Joint Economic Committee, I have convened a series of hearings to get the word out on the economy. These hearings have been aimed not so much at the latest statistical release as they have sought to find out how the average American has been affected by the economy's performance over recent years.

These hearings have provided some startling findings concerning the effects of inflation, budget cuts, tax cuts, and unemployment of the American people. I want to take just a moment to share some of these findings with my colleagues. As we all know, inflation has fallen dramatically. For example, the Consumer Price Index rose by 13.4 percent in 1979 and 12.1 percent in 1980; this year it is expected to rise by 2 or 3 percent. The Producer Price Index and the gross national product price indexes have also shown dramatic disinflation. These declines in inflation mean much more than lower prices for goods. Disinflation has powerful effects on our economic lives.

Dr. Martin Feldstein, Chairman of the Council of Economic Advisers, told the committee that falling inflation has meant a bonanza for America's taxpayers. Figures show that a family with a before-tax real income of $20,000 will have their tax bill cut by 52 percent in 1984 compared to what they would have paid if inflation continued at its 1980 pace. It is important to note that it is the lower and middle income taxpayers that benefit most from the sharp decline in inflation.

The effect of declining inflation on family purchasing power is just as pronounced. The decline in inflation means that a family on a fixed income of $15,000 in 1984, would have 27 percent more purchasing power than it would have if 1980's inflation rate had continued. Those who are on fixed incomes have had their purchasing power enhanced significantly by the combination of the tax cuts and the decline in inflation. They benefit the most because the return on savings income has been pushed significantly higher. Considering that elderly people live on the interest of their lifelong savings, this is powerful medicine for what ails them.

Also, declining inflation has had a dramatic effect on the real wages of America's workers. In 1982, real wages rose for the first time in 3 years. This disinflation plus the tax cuts have yielded an increase in real take home

pay in 1982, the first in the decade of the 1980's.

However, Mr. President, there have been developments in our economy other than declining inflation and tax cuts. Real economic growth was almost nonexistent from 1979 through 1982. Unemployment is at a high rate with over 11 million people out of work. In addition, this administration came into office with a mandate to cut Federal Government spending. Many of the budget cuts that have been proposed by the administration and passed by Congress have been aimed at what is commonly called social spending. This mandate was given to the administration because the American public truly believes that the welfare system is taking tax dollars and giving them to individuals who are not needy.

This combination of budget cuts and prolonged recession led some to conclude that the administration was waging a war against the poor of this country. To any Senator, but particularly the Senators of my party, this is a wounding charge. I specifically convened a Joint Economic Committee hearing entitled, "Fairness and the Budget," in an effort to improve the public debate over the budget. The testimony that we received from Budget Director David Stockman was both startling and convincing.

Director Stockman laid out in great detail the rationale for the administration's budget cuts. A key statistic that we should all remember during the budget debate, is that in 1981, 42 percent of low-income assistance was going to families who were above or very near the median income in this country. This means that almost half of our low-income assistance was going to families that were in the middle of income distribution. This use of tax dollars to pay for benefits for those who are not needy is what has caused most Americans to reject our present welfare system.

I specifically asked Director Stockman to inform us how various families have been affected by the budget cuts, inflation, and the tax cuts. Director Stockman showed that all families, particularly low-income families, are better off under current law with the significant decline in inflation and taxes than they would have been under the previous administration's tax and budget policies and the inflation rate of 1980.

In addition, I want to point out that after the passage of the 1981 tax cuts, it was estimated by the Treasury Department that the wealthiest group of taxpayers in the country—those who estimate their income tax—would pay $2 billion less in income taxes during 1982. In fact, this group paid $10 billion more than projected. These higher tax payments by wealthy individuals are even more surprising because the economy grew much slower in 1982 than projected.

These figures show that the charge that the administration's policies have aided the wealthy taxpayers of this country at the expense of the poor, are without grounds. While it is true that this administration, like all administrations, has made mistakes in budgeting, the charge that there is a systematic effort to punish the poor is totally without merit. These figures show that as tough as these economic times have been, they would have been tougher had these policies not been in effect.

There is one area of the economy which is disturbing to every American and that is unemployment. The Joint Economic Committee receives a monthly briefing on the employment situation from Dr. Janet Norwood, Commissioner of the Bureau of Labor Statistics. Dr. Norwood is world renowned for her abilities as a labor economist, and nonpartisan public official. Our committee, this Congress, and the Nation are fortunate to have such a public servant as Dr. Norwood.

Dr. Norwood's May 6 appearance before our committee contained some solid hope for the unemployed of this country. Dr. Norwood told us that employment, as measured by the household survey, increased by 350,000 workers in April. This is an extremely large monthly increase in employment. In addition, employment as measured by the survey of business establishments, grew by another 250,000 in April, bringing the advance in employment for the year to 650,000. Commissioner Norwood also told us that the diffusion index, which measures the percentage of firms increasing employment, rose to over 72 percent, the highest figure in this index since March 1977. The average workweek and numbers of overtime hours also increased. This is particularly important because it means that new production will put more money in the pockets of more American workers.

The gain in employment was very broad, affecting all manufacturing sectors, with a particularly large increase in auto manufacturing. More than 100,000 auto workers have been called back to work since January of this year. And as many as 200,000 other new jobs should result because every auto manufacturing job is supported by two other jobs in auto supplying industries.

While unemployment remains extremely high, the future is promising. These large gains in employment should not be reversed in the months ahead, and we can expect that millions of workers will be going back to work this year.

Mr. President, I ask that recent testimony of Dr. Feldstein, Director Stockman, and Dr. Norwood be inserted in the RECORD, in an effort to shed some light on how the average American has fared in this expanding economy and what the outlook is for further improvement. I think the facts and figures present a far different picture than what has been portrayed by the news media. One of the greatest problems that policymakers face is trying to separate myth from reality. Hopefully, these additions to the RECORD will make the debate more clear and more time can be spent on sound policymaking and less time on political posturing.

The material follows:

GAINS FROM DISINFLATION

(By Martin Feldstein)[1]

I am certainly very pleased to appear before this distinguished Committee this morning. I have great respect for the work this Committee has done over the years to develop an understanding of our nation's economic problems and to formulate new approaches to these problems.

As you requested, I will focus my prepared remarks on the likely impact of the recent decline in the rate of inflation. As you know, this morning the Bureau of Labor Statistics released the Consumer Price Index figure for March. (Although the March figure is not known as of the time of writing, figures for earlier months have been gratifying.) At the end of February, consumer prices stood virtually unchanged from their level of six months earlier.

This recent experience of relative price stability is confirmed at the producer level. The March producer price index showed a 0.1 percent decline over February's level, and again was virtually unchanged from the level of six months ago. Recent wage settlements have shown a moderation that suggests that the economy's underlying rate of inflation has declined as well.

We can take considerable satisfaction from these very positive figures. However, this is not to say that inflation is permanently under control. The maintenance of relative price stability is an ongoing task. It is important to avoid policies that might put inappropriate upward pressure on demand and prices.

The relative price stability we are now experiencing is remarkable in view of the extremely high rate of inflation we experienced just a few years ago. Three years ago last month, President Carter imposed Emergency Credit Controls on the economy. At that time, consumer prices had risen at an annual rate of over 17 percent during the preceding three months, and at nearly 15 percent over the preceding year. Producer prices had risen at an annual rate of nearly 17 percent over the preceding three months, and nearly 14 percent over the year. The experience of ever accelerating inflation had engendered a widespread fear that inflation might continue to rise sharply in the years ahead.

The transition from double digit inflation and expectations of ever accelerating price increases to our current experience of relative price stability was dramatic. The transition was also painful. Some temporary decline in real economic activity was probably unavoidable in the process of reversing the upward trend of inflation. It takes time for

[1] Chairman, Council of Economic Advisers. Testimony before the Joint Economic Committee, April 22, 1983.

inflationary expectations, together with the direct pressures exerted by excess supplies, to cause prices and wages to adjust to new market clearing levels. The reduced economic activity since 1980 has in large part been the price that the United States has paid for failing to control inflation in the late 1970s.

However painful was the temporary reduction in economic activity, the achievement of a permanently lower rate of inflation is of benefit to us all. Taxpayers, people on fixed incomes, investors, and workers are all beneficiaries of the lower rate of inflation we now enjoy. Furthermore, a balanced and sustained recovery will be more likely if inflation is maintained at a permanently lower level.

INFLATION AND TAXES

As this Committee knows, all taxpayers see their income tax liabilities rise—both in nominal terms and real terms—during periods of inflation. Recognition of this "bracket creep" caused the Congress wisely to index the income tax system beginning in 1985. However, the amount of inflation we have between now and then determines the level of taxation we will have when indexing begins. The dramatic reduction in inflation we have experienced has sharply and permanently lowered the amount of taxes paid by all taxpayers.

As Chart 1 indicates, if inflation had continued at its 1980 rate of 12.4 percent, a family which maintained its before tax real income at $20,000 would have seen its tax liability rise from $2265 in 1980 to $3788 in 1984. Due to the lower inflation we have experienced to date and our expectation of continued lower inflation, that family will instead pay $2494 in 1984. (I might note that both figures reflect the 23 percent across the board tax cut passed for these four years.) In short, the family would have paid 52 percent more taxes in 1984 if inflation had continued at its higher 1980 rate than under the rate we now expect. Some of this higher tax liability reflects a purely inflationary increase. However, even after adjusting for inflation, this family would pay 19 percent more federal income tax if inflation had continued at its high rate. This higher real tax liability would have been permanent; after indexing took effect in 1985, no additional bracket creep would occur, but the family would never make up for the 19 percent bracket creep during 1980-1984.

The chart also shows the bracket creep for a family with constant real income of $50,000. In this case, the family would have seen its tax liability rise from $10,613 in 1980 to $17,534 by 1984 given the 1980 inflation rate. Instead, we project that its tax liability will be $11,884 in 1984. Again, some of the 48 percent higher tax liability is due to a higher price level. However, this family would have seen a permanent increase in its real tax liability of 16 percent due to bracket creep.

A similar story can be told for taxpayers at any income level. However, the percent increase in taxes due to higher inflation is higher for people at relatively low incomes than for people at relatively high income levels. Had inflation persisted at its 1980 rate through 1984, a family with a real income of $10,000 would have seen a 40 percent increase in its inflation adjusted tax liability. On the other hand a family with constant real income of $200,000 would have seen a real increase in its tax liability of a little less than 5 percent due to bracket creep.

Regardless of the income level, any family which is able to keep pace with inflation before taxes, finds itself worse off after taxes due to the effects of bracket creep. The higher the rate of inflation, the greater is the bracket creep.

Bracket creep also exacts an extra cost in wasted resources and distorted incentives because bracket creep raises marginal tax rates. This was particularly pronounced during the 1970s. A family which earned $20,000 in 1980 and had just managed to keep pace with inflation over the decade saw its marginal tax rate rise from 19 percent in 1971 to 24 percent in 1980. A similar family making $50,000 saw its marginal tax rate rise from 28 percent to 43 percent in the same period. Because families make decisions based on the marginal incentives they face, the effect of bracket creep on marginal tax rates may be of as much concern as the added burden of the tax itself.

Congress was wise to include a provision for indexing of the tax brackets in the 1981 tax bill. After 1985 all taxpayers can expect their taxes to rise in line with their incomes. Furthermore, marginal tax rates will not automatically increase with the rate of inflation.

INFLATION AND PURCHASING POWER

The effect of inflation on families living on fixed incomes is well known. If inflation had continued at its 1980 rate through 1984, prices would be over 27 percent higher than what we now expect them to be. With each dollar of income buying 27 percent less than it otherwise would, a family on a fixed income of $15,000 would have found itself over $3200 worse off in terms of purchasing power if the 1980 inflation rate had persisted for 4 years.

Fortunately, relatively few people find themselves living on a strictly fixed income. The indexing of federal transfer programs to the rate of inflation has fully protected those who depend on these funds. Of more direct concern to groups like the elderly is the effect of inflation on their income from pensions, dividends, and interest.

An example will illustrate this point. Consider an elderly couple in the 30 percent tax bracket that depends on the interest on their saving for retirement income. Today they might expect to receive a return of 8 percent on a money market fund or other investment. After inflation of about 4 percent, this leaves a real return of 4 percent. On an after-tax basis, the 8 percent return has a net yield of 5.6 percent and a real after-tax yield of 1.6 percent. If the inflation rate were instead 10 percent and the couple was fortunate enough to receive the same 4 percent real return, their pre-tax interest rate would be 14 percent. After tax they would receive 9.8 percent or less than the rate of inflation. Thus, a rise in inflation from 4 percent to 10 percent would entirely eliminate the after-tax real return on their saving.

INFLATION AND REAL WAGES

The effect of changes in inflation on the real wages of workers is complex, because as I noted earlier, it takes time for inflationary expectations to adjust. The evidence from the past 15 years suggests that the real wages of workers tend to fall during periods of increasing inflation and to rise during periods of decreasing inflation. Real average hourly earnings in the non-farm business sector peaked in the first quarter of 1978 and actually fell through the third quarter of 1981. The total decline in real wages was over 8.5 percent. On the other hand, during 1982, real wages rose over 2 percent.

Chart 2 shows the remarkable turnaround in the rise of real wages that has occurred in the past 2 years. In January 1982, real wages were higher than they had been a year before for the first time in over 3 years. The recovery in real wages coincided with the rapid decline in the rate of inflation we have recently experienced. Furthermore, the deterioration in real wages was greatest during the high inflation years of 1979 and 1980.

A similar pattern occurred earlier in the 1970s. Real wages peaked at the end of 1972, just before inflation started to accelerate. They fell over 5 percent before bottoming out at the beginning of 1975. Real wages then increased through the disinflationary years of 1975 and 1976 and continued to increase up to the beginning of 1978.

From the point of view of the worker, both the before-tax level of real wages and the level of taxation determine the standard of living. Accelerating inflation during the past decade involved a combination of declining real wages and an increasing real tax burden. The net result was a decrease in real take home pay. On the other hand, the decreasing inflation of the past 2 years has resulted in both higher real wages and a lower real tax burden. The net effect of lower inflation has been a welcome increase in real take-home pay.

INFLATION AND CAPITAL FORMATION

There is one further effect of a decline in the rate of inflation which I would like to bring to this Committee's attention. The combination of our tax laws and the high rate of inflation during the 1970s depressed the incentive to invest in new plant and equipment in the United States. This in turn lowered our rate of productivity growth and reduced the ability of our industries to compete in world markets.

During the 1970s, gross fixed investment in the United States averaged 18.4 percent of our GNP. About two-thirds of this investment was needed just to replace the capital that was wearing out or becoming obsolete. As a result, we spent only 6.6 percent of GNP on net fixed investment. Output per employee hour in manufacturing increased at an annual rate of just 2.6 percent.

During the same period, the British devoted slightly more of GNP to net fixed investment—8.1 percent—and enjoyed a slightly higher rate of real productivity growth—2.9 percent. But the French and German investment rates were about twice ours (11.8 percent of GNP in Germany and 12.2 percent in France) and their growth rates were also about twice as high as ours—4.8 percent in France and 4.9 percent in Germany. As we all know, Japan had the highest rates of both investment and growth; the Japanese devoted 19.5 percent of GNP to net fixed investment—almost three times the U.S. share—and enjoyed a rate of productivity increase that was also nearly three times as fast—7.4 percent a year instead of 2.6 percent.

The low rate of investment in the United States corresponded to a low rate of saving by our households, firms, and governments. One important reason why our saving rate was so low, was the low after-tax real rate of return that savers might expect. I have already illustrated the effect of inflation on the real after-tax return someone might expect under different inflation rates. In fact, during most of the 1970's, the combination of inflation and taxes produced negative expected real after-tax returns for most savers.

Business investment as well as saving was penalized by the effects of inflation and taxation. Existing tax accounting methods for depreciation and inventories caused the effective tax rate on the income from corporate capital to rise sharply during the 1970's. In the mid-1960's, nonfinancial corporations, their shareholders and creditors paid taxes to the federal, state, and local governments equal to 55 percent of their real capital income, including both equity and debt. By the second half of the 1970's, the tax share had jumped to 68 percent, back to where it had been in the early 1950's before accelerated depreciation and the investment tax credit. With the tax bite increased from 55 percent to 68 percent, the share left over for providers of capital fell from 45 percent to 32 percent, a decline of nearly one-third. The real after-tax rate of return for those who provide the debt and equity capital was only 3.1 percent by the late 1970's, just not enough to provide an adequate incentive for saving and risk taking.

I want to emphasize that this substantial increase in the effective tax rate occurred despite occasional reductions in the statutory corporate tax rate and the liberalization of statutory depreciation rules. The effective tax rate rose because the increasing rate of inflation caused a rise in the value of artificial tax accounting profits relative to real profits. The primary source of this was the reduced real value of depreciation of plant and equipment.

Although the Economic Recovery Tax Act increased the incentives for business plant and equipment investment, the effective tax rate on these investments still depends on the rate of inflation. For example, the combined capital cost recovery from the Investment Tax Credit and the ACRS depreciation schedule is 45.2 cents on the dollar at 4 percent inflation but only 41.8 cents on the dollar at 10 percent inflation. (In both cases a 7 percent real discount rate was assumed.) Under the tax rules in effect at the end of the 1970s, the combined cost recovery was only 39 cents at a 10 percent inflation, and actually even lower than that because inflation was higher than 10 percent. Thus, reducing the rate of inflation has had about as large a favorable effect on the value of depreciation allowances and therefore on the incentive to invest as the changes in the law did.

It is particularly important to take a long view when considering the effects of inflation and taxation on the incentives for business investment. The current performance of business investment is due to recession and high real interest rates. We should not be misled by this experience to underestimate the importance of low inflation and reasonable taxation of business investment for sustained economic growth.

The goal of the Administration's economic policy is a balanced and sustained economic recovery with a declining rate of inflation. In contrast, the two long lasting expansions of the post-War period were accompanied by increasing inflation. When the 1961 recovery began, inflation was under 1 percent. By the time the expansion reached its peak in 1969, the inflation rate had increased to more than 6 percent. The expansion in the second half of the 1970s saw inflation rise from less than 5 percent in 1976 to more than 13 percent in 1979.

A balanced recovery that permits sustained expansion without increasing inflation will clearly not happen automatically. It requires sound monetary policy and budgetary changes that reduce the rate of growth of government spending and the corresponding size of the deficit. The path to relative price stability has been a painful one, but we are all beneficiaries of having made the choice to proceed. We must be certain not to return to the high inflation course of the 1970s.

[Charts not reproduced in RECORD.]

STATEMENT OF HON. DAVID A. STOCKMAN, DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET, BEFORE THE JOINT ECONOMIC COMMITTEE, MAY 4, 1983

Mr. Chairman: Thank you for the opportunity to appear before your Committee to discuss the Administration's fiscal and budget policies as they relate to what has become known as the "Fairness Issue". I would suggest that this so-called fairness issue can be reduced to three basic propositions incessantly asserted by critics of Administration policy:

(1) Fairness is violated by reforms and reductions achieved and proposed for low-income entitlement and social services programs.

(2) Fairness is violated by the distributional impact of the 1981 tax cuts compared to the impact of budget reductions.

(3) Fairness is violated by stringent policies of restraint on domestic spending accompanied by substantial real increases in defense spending.

I unequivocally reject each one of these assertions. In my testimony today, Mr. Chairman, I will deal with each of these in turn, and demonstrate that, in those instances where they don't represent total misrepresentations of the truth, they represent a fundamental misunderstanding of the nature of the changes that we have worked together with the Congress to enact over the last twenty-eight months. Let me deal first with the expressed conviction that the changes we have wrought in the system of aid to low income families have devastated the structure of the so-called "social safety net."

I. FAIRNESS AND LOW INCOME BENEFIT PROGRAMS

I confess continuing puzzlement, Mr. Chairman, that this conviction persists despite compelling evidence that the net effects of changes in Federal policy in this area is extremely limited.

A simple illustration of this point is as follows:

TABLE I.—CONSTANT DOLLAR SPENDING FOR MEANS-TESTED ENTITLEMENTS

[Outlays in millions of fiscal year 1981 dollars]

	1982	1983	1984	Total
Carter fiscal year 1982 budget				
Child nutrition	3,941	4,036	4,061	12,038
Food stamps	11,595	11,899	11,787	35,281
AFDC/child support enforcement	7,004	6,749	6,462	20,215
Medicaid	16,515	17,644	18,794	52,953
Supplemental security income	7,225	7,932	6,743	21,900
Subsidized housing	6,363	6,841	7,543	20,747
Total	52,645	55,101	55,390	163,134
Reagan fiscal year 1984 budget				
Child nutrition	3,330	3,436	2,978	9,744
Food stamps	10,290	10,428	10,017	30,735
AFDC/CSE	7,465	7,360	6,439	21,264
Medicaid	16,248	17,299	17,785	51,332
SSI	7,173	7,962	6,713	21,848
Subsidized housing	6,428	6,959	7,296	20,683
Total	50,934	53,444	51,228	155,606
Reagan percentage reduction from Carter budget	−3.3	−3.0	−7.5	−4.6

As the table indicates, Mr. Chairman, the means-tested entitlements landscape can hardly be characterized as a picture of devastation. While savings were achieved in the Food Stamp and Child Nutrition programs, the savings have not been disproportionate to the prior excesses in these programs. Spending under this Administration for the core income support programs—AFDC and SSI—has actually been higher than the level proposed by the outgoing Administration in January, 1981. While Medicaid savings have been achieved, these results were in large measure obtained by the States due to the increased program design flexibilities they received as a result of the 1981 and 1982 Reconciliation Acts. Outlays for subsidized housing programs were actually higher under this Administration than proposed by the previous Administration.

I should indicate, moreover, that the 1984 column in this table for the Reagan 1984 budget levels includes the effects of all the savings proposals for these programs put forward in the fiscal year 1984 budget. If these savings proposals are not counted, the 1984 Reagan budget column would be $52.7 billion, a level only 4.9 percent below the Carter proposed level.

A comparable caseload picture

Of course, program dollar levels alone don't tell the whole story. Much of the criticism of the changes enacted in 1981, for example, centered on allegations that they would result in wholesale disqualification of beneficiaries.

This sort of allegation also turns out to be false.

In the SSI program, for example, the previous Administration proposed to provide, in fiscal year 1982, average annual benefits of $1,918 to some 3.7 million beneficiaries. After the Reconciliation Act changes, we provided average annual benefits of $1,905 to 3.6 million beneficiaries.

In AFDC, where dire predictions were made about mass benefit cuts and disqualifications, the prior Administration proposed to provide average benefits (Federal share) of $594/person in 1981 dollars to 10.77 million individuals. After the Reconciliation Act reforms, we wound up providing $585/person in 1981 dollars to 10.50 million persons.

In Food Stamps, where dire prophecies of caseload cuts were made, the prior Administration had proposed to provide assistance to 21.5 million individuals. After the supposedly draconian eligibility restrictions were put in place, the program participation level rose to 22.2 million people.

In child nutrition programs, where we were all assured that reductions in subsidies to upper-income children would force lunch program closings resulting in grand-scale denial of subsidized lunches to the poor, the prior Administration proposed to serve free lunches to 9.5 children and reduced-price lunches to 2.0 million children. When eligibility levels were lowered, the number of reduced-price beneficiaries declined to 1.6 million—but the number of lowest-income children rose to 9.9 million. As a result, there was no overall change in program participation levels for the free and reduced lunch program combined.

In all, Mr. Chairman, the ills we have supposedly wrought on the low income cash and in-kind benefit system simply have not occurred. As the evidence I have just presented attests, I do not believe that chagrin is called for. On the contrary, over the last few years the Federal Government has suc-

cessfully completed some long-needed judicious pruning in these programs. I believe we can all be proud of what we have accomplished in this area, and should be not in the least deterred from going forward with additional well-thought-out reforms.

Discretionary social welfare programs

Means-tested cash and in-kind benefits, of course, are not the whole story in programs affecting low income families. All across the government, a wide range of discretionary programs also are designed to provide needed services to low income families. Here, it has been charged that the budgetary restraints of the last few years have had a devastating effect on the infrastructure. Yet an examination of the data offers no such conclusion:

TABLE II.—REAL SOCIAL WELFARE DISCRETIONARY SPENDING

[In millions of fiscal year 1981 dollars]

Subfunction	1981	1982—	
		Carter	Enacted
506 Social Services	6,531	6,433	5,558

As the table indicates, actual outlays for social welfare infrastructure were 14 percent below the Carter Administration's request. While this represents a 15 percent reduction below real fiscal year 1981 spending levels, public agencies at all levels of government have experienced funding reductions of greater or equal magnitude. For example, in fiscal year 1982 the Congress enacted real reductions of 36 percent below 1981 levels for Energy Conservation activities, 15 percent real reductions in Recreation Resources programs, and 22 percent reductions in Ground Transportation programs. While budgets have been reduced, it cannot be said that social welfare programs have been singled out for special attention.

Longer term perspective

I should add that, while we tend to view these matters from the year-to-year perspective of program advocates with payrolls to meet, we should also put the events of the last few years in the long-term perspective. If we consider the broader universe of social welfare programs generally, we are still spending 150 percent more—even after adjusting for inflation—than we did for this universe of program in 1970. By way of illustration, consider the following levels in the President's 1984 Budget compared to a comparable real program level in 1970:

TABLE III.—LOW-INCOME PROGRAM LEVELS IN CONSTANT 1983 DOLLARS, 1970 AND 1984

[Dollar amounts in billions of constant 1983 dollars]

Program	1970	1984 [1]	Change (percent)
Food stamp and child nutrition	$1.4	$14.0	+900
Social services grants	1.6	2.4	+51
Subsidized housing	1.1	8.1	+636
SSI/AFDC	9.8	14.6	+49
Employment and training	3.7	4.3	+16
WIC and commodity distribution	0.9	1.5	+67
Education for the handicapped	0.2	1.1	450
Medicaid	6.4	19.7	+207
Low income energy aid	0.0	1.3	n/a
Higher education aid	3.3	3.9	18
Total	28.4	70.9	+150

[1] Includes reforms and proposed savings contained in President's fiscal year 1984 budget.

Whence "unfairness"?

Why, then, is it asserted that the budget policies of the last twenty-eight months are somehow "unfair?" In my view, Mr. Chairman, there are two main reasons for this misperception.

The inherent unfairness of the status quo ante

The first reason is that a widely held premise about low-income programs is strikingly wrong. That premise is that nearly all of the benefits from the better-known programs designated for the poor—food stamps, assisted housing, AFDC and medicaid—go to those at or near the poverty line.

Starting from this premise, it is easy to prove that budget cuts are unfair in syllogistic fashion. If all the funds are going to families in poverty, then any amount less than a full inflation hold-harmless for the program as a whole implies real service and benefit reductions for the poverty population.

However, the plain fact is that, in 1981, fully 42 percent of all dollars expended on low-income benefits went to households which, when that aid was included, had incomes above 150 percent of the poverty level. In the case of housing aid and medicaid, over half of the benefits went to recipients in households with annual incomes at that level or above.

Let me underscore that 150 percent of the poverty level for a family of four in that year was $13,390—an income at 92 percent of the median annual income of employed workers in 1981.

I am not intending to suggest, Mr. Chairman, that a family of four with a $14,000 annual income is living in affluent fashion. Rather, the essential point is that, in that year, there were literally millions of families with that level of income in the United States that received no government assistance whatsoever. Yet through the operation of the income transfer system and its labyrinthine eligibility standards, a significant subset of the working population was singled out to receive government largess.

The most common case was a working mother who, because of prior welfare eligibility when unemployed, continued to receive cash benefits and medical assistance due to the generous income disregards then prevailing under AFDC. In some States, those with incomes well in excess of the minimum wage could continue to qualify for aid provided that they had previously qualified for aid. As a result, two working mothers stationed side-by-side at the same office could have substantially different living standards.

Prior law Food Stamp rules also created anomalies of this sort. Because eligibility was based on income net of deductions for items such as shelter costs, families who lived in better quality housing, and hence had higher shelter costs, qualified for more in Food Stamps than those who lived in lesser-quality housing.

Moreover, the operations of these system features in combination often produced families with median-level incomes who nevertheless received substantial aid. For example, while Section 8 rental contribution rules counted AFDC payments as income, they did not count the value of other aid such as Food Stamps. Similarly, the value of rental assistance and the value of energy payments were not counted as income for Food Stamp purposes. Hence, in the higher benefit States, the full basket of cash and in-kind benefits could carry imputed values in the $15,000-20,000 annual range.

The argument for altering the structure of this system, Mr. Chairman, was that the system itself was unfair, and bred quite understandable resentment among the American people. The all too common problem of families with $14,000 incomes working and paying taxes to $15,000 benefit packages for non-working families represented a fundamental strain on the Nation's social fabric which was threatening to destroy the ethos underlying whatever social progress had been achieved over the preceding 50 years in building the income support safety net. The sort of changes we have enacted and proposed to address these problems, far from being unfair, were in fact designed to restore fairness to a system that had been distorted over the years into an unintended windfall for an unconsciously-chosen subset of the low-income population.

It is not my purpose today, Mr. Chairmam, to suggest that there is no hardship in the nation, or that our recent economic dislocation have not in some instances been translated into personal economic tragedy for non-working Americans. My purpose is to point out that we must distinguish between the suffering caused by economic hardship and the changes wrought by bringing our bloated income transfer system back into balance. Once this distinction is made, I believe the vast majority of the American people would conclude that the sort of changes we have worked together to enact in the income support system are in fact just, fair and essential to the legitimacy of the social safety net.

II. FAIRNESS AND TAX POLICY CHANGES

A second reason why allegations of unfairness persist despite compelling evidence of substantial continued income support is the view that any changes in low income entitlements are unacceptable in an environment in which the "rich" are supposedly reaping huge windfall gains from the tax policy changes of recent years.

This thinking apparently informs the First Concurrent Budget Resolution adopted by the House a few weeks past, as evidenced by that Resolution's simultaneous call for overturning past entitlement changes and repealing the remaining scheduled tax reductions in 1983 and later years.

As a Nation, we have a somewhat populist tradition on matters of tax policy, and it is inevitable that professional purveyors of envy will carp about the banditry of the "rich" as long as a single American's income exceeds their own. Yet it is important for the Congress and the American people to understand that the tax law changes enacted over the last two years have, as their primary purpose, benefits to working Americans of all income levels, and that efforts to overturn the third-year of the tax cut and indexing will be far more onerous for low-income and working Americans than any of the entitlement benefit changes we have enacted to date.

To illustrate, Mr. Chairman, I offer the following summary of the income distribution of benefits from these two provisions of the tax law:

TABLE IV.—PERCENTAGE INCREASE IN TAX LIABILITIES DUE TO REPEAL OF THE THIRD PHASE RATE REDUCTION AND INDEXING FOUR-PERSON, ONE-EARNER FAMILIES

[Calendar Years, in percent of increase]

1980 income	1983	1984	1985	1986	1987	1988
$10,000 ($12,316 [1])	6.9	11.3	20.2	28.3	36.0	39.9
$20,000 (24,632 [1])	5.7	12.3	15.7	19.7	23.8	27.2
$30,000 (36,948 [1])	5.4	10.7	14.7	18.9	23.1	26.7
$40,000 (49,264 [1])	5.6	11.6	15.7	19.3	22.9	26.7
$50,000 (61,580 [1])	5.6	11.6	15.4	18.9	22.2	25.1

[1] Adjusted to 1983 income levels.

As the table indicates, Mr. Chairman, the combined effect of repealing the third year and indexing would be a thoroughly regressive tax increase. Because only those below the maximum tax rate are affected by bracket creep, 100 percent of the effect of repealing indexing falls on lower bracket taxpayers. Similarly, the rich are unaffected by the third year of the tax cut since they received all of their tax reduction the first year, when the top rate was lowered from 70 percent to 50 percent.

Even at that, Mr. Chairman, the estimated effect of lowering the top rate from 70 percent to 50 percent is a net revenue change of only about $1 billion in 1985. This represents only six-tenths of one percent of the savings to American taxpayers flowing from the Economic Recovery Tax Act of 1981. It is hard to characterize this legislation as a stunning windfall for the wealthy.

The reason this misunderstanding persists, Mr. Chairman, is a gross misperception of the income structure of upper income taxpayers. For the great majority of Americans, wage and salary income, which is in some significant extent outside the direct control of the taxpayer, is the primary or sole source of income. For such taxpayers, upward and downward changes in the rate structure are the primary determiners of tax liability and marginal tax rates. Hence, static calculations about the flow of tax benefits from particular policy changes are a fair representation of relative effects.

For the highest income taxpayers, however, the circumstances, timing and nature of income realization is far more readily controlled to obtain tax advantages. Hence, the major determiner of tax liability for the relatively wealthy is not percentage changes in tax rates, per se, but the taxability or nontaxability of various components of their income. For example, in many instances top-bracket taxpayers can increase their after-tax income by lowering their pre-tax income through movement of their investments from taxable to non-taxable securities. Similarly, investors can coordinate the timing of realized gains and losses in such a way as to obtain maximum tax advantages.

In this world of tax liability management, static calculations of the effect of tax rate changes on tax liabilities are meaningless. Since the level of realized income can be varied so widely, a reduction in tax rates may induce investors to realize their gains more quickly, resulting in the same or higher absolute tax liability than before the "tax cut" went into effect.

Despite this fact, soak-the-rich apologists use these meaningless static calculations to concoct examples purporting to show that the tax policy changes enacted over the last two years have had the effect, when combined with spending reductions in entitlement programs, of physical movement of large amounts of income from low-income Americans to high income Americans. I urge the Committee not to believe a word of it.

As I demonstrated earlier, the "cash out" component of this alleged regressive income transfer turns out to be an absolute red herring. Much of the income supposedly lost through cash and in-kind benefit reductions has been offset by increased wage and salary income in previously dependent families. For these families, as well of the rest of American families who comprise the low and middle income spectrum, the effects of changes enacted over the last two years, when combined with our signal progress on inflation, has been a net increase in living standards.

Benefits through lower taxes and inflation

As an illustration of this latter point, consider the real purchasing power of families with no income—the great majority of AFDC beneficiaries.

AFDC benefits, which are under the control of the States and are not indexed, have historically (1970–82) risen at only half the rate of inflation. Due to this fact, high inflation has had a devastating effect on the purchasing power of dependent families.

The following table compares the purchasing power, in constant 1981 dollars, of a typical current beneficiary in 1983 with what that beneficiary would have received under Carter AFDC and Food Stamps policy had inflation stayed at the rate projected in the fiscal year 1982 budget proposals of the proceding Administration:

1983 IMPACT OF POLICY AND INFLATION CHANGE ON FAMILY WITH NO EARNED INCOME

[In 1981 dollars]

Program	Current law with actual inflation	Carter policy with projected inflation
AFCE benefits	4,512	4,272
Food stamps	2,088	2,136
Value of medicaid	1,332	1,332
Total	7,932	7,740

As the table indicates, the increase in the value of AFDC benefits due to lower inflation for this typical beneficiary has more than offset a modest reduction in Food Stamp benefits.

Of course, the reforms enacted over the last few years have concentrated benefits changes in those with other sources of income. Even in such cases, as the following example shows, the combined effect of far lower inflation and significantly lower tax rates makes a family with half-time minimum wage earnings better off than it would have been under Carter welfare and tax policy and higher inflation:

1983 IMPACT OF POLICY AND INFLATION CHANGE ON FAMILY WITH HALF-TIME MINIMUM WAGE JOB

[In 1981 dollars]

Program	Current law with actual inflation	Carter policy with projected inflation
Real after-tax wage income	3,192	2,844
Earned income tax credit	324	336
AFCE benefits	4,032	4,080
Food stamps	1,368	1,428
Medicaid	1,332	1,332
Total	10,248	10,008

As the table indicates, the benefits due to lower inflation offset both Food Stamp changes and changes in AFDC earnings disregards. This comparison holds true as well for welfare families working full-time as well, even assuming the attendant child care costs associated with full time employment:

IMPACT ON FAMILY OF POLICY AND INFLATION CHANGES ON FAMILY WITH FULL-TIME JOB

[In 1981 dollars]

Program	Current law with actual inflation	Carter policy with projected inflation
Real After-Tax Wages	6,396	5,688
Earned Income Tax Credit	348	372
AFDC Benefits	3,876	4,272
Food Stamps	624	684
Medicaid	1,332	1,332
Total	12,576	12,348

Of course, the actual AFDC and Medicaid changes put in place vary somewhat from State to State, and it's impossible to conclude that this sort of result obtains in every case throughout the land. Yet these examples provide a concrete illustration of what I believe to be the fundamentally false premise on which assertions of unfairness are based. When viewed in their entirety—rather than in the distorted "static benefit loss" aggregations compiled by professional program advocates, I believe it is clear that the changes in income maintenance policy, tax rates and inflation levels have worked to the net benefit of millions of low income Americans.

III. FAIRNESS AND DEFENSE POLICY CHANGES

A third variation of allegations of unfairness is a retread of the age-old "guns versus butter" theme—the view that social welfare policy changes are unconscionable in light of the President's efforts to add steadily to the resources devoted to national defense.

Again, Mr. Chairman, numerical explication of this theme only works if the exercise is conducted totally out of context. For if anything, the President's supposed reversal of spending priorities is in fact nothing other than a modest attempt to swim upstream against a tidal wave of spending rolling toward the domestic side of the budget.

The following table summarizes the history confronting this Administration when the President took office in 1981:

TABLE V.—DEFENSE VERSUS NONDEFENSE SPENDING TRENDS, 1970–81

[In billions of constant fiscal year 1983 dollars]

Spending category	1970	1981	Percent change
Defense and security	223.1	181.5	−19
Nondefense spending	250.7	504.6	+101

As the table indicates, the preceding decade witnessed a massive shift away from expenditures for the Nation's defense in favor of a wide range of domestic spending priorities. This contrast is even more vivid when viewed as a share of Gross National Product:

TABLE VI.—DEFENSE VERSUS NONDEFENSE SHARE OF GNP, 1970–81

Spending category	1970 (percent)	1981 (percent)	Percent change
National defense and security	8.3	5.5	−34
Nondefense spending	11.1	18.1	+52

In this context, Mr. Chairman, given the diminished capacities of the Nation's defense, the Administration had little choice but to work to restore adequate levels of defense spending despite the stringent budgetary environment. And revisionist history to the contrary notwithstanding, this view was not solely the view of the Administration. In fact, the largest single-year increase in the Nation's peacetime history, Mr. Chairman, was enacted in fiscal year 1981, and was in large part due to the independent initiative of Congress.

As the Committee will recall, the previous Administration had asked, in January 1980, for an 11 percent appropriations increase for the National Defense function in fiscal year 1981 over the 1980 enacted BA level of $145.8 billion. That Fall, the Congress, with both Houses under the leadership of that President's own party, insisted on raising the defense total to $173.9 billion, a 19.3 percent increase. When President Reagan took office, he asked for adjustments and increases to raise the appropriations increase to $180.7 billion, an effective 24.0 percent increase over the prior year enacted level. When Congressional action was finally completed on appropriations for fiscal year 1981, it wound up appropriating $182.4 billion, an amount $1.7 billion above the level the President requested in March 1981.

In short, Mr. Chairman, the real turnaround in defense was a hybrid consensus effort in 1981, initiated by the out-going Administration, substantially augmented by the Congress and completed by this Administration.

This overall 25.1 percent increase, I must remind the Committee, was an increase of 12.6 percent above the rate of inflation on a fiscal year over fiscal year basis. Since that time, while the Administration has properly requested additional resources to continue the defense build-up initiated by the Congress in 1981, the percentage increases, in either nominal or real terms, have come nowhere near that level.

Why was the Congress, at that time, in the forefront of such an effort to rapidly restore our sagging defense capabilities? For the simple reason that the sorry state of our armed forces was almost universally recognized.

Pay and related benefits had been lagging for years, to the point where tens of thousands of enlisted personnel found it necessary to enroll in the Food Stamp program in order to feed their families.

The readiness of our forces was at an all-time low, as evidenced by aircraft that would not fly and ships that could not sail due to a shortage of trained personnel and lack of adequate funds for spare parts and repairs.

Our forces were also overdue for badly needed modernization—both strategic and conventional forces. Many of our pilots were flying bombers that were built before they were born. Tank systems in the field were designed ten-to-fifteen years before. In this environment, the great majority of the Congress and the American people sensed a growing gap between the capacities of our adversaries around the world and the capacity of our forces to conduct modern warfare. It was in response to these sobering realizations that we embarked on a sustained restoration of our force capabilities.

At the time the President's proposals for enhanced readiness and force modernization were announced, the Administration made no secret of the fact that overcoming the inertia caused by years of neglect was not a simple one-shot enterprise. Even in our first budget proposals, we laid out for the Congress and the American people the nature of the multi-year commitment needed to ensure the success of the effort.

Since that time, Mr. Chairman, the President, in response to progress on the inflation front, has shaved his estimates of the minimum amount of funds needed to complete the task to which this Administration is committed. In total, over the next three fiscal years alone, the President has reduced his overall request in the Department of Defense military budget by $31 billion. If proponents of lower defense spending believe that there are specific defense program changes that can be made to achieve any further reductions, I'm sure that Secretary Weinberger will be willing to examine any such recommendations. Absent such a hard examination of what the Nation's defense capabilities will have to do without, however, it is pointless simply to calculate alternative "real growth" paths as a solution to our national defense needs.

The bottom line—no radical shift in priorities

Even with the spending increases in the national security area that the Administration is proposing, viewed in context I believe that the Nation can afford to carry out the plan for enhancing our Nation's security adopted by the Congress and the President in 1981 without fear that we will imperil essential domestic spending commitments. The following table attempts to place the President's overall spending priorities within the context of longer term spending trends:

TABLE VII.—DEFENSE AND NONDEFENSE SPENDING TRENDS, 1970–88, PRESIDENT'S FISCAL YEAR 1984 BUDGET

[In constant fiscal year 1983 dollars]

Category	1970	1988	Percent change
Aggregate outlays:			
Defense and security	223.1	302.3	+36
Nondefense spending	250.7	489.1	+95
Share of GNP:			
Defense and security (percent)	8.3	7.8	−6
Nondefense spending (percent)	11.9	15.4	+29

As the table indicates, the proposed security spending increase over the 1981–1988 period will still not fully restore the security spending share of GNP to the 1970 level. In fact, the increase in security spending over the two decades comes to only about one-third of the increase in non-defense spending over the same period.

In all, I believe that it is simply preposterous to claim, as many proponents of social welfare spending have done, that the combined spending and fiscal priorities of this Administration represent a sharp reversal of decades of social progress. On the contrary, as I have demonstrated to the Committee, our purpose is to ensure that progress continues on all fronts, and promotes an environment in which the living standards of all Americans—at all income levels—will be improved in the years ahead.

Thank you for this opportunity to share the Administration's views with this distinguished panel. I would welcome any questions the Committee might have.

STATEMENT OF DR. JANET L. NORWOOD, COMMISSIONER, BUREAU OF LABOR STATISTICS, BEFORE THE JOINT ECONOMIC COMMITTEE, MAY 6, 1983

Mr. Chairman and Members of the Committee: I am pleased to have this opportunity to offer the Joint Economic Committee a few comments to supplement our Employment Situation press release issued this morning.

The employment situation improved considerably in April. The number of jobs increased, hours of work were up, more people entered the labor force, and the unemployment rate held steady. The job growth was widespread; nearly 3 out of 4 of the 186 industries in the BLS diffusion index showed employment gains from March to April, as payroll employment rose by 260,000. Since December, payroll employment has increased by 650,000, and the unemployment rate has declined by 0.6 percentage point.

Factory jobs rose by 110,000 from March to April. Most of the increase occurred in the durable manufacturing industries, which had been hard hit during the recession. In the 4 months since December, sizable job gains have occurred in lumber and wood products, primary and fabricated metals, electrical equipment, and transportation equipment. Consistent with these developments, the unemployment rate in durable goods industries declined from 17.1 to 13.5 percent over the period.

Employment in the construction industry, which had not shown employment growth in recent months, rose by 30,000 in April. The business survey is often slow to reflect employment increases in the construction industry because it is difficult to identify and collect data from new construction firms at the time they begin operation. Reported increases in construction industry employment thus tend to lag initial expansions in construction activity.

Employment in the service-producing sector, which is usually affected less by recession than the goods-producing sector, showed little change between July 1981 and December 1982. Since December, employment in this sector has increased by 450,000. A large part of this increase reflects a substantial pickup in the services industry in 1983. Jobs in the services industry increased by more than 100,000 in both March and April.

The continued improvement in factory hours is particularly noteworthy this month. This important leading economic indicator rose to 40.1 hours, the highest level since June 1981. Factory overtime increased to 3.0 hours in April. These movements are important, because as labor market conditions begin to improve, employers tend to be cautious; they add hours to the schedules of those currently employed before expanding the size of their work forces. Businessmen may well take the opportunity—more than they have in the past—to improve their productivity and cost positions before hiring additional workers.

The civilian labor force, which had declined substantially between December and March, rose by 300,000 in April. Total employment, as measured by the household survey, increased by about the same amount—a little more than 350,000. Much of this April increase in employment occurred among adult women.

The April labor force is still below its December level. As employment conditions improve, more people may be expected to enter the labor force. This is because many

persons—some who are discouraged over job prospects and others who are waiting for job opportunities to improve before undertaking job search—come into the labor force when jobs become more plentiful. For this reason, the unemployment rate tends to decline very slowly as labor market conditions begin to improve.

In April, there were 11.3 million people unemployed, and the civilian jobless rate was 10.2 percent, little different from the March figure of 10.3 percent. The rate which includes the resident Armed Forces in the labor force was 10.1 percent in April, the same as in March.

Among major worker groups, the unemployment rate for adult women fell from 8.8 to 8.4 percent, while the rate for men edged up from 9.6 to 9.8 percent. The jobless rate for men thus continues to be higher than the rate for women, as it has been during all of the past year and a half. In April, the unemployment rate for white workers was 8.9 percent, down 0.8 percentage point from December. The jobless rate for Hispanic workers declined to 14.5 percent in April.

In contrast, the rate for black workers rose to 20.8 percent, the same as in December. The jobless rate for adult black men rose to 20.3 percent and the rate for black women was 17 percent. The unemployment rate for black teenagers rose to 49 percent, and their employment-population ratio was only 19 percent. Black workers continue to be the most severely affected population group in the job market.

In summary, the data for the month of April show considerable improvement in the overall labor market. Employment rose, particularly in the hard-hit manufacturing industries; hours of work expanded sharply; the labor force increases; and the unemployment rate held steady. Since December, the unemployment rate has declined by 0.6 percentage point.

My colleagues and I will now be happy to answer any questions you may have.

UNEMPLOYMENT RATES OF ALL CIVILIAN WORKERS BY ALTERNATIVE SEASONAL ADJUSTMENT METHODS

Month and year	Unadjusted rate	X-11 ARIMA method					X-11 method (former official procedure)	Range (cols. 2-7)
		Official procedure	Concurrent	Stable	Total	Residual		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1982:								
April	9.2	9.3	9.3	9.4	9.4	9.3	9.4	0.1
May	9.1	9.4	9.4	9.8	9.5	9.3	9.5	.5
June	9.8	9.5	9.5	9.5	9.4	9.5	9.5	.1
July	9.8	9.8	9.8	9.8	9.7	9.7	9.7	.1
August	9.6	9.9	9.9	9.8	9.9	9.8	9.8	.1
September	9.7	10.2	10.2	10.1	10.2	10.0	10.2	.2
October	9.9	10.5	10.5	10.6	10.5	10.3	10.5	.3
November	10.4	10.7	10.7	10.9	10.7	10.6	10.8	.3
December	10.5	10.8	10.8	11.1	10.9	10.8	11.1	.3
1983:								
January	11.4	10.4	10.4	10.2	10.4	10.7	10.3	.5
February	11.3	10.4	10.4	10.1	10.4	10.8	10.3	.7
March	10.8	10.3	10.4	10.2	10.3	10.5	10.3	.3
April	10.0	10.2	10.3	10.3	10.4	10.1	10.2	.3

(1) Unadjusted rate.—Unemployment rate for all civilian workers, not seasonally adjusted.

(2) Official procedure (X-11 ARIMA method).—The published seasonally adjusted rate for all civilian workers. Each of the 3 major civilian labor force components—agricultural employment, nonagricultural employment and unemployment—for 4 age-sex groups—males and females, ages 16-19 and 20 years and over—are seasonally adjusted independently using data from January 1967 forward. The data series for each of these 12 components are extended by a year at each end of the original series using ARIMA (Auto-Regressive, Integrated, Moving Average) models chosen specifically for each series. Each extended series is then seasonally adjusted with the X-11 portion of the X-11 ARIMA program. The 4 teenage unemployment and nonagricultural employment components are adjusted with the additive adjustment model, while the other components are adjusted with the multiplicative model. A prior adjustment for trend is applied to the extended series for adult male unemployment before seasonal adjustment. The unemployment rate is computed by summing the 4 seasonally adjusted unemployment components and calculating that total as a percent of the civilian labor force total derived by summing all 12 seasonally adjusted components. All the seasonally adjusted series are revised at the end of each year. Extrapolated factors for January–June are computed at the beginning of each year; extrapolated factors for July–December are computed in the middle of the year after the June data become available. Each set of 6-month factors are published in advance, in the January and July issues, respectively, of Employment and Earnings.

(3) Concurrent (X-11 ARIMA method).—The official procedure for computation of the rate for all civilian workers using the 12 components is followed except that extrapolated factors are not used at all. Each component is seasonally adjusted with the X-11 ARIMA program each month as the most recent data become available. Rates for each month of the current year are shown as first computed; they are revised only once each year, at the end of the year when data for the full year become available. For example, the rate for January 1980 would be based, during 1980, on the adjustment of data from the period January 1967 through January 1980.

(4) Stable (X-11 ARIMA method).—Each of the 12 civilian labor force components is extended using ARIMA models as in the official procedure and then run through the X-11 part of the program using the stable option. This option assumes that seasonal patterns are basically constant from year-to-year and computes final seasonal factors as unweighted averages of all the seasonal-irregular components for each month across the entire span of the period adjusted. As in the official procedure, factors are extrapolated in 6-month intervals and the series are revised at the end of each year. The procedure for computation of the rate from the seasonally adjusted components is also identical to the official procedure.

(5) Total (X-11 ARIMA method).—This is one alternative aggregation procedure, in which total unemployment and civilian labor force levels are extended with ARIMA models and directly adjusted with multiplicative adjustment models in the X-11 part of the program. The rate is computed by taking seasonally adjusted total unemployment as a percent of seasonally adjusted total civilian labor force. Factors are extrapolated in 6-month intervals and the series revised at the end of each year.

(6) Residual (X-11 ARIMA method).—This is another alternative aggregation method, in which total civilian employment and civilian labor force levels are extended using ARIMA models and then directly adjusted with multiplicative adjustment models. The seasonally adjusted unemployment level is derived by subtracting seasonally adjusted employment from seasonally adjusted labor force. The rate is then computed by taking the derived unemployment level as a percent of the labor force level. Factors are extrapolated in 6-month intervals and the series revised at the end of each year.

(7) X-11 method (former official method).—The method for computation of the official procedure is used except that the series are not extended with ARIMA models and the factors are projected in 12-month intervals. The standard X-11 program is used to perform the seasonal adjustment.

(8) Methods of adjustment.—The X-11 ARIMA method was developed at Statistics Canada by the Seasonal Adjustment and Times Series Staff under the direction of Estela Bee Dagum. The method is described in The X-11 ARIMA Seasonal Adjustment Method, by Estela Bee Dagum. Statistics Canada Catalogue No. 12-564E, February 1980. The standard X-11 method is described in X-11 Variant of the Census Method II Seasonal Adjustment Program, by Julius Shiskin, Allan Young and John Musgrave (Technical Paper No. 15, Bureau of the Census, 1967).

Source: U.S. Department of Labor, Bureau of Labor Statistics, May 1983.●

PROBLEMS OF AMERICAN SCIENCE

● Mr. KENNEDY. Mr. President, last Thursday, I introduced a statement for the RECORD which contained an article from Science magazine detailing a new British computer initiative. In that article, it was revealed that the British have embarked upon a 5-year, $350 million program to enhance their position in the world computer market. Today, I am introducing into the RECORD an article from the Washington Post which documents a broader problem for America in the world marketplace.

Philip J. Hilts interviewed two dozen leading scientists in various fields for his article printed in today's Washington Post. Mr. Hilts concluded that in almost every field, the United States faces a strong challenge from the Japanese and Western Europeans. Most significantly, the Hilt article details that America's research enterprise requires a substantial commitment from both the public and private sectors to keep America in the leadership position in world science and technology.

America has dominated the annual Nobel Prize competition for a number of years now. However, a continued erosion of basic science research and development may turn a first-rate capability into a second-rate effort. Mr. Hilt commits almost half of his article to the problem of fewer Ph. D.'s entering into science, fewer qualified teachers available to teach science and mathematics, and a growing scientific illiteracy that threatens both science and society.

Mr. President, the Hilt article is basically another call to the Federal Government to do something now about the threats to America's position in world science and world economic competition. President Reagan contends that no major effort by the Federal Government is required in the education of a new generation of competent researchers and scientifically literate Americans. I cannot disagree strongly enough with Mr. Reagan's position. The general consensus among educators, scientists, industry, and policymakers is that there is a dire need for a major effort on the part of the Federal Government to guarantee

that American sciences not slip into the murky morass of mediocrity.

I do not want to imply that the Federal Government alone can preserve the American position in science and technology. There is clear need for efforts by State and local governments in education of our Nation's youth in science. There is a clear need for a partnership between the private sector and the public sector to help pave the way for American science. There is a clear need for the private sector to continue to take advantage of all that is first rate in American science, taking exciting technologies and creating new markets. However, there is also a clear need for a major Federal effort.

I hope that the Members of this body take note of Mr. Hilts' article. International competition in science, technology, research, and development have clear ramifications of our economy and our national security. When legislation designed to improve the quality of math and science teaching and instruction comes before us here, I hope that it gets the full commitment of the Senate. One bill, S. 1285, reported out of the Committee on Labor and Human Resources, contains the minimum reasonable authorization level, $425 million for fiscal year 1984, that this body should entertain.

In addition to science education, I want to restate the importance of adequate funding for the National Science Foundation. Consequently, when the authorization for the National Science Foundation comes before us, I hope that it gets the full approval of the Senate.

Mr. President, I ask that the article in today's Washington Post, by Philip J. Hilts, describing the problems of American science, be printed in the RECORD.

The article follows:

[From the Washington Post, May 24, 1983]

U.S. SCIENCE LOSING ITS MAGIC AS RIVALS EXCEL

(By Philip J. Hilts)

"Sputnik fear" is back again, caused not by a Soviet satellite, but a Japanese and west European challenge to U.S. domination of science.

American science still leads the world, according to two dozen leading scientists in various fields who were interviewed. In almost every field, however, the United States faces a strong challenge. Its research in a few fields is now plainly behind the work of other nations, they said, and it is slipping in other fields where this nation still has an edge.

The number of doctorates granted in science and engineering has dropped about 9 percent since the peak year of 1973, going against the peacetime trend of Ph. D. production in this century.

The United States has been spending less and less of its economic resources on research over the past decade. American research and development spending plunged 17 percent as a percentage of gross national product between 1968 and 1980, while the Japanese and west Europeans increased their spending dramatically.

More than one in five doctoral degrees in science and engineering now go to foreign citizens. In some fields, the figures are much higher: In 1981, foreigners got 52 percent of all American doctorates in engineering, 38 percent in agriculture and 31 percent in computing.

Scientists say that some of the most significant cutbacks in federal financing were in the most important areas—fellowships for the best science students, and aid for good laboratory equipment in the universities.

So few science and math teachers now come out of college that one-third of the nation's high schools students is taught science by completely unqualified teachers, some of whom have never had college math or science courses.

At some universities, the quality of students going into science has dropped, and non-science students are "simply illiterate" in math and science, as astronomer Geoffrey Burbidge put it.

If American primacy in science slips much more, scientists say, the best American scientists may begin to desert their laboratories and go abroad, just as Britons and other Europeans deserted their labs and came here beginning five decades ago.

For the first time in years, however, scientists say they are optimistic about the future of American science. The Reagan administration increased the budget this year for the National Science Foundation, the major source of federal funds for pure research.

"If you asked me a year ago, I would have said things look very bleak," said Burbidge, director of the Kitt Peak observatory, whose staff was cut last year from 340 to 260.

"The prospects at the moment look good," he said. "But these [coming budget] increases can't be just a one- or two-year spike. If it's a spike, forget it. That will mean disaster."

Scientists are confident that the United States will continue dominating the annual Nobel Prize awards for a while, but they expressed worry about the erosion of basic research. Mathematician Felix Browder at the University of Chicago said that he, too, fears that generations of non-scientists are growing up as scientific illiterates, leading to the further decay of science and society.

Donald Kennedy, president of Stanford University, touched on one recurring fear of scientists.

"The genius of American science is the relation between research and training," he said. "Here, research takes place where the apprentices are."

That means that young researchers are able to work independently under the best scientists. In other countries every detail of a young scientist's research is determined by his superiors.

Over the years, Kennedy said he fears, the American system has been greatly damaged. Even with funds for science beginning to rise, the number of students on graduate fellowships is low.

According to the National Science Foundation, 2,550 of the best graduate students were supported annually on fellowship programs about a decade ago. Now, only 1,550 are. Similarly NFS gave 5,600 training grants to graduate students in 1968, and other agencies had smaller programs.

"Now, those are gone," said Terence Porter, head of the NSF fellowship section.

Arthur Schawlow, a laser physicist who has won the Nobel Prize, said another danger is the outdated and dilapidated equipment scientists and students must use in many university laboratories.

He recalled working with obsolete equipment during one budget squeeze at Bell Laboratories. When newer equipment was finally bought, he said, "We were all amazed at how much time and effort had been lost in designing our work to get around the limitations of our machines. It was a major part of our time, and we never realized it."

Lab equipment at some universities is a decade or more behind that in industry, according to Frank Press, president of the National Academy of Sciences. But he said next year's NSF budget will contain some funds for new equipment.

The quality of students also concerns scientists. Researchers at the "elite" universities say their best graduate students are still very good. But below the very top, there is trouble.

The University of Maryland, for example, has a physics department that is regarded as excellent and draws good but not always the very best students in its competition with such schools as Harvard and the California Institute of Technology.

Yet Edward Redish, chairman of the physics department said, "We have a serious problem of inheriting students who are poorly trained . . . at the same time we have reduced budget. More and more of the class time in physics and engineering is eaten up in remedial courses.

"I have had students in pre-med who couldn't calculate the volume of a cube . . . or do fractions. . . . Even on the graduate level the students are prepared less than I would expect."

The state of American science varies from discipline to discipline. This is how the interviewed scientists assess their fields:

Physics: "For a considerable period after World War II, we set the style for the world," said D. Allan Bromley, a nuclear physicist at Yale. "We certainly no longer do. A number of other countries such as Germany, France, Italy and Japan have given this field high priority."

Leon Ledermann, director of the Fermi National Accelerator Laboratory near Chicago, said the western Europeans have nearly the same population and gross national product as the United States but for some years have spent twice as much annually on high-energy physics work to discover the most basic elements of matter.

In high-energy physics, Americans have lost their lead to the Europeans, Ledermann said. One sign came this year when European scientists announced the long-awaited and important discovery of the so-called W and Z particles. Proposals to do those experiments at Fermi had been turned down years earlier for lack of money. The discovery of these particles provided important evidence that key theories explaining the basic forces of nature were being borne out.

Computing: Edward Feigenbaum, a Stanford University professor and pioneer in machine intelligence, recently said that the United States will be "betting the future of the entire information processing industry" if it does not counter Japan's 10-year, $850 million crash plan to capture the world lead in the coming "fifth generation" of computers.

Feigenbaum pointed out that until now the United States had dominated the area of "smart" computer programming and led in inventing computer hardware. Its re-

sponse to Japan has been "discoordinated" and "not very promising," Feigenbaum said.

But recently, a Senate committee passed a measure sponsored by Sen. Edward M. Kennedy (D-Mass.) and others that will put some $25 million into the competition. At the same time, the Advanced Research Projects Agency of the Defense Department has begun a study on how America should respond.

Chemistry and Biology: "We are far ahead of the Europeans and Japanese in molecular biology," said Phillip Sharp, a molecular biologist at MIT and a consultant to Biogen, a biotechnology corporation. "But we are not ahead in applying that research for practical things. The Japanese are very active, even though they do not have a large basic research establishment."

Howard E. Simmons, director of central research and development for E.I. duPont de Nemours & Company, said that in chemistry and biology the "American universities are as strong as they ever have been." But he added that companies fail to take advantage of much that is first-rate in American science.

He attributed industry's increasing hardening of the arteries to many factors, including the rise and eventual dominance of "marketing people" over researchers, of conservatism over risk-taking.

"Top management is more conservative than they used to be . . . . [wanting] to be able to see a market there" before taking a risk on a product, he said. If they cannot foresee a large market, the product is dropped. By contrast, the Japanese "see an exciting technology and go create a market," he said.●

CENTRAL AMERICA

● Mr. GOLDWATER. Mr. President, last Sunday on the television program, "Face the Nation," I made some remarks relative to Central America that have caused quite a bit of concern and interest.

For that reason I think an explanation is due to my colleagues and the American public. In effect, I made the statement that I look upon Central America, now, as probably the most important focal point of our foreign policy anywhere in the world. I place it above the Middle East because I think more potential damage can spring from Central America affecting our own country than anything that might happen in the Middle East or anyplace else around the globe.

Now, why do I say this? I say it because I think that the Soviets have reached sort of a checkpoint in their endeavors to make progress along their long, long border. Starting with the Red Chinese in the East, including Afghanistan along with Yugoslavia and Poland, they have nothing but trouble. When you sense that this might be occurring, the normal reaction of anybody thinking along these terms or along these lines is to say: What would I do? Well, if I were a member of the Politburo of the Soviet Union, I would look for places in this world where I could exert pressure that would take the minds of the world off of what I am struck with in Europe and Asia. At the same time, I would wind up accomplishing something far more important. I think we basically have to keep in mind that the prime target of all Soviet activities is the United States.

It is not the destruction of the United States by the military or the destruction of our country by atomic weapons. It is the destruction of the will of our people to resist. The destruction of our desire and will to maintain and create an even better and stronger economic system is, in fact, the will of our people to remain free.

Now, what is the best way to do this? The best way, in my opinion, would be to use Cuba as a gigantic base of supplies to be fed by boat or aircraft into the Central American countries where the Soviet Union could gain control and, after having gained control over the entire area of Central America, could exert influence northward to Mexico. In this connection, I think we have to keep in mind the great number of Communists that fled from the Spanish conflict to Mexico after the Spanish Civil War in the 1930's. These people still live there and are still Communist minded. Would it be possible to change the Government of Mexico? I believe it is possible for anything to happen when it involves the changing of the minds of people.

I realize that Mexico is a Catholic country and I realize they are extremely patriotic and loyal, but, I also look at other countries around this world that would be categorized in the same fashion and realize that they came under the influence of the Soviets. However, I do think that we would have to expect a concentrated, massive attack to change the thinking of the Government of Mexico to a position that would be anti-United States. If that were to happen, I leave it up to my colleagues and to the reader to decide what might happen along our Mexican border. We must keep in mind that the war with Mexico in the 1840's which, in my opinion, was an ill-advised war and one that we need not have fought. Nevertheless, we did and we won. Then I think people could begin to understand the probable desire of some people in Mexico to take that land back which we took from them.

This entire line of thinking is what has caused me to say what I have repeatedly said; Central America now should be the dominant point in our foreign policy structure and it should not be bandied about in a politically partisan way. This should not be approached by people dropping in for a 1-night stand. It should be looked at by our President and his advisers, and the leaders of other countries so that we come up with a logical, coherent policy to do what is necessary to keep Central America out of the hands of the Soviets. That, in summary, is the background of my thinking and what caused me to state that if I were the President of the United States and in regard to any future declarations about Central America, I would include strong language indicating that if it became necessary, I would resort to the use of force to keep Soviet philosophy and thinking out of that part of the world.●

DANIEL A. HESTER TO RETIRE

● Mr. LEVIN. Mr. President, on July 1, 1983, Daniel A. Hester will retire after many years of unselfish service and dedication to the United Way of Michigan. Daniel Hester has been the executive director of that organization for the past 11 years, but he has been an executive in the United Way movement for more than 33 years.

United Way of Michigan is unique throughout the country in fostering voluntary giving and budgeting for 25 health and welfare agencies which serve citizens of Michigan. Daniel Hester's leadership has been instrumental in fostering the involvement of countless Michigan citizens in the United Way process.

Daniel Hester is a graduate of Michigan State University. He is a veteran of 5 years as an officer in the U.S. Air Force. He was decorated for 25 combat missions, including the Distinguished Flying Cross and the Air Medal.

As a serviceman and a man of service, Daniel Hester has provided leadership and inspiration to all those he has worked with.

The United Way of Michigan is losing an exceptional director. However, those who follow in his footsteps will be able to carry on the tradition of his good work simply because he led so well.

I am pleased to join with his wife Anne, son Daniel, daughters Rebecca and Patricia, and his many friends and colleagues in congratulating Daniel A. Hester and wishing him well in all future endeavors.●

AMNESTY INTERNATIONAL VIEWS ON HUMAN RIGHTS CONDITIONS ON TAIWAN

● Mr. KENNEDY. Mr. President, on May 20, I joined congressional and human rights leaders in a press conference marking the anniversary of 34 years of human rights abuse under Taiwan's prolonged state of martial law. On that occasion, we announced the introduction of Senate Concurrent Resolution 38 expressing the sense of the Congress that the authorities on Taiwan should continue democratic progress and end martial law in order to establish a more democratic, free, and open system that will guarantee

and protect the rights of all the people on Taiwan.

As background for their consideration of this resolution, I would like to bring my colleagues' attention to the expert testimony delivered at our May 20 press conference by Dr. James D. Seymour, a member of the National Advisory Committee of Amnesty International/USA, who has visited Taiwan on Amnesty International missions and is also the author of an authoritative examination of human rights in the People's Republic of China. In addition, Dr. Seymour is research associate at the East Asian Institute of Columbia University and editor of "SPEARhead: Bulletin of the Society for the Protection of East Asians' Human Rights." In view of Dr. Seymour's long experience in this area, I believe the Congress should study his findings very seriously, and I ask that his May 20 statement be printed in the RECORD at the conclusion of my remarks.

Although Amnesty International does not take positions on legislative questions, including the issue of martial law, it takes a strong position on specific abuses sanctioned and imposed under Taiwan's protracted state of siege. In spite of recent positive steps by the Taiwan authorities, Dr. Seymour's statement notes that "Political arrests continue at a rate sufficient to discourage most from participating in the political process." He registers special concern over executions, torture, limitations on freedom of the press, limitations on freedom of political association and speech, and the problem of remaining long-term detainees.

Amnesty International's view of the present human rights situation on Taiwan is spelled out in further detail in the relevant chapter of that organization's current annual report, which I am also asking be printed in the RECORD at this time.

The information follows:

STATEMENT BY AMNESTY INTERNATIONAL REPRESENTATIVE JAMES D. SEYMOUR REGARDING HUMAN RIGHTS CONDITIONS IN TAIWAN, REPUBLIC OF CHINA

(For press conference sponsored by Senator Edward Kennedy, Congressman Jim Leach, and others, Russell Senate Office Building)

Although there have been a few improvements in the human rights situation on Taiwan in recent years, the government's human rights record continues to fall short of international standards as established in the UN's Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966).

Amnesty International's concerns may be grouped into two categories: (1) The organization opposes torture and execution in all instances. (2) We believe that there should be no prisoners of conscience, i.e., that no one should be imprisoned because of his or her beliefs. The organization does not take positions on legislative questions, including the issue of martial law. Nonetheless, we note that under the terms of the martial law (§ 11) the military authorities may "stop assembly, association, demonstration and petition . . . if such are deemed prejudicial to military affairs," and that often the way such phenomena are prevented is by imprisoning the would-be participants.

TORTURE AND CAPITAL PUNISHMENT

Executions are sanctioned by many Republic of China (ROC) laws, including the State of Siege, the declaration of which occurred 34 years ago yesterday. The death sentence is allowed not only for serious common-law crimes, but also for spreading rumors, "beguiling" the public, striking, or encouraging strikes. The death sentence is mandatory in the case of "rebels." This category includes people who participate "in an organization or meeting for the purpose of rebellion," and making of "propaganda beneficial to the rebels by written word, books or speeches." However, in recent years capital punishment has not been carried out in such cases, even though it is not discretionary. There have, however, been a few political murders under circumstances which give rise to suspicions of governmental involvement. Also, greater emphasis has been given to executing common-law criminals.[1]

Though not sanctioned by law or announced policy, torture has been a problem. There are many well-documented cases of individuals being physically and psychologically abused. People are held incommunicado for periods of as long as four months, during which period those holding the prisoners appear to act with impunity.

Last year a man died during questioning in connection with a bank robbery. It turned out that another man had committed the crime. There appears to have been some soul-searching among the authorities, and it was announced that thereafter detainees would be given access to legal counsel. If this provision were to be fully implemented, it would go a long way toward curbing abuses. However, it has come to Amnesty International's attention that the new provision applies only to civil cases, and not to martial-law cases. Unfortunately, it is precisely those arrested under martial law who have been most likely to be tortured. Even when such an inmate is permitted to retain legal counsel, the lawyer must be someone acceptable to the military authorities.

Because the abuses occur in secret, it is difficult to document current instances. The most prominent figure to be arrested this year was the chairman of the political science department of Chinese Culture University, Professor Lü Hsiu-yi. He was held incommunicado for approximately six weeks, at the end of which he is said to have "repented." We do not know the details of his treatment, but a Japanese woman arrested in the same case (and subsequently deported) claims that she was surrounded by up to 40 people and questioned "ferociously" for 48 hours non-stop, during which period she was required to stand. She says that she was threatened with execution if she did not cooperate. Such treatment, if confirmed, could be considered psychological torture. Indeed, sleep-deprivation is a form of physical torture.

[1] For background, see "The Death Penalty: Amnesty International Report" (1979), especially pp. 100-102. Available from AI/USA, 304 West 58 Street, New York, N.Y. 10019.

PRISONERS OF CONSCIENCE

Political arrests continue at a rate sufficient to discourage most from participating in the political process. Few prisoners of conscience have been released from prison. However, in recent years the number of new arrests is much lower than previously.

The best-known Taiwanese political prisoners are those arrested in connection with a 1979 human rights demonstration in the southern city of Kaohsiung. This event grew out of a magazine called "Formosa." The magazine itself was almost a quasi-political party (actual political parties being banned). After stalling for a long time, at the last minute the authorities granted permission for the rally. Nonetheless, police blocked the way. Demonstrators broke through the police lines and reached the approved cite. Anti-riot vehicles then invaded the crowd. Despite the "Formosa" leaders call for calm and non-violence, a riot erupted. A few policemen, and an unknown number of demonstrators, were injured.

In the wake of these unfortunate developments, a large number of the government's critics were arrested. A list of their names reads almost as a "who's who" of the opposition: Yao Chia-wen, Chang Chun-hung, Lin Yi-hsiung, Huang Hsin-chieh, Lu Hsiu-lien, Chou P'ing-teh, Ch'en Chü, Shih Ming-teh, Fang Cheng-yu, Wang T'o, Yang Ch'ing-ch'u, Ts'ai Yu-ch'uan, Chi Wan-sheng, Chang Ch'un-nan, and about 30 others. Most remain in prison.

Indirectly related to this case is another involving various Protestant religious leaders, including the highly-regarded head of the Taiwan Presbyterian Church, Rev. Kao Chun-ming. They were accused of providing refuge for some of the participants in the Kaohsiung human rights demonstration. A number of these religious leaders have been imprisoned. Rev. Kao is currently serving a seven-year term.

Most Protestant denominations have been under considerable pressure from the government. The authorities have been suspicious both of those ideas of the "social gospel" give rise to active humanitarian concerns, and of the more evangelical sects. The Unification Church is totally banned in Taiwan. Jehovah's Witnesses are sometimes imprisoned because of their objection to military service.

SPECIAL CONCERNS OF AMNESTY INTERNATIONAL

Limitations on freedom of the press: These have led to the detention of journalists and other writers, such as: Li Ching-sun, Huang Hua, Chang Hua-min, Li Ch'ing-jung, and Lin Chen-ting. We also place bookstore owner Li Pei-lin in this category.

Limitations on freedom of political association and speech: Examples of people arrested because of the political views they have expressed are those mentioned above as being involved in the Kaohsiung Incident, and, in addition: Pai Ya-ts'an, Chang Chun-nan, Yen Ming-sheng, Yang Chin-hai, Ch'en Ming-chung, and Liu Feng-sung. (The last named was a candidate for political office who was imprisoned because the views he had expressed during the campaign were "not in accord with national policy.")

Long-term detainees: At least 14 people (and in all likelihood more) have been imprisoned since around 1950 for political reasons. Although not all the facts of these ancient cases are clear, we consider it inhumane for the authorities to continue to incarcerate these men. Some were only boys when they committed their alleged indiscretions. Many are now old and in poor health.

Some have deteriorated mentally. We applaud the government's action of releasing nine people some months ago. There is no conceivable justification for failing to release the others.

For futher information on Amnesty International's current concerns, see the relevant pages from our current annual report (attached).

AMNESTY INTERNATIONAL REPORT, 1982

TAIWAN

Amnesty International appealed for the release or retrial of more than 120 prisoners of conscience and possible prisoners of conscience, 20 of whom had been held for more than 30 years.

On 27 February 1981 Amnesty International submitted a memorandum to the government. It contained recommendations arising from its mission to Taiwan in February 1980 and from its observation of the trial in March 1980 of eight defendants charged with sedition after a demonstration in Kaohsiung on 10 December 1979. Amnesty International called for the release of its adopted prisoners of conscience and for the country's legislation to be amended to bring it in line with international standards on interrogation, trial and detention procedures. In particular Amnesty International recommended: the abolition of provisions under which people can be imprisoned for the nonviolent exercise of their right to freedom of expression and association; and precise legal definition of the offence of sedition; an end to incommunicado detention and other conditions that facilitate ill-treatment in custody; and the introduction of procedures to investigate complaints of ill-treatment and compensate victims.

On 5 August 1981 Amnesty International published the text of its memorandum together with a reply from the government and Amnesty International's response. The government rejected the Amnesty International recommendations as interference in its internal affairs. It said that the violence at the Kaohsiung demonstration was planned in advance by eight of the prisoners and that their allegations of ill-treatment had been investigated by the court and found to be groundless. It stated that the purpose of the legal provision that pretrial investigation "shall not be public" was "to protect the human rights of the suspects", "safeguard the person's reputation and guard against false accusation". In its response Amnesty International reaffirmed that it had not been proved that the defendants convicted of sedition had planned the violence that erupted during the demonstration. Regarding prisoners' complaints of ill-treatment, Amnesty International stressed that the isolation of suspects during interrogation facilitated ill-treatment. It also made it difficult for defendants to prove their complaints to the courts, and for the government to disprove them. In its memorandum Amnesty International expressed disquiet at reports that one of the prisoners who had spoken to its delegates visiting Green Island military prison in February 1980 (see *Amnesty International Report 1980*) had been punished as a result. Amnesty International noted that the government denied this and reiterated its recommendation that an independent body be set up to deal with prisoners' complaints. Amnesty International repeated its belief that the definition of the offense of sedition was imprecise. It was concerned that charges of sedition had been used to imprison people critical of the government whom Amnesty International regarded as prisoners of conscience.

During 1981 the government did attend to some of the matters on which Amnesty International had made recommendations. The Minister for Legal Affairs, Li Yuan-tze, was reported to have said in March 1981 to the Legislative *Yuan* (Assembly) that the right of a suspect to have access to counsel during investigation would be given serious consideration during the forthcoming revision of the code of criminal procedure. On 1 July 1981 the government promulgated a State Compensation Law. Under this a plaintiff may claim compensation for damages caused by government employees in the course of their duties. On 7 October 1981 Amnesty International wrote to the Minister for Legal Affairs welcoming this measure.

Dr. Chen Wen-cheng, an assistant professor at Carnegie-Mellon University in the USA, was found dead in Taipei on 3 July 1981, the day after he had been interrogated by the Taiwan Garrison Command about his political activities in the USA. The authorities said that he had been escorted home the night before. On 8 July 1981 Amnesty International cabled the government expressing concern about Dr. Chen Wencheng's death and asking for information about the circumstances. The government sent Amnesty International copies of the reports by the prosecutor's office and by two members of the Control *Yuan* (the elected assembly which has the power to impeach and censure public functionaries). The first concluded that the death was the result of suicide or accident; the second, that it was probably accidental. A US expert in forensic medicine who examined the body at the request of Chen Wen-cheng's employer found no evidence of systematic torture and concluded that he had been murdered. The official inquiry continued. Amnesty International noted that in their report the Control *Yuan* members also concluded that "the procedures of interrogation by the Taiwan Garrison Command should be studied and improved". This was publicly recognized in early August 1981 by the government's spokesperson.

Amnesty International adopted as prisoners of conscience Chang Chun-nan and Liu Feng-sung, both sentenced to three-and-a-half years' imprisonment in separate trials in March and April 1981 (see *Amnesty International Report 1981*). They were accused of spreading seditious ideas during their election campaigns for the Legislative *Yuan* and the National Assembly in December 1980 and charged under the Public Officials' Election and Recall Law (May 1980). Both were active members of the opposition. There was no evidence that they had used or advocated violence.

Amnesty International continued to appeal for the release of 20 people arrested in the early 1950s for alleged pro-communist activities. Among them were Wu Yueh-ming and four co-defendants serving life terms in Green Island Military Prison. In August 1981 Amnesty International urged the authorities to give Wu Yueh-ming proper medical care for his impaired vision. Subsequent reports indicated that he was receiving treatment.

Amnesty International launched special appeals for the release of two journalists, Li Ching-sun, detained since 1975, and Li Ching-jung, arrested in December 1979, both adopted by Amnesty International as prisoners of conscience (see *Amnesty International Report 1981*).

On 18 February 1981 Amnesty International wrote to the Minister for Legal Affairs about prison conditions for the prisoners tried on criminal charges related to the Kaohsiung incident (see *Amnesty International Report 1981*). It had received reports that some were held in solitary confinement, not allowed daily outdoor exercise, and that their reading material was very restricted. Amnesty International also asked for a thorough inquiry into complaints of ill-treatment under interrogation by the military authorities. Most of these complaints had been made in court.

In its memorandum of 27 February 1981 Amnesty International expressed concern at the number of death sentences imposed and carried out every year. Between July 1979 and June 1980, 57 death sentences had reportedly been passed. It recommended the suspension of all executions and the abolition of this punishment. The government replied that death sentences were imposed with extreme care and that they were automatically referred to a higher court. It also said that in practice few people were executed; seven in 1978, two in 1979 and five in 1980. On 3 July 1981 Amnesty International wrote to the government outlining its work against the death penalty and international moves for its abolition. Amnesty International learned of 15 death sentences imposed in 1981 and seven executions.●

NURSES OBSERVE "ET DAY"

● Mr. HATFIELD. Mr. President, the International Association for Enterostomal Therapy (IAET) will observe Wednesday, May 25, 1983, as "ET Day" in honor of the kindly little visitor from Outer Space with the wondrous, curative touch in Stephen Spielberg's film "ET—The Extra Terrestrial."

The association also wants to draw attention to some other ET's (enterostomal therapists), some 2,000 of whom perform some very wondrous things for a lot of special people right here on Earth.

"ET Day" is being held in conjunction with National Digestive Diseases Awareness Week to emphasize the important role that ET nurses play in the rehabilitation and care of Americans suffering from digestive diseases and related illnesses.

The association estimates that more than 20 million Americans suffer from chronic digestive diseases and disorders, and more than 14 million cases of acute digestive diseases are treated in this country each year.

It is estimated that ET's work with the more than 85,000 people in the United States who must undergo ostomy surgery each year, as a result of accident, trauma, or disease.

The ET is a registered nurse with specialized training. They work for the comprehensive rehabilitation of the ostomy patient by helping the patient create a more human environment and lessen the social stigma which is often associated with ostomy surgery. The ET works to help the patient through the grief, anger, loneliness, and fear

which sometimes occur after such surgery.

The ET nurse also guides the patient and the patient's family through the information and technique required to manage the ostomy. The goal of all of this is to help the ostomy patient to resume as nearly a normal life as possible.

Many believe ET nursing is one of the most caring of nursing specialties. The field of enterostomal therapy was formally developed in 1968 to meet the special needs of people who must undergo ostomy surgery. It is a growing specialty in which new developments are constantly occurring.

Since 1968, the profession has broadened its scope of practice to include the care and rehabilitation of persons with serious wounds, pressure sores, and incontinence. The IAET is a professional association of ET nurses, physicians, and professionals. There are more than 2,000 members of the IAET in the United States, Canada, and overseas.

On the occasion of the 15th anniversary of the International Association for Enterostomal Therapy, I ask to have printed in the RECORD a more detailed statement of this field of work.

My congratulations, not only to ET's, but to all the dedicated people involved in this important, growing profession.

The material follows:

THE INTERNATIONAL ASSOCIATION FOR ENTEROSTOMAL THERAPY—15 YEARS OF CARING

The International Association for Enterostomal Therapy is celebrating its 15th Anniversary this year. Founded in 1968 to meet the special needs of patients who must undergo ostomy surgery, the Association is a 2000 member, professional organization of Enterostomal Therapy (ET) nurses, physicians and allied health professionals.

The field of Enterostomal Therapy has grown dramatically since 1968. There are more than 1 million men, women and children in the United States and Canada who have undergone ostomy surgery. Each year over 85,000 new stomas are created in the United States alone.

Ostomy surgery, such as colostomies, ileostomies or ileal conduits may be necessary to correct or bypass a disease process or trauma. The surgery can be permanent or temporary depending on the extent of the cancer, trauma, inflammatory intestinal disease, congenital defect or spinal cord injury that has altered normal body functions.

Because of their unique skills and their knowledge of skin care, the ET's role has expanded to the care and rehabilitation of persons with other serious and often dramatic health care problems such as serious wounds, pressure sores and incontinence.

ET's are registered nurses who have chosen a new and special career that offers professional opportunities and unique job satisfaction. The physical and psychological needs of the patients served by ET's are unique, and the Enterostomal Therapy field is often referred to as one of the most caring of nursing specialties.

The IAET is a non-profit professional organization. The profession represents an element of the health care system involving an estimated 6.5 million patient days per year or approximately $1.7 billion in U.S. health care costs. For fifteen years, the philosophy of the organization has been one of deep concern for the quality of human life in often critically ill patients.

The IAET has an extensive program of activities. It accredits eleven Enterostomal Therapy Education Programs in the United States. The IAET provides Board Certification Examinations for graduates of accredited programs; continuing education programs for its members, other nurses and allied health professionals; and conducts several joint programs and projects with the American Cancer Society and its state affiliates.

The IAET has a substantial foundation and research program, and its members are involved in projects sponsored and supported by the medical and lay community.

IAET members constantly evaluate and test new products and advise manufacturers of problems with existing products.●

FARM POLICY AND FARM PROFITS

● Mr. HELMS. Mr. President, last Thursday the Joint Economic Committee held the first in a series of hearings to examine the future of general farm policy. I commend the Joint Economic Committee and Chairman JEPSEN for initiating these timely hearings. As chairman of the Committee on Agriculture, Nutrition, and Forestry, I express the committee's appreciation to the JEC for the valuable input these hearings will provide us as we move toward consideration of the 1985 farm bill. The JEC hearings build on the substantial effort we have begun to put forth in the Agriculture Committee.

At last Thursday's hearing, Secretary of Agriculture Block presented the administration's perspective on future farm policy. His testimony provided an excellent overview of current conditions in the farm sector, how we got where we are today and what we might do to improve the long-term outlook for the U.S. agricultural sector.

Of course, there are some 13 different commodity programs which have particular and specific objectives. The great diversity of U.S. agriculture is one of its principal strengths, but when we refer to "farm policy" it is the grain and cotton crops—the principal income and export earners for the Nation—that are on the minds of Congress and other policymakers.

Secretary Block warned—absolutely correctly, I believe—that unless this Government maintains a strong market orientation to general farm policy and programs, particularly as they relate to price, we are destined to lose our competitiveness in international markets and will be forced to deal again and again with chronic price depressing agricultural surpluses.

Mr. President, these problems result, in large part, when Federal programs become inflexible and nonresponsive to market conditions. Federal price support levels that are set higher than market clearing levels send the wrong signal to farmers—encouraging overproduction when increased production is not warranted. Overproduction results in price depressing surpluses and increased Government expenditures. Moreover, excessively high support levels force the price of U.S. farm commodities above world market prices, rendering U.S. products noncompetitive in world markets. Lost export markets result in increased surpluses at home, depressing prices even further and increasing pressure for Federal assistance, which often takes the form of even higher price supports. It becomes a vicious circle.

Such a situation characterized U.S. agriculture during the 1950's and the early 1960's. In the mid-1960's, price support levels for some major commodities were lowered and the United States became active in international markets. Exports boomed throughout the 1970's in large part due to the increasing market orientation of U.S. farm policy with price supports remaining at or near market clearing levels.

Today, however, price supports and Government costs are escalating to unacceptably high levels, and the consequences are evident. As was the case in the 1950's and 1960's, the U.S. farm sector today is characterized by massive stocks, record Federal outlays, declining exports and large scale production control efforts.

Of course, Mr. President, it was with the best of intentions that Congress specified the price support levels which are now in place. In fact, at the time the 1981 farm bill was approved, the support levels which it contained were not considered excessively high. However, assumptions of market price levels have not proven accurate, and the Reagan administration has been more successful in bringing down inflation than many people expected.

We must put U.S. agricultural policy back on a market-oriented course if it is to prosper again. As Secretary Block so succinctly stated in his recent testimony:

> We cannot continue to operate a farm program with an incentive to overproduce, both here and abroad, while the Government shoulders the entire burden of overproduction . . . We must establish policies that assure the farmer "feels the market."

Some argue that without high support levels, smaller farmers will go out of business. That simply is not true. In fact it is the current overproduction and the resulting stress in the farm economy that is crushing the small farmer. A market orientation to farm price supports that allows farmers to freely respond to market conditions should certainly benefit all farmers,

especially the small farming enterprises. This is particularly so because the larger farmer will produce without price support protection if the floor price is established at a high enough level.

Two years ago, during consideration of the 1981 farm bill, I expressed my concern about the problems inherent in excessively high Federal price supports. My original bill, S. 884, contained market clearing price supports and a strong market orientation. It set loan rates at 75 percent of a moving average of recent years' market prices. Some observers stated this bill was several years ahead of its time.

Mr. President, U.S. farmers and U.S. taxpayers cannot afford a farm policy that is so clearly out of line with economic reality as is the present policy. We are currently coping with the results of a farm policy that induces overproduction. The Federal Government has adopted a massive payment-in-kind (PIK) program to reduce burdensome stock levels, cut Federal expenditures, and reduce crop production. PIK is needed to alleviate the supply/demand imbalance that currently exists in the U.S. agricultural sector. However, PIK is a complex and administratively difficult program, as are most large-scale production control efforts. And, it reduces the gross national product and causes serious dislocation in support and processing industries.

As Secretary Block stated in his testimony before the JEC, the central question with regard to PIK is:

Have we learned enough from recent experiences to adopt policies that will keep us from falling back into the same situation we had before PIK?

This country cannot long afford farm programs that require these massive production adjustment programs. Not only are paid land diversions and huge farmer-owned reserve programs costly to the taxpayer, these programs can also erode U.S. competitiveness in international markets if they are not flexible enough to adapt to changing market conditions. They make us seem to be unreliable suppliers.

A healthy U.S. farm economy is predicated on high agricultural export levels, yet U.S. farm exports are lagging despite the aggressive efforts of the Reagan administration. In part, this is due to the export subsidy practices of other countries, but it may also be due, in part, to our own actions. High price supports not only send the wrong signal to farmers here and abroad, they diminish our competitive standing in world markets.

The May 19 Wall Street Journal contains an excellent article on the subject of diminishing U.S. dominance in an increasingly competitive world grain market. I ask that the text of this article be printed in the RECORD at the conclusion of my remarks.

The article follows:

[From the Wall Street Journal, May 19, 1983]

LOST EXPORTS: LONG U.S. DOMINANCE IN WORLD GRAIN TRADE IS DIMINISHING

(By Sue Shellenbarger and Jeffrey H. Birnbaum)

The last of several grain boats bound for China steamed out of the port of New Orleans recently with its hull one-quarter empty.

Normally, grain purchasers avoid such "dead freight," or unused shipping capacity. Operating a ship costs too much to let it sail without a full load.

But the Chinese had picked up the last of the U.S. grain they had ordered six months earlier, and they didn't want any more. Last year at this time, they had ordered more than $300 million in U.S. wheat. But now they have found cheaper places to shop, in Argentina and France. So China, the U.S.'s biggest wheat customer last year, isn't expected to buy any U.S. wheat for delivery this summer.

The China syndrome is being repeated with disturbing frequency these days. By cutting prices and taking advantge of political discord between the U.S. and some of its customers, other grain-exporting nations are muscling in on the traditional U.S. dominance in the world's farm trade. The U.S. share of world trade in grains, its biggest farm export by far, has fallen to about 53% this year from a high of 60% in 1980. The U.S. faces more rough sledding in years to come.

RIVALS "GETTING SMART"

"Our competitors are getting smart," says John Urbanchuk, chief agricultural economist at Wharton Econometric Forecasting Associates. "World grain trade is changing dynamically. The U.S. is going to face increased competition for some time to come."

The slippage hurts the whole economy. Agriculture is the nation's biggest business, and farm products are the nation's biggest export category, accounting for 18% of all U.S. exports. (Of last year's $39.1 billion in farm exports, the State Department estimates, each $1 billion provided 30,000 jobs off the farm.)

And agriculture, more than many industries, is hooked on exports. During the 1970s, farm exports nearly tripled until U.S. farmers sold abroad about 40% of what they produced. "Exports govern the health of the whole agricultural system," says Charles M. Harper, chairman and chief executive officer of ConAgra Inc. of Omaha, a food processor and major grain merchant.

But rising competition now is forcing a rapid withdrawal, and exports are expected to dip again this year, causing the first three-year decline since the Depression. The trend means that "increases in farm income are going to be much more difficult to achieve over the next five to 10 years than in the past," Mr. Urbanchuk says. The export slowdown, along with bumper harvests, has created huge surpluses. To combat them, the U.S. has proposed its most ambitious farm program ever, called payment-in-kind, or PIK.

COULD ENCOURAGE COMPETITION

Under the program, farmers will be paid in cash and farm goods for idling as much as half their land. This is expected to reduce surpluses by cutting farm output sharply; that, in turn, should raise prices and fatten farmers' profits. At the same time, though, the move is likely to encourage even more competition with the U.S. in world farm trade. That's because higher grain prices in the U.S. tend to raise grain prices everywhere and thus are incentives for other nations to increase their output. Thus, while PIK has brightened U.S. farmers' income prospects this year, rising export competition could hurt them over the longer term.

The U.S. could regain its advantage, of course, if crop failures transform the current world grain surplus into a shortage. The U.S., as the world's largest grain exporter with a big storage system, holds sway over world markets at such times. Also, a world economic recovery could raise importers' purchasing power and demand. The current stagnation of world grain trade belies many nations' growing need for grain. The United Nations Food and Agriculture Organization says 26 countries are seriously short of it.

But many of the changes in the world trade arena are likely to endure—the increased capability of competitors, for example, and U.S.-Soviet differences. Even the U.S.'s own farm-price supports are a growing cause of the export decline, experts say.

HIGH RICE

U.S. programs keep U.S. rice prices so high, for example, that importers turn to other sources. The key element is the U.S. "loan rate"—the amount the government will lend a farmer against his crop if free-market prices are too low.

The loan rate for rice is $179.45 a metric ton. That means that after shipping and other costs, U.S. rice for export at the Gulf of Mexico costs $460 a ton, or 59 percent more than the $290-a-ton price offered by Thailand, another major rice exporter. As a result, U.S. rice exports are expected to fall 25 percent this year, while U.S. rice stockpiles nearly double.

When price supports get too high, they prevent exports altogether. U.S. support prices for some dairy products, at twice the world prices, keep U.S. dairy farmers from competing on world markets and even encourage imports.

The steady increases in loan rates for other farm commodities in recent years, such as wheat, threaten to lock farmers out of those crop markets, too, experts say. "We've been trying like hell to get the price up," says Bernard Steinweg, senior vice president of Continental Grain Co., a major exporter. "Then we tell these countries, 'We're going to defend our markets.' I'm scratching my head. If I wanted to keep my share compared to Cargill (another major exporter), I wouldn't be inclined to raise my price."

"Our policies are hindering exports across the board, even in grain," where U.S. farming and grain-handling efficiencies usually give it an advantage, says Fred H. Sanderson, senior fellow at Resources for the Future, a Washington think tank. "Our prices are high enough for our competitors to shoot under them and make some money, too."

Those competitors are proving themselves increasingly capable. Even though two major grain-exporting nations, Australia and South Africa, were crippled by drought this year, others have been on a selling blitz, cutting prices, offering special credit terms and locking up future markets with long-term grain trade treaties. Canada has seven such agreements covering more than 60 percent of its crop; Argentina has eight, Australia nine.

"The U.S. is meeting stiff, stiff competition," says Ernest Poole, vice president for grain at Agri Industries Inc., a Des Moines farmer cooperative. Often, competitors take advantage of Washington's international disputes, supplying grain to Cuba, Iran or the Soviet Union. One U.S. grain-company executive says of his travels to Moscow: "Every time we talk to them, we hear, 'You aren't a reliable supplier.' They tell that to business people and export companies every chance they get." Since the 1980 grain embargo, the U.S. share of Soviet grain imports has fallen to 20 percent from 70 percent.

The Reagan administration is trying to raise exports. It increased direct credit and loan guarantess for farm-import customers by 82 percent, to $5.1 billion. It used a new low-interest "blended credit" program to win business with Pakistan, Yemen and Morocco and subsidized a recent flour sale to Egypt. The administration also raised its contribution to private export-promotion groups by 30 percent and is seeking another, 21 percent increase next year. After a long internal debate, it offered to negotiate a new long-term grain trade agreement with the Soviets, who have accepted the offer.

But other nations have been just as aggressive in pursuit of farm trade. Canada's government wheat board offers guaranteed credit lines to food importers at rates one quarter of a percentage point below the Canadian prime rate. It recently snared a $120 million wheat and barley sale to East Germany, a big U.S. customer. Pillsbury Co., the Minneapolis food processor and grain merchant, estimates that the U.S.'s share of grain imports by Eastern European nations fell to 51 percent this year from 74 percent last year. The Canadians' $1 billion in credit guarantees to the Soviet Union have helped win Soviet business, too.

The European Community has led a wave of price-cutting with its export subsidies. In April, an EC subsidy of $82 a ton brought the price of French wheat for export down to $128 a ton, below the $135 to $138-a-ton price tag then on U.S. wheat. In February, the EC began offering an extra subsidy on wheat to China, and it has won much of the business there that the U.S. has lost. U.S. officials expect French wheat sales to China to rise nineteenfold this year, sales to the Soviets fourfold. The French also recently won a major wheat sale to Brazil, a nation that usually buys most of its wheat from the U.S.

To compete, Argentina cut its prices to the bone. After a mammoth wheat harvest this year, that nation had "mountains of wheat lying in the streets," says Alan Maurer, an Agriculture Department economist. Argentine export concerns cut wheat prices $15 to $20 a ton below U.S. prices. The Chinese, who are adroit price shoppers, "jumped on that like a rooster on a June bug," Mr. Maurer says. Says another department analyst: "If we offered U.S. corn at $375 delivered to the moon, Argentina would give it to you at $374." In Argentina, there are no farm-price supports. So farmers there, who till some of the world's richest farmland, must absorb the losses caused by price-cutting.

Brazilian exporters also pose stiff competition. Brazilian soybean-oil exporters, whose borrowings are subsidized by the government, regularly undercut U.S. prices by 10 percent or more. This year, "the price of Brazilian soybean oil is as low in relation to the U.S. price as I've ever seen it," says a grain merchant.

The strength of the U.S. dollar makes it easier for competitors to underprice the U.S. So does this fiscal year's $21.2 billion in U.S. farm programs. Under PIK, U.S. farmers have signed up to idle nearly one-third of their normal cropland, almost twice as much as expected. Anticipation of the resulting cutbacks in production has helped raise prices for corn, rice, wheat, sorghum and cotton since January.

But U.S. farmers aren't the only ones rejoicing over PIK. Because the U.S. is the biggest grain trader, grain prices worldwide are set in relation to prices on U.S. futures markets. If U.S. farm programs increase prices on U.S. futures markets, as PIK has, they also raise world prices. So U.S. farm subsidies raise prices to farmers in, say, Canada, Australia and Argentina, where farm prices are supported little or not at all. Hence the price of a foreign farm commodity, Argentine wheat for example, can rise and still be cheaper than American wheat, spurring Argentine output. Argentine farmers are "jumping up and down with glee at our PIK program," says an Agriculture Department spokesman.

Argentine wheat acreage rose 17 percent last year and is expected to increase again this year. Australian wheat acreage has risen 43 percent since 1974 and is expected to keep increasing. Canadian farmers have raised wheat acreage 19 percent since 1978 and plan another, 5 percent to 6 percent this year. In Thailand, a major exporter of livestock feed as well as rice, land under cultivation has jumped more than 25 percent since 1974.

"We're cutting back while these other countries are expanding. It concerns us, but I don't know there's much we can do about it," says Richard Smith, administrator of the Agriculture Department's Foreign Agricultural Service.

Lewis A. Remele, president of Peavey Grain Cos., a unit of ConAgra Inc., the biggest publicly held grain merchant, laments: "These high prices are encouraging a lot more production around the world, and that means more competition."

It also means more capital investment in agriculture outside the U.S. Australia has built modern grain-loading facilities on its western coast, and Canada is building a new port facility at Prince Rupert, British Columbia. In Thailand, one of the liveliest areas for agricultural investment, Du Pont Co. just opened a $2.2 million farm-chemical plant near Bangkok. Thailand's young but aggressive poultry industry has increased exports three hundredfold since 1974 and snared a No. 2 share of Japanese poultry imports, behind the U.S.

To U.S. grain traders, shippers and handlers, the loss of U.S. market share in world trade is potentially disastrous. The heaviest competition now is in world wheat trade and wheat-exporting regions such as Nebraska, Oklahoma and Kansas have been hurt worst. At Houston, the nation's biggest wheat-shipping port, exports are "as slow as they've been in several years," causing layoffs and reduced work-hours, says an executive of a large export concern.

Some companies recently expanded their facilities, betting that the export growth of the 1970s would continue. Peavy Co., acquired by ConAgra last year, began in 1981 to build a big new elevator near Portland, Ore., an area where exporters now are laying off workers and shutting down facilities temporarily because of slack business.

Many expect a revival of trade. "From a long-term standpoint, we feel that the elevator is a good investment," says Mr. Harper of ConAgra. The timing, he says, "could be off a year or two."

But the grain industry's surplus shipping and handling capacity likely will persist until the late 1980s, says Russell Bragg, vice president of grain merchandising for Pillsbury. "The entire agribusiness system a few years ago geared up to feed the world. In fact, the need for that hasn't materialized. Now, the system is in dire straits."●

REMMEL DUDLEY RETIRES

● Mr. PRYOR. Mr. President, on June 1 Remmel "Rem" Dudley will retire as vice president for government relations at Metropolitan Insurance Companies. It has been my good fortune to count this fellow Arkansan as a close friend and adviser throughout my career in politics.

Remmel Hamilton Dudley was born on February 22, 1918, in Clay County, Ark. He moved with his family to Jonesboro before he was a year old and attended public schools there. Upon graduation from high school, he worked as a grand jury stenographer and then moved to Washington, D.C., where he attended George Washington University before returning to Arkansas and earning his bachelor of science and L.L.B. in law from the University of Arkansas.

Twelve days after receiving his law degree he became an officer in the U.S. Marines where he served his country for 21 years. He served as the junior officer of the USS *Helena* which sank in the battle of Kula Gulf in the Solomon Islands in 1943. He also led an artillery unit ashore at Iwo Jima on D-Day. His last 5 years with the military were spent in the Office of the Navy Judge Advocate General.

Rem opened the Washington office of Metropolitan Insurance Companies as a Government relations associate more than 19 years ago. He was promoted to vice president in 1968.

He is married to the former Sunshine VerPlanck of Tampa, Fla. They were married on February 14, 1947.

Mr. President, the Washington cadre of Government relations executives will certainly miss this trusted member of their number. Rem Dudley can always be counted on for sound information and advice. Newcomers to the field would be wise to follow his example.

Mr. President, once again I wish to call to the attention of my colleagues the great contribution that Rem Dudley has made to the cause of effective and fair lobbying. I am proud to call him and his lovely wife, Sunshine, my friends. I wish them well in their well-deserved retirement.

Recently the American Council of Life Insurance's Political Activities Review featured Rem's observations about the political process. I ask that the text of that article be printed in the RECORD.

The article follows:

NEED TO UNDERSTAND POLITICAL PROCESS, DUDLEY SAYS

It's important for the life insurance business to understand the political process, according to Remmel "Rem" Dudley, Metropolitan Life's man in Washington for the past 19 years.

In fact, he says it's more important than ever.

"Times have changed," he explained. "When I first started to work here for the Metropolitan, power was concentrated in the Congress' committee chairmen. If you wanted to get something done, you simply went to the chairman of the committee you needed to deal with, the ranking minority member and maybe a few others. You would go around to the remaining members as a matter of courtesy and inform them as to what you were doing, but the key was the committee chairman."

Today, the Metropolitan vice president says the situation is much different.

"The institution of Congress has changed dramatically. Power is diluted, committee chairmen are elected, committees have been expanded, subcommittees have been created, and sessions that used to be closed to the public are now open," he said.

He added that while the new way of doing things is more democratic, it is also less efficient and more time consuming.

"Now you have to go to every member and present your case," he said. "The committee chairmen are still important, but their power has been spread around. This has made the work of those of us who are 'legislative advocates' more complex."

Mr. Dudley said the fact that every member of key committees must now be approached has made it vital that businesses such as the life insurance business be more politically active and especially be more politically active and especially that company executives develop good working relationships with their own congressmen and senators.

Another change that makes knowledge of how Washington works more important, according to Mr. Dudley, is the increasing involvement of the federal government in the affairs of the business.

"Even though our business is primarily regulated by the states, the federal government is getting more and more involved in what we do," he said. "Look at risk classification. My personal view is that this ought to be a state issue, but it has become a federal issue and we've got to deal with it here."

He also pointed out that insurance companies come under federal government scrutiny for much more than just their insurance products.

"We are large employers, and we are looked at for our employer-employee relations," he said. "Also, we are big investors, and the government is interested in our investments. We own a lot of real estate and there are many issues affecting us as landowners. And we are taxpayers, and I don't have to tell anybody in the business how the government has been getting involved in the area of life insurance company taxation."

Mr. Dudley, who will retire from The Metropolitan on June 1, said he has had great respect for the Council and its predecessor groups over the years. "They've been able to accomplish a great deal with a minimum of resources," he noted.

He added that he would like to see every ACLI member company get behind the Life Insurance PAC and the Council's political activities.

"Regardless of company size, type or location, we are one business, one association, and what the Council does is for the benefit of all," he said. "I would like to see every company support what the Council is doing."●

FARMERS UNITE AGAINST COAL SLURRY

● Mr. DANFORTH. Mr. President, at a recent hearing of the Surface Transportation Subcommittee, we witnessed a remarkable display of unanimity from the Nation's major agricultural organizations. At the same table we had representatives of the American Farm Bureau, the American Agriculture Movement, the National Farmers Union and the National Grange. All stated their opposition to the granting of Federal eminent domain for coal-slurry pipelines. Not present, but adding their voices to that chorus, were the National Farmers Organization, the National Cattlemen's Association, and the National Wool Growers Association.

As Robert Mullins of the National Farmers Union put it:

> I think you have a unique situation here. * * * The record should show that for once you have all the major farm organizations in the country in virtual agreement on something. . . . I think that should say something about the seriousness of the issue.

There are several reasons for this broad-based concern about coal-slurry pipelines. One is the fact that railroads are liable to increase their freight rates for grain and other farm commodities if a major segment of their traffic is taken away from them. This would raise food prices and cut into farm income. Another concern is the potential use of large amounts of scarce Western water needed for agriculture.

The objection raised most frequently, though, goes to the central purpose of the bill: Granting Federal powers of eminent domain—providing a special benefit to private developers, with substantial impacts in cost and disruption to farmers and ranchers, and abrogating the rights of the individual States to make their own land use and resource decisions.

Jim Miller of the National Grange put it this way:

> In summary, agriculture stands to lose big if Congress grants eminent domain authority for slurry lines. It will be agriculture's water that moves the coal. It will be farmers' and ranchers' land across which the lines and the traffic will run, and it will be agriculture that will bear the costs if slurry lines assume the bulk of the coal transportation business. Agriculture will pay the cost and gain none of the benefits, if any in fact do exist.

Mr. President, I believe that the prospective benefits of coal-slurry pipelines have been greatly exaggerated and the drawbacks largely overlooked. The agricultural community's unanimous opposition to S. 267 underscores this point. I believe their objections should receive the attention of every Senator concerned with the plight of today's farmer before this legislation comes to the floor.●

THE IMMIGRATION REFORM AND CONTROL ACT

● Mr. BINGAMAN. Mr. President, last week I cast my vote in opposition to final passage of the Immigration Reform and Control Act, S. 529. I did so recognizing the great complexity of this problem, and with great respect for the time and effort spent by so many concerned persons to attempt to find a constructive and balanced solution. I voted against this measure because, in the final analysis, I believe that this bill did not meet the fundamental tests of fairness and effectiveness.

In my view the most troubling section of the bill is its reliance on employer sanctions as a means of enforcing the law. I object to employer sanctions on two counts: potential discriminatory impact, and workability.

My first concern is the discrimination which is likely to result against minorities in our society, particularly Hispanics. While there is serious concern about the impact of increased illegal immigration into this country, I believe it would be tragic to create a system which aggravates discrimination problems, and which submits American citizens and legal immigrants to indignities and suspicion because of their surnames or the color of their skin. Acting on this concern, I supported amendments to sunset employer sanctions after 5 years if a pattern of discrimination were to develop, and to provide a mechanism for redress of discrimination in employment as a result of employer sanctions. I very much regret that these constructive amendments were not adopted by the Senate.

With respect to the issue of workability, employer sanctions exist today in Canada and a number of European countries; a General Accounting Office study of these programs reveals that they have not achieved their goal of reducing knowing employment of illegal aliens. Moreover, enforcement of such a system would be highly intrusive and burdensome on employers, particularly small business. While the bill contains sense-of-Congress language that adequate resources be committed to enforcement of the law, there is no guarantee that the Immigration and Naturalization Service will have the capacity and resources to enforce these sanctions.

Even assuming employer sanctions could be effectively enforced, I do not

believe that they would be an effective deterrent against the flow of illegal immigration into this country. Experience in other countries has demonstrated that jobs will continue to be available from those employers who perceive the risk of prosecution to be remote. In addition, since the immigration we are now experiencing in this country grows out of a desire to escape poverty and hardship, it is unlikely that illegal immigrants will be discouraged from attempting to find a better life in this country until more favorable economic conditions prevail in their native lands.

Finally, I am concerned about the implications of the verification system imposed by the bill. The administration has been given 3 years to come up with a tamper-proof form of documentation which will serve this purpose. Frankly, Mr. President, I doubt that this can be accomplished; and I am uncomfortable with the implications of what we are doing. This bill has caused great alarm and anger among my Hispanic constituents; they suspect that it is only they who will have to show their identification cards, passports, or birth certificates; it is they who will be selected out for resentment and possible discrimination. I believe they are correct in their assessments, and that their feelings must be respected. Mr. President, there are no Hispanic Members of this body who can speak with personal experience of the outrage of discrimination, of the assumption that you are not American because of your appearance. That concern may be easily dismissed as emotionalism by some; but I believe we should take it as a note of warning as we proceed by uncertain and unknown means to deal with one problem that we do not create greater evils in its place.●

NOMINATION OF FORMER SENATOR STONE AS SPECIAL ENVOY TO CENTRAL AMERICA

● Mr. HELMS. Mr. President, today the Committee on Foreign Relations reported favorably the nomination of former Senator Richard G. Stone to be President Reagan's special envoy to Central America.

Dick Stone is known to us all as a former Member of this body whose dedicated work and devotion to his country produced some of the most stirring commentary on the situation in Latin America ever heard on the Senate floor. He has long recognized the dangers posed by the terrorism and violence promoted by the international left to our region. He is truly a man with unique qualifications as a spokesman for the principles of peace, freedom, and dignity in our hemisphere.

There is one aspect of Dick Stone's mission which invites a moment's reflection. Some of those who observe the situation in Central America from the United States and other parts of the world insist that peace can be brought there only through negotiations with the leftist terrorist forces which are attacking governments committed to democracy in the region. For these critics, the appointment of Senator Stone would be merely a preamble to the engagement of all the countries in the region in a process of negotiation with the left. That process would present a fait accompli to the people who have been terrorized by the leftist forces for so many years. In classic leftist fashion, terriorists are trying to carve out a place in a so-called coalition government or popular front government, like that which took over Nicaragua after the ouster of Somoza, so that they can then move to consolidate their position and eliminate their competition. Those in the United States who support negotiations would reward the left for their years of terror. But let us look at the record.

The 20th century has seen many occasions on which the West has tried to accommodate the desires of leftist dictators and expansionist tyrants through negotiations. At Munich, at Yalta, Potsdam, and Tehran, in the Kennedy-Khruschev accords and the Paris peace agreements, in SALT I and SALT II, the West has attempted to negotiate with the Soviet Union and its surrogates; it has never won. Time after time, the left has treated such agreements as mere scraps of paper after they have served their purpose; that is, after they have bought time for the consolidation of the forces of the left unencumbered by parallel development on the part of the forces of freedom.

I support Senator Stone for this position because I an confident that he will be a forthright advocate of the best interests of the United States and of the long-range interests of freedom and peace for this hemisphere. But let us be clear as to our intent. In the terms of the present-day conflict in Central America, the Monroe Doctrine is now being confronted by the Brezhnev doctrine, and one of them is going to have to give way. This Senator, for one, does not intend to ask Senator Stone to go to Central America and negotiate away the Monroe Doctrine and give the seal of approval of the United States to the establishment of permanent Soviet satellites in country after country in Central America. Those kinds of so-called negotiations are nothing more than timely capitulations by attrition.

Throughout Central America the terrorists of the left are being further and further isolated by those who champion the cause of freedom and democratic development. Even in Nicaragua, as the Contras arrive in town after town, the Sandinistas and their totalitarian bloc committees and oversized army are increasingly isolated from the popular will of the Nicaraguan people. It is clear that this is not the time to negotiate, Mr. President. Yes; it is time to talk, very clearly and very forthrightly, about the goals of the United States and of the countries of Central America. It is the time to talk of peace and freedom, of eliminating terrorism, lawlessness, and intimidation, and moving toward a stable and peaceful foundation for further democratic development in that region. It is a time to make clear to all parties that intrusion from totalitarian powers outside our hemisphere will not be tolerated. It is time to make clear, under the terms of the Symms amendment, that Castro is expected to live up to his assurances that he will no longer export terrorism and revolution to the hemisphere. But it is not time—and never will be—to talk of negotiating away our security.

One of the foundations of the present situation in the Caribbean and Central America are the Kennedy-Khrushchev accords. I would like to repeat here that I have invited Secretary of State George Shultz to come to the Subcommittee on Western Hemisphere Affairs in order to discuss the full implications and content of the accords and all agreements made pursuant to them since 1962, with Members of the Senate who are interested in formulating guidelines for American policy in the region. If we do not understand what agreements have already been reached with the Soviet Union and Cuba, how can we prognosticate about what steps to take next?

When Alexander Haig came before our committee in February 1982, I asked him about the six or seven filing cabinets full of material on the Kennedy-Khrushchev accords at the State Department, some of which I had been told would never be made public. At that time he said he would be glad to give us a summary. But several times I have asked him and his successor to give us a full accounting in open session before the subcommittee.

It is time that the American people knew what is in the Kennedy-Khrushchev accords. On what basis are we dealing with Cuba and the Soviet Union? What threat do they pose, not only to the Central American region, but to our southern border, to the cities along our Atlantic coast, and to the cities in our heartland? Can those cities be reached by the missiles on the Russian TU-95 bombers presently located in Cuba? We must ask all the hard questions and get full answers in public session.

Such an inquiry will make it much easier for our new special envoy to Central America to deal with the government and other forces there because it will articulate precisely the

framework within which he is being asked to work. We should make it clear to our special envoy and to the world—as we have in passing the Symms amendment last August—that we intend to defend the freedom, peace, and stability in this hemisphere with whatever means necessary against any threat from totalitarian powers delivered from abroad.

Mr. President, I know that many Senators will join in wishing Senator Stone all the best in his efforts to reconcile the forces of freedom and the threats that confront them in this hemisphere. I can only hope, Mr. President, that the United States never flags from its conviction that freedom should prevail. Our freedom cannot be negotiated away, Mr. President, nor can the Monroe Doctrine on which the freedom of so many American republics is predicated. I therefore urge Senator Stone to reaffirm the principles in the Monroe Doctrine and the Symms amendment to all parties with which he has dialog in this duties in the Central American region so as to leave no doubt as to the stance of the United States with regard to the situation in Central America, and the support which the legislative and executive branches have in common for his efforts.

I thank the Chair.●

MILWAUKEE GOES TO BAT

● Mr. KASTEN. Mr. President, the Milwaukee Brewers are a source of pride and joy for the city of Milwaukee. Despite the Brewers' loss to the St. Louis Cardinals in the World Series last fall, they inspired a recession-plagued community and gave hope to many people facing economic hardships. On a recent trip home, I had an opportunity to read an article that appeared in the Northwest Orient's monthly magazine on the important contributions the Milwaukee Brewers have made to the city of Milwaukee. I commend the Brewers for the contribution they have made to Milwaukee, and I ask unanimous consent that this fine article be printed in the RECORD at this point.

The article follows:

[From the Northwest Orient, May 1983]

GOES TO BAT

THE BREWERS ARE NOT JUST A BASEBALL TEAM: THEY'RE A CIVIC CAUSE

It is late January in Milwaukee, the middle of a winter that has not been particularly kind to the country's economy, and especially to the economy of cities like Milwaukee, which have long been the industrial heart of the nation.

This year, however, Milwaukee has had something that the other cities have not: the Milwaukee Brewers baseball team, a team that has become a cause in its community; a team around which the entire city of Milwaukee has risen up, struck by its vision and thrilled by its success. The story of the Milwaukee Brewers is not an ordinary story.

It picks up on a particular evening in January, as the seventh floor of the Pfister Hotel rapidly fills with a huge number of buoyant Milwaukeeans, all quickly sloughing their overcoats and taking up a bottle of beer with their free hand. It is the Diamond Dinner, a time to reexperience the excitement of the Brewers' winning of the American League pennant in 1982 and their near miss in the World Series against St. Louis. So enthusiastic is the city's support for the team that general manager Harry Dalton would say later in the evening that "you would think that we had won the Series, three games to four."

The elevators keep opening on the seventh floor, disgorging new ranks of revelers, while those already arrived find themselves pressed increasingly closer to the walls. The ones fortunate enough to have tickets to the Celebrity Reception push on toward a ballroom at one end of the floor, where Brewers sitting along two rows of tables obligingly sign autographs, and occasionally stand up to have their pictures taken with Susie and Billy, or even sometimes with Mother and Grandma. The proceeds for the Celebrity Reception, as well as the dinner to follow, all go to the charitable organization Athletes for Youth (AFY), one of the reasons the Brewers have become a cause in the community.

At the door, part-owner Ben Barkin warmly greets nearly every person who enters. Barkin, president and principal owner Bud Selig and former Green Bay Packer and Football Hall-of-Famer Willie Davis all founded Athletes for Youth, and it is the idealism represented by a community cause such as this that finds a reflection in the character of the ball club.

Inside the ballroom, right fielder Charlie Moore, recipient of the Unsung Hero Award, sits writing his name and quietly beaming, as perhaps an unsung hero typically would. Third baseman Paul Molitor (Igniter Award, American League [AL] runs-scored leader) signs a profusion of balls and bats tendered him by a crowd of breathless youngsters. Shortstop Robin Yount (AL Most Valuable Player [MVP], major league baseball MVP, Harvey Kuenn Hitting Excellence Award, AL All Star) is mobbed by most of the population under the age of 16 in the greater metropolitan area, and he greets each new face with a smile and a pleasant word.

Across the room, relief ace Rollie Fingers (1981 AL MVP, 1981 Cy Young Award winner and 1981 Fireman of the Year), manager Harvey Kuenn (Manager of the Year), Gorman Thomas (AL homerun champion) and owner Selig perform approximately the same functions.

Off to one side, in a dark alcove, a film of 1982 Brewers highlights draws a continuously changing crowd, which cheers again the sliding catch made by left-fielder Ben Oglivie (AL All Star) to save the East Division title on the last day of the regular season: It is the bottom of the eighth in Baltimore, there are two men on base for the Orioles, two men out, the Brewers leading 5-1, after losing the first three games. The winner of this game wins the division title. The Orioles' Joe Nolan hits a screaming shot into the left-field corner that looks about to drop into fair territory for extra bases. Oglivie charges at it full-speed, sees the ball beginning to drop, reaches out as far as he can toward it and catches it literally between his knees, inches off the ground, as he slides across the foul line on the seat of his pants.

After this the crowd sees the last game of the American League playoffs, the climactic moment of the Brewers' comeback from a two-game-to-none deficit against the California Angels: Cecil Cooper (AL All Star) hits a liner to left field and runs up the first base line, yelling "Down! Down!" to the ball. After it drops for a hit, thousands of fists in County Stadium pump the air in jubilation.

The crowd in the alcove watches in silent admiration or with a few cheers and then disperses back into the main ballroom.

Eventually the Celebrity Reception ends, those in the ballroom rejoin those drinking beer in the hallway, and the entire crowd surges in the opposite direction toward another, bigger ballroom for the dinner.

Brewer Vice President Dick Hackett welcomes the crowd and picks up a tape recorder. "Let's see how many of you remember this event," he says.

"What you hear in the background," says the announcer on the tape, "is 54,568 fans; nobody has left. Ladd ready . . . the one-two pitch—ball lined to Yount at short. HE'S OUT! IT'S OVER! The fans come streaming onto the field of County Stadium. It's ab-solute pandemonium. The Brewers . . . have defeated . . . the California Angels."

The crowd bursts into another cheer, and, for a moment it is October again, and there is a thrill in the air, an elusive spirit, a feeling that there cannot possibly be more happiness, more excitement, more utter delirium anywhere in the world than there is right now in Milwaukee.

When this nostalgic moment has ended, and people have again seated themselves, the first award of the evening is presented. It is the Evan Helfaer Good Guy Award, an award of general commendation given in memory of one of Milwaukee's greatest philanthropists, a man who donated money not just for the commonwealth, but specifically to elevate the moral climate of the city.

The award is given to part-owner Ben Barkin, who accepts it with these words: "Evan Helfaer was a great man. . . . He gave away million of dollars to many good things, asking but one thing: no organization would be a recipient of his dollars if there was anything that was 'anti,' whether it was antireligion, anticolored or anti anything else. . . . He thought only in terms of good things. Now the wonderful thing about the Milwaukee Brewers is that the ownership is made up of good guys; and the players are good guys; and they make this community sing out. And if ever we needed a time when we had a spirit, we need it today."

Barkin goes on to describe one of the organizations that came to be a vehicle for Helfaer's intentions: Athletes for Youth, a program that today serves 2,500 youths in the inner city of Milwaukee with a variety of sports programs and clinics. He describes the first-ever activity organized by AFY: the sending of 300 inner-city youths to Green Bay to watch a Packers scrimmage, and to eat lunch with the team.

"I don't know how many of these young people were touched by that occasion," he continues, "but I do know that there was inspiration all over the place. That is what this community needs, and that is what the Brewers have given to this town. They have created a spirit, and I hope that that spirit will continue to give this community a lift."

Later, Bud Selig, the president and chief owner of the Brewers, is introduced, and he recalls the season in these words: "There are things that do stand out. That last Sunday in Baltimore, where I said to myself, now I know how the captain of the Titanic felt. . . . Don Sutton walking in from the bullpen saying, 'We'll be all right;

we'll be all right'; Gorman (Thomas) and Charlie (Moore) nodding each inning after they came in, 'We're going to be all right' . . . and we were. Then, coming back from Anaheim 0-2 . . . that tremendous, tremendous weekend captured by the moment that I don't think I'll ever forget: Peter Ladd pitching to Rod Carew . . . ground ball to Robin (Yount) . . . and the throw, and all of a sudden all those years were well worthwhile.

"I guess the thing that pleases me the most about the whole thing was what it did to Ben Barkin and me, and the fans who were sitting in that stadium. To be a part of that, to watch all that joy and happiness in a world that hasn't had very much joy and happiness lately, was more of a thrill than a hundred people could live through in a lifetime. I've never had that kind of thrill."

The rest of the evening continues with the giving of awards to those members of the organization who have earned them. What is remarkable about this organization is that in nearly every single case the recipient of the award refuses to accept the honor without first acknowledging the other members of the team, the coaching staff, the management and owners, and frequently the city itself. None of this acknowledging is doing with the false piety sometimes found in sports organizations, which is characterized by the honored person throwing ritual encominums upon anyone tangentially connected with the achievement. At this gathering, it is evident that the speakers truly recognizing the help and support of those they are acknowledging.

Pete Vuckovich, the AL Cy Young Award winner, is given the Brewers' most valuable pitcher award, and he thanks Selig and general manager Harry Dalton for bringing him over from the National League, then he thanks the city for its support.

Dalton, given the Sporting News Excutive of the Year award, insists it is an organizational award, not an individual award, and accepts it only on behalf of the organization.

Yount, given the Sporting News major league MVP award, says, "It's hard to accept things like this; this isn't just for me," and then thanks his teammates and the city.

Kuenn, given the AP and UPI Manager of the Year award, says that managers don't win pennants; the players do.

And finally Robin Yount again, receiving the AL MVP award says, "I'd like to thank Bud Selig for being such a great man, and a nice man, who doesn't treat his players like merchandise; he treats us like people. It's a good feeling to know that your owner, your boss, really cares about you. I'd like to thank Harry Dalton for putting together such a great group of guys—not just great players, but great people. I'd like to thank the players, the coaches, Harvey Kuenn, and, believe it or not. I'd like to thank (former manager) Buck Rodgers, and most of all I'd like to thank you. Rock on, Milwaukee!"

After this, the townspeople at the dinner gave Robin Yount a 30-second standing ovation, his third of the night, and let him know that his sentiments are heartily reciprocated.

Harry Dalton sums it all up later: "There has to be a willingness on the part of the player to subordinate himself to the best interests of the ball club, and it's often the case in sports that they don't always do that. What made this team a unique group of people was that the leaders on the club were the people who were most willing to do that, and they set a good example for the whole team."

The next day, president Bud Selig tries to describe the spirit in Milwaukee last October. Selig is an extraordinarily intense man of 48 who paces and agonizes at every Brewers game, smoking an endless succession of tipped cigars—Ben Barkin would later describe the eleven cigar butts smashed into the ground around Selig's seat during the last game of the season against Baltimore, an indication of the relative importance of that game to him.

Selig is thoughtful and concentrated, but even he falters at times in trying to describe the charged atmosphere of the previous fall, for the sheer wonder of it.

"There's something about baseball," he begins, "that is really just so unique and so marvelous that it's almost hard to articulate. It brings out the emotions that I described at the dinner last night: love . . . and drama . . . and, for sure, excitement.

"The night of October 10 here, after we won the pennant . . . . It was really—it was marvelous. It was one of life's great moments, no question about that. And you can't really fully comprehend it yourself, you're so deeply involved.

"And then two weeks later at the parade. It wasn't until the end of the parade that I began to realize what that spirit had done. I always knew in my heart, and had said it a thousand times, but until you see it for yourself. . . .

"I remember the trip up Wisconsin Avenue," Selig continues. "We had lost the seventh game of the World Series the night before, and I was feeling so low and so down, and I said to my wife, 'I don't understand why we're having a parade today, when we're not the winners.' And she said. 'Well, you're the only one in town who feels that way.' And I said, 'No, I don't think so.'

"And then when the cars pulled out and went down Wisconsin Avenue, I was a little nervous to see what it was going to be like, and I could tell immediately when we pulled out of the First Wisconsin garage that it was going to be big—but then! I saw those people crying and waving, and office buildings—thousands of people hanging out of the windows—a mass of humanity—you couldn't even move. The cars finally had to stop; they had to close the downtown off. It was *unbelievable* . . . . It was an immense crowd of people crying, and everybody in all our cars in our motorcade were just—you can't describe it.

"And then when we got out here (to County Stadium), another big crowd of people was waiting: we rode in, and Pete Vuckovich got up, feeling very badly about the seventh game of the World Series—he hadn't won, although he wasn't involved in the decision—and he tried to tell the crowd how terrible he felt: he'd let them down; he'd let the state down. And they started chanting, 'It just doesn't matter; it just doen't matter,' and they drowned him out. I just sat there, and I watched it, and I remember looking over to Cecil Cooper, and he looked at me, and we were just overwhelmed . . . we looked down. . . . We just didn't know what to say. We just came in after that and sat down just like this for an hour. It was a very powerful experience, a marvelous, wonderful experience."

Selig looks away and shakes his head, still unable to fathom completely that outpouring of spirit.

"I had friends of mine in baseball who were here," he continues, "other owners who came for the World Series, and they saw—Bob Lurie of the Giants stood in my box and just shook his head, and said, 'This is unbelievable. This is just unbelievable.'

"And it was! You can't orchestrate that kind of stuff; a lot of sports teams try to market things, and market that kind of cheerleading, and you just can't do that: it's phony. It comes from the heart, and that kind of thing comes from the chemistry between the organization and its fans, and that has to be very nurtured and very natural. If it isn't natural, you're in trouble.

"You know," he goes on, "baseball—and sports, all sports—have a great opportunity to make a very positive contribution to society, so now in these economically hard times, the people of our city—amidst a terrible economic recession, that has created a sociological depression as well—the same people that had no hope, nothing ever to look forward to—all of a sudden this baseball team becomes their team, is their team. They have hope, they have faith, they have something to look forward to; they win, they improve. It just uplifted people. It was amazing. I've got letters—I could read them to you—that are absolutely beautiful, just gorgeous.

"A man stopped me at a drive-in I usually go to for lunch—people have been stopping me all year—and he said he just had to tell me what happened with his son. He had a 15-year-old son. He said, 'I've had a lot of trouble with my son,'—which is not unusual in this day and age—'and I'd gotten tickets to the fifth game of the playoffs, and what a game!' And he said, 'When it was over, we didn't want to leave the ballpark, and we drove down Wisconsin Avenue, and we didn't really want to go home, we were so excited. And my son said something to me on the way home that he had never said to me before, and that he may never say to me again. He said, "Dad, I've enjoyed spending the day with you, and I love you very much." ' And the guy said to me, 'Can you imagine how I will always view the Brewers in everything after this? I slept better that night; I can't tell you what all this meant to me.'

"Well, that's what we have the capacity to do, if we will do it," Selig continues, "and one has to try to understand all that. You normally would not expect a baseball team to do that much for people, but that's what this thing is all about. People don't seem to understand that sometimes, especially people in sports, where they should know it: the charm of our game, the magnitude of our game, is its relationship with young people, with middle-aged people, with older people. And so the more you can build it into their lives, in every way, that's the objective of all this."

Selig pauses to unwrap one of his cigars, which sit stacked in boxes on a bookcase behind his desk. Lighting it, he leans back in his chair, searching for the definitive summary of all that he has said.

"I always try to do what I think in my mind is the—quote, unquote—'right thing' to do," he reflects. "And you build a reputation, and the organization builds a reputation, on decency, and on doing the right thing, and certainly on compassion and sensitivity; they are all very, very important. You can win with decency, you know; you don't have to be a bad human being to win. Leo Durocher was wrong; nice guys do not finish last. And I think that's a bromide in sports that's kicked around, and it's absolutely fallacious.

"And so to see here such unbridled joy and happiness, you know then that what you had done and what you were doing was really very right, and when I said last night that the Brewers team represented a remarkable triumph of decency, that's what it was about."

Selig's idealism has not only inspired the community, it has also earned him recognition nationally. In 1978 he was named Major League Executive of the Year by United Press International and in 1981 he was named International B'nai B'rith Sportsman of the Year. This year he was named Sports Man of the Year by the U.S. Olympic Committee, which specifically cited his contributions to Milwaukee-area youth, contributions that go back to the days before the Brewers came to Milwaukee, when Selig, Barkin and Willie Davis organized Athletes for Youth.

To understand the complete story of Athletes for Youth, to get a sense of what it has done for the teenagers of Milwaukee's inner city, you really need to take a trip into the heart of that area with Barkin, to a modest delicatessen called Jake's Deli, located at North 17th and west North Avenue. Jake's Deli is co-owned by Barkin and Selig, and, while it is not even known to many of the people in Milwaukee, it has long been the purveyor of corned beef, pastrami and hot dogs to such people as Leonard Bernstein, Mitch Miller and Henry Winkler, the Fonz of television's *Happy Days*, who has declared the hot dogs to be the finest in America.

But the most singular fact about Jake's Deli is that it is the only commercial establishment in the area that has not been robbed, because the innercity residents know when someone is on their side. They are the beneficiaries of the Athletes for Youth programs, and some of them work at the deli itself. Barkin's secretary, Roberta Waite, has even said that if she is out running an errand for him in his car, and if that errand involves picking up some food for someone at Jake's Deli, the very appearance of Barkin's car in that neighborhood will evoke smiles and waves from casual passers-by.

As Barkin, a warm and engaging man in his 60s, tells it, "It sounds corny, and it's a cliché, but life is short. My mother once taught me something which is true. She said, 'To be decent has to come as natural as breathing; if you're going to be devious you have to plot and plan.' So it's much easier just to be decent and live a normal kind of life."

Barkin's training in decency came while growing up as a boy two blocks from Jake's. His parents would always solicit contributions from neighbors for anyone in the neighborhood that was sick, and Ben would be the one who would bring it over to the house of the ailing neighbor. All through grade school, when coming home for lunch, he would stop and get a blind man, and lead him to the Barkins house, where Mrs. Barkin would feed him lunch. Ben would then return the man to his home on his way back to school.

Currently Barkin is chairman of the board and chief executive officer of the largest public relations firm in Wisconsin, a firm that he founded, and he has been honored in that capacity by the results of a poll of 100 newspaper editors, which selected him as the public relations person they most enjoyed working with, on the basis of integrity.

The convergence of the moral intentions of Barkin, Selig and the Brewers is largely represented by the Athletes for Youth program, which has created ever-widening ripples of good will throughout the area. At the day-to-day level this manifests itself in gestures as simple as the Milwaukee police force carrying Brewers baseball cards with them to give away to inner-city children. The cards bear a likeness of a player on one side and a moral exhortation on the other.

"It's great for the community," Barkin says in describing the baseball card distribution. "But that doesn't mean that that's the only thing that a person has to do to create community relations, but it's good in that you're reaching kids who have enthusiasm about something."

Beyond simple gestures like this one come the efforts of the professional athletes themselves. "It's like if I ask Cecil Cooper and his wife, Octavia, or Larry Hisle and his wife, Sheila, to help me in the Inner City Arts Council," Barkin goes on, "they're happy to do it, and not only do they help, they contribute dollars; and, if there's an event where we have to sell tickets, they'll sell tickets."

The spirit of AFY has also extended itself beyond the efforts of its founders. Selig came to work one day to find a group of young people being given a tour of the stadium by Jim Rice of the Boston Red Sox and Cecil Cooper. It was an effort spontaneously generated by the two ball players.

Willie Davis, one of the AFY cofounders, has extended the principles of the organization to other projects in the black community, and he is now enlisting other professional players in the hope of organizing some kind of program that will provide ongoing careers after sports for athletes currently playing at the professional level.

Barkin sums the spirit up perhaps best of all: "You know, to be part of something where you can express yourself and find joy in what you're doing, or make things a little easier or better for someone else is really selfish, because it makes *you* feel good."

So the circle grows. The Milwaukee Brewers began as a cause to bring baseball back to the city after the defection of the Braves to Atlanta, and out of that cause came a pennant, and out of that has come an ethic around which the entire city has rallied. The Milwaukee Brewers have proved to be an irresistible force in the community as well as in the major leagues, and, as concert pianist Eugene Istomin said, coming late to his engagement with the Milwaukee Symphony so that he could attend the team's Celebrity Reception, "Who can say no to the Milwaukee Brewers?"●

BUILDING A BETTER ECONOMIC FUTURE

● Mr. PELL. Mr. President, Mr. Paul A. Volcker, Chairman of the Board of Governors of the Federal Reserve System, was awarded an honorary degree at the commencement exercises at Bryant College, Smithfield, R.I., this past Saturday, May 21, 1983. I know we all join in congratulating Mr. Volcker on this justly deserved honor and distinction.

I believe, too, that my colleagues would enjoy and benefit from his remarks, and I ask that they be printed in the RECORD.

The remarks follow:

BUILDING A BETTER ECONOMIC FUTURE

(Remarks by Paul A. Volcker)

It is a special pleasure and privilege for me to take part in your graduation ceremony today, and to be the recipient of an honorary degree.

I have heard a great deal over the past few years about a new mood on campus—a mood I am told the Class of 1983 epitomizes. It is a mood of diligence and hard work, of greater conservatism and preoccupation with career plans. This mood is probably not as new here as at some other institutions of higher learning. Bryant College has devoted itself for 120 years to the goal of "Education for Business Leadership." Still, even here there is probably a sense of a tougher economic reality out there in the "real world" than five or ten years ago.

If that's the explanation for a more serious mood on campus, there is, of course, a certain logic to it. During your college years, we have experienced the climax of the worst period of inflation in our history. As we have come to grips with the inflation and begun to turn back the tide, that good news has been balanced by the bad news of back-to-back recessions. All that has been superimposed on a pattern of sluggish productivity improvement and a rising trend of unemployment over time.

The sense of an uncertain and vaguely hostile economic environment contrasts sharply with the euphoria of the 1950's and 1960's. Then, we exuberantly began to think we had simple and relatively painless answers to our economic problems. In those days, college education began to be viewed as almost a guarantee of admission to the "good life." Economists wrote learned papers demonstrating, in monetary terms, that a graduate could expect a high return on the investment in time and tuition. So it must have been more of a shock a few years ago when good employment opportunities for recent college graduates got harder to come by, and the premium of starting salaries for college graduates over high school graduates—or skilled craftsmen—began to shrink.

There is no point in denying some element of reality in that description of today's economic world. But to me, it is misleading—misleading in the sense that it in no way suggests the enormous economic opportunities ahead of us as a nation, and for you as a new graduate.

It seems that the successes of one period breed the problems of the next. The euphoria of growing prosperity in the Sixties undoubtedly contributed to an over-confidence and over-exuberance that manifested itself as inflation and poor productivity performance in the Seventies. But, by the same token, the problems of one period lay the groundwork for the successes of the next. And, the dash of economic cold water of the last few years has encouraged more disciplined and productive attitudes toward the workplace, with favorable implications for resumption of growth in real incomes in the years ahead.

Perhaps that sounds surprising—even pollyannish—given the obvious problems of the day. Unemployment is close to post World War II highs. Jobs are scarcer for new graduates. A lot of uncertainty is expressed about the future, and your college years have been years of economic turbulence.

But let me give you some other contrasts between your freshman and your senior years. In early 1979, inflation had established a firm grip on the economy. The con-

sumer price index was rising 1 percent per month; by contrast, so far this year, the CPI has hardly changed at all. In the inflationary environment of early 1979, OPEC was taking advantage of the political upheaval in Iran to embark on a $10 per barrel hike in crude oil prices; early this year, aided by our lessened dependence on foreign oil and the general moderation in inflation, OPEC was forced to cut its price from $34 to $29 per barrel.

More important, in the spring of 1979, with inflation and inflation expectations building, workers saw the growth in their real take-home pay eroding. They tried in vain to keep up with inflation by pushing nominal wage demands higher. But labor productivity growth had dwindled to 1 percent or less over the 1970's, and more rapid increases in standards of living simply were not sustainable.

The comparable figures for the last six months represent an extraordinary turnaround. Wage increases are running at around a 4 percent annual rate—only half of the rate four years ago, but now well ahead of the rise in consumer prices. As a result, those working are seeing, on the average, their first increase in real wages in almost five years. In addition, productivity growth is improving. Last year's rise of close to 2 percent in output per hour was not in itself so great, but productivity usually doesn't grow during a recession. And now, with recovery, there are signs of larger increases.

Of course, much of the improvement on the inflation front has come in the midst of recession and very severe competitive pressures on certain industries. Much remains to be done to instill the habits and expectations of price stability in the context of an expanding economy. I suppose, in deference to my status here as a guest, I should resist the temptation to point out that college tuitions have not yet reflected a trend toward stability. But that is a localized problem compared to the rather broad unwinding of inflationary behavior in recent years.

In essence, I believe the base has been laid for much greater price stability in the future, and on that base we should be able to build a long-lasting, more productive period of expansion. I don't suggest you are stepping, economically speaking, into a bed of roses. To build a better future, you will be challenged to work at improving efficiency, and output, to adapt to rapid technological change, and to live with intense competition. Some of it will be exhausting and uncomfortable. But it will also be challenging and invigorating—and out of that process comes the productivity and increasing real incomes we want. It is, in the end, much more satisfying than the kind of speculation and uncertainty bred by the inflationary process and the financial manipulation that goes along with it in a fruitless attempt to stay ahead of the game. Obviously, no guarantees go along with my happy vision of more stability and growth. Lack of discipline in our federal budget policies is plainly one hazard. Inflation and its aftermath have left us with well-publicized problems in the international economic and financial order. We can still try to fool ourselves into thinking that inflation and excessive money creation are substitutes for productivity and work.

But, with prudent management, discipline, and a modicum of luck, your generation, it seems to me, has an excellent prospect of pursuing your career objectives within a framework of more real growth and more stability than in the last decade.

As someone who spends a lot of time in the company of economists and economic theory, it does not surprise me greatly that the college students of today have responded and adjusted to the economic reality you perceive in the ways that you have—more concern about practical skills, about taking advantage of your educational opportunities, and about the world of business and commerce. But, there is another perspective that seems to me relevant, and I suppose it is the special function of a greyhaired, baldheaded graduation speaker to draw a lesson from the past.

I graduated from college in 1949. My generation on campus was also described as serious-minded and career-oriented, eager to get on with the business of making a living. We grew up with memories of The Depression and the uncertainties of a world torn apart by World War II.

As it turned out, we were on the brink of a period of opportunity probably greater than the country had ever seen. For a generation, we could enjoy prosperity and a standard of material comfort unparalleled in human history. We could take pride in contributing to it.

Now, we are passing through a time of economic difficulty. But as I said a moment ago, I am also convinced that the recovery that began some months ago can be a period of transition to a new era of long-term economic growth, of greater abundance, and greater stability. You are going to find plenty of challenge—and reward—for your energies and talents in the years ahead.

At the same time, as someone who has spent a good deal of time in the public service, let me urge upon you that you can find a large part of your satisfaction in that part of your life not dependent on material rewards. Wrestling with the problems of the body politic on the local, state, or national level—as a profession or part-time—can be a fascinating challenge, worth a lot of frustration. But I am not thinking only, or even primarily, of public service in the career sense—that's not everyone's cup of tea. For some of you, it will be art, or church, or the local board of education for a few years. And don't overlook the importance of making time for fishing—and for a beer with old friends. And while you're doing that, I hope you dream a little, and when the instinct is strong, don't be afraid to take a chance. After all, when someone asks you to talk to a graduating class you're going to want to have more to reflect upon than your business careers and the size of you bank balance.

Central bankers are sometimes accused of doing too much preaching to others about how they should behave, and I don't want to contribute to that reputation. But one verse seems appropriate from the Gospel according to Matthew in which Jesus asks Peter, "For what is a man profited, if he shall gain the whole world and lose his own soul?" Beyond the special religious significance of that thought to believers, I think it has great meaning for the human spirit in us all.

Members of the Class of 1983—we look forward to an economy in which all that hard work and effort of the past few years will pay off—but, much more, we look toward your contribution to enlarging our humanity.

Thank you and good luck to you all.●

TAX INDEXING

● Mr. McCLURE. Mr. President, I would like to share with my colleagues an editorial written by Mr. Louis Rukeyser that underscores my feelings and the feelings of many of my colleagues with respect to last week's budget battle.

Mr. Rukeyser puts together an excellent argument clearly showing that tax increases will not balance our budget. Instead there is overwhelming evidence that tax increases promote and expand budget deficits. In the seventies Congress attempted to overburden the private economy with revenue demands that not once gave us a balanced budget. Instead we produced the most devastating deficits in history, while at the same time, encouraging more spending until we found ourselves on the brink of disaster.

Specifically, Mr. Rukeyser is concerned with the safety of the most important provision included in the Economic Recovery Act of 1981—tax indexing, (also known as inflation dividends or unlegislated revenue). Simply put, without the indexing provision, tax receipts will automatically rise to 23 percent of GNP by 1990. Thus, further choking the private sector. From 1970 to 1980 these automatic taxes caused personal income tax revenue to increase 176 percent.

Contrary to popular belief, indexing is not a tax cut for the rich. As Mr. Rukeyser indicates, without the indexing provision, we find that ordinary workers find their earnings taxed at rates orginally intended for the affluent. In 1964 the median income for a family of four was $8,132, which puts that family in the 18-percent tax bracket. In 1980 the median income for the same family of four rose to $20,000 while their tax burden increased to 21 percent. That is an increase of almost 15 percent.

All tax indexing does is insulate taxpayers from the impact of inflation by automatically adjusting tax liabilities each year to reflect increases in the cost of living. It is beyond me how anybody can possibly think that attempts to restore honesty to our tax system will harm our efforts to balance the budget. It is backward thinking like this that made our Tax Code so unfair to begin with.

This is a clear-cut issue Mr. President. Tax indexing is a fair and honest provision that the American people deserve. I fought hard to have it enacted and I will do what I can to see that it is not repealed or altered.

I ask that my statement and Mr. Rukeyser's editorial appear in the RECORD.

The material follows:

RAISING TAXES ADDS RED INK, NOT BLACK TO BUDGET

(By Louis Rukeyser)

NEW YORK.—Picking the most dangerous fallacy now beguiling Congress could be a difficult job.

Indeed, so many silly myths immediately spring to mind that the task might require six months of intensive task-force study, meanwhile paralyzing any other activity on Capitol Hill—a possibility that could make the effort worthwhile all by itself.

But my own nomination this spring can be made more rapidly.

It is the notion, currently so popular with some politicians on both sides of the aisle, and with many of their media acolytes, that the sensible way to deal with the ugly deficits looming out to the far horizon is to resume raising taxes.

From this, we get smug assumptions that it is "responsible" to increase taxes and "irresponsible" to reduce them.

Well, sorry, gang, but balderdash. There is no evidence in either the distant or recent past that overburdening the private economy with revenue demands is the route to a balanced budget. There is, on the contrary, abundant evidence that endless increases in taxes promote and expand endless deficits.

Consider: If raising taxes were the way to end deficits, then we would have had the biggest surpluses in U.S. history right through the 1970s.

Instead, we quite predictably produced the most horrendous budget deficits on record—as the gargantuan tax hikes encouraged greedy legislators to spend these bountiful revenues—and more.

The worst of these tax increases was the most dishonest—the hidden tax known as "bracket creep," in which inflation pushed workers into higher tax brackets without genuine economic elevation. Ordinary workers found their earnings taxed at rates originally intended for the affluent.

Congress, the chief beneficiary of this governmental con game, gleefully took advantage of these "inflation dividends," and then some. From 1970 to 1980, unlegislated increases in personal income-tax revenues totaled 176 percent.

Why, then, could not the government balance the budget during that decade of windfall tax increases? Because, Congress, characteristically, used this bonanza as one more excuse to avoid cutting spending; federal outlays from 1970 to 1980 bounded ahead by 194 percent—even faster than revenues.

The only way to keep that sort of political larceny from recurring is to install the promised inflation indexing of the tax system, as promised, in 1985.

No wonder so many of our noble legislators edge near apoplexy at the prospect of losing this perennial prop for profligacy. Their crusade to repeal indexing before it is too late—i.e., before the public finally regains an honest tax system—thus becomes a highly useful litmus test for economic integrity.

So President Reagan is right in resisting congressional efforts to undermine the July 1 tax cut and-or to make indexing the best tax benefit you never got. But my sympathy for the White House would be greater if its stance on taxes had been more consistent.

In 1981, the president came on strong as a tax cutter. This was all to the good, even though the three-year program was oversold; so many other taxes have risen that 1983 represents the first year of authentic net reductions. (The tax cuts did not "fail;" they have barely started.)

But in 1982, the president endorsed a $100 billion tax increase, a move whose brilliance rates somewhere between counterproductive and suicidal.

And guess what? The projected deficit has grown since that bill was conceived. Again, a tax hike did not reduce the budget deficit. It is a lesson even a congressman might have learned by now.

Truth is, this economy is looking better and better. The chief threats now are Washington-based.

The Federal Reserve has to moderate the recent inflationary growth of money without overreacting and choking the recovery. Congress has to ease the Fed's job, not by raising economically destructive taxes but by coming to grips with major reductions in federal spending.

Myths can be comforting in the fantasy economic land of Washington. But in the real world, as we have had ample opportunity to discover, they can kill the golden goose.●

A TRADITION OF POLITICAL POWER: CONGRESSIONAL COMMITTEE CHAIRMEN FROM OKLAHOMA, 1945-72

● Mr. BOREN. Mr. President, recently, in the winter 1983 issue of Chronicles of Oklahoma, Prof. Phillip A. Grant of Pace University, N.Y., wrote an article entitled "A Tradition of Political Power: Congressional Committee Chairmen From Oklahoma, 1945-1972." This article documents some of the accomplishments of this impressive list of Oklahoma committee chairmen who have served in Congress since World War II. Among these individuals are three former Senators, Elmer Thomas, Robert S. Kerr, and Mike Monroney.

Oklahomans share much pride in the fact that so many outstanding men have served our State and Nation in such prestigious positions in Congress.

Because I found Professor Grant's article to be an extremely interesting historical look at this portion of Oklahoma history, I ask that Professor Grant's article be printed in the RECORD in its entirety.

The article follows:

A TRADITION OF POLITICAL POWER: CONGRESSIONAL COMMITTEE CHAIRMEN FROM OKLAHOMA, 1945-72

(By Phillip A. Grant)

On January 3, 1945, the Seventy-Ninth Congress was called to order. Between the opening ceremonies on that day and the formal adjournment of the Ninety-Second Congress on October 18, 1972, the nation was destined to experience one of the most exciting periods in its entire history. Among the principal domestic issues dominating these years were civil rights, federal aid-to-education, urban renewal, medical care for the aged, and environmental protection. In the realm of foreign affairs the United States was preoccupied with such vexing issues as the final defeat of Nazi Germany and the Japanese Empire, the Marshall Plan, the Berlin Airlift, the Korean War, the Suez crisis, the U-2 incident, the Nuclear Test Ban Treaty, and the Vietnam conflict.

During the eventful twenty-eight years between January, 1945, and October, 1972, the State of Oklahoma was represented in Congress by six senators and twenty-one members of the House. Eight of these gentlemen served as chairmen of committees or subcommittees in their respective bodies. As a consequence of their chairmanships, these congressmen were to wield profound influence over a substantial number and wide variety of legislative proposals.

Three Oklahomans who chaired major subcommittees during the years from 1945 to 1972 were Representatives Jed Johnson of Anadarko, Ed Edmondson of Muskogee, and John Jarman of Oklahoma City. Johnson and Edmondson were members of two of the Sooner State's foremost political families.[1] While Jarman was one of the few individuals ever to serve in Congress both as a Democrat and a Republican.[2]

Johnson, after seven years in the Oklahoma State Senate, was initially elected to the House in November, 1926.[3] Throughout the latter half of his two decades on Capitol Hill, he served on the powerful Committee on Appropriations. Between 1945 and 1947 Johnson was Chairman of the Appropriations Subcommittee for the Department of the Interior, in which capacity he authored bills to provide for the funding of important flood control and reclamation projects on the Red and Arkansas Rivers and their tributaries.[4] Shortly after his retirement from Congress in early 1947, Johnson was designated by President Harry S. Truman as a Judge of the United States Customs Court.[5]

Edmondson, an attorney by profession, was one of the youngest members of Congress at the time he took the oath of office in January, 1953.[6] He was assigned to serve on the Committees on Public Works and Interior and Insular Affairs. Between 1967 and 1971 Edmondson chaired the Public Works Subcommittee on Economic Development, and from 1963 to 1972 he presided over the Interior and Insular Affairs Subcommittee on Mines and Mining. While exercising his functions on the Mines and Mining panel, Edmondson conducted well-publicized hearings on the acute problem of strip mining and guided to passage in the House the Coal Mine Surface Protection Bill of 1972.[7] Declining to seek an eleventh consecutive term in the House, Edmondson in 1972 instead engaged in a successful quest for the Democratic senatorial nomination.[8]

Jarman, having served his political apprenticeship in both branches of the Oklahoma Legislature, was elected to the first of thirteen House terms in November, 1950,[9] Jarman spent the bulk of his congressional tenure on the Committee on Interstate and Foreign Commerce. He was Chairman of the Public Health and Welfare Subcommittee, 1967-1971, and the Transportation and Aeronautics Subcommittee, 1971-1972. Jarman's most significant legislative contribution was the Comprehensive Health Services (Partnership for Health) Act of 1967.[10] Moreover, he was deeply involved in the congressional deliberations over the 1971 railroad strike[11] and the controversy over the extent to which the national government should regulate the airlines.[12]

Two other Oklahomans who headed congressional committees or subcommittees between 1945 and 1972 were Tom Steed of Shawnee and Mike Monroney of Oklahoma City. These two gentlemen were to spend a combined total or more than sixty years on

Footnotes at end of article.

Capitol Hill. Steed in November, 1948, was first elected to the House, while Monroney commenced his House career in January, 1939, and twelve years later was promoted to the Senate.

Steed, who eventually established a record among Oklahomans for longevity in Congress,[13] had never held political office prior to his 1948 campaign for the house.[14] In January, 1959, he was chosen to serve on the Committee on Appropriations. Between 1961 and 1964 Steed was Chairman of the Legislative Subcommittee, and throughout the ensuing eight years he chaired the Treasury-Post Office-General Government Subcommittee. In these posts he shaped the annual bills to sustain the operations of Congress [15] and two Cabinet-level Departments and the White House.[16]

Monroney proved to be an unusually productive legislator over a remarkably long span of time. As Vice-Chairman of the Joint Committee on the Organization of Congress, 1945-1946, he co-authored the Legislative Reorganization (LaFollette-Monroney) Act [17] and was the recipient of the Collier's Award for "Distinguished Congressional Service." [18] Chairing the Aviation Subcommittee of the Senate Commerce Committee, 1955-1969, Monroney directed a sweeping investigation of the alleged mismanagement pervading the Civilian Aeronautics Administration [19] and authored the Federal Airport Construction Act of 1961.[20] He was also Chairman of the Treasury-Post Office-Executive Office Appropriations Subcommittee, 1967-1969, working in close liaison with his colleague, Representative Steed.[21] Alarmed by the mounting deficit incurred by the Post Office Department and conscious of the pressing need for renewed salary classification, he authored the Postal Revenue and Federal Salary Act of 1967.[22]

The three most renowned Oklahomans to chair committees or subcommittees of Congress between 1945 and 1972 were Representative Carl Albert of McAlester and Senators Elmer Thomas of Medicine Park, and Robert S. Kerr of Oklahoma City. Albert, Thomas, and Kerr certainly rank as three of the most illustrious public servants of the past half century.

Albert's constituents were to elect him to the first of fifteen successive House terms in November, 1946.[23] Between 1947 and 1962 he was a member of the Committee on Agriculture, during the final seven years of which he was Chairman of the Subcommittee on Wheat. Albert was one of the congressmen most responsible for three major farm laws, the Agricultural Act of 1956,[24] the Agricultural Act of 1961,[25] and the Feed Grains Act of 1961.[26] In 1962 Albert relinquished his subcommittee chairmanship to become House Majority Leader, a position he held until elevated to the speakership nine years later.[27] In addition to his congressional responsibilities Albert was prominent in the affairs of the Democratic Party, serving as Chairman of the Platform Committee at the 1964 National Convention and Permanent Chairman of the 1968 National Convention.[28]

Thomas, prior to entering Congress, was President *pro tempore* of the Oklahoma State Senate. After four years in the House, he won election to the Senate in November, 1926.[29] During the Seventy-Ninth and Eighty-First Congresses Thomas was Chairman of the Committee on Agriculture and Forestry.[30] While chairing the Agriculture and Forestry organ, Thomas probed the questions of severe food shortages and rising meat prices [31] and played a pivotal role in the approval of the Agricultural Act of 1949 [32] and the Rural Electrification Act of 1949.[33] Thomas also chaired the Military Appropriations Subcommittee, 1945-1947 and 1949-1951, and expedited the passage of bills designed to assure an American victory in World War II and provide adequate preparations for such unexpected emergencies as the Korean conflict.[34]

Governor of Oklahoma between 1943 and 1947, Kerr first attracted nationwide attention as Keynote Speaker at the 1944 Democratic National Convention.[35] Elected to the Senate in November, 1948, he soon earned a reputation as a dynamic orator and shrewd parliamentarian.[36] A member of the Committee on Public Works, Kerr was Chairman of the Subcommittee on Rivers and Harbors—Flood Control, 1955-1963, and author of the Rivers and Harbors Act of 1958,[37] the Federal Water Pollution Control Act of 1961,[38] and the Accelerated Public Works Act of 1962.[39] Between 1959 and 1961 he was Chairman of the Select Committee on National Water Resources, the paramount achievement of which was an exhaustive study projecting the future water needs and opportunities for the United States.[40] From 1961 to 1963 Kerr presided over the Committee on Aeronautical and Space Sciences, an assignment culminating in the 1961 statute which unequivocally committed the American government to the conquest of outer space.[41]

In addition to the varied talents and abilities of the aforementioned gentlemen, three major factors accounted for the influence of the Oklahoma congressional delegation from January, 1945 to October, 1972. They were as follows: (1) Affiliation with the dominant political party; (2) Accumulation of seniority; and (3) Possession of desirable committee assignments.

Between January, 1945 and October, 1972 both the House and Senate were controlled by the Democratic Party for twenty-four of the twenty-eight years.[42] Each of the eight Oklahoma congressmen who held committee or subcommittee chairmanships was a Democrat. Indeed Oklahoma consistently elected the highest proportion of Democrats to Congress of any state outside the South. Since Democrats had numerical majorities on all congressional committees and determined the fate of all meaningful legislation, it was understandable why Oklahoma enjoyed a distinct political advantage.

During the period from 1945 to 1972 Oklahoma maintained a tradition of re-electing incumbents to the House and Senate. Four Oklahomans, Kerr, Albert, Jarman, and Steed, compiled records of unblemished political success in their campaigns for election and re-election, while another individual, Edmondson, voluntarily left the House and sought election to the Senate. Two other veteran congressmen, Johnson and Thomas, were defeated in primary contests, and Monroney lost to a Republican after having completed six House and three Senate terms. These eight gentlemen accumulated two hundred years of congressional service. The acquisition of so much seniority in large measure explained their advancement to key positions in various standing committees. Oklahoma's stature on Capitol Hill was roughly commensurate with the collective seniority of its congressmen.

Most significantly Oklahomans were conspicuous on several of the principal committees of Congress. Among these were the Senate Committees on Appropriations, Commerce, Agriculture and Forestry, and Public Works and the House Committees on Appropriations, Interstate and Foreign Commerce, Agriculture, and Interior and Insular Affairs. Between 1945 and 1972 these committees were responsible for producing scores of major bills affecting aviation, transportation, agriculture, flood control, reclamation, and natural resources. The presence of so many Oklahomans on choice committees of the House and Senate virtually guaranteed that these gentlemen would wield substantial influence.

Serving in the House of Representatives and United States Senate between January 1945 and November 1972, the eight Oklahomans performed with genuine distinction. While presiding over committees or subcommittees in their respective bodies, they compiled conscientious records of public service. As a consequence of their seniority, the Oklahoma delegation was among the most effective in Congress for over a quarter of a century.

FOOTNOTES

[1] Edmondson's brother, J. Howard Edmondson of Oklahoma City, was Governor, 1959-1963, and United States Senator, 1963-1964, while Johnson's son, Jed Johnson, Jr., of Chickasha, served in the House, 1965-1967, and as a member of the Federal Equal Opportunity Employment Commission, 1968-1970. Lawrence F. Kennedy (comp.), *Biographical Directory of the American Congress*, 1774-1971 (Washington: United States Government Printing Office, 1971), pp 899, 1194.

[2] After completing twelve terms as a Democrat, Jarman on January 23, 1975 affiliated with the Republican Party. *Daily Oklahoman*, Oklahoma City, January 24, 1975, pp 1, 2.

[3] *Biographical Directory of American Congress*, p. 1194.

[4] House of Representatives, *Report Number 789*, June 28, 1945; *Report Number 2329*, June 25, 1946; United States Congress, *Congressional Record* (Washington: United States Government Printing Office, 1945), XCI, 3735, 3747, 3748, 3800-3820, 3863-3902, 3908-3935, 5732, 6931-6938; XCII, 4561, 4628-4676, 4827-4871, 5012-5032, 5104-5145, 7323, 7481-7499; United States Government, *The Statutes at Large of the United States of America, 1945-1947* (Washington: 1945-1947), LIX, 318-360; LX, 348-386.

[5] Nominated by the President on April 7, 1947, Johnson's appointment was confirmed by the Senate on June 23, 1947. He served on the Customs Court until his death on May 8, 1963. *Congressional Record*, XCIII, 3175, 7561; *Register of the Department of Justice and the Courts of the United States, 1960* (Washington: United States Government Printing Office, 1960), p. 30; *Post*, Washington, D.C., June 24, 1947, p. 3; May 10, 1963, p. B-9.

[6] Edmondson was thirty-three years of age when he entered Congress. Only four of the other five hundred and thirty members of the House and Senate were younger than the Oklahoman. They were Representatives Stuyvesant Wainwright of New York, Douglas R. Stringfellow of Utah, and Joseph F. Holt and Patrick J. Hillings of California.

[7] *House Report 1762*, September 28, 1972; *Congressional Record*, CXVIII, 32842, 35031-35056.

[8] Edmondson won the Democratic nomination for the United States Senate on August 22, 1972. *Daily Oklahoman*, Oklahoma City, August 23, 1972, pp. 1, 2; *Post*, Washington, D.C., August 23, 1972, p. 12.

[9] *Biographical Directory of American Congress*, pp. 1182-1183.

[10] *House Report 974*, November 21, 1967; *Congressional Record*, CXIII, 26012, 26120-26130, 31397, 33336-33339; *Statutes at Large*, LXXXI, 533-542.

[11] *House Report 209*, May 18, 1971; *Congressional Record*, CXVII, 15645-15656; *Statutes at Large*, LXXXV, 39-40; *Post*, Washington, D.C., May 18, 1971, pp. 1, 9; May 19, 1971, pp. 1, 6.

[12] *House Report 1543*, October 11, 1972; *Congressional Record*, CXVIII, 26532, 28311, 29152-29156, 30511, 35116.

[13] Steed in November, 1978, was elected to his sixteenth term in the House. At the time he announced his intention to retire from public life on February 16, 1980, he had served in Congress thirty-one years, one month, and thirteen days.

[14] *Biographical Directory of American Congress*, p. 1746.

[15] *House Report 834*, August 3, 1961; *House Report 2316*, September 18, 1962; *House Report 896*, November 13, 1963; *House Report 1711*, August 12, 1964; *Congressional Record*, CVII, 8556-8560, 14050, 14544-14546; CVIII, 6144; 6343, 15854-15856, 19720-19724, 19945-19947; CIX, 10428, 10634-10650, 21442-21444, 21624-21627, 24831-24834; CX, 7183, 7619-7647, 17785-17787, 19182-19189; *Statutes at Large*, LXXVI, 680-695; LXVII, 803-818; LXVIII, 535-551.

[16] *House Report 550*, June 28, 1965; *House Report 1624*, June 15, 1966; *House Report 439*, June 28, 1967; *House Report 1544*, June 12, 1968; *House Report 497*, September 18, 1969; *House Report 1447*, September 14, 1970; *House Report 326*, June 30, 1971; *House Report 1174*, June 26, 1972; *Congressional Record*, CXI, 6806, 6840-6872, 13774, 14850-14853; CXII, 7558, 7761-7783, 12956, 13095, 13282-13285; CXIII, 7385, 7616-7644, 16848, 17512, 17790-17791; CXIV, 9059, 9283-9307, 16270, 16665, 16956-16963; CXV, 14055-14078, 18607, 26055, 26351-26364; CXVI, 11135, 11273-11290, 30849, 31477-31479; CXVII, 22430-22444, 23028, 23093-23094; CXVIII, 21440, 21496-21575, 22087-22111, 22388-22389, 23667-23670; *Statutes at Large*, LXXIX, 196-204; LXXX, 222-229; LXXXI, 113-119; LXXXII, 190-197; LXXXIII, 116-123; LXXXIV, 872-879; LXXXV, 108-124; LXXXVI, 471-489.

[17] *House Report 1675*, March 4, 1946; *Congressional Record*, XCII, 10037-10104; *Statutes at Large*, LX, 812-852; George B. Calloway, *History of the House of Representatives* (New York: Thomas Y. Crowell Company, 1975), pp. 60-64; *Post*, Washington, D.C., October 26, 1946, pp. 1, 3; October 27, 1946, pp. 1, 4.

[18] *Collier's*, April 20, 1946, pp. 18-19, 33-36.

[19] *Hearings on the study of operations of the Civil Aeronautics Administration*, January 4-May 28, 1956; *Congressional Record*, CII, 3825-3829.

[20] *Senate Report 654*, August 1, 1961; *Congressional Record*, CVII, 14255, 17736-17737, 17744-17762, 17949-17969, 19451-19454; *Statutes at Large*, LXXV, 523-567.

[21] *Senate Report 283*, May 19, 1967; *Senate Report 1165*, June 6, 1968; *Congressional Record*, CXIII, 13275, 13533, 13538-13542, 18005-18006; CXIV, 16149, 16167-16176, 16951-16953.

[22] *Senate Report 801*, November 1, 1967; *Congressional Record*, CXIII, 33590, 33972-33986, 34013-34020, 34022-34024, 34212-34216, 34221-34232, 34236-34262, 36088-36109; *Statutes at Large*, CXXXI, 613-648; *Post*, Washington, D.C., December 13, 1967, pp. 1, 19.

[23] *Biographical Director of American Congress*, p. 498.

[24] *House Report 2077*, April 30, 1956; *Congressional Record*, CII, 7303, 8852-8853; *Statutes at Large*, LXX, 188-213.

[25] *House Report 754*, July 24, 1961; *Congressional Record*, CVII, 13202, 13466-13474, 13745-13763; *Statutes at Large*, LXXV, 294-319.

[26] *House Report 29*, February 27, 1961; *Congressional Record*, CVII, 2740, 3491-3493, 6622-6623; *Statutes at Large*, LXXV, 6-7.

[27] Albert was formally installed as Majority Leader on January 10, 1962 and was officially chosen as Speaker of the House on January 27, 1971. *Congressional Record*, CVIII, 7; CXVII, 10-11.

[28] *Official Proceedings of the Democratic National Convention, 1964* (Washington, 1964), p. 45; *1968*, p. 259; *Source Book of American Presidential Campaign and Election Statistics, 1948-1968* (New York: Frederick Ungar Publishing Company, 1971), pp. 87, 96.

[29] *Biographical Directory of American Congress*, pp. 1806-1807.

[30] Thomas was the second Oklahoman to chair the Committee on Agriculture and Forestry. Thomas P. Gore of Lawton had served as the panel's chairman between 1913 and 1919.

[31] *Hearings investigating certain matters relating to food production, distribution, and consumption*, April 1-May 16, 1946; *Congressional Record*, XCII, 3160-3161.

[32] *Senate Report 1129*, October 6, 1949; *Congressional Record*, XCV, 13978, 14077-14094, 14096-14115, 14120-14121, 14123-14127, 14178-14180, 14186-14200, 14201-14212, 14297-14324, 14993-15005, 15007-15008; *Statutes at Large*, LXIII, 1051-1062; Murray R. Benedict, *Farm Policies of the United States, 1789-1950* (New York: The Twentieth Century Fund, 1953), pp. 478-484; Allen T. Matusow, *Farm Policies and Politics in the Truman Years* (Cambridge: Harvard University Press, 1967), pp. 211-218; *Post*, Washington, D.C., October 13, 1949, pp. 1, 8; October 19, 1949, pp. 1, 2; October 20, 1949, pp. 1, 2.

[33] *Senate Report 1071*, September 14, 1949; *Congressional Record*, XCV, 12814, 13800, 13862-13895, 14867; *Statutes at Large*, LXIII, 948-949; *Post*, Washington, D.C., October 29, 1949, p. 5.

[34] *Senate Report 423*, June 27, 1945; *Senate Report 2448*, July 12, 1946; *Senate Report 745*, July 22, 1949; *Senate Report 1941*, July 10, 1950; *Congressional Record*, XCI, 6791, 6893-6895, 7057; XCII, 7362, 7602, 7871-7872, 7875-7878, 8207-8208, 8439, 8756; XCV, 9970, 12249-12253, 12298-12335, 12338-12339, 12389-12456, 14854-14859; XCVI, 9730, 11211-11214, 11311, 11313, 11949, 13577-13595; *Statutes at Large*, LIX, 384-407; LX, 541-566; LXII, 987-1025; LXIV, 731-757; *Post*, Washington D.C., October 18, 1949, pp. 1, 4.

[35] Robert Sobel and John Raimo (comps.), *Biographical Directory of the Governors of the United States, 1789-1978* (4 vols.; Westport, Connecticut: Meckler Books, 1978), III, 1250; *Proceedings of Democratic National Convention, 1944*, pp. 27-39.

[36] A scholarly account of Kerr's congressional career is Anne H. Morgan, *Robert S. Kerr: The Senate Years* (Norman: University of Oklahoma Press, 1977).

[37] *Senate Report 1710*, June 14, 1958; *Congressional Record*, CIV, 11156, 11487-11502, 11701-11708, 12171-12175; *Statutes at Large*, LXXII, 297-320; *Post*, Washington, D.C., June 18, 1958, p. 2; June 25, 1958, p. 10.

[38] *Senate Report 353*, June 7, 1961; *Congressional Record*, CVII, 9697, 11057-11059, 11065-11074, 12565-12567; *Statutes at Large*, LXXV, 204-210.

[39] *Senate Report 1358*, April 25, 1962; *Congressional Record*, CVIII, 7144, 9347, 9349-9353, 9369-9420, 18869-18871, 18875-18879, 18931, 18946-18950; *Statutes at Large*, LXXVI, 541-544.

[40] *Senate Report 29*, January 30, 1961; *Congressional Record*, CVII, 1412-1421.

[41] *Senate Report 475*, June 27, 1961; *Congressional Record*, CVII, 11355, 11624-11631, 13022-13023; *Statutes at Large*, LXXV, 216-218; *Post*, Washington, D.C., July 21, 1961, p. 4; July 22, 1961, p. 1.

[42] The Republicans controlled the House and Senate only during the Eighteenth (1947-1949) and the Eighty-Third (1953-1955) Congress.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. BUMPERS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of my intention to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit me to participate in a workshop sponsored by a foreign educational organization, the Friedrich-Ebert-Siftung Foundation, in Bonn, West Germany, on May 29-31, 1983.

The committee has determined that my participation in the program in West Germany, at the expense of the Friedrich-Ebert-Siftung Foundation, is in the interests of the Senate and the United States.●

EXTENSION OF FHA INSURANCE PROGRAMS

Mr. BAKER. Mr. President, I have one matter that has been cleared with the minority leader, and I will address it to the attention of the acting minority leader.

Mr. President, I ask that the Chair lay before the Senate a message from the House on House Joint Resolution 265, a joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the resolution (H.J. Res. 265) entitled "Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes", with the following amendment: In lieu of the matter inserted by said amendment, insert:

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "May 21, 1983" in the first sentence and inserting in lieu thereof "October 1, 1983".

(b) Section 217 of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 221(f) of such Act is amended by striking out "May 20, 1983" in the fifth sentence and inserting in lieu thereof "September 30, 1983".

(d) Section 235 of such Act is amended—

(1) in subsection (m), by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983"; and

(2) in subsection (q)(1), by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(e) Section 236(n) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(f) Section 244(d) of such Act is amended—

(1) by striking out "May 20, 1983" in the first sentence and inserting in lieu thereof "September 30, 1983"; and

(2) by striking out "May 21, 1983" in the second sentence and inserting in lieu thereof "October 1, 1983".

(g) Section 245(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(h) Section 809(f) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(i) Section 810(k) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(j) Section 1002(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(k) Section 1101(a) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

SEC. 2. Section 3(a)(1) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968 (12 U.S.C. 1709-1(1)), is amended by striking out "May 21, 1983" and inserting in lieu thereof "October 1, 1983".

EXTENSION OF RURAL HOUSING AUTHORITIES

SEC. 3. (a) Section 515(b)(5) of the Housing Act of 1949 is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 517(a)(1) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 523(f) of such Act is amended by striking out "May 20, 1983" each place it appears and inserting in lieu thereof "September 30, 1983".

EXTENSION OF FLOOD, CRIME, AND RIOT INSURANCE PROGRAMS

SEC. 4. (a) Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30 1983".

(b) Section 1336(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 1201(b)(1) of the National Housing Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

EXEMPTION OF CERTAIN FEDERAL HOME LOAN MORTGAGE CORPORATION SECURITIES FROM SECURITIES REGULATIONS

SEC. 5. Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following new subsection:

"(g) All securities issued or guaranteed by the Corporation (other than securities guaranteed by the Corporation that are backed by mortgages not purchased by the Corporation) shall, to the same extent as securities that are direct obligations of or obligations guaranteed as to principal or interest by the United States, be deemed to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission.".

EXTENSION OF EXPERIMENTAL HOUSING ALLOWANCE SUPPLY PROGRAM

SEC. 6. (a) Section 504(b) of the Housing and Urban Development Act of 1970 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1), the Secretary shall, to the extent approved in appropriation Acts, extend the annual contributions contracts for the experimental housing allowance supply program through September 30, 1989, on the same terms and conditions as the original contracts, for the sole purpose of providing assistance for homeowners participating in such program on June 1, 1983. In extending such contracts, the Secretary may, to the extent approved in appropriation Acts, use authority available under section 5(c) of the United States Housing Act of 1937.".

(b) The amendments made by this section shall become effective on October 1, 1983.

Mr. BAKER. Mr. President, I say to the acting minority leader that I understand this is cleared on his side of the aisle and I am prepared to proceed.

Mr. STENNIS. Mr. President, that is my understanding.

Mr. BAKER. I thank the Senator.

Mr. President, the minority leader's staff has indicated the same.

I thank both the acting minority leader and the minority leader.

Mr. GARN. Mr. President, I am today urging my colleagues to adopt a compromise version of House Joint Resolution 265, the so-called FHA extender, adopted by the House earlier today. Despite our passage last Friday of this resolution with a Senate amendment, neither House could prevent authority to write new FHA insurance from lapsing at midnight, May 20. I remind all Senators that the volume of applications for FHA insurance has reached record levels as the economy comes out of the recession. Housing has once again played a key role in this recovery. We must move expeditiously to restore the FHA authority, especially given the prospect of our Memorial Day recess, if for no other reason than to prevent the backlog of applications for commitments from becoming so great as to seriously bog down the system.

While we would have preferred a clean bill simply extending the mortgage insurance programs, the House chose to add some extraneous matter to which we took exception. I believe that the amended version before us now adequately deals with our concerns.

I do want to make a statement about one particular provision. Section 5 of the resolution clarifies the exempt status under the 1933 and 1934 Securities Exchange Acts of securities issued by the Federal Home Loan Mortgage Corporation. Section 5 provides explicit exemption from disclosure and other registration requirements of the 1933 and 1934 acts, a status already enjoyed by the Federal National Mortgage Association (Fannie Mae) through specific references in its charter act. The issue was addressed by the House of Representatives because "Freddie Mac," as the Corporation is informally known, had proposed the issuance of preferred stock under authority granted last year. The Congress had assumed that the issuance of preferred stock would be exempt in the same manner that other new issuances of the Corporation had been exempt under the procedures and implicit authority from which Freddie Mac currently draws its exemption.

The House insists on its language, but did include a limitation that such exemption not carry to any security guaranteed by the Corporation but which are backed by mortgages not actually purchased or owned by the Corporation. The entire question of whether or not such "Ginnie Mae" type guarantee authority should even be granted to the Federal National Mortgage Association or Freddie Mac is a matter Congress must address in the future.

In agreeing to the amended House language, I want to categorically state that this provision in no way removes applicability of the antifraud statutes nor protects Freddie Mac or any other parties involved in the issuance of its securities from prosecution for criminal acts in conjunction with such issuances. Further, these securities continue to be covered by any other Securities Act provisions that are applicable to Federal agency debt.

Furthermore, the Banking Committee views this provision as a temporary expedient which in no way precludes us from making further judgment about the applicability of the 1933 or 1934 act to either Freddie Mac or Fannie Mae.

This brings me to a point that I want to emphasize to my colleagues, the Banking Committee intends to develop a comprehensive secondary mortgage market bill growing out of points raised during a series of hearings on legislative proposals submitted by both Freddie Mac and Fannie Mae. We will clearly reexamine the entire securities exemption issue along with other aspects of the role that both Fannie Mae and Freddie Mac play as quasi-govenmental agencies, in the market.

Mr. BAKER. I now move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

PROGRAM

Mr. BAKER. Mr. President, we have had a long busy day and we will have a long busy day tomorrow.

I say for the benefit of all who may hear this or read it in the RECORD that when we complete our business today we will stand in recess until the hour of 10 a.m. tomorrow.

After the recognition of the two leaders for 1 minute each there will be a period for the transaction of routine morning business to extend not past 10:15 a.m. in which Senators may speak for not more than 1 minute each.

Mr. President, at 10:15 a.m. the Senate, under the order previously entered, will resume consideration of the MX resolution.

The time remaining between 10:15 a.m. and 1:45 p.m. tomorrow will be under the control of the four Senators specified in the original order dealing with the disposition of this matter and divided on the basis of two parts for the opponents of the resolution and one part for the proponents.

At 1:45 p.m. the Senate will proceed to vote on the resolution and the rollcall vote will be 45 minutes in length ending at 2:30 p.m.

I will say for the benefit of Senators that after the disposition of the MX resolution it is the intention of the leadership on this side to proceed to the consideration of the debt limit ex-

tension which was sent to us by the House of Representatives.

If we finish the debt limit resolution this week, as soon as that is done, it is the intention of the leadership to initiate an adjournment resolution and to ask the Senate to stand in adjournment then until June 6.

Mr. President, I see no other Senator seeking recognition.

I inquire of the acting minority leader if he has anything further to address the Senate.

Mr. STENNIS. No. That finishes the bill for today. I thank the majority leader.

Mr. BAKER. I thank the Senator.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. President, in view of that, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to, and the Senate, at 6:27 p.m., recessed until Wednesday, May 25, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 1983:

THE JUDICIARY

Pasco M. Bowman II, of Missouri, to be U.S. circuit judge for the eighth circuit vice J. Smith Henley, retired.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Joseph Metcalf, III, 031-30-0814/1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Donald S. Jones, 391-22-4694/1310, U.S. Navy.

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law:

Baran, David A.
Broene, Brian J.
Mikula, Gregory J.
Rautenberg, Paul M.
Rayford, Ronald W.
Woloschek, James M.

The following-named Naval Reserve officers for permanent appointment in the line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Bach, Stephen C.
Batchelder, Stephen H.
Smith, Robert R.

Capt. Irwin Scher, U.S. Navy, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Harold A. Engelke, ex-U.S. Navy officer, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Dean Crocker, medical college graduate, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Comdr. Donald F. Lynch, U.S. Navy, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

The following-named ex-U.S. Navy officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Bartlett, Eugene F.
Dunn, Robert B.
Reiner, Carl E.

The following-named ex-Naval Reserve officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Chalkley, Milton D., Jr.
Noble, Robert G.
Stevenson, Eugene O. S.

The following-named medical college graduates to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Bucklew, Willard B.
Ghosh, Bimal C.
Giacobbe, Francesco
Gillin, John C.
Payne, Sylvia N.
Rentz, Simms H.
Youngberg, John A.

HOUSE OF REPRESENTATIVES—*Tuesday, May 24, 1983*

The House met at 12 o'clock noon.

The Reverend Frederick J. Feusahrens, pastor, Saint Bridget's Church, Richmond, Va., offered the following prayer:

Creator God, Father and source of life, we pray this day for those who serve us in this assembly. We are grateful for the gifts of their talents, efforts, and persons; keep and strengthen them by Your care each day. May their love grow deeper and deeper in the knowledge and perception of true service.

We pray for those whom they serve—for all our people. Keep us safe in the knowledge of Your assured and saving presence. May we each and all strive to preserve and strengthen the dignity of freedom, the integrity of liberty which is ours as a heritage.

Father, may we continue to work and build justice and peace in our country and proclaim it for all peoples. We give You thanks and praise always and make our prayer to You, for You are Lord, forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McGRATH. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McGRATH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 370, nays 17, answered "present" 4, not voting 41, as follows:

[Roll No. 130]

YEAS—370

Ackerman	Annunzio	Barnes
Addabbo	Anthony	Bartlett
Akaka	Applegate	Bates
Albosta	Archer	Bedell
Alexander	Aspin	Beilenson
Anderson	AuCoin	Bennett
Andrews (TX)	Barnard	Bereuter
Berman	Ford (TN)	Luken
Bethune	Fowler	Lundine
Bevill	Frank	Lungren
Biaggi	Franklin	Mack
Bilirakis	Frenzel	MacKay
Bliley	Frost	Madigan
Boehlert	Gaydos	Markey
Boggs	Gekas	Marlenee
Boland	Gephardt	Marriott
Boner	Gibbons	Martin (IL)
Bonior	Gilman	Martin (NY)
Borski	Gingrich	Matsui
Bosco	Glickman	Mavroules
Boucher	Gonzalez	Mazzoli
Boxer	Gore	McCain
Breaux	Gradison	McCandless
Britt	Gregg	McCloskey
Brooks	Guarini	McCollum
Broomfield	Gunderson	McCurdy
Brown (CA)	Hall (IN)	McDade
Broyhill	Hall (OH)	McEwen
Bryant	Hall, Ralph	McGrath
Burton	Hall, Sam	McKernan
Byron	Hamilton	McKinney
Campbell	Hammerschmidt	McNulty
Carney	Hansen (UT)	Mica
Carper	Harrison	Michel
Carr	Hartnett	Mikulski
Chandler	Hatcher	Miller (CA)
Chappell	Hawkins	Mineta
Chappie	Hefner	Minish
Cheney	Hertel	Moakley
Clarke	Hightower	Molinari
Clinger	Hiler	Mollohan
Coats	Hillis	Montgomery
Coelho	Holt	Moody
Coleman (MO)	Hopkins	Moore
Coleman (TX)	Horton	Moorhead
Collins	Hoyer	Morrison (CT)
Conable	Hubbard	Morrison (WA)
Conte	Huckaby	Mrazek
Cooper	Hughes	Murtha
Corcoran	Hunter	Myers
Courter	Hutto	Natcher
Coyne	Hyde	Neal
Craig	Ireland	Nelson
Crane, Daniel	Jeffords	Nichols
Crane, Philip	Jenkins	Nielson
D'Amours	Johnson	Nowak
Daniel	Jones (NC)	O'Brien
Dannemeyer	Jones (TN)	Oakar
Daschle	Kaptur	Oberstar
Daub	Kasich	Obey
Davis	Kastenmeier	Olin
de la Garza	Kazen	Owens
Dellums	Kemp	Oxley
Derrick	Kennelly	Packard
DeWine	Kildee	Panetta
Dicks	Kindness	Parris
Dingell	Kogovsek	Pashayan
Donnelly	Kostmayer	Patman
Dorgan	Kramer	Patterson
Downey	LaFalce	Paul
Dreier	Lagomarsino	Pease
Duncan	Lantos	Penny
Dwyer	Latta	Pepper
Dymally	Leath	Perkins
Dyson	Lehman (CA)	Petri
Early	Lehman (FL)	Pickle
Eckart	Leland	Porter
Edgar	Lent	Price
Edwards (AL)	Levin	Pursell
Edwards (OK)	Levine	Quillen
English	Levitas	Rahall
Erdreich	Lewis (CA)	Rangel
Erlenborn	Lewis (FL)	Ratchford
Evans (IL)	Lipinski	Regula
Fascell	Livingston	Reid
Fazio	Lloyd	Richardson
Feighan	Loeffler	Ridge
Ferraro	Long (LA)	Rinaldo
Fiedler	Long (MD)	Ritter
Fish	Lott	Roberts
Flippo	Lowry (WA)	Robinson
Florio	Lujan	Roe
Rogers	Smith (NE)	Volkmer
Rose	Smith (NJ)	Vucanovich
Rostenkowski	Smith, Denny	Walgren
Roth	Smith, Robert	Watkins
Roukema	Snowe	Waxman
Rowland	Snyder	Weaver
Roybal	Spence	Weber
Rudd	Spratt	Weiss
Russo	Staggers	Wheat
Savage	Stangeland	Whitehurst
Schaefer	Stark	Whitley
Scheuer	Stenholm	Whittaker
Schneider	Stokes	Whitten
Schulze	Stratton	Williams (OH)
Schumer	Studds	Wilson
Seiberling	Stump	Winn
Sensenbrenner	Sundquist	Wirth
Shannon	Swift	Wise
Sharp	Synar	Wolf
Shaw	Tallon	Wolpe
Shelby	Tauke	Wortley
Shumway	Tauzin	Wright
Shuster	Taylor	Wyden
Sikorski	Thomas (CA)	Wylie
Siljander	Thomas (GA)	Yates
Simon	Torres	Yatron
Sisisky	Torricelli	Young (FL)
Skeen	Towns	Young (MO)
Skelton	Traxler	Zablocki
Slattery	Udall	Zschau
Smith (FL)	Vander Jagt	
Smith (IA)	Vento	

NAYS—17

Brown (CO)	Forsythe	Roemer
Coughlin	Gejdenson	Sabo
Dickinson	Goodling	Solomon
Emerson	Harkin	Walker
Evans (IA)	Miller (OH)	Young (AK)
Fields	Mitchell	

ANSWERED "PRESENT"—4

Bonker	Ottinger
Jacobs	St Germain

NOT VOTING—41

Andrews (NC)	Garcia	McDonald
Badham	Gramm	McHugh
Bateman	Gray	Murphy
Clay	Green	Ortiz
Conyers	Hance	Pritchard
Crockett	Hansen (ID)	Ray
Dixon	Heftel	Rodino
Dowdy	Howard	Sawyer
Durbin	Jones (OK)	Schroeder
Edwards (CA)	Kolter	Solarz
Foglietta	Leach	Valentine
Foley	Lowery (CA)	Vandergriff
Ford (MI)	Martin (NC)	Williams (MT)
Fuqua	Martinez	

□ 1215

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on the following dates the President approved and signed a bill and joint resolutions of the House of the following titles:

On May 4, 1983:

H.J. Res. 245. Joint resolution to correct Public Law 98-8 due to errors in the enrollment of H.R. 1718.

On May 10, 1983:

H.R. 2600. An act to dedicate the Golden Gate National Recreation Area to Congressman Phillip Burton.

On May 20, 1983:

H.J. Res. 219. Joint resolution declaring the support of the U.S. Government for efforts of the U.S. Soccer Federation to bring the World Cup to the United States in 1986, designating the Secretary of Commerce as the official representative of the U.S. Government to the Federation Internationale de Football Association, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 529. An act to revise and reform the Immigration and Nationality Act, and for other purposes.

FATHER FREDERICK FEUSAHRENS

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, today we were pleased to have Father Frederick Feusahrens, paster of St. Bridget's Church in Richmond as our speaker.

Father Fred was born in Washington, attended parochial schools in Washington and Arlington, Va., was graduated from Bishop O'Connell High School in Arlington, and received his bachelor of arts of Catholic University.

Father Fred taught in the D.C. public schools, both English and French, and received graduate degrees in English and theology from Catholic University.

He was ordained to the priesthood for the Diocese of Richmond in 1972 and served in various parishes as an associate pastor.

He came to St. Bridget's as an associate in 1975 and in 1977 the bishop asked him to become director of vocations for the diocese.

After 2 outstanding years in that capacity he was named pastor of St. Bridget's in 1980, where he has won the hearts of all of the members of the parish and indeed all who have come in contact with him.

It is a pleasure, on behalf of my colleagues, to welcome him here to the House.

COMMEMORATION OF THE 50TH ANNIVERSARY OF THE WAGNER-PEYSER ACT

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, June 6 will be the 50th anniversary of the enactment in 1933 of the Job Service under the Wagner-Peyser Act.

This nationwide system of public employment offices was founded as a Federal-State partnership to answer the challenge of a nation shaken by the massive unemployment of the Great Depression. In the 50-year course of its life, the Job Service has generated 126 million job placements, provided professional counseling and testing services to millions, and assisted countless employers to find qualified employees. It has helped deal with a wide range of employment situations, including the labor shortage problems growing out of mobilization for World War II, sharp recessions, cycles of war and peace, employment for the disadvantaged, and the demand for new technological skills.

In the 1980's our Nation is facing the highest unemployment levels since the Depression. Business and industry demand on our Nation's work force for new technological skills is more intense than ever. In recognition of the vital role being performed by the Job Service in continuing to help meet our country's employment needs, I would like to call public attention to the Wagner-Peyser Act's 50th anniversary year and to thank all of the dedicated public servants who have helped make it a success over the past half century.

THE MX MISSILE VOTE

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, today, when the House votes on the MX missile, we have a unique opportunity to embarrass ourselves. Just a few weeks ago, when we were debating the nuclear freeze, Member after Member of this body called for an end to the madness of the arms race. That was a nonbinding resolution.

The vote on the MX gives us the opportunity to show that we meant what we were saying. The MX is a first-strike weapon which will greatly escalate the arms race.

Some say that the MX is a "bargaining chip." We cannot afford a $20 billion bargaining chip; and the United States ultimately cannot have a strong defense with a weak economy.

The most intriguing argument by the proponents is that we need the MX to demonstrate our "national will." It is difficult to see how building a new, vulnerable, first-strike missile can be seen as "national will."

Clearly the MX is more important politically than it is strategically. I hope that President Reagan and the members of both parties who support the MX will step back from politics, act in the national interest, and kill this turkey before it is too late.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS, 1984

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

Mr. LEWIS of California reserved all points of order on the bill.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. WRIGHT. Mr. Speaker, I offer a privileged resolution (H. Res. 204) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 204

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Education and Labor: Dennis E. Eckart, Ohio, and Timothy J. Penny, Minnesota (both effective only for the first session, Ninety-eighth Congress);

Committee on Interior and Insular Affairs: Barbara Boxer, California;

Committee on the Judiciary: Frederick C. Boucher, Virginia (effective only for the first session, Ninety-eighth Congress).

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1230

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1984

Mr BEVILL. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

Mr. MYERS reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION AND FOR FULL COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON WEDNESDAY, MAY 25, 1983, DURING 5-MINUTE RULE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation and the full Committee on Public Works and Transportation be permitted to sit during the 5-minute rule in the House on Wednesday, May 25, 1983.

Mr. Speaker, I have been told that this request has been cleared by the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO SIT ON MAY 25 AND 26, 1983, DURING 5-MINUTE RULE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be permitted to sit while the House is proceeding under the 5-minute rule on Wednesday, May 25, 1983, and Thursday, May 26, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. McGRATH. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Chair will count for 10 objectors.

(Messrs. LEWIS of California, CHANDLER, BURTON, BILIRAKIS, GEKAS, WEBER, LOEFFLER, THOMAS of California, WALKER, and McEWEN also objected.)

The SPEAKER pro tempore. A sufficient number has objected.

Objection is heard.

THE MX MISSILE

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, we meet today to decide the fate of the MX. In their zeal to promote the MX, MX supporters have tried to peddle a series of bizarre Rube Goldberg basing modes and have recently even changed the role the missile is to play in our strategic arsenal.

From "Racetrack" to "Dense Pack" to the "Big Bird," we have witnessed the Pentagon at its creative best trying to find a way to sell the MX. Where we once worried about the window of vulnerability, we now worry about hard-target kill capacity. With creative Pentagonian logic, if you cannot make a weapon do what you say it will in the first place, you change its mission.

Some Members who once opposed the MX have agreed to support it if only the President will get serious about arms control.

Yet Ronald Reagan has opposed every arms-control agreement negotiated between the United States and the Soviet Union under either a Republican or a Democratic administration in the past 20 years. And Casper Weinberger says, regardless of Presidential letters to the contrary, administration arms-control policy has not changed.

Someone is being taken here, and I suggest the President is doing all the taking and none of the giving. He proposes a bad deal, Mr. Speaker, and I hope that my colleagues in the House will reject it.

RESTORATION OF THE WEST FRONT

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, I rise today to strongly urge my fellow colleagues to support the restoration of the west front of the Capitol. It is clear that restoration is needed, since we just recently witnessed a deterioration of the thin sandstone veneer which has covered the west front wall since before the War of 1812.

There is no question that the west front should not be extended. The beautiful image of the Capitol that inspires freedom-loving people from all over the world would be irreparably altered with the extension that is proposed.

The proposed extension is also too costly. Why choose extension when it would cost almost 50 percent more than restoration, and restoration would be the more appropriate solution anyway?

I urge my fellow Members to support restoration and vote against any attempts to extend the west front.

LET US EASE THE DEFICITS WHICH COULD DETER ECONOMIC RECOVERY

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, many of us Democrats took to the well last week pointing out that the raging budget deficits reflect the President's budget.

Our words were heard across this land. In Washington, the Post says the President is suffering from a deficit of candor, blaming the Congress for his "woefully incompatible set of defense and taxing policies."

In California, the San Francisco Examiner displays the truth about the budget; depicting a chart showing the Reagan budget bringing higher deficits than either House or Senate.

Today, we will be debating a budget buster item—the MX missile—a $20 to $30 billion, vulnerable and destabilizing weapon. The MX—Missile Experimental. Nothing has changed since Congress last voted against the MX.

The MX price tag is soaring; let us concentrate on proven deterrents, not needless sitting ducks, and in the process, let us ease the deficits which could deter economic recovery.

THE MX MISSILE

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, we are going to hear about 3 hours of debate later this afternoon on why the MX is a good or bad idea. Let us put some of that aside for a minute and just think about the budgetary implications of the MX.

We in the House have proposed a budget of 4 percent real growth for the military. The Senate has proposed something more than that. I do not think it takes a genius to figure out that, as a compromise, we are going to have about 5 percent real growth for the military.

Unless we start cutting manpower and conventional forestructure, which I, frankly, do not want to see us do, there are not a whole lot of targets of opportunity.

There is one big target of opportunity, and that is the MX missile. We cannot only save the $17 or $18 billion that this system is going to cost, but we can strike a blow for defense sanity. Keep that in mind, and keep point 2 in mind, if you have read the NORM DICKS letter that the President sent to him. What have they gotten? They have vague promises for a real missile. And I hope that during this debate we will be able to find out from the people who have tried to strike a deal with the President what in fact they have gotten for it.

DEFEAT THE MX MISSILE

(Mr. TORRICELLI asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, I rise today to oppose the MX missile, not because I care less about the security of our Nation, but because I care more.

If we are to consider spending $22 billion for the MX, Congress must recognize what we are buying for the American people.

This is a missile that the Air Force last week estimated would be 99 percent destroyed by a Soviet attack in 1989.

This is a missile that Secretary of Defense Weinberger himself in 1981 described as "No improvement in our strategic forces."

Finally, by approving the MX, we are purchasing a tempting target for the Soviet Union that will further destabilize relations.

Mr. Speaker, the MX program does not spend money for our security, this is spending money for the sake of spending money.

INTRODUCTION OF LEGISLATION TO BENEFIT STUDENT LOAN PROGRAMS

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I am pleased to introduce legislation today which will increase the maximum levels for the guaranteed student loan program and the national direct student loan program. This measure was researched and prepared by students from Needham High School in Needham, Mass., and was submitted to me for review and possible introduction.

Certainly we are all too well aware of the major increases in the cost of a postsecondary education and the decrease in available financial aid to meet these costs. Low- and middle-income students and their families are the ones who are finding it increasingly difficult to obtain the necessary financing to pay for an education beyond high school. If we are to meet the needs of our highly complex and technological society, it is critical that today's youth receive the specialized training and guidance that postsecondary education provides.

The GSL and the NDSL have been invaluable in helping thousands of students across this country gain access to higher education. However, the increases in the maximum levels for these programs have not kept up with inflation or with the rise in college costs. The relatively moderate increases that I am proposing would be extremely beneficial to the recipients of these loans in meeting the higher cost of education. I commend the students at Needham High School for their work on this bill and their efforts to participate in the legislative process.

THE MX MISSILE

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, if this House votes to support the President and build the MX missile, history students in the years ahead are going to be scratching their heads wondering what on Earth has happened to the logical thought processes of the U.S. Congress.

"Let's see," they will say, "the land-based missile silos were vulnerable according to the last two Presidents and therefore an MX missile should be built and put on a race track so that they would be spaced farther apart and hidden from view. When the race track was defeated, it was decided that the MX missile should be put in a dense pack—closer together and in full view. When that was defeated, it was decided to put the MX in the very silos that the President had been claiming were vulnerable in the first place."

Yes; it will confuse people if we approve this MX missile. They will wonder how grown men and women can make such illogical decisions.

I came to Congress thinking that there were probably some higher truths in this great deliberative body, and there are. But at times those higher truths give way to lower levels of understanding. That is the case with the push to build the MX missile.

Our economy is in far too much trouble to spend $20 billion this foolishly. More importantly, our world is in far too much danger for us to be acting this irrationally.

Dwight Eisenhower once said:

> In the long run people are going to do more to promote peace than are governments. Indeed, I think that people want peace so much that one of these days governments had better get out of their way and let them have it.

THE LAND-BASED MX MISSILE

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, there are three prime reasons why later today I will vote to oppose the land-based MX. The first is vulnerability, the second is cost, and the third, clearly there are other options.

Now, I have great respect for Secretary Weinberger. But as recently as October 1981, he said as follows:

> We have examined literally hundreds of possible options. We have reached the conclusion that there isn't any ground-based system that is survivable.

That, from Secretary Weinberger.

Second, the question of cost. We have been accused of being a credit-card Congress. Today is the day when we can do something about it.

Third, clearly there are other options for the MX: the Trident submarine, the advanced bomber-based missile.

Mr. Speaker, today is the day to put out a sign that says "R.I.P. (rest in peace) the Land-Based MX Missile."

SOIL AND WATER CONSERVATION

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, those who believe that it is important for the United States to preserve the fertile soil which guarantees our agricultural productivity should be made aware of the Reagan administration's 5-year soil conservation program.

This attractive little booklet on the subject has been printed by the Department of Agriculture, but one has to look beyond the pretty pictures and the smooth rhetoric to realize exactly what is being proposed is this blueprint for soil and water conservation.

The plan calls for two possible levels of soil conservation funding. The higher level would increase funding only enough to cover inflation. The lower level would result in a real cut in soil conservation dollars of nearly 50 percent over 5 years.

The issue is not one of how much each Federal program—including very worthy ones such as soil conservation—should be trimmed to stem Federal borrowing. Rather, the issue is starkly one of our priorities.

If we can afford to spend $20 per person, per week, to support the military, then surely we can afford to spend the equivalent of 10 cents—one dime—per person each week to preserve our soil and water.

Of course we should have an adequate defense, but we also had better do something to preserve those resources which we plan to defend.

The cost of the MX missile we will debate today would fund a soil and water conservation program for some 20 years. I hope we will get our priorities straight and vote down the foolish expenditure for the MX missile.

AVERT ELDERLY MEALS CUTBACKS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, today the House will vote on a critical piece of legislation, H.R. 2807, which I had the privilege of authoring. This will avert

cutbacks in the elderly nutrition programs under the Older Americans Act.

Since 1973, these programs, both congregate and home-delivered, have provided over 1 billion meals to millions of needy senior citizens. They have fulfilled the nutritional needs of some of our poorest elderly Americans and have provided them an opportunity for companionship, for self-sufficiency, and for dignity. By participating in these meals programs, the elderly are enabled to stay at home and avoid more costly institutionalization.

The tragedy of not passing H.R. 2807 is that States will be forced to cut back on these meals, some 8 million over the next year.

I urge my colleagues to vote for this bill and not deny the elderly this critical nutrition which they are currently enjoying.

MX—$30 BILLION BLUFF

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, what was the reason we needed an MX missile system? We needed mobility.

What do they plan to do with the MX missile system? Make it stationary?

Make your own jokes, but a $30 billion bluff is pretty expensive, especially when it is not likely to scare anybody except the taxpayers.

PARLIAMENTARY INQUIRY

Mr. WALKER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, it is not the proper parliamentary procedure of the House that the galleries are not supposed to demonstrate in any way their approval or disapproval of the remarks on the floor?

The SPEAKER pro tempore (Mr. MURTHA). The gentleman is absolutely correct.

The Chair would admonish the occupants of the gallery that they are guests of the House and that it is against the rules of the House to show any demonstration of approval or disapproval of House proceedings.

PEACEFUL DIALOG FOR SAKE OF THE CHILDREN

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, Sunday night there was a very special concert at the Kennedy Center held to raise revenues to aid in giving medical assistance to those children injured last summer during the invasion of Lebanon. When one sees children who lost limbs and whose spines have been shattered, one realizes how senseless war is.

For the sake of the children, whether it be in Lebanon or anywhere else, our country should be using its superpower global influence not for military solutions but for peaceful dialog to bring people together. I was very pleased that Danny Thomas, a Lebanese who was an honorary chairman, and Joseph Eger, who is Jewish and the conductor of the U.N. Symphony, played such an important role at this concert. Clearly, they are looking more universally than their ethnic differences. This is what is needed for the sake of the children of Lebanon—for the sake of all children.

FIXED SILOS ARE NOT THE ANSWER TO MX BASING

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCOIN. Mr. Speaker, I hope my colleagues today, when they are confronted with the vote on the MX missile, will take into account the words of three people who certainly cannot be called doves on the defense spending question.

First, Senator JOHN TOWER, on November 2, 1981, said:

> By stuffing the MX's into fixed silos, we are creating just so many more sitting ducks for the Russians to shoot at. * * * But it is of little use to us unless the Soviets are convinced that it can survive an attack. Without that survivability, the Russians will have no incentive to start serious arms control talks.

The SPEAKER pro tempore (Mr. MURTHA). Under the rules, the gentleman should not refer to a speech in the other body.

Mr. AUCOIN. Mr. Speaker, that statement was not made on the floor of the other body; therefore, I think within the rules I can quote the distinguished gentleman.

The SPEAKER pro tempore. The gentleman may proceed in order.

Mr. AUCOIN. Another distinguished gentleman from the other body, again not speaking on the floor of the other body, made this statement, and I hope my colleagues listen to him. It is Senator JACKSON of Washington State. He said:

> My main criticism—and I criticized the Carter administration—is that in the 1980's Minuteman and Titan are vulnerable in those silos. I think you and others properly have criticized that deployment.

Continuing, he said to the administration:

> After 8 months we come back here; we have looked at all these other things supposedly, but it took 8 months to do that, and we end up with what we have not. * * * We have given the Soviets a better target to shoot at in fixed silos.

And finally, there was our colleague, the chairman of the Armed Services Committee, Representative MEL PRICE:

> What is to be gained by deploying just 36 MX missiles in existing silos? If 4,600 silos of the MPS mode would be too vulnerable to proliferation of Soviet ICBM's, how are 36 or even 100 MX's in fixed silos to be more survivable? What technical knowledge do we have now as to the feasibility of deep silos basing?"

RESTORATION, NOT EXTENSION, OF CAPITOL WEST FRONT

(Mr. ARCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCHER. Mr. Speaker, I rise to speak in favor of restoration, not extension, of the west front of the Capitol Building.

While all now know the urgent need to repair the structure, I have two serious objections to an extension program. One is the cost, and the other is the altering of this historic building, both of which I feel are unnecessary.

To extend the building for 147,000 square feet of additional office space is in total disregard to the historic value of the only remaining original exterior of the Capitol. This structure has endured destruction by fire and natural weathering for nearly 200 years. Can we so easily consider altering its appearance with such little respect for its value? Just as history cannot be altered, neither, I believe, should this part of the building be.

Restoration is currently estimated at a cost of $66 million. The proposed extension would be an additional $7 million, or $73 million. At a time when we are trying to reduce Federal spending, can we support a proposal which would, at an added cost of at least $7 million, create more office space for ourselves and our staffs? I think not. We must realize who will be funding the extra expenditure. The same people who we are telling that we need to reduce Federal spending. Yes, it is they—the American people—who will be footing the bill. Can we justify to them that we really need that extra space? How can we do that when there are so many who have to cut corners, when there are so many who are unemployed, when there are so many budget areas in which cuts have been or will be made in the name of fiscal restraint?

We must seriously consider the sorry message this added expenditure would send the American people. I, for one, cannot in good conscience support extension. The House must act responsibly and in this case that can only mean restoration—not extension—of the west front.

CONGRESSIONAL PAY AMENDMENT

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, here we go again. "House Eyes Reinstatement of Senators' Outside Income Ceiling," says this morning's Washington Post. The article adds that the other body may try to retaliate by repealing House Members' pay increases.

Congressional compensation is a serious issue, one on which both sides have sincere beliefs. It needs to be dealt with. How much time has been diverted from other important issues as we continue to debate pay again and again and again? There has got to be a better way.

Mr. Speaker, House Joint Resolution 113, which I introduced in January, is that better way. It would amend the Constitution to establish an independent commission with the exclusive authority to set compensation for Members of Congress. I would urge my colleagues to join as cosponsors. Forty-two Members have done so thus far, including the gentleman from Washington (Mr. SWIFT) as original cosponsor, and the gentleman from California (Mr. FAZIO); the gentleman from Mississippi (Mr. LOTT), the distinguished minority whip; and the gentleman from Oklahoma (Mr. JONES), the distinguished chairman of the House Budget Committee.

Mr. Speaker, rule 8, clause 1, of the House, says it is a Member's duty to vote on the issues of the day, "unless he has a direct personal or pecuniary interest in the event of such question." To vote on our own compensation is to violate the spirit of that sensible rule.

The independent commission created by House Joint Resolution 113 would end this blatant conflict of interest.

VOTE AGAINST MX DEPLOYMENT

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, an approval of the MX is not only the wrong decision, it is extremely dangerous. The most destabilizing and dangerous weapons systems are the fixed-point, multiple-warhead, land-based ballistic missiles. The sooner we can empty those Titan and Minutemen silos, the safer we will be. These targetable MX missiles invite danger through Soviet malice, fear, or errors. The Scowcroft Commission makes some important contributions, but approval of the MX flies in the face of everything else in that report.

We should be moving as rapidly as possible away from these kinds of weapon systems. Vote for the Trident submarines and their D-5 missiles, vote for air-mobile strategic weapon systems, and especially vote for the mobile, land-base system which is recommended, in the Scowcroft Commission report, but not for the deployment of the MX missiles. A vote for the MX will really only serve to delay the deployment of the Midgetman mobile missile.

I urge my colleagues to vote against the MX deployment.

NATIONAL TOURISM WEEK

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, I rise today to join with the over 200 cosponsors of my bill, House Joint Resolution 168, designating this Memorial Day period as National Tourism Week.

There is not a congressional district in this country that does not directly benefit from tourism, and I think it is fitting that we focus on the contribution that industry has made to the Nation's economy, employment, and balance of payments. If viewed as a single retail industry, the travel and tourism sector of the economy constituted the second largest retail industry in the country and generated 4.6 million jobs in 1981, paying $40 billion in wages and salaries and producing $18 billion in Federal, State, and local tax revenues. Travel industry employment outpaced the overall economy during the recent recession and accounted for 19 percent of all new jobs created.

Today, I would like to appeal to my colleagues to join with those of us who are already cosponsoring House Joint Resolution 168. Cosponsor this resolution so that we can pass it before the Memorial Day recess. We need 218 cosponsors to bring the bill to the floor, and at this time we are only a few short with a week to go.

WELCOME VISITORS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, notwithstanding the steady crumbling of the west front of the Capitol, I am glad to observe, as you are, I am sure, the steady stream of visitors that come to our capital to participate in their small way in the workings of Government.

Such a group, which I met very early this morning, was a group of students of the Lewisburg area high school from Union County, Pa., within the district which I represent. I am certain that after their tours and after their observances of democracy in action, they will go back better informed, better capable of themselves debating the great issues of the day, and to keep us legislators on our toes with respect to their interests, their opinions, in what we are about in this House of Representatives.

CENTRAL AMERICA IS 5 MINUTES AWAY—BY ICBM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, it is time that we took action to repair the land-based leg of our strategic triad. That is the issue here. By refusing to allow us to improve our strategic land-based systems, some of the gentlemen on the other side of the aisle would have us unilaterally forgo a critical element of our defensive system that has been a part of our national strategic doctrine through both Democratic and Republican administrations.

I am, frankly, surprised that many of the same speakers which we heard during the nuclear freeze debate say that "nothing would be frozen until our negotiators agree to freeze" any nuclear weapons system, are now advocating a unilateral freeze on our land-based systems at the very first opportunity.

Mr. Speaker, if the gentlemen on the other side of the aisle have that much trust that the Soviets will not consider defeat of the MX a victory for their imperialistic goals, I would like to point out that part of that goal, the Russian goal, is to place strategic arms in Central America, just 5 minutes away from the United States—by ICBM. Think about it.

□ 1300

THE ADMINISTRATION'S CLEAN SWEEP OF THE COMMISSION ON CIVIL RIGHTS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, in purging the U.S. Commission on Civil Rights, President Reagan has thrown down the gauntlet to all those citizens ever denied equal protection under the law because of race, color, religion, sex, age, handicap, or national origin.

The U.S. Commission on Civil Rights must be doing something right if President Reagan wants to make a clean sweep of its governing body. It must indeed be pursuing the administration's enforcement of civil right laws, which is clearly an embarrassment to President Reagan.

In transforming the U.S. Commission on Civil Rights from an independ-

ent, bipartisan agency to a partisan puppet of the Reagan administration, he is ironically lending solid support to the Commission's recent findings criticizing President Reagan's policy on civil rights.

It will not work. He will only increase our solidarity. The President wants to manipulate the U.S. Civil Rights Commission in the same way the Polish Government tries to manipulate the trade unions.

President Reagan and members of his administration have said numerous times that they acknowledge the wrongs of civil rights violations, but disagree with the remedies. This is reminiscent of the cries of "separate but equal" and "states rights" that we heard in the 1950's and 1960's.

Ronald Reagan is against civil rights remedies. What is he for? If he felt as intensely about the wrongs of discrimination as he does about the remedies, Commissioners Mary Frances Berry, Blandina Cardenas Ramirez, and Murray Saltzman would not now be threatened with replacement.

CONFLICT OF IDEOLOGIES APPARENT IN PRESIDENT'S ACTION ON COMMISSION ON CIVIL RIGHTS

(Mr. CONYERS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I come to the well of the House about the decision made by the President with reference to the U.S. Commission on Civil Rights. For the first time in the history of this Commission, a President has decided to clean house because the ideological concerns of the Commissioners he wishes to eliminate are not in conformance with his.

It is now a matter that is beyond the Black Caucus or the Women's Caucus or the Hispanic Caucus or the Leadership Conference. It is a matter that I am hoping that every Member of this body and the Senate will repair. This is an institutional breach that is now taking place.

The Civil Rights Commission has never had any enforcement capability whatsoever. It is entirely a body that makes recommendations, and for the Chairman of that Commission to ask the President to replace all of the members who do not have an ideology as conservative as his so they can comport with the administration is an affront to each and every one of us.

MILITARY SOUNDNESS LACKING IN MX AND IN BASING MODE

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, today we will be voting on the MX, but the vote will not be on its military value. No one in his right mind can argue that putting the MX in vulnerable Minuteman silos is a militarily sound decision.

Even the President, Mr. Reagan, does not argue in his Washington Post column today that it is a militarily sound decision.

No, the vote will be on sending signals to our NATO allies, on impressing the Russians with a bargaining chip, and on testing our national will. Yes, the MX sends a signal to NATO, but it will signal that we are willing to deploy first strike nuclear weapons that start nuclear wars, not deter them.

Yes, the MX is a bargaining chip. It is a bargaining chip with Congress to get Ronald Reagan to be serious about arms control. Yes, the MX is a test of our national will, but not against the Russians. This is a test of our will to stand up to the White House and the Air Force lobby.

Mr. Speaker, the President says that he will accept a builddown for the MX. Fine. I have my own builddown proposal. For every MX deployed, two administration officials who supported the MX will clean out their desks and quit. Then we will see this country move ahead rapidly with a rational arms control policy.

AN APPEAL TO RESIST ADMINISTRATION PRESSURES ON MX ISSUE

(Mr. WEISS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, I know that there are Members on the other side of the aisle who oppose the MX, and I know that many of them have been under tremendous pressure from the White House. I applaud those who have resisted that pressure, and I understand and sympathize with those who could not.

But I want to address my comments to my side of the aisle, the Democrats in the House. Last year we anticipated that with the new 98th Congress, with 26 new Democrats coming here, we would improve on the record of this House. We defeated the MX in the 97th Congress. Dare we now reverse that position with this new progressive 98th Congress? If we do, what kind of message will we be sending to the people of this country?

Mr. Speaker, I urge all my fellow Democrats to stick with their principles and not be taken in by the blandishments of the President, who has not on previous occasions kept the commitments that he made to Members of this body. I urge my colleagues to vote down the MX.

A VOTE AGAINST THE MX REINFORCES RUNAWAY PENTAGON SPENDING

(Mr. VENTO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, the MX missile vote is a spending decision with penalties and limits. If we select this MX system, we should exclude other weapons systems. We cannot just be against military spending in general.

We have to take specific steps to reduce military spending. In other words, we have to vote to delete specific weapons systems if we are going to make any progress with regard to reducing and holding military spending to reasonable limits.

Where do we start? When do we begin to place realistic and commonsense limits on the runaway Pentagon spending?

Mr. Speaker, clearly the MX is an appropriate beginning.

MODERATE DEMOCRATS HOLD KEY TO MX VOTE

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, yesterday's 3 hours of debate on the MX was interesting and informative, but I would like to say to those Members on my side of the aisle who consistently attack the President on the MX that they are attacking the wrong people.

If today we make the disastrous decision to go ahead with the MX, it is because of the Members of Congress on my side of the aisle, who because they got a letter from the President of the Untied States, have switched their position from last year. It is not the President who has switched; it is the Members on our side of the aisle who have switched.

The gentleman from New York (Mr. DOWNEY) asked those who switched because of the President's letter to tell us what they got in that letter. I will tell the Members what some of them got—not all of them, but what some of them got was a cover for a decision they had made a long time ago and just wanted to figure out how to cover themselves at home.

CONCURRENT RESOLUTION ON MX WOULD COVER PROCUREMENT, RESEARCH AND DEVELOPMENT

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, let me say to my colleagues that in a few min-

utes we will continue the debate on the MX, the issue in House Concurrent Resolution 113. We do not have the opportunity to lobby our colleagues at dinners for 2 and 3 hours to try to sell them on opposition to the MX. Yesterday we had 3 hours of debate on this important question, and I would ask my colleagues to read the RECORD.

In today's Washington Post there is a statement by President Reagan. I had sent a letter to the editors of the Washington Post, but they did not give me equal time. We have copies of my letter here which point out the facts that we already have 9,000 strategic nuclear warheads, that we are going ahead with submarine launched missiles, and we are going ahead with a variety of R&D programs.

The other thing I would point out to my colleagues is that House Concurrent Resolution 113 is not just a resolution approving R&D of an MX basing mode. When the Members hear it, and when they listen to the debate carefully, they will see it is a resolution approving both procurement and research and development of MX , and that it does not speak to the Scowcroft findings of last month.

□ 1315

THE LAST JUDGMENT

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL. Mr. Speaker, it might be at least partially appropriate at this point to quote Plato, the renowned philosopher of Greece, which ruled the world 2,000 years ago, when he said to a group of young people, "You are young, my friends, and as time goes by things will change and even reverse some of your present opinions. Refrain therefore awhile from setting yourselves up as judge of the highest matters."

Obviously, we have to judge here today. It is the judgment of this Member that this may very well be the last opportunity that we will have to force the Russians to the bargaining table. If we fail to deploy MX and this decision on our part causes the Europeans to withdraw the invitation to deploy Pershing II and cruise we may as well call our negotiators home.

I certainly hope the Members will support the MX program in order that we may get on with the business of reducing nuclear stockpiles.

ANNUAL REPORT ON OPERATION OF THE ALASKA RAILROAD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Tuesday, May 24, 1983.)

TEMPORARY EXTENSION OF CERTAIN INSURANCE PROGRAMS RELATING TO HOUSING AND COMMUNITY DEVELOPMENT

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 265) to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "May 21, 1983" in the first sentence and inserting in lieu thereof "October 1, 1983".

(b) Section 217 of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 221(f) of such Act is amended by striking out "May 20, 1983" in the fifth sentence and inserting in lieu thereof "September 30, 1983".

(d) Section 235 of such Act is amended—

(1) by striking out "May 20, 1983" in subsection (m) and inserting in lieu thereof "September 30, 1983"; and

(2) by striking out "May 20, 1983" in subsection (q)(1) and inserting in lieu thereof "September 30, 1983".

(e) Section 236(n) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(f) Section 244(d) of such Act is amended—

(1) by striking out "May 20, 1983" in the first sentence and inserting in lieu thereof "September 30, 1983"; and

(2) by striking out "May 21, 1983" in the second sentence and inserting in lieu thereof "October 1, 1983".

(g) Section 245(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(h) Section 809(f) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(i) Section 810(k) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(j) Section 1002(a) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(k) Section 1101(a) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

FLEXIBLE INTEREST RATE AUTHORITY

SEC. 2. Section 3(a)(1) of Public Law 90-301 is amended by striking out "May 21, 1983" and inserting in lieu thereof "October 1, 1983".

FLOOD INSURANCE

SEC. 3. (a) Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 1336 (a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

CRIME AND RIOT INSURANCE

SEC. 4. Section 1201(b) of the National Housing Act is amended by striking out "May 20, 1983" in paragraph (1) and inserting in lieu thereof "September 30, 1983".

RURAL HOUSING

SEC. 5. (a) Section 515(b)(5) of the Housing Act of 1949 is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 517(a)(1) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 523(f) of such Act is amended by striking out "May 20, 1983" each place it appears and inserting in lieu thereof "September 30, 1983".

EXEMPTION OF FEDERAL HOME LOAN MORTGAGE CORPORATION SECURITIES FROM SECURITIES REGULATIONS

SEC. 6. Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following new subsection:

"(g) All securities which are issued or guaranteed by the Corporation, which are identical to the types of securities issued or guaranteed by the Corporation prior to the enactment of this subsection, and which are backed by the same type or types of obligations, if any, as the obligations backing securities issued or guaranteed by the Corporation prior to the enactment of this subsection (other than securities guaranteed by the Corporation and backed by mortgages not purchased by the Corporation) shall, to the same extent as securities that are direct obligations of or obligations guaranteed as to principal or interest by the United States, be deemed to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission. Nothing in this subsection limits the authority of the Secretary of the Treasury under section 3 (a)(12) of the Securities Exchange Act of 1934 to designate securities issued or guaranteed by the Corporation as exempted securities.".

FHA INSURANCE AUTHORITY

SEC. 7. During fiscal year 1983, the limitation on additional commitments to guarantee loans to carry out the National Housing Act is increased by $5,000,000,000.

The SPEAKER pro tempore. The Clerk will report the proposed amendment.

The Clerk read the House amendment to the Senate amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert:

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "May 21, 1983" in the first sentence and inserting in lieu thereof "October 1, 1983".

(b) Section 217 of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 221(f) of such Act is amended by striking out "May 20, 1983" in the fifth sentence and inserting in lieu thereof "September 30, 1983".

(d) Section 235 of such Act is amended—

(1) in subsection (m), by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983"; and

(2) in subsection (q)(1), by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(e) Section 236(n) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(f) Section 244(d) of such Act is amended—

(1) by striking out "May 20, 1983" in the first sentence and inserting in lieu thereof "September 30, 1983"; and

(2) by striking out "May 21, 1983" in the second sentence and inserting in lieu thereof "October 1, 1983".

(g) Section 245(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(h) Section 809(f) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(i) Section 810(k) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

(j) Section 1002(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(k) Section 1101(a) of such Act is amended by striking out "May 20, 1983" in the second sentence and inserting in lieu thereof "September 30, 1983".

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

SEC. 2. Section 3(a)(1) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968 (12 U.S.C. 1709-1(1)), is amended by striking out "May 21, 1983" and inserting in lieu thereof "October 1, 1983".

EXTENSION OF RURAL HOUSING AUTHORITIES

SEC. 3. (a) Section 515(b)(5) of the Housing Act of 1949 is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 517(a)(1) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 523(f) of such Act is amended by striking out "May 20, 1983" each place it appears and inserting in lieu thereof "September 30, 1983".

EXTENSION OF FLOOD, CRIME, AND RIOT INSURANCE PROGRAMS

SEC. 4. (a) Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 1336(a) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(c) Section 1201(b)(1) of the National Housing Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

EXEMPTION OF CERTAIN FEDERAL HOME LOAN MORTGAGE CORPORATION SECURITIES FROM SECURITIES REGULATIONS

SEC. 5. Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following new subsection:

"(g) All securities issued or guaranteed by the Corporation (other than securities guaranteed by the Corporation that are backed by mortgages not purchased by the Corporation) shall, to the same extent as securities that are direct obligations of or obligations guaranteed as to principal or interest by the United States, be deemed to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission.".

EXTENSION OF EXPERIMENTAL HOUSING ALLOWANCE SUPPLY PROGRAM

SEC. 6. (a) Section 504(b) of the Housing and Urban Development Act of 1970 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1), the Secretary shall, to the extent approved in appropriation Acts, extend the annual contributions contracts for the experimental housing allowance supply program through September 30, 1989, on the same terms and conditions as the original contracts, for the sole purpose of providing assistance for homeowners participating in such program on June 1, 1983. In extending such contracts, the Secretary may, to the extent approved in appropriation Acts, use authority available under section 5(c) of the United States Housing Act of 1937.".

(b) The amendments made by this section shall become effective on October 1, 1983.

Mr. GONZALEZ (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MCKINNEY. Reserving the right to object, Mr. Speaker, I do so to yield to the chairman of the Subcommittee on Housing and Community Development to explain exactly what we are doing here today.

Mr. GONZALEZ. Mr. Speaker, House Joint Resolution 265, which provides for temporary extension of certain insurance programs relating to housing and community development, the Farmers Home Administration, and insurance programs administered by the Federal Emergency Management Agency, was considered by the House last week on Tuesday and was passed by a vote of 418 yeas to 6 nays. Last Friday, the Senate, in its consideration of this joint resolution, amended the resolution so that we were unable to send this extender to the President prior to the expiration of authorities last Friday at midnight. We have discussed the changes made to the resolution with the Senate yesterday and have worked out an agreement that is contained in the amendment that is being proposed here.

The Senate amendment would have striken the provision included in the resolution by our colleague from Indiana (Mr. HILER) which extends the emergency housing allowance program. We have agreed to extend the program in this amendment by another 5 years rather than 10 years as was contained in the resolution as it passed the House last week. In addition, the Senate added a $5 billion increase in the amount of FHA-insuring authority that was recommended by the President last week in a speech before the National Association of Home Builders. Since this proposed language is an appropriation's matter and the Appropriations Committee is considering this increase in the supplemental appropriations bill, we felt that it was better procedure to allow the Appropriations Committee to consider this administration request. I would point out, Mr. Speaker, that there is no danger of FHA bumping the ceiling on the amount of mortgage insurance it may write. This request would increase the amount available later in the year. We have dropped a technical change in the section 235 homeownership program that the Senate raised questions about. Since this matter is contained in H.R. 1, the housing authorization bill, and will be considered in the normal authorization process, this matter will be discussed with the Senate when we go to conference on this year's housing authorization bill.

Finally, Mr. Speaker, the House resolution would have exempted from SEC registration requirements preferred stock issued by the Federal Home Loan Mortgage Association. The Senate amendment went beyond the intent of the House provision. We have reviewed the Senate amendment and our proposal contained in this amendment today clarified that securities issued or guaranteed by the Federal Home Loan Mortgage Corporation (FHLMC) shall be considered exempt securities under the Federal securities laws. The exempt status will extend to all securities issued or guaranteed by the Corporation except securities backed by mortgages not purchased by the Corporation. This provision is intended to clarify that any issuance of preferred stock, or other debt or equity instruments that have been or will be issued by the Corporation, are exempt securities within the meaning of SEC laws. The provision is also intended to provide parity between FHLMC and FNMA, which has such a statutory exemption.

Mr. Speaker, I urge the prompt adoption of this extender resolution.

Mr. McKINNEY. Further reserving the right to object, Mr. Speaker, these programs expire at midnight, Friday. This means that for the last 4 days, the United States has not had any housing insurance program extant. This delay cannot be allowed to go on any longer.

I urge that this body, as well as the Senate, immediately move to bring back this program, which is entirely and totally vital to our housing efforts in this country.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas to dispense with the reading of the amendment?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that the votes on motions to suspend the rules postponed on Monday, May 23, 1983, will be taken after the vote on House Concurrent Resolution 113, which is the MX resolution, and the Chair will reduce these votes to a minimum of 5 minutes each, if a 15-minute recorded vote is ordered on House Concurrent Resolution 113.

GENERAL LEAVE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution (H. Con. Res. 113) approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode, and that I may be permitted to include certain tables and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

APPROVING THE OBLIGATION AND EXPENDITURE OF CERTAIN FUNDS FOR THE MX MISSILE

Mr. ADDABBO. Mr. Speaker, pursuant to Public Law 97-377, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 113) approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ADDABBO).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, House Concurrent Resolution 113, with Mr. MINETA in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. When the Committee of the Whole rose on Monday, May 23, 1983, the gentleman from New York (Mr. ADDABBO) had 1 hour and 38 minutes of debate remaining, and the gentleman from Alabama (Mr. EDWARDS) had 1 hour and 43½ minutes of debate remaining.

The Chair recognizes the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. Mr. Chairman, in supporting the recommendations of the Scowcroft Commission, which includes the release of further MX research and development funds, I believe an important first step has been taken. For the first time in the debate on the MX and for the first time in the debate on U.S. strategic modernization, arms-production decisions have been linked with arms-negotiation positions. My decision to support the Commission's recommendations as a package was made only after this vital link was endorsed by the President. By embracing the Scowcroft Commission's recommendations, I believe the administration has made important changes in both its pursuit of arms negotiations with the Soviets, and in the manner in which solutions are reached to the problem of American security needs. I have concluded it is advisable to continue MX research and development to allow the President the greatest flexibility and opportunity during arms negotiations with the Soviets. The United States must approach negotiations from a position of strength and equal capabilities.

The President's acceptance of the Scowcroft Commission's proposals has brought together Congress and the administration in the pursuit of bipartisan answers to the questions of future American security needs. To win approval of the additional research and development funds for the MX, the President has stated his willingness to expand and continue the use of a bipartisan advisory commission. In a letter to a former House opponent of the MX, the President points to the merit of a panel with bipartisan composition to provide continuity and stability in future, controversial, strategic decisions.

Approval of the release of additional research and development funds also brought from the President a commitment to review current U.S. positions at the START negotiations. The President committed himself in general terms to a new builddown approach. This arms-control proposal calls for the reduction of two nuclear weapons for every new weapon deployed by the Soviets and the United States. This approach offers the possibility of maintaining nuclear deterrence while reducing nuclear weapons.

One other example of moderation in the President's position is his acceptance of the single warhead Midgetman missile. Not only does a single warhead missile offer increased survivability, but it too offers the possibility of a less destabilizing nuclear deterrent. By moving to the Midgetman missile, the United States can maintain a survivable deterrent force while achieving an overall reduction in nuclear megatonnage.

Finally, before I made the decision to support the Scowcroft recommendations and release of additional MX research and development funds, the President stated that future production and deployment levels for the MX will be linked to Soviet strategic programs and arms-reductions agreements. This change in the President's position indicates a willingness to limit MX production and deployment if corresponding actions are taken by the Soviets. While the President firmly believes the MX to be essential to U.S. security, he is no longer advocating full production and deployment as nonnegotiable positions.

I continue to reserve judgment of future votes to actually produce and deploy the MX and will make independent decisions on these matters. I believe the Scowcroft Commission recommendations must be maintained as a comprehensive package. I believe the link between strategic arms modernization and arms negotiations must be upheld. Arbitrary changes in the Commission's recommendations by the administration will affect my future positions. However, I believe the President has made important, far-reaching changes and that Congress and the administration now have the chance to bring stability, continuity, and consensus to America's strategic defense decisions.

There is no doubt that today's vote on the MX will have a significant impact on our strategic nuclear deterrent and on the future direction of our arms-control negotiations with the Soviet Union. These two considerations are enough to make this issue one of the most important defense votes we will ever make as legislators.

But our decision will also have a telling impact on our NATO Alliance. If NATO is to maintain a meaningful deterrent posture, it must have a full spectrum of credible military capabilities. Credibility is the key word. The problem of deterring the threat of nuclear war cannot be isolated from the overall power balance between East and West, between NATO and the Warsaw Pact.

Unless NATO maintains its resolve to sustain a credible military posture, the deterrent quality of the alliance will inevitably be weakened. And it is here where our vote today will materially affect NATO's deterrent posture. Time and Again, a large number of senior European officials have made it absolutely clear that there is a linkage between U.S. strategic modernization and the deployment of the Pershing II and GLCM missiles in Europe. They say:

> How can we expect our much more densely populated countries to accept new intermediate-range nuclear deployments if the United States, with its enormous land mass, cannot agree to such an essential modernization program?

Calm persistence is central to deterrence, both at home and together with our allies. A vote today for MX research and development will provide the hope and resolve that both we and our alliance partners must demonstrate if we are to prepare the way to a more secure future. The combined strength of NATO and the United States improves our negotiating posture with the Soviets.

Mr. ADDABBO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, as we watch this debate, I would again ask the Members to read yesterday's RECORD, and also to read the resolution that is before us.

The resolution, contrary to what the President said in today's Washington Post, does not concern far more than one piece of military hardware. It concerns only MX procurement and a basing mode. It does not address the Scowcroft report. It does not address arms control. It simply speaks of the MX procurement and a basing mode.

If anyone thinks they are voting for MX R&D and not voting for MX procurement they are mistaken. They are voting today for procurement and a basing mode, but they are not voting for the Scowcroft findings. Those are not before this body.

If my resolution had been made in order by the Rules Committee, the Scowcroft findings would have been before the body; but today we are voting simply on procurement and a basing mode of the MX.

Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, I rise today in strong opposition to House Concurrent Resolution 113, a resolution to approve the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode.

For the past decade, the Congress and the American people have been told that the MX was being developed because our Minuteman ICBM's were increasingly vulnerable to Soviet attack. Now, the Scowcroft Commission on Strategic Forces is recommending that we deploy the MX missile in existing Minuteman missile silos. I submit, Mr. Speaker, that this proposed basing mode is extremely vulnerable; deploying the MX in this basing mode will in no way add to our national security.

Mr. Chairman, I submit for the record a list of some 35 proposed basing modes considered by the Air Force for the MX. This list includes an exhaustive array of invulnerable options for the MX. The simple truth is that if there were an invulnerable basing mode for the MX, the Congress would have approved it some time ago. The implication, Mr. Speaker, is that there is no invulnerable land-based basing mode for ICBM's in general and the MX in particular. In addition, in October 1981, this administration proposed placing the MX in existing Minuteman silos as an interim basing mode. The Congress vetoed this plan in 1982 on the grounds that it was too vulnerable to Soviet attack.

In fact, an Air Force study estimates that only 1 MX missile out of 100 would survive a Soviet surprise attack in 1989. A September 15, 1982, Air Force report entitled "MX Permanent Basing (Draft)" found that deploying the MX missile in Minuteman silos fails to meet three primary Air Force requirements: Survivability, strategic stability, and resilience. Most recently the Air Force admitted: "Yes, it is true that the individual Peacekeeper (MX) missile will be just about as vulnerable as is the Minuteman * * *" (May 16, 1983).

Even Secretary of Defense Caspar Weinberger has expressed doubts about the MX in this proposed basing mode: "We have examined literally hundreds of possible options. We have reached the conclusion that there isn't any ground-based system that is survivable." (Oct. 5, 1981) and "I would feel that simply putting it (the MX missile) into the existing silos would not answer two or three of the concerns that I have; namely, that these are well-known and are not hardened sufficiently, or could they be, to be of sufficient strategic value to count as a strategic improvement of our force." (Jan. 6, 1981).

The major reason for building the MX in the first place was the vulnerability of our existing Minuteman missiles to the new Soviet missiles capable of destroying hardened, small targets. The Scowcroft Commission talks vaguely of hardening existing silos, but military experts agree that no land-based missile silo can be hardened sufficiently to withstand Soviet SS-18 and SS-19 missiles. In addition, the Scowcroft Commission admits that there is no longer any such thing as an invulnerable land-based missile silo. The original rationale for developing the MX has thus disappeared.

Deployment of the MX in this basing mode will in no way add to our national security, in fact, it would present a high-value target in a vulnerable basing mode which would invite a first strike by the Soviets. In addition, the MX would be our premier first-strike weapon. The missile provides the United States with a time urgent, hard-target kill, high-accuracy capability. No prompt hard-target kill is needed in the U.S. arsenal, unless we are seeking a first-strike capability—a capability which is inconsistent with a force structure dedicated to deterrence. A decision to deploy the MX adds nothing to the survivability of our Triad, and will instead lead both the United States and the Soviet Union to adopt policies of launch on warning to prevent their respective missiles from being destroyed in their silos.

Mr. Chairman, if the United States cannot utilize the MX after a Soviet attack because the majority of the missiles would have been destroyed, and if official U.S. policy states that we will not utilize the MX before a Soviet attack, we are left with a missile without a mission. Our national defense posture is based on deterrence. The present danger stems not from U.S. military inferiority, but from the belief on the part of the Soviets that the U.S. military is inferior. By refusing to deploy the MX, will we not make a forceful statement to the Soviets of strong confidence in our present strength? Rejection of the MX would demonstrate that we ourselves are confident in the strength of our deterrent. It would also signify to the Soviets and the rest of the world that we are serious about arms control. I urge rejection of this resolution.

ICBM BASING OPTIONS CONSIDERED THUS FAR

1. Launch Under Attack (LUA).
2. Orbital Based.
3. Shallow Underwater Missile (SUM).
4. Hydra.
5. ORCA.
6. Ship—Inland.
7. Ship—Ocean.
8. Sea Sitter.
9. Wide Body Jet (W.B.J.).
10. Short Takeoff and Landing (STOL).
11. Vertical Takeoff and Landing (VTOL).
12. Dirigible.
13. Midgetman.
14. Hard Rock Silo.
15. Hard Tunnel.
16. South Side Basing.
17. Sandy Silo.

18. Commercial Rail.
19. Dedicated Rail.
20. Off-Road Mobile.
21. Ground Effect Machine (GEM).
22. Road Mobile (Minuteman).
23. Road Mobile (New Missile).
24. Covered Trench.
25. Hybrid Trench.
26. Dash to Shelter.
27. Mobile Front End.
28. Pool.
29. Minuteman/MPS.
30. MX/MPS.
31. Continuous Airborne Aircraft.
32. Deep Underground Basing.
33. Ballistic Missile Defense (BMD).
34. Dense Pack.
35. +MX in Minuteman silos and Midgetman.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. RATCHFORD. I am happy to yield to the gentleman.

Mr. AuCOIN. Mr. Chairman, the gentleman forgot to mention that the Defense Department even considered the dirigible. Let us not forget the dirigible basing mode.

Mr. RATCHFORD. Well, the gentleman is correct. I did not view that as a land-based option, so I will save that for future discussion.

In looking again at options, I think we need to look at what the experts have said. In my 1-minute statement, I quoted Secretary Weinberger. I would like to quote him again. He said:

In January, 1981, I would feel that simply putting it, the MX missile, into the existing silos would not answer two or three of the concerns that I have, namely, that these are well-known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our force.

So here is the Secretary of Defense saying, in effect, that you cannot harden it enough to leave it anything other than in a position of extreme vulnerability.

Now let us look at cost. We are told that the cost is somewhere below $2 billion. I am reminded of a song that was popular when I was growing up. It was entitled, "We have only just begun." If we believe the figures that are being laid out there today, we really believe that we have not just begun. Today is the beginning of a journey that will take a thousand steps and a thousand miles, but today is the day to turn it around.

Finally, the third question, Are there other options? Clearly, there are other options. The Trident submarine, for those who would look at it as a basing mode for the MX; the advanced bomber that is now being developed, whether it is the B-1 or the Stealth, is another option.

So, Mr. Chairman, it is time today to put to rest this turkey, that is what it is, and let it rest once and for all. Do not let it rise again like the Phoenix.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, Teddy Roosevelt said it: "Again and again we have owed peace to the fact that we were prepared for war."

John F. Kennedy said it: "Only when our arms are sufficient beyond doubt can we be certain that they will never be employed."

Thomas Jefferson said it: "Eternal vigilance is the price of liberty."

Eternal vigilance for the United States as the leader in protecting the liberty of the free world is a modern and effective system of deterrents. MX, or as it more accurately should be described, Minuteman IV, is another step in the continuous modernization of our forces.

I am baffled by those who claim that modernization of the Minuteman system would be destabilizing. How can this possibly destabilize the Soviets, who are already leaping ahead with their own modernization?

Former Secretary of Defense Harold Brown put it so aptly in testimony before the House Budget Committee during the Carter administration. He said, "When we build, they build. When we cut, they build."

The MX is the first new U.S. land-based missile in 13 years, a period during which the Soviets have deployed a whole new generation of land-based ICBM's.

The Soviet ICBM force currently consists of 550 SS-11's, 60 SS-13's, 150 SS-17's, 308 SS-18's, and 330 SS-19's. These missiles carry some 6,000 nuclear warheads. Presently, the great majority of the 17's, 18's, and 19's are equipped with MIRV's. By the mid-1980's the Soviets are expected to complete their current ICBM modernization programs for fourth-generation systems. At that time, they will have 520 SS-11's, 60 SS-13's, 150 SS-17's, 308 SS-18's, and 360 SS-19's. When this deployment is finished, the force will have some 6,400 warheads.

The Soviets also have contingency plans for reloading and refiring ICBM's from launchers that already have been used to fire an initial round. The cold-launch technique employed by the SS-17 and SS-18 lends itself to such a reload capability. Additionally, all currently deployed liquid-propellant ICBM's—SS-11, SS-17, SS-18, and SS-19—are contained in a launch canister within the silo. This and the silo design minimize damage to the launcher during the initial firing and give the Soviets the capability to reload each of these launchers.

To quote the Scowcroft Commission report:

While Soviet operational missile performance in wartime may be somewhat less accurate than performance on the test range, the Soviets nevertheless now probably possess the necessary combination of ICBM numbers, reliability, accuracy, and warhead yield to destroy almost all of the 1,047 U.S. ICBM silos, using only a portion of their own ICBM force.

The Commission further noted:

The U.S. ICBM force . . . is inadequate to put at serious risk more than a small share of the many hardened targets in the Soviet Union.

Examination of the Carter years illustrates the fallacy of trying to gain stability by reducing U.S. commitments.

Our reward for restraint was Afghanistan, adventurism in Africa and the Middle East, plus a buildup in Cuba.

How quickly we have forgotten Soviet cynicism. I cite the nonagression pact between Stalin and Hitler that swept away the freedoms of the 35 million people of Poland like so much chaff, an agreement with a secret protocol that divided Poland, like vultures picking over the carcass of this prostrate nation. I cite the building of 1,381 kilometers of steel and machineguns stretching from the Baltic Sea to Thuringer Wald that, imprisons the people of Eastern Europe.

□ 1330

On October 30, 1956, the iron boot of oppression, backed by the tanks and guns, snuffed out the flickering flame of freedom in Hungary.

On August 20, 1968, 12 years later, just as in Hungary, the people of Czechoslovakia felt the cold hand of an oppressor at their throats as they gasped for the air of freedom.

Robert Conquest in his book "The Great Terror" estimated that between 1936 and 1950 the Gulag prison and labor camps held an average of 8 million prisoners at any given time.

I cite the infamous Berlin Wall and the denuding of Europe following World War II—what a sharp contrast between two societies, one that rebuilt the enemy with the Marshall Plan aid, the other that picked clean the devastated economic bones of their occupied territories, a society that denies people fundamental rights.

Just last week this body passed a resolution by 420 to 0 condemning Soviet action toward Andrei Sakharov, who was awarded the Nobel Prize for Peace for his work for world peace and human rights.

He is cut off from his family and friends, from intellectual and personal contact with his scientific colleagues. His health has been adversely affected. He is paying a price most of us would consider intolerable. It is the price of freedom of spirit. It is the price of moral courage and human dignity in the Soviet Union.

I have wrestled with the MX basing issue for 7 years as a member of the Military Construction Subcommittee of the Appropriations Committee. Our subcommittee spent 1 day in Utah in 1979 listening to testimony about the merits and demerits of the Carter racetrack; likewise in 1982 we heard extensive testimony on dense pack.

Most recently we visited Fort Warren in Cheyenne, Wyo., where the Minuteman III is based. I opposed both the racetrack and the dense pack.

The issue today is development and deployment of a modern version of Minuteman III.

Past MX controversy has been basing. During my time in Congress four Presidents of both parties have endorsed the need for a new land-based Minuteman.

Let us not kid ourselves. We are dealing with a tough, pragmatic adversary. History has shown very clearly that they understand only strength.

Remember the line from volume I of "The Life of Reason": "Those who cannot remember the past are condemned to repeat it."

To fail to go forward with a modest step in modernizing our ICBM force would be a grievous mistake.

Franklin D. Roosevelt, who had more experience with a turbulent world than any other 20th-century President, put the issue clearly. He said in October 1944 in a foreign policy speech:

> Peace, like war can succeed only where there is a will to enforce it, and where there is available power to enforce it.

The wisdom of this four-term President with firsthand experience in negotiating with the Soviets is as cogent in 1983 as it was in 1944.

History has shown that peace without strength is an illusion. In order to secure our freedoms we must preserve our might.

I urge a vote in favor of the resolution.

Mr. ADDABBO. Mr. Chairman, I yield 6 minutes to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Chairman, the House has just been told that what we are confronted with here is a "modest step." I want to suggest to every Member on the floor that this is no modest step we are confronted with today.

There has been no strategic weapons system—I repeat, no strategic weapons system—that has ever passed this stage of funding and then been permanently canceled. This, my friends, is the moment in which the genie leaves the bottle unless we decide to exercise our good judgment and keep it inside the bottle.

So, my colleagues on the Democratic side of the aisle who have tried to "negotiate" arms control assurances with the administation, and suggest to us that we can proceed with incremental little steps of funding with the MX, and can interdict it and stop it at any time if the administration misbehaves, are sadly mistaken. The whole history of the last 30 years shows that once we pass this stage of long-range engineering and flight testing, there is no turning back.

We are making a commitment, an institutional commitment, that I believe we will live to regret if we release this funding.

My colleagues should keep in mind the total context within which we are operating as we consider this issue today. We ought not to be dealing with fiscal responsibility only on the side of domestic spending, for instance. I listened on the floor the other day on the mortgage foreclosure bill. It was a little program that would offer a small amount of help to people who are in danger of losing their homes because of the depression and recession, and I heard a lot of rhetoric about how terrible the budget crisis is and what a calamity we are faced with, a $200 billion deficit.

I want to suggest to you that if you look out beyond the beltway that encircles Washington, D.C., the folks out there who are concerned about the deficit do believe that we need to keep domestic spending reined in but they do not believe that military spending should in any way be exempt from this exercise.

What we have today is the first test vote on whether or not this Congress and this House is going to respond to the public's overwhelming desire for reductions in military spending—particularly long-range spending—the full cost of which will not be seen for years and years to come, which is the case in every major military procurement program.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from New York.

Mr. DOWNEY of New York. I want to explore with the gentleman one of the arguments that is raised and has been raised by the gentleman from Wisconsin (Mr. Aspin), and others that the MX missile is necessary not as a bargaining chip but as an instrument to force the Soviets to the bargaining table, to deal realistically with their land-based missiles.

I want to just ask the gentleman if he believes, as I do, that the reason the Soviets have been at the bargaining table since 1969 has something to do with the fact that their land-based missiles are threatened but has a lot more to do with the fact that 260 million Russian lives are threatened, that the survival of the Soviet society as they know it is threatened, and that it is preposterous to think that rational leaders, as hard-bitten even as the Soviets may be, would think that land-based missiles that dot the Soviet Union are more important than the survival of their own people.

Could the gentleman comment on that?

Mr. AuCOIN. I could not agree with the gentleman more. I listened very carefully to the testimony before the Defense Appropriations Subcommittee by General Scowcroft, by Caspar Weinberger, by the whole parade of witnesses who were trying to suggest that the Congress ought to approve this missile. The question I put to them repeatedly was, why would a military planner in the Soviet Union find no value whatsoever in the entire industrial capacity of the Soviet Union, which is already at risk, based on the current arsenal of the United States.

Mr. DOWNEY of New York. And has been at risk since the early 1950's and will continue to be at risk whether the MX is deployed or not.

Mr. AuCOIN. The only reason anyone should consider voting for an MX is, if you believe Russian human beings are so far removed from the human race that they place no value in anything but their silos and their hardened military targets. Not there industry, their economy, their people, and all their institutions.

This leads me, to the mission of this missile. This missile will be credible as a deterrent only if it has a credible mission.

So what is its mission? First strike? We do not need a hard target kill capacity in an ICBM unless we want to strike first. But we are told that is not our policy, for moral reasons.

Then is its mission a retaliatory strike? No, because they cannot survive in a vulnerable base; they will not be there. Moreover, a retaliatory strike would be aimed at silos that have already been emptied by the Soviet Union. If they are already emptied, our Minuteman III missiles are amply capable of destroying those targets, plus the entire industrial base of the Soviet Union.

□ 1340

So if we do not need it for a first strike, if we cannot use it for a second strike, will someone tell the American people why Congress should approve $20 billion at a time of a $200-billion deficit?

Mr. Chairman, this resolution asks Congress to approve the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode for the MX missile.

If we approve it, we release $625 million in 1983 funds for procurement and flight testing. But what we really do is make a downpayment on what will be at least a $20 billion, but more likely, $40 billion program before it is completed. This downpayment is not some small, initial step in a funding process that is likely to be reversed at some unspecified point in the future. No major strategic weapons system, regardless of deficiencies, has ever been permanently terminated after passing through the funding step we are being asked to take.

And we will be approving the MX missile in a ludicrous basing mode already defeated once by Congress, in the Senate in December 1981, by a 90-to-4 vote.

We have seen basing modes come and go, 39 to be specific. We had orbital based, shallow-underwater missile, HYDRA, ORCA, ship-inland, ship-ocean, sea sitter, wide body jet, short takeoff and landing, vertical takeoff and landing, dirigible, midgetman, hard rock silo, hard tunnel, south side basing, sandy silo, commercial rail, dedicated rail, off-road mobile, ground effect machine, road mobile midgetman, road-mobile new missile, covered trench, hybird trench, dash to shelter, mobile front end, pool, Minuteman/MPS, MX/MPS, continuous airborne aircraft, deep underground basing, ballistic missile defense, Densepack, and now Duncepack.

This new, but old, plan is fatally flawed. Even Secretary Weinberger said as much on January 6, 1981. He would not say it now, because it is clearly part of a political deal to get the MX any way the President, and the Air Force, can get it—even if they have to go so far as sounding serious about arms control. General Vesey, Chairman of the Joint Chiefs of Staff has mentioned that we could base the darn thing in a parking lot for all he cares, just so we have an MX.

But what Secretary Weinberger said in December was:

I would feel that simply putting it (the MX) into existing silos would not answer two or three of the concerns that I have: Namely, that these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces.

I fail to see what, if any, progress we have made, or how we demonstrate our national will, by telling the world we have got a vulnerability problem that we can not seem to solve so we will pretend it is not there, and further tempt the Soviets to launch a preemptive strike against a very inviting target—100 new, potent, accurate, hard-target kill capability missiles armed with 10 nuclear warheads each. This is an obvious threat to the Soviets land-based arsenal, and one they will respond to by matching, not by negotiating over.

If there is any economic or military logic in spending at least $20 billion for a dangerous first strike weapon that might come on line by 1986 and be good for 3 years when this country is facing $200 billion deficits for a good number of years to come, it escapes me. Even the Air Force recently reported that by 1989 the Soviet Union could have so many counterforce nuclear warheads that as little as 1 percent of our ICBM force might survive attack. The Congressional Budget Office estimates that 100 MX missiles in current silos would add only 3 to 5 percent of surviving counterforce warheads in 1990, and a mere 1 percent or less by 1996.

The Federal Treasury is not a big reservoir with a faucet that we can turn on and off. The President would have it gush forth for military spending and slowly dry up for domestic programs. It is not only fiscally irresponsible, it is dangerous to our national security to spend precious taxpayer's dollars unwisely. I do not quarrel with spending what we have to provide this country with the best defense we can get. But I do quarrel with throwing it away on weapons systems that cannot be justified for their military role. The security of this Nation depends a great deal on our economic stability. So far, it has been one of the areas where we have always had a terrific edge on the Soviets. But if we go ahead and say fine, what is $20 billion for a deadly missile with no mission, where do we stop? And how then do we start to control the budget, and the deficit?

The President did a remarkable thing the other day. First, he greeted a group of businessmen and asked them to twist arms up here on Capitol Hill to coerce Members into buying the misbegotton MX. Then he spoke to the National Association of Homebuilders and said that Congress was solely responsible for our budget deficits because we failed to cut "irresponsible spending." I know better than to think he would change his mind on the MX and help us, in his words, show "the discipline to rein in the budget monster." His remarks appear to deny that he has been a sitting President for 2 years who has received close to 100 percent of what he has asked for in the budget.

He accused us of running around with credit cards that have run out of credit and asking the American people to raise the limit. Well, the same thing applies to defense budget as to any other part of the budget monster. As far as the President is concerned, the sky appears to be the limit for defense, we do not even need a credit card.

I would like, for the record, to run through what some prominent Americans have had to say recently about military spending in relation to our economic crisis:

Six former Cabinet members: Peter Peterson, Michael Blumenthal, John Connally, Douglas Dillon, Henry Fowler, and William Simon:

There is no reason to believe that throwing money at defense now will achieve more satisfactory results than throwing money at social programs in the 1960's. History teaches us that no nation can long maintain a strong foreign policy without a strong economy. One need only look at countries whose economies have declined to see how rapidly they have turned inward, become absorbed with protectionist measures, and faded as major forces in the world.

Former Secretary of Defense Robert McNamara, former Secretary of State Cyrus Vance, Adm. Elmo Zumwalt and McGeorge Bundy have stated:

The economic foundations of our national security, which are every bit as important as the defense component, have been undermined. The U.S. faces an economic problem of immense proportions . . . It would be folly for the U.S. to underfund its defense needs. It would be equally reckless to employ those resources indiscriminately for defense, especially when there are other vital uses for them and when the U.S. has no interest in spurring the arms race.

Business Executives for National Security:

BENS has concluded that the military advantages of the MX are too questionable—and the security risks far too great—to merit any further spending on the production and deployment of this costly, marginal, and destabilizing weapons system.

Bernard O'Keefe, chairman of the National Association of Manufacturers and chairman of EG&G, a Fortune-500 corporation with many defense contracts, has written:

The spiral that is choking our economy must be broken. The place to start is with the deficit. Critics claim that (cutting the budget) will adversely affect our well-being and our national defense. To the contrary, our well-being and our national security will be better served by a strong and viable economy. The MX system is unnecessary and should be scrapped.

Even the Heritage Foundation opposes this MX plan:

Putting MX missiles in Minuteman silos is not the answer. It does not contribute to strategic stability, and it would give the Soviets an even greater incentive to launch a preemptive strike.

And Mary McGrory put it most succinctly in her column last week:

You would think the President might be embarrassed to be saying, in effect, that without the MX he was only kidding about arms control up to now. But with customers like Congress, which is dying to buy a bill of goods, there is no need to be self-conscious.

What I really think we ought to focus on, at least for a few moments, is what has actually happened to Congress and to the President since December, just 5 months ago, when Congress overwhelmingly defeated the dense pack basing mode for the MX.

The President has had a lot of trouble since then from the American people and the Congress. The Senate took the unprecedented action of moving his nominee for the head of the Arms Control and Disarmament Agency, Kenneth Adelman, to the floor of the Senate without a positive recommendation. Pressure built up from within the United States and from our NATO allies for the President to recognize the futility of his zero-zero proposal for the Soviet Union with 70 percent of its strategic forces land based as opposed to our 25 percent. He took a beating from the House and Senate on his $2 trillion, 5-

year military spending spree request. The Committee of American Roman Catholic Bishops stuck to their guns and asked for a "halt" not a "curb" to the nuclear arms race. And then the House passed the nuclear freeze resolution despite a major campaign by the White House to defeat it—clearly a vote of no confidence in his arms control efforts.

The President simply had to have a win. He wants it to be the MX. And he just might get what he wants, but not without the help, I am sad to note, of some friends and colleagues who have been bought off on a political deal which makes no sense whatsoever.

In the Washington Post today, the President asks us to believe we have got to have the MX—not to improve our strategic forces—but as a "key to arms control." This, is the essence of the political deal that has been cut. The President gets the MX and Congress gets a statement of sincerity by Ronald Reagan on his commitment to arms control.

The President wrote, and I quote, "In a matter of hours, the Congress will vote on a question of vital concern to all Americans—one of the most important votes involving arms reduction it may ever be called on to cast."

I am not only stunned, I am furious over the outright distortion of his remarks. What extraordinary mental gymnastics. We build 100 MX missiles, each tipped with 10 nuclear warheads—1,000 new nuclear weapons—and that is arms reductions?

This resolution has absolutely nothing to do with arms reductions. It has nothing to do with arms control. It is the antithesis of arms control.

But what my friends who opposed the MX missile in December, and who now approve it based on some vague commitments from the President, fail to recognize is what the "bargaining chip" we have heard so much about really is. The MX is not going to be a bargaining chip with the Soviet Union for arms reductions. Instead, it is a bargaining chip held out to Members of Congress.

When Congress defeated dense pack, it did not ask the President to report back to us on how to base the MX to best give us "arms control leverage," or to explain it as a "demonstration of national will." Congress directed him to submit a report containing detailed assessments of dense pack, and other optional basing modes.

Well, I received, as did every other Member of Congress, a report from the Air Force dated April 1983, and titled "U.S. ICBM Modernization Program." On page 8 of that report it lists the advantages of an ICBM modernization program as follows: First, arms control negotiating leverage; second, demonstration of strong national will; third, improved ICBM capability; fourth, force modernization; fifth, production capability.

I think that is fairly illustrative of just exactly what is going on. No longer is the need to improve the ICBM leg of our triad the most critical argument for the MX. It is No. 3.

My colleagues got a letter from the President which asks for the MX in exchange for no definite commitments on arms control, and with Midgetman held at arms length.

I would hope they would not forget who we are dealing with here. Ronald Reagan has opposed every arms control treaty ever negotiated. In his first major foreign policy address as President in May 1981 at West Point, he said:

> The argument, if there is any, will be over which weapons, not whether we should forsake weaponry for treaties and agreements. My good friend Laurence Beilenson authored a book a few years ago called The Treaty Trap. It was the result of years of research and it makes plain that no nation that placed its faith in parchment or paper, while at the same time it gave up its protective hardware, ever lasted long enough to write many pages in history.

Mr. Reagan opposed the test ban treaty in 1963, the SALT I agreement in 1972, the sale of weapons-grade material in 1975, the Vladivostok agreement in 1976, the SALT II Treaty in 1979. After he became President, he promptly scuttled the comprehensive test ban negotiations, the antisatellite weapons talks, the conventional arms transfer talks. He tabled and refused to submit for ratification the SALT II Treaty, the Threshold Test-Ban Treaty, the Treaty on Peaceful Nuclear Explosions. And he refused to undertake bilateral negotiations with the Soviet Union on chemical weapons.

He then loaded up the arms control agencies with dedicated opponents and saboteurs of SALT II and others who believe, as the President does, that the Soviets are godless Communist monsters, and "the source of evil in the modern world."

And he waited 18 months before adopting a baseline negotiating position that was, in Strobe Talbott's (Time) words, "utterly nonnegotiable" and "unique in the history of Soviet-American negotiations."

Paul Warnke, President Carter's Arms Control Director, and William Kincade testified before Congress that under President Reagan, the Arms Control and Disarmament Agency has faltered. It has suffered a 25-percent cut in the work force, morale is at an all time low, 30 percent of its top positions are either not filled or are filled by an acting official.

Mr. Kincade was careful to point out that "there is greater cause for alarm about the institutional foundation for arms limitation and reduction than at any time in the more than two decades since ACDA was first established in 1961."

This is a record I hope my colleagues will keep in mind as they talk of new commitments on the part of President Reagan to be serious about arms control.

The plain truth of the matter is that this President simply does not have an abiding belief in arms control. An administration determined to achieve arms control does not need to be pushed or bargained into it. An administration hostile to arms control cannot be pushed into it.

So much for the bargaining chip theory.

I urge my colleagues to keep in mind a few points, not to be swept up in this phenomenal Presidential smokescreen.

First, we have not solved our ICBM basing problem. We cannot use the MX first because national policy forbids it, we cannot use it second because it will not survive. And adopting a launch on warning posture is one of the most destabilizing things we could possibly do. As McGeorge Bundy has pointed out, we will be in the position of having to use it or lose it.

Ambassador Paul Nitze, now President Reagan's chief arms control negotiator, said in 1979, "It would be inappropriate to depend on launch under attack to overcome deficiencies in survivability and endurance which could not be solved otherwise. A launch under attack policy should be considered risky and potentially destabilizing."

Second, and perhaps most important in terms of the debate today, at least for some Members, the MX will be a barrier, not a bridge, to development of the Midgetman missile—a move recommended by the Scowcroft Commission. The Air Force prefers MX and is already padding Midgetman's cost and delaying its operational date to make MX look good. As long as the MX production lines remain open, the Air Force will drag its feet on Midgetman and create roadblock after roadblock until it has several hundred MX's and the "window of vulnerability"—to whatever extent it exists—will have been open for an additional decade.

If anyone in this body believes we will stop at 100 MX's, they are not being realistic. The start-up cost of MX is high, but followon-missiles get cheaper. Faced with unacceptable budget deficits in the future, the pressure to continue buying the MX will grow based on cost-efficiency arguments and jobs that would be lost if we terminated procurement. I fully expect that the MX could outdo the B-1 in numbers of subcontractors—one for each of 435 congressional districts.

Last September during debate on dense pack, the Air Force issued a classified report called, MX Permanent Basing, 15 September 1982, Draft. It reviewed a number of basing options

and from excerpts that are unclassified made these observations.

The Soviets could attack MX in Minuteman Silos in the same manner they can our present Minuteman force and consequently, the MX Missile would be at risk. . .The use of current Minuteman silos. . .does not provide the required prelaunch survivability to withstand a Soviet first strike and promote strategic stability. It is not resilient to future threats.

That is from the Air Force's own report last fall.

I would like to quote the words of my friend from the State of Washington, NORM DICKS, on the House floor last December 7 when we defeated dense pack:

I think there are in this House many who are the very strongest supporters for defense spending who are saying to themselves today: "How can we go forward and procure a missile when we are not certain that we have a credible way to base it?" Anyone would say to themselves: "How can we spend $1 billion of the American taxpayer's money on a missile when we are not certain we have a basing mode that can survive over just a few hours?". . . No one is leaving the country defenseless. We are buying the Trident submarines which are invulnerable. We are purchasing the B-1 bomber and the advanced technology bomber. We are adding air-launched cruise missiles, all of which have strategic capability . . . So what we are saying here today is let us not waste our money on a system that cannot survive, that is vulnerable. Let us invest our money in things that will produce real defense.

I hope my colleagues will take a step today to reduce unnecessary defense spending, reduce unwise spending, and vote "no" on this resolution to approve putting MX missiles in vulnerable fixed Minuteman silos.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 4½ minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, yesterday we heard a scathing, bitter, poisonous presentation and criticism of the administration and of the Scowcroft Commission by the gentleman from Massachusetts who, in the short time that I have been here, I have learned is master of the cynical statement that can be presented before this Chamber.

Now if you accept his poisonous description of the administration and of the President of the United States for what it is, that is his way of making his points, there is no justification it seems to me for the vilification practically that he ascribed to the Scowcroft Commission itself.

He said, as part of his presentation yesterday, he said "the Scowcroft Commission was nothing more than a save-the-MX commission; its goal was simple, overlook any fact," he said, "concoct any argument, throw out any smokescreen but save the MX."

This is what he was saying about the Scowcroft Commission. Was he talking about a group of fellow Americans who have been as loyal to this country as you and I have been? Or was he talking about some group of strangers who have simply been puffed out of the air to do some job as "yes-men" for the President of the United States?

If that is what you believe, that is your business. I happen to have some faith in the caliber of people who are appointed to the Scowcroft Commission and who produced the report upon which this is based.

Mr. DELLUMS. Mr. Chairman, would the gentleman yield?

Mr. GEKAS. I will not yield until I have put into this RECORD this information and I then will yield to the gentleman.

I want to put into the RECORD the names and the titles and the positions of these fellow Americans who have served on the Scowcroft Commission:

Brent Scowcroft, Chairman, retired Air Force general and former national security advisor to Ford.

Nicholas F. Brady, former Senator from New Jersey.

William Clements, former Deputy Defense Secretary and Governor of Texas.

John M. Deutch, dean of sciences at Massachusetts Institute of Technology and former director of research at the Energy Department.

Alexander M. Haig, Jr., former Secretary of State for Reagan.

Richard Helms, former Director of Central Intelligence Agency.

John H. Lyons, vice president of the AFL-CIO and chairman of the defense subcommittee of the labor federation's executive council.

Willian J. Perry, senior vice president and managing director of research at Hambrecht & Quist, a San Francisco investment banking firm, and a former Under Secretary of Defense.

Thomas C. Reed, special assistant for national security affairs and former Secretary of the Air Force.

Vice Adm. Levering Smith, former director of special projects for the Navy, including the Polaris submarine program.

R. James Woolsey, former Under Secretary of the Navy.

SENIOR COUNSELORS TO THE COMMISSION

Harold Brown, former Secretary of Defense for Carter.

Lloyd N. Cutler, former counselor to Carter.

Henry A. Kissinger, former Secretary of State for Nixon and Ford.

Melvin R. Laird, a former Secretary of Defense for Nixon.

John McCone, former Director of Central Intelligence Agency.

Donald H. Rumsfeld, former Secretary of Defense for Ford.

James R. Schlesinger, former Secretary of Defense for Nixon and Ford.

EXECUTIVE SECRETARY FOR THE COMMISSION

Marvin C. Atkins, director of the Pentagon's office of offensive and space systems.

Impeach their integrity, if you wish, impeach their contributions to our Government, to our Nation, if you will, but if you do, be honest about it and say you do not believe anything they say or do on behalf of our country.

Mr. DELLUMS. Mr. Chairman, would my colleague yield to me briefly?

Mr. GEKAS. Mr. Chairman, I yield to the gentleman from California.

Mr. DELLUMS. I appreciate my colleague's comments. I am certainly not attempting to impugn the integrity of the members of the Scowcroft Commission.

Mr. GEKAS. I am glad to hear that.

Mr. DELLUMS. But I think the gentleman ought to be aware of the fact that each person on that Commission at one time or another, to one degree or another publicly stated that they oppose the solution that they finally came up with.

Second, Scowcroft himself said this was a political decision.

I think you put those two things together, it does not impugn the integrity to come to the conclusion that they had already decided that there was going to be some kind of MX missile system.

Mr. GEKAS. Mr. Chairman, I accept what the gentleman from California says and I hope that the gentleman from California will never be able to change his mind or, in the faith of new evidence or new political decisionmaking, never be able to change your position, and to stay as hard, fast on one form of debate as you want the Scowcroft Commission to remain loyal to their past.

I thank the Chairman.

Mr. AUCOIN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, this is a difficult issue obviously that faces all of us because it raises issues related to our economy, to our military posture and to our diplomatic negotiations on arms control.

Yet it is our responsibility to ask questions because it is our vote that must be cast ultimately for or against this issue.

The first question must relate to cost. We are talking about a system that will cost somewhere between $22 billion and $23 billion according to the Pentagon. At a time when we are in the process of borrowing and borrowing and borrowing, the question really is: Can we afford that expensive a system at this time?

But assuming that we are willing to pay that price, the next question that must be asked is: Are we getting at least a weapon that works? According to all of the experts, this is a weapon that will not work because it is vulnerable, highly vulnerable, according to the Air Force, according to CBO, according to the Secretary of Defense, according to every military expert.

So the point is, Are we going to spend, then, in excess of $22 billion for a system that does not work? If it is costly and if it does not work, then the

final question comes down to perception, because that is the argument we have arrived at.

Does the perception of weakness by failing to proceed justify the decision to go ahead? By the nature of that kind of logic, it assumes that our adversaries are incredibly stupid, our allies are incredibly stupid, or that we are incredibly devious—none of which is true.

The MX perception logic is essentially a a blank check logic. The same argument could have been used to justify Dense Pack deployment of MX, the same argument could have been used to justify the race track deployment, the same argument can be used to justify every expenditure, regardless of merit.

The reality is that this decision does not make sense, economically, militarily or diplomatically, and the time to draw that line is now.

It makes much more sense if we intend to invest billions at the present time to do it in bargaining chips that we know are proven, such as the Trident D-5 or the air- and sea-launched cruise missiles.

But to do otherwise is to buy a pig in a poke that we cannot afford, that does not work, that in the least is very risky, if not destabilizing and that fools no one except ourselves.

Let me expand on these thoughts by reviewing the history of this controversial missile and the latest plans to base 100 MX missiles in existing Minuteman silos as recommended by the President's Commission on Strategic Forces.

We are gathered today to consider the release of engineering and flight testing funds denied last December when this body rejected the proposed basing of MX missiles in close-spaced formation, dubiously dubbed Dense Pack. It was in response to that decision that the President established a Commission on Strategic Forces, chaired by former national security adviser Brent Scowcroft, to review the Nation's strategic modernization program. As my colleagues are well aware, the Scowcroft Commission set forth in its report to the President a series of recommendations including production of 100 MX missiles—each armed with 10 warheads—to be based in existing Minuteman silos and accelerated research into the development of a new small, single-warhead missile which would eventually replace our multiwarhead force. To complement the proposed shift to single-warhead weapons, the commission also recommended a new approach to arms negotiations focusing on warheads rather than the missiles that deliver them.

At issue is whether the deployment of 100 MX missiles, each armed with 10 powerful warheads, in existing silos will restore credibility to our land-based strategic missile force as a deterrent to a Soviet attack. While the commission originally put the 5-year cost of proceeding with the deployment of the MX system as envisioned in its report at $14.6 billion, actual costs of the program have been variously reported at almost twice that figure. It is essential, therefore, that we consider the cost-effectiveness of proceeding with the MX program and its impact on present and future efforts to control the proliferation of nuclear arms.

IS THE MX A DETERRENT?

Of foremost concern since the early 1970's has been the development of a new intercontinental ballistic force capable of being launched in retaliation to a Soviet attack. As originally conceived, the MX missile was to enable the United States to destroy hardened targets in the Soviet Union, such as silos shielding SS-18 and SS-19 missiles and Soviet command and communication centers. The administration has argued hard to make a case for acquiring "hard target" capabilities to counter Soviet advances in missile technology, stressing the age of our Minuteman missiles relative to their Soviet counterparts. However, proponents of the MX have neglected to point out that the United States has already in its inventory 300 Minuteman III missiles retrofitted with new, highly accurate Mark 12A warheads capable of knocking out "hard targets" in the Soviet Union.

Central to the concept of nuclear deterrence is the survivability of our retaliatory force. In this connection, the President has repeatedly decried recent Soviet missile deployments which have in his estimation opened a "window of vulnerability" in our strategic defenses. Last year we were told that we needed the MX because of the growing vulnerability of our present Minuteman force. Yet central to the Scowcroft Commission's recommendations is the proposed deployment of MX missiles in these very same Minuteman silos. The Commission in its report sought to rise above the once all important question of survivability, by emphasizing instead the survivability of other components of our strategic force—for example, submarine-launched ballistic missiles and bomber force.

We know that deterrence is based on threat of retaliation. In this connection I commend to the attention of my colleagues a recent study in which the U.S. Air Force estimated that by 1989 only 1 out of the proposed 100 MX missiles based in Minuteman silos would survive a Soviet surprise attack. This startling conclusion was based on predicted improvements in Soviet targeting abilities and increased numbers of warheads. The Air Force's findings are in line with a study released by the Congressional Budget Office which concluded that placing MX missiles in existing silos contributes little to U.S. retaliatory capabilities. Frankly, it makes absolutely no sense to spend tens of billions of tax dollars building the MX if these missiles will be no more secure than the Minutemen they replace. The plan offers even less hope of protecting our land-based deterrent than dense pack, which was rejected for that very reason. In short, deployment of MX missiles in silos vulnerable to Soviet attack fails to achieve the primary objective: restoring credibility to our land-based nuclear deterrent.

IF VULNERABLE, WHAT THEN WOULD THE MX CONTRIBUTE TO OUR SECURITY?

The deployment of highly accurate MX missiles in admittedly vulnerable silos raises a number of important questions relating to nuclear stability and crisis management. The Scowcroft Commission concluded that nuclear stability should be the primary objective of our weapons modernization program and arms control efforts. This is clearly in line with present policy. However, the commission went on to endorse a basing plan for the MX which would mark a profound and dangerous departure from this policy.

Because of the missile's vulnerability, the warning of an impending attack would place us in the untenable position of having to choose between launching our MX missiles at once, or accepting their destruction. Unfortunately, as we know, our existing command and control systems often generate false alarms. Clearly the adoption of this "launch-on-warning" strategy would increase the danger of a nuclear exchange due to miscalculation or human error, particularly in the hair-trigger atmosphere of an international crisis. Moreover, the MX with its 10 highly accurate and powerful warheads would pose an attractive target for Soviet missiles, again pushing the specter of a nuclear exchange closer to reality. Simply put, deployment of the MX will add a dangerous element of instability to the nuclear balance.

IF DESTABILIZING, THEN HOW DOES THE MX RELATE TO ARMS CONTROL?

We have been told by proponents of the MX that the missile is needed to pressure the Soviets into accepting arms control agreements. The President has repeatedly argued that building the MX will serve as a "bargaining chip" in arms negotiations. While this position appears reasonable, we must keep in mind that the Soviets rely on land-based missiles as the backbone of their strategic force. In fact, while the United States maintains about 78 percent of its strategic nuclear warheads on relatively secure submarines and bombers, the Soviet Union has placed over two-thirds of its warheads on land-based missiles which would be vulnerable to an MX first strike. Is it reasonable to assume that by placing these missiles vital to Soviet security in jeopardy will move the leaders in

the Kremlin closer toward an arms agreement? I believe the Soviets are far more likely to respond by augmenting and improving both their offensive and defensive weapons, further accelerating the pace of the nuclear arms race rather than helping to bring it under control.

The history of nuclear bargaining chips has demonstrated time and again that they are rarely persuasive until deployed, and once deployed are very difficult to abandon. At the same time deployment of the MX threatens to undercut existing agreements. As my colleagues may recall, under the terms of the SALT II treaty—to which both sides have pledged compliance in the absence of ratification—neither the United States nor the Soviet Union is allowed to develop more than one new land-based missile system. Clearly, deployment of both the MX and single-warhead missile envisioned in the commission's report would violate this limitation.

Proponents have also argued that the MX is necessary to force the Soviets in the direction of single-warhead weapons. As mentioned, the move toward small nuclear weapons was endorsed by the Scowcroft Commission as the long-term solution to nuclear stability. It is, however, contradictory at best to suggest that we deploy new and extremely lethal multiwarhead MX missiles in the hope of moving both sides into an ear of single-warhead missiles.

The concept of small, single-warhead "Midgetman" missiles has gained the support of a number of thoughtful proponents of arms control. The President has rightly sought to use the commission's long-term proposals as a foundation for a bipartisan approach to arms control and nuclear policies. However, the President's insistence on the link between this long-term goal and proceeding with the MX reveals the lack of military justification for the MX program. In addition, the MX debate has revealed other serious inconsistencies in the President's arms program. For example the President has endorsed the commission's recommendation to build 500 to 1,000 Midgetman missiles. At the same time the President has indicated his interest in pursuing the idea of a strategic "build down" whereby for every new warhead deployed, two old ones would be destroyed. If, therefore, the President were to proceed with building 1,000 Midgetmen, he would also be required either to dismantle virtually our entire Minuteman force with its 2,100 warheads, or abandon the MX. These and other inconsistencies draw into question the administration's commitment and ability to proceed toward the desired goal of single-warhead weapons.

IN VIEW OF THE SHORTCOMINGS, IS THE MX REALLY A DEMONSTRATION OF RESOLVE?

Finally, we have been told by proponents of the MX that we need to build the missile to demonstrate our Nation's resolve to counter recent Soviet arms deployments. However, the MX should not be view in isolation from other ongoing modernization efforts including air- and sea-launched cruise missile programs and submarine-launched Trident D-5 missiles, all extremely accurate and all relatively secure from surprise attack. Such weapons will give impetus to meaningful arms negotiations, not destabilizing and vulnerable weapons such as the MX.

As a corollary, we have been told that cancellation of the MX would signify to the Soviets and allies that we do not have the national will essential for deterrence. Frankly, such arguments serve only to detract attention from the lack of a valid military rationale to support construction of the MX. Will and resolve in the absence of wisdom are almost invariably counterproductive and, in the case of the MX, downright dangerous.

I urge my colleagues to join me in opposing this resolution.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 4½ minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Chairman, this debate is probably the most important one we will have during this Congress. The thorny economic issues we grapple with daily are insignificant compared to our obligation to pursue peace and reject war and seek strategies that reflect our belief in the sanctity of life. This is a question that concerns every American and it is proper that responsibility is shared between the President and the Congress.

I rise in support of the resolution before us and I want to explain why.

Arms control negotiations with the Russians will always be difficult, but they are a continuing responsibility we cannot afford to evade. Our progress to date has been spotty, but that should not discourage us. Over the centuries, man's efforts to control weapons have been marked by failure. We are in an area with few precedents and little mutual trust. The process cannot be anything but difficult.

The Russians and the Americans do not trust one another and each has his reasons. But a lot of Americans do not trust each other either and this domestic disagreement has proven a major impediment.

It is my hope that today's resolution will reflect a national consensus that will allow us to focus on our international disagreements. Until Americans agree among themselves, successful talks with the Russians are an impossibility.

So how can the MX, a weapon of awesome destructiveness, contribute to calming domestic concerns? Recall that President Carter first proposed this weapon in an effort to get the Senate to ratify the SALT II treaty. He lost on both issues and there were public debates about the appropriate basing mode for the MX, questions that have yet to be fully answered. But the MX did make sense as a tool to create a coalition for arms control within our country.

Now we have the Reagan administration, which is using the same strategy, but looking forward rather than backward and proposing that the MX be used to fuel future arms control talks. By doing this the President began a public debate on what our arms control posture should be. It is a debate that has taken place within the White House, throughout the Congress and among the American people. It was so wide ranging that it threatened to split us apart rather than bring us together.

The Scowcroft Commission was an effort—a successful one, I believe—to focus the debate. It has provided a basis for consensus. It may be an imperfect one, but it is also the only one with broad support. Rejection of its conclusion would not end the debate, but will raise questions about whether it will ever be successfully concluded.

Today's debate is proper and appropriate. We argued about the recommendations of the Social Security Commission earlier this year, but we finally agreed that something major had to be done and ultimately accepted it. Our situation today is similar.

I understand and sympathize with arguments from respected colleagues who argue that nothing short of continuing and growing public pressure will force the President to get serious about arms control. They are right. But the Scowcroft report is the lever for such pressure. I understand why my colleagues distrust the assurances the President has given us. Only time will tell if they are right. And those of us supporting the resolution clearly reserve the right to switch our stance if the President disappoints us in the months ahead.

But I conclude that forward momentum is critical now. If we cannot go forward, we will slip backward. The consensus on SALT II is evaporating. The administration is at war with itself. The Russians are simultaneously testing new leadership and trying to judge whether it is even worth their time to talk seriously with Ronald Reagan.

How can we move this process in a positive direction now? I conclude that the best course is approval of the MX appropriation and continued pressure for the implementation of the Scowcroft report. I am not totally confident

that this is the right answer, but am certain that rejection is the wrong one.

A few years ago Leonid Brezhnev stressed the high price of inaction when he began the SALT II negotiations with this remark—"Future generations will not forgive us if we fail." Indeed, the real horror of the situation is that future generations might not even have adequate time to think about our failure.

This is one issue that all Americans—indeed all the peoples of the world—agree on. I pray that our decision is right.

□ 1350

Mr. AuCOIN. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I stated on the floor on a number of occasions that I believe there are ominous signs that we are moving closer and closer to the brink of disaster, nuclear disaster, for three reasons. One, that we are moving far beyond deterrence to a war fighting capability. Two, under the guise of modernization, we are developing more exotic levels of nuclear technology that go beyond verifiability that may very well take the world beyond the bounds of arms control. And finally, there are certain weapons that if deployed in particular modes would take the world in a quantum fashion closer to the brink of nuclear war.

I think the MX missile certainly fits the first category that we are moving beyond deterrence to a war fighting capability.

This gentleman offered an amendment on the floor of Congress in April 1977 to strike the funds for all the MX missiles. This was the first time this matter came to the floor of Congress. That amendment went down in resounding defeat.

This gentleman each year after that, and others, have joined in going in the well, trying to knock out this weapon.

So my colleagues have heard my arguments. But this year I happen to be given an awesome responsibility to chair the Subcommittee on Military Installations and Facilities of the Armed Services Committee, the old Military Construction Subcommittee. That subcommittee has some jurisdiction with respect to the deployment of the MX missile in that whatever basing mode is designed, that subcommittee has jurisdiction over the funds to carry out the construction for that.

So I thought that it was important that we move beyond just looking at projects, but look at policy in terms of whether the implementation of that policy speaks to the best interests of people in this country. We held hearings on the MX missile and for the balance of my time, Mr. Chairman, I shall not speak in opposition to the MX missile, but I would like to quote extensively some very fascinating testimony from a couple of witnesses who came before the committee.

First, Adm. Stansfield Turner, former Director of the Central Intelligence Agency, U.S. Navy retired. Clearly no flaming leftist, as part of the establishment of this country. And let me read what Admiral Turner states with respect to the Scowcroft Commission recommendations.

I begin my quote: "The third recommendation of the Scowcroft Commission, however, to build the MX missile and to place it in existing silos, is not consistent with * * * " any of the recommendations emphasizing stability and reducing the threat of surprise nuclear attack, "and points toward a war-fighting strategy.

"The Commission adduced three separate reasons for proceeding with the MX. Mr. Chairman, those are listed in the third paragraph of the Commission's report, the paragraph entitled 'Preventing Soviet Exploitation of Their Military Program.'

"I would like to touch on * * *" these three reasons. And I am going to touch on two of them.

"The first is 'to remove the Soviet advantage in ICBM capability.' Well, what is that advantage that the Soviets have? They only have one area of nuclear weaponry in which they are ahead of the United States. They have a greater potential for launching swift attacks that can hit and destroy hardened military targets like ICBM silos.

"What that amounts to essentially is that the Soviets have more ICBM's, whose weapons have a short time of flight and have large numbers of accurate warheads, than does the United States.

"Now, why would the United States, or the Soviet Union want or need that kind of a swift reaction, hard-target capability? I believe primarily because they would want to use it in a surprise first attack on the other.

"If, however, we, the United States, in fact, plan only to use nuclear weapons in retaliation, that is, never to start initiating a nuclear war, I believe that we must accept the high probability that if we build the MX's in order to catch up with the Soviet Union, those MX's will simply be destroyed by the initial Soviet attack and not be available for use in retaliation."

To continue the quote: "The Commission itself acknowledges that the MX's, as planned, will be vulnerable. They are only likely to survive if we launch under attack; that is, if during the 20 to 30 minutes of warning of the launching of the Soviet missile and before its arrival, we counterlaunch before our missiles are destroyed.

"Counting on a doctrine of firing such weapons on such short notice is very dangerous. Dangerous of miscalculation.

"Now beyond this, I do not understand what good it would do us if we were to launch under attack, or even what good it would do us if some of our MX's, somehow, survived the initial Soviet attack.

"If the Soviets attack us first, they are certainly going to be very alert to see what our response is going to be. If they see that response as 1,000 MX warheads headed for their remaining silos where their remaining ICBM forces are positioned they have little choice, I believe, other than to launch under attack themselves. What we would be doing in effect would be inducing a second wave * * *"—this is very important, Mr. Chairman, "would be inducing a second wave of Soviet attack on the United States, with all the destruction that that would entail.

"A far better course, from our point of view, if we want to reduce the so-called Soviet advantage in ICBM's, would be to remove the targets for which those large Soviet ICBM's are specifically designed, that is our ICBM's in hardened silos.

"Without those to attack, the Soviets would have no advantage at all."

□ 1400

Now, Admiral Turner goes on to the third reason given by the Scowcroft Commission for supporting the MX, and that is "to encourage the Soviets to move toward a more stable regime of deployment and arms control." This is the so-called bargaining chip thesis. My distinguished colleague from New York just raised a question about this. This is Admiral Turner's response: "The thesis that we have to be seen as closing the gap in ICBM's if we are going to expect the Soviets to negotiate seriously on arms control.

"I believe this is an oversimplification of the theorem that Soviets respond only to force or to pressure. It does not consider how much more the Soviets depend on ICBM's that will survive than do we. It is quite natural and logical for us, under the present pressures of increasing vulnerability of our fixed ICBM's, to turn to cruise missiles, to bombers and to submarines.

"But the Soviet Union is many years behind us in cruise missile technology. They have never put much confidence in bombers for this purpose, and because they are not a maritime power, they have been very loath to count too heavily on the survivability of their submarine force.

"Instead, the Soviets have built so many large ICBM's that they can count on sheer numbers to provide them survivability. In fact, it has worked for them.

"The United States has not yet built enough ICBM's to threaten the Soviet ICBM force, the entire force, with a

surprise attack. If we do now add 1,000 new MX warheads and thus threaten the survivability of their ICBM force, they are not likely, in my opinion, to agree to sit down at Geneva in the START negotiations and agree to reduce the numbers of their ICBM's as we are proposing that they do."

He goes on: "In addition, I would suggest that the MX is not much of a lever over the Soviets in arms control negotiations, in any event. They are well aware that there are serious doubts in this country as to whether we should be going ahead with this missile. They are not likely to bargain away very much when we may not proceed with the MX missile after all, even if in the next few weeks the Congress votes the initial funding for it."

Mr. Chairman, I would now like to quote from Herbert Scoville, also a former member of the Arms Control Agency, with respect to the Scowcroft Commission: "The Scowcroft Commission made a great pitch for the fact that our strategic security should be based on stability, an increased stability, and we should do nothing to decrease stability.

"But when it comes to the MX missile, they just forget their basic tenet because the MX missile is not a missile system that increases stability, and when you put the MX system in vulnerable Minuteman III silos, you are just asking the Soviets to launch an attack on them.

"What we are doing is destabilizing it. It is obvious to them that it can only be useful at the first-strike system. They have two alternatives: Either they go to a launch-on-warning, which increases the risk of a nuclear war by accident, or they are under strong pressures to preempt, beat us to the punch in a time of crisis."

Mr. Chairman, that is not increasing stability, that is not a deterrent weapon. It is a weapon which draws enemy fire rather than to deter enemy fire. Therefore, it is very hard to understand how the Scowcroft Commission, with such a bunch of very intelligent people on it, could have so ignored their own basic recommendations when it came to MX. You cannot come to any conclusion except that they are desperate to find some way of going ahead with the MX. They felt they had to; they could not turn it down, and this is what they came up with. Their solution, in my view, is totally unsatisfactory.

Mr. Chairman and members of the committee, finally you come to the old bargaining-chip argument. The bargaining-chip argument is patently false in this particular case because the administration has said on many occasions, and it was repeated this morning in testimony before our committee, we do not intend to use these 100 MX missiles as bargaining chips. What we propose to do is to keep them. So anybody walking into this well, Mr. Chairman, suggesting that these are bargaining chips, are living in a fantasy land. The President has said that they are not bargaining chips. General Fornell again this morning said that. "No, no. We will get rid of old systems, but we will keep MX." This has been said by others in the administration over and over. This is not a bargaining chip, and we should not kid ourselves that we have this kind of a missile as a bargaining chip, because we are not going to bargain it away.

Finally, he said: "I thought the point that Admiral Turner made was very good with respect to how they rely on numbers to react, and so they would do this just to add to their numbers if we go ahead with this MX missile."

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has expired.

Mr. AuCOIN. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. DELLUMS. To conclude, it is not a road toward arms control; it is a road toward escalating the arms race by deploying the MX missile at this time.

Mr. Chairman and members of the committee, here are two distinguished Americans who have thought through very carefully and very clearly the Scowcroft recommendation with respect to the deployment of MX missiles in 100 existing silos. And I would say to my colleagues, particularly those liberal Members and moderate-liberal Members of the House who marched into this well day after day during the month of May and the latter part of April suggesting that we have an arms freeze, I would simply ask them to look at the contradictory and hypocritical position that they would find themselves in if they support the deployment of MX. Let us face this reality: This is the important issue here. The Scowcroft Commission did have to come to the conclusion that they needed to recommend some deployment of MX because MX has become a symbol. They are afraid that if they lose the MX missile system that the whole arms race will begin to unravel. I want it to unravel. And I think those persons who have gone home suggesting to their constituencies that they support the freeze, they ought to help us try to unravel it. The MX missile is an insane, dangerous, war-fighting weapon that takes us far beyond deterrence into a realm of nuclear megadeath beyond our capacity to understand, Mr. Chairman and members of the committee.

So my concluding remark is: Those of you who speak for peace and who speak for arms control and who, more importantly, speak for a nuclear freeze, if you want to stop it, this is not unilateral disarmament. This simply saying:

> Let us stop this level of technology before the Soviets match us missile for missile, warhead for warhead, launcher for launcher, and the entire world hangs more pregnantly under the danger of nuclear war than it does even at this very moment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will notify those in the gallery that they are here as guests of the House of Representatives, and any demonstration in favor of or opposition to statements being made from the floor is not allowed.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the gentleman from California (Mr. DELLUMS), as usual, has been very concise in his approach to the issue. He is one of the great speakers in this Chamber and, as usual, I sat here in awe as he enlightened us with his views on this issue.

I think the gentleman made a very key point in his comments, in quoting Stan Turner, who is a good friend of mine, and other gentleman who I do not happen to know.

Mr. DELLUMS. Herbert Scoville, former negotiator, arms control.

Mr. EDWARDS of Alabama. I highly recommend him, but I just do not happen to know him.

The point that the gentleman makes, and I think it is a valid point, is that great minds, seeking the way to peace in this Nation of ours, can disagree on that avenue to peace.

The Scowcroft Commission is made up of great people. There are disagreements. I wish, as I said yesterday, that I could enjoy the luxury of knowing that I was totally right in this position and in the other positions that I have taken on the floor of this Chamber.

There is no clear, honest-to-goodness right answer to this issue that confounds us here today. I happen to believe that, everything being equal, the thing we must do is go forward with this. And I would like to suggest to the gentleman, as I would suggest to others who have raised the issue of a bargaining chip, that, in honesty, I do not recall anybody who has tried to make the point that this is a bargaining chip, except that those who oppose it keep raising it.

This gentleman has not come to the floor and suggested that this is a bargaining chip, and I will not. I would like to, at least, though, suggest to the Chamber the language of the Scowcroft Commission report as it appears on page 16 of that report, and if the Chair will indulge me, I will read just two parts of paragraphs.

□ 1410

The Commission says:

> It is illusory to believe that we could obtain a satisfactory agreement with the Soviets limiting ICBM deployments if we uni-

laterally terminated the only new U.S. ICBM program that could lead to deployment in this decade. Such a termination would effectively communicate to the Soviets that we were unable to neutralize their advantage in multiple-warhead ICBMs.

And then dropping down a few lines on that same page:

Canceling the MX when it is ready for flight testing, when over $5 billion has already been spent on it, and when its importance has been stressed by the last four Presidents, does not communicate to the Soviets that we have the will essential to effective deterrence. Quite the opposite.

Mr. Chairman, the point that I would to make to this Chamber is that if we, in fact, are serious about dealing from a position of strength with the Soviet Union, we simply must go forward with this missile program as it has been structured and as it has been laid out for us and approved by the President in the Scowcroft Commission report.

Mr. ROEMER. Mr. Chairman, will the gentleman yield to me for a question?

Mr. EDWARDS of Alabama. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding.

Mr. Chairman, if the MX is neither a bargaining chip nor is invulnerable to attack, the case the gentleman is making on the floor of this House is that it is a demonstration of will. That is the only value.

Mr. EDWARDS of Alabama. I would not agree that it is the only value. I would agree that it deals with the question of will. I would agree to that. But that is certainly not the only value. If one assumes that any weapon that one puts out on the field is going to be vulnerable to some extent, then, of course, one has to assume that the MX is vulnerable. I would not stand here and say it is not vulnerable. But I would argue to the gentleman that I cannot conceive of a situation where missiles are coming in from the other side as we all sit there like this watching 100 of our MX's get blown to smithereens.

Mr. ROEMER. Mr. Chairman, if the gentleman will yield further, I am just trying to discover from his experience where he is trying to lead us. The gentleman has told us that the MX is vulnerable. The Scowcroft Commission admits that. In fact, they make the point that it will be more vulnerable tomorrow than it is today.

The gentleman makes the point on the floor that those who talk about it being a bargaining chip are only those who are opposed to the missile; that you do not subscribe to that theory; that all the MX is, as I understand it from the gentleman, is a test of will. Am I wrong in that conclusion?

Mr. EDWARDS of Alabama. The gentleman is wrong in that conclusion. I just said that the gentleman is.

Mr. ROEMER. Tell me how.

Mr. EDWARDS of Alabama. Mr. Chairman, it is in part a matter of will. It is also in part a recognition of the fact that the Soviets have over the last few years deployed 638 SS-18's and SS-19's; that they have other missiles on the drawing board; that they are not backing up and slowing down for anybody, and we are sitting here with 15-year-old missiles in the ground that need more accuracy, need more yield, need greater range.

That is what it is all about, and it is my conclusion that if we back away from this, that is the end of the START talks, as suggested by the Scowcroft Commission.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield on that point?

Mr. EDWARDS of Alabama. I am hurting for time. I would prefer that you get some time over there.

The CHAIRMAN. The gentleman from Alabama (Mr. EDWARDS) has consumed 5 minutes.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GREEN).

Mr. GREEN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise to oppose House Concurrent Resolution 113. I am deeply concerned that MX deployment will, in the long run, detract from our Nation's defense capabilities by contributing to our enormous deficit and spawning a budget squeeze that will ultimately cause crippling cuts in our defense readiness.

The MX is a classic case of a weapon that persists long after it has been shown that it cannot achieve the purpose for which it was conceived. The MX was conceived for one reason, and one reason only: the Minuteman missile, sitting in the Minuteman silo, was vulnerable to a Soviet first strike. If we now take the Minuteman missile out of the silo and put an MX missile into the silo, it too is vulnerable to a first strike. So the very purpose for which we embarked on the MX is not serve by the MX as it planned today and as it is recommended by the Scowcroft Commission.

It is suggested that we need the MX as a show of our will or to show that we have a response to the fact that the Soviets are very clearly building up their strategic forces. Mr. Chairman, I would point out that, even without the MX, which as I say is absolutely useless as a second-strike weapon, our deterrent is strong, credible, and growing. We are currently deploying air-launched cruise missiles which have the accuracy for silo busting on a second-strike basis. In fact, we are so far along in that technology that the Air Force is now recommending that we bring to a halt the deployment of the first generation of air-launched cruise missiles and move on to deployment of the Stealth air-launched cruise missile. We are moving ahead on ground- and sea-launched cruise missiles, on improvements in command and communications, on the Trident II submarine and its D5 missiles, and on the Stealth bomber.

Mr. Chairman, I suggest that all of these show our will, show our capacity to respond to a Soviet first strike, and give the Soviets ample incentive to bargain in Geneva. Under these circumstances, to spend $16 billion or $20 billion or $22 billion, depending on what number one believes, on an MX that does not do its job, is folly.

I submit it is also bad defense policy. The fiscal year 1984 Department of Defense authorization bill offers an unsettling look at the shape of things to come if we proceed down the MX track. The bill makes further funding available for MX procurement at $2.5 billion, but it cuts over $8 billion in funds for conventional readiness. If we continue down this path, in the future, we shall face even greater cuts in our conventional forces, with disastrous consequences for our ability to defend our strategic interests around the world through conventional means.

We can avoid this unhappy consequence of wasting vast resources on the MX by disapproving House Concurrent Resolution 113. I urge my colleagues to do so.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. I thank the gentleman for yielding this time to me.

Mr. Chairman, it is a sobering experience to consider that shortly we, individually and collectively, will be called upon to cast a vote which may well determine the direction of the arms race from this day forward.

This is important business we are about and, contrary to the President's assertions, the choice is not clear.

Sound arguments have and are being made on opposite sides of the issue. With all due respect, the objectivity of those who contend the decision is an easy one to make is subject to challenge.

There has been a good deal of agonizing within this Chamber and its environs, indeed across the country, as the countdown toward the hour of decision has continued. So much is at stake.

We are not dealing exclusively with the potential of risking and perhaps wasting billions of dollars on a questionable venture—something Congress has been all too willing to do in times past with hardly the bat of an eyelash—admittedly we are dealing with money, substantial amounts, but it can be replaced with a few relatively painless decisions and the roll of the press;

the far more critical aspect of what we are about is addressed in terms of life and death and what kind of future, if any, there will be for mankind.

Not too long ago, I was among the majority in this body voting for the nuclear freeze resolution.

I do not think any of us, regardless of how we saw and responded to that issue, were completely happy with the outcome.

The freeze to me was a statement. It was an opportunity for me to stand up and be counted on behalf of the people I represent; to be counted among those who agree that a continuing nuclear arms race is sheer madness. That is the way to accurately characterize it. Sheer madness.

But I really did not want a freeze in and of itself. There is no comfort in saying "this far and no farther" when we have already gone too far.

While a freeze is far preferable to one of the alternatives—escalation—what I am convinced we really want is the third choice, reduction.

Time after time, during the lengthy debate on the freeze resolution, the word reduction was focused upon by proponents and opponents alike.

When all was said and done, what did we get? We got a statement, not much more. Not one less weapon. Not any definite direction. Not any meaningful movement on one side or the other. Just a statement. Often progress toward a worthy objective is measured by the pace of the tortoise rather than that of the hare. But progress is progress and we will take all we can get.

My desire—our desire—is to accelerate the pace toward meaningful arms reductions. We must not give up the quest.

The question then becomes, Would implementation of the Scowcroft Commission report represent an advance toward or a retreat from our objective?

I have asked that of myself a thousand times. And I have asked others.

Last week, at a White House meeting with the President, eyeball to eyeball, I put it to him this way: "Mr. President, do you have even the slightest hint that if we proceed with the MX program, the Soviets will get serious about arms reduction talks rather than trying to do us one better and further escalate the arms race?"

His response was reasoned and thorough covering the wide range of subissues that come to the fore when any detailed analysis of this question is attempted. In measured terms, avoiding the "window of vulnerability" rhetoric of days and weeks gone by, he made a convincing case that a vote for the MX is a vote for arms control.

I will avoid paraphrasing the President's response for two reasons. First, the arguments have been advanced effectively since our meeting through the national news media and are now well known by all who are serious about following all significant developments on this issue. And second, I do not want to jeopardize sound and logical arguments by having questions raised about the objectivity of the person advancing them. Rather, I prefer to go to a diverse source, the New Republic, which most will agree is at a distant point (from that of the President) on the political and philosophical spectrum.

In its May 9 article entitled "The Scowcroft Revolution," there appears this significant observation:

> The only incentive the Soviets will have to redirect their ICBM deployments is our ICBM deployments. This is a fact of life in Geneva that no serious advocate of arms control can ignore. . . .
>
> If the abridged MX deployment proposed by the Scowcroft Commission moves the Russians toward de-MIRVing of their strategic forces, we will not have increased the danger, we will have lessened it. And then all our hands will be a little less dirty.

What the foregoing and all else I have heard leads me to conclude is this: No one wants the MX, but perhaps it is time to recognize we probably need it.

We probably need it to convince the Soviets that it is about time to get serious about arms talks.

We probably need it to convince our NATO allies that the United States of America is willing to take that action which is necessary to guarantee adequate deterrence to that horror of horrors, nulcear holocaust.

We do not need it to prove that we can build bigger and better missiles, or bigger and better warheads or bigger and better anything with destructive capacity.

The bigger and better thing I want to be identified with building is a bigger and better industrial and technological machine designed to solve the world's problems and permit us to live in peace and harmony.

What a beautiful world this would be if weapons of war were something we could only read about in history books.

□ 1420

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Chairman, I think it is not a certainty that if this measure passes today, we are committed irrevocably to this missile. Certainly I would agree with those who say that it makes it easier for this program to go on.

But if the dire predictions that some of the Members have made come true and the President is not serious about arms control, if the Defense Department is not really serious about producing a small missile and if they do not perform according to the Scowcroft Commission, which I think they will, I believe the votes are here to stop this funding. And I am one of them.

I think the vote today is going to be rather close, and I cannot imagine those who have voted against the MX today changing their minds 6 months or a year from now and voting for it. So it will still be a small margin, perfectly capable of stepping up and stopping this funding if we do not think the administration is doing its part.

I was concerned whether the President really had a commitment for arms control. He is the only one who can negotiate for us. Congress cannot negotiate with the Russians; the President has to do it. How do we get this administration to negotiate in good faith, to negotiate strongly and with real effort? Frankly I had some doubts.

But now I am satisfied the President is committed, and I think the last 3 months of debate and wrangling and agonizing have not only helped us but I think it has also helped the administration. I think the new negotiating position that will come out of this debate is going to be tailored to fit the Scowcroft Commission, and that is what many of us want.

The CHAIRMAN. The time of the gentleman from Washington (Mr. PRITCHARD) has expired.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I rise in opposition to House Congressional Resolution 113. The decisions reached by previous Congresses to block funds for the MX missile were wise ones. Similar action today would once again show the American people that this body can act in their best interest. The Scowcroft Commission's report, which some ironically refer to in an effort to justify the development of the MX, actually supports past arguments against it.

In response to the President's primary argument that the MX is needed to close the "window of vulnerability" with the Soviets, the Commission let it be known that there is no "window of vulnerability." According to the report, our Nation's present combined retaliatory power poses an effective deterrent.

Repeatedly, experts in the defense establishment have warned that if the MX is deployed in exisiting silos, it would not survive a Soviet first strike. It is a weapons system that cannot be justified. The evidence, such as the following statement from former Under Secretary of Defense Perry, made during a previous MX debate, is illustrative of the consensus of military experts:

> I agonized and said on balance I would not go ahead with the MX in silos because I

don't believe we will come up with a survivable basing mode that is acceptable. Since I am pessimistic that we will not get a basing mode that is both survivable and acceptable, I am opposed to putting a weapon that lethal in an unsurvivable mode".

A Senator described the vulnerability of the MX more succinctly when he said they would be like "sitting ducks." The plan we are asked to go forward with today is the same plan that has been discarded earlier and soundly repudiated. Indeed, the Scowcroft Commission agreed that the MX cannot be made invulnerable.

The ultimate irony and folly of the MX experiment is that this weapon system is both vulnerable to attack and designed for a need that is nonexistent.

Mr. Chairman, the cost of this misguided and ill-conceived experiment in squandered precious resources is frightfully high.

Now, if the MX is useless as a second-strike weapon, are we to conclude then that it is to be developed for its first-strike capability? The President, who affectionately, but mistakenly, names the MX the "peacekeeper," insists that it would not be used for a first strike because the system is not survivable. We might, however, prepare a mindless "launch under attack" response which would increase the likelihood of accidental nuclear disaster. The real danger of preparing a showpiece to dissuade the Russians is that it leads to destabilization, threatening world peace, not enhancing it.

With its national defense arguments bankrupt and discredited, the administration is now relying on the weakest argument for a weapon in search of a function, that this system is in some way a necessary "bargaining chip." The truth is that this weapon is a blow to arms control. We should not be concerned with bargaining chips. The Soviets can see through our transparent attempt to launch a particular defense program solely as a bargaining chip, and will immediately discount it. The result is a weaker position, not a stronger one. We would move away from meaningful arms control not toward it. Is this the sense of security we are to give the American people who are increasingly terrified about the prospects of nuclear war? I believe not.

And then there is the budget. Though we are a very wealthy nation, our resources are not unlimited. We must begin to live within our budgetary and resource limitations. To that end, we must not lose sight of what the development of the $30 billion, MX system means to our already severely strained economy. Moving ahead with this costly system will put us several large paces backward in our effort to control the burgeoning budget deficit—a battle that is getting out of hand, and it will only afford us a weapons system that is out of date, even before it is built.

Once the $30 billion MX production is started, it is likely to keep going. We can hear the arguments now. "Mr. Speaker, we've already invested in the startup which was extremely costly, we ought to continue because not to, would be a waste of what we've already spent." I say, rather than reaching the point of having to cut our terrible losses, why do we not avoid the loss in the first place. Fiscal constraint, especially in a time of deep economic uncertainty, must be the path we choose. All line items of the budget should not escape the strictest scrutiny. There is no room and no justification for waste anywhere in our Government. I stand front and center against the Soviet threat. While I do not put a price tag on our freedom, liberty, or security, I do not accept, out of hand, each and every expenditure that is "promised" to safeguard those cherished commodities.

President Eisenhower, 30 years ago, stated the costs of unnecessary military spending, like the MX, on our citizens:

> Every gun that is made, every warship launched, every rocket fired signifies a theft from those who are hungry and are not fed, those who are cold and not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists and the hopes of its children.

The wisdom of his words are brought home to me each time I receive a letter from or meet a constituent who is out of work, short on food, or without shelter. Recently, I have been confronted with the social fallout resulting from distorted budget priorities on far too regular a basis. Last week, I received a most sobering letter from a constituent who put the poverty of this Nation's priority system in stark perspective. She sent me a letter outlining the suffering occurring in northwest Ohio due to the recession. Attached to it was a sheet of paper with two copies of recent articles appearing in the Toledo Blade. One talked about a vote on a recent defense expenditure. The other was entitled, "Ohioans to lose 27 weeks of jobless benefits." How much more clearly can President Eisenhower's admonition be?

As we come to a vote on this resolution I believe we should look for guidance in the words our Founding Fathers gave us nearly 200 years ago. It is the preamble to the Constitution that sets the guidelines for responsible legislation regardless of the issue or the times.

When we test the issue of the MX expenditure against these standards it fails miserably. Because of its enormous vulnerability, the MX is not an effective weapon "To insure the common defense." The United States should concentrate instead on expanding its considerable advantages over the Soviets in submarine and air launched missiles. Because the MX is an unnecessary addition to our present nuclear capacity and because it is costly, it will not "promote the general welfare."

A strong national defense cannot be minimized, but the MX will not add to our national security. I, therefore, oppose this resolution.

□ 1430

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KASICH).

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I am glad to yield to the gentleman from Illinois.

Mr. O'BRIEN. Mr. Chairman, I believe the arms reduction talks in Geneva are of paramount importance if we are to live in peace with the Soviets. I also believe our best chance for success in those talks rests with our negotiators. With this as my basic conviction, everything I do should meet the test question: Will this action strengthen or weaken, support or undermine, the U.S. negotiating team?

The MX resolution permits already appropriated funds to be spent for research and development, not production, for testing, not deployment, of the MX. And I think it is important to recognize neither production nor deployment of the missile can take place without further affirmative action by the Congress.

What the MX says clearly to the Russians is this: We have not yet decided whether to produce and deploy the MX missile, and your good faith in arms reduction negotiations—or lack thereof—will determine which way our decision will go. I believe this position offers us the best opportunity we have ever had to achieve genuine arms reductions and control.

Mr. KASICH. Mr. Chairman, I have been listening with great interest to all the debate in terms of whether this MX missile represents a bargaining chip or whether it does not and what its purpose is.

I would argue that the deployment of the MX would provide this country with even greater stability because it imposes uncertainty on the Soviet strategy.

Let me quote very briefly from a statement that Secretary Weinberger made:

> Indeed, at the heart of the current United States-Soviet strategic force imbalance is the Soviet monopoly of prompt hard target capability. This gives them a twofold advantage over the United States. First, it enables the Soviets to launch a very high confidence first strike attack on our land-based ICBM, while expending only one-third of their ICBM force in the process. The large store

of remaining ICBM's would then enable them to divert weapons to other essential targets in a first-strike attack and still maintain a large and effective reserve force to conduct follow on attacks.

Second, the fact that we lack a prompt retaliatory capability against very hard targets allows Soviet planners to consider the possibility that, for the crucial first few hours of a nuclear conflict, the bulk of their ICBM force and supporting command and control structure would remain largely immune to U.S. retaliation. This would eliminate one of the major sources of uncertainty that is such an important element of deterrence—the unpredictable effects of U.S. retaliation on Soviet war plans. Without this crucial uncertainty exerting an influence on Soviet war planners, their confidence in their ability to fight and win a nuclear war is reinforced.

So essentially what the deployment of the new MX missile would do is to add this particular level of uncertainty to Soviet planners.

I think this is one element of the debate that really has been missed. I do not view this as a bargaining chip. Maybe in some circumstances it can be viewed that way, but essentially what the MX does is to impose that vital uncertainty in the Soviet Union in terms of this country's capability.

Therefore, I would urge my colleagues to support this resolution.

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. D'AMOURS).

Mr. D'AMOURS. Mr. Chairman, there is no question that the issue we are debating here is most serious. I think all Members of this body are proceeding in a very serious vain.

I think, though, that those people who have indicated they intend to switch their votes on this question from the way they voted just last December have a serious responsibility to explain to us precisely why they are switching and what is new. There are Members, who like myself, voted against this money last December, who might be willing given sufficient reason, to change their votes.

On the other hand there are some Members of this body who indicate they would rather switch than fight. I have heard the statements made on the floor of this House as to why they are switching and, frankly, I have heard nothing new. The basing mode is not even as good as the dense pack was when we voted against it last year. You could at least make a weak, but theoretical case, on behalf of dense pack.

There is nothing new in the bargaining chip argument. In fact, we just heard the gentleman from Alabama, one of the major proponents, admit there was nothing to the bargaining chip argument.

The people who are saying, "But we are not unequivocally and irretrievably committed to funding," are not telling us anything new. That same argument could have been made last December.

Then there is this specious argument about the President's promise to finally get serious about arms reduction.

Secretary of Defense, Cap Weinberger, on television just shortly after the President's letters were written admitted, nothing is new here, either. There has been no change in position on arms reduction.

You have to think a little bit of Neville Chamberlain coming back from Munich 45 years ago with a piece of paper saying, "I solved it. I've got it. It's written here on this document."

Well, in point of fact, there is absolutely nothing new, except a different perception of political reality.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. ADDABBO. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. D'AMOURS. Mr. Chairman, I thank the gentleman.

There has been a different perception of the politics of the situation. People are not so much concerned with the rightness or wrongness of the issue. They are not so much concerned with the sanity of insanity of continuing an arms race that can obliterate 20th century society. They are concerned with the political peril that might be at risk if they can be unfairly, but successfully, portrayed as having lost the arms race.

Well, I would suggest that this decision should be made and dictated by reason and courage, not by political posturing or political fear. Those Members who want to switch have an absolute right to do so, but they have a duty to explain to the Members of this body, to their constituents, and to history, precisely why they intend to make that switch.

I would respectfully submit that so far they have woefully failed to fulfill that responsibility.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 7 minutes to the very able gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I thank the gentleman for yielding. I want to say how much I appreciate the gentleman's leadership on this issue. The gentleman from Alabama has been one of the key persons instrumental in bringing this resolution before the Congress, hopefully for favorable action.

I rise in support of House Concurrent Resolution 113.

I particularly appreciate the friendship and the leadership on the committee of the gentleman from Washington (Mr. DICKS) and many others who have taken a bipartisan approach to the requirement for modernizing our land-based leg of the strategic triad.

President Reagan said recently that there is no question but that a failure to fund and deploy the MX would have a serious impact on our future force structure, as well as handcuff our negotiators. It is to that point that I want to address myself because I agree with the President.

How could you conduct arms control negotiations if the negotiators did not have the strength and the commitment of the Congress to back them in those negotiations?

I would suggest that one of the very strong sources of strength, if you will, is the ability to go into those negotiations, whether they are over strategic or theater nuclear forces, with the support of the Congress for the essential modernization of U.S. and NATO systems.

Let me digress for just a moment. The previous speaker mentioned Munich. I did not quite understand the connection between Munich and this vote, but I will grant the gentleman for the moment his point; except I do quarrel with the idea that the British Parliament strengthened Nevill Chamberlain's hand at the talks with Adolf Hitler in 1939 by weakening the defense fabric of the British Empire.

There was a beautiful film on television recently called the Wilderness Years and it told the story of Churchill during the 1930's, who made the point many times in debates on the floor of the House of Commons that you "arm to parlay." His words speak to the essence of our debate today.

I would suggest that if we simply said no to a new generation ICBM, if we said no to the Pershing II, that that would doom our negotiations at Geneva to defeat; and we might as well just tell our negotiators to come home.

In the wonderful film in the television series, of Churchill during the 1930's, the Wilderness Years, one segment was devoted to a debate involving Sir Stanley Baldwin, the Prime Minister of the United Kingdom in 1937 when Mussolini had attacked Abyssinia, before Chamberlain had become the Prime Minister. And at one point there was a tremendous debate in the House of Commons over how best to defend Britain. I do not know if many people know it or not, but there was no defense department in England at that time. The British did not even have a defense ministry at the time that the Nazis were violating the Versailles Treaty, and pursuing their arms buildup. The Facists had beaten down Abyssinia. The Nazis had marched through the Rheinland, were pushing on into Austria, and the British Parliament was debating whether or not they should even have

a defense establishment. Prime Minister Baldwin turned to the next Prime Minister, Chamberlain, who had suggested that they could keep Churchill quiet if they would vote to establish a defense ministry, and Sir Stanley Baldwin said:

Yes, but it is too costly in peacetime, and besides that, it would be provocative to Mr. Hitler.

□ 1440

I want to say, it is not strength that is provocative, it is weakness. The people who are voting to modernize the land-based leg of our triad and trying to give our negotiators some strength in the theater nuclear talks at Geneva are not being provocative.

It is not provocative to the Soviet Union to have the United States modernizing. They are the ones who have engaged in the greatest peacetime military buildup the world has ever known. They have already modernized and vastly expanded their theater nuclear weapons. They have 350 theater nuclear mobile missiles, the SS-20's, 260 of which are west of the Urals. They have already modernized and vastly expanded their ICBM force, deploying three new ICBM's in the 1970's, with four new ICBM's currently under development. Seventy percent of their nuclear weapons are on launchers less than 5 years old, configured for a first strike capability.

How can it be provocative for the United States to modernize its land-based missile system, and why should we be the ones called provocative? The lesson of history is that it is weakness that is provocative. To vote unilaterally to tie the hands of our negotiators at Geneva by defeating the MX or the Minuteman IV modernization program would be more provocative.

I think it would be a grave mistake. I do not think we should allow ourselves to be stampeded into making a mistake here today.

This is a critical vote. The idea that this is a bargaining chip is a misleading abstraction. It is not a question of whether the MX is a bargaining chip or not. It is a question of whether or not you are going to give your negotiators the strength that they need, such as the gentleman from Alabama has pointed out. And if you are for arms control it seems to me that it is obligatory upon those who are for arms control to support your country's modernization efforts, and to insure America's deterrent strength.

I think that most Americans would agree that the initiation of war, particularly nuclear war, would be profoundly immoral. That being so, it seems to me that taking the means necessary to deter its occurrence is a moral imperative.

Our Lord has called us to be peacemakers, and those of us in positions of political leadership are more, not less, responsible for preserving and extending peace. As a Christian, as a Congressman, as a father of four children, I truly believe that helping insure the deterrent and defense capabilities of the United States is a deeply moral and responsible undertaking, essential to our peace and freedom.

I believe the passage of this resolution is part of that undertaking.

When the Congress denied production funding for the MX and Pershing II missiles last year, I wrote President Reagan to express my concerns over how those actions could impair our bargaining leverage at Geneva. I stated my belief that to continue negotiations without congressional support for the President's essential defense initiatives could prove little more than an exercise in self-delusion.

In response, President Reagan wrote that "there is no question that a failure to fund and deploy the MX would have a serious impact on our future force structure and would handcuff our negotiators * * *" Let us face facts. There is no way to obtain an arms control agreement that would serve the security interests of the United States, that would enhance stability or preserve the peace, if the Soviet Union sees that we are not going to take the minimal steps necessary to offset their enormous military buildup of the past decade.

So I support passage of this resolution, to rectify an ill-considered roadblock imposed last year. But that is not to say that I am wholly satisfied with the basing decision reflected in the Scowcroft recommendations. I remain deeply concerned about the vulnerability of our land-based missile force, and the great and ever-growing urgency to redress that vulnerability. Deployment of the MX missiles in existing silos will not alone suffice to meet the problem. Time-urgent development and deployment of a small ICBM, along with increased research and development of antiballistic missile capabilities, are essential—as the Scowcroft Commission has proposed. Moreover, it seems to me that the onus is now on Congress and its responsible committees to force a reconsideration of alternative basing schemes that would provide a measure of survivability to the MX that is lacking in the current proposal.

But there is a difference between having professional reservations about the merits of a given weapons system or basing scheme, and opposing any effort at strategic force modernization. This resolution does not address the merits of the MX missile system. The question we are asked is simply whether we will let the administration spend funds already appropriated for strategic force modernization, or will we cut off our modernization effort?

If the only issue before us were the military merits of deploying MX in existing Minuteman silos, as has been proposed, I would be inclined to lend a sympathetic ear to the arguments of some of my colleagues who have spoken against House Concurrent Resolution 113 citing the military rationale. But there is more, much more, at issue here.

And if Congress refuses funding for a new land-based missile, we will be exacerbating the difficulties for the governments of our NATO allies, who are already struggling against a growing antinuclear, anti-U.S. movement throughout Europe. Western leaders will have even greater difficulty explaining the urgency of NATO modernization plans if the United States shies away from necessary strategic force improvements. This was the warning that former German Chancellor Helmut Schmidt issued over the weekend, and it is a warning that we must take to heart.

What is truly at issue here, as we debate this heavily symbolic resolution is nothing less than the issue of U.S. foreign policy and the entire future of the American experiment in the world. For either we are committed to regaining the strategic high-ground, and restoring America's strength, or we are reconciled to continued Soviet expansion, and risk taking, and exploitation of their growing superiority.

The simple act of approving this resolution will not make America first, that much is clear. But it is equally clear that defeating this resolution will signal our acquiescence to being second. Is there anyone in this Chamber who would welcome that fate?

I urge your support for this pivotal resolution.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield briefly to the gentleman from Texas.

Mr. PAUL. I wonder if the gentleman would address a problem that I have with the MX. I, for one, am at the current time opposed to the MX but not because I am against the updating of our weapons.

Mr. KEMP. Could the gentleman ask me a question? Because I only have 1 minute left.

Mr. PAUL. My question is, Why should we support a weapons system like this when we continue to fund the Communists with technology?

Mr. KEMP. We should not, but I am taking my time back simply to say to my friend that the issue right now is how can you strengthen your hand in negotiations with the Soviet Union. As former Chancellor Helmut Schmidt and the new Chancellor Kohl have both pointed out, if the United States is not willing to go ahead with the modernization of its own land-based force, they do not think that it will be possible to meet the commitments

that this country has to help modernize the NATO alliance land-based system.

So I would hope that we do not get stampeded into making a mistake. I recognize the sincerity of both sides of the aisle, but I would ask Members of Congress on both sides of the aisle to recognize what is at stake here. Do not tie the hands of your negotiators and do not unilaterally cut off the strength from which we hope to negotiate in Geneva.

If you hope for progress in Geneva both in theater and in strategic arms, please support this modernization program today.

Mr. ADDABBO. Mr Chairman, I yield 5 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, the MX started on a racetrack and is ending up in the unstable stable. Of the 35 or so homes that it had in the past, we have managed to find in our infinite wisdom the most dangerous and the most destabilizing.

What we are going to do with the deployment of the MX in fixed-base silos is force ourselves to go on a launch on warning posture on the Soviet Union. If you can think of anything more dangerous, let me know.

Never has a more flawed weapons system meant so many different things to so many different people. To our friends in the Air Force it is the long-awaited big stick that gives them the ability to wage a first strike if they want it. They are not really concerned about its survivability.

Lew Allen once said he thought MX in silos was dangerous and he did not want it. But General Vessey has spoken for the Joint Chiefs. He says even if you need to put the MX in the parking lot of the Pentagon, it is a good thing.

They are undeterred by the fact that if we continue with the modernization program that the President has laid out for us that by 1990 MX in silos will constitute 3 percent after a Soviet first strike of the surviving hard-target warheads, or less than 1 percent by 1996.

It also, for some of my colleagues, is a bridge to Midgetman. But it is not the bridge to Midgetman. It is the barrier.

Just consider for a moment the Air Force budget, $63 billion over the next few years, to build 100 B-1's, 132 advanced-technology bombers, 3,200 cruise missiles, MX, and then they are going to be able to buy Midgetman? You are dreaming, my colleagues, if you think that the MX is going to get you Midgetman. You are sadly, sadly mistaken.

Then the President's letter to the senior Senators from Maine and Georgia: "Don't worry, MX is the way to build down."

I have never been very good at math, but if you take the Senator's 2-for-1 builddown proposal, you build 100 MX and that is 1,000 warheads, and the 2-for-1 would require you to eliminate the Minuteman field, and then we will build Midgetman.

No.

The MX manages to be all things to all people. It is not the way to the 2-for-1 builddown, my colleagues; it is the way to MX.

Then my colleague from Wisconsin, Mr. ASPIN, has said that MX is the way to get the Soviets to be serious about arms control. When we threaten their land-based missiles, he says that is when they will come to the table.

My colleagues, they come to the table because we threaten 260 million Russians. We threaten their survival as a society. They have been at the table since 1969 because they know that.

Then there are those who say this is the way to get Ronald Reagan to be serious about arms control. If Ronald Reagan wants to be serious about arms control, my colleagues, he can ratify SALT II, he can ratify the Comprehensive Test Ban Treaty, he can ratify the Threshold Test Ban Treaty, all within a matter of a few months, because they are all ready to go.

But behind the President stands Mr. Perle, Mr. Weinberger, and Mr. Clark. They believe, my colleagues, that real men do not control weapons, real men build them.

No; my colleagues, if you are serious in your belief that this President is serious about arms control, and that the way to get him to be serious about arms control is to build another missile, you are sadly, sadly mistaken.

Let me quote to you something that appeared recently from George Kennan that I think sums up my feelings about this subject most adequately.

> At the end of our present path of unlimited military confrontation lies no visible destination but failure and horror. There are no alternatives to this path that would not be preferable to it. What is needed here is only the will—the courage, the boldness, the affirmation of life—to break out of the evil spell that has been cast upon us, to declare our independence of the nightmares of nuclear danger, and to turn our minds and our hearts to better things.

My colleagues, let us turn our hearts and minds to better things.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, for the past 3 years I have opposed the deployment of the MX missile. But after reviewing the recent report of the President's Commission on Strategic Forces, headed by Brent Scowcroft, I am supporting the production and deployment of 100 MX missiles in existing Minuteman silos as well as the development of a small, single-warhead missile.

The issue basically turns on the question of whether a deterrent beyond that provided by the Minuteman II and III is needed until the Midgetman can be produced and deployed, estimated for 1993. In my judgment, such a need exists.

Though it is our stated policy to accept a first strike from the Soviets, which would destroy whatever is situated in present Minuteman silos, no Soviet military planner can assume that, in fact, we would. But what our nuclear force must be capable of achieving to provide credible deterrence to Soviet aggression is the near certain ability to destroy the targets they consider to be vital—those whose destruction they would be unwilling to suffer in a Soviet-initiated nuclear exchange. Increasingly, the Soviets are hardening these targets to make them invulnerable to a less accurate, lower yield weapon such as the Minuteman and our submarine-based nuclear missile. They would, however, be vulnerable to the substantially more accurate multiple-warhead MX. By the early 1990's, the Midgetman could take over this deterrence.

Importantly, too, a commitment by Congress on the MX is vital in moving the Soviets toward an arms control agreement. As Congress has proceeded to support the President's strategic modernization program, the Soviet's have returned to the bargaining table. For the first time we have seen the Soviet's willingness to count nuclear warheads instead of launchers in terms of future arms agreements. As the December 1983 deadline approaches for deployment of Pershing II and cruise missiles in Western Europe, I am certain we will see further modification of the Soviets position. The pressure from approval of the MX missile may well be crucial in order to achieve an arms control agreement regarding strategic weapons.

As to cost, the Scowcroft Commission has recommended a basing mode that would lower the cost in 1982 dollars from $30 billion over a 5-year period to $14.6 billion, or an average of about $3 billion per year. For the greater deterrence that these missiles pose to the Soviet Union until the Midgetman can be deployed, I believe the cost at this reduced level is justified.

The criticism that the MX deployment will be destabilizing is not well founded. If we were deploying MX in numbers that the Soviets are deploying SS-18's, the destabilizing argument would be credible. But we are not. The Soviets already have in place hundreds of SS-18's and are deploying 3 more of these 10-warhead missiles a month in superhardened silos, as they have for the past 3 years. This is what

is destabilizing. A small number of MX's will not signal the Soviets that we have offensive intents, as we clearly do not. It will signal, however, that their huge ICBM and conventional force buildup over the past decade—far beyond their defensive needs—will not permit them to undermine U.S. security and threaten vital U.S. interests.

In addition to the Commission's recommendations on the deployment of the MX and the development of the Midgetman, an integral part of the report encouraged that everything possible be done to pursue an arms control agreement with the Soviets. I strongly agree with this position and my vote in favor of the amended freeze resolution was meant to emphasize the importance of arms control as an element of our Nation's defense. Until this can be accomplished, however, I believe that we must take those reasonable and affordable steps to make certain our nuclear deterrence is credible and the peace is preserved.

□ 1450

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Chairman, as I sit and listen to this debate I am really overpowered by how we have a dual standard in this House for comparing different programs. If I came down here for a program for children and said, "Vote for it and show compassion" you would all say, "You have got to show more than compassion. Have you heard about the deficit? Where are you going to raise taxes.?" Yet in this new mutually assured machismo act we are in here voting for the MX to show will?

Now I want to know what else we are buying besides will? I do not even think we are showing will to the Russians by proceeding with the MX, but insanity.

Let me go through my reasoning I have not heard anybody say vote for the MX because it will work, it will make the land base leg of the triad invulnerable. If the President said the MX would provide invulnerability and surviability that would be different. That is like saying vote for a program, because it works. I think anybody who asks for taxpayers' money has responsibility to come forward and prove it will work. But we are not saying that. Everybody's agreeing, the MX will not work, it will not make the land-based leg invulnerable but we are asked to vote for it for other reasons.

We hear that we got to vote for the MX so we do not tie the hands of our negotiators and for a bargaining chip.

I want to tell you, whenever a weapon system cannot be justified militarily we always hear the fallback—but it is a "bargaining chip." I wish I had a chart of the bargaining chips we have bought. Chart wars usually occur when we talk about armed services issues on the floor. If we had a chart of all the bargaining chips that we have voted for in this body and lined it up beside all arms control agreements we bargained for, the agreement chart would be blank.

Beware of the bargaining chip argument, it has not worked in the past and it will not work this time.

Now let me tell you why you can vote against the MX and not tie the hands of our negotiators.

We all know that way over a majority of the Russian missiles are in their land base. That is no secret. We all know that. They invested much more heavily in land-based missiles than we did. They have more worthless land than we do. And we also know that the Russians are moving toward making their missiles more and more and more accurate.

So how are we going to scare Russians to death by saying "Guess what we are going to do, guys, in a show of will; instead of putting 3 warheads in the hole we are going to put in 10. Now back off making your missiles more accurate."

Now that will keep them up all night. This is the Pearl Harbor deployment of warheads.

The Russians will love it if we pass the MX; they will applaud, they will tap dance, they will think this is terific. "Go ahead and show us your will" the Russians must be saying. They can save over two-thirds of their missiles for 1 will take out 10 warheads instead of 3.

I say let us show them commonsense.

If you look at the history of the SALT negotiations and other negotiations with the Soviets, what have they been afraid of? They have rarely mentioned the MX missile. What they talk about is the D-5 missile warhead going into the Trident II. They talk about the cruise missile. They talk about the things that scare them.

Now it seems to me if we are going to commit the American public's precious dollars we ought to be doing something that scares Russian planners rather than assuring ourselves that we will vote for any foolish thing the Defense Department asks for. It seems to me that we ought to be worried about spending money for our maximum defense rather than worrying to save the careers of a group of people who have been advocating the MX missile because they never met a missile they did not like.

This is serious business. And if we came to the House floor with the same arguments for any other kind of program that are being offered for the MX we would be laughed off the House floor.

I urge a "no" vote on this. I think it is time we show commonsense than macho will.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON. I thank the gentleman.

Nothing is invulnerable, nothing is invulnerable. The MX is more accurate than our current missiles. In the area of defense we have been outspent by the Soviet Union over the past decade by over $400 billion. You have all seen this chart. Since 1970 they have built four new ICBM systems and they have four on the drawing boards, and we have yet to develop one, I repeat, one.

You say you are not for unilateral disarmament yet one of your letters yesterday sent four "Dear Colleague" letters to us urging us to vote against all funding for the Pershing II missile, against all funding for the ground-launched Cruise missiles, against all funding for the B-1 bomber, and the MX missile.

What are we going to fight those guys with if a war breaks out? Sticks? How are you going to negotiate at the START talks in Geneva? From a position of utter weakness.

The gentleman from New York (Mr. KEMP) said that weakness is provocative, not strength. I agree with him wholeheartedly.

Weakness invites aggression. History will prove that. Those who do not profit from history are destined to make the same mistakes again. That is what you are inviting today if you follow that philosophy. If you follow that kind of thought the only way to prevent such a war is to disarm completely, unilaterally. Then what do we do? Just capitulate and lose our entire way of life? I hope not.

We must all support this resolution.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 12 minutes to the very able gentleman from Alabama (Mr. DICKINSON) the ranking Republican member on the Committee on Armed Services.

Mr. DICKINSON. Mr. Chairman, in the brief time allotted here I would like to address some questions that have been put to me and that have arisen repeatedly in talking to Members on the floor as to problems troubling them in making up their minds.

I realize most of the people seated here on the floor today have pretty well made up their minds.

Mr. AUCOIN. Mr. Chairman, would the gentleman yield just very briefly?

Mr. DICKINSON. I yield to the gentleman.

Mr. AUCOIN. In the gentleman's remarks I would hope and a number of my colleagues would hope that he

would explain his statement of October 6, 1981, in which he said:

From my understanding of the physics of the problem it would be almost impossible to guarantee a respectable level of survivability with missiles encased in a silo of ICBM's. In other words, we are trying to address our so-called window of vulnerability and I am concerned that we are not closing that window of vulnerability by simply pulling down the shade.

That is the gentleman's quote in October 1981.

□ 1500

Has the gentleman changed his mind?

Mr. DICKINSON. I will try to address that issue in the time allotted to me.

I hope that some people here on the floor to whom I am speaking have not yet made up their mind and perhaps I can be persuasive to them and to those who are following the debate in their offices.

First, the question comes up, well, why now and why in this fashion is this question being presented?

Well, the question is being presented here and in this manner because there have been a number of instances where the Department of Defense has come up with a basing mode for the MX missile which I think, I am sure, the majority agrees, yes, we need an MX missile. The question is: Under what basing mode can we deploy it?

So, in my opinion, this is not technically the best mode that can be put forward. However we have seen one after another turned down and I think and I am convinced that it is militarily and technically sufficient and adequate to be a deterrent. If you couple that with the fact that, for the first time, it is politically doable, then it makes sense. We are not putting it in people's backyards that do not want it, we are not tearing up the landscape in the West as has been portrayed in the past. I think it is politically acceptable for the reasons that have been discussed and I will discuss briefly here today.

Second, there are three elements that have been brought together here under the Scowcroft Commission report.

First is to go forward with the MX. Coupled with that is the research and development necessary to study and determine how to best harden the silos, because they are not hardened now. So the question is how best to do this. There is money in here for that and those are two of the three elements.

The third element is to go forward with a small mobile missile which will be survivable. However, the problem is that the small mobile will be operational in 10 years if we go ahead now. It will be 1993, approximately, before it will have an operational capability.

So what we are talking about are our actions between now and 1993? What are we going to do with the existing basing mode? And what are we going to do with the MX?

Let me say that the MX is capable of being test flown within 90 days, 90 days after the funds we are talking about now are released. We have that much research and development and experience already sunk in this idea and within 90 days we can have the first test flight. So we are not talking about ten years from now.

What about the cost? This is the thing that has troubled many people. How much money are we spending and are we wasting it? It is so terribly, terribly expensive, we hear.

Well, yes, it is expensive. Well, how expensive is it? We are talking about somewhere between $19 and $22 billion for the package. It depends on which of the elements we are talking about, but the MX and that is what we are talking now, the MX, with 100 missiles in the ground, in the silos, will cost $14.6 billion. Now that is a lot of money, but I think that we have very little appreciation for what things cost.

I have here a model of a very pretty airplane. It is colored pretty. It is flown by the Thunderbirds. It is called the F-16. It is just a fighter, but I do not think that people realize how much money just this airplane costs. The total program cost for the proposed buy of this fighter is $42.8 billion. For the entire MX program, we are talking about less than $20 billion. Just this fighter, this fighter, the F-16, total program cost is $42.8 billion.

I have another pretty one. This is the F-18. The Navy likes this. Now this is a red hot little fighter. It is a fighter, too. Now how much are we going to spend for this fighter? Well, if we go forward with a buy of 1,377 aircraft that the Navy proposes to buy, we will spend $39.8 billion, just for the fighter. Now I am not talking about the carrier that goes with it. I am not talking about the people. I am talking about these two fighters. One is over almost $40 billion in the program and this one is $39 billion.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

Is the gentleman intimating that we should cut out these programs? Are they too expensive? These airplanes that work so well, should we cut them out?

Mr. DICKINSON. My point was to show the relative value of the programs. What do we get for the fighter compared to what we get for the MX? Perhaps they are, Mr. Chairman, perhaps they are too expensive. Perhaps they have cost more than they should have, but the point is we are buying them, we are acquiring them. Nobody raises a fuss about what the program is going to cost. It is always so expensive, but just the fighter—what do you get for the fighter? And that is not the only fighter we have—compared to an MX and ICBM system that gives us credibility in the world. Certainly the MX increases and helps to assure our position of leadership in the world.

It has to do with our credibility and our dealings with our allies.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. The gentleman has plenty of time. If the gentleman wishes to yield to me I will yield all the time to the gentleman that he wants.

Mr. ADDABBO. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama (Mr. DICKINSON).

Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New York.

Mr. ADDABBO. The gentleman should also point out that every one of the planes that he has discussed here is being bought in a quantity of a thousand or close to that number; is that not correct? And also the gentleman would have to point out, when he is discussing the cost, that the cost has escalated because we have not been able to buy them in greater quantities so we could obtain more economical rates. And that is because we had to pay for the expensive weapons, such as the MX, which gives us nothing.

Mr. DICKINSON. I agree with the first half of what the gentleman said.

Mr. Chairman, we have talked about the cost. Well is that such a horrendous cost if we are willing to spend twice that for just one fighter or a second fighter? And we have many fighters on hand. Well, what else then?

Let us get down to the question of our credibility and our dealing with our friends and allies. I have and will be a delegate to the North Atlantic Assembly. This is made up of NATO Parliamentarians from the European countries. They come over here about once a year and we go over there once a year and we have exchanges. We talk about who is buying what from whom and how we can best enhance our defense capabilities and they are very much concerned about our agreements with them. We make an agreement and all of a sudden we cancel it. And we make another agreement with them and they go into it in good faith. And we cancel it.

The enhanced radiation weapon is a pretty good example. We go over there and we get Helmut Schmidt, the Chancellor of Germany to support this. He goes to the Bundestag. He takes his political scars, but he stands

up and he says, "Hey, we have agreed with the Americans and we will agree to accept this weapon." And he gets the affirmative vote to do it and what happens? We pull the rug out from under them. Mr. Carter announced, while we still had emissaries in Germany selling this program, that we were not going to deploy it. Chancellor Schmidt was terribly embarrassed about it.

I have here a quote by former Chancellor Schmidt. It was in Sunday's Washington Post. He says that he,

Is not convinced that the Reagan administration is negotiating seriously at the Geneva talks on medium range missiles and that the administration will have to produce evidence of good faith before he can endorse the deployment of modern nuclear missiles in Europe.

Schmidt also contends that, "it is very difficult to place powerful Pershing II missiles"—and this is what we voted for last week—"in West Germany beginning this December, if the United States does not resolve how and where it will base its intercontinental MX missiles."

Mr. Schmidt says that. Mr. Kohl, the present Chancellor, in yesterday's paper in the Post, had a similar statement when he says, "Kohl seeks signal of flexible U.S. arms stance."

But the point is they want us to make a commitment and stay with it.

□ 1510

Now, when we negotiate with our friends and allies in NATO, and the British say, "All right, we will take the GLCM, the ground-launched cruise missile, and we will let you base it on our soil, with the proviso that this will be part of a package, and the Pershing will be put in another European country."

The Germans have said, "Well, if the British will do that, we will take the Pershing, too."

The Italians say, "We are not going to be the only target, but as long as the United States is the leader and they go forward with what they say they are going to do with the MX, we will do our part." And so in Sicily, at Comiso, there will be another GLCM base that the Italians have agreed to provide for our common defense. But without exception, in talking to our friends and allies in the North Atlantic Assembly, when we meet with them, they say, off the record, "What are you guys doing? Are you serious or not? Are you playing games? Now, you make agreements with us, and we understand it is all part of a package. And, yes, we will take them, we will house them, if you go forward with what your say. But are you going to deploy the MX?" That is the question they ask.

We say, "Of course, we will." They say, "Well, your Congress is going to kill it."

Additionally in our discussions with General Rowny in Geneva, and with Ambassador Nitze. They tell us, talking informally, that it is very difficult to talk with their counterparts, particularly off the record, when they go to cocktail parties.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 2 additional minutes to the gentleman from Alabama.

Mr. DICKINSON. Rowny and Nitze say it is very difficult, in talking with their counterparts because when they say, "Well, now, you know we are going to have this negotiation going on, and we think we are going to get the Soviets to negotiate seriously." There is always this smirk. Their counterparts say, "Well, how can you expect the Soviets to negotiate with you while we are talking about intratheater nuclear weapons if you are not willing to go ahead and make the commitment to deploy the MX? You ask them to come and sit down to the table to bargain." And General Rowny says, "If the Congress has already said we are not going to build an MX, what have I got to negotiate with them about? How would they be even interested in coming to talk to us about the SS-19 or the SS-18 and a deescalation and a builddown in the arms race when we have announced in the Congress that we are not going to build the MX. What possible inducement is there for the Soviets to come and say, 'Well, OK, we will reduce our missiles?' " It just is not going to happen. The same is true with the GLCM; the same is true with the Pershing; the same is true with the MX. If we do not have something to negotiate with, something to negotiate about, the Soviets are not stupid, they are certainly not going to sit down and say, "Well, now, if you promise at some time in the future you will not build, then we will take out our 350 SS-20's deployed against Western Europe and Asia, even though we know that you are not going forward with it, and even though we know that you are going to break your agreement with your NATO allies.

We know that is not going to happen and we know that the Soviets will not negotiate the SS-18 until this Congress says they are going to build the MX.

So if you want a builddown in nuclear weapons, this is the way to go. If you want to consider cost, this is not prohibitively high, compared to other weapons systems.

And let me just leave you with one thought: If you do not do it now, here and now with this weapons system, you are not going to do it later. There is no second chance.

Mr. ADDABBO. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Rhode Island (Mrs. SCHNEIDER).

Mrs. SCHNEIDER. Mr. Chairman, I rise in strong opposition to House Concurrent Resolution 113. Five months ago, the House overwhelmingly defeated a proposal for funding the MX missile because no secure basing mode was available. We were told then that the MX could not be placed in existing silos because it would be vulnerable. We were told that the MX was critical for our defense because only the MX could help close the window of vulnerability. We were told, and we all agree, that the U.S. nuclear arsenal required a weapon that could survive a first strike because that was necessary to deter war.

We have now received a report which urges us to base the MX in existing silos which are already targeted by the Soviet Union. Under close scrutiny the window of vulnerability has disappeared and deterrence is being promised with a basing mode that would invite a first strike by the other side. We have been encouraged by some who suggest that because we will require a reduced number of missiles we are saving $10 billion. I contend that if this dangerously destabilizing scheme were free, it would still cost too much. It would cost too much because we will not use it in a first strike and we cannot use it for measured retaliation. Its vulnerability requires that we launch it within the 30 minutes when an attack is first detected and the first enemy missiles land. When the Russians see it coming, do we really expect them to leave their missiles in hardened sites awaiting the arrival of the MX?

I listen to the argument that to build the MX and place it in vulnerable silos is a demonstration of our national will and find it lacking. Our national will is amply demonstrated by our willingness to spend billions of dollars on submarine based ballistic missiles, cruise missiles, and conventional weapons. Our national will is demonstrated by our eagerness to end the madness of another round in the arms race and to seek a reasonable negotiation for the reduction of nuclear weapons. Surely the Russians are as perplexed as our European allies at an expression of "national will" that would lead us to base MX in vulnerable silos. The destabilizing nature of a weapon that can only rationally be used for a first strike does not reflect our national will—it reflects another step in the direction of disaster.

The concept of deterrence requires that our adversaries realize that to start a nuclear war will result in unacceptable losses to them. Of the 9,000 nuclear warheads that the United States now has deployed, fewer than 5 percent need be available to retaliate

in order to bring about the devastation of the Russian industrial capacity, indeed their civilization, beyond reasonable hope of recovery. If this is insufficient to deter our adversaries, then surely the addition of 700 nuclear warheads to our already numerically superior arsenal will not increase its power to deter. It is time we take stock of our national defense needs rather than attempt to match the strategy, tactics, and weapons we ascribe to the other side.

The arguments against the MX are myriad. It serves no deterrent function, it is vulnerable, it is a highly valued target, it is expensive and unproven, and it has no value other than to blast hardened targets, which will surely be empty by the time it arrives.

The arguments in favor of placing the MX in existing silos are specious. It cannot function as a bargaining chip unless both sides are willing to bargain. It is not a demonstration of national will, but rather a demonstration of a willingness to build the next generation of missiles without regard for its intended purpose, its usefulness, or its role in the overall scheme of defending our Nation.

We have given the basing of the MX a hearing and it has come up wanting. I call on my fellow Members of Congress to vote down this ill-considered scheme of placing a threatening weapon in a vulnerable position.

Mr. Chairman, it is time that we consider carefully the overall integration of our next generation of land based missiles in the context of our defensive needs during the decades to come. What will we need to complement the planned Trident submarines, the cruise missiles and the Stealth bomber? What share of the nuclear burden are our European allies willing to carry?

Mr. ADDABBO. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Chairman, this vote will be viewed by history as the nuclear weapons equivalent of the Gulf of Tonkin Resolution. It appears that the argument that we are now hearing is that we need to deploy the MX because it will be a bargaining chip against the Soviets to make them serious about arms control. It appears that everyone agrees that the 100 MX missiles will be vulnerable if they are placed in the Minuteman silos. So the thin thread this missile is hanging on is its value as a bargaining chip.

Well, I hate to throw cold water on this argument, but there is one person who stated very clearly that the MX is not a bargaining chip—Ronald Reagan.

On December 9, 1982, President Reagan again said at a press conference that the MX is not a bargaining chip.

So to my Democratic colleagues who say they have converted Ronald Reagan on arms control, I suggest they read what their convert is saying about their bargaining chip.

Well, let us assume, for a moment, that my colleagues have probed deep into the White House subconscious and have discovered that the administration really intends for the MX to be a bargaining chip. The big question remains: Would the deployment of the MX really be a bargaining chip to get the Soviets to negotiate an arms control treaty?

The answer is "No." The last three decades have clearly shown that a bargaining chip is what this country is capable of deploying, not what we actually deploy. In fact, history has shown that the weapons we have deployed have driven the Soviets to the production line, not to the bargaining table.

What did the Russians do when we MIRV'd? They MIRV'd. What are the Russians doing in response to our building long-range cruise missiles? They are developing a long-range cruise missile. What happens when we deploy the MX? The Soviets will develop a counter to it.

Anyone who believes that deploying the MX will be a bargaining chip has not learned that lesson of history.

Let us explore this bargaining chip notion a bit further. In order for a weapons systems to be a bargaining chip, it has to have some military value for the country throwing out the chip. So what military value is the MX? Well, even though it has a first-strike capability, the MX is of no value to us as a first-strike weapon because even President Reagan has said that the United States will never launch a first strike.

So of what value is the MX as a retaliatory weapon, a weapon that would be fired after the Soviets fire a first strike?

Well, the Air Force said last week that as little as 1 percent of the MX missiles would survive a Soviet first strike. So after, according to the Air Force, a first strike, we would be spending $20 billion on a weapon system that, in the end, would be only 1 percent effective.

Now, let us take a look at what that one MX missile that survives a Soviet first strike is going to do for us militarily.

The Air Force says that we need the MX to hit hard targets after we have ridden out a first strike. That is, the Soviets attack first, and then we have to have the MX to knock out their remaining missile silos.

Well, let us think this thing through for a minute. The Soviets have been bold enough to launch a first strike; we fire our surviving missiles at the remaining Soviet missile silos. Does anyone think that if the Soviets have launched a first strike and we have fired our missiles at the missile silos the Soviets have held in reserve, does anyone in their right mind think that the Soviets are going to sit on their hands and allow these remaining missiles to be destroyed in their silos? Of course not.

□ 1520

At the launching of first strike, the first blip the Soviets see on their radars of incoming U.S. missiles, you can be sure they will be launching their remaining missiles in reserve rather than letting us destroy them in their silos.

So what would our lone, one MX missile be hitting if it is aimed at the Soviet missile silos? It will be hitting empty holes. We are talking about spending $20 billion for 100 MX missiles, one of which will survive a Soviet first strike, and those 10 missiles that get to the Soviet Union will hit 10 empty holes. Twenty billion dollars to incinerate 10 empty holes in the Soviet Union. That is what we are buying with the MX missile.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming (Mr. CHENEY).

Mr. CHENEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, the House Republican Policy Committee, of which I am chairman, supports the release of funds approved by Congress last year for research, development, and testing of the MX missile under the terms proposed by President Reagan.

Those terms include the creation of an on-going bipartisan commission to advise this and future Presidents on the development of new weapons systems and proposals for strategic arms reductions. They will do much to ease the potential for nuclear conflict with the Soviet Union. And they will do much to halt the dangerous trend toward on-again, off-again nuclear weapons policies becoming ephemeral elements of domestic political contests.

Mr. Chairman, there is no American who cheers a headlong rush into a new arms race. No one desires a Strangelovian development of nuclear armaments. No one seeks the development of the ultimate weapon. Americans do not attempt to escalate danger, threat or terror in international affairs. But, as I have said before, we must live in the world as it is. We cannot simply live in it now as we hope it will be someday.

And we live in a world that is at least in part Newtonian. Changes and forces elsewhere in the world impinge upon us. They force us to react. Hopefully our reactions are thoughtful, cautious, and well thought through. President

Reagan's proposal before us today certainly is.

We live in a world which has seen the Soviet Union deploy an additional 788 new nuclear missiles since the 1970's. We live in a world that has seen the Soviet Union add 5,060 new nuclear warheads in that time. We have watched continuing new weapons tests by the Soviet Union, some as recently as May 4, just 3 short weeks ago.

During that same decade the United States added fewer than one-third that number of warheads to its arsenals.

Mr. Chairman, we all look forward to the day in which Americans, in which all the people of this Earth, can live in security, tranquility, in peace with themselves and their neighbors. Until that era is reached, however, we live in the world as it is, not as we wish it were. The world as it exists today, in the face of that very real nuclear buildup, in the face of continuing threat, demands that we take this careful, cautious step toward preserving peace, security, and tranquility.

Mr. Chairman, the House Republican Policy Committee supports the release of funds for further development and testing of the MX. The full text of the Policy Committee's statement follows:

STATEMENT NO. 7

The House Republican Policy Committee supports release of research, development and testing funds for the MX missile under the terms recently proposed by President Reagan.

The President's support for the creation of an on-going bipartisan commission to advise on new weapons systems and his new proposals in the Strategic Arms Reduction Talks underline his commitment to peace through strength. By releasing funds for the MX, Congress can support President Reagan's commitment to modernize our land-based strategic forces while seeking meaningful nuclear arms reductions.

If the Congress fails to implement the Scowcroft Commission's recommendations, both our allies and adversaries will have reason to doubt America's commitment to maintain our defense capabilities, and the Soviet Union will have less incentive to enter into a meaningful arms reduction agreement.

The House Republican Policy Committee therefore supports release of the research, development and testing funds voted for the MX program by the 97th Congress.

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HERTEL).

Mr. HERTEL of Michigan. I thank the gentleman for yielding this time to me.

Mr. Chairman, the majority of the hawks are in favor of the expenditure for the MX and the majority of the doves are opposed. Let me talk to the people in the middle who are still trying to make that very hard decision.

The problem is, of course, that if you look at yesterday's RECORD and you listen to the debate today, you see no facts, you read no facts, you hear no facts in support of the MX missile. We hear about letters from the President, but no facts, no example of resolve as far as negotiations. We see the ranking minority member of my Armed Service Committee get up with toy airplanes and say, the only argument that he has, that we spent $40 billion on the F-16; then why not spend $14 billion or $20 billion on the MX?

We see no arguments, we hear no arguments, when we hear people get up and say, "Well, to get the Midget missile in 1993, you have to waste almost $20 billion for the MX, which will not be done, will not be completed in these silos that are so vulnerable, before 1989." No facts again.

We hear the word "resolve" over and over, but we all know there are many ways to show resolve, sensible ways to update our defense, to accelerate the Trident program, the cruise missile program. There are very sensible ways, that the Soviets would fear, to show resolve.

There were so many Members here interested in the freeze debate, but that was a piece of paper. Yes, it was a sense of Congress, but that is all it was. This question we are dealing with today is the direction we are going to take in international policy, and since no one showed anything factually regarding resolve that we are showing the Soviets, let us move to the other point that those in the middle think about; that is, will it make a difference in negotiations?

I quote to you from a luncheon of the Arms Control and Foreign Policy Caucus just held within the last few weeks where a member asked General Scowcroft, who I think is a very honorable and forthright man, a question about whether the President was serious about arms control.

Do you have the sense, General, that there is a real visceral commitment to arms control by the President?

General Scowcroft, the leader of the Commission, said, and I quote:

It is my sense that the President has a real, and I think visceral is a good way to describe it, commitment to arms control. That is not at the present time, I think, shared by all elements of his administration.

This is what General Scowcroft said in reply to the question about moving ahead on arms negotiations. Later General Scowcroft said, in answer to a question by a member—let me read you the question.

If I could just comment on your last statement, sir, I think it begs the question. The President is staffing the White House with people who have visceral reactions against arms control and to just say somehow that he subjectively has his heart in it is a real problem for a lot of people.

General Scowcroft, the leader of the Commission, the report that we are considering, the General said:

I think you point out a real problem. I regard that as the exact problem.

So, you see, you buy nothing for $14 billion, no resolve, no faith in future negotiations, even in the opinion of the head of the President's MX Commission, General Scowcroft.

Mr. ADDABBO. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HARRISON).

Mr. HARRISON. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the resolution.

Mr. Chairman, the safety of this Nation depends upon our defensive Triad of land based ICBM's, submarine based SLBM's and bomber launched nuclear warheads, augmented by cruise missiles. The success of this system depends on its defendability, mobility, and concealment. Our submarines are well concealed beneath the oceans, our planes mobile in the skies, but our missiles, our ICBM's, are on the ground, in well spaced but poorly defended silos.

We are asked, now, to commit $20 billion for the MX, a system which, although it is larger, more accurate, and more expensive than the Minuteman II it is supposed to replace, represents a strategic "sitting duck" because of its basing mode.

Each of the 10 warheads sitting atop an MX has roughly 30 times the destructive power of the Hiroshima bomb, and each represents 10 reasons why the MX would be an attractive target for Soviet attack.

Mr. Chairman, there have been repeated efforts to sell us the MX with the argument that it represents the only portion of the triad which allows us to respond to a Soviet attack in minutes rather than hours. But this is so, of course, only if it survives that attack and both the Scowcroft Commission and the administration admit that it cannot do that—unless it is to be launched on warning only—because it does not meet the criteria of invulnerability which was the originally stated reason for building it. And for that very reason, a persistent fear exists that the vulnerability of the MX would lead to that very policy—a retaliatory nuclear attack launched on warning alone—and that, in a situation in which we are without sufficient ability to confirm our information, is not only dangerous, but it risks the holocaust every time a computer malfunctions, a plan goes astray or the weather fails to cooperate.

We have more warheads and bombs, at present, than the Soviets and we have them arranged in a more diversified delivery package. We do not "put all our eggs in one basket" now, and

we should not risk doing so in the future by building the MX missile. Its survivability is poor, its deterrent effect dubious, and its very existence is a destabilizing force on a delicate nuclear balance.

At a time when military pay increases are being held to a 2-percent annual rate, when our lowest grade military personnel are being asked to do without any increase at all in order to save $50 million, the President suggests that we spend some $20 billion on a missile program that he has called a bargaining chip, something that we can later deal away at the START table. The truth is that this is no bargain. The bargain lies in reinforcing our submarines with Tridents, retrofitting more of our present Minutemen II missiles, deploying our cruise missiles, and in beginning development of the highly mobile Midgetman concept.

Mr. Chairman, like some eternal monster from a recurring nightmare, the MX refuses to die. We have tried nearly everything: Burying it, drowning it, flying it, racing it, everything except scrapping it. Well, now is the time. We must not spend untold billions on a missile that is likely to be phased out as soon as it is available, that is only useful as a first strike weapon, and that does nothing to increase our security while continually decreasing our credibility at the nuclear bargaining table.

Mr. EDWARDS of Alabama. Mr. Chairman, I am happy to yield 5 minutes to the able Republican leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, during this debate there have been contradictory positions taken by opponents of the MX concerning the question of vulnerability.

On the one hand it is said by some MX opponents that the Scowcroft report rejected the concept of vulnerability. Since our ICMB's are not vulnerable, they argue, we do not need an MX. Our Minuteman can do the job.

But the report states: "* * * the survivability of our ICBM's is today a matter of concern," even taking into account the other legs of our triad. On page 8 of the report we read that "it is highly desirable that a component of the strategic forces be survivable when it is viewed separately."

Gen. Brent Scowcroft, head of the Commission, was asked in U.S. News & World Report, if there was any way "to insure the survivability of America's land-based missile force against a first strike."

He answered:

> There is no feasible way in the short run if you're speaking of survivability against a surprise first strike.

On the other hand, those who do not want the MX say the MX is vulnerable in Minuteman silos. This vulnerability, they argue, makes it useless.

Thus we have been told we should not build the MX if our ICBM's are vulnerable and that we should not build the MX if they are not vulnerable.

This kind of argument is best summed up in the old saying: Heads I win, tails you lose.

But the bipartisan Scowcroft report fully recognizes the vulnerability of the MX but still believes it is absolutely necessary as a step toward new concepts of deterrence and arms reductions.

As the Scowcroft report states, our land-based ICBM's vulnerability cannot be judged in isolation. The other legs of the triad have to be taken into account in any estimate of force vulnerability.

In fact, the concept of mutual survivability is one the report strongly endorses.

This concept stresses the technical problems the Soviets would have in destroying the remaining components of our strategic forces if they decided to launch an all-out attack on the most vulnerable leg of the triad. Together, the individual components of our triad mutually help each other to survive.

But this is a far cry from saying the report denied the vulnerability problem. All it did was redefine and clarify the problem.

I wish our ICBM's had absolute invulnerability from enemy attack. But they do not. And given certain political and technological problems, there is no short-term solution to the problem.

But this does not release us from the obligation of taking responsible action. We must respond to the Soviet build-up of SS-18's and SS-19's.

We have to have a credible ICBM deterrent if our triad is going to deter aggression.

This means we have to modernize.

The MX is a bridge between the past and the future of nuclear strategic arms. It is a bridge we have to cross if we are to get to a time when real arms reductions are possible and when an all-but-invulnerable missile—the Midgetman—can be deployed.

There are no shortcuts in geostrategic journeys of this kind. We have to have the courage to move forward.

We have to learn to live in a period of uncertainty—and, yes, of danger.

We can make that period easier to endure—and survive—by putting the Soviet Union on notice that it runs grave risks if it thinks the time has come to attack. The 100 MX missiles can be eloquent testimony to our determination and our will.

It must be emphasized that the deployment of 100 MX missiles does not amount to a first-strike capability.

A bipartisan commission made up of the most distinguished group of foreign policy and defense experts ever assembled has said: "The United States needs the MX."

Their voice, a voice that transcends petty partisanship, should be heeded by this House.

In conclusion let me remind you what President Kennedy said on March 2, 1962:

> Until mankind has banished both war and its instruments of destruction, the United States must maintain an effective quantity and quality of nuclear weapons * * * the most modern, the most reliable and the most versatile weapons our research and development can produce.

President Kennedy's call for strategic modernization speaks out to us across the years.

We would do well today to heed his warning by voting for the MX, the necessary bridge toward the kind of arms reduction our country and the world yearns for.

□ 1530

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I have listened with interest to the debate on this issue. I am no stranger to the issue, having studied it intensely for 2 years, as chairman of the subcommittee that would have had to deal with the "racetrack" basing proposal. Our subcommittee report of August 1981 recommended the development of a small, mobile ICBM foreshadowing the Scowcroft Commission recommendations on that point. The degree of expertise and intelligence displayed by many of our colleagues on both sides of this issue has been truly impressive.

Despite that, we seem no closer to a true consensus than before the debate started: Certainly, the acceptance of the Scowcroft Commission report by the President and some Members of the House who earlier opposed deployment of the MX is not a true consensus from the national viewpoint. It is said that the President's Commission was a bipartisan commission, but that does not mean that it represented all points of view. The members of the Commission are all hawks, most of them military men or former officials of the Defense Department. All have been supporters of the MX over the years.

The sad fact is that we are allowing ourselves to be dominated by military minds and by a militaristic approach to the problem of dealing with the Soviets. The Commission's report, like the President's speeches, contains entirely too much "cold war" rhetoric. There is entirely too little emphasis on

the profound mutual interest that both the Soviet Union and the United States share in winding down the nuclear arms race.

One of the paramount principles of a civilized society is civilian control of the military. We, as civilians, seem to have forgotten how to appeal to the civilians who govern the Soviet Union.

Last week, one of America's most distinguished leaders, George Kennan, the man who devised the containment policy which so successfully blocked Soviet expansion in the years following World War II, made a landmark speech to the American Committee on East-West Accord. He pointed out that civility and privacy of communication between the two great powers had largely broken down, that their statements and actions were now "permeated with antagonism, suspicion, and cynicism," that public discussion of their relationship had become almost "totally militarized, in this country at least," and that these are "the familiar characteristics, the unfailing characteristics, of a march toward war—that and nothing else."

Kennan went on to go to the intellectual source of some of President Reagan's most extreme public statements, namely the view that Soviet-American tensions flow "automatically from the nature of the Soviet regime" and are therefore unavoidable. From "this allegedly unbounded and unquenchable thirst for power" on the part of the Soviets, Kennan observed, comes the conclusion that there is "no language they could be expected to understand, other than that of intimidation by superior military force." He pronounced this image "grotesquely overdrawn * * * inexcusably childish, unworthy of people charged with the responsibility for conducting the affairs of a great power in an endangered world."

It may well be that the deck is already stacked as far as today's vote on the MX is concerned. That will be unfortunate, it will waste a large sum of money, but will not be, in itself, a catastrophe. There will be other opportunities, including the upcoming Defense Department authorization bill, to alter the course.

But let us make no mistake, the direction we have been going in the last several years must be changed. In the words of George Kennan:

> At the end of our present path of unlimited military confrontation lies no visible destination but failure and horror. What is needed here is only the will—the courage, the boldness, the affirmation of life—to break out of the evil spell that has been cast upon us, to declare our independence of the nightmares of nuclear danger, and to turn our minds and hearts to better things.

The crucial question is whether the leadership in this country, starting with the President, can rise above the sophisticated militarism of the professional advisers, can break out of the stereotype represented by the strategy of threat and counterthreat, and can reach out to the Soviet Union in ways that will focus on our common interest in the survival of the people of both of our great nations, and, indeed, the people of the entire world.

Clemenceau once said, "War is much too important to be left to the generals." Is that not even more true of peace?

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN. Mr. Chairman, I have told the Chamber this in the past, but I want to repeat it because it is so important.

Hubert Humphrey spoke to this Chamber 6 weeks before his death, and he said "that to the extent that we know it, this is the only place in the universe where life exists, and the question of whether that life is going to continue to exist in peace rests largely on the leadership ability of the American people." And he was right.

The question is, Do we have the leadership? Do we have the leadership in this Chamber to move toward peace?

I do not believe in unilateral disarmament. I do believe in strength, but I do not believe in spending $20 billion on this phony bargaining chip called the MX.

Let us talk about chips for a second. I came from a State that has 300 ICBM's underground. Those are the Minuteman missiles. It is the only State in this country that had an antiballistics missile system. That was a chip. They said it was a chip for SALT I.

We went into SALT I, and we had 5,000 warheads, the Soviets had 3,000 warheads. We completed SALT I and negotiated SALT II. Now we are a decade later. We have almost 10,000 nuclear warheads, the Soviets have 8,000 and we are moving to 15,000 warheads and the Soviets to about 12,000 warheads.

That is progress? That is bargaining? Those are chips that mean something? I say, "Not to me they don't."

Many of us from the prairies know the difference between a bargaining chip and a cow chip. Anybody in this Chamber who is willing to spend $20 billion for this kind of a "chip" ought not to be entrusted again with the taxpayers' money.

I agree with former CIA Director, Herbert Scoville, who said, "Spending billions on a weapon only useful in a first strike demonstrates madness, not seriousness."

Just within the last week I peered down the hole of a Minuteman missile. The fact is, that those silos, according to the President, are vulnerable. Do we want to, with $200 billion in Federal deficits staring us in the face, put $20 billion into a weapons system and put that weapon into a silo that the President has spent the last 2 years telling us represents a vulnerable silo?

No, that is not a step toward peace, that is not a step toward negotiations, that is not a step toward arms control. As Mr. Scoville said, that is a step toward madness.

I say, let us back away from some of this nonsense. Let us invest wisely and carefully in military programs that really give this country strength and security. Let us not continue to throw the taxpayers' dollars away on bizarre weapons schemes that we do not need, and weapons schemes that will not work. That does not make America secure or safe. It saps America's economic strength, and all of us know that a first rate military can never be sustained by a second rate economy.

Mr. Chairman, we need to make wise judgments on these issues, and I am going to vote no on the MX.

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. BOXER).

Mrs. BOXER. Mr. Chairman, why do we need the MX missile? For deterrence?

Existing systems and those under development in our country today provide many times the power needed to deliver a devastating retaliatory blow to any nation that attacks us. Thus, an attack on the United States is tantamount to fulfillment of a death wish.

Nuclear warheads available to the United States today before attack number some 8,800. The United States has 1,047 missile launchers with 2,150 warheads; 32 submarines carrying 520 missiles and 4,768 warheads; over 300 B-52 bombers capable of delivering hundreds of additional missiles and warheads.

Let us look at the ICBM's we have without the MX. There are 900 modern Mark 12A warheads in our Minuteman force for prompt hard—target kill capability—900 warheads to hit hard targets. Each warhead has a destructive power more than 10 times as great as that of the Hiroshima bomb. This is backed up by thousands of additional hard target killers on submarines and on bombers. But, let us assume the United States could lose all of its ICBM's. We could still destroy 80 percent of the economic worth of the Soviet Union, kill up to 100 million people; injure 100 million more. That is with not one ICBM operative.

What can even 1 of our 32 submarines do? One submarine attack would be catastrophic for the Soviet Union. Each of our 19 Poseidon subs, equipped with Poseidon missiles, carries 16 missiles and can deliver 160 nuclear warheads on separate Soviet targets. In addition, we have 12 more Poseidon subs, each backfitted with 16 C-4 missiles for 128 warheads on each of

these ships. And we have deployed one Trident submarine. An extremely limited attack of only 10 missiles attacking the Soviet Union's oil refineries would destroy 75 percent of that nation's refining capacity; 1.5 million Soviets would die.

No, we do not need the MX for nuclear deterrence. We already have deterrence. We need only what we need—and what we need is a varied and survivable force with varied and survivable capabilities. Except for MX in Minuteman, all our existing modernization programs contribute to this basic requirement. And is not deterrence what our defense policy is supposed to be? We are a moral nation which stands for freedom; which respects the life God gave us to protect. It must be known that our nuclear weapons are only there so that if any nation dared attack us we would be ready and able to retaliate with great force. We have that nuclear force now, and without the MX, we are developing even more strength in the area of proven deterrents.

Why do we need MX? To get the President to begin arms control in earnest?

The President should be committed to arms control just as every other President both Democrat and Republican has been over the years.

The Congress should not feel that it must bribe the President into arms control talks by giving him his unneeded weapon. President Reagan has already said publicly in his address of December 10, 1982, that the MX will not be part of arms control negotiations.

We do not need the MX to get the President to pursue arms control. He has a moral obligation to do so and MX procedures would not change his sense of morality.

Why do we need MX? As a bargaining chip?

MX has never been at the bargaining table although it has been under serious research and development for years. President Reagan said on December 10:

> The MX is not * * * a bargaining chip that somebody could say, well you're building it just to tear it down. No, we need modernization. Even if we got reductions of arms, this would not be the missile that would be taken out of circulation.

And at the same news conference:

> We do not intend to trade MX for a new Soviet ICBM.

No, the MX is not a bargaining chip to help arms control. It is a clear escalation of the arms race. The Soviets will respond by deploying their version of MX and arms control will go out the window.

Why do we need MX? To show our national will?

Over the past 20 years the United States has built up a deadly nuclear arsenal with billions and billions of dollars. In 1970, we had some 4,000 strategic nuclear weapons; in the eighties, we have in excess of 9,200 strategic nuclear weapons.

No, the MX is not needed to show our national will to defend ourselves against nuclear war. We can devastate any country that uses nuclear weapons against us with a diverse arsenal. As George McBundy said recently before the Senate:

> We have so many good programs on hand, we have no need to impress the Russians with a bad one.

Why do we need MX? Because we are inferior to the Soviets?

To determine who is "ahead" in the nuclear arms race we must look at each country's overall strength. While the Soviets are ahead in ICBM's, size of warheads and total megatonnage, the United States is ahead in submarines and marine missiles, bombers, cruise missiles, total numbers of warheads, antisubmarine warfare capability. We have a far more diverse nuclear strike capacity.

The United States is not behind. Either side can destroy the other hundreds of times over. Our leading defense personnel state unequivocally that they would not trade our military capability with the Soviets. We may well wish to increase our capability for conventional war, but as for a nuclear deterrent, there is no way that we can be pictured as being weaker than the Soviet Union.

No, the MX is not needed because we are inferior to the Soviet Union in nuclear arms.

Why do we need the MX? To launch a protracted or limited nuclear war?

The endurance to fight a prolonged nuclear war was embraced by the Reagan administration in May 1982. Casper Weinberger, Secretary of Defense said:

> The U.S. nuclear capabilities must prevail even under the condition of a prolonged war.

If we carry out the theories espoused by the administration, that nuclear war is a real possibility, procuring the MX makes sense. Under this vision, the initial attack might well be directed against Soviet hard targets such as ICBM silos or against their submarines. The evidence that the Reagan administration is "planning" a nuclear war is not a figment of anyone's imagination. Pentagon documents were revealed by the press in 1982 which discuss this possibility quite openly.

Is that why we need the MX? To help us plan a nuclear war? God help us. It could be.

What could be the result of an American MX missile system even if we renounce a first strike option which this administration has refused to do?

The MX missile with 1,000 warheads in 100 silos would put a risk most of the Soviets' entire force of 1,400 ICBM missile. Although we might never wish to launch a first-strike, if the Soviets perceive this, they may adopt a launch-on-warning defense strategy, based on automation. Should mistakes occur, and because there would be no time, they could release their deadly ICBM's from their silos as the only way to protect them against ours.

On the other hand, the only way to protect our MX missiles from Soviet attack is to also use a launch-on-warning strategy. Then, as soon as we believe they had launched their ICBM's, we would launch ours. The fate of the Earth is put into the hands of fallible machines if it is lucky enough to bypass incompetent human beings of poor judgment from either country. MX in Minuteman silos are sitting ducks and they are destabilizing.

We should vote "no" on the MX missile system and concentrate on true deterrents and conventional forces for our real national security, at the same time pursuing bilateral negotiations with the Soviets.

This MX issue is a moral one. The Congress voted for a nuclear freeze to try and bring a new era of stability and lessening of tensions. How can this same Congress vote for a destabilizing, potential first-strike or launch-on-warning weapon?

And its cost? Staggering. In this day of raging deficits, the cost is $20 billion for our national security, but $20 billion for a further escalation of the arms race, I want a strong America, I want a protected America, I do not want a bellicose America escalating the nuclear arms race to where there may be no return.

We have a burden in this Congress—a burden and a responsibility. God, give us the strength and the wisdom to turn away from procuring this MX missile.

□ 1540

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY. Mr. Chairman, the MX is a missile with 10 warheads, four stages, and nine lives. It is a missile without a mission, yet we allow it to continue to consume our National Treasury while it promises to make the world less safe for us, our children, and this Republic. Today we have an opportunity to stop the MX before it gets off the ground.

We are on the verge of committing tens of billions for a marginal improvement. This is bad public policy. Lets cut the MX off at the knees today. Vote against releasing the $625 million for MX basing activities and missile test flights instead of succumbing to its insatiable appetite for tax moneys.

Congress has rejected the MX in the past, and it should do so today. The

MX is an ill conceived, dangerous, and unnecessary weapons system. It lacks a valid military purpose. Deployment of the missile would be a serious mistake. There is nothing more that can be said to make it worth buying. The American people deserve better protection for their money.

For over 10 years, we were told that we needed the MX because the Minutemen ICBM's were becoming increasingly and dangerously vulnerable to a Soviet attack. But now, even the blue-ribbon Scowcroft Commission, admits that basing the MX missiles in existing Minuteman silos will leave them as vulnerable to Soviet attack as the Minutemen already are. And now a new Air Force study concludes that by 1989, the Soviet Union could have so many accurate nuclear warheads that as few as 1 percent of the U.S. land-based missile force might survive a well executed Soviet first strike.

Since the missiles cannot survive a Soviet first strike, they are not useful for deterrence or retaliation. The only remaining use for the MX is as a first-strike weapon, a use that runs contrary to stated U.S. policy. If we cannot use the MX after a Soviet attack, and we will not use it before, we are left with a useless weapon—a missile without a mission that adds nothing to our national security. It only adds to our national debt.

MX is simply not necessary to our national security. The Scowcroft Commission wisely laid to rest the spectre of the window of vulnerability that put our Nation at risk. Even if our land-based missiles are more vulnerable than before, our existing submarine-launched missiles and Minuteman missiles can do the same job. And the Trident D-5 missile, which can be deployed at one-third of the cost of the MX fulfills the same function, and will be ready by 1989. Finally, our SLBM's, combined with our Minuteman ICBM's, and other existing missiles, plus our bombers and cruise missiles, comprise a formidable deterrent to a Soviet attack. Existing weapons are more than sufficient to protect us until more stabilizing weapons are developed.

We do not need the MX. It actually makes us less secure.

It is a very fast, accurate, and powerful weapon. By threatening the Soviet Union's land-based missiles from vulnerable silos, it practically invites a preemptive attack in a crisis. And because it has 10 warheads on each launcher, it would be a tempting target for a Soviet first strike. It is a destabilizing weapon that increases the chance of a nuclear war.

The Pentagon's answer to this problem is to shift to a launch-under-attack strategy—launching our missiles on warning of a Soviet attack. In this way we do not permit them to be destroyed in their silos. A launch-under-attack strategy greatly increases the danger of a nuclear war through accident or miscalculation. The shorter the time we have to verify that an attack is actually in progress, the greater the risk of a mistaken response. False alarms can occur. And they do. Our own command-and-control system often generates them. The idea of our country committing itself to a defense strategy that deprives it of the time to correctly assess and respond to an alarm is frightening. The MX adds a dangerous and uncontrollable element of instability to the nuclear equation. This is not a weapon that should make any of us feel safer.

I remember first reading about the racetrack basing idea for the MX while at a political convention. The platform committee had before it a resolution endorsing this basing plan. I realized our Minuteman system was aging, and that we needed a strong deterrent to counter the Soviets. I studied the proposal for a long time. It looked very expensive, and I wondered why any State would be willing to accept this system.

They were not. So we moved on to dense pack. No matter how many times you read over this proposal, it just did not make sense. So then a commission was chosen. Now we are back to the vulnerable Minuteman silo. The Wall Street Journal today called this idea replacing one aging missile system for another aging missile system.

The Scowcroft Commission calls the MX as a way station to a truly effective missile system. I call it an idea whose time has passed.

I respect the Wall Street Journal. It is a paper of worldwide prominance—widely respected for its reporting. However, I was deeply disturbed by their editorial today on the MX.

The Journal feels that the MX, with its pinpoint accuracy, will make the Russians think twice before trying to "win a war on the cheap"—I doubt the Russians are sparing any expense—it goes on to say the MX will place at greater risk any second-strike forces the Soviets might contemplate holding in reserve.

This is a truly frightening statement because it accepts nuclear war as a given. Lets put an end to this insane debate, and stop the MX once and for all.

I urge my colleagues to show their true opposition to this weapons system, and vote against House Concurrent Resolution 113.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 15 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, the American people are deeply worried about the prospect of nuclear conflict. I believe a major contributor to this feeling of uneasiness is the breakdown of the bipartisan consensus in support of efforts to control nuclear arms. Instead of presenting a united front at the negotiating table, which served us well in achieving the Test Ban Treaty, the ABM Treaty, SALT I and, yes, SALT II, we have taken to strident partisanship which get us nowhere in producing real progress on arms control.

There is plenty of blame to go around for the erosion of this consensus and any fair evaluation must place a good portion of the problem at the door of this administration and its supporters. But further recriminations are not going to solve the problem or get us back on track toward the goal of controlling nuclear weapons. That can only be accomplished by working together.

We now have an opportunity to get back together based on the work of the President's Commission on Strategic Forces. I opposed MX last year because I did not believe it made sense in the context of the overall program that was presented. But, I am willing to reconsider my position in the context of the Scowcroft Commission report, which for the first time attempts to integrate the interwoven relationship of arms control and strategic modernization. If the Commission's legacy is to force us to view these as inherently interrelated it will have provided a great public service by this act alone.

The work of the Scowcroft Commission has been characterized as providing a window of opportunity for getting us back together on arms control and strategic modernization. In an effort to take advantage of this opportunity, I joined a number of my colleagues in writing to the President and requesting his specific commitments and clarifications on his endorsement of the Scowcroft Commission recommendations.

I believe that the President's response to the concerns we expressed represents a good-faith initial effort toward a comprehensive and stable policy on arms control and strategic modernization. In light of this initial effort, I feel the Congress is justified in proceeding with the small but important step represented by House Concurrent Resolution 113. My hope, and the hope of others involved in the recent dialog with the administration is that these steps will insure the Congress has a voice that will be heard as we work together toward a credible arms-control plan.

The Appropriations Committee has provided its endorsement of this step based on these developments, after considerable debate.

Approval of House Concurrent Resolution 113 will preserve our future options for proceeding with the MX program in a timely manner, and it will

allow us to continue our important ongoing dialog with the administration regarding alterations to its posture at the strategic arms reduction talks on a good-faith basis.

The resolution simply lifts the limitations on the fiscal year 1983 research and development funds which prohibit full-scale engineering development of a basing mode and R&D flight testing of the missile. No procurement funds are included in the fiscal year 1983 appropriation, and this resolution in no way represents a commitment to begin production of the MX. That decision will have to be made in the context of the fiscal year 1984 authorization and appropriations acts, which will be debated later this year.

My position on whether to support MX missile production, and if so at what rate, will be based on further discussions with the administration and demonstration of a continued good-faith effort to address very legitimate congressional concerns.

Specifically, there must be additional clarification concerning revisions of the U.S. position at START. The President's letter recognizes the need to change our position in light of the Scowcroft recommendations. But in addition, I believe a critically important additional goal is a negotiating position that provides a credible basis for encouraging serious action at the bargaining table. Frankly, my assessment of the positions of both sides has until now been to present positions which are essentially nonnegotiable, with the primary focus on public relations rather than serious negotiation.

A position that attempts to deal with the asymetries of just one side is in my view a clear nonstarter and cannot form the basis of a credible negotiating position. I am convinced that the President is personally committed to giving arms-control efforts a top priority and taking action to get off dead center in these efforts. But there are those who remain skeptical of some members of this administration, whose commitments to arms control in the past have been less than enthusiastic. It is critical that the administration present a united front on this issue that recognizes that success in the field requires some fundamental changes from the approach of the past.

I welcome the President's clear statement that he does not seek first-strike capability with the deployment of MX, and I am convinced he is sincere in this statement. But the implications of MX must be evaluated in the contest of the overall planned force structure. In this context, I will be evaluating our overall modernization plans to assure that they cannot be reasonably construed as having first-strike capabilities.

The President's statement that "the overall level of MX deployment will be influenced by Soviet strategic programs and arms-reduction agreements" is particularly important. It may well be appropriate to proceed with a force of MX missiles below the planned level of 100 in order to insure stability.

There is considerable debate about the role a commitment to proceed with MX can play in increasing Soviet incentives to bargain seriously. I recognize that the MX cannot produce any magic solution that will cause the Soviets to completely dismantle their present ICBM force. But I do think a credible case can be made that our willingness to proceed with MX; if necessary; can increase Soviet incentives not just toward some form of tradeoff, but more importantly to proceed in the direction of more stable deployments through single warhead missiles that is at the heart of the Scowcroft Commission recommendations.

The nature and composition of a bipartisan, ongoing, commission to oversee and advise the President and Congress on arms control needs further definition as well. While I am pleased that the President has been receptive to the concept of such an ongoing commission, it needs to be translated into a definitive proposal that provides an active role for both Houses of Congress in determining its composition.

I particularly welcome the President's recognition that not all decisions on MX can or should be made in 1983 and that an incremental process of approval is required. The logic of MX deployment is clearly tied to parallel developments at the negotiating table and with the single warhead ICBM, in which the President has expressed firm support. During the ongoing authorization and appropriations process, the Congress will have to continually determine the proper course for keeping MX and the other elements of the Commission recommendations on track.

As President Reagan states in his response to our letter:

> I fully recognize that a lasting consensus on such an important issue must be built up carefully, and I intend to take the time necessary to forge that lasting consensus.

I, too, am willing to take the time and effort to see this goal achieved, and approval of House Concurrent Resolution 113 represents an initial step in that long-term effort.

□ 1550

I must say one thing. Senator NUNN I think has summarized the position of so-called moderates when he said, when talking about the good faith relationship between the Congress and the administration, that if they changed their mind that he deserves the right to change his.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I will first yield to my colleague from Washington, Congressman PRITCHARD, who has been a member of our group trying to see if we can foster progress in the area of arms control.

Mr. PRITCHARD. I thank the gentleman for yielding.

I want to congratulate the gentleman for his leadership in this effort of building a bipartisan approach to arms control which I think is absolutely necessary. It seems to me that if you narrowly focus on the MX, it is a very difficult issue and probably if you only had that issue in front of you you would probably vote it down.

But this is much broader than just the MX. This is the whole story of arms control. If the administration operates in good faith and makes an all-out effort, then I think we enhance the chance of arms control especially if we build a bipartisan support here in Congress.

I will admit it is a close call and it is a difficult one, and in many ways it is easier to argue against the MX. But after a lot of study, I think on balance you vote for arms control if you support this resolution today.

Mr. DICKS. I thank my colleague. I think my colleague has really put his finger on it.

For a decade we have gotten nowhere in this country by taking a divisive policy. The Scowcroft Commission recommends a bipartisan approach that I think Americans of good faith can rally behind.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. DICKS. At this point I would like to yield to my friend from Texas (Mr. PICKLE).

Mr. PICKLE. I think the gentleman in the well has made a very valuable statement and contribution to this debate.

Mr. Chairman, the decision today to fund the MX is more than a little unsettling. Last year I opposed funding for production of the MX because of my deep concern with the direction of our defense policy, and the apparent lack of strategy for nuclear disarmament.

However, the administration has indicated a willingness to be more flexible on the issue of nuclear disarmament. This is encouraging because for the first time, we have a strategy linking defense and foreign policy objectives; and the administration finally has indicated a willingness to work with the Congress on this issue. In addition, for the first time in several years, the Congress has a chance to resolve the controversy surrounding our land-based ICBM's.

I will support the MX funding in this resolution with some reservation.

I think production of the MX provides us with short-term stability as we move forward with a long-term strategy for reducing our nuclear arsenals. For this reason, I do not think we can afford to kill the MX now.

I am aware of the arguments against the MX based on its destabilizing nature, and recognize the need to address this deficiency. I want to make clear that by supporting funding for the development of the MX basing system and initial flight test, I am not endorsing the use of the MX as a first-strike weapon. I believe the Nation's best interest—in this frame of time—is to support this resolution.

Mr. DICKS. If the gentleman from Texas will yield back to me, the fact is, and our colleagues have all mentioned this today, arms control in the past allowed for massive buildup on both sides, and what we are trying to do here is get down to say a 5,000 warhead posture on each side, which would show real reductions and achieve what I think my colleagues in the freeze movement and my colleagues who want deep reductions are trying to get, and that is stability on both sides. That is the objective here and the administration's proposal at START calls for those kinds of deep reductions.

Mr. EDWARDS of Alabama. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

First of all, I want to commend the gentleman in the well and other Members of this body, along with Members of the other body who participated in an exchange of correspondence but, more than that, a dialog with the administration on this whole issue of the Scowcroft report and the whole issue of strategic missiles.

I think as a result of that dialog, first, many areas have become clearer in the Scowcroft Commission report. Second, the President has firmly committed himself to the Scowcroft Commission report. Third, the President has clearly gone the extra mile, taken steps beyond the Scowcroft Commission report as far as negotiations for peace are concerned, as a result of the efforts of the gentleman and others.

Mr. DICKS. I would say to the gentleman from Alabama, and I want to say something to my friends who I know feel very opposed to the MX missile, I do not take this lightly and I want them to understand this.

I feel, and I know the gentleman from Tennessee, and the gentleman from Wisconsin (Mr. ASPIN) and the gentleman from Alabama (Mr. EDWARDS) feel that we have not just a responsibility here today, but an ongoing responsibility to convince administration arms control officials that they must act in good faith with this Congress as well.

But I just want to say one thing. We are not going to accomplish anything in this area, in my view, if while the Soviets have deployed 6,000 MX quality warheads in the last 5 years, if we now, with the only modernization ICBM that is now being developed, if we unilaterally stop this program we are saying to the Soviet Union that we, the United States, cannot respond, will not respond.

I do not see how that helps our negotiators in Geneva to get the agreement that I think all of us want.

We are going to continue to fight for a better arms control policy from this administration and this is a step by step, day by day, week by week, process. They had better exercise good faith, and we will exercise good faith as long as they do.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Wisconsin.

Mr. ASPIN. I would like to commend the gentleman in the well for his statement. I think a lot of people have asked why is the MX doing so much better now than it was last December when there was a considerable defeat for the MX. Why is it different now?

I think there are a couple of things. One, it is important that the gentleman understand, as the gentleman from Washington pointed out, this is a very different package. It is not just the MX in a basing mode. It is a combination of an MX, a small missile, a new arms control. This is a different thing. So that is one thing that is different.

The second thing, the point that I think is different is what I think the gentleman in the well has pointed out, is the kinds of commitments the President has made on arms control.

I think this is some kind of a beginning of a series of commitments.

Let me say I agree with the gentleman in the well. This is not a single deal. This is not an agreed program that we all agree on or disagree on and one vote here and that is the end of it. It has got to be an ongoing process.

No matter what happens on this vote, this is an ongoing process.

Hopefully eventually the country will move into a new direction on deployments and on arms control to deal with the vulnerability of land-based missile systems. But whatever happens, it is an ongoing process.

Mr. DICKS. I will say to my colleague from Wisconsin I know our colleague, Congressman GORE, is going to have an opportunity to speak. No one has done more work in trying to move this country away from the dangerous path of the arms buildup than the gentleman from Tennessee (Mr. GORE). His program for a single warhead missile, in my view, in the long term, offers us the best hope for stability.

□ 1600

If we could convince the Soviet Union to move in that same direction then we both could have stable forces that I think will make for stabilization.

Mr. ADDABBO. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. You know, Mr. Chairman, 1984 is alive and well and living in this Chamber. I have really never heard so much double-speak in a long time. We are expected to believe that black is white and that a vote for the MX missile is a vote for arms control. This is just another extension of a waste of billions of dollars of taxpayers' money and it is the same package, just wrapped in different colored ribbons, that is all.

So we really have to ask ourselves: What does $20 to $30 billion buy? Well, $20 to $30 billion that we would waste on the MX missile that most military experts at one time or another have said will not work and does not substantially help our national defense, $20 to $30 billion is 25 times more than we spend for older Americans in this country on the Older Americans Act. It is five times more than the jobs bill. Think of what $20 to $30 billion would do if we injected it into our National educational system which we know is in great need.

Think of what $20 to $30 billion would do for cities with crumbling infrastructure problems and think of what saving $20 to $30 billion would do to our Federal deficit.

You know, I am just amazed at the number of people who tell us what the administration's motives are. Given the size, the accuracy and the acknowledged vulnerability of the MX missile, its deployment can only be justified if you are seeking to develop a first strike weapon of your own.

If that is the case then the administration should tell us so and then we will debate that issue. But Americans reject the first-strike strategy and we know that.

Far be it from me wanting to inject Presidential politics into this dialog, but I must tell my colleagues I am proud of my Senator from Ohio, Senator GLENN, who has served in the military for 21 years and rejects the MX missile as playing a role in our national defense.

Let me quote from his discussion.

Senator GLENN said:

We must break out of the intellectual and bureaucratic rut of thinking that we can somehow solve complex strategic problems by simply buying another piece of hardware. What we need most now are ideas and concepts as strategic doctrine, not just a bunch of shiny new things for the Pentagon to play with.

Reject the MX missiles once and for all and save the taxpayers billions of dollars. We certainly have more important priorities than this wasteful system.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. WOLPE).

Mr. WOLPE. Mr. Chairman, I hope that my colleagues in this body listened very, very carefully to the remarks a moment ago of the gentleman from Washington (Mr. DICKS). You will note in that speech of his that there was scarcely a remark made about the MX missile, which happens to be the subject we are supposed to be debating at the moment.

Why was there nothing said about the MX missile? Very simply because there is no defense to be made of the MX missile on military, national security grounds.

The other gentleman from Washington (Mr. PRITCHARD), in colloquy with Mr. DICKS, observed that, indeed, if you focus only on the MX missile it does not make a lot of sense. In his words I believe, it is only in the context of the package that is before us that it makes sense.

Well, my colleagues, we are not voting on a package. We are voting on whether or not to appropriate money for the MX missile. That is the decision we are making today.

Let me just say a word about that package, about the political arguments that are being advanced, as distinct from the national security arguments. Incidentally, if you still believe that there is a national security justification for the MX missile, then I urge you to read that Scowcroft Commission report. Because it is the Scowcroft Commission report that repudiates the concept of the window of vulnerability. And it is that report which talks about the vulnerability of the MX missile.

So why are we being asked to support this venture? For political reasons. We are being told very simply that the acquisition of 100 MX missiles and 1,000 new nuclear warheads will help build a national consensus on arms control policy, that it is somehow in the national interest to have a bipartisan consensus on this question.

Well, we had in front of our Committee on Foreign Affairs last Thursday Adm. Noel Gayler, former commander of the Pacific Fleet and Director of the National Security Agency, who responded to a question on this point: "I do not think anything as nonsensical as the MX can support a consensus." And I say to my colleagues, especially those who are casting themselves as moderates desirous of finding this national consensus, that you do a disservice. You do a disservice to this country and you do a disservice to this body when you try to resurrect a national consensus on a policy that is politically motivated, that has no justification from the standpoint of our national security.

What is the other rationale being offered up? The other political rationale? "Well," our colleagues tell us, "we received this letter and suddenly the President has become really committed to arms control." Mr. Chairman, we put that question—as to whether there was any substance in that letter from President Reagan to our colleagues—to the military experts who were before our Foreign Affairs Committee, and they said to us unequivocally—and I am talking about people like Ambassador Gerard Smith, negotiator of the SALT I agreement; McGeorge Bundy, former National Security Adviser; Adm. Stansfield Turner, Former Director of the Central Intelligence Agency; as well as Admiral Bayler—they said very simply that these colleagues of ours are apparently prepared to accept very general statements of intent, as distinct from a real commitment to an arms control posture that would genuinely serve American national security.

My colleagues, let us make this judgment today on the basis of our national security interests, not on the basis of the political interests of the White House. Let us reaffirm the decision made last December and terminate, once and for all, the funding for this ill-conceived, costly and destabilizing MX system.

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, much of the debate on MX centers on the relative power of United States and Soviet ICBM's. "Hard-target-kill-capability," "throw weight," "accuracy," "counterforce"; these words merely obscure the primary purpose of any nuclear weapon in a nuclear age. They distract us from the ultimate goals of nuclear strategy.

As Bernard Brodie, one of the first architects of nuclear strategy, wrote in 1946, "No adequate defense against the bomb exists." Thus, "the first and most vital step in any American security program is to take measures to guarantee ourselves * * * the possibility of retaliation in kind." This was true in 1946. It is true today.

In the midst of this debate on a new weapons system, which may plunge us into an unmanageable escalation of the nuclear arms race, we can well ask, how does the MX stack up against Brodie's requirements for our nuclear strategy:

First. Does it provide an ability to retaliate?

Second. Is it survivable?

Clearly the answer to these questions is "No." The MX is ill-designed to be a retaliatory weapon. We cannot expect it to survive a first strike. A recent Air Force study estimated that by the end of the decade only 1 MX out of 100 would survive surprise attack.

If it cannot retaliate because it cannot survive, what place has MX in our deterrent force? At what point do we have such awesome first-strike capability that the other side can wonder about its retaliatory forces? The warheads in MX in addition to Minuteman III would all point at Soviet ICBM's; we must remember that the Soviets have about three-quarters of their nuclear forces in land-based ICBM's while we have only about one-quarter.

How would the Soviets respond to a threat that their land-based ICBM's would not survive a first strike? Would they plan to launch on warning, or simply strike first?

In a world of more accurate, more powerful MIRV'd ICBM's both sides will be more likely to feel they must use it, or lose it.

This past month, the latest statement on our strategic forces, the Scowcroft Commission report, reaffirmed the principles of stability, balance, and assured retaliatory capability. Although the report recommends deploying MX—the body of the document contradicts that one suggestion.

The Commission said that "stability would be the primary objective" of modernization and arms control. It argued that we should reduce "the value and importance of individual strategic targets." It favored a small single warhead missile and a general reduction of warheads in our forces. MX is a destabilizing weapon, which can only give the Soviets the incentive to match the entire range of U.S strategic systems. The MX MIRV capabilities fly in the face of an initiative to reduce warheads. As former CIA Director Stansfield Turner told the Foreign Affairs Committee, we need not define American needs in terms of mirroring the size and shape of our nuclear forces. We have developed a superior, different deterrent configuration. Let us keep it that way.

None of the arguments by MX advocates are deterrence arguments, nor are they stability arguments. They are about national consensus. The Scowcroft Commission made the reasonable suggestion that this Nation work toward a "national consensus with respect to our strategic deployments and arms control." But the administration has linked that worthwhile goal to one issue and one issue alone: the MX. Are we to support a dangerous system in the name of unity?

Administration claims that it is converted to warhead control are not enough, and Congress should not merely accept that claim at face value. We need to know more. Where does the United States stand on limiting warheads per missile, throwweight,

bombers, cruise missiles, forward basing systems; where does the United States stand on first use and launch on warning? The Soviets will want to know; Congress should too. If we are going to bargain with the President, let us bargain for real answers.

Why does a show of resolution depend on the MX? It is certainly not the only weapons system this Congress will discuss in the coming weeks. There is no emergency. We can take our time and find the best solution to meet our defense needs. We need a consensus, but it should focus on a meaningful arms control program.

Let us demonstrate our consensus in a different way. Let us send a message to Moscow. By stopping MX now we offer the Soviets a firm, positive challenge. We draw the line and move toward a deterrent land-based system that emphasizes smaller missiles, fewer warheads, less vulnerable launching systems. It makes obsolete much of their current hardware. They need no convincing that today we have the force necessary to deter an attack; they know we possess it already.

When we built the atom bomb we changed warfare forever. Bernard Brodie saw this and proclaimed "thus far the chief purpose of our military establishment has been to win wars. From now on its chief purpose must be to avert them. It can have almost no other useful purpose." Let us move to avert wars. Any money for MX is too much.

□ 1610

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MAVROULES).

Mr. MAVROULES. Mr. Chairman, I want to respond in kind to the gentleman, the outstanding Member from Alabama (Mr. EDWARDS), in a statement that he had made about 2 hours ago relative to those who are against the MX missiles, that were the ones talking about bargaining chips. And I realize of course that perhaps not in the gentleman's committee's meeting, but in my committee's meetings, in the Armed Services Committee's meetings, we have heard testimony from those who have stated, just 1 year ago, that the MX is needed for a bargaining chip and since that time they have changed their mind. I just want to make that as part of the RECORD. And I respect of course where the gentleman is coming from.

I think the one thing that we have to keep in mind now that the debate is growing to a close is that I have always believed very strongly that if I go into negotiations I go in from the position of strength. If it is a fact and I think it is factual that the Soviet Union's greatest strength is in the land-based missile area, or at least 70 percent of their strategic weapons is in the land-based area, do we honestly believe that the Soviet Union is going to be bullied into a position of giving up their strength relative to negotiations in arms control?

Let us put it another way. If the Soviet Union today were to come to the United States and say to the United States, "We are going to build a bigger and better submarine than what you have in the Trident submarine," do the Members honestly believe that the United States would bargain away their strength in this one area we have superiority?

If the Soviet Union were to say to the United States, "We are going to build an air force, we are going to scare you, and we want you to stop building the B-1 bomber," do you think the United States would give up the B-1 bomber?

The point I am trying to make, now that this debate is coming to a close, is this: The Soviet Union will not give up their one part of the triad where they feel they have superiority and that is in the land-based missiles.

I think we have an obligation also while we are talking about a weapons system to talk about the modernization of our military. I commend the administration on the modernization initiatives relative to the conventional arms and what we do we are doing relative to a greater monetary policy for our military personnel. But when the Armed Services Committee was asked to reduce by a certain limit on funding the reductions did not come out of the strategic areas, the reductions, 85 percent of those reductions, came out in that modernization of the conventional arms.

We have an obligation in this country as taxpayers and we represent 230 million people. And I ask my colleagues to consider very carefully before we blow $22 billion on a weapons system which will be useless.

This is not the first time that MX has come before this House; nor is it likely that today's debate will be the last.

But as we consider this $20 billion program, I hope we can answer a critical question: Is MX essential to the defense of the United States, or is it a billion dollar symbol of very limited military value?

That is what we must decide.

During the past few months, the Congress and the American people have heard some rather astonishing proclamations from the administration on MX. At times, the rhetoric has been so hot it appeared western civilization would fall if MX were not built.

Fortunately, passions have cooled, loose talk has stopped, and the Scowcroft Commission has correctly pointed out that the vulnerability of land-based missiles can in no way be translated into a general vulnerability of our total strategic force. America is not a weak and threatened nation.

Thus, to the satisfaction of many in this Congress—and to the relief of the American public—the window of vulnerability has been closed. It has been closed, not with the deployment of MX in an exotic basing mode, but rather, with the simple honest assessment of U.S. strategic capability by the Scowcroft Commission.

But, to mix the good with the bad, the Commission has also recommended the deployment of MX as an expression of national will.

Consequently, our question today: Should we deploy MX in Minuteman silos?

To answer this, it would be very helpful to understand why we decided to build MX in the first place. During hearings before the House Armed Services Committee the justification for MX was clearly stated.

> MX is a means to make Minuteman survivable. MX does not mean a different missile or a specific basing mode, it means finding a way to make Minuteman survivable under any circumstance.

That was 1978.

In June of 1976, the conference report for the fiscal year 1977 Department of Defense authorization contained specific instructions on MX.

To quote the conference report:

> The rationale behind the development of a new missile system is to provide a land-based survivable strategic force. The development of an alternative basing mode as opposed to a fixed or silo-based mode is the key element in insuring this survivable force. The conferees are in agreement that providing such a survivable system should be the only purpose of this effort.

Again to quote that final line of instruction "providing a survivable system should be the only purpose of this effort."

Lest we forget, the Congress has already once rejected MX deployment in Minuteman silos.

It was the chairman of the Senate Armed Services Committee who, on November 2, 1981, said:

> By stuffing the MX's into fixed silos we are creating just so many more sitting ducks for the Russians to shoot at * * *. It's of little use unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms control talks.

If there is still any question in your mind as to the military value of MX then consider last week's assessment by the Air Force that as little as 1 percent of U.S. land-based missile force might survive "a well executed Soviet first strike."

It is understandable why members of the Scowcroft Commission would concede that political pressures rather than military factors figured most prominently in the recommendation that 100 MX missiles be placed in existing Minuteman silos.

Let us face it, it is impossible to make a sound military case in support

of MX without a survivable basing mode.

What the House debates today is basically a political question. If the President wins, it is the political balance and not the strategic balance that will be altered.

As one very distinguished journalist put it:

MX may not be a bargaining chip with the Soviets in Geneva, but it sure is with the Congress in Washington.

While many claim that there is an element of consensus involved, MX is not a instrument of compromise, either in the Congress or in arms negotiations with the Soviet Union.

McGeorge Bundy said it best. To quote his testimony:

The Russians know as well as we do that we have half a dozen other programs of strategic modernization in hand, and they do not forget what administration spokesmen constantly pass over—the commanding U.S. lead in strategic systems other than ICBM's. We have so many good programs in hand that we have no need to impress the Russians with a bad one.

Mr. Chairman, I urge the defeat of the resolution, and an end to the MX.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. LOWRY).

Mr. LOWRY of Washington. Mr. Chairman, is there a kindergarten textbook some place that says that the Americans are eternally good and the Soviets are eternally bad, because time after time on this floor Members have been saying, "We would never use first strike."

I, like other Members in this House, believe we would not use first strike, but how can anybody say, given the situation x number of years from now, we would not use first strike?

The real question of the danger of the MX is, do the Russians think we would use first strike? Now put yourself in Russia's position with us having the hard silo killer capability of the MX and say, "I wonder how I like them developing the MX?" The MX proponents say that we are only going to build 100 MX's and that is not enough warheads for total first strike but a higher number of MX's would give us first strike capability.

Do my colleagues think Russia thinks we are only going to build 100 of them?

The distinguished member of the Armed Services Committee Mr. BENNETT, has been here 35 years answered my question yesterday saying,

I can't say we will stop at 100.

Well, there is a number above 100 that is first strike. The question of how dangerous this is is what do the Russians think we are going to do.

During this debate on the MX, it has been asserted that only 100 MX missiles will be deployed. If nothing else is certain, we are told, it is that no more than 100 of these missiles will ever be put into silos. Since there will not be enough for a first strike, they will not threaten the Soviet Union or put a hair trigger on the arms race. Accordingly, concern about the destabilizing effects of the MX deployment is misguided.

I am not so sure. I would like to suggest that, on the contrary, there will very probably be intense pressure to deploy additional MX missiles by the time the deployment program is nearing completion.

The Scowcroft Commission report has estimated that its MX basing mode will cost a total of $14.6 billion in fiscal year 1982 dollars between 1984 and 1988. The figure increases when it is calculated in then-year dollars, and the overall cost is even greater when we include funds that have already been spent. A more accurate estimate is about $27 billion then-year dollars, including $6.7 billion that has already been spent. I think we can safely say that the cost will be much greater, given the cost overruns frequently associated with weapons procurement.

For my immediate purpose, however, the important point is not the total cost, but how the funds are spent over several years and how that is likely to affect the political circumstances under which later decisions about the MX are made. For this purpose, the Scowcroft Commission figures will do even though they understate the total cost of the MX.

In the beginning of 1988, according to the Commission's estimates, we will have spent $13.2 billion on the MX. An additional $1.4 billion will be needed to complete the deployment. We will have already spent $2.5 billion on the small, single-warhead Midgetman. For 1988, $2.8 billion more will be needed, if the program is on schedule and on budget. That will, in fact, be more than was spent on Midgetman in the previous 4 years. As the Scowcroft Commission report notes, Midgetman will also have significant costs beyond the 1984-88 period. As the MX winds down in its procurement cycle, the Midgetman will be about to wind up. Even if the costs of each program are significantly greater, this spending pattern will still hold true.

At about that time, with deficits in the $250 billion range, elections approaching, and a thriving MX military-industrial complex, there will be intense pressure to extend MX-related contracts by building more MX missiles and to find some budgetary savings by canceling Midgetman.

Some cautionary comments by former Defense Secretary Harold Brown suggest that Midgetman may not be a very attractive program by that time:

This new system still has many uncertainties, particularly in terms of cost and of the feasibility of hardening truck mobile missiles or superhardening fixed shelters. For example, unless the United States can negotiate severe limits on the level of ICBM warheads, the number of single warhead missiles needed for a force of reasonable capability and survivability could make the system costs, and the amount of land required, prohibitively great. Lacking that hardness, the mobile system is easily barraged into destruction or forced into peacetime deployment on highways, which would raise political difficulties.

We do not know what the arms race situation will be at that time. We are now being told that 100 destabilizing MX missiles will create an incentive to reach stabilizing arms agreements. It is entirely possible that by 1988, the next 100 will be offered up as the way to get stalled arms talks going again. This possibility is particularly likely since incentives like the MX do not work as intended. Instead of motivating the other side to negotiate, they add to mistrust. So the first 100 MX missiles could well lay the ground for a stalemate in negotiations, thereby creating a situation in which deployment of the next 100 will be urged as a means of demonstrating our national will so that the stalemate can be broken.

Comments by administration officials indicate that they are considering the possibility of deploying more than 100 MX missiles. To quote New York Times correspondent Leslie Gelb:

Thomas C. Reed, a (Scowcroft) commission member and still a key Reagan advisor despite his recent departure from the Administration said: "A bargaining chip is what we'll do if the Soviets don't come to the table." That is, as commission chairman Brent Scowcroft also intimated, the administration intends to deploy the first 100 MXs and threaten the Soviets with more to come.

In his November 22, 1982, speech, President Reagan held out the possibility of building more silos, saying:

We would prefer that the Soviet dismantle SS-18's, rather than we build more holes.

We will know considerably more about these technical and political problems and increased costs by 1988. At that time, I believe, we will be faced with a choice of pressing forward with Midgetman, which could by then have developed an uncanny resemblance to the costly and politically disastrous shell game basing mode for the MX. Or we can listen to the built-in constituency of Defense Department officials and contractors who will point to the lower unit costs of an additional MX deployment and the dependability of an existing production line.

We all know how durable military programs are, as the B-11, the C-5, and the F-18 demonstrate. The MX will be no different. If 100 of the missiles are deployed, the pressure to deploy another 100 will be immense. That is the issue we will be voting on in 5 or 6 years.

Those extra missiles will create an even greater first strike threat to Soviet missiles, a first strike threat which is of no use to us at all unless we wish to begin a nuclear war. The results will be increased instability and mistruct, a decreased possibility of controlling the arms race, and greater danger of nuclear war. I urge my colleagues to reject this outcome. Let us take the first step now, by voting against House Concurrent Resolution 113.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS of Illinois. Mr. Chairman, placing MX missiles in existing Minuteman silos, which this resolution would approve, makes them hopelessly vulnerable to a Soviet first-strike. Congress recognized this when it rejected a virtually identical basing mode last year. It makes no sense to spend billions on the MX when it will be no more survivable than the missile it replaces.

Our huge Federal deficits are causing Congress to scale back the President's proposed rate of increase in military spending. Under these circumstances, we must concentrate on getting the most for our defense dollar and make certain that new weapons programs on which we embark will improve our national security. Squandering billions on the vulnerable and destabilizing MX would be indefensible, even under an unlimited military budget.

I urge my colleagues to join with me in voting against the release of funds for the flawed MX program. This may be our last chance to prevent the further escalation of an arms race that no one will win.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, as we listen to this debate I get the impression that I am in a fairyland. Apparently the way we move forward toward less missiles is by building more. Apparently we do not have a deficit of some $200 billion. My people are concerned about that deficit. I spoke this morning on the floor of the House that the present administration is proposing to cut back our funding for soil and water conservation with as much as a 50-percent cut, and yet we come to some missiles that are going to be useless and money does not seem to matter one particle.

I ask the Members, if you really represent the taxpayers of America, if you represent the future generations that would like to see a movement in the other direction on this crazy nuclear arms race, for heaven's sakes, step forward and vote against this foolish expenditure that is being proposed on this MX missile.

Mr. Chairman, I rise in opposition to the release of further funding for the development of the MX—also known as the "Peacekeeper"—missile because in my judgment, the MX will do little to keep the peace, and add virtually nothing to present U.S. nuclear deterrent capacity over the Soviet Union. In fact, further development of the MX will serve undoubtedly to siphon off increasingly scarce defense moneys that could be applied to better and more valuable weapons programs and systems that would serve to truly enhance our Nation's security and thus, better insure the prospects for world peace.

Mr. Chairman, approval of House Joint Resolution 113 would be an unconscionable act and in my mind, represents a complete misapplication of American tax dollars that are intended to provide for our Nation's defense. Further, approval of House Joint Resolution 113 would be an abuse of the public trust and their confidence in our abilities as national leaders to "provide for the common defense" of the United States.

I find it somewhat peculiar that candidate Reagan ran on a platform of U.S. ICBM silo vulnerability, telling the American people that SALT II jeopardized the security of the United States. And now, President Reagan tells us that the MX—deployed in the same vulnerable silos—represents a needed and valuable bargaining chip which can be used for the purpose of negotiating real reductions in nuclear arsenals. He tells us that this basing mode demonstrates American national will and that as a result of its deployment, the Soviet Union will look more favorably upon our present negotiating position in Geneva. In exchange for our support, President Reagan has promised to develop a new, mobile, single shot ICBM, the Midgetman, and will endorse the concept of the so-called nuclear build-down proposal. Who is kidding whom?

American and Soviet missile silos are equally vulnerable to nuclear attack. This being the sad result of four decades of relentless nuclear armaments improvements and the advent of MIRV'd missiles. Clearly, while it is quite conceivable that the Soviets may be somewhat more willing to examine our negotiating positions at Geneva, it is much more likely that they too will determine to demonstrate their abilities to exert their national will and further refine the SS-18 or develop a new generation missile to acquire the same devastating hard target kill characteristics of the MX. Thus, both nations will continue in their progress toward launch-on-warning strategies which will make accidental nuclear war much more likely.

The MX remains a missile without a mission but approval of its further development will do little to add to our national security and guarantee a more precarious strategic environment. As responsible decisionmakers, we cannot approve such a proposal.

Robert Browning stated that "less is more." Today, on the verge of 1984, President Reagan tells us that "more is less." While many of us may choose to support the President's request, I shall not. This kind of "double speak" will not preserve the peace, or enhance our Nation's security.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. SIKORSKI).

Mr. SIKORSKI. Mr. Chairman, our discussion on House Concurrent Resolution 113 is taking many forms. We talk about the military case. We talk about the political case. We talk about our national resolve and fortitude. And, we talk about peace and economic realities. The MX fails in all cases.

Placing a new missile in vulnerable silos does not make sense. Let us listen to Secretary Weinberger:

> I don't think the Minuteman silos can be hardened enough on a permanent basis to warrant putting MX missiles in fixed and known silos * * *
>
> We have reached the conclusion that there isn't any ground-based system that is survivable.

And, let us listen to Chairman ADDABBO:

> Placing some 40 MX missiles in Minuteman silos was denied by the Senate in December 1981, by a 90-4 vote. If 40 was unacceptable, why would 100 change anything?

There is no political case for the MX. We do little to show our national resolve to anyone by being foolish and illogical. The Soviets know what we have, what we can do. We have 9,000 strategic nuclear warheads in our stockpile. We have all the bargaining chips we need. We are now modernizing every element of our strategic deterrent—from the D-5 missile to the Stealth bomber.

Building the MX does not lead to peace. Rather, it is a waste of money and a waste of a national effort. According to the Pentagon—the home of cost overruns that never end—putting the MX in Minuteman silos will now cost over $20 billion. Under the best-case instance, which the Department of Defense has not yet reached more, MX will be on line three years before the Trident D-5 and Midgetman. Again, to quote Chairman ADDABBO:

> What is the cost effectiveness of at least $7.4 billion per year for an attractive target in a vulnerable silo?

Listen to the other experts:

Maxwell Taylor, former Chairman of the Joint Chiefs of Staff: "The MX fails to qualify as essential."

McGeorge Bundy, former National Security Adviser, Robert McNamara, former Secretary of Defense, Cyrus Vance, former Secretary of State:

"The MX is an unneeded duplication of programs."

Stansfield Turner, former Chief of Naval Operations and former director of the CIA: "If the MX is deployed in fixed silos, the probability of nuclear war by miscalculation or accident increases."

We have heard from the experts. We have heard from the bishops. We have also heard from the American people. Last November 70 percent of the American people voting on this issue voted in favor of an agreement between the United States and the Soviet Union for an immediate, verifiable freeze on the testing, production, and deployment of nuclear weapons. This body confirmed that feeling with our vote on the nuclear freeze resolution by a vote of 278-149. Now, we must continue our work. More than 75 percent of my mail is against any funding for the MX. To quote from one line: "There's a pretty big group that wants to put a stop to this war toy—they're called taxpayers."

As we carry out our deliberations today, we do so in a nation where 20 million are left unemployed and our economy continues to hemorrhage due to deficits partially driven by defense spending. We are reminded of the words of a five-star general, Dwight Eisenhower, who said spending of America's wealth for rockets is the "spending of the sweat of (America's) laborers, the genius of its scientists, the hopes of its children."

We should not underrate the substantial military strength of the Soviet or their global desires. However, wasting billions of precious dollars on a program of dubious value will not make us stronger or safer, or better able to deter the Soviets. In fact, experts believe it will do the opposite—and it will wreak further havoc on our economy. We have to make hard choices to get the most out of our tax dollars. MX is a waste of those dollars.

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Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, for several years, both Houses of Congress have debated the fate of the MX missile, and the countless so-called and elusive basing modes for that weapon. Last December's debate in the House captured the essential arguments on both sides, so I reread the RECORD in order to gain an understanding of how the arguments stacked up. I think it would be more useful for me to review this debate with my colleagues than to argue my own point of view on the matter.

One thing immediately struck me. The debate has an ambiguous quality. Proponents and opponents not only disagree in their assumptions of what constitutes a formidable nuclear deterrent capability. They also disagree about the facts: whether our nuclear capability stacks up well in relation to the Soviets; whether or not the United States has modernized its nuclear force; whether the proposed MX missile is merely a carbon copy of a weapon the Soviets already have—the SS-18, I believe—or whether it is, in fact, a significantly more powerful weapon than any in either superpower's current arsenal. I was also struck in the debate by what was omitted. Few talked about launch-on-warning specter, and whether the United States would merely sit out a conjectured Soviet first strike, or return the attack, in which case it does not really matter whether our silos are hardened or vulnerable. Nobody talked about how to avert a first-strike situation. Or how to really halt the nuclear arms race, instead of continuing to build more weapons that one side or the other is compelled to match.

The proponents of the MX have advanced several arguments, which I have labeled, the "Soviet Invincibility Argument," the "Bargaining Chip Argument," the "Quid Pro Quo Argument," and a novel argument that was advanced last December by a Member for South Carolina—on the other side of the aisle, I should point out—which can be dubbed, using the Member's own words, the "Political Prostitute Argument."

Naturally, each of these pro-MX missile arguments is countered by an anti-MX missile argument, and the opponents even have a few that have not been answered by the proponents.

I shall lay out the arguments at this point with a brief summary:

Pro	Con
I. Soviet invincibility argument:	I. Nuclear equivalence argument:
A Member from Texas argued that while the Soviet ICBM force is immune from attack, our own force is extremely vulnerable.	A Member of our side from Indiana reminded the other side that in April 1982 CIA report on Soviet nuclear capabilities punctures rather thoroughly the myth of Soviet invincibility. The report revealed their weaponry was generally technically inferior, old-fashioned, prone to breakdown. The report added that the Soviets are desperately in need of foreign technological know-how to modernize their forces.
A Member from California added that since 1967 we have essentially been engaged in a unilateral nuclear freeze, since we have built no new missiles and bombers in that period.	A Member from Massachusetts argued that a comprehensive comparison to both nuclear forces reveals their basic equivalence. Further, U.S. land-based missiles have been modernized; e.g., the Mark 12 A warheads have twice the explosive power of earlier ones and new guidance systems have increased recision 6-fold.
A Member from Wyoming, where the MX presumably would eventually be located, added that our ICBM force is 15-25 years old and basically out-of-date.	Another Member from California pointed out that the MX would radically destabilize the existing balance since it is twice as accurate as any existing weapon on either side, and would be able to knock out 70 percent of the Soviet land-based force, which is the overwhelming majority of their ICBMs. For this reason, the Member called the MX a "first-strike weapon."
And, finally, a Member from South Carolina, whom I referred to earlier, argued that our MX Missile is the only thing that stands between nuclear stability and nuclear Holocaust.	A Member on our side from Pennsylvania pointed out that if our current arsenal is not an adequate deterrent, what then would be? He asked, "How many redundant systems of destruction do we need?" He reminded Members that we already have an MX-type missile in the Trident II.
	A Member from Massachusetts pointed out that, unlike the Soviets who have put all their nuclear eggs in one land-based basket, our triad has meant that only 25 percent of our forces are land-based, while 50 percent are at sea, and another 25 percent are in the air.

Pro	Con
II. Bargaining chip argument: A Member from Wyoming claimed that we need the MX as a bargaining chip to induce the Soviets to seriously seek arms control; they lack the incentive now because of their weapons superiority.	II. Overkill argument: A Member on our side of the aisle from Iowa pointed out that bargaining chips are really further escalations of the nuclear arms race. Every so-called bargaining chip weapon in the past became a lead weapon in our arsenal, which in turn provoked the Soviets to build a version of their own. Building the MX can only perpetuate, not end, the arms race, since the Soviets have the will and capability to raise the ante one higher. A Member from New York pointed out that as a bargaining chip the MX is surely an obscenely costly one—estimates exceed $30 billion.
III. Quid pro quo argument: A Member from Alabama, who said he talked many times to military and political leaders in Europe, points out that if we vote down MX production, the Europeans will then reject placement on their soil of our cruise and Pershing Missiles. After all, he says, why should they deepen their vulnerability to attack if Americans resist placing their own missiles on their own soil.	III. Best argument for arms control: I must confess that Members on my side in the December debate did not directly counter the Quid Pro Quo argument. They skirted around it. They should have taken the bull by the horns and turned the argument around on itself. If by not building the MX, we discourage the nuclear escalation in Europe, then we will have taken, in fact, the first genuine, far-reaching step in deescalating the arms race both here and in Europe. IV. Other arguments against the MX were given. Briefly, the Member from New York persuasively argued that we should not build the MX until we have a basing mode for it. Other Members dubbed the MX a "homeless" weapon, an "orphan" weapon, and a "missile without a mission." V. One Member on our side of the aisle, known for his great expertise with costs and budgets, argued that the MX is not a cost-effective weapon since only a small percentage would survive an attack and it would not add measurably to our deterrent. He pointed out that other weapons in the arsenal could do the same job for less.
VI. Political prostitute argument: During the historic December debate, a Member from South Carolina said, "We are all political prostitutes, I guess." Lest I quote him out of context, the Member argued that the question of the MX transcended considerations of domestic politics, of constituency concerns, because it involved the highest matters of national security and the survivability of the nation. So he pointed a finger to Members on my side of the aisle, warning them not to succumb to constituency pressures, pressures for greater domestic spending at the expense of weapons like the MX, and vote, for once in our careers, for what is the nation's overriding interest.	Naturally, I am at a loss to counter this argument—which some may find the most persuasive of all. I should point out, however, that if approval of the MX involves turning our backs on our constituents, then this is the first time I can recollect that defense of a weapon system proved inconsistent with Democracy itself. And that is truly a dangerous turn of events in our nation, I would remind the gentleman from South Carolina.

Mr. Chairman, in conclusion, I have merely tried to clarify the main arguments in the MX debate. Some are distinguished, others are ordinary. Some are convincing, others are hardly plausible. That this body, in the last go-around on the MX, could not agree on even the most basic facts about United States and Soviet nuclear capabilities, and even the most basic facts about whether we have, indeed, modernized our own forces, is a very troubling observation. But it should be said that we all are grappling with hard choices and trying to make sense out of what must surely be the most irrational feature of contemporary life—the expenditure of hundreds of billions on a weapons race that has dashed the hopes of hundreds of millions of people worldwide for a better life and that surely has debilitated the will of the nations of the world to improve their economies and societies.

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. SLATTERY).

Mr. SLATTERY. I thank the gentleman for yielding this time to me.

Mr. Chairman, my decision on the MX missile system has clearly been the most difficult I have had to make since my election to Congress last November.

I have spent many hours analyzing the facts and opinions of experts on both sides of this issue in an effort to reach a logical and reasonable conclusion. The most important objective we all have is to achieve an arms control agreement. The basis of our decision today must be premised on what effect it will have on arms control in the next few years.

Perhaps the ultimate irony of our time is the fact our nuclear deterrent strategy is based on the concept of mutual assured destruction. MAD is predicated on the assumption that players in a nuclear war will act reasonably and logically, when, in fact, reasonable and logical people will never start a nuclear war in which both sides are assured of total destruction.

None of the experts I consulted doubt our ability to destroy the Soviet Union in the event of an all-out nuclear exchange. There is some dispute about how many hours it will take, and how much damage the United States will suffer. There seems little doubt that the Soviet Union could virtually destroy the United States as we know it, if Moscow launched an all-out attack.

The thought of a nuclear war in which both sides unleash more than 9,000 warheads is beyond our comprehension.

NATO

I have listened to the argument that our failure to deploy the MX would send the wrong message to our European allies who are preparing to deploy the Pershing II. Some argue such action would raise questions about our commitment to NATO. I disagree.

Deployment of the Pershing II clearly cements our commitment to NATO. I believe our NATO allies are far less concerned about our commitment to NATO than they are about the United States accidently stumbling into a nuclear war.

SURVIVABILITY

I have listened to the discussions about survivability. Both sides basically agree that MX missiles in Minuteman silos are as vulnerable as the existing Minuteman III's. It is generally agreed that the proposed 100 MX missiles would not survive a first strike.

Does this not mean the MX is primarily a first strike weapon? Or at least a weapon that must be launched on warning?

It seems to me that first strike weapons without survivability are destabilizing. In a moment of crisis, it would be tempting to use enormously effective weapons before they are destroyed. And the other side might be equally tempted to destroy them before they are launched. I have heard arguments that we must build the MX because the Soviets understand and fear it. Missiles, after all, are where they have dedicated the vast bulk of their strategic effort. Some of my colleagues argue that deployment of the MX is necessary to get the Soviet Union to the bargaining table. The argument is without merit.

I contend the Soviets have relied more heavily on land-based forces because they have been unable to compete with U.S. technology in sea- and air-based strategic systems. The Soviets are not fools. I do not believe they will be very impressed with a vulnerable MX, but will be with a survivable system. The Soviets are much more concerned about the deployment of the Pershing II and other systems like the cruise missile, whether launched by air, sea, or land, and the Trident II program. All of these systems have much greater survivability, and they have greater deterrent value.

These are the real bargaining chips which I believe will encourage the Soviet Union to negotiate in good faith.

I believe it has all been said.

In the final analysis we all must answer the fundamental question, Are we getting 20 billion dollars' worth of defense with the MX missile system?

I must conclude that we are not.

I urge my colleagues to vote "No". Let us use this $20 billion to reduce our enormous deficits which I believe clearly threaten the economic stability of our country and the entire Western World.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. I thank the gentleman for yielding.

Mr. Chairman, we are hearing a lot about what this vote might mean and could mean and how it could be the basis of some new consensus in arms control. We ought not to lose sight of what this vote really is. It is not a vote for arms control—it is a vote to appropriate money for the MX missile, a dangerous, destabilizing weapon that will make it even more likely that we will someday find ourselves engaged in nuclear war.

No one wants a nuclear war. Everyone knows that it would mean death and destruction on a scale the world has never known. Yet, changes in strategic thinking and faster, more accurate weaponry are combining to make a nuclear war more and more possible in the next few years.

Currently, the prevention of nuclear war rests on a concept of deterrence. The nuclear arsenals of both the United States and the Soviet Union are sufficiently invulnerable to assure the ability to launch a retaliatory strike which could destroy the attacking country.

Frightening as this balance of nuclear deterrence is, it pales beside the threat of first-strike capability posed by the development of MX and others in the next generation of United States and Soviet weaponry.

The MX would vastly increase U.S. capacity to directly attack and destroy nuclear weapons and other military targets, making it possible that a first strike could eliminate the threat of retaliation.

If we deploy the MX, there is no reason to believe that the Soviet Union will have any confidence that we will not use it to make a first strike. Rather, we can have confidence that the Soviet Union would move quickly to develop similarly fast and accurate weapons to counter the perceived threat.

The balance of deterrence would be destroyed and pressure created on both superpowers to use their weapons first or risk their destruction by the other side. That pressure does not now exist. Far more than today's stockpile of nuclear weapons, the next generation of weapons is likely to be used.

As great or greater than the threat of an intentional first strike is the danger of a nuclear attack launched by accident. Threatened by the possibility of a first strike, the United States and the Soviets would necessarily move to a policy of launch-on-warning. Computers would be used to decide in a few moments whether to launch missiles before they could be destroyed in their underground silos.

Three times in the last few years, U.S. Forces have gone on alert as a result of a computer error. In November 1979, the wrong computer tape was mounted at the North American Air Defense Command. Our fighters were scrambled and our bombers loading when the mistake was discovered 6 minutes later. In a few more minutes, our bombers would have been in the air, triggering an immediate Soviet response. The other recent alerts resulted from the failure of a 46-cent computer chip. Even if our safety system worked perfectly year after year, a single failure for as little as 10 minutes would kill us all. A failure of the Soviets' computers could do the same. We cannot afford to take this risk.

The President says he is for arms control, but has promoted the largest arms buildup in the history of the world. He claims this destabilizing weapon is a peacekeeper that will help him to win a meaningful arms agreement. Do not be fooled. Those who truly seek arms control should understand that if we vote money to produce this missile, we will contribute not to arms control, but to the arms race.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 10 minutes to the very able gentleman from Pennsylvania (Mr. MCDADE), a member of our subcommittee.

Mr. McDADE. Mr. Chairman, I want to thank my colleague, the gentleman from Alabama, my very good friend (Mr. EDWARDS), for yielding this time.

And I want to tell my dear friend from New York (Mr. ADDABBO), who is also a member of our subcommittee, what great esteem I have for him. His leadership, even though today we are on differing sides of this issue on this debate, has been thoroughly important to an elevated discussion of a very difficult question, and I want the gentleman to know that this House and this country owe him a debt and that we are grateful to him. And I want to say the same to my dear friend, the gentleman from Alabama (Mr. EDWARDS), who may be going back to Mobile. I hope he does not. But under the leadership of both of those gentlemen we are able to discuss this thoroughly important subject as we should, respectfully and attentively. I hope we approve this resolution today.

Mr. Chairman, I rise in support of House Concurrent Resolution 113 and to urge its approval by the Members of this House.

Mr. Chairman, when I was a law student my professors taught this potential lawyer about what they called stipulations—certain facts that all of the interested parties could agree upon. I suggest to you today that there are certain stipulations we can make today regarding this issue.

First, that the United States is not a threat to the peace and security of the world community. We have no aggressive designs on any territory outside our own. We hold no nation prisoner against its will. Our troops and our planes are not found on the land or in the airspace against the wishes of any host nation. Our diplomatic community has carried this Nation's interests in a peaceful way. We have a national commitment to peaceful acts, not hostile ones.

Second, the debate we undertake here is over how to reach a common goal of major reductions in strategic arms that will bring all nations a measure of true security. We will only be satisfied with major reductions from those levels. Where we are divided, we disagree only as to the means to achieve those reductions. We have more productive, more peaceful ways to invest our time and resources.

Third, this is an emotional issue because the issue of war and peace obviously dwarfs all areas of human concern. I know that as we debate this issue we will respect each others beliefs for the constructive ways they make us think about the issue * * * for the light of reason and commonsense that our emotions and our thoughts generate.

Fourth, what we are considering today, whether or not to release funds for research and development and flight testing of the MX missile, does not exist in a vacuum. It is one brush stroke on a large canvas—it is a part of a strategy. A strategy that should stress productive and positive steps toward nuclear disarmament * * * a strategy that should lead us away from oblivion.

Like most Members, I receive countless calls and letters from young and old, from people whose politics matter less than their conviction that this is the time for an all-out push for peace. They ask why we have to waste our resources on such weapons as the MX. As investors in the American dream they want their taxes spent on ways to preserve that dream. In a perfect world all of us could dream such dreams. But the world we have before us is not perfect. Indeed our expectations, hopes, exceed reality by far.

The reality is that we face a formidable and hostile foe that does not share our commitment to peace and freedom. To reduce weapons and tensions with such a society is a tough, arduous, painful, necessary task. It must be done.

I believe we are on the verge of what I hope will be a new initiative in our attempts to get those talks onto a positive and productive footing. In attempting this, a number of things have happened since we last considered this issue; I believe they are signs of hope.

The Scowcroft Commission has issued a report that all of us can endorse. The President has signaled to Congress positively and forcefully that he is ready to walk the extra mile, to be flexible in arms negotiations, to forge a bipartisan consensus with Congress on arms control policy and to measure the level of our deterrence by the scope of the Soviet response to our proposals. I believe these actions make sense. They temper our expectations with the cold wind of reality that enhances our knowledge of how difficult peacemaking can be.

So, while these actions continue, what of our deterrence?

The central question for this Member of Congress is, What does this resolution do to bring us closer to success at Geneva? What does the policy of modernizing our strategic forces do to our chances for peace? Are we to sit back and say well, we have enough missiles and enough incentives now, surely the Soviets will bargain. Or are we to impress upon the Soviets our willingness to strengthen our deterrence as the key to lasting peace?

The Scowcroft Commission report addresses that dilemma in ways that reflect, in my judgment, the wisdom of men who have grappled with this dilemma for many years. Their names will live in history. They say, "It is illusory to believe that we could obtain a satisfactory agreement with the Soviets limiting ICBM deployment if we unilaterally terminated the only new U.S. ICBM program that could lead to deployment in this decade."

They say, "Such a termination would communicate to the Soviets that we were unable to neutralize their advantage in multiple warhead ICBM's. Abandoning the MX at this time in search of a substitute would jeopardize, not enhance the likelihood of reaching a stabilizing and equitable agreement."

Mr. Chairman, they reasoned at length about the technical reasons why we should go forward with the limited MX deployment. I have no intention of dwelling on them. I do believe that to walk away from our strategic modernization program sends less of a signal of national cohesion than national confusion to the Soviets. And my colleagues, all our words are for naught here if they are not received in Geneva by the Soviets as a clear signal that we are serious about arms reductions.

Last year I opposed funds for the MX missile because I was not confident that this Nation had a cohesive arms control policy and because I was not confident that the basing mode made any sense strategically or diplomatically. Today, I will support this resolution to fund continued R&D on the MX. I am most concerned today that this Congress and this administration set aside our differences and pursue a common strategy that preserves our defenses but which moves aggressively and flexibly to secure an agreement with the Soviet Union. I will support a policy that never loses sight of that goal, and I will support a policy that gets us there. A yes vote today, I believe, does that.

In scripture there is a litany called the beatitudes—perhaps the most beautiful and certainly the most pertinent today tells us "Blessed are the peacemakers for they shall be called the children of God."

I hope a vote in favor of the resolution brings us all closer to peace and I urge its adoption.

□ 1630

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from California.

Mr. BADHAM. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the resolution before us on the MX. In all the discussion for the past 2 days as to whether MX is a good missile or not, very few, if any, Members have pointed out the basic fact that a land-based missile system requires two basic components, a base or silo or some other launching mechanism and the missile itself. In the case of the MX, all criticism has been on the basing mode and indeed any basing mode thus far put forth has had flaws, as I may add does any weapons system, but the missile itself does contain 10 highly accurate warheads of advanced design, a guidance system surpassing probably anything in the world, and thanks to our space program, a lift vehicle the efficacy of which would challenge and probably surpass any technology feasible today.

Members have argued in opposition to MX that we should accelerate the Trident system or accelerate the cruise missile system; but are not those the same voices that have tried every possible parliamentary maneuver to defeat or delay both of those systems? The Minuteman II and Minuteman III systems not only remain vulnerable in their silos, as would the MX for a time to come, but they do not have either the accuracy, the throw weight, the number of warheads, the in-flight hardness or reliability of the MX missile itself.

The question apparently being begged of the President is: Do we again delay MX testing and procurement and deployment because we do not have the perfect basing mode at hand? To those I would respond by saying, we put it in existing silos and then up-grade rather than to delay it further; because it is a good and needed missile.

The Scowcroft Commission report, which I support and which is truly the essence of this debate, is that all portions of the triad must be kept modern to provide for us the flexible response that is essential to our national priorities. Each leg of the triad has its vulnerabilities, we know that, so to single out the MX at this time is merely another attempt to delay and jeopardize our deterrent capability.

Since World War II, at the mutual agreement of our national leaders and allies, in the effort to diminish and obviate proliferation of nuclear weapons, the United States of America has agreed to serve as the free world provider of the nuclear deterrent or the nuclear umbrella. If we today were all of a sudden to answer that we were no longer to keep that commitment to the United States and the free world we would jeopardize the lives of many millions of innocent people on this planet.

The Scowcroft report does call for the continued study of silo hardening technologies which surely will come.

In closing, I would like to suggest to my colleagues that when we do discuss SS-18 and SS-19 missiles of the Soviet Union, the question often is asked, would we trade ours for theirs. The answer is, of course, "no" because while our technology and the technology embodied in the MX is the world's best today, the Soviets have already deployed their absolute best technology, and we have not. We sit and argue and debate and maneuver. It is time to get on with the solution to the problem of modernization of the strategic triad leading to arms control and modernization, as suggested by the Scowcroft report and the President of the United States.

Mr. ADDABBO. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. I thank the gentleman for yielding this time to me.

Mr. Chairman, I think this is the most dangerous decision that has been debated and to be made in the time that I have been in the Congress. I hope we turn down this resolution.

Mr. Chairman, I rise in opposition to House Concurrent Resolution 113, which would release $560 million in deferred fiscal year 1983 research and development funds for the MX missile, would release another $65 million to allow MX flight-testing to begin, and would approve President Reagan's recommendation that the MX be based in existing Minuteman silos.

Last month, the President's Commission on Strategic Forces—the Scowcroft Commission—released a report that should have convinced us all of the drawbacks and dangers of the MX. The report highlighted the unstable nature of multiple warhead weapons like the MX, recommending a shift to smaller, single-warhead (Midgetman) missiles. It also urged corresponding changes in the U.S. arms control position, basing limits on numbers of warheads rather than on numbers of missiles launchers. The Scowcroft Commission's report began by calling on the President and the Congress to develop a means to achieve strategic stability, as a prerequisite both for deterrence and for arms control.

It should have stopped there. In a twist of logic that revealed far more about the politics of this administration than about the need for the MX missile, the report recommended deployment of 100 of these destabilizing weapons in existing Minuteman silos. Mr. Chairman, this recommendation contradicts the thrust of the report, is contrary to our Nation's strategic needs, and should be rejected by the Congress.

I have always opposed the MX missile. It is not needed to deter a nuclear attack. Existing U.S. nuclear weapons and those under development provide many times the power, survivability, and reliability needed to maintain the threat of a devastating retaliatory blow. These systems have been upgraded extensively over the last decade, and are in no danger of losing their deterrent capability. The Scowcroft Commission itself has acknowledged that the Soviets cannot now or in the foreseeable future successfully undertake a simultaneous attack on each leg of our strategic triad, discounting the window of vulnerability argument that was much of the justification for the MX in the first place.

Moreover, if based in Minuteman silos, the MX would provide no deterrence beyond that already provided by existing U.S. forces, since the silos could be destroyed by a Soviet first strike. Its only possible use is as a weapon with which the United States would be capable of initiating its own first strike. And the most likely outcome of such a strategy would be the United States and the Soviet Union adopting a launch on warning posture, placing our nuclear forces on a hair trigger. Is this the policy we want to endorse by allowing the MX to be built?

The Reagan administration argues that the threat of MX deployment is needed to force the Soviets to bargain more seriously at the START talks. Yet the President and Defense Secretary Weinberger have repeatedly indicated that we will proceed with deployment regardless—that the MX will not be on the bargaining table. If it is not, then Soviet concessions on their SS-18's and SS-19's are unlikely. What is likely is that the Soviets will respond with their own MX-type missile, yet another round in the nuclear arms race will ensue, and real arms control will be pushed further from reach.

Even more specious is the argument that MX deployment is necessary to demonstrate our national will. Shall we really go ahead and spend $26.9 billion or more on a system that cannot be justified on military grounds, just to show the world that we are not afraid to make the wrong decision? I believe that our moving to cancel this ill-conceived weapon now, in full realization of its many faults, would look much more impressive.

I should acknowledge at this point an initiative by several of my Democratic colleagues to secure concessions from the administration on arms control and weapons policies in return for their support of the MX, and explain why I cannot go along with such a compromise. The MX makes no better a bargaining chip here in Congress than it would in Geneva. Its destabilizing characteristics are certain to undercut any arms control position that may be agreed upon. Further, I am convinced that the Reagan administration is leading Congress down the primrose path with vague promises and dubious assertions.

As I have pointed out, the administration has every intention of deploying the 100 MX missiles no matter what the outcome of the START talks might be. And once that MX production line gets going, it will be hard to stop. Future reductions in the marginal cost of producing additional missiles, and arguments by future administrations that more missiles are needed for leverage in arms negotiations, will likely create an irresistible momentum.

Many of my colleagues who are now ready to support the MX see advantages in the proposed Midgetman missile and believe that the MX is a necessary precondition. The small missile has potential problems, such as verifiability, survivability, and cost—but it might be a way to attain the strategic stability necessary for effective arms control. Yet the deal the President is asking us to buy into is most likely to deliver both Midgetman and MX, which will defeat any possible advantages of the small missile.

Mr. Chairman, it makes no sense to move toward warhead-based arms control and single-warhead missiles on one hand while moving ahead with destabilizing 10-warhead missiles on the other. I urge my colleagues to reject the MX missile once and for all, and vote against House Concurrent Resolution 113.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. I thank the gentleman for yielding this time to me.

Mr. Chairman, the President's Commission on Strategic Forces hardened the MX sufficiently to get it through the relevant authorizing committees in both the House and Senate. It would not survive a war, however, and I hope it will not survive this debate.

The Scowcroft Commission should be complimented for its serious effort to address the future needs of our strategic deterrent. In its careful discussion of the desirability of improving the land-based leg of the triad, it suggested a profound shift away from large, MIRV'd missiles to small, single-warhead ICBM's that would be both more survivable and less threatening than our present ICBM force. However, because the reasons for such a shift are so extraordinarily compelling, the Commission's endorsement of the MX is all the more puzzling. The logic of moving to small missiles by first building their antithesis calls to mind the term that my friend and distinguished colleague from Illinois (Mr. HYDE) introduced to our strategic lexicon to describe the nuclear freeze reso-

lution—oxymoronic. As Mr. HYDE so eloquently explained, an oxymoron is a statement containing an internal contradiction; if applied wrongly to the freeze resolution, it would appear to be a proper characterization of the Commission's report.

The Commission persuasively argued the case for reducing target value by replacing our present ICBM force with small, mobile, single-warhead missiles. But the report then contradicted itself by recommending deployment of the large, fixed-site, 10-warhead MX. That's a true oxymoron. It is magnified by the administration's basic negotiating thesis: That it is necessary to build up in order to cut back; that despite our capacity to destroy the Soviet Union many times over, we face a window of vulnerability in our strategic relations with the Soviet Union.

Since the alleged missile gap proposition postulated in John Kennedy's 1960 Presidential campaign, there has been no more misleading strategic proposition than the window of vulnerability. Fortunately, however, the Scowcroft Commission implicitly discarded the fictive window of vulnerability as the principal rationale for the MX. General Scowcroft himself, in an appearance before the Arms Control and Foreign Policy Caucus, acknowledged that in the unlikely event of a Soviet first strike we would lose the MX and have to rely on our other strategic forces to retaliate. Instead, the Commission identified four other reasons for a limited deployment of the MX. Of the four, the only reason related to our strategic deterrent is the claim that there is a serious imbalance between Soviet hard-target kill capacity and our own. However, that imbalance is as much a hobgoblin of the imagination as was the window of vulnerability. The imbalance argument, it should be noted, rests on the fear that the Soviet Union might be so tempted by the prospect of being able to successfully destroy all our ICBM's that it might gamble on our not using our truly awesome air and sea capacity to retaliate against population centers. The fact is we have a different strategic mix than do the Soviets. Our Pentagon planners have long since considered and rejected developing an overreliance on land-based systems, although, lest we sell ourselves short in this debate, it would be imprudent to ignore the 900 Mark-12A warheads in our Minuteman force, the D-5 warhead that the Trident II will have, and, of course, our bomber-delivered cruise missiles.

Another argument advanced in favor of the MX is the age of our current ICBM force. That point might be cause for some alarm were it not for the foresight of the Senate Armed Services Committee, which asked the Air Force last year to address the issue. According to the written reply from Assistant Secretary Alton Keel and Lt. Gen. Kelly Burke dated March 3, 1983, "Minuteman is fully capable now and should continue to be an effective weapon system through the year 2000, if not indefinitely." Minuteman is not, after all, a used car being held together with baling wire and hope, but it is rather an unused system being stored in an impeccable, sterile environment.

It should be clear that arguments about imbalance and age are only window dressing for the two real rationales for the MX: As a bargaining chip, and as a demonstration of our national will. The former can make sense in some situations but, when both sides possess the means to destroy each other many times over, obtaining a stonger bargaining position becomes an unproductive, not to mention dangerous, tactic; the latter places the pride of politicians above the concerns of the American people and improperly adds political posturing to the delicate equation of nuclear deterrence.

History does not give one confidence that a bargaining chip can contribute to arms control. On the contrary, it is more likely to impel one's adversary to accelerate his own efforts to develop new systems. In this regard, the MX is not likely to be traded for existing Soviet weapons of lesser capability but only for more comparable ones that are now under development. If halting their development is a desirable goal, let us skip the expense of building these weapons and, through a freeze or other mutual, verifiable agreement, end the arms race at current levels.

National will is even more difficult to accept as an argument. What we really mean by it is pride. The only connection between national will and the MX is that the Commission's recommendation represents the minimum necessary to save the President's and a lot of other politicians' faces. Our willingness to throw away $14.6 billion over the next 3 years on a weapon that gives us so little by way of added deterrence says less about our national will than about our inability to rise above the action-reaction cycle of the arms race. It is time for Congress to recognize the limits of pride and bring rationality to the arms race and sensibility to the wanton expenditure of taxpayer dollars.

This body has the opportunity to either follow the dangerous path of pride or the more prudent path of responsible arms control. If we follow the former course, we will be like Icarus, who in an excess of hubris flew too close to the Sun and plunged into the sea. Daedalus, his companion, counseled caution and flew to safety.

In the first era in human history in which man has the capacity not just to win wars but destroy civilization, we should take care not to fly too close to the Sun. Prudence dictates we recognize the limits of man's capacity to control technology. The leadership of restraint has never been more necessary in international politics. Like Daedalus, we must learn to use, not abuse, technological breakthroughs.

Finally, a comment on the bargain some of our colleagues by letter have struck with the administration. I know of few more profound congressional efforts to influence the Executive in foreign policy. But the bargain struck was a bad bargain. It defies rational explication. Those who wrote the President want to switch concern from limiting launchers to warheads, but by their exchange of missives they are now endorsing the opposite approach they contend they support. In addition, it should be stressed that the MX is incompatible with either a build-down approach or with efforts to emphasize restraint on first-strike weapons—the other two goals those who exchanged letters with the President aspire to achieve.

Given the political limitations on defense spending, it may also be incompatible with efforts to build up a prudent national defense. If Congress were likely to pass unlimited defense budgets, perhaps the MX could be considered an innocent military excess. But given the recent budget resolutions passed in this Congress, which curb significantly the administration's defense appetite, those who support the MX must not only contend it is strategically useful, but more useful than other conventional and strategic systems that will be limited or eliminated in the budget process.

The MX can at best be defended as marginally advantageous. Given the decision of Congress to delete some 5 percent from the administration's defense budget, what more rational place to start cutting than by eliminating this public works project for the cement industry?

It is true, as the gentleman from Washington (Mr. PRITCHARD) pointed out earlier in this debate, that only the President can negotiate for our country. Just as surely, it is true that only Congress can appropriate funds to build missile systems. Those of us in Congress who favor a more forthcoming approach to arms control than the President have a duty to urge and cajole him and his advisers to adopt new strategies. But more importantly, we have a duty to take responsibility for what is properly in our jurisdiction. Now is the time for Congress to understand its role, and by voting to delete funds for this awesome first-strike weapon, begin to bring greater rationality to the arms race and greater sensibility to the spending of taxpayer dollars.

The lesson of Icarus must not be forgotten.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I am going to vote against the MX missile for two main reasons. One, it does not lead us any closer to peace; and two, it does nothing to contribute to our national strength or security.

The MX missile, I voted for it one time. My whole background is as a warrior. I take very seriously the defense of this country and the strength of this country. I decided many, many years ago that I never wanted to be on the losing side, and I still feel that way.

But does it lead this country to strength? No, it does not.

□ 1640

The MX missile is a missile that time and technology have overtaken. It has been overtaken because of the accuracy of the enemy's weapons that will not allow this weapon to survive or ever be usable, and, therefore, it is an utter waste of resources and an utter waste of funds and will not do anything to enhance the national strength.

If it is strength we are looking for, we need to look at other types of weapons. Our mobile, concealable types of weapons are the kinds that we ought to be focusing on if it is strength that we must continue to get. Therefore, as far as national security is concerned, as far as strength is concerned, this is an utter waste of resources.

Does it lead us to peace? No, it does not. It simply adds another 1,000 warheads in a provocative mode that can only lead our opponent to believe that we intend to use them for their first-strike capability since they cannot survive a first-strike themselves, and, therefore, it is a destabilizing influence on the course for peace.

So, Mr. Chairman, for two reasons, for those two main reasons, this vote should be "No." A yes vote is not a vote that increases the strength of America; it is not a vote that leads us in any rational way to a greater peace effort.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. RUSSO).

Mr. RUSSO. Mr. Chairman, the MX missile is the most dangerously destabilizing weapon ever presented to this body for consideration. How can anyone think the MX can be used by Congress to entice the President to get more serious about arms control? I find it especially puzzling that many of my colleagues have chosen to believe a letter from President Reagan claiming the administration is suddenly going to strengthen its questionable commitment to arms control. The Secretary of Defense himself says the letter means nothing. What my colleagues who are suddenly saying "I believe" seem to have forgotten is that this new attitude on arms control has come from an administration whose two most recent actions on arms control give the game away. The first is the recommendation and continued support of Kenneth Adelman as head of the Arms Control and Disarmament Agency. This is an individual who was installed despite the fact that all he knew about arms control was that he did not like it. How does this appointment demonstrate the President's new commitment to arms control? Second, in order to be appointed to the supposedly impartial, bipartisan Scowcroft Commission, you first had to support the MX missile. By placing the responsibility for reviewing U.S. defense policy on this panel, President Reagan hoped to legitimize his faltering MX program. So of course the Scowcroft Commission came out for the MX, thereby accomplishing the President's mission. What is surprising is that they managed to hand back to the Congress a basing proposal wisely rejected last year. Is the resurrection of this dead basing proposal by a stacked commission the evidence which proves that President Reagan has come around on arms control? Negotiating weapons with the Soviets requires a high competence and a burning commitment to arms control. By appointing Kenneth Adelman and endorsing the Scowcroft report, President Reagan again demonstrates his view that real men do not control weapons, they build them.

The CHAIRMAN. The Chair wishes to announce that there are 15 minutes remaining on both sides.

The Chair recognizes the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, just a few weeks ago this House engaged in a great debate on a nuclear freeze, and while that was extremely important in the abstract sense of sending a strong signal of the direction in which the American people wanted to go in regard to nuclear arms control today's debate addresses concrete reality.

The real danger of the MX is that it leads us by way of protecting the 100 vulnerable new MX's, each with 10 warheads, into a position of not being able to take a chance that they will be destroyed in case of an electronic warning signal of an impending attack by the Russians. It in fact imposes a launch-on-warning, or a launch-on-attack notice on us as well as on the Soviet Union. What it does is to bring nuclear Armageddon ever so much closer.

Mr. Chairman, I am distressed and disappointed that some of the very Members on our side of the aisle who led the fight for the freeze have now been taken in by the blandishments of the President. I think that the MX, if adopted, would bring us closer to the extinction of humanity.

Mr. Chairman, I urge my colleagues to vote against the MX so that we will have a chance to negotiate ourselves out of the nuclear impasse that we find ourselves in now. Accelerating the nuclear arms race, as the development, production, testing, and deployment proposed by this MX resolution does a disservice to the American people and to all of humanity.

Mr. Chairman, the administration's argument for the MX boils down to one simplistic point: The Soviets, and the rest of the world, would not take us seriously if we do not build it.

Never mind that by basing the MX in existing Minuteman missile silos it will be just as vulnerable as our existing land-based missile systems.

Never mind that the vulnerability of the MX gives the Soviets a greater incentive to launch a preemptive first strike.

Never mind that the vulnerability of the MX leaves us with fewer strategic options and gives us greater incentive to launch a first strike.

Never mind the cost of a weapons system that adds nothing to our strategic nuclear capability yet helps destabilize the existing balance between the United States and the Soviet Union.

We have to show the Soviet Union, and our allies, they say, that we mean business, that we have the will to meet the Soviet threat.

Well, Mr. Chairman, it is that kind of false toughness that starts wars and can bring an end to civilization. To think that we can force the Soviet Union to the bargaining table by building unnecessary and destabilizing weapons systems borders on the irrational. We need the courage and the toughness to resist such jingoistic pleas, to reject this resolution, and to get our country back on the road to serious arms controls negotiations.

Mr. ADDABBO. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, I join with my colleagues in opposition to a policy that only makes America poorer, not stronger.

Mr. Chairman, on April 6, 1983, the President's Commission on Strategic Forces recommended deployment of 100 new MX missiles in existing Minuteman silos as part of an approach for dealing with perceived U.S. strategic inferiority to the Soviet Union. Such a basing plan is the third major proposal offered for consideration by the proponents of this new, terribly destructive and destabilizing weapon.

The President's plan, like preceding proposals, will ultimately, I believe, be rejected by the American people and this Congress.

Originally, MX, a weapon designed as a more powerful, mobile, survivable missile, was to be deployed in a shockingly expensive racetrack system. It was to be constructed on thousands of square miles of Utah and Nevada desert land. The rationale for such a proposal was the need to strengthen the land-based missile leg of the triad with a weapons system that the Soviets could not confidently expect to destroy completely in a surprise attack. I emphasize that missile survivability was the key design objective of the racetrack proposal. Survivability—the ability to fire back after a surprise Soviet first strike. The racetrack proposal was, however, rejected by the Nation and Congress.

The Reagan administration then proposed what became known as the Dense Pack basing mode, a scheme that appeared designed more to address the political objections to the racetrack system than to improve significantly U.S. national security. The Dense Pack plan, not surprisingly, was also rejected by Congress.

Now, we must consider whether spending $15 billion over the next 5 years, as proposed by the Scowcroft Commisison, to place MX missiles in existing Minuteman silos is: First, worth the enormous cost to our society; second, whether our national security will truly be enhanced by such a scheme; and third, whether such a program will lead to prospects for reduced tension and strategic stability between the United States and the Soviet Union.

First, it should be noted that the Minuteman-based MX missile plan has been considered and rejected previously by military experts, Members of Congress, and even a cabinet member of the Reagan administration, primarily because such a system would not be survivable. Upon entering office as Secretary of Defense, Caspar Weinberger stated:

> I would feel that simply putting it (the MX) into existing silos would not answer two or three of the concerns that I have: namely, that (the location of) these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces.

Now, Secretary Weinberger asks Congress to "join with us to move forward on this essential MX program." The Secretary's change of mind has a $15 billion price tag to it. I note as well that he previously stated that he did not think that Minuteman silos could be hardened enough on a permanent basis to warrant putting MX missiles into fixed and known silos. Yet the President's Commission proposes precisely such an action. What happened to our legitimate national concern for creating a mobile, survivable missile system that deters Soviet action without destabilizing the current nuclear balance of power?

Secretary Weinberger hardly stands alone in his original objections to the proposed Minuteman MX basing mode. Former Air Force Chief of Staff General Lew Allen told the Senate Armed Services Committee that

> An essential feature of MX deployment is that the basing must be survivable. One does not obtain that through placing it in the Minuteman silos. Therefore, I do not favor such a deployment.

The Minuteman-based MX missile system will not serve to reduce the alarming growth of tension between the United States and the Soviet Union. The MX missile system is designed to provide a hair-trigger attack of earth-shattering destructive power in response to a computer-generated signal of a Soviet attack. The system proposed by the Reagan administration could be responsible for an accidental exchange of nuclear weapons—a system whereby mankind insanely destroys its own planet through electronic malfunction.

Do you realize that, to date, 35 plans have been considered for a suitable MX basing mode? That such an effort has failed to indicate an obviously preferable deployment mode, it becomes apparent that there is not an effective means available to base MX as it was originally planned—a mobile, survivable missile. If we simply put MX into Minuteman silos, or even hardened silos, the Soviets are likely to respond by increasing their warhead power, thus raising the stakes in the nuclear competition. Deployment of MX, an enormously powerful counterforce weapon, could be interpreted as an adoption by the United States of a launch-on-warning, or first-strike, strategy. The Soviets might come to believe that we have abandoned our faith in the stabilizing concept of deterrence through mutual assured destruction. If we now cease to act in accordance with our beliefs, the philosophy of strategic deterrence will become nothing more than disbelieved American platitudes.

The Reagan administration proposal fails to comply with a fundamental precept of American strategic thinking: The United States has historically built strategic weapons solely to deter aggression. To deter an attack, the weapon must be survivable. Thus, we must ask ourselves, does the placing of MX missiles in Minuteman silos enhance the survivability of the land-based missile leg of the triad? It does not. Paradoxically, such a proposal makes all Minuteman silos a more important target for the Soviets, and thus a more likely one. The Reagan proposal would assure greater Soviet effort to respond to the additional threat created by the larger number of warheads carried by each MX missile.

I commend the President for seeking a solution to this difficult issue through the use of a bipartisan committee. However, I urge this Congress to reject the recommendations of the Scowcroft Commission, as they relate to the MX missile. In this situation, it can be fairly stated that many of the members and consultants to the Commission had previous commitments to MX. As my colleague LES AUCOIN and 22 other Members of Congress noted, "In no sense was this (the Scowcroft Commission) an impartial or balanced jury."

I ask my fellow Members of Congress, do we want to add to the already enormous quantities of destructive nuclear weaponry? Can the road to peace and strategic stability lie through the development of yet another nuclear weapons system? Shall the legacy of this decade be a further contribution to the most challenging problem of our time—the nuclear arms race?

Today we are presented with an opportunity to save our society at least $15 billion by stopping this MX deployment plan now. Let us say no to this increase in the balance of terror before the MX missile system begins to take on a life of its own, as we have seen before with so many other weapons systems. Let the MX dollars instead be put to work for peace and people, not death and destruction.

Mr. ADDABBO. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding. I ask unanimous consent to revise and extend my remarks.

What we will create with this missile that will not be used and cannot be defended is a nuclear white elephant.

The question this MX missile debate boils down to is: Should Congress approve a plan to station a new, powerful nuclear missile in old, indefensible missile silos, and spend over $20 billion to do so?

The answer, for any thinking person, must be "No."

The MX is clearly a first-strike weapon, but our President has said the United States will never strike first. The weight of military technological evidence is that the existing ICBM silos in which the MX would be placed cannot be protected. To position missiles we claim we will not use first, in launch silos we know we cannot defend, is a senseless policy that will increase, not reduce, the risk of nuclear war.

Mr. Chairman, the House will face no more critical a vote than the one we cast on House Concurrent Resolution 113. Our debate occurs on the brink of a decision to commit the

United States to the deployment of an expensive and destabilizing weapons system.

At a minimum, the effect of approving this resolution would be to release some $625 million for full-scale engineering development of a basing mode for the MX and for one test flight of the missile prior to the end of the fiscal year, September 30, The ultimate effect of approval of House Concurrent Resolution 113 will be far more extensive—and expensive. It will represent the green light for the production and deployment of 100 MX missiles in hardened silos. The more realistic estimate is that the project will cost over $20 billion, some estimate say $22 billion and more.

The House will be the deciding factor in proceeding with the MX missile. The Senate, as it is presently composed, will not block the expenditure of these funds this year. All too often, and most regrettably, the House plays a secondary role in the development of foreign and defense policy. The Nation cannot afford an abdication by this House of our responsibility to correct a serious policy error on the part of President Reagan.

In considering this resolution, we are being asked to release some $580 to $625 million in the current fiscal year. That sum alone is sufficient to justify the closest of scrutiny and the healthiest of skepticism. The ultimate amount will be far greater in the coming fiscal years.

Six months ago, the House and Senate decisively rejected expenditure of funds for MX procurement, and delayed any expenditure for R&D until both Houses of Congress have approved the MX basing plan.

We did so because we recognized that dense pack was an unworkable system and that any MX basing mode was likely to be vulnerable. In addition, many of us voted to delete funding for MX procurement because of our deep concern over the destabilizing effects of the procurement of what is actually a first-strike weapon system.

In the months since our action, the administration has failed to demonstrate that the Pentagon could develop an invulnerable basing mode. The gentleman from New York, the chairman of the Defense Appropriations Subcommittee (Mr. ADDABBO), informs us that the Air Force estimates that by 1989, the Soviet Union will have so many accurate nuclear warheads that as few as 1 percent of our MX warheads would survive any attack. A CBO estimate published earlier this month indicates only a slightly better survival rate. CBO further estimates that we could purchase greater retaliatory capacity for about one-third the cost by building more Trident submarines.

The surviving MX missiles will not provide much of a response to a first strike by the Soviets. Rather, they make sense only if ours is to be a first-strike strategy—to be used against Soviet land-based missiles. The Soviets have a great deal to fear in such a strategy—two-thirds of their nuclear arsenal is land based. Our triad strategy makes us far less vulnerable—only a quarter of our missiles are land-based.

The administration claims that the MX will not be deployed to give us first strike capability. Yet, why else would we spend $22 billion for a weapons system that cannot itself survive a first strike capability. The destabilizing effects of the MX are obvious. As a first-strike weapon, the MX will threaten the Soviet's land-based nuclear missiles—two-thirds of their entire arsenal. It will seem ludicrous to the Soviets that we would build a weapon system which will be virtually useless in a retaliatory attack. Therefore, the only logical conclusion for the Soviets to draw is that we are building the MX to give ourselves a preemptive first strike capability. The Russian response will be to augment and improve their own offensive and defensive weapons systems.

The MX is a weapons system which: First, cannot survive a Soviet first strike but which; second, will provoke a Soviet buildup of its own weapons, and thus; third, will make it even harder for arms control talks to succeed.

If this is a bargaining chip, it is one which will seriously weaken efforts to negotiate an arms control agreement with the Soviet Union.

Some of my colleagues have been swayed by the argument that adoption of this resolution will demonstrate our national resolve and that such resolve will send a signal to the Soviets to negotiate seriously or face ever-increasing United States nuclear strength. I take issue with this assessment for a number of reasons:

First. I cannot see how spending $22 billion on a weapons system that the Soviets can virtually destroy in a first strike attack and that we know most likely will not work demonstrates national resolve;

Second. We can get far cheaper deterrence with Tridents, which the Soviets cannot destroy in first-attack;

Third. A provocative weapons system is not a sound basis for undertaking negotiations to achieve arms control and reductions; a weapons system that makes sense only as a first strike weapon does not encourage immediate, good faith negotiations on either side.

Development and production of the MX missile system will constitute a confusing statement of a confused foreign policy. The policy of this Nation, I believe, still remains that we do not wish to provoke nuclear war or to exercise a preemptive strike against the Soviet Union. If it is, then we should drop the pretense of the opposite—and I will do everything in my power to openly fight such a senseless policy. If the policy of this Nation remains to negotiate meaningful arms control agreements and to move away from the risk of nuclear war, then let us not adopt this hairbrained MX scheme.

We have an opportunity to take a realistic, meaningful step to encourage nuclear arms control and to save the taxpayers of the United States $22 billion. A "No" vote offers budget freezers and nuclear freezers a chance to do something for each other and for the Nation. Vote "No." If the President can come up with something that makes military and fiscal sense, we can put it in the fiscal year 1984 appropriations. The resolution before us is a waste of money and a threat to world peace.

Mr. ADDABBO. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. SMITH).

Mr. SMITH of Florida. Mr. Chairman, I would add my remarks to the statements of those Members who feel as I do, that this resolution should be defeated.

There is no fear that we are going to instill in the Soviet Union with this missile that is any greater than the fear they have already of what we have in our arsenal. This is nothing more than just a plain, flat-out administration try to get something that they feel they want for their own purposes but not for the benefit of the United States, and that is arms control.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, there have been great differences in this great debate. However, there are some things that I think we can all agree on. It is obvious that the Soviets have engaged in a massive and dangerous buildup of their conventional and nuclear forces. This concerns us all. We all want the United States to be secure. We all recognize the need to modernize our Armed Forces and weaponry. But does this basic knowledge of our needs allow us to accept a flawed concept? I think not.

President Lyndon Johnson once said that, "To do what is right is easy—everyone wants to do what is right. But to know what is right is the tough thing." All of us want to do what is right on this terribly important issue.

The real question that faces us, though is to know what is right, and to make the right decision. I have always believed that public policy must be grounded in commonsense or it soon will fail. We have heard from many experts in many fields during

these last few months. Now it is up to us to apply commonsense, and to make the right decision on this vital matter.

After the Bay of Pigs fiasco, President Kennedy commented on his decisions during that turbulent time. He said that many experts, in their braid and decorations, told him that the Bay of Pigs invasion could and would succeed. In his postmortem, President Kennedy criticized himself. In retrospect he said:

> All of my life I've known better than to depend on the experts. How could I have been so stupid, to let them go ahead?

I think that a lot of the experts in this great debate are wrong.

I have always believed in modernizing our armed services and our weaponry when the need develops. In the past, I voted to build the MX, to research it, to test it, but to hold on a final decision until we had a basing mode agreed upon.

We have gone through many basing modes now, and still have not come up with an answer. In fact, we have gone around in a circle, and have ended up where we started 20 years ago. In the late fifties, we had a big debate in Tucson, my hometown. At that time, we were appointed hosts, for 18 Titan missiles, an early generation of powerful, liquid-fueled missiles that have served us well and been a key part of our deterrent. But we were told at the time, that time would come in the seventies or eighties, the Soviets would improve their ICBM accuracy and that our land-based missiles, in silos or otherwise, could be destroyed by a pinpoint Soviet attack.

We knew that sometime in the seventies or eighties, we would have to have a new missle, land-based, if we were to keep that leg of the triad. And so we began, even then, on the MX. This missile was designed to be land-based and invulnerable. Not like the silo-based missiles of the past, but by some kind of mobile or deceptive deployment.

So search began. We talked about putting the missiles in trucks that would cruise the interstate—in barges along our waterways—in railroad cars—we had the racetract system in Nevada and Utah—there was Dense Pack—and time after time, after we studied each system, it became clear that they would not provide us with the kind of invulnerable, land-based missile system that was needed to protect us from modern, highly accurate Soviet ICMB's.

After analyzing all of these systems, the Scowcroft Commission finally came up with the solution, guess what, believe it or not, of putting the MX missile in fixed silos. And so, we have come a full circle. And now, I am not so sure we can find a workable, land-based deployment mode for the MX.

If we cannot, we ought to face up to it and make adjustments and spend the $20 billion on something that will add to our security.

There is nothing magic in the figure three. The triad fixation says we have to have three different, separate ways to hit the Soviet Union with our nuclear power. There has even been some loose talk lately about adding a fourth basing mode, and putting missiles in outer space. And make no mistake about it, this is not a bargaining chip we are talking about any more. It is a $20 billion weapons system that will take money away from other military needs as well as those of our civilian society. Given the history of arms control, and our relations with the Soviets, does anyone seriously believe at this late time that we will build another ICBM system and then trade it off at the bargaining table? It is clear that this is not something that will appeal to the Soviets and that they will simply build more systems of the kind that they have now.

More than 100 years ago, my grandfather traveled from Utah to Arizona to build the small town in which I was born. In those simple times, the U.S. Government and indeed, foreign governments, had little impact on your lives, or theatened your existence. In the Rocky Mountains, protected by two oceans, and wide deserts, the people of Arizona did not really have to worry about any kind of attack or death from outside forces. The biggest guns built in those days were mounted on battleships and had a range of 12 miles. Now times have changed. Drastically changed. Someone you have never seen, and do not know, can make a decision in the next 30 minutes, and within 1 hour, all that we have built into this country and that mankind has built into this world could be destroyed. We have threats that were literally unthinkable even 40 years ago when we entered the nuclear age. We must face facts. And the plain, blunt fact is that the accuracy and the throw weight of the Soviet missiles has now rendered our ICMB's obsolete. We are foolish to consider spending this kind of money, on 100 MX missiles in fixed-silos.

It is important to remember that we still have two legs of the triad. An invulnerable, powerful system in our nuclear deterrent force is our submarine system. We also have pretty good air defenses. We have cruise missiles and new bombers coming on line. And we are exploring new, innovative weapons systems that could eventually make nuclear missiles obsolete.

I think the time has come to say the commonsense way, that we are as safe as we can be—that we have all the deterrence that we need. We will modernize our airborne and submarine systems when the time comes. But we should no longer insist on a full-blown triad, when it will not work; it will not solve our problems and it will only increase likelihood of a nuclear conflict.

This latest MX silo plan does not meet the test of commonsense. All it does is create a bull's-eye in middle America for Soviet defense planners. We have had a nuclear triad not because of the number three, but for one reason only. We have better odds in deterring a nuclear war.

Nuclear weapons are odd, contrary things. They are the only weapons in the history of man that have been constructed with the sole purpose of not being used.

The threat of a deliberately triggered nuclear war is a danger hanging over all mankind, but sadder then that, and more ominous, and more alarming, is the fact that if we keep heading down this course of more and more large missiles, with more and more warheads, we raise the odds of starting world war III. We raise the odds on the destruction of all mankind. What is worse, as more nations join the nuclear club, something even more unthinkable could happen. We may blunder into nuclear war by miscalulation, by accident. Not even by design. We almost had world war III by accident in the late fifties, when a full Moon coming up over the Arctic Sea was mistaken by our advance radar as a Soviet flight of missiles coming into the Midwest. We lucked out on that one, but it will be harder the next time to luck out of a nuclear war, when 20 nations instead of the present 6 have these terrible weapons of destruction.

President Kennedy, after the 1962 missile crisis, said of the experience, that what frightened him most was that great powers could miscalculate so severely. He told of a meeting with Khrushchev in Geneva a few months before the crisis, and holding a sharp conversation on the dangers of nuclear war. Then, during the crisis, Khrushchev apparently believed that Kennedy, or any other American President, would sit idly by and let the Soviets install nuclear weapons in Cuba. And he said,

> On my own part, I could not believe that this man that I met and talked to, realiy believed that I would simply accept the missiles in Cuba. On both sides, in this terribly important matter, there was basic miscalculation that could have led to war.

Who will miscalculate as we pile weapons on weapons, and the Soviets match us, and we them?

Albert Einstein once said, "The unleashed power of the atom has changed everything, except our mode of thinking. Thus," he said, "we drift toward unparalleled catastrophe. A new type of thinking is essential if mankind is to survive."

The administration would do well to heed Einstein's words. We do need a new type of thinking on these basic,

serious matters. We need to say, in a commonsense way, that there is nothing sacred in a nuclear triad. There are alternatives. By placing the new generation of single-warhead missiles in small submarines off the shore of the United States, we could gain both deterrence and avoid another expensive round in the escalating arms race. Maybe that is not the answer, but it is better than anything else that has been proposed.

So I say the time to close out this well-intended new weapon is now. Not tomorrow, or next week, or next year, but now. In the first hour of a nuclear war, we could kill more people than all of the wars in history. So we must think anew, and face anew these complicated decisions we are making this year in this matter. Loose talk about nuclear war being winnable, or that nuclear war can be limited no longer makes sense. Who really believes that we could fire at the Soviets at 9 in the morning, they would take out a few of our cities a couple of hours later, then we would all go off to lunch and talk about what would happen next? Once this nuclear war begins, there will be no limits. And we do not find the answers to these terrible dilemmas by waiting another year, with another weapon or another bargaining chip. The MX missile has seen more than 35 unacceptable basing modes. And putting new missiles into old silos would not work any more than the old racetrack proposal would have worked.

I had an old law professor who used to say, "Son, your whereases do not match your now therefores." I think that applies to the Scowcroft Commission. They say in effect:

> Where land-based missiles cannot be based in the United States in any mode that will not be vulnerable to a Soviet attack and whereas, we have tried the racetrack, the railroad cars, and trucks, and barges, and none of them will give them this invulnerable basing, we seek to save the idea of the triad.
>
> Now, therefore, let's build the $20 billion missile anyway.

We have spent enough time debating the merits and the pitfalls of this decision. The time has come for the U.S. Government to move forward and find a reasonable alternative. Whether it be a submarine-based missile, a single-warhead missile, or some new form of basing. But let us stop living in the past and move into the future. I strongly urge my colleagues to vote against this proposal. We can then go to work to correct the system, whether it has three legs, two legs, or five legs. We have options. We still have our commonsense. We can go on and negotiate as we must on arms control agreements, but we cannot do it until the plan meets both the test of the experts and the commonsense of the American people.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 10 minutes to the able gentleman from Tennessee (Mr. GORE).

Mr. GORE. Mr. Chairman, this is not an easy vote. It is a very close question. There are many thoughtful people on both sides of this issue and there have been very many excellent speeches made throughout the 2 days of this debate. I think it has been an excellent debate.

Some feel certain of their position, either for or against; but I believe the truth of the matter is that those who look at it carefully will realize that whichever side wins, there is a likelihood that the winning side will regret the fact that they did win.

I believe that the right course of action is for this Congress to approve the flight testing of the MX missile by voting for the resolution that is presented to us.

One of my colleagues said earlier here in the well that we are not voting for a package, we are voting for the MX missile.

Well, in my opinion, we are voting for a package. We are voting for the recommendations as regards weapons procurement and as regards arms control presented to the Congress, the President, and the country, by the Scowcroft Commission.

I believe we would be doing that Commission and our country a disservice by underestimating the significance of the Commission's recommendations.

Fundamentally, the Commission recommended that we seek a new strategic goal. Early in the nuclear age, our goal was superiority. Then, during the era of mutual assured destruction, our goal became equality or parity; but with the development of multiple warhead ICBM's with a high degree of accuracy, it became clear that equality in and of itself was not a sufficient goal, because I think with an increasing number of accurately MIRV'd ICBM's in the arsenals of both countries, we could have equal forces and yet have instability, because these weapons give the side going first an opportunity to gain an advantage from a first strike.

So the Commission recommended that we select a new goal, the goal of stability, that we move to dramatically reduce the ratio of accurate warheads on one side to missile silos on the other side and they brought together the elements of debate going on in the country and recommended a new bipartisan approach toward that goal.

I have been working on this issue for quite some time. I started from a set of simple principles. We have one world. We have one potential nuclear war. We have one President who negotiates for this country and if we are to have any chance of success in those negotiations, we must have only one national strategic policy.

This Commission's recommendations offer the chance to fashion a national strategic policy that integrates for the first time in decades weapons procurement and arms control policies.

Do we want to give up on the chance that this administration for the next 2 years or possibly the next 6 years can achieve an arms control agreement with the Soviet Union?

Do we want to take the chance that the impending race in sea-launched cruise missiles will get underway at full steam during the next 2 years or possibly the next 6 years?

Do we want to throw away the chance to build a bipartisan approach that might make some sense and achieve an arms control agreement? I do not think we do.

I think that we want to seize that chance which does exist. I think we want to try to work with this administration to integrate weapons procurement and arms control and work toward the objective of stability.

Now, there is an irony in proposing to deploy a new highly MIRV'd ICBM while proposing to begin a process leading away from such weapons over time, and I would be the first to acknowledge that irony; but the fact of the matter is that the Scowcroft Commission has assigned a highly specialized role to the MX within the overall strategic context that the report addresses. It is intended as a transition step toward a less destabilizing balance between the forces.

I might say to those who say there is a contradiction between the goals of the Commission and the means that it has chosen to get there, that there is also a contradiction in saying that the Soviet Union is going to be so worried about an MX force that is carefully held below the threshold of a first strike that they might think it is a first strike. Those who are so concerned about what the Soviets might think sometimes are those who simultaneously minimize the significance of the Soviet weapons that have already been deployed.

The fact is that the Soviet Union has already deployed a sufficient number of highly accurate MIRV'd ICBM's to take out all of the U.S. ICBM's.

Now, is that an insignificant event, while at the same time weapons on our side would be significant?

I think that the fear of a first strike on the part of either nation is quite significant.

I believe that we ought to work toward eliminating the fear of a first strike on the part of either nation.

Do the opponents of this resolution really believe—do they really believe that we are going to make an arms control agreement more likely if we eliminate this program? Do they really believe that?

I am not certain of the answer, but I cannot believe that they are that certain of the answer as well.

Flight testing of the MX would suggest to the Soviet Union that a decision on their part to break out of our present arrangements for observing the SALT II limits could be met by a U.S. response, rather than a response that would require years to gear up. It would suggest that a move to threaten the United States in retaliation for the first deployment of missiles in Europe could backfire, and that the key would be to remain calm and to negotiate seriously.

It would suggest that if the Reagan administration alters its approach in START in a manner that truly reflects the internal logic of the Scowcroft Commission report, then the best course for the Soviet Union is to embrace the principle of stability and end concerns about first strike forces and to negotiate within that concept.

Now, I want to make it clear, however, with as much emphasis as possible, that my vote for flight testing of the MX missile does not mean an automatic vote for procuring this missile for deployment in silos later this year in the authorization bill and still later in the appropriations bill. The administration understands very clearly that the group which has been engaged in discussions with the administration is voting for flight testing as a separate matter from procurement and for appropriations.

□ 1700

The Congress can, if it wishes, allow enough MX missiles to be manufactured for the flight test program but then deny funds leading toward operational deployment if there is not evidence of progress toward the proper new arms control position between now and the authorization bill, and between now and the appropriations bill.

Or Congress could release funds for procurement, scale them down and condition them in various other ways to assure that the Scowcroft Commission recommendations are uniformly developed.

At this moment I am inclined toward the second course and am working with some of my colleagues to develop appropriate amendments which will shortly be offered to the authorization bill.

I think it is important that the administration have a clear understanding of what it is that we are looking for. In an earlier exchange of letters with the President I and others sought clarifications and assurances as to the administration's understanding and support of the inner logic of the Scowcroft Commission report. Notwithstanding the effects by the Secretary of Defense in undermining the value of that correspondence, I believe it still has meaning.

The President knows he must give up one approach and begin another. There is no doubt that some in the administration have not yet signed on to that new approach and the administration ought to know what will constitute proof that they are moving in the right direction.

Let me just suggest one standard for the administration to consider. If the new START negotiating proposal contains a demand for equal throw weight, there would be an immediate sign to those of us in the Congress who have been engaged in discussions with the administration that the new proposal would be nonserious and nonnegotiable.

If the administration accepted the arguments of the Secretary of Defense and others that we ought to try and force the Soviet Union to give up some huge fraction of its throw weight advantage merely to open the door to a strategic agreement with us, we should have no possibility of arms control and, therefore, no chance to carry out the Commission's recommendations, including the deployment of MX.

If the administration, on the other hand, heeds the views of others who would organize reductions around the idea of stability, and offer the Soviets what is manifestly a fair opening proposal, letting matters such as throw weight work themselves out as derivatives of the agreement rather than as the organizing principle, then we have a chance to bargain well and successfully.

Our choice today is to take a chance that this administration will be able to get a meaningful agreement with the Soviet Union organized around the principle of stability and the elimination of first strike capabilities, or alternatively to destroy the prospect of a domestic consensus, take away the one program this President believes to be essential to his arms control negotiating efforts, and diminish the prospects of any agreement with the Soviet Union in the next 2 or possibly 6 years.

I urge a vote in favor of this resolution.

Mr. FAZIO. Mr. Chairman, will be gentleman yield?

Mr. GORE. I yield to my colleague, the gentleman from California.

Mr. FAZIO. I would like to congratulate the gentleman not only on his statement but on the creative leadership he has provided on this entire issue. I certainly think there are many Members who share the same kinds of concerns the gentleman has expressed as to the spinning out of this scenario in regard to the future development of MX, the procurement and deployment in particular.

I congratulate the gentleman. I support his statement and support the resolution.

Mr. Chairman, today we will be asked to vote on one of the most complex and controversial issues ever to face the Congress. For the decision that we make now goes far beyond an up or down vote on research and development moneys for a strategic weapon system or flight testing of the MX. It goes to the very heart of our ability to ever reach an agreement on arms control.

I, like the majority of my colleagues, voted to delete funds for production of the MX last December when we were considering the DOD appropriations bill and the dense pack basing mode. I too, as a member of the conference committee on the continuing resolution, supported the language which fenced the $625 million at issue now. While I have felt, from my election to Congress in 1978, that we needed to modernize our ICBM force in face of the unprecedented and continuing Soviet buildup of MS-type missiles, my votes last winter are indicative of my reluctance to support this system blindly.

In fact, it was after agonizing internal debate on this matter that I have come to support the release of the fiscal year 1983 funds. What has brought about my support? A change in attitude, a change in rhetoric, and seemingly a change in posture on the part of the administration with regard to arms control. This, coupled with the realization that the most crucial thing that will bring the Soviets to the bargaining table is their concern about the possible deployment of the MX.

Even, McGeorge Bundy, a long time opponent of the MX has stated, and I quote:

> I conclude that MX-in-Minuteman has no large-scale value for the encouragement of arms control. Yet its value is not zero, and there is no need to cancel the program entirely without seeking a trade of some sort. A single limited system cannot in itself produce any large shift in Soviet behavior, but before it is canceled entirely it would be worthwhile to seek a bargain in which both sides might agree to build no new MIRV'd ICBMs. This would in fact be a good first step in the general direction recommended by the Scowcroft Commission, and it has the considerable advantage that it is a step on which we might get Soviet agreement.

And, it is indeed the Scowcroft Commission that has been the catalyst for a new approach to arms control. Prior to this time, we had been confronted with a combination of the largest peacetime buildup in our defense budget, inflammatory rhetoric from the administration that caused an escalation in the cold war, failure to ratify SALT II, and a breakdown in United States-Soviet efforts to reach an arms control agreement in part through a badly flawed START proposal. In fact, it was not even until 1982 that the President even began his START talks.

Now we have before us a new scenario. We have some of the brightest and most knowledgable individuals in our Nation coming forth with a report on how we, as a nation should proceed in developing our strategic policies, in order to bring about an effective arms control agreement. This Scowcroft Commission report recommends deployment of 100 MX missiles in midgetman silos, a change in our negotiation strategy from counting launchers to counting warheads, the development of a single warhead missile, perhaps even a mobile missile. I believe a number of us have been successful in getting the President to agree to accept the Scowcroft Commission in its entirety. An approach such as that recommended by the Commission could bring about a new era in stability followed by reductions. An abandonment of the MX at this very crucial stage will, I fear, result in the abandonment of any hope for arms control in the forseeable future.

I am a strong believer in the concept of an ongoing bipartisan commission to provide oversight of the Geneva process and future decisions as to weapons procurement and arms control initiatives. The President has indicated a willingness to go along and I plan to see that we continue to have the input we need from these kinds of objective and knowledgable advisers—Perry, Brown, Woolsey, and Scowcroft himself—in the future.

But I make my decision with sincere concern—even misgivings—and so I cast my "aye" vote here today for a limited step that preserves future options available to us in the coming appropriations and authorizations process. I am not making a commitment to production by my aye vote today. My support is an act of faith in a new bipartisan spirit that has a chance to lift this Nation out of the current morass born of a lack of trust. The need to move off dead center on arms control and weapons development is clear to us all. I hope we will not let the opportunity pass.

Mr. ADDABBO. Mr. Chairman, I yield 40 seconds to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Chairman, I have listened to the gentleman from Tennessee and I have three points that I would like to make to my colleagues.

First, we are not dealing with a faucet here. There has been no strategic weapon that has ever reached this stage of funding that has ever been permanently canceled. Do not delude yourself into thinking the faucet will ever be turned off.

Second, the gentleman from Tennessee has indicated that we must have one national strategic policy. I ask this question: Even if it is wrong? I do not think we should be crushing dissent on a policy that has been advocated that I believe is wrong.

Finally, I want to make this comment: I am amazed at those Democrats who have entered into this bargain with the administration.

The essence of the bargain is simply this: The President gets an MX missile and the country gets a statement of sincerity about arms control. If that is a bargain, all I can say is, to my colleagues on this side of the aisle who have entered into it, I am just pleased they are not negotiating with the Soviet Union.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. Bennett).

Mr. BENNETT. Mr. Chairman, a few minutes ago someone quoted the Bible and said "Blessed are the peacemakers," and then at the conclusion of that speech it was said "Buy the MX." There seems to be a little inconsistency to me in that.

It seems to me the so-called peacemaker or peacekeeper is more like a troublemaker.

It is clear from this debate that the MX is vulnerable. It is clear it will cost $20 billion.

It is clear it deprives conventional weapons funds they need.

And I guess it is clear to those who want this resolution that we have a package here which is the Scowcroft report, and that report says we would use the MX "to assure our allies that we have the capability and will to stand with them with whatever forces are necessary if the alliance is threatened by massive conventional attack."

That is on page 16. At page 6 it says "in any consideration of attack with conventional forces Soviet leaders must understand that they risk an American nuclear response."

That is pretty clear, is it not? Do you want to buy that? Congress has never debated that. We have never had any hearings on that policy. That is a policy in the Scowcroft report, but it is not a policy that the Congress has ever written into law. Should it?

The war powers provision, taken together with that, would seem to me to make it possible for the President to start a nuclear war without ever asking Congress to vote on it. It certainly is a very scary thing to think about.

We have the promise the President is working for arms control, but would this not be a better package if we did not have the MX in it? Why is it so much better because we have the MX in it?

If you have ever stopped smoking, and most of you have stopped smoking a few times in your lives, I do not believe that you would go out and buy 12 gross of cartons of cigarettes on the eve of your stopping smoking. You surely would not put four or five packages of cigarettes in your lungs at that point. That strikes me as what we are doing at this point with this weapon.

It seems like we are saying we want to move toward peace but our first effort toward peace is going to be to provide, as this provision does, not just for the flight testing but for full-scale development of the basing mode for the MX.

Mr. Chairman, I hope we will not fund the MX. I think it is a mistake to do it. I think it is a travesty on the idea of trying to bring about peace in the world to produce a weapon which is so damaging and so expensive, and which eliminates the possibility of funding for so many conventional weapons that we really need, and which could prevent nuclear war.

Mr. Chairman, I sincerely hope this resolution will be voted down.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. Emerson).

Mr. EMERSON. Mr. Chairman, I rise in support of the resolution to release funds for the basing and flight testing of the MX. In doing so, I want to point out that I was among those who previously supported the withholding of these funds until a satisfactory and workable basing mode has been established. At that time, I simply did not think it responsible to authorize this kind of money for a weapon before we knew how it was going to be deployed.

Today, however, those concerns have been satisfied. In an outstanding example of bipartisan commitment, the Scowcroft Commission has done its work admirably; and I believe the result is a satisfactory plan for the utilization of the MX missile. Made up of defense and national security advisers to four Presidents—of both parties—the Commission has brought to the MX debate the kind of in-depth thought and long-range planning that has been lacking in the past. As one who feels very strongly that national defense is a priority that rises above partisan interests and demands the most thoughtful guidance possible, I am greatly encouraged by the work of the Scowcroft Commission and convinced that Congress should move forward with the MX in the same bipartisan way.

We have reached a critical point in United States-Soviet relations, and the MX is potentially the lever we need to convince the Soviets that we are serious about defending ourselves and our allies. The efforts of the Scowcroft Commission and the administration have provided a strong basis for presenting our adversaries with a coherent national commitment; and thus, with perhaps the greatest possible deterrent to any kind of aggression.

Mr. Chairman, the burden is now on Congress to strengthen that commitment even more; and I, for one, believe

that passage of this resolution is the most responsible avenue we can take.

Mr. SEIBERLING. Mr. Chairman, the debate on the MX issue has been truly extraordinary in the very high level of expertise and intelligent analysis exhibited by Members on both sides. Regardless of the outcome of the vote, those observing the debate cannot fail to have been impressed by the degree of hard work and hard thinking that has been brought to bear by so many of the participants.

Among them no one exhibited a keener grasp of both the technical intricacies and the broad policy considerations of the MX issue than our distinguished colleague, TOM DOWNEY of New York. His contribution was truly a brilliant one, of which all of us can be proud, but especially those of us who, like him, oppose deployment of MX.

Mr. Chairman, the Washington Post for May 20, contained an excellent article by TOM DOWNEY summarizing his position in opposition to MX. I offer it for printing in full in the RECORD at this point.

[From the Washington Post, May 20, 1983]

WHY I'M NOT SWITCHING ON MX

(By Congressman Thomas J. Downey)

Some of my best friends support the MX. One of them, Rep. DAN GLICKMAN, just had an article in The Post ["Why I Switched on the MX", op-ed, May 18]. He sees the missile as the route to arms control, through a deal he's made with the Reagan administration. I don't think its a good deal for arms control.

The "deal" trades a very explicit missile for some very vague promises. President Reagan gets a go-ahead on MX testing and production. That's real. My friends get a letter making nebulous statements of intent to do something about arms control. What's this letter worth?

TAKING EXCEPTION

Defense Secretary Caspar Weinberger gave the game away when he volunteered on national television that the letter commits the president to "nothing basically new."

Glickman doesn't think putting MX in existing silos is a good idea. Very few people do. The silos are vulnerable to Soviet attack; the U.S. Air Force tells us. So any missile we put in them won't be available for retaliation. It will be available for a first strike, but of what use is that if, as Reagan says, first strike isn't U.S. policy?

If we can't use MX after a Soviet attack and we won't use it before a Soviet attack, we are left with a militarily missionless missile. Conceding this, MX supporters shift the argument to arms control.

MX is a dumb idea, my friend Dan and other MX supporters say, but we need it anyway, to support the smart idea of arms control. Publicly, the argument is that we need MX to get the Russians to the bargaining table. MX will be particularly effective at this, Glickman tells us, because the Russians fear ICBMs most, as demonstrated by the fact that this is where they've put the bulk of their strategic effort; this is the kind of weapon they understand.

The idea that the Soviets find the familiar more threatening than the unfamiliar is dubious psychology, and, in my experience, flat-out wrong. As a congressional adviser to the SALT II delegation, I had extensive discussion of strategic issues with middle- and high-level Soviet officials. Invariably, I found their latest concern to center on those U.S. weapons which were different from and far in advance of theirs: anti-submarine warfare, small-radar-image aircraft and, most of all, accurate cruise missiles. I heard not one word of concern about MX, which at that time under the Carter race-track scheme was a far more viable weapon than that which we are debating today.

Privately, Scowcroft Commission members and congressional MX advocates concede that the arms control problem lies less with the Soviets than with the White House. But it leads to MX; nevertheless, they tell us: we've made a deal; we give Reagan the MX and he'll convert to sincere arms control.

It can't be done. You can lead a horse to a steeple-chase but you can't make him win it. Negotiating weapons with the Soviets is difficult and arduous. It requires both high competence and burning dedication to arms control as a national security tool. This administration has neither. It is convinced in its bones that real men don't control weapons, they build them.

The new arms control promises Reagan now makes to gain MX support are reminiscent of the old promises to "sit down with the Soviets and hammer out an agreement" he made in 1980 to gain election. His delivery of the 1980 deal consisted of (1) refusing to ratify SALT II, (2) abandoning Comprehensive Test Ban negotiations, which had been supported by three Democratic and two previous Republican presidents, just as they approached fruition, (3) turning all key arms control positions over to prominent opponents of arms control, with the most dogmatic of these being given the greater power, and (4) concocting negotiating positions designed to score propaganda points rather than reach agreement. These policies and people remain, my friend Dan's New Deal notwithstanding.

If the president doesn't produce on arms control, Dan tells us, we'll kill the MX later. Don't count on it. With each passing month, the number of people employed on the program will increase, and with it the political penalty legislators will face when they consider canceling it. With each passing billion dollars, the dismal argument that "we've come too far to turn back" will gain more adherents.

Good arms control proposals abound. SALT II ratification is ours for the asking. A comprehensive test ban treaty, as I suggest, could be concluded without long delay. The nuclear freeze would improve deterrence immensely, by denying both sides the reliability needed for first strike. If we want these good ideas, we must pursue them directly. You don't get to a good idea by going through a bad idea. The best thing to do with a bad idea is to kill it and the best time to do that is at once.

● Mr. STOKES. Mr. Chairman, I rise in strong opposition to House Concurrent Resolution 113, which would release fiscal year 1983 appropriations for MX missile basing activities and flight testing. Last year, Congress in great wisdom acted to prohibit the release of these funds, about $625 million, until President Reagan proposed an acceptable and workable permanent basing plan for the MX missile.

Congress was well justified in being skeptical about committing billions of scarce Federal dollars to a costly, new weapons system of questionable benefit to our national security. Congress was right to be skeptical about the MX when even the Pentagon has been hard pressed to develop a rational plan for its deployment which is more than simply creating an attractive target for the Soviet Union to shoot at.

Indeed, the debate over a proper basing mode for the MX missile has a long history in which many imaginative, but unworkable schemes have been proposed. In fact, the Pentagon has looked at over 30 such schemes to make the MX invulnerable to attack. None have survived a careful and logical scrutiny, including the ridiculous Dense Pack basing mode proposed by President Reagan last year.

Now, we have come full circle to the recommendation of the President's Scowcroft Commission to base the MX in hardened Minuteman missile silos, a recommendation which Congress wisely rejected 2 years ago and should reject now.

The fact that, after years of study, discussion, and debate, a feasible and rational basing mode for the MX missile has yet to be devised should give us all great pause as to whether the MX missile can ever be deployed successfully to survive a Soviet attack. Mr. Chairman, I believe that we already know the answers regarding this issue. The Scowcroft Commission has already admitted that there is no such thing as a invulnerable land-base missile silo. The Air Force has already estimated that by the time these multibillion missiles are deployed only 1 MX out of 100 would survive a Soviet first strike.

Mr. Chairman, I hope that Congress will reject House Concurrent Resolution 113. My opposition to this resolution, however, extends far beyond the issue of how to deploy the MX missile. I fundamentally deplore the production and deployment of the MX missile, irrespective of its basing mode, because, in my view, the MX missile is a dangerous and outrageously expensive weapon of little or marginal value to our national security. Certainly the security risks of our Nation posed by the production and deployment of this destabilizing weapon will outweigh greatly the dubious military benefits which might be derived from its development.

The MX missile will not improve our country's military posture. Administration officials have said that the MX weapon system is vulnerable to attack and survivable only with a launch-on-warning strategy, which carries with it a grave risk of accidental war. Thus, the major reason initially advanced for developing the MX missile—its survivability—has now been abandoned.

With a price tag conservatively estimated at $15 billion over the next 5 years, we should now abandon the MX system in its entirety.

Since the start of the Reagan administration, the administration's commitment to defense spending has been extraordinary. The fiscal year 1984 proposed defense budget authority of $280.5 billion is nearly double the level authorized in fiscal year 1980. More importantly, we are now on a path of spending the mind-boggling amount of more than $1.6 trillion on defense needs over the next 5 years. Thus, I reject the notion advanced by some that we need the MX missile to correct a military imbalance between the Soviets and the United States. I believe that no such imbalance exists. While the Soviets may have an "advantage" in prompt, hard-target kill capability, the United States is superior both qualitatively and quantitatively in submarine-based forces and in strategic aircraft. Moreover, recent and planned improvements in U.S. military forces include the B-1 and stealth bombers, Pershing II, and stealth cruise missiles, the retrofitting of Minutemen III missiles, and new sea-launched Trident missiles. Both the United States and the Soviets have more nuclear warheads than are necessary for overall deterrence.

Mr. Chairman, in addition to the fact that the MX missile will not enhance our military capability, the production and deployment of the MX missile represents a significant jeopardy to nuclear arms control. I vehemently disagree with the Scowcroft Commission recommendation that the MX will provide a useful bargaining chip with the Soviets on negotiating a serious arms control agreement. Rather than luring the Soviets to the bargaining table, the MX missile would more likely threaten the Soviets and invite a preemptive attack from them in a crisis. Moreover, concentrating these high value weapons in a vulnerable basing mode would create a very attractive target for a Soviet first strike. In short, MX production and deployment could have a perilous and destabilizing impact, enhancing the chances of nuclear war, rather than limiting those chances.

Mr. Chairman, I believe that the entire MX program should be canceled immediately. A vote against House Concurrent Resolution 113 would be a significant first step toward this end and would demonstrate a congressional will to act in the best interests of the American people. Our Nation, Mr. Chairman, has viable options which can improve our military strength and also lead us down the path to world peace. The development of the MX missile, however, is not one of these options. I urge the rejection of this resolution.●

● Mr. BONKER. Mr. Chairman, I rise in strong opposition to House Concurrent Resolution 113, which would provide 1983 funds for basing and testing of the MX missile. There is simply no good reason to go ahead with final development and deployment of the MX. The White House has raised broad and indefinite national security considerations as the ostensible rationale for the MX missile, but these vague statements cannot cover over the crippling flaws in the MX missile system.

Simply stated, the MX is a costly, unnecessary, destabilizing weapons system that will actually decrease, not increase, our national security at the same time it drives up the Federal deficit.

Recently, some Members who once opposed the MX have been persuaded to support the missile in exchange for a vague assurance by the President that he will seek serious arms control negotiations with the Soviets. Providing funds for a costly, destabilizing missile which will undermine our real security and kick off a new round of the arms race strikes me as a curious way to promote arms control.

Some supporters of the MX argue that we need to match the Soviets missile for missile. Others emphasize the importance of the MX as a bargaining chip or a demonstration of our resolve to stand up to what they see as a growing Soviet threat. Some MX proponents simply feel that more is better, when it comes to nuclear weapons.

None of these arguments provides a compelling reason to go ahead with the MX missile.

In my mind, the only justification for our strategic forces is deterrence. Unless deterrence is the sole basis for our nuclear forces, our real national security will indeed be jeopardized.

Because the concept of deterrence is central to the nuclear weapons debate, and because it is too often misunderstood or ignored, I believe it deserves greater attention. Simply stated, deterrence is the ability to inflict unacceptable losses on a potential aggressor under any conceivable set of circumstances; for example, after a successful surprise attack by the aggressor. If the Soviets believe we can retain the ability to destroy their population and industrial centers, even after a surprise attack against our nuclear forces, the Soviets will not launch such a first strike because the cost of our retaliation would be too great. This is the essence of deterrence.

Using this approach, it is clear that certain types of weapons promote deterrence, while others undermine it. For example, powerful and accurate first strike weapons which could be used to eliminate or reduce the opponent's nuclear deterrent force undermine deterrence. The threatened power would be tempted to put its forces on a launch-on-warning status rather than risk having its missiles destroyed on the ground by a surprise attack. Alternatively, the power might decide to launch a preemptive strike if tensions built up to the point that it thought nuclear war was imminent. Such first-strike or counterforce weapons, which are themselves vulnerable to a preemptive strike, are destabilizing. The MX is clearly such a first-strike weapon.

In the arena of nuclear weapons, more is not necessarily better. While I believe we must continue to upgrade our forces to insure that we retain an effective deterrent, the MX is more than we need. It is a supermissile which, because of its power and accuracy, will cause the Soviets to believe that their land-based missiles—comprising three-quarters of their nuclear force—are vulnerable. This will undermine stability and make nuclear war more likely, not more remote.

In addition, the perceived vulnerability of Soviet ICBM's will undoubtedly provoke them to build greater quantities of advanced missiles which will then make U.S. planners concerned about the vulnerability of the MX. Thus, after the expenditure of many billions of dollars, we will be less secure than we are now.

Finally, the basing of the MX in existing Minuteman silos leaves the missiles vulnerable to a preemptive strike by the Soviets. This combination of vulnerability and threat would make a preemptive strike more attractive to Soviet strategic planners.

Using the MX as a bargaining chip is a flawed argument. This same argument was applied to MIRV's. At the time, President Nixon said we needed to proceed with MIRV research and then deployment, as a way of bringing the Soviets to the bargaining table. Now both sides have MIRV's and we are still seeking meaningful negotiations with the Soviets to halt the insanity of the arms race.

In summary, the MX is a costly and destabilizing weapon system which will only fuel the arms race and reduce our real security in the long run. I urge my colleagues to defeat any funding for this expensive and dangerous weapon system.●

● Mr. WALGREN. Mr. Chairman, I cannot support the MX funding resolution, House Concurrent Resolution 113, and I urge my colleagues to think long and hard before we commit billions of tax dollars to this dangerous program.

The MX represents a critically significant and dangerous change in the very character of weapons planned for this Nation. Changing from missiles with only general accuracy to those with pinpoint precision accuracy will inevitably result in both superpowers turning the decision to launch an all-

out attack on their adversary over to computers, and once both sides go to computer "launch on warning," as they must if they are to maintain the threat of any retaliatory strike in a world of "first strike" weapons that can kill missiles in their silos, it is only a question of time before the computers will make a mistake.

It is hard for me to believe that anyone could support such a basic change in the character of nuclear weapons as a bargaining chip.

It seems to me that those who would take such an approach have no appreciation of what it will take to end the arms race. "Raising the ante" has never led to anything but greater danger since the start of the nuclear age and I find no evidence that reason would expect anything different now.

The saddest thing to me is that, if we proceed with the MX, we will win what may be the best hope to stop the arms race—a verifiable agreement that neither side would conduct the testing necessary to rely on the accuracy of this new generation of weapons. The important point is that we can verify whether testing takes place without dispute. We all should recognize that the degree of verification necessary to assure that missiles only contain one warhead—or that two missiles have been removed for each new one installed—may very well never be able to be attained. But we can be satisfied that the testing necessary to develop first-strike accuracy has not occurred.

If we approve the testing of the MX and its initial deployment as provided for in this resolution, mankind will have missed an opportunity to make progress on arms control that we may never see again.●

● Mr. STARK. Mr. Chairman, I cannot believe we are standing here once again debating the merits of the MX missile. Unless I am mistaken, last fall we decided the MX had no merits.

I must say, Mr. Chairman, I am absolutely shocked at what has gone on here today. If I can take this body back to our December 1982 debate when some of my colleagues made excellent and convincing statements such as:

To defeat this particular weapon which will be most at issue here—the MX—will not be a defeat for the President or for the military or for those people in this body who have wanted it. It could be an important and wonderful victory not for the Soviets but for all people on the Earth who feel a pressing need for world peace,

And

If this weapon is a "Peacekeeper," then napalm is "funny foam" and the Pentagon is "Fort Friendly,"

And

The bottom line is that to build up our nuclear arsenal will only cause the Soviets to do the same—and fuel a nuclear arms race that no one can win. Only by putting a halt to this arms race and working to prevent the outbreak of nuclear war can we reduce the real threat to our national security.

Have we forgotten those statements? Have we forgotten that we voted 245 to 176 to delete funds for the MX? I cannot believe our memory is so short and our view so narrow.

Last year we decided MX was too costly and could not survive in the Dense Pack basing mode. Is it any cheaper now? Is it any more survivable? I do not think so.

Let us show our strength once again. Let us show we cannot be bullied by the President. Let us show our commitment to arms control. Let us not vote again for the MX, or any little, "mini" missile. Let us oppose this resolution.●

● Mr. LEHMAN of California. Mr. Chairman, I rise to speak in opposition to House Concurrent Resolution 113 which would release over half a billion dollars for MX basing. I oppose the MX proposal before us for three reasons: First, it costs too much—at least $20 to $30 billion; second, it will not work as a defensive weapon—even MX proponents and the administration acknowledge this fact; and third, it will only add to the nuclear balance of terror.

I suggest that many of the problems associated with MX have been brought on by the Pentagon itself. Putting MX in old Minuteman silos is only the latest in a series of over 30 basing proposals. In fact, in 1982, Congress rejected MX in silos because defense experts told us that this option was very, very vulnerable to Soviet attack. We have been offered MX on racetracks, MX in dense packs, MX in big birds, and once again MX in silos. Instead of developing a smaller missile which could be launched in a variety of ways by the Air Force or the Navy, the Pentagon chose to build the biggest missile it could get under existing treaties, thereby making mobility and secrecy of missile location virtually impossible.

Now the administration has told the Congress that in exchange for giving the Pentagon the MX missile, the President will get serious about arms reductions. This is a very bad bargain since arms limitations were supposed to be the President's mission anyway. After all, Mr. Reagan is the originator of the START concept.

Mr. Chairman, the President of the United States has called MX the peacemaker. I respectfully suggest that MX is not a peacemaker, but a peace breaker. I urge my colleagues to vote "No" on MX.●

● Mr. McKERNAN. Mr. Chairman, the past several years have been frustrating to those of us in Government who believe that arms control must be one of our highest priorities. The START and INF talks in Geneva, though ongoing, have seen little meaningful progress. Although SALT II was signed by President Carter and Soviet President Brezhnev, this agreement failed to be ratified by the U.S. Senate. In fact, there has been no ratification of a significant arms-control treaty for nearly a decade.

This lack of progress and the apparent willingness, of both the United States and the Soviet Union, to place little importance on arms control has led to public criticism in the United States and Europe of nuclear-arms policy. Arms-control movements such as the nuclear-freeze movement, were born as a result of this public outcry. Government leaders have begun to listen and react to this public concern. The nuclear freeze and reductions resolution that recently passed the House of Representatives is one encouraging sign that many leaders in the United States are prepared to take the steps necessary to develop meaningful arms-control agreements.

For this reason, I am cautiously optimistic about the future of arms control. I cannot remain optimistic, however, if we do not take realistic efforts toward arms control that can have an immediate effect. For, even if we had an administration that supported a mutual and verifiable nuclear arms freeze, a bilateral freeze agreement, according to the experts, would still be a very complex agreement that could take years to negotiate. Reality dictates that we address the necessity of balancing effective arms control, stability, and deterrence, in as short a time as possible.

Very soon, a crucial vote on the MX missile will take place in the House of Representatives. The House will vote on whether to release funds for flight testing this missile. This will be one of the most important decisions ever faced by this legislative body. We must decide if the further development of this missile will serve our purposes for arms control, or will it actually lead to greater nuclear instability.

This vote follows the submission of a comprehensive report on strategic defenses by the bipartisan Scowcroft Commission. Though I do not concur with all of the Commission's recommendations, I applaud the efforts of this Commission to thoroughly examine all aspects of defense and arms-control strategy and produce an objective report.

The Scowcroft Commission advocates development of the MX missile to give the Soviet Union incentive to enter into an arms-control agreement. I believe that this is a legitimate argument for several reasons. First and foremost, the Soviet Union has had a history of negotiating agreements only when they may have something to gain. The Soviet Union did not agree to negotiate an ABM Treaty in the 1970's until it was clear that the United States was prepared to meet

the Soviet's ABM capability. The result of these negotiations was perhaps the most significant and far-reaching arms-limitation agreement between the two powers to date. The ABM Treaty has effectively halted one area of the arms race. A second example is the Soviet's refusal, for many years, to consider any limits on their nuclear forces targeted at Europe, while seeking limits on U.S. nuclear forces in Europe. Only after NATO decided in 1979 to deploy Pershing and cruise missiles have the Soviets shown a willingness to negotiate their intermediate range missiles.

If we are to achieve a mutual and verifiable freeze and real arms reductions, I believe that we must ask ourselves a very important question: Will the Soviet Union be willing to enter into a mutual and verifiable freeze agreement if the United States clearly lacks the resolve to develop a new weapons system? If we are to use the MX missile to encourage arms control on the part of the Soviet Union, we must be also willing to give up the MX system in the process of reaching such an agreement. I hope that my colleagues and the administration will agree that, if the MX is approved, we must be equally prepared to bargain it away as part of an equitable arms-control agreement.

I do take issue, however, with one element of the Commission's report. The Commission recommended deploying a total of 100 MX missiles in Minuteman silos; 100 MX's, with their 1,000 warheads, are not needed to effectively use the missile as a bargaining chip or to express our resolve to maintain a strong defense; 100 MX's in Minuteman silos would, on the other hand, be a tempting first-strike target for the Soviet Union. Furthermore, the United States may be tempted to use these missiles at a time of crisis or misunderstanding since the weapons are so powerful, yet vulnerable. Fewer missiles would be much less of a first-strike threat, yet will still give the Soviet Union incentive to enter into a rational arms-control agreement or, ideally, a mutual and verifiable nuclear weapons freeze.

Finally, I am very pleased to see that the President has shown a willingness to modify his approach to arms-control negotiations. For if we are to realistically make progress toward arms control during the near term, the President must make proposals to the Soviet Union to lessen the threat of nuclear war. It is unlikely that we will be able to go as far as a freeze and reductions agreement during this administration, but the President's recent comments on arms control are a good sign that the opportunity for significant progress exists. And while the President's flexibility is a positive development, there remain some unanswered questions as to how the MX fits into this administration's arms-control policies. Congress must take on the responsibility of strictly monitoring the production of the MX missile and other weapons systems, in order to insure that our arms-control objectives are met.

I hope that my colleagues will join me in supporting the development of a limited number of MX missiles, but first and foremost, I hope they will remember that our ultimate objective must be arms control.●

● Mr. ACKERMAN. Mr. Chairman, I rise today to caution my colleagues about a bill of goods that is being peddled by the President—specifically, House Concurrent Resolution 113, release of fiscal year 1983 funds for the MX missile.

In today's Washington Post, President Reagan publicly makes a plea which he has been making privately to many of our distinguished colleagues over the last few weeks. It is handsomely wrapped but on further examination is clearly filled with empty euphemisms which mask the real issue. While Reagan calls this an important vote involving arms reduction and talks of the MX peacekeeper missile he has not done anything to stop the arms race or to promote peace.

I do not believe we in Congress will be fooled by this and my constitutents, through their many letters, have indicated to me that they are not fooled either. I have received many thoughtful, urgent letters asking me to help stop the MX but one in particular stands out. Leah Stenzler of Kew Gardens, N.Y., writes:

> It is frightening to see that our government is becoming more committed to a policy of mutual self-destruction and bankruptcy when whatever we do to squander and jeopardize our resources will be similarly matched by the Russians to a point of futile escalation. Please speak out so that we may have a future.

Ms. Stenzler is right. The bottom line is that the MX missile is unjustifiable both militarily and politically. Militarily, because it is highly vulnerable in the basing mode recommended by the Scowcroft Commission and because it would be truly effective only in a first-strike usage. We have declared that it is not our policy to strike first; therefore this weapon makes no sense militarily.

Politically, the President has argued that it could be used as a bargaining chip and would pave the way to arms control. If an alcoholic stopped you on the street and asked for a buck to buy a bottle so that he could start on the road to temperance, would you buy it? Neither would I.

The only way to show the Russians that we are serious about arms control is to swear off escalation now. In the spirit of the nuclear freeze, we must sit down with the Russians and begin seeking a way to avert nuclear disaster.

I believe that a vote for the MX is in reality a vote for nuclear war. Many military experts have conceded that it would declare to the world that we would consider first use, that we would launch on warning, and that by adopting this missile would force the Soviets into a first-launch situation.

I believe that even those who believe that our defense forces need to be built up should be able to see through the MX. To throw away billions of our precious defense dollars on a vulnerable, destabilizing weapons system is not only irresponsible, it's stupid. So I urge you to vote "No" on MX, "Yes" on arms control, and "No thanks" on the bill of goods.●

● Mr. DURBIN. Mr. Chairman, I have been lobbied extensively by both White House officials who favor the MX and a variety of groups opposing the plan. I met personally with former Secretary Haig and the members of the Commission who outlined their proposal.

Although the cost of MX is a substantial $20 billion and we are faced with the largest Federal deficit in our Nations history, I have not allowed the expense of this project to be the basis of my decision.

If the MX were essential to America's national security, I would not hesitate to vote for it. Cost becomes secondary to survival.

But the MX missile is neither essential or necessary. In fact, it is a weapons system with a fundamental flaw which renders if not only useless to our stated defense policy but antagonistic.

The stated purpose for developing their new missile was the vulnerability of our existing land-based missiles to Soviet attack. The Pentagon has argued for years that our present ICBM, in Minuteman silos could not sustain a Soviet attack.

President Carter responded with a novel basing mode which would have place the MX underground in an underground racetrack designed to confuse the Soviets. After considerable debate President Reagan rejected this approach.

Since then the President proposed a dense pack basing mode of dubious utility which was rejected by Congress.

In one last attempt the President appointed the Scowcroft Commission to consider the future of MX. In a significant jesture, the President decided to rename the MX, the Peacekeeper.

The Commission's report came as a surprise to many when it proposed placing 100 MX missiles in the same Minuteman silos where alleged vulnerability was the driving force for this new system.

Why invest in a missile and place it in vulnerable silos? Such a missile could not be used for retaliation. It would only be useful for a first strike, but what use is that if, as President Reagan says, first strike is not U.S. policy?

Then we are left with a missile without a mission; it cannot be used after a Soviet attack and will not be used before a Soviet attack.

This obvious flaw in the MX strategy has led the President to attempt to sweeten the deal by tying arms-control promises to the package.

If Congress will authorize MX, the President promises to be more receptive to arms control. It strikes me as fundamentally inconsistent for the administration to plead for more missiles as a step toward arms control; particularly a missile so conceptually weak that it would not even serve as a good bargaining chip.

The administration's credibility on this and other national security issues would have been greatly enhanced if the President had made a meaningful commitment to arms control and tempered his bellicose rhetoric before MX was proposed. Such a fundamental commitment would significantly enhance the President's credibility, though I seriously doubt that it would result in making MX a valuable addition to our national program.

I will vote today to oppose funding the MX missile arsenal.●

● Mr. EDGAR. Mr. Chairman, the House demonstrated strong support for the nuclear freeze resolution. That was a significant debate and vote.

However, the decision whether to continue the MX program is probably more significant because the MX decision is specific, where the freeze resolution was vague, and deals with dollars and cents, where the freeze was only a statement of goals.

MX is not only the most expensive single system—more than $25 billion—to be considered by Congress this year, but more importantly this decision involves the stance the United States will assume in arms control. It is misguided to think that by changing our arsenal to fewer, but more threatening, strategic systems we will have a safer world. The goal of arms control should be to reduce the threat of nuclear war, not just to decrease the number of warheads or missiles.

The MX, with the various promised reductions tied into the package, may reduce the number of warheads, but it will at the same time increase the likelihood of nuclear disaster.

MX is not survivable in the basing mode proposed. Everyone concedes that.

MX is many times more effective than Minuteman against hard targets—Soviet ICBM silos and Soviet leadership shelters. Therefore, it would be a choice target for the Soviets if they were initiating an attack.

In order to save them, we would have to put our MX missiles on a launch under attack or even a launch on warning control. If we did launch them during a presumed nuclear attack in an attempt to disable the remaining Soviet ICBM's, we could expect the Soviets to launch all their remaining ICBM's to avoid losing them. That is the prescription for just the kind of world-ending war everyone dreads.

The MX would be a threatening missile in a vulnerable position. That makes it much worse than useless.

Proponents say we need the MX to show our national resolve. We now have in development or deployment two new cruise missiles systems, two new bomber systems, an accelerated Trident submarine program, and improved command and control. Does not that show resolve? If we really want to show resolve, why do not we devote more effort to recruiting, training, and retaining the best personnel for our armed forces? They are always better than hardware.●

● Mr. DORGAN. Mr. Chairman, those who say that politics in Washington is 90 percent perception and 10 percent reality must be hiding their smiles at the innocence of those in the House of Representatives who have switched from solid opposition to the MX proposal. They have done so because they perceive the President has moved in their direction on arms-control issues.

The old actor never forgets how to do a soft-shoe dance. And I don't think I have ever seen a better dance than the one President Reagan has done around some of my colleagues in the House of Representatives who really think they have made progress with the President on the arms-control issue.

The fact is, the President has not wedded arms control with defense, but he has stood both on their heads. Here is why I part company with the switchers.

First, the MX does not build security. As former CIA Director Herbert Scoville, Jr., recently noted:

> Spending billions on a weapon only useful in a first-strike demonstrates madness, not seriousness.

Since national policy rules out a first strike, it should rule out the MX. And the value of an MX in a second strike, counterattack is equally useless since the Soviet silos we hit would already be empty of their missiles.

The Pentagon just spent 2 years convincing the taxpayers that putting the MX in Minuteman silos would leave the MX vulnerable to attack. Now it makes a 180-degree turn and tells the public that basing the MX in Minuteman silos makes sense. I would say nonsense, because the Soviets will now feel all the more ready to attack a vulnerable MX with its first-strike power.

Even worse, the MX is a pig in a poke. The American taxpayer will shell out over $20 billion for a missile which increases the likelihood of nuclear war. I agree with Bernard O'Keefe, chairman of the National Association of Manufacturers, who argues for fiscal discipline and says that the MX system "is unnecessary and should be scrapped."

I am not suggesting unilateral disarmament or trust in the Soviets' good intentions. But if we worry about Soviet perceptions, why build a weapon we can not use and the Soviets can destroy.

It makes more sense to invest our defense dollars in non-first-strike weapons like the air-launched cruise missile and the Trident I sea-launched missile. Both strengthen our defense without inviting Soviet attacks or undercutting arms control. One submarine with Trident I missiles can place a nuclear warhead in every Soviet city over 100,000 in population. The Soviets have more than enough to fear with these two dependable systems, let alone the firepower from our Minuteman III missiles with advanced Mark 12-A warheads, which closely match the accuracy of the best Soviet ICBM's. Better, too, to press ahead now with research on the Midgetman missile, instead of dividing the ICBM defense pie with MX. What better way to force the Soviets to do likewise?

The President has given the impression of an arms-control commitment by endorsing the Scowcroft Commission report. But he really has not committed himself to arms-control stability when he insists on building the MX before deploying a small, mobile, single-warhead missile which would neither threaten the Soviets with a first strike nor invite one from them on a tempting MX target.

With respect to my colleagues in the House who think they have accomplished some progress with the President, let me remind them that for 2½ years, the President has presided over the largest nuclear buildup in the history of the world while speaking at every opportunity of nuclear-arms reductions. Perception is not reality, and I do not think my colleagues have tackled Reagan on arms control at all. I think he has given them a hip fake and now has open field running ahead. In my opinion, that is a mistake. That is why I am going to continue to oppose the MX missile.

Our colleague, Representative THOMAS J. DOWNEY, has written an incisive statement on why it does not pay to switch on the MX and I would like to insert it at this point in the RECORD.

The article follows:

[From the Washington Post, May 20, 1983]

WHY I'M NOT SWITCHING ON MX

(By Thomas J. Downey)

Some of my best friends support the MX. One of them, Rep. Dan Glickman, just had an article in The Post ["Why I Switched on the MX," op-ed, May 18]. He sees the missile as the route to arms control, through a deal he's made with the Reagan administration. I don't think its a good deal for arms control.

The "deal" trades a very explicit missile for some very vague promises. President Reagan gets a go-ahead on MX testing and production. That's real. My friends get a letter making nebulous statements of intent to do something about arms control. What's this letter worth?

Defense Secretary Caspar Weinberger gave the game away when he volunteered on national television that the letter commits the president to "nothing basically new."

Glickman doesn't think putting MX in existing silos is a good idea. Very few people do. The silos are vulnerable to Soviet attack; the U.S. Air Force tells us. So any missile we put in them won't be available for retaliation. It will be available for a first strike, but of what use is that if, as Reagan says, first strike isn't U.S. policy?

If we can't use MX after a Soviet attack and we won't use it before a Soviet attack, we are left with a militarily missionless missile. Conceding this, MX supporters shift the argument to arms control.

MX is a dumb idea, my friend Dan and other MX supporters say, but we need it anyway, to support the smart idea of arms control. Publicly, the argument is that we need MX to get the Russians to the bargaining table. MX will be particularly effective at this, Glickman tell us, because the Russians fear ICBMs most, as demonstrated by the fact that this is where they've put, the bulk of their stratetic effort; this is the kind of weapon they understand.

The idea that the Soviets find the familiar more threatening than the unfamiliar is dubious psychology, and, in my experience, flat-out wrong. As a congressional adviser to the SALT II delegation, I had extensive discussion of strategic issues with middle- and high-level soviet officials. Invariably, I found their latest concern to center on those U.S. weapons which were different from and far in advance of theirs; antisubmarine warfare, small-radar-image aircraft and, most of all, accurate cruise missiles. I heard not one word of concern about MX, which at that time under the Carter racetrack scheme was a far more viable weapon than that which we are debating today.

Privately, Scowcroft Commission members and congressional MX advocates concede that the arms control problem lies less with the Soviets than with the White House. But it leads to MX nevertheless, they tell us: we've made a deal; we give Reagan the MX and he'll convert to sincere arms control.

It can't be done. You can lead a horse to a steeplechase but you can't make him win it. Negotiating weapons with the Soviets is difficult and arduous. It requires both high competence and burning dedication to arms control as a national security tool. This administration has neither. It is convinced in its bones that real men don't control weapons, they build them.

The new arms control promises Reagan now makes to gain MX support are reminiscent of the old promises to "sit down with the Soviets and hammer out an agreement" he made in 1980 to gain election. His delivery of the 1980 deal consisted of (1) refusing to ratify SALT II, (2) abandoning Comprehensive Test Ban negotiations, which had been supported by three Democratic and two previous Republican presidents, just as they approached fruition, (3) turning all key arms control positions over to prominent opponents of arms control, with the most dogmatic of these being given the greater power, and (4) concocting negotiating positions designed to score propaganda points rather than reach agreement. These policies and people remain, my friend Dan's New Deal notwithstanding.

If the president doesn't produce on arms control, Dan tells us, we'll kill the MX later. Don't count on it. With each passing month, the number of people employed on the program will increase, and with it the political penalty legislators will face when they consider canceling it. With each passing billion dollars, the dismal argument that "we've come too far to turn back" will gain more adherents.

Good arms control proposals abound. SALT II ratification is ours for the asking. A comprehensive test ban treaty, as I suggest, could be concluded without long delay. The nuclear freeze would improve deterrence immensely, by denying both sides the reliability needed for first strike. If we want these good ideas, we must pursue them directly. You don't get to a good idea by going through a bad idea. The best thing to do with a bad idea is to kill it and the best time to do that is at once.●

● Mr. GRADISON. Mr. Chairman, I have always believed that a strong U.S. defense posture is esential to the preservation of world peace and I continue to subscribe to that philosophy. I further believe that steps must be taken to modernize our ICBM force in order to maintain our military credibility and capability. However, I have grave doubts about the wisdom of deploying the MX missiles in existing Minuteman silos.

The administration repeatedly has expressed concern with the vulnerability of the Minuteman silos. In 1981, the Secretary of Defense told Congress during his confirmation hearings that placing the MX in existing silos would not answer concerns of vulnerability. Specifically, the silos' locations are known to the Soviets and they are not hardened, nor could they be, to be of sufficient strategic value. Indeed, the Scowcroft Commission's report admits that the MX's survivability in this basing mode is lower than the other alternatives. In fact, in this basing mode the MX would be as vulnerable as our present Minuteman force.

Because of this vulnerability to attack, the MX easily could be perceived by the Soviets as a first-strike weapon. While I am convinced that the United States would never initiate a first strike, the Soviets might well view this deployment as a threat to their security, and thus contemplate a preemptive first strike of their own.

Last year, I voted against the so-called Dense Pack basing mode because of its vulnerability. I cannot in good conscience support this new proposed basing mode which offers even less protection. Therefore, I cannot support House Concurrent Resolution 113 as reported by the Appropriations Committee.●

● Mr. FEIGHAN. Mr. Chairman, 3 weeks ago this House passed the nuclear freeze resolution by a wide margin. The message it sent to the President—after 60 hours of debate and 1,500 words of text—was simple: "Stop what you are doing with arms control and try something new."

House Resolution 113 dashes that demand of the heartland with one sentence.

In 1970, when the MX was just a gleam is some strategist's eye, we faced a similar situation. By an overwhelming vote of 73 to 6, the Senate told President Nixon not to put MIRV's on our missiles. But he did not listen; and the administration pushed the added warheads on Congress by calling them "a very important bargaining chip."

Today, we and the Soviets have built over 15,000 MIRV's. With bargaining chips like that, we do not need weapons.

Now some new ideas offer a way out of our MIRV dependency. But the Presidential song remains the same. We are told that the MX will convince the Soviets that we are serious and faithful negotiators. I am afraid, though, that they are more likely to heed the words of their own wise playwright, Chekhov, who wrote that you "don't put a loaded rifle on stage, unless someone intends to fire it."

Mr. Chairman, defense programs that enhance our national security can stand on their own merits. Let us not prop up bad weapons with bankrupt theories.●

● Mr. MINETA. Mr. Chairman, just a few weeks ago the House of Representatives adopted the nuclear weapons freeze and reductions resolution by a substantial margin. Now we have the opportunity to reaffirm our commitment to the objectives of that resolution by opposing funds for the MX. Proceeding with the MX will only tie us more firmly to the evil and dangerous cycle of the nuclear arms race.

Today we are faced with a choice. We can follow the familiar path of acceding to the President's request for an expensive destabilizing weapons, which does not increase our deterrence capability or reduce our vulnerability. or we can send a message to the President that Congress does not believe that our security can be assured simply through a build up of weapons systems, particularly when numerous questions about the value of those weapons systems have not been answered.

The challenge we face today and will continue to face every day is the need to reduce the risk of nuclear war that

threatens all of humanity. We must have the courage and vision to begin taking steps to disengage ourselves from the frightening nuclear arms race, which involves the endless expenditure of precious resources which do not enhance our security. Let us begin immediately to show we are not afraid to take a different approach to assuring a peaceful world. Since the MX does not enhance our defensive capability and does not reduce the likelihood of nuclear war, rejection of this missile is an ideal way to begin altering our approach to protecting national security. Rejection of the MX does not threaten our security and would show that the United States will not blindly pursue an arms race with the Soviet Union.

Ultimately, we must show the Soviet Union and the world that we are committed to two principles. First, that we will make whatever commitment is necessary to protect our freedom and security as a nation, and second, we are truly serious about arms control negotiations as a means to enhance our security. Rejection of the MX is consistent with both of these principles. Approval of the MX does not show a commitment to either principle.

I urge all of my colleagues to vote against the MX and show that Congress is not afraid to turn the President down in our quest for a more secure and safe world for all of us.●

● Mr. SHUMWAY. Mr. Chairman, I rise today in strong support of the MX missile. While I recognize the complexity of the issues regarding MX production and the basing mode for the missile as well as the legitimate uncertainties surrounding each of the basing alternatives analyzed by the President's Commission on Strategic Forces, I have concluded that it is in the best interest of our Nation to go forward with the immediate deployment of the MX missile as recommended by the Commission and endorsed by President Reagan. I firmly believe that deployment of the MX missile will allow our Nation to attain in the short term the strategic objectives of improved ICBM capability, force modernization, arms control leverage, and demonstration of national will to the Soviet Union and to our allies, thereby strengthening our policy of deterrence.

Since World War II, the U.S. policy of deterrence has been the most effective guarantor of world peace. Its basic premise has been that as long as we can retaliate against foreign aggression, hostile nations will have reason to refrain from using strategic arms against us and our allies. The United States has maintained an effective deterrent through a defense strategy based on three elements: Land-based intercontinental ballistic missiles, manned bombers, and submarine-launched ballistic missiles. This diversity of strategic forces strengthens our deterrent posture by diluting Soviet resources, compounding the probability of U.S. success, hedging against Soviet technological breakthroughs against one leg of the triad, and by complicating Soviet attack planning. A strong and balanced triad is therefore critical to the credibility of our defense posture and thus to our policy of deterrence.

The viability of America's strategic triad, however, has been challenged in recent years. Since the time of the last deployment of a U.S. ICBM 15 years ago, the Soviet Union has deployed the SS-17, SS-18, and SS-19, highly accurate, multiwarhead ICBM's which have been updated and improved several times since their initial deployment. Furthermore, as indicated in the Department of Defense report on Soviet military power published in March, the Soviets have begun test flights on two new land-based ICBM's with even better capabilities than those presently deployed. Yet while the Soviet Union has continued to pursue an aggressive policy to achieve relative superiority in ICBM's, the United States has not deployed a new ballistic missile in 15 years. Our Nation's ICBM forces, comprised of the 20-year-old Titan II, the 16-year-old Minuteman II, and the 13-year-old Minuteman III, lack the hard-target kill capability of their more modern Soviet counterparts. This decisive Soviet advantage in ICBM force capability has led to a dangerously destabilizing imbalance between United States and Soviet strategic forces.

Mr. Chairman, the ICBM is an indispensible part of our deterrent posture and thus the vulnerability of this leg of our Nation's strategic forces must be addressed. The existing imbalance in United States and Soviet forces undermines our ability to respond to a Soviet attack and gives the Soviets an incentive to launch a preemptive first strike in a time of crisis. The MX, a vital part of the administration's strategic modernization program, is therefore essential to preserving the viability of America's strategic nuclear triad. The MX responds to the need to replace our aging ICBM forces for the range, payload, and accuracy of the MX missile, with its 10 independently targeted warheads, greatly surpasses the Titan and Minuteman missiles. Deployment of the MX is an effective and timely response to the need for the immediate modernization of our Nation's ICBM force to counter the Soviet advantage in MIRV'd ICBM's and to maintain a credible strategic deterrent to Soviet aggression.

It must be clear to MX proponents and opponents alike that the Soviet Union has a strategic advantage in ICBM forces. I submit, Mr. Chairman, that the immediate deployment of the MX will strengthen not only our Nation's military posture, but our negotiating posture as well. I firmly believe that the MX, with its hard-target capability, is vital to progress in the ongoing arms control negotiations in Geneva. Deployment will provide the Soviet Union with an incentive to negotiate meaningful arms reductions and will demonstrate the resolve of our Nation to address the existing imbalance in ICBM capabilities. Unilateral strategic arms reductions and limitations by the United States have not persuaded the Soviets in the past toward similar action; we cannot expect to negotiate successfully for reductions when the Soviet Union holds all of the cards and the United States has nothing with which to bargain. The immediate deployment of the MX will therefore counter the existing Soviet advantage and will allow the United States to negotiate for meaningful reductions from a position of strength.

Finally, deployment of the MX will demonstrate to the Soviets that our Nation has the will and determination to commit the resources necessary to modernize our ICBM forces in order to maintain an effective deterrent. As stated in the Commission's report:

> Effective deterrence is in no small measure a question of the Soviets' perception of our national will and cohesion. Cancelling the MX, when it is ready for flight testing, when over $5 billion have already been spent on it, and when its importance has been stressed by the last four Presidents, does not communicate to the Soviets that we have the will essential to effective deterrence. Quite the opposite.

It is therefore critical that we demonstrate to the Soviet Union, as well as to our European allies who we have asked to deploy the Pershing II and ground-launched cruise missiles, that the United States has the will to deploy a new land-based missile in order to strengthen our policy of deterrence.

Mr. Chairman, it is my belief that the objectives of improved ICBM capability, force modernization, arms control leverage, and demonstration of national will can best be achieved by the deployment of the MX in existing silos. While I recognize that the MX, if deployed in Minuteman silos, could be vulnerable to Soviet attack, I believe that the immediate need to overcome the existing imbalance of strategic forces and to modernize our aging ICBM force, as well as the inability of the Soviet Union to effectively attack all three legs of our Nation's strategic triad, are overriding factors. Our strategic triad of bombers, submarines, and ICBM's must be viewed not in isolation but together, for each leg of the triad makes a valuable contribution to the survivability of the other legs. I therefore support the Commission's contention that our Nation can rea-

sonably rely on the mutual survivability of our strategic forces as well as the operational uncertainty involved for the Soviets in planning as attack on our forces.

While the deployment of the MX will make an important immediate contribution to redressing the imbalance in United States and Soviet ICBM's and strengthening our policy of deterrence, the deployment of a small, mobile, single-warhead ICBM will contribute to deterrence and stability in the long term. A small, ICBM with a single warhead, as recommended by the President's Commission, would be a less valuable target for Soviet forces and its mobility would enhance its survivability, thereby increasing the stability of our Nation's ICBM force.

Mr. Chairman, development of a small, single-warhead ICBM represents an important step toward less destabilizing and less vulnerable deployments. This development also represents an important step toward integrating strategic force programs with arms control negotiations. As stated by the Commission, the evolution toward a small, single-warhead ICBM requires the negotiation of arms limitations and reductions in terms of warheads, rather than in terms of launchers. I believe this new approach warrants serious consideration for it will provide the necessary structure for the deployment of the small, less destabilizing ICBM's.

A new small missile, however, is a concept that needs to be developed. Whereas the missile will not be operational before the early 1990's, the MX has an operational capability of 1986. It is thus in the interest of deterrence, national defense and progress in arms control negotiations, Mr. Chairman, that I believe it imperative to deploy the MX missile. I therefore urge my fellow colleagues to support the MX so that our Nation can move forward with the immediate modernization of our ICBM forces and the strengthening of our policy of deterrence.●

● Mr. HARKIN. Mr. Chairman, over the past 5 years, the credulity of the people of Iowa has been sorely tried by the continuing drama of the MX missile's search for a home. It is past time for Congress to acknowledge that, with all the billions the Pentagon has spent, the MX has not found one.

From the start, we have been told that we need the MX in order to correct the growing vulnerability of our land-based missile force. Two times before now—in October of 1981 and again in March of last year—the administration proposed basing the MX in existing fixed-missile silos, and both times conservative Members of Congress forcefully rejected such plans because they left the MX just as vulnerable as our current missiles.

Seven years ago, in June of 1976, the conference report on the fiscal 1977 Defense authorization bill said the following:

> The rationale behind the development of a new missile system (MX) is to provide a land-based, survivable strategic force. The development of an alternative basing mode, as opposed to a fixed or silo-based mode is the key element in insuring this survivable force. The conferees are in agreement . . . that none of this program's funds shall be expended in fixed or silo basing for the MX.

From the start, we have been told that we need the MX missile in order to correct the growing vulnerability of our land-based missile force. Seven years ago, this Congress actually prohibited the expenditure of funds even to study the basing mode which we are now being asked to endorse. Two times before now, in October of 1981 and again in March of last year this adminstration proposed basing the MX in existing fixed missile silos, and both times the Armed Services Committees of both Houses forcefully rejected such plans. The MX, based in Minuteman or Titan silos, we were told, would be just another sitting duck for the Soviets to shoot at. The latest intelligence estimate is that by 1989, just 1 out of the 100 MX missiles we expect to deploy, would survive a Soviet first strike. In just the past 2 years we have gone from the racetrack basing mode, to the air-mobile basing mode—to the Dense Pack basing mode-and now we are asked, finally, to swallow the sitting duck basing mode.

And as many bad basing modes for the MX as we have seen, now we are seeing even more bad reasons for going ahead with the sitting duck MX.

Among the worst of all these reasons is that the MX is a bargaining chip, not with the Russians, but with Ronald Reagan—it is the price we have to pay, we are told, to get this administration strongly committed to go ahead with arms control. This bargain makes no more sense than the technical case for the MX itself. If the administration is serious about arms control, it ought to be expected to proceed with or without the MX. If it is not serious, then Congress willingness to contenance this foolishness would not bring arms control any closer.

Congress needs to act on the basis of its own best judgment about the MX itself. Based in Minuteman missiles silos, the MX makes no sense at all.●

● Mr. RAHALL. Mr. Chairman, when considering just what kind of weapons system we are voting on here today, I believe that the question must be raised as to the objective of the MX missile system. I simply cannot see why we would want to spend $30 billion on a first-strike weapon when the United States, I hope, would never be the one to launch the first strike of a nuclear war. This system does not belong in the weapons arsenal of the United States. The basing mode problem has not been solved, the role of the MX as a deterrent is extremely limited if it exists at all, the vulnerability of the MX is such that in order for it to be used at all it must be launched "on warning" thus highly increasing the chance of an accidental nuclear war should the warning turn out to be a false alarm.

We must also take the cost of this missile system into consideration. Spending $20 to $30 billion on a missile system that is likely to be phased out almost immediately upon completion in favor of smaller, more mobile systems such as the Midgetman, does not seem to be militarily or economically the right thing to do, especially in light of the state of our economy and record budget deficits. Also, we must consider the relative infancy of the MX system. The first test flight would not take place until this summer. Conceivably it could be years before the MX is ready for large scale production and by then, the MX system will probably have been replaced by another costly idea. In this time of economic hardship, I believe that it is necessary to spend every dollar of our vast defense budget in the most efficient manner possible.●

● Mr. RICHARDSON. Mr. Chairman, I do not believe the Congress should commit this Nation to spending $30 billion for the MX missile. Deployment of this weapons system can only lead to a new round of the arms race which will surely prove to be dangerous and expensive.

Rejection of the MX would demonstrate to the world that we have enough common sense to wisely invest our defense dollars in systems that meet our strategic needs. By refusing to continue with this senseless project, we would be making a compelling statement to our adversaries of our confidence in our present strength.

A recent Pentagon study estimates that only 1 MX out of 100 proposed would survive a Soviet surprise attack in 1989. Are we really willing to spend $30 billion for the equivalent of one MX missile.

This missile system is clearly in search of a rationale. The grounds for its deployment shift as often as its cost estimates.

At one time, Secretary of Defense Weinberger said we should not put the MX into Minuteman silos. Today he says completely the opposite.

Initially, we were told we had to have the MX because our Minuteman fleet was vulnerable. But today the arguments are changed. The Pentagon's new proposal to put the MX into these very same "vulnerable" Minuteman silos makes a mockery of the stated justification of the missile itself.

Last year, the Pentagon's strategy to base the MX was known as Dense Pack—clustering the missiles together. That strategy was rejected as unworkable. Yet now the administration is back again with a slight variation on that plan putting all the 100 MX missiles in a single Minuteman deployment area.

Last year, the Senate wisely rejected by a vote of 90–4 putting 40 MX's into Minuteman silos. If 40 was unacceptable then, why not 100 today?

Once the administration recognized the impossibility of making a plausible military case for the MX, they shifted to making it a political argument. Yet that will not hold water either.

I believe we should pursue an alternative course that many of our Nation's top military leaders advocate. We should expand our clear-cut advantages over our adversaries in submarines and air-launced cruise missiles.

The submarine-launched Trident D-5 missile is a capable alternative to the MX which performs the same functions, yet it can be deployed at one-third the cost of the MX. And it will be almost invulnerable to Soviet attacks.

In listening to the growing number of nuclear strategies and refinements, I have no hesitancy in saying that these extrapolations, hypotheses, and projections are extremely unrealistic. In my opinion, if nuclear war begins, it would be a war of extermination. I have heard no convincing refutation of that.

Some years, ago, in explaining how we plan our budget and weapons systems to counter the Soviet threat, Secretary McNamara said: "We are, in effect, attempting to anticipate production and deployment decisions which our opponents themselves may not yet have made." We can assume, I think, that just as we try to counter the growing weapons budget of the Soviet Union, so do they try to evaluate and predict our next move.

An Englishman once remarked: "We ought to build our navy up to double the size of theirs if they build theirs up to the point they say they will if we build ours up." That is arms race in a nutshell. Today we now have 9,000 strategic nuclear warheads in our arsenal. If we pursue this administration's objectives, we will soon bring that total up to 14,000 nuclear warheads.

The nuclear arms race is a dead-end street. It creates a "balance of terror" that at best leaves us warped by fear and at worst destroys us all.

Is it possible that our country can take the lead in a cautious effort to move the world back step by step from the precipice of death?●

● Mr. CHANDLER. Mr. Chairman, I rise today in support of MX.

One of the most difficult decisions we, in Congress, have had to make this year is on deployment of the MX missile system. I have spent many hours these past few weeks researching and discussing this critical issue. After lengthy and careful consideration, I have decided to vote in favor of MX. I have based my decision on two very important conclusions: First, I believe that the strategic arguments in favor of MX are compelling; and second, I feel that the President must be given the opportunity to prove that his commitment to arms control is sincere. The President has outlined an overall scheme for negotiating successful arms reduction, and MX is but one component of that scheme. To deny funding for MX would be to undermine the President's entire effort and I could not, in good conscience, vote to do such a thing.

During the week of May 16 I was one of a number of Congressmen who were summoned to the White House for a meeting with the President, regarding MX. Also attending the meeting were Vice President BUSH, Gen. John W. Vessey, Jr., of the Joint Chiefs of Staff and Under Secretary of State Kenneth Dam. Following a thorough briefing on the MX missile system itself, the discussion turned to arms negotiations, and the importance of MX in that process. The President reiterated, at that time, his commitment to arms control stating, "I have nothing closer to my heart than arms reduction." The President has consistently expressed his desire to reach an accord with the Soviet Union which will enhance world stability and reduce the threat of nuclear war. Deployment of the MX missile is an important step toward that goal.

The facts put forth by the Air Force, the White House, and the Department of Defense are most convincing. Still, there are serious questions about MX. While silo basing of MX may not be ideal, the drawbacks of that basing choice are outweighed by the advantages of MX deployment. Furthermore, the President's Commission on Strategic Forces has recommended silo hardening which will eventually increase survivability. We cannot allow our deterrent to decay, while searching for the perfect answer. Instead, we must act on the best advice available to us, as presented in the Scowcroft Commission report.

The decision to support MX was easily the most difficult I have faced as an elected public servant. It is significant, in my opinion, that many of my colleagues on both sides of the aisle have come to the same conclusions that I have. Foreign policymaking is primarily the responsibility of the President, and we must allow the President the chance to put his words into action. Congress should also reserve the right, however, to reverse this decision if his commitment to aggressive arms reduction negotiations is not kept.●

● Mr. FRENZEL. Mr. Chairman, last year I voted against the MX missile twice. Again this year I am troubled mostly by questions of economics, but also those of deployment.

Today House Concurrent Resolution 113 gives us yet another tough decision on MX. If all the vote signified was the funding of an isolated weapons system, I probably would vote against MX again. But this year the vote is on a larger issue. Dense Pack and the rabbit-in-the-hole are behind us.

The vote today is on a relatively small sum to test fly the missile and harden the silos, but it goes beyond MX to me this is a vote on an arms control policy and on a national security policy.

We have all come a long way in the last year. The President, building on the basis of the Scowcroft Commission report, has reached out to form a national consensus. Former opponents of the MX, many of them regular foes of the President on domestic policy, have also reached out, sensing that a unified, rational U.S. position on arms control is essential.

The consensus has not been completed yet. Perhaps it never will be, given our national propensity for independent thinking. But, through the efforts of men and women of good will, a coalition is beginning to form around the centerpiece of arms reductions.

To me, that means the Sturm and Drang of the last 12 months—the debates on freeze versus START, on MX versus no MX—has begun to be resolved. The national debate which seemed so divisive has focused on policy alternatives which may be embraced by a solid majority of the people's representatives.

In his meetings, discussions, and communications with various Members of Congress, the President has been willing to consider, and accept, new ideas from a wide range of sources. The Scowcroft report was a good starting point, but its three-point base of MX, midgetman, and arms control was necessarily broad.

Since then the President has been tested in writing by our colleagues from Tennessee (Mr. GORE) and Washington (Mr. DICKS) and elsewhere. Since then, he has accepted the Nunn-Cohen-Levitas builddown concept, has agreed to reevaluate the U.S. position on START, and to continue a bipartisan advisory commission. In general, he has acted responsively to each suggestion put to him.

The combination of the Scowcroft Commission report and the Presidential-congressional communications are the framework of a comprehensive policy. All the parts of developing

policy, including the MX, are important.

Today we will vote on one part of that policy. The vote on the MX represents only one step toward congressional ratification of the overall policy. If we have misjudged the policy, we can stop it quickly at any point along the way.

On the other hand, if the MX is voted down today, the coalition is sundered. Policy development will go back to square one. Arms reduction will become a more distant target.

For many people, the most vital issue is the administration's depth of commitment to arms reduction, and to continue working closely with the Congress. I believe the President has made his position clear. I believe he means what he says, and that his position should now be ratified by the Congress. After all, he is the only one who can negotiate for all of us.

I have not lost my skepticism about the MX. The economic aspects are still menacing. I expect to exercise close scrutiny of all aspects of the overall policy.

But skepticism and scrutiny and economic menace notwithstanding, I want to participate in building this arms control and security policy. Anyone can be a roadblock. I want to be a builder.

My vote for the MX today is undeniably a cautious one, but it is also an optimistic vote of hope for world peace and security.●

● Mr. LIPINSKI. Mr. Chairman, the Scowcroft Commission established by President Reagan, to come up with a basing mode for the MX-missile system issued its final report on April 6, 1983. The Commission members included many distinguished and respected men from both Government, industry and labor. The Commission had a difficult task; to come up with a basing mode acceptable to both the administration and the Congress. I feel that they have done a credible job and I am in support of their recommendations.

The MX-missile system was first sponsored in 1971 as a weapon that would give the United States the capability to destroy small, hardened Soviet targets such as missile silos and command centers. The Soviet Union has already deployed 600 SS-18 and SS-19 missiles, with a total of approximately 4,000 warheads which can destroy small, hardened targets in the United States.

Since it is the President's policy as well as my own belief, not to seek a first-strike capability, it is necessary to construct an MX basing mode that would insure the survival of enough MX missiles following a Soviet first strike to launch a retaliatory strike. The increasing number of Soviet missiles, along with their accuracy and megatonnage, greatly complicated the search for invulnerable basing mode for the MX. Over the years of debate on this issue over 30 different basing proposals have been explored, none of which have received widespread support or consensus. It was the Scowcroft Commission's job to determine whether the MX was needed, and if it was, where it should be placed. After careful consideration the Commission recommended that the MX be built and placed in existing Minuteman silos that have been reinforced. In addition, the Commission recommended the development of a Midgetman missile, as a backup system to the MX. These missiles would carry only a single warhead and would be small enough to be mobile.

These proposals may not please everyone, but I feel that the MX is necessary for the national security of our country and will help in the President's efforts at reaching an arms control agreement with the Soviets. We must negotiate with the Soviets from a strong position so that we may have the necessary leverage. I believe that the President is committed to negotiating with the Soviets on arms reduction. The START proposals in conjunction with the recommendations of the Scowcroft Commission on arms control will bring about the attainment of stability at the lowest possible level of forces. I wholeheartedly support the President's arms control policy and I support passage of House Concurrent Resolution 113.●

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself the remaining 4 minutes.

Mr. Chairman, this brings this debate to a conclusion. We will hear momentarily from the chairman of our subcommittee, the gentleman from New York (Mr. ADDABBO).

Let me say to the Members of the House that I have no greater friend in this House than JOE ADDABBO, and I regret that we find ourselves from time to time on different sides of important issues in this great House of Representatives. But we do find ourselves there at this time.

This has been a good debate. I think people have certainly had a chance to be heard. I think the quality of the debate has been very good. The fact that only in the last few minutes have we even had to ask the Chairman to bang the gavel to get a little attention is an indication that people have been listening.

□ 1710

And the interesting thing about it all is that people have been listening. We do operate in this great free society in a way that is unknown to the rest of the world. We know that as a matter of fact from our closed circuit television or cable television that the friends who are mostly interested in what we are doing, the Soviet Union is sitting over there in their Embassy right now soaking up every word of this. This is the kind of country we live in and we would not have it any other way.

I think the debate has been wholesome. I have been a little upset, though, I must say, Mr. Chairman, that there have been occasions when those we have tried so desperately to weld together a consensus in this House have been ridiculed today and yesterday.

I want to personally commend the gentleman from Washington (Mr. DICKS) the gentleman from Tennessee (Mr. GORE) and other gentlemen who have spoken in this Chamber today and yesterday and who have participated in this dialog between the President, the administration, and Members of Congress on the other hand.

It has been one of the healthiest things that has occurred in this Congress or in recent Congresses, in my recollection.

Second, I want to say, Mr. Chairman, that I have been a little upset with the fact that the President has been ridiculed, I think excessively, and unwarranted, on his efforts at making peace with the Soviet Union and bringing about peace in this world.

President Reagan is just as concerned, if not more so, as anyone sitting in this Chamber about finding the way to peace in the world. He knows just as well as we do that we simply cannot continue to go in the direction in which we have been going.

I applaud his efforts and I applaud the efforts of those that have been meeting with him over the last few weeks to try to find even better ways to seek peace in this country and in this world.

That is what this is all about. We do have a commitment to Scowcroft. The President has a commitment to carry out all phases of the Scowcroft Commission. But the part before us today is very simple, and that is: Will we approve the resolution and therefore approve the basing mode which has been proposed by the President? And if we do, we will then free up some $560 million to do research and development work on that basing mode. And if we do approve the basing mode, we will then remove the prohibition against in-flight testing of the MX missile.

That is what is before us today.

I urge you with every fiber of my being, I urge you to support this resolution, I urge you to give this administration a chance to do that which is best for this country and that is to carry out the terms of the Scowcroft Commission, to go to the bargaining table not empty handed but to go to the bargaining table in the position of strength.

That is what this is all about and I urge your "aye" vote on this resolution.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from New York (Mr. ADDABBO) has 6¼ minutes remaining.

Mr. ADDABBO. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) is recognized for 6¼ minutes, the time remaining.

Mr. ADDABBO. Mr. Chairman, first of all I want to commend the ranking Republican of the Defense Appropriations Subcommittee, Mr. EDWARDS of Alabama, and all those who have taken part in this debate these last 2 days. I think it has been a very interesting debate. I think it has been a very carefully worded debate. We are debating a very simple resolution and my colleague from Alabama has explained it accurately.

We are debating House Concurrent Resolution 113. Now, House Concurrent Resolution 113 reads:

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and the Senate of the United States approve the obligation and expenditure of funds appropriated in Public Law 97-377 for MX missile procurement and full scale engineering development of a basing mode for the MX missile.

That is all the concurrent resolution states. After that the concurrent resolution is blank. It is blank.

It says "MX missile procurement and full-scale engineering development of a basing mode for the MX missile." There is no additional language in the resolution. There is no package in this resolution. This is MX procurement and deployment in a basing mode.

That is what this resolution says.

Do not kid yourselves, that is what you are voting for this afternoon, the procurement of MX missiles and the deployment of MX missiles.

Yes, my colleague from Alabama is absolutely correct, there are no procurement funds released because in the fiscal year 1983 appropriation bill which was part of the continuing resolution, we cut out the procurement funds. The Congress cut out procurement funds because we felt that the MX should not be procured.

We have heard that the MX missile is not a bargaining chip. But if it is a bargaining chip you continue R&D, but you do not procure it.

Last December, this Congress, heeding the warning of the people that said that defense should not be sacrosanct, that we must look at all programs and that we must stop waste in all programs, deleted procurement funds for the MX missile.

My colleagues, listening to all those arguments, voted overwhelmingly not to procure the MX missile. But here we are, 5 months later, ready to reverse ourselves.

What has changed? Nothing has changed as far as I can see.

Oh, yes, we have heard reports. We have a Scowcroft Commission finding but the Scowcroft Commission finding is not contained in this resolution before the House; only approval of MX procurement and "A" basing mode.

As I said before, there was no money in the fiscal year 1983 appropriation bill for MX procurement. But what do we have? We have a point paper from the Air Force which says: "Congress did not approve $988 million of fiscal year 1983 procurement funding, pending basing review. With Commission's recommendation no fiscal year 1983 supplemental is required if CRA," that is, continuing resolution, "language is interpreted to mean that RDT&E funds," that is, research and development funds, "may be used for long lead procurement." That means once this resolution is adopted DOD would feel they would have a license to use $988 million for procurement before you have a chance to vote on the authorization, which is a fiscal year 1984 authorization bill. DOD feels they would have the authority to commit $988 million for MX procurement. I, of course, do not feel they have such authority and would intend to monitor this situation very closely.

What further proof do we have that DOD will try to enter into procurement after this resolution is passed?

In a letter to the committee dated May 17, 1983, the President has asked the Congress to raise DOD's fiscal year 1983 appropriation transfer authority by $1 billion, from $1.2 billion to $2.2 billion.

This additional transfer authority would allow DOD to move an additional $1 billion of appropriated funds from one account to another.

It seems awfully suspicious to me that $1 billion is so close to that $988 million of MX procurement funds denied last December by the Congress.

Coincidence? I do not think so.

Fact? Yes. We have seen the military do whatever they want to do under the advice of their General Counsel. This Congress, last December, denied DOD procurement money for the Pershing missile and they went right ahead and spent procurement funds for the Pershing.

□ 1720

They say they already have the license to procure Pershing missiles under the continuing resolution language.

So that is what this resolution is today, a license to procure the MX missile, put it in vulnerable silos and cause arms escalation, not deescalation.

The CHAIRMAN. All time has expired.

The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 113

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and the Senate of the United States approve the obligation and expenditure of funds appropriated in Public Law 97-377 for MX missile procurement and full-scale engineering development of a basing mode for the MX missile.

Mr. EDWARDS of Alabama. Mr. Chairman, I move that the Committee do now rise and report the concurrent resolution back to the House with the recommendation that the concurrent resolution be agreed to.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MINETA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 113) approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode, had directed him to report the concurrent resolution back to the House with the recommendation that the concurrent resolution be agreed to.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the concurrent resolution.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. EDWARDS of Alabama. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 186, not voting 7, as follows:

[Roll No. 131]

YEAS—239

Alexander	Campbell	Dickinson
Anderson	Carney	Dicks
Andrews (NC)	Chandler	Dowdy
Andrews (TX)	Chappell	Dreier
Applegate	Chappie	Duncan
Archer	Cheney	Dymally
Aspin	Clinger	Edwards (AL)
Badham	Coats	Edwards (OK)
Barnard	Coleman (MO)	Emerson
Bartlett	Coleman (TX)	English
Bateman	Conable	Erdreich
Bethune	Cooper	Erlenborn
Bevill	Corcoran	Fazio
Bilirakis	Coughlin	Fiedler
Bliley	Courter	Fields
Boehlert	Craig	Fish
Boggs	Crane, Daniel	Flippo
Boner	Crane, Philip	Foley
Breaux	Daniel	Franklin
Britt	Dannemeyer	Frenzel
Broomfield	Daub	Frost
Brown (CO)	Davis	Fuqua
Broyhill	de la Garza	Gekas
Burton	Derrick	Gephardt
Byron	DeWine	Gilman

Gingrich	Marlenee	Roukema
Glickman	Marriott	Rowland
Gore	Martin (IL)	Rudd
Gramm	Martin (NC)	Schaefer
Gregg	Martin (NY)	Schulze
Gunderson	McCain	Sensenbrenner
Hall, Ralph	McCandless	Shaw
Hall, Sam	McCollum	Shelby
Hamilton	McCurdy	Shumway
Hammerschmidt	McDade	Shuster
Hance	McDonald	Siljander
Hansen (ID)	McEwen	Skeen
Hansen (UT)	McGrath	Skelton
Hartnett	McKernan	Smith, Denny
Hatcher	Mica	Smith, Robert
Hefner	Michel	Snowe
Hightower	Miller (OH)	Snyder
Hiler	Molinari	Solomon
Hillis	Mollohan	Spence
Holt	Montgomery	Spratt
Hopkins	Moore	Staggers
Horton	Moorhead	Stangeland
Hoyer	Morrison (WA)	Stenholm
Hubbard	Murtha	Stratton
Huckaby	Myers	Stump
Hunter	Neal	Sundquist
Hutto	Nelson	Tallon
Hyde	Nichols	Tauzin
Ireland	Nielson	Taylor
Jenkins	O'Brien	Thomas (CA)
Jones (NC)	Olin	Thomas (GA)
Jones (TN)	Ortiz	Valentine
Kasich	Oxley	Vander Jagt
Kazen	Packard	Vandergriff
Kemp	Parris	Volkmer
Kindness	Pashayan	Vucanovich
Kramer	Patman	Walker
Lagomarsino	Pepper	Watkins
Latta	Pickle	Weber
Leath	Porter	Whitehurst
Lent	Price	Whitley
Levitas	Pritchard	Whittaker
Lewis (CA)	Pursell	Williams (OH)
Lewis (FL)	Quillen	Wilson
Lipinski	Ray	Winn
Livingston	Regula	Wolf
Lloyd	Reid	Wortley
Loeffler	Rinaldo	Wright
Long (LA)	Ritter	Wylie
Lott	Roberts	Yatron
Lowery (CA)	Robinson	Young (AK)
Lujan	Roemer	Young (FL)
Lungren	Rogers	Zablocki
Mack	Rose	Zschau
Madigan	Roth	

NAYS—186

Ackerman	Dixon	Hertel
Addabbo	Donnelly	Hughes
Akaka	Dorgan	Jacobs
Albosta	Downey	Jeffords
Annunzio	Durbin	Johnson
Anthony	Dwyer	Kaptur
AuCoin	Dyson	Kastenmeier
Barnes	Early	Kennelly
Bates	Eckart	Kildee
Bedell	Edgar	Kogovsek
Beilenson	Edwards (CA)	Kostmayer
Bennett	Evans (IA)	LaFalce
Bereuter	Evans (IL)	Lantos
Berman	Fascell	Leach
Biaggi	Feighan	Lehman (CA)
Boland	Ferraro	Lehman (FL)
Bonior	Florio	Leland
Bonker	Foglietta	Levin
Borski	Ford (MI)	Levine
Bosco	Ford (TN)	Long (MD)
Boucher	Forsythe	Lowry (WA)
Boxer	Fowler	Luken
Brooks	Frank	Lundine
Brown (CA)	Garcia	MacKay
Bryant	Gaydos	Markey
Carper	Gejdenson	Matsui
Carr	Gibbons	Mavroules
Clarke	Gonzalez	Mazzoli
Clay	Goodling	McCloskey
Coelho	Gradison	McHugh
Collins	Gray	McKinney
Conte	Green	McNulty
Conyers	Guarini	Mikulski
Coyne	Hall (IN)	Miller (CA)
D'Amours	Hall (OH)	Mineta
Daschle	Harkin	Minish
Dellums	Harrison	Mitchell
Dingell	Hawkins	Moakley
Moody	Roe	Stokes
Morrison (CT)	Rostenkowski	Studds
Mrazek	Roybal	Swift
Murphy	Russo	Synar
Natcher	Sabo	Tauke
Nowak	Savage	Torres
Oakar	Scheuer	Torricelli
Oberstar	Schneider	Towns
Obey	Schroeder	Traxler
Ottinger	Schumer	Udall
Owens	Seiberling	Vento
Panetta	Shannon	Walgren
Patterson	Sharp	Waxman
Paul	Sikorski	Weaver
Pease	Simon	Weiss
Penny	Sisisky	Wheat
Perkins	Slattery	Whitten
Petri	Smith (FL)	Williams (MT)
Rahall	Smith (IA)	Wirth
Rangel	Smith (NE)	Wise
Ratchford	Smith (NJ)	Wolpe
Richardson	Solarz	Wyden
Ridge	St Germain	Yates
Rodino	Stark	Young (MO)

NOT VOTING—7

Crockett	Jones (OK)	Sawyer
Heftel	Kolter	
Howard	Martinez	

□ 1740

The Clerk announced the following pair:

On this vote:

Mr. Sawyer for, with Mr. Crockett against.

Mr. ACKERMAN changed his vote from "yea" to "nay."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

MAKING IN ORDER FUTURE CONSIDERATION OF SENATE CONCURRENT RESOLUTION 26

Mr. EDWARDS of Alabama. Mr. Speaker, I ask unanimous consent that if and when the House receives Senate Concurrent Resolution 26 from the Senate, it shall be in order to move to take said concurrent resolution from the Speaker's table and to consider it in the House without intervening motion, that debate on said concurrent resolution shall continue not to exceed 1 hour, equally divided and controlled by myself and Representative ADDABBO of New York, and that the previous question be considered as ordered on said resolution to final adoption without intervening motion.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on May 23, 1983, in the order in which the motion was considered.

Votes will be taken in the following order:

H.R. 2948, by the yeas and nays;

H.R. 2807, by the yeas and nays; and

H.R. 1707, de novo.

The votes on the suspensions will be reduced to 5 minutes, as the Chair has previously announced.

VETERANS' HOUSING BENEFITS AMENDMENTS OF 1983

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2948, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 2948, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 394, nays 23, not voting 15, as follows:

[Roll No. 132]

YEAS—394

Ackerman	Conyers	Gibbons
Addabbo	Cooper	Gilman
Akaka	Corcoran	Gingrich
Albosta	Coughlin	Glickman
Alexander	Courter	Gonzalez
Anderson	Coyne	Goodling
Andrews (NC)	Craig	Gore
Andrews (TX)	D'Amours	Gradison
Annunzio	Daniel	Gramm
Anthony	Daschle	Gray
Applegate	Daub	Green
Archer	Davis	Guarini
Aspin	de la Garza	Gunderson
AuCoin	Dellums	Hall (IN)
Badham	Derrick	Hall (OH)
Barnard	DeWine	Hall, Ralph
Barnes	Dickinson	Hall, Sam
Bates	Dicks	Hamilton
Bedell	Dixon	Hammerschmidt
Beilenson	Donnelly	Hance
Bennett	Dorgan	Hansen (ID)
Bereuter	Dowdy	Harkin
Berman	Downey	Harrison
Bevill	Duncan	Hatcher
Biaggi	Durbin	Hawkins
Bilirakis	Dwyer	Hefner
Bliley	Dymally	Hertel
Boehlert	Dyson	Hightower
Boggs	Early	Hillis
Boland	Eckart	Holt
Boner	Edgar	Hopkins
Bonior	Edwards (AL)	Horton
Bonker	Edwards (CA)	Hoyer
Borski	Edwards (OK)	Hubbard
Bosco	Emerson	Huckaby
Boucher	English	Hughes
Boxer	Erdreich	Hunter
Breaux	Erlenborn	Hutto
Britt	Evans (IA)	Hyde
Brooks	Evans (IL)	Ireland
Broomfield	Fascell	Jacobs
Brown (CA)	Fazio	Jeffords
Broyhill	Feighan	Jenkins
Bryant	Ferraro	Johnson
Burton	Fiedler	Jones (NC)
Byron	Fields	Jones (TN)
Campbell	Flippo	Kaptur
Carney	Florio	Kasich
Carper	Foglietta	Kazen
Carr	Foley	Kemp
Chandler	Ford (MI)	Kennelly
Chappell	Ford (TN)	Kildee
Chappie	Forsythe	Kindness
Cheney	Fowler	Kogovsek
Clarke	Frank	Kostmayer
Clay	Franklin	Kramer
Clinger	Frost	LaFalce
Coats	Fuqua	Lagomarsino
Coelho	Garcia	Lantos
Coleman (MO)	Gaydos	Latta
Coleman (TX)	Gejdenson	Leach
Collins	Gekas	Leath
Conte	Gephardt	Lehman (CA)

Lehman (FL)	O'Brien	Smith (IA)
Leland	Oakar	Smith (NE)
Lent	Oberstar	Smith (NJ)
Levin	Obey	Smith, Robert
Levine	Olin	Snowe
Levitas	Ortiz	Snyder
Lewis (CA)	Ottinger	Solarz
Lewis (FL)	Owens	Solomon
Lipinski	Oxley	Spence
Livingston	Panetta	Spratt
Lloyd	Parris	St Germain
Loeffler	Pashayan	Staggers
Long (LA)	Patman	Stangeland
Long (MD)	Patterson	Stark
Lott	Pease	Stenholm
Lowery (CA)	Penny	Stokes
Lowry (WA)	Pepper	Stratton
Lujan	Perkins	Studds
Luken	Petri	Stump
Lundine	Porter	Sundquist
MacKay	Price	Swift
Madigan	Pritchard	Synar
Markey	Pursell	Tallon
Marlenee	Quillen	Tauke
Marriott	Rahall	Tauzin
Martin (IL)	Rangel	Taylor
Martin (NC)	Ratchford	Thomas (CA)
Martin (NY)	Ray	Thomas (GA)
Matsui	Regula	Torres
Mavroules	Reid	Torricelli
Mazzoli	Richardson	Towns
McCain	Ridge	Traxler
McCandless	Rinaldo	Udall
McCloskey	Ritter	Valentine
McCollum	Roberts	Vander Jagt
McCurdy	Robinson	Vandergriff
McDade	Rodino	Vento
McDonald	Roe	Volkmer
McEwen	Rogers	Vucanovich
McGrath	Rostenkowski	Walgren
McHugh	Roth	Watkins
McKernan	Roukema	Waxman
McKinney	Rowland	Weaver
McNulty	Roybal	Weber
Mica	Rudd	Weiss
Michel	Russo	Wheat
Mikulski	Sabo	Whitehurst
Miller (CA)	Savage	Whitley
Miller (OH)	Schaefer	Whittaker
Mineta	Scheuer	Whitten
Minish	Schneider	Williams (MT)
Mitchell	Schroeder	Williams (OH)
Moakley	Schulze	Wilson
Molinari	Schumer	Winn
Mollohan	Seiberling	Wirth
Montgomery	Sensenbrenner	Wise
Moody	Shannon	Wolf
Moore	Sharp	Wolpe
Morrison (CT)	Shaw	Wortley
Morrison (WA)	Shelby	Wright
Mrazek	Shuster	Wyden
Murphy	Sikorski	Yates
Murtha	Siljander	Yatron
Myers	Simon	Young (AK)
Natcher	Sisisky	Young (FL)
Neal	Skeen	Young (MO)
Nelson	Skelton	Zablocki
Nichols	Slattery	
Nowak	Smith (FL)	

NAYS—23

Bartlett	Gregg	Paul
Brown (CO)	Hansen (UT)	Roemer
Conable	Hartnett	Shumway
Crane, Daniel	Hiler	Smith, Denny
Crane, Philip	Lungren	Walker
Dannemeyer	Mack	Wylie
Dreier	Nielson	Zschau
Frenzel	Packard	

NOT VOTING—15

Bateman	Heftel	Martinez
Bethune	Howard	Moorhead
Crockett	Jones (OK)	Pickle
Dingell	Kastenmeier	Rose
Fish	Kolter	Sawyer

Mrs. VUCANOVICH and Mr. CRAIG changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1750

MEALS FOR OLDER AMERICANS

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2807, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. ANDREWS) that the House suspend the rules and pass the bill, H.R. 2807, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 31, not voting 15, as follows:

[Roll No. 133]

YEAS—386

Ackerman	Conte	Gephardt
Addabbo	Conyers	Gibbons
Akaka	Cooper	Gilman
Albosta	Corcoran	Gingrich
Alexander	Coughlin	Glickman
Anderson	Courter	Gonzalez
Andrews (NC)	Coyne	Goodling
Andrews (TX)	Craig	Gore
Annunzio	D'Amours	Gradison
Anthony	Daniel	Gramm
Applegate	Daschle	Gray
Aspin	Daub	Green
AuCoin	Davis	Guarini
Barnard	de la Garza	Gunderson
Barnes	Dellums	Hall (IN)
Bartlett	Derrick	Hall (OH)
Bates	DeWine	Hall, Ralph
Bedell	Dickinson	Hall, Sam
Beilenson	Dicks	Hamilton
Bennett	Dingell	Hammerschmidt
Bereuter	Dixon	Hance
Berman	Donnelly	Harkin
Bethune	Dorgan	Harrison
Bevill	Dowdy	Hatcher
Biaggi	Downey	Hawkins
Bilirakis	Duncan	Hefner
Bliley	Durbin	Hertel
Boehlert	Dwyer	Hightower
Boggs	Dymally	Hiler
Boland	Dyson	Hillis
Boner	Early	Hopkins
Bonior	Eckart	Horton
Bonker	Edgar	Hoyer
Borski	Edwards (AL)	Hubbard
Bosco	Edwards (CA)	Huckaby
Boucher	Edwards (OK)	Hughes
Boxer	Emerson	Hunter
Breaux	English	Hutto
Britt	Erdreich	Hyde
Brooks	Erlenborn	Ireland
Broomfield	Evans (IA)	Jacobs
Brown (CA)	Evans (IL)	Jeffords
Broyhill	Fascell	Jenkins
Bryant	Fazio	Johnson
Burton	Feighan	Jones (NC)
Byron	Ferraro	Jones (TN)
Campbell	Fiedler	Kaptur
Carney	Fields	Kasich
Carper	Flippo	Kazen
Carr	Florio	Kemp
Chandler	Foglietta	Kennelly
Chappell	Foley	Kildee
Chappie	Ford (MI)	Kogovsek
Cheney	Ford (TN)	Kostmayer
Clarke	Fowler	Kramer
Clay	Frank	LaFalce
Clinger	Franklin	Lagomarsino
Coats	Fuqua	Lantos
Coelho	Garcia	Latta
Coleman (MO)	Gaydos	Leach
Coleman (TX)	Gejdenson	Leath
Collins	Gekas	Lehman (CA)
Lehman (FL)	Oakar	Smith (NE)
Leland	Oberstar	Smith (NJ)
Lent	Obey	Smith, Robert
Levin	Olin	Snowe
Levine	Ortiz	Snyder
Levitas	Ottinger	Solomon
Lewis (CA)	Owens	Spence
Lewis (FL)	Oxley	Spratt
Lipinski	Panetta	St Germain
Lloyd	Parris	Staggers
Loeffler	Pashayan	Stangeland
Long (LA)	Patman	Stark
Long (MD)	Patterson	Stenholm
Lott	Pease	Stokes
Lowery (CA)	Penny	Stratton
Lowry (WA)	Pepper	Studds
Lujan	Perkins	Sundquist
Luken	Petri	Swift
Lundine	Porter	Synar
Mack	Price	Tallon
MacKay	Pritchard	Tauke
Madigan	Pursell	Tauzin
Markey	Quillen	Taylor
Marlenee	Rahall	Thomas (CA)
Marriott	Rangel	Thomas (GA)
Martin (IL)	Ratchford	Torres
Martin (NY)	Ray	Torricelli
Matsui	Regula	Towns
Mavroules	Reid	Traxler
Mazzoli	Richardson	Udall
McCain	Ridge	Valentine
McCandless	Rinaldo	Vander Jagt
McCloskey	Ritter	Vandergriff
McCollum	Roberts	Vento
McCurdy	Rodino	Volkmer
McDade	Roe	Vucanovich
McEwen	Roemer	Walgren
McGrath	Rogers	Watkins
McHugh	Rostenkowski	Waxman
McKernan	Roth	Weaver
McKinney	Roukema	Weber
McNulty	Rowland	Weiss
Mica	Roybal	Wheat
Michel	Russo	Whitehurst
Mikulski	Sabo	Whitley
Miller (CA)	Savage	Whittaker
Miller (OH)	Schaefer	Whitten
Mineta	Scheuer	Williams (MT)
Minish	Schneider	Williams (OH)
Mitchell	Schroeder	Wilson
Moakley	Schulze	Winn
Molinari	Schumer	Wirth
Mollohan	Seiberling	Wise
Montgomery	Shannon	Wolf
Moody	Sharp	Wolpe
Morrison (CT)	Shaw	Wortley
Morrison (WA)	Shelby	Wright
Mrazek	Shuster	Wyden
Murphy	Sikorski	Wylie
Murtha	Siljander	Yates
Myers	Simon	Yatron
Natcher	Sisisky	Young (AK)
Neal	Skeen	Young (FL)
Nelson	Skelton	Young (MO)
Nichols	Slattery	Zablocki
Nowak	Smith (FL)	Zschau
O'Brien	Smith (IA)	

NAYS—31

Archer	Hansen (ID)	Packard
Badham	Hansen (UT)	Paul
Brown (CO)	Hartnett	Robinson
Conable	Holt	Rudd
Crane, Daniel	Kindness	Sensenbrenner
Crane, Philip	Livingston	Shumway
Dannemeyer	Lungren	Smith, Denny
Dreier	Martin (NC)	Stump
Forsythe	McDonald	Walker
Frenzel	Moore	
Gregg	Nielson	

NOT VOTING—15

Bateman	Howard	Moorhead
Crockett	Jones (OK)	Pickle
Fish	Kastenmeier	Rose
Frost	Kolter	Sawyer
Heftel	Martinez	Solarz

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INDEPENDENT SAFETY BOARD AUTHORIZATION

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1707.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. MINETA) that the House suspend the rules and pass the bill, H.R. 1707.

The question was taken.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 372, noes 43, not voting 17, as follows:

[Roll No. 134]

AYES—372

Ackerman	Conte	Gilman
Addabbo	Cooper	Gingrich
Akaka	Corcoran	Glickman
Albosta	Coughlin	Gonzalez
Alexander	Courter	Goodling
Anderson	Coyne	Gore
Andrews (NC)	D'Amours	Gradison
Andrews (TX)	Daschle	Gray
Annunzio	Daub	Green
Anthony	Davis	Guarini
Applegate	de la Garza	Gunderson
Aspin	Dellums	Hall (IN)
AuCoin	Derrick	Hall (OH)
Badham	Dickinson	Hall, Sam
Barnard	Dicks	Hamilton
Barnes	Dingell	Hammerschmidt
Bates	Dixon	Harkin
Bedell	Donnelly	Harrison
Beilenson	Dorgan	Hatcher
Bennett	Dowdy	Hawkins
Bereuter	Downey	Hefner
Berman	Duncan	Hertel
Bethune	Durbin	Hightower
Bevill	Dwyer	Hiler
Biaggi	Dymally	Hillis
Bilirakis	Dyson	Holt
Bliley	Early	Hopkins
Boehlert	Eckart	Horton
Boggs	Edgar	Hoyer
Boland	Edwards (AL)	Hubbard
Boner	Edwards (CA)	Huckaby
Bonior	Edwards (OK)	Hughes
Bonker	Emerson	Hunter
Borski	English	Hutto
Bosco	Erdreich	Hyde
Boucher	Erlenborn	Ireland
Boxer	Evans (IA)	Jacobs
Breaux	Evans (IL)	Jeffords
Britt	Fascell	Jenkins
Brooks	Fazio	Johnson
Broomfield	Feighan	Jones (NC)
Brown (CA)	Ferraro	Jones (TN)
Broyhill	Fiedler	Kaptur
Bryant	Fields	Kasich
Burton	Flippo	Kennelly
Byron	Florio	Kildee
Carney	Foglietta	Kindness
Carper	Foley	Kogovsek
Carr	Ford (MI)	Kostmayer
Chandler	Ford (TN)	Kramer
Chappell	Forsythe	LaFalce
Chappie	Fowler	Lantos
Cheney	Frank	Leach
Clarke	Franklin	Leath
Clay	Fuqua	Lehman (CA)
Clinger	Garcia	Lehman (FL)
Coats	Gaydos	Leland
Coelho	Gejdenson	Lent
Coleman (MO)	Gekas	Levin
Coleman (TX)	Gephardt	Levine
Collins	Gibbons	Levitas
Lewis (CA)	Oakar	Smith (IA)
Lewis (FL)	Oberstar	Smith (NE)
Lipinski	Obey	Smith (NJ)
Livingston	Olin	Smith, Robert
Lloyd	Ortiz	Snowe
Loeffler	Ottinger	Snyder
Long (LA)	Owens	Solomon
Long (MD)	Oxley	Spence
Lott	Packard	Spratt
Lowery (CA)	Panetta	Staggers
Lowry (WA)	Parris	Stangeland
Lujan	Pashayan	Stark
Luken	Patman	Stokes
Lundine	Patterson	Stratton
MacKay	Pease	Studds
Madigan	Penny	Stump
Markey	Pepper	Sundquist
Marlenee	Perkins	Swift
Marriott	Petri	Synar
Martin (IL)	Porter	Tallon
Martin (NC)	Price	Tauke
Martin (NY)	Pritchard	Tauzin
Matsui	Pursell	Taylor
Mavroules	Quillen	Thomas (CA)
Mazzoli	Rahall	Thomas (GA)
McCain	Rangel	Torres
McCandless	Ratchford	Torricelli
McCloskey	Ray	Towns
McCollum	Regula	Traxler
McCurdy	Reid	Udall
McDade	Richardson	Valentine
McEwen	Rinaldo	Vander Jagt
McGrath	Ritter	Vandergriff
McHugh	Roberts	Vento
McKernan	Robinson	Volkmer
McKinney	Rodino	Vucanovich
McNulty	Roe	Walgren
Mica	Rogers	Watkins
Michel	Rostenkowski	Waxman
Mikulski	Roth	Weaver
Miller (CA)	Roukema	Weiss
Miller (OH)	Rowland	Wheat
Mineta	Roybal	Whitehurst
Minish	Russo	Whitley
Mitchell	Sabo	Whittaker
Moakley	Savage	Whitten
Molinari	Scheuer	Williams (MT)
Mollohan	Schneider	Williams (OH)
Montgomery	Schroeder	Wilson
Moody	Schulze	Winn
Moore	Schumer	Wirth
Morrison (CT)	Seiberling	Wise
Morrison (WA)	Shannon	Wolf
Mrazek	Sharp	Wolpe
Murphy	Shaw	Wortley
Murtha	Shelby	Wright
Myers	Shuster	Wyden
Natcher	Sikorski	Yates
Neal	Simon	Yatron
Nelson	Sisisky	Young (AK)
Nichols	Skeen	Young (FL)
Nowak	Skelton	Young (MO)
O'Brien	Smith (FL)	Zablocki

NOES—43

Archer	Gregg	Ridge
Bartlett	Hall, Ralph	Roemer
Brown (CO)	Hance	Rudd
Campbell	Hansen (ID)	Schaefer
Conable	Hansen (UT)	Sensenbrenner
Conyers	Hartnett	Shumway
Craig	Kazen	Siljander
Crane, Daniel	Kemp	Slattery
Crane, Philip	Lagomarsino	Smith, Denny
Daniel	Latta	Stenholm
Dannemeyer	Lungren	Walker
DeWine	Mack	Wylie
Dreier	McDonald	Zschau
Frenzel	Nielson	
Gramm	Paul	

NOT VOTING—17

Bateman	Jones (OK)	Rose
Crockett	Kastenmeier	Sawyer
Fish	Kolter	Solarz
Frost	Martinez	St Germain
Heftel	Moorhead	Weber
Howard	Pickle	

□ 1800

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

The result of the vote was announced as above recorded.

Mr. MINETA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 967) to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1984, 1985, and 1986.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309 of the Independent Safety Board Act of 1974 (49 U.S.C. 1907) is amended by adding at the end thereof the following new sentence: "There are authorized to be appropriated for the purposes of this Act not to exceed $22,600,000 for the fiscal year ending September 30, 1984, $24,500,000 for the fiscal year ending September 30, 1985, and $26,100,000 for the fiscal year ending September 30, 1986, such sums to remain available until expended.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 1707, was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file several privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3021

Mrs. MARTIN of Illinois. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3021.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 2695

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the names of the gentleman from Florida (Mr. PEPPER) and the gentleman from Florida (Mr. SMITH) be removed as cosponsors of the bill, H.R. 2695, which I introduced.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read and referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, D.C., May 11, 1983.

Hon. THOMAS P. O'NEILL,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved a repair and alteration project of a federal Courthouse in St. Louis, Mo., on May 11, 1983.

The original and one copy of the authorizing resolution is enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1694, CORRUPT HORSE RACING PRACTICES ACT OF 1983

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 1694, the Corrupt Horse Racing Practices Act of 1983.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

INTRODUCTION OF U.S. CARIBBEAN POSSESSIONS ACT

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DE LUGO. Mr. Speaker, today I am introducing the U.S. Caribbean Possessions Act, which in reality is a proposal developed by the U.S. Virgin Islands and Puerto Rico on the rum issue in the Caribbean Basin Initiative. This legislation will strengthen the concept of the CBI and at the same time protect the rum industry of the U.S. Virgin Islands and Puerto Rico.

Let me say right up front: This legislation is not supported by the multinationals involved in foreign Caribbean rum production. It is not the easy windfall they wanted. It will not let them just turn up the valves, with no increase in employment, and flood the U.S. market with unbottled bulk rum made so cheaply with the low wages paid in the foreign Caribbean islands that it would knock the U.S. Virgin Islands out of the bulk rum market.

They already control the Canadian and European markets, which are effectively denied to American-made rum by high tariffs and other restrictions.

No, the legislation will not allow them to enter the highly price-sensitive commodity of bulk rum into the United States duty free. But, it will allow them to enter all the bottled rum they want duty free into the United States. This is the labor-intensive side of the industry. This is where we want them to channel their energies and capital. They are going to make a profit either way. We want to make sure that when they do profit, the people of the Caribbean do, too.

There is a lot more than just a commodity at stake here, and I feel very privileged and proud to introduce this legislation today with the cosponsorship of 116 Members of this House. In just the past 2½ weeks, this many Members have decided to cosponsor the bill, and more are still coming on as cosponsors—Members of the majority and the minority; chairmen and subcommittee chairmen from every committee in the House; the chairman and the ranking members of both parties on the Interior Committee, which has primary jurisdiction over the territories; members of the Black Caucus, and of the Hispanic Caucus; members in the conservative mold, moderates, and liberals. And they are still coming on board, Mr. Speaker, not because rum is an issue in their districts. American rum is produced only in the U.S. Virgin Islands and Puerto Rico.

The issue here goes beyond rum, and I am proud that all these Members, from every section of the United States, representing the entire political spectrum of our Nation, are standing up and insisting that the U.S. possessions in the Caribbean stay economically strong. I thank them for their support and I urge all Members to support this proposal when the Caribbean Basin Initiative comes up.

I would now like to explain the proposal in detail.

The U.S. Caribbean Possessions Act, which is supported by the Governments of the Virgin Islands and Puerto Rico, would allow full duty-free treatment of all bottled rums produced in CBI beneficiary countries, but would also recognize the extreme price-sensitive nature of unaged bulk rum—which constitutes over 90 percent of all Virgin Islands production—by retaining the $1.57 per proof gallon tariff on bulk rum. However, in addition to providing essential protection for that part of the rum industry which, through the return of U.S. excise taxes, supports 15 to 20 percent of the entire Virgin Islands budget, our proposal seeks to strengthen the Caribbean Basin Initiative by providing substance where there is now only symbolism—at no additional cost to the U.S. Treasury.

Under our alternative proposal, U.S. excise taxes on foreign rums, which would have been returned to the Virgin Islands and Puerto Rico under the administration's CBI, would instead be deposited into a special Caribbean development fund. This fund would be used to finance planned infrastructure development of island beneficiary countries in the Caribbean.

Under the original CBI, only $20 million was provided to the small countries in the eastern Caribbean; under our proposal the eastern Caribbean countries would receive about $50 million and the Caribbean islandnations as a whole $165 million over the 12 years of the CBI. These funds are not intended as a substitute for other foreign aid appropriations, and they would be provided at no additional cost to the U.S. Treasury than under the administration's plan.

We believe that the Virgin Islands-Puerto Rico rum fund proposal would provide substantially greater benefits to the eastern Caribbean as a whole, as well as to individual rum producing countries, than the administration's proposal. We believe that close analysis will show that the rum fund proposal will, first, create significantly more jobs in the Caribbean rum industry by encouraging labor-intensive bottling operations in beneficiary countries; second, generate substantially more revenues for fiscally pressed beneficiary governments, including those which may derive some revenues from taxation of local rum industry profits; third, provide direct assistance to the governments and the peoples in the region to finance desperately needed infrastructure, such as schools, roads, transportation and port facilities, and public utilities; fourth, create hundreds of new construction jobs to build infrastructure, which in turn is necessary to enable beneficiary countries to take full advantage of CBI's free trade provisions and to attract new foreign

investment; and fifth, provide substantial preferences for access to U.S. rum markets.

The most serious concern raised thus far in opposition to the Virgin Islands-Puerto Rico proposal appears to be that those Caribbean countries which currently produce a significant amount of bulk rum may not be able to take advantage of the duty-free provisions of our proposal because they could not bottle their rums and still remain competitive.

We believe strongly that the Virgin Islands-Puerto Rico rum proposal would not result in significantly less access to U.S. markets than the administration's proposal for the vast majority of rums currently produced in the foreign Caribbean. Indeed, it is our understanding that most of the bulk rum currently shipped to the United States from beneficiary countries is aged bulk rum, which is sold at the upper levels of the rum market, and that the bottling of these rums could be easily and profitably performed in the respective producing countries without competitive disadvantage.

The main disincentive to bottling aged rums in the producing countries at the present time is the higher cost of shipping bottled as opposed to bulk products. Our understanding, however, is that the cost of shipping bottled rum from Jamaica to U.S. gulf ports is less than 90 cents per proof gallon, while the comparable figure for bulk rum is more than 40 cents per proof gallon, a differential of less than 50 cents per proof gallon.

It is our further understanding that the shipping differential for other Caribbean to United States port routes may be even less, and, in some instances, roughly the same. These differentials are further mitigated by the lower cost of labor in the Caribbean compared to the United States. It should be noted that even with the higher wage rates they must pay, Puerto Rico rum producers ship approximately one-third of their aged rums to the mainland in bottles rather than bulk without loss of competitive advantage in the U.S. market. In short, in no instance is the differential cost of shipping bulk and bottled rum even close to the $1.57 per proof gallon tariff on bottled rum that the fund proposal would eliminate.

Thus, it would appear to be a highly unusual logic, to say the least, which suggests that an additional market preference of zero to 50 cents per proof gallon is worth the cost of indigenous labor-intensive bottling jobs, millions of dollars in direct government revenues based on the sharing of the $10.50 per proof gallon rum excise tax, the development of sorely needed infrastructure, and the hundreds of construction jobs and additional investment that would result under the Virgin Islands-Puerto Rico proposal.

While granting duty-free treatment to all imports of bulk rum from CBI beneficiary countries will provide little additional benefit to existing foreign rum producers, the administration proposal would do even less for the governments of the area. With excess distilling capacity and surplus molasses supplies already in place on many Caribbean islands, there would be no incentive for new investment in additional rum production facilities. Instead, existing distilleries would merely operate more days per year, creating no construction jobs and few, if any, new manufacturing jobs.

It is unclear whether any increased profits accumulated by distillery owners, many of whom are foreign-based multinational corporations, would be directed back into the local economies. It is less clear whether the governments of beneficiary countries would gain any tax benefits from any increased profitability of their rum industries. While the island governments could tax these extra profits, such taxation would itself discourage foreign investment and, in any event, would provide the island governments of the eastern Caribbean with significantly less revenues than would be available under the Virgin Islands-Puerto Rico fund proposal.

Finally, I appreciate that duty-free treatment for at least some types of Caribbean rum may have gained symbolic importance in the context of the CBI that exceeds objective economic analysis. I also understand that this symbolism is a political reality which the administration must constructively address. We in the Virgin Islands, however, face another reality—the distinct probability that the customers in the United States who buy Virgin Islands unaged rum based on price considerations alone will turn to foreign Caribbean rum—which already receives preferential tariff treatment over Virgin Islands rum in Canada and the EEC—once the tariff on bulk rum is removed. Under these conditions, the Virgin Islands bulk rum industry would soon disappear and the excise tax revenues returned to the Virgin Islands, then no longer bearing any relation to rum production in the territory, would be placed in serious jeopardy.

We believe the eastern Caribbean regional development fund would avoid this unintended result. At the same time, we strongly believe that the fund proposal would strengthen the administration's proposed Caribbean Basin Initiative by providing greater benefits to the region than under the administration proposal, including both rum-producing and non-rum-producing countries. I am also inserting as a part of this RECORD an editorial which ran in the Caribbean Business newsletter last week, which describes our compromised proposal:

[From Caribbean Business, May 11, 1982]

THE RUM WAR

There is a battle over rum in the Caribbean. The battle lines are drawn between Puerto Rico and the U.S. Virgin Islands on the one side and other rum-producing islands of the region on the other.

At issue is the provision of the Caribbean Basin Initiative. (CBI) that would allow CBI beneficiary nations to ship rum into the U.S., market without paying import tariffs. As it now stands, the CBI would allow all run (bottled and bulk) to enter the U.S. duty free. The Virgin Islands has proposed an amendment to that provision that has the strong support of Puerto Rico. It would limit tax-free importation to bottled rum only, offering the additional incentive of a development fund for CBI beneficiaries established with a part of the taxes on bulk rum shipments.

We see that as a compromise where the other Caribbean nations can benefit without penalizing Puerto Rico and the U.S. Virgin Islands. Unfortunately, the beneficiary nations are not buying the V.I.-Puerto Rico proposal and both factions are now lobbying hot and heavy in Washington, D.C. to prevail.

Rum production in Puerto Rico represents much more than direct jobs and manufacturing activity, important though these factors are. In the 35 years since Puerto Rico established its Rums of Puerto Rico promotional program the island's Treasury has received more than $2.6 billion in returned federal excise taxes on U.S. rum sales. The returned rum taxes to the V.I., are a drop in the bucket by comparison ($35 million last year), but nonetheless important to the economic life of the U.S. territory. The rum revenues represent approximately 15% of the territory's budget.

The way the CBI now reads the U.S. may take measures to offset any harm done to the Puerto Rico Virgin Islands industries because of competition from duty-free rum from the rest of the Caribbean. Given the way political winds blow in the nation's capital such a weak assurance can hardly be considered comforting.

Rum is the fastest growing product in the U.S. spirits markets. Observers feel that what's really at stake here is supremacy within that market. If Congress goes along with providing 100% tariff free treatment to foreign-produced Caribbean rum there are reportedly interests within the industry prepared to go to war to capture more of that lucrative market by taking advantage of the CBI.

If that happens there could be considerable economic fallout here and in the Virgin Islands.

CAPITOL PAGES GET NEW HOME—WITH SUPERVISION

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, it has been about 11 months since a former page, Leroy Williams, shocked the Nation and the Congress with allegations of sexual misconduct and drug

abuse among our country's pages and some lawmakers in the Congress.

While these representatives were recounted and revealed to be scurrilous and the fantasies of a misguided youth, it did cause the Speaker to appoint a reform commission which I chaired, and House Page Board which have taken actions beneficial to our pages by providing them with a dorm and other changes in the program. These actions helped the pages do their job better and enjoy it more.

I am pleased to include an article that was published last Sunday which reports on the progress that has taken place and has been of benefit to our pages. The Capitol pages work hard at their jobs and serve the Congress with dignity. They deserve our respect and admiration for a job well done. The Members and the pages' supervisors who serve here with them appreciate their diligent and dutiful service. We are happy about the progress that has been made and stand ready to support our pages as they need us during the months and years to come.

The article is as follows:

[From the Newark (N.J.) Sunday Star-Ledger, May 22, 1983]

CAPITOL PAGES GET NEW HOME . . . WITH SUPERVISION

(By J. Scott Orr)

WASHINGTON.—The blue-suited young men and women who make up the congressional page corps often pass unnoticed through the halls and labyrinthine tunnels of Capitol Hill.

Even on the floor of the House or Senate, where they are conspicuous mainly because of their age, pages go about their work with quiet dispatch and generally attract little attention.

But last summer, an 18-year old page from Arkansas caused congressional eyes to take a new look at the teenagers who spend their days carrying messages through the halls of Congress.

It has been nine months since former page Leroy Williams shocked Congress and the nation with allegations of sexual misconduct and drug abuse among the country's lawmakers.

Though Williams eventually recanted his stories of sexual liaisons and backroom cocaine use, the attention that focused on the issue has resulted in sweeping changes in the way pages live and work during their tenure on the Hill.

Investigators agree that Williams' allegations were false—that they resulted from rumors in a young mind. There also was agreement, however, that pages had gone unnoticed for too long.

Educators and experts in the page program have been appointed to an education task force that is reviewing ways of improving the school system, Minish said.

Minish, Molloy and others involved in oversight of the page system say the reforms were a much needed improvement. Pages, surprisingly enough, agree.

Reuven Carlyle is 17. He has spent two years in Congress, working as a page in both the House and the Senate. He lived in a boarding house, an apartment and now calls the dormitory home.

"Obviously," he said during an interview last week, "the changes cut down on our freedom. It was hard at first for a lot of people who are used to real freedom in that it's different. But most of the people have adapted."

"It's like a completely different world. It's almost like being at home—there are basic rules that must be followed, but nothing that's so unreasonable.

"Before it was so loose, it was great, but at the same time there were problems," he said.

Carlyle, whose family lives in Englishtown, said the dormitory is a tiny community unto itself with its own form of government, and social structure. Its main activity, he said, is work.

Pages are appointed through sponsors in the House or the Senate. Their jobs vary, but generally they are messengers and assistants. They earn $9,181 per year, from which housing and meals are deducted.

The day begins for Carlyle at 6 a.m., when classes begin. At noon, he goes to work answering telephones and taking messages in one of the cloak rooms off the House floor until 5 or 6 p.m. After work, he spends most of his time studying.

"We put in a full day. Our whole life is not school, we also hold down full-time jobs," Carlyle said. Despite the work, however, he said he wouldn't trade the experience for anything.

At 17, Carlyle has met two presidents, countless congressmen, and numerous world leaders. He has a firm understanding of the legislative process and an insider's view of how Congress really works.

He said his plans are not set beyond his upcoming enrollment at the University of Massachusetts in Amherst, but exudes a clear leaning toward politics as a career.

Though he refused to speculate too far into the future, Carlyle noted that the ranks of former pages include Sens. Christopher Dodd (D-Conn.) and David Pryor (D-Ark.) and Reps. William Emerson (R-Mo.) and John Dingell (D-Mich.).

Rep. Joseph Minish (D-11th Dist.) who chairs an ad hoc board created in the wake of the Williams incident, has overseen the creation of a new "code of conduct" for pages, the opening of a long-sought dormitory to house them, and reforms in just about every aspect of page life.

James Molloy has the deceptive title of House doorkeeper, an administrative post from which he oversees a variety of operations, including the activities of the 70 or so House pages.

Molloy said the residence hall was requested by his office in each of the last 10 years. Congress, he said, was unwilling to fund the development of a planned multi-million dollar facility.

But after last year's incident, a cheaper and quicker plan was developed-to convert two floors in a House office annex, located a block from the Capitol adjacent to congressional offices. The project cost $272,000.

In prior years, Molloy said, pages were left to provide their own accommodations in boarding houses or apartments in the neighborhoods that surround the Capitol.

"The biggest problem we had was that they were unsupervised from roughly 6 p.m. to 6 a.m. everyday. There were security problems, disciplinary problems and a few very serious situations developed," he said.

In the dormitory, Molloy said, pages are under constant supervision and many of the problems have been eliminated. A staff of five is charged with overseeing the dormitory operation.

Lenny Shible, who heads that staff, said the pages are assigned three-to-a-room and have access to study areas and common spaces on the third and fourth floors of the Annex. The lower floors house congressional offices, though the building was originally constructed for residential use.

The rules governing page conduct formerly consisted of a loose set of regulations contained in a "more or less unwritten code," Molloy said. Though standards of behavior were required, there was no set of dos and don'ts and no established means of enforcement.

The new code of conduct, which went into effect this year spells out strict regulations on everything from false alarms to firearms, curfews to cleanliness, Minish said.

The 10-page document contains provisions on pets, plants, guests, graffiti, drugs, appliances, noise, smoking, decorating, lying, identification, communication, food, fraud, and fighting.

Sanctions for violators range from "staff reprimand," to "restriction of privileges." The ultimate punishment is termination—a move Minish said he would not hesitate to support.

"If it's called for, they will be out. And I'm not concerned who their sponsor is," Minish said.

Instituted along with the opening of the dorm in February was a meal plan that provides pages with one hot meal per day. Formerly they were left to fend for themselves in the Capitol's many restaurants and cafeterias.

Another new provision of the system restricts pages to appointment for one academic year when they are high school juniors. Minish explained that appointment of less than a year is not long enough to be beneficial and appointments longer than a year deny opportunities to new pages.

Limiting the appointments to juniors, Minish said, also will allow improvements to the page school system. Now, pages attend classes in the Library of Congress.

DOMESTIC AUTOMOBILE REVITALIZATION ACT

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORIO. Mr. Speaker, today I am introducing legislation, the Domestic Automobile Industry Revitalization Act, designed to provide a comprehensive and effective policy framework for dealing with the severe problems facing automobile manufacturers and workers in this country.

Over the past several weeks, the subcommittee which I Chair has explored in detail the nature and causes of the decline in international competitiveness of our automobile industry. These problems are many and complex, and they call for broad-based solutions that enlist the most creative energies of government, business, and labor. We in Congress have the responsibility of providing the tools and mechanisms for reinvigorating an industry that is vital to our economy and society.

The legislation that I am introducing provides these tools. It creates procedures that provide for immediate relief from import injury in a manner

that is consistent with our international trade commitments. It creates a means for labor and management to work closely and continuously with government in formulating a comprehensive strategy of revitalization. And, it institutes a series of high-level task forces charged with developing, within 1 year, specific policy recommendations to reduce the most serious roadblocks to recovery.

Mr. Speaker, you are well aware that our automobile industry and workers are going through a period of grave crisis and profound transformation in adapting to new conditions of international commerce. The many unfair practices and inequitable commercial advantages of our foreign competitors have contributed to a devastating decline in domestic production and employment in the automobile sector. From 1978 to 1982, sales of U.S.-built passenger cars dropped nearly 40 percent. During the same period, employment in automobile manufacturing plummeted from 762,400 to under 500,000 workers. Today, nearly a quarter million auto production workers remain on indefinite layoff.

Despite recent signs of improvement, helped by the extensive reinvestment efforts of management and the cooperation of labor in holding down production costs, the automobile industry remains in a severe slump. Without remedial measures, the situation may well grow worse. Most industry analysts predict that imported vehicles will rise from the current 27 percent share of the domestic market to over 40 percent. American producers, following a long history of overseas investment, have been constrained to meet the competition by acquiring ever larger numbers of foreign-built components and parts for cars sold in the U.S. market. There is every indication that such outsourcing will rise even further in the future, resulting in the displacement of additional American jobs to overseas operations.

Mr. Speaker, we cannot sit idly by, watching with complacency the dismantlement and foreign migration of an industry that has been vital to our economic prosperity and development. The automobile has long played a key role in our economy, with one in every seven jobs tied directly or indirectly to its production and servicing. Major segments of our manufacturing capacity, including steel, rubber and iron, depend heavily on the continued vitality of automobile production in the United States.

Given the central importance of automobiles to our economy, it is nonsensical and irresponsible to wait for general economic recovery to reopen our plants and bring the unemployed back to work. We cannot attain recovery as long as key segments of our economy remain depressed as a result of unfavorable trade arrangements. Yet this is the policy followed by the current administration. With an anachronistic adherence to free-market philosophy, the administration ignores the inequities in the international trading system that are adroitly exploited by our foreign competitors to our own disadvantage. By leaving American firms and workers to fend for themselves, the administration is in effect presiding over the erosion of our domestic manufacturing capability and the advent of a society of the chronically unemployed.

It is my belief that more aggressive and targeted action, drawing upon the most creative energies of government, management, and labor, is essential to address the present crisis. We must develop a comprehensive strategy that addresses the true causes of the automobile industry's difficulties. We must find the most appropriate corrective to the current neglect, fragmentation and drift that characterizes the administration's stance toward the industry. We must take the full measure of the forces that now govern international trade and make them work for, rather than against, American companies and workers.

Over the past several weeks, the subcommittee which I Chair has held a series of hearings that explored in detail the reasons for the decline in international competitiveness of the domestic automobile industry. We have heard persuasive arguments indicating that the current situation has multiple, complex, and diverse causes. It is a testimony to the resilient strength of our manufacturers and workers to see that many of the factors that precipitated the decline, including ill-advised investment decisions of management, an inappropriate product line, and lax quality control, are now in the process of being overcome.

But many profound problems still remain. These go well beyond anything that management and labor alone can be expected to handle. We have heard reports, for example, that the cost advantage of Japanese manufacturers is actually growing, despite the best efforts of our firms and workers to catch up. This growing gap is traceable not only to the ability of the Japanese to reinvest their high profits in superior technology, but to fundamental inequities in the international trade system. The high value of the dollar, relative to the yen, continues to give Japanese firms exporting to the United States virtually an insurmountable price advantage. Our national tax system, based on payroll and other direct taxes, weighs heavily on our domestic producers but largely exempts importers. Yet the Japanese system, based on a high-commodity tax, hits with full force U.S. products entering Japan, while giving Japanese exporters a free ride into our own domestic market. Our antitrust policies constrain cooperative efforts in research and development and exporting among our domestic firms, but do nothing to prevent such activities among our foreign competitors.

In the course of our hearings, the subcommittee has examined a variety of measures to redress the situation. We have heard extensive testimony from organized labor, the major domestic and importing manufacturers, industry analysts and other knowledgeable and interested parties. We have received many suggestions on what concrete steps Congress might take to put American autoworkers back to work and to revive sales of American-made vehicles.

The legislation that I am introducing today draws upon this comprehensive inquiry and the many helpful suggestions and comments made by those who are intensely concerned about our international trade performance. It is my conclusion that the solution to the domestic industry's problems cannot be reduced to a single, simple formula, fixed for all time. We must meet the fundamental causes of this decline head-on, rather than ignore them or attempt to paper them over with stopgap measures. These problems require the active and continuous attention of government, labor, and management, working together, rather than against each other or in isolation from each other. We must seek solutions that promise true and effective relief from the unwarranted advantages and unfair practices of foreign competitors. We must mobilize our energies to enact measures that offer realistic hope, rather than vain promises, to our unemployed.

We must indeed send a signal to our competitors. But this signal must be one that demonstrates we have the will to meet the emerging challenges of international competition within the existing rules of the game—imperfect as they are—and not that our only recourse is to hide behind artificial barriers erected in violation of these rules. We must seek solutions that take into account the interdependence of our national and international economies, and not develop formulas that benefit one sector of our economy at the expense of another.

Mr. Speaker, it is my firm conviction that given an appropriate framework of well-designed policy measures, close consultation and careful analysis, we can together devise a strategy that deals comprehensively, effectively and fairly with the trade distortions now causing so much hardship to our workers and communities. I believe that the legislation that I am introducing today provides such a framework. It combines provisions for granting immediate import relief to the domestic automobile industry, following proce-

dures consistent with our international trade agreements, with new mechanisms of consultation among the public and private sectors to develop and oversee the implementation of a comprehensive strategy of industrial revitalization.

More specifically, the legislation does the following:

First, it creates an industry advisory council composed of representatives of labor and management and chaired by the Secretary of Commerce, which is given a central advisory role in the development and implementation of a coherent industrial policy affecting domestic automobile production and employment.

Second, it initiates an investigation by the International Trade Commission to determine if imports are a cause of serious injury to the industry and, if so, requires the Commission, after consultation with the industry advisory council, to recommend measures, in the form of tariffs, quotas or domestic content requirements, necessary to remedy such injury.

Third, it institutes a continuous review process by the International Trade Commission to determine if the maintenance, modification or termination of any import relief measures are required in the light of changing conditions of international competitiveness.

Fourth, it creates a series of task forces requiring our top government officials to address—at long last—some of the most critical impediments to the revived fortunes of our domestic manufacturers in domestic and foreign markets. These include antitrust policies that unduly discriminate against domestic manufacturers, inequitable national tax systems that favor foreign producers, and the market uncertainties and harmful trade impacts of a fluctuating and imbalanced international currency system. Within a year, the task forces must present the results of their investigations and propose to Congress and the President specific measures to alleviate these impediments. These inquiries and recommendations will lay the groundwork for correcting the years of drift in our international and national trade policies that helped to lead us to the deplorable situation where we find ourselves today.

Finally, the legislation gives the Secretary of Commerce primary responsibility for incorporating these elements into a comprehensive strategy designed to enhance the international competitiveness and reinvigoration of the domestic automobile industry. The content and current status of implementation of this strategy, including any appropriate legislative recommendations, will be reported to Congress on a continuous basis.

Mr. Speaker, in presenting this proposal, I wish to reiterate certain points of fundamental importance. First, every effort has been made to reassure our autoworkers that their legitimate concerns are being heard and addressed. This legislation is designed to give their representatives a permanent voice in the highest councils of government. It guarantees that any public policy adopted to meet the new realities of international commerce will not be oblivious to their viewpoints and interests. In the development of all policy measures under this legislation, the growth of domestic employment and production is an explicit, high priority.

Second, this legislation acknowledges that domestic content, under appropriate circumstances, can be an effective and legitimate form of import relief. As a concept, domestic content is nothing other than a reformulation of the accepted international principle that imports can cause unacceptable injury to domestic producers and workers. When appropriately designed, domestic content requirements achieve the same objectives as tariffs, quotas, or tariff-rate quotas, all of which are allowable under existing law. Indeed, domestic content is in some respects superior to these traditional remedies, and is a particularly appropriate form of import relief for the automobile industry. It allows more flexibility in targeting the remedy to suit the injury, and it can give those causing the injury more latitude to come into compliance.

Third, it is important to emphasize that this legislation is not in violation of our international trade commitments. The language offering import relief in this bill is consistent with article 19 of the General Agreement on Tariffs and Trade. At the same time, it removes many of the ambiguities and excessive language in existing national law that have prevented the granting of deserved import relief in the past. I am confident that the fears of foreign retaliation that have blocked previous legislative and administrative initiatives to help the automobile industry will be found groundless in the context of the present proposal.

Mr. Speaker, I have great faith that the skills, industrial vitality, and sense of national purpose that led to our unprecedented wealth and prosperity have not deserted us. But the world we now live in is not the same world that fostered our historic rise to industrial leadership. We cannot meet the challenges of the new order by recreating a world that no longer exists. Instead, we must develop the mechanisms to adapt to change so that our industries remain in step with evolving international conditions. Insofar as the automobile has a future in our Nation, our domestic industry can and must also have a future.

For this reason, I ask my colleagues to join me in enacting legislation that will permit the domestic automobile industry and the automobile workforce to regain their rightful place in the economic and social fabric of our Nation.

PASSENGER CEILING AT NATIONAL AIRPORT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, I was dismayed and disappointed to learn that an amendment may be offered this afternoon in markup at the Transportation Appropriations Subcommittee which would not allow the spending of Transportation Department funds to lower the annual passenger ceiling at National Airport.

I sincerely hope that this amendment will be withdrawn. But if it is offered, I hope Members will ignore certain factions within the airline industry which are preempting Secretary of Transportation's recent proposal to stop growth at the already overcrowded and congested National Airport and vote against the amendment.

It is important to understand that the proposal to reduce the current passenger ceiling of 16 million to 14.8 million will not reduce a single flight currently flying at National. Last year, 13.8 million passengers used National Airport while only 2.5 million were served at Dulles International Airport.

It is also important to remember that restricting growth at National Airport is a matter of air safety. The facilities at National are already overburdened by the current level of passengers. Because of the recession and air controllers strike, the current cap of 16 million is not expected to be reached until 1990, instead of the mid-1980's as originally anticipated when the Washington Metropolitan Airports policy was implemented in 1981. The new proposal to lower the ceiling to 14.8 million will realine the timeframe to the mid-1980's to cap future growth at National and to accelerate the trend of increased service at Dulles and Baltimore-Washington International Airports.

Based on the Federal Government's commitment 2 years ago to reduce noise and congestion at National Airport while encouraging flights at Dulles and BWI that was made in the first Metropolitan Washington airports policy, the local and State governments in this area, along with the Federal Government, have poured thousands of dollars into highway systems and support mechanisms to carry out that plan. Members of this body must not renege on that commitment.

We must reject any efforts to circumvent the cap reduction proposal

and to support the right of our Transportation Secretary and your neighbors in the Washington area to at least comment on this proposal which is designed to create a more balanced airports policy for the Metropolitan Washington area. the 90-day comment period on the DOT proposal does not even end until July 27, 1983. Let us give the system a chance to work.

HOBBS ACT AMENDMENT—LABOR UNION VIOLENCE

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. VUCANOVICH. Mr. Speaker, recently, I cosponsored H.R. 287, the Hobbs Act Amendment of 1983. Reintroduced on January 23, 1983, by our distinguished colleague from Virginia, J. KENNETH ROBINSON, this measure would amend sections of the Hobbs Act relating to prohibited labor union activities.

Violence and intimidation have no place whatsoever in a free system. Employers' and strikebreakers' actions are already restricted by Federal law; unions, however, are currently exempted. This is why it is essential to extend protection of the Hobbs Act to legitimate labor union activities, so as to protect all sides in a labor dispute from threats and violence.

Specifically, H.R. 287 would amend the Hobbs Act in such a way that violence used or threatened "in the course of legitimate union or labor ends or objectives" would be treated as a violation of the Hobbs Act and subject to Federal prosecution and penalties. H.R. 287 does not interfere with the legal right to strike or picket. In addition, it contains a clause which makes the Hobbs Act applicable to property damage of $2,000 or more, thereby eliminating coverage for lesser damage resulting from minor incidents.

This measure would correct a loophole in Federal law created by the U.S. Supreme Court in a one-vote margin (5 to 4) majority decision in *United States* v. *Enmons*, 410 U.S. 396 (1973). I agree very strongly with dissenting Justice Blackmun that in instances involving labor union extortion, the Congress "has the constitutional power in the interstate context" to subject violations to Federal prosecution and penalties.

I believe that union violence has too often distorted decisionmaking in labor-management negotiations, and has hindered the resolution of many difficult and already emotionally-charged disagreements. Jobsite violence is criminal activity, and the legitimate objective of those engaged in the violence does not legitimize this violence. Nor should these legitimate goals protect groups or individuals from Federal prosecution. In our interdependent and multisector economy, commerce in one State usually impacts upon neighboring States and often affects business and activities in many others. Rarely is a State so isolated that its commerce is an entirely parochial matter. States currently have laws to prosecute union violence and extortion that occurs within the State. However, prosecution and conviction under these laws is often difficult for the States to achieve. State laws are limited to occurrences within State borders, and individual States are often limited in effectively dealing with labor violence in interstate commerce. In addition, interstate crime leads to confusion over which State has jurisdiction.

No special protection from Federal criminal statutes is warranted here; this loophole merely acts as encouragement to those considering the use of violence. The Federal criminal code should once again allow Federal officials to prosecute groups or individuals who use violence to obtain an objective, regardless of the legitimacy of the objective.

Mr. Speaker, similar legislation was introduced during the previous Congress although no action was taken in the House of Representatives. Hearings have already been held in the other body on companion legislation (S. 462). The Reagan administration has indicated its commitment to addressing Federal criminal legislation during the 98th Congress. I would hope that an amendment to the Hobbs Act regarding union violence will be a part of this effort and will be scheduled for prompt consideration in the House.

I urge my colleagues to join me in supporting this legislation.

SPINACH AND THE MX

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, my colleagues, do you remember that great cartoon which depicted the little boy in the posh restaurant pushing away his plate and saying, "It looks like spinach; it tastes like spinach, and I say to hell with it."

The military is expert in the art of camouflage—a technique that helps conceal and disguise military equipment so that strategies and maneuvers are undetected by enemies on the battlefield.

It occurs to me that perhaps the military views Congress as a "battlefield" in its efforts to insure production and deployment funds for the MX missile. The Scowcroft Commission along with MX supporters have used the fine art of camouflage to obfuscate the facts which prove the MX missile is an unnecessary, outdated and duplicative weapon that delivers the American taxpayer nothing more than a $30 billion invoice and probably less national security than we now enjoy.

The MX proponents have draped rhetorical veils around the MX missile. The first is that modernization of the land-based ICBM is now clearly linked to both strategic stability and practical arms reduction prospects. The second is that a vote on the MX will make a statement, one way or the other, about American will, constancy and leadership. Third is that the MX must precede research and development on and deployment of the single-warhead, mobile and less vulnerable Midgetman missile.

The MX proponents have spun these veils in such a manner that many proponents and opponents of the MX now assume that each is inexorably linked to the other and that all must be considered as a single package. As we consider House Concurrent Resolution 113, which will approve obligation and expenditure of funds for MX missile procurement and full-scale development of a basing mode, I urge Members of the House of Representatives not to fall for this technique of camouflage but instead to consider the need for the MX on the weapon's technical merits.

The MX has been debated at length for several years and Congress should now be able to resolve the issue of whether it should be procured and how it should be based, solely on the weapon's technical merits. And speaking of American will and constancy—Congress should not forget that it has already rejected the idea of basing the MX missile in Minuteman silos.

Yes, constancy is important and last year, Congress was told by the administration that the MX was needed to close a "window of vulnerability" that left the United States open to the threat of a Soviet attack. Now we are told by the Scowcroft Commission that the "window of vulnerability" does not exist.

Last year, Congress was told by the administration that the MX needed a basing mode that would make it invulnerable to a Soviet first strike, which was the original purpose for developing the missile. Now we are told by the Scowcroft Commission that such basing mode may not exist for an ICBM the size of the MX.

In past years, Congress has been told that modernization of the ICBM force is necessary to insure that the United States can effectively retaliate should our missiles be hit by the Soviets. Now we are told by the Air Force that perhaps only 1 of the 100 MX missiles could survive a Soviet first strike.

In past years, American arms policy has been one of deterrence rather than aggression. Now the administration is proposing a missile system that cannot survive a first strike, which lays bare the real reason for deploying this system—as a first-strike, dangerous, threatening and destabilizing nuclear weapon.

Unraveling the veils surrounding the Scowcroft MX proposal further helps to bare the fact that the MX is the wrong system for our future strategic defense. I question this notion that modernization of the land-based ICBM is now clearly linked to both strategic stability and practical arms reduction. Strategic stability will not result from deployment of the MX, since the Soviets are most likely to respond with an expansion of their missiles once the United States deploys a first-strike weapon. This is not stability; it is a full-blown escalation of the already dangerous worldwide arms race.

I wonder how the MX can be linked to practical arms reduction. It is widely believed that the President wants the MX as a bargaining chip and that deployment of the MX will allow him to moderate his position in the START negotiations. If anyone believes that the MX is a bargaining chip, he has not heard what the President said at his December 10, 1982 press conference:

> This (the MX) is not in the sense of a bargaining chip that somebody could say, well, you're building it just to tear it down. No. We need a modernization. Even if we get the reduction of arms . . . this would not be the missile that would be taken out of circulation. We do not intend to trade MX for a new Soviet ICBM . . . The MX is essential to restore a stable nuclear balance so the U.S. can continue to deter Soviet aggression.

There is also wide belief that in exchange for the MX system, the President will moderate his stance in the START negotiations. I wonder what his proposal entails. This "deal" trades a first-strike nuclear capability for some very vague promises, made in a letter, to do something about arms control.

I must also question the idea that MX must precede research and development on and deployment of the single warhead Midgetman missile. While proposing the Midgetman—which offers a new approach to nuclear weapons development and arms negotiations by focusing on warheads rather than launchers—the Scowcroft Commission insists that we need the MX as a bridge to the Midgetman. The Midgetman is eminently more intriguing a system since it is smaller, mobile, and moves away from MIRV'd (multiple) warheads. These concepts can be pursued without the MX. Rather than being a bridge to Midgetman, MX will probably be a barrier to it, since the Air Force bureaucracy, which prefers MX, is already padding Midgetman's cost and delaying its operational date to make the MX look good. If MX is killed and Midgetman becomes the only game in town, the Air Force will get on with it. Then, we may have an ICBM that is invulnerable to a Soviet attack.

If, indeed, the United States needs to modernize its ICBM's, the Congress should show national constancy and resolve by continuing its past policy of deterrence. This can be achieved by developing an invulnerable missile system, as conceived in the Midgetman scenario. Deployment of the vulnerable MX system buys the Nation nothing more that what it already has, and will only serve to keep research and development efforts from pursuing what has been, to date, a successful arms policy.

Congress should not fall victim to the Scowcroft Commission's attempt to wed Midgetman to the MX. Research into the Midgetman should never be held hostage to a decision to procure the MX.

In conclusion, I ask that Members of Congress not be fooled by the camouflage that the military has put up around the MX missile. I ask that the House insist that the military restrict its techniques of concealing, disguising and camouflaging its weapons to real battlefields.

□ 1810

REPORT ON INTERPARLIAMENTARY UNION PROCEEDINGS

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 60 minutes.

Mr. PEPPER. Mr. Speaker, I have the privilege and honor of chairing the United States delegation recently to the Interparliamentary Union Conference, the spring conference at Helsinki, Finland.

We had a very fine delegation from the House of Representatives; three members of the majority party and three members of the minority party.

All members of our delegation cooperated in the finest way in the work of the conference.

Our delegation had good committee assignments. We were industrious and attentive to our duties and we think our delegation made some valuable contributions to the success of the conference.

One of the items where we took a leading part was in respect to the removal of the aggressor nations from Lebanon. The Arab group also had a resolution condemning Israel for being in Lebanon. We offered an amendment on behalf of the United States delegation to the effect that it was the policy of our country that all of the aggressor nations should get out of the country of Lebanon and leave that normally beautiful land to the full enjoyment of its own people.

We urged as strongly as we could that position being the position of our Government and the feeling of the people of our country.

Well, as usually happens in those cases we were not able to win on our amendment. We did get 34 votes, however. The opposition got 74. But at least we made clear our feeling that all of the nations that are not normally a part of Lebanon should remove themselves from the country and the people of Lebanon should again enjoy the sovereignty of their normally lovely land.

Since that time, we commend our Government upon the immense progress it has made toward achieving that result and we hope that the persistence of our Government and the sentiment of the people of the world will lead to an early settlement of that tragedy by the removal of all troops that are not normal to that area, and the full reenjoyment of the full rights of people sovereign to that land.

Mr. Speaker, I have asked for this special order so that members of the delegation to the recent spring meeting of the Interparliamentary Union in Helsinki may report on the activities and results of that session. In my opinion, this meeting of the IPU was particularly productive, mainly because of the active participation of the Members of ths Congress who attended. Our delegation included Senators BURDICK and STAFFORD and Representatives BATEMAN, BOEHLERT, BOGGS, HAWKINS, HYDE, and PEPPER. Besides representatives of the U.S. Congress, parliamentarians came from 87 other countries. Officials from international organizations, such as the United Nations, carefully followed the work of the conference which will have definite impact on their activities.

As Members who have participated in IPU meetings already know, IPU sessions are particularly useful for the individual and bilateral contacts they make possible between our representatives of the U.S. Congress and the representatives from other lands. Particularly at this sensitive period in world history, these contacts are more necessary than ever. Unless we listen to what other representative and influential people have to say about U.S. foreign policies, we risk miscalculations of possible grave consequence. I believe that it is imperative in today's world that we take into account the interests of other nations and peoples and what they are saying about these interests.

The IPU is the only forum besides the General Assembly of the United Nations that allows for regular exchange of national views on a broad international scale. It holds advantages over the United Nations since its sessions are shorter and more to the point, and it offers opportunities for

parliamentarians who are less constrained by fixed national policies to share their thoughts freely.

In Helsinki, we were able to exchange ideas on a number of vital international issues. We and the other delegates discussed ways to strengthen the effectiveness of the United Nations itself. Looking ahead directly to the intergovernmental UNCTAD conference scheduled this summer in Belgrade, we worked to offer practical and applicable recommendations on how to make the international market function more effectively so that the world economy can improve and better satisfy producer and consumer needs.

Our delegates were actively involved in other issues during the Helsinki meetings. We shared American perspectives on the question of youth employment, and in particular, the need for attention to job training opportunities for young women. On several occasions, our delegation addressed subjects such as United States policy toward southern Africa and Central America, United States actions respecting Puerto Rico and Micronesia, the Mideast crisis and Korea. It was my impression that participants from other countries very much want to hear what the United States has to say on vital international issues, even when those countries may strongly disagree with our position. We do our country a service by clearly stating our case; and we help maintain an international communication that is frank and constructive.

The Helsinki meeting offered me the welcomed opportunity to present the American agricultural production and marketing system as an example worthy of broad attention as the world approaches the upcoming special meeting of the United Nations Conference on Trade and Development. In addition, I was able to express some of my own deeply felt views and to share some of my early experiences on development of rural economies. It seems to me that we in the United States have a particular responsibility to share any insights we have acquired on improving agricultural productivity and marketing in order to better the lot of the primary producers around the world. From my own experience in growing up in the southern part of the United States, I am well aware of how much conditions for farmers have improved in the United States. I also know that the Government has been able to work cooperatively with farmers, and not always against them.

Before closing, I would like to draw attention to two undertakings of the Interparliamentary Union that may not be that widely recognized.

First, Members may not be aware that the IPU maintains an aggressive and ongoing special committee to investigate infringement of human rights of parliamentarians. Although much of this activity is behind the scenes, the IPU, through this mechanism, does put pressure on governments to respect constitutional and other legal rights and account for treatment of their parliamentarians. As this IPU human rights activity is becoming better known, the international community is resorting more frequently to the IPU for investigations of reported human rights abuse. Results have been impressive: In the past year, over half of detained parliamentarians under inquiry have been released.

Second, I would also like to inform Members that the IPU maintains ongoing technical work to improve the capabilities of parliaments, particularly in countries with less experience than our own. Accompanying our delegation to the Helsinki meetings were officials of the House and Senate who could share information and experiences with their counterparts from other countries. In cooperation with the United Nations development program, the IPU has over the years added to the institutional strength of a number of parliaments in the developing world. While the resources devoted to such activity are modest, this is an area where the IPU can be particularly useful. It is also an area where this international organization serves to promote the development of democratic processes throughout the world.

At this point, I submit a summary of the highlights of the spring meeting of the IPU for inclusion in the RECORD.

IPU HELSINKI SPRING MEETING HIGHLIGHTS

Korea: North Korea exerted tremendous efforts before and during the Helsinki meeting to cause the IPU to renege on its earlier decision to locate its fall conference in Seoul. In fact, North Korea brought Ambassadors and other high officials from Europe and Pyongyang especially to lobby the IPU to reconsider a decision taken in Rome to accept the South Korean delegation offer to host that meeting. North Korean efforts were so intense they were unseemly: delegates to the Helsinki meeting were called and pressured in their hotel rooms in the early morning hours; the North Korean attempt to bribe a Finnish parliamentarian created a great public scandal in Finland and caused the expulsion of the North Korean Ambassador.

If North Korea had succeeded in its effort, the damage to interests of South Korea—an important ally of the United States—would have been significant. Such success would have proved that North Korea could sway international organizations and hold in constant jeopardy such planned future events as the scheduled Seoul hosting of the international Olympics in 1988.

The U.S. delegates worked in many ways to maintain solid support for the earlier IPU decision to have a Seoul conference. It coordinated with western friends and allies and shared its resolve with other friends in the world who might have been swayed by North Korean pressure to shift the meeting site.

UN strengthening and disarmament: U.S. delegates offered fresh proposals on ways the United Nations mechanism might be improved in the area of peace-keeping and peace-making. These would strengthen the ability of the Security Council and Secretary General to stem international crisis from evolving into war and to anticipate trouble spots and take action in advance of real crisis. The proposals offered in the IPU for UN reform were in the spirit of the UN Secretary General's own critique of UN functioning and should have impact on further efforts in New York to increase the relevance of the United Nations. U.S. delegates also pointed to the disregard of existing UN measures that could bring about peace in the Mideast, Afghanistan and Kampuchea. The conference was reminded that, in the disarmament area, U.S. efforts are underway in inter-governmental negotiations on INF and START.

Lebanon/Israel: The IPU regularly produces resolutions strongly critical of Israel's role in the Mideast, particularly in Lebanon and occupied territories. American policy and most Americans would probably consider the positions of the IPU majority as ridiculously out of touch with reality and unhelpful to the peace process in the region. The U.S. delegates at the Helsinki meeting challenged proposals which directed all attention and blame to Israeli occupation in Lebanon, failing to acknowledge any other source for the tragic course of events in that land. U.S. actions were important in bringing attention in this world body to the real fact that peace efforts are ongoing in the Mideast and these efforts deserve better support.

Central America: U.S. delegates who talked with Latin American parliamentarians at the Helsinki meeting were struck with certain views: these parliamentarians favor efforts toward increasing democracy and pluralism in the region which, they feel, can be accomplished by efforts to encourage further democratic movement within countries such as El Salvador, Guatemala and Nicaragua.

On the governmental level, Latin American countries are working to develop a coordinated and constructive approach to the problems of their region. In the IPU meeting, parliamentarians from the region pressed a proposal to encourage dialogue and negotiation. U.S. delegates were pleased to lend support for this important effort to encourage peace settlement and advancement of democracy in our own region of the world.

UNCTAD VI: U.S. delegates offered American experiences in improving the production and marketing of domestic goods as worth international consideration while the world anticipates the upcoming inter-governmental meeting of the United Nations Conference on Trade and Development (UNCTAD VI) to be held in Belgrade this summer. U.S. traditional willingness to play a constructive role to promote international trade and development, particularly to improve the lot in developing countries, was also emphasized. In this regard, the parliamentarians were urged to adopt cooperative strategies to strengthen international economic institutions to make the world market operate more efficiently and improve economic conditions worldwide.

Youth employment: U.S. delegates shared with the other parliamentarians the perspective, actions and objectives of the U.S. Congress to increase employment opportunities for youth. In this regard, particular

attention was directed at the need to increase prospects for young women who are particularly disadvantaged in employment and who, because of this handicap in early age, continue to face unfair burdens throughout their entire lives.

Decolonization: IPU meetings regularly produce strongly condemnatory resolutions on decolonization issues, particularly related to the situation in southern Africa. These also regularly include mention of such areas as Puerto Rico and Micronesia as worthy of international attention as remaining colonial issues. U.S. delegates at the Helsinki meeting pointed out how self-determination rights are observed by the United States. In Puerto Rico, open votes have been taken and large majorities favor affiliation in the United States. With respect to Micronesia, the United States has underway a process that is allowing the local inhabitants to determine freely their own future.

Moreover, U.S. delegates pointed out in Helsinki how hypocritical it is to bombard the United States, Israel and others with criticism while failing to give deserved attention to true disregard of self-determination rights in Afghanistan and Kampuchea.

General: IPU sessions are as important for the process they provide as for their outcomes. Through the IPU, for example, U.S. delegates have been given many occasions to consult with parliamentarians from NATO allies to extend understanding of European perspectives on such questions as Intermediate-Range Nuclear Forces deployment and the need to improve performance of industrialized economies. The IPU offers opportunities to interact with Warsaw Pact representatives, Non-aligned representatives and parliamentarians who present a wide array of national and cultural perspectives. It certainly provides a significant opportunity for reflection on the impact of the United States policies on other countries in the world and for thought on ways that the United States can promote policies in its national interest.

U.S. delegates to the Helsinki meeting addressed the IPU committees on seven occasions. The U.S. delegation also introduced two draft resolutions, one on the question of UN strengthening and the other on UNCTAD. The Helsinki meeting concluded with the adoption, in committees, of four draft resolutions. These will be reconsidered and finally adopted in a plenary conference in Seoul this fall. In Helsinki, finally, the Interparliamentary Council adopted several final resolutions considered on an extraordinary basis.

A final report of the U.S. delegation to the Helsinki IPU meeting is in preparation.

Mr. Speaker, I proudly yield to one of the distinguished members of our delegation, the gentleman from Illinois, the Honorable HENRY HYDE.

Mr. HYDE. Mr. Speaker, I thank my very dear friend and colleague (Mr. PEPPER), the gentleman from Florida. I must bestow upon him the most fulsome praise that I can possibly muster for his outstanding job in leading our delegation over there in Helsinki, where we were surrounded by Soviets, North Koreans, Cubans, Yemenis, and Bulgarians. We were in a most interesting position but we never wavered because CLAUDE PEPPER was our leader. He helped us in those very interesting times.

I would like to say that the Interparliamentary Union is a most important, most significant activity and I think we ought to participate fully. We ought to be as well prepared as we were this time because we can make a lot of friends, we can be heard, as Senator PEPPER says. We can let the world know that we have positions on these controversial issues and that we are not afraid to enunciate them. Most importantly we can get some of our friends, like Great Britain and Australia and other friends to stand up and be counted with us. It was a rewarding, enriching experience; I think we did a lot of good over there, thanks to CLAUDE PEPPER, LINDY BOGGS, and the rest of the delegation.

So I just want to commend the gentleman in the well, the gentleman from Florida (Mr. PEPPER) for the very distinguished job on a very difficult mission.

Mr. PEPPER. Mr. Speaker, I thank the distinguished gentleman from Illinois very warmly for his generous words. But I want to attest, as my colleagues will also, that one of the very fine jobs that was done by our delegation in the committees was done by the distinguished gentleman from Illinois (Mr. HYDE). He got many commendations for the excellence of his performance. He and his lovely wife were an extremely valuable addition to our delegation.

Mr. Speaker, at this time I yield to the distinguished gentlewoman from Louisiana, who is one of our outstanding delegates in our delegation, who made a magnificent contribution, the gentlewoman from Louisiana (Mrs. BOGGS). We were so happy that she was able to be a member of the delegation and I proudly yield to the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman for yielding.

I would like to say, Mr. Speaker, once again in my lifetime I have learned on this trip that the gentleman from Florida (Mr. PEPPER) is a national treasure. His conduct and his chairmanship, his presidency of our group was an outstanding performance. I was very proud of all of the U.S. delegates, those of us from the House and those of us from the Senate under the vice presidency of the Senator of Connecticut.

□ 1820

I would like to thank the Speaker for always insisting that we try to have women delegates among the congressional Members who attend international meetings. And I was very proud to be there as a woman Member.

I would like to say that this was a very gratuitous situation from the point of view I think of the young women of the world and the young women who will be coming up in the next few years, because the gentleman from California (Mr. HAWKINS) and this Member were seated on the committee that was able to address itself to the training and education of young people throughout the world in a scientific and technological age. And we were able to include in the draft resolution of that committee the insistence that young women and young girls be given every opportunity to enter the educational opportunities and the training aspects and the promotions within the training and within their job situations that would put them in a position to participate fully in the new age of information and technology and science that is upon us.

It was a grand experience to be with our delegation, to watch each of them perform so magnificently for the United States and it was a particular honor for me to be there under the presidency of the gentleman from Florida, because I had attended the first Interparliamentary Union Conference following World War II, accompanying my husband, Hale Boggs, to that conference, and had such a respect for the Interparliamentary Union as an organization. And it was a joy and a privilege to watch the gentleman from Florida as the head of the U.S. delegation to this conference in Helsinki.

I am so grateful, Mr. Speaker, for the opportunity of having attended and participated and I thank the gentleman.

Mr. PEPPER. Mr. Speaker, the gracious gentlewoman from Louisiana has been too modest in her own remarks. She has not mentioned the distinguished contribution she made to the conference as being the champion of women's rights and women's right to employment and women's right to the enjoyment of the privileges to which we are in this country are according.

She was very conspicuous. As a matter of fact, the gentlewoman from Louisiana (Mrs. BOGGS), took the initiative. Nobody was saying anything about that subject. And when the gentlewoman took an active part, she began to stimulate the conference with an entirely new appreciation of that subject and made the conference take some very decided action in the area of women's rights. And we were very proud to have such a lovely spokesperson for our country.

Mr. Speaker, I yield now to the distinguished gentleman from New York (Mr. BOEHLERT). He and his wife were great additions to our delegation and he was one of the most faithful and loyal and active members of the delegation. He did splendid work in his committee. He was well liked by the delegates from other countries and he made a very favorable impression for

our country upon those with whom we came in contract.

So I was very proud to chair a delegation in which there was a distinguished gentleman like the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, it was a distinct pleasure for me to serve, on your appointment, as a member of the U.S. delegation to the Interparliamentary Union Spring Conference in Helsinki, Finland, April 25-29.

I was particularly honored to serve under the leadership of our able chairman, the distinguished gentleman from Florida (Mr. PEPPER).

As a junior member, I had the rare opportunity to work closely with one of the true giants in the history of the Congress, a man who came to Washington and the U.S. Senate the year I was born.

As I have reported earlier to this body, our chairman was a tower of strength and inspiration to us all as he discharged his important responsibilities in leading the U.S. delegation in important meetings with our counterparts from around the world.

Ours was a bipartisan delegation but we were not in Helsinki as Republicans or Democrats, we were there as representatives of the U.S. Congress and the American people. That spirit of unity of purpose was evident in all that we undertook. Chairman PEPPER made certain of that.

In addition to his effectiveness as our chairman, he was also a teacher who at all times was willing to guide this newcomer through the often mysterious waters of international diplomacy.

I observed, I listened, I learned and then I participated. It proved to be a broadening experience, one that opened my eyes wider to the world beyond our borders and, consequently, an experience that will serve me well as daily I attempt to come to grips with the many foreign policy matters before the Congress.

My special assignment was to serve on the drafting committee of the IPU's Committee on Political Questions, International Security and Disarmament.

I was the sole representative of the United States serving with 11 fellow parliamentarians from other nations around the world, including the U.S.S.R. and Bulgaria, who addressed the question of ways and means of strengthening the United Nations so that this world institution could play a more effective role in resolving conflicts and present and future world problems, especially in the field of arms control and disarmament.

The resolution ultimately approved, after many hours of exchange and debate, will accompany this report to the Congress as will all the other resolutions approved by the other committees at Helsinki.

To say that the final version is a far cry from some of the early drafts, is an understatement.

At one time or another, those who do not share our view of the world order we are striving for, sought to condemn us for just about every difference of opinion known to man. From the Middle East to Central America, two primary trouble spots, we stood accused of working contrary to the interests of peace, justice, human rights, and just about everything else. We even were charged with colonialism in places like Puerto Rico.

I would not belabor the negatives, but instead will emphasize that when all was said and done, when the oratory was ended, the final resolution passed was one acceptable to us, one that the United States was able to support.

How valuable is the IPU and how important is it that the United States be represented.

With this international organization of parliamentarians, as with the United Nations, I think it serves us well for officials from our Government to be in contact with officials of other governments to substitute talk in the chambers for fighting on the battlefield.

We cannot always avoid conflict, but we must always try.

We cannot always achieve harmony, but we must always try.

Quite frankly, Mr. Speaker, I will be the first to acknowledge that seldom does a delegation come away from an international conference of the kind we attended in Helsinki with what might be pointed to as concrete results.

However, I would suggest that a failure to be active participants and operate in good faith would run a risk for our Nation and all in which we believe. Absent the United States and all that we stand for, absent our influence and good will, and I am genuinely afraid there would be those who would strive mightily to win one propaganda victory after another, all the time putting us down.

Our goal, Mr. Speaker, is to be identified with building up, not putting down. Our delegation to the Helsinki Conference devoted all of its collective energy to doing just that an I am most proud to have been a part of it.

□ 1830

Mr. PEPPER. Mr. Speaker, I wish in the warmest way to thank my distinguished colleague for his very kind words about me and especially to commend him upon what he said about the conference, the importance of the IPU and the importance to the United States of being represented at conferences of that character. There are 96 nations which are members of the Interparliamentary Union, which was founded in 1889 in Britain. Soon thereafter the United States became a party to this great conference. Just to have the United States of America sitting there, with all of these nations generally looking with respect—some of them disagreeing with us, of course. The Soviet blocs and the Third World blocs outvote us, but they know the United States is there. They listen for our voice; they want to see what we have to say because they recognize our position of leadership in the world.

As the distinguished gentleman has said, if the United States were not there, that organization would be vastly dissimilar from what it is today and would not make anything like the contribution that it gradually makes toward bringing people closer together, establishing friendships among the nations and peoples of the world instead of enmity and hostility, and providing more assurance that the human race can live in peace and not be destroyed by war.

Mr. BOEHLERT. Mr. Speaker, if the gentleman will yield, I hope our record will show, as we are chronicling the history of the U.S. delegation to the spring conference in Helsinki, that the gentleman in the well was at times a very tough taskmaster, and every single morning we were required—it was a mandatory performance—to be there for our 8 a.m. meetings.

And I would also like to commend the State Department for the magnificent support they gave us. They were always in attendance at the meetings. Secretary of State Shultz was very kind in encouraging us as we departed for our mission. State Department officials were supportive, they were helpful, they were there when we needed them, and I thought we worked very effectively as a unit. I cannot stress enough to the distinguished chairman of our delegation how important it was that we were there not as Republicans or Democrats or liberals or conservatives, we were there representing the Congress of the United States and the American people, and I think we did us all proud.

Mr. PEPPER. I thank the gentleman for his remarks.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Speaker, I am very glad to add my voice to commending the State Department and all of the agencies of the Government who were helpful to us. I would like to pay particular thanks and congratulations to the staff members who accompanied us and to say how proud our delegation was that some of the offices of the Secretariat of the Interparliamentary Union are among the U.S. delegation. Their presence in those positions of leadership is very, very important

to the United States. We were served very well by their attendance and by their leadership roles, and I would like very much to have the House know and you, Mr. Speaker, know that their performance was outstanding. We were enormously proud of them in our delegation.

Mr. PEPPER. I thank the gentlewoman for her remarks.

Mr. Speaker, I would like to add to what my distinguished colleagues have said. From this House we had our distinguished Clerk of the House, Mr. Benjamin J. Guthrie, who was there with his lovely wife. He worked assiduously to be of assistance to our delegation, and he made a very fine impact upon the representatives of other organizations that work with parliamentary bodies all over the world. Mr. Guthrie was very prominent in that association and in the contribution that he made.

Also from the Clerk's office was a very lovely lady who has been working for many years with the Interparliamentary Union and was essential to the work that we were able to do, Ms. Ellen Rayner. She was particularly essential in the organization of our committee before we went over, making all of the arrangements that had to be made for our committee's performance of its duties. She helped us immeasurably in every matter that we had to pursue and she made an invaluable contribution toward the success of our delegation and the work that we performed.

There was also, as has already been said by the gentlewoman from Louisiana, Vance Hyndman of the staff of the Committee on Foreign Affairs, who was simply invaluable to our delegation. I have been, a number of times, a member of the delegation and he has worked with us. He is always there with information for us, guiding us as to the proper course we should follow, keeping us informed about the policies of our Government that we wanted to be sure to present and not in any way to deny or try to contradict. We are immeasurably indebted to Vance Hyndman for his contribution to the work of our delegation.

The Senate was very ably represented in the staff. Ms. Marilyn Courtot, assistant secretary of the Senate, performed immeasurable service to the delegation in her work with us. There were other representatives of the Senate, and they all served us invaluably in the aid that they were able to provide to us.

I would like also to say—and I am sure my colleagues would be desirous of being included in this—that we are very much indebted to Ambassador and Mrs. Nyborg. Mr. Nyborg was our Ambassador in Helsinki. He delayed his trip back to the United States in order to be there to work with us. He attended our meetings. He and his lovely wife shared a reception that the U.S. delegation gave to other delegations at our lovely Embassy in Helsinki and with charm and grace presided over that affair with us and rendered a very great service to us.

In addition to that, we did something there that we started in Rome last year at the Interparliamentary Union Conference there, namely, inviting the Ambassador, or the top man or woman in the Embassy next to the Ambassador if the Ambassador could not be there, and four or five heads of departments in the Embassy to be with us every morning at our 8 o'clock breakfast. They would give us reports on the latest happenings in the country where we were having the conference. They would advise us as to policy matters and give us suggestions that we would find valuable, and we did. They immeasurably served us, and we are very grateful to Ambassador and Mrs. Nyborg for the assistance that they gave us over there.

We cannot thank enough our own U.S. Air Force for providing the transportation for us and providing the escorts. Colonel Running, who was the head of the escorting delegation of the U.S. Air Force, rendered magnificent service. He made all the arrangements that were necessary for our convenience and comfort and he was a wise counselor in every affair that he had to deal with and did a great job in being the chief officer of our delegation from our great U.S. Air Force.

So we are indebted to many, many people for all that they did to make our visit we think a contribution to world peace and world well-being.

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New York.

Mr. BOEHLERT. As you know a very able, effective and dedicated Member of our delegation, the gentleman from Virginia (Mr. BATEMAN), wanted to be here to participate in this special order today, but he received an emergency call to return to his district. He does have a statement, and I hope that his statement can be included in the RECORD because he was a very, very diligent and effective member of the delegation.

Mr. PEPPER. Mr. Speaker, I am glad his statement will be submitted under general leave. Mr. BATEMEN and his lovely wife were extremely valuable members of our delegation. They served with enthusiasm. They were faithful in their attendance at committees. They attended regularly our 8 o'clock breakfasts every morning. I saw how well they circulated among the delegates from other countries and what good impressions they made when they did that. I had excellent reports, as did my colleague, of their good work in committee. So Mr. and Mrs. BATEMAN made a very valuable contribution. I hope they will go again. And if I am chairman of the delegation, I certainly would encourage them to go.

Mr. Speaker, I was particularly pleased that the gentleman from California, the Honorable GUS HAWKINS, the distinguished chairman of one of the subcommittees of the Committee on Education and Labor, was able to go. He made a very favorable impression in the committee on which he served. People respected him. They saw in him America, what America stands for, and he was a good example of it and a good spokesman for what we stand for in this beloved country of ours. He was one of the most significant members of our delegation.

GENERAL LEAVE

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, concerning the subject of my special order on today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1840

CUBAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 5 minutes.

Mr. FASCELL. Mr. Speaker, May 20 marked the 81st anniversary of Cuba's independence from Spain, liberating that island nation from colonial rule. That tradition of freedom, individual liberty and democracy for which Jose Marti and countless other Cuban heroes fought so diligently is alive today among the Cuban people. It enables them to continue to hope and believe in a future which will once again see a free and independent Cuba. On the occasion of this great event in Cuban history, it is my pleasure to honor the Cuban American community and share this moment of pride with them.

Driven from their homeland by the Castro takeover, many Cuban exiles arrived in America with little more than the clothes on their backs. Today, the Cuban-American community is a vital, successful community in this country. They have achieved their success through hard work, dedication to the American ideals of freedom and democracy and a strong sense of their own heritage. The Cuban contribution to economic and cultural life in south Florida has been, and continues to be, invaluable.

A shining example of the Cuban-American success story can be found

in the Cuban-American National Foundation. The 2-year-old foundation consists primarily of now prominent south Florida businessmen and civic leaders who fled the Castro tyranny. Chaired by Mr. Jorge Mas Canosa, the Cuban-American National Foundation works tirelessly to present the Cuban-American community, the media and those of us on Capitol Hill with timely, accurate information and research on issues relating to their homeland. In addition, the foundation serves as a watchdog for human rights violations in Castro's Cuba.

I hope that our colleagues will join me in celebrating Cuban Independence Day and the vitality of the Cuban-American community. In addition, I am pleased to applaud the efforts of Jorge Mas Canosa and the modern day Cuban heroes of the Cuban-American National Foundation. I wish them continued success for many years to come.

TERROR AGAINST TAIWAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HYDE) is recognized for 15 minutes.

● Mr. HYDE. Mr. Speaker, sporadic incidents of international terrorism in various parts of the world constantly remind us that such acts should be roundly condemned whenever and wherever they occur.

One of the infamous international terrorist organizations, TIM—a Taiwan independent movement—recently struck again, claiming responsibility for the three-bomb explosion incidents which occurred in Taipei on April 26 of this year.

This was only the latest in a series of terrorist acts perpetrated by TIM—which is closely affiliated with the radical World United Formosans for Independence (WUFI)—which can be traced back to as early as April 1970 when two TIM activists made an assassination attempt on the Vice Premier of Taiwan, Mr. Chiang Ching-kuo, in New York. Although the attempt was not successful, Dr. Trong R. Chai, then chairman of the WUFI, to which the two assassins belonged, was of the opinion that "this (the assassination attempt) will give great encouragement to all the Taiwanese people."

Dr. Chai, now president of the Formosan Association for Public Affairs (FAPA) another TIM organization responsible for lobbying efforts but closely affiliated with the radical WUFI, apparently approves terrorism as a viable means to pursue their political goals.

Getting back to the April 26 incidents in Taipei, the New York-based pro-TIM Chinese-language newspaper, Taiwan Tribune, reported on April 30 that the spokesman of the World United Formosans for Independence (WUFI) announced that their members in Taiwan had "successfully executed the bomb explosions in Taipei." The targets of the April 26 incidents were the Central Daily News, a KMT newspaper, and the United Daily, one of the two largest independent papers. The WUFI claimed responsibility for a third incident allegedly directed against the exit and entry permit administration of the Interior Ministry. However, there is no official confirmation by the government authorities about the third case.

The blast at the Central Daily News circulation department office caused injuries to 12 persons, 8 of whom were customers and pedestrians. One of the injured remained in the hospital after receiving more than 50 stitches on her face after being hit by pieces of flying glass.

No one was injured in the blast at the United Daily News. The explosive device went off in an elevator shaft, sending one empty elevator crashing six floors to the ground. No details have been reported on the alleged incident at the exit and entry permit administration.

All the three explosions happened within a half-hour period. The United Daily News was first bombed at 10:45 a.m. Twenty-three minutes later the Central Daily News office at a bustling downtown section of Taipei was damaged. During the same period, the exit and entry permit administration was also attacked.

The symbol of the independence movement, a triangle placed over a circle, was left on all three sites of the explosions. All bombing devices were made with soft drink bottles filled with gunpowder or other explosives. They were all wired to similar types of watches used as timing devices.

The May 4 issue of the Taiwan Tribune further quoted the WUFI spokesman's claim that "the April 26 bomb blasts were not just incidental, but a well-planned plot which was executed by our members on Taiwan," adding that the WUFI "will continue to expand its clandestine revolutionary team on the island by providing financial, material and technical assistance."

The WUFI reiterated that "we have confidence in expanding the anti-KMT militant forces in a short period. More forthcoming activities will signify our determination to bring down the current government with violence and build a new nation."

The blasts in Taipei were not the first acts of violence perpetrated by the WUFI. Since 1976, this group has claimed responsibility throughout the United States for score of cases which included bombings, assaults, arson, and harassment.

THE GUIDELINES

In "The Working Guidelines for the Current (Taiwan) Independence Movement," a document drafted by Chairman George T. Chang of the WUFI and subsequently revised and adopted by the Central Executive Committee of the organization in October 1980, "armed struggle" is clearly spelled out as one of the two major revolutionary means. As the document says:

> Radical methods for attacking our most hated enemy are indispensable in the revolutionary movement. Our ultimate strategy is to instigate a full-scale riot (in Taiwan)—The purpose of the armed struggle is to undermine the authority and power of the enemy and to demoralize, terrorize and suppress the adversary. Therefore, our targets must be chosen among those of obvious political significance, and our actions must be radical, as well as organizational, consistent and initiative.

THE TERRORISTS' HANDBOOK

In the "Taiwanese Independence and Self-Help Handbook," a brochure widely circulated by the WUFI, some "self-help techniques" are suggested and taught which include:

First, how to use telephone to harass enemies,

Second, how to make "Molotov Cocktail,"

Third, how to cause short circuit,

Fourth, how to sabotage machinery, and

Fifth, how to make bombs.

CASES OF TIM TERRORIST ACTIVITIES

First, in January 1976, a powerplant in southern Taiwan was sabotaged, causing a large-scale blackout for a few hours.

Second, in October 1976, a letter bomb blew off the left hand of Hsieh Tung-min, then Governor of the Taiwan Province. As a result, the hand had to be amputated. In November 1976, the WUFI issued a statement, claiming responsibility and credit for both cases.

Third, in August 1979, three bombs were consecutively exploded or found in CCNAA—Coordination Council for North American Affairs—Taiwan's representative organ in the United States—offices in New York and Washington.

Fourth, on December 14, 1979, the CCNAA office in Los Angeles was ransacked by a group of TIM demonstrators.

Fifth, on December 15, 1979, the CCNAA office in Seattle was ransacked and its personnel harassed by TIM activists.

Sixth, on December 19, 1979, the CCNAA office in Washington was set on fire. Two days later, a bomb was found in the courtyard of the office.

Seventh, on December 29, 1979, the CCNAA office in San Francisco was harassed by around 60 militant TIM demonstrators.

Eighth, on January 13, 1980, a bomb was found in the apartment of a CCNAA employee in New York.

Ninth, on January 22, 1980, a bomb exploded in the China Airlines—Tai-

wan's flag carrier—office at Los Angeles International Airport.

Tenth, on January 27, 1980, China Airlines' Chicago office was bombed.

Eleventh, on February 17, 1980, the California residence of Thomas Wang, whose father is a powerful military leader in Taiwan, was extensively damaged by a time bomb. A TIM publication described the incident as a direct warning to the public enemies of the people by the Taiwanese.

Twelfth, on February 28, 1980, Taiwan's Embassy in Paraguay was reportedly set on fire by a time bomb. A group know as the Formosan Independence Army claimed responsibility for the incident.

Thirteenth, on April 26, 1980, the building of the San Francisco Chapter of the Kuomintang—Taiwan's ruling party—was intentionally set ablaze.

Fourteenth, on July 28, 1980, Li Chiang-lin, brother-in-law of the then mayor of Kaohsiung, second largest city in Taiwan, was killed by a planted bomb at the California residence of the mayor's son. It should be noted that the mayor had once testified before a U.S. House of Representatives hearing against the TIM in 1977.

Fifteenth, on December 27, 1980, Tseng Yen-san, a native Taiwanese legislator representing New York's Chinese community in the Taiwan Legislature, was beaten unconscious by a TIM or sympathizer. The TIM publicity later called the violence "a good lesson" for any native Taiwanese "traitor."

As the result of these cases, in particular those that occurred in California, the TIM was designated as one of the international terrorist groups by the California State government. As the 1980 report of the State's attorney general pointed out:

> In our 1979 assessment, we predicted that the (Taiwan Independence) Movement would become more violent. In 1980, at least five bomb incidents in Southern California were the suspected work of Taiwanese extremists. The targets included private residences and one airline company. These bombings resulted in one death.

Mr. Speaker, as the aforementioned incidents clearly demonstrate, Taiwan has its own small groups of radicals who do not seem to understand that the peaceful solution for Taiwan's future is in the unanimous desire of all the Taiwanese people. We should reiterate that a peaceful, long-term U.S. commitment to the terms of the Taiwan Relations Act remains our goal, and that we will not be swayed by those who employ terrorism as a means to determine Taiwan's future.●

COMMENCEMENT ADDRESS BY HON. THOMAS P. O'NEILL, JR., AT CANISIUS COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 10 minutes.

● Mr. LAFALCE. Mr. Speaker, this past weekend, the Speaker of the House delivered the commencement address at my alma mater, Canisius College.

The subject of that address was the need for the United States to establish a more coordinated and coherent industrial policy. I think that TIP O'NEILL touched upon an issue which is central to our Nation's prospects for economic growth and stability into the next century.

I believe that reestablishing America's competitive position in the world must be our country's highest priority over the next decade.

Over the next several months, the House Subcommittee on Economic Stabilization, which I chair, will hold a series of hearings on the subject of industrial policy, with the intent of bringing comprehensive legislation to the House floor during this Congress.

When President Reagan meets later this week in Williamsburg with the political leaders of other industrialized countries, he will be representing the only country which has not developed an industrial policy designed to promote the emerging industries of the future, and to help declining industries and their workers adjust to new realities. As a result, our businesses and workers are at a distinct—but unnecessary—disadvantage as we try to compete in the international marketplace.

Government must move to address this disadvantage, and work together with industry and labor representatives to help our businesses meet the challenges of our economic competitors.

Mr. Speaker, I submit the Speaker's remarks to the graduating students at Canisius College for printing in its entirety at this point in the RECORD:

REMARKS BY THE SPEAKER, THOMAS P. O'NEILL, JR., CANISIUS COLLEGE COMMENCEMENT ADDRESS, MAY 21, 1983

Thank you Henry for your kind introduction and thank you Canisius College for selecting me as an honorary degree recipient. I am truly grateful because I have known a number of Canisius graduates during my life in politics and I have admired and respected them.

One of the first men I met when I came to Congress thirty years ago was Francis "Frip" Flanagan, a member of the Canisius class of 1933. Francis was working for W.R. Grace and Company. He is now Senior Vice President of W.R. Grace. He gave me some advice about Washington that I heeded. It was good advice because thirty years later I am still in Congress. And I am happy to be here today with Frip and his classmates from the fifty year class.

I am also happy to be here with the Canisius delegation to the United States Congress; Henry Nowak and John LaFalce. New York and in particular the upstate area is indeed fortunate to be represented by two such able and dedicated public servants. They are extremely influential members of Congress. They are a credit to Canisius and to the voters who elect them.

Another credit to Canisius in the House is our Doorkeeper Jim Malloy. He, like me and two other officers, are elected by the four hundred and thirty-five members of Congress.

Needless to say, they are a demanding constituency. And for the most part they are a satisfied one as well, in large measure because of Jim's efforts and expertise.

Canisius is a Jesuit institution. I graduated from a Jesuit institution. I believe in the Jesuit educational philosophy and in the Jesuit emphasis on excellence and achievement. Achievement is a hallmark of Canisius graduates and because of it Canisius has a secure future ahead of it. It deserves it. Its alumni are among the most generous and loyal of any university in the United States. It also has been fortunate to have strong and able leadership university Presidents such as Father Demske.

These are challenging times for a university. Years of inflation have taken their toll of rising costs for energy, salaries, and tuition. The federal government has recently cut back its assistance to students and universities. And the recession has made it harder to raise funds from corporations and individuals. Universities have had to adjust and adjust quickly in changing times.

On an even larger scale the biggest economy in the world, the United States, is trying to adjust to changing times. The fundamental change is one from a large self-sufficient domestic economy to an even larger interdependent world economy.

Unfortunately, the jury is still out as to whether the United States will make that adjustment successfully.

There should not be any uncertainty. We should be able to adjust. The United States produces one fifth of all the goods produced in the world. Our agriculture is second to none in productivity and volume. Our industrial sector is the biggest in the world and our new high technology sector is the most advanced.

We have more embassies and consulates to promote our trade than any other nation. Furthermore, we have the strongest navy in the world to keep the trade lanes open.

Nevertheless, there is considerable doubt that we will develop our position in the world economy to avoid a decline in the standard of living in this country.

The reason for these doubts is that the United States has no national strategy to promote American competitiveness in the world market. And this Administration has no plans to develop one.

We do not have a coherent trade policy. We do not have an industrial policy. Our industries, particularly our smokestack industries, are increasingly becoming victims rather than beneficiaries of the new global economy.

As Lee Iacocca recently pointed out if we can develop military plans for defending the free world; why can't we develop a strategy for making our industrial sector more efficient and more competitive.

Not only do we lack a plan but we do not really know what is going on in world trade. No single government agency is responsible for gathering the information and the several that do—do not coordinate their information.

Because we do not plan and we do not gather comprehensive information we may right now be as vulnerable to competition in

computer technology as we have been in steel and automobiles.

We not only lack information as to what is going on among foreign competition we are not aware of what our own American companies are up to overseas. For example, Professor Barry Bluestone has noted that between 1950 and 1980 U.S. firms increased their foreign investment sixteen times and their domestic investment less than half of that.

During those same thirty years the corporate share of the tax burden has decreased from 26.5 percent to 8 percent.

American business receives annually over two hundred and twenty-two billion dollars in tax credits to encourage investment and promote economic growth.

Fifty-five percent of all research and development is funded by the federal government. And yet we are worried that we are losing our competitive edge, that we are losing our technological edge, that we are losing our industrial base.

There are good reasons to worry. Our exports dropped ten percent last year. Our merchandise trade deficit was a record 42.7 billion dollars. This year it is projected to reach seventy billion dollars. This crash in exports followed a one-third growth in exports under Jimmy Carter.

While our exports are collapsing the Japanese share of our auto market increased from seventeen percent to thirty percent in five years. Furthermore, the Japanese are currently spending 750 million dollars to capture the world market for the next generation of computers.

And Japan is not alone. All the leading industrial nations except the United States have national strategies for growth in trade and for capturing shares of the world market.

In fact, in Europe twenty of the fifty largest industrial firms are owned by the state. We are competing with companies whose research and development is underwritten by the state, who often times offer lower financing terms to buyers and whose own domestic markets are protected from foreign competition.

The President says he is a free trader. And I believe he is. The problem is that he will be the only free trader at the Williamsburg Summit next week.

Economist Joseph Monsen has asserted that if American industry continues to play the game of free trade all by itself then there will eventually be "no industry" in America.

It is inexcusable to permit the destruction of the greatest industrial base in the world because we are following an idea that our competitors don't even give lip service to.

The time has come to end this Administration's "hands off" policy toward American manufacturing and American trade. The world market is not being governed by a benign "invisible hand" it is being governed by very visible hands like the Japanese Ministry of International Trade and Industry.

The old rules established in 1948 in the General Agreement on Tariffs and Trade no longer apply. The new game is economic nationalism. We may not like it but we cannot afford to ignore it.

Now some would say that government cooperation with industry in matters of future growth and world trade will hurt industry more than help it. Yet as a matter of law and practice we classify this type of practice in other countries as an unfair trade advantage. Why is it an advantage everywhere but here?

The fact is it could be an advantage for us as well. The federal government does not have a "hands off" policy towards every sector of the economy.

On the contrary since the New Deal the federal government has had a national policy for American agriculture and a national program to back it up.

Because of close government coordination with farmers through subsidies, loans, purchases of surpluses and basic research we have the most productive, competitive and advanced agricultural sector in the world.

It did not happen by accident. For more than a decade after World War I our farms and farmers were in desperate shape.

Only with the passage of the New Deal and the development of national legislation like the Agricultural Adjustment Act did we develop a farm policy. And it has worked.

The family owned farm was not sacrificed in the process it was strengthened. And when grain embargoes, tight money and the recession dealt a body blow to American agriculture, the President didn't tell American farmers to vote with their feet. The recession has increased subsidy payments by six million dollars and the President launched a new payment in kind program which will cost the federal government 6.3 billion dollars in 1983 and 1984. In 1982 the federal government spent 18 billion dollars on subsidies and loans to farmers.

And yet this Administration shrugs its shoulders when five hundred thousand auto workers and two hundred thousand steel workers lose their jobs.

The fact is this Administration is spending more money to keep sugar beet and tobacco farms functioning than it is spending to help keep steel mills in Buffalo and Birmingham open.

We did not make the transition from an agricultural nation to an industrial nation by abandoning the agricultural sector. We did it by strengthening it, by making it the best in the world. And we will not make the transition from an industrial economy to an information-service economy by abandoning our industrial sector. We will only make it if our industries are the most productive and advanced in the world.

We can do it but time is running out, as Robert Reich points out.

It is absurd that the federal government spends five times more money on research and development for commercial fisheries than it does on steel research.

It is wrong to spend five times more on research and development for nuclear power than for coal.

It does not make sense to give a half billion dollars in special tax breaks to the timber industry and none to the semiconductor industry.

And it is a national tragedy that America's industrial heartland in which Buffalo is the gateway has been devastated by the tight money policy of the federal government and by its unwillingness to develop a trade and industrial policy.

Making the rich richer with trickle down tax cuts has done nothing for American industry. Contrary to the President's predictions capital investment has declined and according to the latest projections for 1983 it will continue to decline. As of May 5th of this year bankruptcies are up more than twenty-five percent over 1982. And 1982 was the worst year for bankruptcies since 1932.

We need a short and long term program to save American industry. In the short term, the first thing we must do is to abandon our "hands off" attitude towards the dollar. It is grossly overvalued and it is killing our trade and industrial sectors. Real interest rates are still at record levels making plant modernization a bad investment for industry.

Our goods simply cannot compete overseas because they are too expensive. According to Otto Eckstein sixty-five percent of the decline in G.N.P. in this recession was trade related. It is tough enough for American companies to compete without giving the Japanese a twenty percent price advantage to start with.

Second, we need to drop our misplaced loyalty towards free trade and begin pursuing a policy of fair trade. Our trading partners have to know that we will be tough when necessary so that we can make sure everybody is playing by the same rules.

Third, we have to realize that our industrial sector cannot afford a slow recovery. The White House is pleased by the three percent growth in G.N.P. in the first quarter. That is not enough to reduce unemployment significantly or to increase factory use appreciably. Until unemployment is below seven per cent the economy will be moving too slowly to generate investment in plant improvements. We need a stronger recovery.

In the long term, we need to accept the conclusion of the National Commission on Excellence in Education that the nation is at risk because of a decline in educational achievement. Knowledge intensive industries are the future growth area for our economy. The intelligence and skill of our work force will give us our competitive edge. And we must guarantee we have the human capital to compete.

The President concluded from the report that the federal government should abandon aid to education. This is nonsense. After two years of cuts in educational assistance we need a renewed commitment to making sure our young people are not just educated but well educated. We need to establish incentives that guarantee master teachers and adequate numbers of graduates in Science, Math and foreign languages.

We cannot afford to wait. Japan is graduating twenty per cent more engineers than we are right now. The House has already passed the Emergency Science and Mathematics Education Act to improve the math and science education in the nation's schools.

Second, we should establish a national commission to study our ailing smokestack industries and recommend a set measure that would restore their health and provide a framework for a national industrial policy.

Third, we need a National Development Bank. We are the major supporter of the international development bank, The World Bank. It makes an impressive profit and it does a lot of good in developing countries. Japan has a development bank. Why should we think it's a good idea for the rest of the world and a bad idea for us?

If we had one in the 1975 recession then our semiconductor firms may not have lost such a large share of the U.S. market to the Japanese when the recession ended and they found that they could not meet the demand of the American market during the recovery.

We need a commitment of federal funds to research and development that is more evenly balanced between defense and domestic industries. Defense research does in some areas benefit our domestic industry. Aviation and semiconductors are good examples of this.

But the President's 1984 budget calls for a 6.7 billion dollar increase in defense related

research primarily on weapon systems like the MX and the Trident 2B. At the same time it calls for only a 220 million dollar increase in R&D in energy, agriculture, transportation, health and the environment. This is wrong and it represents badly misplaced priorities.

If it keeps up we will be providing security for Japanese economic growth and American economic decline.

Fourth, we need to review the tax code to make sure the enormous tax breaks we give business are used for productive investment. The tremendous tax cuts of 1981 brought on merger mania not investment in plant modernization. Every tax break needs to be reviewed with a goal in mind which is not first making the stockholders richer but rather making sure it will contribute to the growth and productivity of the nation's economy.

This Administration believes that the federal government is the problem—that it is an obstacle to prosperity and its only role is to provide for the national defense. For two years it has reduced the revenue of the federal government—reduced its role in American life and narrowed its vision for the future of America.

The result has been the highest unemployment, the highest number of bankruptcies, the highest foreign trade deficits and the highest budget deficits in history.

The reason we are in a recovery is simple. First, last summer the Federal Reserve abandoned monetarism. The money supply is growing at fourteen percent instead of six percent and second the President and Congress passed the first broad based tax increase since the Korean War. The reaction on Wall Street was immediate and dramatic. Confidence was renewed that Democrats could work with Republicans to reduce deficits and turn the economy around.

We worked together not only on revenues but on rebuilding the nation's highways, saving the savings banks, providing emergency relief and jobs to the unemployed and most of all in rescuing social security.

The needs of the nation came first and the consideration of the party came second.

But now the political season is upon us and the bipartisan cooperation is ending. This is a terrible development because the crisis is not over, the nation's economic future is at stake and we need action not a return to partisanship.

We face an economic challenge as great as any we faced in war time. We need a partnership of business, labor and government to meet that challenge. We need to find points of agreement not points of disagreement.

Most of all we must recognize that times have changed and that the global challenge to American products and goods is every bit as serious as the Soviet challenge to the military supremacy of the United States.

And we must recognize that the challenge cannot be met by American business and labor alone. They need the support of the United States government in meeting that challenge.

We need a national policy for American industry today just as badly as Western Europe needed one after World War II.

If Congress and the President, Democrats and Republicans, business and labor work together not just today but next month and next year I am certain we will meet the challenge. I know that Democrats can work with Republicans in Congress. I know most members want to work together. I just don't know if the President will work with us.

For the graduates today I congratulate you on meeting the challenge of a Jesuit education and for being better men and women as a result of it. You know you are ready to make your mark on society. I know that you will do so not just with your own interest in mind but with the interest of your family, your community, and your religion in mind as well.

I am certain you will be successful and once again, I congratulate you.

Thank you.●

A BILL TO PROVIDE EMERGENCY ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

● Mr. LANTOS. Mr. Speaker, today I am delighted to introduce with my colleagues, Mr. ANDERSON and Mr. LAGOMARSINO, a bill to bring much-needed Federal assistance to areas devastated by flooding and related natural disasters earlier this spring.

This bill would add $150 million in emergency highway aid to ravaged areas.

Congress has traditionally reacted with compassion and with great speed when presented with problems caused by natural disasters, and nowhere is the situation more acute than in my home county of San Mateo.

There, Chairman ANDERSON and other members of the Surface Transportation Subcommittee saw firsthand how storms and mudslides have wiped out a key segment of California Highway 1, called Devil's Slide. They saw how the loss of that crucial road has caused economic hardship and great suffering for tens of thousands of people living in our area.

Witness after witness at field hearings held in our coastal towns of Pacifica and Half Moon Bay testified that the closure of the road has meant human and economic tragedy.

Most important, public safety officials are deeply concerned that a vital transportation link, designated as an emergency evacuation route, is now lost.

The bill will restore the vitality of San Mateo County, it will reestablish an important emergency road and return traffic patterns to normal. Federal emergency funds are urgently needed, and the California State Department of Transportation has indicated to me its complete support of this bill.

Mr. Speaker, I wish to thank Chairman ANDERSON for his thoughtfulness and consideration in scheduling those field hearings and for producing such an outstanding bill, and to thank also the members of the Surface Transportation Subcommittee for both their interest and support.●

LEGISLATION TO COMBAT ALCOHOL INDUSTRY PROPAGANDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker, we have all too often been made aware of the tragic consequences of drinking and driving. Headlines throughout the Nation portray the pain and suffering of the victims and their families. Slowly, but with increasing vigor, legislatures have been tightening up their laws and the public is requiring stricter enforcement. Yet, as so often happens, we are addressing a symptom of a far more complex and pervasive problem—alcohol abuse.

Today, Mr. Speaker, I am introducing two bills which I hope will combat some of the alcohol industry propaganda. The first bill would prohibit as a deductible business expense the advertising of alcohol beverages. A recent report by the Center for Science in the Public Interest titled "The Booze Merchants" noted that between 1970 and 1981, advertising expenditures by alcohol companies jumped 203 percent. In 1981, alcohol ad budgets surpassed $1 billion for the first time; wine advertising on television jumped by 30 percent in the first 9 months of 1982 compared to 1981, while beer advertising increased by 17 percent.

Many of the alcohol representatives insist that advertising merely encourages a shift in brand loyalty, but the fact is that per capita alcohol consumption during the 1970's rose substantially—in large part due to very effective marketing techniques. This trend is expected to continue as the industry begins to expand its market by targeting light drinkers, the young, and women.

The adverse effects of alcohol on society are staggering. A recent report by the Office of Technology Assessment estimates the economic cost of alcoholism and alcohol abuse to be as high as $120 billion in lost labor productivity, health and medical costs, highway accidents, criminal prosecutions, treatment, and welfare. The Federal Government should not be subsidizing an industry which places such a drain upon our society.

Other governments throughout the world have recognized the need for controls on alcohol advertising. For example, Switzerland forbids any alcohol advertising on television; India has banned both radio and television ads for alcohol; Finland and Norway totally forbid alcohol advertising; many other countries limit when or how advertising may be conducted. I believe that my bill makes a modest beginning toward alleviating the tragic conse-

quences of overindulging our taste for alcohol.

In conjunction with this bill, I shall be reintroducing my Alcoholic Beverage Labeling Act amendment which would require health warnings on most alcoholic beverages. Health warning labels are not new or unusual and serve as a good educational tool.

The vast majority of Americans are simply ignorant of the adverse effects of alcohol. Few worry about those people involved in drinking contests until they are found dead the next morning, having slept it off; few realize that consuming merely two beers within an hour—for a man of average weight—may cause a 25-percent impairment in driving ability; few are aware that for a sizable minority alcohol is addictive; and few women know that fetal alcohol syndrome is the third most common cause of birth defects.

My bill would simply state the following:

WARNING

Using this product:
Too fast may cause sickness or death;
May impair driving ability;
May create dependence or addiction; and
During pregnancy may harm the unborn.
Legal age required for purchase

As so often happens, we politicians will fail to act until tragedy strikes and we are forced to confront it. But tragedy has stricken and is silently eroding our Nation's fiber: An estimated 5 to 10 million Americans are alcoholics; it contributes to loss of productivity; one-half to three-fourths of auto accidents involve alcohol; 55 percent of all arrests involve alcohol; it is a major factor in child and spouse abuse; it is involved in at least half of all homicides; the list of tragedies goes on.

I make no guarantees that these bills will resolve all the problems of alcohol abuse, but I believe that the American people, once fully cognizant of the facts, will reverse these dismal trends. I encourage my colleagues to support me in this endeavor.

H.R. —

A bill to amend the Internal Revenue Code of 1954 to provide that advertising of alcoholic beverages is not a deductible expense

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) DISALLOWANCE OF DEDUCTIONS FOR ADVERTISING OF ALCOHOLIC BEVERAGES.—No deduction otherwise allowable under this chapter shall be allowed under this chapter for any amount paid or incurred to advertise alcoholic beverages.".

SEC. 2. The amendments made by the first section of this Act shall apply to amounts paid or incurred after December 31, 1983, in taxable years ending after such a date.

H.R. —

A bill to amend the Federal Food, Drug, and Cosmetic Act to provide that the label and advertising of certain alcoholic beverages contain a statement warning consumers of possible health hazards associated with consumption of the beverage, unless such a requirement is in effect under other Federal law

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alcoholic Beverage Labeling Act Amendment".

SEC. 2. Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end thereof the following new paragraph:

"(q)(1) If it is a beverage consisting of more than 24 per centum alcohol by volume unless its label, labeling, and advertising bear the following statement:

"'WARNING

"'USING THIS PRODUCT:
Too fast may cause sickness or death;
May impair driving ability;
May create dependence or addiction; and
During pregnancy may harm the unborn.

"'LEGAL AGE REQUIRED FOR PURCHASE'

Such statement shall be located in a conspicuous place on the label, labeling, and advertising as proximate as possible to the name of the beverage and shall appear in conspicuous and legible type in contrast by typography, layout, and color with other printed matter on the label, labeling, and advertising.

"(2) The requirement of subparagraph (1) shall not apply with respect to a beverage if the Secretary has determined that a comparable requirement is in effect with respect to such beverage under any other Federal law.".

SEC. 3. (a) The amendment made by section 2 of this Act shall apply with respect to beverages introduced or delivered for introduction into interstate commerce after the end of the sixty-day period beginning on the date of the enactment of this Act.

(b) Nothing in section 403(q) of the Federal Food, Drug, and Cosmetic Act shall preclude or deny the right of any State or political subdivision thereof to require additional warning statements on the labels or labeling or in the advertising of alcoholic beverages, except to the extent that such additional statements are inconsistent with the statement required under such section.●

HENRY BOZZI ELECTED TO SCHENECTADY BOARD OF EDUCATION AT THE AGE OF 91

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, it is my distinct honor to bring to the attention of my colleagues the fact that Mr. Henry Bozzi, at 91 years of age, was re-elected—after a 3-year absence—to the Schenectady, N.Y., School Board on Tuesday, May 3, 1983.

Henry Bozzi has played an active role in the Schenectady community for many years, including his previous service on the school board. He has been a barber all of his life and continues to practice his trade in Schenectady.

In checking with a number of sources, it appears that Henry Bozzi is the oldest elected public official in the United States today. However, I am sure he is looking forward to his new term on the board of education at age 91 with the same vigor he has shown in all of his endeavors throughout his long and active career.

I think he gives heart to all public officials who may be concerned that they are over the hill. I know my colleagues share my admiration for Mr. Bozzi and wish him well in his new term.

At this point in the RECORD I insert two news articles from the Albany newspapers providing more information on Mr. Bozzi's election.

[From the Albany (N.Y.) Times Union, May 5, 1983]

SCHENECTADIAN IS "ONE FOR THE BOOKS"

(By Stephen Frank)

SCHENECTADY.—On a wall of Henry Bozzi's barber shop, next to the picture of the 1921 Mohawk Giants baseball team, is a certificate of merit from the New York State School Boards Association.

Bozzi got the award in 1981. He was a young man of 89 at the time.

On Tuesday, after a three-year absence, Bozzi was re-elected to the Schenectady School Board. At 91, that makes him one of the oldest elected officials in the country (U.S. Rep. Claude Pepper, D-Fla., for example, is 83).

To the best knowledge of the National School Boards Association, Bozzi is probably the nation's oldest school board member.

"I don't know of anyone near that age. That may well be the oldest," said Phil Smith, spokesman for the association.

According to Jerome Cramer, features editor of the *American School Board Journal,* Bozzi has matched a record set by J. Harry Hibsham of Ephrata, Pa. Hibsham died in 1964 at age 91 while serving on the Ephrata School Board. A banker who served on the board 41 years, Hibsham left the Ephrata schools $1.2 million for a scholarship fund.

Bozzi, a barber 75 years, could not leave that kind of money to Schenectady schools if he wanted to.

The scissors are a little less steady than they used to be, but Bozzi still cuts hair in his barber shop on lower State Street, $3 for the haircut.

"I want to see the children get a better education," Bozzi said Wednesday explaining why he ran for the school board as he snipped at the gray hairs of a customer who has patronized his shop for a half century.

"The children are not learning enough the last 10 to 15 years. They don't seem to spell right. The teachers themselves have to teach more."

Most of what Bozzi knows, he learned outside the classroom. Bozzi, who came to Schenectady from Italy as a youngster in 1901, never went past the sixth grade.

Bozzi became a barber at 16. "I got into my father's barber shop and began to learn the trade," he said.

Bozzi first ran for school board in 1977. "I was asked to run, you know, by a couple of friends of mine. So I went out and tried. I

ran very big the first time. I was the top man," Bozzi said.

Bozzi was narrowly defeated for re-election in 1981.

"I liked it very much," he said of his first three years on the school board. "I get a kick out of it. I never talked too much. I listen to them (other board members) first and then I give my answer."

BOZZI BOUNCES BACK AT 91

(By Marv Cermak)

SCHENECTADY.—Ninety-one-year-old Henry Bozzi was hailed to a telephone after winning back a seat on the city school district Board of Education.

"It's probably President Reagan calling to congratulate him because he has to be the oldest person holding elected office in the nation," Deputy Superintendent John Mars joked after the Tuesday election.

City voters apparently wanted experienced board members, because they also returned present board Vice President Jack Hamilton and former board member A.S. "Don" Tebbano to office.

Richard G. Della Ratta, a former school board president, said he had called the Library of Congress Tuesday and officials there had said they did not know of any persons holding elected office over 91.

"They said Rep. Claude Pepper (D-Fla.) at age 83 was the oldest elected official they were aware of," Della Ratta said.

Della Ratta noted that Bozzi had won without endorsement of the Citizens Convention. "That is something else, since 95 percent of the time convention-backed candidates are winners," he said.

Hamilton, with 800 votes, and Tebbano, with 764, were endorsed by the Citizens Convention. Bozzi had 657 to finish well ahead of convention-supported Jay Michael Eckenberger, who polled 493.

Other also-rans were Susan Fifield (365), Bruce S. Trachtenberg (276), Livinia Jackson (218) and Claudette Dickson (117).

School Superintendent Frank C. Mayer also praised Bozzi's previous attendance record as a board member.

"He rarely missed a meeting or work session, and his attendance would stack up against people half his age," Mayer said.

Della Ratta said Bozzi had won because he had experience, effort and enthusiasm. "You have to give the guy all the credit in the world," he said.

"In Italian they say 'cento anni,' which means good health for 100 years, but Bozzi doesn't like the expression because he has less than nine years left in the first century. So for him we say 'due cento anni' or 200 years of good health," Della Ratta said.

Bozzi, who was narrowly defeated in a re-election bid two years ago, said: "I've always been deeply involved in sports and believe in the theory you can knock a good man down, but you can't keep him there."

Hamilton, who has designs on succeeding Board President Judy Warde on Jan. 1, said he was "surprised and pleased" to be the top vote-getter.

"With the veterans back, we're going to have a damn good board. We're going to break our rears to make sure Schenectady is the leader in education in the state," Hamilton said.

Tebbano, a six-year board veteran who did not seek re-election two years ago, said:

"There's a long road ahead, and we're going to see what we can do to improve education in Schenectady."

Hamilton and Tebbano won three-year terms. Bozzi, because he was the lowest vote-getter of the winning trio, will fill the two-year unexpired term of resigned board member Gary Tutty.

Hamilton is a city police lieutenant, Tebbano a systems analyst for the General Electric Co. and Bozzi is a longtime downtown barber.

Mayer said 1,409 persons, or less than 5 percent of eligible voters, had turned out for the election.

There were 535 blank votes, indicating a number of voters either bullet-voted by selecting one candidate or only voted for two candidates instead of three.●

WORLD DEBT SITUATION: REAL ECONOMIC GROWTH IS THE ANSWER, NOT IMF AUSTERITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

● Mr. KEMP. Mr. Speaker, today I joined with Senator WILLIAM L. ARMSTRONG and twenty-two of my House colleagues, Representatives TRENT LOTT, JERRY LEWIS, JIM COURTER, MARJORIE HOLT, JOHN HILER, EDWIN FORSYTHE, ROD CHANDLER, DAVID DREIER, NEWT GINGRICH, DAN BURTON, RAYMOND MCGRATH, MANUEL LUJAN, JOHN KASICH, DUNCAN HUNTER, ED BETHUNE, DAN LUNGREN, BILL LOWERY, HENRY HYDE, BILL DANNEMEYER, ROB BADHAM, GEORGE GEKAS, and MIKE DEWINE in introducing a sense-of-the-Congress resolution directing the administration to consider alternatives to the $8.4 billion U.S. contribution being sought for the International Monetary Fund.

Congress is being asked to approve a 47-percent increase in the IMF quota when there may be more effective and less costly solutions to the international debt situation. Moreover, the legislation is being packaged as part of a $30 billion omnibus foreign aid bill—$30 billion at a time when domestic unemployment remains high, when domestic spending is being cut and, ironically, when the IMF sits on $40 billion in gold bullion which it refuses to use to back its own refinancing efforts.

Those joining together to raise questions about the IMF quota increase are not turning our backs on the possible need for new funding to help some of our most distressed allies and neighbors. We are, however, questioning the wisdom of making resources available to a multilateral institution in the absence of a thorough overhaul of the international monetary system and substantial changes in the policies which the IMF forces on borrowing nations.

Mr. Speaker, we cannot think that our responsibility to help our friends and neighbors is satisfied merely by appropriating money. We must also make sure that our help is effective. That means solving what is wrong with the system as well as treating the symptoms. It is widely recognized that the only lasting answer to the financial crisis is economic growth—growth in the entire world economy, including the developing nations. It is clear that we must go well beyond the flawed proposals now before us if we are to be good neighbors to the rest of the world and true to our own principles and to our own people.

I include the text of our resolution for printing in the RECORD along with an explanation of its provisions. Any Members wishing to join as cosponsors may call Judy Boufford at 5-3105. For information or clarification of the resolution call Joe Rogers at 5-5107.

H. CON. RES. 130

Whereas the international banking system is currently threatened by a series of national financial crises;

Whereas the Congress is desirous of finding a solution to the current monetary crisis which will result in a stable monetary system and preservation of a liberal international economy;

Whereas this solution must be found without placing inordinate pressures on United States credit markets;

Whereas the breakdown in the Bretton Woods monetary system has contributed directly to these problems;

Whereas the economic policies prescribed by the International Monetary Fund often are harmful to economic growth;

Whereas the International Monetary Fund currently holds approximately $40 billion of uncommitted assets in the form of gold bullion and has not utilized such assets fully to date; and

Whereas loss reserves of many United States banks are inadequate to absorb potential defaults: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) restoration of a stable monetary system is necessary to assure economic growth and to maintain a liberal international economic system;

(2) as a first step toward this restoration the Secretary of the Treasury should renew his call for an international conference on the monetary system to investigate its systemic problems;

(3) in coping with the current financial crises and prior to any quota increase, the International Monetary Fund should make full use of its current assets, including its gold holdings;

(4) the International Monetary Fund should revise the conditions placed on its loan so as to encourage economic growth;

(5) any additional financial resources made available during the current crisis should be made available on a temporary basis, preferably through bilateral arrangements;

(6) United States banks should be required to adjust the value of loans on which interest payments are not received; and

(7) United States banks should be allowed to increase deductible loss reserves in order to make these write-downs without endangering the banking system.

EXPLANATION OF H. CON. RES. 130, EXPRESSING THE SENSE OF THE CONGRESS ON THE INTERNATIONAL FINANCIAL SYSTEM

Clause 1: That restoration of a stable monetary system is necessary to assure economic growth and to maintain a liberal international economic system.

The current unstable situation in international monetary markets is hindering economic growth in all nations. Unhindered trade between nations in raw materials, semi-finished and finished goods is necessary if resources are to be used so as to supply the maximum number of jobs and create the highest levels of income and wealth. This trade depends on the confidence of entrepreneurs to make contracts which have certain values. To the extent that the value of a contract varies over its life, the traders involved must hedge their trades, that is, become speculators rather than producers.

In periods of wildly fluctuating currency values such as we have experienced in recent years, it becomes increasingly difficult for contracts even to be hedged. When this occurs, trade is reduced and output in all countries falls, creating unemployment and stagnation.

The decline in output invariably leads to calls for protectionist trade policies in a futile effort to gain the advantage over trading partners. These policies serve only to restrict trade since all countries which sell abroad must also buy abroad. As trade is further reduced, the jobs outlook worsens.

The only cure for such stagnation is the reestablishment of stable currency values which will allow trading to resume.

Clause 2: That as a first step toward this restoration the Secretary of the Treasury should renew his call for an international conference on the monetary system to investigate its systemic problems.

Late last year, Treasury Secretary Donald Regan suggested that the United States call for an international conference for the specific purpose of examining the basic problems of the international monetary system. His recommended conference would go well beyond the meetings which have occurred over the debt problems of specific nations. It would address the breakdown in the monetary and trade systems which has occurred since the Bretton Woods system was abandoned in the 1970s.

Without this fundamental reappraisal of the nature of the international economic system, we cannot hope to reestablish monetary, financial and trade relationships.

Clause 3: That in coping with the current financial crises, the International Monetary Fund should make full use of current assets, including its gold holdings.

It is agreed that to relieve the liquidity pressures faced by borrowing nations, the International Monetary Fund should direct the restructuring of their external commitments and injections of new resources. As an example for other lenders, the IMF itself is making sizeable commitments.

In making these new commitments, the IMF has moved close to committing most of the resources supplied by Western nations during the last quota increase in 1980. In response to calls for major increases in IMF resources, an increase of 47 percent has been negotiated and an Administration request for $8.4 billion as the U.S. share is before the Congress.

It appears, however, that the IMF has not made full use of its own existing resources. As an example, the IMF sits atop gold holdings valued at over $40 billion. These holdings are uncommitted, even as collateral against temporary borrowings.

It may be unwise for the IMF to dispose of such assets or possibly even to use them for long-term commitments. However if the liquidity problems are short-term as IMF and other officials assert, it is reasonable to commit the existing resources in the short-term rather than to make a permanent increase in new IMF resources—resources which it claims will not be needed after a brief adjustment period for major debtors.

Clause 4: That the International Monetary Fund should revise the conditions placed on its loans so as to encourage economic growth.

When the IMF makes loan commitments to a nation it extracts agreements that that nation will meet certain conditions in order for the full loan to be made available and for the IMF to assist in gaining other financing. This so-called conditionality becomes the economic game plan for the debtor nation over the term of the loan.

The problem with conditionality has been that it is not necessarily conducive to economic growth. It usually is aimed at reducing the country's imbalance on its current accounts with little attention to other aspects of the economy. Policies which harm consumers and reduce incentives, such as higher tax rates, restrictions on imports and currency devaluations, are looked on as favorably as growth-inducing policies like increased incentives for foreign equity capital, lower domestic tax rates, free flow of capital and trade, and stable exchange rates.

Both sets of policies improve the current account balance, but one does so through austerity, suffering and stifled growth while the other improves balance through economic growth, job creation and increased investment.

The U.S. should develop conditionality of its own by refusing to support any IMF program which fails to use growth oriented incentive programs, including major programs to attract foreign equity capital, as the focus of conditionality.

Clause 5: Any additional financial resources made available during the current crisis should be made available on a temporary basis, preferably through bilateral arrangements.

It is almost certain that resources currently available to the IMF will be sufficient to provide short-term assistance to the handful of nations requiring a lender of last resort. However, should additional resources be required of these nations, they should be made available only on a temporary basis while the country restructures its economic policies and the international community restructures the monetary system.

Moreover, these resources should be made available through bilateral arrangements or through multi-nation agreements on an *ad hoc* basis. Making them available through the IMF serves to increase the power and status of that institution vis-a-vis the nations which provide the resources. Further, the U.S. maintains more certain control over the resources, including the timing of repayment and the conditionality attached, if the program remains under our control.

Maintaining this control also prevents the tax dollars of American workers from flowing to Eastern-bloc nations such as Hungary, which receive major loans from the IMF. The U.S. should not be placed in the position of providing assistance to these nations which seek only to destroy our way of life.

Clause 6: That United States banks should be required to adjust the value of loans on which interest payment are not received.

Under the current system of restructuring the debts of countries facing liquidity problems, the IMF and the major international banks have worked out a system of refinancing which prevents any of the value of existing loans from being lost—at least on paper. Rather than admitting that the debtor country cannot pay interest on a portion of its debt—much less pay the principal—and taking on a required adjustment in the value of the loan (a loss to the bank) the international banks provide more credit to enable interest payments to be made and actually increase the total value of its loans to the debtor country.

This process can only lead to a mountain of debt which can never be repaid. Moreover, the bank carries the greatly overvalued loans on its books as an asset, disguising the fact that these loans have actually been made to a borrower which is unable to pay. In order to keep the entire process from collapsing, the IMF enters the arrangement with the tax dollars provided by the U.S. and others, to provide interim interest payments and banking fees for restructuring the loans.

A requirement that the international bankers, rather than the taxpayer, realize the loss from a realistic adjustment of these loans, seems justified. Most debtors are able to pay interest on all but a small portion of their loans. Banks would be required to take losses on only this portion of their total lending. These losses would require reduced bank dividends or, in rare cases, a loss of bank capital.

Depositors would not be endangered, as their deposits are guaranteed by the federal government. It is better to use tax dollars to guarantee bank depositors than to guarantee bank profits.

Clause 7: That United States banks should be allowed to increase deductible loss reserves in order to make these write-downs without endangering the banking system.

Many analysts believe that the current problem points out a flaw in the system of accumulating loan loss reserve in the banking system. Banks are currently allowed to set aside, tax-free, a reserve equal to 1 percent of their loans. Ironically, this allowance is to be reduced to 0.6 percent under new IRS regulations.

This reserve enables banks to absorb losses on loans without endangering deposits, capital or dividends. Since loan losses are deductible from taxable income, just as any other business loss, the system of establishing tax-free reserves alters the timing of tax payments rather than the amount of payment. The short-term retention of income by the banks is cheap insurance.

As a means of insuring against liquidity crises, the loan loss set aside should be increased. George Champion, former chairman of Chase Manhattan Bank and an opponent of any increase in IMF funding, estimates that allowing reserves of 3-5 percent of loans would provide adequate protection without requiring increased funds for the IMF and further government intervention in the allocation of capital.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MOORHEAD (at the request of Mr. MICHEL), for May 23, on account of official business.

Mr. EVANS of Iowa (at the request of Mr. MICHEL), for May 25, to attend son's graduation at U.S. Military Academy at West Point.

Mr. FISH (at the request of Mr. MICHEL), for May 23, on account of official business.

Mr. MARTINEZ (at the request of Mr. WRIGHT), until July 1, on account of heart surgery.

Mr. KOLTER (at the request of Mr. WRIGHT), for today, on account of illness.

Mr. PICKLE (at the request of Mr. WRIGHT), after 5:40 p.m. today for the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FASCELL, for 5 minutes, today.

(The following Members (at the request of Mr. DEWINE) to revise and extend their remarks and include extraneous material:)

Mr. MCGRATH, for 30 minutes, on May 25.

Mr. HYDE, for 15 minutes, today.

(The following Members (at the request of Mr. COOPER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. LAFALCE, for 10 minutes, today.

Mr. LANTOS, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. STRATTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PERKINS in two instances.

Mr. SEIBERLING, and to include extraneous matter prior to the vote on House Concurrent Resolution 113 in the Committee of the Whole today.

(The following Members (at the request of Mr. DEWINE) and to include extraneous matter:)

Mr. QUILLEN.

Mr. MCCAIN.

Mr. WEBER in two instances.

Mr. JEFFORDS.

Mr. GRADISON.

Mr. SKEEN.

Mr. COLEMAN of Missouri in two instances.

Mr. PORTER.

Mr. SHUMWAY.

Mr. BILIRAKIS in two instances.

Mr. FIELDS.

Mr. CONTE in three instances.

Mr. HYDE in four instances.

Mr. CAMPBELL.

Mr. CHANDLER.

Mr. LAGOMARSINO in three instances.

Mr. BADHAM.

Mr. PAUL in two instances.

Mr. MCKERNAN.

Mr. HOPKINS.

Mr. DANNEMEYER.

Mr. PURSELL.

Mr. KEMP.

Mr. SUNDQUIST.

Mr. GOODLING.

(The following Members (at the request of Mr. COOPER) and to include extraneous matter:)

Mr. FASCELL in two instances.

Mr. FORD of Michigan.

Mr. PEASE.

Mr. LIPINSKI.

Mrs. BYRON.

Mr. LONG of Maryland.

Mr. ROWLAND.

Mr. BARNES.

Mr. RODINO.

Mr. MINETA.

Mr. LELAND.

Mr. DORGAN.

Mr. BEILENSON.

Mr. LAFALCE.

Mr. BOLAND.

Mr. EDGAR.

Mr. KASTENMEIER.

Mr. ROE in three instances.

Mr. MILLER of California.

Mr. GEJDENSON.

Mr. SISISKY.

Mr. CONYERS.

Mrs. COLLINS in two instances.

Mrs. SCHROEDER in two instances.

Mr. HUBBARD.

Mr. BOUCHER.

Mr. CORRADA.

Mr. WEISS.

Mr. FERRARO.

Mr. GUARINI.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 25, 1983 at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1184. A letter from the Secretary of Defense, transmitting 10 reports of violations of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1517; to the Committee on Appropriations.

1185. A letter from the Comptroller General of the United States, transmitting his review of the deferrals and revised deferral of budget authority contained in the message from the President dated April 21, 1983 (H. Doc. No. 98-51), pursuant to section 1014 (b) and (c) of Public Law 93-344; to the Committee on Appropriations.

1186. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to study the conversion from in-house operation to commercial contract of various functions at different installations, pursuant to section 502(a) of Public Law 96-342; to the Committee on Armed Services.

1187. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's plan to study the conversion from in-house operation to commercial contract of various functions at different installations, pursuant to section 502(a) of Public Law 96-342; to the Committee on Armed Services.

1188. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the shelf-stocking function at the commissary store, Naval Station, Long Beach, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1189. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's decision to convert to contractor performance the equipment division operation and maintenance activities at Oakland Army Base, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1190. A letter from the Deputy Assistant Secretary of Defense (Military Personnel Force Management, transmitting reports filed covering fiscal year 1982 by former military and civilian employees of the Defense Department currently employed by defense contractors, and current Defense Department employees formerly employed by defense contractors pursuant to 10 U.S.C. 2397; to the Committee on Armed Services.

1191. A letter from the Secretary, Federal Trade Commission, transmitting a proposed trade regulation rule concerning the care labeling of textile wearing apparel and certain piece goods, pursuant to section 21(1)(l) of the Federal Trade Commission Improvements Act of 1980; to the Committee on Energy and Commerce.

1192. A letter from the Secretary of State, transmitting reports for fiscal years 1981 and 1982 on scientific exchange activities with the Soviet Union, pursuant to section 126(a) of Public Law 97-241; to the Committee on Foreign Affairs.

1193. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report of items proposed for removal from the U.S. munitions list that no longer warrant export controls under section 38, pursuant to section 38(f) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1194. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of proposed license for the export of defense articles and services sold commercially under a contract to Kourou, French Guiana (Transmittal No. MC-12-83), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1195. A letter from the Secretary of the Interior, transmitting the fourth annual report on public lands management, as of October 31, 1982, pursuant to section 311 of the Federal Land Policy and Management Act of 1976; to the Committee on Interior and Insular Affairs.

1196. A letter from the Director, Minerals Management Service, Department of Interior, transmitting notice of the proposed refund of $60,492.54 in excess royalty payments to the Superior Oil Co., Gulf Oil Exploration & Production Co., Chevron U.S.A. Inc., Phillips Petroleum Co., and Mobil Oil Corp., pursuant to section 10(b) of the Outer Continental Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

1197. A letter from the Director, Minerals Management Service, Department of Interi-

or, transmitting notice of the proposed refund of $47,748.86 in excess royalty payments to Mobil Oil Corp., Louisiana Land & Exploration, Arco Oil & Gas Co., General American Oil Co. of Texas, and Chevron U.S.A. Inc., pursuant to section 10(b) of the Outer Continental Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

1198. A letter from the Director, Minerals Management Service, Department of Interior, transmitting notice of the proposed refund of $72,185.97 in excess royalty payments to Mobil Oil Corp., Chevron U.S.A. Inc., Shell Oil Co., and Tenneco Oil Exploration & Production, pursuant to section 10(b) of the Outer Continental Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

1199. A letter from the Acting Director, Minerals Management Service, Department of Interior, transmitting notice of the proposed refund of $71,124.39 in excess royalty payments to Chevron U.S.A. Inc., Phillips Petroleum Co., Gulf Oil Exploration & Production Co., and Texas Gas Exploration Corp., pursuant to section 10(b) of the Outer Continental Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

1200. A letter from the Assistant Attorney General (Antitrust Division), transmitting a report covering calendar year 1981 on identical bidding in advertised public procurement, pursuant to section 7 of Executive Order 10936; to the Committee on Government Operations.

1201. A letter from the Director, Office of Congressional Intergovernmental and Public Affairs, Federal Energy Regulatory Commission, transmitting a report of the Commission's activities under the Government in Sunshine Act during the calendar year 1982, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1202. A letter from the Secretary of Agriculture, transmitting the semiannual report of the Department's Inspector General covering the period October 1, 1982, through March 31, 1983, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

1203. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1204. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1205. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1206. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1207. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1208. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1209. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for the alteration of bridges for fiscal year 1984, for all programs for fiscal year 1985, and for other purposes; to the Committee on Merchant Marine and Fisheries.

1210. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Army's Chief of Engineers on Brewton and East Brewton, Ala., pursuant to a resolution adopted by the House Committee on Public Works and Transportation; to the Committee on Public Works and Transportation.

1211. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Army's Chief of Engineers on Plattin Creek Basin, Mo., pursuant to a resolution adopted by the House Committee on Public Works and Transportation; to the Committee on Public Works and Transportation.

1212. A letter from the Secretary of Agriculture, transmitting printed copies of the annual report for the fiscal year 1982 for the Forest Service, including the annual reports required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 to replace photocopies submitted on February 15, 1983; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE: Committee on Armed Services. H.R. 2968. A bill to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, and for other purposes (Rept. No. 98-189, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. Report on a review of the scientific and technological issues in the regulation of cotton dust in primary cotton textile industry (Rept. No. 98-215). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. Report on review of the scientific basis of the Environmental Protection Agency's carcinogenic risk assessment on formaldehyde (Rept. No. 98-216). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEVILL: Committee on Appropriations. H.R. 3132. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-217). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2934. A bill to amend the Public Health Service Act to extend through fiscal year 1985 the health planning authority under that act and to repeal that authority September 30, 1986, and for other purposes (Rept. No. 98-218). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 206. Resolution providing for the consideration of H.R. 5, a bill to establish an Ocean and Coastal Resources Management and Development Fund from which coastal States shall receive block grants (Rept. No. 98-219). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 207. Resolution providing for the consideration of H.R. 1590, a bill to provide emergency food assistance to low-income and unemployed persons and to improve the commodity distribution program (Rept. No. 98-220). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 208. Resolution providing for the consideration of H.R. 2350, a bill to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and the National Research Institutes, and for other purposes (Rept. No. 98-221). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 209. Resolution waving certain points of order against H.R. 3069, a bill making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes (Rept. No. 98-222). Referred to the House Calendar.

Mr. BOLAND: Committee on Appropriations. H.R. 3133. A bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-223). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. ROBERTS, and Mrs. SMITH of Nebraska):

H.R. 3101. A bill to amend the Agricultural Act of 1949 to authorize the Secretary of Agriculture to guarantee, in kind, contracts made by producers to supply agricultural commodities to manufacturers of liquid fuels; to the Committee on Agriculture.

By Mr. MADIGAN:

H.R. 3102. A bill to authorize the Secretary of Agriculture to prescribe the established prices for the 1984 or 1985 crop of wheat, corn, upland cotton, or rice as appropriate but at no less than that for the 1983 crop of the commodity; to the Committee on Agriculture.

By Mr. ANDERSON (for himself, Mr. BREAUX, Mr. LANTOS, and Mr. LAGOMARSINO):

H.R. 3103. A bill to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BEILENSON (for himself, Mr. AKAKA, Mr. BATES, Mr. BEDELL, Mr. BENNETT, Mr. BEREUTER, Mr. BERMAN, Mr. BONIOR of Michigan, Mrs. BOXER, Mr. BROOKS, Mr. BROWN of California, Mr. CROCKETT, Mr. DASCHLE, Mr. DE LUGO, Mr. DOWNEY of New York, Mr. DYMALLY, Mr. EDGAR, Mr. EDWARDS of California, Mr. FAZIO, Mr. FROST, Mr. GINGRICH, Mr. GOODLING, Mr. GREGG, Mr. GUARINI, Mr. HARKIN, Mr. HERTEL of Michigan, Mr. HORTON, Mr. HUGHES, Mr. JACOBS, Mr. JEFFORDS, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LOWERY of California, Mr. MARKEY, Mr. MATSUI, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. NEAL, Mr. OTTINGER, Mr. OWENS, Mr. PANETTA, Mr. PATTERSON, Mr. PEASE, Mr. PEPPER, Mr. PETRI, Mr. PRITCHARD, Mr. RATCHFORD, Mr. REID, Mr. RODINO, Mr. ROE, Mr. ROYBAL, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SCHUMER, Mr. SEIBERLING, Mr. SIMON, Mr. SMITH of Florida, Mr. STOKES, Mr. THOMAS of Georgia, Mr. VENTO, Mr. WAXMAN, Mr. WEISS, Mr. WHITEHURST, Mr. WILSON, and Mr. YATES):

H.R. 3104. A bill to provide for the control of the importing into, and the exporting from, the United States of elephants, and elephant products; to the Committee on Merchant Marine and Fisheries.

By Mr. BIAGGI:

H.R. 3105. A bill to amend the Communications Act of 1934 to establish an Office of Ethnic Affairs within the Federal Communications Commission; to the Committee on Energy and Commerce.

By Mr. COURTER:

H.R. 3106. A bill to amend title 10, United States Code, to establish the position of Director of Operational Testing and Evaluation in the Department of Defense; to the Committee on Armed Services.

By Mr. DAVIS:

H.R. 3107. A bill to amend title 10, United States Code, to strengthen the prohibition on the construction of naval vessels, or major components of naval vessels, overseas; to the Committee on Armed Services.

By Mr. DE LUGO (for himself, Mr. CORRADA, Mr. WRIGHT, Mr. FOLEY, Mr. ALEXANDER, Mr. JENKINS, Mr. SHANNON, Mr. DUNCAN, Mr. RANGEL, Mr. HEFTEL of Hawaii, Mr. FOWLER, Mr. FORD of Tennessee, Mr. UDALL, Mr. LUJAN, Mr. LAGOMARSINO, Mr. HOWARD, Mr. CLAY, Mr. BROOKS, Mr. HAWKINS, Mr. RODINO, Mr. JONES of North Carolina, Mr. MOAKLEY, Mr. MITCHELL, Mr. FUQUA, Mr. MYERS, Mrs. HOLT, Mr. ROGERS, Mr. ADDABBO, Mr. HAMMERSCHMIDT, Mr. BEVILL, Mr. BOLAND, Mr. FAZIO, Mr. HEFNER, Mr. ROYBAL, Mr. ST GERMAIN, Mr. DELLUMS, Mr. MILLER of California, Mr. MINETA, Mr. OBERSTAR, Mr. LEVITAS, Mr. YOUNG of Missouri, Mr. ROE, Mr. KAZEN, Mr. WEAVER, Mr. MARKEY, Mr. SEIBERLING, Mr. WON PAT, Mrs. SCHROEDER, Mr. GARCIA, Mr. LELAND, Ms. OAKAR, Mr. DIXON, Mr. ALBOSTA, Mr. DE LA GARZA, Mr. HUCKABY, Mr. ROSE, Mr. ASPIN, Mr. STRATTON, Mr. BENNETT, Mr. GONZALEZ, Mr. PATTERSON, Mr. GRAY, Mr. SIMON, Mr. MURPHY, Mr. SHARP, Mr. HAMILTON, Mr. BONKER, Mrs. COLLINS, Mr. FRANK, Mr. KASTENMEIER, Mr. HUGHES, Mr. BREAUX, Mr. BIAGGI, Mr. D'AMOURS, Mr. WALGREN, Mr. NOWAK, Mr. BEDELL, Mr. STOKES, Mr. AKAKA, Mr. AUCOIN, Mr. BATES, Mr. BONER of Tennessee, Mr. CARR, Mr. CHAPPELL, Mr. CROCKETT, Mr. DASCHLE, Mr. DONNELLY, Mr. DWYER of New Jersey, Ms. FERRARO, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. MARTINEZ, Mr. KILDEE, Mr. KOGOVSEK, Mr. LANTOS, Mr. LOWRY of Washington, Mr. MAVROULES, Mr. MCHUGH, Mr. MCNULTY, Mr. RAHALL, Mr. RATCHFORD, Mr. ROEMER, Mr. SAVAGE, Mr. SMITH of Florida, Mr. SUNIA, Mr. TORRES, Mr. TRAXLER, Mr. VENTO, Mr. WILLIAMS of Montana, Mr. WILSON, Mr. DYSON, Mr. RICHARDSON, Mr. ORTIZ, Ms. MIKULSKI, Mr. TOWNS, Mrs. HALL of Indiana, and Mr. OWENS):

H.R. 3108. A bill to protect the U.S. Caribbean possessions, and for other purposes; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. DYMALLY:

H.R. 3109. A bill to establish an Office of the Attorney General for the District of Columbia, to transfer prosecutorial authority for local offenses and custodial responsibility for prisoners convicted of local offenses to the D.C. government, to provide for the local appointment of the judges of the D.C. courts, and for other purposes; to the Committee on the District of Columbia.

By Mr. PICKLE (for himself, Mr. RANGEL, Mr. VANDER JAGT, Mr. FRENZEL, Mr. STARK, Mr. GRADISON, Mr. DUNCAN, Mr. PEASE, Mr. DORGAN, and Mr. MARTIN of North Carolina):

H.R. 3110. A bill to amend the Internal Revenue Code of 1954 to deny certain tax incentives for property used by governments and other tax-exempt entities; to the Committee on Ways and Means.

By Mr. EDWARDS of Oklahoma:

H.R. 3111. A bill to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. FEIGHAN:

H.R. 3112. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to provide that extended benefits will be payable in any State in which the rate of regular unemployment equals or exceeds 9 percent; to the Committee on Ways and Means.

By Mr. FLORIO:

H.R. 3113. A bill to revitalize the domestic automobile industry in the United States; jointly, to the Committees on Ways and Means; Energy and Commerce; Rules; Banking, Finance and Urban Affairs; and the Judiciary.

By Mr. FOWLER:

H.R. 3114. A bill to improve congressional oversight of the expenditure of funds by the Central Intelligence Agency; to the Permanent Select Committee on Intelligence.

By Mr. FRANK:

H.R. 3115. A bill to relieve the General Accounting Office of duplicative audit requirements with respect to the disabled American veterans; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 3116. A bill to exempt certain fixed contribution multiemployer pension plans from title IV of the Employee Retirement Income Security Act of 1974; to the Committee on Education and Labor.

H.R. 3117. A bill to repeal the earnings limitation of the Social Security Act; to the Committee on Ways and Means.

H.R. 3118. A bill to eliminate the mandatory retirement age for participants in the Foreign Service retirement and disability system; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

H.R. 3119. A bill to amend the Social Security Act to provide for inclusion of the services of licensed practical nurses under medicare and medicaid; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 3120. A bill to amend titles II and XVIII of the Social Security Act to include eligible drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 3121. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, hearing aids, physical checkups, and foot care among the items and services for which payment may be made under the supplementary medical insurance program, and to provide safeguards against consumer abuse in the provision of these items and services; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 3122. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of medicare for routine Papanicolaou tests for the diagnosis of uterine cancer; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. JACOBS:

H.R. 3123. A bill to amend title 38, United States Code, to authorize the admission to Veterans' Administration hospitals for psychiatric evaluation and treatment of veterans who have been determined to require such evaluation and treatment; to the Committee on Veterans' Affairs.

H.R. 3124. A bill to extend in the case of certain decedents the period during which no recapture tax is imposed under the special estate tax valuation provisions for certain farm, et cetera, real property; to the Committee on Ways and Means.

By Mr. LUNGREN (for himself, Mr. LOTT, Mr. HYDE, Mr. MCCOLLUM, Mr. SIMON, and Mr. SENSENBRENNER):

H.R. 3125. A bill to amend title 28 of the United States Code to provide for reassignment of certain Federal cases upon request of a party; to the Committee on the Judiciary.

By Mr. MICHEL (for himself and Mr. DURBIN):

H.R. 3126. A bill to make construction of a certain bridge in the vicinity of Valley City, Ill., and Florence, Ill., eligible for assistance under the highway bridge replacement program; to the Committee on Public Works and Transportation.

By Mr. MOAKLEY (by request):

H.R. 3127. A bill to increase the annual and aggregate loan limits under the insured, guaranteed, and direct student loan programs; to the Committee on Education and Labor.

By Mr. RODINO (by request):

H.R. 3128. A bill to amend title 18 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mrs. SCHNEIDER (for herself, Mr. WYDEN, Mr. BATES, Mr. BEDELL, Mr. BEILENSON, Mr. BERMAN, Mr. BLILEY, Mr. BOEHLERT, Mr. BOSCO, Mrs. BOXER, Mr. BROWN of California, Mr.

CLINGER, Mr. EDWARDS of California, Mr. EVANS of Iowa, Mr. FAZIO, Mr. FISH, Mr. FORSYTHE, Mr. FROST, Mr. GEJDENSON, Mr. GOODLING, Mr. GILMAN, Mr. HORTON, Mr. HUNTER, Mr. JEFFORDS, Mr. KEMP, Mr. LAFALCE, Mr. LEACH of Iowa, Mr. LELAND, Mr. LEVINE of California, Mr. LUNDINE, Mr. MARKEY, Mr. MCNULTY, Mr. MOLINARI, Mr. MRAZEK, Mr. OTTINGER, Mr. PRITCHARD, Mr. PURSELL, Mr. SIKORSKI, Mr. STOKES, Mr. SWIFT, Mr. SYNAR, Mr. TAUKE, Mrs. VUCANOVICH, Mr. WALGREN, Mr. WEBER, Mr. WILLIAMS of Montana, Mr. WIRTH, Mr. WISE, Mr. BRYANT, Mr. CONTE, Mr. PORTER, Mr. MCCANDLESS, Mr. LUJAN, Mr. DORGAN, Mr. SENSENBRENNER, Mr. WAXMAN, Mr. VANDER JAGT, Mr. RINALDO, Mrs. COLLINS, Mr. TAUZIN, Mr. LEHMAN of California, Mr. AUCOIN, and Mr. MCCURDY):

H.R. 3129. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to generate additional revenues for the Superfund to provide incentives for hazardous waste recycling and to provide for certain additional forms of assistance respecting releases of hazardous substances, to amend the Internal Revenue Code of 1954 to impose (in lieu of the Superfund taxes on petroleum and chemical feedstocks) an additional tax on hazardous wastes, and for other purposes; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means.

By Mrs. SMITH of Nebraska:

H.R. 3130. A bill to authorize amendments to certain repayment and water service contracts for the Frenchman unit of the Pick-Sloan Missouri River basin program; to the Committee on Interior and Insular Affairs.

By Mr. BEVILL:

H.R. 3132. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. BOLAND:

H.R. 3133. A bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. BEVILL:

H.J. Res. 277. Joint resolution designating February 1, 1984, as "National Enrolled Agents Day"; to the Committee on Post Office and Civil Service.

By Mr. CONTE:

H.J. Res. 278. Joint resolution to provide for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. SILJANDER (for himself, Mr. GILMAN, Mr. WEAVER, Mr. LENT, Mr. SMITH of New Jersey, Mr. CARNEY, Mr. BROOMFIELD, Mr. STOKES, Mrs. SCHROEDER, Mr. TORRICELLI, Mr. WALGREN, Mr. WORTLEY, Mr. KEMP, Mr. FORSYTHE, Mr. ROE, Mr. AUCOIN, and Mr. OWENS):

H.J. Res. 279. Joint resolution expressing the sense of the Congress regarding the reduction of emigration from the Soviet Union; to the Committee on Foreign Affairs.

By Mr. KEMP (for himself, Mr. LOTT, Mr. LEWIS of California, Mr. COURTER, Mrs. HOLT, Mr. HILER, Mr. FORSYTHE, Mr. CHANDLER, Mr. DREIER of California, Mr. GINGRICH, Mr. BURTON, Mr. MCGRATH, Mr. LUJAN, Mr. KASICH, Mr. HUNTER, Mr. BETHUNE, Mr. LUNGREN, Mr. LOWERY of California, Mr. HYDE, Mr. DANNEMEYER, Mr. BADHAM, Mr. GEKAS, and Mr. DEWINE):

H. Con. Res. 130. Concurrent resolution expressing the sense of the Congress concerning the condition of the international financial system; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DYMALLY:

H. Res. 205. Resolution to require the Subcommittee on Telecommunications, Consumer Protection, and Finance of the Committee on Energy and Commerce to investigate certain actions taken by the Federal Communications Commission with respect to the revocation of the broadcasting license of Faith Center, Inc., San Bernardino, Calif.; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

143. By the SPEAKER: Memorial of the Legislature of the State of Utah, relative to the Milk Production Tax Resolution; to the Committee on Agriculture.

144. Also, memorial of the Assembly of the State of New York, relative to a nuclear freeze; to the Committee on Foreign Affairs.

145. Also, memorial of the Legislature of the State of Hawaii, relative to the reduction of nuclear arms; to the Committee on Foreign Affairs.

146. Also, memorial of the Senate of the State of Tennessee, relative to funding for the Clinch River breeder reactor; jointly, to the Committees on Appropriations and Science and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WAXMAN introduced a bill (H.R. 3131) for the relief of Marina Kunyavsky; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. YOUNG of Florida.

H.R. 52: Mr. YOUNG of Florida.

H.R. 53: Mr. YOUNG of Florida.

H.R. 70: Mr. YOUNG of Florida.

H.R. 287: Mr. PHILIP M. CRANE, Mr. DANIEL B. CRANE, Mr. NIELSON of Utah, Mr. WEBER, Mr. PORTER, and Mr. CRAIG.

H.R. 408: Mr. CHANDLER, Mr. GEKAS, Mr. MACK, and Mr. TAUKE.

H.R. 491: Mr. RATCHFORD.

H.R. 493: Mr. BARNARD and Mr. MCCOLLUM.

H.R. 511: Mr. STUMP, Mr. MCDONALD, Mr. ROBERTS, Mrs. VUCANOVICH, and Mr. SHUMWAY.

H.R. 626: Mr. FAZIO and Mr. HUGHES.

H.R. 694: Mr. MATSUI.

H.R. 695: Mr. CAMPBELL, Mr. STENHOLM, and Mr. FROST.

H.R. 800: Mrs. SCHNEIDER and Mr. MORRISON of Connecticut.

H.R. 836: Mr. SIMON, Mr. FEIGHAN, Mr. BROWN of Colorado, Mr. NIELSON of Utah, Mr. LEWIS of Florida, Mrs. MARTIN of Illinois, Mr. BONIOR of Michigan, Mr. LELAND, and Mr. FOGLIETTA.

H.R. 876: Mr. NIELSON of Utah.

H.R. 877: Mr. DREIER of California, and Mr. PHILIP M. CRANE.

H.R. 881: Mr. GRAY, Mr. EDGAR, Mr. ANDREWS of North Carolina, Mr. MITCHELL, Mr. DIXON, Mr. AUCOIN, Mr. DERRICK, Mrs. BOXER, Mr. TALLON, Mr. DOWDY of Mississippi, Mr. SEIBERLING, Mr. DURBIN, Mr. CARPER, Mr. ALBOSTA, Mr. WYDEN, Mr. HARRISON, Mr. STARK, Mr. MCCLOSKEY, Mr. FOGLIETTA, Mr. GUARINI, Mr. FORD of Michigan, Mr. FOLEY, Mr. LELAND, Mr. FROST, Mr. SWIFT, Mr. KAZEN, Mr. HAWKINS, Mr. DYMALLY, Mr. LONG of Maryland, Mr. EDWARDS of California, Mr. MOODY, Mr. COELHO, Mr. MCKINNEY, Mr. GORE, Mr. MOAKLEY, Mr. RAHALL, Mr. HALL of Ohio, Mr. LOWRY of Washington, Mr. D'AMOURS, Mr. SHANNON, Mr. BEVILL, Mr. HEFNER, Mr. FORD of Tennessee, Mr. FAZIO, Mr. WRIGHT, Mr. DE LA GARZA, Mr. BONKER, Mr. BERMAN, Mr. MCHUGH, Mr. ST GERMAIN, Mr. WAXMAN, Mr. COLEMAN of Texas, Mr. KOGOVSEK, Mr. HOYER, Mr. PANETTA, Mr. PATMAN, Mr. AKAKA, Mr. ROYBAL, Mr. LEHMAN of California, Mr. MILLER of California, Mr. BOSCO, Mrs. SCHROEDER, Mr. BRYANT, Mr. SYNAR, Mr. ERDREICH, Mr. BONER of Tennessee, Mr. LEVIN of Michigan, Mr. REID, Mr. DELLUMS, Mr. JACOBS, Mr. ROE, Mr. YOUNG of Alaska, Mr. BROWN of California, Mr. DOWNEY of New York, Mr. SPRATT, Mr. GINGRICH, Mr. LEHMAN of Florida, Mr. SAVAGE, Mr. GEPHARDT, Mr. DICKS, Mr. VOLKMER, Mr. DASCHLE, and Mrs. COLLINS.

H.R. 943: Mr. LANTOS, Mr. MCEWEN, Mr. MCKINNEY, Mr. RATCHFORD, Mr. STUMP, and Mr. WILSON.

H.R. 1083: Mr. ROYBAL.

H.R. 1147: Mrs. BOXER.

H.R. 1174: Mr. SHUMWAY.

H.R. 1242: Mr. CHAPPELL, Ms. FERRARO, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GRAY, Mr. HARRISON, Mr. HORTON, Mr. LEHMAN of California, Mr. MCGRATH, Mr. MORRISON of Connecticut, Mr. OTTINGER, Mr. NOWAK, Mr. PEASE, Mr. SOLARZ, Mr. COYNE, and Mr. LOTT.

H.R. 1244: Mr. ANDERSON.

H.R. 1255: Mr. VANDER JAGT, Mrs. SMITH of Nebraska, Mr. MAZZOLI, Mr. MCCURDY, Mr. MCKINNEY, Mr. WYLIE, Mr. BURTON, and Mr. CARR.

H.R. 1307: Mr. DYSON.

H.R. 1346: Mr. SMITH of Florida.

H.R. 1347: Mr. YOUNG of Florida, Mr. IRELAND, Mr. SHAW, and Mr. SMITH of Florida.

H.R. 1348: Mr. SMITH of Florida.

H.R. 1373: Mr. FORSYTHE and Mr. MCNULTY.

H.R. 1386: Mr. MURPHY.

H.R. 1400: Mr. SIKORSKI.

H.R. 1452: Mr. OBERSTAR.

H.R. 1527: Mr. ANDREWS of Texas.

H.R. 1589: Mr. ST GERMAIN.

H.R. 1601: Mr. NEAL, Mr. MOLLOHAN, and Mr. COELHO.

H.R. 1603: Mr. WOLPE, Mr. DIXON, Mr. CARR, Mr. SEIBERLING, Mr. HAWKINS, Mr. ROE, Mr. BROOKS, Mr. TORRICELLI, Mr. DONNELLY, and Mr. GEJDENSON.

H.R. 1624: Mr. NEAL.

H.R. 1706: Mr. EDWARDS of California, Mr. NOWAK, Mr. GRADISON, Mr. SHAW, Mr. MCCANDLESS, Mr. GILMAN, Mr. HAMILTON, Mr. KRAMER, Mrs. HOLT, Mr. ANDERSON, Mr. BARTLETT, Mr. LOWERY of California, Mr. KOGOVSEK, Mr. MOLLOHAN, Mr. SIMON, Mrs. SCHROEDER, Mr. DUNCAN, Mr. BEREUTER, and Mr. SISISKY.

H.R. 1749: Mr. TAYLOR, Mr. GEPHARDT, Mr. BONIOR of Michigan, and Mr. ROBERTS.

H.R. 1752: Mr. FRANK.

H.R. 1796: Mr. FAZIO, Mr. TRAXLER, and Mrs. SCHROEDER.

H.R. 1870: Mr. ANDREWS of Texas, Mr. APPLEGATE, Mr. BARNARD, Mr. BENNETT, Mr. BEVILL, Mr. BIAGGI, Mr. BOEHLERT, Mr. BONIOR of Michigan, Mr. BOUCHER, Mr. BROOKS, Mr. BROWN of California, Mr. BRYANT, Mr. BURTON, Mr. CONTE, Mr. CONYERS, Mr. CORCORAN, Mr. CORRADA, Mr. DUNCAN, Mr. DYMALLY, Mr. EDGAR, Mr. ENGLISH, Mr. ERLENBORN, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. GARCIA, Mr. GRAY, Mr. HANSEN of Utah, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. LENT, Mr. LEVIN of Michigan, Mr. LONG of Louisiana, Mr. DE LUGO, Mr. MACK, Mr. MARKEY, Mr. MCCANDLESS, Mr. MCGRATH, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. NEAL, Mr. OBERSTAR, Mr. PATMAN, Mr. PATTERSON, Mr. PENNY, Mr. PRICE, Mr. PRITCHARD, Mr. RANGEL, Mr. RINALDO, Mr. RODINO, Mr. ROWLAND, Mr. ST GERMAIN, Mr. SCHAEFER, Mr. SHUMWAY, Mr. SNYDER, Mr. TORRICELLI, and Mr. HARRISON.

H.R. 1873: Mr. MOAKLEY, Mr. RAHALL, Mr. MITCHELL, Mr. UDALL, Mr. MORRISON of Connecticut, Mr. CONTE, Mr. FAZIO, Mr. HOWARD, Mr. SABO, Mr. GRAY, Mr. BROWN of California, Mr. MARKEY, and Mr. PATTERSON.

H.R. 1910: Mr. SPRATT.

H.R. 1918: Mr. MCCANDLESS, Mr. EVANS of Illinois, and Mr. PATTERSON.

H.R. 1920: Mr. MURPHY, Mr. NEAL, Mr. MILLER of Ohio, and Mr. BIAGGI.

H.R. 1938: Mr. SPRATT.

H.R. 1943: Mr. EDGAR.

H.R. 2053: Mr. KASICH, Mr. KOSTMAYER, Mr. MORRISON of Connecticut, and Mr. SWIFT.

H.R. 2071: Mr. REID, Mr. LAGOMARSINO, Mr. MORRISON of Washington, and Mrs. SCHROEDER.

H.R. 2073: Mr. CLINGER, Mr. ARCHER, Mr. STANGELAND, Mr. VANDER JAGT, Mr. WHITTAKER, Mr. STENHOLM, Mr. SHUMWAY, and Mr. DANIEL.

H.R. 2136: Mr. MITCHELL.

H.R. 2138: Mr. SUNIA.

H.R. 2157: Mr. SMITH of Florida, Mr. PRITCHARD, and Mr. ZABLOCKI.

H.R. 2168: Mr. SUNIA, Mr. MCGRATH, Mr. LIPINSKI, Mr. FRANK, Ms. KAPTUR, Mr. MCKINNEY, Mr. GEPHARDT, Mr. FRENZEL, Mr. RANGEL, Mr. HUTTO, Mr. SMITH of Florida, Mr. GEJDENSON, Mr. FEIGHAN, Mr. OWENS, Mr. DELLUMS, Mr. EDGAR, Mr. MORRISON of Washington, and Mr. MITCHELL.

H.R. 2213: Mr. LAGOMARSINO.

H.R. 2299: Mr. BEVILL and Mr. OBERSTAR.

H.R. 2380: Mr. FAZIO and Mr. BROWN of California.

H.R. 2382: Mr. COATS, Mr. CLINGER, Mr. EDWARDS of Alabama, Mr. FLIPPO, Mr. JONES of North Carolina, Mr. GEJDENSON, Mr. GOODLING, Mr. DENNY SMITH, Mr. SUNDQUIST, Mr. DAUB, Mr. CHAPPIE, Mr. LATTA, and Mrs. SMITH of Nebraska.

H.R. 2472: Mr. WOLF.

H.R. 2483: Mr. PEASE, Mr. MARKEY, Ms. KAPTUR, Mr. BROWN of California, Mr. MITCHELL, Mr. RATCHFORD, Mr. LANTOS, Mr. TALLON, Ms. FERRARO, and Mr. WILSON.

H.R. 2490: Mr. CROCKETT, Mr. BONKER, and Mr. ACKERMAN.

H.R. 2491: Mr. WEISS, Mr. MITCHELL, Mr. WEAVER, Mr. FRENZEL, Mr. EDGAR, and Mr. EDWARDS of California.

H.R. 2547: Mr. CROCKETT, Mr. FEIGHAN, Mr. MURPHY, and Mr. STOKES.

H.R. 2635: Mr. SHUMWAY.

H.R. 2700: Mr. OTTINGER and Mr. FRENZEL.

H.R. 2735: Mr. O'BRIEN.

H.R. 2759: Mr. ROBERTS and Mr. DREIER of California.

H.R. 2830: Mr. RUDD, Mr. BEDELL, and Mr. HYDE.

H.R. 2837: Mrs. BYRON, Mr. STOKES, Mr. WILSON, Mr. BERMAN, Mr. ROE, Mrs. SCHROEDER, Mr. WINN, Mr. RODINO, Mr. ROBERTS, Mr. GEJDENSON, Mr. WEISS, Mr. LEVIN of Michigan, Mr. MURPHY, Mr. LAGOMARSINO, Mr. MADIGAN, Mr. CLINGER, Mr. DUNCAN, and Mr. BEILENSON.

H.R. 2847: Mr. MITCHELL, Mr. MCCLOSKEY, Mr. TOWNS, Mr. DIXON, Mrs. HALL of Indiana, Mrs. COLLINS, Mr. ROYBAL, Mr. RANGEL, Mr. GRAY, Ms. OAKAR, Mr. DYMALLY, Mr. LELAND, Mr. SCHUMER, Mr. CONYERS, Mr. OWENS, Mr. OTTINGER, Mr. ADDABBO, Mr. BIAGGI, Mr. MILLER of California, Mr. MURPHY, Mr. KOGOVSEK, Mr. HARRISON, Mr. ACKERMAN, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. COYNE, and Mr. KOLTER.

H.R. 2937: Mr. SIKORSKI.

H.R. 2941: Mr. RANGEL.

H.R. 2981: Mr. MADIGAN.

H.R. 2988: Mr. MONTGOMERY, Mr. GLICKMAN, and Mr. ANDREWS of Texas.

H.R. 3027: Mr. OTTINGER, Ms. OAKAR, Mr. FRENZEL, Mr. EDGAR, and Mr. VENTO.

H.R. 3071: Mr. NIELSON of Utah.

H.R. 3072: Mr. HALL of Ohio.

H.J. Res. 29: Mr. BONER of Tennessee, Mr. FRENZEL, Mr. DANIEL B. CRANE, Mr. SIMON, Mr. VANDERGRIFF, Mr. JEFFORDS, Mr. STANGELAND, Mr. FISH, and Mr. HYDE.

H.J. Res. 105: Mr. ANDERSON, Mr. ANDREWS of North Carolina, Mr. ARCHER, Mr. BARNES, Mr. BERMAN, Mr. BONER of Tennessee, Mr. BOUCHER, Mr. BRITT, Mr. BRYANT, Mr. CLAY, Mr. COOPER, Mr. DE LA GARZA, Mr. DONNELLY, Mr. EDWARDS of Oklahoma, Mr. ERDREICH, Ms. FERRARO, Mr. FOGLIETTA, Mr. FORSYTHE, Mr. GINGRICH, Mr. GONZALEZ, Mr. GREEN, Mr. HARTNETT, Mr. JONES of Tennessee, Mr. KASICH, Mr. KEMP, Mr. LONG of Louisiana, Mr. MATSUI, Mr. MAZZOLI, Ms. MIKULSKI, Mr. MITCHELL, Mr. PATMAN, Mr. RAHALL, Mr. RAY, Mr. RICHARDSON, Mr. ROE, Mr. ROEMER, Mr. SUNIA, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. WAXMAN, Mr. WHITEHURST, Mr. WILLIAMS of Ohio, Mr. WILSON, Mr. WISE, Mr. WON PAT, Mr. BENNETT, Mr. SMITH of Florida, and Mr. DE LUGO.

H.J. Res. 148: Mr. MAVROULES.

H.J. Res. 174: Mr. PERKINS, Mr. SUNIA, Mr. YATES, Mr. HATCHER, Mr. HORTON, Mr. KOLTER, Mr. RICHARDSON, Mr. FLIPPO, Mrs. SCHNEIDER, Mr. WON PAT, Mr. DICKINSON, Mrs. HALL of Indiana, Mr. FROST, Mr. LAFALCE, Mr. UDALL, Mr. VENTO, Mr. PEPPER, Mr. LEHMAN of Florida, Mr. CROCKETT, Mr. SMITH of Florida, Mr. BERMAN, Mr. STOKES, Mr. BEVILL, Mr. EDWARDS of California, Mr. RATCHFORD, Ms. KAPTUR, Mr. FORD of Tennessee, Mr. FAZIO, Mr. HUGHES, Mr. OWENS, Mr. MOLLOHAN, Mr. ORTIZ, Mr. LIPINSKI, Mr. FISH, Mr. LEHMAN of California, Mr. WAXMAN, Mr. SIMON, Mr. CHANDLER, Mr. FORSYTHE, Mr. LOWRY of Washington, and Mr. MCNULTY.

H.J. Res. 179: Mr. TAUKE and Ms. SNOWE.

H.J. Res. 201: Mr. BIAGGI, Mr. KOLTER, Mr. KINDNESS, Mr. HUGHES, Mrs. HALL of Indiana, Mr. FAZIO, Mr. BATES, Mr. BEDELL, Mr. BURTON, Mr. DAUB, Mr. FISH, Mr. SMITH of New Jersey, Mr. RUDD, Mr. DURBIN, Mr. STOKES, Mr. CARPER, Mr. HOYER, Mr. SAWYER, Mr. DIXON, Mr. MORRISON of Connecticut, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. YOUNG of Florida, Mr. PEPPER, Mr. SCHUMER, Mr. WALKER, Mr. MINISH, Mr. NOWAK, Mr. TRAXLER, Mr. GREEN, Mr. EARLY, Mr. MARKEY, Mr. MATSUI, Mr. LANTOS, Mr. CONABLE, Mrs. BOXER, Mr. TORRICELLI, Mr. RINALDO, Mr. CHAPPELL, Mr. SABO, Mr. MICHEL, Mr. COUGHLIN, Mr. YATRON, Mr. MAVROULES, Mr. BILIRAKIS, Mr. BONIOR of Michigan, Mr. ZABLOCKI, Mr. MILLER of Ohio, Mr. KILDEE, Mr. BEREUTER, Mr. ECKART, Mr. BARNES, Mr. TOWNS, Mr. ARCHER, Mr. FEIGHAN, Mr. STANGELAND, Mrs. SCHNEIDER, Mr. MCDADE, Mr. AUCOIN, Ms. MIKULSKI, Mr. HARRISON, Mr. ACKERMAN, Mr. BROWN of California, Mr. THOMAS of Georgia, Mr. WEAVER, Mr. FAUNTROY, Mr. VENTO, Mr. NICHOLS, Mr. SOLOMON, Mr. SIMON, Mr. BONER of Tennessee, Mr. CHAPPIE, Mr. CORRADA, Mr. PHILIP M. CRANE, Mr. DICKINSON, Mr. HANSEN of Idaho, Mr. HILER, Mr. MARRIOTT, Mr. DENNY SMITH, Mr. SNYDER, Mr. BOLAND, Mr. BORSKI, Mr. MINETA, Mr. COLEMAN of Missouri, Mr. PRITCHARD, Mr. KEMP, Mr. OTTINGER, Mr. ROSTENKOWSKI, Mr. LEWIS of California, Mr. BLILEY, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. HEFNER, Mr. EDWARDS of Oklahoma, Mr. GEJDENSON, Mr. FLORIO, Mr. RODINO, Mr. LOWRY of Washington, Mr. BATEMAN, Mr. DANIEL, Mr. SHUMWAY, Mr. PURSELL, Mr. LEVIN of Michigan, Mr. SHANNON, Mr. CHANDLER, Mr. MURPHY, Mr. PORTER, Mr. BENNETT, and Mr. WOLF.

H.J. Res. 218: Mr. ANNUNZIO, Mr. BENNETT, Mr. BEREUTER, Mr. BOUCHER, Mr. BRITT, Mr. CORRADA, Mr. DANIEL, Mr. DIXON, Mr. DWYER of New Jersey, Mr. JACOBS, Mr. KASICH, Mr. MCEWEN, Mr. MCNULTY, Ms. MIKULSKI, Mr. MONTGOMERY, Mr. PASHAYAN, Mr. PEPPER, Mr. SKELTON, Mr. STANGELAND, Mr. WINN, Mr. YOUNG of Alaska, and Mr. ZABLOCKI.

H. Con. Res. 51: Mr. SMITH of Florida.

H. Con. Res. 63: Mr. ANDREWS of Texas, Mr. CARNEY, Mr. COYNE, Mr. LEVIN of Michigan, Mr. LUNDINE, Mr. MCEWEN, Mr. MURPHY, Mr. NOWAK, Mr. SILJANDER, Mr. STARK, Mr. TAUKE, and Mr. TOWNS.

H. Con. Res. 112: Ms. FERRARO, Mr. FOGLIETTA, Mr. LOWRY of Washington, and Mr. REID.

H. Con. Res. 120: Mr. LIVINGSTON, Mr. EDWARDS of Oklahoma, and Mr. LEWIS of California.

H. Con. Res. 122: Mr. WEISS, Mr. CROCKETT, Mr. BEDELL, Mr. RANGEL, Mr. LEHMAN of Florida, Mr. BONIOR of Michigan, Mrs. BOXER, Mr. LEVIN of Michigan, Mr. FAZIO, Mr. SIMON, Mr. NEAL, Mrs. SCHROEDER, Mr. SMITH of Florida, Mr. FAUNTROY, and Mr. BERMAN.

H. Con. Res. 123: Mr. FORSYTHE.

H. Con. Res. 129: Mr. OBERSTAR, Mr. BARNES, Mr. JACOBS, Mr. TORRICELLI, Mr. GRADISON, Mrs. SCHROEDER, Mr. HARKIN, Mr. FEIGHAN, Mr. WALGREN, Mr. ACKERMAN, Mr. SABO, and Mr. LEVINE of California.

H. Res. 17: Mr. AKAKA, Mr. ALEXANDER, Mr. BATEMAN, Mr. BIAGGI, Mr. BONER of Tennessee, Mr. COELHO, Mr. DYSON, Mr. EDWARDS of Oklahoma, Mr. GEJDENSON, Mr. HANSEN of Utah, Mr. JONES of Oklahoma, Mr. KILDEE, Mr. LANTOS, Mr. MCCURDY, Mr. OTTINGER, Mr. PENNY, Mr. RITTER, and Ms. SNOWE.

H. Res. 50: Mr. BEDELL, Mr. TRAXLER, Mr. SOLARZ, Mr. FISH, Mr. ROYBAL, and Mr. DIXON.

H. Res. 175: Mr. MINETA, Mr. KEMP, Mr. SMITH of Florida, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. GREEN, Mr. RICHARDSON, Mr. MCGRATH, Mr. DANNEMEYER, Mr. AUCOIN, Mr. D'AMOURS, Mr. MCCANDLESS, Mr. BEVILL, Mr. CORRADA, and Mr. YOUNG of Missouri.

H. Res. 194: Mr. AuCoin, Mr. Bevill, Mr. Bonior of Michigan, Mr. Durbin, Mr. Dwyer of New Jersey, Mr. Eckart, Mr. Gaydos, Mr. Gibbons, Mrs. Hall of Indiana, Mr. Hughes, Mr. Kildee, Mr. Kostmayer, Mr. LaFalce, Mr. Lundine, Mrs. Martin of Illinois, Mr. Madigan, Mr. Murtha, Ms. Oakar, Mr. O'Brien, Mr. Patterson, Mr. Rahall, Mr. Sawyer, Mr. Seiberling, Mr. Simon, Mr. Studds, Mr. Walgren, Mr. Wolpe, and Mr. Young of Florida.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of the rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1694: Mr. Rahall.

H.R. 2695: Mr. Pepper and Mr. Smith of Florida.

H.R. 3021: Mrs. Martin of Illinois.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2969

By Mr. DELLUMS:

—Page 16, strike out "program—" on line 4 and all that follows through "(2)" on line 8 and insert in lieu thereof "program".

By Mr. MONTGOMERY:

—Page 16, line 23, strike out "$17,598,890,000" and insert in lieu thereof "$17,588,890,000".

Page 16, line 25, strike out "$6,369,187,000" and insert in lieu thereof "$6,359,187,000".

Page 20, line 24, strike out "$1,153,600,000" and insert in lieu thereof "$1,181,600,000".

Page 21, line 3, strike out "$225,508,000" and insert in lieu thereof "$220,608,000".

Page 21, line 4, strike out "$836,162,000" and insert in lieu thereof "$865,662,000".

Page 21, line 6, strike out "$83,228,000" and insert in lieu thereof "$84,828,000".

Page 21, line 7, strike out "$8,702,000" and insert in lieu thereof "$10,502,000".

By Mrs. SCHROEDER:

—Page 23, after line 20, insert the following new subsection:

(c) Before providing any service under the authority of this section, the Secretary of Defense shall enter into an agreement with the Los Angeles Olympic Organizing Committee under which the Committee agrees to reimburse the United States for the cost of certain services, to be specified in the agreement, that may be provided by the Department of Defense under the authority of this section. The services to be specified in the agreement are services for which the need is reasonably foreseeable before the beginning of the XXIII Olympiad and for which the contracting for the provision of such services by the Committee would have been prudent under the circumstances surrounding the XXIII Olympiad.

By Mrs. SCHROEDER:

—Page 42, after line 17, add the following new section:

SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE FOR MEMBERS OF THE ARMED FORCES SERVING IN LEBANON

SEC. 1009. (a) A member of the Armed Forces serving in Lebanon during any month shall be paid special pay under section 310 of title 37, United States Code, for that month.

(b) The Secretary of the military department concerned shall pay a lump-sum payment to each member of the Armed Forces under his jurisdiction who served in Lebanon during the period beginning on October 1, 1982, and ending on September 30, 1983. Each such payment shall be in the total amount the member would have received under section 310 of title 37, United States Code, for such period by reason of service in Lebanon if subsection (a) had been in effect on October 1, 1982.

(c) This section shall take effect on October 1, 1983. The authority to make payments pursuant to this section is subject to the availability of appropriated funds for that purpose.

(d) This section shall terminate upon the withdrawal of United States Armed Forces from deployment in and around Beirut, Lebanon, as part of the multinational peacekeeping effort in Lebanon.

By Mr. SEIBERLING:

—Page 14, after line 10, insert the following new subsection:

(c) None of the amounts appropriated pursuant to the authorization in section 201 for the Air Force or pursuant to any previously enacted authorization may be used for operational testing of an antisatellite weapon until authorized by subsequent act of Congress.

H.R. 3069

By Mr. DANNEMEYER:

—On Page 50, line 3, insert after the word "completes" the following: "on or before July 1, 1983,"

EXPLANATION OF THE AMENDMENT

This amendment is designed to give the Comptroller General a timeframe for the completion of the review of the regulations published by the Office of Personnel Management, which is called for in the bill.

By Mr. DELLUMS:

—Page 8, strike out lines 2 through 5.

By Mr. FROST:

—Page 28, after line 4, insert the following new item:

MANAGEMENT AND ADMINISTRATION SALARIES AND EXPENSES

Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not plan, design, implement, or administer (1) the transfer of any of the responsibilities of an area office of the Department of Housing and Urban Development in operation on May 19, 1983, to an office of the Department that is located in another unit of general local government; or (2) the closing of any regional office of the Department in operation on May 19, 1983, or the transfer of any responsibilities of such regional office to an office of the Department that is located in another unit of general local government. The provisions of the preceding sentence shall be applicable beginning May 19, 1983, and the Secretary shall take such actions as may be necessary to ensure compliance with such provisions.

By Mr. GREEN:

—Page 38, after line 13, insert the following:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTER FOR DISEASE CONTROL AND NATIONAL INSTITUTES OF HEALTH

ACQUIRED IMMUNE DEFICIENCY SYNDROME

For research, surveillance and other appropriate activities with respect to Acquired Immune Deficiency Syndrome (AIDS), $12,000,000, to remain available until expended.

By Mr. HUCKABY:

—Page 17, after line 7, insert:

No amount appropriated under this or any other Act may be used by the Secretary of the Army (or his delegate) or by any other agency or instrumentality of the United States to acquire any land or interest in land within the Tensas River National Wildlife Refuge under the power of condemnation. The preceding sentence shall not apply to any land or interest in land owned, as of May 25, 1983, by the Chicago Mill and Lumber Company.

By Mr. ROYBAL:

—Strike out page 39, line 22, through page 40, line 2, and insert in lieu thereof the following:

For an additional amount for "West Central Front of the Capitol", $49,000,000, to remain available until expended, for the restoration of the West Central Front of the United States Capitol without change of location or change of the present architectural appearance thereof.

EXTENSIONS OF REMARKS

RETAIN THIRD-YEAR TAX CUT, INDEXING

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. FIELDS. Mr. Speaker, I want to bring to your attention, and the attention of my colleagues, an article written by my good friend, VIN WEBER, which appears in the current edition of Human Events.

The article points out that the third-year tax cut, and income tax indexing, must be retained if the United States is to continue the economic recovery currently in progress. Congressman WEBER is to be commended for his clear and concise arguments on behalf of the tax reforms the Congress approved in 1981, but which now are under attack in some quarters.

I would like to add that I share his commitment to retaining the third-year tax cut and income tax indexing. My constituents in Texas have made clear to me in letters, in telephone calls, and at town meetings their desire to see the third-year tax cut, and indexing, kept in place. They believe, as my colleague's constituents in Minnesota believe, that we simply cannot tax ourselves into prosperity.

Mr. Speaker, I commend Congressman WEBER's article to the attention of my colleagues as the House and Senate work to reach an agreement with regard to the fiscal 1984 budget.

Thank you, Mr. Speaker.

[From Human Events, May 28, 1983]

THIRD-YEAR TAX CUT AND INDEXING MUST BE FOUGHT FOR IN CONGRESS

(By Representative Vin Weber)

Four years ago, as the Tax Rebellion raged across the nation, Republicans made a promise to the American people: we would reduce taxes on all Americans. That was a simple but very potent message. Virtually every Republican congressional, senatorial and gubernatorial candidate in 1978 embraced Kemp-Roth, or some version thereof.

Two years later, we sent the same message to the American people: vote Republican for a change. We promised to reduce taxes on working Americans in order to stimulate savings and investment and put America back to work.

Again, virtually every Republican candidate for public office embraced that promise, with many Republican congressional candidates joining Ronald Reagan and George Bush on the steps of the U.S. Capitol on September 13 to demonstrate their commitment to tax reduction for working men and women.

This simple promise—tax reduction for all Americans—was the single most significant element of our success in the November 1980 elections, and following those elections we went about the business of implementing what we had promised. By and large, we put in place an economic program that would achieve those goals.

Today, we find ourselves, and the program we put into place, under attack—not only by the Democratic "loyal opposition," but from within our own ranks!

The U.S. House, having passed the "Democratic Budget," has endorsed tax increases that can be achieved only by repealing tax indexing and/or the third-year tax cut. The Senate now is considering whether or not to repeal these major tax reforms. There are at least three reasons to retain these tax provisions.

First, higher tax rates will not translate into lower federal deficits. Second, fairness demands that the third-year tax cut and indexing be retained. And third, supply-side economics, given a chance to work (which it has not been), will work.

In Washington, higher revenues do not result in lower federal deficits, but rather in higher federal spending. Tax receipts grew from $40 billion in 1950 to a projected $659 billion in 1984, a 16-fold increase in revenues. Government outlays over the same period skyrocketed 20-fold, from $43 billion to almost $850 billion for 1984. Outlays increased 20 per cent faster than government revenues. As a result, government deficits grew from .06 per cent of GNP to 3.12 per cent of GNP by 1982.

Economist Paul Craig Roberts argued in a Wall Street Journal column some months ago that tax increases expand, rather than shrink, federal deficits. He looked at one specific tax increase, the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), which was designed to narrow the total 1983-1985 deficit by $100 billion, and the 1983-1987 deficit by $229 billion.

But what Roberts discovered, not surprisingly, was that the deficit estimates had not shrunk, as high-tax proponents had predicted, but had grown substantially. Rather than narrowing by $229 billion as a result of higher taxes, the deficit estimates had grown by $612 billion—a swing of $841 billion in just four months!

How could such a swing occur?

First, because Congress will always find new ways to spend any amount of money raised through higher taxes. President Reagan was told that TEFRA would buy him a spending cut of $2.80 for every $1 of tax increase. But according to OMB figures, only $59 billion of the Senate Budget Committee's promised $173-billion spending reductions ever materialized, reducing the ratio to 59 cents in spending cuts for every dollar raised in higher taxes. And before the Senate finishes work on the budget, the President may not even get his 59 cents.

And second, because the size of the federal deficit is far less determined by attempts to fine-tune the budget, i.e., raising revenues to reduce the deficit, than it is by the general level of economic activity in the nation at large.

Beyond the inability of higher tax rates to narrow budget deficits, the third-year tax cut and income tax indexing must be retained as a matter of fairness to middle- and lower-income Americans. The third-year tax cut, in fact, provides middle- and lower-income Americans with their first real tax relief. Wealthy Americans received the bulk of their tax break back in 1981, when the top marginal tax rate was reduced from 70 to 50 percent. But middle- and lower-income Americans' tax cuts that year and last were wiped out by higher Social Security taxes and "bracket creep."

It was the third-year tax cut that was designed to most help middle- and lower-income taxpayers, with fully 72 percent of the benefits of that tax cut going to middle-income taxpayers. And repeal of the third-year tax cut would mean that taxpayers earning between $10,000 and $50,000 a year would lose over 30 percent of the tax relief from the cumulative three-year tax cut program. Upper-income taxpayers, those earning over $200,000 a year, would lose only 13 percent of their tax breaks if the third-year cut is repealed.

Repeal of income tax indexing would only institutionalize, and make permanent, the bias in the tax code against middle- and lower-income taxpayers.

Why? Because the narrower tax brackets near the bottom of the tax code push lower- and middle-income wage earners into higher tax brackets more quickly than the wider brackets at the top of the tax code push upper-income wage earners into new brackets. Most wealthy Americans, who are already paying the maximum tax rate, would benefit little from indexing.

But historical experience and fairness aside, tax cuts—real tax cuts—are more needed today than every before. The current recession wasn't caused because the federal government didn't have enough money. Rather, it was caused because the business climate had worsened over the last couple of decades, particularly for job-creating small businesses. In a very real sense, it's now or never for real tax cuts.

The American economy, in many ways, can be compared to the economy of a troubled small business. Faced with high executive salaries, high debt service, declining sales and poor management, that small company could do any number of things to reestablish itself in the market.

Among its options are cutting salaries, reducing its overhead, or improving its product. While an uninformed observer might contend that the simplest and most reasonable course of action for that business to take would be to raise its prices, therefore generating additional revenues, that would be the most disastrous policy that business could pursue. But that is exactly what many in Congress are suggesting the federal government do to solve its economic problems: raise taxes to generate additional revenues to reduce the federal deficit.

Unfortunately, that is the kind of arrogant and naive thinking embraced by too many men and women in Washington who've simply forgotten how the economy works. In the real world, an unbalanced budget is a symptom—not a cause—of the economy's poor economic performance.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Congress completely ignores this relationship when it tries to reduce the deficit through tax increases. Raising taxes on an economy that has seen its savings base dry up, its investment choked off and its productivity stifled is like adding another leech to a dying patient in the futile hope of "bleeding" him back to health.

A look at the real world experience of the past year provides further evidence of the need for tax reduction in order to generate increased revenue to the federal government.

The largest, and only "real" tax cut effective in 1981, was the reduction in the top rate from 70 to 50 per cent. The Treasury Department estimated, at the time the tax cut was approved, that this lowering in the top rate would cost the government $5 billion in revenues in 1982. Instead, tax revenues from upper-income taxpayers in this top bracket are running 10 per cent higher this year than last, a clear signal that the tax rate cut is pulling money out of tax shelters and into productive—and revenue-generating—uses.

Furthermore, reductions in the capital gains tax have resulted in dramatic increases in the amount of capital available to venture capital firms. Private venture capital partnerships raised 65 per cent more funds in the first half of 1982 than in the first half of 1981.

Only by attracting more money into savings and investment, as we are now beginning to do through lower tax rates, can we hope to create the kind of expanding economy that will generate sufficient revenues to significantly reduce federal deficits.

So then, this is the challenge before us: create an expanding economy in which working Americans are encouraged to save and invest, and an economy in which businesses are encouraged to modernize, expand and hire more workers.

Congress soon will have an opportunity to endorse that kind of an economy when it votes to retain or eliminate the third-year tax cut and income tax indexing. They will have an opportunity to treat all Americans—upper-, middle-, and lower-income Americans alike—fairly. But more than that, they will have an opportunity to move away from the disastrous economic policies of the past and make possible long-term economic well-being for all Americans.

I strongly urge them to seize that opportunity and retain the third-year tax cut and income tax indexing.●

RECOGNITION OF OLDER AMERICANS

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. ROWLAND. Mr. Speaker, May has been designated as "Older Americans Month" and, therefore, I want to take this opportunity to honor these Americans who have contributed and, with our help, can continue to contribute much to our country and society.

There are presently 26 million Americans over the age of 65 with another 33 million between the ages of 50 and 65. Many of these citizens entering their golden years are faced with the fears of the elderly: increasing isolation, loss of friends and relatives, and debilitating ailments. A simple lack of transportation can isolate one so that he or she cannot continue being a productive citizen leading an independent lifestyle. Some older Americans feel that after many years of being productive that they now lead unfulfilling lives.

One organization that is doing something about this situation is Green Thumb, Inc., sponsored by the National Farmers Union. Green Thumb, Inc., operates under a grant agreement with the Employment and Training Administration of the Department of Labor with Federal funds appropriated under title V of the Older Americans Act and contributions from local and State agencies.

Green Thumb, Inc., recognizes an important fundamental philosophy for all older Americans—that is, the right and the need to work. Green Thumb, Inc., projects demonstrate the value of senior workers to their communities and society. Some of the types of projects involved are: Outdoor beautification and recreation, transportation, nutrition, crime control, fire prevention, park development, information and referral, community and senior centers, and a variety of other community and development activities. All of these projects provide wages and an opportunity, through host agencies, for senior rural workers to use their skill and talent to better their communities in addition to creating a more autonomous way of life for themselves.

Green Thumb, Inc., and other senior citizens self-help organizations serve to change stereotypes of older Americans by demonstrating to the Nation that these citizens can and should work, thus decreasing dependence on public assistance and improving human group associations. In addition, they promote employment and provide essential community services and facilities.

The most important resource in the United States is its people. In older Americans we have a productive and experienced group of citizens. Let us draw from this considerable resource. Let us become more sensitive to the needs of our elderly by being supportive, yet, allowing them the dignity to lead an independent and fulfilling lifestyle throughout their latter years.●

A COMPLETE REPORTER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. LAGOMARSINO. Mr. Speaker, there are some people who discover early in life what they like to do, and are then fortunate enough to find somebody to pay them to do it.

Bob Holt is one of those fortunate people. I think Bob must have been born with newsprint on his fingers and ink in his blood; he will certainly go to his grave that way.

While still in high school in his native Montana, Bob got a job putting away type at the local newspaper. In those days type was something tangible and weighty—it was made of lead. Anyway, there must have been something appealing about the job because when Bob graduated from the University of Montana, he went right to work on the Anaconda Standard as a reporter. It was the start of a lifelong and rewarding career.

During World War II, Bob, like many of us, went into the service. Again, good fortune smiled, because he was assigned to the Pasadena Regional Army Hospital—where he met a lovely WAC named Lois, later to become his wife. After the war, Bob worked on several papers around southern California before joining up in May 1949, with the flagship of the John P. Scripps newspapers, the Ventura County Star-Free Press, in my hometown.

On May 27, after 34, years and 11 days, Bob will retire from the Star as the dean of Ventura County reporters. In his career, he has covered just about everything newsworthy that has happened in the county—politics, murders, natural disasters—the full range of man's glories and follies.

For the past 30 years, Bob has also written a feature column appearing three times a week. Someone at the paper figured that works out to well over 2 million words; "homeric" is the only word that applies to such a feat.

The reasons for Bob's success as a reporter are clear; he has an inquiring mind and a unique readable style. And he works at it. Fair, objective, and informed with a depth of background that makes even complex issues clear for the reader, his stories are models of journalistic craftsmanship.

He is a reporter's reporter. He rises at 5 a.m., reads 12 newspapers a day, and has spent many an election night waiting up until dawn for final returns. He is a fixture on the county scene, whether covering the Ma Duncan murder trial at the courthouse or water issues on the Sespe. Bob has watched the transition of the county from a small town, agrarian community to the present day, suburban megalopolis. At the same time, he has seen his words transformed from hot lead to cold type to electronic blips in the composing room—his career spanning the most important transformation in printing in the past 100 years.

Bob claims he will sit at his home in Montalvo and loaf after his retirement. But he has already agreed to continue writing a twice-weekly

column, so I do not think we have heard the last word from him yet. Which is just as well. As his editor, Julius Guis, remarked:

Bob Holt has been a legend in his own time. He's the kind of reporter every editor wants on his staff—possessed of a keen news sense, an able, intelligent, diligent digger of facts and a fast, accurate and often brilliant writer * * * (in) his intergrity, reliability, cheerfulness, helpfulness to junior reporters and his fabulous store of knowledge and quick recall of people and events in Ventura County * * * a complete reporter.

I could not have said it better myself, Mr. Speaker, so I will simply close by extending best wishes from myself, my staff, and my colleagues in the House of Representatives to Bob Holt; may you always find more in your future.●

DR. GUILLERMO UNGO'S RESPONSE TO PROPOSAL FOR CEASE-FIRE IN EL SALVADOR

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. BARNES. Mr. Speaker, on February 25, 80 Members of the House joined me in sending a letter to President Alvaro Magana of El Salvador and Dr. Guillermo Ungo of the Democratic Revolutionary Front urging both sides to begin an indefinite ceasefire on the occasion of the Pope's visit. On March 10, I inserted President Magana's response in the RECORD. I have now received Dr. Ungo's response, dated April 2. I include it in the RECORD for the information of the cosigners of my letter and the public:

The letter follows:

REVOLUTIONARY DEMOCRATIC FRONT, EL SALVADOR, CENTRAL AMERICA,

April 2, 1983.

HONORABLE SIRS: Through personal channels I have received your kind letter of last February 25 which was addressed to me in my capacity as President of the Revolutionary Democratic Front of El Salvador, and I am informed that a similar letter was also addressed to the Provisional President of the Salvadoran government, Dr. Alvaro Magana.

Referring to the concepts contained in your letter, I would like in the first place to thank you in the name of the Revolutionary Democratic Front and in my own name for your concern and interest in the dramatic and tragic situation that the Salvadoran people are experiencing, as well as for the willingness on your part to contribute to the search for a political, not military, solution, to the intense conflict that my native land is experiencing.

We agree with you in evaluating positively the visit to El Salvador of His Holiness John Paul II and we hope from it favorable results for the Understanding and the attainment of peace, through sincere dialogue between the Salvadorans who honestly wish to overcome the obstacles that are present for obtaining a democratic and lasting peace.

The pontifical message invites us to "overcome the obstacles to dialogue" and points out that "nobody should be excluded from the peace effort"; therefore we feel that the moral authority of Pope John Paul II is an important contribution to add more will in favor of political efforts and against military efforts.

Lamentably, the Administration of President Reagan and the Salvadoran government persist in prolonging and deepening the pacification plan through war and in maintaining a repressive power structure in El Salvador, which is causing tens of thousands of deaths, including some Americans.

With a willingness to open and travel the road that will lead us to peace through a political solution, the Revolutionary Democratic Front and the Farabundo Marti National Liberation Front have gone on record publicly on several occasions and have followed behavior that unequivocally expresses their desire to resolve the Salvadoran conflict through peaceful means. We have accepted proposals for mediation and we have proposed direct dialogue with the Salvadoran government, which met with rejection by the other party and their principal support and sustenance, the Administration of President Reagan.

The request that you formulated in your letter, Honorable Senators, obtained all of our attention and that of the General Headquarters of the Farabundo Marti National Liberation Front. Obviously it would require a joint examination and decision on the part of both Fronts, since it is a matter of a political-military conflict in the context of a war. That request of yours was derived from the plea of Monsignor Arturo Rivera y Damas, Archbishop of San Salvador, made to both forces, of the government and the FDR and the FMLN, to observe a truce on the visit of His Holiness to El Salvador.

Our two Fronts acceded to that plea and decreed and complied with a cease fire during the stay of His Holiness in our country. It was a political-military act, a concrete gesture, confirming our willingness to generate conditions favorable for creating a climate that would foster a dialogue for peace. Lamentably, the response of the Salvadoran government was once again a demonstration of will for war.

This will is stimulated and strengthened by the behavior and position of the Executive Branch of the United States Government, which is dedicated to deciding our national destiny with greater military intervention.

We will continue working with historic responsibility for a political solution and showing that it is impossible to defeat us. But we believe that your efforts are of supreme importance in the sphere of your powers. The principal factor that hinders the doors of dialogue from being opened is in the United States Government. The Salvadoran people already cried out for dialogue and peace with justice with its multitudinal presence in San Salvador during the visit of His Holiness. The American people can also speak through you, distinguished and worthy representatives of that nation.

With indications of all my respect,

GUILLERMO MANUEL UNGO,
President, Revolutionary Democratic Front.

(Translated by Deanna Hammond, CRS Language Services, April 28, 1983.)●

ARMS CONTROL—THROUGH THE EYES OF AMBASSADOR WATSON

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mrs. SCHNEIDER. Mr. Speaker, on May 3, 1983, the Christian Science Monitor published an editorial essay by Thomas J. Watson, Jr., chairman emeritus of the International Business Machines Corp. and the U.S. Ambassador to the Soviet Union from 1979-81. The essay, which concerned arms control and the strategic nuclear threat, was one of the most succinct, commonsense summations of the problems we face that I have read.

Essentially, Ambassador Watson makes two overriding points which I commend to all our colleagues. First, that destructive power has multiplied beyond any credible need for deterrence, and that the average person fully understands this. Second, that the state of technology now enables both the United States and the Soviet Union to easily move beyond real deterrence and verifiability to a netherworld of instability. Therefore, the time for real, hard arms control is now—before advancing technology places us in a new era of peril. But no summation by me can surpass a thorough reading of Ambassador Watson's words. I urge all our colleagues to carefully consider this editorial and ask that it be printed at this point. Thank you, Mr. Speaker.

The article follows:

[From the Christian Science Monitor, May 3, 1983]

AMERICANS AND ARMS—AS SEEN BY A FORMER AMBASSADOR TO MOSCOW

(By Thomas J. Watson, Jr.)

Americans face a fateful choice on which their survival could well depend. They must either play a bigger role in decisions about nuclear weapons or continue to allow politics and technology to push us closer and closer to the brink of nuclear war.

From the very beginning, it has been hard to bring technical expertise together with the political wisdom necessary to steer the world away from a holocaust. Americans and Soviets failed to bring the atomic bomb under international control, we failed to head off the hydrogen bomb, and we failed to see the fallacy and danger of improving our nuclear weapons in order to make them useful for political purposes. Thus we have driven each other into a very dangerous situation while thinking we were improving our security.

At the beginning, neither politicians nor experts fully understood the ramifications of nuclear weapons. Later, the technical experts began to spin out their theories in impenetrable jargon. Now it is time to think about these matters in terms of common sense rather than gobbledygook. What are the basic facts of life in the nuclear era?

First, most of us understand the power of the bombs used on Hiroshima and Nagasaki. In Hiroshima, 70,000 people died instantly

or soon after the attack with a single primitive bomb. Many others later died of disease. The power of that bomb was equal to 15,000 tons of TNT. The US Titan missile carries a warhead 600 times more powerful than that used on Hiroshima, and the Soviets have depolyed even larger warheads.

Second, these weapons of immense destructive power have multiplied beyond any conceivable level necessary for deterrence. There are about 50,000 nuclear weapons in the world today; the United States possesses 30,000, the USSR has 20,000, and England, France, and China have a few hundred. The US and the USSR each have about 7,000 strategic nuclear warheads in land-based silos and submarines, and the US has an additional 2,000 on bombers. If the Soviets were deprived of all but 1 percent of their warheads, they could still destroy 70 American cities. And the same applies to US forces.

Third, the capacity of technology for improving these weapons is truly impressive—and frightening. Both countries have deployed multiple warheads on many of their missiles, as many as 14 on some US missiles. While some may be turned off or misled by the jargon term "MIRV" (for multiple independently targetable reentry vehicle), the fact is that this invention multiplied the destructive power of each side's forces many times over and greatly increased instability. But MIRVs are not the newest technology. The new US Pershing II missiles scheduled for deployment in Europe at the end of this year will be equipped with maneuverable reentry vehicles or MARVs. Here, as in so many other cases, technology momentum seems to outpace common sense or even comprehension.

Yet the MIRV case illustrates the importance of thinking ahead about the implications of technological advances. When the US first put multiple warheads on its missiles, they gave it an advantage over the Soviets. But once the Soviets developed and deployed them, US land-based missiles became theoretically more vulnerable to a possible Soviet attack. This because one missile could destroy several. Thus, in part, the "window of vulnerability" was of our own making, and the fact that the window is largely an illusion does not obscure the reality that this illusory window has driven our security policy for many years.

The US should draw the proper lessons and think carefully about the consequences before deploying new technology innovations. Furthermore, it should examine possibilities of iron-clad treaties to ban those weapons which would harm rather than increase security.

Fourth, not all technological innovations are dangerous; some are benign and useful. For example, the development of satellite reconnaissance enabled the U.S. and the Soviet Union to bypass the issue of on-site inspection which had blocked effective arms-control efforts since 1946. The deployment of strategic missile-carrying submarines, which cannot be destroyed in a first strike, was beneficial, and the new Trident submarine force is certainly a much safer step than building the MX.

But sea-launched and ground-launched cruise missiles (small, low-flying unmanned jet aircraft with great accuracy and destructiveness) should be viewed with great concern since they will be impossible to verify, no matter how many satellites we have. If we don't negotiate a complete ban, we will never know how many a potential enemy has deployed or where. Many say this move cannot be stopped but if we were convinced that the deployment would do us no long-term good and the Soviets felt likewise, it is certainly possible to avoid deployment.

And that brings us to the fifth point: the importance of the negotiations which have been conducted for over 13 years by American-Soviet representatives. Significant agreements have been concluded: the Anti-Ballistic Missile Treaty, the Interim Agreement on Offensive Forces, and the SALT II Treaty. Despite the fact that the U.S. government has declined to ratify SALT II, both the U.S. and U.S.S.R. continue to observe many of its provisions. Much time has been wasted haggling over minor points. Whether the haggling is deliberate foot-dragging or real concern over secondary issues, the basic realities argue for an urgent and determined negotiating effort.

What can individual Americans do to produce saner policies for dealing with the threat of nucler war?

The US democratic system is a marvelous one for achieving solutions to political problems. It works out compromises among conflicting groups which are reasonably well aware of their interests and informed about the options. It works best on domestic issues which affect large numbers of voters. It works least well on foreign policy and security issues, particularly those where individual interests are not clear or where the subject matter is too complex for nonspecialists to understand.

In particular, nuclear issues have been thought beyond the ken of individual citizens. But we can no longer afford the luxury of unconcern or laziness. Every individual clearly has a stake in the survival of our civilization. Every individual can cut through the gobbledygook and master the basic facts needed for a responsible policy. And every individual has the obligation to serve our democracy by insisting that our government pursue a policy soundly based on those facts.

That means rejecting the seductive approach of ever greater reliance on nuclear weapons, and insisting on negotiating seriously to stop and roll back the US-Soviet arms race. It also means doing the homework necessary to make sure we maintain a deterrent which in fact deters nuclear attack, such as a strong submarine force, rather than inviting it, as would the MX missile. And it means supporting any sacrifices necessary to maintain a strong non-nuclear defense force.

That is asking a lot of Americans, who already have a lot of things on their minds. But in view of what is at stake, it is not asking too much.●

H.R. 2809—U.S. FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. LONG of Maryland. Mr. Speaker, I am delighted to join my colleague Representative JOHN BREAUX in sponsoring H.R. 2809, the U.S. Fish and Wildlife Foundation Establishment Act. I commend the members of the Merchant Marine and Fisheries Committee for approving this bill so expeditiously.

The purpose of H.R. 2809 is simple: To provide an opportunity for the American public—concerned citizens, corporations, private organizations and foundations—to support our fish and wildlife conservation programs. This bill was inspired by Theodore and Francoise Gianoutsos, two avid outdoor people, who generally sought to contribute their financial resources to enhance the programs of the Fish and Wildlife Service but found that there was no vehicle to do so.

Modeled on the existing, successful, National Park Foundation, this legislation establishes a charitable and nonprofit corporation which encourages, accepts, and administers private gifts to foster fish and wildlife resources. It will provide a means for those concerned with protecting endangered species, promoting public education about wildlife, preserving wildlife habitat and other wildlife conservation programs to help in a meaningful way.

At a time when the U.S. Fish and Wildlife Service in facing increased responsibilities with growing budgetary constraints, the creation of a Fish and Wildlife Foundation is surely needed. I urge my colleagues to join me in supporting this legislation when it comes to the House floor for a vote.●

SUPPLY-SIDE POLICIES WORKING

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. WEBER. Mr. Speaker, recently an editorial appeared in the Morris Tribune in Morris, Minn., that contrasted conditions today with conditions as they existed 2 years ago, when President Reagan began to implement the economic policies which stressed stimulative tax cuts designed to reinvigorate the economy.

As you well remember, Mr. Speaker, many cynics said in 1981 that such tax cuts would lead to record rates of inflation. The editorial, written by editor Jim Morrison, points out that despite the dire warnings of those politicians who opposed the President 2 years ago, our Nation's economy continues to undergo an impressive and sustained recovery.

Further, the editorial makes some observations about politicians who have suddenly begun worshipping at the altar of a balanced budget. The editorial suggests that such feigned devotion to a balanced budget is merely one more way President Reagan's opponents are seeking to undermine his program, and substitute their

own high-tax, high-spending policies in its place.

Mr. Speaker, I commend this editorial to your attention and to the attention of my colleagues.

[From the Morris Tribune, May 19, 1983]

INFLATIONARY TAX CUTS?

"As we enter the Reagan era, one thing is certain: his conventional anti-inflation policies promise even less success than Carter's. Their inherent weakness will be exacerbated by inflationary tax cuts . . ."

The above quotation, taken from the lead article in the November 29, 1980 issue of The Nation, is just one example of the sort of nonsense that could be found in the liberal press shortly after the election of President Reagan. The theme of "inflationary tax cuts" was often repeated, and liberal economists such as John Kenneth Galbraith were writing ponderous articles about why Reaganomics wouldn't work.

In the aforementioned piece in The Nation, the authors pointed out that for most of 1980, the last year of Jimmy Carter's term, the Consumer Price Index was rising at more than double the rate for 1976—when Carter had called Gerald Ford's economic policy "a disgrace". The inflation rate was hovering near 20 percent when Carter was voted out of office; the prime interest rate stood at 17 percent.

The tax cuts the liberals had called "inflationary" were signed into law in 1981. Since that time, inflation has all but dropped out of sight. Last Friday, the government reported that wholesale prices have declined 3.7 percent so far this year.

At the same time, it was reported that U.S. factories produced goods in April at the fastest pace in nearly eight years. Two years after the Reagan tax cuts, we are experiencing economic recovery as inflation recedes. Once again, reality slaps Galbraith and company in the face.

Of course everyone has made a silly prediction or two. But the liberal admonitions of 1980-81 shed light on the seemingly endless process of trying to justify higher taxes. Now that Mr. Reagan's efforts cannot be painted as inflationary, a new strategy must be found.

Thus, we see the newfound liberal awareness of the evils of budget deficits. Taxes must be increased, we are told, in order to cut federal deficits.

Federal spending for entitlements, social programs, and defense is increasing rapidly at a time when Uncle Sam already consumes one-fourth of the nation's resources. Yet many Democrats—and even some Senate Republicans—are saying that we can only cut deficits with higher taxes.

President Reagan summed it up in a speech Monday: "The deficit doctors have their scalpels out all right, but they're not poised over the budget. That's as fat as ever and getting fatter. What they're ready to operate on is your wallet."

In truth, the liberals are no more concerned with deficits now than they were with inflation in 1980. The big spenders who hold the patent on deficits are crying wolf—in an effort to grab a bigger bite of the taxpayer's dollar.●

HUMAN RIGHTS IN GUATEMALA

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. LELAND. Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD the following human rights report on Guatemala prepared by the Council on Hemispheric Affairs. As the foreign aid authorization is being reported out of committee, I think my colleagues will find this report useful preparation for consideration of the bill by the House.

HUMAN RIGHTS IN GUATEMALA: EMPTY IMAGE

Instead of improving, the situation in Guatemala has continued to deteriorate under Rios Montt. He has stepped up the government's war against the Indian population, and has severely restricted civil liberties as well as press and political freedoms.

Since Rios Montt was installed he moved to consolidate his power. On June 9th, he ousted Gen. Shaad and Col. Gordillo, the other two members of the junta and declared himself President of the Republic, Commander in Chief of the Armed Forces, and sole wielder of legislative power. He had previously promised to be only a "caretaker ruler" and that he would not seek the presidency.

Col. Ricardo Mendez Ruiz replaced Shaad as minister of government. Recently Ruiz commanded troops in the northern city of Coban where he reportedly directed massacres in Alta and Baja Verapaz. Gordillo's position was filled with another military man as Minister of Communications. Other positions in the government have been filled by members of Montt's religious faith—the Church of the Word, which has its home base in Eureka, California.

Although Montt spoke of holding elections within a few months after the coup, he has now set them back at least until 1985.

On July 1, citing the "danger" posed by guerrilla groups, Rios Montt declared a state of siege. The decree banned all political and union activity. Private gatherings would be permissible only it they have been approved by Gen. Rios Montt personally. Houses can be searched without a warrant, travel is restricted, and the army can arrest anyone suspected of "disturbing the public order." The general has the power to requisition private vehicles, including planes. The press is restricted to reporting civil strife only through official communiques, and is prohibited from disseminating information that may cause what is loosely termed "confusion."

Rios Montt established on July 8 a system of three-man tribunals which may impose the death penalty in cases of national security. Suspects can be arrested and held without charges and without the right of habeas corpus. The trials are secret, and convicts have no chance to appeal death sentences.

Rios Montt, when asked about the state of siege, replied, "When the Constitution was in force, I could not search for someone in a house, so I have to establish a legal framework so that I can enter a house."

ABUSE INCIDENTS

On May 13, 13 Guatemalan leftists stormed the Brazilian Embassy in Guatemala City to dramatize their claims that government massacres of Indians were being carried out under Rios Montt and that "nothing has changed since the coup." The 13, members of the Committee of Peasant Unity and the Popular Front—31 of January, said they represented people "who have been persecuted, whose harvests and farms have been burned." The situation was resolved by Brazilian negotiators. The leftists were allowed to hold a press conference and were granted asylum in Mexico, in exchange for the safe return of the eight prisoners they had taken.

One of the most highly publicized examples of the current regime's disregard for human rights was its public execution of four suspected members of the People's Guerrilla Army. On September 17, a firing squad executed Jaime de la Rosa Rodriguez, Julio Hernandez Perdomo, Marcelino Marroquin and Julio Cesar Vasquez Suarez. The four executions, the first ones under the government's July decree, took place one day after a secret trial, despite urgent pleas for clemency by a number of human rights organizations and public figures.

According to the findings of a number of international organizations and daily news reports, the Guatemalan government has been carrying out a "scorched earth" policy whereby they "clean out" entire mountain villages suspected of harboring guerrillas. In the rural operations, security forces routinely kill peasants, including women and children, destroy homes, burn crops, slaughter livestock and confiscate valuables. This tactic is intended to strip guerrillas of their logistical support. Thousands of surviving peasants, terrorized by the violence, flee to other parts of the country, to Honduras or to Mexico, where as many as 150,000 of them can now be found.

One widely reported massacre occurred on April 15, when an army battalion attacked the village of Semeja in Chichicastenango. Campesino groups reported that 20 villagers were tied to poles and burned alive. Also on April 15, an army patrol entered the village of Chocorrales, Santa Cruz, Quiche, where an army patrol beheaded nine peasants as the family was praying. Among them was a nine-year-old girl.

On June 8, nine more people were killed by security forces, including three children and two old people. They were burned to death on a road leading to San Pedro Carcha, Alta Verapaz Department. According to an eyewitness report, about 30 armed men riding in small trucks forced the victims out of their homes, threw gasoline over them and set them on fire.

Another army massacre took place during the last week of June. Three hundred soldiers entered the village of Pampacchi, Alta Verapaz, and dragged all of the men from their homes. A few days later, 70 corpses bearing signs of torture were found near the village of Tactic.

In response to the reports of massacres, the Guatemalan government has blamed the guerrillas, or claimed that the victims were guerrillas who died in clashes with the security forces. The authorities also claim that guerrillas don army uniforms and carry out massacres to provoke international criticism. But when pressed about the reported massacres of civilians, including women and children, Rios Montt replied: "The problem of war is not just a question of who is shooting. For each one that is shooting there are 10 working behind him."

Depositions collected by Craig Nelson, a research associate on Central America at the Institute for Policy Studies, and COHA

Senior Research Fellow Thomas P. Anderson, who is also a professor of history at Eastern Connecticut State College, point to the security forces as the perpetrators of the great majority of casualties. Guatemalan refugees now living in camps in Chiapas, Mexico, testified to incidents of arrest, torture, rape, execution and looting by soldiers. Asked how they knew that their persecutors were soldiers, some answered that the invadors arrived in helicopters; others noted the soldiers' camouflage suits and their Galil rifles, while still others testified that soldiers dressed in civilian clothing. The peasants knew they were soldiers, they said, because the same men had come to the towns earlier to organize civil defense groups.

The Guatemalan government claims that as many as 30,000 villagers have joined civil defense groups for protection against guerrilla invasions but groups such as the Committee for Peasant Unit (CUC), the Indian Movement and the Guatemalan Justice and Peace Committee report that the civil defense patrols are nothing more than a new form of paramilitary band, led by soldiers, local military commissioners and paid spies. These accounts charge that peasants have been told repeatedly that if they did not join the patrols, they would be killed and all of their property burned. They also allege that the army has offered those who join its patrols the lands, harvests, belongings and women of the peasants killed.

EXCERPTS FROM ANDERSON AND NELSON'S REPORT

A 21-year-old man stated that he had left his village in the Department of Huehuetenango on or about June 15, 1982, because the army was killing all the people. That same day, soldiers he had previously seen arrived by truck in his village and surrounded it. They said that all the people in the village were guerrillas, even the women and children. The young man ran and hid, and watched as the soldiers killed 15 people with machetes. They set fire to the houses, and sometimes opened the doors of huts and threw in hand grenades. In all, 50 people in his village were killed. Two of the victims were his uncles. From a kilometer away, he saw women from the village who were hung naked by their feet.

A 29-year-old man describes how the army massacred villagers in the Department of Huehuetenango, including his brother: On Aug. 27, 1982, soldiers arrived in his village. The same soldiers had been there shortly before to organize a civil patrol. The army had also killed four villagers in February. This time they told the villagers not to be afraid and took them to the school. As he watched from a house where he and his brother were hiding, soldiers came to the house where they were. They said that he and his brother were guerrillas, although the man claims that he is "only a peaceful tiller of the soil." The soldiers broke down the door when the two brothers refused to come out and dragged one brother away. The other ran for it and escaped. His brother was hung by his neck from a beam and hacked to death with a machete. According to people who have arrived recently in Mexico, the town was burned and many more people were killed.

Another interview was held with a 30-year-old pregnant woman, the mother of three children. She fled her village in the Department of Huehuetenango because government troops burned it and killed many of its residents. At 6 a.m. on May 6, 1982, about one hundred soldiers, whom she could identify by their camouflage suits and pistols, arrived on foot in her village and surrounded it. Villagers then were robbed of their clothes and money, and their houses were burned. Many were hacked, beaten and shot to death. She alone saw soldiers kill 15 people, as she stood 25 meters away. She was raped. Her husband and brothers were killed inside their house. Shortly after this, she fled to Mexico. She has no desire to return to Guatemala.

The evidence collected by Nelson and Anderson concurs with that of Amnesty International, as well as testimony presented by Angela Berryman of the American Friends Service Committee in August to the International Development Institutions and Finance Subcommittee of the House Banking Committee. Amnesty International, testifying at the same hearing, concludes in its report: "In no case known to Amnesty International has a campesino who has succeeded in reaching comparative safety abroad in either Honduras or Mexico supported claims that opposition forces have been responsible for massive extra-judicial executions of noncombatant civilians. On the contrary, many who have spoken to foreign journalists outside of Guatemalan territory have indicated their knowledge or belief that the atrocities which they witnessed or survived had been perpetrated by government or government-supported groups."

In many COHA interviews with Guatemalans and visitors to that country, the findings of these on-site depositions have been confirmed and amplified.

Seen in this light, the Reagan administration's contention that military aid to Guatemala should be renewed due to an improvement in human rights there is absurd. According to a church source, as many as one million people have been uprooted by government violence. Archbishop John R. Roach, president of the National Conference of Catholic Bishops, spoke last month of the lamentable human rights situation in Guatemala and said: "We draw the inescapable conclusion that respect for human rights in Guatemala is at its nadir."

A signed editorial in Guatemala's second largest newspaper condemned the "genocide carried out in the Indian regions of the country." According to the editorial, which appeared in El Grafico, "We are really not worthy of any aid while this continues."●

ARTS COUNCIL PAYOFF

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. CONTE. Mr. Speaker, I would like to take this opportunity to compliment the Massachusetts Council on the Arts and Humanities for instituting a new program that is helping some well-spent Massachusetts tax dollars pay off.

The new works program sponsored by the arts council encourages the creation of new artworks by helping to fund certain selected projects or artists. One such successful project is the recent Pulitzer Prize winning play, "Night Mother," which was funded in part by a $27,000 grant from the arts council. This grant money was clearly well spent.

The following article from the Boston Globe editorial page pays special tribute to the good work being done by the Massachusetts Council on the Arts and Humanities:

ARTS COUNCIL PAYOFF

There's a nice local twist on the Pulitzer Prize that went to Marsha Norman for her stunning play, "Night Mother." The venture, which premiered at the American Repertory Theater in Cambridge, was funded in part with a $27,000 grant from the Massachusetts Council on the Arts and Humanities. Clearly the arts council money—Massachusetts tax dollars—was well spent.

When the play opened at the Loeb last December, Globe drama critic Kevin Kelly called it a play of "compact eloquence" and wrote that, "there's a naturalness to Marsha Norman's playwriting, a reality which, for all the accumulating drama, is peculiarly truthful." The New York critics have been just as complimentary. Audiences are lining up for tickets outside Broadway's Golden Theater just as they did here.

Understandably, the arts council is gratified at the prizewinning payoff on its recent efforts to encourage the creation of new art works. Three years ago, the state council determined that less than 10 percent of its grant money was supporting new plays, paintings, music, dance and performance. Fearing that Massachusetts would become little more than a dustridden artistic archive by the year 2000 unless it acted, the council initiated a special program to fund new works.

Since then, the New Works program has spent $750,000 on 33 projects selected by independent review panels of nationally known appointees. Much of the money has gone directly to artists. Much of the work already sponsored has been publicly recognized. Last year, Roger Sessions won another Pulitzer Prize for music commissioned by the Boston Symphony Orchestra for its centennial and funded by the state program.

The Massachusetts Council on the Arts and Humanities has always done good work and the success of this new program adds weight to annual arguments made in favor of increasing its budget. This year the arts council has requested $8.5 million, up from $5.5 million last year. The Legislature should consider the appropriation because the arts council is one state agency that gets the most for its money.●

CONGRATULATIONS TO THE FIRST UNITED METHODIST CHURCH OF SALINE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. FORD of Michigan. Mr. Speaker, I am pleased to announce that this year marks the 150th anniversary of the United Methodist Church of Saline, Mich. As the Representative from the 15th Congressional District which includes Saline, I am honored to speak about this historic occasion. The celebration of this fine event will culminate with special Sunday activities on June 12. Services will be held in

the sanctuary and at Millpond Park in Saline. The Bishop Edsel Ammons will preach at both services. The park worship service and proclamation event will be followed by a pig roast and other activities. Such a gala celebration is a fitting tribute to an organization with such a rich history.

The church had its beginnings in 1833 when Michigan was no more than a territory, and largely wilderness at that. The Reverend James Davidson extended an invitation to the people assembled at a meeting house to join a Methodist class being organized. Only three people stepped forward. eventually, these humble beginnings gave way to a steadily growing congregation. Members decided that they wanted a church building. The founder of Saline, Orange Rison, had promised a lot to "any religious society who should build a house of worship in Saline." Although the lot was originally given to the Episcopal Church, that group decided to organize in Ypsilanti rather than Saline, and the lot was donated to the Methodists.

In 1836, the original wood structure was razed when it was struck by lighting. The group was not able to meet for several years after, except in schoolhouses. About 1848, a second church building was erected, but was torn down only a short time later because of faulty construction and inferior bricks. Nine years later, another structure was built in the traditional "old new England type" style, with a tall steeple and widely spaced windows. The present edifice was dedicated in 1899 after the congregation decided to build a new church.

The magnificent music and hymns have been important to the success of the United Methodist Church. In the beginning, it was a sense of brotherhood that was shared and enjoyed during the meetings which helped the settlers brave the vicissitudes and loneliness of pioneer life.

In 1975, a new addition was built onto the present church, now 84 years old. As Saline's oldest institution, the United Methodist Church indeed deserves to be recognized as the historic and spiritual monument it is.●

A TRIBUTE TO JOHN TUGGLE

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. BADHAM. Mr. Speaker, it is my privilege again this year to rise in honor of an unknown celebrity, who, through misfortune or good luck, depending upon your view, will be in center stage for 1 great week of glory in June and before the week ends will be one of the best-known sports figures in the United States.

He is John Tuggle, a crunching fullback from the University of California at Berkeley, who was the last man selected in the 1983 National Football League annual draft. John Tuggle was the 335th football player chosen this year and if he has any luck at all will be playing for the New York Giants in this year's NFL season.

Tuggle will be honored, Mr. Chairman, in the Irrelevant Week VIII ceremonies to be held in my hometown of Newport Beach, Calif., which I represent in this body. "Honored," however, may not be the right word.

For in the previous seven Irrelevant Week festivities, none of the honorees had the good fortune to play for the team which drafted them. Several did not make it into training camp, some were cut as the preseason began, one played in two preseason games, another went to Canada, and so forth.

But, John Tuggle will never forget his week in southern California during Irrelevant Week VIII, 1983. He will be wined, dined, roasted, escorted to the races, to the gaming tables of Reno, to Disneyland, and preside over a golf tournament in his honor.

Tuggle, of course, can be proud of being picked at all by the NFL, even if he was the last one. Even being 335th has its distinctions and Tuggle is not without impressive qualifications.

At the University of California, the Hawaiian-born athlete rushed for 1,813 in his carreer of 3 years, earning a reputation as a rugged inside runner and one of the strongest backs in the Pacific 10 conference. He was the leading rusher for 2 years for the Golden Bears of California and finished his career fourth on the university's alltime list of runners, fifth in total career/yardage and fourth alltime list of runners, fifth in total career pass/catching yardage and fourth for Cal in all-purpose rushing yardage.

He was voted the Outstanding Player in the Japan Bowl, played in the Blue-Gray game and received honorable mention on the All-PAC 10 team last year. He grew up in San Jose and is married.

When he arrives June 20 in Orange County, he will lead a parade of local dignitaries, leading citizens, political figures, and others interested in bettering the sport of football to the opening festivities, a press conference, where the tone for the week to follow will be set.

John Tuggle will know, as many of us in the United States will know, that being last in a field of greats is nothing to be ashamed of; that the honors to be bestowed on him come from the heart of those honoring him because all who participate and observe Irrelevant Week know that a little bit of each of us is embodied in irrelevance.●

IF CONGRESS PULLS THE LATIN PLUG

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I wish to bring to the attention of my colleagues a recent commentary in the Washington Post by columnists Evans and Novak. They emphasize the danger of eroding confidence in the United States as the perception grows of our lack of constancy in following through on our commitments once they are made.

IF CONGRESS PULLS THE LATIN PLUG

(By Rowland Evans and Robert Novak)

TEGUCIGALPA, HONDURAS.—Although the effort to terminate "covert" American aid to anti-Sandinista guerrillas in neighboring Nicaragua is stalled for now, it has cost the "*contras*" no momentum and raised excruciating questions for the future.

Uncertain about continuing U.S. support, logistical supply lines slowed to a crawl two months ago. "The debate in Congress put a dead spot in the pipeline," an official intimately involved in the *contras'* anti-Sandinista insurgency told us.

That revealed how significant a player American ambivalence had become in the harsh, thickly forested guerrilla country across the long, undefended Honduran-Nicaraguan border. The unannounced plan of the Nicaraguan Democratic Force (FDN) had been the overthrow of the Sandinistas by September—at the latest. Despite the surprising successes of the FDN's claimed 10,000 insurgents now operating in small units deep in Sandinista territory, that goal was forced back by congressonal liberals trying to end the covert aid program altogether.

The FDN's overall military commander, rotating between the field and a safe house here, has devised a strategy that counts on a short war. "We do not think about a long war," Emilio Echeverie told us. "We will win this war, between September and December."

But if Congress vetoes U.S. assistance, covert or otherwise, what then? "Our momentum is excellent today,"said Echeverie, a highly impressive former military engineer. "A cutoff would hurt us but it would not be devastating." One reason: Echeverie's insurgents have already captured 2,500 weapons, including mortars, in their attacks on Sandinista military units.

In fact, however, a congressional veto switching Reagan administration policy might cripple the FDN. That's because a 180-degree switch would have dramatic political impact in Nicaragua—particularly in Managua, the Sandinista stronghold that must turn against the Sandinistas if the FDN insurgency is to succeed. The outpouring of anti-Sandinista emotion in Nicaragua since the FDN took the field would be bitterly affected if the U.S. forsook the guerrillas.

The fiction that the objective of the FDN was ever anything less than the overthrow of the Sandinistas serves diplomacy and, back in the United States, congressional politics. Their objective was never simply cutting the arms flow to Marxist rebels in El

Salvador. That was clearly understood—but not advertised—by the Reagan administration when the CIA first sought congressional approval to finance its clandestine help to the contras.

Actually, one cause of delay in the Reagan administration's moves against the Sandinistas was its initial selection of Eden Pastora as the natural future leader a post-Sandinista Nicaragua. Pastora is the celebrated "Commander Zero" who accused the Sandinistas of betraying their revolution and fled to exile. Pastora now has his own anti-Sandinista guerrilas in the extreme Nicaraguan south along the Costa Rican border.

As an original anti-Somoza leader, Pastora was viewed in Washington to be politically safer with American liberals as the chief guerilla leader—and potentially as heir apparent in Managua. While he was "pure" a small percentage of the FDN's forces had been involved with Somoza's National Guard.

The dispute over Pastora was finally resolved in favor of the FDN, but the delay frustrated its leadership. If the U.S. objective had ever been limited to cutting arms supplies to El Salvador, the dispute would never have occurred.

That raises the question of future intentions of Congress as the real significance of the operation seeps under sensitive liberal skins. But the question may not be as fateful as it once seemed. If Echeverie's guerrillas can administer the coup de grace to the Sandinistas between September and December, President Reagan would easily carry the United States with him in defending his anti-Sandinista policy from liberal attackers claiming they had not been told the whole truth. One diplomat here dismissed that potential trouble as "a problem we would love to have."

But if the Sandinistas stop the insurgents and Congress then cuts U.S. aid, the blow would be "devastating," whatever Echeverie says today. It would devastate the FDN, and it would supply more evidence to American allies everywhere that a pledge of U.S. support is worthless.●

REAL AMERICAN HEROES

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. QUILLEN. Mr. Speaker, on Wednesday, we will be privileged to have as our guests here in Washington the regional winners of the GI Joe Real American Hero essay contest, a competition that drew 4,700 national entries.

The southern regional winner in this year's competition is 12-year-old Stephen Seneker, from Bristol, Tenn. Stephen is a student in the fifth grade at St. Anne's Catholic School. In his brief life, he already appears to have learned more about true heroism than many of us learn in a lifetime.

I commend to my colleagues this prize-winning essay, and congratulate its author on his accomplishment:

GI JOE REAL AMERICAN HEROES ESSAY CONTEST

I believe a real American hero is a person who cares for life and saves others from danger. A hero to me is a person who risks his or her life for others. Heroes are sometimes known nationally and some are not. Some are quiet heroes like the people who give blood and organ donors who help others live on. Policemen are heroes because they protect us and enforce the law. Firefighters are heroes because they put out fires and save lives. People who give food, clothes, and shelter are heroes because they have done a good deed. Everybody can be a hero in some way.●

THE SANDINISTAS AND THE POPE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. HYDE. Mr. Speaker, Humberto Belli, a former editor of La Prensa, now residing in Michigan, has written a very perceptive article entitled, "The Sandinistas and the Pope" which has been published in a number of newspapers across the country, including the Washington Times.

I believe Mr. Belli's analysis of the Sandinista government's attitude toward the Catholic church and the clergy in Nicaragua is timely and noteworthy and I commend it to the attention of my colleagues:

THE SANDINISTAS AND THE POPE—WILL EYES OPEN?

(By Humberto Belli)

Since their ascent to power in Nicargua in 1979, the Sandinistas have claimed that they are a regime respectful of religion, as well as a model of the integration of Christianity and revolution, Marxism and faith. Many in the United States—ranging from Catholic publications such as Our Sunday Visitor and Maryknoll magazine to some segments of the secular media—have tended to endorse such an explanation.

When reports about church-state conflicts began to surface, those who tended toward a favorable view of the Sandinistas offered the explanation that the conservative biases of the Catholic hierarchy had allowed them to be manipulated, perhaps unwittingly, by the enemies of the revolution. However, the label "conservative" was not easily applied to the Nicaraguan bishops' conference, as they had courageously opposed the Somoza regime and supported the building up of a "human socialism" after the success of the revolution.

When some Nicaraguan bishops suffered attacks at the hands of the Sandinista mobs, and the government cracked down on the Catholic media, some observers outside Nicaragua expressed concern. Yet there remained a great deal of sympathetic understanding toward the regime. Fr. Bryan Hehir of the U.S. Catholic Conference (U.S.C.C.), for instance, in testimony before the House Sub-Committee on Human Rights, suggested that the government could not be assigned the blame for actions involving "protesting parishioners."

When in August 1982 the Nicaraguan rulers tried to defame the spokesman of the archbishop of Managua, Fr. Bismarck Carballo, prodding him naked before state TV cameras and accusing him of having been caught in a tryst with a woman, many became skeptical of the Sandinistas' respect for religion. The public outcry was loud enough to embarrass the Nicaraguan rulers. Archbishop Paul Roach, president of the USCC, issued a statement critical of the government's action, as did Vatican Radio and other Catholic bishops' conferences throughout the world.

A new round of explanations of government intentions then made its appearance. Both the Sandinistas and their supporters abroad acknowledged that some Nicaraguan authorities had made a "mistake," or, as a more sophisticated advocate put it, a "bad judgment." This suggested that the humiliation of Fr. Carballo had not been a fully deliberate act—not an action related to the government's principles or policies but an accident, an occurrence akin to a mistaken traffic citation.

With the visit of the Pope to Nicaragua, again, very distressing reports emerged. The Sandinista government interfered with the rights of Nicaraguans to greet the Pope freely. They publicly dishonored the Catholic pontiff, disrupting the celebration of the mass, and sabotaging his sermon with electronically amplified political chants. And to give the lie to any suggestion that Sandinista partisans might have acted on their own, the full directorate of the Sandinista party acted at one with the crowd, in full view of the world.

What explanation of the Sandinista government's attitude to religion can now be given? The government's handling of John Paul's visit leaves little room for softening explanations. Actions betray intentions far better than words. The Sandinistas treatment of the Pope has now inflicted a fatal blow to the contention of the Sandinistas and their defenders that they are, after all, a group of misunderstood Christians influenced revolutionaries, and that the churches need have nothing to fear from Sandinistas policies.●

U.S. COMMISSION ON CIVIL RIGHTS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. MINETA. Mr. Speaker, in 1957, Congress established the U.S. Commission on Civil Rights as part of the Civil Rights Act of 1957. The Commission is an independent, nonpartisan Commission responsible, among other things, for appraising Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, handicap, or national origin. Somebody, however, forgot to tell President Reagan. He thinks that the Commission is his personal administrative tool for forging what he calls a colorblind society—a benign phrase which the American public is supposed to believe justifies the President's refusal to adequately enforce civil rights laws, his support for tax breaks for schools that discriminate against blacks, and his attempts to gut affirmative action laws.

After years of being discriminated against because of the color of their

skin, blacks, Hispanics, and Asians are now being told by President Reagan that they should not expect any help from his administration in overcoming the economic and social barriers erected by this discrimination. To make sure this point is driven home, the President is continuing his efforts to politicize and control the independent body established by Congress to monitor Government laws and policies with respect to racial discrimination and equal protection.

President Reagan has already replaced two of six members of the Commission with people of his "philosophy." But these two members are not sufficient in number to stifle criticism of this administration's civil rights policies. So now Reagan has decided he will replace three of the remaining four commissioners with a more conciliatory element. The three members he wants to remove have all been critical of his policies.

The Senate should take this opportunity to seriously and rigorously review these replacements, keeping in mind that the Civil Rights Commission was established to help revent the type of discriminatory practices this administration calls justice.

In the past, the Commission on Civil Rights has been able to conduct its duties with independence and integrity and has thus been a respected voice on civil right issues. If this administration is adequately enforcing the civil rights laws of this country, it should not be afraid of an independent, objective Civil Rights Commission. President Reagan's actions, however, signal the American public that he is indeed afraid of such a Commission.●

MYASTHENIA GRAVIS WEEK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. CONTE. Mr. Speaker, today I am pleased once again to introduce a resolution designating a week for the recognition of a most serious health threat that we have not yet conquered. This resolution will set aside the week of October 2 through October 8, 1983 as "Myasthenia Gravis Week." Many of the Members of this body supported this resolution last year and I would urge then to do so again.

Myasthenia gravis, also known as Erb-Goldfam disease, is a nueromuscular disease which has affected up to 300,000 Americans of both sexes, all ages, and races. MG affects neither the muscle nor the nerve, but the synapse—the gap between the nerve and the muscle which conducts the electrical current from the nerve to the muscle.

MG can strike any area of the body at any time. As it is such an unpredictable disease, it is often misdiagnosed as chronic fatigue, which allows the disease to progress until the victim is in severe danger. Until recently, myasthenia gravis has been fatal for 85 percent of its victims. There is still no prevention or cure, but there has been great progress.

The establishment of a Myasthenia Gravis Week will serve to call attention to the problems that MG victims face daily. The increased awareness has not only made potential victims more sensitive to the symptoms and the dangers but has served to further research in the quest for a cure. The successes that we have been experiencing in solving the problems attendent with other such diseases should give us all heart that resolutions such as this do make great contributions in the fight against these diseases.

I hope that all of my colleagues will join me in approving this resolution.

JOINT RESOLUTION

Whereas the incidence and prevalence of myasthenia gravis present a significant health problem in the United States;

Whereas myasthenia gravis is a severe neuromuscular disorder, characterized by weakness of the voluntary muscles of the body;

Whereas an estimated one hundred thousand to two hundred thousand diagnosed, and over one hundred thousand undiagnosed, Americans of both sexes, and all races and ages, are afflicted with the disease;

Whereas the Nation faces continuing need to support innovative research into the causes, treatment, and cure of myasthenia gravis;

Whereas it is appropriate to focus the Nation's attention upon the problem of myasthenia gravis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 2 through October 8, 1983, is designated as "Myasthenia Gravis Awareness Week" and the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

GETTING ELECTED

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. PEASE. Mr. Speaker, late last month, I introduced a bill in the House of Representatives that would give taxpayers dollar-for-dollar credit for political contributions to congressional candidates. The tax credit would be limited to $10 on a single return and $20 on a joint return. Only contributions to a House or Senate candidate from the taxpayer's district would be eligible for the tax credit.

We have heard a lot of talk in the Congress lately about the financing of congressional campaigns, and there is a lot of support at the grassroot level for reforms that would result from bills like mine and the measure introduced by Representative DAVID OBEY in April.

This support is clearly illustrated in an editorial recently published in the Lorain Journal, a daily newspaper in Ohio's 13th District, which I represent. The editorial, which follows, supports my legislation and casts a dim view on the growth of PAC money in elections. Editorials along these lines are cropping up all across America. It is these voices to which we in the Congress should be paying close attention

[The Lorain Journal, May 3, 1983]

GETTING ELECTED

Rep. Don Pease, D-Oberling, has introduced legislation we think could go far toward diluting the necessity of politicians securing Political Action Committee (PAC) campaign contributions and strip the influence the rich hold over our election processes.

Although our elections are still based on a one-person, one-vote principal, few deny that to get elected politicians must first get their message to the people, detail a stand on domestic and foreign issues and describe their approach to government in both specific and general terms. Accomplishing this task takes money, lots of it. And we're concerned, as obviously is Pease, that dollar contributions from the PAC's and other special interest groups are buying far too much influence.

Pease recommends taxpayers be allowed to deduct $10 ($20 if married and filing a joint tax return) from their federal income taxes if they contribute that amount to a person from their district running for the U.S. House of Representatives or the U.S. Senate. The proposed tax credit would be in addition to the existing 50 percent tax credit for political contributions.

The bill would accomplish two priorities: 1. It would encourage candidates to solicit donations from within their districts, and 2. Get the voters in the district more involved in the electoral process. Both would be breaths of fresh air to an electoral process on the verge of stagnation.

No one was particularly concerned with the PACs as long as labor unions were their principal contributors. It seemed logical that whatever legislation union PACs could affect to help the working people would surely benefit the majority of citizens. But now other organizations have jumped in. And they wish their money to buy legislation that benefits special interest groups, sometimes even to the detriment of working people.

These groups have millions to contribute and their dollars go to congressmen willing to do their bidding. They buy influence and get legislation introduced and passed far in excess to the number of voters they could honestly enlist to their cause. Enough so, that it challenges the authenticity of the one-person, one-vote concept and erodes the confidence Americans have in their government.

The Pease legislation would help correct what we see as this deficiency in government. And it should be corrected. Quickly.●

ESTATE TAX EXCLUSION MUST NOT BE FROZEN

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. WEBER. Mr. Speaker, many of us who opposed your Democratic budget did so because, among other reasons, we knew Ways and Means Committee Chairman DAN ROSTENKOWSKI was considering freezing the higher estate tax exclusion the Congress promised to family farmers and small businessmen in 1981. The chairman was quoted in the Washington Post as considering freezing that exclusion at the current $275,000 level rather than allowing it to rise to $600,000 by 1987.

I believe that asking—indeed, forcing—family farmers and small businessmen to shoulder the responsibility of financing lavish programs dreamed up by big spenders here in Congress is wrong. And I believe it is wrong for the Congress to renege on the promise it made to small businessmen and family farmers 2 short years ago.

I received an interesting letter from the director of the division of forestry in the Minnesota Department of Natural Resources recently that outlined the impact a freeze such as Mr. ROSTENKOWSKI is considering would have on forest management of private lands in my State. I want to share that letter with you and my colleagues, especially Mr. ROSTENKOWSKI:

MINNESOTA DEPARTMENT OF
NATURAL RESOURCES,
St. Paul, Minn., May 10, 1983.

Hon. VIN WEBER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WEBER: I want to bring to your attention the impact that recent tax law proposals will have on forest management of private lands in Minnesota. The 1981 Tax Bill reduced the maximum estate tax rate from 70 percent to 50 percent and raised the exemption from $175,625 to $600,000. These changes are scheduled to be phased in over several years. The proposed tax freeze would halt the rate reduction at 60 percent and the exemption at $275,000.

Minnesota depends on its 5.6 million acres in private non-industrial forest land for wood supply to industry as well as other benefits. This land must remain productive to continue to improve these forest goods and values. Stability in land use is essential to maintaining the productivity of these ownerships. The 1981 estate tax modifications provide opportunities for that to occur. About 60 percent of this forest land is included as part of farm ownerships. Thus, in many cases the forest land is part of a much higher valued estate.

I understand Representative Dan Rostenkowski, Chairman of the House Ways and Means Committee, is discussing this type of legislation. I hope that you can speak to Representative Rostenkowski and inform him of the potential impact these changes will have on the stability of our nation's productive land base—both farms and forests.

Sincerely,

RAYMOND B. HITCHCOCK,
Director, Division of Forestry.●

A TRIBUTE TO SYLVESTER AND LILLIAN SZYMCZAK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. LIPINSKI. Mr. Speaker, I would like to call attention to two outstanding individuals in the Fifth District of Illinois, Sylvester and Lillian Szymczak. They have shown a dedication and concern for our community that should be an example to all. I would like to introduce into today's RECORD an article that appeared in the Midway Sentinel describing the accomplishments of these two fine people.

The article follows:

The Midway Sentinel proudly salutes Sylvester and Lillian Szymezak as the first recipients of "The Ray McDonald Community Achievement Award". This award named in memory of our late editor will be given to an individual group or organization who by his or her unselfish contribution of time and dedication to a cause has clearly demonstrated outstanding achievement which has enriched our community. Sylvester and Lillian Szymezak are clearly deserving of this award.

Sylvester is a renowed photographer who has earned the distinction of photographing almost every functions, celebration, affair or happening on the Southwest side while Lillian has been extensively involved in various fund raising programs and community projects.

Over the past six months, the Szymezak's have chaired and organized the Lech Walesa Triangle Committee which is a community committee designed to raise funds for a monument honoring the Polish labor leader . . .

. . . they arranged a successful dedication ceremony that over 1500 people attended and enjoyed. Through their hard work and sincere belief in a principle, they provided the southeast side and the 23rd Ward with a symbol of international freedom and dignity that we can all be proud of as Americans.

Sylvester (Sylver) Szymczak was born in the Town of Lake area and graduated from the Sacred Heart Elementary School and Tilden Tech. H.S. He became interested in photography in high school, working part time for the Town & Country Photo Agency. While in high school, he achieved many awards for his photographic skills. After his graduation he entered the U.S. Army during World War II (the big war) and served as Technical Sergeant in the Signal Corps during the occupation of Japan. After an honorable discharge, Sylver retured to his former employer and soon assumed control of the agency. He became involved in Public Relations work with the Chicago Stags and Boxing Club. This gave him the opportunity to publicize basketball and football players and cover the boxing matches at the Chicago Stadium. His career zoomed when he became associated with the Hollywood Ice Capades, featuring Sonja Henie and Barbara Ann Scott; Duncan Renaldo the Cisco Kid; and Savings Bond promotion for the Treasury Department.

In his work with the University of Chicago, Sylver had the distinction of working with Dr. Enrico Fermi, noted nuclear scientist. In April, 1982, noted physician, biophisicist and inventor Dr. Humberto Fernandez-Moran, of the University of Chicago, dedicated to Sylver and his family, a series of reprints of his works on the superconducting electron microscope and his invention of the diamond surgical knife in exchange of copies of Sylver's photographic work with Dr. Fermi.

His photographic work continued to win him recognition in the field of Public Relations. His coverage of the nuclear project at the University of Chicago, the building of the public utilities Dresden Plant, the Aquifer Gas Storage Plant and others is still being used in textbooks throughout the world. His duties with the Illinois Tollway and Public Relations Program take him from one end of the Tollway System to the other, covering accidents, aerials of land rights, road and bridge construction, coverage for the engineering and the legal departments. He worked closely with the State Police in investigative work. He has, over the many years, covered numerous civic, political, fraternal, service organization, church and school activities for the news media.

He is on the Board of Directors of the Garfield Ridge Branch of the American Cancer Society; President of the Kiwanis Club of Midway; President of the Lech Walesa Triangle Fund. He is a member of the Professional Photographers of America; the Polish Fellowship Club; the Polish American Guardian Society; the United Polka Association; the Evidence Photographer International Council; the Polish National Alliance; the Tilden Tech Alumni Association and Associate Member of the Fraternal Order of Police Lodge No. 41.

He is the recipient of the Tilden Tech Alumni Appreciation Award (1975); the 23rd Ward Community Achievement Award (1975); the Patriot of the Year Award (1979); the Rhine Post VFW Community Service Award, and others.

Lillian (Bartella) Szymczak was born in Brighton Park and is a graduate of the Five Holy Martyrs Elementary School, St. Joseph High School and Mundelein College. She met "Sylver" when he was a sophomore in high school while working at his uncle's flower shop, and were married in 1951. They have three children, Christine, John and Steven.

Lillian is employed as Assistant Cashier at the Archer National Bank. She is President of the Archer Heights Branch of the American Cancer Society. Treasuer of the Lech Walesa Triangle Fund, Historian of the Chicago Collectors Club and actively is involved in fund raising for the Kiwanis Plymouth Camp for Handicapped Children and the Spastic Research Foundation through the Kiwanis Club of Midway. She is currently involved in planning the 40th Reunion of the 1944 graduating class of Five Holy Martyrs, so if there are any classmates from 1944 reading this, please contact her at the Archer National Bank for further information. She is a member of the Polish American Guardian Society; the Polish Fellowship Club; and the Polish National Alliance. She was the recipient of the 1971 Appreciation Award from the American Cancer Society; the 1975 Community Achievement Award from the 23rd Ward; the 1979 Appreciation

Award from the Archer Road Kiwanis and the 1981 Wife of the Year Award from the Kiwanis Club of Midway.

The staff of the Midway Sentinel expresses its gratitude to Sylvester and Lillian Szymczak for their contributions to society and we firmly believe that they will continue to be an intricate part in the future of our community.●

COLEMAN INTRODUCES RURAL ELECTRIC AND PHONE BILL

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. COLEMAN of Missouri. Mr. Speaker, I have joined my colleagues, Agriculture Committee Chairman DE LA GARZA, Subcommittee Chairman JONES, and Representative MARLENEE in introducing the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983. This legislation would amend the Rural Electrification Act of 1936 to provide a viable, sound financing plan for rural electric and telephone systems in the future.

The revolving fund was created 10 years ago to provide adequate funding for rural electric and telephone systems. During this decade, interest rates have risen to all-time high levels. The demand for electric and telephone service in the rural areas was heavier than anticipated, resulting in heavier than anticipated demands for loans. This combination of high interest rates and heavy loan requirements has strained the resources of the revolving fund. The legislation we introduce today is the first step toward assuring that rural America's electric and phone needs are met.

Cooperative enterprises are a strong and vital part of our Nation's economy. For almost a half-century they have played a major role in the advancement of rural America and agricultural production.

Rural electric and telephone cooperatives provide a most important and necessary service in sparsely populated and remote corners of the Nation. Typically, these co-ops have large geographical areas to serve with few consumers per mile.

In order to continue this important work, rural electric program leaders convened a national panel of experts to discuss the future of financing needs of the program. This panel, which included three former REA Administrators, looked at all types of alternatives for long-term financing. The plan they came up with is embodied in the legislation we are proposing today. Their efforts to meet the challenge of the future of the rural electric and telephone program deserve your support. I urge my colleagues on both sides of the aisle to support this legislation.●

EL SALVADOR

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. HYDE. Mr. Speaker, one of the in books on El Salvador these days is "Salvador," by Joan Didion. It is popular among those who are sharply critical of our Government's policies in Central America. A penetrating review of this influential book, written by Mark Falcoff appears in the May 1983 issue of Commentary magazine. It deserves the attention of our colleagues:

TWO WEEKS

(Reviewed by Mark Falcoff)

Sometime in late 1982 the novelist Joan Didion spent two weeks in El Salvador with her husband John Gregory Dunne. The result is this pamphlet-sized book, which has also appeared in the form of two extended articles in the New York Review of Books. Although it has already added a bit of literary panache to the otherwise dreary discussion of U.S. foreign policy in Central America, there is another more serious purpose to this work, which might be defined by establishing first what Salvador is not.

It is not one of those romantic volumes exalting the revolutionary cause of the Salvadoran guerrillas, in the fashion of Frances FitzGerald or Mary McCarthy reporting from Vietnam. Indeed, the rebels are hardly mentioned in this book, and not, I think, simply because Miss Didion failed to visit insurgent territory.

Nor is it yet one more brief in favor of "negotiations," however murkily defined, with a still more murkily defined enemy (though toward the end Miss Didion does insert an obligatory paragraph mentioning the possibility of a negotiated settlement with the revolutionary Left, only to reject it as coming too late in the day).

Rather, Salvador is an exhaustive and picturesque catalogue of all the vices of Salvadoran society, juxtaposed with descriptions of the relentlessly optimistic posturing of U.S. embassy officials in San Salvador and the staff of our military and AID missions. Miss Didion utilizes her pen as a sort of zoom lens, shifting rapidly and in close focus from decomposing corpses on a country road to the sinister features of troglodyte generals and corrupt politicians, from the squalor of rural villages to the false glitter of roller discos and Miss Universe pageants. Folded into these sketches (presumably expanded from journal entries) are excerpts from the U.S. and Salvadoran press, from official documents, and also from "documents" of less readily ascertainable authority.

Since Miss Didion is a writer of exceptional talent, the impact is precisely what is intended: to convince us that El Salvador is the quintessential Heart of Darkness—a black hole into which even the best of deeds and intentions are bound to disappear. As she puts it in a characteristically Catholic metaphor, "At this time and in this place, the light of the world could be construed as out, off, extinguished." Miss Didion does not believe that things would get better if the United States abandoned El Salvador—indeed, quite possibly they would get considerably worse. But she wishes us to know that this is the nature of the beast; once we have absorbed this knowledge, we need not trouble our hearts (or our consciences) about the future.

Obviously, this is a far more alluring position for an intellectual to adopt than the more chancy "progressive" notions about El Salvador mindlessly retailed by radical nuns, our-of-work diplomats, and "peace" activists—with Miss Didion, at least, one is insured against any eventual embarrassments. Small wonder that Salvador has been greeted with almost unreserved praise by the prestige press, including reviewers who did not particularly like her earlier work, A Book of Common Prayer, a novel that was far more sophisticated in its views of Latin America (and, also, more mordant in its depiction of American liberals) than Salvador.

With Salvador, however, there are two big problems. One has to do with the facts, the other with Joan Didion. There are some serious inaccuracies in the text, and many, many more half-truths. Considerations of space make it impossible to enumerate all of them, but perhaps a few will suffice to give the flavor of the whole.

Item. Miss Didion refers to her attempt to visit the village of Mozote in the Department of Morazán. Here, we are told, during an "armed-forces operation in December * * * 1981 * * * the hamlet of Mozote was completely wiped out." We are not told this directly by Miss Didion, but through a quotation from a report prepared by the "Americans Watch Committee and the American Civil Liberties Union." From this one would not know that the original press reports about this "operation" in the New York Times and Washington Post were subsequently discredited. As it turned out, these reports had claimed a civilian death rate in excess of three times the population of the village before the fighting began.

Item. "The small office on the archdiocese grounds where the scrapbooks of the dead are kept is still called * * * 'the Human Rights Commission' * * * but in fact both the Human Rights Commission and Socorro Juridico, the archdiocesan legal aid office, were ordered in the spring of 1982 to vacate the church property." True enough. What we are not told is that these apparently worthy organizations were expelled from the cathedral precincts because both of them were misrepresenting the facts, and Socorro Juridico was misrepresenting the nature of its relationship with the church.

Item. At least twice Miss Didion suggests, or seems to suggest, that the solution to El Salvador's problems lies "somewhere else, in Mexico, or Panama, or Washington." Mexico, perhaps. That is where the guerrilla headquarters-in-exile is located. But why Panama? And why the strange omission of Managua? Or Havana? With all her ostentatious document-mongering, Miss Didion might have bothered to leaf through the document book released with the U.S. State Department White Paper, which illustrates the critical role played by both the Cuban and Nicaraguan governments in organizing and provisioning the Salvadoran revolutionary left.

Item. Miss Didion quotes, with apparent approval, a July 1982 study prepared in New York by the Lawyers' Committee for International Human Rights, in which it is alleged that the burned van of the four American churchwomen killed in El Salvador in December 1980 displayed a red paint splotch that might be linked to a "red Toyota ¾ ton pickup." "By February 1981," the report continues, the Maryknoll Sisters' Office of

Social Concerns, which has been actively monitoring the investigation, received word from a source *which it considered reliable* that the FBI had matched the red splotch . . . with a red Toyota pickup belonging to the Sheraton Hotel in San Salvador. . . . [S]ubsequent to the FBI's alleged matching of the paint splotch and a Sheraton truck, the State Department has claimed, in a communication with the families of the churchwomen, that the FBI could not determine the source of the paint scraping. [Emphasis added]

Leaving aside for the moment the Maryknolls' peculiar research methodologies, one can only wonder why Miss Didion finds it credible that the State Department would wish to delay the resolution of probably the biggest single issue surrounding the fight over aid to El Salvador in the U.S. Congress—unless, of course, she agrees with the clear innuendo that the American government (i.e., in this case the Carter administration) had something to do with the killing of the nuns. She does not say that. But in citing this fragment without comment, what does she expect us to infer?

Item. Miss Didion dismisses the March 1982 election in El Salvador—one of the most carefully and widely monitored elections ever held anywhere, as inauthentic."In any case," she writes, "no one really knew how many eligible voters there were in El Salvador, or even how many people. In any case, it had seemed necessary to provide a number. In any case, the election was over, a success, la solucion pacifica." Miss Didion is under no obligation whatever to like elections or soluciones pacificas—in El Salvador or even in her own country. But the fact that the Salvadoran elections bolstered the position of the U.S. government in no way invalidates the actual statistics of voter participation, which were exceptional even by U.S. standards.

Item. Miss Didion attempts to discredit the work of U.S. intelligence in El Salvador. She cites a report released by the Permanent Select Committee on Intelligence of the House of Representatives, U.S. Intelligence Performance in Central America: Achievements and Selected Instances of Concern. To this report she attributes the notion that "the intelligence was itself a dreamwork, tending to support policy, the report read, 'rather than inform it,' providing 'reinforcement more than illumination,' ' "ammunition" rather than analysis.' " Now, some of the passages Miss Didion quotes do appear in this report, but intended in a very different sense from the one she conveys in her paraphrase. The report refers not to "the intelligence" generally but to specific instances of intelligence-gathering, in this case precisely six, and it concludes not that these were a "dreamwork" but that "the intelligence community has contributed significantly to meet the needs of policy-makers on Central America." The report goes on: "Over the last two years perhaps its greatest achievement lies in determining with considerable accuracy the organization and activities of the Salvadoran guerrillas, and in detecting the assistance given to them by Cuba and other Communist countries." As for the negative words cited by Miss Didion, they do appear in the conclusion, but they refer there to occasional abuses and are meant as a caution not a wholesale condemnation:

Taken as a whole, intelligence on Central America is strong, and its task is both difficult and particularly important. The criticisms voiced in this report must be seen in that context. The basic concern is that tendentious rhetoric, including occasional oversimplification and misstatement, can drive out some of the needed collection and analysis. This may occur in a context in which intelligence users demand reinforcement rather than illumination, but this fact does not absolve the intelligence producer from responsibility for quality. The influence of the consumer desires for "ammunition" rather than analysis can be subtle or forceful, but its effects upon the intelligence process can become costly. Therefore, it deserves the constant watchfulness of intelligence professionals.

What is even more disturbing about Salvador than Miss Didion's disingenuous use of facts and fugitive quotations is the way in which she makes the tiny republic of El Salvador into a mirror reflecting her own basic contempt for liberal democracy and—why not say it?—the American way of life. Thus, elections are almost by definition a sham, and even if they are not, they are ultimately undesirable since they only reinforce the status quo. (Could she have in mind the 1980 elections in the United States?) Land reform is worthless. Roy Prosterman, architect of the program in El Salvador that is supported by the AFL-CIO, is dispensed with by noting that the program he is helping to implement in El Salvador is the same one that was administered in Vietnam; there is no mention of similar, successful programs in Japan and Taiwan, where insurgents armed and trained by foreign powers were not present to interrupt the peaceful course of events.

Perhaps the most outrageous passage in the entire book is the one mockingly describing a large American-style shopping mall in downtown San Salvador:

I found no Halazone at the Metrocenter but became absorbed in making notes about the mall itself, about the Muzak playing "I Left My Heart in San Francisco" and "American Pie" ("* * * singing this will be the day that I die * * *") although the record store featured a cassette called Classics of Paraguay, about the paté de foie gras for sale in the supermarket, about the guard who did the weapons check on everyone who entered the supermarket, about the young matrons in tight Sergio Valente jeans, trailing maids and babies behind them and buying towels, big beach towels printed with maps of Manhattan that featured Bloomingdale's; about the number of things for sale that seemed to suggest a fashion for "smart drinking," to evoke modish cocktail hours. There were bottles of Stolichnaya vodka packaged with glasses and mixer, there were ice buckets, there were bar carts of every conceivable design, displayed with sample bottles.

This was the shopping center that embodied the future for which El Salvador was presumably being saved. * * *

Although this passage has been singled out for special admiration by reviewers who share its attitude of sneering disdain, Joan Didion is nevertheless right: beach towels with maps of Manhattan are the future for which El Salvador "presumably [is] being saved." They represent choice and opportunity, prosperity and freedom—things Miss Didion possesses in sufficient abundance to hold them cheap, particularly when others reach out for them. Her disparaging comments about elections and land reform, her thinly-veiled clericalism, and her contempt for the middle class and its works all come together here.

It is perfectly possible that all the hopes and illusions that have nourished our Central American policy under both Carter and Reagan will come to naught. The American people are divided, confused, unwilling to concern themselves with the issues and their costs. As for the Central American revolutionaries (and their Cuban, Nicaraguan, and Soviet sponsors), they, after all, have nothing else to do. El Salvador is a country with more than its share of inequality and injustice, and constitutional democracy—even in the limited Latin American sense—may never "take" there. But it is one thing to acknowledge these harsh realities and seek to work around them; another to write off an entire country, along with one's own national values. The latter spirit is the spirit of Salvador, of Miss Didion, and—so it would appear—of the literary culture in which she makes her home.●

INTRODUCTION OF LEGISLATION TO CORRECT A FLAW IN THE UNEMPLOYMENT COMPENSATION LAW

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. FEIGHAN. Mr. Speaker, today, I am introducing legislation to correct a flaw in the unemployment compensation law that punishes the very workers that have been hardest hit by the recession.

Just last week, the State of Ohio announced that because of this quirk in the law, Ohio's unemployed would no longer be eligible for the 12 weeks of extended benefits. As a Representative from the Greater Cleveland area, I am particularly concerned about making sure that workers living in a State hit early by a recession—like Ohio—are not denied benefits available to other workers living in States where the impact of the recession has been much less severe. For example, in Ohio, our auto and steel workers have already been out of work for long periods of time. Why should they be denied these extended benefits just because they happen to live in a State suffering prolonged high unemployment? A law that would cause this result makes no sense to me, and I want to see it changed.

My bill will make extended benefits available to workers in any State that has an unemployment rate of 9 percent or more. The current formula contemplates a quick recovery—and it fails to consider the worker who is laid off early in a recession and cannot find work in a depressed economy. The sad fact is that the quick recovery contemplated by the present formula simply is not happening—and our laid-off workers remain unemployed.

We cannot turn our backs on the very workers who have suffered the most, and on the States that have endured the highest unemployment rates the longest. My bill will correct

the flaw in the law that has allowed this to happen.

Thank you, Mr. Speaker.●

SMALL BUSINESS COMMEMORATIVE ENVELOPE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. CONTE. Mr. Speaker, on May 5 I had the privilege of attending a press conference with our colleague ANDY IRELAND, from the 10th Congressional District of Florida. ANDY is chairman of the Subcommittee on Export Opportunities and Special Small Business Problems and was the driving force behind the Postal Service agreeing to issue a commemorative envelope honoring America's small businesses. At the press conference, Postmaster General William F. Bolger unveiled the design of the envelope which will be issued next year.

The leading article in the May 23 publication, Stamp Collector, contained an article on the small business envelope and some of the background on Congressman IRELAND's hard work to have this envelope issued. I would like to commend ANDY for this great accomplishment and include the article in the RECORD.

A USPS FIRST—NO EMBOSSING ON 1984 "SMALL BUSINESS" ENVELOPE

Because small business is the backbone of the American economy, the Postal Service has completed designing and preparing a unique stationery item commemorating the nation's entrepreneurs.

The multicolored 20-cent stamped envelope, whose design was officially displayed for the first time to members of the House Small Business Committee on May 5, will be the first to be printed totally by the gravure process, rather than the conventional embossing. In addition, it's indicium and vignette will wrap around onto the back of the envelope—for security reasons, "so it can't be copied," explained Postmaster General William F. Bolger.

Target date for issuance is May 1984, coinciding with the annual observance of Small Business Week May 8-14. Production of the envelope in both the regular and window formats will be handled by the U.S. Envelope Co., Williamsport, Pa.

The envelope will be notable for its pleasant coloration—it will be lavender, red, white, and blue—and its graphics.

The lower left quadrant is Shoreham, N.Y., designer Peter Spier's concept of Main Street America small businesses. This is represented by a sketch of a half-dozen stores occupying vintage buildings that could date back to the 1920s or 1930s. An antique lamp post is front and center on the sidewalk, and a water tower and chimneys are visible on the roofs, which are at different heights.

Bolger told Stamp Collector the representation was not necessarily Smalltown America but "pretty much any non-metro area locale" where entrepreneurs still provide the personal service and merchandise that has marked their presence on the American scene.

Lettering that reads "Small Business USA" and the denomination is topped on the envelope's upper right corner by attractive informational signs in color, denoting stores selling books, hardware, flowers, shoes, and news matter, and others announcing a sale or just "Open." Cafes and restaurants with patrons visible through the storefront, and even a "five and ten," are represented in this grouping.

Pat Taylor of Washington, D.C., is credited with lettering for the indicium.

The Small Business commemorative envelope represents the USPS's response to a recommendation for a commemorative stamp made by delegates to the 1980 White House Conference on Small Business.

Rep. Andy Ireland (D-Fla.), chairman of the House Small Business Subcommittee on Special Small Business Problems, took the campaign from there by introducing a resolution asking Bolger to consider issuing the stamp.

Subsequently, Bolger advised Ireland that the stamp menu already was accounted for. His counter-offer to make the small business tribute an envelope was accepted.

At the congressional ceremony in which the design was unveiled, Bolger credited Ireland with convincing the Postal Service to commemorate the contributions made by the small business community. He called the envelope "a fitting tribute to a remarkable group of enterprising and resourceful men and women. With it," Bolger said, "we will proclaim to the world that the entrepreneurial spirit is alive and well in America."

The House Small Business Committee has been closely monitoring developments in the small business community, often with a sense of uneasiness and urgency. Recession has driven many small firms out of business or into bankruptcy while high interest rates, only now retreating, have denied them the funds they require for inventory, refurbishing and general operating costs.

Legislators have heard repeated warnings that unless the economic tide turns very soon, the nation's economic mix will shift even more heavily to conglomerates and corporations that have been merging with or acquiring smaller companies. That, the committee feels, would not only deprive consumers of the kind of personal service and attention that characterizes smaller operations but also would mean less competition, loss of jobs, reduced gross national product, and a decline in the ingenuity and innovation that have been the small business hallmark.

Bolger noted that small firms contribute significantly to the economy, generating about 40 percent of GNP, employing about 55 percent of the total work force, and creating as much as 99 percent of all new private-sector employment. The PMG called small business "big on ideas, on sales, on employment. Their impact on American life is huge. Often the tradesman is not satisfied with the job he has done until everything is just so. And the pharmacist who offers helpful advice fits this mold."

Small businesses also serve a social function in rural and other outlaying areas, Bolger noted, by opening their doors to people as gathering places for meetings and other functions.

Rep. Silvio Conte (R-Mass.) said the commemorative envelope was "long overdue. It will show future generations we have supported small business and recognize its crucial role in the American economy."

Rep. Ireland, as principal proponent, added that "Small business is beautiful . . . and the cutting edge of America."

Others on hand at the Capitol envelope ceremony included Reps. Joseph Addabbo (D-N.Y.), William Broomfield (R-Mich.), and Gene Chappie (R-Calif.), and Frank Swain, Chief Counsel for Advocacy, Small Business Administration.●

ARIZONA GOLD

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. McCAIN. Mr. Speaker, it is a pleasure for me to report to you today about a newly discovered vein of gold in Arizona's First Congressional District. Prospectors are traveling from afar to dig and pan gold from the rushing streams and surrounding mountains with plans for future wealth and prosperity in Arizona's Valley of the Sun.

Referred to by migrating gold diggers and natives alike as "Arizona Gold," it is found in the climate and amenable attitudes of the five communities that comprise Arizona's East Valley. The demographics recently compiled by Maricopa County expert prospectors detail that the growth rate of the East Valley was more than double that of the Phoenix area between 1970 and 1980. The East Valley, with 370,000 people, has made a transition in the past decade from an economy based on agriculture to one dominated by high-tech industries.

And those 370,000 people, in a cooperative, prospecting spirit known throughout the land, are sharing news of this mother lode with others through the successful efforts of Cox Arizona Publications, Valley National Bank, Arizona State University, and five chambers of commerce in a 48-page document entitled "Arizona Gold: A Close-up Look at the Phoenix East Valley."

The 48th State has come a long way. From the early days of statehood in 1912 to the high-tech mecca of 1983—the Valley of the Sun indeed sheds its future light on the East Valley, and is so appropriately knighted as Arizona Gold.

For my colleagues who would like to learn more about this gold rush, I would be more than happy to provide for their perusal a copy of "Arizona Gold" or a three-projector slide program detailing the rapid growth and potential of Arizona's East Valley.●

CLINCH RIVER: A SCIENTIFIC PERSPECTIVE

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. SKEEN. Mr. Speaker, Dr. Alvin Weinberg has given his unique perspective to the Clinch River breeder reactor controversy in a recent article "Energy Insider," May 1983 which I am submitting for inclusion into the RECORD. He makes a convincing case for a rational decision to proceed with completion of the project. There has probably been no major technology development endeavor undertaken by this Nation that is so vital to our energy security and yet so maligned, misrepresented, and misunderstood by its opponents as the breeder reactor program.

Dr. Weinberg made a similar case for the Clinch River project in testimony he presented before the Subcommittee on Energy Research and Production last February. I commend the article to all my colleagues in the House.

[From the Energy Insider, May 1983]

MORE LONG-TERM "STRATEGY" NEEDED FOR REACTOR DEVELOPMENT

(By Alvin M. Weinberg)

Nuclear power is proving to be a difficult, demanding enterprise. At this moment, we are in the throes of a nuclear moratorium: No new reactor has been ordered in the U.S. since 1978, and it is unlikely that a new one will be ordered in this decade. Why, then, do I believe that we should build the Clinch River breeder?

We must distinguish between energy strategy and energy tactics. By energy "Strategy" I mean the overall policies that govern the long-term development of our energy future; by energy "tactics" I mean the short-term decisions that implement the overall strategy. Our failure to distinguish between strategy and tactics has confused the debate over Clinch River.

Since fossil fuels are limited, either because they may be exhausted, or because their environmental impact may be unacceptable, our government has always accepted as a cornerstone of energy policy the development of the so-called inexhaustible energy sources. These include solar energy in all manifestations (wind, hydro, direct solar biomass), thermonuclear fusion and the breeder. Any one of these represents an essentially inexhaustible energy source. When we shall need any of the inexhaustibles is hard to say—it may well be as much as fifty of even 100 years from now. But every administration, since President Truman's, has accepted as national policy the necessity of investigating these long-range energy sources including the breeder, and it has committed many millions of dollars to each of them; at present more than $1 billion is being spent on developing these inexhaustible energy sources. Even Jimmy Carter accepted the necessity of pursuing breeders, although he rejected Clinch River.

Various tactics can be adopted for achieving the strategic goal of a successful breeder. An alternative tactic to building Clinch River would focus on testing components rather than building an operating breeder. This course is being advanced both by those of the Clinch River opponents who accept the long-range strategic goal of breeders, and by the nuclear nihilists who see killing Clinch River as a step to killing nuclear energy.

COMPONENT TESTING

My own forty years of experience in nuclear energy has shown over and over that the least effective way to do heavy engineering development is to spread too much effort on components without focusing on a fully integrated operating device in which the real problems reveal themselves. One reason other countries are so far ahead of the United States in breeder development is that they built operating reactors, while we fiddled with components. Clinch River is our first fully integrated large-scale breeder: It represents a shift in research tactics from never-ending development of components to the building of an integrated device that will exhibit the true problems and possibilities. I can only say we lost ten years, and suffered tremendous cost escalation, by choosing the wrong tactics in developing the breeder.

The second reason for building Clinch River has to do with time scale. I often have felt that we went too fast in our conventional light water reactor deployment, that much of nuclear energy's travail would have been avoided had we moved more deliberately. We forget that a 1,000-megawatt-electric power plant, if it is to be fully economical, is expected to last as long as thirty years; but if we build reactors too quickly we have no way of knowing whether the system will last anywhere near thirty years, nor can we incorporate lessons learned in earlier reactors into later ones without expensive backfits. This is now happening with many light water reactors—steam generators and pipe cracking may limit their lifetime seriously, even though we have learned ways of dealing with these problems.

TIME FACTOR

Can we not learn from this experience? If we have fifty years before breeders are needed on a large scale, we do not have all that much time to wait. If Clinch River is built by 1990, it will be 2020 before we know whether the device has lasted thirty years—or whether serious deficiencies, that appear after extended operation, will limit its lifetime.

We are unaccustomed to think about technologies that are as slow moving and ponderous as are large nuclear power plants. In this age of computers and jet travel, time is foreshortened, and we forget that only with the passage of thirty years will we know that a big device will last for thirty years. We do not have time to waste. We ought therefore to get on with Clinch River. The great French Marshal Lyautey once said to his gardener: "Plant a seedling tomorrow." And that gardener said, "It won't bear fruit for a hundred years." "In that case," Lyautey said to the gardener, "plant it this afternoon." Clinch River is such a seedling.●

WILLIAM P. KELLY

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. PERKINS. Mr. Speaker, those of us still in the Congress who were here during the yeasty days of Lyndon Johnson's Great Society were saddened to note a few days ago the passing of William P. Kelly.

Bill Kelly was one of the stalwarts in the early days of the Office of Economic Opportunity, the agency created to conduct the President's War on Poverty.

First as OEO's director of management and administration, later as acting head of the community action program, and finally as director of the Job Corps, Bill Kelly made his mark on the entire antipovety effort.

He was a fine organizer and administrator, and he worked diligently to bring order into what was sometimes necessarily a confusion of cross-currents in a start-up situation. He was particularly effective in getting the Job Corps sorted out, pulling it together into an effective, cohesive, and workable organization.

He retired from the Federal service in 1969, but came back during the Carter administration to be Commissioner of the Federal Supply Service.

Those of us who knew Bill Kelly admired his ability and his drive. He was a practical, useful public servant who, in his life, did much to help the poor and disadvantaged of this country. We are lessened by his death.

The article follows:

[From the Washington Post, May 14, 1983]

WILLIAM KELLY DIES; RETIRED OFFICIAL OF GSA

William P. Kelly, Jr., a former official with the War on Poverty during the Johnson administration and a federal employee for 22 years, died of a heart attack May 11 at Suburban Hospital in Bethesda.

Mr. Kelly, who lived in Annandale, was born in Pittsfield, Mass. During World War II, he served in the Army in Europe. He graduated from Ohio State University in 1951, and his federal service began that year when he went to work as a clerk with the Army in Columbus, Ohio. He came to Washington in 1959 and joined the National Aeronautics and Space Administration as director of the procurement and logistics branch.

Later, he was an official in the Peace Corps and the Agency for International Development. He joined the War on Poverty in 1964 as the director of management and administration in the Office of Economic Opportunities. He served as director of the Job Corps in 1967, then left federal service to work for Volt Information Sciences Inc. and the Kennedy Institute.

In 1977, Mr. Kelly was assistant executive director for operations of President Carter's reorganization project. He later served as commissioner of the federal supply service of the General Services Administration. He retired in 1979. Mr. Kelly then taught at Northern Virginia Community College until last fall.

Survivors include his wife, the former Rossie Drummond, of Annandale; and six daughters, Mary Hjelm of Falls Church, Kathleen, of Springfield, Ruthann and Eileen, of Annandale, Sheila, of Alexandria, and Margaret, of Radford, Va., and four grandchildren.●

A VIETNAM VETERAN'S VIEW OF EL SALVADOR

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. HYDE. Mr. Speaker, a constituent of mine, Mr. Robert Packham, has written me a letter that deserves the widest readership possible. I hope my colleagues will read this letter and understand there are still some Americans who believe in what our country stands for—and are still willing to fight for its principles, if necessary.

HANOVER PARK, ILL.

DEAR MR. HYDE: Since I do not have a typewriter immediately available, I am forced to resort to the handwritten page. As such, I shall try to keep the chicken scratching legible; and you may pretend you are hearing from the grass roots of your constituency.

I must first apologize for not writing to you before now. Indeed, I have skirted my responsibility as a citizen.

Last evening I listened to the President speak on the situation in Central America. We have all heard a great deal about El Salvador in the past few years. The thing that really galls me is that every move we make on the international scene is always compared to Vietnam. Let me quickly point out that I am a Vietnam veteran. I spent my year there—even got shot down a couple of times.

I get sick to my stomach every time I see Congress' knee jerk reaction whenever Vietnam is mentioned. The bleeding hearts have all but castrated the United States. While Russia is actively and openly pursuing its stated program of world domination, the United States does nothing more than make a few token gestures.

The CIA has been relegated to a position of weakness while the KGB is allowed to enter the United States and move at will throughout our society. When you get right down to it, we have the Russians exactly where they want us.

I will be the first to admit that Vietnam was a blunder. Not a military blunder but a political one. Congress laid down some pretty stupid rules that severely hampered our ability to bring the thing to a close. Even after all this time, the witch hunts go on as evidenced by the latest blast at General Westmoreland. Do not lay the blame on the military, my friend! Look first within those hallowed halls of our Nation's capital—that is where the blame should rest.

In a way, Vietnam taught some very good lessons. I'm sure that Congress learned a few along the way, too. For example, you cannot in good conscience send soldiers into battle with both hands tied behind their backs. Common sense tells you that this is a losing proposition. Unfortunately, it was a hard lesson to learn.

Now, I'm not saying that the United States should send troops to El Salvador. The day will come when something will have to be done though. We have let the Russians have their way for too long. I may sould like a hawk but at this point I feel Congress should be very prudent in its decisions concerning Central America. I'm saying give support where support is needed. And give it now.

If and when troops are ever needed though, do not impose ludicrous restrictions of any kind. The Russians certainly don't. The name of the game from our viewpoint should be, "Get in, bring it to a close, and get out." You cannot tippy-toe into battle and expect to win.

We seem to have become a nation of wimps. Yes, we'll commit our military resources but if there is any blood or if any civilians get hurt, some general's head will roll. Committing troops to *battle* must be viewed as unleashing a pack of vicious dogs. War is war and as much as I hate it, it's real. There is a lot of blood spilled, a lot of civilians are caught in it, the air reeks of death and cordite and the stupidity of man is sadly apparent. It is the last place to impose the etiquette of Emily Post or establish geographical boundaries when the enemy doesn't.

What I have tried to say here is to give the President the support he is asking for and don't be paranoid about the possibility of military action. Just don't assume the role of an armchair general in the process. Take it from me because I know from firsthand experience. Your vantage point of the field of battle is abysmal. War is for the generals to wage.

Now that I've said my piece, I would appreciate hearing your thoughts on the matter. Perhaps you agree with what I've set down here. If so, I can sleep tonight knowing that I'm well represented in Washington. I just can't imagine you sitting there with your head in the sand.

If the situation in Central America can be resolved through negotiation and diplomacy on our part, the United States will be showing a strength as great as any military action. Of course, this avenue should, and must be pursued. But, for God's sake man, don't go into convulsions whenever the military is mentioned. I learned a long time ago that I had to stand up to bullies if I didn't want my face in the mud. Think about it and follow the President's lead.

Sincerely,

ROBERT D. PACKHAM.●

THE 90TH ANNIVERSARY OF OAK FOREST

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. RUSSO. Mr. Speaker, today I am going to talk about one city in my district. I have chosen this particular city because it is about to celebrate a special occasion, but at any given time, each of us here could speak with pride of the individual towns and villages and cities we represent. America's story is written each day by the people "back home" that sent us here, and it is a glorious story that we must occasionally remind ourselves of on Capitol Hill when we are caught up in the endless debates and problems we confront. Meanwhile, the character of this country remains strong because of the activities, the caring, and the involvement of people at the local level.

Oak Forest, Ill., some 20 miles south of Chicago, is preparing for a 3-day celebration of its 90th anniversary, May 28-30. It is "hometown" time there. Among the activities will be a parade sponsored by the city's Firefighters Association and their ladies auxiliary. The parade will end at the site of the celebration, the Oak Creek Shopping Plaza, where there will be an arts and crafts fair, business fair, carnival for kids, giant slide, beer tent, and varied concession stands. Local talent will provide the entertainment. Then there will be "dancing in the streets" with the Saturday night Adult Street Dance.

Oak Forest is a place that residents enjoy describing as having the big-city conveniences and the small-town friendliness. With a population of over 26,000, it nevertheless has maintained its small-town values and traditions as it has grown from a small city where you would find three houses on a gravel road to the thriving place it is now, complete with blacktop roads.

It is a city where people care, get involved. For years, there was the successful "I Am an American Day Parade" with the whole town helping—individual citizens, Scouts, churches, and Jaycees. At Christmas, there are the charitable projects sponsored by the churches and the Jaycees. The Ecumenical Council the churches have formed operate a Food Pantry. There are the nice parks, the field house where the senior citizen groups meet, where the kids go for athletic events, summer camp. It is a city where people can know their public officials, the policeman on the corner.

It is, in short, a city that is a nice place to be, to call home. I am proud to represent its fine citizens and I commend the local chamber of commerce, Mayor James Jesk, Jr., and all those groups and individuals involved in planning the observance of the 90th anniversary—and in making Oak Forest the kind of city it is. I know my colleagues join with me in saying "Happy Anniversary, Oak Forest!" ●

STRENGTHENING THE "VOICE OF AMERICA"

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. FASCELL. Mr. Speaker, I have long been a firm believer in the power of the spoken word. The "Voice of America" is our voice to the world, and it is in a sorry state in terms of equipment and personnel numbers. H.R. 2915, a bill to authorize appropriations for fiscal years 1984 and 1985 for the Department of State and the U.S. Information Agency, contains funds to start replacing dilapidated and outdated equipment and to start hiring more correspondents and staff. As we move

toward consideration of this executive branch request, I urge our colleagues to read the following instructive editorial from the Los Angeles Times:

[From the Los Angeles Times, May 17, 1983]

AMERICA NEEDS A STRONGER VOICE

The Voice of America has been growing weak and increasingly less audible from lack of financial nourishment. Economies inflicted in recent years on the nation's official broadcasting station to the world have left it short of personnel and bereft of adquate technology. In the continuing contest for international attention the United States has put itself at a competitive disadvantage, diminishing its opportunities to influence the opinions of others and to broadcast the news around the world.

The world's most technologically advanced country has been satisfied to leave the voice trying to work with obsolescent and in many cases obsolete broadcasting equipment. More than 35 percent of the agency's transmitters date from the Korean War period or earlier. The Voice has only 20 people with engineering degrees to keep this embarrassing abundance of vintage material functioning. It needs scores more, and it needs new equipment, including replacements for its antiquated antennas, to reach the audiences that it should reach.

Of the agency's 42 language services, 38 are understaffed. Broadcasting in Polish was increased to seven hours a day when martial law was declared in Poland, but staff shortages have meant that only half that broadcasting can be original material. The Voice now lacks correspondents in Rome, in Geneva and even in Islamabad, the closest site for covering the Afghanistan war. In all, the agency is seeking funding for six additional overseas reporters and for an increase of 141 in its language divisions.

Congress tends to be generous in its praise for what the Voice tries to do, but all too often it has shown itself miserly when it comes to paying the necessary bill. Currently the Voice is asking for $170 million for its 1984 budget. That includes $23 million to implement a supplemental request that was made last year for specific modernization steps.

The Voice, in its news operations, is required by law to report fully and impartially on events in America and the world. It is required, in other words, to tell the truth. The truth is a powerful weapon, but it is powerful only when it can be heard. The Voice of America deserves to be heard more clearly and widely than its present physical and personnel resources allow. Congress will be remiss if it does not act now to begin making up for the serious shortcomings in the Voice's quality that past inaction has brought about.●

THE 1983 LEGISLATIVE QUESTIONNAIRE RESULTS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. GUNDERSON. Mr. Speaker, the results of my 1983 legislative questionnaire indicate that the majority of citizens in Wisconsin's Third District feel the economic policies of the Reagan administration are beginning to work and restore our Nation's economic health.

Government spending, welfare abuse, and unemployment were listed as the three issue areas causing the most concern in western Wisconsin.

To get a handle on Government spending and reduce the massive budget deficit, those responding strongly supported reductions in defense spending coupled with a freeze on all Federal spending. Reduced funding for education, entitlement programs, and discretionary spending were opposed as a means to alleviate deficit problems.

Reducing the deficit and further reductions in interest rates are viewed as the overwhelming course of action to deal with the Nation's high unemployment. A strong majority of those responding felt that federally financed, temporary public service jobs programs should not be established to ease unemployment.

As one of the many Members of Congress bombarded with mail urging the repeal of the withholding tax on interest and dividends, it is interesting to note that 58 percent favored retaining withholding but provide exemptions for the elderly, the young, and those with small accounts. Mr. Speaker, this is precisely how this provision would have operated, which leads me to believe that the majority of those urging repeal were responding to misinformation on the actual provisions.

Although most did not think the Soviet Union has a defense capability superior to the United States, they felt Congress should support a gradual growth in defense spending or maintain present levels.

On issues of specific concern to the third district, a strong majority of those responding supported a combination of provisions for navigation, recreation, and rehabilitation for future development of the Mississippi River. On the question of reducing surplus dairy production, responses were mixed with 27 percent favoring a voluntary incentive plan and 30 percent suggesting a cut in prices.

I believe it is clear from this survey that citizens of the third district are beginning to see some positive results from the economic suffering they have endured over the last 3 years. It is clear that they demand a Government that will demonstrate fiscal control and set the proper priorities in spending. This message from western Wisconsin echoes the voice of the entire Nation. We in Congress must heed that call and caution ourselves against returning to economic policies of the past.

Listed here, for the benefit of my colleagues, is a complete summary of my questionnaire:

1983 LEGISLATIVE QUESTIONNAIRE

Answer yes or no to questions 1 through 7.

1. The federal budget deficit for fiscal 1984 could be over $200 billion. To reduce this deficit that would undermine economic recovery, would you:

a. Eliminate this year's 10% cut in individual tax rates, effective July 1: Yes, 47%; no, 52%.

b. Reduce defense spending: Yes, 60%; no, 38%.

c. Reduce agriculture price supports: Yes, 47%; no, 51%.

d. Reduce college loan programs: Yes, 50%; no, 49%.

e. Reduce education funding: Yes, 34%; no, 65%.

f. Freeze all federal spending: Yes, 57%; no, 42%.

g. Reduce entitlement programs such as AFDC and Medicare: Yes, 41%; no, 57%.

h. Reduce discretionary spending such as aid to education and local governments: Yes, 46%; no, 52%.

2. To reduce unemployment, the U.S. should:

a. Establish federally financed, temporary public service jobs programs: Yes, 31%; no, 66%.

b. Increase federal spending on public works (building, sewers, highways) that create jobs: Yes, 49%; no, 49%.

c. Reduce the deficit and interest rates: Yes, 84%; no, 14%.

d. Provide tax credits for hiring the unemployed: Yes, 48%; no, 50%.

e. Increase funding for training the unemployed for jobs in other fields: Yes, 47%; no, 51%.

3. The Equal Rights Amendment has been reintroduced in Congress. Do you support amending the U.S. Constitution to provide equal rights for all? Yes, 50%; no, 48%.

4. Do you feel the economic policies of the Administration are beginning to work? Yes, 61%; no, 36%.

5. Do you thing the Soviet Union is superior to the United States in defense capability? Yes, 40%; no, 54%.

6. Should Congress continue efforts to limit or prohibit abortions paid for with federal money? Yes, 71%; no, 26%.

7. Are you a dairy farmer? Yes, 13%; no, 87%.

Choose one for each question, 8 through 11.

8. To reduce surplus dairy production and taxpayer costs, would you favor: (choose one)

a. A voluntary incentive program in which farmers are paid to reduce milk production: 27%.

b. A cut in price supports: 30%.

c. A quota/base system: 16%.

d. Maintain present program of production assessment fees: 7%.

e. Freeze price at $13.10 per hundred pounds: 10%.

9. As part of the tax package passed by Congress last year, financial institutions will withhold 10% on interest and dividend income beginning July 1, do you favor: (choose one)

a. A straight repeal with the resulting increase in the federal deficit: 25%.

b. A repeal and replacement of lost funds with other taxes: 13%.

c. Retain withholding but provide exemptions for the elderly, the young, and those with small accounts: 58%.

10. Plans for the future development of the Mississippi River should include provisions for: (choose one)

a. Commercial navigation: 11%.

b. River rehabilitation and recreation: 14%.

c. All of the above: 68%.

11. What action should Congress take on President Reagan's defense program? (choose one)

a. Support a gradual growth in defense spending: 39%.

b. Make reductions: 36%.

c. Maintain present levels of defense spending: 23%.

12. Which three of the following issue areas concern you the most? (choose three)

Government spending.

Welfare abuse.

Unemployment.●

POTOMAC SCHOOL, McLEAN, VA., VISITS CAPITOL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. LONG of Maryland. Mr. Speaker, today, I had the great pleasure of getting a visit from my grandson's grade school class from the Potomac School in McLean, Va. I brought them onto the House floor, showed them around the Capitol, and talked with them about the work of Congress. The members of the class are:

Clarence D. Long IV, Franz Diebold, Lisa Pienaar, Buckley Kuhn, Nicole Kleman, Laura Halperin, Jennifer Friedlander, Malik Goffe, Victor Maddux, Daniel Kipnis, Omar Shakoor, Alexander Hebeler, Matthew Taylor, Nache Shekarri, Anita Mannan, Patrick Larrieu, Elliott Holt, Jonathan Lett, Abigail Nields, Casey Danzansky (absent due to illness), Mrs. Frances Haynes, teacher.●

ESTABLISH AN ETHNIC AFFAIRS CLEARINGHOUSE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation which I believe will be the first step in elevating the positive role which ethnic groups play within our society as portrayed by the mass media. My bill, the Ethnic Affairs Broadcasting Clearinghouse Act of 1983 would create an Office of Ethnic Affairs within the Federal Communications Commission which would be designed to more closely monitor the activities of the media in their coverage of ethnic groups. This Clearinghouse will also provide for the comprehensive compilation of complaints and grievances which are filed with the FCC against network programs which unfairly depict ethnic groups. Finally, my bill would play an important educational role by encouraging the positive portrayal of ethnic groups in radio and television through conferences, reports, and other activities which accentuate exemplary ethnic programing.

This legislation is the direct outgrowth of a recently held conference on Italian Americans and the media—building a positive image—sponsored jointly by the National Italian American Foundation and the Commission for Social Justice of the Sons of Italy. At that meeting, I first proposed this idea when it became apparent through a number of sessions that the longtime efforts in this area by both myself as well as ethnic organizations needed elevated attention. The establishment of such a clearinghouse within the FCC—the Federal agency charged with monitoring the mass media—would provide the public an opportunity to receive information about this issue which could be used in a constructive fashion. Despite the growing number of programs and coverage given to ethnic groups, the FCC, in 1981, abandoned its policy of keeping track of categorical complaints of ethnic stereotyping and ridicule. In response to public pressure, the FCC reinstated this collection process. Sadly enough, this information is little known to the public at large nor is it used in any fashion to promote the positive portrayal of ethnics in the mass media. This legislation would clearly be central to giving the concerns of ethnic groups greater visibility.

In the first 3 months of 1983, more than 22,000 complaints had been received by the FCC Complaint Bureau. This represents a dramatic increase when one considers that for the entire year of 1982, only 38,000 complaints were received. This demonstration of interest makes the case for a more comprehensive listing of these complaints for public consumption. This bill would also provide such a listing be made available to both Congress as well as those bureaus within the FCC that renew or grant broadcasting licenses.

In recent years, I have conducted a number of meetings with network executives in order to protest particular shows as well as to encourage more positive programing of ethnic groups. To date, the networks have demonstrated selective sensitivity in this area. The most notable example is the much-heralded NBC series "Hill Street Blues" which has sought to place ethnic group members in positions of visibility and responsibility in its programing. This program, however, is more the exception than the example. In a study conducted for the Commission for Social Justice and released last year, it was revealed that the majority of television programs today portray Italian Americans in a negative light. It is my intent that this legislation will help us turn the corner in the long-standing battle that we have fought to bring fairness to television and radio programing. With the immense influence that the media today has in American public life, a greater sensitivity should be encouraged in the media in their depictions of ethnic groups.

I do not intend that this legislation curtail the hallowed right we all enjoy of free speech and debate which is guaranteed by our U.S. Constitution. Such a right is an integral part of our great democracy and should be protected at all costs. In the process of providing free speech, we also must work to encourage greater sensitivity by those who wield great influence in this area. It is my hope that the Clearinghouse could encourage more scholarly research, such as that which was published last year on Italian Americans in television programing. Such research will help to bolster the campaign to promote fairness toward ethnic groups on the airwaves by providing documented evidence of such negative images. The Ethnic Clearinghouse can be a catalyst for constructive change, by giving the public as well as the networks the opportunity to benefit from public comment. More importantly, it can take positive examples of ethnic groups and encourage their duplication. The cost of such an effort would be minimal—yet the benefits would be great for current and future generations of ethnic groups who wish to share the fruits of their heritage with all of us.

For the benefit of my colleagues, a copy of the Ethnic Affairs Broadcasting Clearinghouse Act of 1983 follows:

H.R. 3105

A bill to amend the Communications Act of 1934 to establish an Office of Ethnic Affairs within the Federal Communications Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the 'Ethnic Affairs Broadcasting Clearinghouse Act of 1983".

SEC. 2. Section 5 of the Communications Act of 1934 is amended by inserting after subsection (d) the following new subsection:

"(e)(1) There shall be established within the Commission an office of ethnic affairs to be known as the 'Ethnic Affairs Clearinghouse'. The Ethnic Affairs Clearinghouse shall—

"(A) establish a clearinghouse for complaints and grievances regarding radio and television broadcast programing which unfairly depicts ethnic groups and which is contrary to the public interest;

"(B) collect, analyze, and prepare information from public and private agencies related the portrayal of ethnic groups by radio and television broadcast programing, and furnish such information, upon request and without charge, to public and private agencies that serve the needs and interests of such groups;

"(C) carry out an educational program (i) which encourages the positive portrayal of ethnic groups in radio and television broadcast programming and (ii) which demonstrates the importance of such a positive portrayal on the part of the mass media;

"(D) conduct an annual conference which shall be designed to focus public attention upon the images of ethnic groups depicted by radio and television broadcast programming and encourage the participation of such individuals and organizations, public and private, that serve the needs and interests of such ethnic groups;

"(E) prepare and transmit to the Congress an annual report which details the activities of the Ethnic Affairs Clearinghouse, including a compilation of all grievances filed under subparagraph (A); and

"(F) make such information available to the Commission which may be taken into account when reviewing or approving applicants for licensing.

"(2) Not later than 90 after the date of the enactment of the Ethnic Affairs Broadcasting Clearinghouse Act of 1983, the Commission shall establish the Ethnic Affairs Clearinghouse and provide appropriate staff and services for it to carry out its functions under this subsection.".●

IS AMERICA TONGUE-TIED?

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. PERKINS. Mr. Speaker, our distinguished colleague, PAUL SIMON, has recently written an article for Academe, the magazine of the American Association of University Professors, on the issue of the ability of Americans to speak foreign languages.

Mr. SIMON's article is required reading for anyone who has any doubts about the adverse effects of the lack of our ability to speak foreign languages on our Nation's international commerce and foreign and military relations.

The Committee on Education and Labor has heeded Mr. SIMON's warnings and last week ordered reported his bill, H.R. 2708, which provides $50 million a year to improve foreign language instruction at all levels of education.

Mr. Speaker, I highly recommend this article to my colleagues.

The article follows:

[From Academe, March-April 1983]

IS AMERICA TONGUE-TIED?

(By Paul Simon)

Those of you reading this article bear an awesome responsibility: each day you find entrusted to your care the fertile minds of tomorrow's leaders. They rely heavily on your lessons as they prepare to meet the daily responsibilities of citizenship in the world's most powerful nation.

Therefore, I urge you to reflect on the lessons of the past and the realities of the present during your course preparations, class discussions, and deliberations about the curriculum. And in this period of growing threats to world peace, I hope you will spend time—no matter what your field—talking with your students about the need for understanding among nations and how we can achieve it, particularly in our relationship with the Soviet Union.

In that vein, I trust that President Reagan is making at least a modest reappraisal of the relationship between the United States and the Soviet Union because of the recent changes in Soviet leadership. He would do well, in that reappraisal, to look at the experience of another Republican president—Abraham Lincoln.

In 1852, nine years before he became president, Lincoln headed efforts at a public meeting in Springfield, Illinois, to defend Hungarian independence and to denounce Russian despotism. Three years later, he described Russia in a public statement as a land where despotism was total. In 1861, Lincoln became president, and he found his desire to preserve the Union was greater than his dislike of the government of the Russian Empire. What happened then is spelled out in Albert Woldman's excellent "Lincoln and the Russians" (1952).

For a variety of economic and political reasons, the governments of England and France had Confederate sympathies and hoped to act in concert with Russia to assist the South by breaking the Union blockade. But Russia had different economic and political interests. Lincoln and Secretary of State William Seward kept in regular touch with the Russian ambassador in Washington and were able to keep an English/French/Russian pro-Confederate alliance from ever taking shape.

Not only that, but during a particularly gloomy period for Union forces, twelve Russian gunships visited Union ports, a signal that the much-rumored English/French/Russian threat would not materialize. That gave Northern morale an important boost. This visit followed an earlier statement by Prince Gortchakov, the Czar's foreign minister: "Russia alone," he said, "has stood by you from the first, and will continue to stand by you."

Lincoln did not compromise anything he believed in by working with the Russians. He understood what his goal was and understood that the Russians might be helpful in reaching that goal. Ronald Reagan now has two goals: to preserve freedom in our country and in other nations, and—for that freedom to have any meaning—to make sure that the world is not destroyed by nuclear weapons in a senseless arms race.

To achieve those goals of peace and security, President Reagan must do what Abraham Lincoln did—work with a government whose actions he frequently finds distasteful. In order for that work to go forward and be effective, the nation and the president must have the necessary tools at their disposal. But those tools—international expertise, cultural exchanges, and foreign language ability—are being slighted at every level of American education; and our economy, our diplomacy, and our national security are suffering for it. At a time when it is more important than ever that we communicate with the rest of the world, U.S. citizens are notoriously deficient in foreign language skills, and statistics suggest they are getting more tongue-tied every day.

The United States continues to be the only nation where students can go through grade school, high school, college, and even in some cases get a Ph.D without ever having had a single year of foreign language instruction. According to the Joint Committee for Languages, only 15 percent of all high school students in the United States study a foreign language. That figure was 24 percent in 1965. Meanwhile, only 8 percent of American colleges require a foreign language for admission. That compares with 34 percent having language requirements in 1966. Consequently, by the time students reach college, only 9 percent of them each year enroll in a foreign language course.

And when young Americans do study languages, they tend to choose those with relatively few speakers. Thus, less than 1 percent of our college students are learning the languages spoken by three-fourths of the world's population. So few college graduates have had foreign language training these days that the State Department no longer requires new Foreign Service officers to have a background in a foreign language. It is not uncommon for our embassies in Third World trouble spots to be without a single American diplomat who is fluent in the native language.

The language deficiency in our Foreign Service corps has had tragic implications for us in Afghanistan and Iran. There have also been many ridiculous international embarrassments at our expense because of our deficiency. People laughed when an American translator in Poland turned President Carter's wish to "learn your opinions and understand your desires for the future" into his "desire for the Poles carnally"; but a serious translation error in sensitive discussions with the Soviets or the Chinese would be no laughing matter.

Four years ago I served briefly with the United States delegation to a special session of the United Nations. During the first days of the session, Soviet Foreign Minister Andrei Gromyko invited the United States delegation to meet with the Soviet delegation. Our group was headed by then Secretary of State Cyrus Vance and former Governor Averell Harriman. At the beginning of our discussion we exchanged through our interpreters pleasantries and a few remarks of substance. I say "through our interpreters" because I do not believe anyone in our group spoke or understood much Russian—on the other hand, most of the Soviet delegation, including Mr. Gromyko, spoke and understood English. That ability is a decided advantage in any such situation. It may appear to be a minor matter, but it gives the "opposition" in a dialogue additional time to prepare for the proper reply. I wish I could enter a vigorous debate on the floor of the House with those kinds of odds stacked in my favor. And yet we sit down to negotiating tables with the Soviets and other nations over and over again, year after year, with Americans unable to communicate directly.

When United States policymakers were making decisions that led to our involvement in Vietnam, there were hardly any American-born experts on Vietnam, Cambodia, and Laos in the State Department and in our universities who were fluent in any of the languages of that region, or who understood the culture of that area. When revolution broke out in Iran in 1978, only six of the fifty-two Foreign Service officers stationed there were minimally proficient in Farsi—and only two of the hostages spoke the language fluently.

Without diplomats fluent in the local languages, who could talk to the people? Is it any wonder events in these countries baffle us?

Former Secretary of State John Foster Dulles wrote: "It is not possible to understand what is in the minds of other people without understanding their language, and without understanding their language it is impossible to be sure that they understand what is in our minds. Each language, including our own, is a delicate precision tool of immense potential value.

The situation is equally critical in U.S. military intelligence. In hearings before my Subcommittee on Postsecondary Education in 1981, a Department of Defense official noted that "only 50 percent of the personnel coming into foreign language billets possess the necessary level of competence. . . . The American population no longer presents us with a large talent bank of bilingual and multilingual people on which to draw to meet current and future needs. Therefore, we have been forced to invest heavily in our own training and educational programs."

The highly respected former deputy director of the Central Intelligence Agency, Admiral Inman, told that same hearing, "The deteriorating language study capabilities programs of this country are presenting a major hazard to our national security."

Just as with diplomacy and intelligence gathering, so with international trade. As John Stuart Mill said, "Trade is a social act." And social acts require language communication skills. American business has yet to learn a fundamental lesson: you can buy in any language, but you cannot sell in any language. The Japanese have developed a skilled sales force to match their highly accomplished production skills. Japan's phenomenal success in selling to the United States is not hard to understand once we realize that in New York City alone there are more than 10,000 Japanese salespeople, almost all of whom speak English. In contrast, only a handful of the approximately 1,000 American salespeople in all of Japan speak Japanese. It should be obvious which nation will do a better job of selling its products, and why.

Tongue-tied American business people have been thwarted time and again in their efforts to trade with foreign countries. For example, we are told that General Motors officials could not understand why their Chevrolet Nova was not selling in the important markets of Latin America and Pueto Rico. If they had checked with someone who knew Spanish before choosing that name, they would have discovered that in Spanish "No va" means "It doesn't go." When the company finally changed the name to Caribe, the car sold well. Similarly, when the Parker Pen Company launched its South American sales campaign, its Spanish ads promised that the new ink used in the pen would prevent unwanted pregnancies.

The decline in foreign language ability among otherwise well-educated Americans was accelerated during the 1960s when faculty and administrators embraced students' demands for a less structured curriculum. We have tended to become too soft on ourselves in our educational requirements, and that hurts us in a number of important ways.

Among the industrialized nations we are alone—in terms of both our allies and our adversaries—in failing to appreciate the great value of educational and cultural exchange as a tool of foreign policy. West Germany and France, for example, set aside 1 percent of their national budgets each year for such programs and describe them as the "third pillar" of their foreign relations. They consider their educational assistance to be as important as the political and commercial components of their foreign policies. In contrast, the United States allocates barely one-tenth of 1 percent of its budget for this purpose.

There are, however, some inklings that a turnaround in foreign language policy may be near. For instance, in 1982 the City of Baltimore approved a policy which, if implemented over the next several years, would establish it as a leader among big-city school systems in foreign language instruction. City leaders there wisely perceive that Baltimore's refurbished image as an international city can only be enhanced, and its economy strengthened as well, through a meaningful program of foreign language instruction. Unfortunately, improvements like these cost money, and foreign language study has traditionally been one of the first areas to suffer as local school districts and postsecondary institutions tighten their belts as a result of reductions in federal aid.

Federal policy has been an important guide to educators at all levels in addressing key national requirements. The post-Sputnik emphasis on science is one example; another is the Smith-Hughes Act, which established a federal subsidy for agricultural education and home economics. Virtually every high school in the nation was able to offer these courses soon after passage of the act.

In an effort to implement key recommendations of the president's Commission on Foreign Language and International Studies, which called for federal incentive payments to schools to encourage foreign language instruction, I introduced legislation which would provide for those incentives at all levels of American education. My bill was known as H.R. 3231, the National Security and Economic Growth through Foreign Language Improvement Act. It called for the establishment of a $10 million grant program to the states for the funding of model foreign language programs in local school districts. Also included was $4 million for funding model foreign language programs in community colleges. In addition, H.R. 3231 set aside $13 million for direct grants to colleges and universities based on foreign language course enrollments in institutions that have in place a two-year foreign language entrance or graduation requirement.

The bill passed my Postsecondary Education Subcommittee and the full Education and Labor Committee before it became stalled in the House Rules Committee. I am currently working on a revised version of H.R. 3231, and I expect to be introducing it soon. If we who believe in peace through understanding want to see our principles reflected in public policy, we must work to that end. I therefore urge each of you to contact your representatives and senators, asking for their support for the Ninety-eighth Congress revisions of H.R. 3231 and S. 1817, a companion bill introduced last year by Senator Pat Moynihan of New York.

The task before those of us who recognize the importance of foreign language and international studies is to demonstrate to the American people why it makes economic and national security sense to take a tiny fraction of the billions we plan to spend on defense and invest it in the tools that will make us better able to talk to, understand, and trade with the rest of the world. For without these tools, our president—whether or not he decides to set aside his policy of confrontation with the Soviet Union—may find his diplomatic efforts far more difficult than he had imagined.●

LES ASPIN ON THE MX

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. HYDE. Mr. Speaker, our colleague from Wisconsin, LES ASPIN, has written an excellent article on the Scowcroft Commission and the MX missile that reduces the many complexities of this issue to readily understandable terms. It is, in my judgment, essential reading and I commend it to your study:

The article follows:

[From the Washington Times, May 19, 1983]

THE SCOWCRAFT COMMISSION—BREAKING THE LOGJAM

(By Les Aspin)

It is getting hard to tell the good guys from the bad guys in arms control.

For example, the Catholic bishops have taken a position that moves them to the far right. I am not talking about the bishops' support of the freeze—that is a liberal position and the aspect of the bishops' report that got the most press attention. But the bishops also came out against aiming missiles at civilian populations. Their position is understandable; they felt it immoral deliberately to target innocent civilians. If nuclear weapons are needed for deterrence, they should be targeted against nuclear weapons, the bishops argued.

The trouble is that liberals in the defense business believe that targeting the other side's nuclear weapons makes war more likely because the side that fires first has an advantage, which simply tempts decision-makers to resort to nuclear weapons in a crisis.

Furthermore, this policy opens the budgetary floodgates and puts the arms race in high gear. If each side targets civilians, each side knows that the use of nuclear weapos will bring total destruction—and only about 400 warheads are required to bring about Armageddon. If we start targeting nuclear weapons, nuclear war can begin to look winnable. But to accomplish this requires many thousands of warheads and vast sums.

In other words, the bishops come at the issue from a different perspective but end up aligned with the school that advocates a "warfighting" posture rather than the school that advocates "assured destruction."

Another alliance of strange bedfellows is taking place over the Scowcraft Commission recommendations on deploying the MX missile. Up to now, the MX has been a weapon all liiberals could love to hate.

The Soviets already have first-strike weapons—the SS18 and SS19—which threaten our ICBM force. The MX is also a first-strike weapon—if we have enough of them, we threaten to wipe out the Soviet Union's entire ICBM force. The result of building the MX is an arms controller's nightmare: two sides with weapons that are simultaneously vulnerable and capable of a first strike. Nothing could be more dangerous in a crisis.

Along comes the Scowcroft Commission, which says we need to move away from these vulnerable first-strike weapons. The reason for shifting away from the MX and the Soviet SS18 and SS19 is to reduce the

incentive for either side to move first in a crisis. If a crisis is building—for example, something like the 1962 Cuban missile crisis—and both sides have vulnerable first-strike weapons, there is a dangerous temptation to go first—the side that shoots first wipes out the other's land-based forces. This is most dangerous if a crisis builds to the point where leaders on both sides believe war is inevitable. One way to deal with this danger is to make sure no crisis reaches that point. But crises are hard to control. And there are enough differences between the United States and the Soviet Union that we can be sure crises will crop up now and then.

A more practical way to deal with this danger is to arrange weapons so that neither side gets an advantage from firing first. Here is where the Scowcroft Commission comes in. It recommends that both superpowers move toward single-warhead missiles and agree to limit the number of warheads on each side.

Why will this work? Because if both sides have single-warhead missiles, it will take one missile to get one missile. To be sure of getting the one missile actually requires two warheads because of limitations on accuracy. If both the United States and the Soviet Union have single-warhead missiles and both are limited to the same number of warheads, it would make no sense to attack the other's missile force. The attacking force would have to give up two missiles to destroy only one on the other side.

Inducing the Soviets to agree to this is tricky. They already have a first-strike force. Unless we can get them to agree to limit their warheads, they would be able to overwhelm our ICBM force. Even if our ICBMs were made mobile, they would not be invulnerable. Given enough warheads, the Soviets could barrage the areas where the small mobile missiles were located and destroy them all.

To gain stability, it is not enough for the United States to go to single warheads, the Soviets must agree to a reasonably low warhead limitation.

Here is where the MX comes in. A limited number of MXs—the commission recommends 100—could not carry out a first strike on Soviet forces. Ten warheads per missile totals 1,000 warheads on 100 MXs, which threaten 500 targets with two-on-one targeting. The Soviets have about 1,400 land-based missiles, including about 650 multiwarhead SS18s and SS19s. But 100 MXs would threaten a good portion of their forces and force them to consider that someday their land-based missiles could be just as vulnerable as ours.

A core question is whether you can get the Soviets to negotiate without dangling the MX over their heads. Obviously, this question can only be answered definitively in Moscow. But the history of our negotiations with the Soviets through Republican and Democratic administrations shows they really do want to hold onto these giant missiles. Both the Ford and Carter administrations offered very attractive negotiating carrots to get the Soviets to give them up, but with no success. It is those whoppers that distinguish the Soviets from us and give them the self-assurance that they really are a superpower. I, therefore, tend to believe we need the MX—not to give the United States the capability to wipe out the Soviet ICBM force, but to turn on a light bulb in the Kremlin's brain and make it realize that it is in Moscow's interest as well as ours to shift to single-warhead missiles and to agree to a limit on warheads.

The goal of all this is to prevent nuclear weapons from being used in the first place. The best way to achieve that goal is to create a situation in which neither side has an incentive to use nuclear weapons. That is precisely what the Scowcroft approach does.

The MX has come to be something of a symbol of dangerous nuclear military spending. But there is nothing inherently good or evil in the missile itself. If the missile ends up being deployed in a vulnerable way and in sufficient numbers to threaten a first strike on the Soviet Union, it will be evil. But if it ends up being used as a lever to move the Soviets away from giant silo killers, it will go down in history as making a real contribution to the advancement of arms control.

The MX is one part—the most controversial part—of the Scowcroft Commission recommendations. The commission proposals form a package: the MX; the shift to the small, single-warhead missile; and the new direction in arms control. If the package is not accepted as a whole, the compromise that the Scowcroft Commission fitted together collapses.

There are three core reasons that liberals should support the package.

First, the commission recommends a new direction in arms-control negotiations, emphasizing warhead counts rather than launcher counts, among other things. These may seem like technical changes, but they are important points liberals have been advocating. For President Reagan to agree to them is a major advancement.

Second, the commission recommends the shift toward the small, single-warhead missile. That is something liberals have also sought. It is part of the Scowcroft package. If we reject the MX, we can expect the other side to reject the small, single-warhead concept—and then we have gotten nowhere.

Third, the Scowcroft recommendations form a compromise designed to move our arms-control strategy off dead center. This is an instance when compromise for the sake of compromise is crucial. We are going nowhere in arms control these days because we have become bogged down in excessive partisanship. President Ford negotiated the Vladivostok accords; the incoming Carter administration rejected them. Carter negotiated SALT II; the incoming Republicans junked that. The atmosphere the last two years has been so bad that Democrats wrote off START before it started. We are not advancing; we are going backward. We need to break this logjam. The Scowcroft recommendations give us the opportunity to do that by accepting a compromise that has something for everybody but not everything that any one group wants. The alternative is not "something better," the alternative is sinking deeper in the quicksand in which we have been mired for some years.●

DEVELOPMENTS IN JAMAICA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. FASCELL. Mr. Speaker, the Caribbean nation of Jamaica has made great strides these last few years in overcoming the political and economic failures of the 1970's and in regaining the confidence of international financial institutions. Jamaica's Prime Minister, the Right Honorable Edward P. G. Seage, P.C., has been the motivating force behind these developments. He is a friend of the United States, a strong advocate for stability in the region, and one of the original supporters of the administration's Caribbean Basin Initiative (CBI). I believe our colleagues would benefit from the following informative article about Jamaica in the Washington Times:

JAMAICA—TO THE BRINK AND BACK

(By Allan Brownfeld)

The island republic of Jamaica, strategically located 90 miles south of Cuba, marched to the brink of tyranny during the 1970s. In 1980, it turned back—and today is on the road to economic recovery and to its traditionally friendly relationship with the United States.

From 1972 to 1980, socialist Prime Minister Michael Manley worked very hard to place Jamaica in the Cuban-Soviet orbit. His major accomplishment, however, was the near-destruction of the Jamaican economy.

Manley nationalized the sugar plantations, instituted punitive taxes and dramatically expanded the role of the state. To finance these policies, he had to appeal to the International Monetary Fund for emergency relief loans in 1978—but he threw the IMF out of the country in 1980 when it demanded that minimal requirements be met. From then on, he was not able to secure any new loans. By 1980, unemployment was at 35 percent, inflation was at 30 percent, and prices had increased by 78 percent. Jamaica's standard of living had fallen by about 40 percent, the cost of living had increased 318 percent, and the island's professional class left, most of them for the United States.

Jamaica's most important product is bauxite, used in the manufacture of aluminum. Manley attempted to create a bauxite cartel and, as a result of his policies, forced buyers into other markets. U.S. Ambassador to Jamaica Loren Lawrence recalls that, "It got to the point that Alcan could bring a ton of bauxite from Australia and land it in Vancouver for $15 a ton, less than Kaiser could take a ton of bauxite from Jamacia and land it in Baton Rouge, La."

In foreign policy, Manley moved closer to Castro, importing doctors, teachers and management personnel from Cuba. He eagerly supported Cuba's aggressive role in Africa. In 1979, Manley visited Moscow and praised the Russians for their involvement in Africa. He complimented Leonid Brezhnev as "our respected comrade, the genuine friend of all national liberation movements, the leader and ally of all those who struggle against imperialism."

During Manley's administration, Cuban diplomats are reported to have been engaging in systematic destabilization of Jamaica. Ulysses Estrada, Cuba's ambassador to Jamaica through October 1980, is the former head of Castro's "liberation" campaign aimed at fomenting revolution throughout Latin America. A 19,000-pound container of shotgun cartridges was confiscated en route to the Moonex International Establishment, allegedly a Cuban-front company with branches in Panama and Jamaica. Shortly after the discovery of the shipment, the Cuban manager of the Jamaican branch, Ruperto Hart, was seen in Miami aboard a Cuban diplomatic jet with the Cuban am-

bassador to Jamaica and the head of the Jamaican Ministry of Security.

In addition, Cuba trained and indoctrinated a new police force comprised of Manley's supporters, the Jamaican Home Guard and a communist guerrilla-type brigade, the Brigadistas. These groups were built up to the point where they were nearly as powerful as the combined regular police and the Jamaican Defense Forces.

Under Manley, Jamaica was collapsing. Agricultural production dropped nearly 40 percent for some commodities. Sugar production fell 22 percent from 1974 to 1980. The banana crop declined 78 percent. Coffee dropped to an all-time low.

Finally, Manley was forced to call an election in October 1980—18 months before he was required by law to do so. The pro-U.S., pro-free enterprise Jamaica Labor Party won an overwhelming victory—winning 51 of the 60 seats in Parliament.

Now, in 1983, Jamaica's economy is slowly bouncing back. Under Prime Minister Edward Seaga, tourism, traditionally the island's No. 2 money earner (behind bauxite) has recovered from its lowest ebb in the Manley years and has been restored to a sound condition. A 20 percent-a-year growth was registered for both 1981 and 1982—and prospects are good that this will continue in 1983. Construction, which had fallen to minimal levels, has come back substantially and is reaching levels not seen in Jamaica since the 1950s. A 26 percent jump in contruction was registered in 1982.

Inflation is down from 20 percent in 1980 to 4 percent in 1981 and 7 percent in 1982. Many Jamaicans who left the island during the Manley years are now returning. Manufacturing, although not as responsive to change as many had hoped, is improving. New measures to give businessmen access to dollars (to import machinery, etc.) are designed to get this sector moving. The sugar cane and banana crops are doing better, and agriculture is viewed as being at a "takeoff point." Bauxite production is down—primarily because of the world recession.

In international affairs, Seaga has returned Jamaica to the Western camp. In fact, shortly after his election, Seaga ordered Cuban Ambassador Estrada to leave the country. In February, Seaga visited Washington to receive the American Friendship Medal in a White House ceremony. President Reagan said that Seaga's success in reviving Jamaica's economy and political system is an example to other Caribbean nations that capitalism and respect for basic human rights open the way to prosperity and peace.

"Before Prime Minister Seaga there was violence and lawlessness," Reagan said. "Now there's peace and growing respect for the law. Before, there was despair about the future. Now, there is hope and expectation of better times ahead. In the recent past, the economy was declining. And now, through free enterprise, it is growing."

One of Seaga's major accomplishments was to restore Jamaica's credit rating. He has renegotiated a loan with the IMF and has renegotiated old loans with a consortium of eight commercial banks headed by Citicorp of New York. He has also arranged for loans from 11 Western governments. The strategy is working. Exports are up by approximately 10 percent and imports have risen about 25 percent. Investments have increased dramatically. Crime has decreased.

Problems, of course, remain. But Seaga is optimistic about the future. He sees Jamaica as following a "political and economic course very similar to that of the United States." Still, there is a significant leftist opposition—not only in Manley's Peoples National Party but in a four-year-old Marxist-Leninist Party, the Workers Party of Jamaica.

While the future remains unclear, Jamaica appears to be restoring real health to its economy and returning to its pro-West foreign policy. If these trends continue, the Seaga government seems likely to continue in power. Jamaica, it seems, approached the precipice—and then turned back.●

TRIBUTE TO ROBERT L. BUTORAC, OUTGOING PRESIDENT OF THE LONG BEACH JUNIOR CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. ANDERSON. Mr. Speaker, for the past 2 years the Long Beach Junior Chamber of Commerce has had Robert L. Butorac as president. Before Bob steps down, I would like to share with you some of his accomplishments.

Bob was a 1969 graduate of Fermin Lasuen High School of San Pedro. He attended Los Angeles Harbor College where he received his associate degree in arts, journalism, and political science, and attended California State University at Long Beach where he obtained his B.A. in journalism and political science. At both schools he was either editor in chief, or associate editor of the student newspapers.

It was in October 1974 that Bob came to Washington, D.C. He became a member of my legislative staff in February 1975, became my legislative-press aide in August 1975, and served in that position until August 1978. Bob was a hardworking and loyal employee who took his responsibilities seriously.

From August 1978 to August 1981, Bob was executive director of the Committee of 300 of the Long Beach Area Chamber of Commerce, where he managed and directed a volunteer organization in setting up the annual Grand Prix of Long Beach. He has also served as secretary and director of the Long Beach Junior Chamber of Commerce, and was a director of the Long Beach Area Chamber of Commerce from 1982 to 1983.

Presently he is general manager of Sonitrol of Long Beach, where he supervises the installation, sales, and monitoring of security systems.

Bob will be celebrating 8 years of happy matrimony with his lovely wife Elena this September. He will also be celebrating the third birthday of his daughter, Jessica.

Bob was a member of the California delegation to the Democratic National Convention in 1972, and is currently a member of the California Democratic State Central Committee. He has been involved in numerous political campaigns over the past 10 years.

In closing, let me say that few people have successfully tried to do as much for their community as Bob Butorac. My wife, Lee, joins me in thanking Bob for the service he has given to the Junior Chamber of Commerce and to the city of Long Beach. We wish him, his wife, Elena, and their daughter, Jessica, all the best in the years ahead.●

CENTENNIAL OF THE BROOKLYN BRIDGE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. WEISS. Mr. Speaker, 100 years ago today, the Nation celebrated the opening of one of the most remarkable structures in America: the New York Brooklyn Bridge.

The beauty and grandeur of the bridge have served as inspiration for music, poetry, theater, cinema, painting. The bridge is part of our folklore, celebrated in American humor and popular culture. To this day, its sweeping steel tracery, majestic stone towers, and graceful proportions are one of the most exhilirating views of our urban landscape.

As a masterpiece of engineering design, the New York Brooklyn Bridge was unsurpassed in its day. When it opened, it was the first bridge to be constructed in steel. It was the largest structure in the country and the longest suspension bridge in the world. Its towers were the first skyscrapers of Manhattan, soaring above the late 19th century buildings on both banks of the East River.

The method used to construct those towers had only recently been developed in Europe. Huge timber boxes called caissons were floated into the water to serve as foundations for the masonry. As the towers were constructed, the caissons gradually sank down into the riverbed. Water was forced out of the caissons by compressed air, leaving compartments where workers could excavate into the river sediment.

This method, while innovative and effective, was also treacherous. Hundreds of workers contracted a strange malady known as caisson disease from working in the high-pressure atmosphere. One victim was Washington Roebling, the man who had assumed the job of chief engineer from his father, John Roebling, the designer of the bridge. The elder Roebling, a brilliant German immigrant, had died of lockjaw after refusing amputation of his foot, injured while he was surveying for the bridge.

The remarkable saga of the Brooklyn Bridge continued under the guidance of Emily, wife of the junior Roebling. For more than a decade, while Washington Roebling lay bedridden though mentally active, she transmitted directions from her husband to the work crew and supervised the construction, quickly learning the engineering and mathematics required for the work.

On May 24, 1883, she also supervised the inaugural fireworks and festivities, riding in the first carriage to cross the bridge. The centennial celebration beginning today is a tribute to the remarkable history, workmanship, and beauty of the bridge. The festivities will include a grand display of fireworks set to music, a sound and light show, displays at museums and galleries in Brooklyn, as well as at the Smithsonian and many other activities.

This extraordinary bridge continues to capture the American imagination, serving as both inspiration and symbol of American dedication and vision.

I am proud to say, Mr. Speaker, that the Manhattan portion of the New York Brooklyn Bridge and its approaches are located within the 17th Congressional District of New York which I have the honor to represent.●

ETHICS IN GOVERNMENT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mrs. SCHROEDER. Mr. Speaker, Congress devoted a great deal of time and energy to the passage of the Ethics in Government Act in 1978. We passed that legislation to eliminate conflicts of interest, require public disclosure of financial interests, and insure appointment of a special prosecutor when high officials were the subject of allegations of wrongdoing. In drafting that legislation, we tried to strike a balance between the need for a Government of high integrity and the fear that we would lose high quality individuals if we made the restrictions on Government service too onerous. After 4 years of watching this act in operation, I am convinced that we sacrificed too much to our concerns of scaring away prospective public servants. There are no documented cases of anyone refusing Government service because of the requirements of the Ethics in Government Act. But there are, for sure, dozens of cases of scandalous activities within the Reagan administration that have gone on while the Office of Government Ethics stood on the sidelines.

I have put together a list of some of these cases involving individuals appointed by the Reagan administration in which it has been alleged that instances of criminal wrongdoing, abuse of power and privilege, and unethical behavior of people in high places have occurred. In listing these individuals, I am not suggesting that anyone is guilty of any illegal act. However, the variety of misdeeds described suggest that a stronger ethics law is needed. But legislation can not, and should not, be expected to address each of these instances. What is needed, in addition to a strong ethics law, is an administration dedicated to a Government with the highest standards of integrity.

As the following list shows, ethical conduct has not been an important consideration in the appointments of the Reagan administration:

Richard V. Allen, National Security Adviser, accepted $1,000 and three watches from a Japanese magazine that had been granted an interview with Nancy Reagan. In addition, after becoming National Security Adviser, Mr. Allen continued to have contact with his former clients at the same time he was receiving funds for the sale of his consulting business. Mr. Allen resigned.

Frederic N. Andre, Interstate Commerce Commissioner, said that kickbacks in the trucking industry should be viewed as just "discounts" or "rebates." He said that the Commission should not worry about bribes in the trucking business because they are "one of the clearest instances of the free market at work." He also stated that truckers should be allowed to conspire to fix prices and that he saw nothing wrong with convicted felons running a trucking company while in prison.

Malcolm Baldrige, Secretary of Commerce, spent $15,272 on personal office furnishings.

William Bell, nominated to head the Equal Employment Opportunity Commission, was shown to have no qualifications for the job and a spotty record of employment. His one-man employment agency failed to find jobs for clients during the previous year. His nomination was withdrawn.

Donald Bogard, President of the Legal Services Corporation, received a contract negotiated by his friend and temporary LSC Chairman William F. Harvey that included one year's severance pay if fired, membership in a private club of his choosing, and two free trips each month to his home in Indianapolis.

Anne Gorsuch Burford, Environmental Protection Agency Administrator, made decisions based on political considerations. For example, cleanups of hazardous waste sites were either sped up or delayed to help Republicans in 1982 elections. In addition, she knew for a year of the damaging evidence against her friend and influential aide, James Sanderson, yet failed to fire him or take other action against him. Under her auspices, EPA kept lists of the political leanings of agency employees. Mrs. Burford resigned.

Joseph W. Canzeri, Executive Assistant to White House Deputy Chief of Staff Deaver, accepted below-market loans for his $380,000 Georgetown home from Laurence Rockefeller and California developer Donald Koll. In addition, he double-billed his travel expenses to the White House and the Republican National Committee. Mr. Canzeri resigned.

Gerald P. Carmen, Administrator of the General Services Administration, failed to list a $425,000 SBA low-interest loan on his finanical disclosure form. He is alleged to have placed family and friends in government jobs and to have engineered a controversial land deal that would have given government property to Marriott Corporation at a favorable price.

William J. Casey, Director of the Central Intelligence Agency, failed to list more than $250,000 in investments, $500,000 in liabilities, names of 70 legal clients, four civil suits against him, and a number of corporations and foundations on whose boards he served on his financial disclosure forms. Prior to becoming CIA Director, Mr. Casey failed to file as a foreign agent for Indonesia. Mr. Casey had to pay punitive damages in a 1959 plagarism suit. While CIA Director, a special screening arrangement was established for Mr. Casey which allows him to buy or sell stocks at his discretion.

Michael J. Connolly, EEOC General Counsel, allegedly conspired with his brother to end an EEOC enforcement action against a client represented by his brother. He dramatically cut the number of EEOC actions against employers. He tried to institute a new policy of discouraging lawsuits in a number of areas including age discrimination, sexual harassment, and equal pay for comparable work. By so doing, he attempted to sidestep established Commission policy-making channels. Mr. Connolly resigned.

Louis Cordia, Deputy Director of the EPA Office of Federal Activities, put together, for the transition team, a vitriolic hit list of employees and contractors who were to be removed because of their interest in environmental protection. Mr. Cordia resigned.

Robert D'Agostino, was to be nominated to be General Counsel of the Office of Personnel Management and later became an official with the Justice Department Civil Rights Division. He circulated a memo suggesting that blacks are more likely to be disruptive in classrooms. Mr. D'Agostino resigned. However, he then returned as a consultant.

Michael Deaver, Deputy Chief of Staff and Assistant to the President, used his White House celebrity status to promote his diet book and negotiate a lucrative contract on its sale. He arranged to circumvent the outside-earnings limitation by deferring until after leaving office the bulk of the money he will earn while in office.

Donald Devine, Director of Office of Personnel Management, has been chauffered to and from work in a government car.

Raymond J. Donovan, Secretary of Labor, was the subject of repeated allegation of involvement in union corruption and of ties to organized crime. Although a Special Prosecutor found evidence to support these allegations, he did not find enough to seek an indictment.

Steven J. Durham, Denver EPA regional Administrator, allegedly ignored federal environmental mandates including not ordering legally required environmental impact studies on some projects. He allegedly used undue political influence in hiring regional staff and filled key jobs with friends and associates of prominent Colorado Republicans. He is accused of reversing staff environmental findings and of failing to push for Federal cleanups of identified toxic waste sites. Mr. Durham has resigned effective June 25, 1983.

Guy W. Fiske, Deputy Secretary of Commerce, allegedly was negotiating the sale of the weather satellites to COMSAT at the

same time he was negotiating a high level job for himself with the same company. Mr. Fiske resigned.

Robert Funkhouser. EPA Director of International Activities, allegedly helped a Dow Chemical Company representative exert undue influence on the U.S. position in international negotiations to regulate toxic chemical trade. Mr. Funkhouser resigned.

Rudolph W. Giuliani, Associate Attorney General, was allegedly involved in a 1976 public corruption case.

Grace Commission, the President's Private Sector Survey on Cost Control, was set up in such a way as to skirt the Federal Advisory Committee Act. This scheme was developed to protect a group of private-sector advisers from the Ethics in Government Act. Although the Commission does not divulge the names of task force members, it is reported that many were assigned to look into the operations of agencies that regulate their businesses. For example, Clifton B. Cox, Chairman of Armour and Company, a meat-packing company with many dealings with the Department of Agriculture, worked on Department of Agriculture "problems." Roger Batchelor, Jr., Vice President of Diamond Shamrock, a chemical producer, helped root out troublesome regulations at EPA

Rev. Sam Hart, nominated as chairman of the U.S. Civil Rights Commission, failed to pay local taxes and defaulted on federal loans. Rev. Hart also made statements offensive to the groups whose interests are supposed to be protected by the Commission. His nomination was withdrawn.

William F. Harvey, temporary Chairman of the Board of the Legal Services Corporation, collected $25,028 in consulting fees for 11 months in 1982. He charged the government at the rate of $221/day for the time it took him to drive from his home in Indianapolis to work in Washington, D.C. because he didn't like to fly. He would charge $442 for one way, 615 miles of driving. He charged $147.05 for taxi bills for five days in Washington, D.C. He billed the government $194.22 for postal expenses for a 2 day board meeting.

Arthur Hull Hayes, Jr., Food and Drug Administration Commissioner, received fees and travel expenses from outside groups he spoke to and sought reimbursement from his agency for the same expenses.

William S. Heffelfinger, Assistant Secretary of Energy, was a career civil servant who was accused of falsifying his resume, threatening contractors and federal workers, deceiving federal investigators, destroying government property, violating merit system protection and privacy laws. Despite this background, he was nominated to be Assistant Secretary of Energy for Administration.

John Hernandez, Acting EPA Administrator, was charged with allowing Dow Chemical Company to "edit" a report critical of them. Mr. Hernandez was forced to resign but is now working as a paid consultant for the Department of Energy.

John Horton, EPA Assistant Administrator for Administration, allegedly used government employees and telephones for his private business. Mr. Horton resigned.

Donald I. Hovde, Undersecretary of Department of Housing and Urban Development, made nine business trips to his home town of Madison, Wisconsin in 1982. Although HUD policy prevents employees from accepting free trips from specific companies that are regulated by or do business with the Department, Mr. Hovde encouraged senior employees to accept free travel from trade associations regardless of whether they were regulated by HUD or if members of the association had business dealings with the Department. Mr. Hovde had trips to Puerto Rico and Italy paid for by builders and realtors.

Max Hugel, CIA Chief of Clandestine Operations, allegedly engaged in fraudulent stock dealings before taking office. He is a close personal friend of CIA Director Casey. Mr. Hugel resigned.

Michael Karem, Deputy Assistant Secretary of HUD for Multifamily Housing, allegedly gave favored treatment to select developers doing business with HUD. Mr. Karem resigned.

Rita Lavelle, EPA Head of Toxic Waste Cleanup, took expensive lunches from firms involved in regulatory matters before EPA. She showed favoritism to certain companies and privately discussed pending EPA enforcement cases with company officials. She failed to remove herself from all agency actions relating to her former employer, Aerojet General Corporation. Ms. Lavelle was fired.

Dennis E. LeBlanc, Associate Administrator of the Commerce Department's National Telecommunications and Information Administration, is an old friend of President Reagan who, while holding his $58,500 Commerce Department job, cuts wood and cleans stables at the President's ranch.

John F. Lehman, Secretary of the Navy, maintained a connection with a firm despite his promise to divest himself of it completely after taking office because of its work advising defense contractors.

William E. McCann, nominated as U.S. Ambassador to Ireland, was allegedly involved in shady business deals and had connections with mobsters and racketeers. Mr. McCann's nomination was withdrawn.

John McElderry, Denver Regional Director of Health and Human Services, allegedly used his Federal position to promote and sell Amway products. Mr. McElderry resigned.

W. Clifton Miller, Assistant to EPA Administrator Burford, compiled a hit list of Senior Executive Service employees, using colored push pins to note political loyalties. He was later hired for the number 3 EPA position in Denver but this is held up pending an investigation of his hit lists, as well as his travel vouchers.

George Nesterczuk, Office of Personnel Management Associate Director for Workforce Effectiveness and Development, left his job in the summer of 1982 to manage the Maryland Senate campaign of Lawrence Hogan. After Hogan lost, Nesterczuk was reappointed to his old job at OPM, which had been held open pending his return, a clear violation of the Hatch Act.

Robert P. Nimmo, Administrator of the Veterans Administration, spent $54,183 redecorating his office and sent his old furniture to the office of Mary Nimmo, a spokesperson for Commerce Department and his daughter. He leased a big Buick as his official car although the rules said he should have a compact model. He used his VA chauffer to take him to and from work and misused chartered aircraft and first class air travel. Mr. Nimmo resigned.

Matthew N. Novick, Investigator General of EPA, allegedly used EPA workers to conduct personal business for him unrelated to government work. He failed to maintain the independence of the IG office by briefing Burford on all confidential details of the Sanderson investigation including the names of the EPA employees who had made damaging statements about Sanderson. Mr. Novick was fired from EPA but now serves as Special Assistant to Department of Energy Investigator General James Richard.

William Olsen, Board Member of the Legal Services Corporation, collected $19,721 in consulting fees from the government in 1982.

Thomas W. Pauken, Director of ACTION, allegedly developed a hit list on the political affiliations of VISTA employees. He has also misused Schedule B hiring authorities to bring in a large number of Reagan campaign workers.

Clarence M. Pendleton, Jr., Chairman of Civil Rights Commission, was formerly the President of the San Diego Urban League. They are now suing him for "fraud, breach of contract, intent to deceive and defraud, and misuse of funds for personal gain." Among other things, he allegedly sidetracked government and charity funds meant for minority programs into narrow projects benefiting a favored few. He misled the Senate Judiciary Committee during his confirmation hearings about $50,000 he received for expenses on which he paid no taxes.

Nancy Reagan, First Lady, accepted fancy clothes, as gifts, from American designers.

Michael Reagan, son of the President, sent business solicitation letters to U.S. military bases invoking the name of his father on behalf of a private military equipment supplier. He was also accused of felony violations of California securities laws in connection with an investigation of an allegedly fraudulent stock scheme.

Thomas C. Reed, Special Assistant to President for National Security Affairs, was appointed despite the fact that he is the subject of a grand jury criminal investigation for possible perjury, falsifying documents, and insider trading stemming from complicated stock dealings and involving windfall profits. The NSC and the FBI both knew of the investigation and yet still gave him a top security clearance. When this became public, the White House announced that Mr. Reed would leave the NSC when he finished his MX assignment. However, he remains a member of the Defense Science Board, a high level Pentagon brain trust on weapons technology.

Alfred S. Regnery, nominated as and acting as Director of the Justice Department Office of Juvenile Justice and Delinquency Prevention, gave approval to a grant proposal for a book on juvenile justice which included a provision under which he, Regnery, would be paid $1,000 to write a chapter.

Armand "Rock" Reiser, Counselor to Secretary of Department of Energy, proposed a plan to send Department "operatives" in blue jeans to infiltrate a consumer group meeting in Denver. He also failed to disclose $106,840 in earnings from five energy-related companies on financial disclosure forms. Mr. Reiser resigned.

Isidoro Rodriquez, Director of Department of Agriculture Minority Affairs, wrote a memorandum for the Secretary suggesting that the Department take the lead in gutting Federal civil rights enforcement laws because blacks voted Democratic. Prior to his appointment, Mr. Rodriquez was found to have collected unemployment benefits at the same time he was employed as a consultant with the government of the District of Columbia. Mr. Rodriquez was fired.

James W. Sanderson, Advisor to EPA Administrator Burford and intended nominee for the #3 EPA position, a allegedly participated in sensitive agency decisions at the same time he represented major corporations that benefited from those decisions. He allegedly told the Denver Regional Adminstrator to grant a special benefit to a client of his, and told a toxic waste dumping firm he represented about a forthcoming relaxation in regulations dealing with toxic waste dumping. Sanderson resigned and he is now under Justice Department investigation.

E. S. Savas, Assistant Secretary of HUD for Policy Development and Research, charged the government for 20 trips to New York in 10 months spending each weekend at his home in nearby New Jersey. He billed the government more than $14,000 for official trips in 1982 including 2 trips to London, 2 trips to Paris, and one trip to Athens. He allegedly had HUD employees working on government time proofreading and typing his book. There are allegations that he also directed HUD employees to help research other articles he published privately in professional journals. Before his appointment, he received $33,000 in consulting fees from Ecodata, Inc., a company which was later awarded a $495,000 HUD contract by a review panel on which Mr. Savas served as a non voting member. Mr. Savas has been on paid administrative leave since January 17, 1983, pending the outcome of the investigation into his affairs.

William French Smith, Attorney General, took impermissable tax write-offs after he was nominated for office. He also accepted $50,000 severance from a company on whose board of directors he had served. He later severely limited his tax write-off and returned the severance payment.

Nancy Harvey Steorts, Chairperson of the Consumer Product Safety Commission, spent $10,000 on her office redecorations. She told her chauffeur (who was also a mail clerk) to wear a uniform and hat. When she was advised that this was not proper, she modified her request and asked that he wear a suit. When he said that he could not afford one, two agency officials chipped in to buy him one. She allegedly misused her chauffeur by having him drive her daughter to see her friends.

James Watt, Secretary of Interior, misused government funds to pay for two private parties at the Custis-Lee Mansion, which is operated by the National Park Service. When GAO ruled he had to reimburse the government for the cost of the parties, he had the Republican National Committee pick up the tab.

Mrs. Caspar W. Weinberger, wife of the Secretary of Defense, used the Pentagon's executive motor pool and its drivers for personal transportation around Washington, including trips to and from a library, medical facilities, airports, and various social functions.

Charles Z. Wick, Head of the United States Information Agency, gave high salary jobs and plum overseas posts to the children and friends of top Administration officials. More than 150 political appointees have been placed on the payroll of USIA since Reagan took office.

This list fails in its completeness, yet it serves to underscore the pervasiveness of illegal, inethical, and otherwise questionable behavior within the Reagan administration. It is an outrageous and disheartening compendium of arrogance, abuse, and violation of the public trust. While it is incumbent on us to strengthen the Ethics in Government Act, it is much more important for the American people to raise their voices and demand a Government grounded in basic decency and the appointment of public servants who know and care enough to conduct themselves in an ethical and principled manner.●

SCHOOL 27 DESERVES A WHITE HOUSE RECEPTION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. KEMP. Mr. Speaker, I would like to bring to your attention and that of my colleagues an inspirational and enlightening story of a fifth-grade chess team that last week captured the National Elementary School Chess Championship in Memphis, Tenn. This particular chess team and its accomplishment deserves not only our congratulations, but also our attention because this group of youngsters was not from a typical upper-middle income, or even middle-income neighborhood, but from an inner-city and urban-poor neighborhood in Indianapolis.

Many of us too frequently are surprised when we hear stories like this. Not for any good reason but simply because too many have accepted the elitist attitude that we cannot, and should not expect too much from our poor in the way of achievements. Instead, over the years, we have been told we should continue to lower our expectations of them and they of themselves.

I hope that this story will wake some up to the reality of the abilities and desires for achievement of our inner-city youngsters and hopefully reinforce the efforts we must make to insure true equality of opportunity for all of our children and help each child be all that he or she can be.

I would hope the President would invite them to a White House reception and give them the attention that champions in sports receive. School 27 is an inspiration to us all. This is a terrific story, Mr. Speaker, and I hope everyone reads it.

[From the New York Times, May 10, 1983]

UNLIKELY TEAM CAPTURES CHESS TITLE

INDIANAPOLIS, May 9.—When Robert Cotter, a fifth-grade science teacher, tried to organize a chess club at his inner-city school three years ago, none of the students knew a pawn from a king.

Last week, Mr. Cotter's chess team returned from Memphis with the National Elementary School Chess championship.

"Chess has that image of being an elitist game," Mr. Cotter said, recalling with amusement the surprise his team generated at the United States Southern Elementary School Chess Tournament in Pulaski, Va., this spring. "Everyone wondered why this group of ghetto kids would make an 11-hour trip to play a chess stronghold."

The students from School 27 left that stronghold with one loss, one draw, 22 victories and the championship.

HUNTER COLLEGE'S SCHOOL BEATEN

The national championship came harder. After leading for all eight rounds, School 27's team won a squeaker May 1, beating New York City's Hunter College Elementary School by half a point.

Another New York team, from James Madison High School in Brooklyn, was luckier, winning the United States High School Chess Team Championship in San Jose, Calif.

School 27 is in a downtown area of rundown homes and housing projects. "It was the only sport here," Derrick Brownie, 12 years old, said in recalling why he had begun to play chess.

Steven Garrett, 12, another member of the chess team, initially encountered some resistance from his friends and family, "especially my grandmother."

"She said I had to get my mind off chess and start playing some active sports," he said.

"MASTERS OF DISASTER"

But Mr. Cotter, with his regimen of after-school practice and Soviet chess magazines, prevailed.

No sooner had the team members learned some basics than he entered them in tournaments. Typically, they would win one game and lose 20. Their dismal performance in those days prompted the nickname "Masters of Disaster." The team improved, but the name stuck.

"They wouldn't quit," said Mr. Cotter, who battled a meager school budget to get money for chess sets, timers and tournament fees. "A certain street savvy and some innate competitive instincts made them keep coming back."

As Corey Scruggs, 12, put it, "They used to treat me dirt, but soon enough it paid off."

Today, four members of the team are ranked in the top 50 players under the age of 13.

The school trophy case, which had held a few certificates of this and that, began to fill with gleaming chess trophies. Before the team left for the national tournament, Indianapolis Mayor William H. Hudnut, a Phi Beta Kappa graduate of Princeton, came to play an exhibition match before the school and found himself checkmated in 40 minutes.

"He's not a bad player," Mr. Cotter said, "but he was losing on the fourth move."

A chess master visiting the state made a detour to play the 11-member team simultaneously and offer pointers.

TEAM IS STAYING CALM

The team has remained unruffled through it all.

"They don't comprehend the magnitude of the national championship," Mr. Cotter said in a tone of amazement. "They think it's a chess match like all the others."

Four team members said most would be entering seventh grade and junior high chess competition next year anyway. Chess, they agreed, might help pay a few small bills in years to come, but most plan on careers in law or maybe business.

Derrick Brownie, stocky beneath his Afro, said he wanted to play pro football. "That," he said, "is the way to make real money."●

REDUCE THE FEDERAL DEFICIT

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. HUBBARD. Mr. Speaker, I have received a timely letter from a fellow Kentuckian, Mr. William N. Lucas, of Louisville, Ky. Mr. Lucas asks Congress to get its act together and do something constructive for the taxpayers of America. As we are awaiting the House-Senate conference committee members to work out an acceptable compromise budget for fiscal year 1984, I believe my colleagues will be interested in the writer's excellent comments. His letter follows:

APRIL 6, 1983.

Hon. CARROLL HUBBARD, Jr.,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. HUBBARD: It is extremely disturbing to read that the federal deficit for the first five months of the current fiscal year has already exceeded the twelve-month record deficit of $110 billion set in 1982. Just when the economy is beginning to show some growth following the worst recession since the 1930 Depression, the prospect of continung federal deficits is beginning to cause higher interest rates which will undoubtedly choke off any further revival in the economy.

It is about time for Congress to come to grips with this extremely serious and ongoing problem. The House proposes to increase taxes in order to spend more. The proposal to eliminate the tax indexing provisions passed in 1981 will curtail the pressure on Congress to control spending and to take proper steps to combat inflation. The most serious problems that must be attacked are the remaining entitlement programs that have grown and grown over the years with no controls. In addition, defense spending needs to be handled more effectvely with less waste while still spending at the proper level to keep America strong.

Why can't Congress get its act together and do something constructive for the taxpayers of this country? A bipartisan committee to study and recommend solutions to the budget deficit problem would have a good chance of succeeding, as did the Social Security Bipartisan Committee. I urge you to get to work on solving the deficit problem as this the greatest obstacle to renewed economic expansion and prosperity in this country. The answer is not to balance the budget on the backs of the taxpayers by raising taxes so that government can spend more money. The people of Kentucky will support you 100 percent if you will work toward fiscal responsibility in running our government.

Sincerely yours,

WILLIAM N. LUCAS,
Louisville, Ky.●

DYMALLY'S TESTIMONY ON MICHAEL FRANCHETTI'S CONFIRMATION

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. DYMALLY. Mr. Speaker, recently, I had the occasion to testify before the California Senate Rules Committee on the confirmation of Michael Franchetti for the position of California director of finance.

My testimony follows:

TESTIMONY OF REPRESENTATIVE MERVYN M. DYMALLY BEFORE THE CALIFORNIA SENATE COMMITTEE ON RULES RELATIVE TO MICHAEL FRANCHETTI

Mr. Chairman, Members of the Senate Committee on Rules, I appreciate this opportunity to appear before your distinguished Committee to provide testimony relative to the confirmation of Governor Deukmejian's appointment of Mr. Michael Franchetti as Director of the Department of Finance.

I am Mervyn M. Dymally, U.S. Representative of the 31st District, Los Angeles County, in the House of Representatives.

By way of further clarification, Mr. Chairman, I must state, for the record, that I have more than a casual interest in this confirmation proceeding. In determining whether Michael Franchetti should be the Director of Finance, I am extremely concerned that this Committee, and indeed, the Senate of the State of California, thoroughly examine and reflect upon the fitness, ethical conduct and professional posture of Mr. Franchetti. It is my sincere belief that the Committee should examine whether Mr. Franchetti possesses the moral or professional prerequisites to serve the people of California as Director of Finance.

After considerable reflection on this matter, and on the advice of several individuals, I have felt compelled to come forward and present, for the record and review of this Committee, a series of events in which Mr. Franchetti's involvement and participation can be described as unprofessional, unethical, inappropriate and bordering on, if not in fact, criminal.

With the patience and forbearance of the Committee I will attempt to reconstruct to the best of my knowledge these events that have caused several individuals to question Mr. Franchetti's fitness for appointive office.

Late in 1978, Los Angeles Times reporter, Robert Fairbanks, heard or invented a rumor that my then campaign finance Chairman Hugh Pike and I were to be indicted. I was then Lieutenant Governor of California engaged in a reelection campaign. Fairbanks, in an attempt to verify the rumor contacted Kenneth O'Farrell in the Attorney General's Office. O'Farrell went one step further and wrote a confidential memorandum recounting that he had received information about this alleged impending indictment. A note to the memorandum stated that the information was based on hearsay and rumor. It is my understanding that it was standard operating procedure in the Attorney General's office at that time to document such a contact through a memorandum.

Michael Franchetti as a Deputy Attorney General obtained a copy of this memorandum which he knew was a rumor. He, in turn, gave it to Mr. Sheldon Lytton, then an employee of the Evelle Younger Gubernatorial campaign staff. Mr. Lytton leaked the information to Bill Stout, commentator for KNXT CBS T.V., in Los Angeles. Somehow, the memo indicating that the information was based on hearsay and rumor was withheld making it appear that an indictment was in fact underway. For the record, Bill Stout's wife was also an employee of the Evelle Younger Gubernatorial campaign organization at the time the memo was leaked.

Stout had announced on television that I was to be indicted. Mr. Mike Curb, a Republican candidate for Lieutenant Governor, relying on that T.V. announcement, accused me of being a criminal on the verge of indictment. Not only did accusation on criminal wrongdoing contribute to my defeat in the Lieutenant Governor's campaign, it also led to approximately two years of investigation and harassment of my family, my friends and I by the FBI and the Department of Justice. No evidence of criminal wrongdoing was ever found through those years of investigation, but the suffering they brought to me and my family and friends cannot be adequately expressed in words. I cannot overemphasize the irrevocable damage that was visited upon innocent people as a result of this witch hunt—aided, I regret to say, by certain segments of the media.

It is evident that the release of a confidential inter-office memorandum to the news media for the purpose of political gain is not only highly unprofessional but unethical on the part of a public official. Mr. Franchetti's conduct was also a violation of policy in the Attorney General's office, for which he was reprimanded by the Attorney General.

More importantly, the California Government Code provides that conduct such as Mr. Franchetti's is felonious. California Government Code Section 6200 provides in pertinent part: "Every officer having the custody of any record . . . filed or deposited in any public office, or placed in his hands for any purpose, who is gulity of . . . defacing, altering, or falsifying . . . the whole or any part of such record . . . or permits any other person to do so, is punishable by imprisonment" for up to four years. Cal. Gov. Code Section 6200, West.

Although prosecution is at the discretion of the Federal Attorney General's office and only the 4th Circuit Court has ruled that such Federal statutes apply in state elections, it appears that Mr. Franchetti's actions may have violated two and possibly even three provisions of the U.S. Code. In pertinent part, Title 18 U.S. Code Annotated Section 245, provides that "Whoever, whether or not acting under color of law, by threat of force . . . willfully intimidates or interferes with . . . any person because he is . . . campaigning as a candidate for elective office . . . shall be fined not more than $1,000, or imprisoned not more than one year, or both . . . "West. In this case, it took no more than the threat that the force of law was to be brought against me to bring about my defeat in the Lieutenat Governor's race.

Section 372 of Title 18 of the U.S. Code would also seem to apply in this instance. In pertinent part it reads, "If two or more persons in any State . . . conspire to prevent, by . . . threat any person from . . . holding any office . . . under the United States . . . each of such persons shall be

fined not more than $5,000 or imprisoned not more than six years, or both."

Finally, Title 42, Section 1983 of the U.S. Code Annotated permits civil action in the case where a ". . . person who, under color of any statute, custom, or usage of any State . . . subjects . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws . . ." Any person acting in this way ". . . shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." West.

It was not a simple matter to obtain a copy of the memorandum which brought about the problems to which I referred earlier. Eventually, however, Mr. Hugh Pike's attorney was successful in obtaining a copy of the memorandum. When Mr. Franchetti learned that Mr. Pike's attorneys had the memo, he struck a deal with the support of the Attorney General's office, which allowed him to delay his admission of guilt until the completion of the general election in November 1982 between then-Attorney General George Deukmajian and Mayor Tom Bradley.

But Mr. Franchetti's vendetta did not end with leaking false and damaging information about me. Again, using questionable and unreliable information from an unreliable source, Mr. Franchetti ordered a raid on my attorney's office in an attempt to investigate a rumor that I had solicited bribe from a church group in L.A. County. Nothing was found in the raid; undaunted, though, Mr. Franchetti convinced his new boss, then-Attorney General Deukmejian that a grand jury investigation of me should be empaneled in San Diego County. The purpose of the investigation was to pursue an indictment against me for the alleged bribe solicitation committed in L.A., not San Diego County.

Mr. Hugh Pike had brought a libel suit against CBS and Mr. Franchetti was principal actor in connection with the hearsay/rumor memo. If it had been possible to discredit me by showing that I had solicited a bribe, by showing, in effect, that I was a criminal, then it would have had been difficult, if not impossible for Mr. Pike to prove that Mr. Franchetti released with malice the hearsay/memo I referred to earlier.

But, why was the Grand Jury convened in San Diego County? What was the motive? On its face, it is illogical to convene a San Diego Grand Jury to investigate something that was alleged to have happened in Los Angeles. But, San Diego County is very conservative in its racial and political composition, while L.A. County is much less so. It should have been easy to gain an indictment in San Diego County whereas it would have been much more difficult to do so in Los Angeles County. Unfortunately for Mr. Franchetti, the main witness in his effort to discredit me proved to be so unreliable and incredulous that not even the San Diego Grand Jury could find grounds for indicting me. This is the same witness who was used to justify the raid of my attorney's office. This witness demonstrated his unreliability by contradicting his Grand Jury testimony during his appearance at a subsequent preliminary hearing in San Diego County.

One need only glance at the Grand Jury transcript to see that the investigation was aimed at bringing about an indictment against me. To this day I find it incredible that after failing to obtain this indictment, Deputy Attorney General John Gordinier told the press in San Diego County that the investigation had never involved me.

Mr. Chairman, permit me to digress for a moment. At one time I was informed by the Chief Deputy Attorney General in Mr. Younger's administration that seldom, if ever, does the Attorney General's office seek any indictment regarding felonies on questionable information. The usual procedure is to refer the matter to the District Attorney of the county where the violation is alleged to have taken place.

In the 20 years that I have been in and out of Sacramento I don't recall not a single case, expect the one relating to me.

If I may, at this time I would like to summarize for the record the points I have made:

(1) During his tenure as Deputy Attorney General, Mr. Franchetti may have committed a felony by violating Section 6200 of the California Government Code with prohibits falsifying printed information. There is reason to believe his actions may also have violated several Federal statutes as well.

(2) He violated department policy in the Attorney General's office by leaking confidential information to the media.

(3) He used his influence during the taking of depositions to suppress the critical information contained in the memorandum until he was certain that the statute of limitation had expired.

(4) He misrepresented facts when he denied that he had attempted to have me indicted based on highly unreliable evidence offered by a highly unreliable informant.

(5) He used political influence to work out a deal to suppress public knowledge of his guilt.

(6) He used the power of a public office to give credibility to defamatory information which he himself knew to be false.

During the 1978 campaign for Lieutenant Governor, Mike Curb accused me of being a criminal. When he became Lieutenant Governor, he had access to depositions which made my innocence clear. Realizing that he had mistakenly characterized me, Mr. Curb immediately sent a letter of apology. That Mr. Chairman, was an act of courage and a display of statesmanship—especially since it came at a time during the 1980 California primary when such an apology was politically sensitive. As evidence of how courageous that act was I would merely point out to you that the Deukmejian for Governor Committee approached me to obtain a copy of Mr. Curb's letter to me so that they could use it against him in the primary. (Mr. Chairman, the one piece of saving grace I had from this unfortunate incident was being sought by the Deukmejian Committee to again embarrass Mr. Curb and me). While Mr. Curb showed courage and integrity, I cannot say the same of Mr. Franchetti. It has been more than four years since Mr. Franchetti indulged in dirty tricks; not once during that time has he had the professional decorum or common decency to apologize to me or my family for his wrongdoings. All the people involved in this conspiracy have apologized to Mr. Pike, and correctly so. But not one person has seen fit to apologize to me.

In my judgment, Mr. Chairman, Mr. Franchetti is not fit to serve the people of California in any capacity. He lacks integrity and intellectual honesty. He has demonstrated that once entrusted with the responsibilities of appointive office, he has misused that trust by engaging in unprofessional and unethical conduct. Not only does this past conduct warrant strict scrutiny by this Committee as well, but the State Bar of California.

It is my recommendation to this Committee that it carefully examine the depositions and other relevant information which I have mentioned. To confirm Mr. Franchetti without having reviewed this material would be to conduct a less than thorough investigation, considering that his appointive position is perhaps the most important such position in the State of California.

In summary, Mr. Chairmam, I wish to state for the record, that my appearance before you today is not personally motivated. Although I have been personally victimized by Mr. Franchetti's actions, I do not bear him personal antagonism or malice. What is most important Mr. Chairman, is that the people of California be served by individuals of the highest degree of integrity and professionalism. Unfortunately, the Governor's nominee has demonstrated in the past that he cannot meet those high standards.

I thank you for allowing me to provide testimony before your Committee today, and I stand ready to answer any questions you and the members may have.●

HEALTH CARE NEEDS OF WOMEN VETERANS GET ATTENTION

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Ms. FERRARO. Mr. Speaker, yesterday this House passed H.R. 2920, the Veterans' Administration Health Programs Amendments of 1983. While there were many important provisions of this legislation, I would like to call attention to one in which I have a special interest.

The last few years have seen a sharp increase in the numbers of women in the armed services and in the numbers of women veterans. Where women made up only 2 percent of our Nation's military strength in 1975, the percentage rose to 6 percent in 1977 and is expected to reach 12 percent by 1984. At the same time, the number of female veterans has grown to 742,000.

One problem the VA has had in coping with the growing number of female veterans is that the VA hospital and health care system has traditionally been oriented to meeting men's needs. A September 1982 report by the GAO recommended that VA take several specific actions to improve the quality and accessibility of health care available to female veterans.

In response to the GAO report, the VA has taken several steps which are very encouraging. In January 1983, the VA's Department of Medicine and Surgery issued a circular which directed each medical center and outpatient clinic to develop a written plan for improving health care for women veterans.

The Committee on Veterans Affairs quite properly has commended the VA for its response to the GAO report. In

order to bolster and reaffirm the actions of the VA, the committee has included in H.R. 2920 a provision establishing an advisory committee on women veterans within the agency. The committee will monitor the issue of health care for female veterans and will report regularly to the head of the VA on a regular basis on progress being made.

The idea for the committee was first embodied in H.R. 1137, a bill which I cosponsored. I am pleased that the Veterans' Affairs Committee has seen fit to include the proposal in H.R. 2920. I am optimistic that the advisory committee will make an important contribution in the effort to give women veterans the full recognition they deserve for their service to their country.●

THE PORK-BARREL DEFENSE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mrs. SCHROEDER. Mr. Speaker, I would like to share with my colleagues part 5 of an eight-part series on defense lobbying and pork barrel. This article is about the B-1 bomber and is written by Bob Adams of the St. Louis Post-Dispatch.

THE DEFENSE LOBBY: REACHING FOR BILLIONS—PART 5

(By Bob Adams)

WASHINGTON.—Rep. Joseph P. Addabbo, D-N.Y., says the Rockwell International Corp. may have perfected a new lobbying technique in its successful campaign for the B-1 bomber: lobbying by pork barrel.

The company has spread the work on the bomber among 35 major subcontractors and 3,000 suppliers in 48 states. That means jobs in many congressional districts—and jobs often translate into votes on the floors of the House and Senate.

"They've built a constituency in so many districts that you can't beat them," said Addabbo, who fought against the B-1 last year as chairman of the House Appropriations subcommittee on defense.

"I've had many members say: 'I have a plant with X number of jobs, and I just can't vote against that,' " Addabbo said. "In effect, they've used the congressmen from those home states as lobbyists."

Addabbo says that Rockwell consciously spread out its suppliers over the years as part of a strategy to build a political constituency. "It's probably going to be a model for many other contractors—particularly the complicated weapons," Addabbo said.

Rockwell says it didn't deliberately spread out its subcontractors to gain political support. But it hasn't been hesitant to capitalize on that spread.

The company has done detailed studies showing how much money—and how many jobs—would be created by the B-1 in various states and congressional districts. And Senate and House members from those states and districts have been made aware of those studies.

As long ago as 1976, for example, Rockwell listed the jobs that would be created in various states by production of the B-1:

California, 25,200; Ohio, 16,200; New York, 8,800; Washington, 6,400; Oklahoma, 5,000; Maryland, 4,800; Tennessee, 4,000; Texas, 3,300; Kansas 3,300; Georgia, 3,000; Massachusetts, 2,200; New Jersey, 1,500; Florida, 1,100; Connecticut, 1,100; Michigan, 1,000; and lesser amounts for others.

Help for the B-1 also came from United Auto Workers locals in California, whose members work on the assembly lines where many parts for the plane are made. They, too, have lobbied their congressmen. Their lobbying was generally done separately from the company's but the objective was the same.

"As far as lobbying and arm-twisting goes, yes, we did a lot of that," Albert Ybarra, president of UAW Local 887 in Los Angeles, told the Post-Dispatch.

Although contractors are reluctant to say so, it is widely accepted in congressional and defense industry circles that companies often choose subcontractors or sites for new plants with politics in mind.

"You bet your sweet bippy they do," said Leonard Sullivan Jr., former assistant secretary of defense for program analysis and evaluation.

"I doubt that anybody would be putting anything into Les Aspin's district," Sullivan contiuned, referring to the House Democrat from Wisconsin who is a prominent critic of the Pentagon. "But there's an awful lot of work in Georgia."

One congressman, who asked not to be identified, told of a defense contractor in his state who was trying to put something into Addabbo's district in Queens. "They'd like to be able to say: 'We employ 1,000, or 500—or 50,' " the congressman said.

And an official in the Washington office of one of the nation's major defense firms, who also insisted on anonymity, said he envied Rockwell's success in spreading subcontractors around to gain political support. "I'd do it if I could," the official said.

He noted that picking subcontractors on the basis of site rather than competence might have its disadvantages. But he observed: M "Everything is a trade-off. The more congressmen you have saying to the chairman (of a congressional committee), 'I have an interest in this,' the more likely you are to win."

A spokesman for Rockwell noted that major subcontracts were normally awarded on the basis of competitive bidding and that the Air Force must approve the subcontractors. In addition, the Pentagon encourages contractors to look beyond their home states as a means of spreading the wealth throughout the economy.

But Rockwell appears to have carried that advice to extraordinary lengths. The vendors and suppliers are spread across the United States like butter on hot toast.

On the prototype models already manufactured, for example, the engines were made in Lynn, Mass.; the fan blades in Springfield, Ohio; the rudders in Bloomfield, Conn.; the stabilizers in Baltimore; the actuators in Kalamazoo, Mich.; the wing control surfaces in Tulsa, Okla.

The tires were made in Akron, Ohio; the parachute escape system in Des Plaines, Ill.; the secondary power subsystem in Phoenix, Ariz.; the electrical power distribution system in Melbourne, Fla.; the windshields in Garden Grove, Calif.; the avionics integration in Seattle; the radar altimeter in Minneapolis; the radar in Dallas; and the seats in Denver.

"The B-1 is a classic," said Rep. Patricia Schroeder, D-Colo., a member of the House Armed Services Committee who opposed the plane.

"From the standpoint of efficiency, to try to make a nuclear weapon in as many congressional districts as possible is nuts," she said. "But from a lobbying standpoint, it's incredibly sophisticated."

Documents unearthed by Senate investigators disclosed that as early as 1973, a list compiled by Rockwell showed B-1 subcontractors alongside the names of nearly every member of the House and Senate Armed Services and Appropriations committees.

Last year, when liberals tried to kill production of the B-1, such doves as Sen. Alan Cranston, D-Calif., and Sen. Howard M. Metzenbaum, D-Ohio, surprised other liberals by voting for the plane.

Spokesmen for both say the decision was made on merit. Skeptical colleagues suspect the number of jobs at stake in California and Ohio influenced their thinking.

The pork-barrel problem is faced by members from all parts of the country. About 2.9 million Americans work in the manufacturing of weapons. Defense contractors are often the largest employer not only in a congressional district, but in a state.

In Missouri, McDonnell Douglas Corp. is the largest employer; the Bath Iron Works, which makes material for ships, is No. 1 in Maine; the Ingalls shipbuilding facility of Litton Industries is tops in Mississippi.

Other defense contractors are well known as economic powerhouses: Lockheed in Georgia, Boeing in Seattle, Rockwell in California, General Dynamics in Texas, General Electric in Massachusetts.

"If the president of Bath Iron Works calls up, I talk to him," said Sen. William S. Cohen, R-Maine, a member of the Senate Armed Services Committee.

And Rep. G. William Whitehurst, R-Va., whose district includes the shipyard at Newport News, said, "I'd damned well better speak up for shipbuilding if I'm going to serve here."

Rep. Thomas J. Downey, D-N.Y., a thoughtful young liberal who served on the Armed Services Committee for several years, described the relationship that can develop between a contractor and his home-district congressman. The Grumman Corp. is a major employer in Downey's district.

"Over the years, you build up friendships in the company," Downey said. "The chairman of Grumman is not only a good friend, but a Democrat. His son and daughter are my age. I'm friends with them.

"When the A-6 Intruder (a warplane made by Grumman) was going to be killed, I'm the congressman from that district and I'm on the Armed Services Committee. It's my job, whether I think the A-6 is good or not, to support it. Fortunately, I think it's a good plane.

"You really feel you're involved in a shared enterprise. You wind up feeling that you're helping them and they're helping the district and it's all very wholesome. No different from sugar farmers protecting the sugar quota."

Downey has voted against Grumman's interests on several occasions. But he and other members acknowledge that a constant balancing act is required between the interest of the home state and the interests of the nation.

Sen. Thomas F. Eagleton, D-Mo., sits on the Senate Appropriations subcommittee on defense. Like Downey, Eagleton's liberal instincts prompt skepticism toward the de-

fense budget. He has voted for all major McDonnell Douglas weapons, but hasn't always supported the add-ons that McDonnell wants.

In an interview, Eagleton spoke of the built-in influence that a McDonnell Douglas necessarily has.

"That company has close to 30,000 employees" in the St. Louis area, Eagleton observed. "And those employees have wives and children, uncles and aunts. They're an important part of my constituency.

"I'm from greater St. Louis, and I know how the economy of the area would atrophy if McDonnell weren't there. So that's bound to influence my thinking. I confess to being biased.

"There is classic pork barrel in the defense budget," Eagleton continued. "I fought for Richards-Gebauer Air Force Base at Kansas City. But I don't think the national security has crumbled now that it's closed. So I know how the pork gets there—and how hard it is to get it out.

"In committee, you sometimes feel: Well, put a few hundred million here and maybe that'll buy us some peace and quiet with this guy, and give a contract out here and that'll satisfy Congressman so-and-so. It's not a superb way to fashion a defense budget."

New York's Addabbo criticized the B-1 as porkbarrel lobbying. But he saw to it that $294 million got into the budget last year for 20 more A-10 Thunderbolt II attack planes—even though the Air Force didn't want them. The Thunderbolt is manufactured on Long Island. Some of Addabbo's constituents work there.

"It's hypocritical," said Maine's Cohen, "for Congress to point a pious finger at the contractors or the Pentagon and say: 'You're to blame.'

"We're all to blame."●

THE CRITICAL NEED FOR A RECONSTRUCTION FINANCE CORPORATION

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. GUARINI. Mr. Speaker, I am very encouraged about the growing interest in the need to reestablish a Reconstruction Finance Corporation. I am a strong advocate of this proposal, and I have testified before the House Subcommittee on Oversight and Renegotiation on measures I have introduced to establish such an entity.

The need for a unified national industrial policy and Reconstruction Finance Corporation is as strong today as when I introduced my first measure over 2 years ago. With this in mind, I am seeking cosponsors of my bill, H.R. 134. I am including in this statement my recent testimony on this bill:

TESTIMONY OF HON. FRANK J. GUARINI

I want to thank Chairman Minish for allowing me this opportunity to provide additional information on the need for a national industrial policy to this distinguished subcommittee.

I first testified before this subcommittee on September 15, 1982 on my legislation to establish a Reconstruction Finance Corporation for the purposes of establishing a national industrial policy and reindustrializing our basic industries. I am grateful for this chance to update my earlier testimony with some recent personal experiences that I feel should be shared.

During the recent Easter/Passover period I was part of a high level Trade Delegation of the United States House of Representatives which traveled to Japan for a series of meetings with leading Japanese government officials, bankers, and businessmen. We had the opportunity to engage in frank discussions with the Japanese Ministers of Commerce, Trade, and Finance, and the Japanese Prime Minister Nakasone. Also, during the course of our visit we met with the chief executive officers of major Japanese corporations from the automobile, electronic and semiconductor industries. We were afforded the opportunity of touring a Datsun auto assembly plant, a semiconductor plant, a modernized steel plant, and the Mitsubishi shipyard facilities in Nagasaki.

In 1982 the United States had a trade deficit with Japan of approximately $20 billion. Projections of our total 1983 merchandise trade balance with the world based on early figures run between $60 and $75 billion. Our projected merchandise trade balance with Japan in 1983 is projected to be approximately 45 percent of that figure.

Japan has a highly directed trade policy through its Ministry of International Trade and Industry (MITI). This ministry, as part of Japan's national economic plan, targets certain industries for development as an international trading force. The Japanese government works through MITI with leading industrialists and financiers to choose industrial sectors for economic development.

When an industrial sector is chosen for development the Japanese government protects it domestically from international competition. MITI arranges loans for the companies within this industry at very favorable rates. Since antitrust laws as we know them are not in force in Japan, MITI will bring together several different companies in that industry to work together, to share product development costs, information, and marketing strategies. These companies are generally allowed to absorb large losses during their development period. These losses are expected and subsidized by MITI. After a product sector is domestically established, the Japanese then go international with it.

The Japanese industrial policy has served them very well. A look at the trade figures between the U.S. and Japan shows that trade between our two countries has increased from a total dollar figure of $5.7 billion in 1967 to over ten times that amount just 14 years later. Imports from Japan now account for between 10 to 60 percent of the U.S. market in steel, machine tools, and electronics. And, as we are well aware, the Japanese account for slightly over 20 percent of all cars sold in this country and approximately 75 percent of the imports sold in the United States.

We are only too aware of the present economic problems facing our country. when I first appeared before this committee in September the unemplyment rate was 9.8 percent. Today it is 10.2 percent after having reached a post-Depression high of 10.8 percent. As I have already mentioned, our balance of trade deficit is continuing to increase.

The current program of the Administration is not countering these present problems, and we have no governmental apparatus in existence for moving this country from its present economic situation into the future. Although we should not duplicate the structure and programs of the Japanese Ministry for International Trade and Industry, MITI does serves as an important example of a national planning unit for industrial development that works.

In the United States we have had an experience with such a national economic force, the Reconstruction Finance Corporation. The original RFC, created in the Depression, helped boost American productivity and employment for nearly two decades. At the beginning of World War II the RFC played an important role in shifting our industries from a peacetime to wartime capacity.

In light of our current economic difficulties and the need to reindustrialize for the future, it is up to the Congress to begin a new economic revitalization program by the reestablishment of a Reconstruction Finance Corporation. The establishment of an RFC would offer our economy a flexible tool to foster fair and efficient growth in our industrial sectors predicated on our own national interests.

The RFC envisioned in my legislation, H.R. 134, would have the ability to use loans, loan guarantees, and interest rate subsidies to help older industrial firms that have difficulty obtaining financing, high-risk industries with growth potential, firms competing with subsidized foreign firms, and industries vital to the United States on national security grounds.

The RFC Board would consist of the Secretaries of Labor, Commerce, and Treasury, and two representatives from both business and organized labor. The RFC Board would have a first-year $5 billion appropriation, and it could issue obligations in an amount not to exceed five times the paid-in capital of the Corporation.

An RFC would provide the equity capital that our older industries need to retool and emerging industries need for development. A Reconstruction Finance Corporation would help bolster the U.S. economy by an industrial policy committed to making the U.S. competitive in world markets.

My experience in Japan demonstrated to me that a national industrial policy is possible in a private, market oriented economy. It is a way to move our country into the future while still retaining our emphasis on private sector employment. A Reconstruction Finance Corporation would help bolster the U.S. economy by making the U.S. competitive in world markets. I ask this subcommittee to give its full consideration to this AFL-CIO supported measure, H.R. 134.●

MARY LOU BURG

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. KASTENMEIER. Mr. Speaker, it was my sad duty on May 17 to announce to the House the death of Mary Lou Burg, one of the most beloved political figures from my home State of Wisconsin, who was in the service of the Federal Government in her capacity as a Commissioner of the Copyright Tribunal.

One of the most eloquent statements and beautiful eulogies given at her funeral in Wisconsin was that of my former Senate colleague, Gaylord Nelson. The text of that eulogy follows:

SENATOR GAYLORD NELSON'S EULOGY TO MARY LOU BURG, MAY 20, 1983

We are gathered here to honor the memory of our friend Mary Lou—and a remarkable friend she was, indeed, to all who knew her. I never aspired to be a poet, but if I were one, it might be possible for me to summon forth the words and the eloquence adequately to describe who she was and what she was all about. Of course, those who knew her do not need a poet to tell them, and those who did not have that good fortune will just have to take our word for it.

To a rare degree she possessed all those best of human traits we honor and cherish—integrity, intelligence, compassion, fairness, courage, wit and humor, love and kindness. She was all of that and more. She was also a feisty bundle of energy and combativeness when the occasion called for it, which, I might add, was pretty often in that political arena where she chose to exercise her talent and spend her energy. She understood that what we are as a nation is mightily influenced by the integrity of the political system and the quality and vision of its leadership. She understood that. She knew that the success or failure of any government in a free society depends upon the confidence of the people in the rightness and goodness of their government. It was her mission to help instill that necessary sense of confidence. She brought to the political system an unusual political instinct, a dedication to excellence, an optimism and enthusiasm that inspired everyone around her.

She enjoyed political combat because it was fun, because the principle and the cause were important, because the stakes were high, because she wanted to influence the system in a meaningful way. And that she did. She was petite, only five foot two and didn't weigh very much but no one who ever went to battle against her left the battlefield unscathed, if they left the battlefield at all. She fought to win, she fought fair, but if she lost, you may be certain she would be back determined to change the result. She shared Vince Lombardi's philosophy, "Winning may not be everything, but losing is nothing."

For those who do not know it, if such there be, Mary Lou was a Democrat. She displayed the label on her sleeve in neon lights. At the same time, she was a small "d" democrat who respected the right of all others, including her friends, to their convictions no matter how indefensible she thought those convictions to be. She would right this moment delightedly embrace the allegation that she, after all, was tolerant to a fault as witness the fact that some of her very best and dearest friends were Republicans.

Once, when pressed to explain how she reconciled her strong partisan views with her Republican friendships, she laughed and quoted Adlai Stevenson, who once said, "Most of my relatives and many of my best friends are Republicans. I love them all and I would trust them with anything on earth, except public office."

Mary Lou came by her politics honestly and early. Her father was Democratic Sheriff of Washington County some 40 odd years ago. Mary Lou became a leader in Democratic politics in Washington County when there wasn't very much to lead and almost her only associates were Clyde Schloemer and the Riegle family. She became County Chairman when she was 28 or 29, she organized, she planned, she put it all together in her spare time while she was manager of WYLO Radio Station. She undertook a fund raising dinner for my second campaign for Governor and ended up with jam-packed house of 300 at a local club, an unheard of turn out for a Democratic affair in those days. Then she laughed with delight when she discovered some Republicans counting the cars with dismay in the parking lot.

She ran for Democratic National Committeewoman for Wisconsin and upset the incumbent. Her work within the Democratic National Committee so impressed Larry O'Brien, then the Democratic National Chairman, that she was chosen Vice Chairman of the Democratic National Committee in 1970 and moved to Washington to take over her duties. She left the office of Vice Chairman in 1972 so the Democratic candidate could recommend a Vice Chairman of his choosing. A few months later, when the race was on to choose a new Democratic National Chairman, Bob Strauss asked Mary Lou to be his campaign manager. The odds were heavily against Strauss, but Mary Lou plunged into the fray with all of her energy, know-how and organizational expertise, and the election was won by a slender margin. In a conversation earlier this week, Bob Strauss told me he never knew anyone in politics with better political sense and judgment than Mary Lou. Strauss abolished the Office of Vice Chairman and created the office of Deputy Chairman and asked Mary Lou to take the position. She ran the National Office and participated with Strauss in all policy decisions. After Carter was elected in 1976, the President appointed her a Commissioner of the newly created United States Copyright Royalty Tribunal. She was confirmed unanimously by the United States Senate and one year later became Chairman of the Commission.

All of this is but a small bit of her political career. She was a friend and political ally of Presidents, Senators, Governors, Congressmen, state legislators, and political party leaders from coast to coast.

Though politics was a big part of her life, there were no boundaries to her interests and her curiosity. She was a Civil War buff and knew the Generals, the battles, the politics of the era and tramped the battlefields. She wrote, put to music and had published a fine Civil War recording. If per chance you were of a mind to argue the merits of a Civil War General or his battlefield tactics, she was available to set you straight.

She loved to fish, as did her father, and jumped at any chance to go deep sea fishing in the Dry Tortugas off The Everglades National Park. When she hooked a 50 pound grouper or cobo, it was always a close question whether the fish came aboard or she went over the rail to join it. Every winter after Christmas, she went snowshoeing with her friends, the Hanson's, in the Chequamegon National Forest, and in the fall she loved to go bird hunting there, a hapless sight, I must say, trudging through the woods struggling with a shotgun have again her size. She was a photographer, too, and a very good one. When she wasn't taking pictures of people and nature, she was taking advanced photography courses at the Smithsonian Institution.

The diversity of her friendships was nothing short of exceptional—rich and poor, Republicans and Democrats, old and young, and if they were friendless, she was their friend; if they needed a job, she was on the phone bugging her friends to help. Among her many special loves were children. Her friends' children were all her special friends and she was their's, including our children who grew up with Mary Lou fussing over them. If the children wouldn't listen to their parents, they would listen to Mary Lou. This was so, I think, because she didn't treat ten-year-olds as children, but as full-grown adults with equal status. They sensed that, they liked it and they responded in kind, and then became friends and pals.

She was one of those rare people about whom it can fairly be said that everything and every person she touched were the better for it.

Many years ago when I was in college, I read some lines I still remember, though I no longer can summon the name of the author. Those five lines describe Mary Lou more eloquently than any words of mine could do.

Those lines were:

"Be such a person
Live such a life
That if every person were like you
And every life such as yours
This earth would be God's paradise."

Mary Lou was such a person.●

MS. CLARA NICHOLSON

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. FRANK. Mr. Speaker, devotion to long years of public service is a noteworthy and laudable attribute deserving of our attention. This week, Ms. Clara Nicholson, of Natick, Mass., will be honored by her colleagues and the community for her work as the executive director of the West Suburban YWCA in Natick for 23 years. Clara Nicholson has been an effective organizer over the years. She has left her mark during her tenure. Since she began her career, the YWCA has grown from a single house on Hartford Street to a new building at 231 Bacon Street in Natick; and the center has increased its services to women in the area dramatically. Clara Nicholson's record of accomplishments as chief administrator of the West Suburban YWCA demonstrates the gift of leadership and the ability to respond to the needs of women served by the organization.

Clara Nicholson has recognized the importance of providing services to women through the YWCA by establishing programs for displaced homemakers, for executive secretarial training, for consumer protection, for word processing training, for a women's protective service, and a host of other supportive programs.

On May 26, Ms. Nicholson will be honored by her many friends and colleagues for the 23 excellent years she has given the women of the Natick

area. As she begins her retirement, Clara Nicholson can be proud of her many accomplishments. Through her example we can all learn the value of service to the community.●

RECOGNITION OF NATE HELMAN

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. BROWN of California. Mr. Speaker, it is with great pleasure that I introduce this item into the RECORD in recognition of a fine American, Nate Helman. Mr. Helman is being honored June 2, 1983, by the Inland Empire Council of the Boy Scouts of America at the citizen-of-the-year dinner. He has distinguished himself over the years as a successful businessman, and as a strong supporter of various youth organizations in the community. Helman is noted for his willingness to work with numerous associations, enabling the youth of the Inland Empire to participate in sport activities with adequate uniforms and safe equipment regardless of economic means.

Helman was born in Colton on July 3, 1916. A gratuate of Colton High School, he received his B.A. degree in 1938 from the University of California, Berkeley. He served in the Army during World War II and distinguished himself in the Normandy invasion. Helman was hit in the leg by shrapnel during heavy fighting in Germany late in November 1944. He later lost his leg and was discharged from the Army in 1946. He received the Bronze Star and Purple Heart.

While recuperating from his injuries at Bushnell General Hospital in Utah, he met his wife Josephine, then an Army Nurse. After they married in 1945, he returned to Colton and joined the family business, Helman's Department Store.

Helman has had a lifelong interest in Scouting. Since 1946, Helman's Department Store has been an official supplier of Boy Scout equipment and uniforms. Over the years Helman has made substantial financial contributions to the Boy Scouts and has served in various volunteer capacities.●

THE MX IS BACK ON SQUARE ONE

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. EDGAR. Mr. Speaker, it seems that no one is arguing for the MX now on its own merits. Everyone, instead, is using indirect arguments to support it. Proponents say we need it to get the Midgetman mobile missile. That is truly an odd position because the MX is contrary to all the arguments in favor of Midgetman. Proponents of the MX also say we need the MX to pursuade the President to accept arms control. But the President is already on record in favor of arms control. We are all waiting for actions to go with his words in favor of arms control, but I certainly do not see why building the MX would lead him sooner to take such actions. Besides, since when have we made $25 billion defense decisions to influence our own Government? Proponents also say we need the MX to coerce the Soviets to negotiate seriously. That is the most dangerous argument of all. If we should build up before going to the negotiating table, then surely the Soviets would find the same policy would be good for them. So, the buildup continues, ending only in nuclear catastrophe.

The MX would not be used for a first strike because that is not our policy. It would not be useful as a second-strike weapon because the enemy's silos would be empty. The missile is strategically illogical. And to use such a deadly and expensive weapon for either domestic or foreign political purposes is dangerously misguided. Now is the time to stop the MX.

On this subject, Pete Scovile of the Arms Control Association wrote a very good article, which appeared in the Christian Science Monitor 2 weeks ago. If any of my colleagues have not read that article yet, I recommend it to you.

[From the Christian Science Monitor, May 9, 1983]

THE MX IS BACK ON SQUARE ONE

(By Herbert Scoville, Jr.)

The MX missile, after eight years of studies and countless reports by blue-ribbon panels, is back where it started—without a secure home.

General Scowcroft and his distinguished presidential commission on strategic forces were given an impossible task—to justify continuance of the MX program—but they could find no security rationale and admittedly fell back on a political compromise in hope that it might calm the Congress into accepting the MX.

The commission report has made good and useful observations, but justify the MX missile system it certainly does not. The Congress has repeatedly refused to fund the basing of the MX missiles in existing Minuteman silos, and countless national security experts have denounced this option. There is nothing in the report to warrant changing anyone's mind; in fact, just the opposite. Yet the commission recommends deploying 100 MXs with 1,000 threatening warheads in these vulnerable launchers. This proposal is totally at variance with the remainder of the report, which urges moving to fewer warheads per missile, deployed so as to survive a Soviet attack.

To overcome this inconsistency, the commission justifies the deployment of the MX on the following political rather than military grounds: (1) to demonstrate US seriousness because the US announced many years ago that it would build a new ICBM, (2) to match the Soviets, who have missiles with similar characteristics, and (3) to pressure the Soviets into scrapping their threatening ICBM forces and into some arms control agreement.

But do these political arguments warrant the increased risk of a nuclear war that the MX creates? Clearly no.

Spending billions on a weapon only useful in a first strike demonstrates madness, not seriousness. Soviet leaders, and in fact, the entire world, would be more impressed by unfaltering, realistic negotiations to limit nuclear weapons rather than by the procurement of new ones which make nuclear war more likely.

Matching the Soviet Union with a countersilo ICBM, which only provides a target that could tempt the Soviets to actually use their missiles against the US, is a mindless way to demonstrate American strength. Instead of bemoaning the decision not to deploy a new ICBM as a sign of US weakness, we should be proclaiming the Soviets' concentration on potentially vulnerable ICBMs as evidence of their inferiority. We should be extolling the survivability of America's overall strategic deterrent and use this as an inducement for the Soviet Union to move to a more survivable strategic force structure with less reliance on land-based missiles.

Buying new threatening weapons as arms control bargaining chips, which the Reagan administration has said it will not give up in the negotiation, is not a prescription for getting the Soviets to exercise restraint. Does anyone seriously believe that the Soviets will reduce their ICBM warheads by a third (the Reagan START proposal) because the US is increasing its threat to their land-based missiles? Of course not. If we proceed with the MX, there is not a chance in the world that the Russians will not procure the new large MIRV'd ICBM, which they have just begun testing.

The Scowcroft commission tries to make the MX deployment more palatable by linking it with the study of a small, single-warhead missile (Midgetman) as a longer-term alternative. Reliance on single- as opposed to multiple-warhead missiles is basically sound since these, unlike the MX, would increase stability and reduce incentive for the initiation of a nuclear attack. It is still far too early, however, to make any decision on whether to procure a new small missile. Certainly the MIRV'd MX and the single-warhead Midgetman programs do not have to be treated as a package. For the present we should stick by the existing Minuteman force which the Air Force admits is not wearing out and which the Scowcroft commission says that the Soviets would have no incentive to attack. This Minuteman force is more survivable without the existence of the MX and does not provoke the Soviets into a preemptive strike or into the adoption of a launch-on-warning strategy.

Once a decision to deploy 100 MX missiles is made, no one can ever be sure that the program would stop at the 100 level. Soviet strategic planners would have to assume that it might continue beyond that point. The US is actually planning to procure 223 missiles, and the commission threatens to expand the program unless the Soviets cut back on their ICBM force. General Scowcroft is thus misleading when he claims the MX would not be taken as a first-strike

system because 1,000 warheads would not threaten all current Soviet ICBMs.

Furthermore, continuation of the extensive program to deploy the MX would almost inevitably divert resources needed to move to the more stable single-warhead missile. It could only serve to delay such a new program were a decision made to go ahead with it. The costs in dollars placed on new strategic weapons would be very much greater. Those who favor the concept of the single-warhead missile would be well advised to discard a package deal that calls for the procurement of the MX first.

Thus, if we are to really move toward a strategic policy goal espoused by the Scowcroft commission, increased stability and reduced risk of nuclear war, we should adopt its recommendations to begin the search on a small ballistic missile submarine as an alternative to Trident, to study the deployment of a small single-warhead ICBM, and to adopt a START position allowing missiles with fewer warheads per missile. But we should cancel once and for all the ill-starred MX program which can only undercut this goal and make more likely a nuclear holocaust.

(Herbert Scoville Jr. is president of the Arms Control Association and was formerly deputy director of the CIA for research. He is the author of "MX: Prescription for Disaster.")●

NATIONAL WASTE POLICY

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mrs. SCHNEIDER. Mr. Speaker, 2 months ago, the Office of Technology Assessment released a 3-year study on our national waste policy that reached some startling conclusions. Some of the highlights have already received wide circulation in the Congress, but I think they are worth repeating:

Each year we generate between 41 and 54 million tons of hazardous waste.

As much as 75 percent of that waste could be safely treated, recycled, or incinerated, with technologies that are known today, or could be brought into production within 5 years.

Yet four out of every five tons of hazardous waste that we produce—despite all the publicity about Love Canal, the Stringfellow acid pits, and the Picillo dumpsite in my own State of Rhode Island—is probably headed for a landfill.

Why? Because, as the OTA report concludes, landfills are still the cheapest disposal option, despite all the regulations designed to make them safer.

Federal policy up to now has had to focus on the short-term problem—regulating the storage, transportation, and disposal of hazardous waste. Is it not time to take a step forward by trying to cut down on the sheer volume of waste that we must dispose of every year?

Part of the problem is the fee system that is used to raise the chemical industry's contribution to the Federal Superfund program to pay for the cleanup of abandoned hazardous waste sites. Under the current arrangement, the industry is assessed a fee on chemical feedstocks used in the manufacturing process. Since there is no proportionate relationship between feedstocks and the volume of hazardous waste that is produced, the current law does not provide any incentive to reduce waste generation.

Today, Congressman WYDEN and I are reintroducing the Hazardous Waste Reduction Act, which proposes to finance the Superfund through fees that would be levied on the land disposal of hazardous waste. Our bill distinguishes between toxic and nontoxic hazardous wastes, which are already separated into categories under regulations established pursuant to the Resource Conservation and Recovery Act. Toxic hazardous waste would be taxed at $75 per ton, while nontoxic hazardous wastes, generally exhibiting ignitable, corrosive, or reactive characteristics, would be taxed at $25 per ton. No fees would be charged for the treatment, incineration, or recycling of harzardous waste. The fee system would supplement—not replace—existing Federal regulations governing the disposal of hazardous waste.

The advantages to this approach are obvious, and have been pointed out in the OTA report:

> The underlying philosophy of the waste-fee system is to reward those who minimize future risks and costs to society through the use of environmentally preferred alternatives.

The Hazardous Waste Reduction Act provides what is now lacking from Federal hazardous waste policy: An economic disincentive to hazardous waste generation. Conversely, it should provide a needed stimulus to those industries that offer an alternative to land disposal.

Over the past 2 weeks, Mr. WYDEN and I have met with representatives from major environmental groups, from the Hazardous Waste Treatment Council, and from the Chemical Manufacturers' Association. We have received a number of helpful suggestions, most of which have focused on trying to simplify the hazardous waste fee system to make it practical to administer. We have incorporated those suggestions in the revised draft of our bill by eliminating the tax on treatment and transportation, separating waste into two categories—toxic and nontoxic hazardous—instead of three as provided in our original bill, and establishing one tax rate for all types of land disposal. This morning, the National Wildlife Federation, the Chemical Manufacturers' Association, Environmental Action and the Environmental Policy Center joined us at a press conference to endorse the concept of a waste disposal fee system. We intend to work with these and other organizations to further refine the concept embodied in our bill. We have got a lot of hard work ahead of us, but we are excited about the process. After all, we are out to prove something pretty important—that hazardous landfills do not have to be the inevitable byproduct of an industrial society. A summary of the new draft of the Hazardous Waste Reduction Act follows:

THE HAZARDOUS WASTE REDUCTION ACT

(By Bill Summary)

The Hazardous Waste Reduction Act begins with the premise that federal policy should discourage the land disposal of hazardous waste. Every year, the U.S. generates between 41 and 54 million tons of hazardous waste, of which 80% ends up in landfills. Even under current federal regulations, landfills remain the cheapest disposal option. As a result, environmentally preferable alternatives like recycling and the treatment of waste materials are unable to secure a foothold in the market.

There cannot be an economic return on the investment of such a facility so long as toxic waste which can be readily incinerated, treated, or stabilized is nonetheless directed to landfills because they are cheaper.—H. Clay Robinson for the Hazardous Waste Treatment Council.

CURRENT FEDERAL POLICY

Our bill proposes to change the basis under which fees are collected from the chemical industry for the Superfund, which finances the cleanup of abandoned hazardous waste sites. Under current law, the fees are collected on chemical feedstocks that provide the raw material for the manufacturing process. Because the raw material used often bears no relationship to the hazardous waste created as a byproduct, the Superfund fee structure does not act to discourage waste generation.

The current Federal program indirectly provides more disincentives than incentives for waste reduction. Many critics of this approach feel that the fund should have been financed through a "tail-end" fee on hazardous waste generation, rather than on "front-end" feedstock materials that only indirectly lead to hazardous waste.—Office of Technology Assessment.

HAZARDOUS WASTE FEES

Our bill would extend the Superfund for a ten year period, beginning in 1985 when the current law expires. The fee structure used to finance the Superfund would be levied on hazardous waste generation, replacing the current fees on chemical feedstocks. The bill distinguishes between toxic and nontoxic hazardous waste, two broad categories, using the definitions developed under the Resource Conservation and Recovery Act. The land disposal of toxic waste would be taxed at $75 per ton, while the land disposal of non-toxic hazardous waste would be taxed at $25 per ton. The rates would double after the first five years of enactment. On-site and off-site land disposal would be taxed at the same rate, but no fees would be charged for recycling, incineration, or the treatment of hazardous waste.

STATE GRANTS

The bill would earmark $200 million from the revenues raised by the waste fees to pay for EPA's program of grants to states for enforcement of hazardous waste laws, and

to help locate and classify the thousands of abandoned waste sites not covered by the Superfund. The grants could also be used to provide technical assistance to small manufacturers interested in developing a recycling or treatment capacity.

AUDITS BY INSPECTOR GENERAL

The bill provides for an annual audit of the Superfund program by the Inspector General, to ensure that Superfund monies are spent for the purposes for which they are intended. Provision is made for automatic reimbursement of the Superfund if any funds have been diverted to other programs.

WASTE QUANTITY ASSESSMENT PROGRAM

The bill directs the Administrator of the EPA to develop and implement methods to estimate the quantities of hazardous waste that are generated in each calendar year.●

THE PLIGHT OF VLADIMIR DRAGUNSKY

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. SUNDQUIST. Mr. Speaker, as a member of the 1983 Congressional Call to Conscience Vigil for Soviet Jewry, I implore my colleagues to continue in their efforts to free Vladimir Dragunsky and the many thousands of Soviet Jews like him who are denied the right to leave the Soviet Union. Recent statistics indicate that Jewish immigration has declined drastically: from more than 50,000 in 1979, to less than 3,000 in 1982 and less than 500 in the first 5 months of 1983. They are being denied this basic human right in violation of solemn international agreements entered into by the Government of the U.S.S.R. Yet, despite persecution, they continue to seek the religious freedom they are denied.

Vladimir, like many others in the U.S.S.R., is known as a "refusenik": an international word describing a Soviet Jew who, having been consistently refused permission to immigrate to Israel, is harassed by the KGB (Soviet Secret Police), usually dismissed from his or her place of work, and lives in fear of arrest and trumped-up charges which could result in imprisonment.

Vladimir, 52, his wife Evgenia, 43, and their son Vladimir, 19, were denied immigration visas in 1978 on the grounds that Evgenia's brother is engaged in classified work. Her brother lives in Sverdlovsk, which is a long way from the Dragunsky's home in Leningrad. Evgenia and Vladimir have appealed several times to the authorities in Sverdlovsk, but have never received any answer.

Vladimir was an historian and university lecturer specializing in U.S.S.R./U.S.A. relations during World War II. He now has no access to any books or papers. In the past, Vladimir earned some income by typing immigration applications. He is now unemployed, as there is no longer any opportunity for this work. Evgenia is worried about his morale.

Evgenia graduated from medical school in Leningrad and proceeded to work in the Institute of Medical Science, where she obtained her higher degree in the field of experimental pathology. She has published over 40 papers in Russian journals, predominately on infection immunities, as well as one paper in a Western journal (Gastroenterology, April 1978). After her immigration refusal, she lost her job and with difficulty, got another one doing routine bacteriology in a public health laboratory.

While Evgenia speaks good English, Vladimir speaks very little English. He apparently has diabetes, which affects his vision, but he does not appear to be seriously ill. Evgenia's mother, a pensioner, lives with them, as does their son, a student at the Engineering Institute.

We, as Members of Congress, and as members of the free world, must not forget the plight of those who are not free. We must fight relentlessly for their freedom despite the immense challenge; just as those persecuted fight courageously in the face of Soviet oppression. We must champion the day when Vladimir Dragunsky and his family are free to live as they choose. Vladimir Dragunsky, we stand with you.●

SUPPORT ZABLOCKI-BETHUNE AMENDMENT TO THE DEFENSE DEPARTMENT AUTHORIZATION BILL

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. GOODLING. Mr. Speaker, on May 25, 1983, this House will be asked to vote on a vital issue contained in the Defense Department authorization bill. Before doing so, I would like to recommend a report by the Comptroller General entitled "Chemical Warfare: Many Unanswered Questions." This study, which was conducted for the Committee on Foreign Affairs, questions the Pentagon's decision to spend billions of dollars on the production of new, lethal binary chemical weapons, even though the United States will still lack a credible chemical warfare deterrent."

The major findings of the report include:

Contrary to DOD assertions that the Soviet Union possesses a massive chemical warfare capability, GAO found that:

Little is known about the size and mixture of the Soviet stockpile of chemical munitions.

The Soviet chemical warfare delivery means are virtually unknown.

Despite DOD claims that the U.S. stockpile of chemical weapons is obsolete and deteriorating, GAO found that:

The precise size and conditions of the U.S. stockpile are now known.

Although DOD has claimed that binaries are more advantageous than the existing unitary chemical weapons, GAO found that:

The available data do not sustain the argument that binaries offer substantial technical and operational advantages over existing weapons.

Binaries place greater space requirements on storage, transportation, and deployment.

The mixing requirements of binaries may diminish their operational effectiveness.

Peacetime advantages (of binaries) may have related wartime costs (such as mixing time and more complex logistics).

Despite Reagan administration claims that binary chemical weapons production may have a positive effect on prospects for chemical weapons arms control, GAO found that:

Binary production might complicate verification procedures.

Although the United States has possessed lethal chemical weapons for decades, the GAO found that:

The United States does not have a chemical warfare doctrine.

The United States, unlike the Soviet Union, has not built a strong ability to defend against chemical warfare.

The United States does not have realistic or adequate training and exercises for chemical warfare.

CONCLUSION

Even after spending billions of dollars on binary chemical weapons, the United States will still "lack a credible chemical warfare deterrent."

We found a multitude of unanswered questions related to chemical warfare modernization. The numbers of unresolved issues, both broadly and narrowly defined, is large * * * We are particularly concerned that so many questions remain unanswered since the United States has maintained chemical weapons for so many years and since we have issued a long series of reports identifying deficiencies in the U.S. chemical warfare retaliatory and defensive readiness.

Representative ZABLOCKI, along with Representative ED BETHUNE, will offer an amendment against lethal binary chemical weapons, as they did last year, in order to reaffirm the message sent by the Congress to the President last year. This is necessary because in spite of that message the administration is again seeking funds for the production of new, lethal chemical weapons in its fiscal year 1984 defense budget request.

I hope that after reading this information you will support the Zablocki-Bethune amendment.●

THE ELEPHANT PROTECTION ACT OF 1983

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. BEILENSON. Mr. Speaker, I am introducing a bill today, along with 70 of my colleagues, to halt the massive slaughter of African elephants. This bill, the Elephant Protection Act of 1983, would restrict ivory imports from African nations which do not curb the rampant killing of their countries' elephants.

Elephant populations in Africa are rapidly diminishing. The estimated number of African elephants dropped from 5 million in 1970 to 1.3 million in 1980, and is continuing to decline. While loss of habitat due to drought, deforestation, and urban encroachment is contributing to the rapid decline in numbers, it is the deliberate slaughter of elephants for their valuable ivory tusks that poses the greatest threat to Africa's remaining herds. Ivory trade alone is believed to account for 50,000 to 150,000 deaths each year—deaths which are often brought about by inhumane methods, including rockets fired from helicopters, use of automatic weapons, and the poisoning of waterholes which indiscriminately kills all wildlife in the area.

Ivory trade has been a lucrative business throughout history. Like gold and silver, ivory is a hard currency, a commodity that increases in worth in times of inflation. Ivory that brought a trader $3 a pound in the 1960's now brings $40 to $50 a pound. International Trade in both raw and worked ivory is estimated to be worth $200 million or more annually. As the price of ivory rises, more elephants are slaughtered; as more elephants are killed, fears increase that the supply will run out. In turn, that fear drives up the price even more. The elephant has thus become a most unfortunate victim of a vicious supply-and-demand spiral.

The African elephant is following the path of the near-extinct Asian elephant. The United States has banned trade in Asian elephant ivory since 1976 when the Department of Interior officially listed those creatures as an endangered species. Leaving Africa as the sole source of elephant ivory has caused herds there to be even more vulnerable to slaughter.

Six years ago, the Department of Interior listed the African elephant as a threatened species; since then, ivory imports have been allowed only from countries which are parties to the Convention on International Trade in Endangered Species (CITES). Unfortunately, Interior's regulations have not been effective. Much ivory entering this country still comes from elephants which are killed illegally, and is shipped through a vast worldwide trade in smuggled elephant products. Worked ivory from places such as Hong Kong, where large amounts of raw ivory are carved, is required to be accompanied by a reexportation document stating that the ivory was legally taken in the country of origin. However, it is almost impossible for U.S. Customs agents to verify documents which have been falsified by attributing ivory origin to a CITES member country when the ivory was actually taken in a nonmember country.

But even more frustrating than the falsification of documents is our Government's failure to deal with obvious fraud in elephant imports. Four years ago, when the House Merchant Marine and Fisheries Committee reviewed some ivory import documents obtained from the Department of the Interior they found some declarations listing "Africa" as the country of origin, and other declarations listing "Kenya," a country which has banned the export of wildlife products since 1977. The ivory listed on these documents, and on other obviously erroneous or fraudulent documents, successfully entered the United States.

Clearly, stronger action is needed to halt the decline of the African elephant than what is being taken under current law, and we must act while we still have a chance to reverse the decrease in numbers of these magnificent animals. During the 96th Congress, I worked with the members and staff of the Merchant Marine and Fisheries Committee to devise a way to end our Nation's participation in the slaughter of elephants and to establish a way to recognize and encourage those countries which successfully manage their elephant populations. The legislation we developed was approved by the House in 1979, but was not considered beyond the stage of committee hearings in the Senate.

The bill I am introducing today is identical both to that which the House approved in 1979, and to the bill I introduced last Congress. Briefly, the bill would do the following: First, it would impose a 6-month moratorium on the import and export of any elephant or elephant product to or from the United States. The moratorium would apply to both worked and raw ivory, whether the ivory comes directly from an ivory-exporting country or from an intermediate country which works the ivory and reexports it. During the 6-month period, however, 10,000 pounds of ivory would be exempt in order to allow the 1,000 to 3,000 scrimshaw artisans in this country to practice their skill and maintain their livelihood. Ivory for this purpose is unavailable from any other source. In addition, during the first 90-day period, the bill would exempt worked ivory purchased abroad by tourists which is not intended for resale.

During the moratorium, the Department of the Interior would develop a permit program to allow ivory trade with countries which meet strict criteria. Permits would be granted for ivory originating in countries which have strong elephant conservation programs and sound recordkeeping for their ivory exports. Permits would be issued for ivory from intermediate countries only if the reexporting nation has sufficient recordkeeping requirements to insure that the nation of origin can be determined.

Provisions are made to assist the Department of the Interior in enforcing restrictions on ivory trade. In order to allow Interior to concentrate its enforcement efforts, elephant product imports would be limited to the ports of New York and Seattle. Violators would face stiff penalties: First-time offenders would be subject to a civil penalty of $10,000 and a criminal penalty of $20,000 or 1-year imprisonment or both. Second-time and subsequent violators would face stronger penalties.

Exempt from coverage of this bill would be imports and exports of elephants and elephant products for zoological, educational, scientific, or exhibitional purposes; keyboard ivory which is part of a musical instrument; and elephant trophies taken by sports hunters, provided that the imported item is well-documented and taken in compliance with the laws of the host country.

Our bill would take an additional step to aid conservation of elephants. It would direct the Secretary of State to establish programs to assist nations in protecting habitat for elephants, and in developing and implementing elephant conservation and management programs. This would help those nations which want to conserve their elephant populations but simply do not have the capability to develop a program without outside assistance.

Passage of this bill would be an important step toward stopping the extinction-threatening slaughter of the largest land mammal in the world. I urge my colleagues to lend their support to this measure.●

SPECIAL RECOGNITION FOR VETERANS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. WALGREN. Mr. Speaker, I am pleased to rise today in favor of two important bills to aid this Nation's veterans. We must not forget the sacrifice made by veterans in facing danger and displacement during the years they

have served this country. Today, as always, we have the responsibility to meet their continuing needs. The two measures before us keep us on the right track of being responsive to those who have served our country.

The first piece of legislation, the Veterans' Administration Health Program Amendments of 1983, H.R. 2920, changes the United States Code to revise and extend certain health care programs of the Veterans' Administration. I am particularly supportive of those portions of this legislation that will address several of the pressing problems confronting Vietnam veterans. This Congress and the Nation are beginning to move in the direction of providing necessary services to this very deserving group of veterans.

Under this bill, the VA would be authorized to extend for an additional 3 years psychological readjustment counseling to Vietnam-era veterans at community-based vet centers. Currently, these vet centers in 136 locations around this country provide critical services to tens of thousands of Vietnam veterans who are seeking assistance. This is a program that has proved its value and those close to Vietnam veterans recognize the consensus of these programs deserve to be continued.

The Administrator of Veterans' Affairs also would be required under this bill to conduct a comprehensive study of the prevalence of stress-related disorders and readjustment problems among Vietnam-era veterans. An additional part of this study will focus on the general health status of this group. I am encouraged that this study will not be conducted piece meal, but will include a nationwide sampling. I hope that this study will provide the data we all need to tailor effective programs to those most in need.

For too long we also have failed to examine the special problems facing the woman veteran. I am pleased that H.R. 2920 would establish a Women Veterans' Advisory Committee as an essential link between women veterans and the VA. This committee will recognize the continuing contribution women are making to the armed services and act to upgrade programs and services for female veterans. As the armed services attract more and more qualified women, their ultimate welfare as veterans is an important priority.

The second piece of legislation before us, the Veterans' Housing Benefits Amendment of 1983, H.R. 2948, would provide needed assistance for veterans who are unemployed or who have suffered a substantial reduction in household income and who are 6 months delinquent on guaranteed VA housing loans. The scope of this particular relief would be similar to other legislation recently passed by the House to aid conventional mortgageholders. Certainly veterans deserve the same level of mortgage foreclosure relief that the rest of our people enjoy. This would go far to insure that no group of unemployed homeowners would lose his or her home because of current economic uncertainties. We should support this type of specific relief for all deserving homeowners displaced by the recession.

It is my hope that both of these bills will represent significant improvements in veterans programs for those in special need of assistance. I am proud to lend my fullest support to this legislation and would urge my colleagues to join me in voting in favor of these bills.●

NEW DISCLOSURES REGARDING AGENT ORANGE

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. DASCHLE. Mr. Speaker, a recent news story in the Robinson, Ill., Daily News, present striking evidence of the link between the dioxin in agent orange, to which many servicemen were exposed in Vietnam, and the illness that many of those servicemen have suffered.

I commend the writer, Tony Gordon, for his extensive research, and I recommend his article to my colleagues for their understanding of this significant issue:

[From the Robinson (Ill.) Daily News, May 5, 1983]

APOCALYPSE LATER? "ORANGE-HOT" CONTROVERSY

(By Tony Gordon)

A medical specialist in Chicago has diagnosed a number of physical ailments in West York resident Sammy Davis and another Vietnam veteran as being related to the defoliant Agent Orange.

The diagnosis is believed to be the first time a physician has drawn a connection between illness and the exposure of U.S. servicemen in Vietnam to the dangers of dioxin, an ingredient of Agent Orange.

Davis, who was awarded the Medal of Honor for service in Vietman, was one of the first three Vietnam veterans to be examined for possible dioxin-related illnesses by Dr. Bertram Carnow, president and senior scientist for Carnow, Conibear and Associates, Ltd.

Carnow is the director of occupational and environmental medicine at the University of Illinois School of Public Health, an attending physician at three Chicago hospitals and the author of more than 50 articles and publications on the effects of the environment on human health.

An advisor to the three veterans, Irv Wells, is chairman of the Vietnam Veterans Confederation of Milwaukee and a licensed surgical physician's assistant. He arranged to have the three men see Carnow for an examination.

"We wanted to have our guys examined by the finest expert in the country and a review of the research on dioxin led us to Dr. Carnow. He's pure physician, a non-political animal, and was willing to look for the reason these men are sick," Wells said.

Carnow performed a 12-hour series of tests and physical examination on the three veterans in March. Carnow's findings are markedly different from information the men received following examinations by Veterans Administration doctors.

The results of Carnow's independent tests show Davis and fellow veteran John Gromowski of Milwaukee suffer from abnormalities in their blood and vascular system, liver disorders, nervous system effects and severe depression.

None of these maladies were diagnosed through tests the men had in the VA's Agent Orange screening program. Davis was told by VA doctors he needed surgery on nerves in his wrist and should undergo psychological counseling. Gromowski, who has suffered from seizures since 1972, said VA doctors were unable to identify their cause.

The third veteran in the group, Medal of Honor recipient John Baca of Springfield, Mo., will require further examination before a diagnosis can be made, Wells said.

Both Davis and Gromowski went through the VA's Agent Orange screening at the VA Hospital at Wood, Wisc., a Milwaukee suburb. At the conclusion of tests there, they were sent letters signed by Dr. Michael G. O'Grady, the staff environmental physician, that said the results of their initial tests were "satisfactory."

The Daily News attempted to contact O'Grady on Wednesday, but was told he could not speak to the press and was referred to public relations spokesman Y. C. Parish. A woman in Parish's office said he would not return to work until Monday.

It is the present policy of the Veterans Administration to deny any disability claims based on dioxin's effects. The VA provides free physical examinations to vets who feel they may have suffered adverse health effects from exposure to Agent Orange.

The VA said Wednesday 369,000 Vietnam vets have gone to VA hospitals complaining of illnesses they thought could be related to Agent Orange in the last year and 9,400 of them were ill enough to be hospitalized, none for any illness the VA says is caused by Agent Orange.

Vern Rogers, a spokesman for the VA Office of Public and Consumer Affairs in Chicago, last week said the agency is "providing medical screening for any veterans who think they may have a problem and we are doing so without any medical proof in the entire world that a link between Agent Orange and medical problems exists. There is no piece of paper by any doctor anywhere that says anything at all is caused by Agent Orange.

Results from Carnow's testing and examinations may provide that piece of paper.

Although Carnow said "I have no intention of becoming involved in the politics of this issue," he said his diagnosis of Davis "is a matter of interpretration of studies of people who have the same things."

"It comes down to a question of whether you believe something that looks like a duck, walks like a duck and talks like a duck is a duck. There may be other animals with feathers that spend time in the water, but a duck is one specific animal and people should be able to determine that from investigation," Carnow said in assessing the link between dioxin and the health of the two veterans.

In an interview restricted to the results of the Davis examination and general information about his procedures, Carnow told the Daily News "Mr. Davis displays the same symptoms traditionally found in people who have been exposed to dioxin, and there is absolutely nothing else in his background to suggest any other exposure to dioxin than the Agent Orange in Vietnam."

According to both the doctor and patient, Carnow's examination of Davis detected the following:

—High cholesterol, high triglycerides and a large concentration of fatty cells in his blood, a condition normally found in people much older than Davis. These factors, Carnow said, pose "a very high risk of heart disease."

—A lowered level of liver functions and a white blood cell count pattern that is similar to one in a person whose immune system is depressed.

—Normal kidney functions, but an increase in uric acid level that could lead to kidney damage and bouts with gout or goutty arthritis. Davis has had attacks of gout since 1969, one year after he returned from his Vietnam service.

—A variety of nervous system dysfunctions. The media nerve in his right hand is inflamed and interferes with sensory conduction, a condition often associated with a degenerative process. He also suffers from petit mal seizures, which make him nauseous, dizzy and blur his vision.

—Abnormalities in his reproductive system which, although it is still possible for him to father children, produce sperm forms that are not normal in their ability to impregnate or are mutated.

—An organically-based severe depression pointing to an imbalance of nourishment in some of the cells in his brain. Davis said Carnow told him he has not suffered brain damage, but some of the cells are damaged to the point where they are unable to absorb oxygen.

—His body also has difficulty in the process of energy production and transfer, which brings on occurrences of extreme weakness. Davis said the tests indicated the body produces an enzyme to fight the dioxin contamination which swells the nucleus of cells and retards the flow of energy through his body.

Gromowski said Carnow told him a likely cause of his seizures is damage to his brain caused by malformed cells. His liver and central nervous system are damaged, there is a blockage in his lungs and abnormalities in his blood.

"Dr. Carnow told me the diseases I have are all a result of exposure to the dioxin in Agent Orange," Gromowski said.

The diagnosis of Gromowski may be especially significant because while Davis was assigned to a combat unit in areas of Vietnam sprayed with Agent Orange, Gromowski was not. He was assigned as a cook in Da Nang base camp for six months and was never sent into a sprayed area.

"The diagnosis of John puts us in the position to rethink the incidents of exposure to included areas of South Vietnam previously unsuspected of posing a threat," Wells said.

Carnow said his tests on the three veterans involved "a study of the patient's history, a complete physical exam and laboratory tests to measure the functions of various organ systems; the liver, central and peripheral nervous systems, cardiovascular and reproductive systems. We also do a series of blood tests to determine blood counts in the liver and kidneys."

He said his firm employs "the state of the art in clinical medicine," but he has no equipment or procedures not available to the VA.

"The Veterans Administration has the capability to do anything we can, but not having the results of Mr. Davis' tests there, I don't know what type of examination they conduct. The VA has a two-volume book on the research into dioxin, they know what is being done. They have the toxologists, biostatisticians and laboratory physicians capable of doing these same tests. It becomes a question of whether or not they agree with me," Carnow said.

One group of people believed to have agreed with Carnow and his tests for adverse health effects caused by dioxin exposure are the 12 members of a Madison County jury who in August began granting judgments of between $1 million and $1.9 million to each of 47 railroad workers involved in an exposure related suit.

The workers charged in the suit they had suffered central nervous system damage and cancers because the Norfolk and Western Railway had failed to protect them when they were involved in a dioxin clean up operation after a rail accident in 1979.

Carnow testified on behalf of the workers and described the medical problems he has detected in them through his tests. After 10 days of his testimony, the jury decided the workers had been affected and began making the financial awards.

In his interview with the Daily News, Carnow said he was not accusing any other doctors of negligence even though the results of his tests on Davis and Gromowski show different results than the VA tests.

"I do not think anyone is faking the tests, but they may not be doing all of them and may not be viewing the results the same way. We have only examined three people and when and if we do 30 or more, we will have a better idea what the effects are when the exposure is a constant," Carnow said.●

A TRIBUTE TO "DOC" RANK

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. PORTER. Mr. Speaker, I was recently contacted by the students of the advanced physics class at Glenbrook South High School with an unusual but very heartening request.

These students were aware of President Reagan's request that the Nation support the sciences and do so by recognizing outstanding individuals in the field. They were fortunate enough to have an instructor whose teaching was of such a high caliber as to make him—in their estimation—fit to be recognized as an outstanding individual in his field.

Their description of him is as follows:

As a faculty member in the Glenbrook School district in Glenview, Illinois for over 25 years, "Doc" Rank is one of the innovators in the teaching of physics today. He presents an atmosphere that encourages students to go beyond the required assignments and explore physics in more detail, organizing field trips and pointing out relevant magazine articles. Doc truly cares about and is supportive of all his students, often dedicating his free time to the writing of college recommendations, giving extra help, and even inventing and building his own instruments. We find that Doc's personal method of teaching extends beyond the classroom, creating a mutual respect between him and his students, and often generating enduring friendships.

"Doc's experience and skill as a teacher has earned him the praise of other faculty along with numerous positions of responsibility. He is a sponsor of our school's science club and a member of the early graduation committee. An active member of the National Association of Physics Teachers, Doc Rank has written articles on physics, including a chapter in The Best of Physics from Science Teacher's Workshop (Packer Publishing, 1972). He also attends school functions, not because he is obligated to be there, but because he wants to be.

Beyond consistently excellent scores of the Advanced Placement tests, the accomplishments of his students include four people being accepted at M.I.T. This year many of his students are going to highly selected colleges, often having been admitted to accelerated medical programs, and receiving science related corporation awards.

I am proud and touched to know that there is an individual teaching the young people of my district whose method of instruction would inspire such admiration and genuine appreciation among his students. These days we are all told of the many things that are wrong with our country's educational system. To overlook teachers of the stature of Mr. Rank, however, would do a great disservice to the unique individuals who have devoted their professional lives to the education and the success of their students.●

A TRIBUTE TO LEONARD E. READ: DOYEN OF LIBERTY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. PAUL. Mr. Speaker, a true champion of freedom, Leonard E. Read, passed away on May 14, 1983. Leonard Read was a man whose love of liberty and devotion to truth inspired thousands of people throughout the world. His influence will live on through the Foundation for Economic Education, which he established in 1946 and built into a citadel of freedom.

Leonard Read was the rare type of individual we refer to as well rounded. He believed man's earthly purpose was "* * * to grow, to emerge, to hatch, to evolve in consciousness, partaking as much as he can of infinite consciousness." Leonard lived according to this premise. He authored 28 books, traveled millions of miles delivering the message of freedom, and gained many

devoted followers with his "power of attraction."

Leonard will be deeply missed by all who were fortunate to know him. But his optimism, good humor, and commitment to principle were contagious. They will be a part of all of us who sought Leonard's tutorship.

I would like to share with my colleagues the eulogy to Leonard E. Read, delivered by Dr. Hans F. Sennholz of Grove City College. It follows:

EULOGY TO LEONARD E. READ

(By Hans F. Sennholz)

A wise man may at times be angry with the world, or may be grieving for it. But he does not retreat from it in despair, nor does he condemn it. He observes and studies the world, he may explore it and use it, mindful of man's noblest task, to make it better.

Leonard Read performed his duties in this world. The spirit of liberty needed to be rekindled, virtuous liberty, which is the right of doing all the good in man's power, according to God's laws. To this end Leonard devoted his life.

To Leonard Read, death opened the gate of fame and immortality, and closed the gate of fallibility and vexation. It untied the chains of duty and put his tasks in other hands.

Leonard belonged to a rare breed of men—a born entrepreneur who could have amassed riches and fortunes, but chose to devote his life to the expansion of consciousness. Life, to him, was a journey, not a home; a road on which he could press on to join his Creator.

For Leonard Read the material world was just one among other objects of man's consciousness. In his book "Deeper Than You Think" and in numerous passages of his Journal he acknowledged his central presupposition: the immortality of the individual spirit or consciousness. In his own words: "Reduced to its essence, this earthly moment is only the beginning; consciousness, the Reality, is eternal, retaining its growth potential. Once this is accepted and lived by, the individual seeks approval of the Eternal Ideal; his prime objective cannot be fame before men. Daily actions have a higher guide than momentary expediency; whatever one does is premised on his highest concept of rightness and righteousness."

"What is man's earthly purpose?" he asked in "Anything That's Peaceful," which probably is the greatest of his 28 books. "It is to expand one's own consciousness into as near a harmony with Infinite Consciousness as it is within the power of each, or, in more lay terms, to see how nearly one can come to a realization of those creative potentialities peculiar to one's own person, each of us being different in this respect."

Surely Leonard Read's own consciousness approached the perfect harmony he sought. He achieved the complete realization of his creative potentialities.

Leonard Read created a "home" for the friends of freedom everywhere. When pessimism was rife and freedom was engulfed by hostile forces, he built The Foundation for Economic Education on a solid foundation and made it the training ground for a new generation of teachers and scholars. He established an educational organization that withstood the test of time and faces the future with confidence. But above all, in more than three decades he sustained the philosophy of freedom through his prolific writing, through seminars for students, businessmen and professional people, and through contacts with schools and colleges that sought his guidance.

The visitor to FEE senses the presence of Leonard and other kindred souls, with common ideals and feelings. The FEE spirit is reassuring and contageous. It inspired the creation of numerous similar organizations at home and abroad. F. A. Harper left FEE, after ten years on Leonard's senior staff, to found the Institute for Humane Studies in Menlo Park, California. Disciples created "freedom centers" and "institutes" throughout the country. In other countries FEE alumni and friends modeled their work after that of The Foundation in Irvington. Manuel F. Ayau built a new university in Guatamala City. To all of them, FEE's dedication to the ideals of liberty has been an inspiration that breathes new hope for the future and instills them with courage and confidence.

Leonard was a pathfinder for freedom who carried his spirit into daily action. He was the dean of freedom scholars with a passionate love of excellence everywhere and in everything. He loved it in himself, in his own alert mind, in his own spirit, and in others.

There were two lives in Leonard Read, the life of his actions that now has ended, and the life of his thought that lives on in the hearts and minds of man everywhere.

In his last book, "The Path of Duty", written and published in 1982, when the curtain of life was descending slowly, Leonard returned once more to his ultimate guide to duty: the Ten Commandments. And in the last chapter of this book he once more reminded us of the transcendent power of doctrine of example. He was truly convinced that example has more followers than logic and reason. He would call it the "power of attraction." "Become so proficient in understanding and explaining freedom that others will seek your tutorship." He would say to us: "Ours is a learning problem and not a selling problem."

Leonard laid down his pen citing the words of the American poet William Cullen Bryant:

Greatness lies, not in being strong, but in the right using of strength. . . . He is the greatest whose strength carries up the most hearts by the attraction of his own."

Indeed, Leonard Read was one of the greatest. He cast a gleam of light on all of us, and lifted our hearts.●

SHIRLEY T. HOLLAND

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. SISISKY. Mr. Speaker, Virginians justly take great pride in our State's tradition of public service. Recently, Virginia suffered the loss of one of her most able citizen legislators, Shirley Holland of Windsor, Va., a public servant in the truest sense of the words. I include the May 17 editorial from the Virginian-Pilot in the RECORD as a tribute to his years of service to Virginia:

Shirley T. Holland, who died last week at his Windsor home in western Tidewater, was, in the most precise sense, a public servant.

His living was made as a country banker. And he was a successful one. The Farmers Bank of Windsor opened its doors in 1919 with Mr. Holland as the founder and one-man staff. This was no computerized financier, but rather, a local businessman who loaned on character. In the early days, he swept the bank floors and stoked a coal stove to keep down expenses.

This bank thrived and weathered the Depression and stands today as a monument to Shirley Holland.

His sons are his legacy, as well; among this successful group of offspring are a state senator and a former mayor of Virginia Beach.

But more Virginians knew Mr. Holland as a 20-year veteran of the House of Delegates, representing the counties of Isle of Wight and Nansemond and the city of Suffolk. He was chairman of the powerful House Insurance and Banking Committee and a senior member of several other panels.

Mr. Holland, who never faced an election challenge, was one of a tight-knit cadre of rural lawmakers that guided the state through some of its most turbulent times. Virginia changed dramatically from 1946, when Mr. Holland entered the House, to 1966, when he voluntarily retired.

Mr. Holland recognized that government would have to accommodate this transformation. In the early 1960s, for example, he championed legislation to allow banks to merge across city and county lines. This raised some eyebrows, because a small-town banker wouldn't normally be expected to favor laws making it easier for large banks to move in.

But Mr. Holland argued—sensibly—that unless Virginia loosened its merger restrictions, in-state banks would never be large enough to meet the borrowing needs of businesses and industry here, forcing them to go to New York for capital.

Among his other accomplishments were changes in the state retirement system that allowed teachers and other state-paid employees to retire at age 60; a bill that eliminated annual taxes on money in individual bank accounts; and legislation that created the Virginia Industrial Development Corp., an early effort to pull more jobs into the Commonwealth.

In one of his final speeches, he stood on the floor of the House and declared: "Change is all around us and we must do those things that need to be done for Virginia and her people. We have made commendable progress but much more is needed. The record is good, but not good enough.

"You and Virginia are more than equal to every task that lies ahead. They are but opportunities for great accomplishments. Perhaps your greatest opportunity is to fulfill the total commitment we have for the education of Virginia's youth. It is surely our best investment for the years ahead."

The words were spoken 19 years ago by the cigar-smoking country banker from Windsor, but the passage of time hasn't sapped their meaning.●

KIWANIS CLUB OF SPRINGFIELD'S "DEAR MR. PRESIDENT" CONTEST

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. BOLAND. Mr. Speaker, the Kiwanis Club of Springfield, Mass., has recently completed its third annual "Dear Mr. President" contest.

The purpose of the contest is to encourage high school seniors in the Springfield area to become more aware of political issues. Contestants select an issue which interests them, do research on it, and draft a letter to the President indicating their point of view and the reasons which support it. The contest gives participants an appreciation for the complexity of the issues with which a democratic form of government must deal, and provides an excellent introduction to the political process for those about to become involved in it.

This year's contest was won by Mark Aronson of Longmeadow, Mass. Mark, a student at Longmeadow High School, wrote an excellent letter on one of the most important jurisprudential problems faced by our legal system, the applicability of the insanity defense. I want to include Mark's thought-provoking letter at this point in the RECORD and offer my congratulations to him for the work that he did on it. I also want to congratulate the other prize winners in this year's contest: John P. Sullivan, Springfield, Cathedral High School; Elizabeth M. Dougal, Springfield, Cathedral High School; Debra Villeneuve, Springfield, Technical High School; Anne M. Keaney, Springfield, Cathedral High School; Roderick Squier, Longmeadow, Longmeadow High School; and John G. Lavoie, Ludlow, Cathedral High School. In addition, I would like to commend the Kiwanis Club of Springfield for its sponsorship of this valuable competition. The letter follows:

MARK D. ARONSON,
141 Cedar Rd., Longmeadow, Mass.,
April 25, 1983.

The PRESIDENT,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: One of the most important issues in recent years, both regionally and nationally, is the "not guilty by reason of insanity" law. This present law, Chapter 123 of the Massachusetts General Laws, which has allowed dangerous criminals such as John Hinckley, Jr. and Vernal Walford, to name two, to be exempt from prison sentences, is now under intense criticism.

I support the creation of a new verdict, guilty but insane, which abolishes the "not guilty by reason of insanity" plea. This change allows for three verdicts available to the judge and jury: guilty but insane, not guilty, and guilty. The new verdict, guilty but insane, states that an insane person who lacked the intent, but did commit a criminal act, is not criminally liable for the act. The burden of proof is placed on the defendant to prove insanity, rather than on the prosecution to prove sanity.

The "not guilty by reason of insanity" law is often referred to in legal circles as the "McNaughten rule", named after a 19th-century assassin who killed a man he believed to be the Prime Minister of England. The court ruled that the defendant can't be held responsible for a crime if he cannot judge between right and wrong. Thus, the "not guilty by reason of insanity" law was born. Currently a U.S. federal law and the law used by most states, including my own, it is clearly outdated and ambiguous.

Ever since it became law, this ruling has been criticized for its leniency toward persons who clearly have a criminal intent. The wording of this law causes a role-reversal in which the victim is perceived as being in the wrong—that is, at the wrong place at the wrong time.

In the past 10 years, due to more liberal laws concerning mental patients' rights, this problem has increased tenfold. It is at the point now where liberty has almost become license; the fact that one person may kill another and get away "scot-free" has become a frequent reality.

Massachusetts Representatives Iris Holland, William Robinson, and Steven Pierce have filed legislation which would correct this problem in Massachusetts. They have proposed a strong, humane package which includes the three verdicts available to judge and jury, as mentioned, and if implemented, will protect the people of the Commonwealth and provide a responsible means of monitoring those judged to be criminally insane.

This new guilty but insane verdict clarifies Chapter 123 in the Massachusetts General Laws by creating a strict statutory definition where none existed before. It does not hold the person criminally responsible for the act, but neither does it absolve him. The person is found guilty of committing the act, but his state of mental health may be considered as a factor in sentencing. This is different from finding a person not guilty by reason of insanity, which acquits the person for an act he has committed.

This stricter law protects the public's rights by making it harder for an individual judged criminally insane to be released earlier, and easier for the state to monitor him within the system.

Following release, this law would allow the criminal court to exert more control over the individual. A person found guilty but insane will have to undergo examinations and observations. It is proposed that these examinations be performed every six months for a period of five years.

The recommendation by the National Commission on the Insanity Defense to shift the legal burden to prove insanity to the defendant further supports my view.

Respectfully yours,

MARK D. ARONSON.●

DASCHLE COSPONSORS LEGISLATION TO SPUR ALCOHOL FUEL PRODUCTION

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. DASCHLE. Mr. Speaker, I am very pleased to join today with Congressman DORGAN, Congressman PAT ROBERTS of Kansas, and Congresswoman VIRGINIA SMITH of Nebraska in the introduction of legislation which will facilitate the construction of new alcohol fuel plants and the increased production of alcohol fuel.

Since 1979, a new industry has been emerging in America, the alcohol fuel industry. In 1978, this emerging industry was virtually nonexistent and the use of alcohol produced from corn and other agricultural commodities as a fuel was practically unknown. Despite record-high interest rates and other equally unfavorable economic conditions, conditions which have forced even the most well-established and best-managed companies in the Nation to seek mere economic survival, the domestic production of alcohol fuel has developed and expanded into an industry which today numbers 80 operating plants. In 1982, the sale of ethanol fuel doubled to more than 200 million gallons and in March of this year a record 35 million gallons of fuel ethanol were sold. The sale of alcohol fuel is projected to increase substantially again this year and 200 million bushels of corn are expected to be utilized for fuel alcohol production during 1983.

The benefits of our emerging domestic alcohol fuel production industry are numerous, but chief among them are new job opportunities, increased economic activity, expanded markets and higher prices for agricultural commodities, reduced energy imports, additional tax revenue sources, and reduced taxpayer cost for agricultural price-support programs. In comparison to the poor performance and problems of our national economy in recent years, the record and contributions made by the domestic alcohol fuel industry are certainly remarkable.

As noted earlier, the production of alcohol fuel has increased dramatically, but the potential is even greater. The legislation being introduced today, H.R. 3101, will aid in achieving this potential by authorizing the Secretary of Agriculture to guarantee, in kind, contracts for the delivery of agricultural commodities made between commodity producers and manufacturers of alcohol fuel. By permitting the Secretary of Agriculture to guarantee in kind, at no cost to the taxpayers, contracts for the delivery of agricultural commodities to be utilized in the

production of alcohol fuel, existing plans for constructing new alcohol fuel plants can be finalized and the production of alcohol fuel will increase with the resulting substantial benefits for the Nation.●

IN HONOR OF DONALD J. GRECO, OUTGOING PRESIDENT OF THE LONG BEACH MEDICAL ASSOCIATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. ANDERSON. Mr. Speaker, the community of Long Beach has been privileged to have the leadership of Dr. Donald J. Greco as president of the Long Beach Medical Association for the past year. A ceremony honoring Dr. Greco will be held on June 11 at the Hyatt Regency in Long Beach, when a new president will be installed.

On this occasion, I would like to extend my personal gratitude to Dr. Greco for his 17 years of service to our community as a practicing dermatologist.

Dr. Greco was graduated from Drake College in Des Moines in 1944 and received his doctorate from Creighton University in 1948. He served his internship at Mercy Hospital in Des Moines and served his residency at Pennsylvania University and UCLA. Dr. Greco then served as an Army medical officer in Korea and Japan. A member of the Society of Investigative Dermatology, Dr. Greco has been practicing in Long Beach since 1956. Away from the office, Dr. Greco enjoys playing tennis, golfing, and fishing. He and his wife, Teresa, are residents of Huntington Beach, and have four children—Richard, David, Kris Ann, and Lisa.

My wife, Lee, joins me in congratulating Don on his many contributions to the Long Beach Medical Association and to the city of Long Beach. We wish him, his wife Teresa, and their four children the very best in their future endeavors.●

REVENUE SHARING PLAN IS VERY VALUABLE

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. SISISKY. Mr. Speaker, the general revenue sharing program represents the kind of shared effort which works best between the Federal, State, and local governments. This is a program which has a proven record of success and one which addresses needs which would otherwise go unmet. The following editorial, which appeared in the Sussex-Surry Dispatch on May 4, details the excellent reasons for Congress to reauthorize such a worthy program.

REVENUE SHARING PLAN IS VERY VALUABLE

The General Revenue Sharing Plan of the Federal Government expires at the end of this year, and the program will be before Congress at its present session for approval or disapproval. The program was started by the government in 1972, and has been re-enacted three times, the last time being in 1980 for three years.

This program has proved to be one of the best-operated Federal plans, from the standpoint of the states, counties and municipalities. Instead of granting money for certain specified projects, the various divisions of population are given their proportionate share in one fixed grant, and the usage is left to the judgment of the various governing units. The federal government maintains a degree of supervision so that when charges of wrongful use are made it may investigate, but otherwise the state and local officials are permitted to use their own judgment. We believe there is, or has been, one restriction, the money may not be used to replace local taxes, it must be used entirely for legitimate projects within each unit of government where other funds are not available. This enables the local officials to meet needs which arise that are legitimate for the well-being of their propsective areas.

The plan of a fixed one-time grant with local authority to use the funds in the most desirable manner has not only proved to be satisfactory, but also has eliminated the loss of a great deal of the money which might have been spent on costly project reviews and "red tape" in federal supervision. If the categorical system had been followed the federal government would have to pass on the validity of every project before the money was issued, and that would mean a loss of time and a great waste of the funds. More than 450 units of government in North Carolina have this year petitioned the federal government to continue the Revenue Sharing Plan for another period of years. Scotland Neck has joined these 450 units in their approval for continuation of the system.

All that is required is that the various units of government have honest officials to handle the funds and to use them properly. It should always be easy to meet these two conditions. It certainly is in Scotland Neck, and the County of Halifax. The program is valuable and should be continued by Congress. Write your Congressman and urge his approval.●

YOUTH SERVICE PROGRAM HUMANITARIAN AWARDS TO EMMA JANE AND TOM RILEY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. MILLER of California. Mr. Speaker, as the chairman of the House Select Committee on Children, Youth, and Families, I call upon all Members of the Congress to join me in honoring Emma Jane Riley and Tom Riley on their receipt of the Humanitarian Award of the youth service program.

Both Emma Jane and Tom have demonstrated their deep personal commitment to the well-being of children in Orange County, Calif., and throughout our State. Theirs is an extraordinary personal concern which serves as a model of dedication and volunteerism for every American to follow.

Emma Jane and Tom have been the most influential fundraisers for a number of important, community-based service organizations. They have chaired the annual Sister's Fund for Youth Fashion Show, which has featured many prominent leaders of the Orange County community. They also chaired the Executive Walk and served as members of the Women's Cabinet, in conjunction with the March of Dimes fund drive.

Mr. Speaker, we are all aware of the great national tragedy of family violence, and this House will soon vote to strengthen the Child Abuse Prevention and Treatment and Adoption Reform Act. The need for this legislation has been tragically demonstrated in the last several years, as the incidence of child abuse and domestic violence has grown rapidly. We know that community-based shelters and treatment facilities provide essential and valuable aid to abuse victims of all ages and from all social and economic backgrounds. For that reason, I want to particularly commend the Rileys for their leadership in the fund drive for the construction of the Orangewood Home for Abused and Battered Children in Orange County.

The other groups and organizations which Emma Jane and Tom Riley have supported read like a compendium of children's organizations in their community. A total listing would be exhausting, but let me cite just a few of those who have benefited from the tireless efforts of these outstanding citizens: the Braille Institute; International Orphans, Inc.; the Children's Hospital of Orange County; the United Way; the Leadership Council for Orangewood; the Orange County toys for tots program; Big Brothers of Orange County; Angelitos de Oro; Women's Cabinet of the March of Dimes; the Executive Walk; March of Dimes; Mardan Center for Educational Therapy; the Albert Sitton Home; the Sisters of the Society Devoted to the Sacred Heart; the Girl Scouts; and the Boy Scouts.

Last, but not least, the youth service program, which has chosen Emma Jane and Tom for their Youth Service Award. They could not have chosen two more selfless citizens who have committed their total energies to the betterment of the lives of children.

All of these efforts have served to improve the well-being of children through the private, voluntary, and charitable sector. I also want to men-

tion, however, Tom's public service as a member of the Orange County Board of Supervisors, on which he has served as the county's leading defender of programs that serve children in need. As we have tried to demonstrate on the Federal level in the Congress, Tom has shown that preventive service programs for children are cost effective, that they work, and that they save far more in the long run than we could save by ignoring the needs of our children and their families today. Tom also served as a brigadier general in the U.S. Marine Corps, and as the inspector general of the Corps before entering political service.

Mr. Speaker, as a Member of Congress who has focused much of his legislative activity on the betterment of our children, and particularly as the chairman of the Select Committee on Children, Youth, and Families, I recognize that however sound the programs we write in Congress, success depends on the commitment and the efforts of concerned men and women in the communities of this Nation. Emma Jane and Tom Riley are glowing examples of that commitment where the programs are run and where the services are delivered: at the local level.

I salute their long record of commitment and achievement, and I know that every Member of this body joins me in congratulating them on receiving the YSP Award and in thanking them personally for their many philanthropies on behalf of children.●

HOMETOWN BOY MAKES GOOD

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. HOPKINS. Mr. Speaker, word of mouth in a small town is the best advertiser, and it is refreshing to learn that Time magazine heard the message from our small town, Georgetown, Ky.

John Haggin Cooper, of Georgetown, was named "Time Magazine Quality Dealer for 1983"—in spite of the fact that he is the smallest volume dealer of the 14 national winners to date, selling 10 or 11 new cars or trucks every month.

Some of the biggest men I know come from small towns, and John Haggin Cooper is the latest example of a hometown boy making good.

I could not be prouder of John Haggin, because his reputation as a man who will treat customers fairly, who can be trusted, and who also contributes to his community, has stretched all the way to such metropolises as Lexington, Winchester, Cynthiana, Frankfort—and beyond.

As John Haggin Cooper's Congressman, I include in the CONGRESSIONAL RECORD a feature about him, written in the May issue of Automotive Executive:

[From the Automotive Executive, May 1983]

JOHN HAGGIN COOPER: A BIG FISH IN ANY POND

(By Ben Pope)

Georgetown is Kentucky personified. It was in the heart of the burley tobacco belt and thoroughbred horse country—Georgetown—that bourbon whiskey was discovered accidently when a cooper went to sleep and scorched the inside of an oak barrel. The resulting liquor had a smoothness and taste that says "Kentucky" around the world.

Georgetown is also the home of Logan, Haggin & Cooper Ford and its "manager," John Haggin Cooper, who was named Time Magazine Quality Dealer of the Year at this year's NADA convention. John Haggin Cooper may well be the personification of the smalltown auto dealer, but it didn't start out that way.

John Haggin Cooper had as glamorous and exciting an introduction to manhood as a self-described country boy could ask.

A football scholarship to the local college. A trip on a luxury liner to Europe as a member of a dance band and a summer of kicking around a continent preparing for war in 1939. ("Everyone knew it would start as soon as the harvest was in.")

A stint at the state university and then enrollment in the first "Ninety-Day-Wonder" class at the Naval Academy at Annapolis. Service as an ensign on a destroyer in the North Atlantic, including some time with the British survivors of Dunkirk who were regrouping in Iceland.

Flight training when he reached the required 21 years of age. Aircraft carrier landings. A crash, recovery and reassignment to multi-engine aircraft. ("The PBY was the only plane that moved faster off the assembly line than in the air.")

V-E and V-J days, back to college and finally a degree from the University of Virginia, his fourth school of higher learning and almost 10 years after he started at Georgetown College.

An agent with the FBI. Washington. Hollywood. Miami. Keeping track of Bugsy Siegel, Mickey Cohen, Johnny Roselli and that crowd and playing a bit part in a black-and-white thriller with Lloyd Nolan and Broderick Crawford. ("Mr. Hoover was in his 40s then and energetic. We got paid $4,800 a year for a 48-hour week, but he expected you to work 70.")

In 1950, all this came to an abrupt halt. John Haggin Cooper's father needed help with his Ford dealership in Georgetown. There was never a question whether he would come back. And he has never regretted it.

Neither have the people of Georgetown. John Haggin ("Half the people call me John Haggin. Half call me Johnnie. After this interview, you'll call me dull and boring") goes quietly about doing things for the community and its people.

And he sells cars. Not a lot of them. But about eight out of 10 who buy from Logan, Haggin & Cooper come back for seconds, thirds and fourths. His employees are also loyal. The nine employees have been working there an average of about 15 years.

These are some of the factors that led to John Haggin Cooper being named Time Magazine Quality Dealer of the Year for 1983. He is believed to be the smallest volume dealer of the 14 national winners chosen to date. When factors such as community service, customer loyalty, profitability, ethics, employee attitude and share of market were fed into a computer at the University of Michigan's Graduate School of Business Administration, John Haggin's name led all the rest.

"I couldn't have been more amazed," he says. "When they got the 20 finalists out there on the stage at Las Vegas and started talking about the winner, I guess I wasn't paying too much attention. They mentioned that the winner had been a Navy pilot, but I thought, 'So were a lot of guys.' Then they mentioned the FBI and I thought, 'Wait a minute. My God, it might be me.'

"Of course, I didn't have any remarks prepared, so I just told them I was pleased to accept the award before I had to file under Chapter 11."

Things certainly don't seem that bad at Logan, Haggin & Cooper. (Logan and Haggin were financial backers of John Cooper's father, Henry M., when the dealership was established to sell Fords in 1917, but they never took an active part.) Still located in the original building, which is listed as an historical landmark, the dealership is small but busy. The 3-car showroom (a new Thunderbird fills it pretty well by itself) is backed by a large service area that, among other things, keeps most of the town's police and sheriff patrol cars moving.

A used-car lot, which on good months moves about 15 cars and trucks, is around the corner on Georgetown's main street. And a new-car stock of about 20 is across the street from the showroom next door to the county court house. In the 70s, the dealership used to sell about that many every month. Today, it's more like four to six new cars and maybe five new trucks per month.

But John Haggin makes a profit ("more than some 300-car-per-month dealers I know") by keeping overhead low, giving good service and treating customers fairly.

"There's no magic to running an automobile dealership, and every dealer knows what his problems are. Some work at correcting their deficiencies while others don't. It's as simple as that," John Haggin says.

"In a small town like this, if a customer feels something isn't right, he doesn't have any layers of management to go though. He comes right here to see me, and we work it out. I have a feeling that's the best advertising we've got," he says.

In the community, John Haggin is just as direct—although less visible—than he is as the only salesman and owner of an auto dealership.

He is a member of many local and state groups but shuns holding office. He is almost constantly raising funds for various Democratic candidates but has never sought an elected position. He also spends most weekends helping the Sisters of the Visitation at nearby Cardone monastery. John Haggin was instrumental in getting two elevators installed for the aging nuns and their nursing home patients.

At the same time, one gets the impression that he can still be as spirited as he was as a Navy pilot on leave. Like all "real" Kentuckians, he is frequently at the track expressing his monetary opinion on which horse will run fastest. He has front-row season tickets for University of Kentucky baseball at nearby Lexington. And he has one of the finest mint-for-juelps patches in the area.

But what John Haggin treasures more than even his Wildcat tickets are his roots and his many friends. The roots, and a great admiration for his father, brought him back

to Georgetown and away from the bright lights.

"Dad couldn't get any help and he was just beginning to get some cars after the war," he says of his return home. "He said to me that after the blood, sweat and tears of starting up the dealership, I could come back and take all the glory for selling a lot of cars."

Actually, times were just as exciting at the beginning in 1917. Crews from the dealership would go down to the train depot and assemble Model Ts shipped in from Dearborn. Henry Cooper was selling 150 cars a month. Of course, he had to teach his customers to drive first, but it was all great fun. To prove the advantages of the new horseless carriage, Cooper accepted a challenge from the owner of a fine trotting horse for a race from the livery stable to the bridge over the creek on Cincinnati Pike. The horse won by a confortable margin as the whole town cheered and paid off bets. But the Fords kept selling.

John Haggin likes remembering the past. It's good to recall the summer of '39, the good buddies in the Navy, the days with the FBI, and, most of all, the relationship he had with his parents.

But John Haggin works for the future: for his community, for his friends, for his "bride," Elinor, and their two children.

John Haggin Cooper seems to be what the TMQDA is all about: a man who can run a business well and still have time to give something back to the community.●

THE HAZARDOUS WASTE REDUCTION ACT OF 1983

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. WYDEN. Mr. Speaker, Congresswoman SCHNEIDER and I, along with 62 of our colleagues, are today introducing a bill to provide an equitable and economically attractive way to help reduce the hazardous-waste problem in this country.

Entitled the "Hazardous Waste Reduction Act of 1983," our bill reauthorizes the superfund in a manner that provides a direct economic incentive for hazardous-waste reduction, recylcing, and the use of other alternatives to land disposal—the least desirable method of disposing of hazardous waste.

This bill is a revision of legislation we introduced earlier this year, H.R. 2503, and is the product of discussions with the chemical industry, the hazardous-waste-treatment industry and the environmental community.

These discussions have focused on strengthening the bill's basic concept: To reauthorize the superfund through a fee system that establishes an economic disincentive for hazardous-waste generation.

We believe these revisions make this bill a stronger, improved version of our original legislation.

What is our rationale for this tail-end fee system?

Anyone who skims the newspaper headlines these days knows that hazardous waste and its disposal are major problems.

One of the most publicized reasons for this dilemma is the failure of Federal and State agencies to enforce existing laws.

What has been virtually ignored is the fact that the failure to enforce the superfund is really only a small part of the problem. A root cause of our growing hazardous-waste problem is the basic structure of the law under which we finance the superfund—a law which is a textbook case of distorted economic incentives.

Today the superfund is financed by a fee on chemicals and petroleum that are used in the manufacturing process.

That fee has absolutely no logical connection to the actual amount of waste disposed.

Thus, at present, there is no economic incentive for any producer of hazardous waste to recycle or to treat the waste so as to reduce its degree of hazard.

Under current law, industry gets no more economic reward for recycling—or permanently ridding us of the waste—than it does for transporting hazardous waste to the nearest landfill—where the threat to public health and welfare remains.

Our bill makes the Superfund more equitable and more effective by creating a logical connection between the tax paid, and the ultimate quantity of waste produced; and the quality of management of that waste.

When the Superfund was first enacted, the current approach made sense. At that time, we simply did not know who generated waste and what kinds they generated. Collection of the tax from the 100 or so major oil and chemical companies was a tractable approach. Now, however, we have a better picture of who generates waste, what hazards it poses, and where it is ultimately going to.

Our bill capitalizes on the improved knowledge of hazardous waste in America. By shifting the tax to one on the amount of wastes actually disposed, our bill gives corporate managers—those best able to directly influence plant operations—the ability to see up front what costs they will face for a given disposal option.

The disposal of wastes would then become a direct cost of doing business and would enter into the domain of bottom-line management decisions.

Thus, process changes that will reduce the amount of waste generated or the use of alternatives to land disposal, such as recycling, will be rewarded by lower taxes, and therefore, become more desirable options.

The major change from our earlier bill is the dramatically simplified tail-end tax structure to be employed in financing the Superfund. Our new bill imposes a tax on the land disposal of hazardous waste. The tax rate is higher for the land disposal of toxic hazardous waste than it is for the disposal of nontoxic hazardous waste. No tax is charged for recycling, reuse, or treatment of hazardous waste.

Another change is the increased authorization for EPA grants to States for enforcing their hazardous-waste programs and for encouraging the use of hazardous-waste-recycling techniques. Our bill now authorizes at least $200 million annually for EPA State grants.

Finally, we have included a new section to contribute to better tax collection and enforcement under the tail-end tax. Specifically, EPA and the Department of Treasury, in conjunction with the States, are to implement means for estimating expected hazardous-waste generation on an annual basis. This will provide a benchmark with which both EPA and the IRS can discern the magnitude of any underreporting of waste production that may occur.

Our bill discourages hazardous-waste land disposal through rational economic incentives. The benefits of this approach in terms of the overall reduction of risk to public health and safety from land disposal are enormous.

Congresswoman SCHNEIDER and I look forward to working with the relevant committees on bringing this concept to the forefront of the Superfund reauthorization debate.●

PREPARE FOR PEACE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mrs. COLLINS. Mr. Speaker, I recently introduced Gertrude Berger, a representative from CRAFT, Concerned Rank and File Teachers, a caucus within the Chicago Teachers Union. She spoke of the plight which has beset the educational system in Chicago. Money has been funneled into the buildup of our military program, at the direct expense of our academic curriculum. This drain of funds and mind power must come to an end.

I have gone on record as supporting programs which reduce defense within reason and will continue to do so in the form of the Dellum's fiscal year 1984 defense appropriations alternative. It is not to say that we should abolish our defense budget and its appropriations—far from it. However, we must be as prudent and as conscious with our military allowances as we have been with other programs.

Today, I would like to present the statement made by Douglas Dobmeyer, Director of Residents for

Emergency Shelter (REST) who also spoke at the April 23, 1983 public hearing sponsored by the Chicago Peace Council. The purpose of this gathering was to outline a plan to meet the most pressing needs facing Chicago by redirecting Federal funds back toward social programs and away from wasteful military spending.

Listen to the words of Mr. Dobmeyer. Instead of preparing for war, Mr. Speaker, we should be preparing for peace.

The following material was submitted for the RECORD:

RESIDENTS FOR EMERGENCY SHELTER

Testimony to forum sponsored by the Chicago Peace Council at Kent College of Law, April 24, 1983.

My name is Douglas Dobmeyer, Director of Residents for Emergency Shelter (REST). REST is a private inter-faith operator of a shelter in the Uptown/Edgewater communities of Chicago. REST has been in operation four years as an emergency winter time shelter.

As the Congress struggles with the current budget debate over the level of defense spending, an increasing number of Americans are homeless. There are reliable estimates of 2,000,000 homeless people nation wide. In Chicago there are an estimated 12,000-25,000 homeless people.

During the just completed program year (November 15, 1982-April 15, 1983) REST provided 13,691 bed nights in Uptown. Our cost of housing a person per night was approximately $1.15. The City of Chicago operated a higher cost shelter at the estimated per bed night cost of $10.00.

These figures illustrate what can be done with two approaches by private and public dollars. While these two examples address part of the problem in Chicago, there is much to be done locally and nation wide.

This brings us to the very serious question of priorities of the use of federal revenues. An increased amount is demanded by the President to bolster our war capabilities. This will be done at the expense of social programs.

We can easily see the effect of this policy over the last two years. There are greater numbers of people homeless, hungry, and without adequate medical atttention.

The President has chosen to say it is wiser to buy a missile, tank, or even bullets than house our two million homeless. There is no rationale for this action. The only outcomes of continued increases of the defense budget at the expense of social programs will be:

(1) An increase in the number of homeless,

(2) continued deterioration of the family units of the homeless,

(3) an increase in the prospects of war—since the U.S. has tended to use it's capacity of technology in prior wars,

(4) eventual use of the poor as soldiers in a future conflict.

It is difficult to compare the cost of a bed night to a missile. But I believe it would suffice to say the homeless issue could be addressed very nicely by the cost of several missiles.

I would urge the Congress to take an aggressive stance against the administration with the question of defense budget increases v. social welfare cuts. This is clearly a question of bread or guns not butter or guns.●

SOVIET ACQUISITION OF AMERICAN TECHNOLOGY

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mrs. BYRON. Mr. Speaker, with the reauthorization of the Export Administration Act scheduled before July 30, Congress must be concerned with the efforts of the Soviet Union to acquire technology that is developed in the United States at great cost. This technology is being applied extensively in the Soviet military effort, so in effect our own technology is now being used to threaten us. In addition to the security problem, this technology drain also causes serious economic hardships for the American firms who have spent years and millions of dollars on research and development, only to find the Soviet Union getting equal products from our allies without having to incur such costs.

I have introduced the Strategic Trade Act of 1983 (H.R. 483) which will strengthen export controls on militarily sensitive technology in order to halt both the illegal and legal flows to our adversaries. I urge my colleagues to pay careful consideration to this matter, and I refer them to this excellent editorial elaborating the issue in the Hagerstown Morning Herald of May 16.

The editorial follows:

SOVIETS RIDING HIGH ON U.S. TECHNOLOGY

A recent report by the Office of Technology Assessment says in effect that the Soviet Union is sharing in the benefits of U.S. technological gains but there is little that we can do about it.

The study said the Russians are making a "massive high-level effort" to obtain Western technology for military purposes by both legal and illegal means. But U.S. trade sanctions against Moscow probably made no "real economic difference" and did little to alter Soviet policies. They may also have damaged the U.S economy more than the Soviets, the OTA believes.

The United States has only limited power to deny the Russians access to such technology through export licenses, according to the report. Restrictions on the effectiveness of this power grow out of the "the extent to which the Soviets use illegal means to acquire Western technology," a lack of allied agreement on a tougher export-control policy, the difficulty of knowing in advance which technologies will prove important in a military sense, and the speed with which such technologies spread around the world.

The report brings to mind the Marxist-Leninist belief that capitalism will sell communists the rope to hang it with.

It also raises new doubts about the long-term benefits of the arms race to the West. Although we have industrial and technological superiority, any gains that we make militarily can be overtaken in a short time if the Russians do not even have to bother with the research and technological problem-solving that go into our advances.●

AGRICULTURAL DEVELOPMENT IN PUERTO RICO

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. CORRADA. Mr. Speaker, I would like to call to the attention of my colleagues an ambitious development plan in Puerto Rico which was begun following the 1981 termination of the food stamp program in Puerto Rico.

As Members know, Puerto Rico was removed from the Federal food stamp program and a 3-year "block grant" for the annual fixed amount of $825 million took its place.

Puerto Rico had to come up with a new nutrition assistance plan which has been in place for almost a year since the new program began last July 1, 1982.

In developing broad flexibility for our new nutrition assistance program, the U.S. Department of Agriculture gave considerable attention to the kinds of option Puerto Rico could use. In addition, the USDA formal regulations gave our island government the authority to use a portion of the block grant for agricultural development projects with the eventual goal of helping move the island toward more agricultural self-sufficiency.

The Puerto Rico Department of Agriculture was given the responsibility to develop these agricultural projects and after careful review of options, the department set forth various priorities and has begun to implement an initiative involving the private sector through a loan program which will eventually be repaid into a revolving fund—one that I suggest holds great promise for agricultural development in Puerto Rico.

A recent article in the San Juan Star of May 15 by Star reporter Maggie Bobb describes the activities we have begun, using a portion of Federal assistance under the nutritional assistance block grant.

I commend it to the attention of my colleagues.

NUTRITION FUNDS ARE PUT TO USE

(By Maggie Bobb)

The Commonwealth has begun to spend $15 million of its Federal block grant for the program of Aid to Nutrition on projects to improve production and marketing of seven major foods—milk, eggs, pork, chicken, beef, vegetables, and shrimp.

Both the milk and egg programs are already under way, and the others are in various stages of preliminary approval.

Use of PAN funds for agricultural projects is overseen by the U.S. Department of Agriculture. Supervision comes from the local Department of Agriculture.

A new division of the department—known as the Agro-Industrial Development Fund, and seen by Governor Romero as eventually fulfilling a Fomento-like role—is in charge

of the $15 million project which will provide loans to food producers at six percent interest.

As the first $15 million is paid back to the AIDF, new projects will continue to be sponsored, and the fund will become a revolving credit mechanism.

Principal coordinator for the project is Thomas Dickey, an agricultural economist assigned by the Governor's Financial Council as economic adviser to the Agriculture Department. He explained the scope of the program recently in an exclusive interview.

"Only integrated projects, involving groups of farmers, can qualify," Dickey said. "This is primarily a development program, which selects problems in local agriculture and tries to solve them." The main thrust of all the projects approved by the AIDF so far is to help local farmers compete with imports by improving their marketing and production facilities.

Another requisite, in line with the Reagan administration's emphasis on the role of private enterprise, is that the facilities that are set up, such as packing operations, must be private corporations in which the farmers invest and participate.

The following is a list of projects that have received preliminary or final approval by the fund:

Pigs: The fund has given preliminary approval for a $1.9 million loan to a corporation of pig farmers, the Corporacion de Productores de Cerdos, which will set up a fattening and processing operation, possibly using the Cidra slaughterhouse.

Until now, local pigs have usually been fattened to only 140 pounds and sold as "lechon," or whole carcasses. "The lechon market is pretty well saturated," Dickey said, "but local supermarkets are importing cuts of pork, like pork chops, to meet consumer demand." The pig project is designed to enable local producers to compete against the package imports.

It will involve bringing piglets to the island and fattening them to about 200 pounds, as is customary on the mainland, through new technology. A farmer-owned corporation will run that phase of the project. Then the pigs will be slaughtered, pre-cut and packaged at the slaughterhouse, which is to be operated by Molinos de Puerto Rico, with an approximately $1 million investment, and half the corporation stock. The rest of the slaughterhouse corporation will be owned by the farmers. Once the first stage is under way, the plant operations may be expanded to make sausages, Dickey said.

Chickens: A similar operation is planned for broiler chickens. The fund will loan $1.1 million to two local chicken producers, To-Rico and Pollos Picu, so that they can each set up a packaging operation. Now, neither plant has cutting of packaging facilities.

The new facilities would enable local producers to compete with imported chicken parts that now have most of the market, Dickey said. In addition, he added, it will enable the local government to make rules to protect producers.

Dickey explained that according to USDA rules, if a whole chicken is not completely perfect, for example if it has a lesion on its leg, it must be graded "C" rather than "A". When the local producers have packaging facilities, they could cut up any such chicken into parts, all of which except the leg would then be graded "A". Once there is that local capacity to produce Grade A chicken, Dickey added, the government can then make regulations dealing with all Grade C birds, without being accused of discriminating against imported chickens. However, the regulations would tend to cut down on Grade C imports, thus favoring local producers, he said.

Beef: Plans are in the works to set up a packaging operation for local beef, similar to that of pork. It has not yet been decided who will participate or how much funding will be provided.

Milk: Construction is already under way on the new Indulac plant to process sterilized milk which, it is hoped, will replace the imported cartons of low-fat, non-refrigerated milk on supermaket shelves. The final contract for a $1.2 million loan has been formally approved by the Agro-Industrial Development Fund board and the Secretary of Agriculture, who has the final word after receiving the board's advice.

Indulac—a corporation owned by the island's milk processors and 610 dairy farmers—has invested the additional $2.5 million needed for the plant.

Eggs: Loans of $1.6 million have been approved for Avicultores Unidas, a corporation of 21 chicken farmers from the northeast area, which will operate an egg-classifying and processing plant in a Fomento building in Caguas.

The problem, according to Dickey, was that the small operators were unable to compete in the market with the larger producers. The processing plant is expected to have the capacity to classify and package eggs at the rate of 100 cases an hour. In addition to setting up the plant, the farmers will receive about $350,000 of the total funding to refinance and modernize their operations.

Equipment is already being installed in the plant, which should start operating at the end of June.

Shrimp: A commitment, conditional on the company's presenting evidence of having received sufficient private investment, has been made for a loan to a shrimp-producing company. The firm, Aquaculture Enterprises Inc., is to get a $1 million loan for an operation in Cabo Rojo. The property was purchased from Shrimps Unlimited, which ceased producing shrimp in 1982.

Studies indicate the AEI expects to eventually produce 420,000 pounds of shrimp a year on 120 acres, using a new technique called the Weyerhauser system which is supposed to reduce cannibalism. One of the major problems in raising fresh-water shrimps in artificial ponds, as AEI plans, is the fact that larger shrimps tend to devour the smaller ones. The technique is intended to keep all shrimp in a given pond at approximately the same size.

Meanwhile, a proposal is being made for a $1 million loan to the Santa Isabael vegetable program. However, none of the plans proposed to the AIDF so far has been accepted, Dickey said. The intention is to give no money directly to the farmers, but rather to organize them into a corporation that would operate a modern cooling and packaging plant.

The latest idea is to attempt to include an outside marketing expert, with access to the lucrative mainland markets, as one of the investors in the plant. Dickey said the thought is that having a firm with marketing expertise involved would help steer the local farmers toward planting the right crops at the right time to take advantage of the best marketing conditions.●

RAILROAD COAL TRANSPORTATION RATES IN NEED OF BETTER REGULATION

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. BOUCHER. Mr. Speaker, I rise today to commend my distinguished colleague from West Virginia (Mr. RAHALL) for his initiative in drafting legislation vital to our Nation's coal industry. I am pleased to join with Mr. RAHALL in cosponsoring H.R. 2584 which will restore a much needed balance to the Interstate Commerce Commission's rulings under the Staggers Rail Act.

To the detriment of our Appalachian coal industry, the ICC has failed to recognize the dual goals of the Staggers Act: Revitalization of the rail industry and protection of captive shippers, who have no reasonable alternatives for transporting their goods. Focusing on the former goal to the exclusion of the latter, the ICC has dealt devastating blows to the coal industry and to other captive shippers.

Recent decisions by the ICC reflect a pattern of insensitivity both to the intent of Congress and to the seriousness of the coal industry's current economic problems. The ICC has sanctioned the railroad's efforts to force captive shippers to pay a disproportionate share of the railroads' fixed costs. It has allowed exorbitant increases in rail rates. Just recently the ICC has lifted all regulatory restrictions on rail rates for coal bound for export. These actions are not consistent with the intent of Congress to protect captive shippers.

The measure of deregulation bestowed by the Staggers Rail Act has not induced the rail industry to reduce its rates. On the contrary, since the passage of the Staggers Act in 1980, transportation costs for coal shipments have risen by 50 percent. With over 65 percent of all coal produced in the United States transported by rail and some 85 percent of that portion captive to the railroads, the effect of continued rail rate increases will be devastating to the coal industry.

In my own district, where unemployment in the coal-producing counties ranges between 20 and 36 percent, large and small producers alike are calling for rail rate relief. Coal companies in southwest Virginia have informed me that the cost of transportation has become a major factor in the delivered price of coal. Some companies are shipping coal under contracts where the rail costs, in fact, exceed the price of coal production.

In analyzing the effect of the export coal regulation exemption, the ICC itself notes that appreciable increases

in coal freight rates will diminish the growth in demand for U.S. coal in the world market. According to the ICC's own projections, this reduced demand for export coal may result in significant reductions in coal production in some areas, including my home State of Virginia.

Such reductions will take a heavy toll on the already depressed economies of coal-producing areas, bringing unemployment to crippling levels. Beyond the coal-producing areas, the effect will be to move the Nation away from our important goal of energy independence.

Mr. Speaker, with unemployment in the coal industry now at record levels, with the memory of severe energy shortages fresh in our minds and with our national balance of payments continuing to be a major drag on the economy, Congress must act quickly to reafirm our commitment to the dual purposes of the Staggers Rail Act.

I urge my colleagues to join with me in this effort in strong support of the gentleman from West Virginia's legislation, H.R. 2584.●

CONGRESSIONAL SALUTE TO HON. SALVATORE CANNATA OF CLIFTON AND PASSAIC, N.J., 1983 MAN OF THE YEAR, PASSAIC CHAPTER OF UNICO NATIONAL

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. ROE. Mr. Speaker, on Friday, June 3 residents of the county of Passaic, my congressional district and State of New Jersey will gather together in testimony to an outstanding community and business leader, distinguished citizen and good friend, Hon. Salvatore Cannata of Passaic and Clifton, New Jersey, whose standards of excellence throughout his lifetime have earned him the highly coveted citizen's award of one of our most prestigious Italian-American organizations—the 1983 Man of the Year of the Passaic Chapter of UNICO National. I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to him, his good wife Francis, and children Carmela Cannata Abonyi, Frank Cannata, and Vincienne Cannata as we celebrate this milestone of achievement in their family endeavors.

Mr. Speaker, Our Man of the Year Sal is the son of Carmela and the late Frank Cannata. He attended local schools in Passaic County and received a degree in meat processing, inspecting and slaughtering from Rutgers the State university.

We are especially proud of Sal's compassion, dedication and unselfish endeavors on behalf of our people. He is a strong advocate of preventive consumer protection and for the past 5 years has served as director of the Passaic County Department of Consumer Affairs. As you know, the consumer affairs division is an important integral part of government's responsibilities in protecting the consumer through its functions, policies and procedures so that consumers may know where services are to be found, what regulations consist of, and how to participate in these activities; develops and monitors procedures for handling consumer complaints and followup actions; and analyzes consumer complaints for policy and program evaluation purposes.

Consumer affairs helps our people on consumer-oriented issues to prevent fraud and provide the necessary consumer and economic information for all of our citizens to make well thought-out choices in the marketplace. Sal Cannata has made a major contribution to this nationwide effort. He served as director of the Passaic County Department of Consumer Affairs since 1978 and served initially as deputy director since the inception of this important Passaic County entity in 1975. He is also the consumer affairs local assistance (CALA) program officer of the New Jersey State Division of Consumer Affairs. In 1976 he was appointed by the Governor of our State to the New Jersey State Citizens Consumer Affairs Advisory Board and was reappointed to subsequent terms in 1977, 1978, 1979, and 1980.

Mr. Speaker, Sal's personal commitment to the economic, social, and cultural enhancement of our community has been a way of life for him. His business acumen and expertise has enabled him to achieve success in the business community. As a young man he worked as a clerk in his father's food market in Passaic and for three decades, as an adult, owned and managed a thriving "Cannata's Superette" in the city of Passaic. The success of his entrepreneurship stemmed from his willingness, congeniality and eagerness to assist and serve his customers.

On one occasion when a customer of limited means desperately needed a wheelchair, Sal Cannata and his young son Frank took the customer's plight to the people on the "Big Joe Happiness" radio show and raised the necessary funds through donations.

We also applaud Sal's untiring efforts on behalf of our young people. Several years ago he personally donated the funds needed by the Passaic Department of Recreation for a 23-foot swimming pool at Passaic's No. 7 school.

Sal Cannata has been an active participant in the affairs of many civic, veterans, and philanthropic organizations. He has been the chairman of Passaic County's United Way Fund Drive for the past 5 years. During this time the fund has consistently surpassed its projected goals. He is a past commander of Post 200 of the American Legion, Passaic, N.J.

In addition to his long standing commitment as a member of Passaic UNICO, some of his affiliations with professional and civic organizations and in public service to our people included active membership with the following organizations:

Chrysler Customer Satisfaction Arbitration Board; New Jersey State Police Chiefs Association; New Jersey Organization Cystic Fibrosis; State of New Jersey Notary Public; Heart Association; Cancer Foundation; Multiple Sclerosis Association; Clifton Deborah and the Mount Carmel Holy Name Society; New Jersey's County and Municipal Consumer Affairs Council; State Citizens Consumer Affairs and Advisory Committee.

Sal Cannata has also been an active volunteer in the charitable and benevolent activities of the following eleemosynary organizations:

Memorial Sloan-Kettering; Cancer Society; Cystic Fibrosis; March of Dimes; Muscular Dystrophy Association; Arthritis Foundation of New Jersey Chapter; Family Life Counseling (Paterson); Passaic County Handicapped; Leukemia; Heart Association.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life here in America and I am pleased to call your attention to Sal Cannata's lifetime of outstanding service to people and seek this national recognition of all of his good works. I appreciate the opportunity to call your attention to this year's recipient of an award of excellence that expresses appreciation for the untiring, unselfish, herculean efforts of a highly compassionate individual. We do indeed salute a distinguished citizen, good friend and great American—The Passaic Chapter of UNICO National's "Man of the Year"—Hon. Salvatore Cannata.●

STOP THE GOVERNMENTAL LEASING ABUSES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. PICKLE. Mr. Speaker, I am introducing a bill to stop one of the most unusual, ingenious, and costly tax shelters that we've seen in years. Unless they are stopped, they will make large claims on the Federal revenue, waste much of it on middlemen's profits, and frustrate the proper accounting of how the public's money is being used.

Perhaps my colleagues have noticed peculiar stories in the news of recent weeks. One State university wants to sell its basketball arenas to a private partnership, then rent them and use them as if they still belonged to the university. Another college has reportedly decided to do the same thing with its entire campus. Cities around the country are preparing proposals to sell their city halls to tax shelter syndicates, lease them back, and continue to use them as city halls. Firehouses, jails, museums, arts centers, civic auditoriums, and libraries are on the list of public facilities that are being put up for nominal private ownership while still being used as public facilities. Only last week the Government of the District of Columbia revealed its interest in selling many of its buildings to private partnerships and leasing them back. Yesterday, we learned that city officials in Miami are considering a sale-leaseback of the Orange Bowl.

Nor have agencies and departments of the Federal Government itself been inactive. Instead of buying $2.3 billion of its cargo ships for rapid deployment forces, the Navy has agreed to lease them from unknown, private owners. It has similarly agreed to lease hundreds of millions of dollars worth of tanker ships. The Air Force says it is looking into renting, not owning, more than 120 executive jet aircraft and 202 tanker transport bombers. The NASA satellite orbited by the last space shuttle mission proves to be owned by private parties, not NASA, even though the Federal Government is projected to be the only substantial user of the data to be sent back. Weather satellites that the Department of Commerce may put on the market fall into the same category.

Why have governmental units and tax-exempt organizations lately shown so keen an interest in not owning the property they use? Basically, because by putting nominal ownership in private hands, Federal income tax benefits that have been increased in recent years can be claimed from the Treasury and shared by the tax-exempts and the private syndicates.

Passage of the Economic recovery Tax Act in 1981 put into place new accelerated depreciative schedules which will make tax leasing, or leveraged leasing, the financing option of choice for governmental entities across the Nation.

The motor driving this new leasing juggernaut is purely and simply tax breaks. Cities, counties, States, and Federal agencies are given the opportunity under present law to sell tax writeoffs—accelerated depreciation, investment tax credits and interest deductions—that they would never qualify for on their own account.

This new practice will lead to staggering revenue losses and add yet more to the Federal deficit. These deals generate depreciation deductions, interest deductions and possibly investment credits that would not exist if ownership is or remains with tax-exempt entities. In addition, the property may be entitled to tax-exempt financing.

By encouraging this development we're creating literally billions of dollars in new tax shelters and pushing off on the public shaky financing schemes replete with public policy problems.

Just as surely, much of this revenue loss will be wasted. Syndicates and partnerships expect their share. For example, analysis of the Navy's TAKX agreements presented during hearings before the Subcommittee on Oversight of the Committee on Ways and Means indicated that, because of this incomplete passthrough of tax benefits to the Navy, the Federal cost of leasing the ships will be 11 to 12 percent greater than the government's cost of purchasing them outright.

Still another consequence of these deals is that they frustrate a clear accounting of how the taxpayers' money is being used. At the Federal level, an agency's expected procurement costs appear in the budget in full. If instead the agency leases on a long-term basis, only its expected rental payments for the first few years will appear, and no account will explicitly show either the associated revenue loss or the Government's obligations for the remaining rental payments. What may not have been authorized as too expensive if procured may nonetheless be approved if leased, because under current budgeting conventions long-term leasing could appear less expensive. At the State and local level, leasing or similar arrangements may for the same reason lead to the undertaking of projects which could not be bond-financed because of voter disapproval or limits on indebtedness.

The bill that I am introducing addresses these problems. In general, it would require straight line depreciation over extended recovery periods for property used by tax-exempt entities and would tighten the present law denial of investment credits for this property. Let me now summarize the key provisions.

KEY PROVISIONS OF THE GOVERNMENTAL LEASING ACT OF 1983

DEPRECIATION PROVISIONS

A. The bill would require in certain cases that depreciation deductions for property used by tax-exempt entities be computed by using the straight line method and the following extended recovery periods: 5 years for property in the 3-year class; 12 years, in the 5-year class; 25 years, in the 10-year class; and 35 years, in the 15-year public utility class and the 15-year real property class. This is the manner in which depreciation deductions are currently calculated under ACRS for the purposes of determining whether corporate distributions to shareholders have been made out of the earnings and profits of the corporation.

B. Depreciation deducations for mass commuting vehicles eligible for safe-harbor lease treatment under present law would not be affected by the bill.

INVESTMENT CREDIT PROVISIONS

A. The bill would extend the present law denial of the investment credit for property used by governmental units and certain tax-exempt entities to cover—

1. Property used by any foreign person—when income from the property is not subject to U.S. tax—any foreign government, any international organization and any possession of the United States; and

2. Property used pursuant to a contract that purports to be a service contract but is more property treated as a lease.

B. The bill would allow the rehabilitation credit for qualified rehabilitation expenditures for buildings leased to tax-exempt entities—as under present law—but not where the building or rehabilitation expenditure has been financed by a tax-exempt industrial development bond.

EFFECTIVE DATES

A. In general, the bill would apply to property placed in service by the taxpayer after May 23, 1983.

B. The bill would not apply to property used pursuant to binding contracts which on May 23, 1983, and thereafter required the taxpayer to acquire, construct, reconstruct, or rehabilitate the property and required the tax-exempt entity to use it. This exception would apply to property used by the United States only if it is placed in service before January 1, 1984.

For the RECORD, Mr. Speaker, I want to include the complete text H.R. 3110 the measure I have introduced.

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H.R. 3110

A bill to amend the Internal Revenue Code of 1954 to deny certain tax incentives for property used by governments and other tax-exempt entities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF TAX INCENTIVES FOR PROPERTY USED BY GOVERNMENTS AND OTHER TAX-EXEMPT ENTITIES.

(a) GENERAL RULE.—Subsection (f) of section 168 of the Internal Revenue Code of 1954 (relating to special rules for application of accelearated recovery system) is amended by redesignating paragraph (13) as paragraph (14) and by inserting after paragraph (12) the following new paragraph:

"(13) PROPERTY USED BY GOVERNMENTS AND OTHER TAX-EXEMPT ENTITIES.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, the deduction allowed under subsection (a) (and any other deduction allowable for depreciation or amortization) for any taxable year with respect to tax-exempt use property shall be determined—

"(i) by using the straight-line method (without regard to salvage value), and

"(ii) by using a recovery period determined under the following table:

"In the case of:	The recovery period shall be:
3-year property	5 years
5-year property	12 years
10-year property	25 years
15-year public utility property	35 years
15-year real property	35 years

"(B) OPERATING RULES.—

"(i) CONVENTION.—In the case of property other than 15-year real property, the half-year convention shall apply for purposes of subparagraph (A). In the case of 15-year real property, the amount determined under subparagraph (A) shall be determined on the basis of the number of months in the year in which the property is in service.

"(ii) EXCEPTION WHERE LONGER RECOVERY PERIOD APPLICABLE.—Subparagraph (A) shall not apply to any recovery property if the recovery period which would be applicable to such property by reason of an election under subsection (b)(3) exceeds the recovery period for such property determined under subparagraph (A)(ii).

"(iii) SPECIAL RULE FOR PROPERTY WHICH IS NOT RECOVERY PROPERTY.—In the case of any property which is not recovery property, for purposes of this paragraph, the determination of the class in which such property falls shall be made as if such property were recovery property.

"(iv) COORDINATION WITH PARAGRAPH (12).—Paragraph (12) shall not apply to any property to which this paragraph applies.

"(C) TAX-EXEMPT USE PROPERTY.—For purposes of this paragraph—

"(i) PROPERTY OTHER THAN 15-YEAR REAL PROPERTY.—

"(I) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'tax-exempt use property' means any property used by a tax-exempt entity.

"(II) EXCEPTION IN THE CASE OF CERTAIN SHORT-TERM OR CASUAL LEASES.—For purposes of subclause (I), property shall not be treated as used by a tax-exempt entity merely by reason of use pursuant to a casual or short-term lease.

"(ii) FIFTEEN-YEAR REAL PROPERTY.—In the case of 15-year real property, the term 'tax-exempt use property' means any property to the extent used by a tax-exempt entity where—

"(I) the property was financed in whole or in part by obligations the interest on which is exempt from tax under section 103 and such entity (or a related entity) participated in such financing,

"(II) such use is pursuant to a lease under which there is a fixed price purchase or sale option which involves such entity (or a related entity),

"(III) the entity (or a related entity) directly or indirectly protects the lessor from loss on his investment in the property so used, or

"(IV) such use occurs after a sale or lease of the property by such entity (or a related entity) and a leaseback.

Such term shall not include any property (or portion thereof) unless more than 20 percent of the use of such property consists of use described in the preceding sentence.

"(iii) EXCEPTION WHERE PROPERTY USED IN UNRELATED TRADE OR BUSINESS—The term 'tax-exempt use property' shall not include any portion of property predominantly used by the tax-exempt entity in an unrelated trade or business the income of which is subject to tax under section 511.

"(D) TAX-EXEMPT ENTITY.—For purposes of this paragraph, the term 'tax-exempt entity' means—

"(i) the United States, any State or political subdivision thereof, any possession of the United States, any foreign government, any international organization, or any agency or instrumentality of any of the foregoing,

"(ii) any organization (other than a cooperative described in section 521) which is exempt from tax imposed by this chapter, and

"(iii) any person who is not a United States person (but only with respect to property the income derived from the use of which is not subject to tax under this chapter).

"(E) TREATMENT OF CERTAIN CONTRACTS FOR PROVIDING SERVICES.—For purposes of this paragraph and paragraphs (4) and (5) of section 48(a), a contract which purports to be a service contract shall not be treated as a service contract if such contract is more properly treated as a lease of property (taking into account all relevant factors including whether or not such entity controls the property or such entity has a significant possessory or economic interest in the property)."

(b) DENIAL OF INVESTMENT TAX CREDIT FOR PROPERTY USED BY FOREIGN GOVERNMENTS AND OTHER FOREIGN PERSONS.—Paragraph (5) of section 48(a) of such Code (relating to property used by governmental units) is amended by striking out the first sentence and inserting in lieu thereof the following:

"Property used—

"(A) by the United States, any State or political subdivision thereof, any possession of the United States, any foreign government, any international organization, or any agency or instrumentality of any of the foregoing, or

"(B) by any person who is not a United States person (but only with respect to property the income derived from the use of which is not subject to tax under this chapter),

shall not be treated as section 38 property."

(c) REHABILITATION CREDIT NOT TO APPLY TO EXPENDITURES FINANCED BY TAX-EXEMPT INDUSTRIAL DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subparagraph (B) of section 48(g)(2) of such Code (relating to certain expenditures not treated as qualified rehabilitation expenditures) is amended by adding at the end thereof the following new clause:

"(vi) TAX-EXEMPT FINANCING.—Any expenditures in connection with the rehabilitation of a building if any portion of—

"(I) the cost of acquiring such building or any interest therein, or

"(II) the expenditures in connection with such rehabilitation,

is financed (directly or indirectly) by the proceeds of an industrial development bond (within the meaning of section 103(b)(2)) the interest on which is exempt from taxation under section 103(a)."

(2) TECHNICAL AMENDMENT.—Clause (i) of section 48(g)(2)(B) of such Code is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to any expenditure to the extent paragraph (12) or (13) of section 168(f) applies to such expenditure."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property placed in service by the taxpayer after may 23, 1983, in taxable years ending after such date.

(2) BINDING CONTRACTS.—The amendments made by this section shall not apply with respect to any property used by a tax-exempt entity if such use is pursuant to one or more written binding contracts which on May 23, 1983, and at all times thereafter, required—

(A) the taxpayer (or his predecessor in interest under the contract) to acquire, construct, reconstruct, or rehabilitate such property, and

(B) the tax-exempt entity (or a related entity) to use such property.

In the case of any property used by the United States or an agency or instrumentality thereof, the preceding sentence shall apply only if such property is placed in service by the taxpayer before January 1, 1984.

(3) MASS COMMUTING VEHICLES.—The amendments made by this section shall not apply to any qualified mass commuting vehicle (as defined in section 103(b)(9) of the Internal Revenue Code of 1954) which is financed in whole or in part by obligations the interest on which is excludable from gross income under section 103(a) of such Code if—

(A) such vehicle is placed in service before January 1, 1988, or

(B) such vehicle is placed in service after such date—

(i) pursuant to a binding contract or commitment entered into on or before May 23, 1983, and

(ii) solely because of conditions which, as determined by the Secretary of the Treasury or his delegate, are not within the control of the lessor or lessee.●

GOOD GOVERNMENT PROPOSALS

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. DANNEMEYER. Mr. Speaker, good government is at stake in the battle over Federal white-collar pay/stay for performance by the Office of Personnel Management (OPM). Even before the comment period is closed (May 31), the House Appropriations Committee has approved a fiscal year 1983 rider that would prohibit OPM from implementing these proposals. The committee will also consider a similar fiscal year 1984 rider.

In view of the misstatements and misapprehensions about these proposals, I would like to provide Members with information on the March 30, 1983, proposals. However, first let me briefly indicate what these proposals will not do:

They will not dilute veterans preference, and that protection will be reaffirmed.

They will not throw out seniority as a factor in pay raises, promotions, and RIF actions, but rather give performance more weight.

There will not be more of the same performance appraisal systems that now cover merit pay employees (GS-13-15) and the rest of the competitive civil service. The current systems lack the centralized structure, specific rating levels and direct pay consequences (for GS-1-12) permitted by the law.

They will not result in a return to the spoils system. Agencies will continue to do their own appraisals, not OPM, as mandated by 5 U.S.C. 5335(a)(3)(B). Moreover, 2,500 political appointees must cooperatively manage a white-collar workforce of 1.4 million.

These proposals do not violate the letter or spirit of the Civil Service Reform Act which clearly mandates that "Federal personnel management should be implemented consistent with merit system principles. * * *"

OPM did not discover "performance" or unlawfully invent the linkage between performance and rewards. The linkage has been there since 1949, the Classification Act and reinforced in 1978, the Civil Service Reform Act. The problem is that the chain was never strongly forged in regulation. Performance went largely undefined and 99.3 percent of GS-1 to GS-12 employees received step increases in addition to the annual October increase. Appraisal systems among agencies has no uniform, fair logic. Pay and promotion consequences varied. Appraisal became a paper exercise, not a management tool. These patchwork systems do not serve employees or taxpayers.

The new OPM management proposals require refinement. But first they deserve a fair hearing. I trust that this information is helpful.

Current regulation	Proposed
PERFORMANCE APPRAISAL	
GS-1-15:	
Purpose: "use results as basis for rewarding, reassigning, promoting, reducing in grade, retaining, and removing" (5 CFR 430.101).	Purpose focused: "as basis to grant or withhold pay increases or grant merit pay; reassign; promote; retain in reduction in force; reduce in grade or remove" (5 CFR 430.204).
Content: each agency to develop its own—	OPM to standardize appraisal systems (ratings still done by agencies).
Only 1 rating level prescribed: "unacceptable performance.....	5 rating levels prescribed: outstanding; exceeds fully successful; fully successful; minimally successful; unacceptable.
Sanctions: unacceptable performance could result in demotion or removal (5 CFR 432.202).	No change (however, appraisal now also clearly tied to pay raises).
No predetermined allocation of ratings permitted (5 CFR 430.203) (aka "forced distribution of ratings").	Deleted.
Appeals of appraisals permitted	Appeal permitted only for consequences of ratings, not ratings alone (430.204).
GS-16-18 (Senior Executive Service):	
Content: minimum of 3 rating levels under law—fully successful; minimally satisfactory; unsatisfactory (5 U.S.C. 4312).	Adds 2 rating levels: "outstanding" and "exceeds fully successful" to current 3 levels (5 431.204).
Consequences:	
Performance awards require minimum of "fully successful"....	No change since requirements statutory.
Reassignment, transfer, removal for unsatisfactory rating.....	Overall:
	OPM proposals standardize design and criteria for GS-1-18 performance appraisal systems.
	Proposals establish 2-tier system which requires higher ratings in higher steps (7-9) and for faster career ladder promotions (see following sections) (consistent with GAO report, Oct. 30, 1975, p. 31, on private sector practice).
RAISES (within grade—10 steps per most grades, GS-1-18)	
GS-1-12:	
Mandatory: October comparability increase (approximates private sector pay gains).	No change.
Eligible for step increases (approximately 3 percent):	Eligibility defined:
Based on "acceptable level of competence" vaguely defined in 5 CFR 531.401.	Steps 1-6: require "fully successful;" steps 7-9: require "exceeds fully successful."
Waiting period per law (5 U.S.C. 5335): 1 year (steps 2-4); 2 years (5-7); 3 years (8-10).	No change since statutory.
Extra step increase (QSI) may be granted for "high quality performance"—incentive awards described below.	QSI requires "outstanding" rating: increase mandatory for steps 1-3; increase optional for steps 4-9.
GS-13-15 (merit pay managers):	
Mandatory ½ comparability increase	No change.

Current regulation	Proposed
Merit increase based on "current performance appraisal" (5 CFR 540.104, not defined).	Guaranteed other ½ comparability for "fully successful" rating.
Amount between minimum and maximum of grade from pool of funds consisting of comparable step increases and QSI.	No rating levels specified for getting rest of merit increase.
GS-16-18 (Senior Executive Service):	
Performance awards require minimum fully successful rating not to exceed 20 percent of basic pay to no more than 20 percent (OPM figure; law permits 50 percent) of agency SES (5 U.S.C. 5384).	Performance awards based on new 5-level rating system; "fully successful" remains minimum standard under the law.
GS-1-15 Incentive Awards (5 CFR 451):	
Cash award up to $25,000 for meritorious idea or superior accomplishment.	Split into 2 award categories:
By agency up to $10,000; by OPM over $10,000	(1) Performance Awards (5 CFR 531.601): may be nonmonetary as well as cash; may not exceed 15 percent of salary; must be tied to rating, minimum of "fully successful".
	(2) Special Awards (5 CFR 451): clarifies that award for idea or effort beyond assigned job; includes nonmonetary awards; cash up to $25,000 based on measurable cost savings (scale defined); cash awards for nontangible benefits (OPM guidance later).
PROMOTIONS (or time-in-grade restrictions)	
For Career Ladder Positions (mostly secretarial, investigative, computer):	
GS-1-5: max of 2 grades per year	No change.
GS-6-18: max of 1 grade per year	No change (5 CFR 335).
Criteria is "according to merit" where there is work to do in next grade (5 CFR 335.103).	New criteria for GS-9-18 promotions: promotion in one year where recent rating is "outstanding"; 2 years wait where recent rating is "exceeds fully successful"; 3 years wait where recent rating is "fully successful".
	All grades require minimum of "fully successful" for promotion.
REDUCTIONS-IN-FORCE (GS-1-15)	
Law (5 U.S.C. 3502) provides 4 retention factors: tenure (i.e. employment status); military preference; length of service; efficiency or performance ratings—without weighing any factor.	
Regs (5 CFR 351) prioritize factors:	
1st: tenure	Same.
2d: veterans preference	Same, except that law re: veterans with unacceptable performance to be implemented (5 U.S.C. 3502(b)). Unacceptable rating will cause a reduction in subgroup placement.
3d: seniority/4th: performance: credit for performance: 4 years: "outstanding" ratings; 0-3 years: where exceeds minimum.	Performance to precede seniority under performance appraisal system proposed by OPM.
Bumping rights unlimited (bumping anyone in lower subgroups down to GS-1 level).	Bumping limited to one grade below RIFed position.
"Retreat" rights through Federal career progression unlimited	Retreat limited to positions held within last 5 years and broadened to include positions held within current grade.
Area of RIF action	Competitive "area" defined more clearly; competitive "level" more flexible to permit adjustments to bumping employees.
Notice period:	
General: 30 days or more (calendar days)	30 days max and minimum.
Specific: 5 days (to individual)	10 days.
Appeals permitted for any RIF action (5 CFR 351.901)	Appeals limited to demotion, separation, or furlough for more than 30 days; "reassignment" does not permit appeal.●

SENATE—*Wednesday, May 25, 1983*

(Legislative day of Monday, May 16, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, those of us who were present yesterday, who were privileged to see, hear, and feel the opening conversation between the majority and the minority leaders, praise and thank Thee for this remarkable evidence of the strength of the Senate and our Republic. We thank Thee for the honor given Senator BYRD for which he is so eminently worthy. We thank Thee for the comments of Senator BAKER in his response to this honor—for the respect, the admiration, and the affection expressed in their brief exchange. Gracious Father, grant that that spirit may permeate this body of strong men and women. With all their differences personally, geographically, and politically, may their admiration, respect, and affection for one another deepen and demonstrate to the world the unity in diversity which is the hallmark of America's greatness. In the name of Him whose unconditional, universal love binds us all together. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

ENCOMIUMS

Mr. BAKER. Mr. President, this is an awkward time in the sense that I have 1 minute as a result of my own request on yesterday, but I intend to use that minute to good advantage to say three things.

First, I thank the Chaplain for his prayer this morning. I am personally very grateful for his insights and observations.

Second, Mr. President, yesterday it was my privilege to speak, as the Chaplain has remarked on, on the occasion of the Horatio Alger Award for Senator BYRD. I was privileged last night to attend a reception in his honor which was further evidence of the respect and admiration that this city and the Nation hold for the distinguished minority leader.

Third, Mr. President, last evening I was also privileged to host in my office ceremonies in honor of the third annual Everett McKinley Dirksen Award for distinguished reporting of Congress. I wish to take this opportunity once again to congratulate this year's winner, Marty Tolchin, of the New York Times.

The award is to my knowledge the only nationwide award to recognize important journalistic contributions toward understanding Congress and congressional leadership. It is the brainchild of the Dirksen Center, which is a nonpartisan, not-for-profit educational institution devoted to the study of Congress. It is based in Everett Dirksen's hometown of Pekin, Ill., and provides research funds to scholars from throughout the Nation, and prepares conferences and seminars for students and the public.

Marty Tolchin won this year's award over very tough competition. Each year the Dirksen Center asks Members of Congress, academics, and editors to nominate outstanding journalists in television, radio, newspapers, and magazines. The nominees are evaluated by an independent panel of five judges who meet in Washington, D.C.

Robert L. Peabody, professor of political science at Johns Hopkins University, chaired this year's judging panel, and I would like to thank him and the rest of the judges for their tireless work and judgment.

Mr. Peabody notified the center of the selection of Marty Tolchin with these words: We were "unanimous in our opinion that Mr. Tolchin justifies in full measure the criteria set forth for this award. * * * We were also in agreement that readers of the New York Times have profited greatly from Tolchin's incisive and comprehensive coverage of Congress, not only in 1982, but over a long and distinguished career as a reporter of national news events."

Let me once again congratulate Marty, and thank everyone at the Dirksen Center for making this award possible.

I am sure Ev Dirksen would fully approve of this effort by the center named in his honor to foster good reporting, and I am pleased to play a role in this award.

Mr. President, I think I probably have used my 60 seconds.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

Mr. BYRD. Mr. President, I join the majority leader in reference to the prayer by the Chaplain. As Old Testament Psalm 46: says, "Be still, and know that I am God." So the Chaplain perceives all these things and puts them in the great cosmos and he has a broader view. I very much appreciate what he said. That broader perception is one that I wish we all shared.

I thank the majority leader for the magnanimity he showed to me on yesterday, and that he shows every day, for that matter.

Finally, I join with him in congratulating Marty Tolchin, who is a great man in his field. Marty is fair and accurate. He was, I think, most deserving of the award.

I have nothing else.

Mr. BAKER. Mr. President, I believe there is an order for routine morning business at this point.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 10:15 a.m. with statements therein limited to 1 minute each.

H.R. 2973 PLACED ON CALENDAR

REPEAL OF TAX WITHHOLDING ON INTEREST AND DIVIDENDS

Mr. BAKER. Mr. President, a few days ago the minority leader initiated, under the provisions of rule XIV, a process by which H.R. 2973, a bill passed by the House of Representatives dealing with the repeal of tax withholding on interest and dividends, might be placed directly on the calendar. That will happen routinely and automatically after the next adjournment.

I have just advised the minority leader that I am willing for that to happen now by unanimous consent.

After consulting with the minority leader, Mr. President, I ask unanimous consent that the matter be placed on the calendar as if placed there under the provisions of rule XIV.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, there are a number of items that I am happy to report appear to be cleared for action by unanimous consent. We only have 7 minutes set aside for the transaction of routine morning business before we go to the further consideration of the MX resolution.

I would like to bring these to the attention of the minority leader and ask if perhaps he is in a position to clear all or part of them and, if he is, to consider them en bloc. I refer to Calendar Order Nos. 138, 147, 151, 152, 153, 154, 155, 156, 157, 159, 160, 161, 182, and 183.

Mr. BYRD. Mr. President, the items that have been mentioned by the majority leader have been cleared on this side of the aisle. I am prepared to proceed en bloc as he has suggested.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the 14 items just identified, which the minority leader has cleared, be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. TRAVEL AND TOURISM ADMINISTRATION AUTHORIZATION ACT

The bill (S. 212) to authorize funds for the U.S. Travel and Tourism Administration, was considered.

Mr. PRESSLER. Mr. President, S. 212, a bill to reauthorize the U.S. Travel and Tourism Administration (USTTA), was unanimously reported by the Committee on Commerce, Science, and Transportation on April 21, 1983 without amendments. S. 212 would authorize USTTA at $13 million in fiscal year 1984, $14 million in fiscal year 1985, and $15 million in fiscal year 1986. This reauthorization must be approved if the activities of the USTTA are to be continued. The recent level of funding for that agency, which has been gradually dwindling from a 1978 level of $13.5 million, is now at $8.1 million. With this small amount, USTTA has to struggle just to keep its offices open. The funding level authorized by this legislation is still inadequate, but it is a good beginning.

At the same time the United States has been cutting back its efforts in tourism promotion, the United States has been gradually losing its share of the world tourism market. Since 1978, that share has decreased from 13 percent to just over 10 percent today. That represents a loss of $2.5 billion in gross receipts, $387.5 million in taxes, and 71,250 new jobs to the United States.

We must begin efforts now to regain that market and to expand it. International competition for travel and tourism business is keen. Right now, the United States is at the rock bottom of those countries that are aggressively seeking that trade. On the average, the developed countries of the world spend 38 times the amount spent by the United States. Their increasing shares in the world tourism market reflect those figures.

Mr. President, I believe Congress is finally beginning to realize the importance of the travel industry to our economy. S. 212 now has 48 cosponsors. This represents, I believe, a recognition on the part of my colleagues that this is indeed an important industry to develop, and that the Federal Government does, indeed, have an important part to play in its development.

Beginning with the International Travel Act of 1961, the Federal Government has supported efforts to promote foreign travel to the United States. Through the USTTA the Federal Government has operated programs in several foreign countries to disseminate information on attractions and travel opportunities in the United States. The purpose of USTTA is not to advertise or promote individual businesses, but to foster interest in the great variety of geographic and cultural attractions which specific regions of the United States have to offer. It has generally produced a large financial return from these activities. Studies show that promotional spending through USTTA returns $18 for each dollar spent on its promotional efforts. And this does not take into account the multiplier effect of these foreign expenditures as they work their way through the U.S. economy.

Investment in USTTA will help narrow our ever-widening deficits and will certainly help even our balance-of-trade payments. As a jobs creating measure, it is one of the most cost-effective plans on Capitol Hill. The jobs created in this industry are especially helpful to the underemployed service industry workers. This portion of our labor force suffers very high unemployment rates.

Since over 98 percent of the travel and tourism industry is comprised of small businesses, this type of legislation is especially important. Millions of small, family owned businesses have much to offer the international traveler, but lack the sophistication and marketing skills to reach that market. As an effective coordinator, a properly funded USTTA could be a great asset to these businesses.

My home State of South Dakota, where tourism is our second largest industry, is an excellent example. In South Dakota, we have an infinite variety of attractions to offer travelers from around the world. From Mount Rushmore, Crazy Horse, and the entire Black Hills area to the spectacular Badlands region to the eastern plains, rivers and lakes, South Dakota has something for almost any traveler—as do many other States in the United States. In South Dakota, however, these are virtually all small businesses. None of them are able to individually penetrate foreign markets. This is one of the areas that USTTA was specifically designed to address. But it cannot begin to do so with the inadequate funding level it is forced to work under today.

Our second largest service industry in the United States deserves more recognition than it receives today. And those thousands of small businesses and individual workers deserve the right to compete.

Let us get on with it, America. Let us once again begin to effectively compete for our share of this important trade. We have a long way to go, but this legislation is a good beginning. As chairman of the Subcommittee on Business, Trade and Tourism, I will continue my fight to insure that we do, indeed, get back into the world travel market.

Mr. President, I urge all of my colleagues to join me and my 48 cosponsors in support of this measure. This legislation is vital to the travel and tourism industry, and the millions of small businesses and individuals who rely on it for their livelihood.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 304 of the International Travel Act of 1961 is amended by inserting the following immediately before the period at the end thereof: ", $13,000,000 for the fiscal year ending September 30, 1984, $14,000,000 for the fiscal year ending September 30, 1985, and $15,000,000 for the fiscal year ending September 30, 1986".

AUTHORIZATION OF APPROPRIATIONS FOR NONPERFORMING FUNCTIONS OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The bill (S. 778) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(e) of the John F. Kennedy Center Act (20 U.S.C. 761) is amended by striking out the period in the last sentence and adding in lieu thereof ', and not to exceed $4,342,000 for the fiscal year ending September 30, 1984.".

ADDITIONAL APPROPRIATIONS TO THE SMITHSONIAN INSTITUTION

The Senate proceeded to consider the bill (S. 840) to amend the act of October 15, 1966 (80 Sat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act, which had been reported from the Committee on Rules and Administration with an amendment:

On page 2, strike line 3, through and including line 6, and insert the following:

"(b) there is hereby authorized to be appropriated to the Smithsonian Institution $786,000 for fiscal year 1984, $1,000,000 for fiscal year 1985, $1,000,000 for fiscal year 1986, $1,000,000 for fiscal year 1987, and $1,000,000 for fiscal year 1988.".

So as to make the bill read: purposes of said act.

S. 840

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the National Museum Act of 1966 (20 U.S.C. 65a) is amended to read:

"(b) there is hereby authorized to be appropriated to the Smithsonian Institution $786,000 for fiscal year 1984, $1,000,000 for fiscal year 1985, $1,000,000 for fiscal year 1986, $1,000,000 for fiscal year 1987, and $1,000,000 for fiscal year 1988.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

APPROPRIATIONS FOR THE CANAL ZONE BIOLOGICAL AREA

The bill (S. 929) to amend the act of July 2, 1940, as amended, pertaining to appropriations for the Canal Zone Biological Area, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of July 2, 1940 (20 U.S.C. 79e), is amended by striking out ", not to exceed $750,000,".

SEC. 2. The provision in the first section of this Act shall take effect on October 1, 1983.

PURCHASE OF LAND BY THE SMITHSONIAN INSTITUTION

The Senate proceeded to consider the bill (S. 930) to authorize the Smithsonian Institution to purchase land in Santa Cruz County, Ariz., which had been reported from the Committee on Rules and Administration with an amendment: On page 2, line 2, strike "such sums as may be necessary" and insert "$150,000".

So as to make the bill read:

S. 930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Smithsonian Institution is authorized to purchase land in Santa Cruz County, Arizona, for the permanent headquarters of the Fred Lawrence Whipple Observatory.

SEC. 2. Effective October 1, 1984, there is authorized to be appropriated $150,000 to carry out the purpose of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUTHORIZING A BUST OF CARL HAYDEN TO BE PLACED IN THE CAPITOL

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 7) to authorize and provide for a bust of Carl Hayden to be placed in the Capitol, which had been reported from the Committee on Rules and Administration, with amendments, as follows:

On page 1, line 4, strike "the Commission", through and including "'Commission')" on line 6, and insert "the Joint Committee on the Library (hereinafter referred to as the 'Joint Committee')";

On page 2, line 4, strike ", subject", through and including "1968," on line 6;

On page 2, line 10, strike "Commission", and insert "Joint Committee";

On page 2, line 13, strike "January 1, 1984", and insert "January 3, 1985";

On page 2, line 13, strike "Commission", and insert "Joint Committee";

On page 2, line 17, strike "Commission", and insert "Joint Committee"; and

On page 2, line 21, strike "Commission", and insert "Joint Committee";

Mr. GOLDWATER. Mr. President, I am delighted that the Senate is ready to take favorable action on passage of Senate Concurrent Resolution 7, introduced by me for Senator DECONCINI and myself and for the chairman of the Rules Committee, Senator MATHIAS, to authorize the commission of a bust of the late Senator Carl Hayden from Arizona in order to commemorate his unique service in the Senate and to the Nation. The resolution further provides that the bust will be placed in the Capitol or one of the Senate office buildings.

Not only did Carl Hayden serve in the U.S. Senate and the Congress longer than anyone else in American history, but also, his contributions and achievements are virtually unparalled, even though they are not well known because Carl shared credit and worked for results, not publicity.

Carl Hayden's work was done for all practical purposes before legislation reached the Senate floor. He did not go in for flowery speeches aimed at the Press Gallery; he accomplished what he set out to accomplish for his State and Nation and did his real work in committee and behind the scenes.

Carl's family was among one of the original wave of pioneers who settled in the Salt River Valley of Arizona, and Carl was born in the territory of Arizona 35 years before it became a State.

He became the first elected Member of the U.S. House of Representatives from Arizona in 1912 and was elected to the Senate in 1926. His combined congressional service totaled 57 years when he retired in 1968.

Mr. President, I hope the House of Representatives will follow the action of the Senate today by acting promptly and favorably on the resolutions so that we may do a proper job in honoring Carl Hayden, whose record of service will probably never be reached in Congress history.

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

The concurrent resolution, as amended, is as follows:

S. CON. RES. 7

Resolved by the Senate (the House of Representatives concurring), That in honor of Carl Hayden, who served in the United States Congress longer than any other man in history, the Joint Committee on the Library (hereinafter referred to as the "Joint Committee") is authorized and directed to provide for the design and sculpture of a bronze or marble bust of Carl Hayden. The Joint Committee is further authorized and directed, to accept such bust on behalf of the Senate and to cause such bust to be placed in an appropriate location within the Senate wing of the Capitol or any of the Senate Office Buildings, or any room, space, or corridor thereof.

SEC. 2. (a) The Joint Committee is authorized to solicit and accept gifts of property, real or personal, or services to carry out the provisions of this resolution. After Janurary 3, 1985 the Joint Committee shall not solicit or accept any such gifts, and shall expend or use all such gifts before expending any moneys provided for in subsection (b).

(b) Expenses incurred by the Joint Committee in carrying out the provisions of this resolution, which shall not exceed $10,000, shall be paid out of the contingent fund of the Senate on vouchers approved by the Chairman of the Joint Committee.

PRINTING OF A REVISED EDITION OF "THE CAPITOL" AS A SENATE DOCUMENT

The concurrent resolution (Senate Concurrent Resolution 35) to authorize the printing as a Senate document of a revised edition of "The Capitol," was considered, and agreed to, as follows:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document a revised edition of "The Capitol", to be published under the direction of the Joint Committee on Printing with the editorial assistance of the Committee on Rules and Administration.

SEC. 2. In addition to the usual number of copies, there shall be printed five hundred and sixty-six thousand additional copies, of which four hundred and forty-three thousand copies shall be for the use of the House of Representatives, one hundred and three thousand copies shall be for the use of

the Senate, and twenty thousand copies shall be for the use of the Joint Committee on Printing.

SEC. 3. A sum not to exceed $15,000 for travel expenses and photographic expenses incurred in carrying out this concurrent resolution shall be paid from the contingent fund of the Senate on vouchers approved by the chairman of the Joint Committee on Printing.

EXPENDITURES BY THE SELECT COMMITTEE ON INDIAN AFFAIRS

The resolution (S. Res. 111) relative to expenditures by the Select Committee on Indian Affairs, was considered, and agreed to, as follows:

S. RES. 111

Resolved, That Senate Resolution 333, section 21, paragraph (b), 97th Congress, be amended by striking out "$597,710" and inserting in lieu thereof "$600,210"; and be it further

Resolved, That Senate Resolution 76, section 21, paragraph (b), 98th Congress, be amended by striking out "$623,490" and inserting in lieu thereof "$620,990".

EXPENDITURES BY THE COMMISSION ON ARTS AND ANTIQUITIES

The resolution (S. Res. 138) relating to expenses of the Commission on Arts and Antiquities of the United States Senate, was considered, and agreed to, as follows:

S. RES. 138

Resolved, That, effective with respect to the fiscal year 1983 and each fiscal year thereafter, the amount authorized to be expended out of the contingent fund of the Senate under section 5 of S. Res. 382, Ninetieth Congress, agreed to October 1 (legislative day, September 24), 1968, is increased to $22,500.

COMMITTEE ON RULES AND ADMINISTRATION STAFF TRAINING

The resolution (S. Res. 143) authorizing expenditures by the Committee on Rules and Administration for the training of professional staff was considered and agreed to, as follows:

S. RES. 143

Resolved, That section 16(b) of S. Res. 76, Ninety-eighth Congress, agreed to March 2, 1983, is amended (1) by inserting "(1)" after "amount"; and (2) by inserting before the period at the end thereof the following: ", and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act)".

PURCHASE OF CALENDARS

The resolution (Senate Resolution 144) relating to the purchase of calendars was considered and agreed to, as follows:

S. RES. 144

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed $60,320 for the purchase of one hundred and four thousand calendars. The calendars shall be distributed as prescribed by the committee.

STEPHEN B. COUCH

The resolution (S. Res. 145) to pay a gratuity to Stephen B. Couch was considered and agreed to, as follows:

S. RES. 145

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Stephen B. Couch, widower of Pamela S. Couch, an employee of the Senate at the time of her death, a sum equal to seven and one-half months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

DISASTER RELIEF ACT AMENDMENTS OF 1983

The bill (S. 1293) to extend authorizations for appropriations for the Disaster Relief Act of 1974, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Relief Act Amendments of 1983".

SEC. 2. Section 606 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5202), is amended by striking "and to the Federal Emergency Management Agency such sums as may be necessary for administrative expenses through the close of September 30, 1981.". and inserting in lieu thereof ", and zero funds for the fiscal year ending September 30, 1984, and to the Federal Emergency Management Agency $6,300,000 for administrative expenses for the fiscal year ending September 30, 1984.".

DISASTER RELIEF

The Senate proceeded to consider the bill (S. 379) to cancel certain indebtedness in connection with disaster relief activities which had been reported from the Committee on Environment and Public Works with an amendment:

On page 2, line 3, after "1979", insert "and for the payment of interest assessed against them pursuant to this repayment".

So as to make the bill read:

S. 379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Disaster Relief Act of 1974, the Junior Achievement of Jackson, Mississippi, the Jackson, Mississippi, Symphony Orchestra, and the Mississippi Museum of Art are relieved of any liability for the repayment of payments erroneously made to them by the United States for disaster relief activities following the major disaster which was declared in Mississippi in April 1979, and for the payment of interest assessed against them pursuant to this repayment. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the several bills and resolutions were agreed to or passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I might say to the minority leader that that is a big bite out of the calendar. I am happy for that. I express my appreciation to him for his cooperation in the clearances.

There are also a number of items on the Executive Calendar. I believe we are not through with our clearance process yet, but I would hope that during the course of the day we might be able to consider some of those nominations.

Mr. BYRD. I am sure we will be.

Mr. BAKER. I thank the minority leader.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have three requests that also appear to be cleared on both sides. I will state them now for the consideration of the minority leader and other Senators.

ORDER TO HOLD H.R. 2920 AT THE DESK

Mr. BAKER. Mr. President, I ask unanimous consent that once the Senate receives from the House of Representatives, H.R. 2920, a bill to amend title 38, United States Code, to revise and extend certain health-care programs of the Veterans' Administration, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEQUENTIAL REFERRAL OF S. 1110

Mr. BAKER. Mr. President, I ask unanimous consent that S. 1110, a bill to establish a national commission on monetary policy and its relation to fiscal policy, be sequentially referred to the Committee on Banking, Housing, and Urban Affairs for 30 calendar days after it is reported to the Senate by the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY — SUPPLEMENTARY EXTRADITION CONVENTION WITH THE KINGDOM OF SWEDEN, TREATY DOCUMENT 98-4

Mr. BAKER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Supplementary Extradition Convention with the Kingdom of Sweden (Treaty Doc. 98-4) which was transmitted to the Senate yesterday by the President of the United States; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Supplementary Convention on Extradition between the United States of America and the Kingdom of Sweden, signed in Stockholm on March 14, 1983.

It is my desire that the supplementary convention transmitted herewith be considered in place of the Supplementary Extradition Convention with Sweden signed in Washington on May 27, 1981, which was transmitted to the Senate with my message dated July 28, 1981, and which is now pending in the Committee on Foreign Relations (Treaty Doc. No. 97-15). I desire, therefore, to withdraw from the Senate the supplementary convention signed in 1981.

I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the supplementary convention transmitted herewith. The reasons for the substitution mentioned above are explained in that report.

I recommend that the Senate give early and favorable consideration to the supplementary convention.

RONALD REAGAN.

THE WHITE HOUSE, *May 24, 1983.*

HOUSE MX VOTE SHARPLY SPEEDS UP THE NUCLEAR ARMS RACE

Mr. PROXMIRE. Mr. President, a few weeks ago the House of Representatives passed a resolution calling on the President to negotiate a mutual, verifiable nuclear weapons freeze with the Soviet Union. The vote for that resolution was nearly 2 to 1. The House of Representatives had gone on record by a smashing vote to support efforts by this country to negotiate an end to the arms race with the Soviet Union. Yesterday the same House of Representatives voted by a decisive margin to fund research and development for 100 MX nuclear missiles with 10 nuclear warheads in each missile that would be permanently located in land-based, stationary, presently existing Minuteman silos. Clearly this planned deployment would be about as vulnerable and as inviting a target as this Senator can imagine. What kind of deterrent would the MX missiles constitute? Answer: none. Unless the President ordered that each of these missiles be fired within minutes after he received the very first word that a Russian attack might be underway, virtually all of these missiles would suffer destruction. The Air Force only a few days ago announced that the Soviets today could knock out 99 percent of our Minuteman missiles. No hardening could save them. The President would have to use them or lose them. We could not wait. He could not negotiate. He could not select options. We would have to act at once. The Russians could feel confident they could destroy them. They would deter nothing.

Yesterday, the House of Representatives voted for this monstrosity. How in the world does that vote square with the House vote for the nuclear freeze? This Senator has pondered that question and I cannot conceive of an answer. Will this vulnerable, hair-trigger, use-it-or-lose-it nuclear MX missile advance the nuclear freeze negotiations? Are you kidding? First, the President has flatly rejected any possibility that he would trade-off the MX as a bargaining chip. And of course, even if the President wanted to use the MX for bargaining, it would provide a pitifully inadequate basis for any trade-off. The Soviet Union has far more land-based warheads than we do. We have a corresponding superiority in mobile, submarine, and bomber-based, far less vulnerable and less threatening missiles.

Let us face it, Mr. President, the vote of the House of Representatives for the MX is a grievous, tragic setback for arms control. It steps up the arms race. It takes us closer to the holocaust. It flatly repudiates the nuclear freeze vote of only a few weeks ago. That vote was a national tragedy.

MAN'S BEST MEDICINE

Mr. PROXMIRE. Mr. President, on Sunday, May 15, "60 Minutes" did a fascinating segment on the physical and mental benefits that animals can have on humans. Reporter Harry Reasoner interviewed experts in pet therapy and toured various institutions where pets are used for rehabilitation and to provide companionship to the institutionalized. After doing this research, Reasoner came to the conclusion that, in some cases, man's best friend may turn out to be man's best medicine.

His first stop was to a playroom at Chicago's Children's Hospital. Two or three times a month, the Anti-Cruelty Society of Chicago brings in a batch of puppies for a "petting and hugging" session. Many of the young patients participating in this program have cruel debilitating diseases and some are hooked up to technological hardware to keep them alive. As serious as their illnesses are, the pet program has had a dramatic impact on many of the patients. Both doctors and nurses agree that after the puppies visit, youngsters often cooperate much better with the treatment and therapy, thus facilitating their recovery.

At places like Chicago's Bowman Center for the Elderly, pets have, in many cases, helped elderly residents through the process of accepting themselves as aged people, relegated to a different role. Animals have allowed these senior citizens to reach out beyond their loneliness and misery and start enjoying the world around them once again.

Reasoner also visited the Lima Hospital for the Criminally Insane in Ohio. An experimental program was set up there 6 years ago to bring animals in for patients to take care of. A majority of the participants in the program are patients who have been involved in violent crimes against society. Deer and geese that are brought to the outdoor court and smaller animals that are taken inside the ward have sparked dramatic transformations in many of the seemingly hopeless cases. David Lee, social worker in charge of the program, described to Reasoner how the animals have helped patients out of deep depression by acting as a nonthreatening, caring friend; a pleasure in their lives that does not give orders and does not belong to the State.

Statistically significant results have been documented by the hospital in a study comparing wards with and without pets. Those wards that did not have pets had a higher incidence of suicide, more violent on-ward incidents, and the patients needed higher doses of medicine.

Finally, Reasoner spoke with experts on the human/animal bond. Dr. James Lynch, a psychologist at the University of Maryland, did a series of studies on heart patients who had been released from the coronary care units at the University of Maryland Hospital. He divided patients into two categories: Those who owned pets and those who did not. Dr. Lynch's results showed that 94 percent of heart patients who owned pets survived the difficult years following a heart attack as opposed to 62 percent who survived and did not own pets.

Dr. Aaron Katcher, a leading specialist in pet therapy, found that when people speak to other people, their

blood pressure almost always rises. When people speak to animals, their blood pressure remains the same or falls below the level recorded when the subject rests quietly. Dr. Katcher attributes this phenomenon to the fact that people trust their pets to listen without making judgments. They do not worry about how the listener is evaluating them, as they do when they talk to people.

Reasoner ended this segment by pointing out that much of this information on the human/animal bond is not new. People have always known that pets are a good thing for humans. Now, animal lovers can back up this age-old instinct with concrete scientific data.

Viewing this "60 Minutes" segment has strengthened my commitment to eliminate the blanket bans that landlords and housing authorities have put on many public housing units designated for the elderly and handicapped. Pet owners should not have to face this form of subtle discrimination simply because they are forced to live in public housing projects. Ironically, the elderly and disabled, who are often the most dependent on animals for security and companionship, are most affected by "no-pet" clauses. Allowing these people to keep their pets or to adopt new pets would clearly benefit both animals and their owners.

With this in mind, I have sponsored legislation already accepted by the Banking Committee which would prohibit Federal assistance to any rental housing projects designated for the elderly and handicapped that bans pets. This bill was incorporated into the Housing and Community Development Act.

I am hoping that this "60 Minutes" piece will increase awareness of the possible benefits of pet ownership and encourage more vocal opposition to widespread pet bans in public housing projects. Once they are given the opportunity, pets can play a major role in the physical and mental health of the elderly and disabled.

GENOCIDE CONVENTION: SLAIN POLISH YOUTH

Mr. PROXMIRE. Mr. President, on May 3, 18-year-old Grzegorz Przemyk and several friends were stopped by a police patrol in Warsaw, Poland, and asked for their papers. They had been celebrating passing the first stage of the high school final examinations. Mr. Przemyk, who was taken to the police station, never was to return home again.

After being detained in the station for 45 minutes, Przemyk emerged in an ambulance that took him to a hospital where his mother found him. Doctors operated on him for severe internal injuries for 5 hours but were unable to save him. The young student died the following day.

At first, the incident was not even mentioned in the Polish press. However, after it was reported by correspondents in the United States, an official announcement was issued by the Polish authorities declaring that an investigation was launched to expose the truth about the incident. The victim's mother, Barbara Sadowska, says that her son told her before his operation that he had been beaten by the police. One of Przemyk's schoolmates, detained along with him, reportedly witnessed the beatings and confirmed Sadowska's accusations.

The incident attracted widespread attention because Barbara Sadowska is a well-known poet and a volunteer at a church sponsored committee to aid the families of jailed Solidarity activists. In fact, Sadowska herself was severely beaten by a band of men who broke through the back door of a convent to attack the aid committee. As the New York Times observed in a recent article, the death of Przemyk at once encompassed the most disaffected elements of Polish society: the young intellectuals, many church activists, and supporters of the banned union, Solidarity.

The funeral for the young man was massive and emotional. About 20,000 Poles attended in what was one of the largest demonstrations in the capital since martial law was imposed 17 months ago. As the sprawling procession trudged for nearly 2 hours to the cemetery, the mourners held up the "V" sign that has become the symbol of resistance to the authorities.

Rev. Bronislaw Dembowski called Przemyk "a symbol of pure and beautiful Polish youth struggling for a free and just Poland." A hushed gasp and then a burst of applause ran through the audience as a telegram sent from Lech Walesa was read to the group. It said:

> Every death is painful, but this brutal death is especially dramatic. I am with you in your pain and praying. I assure you that this victim will not be forgotten.

Mr. President, perhaps this victim will be remembered, but how many senseless tragedies similar to this occur in totalitarian countries like Poland that no one ever hears about? How many human rights activists, political dissidents, and ordinary nonpolitical citizens are dragged from their homes in the evening and disappear, never to be discovered again?

I believe that it is our duty as citizens of a free democratic nation to protest these human rights violations in other countries. However, if we are to have an effective voice in these condemnations, we must demonstrate a sincere concern and continuing commitment to punish those perpetrators of human rights violations. What better way to announce our concern to the world than to ratify the Genocide Convention, a treaty which protects the most basic human right, the right to live.

The nightmare of genocide must be eradicated. I urge my colleagues to take an important first step by ratifying the Genocide Convention.

A TRIBUTE TO PAUL ANDERSON

Mr. MATTINGLY. Mr. President, tonight in Toccoa, Ga., citizens from around the country will gather to pay tribute to a great Georgian. The occasion is a banquet in honor of Paul Anderson.

Paul Anderson first captured the world's attention in 1955 when he astounded the Soviets at an amateur weightlifting contest in Moscow by lifting more weight, on his first lift, than any of his famous Russian competitors. A year later he gained further acclaim as the gold medalist in weightlifting at the Olympic games in Melbourne, Australia. He was the last American superheavyweight to come away with top honors. Paul Anderson is still considered the world's strongest man and is listed in the record books as having lifted an incredible 6,270 pounds. Many believe that he could have won more Olympic victories had his interests not directed him toward other goals.

In 1962, Paul and his wife Glenda founded the Paul Anderson Youth Home in Vidalia, Ga. The home there is still in operation as are two others in Texas. Their purpose is to provide a home for troubled and homeless teenage boys between the ages of 15 and 18 who otherwise would be confined to penal institutions. The program each day includes physical exercise, work assignments, academic training, and individual spiritual counseling. An accredited school on the grounds provides the boys the opportunity to continue their educations in order to graduate from high school or achieve high school equivalency. The counseling program includes families as well as the boys themselves. Over the past 20 years, the youth homes have served over 500 boys. Paul Anderson's influence does not stop with them, however.

In order to finance the youth homes, Paul Anderson became a professional athlete. This provided him the opportunity to participate in professional competition, hold exhibitions, and engage in a lucrative speaking career. In the past 20 years, Paul Anderson has tackled as many as 500 speaking commitments annually and has singlehandedly raised most of the funds necessary to operate the youth homes.

Paul Anderson's speeches are not simply money-raising affairs, however. They are testimonials—focusing on winning, patriotism, family values, the

free enterprise system, and principally the God whom he credits for his Olympic victory and later success. Paul Anderson seizes every possible opportunity to tell his audience that the motivation of his interests is the carrying out of God's calling for him. From the podium, he uses his influence as a famous Christian athlete to instill moral standards and set spiritual goals for our Nation's youth. The thousands who have heard him speak, in the booming voice of a strong man, sit spellbound and leave, they say, challenged.

The biggest challenge in his own life, Paul Anderson says, has not been lifting weights but lifting the spirits of a teenage boy who has no home and no one to want him. He has done so as only a champion could. Now Paul Anderson himself faces another personal struggle. He is in declining health and continues his battle against Bright's disease, an affliction that has plagued him since youth, and kidney failure. On Saturday, he will leave Georgia for Minnesota where he is scheduled to undergo a kidney transplant. He approaches that surgery with the same faith and optimism that has been the hallmark of his life.

Paul Anderson is a hero, a man who has dedicated himself to improving the lives of others. He is Georgia's native son, but he belongs to America. It is fitting, I believe, that we in Congress join with his friends in Toccoa tonight in saluting Paul Anderson and in wishing him a speedy recovery.

GSA ADMINISTRATOR GERALD CARMEN

Mr. STEVENS. Mr. President, one of the unsung yet major success stories of this administration has been taking place in the General Services Administration. President Reagan wisely chose a small businessman from Manchester, N.H., Gerald Carmen, to head one of the largest businesses in our Nation, the General Services Administration. Jerry Carmen and his staff of dedicated workers have done a tremendous job in turning around an agency that prior to his stewardship was considered one of the worst run agencies in the Federal Government.

I applaud Jerry Carmen's success and commend to my friends an article in the April issue of the Government Executive which outlines some of the laudatory efforts that Administrator Carmen has made to improve his agency. I ask unanimous consent to have inserted at the end of my remarks the entire text of the article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GSA: THE BIGGEST TURNAROUND IN WASHINGTON

"While it will never be loved, the agency is earning respect from even its most fanatic critics.

"The remedy was leadership, not management hammering.

"The solutions were always inside the GSA as were the problems.

"Picking the man from New Hampshire has turned out to be the President's most brilliant move since being elected.

"And it is far more than just a new coat of paint."

"Can a former auto-parts dealer from New Hampshire succeed in managing a $4-plus billion a year Federal monolith?"

That is the generic lead paragraph in a plethora of press reports and commentaries about Gerald Carmen after two years at the helm of the General Services Administration.

In fact, the overwhelming "good" press about the "former auto-parts dealer" could well have its basis in the myth that small businessmen are exactly that and should never be expected to run large, complex organizations effectively, efficiently and through leadership.

The opposite is far more likely to be the case. Those with a lifetime of demonstrated success within and then at the upper levels of large complex organizations—business or government—usually fail in small businesses or running small, highly responsive and short decision-to-implementation-to-decision change situations.

Carmen's successes at GSA does stem, in large measure, from his small business background. "I've found, frankly, that running this organization is relatively easier than operating a small business," says Carmen. One reason is that he found "unimaginable resources" available to him—and he uses them.

Rep. Patricia Schroeder (Democrat of Colorado) hardly a devoted fan of the agency (she has often suggested that it be abolished) frequently points out that the whole world went to electric typewriters before the U.S. Government did. Carmen, on the other hand, still wonders "how the GSA ever got with the electric typewriter at all."

The GSA Administrator is constantly quoted about his impressions when he first took over. The "closed doors", the lack of conversations and greetings on the elevators and in the hallways and other such "down home-isms" are what the "sophisticated" press loves to highlight as if to infer that Carmen lacks sophistication. After all, New Hampshire lacks even a pro football franchise and pops up only around primary time somewhat like the groundhog and with the same inspired ability to read the future.

Carmen's first major impression of the GSA was "the great fear here . . . the fear of being wrong . . . the religious avoidance of any element of risk." This is what he meant about the "closed doors."

And it is this element he has constantly attacked with gratifying results. "They (the GSA personnel) had to be made to realize that risk is a good thing, that no one, or group, is ever going to be right all the time."

To overcome this perceived basic problem, Carmen characteristically moved positively and on a number of seemingly unrelated fronts. Convinced from his outside position that GSA more resembled a business in its functions than a classic Government agency, he set about connecting private sector expertise with GSA career professionals. At the same time he personally changed situations he discovered, or were brought to his attention, and drove his administrators—new, old or just elevated—to do the same thing. One of the asides he mentioned to Government Executive back in 1981 was the condition of the GSA cafeteria—"Who the hell would ever want to eat there?" That has changed. Along with many other small operations as well as some very large ones.

The point he made early is that he demonstrated a perfect willingness to make mistakes by taking risks. The personnel attitude throughout GSA is now considerably better.

Again and again in his early months Carmen would come across a situation—warehousing, inventory, processes, personnel and the like—and his first question to GSA would invariably be "Do I have the power to act here?" If the answer was an immediate "Yes" he acted. He still does today even though he has acquired a far better grasp of the statutory and regulatory limits under which the GSA must operate.

With no illusions now—indeed it is doubtful he ever harbored any at all about Government managing—he is not greatly impressed with his progress at GSA. In spite of the accolades, which include Ralph Nader's expert opinion, Carmen says it is a "slow, frustrating, wearying task." Yet he is understandably proud of the progress. "You really have to say that we are inching forward."

Carmen came to the conclusion that the GSA bureaucracy, in many instances, was being blamed for what was basically poor leadership. From the start, he has almost always sought to put "those who can and will *do* in charge and put the experts under them. He has always had respect for the technical expertise within GSA. Not so much as from first hand experience but from the instinctive feeling that it had to be there in such a complex organization. After all, they did get with the electric typewriter eventually, didn't they?

GSA's much heralded successes fall into three general areas. The first is budget restraint—this was imposed but Carmen carried it out a bit differently than other agencies—and the obvious corollary effort at increasing efficiency at the same or less cost.

Then there is the whole area of service to the rest of Government—which is GSA's basic charter.

And, the control of waste, fraud and abuse within the agency. On the latter, the Nader Group's "Reagan's Ruling Class" cites Carmen as being far more concerned with waste—and probably more effective. Nader also credits Carmen with substantially increasing GSA's efficiency. ("Reagan's Ruling Class" unfortunately has Carmen "selling cars" and "establishing a wholesale automotive service" which may indicate a rush past factual accuracy to get to the "issues".) There is also the chilling thought of what would happen to any Federal agency if its Presidentially-appointed administrator concentrated on rooting out fraud and abuse as a first priority. "Waste" is a total management function since its presence and growth is a hallmark of weak, incompetent or ineffective management.

But one aspect of the Nader analysis is important. Carmen was, and is, highly public in "making GSA more business-like." The Nader work cites the enormous power GSA has inherent in its operation to "set innovative standards of efficiency, safety and product quality." Carmen says "True, I am trying to run GSA more as a business. I am

also very much aware that GSA is a Federal Government Agency and, as such has social societal functions as well."

The business of GSA—what it does and does not do—are pretty much defined by both law and Executive Order. The social functions GSA could perform are also normally handed down from above in the forms of laws, rules, Executive Orders and the like. Federal agencies are not independent kingdoms even though the public can quite justifiably come to the opposite conclusion in some cases. Not to mention business and industry perceptions.

Under Carmen, GSA is starting to exhibit at least an appreciation of what market forces can do to products, processes and equipments bought and used by the Government.

Over the next several months, Government Executive will be detailing the effects and confusion—and the goals—of the functional elements of the GSA.

With respect to attempts to capitalize on pure market forces, Carmen, and GSA, is somewhat unique.

The Government has around 18,000 large, general purpose computers. And this is the result of more than 20 years of using procurement processes to grapple with an explosive technology with concomitant penalties in both Government-wide control and even minimum standardization. Right now, in less than 18 months, the so-called home or personal computer has reached the same relative sophistication while undergoing the same relative unit price compression.

The result is the combination of several technologies and the industrial revolution adage that there is really no choice between making five things and selling them at $5000 apiece and making 5000 things and selling them at $100 per unit.

So GSA is about to start an experiment. Carmen emphasizes the word "experiment." Scheduled for next September, GSA is now looking for a private contractor to operate a pilot "store" in Washington, D.C. where representatives of Federal agencies may personally become acquainted with, acquire and be trained in the use of microcomputer equipment.

Physically located in the GSA central office building, the private sector computer store will assist government managers in selecting the best and most cost effective technological tools for solving management problems.

"The attempt," says Carmen, "is to try to bring to Government the market forces that the private sector can capitalize on, so that Government employees can have the same tools for productivity as their private sector counterparts."

The price range for the products involved will average from roughly $2,000 to as high, in some cases, as $10,000. The firm selected to operate the "Computer Store" is to create a one-stop nonmandatory shop for Federal microcomputer needs. It will be required to stock a selection of computer hardware for side-by-side comparison, provide counseling and recommendations on equipment use and selection and will assist with procurement—and provide equipment maintenance.

The selected firm must also provide training, seminars and forums to Government employees on the products provided for sale and must have currently in operation a similar retail establishment. The dealer must have the capability to expand nationwide and to provide similar dealer services in other Federal regional office centers. "Yes," says Carmen, "the experiment will compete with the Government's traditional procurement approaches—but this competition is desirable from a cost viewpoint and necessary because it provides an additional vehicle to bring this important technology into Government."

He also notes that the traditional ADP procurement approaches, which will continue to be available, include purchasing from the GSA discount catalogues, competitive bids and shopping on the open market.

First, realize just what this is all about. High school kids argue the merits of various softwares now as well as dual carbs and chrome engine heads. It is an entire new technology moving easily into the home and school life across the country. It is moving equally well into firms, small and large. And the market interface is in dedicated retail establishments called computer stores where the shopping basis is the same as the supermarket or the average department store.

Carmen has concluded that there is no real way for Government middle management to get at this technology and the GSA computer store experiment might provide the path.

To Carmen, these desk-top computers are personal tools with an extremely high potential impact on labor intensive paperwork throughout Government middle management levels. These tools have demonstrated reductions from eight hours to one hour, from three days down to one in personal paperwork.

And he is not talking about automated systems here. In essence, the Government provides pencils, pens and papers to all of its personnel and these still are the basic tools for everybody—including supervisors and managers. "We are trying to make what is now a tool commercially available to everybody somewhat more specifically available to the Government employee. It (the GSA Computer Store experiment) is not set in concrete and GSA is not getting into the business. It may be a way of taking advantage of market forces and let's see how it works."

The experiment is planned exactly as outlined above. The move is precisely in tune with Carmen's willingness to innovate. The risk in this specific instance is not financial to Government but more in what GSA observers, in and out of Government, might input or infer as a long range effect.

Yet, as small as this experiment is, the fact that it is being implemented fits Carmen's overall objectives for GSA.

Besides the presence of what he termed "fear", Carmen also learned that GSA—and Government employees in general—did not have a consciousness of the value of time, nor a consciousness of the value of things. That desk top tool positively affects both.

He saw no real reason not to rehabilitate furniture and put it back into use if the cost factor so justifies the move. This has proven successful—to the tune of over a million dollars in GSA "sales."

All of these elements contribute to the big picture. Since November 1980, the GSA workforce has decreased by almost 7,000 employees as the result of a tough hiring freeze and subsequent attrition. (Attempting to meet budget reductions through blind adherence to decrease by attrition can backfire. One major California city department learned to its horror that in following attrition route rigidly, they all but wiped out their clerical and secretarial personnel.)

While there may be pockets of this effect within GSA, it has not surfaced as a major problem.

Carmen thought, and subsequently verified, that the Federal workforce had not been economical in its use of space. This is a function of planning and anticipation and rather impressive percentage gains have been made and more are coming.

The concept of creating solid management teams working with highly skilled professionals within GSA and equally skilled private sector aspects is proving effective.

He has removed unnecessary layers of management, combined functions and reallocated various scarce resources.

GSA now has a structure capable of both stimulating and coordinating policy initiatives and management improvements on an agency-wide basis. His Office of Policy and Management Systems, established more than a years ago, is up, running, and was ready and waiting for the initial Reform 88, GAO and OMB thrusts to emphasize attention to the management systems in the Federal Government.

An Office of Program Control is doing very well in tracking the implementation of top-management policies, monitoring and assessing program results, and searching for new, different or better ways of getting things done. "That staff has successfully confirmed the accuracy of information received and provides me and other high level officials with the kind of current, incisive and complete information we need to make decisions."

An oversight organization is in place charged with the strengthening of administration control and to monitor audit recommendations made by GSA's Office of the Inspector General and the GAO.

The first of a uniquely tailored GSA series of training courses for supervisors and middle managers is off and running. (This was one of the identifiable weaknesses of GSA uncovered by Carmen's predecessor.)

Performance and productivity measurements are being developed and implemented across the agency. There are already solid results showing up because of this and some of the other management systems in the drastic reduction of processing time in many GSA functions.

The Office of Acquisition on Policy is developing a single, Government wide acquisition regulation for all civilian agencies and the Defense Department. The same office is the lead element of the GSA in improving or adjusting the entire multiple awards program. That latter program is easily the most difficult aspect facing any GSA Administrator since, by its very nature there are more critics than supporters or the opposite at any given moment. Rewriting the Old Testament is simplicity itself compared to doing anything with the multiple awards concept (see GSA's "CID" Program at end of article). Equally challenging is the whole area of data processing and telecommunications—which includes all aspects of office automation. A subject by itself, GSA's Office of Information Resources Management—the old Automated Data and Telecommunications Service—is facing greater problems than even because of the telephone system break up and the emergence of competition in what once was a regulated national utility monopoly.

Another high priority area of GSA is the Public Buildings Service where the thrust is to change the current 60-40 ratio of owned vs leased to something in the range of 80% public owned to 20% private sector owned

and leased. GSA is in dire need of modernized legislation here as well as in certain other areas of its responsibilities. And, although suggested changes have been forwarded to Congress, Carmen is less than optimistic about this effort. A significant portion of the legislated tools governing GSA's functions are more than merely out of date.

On the whole question of fraud, stealing and corruption within the GSA, Carmen's position is perfectly reasonable. He is against it. One would hardly expect any Federal administrator to say anything else. But Carmen has promulgated a strict ethical code throughout the agency and he expects—and gets—compliance from all personnel especially the management levels. He regards the recommendations and audits from the Inspector General as a major management tool. Personnel and contractors can count on being prosecuted. Carmen thinks that any taxpayer has a right to expect his money to be well and carefully spent. There is more than enough room for honest mistakes here without tolerating deliberate dishonesty.

Carmen gets the accolades and the positive press. He is well aware that he can also get the blame. But he is up front and quite noisy about one thing. That is that successes credited to the agency belong to the people in GSA.

"These are the same people—the men and women of GSA—who suffered in the past from the image of a poorly managed, corrupt agency, that are now responsible for the progress and improvements and who will keep on raising the caliber of the agency."

Carmen's objective is simple. "First do it well inside of GSA and then do it better for the rest of Government." It is still a matter of measuring progress in inches.

GSA's "CID" Program: Buying Commercial Products the Hard Way

Back in the 11th Century, Cid was acclaimed a hero for driving the invader moslems out of Spain. The Federal GSA (General Services Administration) currently has a "CID" (Commercial Item Description) program going, which, for those products that get swept up in it, will drive out competition for Federal contracts; discourage the introduction of new-technology products into the Federal marketplace; increase contracting paperwork; and, in some cases, even encourage foreign-made contract buy-ins.

In sum, about the only people who favor this CID exercise are GSA's uppermost management and an as yet imprecisely identified handful of people in GAO (General Accounting Office) and Congress. This fire drill currently is concentrated in FSS (Federal Supply Service) but it may spread unless they break a leg first—and, already, barely off and running, they've wrenched a knee or two.

Item: in drafting the CID for "Microfilm Readers," one of the two items (at this writing) already out for bids (the other is "Copy Paper" for xerographic-type copiers), GSA did not consult the largest single Federal user of microfiche reader-printers, the Defense General Supply Center. Why not? Because, GSA says, the Center is not required to use FSS multiple-award schedules in making purchases. In other words, if you think you'd like a Ford in your future, don't ask advice of the man who owns one.

Item: on "Copiers," one of four items (the others are "Dictating Equipment," "Systems Furniture," "Calculators"), Government Executive Senior Editor Barbara Burton obtained from GSA as a "Partial list of items being considered for conversion from multiple award schedule (MAS) to single award," every one of more than 20 manufacturers in that field has told GSA, in one fashion or another, as one wrote GSA's Ed Hoeftman last Fall:

"Unfortunately, you have been given a task in a field of products where the technology changes are faster than the specifications writers' ability to keep up with the changes." Then, virtually every one of the 20 proceeded last Fall to tear apart the CID for, specifically, "convenience," i.e. desk-top, copiers; pointing out, in essence, nobody makes many of GSA's described kind, any more, because the commercial market doesn't want them.

Industry is firmly convinced, to quote a representative of one company which doesn't even make a copier product, "They (GSA) have been told over and over again that copiers are one item they can't make a single award on. So they've told themselves, 'If we can convert that one, we can convert anything.'"

At base, it appears this whole CID game is simply an attack on the Multiple Award System, dressed up in attractive sounding language like "true price competition" and "disciplined contracting procedures" and "equipment commonality." In the interest of communicating knowledge, it might have been a great deal better if, a long time ago, when "Multiple Award System" was first dreamed up, it had been labelled "Multiple Option System."

Because MAS—as we pointed out for the umptee-umpth time in a November/December editorial, "GSA 'Procurement' Practices: 15 Minutes to a Pain in the Neck"—is not a contract between GSA and a vendor to buy something; it's merely a company "hunting license" to go out to itemuser Federal Agencies and try to sell something. That particular fact has been talked to death, and at the highest levels of Government they seem still ignorant of it.

And because they don't, or won't, GSA is buying itself a peck of problems. Excepting maybe for broom handles and floor rugs, anything where advancing technology and unique operating features make little difference to the user, application of CID's raises more questions, by far, than it produces answers.

What is a "CID," anyway? GSA has asked industry to define it. What company or even industry Association is going to volunteer to be in conflict of interest with itself? Does GSA have adequate pre-award resources to test bidders' equipment for performance quality and reliability? (Top-level GSA types say, "Of course we do," but down at the contracting level where the work has to be done, they say the additional time and paperwork caused by going the CID route—as opposed to MAS—will require, "We'll have to have 20% more people.")

Will a single, "exclusive" award once a year close the market out for small business? Do the GSA promoters of CID's have any evidence they'll get a better price that way than they now do off MAS? They haven't published any proof except some presumptive speculations based on amassing statistics about how much the Federal Government, collectively, buys each year of an item—largely ignoring the vitally important facts of how the item is purchased, delivered and serviced-in-use (and when it is to be used.)

And noting, "Well, this is the way Sears Roebuck does it and look how successful they are." How much does Sears Roebuck pay for copiers? And is GSA aware that at one time Sears Roebuck went through this "cut the price" cycle so hard, they got shocked into the realization one day that vendors had simply quit bidding for their business.

It can happen through GSA a lot quicker. Here's the most likely scenario:

In the whole general field of "Office Equipment," though the exact percentage varies from company to company, on average, Federal sales account for only about 10% of a firm's business. So a company bids and loses, say, the contract to provide the Feds with desk-top copiers for a year. One guy has the job. Are the other 20 or so going to mark time for a whole year, paying marketeers and service people, until they can bid the following year? Most won't.

And will those who use dealer outlets (most being small businesses) be able to fire up those dealers to go after Federal sales after a year of telling them, "Cool it?" Not likely. They have trouble stirring dealer interest in going after Government sales right now—in spite of the fact that (a) at next July's National Office Machine Dealers Association convention, nearly one-third the exhibits will be of "high tech" office equipment, as opposed to the traditional displays of typewriters, cash registers, etc.; and (b) in spite of the fact that the Feds buy more of that stuff, collectively, than anybody else.

And, of course, a CID approach—unless GSA is awfully careful—will, in effect, fairly beg a foreign manufacturer, anxious to get a foothold in the U.S. market, to "buy" a Federal contract one year with the attractive prognosis that he'll win the second year, too, because the competition will have dwindled. Further, since GSA evidently will concentrate its CID purchases on user needs only in the 50 major U.S. "standard metropolitan areas," i.e. big cities involving about 40% of the Federal civil workforce, will the other 60% be on their own?

Or use MAS instead? Or conduct their own sealed bid (or sole source) procurement?

So there's cost savings in running two different acquisition processes concurrently for systems that perform similar functions? And does it make sense to preclude automatically the Federal Government taking advantage of new technology, higher productivity offerings from vendors except once a year—against a CID specification that was drawn up before GSA even knew what those new offerings were going to be?

In short, for CID's to work at all well in this "high tech" office equipment area, GSA would have to know company strategies and company-proprietary information at least as soon, or even sooner than, the companies themselves. What Solomon has been put in charge of that detail?

As one top-drawer marketeer to the Federal Government summed up to GSA, "There's a right way and a wrong way (to do this CID exercise) and you're doing it the wrong way."

EIA'S NATURAL GAS REPORT

Mr. EAGLETON. Mr. President, the cold months of winter have given away to the balmy days of spring and summer, and the deluge of handwritten letters to Congress from angry natural gas consumers has subsided, but the congressional debate over

pending natural gas legislation rages on.

The warm spring temperatures have been a boon to the efforts of the Reagan administration and the oil and gas industry to sell Congress on their legislation to totally decontrol natural gas prices. They have cited industry and Department of Energy computations that show decontrol will cause consumer gas prices to drop by as much as 10 percent and at the same time open up vast new supplies of natural gas. Although such conclusions cut against the grain of commonsense, few authoritative documents have been offered that dispute the numbers.

Yesterday, our Nation's top energy analysis team, the independent statistical arm of the Energy Department called the Energy Information Administration or EIA, released what is the definitive study of the effects different natural gas pricing scenarios will have on gas prices, supplies, and on the economy in general. The study looks at four pricing alternatives: first, total decontrol as envisioned by the Reagan proposal, second, phased decontrol, third, continuation of the Natural Gas Policy Act of 1978, and fourth, continued controls of those categories of gas currently under control.

In sharp contrast to industry and administration estimates, EIA found that of the four alternatives, the administration's proposal would lead to the highest prices and the lowest production. According to the EIA, under the Reagan plan, wellhead gas prices would rise roughly 40 percent by 1985 and 117 percent by 1990. Marketed production of gas would drop from 18.4 billion cubic feet in 1982 to 17.7 billion cubic feet in 1990.

According to EIA, the lowest prices and the greatest production would be induced by a continued price control approach. By 1990, the average wellhead price under continued controls would be $1.07 per thousand cubic feet less than it would be under the Reagan proposal. Continued controls would induce the production of 1.1 billion cubic feet more natural gas than would be produced under the Reagan proposal.

EIA's explanation of the different production figures was that "Production of natural gas—is determined by demand and by wellhead prices. Thus, the higher prices under phased decontrol and the Administration proposal case lead to lower production because of lower demand."

This is a glowing endorsement of the principles found in gas legislation offered by myself, Senators KASSEBAUM and DANFORTH, and 12 others. In fact, EIA's continued controls case contains a more lenient control formula than our bill and would therefore cause somewhat higher prices.

The Energy Information Administration's analysis stands to reason, but I understand that officials in the Reagan administration and the oil and gas industry have begun to dispute the study.

As lawmakers who need, and too often do not have, impartial statistical input on issues of the day from support agencies, we owe a debt of gratitude to the Energy Information Administration and to those in the Agency who had the courage to publish this timely piece in the face of what will surely be an angry administration.

To those in the administration who would attack the conclusions of this unprejudiced report, I offer the challenge of former President Harry S Truman who, in 1956, said, "I never give them hell, I just tell the truth, and they think it is hell."

The spotlight of truth now shines on President Reagan's decontrol scheme and I am sure that its authors think it is hell.

I urge my colleagues to read EIA's "The Natural Gas Market Through 1990, Part IV."

FATHER JAMES FUEMMELER

Mr. EAGLETON. Mr. President, I rise to offer my heartfelt congratulations to Rev. James R. Fuemmeler, a native of Glasgow, Mo. who will celebrate the silver jubilee anniversary of his ordination into the priesthood on June 4, 1983.

Since 1964, Father Fuemmeler has served the church and our country as a chaplain in the U.S. Air Force. Currently a lieutenant colonel stationed in Ramstein, West Germany, Father Fuemmeler will be returning home to Glasgow to celebrate this happy occasion with his family and friends, especially his mother, Mrs. Pauline Fuemmeler, who has traveled with him extensively for the past several years.

The men of the U.S. Air Force, whose spiritual needs Father Fuemmeler has met these many years, owe him a great debt of gratitude. We as Americans are also grateful to him for this fine work, as well as for the outstanding service record he has amassed.

He has been awarded the Bronze Star for his service in Vietnam during 1965 to 1966; the Meritorious Service Medal for service in Okinawa; the Commendation Medal; the Air Force Humanitarian Award; the Outstanding Unit Award with five oak leaf clusters; the National Defense Ribbon; the Longevity Ribbon with three oak leaf clusters; a Vietnam Service Ribbon; a Vietnam Campaign Ribbon; and the Meritorious Service Medal of the Republic of Vietnam.

Father James Fuemmeler's life has been one of exemplary service to God, his country, and his fellow servicemen. I heartily commend him and wish him all the best in the future. I am certain Father Fuemmeler will have many more fine achievements in the years ahead.

EIA NATURAL GAS STUDY

Mrs. KASSEBAUM. Mr. President, I am sure all of my colleagues are well aware of the current deliberations being conducted by the Senate Energy Committee on the subject of natural gas. The careful and measured pace at which the committee is proceeding is an indication of the complexity of this subject. One of the problems that we have all faced, whether we are on the Energy Committee or not, while working on the natural gas problem is the lack of a truly objective, sophisticated study of the effects of the various alternatives.

With the release this past Monday of part IV of the Energy Information Administration's series on natural gas, we finally have such an objective study. I hope that the members of the Energy Committee will carefully examine this study and take its findings to heart. I believe the key conclusion of EIA's work can be found in the summary:

> Under the Administration proposal case, the consumer prices are slightly higher in 1985 and 1990 than under the NGPA, because there is no old gas cushion to roll in higher priced new gas.

This report clearly supports what some of us have been saying for quite awhile now; namely, that the administration's approach to old gas is fatally flawed. The "slightly higher" prices referred to by the EIA could spell disaster for many already beleaguered consumers.

I will not belabor my colleagues by going through the EIA report in detail. I will reiterate, however, that this is the first report of its kind that we have seen on the natural gas policy question. I am sure that the decontrol advocates will launch a vigorous attack on this report. I believe it will be a very healthy thing to examine the assumptions and methodology used in the report. The crucial point to remember, however, is that none of its critics will be able to point to a study which matches the sophistication and technical competency of the EIA study and was performed by a group with no "axe to grind" on the question of decontrol.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

URBAN ENTERPRISE ZONES

Mr. SPECTER. Mr. President, yesterday I had occasion to visit the Hunting Park West section of Philadelphia, which is a prime candidate for designation as an urban enterprise zone. This visit followed a number of trips that I have made to similar areas in the Commonwealth of Pennsylvania—including Erie, Pittsburgh, Johnstown, Altoona, Wilkes-Barre, and Scranton, all areas that would be prime candidates for designation as urban enterprise zones.

I traveled to Hunting Park West yesterday because this section of Philadelphia was the subject of extensive analysis in a conference report, sponsored by SmithKline Beckman Corp., entitled "Enterprise Zones, Philadelphia's Response."

There is a tremendous need across this Nation for stimulating our economy, for providing new job opportunities. Nowhere is the need more acute than in our cities.

The enterprise zone concept has been supported almost unanimously wherever it has been considered. However, for some reason the legislation has languished for more than a year, despite the endorsement of the Reagan administration and numerous proponents in both the U.S. Senate and the House of Representatives.

Apparently even with widespread support for the pending urban enterprise zone, it will require some substantial emphasis if we are to turn our attention to having it enacted and to providing an opportunity for such zones in cities across this country. Yesterday, I wrote to President Reagan, urging his personal support for urban enterprise zone legislation. I ask unanimous consent that the text of that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD.

U.S. SENATE,
Washington, D.C., May 24, 1983.

The PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: This morning I visited the Hunting Park West section of Philadelphia which is a prime candidate for designation as an Urban Enterprise Zone. Unfortunately, such a designation cannot be made because there has been no action on the legislation proposed by your Administration on Urban Enterprise Zones.

I strongly urge that you lend the full weight of your personal support to press for early enactment of the Urban Enterprise Zone legislation.

The area known as Hunting Park West is a prime example of what an Urban Enterprise Zone could do for the unemployed in a mixed racial neighborhood in a big city like Philadelphia. There is a prime location consisting of some 77 acres of what used to be a major steel manufacturer known as Midvale-Heppenstal, Inc. An effective businessmen's association known as Hunting Park Business Association has taken the initiative by raising $10 million as seed money to support the Urban Enterprise Zone. There are some 300 small businesses in the area which would provide the nucleus for an expansion of some 16,000 jobs in the area. However, in order for this important venture to move forward, the federal Urban Enterprise Zone legislation must be enacted.

With this letter, I am enclosing a brochure entitled "Enterprise Zones—Philadelphia's Response" which is a report on a conference cosponsored jointly by the city of Philadelphia and SmithKline Beckman.

This brochure, as you will note at pages 10 and 11, features Hunting Park West as a prospective Urban Enterprise Zone.

I am taking the liberty of sending copies of this letter to Presidential Counselor Edwin Meese III, Chief of Staff James A. Baker III, Chairman Dole of the Senate Finance Committee and Chairman Dan Rostenkowski of the House Ways and Means Committee.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. The conference report to which I referred earlier does, in my judgment, eloquently articulate the need for enterprise zones. Although the report runs some 24 pages, I believe it would be well worth the time and cost of the CONGRESSIONAL RECORD to have it printed in full in the RECORD. Given the limited time available for my presentation, I ask unanimous consent that the full text of this short report be printed in the RECORD. It convincingly states the case in favor of our prompt attention to the pending legislation on enterprise zones.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENTERPRISE ZONES—PHILADELPHIA'S RESPONSE AND REPORT ON CONFERENCE PROCEEDINGS

WELCOMING REMARKS

(By William J. Green, Mayor, City of Philadelphia)

I want to welcome all of you here this morning and thank SmithKline Beckman Corporation for joining with the City in sponsoring this conference.

It couldn't be more timely.

As you know, President Reagan this week announced his proposed legislation to create Enterprise Zones in depressed areas throughout the nation.

And we intend to be ready when the legislation passes Congress.

I want to make a few points about the City's development program and the federal legislation in Washington.

First, the tax breaks proposed by President Reagan are welcome. But they are not enough. No combination of tax and regulatory incentives—even on all three government levels—will be sufficient to attract new business to the inner-city.

Clearly what is needed is a double strategy of financial incentives and public services.

Clean streets, better lighting, more security, safe parking, the availability of energy at reasonable costs, efficient water and sewer systems—in short, everything that makes the total environment conducive to doing business—these things are fundamental to the creation of an attractive investment climate.

Targeting these services must be combined with community cooperation, efficient clean block efforts, cooperation between businesses and community organizations, town watch efforts and other ways in which business and community can cooperate.

I believe that this point must be made loud and clear in Washington: we can do the job of providing the public services necessary to pave the way for business investment. But those services cost money and any bill which comes out of Congress must have a component to provide for some reimbursement for the intensified services to be offered. The cities of this country are at the limit of their taxing resources. If anything, service cutbacks are the standard of the day, not service increases. And if the legislation in Washington is to be realistic, it must take that into account.

Second, the idea of attracting new industry into Enterprise Zones must be coupled with an equally strong effort to keep the business we already have. It doesn't make much sense to go around the country attracting new industry if the industry we have continues to leave. There are businesses currently operating in the neighborhoods of Philadelphia, employing people from those neighborhoods, and providing the kind of semi-skilled employment for which those people qualify, which are having problems right now. We can't wait for federal legislation to meet their needs. And we can't have all sorts of new tax incentives apply to new business when firms which are already there have been struggling to survive for years.

Clearly, any federal legislation must contain not only breaks for new investment but breaks for current investment.

Third, it is obvious that the federal government will respond most favorably to cities which have already gotten started on the creation of their own Enterprise Zones. Two months prior to the President's announcement, we designated nine specific Business Investment Zones in the City, and through the Commerce Department and the Managing Director's Office, have already begun the process of providing intensified services to those areas.

Fourth, we have to be ready to demonstrate that our financial incentives are designed to complement any federal action on Enterprise Zones, and in my judgement, the incentives offered by the City of Philadelphia are the best in the country.

We give five year property tax abatements for improvements and expansion. We offer cheap land. We provide long-term, low interest loans. In some cases, we even provide inner-city grants to start-up businesses, and we have recently added a new second mortgage loan program, providing up to $350,000 at 7% for 15 to 20 years for a variety of business needs that go beyond the traditional lending for machinery, equipment and plant expansion.

At the same time we are moving to improve the commercial areas in the neighborhoods and in the vicinity of the manufacturing facilities targeted for assistance. Through our citywide development corporation, and using the economic development allocation from our federal community development fund, we are making grants for such purposes as commercial strip development, public improvements and marketing assistance. Further, in the area of Hunting Park West, a Community Development Block Grant of nearly $100,000 will enable

us to work with the citizens of the Tioga-Nicetown in the war against crime and vandalism.

Fifth, any Enterprise Zone program must contain provisions for job training. We know that a skilled labor force is essential to running a good business, and we need to give our young people the tools to become productive wage earners.

Finally, we will need the help of the State and I have recently written to Governor Thornburgh expressing our interest in developing a joint State-City effort to present to the federal government.

In the real world—and not just in the world of presidential messages—the typical Enterprise Zone cannot be just another nice concept doomed to failure because of the federal government's inability to perceive reality.

A real Enterprise Zone will be a place where an older business has the financial incentives it needs while land is cleared for a new business designed to employ the people from the neighborhood in which it is established. And that means it must be a business which is labor intensive, with plenty of opportunities for blue collar and semi-skilled employment. A real Enterprise Zone will have clean streets, sewers that don't back up, plenty of police protection and an active community organization which has a clean block campaign and a town watch operation. It will be an area where the core business is not at war with the core community group but one in which both cooperate for their mutual advantage.

All of this costs money. Unless the federal government is willing to recognize the need to fund the additional cost of local effort, then the Enterprise Zone concept could very well be just another one of those dreams which failed.

And we can't afford any more dreams that fail. What we need is realities which work.

Today you can help us to get closer to those realities.

When the Enterprise Zone legislation passes, we will be ready. We have the planning done and the programs in place to be the first to qualify. But we must also make sure that the program we will qualify for has a chance to work. Now that the debate will start in Congress, we intend to let them know what we really need to make it work.

CONFERENCE HIGHLIGHTS

The Philadelphia SmithKline Beckman Enterprise Zone conference marked a milestone in the Enterprise Zone debate. It was the first conference on Enterprise Zones to take place at the local government level. It was the first conference to bring together the intended beneficiaries of Enterprise Zones: inner-city business people and community leaders. And it was conducted in the true spirit of Enterprise Zones, sponsored by a public-private partnership of the City of Philadelphia and the SmithKline Beckman Corporation.

These were some of the key points raised by conference participants.

Tax breaks alone are not sufficient to attract new business development to distressed inner-city communities. Direct financial aid and improved public infrastructure and services are needed.

Distressed cities cannot afford to support necessary public expenditures. Additional direct federal aid must be targeted to Enterprise Zone areas.

Incentives to attract new business to inner-city communities address only some of the needed economic revitalization efforts. Incentives to retain the business already located in distressed areas must be part of an Enterprise Zone program.

Tax incentives to encourage the employment of disadvantaged individuals are, experience demonstrates, not adequate. Direct job training assistance must be targeted to the disadvantaged and Enterprise Zone businesses.

If inner-city residents are not given direct economic benefits from an Enterprise Zone program, they will not realize any long-term economic gains. Guarantees must be provided to ensure that employment opportunities and an equity interest in Enterprise Zone investments accrue to inner-city residents.

Without directing sufficient resources to housing, housing conditions and needs in the inner-city will continue to negatively impact economic revitalization efforts. Stronger incentives and direct aid are required to improve the vital housing resources of inner-city communities.

Distressed communities have increasingly inadequate governmental resources with which to fund critical social and economic programs. Private resources must be garnered to support essential and complementary community revitalization efforts.

Private resource cannot be leveraged for revitalization activities without stronger government incentives. Private-public partnership ventures have to be spawned to make an Enterprise Zone program effective.

Private sector participation in a critical part of the Enterprise Zone concept. Private sector interests must recognize their investment in the fate of distressed communities.

In these times of limited public resources, the private sector cannot always depend on the public sector to lead revitalization efforts. Private interests should take the initiative in developing and proposing mutual revitalization efforts.

A broader public constituency must recognize their stake in an Enterprise Zone program. Future economic development initiatives should incorporate and replicate the successes of Enterprise Zones.

An Enterprise Zone program must be developed and implemented quickly in order to arrest the continued economic decline of distressed communities. Both opponents and proponents of the concept should recognize the experimental nature of Enterprise Zones instead of striving to develop the "perfect" solution to the problems of distressed communities.

CONFERENCE OVERVIEW

The intent of the conference was to gather all of the involved parties together in one room to discuss the proposed federal Enterprise Zone initiative. The timing of the conference was fortuitous: four days before the White House had transmitted the President's proposed Enterprise Zone program to Congress. With an architect of the President's program in attendance, other federal officials, state and local government representatives, community residents and representatives from both small and large businesses, the conference was designed to bring to light the problems that face Philadelphia's economically distressed communities and the issues that are not resolved by Enterprise Zones.

The conference convened at an auspicious time. Substantial federal budget cutbacks were beginning to significantly impact state and local governments struggling to support vitally needed services. Programs were being eliminated. New initiatives had been shelved. The problems of distressed communities were growing more severe. The only new help being considered by the federal government was Enterprise Zones.

A "New Federalism"

As a result of the drastic urban conditions, Conference participants saw many of the issues confronting Enterprise Zones as relective of broader problems with the Reagan Administration's "New Federalism."

Joseph Egan, Executive Vice President of the Philadelphia Industrial Development Corporation (PIDC), explained the relationship. "The 'New Federalism' is a term given to President Reagan's proposal for the federal government. In greatly simplified terms it means that key urban programs would provide federal dollars which are gradually to be transferred—underline the word 'transferred'—to state and local governments. In their place the Administration is proposing a variety of economic incentives to create a business environment which frees private enterprise to use its capital to promote economic growth in urban cities. The Enterprise Zone is the centerpiece of this program."

Larry Revzan, Director of Coopers & Lybrand's Washington, D.C. office, emphasized the need to place Enterprise Zones in context with the "New Federalism."

"I think when you have a 'New Federalism' era that is talking about the elimination of the Economic Development Administration . . . freezing of block grants and UDAG money, reduction of Small Business Administration funds, and so forth. . . . you have to look again at the (Enterprise Zone) program."

But, for many local and state governments it has been difficult to place Enterprise Zones in a proper context. Enterprise Zones proposals have captured the attention of a broad constituency. Unfortunately, most of the proposals can hope to benefit only a few.

Panelist Ed Schwartz, President of the Institute for the Study of Civic Values, sees this as a major problem. "We're talking about a program—national program—that will designate only 25 areas in a given year and 75 over three years . . . who is chosen and who isn't, what area is selected and what isn't, is the key to whether we're going to have an effective economic development program in specific neighborhoods or not. Nobody, maybe very, very few, maybe one area in Philadelphia is, in the end, going to be chosen."

Tom Sheaffer of the City's Office of Employment and Training agreed that the benefits to be derived from Enterprise Zones were potentially very small, noting that under optimistic assumptions an Enterprise Zone might reduce the unemployment rate in Philadelphia by one-half of one percent. The impact could be substantially less.

James Martin, President of the Council for Labor and Industry, used some numbers to place the Enterprise Zone program in perspective. Noting that by the time the third year designations are funded, 2,000 eligible communities would be facing a 96.25 percent probability of not being chosen, he summed up the problem with those odds.

"I think for our unemployed in our City and I think for the business in our City, I might recommend that they take a chance on the (Pennsylvania) Daily Lottery as soon as having a chance of being positively impacted by an Enterprise Zone."

The dollar gap

But the primary message from the Conference was clear and simple. Without additional federal support an Enterprise Zone

program would probably fall short of its goals to realize new private investment and jobs in distressed urban areas.

The reasons given by Conference participants were twofold. Tax incentives alone cannot compensate for the public investments in streets, sewers, police and sanitation services necessary to support private investments. But more critically, the cities left with distressed communities cannot afford to fund these new investments.

Mayor Green underscored the need to address this dollar gap in his opening remarks at the Conference. "I believe that this point must be made loud and clear in Washington and it is that we can do the job of providing the services necessary to pave the way for business investments, but those services cost money and any bill which comes out of Congress must have a component to provide for some reimbursement for the intensified public services that must be offered."

Very few people debate whether or not these additional public services are necessary elements of an Enterprise Zone program. Many believe that tax incentives are too weak to stimulate private investment in inner-city areas.

"Tax relief plays a relatively modest role in the businessman's decision to relocate," noted Joe Egan. "Taxes represent a small fraction of the cost of doing business."

Peter Ferrara, an architect of the Reagan Administration's Enterprise Zone Program agreed, stressing that the federal program involves tax reductions as well as regulatory relief measures and an emphasis on local government service improvements. But he emphasized that funds for these services will not be forthcoming from the federal government.

"Some seem to see the Enterprise Zone as a way to get the federal government to fund their local services, but this is not the function of Enterprise Zones," cautioned Ferrara. "Local services have to be provided at the local level. Where is the federal government going to get the money for these services? We're seeking to stimulate state and local governments to bear their fair share of the responsibility."

Can it work?

The theories underlying Enterprise Zones contend that state and local governments will be able to bear their fair share with the additional revenues realized from new business activity generated in an Enterprise Zone. Critics have contended that new business activity will not occur.

Certainly the Enterprise Zone program seems like a shot in the dark relative to the scope of problems inhibiting business investment in distressed areas. Conference participants felt, though, that the program could have two types of impacts.

The primary impacts would be created in the designated Enterprise Zone community. The secondary impacts would result from attempts to replicate elements in other communities if Enterprise Zones produce any net economic gains.

To be sure, the debate of the past two years over Enterprise Zones has raised serious questions concerning whether or not Enterprise Zone tax incentives will stimulate business investment in distressed areas, particularly in light of the liberal tax relief provisions in effect as a result of the Economic Recovery Tax Act of 1981.

Peter Ferrara told participants that the federal tax exemptions to be offered in Enterprise Zones were substantial, representing a more dramatic and comprehensive incentive package than had ever been put together by the federal government. He estimated that the package of tax incentives for a typical firm would reduce its taxable income by 75 percent.

But as many Conference participants noted businesses cannot benefit from tax incentives unless they have income to tax. While the combination of regulatory relief, increased local services and relief from taxes levied on non-profit items such as property and sales taxes can help reduce costs for unprofitable businesses, one of the most onerous costs for businesses are generated by high interest rates.

"Top-line cost without regard to whether a business has to generate a bottom-line profit for accounting purposes is viewed by many as being much more significant to the success of any economic development program than the reliance on tax incentives," Larry Revzan explained.

"Basically I think most people, many people I've talked to and worked with in the small business commmunity, are really looking for financing at relatively favorable rates and terms."

Jim McManus, Senior Vice President of the Philadelphia Industrial Development Corporation (PIDC) agreed, stressing the impact of tax-exempt revenue bonds.

"The difference in the cash flow of a couple of percentage points from, say on the average at today's market, about 12 percent on a tax-exempt basis compared to about 15, 16, 17 percent on a conventional basis is very significant to the small businesses that the Administration says today they want to help and assist."

In fact McManus believes the rates must be lowered and the availability of financing increased in inner-city areas. This could be partly accomplished with federal loan guarantees.

"It's fine for me to stand up here and talk to you about low cost financing available from PIDC, but when a company in an inner-city area goes to their bank and is told, 'Well, maybe if you were in another area of the city we would consider the loan, but we're not really interested in funding assistance in that area,' it obviously doesn't do the company any good because we are not bringing any added security or guarantee to the loan ourselves."

Bottom line: Jobs

But the bottom line for Enterprise Zones is jobs. Jobs are the most critical need of inner-city residents. According to Peter Ferrara, jobs are the number one goal of the federal Enterprise Zone program.

Bruce Davie, Chief Tax Economist with the House Ways and Means Committee, first broached the employment issue. "Suppose the zone is created and a few years down the road the local telephone company is thinking about where they are going to locate one of those big block houses that you see around the City that have millions of dollars worth of capital and equipment in them, no employees except maybe one, and a big fence around them. If you give an investment tax credit for that kind of equipment, I don't know if you've really accomplished much."

While half of the federal Enterprise Zone tax incentives are oriented toward encouraging labor-intensive business development, past employment tax incentive programs have met with limited success.

"If you look at the incentives to employers to hire disadvantaged workers even through direct tax credits or through the Manpower Development Training Act, the old program where they actually give them direct subsidies or wage subsidies for hiring and training people on the job, you'll find that there have been mixed reviews of that program," noted Revzan.

Tom Sheaffer estimated the employment impacts as potentially negative if Enterprise Zones raise the expectations of the unemployed. If that were to happen to the "discouraged workers," those not now counted as part of the labor force, could reenter the labor force looking for Enterprise Zone job opportunities. If that happened, unemployment would in effect increase.

"Our response then requires, I think, a little something more than we've done in the past," Sheaffer contended. "That's going to be a bold movement by the City to deal with. That means not necessarily diverting funds from some other place, but brand new funds."

Providing windfalls

There was little controversy among Conference participants, however, over the potential impact of the capital gains tax exemption, one of the tax incentives to be offered under the Reagan Administration program. In fact, some concern was expressed about limiting its benefits.

John Kennedy, a partner with the management consulting firm Woodside Associates, felt that the capital gains exemption could prove to be a strong job development tool. He noted that many inner-city business owners are inclined to go out of business rather than sell their companies and be liable for the capital gains tax. To preserve job opportunities, in many instances these businesses should remain in operation.

"I think that there is a positive aspect here in terms of the opportunity now for management and the ownership of a company to change without a tremendous penalty in terms of capital gains taxes," Kennedy pointed out.

Scott Reznick, a tax consultant, believes that the capital gains tax exemption is potentially too profitable, however. Reznick explained to Conference participants that the tax exemption would have the effect of increasing the value of property to be sold, creating a government-induced windfall profit for the seller. He advocated that the City levy a windfall profits tax on the first sale of property in an Enterprise Zone, and return the revenues generated to the zone through increased public services or direct grants to community organizations.

Business owners, however, felt somewhat differently.

Stan Moat, a Philadelphia small businessman, spoke for business interests, "I would like to strike the word 'windfall' from the vocabulary. It seems to me it remains a cornerstone of free enterprise that those willing to take the risks, work all those extra hours, and shoulder the total responsibility seriously for operating a business should be permitted to get rich. What other compensation has ever been truly effective in this society or any other?"

A new gentrification

The relationship between tax incentives and property values was of great concern to many Conference participants. Most agreed that property values would increase in an Enterprise Zone. Out of equity considerations, this makes the definition of an Enterprise Zone boundary difficult.

Bruce Davie noted that this would create initial problems in Congress. "You take incentives for firms that can move into (Enterprise Zone) areas and leave kind of an economic firebreak around them, because if

you're on one side of the street you get a very different tax treatment—a very different tax subsidy—than you do on the other side of that line."

The greater concerns about property values related to the potential for residential displacement.

Larry Revzan stated the problem best. "I think you run the risk that the more successful the zones are, if in fact they are successful, that will be reflected in higher property values, capitalization of the increased earning streams of the business, which will have the same effect as the more successful inner-city types of programs, that capital will force out those who cannot afford to pay high rents, force out businesses, residents, whatever."

Self-help

The solution proposed by the Reagan Administration is to give community groups in Enterprise Zones substantial responsibility for determining zone investments, offering them the opportunity to secure a vital equity interest in their community. This is a two-fold responsibility.

First, the community organizations are to help determine public and private investments in an Enterprise Zone.

Second, and perhaps most importantly for the success of Enterprise Zones, community groups are to be responsible for improving their communities, preparing them for the new business investment. Community groups are to be mobilized to reduce crime, clean up trash, rehabilitate houses, and even improve public infrastructure.

But as Ed Schwartz noted, this is a weighty responsibility for a community. "Those of us who have been involved in neighborhood revitalization groups find ourselves in an ironic situation in the last year, in that for much of the 70's we had a difficult time persuading federal and local government that neighborhood organizations were capable of doing anything. Now we find ourselves facing a President who believes that neighborhood organizations can, in fact, replace the entire domestic budget for the country."

Mark Frazier, President of Free Zone Authority Services, a non-profit consulting group, believes that community organizations can bear the responsibility if they are backed by an equity interest in Enterprise Zone developments.

"We feel that in order to make Enterprise Zones work for everyone, there has to be some way of getting the windfall and property value appreciation to accrue to residents within the zone. We feel that this can double back and be a benefit to business if that equity participation, that ownership stake, is made conditional upon residents of the Enterprise Zone joining with neighborhood associations and lending a hand on things like vandalism prevention, repair, reduction of crime, staffing of day care centers, all the things that residents feel would do more to make their area more attractive to live and work in."

But such equity participation cannot provide the upfront resources needed for community organizations to support self-help initiatives. And as Frazier admitted, property values would not increase before crime, service, and infrastructure problems were dealt with.

Housing needs.

Some experts believe that inner-city communities need more than just equity participation in Enterprise Zone investments. Barbara Kaplan, Deputy Executive Director of the Philadelphia City Planning Commission, told Conference participants that greater attention should be paid to housing.

"Many inner-city neighborhoods in Philadelphia, despite poverty, are characterized by a relatively high degree of home ownership," Kaplan explained. "This is a major strength, a source of stability, I think, a focal point around which to rally people to participate in Enterprise Zone associations."

But housing conditions are a problem.

"It's getting more and more difficult to maintain homeownership and create opportunities for new home owners in inner-city neighborhoods as a result of rising utility costs, interest rates, and because of other items in the household budget which leave less for housing," Kaplan noted.

Although the Reagan Enterprise Zone proposal includes a tax credit for housing investment, Kaplan believes it is not enough.

"I think that if the other federal subsidy programs were removed and this were the only one that we are left with, or even if we were left with this and a very modest rental subsidy program, this will not provide enough incentive for the developers to renovate or develop rental housing," Kaplan explained.

But, while housing is a critical problem for inner-city communities, Denise Chapline, Executive Director of the Allegheny West Foundation, a non-profit community development organization, feels that jobs are the key to a successful Enterprise Zone self-help strategy.

"I think it is real important in looking at the potential of these neighborhood Enterprise Zone associations that some guarantees should be made to the residential community that's being approached as a potential Enterprise Zone," Chapline contended. "The kinds of guarantees that I'm talking about are things like jobs . . ."

Creating a partnership

Jobs are to be the primary objective of the Enterprise Zone program. Providing them will be the private sector's responsibility. The lack of community resources and the lack of government resources on the federal, state and local levels is mandating a greater role for the private sector.

Clearly a more active partnership between the public sector, communities, and the private sector will be necessary to leverage increased private sector involvement in distressed areas.

The Allegheny West Foundation is an example of how such a partnership can be effective. Denise Chapline observed from her experience as Executive Director of the Foundation.

"Obviously business has got the money and, in some cases, the technical expertise to put together a community revitalization program. But without the support and the time and volunteer efforts of the residents themselves, the programs would never get off the ground. The government's part in Allegheny West's program has been small contributions for the administrative costs of the Allegheny West Foundation as well as, in some cases, increasing city services to the residential area."

The Enterprise Zone program advocates two roles for the private sector. One is that of a profit-oriented investor, induced to locate jobs in inner-city areas because of the potential for high returns.

As Peter Ferrara explained, the Enterprise Zone tax credits support private investment by enhancing a business' bottom line. "Because a businessman can hire a worker and receive such a substantial return for a long period of time, he has an incentive to make an investment in that worker, to hire these workers and to give them the fundamental training necessary to make them productive."

The second role for the private sector is that of a resource provider, funding and assisting initiatives previously supported with public money.

In this role, the private sector contributes technical assistance and money to community organizations for revitalization projects. Or more directly, the private sector can assume responsibility for making infrastructure improvements in exchange for decreased tax liabilities. These types of contributions in turn support and enhance private sector investments in Enterprise Zone business ventures.

In this second role, the private sector is using its resources to leveraged its own investments. Theoretically these private resources will be leverage more cheaply through tax subsidies than with direct public dollars.

Will the private sector respond?

Stan Moat was optimistic about whether the private sector would pursue its primary role as an investor in Enterprise Zone areas.

"I don't know any small businessmen who wouldn't readily sacrifice the beautiful green vista of his worklife for some more beautiful green in his pocketbook. This all gets another review the first time your car is stolen, the secretary gets mugged, or the front door is smashed and trashed."

But in the face of the "New Federalism" there was significant concern expressed among conference participants about whether the private sector would carry out its second role.

Bill Harrington, Executive Director of the Southwest Germantown Community Development Corporation, spoke to the need for more private sector assistance to community-based non-profits.

"The Reagan Administration Enterprise Zone bill doesn't go nearly far enough. However, a partnership between the various levels of government and the business community, perhaps with local non-profit organizations brokering the various needs and resources, can help to bridge the gap."

To do this, non-profits will need some way to leverage private sector assistance.

Either stronger tax credits need to be available for private contributions to non-profits or mechanisms created to allow non-profits to transfer tax benefits accruing from their economic development efforts to private corporations.

Overall, Denise Chapline observed that there were problems in developing public-private partnerships, pointing out that business people think differently about community revitalization in general than do residential communities.

"The businessmen and women tend to think about profit builders, they want quick results, they want action . . . the way they would make decisions in their own corporations is not the same way that they make decisions about community programs . . ."

Chapline noted that the residential community also often has problems working with businesses, based on her experiences with the Allegheny West Foundation.

"The residential community, on the other hand, had a difficult time in the beginning believing that the businesses in North Philadelphia have a desire to do anything to serve the residential community."

"I think it's going to take a while before residents feel comfortable with the Enterprise Zone program or anything else that's coming down the pike unless guarantees can be made that there are going to be some actual benefits to the residents of the community."

The conclusions

Mayor Green has summed up the mission for the Conference in his opening remarks. "At the end of this session, I hope we know virtually everything that it is possible to know about the reality of doing business in the inner-city and about the things which must be done if we are to effectively confront these realities."

A consensus on what these realities were had emerged by the end of the day.

The basis for a successful Enterprise Zone initiative is the establishment of a cooperative effort. "I think the view that's emerged here is the notion that in neighborhoods you need an effective partnership between neighborhood groups, the private sector, government, and the labor movement, working cooperatively to build economic development strategies," Ed Schwartz concluded.

Further, an Enterprise Zone program will not be successful in stimulating business investment without some basic improvements to the inner-city environment. The problems with crime, street and highway conditions, trash, land and site improvement costs, deteriorated housing and inadequate commercial services all must be dealt with in order to persuade businesses to invest in inner-city areas. But upfront monies are needed to support these preparatory investments. Cities cannot raise these monies.

Additional measures are also needed to address the needs of businesses, beyond the basic tax and regulatory relief measures proposed for the Enterprise Zone program. Conference participants agreed tax cuts and credits do little to help unprofitable or start-up businesses. But more critically, many of the burdens placed on businesses operating in distressed areas are not government induced and thus are not ameliorated by reductions in federal government taxations or regulation.

Instead businesses need venture captial, lower cost financing, lower energy prices, improved management skills and protection from import competition. But participants also felt that some state and local business taxes could be reduced, particularly those that tax without regard to the profitability of a business.

Conference participants overwhelming agreed the critical problem facing inner-city communities is unemployed. However, while the Enterprise Zone employment tax incentives can provide a substantial subsidy for the hiring and training of disadvantaged individuals, more aggressive efforts are needed.

Community groups need to be involved in job development, individuals should be given stronger incentives to encourage education, and the school systems need to be involved in Enterprise Zones in order to meet the basic skill needs of employers.

Finally, participants felt Enterprise Zone communities must be provided with an equity interest in any economic investment, otherwise no long-term gain will result for residents.

The potential for gentrification loomed high as a concern of Conference participants. Strong provisions are required to protect existing low and moderate income residents and businesses from any of the effects of higher land values.

This, then, is Philadelphia's response to Enterprise Zones. Continued extraordinary efforts are needed to ensure that Enterprise Zones can address the real problems of distressed communities. But the potential is there. Philadelphia, its business people and its communities are committed to making it work.

AN ENTERPRISE ZONE: HUNTING PARK WEST

Like many cities, Philadelphia has already begun planning for the eventual implementation of an Enterprise Zone program. Key to this effort has been the identification of an area for Enterprise Zone designation.

Hunting Park West is Philadelphia's candidate for an Enterprise Zone. Located in Upper North Philadelphia, Hunting Park West encompasses an industrial core of over 300 firms and 16,000 jobs that comprises an important part of the City's economic base. The industrial core is surrounded by a residential community of 160,000 people, many of whom are low income and minorities.

A traditional location of major manufacturing activity, Hunting Park West has experienced a physical and economic decline over the last 20 years. The residential neighborhoods surrounding the industrial corridors have undergone dramatic transitions in their socioeconomic makeup. The general population movement to the outlaying sections of the city has left these neighborhoods with increasingly weak residential bases. As a result, they are plagued by social problems and substantial physical decay.

Problems facing Hunting Park West industrial firms involve those factors that traditionally affect business operating in inner-city areas. Based on findings of a 1977 survey of 99 manufacturers, these problems include the lack of adequate expansion space, an inability to access highly-skilled, skilled and clerical labor forces, capital resource availability, and the general deterrent factors inherent in the inner-city social and physical environment.

The commercial community in Hunting Park West is composed of retail businesses catering primarily to the industries and residential communities throughout the area. These businesses are generally small, either the "mom and pop" type corner grocery stores or the commercial "strip" variety stores. Yet despite the proximity of dense residential neighborhoods, these businesses are, in general, weak and not adquately contributing to the area's economic development.

The economic development of the Hunting Park West neighborhoods is affected by two major problems. The first is the extraordinary unemployment which confronts selected subgroups of the residential population. The community's labor force suffers from unemployment levels which for some population segments approach 50 percent. This is due to a number of factors, among them the current lackluster economy, the disproportionate employment decreases in the manufacturing sector, the lack of a highly-skilled and skilled labor force within the community and the existence of a large minority population.

The second problem facing the Hunting Park West residential community concerns housing. A 1980 survey of households in the community found that housing was viewed as the third most important problem facing Philadelphia, that abandoned and run-down houses posed the most serious neighborhood problem and that the repair of vacant houses would do the most toward making the neighborhoods more livable. It is not only the community's concerns but also businesses' concerns about the housing deterioration in nearby neighborhoods that underscores the need to confront housing problems in conjuction with any economic development effort.

Based on a traditional objective of retaining and strengthening its existing economic base, the City initiated planning for the revitalization of Hunting Park West in the Summer of 1980. Supported by a grant from the Economic Development Administration (EDA), this planning effort focused on designing a set of public strategies to help spur development and create jobs, especially for low and moderate income residents.

The planning effort resulted in the identification of three sets of development initiatives. The first set was defined to directly support viable business activity by encouraging the retention and expansion of existing businesses, attracting new businesses into the area and spawning the formation of new businesses. A second set focused on indirectly supporting business activity by improving transportation systems, rationalizing land use patterns, upgrading area security and enhancing public services.

A final set of initiatives was oriented toward maximizing the linkage between the job benefits which would accrue from the additional business activities and the employment needs of the residential community.

Limited monies have been made available, chiefly from existing federal and state programs, to fund selected revitalization activities in Hunting Park West. In September 1981 the Private Industry Council, the City's quasi-public job training agency, completed a survey of job needs among employers in Hunting Park West. The City's Office of Housing and Community Development is funding management consulting services targeted to Hunting Park West businesses with CDBG monies. The Commerce Department jointly with the Office of Housing and Community Development is funding a crime prevention demonstration program to be run by a community organization in Hunting Park West. That office has also funded the establishment of a neighborhood job bank for the Hunting Park West community.

But the loss of many of the traditional federal economic development programs has sharply undermined the City's ability to pursue the initiatives which are most critical to a successful revitalization effort. Because the Enterprise Zone program, if enacted, would primarily provide business tax reductions, the direct funding required to support critical job training, business development programs and infrastructure investments is not available. Without such funding the future of Hunting Park West seems uncertain.

A ROLE MODEL: THE ALLEGHENY WEST PARTNERSHIP

While public-private partnerships as an initiative of the federal govenment are a new concept, joint public and private sector development ventures are not new. Public-private partnerships have for years helped to redevelop many urban centers, particularly in the older Northeastern cities.

However, less common are partnership ventures which form to redevelop neighborhoods removed from strong economic centers. Since the introduction of the federal urban renewal programs, the revitalization of distressed urban areas has been largely

perceived as a responsibility of the public sector.

The Enterprise Zone concept advocates a greater role for the private sector in the revitalization of disadvantaged communities. Public-private partnership are to be a key factor in attracting new economic investment to areas that have witnessed severe and dramatic private disinvestment in the past. Unfortunately, there are only a few role models of successful partnerships from which to pattern these new endeavours. Philadelphia's Allegheny West Foundation is one such model.

In the middle 1960's, the Tasty Baking Company, a major manufacturer of retail cakes and pies, began to notice drastic changes in the Allegheny West residential community just south of its headquarters plant in Philadelphia. The community which prior to 1969 had been a white, Irish and Italian middle income area was rapidly undergoing a transition. Between 1960 and 1970, the community population became 95 percent black, with the majority of those blacks low income. The panic selling which took place during the decade resulted in many vacant houses, sharp declines in real estate values, and a gradual increase in crime, vandalism and residential unemployment.

Realizing that the decline of the surrounding residential neighborhood would have a direct and negative effect on the value of the company's real estate holdings. Tasty Baking Company management, led by its chairman Paul Kaiser, decided to implement a community revitalization program which would decrease the ever growing number of vacant homes, increase real estate values, and generally act as a catalyst in renewing interest and pride by the existing residents themselves in the declining neighborhood.

Consequently, the Company established in 1968 the Allegheny West Foundation, a non-profit public charity whose mission was to serve and preserve the Allegheny West community in North Philadelphia. The community today encompasses approximately 40 blocks of some 4,000 housing units and has a population of roughly 24,000 persons, most of whom are black. Thus, different from many 'downtown' private sector development ventures, the Allegheny West Foundation's mission was designed to combat the problems of an innercity community, from which many residents and businesses had already fled.

"The whole idea of the Allegheny West Foundation began as a business concern of Tasty Baking Company," Denise Chapline, the Executive Director explains. If Allegheny West was to become a ghetto, they (Tasty Baking Company) would be faced with a plant that may or may not have had any real estate value at that point. . ."

For the first three years of the revitalization effort Tasty Baking Compay allocated $40,000 annually and hired a full time director and secretary to manage the project. Much of the director's time in the initial stages of the program was spent talking to residents about the community and its problems and how the Foundation could work with the residents to bring about a positive change. The attitude of the Foundation's small staff was one of "What can we do to help, what type of programs would work best here" and never "We think this program is best for the area and this is how we're going to go about it" as so often happens in governmentally run programs.

After countless conversations with residents and numerous meetings with emerging community leaders, the Foundation began to concentrate its efforts on those problems which the community had prioritized: housing abandonment, vacant lots, lack of day care facilities (the community has an extremely high number of single parent households), employment, and lack of recreational opportunities for youth.

The multi-faceted revitalization efforts have today, for many people, paid off. The Allegheny West community still faces many problems, but positive results from the Foundation's efforts are evident. In 1970, over 750 vacant houses were scattered throughout Allegheny West while in 1980, there were roughly 350 vacants. A total of 200 vacant houses have been rehabilitated by the Foundation, but the remainder were fixed up by owners, themselves. Fifteen vacant lots have been developed jointly by community residents and the Foundation. Over 400 teenagers have worked for the Foundation and for the community.

More importantly, the Foundation's work has leveraged additional benefits for the community. A once declining and almost extinct business district is today thriving and almost fully occupied. All 108 units of a newly constructed cooperative townhouse development built on a long standing vacant tract of land have been bought. A community credit union has been formed with over $15,000 worth of assets. And a community has been preserved: the Foundation has a list of over 200 persons waiting to move into Allegheny West.

The key to the success of the Allegheny West Foundation's efforts lies with its partnership nature. "Allegheny West has always been a partnership of private industry, of the residential community, and of government and political type communities," Chapline recalls. "I think that without all three of those funders, the program would not be around today."

Today, the Foundation has an annual budget totaling $500,000 contributed by corporations located in the Allegheny West area by the City from its CDBG monies and by private foundations. Much of the funding is leveraged through the Pennsylvania Neighborhood Assistance Program, allowing corporations to qualify for a tax credit for contributions. Administered through the State's Department of Community Affairs, qualifying contributions end up costing businesses eleven cents for every dollar donated, a cost which Chapline thinks is still too high. "Even though a dollar and eleven cents sounds like a very nice amount of money, it still costs the business money to put together a program like this. I think that any additional tax incentives which the government can throw the way of private enterprise is well worth while."

A lot of lessons can be learned from the Allegheny West experience by neighborhood Enterprise Zone associations. The partnership effort is essential to making the revitalization program work, Chapline believes. Due to financial contributions of private concerned businesses, the Allegheny West Foundation has been able to design housing and human service programs which meet the needs of residents without being encumbered by unnecessary governmental regulations. Due to the daily involvement of the residents and their leaders, the Foundation has been able to correctly assess the problems of the area and the best ways to handle those problems without becoming a self-serving public relations arm of "big business." Due to the involvement of the City and state public officials, the area enjoys a more responsive attitude by the municipality to its needs and goals. One part of the partnership cannot do the job alone, it takes a combination of all three to effectively bring about change.

Pennsylvania's Response: Enterprise Development Areas

A number of states throughout the nation have either enacted or have pending Enterprise Zone programs to complement the proposed federal legislation. The Commonwealth of Pennsylvania has joined in the efforts of other states and currently has several legislative proposals for a State Enterprise Zone program under consideration.

More critically, the Thornburgh Administration is in the process of designing its own Enterprise Zone program. Under the direction of the Department of Community Affairs (DCA), the State Enterprise Development Program would target State resources to an estimated 20 to 30 areas throughout Pennsylvania that suffer from persistent and high unemployment, substantial poverty, and general economic decline.

Pennsylvania's Enterprise Development Program is conceived of as a new community conservation initiative designed to, jointly with the public and private sectors, "create environments which increase rewards for investment, production, and employment." The intent is to target a full range of State resources directly related to community and economic development to discrete geographic areas within distressed communities. In this sense, the program parallels the Enterprise Zone concept.

As stated in the Governor's proposed budget, the objectives of the Enterprise Development Program are the following: (1) to revitalize neighborhoods; (2) to create public/private partnerships and substantial new private investment; (3) to provide job opportunities for the structurally unemployed such as minority youth, displaced workers, etc.; and (4) to stimulate the creation of new, young, small businesses particularly in markets with growth prospects for the future.

As originally conceived, Pennsylvania's Enterprise Development Program will consist of four elements: direct grants, including future federal block grant appropriations; State tax incentives; regulatory assistance; and priority targeting of all State programs and services.

Direct grants include general grants as well as specific purpose grants either existing or being developed under the Reagan Administration's New Federalism initiative. General grants would be used to fund specific local initiatives designed for an Enterprise Development area.

Tax incentives proposed for the State's Enterprise Development Program involve primarily financial assistance. Three tax-exempt financing programs are to be targeted to designated areas on a priority basis, as is a Welfare Jobs Tax Credit, and tax credits provided under Pennsylvania's Neighborhood Assistance Act. These last credits permit corporations to apply between a 50 and 70 percent credit against state tax liabilities for contributions to economic development and community conservation activities.

To help reduce regulatory burdens on businesses Pennsylvania has initiated reform measures that simplify regulations, evaluate economic and social impacts, encourage public review and institutionalize government review on a regular basis.

These measures stress regulatory flexibility. In addition, the Department of Community Affairs has proposed requesting legislation to allow regulations which do not safeguard the public welfare to be relaxed or removed at the request of the local Enterprise Development area jurisdiction.

To further enhance the Enterprise Development Program, all State programs and services are to be coordinated directly with the Enterprise Development Program. All State resources would be available to designated areas on a priority basis.

PHILADELPHIA'S RESPONSE: BUSINESS INVESTMENT ZONES

Over a period of several years, Philadelphia conducted extensive surveys of manufacturing businesses throughout the City. These surveys sought to uncover what problems these businesses faced as part of an overall economic development effort to retain the businesses and jobs already located in the City. Special attention was given to developing public strategies that would ameliorate the problems impacting businesses operating in distressed inner-city areas.

While the surveys found that businesses encountered problems with the availability of land, labor and capital in the inner-city, they also found that businesses were, in fact, happy with their inner-city locations. If streets could be improved, trash and litter problems alleviated, and crime and vandalism reduced, most businesses would remain where they were.

Thus, the City began to plan a major new development initiative designed to deliver an enhanced level of public services to selected business problem areas. These areas have become known as Business Investment Zones (BIZs).

Developed under the auspices of the City's Managing Director, Business Investment Zones comprise older industrial areas of the City that have concentrations of business activity but are in need of special public services. These areas suffer from the typical range of problems that impact older sections of the City, but can benefit immediately from a more intensified delivery of public services including street repair, sanitation, police protection and business services, particularly financial assistance.

Over thirty areas of the City were initially evaluated for designation as Business Investment Zones. Nine areas have subsequently been designated as pilot treatment areas. The areas generally encompass several city blocks and are centered around core groups of existing businesses.

Each area is evaluated in terms of its needs. A project manager performs the evaluations, assisting businesses in receiving necessary services. Since the Business Investment Zones are located in the older industrial sections of the City, businesses located there maintain vital local employment opportunities for City residents, especially those of low and moderate income and minorities.

Indeed, the enhanced delivery of public services is an important part of the Reagan Administration's Enterprise Zone program. Local governments are urged to provide more effective services to Enterprise Zone areas. However, the Reagan Administration proposes that local governments do this through the privatization of those services. Contracting public services to private interests will, according to Enterprise Zone proponents, promote the more effective delivery of services at a lower cost. Studies by Administration officials estimate that some cities, especially small cities, can routinely save between 20 and 40 percent of the costs of providing certain services through privatization. The savings result from increased efficiency and private sector competition.

But the need for enhanced public services in inner-city areas often results from the relatively high level of problems in those areas. Business Investment Zones will benefit from a better coordination of public service delivery. Privatization does not always produce increased efficiencies.

Wilson Goode, Managing Director for the City of Philadelphia, believes that there are limits to privatization. "I think that, certainly, anyone who attempts to manage a city must at some point look at the whole concept of contracting out public services. We find that in some instances, the grass cutting in Fairmount Park, for example, we were able to reduce the cost in 1981 by letting our own employees do it."

But Business Investment Zones will not simply receive better public services. As the program develops, the zones will benefit from a wide range of targeted revitalization efforts. Job development and training programs, community clean-up campaigns, Town Watch programs and housing rehabilitation investments are a few of the initiatives to be developed for Business Investment Zones. In addition, as Pennsylvania's Enterprise Development Program evolves, these areas will form the core for expanded revitalization work to be funded under that initiative.

Mr. SPECTER. I thank the Chair. I thank the distinguished majority and minority leaders for yielding me time to discuss this important subject.

ORDER OF PROCEDURE

(The following occurred during the foregoing remarks by Mr. SPECTER.)

The PRESIDING OFFICER. The Senator is informed that there is a 1-minute time limitation during morning business.

Mr. BAKER. Mr. President, I apologize to the distinguished Senator from Pennsylvania but I believe we are to resume consideration of the MX resolution at 10:15 a.m. The managers have not arrived in the Chamber yet.

Mr. President, we also have a time certain for passage.

Mr. President, let me make a suggestion. Let us go ahead and get on the resolution. I believe the Senator could be allowed to complete his remarks.

Mr. SPECTER. I thank the majority leader. I would only take another minute or two.

Mr. BAKER. Let me first ask the Chair to place us back on the resolution and then the Chair can recognize the distinguished Senator from Pennsylvania.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BYRD. The Pastore rule has almost been forgotten around here.

Mr. President, I ask unanimous consent that the Senator may speak on whatever subject, notwithstanding the Pastore rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the distinguished majority leader and the distinguished minority leader.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MX MISSILE BASING MODE FUNDS

The PRESIDING OFFICER. Under the previous order, the hour of 10:15 a.m. having arrived, the Senate will now resume consideration of Senate Concurrent Resolution 26, which the clerk will state by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 26) approving the obligation and expenditure of funds for MX missile procurement and fullscale engineering development of a basing mode.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from Kansas.

Mrs. KASSEBAUM. I thank the Senator from Mississippi.

Mr. President, we have heard much thoughtful debate, pro and con, on the MX in the last couple of days. I think one of the most promising developments of the past few weeks has been an emerging consensus on this much-debated issue of strategic nuclear weapons and arms control. This consensus, however tentative it still is, stems from the Scowcroft Commission report that, for the first time, links nuclear weapons programs with arms control efforts. It would do so with a three-part package which has been much discussed, calling for the deployment of the 100 MX, then followed by the development of a new, small, single warhead missile and a new arms control strategy aimed at limiting warheads rather than missiles.

Taken as a package, these proposals could be a constructive change in our thinking about the arms race. Ultimately, they could produce more stable conditions between the superpowers on the critical issue of large multiple warhead missiles that create the threat of a nuclear first strike.

Mr. President, the Scowcroft Commission's proposals, however, are not a simple and easy prescription for the disease of the arms race. I would not minimize the difficulties that lie ahead, both in our internal debate and in negotiations with the Soviets. I would like to believe that we could just stop building nuclear weapons and unilaterally end this insane contest. But wishing will not make it so. Good

intentions cannot guarantee our children's future; neither will more bombs and missiles alone provide security. We must join our intentions with the will to back them up.

I and other Members of Congress have deep reservations about moving forward with the MX missile. I believe that is proper. No sane person rushes eagerly into such a risky venture with such an uncertain outcome. But we also cannot allow our reservations to blind us to the danger that already surrounds us. The paralysis of the past decade has produced no real and lasting security for anyone on the planet.

Given such circumstances, we must make judgments that weigh possible risks against potential gains. We must use our heads as well as our hearts. On the immediate case in point, I have concluded, reluctantly, that we must give the Scowcroft proposals a chance to work. As the first step, I support the release of funds for flight tests of the MX missile.

However, I believe it is crucial that we look beyond MX to see whether this new consensus will take us where we want to go, and how quickly we might reach the "primary objective" set down by the Scowcroft Commission—nuclear stability.

One of the strongest arguments made by the Commission for the MX missile was its potential usefulness to the President in negotiations with the Soviets. Approval of the MX would be a demonstration of "national will" that might give the Soviets good reason to talk seriously about arms control, the Commission reasoned.

I believe there is merit in this idea. I would take it one step further by suggesting that funding the MX also offers a chance, however slim, for immediate progress on arms control.

Under a plan that I and other Senators support, this could be achieved by approving MX funds and then offering to suspend all flight tests on the missile if the Soviets also halt all flight tests of similar missiles. Such an agreement would not require complicated negotiations, and compliance could be verified by both sides using well-established and on-going monitoring efforts.

This plan could produce some immediate progress toward the Scowcroft Commission's goal. It would increase stability between the superpowers by halting all flight tests on land-based missiles with more than one warhead, the most dangerous weapons on both sides.

One argument against such a step is that suspending MX flight tests would do nothing to redress what the Commission called a "perceived imbalance" between American and Soviet land-based missiles. But the Scowcroft Commission also made clear that the Soviets do not now have a meaningful strategic advantage. The goal is to prevent them from attaining one. A suspension of all flight tests on first-strike missiles would move us toward this goal. It would put us on the path outlined by the Commission in this key passage:

> Whether the Soviets prove willing or not, stability should be the primary objective both of our strategic forces and of our arms control proposals. Our arms control proposals and our strategic arms programs should thus be integrated and be mutually reinforcing. They should work together to permit us, and encourage the Soviets, to move in directions that reduce or eliminate the advantage of aggression and also reduce the risk of war by accident or miscalculation . . .

I believe it is time to strengthen the President's hand in dealing with the Soviets at the negotiating table. Congress should give him the MX card. If it is used wisely, we could force the Soviets to lay some of their own cards on the table this year, not in some unknown and distant future.

Approval of MX funding and an American offer to suspend its flight tests would send two powerful messages to the Soviets and our allies: We are ready and willing to proceed with MX; we also are willing not to, if the Soviets will respond in kind.

It is said that MX is a test of our national will on armaments. An American offer to halt all flight tests on land-based missiles with more than one warhead would be a test of Soviet will on arms control. If both sides will meet those tests, we can move beyond MX.

Mr. BAKER. Mr. President, will the Senator yield to me for a moment?

Mrs. KASSEBAUM. I shall be happy to yield to the majority leader.

Mr. BAKER. I shall not take long, Mr. President. I know the distinguished Senator from South Dakota is prepared to make a statement on this subject but I could not let this moment pass by without commending the Senator from Kansas for her statement. It has become a hallmark of her service in the Senate that her statement is careful, well thought out, and unambiguous. The Senate is grateful for her contribution. I am personally grateful for her statement today.

Mrs. KASSEBAUM. I thank the majority leader.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield Senator PRESSLER 8 minutes.

Mr. LEVIN. Mr. President, will the Senator from South Dakota yield to me 2 minutes prior to that so I can make reference——

Mr. PROXMIRE. Mr. President, I yield the Senator the time he will take to do that.

Mr. LEVIN. I would appreciate it if the Senator from South Dakota will yield for 2 minutes on a subject the Senator from Kansas just talked about.

Mr. President, the Senator from Kansas made reference to a possible pause in flight testing of MIRV land-based missiles. Later on this morning I will seek to obtain unanimous consent that a vote on such a sense-of-the-Senate resolution take place immediately following the vote on the MX. I will be introducing a resolution which expresses the sense of the Senate that the United States should propose a mutual pause in flight tests of new MIRV ICBM's and seek an arms control agreement in the START talks incorporating the recommendations of the Scowcroft Commission.

Mr. President, I will be introducing this resolution on behalf of myself, Senators KASSEBAUM, INOUYE, BUMPERS, CRANSTON, HUDDLESTON, PRESSLER, ANDREWS, DURENBERGER, SPECTER, MATHIAS, and BOREN. This resolution represents feelings on both sides of the aisle and, even more significant, on both sides of the MX issue.

This resolution has cosponsors who will vote for MX and who will vote against MX. Later I will speak at greater length about this resolution, but I wanted at this time simply to alert my colleagues that at some point this morning I will be seeking this unanimous consent. The sense of the Senate resolution urging the President to make this proposal on behalf of 12 of our colleagues will be part of a unanimous-consent request. That unanimous-consent request will seek the opportunity to vote on this resolution immediately following the vote on MX.

I yield the floor at this time. I thank my friend from South Dakota.

Mr. STENNIS. Madam President, I understand that the time the Senator used is charged to the opposition?

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator is correct.

The Senator from South Dakota is recognized.

Mr. PRESSLER. Madam President, in my 9 years in Congress, I have worked each year on arms control. I have felt very strongly about this subject, and it has been my honor to serve as chairman of the Arms Control Subcommittee of the Foreign Relations Committee. I have spoken many times in my State and in the Senate on this subject.

I rise to support the President's plan on the MX missile. I do so as a cosponsor of the Cohen-Nunn resolution, or the so-called builddown resolution. I was one of the early cosponsors of this resolution. Among the 45 cosponsors of the builddown legislation are one-fourth of the Senators cosponsoring the nuclear freeze resolution.

I believe that it is very important to give President Reagan the flexibility to move forward to significant arms reduction. The Scowcroft Commission report is a historic document and we

should make every effort to see that it is implemented. As Senators know, the Scowcroft recommendations involve two key features. The Commission report endorses MX and it recommends moving toward more stable single-warhead systems through a builddown. In essence, today we are voting for this package. The MX missile is only an interim measure in this longer range plan.

The Russians have gone forward with the SS-18. They basically have the MX already. I am not one who is eager to build more missiles; I am not one who is eager to see more nuclear weapons built. Indeed, I am very reluctant about these developments. But we are in a position in the START negotiations where we must give the President this bargaining chip. Without this the Soviets are unlikely to abandon their decade-old MX-type missile.

Let me also say I am a cosponsor with my colleague from Michigan of a flight test pause resolution which I hope we can adopt. Currently the Soviets are testing new missiles and a moratorium could stop this development. But in any event, even if we cannot adopt that today, or if it somehow is caught up in a parliamentary web, we are still in a situation where, if the Russians would voluntarily stop certain flight tests, we would then be in a position to reciprocate. But we have not conducted flight tests while the Soviets have gone forward.

As much as I am for a dialog between East and West, and I am an advocate of a long-term grain agreement with the Soviet Union, I see the Soviet Union building missiles and other weapons to which we must firmly respond. I do not support excessive military spending, as I have said many times. So it is a difficult decision for me. However, I believe that making this decision is a necessary step. Only by supporting the President can we hope to get Moscow to negotiate seriously. Only if the Soviets believe that we will proceed vigorously with our strategic defense options in the absence of significant arms control agreements can we hope to bring about deep arms reductions. It is for these reasons that I am supporting President Reagan on this important issue.

Madam President, in conclusion, let me summarize by saying that during my service in Congress, arms control has been one of my top priorities. I have chaired numerous hearings and offered resolutions on arms control in outer space and have encouraged our negotiators to move forward at every possible opportunity. On this occasion I must say that the President of the United States needs the flexibility that the MX will give. We will send a powerful message to the Soviet Union. We will show that we have the will to go forward if they are unwilling to bargain. I say that in the context of having met and talked with our negotiators, and I have talked with the President on this subject. The United States must make every effort, whether it is the Cohen-Nunn resolution, of which I am an early cosponsor, or the Levin resolution or similar ideas. We must make a good faith effort to see that in fact the MX is not built. But we must go forward with it in the absence of a verifiable arms control agreement.

Madam President, I yield back my time.

Mr. BAKER. Mr. President, will the Senator yield to me?

I will only take a minute. I know other Senators want to speak.

I take this opportunity to congratulate my friend from South Dakota. I know he has thought long and hard about this not only because of his conscientious service as a Senator from that great State, a State which has produced great Senators and Senators of great independence, but also because he is chairman of the Arms Control Subcommittee of the Foreign Relations Committee. He perhaps as much and maybe more than any other Senator is concerned about the future evolution and development of intercontinental-type missiles. Therefore, Madam President, I think that the obvious concern and the great care with which the Senator approached this matter is apparent in the statement he just made. I commend him for it. I am sure it will serve as a guidepost for future thought and decisions of his fellow Senators.

Mr. PRESSLER. I thank my colleague.

Mr. GORTON. Will the Senator yield 1 minute?

Mr. STENNIS. Madam President, I yield 1 minute to the Senator from Washington.

Mr. GORTON. Madam President, no decisions made by this body are more important than those through which we seek to preserve the security of the Nation and the peace of the world. It is such a decision which we will make today in voting on Senate Concurrent Resolution 26.

Our decisions about defense policy, especially where strategic arms and arms control are concerned, must be guided by the goal of increasing international stability and decreasing the risk of war, especially nuclear war. Historically, it has become clear that an essential element of international stability is the maintenance of an American deterrent capacity sufficient both to persuade potential adversaries that the costs of attack outweigh any possible gains and to defend the Nation should we ever be attacked.

There is substantial agreement among many Members of Congress, as well as a broad range of outside experts on defense and foreign policy, that we face both short- and long-term problems in maintaining an effective deterrent capability. The President's Commission on Strategic Forces has examined these problems and offered a series of recommendations, one of which we are debating today.

Madam President, it has become clear that the MX is neither a perfect nor a permanent solution to the problems of strategic instability. The Scowcroft Commission viewed it as an integral part of a comprehensive policy designed to preserve our security and promote long-term stability. I believe that it can be accepted, that is in fact very important, as part of such a policy.

Opponents of MX deployment frequently argue that it will only spur the Soviets to develop a similar weapon. The fact of the matter is that they have already done so. The Soviet arsenal now includes 300 SS-18 missiles, each of which can carry 10 or more warheads. It also includes 300 six-warhead missiles and 800 other missiles carrying between one and four warheads each. We must not deceive ourselves into thinking that these missiles do not pose a grave threat to the United States. They do, and, in the near term, we can best protect ourselves against this threat by insuring that a reasonable balance of power is maintained.

MX deployment also is frequently opposed on the grounds that it is a "first strike" weapon. There is no question that it will establish a greater capability than we now have to aim our nuclear weapons at military—rather than civilian—targets. I do not believe it is accurate, however, to denounce and denominate this as a first-strike capability. The deployment of 100 MX missiles, in my view, simply will not create a force large enough to persuade any knowledgeable person that the United States could attack the Soviet Union without bringing down upon both nations the horrendous consequences of nuclear war.

More importantly, the "first strike" argument is based on an assumption which is deeply disturbing—that there is no moral difference between the United States and the Soviet Union. A moral assessment is entirely relevant, indeed is absolutely essential, in this discussion. Columnist George F. Will recently wrote:

> There seems to be reluctance to inject the great themes of political argument—such as justice and legitimacy—into the argument about defense policy, because that would require unblinking scrutiny of the Soviet regime we are deterring.

Such scrutiny inevitably reveals profound differences in the values which guide the two nations and the responsibility with which we have acted, both domestically and internationally.

These differences bear directly on our decisions about strategic policy.

The people of this Nation can be proud of the way in which we have fulfilled our role as a superpower, especially with respect to nuclear weapons. During most of the years since the end of World War II, the United States held either a monopoly of, or a clear superiority in, nuclear forces. This overwhelming superiority would have enabled us, had we been so disposed, to attack the Soviet Union with relative impunity. Never was this force used, nor was its use ever seriously considered. I see no reason to believe that the quality of American moral judgment on this issue has changed.

We cannot, however, base our policy on the assumption that the Soviet Union's actions as a superpower will be as responsible as ours have been. The record, in fact, suggests precisely the opposite. The Soviets are actively engaged around the world in efforts to destabilize nations and to extend Soviet will and domination. Perhaps most disturbing, though, is their well-documented use of chemical weapons in Afghanistan in spite of their solemn undertaking not to do so.

I am genuinely disturbed that the Soviet Union's acquisition of nearly 4,000 first strike warheads has been the source of relatively little concern in this country, while the suggestion that we should maintain an effective deterrent to the Soviet force is described by many as "destabilizing." The United States neither must nor should attempt to match the Soviets weapon-for-weapon. Our ICBM fleet is smaller than the Soviets' by choice, because we have put more emphasis on strategic submarines and aircraft. ICBM's pose a particular danger, however, because of their accuracy and quick delivery. We must prevent the Soviets from obtaining such a preponderance of these weapons that they become confident of their ability to attack this country. In a world in which a balance of power has promoted peace and imbalance has invited attack, the creation of such an imbalance would be the most destabilizing event which could occur.

Rather than focusing solely on the MX, the Scowcroft Commission properly incorporated it into a comprehensive discussion of U.S. strategic policy, including both weapons development and arms control. The actual abolition of nuclear weapons is a distant goal at best, and the Commission report makes it clear that we do not have the luxury of simply avoiding decisions about these weapons. It stresses, however, that there are options available to us which can produce a real, long-term increase in international stability. It is most important that we begin to view our strategic policy as a whole, that we examine our choices and begin to pursue long-range goals.

Two of these options are, in my view, especially important. The first is a commitment to increase the ability of our nuclear weapons to survive attack. The Commission recommended that this be achieved through the development of a mobile, single-warhead missile and through expanded research on secure basing systems and protective measures such as silo hardening. It will be some time before the needed technology is available, but it is of the utmost importance that we obtain it. Increasing the ability of our weapons to survive attack increases our ability to prevent such an attack from occurring and will reduce the number of weapons we need to maintain an effective deterrent. It also will reduce the possibility of our being forced into a hair-trigger response should a crisis occur. The development of a small, mobile missile as a replacement for our existing missiles has the added advantage of removing the instability which is inherent in multiple-warhead weapons.

This policy is unarguably defensive in nature. It will enable us to deter the Soviets and other potential adversaries by making it as difficult as possible for them to attack us, rather than by threatening them with an equivalent offensive force. It will improve our negotiating position and give us the opportunity to lead world opinion on arms control. Most importantly, this policy will enhance security and stability even if we pursue it without Soviet agreement. As a shift away from offensive strategy, however, it should be as much in the Soviets' interest as in our own. At the very least, it will seriously test their intentions.

The other cornerstone of our strategic policy must be a renewed commitment to negotiate systematic, bilateral arms reductions. I believe that a "build-down" agreement, such as the one proposed by Senators COHEN and NUNN, will provide an excellent basis for such reductions. Under the Cohen-Nunn proposal, both we and the Soviets would be required to dismantle two existing warheads for each new one deployed. A build-down agreement would be immensely stabilizing both because it would produce real arms reductions and because it would force both nations to keep or deploy only the most secure, and therefore most stabilizing, weapons. Former Secretary of State Edmund Muskie described this concept as "the kind of constructive initiative for which those of us who support a nuclear freeze have been waiting."

Senators COHEN and NUNN deserve our praise and support for their innovative thinking on this issue, and also for their perseverance in advancing their proposal. Through their efforts, the President has agreed to incorporate the build-down concept in U.S. proposals at the START talks. I consider this an extremely positive development and I want to congratulate my colleagues from Maine and Georgia for their success in bringing it about.

The policies which I have outlined are based upon the goal of achieving a significant, lasting increase in international stability. They recognize that balance of power is vital to such stability and also to our efforts to reverse the escalation of the arms race. They certainly are not easy choices. Taken together, however, they offer the best prospects for the preservation of peace and the establishment of the stability and security we seek.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Wisconsin is recognized.

Mr. PROXMIRE. I yield 15 minutes to the Senator from Michigan (Mr. LEVIN).

Mr. LEVIN. I thank my friend from Wisconsin.

Mr. President, approving the MX missile would be a drain on the Federal budget and a tragic mistake. It will be a great and tragic mistake militarily. It will be a great and tragic mistake economically. We will all be less secure as a result. We will be gaining very, very little additional military capability and will be giving up a great amount of security and a great amount of dollars to achieve it. We will be putting the world more on a nuclear hair-trigger and putting ourselves more at risk.

Mr. President, Congress has spoken often on the purpose of the MX missile. Its original authorization was in the 1970's. In June 1976, Senate and House Armed Services Committee conferees in their report said as follows. It was a conference report which was adopted by Congress. The conferees said:

> The rationale behind the development of a new missile system (MX) is to provide a land based survivable strategic force. The development of an alternate basing mode as opposed to a fixed or silo based mode is the key element in insuring this survivable force. The conferees are in agreement that providing a survivable system should be the only purpose of this effort; that the design of this system should not be constrained for silo basing; that none of this program's funds shall be expended in fixed or silo basing for MX.

A Senate Armed Services Committee report, which came along with an authorization bill approved by the Senate, said that "providing a survivable system should be the only purpose of the MX program."

The House DOD authorization report in 1979 said:

> This fixed silo basing mode is the principal cause of the Minuteman vulnerability, and a system using an advanced ICBM with fixed silos would only be worse—in fact, highly destabilizing.

The chairmen and the ranking minority members of the Armed Services Committee have said the same words over the years: Do not put the MX in fixed silos. It is destabilizing; it is dangerous.

Indeed, the Secretary of Defense, himself, recently said, in response to a question of a member of the Senate Armed Services Committee, that the vulnerability of our ICBM force creates an incentive for the Soviets to strike first in a crisis.

Despite the history, despite the fact that, over and over again, Congress has promised the American people and ourselves and the world that we would not put the new MX in fixed silos because of its destabilizing effect, we are now about to vote to do just that.

There is basic and fundamental division on this issue in this country and in the Senate. But one thing I think most of us do agree on is that we must move away from the MIRV'd ICBM's.

Even the Scowcroft Commission, which is recommending that we proceed to do that which everybody said we would not do and promised we would not do, on page 14 of its report said the following:

A more stable structure of ICBM deployments would exist if both sides moved toward more survivable methods of basing than is possible when there is primary dependence on large launchers and missiles. Thus from the point of view of enhancing such stability the Commission believes that there is considerable merit in moving toward an ICBM force structure in which potential targets are of comparatively low value—missiles containing only one warhead.

Mr. President, in the next few minutes, I will be asking unanimous consent to bring up, immediately after the vote on the MX missile, a sense-of-the-Senate resolution to be voted on at that time. The sense-of-the-Senate resolution would propose a pause in the flight testing in MIRV'd ICBM's. It would suggest that the President propose to the Soviet Union a mutual pause in flight testing of MIRV'd ICBM's and to seek an arms control agreement in the START talks, incorporating the recommendations of the Scowcroft Commission.

I ask unanimous consent that the text of this resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Expressing the sense of the Senate that the United States should propose a mutual pause in flight tests of new MIRV'd ICBM's and seek an arms control agreement in the START talks incorporating the recommendations of the Scowcroft Commission.

Whereas the United States and the U.S.S.R. should expeditiously conclude an arms control agreement designed not only to reduce the number of existing and planned nuclear weapons, but also to move toward more stable and less vulnerable systems which will decrease the likelihood of nuclear war; and

Whereas the President has agreed to the principle of mutual build-down as a means to achieve these objectives: Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States of America that—

(1) the United States should announce its willingness to pause in the testing of new ICMB's with more than one warhead while strategic arms negotiations proceed if the U.S.S.R. agrees to such a pause; and

(2) the United States should propose to the U.S.S.R. in the START talks an arms control agreement which implements the President's Commisson on Strategic Forces' recommendations to reduce the number of ICBM's with more than one warhead on both sides and encourage the development of small, single warhead ICBM's, with limitations and reductions on overall strategic nuclear forces formulated in terms of warheads rather than launchers.

SEC. 2. The President shall report to the appropriate committees of the Congress on the text and presentation of such proposal.

SEC. 3. As used in this resolution, the term "new ICBM" means either an ICBM flight-tested after May 1, 1979, or a variant of an ICBM flight-tested as of that date.

Mr. LEVIN. Mr. President, the key language in this resolution relative to the pause is that it is the sense of the Senate of the United States of America that the United States should announce its willingness to pause in the testing of new ICBM's with more than one warhead while strategic-arms negotiations proceed, if the U.S.S.R. agrees to such a pause.

Such a pause would be of great military value to us as well as a great boost to arms control. It would be of great military value to us because the Soviet Union is flight testing now an SSX-24 missile, which is a solid-fuel missile. It would be their first medium solid-fuel land-based missile, and that is a distinct military advantage to them. So a flight-test pause would delay the Soviets from achieving that military accomplishment with a solid-fuel missile, which allows them to move promptly to launch missiles, much more promptly than can be achieved with their liquid-fuel missiles.

Such a pause would also delay the modernization of the Soviets' SS-18's and SS-19's, which will provide those missiles of the Soviets with greater accuracy. Such a pause would challenge the Soviets to participate in serious arms-control negotiations. Such a pause would help create the atmosphere that is conducive to such negotiations.

As a result of the concern of many people, including the Scowcroft Commission about pressing forward toward MIRV'd ICBM's—the ICBM's which are in fixed holes on both sides, the ICBM's which are so destabilizing because they threaten the other side's missiles in turn, and then could be launched on warning or launched in a first strike in order to avoid losing them—because of the concern about these MIRV'd ICBM's we are seeking to obtain unanimous consent that immediately following the vote on the MX missile, after a debate of limited duration, we obtain a vote on that sense-of-the-Senate resolution. The sense-of-the-Senate resolution is offered by me and Senators KASSEBAUM, INOUYE, BUMPERS, CRANSTON, HUDDLESTON, PRESSLER, ANDREWS, DURENBERGER, SPECTER, MATHIAS, and BOREN.

Mr. President, I ask unanimous consent at this time for that purpose.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, the Senator from Michigan very kindly advised me that he would make this request, and I appreciate it. He knows, therefore, that it will be necessary in a moment for me to object.

Before I do that, I say to the Senator from Michigan that I have gone over his statement. It has been drafted with care and, I believe, with a high sense of responsibility. It has strong support. It probably has an even stronger sentiment of support in this body than a vote might reflect. It is well reasoned.

Mr. President, it is not appropriate, in my view, to dilute the decision on the MX by the consideration of this item in sequence. But before I object to the request put by the Senator from Michigan, I take this opportunity to acknowledge my appreciation to him for notifying me that he intended to make this request.

Also, I commend him for a carefully considered course of action, even though I do find it necessary to object, and I do now object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. I thank my friend, the majority leader, for his kind remarks. I am very much indebted to him for those remarks.

Finally, Mr. President, let me say one more word about the history of the Senate relative to MIRV'd ICBM's.

A number of us remember that in the early 1970's the Senate adopted by overwhelming vote a resolution urging a suspension on the deployment of offensive and defensive strategic weapons, particularly MIRV'd ICBM's and the antiballistic missile system.

Most of the impetus for that moratorium at that time came from the other side of the aisle from Senators Brooke, Case, and others who pressed the President in the early 1970's to offer a pause, a moratorium on the flight testing and deployment of MIRV'd ICBM's, because of their destabilizing nature.

Tragically that moratorium was never entered into and we, both sides,

plunged down the road which brought us to where we are now facing each other with MIRV'd ICBM's in fixed holes which have the capability of wiping out each other's silos and military capability.

It then becomes a destabilizing nuclear hair trigger which can plunge this world into the ultimate abyss.

This resolution is supported by people on both sides of the MX issue and on both sides of the aisle. Senators who are cosponsoring this resolution have different feelings on MX and represent different political philosophies and different political parties. But one thing that we are determined to do is to get a vote as early as we can on this sense-of-the-Senate resolution that we should challenge the Soviet Union, that we should propose a mutual pause in the flight testing of these new MIRV'd ICBM's, to do what the Senate did 12 or 13 years ago—which is to say that these systems are dangerous to the future of mankind. For God's sake, if on a mutual basis we can pause in the flight testing, if we can stop the Soviets from getting a solid-fuel ICBM which permits them to move more quickly than they can now and which puts them on even more of a hair trigger, if we can stop them from getting better accuracies in their SS-18's and 19's with such a pause, it is worth it. It is worth it. It will help to bring about a saner world.

Both supporters and opponents of MX can support this resolution because it is a positive step the United States can take to create a climate for arms control and at the same time challenge the U.S.S.R. to reciprocate. It also would allow congressional endorsement of the full thrust of the Scowcroft Commission's recommendations, rather than just the proposal to put MX missiles in Minuteman silos. This resolution would create a strong link between the MX decision and arms control, and improve the possibility of negotiating permanent limits or reductions in nuclear arsenals.

A flight-test pause would allow those who support MX because of the Soviet Union's unrestrained buildup in land-based missiles to pin the responsibility for continuing this most destabilizing, hair-trigger part of the arms race on the Soviets. The halt to testing would take effect only if the Soviets stopped testing their own MX, designated the SS-X-24, as well as their modifications to the SS-18 and SS-19 ICBM's.

A flight-test pause would be consistent with the Scowcroft Commission's conclusions and recommendations. The Commission deflated the sense of urgency about testing and deploying the MX because it closed the window of vulnerability which has impelled the development of a new MIRV'd ICBM which could survive a Soviet first strike. The Commission urged moving away from new MIRV'd missiles and instead proposed the development of a new single warhead lightweight missile, with the MX to be deployed in nonsurvivable Minuteman silos as an interim step. A flight-test pause would allow the United States to demonstrate its resolve both to continue to maintain our strategic deterrent and to preserve and seek new negotiated limits on nuclear weapons.

A flight-test pause would be timely and verifiable. The best verifiable way to stop new missiles is to stop their deployment before they have undergone a full program of flight tests. Many such tests are needed before a missile can be produced and deployed, and national technical means can be relied on to detect these tests.

The U.S.S.R. has already begun flight tests of a new MIRV'd ICBM but needs to conduct many more tests before the missile can be safely deployed. A flight-test pause could halt this program without giving the Soviets any operational advantages. Since they have invested more in their testing program they arguably would be sacrificing more if further tests were suspended.

A flight test pause of new MIRV'd ICBM's has a chance of leading to a permanent ban on these types of missiles. In the past the U.S.S.R. has proposed that the one new type of ICBM allowed under SALT II be equipped with only a single warhead. The Scowcroft Commission has endorsed a new composition of strategic forces on both sides, moving away from MIRV'd missiles and toward single warhead missiles because it recognized the long-term dangers of a further MIRV race. Testing and deploying MX would continue this deadly race, while a pause would make possible an end to it.

Mr. President, what the President is saying, when he urges that Congress approve the MX, is that in order to reach the laudable goal of reduced levels of nuclear weapons, we have to build more of the worst kind of nuclear weapons—those which are destabilizing by the very nature of their vulnerability and first strike potential.

He is saying that, in order to promote arms control, we have to ignore one of the basic tenets of arms control—that real reductions are possible only if nuclear nations feel secure enough in the survivability of their retaliatory capabilities that they are willing to give up weapons excessive to those needs.

MX deployment in vulnerable silos makes both the United States and the Soviet Union less secure about the survivability of their retaliatory capabilities, rather than more. This insecurity could lead to less rather than more, willingness to give up the excessive nuclear weapons they both possess.

Mr. President, there have been several major justifications offered by the proponents of MX for this missile. Chief among them is our alleged need to obtain a significant increase in the number of prompt, hard target kill warheads to offset the large number of those warheads possessed by the Soviets.

If one believes in this need, the MX does not redress it. Based on the Air Force's own estimates of the number of MX warheads which would survive a Soviet first strike, we would add only 10 to 70 prompt hard target kill weapons to our arsenal when the MX is deployed fully.

We are being asked to spend $20 billion in hard-earned tax dollars for only 10 to 70 more surviving warheads—an absurd price to pay for such a microscopic addition to our strategic retaliatory and deterrent capabilities.

This expenditure is unnecessary, Mr. President, because there are much wiser ways to invest our resources to increase our deterrent capabilities and add surviving prompt hard target kill warheads if that is needed. One additional Trident submarine, with 24 Trident II missiles armed with about 200 prompt hard target kill warheads, costs about $2 to $3 billion, and each Trident submarine, and all those warheads, when at sea, is virtually invulnerable.

Thus, for about one-tenth of the price of the MX system, each Trident II submarine will produce between 3 to 20 times as much surviving prompt hard target kill warheads as the MX.

If we need to have more prompt hard target kill capabilities, Mr. President, Trident II not MX, makes more sense.

To those who might suggest that our submarine-launched ballistic missiles do not provide the prompt response being emphasized by MX proponents, I would add that there has been testimony by our Nation's top Air Force officers that these missiles do, in fact, meet this requirement.

On April 21, 1983, the Air Force's Chief of Staff, Gen. Charles Gabriel told our Armed Services Committee, in response to my question, that the hard target kill Trident II warheads would be "prompt enough."

Five days later, the Nation's top nuclear commander, Gen. Bennie Davis, commander of the Strategic Air Command, testified to our committee's Strategic Forces Subcommittee about our submarine-launched ballistic missile capability by saying "it reacts nearly as rapidly as a land-based ICBM, but it is nearly invulnerable."

Mr. President, I ask unanimous consent to insert at this point in the RECORD a table demonstrating the infinitesimal contribution MX makes to both our prompt and nonprompt, surviving hard target kill capabilities, now and in the future.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. HARD TARGET KILL CAPABILITIES AFTER SOVIET FIRST STRIKE

	Today	89 (ALCMS)	92 (Trident II)
Surviving Hard Target Kill Weapons			
W/O MX	90–315 MM III	9–63 MM III	9–63 MM III
	500 bombs	1300 bombs and ALCM's.	1300 bombs
	0 SLBM's	200 Trident II	600 Trident II
	590–815	1509–1563	1909–1963
W/MX	Same	1509–1563	1909–1963
	(no MX)	+10–70 MX	+10–70 MX
		1519–1633	1919–2033
Surviving Prompt Hard Target Kill Weapons			
W/O MX	90–315 MM III	200 Trident II	9–63 MM III
		9–63 MM III	600 Trident II
		209–263	609–663
W/MX	Same	209–263	609–663
	(no MX)	+10–70 MX	10–70 MX
		219–333	619–733

Note: Use about for all. In each case MX only adds only 10–70 surviving RVs very small percent of surviving forces. Assuming a first strike on our Triad, and assuming further improvements to NS 20 Guidance system on MM IIIs.

Mr. LEVIN. Lastly, we have heard much expert testimony about whether MX should be deployed. While many proponents of MX were heard, far fewer opponents were able to testify before Congress.

I asked several knowledgeable former Government officials—both military and civilian leaders—to share their views with us about the MX. I ask unanimous consent to insert into the RECORD at this point these letters from Gen. Maxwell D. Taylor, U.S. Army, retired, former Chairman of the Joint Chiefs of Staff and Army Chief of Staff; Cyrus Vance, former Secretary of State; Adm. Stansfield Turner, U.S. Navy, retired, former Director of Central Intelligence and Chief of the Central Intelligence Agency; William Colby, also former Director of Central Intelligence and CIA Chief; Dr. Jerome B. Wiesner, president emeritus of the Massachusetts Institute of Technology and former Science Adviser to the President; and Ambassador Gerard C. Smith, former chief of our SALT negotiating team; Paul C. Warnke, former Director of the Arms Control and Disarmament Agency and Chief SALT negotiator; and William Chapman Foster, also former Director of our Arms Control and Disarmament Agency.

These letters provide eloquent testimony against the MX by men who have spent many years in Government service—in uniform or as civilians—protecting our national security. They are not individuals who take our Soviet adversaries lightly and who minimize the military, diplomatic, and philosophical challenges posed by the Soviet Union. I urge my colleagues to heed their wise counsel and to vote against this resolution of approval for deploying MX missiles in vulnerable Minuteman silos.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GEN. MAXWELL D. TAYLOR (RETIRED)
Washington, D.C., May 4, 1983.

Senator CARL LEVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LEVIN: In your letter of April 28, you request my views on the MX missile and the proposals on the subject contained in the Scowcroft Report. I am happy to summarize my position to the extent that it is possible within the space of this letter.

My principal objection to the MX has always been twofold: there is ample cause to oppose any new land-based ICBM and especially the MX because it is not an "essential" weapon. By the latter, I mean a weapon that is capable at a tolerable cost of making an important contribution to the deterrence or defeat of an urgent national danger. A danger is urgent that has a high probability of occurrence and that, if it occurs, will inflict serious damage to important national interests. The threat used to justify the need for the MX has been the exposure of our land-based ICBMs to a Soviet first strike.

The MX fails to meet the foregoing criteria of essentiality in the following ways:

a. Being just as vulnerable to a first strike as the Minute Man missile it is supposed to replace, it will contribute little to the deterrent or retaliatory effectiveness of our present forces.

b. Since a Soviet first strike is highly unlikely to occur given the enormous risks it would entail, the MX cannot be credited with defending national interests against an urgent threat.

c. While the cost of the MX under the Scowcroft plan is presently unpredictable, it is unlikely to be "tolerable." It surely will not be tolerable if one must add the cost of the lightweight midget missile which, under the plan, is an indispensable follow-on to the MX.

d. There is good reason to believe that there are other weapons systems which are more capable of passing the essentiality test than the MX—for example, the more accurate submarine-launched Trident missile under development, cruise missiles in their various launch modes and possibly the Advanced Technology Bomber which expects to elude all radars.

The foregoing are my grounds for regarding the MX (and probably any other land-based missile) unessential and hence undeserving of the national resources required to make it operational.

In closing, I would like to say a word in favor of the essentiality formula as a useful tool for Congress in measuring the value of high ticket weapons systems. If the Department of Defense also used it in defending the military budget, it would provide a common language that would facilitate a better understanding of the recommendations of the military and the votes of the legislative.

Sincerely yours,

MAXWELL D. TAYLOR.

NEW YORK, N.Y.,
May 5, 1983.

Hon. CARL LEVIN,
U.S. Senate,
Washington, D.C.

DEAR CARL: I agree with the Scowcroft Committee's recommendation concerning the need to move away from missile systems which present high value multiwarhead targets. I support the Committee's proposal to explore vigorously the Midgetman option and concur wholeheartedly with their conclusion that "the window of vulnerability" theory is of dubious validity. I do not agree with the Committee's proposal that we should now deploy a limited number of MX missiles in fixed silos. I believe that these missiles would be highly vulnerable and feel that their deployment would be inconsistent with the general thrust of the report.

With warm regards,

Sincerely,

CYRUS VANCE.

MAY 13, 1983.

Hon. CARL LEVIN,
U.S. Senate, Washington, D.C.

DEAR CARL: I am pleased to respond to your request for a written statement of my position on the President's MX proposal.

If I can be of further assistance please call on me.

Sincerely yours,

STANSFIELD TURNER.

MAY 12, 1983.

STATEMENT OF POSITION ON PRESIDENT REAGAN'S PROPOSAL FOR MX MISSILE AS REQUESTED BY SENATOR LEVIN

(By Stansfield Turner)

The issue confronting the Congress today is not whether or not to deploy the MX missile, but whether our country's doctrine for nuclear weapons should be one of war-fighting or one of deterrence. I believe that this choice will be as important as any set of decisions that the Congress has made on military matters since World War II.

A doctrine of war-fighting is one of developing a capability to knock out all of the Soviet's nuclear forces that can be located and attacked and to do so as rapidly as possible once a decision has been made to do so.

A doctrine of deterrence is one of developing forces that have a high assurance of surviving a Soviet surprise attack in such numbers as to be able to do grievous damage to the Soviet Union by a combination of attacks on its nuclear forces, its conventional military forces and its cities.

The difference in the type of weapons required by each of these doctrines is significant. For war-fighting we would need large numbers of land-based intercontinental ballistic missiles (ICBMs), like the MX which the President is recommending. There must be a large number of them because the Soviets have about 1,400 ICBMs in concrete silos that can be attacked and several warheads would be assigned to each; they must be land-based to give best assurance of assured, rapid communications to them. The key problem with such weapons is that we have not been able to find any means of basing them that would not be quite vulnerable to a Soviet surprise attack.

A vulnerable nuclear weapons system is of value primarily for initiating a surprise attack, that is before the question of vulnerability arises. Secondarily, such systems can be employed by launching them while they are under attack, but before the enemy's missiles have impacted. I do not believe the

United States will ever find it in its interests to initiate an intercontinental nuclear war with the Soviet Union. I also believe that it would be very risky to rely on launching our nuclear forces during a 20-30 minute period of warning while a Soviet attack with ICBMs was on the way.

Moreover, I find it difficult to understand just what usefulness MXs would have if launched under attack or even if they should survive a surprise attack by the Soviets. If the Soviets attack us first, they will surely then be alert to see what our response is going to be. If what they see is 1,000 MX warheads aimed at their remaining ICBMs, they will be under pressure to launch those weapons rather than lose them; and being on alert they will be fully capable of launching under attack. Thus, our MXs launched under attack would land uselessly on empty silos but would have forced the Soviets to launch a second destructive attack on the United States.

Since there is so little utility for the United States in using the MX in retaliation, I believe that the Soviets will interpret our deploying it as a sign that we want the capability to attack them first. That must make them prepare to launch under attack. The opposite side of the coin is that if we deploy the MX, we will worry that the Soviets may take advantage of its vulnerability by attacking it. We, too, will have to prepare to launch under attack for fear that otherwise we may lose our MXs. The risks of nuclear war by miscalculation increase if both nuclear powers feel compelled to maintain a state of readiness to launch ICBMs on only 20-30 minutes of warning. If there were no other means of ensuring the security of our country, we would have to accept such risks. There is an alternative.

That is a doctrine of deterrence based on strategic submarines (SSBNs), bombers and cruise missiles. A prominent, common characteristic of these weapons systems is their lesser vulnerability than fixed, land-based ICBMs. I believe that the Soviets recognize today that this combination of forces possesses such potential for retaliation that they could not conclude that the Soviet Union would surely come out better off if it initiated nuclear war with the United States. They are deterred and will remain deterred, even if they come to believe that they could eliminate all of our ICBMs in one surprise attack.

It is sometimes argued that such a force does not pose a credible threat of retaliation because it would be immoral for the United States to strike against Soviet cities. This argument overlooks the fact that cruise missiles and bombers are fully capable of knocking out ICBMs in hardened silos; and that SSBNs will be so capable commencing in 1989. A deterrent force is not limited to retaliating against cities. What such a force could not do is to retaliate rapidly. The time of flight of bombers and cruise missiles runs into hours; and there could be communications delays in getting orders to the SSBNs.

The object of our retaliation, however, should be to bring the nuclear hostilities to a halt on terms acceptable to us. To obtain acceptable terms I believe that we must to serious damage to the Soviet homeland, at least as much damage as they did to us in their initial attack. Such damage should in part be to their ICBMs, in part to their other military forces and in part to their cities. By this means we would hope to persuade the Soviets that we were dead serious and ready to continue to escalate the conflict if they did not call off the war. We would be attempting to convey a message to the Soviets that they could only lose by initiating a second attack on the United States and that they should instead absorb our retaliatory strike rather than to launch out from under it. I would prefer that the Soviets have the hours that it takes a bomber or cruise missile to reach the Soviet Union to make such a decision rather than 20-30 minutes it takes an ICBM. Thus, it is preferable to retaliate with cruise missiles and bombers rather than with ICBMs like MX. Retaliate we must, but we have nothing to gain by a rapid retaliation and much to lose.

Let me emphasize at this point that I believe that this discussion of surprise attacks and retaliatory attacks is quite unrealistic. The uncertainties as to how the United States would respond to a surprise attack are so great and the potential damage to the Soviet Union so debilitating, that I do not believe any Soviet leadership could see an adequate advantage in initiating such an attack. Thus, while we must examine the possibility of a surprise attack and take out some insurance against it, such consideration should not dominate the way in which we shape our strategic nuclear forces.

In fact, the primary arguments being offered for the MX today concern its psychological value, not its actual application in war: that we cannot tolerate the appearance of inferiority to the Soviet Union in ICBMs; that our European allies will not feel secure if there is an imbalance in ICBMs; that we can negotiate arms control limitations better if we are proceeding with MX; and that we would demonstrate a lack of national will if we abandoned MX. I would like to address each of these in turn.

There is no need for concern that an asymmetry exists in ICBMs between us and the Soviet Union. There is an asymmetry in our willingness, compared with that of the Soviets, to threaten or to initiate intercontinental nuclear war. That means that it is quite logical that we are behind them in weapons whose primary utility is in initiating nuclear war. Moreover, being behind them is the responsible position for the United States to take in these circumstances. Reaching for equality in ICBMs means pushing both nations in the direction of preparing to launch under attack. We are the more responsible nation and can afford to eschew the quick reaction capability of ICBMs, which is their only virtue over our other weapons, in order to avoid the risks of destabilizing the nuclear balance.

With respect to the impact on the Atlantic Alliance, it is unrealistic to contend that the United States will surely launch a nuclear attack on the Soviet homeland if NATO were losing a conventional or limited nuclear war in Europe. I doubt that we would risk Ypsilanti by striking at Omsk, for instance, and surely we would have to anticipate such retaliation in kind. Such a doctrine was useful when we still possessed a monopoly on nuclear weapons. It has been out of date for many years and the Europeans know that (Charles deGaulle said just that in 1960). The longer we profess this fiction, though, the less inducement there will be for the Europeans to build the necessary conventional military forces to offset those of the Warsaw Pact. Unless the Europeans strengthen their conventional forces, the probability will increase that there will be a conventional war in Europe and that we will be faced with the terrible decision as to whether to respond with a nuclear attack on the Soviet Union.

It is also contended that the Europeans will not permit the planned deployment of Pershing II missiles and cruise missiles on their soil if we do not deploy MX on our soil. The Pershing/cruise missiles were requested by the Europeans to offset a perception that Europe is vulnerable to the Soviet's SS-20 missiles. In fact, the Europeans are infinitely vulnerable to a much wider range of Soviet nuclear weaponry than just the SS-20s. If they decide that they do not want to pay the price of having Pershings and cruise missiles to offset just one of the threats against them, there is no reason for us to want to deploy them.

Clearly the most telling argument that the President is making for the MX is that it will strengthen his hand in the on-going negotiations on arms control. This argument, however, is an over-simplification of the theorem that the Soviets only respond to the application of pressure or force. It does not consider that the Soviets view themselves as a super power that cannot be bludgeoned into making concessions; and that concessions on the heart of their strategic nuclear power would be especially difficult for them to accept.

The Soviets are much more dependent on their ICBM force than are we. As ICBMs have become increasingly vulnerable, it has been quite natural for us to increase our reliance on submarines, bombers and cruise missiles instead. The Soviets are well behind us in the technology for cruise missiles; they have never relied much on strategic bombers; and, not being a maritime power, they would not feel comfortable in relying more heavily on submarines. They rely instead on sheer numbers of ICBMs to provide them survivability. It has worked for them in that we have not yet deployed sufficient warheads with surprise attack capability to knock out all of their ICBMs.

If we now begin to approach such a capability by deploying large numbers of MX warheads, the Soviets will face a choice. They can, as the President suggests, decide to negotiate reductions in their ICBM force in return for our cancelling the MX. Alternatively, they can elect to attempt to retain their advantage in numbers by deploying the new solid fuel ICBM that they have under development and have recently tested.

There are reasonable arguments for their going in either direction. I believe that they would choose to deploy the new ICBM because they see numbers of ICBMs as their primary means of retaining an assured retaliatory capability. They would not want to shift the heart of their deterrence posture to a reliance on a treaty with the United States. We can negotiate over ICBMs much more readily than can the Soviets because we would not be making our vital security interests dependent on a treaty if we did negotiate a major reduction in ICBMs. Further, I believe that the Soviets would be willing to enter a race with us in ICBMS because they understand how controversial building a lot of MX would be in the United States.

No one can say that proceeding with the MX as a bargaining chip would not work. I am persuaded, though, that there is a good probability that it could lead to a dangerous game of building and counter-building ICBMs instead of an agreement on reductions. We should also keep in mind that the objective of negotiations for arms control is not just to make agreements or even to reduce weapons inventories. It is to reduce the probability that either side will initiate war with nuclear weapons. Threatening to build an inherently destabilizing weapon,

such as the MX, is a risky way to attempt to move ourselves and the Soviet Union towards a more stabilizing posture. We may well end up in an escalating race in such weapons instead.

The one argument for the MX to which I subscribe is that we will look weak and vacillating if we just cancel it. It is clear to the world right now that the United States is quite confused about what sort of nuclear policy it intends to follow. What we must do, then, instead of just cancelling MX is to enunciate a policy of deterrence rather than war-fighting. Only the Congress can do this at this time.

Some contend that the Congress should equivocate between the strategies of war-fighting and deterrence by voting for 50 or even 100 MXs with strings attached concerning arms control. That could be the worst of both worlds, neither a war-fighting nor a deterrence strategy. Instead, if the Congress decides that we do need a war-fighting strategy, it should tell the President that we require at least 200 MXs to credibly threaten the Soviet ICBM force. If, on the other hand, the Congress opts for a strategy of deterrence, it can, in addition to declining to build the MX, vote to accelerate and expand various cruise missile programs. That would clearly demonstrate our determination to maintain an invulnerable deterrent force into the indefinite future.

We are at a critical crossroads in our nation's policy towards nuclear weapons. This is not just another decision by the Congress about an expensive weapons system. It is a decision that will determine whether the United States takes action to demonstrate its intent to promote nuclear stability rather than just talk, or even negotiate, about it. Enunciating a policy of deterrence would be a landmark action that would demonstrate the kind of leadership and statesmanship that has long been expected of the United States. It could be a historic turning point.

REID & PRIEST,
Washington, D.C., May 9, 1983.

Hon. CARL LEVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LEVIN: Thank you so very much for your note of April 28 suggesting that I might forward to you my views on the President's MX proposal. I am flattered to be asked.

My basic position on the MX comes from my belief in the need for a mutual and verifiable freeze on the testing, production and deployment of nuclear weapons and their delivery systems. There is more to be gained from such an agreement, which is in the Soviets' interest as well as ours, than from piling up new weapons on both sides. A freeze, of course, would halt both the MX and the so-called Midgetman on our side; it would also halt the two new weapons which have apparently been tested on the Soviet side.

It is, of course, essential that any freeze be the result of a mutual freeze, as a unilateral freeze on our side would not, in my view, be respected by the Soviets. The tendency, thus, is to think that we must continue to build the MX and the Midgetman unless we can secure an agreement with the Soviets to freeze. The justification stated by the President's Commission on Strategic Forces for the deploying of 100 MX missiles was apparently to convince the Soviets of our "national will and cohesion" and lead them to arms control negotiations more favorable to us than otherwise.

I find this reasoning in support of the MX to be flawed for several reasons:

A. The United States retaliatory capability is, and will remain for the foreseeable future, absolute. It is this retaliation capability that has kept the peace for many years and will continue to deter the Soviets from using or threatening to use these weapons against us. The Commission has closed the so-called window of vulnerability. Its assertion that we must have a weapon capable of destroying hardened land based military targets can only be justified if we might contemplate a first strike. Since it is clear that we have no such intention and indeed are deterred from it by the absolute retaliation capability of the Soviets, the MX is not needed to maintain the strategic stalemate which exists today. Deploying the MX in fact would give precisely the wrong signal that we are moving to create a Soviet window of vulnerability to a potential first strike, a highly dangerous message which could produce a highly dangerous reaction on their side.

B. The MX would not be sufficiently more survivable than the present Minuteman to increase our retaliation capability to any degree.

C. In this situation, it is certainly possible to say that our "national will and cohesion" will be intact if we have the wit and wisdom to maintain our current retaliatory force, while we seek a stoppage of the arms race through a freeze, rather than once again seeing the level of terror heighten on each side. In fact, I believe that our "national will and cohesion" will be better demonstrated by a decision to place our efforts on improving our ability to meet the Soviet challenge at the other levels of our competition, i.e., the conventional field and our competition in the third world. The Soviets, having been blocked by our retaliation capability from strategic adventures in recent years, have sought to use the softer and easier techniques of subversion, proxy wars, and political manipulation. If we put half the national will and cohesion that are alleged to exist in the MX decision to work in these other fields, it would constitute a much more substantial addition to our overall posture with respect to the Soviet Union and its threats to our interests and allies.

As for the Midgetman, it is plain that the efforts to reverse history and achieve a MIRV ban 10 years after we failed to do so in SALT I depends on whether the Soviets will agree to it. This would certainly be a useful area of negotiations with the Soviets, but it seems equally important that it follow a freeze on the further testing, production and deployment of these weapons and their delivery systems. Stopping the present arms race is the first step that should be taken; reducing the degree of threat posed by these weapons to our safety should certainly be a follow on from that. Thus, I would certainly agree with the desirability of doing the research and development (but not the testing) leading toward a Midgetman to provide the basis for an agreement with the Soviets to replace MIRV's by single warheads on both sides, after a real attempt to negotiate a mutual and verifiable freeze on other future nuclear systems.

Many thanks for your courtesy in seeking my views. My very best wishes and respect.

Sincerely,

W. E. COLBY.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Cambridge, Mass., May 5, 1983.

Hon. CARL LEVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LEVIN: This is a hasty reply to your recent request for my opinion on the MX missile. I imagine the time is more important to you than completeness, so I have prepared a quick response.

Enclosed with this letter are two articles that I have written about the MX and a document prepared by a colleague of mine on some of the basic issues of nuclear war. The first article is one that I prepared for the *Washington Post* after Secretary Weinberger pressed for the MX based on the arguments of the Committee on the Present Danger that the United States would face a serious window of vulnerability in the mid-1980s. In it I showed that the potential window of vulnerability was unlikely, and that if there were to be one, the MX was not a solution to it. I came to that conclusion on the basis of calculations which convinced me that in the unlikely event that the Soviet Union tried to carry out a disarming attack against the United States land-based missiles, the actual balance of power would not change appreciably. In their proposed scenario the Soviet Union would use up more warheads than existed on the missiles under attack. This means that the United States would end up with a very slight improvement in the relative numbers balance.

Actually, I don't believe that it is possible to carry out the kind of attack they propose with a high probability of success. No one has ever fired a large salvo of ballistic missiles, and so it's ludicrous to imagine that such an attack carried out for the first time could be highly successful. Even if it were, the remaining U.S. deterrent forces, plus various so-called tactical forces at sea, in Europe, and elsewhere would be able to carry out a totally devastating attack on the Soviet Union. There is no possibility of a successful first strike by the Soviet Union against the United States if by "successful" one means that the Soviet Union would remain a viable society. It is also certain in my mind that if the U.S. tried either a first-strike attack or a retaliatory attack on the Soviet Union which provoked them to fire their remaining missiles, the United States too would be pulverized. We are, and undoubtedly will remain, two helpless giants handcuffed by our nuclear arsenals.

I believe that the Scowcroft Commission report supports my contention that there is not and will not be a window of vulnerability. In spite of that, the Commission has suggested that the U.S. deploy 100 of the MX missiles. Its arguments are hard to follow. The MX could have either one of two purposes or both: As an addition to the U.S. deterrent force (which I have shown is not necessary) or as a way to restore a U.S. nuclear superiority capable of a successful preemptive strike against the Soviet Union. From time to time its advocates have actually claimed that its deployment would do this. This too I have shown to be impossible.

If a missile were needed for either or both of these purposes, the MX is clearly the wrong missile, as the recent debate has shown. Because it is a MIRV'd weapon, it is a highly valuable target and would justify the Soviet Union using some of their largest warheads against it, so that an MX would remain at least as vulnerable as the present land-based forces in spite of any super-hard-

ening that might be accomplished. It is a poor weapon as a deterrent because it concentrates warheads on one target so that they are more vulnerable than they would be on two separate missiles. Also MIRV'd missiles are generally destabilizing and make both sides more trigger happy. This was recognized, of course, when the MIRV was being initially implemented, and many people, myself included, argued against their development and deployment for this reason. It was perfectly clear then that if we were to deploy the MIRVs, the Soviet Union would do so not very long after, and the relative tranquility and stability of the 1960's would be lost.

There has been a continuing U.S. drive to find a missile type and deployment configuration that would allow for a successful first strike. It is time for the U.S. to recognize that this is not possible and halt that search. One could argue at this time whether or not the U.S. is merely responding to the Soviet attempt to build such capability, but whoever is the leader is searching for something that is not achievable. Foregoing the costly and unneeded MX might contribute to a reversal of the present worrisome trend for the United States.

I have enclosed a chart that I prepared two years ago which shows that the United States actually leads in the buildup of ballistic missile forces. This chart will be criticized by some who will say that the Russian nuclear weapons are larger and that more of their warheads are highly accurate than those of the U.S. This is true, but it is irrelevant if the purpose of the nuclear weapons is to provide a secure deterrent.

I would be glad to answer any questions I may have stimulated or elaborate on any point that you might wish me to. I hope that this statement is useful.

Sincerely yours,

JEROME B. WIESNER,
President Emeritus.

THE CONSULTANTS
INTERNATIONAL GROUP, INC.,
Washington, D.C., May 5, 1983.

Hon. CARL LEVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LEVIN: I have your note of April 28 requesting my views on the MX proposal.

In answering I will take the liberty of assuming that in the term "the MX proposal" you would include the entire "Scowcroft" package which the President has endorsed and which the Administration now considers an "all or nothing" proposition.

The package has some very constructive contents. It clearly signals that the so-called open window of vulnerability was an illusion and that American strategic forces, taken together, will present a solid and sufficiently invulnerable deterrent for years to come.

The package constitutes an admission of the correctness of the concept that the multiplication of warheads in MIRVs is dangerous and disadvantageous to both superpowers. A main feature of U.S. strategic planning should be a new approach to "START" which would concentrate on limiting, not launchers or missiles, but warheads.

Perhaps the most important part of the package is the acceptance at last by this Administration that agreements for international control of strategic arms are a central element of our national security—not one that we can "take or leave" as we choose.

But I have trouble with the package's proposal that we procure 100 MIRV'd MXs to be installed in silo launchers now containing Minuteman III ICBMs.

MX has been supported by four presidents and now to change course would be costly in terms of the credibility of American strategic policy and of the resoluteness of our people and our present security managers. I regretfully conclude, however, that, on balance, American security would not be improved if 100 MXs were deployed as proposed—for the following reasons.

They would lack a military purpose. Either they would constitute a destabilizing first strike potential or an unnecessary addition to our retaliatory forces. Ability to destroy Soviet silos in a second strike seems senseless. The Soviets would not even have to resort to a "launch on warning" procedure to empty their residual silos if they were to be attacked after a Soviet first strike.

Their political or psychological purpose is also unclear. For deterrence, we need not match the assumed Soviet capability to destroy American fixed land-based ICBMs. The Soviets are well aware of the potential of our submarines and air-launched cruise missiles to completely destroy the Soviet Union if it attacked. Our deterrence criterion should be "what we need" not "what they have."

It is asserted that deploying MX is necessary to give the Soviets an incentive to negotiate seriously at START. I think the "bargaining chip" argument in arms control is, at best, questionable. As used in the past, "bargaining chips" have more often fed the arms race rather than moderated it. In lieu of trying to persuade the Soviets to negotiate more forthcomingly in START by building new weapons, we will do better by adopting a more supportive attitude towards arms control, as the Scowcroft package proposes. Failure to ratify SALT II has been a much stronger signal about our real attitude toward arms control than any deployment of MX would be.

Thank you for affording me the opportunity to pass on my views.

Warm regards.

Sincerely,

GERARD C. SMITH.

WASHINGTON, D.C.,
May 24, 1983.

Hon. CARL M. LEVIN,
U.S. Senate,
Russell Office Building,
Washington, D.C.

DEAR SENATOR LEVIN: Your letter of April 28, 1983 asked that I provide the Senate Armed Services Committee with a statement of my position on the President's latest MX proposal.

What is now proposed is a return to an MX basing mode repeatedly rejected by the Congress in the past. President Reagan urges the deployment of 100 of these new counterforce ICBMs in existing Minuteman silos. On the basis of the Report of the President's Commission on Strategic Forces, however, this is now presented both as a compromise and as an important arms control measure. It is neither, and it should again be rejected.

The Scowcroft Commission Report, while giving a lot of good reasons why no new ICBM is needed, then recommends that we build two. In urging production and deployment of 100 MXs in existing silos, the Commission acknowledges that they can be no more survivable than the missiles they replace. But it goes on to recommend engineering design of a new 15-ton single warhead ICBM, with full scale development to begin in 1987 and initial operating capability to result in the early 1990s. This new "Midgetman", about one-sixth the size of MX, would be deployed in unspecified numbers, probably on mobile launchers.

This odd couple has been widely acclaimed, even by some arms control veterans. It is difficult, however, to see what these new entrants in the nuclear arms race can do to promote arms control and create greater strategic stability.

The rationale for a small mobile missile with a single warhead is flatly inconsistent with the deployment of 100 MXs in fixed silos. While decrying the fact that the MIRVing of ICBMs has resulted in "high value" targets, the Commission calls for prompt deployment of an even higher value and more threatening misssile. Moreover, the Commission recognizes that the much-advertised "window of vulnerability" that has been said to expose our present ICBMs to devastating attack is a rhetorical illusion. The diversity inherent in our nuclear weapons triad makes incredible any scenario that could result in the elimination of our retaliatory deterrent.

But the Report's main arguments for the MX have little to do with genuine military requirements. Commission members have forthrightly admitted that the considerations underlying the MX part of their recommendation are in large part political. The Chairman, General Brent Scowcroft, told the Senate Armed Services Committee on April 18 that the MX was needed "to demonstrate U.S. national will and cohesion" to both the Soviets and our allies. In addition, the Commission argues that the apparently conflicting characteristics of the MX and Midgetman can be reconciled—and that the two aspects of the recommended ICBM modernization are "integrally related"—because the counterforce capability of the MX has as its purpose "encouraging the Soviets to move toward more stable ICBM deployments."

Similarly, many of the new-found supporters of the MX seek to excuse their shift through the argument that without the MX the Soviets will have no incentive to agree to effective measures of nuclear arms control. According to General Scowcroft, the missile is "essential to induce the Soviets toward negotiations." And President Reagan has called for an affirmative vote on the MX as "one of the most important arms control votes of the 98th Congress."

The fact is that our current bargaining position is a strong one and the Soviet Union has more than adequate motivation to negotiate seriously. That it is doing so is not disproven by its failure to accept the President's START proposal involving major reductions in ICBM launchers—a proposal that the Scowcroft Commission finds "not compatible" with its own views on improving ICBM survivability. Experience indicates that the Soviet reaction to MX deployment will not be to cave in at the bargaining table but instead to match our move, certainly at least by deploying the new warhead, solid fueled ICBM that is already undergoing flight tests. Bargaining chips breed bargaining chips, not bargains.

Moreover, the justification of Midgetman as a means of restructuring the ICBM forces on both sides rests on the proposition that the Soviets can be persuaded or compelled to scrap their multi-billion dollar investment in SS-17s, 18s and 19s and spend additional billions of dollars on a new single warhead ICBM. I doubt that they can be

made to see that this is necessary or even desirable. They followed our lead in MIRVing their missiles, at great expense. There is no basis for assuming that they'll now cheerfully reverse field and adopt our latest, more modest fashion in strategic weaponry.

There is no persuasive evidence that the Soviets have ever been as preoccupied with the theoretical vulnerability of fixed ICBM silos as some U.S. strategists have been, at least until the release of the Scowcroft Report. There are now about 1400 Soviet ICBM silos. About two-thirds of the deployed missiles could therefore survive even a 100% successful preemptive attack by 1000 MX warheads, at the generally accepted ratio of two warheads per silo. In testimony to the Senate Armed Services Committee, the Commission members explained that the deployment of 100 missiles was designed to be large enough to concern the Russians but not so large that the MX could be seen as a first-strike weapon.

But the Commission would pursue the objective of scaring the Russians into an immensely expensive redesign of their ICBM force, by threatening the deployment of several hundred more MXs unless the Soviets accept U.S. arms control proposals. This approach is hardly calculated to promote strategic stability. Creation of a plausible first-strike force would almost inevitably result in strategy changes toward the hairtrigger reaction. And as General Matthew Ridgway expressed it almost 30 years ago, a preemptive nuclear strike strategy is "contrary to every principle upon which our nation had been founded."

The unreality of the Commisson's approach might be a little lessened if it included a U.S. offer to buy up Soviet MIRV'd ICBMs and thus fund a conversion to single warhead missiles. This conceivably might arouse some receptivity in the Kremlin. But it might also be hard to sell to the U.S. Congress.

It is also important to note that the Commission's Report advocates the continued development and deployment of the Trident II (D-5) submarine launched ballistic missile "as rapidly as its objectives of range, accuracy, and reliability can be obtained." The reason given is that "the D-5 missile's greater accuracy will also enable it to be used to put some portion of Soviet hard targets at risk."

The proposition therefore is that we'll stop at 100 MXs if the Soviet force of large MIRV'd missiles is reduced, but in any event we'll improve our counterforce capability with the D-5.

Faced with this avowed intention to threaten Soviet missile silos with submarine-based missiles that can strike them within 10 or so minutes after launch, the Soviets are unlikely to see the logic in a cutback of their present ICBM launchers. The Scowcroft Commission Report is silent on the U.S. program for deploying hundreds of sea-launched cruise missiles—another development that would affect Soviet strategic weapons plans, and not in the direction of restraint. If the Soviet Union moves toward a single warhead missile ICBM, therefore, it is probable that this will be a supplement to, not a replacement for, the SS-17s, 18s, and 19s. This would, as the Commission analysis concedes, result in Midgetman as a force augmentation rather than replacement.

On balance, therefore, the Commission's central recommendation—prompt deployment of the MX and rapid development of a new single warhead ICBM—is nothing more than a sophisticated restatement of the arms race theory of arms control. If its recommendations are followed, we will find ourselves in the 1990's with no deMIRVing, no reduction of ICBM's greater counterforce on both sides, and a new breed of small mobile missiles. And in the deployment of this new family of ballistic missile, the Soviet Union will have all the advantages—more open land in which they can roam, in a country where seldom is heard a discouraging word. As former Secretary of Defense Harold Brown put it mildly to the Senate Committee, peacetime deployment of nuclear weapons on American highways "would raise political difficulties."

Decisions to go ahead with new weapons systems, particularly in the strategic nuclear field, should be based on military need, not on speculation about what friend or foe may think if we decide against them. By itself, the MX is bad strategic policy. Paired with Midgetman, it's worse. The "Mutt and Jeff" missile duo proposed by the President can't be adequately defended either as signals of resolve or as symbols of national consensus. Mental telepathy and superpower semaphore are no substitute for sound strategic policy and realistic arms control proposals.

Very truly yours,

PAUL C. WARNKE.

WASHINGTON, D.C.,
May 4, 1982.

Hon. CARL LEVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LEVIN: This letter is in response to your request for my personal views on the MX missile deployment as proposed by the Scowcroft Commission.

First, in general terms, the suggestion for 100 MX missiles in existing silos is directly contrary to what I thought should be our objective, namely, reduce nuclear weapons arsenals. The proposed deployment of a major new ICBM seems a dangerous mistake.

It is my understanding that this new missile is designed to threaten Soviet ICBMs in their hardened silos. It can only be looked upon by the Soviets as a move to acquire a first strike capability against a large fraction of their nuclear deterrent. It would encourage a preemptive strike against us in a time of crisis, and increase the danger of nuclear conflagration. While I am personally no longer active in trying to negotiate reductions in the Soviet missile forces, I would find it difficult, if not impossible, to explain how a decision now to deploy these MX missiles could be in the interest of both sides. It would have the opposite effect of leading to larger rather than smaller Soviet missile forces. This would encourage a greater rather than lesser threat to our security.

It had seemed to me as an outside observer that the MX program had been stopped. I had hoped that more emphasis would now be placed on strong support toward reduction rather than increasing nuclear weapons arsenals.

Sincerely,

WILLIAM C. FOSTER.

Mr. President, I yield back the remainder of my time.

I thank the majority leader and we, the cosponsors of this resolution, again on both sides of the MX issue and on both sides of the aisle, will seek to have a vote on this resolution as early as possible following the recess.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I thank the manager of the bill.

Mr. President, I rise in support of the MX ICBM, or as the President has called it the peacekeeper, and I think that is a very appropriate name for a missile designed to bolster deterrence and thereby strengthen peace and stability in the world.

Mr. President, the President's bipartisan Scowcroft Commission of Strategic Forces recommended a number of actions, including deploying 100 MX missiles in existing silos and commencing work on a new small, mobile missile with a single warhead. The President has endorsed all of the Commission's recommended actions.

The specific recommendations of the President's program are:

To proceed with immediate production of the peacekeeper missile, and deployment of 100 such missiles in existing Minuteman silos.

To start work on a small, mobile, single-warhead ICBM, with full-scale development in 1987 and deployment in the early 1990's.

To continue to pursue arms reductions negotiations with the goal of an agreement that is equal, balanced, promotes stability, constitutes significant force reductions, and is verifiable.

To improve strategic command, control, and communications; continue with the Trident submarine; the Trident II D-5 missile; the B-1B bomber and air-launched cruise missile efforts as planned.

To expand research into, and undertake the most vigorous examination of, all forms of defense against ballistic missiles.

To undertake a specific program to study improved silo hardness, and a study of fratricide and research on different types of land-mobile transporter-launch vehicles.

America needs MX deployment to resolve four major strategic problems:

We have an aging ICMB force—Titan was first deployed in 1962, Minuteman II in 1965, Minuteman III in 1970. Three-quarters of all Soviet nuclear warheads are on delivery vehicles which are less than 5 years old. Three-quarters of all U.S. nuclear warheads are on delivery vehicles 15 to 20 years old.

We have ineffective prompt capability against targets most important to the Soviets—military and leadership installations—many of which are hardened and time-urgent.

We need to be able to influence Soviet perceptions of our deterrent capability and our political will. We need arms control negotiating leverage.

We need to deploy MX as an example to NATO to support NATO theater nuclear modernization.

The cost for the President's program is less than previous ICBM modernization plans: $10 billion less than closely spaced basing (CSB) and $30 billion less than multiple protective shelters (MPS) saves $1.4 billion in fiscal year 1984, more in later years.

In fact, the MX will cost only $18.6 billion. Indeed the Reagan program of 100 MX and 100 B-1B bombers is $11.4 billion less expensive than the Carter MX/MPS program.

Arms reduction negotiations are supported by the President's program:

MX deployment gives the United States near-term arms reduction negotiating leverage.

MX deployment encourages Soviet participation in reduction talks—historical evidence: successful negotiations of 1972 ABM treaty, when the United States had an ongoing ABM program for negotiating leverage.

Small missile development gives opportunity for a United States-Soviet agreement to deploy more stabilizing systems such as single warhead, mobile ICBM's.

In sum, Mr. President, MX deployment is required now to bolster deterrence and support near-term arms reduction negotiations, while the small missile supports longer term prospects for a mutually stabilizing force structure.

Mr. President, I ask unanimous consent to have printed in the RECORD, the Wednesday, May 25, article out of the Washington Times about the "New Soviet Missile Violates SALT, Experts Claim."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW SOVIET MISSILE VIOLATES SALT, EXPERTS CLAIM

(By Russell Warren Howe)

Soviet tests this year of a new-design single-warhead missile appear to be in contravention of SALT II, U.S. strategic warfare experts report, citing actual and circumstantial evidence.

The tests reportedly were conducted at Plesetsk, about 200 miles south of the White Sea.

Sen. James A. McClure, R-Idaho, has written President Reagan, claiming that this is only one of a series of Soviet breaches of SALT I, SALT II and the threshold test ban treaty.

Defense sources confirmed yesterday that there had been two tests of the new weapon, which the United States designates as PL-5. But they declined to label the tests as a breach of SALT II, pending further investigation of the nature of the missile, which they said could be a permitted modification of an earlier weapon.

Certain modifications are allowed under the 1979 agreement.

The first test of the PL-5 (Plesetsk launch-5) was on Feb. 8, the second on May 5.

McClure insists that the launches were a double violation of the arms limitation treaty because they involve a second new Soviet ground-launched intercontinental ballistic missile and because, at the second test, "all the telemetry was encrypted."

SALT II allows only one new strategic ICBM to both the United States and the Soviet Union. Moscow has designated the SSX-24 (also known as the PL-4) as its permitted weapon. The new U.S. system is the MX.

The pact forbids more than partial encrypting (encoding) of telemetry—the signals sent back by the missile which enable both sides to monitor its range, weight, number of warheads, type of fuel, warhead-release methods and performance.

The United States does not encrypt telemetry at all; the Soviet Union always encrypts part of it. Strategic missile experts say considerably less than 50 percent needs to be left unencrypted to permit SALT verifications.

Defense sources say the PL-5 has the same solid-fuel booster as the SSX-24. They compare the weapon to the proposed U.S. Armadillo or "Midgetman" missile, which would be an American breach of SALT II if tested before the treaty expires on Dec. 31, 1985. Armadillo is still at the design stage.

Soviet ICBMs in existence on May 1, 1979, when SALT II was signed, were the SS-11, SS-13, SS-16, SS-17, SS-18 and SS-19. Moscow agreed not to deploy the SS-16, then in the test phase.

The Senate has not ratified SALT II but both the U.S. and Soviet governments have agreed to observe its terms.

Modifications not permitted under the treaty are more than 5 percent increases in length, diameter, launch weight and throw weight, the additions of a further rocket stage—which increases range—or a change from liquid to solid fuel.

The SSX-24 had an abortive test on Oct. 26, 1982, when its first stage failed to ignite. This was reported at the time to be a major variation of the four-warhead SS-17, but reliable U.S. sources emphatically denied this.

"It was as different from the SS-17 as MX is from Minuteman," one of these sources told The Washington Times. "It was an entirely new weapon."

The SSX-24 was successfully tested last December, and Soviet Ambassador Anatoly Dobrynin informed the State Department that it was Moscow's permitted new ICBM. When the PL-5 was first launched, British intelligence described it as a modification of the SS-16, deployment of which is forbidden under SALT II. The SS-16 is the triple-warhead SS-20 (a medium-range weapon deployed against Western Europeans and Asian targets) with a third rocket stage added to give it intercontinental range.

The Soviet Union says PL-5 is a permitted modification of the SS-13, a single-warhead missile. All U.S. sources questioned agreed that it was a single-warhead weapon, but Dave Sullivan, a McClure aide, claims it has an SS-16-type launcher. He says the throw weight (explosive power over distance) of the PL-5 is "200 percent" greater than SS-13s, thus exceeding the SALT-II 5 percent limit.

The SS-13 was, until last year, Moscow's only ICBM using solid fuel—a technology 20 years old in the United States.

Solid fuel, which has the consistency of a pencil eraser, occupies less space and burns in its container, obviating the need for the pumping mechanisms which move liquid fuel to the combustion chamber. This improvement in propulsion technology makes ICBMs much smaller and more effective.

McClure says that the circumstantial evidence that Moscow is not telling the full truth about the PL-5 comes partly from the alleged second violation—the total encryption—and partly from the fact that, at both launches, the missile was moved from its manufacturing plant at night and launched from a camouflaged launcher in a wooded area.

U.S. spy satellites thus got no clear picture of the launcher, raising the suspicion that it was not an SS-13 launcher, but one designed for a new weapon.

On May 12, Dobrynin responded to U.S. complaints about the PL-5 tests. The State Department will not reveal the contents of Dobrynin's memorandum but defense sources say he ignored an American query on whether the PL-5 warhead was less than 50 percent of the missile's throw weight, which would be a further breach of SALT-II.

This treaty clause was intended to ensure that range is not increased by reducing the number of warheads on a missile. Dobrynin's silence on this point has raised suspicions that the Russians may have put a single warhead on a banned SS-16 missile.

Official U.S. sources denied a suggestion that the Reagan administration was delaying open condemnation of the missile as a treaty breach to avoid poisoning the atmosphere at the stalemated Geneva arms-reduction talks even further.

Mr. SYMMS. Mr. President, I think we all know many of the technical reasons why we are either for or against the MX system, and I think that we all agree that this system is not without a great deal of controversy. There have been many points of view on the MX since it first was recommended by the past administration, by the Carter administration, that we need to move forward with it. MX has gone through some storm of controversy.

But in my prepared remarks I went into the issues of the reasons why I think we need to do it and outlined what it does and the money expenditures, and so forth.

But I think, in general, we need to discuss somewhat what the philosophy is behind why the United States needs to maintain our strength. We have to look back at history. We have to draw the analogy of the thirties, how weakness and appeasement then ended up breeding war and not peace. Arms control treaties and arms negotiations and disarmament—all of these things are absolutely worthless unless the Soviets will comply with them.

So all of the paper castles of treaties in the world will be worthless if they are not complied with. Arms control treaties will be blown away by the winds of war if we allow the Soviets to violate them. War is what I think we want to avoid, and that is why I wish to see us move forward with the deployment of the MX in the United States to demonstrate to the world that we are committed to deterrence of war, and we will do what is necessary to preserve the peace, and I think that way we will have an opportunity to have a more stable world.

If one wants to look at the history of the arms control process, I think we need to look back and ask: Is the world more stable today than it was in 1972? I think the answer to that is clearly no, it is not. Are the U.S. relationships better with the Soviet Union today than they were 10 or 15 years ago? Obviously not. Is there less security in the world for the American people and for peoples of all nations? Obviously, there is less security.

I think that the Soviet arms control violations have destroyed all of the basic U.S. objectives that we had. America had such noble goals and ideas when we entered into the SALT treaties originally in 1972.

I wish to list some of those violations now, and I think that the reason I say that is that it is important in the deployment of the MX missile system, the Peacekeeper, is that without this deployment I think we will find that we are at a much, much greater strategic vulnerability and we will in fact be setting the stage for much more of a hair-trigger situation in the world. In other words, we need to deploy MX in order to show the Soviets that we are determined to enforce their compliance with SALT treaties.

We will be setting the stage where some day some President down the road may change the policies of our retaliatory attitude. You put the President of the United States in a position where launch on warning may become some kind of a declared policy, instead of a nonpolicy as it now is. We have a launch on warning capability now, but we do not want to go in that direction as a declared policy, because it is dangerous. And I think a launch on warning policy would be entirely detrimental to the efforts that all Americans strive for, for maintaining a peaceful world that they can raise their children in and raise their families.

I just think it is important that we do list some of the things that the Soviets have been doing.

First, the Soviets deployed heavy ICBM's—their heavy SS-19. Certainly if it is not a violation, it certainly circumvents the SALT I treaty. It increases their counterforce capability fivefold.

Second, the Soviet ICBM rapid reload/refire capability, stockpiling of extra missiles, covert soft launch, mobile ICBM capability is a violation or circumvention of all the ceilings of SALT I and SALT II.

Third, the Soviet flight testing of two new type ICBM's directly violates SALT II. They have greatly increased their counterforce capability, and are engaged in total telemetry encryption.

Fourth, the Soviets have a nationwide ABM defense—SAM's in ABM mode, ABM battle management radars, mobile ABM—all in violation of the ABM Treaty, of SALT I in 1972. These are both violations and breakout capabilities.

That is something that the United States has chosen not to do. We have not even deployed an ABM system.

I could go on and list over 35 Soviet arms control violations, but I will stop here.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. Mr. President, I yield 15 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I thank my distinguished friend from Wisconsin for making this time possible for me.

Mr. President, I would like to share with the Senate a sense of wonderment at the situation we find ourselves in, a sense of ominous wonderment to be sure. Yet the paradox of this situation is not without a certain measure of elegance.

In 1979, I remarked to many Members of this body and wrote on many occasions that it was sometimes difficult, hearing the administration's advocacy of SALT II (and I shared their advocacy though they were the principal spokesmen), to know whether they were telling the Senate that we needed the SALT II treaty in order to get the MX missile or that we needed the MX missile in order to get the SALT II treaty. The seeming contradictions were latent throughout their argument.

The distinction seemed to me important, Mr. President, because, as a number of Senators will recall, I had said (in private at the time) that the MX missile would never be built. I said that the reason was that no acceptable basing mode would ever by found. The then-latest basing mode (there have been upward of three dozen) called for digging up Nevada and Utah. I asked the CRS how many laws would have to be complied with in order to dig up Nevada and Utah (apart, perhaps, from the constitutions of those States). They gave me a list of some 38 laws, though they overlooked (a very unusual event for them) the Wild, Free Roaming Horse and Burro Act of 1971.

It was obvious from the start that we were not going to build that missile because we were not going to find a basing mode for it. One thing, however, never occurred to us, Mr. President.

It would take a very powerful imagination to follow this sequence. The doctrine of deterrence, which this Nation had faithfully adhered to for a generation of nuclear strategic policy, had begun to be endangered. It began to be endangered when it was realized in the early 1970's that Soviet missiles could effectively destroy the Minuteman silos that had been put into place in the 1960's. This meant those Minuteman silos could not be used in a second strike, and would accordingly be only available as first-strike weapons. It was very much our policy not to have weapons deployed in that mode, as the Soviets would have to respond in kind. Therefore, we said that since those Minuteman silos had become vulnerable we would build a new missile, a mobile missile, which would allow us to phase out the Minuteman and replace it with an unmistakably deterrent-type weapon that would continue the policy of a generation and maintain the balance of forces that had kept the nuclear peace.

In my wildest imagination it never occurred to me that, having set upon this 10-year course to find an alternative to the missile in the Minuteman silos, we would end up putting that alternative in those very silos. And yet that is what we are doing. It begins to attain to the condition of parody.

The military minds that thought up the "race track" and the "dense pack" at least showed a certain capacity for fantasizing. This now appears to exhibit nothing so much as amnesia.

Some of the people who made the present proposal were on hand when it was recognized that the vulnerability of the Minutemen silos required a measured response. Yet the response has been to propose putting an even larger missile in the same silos. It is difficult to comprehend the logic and reason and sense of history that is involved here.

But the one thing we do know, Mr. President, is that if we go forward with the development of the MX and the flight testing and the simultaneous development of a smaller, single-warhead missile, the "Midgetman," we will be violating the terms of SALT II. That original thought that we would get the treaty in order to have the MX or get the MX in order to have the treaty will be no longer obtained. At least in the original formulation, there was a certain equivalency, a certain balance. The weapons folk got something, the arms control folk got something.

Now the treaty goes. Only the weapon remains. Deployed in this absurd and ominous deployment mode. Ominous, Mr. President, because it puts us near to a first-strike stance. If you would like to know, I will hereby declassify the latest Pentagon terminology. It is a posture of "prompt response." It used to be called "launch on warning." I don't know what it will be called next month. But it means 20-minute decisions about the use of a missile that a nation could not decide how to deploy in 10 years.

Now have some sense of what the reaction time of our Government is. I have been a counselor to the President

of the United States. I can say that half of the days I served at the White House it would have taken 20 minutes to find the President. Often as not because if he knew you were looking for him, he knew that you were bringing him some bad news or some difficult decision that he was trying to avoid. I mean, these are the realities of government and life. And these are the conditions we are going to vote ourselves into.

Mr. President, allow me to say something about the SALT II treaty, because it is not unimportant. The present administration came to office saddled with a platform that declared the SALT II treaty to be "in effect * * * unilateral disarmament." An altogether irresponsible statement, it being the fact of the SALT II agreement that it simply continued the steady increase in the number of warheads on both sides and simply legitimated and incorporated the plans the Soviets already had for a steady increase in their nuclear position, one that has never ceased since the Cuban missile crisis.

To call that escalation "in effect * * * unilateral disarmament," led me, in an address to the Democratic Convention in New York City in 1980, to pose a question which I would restate:

If a party is that careless with words, can it be trusted with power?

They were. And it seems to me the question remains. Because they are doing the one thing that four consecutive Presidents absolutely—at the heart of their understanding of the problem, at the base of their policy—declined to do. They are deploying a major land-based missile in a first-strike mode. They are putting the world on 20 minutes notice. And needlessly so.

Curiously, out of this debate, there has emerged the idea of mobility—the idea that a stable nuclear world can be one in which both side's forces are mobile. The rather awkward procedure of counting silos in order to estimate missiles and such can be avoided by the knowledge that there will always be a deterrent capacity. That is the essence of mobility: A small, mobile missile instead of this vast, 192-ton monster that was never going to be mobile.

We are going to lose that very mobility as an option that could produce stability if we go forward as we are doing. I note that we are only at the first step. It does not follow that we will go all the way. I think we will not if it sinks in on us what we are doing.

Remember that the SALT II treaty, while not ratified while not even voted on, has been substantially complied with. The Soviets and the United States have learned to reach agreements which are informal but are useful to both sides and are therefore adhered to as a source of stability. We do that with what are known as national technical means, or satellites, which would have been considered intolerable invasions of the privacy (and in some sense, the space) of the other party, but which are now accepted as a source of stability.

I would make one final observation, and that is on the subject of "national will." I have great respect for the members of the Scowcroft Commission. Each of them is a fine person and many are known to me. Some, in fact, have been colleagues of mine in Cabinets.

But where did this notion of "national will" come from? It makes me uneasy. A steady and firm and predictable capacity for self-defense, yes. "National will," on the other hand, evokes ideas that do not fit comfortably with this Democrat, this member of the Republic.

Mr. President, I simply mean to say that the rest of the world, looking at the United States with regard to armaments, would see us bringing on line the Trident (the largest submarine we ever conceived) with the D-5, the cruise missile, the Pershing II, the Midgetman (to come along), the B-1B, the Stealth.

There are nations that would think us gone wild with new weapons systems. So how does the issue of national will arise here?

The issue that arises is national good sense, stability, and predictability.

I thank the Senator for his kindness and patience with me.

Mr. PROXMIRE. Mr. President, I yield 20 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the Senator for granting me time to speak on one of the most monumental issues the Senate has ever debated.

First of all, I want to talk about the genesis of the MX. You will recall the rationale for it was that it was going to be mobile and it was going to be survivable.

Everybody knows that it will be neither mobile nor survivable when we put it in Minuteman silos. So what we have here is a weapon driving the rationale for it, rather than the rationale driving the procurement of the weapon system.

If the Soviets had some sort of offensive capability that we could not counter, we would start looking for some kind of weapon system to do the job, and we would design a weapon to meet the threat. That is the way defense policy ought to be established.

But here we have a missile system that was in the advanced stages of development, and nobody knew what to do with it unless we put them in the multiple shelters, recommended by President Carter. However, the present President of the United States said that scheme was laughable.

The truth is that was the only invulnerable mode that has ever been proposed for the MX missile. I did not like it, and I did not like the idea of tearing up Utah and Nevada to deploy it in those States. But, be that as it may, that was the only invulnerable mode for the missile, and the Soviets bargained and signed SALT II thinking we were going to deploy it in the MPS mode.

What kind of perverse logic is it that says now, that although we are going to put it out there exposed to the world, easily vulnerable, somehow or other that is going to bring the Soviets to the bargaining table.

Well, the President has wanted the MX. He does not like to spend money on anything that will not explode. This is the earliest missile that can be developed, to balance the Soviets' nuclear superiority. So now we have, as I say, the missile driving all this nonsensical rationale that I have been listening to around here for 30 days.

Concerning the Scowcroft Commission report, General Scowcroft appeared before the Appropriations Committee. I said:

General, is it not strange that you say in your report that the MX is an inviting target, our most lethal, powerful weapon vulnerable to the most lethal weapon the Soviets might want to drop on it? And that you also say we ought to go to the Midgetman, which will be a mobile, inexpensive missile, and make the Soviets spend more of their firepower to knock out one of ours. Isn't that a contradiction?

He said, "I would call it a paradox."

What else did the Scowcroft Commission say? They said, "We must show our national resolve."

Well, now, if $270 billion for 1984 is not a lot of resolve, I do not know how you can improve it.

When it comes to our strategic forces demonstrating our national resolve, there is the Trident submarine which, so far as I know, every Senator supports; the D-5 missile which will be deployed in 1989 to 1990, 2 years after the MX, and will do everything the MX will do. The only difference is it will be on submarines and be survivable.

We are also building a variety of strategic cruise missiles, which, so far as I know, every Senator supports. The cruise missile is probably the most revolutionary weapon system of the century.

And then there is the Stealth bomber. Everybody here is hot to get the Stealth deployed.

The B-1 is in production, and, incidentally, so far as improving our strategic forces, falls right into the category of the MX. The two legacies this President will leave is that he championed the two most wasteful, useless,

needless, weapons systems we have ever approved.

Mr. President, concerning bargaining with the Soviet Union, maybe we ought to ask, who is it we are having a tough time getting to bargain seriously? Labor and management are always fighting about who is serious about bargaining and who is not.

Well, there was enough question here that two of our Senators whom we all respect as knowledgeable on defense issues wrote the President and said, as one scribe said, "Mr. President, if you will dress up like an Easter Bunny we will vote for the MX." The President writes back and says, "In my heart, I really believe in arms control." Everybody falls all over themselves saying, "Isn't this wonderful, we finally have a commitment from the President that he actually believes in arms control." And nothing has happened other than that letter since the MX was the laughing stock of the Congress last year.

Nothing else has happened, except the President said, maybe the build down is a pretty good concept. But read the letter. Mr. President, I invite you to read the letter the President wrote the two Senators here, and you tell me what it says.

There is an old saying that rabbits never go in a hole when they do not have at least two to get out. The President left a dozen holes to get out in that letter. It is about as meaningless as anything I have ever read in my life.

Mr. President, I want to discuss the SALT II treaty, which the President also ran against in 1980—and I have applauded President Reagan for changing his mind on that. He said the SALT II treaty gave the Soviet Union a very decided advantage—when he was a candidate. I was a proponent of SALT II and I am still a proponent of SALT II, and I am happy to report to you, as my colleagues know, that a year ago, the President said if the Soviets will comply with it, we will too.

I took some comfort from that. But under the SALT II treaty, we are allowed one modification of a missile system and one new missile system. If there is no START treaty as a result of this administration's initiatives, we either live with SALT II, though it is unratified, or we violate it. We cannot abide by SALT and have both the MX and the Midgetman because both sides can only have one new system, and if we build the MX, we would have to give up the one thing the Scowcroft Commission said we must have; that is the mobile Midgetman. So bear that fact in mind as you vote for this turkey.

Mr. President, hard target kill capability is what we want—we want the ability to knock out Soviet targets that are hardened. Hard target kill capability is a product of two things: Accuracy and yield. We have already upgraded 300 of our 550 Minuteman III missiles. We have put the Mark 12-A warhead on it. The only thing those 300 modernized Minuteman missiles do not have is the new guidance system called AIRS, which is the one we are going to put on the MX.

If we put the AIRS guidance system on the 300 upgraded Minuteman missiles we have right now we would have 900 warheads with hard target kill capability, fully as capable of destroying a target as is the MX warhead. The MX warhead has a little more yield, but only slightly more hard target kill capability, certainly not enough to make a measurable difference.

If we took 50 of the 250 remaining Minuteman III missiles that have not already been upgraded and put three MARK 12-A warheads on each, along with the AIRS guidance system, we would have a total of 1,050 warheads with hard target kill capability, or 50 more than we are going to have with the MX—at a cost of $9 to $12 billion compared with a minimum of $24 billion for 100 MX missiles.

Here is the real catch, Mr. President. When President Reagan was candidate Reagan, he said, and I am sure some of his advisers were telling him this, that all the land-based missiles we had were vulnerable. You remember the window of vulnerability. You cannot get the White House to use that phrase now. When President Reagan was running, that is all they talked about, the window of vulnerability.

They said, by 1985, only 5 percent of our land-based missiles could survive a nuclear attack by the Soviet Union. The other day, the CBO said that figure may be just 1 percent. But assume 5 percent survivability. Incidentally, General Gabriel, the Chief of Staff of the Air Force, said in April that the survival rate was now 30 percent. Secretary Weinberger, in December, said the figure was 5 percent.

What are we to believe? The truth of that is we have never fought a nuclear war and nobody knows what will survive. Not many of us, that is for sure.

Take the 5-percent figure and use the Minuteman III upgrade versus MX scenario I just gave. If we deploy the MX as opposed to modernizing the Minuteman III, and if 5 percent of our MX missiles survive, we are going to have 42 more warheads survive than if we modernize the Minuteman. That is 42 more surviving warheads for $12 billion extra, at least. That works out to about $300 million extra for each of those 42 surviving warheads, and the Soviet Union will have 2,000 hard targets for us to hit with those 42 warheads. What kind of insanity is this?

Mr. President, showing resolve by buying a bad system is a sorry way to show the flag. Spending $24 billion for a system that we could have for $9 billion to $12 billion makes no sense. Building a weapons system in order to trade it away makes no sense. Building this system, as I heard one Congressman say, to finally get this debate over with makes no sense.

Anybody who thinks the Soviet Union will sign any arms control agreement because we deploy MX is certainly naive. They have their own agenda. Anybody who doubts their resolve to stay in the arms race just does not understand the Soviet mentality. Anybody who thinks the Soviets are not frightened when they hear the President of the United States talk about winnable nuclear war, who sees the President putting our biggest missile, our most expensive missile, in the most vulnerable mode—anybody who thinks that does not lower the threshold for nuclear war and scare hell out of the Soviets is naive, too.

It does not just scare the Soviets, it scares this Senator.

Anybody who thinks that a weapons system in a nonmobile mode is going to bring the Soviets to the bargaining table is indulging himself in wishful thinking.

Finally, Mr. President, let me say one more thing. This is a small thing and it is very personal, and I doubt that very many people share it with me. But I have to say that I am as offended by that Madison Avenue-Hollywood title for this missile, the "peacekeeper," as anything I have seen. That is the most cynical, callous piece of Madison Avenue hype I have ever seen, not just since I have been in the Congress, but in my entire life. To call a missile with 10 warheads that will destroy tens of millions of people if you drop it in the right place, the peacekeeper, is the height of arrogance. It is shameful.

Mr. President, I yield back such time as I may have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. On behalf of Senator PROXMIRE, Mr. President, I yield Senator KENNEDY 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Thank you very much, Mr. President.

Mr. President, the clock ticks along. We have had the opportunity in the past few days to address this issue and I believe that the arguments in opposition to this MX proposal have been presented eloquently by a variety of my colleagues. I realize that now, as we get closer to the time for the vote, it certainly will be an uphill battle for those of us who have opposed the MX from the beginning and have serious reservations about the latest proposal for this weapons system. But it is still important that the opposing arguments be made as clearly and as concisely as possible, because, should the

Congress of the United States decide to move ahead with the MX, which I believe it will, I do not believe it will strengthen our national security. I do not believe that it enhances the possibility for meaningful arms control.

I do not believe, as those who support the missile claim, that it will provide the basis for a new bipartisan spirit.

Mr. President, as the Senate moves to this vote on MX, it is essential to see where we are headed in our strategic nuclear policy. As we entered the 1980's, the United States was faced with an increasingly serious challenge from an increasingly powerful adversary. The Soviet Union had dedicated the decade of the seventies to enhancing its military might and its ability to project that might around the globe. In the United States, as we monitored this threat, we developed a consensus to increase our own security efforts. We were committed, as a Nation, to maintain peace and stability through a steady and balanced buildup of our Armed Forces. But just as this consensus began to develop, we heard the highest officials of our Nation downgrade American military strength and declare to the world that we were no longer second to none, but that we had suddenly become second to one—the Soviet Union. The national consensus to enhance our defense capability through steady, measured growth was shattered by those who claimed a mandate for vast new increases in military spending, including a massive buildup of our nuclear forces. The MX missile has become a symbol of this shattered consensus.

For 2 years, the President has claimed, incorrectly, that the United States is inferior to the Soviet Union in every significant measure of military strength. He has created a perception abroad that America is weak; he has bolstered the confidence of our enemies and undermined that of our allies.

Yet, when we have questioned his Joint Chiefs of Staff and his Secretary of Defense in the Armed Services Committee, none have been willing to trade our strategic forces for those of the Soviet Union.

Still, President Reagan has persisted in claiming that the Soviets could confidently destroy our retaliatory capability in a first strike against our vulnerable land-based ICBM's. And when this window-of-vulnerability argument failed to marshal support for the MX, the President appointed a bipartisan commission to find a new justification.

The report of the Scowcroft Commission provides the clearest evidence to date that not even members of the Reagan administration can agree on why we need the MX. First, the report concludes that although our land-based missiles may be vulnerable, the Soviets would not launch an attack against them for fear of retaliation by our more survivable submarine-based missiles and strategic bombers.

Many experts agree with this conclusion. Indeed, the window-of-vulnerability theory has always been greeted with skepticism, for the obvious reason that we can rely upon the survivability of the other elements of the triad of strategic nuclear forces. And on the strength of this conclusion it seemed logical that the MX was a mistake as were all of the Rube Goldberg schemes for making it invulnerable.

But the administration and the Scowcroft Commission failed to follow the dictates of their own logic. Instead of rejecting the MX, they argue that we must deploy it to demonstrate national will and resolve—the same will and resolve that have been undermined by irresponsible claims that we are militarily inferior.

Ironically, to deploy this missile now will make us weaker, not stronger. Whereas the Soviets have little or no incentive to attack our Minuteman missiles in their silos, the MX, by posing a first-strike threat to their land-based systems, will increase the incentive for the Soviets to attack the United States in a crisis. And new data from the Air Force reveals that just as we begin to deploy the MX in the late 1980's, Soviet improvements in missile accuracy may destroy all but 1 percent of our fixed-silo, land-based missile force. One percent of 100 MX's is 1 surviving missile.

The most significant contribution that the Scowcroft Commission report has made to bipartisanship is to close the window of vulnerability. But by staying the course on the MX, the Commission has invited a new and even more destabilizing escalation of the nuclear arms race by the United States and the Soviet Union. The MX is a first-strike threat against the Soviet Union. Once MX missiles are deployed, there is more pressure on both nations to adopt a "use them or lose them" psychology. Indeed, some Pentagon officials admitted as much when they testified that in the brave new MX world, the United States might have to move to a "launch on warning" strategy in order to prevent the MX missile from being destroyed in a Soviet strike.

Mr. President, we are no longer talking about the number of hours that it would take bombers to fly to the borders of our adversaries, as we did at the time of World War II. Warning time has been reduced by ICBM's to a matter of maybe 25 or 30 minutes. And with the introduction of other new weapon systems, we will reduce that time to just a handful of minutes, to 4 or 5 or 6 minutes, during which the leaders of countries are going to have to make life and death choices that will affect whole populations.

To a great extent those choices and decisions are going to be left to the world of computers, which have been known to fail. Over a period of 20 months, this country experienced more than 140 computer failures, some of which indicated the possibility of Soviet nuclear attack. With the introduction of these new weapons systems, we are moving into an entirely new era of greater insecurity.

As we do that, we also have to ask ourselves, how are other nations that have the capability for the development of nuclear weapons going to react? What has happened to the commitment of the United States contained in the Nuclear Nonproliferation Treaty in which this Nation pledged to the world community that it was going to use its influence to try to reduce the nuclear weapons around the globe?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield the Senator an additional 8 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for an additional 8 minutes.

Mr. KENNEDY. The MX has also become a symbol of what is wrong with this administration's proposals for a massive military buildup. Their schemes, which entail the largest peacetime increase in the military budget in our history, amount to spending for the sake of spending, without clearly stating what defense strategy we are pursuing, and without explaining why particular weapons are needed.

I must say, Mr. President, I am not one who believes that we should be heartened by the new statements, the new declarations, and the recent letters that have been sent by this President to the Members of the Congress indicating that he will alter his negotiating strategy or consider new alternatives such as the build-down proposal at Geneva once the MX is funded.

I think we need much more than merely a statement of interest in altering our bargaining position from the President. What does this new interest in serious arms control say about the sincerity of the past bargaining position of the Reagan administration? I think the past bargaining position of the United States has been proven a failure by many of us in the Senate of the United States who have been frustrated by lack of progress and by the Senate Foreign Relations Committee, which has inquired of our negotiators, time and again, about what initiatives have been offered and what progress has been made, only to receive negative answers.

Why should we believe the willingness of a President to state that his administration is going to adjust anew

its positions at Geneva just because it obtains approval for the MX? I find acceptance of this new commitment a real flight into fantasy land. It is certainly not the kind of assurance this Senator is prepared to accept, given the fact that this President has been opposed to every arms-control agreement the United States has signed with the Soviet Union for the last 20 years.

Congress is beginning to understand that the Reagan administration has abdicated its responsibility on national security by advocating a blank-check military buildup. It is up to Congress, therefore, to set our defense priorities straight, before the current round of excessive spending further distorts our economy and further undermines a responsible defense policy.

Although the MX deployed in fixed silos will be vulnerable, the administration claims that we need it as an expression of national determination. This argument amounts to an admission that while MX is not the best military option, failure to deploy the missile will be seen around the world as a blink by the United States in the ongoing game of nuclear chicken with the Soviet Union. Indeed, many members of the Scowcroft Commission have acknowledged that the only virtue of the MX is to convince the Soviets and our European allies that the United States can carry through with a decision to deploy new land-based missiles. But who is going to be impressed by a decision to go forward with an inherently flawed and vulnerable military system whose lack of merit will not fool any Soviet defense strategist? By what logic is the wrong decision on MX seen to be better than the right decision?

There is no concrete evidence that the Soviets are worried about the vulnerable MX, compared with other new weapons such as Trident II missiles and Stealth bombers that the United States currently has on line or is developing, and that truly exploit our technological superiority. And there is no evidence that our NATO allies will be more impressed by deployment of the MX than by the successful negotiation of an arms-control agreement that brings stability to East-West relations and reduces the threat of nuclear war.

If we believe that there is a need to demonstrate our resolve by enhancing the effectiveness of our land-based nuclear weapons, then we should examine cost-effective alternatives to the MX.

Senator HOLLINGS, Senator BUMPERS, and I have outlined proposals to insure an effective strategic nuclear deterrent in the absence of the MX. Foregoing MX does not mean abandoning ICBM modernization. By upgrading our current Minuteman III force with a new guidance system, by providing it with comparable capability to the MX at half the cost, we can prove that we have not only national will, but commonsense as well. By accelerating development of a small, single-warhead mobile missile, we can signficantly complicate the plans of the Kremlin's nuclear strategists and make faster progress toward true protection for our land-based missiles of the future.

In its desperate attempt to salvage the MX, the Reagan administration has also resorted to another argument that ultimately rests on perceptions—that the new missile is needed to shore up our bargaining position in arms-control talks with the Soviet Union. This is a curious argument from an administration which has already declared that MX is not a bargaining chip, that there is no condition under which it will be put on the bargaining table in Geneva. Since the MX will not be traded away, we should be clear on another point—while the United States builds its MX missiles, the Soviet Union will not stand idly by. As recent history demonstrates, the Soviets are prepared to do whatever it takes to match us in every stage of the nuclear-arms race—step by step, warhead by warhead, missile by missile. Yet, the MX missile commits us to the senseless pursuit of this phantom of nuclear superiority.

What the Scowcroft Commission seems to be arguing is that the only way to induce the Soviets to reduce their land-based MIRV'd weapons and shift to single-warhead ICBM's is to put their current forces at greater risk by deploying the MX. But under the current plan to deploy 100 MX missiles, a large portion of the Soviet land-based forces will still survive a first strike by the United States. What conceivable incentive will the Soviets have to reduce their ICBM's and risk making all of them hostage to a potential U.S. first strike?

It appears that the administration has actually been using MX as a bargaining chip with Congress, not with the Soviets. There are many Members of this Chamber who concede that MX is a bad idea, but believe it is a price worth paying to wean the administration away from an unrestained nuclear race. While I commend and admire the efforts of various colleagues to secure a commitment from President Reagan, I find his response to this effort unconvincing.

In his letter to Senator NUNN on May 12, President Reagan promised to review his START proposal. He says he is "currently examining the structue of a build-down proposal." This is not a pledge to negotiate a new proposal, or even to revise the current nonnegotiable START proposal. It is a Scarlett O'Hara performance—he will think arms control tomorrow, while he builds MX today.

Mr. President, MX is not social security. It is entirely inappropriate to treat this fundamental issue of war or peace in the nuclear age as a subject for a split-the-difference compromise between Congress and the administration; and that is basically what we are being asked to do: Give something to those who support the MX and give something to those who want arms control with a single-warhead Midgetman ICBM. Give something to both so we can build a kind of consensus. Even though both those concepts are completely inconsistent, we are being asked to accept them in the same package. Those who favor a Midgetman ICBM are asked to swallow hard and accept this whole proposal. I believe it is unwise and makes no sense to do so.

Almost every line of the Scowcroft Commission report except the bottom line reeks of opposition to MX. The President has properly embraced the small-missile proposal and the otherwise recommendations of the Commission. But MX is not a proper consolation prize for the administration's willingness to consider compromise in other areas.

When the first MX comes off the production line, we will still have to live with this weapon and the new problems it creates for national security. Let us have no illusions: No matter how it is packaged, deployment of MX is a needless escalation of the arms race that makes arms control even more remote than it seems today. Congress should have the courage to do what the Commission failed to do. We should put this missile out of its misery. We should reject MX now, before it is too late.

Mr. President, I reserve the remainder of my time, and I yield it to the Senator from Wisconsin.

Mr. STEVENS. Mr. President, I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, there is more psychology than strategy in this issue at this time and at this point in the development of the MX.

First, there is a desire to have the United States appear generally strong and confident. There is a corollary wish to avoid looking weak and vacillating in the specific treatment of MX. Third, there is a hope that we can provide a lure for both superpowers to abandon large MIRV'd missiles. Fourth, the arms control aspects of the Scowcroft report have awakened the hope that we can encourage President Reagan to take a new look at arms control and embrace a kind of creeping evangelism of peace. Fifth and finally, we want to do all of these things without arousing either the fear, the anger or the opportunism of the Soviet Union and without stimulating Russian adrenalin to make a

massive response that further fuels the arms race.

On the substantive side, the Commission's recommendation, in the simplest terms, is to add extra fire power to an existing weapons system. The vulnerabilities of the system will not change. But the missiles that survive a first strike will be more powerful to retaliate than the Minuteman missiles. How many would survive is speculative, but that is a speculation that would give pause to any Soviet general with a first strike on his mind.

Since this is only a milepost on the road to MX deployment, I am reluctantly willing to agree to this appropriation, but only on one condition. Since there is a major psychological element in the issue, there must be progress on that side before we reach the next milepost. The administration must produce some evidence that it understands the distinction between arms reduction and arms control and is willing to adopt a new arms control and disarmament strategy which promises greater hope for success than present positions.

Mr. STEVENS. Mr. President, I yield to the Senator from North Carolina.

Mr. HELMS. I thank the Senator.

Mr. President, I support the proposed funding for the MX intercontinental ballistic missile (ICBM) program. In the face of unprecedented Soviet global expansionism and unprecedented Soviet military spending, the United States must summon the national will and the national resources to strengthen our capability to defend our precious heritage and our way of life.

Mr. President, real deterrence means the ability of this Republic to deny Soviet war objectives. Real deterrence is based upon the marshaling of our material and spiritual resources behind a sound strategy and building a sound and effective military force structure. The MX program proposed by President Reagan is an effective contribution to our national defense.

THE MAD WORLD

Our strategic missile forces have not been designed to destroy the strategic missile forces of the Soviet Union. Strange as this may seem, it is fact. Why? The answer is that the false and unsound doctrine of mutual assured destruction (MAD) which was conjured up in ivory tower think tanks such as the Rand Corp. and entered into in the Halls of Congress and the Pentagon.

This doctrine foolishly supposes that the military strategists and planners in the Soviet Union think precisely as those in the United States who have promoted the mutual assured destruction doctrine. Simply put, they assume that Soviet military strategists and planners are a mirror image believing in the fundamental concept of holding major population centers hostage to nuclear blackmail.

Central to their idea is the proposition that population centers be left undefended from nuclear attack. According to the MAD advocates, if millions of innocent civilians are held hostage in undefended population centers this so-called balance of terror would assure stability.

Mr. President, I submit that this doctrine is immoral and that it imperils our national security. The doctrine is immoral because it is based upon the needless destruction of innocent civilian populations. It imperils our national security because it does not put at risk the sinews of the Soviet warfighting machine: Soviet nuclear missile installations, Soviet military installations, Soviet industry essential to war, and Soviet command and control installations both military and civilian.

THE REAL WORLD

Mr. President, it is a fact that the Soviet Union has never operated under the doctrine of mutual assured destruction. There is ample evidence to demonstate this. It is a fact that the Soviet Union has designed its strategic missile forces to destroy our strategic missile forces.

The Soviets have spent billions of rubles to develop their military capabilities across the board. They have been spending at least 16 percent of their GNP currently, as opposed to 12 percent in 1970, to develop their warfighting capabilities. We have been spending only 6 percent of our GNP on defense.

By 1965 the Soviet Union had a counterforce capability in Europe and Asia with its SS-4 and SS-5 medium range ballistic missiles (MRBM). Now, the Soviets have deployed the SS-20 missiles which give them a capability against hardened targets in Europe and Asia such as French and Chinese missiles.

The Soviet Union has achieved a capability against hardened targets in these United States through the introduction of the latest models of their SS-17, SS-18, and SS-19 ICBM systems. The Soviets have tested two new generations of ICBM's and will be testing two more generations of ICBM's in the not too distant future.

I would call to the attention of Senators the fact that between 70 and 80 percent of the Soviet ICBM warhead inventory has a hard target kill capability while we in these United States have only a minimal capability against hardened Soviet targets. Indeed, we have not had an across-the-board strategic modernization since 1965.

The Soviet Union has systematically hardened its key centers of military value. The Soviet Union has hardened not only its missile silos but also military and civilian command and control sites. The Soviet Union has hardened its essential industrial sites. The Soviet Union has developed its capabilities for evacuation and civil defense. The Soviet Union has a program to disperse a wide variety of economic and military assets.

Given these, and other, Soviet efforts, there are great asymmetries today in the targeting field between the United States and the Soviet Union. We, therefore, must do everything that we can to insure that we have a counterforce capability against the full array of Soviet-hardened targets.

WHY WE NEED MX

The only way that we can achieve real deterrence is to develop the capability to deny Soviet war objectives by placing at risk the sinews of the Soviet war machine. This means that we need a capability against hardened Soviet military and military related assets that are essential to the achievement of Soviet war aims.

Rather than having a capability to needlessly destroy civilian population centers and inessential industrial sites, we need to develop a truly effective counterforce capability against hardened Soviet targets.

Senators need not be reminded that under the leadership of Defense Secretary Harold Brown, the previous administration changed our nuclear strategy. Presidential Directive 59 (PD-59) replaced the false and unsound mutual assured destruction doctrine with the realistic strategy of denying Soviet war aims. The Reagan administration has maintained this realistic strategy. The strategy is, therefore, bipartisan in nature.

Owing to the mutual assured destruction doctrine, however, our strategic force posture is not up to the job of putting Soviet warfighting capabilities at risk. Therefore, we need to develop our inventory of strategic assets to fit our new strategy and make it effective.

Our submarine launched ballistic missile (SLBM) force has little value against hardened Soviet targets. Why? These Poseidon missiles were purposely designed to minimize their accuracy in order to fit into the unsound MAD doctrine.

In my judgment, these Poseidon missiles must be updated as soon as possible with new stellar guidance equipment to improve their accuracy and hence their capability.

Our Minuteman ICBM force, introduced in 1965-66, was also specifically designed to minimize its capability against hardened Soviet targets. Again, the design was adopted to fit the unsound MAD doctrine. Fortunately, our Minuteman ICBM force is being improved under the Minuteman III-A program. Nonetheless, we still must go forward with the MX program in order to provide our great Nation with a necessary capability

against hardened Soviet targets. The MX program, we should note, will only partially replace the Minuteman inventory; but such a replacement is absolutely essential for our deterrent capability.

We cannot rely on our strategic bomber force, which is 30 years old, to penetrate Soviet defenses and to kill hardened Soviet targets. We need to modernize this force.

It is essential to bear in mind that the Soviet Union did not have the technology for an effective air defense against our strategic bomber forces during the 1960's and 1970's. Recognizing this, the Soviets have invested massive amounts of rubles to develop their air defense capability in order to deny our strategic bomber forces. The Soviets are deploying the SA-10 missile system. The Soviets have deployed the look-down/shoot-down Foxbat aircraft. The Soviets are working on the development of their own AWACS system. It is a fact that the Soviets want to make the 1980's the decade of their supremacy in air defense so that they can deny our strategic bomber deterrent.

In the face of this massive Soviet effort in air defense, we can only hope that the new and yet unproven Stealth program can restore the viability of our strategic bomber deterrent.

Mr. President, while we have finally adopted a realistic deterrence strategy, in a bipartisan manner, we do not yet have the strategic force posture with which to implement this new strategy. The Soviet Union has designed and built its strategic missile forces to destroy our strategic missile forces. We must develop our strategic missile force in order to achieve real deterrence by having the capability to put at risk the sinews of the Soviet war machine and so deny the masters of the Kremlin their war objectives.

The MX program provides these United States with a capability against hardened Soviet targets. The MX system is a system that we need in order to break out of the weapons inventory which was bequeathed to us by the assured destructionists. The MX program helps to provide the capability that our new and realistic strategic doctrine requires, and I strongly urge my colleagues to support this vital program.

Mr. MATTINGLY. Mr. President, in his eloquent address last year before Members of both Houses of Parliament in London, President Reagan noted that "If history teaches anything, it teaches (that) self-delusion in the face of unpleasant facts is folly."

Any decision on the complex and controversial question of whether or not to deploy the MX missile must be based on an objective assessment of the facts regarding the size, nature, and immediacy of the threat which MX deployment is intended to counter.

The Soviet military buildup over the past 20 years has been relentless. It continues today and long ago exceeded what any reasonable person would deem necessary for defensive purposes.

In the recently issued booklet entitled "Soviet Military Power," it was stated that:

> Military power continues to be the principal instrument of Soviet expansionist policy . . . there is no sign of abatement of the scope of the buildup. They have been readied for war at any level and at any time. Doctrine, structure and offensive posture combine to constitute a threat of direct military action that is of unprecedented proportions.

We ignore these unpleasant facts only at our grave peril, Mr. President.

The President's Commission on Strategic Forces, which deserves a vote of thanks from our Nation, while recognizing the Soviet threat, noted in its report that:

> Neither time nor history is on the side of large, centralized autocratic systems that seek to achieve and maintain control over all aspects of the lives of many diverse peoples . . . moral neutrality and indifference or acquiescence in the face of Soviet efforts to expand their military and political power . . . ultimately increase the risk of war.

There can be no equivocation, Mr. President, no evasion of the choice; no moral neutrality or blindness to the need to demonstrate to the Soviet Union and to the world the intention of the United States to meet its commitments, to face its responsibilities and to reassume its place as leader of the free world.

I have become increasingly concerned over what more and more appears to be a paralysis of spirit and will by the Congress. We have been debating a basing mode for the MX for 6 years or more without a decision; we apparently are incapable of taking the actions which are so urgently needed and are clearly in our own best interests in Central America; we diligently subject every defense budget item to intense microanalysis but continue to let overall Federal spending rise to extravagant levels.

It is dangerous in the extreme, Mr. President, to demonstrate such irresolve and indecision in the face of a watching world. One need look no further into history than last years Falklands war to find the results of such vacillation and miscalculation. The signals sent by Great Britain and Argentina convinced the former that there would never be an effort to seize the islands by force and convinced the latter that there never would be an effort mounted over 7,000 miles of open sea to retake them. And so a war began.

So, Mr. President, we should clearly signal our resolve and approve the package of recommendations made in the Scowcroft report, including the prompt deployment of 100 MX missiles in existing Minuteman silos.

This demonstration of national will and cohesion, in the words of the Scowcroft Commission, will remedy the existing imbalance in prompt, hard-target kill capability now possessed by the United States and Soviet arsenals. Deployment of the MX will decrease the already, admittedly low, chances of a Soviet first strike. MX deployment will provide important improvements in range, payload, and accuracy over the currently deployed force. It has quick availability and minimal environmental impact. It provides important arms control negotiation leverage.

Most importantly, deployment of the MX and the strong signal that it will send will limit Soviet advances that would otherwise be undertaken because Soviet leaders were emboldened by the current strategic superiority they enjoy in their ICBM forces, and because failure to deploy the MX would be read by the Soviets as an indication that the U.S. lacks the will to challenge their military expansion.

In other words, as stated in the Commission's report:

> In a world in which the balance of strategic nuclear forces could be isolated and kept distinctly apart from all other calculations about relations between nations and the credibility of conventional military power, a nuclear imbalance would have little importance unless it were so massive as to tempt an aggressor to launch nuclear war. But the world in which we must live with the Soviets is, sadly, one in which their own assessments of these trends, and hence their calculations of overall advantage, influence heavily the vigor with which they exercise their power.

The elements of the Scowcroft Commission package, like the elements of the triad itself, must be taken together and considered as a whole. Deployment of the MX will strengthen the land based leg of the triad. The continued modernization of the sea and air legs will allow the United States to move toward arms reduction agreements and smaller, more stable single warhead ICBM's. Research on ABM systems and hardening concepts as well as improvements to command and control programs are also vital elements of the Commission's recommendations.

The triad concept was as much a result of an evolution as it was a plan. But it has served the cause of peace well and its demonstrated capabilities should be maintained and strengthened through the modernization program.

The interdependence of the triad legs is the key to understanding the concept and is key to understanding why it is so important to upgrade the land based ICBM force with the MX missile.

Each element brings unique characteristics to the overall deterrent package. Each element has strengths and weaknesses. Submarines can stay submerged and hidden for months, thus providing a reserve force although communication is at times difficult; aircraft, although slow, can be launched on warning but can be retrieved; land based ICBM's are accurate and prompt but are vulnerable.

Nowhere has this mutually reinforced strength been better described than in the Commission report where the difficulties that the Soviets would encounter in planning a strike against U.S. air and land components were described.

The modernization program outlined by the Commission will confuse, complicate, and confound the Soviet efforts in planning, in research and development, in targeting philosophy, and in other ways. Uncertainty, as noted by Joint Chiefs of Staff Chairman, General Vessey, in his testimony before the Senate Appropriations Committee, has deterrent value.

Mr. President, I have considered and examined the proposed alternatives to deployment of the MX and, in my view, they do not measure up. This in spite of the fact that I undertook that review in a determined effort to find an alternative. None of them, however, provide the capabilities of the MX within the same relatively short period of time.

Some are cheaper, at least in initial outlays but this is not a matter where we will well serve the American people by trying to get by on the cheap. Cost is a factor and a consideration, certainly, but it should not be the primary consideration in determining how to vote on the issue.

In fact, the distinguished chairman of the Senate Armed Services Committee, Senator TOWER, during his appearance before the Appropriations Committee, indicated that he believed there would be little savings from cancellation of the MX because there would be such a critical need to use those moneys elsewhere within the defense budget. So it is false economy in the strictest sense to vote against the MX in the belief that that vote will result in significant defense spending reductions.

The MX has had the support of four Presidents, six Secretaries of Defense, the Joint Chiefs of Staff and a majority of Congress over many years. While it is difficult to assess all the technical documentation on such obtuse matters as nuclear weaponry, there is a wealth of useful information available which I am certain has been used by my colleagues as it has by me. Senator TOWER noted that his comments before the Appropriations Committee were ". . . informed by the weight of the testimony made available during the course of hearings." So it is with my decision to support the recommendations of the Commission.

A central recommendation of the Commission, of course, was to move toward arms agreements with the Soviets by channeling modernization of forces in a direction that would lead toward individual targets of lower value. The Commission notes that the higher initial cost of such efforts would be worthwhile if lower levels of individual warhead deployments eventually resulted. I support these goals and I am a cosponsor of the build-down proposal which states that two warheads must be removed from the force for every modernized warhead that is deployed.

I believe the build-down proposal presents a significant opportunity to forge a bipartisan coalition and a concensus approach to arms reduction agreements. My vote in favor of MX development is based in great part on the belief that MX deployment will assist, not hinder, efforts to reach an arms accord with the Soviets. I applaud and encourage the President to pursue a mutual and verifiable arms agreement with as much vigor and tenacity as he pursued the MX. However, no arms agreement will be reached, I can assure you, if the United States unilaterally freezes its land-based ICBM force while the Soviets continue with their unabated buildup.

The history of arms negotiations with the Soviets is clear—they will engage in serious negotiations when it becomes plain to them that they will lose more than they will gain by failing to do so. That is why it is important to deploy intermediate missiles in Europe and that is another reason why it is important to deploy the MX.

The facts are not pleasant, Mr. President. The decisions are difficult. But the times demand determination not equivocation.

There are few guarantees in this world, Mr. President, as we all know. Thank goodness, and may it ever be so, there is little real information or knowledge about the effects of nuclear warfare, the use of nuclear weapons, or nuclear strategy. The best that we can do is assess the situation, face the facts, ask for the Good Lord's help and then act as we believe best. But we must act on this issue now.

There is another statement, Mr. President, that was made by the President last year in his address at Westminster and which I would like to bring to the attention of my colleagues:

> Our military strength is a prerequisite to peace, but let it be clear we maintain this strength in the hope it will never be used, for the ultimate determinant in the struggle that is now going on in the world will not be bombs and rockets, but a test of wills and ideas, a trial of spiritual resolve, the values we hold, the beliefs we cherish, the ideals to which we are dedicated.

Mr. BUMPERS. Mr. President, how much time do I have remaining? I was yielded 20 minutes. How much time did I use?

The PRESIDING OFFICER. The Senator consumed 14 minutes. The Senator has 6 minutes remaining.

Mr. BUMPERS. I yield 5 of those minutes back to the Senator from Mississippi, to use as he sees fit, on our side.

Mr. STENNIS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally.

Mr. STENNIS. Mr. President, I will suggest the absence of a quorum and ask unanimous consent that it be canceled at the end of 1 minute charged to me.

Mr. BUMPERS. Mr. President, let me use the remaining 1 minute I have.

I wish to make two points that I did not make a moment ago.

Number 1, the Scowcroft Commission was picked by the President. I do not want to denigrate the integrity or the intelligence of any member of that Commission, but as far as I know not one single person who was on the Commission, including Harold Brown, for whom I have great respect, was appointed to that Commission who did not favor the development of the MX missile before he was appointed.

I just wish to get the record straight on that point.

Now we are asked to come back here and build a weapons system based on a bipartisan consensus that does not exist. It might have been bipartisan politically, but it was not bipartisan substantively.

The second thing is that the real debate in the Senate that should be taking place right now, and I do not know which side I would come down on, should be on the issue of whether we should be retaining land-based missiles at all. As far as survivability is concerned, the Trident submarine and the D-5 missile which is coming on are infinitely superior. That is what the debate should be taking place on.

Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. STENNIS. Mr. President, I suggest the absence of a quorum with the time to be charged to me.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield to the Senator from Kentucky.

The PRESIDING OFFICER. How much time does the Senator from Alaska yield?

Mr. STEVENS. I yield such time as he uses.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. HUDDLESTON. I thank the Senator.

Mr. President, I have decided to vote against the release of the MX funding because the recommendation to place 100 MX in nonsurvivable Minuteman silos makes practically no contribution to our strategic security and because there is insufficient indication that the administration will use the MX to bargin effectively for an agreement which moves us toward more stable systems which will reduce the likelihood of nuclear war.

On May 12, 1983, I introduced Senate Resolution 142 which calls for a bilateral moratorium on Soviet and United States testing and deployment of new MIRV'd ICBM's as part of an effort to reach an arms control agreement with the Soviets based on the key principles underlying the Scowcroft Commission recommendations. It was designed to illustrate just how the President could use the threat of deployment of the MX as a genuine bargaining chip to obtain Soviet willingness to move toward more stable and less vulnerable strategic weapons.

The Commission places the greatest stress on the dangerous instability created by reliance on multiple warhead ICBM's. The so-called window of vulnerability is more accurately described as a window of instability, because each side is coming closer to the time when its retaliatory ICBM capabilities are jeopardized by a first-strike threat. As a result, there is greater temptation to adopt a hair-trigger strategy which increases the risk of nuclear war by miscalculation.

The American people and, perhaps, all mankind owe a great debt to the Scowcroft Commission for so dramatically changing the frame of reference for the arms control debate. It has made clear the importance of "encouraging stability by giving incentives to move toward less vulnerable deployment."

The paradox, of course, is that deployment of the MX in fixed Minuteman silos is the most vulnerable deployment of all the options available. Indeed, the Air Force now estimates that only a few of the 1,000 U.S. ICBM silos, whether equipped with MX or Minuteman, would survive a Soviet first strike in 1990, that is only 1 to 2 years after full operational capability of the MX. Thus, the principal argument for the MX becomes its use as an effective bargaining chip to reach a proper agreement with the Soviets.

In Senate Resolution 142, I proposed a framework for negotiation designed to achieve this objective. It provided for a temporary delay in testing the MX as a challenge to the Soviets to respond by halting their own tests of new MIRV'd ICBM's. At the same time, it set forth three principles to be included in a revised U.S. arms control proposal to the Soviets.

First, both sides would be authorized to test, produce, and deploy one new type of ICBM of a small size and armed with a single warhead. This is the type of missile that, as emphasized by the Scowcroft Commission, would move both sides toward less vulnerability and greater stability. It would reduce the need to rely on hair-trigger strategies for launch under attack, because the strategic forces of each side could survive a first strike with greater ability to retaliate.

Second, both sides would agree that all future variants of existing types of ICBM's would be tested with a single warhead. This would remove any temptation to place greater reliance on upgraded versions of existing MIRV'd ICBM's. Force modernization would be channeled in the direction of the one new, small single warhead ICBM.

Third, both sides would establish a schedule for the phased reduction of an agreed ceiling of currently deployed MIRV'd ICBM's. This uses the MX as leverage to induce the Soviets to cut back on their MIRV'd SS-18's and SS-19's, as part of a "builddown" trade-off for modernization of their ICBM force with the new, small single warhead ICBM stressed by the Scowcroft Commission.

These are the principles that would implement the report of the Scowcroft Commission. These principles can also provide the basis for lasting congressional support for new arms control initiatives.

What is the likelihood that the Soviets would agree to an initiative that included these principles? What are the chances that they would respond favorably to the call for a moratorium on new MIRV'd ICBM testing as a step toward an agreement that both sides will develop more stable and less vulnerable strategic forces?

It is clear that the Soviets are already concerned about U.S. resolve and the threat that a variety of U.S. strategic programs will pose to their ICBM force. In this respect, the MX only compounds the dangers that they already expect to face in larger measure from the D-5 SLBM and other U.S. weapons systems. In anticipation of these impending threats, the Soviets have been working for some time on their own initiatives to enhance the survivability of their ICBM force and other targets.

The Soviets admit they are working on mobile basing schemes for ICBM's, and the Defense Department believes the Soviets' new PL-5 ICBM will be deployed on mobile launchers similar to those used with the SS-20. At the same time, the Soviets are currently testing a multiple warhead ICBM, the SS-X-24, a missile of roughly the size and capability of the MX, which may replace both single-warhead and MIRV'd Soviet ICBM systems. Moreover the Defense Department expects the Soviets to begin testing programs in 1983 for one or two additional MIRV'd ICBM's, probably based on the SS-18 and SS-19.

In other words, the Soviets face a choice between modernization based on less vulnerable, smaller ICBM's such as the PL-5, and the more destabilizing combination of new and improved MIRV'd systems. The latter course would increase the threat to all U.S. ICBM's, even as the MX increases the theoretical first-strike vulnerability of Soviet ICBM's.

Given the current status of Soviet and American ICBM programs, it would seem prudent for both the Soviets and the United States to forgo sinking money into wasteful, destabilizing military capabilities that fixed, highly accurate MIRV'd ICBM's represent. MX gives the United States a unique opportunity. We can use the threat of deployment of this new ICBM as leverage to obtain Soviet willingness to forgo another round of competition in MIRV'd ICBM's and to move away from reliance on such systems.

This type of bargaining strategy was successfully employed by the United States in 1971 with the Safeguard ABM program. The United States used the threat of ABM deployment, and the consequent Soviet fear of being forced to spend enormous resources on an ABM capability of limited military usefulness in the long run, to convince Moscow of the desirability of concluding an agreement banning all but one ABM site for each country. As with the Safeguard, there appears to be little sense for both countries to sink billions of dollars into forces which will give neither side a strategic advantage by the time they are fully developed.

Unfortunately, the President has not provided the assurances that are needed to have adequate confidence in the ability of the administration to use MX as an effective bargaining chip in arms control negotiations. The remarks of General Scowcroft, as reported in the Washington Post on May 24, illustrate the problem. General Scowcroft stated, after meeting with the President, that the President "may not have a precise idea of a formula" for an arms control agreement. While General Scowcroft also said he believes the President is "sincerely interested in making progress in arms control," sincerity is no substitute for skilled diplomatic initiatives.

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In his recent statements, the President has offered ambiguous and generalized expressions of interest in a new arms control proposal, rather than the kind of "simple and flexible" plan called for by the Scowcroft Commission. There is no indication that the President would be willing to offer to the Soviets a proposal which would insure that force modernization is channeled in the direction of single warhead ICBM's.

The key to the Scowcroft Commission's analysis is that both sides must be willing to move decisively away from MIRV'd ICBM's. But, there has been no indication from the President that he would offer, or agree, to terminate the testing and deployment of the MX as part of an arms control agreement that achieve the aims of the Scowcroft Commission.

Asked by Senator HATFIELD about this question at the Appropriations Committee hearing, Deputy Secretary of State Kenneth Dam refused to discuss "hypothetical situations." He gave no indication of what Soviet concessions might persuade the administration to agree to termination of testing or deployment of the MX.

The President's statements have been just as vague. In his article in the Washington Post on May 24, the President says that he wants "arms agreements that make for more security and stability by reducing overall force levels." In his letter to Senator NUNN, he emphasized that he would incorporate a "builddown" proposal into the administration's negotiating proposals if it "would facilitate a START agreement embodying substantial reductions in nuclear forces." He also described "the essential theme of the Scowcroft Commission's approach" as being "the attainment of stability at the lowest possible level of forces."

These statements reflect a fundamental misunderstanding of the problem posed by MIRV'd ICBM's. Compare the President's remarks with the following statements of the Scowcroft Commission appearing on page 23 of its report:

> Over the long run, stability would be fostered by a dual approach toward arms control and ICBM deployments which moves toward encouraging small, single-warhead ICBM's. This requires that arms control limitations and reductions be couched, not in terms of launchers, but in terms of equal levels of warheads of roughly equivalent yield. Such an approach could permit relatively simple agreements, using appropriate counting rules, that exert pressure to reduce the overall number and destructive power of nuclear weapons and at the same time give each side an incentive to move toward more stable and less vulnerable deployments.
>
> Arms control agreements of this sort—simple and flexible enough to permit stabilizing development and modernization programs, while imposing quantitative limits and reductions—can make an important contribution to the stability of the strategic balance. An agreement that permitted modernization of forces and also provided an incentive to reduce while modernizing, in ways that would enhance stability, would be highly desirable. It would have the considerable benefit of capping both sides' strategic forces at levels that would be considerably lower than they would otherwise reach over time. It would also recognize, realistically, that each side will naturally desire to configure its own strategic forces. Simple aggregate limits of this sort are likely to be more practical, stabilizing, and lasting than elaborate, detailed limitations on force structure and modernization whose ultimate consequences cannot be confidently anticipated.
>
> Encouraging stability by giving incentives to move toward less vulnerable deployments is more important than reducing quickly the absolute number of warheads deployed. Reductions in warhead numbers, while desirable for long-term reasons of limiting the cost of strategic systems, should not be undertaken at the expense of influencing the characteristics of strategic deployments. For example, warhead reductions, while desirable, should not be proposed or undertaken at a rate that leads us to limit the number of launching platforms to such low levels that their survivability is made more questionable.

As long as the President continues to stress reductions and fails to recognize the higher priority that must be given to stability, we cannot have confidence in the administration's ability to carry out the Scowcroft Commission recommendations effectively. If the forthcoming revised START proposal matches the President's statements, we will just go through another fruitless round of haggling with the Soviets over numbers, rather than getting to the heart of the increasing reliance of both sides on hair-trigger strategies that increase the risk of nuclear war.

Because the President has not yet adopted proposals that reflect the essence of the Scowcroft analysis just quoted, I am not willing to vote in favor of funds for the MX missile. When the Senate Appropriations Committee considered Senate Concurrent Resolution 26 on May 12, I voted "present" as a protest to the administration's arms control policy and its handling of the MX itself. Had it not been for the Scowcroft Commission's bipartisan efforts, the administration would still be in serious trouble. As it is, we have received general assurances, but the administration has not yet demonstrated its ability to formulate and carry forward an effective plan for strategic arms control negotiations along the lines proposed by the Commission.

Mr. STEVENS. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SPECTER. Mr. President, I shall read the views which I expressed regarding my vote in the Appropriations Committee and which were included in the committee's reports:

After discussions with the President, the Vice President, and General Scowcroft, study of the Scowcroft Commission's report including talks with Commission members, listening to extensive testimony in Senate hearings, and debating the subject with my Senate colleagues, I have decided to vote in favor of the Commission's plan for deployment of the MX missile.

I do so in support of the President's two-track policy of preparedness and arms reduction, and not because of confidence in the deployment of the MX missile itself. On the merits of the missile, I remain personally unconvinced of its reasonable survivability, its cost-effectiveness as compared to submarines with nuclear weapons, or its value as a signal of seriousness to the Soviets.

But there is no doubt in my mind, after yesterday's meeting with the President, that he very strongly believes the MX is indispensable for defense and arms reduction. At this stage on this issue, I believe that the Commander-in-Chief is entitled to the benefit of the doubt of differences in judgment between the executive and legislative branches.

In reaching my decision, I gave great weight to these factors:

1. The President's agreement to change the U.S. position in the Geneva arms reduction talks in light of the recommendations of the Scowcroft Commission;
2. The President's willingness to move ahead with a bipartisan advisory commission on disarmament which holds the promise to give U.S. policy continuity regardless of the party of the president in control; and
3. The President's movement toward acceptance of the Cohen-Nunn resolution on builddown.

There will be many more votes in the Senate on the life-cycle of the MX. We shall have a continuing opportunity to reassess the President's position on the MX as part of the overall plan for defense and arms reduction. Some Senators have suggested a moratorium on test flights of the MX if the Soviet Union will similarly suspend test flights on missiles with multiple warheads. That idea and others are worth exploring on moves toward arms reduction.

I applaud the President's demonstrated willingness to work in partnership with the Congress to build a consensus on this critical issue. In the executive-legislative partnership, he is the managing partner; and I am prepared to give significant weight to his managerial decisions as long as they realistically promote the critical objective of arms reduction.

Mr. President, I intend to vote in favor of Senate Concurrent Resolution 26 on the MX missile this afternoon and I will cast that vote essentially for the reasons set forth in the statement I submitted in support of my vote in the Appropriations Committee. But I wish to elaborate somewhat.

My vote in committee, as now, is a tentative vote pending what the President does on arms reduction.

My sense is that the evidence about the value of the MX as a weapon is most unconvincing in terms of its reasonable survivability, its cost effectiveness as compared to submarines with nuclear weapons, and its value as a

signal of seriousness to the Soviet Union.

But in the discussions which I had with the President on May 11—2 weeks ago today and 1 day in advance of the Appropriations Committee vote—the President spoke emphatically about his plans for arms reduction. I found him convincing as to how he intended to use the MX missile in that context.

I think it very significant that the President agreed in advance of the Appropriations Committee vote, first, to change the U.S. position in the Geneva arms reduction talks to reflect recommendations of the Scowcroft Commission; second, to move ahead with a bipartisan advisory commission on disarmament which would span Presidents and parties and, third, to move toward the acceptance of the Cohen-Nunn resolution on builddown.

Years ago Justice Roberts of the Supreme Court criticized his colleagues for failing to adhere to stare decisis, saying that a decision of the Supreme Court of the United States was like a railroad ticket, good for this day and this passage only. In a large and fundamental sense, my own view is that the Senate's vote today, in what is expected to be an approval of MX, is good for this day and this vote only. My vote is tentative based upon the President's posture in arms reduction and based upon what progress is being made in that very important arena.

When the President is asked whether he is going to run for a second term, he has frequently responded: "The people will tell me whether or not to run." I respect that view of the President. In a fundamental manner, the people also tell the Senate and the House what the Congress should do.

As I traveled through Pennsylvania—Pittsburgh on Friday, Harrisburg on Monday, and Philadelphia yesterday, and during the course of the past month, Erie, Newcastle, Scranton, and Wilkes-Barre—there is an ambivalence of outlook. The people in this country want to be strong, but they are concerned about overspending. The people in this country are very much in favor of arms reduction. Many are in favor of a freeze, but that is only a vehicle for expressing themselves on their sense about arms reduction.

I had an opportunity 2 weeks ago today, at just about this hour, to tell the President what I have found in Pennsylvania. My sense is that the President is very sensitive to the public demand for arms reduction. And in casting this vote in favor of the MX missile, it is as part of his "mixture," as he is trying to persuade the Europeans to go forward with the Pershing II, and the Europeans look to the MX missile, as Vice President Bush has emphatically outlined.

I am very much concerned about the issue of a summit. In April of 1982, I pressed a sense-of-the-Senate resolution for a summit meeting which passed overwhelmingly in this body. I also pressed that idea in my conversation with the President 2 weeks ago and was pleased to note over the past weekend that the President is now talking about a summit in 1984. I would prefer to see a summit in 1983 before we are in a Presidential election year, but I, for one, will take a summit any time that we can get one, because I think the President is a dynamic negotiator.

The PRESIDING OFFICER. The time yielded to the Senator from Pennsylvania has expired.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may be permitted to speak for not to exceed 1 more minute.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator may speak for 1 additional minute.

Mr. SPECTER. I thank the Chair.

Mr. President, the prospect of a summit, albeit in 1984, is a very hopeful sign. That is an additional reason to permit the President to implement his plan which includes the MX.

I must confess I am concerned, when I note the media reports over the weekend from former German Chancellor Helmut Schmidt that the United States was not serious in their negotiating posture in Geneva. I, for one, will be watching closely at what happens there and at our initiatives, such as that advanced by Senators LEVIN and KASSEBAUM on the suspension of test flights, which I think is a good intermediate step.

All of us will be watching closely to see how the President proceeds on arms reduction. But I believe in this context at this time we should support the President on the MX missile, making it very emphatic, at the same time, that this vote is good for this day, this train, only, and our continued support—and there will be many more votes before this body on the MX missile if it is to be constructed and deployed—will depend very much on the tenor of the times and what happens in the crucial area of arms reduction.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Nebraska on the opposition side.

Mr. EXON. Mr. President, will the Senator from Pennsylvania yield for a question on my time?

Mr. SPECTER. I am delighted to yield.

Mr. EXON. I would like to ask the Senator from Pennsylvania, my good friend, who is a member of the Appropriations Committee, as to the processes that took place leading up to the vote in the Appropriations Committee which in the end was for approval of the MX resolution that is before us. I ask this question because, I would say, Mr. President, that one of the major concerns that I have on this tremendously important matter before the Senate is that there has been very little, if any, debate. And when I use the word "debate," I separate that from speeches, position papers, one Senator giving a particular viewpoint and another giving another that sometimes are at odds.

This is supposed to be the greatest deliberative body in the world, and yet I think the record will show that we have not deliberated on this measure as effectively as we should for something that has the overall effect on the future for peace in the world and strengthening our military buildup, and strengthen it we must.

The question that I have for the Senator from Pennsylvania, a member of the Appropriations Committee, is: How much consideration was given in the Appropriations Committee as to any possible alternative to proceeding with the MX in the admittedly vulnerable silos?

The Senator from Nebraska yesterday went into some length regarding the option of upgrading the Minuteman III's at about one-half the cost of preceeding on the MX with basically the same completion time for the upgrading of the Minuteman III's as an alternative to the MX.

I would like to ask the Senator from Pennsylvania how much attention, if any, was given to that possible option in the Appropriations Committee when it was discussed?

Mr. SPECTER. I am pleased to respond to the distinguished Senator from Nebraska.

Very little consideration was given to that option. My recollection is that subject matter was raised at one juncture during the questioning of either General Scowcroft or Secretary of Defense Weinberger; but, very briefly.

We considered quite a number of aspects of the matter during the course of the hearing process. The hearings were well attended. The Presiding Officer, Senator ANDREWS, was present. We had pretty much a full house.

But in the markup itself in the committee, we convened one afternoon at about 3:30 on the 12th of May. We were interrupted for a vote and the debate finished up shortly after 6 o'clock. There was not any real consideration to that alternative.

Mr. KASTEN assumed the chair.

Mr. EXON. I thank my friend from Pennsylvania for his forthright answer. Just so that I fully understand this and so that the record is clear in the U.S. Senate, the answer indicated that there was very little consideration given to the Minuteman III

option by the discussion of the people and officials of the administration that came before the Approriations Committee. A followup question: Does the Senator from Pennsylvania recall any discussion among the members of the Appropriations Committee as they approached the vote on this issue?

Mr. SPECTER. I would respond to the Senator from Nebraska by saying, very little, if any. There was some discussion as to the D-5 missile on the nuclear submarines as an alternative, really substantial discussion. But as we have discussed this matter in committee or among the Senators generally, most of the discussion really focuses on the utility of the MX and the President's overall plan, as opposed to its value, either considering it in isolation or its comparative value to the D-5 on the submarines or to upgrading the Minuteman III.

To the extent those issues have been considered, there is widespread judgment in the Senate, as I have sensed it, that the MX missile does not stand up very well as a weapons system—on its own or compared to the prospective Midgetman, the Minuteman III, or the D-5. The judgment we are coming to today, very reluctantly in some quarters, is, for the reasons I have outlined, to give support to the President in his overall plan based on his commitment to move ahead with arms reduction, not because he or the Defense Department has given us a good weapons system.

Mr. EXON. I thank my friend from Pennsylvania very much for his remarks. I think it helps clarify the situation at least in the mind of this Senator. I hope that it will help clarify the situation for other Members of the Senate.

Mr. SPECTER. I might amplify it by just one more comment. I was having a discussion this morning with one of our colleagues, who asked me how I intended to vote. I told him I intended to vote in favor and I gave him my reasons, and my reasons, I think, persuaded him to vote against.

Mr. EXON. I hope the Senator from Pennsylvania will talk to whoever that individual is a little further. Maybe we can bring him back in opposition to this. I thank my friend.

I guess the discussion which has just taken place, Mr. President, probably points up the lack of total approach or overall appreciation to what we are about to do. I have not counted noses but I have a feeling that when we go to a vote at 1:45 the MX missile will be approved.

I would throw out a word of caution to those who say that this is only a preliminary move. They are really saying, "We are not sold on this MX proposal, but we are placed into a position that we have to back it because the President is for it."

It is kind of like the old slogan, "Support your local sheriff because he is all that we have to maintain law and order."

I really believe that those who, through good intentions, have attempted to shift the approval of the MX missile in vulnerable silos to the basis that we are going to go along with it because the President has agreed that we should put more emphasis on arms control and arms reduction talks with the Soviet Union present a side issue which has been brought into this, as important as it is.

I would simply say to the Senate that the vote we are going to cast at 1:45 is the deciding vote as to whether or not we are going to go ahead with deployment of the MX missile, 100 of them, in admittedly vulnerable Minuteman silos. That is the issue before the Senate.

I do not think it is good enough, as I am afraid some of my colleagues are relying on, that they can vote for this and somehow if arms control does not move forward, that somewhere else down the line, "I can vote against the MX."

Sooner or later, and the time is now, we are going to have to say yes or no on the MX missile deployment in already admittedly targetted and highly vulnerable Minuteman silos. That is the issue.

I think there has been entirely too much emphasis given to exchange of conversations, exchange of letters, commitments agreed to between the President and members of his staff and Members of the Senate.

The issue today is whether or not we are going to go ahead and spend up to $20 billion or more on the deployment of the MX missile in highly vulnerable silos.

Mr. President, this Senator from Nebraska is a member of the Armed Services Committee. I have been on that committee ever since I have had the opportunity of serving my State, the high honor of serving in the Senate from the great State of Nebraska beginning in 1979. All during that time I have been on the Subcommittee on Research and Development which has been supposedly the watchdog on the MX program.

I have been known, and still am known, as one who feels we need to build up our defense. But I am talking about our overall defense. I think entirely too much of this discussion has been in isolation, as if the whole success of arms control or arms negotiation with the Soviet Union is dependent on whether or not we proceed with this $20 billion program that most of the Members of the Senate have serious reservations about. But they are likely to go to the well at 1:45 and proceed to approve this while simply saying, "I am not sure this is the right thing to do, but I am going to vote for it."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EXON. I yield myself an additional 5 minutes.

Mr. STENNIS. I will yield the additional time to the Senator.

Mr. EXON. This is on the opposition side of the MX missile.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. EXON. I assume the majority of the Members of the Senate will go to the well at 1:45 and make a conditional judgment and so explain it. But it is not a conditional judgment. The issue is whether we are going to go ahead or not. It seems to me if the majority of the Senate says we are going to go ahead with this issue, let the majority prevail and let us go ahead with it.

I say again, Mr. President, as one who has voted for increased military expenditures at almost every opportunity, I do not take lightly the continuing threat by the Soviet Union, but I certainly am not mesmerized by the fact that if we do not go ahead with the MX, we are not going to show national will.

I have offered an alternative that is little understood, I am afraid, in the Senate. Certainly, the response to the questions I asked of my distinguished friend, the distinguished Senator from Pennsylvania, amplifies the concerns that I have.

Yesterday, I cited to the Senate, as I have before, and in committee, a workable option that essentially would allow the United States to have the same retaliatory force, to have even a better deterrence, than the MX provides, and also take a step back from what I feel is a tremendously destabilizing action that we will be taking by deploying the MX in highly vulnerable Minuteman silos.

I state again as I did yesterday, Mr. President, that if the MX issue was before this Senate and we had a basing mode that was survivable, some type of a deceptive basing mode, then this Senator's vote would be in support of it. But that is not the case. We are about to vote today on deploying the MX in highly vulnerable silos that we have been warned by military leaders and previous Presidents time and time again is not a wise decision.

The option that I wish we would look at, which I think is an entirely workable one if we can vote down this MX matter today, would be to upgrade the Minuteman III, as I outlined yesterday.

For the record, I am going to cite this for the Senate again and appeal to my colleagues to listen carefully about this option.

As a workable alternative to the administration's MX proposal, the

United States should upgrade our existing Minuteman III missiles to provide them with a hard target kill capability comparable to that of the MX by combining the guidance system intended for the MX and the existing Mark 12-A warhead. This Minuteman improvement program could provide such a hard target kill capability at one half of the cost and facilitate the path of the single warhead ICBM. I have proposed this course of action in the Armed Services Committee and believe this course of action is what the President should have proposed.

The upgraded Minuteman force that I have proposed would provide 50 more deployed counterforce weapons than the President's MX proposal. Its initial operating capability would be several months later than that of the MX, about 9 months. However, such an alternative would be fully deployed in the same year as the 100 MX missiles in the President's proposal.

Again, Mr. President, at half the cost.

Mr. President, it seems to me that we have become so mesmerized—and I will allow myself 1 additional minute—with the full court press that has been inaugurated with regard to the MX proposal that we are about to make a decision here in the Senate without all Members being fully informed as to what is the best course of action for the national security interests of the United States and the free world.

Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, my deep interest in the MX missile evolves from the national perspective as well as a more parochial one. The people I represent in Wyoming will be among the most directly affected by the MX should it be deployed in existing Minuteman silos under the jurisdiction of F. E. Warren Air Force Base at Cheyenne.

I am proud to state that Wyoming has always very willingly participated in the Nation's defense. Warren Air Base was activated on July 4, 1967, as Fort Francis E. Warren. In the 1800's it was a cavalry post and it has changed its primary function a number of times in the intervening years—but it has never lessened in its resolve to assist in providing for the Nation's defense. Neither have the people of Wyoming.

I can assure you that I have the same strong emotional, moral, and human feelings that have been expressed to me by many hundreds of my fellow Wyomingites since the President's recent decision. I feel the same ambivalence—the same tearing of loyalties—the same difficulty with the assessment of our national and personal priorities.

While it is most difficult for me to express these sentiments in a single statement, I do believe that the majority of my fellow Wyomingites recognize our Nation's need for a strong defense and are willing to "do their share." But at the same moment we must be assured that the major expense of a major defense system such as the MX will provide the Nation with all of the protection and the deterrence that we so obviously must have—and do so without unnecessary disruption of our lives or our environment. That is, indeed, human nature. And we wish to be assured that any deployed system will continue to provide a credible deterrence for a reasonable period of time.

I do very much appreciate this opportunity to explore with the distinguished chairman of the Senate Armed Services Committee, Senator TOWER, some of the concerns and to pose some of the hard questions expressed to me by the people whom I represent—people on both sides of this issue. I look forward to hearing his responses to these questions and I believe those responses will be of great interest to the people of Wyoming.

Let me ask the senior Senator from Texas a threshold question: Does he believe that the Air Force will take every step necessary to protect the environment of the State of Wyoming in the course of deploying the MX missile there?

Mr. TOWER. I believe the Air Force and the Department of Defense are fully committed to minimizing the impact of the planned MX deployment upon the environment and natural resources of the States involved. In fact, I am advised that an agreement between the Air Force and the States of Wyoming and Nebraska has just been drafted. If approved, it would establish a mechanism for coordinating intergovernmental impact mitigation activities related to this MX deployment plan. A similar arrangement was made at the time the closely spaced basing system was proposed.

It is my understanding that the State governments and those of the counties and cities involved and the boards of affected school districts would coordinate efforts to mitigate the socioeconomic impacts, if any, of the MX deployment. In partnership with the Department of Defense, these State and local governmental entities will form, under this proposed agreement, a council which would coordinate and direct impact planning and mitigation measures.

I have been informed that the Department of Defense and the intergovernmental council will, pursuant to the draft agreement, work to develop a cooperative mitigation agreement with the concerned governments in order to minimize impacts resulting from DOD's MX-related activities and to resolve such disputes as might arise.

While the Air Force is not being asked to participate in the Wyoming industrial siting commission process—as was the case under the previous dense pack basing plan—since the current MX deployment mode will create much less impact on the area, I am advised that the Air Force is, however, providing additional guarantees with respect to the assessment and management of impact. Consistent with these guarantees, the following will be provided: A full environmental impact statement which will satisfy the requirements of State and local environmental statutes; a thorough water resources review to be conducted by the Air Force; a broad-based Air Force social impact study; and direct planning grant assistance to the community in the amount of $70,000, one-fourth of which is already in hand. Furthermore, the draft agreement provides that, in addition to this sum upon request from the intergovernmental council, the Department of Defense will seek congressional authority to provide such further impact planning assistance as might be required.

It goes without saying that the deployment community may also experience a favorable impact resulting from local contractor purchasing, generating additional tax receipts.

Mr. SIMPSON. I ask the Senator, will the people primarily affected be fully consulted as the process goes forward?

Mr. TOWER. Such consultation is ongoing now and has, in fact, been underway for some time. Scoping meetings—attended by representatives of each member of the Wyoming congressional delegation—have been held in Cheyenne. These meetings afforded an opportunity for specific responses to be given to all questions raised by local citizens. Additional scoping meetings will be conducted approximately 3 weeks after congressional approval of the deployment mode, to be followed by the completion and distribution of a draft EIS.

I have been advised that full hearings will then be conducted before the final EIS is prepared. In this process, each and every element of the construction and deployment process will be analyzed and the possible impacts on the affected area will be carefully studied. I am confident that mitigation efforts will take into full account the results of those hearings and studies.

As the Senator knows, Air Force personnel from Washington have been in Cheyenne nearly every week since the initial decision was made last November to deploy the MX in a closely spaced basing system near Cheyenne. They have met with hundreds of persons in order to hear their questions and concerns—and to try to be responsive to them. Additional meetings have been held in other Wyoming as well as Nebraska locations.

Mr. SIMPSON. I can say that I have personally met with many persons—on both sides of this issue in recent months—and I have responded to thousands of letters from persons who expressed their deeply felt convictions. We have considered and discussed questions relating to the actual deployment of the MX at Cheyenne, and we have thoroughly discussed the broader national defense implications. I do feel that there has been an opportunity for every concerned or interested person to ask questions and to state their opinion. That part of the process has been an example of governmental mechanisms working just the way they should.

Another question of interest to many of my constituents is that of expanding the original MX deployment. In your view, is there a possibility that the Pentagon will, depending on the outcome of the arms negotiations talks, later recommend the deployment of additional MX missiles, or determine that it is necessary to protect them with an antiballistic missile system?

Mr. TOWER. It is impossible to say with confidence at this time what effect the arms control negotiations, Soviet developments, and other considerations might have on the ultimate deployment configuration of the MX missile. I can say that, as of today, no decision has been made to a larger deployment of MX or an ABM defense of the planned 100-missile program. The question of placing 100 MX missiles in 100 Minuteman silos is the only question now being considered.

If, however, at some time in the future some proposal is offered in response to circumstances we cannot now envision, that plan will be assessed on the basis of the facts then available. In the meantime, I have been assured by the Air Force that there are no plans for additional deployment that are being secretly developed but kept under wraps until this package has been accepted.

Mr. SIMPSON. The lack of survivability of the present basing mode is a major concern. How do you respond to the question of "why should we deploy a missile that is vulnerable?"

Mr. TOWER. I have been among the most vocal adherents to the theory that each element of our strategic forces should—to the maximum degree feasible—be constituted of systems whose retaliatory capability will not be severely degraded by a Soviet first-strike. My views as to the means whereby such survivability could be afforded to the MX missile are a matter of record.

I am prepared at this time, however, to concur in the findings of the Scowcroft Commission, that the real "window of vulnerability" is the present and growing imbalance between United States and Soviet prompt, hard-target kill-capable forces. I join the President's Commission in concluding that the earliest possible deployment of the MX is needed to redress this important deficiency.

While it is regrettable that, for a variety of political, technical, and budgetary reasons the administration and the Congress have foreclosed options which might have resulted in such an earliest feasible deployment of MX in a survivable basing system, I believe that the Commission's finding is correct that further delay in MX deployment could be perilous to our security and that of our allies. The package of future missile and basing research and development alternatives coupled with the immediate deployment of the MX in Minuteman silos, represents the best option available to us for the modernization of our land-based strategic forces.

Mr. SIMPSON. Do you believe that the MX based in Minuteman silos represents a "first strike" weapons?

Mr. TOWER. The United States has never had a first-strike policy. Neither do we seek a first-strike capability. It should be remembered that the United States once had the capability to undertake a preemptive nuclear attack against the Soviet Union with impunity. During this period we were often and seriously provoked by the Soviet Union. Notwithstanding our capability and the grounds for using it which the Soviets gave us on numerous occasions, we never did so. Is it remotely plausible that America today—faced with a Soviet military capability greater in many respects than our own—will now undertake a far more dangerous first-strike against them? The answer, obvious to both the leaders of the Soviet Union and any reasonable observer, clearly is "no."

What is more, the simple fact is that it would be necessary to deploy more than four times as many MX missiles as are presently envisioned in order for the MX to constitute a realistic first-strike force. At least that many hard-target kill-capable warheads would be required to preclude the possibility of devastating Soviet retaliation. Consequently, even if we had a first-strike policy and even if we planned to procure sufficient numbers of first-strike weapons—which I reiterate we do not—the same imponderables which make a Soviet attack on our strategic triad extremely dangerous would mitigate against us ever undertaking such an attack against them.

Mr. SIMPSON. I am often asked whether or not the deployment of MX in Minuteman silos, and therefore its vulnerability to Soviet ICBM attack, will require that the MX be launched at the first sign of attack? Many are concerned that this could increase the possibility of "accidental" war. Do you agree?

Mr. TOWER. The Scowcroft Commission examined this issue extremely carefully and concluded that because of the different nature of the attacks that would be required to destroy our bombers and our ICBM forces, at least one of these "legs"—in addition to the bulk of the strategic submarine fleet—would be available for retaliation following the actual detonation of Soviet weapons on U.S. soil.

Approximately 30 minutes would be required for Soviet ICBM's utilized to attack our land-based missiles to reach their targets. Only roughly 15 minutes would be necessary, however, for submarines operating close to our coasts to bring their missiles to bear on U.S. bomber bases. The Soviets would, therefore, be faced with choosing between attacking our bomber forces first and risking a counterattack from U.S. ICBM's or attacking both simultaneously, giving sufficient warning to allow the bombers to escape attack.

Under either of these scenarios, the President would be able to refrain from launching a retaliatory strike until after Soviet nuclear weapons had begun to detonate on U.S. soil—thereby making it clear that we were under attack and, therefore, minimizing the danger that a false alarm could be responsible for an accidental war.

Importantly, too, President Reagan just yesterday announced his determination to explore with the Soviet Union a range of initiatives aimed at further reducing the dangers of nuclear conflict being started by accident.

Mr. SIMPSON. Has serious thought been given to an alternative approach whereby we would simply update and upgrade the Minuteman missile in lieu of MX?

Mr. TOWER. Both the Scowcroft Commission, the Air Force, and the Armed Services Committee have examined this alternative in considerable detail and found it wanting. First, the costs of acquiring a comparable hard-target capability through this means may not be substantially less than that expected for MX. Second, from an operational point of view, the system would have performance and reliability qualities significantly inferior to that of MX. And finally, after having made a very great outlay to upgrade Minuteman, the United States would be relying upon increasingly obsolescent missiles for the principle component of its strategic deterrent. For these reasons, the MX has been preferred to the Minuteman upgrade alternative.

Mr. SIMPSON. A logical question is often posed to me: "If the proposed small mobile missile is a feasible idea, why don't we develop it now and just defer deployment of the MX?" How do you respond to that point?

Mr. TOWER. It must be borne in mind that the small missile's cost and availability date are not yet known. Serious issues remain to be addressed such as the means of basing this ICBM in a manner that is, at once verifiable and survivable.

Another serious concern with leapfrogging the MX is related to a fact which was foremost in the Scowcroft Commission's discussion of its recommendation. The Commission recognized that an arms control agreement which would move both nations in the direction of non-MIRV'd systems was an essential prerequisite to a survivable small missile force.

Of course, no such treaty yet exists. Until it does, the MX is a far more cost and militarily effective means of insuring that the United States will retain a credible strategic deterrent capability. Furthermore, it is hoped that the deployment of MX will do much to create a climate in which an arms control agreement compatible with a more stabilizing strategic balance—one which includes small, single-warhead missiles—can be realized.

Mr. SIMPSON. Finally, Mr. Chairman, I am often asked to explain why we should not simply place more of our strategic resources at sea, given the present and projected survivability of our submarine-based forces. How do you answer that question?

Mr. TOWER. One of the most striking conclusions of the Scowcroft Commission report was its finding that the strategic triad which has served our Nation so well for the past two decades continues to be a viable and vital feature of our deterrent posture. The Commission noted, as I have mentioned above, that the effectiveness of our sea-based and air-breathing forces at the present time enables us to live temporarily with less-than-survivable land-based missiles.

In the future, should the Soviet Union achieve a breakthrough in antisubmarine warfare it is to be hoped that the revitalization of our ICBM force through the program before us today will offset any degradation to our deterrent capability that might otherwise result. If we were to move now to a strategic "DYAD," such a Soviet development could prove to be catastrophic.

Mr. SIMPSON. Mr. President, I wish to thank the distinguished chairman of the Committee on Armed Services for his thoughtful and articulate discussion of these questions which are foremost in the minds of many Wyomingites and Americans throughout our great country at this time.

With these answers available as a matter of record, I am prepared at this time to indicate my full support for the pending resolution of approval.

I have not previously done so for a very specific reason—the debate was not concluded and the issue had not been fully aired.

I feel, however, that I now can, in good conscience, express my intention of support. I did not come to this conclusion easily. I have tried to listen carefully to expressions on every side of this issue and I have consciously recognized that there was a great deal of truth represented in all perspectives.

I have heard from a great many of the established organizations and the newly emerging groups who stated that they oppose MX deployment because they "are horrified by nuclear weapons and their destructive power," and because they want the prospect of peace, not war, for their children and their grandchildren. So do I. Does anyone not want that? Everyone in this Chamber and surely nearly every person in out Nation wants that. But when we probe beyond the well-meaning slogans and the catch phrases, I find there is much much more to assuring the peace of the world than simply commending it to those who would destroy us—just as one would not reasonably hope to reduce crime in the streets by disbanding the police force.

I do hear very clearly those expressions which are often presented to me that we must take the first step in arms reduction—that we must at some point say "enough is enough" and that we must move toward weapons reduction even if it means placing us, initially, at risk. Ah, if only that could but be an effective way to reduce the world's supply of nuclear arms and the daily threats to our existence and our cherished way of life. But the adversary we are dealing with in the Soviet Union does not quite share our regard for human rights. Its stated support for arms reduction does not quite carry the same meanings as we attach. History has certainly shown us that we cannot and must not base our defense on the simple assurance that they will "follow our lead." That would be negligently naive.

One need only cast a cursory glance at more recent history in order to learn how the Soviets respond to those who seek freedom, but who are weaker than themselves. I suggest to those who would base our defense policy "on faith," that they visit with the people of Afghanistan, Poland, Czechoslovakia, Hungary and inquire about their faith in the Soviet Union's good intentions.

I believe the Pentagon has well demonstrated one fact: That we have now slipped into a position of military vulnerability. I agree with the President that an effective land-based missile is still necessary for us as the third leg of our strategic triad. To those who point to the total volume of our arms and say, "We now have the weapons to destroy the Earth many times over—why do we need more?" I respond that the total "megatonnage" of our defense means little to us if we have not the means of assuring our enemies that we also possess the capability and the willingness to use our full military might to respond to any attack upon us. It is a horrifying alternative and grisly thought, but it is real, true, and necessary—for the thought of national subjugation to the Soviet system is equally appalling.

I think we often overlook the broad perspective when dealing with this sensitive issue. There are many ways in our free society where a proposal such as this can be stopped or deferred. We have the full means to halt a project based on objections to minor elements of an overall plan. That is the way it must be in a free society—but I would caution my colleagues to well recall that the Soviet Union has no such system—no such array of checks and balances. Its peoples are not consulted on such issues and its government's motives are not openly discussed—and are certainly not subject to debate or any form of popular support. Recall that theirs is a system of government that by its very design is able to more readily pose a threat to all of the rest of the world.

Of primary importance now for us is to maintain a comprehensive view of the entire issue and understand that some sacrifice, some commitment is necessary for the common good. And if we allow ourselves the full throated provincial expression of saying, "Not here—not this—not now"—then I feel we must also ask the questions, "Then where—and what—and when?"

Bear in mind that we now ask many of our NATO and other allies to accept U.S. defense systems that are designed for our protection as well as for their own. Are we then to reject the placement of similar systems on U.S. soil? We cannot simply designate someone else somewhere else to be the world's "cop on the beat." I believe that we must commit those resources and render those sacrifices that are absolutely required in order to preserve our remarkable society. We must match our commitment to the scope of the threat. No more than required. No less than required.

Some express most sincerely that it is a violation of "God's will" to amass a force of nuclear arms that are designed to take the lives of other human beings. But would God's will be done if those who truly believe in Him, who spread His word, who do His work, who live His teachings, fail to defend themselves and are then sponged from the face of the Earth by a wholly godless ideology who do not believe in Him—who will not even allow other humans to speak His word—who will not ever carry on His message of hope and peace? Can that

be "God's will"? It is a question worth pondering.

Consider also in this great debate the multitude of basing modes for the MX that have already been presented and rejected. Our Nation has considered the basing of the MX missile in planes, on ships, in deep holes, shallow holes, hardened holes, dirigibles, in trenches, on railcars, and in a host of other ways. And for various reasons—whether political, financial, or technical—each of those plans was eventually scrapped.

If we were now to deny this awesome counterforce weapon—even as reluctant as we may all be to be forced to produce and deploy a destructive force of this magnitude—what then do we deploy? We must have the clear assurance that war will not be waged upon us by our enemies—and that is best based on their firm and unshakable knowledge that it cannot be won by them. The MX missile system is the full punctuation of that assurance. I shall support it.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, as I understand, the Senator from Tennessee had been asked to be here and has been here for some time. I will take the responsibility of allowing time off the opponent's time.

Mr. President, there are three speakers we have invited to come here. How much time does the Senator from Tennessee want?

Mr. SASSER. Ten minutes would be enough.

Mr. TOWER. Mr. President, I need 30 seconds. May I take 30 seconds?

Mr. McCLURE. Mr. President, may I inquire of the Senator from Mississippi, has it not been the practice to alternate?

Mr. STENNIS. Well, somewhat, Mr. President. We are doing the best we can. We are having a hard time getting speakers here. We are doing the best we can. I appreciate the Senator's being here.

I yield half a minute to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I take the floor at this time to lend my support to the historic, bipartisan effort now underway aimed at insuring the present and future effectiveness of the land-based leg of our strategic nuclear deterrent.

In so doing, I join President Reagan, the distinguished members of his Commission on Strategic Forces chaired by Lt. Gen. Brent Scowcroft, the House of Representatives and a majority of the Senate Appropriations Committees in advocating a comprehensive and balanced program of systems modernization and arms control initiatives of remarkable promise.

While not without its drawbacks, the bipartisan Scowcroft panel's recommendation for the basing of the MX missile in 100 Minuteman III silos, coupled with development of a small ICBM and innovative approaches aimed at breaking the present arms control impasse is, on balance, worthy of congressional approbation. As a result of the action of the 97th Congress on last year's continuing resolution, an express opportunity for such approval is afforded via the pending resolution.

At the request of my distinguished colleague from Oregon, the chairman of the Senate Appropriations Committee (Mr. HATFIELD), to support that panel's deliberations on Senate Concurrent Resolution 26 and in connection with our review of the fiscal year 1984 defense authorization bill, the Committee on Armed Services has held an intensive set of hearings on the proposed ICBM modernization program. In addition to full committee action in this regard, the Strategic and Theater Nuclear Forces Subcommittee, under the excellent leadership of the senior Senator from Virginia, Senator JOHN WARNER, has conducted an exhaustive review of the President's proposal in open and closed sessions with proponents and opponents of the Scowcroft Commission's proposals.

I believe I can confidently report to the Senate that, on the basis of the record thus compiled, an affirmative vote for the resolution now before us is justified. The reasons for such a conclusion are prominent features of the Scowcroft Commission's findings:

A militarily significant imbalance has emerged in recent years in the relative capabilities of the two sides promptly to attack those installations and other targets indispensable to the waging of a nuclear war. Taken together with a truly enormous Soviet effort to harden, multiply, and deceptively base such targets, one can only conclude that the U.S.S.R. is preparing to utilize such capabilities either to accomplish its goals through military means if necessary or, more likely, through intimidation and coercion.

The relative immunity of Soviet forces to corresponding pressure from deployed American weaponry has two important and potentially destabilizing consequences. First, the United States and its allies are compelled to adopt retaliatory options whose credibility may be sufficiently suspect as to jeopardize deterrence. Second, this imbalanced situation fails to provide incentives which history shows are prerequisites for inducing the Soviets to negotiate in good faith on arms reductions. The MX alone among the options currently available can promptly and credibly redress this key discrepancy in U.S.-U.S.S.R. capabilities.

Make no mistake about it, I personally would have preferred to see the MX deployed in a more survivable basing mode. However, I attach such importance to the negation of the current Soviet monoply on prompt, hard target kill capability—both in order to deny its usefulness for blackmail purposes and to promote the U.S.S.R.'s interest in arms reductions—that I am prepared to endorse Minuteman basing of the MX missile.

I do so—and I believe the Senate should do so, as well—as part of the comprehensive package of recommendations called for by the Scowcroft Commission and endorsed by President Reagan. Importantly, these recommendations hold out some promise of increased future ICBM survivability to be achieved by some combination of small ICBM's, mobility and/or silo hardness. I expect these initiatives to be fully supported in the fiscal year 1984 defense authorization bill which will shortly be reported by the Senate Armed Services Committee. In addition, ballistic missile defense options will be explored for their application in the future.

A further and indispensable element of this approach is the important initiative lately endorsed by President Reagan involving negotiated nuclear arms reductions. When combined with the MX and the small ICBM. This initiative should provide the leaders of the U.S.S.R. with a strong inducement to join with us in reducing their enormous strategic arsenal—as well as a powerful disincentive for engaging in a further buildup of large ICBM's. Thus, the Soviets rhetoric will put to the test: A reasonable, equitable, verifiable and stabilizing nuclear arms reduction agreement can be realized if the Soviet Union is willing to enter into it with us.

History has repeatedly demonstrated that the Soviets negotiate seriously only when there is a compelling military incentive to do so. As one intimately involved in the congressional consideration of the 1972 ABM treaty, I can confidently state that the Congress authorization of the deployment of a U.S ABM system was a decisive factor in securing Soviet agreement to that accord. More recently, in the case of theater nuclear forces, the Soviets refused to come to the negotiating table—all the while deploying SS-20's—until shortly after the December 1979 NATO INF modernization decision provided them with the necessary incentive to do so.

If the Soviets will match with negotiating flexibility and openmindedness at the bargaining table their professions of good will intended for public consumption, the investment cost incurred in implementing the Scowcroft Commission's recommendations may be repaid many times over by in-

creased strategic stability and a reduced risk of nuclear war.

In conclusion, Mr. President, I commend the outstanding bipartisan leadership which, I believe, has resulted in the forging of the political consensus needed to implement the Scowcroft Commission's plan for ICBM modernization and arms control. This balanced program can, in my judgment, produce real results in Geneva and can lead to significant reduction in the danger of nuclear war in the years ahead.

At this critical juncture, however, I urge my colleagues to resist the temptation to impose further arms control conditions or stipulations as encumbrances to MX procurement. Such efforts can only undermine the President's negotiating position and could jeopardize the critical consensus on this matter that has only recently been fashioned.

Mr. President, if ever there were a time and an issue on which a national bipartisan consensus is required, it is on this issue today. I urge on my colleagues an affirmative vote on Senate Concurrent Resolution 26 in the interest of revitalized American strategic defensive posture, enhanced prospects for arms control, and a restoration of the bipartisan foreign and national security policy consensus which has underpinned our successes in these areas in past years.

Mr. STENNIS. Mr. President, we have been inviting Senators to come here. The Senator from Tennessee has been here a good while. I do not have actual authority, but by custom here, we have been helping each other out. For the opponents, I am glad to yield 10 minutes of time to the Senator from Tennessee. The Senator from Idaho will be the next one.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. I thank the distinguished Senator from Mississippi and the Chair.

Mr. President, I rise today in opposition to the question before this body; that is, moving forward on the production of the MX missile. Discussion of the MX in recent days has centered on arms control. I am pleased that, at long last, the Reagan administration is beginning to appear more positive toward the urgent need of our time; that is, responsible nuclear arms control proportions. However, we must not lose sight of the very genuine concern that arms negotiations may not produce the desired results. If the MX missile is unsuccessful as a bargaining chip in arms control negotiations, then we are left with the consideration of the effect of deploying the MX missile and what that will do to strategic nuclear stability.

Many of my colleagues in this Chamber this morning will vote based on the assumption that the MX missile is nothing more than a bargaining chip to be traded away at Geneva. But we have absolutely no guarantee of that. We have no guarantee that the Soviets will accept MX as a bargaining chip. If they do not, what do we do?

Well, the chairman of the Scowcroft Commission has hinted strongly—in fact, if I am not mistaken, he has stated explicitly—that should we reach no agreement with the Soviets, then we shall go forward and deploy the first 100 MX's. If no agreement is reached then, we would simply build more MX's and continue to deploy them.

I agree with my colleagues that the Scowcroft Commission was a bipartisan Commission in the sense that it did include membership from both parties, but I think it should be pointed out that none of the members of the distinguished Commission, prior to being asked to serve, had ever expressed reservations about the MX missile. In fact, all of them had, in the past, been strong proponents of the MX missile system. So, perhaps it is a bipartisan Commission, but certainly, members of this Commission were unified in its view that MX production and deployment in whatever basing mode should go ahead before they became members of the Commission.

Mr. President, the MX missile initially was proposed to close the so-called window of vulnerability on one leg of our nuclear triad. It has been said many times that our land-based ICBM's are vulnerable to a first strike by the Soviet Union. Intelligence reports indicate, and this has appeared in the press, that 95 to 99 percent of our present Minuteman missiles could be destroyed if there were effective overall coordination by an adversary in a first-strike nuclear attack. It was contended that we needed to close this window of vulnerability to a first-strike attack by building a new more accurate missile, a larger missile, and putting this missile in an invulnerable basing mode. This was pursuant to the nuclear doctrine that this country has followed since the Second World War, that being that we essentially could absorb a first-strike or certainly would absorb initial nuclear detonation before going forward with an appropriate response. This was the reason that we initially conceived a triad system, a system of intercontinental ballistic missiles, a system of submarine-launched missiles, and a system of air-carried bomber-launched missiles so if one leg were destroyed, the other two legs of the triad could bring devastation to our adversary. So we sought to place the MX in a new basing mode invulnerable to a first strike.

Mr. President, this administration has abandoned that plan to make the MX invulnerable. I supported the MX missile in the so-called racetrack basing mode, but this administration, for purely political reasons—the Scowcroft Commission will admit and has said that for political reasons, they have had to abandon the so-called racetrack basing mode for the MX missile.

So the recommendation was made to put this new missile at a cost of $16 billion or $22 billion or $30 billion—100 of them—in Minuteman silos. So much for closing the window of vulnerability. We are putting a much more attractive target in the old Minuteman silo that was vulnerable in the first place, so vulnerable that 95 to 99 percent of these Minutemen could be destroyed by a coordinated attack. And in the process we have lost the reason for building the MX missile.

Throughout my career in the Senate, I have supported strategic arms modernization policies on a bipartisan basis through two administrations.

I supported the Trident submarine program; I supported the hard-target capable 0-5 missile to be carried by the Trident; I have supported the B-1 bomber; I have supported the cruise missile program, and I have supported the Stealth bomber. I have felt that where there is an element of doubt, that doubt should be resolved in favor of an adequate national defense so I have supported these systems. And I have consistently supported research and development on the MX missile which would be based in a basing mode which would make it less vulnerable to Soviet attack than our present Minuteman force. But I think it is universally conceded now by the experts that the MX in Minuteman silos does not enhance the security or the survivability of our land-based missiles.

Mr. President, I can quote witness after witness from this administration and from the last administration who have testified before Senate committees time after time that MX in Minuteman silos not only makes them vulnerable but is a dangerous and destabilizing basing mode.

It has been stated by some now in an 11th hour argument that survivability of MX in Minuteman silos can be enhanced through new superhardened techniques.

In response to this contention, I should like to quote from a report provided the Congress last year by the Department of the Air Force on MX basing alternatives. I am quoting from unclassified sections of this report which make it crystal clear that even if Minuteman silos with MX's in them are superhardened, they would still be vulnerable to a first-strike attack. The report states:

> While greater hardness makes individual capsules more difficult to attack, the Soviets are projected to achieve sufficient accuracy to conduct an effective attack. Some increases in first-strike survivability would

result, not enough to make a significant difference.

Others have stated that the vulnerability of MX in Minuteman silos can be reduced by deploying a ballistic missile defense system. But the report I have just quoted from states in the unclassified portions that BMD "would not significantly improve survivability or strategic stability." "For current Minuteman silos, a treaty compatible BMD of 100 launchers does not significantly increase survivability." Some have stated that we should abrogate the ABM treaty in order to protect the vulnerable MX in Minuteman silos. The report I have been quoting also addresses this issue in an unclassified excerpt which states, "Even for an unconstrained BMD deployment, it is easier and less expensive for the Soviets to deploy more reentry vehicles than for the United States to deploy additional missiles."

So, Mr. President, the Minuteman silo basing mode for MX is not secure and not survivable today, tomorrow, or ever.

The Scowcroft Commission and the administration indicate that MX is necessary, regardless of whether the basing mode is vulnerable or not, in order to put at risk Soviet military hardened targets, because, it is argued, since the Soviets theoretically have a hard target kill capability, so must the United States.

In response to this contention, we must examine whether or not MX in vulnerable Minuteman silos is the only way to redress the perceived hard target kill capability gap that may exist between the United States and U.S.S.R. land-based intercontinental ballistic missile forces. First, it is clear that MX could be deployed in a more survivable basing mode. The multiple protective shelters basing mode represented the most secure and survivable basing mode. But it was canceled by the Reagan administration for no reason other than politics.

Second, the United States will have a survivable hard target kill capable nuclear missile in 1989 when the D-5 is outfitted on the Trident II submarine. The administration has indicated, however, that the MX will be available in 1986 and, therefore, we need the hard target capability as soon as possible. In testimony on the House side, General Scowcroft has indicated that the initial operating capability of the MX will not be 1986 but will slip into 1987. So as the IOC slips, it raises new questions regarding the need for the MX deployment at this time.

Third, if this Nation needs a hard target capable missile prior to deployment of the D-5, the option exists to place the MX guidance system—the AIRS system—on the existing Minuteman III ICBM. Placing the AIRS guidance system on 350 Minuteman III could provide substantially the same hard target capability as the MX by 1988, and at a cost of $9.3 billion compared to more than $22 billion for the MX.

So, Mr. President, MX in vulnerable Minuteman silos is not the only option which should be considered by the Congress and the administration.

Mr. President, the most disturbing issue surrounding the MX in Minuteman silos regards its impact on strategic nuclear stability. The MX in a vulnerable silo will be a useful weapon for the United States only if we use it before we lose it. The MX, with its hard target capability, is a valuable target for the Soviets' SS-18's. If, as it has been reported, the Soviets have the capability to take out 95 to 99 percent of Minuteman silos, 1 to 5 MX missiles even with 10 warheads each will hardly be an effective counterforce weapon against the several thousand remaining Soviet targets. Therefore, Mr. President, the MX will be an effective counterforce weapon only if it is launched upon warning of a Soviet attack. And this is the most disturbing aspect of the MX in Minuteman silo issue.

I have sought assurances from the administration that MX in Minuteman silos will not result in a launch-under-attack policy. Officially, the administration says that there will be no change in existing policy which leaves the option of launch under attack. But it is clear, because of its vulnerability, MX will be unable to accept a first strike and then retaliate effectively. Clearly, MX in Minuteman silos moves this Nation closer to a hair-trigger nuclear response.

Mr. President, I want to take the time of the Senate to discuss the serious consequences of a launch under attack scenario. In 1981, the Office of Technology Assessment wrote a report on MX basing mode alternatives including launch under attack. I have met with the author of the OTA report and I have asked him if the conclusions of the 1981 report are still valid and he has indicated that the conclusions are as valid today as they were 2 years ago.

Mr. President, I ask unanimous consent to place in the RECORD at this point the chapter from the OTA report on launch under attack.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MX MISSILE BASING—LAUNCH UNDER ATTACK

[Figures referred to not reproducible in Record.]

Another approach to MX survivability is to accept vulnerable silo basing and resolve to launch silo-based MX missiles before attacking Soviet reentry vehicles (RVs) could arrive to destroy them. This type of response to a Soviet attack is called launch under attack (LUA). Adopting this approach to MX survivability would imply relying on LUA as opposed merely to preserving it as a possibility. The United States now preserves the capability to LUA as a matter of stated doctrine. Some, though not all, of the other basing modes described in this report would also allow this capability to be preserved. This chapter does not in any way address the present U.S. doctrine or the status of means to support that capability, but only potential future systems of reliance on LUA.

OVERVIEW OF RATIONALE FOR LUA AND POSSIBLE DRAWBACKS

The chief attraction of LUA basing is that it can be implemented faster and more cheaply than other basing modes since there is no basing "mode" to speak of. The United States could in principle put MX missiles in the Minuteman silos as they came off the assembly line, meaning MX deployment in the second half of this decade. However, some of the hardware needed to support the LUA capability (warning sensors, communications links, and the like) might have longer lead-times. A truly robust and dependable system might therefore take slightly longer to deploy.

Even with a wide range of sophisticated, redundant support hardware—just about everything one could think of buying in the way of sensors and communications—the price of an LUA system (excluding the missiles themselves) would come to billions of dollars rather than tens of billions as for other basing modes. Some of the systems required for LUA would in fact be desirable, perhaps even necessary, to deploy with any basing mode.

This hardware—warning sensors, command posts, and communications links—could be made virtually impossible for the Soviets to destroy or disrupt. What cannot be assured with confidence is that competent National Command Authorities (NCA) would in all circumstances have access to this system in the short LUA timeline; this is essentially a matter of procedures and national policy, not technology.

Because already-existing silos (or a small number of new ones) could be used, there would be little new construction and hence little environmental and societal impact.

LUA would preserve familiar features of silo basing, including weapon effectiveness as measured by accuracy, time-on-target control, and the like; familiar force management procedures; and familiar arms control verification procedures.

From the point of view of strictly military utility, the possibilities for an LUA force differ very little from those available to a survivable force. The same targets (and perhaps more) would be available in the first few minutes of a war as in the first few hours or days. Essentially the same targeting flexibility could be provided with technically feasible hardware.

Reliance on LUA also has potentially serious drawbacks.

Depending on the circumstances, decisionmakers could lack crucial information regarding the extent and intent of the Soviet attack—information necessary to gauge the proper response. It is not clear, however, that much better information would always be available to the commander of a survivable force within a short period after a nuclear attack.

Decisionmakers would also lack an interval between attack and response during which intelligence information could be assessed, diplomatic measures considered, and the intent of the U.S. response signaled—assuming the circumstances of nuclear war permitted such things at all.

Decision time would obviously be very short. NCA would have to make unprecedentedly weighty decisions in less than 15 minutes.

To guarantee the LUA capability against some contingencies it might be necessary to adopt unpalatable procedures regarding, for instance, delegation of launch authority.

No matter how much money and ingenuity were devoted to designing safeguards for the U.S. capability to launch under attack, and even if the safeguards were very robust indeed, it would probably never be possible to eradicate a lingering fear that the Soviets might find a way to sidestep them.

Finally, despite all safeguards, there would always remain the possibility of error, either that missiles were launched when there was no attack or that they failed to launch when the attack was genuine.

POSSIBILITIES FOR LUA SYSTEMS

There is a wide variety of possibilities for LUA systems, and which is "best" is not really a matter of technology but of doctrine, procedures, and national policy. Doctrine determines the types of attack which the system is designed to meet and those which it is not. For instance, it would be easier to configure an LUA system on the assumption that a Soviet attack would be directed at missile silos and perhaps other military targets but would not be preceded by attack on Washington. If Washington were attacked first, an LUA system designed on this assumption might fail. But since the intercontinental ballistic missile (ICBM) vulnerability problem is perceived generally within the context of counterforce attacks excluding U.S. cities, it is not clear that an LUA force must be required to meet such a contingency; in this case it might be thought that an appropriate response could be executed with surviving submarine, cruise missile, and bomber forces. These are clearly issues of doctrine. Regarding procedures—and to take a more extreme example—it would also be easier to design an LUA system on the assumption that launch authority were vested in certain circumstances in persons other than the President and other duly constituted NCA or even that the response to be made to a Soviet attack of a given sort were decided in advance and, so to speak, "wired into" the ICBM system.

Doctrine and procedures—issues of national policy, not technology—more than anything else therefore determine the architecture of an LUA system.

This section outlines the technically feasible hardware elements and procedures that could go into an LUA system. It seeks to give a sense both of the breadth of possibilities and of the fundamental limitations. The next section shows how some of these elements might come into play in the circumstances of a Soviet attack. It should be emphasized that what is being described here are elements of a hypothetical future LUA system, not means which support the present U.S. LUA capability.

The principal elements to analyze from the technical point of view are targets and the military utility of an LUA force, the timelines of possible attacks, early warning and attack assessment systems, command posts, and communications links. Possible procedures by which decisions could be made and launch orders given can be laid out, but a selection among them would be a decision for the highest levels of political authority.

Targets and military utility

The first question to ask of an LUA force is whether there are important and identifiable differences, in terms of the military effectiveness of a U.S. response to Soviet attack, between immediate LUA response and a delayed response executed by a survivable force. Though there are some differences, on balance it appears that little or nothing from a purely military point of view is sacrificed by immediate response.

In the first place, there would seem to be no targets which would be absent or untargetable early in the war but which would somehow appear later on. Thus, there can be from this point of view no disadvantage to retaliating immediately; on the contrary, it would seem that a difference between early and delayed response, if one were to exist, would favor the early response. The most stressing case for an LUA system is one in which the Soviet attack came with no indications of preparation for attack before the actual launch of Soviet missiles. In this case, a prompt U.S. response could destroy other Soviet military assets before they had time to disperse from their ordinary operating bases. If the Soviet attack came from a generated posture, some assets might be difficult to target, but this situation would not necessarily improve with time. Even if there were significant Soviet target complexes that "appeared" later, it is unlikely that they would be hardened to such an extent that their destruction would require ICBMs, although if they were mobile a rapid response-time for U.S. attack could be useful. Such rapid response is most easily accomplished with ICBMs. Even assuming the existence of targets which a survivable force could target but an LUA force could not, one must assume in addition that the U.S. intelligence assets required to locate these targets would survive an initial Soviet attack.

As to the nature of the targets that should be assigned to an LUA MX force, the important issue for this purpose is not what these targets might be, but how the selection might differ from those assigned to a survivable retaliatory force. Again, there do not appear to be significant differences. In either case, the actual targets attacked might well depend upon the nature of the Soviet provocation and have the goal of inflicting on the Soviet Union a level of damage—measured overall—commensurate with the damage anticipated from the Soviet attack, as well as the latter could be judged at the time the U.S. decision to respond had to be made. If Soviet silos were among the targets marked for destruction by the LUA force, one might want to have some means for determining which were still full and which empty, and one would also have to take the chance that the Soviets would themselves launch under attack when our missiles were in flight. Both problems exist for a survivable force as well. In practice it is likely that the same information, obtained at launch, would be used to support retargeting to avoid attacking "empty holes" whether by survivable or LUA forces; the only difference would be the retargeting time available. In practice it is also possible to guess in advance which Soviet missiles would be used in an attack on U.S. silos. There is also an analytical basis upon which to question the utility of bothering with any sort of "empty hole" retargeting. (It might even be thought desirable to attack empty holes to preclude "reload.") As to Soviet LUA, with a survivable force there would be a time delay before retaliation during which efforts could be made to destroy Soviet sensors capable of indicating a U.S. launch.

Since decisions would have to be made quickly, and since extensive ad-hoc retargeting would be difficult to carry out in the short LUA timeline, some preplanning would have to be done regarding the responses to be made to a given Soviet attack. Such preplanning would also be done for survivable forces. To the objection that such preplanning is unpleasant or "commits" the United States to certain types of response, it can only be noted that the concept of deterrence presupposes, independence of the forces concerned, that Soviet attack will provoke with high certainty a U.S. response. Whether the United States would actually choose to retaliate if deterrence failed cannot be said on the basis of the forces deployed. Of course, LUA allows little time for reflection if Soviet attack did occur.

There might be no need to have the entire U.S. ICBM force, postured for LUA. Since a survivable force of say, 1,000 RVs might be considered adequate for a delayed response, no more than this number of RVs need be included in the force which "survives" by launching under attack.

Timelines

Soviet ICBMs take about a half hour to make the journey from their silos to U.S. ICBM fields in the Central United States. The time from first launch to first impact could in principle be shortened by a small amount, but this would be likely to cause some degradation in accuracy. A realistic Soviet laydown would also occur over a span of time, from just under 30 minutes until somewhat later.

Speaking roughly, receipt of the launch message or Emergency Action Message (EAM) by the missile force as late as a few minutes before Soviet RVs arrive would be sufficient to guarantee safe escape of the missiles. This brief time period would be accounted for by the time taken for the EAM to be transmitted to the missile fields, decoded, and authenticated; the time taken to initiate the launch sequence; the time from first missile takeoff to last; and the time needed for the last missile to make a safe escape from the lethal effects of the incoming Soviet RVs.

Thus, the time available for ICBM attack assessment and decisionmaking would be the half-hour ICBM flight time minus this small time period for missile launch.

Soviet submarine-launched RVs targeted at command posts and communication nodes could arrive earlier than the ICBMs. It is assumed here that the Soviets would not possess submarine-launched ballistic missiles (SLBMs) deployed near U.S. coasts of sufficient accuracy and in sufficient numbers to constitute themselves a primary threat to U.S. silos. Forward-deployed SLBM RVs could arrive in the Central United States within 8 to 15 minutes of launch and at coastal targets, such as Washington, within 5 to 10 minutes. This means that relatively soft targets such as command bunkers and communications nodes, if targetable, could be destroyed early in the attack. One of the principal goals of a robust LUA system must be to survive such a precursor SLBM attack in order to support execution of a launch decision.

Assuming simultaneous launch of Soviet ICBMs and SLBMs, the timetable which results is shown in figure 65.

The LUA timetable could be extended somewhat by a "dust defense" such as de-

scribed in chapter 3. In this scheme, the dust cloud formed by deliberate detonation of buried nuclear weapons in the silo fields would destroy the first wave of Soviet RVs. The United States would have until the dust cleared—tens of minutes—since a second attack could not be mounted during this time.

Overview of technical requirements.

In order to meet the timeline and attack constraints outlined above, a U.S. LUA capability would require warning and attack assessment sensors impervious to disruption; survivable command posts to digest and organize sensor information; and secure, reliable communications linking the command posts with the warning sensors and with the missile fields. The most important requirement, and the most difficult to meet in practice, would be providing a connection from the survivable command posts to NCA empowered to make launch decisions. This architecture is shown in figure 66.

The paragraphs below indicate the range of technically feasible candidates for these system elements. It will be apparent that no single element can be made survivable against a determined Soviet effort to disrupt it. One must instead make disruption as difficult and time-consuming as possible, provide redundant backup systems, and seek to make price of disruption so high that Soviet attack on all U.S. LUA assets would virtually be cause itself to retaliate against the Soviet Union.

Early warning and attack assessment systems

The important features of warning and attack assessment systems are when in the course of an attack they could be expected to provide information, what information they could furnish at that time, and how difficult to disrupt they would be. In general, the first two features are related in that the more complete the information they furnish, the later in the attack they do so. Timely information concerning the size and character of the attack would be vital to the confidence a decisionmaker could have in his judgment to fire U.S. nuclear weapons at the Soviet Union. There would be a premium upon confirmation of the facts of the situation from as many sources as possible. For this reason it is desirable to have sensors based on a variety of distinct physical principles.

The following paragraphs outline in general terms the important features of a wide range of warning and attack assessment systems that the United States could deploy to support LUA. Since even in aggregate the cost of these systems would be less than the costs of other MX basing modes, it is not inconceivable that the United States would deploy all of them and more.

Satellites

The booster motors of large ballistic missiles, which operate for some minutes after launch, emit huge amounts of power (hundreds of kilowatts) in the short-wave infrared portion of the electromagnetic spectrum. This radiation could be detected by satellites at very great distances from the earth. It would be virtually impossible for the Soviets to conceal this evidence of their attack.

Such satellites could provide an accurate count of the number of launches, the types of missiles launched (from comparing the brightness of their infrared emission to data from test launches), and at least the approximate (wing level)) locations of the launch points. This information could be available to U.S. command posts (discussed below) almost immediately. Several minutes more observation could lead to at least a very rough indication of the intended targets, to the extent of predicting whether the Central United States (where U.S. silos are) only was under attack or whether coastal targets were included as well. This information might suggest whether the attack was directed only at U.S. silos or whether it was a massive attack on all U.S. targets, cities (many of which are on the coasts) included. It would not be possible on the basis of this early information to tell whether the Soviets had withheld attack on certain specific targets, an indication of their intentions.

It would not be possible to secure such satellites absolutely against attack on them, but such an attack could be made very difficult. Though geosynchronous orbit would be most convenient for such satellites, it could perhaps be desirable to deploy them in other, higher orbits. Geosynchronous orbit is that unique orbit 22,300 miles from the Earth at which the orbital period of satellites is equal to the rotation period of the Earth. Thus satellites in geosynchronous orbit remain over the same point on the Earth's surface as both they and the Earth go round. A single satellite could therefore keep watch over the Soviet Union at all times. Because of its convenience, however, geosynchronous orbit is somewhat crowded. It would therefore be possible for the Soviets to station a "space mine" near to a U.S. warning satellite and answer in response to U.S. protests that the mine was in fact some other sort of satellite (e.g., communications) which it was convenient to position over the Soviet Union. The United States would then not be in a position to assert that the Soviets had no business there, because it would be quite plausible that they did have legitimate purposes for positioning a satellite in this unique, convenient orbit. If on the other hand the U.S. satellites were in an orbit chosen more or less randomly from amongst the infinite number of possible altitudes, we would be in a better position to assert that the only possible purpose for a nearby Soviet satellite must be to interfere with ours. The United States might then justify on these grounds measures against such interference. Nonsynchronous orbit means that more than one satellite would be required to keep continuous watch on the Soviet Union, however, since at any one time most of them would be over other parts of the Earth.

Satellites could also be threatened by direct attack from a missile launched from the Soviet Union. However, the U.S. satellites could be postioned high enough that it would take many hours (18 or so) for an attacking vehicle to reach them. What is more, since the interceptor missiles required to reach high orbits would be quite large, the Soviets would probably launch them only from the Soviet Union. Most of the satellites would be on the other side of the Earth when the first interceptor was launched, and launch of other interceptors would have to be staggered so as to intercept the rest of the satellites as they "came around." Direct-ascent antisatellite attacks on high orbits would therefore present a timing problem to the Soviets. The United States would most certainly be aware that the satellites were under attack hours before they were destroyed.

Measures can also be taken to insure the survival of satellites. For instance, they could be provided with sensors to allow them to determine when they were under attack. They could maneuver to avoid a homing interceptor and deploy decoys or chaff to confuse homing sensors. Satellites at such distances from the Earth might also be able to be hidden entirely by giving them small optical, infrared, and radar signatures. One might also hide dormant backup satellites amongst a swarm of decoys; the satellite would be turned on when the primary satellites encountered interference. Last, backup satellites could be deployed on missiles in silos in the United States and launched into low orbits to replace the primaries. These reconstituted satellites could also be attacked, but it would take time for the Soviets to acquire data on their orbits, even assuming the United States allowed them unhindered operation of the means to acquire this data. Some of these techniques for satellite security are more effective than others.

Last, the United States might not choose to show patience indefinitely with persistent Soviet attacks on our warning sensors, particularly if we had chosen to rely on LUA as the guarantor of our land-based missiles.

Radars

Radars could be either land-based or deployed on oceangoing ships. Radars deployed near the United States would provide warning information rather later than satellites—perhaps 15 minutes or so after launch—but they would provide much more accurate prediction of the impact points of attacking RVs. This information would be sufficient to determine which silo wings and which metropolitan areas were under attack.

Powerful radars of this sort would be rather large and soft targets and therefore susceptible to SLBM or even paramilitary attack. Jamming is also a potential threat. An endoatmospheric ballistic missile defense could be provided around such radars. For instance, the Perimeter Acquisition Radar at Concrete, N. Dak., happens to be in the area selected by the United States as the only site where an ABM system can be deployed within the ABM Treaty and Protocol. The purpose of such an ABM system would not be to protect the radar against any level of attack, but to force the Soviets to send so many warheads to destroy it that such an attack would constitute a major provocation.

Sensor Aircraft

Aircraft carrying radars (similar to AWACS aircraft used for tactical purposes) or infrared sensors could be used either as a backup for other sensors, taking off from a strip-alert status at U.S. bases, or as a primary system maintaining continuous airborne patrol. The aircraft could be on station within several hours of takeoff and could provide detailed attack assessment information (similar in character to the land-based radars) within about 15 minutes of impact.

Such aircraft would be a hedge against disruption of satellite or fixed land-based systems. If on continuous patrol, they would be very resistant to ballistic missile attack.

Since the aircraft would take some time to arrive on station if they were not maintained on continuous airborne patrol, there could be a gap between destruction of the primary U.S. systems and reconstitution by the aircraft. This gap could be filled by rocket-launched probes.

Rocket-Launched Probes

These probes, carrying long-wave infrared sensors, would be similar to the probes proposed for the Overlay exoatmospheric ballistic missile defense system to acquire its targets. They would arrive on station in minutes and provide detailed attack assessment information similar to that provided by the aircraft until they fell back to Earth about 20 minutes or so after launch. Housed in silos, they would be vulnerable only to nuclear attack. The probe silos could be located far from ICBM silos so that their launch could not be confused with ICBM launch by Soviet warning sensors.

Nuclear Detonation Detectors

Since SLBM RVs could arrive on U.S. territory well in advance of the ICBMs aimed at the silos and before the time that a launch decision would have to be made, these detonations could provide further confirmation that the United States was under attack. Such detectors could be bolted on to large numbers of satellites deployed for other purposes. Alternatively, U.S.-based sensor stations employing seismic or electromagnetic pulse detectors could verify that the U.S. was under nuclear attack. It is very unlikely that natural phenomena could mimic the effects of nuclear detonations.

Though the detonation of nuclear weapons on the United States would not by itself necessarily identify the Soviet Union as the attacker, the other warning systems would either indicate the origin of the attack or be of such a nature that their disruption could be accomplished only by the Soviets.

Covert Warning Sensors

It might be possible to deploy warning sensors the existence of which could reasonably be kept secret from the Soviets. Even if this did not actually turn out to be possible, it would be a factor the Soviets would have to consider before they satisfied themselves that the United States would be without advance notice of their attack.

Warning Sensors for SLBMs

So far discussion has concentrated on warning of ICBM attack. All of the means described so far are applicable to the SLBM case as well. The satellites would give a launch count immediately and coastal SLBM radars impact point prediction within minutes of approach to the coasts. Planes and probes would be relatively inefficient in the SLBM role since many of them would be required to cover all attack corridors.

Command posts

Fixed land-based command bunkers of a hardness sufficient to withstand attack even by inaccurate SLBMs would be difficult to construct. The United States now operates a network of fixed command posts including the National Military Command Center (NMCC) in the Pentagon, the Alternate National Military Command Center (ANMCC) at a rural site outside Washington, Strategic Air Command (SAC) Headquarters in Omaha, and North American Aerospace Defense Command (NORAD) Headquarters in Cheyenne Mountain, Colo. An improvement on fixed sites would be to deploy a fleet of wide-bodied aircraft with the necessary communications equipment to receive and process warning information, communicate with NCA, and launch U.S. silo-based missiles if given proper authorization. Some of these aircraft, called Airborne National Command Posts (ABNCPs), could be on continuous airborne patrol and others on strip alert. The United States deploys a fleet of such aircraft at present. If there were advance indication of imminent Soviet attack, the President himself or other NCA could take to the air in these command posts.

Consideration might also be given to ground mobile command posts, disguised as vans traveling the Nation's highways.

Concerns could be raised about possible means to destroy or disrupt such command posts, but since they are considered for use with just about all MX basing modes, any such problems would not distinguish LUA basing. In fact such disruption would be very difficult.

Communications links

Studies of command, control, and communications (C^3) systems to support strategic nuclear forces of any kind, LUA or otherwise, indicate that there is a wide variety of possibilities for wartime communications and just as wide a range of means to disrupt and impede such communications. The nature of the disruption would depend on the amount of damage done to U.S. communications installations and the extent of disruption of the atmosphere due to nuclear explosions. An LUA C^3 system would have an advantage over systems supporting survivable basing because it would be needed at a time when the United States had suffered less damage. On the other hand, it would be at a disadvantage in that there might be little time to attempt to reconstitute disrupted links.

Many of the same considerations apply to the communications links which applied to the warning sensors. None can be protected absolutely against Soviet attack, but disruption can be made difficult, time consuming, and provocative.

Communications links are required from the warning sensors to the command posts, from the command posts to the missile fields, and between the command posts and responsible launch authorities. The first two are easier to specify than the last, since this last depends sensitively on where the launch authorities are assumed to be and upon whether they are under attack or not. A fuller discussion of the problems of providing communications systems to support strategic nuclear forces in general is contained in a separate chapter. The following discussion seeks to sketch some of the considerations relevant to LUA.

Warning Sensors to Command Posts

It appears that satellite communications would be needed for this purpose, at least for the warning satellites, since they would not be connected to the command posts by line of sight. The same considerations regarding survivability apply here as for the warning satelites, but the situation is in some respects easier. To avoid jamming and ionospheric disruption due to high altitude nuclear detonations, these satellites could operate at millimeter wavelengths. They could be stationed in unusual, deep-space orbits so the Soviets could have no pretense for stationing space mines near them, and direct-ascent interceptors would require a long time to reach them. Since the communications satellites would be cheaper than the warning satellites, there could be many of them. Other measures—deep-space storage, concealed dormant satellites, decoys, maneuverability, etc.—such as described for the warning satellites could also be tried here. Rocket-launched reconstitution satellites could be on-station in a short period. There are many U.S. communications satellites of all sorts in space, and arrangements could also be made to use them if the primary system failed.

Fixed ground stations for the downlinks would be vulnerable to attack, but such attack would at least be required to disrupt them. They could be proliferated throughout the United States and even defended with ballistic missile defense. An improvement on fixed ground stations would use mobile ground terminals, highway-going vans with concealed receiving dish and data processing equipment. Data could be transferred from ground stations—fixed or mobile—to the airbone command posts by radio (line-of-sight if necessary) and satellite uplink.

Ground stations would not be necessary at all if arrangements were made for the airborne command posts to receive data in semiprocessed form directly from the warning satellites via the communications satellites using millimeter wave or laser links.

The sensor aircraft would use satellite links to communicate with the command posts. The fixed radars could use radio (line-of-sight if necessary) or satellite to send their data to the command aircraft. The rocket-launched probe would be in line-of-sight with the command posts and could communicate directly.

Command Posts to Missile Fields

If an order were given to launch MX missiles from their silos, the command posts could transmit the EAM to the launch control centers in the silo fields or directly to the silos by a variety of means, including line-of-sight ultra high frequency (UHF) radio and satellite injection. These methods provide for high probability to correct receipt of the EAM within minutes, even in a disturbed environment.

Between Command Posts and National Command Authorities

This is the most difficult part of the communications system to specify. The reason for this is not that technology does not provide solutions, but because these solutions could depend on where the NCA might be, which depends on who the NCA are, which in turn depends on what procedures are adopted for NCA continuity.

Roughly speaking, there are three cases to consider. In the first, the President or other NCA is in Washington, and Washington has survived at least to the point in time where a launch decision is required. Communications in this case can be by satellite or airborne relay using a number of aircraft, maintained on strip alert in peacetime, which from a net over the United States for UHF line-of-sight communications.

In the second case, the President or other NCA is himself in a command airplane. Communications is by satellite or airborne relay.

In the third case, Washington is destroyed and the President did not manage to make it to a survivable location. In this case the important questions are, first: Who and where is the NCA and can it be arranged that they take command in time to launch under attack? and second: Does it matter if we could not LUA? Since it might appear in this case that war was not going to remain limited and our other nuclear forces would be sufficient to acheive U.S. objectives. The first is a question of procedures and authority and the second of doctrine. They obviously cannot be answered by technology assessment. Some suggestion of alternative responses to these questions will be made in the section below entitled "Procedures."

Pindown

Pindown refers to the possibility that the Soviets could force our missiles to remain in their silos by threatening to explode nuclear weapons in their paths and destroy them in flight. In practice, however, pindown of silo-based MX would require a huge expenditure of Soviet weapons for an uncertain result and is therefore not an important threat to LUA.

In a pindown attack, nuclear weapons from SLBMs and, later in the attack but before ICBM arrival on U.S. silos, low-trajectory ICBMs, could seek to create an environment lethal to U.S. missiles in flight. These warheads would be exploded at high altitudes—about 300,000 ft—in the flyout corridors above the missile fields. The relevant parameter here is the number of weapons of a given yield which must be exploded every minute in the flyout corridors to ensure that any missile passing through them is destroyed or disrupted. The damage is caused by X-rays from the nuclear explosions, and there are two possible kill mechanisms. In the first, X-rays are deposited on the exterior of the missile and vaporize the surface. When the surface layer is removed, the recoil momentum is transmitted through the missile as a compression wave which can damage the interior of the missile or blow the backside off. The other method by which the X-ray could disrupt the missile is by causing ionization in the electronic circuits of, for instance, the guidance computer.

The flyout corridors above the existing Minuteman wings are in fact rather large, and their precise dimensions can to some extent be made uncertain to the Soviets. In addition, the MX missile is planned to be much more resistant to X-rays than Minuteman. The Soviets would also not know with confidence just how hard U.S. missiles were.

On the other side, if the Soviets were genuinely determined to try to pindown attack, they could design warheads especially for this purpose. These warheads would not need heat shields since they would not reenter the atmosphere. Thus a warhead of a given yield would be lighter, meaning more megatonnage on a given booster.

The upshot all this is that, if MX missiles were distributed throughout the Minuteman fields, the Soviets would have to explode hundreds of megatons per minute in the flyout corridors to guarantee pindown. If the Soviets assumed that no U.S. launch decision could possibly be made until at least 10 minutes into the attack, 15 to 20 minutes of pindown would be required. Timing constraints would demand that much of this megatonnage be launched from submarines remote from their home bases. Pindown would therefore compete with other time-urgent missions of the forward-deployed Soviet submarine force and with secure reserve missions of the remaining force. These time constraints, combined with the huge numbers of weapons needed, make pindown an unattractive, if not impossible, Soviet strategy against LUA for silo-based MX. (Reckoning strictly on the size of deployment area, the amount of megatonnage required to pin down MX in MPS basing would be about ten times less than for silo basing.)

Procedures

For the U.S. threat to launch under attack to be credible, procedures would have to be devised to guarantee that the President or other NCA were able to communicate in timely fashion with the command posts in a position to receive attack assessment data from the sensors and execute the missile force. The issue here is not whether the U.S. instruments of command would eventually reconstitute themselves to wage and terminate a nuclear war, but whether there would be continuity of command in the first half hour of the war. Devising an acceptable set of procedures is a matter for decision at the highest levels of political authority. It is not the intention of this discussion to suggest or speculate what these procedures might actually be should the United States adopt reliance on LUA, still less what procedures support the present LUA capability, but merely to set out the logical possibilities.

These possibilities are quite distinct depending on the circumstances of the attack. In particular, it matters whether the possibility of attack was foreseen before the actual launch of Soviet missiles (i.e. whether "strategic" warning preceded "tactical" warning) or whether the attack was a "bolt from the blue" surprise. Realistic or not, much fear about reliance on LUA focuses on the second circumstance. Surprise attack is clearly most stressing as regards the physical capability of the United States to launch under attack.

It would also be vital whether the Soviet attack had the specific aim of disrupting the U.S. chain of command supporting LUA. As has been discussed above, every effort can be made to preclude the possibility that the Soviets could deny the LUA capability by means short of physical attack upon the NCA. It appears that such efforts could be quite successful indeed: sensors, command posts, and communications links could be provided, with cost and effort, which were very difficult to disrupt. Thus, as a practical matter, the Soviets could be faced with the choice either of permitting LUA or of attacking directly the U.S. political leadership. To make this choice the Soviets would have to ask themselves whether they preferred to be at war with a nation in possession of intact national leadership and usable ICBMs or with a nation in possession of neither. The U.S. perception of what the Soviets would intend in making such a choice could affect the procedures the United States selected for its LUA system. For instance, if it were agreed that the Soviets could not intend anything but total war if they were willing to "decapitate" the U.S. Government, then it might be concluded that U.S. bombers, cruise missiles, and SLBMs were sufficient weapons to wage such a war. U.S. doctrine might then state: LUA seeks to deter Soviet attacks short of decapitation; decapitation attacks are to be deterred by threat of retaliation upon Soviet value. On the other hand, if the United States judged such a doctrine to be inadequate, a determined effort would have to be made to devise procedures which would permit LUA in all circumstances. The United States might further judge it imprudent to state a doctrine covering all possibilities, preferring to add uncertainty to the Soviet decision.

Questions of doctrine would thus have an obvious effect upon which procedures were adopted for LUA basing and are just as obviously not susceptible to technical analysis. In what follows, it is assumed that the United States would wish to assure the LUA capability in all circumstances, and various possibilities are explored to satisfy this wish. At the point where these procedures are judged to become unacceptable, one has the choice of abandoning LUA basing altogether or determining that the circumstances in question would no longer require a "survivable" (via LUA) U.S. ICBM force.

The National Command Authority

NCA is the phrase used to describe the operational institution of the U.S. Government responsible for decisions to initiate the use of nuclear weapons. The individuals who occupy institutional roles comprising the NCA are called the National Command Authorities (also NCA). These individuals consist of the President and, upon his death or incapacitation, his successors as designated by the Constitution and the Presidential Succession Act; the Secretary of Defense and his successors; and the Joint Chiefs of Staff and their successors, these designated by Defense Department regulations.

The process by which the NCA might order the use of nuclear weapons by U.S. Armed Forces has for obvious reasons not been discussed publicly. Hearings conducted by the House Foreign Affairs Committee in 1974 made clear that no military officer may initiate the use of nuclear weapons unless authorized by the President or his successor. In practice, it appears that many of the procedures for NCA operation are decided by each President on the basis of personal preference.

Attack With Advance "Strategic" Warning

In a period of crisis, it might become apparent either from Soviet statements, from intelligence indications, or from estimation of Soviet reaction to U.S. moves, that nuclear attack was imminent. Such advance warning is called "strategic" warning to distinguish it from warning indicating that an attack is actually in progress ("tactical" warning).

One reaction to strategic warning would be for the President or other NCA to take to the air in airborne command posts for the duration of the crisis. There could be concern that this action, if made known, could heighten tensions and provoke panic in the U.S. public. For this reason the President himself might wish to remain on the ground and have a lesser official assume airborne alert. Whether this could be accomplished covertly could be questioned since the command planes would be rather distinctive. Even disguising them to look like freight aircraft would be pointless if they took off from military airfields like Washington's Andrews Air Force Base. Disguising the movements of high U.S. officials from the press, particularly under the circumstances, might also prove difficult.

An alternative to providing a "survivable" NCA would be for the President to decide in advance the responses to be made to certain sets of attack assessment data and order that these responses be executed unless he were able to intervene to veto or change them. The responses would be transmitted to ABNCPs, the crews of which (presumably military officers) would be the executors. Whether such an arrangement would actually constitute delegation of command authority to others is not clear, since the precise instructions could be encrypted and thus totally unknown to the executors.

Surprise Attack Without Decapitation

A "bolt from the blue" attack whose object was not to disrupt the U.S. chain of command could in principle be dealt with by arranging for the President and other NCA to be at all times in instantaneous, reliable communications with the command posts which monitor warning data and launch the ICBMs. As a practical matter, of course, account must be taken of circumstances when

the President is traveling abroad or shaking hands in a crowd. Though it would seem that adequate procedures could be worked out for such cases, they might be burdensome and obtrusive for the President and other NCA.

Surprise Attack With Decapitation

This would be the most stressing circumstance for a system of LUA. There are several procedures that could be devised to meet this circumstance:

1. LUA fails. This "response," discussed previously, considers that this circumstance, implying Soviet willingness to destroy the political leadership of the United States, would be outside of the range of contingencies for which ICBM "survivability" is intended. U.S. doctrine could so state or imply.

2. Responses decided on in advance by the President would be executed by ABNCPs unless the President or other NCA intervened to veto or change them. This option is identical to the second option discussed for the case of advance or "strategic" warning except that in this case these procedures would be in force at all times, even when no particular crisis were occurring. The character of the response to be made to a given set of warning data could be encrypted and known only to the President. As a hedge against espionage or revelation of the President's choices, the instructions could be arranged to establish only the probabilities that certain responses would be made. These probabilities could be made to change on a day-to-day basis according to the world situation. The whole set of responses could be "wired into" the ICBM force or executed by the intervention of the crew of the ABNCP.

3. Launch authority could devolve on the crew of the survivable command posts. The NCA could override command post decisions if they survived and were in communication. It has been suggested that the time during which such NCA intervention could take place might be lengthened by preserving the option to disarm missiles in flight if the NCA chose to veto or change a launch decision made by others.

OPERATIONAL POSSIBILITIES FOR LUA

This section illustrates the operational possibilities for a system of reliance on LUA in the form of attack "scenarios." These scenarios aim at technical verisimilitude, but no claim is implied that what happens in them is in any other sense plausible, much less acceptable.

The range of possible LUA scenarios is limitless, and each could be embellished. At each juncture, many different paths could be taken. The choices made here, when they have any particular rationale at all, are made to illustrate the workings of the technical hardware. It is not thought appropriate for a technology assessment to adopt any other approach.

All the scenarios described assume no advance or "strategic" warning and that the United States makes every effort to preserve its capability to launch under attack.

As a reminder of the elements of the LUA system described in the previous section, the following list is provided. It should be recalled that these are elements of a hypothetical future system to support reliance on LUA, not elements of the system that presently supports the U.S. LUA capability.

National Command Authorities (NCA);

Fixed Ground Command Posts;

Airborne National Command Posts (ABNCPs), continuously airborne or backup strip-alert at Central U.S. airbases;

Warning satellites;

Fixed ground radars;

Sensor aircraft, continuously airborne or backup strip-alert;

Rocket-launched sensor probes;

Coastal SLBM radars;

Nuclear detonation detectors; and

Communications satellites, primary and reconstitutable; and

The scenarios are organized by timeline with, T= . . . indicating the time in minutes.

Illustrative Soviet ICBM attacks on U.S. silos only

These "scenarios" illustrate the LUA time-lines for pure countersilo attacks in which no effort is made by the Soviets to deny the U.S. LUA capability. One might imagine any number of sequences of events leading up to these attacks. The only important assumption for these examples of LUA is that strategic warning has either not been received or has not caused the United States to assume an alert or "generated" posture. The first, small attack is termed a "demonstration" since, apart from destroying a subset of U.S. ICBMs, it would seem to have no clear purpose other than to demonstrate Soviet willingness to use nuclear weapons and to test U.S. willingness to respond. The Soviet attack in the second scenario is the standard "limited counterforce" attack whose purpose is to destroy the U.S. ICBM force completely.

Illustrative Small "Demonstration" Attack

T=0: Soviets launch fifty SS-18 ICBMs.

Interim: U.S. fixed and airborne command posts receive satellite data indicating number and type of missiles launched and Soviet silo wings of origin. No evidence that SLBMs are included in the attack. Immediate measure taken to open communications links with President or other NCA. Backup ABNCPs, sensor aircraft, and perhaps other forces alerted.

T=5: Further satellite data indicates Central United States as location of targets. Coastal targets known to be excluded, but targets in Central United States not further specified. Backup ABNCPs and sensor aircraft ordered to take off. Military commanders order launch of infrared probe.

T=10: NCA in communication with command posts and alerted to situation. Probe on station and acquiring data.

T=15: Infrared and radar planes, probe, and land-based radars all indicate that attack consists of about 500 RVs. Predicted impact points correlate with locations of three out of six U.S. ICBM wings. No evidence of any other targets.

T=20: NCA orders no LUA since only half of ICBM force under attack. OR: NCA orders launch of 50 U.S. RVs targeted at Soviet SS-18 and SS-19 silos. Simultaneously U.S. embassies, including Moscow, informed of intent of U.S. response. OR: Et cetera.

Interim: U.S. ICBMs launch (if applicable).

T=30: Soviet RVs impact U.S. silos.

Illustrative Full Attack on U.S. ICMBs

T=0: Soviets launch several hundred ICBMs.

Interim: As before.

T=15: Aircraft, probe, and radars all indicate attack of over 2,000 RVs targeted at all ICBM wings. No evidence of other targets.

T=20: NCA orders launch of the half of the ICBM force postured for LUA at Soviet silos and perhaps other military targets. OR: NCA orders entire ICBM force launched. OR: Et cetera.

T=20-30: As before.

Illustrative Soviet ICBM/SLBM attack on U.S. silos and LUA capability excluding Washington

T=0: Soviets launch ICBMs at U.S. ICBMs. Simultaneously, SLBMs from submarines near U.S. coasts launch at fixed command posts, fixed communications nodes, fixed sensors, and airfields supporting airborne sensors and command posts. All of these targets are assumed to be located in Central United States or, if near coasts, not to be attacked. Coastal SLBM radars are not attacked since they collect most of their information before they can be destroyed.

Interim: Continously airborne ABNCP receives satellite data indicating: number and types of ICBMs and silo fields of origin; number, type, and launch locations of SLBMs. No information about intended targets at this time; therefore not yet clear whether Washington and other coastal targets under attack. Immediate efforts taken to open communications links with NCA. Backup ABNCPs and sensor aircraft scrambled.

T=5: Further satellite data indicates Soviet ICBMs and SLBMs targeted at Central United States, not coasts; actual Central U.S. targets not specified. Coastal radars, however, indicate SLBMs targeted at inland fixed ground command posts and communications nodes, radars, and airfields where backup ABNCPs and sensor aircraft are based. One SLBM RV appears to have ballistic trajectory which will carry it far from any U.S. military installation. Military commanders order launch of infrared rocket probe.

T=7: SLBM RV with "odd" trajectory bursts at very high altitude over Eastern United States. No damage whatever to buildings or population from this very high-altitude burst, but electromagnetic pulse and ionospheric disturbances disrupt some long-range radio and landline communications. Satellite communications linking NCA, fixed command posts, and ABNCPs is undisturbed.

Interim: SLBM RVs impact Central U.S. targets. Fixed command posts destroyed; command shifts exclusively to ABNCP. Large number of RVs targeted at fixed radars saturates ballistic missile defense; radar destroyed. Some, though not all, backup ABNCPs and sensor aircraft escape.

T=15: Sensor aircraft and probe indicate that Soviet ICBMs are targeted at U.S. silo fields only. Nuclear detonation detectors confirm SLBM detonation detectors confirm SLBM detonations. Data made available to NCA.

T=15-20: NCA concludes on basis of information available that soviet countersilo attack in progress. SLBM attack evidently attempted to deny U.S. LUA capability.

T=20: NCA orders LUA.

Interim: U.S. ICBMs launch.

T=30: Soviet ICBM RVs impact empty silos.

Illustrative Soviet ICBM/SLBM attack on U.S. silos, other military targets, LUA capability, and Washington

This attack adds the crucial ingredient of direct attack on Washington. It would seem reasonable to assume that if the Soviets were willing to target the U.S. National Capitol and political leadership, they would target also military targets unrelated to the U.S. ICBM force of LUA capability such as submarine and bomber bases. This assumption, made here, would not affect the U.S. capability to LUA but could make Soviet in-

tentions clearer in the early minutes of the attack.

T=0: Soviets launch ICBMs and SLBMS.

Interim: Satellites indicate ICBM and SLBM launches. Number and type of ICBMs launched consistent with countersilo attack. Number of SLBM launches indicates determined effort to destroy time-urgent U.S. military capability as well as LUA capability. Attack judged massive by command posts. Immediate measures taken to assure communications between NCA and ABNCP. Backup ABNCPs and sensor aircraft, as well as strategic bombers, altered.

T=5: Further satellite and coastal SLBM radar data indicate Washington under attack. Impact expected at T=10. NCA notified urgently by command posts.

Soon after: SLBM impacts on Washington. ABNCP loses contact with NCA. No procedures to reconstitute NCA in time to LUA. LUA fails.

OR, as above, until:

T=5: Peacetime procedures allow for full two-way communications between NCA and command posts at this time. Informed of situation, NCA authorizes IUA if Washington destroyed and makes choice among retaliatory options. Crews of command posts do not know character of response chosen. NCA. NCA stays on the line.

Interim: Nuclear detonations on Washington. NCA goes off the line.

T=12: ABNCP receives confirmation of nuclear detonations on Washington and many other U.S. targets from nuclear detonation detectors.

T=15: Probe and sensor aircraft continue to indicate countersilo ICBM attack. ABNCP executes LUA according to NCA's wishes.

Interim: U.S. ICBMs launch.

T=30: Soviet ICBM RVs impact empty silos.

Attempt to disrupt U.S. technical capability to LUA precedes Soviet attack

This kind of "scenario" imagines a prolonged "war of nerves" preceding actual Soviet nuclear attack in the course of which the Soviets attempt, by means contrived not to provoke U.S. preemption, to destroy critical hardware elements of the U.S. LUA capability. These hardware elements include warning sensors and communications links, but not the NCA. Scenarios like this are sometimes cited as reasons to distrust reliance on LUA.

No system of warning sensors and communications can be made absolutely resistant to disruption. Rather, the United States could make such disruption time consuming for the Soviets, thus removing any element of surprise, and require that the means to disruption be extensive, provocative, and even overtly hostile. As a practical matter, one can also make a subset of the system virtually immune to disruption. Whether this residuum could be considered sufficient to support a U.S. LUA decision is not clear, but it could impose on the Soviets the concern that even if they accomplished the disruption of the rest of the system, the United States might still be able to launch under attack. Above all, of course, the Soviets would have to consider that before their attempts at disruption had succeeded, the United States might preemptively attack them or at least inflict comparable damage on their systems.

The satellites are the element which, while susceptible to disruption, would take the longest to destroy. Direct-ascent antisatellite interceptors would take some 18 hours to reach the high orbits where the satellites could be placed. The United States would thus have ample warning that disruption was in progress. As a practical matter, such high-altitude direct attack would also be quite difficult for the Soviets to execute and would be subject to various U.S. countermeasures, as discussed in the previous section. It would also seem that Soviet preparations for such an attack could scarcely be concealed; for one thing, the boosters required would be the size of SS-18s or larger.

Space mines are a means whereby the satellites could be destroyed instantly, once the mines were emplaced. As discussed in the previous section, unusual orbits could be chosen for U.S. satellites. The United States could reasonably assert that Soviet placement of space vehicles in the same or nearby orbits could have no other purpose than to disrupt the U.S. LUA capability.

In either case—direct-ascent interception or space mines—there would be no question of "surprise" attack. The United States could in addition possess the capability to launch a set of replacement satellites (perhaps less sophisticated and presumably in lower orbits) before Soviet disruption of the primary system were complete. These replacements, too, could be attacked, but this attack would also take time.

Supposing the United States permitted disruption of its warning satellites, still the airborne sensors, land-based (and perhaps ship-based) radars, and the rocket-launched probe would remain. One can conceive of threats (sabotage, close-in jammers) to the ground-based radars, but barring this, they could be hardened to the point where their destruction required nuclear attack. The probes could also be in hardened silos. Associated BMD systems could increase the price of destruction by ballistic missile attack.

Supposing now that the satellites and the radars and probes were destroyed, the sensor aircraft would still provide warning and attack assessment. It is generally believed that aircraft operating in North American airspace in wartime would be difficult for the Soviets to attack. These aircraft could operate out of their home airfields and, presumably, civilian airfields for long periods. Thus in a period of prolonged conflict, in which other U.S. sensor assets were destroyed and the United States wished to maintain an LUA capability, these aircraft might provide enduring warning and attack assessment. Though not providing warning of Soviet attack at launch, they would still provide notice of attack within 15 minutes of the time a launch decision was required. Under the circumstances, U.S. decisionmakers would presumably put themselves in a position to make rapid decisions.

Thus, a Soviet attempt to deny the U.S. warning and attack assessment capability could be made exceedingly difficult and risky, if not impossible. A similar analysis could be performed for the communications links described previously. Thus, vulnerability of the technical elements of the LUA capability need not be an "Achilles' heel" for reliance on LUA. Whether the procedures supporting decisionmaking can be made as robust is another matter, as has been discussed extensively.

SUMMARY OF CRITICAL ISSUES FOR LUA

This section summarizes the critical issues that might enter into a decision to rely on LUA as the guarantor of ICBM "survivability." As is apparent from this chapter, some of these issues, and most certainly judgments regarding them, are in the end nontechnical. Though technical analysis can further define these issues, it cannot resolve them. Certain of these issues apply in some measure to survivable basing as well as to LUA; what matters for purposes of comparison are the differences between the two types of basing. For instance, that certain circumstances of LUA are unpleasant is obvious, but it is not clear in all cases that they are improved by delaying response.

It must be borne in mind that the observations made here to apply to a hypothetical future system of reliance on LUA, not the means which support the present LUA capability.

Information available to decisionmakers

Decisionmakers would require information concerning the extent and intent of a Soviet attack and confidence that this information was accurate. Technical analysis can specify which data might be available at certain times in the course of an attack but cannot suggest what information might be considered adequate to support a decision to launch offensive missiles.

In general, the earlier in the attack a sensor acquired information, the less detailed it would be. Thus, at the time of lauch, the number, type, and origins of boosters launched could be specified. Several minutes later, it could be possible to determine whether the entire United States was under attack or just a portion thereof. By midcourse (15 minutes from launch and 15 minutes before impact), the impact points of RVs could be predicted. The locations of detonations of submarine-launched RVs on the United States might also be known. By this time, only 5 to 10 minutes would remain for decisionmaking.

One might legitimately question whether, if the United States possessed a survivable ICBM force, better information than this would be available to support a retaliatory decision within a short time. That is, given the widespread confusion and disruption of communications following even a small attack, the information supplied by warning sensors in the first few minutes might in fact be the most complete available for a long time after the attack. Deployment of a survivable force might actually lead the United States to deploy fewer and less robust sensors than it would deploy if relying on LUA. Thus, as a practical matter, the information upon which to gauge response could conceivably be less with survivable forces than with LUA.

Despite the redundancy and technical variety of the warning sensors, there could be reluctance on the part of decisionmakers to base launch decisions on information collected by such remote means.

Decision timelines

Depending on the circumstance, the amount of time available for deciding on a response to Soviet attack could range from an upper limit of 20 minutes to no time at all. Meeting this timeline would probably require at least some provisional advance planning by the President and other NCA.

Possibilities for diplomatic and other activities

The LUA timeline would leave no time for diplomatic activities between attack and response. At very least, such activity could serve to signal to the Soviets U.S. perceptions of their attack and the intent of any U.S. response. Communication with other goverments, U.S. overseas installations, and U.S. military forces worldwide might also be accomplished at this time.

However, it is not clear to what extent the circumstances of nuclear war, especially as regards disruption of communications, would permit such activities within a short period of an initial attack anyway.

Providing for launch authority

Timely command decisions by authorized NCA is clearly a requirement for reliance on LUA.

This requirement would be most difficult to satisfy if the Soviets intended deliberately to destroy or "decapitate" the NCA. In this circumstance, possible options might be: LUA fails (not intended for this extreme case)—; provision is made for very early NCA decision; decisions decided on in advance by the NCA are executed by others if the NCA does not veto or change them; launch authority is delegated to others than the NCA.

Which of these options, if any, would be acceptable is a matter not of technology but of decision at the highest levels of political authority.

Even in the less extreme case in which no attack on the NCA is intended, provision must be made for the NCA to be available at all times for rapid decision. Such procedures might be onerous for the President and other NCA.

Fear that U.S. LUA capability could somehow be sidestepped

The analysis presented here indicates that, from a technical point of view, sensors and communications could, with money and effort, be provided to make at least the technical elements of the LUA capability exceedingly difficult, if not impossible, for the Soviets to disrupt. Procedures to support decisionmaking are another matter. Even if both hardware and procedures were devised which were very robust indeed, it might not be possible to eradicate completely a lingering fear that the Soviets might find some way to "sidestep" the system. These fears could become aggravated at a time of crisis.

Risk of error

There are two risks of error in a basing system of reliance on LUA: the risk that launch would take place when there was no attack and the risk that launch would fail to take place when there was an attack.

Insofar as technology is concerned in the assessment of these risks, one can in principle make arbitrarily small the probability that electronic systems by themselves make either kind of error, though beyond a point efforts to decrease the chance of one error could increase the chance of the other.

But it would seem that the principal source of error might not be electronic or mechanical malfunction by itself. The odds that a sensor indicates something out of the ordinary might be quite high, but the chances that it indicates something resembling a plausible Soviet attack would be much smaller. The probability that several sensors based upon different physical principles indicated the same plausible attack would be much smaller still. That is, electronic systems tend to make random, rather than highly structured, errors. On the other hand, electronic systems have a very limited ability to correct errors once made. Human beings, by contrast, have a high capacity to correct errors, but also a high capacity to commit highly structured errors. The risk of error for an LUA system would seem highest when the human being's ability to make highly structured errors combines with the machine's limited ability to correct them. Mistakenly initiating a "simulated" attack by, e.g., loading the wrong tape into a computer, would be an error of this type. It is obviously not possible to set and enforce a bound on the probability that such an error could occur in an LUA sytem.

Mr. SASSER. Mr. President, let me read the three concluding paragraphs of the OTA report:

Reliance on LUA * * * has some serious drawbacks. Decision time would be very short. Depending on the circumstances, decisionmakers could lack crucial information regarding the extent and intent of the Soviet attack * * * such information could be necessary to gage the proper response. Decisionmakers would also lack an interval between attack and response during which an effort could be made to assess intelligence information, consider diplomatic measures, and signal the intent of the U.S. response.

No matter how much money and ingenuity were devoted to designing safeguards for the U.S. capability to launch under attack, and even if these safeguards were very robust indeed, it would never be possible to eradicate a lingering fear that the Soviets might find some way to sidestep them.

Finally, despite all safeguards, there would always remain the possibility of error; depending on the nature of the error, it could mean a successful Soviet first strike against MX or it could mean a nuclear war started by accident.

Mr. President, I submit to the Senate that this is the issue which must be of overriding concern as we debate the MX.

Mr. President, we cannot afford the potential of limiting the national command authority of this Nation to a launch under attack response to a warning of a Soviet missile launch toward U.S. Minuteman or MX silos. A 1981 report by the International Institute for Strategic Studies entitled, "Can Nuclear War Be Controlled?" outlines the most succinct reason that we must never rely on launch under attack. The report states:

One of the most important lessons of past conflicts and crises is that command and control arrangements never work at the outset as laid down in manuals, and that communications systems and procedures often fail, frequently at the most inopportune times, simply because of human error.

Mr. President, over the years we have spent $40 billion for command, control, and communications facilities to support our strategic forces. The administration has embarked on a $20 billion improvement in the C-cubed capabilities. But as the OTA report indicates, regardless of the amount of money we spend, regardless of the sophisticated technology we employ, we will never be sure enough that the system will work good enough to support launch under attack.

Mr. President, the MX in Minuteman silos is a destabilizing weapons system. It will lead the superpowers closer to a hair-trigger response. It distorts deterrence and in a vulnerable basing mode it increases the chances of nuclear war.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, there are nine main reasons for deploying the MX ICBM in existing Minuteman silos. Such deployment of MX is the absolute minimum U.S. response to the relentless Soviet strategic buildup. The Soviets already have clear strategic superiority over the United States.

I refer to the chart which the President used on a recent television broadcast which shows the numbers of launching vehicles before a first strike by either side.

First, the Soviets already have deployed 820 new ICBM's equivalent to the MX. Last year, the Soviets deployed more MX-size warheads—over 1,000—than the United States plans to deploy late in this decade.

Second, the Soviets are 13 years ahead of the United States in deploying ICBM's equivalent to the MX, and also 13 years ahead of the United States in deploying a new small mobile ICBM.

I would refer Senators to the chart in the back of the room that indicates that deployment.

The Soviets already have 6,000 ICBM warheads, compared to only 2,000 for the United States. MX deployment will only make it 6,000 to 3,000.

Third, the Soviets are already following both of the main Scowcroft Commission recommendations. Before the United States has even tested MX or begun development of another new small mobile ICBM, the Soviets are flight-testing their PL-4 ICBM and their PL-5 ICBM. The PL-4 is better than the MX. The Soviets are already planning to replace the MX equivalent ICBM's they deployed in the mid to late 1970's with the new PL-4 ICBM. The PL-5 is better than the Midgetman U.S. small mobile missile which will not be flight tested until 1990.

Fourth, deployment of 100 MX ICBM's is only one-eighth of the counterforce capability the United States would need to have counterforce parity with the Soviets. This is because the Soviets have well over twice as many hard targets than the United States, which are themselves on the average of over three times as hard as U.S. hard targets. And the Soviets have over three times the U.S. hard target, counterforce capability.

And again I invite the attention of Senators to the large chart at the back of the room.

Fifth, the MX will add, albeit marginally, to the survivability of U.S. strategic forces and ICBM's. This is because the deployment of MX will allow a few more warheads to survive if the United States must ride out a Soviet first strike on our ICBM's.

Moreover, if the United States were to launch our ICBM's from under attack, the MX would provide somewhat more counterforce capability.

Sixth, many experts believe that the Soviets are breaking out of the SALT I ABM Treaty. The Soviets have developed and are deploying a prohibited nationwide ABM defense. The MX's deployment will increase somewhat United States ability to penetrate Soviet ABM defenses.

Seventh, massive U.S. unilateral restraint in strategic force cutbacks over the last 15 years makes MX deployment all the more necessary. Since the late 1960's, the United States has deactivated over 8,000 nuclear warheads. Since 1972, the United States has cut over 710 strategic delivery vehicles either existing or planned for deployment, carrying over 6,000 strategic nuclear warheads. The Reagan administration itself has deactivated 292 strategic delivery vehicles carrying over 500 warheads. In the face of these massive U.S. unilateral strategic deactivations, the United States needs to modernize its ICBM force by deploying MX.

Eighth, the United States should also deploy 100 stockpiled Minuteman III MIRV'd ICBM's at the same time we deploy MX in existing silos. If the United States were to make these stockpiled Minuteman III's additive to our force, and also redeploy Minuteman ICBM's replaced by 100 MX ICBM's, the United States could have 750 MIRV'd ICBM's in our existing silos. While this option would violate the unratified SALT II Treaty and go against the build-down concept, it would strongly bolster United States strategic deterrence capability.

Ninth, over three-quarters of all Soviet strategic warheads are carried on delivery vehicles less than 5 years old.

I refer to a chart that shows comparative age.

In contrast, over three-quarters of all U.S. strategic warheads are carried on delivery vehicles 15 years or more old.

Mr. President, for all of these reasons and more I think it is important that we ratify the action here today by an affirmative vote.

Mr. President, I ask unanimous consent that some additional comments together with attachments thereto be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPLOYING THE MX AS A COUNTERMEASURE AGAINST SOVIET SS-19 HEAVY ICBM DEPLOYMENT CIRCUMVENTING SALT I

Mr. McCLURE. Mr. President, President Reagan recently told the nation that the Soviets have several times more counterforce warheads than the U.S., and that they can destroy almost all U.S. ICBMs in a first strike. This is the measure of Soviet strategic superiority over the U.S.

The Defense Department's most recent edition of Soviet Military Power shows that the Soviets have 6,000 ICBM warheads to America's 2,000. So the Soviets have at least three times the ICBM counterforce capability of the U.S.

Another set of facts further accentuates the Soviet counterforce advantage, however. First, the Soviets have far fewer U.S. hard targets to aim at than the U.S. does, and these U.S. hard targets are much softer than most Soviet hard targets. In contrast, the Soviets have over twice as many hard targets as the U.S., which are on the average three times as hard as U.S. hard targets. Thus it is much more difficult for the U.S. to attack Soviet hard targets than it is for the Soviets to attack U.S. hard targets.

Mr. President, since 1972 when SALT I was signed, the Soviet capability to engage in a counterforce strike against U.S. ICBMs with only a fraction of their own ICBMs has grown by a factor of five or more. Not only do the Soviets have three times the number of ICBM warheads than the U.S. but on the average, these warheads are more accurate, and about ten times as powerful as each U.S. ICBM warhead. This is the second and more important measure of the Soviet hard target advantage over the U.S.

The Soviet SS-19 is the most accurate and lethal Soviet ICBM. Since 1974, the SS-19, which carries six MIRV'd warheads, began replacing 360 single warhead SS-11s. Since then, the Soviets have increased the number of warheads carried on these 360 SS-11s by a factor of five by deploying 360 six-MIRV'd SS-19s in their place. Thus in place of 360 small, inaccurate single SS-11 warheads, the Soviets now have 2,160 large yield, highly accurate SS-19 warheads. This is a 500 percent increase in warhead number along, a net gain of 1,800 warheads.

Since 1973, the Soviets have developed four versions of the SS-19, each one more lethal than the first, and they are about to flight-test at any time a follow-on to the SS-19, which will be even more lethal.

In contrast, four years from now in 1987, the U.S. plans to begin deploying 100 MX ICBMs carrying 10 MIRVs each in 100 silos containing Minuteman IIIs with three MIRVs each. The MX force will have 1000 warheads but it will replace a force with 300 warheads, for a net gain of only 700 warheads. Thus the U.S. will be deploying only one third as many warheads with the MX as the Soviets did with their SS-19. And we have already seen that the U.S. needs many more hard target ICBM warheads than the Soviets even to have counterforce parity with them, due to the wide differences in the target sets each side faces, and warhead yields and accuracies. The planned U.S. MX deployment is only about a two fold increase in the number of U.S. hard target warheads, compared to the five fold increase for the Soviets that their SS-19 represents. The SS-19 is a four fold increase in throw-weight, and at least a ten fold increase in megatonnage.

THE U.S. MX IS THE EQUIVALENT OF THE SOVIET SS-19

The U.S. MX ICBM was designed to have the same throw-weight as the Soviet heavy SS-19 ICBM. The MX is thus the equivalent to the heavy Soviet SS-19 in many ways, except that the SS-19 has been deployed since 1974, and the MX may not be deployed until 1987, over 13 years later. One reason for deploying the MX that is rarely recognized is the fact that the Soviets deceived the U.S. three times regarding the heavy SS-19-MX equivalent in SALT I and SALT II. Moreover, the Soviet heavy SS-19 MX-equivalent violates or circumvents SALT I.

Dr. Henry Kissinger warned Congress on June 15, 1972:

"The possibility always exists that the Soviets will treat the Moscow [SALT I] Agreements as they have sometimes treated earlier ones, as just another tactical opportunity in the protracted conflict. *If this happens, the United States will have to respond . . .* If this agreement were being *circumvented*, obviously we would have to take *compensatory steps* in the strategic field." (Emphasis added.)

During the decade since SALT I, the Soviets have in fact both circumvented and violated both the SALT I Interim Agreement and the SALT I ABM Treaty. Today they are also violating the SALT II Treaty, just as they violated most treaties between 1917 and 1962. But the U.S. has yet to take compensatory countermeasures, as Dr. Kissinger pledged.

One important countermeasure against further Soviet SALT violations is deployment of the MX, which is the equivalent to the notorious Soviet SS-19.

Mr. President, it is necessary for me to remind the Senate of the grisly history of the Soviet SS-19, as we debate the deployment of its American equivalent, the MX.

The Senate Intelligence Committee report of October 1979 on the verifiability of the SALT II Treaty stated in retrospect that:

"The Soviet's unanticipated ability to emplace the much larger SS-19 in a slightly enlarged SS-11 silo *circumvented* the safeguards the United States thought it had obtained in SALT I against the substitution of heavy for light ICBMs." (Emphasis added.)

SOVIET SS-19 DECEPTION

It has long been clear that the Soviets engaged in negotiating deception in May 1972 on the key issue of SALT I—heavy ICBM deployment. After successfully fooling the U.S. into signing a grossly disadvantageous SALT I Interim Agreement, the Soviets then went on to circumvent the agreement by deploying their heavy SS-19 ICBM .

In SALT I, the U.S. gave up entirely its superior ABM capability for worse than nothing—a fivefold increase in the very Soviet offensive capability our ABM was designed to defend against.

What did SALT I say about Soviet deployment of heavy ICBMs? Article II of the SALT I Agreement stated:

"The Parties undertake not to convert land-based launchers for *light ICBMs* or for ICBMs of older types deployed prior to 1964, into land-based launchers for *heavy ICBMs* of types deployed after that time." (Emphasis added.)

As can readily be seen, in order to constitute an effective constraint, this provision calls for a definition of a "heavy ICBM." But unknown to the U.S. in May 1972, the Soviet SS-19 ICBM was indeed a heavy ICBM, both by the U.S. definition, and more significantly, also by the Soviet's own definition. Moreover, the Soviets in May 1972 also had secret plans to deploy the heavy SS-19 very widely as the main replacement for their light SS-11 ICBM. Thus in May, 1972, the Soviet leadership faced a severe negotiating problem. How could they agree to Article II while still deploying the heavy SS-19?

Mr. President, one way that the Soviets could do so was not to agree to the required definition of a heavy ICBM, thus rendering SALT I's Article II ineffectual.

This is exactly what happened. No agreement was reached on a definition of a heavy ICBM, leaving a large loophole in the provision designed to deal with the most important U.S. goal in SALT I: Constraints on Soviet heavy ICBMs. The U.S. finally was forced to offer the following Unilateral Statement on May 26, 1972:

"The U.S. Delegation regrets that the Soviet Delegation has not been willing to agree on a common definition of a heavy missile. Under these circumstances, the U.S. delegation believes it necessary to state the following: *The United States would consider any ICBM having a volume significantly greater than that of the largest light ICBM now operational on either side to be a heavy ICBM.* The U.S. proceeds on the premise that the Soviet side will give due account to this consideration." (Emphasis added.)

Mr. President, at the May 1972 Summit meeting in Moscow where SALT I was resolved, the top Soviet political and military leaders used negotiating deception to mislead President Nixon and Henry Kissinger about their heavy SS-19 ICBM.

On the heavy ICBM issue, the diplomatic record clearly indicates that Soviet negotiators, including the late Soviet President Leonid Brezhnev himself, engaged in negotiating deception on the Soviet SS-19 heavy ICBM. Brezhnev and other Soviet negotiators made many false statements from 1971 to May 1972 which had the intended effect of misleading the U.S. about the size of their then-secret new large ICBM, the heavy SS-19.

Indeed, there is evidence that the Soviets themselves considered the SS-19 to be a heavy ICBM, which it certainly was by U.S. standards. But in May 1972, only the Soviets knew of the existence and size of the heavy SS-19.

Mr. President, the Soviet leaders argued falsely that an agreed definition of a heavy ICBM was unnecessary.

Their most significant deception was their many false statements during the negotiations that they did not intend to replace light ICBMs (the SS-11) with heavy ICBMs. This turned out to be precisely the opposite of their plans, as confirmed by events, and completely contrary to Article II of SALT I. As noted, Article II prohibits just such replacement of light ICBMs with heavy ICBMs.

The Soviets also claimed quite falsely that both sides already knew which ICBMs were heavy, when in fact only the Soviets knew about the SS-19 and its heavy size.

The Soviets went on to argue falsely that this understanding of what ICBMs were heavy would not change during the five year term of SALT I. Of course, the Soviets knew it would take the U.S. several years to determine the large size and heavy throw-weight of their SS-19.

The Soviets actually argued several times that the U.S. could "trust" them not to convert light ICBMs into heavy ICBMs.

In order to further deflect U.S. concerns about heavy ICBMs replacing light ones, the Soviets also suggested that it might be possible to ban a missile like the SS-19 turned out to be, even as they were planning to deploy such a missile widely as the main replacement for their light SS-11. When the U.S. expressed interest in such a ban, they quietly dropped their proposal, which had already achieved its purpose of stimulating U.S. complacency about real Soviet heavy ICBM intentions.

Finally, the Soviets also deceptively bargained to successfully persuade the U.S. to abandon attempts to gain an agreed definition of a heavy ICBM. They did this by arguing that a heavy ICBM definition was superfluous and then by linking resolution of this issue on their terms to resolution of other issues.

The Soviet heavy SS-19 was first test-fired to long range in 1973, and it took the U.S. until 1975 to determine its characteristics. By then, SALT I only had two years until its expiration.

Mr. President, the heavy SS-19 turned out to be 400 percent heavier in throw-weight than the light SS-11, and its volume is about 50 to 60 percent greater than the small SS-11. The deployment of the heavy SS-19 helped to quintuple the Soviet counterforce threat to the U.S. by the time of SALT I's expiration in 1977. Even the Carter Administration conceded publicly that the heavy SS-19 was even more deadly than the super-heavy SS-18, because of the SS-19's enhanced accuracy and larger deployment. There are 326 SS-18s deployed, but 360 SS-19s deployed.

OTHER EVIDENCE OF SS-19 DECEPTION

In addition to the diplomatic record, there is important intelligence evidence indicating Soviet deception on the SS-19. This evidence was acquired in 1972. Congressman Jack Kemp has described this evidence in the Congressional Record, citing William Beecher's article in the Boston Globe of October 10, 1976 entitled "United States May Reply to Soviet Rays."

According to Beecher, the United States eavesdropped on Soviet communications in Moscow in May 1972, during the SALT I negotiations. According to the Congressional Record and to Beecher:

"In May 1972, in the hours immediately preceeding agreement on the SALT I pact in Moscow, a conversation was intercepted in which Soviet Party Chairman Leonid Brezhnev checked with a top weapons expert to get assurance that an about-to-be concluded formula covering permissible silo expansion would allow the Soviets to deploy a *bigger* new missile then under development. That intercept provided the first solid information that the SS-19, as it is now known, was destined to replace some of the relatively small SS-11 missiles, which comprise the bulk of the Soviet ICBM force. The SS-19 has three to four times the throw-weight of the old missile." (Emphasis added. CONGRESSIONAL RECORD, August 2, 1972, p. E 4076.)

There is another description of this evidence. As William Safire wrote in The New York Times of August 6, 1981 ("Deception Managers," page A-23):

"The first inkling of duplicity came to us in May, 1972, via 'Gamma Gupy,' our tuning in to limousine telephone conversations between Leonid Brezhnev, Andrei Gromyko, and Soviet missile designers at the Moscow Summit Conference. These transcripts quoted Mr. Brezhnev talking about a 'main missile' that had never been mentioned in SALT negotiations, which turned out to be the SS-19. The surprised Henry Kissinger considered this 'sharp practice'."

Mr. President, this highly significant intercept occurred on May 26, 1972, just before SALT I was signed. It indicated that the then secret SS-19 was a large, heavy ICBM. Moreover, this intercept also indicated that Brezhnev himself intended the heavy SS-19 to replace the light SS-11 on a large scale. This was precisely what Article II prohibited. Yet Brezhnev and the other top Soviet negotiators repeatedly told U.S. negotiators that the USSR did not intend to replace light ICBMs with heavy ICBMs. Indeed, Soviet negotiators told U.S. negotiators that the U.S. could "trust" the Soviets not to replace light ICBMs with heavy ICBMs.

Thus this intercept conclusively confirms Brezhnev's negotiating deception on their heavy SS-19. Brezhnev knew that the heavy SS-19 would violate or circumvent Article II's prohibition of heavy ICBMs replacing light ICBMs, but he also knew that in May 1972 the U.S. did not then know about the heavy SS-19.

But Brezhnev was cleverly disingenuous about his SALT I negotiating deception at the time of the May 1972 Moscow SALT I Summit. President Nixon, a direct victim of Brezhnev's duplicity on the SS-19, reports that Brezhnev told him then:

"If we are trying to trick one another, why do we need a piece of paper? We are playing clean on our side. The approach of 'catching each other out' is quite inadmissible."

CONFIRMATION OF SOVIET SS-19 DECEPTION IN SALT I

Former SALT I negotiator Gerard Smith, former Defense Secretary James Schlesinger, former Defense Secretary Melvin Laird, former Secretary of State Henry Kissinger, former President Richard Nixon, the leading critic of SALT, Senator Henry Jackson, and even 1976 Presidential Candidate Jimmy Carter have all confirmed that the U.S. was deceived by the Soviets on the heavy SS-19, the key issue of SALT I by all accounts. This negotiating deception in turn constitutes either a violation or a circumvention of SALT I.

Gerard Smith testified to the Senate Armed Services Committee in July 1972:

"If they [the Soviets] tried to deploy in SS-11 holes a missile substantially larger in volume than the SS-11, that would be considered a heavy missile . . . and would be a *violation* . . . We will have to look at what comes along [in new Soviet ICBMs] . . . We have put them on clear notice that any missile having a volume significantly larger than their SS-11, we will consider that as *incompatible* with the Interim Agreement." (Emphasis added.)

Former Defense Secretary Schlesinger conceded two years later, in March 1974:

"What we were *unprepared for* was the enormous expansion of Soviet throw-weight represented by the SS-X-19 as the potential replacement for the SS-11 . . . the SS-17 and SS-19 can no longer be treated as light missiles . . . [the] breadth, depth, and momentum [of the Soviet strategic R&D program] *as now revealed* come as something of a *surprise* to us . . . subsequent to the signing of the [SALT I] agreement, we see a Soviet research and development program of *astonishing* breadth and depth . . . Many people, particularly people in the arms control community, have been *surprised* by the strength of those programs." (Emphasis added.)

Former Defense Secretary Laird explicitly charged in December 1974:

"There is no question that if . . . SS-X-19 missile deployment will go forward in 1975 with a volume of 50 percent greater than the SS-11, such deployment would be in *violation* of the 1972 [SALT I] Interim Agreement." (Emphasis added.)

Mr. President, the distinction between SALT negotiating deception, circumvention, and violation is difficult for most observers to make, partly because the SALT provision, Article II, is imprecise and ambiguous without definitions of light and heavy ICBMs.

The deception in the case of the heavy SS-19, however, was deliberately intended by the Soviets.

According to Dr. Henry Kissinger's authorative biographers, Marvin and Bernard Kalb, Kissinger himself understood Soviet negotiating strategy in SALT even before the negotiations began in 1969. Kissinger believed then that Soviet strategy "would be to engage in arms talks to lull the Americans into a false sense of security."

On June 15, 1972, Dr. Kissinger tried to synthesize the agreed wording of Article II with the U.S. Unilateral definition of a heavy ICBM. Thus he made a U.S. Unilateral Statement appear to be binding upon the Soviets. Kissinger told Senators and Congressmen at the White House:

"First, there is the *safeguard* that no missile *larger* than the heaviest light missile that now exists can be substituted . . . As far as the break between the light and heavy missiles is concerned, we believe we have *assurances* . . ." (Emphasis added.)

Kissinger did not specify the Soviet "assurances," but they presumably were the many Soviet statements that the U.S. could "trust" them not to convert light ICMBs into heavy ICBMs, and the many Soviet pledges that they did not plan to do so.

Mr. President, this June 15, 1972 Kissinger policy statement is wholly inconsistent with the evidence of Brezhnev's May, 1972 deception as described in the Beecher and Safire accounts of the communications intercept above. Serious questions about the dissemination and analysis of intelligence in June 1972 are therefore raised by this inconsistency. Several published accounts of this problem suggest that key intelligence evidence was suppressed. Eugene V. Rostow stated in 1979:

"Kissinger's policy was that the facts about Soviet power and policy of expansion must be 'concealed' from the American people while the government negotiates the 'best deal it can get.'."

Kissinger later made four admissions, however. He himself evidently was "lulled" by the Soviets, and their "assurances" turned out to be completely deceptive.

First, on December 9, 1975, Kissinger stated that:

"We obviously did not know in 1972 what missiles the Soviet Union would be testing in 1974 . . ."

More explicitly, Kissinger openly acknowledged on August 12, 1979, on national television:

"What we did not understand at the time [May, 1972] and on which we had no evidence whatever at the time, because it didn't exist, was that the Soviet Union would construct a missile [the SS-19] which was sort of half way between the SS-11 and the SS-9 . . . *It was simply our lack of knowledge that such a missile existed or could be built* . . . I would call it [Soviet deplomont of the SS-19 after SALT I was signed] *sharp practice.*" (Emphasis added.)

"Sharp practice" in SALT negotiation on the most important issue of SALT I—heavy ICBMS—must be regarded as Soviet negotiating deception. It also represents Soviet violation or circumvention of SALT I as it was explained to the Congress and to the American people.

Kissinger also testified to the Senate Foreign Relations Committee in 1979 that in SALT I:

"We resorted to [Unilateral Statements] ourselves to perhaps an excessive degree in 1972, and in speaking to a group of Congressmen in the White House at the time [on June 15, 1972], *I mentioned unilateral statements that we had made as a restraint on Soviet conduct.* I think experience has shown that the unilateral statements that we have made are *not a restraint on Soviet conduct,* that they do not bind the Soviet Union." (Emphasis added.)

This is a quite remarkable retraction by Kissinger of his 1972 attempt to synthesize Article II and the U.S. Unilateral statement defining a heavy ICBM.

Finally on August 12, 1979, Kissinger also confessed on national television:

"I think the Soviets have pressed against the legal limits of SALT I."

Thus even to Kissinger, SALT I's greatest apologist, the Soviets have come close to violating SALT I, possibly circumventing SALT I in their "sharp practice." But Kissinger also said in 1972 that if SALT I was circumvented by the Soviets, or exploited as a tactical opportunity in the protracted conflict, the U.S. would have to deploy compensating strategic programs. This we have not done, despite the clearcut Soviet circumventions of the SALT I Interim Agreement and ABM Treaty.

Most authoritatively of all, we now have former President Nixon's statement made in 1980:

"First they [the Soviets] try to *deceive* us, in order to disguise their intentions and make us relax our will . . . in some cases, such as substitution of heavy SS-17 and SS-19 ICBMs for the light SS-11s, Soviet force modernization exploited loopholes in the SALT I Agreement *contrary to our understanding of that agreement.*" (Emphasis added.)

Such fundamental U.S. misunderstanding of the terms of SALT I constitutes conclusive confirmation of Soviet negotiating deception and circumvention or violation of SALT I.

Senator Henry Jackson also confirmed Soviet SALT I deception on June 28, 1976, in a very telling statement:

"My interpretation [in 1972] as to what the Soviets could do with the SS-11 turned out to be absolutely true. [Jackson predicted in 1972 that the Soviets would replace the light SS-11 with a heavy ICBM as large as the SS-19.] And what the understanding was on the part of the President's representatives was contrary to that. And as you know, Secretary Laird has said that it is a complete *violation* of the understanding that they [the Nixon Administration] had . . . *We [the Senate] were lied to in SALT I . . . We were lied to by the Secretary, the now Secretary of State Kissinger* . . . It turned out that the things we predicted were right . . . Secretary of Defense Melvin Laird has since corroborated it, that they [the Nixon Administration] were *misled* [by the Soviets]." (Emphasis added.)

1976 Presidential Candidate Jimmy Carter himself even recognized that in general the Soviets had deceived the U.S. in SALT I. During the 1976 campaign he stated that:

"In many instances we've been out-traded by the Soviet Union."

And Candidate Carter asserted that he would be: "much tougher in negotiations."

But this did not prove to be the case in his own resolution of the SS-19 ICBM issue in SALT II.

In an interview in Conservative Digest published in November, 1981, former Director of the Arms Control Agency, Professor Eugene Rostow, was asked if he believed the Soviets engaged in negotiating deception in SALT. Rostow answered:

"In SALT I, they [the Soviets] certainly did [engage in negotiating deception]."

The heavy SS-19 was the key issue of SALT I, and Brezhnev himself played an important role in negotiating on this and all issues of SALT I. As a former top CIA official, Cord Meyer, wrote in 1980:

"The Soviets in the SALT I negotiations succeeded in winning crucial advantages by hard bargaining and by the *deliberate concealment* of the fact that *new types* of ICBMs were ready for testing." (Emphasis added.)

The Reagan Administration even regards the heavy SS-19 to be a large ICBM. In The United States Budget In Brief for Fiscal Year 1983, the Administration declares on page 34 that the U.S. is developing a "new large ICBM, the MX." The MX was explicitly designed to have the same throw-weight as the Soviet SS-19. Thus if the MX is a large ICBM, it follows that its counterpart the SS-19, is also a large ICBM. But the Carter Administration, like the Nixon-Ford Administration before it, insisted on calling the heavy SS-19 a "light" ICBM. And recall that for years after 1972, U.S. Intelligence continuously tried to insist that the SS-19 was a "new small ICBM" for deployment in "new small silos."

SOVIETS DECEIVE U.S. THREE TIMES ON HEAVY SS-19

Mr. President, the Soviets deceived the U.S. twice more on their heavy SS-19, for a total of three times. SALT I's Article II was preserved in the November 1974 Vladivostok SALT II accord, but again without an agreed definition of a heavy ICBM. The Vladivostok Accord, in turn, was the basis for the SALT II Treaty, and Article II was thus carried forward into SALT II unchanged, for a total three times that the U.S. was deceived by the Soviets on their heavy SS-19 ICBM. The Soviets deceived the U.S. on the SS-19 in 1972, 1974, and 1979.

As Winston Churchill III stated in his recent book, "Defending the West":

"The naivete of Western governments and negotiators was matched only by the calculating cynicism of their Soviet counterparts. No sooner was the SALT I agreement signed than the Kremlin launched a test program of an entire new generation of four ICBM systems . . . The massive strategic buildup was to give the Soviet Union . . . strategic superiority over the United States . . . Henry Kissinger and Cyrus Vance were babes in arms when it came to dealing with the Russians, and Kissinger had the frankness to admit as much."

Mr. President, I believe that the history of the Soviet equivalent to the MX, the heavy SS-19, has great relevance to the Congress as we vote on whether to deploy the MX. The Soviets have resorted to negotiating deception and circumvention or violation of SALT I in order to deploy their MX equivalent. They may also violate SALT II again when they flight-test their successor to the SS-19. The U.S. needs to deploy the MX as a minimal response to this dismal history.

THE HART AMENDMENT PROHIBITS TWO U.S. ICBM'S, WHILE THE SOVIETS TEST TWO NEW ICBM'S

(By U.S. Senator James McClure)

SUMMARY

The Scowcroft Commission recommended recently that the US deploy 100 MX ICBMs in existing Minuteman silos, while simultaneously beginning development of a new, small mobile ICBM for first flight test in about 1987. The Hart Amendment, however,

prohibits the US from following both of the Scowcroft Commission's recommendations. The purpose of the Hart Amendment is to enforce US compliance with SALT II, which allows only one new type ICBM. The Appropriations Committees and both the House and the Senate have less than 45 days in which to accept both Scowcroft recommendations or repeal the Hart Amendment. Unless the Hart Amendment is canceled, the US must continue to comply unilaterally with SALT II, and no second new ICBM can be developed.

Meanwhile, in contrast to American restraint, the Soviets are already flight-testing two new ICBMs—a new MX size ICBM and a new small mobile ICBM—in violation of SALT II. Their new small mobile ICBM, the "PL-5" violates five SALT II provisions.

There is an open and shut case, established from official documents and statements, that the Soviets are violating the most important provision of the SALT II Treaty—Article IV, Paragraph 9—by flight testing two new types of ICBMs. SALT II Article IV, Paragraph 9 specifically allows for only one new type ICBM to be flight-tested on each side. The Soviets are flight-testing a new medium ICBM the size of the MX, and a new small mobile ICBM.

The Soviets are violating SALT II by doing precisely what the US is prevented from doing in order to comply with SALT II. The US is prohibited by the "Hart Amendment" to the Fiscal Year 1983 Extended Continuing Resolution from flight-testing the MX ICBM and simultaneously planning to develop a new small ICBM for possible first flight test in 1987 or 1989.

The Hart Amendment to the fiscal year 1983 Extended Continuing Resolution enforces US compliance with the SALT II new type ICBM provision—Article IV, Paragraph 9. The Hart Amendment was, indeed, justified to the Senate for the express purpose of ensuring U.S. compliance with SALT II Article IV, Paragraph 9.

It is clear from the Senate debate that the intent and purpose of the Hart Amendment is to comply with the SALT II Treaty.

On December 20, 1982, Senator Gary Hart (Democrat of Colorado and Presidential Candidate) offered an amendment to the fiscal year 1983 Extended Continuing Resolution Appropriations Bill. This amendment is a significant case of US unilateral compliance with SALT II. Senator Jake Garn (R-Utah) and Senator Steve Symms (R-Idaho) were the only senators to speak and vote against the Hart Amendment. The Hart Amendment states:

"• • • no initial flight test of the MX missile may be conducted until after both Houses of the Congress have agreed • • • [to] a basing mode for such missile." (Emphasis)

MX flight-testing under the Hart Amendment is delayed indefinitely.

Why would any Senator want to delay MX flight-testing? There are no technical, military or economic reasons to do so. The Hart Amendment will delay MX flight testing indefinitely due to the US unilateral policy of complying with the unratified SALT II Treaty. While the wording of the Hart Amendment itself does not specifically mention the unratified SALT II Treaty as the reason for delaying indefinitely the first flight test of the MX ICBM, it is clear that the intent and purpose of the Hart Amendment is to comply with SALT II. Indeed, SALT II compliance is the sole and only purpose of the Hart Amendment, as revealed by Senator Hart's justification for the amendment.

In his December 16, 1982 Senate speech justifying the Hart Amendment, Senator Hart stated that under the terms of "SALT II, . . . each side was limited to the testing of one new ICBM type." This Hart statement establishes clearly the fact that the Hart Amendment was designed solely to enforce U.S. compliance with the new types provision of SALT II. Article IV of SALT II does in fact limit both the U.S. and the U.S.S.R. to only one new type ICBM each. This was what the Carter Administration told the Congress that SALT II achieved. Indeed, the Carter Administration argued that the main constraint of SALT II was the prohibition on no more than one new type ICBM on a side.

Senator Hart went on to argue correctly that the MX ICBM is the one new type ICBM allowed for the U.S. and that any "common missile" or road mobile missile would not be allowed to the U.S. Hart successfully argued that MX could not be flight-tested until the U.S. abandoned plans for a new small road mobile ICBM. These arguments by Senator Hart conclusively establish the fact that the purpose of the Hart Amendment is to comply with SALT II by prohibiting the U.S. from testing no more than one new type ICBM.

Under the second agreed statement to paragraph 9 of Article IV of the unratified SALT II Treaty, the U.S. should not flight test a "new type" ICBM which has a different number of stages, diameter, length, launch weight, or throw-weight from that of the first new ICBM type to be flight-tested.

In other words, once the U.S. initially flight tests the first MX, we could not under SALT II then legally test launch a second new ICBM type which differed from the MX in key parameters by more than 5 percent. A small ICBM would be much smaller in diameter and much shorter in length, and much lighter in launch weight and throw-weight.

Senator Garn stated on December 16, 1982 in a speech against the Hart Amendment: "I said to the Senator from Colorado, the Soviets are testing two or three new types ICBMs right now. Under Senator Hart's interpretation [of SALT II], right now the Soviets are in absolute violation of SALT II three or four times over for the new generation of missiles they are testing." Senator Garn is correct, and his statement thus confirms the fact that the Hart Amendment is intended to enforce U.S. compliance with SALT II.

For the past six years, the first flight test of the MX ICBM has been scheduled for January 1983. Now, under the Hart Amendment, this test is delayed indefinitely, and perhaps permanently, all because of continued U.S. compliance with the unratified SALT II Treaty.

Beyond the above constitutional, legal, and political problems, the Hart Amendment would also have the following deleterious effects on the MX program:

First, it delays MX flight-testing indefinitely, which previously the Congress, the President, and the Joint Chiefs of Staff had all agreed should go forward as soon as possible as a top priority.

Second, it will increase the cost of the MX program.

Meanwhile, the Soviets are violating SALT II by testing two new type ICBMs. The Soviets also have 2 more new type ICBMs ready for testing at any time. In sum, SALT II is not affecting Soviet ICBMs testing, but it is affecting U.S. ICBM testing.

Thus, the U.S. cannot even test the MX and develop a new small ICBM, because the Congress and the President believe that this would violate SALT II. While the Hart Amendment prevents the U.S. from testing the MX, and developing a new small ICBM, in order for the U.S. to comply with SALT II, the Soviets are doing precisely what the U.S. is prevented from doing. The Soviets are testing a new large ICBM and a new small ICBM. If the Congress and the President believe that the U.S. would violate SALT II by testing the MX missile and developing a new small missile, then the Soviets must be violating SALT II by doing precisely that themselves.

Thus by the legislative history of the Hart Amendment, as accepted by the President, there is a clearly agreed U.S. interpretation of SALT II's Article IV Paragraph 9, under which only one new type ICBM is allowed on either side. Under this established U.S. interpretation of SALT II, the Soviets are in violation.

There is very strong evidence that the second new type Soviet ICBM violates SALT II. While there are indeed loopholes and ambiguities in the SALT II Treaty, the provision of SALT II on one new type ICBM is in no way ambiguous. The Soviets are not allowed to make significant changes beyond 5 percent increases in the characteristics, especially throw-weight, of old ICBMs. The only allowable Soviet solid-fuel old ICBM is the SS-13, which was first flight-tested in 1965. It is inconceivable that a new Soviet ICBM, the PL-5 first tested in 1983, would be within 5 percent of the throw-weight of the SS-13. Indeed, the SS-16, first flight-tested in 1972, is a useful guide to estimating the throw-weight of the PL-5. The Soviets are not known to design new missiles inferior to old ones, and if the SS-16 was greatly superior to the old SS-13, the PL-5 is likely to be even more superior.

The SS-16 is somewhat smaller that the old SS-13, but it has 200 percent of the SS-13's throw-weight. By this precedent, and other evidence, the PL-5's throw-weight must be at least comparable to that of the SS-16 and probably greater, which would clearly be more than 5 percent greater that the SS-13's throw-weight. Indeed, it is reported that the PL-5 transporter-erector-launcher is almost two meters longer than that of the SS-16, suggesting that the PL-5 itself is larger than the SS-16 and thus has more throw-weight even than the SS-16. Indeed, on May 4, 1983, General Scowcroft himself testified to the Senate that the Soviets are currently testing "two new kinds" of ICBMs, and he implied that the PL-5 has a Post Boost Vehicle. The SS-13 does not have a Post-Boost Vehicle. Thus the Soviet tests of the PL-5 clearly are tests of a second new type ICBM, and can only be described as a blatant violation of the SALT II Treaty.

I have asked whether or not the weight of the PL-5 warhead is well below half the total throw-weight of the PL-5 missile? If the weight of the PL-5 warhead is less than half the total weight of the PL-5, then this is a violation of the SALT II Treaty, Article IV Paragraph 10, Third Agreed Statement, which states:

"Each party undertakes:

(c) not to flight-test or deploy ICBMs equipped with a single reentry vehicle . . . with a reentry vehicle the weight of which is less than 50 percent of the throw-weight of that ICBM."

In sum, the PL-5 reportedly is at least a triple violation of the SALT II Treaty:

1. Reports of nearly complete encryption of PL-5 telemetry—95 percent to 100 percent—in violation of Article XV;

2. Evidence that the PL-5 has at least 200 percent the throw-weight of the SS-13, making it a new type ICBM (in violation of Article IV, Paragraph 9);

3. Reports that the PL-5 is a modified SS-16, and is carried on a modified SS-16 transporter-erector-launcher, making it a follow-on to the banned SS-16 (in violation of Article IV Paragraph 8 Common Understanding). There is strong evidence from many sources that the PL-5 is indeed an SS-16 follow-on.

If the PL-5's warhead is less than one half of the PL-5's throw-weight, as has been questioned, then the PL-5 could also be in violation of the SALT II Article IV, Paragraph 10, Third Agreed Statement. This would make the fourth SALT II violation achieved by the PL-5.

There are press reports that the PL-5 does indeed have a warhead which weighs less than half of the total PL-5 throw-weight. If these reports are correct, then this would be the PL-5's fourth violation of the SALT II Treaty.

There are also press reports that the PL-5 has always been flight-tested at night, similar to Soviet testing of the related SS-16 and SS-20 mobile missiles. Such flight testing is impossible to observe through reconnaissance. But SALT II prohibits concealment measures which make it impossible to determine the relationship between a missile and its launcher. This would be the PL-5's fifth SALT II violation.

The key element in the Cohen-Nunn strategic "build-down" proposal is the concept of a "new type" ICBM. In order to modernize strategic forces and replace them with fewer new ICBMs, there must be a definition of a "new type" ICBM. Drafts concepts of the "build-down" proposal, both within the Reagan Administration and in the Congress, use the SALT II "new type ICBM" definition, and if there is conclusive evidence of Soviet violation of this provision of SALT II, then the fundamental definition of the "build-down" concept can be called into question.

Mr. President, we now have more than a decade of arms control experience with the Soviet Union. It is certainly time that we start learning from that experience. I am deeply disturbed by the increasing support that has developed for the so-called "build-down" proposal.

Rarely before have we been asked to consciously base new arms control proposals on approaches that have clearly failed, and indeed approaches we are virtually certain the Soviets are violating. This is the effect of the "build-down" proposal.

The "build-down" proposal is conceptually simple. For each "new" weapon introduced by either side, two existing weapons would have to be retired. It would be difficult to conceive of a proposal that is more conceptually disadvantageous to the United States. The Soviet modernization program is far more extensive than that of the United States. The Soviets have introduced 10 variants of at least three new ICBMs that existed in 1972. The US added nothing since 1972.

However, we are faced with the fundamental reality that the effectiveness of such an agreement critically depends upon definition of "new missile". One of the most significant compliance problems with SALT II involves precisely what constitutes a "new" ICBM. SALT II limited both sides to "one new type" of ICBM. It defined "new type" of a missile as one that differed from an existing type (in 1979) by more than 5% in launch weight, throw weight or had a different type of fuel, solid or liquid, and a different number of stages or different number of warheads. We are now virtually certain that the Soviet Union is violating the SALT II new type rule. While the SALT II rule is linked to a different type of limitation (a ban on more than "one new type" rather than a "build-down" linked to "new" types), under both of these cases the effect of the limit is critically linked to the definition and our ability to monitor deviations from existing types of missiles—and Soviet willingness to honor such a commitment once made. Our experience with SALT II suggests there is no meaningful capability to verify Soviet willingness to honor it.

Concerning Soviet ICBM programs, the Secretary of Defense reported in recent months that we have seen:

First tests of a new solid propellant ICBM similar in size and payload to the US MX,

The first test of a new small solid-propellant ICBM, which could be deployed on mobile transporters,

Preparations to begin testing other new ICBMs, probably in 1983.

There are only two possible interpretations of these events. Either the SALT II "new missiles" type limitation is completely ineffective in limiting the growth of Soviet ICBMs or the Soviets are violating the SALT II provision.

In either event, the wisdom of basing the next arms control agreement on a limitation that is either conceptually ineffective or being violated by the Soviet Union is somewhat subject to question.

President Reagan has characterized the test of the second new Soviet ICBMs as "the closest to indicating that it is a violation" of the SALT II Treaty. I believe that this understates the case. There is not significant doubt that the Soviet Union has tested two new ICBMs, and attempted to pass the second one off as a permissible modification of the SS-13 ICBM—something that it could not possibly be.

The new small Soviet ICBM, the PL-5, is a successor to the Soviet SS-16 (which itself may have been clandestinely deployed by the Soviet Union.) The Soviet SS-13 was first tested in 1965. The SS-16 was tested first in 1972. The PL-5 was first tested in February 1983. There is simply no significant possibility that the Soviets would test a new missile in 1983 that was within five percent of the launch weight and throw weight of the SS-13 and first generation ICBM of 1965 vintage.

The Soviet SS-16 is a clear illustration of the impossibility of the PL-5 being within 5 percent of the launch weight and throw weight of the SS-13. In 1975 then Secretary of Defense James Schlesinger reported that, "The SS-X-16 may be slightly smaller in volume than the SS-13, but it carries about twice the throw weight over the same range." How likely would it be that the Soviet Union designed a follow-on missile to the SS-16, using a decade more advanced technology, and designed it to be somewhat larger than the SS-16 and have only half its throw weight or destructive potential? This is, of course, nonsense. However, the fact that the Soviet Union resorted to such an argument indicates how ineffective the "new" missile limitation of SALT II is, and how ineffective a similar limitation tied to a "build-down" proposal would be.

The Soviets did not have to violate the SALT II Treaty. The provision in question could have been complied with and the Soviets could have substantially modernized their forces. In regard to Soviet Liquid fuel ICBMs the provision in question was largely a loophole. Only in the solid fuel missile area was there a significant limitation. The Soviets could well have lived with the introduction of what amounted to three new ICBMs. The very fact that they have done something as blatant as testing a new small solid fuel ICBM with the characteristics of the PL-5, the only thing that they could not conceivably do under any reading of SALT II, is a strong indication of what their intentions are.

The nuclear freeze, like the build-down, is an irresponsible approach to arms control.

A leading apologist for irresponsible approaches to arms control, former CIA Director William Colby, argues that we can verify virtually anything. His logic is quite appealing to those with little understanding of the compliance problem. He has recently stated that, "The Administration's own reports show that we are doing exactly that in our attention to potential violations of SALT II and the steady buildup of Soviet power." The problem, however, is not detecting "potential violations of SALT II" or any other arms control agreement. We literally have had dozens of "potential" violations. The problem is proving that the Soviet Union, a police state that has the most effective internal security system in the world and which places much of its country off limits to foreigners, completely controls its press, and the contacts of its people with foreigners, is actually violating an arms control agreement. This is much more difficult than detecting potential violations. It matters little if we detect potential violations and subject them "to outside scrutiny." The Soviets simply deny them. The only issue, in the last analysis, is whether or not the Soviet Union is violating the treaties and can we prove this.

It is not a simple matter to accuse the Soviet Union of violating an arms control agreement, irrespective of whatever the evidence is. President Reagan has characterized the problem of enforcing compliance in terms of obtaining evidence that will stand up in a court of law. In the words of President Reagan, "If you can't get that kind of courtroom evidence you need, then you can't make the charge of violation." Irrespective of the rightness or wrongness of adopting a judicial standard for arms control compliance (We could not convict the man who shot the President in front of TV cameras in a court of law), it becomes clear that limitations that are subject to detailed technical analysis always involve ambiguity and hence are not effectively enforcable.

Take the recent PL-5 episode as an example. The rationalizations that have been put forward in support of not charging the Soviet Union with a violation are truly amazing. We have been told by various former officials of the Carter Administration that we cannot charge that the PL-5 is a violation because the Soviets are encrypting telemetry to such a degree that it is not possible to determine compliance. (Such telemetry encryption is itself a violation of the agreement.) Another suggested the real fault was with the Reagan Administration not vigorously pursuing these issues with the Soviet Union in the Standing Consultative Commission established by the SALT I Treaties. As Professor George Friedman of Dickenson College has observed, these statements are "extraordinary, condemning not the Russians for their violations but the

President for reporting them to the public. This sophistry by the Democrats should be borne in mind by all of us as we grope toward a decision on the future of American nuclear policy."

The Soviets are virtually certain to violate the "new" missiles limit of SALT II twice more this year. They will test follow-on missiles to both their SS-18 and SS-19 ICBMs. SALT II prohibits the follow-on missiles from being any larger in launch weight and throw weight. Do we really believe that the Soviet Union has invested billions of dollars to develop new missiles, and will spend tens of billions to deploy new missiles, that are no better than their existing missiles?

If the so-called "build down" proposal was in effect, these two missiles would be allowed, but the Soviet Union would have to retire twice the number of warheads carried for every one of the new missiles they deployed. Does anyone believe that they would do this? Or would they simply claim that the two new follow-on missiles were permissible modifications of the SS-18 or SS-19? Irrespective of how we wrote the "new" missile definition—even if we draft a far more restrictive version than included in SALT II—the Soviet Union will always claim that whatever they test meets the criteria for permissible modification. Thus the question will always be: are we prepared to pursue compliance vigorously despite the supposed political costs of accusing the Soviet Union of violations? Thus far, our experience with arms control compliance issues does not suggest that we are willing to take the necessary action to enforce compliance or to generate a penalty for Soviet non-compliance.

Thus in the future we should only pursue limitations that are subject to high confidence verification, and insist on cooperative procedures that are required for verification. The "build-down proposal" is simply an invitation to sign another agreement that virtually amounts to unilateral disarmament of the United States.

SOVIET VIOLATIONS OF SALT II

SS-18 rapid reload and refire.

Covert deployment of 100 to 200 SS-16's at Plesetsk Test Range.

AS-3 Kangaroo long range ASM on 100 TU-95 Bear bombers.

New long range ASM on Bears.

Deployment of long range ASM's on Backfire bombers.

Almost total (95-98 percent) encryption of telemetry.

ICBM: SS-18 Mod X; PL-4.

SLCM: SS-NX-19.

SLBM: SS-NX-20.

IRBM/ICBM: SS-20.

Total encryption on second new ICBM-PLS.

2 new ICBM's in development tests.

Direct attack on U.S. digital imaging satellite.

Wide spread camouflage, concealment, deception.

SOVIET VIOLATIONS OF GENEVA PROTOCOL AND BIOLOGICAL AND TOXIN WEAPONS CONVENTION

BW manufacture and storage at Sverdlovsk and Zagorsk.

Percent other suspect production and storage facilities.

Expansion of BW facilities after 1972 and 1975, continuing today.

CW and toxin weapons employment and assistance to satellites: Kampuchea, Laos, Afghanistan.

Toxin assassination weapons.

SOVIET VIOLATIONS OF KENNEDY-KHRUSHCHEV CUBA AGREEMENT

Soviet offensive capabilities deployed to Cuba.

Combat brigade.

Golf and Echo class nuclear submarines.

Nuclear capable aircraft.

Mig-23; Bear—TU-95 D,F (TU-142, with operable bomb bays).

Military communications center.

Use of Cuba as revolutionary base:

Training terrorists and revolutionary forces.

Equipment supply to revolutionary forces.

DGI 4th largest intelligence organization.

Supply of drugs (heroin) to illegal drug dealers in U.S. probable BW/CW facility.

SOVIET VIOLATIONS

Threshold Test Ban Treaty (1974):

Over 15 Soviet tests above 150 kilotons (2 with lowest possible yield above 150).

Limited Test Ban Treaty (1963):

Over 30 unambiguous Soviet ventings of radioactive debris.

SOVIET SALT I VIOLATIONS AND CIRCUMVENTIONS

Anti-Ballistic Missile (ABM) Treaty:

SAM testing in ABM mode—SAM-5, SAM-10, SAM-12.

Deployment of ABM battle management radars.

ABM camouflage and concealment.

Falsification of ABM deactivation use of new test range without prior notification.

Development of a rapidly deployable, mobile ABM.

SOVIET SALT I VIOLATIONS AND CIRCUMVENTIONS

Interim agreement:

Deployment of the heavy SS-19 ICBM as the replacement of the light SS-11.

Failure to deactivate old ICBMs on time, and continuous falsification of official deactivation reports.

Bringing back ICBM equipment to deactivated ICBM complexes.

Keeping 18 SS-9 ICBMS at an ICBM test range illegally operational.

Soviet deployment of "IIIX" silos with a configuration too similar to a missile-launch silo.

Increased use of deliberate camouflage, concealment, and deception.

Encryption of missile telemetry.

Camouflage of ICBM testing, production, deployment.

Concealment of SLBM submarine construction, berthing, dummy subs, construction of berthing tunnels.

Constructing over 68 strategic submarines, when only 62 were allowed.

Violation of Brezhnev's pledge not to build mobile ICBM's.

Deploying SS-11 ICBM's at SS-4 medium range ballistic missile (MRBM) sites.

Keeping about 1,300 to several thousand old ICBMS stockpiled for both covert soft launch and rapid reload of silos for refire.

BASIC PRINCIPLES OF RELATIONS

Better mutual understanding and business-like cooperation.

In the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence.

Normal relations based on the principles of sovereignty, equality, noninterference in internal affairs and mutual advantage.

Spirit of reciprocity, mutual accommodation and mutual benefit.

Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives.

Promote conditions in which all countries will live in peace and security and will not be subject to outside interference in their internal affairs.

Commercial and economic ties as an important and necessary element in the strengthening of their bilateral relations and thus will actively promote the growth of such ties.

The two sides consider it timely and useful to develop mutual contracts and cooperation in the fields of science and technology.

[From the New York Post, May 20, 1983]

SECRET REPLY ON NUKE TEST

(By Rowland Evans and Robert Novak)

In a response described by Pentagon and intelligence community hardliners as "false and contemptuous," the Soviet Union on May 12 sent a formal reply to President Reagan's understated complaint early this month about Soviet SALT II violations. The White House is keeping the response—and even its existence—secret for the present.

The response, sent to Secretary of State George Shultz, brushed off the principal question raised by the U.S.: whether the Feb. 8 Soviet test of an intercontinental ballistics missile violated a formula in the treaty on what is called the missile's throw-weight.

Under the terms of the treaty, which the U.S. has not ratified, but along with the Soviet Union has agreed to abide by, the warhead weight may not be less than 50 percent of the throw-weight. The reason for this is highly technical. It is designed to prevent one side from deceiving the other on the number of warheads that might be placed on a new missile.

Nor did the Soviet response to the long, five-page U.S. complaint come to grips with U.S. protests on Soviet encryption of telemetry transmissions from the missile during the test. SALT II drastically limits either side's right to conceal these performance reports.

The Soviet reply claimed that the disputed new missile was well within treaty limits for modernizing existing missiles and was not the one "new-type" missile each side may test and deploy under the terms of the treaty. But the U.S. privately claims that, to the contrary, the test had strong earmarks of being that of a new missile. Since the Soviets have confirmed that they flight-tested a new type of missile last fall, the Feb. 8 test appeared to violate the limitation on more than one such new weapon.

Adding to suspicions within the administration that the Soviets are giving false answers to the U.S. was the fact that only a few days after the U.S. letter was handed to Soviet Ambassador Anatoly Dobrynin, another test of the disputed missile was conducted on May 5 from the Plesetsk range.

Analysts in Washington say it breached yet another part of the treaty. It was conducted at night, raising strong suspicion that the Soviets were deliberately contriving to conceal from the U.S. the relationship between the missile itself and its launcher. That relationship is another requirement under terms of the treaty.

President Reagan made clear in his press conference Tuesday night that, although he is deeply suspicious about Soviet violations, he is wary about making a major public issue of it because he is not certain. Some specialists doubt that under the often am-

biguous terms of the treaty it will ever be possible to be absolutely certain—until too late.

[From the Washington Times, May 20, 1983]

U.S., SOVIET AIR FINDING OF ARMS PACT VIOLATIONS

(By Bill Kling)

Substantial evidence of Soviet violations of arms control agreements with the United States has been uncovered by a high-level White House investigating team and "is being discussed" with the U.S.S.R., a senior administration official confirmed yesterday.

The official also discussed that President Reagan, at a morning meeting with his White House staff yesterday, ordered administration consultations with Congress to clear the way for a possible decision, perhaps this morning, on the proposed sale of sophisticated F-16 warplanes to Israel.

Consultations with Congress were carried out yesterday on whether the F-16 sale to Israel "should go forward or be held in abeyance longer," the official told the Washington Times in an interview. There was no indication when Reagan's decision would be announced.

The official also discussed the possible Middle East ramifications of some recent Soviet military movements, pending United States-Soviet talks on a possible long-term grain deal and the current Reagan administration assessment of Soviet weapons development.

"Evidence (of Soviet arms violations) is mounting on a wider scale and, I might add, that evidence is being discussed at a certain level with the Soviets now," the official said.

Information obtained in the special investigation is under continuing review by a White House committee under the chairmanship of William Clark, Reagan's national security adviser, the official said, and will be presented to the president "when we're satisfied with the quantum of evidence on the several issues."

Reagan, during his nationally televised White House press conference Tuesday night, acknowledged there is "reason to believe" the Soviets have tested new weapons in violation of arms control agreements "but we don't have solid evidence."

Several weeks ago, a senior administration official indicated that the Reagan administration, spurred by demands from Capitol Hill, had not ruled out the possibility of issuing a comprehensive public report on Soviet violations of a number of agreements with the United States.

One such demand for public disclosure of Soviet treaty infractions came from Sen. James A. McClure, R-Idaho, chairman of the Senate Republican Conference, who wrote Reagan a five-page letter April 25 seeking information and White House understandings about Soviet missile testing and "conclusive evidence of Soviet violation of the biological and chemical warfare treaties.

A spokesman for McClure said yesterday that the senator has received a brief response from David Gergen, White House communications director, acknowledging receipt of McClure's request and promising a more substantive answer later.

The administration official told The Washington Times that United States intelligence-gathering systems have detected "no evidence of a switch in priorities" toward the manufacture of consumer goods rather than weapons in the Soviet Union under Yuri Andropov.

"We know it's been discussed within the party and the government, but I am unaware of any change in priorities," the official said.

On the Middle East, the official said the White House still is hopeful that Syria eventually will agree to withdraw its troops from Lebanon even though Syrian officials have refused to discuss the matter with Philip Habib, Reagan's special envoy in the area.

The official indicated that the Reagan administration is "very concerned about the Soviet buildup in the past four months leading to 7,000 Soviet troops and technicians around the new SAM (surface-to-air missile) sites and an increased Soviet naval presence in the eastern Mediterranean on the one hand, (and) on the other, we feel it is really in no one's interest, including the Soviets, that hostilities (in the Middle East) reopen."

"And yet, as each day goes by, we recognize the risk heightens that there could be an incident, a triggering mechanism for hostilities, and that is why the push not only by ourselves but by Arab neighbors on Syria to do the correct thing . . . and to move on back," the official said.

The official denied that the administration had offered any long-term grain deal with the Soviets.

"It was more a communication from (Secretary of State) George Shultz to Mr. (Anatoliy) Dobrynin (Soviet ambassador to the United States) that the consensus in the administration was that we explore the possibilities of a long-term grain agreement," the official said. "Would they be interested in sitting down to discuss that exploration, and after some three weeks' time? The answer was 'yes.'"

[From the Washington Post, Apr. 21, 1983]

BLIND EYE ON CENTRAL AMERICA

(By George F. Will)

To begin, a two-question quiz.

First question: since détente was codified at the Nixon-Brezhnev summit in 1973, the Soviet Union has forced a nuclear alert by threatening to intervene with troops in the October 1973 war in the Middle East (a war incited and financed by the Soviet Union); has organized and financed the destruction of the Paris accords and a U.S. ally; has intervened with Cubans and others in Angola, Ethiopia, Yemen, Cambodia, Nicaragua and El Salvador; has invaded Afghanistan; has orchestrated the crushing of Poland; has made a mockery of the Helsinki agreements; has repeatedly violated the informally agreed-to threshold test ban treaty (although we even changed the way we measure violations, in an effort to avoid the need to make protests that would dampen détente); has tried to murder the pope; is violating the terms of SALT II (an amazing feat, considering that SALT II is a tissue of loopholes and ambiguities); is funding and organizing terrorism worldwide; and is continuing an arms buildup unambiguously designed for political intimidation and military aggression. The first quiz question is: why is there a "return to the Cold War"?

Answer: President Reagan gave a speech referring to the Soviet Union as an evil empire.

Second question: the Soviet Union has an army brigade (2,600-3,000 men), 2,500 military advisers (increased 500 last year) and 6,000-8,000 civilian advisers in Cuba. It gave Cuba 66,000 metric tons of military supplies in 1981, 68,000 in 1982 (worth $1 billion). Moscow's annual economic aid to Cuba is $4 billion (more than one-quarter of Cuba's GNP). Cuba has 200 MiGs, including two squadrons of MiG-23 Floggers, at least 650 tanks, at least 90 helicopters, including MI24 attack helicopters, a Koni-class frigate, two Foxtrot attack submarines, at least 50 torpedo attack boats, two amphibious assault ships. A Grenada minister says Cuba will use Grenada's new airport when supplying Cubans in Africa. Cuba, with one-seventh of Mexico's population, has military forces twice the size of Mexico's. The Soviet Union is giving 20 times more military assistance to Cuba than the United States is giving to all of Latin America. In the newest Soviet satellite, Nicaragua, 39 percent of all males over 18 are in uniform, and the regime intends to build a 250,000-person armed force, so one in 10 Nicaraguans will soon be in the military or militia. (All of Honduras' security forces total 20,000. El Salvador's total 32,000.) Nicaragua's regime has built 36 new military bases and garrisons (the previous regime had 13). Nicaraguan pilots and mechanics are being trained in Bulgaria. The regime has received, so far, 50 Soviet tanks, 1,000 East German trucks, 100 anti-aircraft guns, Soviet 152-millimeter howitzers with a range of 17 miles. Cuba has 4,000 to 5,000 civilian advisers in Nicaragua, plus 2,000 military and security advisers. There also are East Germans, Bulgarians, North Koreans, Soviets and members of the PLO. The second quiz question is: about what in Central America does Congress seem most worried?

Answer: fifty-five U.S. trainers in El Salvador.

Events in Central America are spinning rapidly toward a decisive moment in U.S. history. None of the fictions that were used to rationalize acceptance of defeat in Vietnam can be used regarding Central America. The threat there is close, clear and indisputably communist. There the United States will show—will learn—whether it is any longer capable of asserting the will a great power requires, or whether the slide into paralysis is irreversible.

Governments such as Costa Rica's and Panama's are listening as congressional complaints mount. The complaints are against U.S. assistance to armed opponents of Nicaragua's Stalinists, and about even minimal aid for the democratically elected government of El Salvador that is under attack from forces that are extensions, through Nicaragua and Cuba, of the Soviet Union.

The conjunction of these complaints can mean, in effect, the extension of the Brezhnev doctrine in this hemisphere. That is, communist attacks on a regime leech away the regime's legitimacy, and produce pressures for negotiations aimed at "power-sharing" with Stalinists who do not believe in sharing power. But a communist regime, however, freshly planted and dependent on foreign totalitarians, as in Nicaragua, must be treated as legitimate and irreversible.

There is a war raging, and if all the substantial, determined military assistance is one-way, there can be but one result. The result will be a communist Central America, and an Iran just a wade across the Rio Grande.

TWO NEW SOVIET STRATEGIC MISSILES

Within four months, the Soviet Union has launched two new intercontinental ballistic missiles (ICBMs). In a top-secret report, the American Central Intelligence Agency describes the two missiles as the PL-4 and the

PL-5. With these launchings, the Soviet Union appears to have violated the 1980 Salt-2 treaty, which has not been ratified by the United States, in three ways.

The PL-4 was launched on October 26th. Apparently the first stage failed to ignite and the test was aborted. It seems to be a variation of the mirved, four-warhead SS-17. It uses solid fuel (unlike most Soviet missiles). Solid fuel is easier for ground crews to handle; its use enables scientists to make missiles more accurate. All American missiles except the ageing Titans use it.

The PL-4 was also tested last December. The Soviet ambassador to the United States, Anatoly Dobrynin, informed the state department about it and said that this was the one new missile allotted to the Soviet Union under the terms of Salt-2.

The second missile, the PL-5, was launched from the remote Plesetsk range on February 8th. It is light, mobile and intercontinental. It is described as a variation of the SS-16. This was an enlargement by a third-stage rocket of the SS-20, which cannot reach beyond west European targets; it was banned under Salt-2.

According to the CIA, the three violations of Salt-2 are:

The testing of the PL-5 violates article four of Salt-2's Agreed Statements and Common Understandings referring to the SS-16.

The PL-5 violates article four's limit of only one new land-based missile being tested by each signatory. For the Soviet Union, the argument runs, the PL-4 is the new missile; for the United States it will be the MX.

For the first time, the Soviet Union has encrypted all of its radio telemetry during a test. This contravenes article 15 of Salt-2 which says that "neither party shall engage in deliberate denial of telemetric information, such as through the use of telemetry encryption, whenever such denial impedes vertification of compliance with the treaty".

Encryption makes radio transmissions from the missile to its base illegible to outsiders. Normally these transmissions, when intercepted by the Americans, allow the defence department to decide whether the missile test is in compliance with Salt. Telemetry can tell the United States the weight of the missile at launching; its carrying capacity (throw weight); the number of warheads aboard; the type of fuel; and procedures for releasing the warheads.

Soviet encryption has been increasing. Early tests of the new Soviet submarine-launched ballistic missile (SLBM), the SS-NX-20, fired from the new Typhoon submarine, have been 80 percent encrypted. The remaining 20 percent contained enough information to enable the United States to decide what kind of missile it was. Another test of the missile late last year, however, was 95 percent encrypted. When the PL-4 was tested in December, says the CIA, it was 98 percent encrypted. The test of the PL-5 on February 8th was 100 percent encrypted.

These Soviet missile developments seem certain to set off a new nuclear debate in the United States. The CIA is worred about the Soviet Union's growing advantage in strategic weapons over the United States as the Americans phase out old B-52 bombers and Titan missiles and the Russians add strategic bombers.

This CIA table, which does not include the 10-warhead Soviet SS-NX-20 and the 330-odd intermediate-range SS-20s or the American MX and cruise, gives the latest American analysis:

	January 1981		July 1981		January 1983	
	U.S.A.	U.S.S.R.	U.S.A.	U.S.S.R.	U.S.A.	U.S.S.R.
ICBM's	1,054	1,398	1,053	1,398	1,046	1,398
SLBM's	576	950	544	950	544	950
Heavy bombers	348	356	347	356	300	430
Total	1,978	2,704	1,944	2,704	1,890	2,778

[From the New York Times, May 2, 1983]

WHEN MOSCOW CHEATS ON ARMS

To the EDITOR: The demand by several leading Democrats, among them Senators Cranston and Pell, that the Administration not publicize evidence that the Soviets are in violation of the 1979 arms limitation agreements (news story April 22) is shocking and ought to raise serious doubts about the wisdom of any future arms control agreements.

The two Senators, who have both been in the forefront of critics of secrecy in foreign policy, are now urging the withholding of information which would damage policies which they support. This turnabout on the public's right to know raises serious doubts about the sincerity of their previous position and the wisdom of their current views.

One of the chief objections to any nuclear arms reduction agreement has been that the Russians are likely to cheat and thereby gain a secret, and potentially catastrophic, advantage over the U.S. Additionally, some have felt that, even if violations were detected, political interests in this country would be such that no serious response would be likely.

For one thing, Soviet violations would be an embarrassment to those who supported the treaties and who would then do anything to pretend that they were in fact working. For another, the U.S. has, along with the liberal democracies of Western Europe, a deep social and political aversion to the financial strains involved in an arms race.

Prior to World War II, we did everything possible to avoid confronting the evidence that Germany was grossly violating legal limits on its armed forces. So, too, opponents of nuclear arms treaties fear that future leaders would be loath to incur the expense of rebuilding nuclear forces, no matter what the evidence of Soviet violations and no matter how terrible the consequences of their willful self-delusion. The Democrats' current behavior has done much to confirm these fears.

The statement by Senator Pell that publicizing Soviet violations "would be widely interpreted as a cheap shot tactic to build support for the Administration's arms program," and not a serious attempt to deal with suspected Soviet violations is extraordinary, condeming not the Russians for their violations but the President for reporting them to the public.

This sophistry by the Democrats should be borne in mind by all of us as we grope toward a decision on the future of American nuclear policy.

GEORGE FRIEDMAN,
Associate Professor of Political Science, Dickinson College.

[From Businessweek, May 9, 1983]

BLOW THE WHISTLE ON ARMS CHEATING?

A bitter argument is raging within the Reagan Administration over whether to publicize Soviet violations of arms agreements. The State Dept. argues that publicly denouncing Soviet violations would make the negotiation of new agreements even more difficult. Hard-liners led by National Security Adviser William P. Clark counter that the President's military budget—to which Reagan has clung despite a revolt among congressional Republicans—can be justified only by exposing the continuing Soviet military buildup.

The confrontation pits Clark and his staff against Secretary of State George P. Shultz and his, with conservatives and liberals on Capitol Hill joining in. Shultz believes that harping on Soviet duplicity would add to the image of a bellicose and inflexible Ronald Reagan, already rampant in Western Europe. In the highly complex negotiations, State maintains, it is almost impossible to document violations conclusively. Clark's group argues that it is precisely the lack of publicity given to recent blatant Soviet treaty violations that has skewed understanding of disarmament in both Europe and the U.S. In an effort to resolve the issue, Clark has been named to head a task force to make recommendations to the President.

OVERWHELMING EVIDENCE

Reagan told a press conference early this year: "You could say, 'I'm convinced that these are violations,' but it would have been very difficult to find the hard evidence to make it hold up in court. This last [Soviet test] comes the closest to indicating that it is a violation." Reagan was referring to the testing of intercontinental ballistic missiles limited under the SALT II treaty—and part of the informal agreement undertaken by both sides after the Senate refused the Carter Administration's request to ratify the treaty following the Soviet invasion of Afghanistan.

The Pentagon document Soviet Military Power, issued in March, listed three specific new Soviet ICBM violations. Moscow claims that a new solid-propellant ICBM is a modification of its SS-13. The U.S. calls it a new missile, the PL-5, after the Plesetsk Test Range where is was fired on Feb. 8. Furthermore, the PL-5 is the second new Soviet ICBM tested, and Article IV permits development of only one new ICBM during the treaty's life. At Plesetsk, the Russians also deployed SS-16s, banned under a prohibition against mobile ICBMs.

In January, when the Russians tested the SS-NX-20—a missile launched from the Soviets' new Typhoon-class submarines that has a range of 5,000 mi. and carries 12 warheads—95 percent of the signals were in cipher. The treaty requires signals understandable to anyone listening. "A violation of this part of the agreement—which we would quickly detect—would be just as serious as a violation of the limits on strategic weapons themselves," said Henry A. Kissinger, who began the negotiations for the agreement. Another ICBM test by the Soviets this year violated a treaty clause that a warhead may constitute no less than 50 percent of the weight of the total reentry package.

Last year, General David C. Jones, then Chairman of the Joint Chiefs of Staff, referred to possible violations of the antiballistic missile treaty. And the U.S. suspects that the Soviets are violating limits on overall nuclear testing. Referring to Afghanistan, Cambodia, and Laos, the President, in his State of the Union message in January, said: "Given the overwhelming evidence of Soviet violations of chemical and biological weapons, we also insist that any agreement we sign can and will be verifiable."

[From the New York Times, May 12, 1983]

U.S. SEES NEW SOVIET ARMS VIOLATION

(By Hedrick Smith)

WASHINGTON, May 11.—In two high-level private diplomatic approaches, the Reagan Administration has accused the Soviet Union of testing two new intercontinental missiles and asked Moscow to explain why this does not violate the 1979 strategic arms agreement, American officials disclosed today.

The second nuclear arms treaty permits each nation to test and develop only one new intercontinental missile.

Administration officials reported that new concerns had been raised by a second Soviet test of a missile known here as the Plesetsk-5. The first test of the missile on Feb. 8 led to political questions here about possible Soviet treaty violations.

Pentagon and State Department officials said the initial analysis of the latest Soviet test, conducted early last Thursday, had not been completed, but the missile involved appeared to be the same one tested in February. Much to American frustration, the officials said, the electronic data from the test had been "heavily encrypted" by the Soviet Union.

TWO PREVIOUS TESTS

Administration sources and American representatives about two earlier tests, in October and February, were made to the Soviet Union in late April through the joint Special Consultative Committee in Vienna. The sources said the Americans responded more forcefully in a follow-up meeting on May 5 between Acting Secretary of State Kenneth W. Dam and the Soviet Ambassador to the United States, Anatoly F. Dobrynin.

Ambassador Dobrynin met again with Mr. Dam today at Soviet request, possibly to deliver the Kremlin's response, but American officials declined to discuss the substance of the meeting and Mr. Dobrynin could not be reached.

After the session, however, American officials said United States concerns had not been put to rest and uncertainties about the pattern of Soviet tests had "not been resolved."

Although Mr. Reagan opposed the 1979 nuclear arms agreement when he was a candidate in 1980 and has declined as President to press for its ratification, his Administration has observed it in practice.

The Administration has recently come under pressure from Senate Republican conservatives to accuse Moscow publicly of violating this treaty, among others, on grounds that the Russians had tested two new intercontinental missiles and had heavily encoded data from the tests to foil American monitoring operations. The treaty bans encoding that impedes verification of compliance.

President Reagan, after edging toward public confrontation with Moscow, indicated at a new conference on April 22 that the Administration preferred first to pursue the matter through private diplomatic channels. Although he said earlier that there has been "increasingly serious ground for questioning" Soviet compliance with the treaty, he emphasized in April the difficulty of obtaining "hard and fast evidence."

A few days later, Administration officials said, a complaint was made to the Soviet Union by Ambassador Richard Ellis, the American representative on the Special Consultative Committee.

The committee is a panel set up to deal with interpretations and complaints under Soviet-American nuclear arms treaties. Until now the Reagan Administration had used it sparingly to deal with the 1979 arms treaty.

A FORCEFUL RESPONSE

Administration officials said a more forceful, higher-level follow-up was made by Mr. Dam with Ambassador Dobrynin to emphasize the seriousness of American concern. Mr. Dam reportedly asked for a speedy Soviet reply.

In both cases, however, the United States was reported to have stopped short of accusing Moscow of violating the arms treaty. But in what was described as a tough representation Mr. Dam took some issue with previous Soviet explanations of the Feb. 8 missile tests, officials said.

In response to initial American inquiries back in February, Moscow told the United States that the Plesetsk-5 missile was a modified version of the three-stage, solid-fuel SS-13 missile permitted under the 1979 treaty. The Kremlin had already identified the Plesetsk-4 missile as the one new intercontinental ballistic missile permitted under the treaty.

Mr. Dam was said to have told Ambassador Dobrynin that American analysis indicated the Plesetsk-5 exhibited characteristics that exceeded the modifications permitted under the treaty for an old missile—5 percent change in length, diameter, launch weight and throw weight, and a clear retention of a single warhead—and thus it technically constituted a new missile.

THE ISSUE OF CODING

Some American officials were concerned that the latest Soviet test constituted an indirect Russian reply, adding to American anxieties that Moscow was proceeding with two new missiles.

These officials said the electronic telemetry data from the test was totally encoded, which many officials considered a violation of the 1979 treaty.

But other officials said the Soviet encoding had not been total, and cautioned that American assessment of the test would be hampered by the fact that an American radar-equipped tracking ship, vital to United States monitoring of Soviet missile tests, had not been on station for the May 5 test.

These officials said American interpretation of the Feb. 8 test had also been hampered because not all American intelligence-gathering equipment was functioning that day.

[From the Washington Post, May 12, 1983]

NEW SOVIET ICBM TEST CONCERNS ADMINISTRATION

(By Walter Pincus)

The Reagan adminsitration is "seriously concerned" about a third test flight last week of a Soviet ICBM that may violate the SALT II treaty, according to a top-ranking government official.

The May 4 test came as American officials were trying through diplomatic channels to determine from the Soviets whether a violation had occurred during two earlier tests of the small, solid-fueled missile.

"Nobody has any conclusive information" on the latest shot, one government official said yesterday. He added that there were "anomalies" in the data collected that might indicate either that the Soviets had tried to hide electronic information about the test or that U.S. monitoring systems had not functioned properly.

The test, like the earlier ones, was held at night "so that we could not see the mobile launcher," according to one source familiar with intelligence data.

In Geneva, American representatives at the Standing Consultative Commission, which monitors adherence to U.S.-Soviet arms treaties, have raised questions about Soviet missile testing, according to Washington sources.

And just days before the May 4 test, the United States took an unusual step by putting a series of questions about the two earlier tests to Soviet Ambassador Anatoliy F. Dobrynin. No response has been received, according to government sources.

Answers received in Geneva and from the questions given Dobrynin will be included in an interagency verification committee study ordered by President Reagan and directed by national security adviser William P. Clark. That study is to determine whether SALT II has been violated, and if so, what the U.S. response should be.

Last week's test, according to one conservative source on Capitol Hill, was Moscow's "contemptuous response" to the administration's questions. Conservatives have urged the administration to go public with information about alleged Soviet SALT II violations before new strategic arms negotiations in Geneva.

Under SALT II, both the United States and the Soviet Union agreed to limit themselves to one new ICBM. Although the treaty has not been ratified, both sides have said they will respect its provisions.

Last October, the Soviets tested a large, solid-fueled ICBM which, Dobrynin later said, was the one permitted under SALT II. Then on Feb. 8, the Soviets test fired the smaller ICBM and later told the United States if was a modification of an older missile, the SS-13. The smaller missile was tested again in March and failed.

Some U.S. analysts said the second missile exceeded the modification limits set by SALT II. Reagan administration officials called the data "somewhat ambiguous" and said they would await another test to see if they could prove a violation.

[From the Washington Times, May 25, 1983]

NEW SOVIET MISSILE VIOLATES SALT, EXPERTS CLAIM

(By Russell Warren Howe)

Soviet tests this year of a new-design single-warhead missile appear to be in contravention of SALT II, U.S. strategic warfare experts report, citing actual and circumstantial evidence.

The tests reportedly were conducted at Plesetsk, about 200 miles south of the White Sea.

Sen. James A. McClure, R-Idaho, has written President Reagan, claiming that this is only one of a series of Soviet breaches of SALT I, SALT II and the threshold test ban treaty.

Defense sources confirmed yesterday that there had been two tests of the new weapon, which the United States designates as PL-5. But they declined to label the tests as a breach of SALT II, pending further investigation of the nature of the missile, which they said could be a permitted modification of an earlier weapon.

Certain modifications are allowed under the 1979 agreement.

The first test of the PL-5 (Plesetsk launch-5) was on Feb. 8, the second on May 5.

McClure insists that the launches were a double violation of the arms limitation treaty because they involve a second new Soviet ground-launched intercontinental ballistic missile and because, at the second test, "all the telemetry was encrypted."

SALT II allows only one new strategic ICBM to both the United States and the Soviet Union. Moscow has designated the SSC-24 (also known at the PL-4) as its permitted weapon. The new U.S. system is the MX.

The pact forbids more than partial encrypting (encoding) of telemetry—the signals sent back by the missile which enable both sides to monitor its range, weight, number of warheads, type of fuel, warhead-release methods and performance.

The United States does not encrypt telemetry at all; the Soviet Union always encrypts part of it. Strategic missile experts say considerably less than 50 percent needs to be left unencrypted to permit SALT verifications.

Defense sources say the PL-5 has the same solid-fuel booster as the SSX-24. They compare the weapon to the proposed U.S. Armadillo or "Midgetman" missile, which would be an American breach of SALT II if tested before the treaty expires on Dec. 31, 1985. Armadillo is still at the design stage.

Soviet ICBMs in existence on May 1, 1979, when SALT II was signed, were the SS-11, SS-13, SS-16, SS-17, SS-18 and SS-19. Moscow agreed not to deploy the SS-16, then in the test phase.

The Senate has not ratified SALT II but both the U.S. and Soviet governments have agreed to observe its terms.

Modifications not permitted under the treaty are more than 5 percent increases in length, diameter, launch weight and throw weight, the addition of a further rocket stage—which increases range—or a change from liquid to solid fuel.

The SSX-24 had an abortive test on Oct. 26, 1982, when its first stage failed to ignite. This was reported at the time to be a major variation of the four-warhead SS-17, but reliable U.S. sources emphatically denied this.

"It was as different from the SS-17 as MX is from Minuteman," one of these sources told The Washington Times. "It was an entirely new weapon."

The SSX-24 was successfully tested last December, and Soviet Ambassador Anatoly Dobrynin informed the State Department that it was Moscow's permitted new ICBM. When the PL-5 was first launched, British intelligence described it as a modification of the SS-16, deployment of which is forbidden under SALT II. The SS-16 is the triple-warhead SS-20 (a medium-range weapon deployed against Western European and Asian targets) with a third rocket stage added to give it intercontinental range.

The Soviet Union says PL-5 is a permitted modification of the SS-13, a single-warhead missile. All U.S. sources questioned agreed that it was a single-warhead weapon, but Dave Sullivan, a McClure aide, claims it has an SS-16-type launcher. He says the throw weight (explosive power over distance) of the PL-15's is "200 percent" greater than SS-13s, thus exceeding the SALT-II 5 percent limit.

The SS-13 was, until last year, Moscow's only ICBM using solid fuel—a technology 20 years old in the United States.

Solid fuel, which has the consistency of a pencil eraser, occupies less space and burns in its container, obviating the need for the pumping mechanisms which move liquid fuel to the combustion chamber. This improvement in propulsion technology makes ICBMs much smaller and more effective.

McClure says that the circumstantial evidence that Moscow is not telling the full truth about the PL-5 comes partly from the alleged second violation—the total encryption—and partly from the fact that, at both launches, the missile was moved from its manufacturing plant at night and launched from a camouflaged launcher in a wooded area.

U.S. spy satellites thus got no clear picture of the launcher, raising the suspicion that it was not an SS-13 launcher, but one designed for a new weapon.

On May 12, Dobrynin responded to U.S. complaints about the PL-5 tests. The State Department will not reveal the contents of Dobrynin's memorandum but defense sources say he ignored an American query on whether the PL-5 warhead was less than 50 percent of the missile's throw weight, which would be a further breach of SALT-II.

This treaty clause was intended to ensure that range is not increased by reducing the number of warheads on a missile. Dobrynin's silence on this point has raised suspicions that the Russians may have put a single warhead on a banned SS-16 missile.

Official U.S. sources denied a suggestion that the Reagan administration was delaying open condemnation of the missile as a treaty breach to avoid poisoning the atmosphere at the stalemated Geneva arms-reduction talks even further.

Mr. STENNIS. Mr. President, for the opposition, I yield 10 minutes to the Senator from Vermont.

Mr. LEAHY. I thank my friend from Mississippi.

Mr. President, in Senate Concurrent Resolution 26, which would release funds for the MX, the Senate once again turns to the most divisive and difficult strategic issue this country has faced since the ABM. The MX missile program has preoccupied four administrations, drained scarce defense dollars, skewed American arms control policy, and plagued Congress. Until very recently, only one point of agreement stood out like a beacon amid the turmoil and dissension: The highly accurate, 10-warhead, hard-target-killing MX had to be based survivably if Congress was to approve funding for the program.

President Reagan has come to the Congress with a new recommendation, based on the findings of the Commission on Strategic Forces so ably chaired by Gen. Brent Scowcroft. Mail from my constituents in Vermont has overwhelmingly—virtually unanimously—condemned the President's decision. They know that racetrack basing, interim basing in silos, and dense pack have all been proposed and rejected. Vermonters are aware that over the last decade this has been the fate of more than 30 basing modes.

Now, after more months of study, we are back to a dressed-up version of the President's interim silo basing option of 1981. He asks us to approve placing 100 MX missiles in vulnerable Minuteman silos. Perhaps in honor of George Orwell, we ought to refer to this latest plan as "long-term interim basing."

Basing the MX in vulnerable silos is as unnecessary, wasteful, and destabilizing now as it was when we rejected it in 1981. Nothing has changed in the strategic equation.

Why, then, are we preparing to vote on a funding resolution which will open the way to procurement and development of the MX in Minuteman silos? It is because of the strange, perverse outcome of the Scowcroft Commission on Strategic Forces.

President Reagan's decision last December to appoint this Commission, coming on the heels of defeat of his dense pack scheme, was one of the most important and sensible things he has done in strategic affairs. Though I certainly cannot take any credit for his decision, this was a step I urged during the debate on dense pack. The draining experience of the MX debate had convinced me of the imperative need for a detached, sober, and objective analysis of our strategic triad and the future of fixed intercontinental ballistic missiles in our deterrent force.

I believed such a Commission should have had a broader membership, including representatives from both parties, as well as persons experienced in foreign policy.

It should have had much more time to accomplish its goals, and wider terms of reference to examine American strategic policy and posture. The fact that the Commission was composed primarily of "national security" experts, all of whom had favored the MX in the past, did not enhance my confidence in its impartiality and breadth. The political reality, quite frankly, was that the Commission's top priority was to find a plausible framework for gaining congressional approval of MX deployment. In saying this, I do not wish to appear to be casting aspersions on the outstanding men who made up the Scowcroft panel. Within the realities which bound them, they have done a superb job. If one subtracts the politically driven MX conclusion from the report, the Commission has performed a great service to the Nation.

I sent the members of the Commission a letter outlining my ideas about how the United States might forge a sound strategic modernization and arms control policy. Leaving aside MX, I am struck by the similarities between the Commission's views and my own on the future directions of U.S. strategic modernization and arms control. I ask unanimous consent that the text of my letter to the Scowcroft Commission be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, this is why I can say that the Commission's final report is as encouraging as it is disappointing.

On the positive side, the report contains a lucid and compelling analysis of the strategic problems confronting the United States. It offers a set of recommendations for strategic modernization and arms control objectives that, in the main, I can support.

In fact, if we were to subtract all its findings except one, the Commission did an important service by exposing the hollowness of the catch phrase "window of vulnerability." For once and for all, they closed the window of vulnerability. I applaud the President in admitting and accepting the fact that in his campaign slogans and the expression he used in 2½ years as President, he was wrong, and that indeed we have not had a window of vulnerability.

Our overall deterrent is sound; there is no reason for haste or panic in deciding how to deal with the problem of vulnerable, fixed, land-based intercontinental missiles.

The report also candidly admits that the decision made in the late 1960's to take "advantage" of our temporary technological lead to deploy multiple, independently targetable warheads instead of seeking to ban them in SALT I was a terrible mistake. The vast growth in the numbers of warheads on accurate land-based MIRV'd missiles was the single most destabilizing step in the sad history of the arms race.

The Soviets have concentrated on land-based MIRV's while we emphasized sea-based MIRV's. Now, we find our silo-based Minuteman force increasingly vulnerable to a Soviet first strike. This is not a scenario in which I place much stock. Nevertheless, it must be resolved in the interests of strategic stability.

The Scowcroft Commission rightly concludes that in our national interest we must turn away from vulnerable MIRV'd ICBM's. A sensible modernization policy calls for us to replace MIRV'd ICBM's with a survivable ICBM force made up of small, probably mobile missiles with single warheads.

In conjunction, the report recommends that we alter U.S. arms control policy to seek to negotiate an agreement with the Soviets to make this move together. I have no illusions that such an agreement would be easy to negotiate. A move away from land-based MIRV's would be hard for the Soviets, given their heavy dependence of these missiles for deterrence. But, it is the right way to go if we are not to seek a mutual, verifiable freeze which would stop all new deployments on both sides.

In light of this cogent analysis, I am deeply disappointed that the Commission members also concluded that we should deploy 100 MX missiles in what they themselves concede are vulnerable Minuteman silos. That recommendation totally contradicts the main lines of the report. I can only conclude that the members felt they had no option but to include that recommendation regardless of what the analysis showed.

Essentially, the President, in embracing the Commission's report, offers four main arguments for deploying 100 MX in Minuteman silos: Political perceptions, NATO cohesion, military effectiveness, and arms control leverage. Let me address each of these briefly.

POLITICAL PERCEPTIONS

The President has devoted quite a bit of time on television and elsewhere explaining how weak the United States is and how powerful the Soviets are. After frightening the American public and our allies and emboldening the Soviets, the President now tells us we have to deploy this weapon, even vulnerably, in order to show the Kremlin that we have the will to keep up our side of the arms race.

My answer to President Reagan is that the United States is not weak—it is immensely strong. We do not depend on a single weapon system, however costly, for our military power. Indeed, this country has a broad nuclear modernization program underway now, including several variants of cruise missiles, new submarines, and the Trident I sea-launched ballistic missile. Moreover, we have the Trident II sea-launched ballistic missile under development, and it will be ready for deployment only a couple of years after MX. Not only will Trident II be as capable as the MX militarily, but also it will be survivable at sea. Our B-52's and current Minuteman ICBM's are being constantly upgraded and modernized to maintain their effectiveness.

I do not believe the Soviet Union will be deceived if we proceed as the President proposes. The Soviets are realists, and they know why the Scowcroft Commission reached its conclusion on MX. They are much more likely to be impressed by decisions to expand and accelerate highly effective strategic modernization programs such as Trident, Stealth, and cruise missiles than by a transparent political compromise like deploying as few MX as possible in existing Minuteman silos.

In my views, political perceptions in this country, among our allies, and in Moscow would be more positively affected by an intelligent decision to refuse to waste money, technology, and energy on a vulnerable system.

We should not forget that this country does not have an inexhaustible supply of money. It does not have an inexhaustible supply of technology. It does not have an inexhaustible supply of energy. To waste it on a system that will not work means that we are detracting it from systems that might well work.

What would strengthen political perceptions of American will and determination would be for the President to take the lead in forging a solid, lasting bipartisan consensus around a strong strategic modernization program without the wasteful MX.

NATO COHESION

The real argument here is that if we do not deploy the MX, the NATO allies might refuse to accept deployment of Pershing II and ground-launched cruise missiles in Europe.

If such a linkage is the foundation upon which our allies make fundamental decisions on measures to strengthen their security, then NATO truly is in trouble. I do not believe the argument. Far more important for our allies' attitudes on Pershing and GLCM is the overall strategic modernization and arms control policy of the Reagan administration. If the President insists on deploying a potential first-strike weapon like MX, especially in a vulnerable basing mode, while allowing the START and INF negotiations to continue to stagnate, this will have a terribly deterimental impact on our allies' confidence in our ability to maintain stability. Above all, the allies want to be confident that we can effectively manage a stable strategic relationship with the Soviet Union. Lowering our heads and plunging on with a destabilizing weapons program is far more likely to frighten NATO than a sound decision to shape a broad-based strategic modernization and arms control policy.

MILITARY EFFECTIVENESS

If we accept the President's recommendation, for an absolute minimum expenditure of $16 billion in new funds, we will be getting a system that will be as vulnerable to a Soviet first strike as the Minuteman it replaces. By the end of this decade, MX would contribute as little as 3 percent of surviving U.S. hard-target capable warheads after a Soviet first strike, according to a recent study by the Congressional Budget Office. That same study concludes that by 1996, MX's contribution to surviving hard target capable warheads could be as low as 1 percent. So much for MX's military contribution. What about stability?

In deploying a vulnerable, 10-warhead, highly accurate missile with superb hard target kill capability, we will be presenting the Soviets with a target that is not only tempting, but in a time of deep crisis imperative for them to destroy. We have less than 25 percent of our warheads on ICBM's, but the Soviets have 70 percent. We could ride out a first strike, but they would be terribly fearful of having their ICBM's caught in their silos. One of the declared aims of deploying

MX would be to make the Soviets face the same kind of vulnerability we ourserves face. An intelligent strategic policy would be to avoid a situation in which either side felt so vulnerable it was tempted to strike first.

ARMS CONTROL LEVERAGE

This is perhaps the most confused and specious of all the arguments offered in support of the MX recommendation. According to this logic, the way to reductions is to deploy more weapons. The President contends the Soviet Union will not be interested in reductions unless they see us committed to deploying the MX.

However, lest anyone think the administration means to put the MX on the negotiating table to seek Soviet reductions, they are wrong. Administration spokesmen have repeatedly made it clear that it is what he would do after the first 100 MX's are deployed that is supposed to frighten the Soviets into reductions.

Frankly, I do not believe the Soviets can be cowed into serious negotiations. I think they formulate their positions based on how they view their essential security requirements, and what American programs they believe they might be able to constrain at acceptable cost. I doubt that Moscow will be impressed by American systems of dubious strategic value.

In that case, MX is the worst sort of bargaining chip. It is not really necessary for our security; yet, the administration insists it must be deployed in order to demonstrate seriousness and resolve. Quite frankly, I think it demonstrates doubt and indecision.

The net result is that we are not likely to get significant concessions from the Soviets in Geneva. Why should the Soviets trade anything to stop a deployment the administration insists must go forward regardless of START? In the end, we will be stuck with an ineffective, vulnerable, destabilizing, and costly MX force in Minuteman silos.

Inevitably, pressures will then grow to do more. First, Congress will be asked to authorize a second tranche of missiles—another 100—so that we can really pose a credible first strike threat against Soviet silos. Second, we will hear cries to amend or abrogate the ABM Treaty so that the vulnerable MX in silos can be defended. These steps will be terribly destabilizing and dangerous, but I have no doubt they will be billed as essential "to increase our bargaining leverage."

As much as I want to help reestablish a bipartisan national security policy, I simply cannot accept the logic of the President's recommendation to deploy 100 MX in vulnerable silos. In fact, there is no logic in this recommendation. The President refers to the MX as the "peacekeeper." After reading the Scowcroft report, I think a better name would be the "facesaver." If we really were to call this the "facesaver" missile, I wonder how many votes it would get.

We cannot afford $16 billion to save anybody's face. We cannot afford to run greater risks of nuclear war so the President can redeem a campaign promise. We cannot afford to be taken in by vague, nonenforceable promises about new seriousness on strategic arms control.

Does putting MX in vulnerable silos make sense? No, it does not. Let us drop that idea right now. Does a broad strategic modernization program in the context of a serious and genuine arms control negotiation make sense? Yes, it does. Let us draw together behind such an approach right now.

Mr. President, I urge my colleagues to join me in voting "no" on Senate Concurrent Resolution 26.

EXHIBIT 1

FEBRUARY 2, 1983.

Hon. MAX FRIEDERSDORF,
Congressional Liaison, Commission on the Future of Strategic Forces, The White House, Washington, D.C.

DEAR MR. FRIEDERSDORF: It has come to my attention that the Commission on the Future of Strategic Forces is inviting the views of Members of Congress. The overriding importance of politically sustainable decisions on U.S. strategic programs makes it essential that a plan be developed that can command a consensus in the Congress and the nation. I welcome the Commission's desire to take the views of Congress into account as it prepares its report to the President.

DENSE PACK BASING

My views on Dense Pack basing were set out in a speech to the Senate on December 16. A copy is enclosed for your reference. Briefly stated, I do not believe the United States should make such a major strategic decision on the basis of untested, unknown and theoretical nuclear phenomena. Introduction of Dense Pack, or any variant that I have heard discussed, appears to lead inexorably to some form of ballistic missile defense.

I have two fundamental objections to setting this country on a course toward ballistic missile defense. First, I am profoundly skeptical that any affordable, technically reliable, and effective anti-ballistic missile system can be developed and deployed in the foreseeable future. I have no confidence that current ABM systems can provide adequate defense of Dense Pack or similar type of basing mode in which missiles are either stationary or have limited mobility within a confined area. As you will note from my December 16 remarks, I believe that a central question which needs to be seriously, objectively, and independently addressed is whether the advance of missile accuracy and the vast proliferation of warheads has made fixed or limited mobility ICBMs obsolete as a frontline component of American strategic deterrent forces.

Second, I foresee great pressures to move beyond a limited ABM defense, should the United States eventually take that first step. Arguments would be made that a large scale ABM defense was required. The ABM Treaty would be jeopardized. Loss of this vitally important treaty is too great a price to pay for problematical gains in ICBM survivability from ABM deployment.

OTHER BASING MODES

As I understand it, more than 30 basing alternatives for the MX have been studied over the past decade. None have proven feasible, either for technical, survivability, cost or political reasons, or some combination of these. Unless by some stroke of ingenuity the Commission can come up with some as yet unknown basing arrangement which meets the basic tests of acceptability, my view is that it is now time to conclude that, with the best of will, the experts cannot devise a satisfactory way to base the MX.

This leads me to some observations about the MX missile itself. Up to this point I have reserved taking a definitive position on deployment of the MX. However, you are probably aware that I have been very critical of it.

Bluntly, I am convinced the size, design, capabilities and deployment plans for the MX missile stem more from a desire to match perceived Soviet ICBM counterforce or hard-target-kill capabilities than from an effort to enhance stability, reduce the risks of nuclear war, and control conflict should it break out. In sum, the underlying concept of this oversized missile is defective, independent of basing considerations.

The United States should make decisions on its strategic doctrine and force posture based on American, *not* Soviet conceptions of deterrence. Fortunately for us, our strategic planners designed a diverse synergistic nuclear deterrent such that the vulnerability of one part does not mean the vulnerability of the whole. Why should we seek to compete with the Soviets in their own misplaced emphasis on land-based missiles?

RESHAPING AMERICAN STRATEGIC FORCES

It will be clear from my December 16 speech that I believe an independent, nonpartisan commission needs to be formed to examine the strategic triad. That commission should have broad representation from the two political parties, strategic and arms control experts, and from sectors of the American public. It should have a comprehensive mandate and adequate time to accomplish so large a task. The present commission has a much narrower membership and less than two months to prepared a report to the President. The seriousness of the issues still warrants the kind of review I originally called for.

Nevertheless, I think it is important to offer views on an approach to modernizing and enhancing American strategic strength which can command political support and public confidence. Such an approach would, in my opinion, contain the following elements:

1. An explicit declaration by the President that the United States possesses an unquestioned capability to retaliate against any level or form of Soviet aggression against itself or its allies. He should make clear that this capability arises from the totality of American nuclear forces, and not from any single element of them.

2. The inability to devise a cost-effective, technically feasible, and politically acceptable basing mode for the MX missile does not undermine the fundamental soundness of American nuclear deterrent forces. The United States can safely abandon the MX missile, for which no basing mode can be found, and reprogram some of the resources thus freed to other components of the strategic triad.

3. Beginning immediately, the United States should place greater emphasis on strengthening the survivable legs of the

triad, our missile-launching submarines and bombers. The Trident submarine program should be accelerated and enlarged. The Trident II missile (D-5) should be preferentially funded and its deployment advanced. The Advanced Technology Bomber (Stealth) and current and advanced cruise missile programs should be pressed forward. It should be made clear that in the interim, modernized and improved B-52 bombers armed with cruise missiles will be able to maintain the credibility and effectiveness of the bomber forces.

4. The present Minuteman ICBM force could be retained, both for its utility as a supplement to the principal submarine and bomber deterrent forces, and for leverage in arms control negotiations. Because of its perceived vulnerability, no attempt should be made to give Minuteman additional counterforce capabilities. Should enhanced counterforce capabilities be required in the future, these should be obtained from secure sea-borne Trident D-5 missiles.

5. As insurance against unforeseen vulnerabilities in the submarine deterrent force, or improvements in Soviet air defenses against bombers and cruise missiles, research and development should begin immediately on a small ICBM which would be designed to be genuinely mobile. In parallel, mobility options such as air-, rail- and road-mobile should be studied. A small mobile ICBM program would provide additional leverage in arms control negotiations. It would maintain a hedge against the failure of arms control to lead to major reductions in land-based missiles. The United States would thus retain the option of a new, mobile ICBM for the 1990s, should this prove necessary.

6. Mutual, verifiable arms control should remain a central element of American national security policy. The immediate objective should be an agreement for substantial reductions, stringent limitations on modernization of existing systems, and a ban on the deployment of new types of strategic systems. Should the Soviet Union refuse to accept a fair, balanced American proposal, the United States should be prepared to proceed with the modernization of its strategic nuclear forces as outlined.

I fully realize that the approach described here is at variance with the present Administration's perception of the strategic balance, and its objectives for new American deployments. Nevertheless, it is clear to me that the President's course is unlikely to obtain broad political and public support. The consequence will be continued devisive debate, inability to reallocate limited resources to other essential programs, and a weakened U.S. position at the START negotiations. In the national interest, we must take a fresh, bipartisan approach to maintaining America's strategic deterrent capabilities, one which includes a firm commitment to seeking an arms control agreement which would enable us safely to avoid a new escalation of the arms race.

With profound best wishes to all the members of the Commission as they pursue this vital issue.

Sincerely,

PATRICK J. LEAHY,
U.S. Senator.

Mr. LEAHY. Mr. President, I yield back the remainder of my time to the Senator from Mississippi.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Montana (Mr. MELCHER).

Mr. MELCHER. I thank the Senator from Mississippi.

Mr. President, reality prompts me to say at the outset of this Senate floor statement that my goal—first, last, and always—is reduction of nuclear armaments. The reduction of nuclear arms depends upon, first, an agreement for limitation of the building up of nuclear arsenals between the Soviets and ourselves that can be mutually verified. The first such treaty, SALT I, has not been followed by an approval of the second treaty, SALT II.

To pursue the common goal of moving into an agreement of mutually verifiable nuclear arms limitation, the Senate is called upon to make two basic judgments. The first: It is possible to move toward that common goal now by producing the MX? The second: How can the MX add to the deterrence of nuclear war?

To make those judgment calls, I believe it is necessary to review the pertinent past strategy of the nuclear arms buildup and the theory of deterrence of nuclear war.

Since the mid-1950's, when the Soviet Union first developed the capability to deliver a nuclear strike to our shores, we have followed a nuclear strategy known as MAD, M-A-D, which is the abbreviation for Mutual Assured Destruction. It means that both we and the Soviets would be destroyed. It means radioactive destruction of life in our two countries, which also means life throughout the world would be destroyed because of nuclear radioactive fallout carried by air and water.

This "MAD" strategy was built around the idea of a nuclear arsenal possessing enough destructive force to destroy any attacking country, combined with the will to use our nuclear weapons. This policy was designed to deter a nuclear attack, on the principle that it would be insane for any country to initiate the use of nuclear weapons because that nation would surely be destroyed in return. That has been calculated on the basis of the nuclear material in the combined warheads of Russia and ourselves, and it is assured overkill to end life for man, animals, and all life, and devastate the Earth.

In recent years there has been more and more criticism of this policy. Some believe limited nuclear war will be necessary and possible, without a holocaust. That is horrible enough to contemplate, but there is little or no evidence that a few nuclear warheads from either or both sides in a war will not be met with more and more warheads from both sides.

Yet another direction that has been advocated for an alternative to the mutual assured destruction policy is the development of new ways to base nuclear weapons so that it would be impossible for an attacking nation to destroy our arsenal, thus making such an attack less likely. This alternative has been the avowed goal of the supporters of the MX missile.

That brings up the question: Will 100 MX missiles in silos help to deter nuclear war? I believe that, on the basis of the known facts, the answer has to be a definite "no."

The MX missile is advocated with a special purpose—that it be well hidden. In order to deter attack, it is advocated, the MX must be able to survive an attack in sufficient numbers to use for retaliatory purposes. The first serious proposal for the basing of the MX missile was known as the multiple aim point mode of basing, later nicknamed the "shell game." The idea of this proposal was that if a large number of missile silos could be constructed, 6 to 12 for each MX missile, and the missile was then moved randomly between silos, the Soviet military could never be sure that they could destroy these land-based missiles with a preemptive attack. Because of the high cost estimates of this proposal, the Carter administration scrapped it in favor of the race-track basing mode, which also involved moving the MX missiles to various points, with so many possible fixed points that the Soviets could not target them for destruction. This plan failed because of cost and the large amounts of land and water needed.

There have been other basing proposals, such as launching the MX from wide-body jets that would take off in times of crisis and stay airborne, or carrying the missiles on mobile underwater launch platforms in our coastal waters. All of these were attempts to hide the MX missiles and deter the Soviets from taking the chance of starting a nuclear war.

The challenge today is still the same—to find a better way to deter nuclear war than relying on "MAD." MAD can also be termed this planet's holocaust.

Placing the MX missile in missile silos does not meet our needs for a better system of deterrence. In fixed silos, the MX is just as vulnerable as the Minuteman missiles are to a first strike. As early as 1979, Paul Nitze, who is now chief U.S. negotiator for the intermediate nuclear forces negotiations going on in Geneva, said that "The survivability of our ICBM force is rapidly decreasing, and there is general agreement that during the 1980's 90 percent of our ICBM's could be destroyed by a Soviet attack that expends less than one-third of their ICBM force."

The Air Force has recently revised its worst case estimates upward, to indicate that by 1989 as little as 1 per-

cent of the U.S. land-based missile force might survive a "well-executed Soviet first strike" on our existing silos.

The MX is a new, more powerful missile that is still vulnerable at a fixed point. The result is that, instead of providing more stability and a greater deterrence to nuclear war, we create even more nuclear instability. There would be a greater reliance on the more powerful MX than on the Minuteman missiles. Consequently, if there were uncertainty as to whether the Soviets actually had taken the crazy risk, for whatever reason, and launched an attack on the MX and the Minuteman missile silos, there would be even more pressure on the President to launch a counterstrike with the MX and Minuteman missiles before they could be destroyed.

Deploying MX missiles to create a bargaining chip with the Soviets in the strategic arms limitation talks makes no sense. Building a new missile system at a cost of $18 to $20 billion as part of a nuclear arms limitation agreement does not lend credibility to that goal. If the MX is built and deployed, nuclear armament is enlarged and invites greater Soviet buildup. That is just commonsense. If the United States and the Soviet Union are serious about limiting the growth of nuclear weapons, we can get on with an agreement now without the MX. The threat to build the MX is much more of a bargaining chip than is the completed MX.

Some people in the administration say that if we do not put in the MX, then the Europeans will not deploy the Pershing II missiles on their own territory. I do not go along with the European scenario. They say that the Europeans want to make sure that we take the nuclear risks that they do. This argument is specious. The Europeans will make their decisions on the Pershing II missiles based on their own evaluation of whether or not this improves their national security.

The facts are clear: There is no such thing as a limited nuclear war. I made this argument in 1977 in opposition to the decision to proceed with the production and deployment of the neutron bomb. If nuclear weapons are ever used, the result would be a nuclear holocaust. With the United States-Soviet capability of mutual assured destruction, we have created the capability to destroy the Earth. This could happen through miscalculation, accident, or the act of a madman. The Scowcroft Commission's report cannot avoid that reality. Rather than taking another step to escalate the nuclear arms race, we should emphasize the reduction of nuclear arms on both sides and move away from this brink.

I believe, as I did in 1977 when I told the Senate:

> To advance into a new nuclear weapon system is argued to be a deterrent to nuclear war. That is a false hope not related to the basic self-protection of either individuals or nations. The deterrent to nuclear warfare is the fear of self-destruction. Nations involved in war, when the enemy uses a nuclear weapons, retaliate with whatever nuclear weapons they have. That is the sure and ultimate result from the use of nuclear weapons.
>
> For my part, I resist the call for new nuclear weapons. I resist it as a Senator, but, in a broader sense, I resist it as a member of the human race, given, I believe, by the will of God, along with the rest of mankind, temporary and humble stewardship over this Earth on which we live.

I shall vote against this resolution.

Mr. President, I yield back time I may have remaining.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. QUAYLE. Mr. President, I rise in support of the MX.

I believe that we have to modernize our ICBM's. I believe it is important that four Presidents have requested the MX missile. If we do not act today we will never act.

I am enthusiastic about the Scowcroft Commission and its recommendation on linking MX to arms control and going to a single warhead known as the Midgetman.

I believe that the vote yesterday in the House of Representatives, though overwhelming, should not be misinterpreted. I also believe that the vote today in the Senate will be rather substantial.

This is not a vote for MX alone. MX by itself on a strictly military basis would not get 35 votes in this Chamber.

What we are voting for and the reason that MX will pass is that we are voting for MX and arms control.

So I do not believe there should be any popping of champagne bottles after the vote here today because this is only the beginning, the beginning on how we are going to get a serious arms control endeavor, how we are going to link our strategic modernization to leverage at arms control is imperative and very important.

I hope, Mr. President, that it will be a significant vote, but I also hope that the words that come out of here and are reported and interpreted are that this is a vote for arms control and MX.

The Scowcroft Commission linked the two. Everyone has embraced the Scowcroft Commission. I do, and I believe that is the reason in and of itself why there is a reversal of opinion concerning the MX and it should not go unnoticed.

I thank the distinguished Senator from Mississippi for yielding me 2 minutes.

Mr. STENNIS. I thank the Senator for yielding back the time he did not use.

I yield 1 minute to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I wish to open my remarks in support of the vote that will occur this afternoon by stressing my personal gratitude to each and every member of the Scowcroft Commission. I have had the privilege over the years to work with General Scowcroft in a number of his important capacities in public service. He indeed has distinguished himself on behalf of his Nation as have all other members of the Commission.

I think those of us in the Senate took particular pride when our colleague, the former Senator from New Jersey (Mr. Brady) volunteered so shortly after the departure from the Senate to again render service to his Nation.

I would also like to commend others who worked with the Commission. Especially noteworthy were the efforts of Dr. Marvin Atkins, executive director, Capt. Herbert Hetu, USN (Ret.), public relations, and Max L. Friedersdorf, who assisted with the important task of legislative liaison.

Mr. President, in the course of this critical debate on funding for procurement of the MX missile and for engineering development of a basing mode, we cannot underestimate the importance of this issue. This debate focuses on the long-term national security of the United States and our expectations for arms control.

For more than three decades, the world has avoided nuclear conflict, in large measure because of the effective policy of deterrence that has been effected by the United States. Our primary objective has been, and must continue to be, to deter the use of even a single nuclear weapon. But in the words of the Scowcroft Commission, "Deterrence is not, and cannot be bluff." They go on to say:

> Deterrence is not an abstract notion amenable to simple quantification. Still less is it a mirror image of what would deter ourselves. Deterrence is a set of beliefs in the minds of the Soviet leaders, given their own values and attitudes, about our capabilities and our will. It requires us to determine, as best we can, what would deter them from considering aggression, even in a crisis—not to determine what would deter us.

If the United States is to maintain an effective deterrent, it is absolutely essential that we retain the highest level of capability across our strategic triad. From the beginning, our triad has had three legs—land, sea, and air. To a degree, the survivability of each system is dependent upon the effectiveness (degree of modernization) of the other two. The crediblity of our triad is a direct function of the vary-

ing degrees of survivability of the three systems as a whole. The measure of that credibility is the cornerstone of our strategic deterrent.

The diversity inherent in our land-based ICBM's, the submarine launched ballistic missile force, and the strategic bomber force serves to complicate Soviet planning and thereby contributes to deterrence. By maintaining three unique legs of the triad, we provide insurance against a breakthrough in any one area that would lessen the credibility of our overall deterrent.

In addition, each leg of the strategic triad complements the strengths and addresses the weaknesses of the other two legs. This synergistic relationship is such that the triad's total deterrent effect is greater than the sum of its individual parts.

Similarly, the survivability of the aggregate deterrent may well prove to be greater than the survivability of any single component thereof.

In my view, the Scowcroft Commission has rendered an important service in giving new emphasis to this essential reality.

The Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services has reviewed in great detail the various aspects of the proposed strategic force modernization program. We have considered at length the justifications for upgrading our strategic command, control and communications network, for enhancing our sea-based deterrent, and for revitalizing the capabilities of America's strategic bomber force. We have determined that systems now entering the inventory such as the Trident missiles and submarines, and the air-launched and sea-launched cruise missiles are doing much to preserve the effectiveness of the U.S. deterrent even during the current period in which the land-based missile force has been put at risk.

After more than a decade of relative complacency with respect to our strategic forces, we have finally begun to undertake the broad range of modernization programs needed to preserve this protective synergism. While we go forward with the upgrading of submarine-based and air-breathing weaponry, and that of the indispensible command and control system that permits their wartime operation, we cannot afford to neglect the critical land-based leg of the strategic triad.

There is a relatively straightforward, but nonetheless enormously important reason for complementing these other steps with the modernizing of the Nation's ICBM force: by so doing, we demonstrate essential resolve in the face of intimidation and provocation by any adversaries. Such resolve is indispendable to the lasting vitality of deterrence.

There are those who would deride a call for resolve. I subscribe, however, to a different school of thought, one which, I believe, has been informed by the painful lessons of history. History shows that aggression, where resisted by a determined people, is contained. Lack of resolve, by contrast, most often manifested by a weakened ability to resist or respond to aggression is a demonstrably perilous course for nations to pursue.

In the course of this debate, some have argued that we fail to demonstrate the desired national will unless we modernize our ICBM force exclusively through deployment of any new missiles in only basing modes that are termed "survivable."

In fact, we have spent nearly a decade searching for invulnerable basing modes for the MX to assure its survivability. I can attest to the breadth and patience with which some 30 approaches to survivable basing have been explored. Instead of being grounds for ridicule, the very thoroughness of this effort should be commended. For in acting to deploy MX in Minuteman silos, we can be confident that no realistic, cost-effective and survivable alternative has been inadvertently overlooked.

Rather, this exhaustive debate has caused us more fully to understand and appreciate the role of the land-based missile in our overall deterrent posture, offering as I have indicated in my preceeding remarks that some measure of diminished survivability may be acceptable for the near term. The Scowcroft Commission and the President have, instead, underscored the need for the deployment of a land-based system with hard target retaliatory capability to succeed the aging Titan and Minuteman fleet even though the measure of survivability may be less than desired. There is now a greater appreciation and, I believe, a long-overdue consensus forming concerning this requirement.

Mr. President, some contend that deployment of the MX which they characterize as a first-strike weapon, is destabilizing. One thing should be perfectly clear, the United States does not seek a first-strike capability. We have neither structured our strategic forces nor sought to acquire capabilities comparable to those currently possessed by the U.S.S.R. If anyone has a first-strike capability, it is the Soviet Union. We seek simply the forces required to permit a U.S. retaliatory response to be credible against those assets valued most highly by Soviet decisionmakers—their hardened command bunkers and hardened ICBM's. The Scowcroft Commission found that offsetting, though only partially, the advantage the U.S.S.R. enjoys in this regard is essential to strategic stability, deterrence, and future arms control.

What is more, rectifying this dramatic imbalance may well prove to be the incentive—heretofore absent—needed to bring the Soviets to move forward on arms reductions. We can debate the extent to which the bargaining leverage afforded by the MX—coupled with the other elements of the land-based modernization program—will result in real movement toward a sound accord. It is inconceivable, however, that more progress in those critical negotiations will be made in the aftermath of a unilateral decision by the United States to refrain from modernizing its land-based missile force.

In summary, Mr. President, the pending resolution of approval represents more than just a "go-ahead" with the MX. I view this decision in a much broader context. Our vote of endorsement today is for a package of concepts—a two-step modernization of the land-based system—first a limited deployment of the MX, then a mobile smaller missile—as well as new approaches to arms control.

This resolution merits the Senate's support for the various reasons I have cited: as a demonstration of national will, as a much-needed enhancement of our retaliatory capability, and as a real incentive to progress toward a sound arms reduction agreement.

I urge my colleagues to concur in the recommendation of the Committee on Appropriations and vote in favor of the pending resolution.

I thank the distinguished Senator.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Missouri (Mr. DANFORTH).

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, the President's Commission on Strategic Forces has produced a remarkable report. It recommends that we alter the framework of our START proposal in Geneva to adopt warheads and throw-weight as the unit of measure and that we proceed with research and development on a small, single-warhead missile. These proposals have received broad support in Congress and from arms control experts. It now appears likely that the Commission's third and far more controversial recommendation, the deployment of 100 MX missiles in existing Minuteman silos, will receive strong endorsement from the Congress. Today, I add my support to proceeding with the MX.

The principal objective of U.S. nuclear arms control policy must be the reduction of the number of land-based multiwarhead missiles. I agree with both supporters and opponents of the MX that it is paradoxical to suggest that we must build just such a missile in order to get reductions in this type of missile. Yet we must keep in mind that any reductions must be the result

of negotiations between the United States and the Soviet Union. A unilateral freeze on the development of such weapons by the United States would leave the Soviets without incentive to negotiate seriously. U.S. negotiators in Geneva would be placed in a weaker position if the Congress refrained from deploying the MX while the Soviets maintained its large SS-18 missiles. The deployment of the MX will increase our chances of reaching a meaningful agreement in Geneva. A mutual, negotiated reduction of these most dangerous weapons is our objective. I do not believe we further that objective by making unilateral concessions.

If the Congress approves the MX, it will be in the framework of the Scowcroft Commission report. That report makes clear that the MX is a means to a more stable, safer era of arms control policies closely linked to weapons development. Without that framework and without the changes it demands in arms control policies and the development of the Midgetman, the rationale for the MX falls apart. I will not continue to support the MX if, in my judgment, there is an erosion of administration support for all elements of the package. I am encouraged by the President's affirmation of support for the entire Scowcroft report, his consideration of the build-down proposal offered by Senators COHEN and NUNN, and his solemn promises to proceed with serious negotiations. I believe we have strengthened his hand for such negotiations. It is now up to him to act.

Mr. President, the course of our arms control policies and our nuclear weapons development has been a cause of great concern. The package offered by the Scowcroft Commission represents a chance to unite many of the various factions in the arms control debate. Whether this package represents a consensus or, as many observers and Members of Congress charge, a raw political bargain, the Senate today has the opportunity to endorse a policy that provides long-term direction and eliminates short-term confusion in our arms control posture. That policy includes the MX, and I urge my fellow Senators to vote for the resolution today.

Mr. STENNIS. Mr. President, for the proponents of the resolution, I have Senator NUNN's name down here. He was trying to make it to the Chamber by 1 p.m., but he has not yet arrived.

I would really rather that those in charge of the time for the opposition would make the selection, but I am glad to serve as substitute, if I may.

Mr. President, I yield 2 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I rise in strong opposition to the approval of Senate Concurrent Resolution 26, the MX basing resolution.

As my colleagues know, I have been a consistent opponent of the MX for a number of years. I must admit that when President Carter first proposed the "shell game" basing mode for the MX in response to warnings about a "window of vulnerability" of our land-based strategic nuclear forces, I gave the plan and the missile an initial endorsement with serious reservations. However, after some in-depth study, I withdrew my support of the MX because I was not convinced that it would solve the so-called vulnerability problem of our land-based ICBM force and I was even less convinced that the window of vulnerability really existed. Furthermore, it seemed to me at the time that there would be great difficulties associated with finding a surivable basing mode for this heavy missile, leading me to believe that the United States should move away from the idea of an invulnerable land-based deterrent and focus on putting the MX at sea or just depending on the Trident II D-5 missile which would have the same hard-target kill capability as the MX.

Needless to say, Mr. President, much has happened to the MX missile since many of us first formulated our positions on its development. President Carter's preferred basing mode, the multiple protective shelter concept, in its racetrack and other forms, was rejected by the Congress and campaigned against by candidate Reagan. President Reagan has considered a number of basing modes for the MX, including the ill-fated dense pack fratricide scheme, which have been rejected by the Congress. Last fall, after we killed dense pack, I though we had seen the last of the MX missile. It was clear that the delay in its deployment had allowed events and developments in the strategic area and in arms control to render it obsolete before it could be deployed. However, this first-strike capable missile has a lot of friends in the Reagan administration, in the Congress, and in the pentagon, who have a way of raising it from the dead. The Jackson amendment to the continuing resolution gave the MX another life by providing time for the President to appoint a commission to further study basing options for the MX and to consider the broader issues associated with the future of our land-based strategic deterrent.

Well, Mr. President, I must say that nothing I have seen or heard from the distinguished Scowcroft Commission, from President Reagan, from Defense Secretary Weinberger, or from the MX proponents here on this floor has convinced me that anything has changed as far as the MX is concerned. Without a survivable basing mode, even the strongest supporters of nuclear modernization opposed the MX last year. The basing mode recommended by the Scowcroft Commission, embraced by President Reagan, and embodied in this resolution, that is, to base the MX in existing Minuteman silos, is clearly not survivable and is clearly unjustifiable.

We do not need this missile, Mr. President, and I think the balance of the Scowcroft report, intentionally or unintentionally, makes a strong, credible, and authoritative argument against its own recommendation on MX basing.

As McGeorge Bundy wrote in the New York Times on April 17, 1983, shortly after the Scowcroft Commission released its report, the Commission's work "is at once one of the best and worst papers on the nuclear age" we've ever had.

It is one of the best, Mr. President, because for the first time in a number of years, a study panel of experts took a broad, levelheaded look at our current strategic posture and where we are headed in the nuclear arms race. It identified the areas which are causing or will eventually cause serious problems in nuclear stability and recommended forward-looking, innovative steps designed to change our Government's strategic thinking and our overall nuclear weapons policies.

In seeking strategic stability, the Commission said, we must move away from our current force structure which emphasizes the use of MIRV'd, or multiple warhead, missiles. MIRV'd missiles, such as the MX, are extremely destabilizing because, if deployed in a less than invulnerable basing mode, they are prime, lucrative targets for a Soviet first-strike. In short, these heavy, silo-busting missiles with a first-strike capability of their own encourage the consideration of a first-strike by the other side rather than deterring one.

The Commission, therefore, found that in order to obtain greater survivability and greater crisis stability in land-based strategic forces, both the United States and the Soviet Union should move away from MIRV'd missiles and toward small, mobile, singe-warhead ICBM's. The smaller, mobile missile can be made survivable without the tremendous difficulties associated with basing the MX, and it would carry with it far greater crisis stability because, as a single warhead missile with a retaliatory, second-strike objective, it would neither encourage a first-strike nor would it be conducive to one.

In an effort to facilitate the movement of both sides toward this new generation of survivable, crisis-stable nuclear weapons, the Scowcroft Commission recommended that the administratration change the traditional

counting rules of strategic arms control from the counting of launchers to the counting of individual warheads. The point is of course, that when we count launchers, it encourages both sides to pack our limited number of launchers with more and more warheads.

It is really a simple concept, Mr. President, that I believe could take us off the path toward the building of more and more destabilizing, first-strike capable weapons and toward a future less fraught with the risk of nuclear war. It is probably the most important strategic policy recommendation to come along in more than a decade and I commend the Scowcroft Commission for having the courage to put it forward.

What really does amaze me, Mr. President, is how the Commission could make such far-reaching and intellectual recommendations on future strategic stability and then, in the same breath, contradict its basic findings by recommending the basing of the MX missile in existing Minuteman silos. This recommendation did, indeed, deflate the Scowcroft Commission report and lowered it down to the quagmire of politics. Of course, the Commission, like other Presidential commissions, was under the gun to recommend some form of basing for the MX. Certainly, the distinguished members of the Commission, most of whom are MX backers, fully understood the contradiction involved here. I suspect that is why the Commission report is so hard-pressed for a plausible justification for its MX basing decision.

Let us look at what the Commission said in defense of Minuteman basing. It said the MX in Minuteman silos would induce the Soviets to accept new agreements at the arms control negotiations. On the contrary, I think the conventional wisdom is that the Soviets will react to the deployment of the first-strike capable MX with an acceleration of Soviet missile programs rather than new concessions in Geneva. Besides, why should they come to the bargaining table on the MX when they know very well that it is not survivable based in Minuteman silos?

The Commission also made the old and frequently used argument that deployment of the MX will show national will and cohesion. I do not see how our scapping of the MX and embarking on a new generation of single-warhead land-based ICBM's, with our current strategic triad continuing to deter Soviet attack in the interim, could show a lack of national will. In my judgment, it would show that our Government has some commonsense, and that in itself should be enough to put a small scare into the Soviets.

There are other justifications for the MX basing decision put forward by the Commission, but they are so weak that I won't take the time to go over them.

Mr. President, when we get right down to it, there is just no justification for building this missile and deploying it in Minuteman silos that can stand up to close, objective scrutiny. More importantly, the Commission's MX basing decision and the MX missile itself do not meet the criteria set forth in the Commission's own recommendations for strategic stability. The MX is precisely the type of missile which the Commission implies, through its support of a single-warhead missile, should not be built by either side. Under circumstances where the Commission would have had full decisionmaking independence, I am convinced that the Commission would have recommended skipping the MX entirely. If the Commission's logic on strategic stability is drawn to its logical conclusion, that is where it leads.

Mr. President, without a survivable basing mode, the MX continues to be a destabilizing weapon with a first-strike, hard-target kill capability. In Minuteman silos, it would add nothing else to our strategic posture.

What should be fully understood, Mr. President, is that in advocating this missile in this basing mode, we are abandoning the strategic standard we have followed for 30 years and that is, to maintain a survivable second-strike capability to deter a first strike. This is a fact, Mr. President, because the MX missile based in Minuteman silos will neither deter a first-strike nor survive one. And that has been testified to, and supported by, virtually every strategic expert and every MX proponent in this body.

Mr. President, I would like to see this body bite the bullet on the MX and make the hard choice to reject this missile. Since the Scowcroft Commission has debunked the theory that the United States is facing a window of vulnerability to a crippling Soviet first strike and has argued that our current strategic posture will continue to deter a first strike, why not skip the MX and apply the resources associated with it to a national commitment to modernize our land-based missile force with the single-warhead Midgetman missile? If a hard-target kill capability is what we need, why can we not just wait until we get the Trident II D–5 missile on line? It will have accuracy and kill capability similar to that of the MX. If time of deployment of the Midgetman missile is of concern, I am sure that a full national commitment to its development would reduce the time now projected to bring this missile on line.

Mr. President, I cannot speak for the rest of my colleagues, but I would much rather come away from this debate with a firm commitment to a new direction in strategic arms as opposed to a package of vague promises by the President that he will implement the Scowcroft Commission recommendations and the Cohen-Nunn build-down proposal in exchange for approval of the MX.

Mr. President, I urge my colleagues to vote against this MX approval resolution and for a more logical and sensible nuclear arms policy.

Mr. President, I ask unanimous consent that the article to which I referred by McGeorge Bundy which appeared in the New York Times on April 17, 1983, be printed in the RECORD along with an editorial from the New York Times on the MX dated May 17, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 17, 1983]

MX PAPER: APPEALING, BUT MOSTLY APPALLING

(By McGeorge Bundy)

(McGeorge Bundy was Special Assistant for National Security Affairs to Presidents John F. Kennedy and Lyndon B. Johnson. He was chairman of the General Advisory Committee of the Arms Control and Disarmament Agency from 1979 to 1981.)

Last week the Scowcroft commission published what is at once one of the best and worst state papers of the nuclear age. Unfortunately, it seems possible that the best parts will be less appealing to President Reagan than the worst. It is obvious from the elaborate White House orchestration that the report has been constructed with built-in Presidential approval and that at its core it is a selling job for the wrong missiles in the wrong place—100 MX missiles in Minuteman silos. This solution has been repeatedly reviewed and rejected both by Congress and by the executive branch over the last 10 years.

But let us begin with the good parts. First, the report deliberately and correctly destroys one of the principal myths on which Mr. Reagan campaigned in 1980—the myth of the "window of vulnerability," or the threat of a Soviet first strike on Minuteman silos. Growing Soviet missile forces with growing accuracy, it was said, would allow the Russians to knock out nearly all those silos early in the 1980's and the President would not dare respond because our cities would still be hostage. It was an unreal but chilling scenario, and until last week no one around Mr. Reagan had ever questioned it in public. Now the commission has given it a fitting burial. The commission observes that a "massive surprise attack" on our 1,000 Minuteman silos would be a very special case and concludes: "To deter such surprise attacks we can reasonably rely both on our other strategic forces and on the range of operational uncertainties that the Soviets would have to consider in planning such aggression." Thus, the window of vulnerability is slammed shut on the fearful fingers of the Committee on the Present Danger.

The commission puts one condition on this conclusion, and again it is a good one. The vulnerability of the Minuteman, considered alone, is real if uncertain, and it does raise a serious long-range question, because our bombers and submarines may not always be as survivable as they are now. If

we can buy "long-term ICBM survivability," for a sensible price, we should indeed have it, and the most promising possibility is a smaller single-warhead missile, as thoughtful students have been saying for quite a while. The recommendation for careful research and development on such a new missile deserves full support.

A third good basic recommendation is allied to the first two. It is that we should seek to shift the counting rules of strategic-arms control from launchers toward warheads. This good idea is a belated but entirely sensible effort to deal with the destabilizible effects of MIRV's (multiple independently targetable re-entry vehicles)—that is many warheads on one missile. MIRV's are the United States's worst single contribution to the nuclear arms race. What they did, as many warned at the time, was to give the attack an advantage over the defense, because a multiple-warhead missile can "kill" several opposing missiles in one shot, while it takes at least two single-warhead missiles to "kill" even one similar weapon with assurance.

SALT, for reasons of verification and habit, counted mostly launchers, not warheads. This way of counting strenghtened attachment to MIRV's on both sides, because if you can have only so many missiles under an agreement, why not pack them with as many warheads as you can? We were firstest with MIRV's, but the Russians have been mostest, and the commission is right: It is time to go to work to change the counting rules. The commission is also right when it notes that some of Mr. Reagan's proposals in the strategic arms talks in Geneva move in the wrong direction on this score.

So far so good. What is wrong? Only the centerpiece of the report. It goes in exactly the opposite direction by placing the first-strike multiple-warhead MX in Minuteman silos, right where Soviet MIRV's could knock it out if ever the Kremlin thought we were about to use it. Because the MX has 10 warheads, not the two that is the average in the Minuteman force, it will be five times as vulnerable, warhead for warhead, as Minuteman itself. It violates the fundamental rule first laid down in the Eisenhower Administration: The object of any new strategic system is to deter, and to deter safely it must be able to survive.

If there was ever a "use it or lose it" system, ill-designed for stability in crisis, it is this one. Yet it comes to us from a commission that elsewhere tells us that "stability should be the primary objective." A system of this kind is open to only one protective device, a capacity for launch-on-warning—for rapid firing on possibly fallible electronic notice of an incoming attack. But on this critical point, the commission is alarmingly silent. It would have done better to recognize more candidly its deliberate abandonment of our most important single standard for strategic force planning.

The arguments offered directly for this strange choice are thin. We need it to induce Soviet acceptance of new arms control limits, says the commission. But as the commissioners recognize, the Russians are already testing their own MX and their own single-warhead missile. The Soviet answer to new programs will be new programs, not new concessions. If the commission wants a no-new-MIRV agreement, which would make good sense, it should propose just that. It should not pretend that the MX in Minuteman silos is arms control in disguise. Nor should it compare this problem with that of the antiballistic missile defense treaty. The Russians joined us in curbing ABM systems precisely to insure the deterrent effectiveness of their land-based missiles. They are not going to be driven to sea by MX. The whale will not convert the elephant by imitation.

Most of the commission's other direct arguments are thinner still. If we do not deploy MX, it says, the Russians will doubt our "national will and cohesion," is honest disagreement on hard choices a sign of weakness? A commission of Americans should know better. But our existing land-based intercontinental missile force is aging, says the commission. So it is, but as the commissioners recognize in the very next sentence, the necessary programs for keeping this force effective are already in train. But, they argue, we need a hedge against possible Soviet antiballistic missiles. Is the commission suggesting that our existing 10,000 warheads could not be programmed for this task? But, it says, we need a new booster as a backup for the space shuttles. Well, if we do, we do. But is this a serious argument for 1,000 new first-strike thermonuclear warheads?

The real purpose is different, but the commission wraps it in jargon. The main reason for this recommendation is that a commanding majority of its authors want these first-strike weapons because the Soviet Union has them. Never mind their contribution to instability in crisis; never mind what the Russians will build in reply; never mind what else you could do with $15 billion; never mind the fact that the Russians do not have a true first-strike capability because the window of vulnerability was never open; never mind that Soviet advantages on land are fully matched by our superiority in the air and under water. Because the Russians do have weapons that can strike first at hard targets, the commission concludes that we must have them, too. When you disentangle all the report's complex language, that is all there is, and the commissioners neglect to tell us that we have plenty of weapons already that can strike hard targets second—our bomber force may be the best system in the world for this legitimate purpose.

For almost 30 years, we have made survivable second-strike strength our central strategic standard. Are we now to move, in a cloud of consensus prose and good intentions, to a nonsurvivable first-strike system?

At the very least Congress should dig deeper than the commission or its sponsor. It might begin by seeking counsel from all quarters—there are many outstanding students in its own ranks. It should not rely on a report written by a panel carefully selected to include only tested friends of MX. It might well find that the Scowcroft commission has almost everything right except the recommendation that was preplanned by the White House. In spite of the commission's unexplained insistence that all its ideas make a single package, Congress has every right and duty to take only what it finds truly needed.

[From the New York Times, May 17, 1983]

THE MX BARGAIN IS A SNARE

Congress is buying a dangerous deal if it unblocks funds for the MX missile in return for President Reagan's vague promises about new arms control and weapons policies.

The President and the Air Force are very clear about their end of the bargain: they want the MX to match the counter-silo capability of the biggest Soviet missiles. Testing and production of the 10-warhead American missile would soon begin, looking toward its deployment in exisiting silos starting in 1985.

But the Administration is dismayingly unclear about when the Congressional objective of strategic stability would be achieved—if at all.

Mr. Reagan would take a decade to develop a new mobile Midgetman, and only to supplement rather than replace the MX. As for the promised new arms control proposals, they are already hedged with qualifications. Even if eventually plausible, they would require three to five years of negotiation.

As now envisioned, the MX would be a doubly dangerous weapon. By threatening the Soviet Union's land-based missiles from vulnerable silos, it would practically invite preemptive attack in a crisis. And by concentrating so many warheads on each launcher, it would be a lucrative target for a Soviet first strike.

One already audible Pentagon answer for this new instability is to shift to a "launch-under-attack" strategy. But that would greatly increase the danger of accidental war. The shorter the time for human or mechanical verifications of an attack, the greater the risk of a mindless response. False alarms have occurred. The idea that the nation would commit itself to a defense that deprives it of time to take the measure of any alarm is grotesque.

The MX remains a weapon in search of a function. It is not a worthy instrument of compromise, either in our own politics or in negotiations with Moscow. Congress should finally muster the courage to say no.

That report, from the commission headed by Gen. Brent Scowcroft, highlighted the instabilities of multi-warhead weapons. It urged a major shift to mobile, single-warhead missiles. It also urged corresponding changes in arms control objectives, to obtain limits on the numbers of warheads instead of steep reductions in the numbers of missiles.

But in a weakly argued political gesture to the Administration, the report went on to recommend some MX deployment. It said this could demonstrate national "will" and gain a bargaining chip for negotiations. The White House quickly accepted the report, more for this backhanded MX endorsement than for its persuasive warnings about the direction of Mr. Reagan's arms policies so far.

To appease its critics further, the Administration also pretends to accept the Nunn-Cohen "builddown" idea, which 45 senators endorse. The idea is to hasten the shift to single-warhead missiles through a Soviet-American agreement that would require each side to retire two older warheads for every new one deployed. But if Mr. Reagan really buys the idea, his deployment of 100 MX's with 1,000 warheads would require retiring 2,000 of American's 2,100 Minuteman warheads. Who's kidding whom?

There is no demonstration of national will in a demonstration of illogic. If the problem is the potential vulnerability of the exisiting Minuteman silos, there is no gain in stuffing a more lethal missile into the same holes. The answer to that problem is a more survivable land-based missile that affords ample time before firing in a crisis. Urgent development of a mobile Midgetman could make it available in this decade instead of next.

If the problem is acquiring a heavier missile for bargaining, the better answer would

be speeding up development of the Trident II submarine-based missile. It, too, would threaten Soviet silos and could be available only a year or two later than the MX—and without MX's vulnerability.

As now proposed, the MX answers neither problem. Congress has been wise to resist it all these years. There is now authoritiative support for rejecting the weapon altogether.

Mr. DURENBERGER. Mr. President, the Nation has been grappling with the thorny issue of the MX missile for a decade. Today, we are voting on a resolution to release the fiscal year 1983 funding for testing of the missile and for development of a basing mode. The debate which has occurred over the past few days was mandated by a Congress which was increasingly impatient with the permutations and combinations of missile deployment schemes, which wanted to confront the issue once and for all, which was ready as late as last fall to take action which would perhaps have killed this program once and for all.

Since that time, a remarkable consensus has developed in favor of the MX missile, which is to be based in a scheme which we were repeatedly told was militarily dangerous. That consensus reflects the remarkable contribution of the Scowcroft Commission, which helped to put to rest the old chimera of ICBM vulnerability. It reflects as well the strong leadership of the President, who has demonstrated once again his extraordinary ability to grasp and present an issue in ways that evoke widespread and deeply felt support. Finally, it reflects the fact that every Member of this body has rethought his or her position.

Under the circumstances, people might be curious why I plan to vote against the resolution of approval. I would like to take this opportunity to explain why.

When I first came to the Senate, the debate over the MX missile was cast almost exclusively in terms of the proposed basing modes. Few persons could look with equanimity on such schemes as the so-called racetrack basing mode, which could have cost this country as much as $100 billion. Later, as the question of the "window of vulnerability" began to dominate the public discussion of the MX missile, still more attention was focused on basing modes.

At that time, like most other people, I was chiefly concerned with the costs and the arms control implications of such things as MPS, interim silo-stuffing, dense pack, and so forth.

But over time, as I thought through this issue, I came to realize that we needed to examine the question of the MX missile itself. Was it really worth it to deploy this highly lethal weapon? Did it benefit our Nation to have a land/based ICBM with such significant hard-target capabilities? If we needed to add more counterforce potential to our arsenal, were there alternative programs which would both do the job and remain compatible with our interest in fostering stability through negotiated arms agreements?

Increasingly, I came to the conclusion that the answers to such questions all pointed away from the MX missile. By the middle of last year, I had become convinced that this missile—no matter how it is based—is a bad investment in our future, and an example of unsound investment in very expensive weapons which contribute relatively little to our military capability, particularly when measured in tangible terms.

So I started this year with a strong need to be convinced in overwhelming terms of the merits of the missile if I were to change my position. So far as I was concerned, the burden was on those who favored deployment. While I am genuinely impressed by the quality of the thinking which has dominated this issue throughout our debate, I find that I am not convinced enough to change my mind. I would like to submit for the record a point paper which represents my analysis of the MX issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND OF THE MX MISSILE—LEGISLATIVE

Research throughout the late 1960s and early 1970s culminated in a 1973 Air Force decision to begin development of a new ICBM. At the time of the ratification of the SALT I Treaty, Melvin Laird conditioned his support of the Treaty on modernization of the entire Triad, and the MX missile was thus born in a 1973 Congressional decision to appropriate $8 million.

The MX missile was conceived as a large (195,000 pounds) vehicle deploying up to ten warheads of enhanced yield (335 kilotons) with improved accuracy provided by the Advanced Inertial Reference guidance Sphere (AIRS). It was to be compatible with development in existing Minuteman silos, and was originally envisioned as a simple follow-on to Minuteman.

However, as improvements in Soviet missiles became more clear people became increasingly concerned about the future survivability of the ICBM force.

Therefore, in 1976, President Ford proposed to undertake development of a buried-trench basing system for the new MX missile. It was his plan to have the missile deployed by 1984.

When President Carter entered office, he deleted funds for both the missile and the buried-trench basing mode. Congress then agreed to a study of the entire basing concept. By 1978, the Defense Science Board had concluded that the missile should be developed, and that it should be deployed in a number of vertical shelters, with movement of the missile among each shelter in order to preserve uncertainty about aim points.

This scheme ran into objections from the Carter administration arms controllers, who were fearful that verification would be a problem. Therefore, Carter opted for a horizontal MPS plan, rather than the simpler and cheaper vertical MPS plan favored by DoD.

In September, 1979, President Carter press for full-scale development of the MX missile, and announced his plans for the "race-track" basing scheme—a horizontal MPS system. He estimated that the entire package would be ready in 1986 at cost of $33 billion. The racetrack system was subsequently modified from an oval to a straight-line configuration in order to save money.

Around this time, two background developments were gaining significance. First, of course, the 1980 campaign was elevating the "window of vulnerability" to great importance. Second, Congress was being pressed hard on the racetrack basing system.

In late 1979, the FY80 Defense Appropriations Act was modified in an overwhelming vote on the Stevens amendment to stipulate that the MX would not be built so as to conform to only one basing option.

In 1981, the incoming Reagan administration announced plans to rethink the entire MX basing question, although it indicated its strong commitment to the missile. The Townes Commission was created in March, 1981, to review basing modes. The Commission ultimately stated that any MPS basing scheme would be vulnerable to attack by fractionated payloads, and therefore recommended that other options be considered. This both increased fears about ICBM vulnerability and decreased what little remaining support there was for the racetrack system.

In October, 1981, the President announced the death of the racetrack basing system, and asked for approval of an interim deployment of 40 MX missiles in super-hardened silos pending further study of a final basing mode. He also stated that we would ultimately deploy only 100 MX missiles, not 200 as envisioned by President Carter. At some level of abstraction, this is identical to the Scowcroft recommendations—deploy a few now, and hope for a solution later.

Congress had been conditioned to look only at the issue of basing survivability, and hard-core opponents of the MX in any form were able to attack the idea of an "interim" solution using fixed silos. The result was the overwhelming adoption of a Cohen-Nunn amendment to continue MX research but to deny funds for super-hardened silos.

In early 1982, the DoD budget request sought procurement funds for 9 MX missiles. The missile was declared ready to fly for testing. The total MX request for fiscal year 1983 was nearly $4.3 billion. The Senate authorizations bill cut this to less than $3.5 billion, and permitted the purchase of only five missiles. It also demanded that a report on the final basing mode be prepard no later than December 1, 1982. Finally, the bulk of the money for construction of the interim basing was fenced until a decision on final basing was reached. (That money remains unspent.) Thus, just as it had done a year earlier in adopting the Cohen-Nunn amendment, the Congress once again killed the concept of interim basing in fixed silos.

The President's report of a final basing plan was ready by August, 1982—the famous Closely-Spaced Basing (or "Dense Pack") concept for 100 missiles. Implicit in the CSB plan was the ultimate use of anti-ballistic missiles to help defend against incoming RVs. It was asserted that adoption of the CSB plan could give us a deployed MX by 1986—the same date laid out by President Carter. The CSB concept was given formal recognition by the President on November 22, 1982, in compliance with the December 1

reporting date. Costs were formally estimated at $26.4 billion.

The Dense Pack plan fared no better in Congress than had the racetrack concept. It was subjected to ridicule, and it was repeatedly criticized for not solving the question of fixed-silo vulnerability—the issue which President Reagan and taught the American public so well.

The President's formal request for the CSB plan as a final basing option (and the concomitant request for freeing the money needed to deploy 40 missiles in interim silos) was thus scotched once again.

The House voted 245–176 to deny any procurement funding for the MX missile. It did, however, appropriate $2.5 billion for continued development of both the missile and the basing studies. Hence, no MX missiles were allowed to enter the arsenal, even in warehouses. In a sense, however, this skirted the issue, for it only deferred the tough question of housing the missile, while appearing to deny the President what he sought.

The Senate, by contrast, took on the entire question of missiles, interim basing, and final basing during debate over the Continuing Resolution.

The Appropriations Committee had adopted the language worked out by Sens. Hollings, Hatfield, Kassebaum and Durenberger. This language prevented the obligation or expenditure of funds for (a) MX missile procurement and (b) full-scale development of a basing mode until both Houses of Congress approved the basing mode. In effect, this amendment would put the coup de grace to the MX.

The amendment was altered on the Senate floor by Jackson, resulting in the following conditions:

(a) No procurement funding allowed for the missile.

(b) Basing development funds fenced pending Congressional approval.

(c) No flight-testing of an MX pending final approval.

(d) President and DOD to report by March 1, 1983, on a thorough review of the entire ICBM question and alternatives.

(e) Congress to act within 45 days of the report on an up-down vote to approve after 50 hours of debate.

The President responded by appointing the Scowcroft Commission on January 3, and simultaneously asking DOD to pursue its own study. After two delays, the Scowcroft Report was released on April 6, 1983. It was formally transmitted to the Congress by the President on April 19, along with the DOD report.

The Appropriations Committee conducted four days of hearings, and ultimately reported out a resolution of approval, by a vote of 17–11.

II. U.S. Strategic Doctrine and the MX—Issues

A. The Evolution of the MAD Doctrine

Despite what one may hear from critics of all persuasions, the United States has never based its deterrent posture simply on the ability or willingness to blow up cities and populations. Our target lists have always stressed such things as military bases, nuclear forces, and economic assets. So it is not correct to say that the improved accuracy of the MX, or any other missile, will move us in a radically new direction, away from some kind of spasm contemplated in the "Mutual Assured Destruction" (MAD) concept. By the same token, however, it is not correct to say that we must have the MX to fulfill existing targetting requirements, or to argue that without the MX we consigned forever to the "outdated" concept of MAD. The real issue must be whether the MX adds to existing or proposed criteria for successful deterrence as envisioned by our doctrine. If the answer is yes, the next question must be whether the gain is worth the costs.

Even in the earliest days of the nuclear age, when accuracies were terrible, air power doctrine stressed that the purpose of bombardment must be end the enemy's ability to wage war by destroying his factories, troop cantonments, etc. The fact that this would kill thousands, or millions, of civilians was to some extent speciously dismissed as "collateral." But the purpose of our aiming was not to kill innocents; their deaths were simply an unavoidable byproduct of bombardment.

As accuracies increased, it became possible to make more and more of a meaningful distinction between populations and other targets. Moreover, it was clear that if deterrence should ever fail, we would want to have options other than simply a massive one-shot launch which would guarantee the end of the world. While it was by no means clear that we could realistically hope to control the process of tit-for-tat exchanges, it was foolish to consign ourselves simply to a massive burst. Options short of total exchange were needed, and as accuracies became better such options became more and more feasible.

Thus, as early as 1962, Robert McNamara was announcing that we would seek—in the event that war broke out—to limit damage to ourselves by retaliating against an enemy's remaining forces after he had launched. This idea of "city avoidance" was based on second-strike counter-force. It did not guarantee that a war could be kept limited; it merely said we would try to do so if worst came to worst, and so long as the other side behaved similarly.

This doctrine of "Controlled Response" was short-lived, at least so far as our public statements went. The principal reason was that it became clear to McNamara that: (1) our citizens were nervous about any talk which contemplated the breakdown of deterrence, (regardless of whether we were talking protracted war or not); (2) our allies raised the inevitable question about our willingness to go the distance for them; and (3) the potential costs of a full commitment to Controlled Response were open-ended.

These factors—which were thoroughly pragmatic, and not at all doctrinal—led to the adoption in 1964 of a formal declaratory posture based on Assured Destruction, with some potential for "offensive damage limitation" (e.g. counter-force to keep the opponent unsure of his actual capabilities).

The principal merit of the Assured Destruction concept was that it provided a ceiling against which our force posture—and our defense budget—could be measured. In short, it was a budget line, not a targeting policy.

Assured Destruction was based on the assertion that the Soviets would have to be considered deterred by an assured, survivable capacity to destroy 25–30 percent of their population and 50–66 percent of their economic base immediately upon retaliation. (This overlooked the additional damage and death from fallout, disease, etc.) These numbers were not just picked out of a hat. Nor did they derive from some assessment of Soviet society. Instead, they were the numbers which occurred at the "elbow" of a curve plotting warheads against results. In short, after a certain level of damage—represented by 400 Equivalent Megatons—diminishing marginal returns set in. It would be far more expensive to kill the next ten percent of Soviet citizens than the preceding ten percent, and so forth.

McNamara used this chart, and the threshold of 400 EMT, to make the not unreasonable argument that if such levels of damage did not constitute a deterrent, then nothing would; therefore, we could safely and economically stop building at 400 EMT. To ensure against failure in the Triad, of course, we would need more than a simple 400 EMT level. For instance, each leg of the Triad should be loaded with 400 EMT, and more should be packed in to account for losses in a first strike, failures in launch, and other possible sources of friction. At the moment, U.S. force loadings comprise somewhere between 4000 and 5000 EMT—more by far than the threshold amount needed to immediately smash the Soviets into oblivion.

Ultimately, in a quest to stabilize the arms race at some reasonable level, McNamara announced his belief that our best possible situation would be one of Mutual Assured Destruction—in other words, a situation in which both sides had enough firepower to survive any conceivable strike and to hit back with "assured destruction." In his view, if both sides came to accept this limit, we would not have to worry about action-reaction arms races in which, for instance, we put up ABMs and they put up more warheads to counter the ABMs.

This simple statement of common sense—and of hope—has been twisted by partisans and enemies alike. To partisans, it means that we should do nothing to suggest a willingness to kill fewer than the 25–30 percent of Russians envisioned by McNamara. In other words, anything which would suggest a controlled response is considered "destabilizing" by extremists in favor of MAD as a policy rather than as a threshold on force requirements.

On the other side of the issue, many people believe that MAD was erected as a statement of targeting policy and that we should somehow overcome the laws of physics, for instance by building space-based defenses.

The fact of the matter is that the numbers contemplated in MAD, and the outcomes envisioned if war should occur at the fullest possible level, are simply hard-rock reality. If 400 EMT should fall on the Soviet Union, millions of people will die. It won't much matter if the targets of this yield are missiles, command bunkers, factories, or populations. People and factories are co-located, and fallout will kill many more. To attack simply the command bunkers which house the Soviet leadership could mean going after as many tens of discrete targets in Moscow alone. Although the "targets" would be military leaders. the victims would be Muscovites.

But to say this is not to say that we must launch all 400 EMT at once. Instead, as McNamara and everybody else since has argued, we ought to have options short of the ultimate, not because we believe a war can be limited, but because it is foolish to overlook the possibility of ending a war before the ultimate levels of damage are reached.

That is why Secretary McNamara—the author of MAD, which allegedly condemns millions to immediate incineration—authorized the development of counter-force weapons like the MIRV. It's why he sought a lim-

ited ABM system. He did not say that MAD was a targeting doctrine. He said simply that it was a threshold on force levels beyond which destruction was meaningless.

Indeed, at the same time that McNamara was working out his ideas on MAD, he was moving the U.S. toward an explicit reliance on "Flexible Response" in NATO. While this policy emphasizes the potential use of conventional forces to the extent possible, and while it also suggests the willingness to escalate up to the ultimate stage of a U.S.-Soviet exchange, its key factor is the reliance upon controlled and limited nuclear options in order to make clear that an overwhelming conventional attack can be stopped. It demands a large degree of counter-force capability, both in our theater weapons and in the U.S. strategic systems which back them up. It requires controlled response, not a one-shot burst.

MAD's utility as a budget ceiling is not sufficiently appreciated by its critics or by its friends. But it is appreciated by other Secretaries of Defense. Secretaries Laird and Schlesinger talked in terms of "parity," "sufficiently," and "essential equivalence," but they were basically saying the same thing: we didn't have to match the Soviets launcher for launcher, so long as we had a basic level of megatonnage sufficient to deter.

To summarize: in terms of raw megatonnage, we have more than enough to meet any conceivable criterion of destructiveness. Indeed, we have had so much "overkill" that we have actually decreased our megatonnage by substantial amounts since 1960. So in terms of adding pure destructive power to our arsenal, it is not clear that any weapon will give us more deterrent capacity. We can probably easily and safely reduce our net megatonnage without detracting from our ability to destroy the Soviet Union. At current levels of force deployment, MAD is an underlying reality, not a doctrine. The case for MX must stand or fall on something other than its contribution to our net surviving megatonnage.

B. U.S. TARGETING POLICIES AND THE MX

As noted, the threshold on our overall megatonnage implied by the figures in MAD is one issue; how we will target that megatonnage is quite another. It is possible to be for the limits implied in MAD (or even for lower limits) but also to favor highly discrete and controlled employment options.

This idea was, of course, implied by McNamara's simultaneous adoption of Assured Destruction and damage limitation as twin goals of our defense posture. But it was given real life by James Schlesinger in 1973, when he announced that we would base our forces on a posture of "Essential Equivalence."

This doctrine held that while we did not have to match the Soviets launcher for launcher, we would retain a posture which was "essentially" equal to that of the Russians. In other words, we did not need to build more land-based ICBMs simply because theirs were bigger or more numerous. We could rely on our own offsetting strengths to compensate. In short, we did not need to exceed the numerical levels imposed on our launchers in the past, and we did not need to boost our overall megatonnage.

We would, however, need to base our deterrent posture on several criteria. First, we would need to provide for a force posture which could survive an attack and still retaliate with enough power to destroy the Soviet Union—in other words, we would need a minimum requirement of Assured Destruction, whether mutual or not.

Second, we would want options short of a total launch. In addition, we would want to convince the Soviets that there could be no such thing as "victory" in the traditional military sense if they launched a nuclear war. In this case, that meant we needed to be able to limit their post-war economic recovery to levels equal to those imposed on us. In other words, we would want the option of targeting things specifically designated as "recovery assets" so that the Soviets could not launch a limited attack and emerge economically stronger than us.

By 1974, these ideas had been codified in National Security Decision Memorandum 242 (NSDM-242), which provided for three things: (1) "Limited Nuclear Options" against a wide range of Soviet military forces and installations, both nuclear and nonnuclear; (2) increased C3I to facilitate calm and deliberate decisionmaking for "escalation control;" and (3) the concept of "withholds", which would preserve certain things from immediate destruction in order to provide an incentive to stop fighting.

In essence, NSDM-242 was nothing more than a formalized statement of previous U.S. policy, although it was better presented. It was based on the fundamental recognition that we could not separate the question of how to deter the Soviets from the question of what to do if deterrence failed.

In other words, it stood in contrast to the "no-cities" ideas first laid out by McNamara in one vital respect. Like McNamara, Schlesinger was seeking options between suicide and surrender. Unlike McNamara, he did so to bolster deterrence as much as to limit damage, for he recognized that deterrence of war had to be based on credible threats, and that "intra-war" deterrence (such as McNamara had sought with his no-cities idea) had to serve the overall purpose of deterring all war.

The driving force behind this was the understanding that the Soviets had not been "educated" to our way of thinking, and that they viewed deterrence as being based on the ability to strike at military and other traditional targets. While they might or might not understand the idea that megatonnage could be limited to a given level in force posture, they did not accept the idea put forth by some MAD partisans that we should simply aim at each other's populations. If they were to be deterred from undertaking a war on their own intellectual terms, we had to have the targeting policy needed to threaten the things they held dear—principally military targets.

Thus, although the concept of limited options was not new, the intellectual underpinnings were quite novel, for they reflected a serious attempt to understand the Soviet view of deterrence. The net result was a modest expansion in the possible number of targets for our weapons, depending on which options were exercised. It was based on the idea of deterring the Soviets from undertaking any attack at all, rather than limiting damage after an attack had broken out because of our ignorance.

The difference was subtle but significant, for it set the grounds for the later move to Presidential Directive 59 (PD-59) in the Carter Administration.

When President Carter first came to office, he thought we might be able to decrease our total force posture to a few hundred launchers—a minimal deterrent. To do so, however, would have entailed giving up the ability to target selectively, for so drastic a reduction in overall force levels would have meant that only the least accurate warheads could be guaranteed of surviving a Soviet first strike. It was with this understanding that we first began to worry about ICBM vulnerability.

There is no question that we can preserve a minimal force level of 400 EMT without relying on land-based missiles. Our bomber fleet alone carries at least 2200 EMT. So from the standpoint of having enough megatonnage to do gross damage to the Soviet Union, land-based ICBMs are largely redundant.

Their merit lies in two things. First, like any element of the Triad, they create a synergistic effect with the other two legs, helping to ensure that overall U.S. arsenals will survive. Second, unlike any other leg of the Triad, the land-based ICBMs are capable of immediate response with high accuracy.

As Carter's thinking evolved—chiefly driven by growing concern in the intelligence community over the lethality of the Soviet ICBMs—more and more importance became attached to the ICBMs in our own arsenal. Two things stood out. First, we would want to ensure that we could sustain a limited attack and still retaliate promptly with hard-target capability (the question which was to become the "window of vulnerability"). Second, we would want to enhance our ability to strike hardened targets while holding down collateral damage.

By 1979, our nuclear weapons targeting plans had been altered to accommodate an emphasis on economic recovery assets, and shortly thereafter, PD-59 was announced. This document was based on a thorough reassessment of Soviet views of deterrence, and went beyond the Schlesinger NSDM-242. While it was really an evolutionary change, it nonetheless further expanded the potential list of targets to some 40,000. Most of these targets would require the counterforce capabilities then being deployed with the Minuteman III upgrades or with the MX.

PD-59, which remains substantially in force under the Reagan administration, sets out four categories of possible targets:

1. Soviet Nuclear Forces.—ICBMs and IRBMs, plus launch command centers; nuclear weapons storage sites; airfields supporting nuclear-capable planes; SSBN bases.

2. Soviet Conventional Forces.—Cantonments and barracks; supply depots; marshalling points; air fields; storage yards.

3. Military and Political Leadership.—Command posts and key communications facilities.

4. Economic and Industrial Targets.—War-supporting industry (ammo factories, tank factories, refineries, railyards); economic recovery assets (coal, steel, aluminum, cement, electric power).

Any or all of the above target sets can be targeted as desired. Withholds make it possible to select a given level of damage, or a given kind of target. The idea, of course, is to threaten retaliation against things which the Soviets value. One notes that population centers per se are not included on this list. One will also note that many of the items on this list require both superb intelligence and highly accurate warheads.

In addition to these types of targets, it is possible to vary the degree of damage to each. Four levels of attack are possible under PD-59: major attack options; selected nuclear options; limited nuclear options; and regional nuclear options—the last to permit us to spare such people as the East-

ern Europeans, who might wish in any event to sit out a major war.

There is no question that even a few nuclear weapons aimed at any of the above possible targets would wreak incalculable damage. There is also no question that everthing would be pressing for more and more escalation after the first few exchanges had occurred. Harold Brown made this point repeatedly when explaining PD-59, and Secretary Weinberger has begun to echo him.

But the key point is that our targeting policy—both past and present—is based on the desire to exploit Soviet fears in order to foster deterrence. If the Soviets feel that a nuclear war is best deterred by having the capacity to wage one in a "traditional" manner, then it probably behooves us to respond in kind—not because we can succeed in "winning," but rather because it is the Soviets we seek to deter, and not the Arms Control Association.

The options explored under Schlesinger did not require any additional U.S. forces or force capability. They did require better intelligence, and they did require C31. But Schlesinger was careful to state that we did not need to add one warhead to our arsenal in order to adopt a targeting policy based on NSDM-242.

It is less clear, however, that PD-59 can be backed up without at least enhancing our hypersonic hard-target kill capability. If we want to go after Soviet nuclear assets, we need both speed and accuracy. The only question, therefore, is whether we already have enough capability either on hand or on line, or whether we need to add the MX.

To SUMMARIZE. American targeting policy is distinct from our force posture. We can have a huge amount of megatonnage and relatively few options, or vice versa. Regardless, however, we have consistently looked for options short of one gigantic spasm in the event we are attacked. We have wanted to have forces that could (a) survive a first strike; (b) provide us with less than all-out options if possible; and (c) retain a reserve potential for Assured Destruction in the event escalation cannot be controlled. It is this mix which presumably fills every gap in the spectrum of deterrence.

Although the desire to have options short of genocide is by no means new, it is relatively recently that we have begun to view such options as useful for deterrence before the fact rather than simply damage limitation after the fact.

To the degree that the MX contributes—in a unique way—to these targeting policies, the case for it is bolstered. To the degree that we either already have enough capability, or can find it with alternatives, the case for MX is weakened. These questions depend on two things: the degree of land-based ICBM vulnerability, and the accuracy of existing land-based missiles.

C. SILO VULNERABILITY AND THE MX

It is a long-standing fundamental principle of arms control policy that forces which are vulnerable to attack are destabilizing. They invite pre-emption by one side and early use by the other. So as a general policy, any deterrent force—no matter what the size or how it is targeted—should be invulnerable to the greatest extent possible. Whether we have a minimal force aimed at cities or a very large force aimed at other targets, we invite trouble if the force is vulnerable.

From this perspective, the issue of silo vulnerability loses much of its significance. As the Scowcroft Commission has demonstrated (hopefully for the last time), the existence of a Triad makes it foolish to look at the theoretical vulnerability of one leg in isolation. So long as we have redundant forces based in diverse ways, we can be assured that our Assured Destruction potential will remain immune from pre-emption. The MX missile, no matter how it is based, will not substantially add to the overall survivability of our total deterrent.

In a more narrow sense, however, silo vulnerability can become a significant factor. Given that our targeting policy currently demands an appreciable element of surviving, hypersonic, hard-target kill capability, the loss of our ICBM force would undercut our policy of deterrence based on PD-59. In other words, to the extent that land-based ICBMs are needed not simply to complicate Soviet targeting, but also to implement our deterrent policy of counter-vailing strikes, then to that extent their vulnerability is a significant factor weakening deterrence.

The question which arises, of course, is whether silos are now vulnerable to any significant degree, whether they will be in the future if not now, and whether the MX missile can offset this.

There has been considerable attention paid to the factors which limit the operational vulnerability of silos as compared to their theoretical vulnerability. To attack the entire U.S. land-based ICBM fleet, the Soviets would need to be assured of several things: the actual reliability of each missile launched in the attack; the accuracy of each warhead (as compared to the CEP); the effects of fratricide and bias; and the degree to which such split-second timing as needed could in fact be carried off. In addition, of course, the Soviets would need to be ensured that we would not either launch on attack or simply respond with our Assured Destruction reserves in the submarines.

Of these many factors, most attention has been paid to accuracy, typically as measured by CEP. Many people are familiar with the limits of CEP—the fact that it measures the distance within which one-half of warheads will fall; the fact that it assumes a random and circular distribution of shots rather than an ovoid distribution; the fact that it is difficult to judge actual Soviet accuracies even when telemetry is not encrypted.

Suffice it to say that accuracy is an increasingly difficult problem for us, even if we can't be sure at what point our ICBM's do, in fact, become vulnerable. It seems certain that, within twenty years, the problems of inertial guidance will have been overcome to a degree that will make any known location vulnerable to an attack. Even if that is not the case now, it will be the case sooner or later. One reason is that guidance systems will no longer necessarily be inertial; we will see the adoption of such things as mid-course self-correction.

Thus, it is fair to say that we should not under-state the issue of silo vulnerability just as we should not over-state it. If there is no "window of vulnerability" in 1984, that is no reason to comfort ourselves with the thought that silos will always be invulnerable. They won't be.

The question is how we handle the modest degree of vulnerability with which we are currently faced and the massive degree of vulnerability on the horizon.

Quite clearly, the MX missile is not an optimal answer, at least when it is based in fixed silos.

First, as many people have pointed out, putting MX missiles in fixed silos will only make our targets more attractive. This is particularly the case as we draw down other missiles, leaving the MX as the bulwark of our land-based force. Many warheads on few launchers is not the way to ensure stability. If the risk is not substantial now, it will be at some point in the future. (Of course, by that time, we may put the MX missiles in some other basing mode, such as mobile launchers. But this won't address the question of vulnerability over the near and mid term.)

It can be argued, of course, that even if the silos will remain vulnerable, deployment of the MX will nonetheless give us a net increase of surviving counter-force assets after an attack. In other words, because we are adding 1,000 warheads to the arsenal, we presumably get a higher level of warheads which survive unless an attack is totally and 100 percent successful.

Given that no attack scheme can be 100 percent successful in the foreseeable future, the question is whether the net increment is significant, and whether we can get the same net increment by other means.

Deployment of 100 MX missiles means the dismantling of 100 Minuteman II missiles. The result is a net addition to our arsenal of 900 warheads. Assuming that the Soviets can destroy 50 percent of our silos (a lower figure than claimed by DoD), we will have a net surviving increment of 450 warheads—about as much as we would get with 300 Minuteman IIIs. Assuming that they can destroy 90 percent of our warheads—the figure commonly cited in worst-case analyses—we will have a net surviving increment of 81 warheads. For this, it is proposed that we pay $16 billion, hardly an attractive option.

If we later were to decide to go mobile with our MX missiles in order to enhance survivability, we would be faced with the very problems that have crippled this program from the outset. The massive size of the MX makes it difficult to find an acceptable basing scheme which relies on mobility or concealment.

To summarize: The MX missile, no matter how deployed over the next few years, will not substantially add to the deterrent effect when measured in terms of net surviving warheads. Although it will add an increment, this increment is not so large as to represent a major addition. The CBO, in fact, has estimated that the deployment of 100 MX missiles would contribute only 3 to 5 percent of surviving hard-target warheads by 1990, and 1 percent by 1996.

In terms of silo vulnerability, the MX is simply not a convincing requisite of our security. If silo vulnerability is far less than people have claimed, the MX becomes redundant. If it is as bad as people claim, it adds very little. If the situation is less drastic now, but getting worse—as seems to be the case—we cannot hope for the MX to contribute very much beyond the end of this decade. Finally, it is difficult to conceive of deploying the MX in silos now and redeploying it differently later, for its huge size makes it a dinosaur where we need a new and adaptable missile.

MX deployment must be justified, in other words, on different grounds than its contribution to ICBM invulnerability, for it is foolish to spend billions in order to obtain a net gain of 81 warheads.

D. COUNTERFORCE OPTIONS AND THE MX

The MX missile is explicitly a hard-target killer. Its 10 warheads, 7500 pounds of throw-weight, average yield (335 kilotons per RV), and accuracy make it suitable for

the most demanding counter-force missions. As has been demonstrated, our targeting posture requires at least a degree of this capability. The question, therefore, is whether we now have enough, and if not whether we need MX.

The overall Triad currently contains an estimated 8800 warheads. If the entire Reagan strategic modernization package goes through, this number will grow to some 14,000 by the mid-1990s. Clearly, in other words, our Assured Destruction potential is huge.

Within this arsenal, some 6000 weapons are likely to survive a Soviet first strike out of the blue, a number which will grow (by CBO estimates) to 9300 by 1996. Of these surviving warheads, some 1400 would currently be capable of hard-target kill, although not all would have the rapid response of an ICBM. In fact, the worst case analysis suggests that after sustaining a first strike, we would have somewhere between 70 and 150 surviving hypersonic hard-target killers, assuming a 90 percent rate of destruction in our land-based ICBMs.

If the entire Reagan strategic package is approved however, the number of surviving hard-target killers will climb from 1400 today to 3900 by the end of the decade, and to 6700 by 1996. Of these, at least 1600 will be Trident II (D-5s), which have all the attributes of land-based hard-target killers: speed, accuracy, yield, and quantity. To the extent that secure C3I with submerged submarines remains a problem we must remember that any element of the Triad is susceptible to C3I interruption.

In short, there is little intrinsic contribution to existing or future counter-force missions which is unique to the MX missile. Particularly since we envision deploying only 100 of these missiles, the amount of added counter-force will be relatively minimal. The presumed merits of the land-based force (command and control, accuracy, etc.) will be obviated by the D-5, so there is little compelling reason per se to seek an MX. If existing assets do not meet requirements, it is hard to argue that MX will add enough to matter. If existing assets do meet requirements, then the addition of MX—particularly in combination with all the other counter-force weapons coming on line—will give us a force posture so menacing as to suggest the capability for a first strike.

This point has not been sufficiently addressed by the Scowcroft Commission. The Commission endorses the D-5, the Pershing II, the cruise missiles, and the MX. A rough calculation suggests that this could give us, by the mid-1990s, a force of some 7500 hard-target killers, the majority of which are hypersonic. While a decision against MX will not necessarily reverse this trend, it will at least delay it.

Just as important, if one does not accept the arms control arguments in favor of restraining our hard-target killers, the fact remains that we can obtain the same capability by other—and cheaper—means.

At the moment, our land-based force consists of some 450 Minuteman IIs (with one RV apiece at 1+ MT); 250 Minuteman IIIs (with three RVs at 175 KT); and 300 Minuteman IIIs recently upgraded (three RVs at 335 KT, plus the NS-20 guidance system). The upgraded Minuteman IIIs represent a respectable land-based counter-force asset. If more is needed, we can either convert the remaining 250 Minuteman IIIs to larger warheads, or we can use the AIRS guidance system built for the MX, or both. Adoption of the AIRS in the upgraded Minutemans would provide increased accuracy for the existing 900 hard-target killers. Conversion of the older Minuteman IIIs could add as many as 750 hard-target killers to the arsenal—nearly as many as adding 100 MXs would do.

The only question turns on whether this could be accomplished as quickly or for the same price as building MX. Estimates vary widely. The Air Force argues that it will take until 1993 to complete total conversion of all Minuteman IIIs to the upgraded warheads and AIRS guidance sets. This contrasts with a completion date of 1988 for the MX. Cost savings with the Minuteman option will be roughly $4 billion.

Still another option, of course, is simply to forego the MX altogether, and rely on the D-5 to give us added counter-force capabilities in the mid-1990s. This would save some $14-18 billion.

Ultimately, the need for greater prompt counter-force depends on any number of assumptions about the dynamics and duration of a war involving nuclear weapons.

It is clear that our reliance on Flexible Response in NATO demands a degree of counter-force capability, for if we are to entertain the notion of escalation with first use to deter an attack ex ante or stop one ex post, we must have a degree of flexibility, and it should be rapidly targetable. That is being provided by the Euromissiles, and it is already provided by the 300 upgraded Minuteman IIIs. Indeed, MX could be a detriment to this mission, for the idea is to keep a nuclear use as limited as possible. This suggests putting up as few warheads per launch as possible. Every time an MX lifts off, ten warheads are on their way—hardly a "limited" response.

Just as clearly, so long as deterrence of an attack on this country demands the kinds of options envisioned in PD-59 and its predecessors, we will also need some counter-force capability. But again, we have it.

From this perspective, it is not clear why we need more. Indeed, the only rationale I can see for such an ambitious program as is contemplated by the Reagan administration is that we might someday wish to eliminate our entire land-based arsenal, and rely on the D-5s to take up coverage of those targets now held at risk by Minuteman IIIs. Otherwise, it is not clear why we need 20 Trident boats, each deploying 24 missiles with 8-10 hard-target killers apiece. Under these conditions, MX deployment becomes almost meaningless.

Only if there is a compelling reason to believe that our survivable hard-target force is threatened (as it might be) and that MX can compensate (which it can't, in any significant numbers), is there a counter-force rationale for MX.

E. ARMS CONTROL AND THE MX

The threat of bargaining chips has been over-stated by both sides in the debate. It is not clear that "chips" always work; often, they become extraneous, or they get built by both sides. But it is not clear on the other hand how bargaining can go forward on the basis of moral suasion alone. We must be willing to give something up or to threaten some negative outcome if talks fail. There must be an incentive, in other words, for the Soviets to agree to a Treaty.

At the moment, I believe that the strongest case which might be made for the MX relates to arms control. However, even this is not a conclusive case.

The aim of arms control talks—whether SALT, START, Freeze, or Build-down—is to get both sides to alter their plans and modify their force structure. Particularly where we face the prospect of decreasing crisis stability because of the growth of RV-to-launcher ratios, it is vital that force structure be altered. From this perspective, as the Scowcroft Commission pointed out (echoing an earlier criticism by Herbert Scoville), START can actually make the situation worse, not better. Reductions to the ratios envisioned by the President will actually increase the number of warheads aimed at each land-based silo, making a first strike more, not less, feasible.

But if the Soviets are to agree to alter their plans and their force structure, we must give them some incentive to do so. One promising path is suggested both by the build-down and by the Midgetman single-RV concept. But the underlying rationale behind these reflects a uniquely American view of deterrence and stability. We cannot anticipate that the Soviets will come to share it, for there is nothing empirically compelling about our views. Their own views on deterrence are just as logical, and just as ethereal as well. If they are to agree with us on a given proposal, it must be for their own reasons, not ours.

In this respect, deployment of the MX—our first missile capable of matching the SS-18 in capability—may play a role. If we can convince the Soviets that a substantial portion of their hardened targets are at risk, they may begin to think about de-MIRVing. As Scowcroft argues, the Midgetman idea is something we should adopt unilaterally, regardless of Soviet attitudes, but the MX is the lever needed to force them out of their silos and into a mobile/midget system.

Even this argument, however, is not clearly compelling. In the first place, as argued earlier, the net contribution of MX to our hard-target capability is relatively small. If they aren't convinced by Minuteman IIIs and—more importantly—by the upcoming Pershing IIs and Trident IIs, then MX is unlikely to do the trick.

Just as important, it is not obvious that the only answer for the Soviets to silo vulnerability is adoption of a mobile single-RV system. Ballistic missile defense is one possible answer, and it is compatible with Soviet doctrine. The adoption of a launch-on-warning posture is another answer, as is simply building more missiles. Moreover, it is not clear that the Soviets can confidently undertake Midgetman technology. One of the reasons their missiles, warheads, and everything else are so big is that they lack the technology to make things small. This is changing, but it is still a factor. So even if we deploy MX, it is by no means clear that a Soviet decision to de-MIRV will follow.

In addition, we must ask ourselves just how the MX can be made compatible with the idea behind a build-down. The very genius of the build-down is that it provides the strongest possible disincentive against the adoption of multiple warhead systems. Every warhead deployed means two are destroyed. That should move us into single-RV systems, in order to preserve the greatest number of launchers and aim points possible. If we deploy MX before a build-down takes place, we must wonder whether the Soviets will view the proposal seriously. If we deploy MX after a build-down goes into effect, we shoot ourselves in the foot.

The fundamental aim of the Scowcroft recommendations is to give us the ability to flexibly adapt and shift our options as circumstances change over time. In this respect, the deployment of 100 MX missiles is

seen as a minimum, not a maximum. Flexibility is good, but not if it means the flexibility of a lemming to leap over the cliff sooner rather than later. The MX concept—the basic idea underlying the missile design—is increasingly obsolete. Its deployment is increasingly as dangerous to us as to the Soviets. Its value as an arms control chip is entirely dependent on our willingness to dismantle it, something which is not clear.

Finally, it is argued that we can use the MX as a hedge against Soviet ABM deployment or as a means to launch satellites in the event ours go down during a war. The basic rationale, of course, is that the great throw-weight of the MX represents a unique asset in terms of flexibility adapting to future circumstances. That is quite possibly the case. Early adoption of the MX as an armed and deployed missile, however, does nothing to assist with either of these options. It only complicates their possible utility.

The SALT counting rules are quite specific. Once a missile is tested with warheads, it is counted as a missile with warheads. We are permitted one test under the terms of SALT II. If we use it on the MX, we not only make it difficult to test a Midgetman, we also ensure that any future MX booster loaded with satellites will be counted as a weapon.

If we are concerned with the possibility of a break-out from the ABM Treaty, and if we want throw-weight to overcome that, we must ask ourselves when such a break-out is likely to occur. If it is in the very near term, then we shouldn't be stopping at 100 MX missiles. If it is in the longer term, then we will have the capability in the D-5s to overcome such a threat. Consequently, the ABM penetration argument remains unpersuasive for the moment. To deploy MX in anticipation of that threat is to lock ourselves into a missile which we would—at best—think of as only a supplement to our main fleet of Midgetmans. The MX is slated to serve the same role in the future that the Titans served until today—a big missile to supplement our chief system. Its role is at best auxillary, which is perhaps why it is thought of as a potential bargaining chip. But the hazards of deployment appear to outweigh any gain.

All other reasons offered for deployment reduce to intangibles—national will, reassurance of the allies, novelty, and so forth. None of these seems specific enough to justify expending an additional $14-18 billion for a system which by all admission has only a marginal role to play in the force posture of the future.

III. Summary and Conclusions

The decision to deploy a major strategic nuclear weapons system is one of the weightiest any nation can undertake. The potential death and destructiveness contained in just one nuclear warhead is beyond normal human comprehension. It is quite clear that so long as we must rely on a policy of deterrence, we will occasionally need to upgrade our weapons or reorient our force posture. It is also clear that we can never really know, with any scientific precision, whether a given deployment will serve to deter war or to make it more likely. The subject of strategic nuclear weaponry is fraught with both high uncertainty and high risk, a lethal combination for the person set on rational decision-making. That is why it makes considerable sense to give the benefit of the doubt to those who argue for a given deployment. After all, one can argue, if redundancy is what serves to make a nuclear war unwinnable—if it underwrites deterrence—then redundancy is at worst only a waste of money but at best a step which can keep the nuclear peace.

Ultimately, of course, any such decision must be based on a combination of tangible and intangible factors. It is not enough simply to assess warhead effects or to extrapolate survival rates among ICBM fields, just as it is not enough simply to engage in the metaphysics of extended discussions of deterrence. No one approach is likely to contain the fruits of an answer which is complete and demonstrable.

At heart, everyone of us who votes on this issue must be satisfied that, after extensive inquiry along as many lines as possible, he or she is satisfied that the best effort possible has been made. This is not a decision on which we can comfort ourselves by mentally passing the buck, whether to peace activists or to the Defense Department. All human knowledge in this area is imperfect; no one can speak authoritatively about what is likely to deter a nuclear war, or what such a war would look like if it were to occur. We have—for which we should all thank God every day—no real experience on which to draw.

So I am painfully aware that my decision must of necessity be based on incomplete information and on much reflection about things which are ultimately as much etheral as they are physical. We all face the same dilemma.

But having reviewed as many lines of inquiry as possible—the contribution of this missile system to our security, no matter whether measured by megatonnage, survivability, capability, or bargaining worth—I find that I cannot sustain a vote in its favor. The economic costs alone are enormous—far less than we might have faced before, but huge nonetheless. The potential policy costs are high. And the contribution to our security seems ultimately to be based as much on faith as on evidence. I therefore find that I must vote against this Resolution of Approval.

Mr. TSONGAS. Mr. President, the Senate once again confronts an issue with two very different levels of analysis—on the one hand we have the technical merits and demerits of the MX missile. Is it militarily justified? Is it required for deterrence? Does it close, open, or shatter the window of vulnerability? These questions and many more have haunted the MX since its inception making it the most controversial weapons procurement issue of our time.

Senate debate has focused very capably on these technical, strategic questions. These issues are critical, but they are not determinative in my mind. The determinative issues is the political aspect, which is less tangible, yet even more crucial to our decision today—in a word, I am talking about commitment, the commitment of this administration and President Reagan himself to the cause of arms control.

Let us for a moment consider the arms race in land-based strategic missiles. The unratified SALT II Treaty, which placed an effective lid on that race, has been condemned by this administration as fatally flawed. The treaty's slender hold on the surging ICBM arms race depends on both sides observing these limits voluntarily and informally. The Scowcroft Commission calls for the MX to be deployed and it asks for a new, single-warhead missile as well. These two new missiles would violate SALT II. On the Soviet side, the picture is even worse. The SS-24, a solid-fueled counterpart to the MX has been tested and can be deployed, if the Soviets so choose, before the first MX would be placed in a Minuteman III silo. The Soviet's ability to quickly develop and deploy SS-25's, SS-26's, SS-27's, and SS-28's in response to future U.S. missiles is a foregone conclusion. U.S. ratification of SALT II could rescue both nations from that arms spiral, but that option is rejected by the President.

A recent report from the Congressional Budget Office sets out the larger dimensions of the administration's nuclear-weapons program. Without a new arms-control treaty, the U.S.-warhead investory will increase from 9,000 to 14,000 in the 1990's. That includes 1,000 MX warheads, a number of single-warhead Midgetman missiles, a fleet of 20 Trident submarines each with 24 launching tubes for multiple-warhead missiles, 100 new B-1B bombers, 132 new advanced technology bombers, about 3,200 air-launched cruise missiles, and about 400 nuclear sea-launched cruise missiles. If the Soviets respond with more warheads and missiles, then the Defense Department reportedly wants an inherent growth potential in these new systems to counter Soviet responsive actions. This is the administration's recipe for an unrestrained build-up of nuclear weapons. The role of arms control appears to be no more than another device to help achieve nuclear superiority.

The President says he wants the MX as a bargaining chip in the Geneva arms-control negotiations. His essay in the Washington Post said it clearly: "At stake is the future of arms reductions." He has asked for bipartisan support so that he can use the MX to bargain for arms control with the Soviets.

This raises the central question of this debate. If the Congress gives the President the MX, will he give us a real effort to negotiate arms control with the Soviet Union? This is the question of personal and political commitment to arms control.

I, like many of my colleagues, have wrestled with this difficult and delicate question for over 2 years. This MX vote requires that I reach a firm judgment. Let us briefly examine the President's record.

I have already discussed the President's ardent campaign against SALT II.

To Geneva, the President has sent Gen. Ed Rowney, a man whose views on the Soviets and on the utility of negotiations with them are negative at best.

The President began with two negotiating positions for Geneva, both generated under intense pressure from our European allies and the American nuclear-freeze movement. Initially, they were judged to be worthwhile starting points for the process of negotiation. Yet they soon became the bulwark behind which our negotiators entrenched themselves. A second round of U.S. proposals is now in process, but still there is a stalemate in Geneva. The fault is not all ours, but this administration has cast United States-Soviet relations in such a confrontational mold that the Geneva talks are frozen by mutual suspicion and distrust.

The arms control record of the President goes on.

Two signed arms control treaties with the Soviets, the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty, only need the administration's endorsement to go through the Senate for successful ratification.

Instead, the administration wants to renegotiate the verification provisions.

The nomination of Kenneth Adelman was a bitter blow to the cause of arms control. I opposed that nomination because Ambassador Adelman, in my view, did not have the professional stature or the personal commitment to arms control required by an ACDA Director. After his confirmation, he told me that I would soon regret my vote.

Dr. Adelman's first appearance before the committee only served to confirm my doubts about this administration. The subject was the militarization of space with nuclear and conventional weapons. Dr. Adelman indicated that the administration is unwilling to seek an agreement forestalling an antisatellite—ASAT—arms race. He rejected an ASAT test ban for fear it would impinge on the development of Mr. Reagan's proposed outer-space missile defense system. The problem with that no arms-control plan is it would leave the Soviets free to perfect and pursue new ASAT systems too. Without an agreement, an era of competition of space weaponry will be launched and the erosion of national security of both sides will escalate. Once again, the administration advocates buildup first—arms control second; even in outer space and even when the Nation's electronic eyes may be at risk.

And ASAT's are just the beginning—the President has unveiled an enormous research and development effort to build a massive space-based defense against ballistic missiles—a program which will cost tens of billions of dollars and launch still another arena of the United States-Soviet arms race.

At the start of World War II, when most of our battleships had been destroyed in a devastating preemptive air strike, our force planners had a relatively easy task in trying to determine how many new battleships would be required to defeat the Japanese. The answer was easy. Predominance would be determined by the force having one battleship left at the end of the war after all the ones on the other side had been sunk. The proliferation of nuclear weapons has rendered that sort of who is king-of-the-mountain warfare obsolete. Unfortunately, the administration's arms-control policy is still directed toward determining the winner of World War III. Who will be the side with the most number of missiles available after the requisite number of strikes and retaliatory strikes have exhausted the other side's arsenal? But who will be left to post the final score and declare the winner?

I think the record of this administration is all too clear. I cannot support the MX missile program. I simply cannot believe that now, after so many blows to arms control, that the President truly seeks to change course. The MX is not a bargaining chip to Ronald Reagan. The arms-control agenda is not there. I will vote "No."

Mr. DIXON. Mr. President, as I said yesterday on the floor, this issue of the deployment of the MX missile presents many of us with a dilemma.

I have long supported the concept of this missile as a logical and defensible step in our national security effort.

But for just as long a time, I have maintained that the basing mode for this missile must be mobile or deceptive. To make this extraordinary expenditure of funds, only to place the missile in the totally vulnerable, precisely targeted Minuteman silos, has always seemed to me an unacceptable proposal.

Yesterday, I attempted to send that message once again to the President. I proposed, and we voted upon, a motion to delay spending money for the procurement of the MX missile until the President could offer us a basing mode that is either deceptive or mobile. The motion was tabled by a 59 to 35 vote.

So today, the Senate is faced with the final vote on this issue. It is take-it-or-leave-it day for MX. It is with some reluctance that I have concluded that I must cast my vote against this resolution.

Debate has certainly been full on this issue, and in recent weeks the administration has given indication through its statements on the direction it may now take in arms-limitation talks, and through its statements on the build-down approach to arms reduction, that its commitment to making progress in this areas is a real one.

These recent statements have caused some Members of both Houses of the Congress to embrace the MX proposal before us, albeit with some reluctance.

But the wisdom of putting these missiles in vulnerable silos has been questioned even by those who have come to support it in the end.

Let me quote my distinguished colleague, the chairman of the Armed Services Committee, Mr. TOWER, on November 2, 1981:

> By stuffing the MX's into fixed silos, we are creating just so many more sitting ducks for the Russians to shoot at * * *

And Secretary of Defense Weinberger, on January 6, 1981:

> I would feel that simply putting into existing silos would not answer two or three of the concerns that I have * * *

Mr. President, we have rejected the racetrack proposal of President Carter, the superhardened silo proposal of Mr. Reagan, the dense pack deployment of the Reagan administration. We have sent the missile back to the White House and asked for a better proposal than any of those.

We have received, from the Scowcroft Commission, a costly proposal, as bad as, or worse than, any of them. It is a proposal that says: put the MX where everyone knows where it is, and where it cannot be protected, or do not build it at all.

That is our choice today. It is an unfortunate one, unfortunately limited.

With a mobile or deceptive-basing mode, I could support construction of this missile.

With the basing mode presented to us today, I cannot do so, and will cast my vote against Senate Concurrent Resolution 26.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from New Mexico. Let me say, as I calculate the time, the rest of the time has been requested by the Senator from Oregon, the chairman of our committee, Mr. HATFIELD.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank the Chair and I thank the senior Senator from Mississippi.

Mr. President, I have come to the floor today to explain why I will cast my vote in opposition to further funding for the MX missile.

I have given this question careful scrutiny. As a member of the Armed Services Committee, I have had the chance to hear from all sides on the proposal which was put forward by the Scowcroft Commission and endorsed enthusiastically by the President. In the end I found all of the arguments for deployment of 100 MX missiles in Minuteman silos unpersuasive.

Let me first address the question of the military utility of this deployment. We would be adding a net 700 war-

heads to our ICBM force. With these additional warheads we could destroy almost the entire Soviet SS-18 force in a first strike. But given that the United States would never employ these weapons in a preemptive strike, what would we be adding to our deterrent second-strike force?

There the answer does not appear in dispute. A coordinated attack by 20 Soviet SS-18's would leave somewhere between 10 and 80 surviving MX warheads in the latter 1980's according to the Air Force's own calculations. The Soviets would not have to retarget a single missile to carry out this attack. All we would be doing is providing more lucrative targets for the Soviets, and targets which the Soviets might be tempted to preempt given the damage the MX missiles could wreak if we got the chance to use them.

Both sides can deal with this frightening calculus by adopting a launch on warning policy. This seems to me an almost inevitable result of our deploying MX. This will bring us one step closer to the possibility of war by computer error. We will truly then live in a world of the hair trigger.

Is this worth $20 billion, especially when we have better alternatives available? I point out to my colleagues that a single Trident submarine, costing $3 billion including its complement of missiles, would add far more surviving warheads than the entire MX deployment, and by 1989 these warheads could have the same hard-target kill capability as MX.

We are today engaged in a massive modernization of our strategic forces with MX and Midgetman, B-1 and Stealth, ALCM-B and ALCM-C, Trident I and Trident II, the Trident submarine and hopefully the small submarine recommended by the Scowcroft Commission, and improvements in our command, control, and communications. Senator NUNN asked the Joint Chiefs during testimony before the Armed Services Committee whether they had calculated if all of this would fit under a defense budget growing 5 percent a year in real terms in the next decade. The answer was that they had not looked at growth rates this low. To his credit General Meyer, the Army Chief of Staff, did express concern that our conventional forces could be adversely affected by pursuing all of these strategic programs.

I honestly believe that 5 percent real growth is the highest level of defense spending this country will see in the next decade. We are going to have to make choices among strategic systems and choices about strategic versus conventional modernization. And of all of our proposed strategic programs, the one which is most marginal is MX. If we do not cancel MX today, we will all see this $20 billion expenditure eat into the muscle of our defense modernization tomorrow.

Now I suspect this assessment of MX's cost effectiveness is actually shared by many of my colleagues who will vote for MX. But the claim is that other factors are involved in this decision, questions of national will and arms control leverage. It is argued that MX is an essential bargaining chip in our START negotiations with the Soviets and that we have to deploy a missile which our last four Presidents and our last four Secretaries of Defense have favored.

I cannot agree. MX is our least effective bargaining chip with the Soviets. MX deployment will not require an additional ruble of Soviet defense expenditures. The Minuteman silos are already targeted. The Soviets are far more concerned about our cruise missile, Stealth bomber, and Trident II missile programs. These will provide more than adequate bargaining leverage in any arms control negotiation.

As for the question of political will, I ask how much political will can we afford? We do not need to make bad decisions simply for the sake of making decisions. Why not for a change make a good decision—a decision to cancel a missile which never found a survivable home?

The Soviets know about all the other strategic and conventional programs that we have underway. A decision to stop MX is not going to mean a reduction in the budget ceilings we allocated for defense in our budget resolution last week. It will simply be a decision to reallocate those defense resources more effectively. The Soviets will know that. Our allies will know that. We will know that.

The choice we face seems clear to me. MX has become a symbol of what is wrong with our defense planning. We are simply not able to give up on bad ideas. Today we have a chance to change that and to vote for a bit of rationality in our defense program. I hope my colleagues will join me in voting today to kill the MX, and in the future to keep it dead.

In the novel 1984 by George Orwell, the ministry of truth uses the official doctrine of doublethink to justify the three official slogans of the party, "War is Peace," "Freedom is Slavery," and "Ignorance is Strength." In the May 24 issue of the Washington Post, President Reagan wrote, ". . . a vote for the MX is a vote for what all of us want for our country and for posterity—peace, security, significant arms reductions, and an end to nuclear horror." The obvious conclusion, for me at least, is that Orwell's principle of doublethink has taken root a full year before he expected.

Mr. STENNIS. Mr. President, the Senator from Wisconsin is here and is making a calculation on the time that does remain available. If the Chair would indulge us just a moment.

Mr. President, as I said, the Senator from Wisconsin has been able to finish his other mission now and is back here and, of course, he will be in charge of the time for the opponents.

How much time does the proponents have remaining?

The PRESIDING OFFICER. The proponents of the measure have 20 minutes remaining.

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I thank the Senator, my colleague from Mississippi. I will try not to take all of that time.

The PRESIDING OFFICER. The Senator may proceed.

MX—THE NEAR TERM AND THE LONG TERM

Mr. NUNN. Mr. President, the President's Commission on Strategic Forces released its report on April 11, 1983, with their three major recommendations: The immediate deployment of the MX missile in existing silos, the longer term development of a small single-warhead ICBM, and a new departure in arms control by shifting the focus from launchers to warheads in an effort to deemphasize multiple warhead missiles. In addition, they recommended research on a small submarine, a recommendation which may be of growing importance in the years ahead. On April 19, the President publicly endorsed the recommendations of the Commission and provided the appropriate reports as requested by Congress.

THE MX LINK

The Scowcroft Commission directly linked the MX decision to both short-term and long-term arms control considerations. I believe that it is imperative that this link be preserved both in theory and in reality, in Congress and in the administration.

Mr. President, the Scowcroft Commission has recommended a near-term step—producing the MX a multiple-warhead land-based missile, and deploying it in fixed silos—which is inconsistent with their long-term arms control recommendations—moving away from large fixed, MIRV'd land-based missiles on both sides.

In effect, Mr. President, those of us who for a long time have been concerned about the destabilizing effect of basing a prompt, hard-target kill weapon in a vulnerable basing mode are given two justifications for this recommendation by the Scowcroft Commission:

First, "Our bombers and ICBM's are more survivable together against Soviet attack then either would be alone." The Scowcroft Commission generally explains that the Soviets have two attack options: Try to destroy all our forces at the same time or try to destroy primarily our bombers

first. If they use the first option, we would have enough warning for our bombers to escape. If they use the second option, we would have enough warning for our ICBM's to be launched after the impact of the first Soviet weapon.

Second, the hope that by moving forward with the MX the Soviets will begin to be concerned about their own growing land-based missile vulnerability and thus be willing to reach an arms control agreement that moves away from heavy reliance on large MIRV'd land-based systems.

PRESIDENT MUST RECOGNIZE IMPLICATIONS

I believe that it is essential for President Reagan and Congress to recognize the full implications of the Scowcroft report:

First, the Soviets threaten our land-based systems.

Second, the MX will begin to threaten Soviet land-based systems.

Third, both sides are invariably moving to a prompter launch of land-based systems.

Fourth, both sides should endeavor to move away from this position in both arms control agreements and strategic programs.

Fifth, the MX deployment though inconsistent with the long-term goal will provide the short-term incentive to the Soviets to reverse their course and move in the direction of stability.

Mr. President, I can accept this logic, but only if I am convinced and remain convinced that the President thoroughly understands the implications of the Scowcroft report and also understands that the MX deployment is inconsistent with the long-term goal of the Commission—de-MIRVing to bring about a more balanced ratio between warheads and targets and reduce the inexorable move toward the hair trigger on both sides.

Mr. President, because of these concerns, Senators COHEN, PERCY, and I wrote the President to ascertain his personal views and commitments to these concepts. I ask unanimous consent that our letter to the President and his response be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., April 29, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We have carefully studied the report of your Commission on Strategic Forces and find it to be a valuable contribution to the national debate on U.S. strategic force posture and arms control policy. Your establishment of this bi-partisan Commission and your decision to endorse its recommendations reflect your sincere and continuing commitment to a strong national defense.

We believe the Commission's report contains the elements neccessary to move the United States toward a posture in which force modernization and arms control can produce a more stable world. In particular, we see much merit in the Commission's recommendations to work vigorously toward development and deployment of systems which are collectively more survivable and individually less valuable as targets for a would-be attacker. We fully agree with the Commission's emphais on a new direction in arms control as an essential component in its recommended program.

We are concerned, however, that the Administration has not responded more fully to the arms control recommendations put forward by the Commission. General Scowcroft has testified that the current U.S. START proposal is "not fully compatible" with the Commission's recommendations. Noting that the U.S. proposal would, if accepted, increase rather than decrease the existing warhead-to-launcher ratio, General Scowcroft has called on the Administration to eliminate its proposed ceiling on ICBM and SLBM launchers, as well as the associated sub-limits on specific ICBM types. However, the Administration has yet to indicate what, if any, modifications will be made in our START proposal.

The present debate in the United States provides an opportunity to develop a widely supported, long-term framework for arms control and weapons modernization—a policy that would put the United States in a position to move forward resolutely on strategic force improvements, while giving the Soviet Union strong incentives to bargain earnestly in ongoing arms reduction negotiations.

Toward this end, we recommend that you announce a firm commitment to the following:

A reformulation of the U.S. START position to incorporate the recommendations of the Scowcroft Commission.

A proposal in the appropriate arms control context that the Soviet Union and the United States should adhere to the principle of a guaranteed mutual build-down of nuclear forces in which each country would eliminate from its operational inventory two nuclear warheads for each one newly deployed. This agreement would ultimately be linked to warhead ceilings established in the relevant negotiations, and would be subject to mutually agreed procedures and verification.

An immediate start on research and development of a new, small, single-warhead ICBM, with an assurance that the program will retain a high priority despite probable constraints in the overall defense budget.

In accordance with your request in your April 19, 1983 statement that General Scowcroft have a continuing role in shaping arms control policy, we also urge you to consider establishing a new, bi-partisan arms control panel to advise you on implementing the Commission's arms control recommendations. Establishing such a body would confirm your commitment to the formulation and maintenance of a durable framework for U.S. policy in this area. It would also underscore to our allies and adversaries the continuity of U.S. arms control policy beyond any one administration.

These proposals would meet the essential concerns and recommendations of the Scowcroft Commission. Revising the U.S. START position and proposing the build-down concept as a mechanism for early arms reductions could give impetus to U.S arms control efforts and would constitute evidence of U.S. resolve to encourage stability in weapons modernization decisions. The Commission indicates in its report that the build-down concept is consistent with the recommendations. The build-down concept has attracted support from such experts as: Lt. General Kelly Burke, who headed the MX development program as Air Force Deputy Chief of Staff for Research and Development in your Administration; General David Jones, former Chairman of the Joint Chiefs of Staff; and the present and previous Under Secretaries of Defense for Research and Engineering, Dr. Richard DeLauer and Dr. William Perry. In addition, a resolution supporting the build-down concept has already attracted 45 co-sponsors in the Senate.

Mr. President, the Scowcroft Commission Report and testimony before the Armed Services Committee make clear that, without effective arms control to restrain the threat, there is no satisfactory solution to the problem of land-based missile vulnerability. Unless we achieve steady progress toward reducing the number of ballistic missile warheads on both sides, the survivability of MX and the single-warhead missile will remain in doubt. For that reason, we believe that explorations should begin at once to determine whether there is any reasonable prospect of agreement with the Soviets to move toward the kind of long-term posture outlined in your Commission's report.

Soviet reaction to the build-down proposal would provide a crucial indication of their willingness to scale down total warhead inventories to levels compatible with ICBM survivability. At the same time, continuing research and development on an upgraded Minuteman III force would provide useful flexibility should developments in these talks make it unnecessary or unwise to field the full MX component.

In sum, Mr. President, our proposed approach would provide a means of immediately implementing the recommendations of the Scowcroft Commission. We believe it would attract wide bi-partisan Congressional and public support for a strong national defense and a viable arms reduction policy.

Before we reach a decision on the critical question of opening the production line for the MX missile, we would like an expression of your opinion on the approach we have outlined. If Congress decides to proceed with MX production, it is our opinion that the eventual number of MX missiles to be deployed should be contingent on arms control developments.

After you have had an opportunity to review our recommendations, we would like to meet with you personally to discuss these suggestions.

Sincerely,

WILLIAM S. COHEN,
SAM NUNN,
CHARLES H. PERCY,
U.S. Senators.

THE WHITE HOUSE,
Washington, D.C., May 12, 1983.

Hon. SAM NUNN,
U.S. Senate,
Washington, D.C.

DEAR SAM: Thank you for your recent letter on our strategic modernization program and its relationship to our arms control proposals. You letter represents the bipartisan spirit which I believe will help achieve our common goals of ensuring effective deterrent forces and equitable and verifiable arms reductions.

The fundamental U.S. goal in negotiations concerning arms reduction, and especially in

our approach to the START negotiations, is to seek agreements that would enhance security and stability by reducing overall force levels while permitting moderization of U.S. forces necessary for a credible deterrent. As you know, the Scowcroft Commission noted that elements of our START proposal are consistent with and supportive of the Commission's findings. I agree wholeheartedly with the essential theme of the Scowcroft Commission's approach to arms control: the attainment of stability at the lowest possible level of forces.

The Scowcroft Commission's recommendations on modernization and arms control are integrally related. Our action with respect to these recommendations must be equally comprehensive. That is why I am now reviewing our START proposal in order to develop such modifications as are necessary to reflect the Commission's approach, which I share. To cite just one example, the Commission report recommended that the proposed limit on deployed ballistic missiles currently contained in the U.S. START position be reassessed since it is not compatible with a desirable evolution toward small, single-warhead ICBMs. There are a number of alternative approaches available to integrate this and the other Commission recommendations into our approach to arms reductions. As modifications are made to our START proposal, I will continue to seek stability at the lowest possible level of forces.

The planned deployment of the Peacekeeper missile as proposed by my Administration is compatible with the long-term objective of the Scowcroft Commission Report. The Peacekeeper missile, deployed in a mix with small single-warhead ICBMs, would permit us to maintain the effectiveness of our deterrent and enhance stability.

At the same time, let me emphasize that we do not seek a first strike capability. To this end, we will constrain the number of Peacekeeper missiles to the minimum number needed to assure the effectiveness of our deterrent and no more. Our task, of course, would be much easier if the Soviets would agree to work with us to reduce the ratio of accurate warheads to missile silos. Clearly, consistent with our national security requirements, the overall level of Peacekeeper deployment will be influenced by Soviet strategic programs and arms reductions agreements.

In addition, I fully recognize the central role that the small, single-warhead ICBM plays in the overall modernization program recommended by the Scowcroft Commission Report. We will promptly undertake a major effort to bring the proposal of a small, single-warhead ICBM to fruition on a high priority basis.

In considering the implementation of the essential ICBM modernization program, the Scowcroft Commission also recognized that a series of decisions involving both the Executive Branch and the Congress would be necessary in the months ahead in order to determine the future shape of our ICBM force. Further, it noted that not all of these decisions can or should be made in 1983. The deliberate approach to decision making proposed by a number of members of Congress is fully in keeping with the intent of the Scowcroft Commission Report. I fully recognize that a lasting consensus on such an important issue must be built up carefully and I intend to take the time necessary to forge that lasting consensus.

I urge all concerned, however, to keep in mind that if we draw out critical elements of the decision-making process unnecessarily, we encourage the Soviets to delay in negotiations while continuing apace in their own weapons modernization programs.

To avoid this, I am seeking a clear show of support from Congress to signal U.S. resolve. A case in point is the clear necessity of approving funds promptly to procure Peacekeeper missiles. Working together, this should be achievable while simultaneously meeting our mutual desire to deal with deployment issues, whenever possible, in a careful, deliberate manner.

You have suggested that certain additional initiatives could be helpful in moving us toward our goals of security and stability at reduced levels of forces. One of the most prominent of these initiatives is the idea of a "guaranteed build-down."

The principle of a mutual build-down, if formulated and implemented flexibly, and negotiated within the context of our modified START proposal, would be a useful means to achieve the reductions that we all seek.

It would, if properly applied, reinforce our intent to cap the number of strategic ballistic missile warheads on both sides and to cause each side to reduce those levels steadily and substantially over time.

It could be implemented flexibly and with reasonable latitude for each side to balance the forces it deploys and reduces. Variable ratios as appropriate, would encourage more stabilizing rather than less stabilizing systems.

It could be implemented in conjunction with an agreed floor which, when reached, would trigger the suspension of the build-down rule, subject to renegotiation.

As you have acknowledged, any build-down concept must recognize the importance of strategic modernization and the necessity of maintaining a balance during the reduction process to deal with asymmetries in U.S. and Soviet forces. It would, of course, require agreement on effective verification measures, including counting rules for all systems.

My Administration is currently examining the structure of a build-down proposal which would meet these criteria and would facilitate a START agreement embodying substantial reductions in nuclear forces. I will work with you and your colleagues to develop such a proposal.

Finally, I want to stress the extraordinary contribution made by the Scowcroft Commission. It provided an opportunity for nonpartisan analysis of an exceptionally difficult issue as a prelude to obtaining necessary bi-partisan support for critically needed modernization of our strategic forces. While not prescribing the details or the timing, the Commission report suggested certain directions that the continued evolution of our complementary strategy for arms reduction could take. Over the short term, follow-on arrangements involving members of the Commission, as well as close coordination with the Congress, will be extremely helpful both technically and politically in thinking through this evolution. However, we are giving careful consideration to determining which follow-on arrangements best meet our common objectives.

In this regard, I do see merit in a panel with bi-partisan composition and with staggered terms of membership to provide advice and continuity in this area. I will work with the Congress, building upon the experience of the Scowcroft Commission, to strengthen and supplement our consultative and advisory processes to assure a lasting, national, bi-partisan consensus concerning arms control initiatives—a consensus which will deserve to be sustained from one Administration to the next.

Sincerely,

RONALD REAGAN.

Mr. NUNN. In his response, the President committed to promoting the Commission recommendations in four major ways:

First, the President acknowledged that:

The Scowcroft Commission's recommendations on modernization and arms control are integrally related. Our action with respect to these recommendations must be equally comprehensive.

The President said he would make modifications to his START proposal to incorporate the Commission's recommendations and to "seek stability at the lowest possible level of forces."

Second, the President indicated his support for development of the small, single-warhead ICBM which is needed to reduce the number of destabilizing MIRV systems in vulnerable silos, and to meet the long-term modernization mix recommended by the Commission. The President further said he would:

Constrain the number of Peacekeeper missiles to the minimum number needed to assure the effectiveness of our deterrent and no more . . . The overall level of Peacekeeper deployment will be influenced by Soviet strategic programs and arms reductions agreements.

Third, the President indicated he would work on development of a build-down proposal which could facilitate START and which could lead to substantial reductions in nuclear forces on both sides.

Fourth, the President also indicated that he wanted to forge a lasting bi-partisan consensus on these issues and one "which will desire to be sustained from one Administration to the next."

I believe point three deserves special attention.

BUILD-DOWN CONCEPT

As Senators COHEN, PERCY, and I have outlined, the build-down concept is designed to achieve meaningful reductions in United States and Soviet forces while permitting modernization programs which enhance stability. A mutual build-down agreement would be only one element of START but could provide the leading element in a more comprehensive approach to the substantial reductions on both sides as currently envisioned in START. In its simplest form, the builddown envisions the elimination of existing warheads from operational inventories for each newly deployed modernized warhead. It would also provide strategic planners—and this is the relationship to the MX—on both sides with incentives to minimize deployments of multiple warhead systems since these could require larger reductions. This is, of course, the precise direction and focus

recommended by the Scowcroft Commission.

I want to make it abundantly clear to my colleagues that my present position in favor of moving forward on the MX is based on the premise that President Reagan, as evidenced by his written commitments, understands this Scowcroft Commission logic and is fully committed to moving toward these long-term goals with both our strategic programs and our arms control position. This will require a substantial change in our START position, and I will monitor these changes carefully in the weeks and months ahead.

PREVIOUS MISTAKES

Mr. President, I am disappointed that our Nation has not been able to agree on a basing mode that provides a reasonable degree of survivability to the MX missile. Looking back, mistakes were made in previous administrations in not building a smaller missile that could be made mobile and deceptive with less economic and environmental cost. I also believe that President Reagan made a serious mistake in ruling out deception and mobility as important features of the MX basing mode. We cannot, however, repeal history today.

WHAT IF MX IS KILLED?

Mr. President, before voting on the MX today, I hope my colleagues will reflect on the likely results of a congressional decision to kill the MX if we were to vote in the negative.

If the MX is killed, what incentives will the Soviets have to move away from threatening land-based MIRV'd systems during this decade?

If the MX is killed and there is not a near term United States prompt hard target threat to the Soviet SS-18's and SS-19's, what incentive will the Soviets have to make significant changes in their powerful first strike offensive force that will then remain survivable for the remainder of this decade?

If the MX is killed, what will our Nation be willing to give up in arms control negotiation, particularly at START? President Reagan's START proposal envisions significant U.S. reduction in the Minuteman force but this reduction is premised on the MX moving forward. Will we give up our only remaining land-based missile, the Minuteman, or the cruise missiles or the submarine-launched missiles if the MX is killed? I think not. I believe our position in the START talks would become more inflexible and an agreement would be less likely.

If the MX is killed, are we likely to be able to negotiate a limit on Soviet warheads and a reduction in the land-based MIRV systems?

If we are not able to negotiate a limit on Soviet warheads does this not mean that a small missile like Midgetman, which we have talked about and the Scowcroft Commission talked about, will be forced to maneuver off of Government lands.

Will a Midgetman missile maneuvering on areas be acceptable in the late 1980's in terms of operating costs and in terms of interface with the public?

In other words, Mr. President, by killing the MX, we make it much less likely that we can reach an agreement limiting particular warheads. By not reaching an agreement limiting warheads, we make it less feasible to deploy the Midgetman missile or the small missile, which all of us hope will lead us out of this dilemma that we are moving toward. I think the two are very closely connected.

Finally, Mr. President, I think we need to ask ourselves what will be the likely political result of killing the MX. I believe that arms control agreements are less likely because of the reaction not only in Moscow but also in Washington. The Reagan administration will be tempted to heap all blame for arms control failures on the vote to kill the MX. If this becomes the dominant theme of the 1984 campaign, our Nation would be continuing a pattern of disarray in our arms control efforts. I ask my colleagues, Can we build a bipartisan approach to arms control that has continuity if the MX is killed? I seriously doubt it.

We must begin today to build a bipartisan consensus on arms control and our strategic programs. The Scowcroft report and the President's arms control commitments have given us this window of opportunity.

I can agree with much that the critics say about the MX. These misgivings about proceeding with the MX proposal are exceeded, however, by the consequences of its defeat.

Mr. President, I urge my colleagues to vote favorably on this proposition.

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from Nebraska (Mr. EXON).

Mr. EXON. Mr. President, I have been listening with great interest to my distinguished friend and colleague. The vote today is not to kill the MX missile; the vote today is whether we are going to deploy it in a highly vulnerable basing mode.

I am concerned that the Senate, that is supposedly the most deliberative body in the world, is on the threshold of making this historic MX decision without deliberation. The RECORD will show at least three things: First, little or no actual debate took place; second, the workable alternative to upgrading the Minuteman III to provide essentially the same hard-target-kill capability has essentially been sidetracked and is the best kept secret in Washington, D.C.; third, the key votes will be cast in support of proceeding with the $20 billion MX deployment in the admittedly most vulnerable basing mode by Members who concede that they are not sold on the wisdom of this action.

The attractive cloak of respectability provided by the assumed arms-control window dressing has probably turned sufficient votes to reverse this body's and the House of Representatives' previous actions even if it makes no sense.

If this MX proposal before us today prevails, there is no stopping the misnomer of the "Peacekeeper" and its deployment in already vulnerable silos. That is the bottom line.

I yield the floor.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Texas for the proponents.

Mr. BENTSEN. I thank the distinguished Senator from Mississippi.

Mr. President, for the better part of a decade now a series of Presidents and Congresses have struggled with the problem of an appropriate basing mode for the MX missile. Frequently, we have tried to marry impossible objectives. We have been haunted by demons of our own imagination: The window of vulnerability became a cliche, first of the Presidential campaign and then of national defense policy, only to be dismissed as irrelevant by the Scowcroft Commission. We have worried about our environment as we pondered the prospect of President Carter's racetrack basing mode; many Americans rubbed their eyes in disbelief as they tried to fathom the rationale behind dense pack. There has been long and tedious debate about whether it is actually possible to harden a missile silo to the point where it can withstand an almost direct hit. Over and over we have been offered conflicting testimony on MX basing cost, technical feasibility, and environmental impact.

Amid all this rhetoric, contradiction, and frequent return to the drawing boards, there has, however, been an area of shared and legitimate concern: America has remained committed to the modernization of our land-based ICBM force. We understand that, at least in the area of land-based missiles with an ability to kill hardened targets, the Soviet Union enjoys a substantial advantage over the United States.

During the past 13 years we have modernized our Minuteman missiles, but we have not deployed a new weapon. The Soviet Union, by way of contrast, has embarked on a vast and vigorous program of expanding their ICBM arsenal and developing new weapons. As a result of this process the Soviets have three new missiles, some 9,000 nuclear warheads, and a first-strike potential that exceeds our capabilities in this area.

Clearly, Mr. President, it is time to determine how we want to base the MX. There is no perfect answer—no simple, painless magical solution that

will meet every objection. As far as I am concerned, the only real alternative to accepting the recommendations of the Commission on Strategic Forces is simply to scrap the MX—and that is not an option I am prepared to accept. I do not think the United States can afford to write off one leg of our strategic triad—particularly not at a time when the Soviet Union is moving inexorably ahead with its military buildup.

I recognize that the decision to base the MX in existing Minuteman silos smacks of compromise and leaves in abeyance the question of vulnerability. Under the terms of this proposal the MX will be vulnerable to a first strike from the Soviet Union. We can still feel the draft from President Reagan's window of vulnerability.

I believe my colleagues in the Senate will agree, however, that the recommendations of the Commission on Strategic Forces go beyond the simple basing question. I would like to say that I was favorably impressed by the work of this Commission and the briefings provided by General Scowcroft and others. I think the Commission dealt with a complex question in a balanced, realistic way. I agree with their recommendations on the need for a smaller, single warhead, mobile missile. I am pleased with the emphasis they gave to arms control. I was pleased to see the Commisssion debunk the window-of-vulnerability argument and focus on the real issues. I agree entirely with the Commission's conclusion that the vulnerability of the MX in Minuteman silos is offset by the mutual survivability shared by the ICBM force and the bomber force in view of the different types of attacks that would need to be launched at each.

Mr. President, as one who has previously opposed deployment of the MX in existing silos, I can appreciate the concerns expressed by many of my colleagues. But, at the same time, I would suggest to them that the danger of doing nothing—of writing off the MX—the security and the potential bargaining leverage it could give us—more than outweighs the acknowledged vulnerability of the basing mode recommended by the Commission.

When it comes to arms control and arms reduction bargaining, I do not see why the Soviet should offer something for nothing. Without MX we have got little to offer in the way of chips in the ICBM area. I believe, and hope my colleagues will agree, that approval of the Commission recommendations will provide a clear signal to the Soviet Union, to our allies, and to the world that the United States is determined to maintain the strategic triad as the underpinning of our national security.

Mr. PROXMIRE. Mr. President, I yield 1 minute to the distinguished Senator from New Hampshire.

MR. HUMPHREY. I thank the Senator.

Mr. President, in my view, the President's Commission on Strategic Forces, as commissions will, has come up with a camel where a horse is needed. With respect to the basing mode of the MX missile, the Commission apparently has found a politically acceptable proposal, but has succeeded only by reducing matters to the lowest common denominator. What is politically acceptable is not necessarily virtuous. In the case of the MX basing mode, the proposal in fact has several vices.

The first and most obvious vice of emplacing MX missiles in existing Minuteman silos is their vulnerability to a devastating first strike by Soviet warheads. The vulnerability of MX missiles in Minuteman silos is obvious to us and to the Soviets.

We know as a certainty that every one of our Minuteman silos is targeted by at least two highly accurate Soviet warheads. If the Soviets are determined to destroy Minuteman missiles, each with three warheads, we can be sure the Soviets will be even more determined to destroy MX missiles, each with 10 highly accurate warheads. Thus, MX will be an exceedingly inviting target. For the Soviets, destroying MX missiles in Minuteman silos will be almost as easy as shooting fish in a barrel.

The second vice, then, of emplacing MX missiles in Minuteman silos is that it works against the stated goal of the President's commission, namely to: "move toward more stable strategic deployments * * *" That "it is important to move toward reducing the value and importance of individual strategic targets."

The third vice, Mr. President, is cost. What are we buying with the expenditure of what will be on the order of $20 billion? In terms of surviving MX missiles, we are talking about spending $20 billion on, at best, 10 missiles. Credible estimates are hard to come by. However, a very recent Congressional Budget Office estimate, based apparently on Air Force figures, is that by 1990, the Soviets will have the capability of destroying 97 percent of our MX missiles. Other estimates are even more pessimistic. Are 3 or even 10 surviving MX missiles worth this cost? In view of the serious problems affecting our strategic triad, it seems to me we could spend the money more effectively in other ways.

The fourth, and worst vice of emplacing MX missiles in Minuteman silos, Mr. President, is that it will force our national command authorities to launch MX missiles at some point prior to Soviet warheads landing upon them. Until now, we have not only insisted that our strategic doctrine was one of retaliation, but, further, we have designed our weapons to withstand a first strike. MX cannot withstand a first strike in the proposed basing mode. Therefore, some degree of stability and safety will be sacrificed. At the very least, this is movement in the wrong direction.

The President, in a personal conversation with me, has expressed his feeling that we need to go forward with MX if he is to succeed at the START talks. In a subsequent conversation with our chief arms negotiator, Edward Rowney, he likewise stated that he feels progress on MX will enhance his leverage with the Soviets.

Mr. President, despite my great respect for President Reagan and for General Rowney, I fail to see how MX in Minuteman silos will impress the Soviets. The Soviets know full well that MX will be vulnerable, that the task of destroying them will not be significantly more difficult than destroying Minuteman missiles. To be sure, further hardening of the silos will help, but I cannot believe, given the vast number of accurate warheads available to the Soviets, that basing MX in Minuteman silos significantly complicates the task for the Soviets. And we must remember that Soviet missile accuracy will be steadily improving during this decade.

I simply cannot see how the proposed basing mode will impress the Soviets or provide leverage to out negotiators in Geneva. Were we proposing to base MX in a mobile mode, then, indeed, we would create effective incentives for the Soviets to negotiate reductions.

Mr. President, we cannot solve the strategic problems of the eighties and nineties with solutions from the sixties. However sincere its effort, the President's Commission on Strategic Forces has offered an extraordinarily poor answer to the question of how to base MX.

The matter before us this afternoon, is whether to go forward with the basing of MX missiles in Minuteman silos. If we vote against the proposal, does that mean the end of the road for MX? I do not know. I would hope that it would mean we could consider again mobile basing modes for MX. That is the only course for MX that makes sense to this Senator. What is certain in my mind is, that it would be a grave mistake for us to proceed on basing as recommended by the Commission.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

Let me say to my colleagues that this is no jumped at opinion with me. I said to the President of the United States before he was sworn in:

> I think the most important problem you will be confronted with, the most credit will be due to you if you can be successful with reference to arms limitation.

I have had this thing on my mind. I have heard every word, every single

word, of this debate. I think running through all of it is the realization that there is needed an all-out, effective arms-limitation talk, honest negotiation and effort that will be kept continuing for 1 year, 2 years, if necessary, until something is done.

I could not overemphasize in any way, by any expression I could get up with an hour's time, the importance that I think goes with that. This Scowcroft report makes a start in bringing our side of the thing together where we can move forward.

Mr. President, I am going to yield the rest of my time to the Senator from Alaska. He is here and he has the rest of the time so far as I am concerned.

I do want to put in this word: We have known a long time that the triad—the bomber, the submarine, and the missile—has been our safeguard and it has carried us a long way through the years. I would not dare be a party, however much doubt I might have on any step like this missile, to tearing up that tripod, that three-legged principle we have maintained. To abandon one leg is an invitation to the gravest kind of trouble.

I yield the floor.

Mr. GRASSLEY. Mr. President, I rise in support of the MX missile.

I believe we need to modernize our ICBM just as any other weapons system needs to be updated periodically.

The President has made it easier for me to vote for this missile with his recent commitments to flexibility in arms negotiations. But regardless of the President's commitment to flexibility, there must be an incentive for the Soviets to negotiate. A decision by this Congress not to build the MX would be a disincentive for the Soviets to negotiate in good faith.

I support a reduction in nuclear armaments, but that cannot be done unilaterally, and it cannot be bilateral unless the Soviets are forced to a position they see it in there best interests to negotiate. They must be convinced of our strong resolve to maintain our military strength until peace is reached at the table of diplomacy. Defeat for the MX would send the wrong signal.

The case has been made that if we want to go forth with arms control we have to move ahead with improvement in our ICBM leg.

I not only want to send a signal to the Soviets but I also want the Department of Defense to get a message. We are approving the MX today with only the roughest of cost estimates; there is still much more work to be done on the system, so that is understandable. As one who has raised much fuss and concern on cost overruns of many a weapons system, I am also concerned about the MX. I want DOD to understand that I will be monitoring their pricing of the MX and their use of firm, fixed-priced contracts.

This administration has told me that they have made changes in the way DOD procures since taking over the Department. I have my doubts that any real changes have been made and I am committed to getting more free market principles into the way DOD does business. I urge the President to demonstrate that changes have been made by seeing that there are no cost overruns on the MX.

My support for the MX today in no way binds me to future support, and that future support will be measured against the President's commitment to flexibility and the Soviet response. Additionally, there must be a bottom line to the MX contracts; anything less is business as usual in DOD.

Mr. EAGLETON. Mr. President, I oppose production funding of the MX for several reasons: The lack of a survivable and practical basing mode; its destabilizing effect on the arms race; and its waste of $20 billion, which could be better spent on legitimate defense needs.

I find much to agree with in the Scowcroft Commission's recent MX report, but I do not endorse its principal recommendation: That 100 MX missiles be placed in the extremely vulnerable Minuteman silos.

Time and time again, congressional committees have decried the placing of the MX in these silos. For example:

> The rationale behind the development of a new missile system (MX) is to provide a land based survivable strategic force. The development of an alternate basing mode as opposed to a fixed or silo based mode is the key element in insuring this survivable force. The conferees are in agreement that providing a survivable system should be the only purpose of this effort; that the design of this system should not be constrained for silo basing; that none of this program's funds shall be expended in fixed or silo basing for MX. (1976 Joint Conference Report of House and Senate Armed Services Committees.)

> Whatever the decision, the committee will not consider, under any conditions, an approach that leaves the MX missile with no basing mode other than the current fixed Minuteman silos. This fixed silo basing mode is the principal cause of the Minuteman vulnerability, and a system using an advanced ICBM with fixed silos would only be worse—in fact, highly destabilizing. (1979 Report of House Armed Services Committee.)

It was said earlier today that the MX missile in this deployment mode is not a peacekeeper but a political face-saver. I submit that it is an expenditure this country can do without.

Mr. MITCHELL. Mr. President, I will oppose Senate Concurrent Resolution 26, which, if approved, would release immediately $625 million in MX testing and development money. These funds were appropriated by Congress last December but were restricted until the President made a final decision on how the MX would be deployed and until the Congress approved the final basing plan.

Since December, a Presidentially appointed commission, led by Gen. Brent Scowcroft, has studied the MX question. Recently, the Scowcroft Commission presented its report to President Reagan who has embraced the Commission's recommendations.

The Scowcroft Commission recommended that the United States first, place 100 MX missiles, each carrying 10 nuclear warheads, in 100 of the existing 1,000 Minuteman missile silos; second, embark on an accelerated, comprehensive research and development program to produce a small, highly mobile, land-based, one-warhead intercontinental ballistic missile, ready for use by 1990; third, continue seeking ways to protect our existing land-based ICBM's by further hardening the silos in which they sit, as well as by studying possible antiballistic defense systems; and fourth, shift its arms control negotiating strategy away from a focus on numbers of launchers toward a focus on numbers of warheads.

There have been many high level studies and sets of recommendations since the missile experimental (MX) was first proposed over 10 years ago. However, the Scowcroft Commission's report is noteworthy because of the "about face" policy for which it argues. It deemphasizes the problem which the MX is supposed to answer: The alleged vulnerability of U.S. land-based intercontinental ballistic missiles to a Soviet strike.

For a full 12 years—since the Strategic Air Command outlined the need to develop an advanced missile which would survive an attack of accurate and powerful Soviet Missiles—the Government of our country has been vigorously seeking a new system which would provide U.S. land-based missiles with the degree of invulnerability which the Minuteman ICBM force traditionally enjoyed.

The threat was called the window of vulnerability. The administrations of Richard Nixon, Gerald Ford, and Jimmy Carter each attempted to close it by spending billions of dollars developing a missile which could be moved rapidly and thus would avoid being targeted accurately by our superpower adversary.

Candidate Ronald Reagan campaigned on the theme that his opponent had failed to eliminate the threat to the land-based component of our strategic triad—land-based missiles, sea-based missiles, and heavy bombers. Unless this component of our strategic force was again made invulnerable, our country would be susceptible to Soviet intimidation and adventurism, Reagan told the American electorate in 1980.

Ronald Reagan as President has had no more success in dealing with the invulnerability problem than did his predecessors. What sets him apart, however, is his decision to place the powerful new weapon in the very same silos whose increasing vulnerability had heretofore driven us to seek a survivable new missile.

The President's plan runs counter to the MX dictates of the Congress.

As early as 1976, the Congress concurred with the Air Force's view that the MX should be developed solely to counter the growing problem of ICBM invulnerability. Accordingly, the conference report on Fiscal Year 1977 Defense Authorization Act stated:

> The rationale behind the development of a new missile system, MX, is to provide a land-based survivable strategic force. The development of an alternate basing mode as opposed to a fixed- or silo-based mode, is the key element in insuring this survivable force. The conferees are in agreement that providing a survivable system should be the only purpose of this effort; that the design of this system should not be constrained for silo-basing; that none of this program's funds shall be expended in fixed- or silo-basing for MX.

In May 1977, the Senate Committee on Armed Services reaffirmed its concurrence with the view that the single purpose of MX was to insure ICBM survivability in the future. This reaffirmation appeared in the committee's report on the Fiscal Year 1978 Defense Authorization Act:

> In recommending support of the requested $134 million for MX this year, the committee reaffirms its conviction that our deterrent depends on the continued survivability of our Triad of strategic forces * * * The committee is satisfied that the Department of Defense has complied with last year's congressional direction that providing a survivable system should be the only purpose of the MX program.

A metamorphosis in policy has occurred. Using the device of a bipartisan, though not unbiased, blue ribbon panel, President Reagan now argues that we need the MX missile in any event, even though it does not solve the problem which it was supposed to solve. He stresses that to terminate the MX program at this point will demonstrate a lack of resolve to our allies and adversaries, and will undermine the ability of our negotiators to achieve meaningful nuclear arms reductions in Geneva.

Briefly, let us examine the national will and arms control arguments for replacing 100 Minuteman missiles with 100 MX missiles.

The United States, since fiscal year 1980, has increased its level of defense spending by 25 percent. A further increase of 5 to 7 percent is expected in fiscal year 1984. The United States has committed itself to produce 100 new bombers, the B-1, and to develop an even newer hard-to-detect penetrating strategic bomber (the Stealth). The United States is adding cruise missiles to the force. The United States is rapidly developing a Trident II missile (D-5), which will be more accurate, carry more warheads, deliver a greater payload and have a 50 percent greater range—6,000 nautical miles—than the currently-deployed Trident I missile (C-4). In the midst of all the rhetoric about alleged American "weakness," it should be noted, emphasized and remembered that, when fully deployed, a single Trident submarine will have the capacity to carry 24 missiles, each armed with up to 14 nuclear warheads. That will be 336 nuclear warheads, each many times more powerful than the bombs dropped on Hiroshima and Nagasaki, carried by one American submarine. These are not the actions and plans of a nation lacking in will and suffering from weakness.

As conservative columnist James J. Kilpatrick has stressed:

> The United States now has deployed 1,047 missile launchers with about 2,150 warheads. We have 34 submarines carrying 568 missiles with about 5,000 warheads. We have 270 bombers capable of delivering hundreds of additional missiles and warheads . . . it seems to me "illusory," to borrow a word from the (Scowcroft) report, to suppose that our development of one more missile system will do much to alter the Soviet perception of American will.

The arms control argument for MX in Minuteman silos is equally spurious. The Soviets agreed to the SALT II treaty which permitted the United States to shuffle 200 mobile MX missiles among 4,600 locations. It is inconceivable that the deployment of 100 MX missiles in 100 existing (and vulnerable) Minuteman silos would gain any strength for U.S. negotiators at the bargaining table.

Each MX missile would carry 10 warheads. The Minuteman missiles which the MX would replace each carry three warheads. While the number of warheads would increase from 300 to 1,000, the threat would not increase as long as Soviet planners possess reasonable certainty that they can accurately destroy the new missiles before they leave U.S. soil. It simply does not offer greater deterrence for the more than $20 billion it would cost.

Some proponents of the new missile claim that it will encourage progress at the Geneva START negotiations. However, nothing to date suggests that President Reagan or his arms control emissaries have any intention of even using MX at the bargaining table.

In fact, on December 10, 1982, President Reagan stated flatly:

> I am not going to bargain away the MX missile.

Since that statement he has reconfirmed this point in a January 1983 letter to Members of Congress. His Secretary of Defense, Caspar Weinberger, has echoed the President's position in subsequent statements.

Paul C. Warnke and Gerard C. Smith, both former arms control negotiators, have noted that:

> Weapons systems employed as bargaining chips have led to agreements to arm rather than reduce weaponry. We would recall the testimony of then Deputy Secretary of Defense David Packard who told the Congress in 1971 that: "The MIRV is a very important bargaining chip." Today we and the Soviets have deployed over 14,000 MIRV warheads.

Indeed, the historical record is replete with instances in which the arms race has been accelerated by the production of new systems approved by governments seeking leverage in arms control negotiations.

In 1981, President Reagan wanted to place the MX in Minuteman silos on an interim basis, while his administration and the Congress identified and agreed upon a permanent basing arrangement. This effort was blocked when my colleague from Maine, Senator COHEN, successully offered an amendment barring this stopgap measure.

I supported the Cohen amendment in 1981 because I agreed with Senator TOWER, the chairman of the Senate Armed Services Committee, who stated that:

> By stuffing the MX's into fixed silos, we're creating just so many more sitting ducks for the Russians to shoot at. . . . It's of little use to us unless the Soviets are convinced that it can survive an attack.

Senator TOWER was right in 1981. His comment on the costs and benefits of MX deployment in Minuteman silos is just as relevant today.

In 1981, the President's Secretary of Defense, Caspar Weinberger, voiced the opinion that a vulnerable MX would accomplish little:

> Simply putting it (the MX missile) into the existing silos would not answer two or three of the concerns that I have; namely that these are well-known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our force.

The Secretary's concerns are just as valid in 1983 as they were in 1981.

The Air Force Chief of Staff, Gen. Lew Allen, agreed with the Secretary:

> An essential feature of the MX deployment is that the basing mode be survivable. One does not obtain that through placing it in Minuteman silos. Therefore, I do not favor such a deployment.

Senator DOMENICI expressed a similar view:

> By placing our most advanced strategic weapon—the MX—in silos which belong to an earlier era of nuclear technology, the President has reduced—perhaps even eliminated—the usefulness of the MX.

According to the Senate Strategic Forces Subcommittee Chairman, Senator WARNER:

> The MX would be too vulnerable to a Soviet first strike under that arrangement (MX in existing silos).

If it made no sense in 1981 to put MX missiles in vulnerable silos—as Senators TOWER, DOMENICI, and WARNER, General Allen, and Secretary Weinberger then emphasized—it makes even less sense now.

While the MX missile based in Minuteman silos fails to solve the problem for which it was intended, it succeeds in moving the United States closer toward adoption of a new policy concerning the way the United States would react to Soviet actions during a period of heightened international tension. If the vulnerability of our land-based missiles is as great as we have been led to believe for the last decade, the United States will be denied its ability to inflict unacceptable retaliatory damage on the Soviets, unless it launches its missiles on a warning of a Soviet attack.

The former Defense Director of Program Analysis and Evaluation, Mr. Russell Murray, has put the problem this way:

> The MX, in silos and unable to ride out a Soviet attack, would be useful to us only if we intend to rely on the highly unreliable and immensely dangerous policy of launch-on-warning, or if we intend to initiate thermonuclear war. The decision to build a weapon that would be as devastating in a first strike as it would be useless in retaliation marks a fundamental and ominous change in national security policy.

In an apparent attempt to obscure the facts that the vulnerability problem remains unresolved, that the MX's costs clearly outweigh its benefits, and that we are dangerously altering our strategic reaction policy, the President has offered "sweeteners" in an effort to make an MX deal with the Congress.

First, the President says he will change the U.S. arms control focus from a concentration on numbers of launchers to a concentration on numbers of warheads. Second, he promises to develop and deploy in the early 1990's a small single warhead missile. This new system, nicknamed "Midgetman" would be based in silos or shelters, or on mobile launch vehicles. It is argued that together the two initiatives somehow would move both the United States and the Soviet Union away from the use of unstable multiwarhead (MIRV'd) missiles and toward the use of more stable single-warhead missiles.

This argument makes little sense. The President is saying to the Congress: Approve a new missile for me (the MX) and I will give you yet another new missile (the Midgetman), the combination of which may lead to more effective arms control. As Paul Warnke has emphasized, the President subscribes to an "arms race theory of arms control: the more missiles you build, the more threatening new systems you devise, the greater your chance of controlling arms."

We must separate ourselves from the rhetoric and semantics and face reality. Effective and lasting arms control will not magically result from the deployment of two new land based missile systems, and a reduction in warheads will not be achieved while the United States substantially expands the number of land based warheads in its arsenal.

I believe in a strong America. Plainly, American military strength plays an important role in deterring aggression. But maintaining, even improving our strength is not inconsistent with reaching fair, balanced, verifiable agreements with the Soviet Union to halt the increase in nuclear weapons and bring about a reduction of such weapons.

We are overprepared to fight a nuclear war, but we are underprepared to defend ourselves against a conventional attack. Rather than escalate the nuclear arms race by pouring billions of dollars into ever more nuclear weapons, we should be improving the quality of our Army and our Navy. We should be paying attention to the less glamorous aspects of defense like modern tactics, ammunition, trucks, refueling vehicles, and our rapid deployment capability. We should be more concerned with the proper training of our personnel than with more complex weaponry that may be unusable in actual combat.

There is no security for anyone, anywhere, in a continuing escalation of the nuclear arms race. Our national interest will best be served by improving our conventional defenses while we engage in meaningful negotiations to achieve a fair, balanced, and verifiable agreement to first halt the increase and then bring about a reduction in nuclear weapons.

Over $20 billion to deploy the MX missile in existing Minuteman silos cannot be justified. Indeed, it will be a colossal waste of the taxpayers' money. The fiscal year 1983 funds should not be released at this time, nor should funding be approved for MX in fiscal year 1984.

● Mr. WEICKER. Mr. President, I oppose passage of Senate Concurrent Resolution 26. If approved, the pending resolution would release $625 million in fiscal year 1983 appropriations for basing and flight testing the MX missile. Beyond that, approval of this resolution could be construed by the President and the Pentagon as a commitment to the complete MX program, a plan to deploy 100 MX missiles in existing Minuteman ICBM silos at a minimum cost of $20 billion.

Mr. President, I strongly oppose both the resolution and the MX program. On the opinion page of today's Washington Post, the President argues for the resolution on grounds that the MX is key to three goals: modernization, deterrence, and progress in arms reduction. I agree with the President's stated goals. But I consider the MX more of a stumbling block than a means to those goals.

Nearly 10 years ago, when it was determined that our Minuteman ICBM's would become increasingly vulnerable to Soviet ICBM forces in the mid-1980's, a decision was made to initiate development of the MX missile. The MX was to have a more survivable, mobile basing mode. However, after exhaustive study of some 34 alternative basing concepts from racetrack to dense pack, and the expenditure of nearly $6 billion, neither the Air Force nor the Department of Defense seem able to devise a viable MX basing mode.

The latest MX deployment scheme, as presented in the "Report of the President's Commission on Strategic Forces," fails to resolve the fundamental military problem—the increasing vulnerability of our land-based strategic missiles. Past proposals to deploy the MX in Minuteman silos have been repeatedly rejected. On January 6, 1981, during his confirmation hearings, Secretary of Defense Weinberger stated:

> Putting (MX) into existing silos would not answer two or three of the concerns I have: namely, that (the location of) these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces.

As far as I can tell, nothing has happened in the course of the last 2 years to alter the Secretary's assessment. Certainly, the President's Commission gives us no reason to believe otherwise. It concludes that the Soviet Union may now have a capability to destroy almost all of our ICBM silos in a first strike. Nonetheless, it recommends the deployment of 100 MX missiles in those same silos. Of all the MX proposals thus far, this one makes the least sense.

Its main justification seems to be political and psychological, not military. By deploying the MX in this way, it is argued, the United States would demonstrate its "national will" and its determination to maintain a position of strength in arms control negotiations with the Soviet Union. MX, it is said, is a bargaining chip. Mr. President, I would argue that if MX is our best bargaining chip, we had best fold this hand and get on to the next. It is because I support a strong national defense that I do not support a $20 billion strategic weapons program that does not enhance our deterrent.

U.S. nuclear strategy is based on a policy of deterrence. This policy, in turn, is based on a credible second-strike capability, a capability to absorb a Soviet first strike attack and still have sufficient forces remaining intact to inflict unacceptable damage in a retaliatory strike. Unlike the MX, which

could be eliminated in a first strike, the B-1 bomber, Trident submarine and cruise missiles have real deterrent value.

One other justification offered for deploying the MX is the need for a limited counterforce capability to target a whole range of military targets including ICBM silos. Because of the yield of its warheads and its projected accuracy in targeting, MX is said to offer that capability. However, in view of our second-strike strategy, this counterforce capability would be of extremely limited value, since the Soviets would no doubt eliminate it in a first strike.

So that brings us back to square one: the survivability of the MX in Minuteman silos. It seems very likely to me, Mr. President, that there are no viable basing modes for strategic land-based missiles. And if that is indeed the case, then the time has come to rethink the whole problem and consider a new approach to strategic modernization that excludes land-based ICBM options. I am well aware that the triad—the current combination of land-based ICBM's, sea-based ballistic missiles, and bombers—is considered sacred by many. But nuclear weapons technology may very well have outgrown it. A pervasive strategic modernization is underway which includes: Deployment of cruise missiles on B-52 bombers, production of the B-1B bomber, development of the advanced technology Stealth bomber, deployment of Trident submarines, development of the Trident II (D-5) missile, deployment of nuclear-armed cruise missiles on attack submarines and at land-based sites in Europe, and production of the Pershing II missile for deployment in Europe.

If you ask me, Mr. President, that is an intimidating pile of bargaining chips any way you look at it. With so many sea- and air-based options, I question the need for a third leg for our strategic weapons strategy to stand on, particularly if it is going to be a bum leg like the MX.

Finally, Mr. President, I just want to add that we need to be as committed to pursuing arms control and arms reduction agreements as we are to modernizing our deterrent. All the bargaining chips in the world will do us no good if we are not ardent in our efforts to sit down with our adversary and bargain in good faith.●

● Mr. HEINZ. Mr. President, for many weeks I have been studying the question of the MX. I have read numerous studies, including the Scowcroft Commission report, met individually with members of the Commission, such as General Scowcroft, held discussions with such other experts as former Defense Secretary Harold Brown and members of the President's National Security Council staff and talked with numerous constituents, both for and against the MX. Even this level of analysis does not make one an expert on strategic weapons, or arms control, but I am convinced that the issue we are voting on today goes well beyond the apparent issue of whether the MX is, in and of itself, a desirable addition to the already enormous arsenal of nuclear weapons currently possessed by the United States. Were it simply a question of whether we need the additional megatonnage to destroy the world for the seventh time over—rather than the sixth—I should unhesitatingly vote no. In my best judgment, however, this is not the case.

The decision we face today does not address only the flight testing of the MX. It addresses an arms control strategy proposed by the Scowcroft Commission which if implemented will provide us with the opportunity to achieve a more stable strategic environment and a safer world. Because the President has stated his endorsement of and intent to implement these recommendations, I will support the resolution before the Senate today which, if enacted, would provide funding for the flight testing of the MX missile.

The Scowcroft Commission recommendations include the basing of 100 MX missiles in existing Minuteman silos, the development and deployment of a new single warhead missile and changing our arms control strategy to emphasize the reduction of warheads rather than the reduction of launchers.

The components of the package before us cannot be separated. If approving the funding for the flight testing of the MX can provide the leverage needed to trigger other actions which will help us achieve the objectives of the Scowcroft Commission, then in the near term, the President deserves our support.

We have before us today the road to a more stable strategic environment with real reductions in warheads.

However, Mr. President, I want to make clear that my vote today in support of this resolution of approval for funds to flight test the MX missile does not dictate my future actions regarding the approval of funds for the procurement of the MX missile. Prior to any consideration of procurement funds for the MX, I want to see tangible signs of the administration's commitment to implementing the recommendations of the Scowcroft Commission. This should include the framework of a new arms control proposal that is credible, aims clearly at reducing destabilizing systems on both sides, and achieves a reduction in the balance of terror on both sides. It should as well specify details for the development and deployment of a single warhead missile and an analysis of some of the verification problems which both a single warhead missile and the mutual guaranteed builddown concept will pose for our arms control negotiators.

Mr. President, if today's vote was on the MX alone without provision for an arms control strategy, and a strategic modernization program strictly tied to specific arms control objectives, my decision would be quite different. I would not support funding for the MX missile.

The arguments against the MX as a weapons system are justified and well known. The legitimate concern has been raised that the missile represents a step in the wrong direction—that in deploying a large land-based MIRV'd missile in the absence of a coherent arms control strategy, we will create more strategic instability.

I have long been concerned that absent a concerted effort to seek an agreement in Geneva, the Soviet Union will respond to the deployment of MX by deploying another generation of land-based missiles, further entrenching the superpowers into a MIRV'd warhead competition which neither side can win.

It is not the intention of the Scowcroft Commission to fuel such an arms race. The Scowcroft Commission recommendations are designed so that the deployment of the MX will lead the Soviets to move toward inherently more stable, mobile, single warhead and more stable sea-based options.

Providing the Soviets with a clear indication that we are willing to deemphasize such high value targets and that we are willing to deemphasize MIRV technology simply may not be sufficient. I believe that proceeding with the MX in the controlled framework prescribed by the Scowcroft Commission may be the inducement necessary for the Soviets to be more forthcoming at the START negotiations.

There can be no doubt that the Soviet Union, through the deployment of 650 multiwarhead SS-18's and SS-19's, has attained a first strike capability which could destroy the entire U.S. land based missile force.

Though the MX has the accuracy to attack "hard targets" in the Soviet Union and hence can be classified as a first strike weapon, a limited deployment of 100 MX missiles could not carry out a first strike on Soviet forces. The fully deployed MX could threaten at most 500 of a possible 1,400 land-based missile targets in the Soviet Union. This deployment would therefore not constitute an inherently destabilizing threat to the Soviet Unions immense numbers of land-based missiles. However, through the anticipated MX deployment, the Soviets would come to understand that their land-based systems could be just as vulnerable as our own should they

continue to emphasize large MIRV'd targets on their homeland.

Mr. President, the Scowcroft Commission is to be commended for laying to rest the imaginary window of vulnerability which has thus far stifled our ability to reach consensus on this issue. The Commission reiterated what many of us had suspected for a long time. The synergism among the three legs of our triad will continue to complicate the ability of Soviet planners to launch a first strike against the United States irrespective of the Soviets ability to launch an effective preemptive strike against one leg of the triad, such as our land-based missiles. Our commitment to maintain a strong triad with its high deterrent value must be maintained.

At the same time, Mr. President, we must guard against moving toward quick response launch on warning strategies to protect our land-based force. It is well known that by the Air Force's own estimates only between 1 and 7 percent of our land-based ICBM's will be able to survive a Soviet first strike by the 1990 timeframe.

As a result I am concerned that these low survivability projections have led some in the administration to conclude that we must adopt hair trigger response strategies to protect our land-based forces and the MX. The deployment of the MX cannot and should not legitimize such strategies. Such strategies would undermine the stability which the Scowcroft package seeks to implement.

Let me make it clear that though we must maintain a strong retaliatory capability, we must refrain from embracing response strategies which emphasize a war fighting capability. I have been concerned and alarmed by the administration's statements on fighting and winning a protracted nuclear war. Such a belief is misguided and is a dangerous one. Prior to the consideration of approval of MX procurement funds, I hope we in Congress will receive explicit confirmation of the administration's commitment to a strategy of deterrence and retaliation as opposed to a strategy which is based on waging and winning a protracted nuclear war.

This difference is a significant one. A clear response from the administration on this point will be one of many factors I shall consider prior to voting on the approval of MX procurement funds.

Our goal must be to induce—not threaten—the Soviets into an arms control agreement.

My vote today to approve funds for the flight testing of the MX missile is based on my belief that the President will convert the recommendations of the Scowcroft Commission into an effective arms control strategy.

The President has indicated his support for a new arms control proposal which emphasizes a reduction of warheads by accepting, at least in principle, the concept of a "mutual guaranteed builddown" as the basis for future arms control proposals. As a cosponsor of this concept, introduced by my distinguished colleagues Senators COHEN and NUNN, I welcome the much needed discipline that the builddown concept will inject into our defense planning. Its theme is simple: There can be no modernization without sacrifice. For each new warhead deployed, two older warheads must be retired.

However, despite the benefits of the builddown concept it is not yet compatible with the Scowcroft recommendations. It does not necessarily channel the Soviet Union and the United States into a single warhead missile environment because it does not have a qualitative dimension; that is, it does not specify what we are attempting to accomplish, what we are attempting to reduce.

Without specifying qualitative parameters, I am concerned that weapons systems with a high deterrent value—such as mobile systems like nuclear submarines—will be sacrificed for weapons systems which are inherently destabilizing. In other words, without specific safeguards being agreed upon beforehand, planners can still make bad strategic decisions and wrap them around a "mutual guaranteed builddown."

We must make it clear that it is the elimination of MIRV technology we must strive for. Unless we are able to begin to dismantle MIRV'd systems, we will continue to increase the ratio of warheads to fixed targets and continue to make the initiation of a first strike by either superpower more likely. It is my hope that the President will inject this qualitative dimension into a new arms control proposal and make the linkage to the dismantlement of MIRV technology explicit.

As I said at the beginning of my remarks, my vote today in support of this resolution of approval for funds to flight test the MX missiles can in no way be linked to any future decision I may make with regard to the approval of funds for the procurement of the MX missile. It is clear that the burden of proof in implementing the recommendations of the Scowcroft Commission will now rest with the administration. My own future decisions will be based on how well the administration implements those recommendations.

At this crucial moment in relations between the Soviet Union and the United States, the President deserves our support in his efforts to seek a more stable and secure strategic environment. It is my hope that the administration, through affirmative actions toward stabilizing our strategic environment such as I have outlined above, will be able to insure my continued support.●

● Mr. PELL. Mr. President, I express my strong opposition to Senate Concurrent Resolution 26, which would open the way to deployment of the MX missile.

Earlier this month, the Committee on Foreign Relations heard arguments in favor of deployment of MX, as part of a package from members of the Scowcroft Commission. I think that Commission deserves our commendations for its thorough and painstaking efforts. I was encouraged by the Commission's emphasis upon the need for strong and effective arms control as a necessary component of our national security. I believe that the members of the Commission made an articulate—but not compelling—case for the MX.

I believe that the case for MX would be considerably stronger if this administration were more sensitive to the collision course with the Soviet Union on which we are embarked and more committed to an effort to deal seriously with the Soviets. If the President would indicate to us and to the Soviets that we would deploy MX only as a last resort, having failed in an effort to achieve bilateral agreement not to deploy new multiple warhead missiles, a decision now to release funds for MX would have more appeal. However, there is every reason to believe that no serious effort will be made to bargain away MX and that it will, in the end, be deployed if Congress is willing. This is unfortunate, since MX makes so much more sense on the bargaining table, rather than in silos.

Since we already have enough nuclear weapons in our arsenal to destroy the Soviet Union many times over, we should ask ourselves whether going ahead with MX would demonstrate national resolve in any positive sort of way. To me, a case can be made that it would only demonstrate governmental wrong-headedness. We know that we should have a strategic arsenal that reinforces strategic stability and reduces the threat of nuclear war. We know we should stop the arms race and reduce our mutual arsenals. The MX and the Soviet version of the MX will not help toward those goals.

I fail to see how deployment will do much to give us leverage with the Soviets. When SALT II was signed, the Soviets expected that we would deploy 200 MX missiles. Now, we are talking about 100. We have reached the point with MX at which it would make much more sense to renounce deployment in trade for a similar commitment by the Soviets not to deploy their one new ICBM allowed under SALT. That would be a strong step for arms control and nuclear stability.

Deployment of the MX missile would give our seal of approval to deployment by the Soviets of a new

MIRV'd missile. We intend to build a 100, or possibly fewer MX's. We do not know how many MX's the Soviets could build, but they could deploy hundreds and stay within the SALT constraints.

Deployment of MX in silos would not do anything to enhance strategic stability by reducing the so-called vulnerability of land-based missiles. In fact, our deployment of MX missiles and Soviet deployment of their new MIRV'd missiles may place the arsenals of the two sides on even more of a hair trigger.

Finally, deployment of the MX continues with an arms race many of us have told our constituents we deplore. We all know the military reasons for deployment of the MX are weak at best. A decision to go with MX cannot gain us any real security. Our national interests can only be served when we show prudence and restraint in our arms programs and seek strong and effective arms control.

Mr. President, the case for MX would be strengthened if this administration would show a willingness to achieve some arms control, rather than just talking about it. At this juncture, there is no arms control venture to point to with significant prospects for success. The intermediate range nuclear forces talks seem at an impasse. The strategic arms reduction talks have shown no progress, and our negotiating position now needs to be redone to accommodate the Commission's recommendations. The pending Threshold Test Ban and Peaceful Nuclear Explosions Treaties have been plunged into a morass by the administration.

Against this background, it is easy to see why the administration would rush to embrace a program which gives them the coveted MX, but it is not so easy to be confident that the administration will embrace, even reluctantly, the arms control which is essential if the Commission's goal of a transition to a more stable and less threatening strategic environment is ever to come to pass.

We must remember that the American people, perhaps more than their representatives and leaders in Washington, have come to fear that nuclear war is becoming more, rather than less, likely. Millions favor a nuclear freeze because they want the arms race halted now. They want effective arms control, and they will not be content with the kind of so-called arms control that is merely a facade for business as usual in the arms race.

Mr. President, deployment of MX will not help stop the arms race. We will never stop the arms race unless we are willing to say, "enough!" We must be willing to say that we do not need the MX, we do not want it, and we will not have it.●

FORGO THE MX

● Mr. LAUTENBERG. Mr. President, the question before the Senate today is whether to release funds already appropriated for fiscal year 1983 to allow testing of the MX missile and the development of silo basing for it. Our vote today will be the first step toward a $20-plus billion program stretching over the rest of this decade.

I will oppose Senate Concurrent Resolution 26 approving the spending of these initial funds, because the MX missile does not add to our deterrent force. And deterrence is the sole purpose of our strategic nuclear forces.

I will oppose the resolution, because the MX missile deployed in Minuteman silos does not add to the survivability of our land-based intercontinental ballistic missile force. And survivability of forces is what strengthens deterrence.

I will oppose the resolution, because the MX missile does not change our force structure in a way that will further our national arms control objectives. And, ultimately, arms control is vital to the maintenance of our national security and the safety of our people.

The purpose of strategic nuclear forces is to deter an attack on the United States. To serve this goal, our forces, considered in total, should be sufficient to retaliate against the Soviet Union after a Soviet attack.

To insure that this second-strike capability remains, the United States has maintained a triad of strategic forces—land-based missiles, submarine-based missiles, and bomber-delivered weapons. Taken collectively these forces have assured deterrence.

In round numbers both the United States and the Soviet Union have about 7,000 strategic warheads in land-based and sea-based missile systems. About 75 percent of the Soviet missile force is land-based, while only about 25 percent of the U.S. missile force is land-based. When bomber-delivered weapons are included, the United States has about 9,300 strategic weapons to about 7,300 for the Soviet Union.

These strategic weapons deployments are different, but there is approximate equality or essential equivalence in strategic force. Through our respective buildup of forces over the last two decades, however, both the United States and the Soviet Union have now deployed enough accurate warheads of sufficient yield to threaten a substantial portion of each other's land-based missiles.

The United States correctly foresaw this development long ago. In response we placed a larger portion of our forces in the mobile submarine force and in bomber-delivered weapons. No Soviet planner could rationally expect to avoid retaliation by simply attacking the land-based missile force of the United States. Though 2,000 land-based warheads may be at risk, the more than 7,000 U.S. warheads on submarines and on bombers assure that an attack on our land-based missiles could not eliminate our ability to retaliate.

The MX missile initially was proposed as a follow-on to the Minuteman III missile over a decade ago. Serious questions about how to base the MX have complicated this planned modernization of the land-based missile force. Rather than placing emphasis on ever-greater offensive striking power for its own sake, successive administrations have sought instead to provide for greater survivability in the land-based missile force. This emphasis on survivability is to strengthen deterrence.

A review of the efforts to find a basing scheme for the MX missile over the last years of the 1970's and into the 1980's indicates that deployment of MX in existing missile silos was just about the last idea on anyone's list. Fixed, immobile, easily targetable silos were vulnerable, and simply placing a new missile in them would not make them less so.

I do not believe that today, anyone would start from scratch to advocate a $20-plus billion program to build an MX-type missile to be based in existing silos. It simply does not meet the requirements of greater survivability. It does not enhance the deterrence value of our land-based missile force. Attempting to get beyond these shortcomings, in fact, the recent Scowcroft Commission recommended the development of a small, single-warhead, mobile, land-based missile—virtually the opposite of the large, 10-warheaded, fixed silo MX.

I do not believe we need the MX to conduct serious and fruitful arms control negotiations. There are persuasive arguments against claims that this is a weapons system to further the consensus on strategic and arms control questions within the United States. The MX always has been a divisive weapons system, either because of its first-strike capability or because of the greater threats it poses to an already uncertain Soviet leadership.

There has never been a shortage of weapons systems to be considered in arms negotiations with the Soviet Union. Suspicion, fear, and eagerness for one-sided advantage are the real impediments to fruitful arms control negotiations. They will not be reduced by deployment, by either the United States or the Soviet Union, of additional strategic systems. In fact, I believe deployment of the MX would only fire the arms race further.

There is growing public revulsion toward proposals on both sides to continue to waste billions upon billions of dollars on marginal innovations in ad-

vanced strategic weaponry. There is genuine public concern about statements in the United States and in the Soviet Union about limited nuclear war and survivable nuclear war. There has been among Americans a greater amount of discussion and understanding about what nuclear war would mean to our people and our planet. And there has been a growing disenchantment with the inability of the United States and the Soviet Union to pursue with vigor the opportunities to control the stockpiles to which both add out of habit.

The National Conference of Catholic Bishops just weeks ago gave people of all faiths a rigorous examination of the task before us in attempting to control the arms race and reduce the size of nuclear weapons stockpiles. One of the specific concerns of the bishops was the prospect of what are known in technical terms as prompt, hard-target kill weapons—like the MX missile—deployed in a vulnerable basing mode—like fixed silos. Because such weapons are so threatening, they invite attack. Because such weapons are so vulnerable, they invite attack. Because they invite attack, they can only survive by being launched upon warning of an attack—the equivalent of a nuclear hair trigger.

But the larger questions raised in the bishops' letter apply to all people. "Like the Soviet Union," the letter concludes, "this country now possesses so many weapons as to imperil the continuation of civilization. Americans share responsibility for the current situation and cannot evade responsibility for trying to resolve it."

We can begin anew, here in the Senate today, to resolve the issue. We can forgo a weapon that will be both vulnerable and threatening, one that adds nothing to deterrence.

Let us be mindful of the smoking, radiating ruin that would be the Earth, should mistake or miscalculation lead to the use of nuclear weapons. Our search for ways to halt, then reverse, the arms race must be as vigorous as our search for new ways to add new weapons.●

● Mr. BAUCUS. Mr. President, I intend to vote against this resolution. I am doing so because I do not believe this proposal—to build 100 MX missiles and site them in Minuteman silos—measures up to the most important criterion. It will not strengthen this Nation's security.

The MX missile was developed because Pentagon planners argued that the Minuteman missile had become vulnerable to a first strike by the Soviets. The Soviet missile arsenal had become so large and accurate that there was a window of vulnerability.

This Nation needs a nuclear deterrent, make no mistake about it. No one should interpret a vote against this resolution as a vote against that basic principle.

But the MX missile, sited in Minuteman silos, does not close the window of vulnerability. Instead, it just gives the Soviets a bigger and juicier target. In fact, so far no one has been able to device a basing mode that over the long run would be invulnerable to a Soviet first strike.

The Scowcroft Commission ends the vulnerability discussion once and for all. The Commission concluded that:

> To deter * * * surprise attacks we can reasonably rely both on our strategic forces and on the range of operational uncertainties that the Soviets would have to consider in planning such aggression.

The MX fails to meet another important standard. President Reagan argues that the MX will bring the Soviets to the bargaining table.

I strongly disagree. I believe it will have just the opposite effect. In my view, developing and deploying the MX will only send the Soviets back to the drawing board where they will develop a bigger, more accurate, and more deadly missile of their own.

The Soviets have demonstrated no reluctance to spend money to build up their weapons arsenal. I fail to see how developing the MX will halt that trend.

Several months ago, the Senate said the whole notion of the MX must be reevaluated. We said we were not satisfied with the assumptions used to justify the MX, or the plan to site the missile.

The Scowcroft Commission has answered these questions—and more. I believe this report contains the building blocks for a new consensus on arms development based on stability. The report concludes that a more stable nuclear force is the best way to achieve real arms control. The MX proposal sticks out like a sore thumb from that recommendation.

The Commission concludes that long-term survivability of our ICBM missiles is a worthwhile goal, if it can be achieved at a reasonable cost. The Commission takes a sensible approach when it recommends beginning the research and development needed to develop a small, single-warhead missile such as the so-called Midgetman.

We also can upgrade Minuteman missiles with advanced warheads and guidance systems, at much less cost than developing the MX system.

I urge the Senate to reject this resolution. Developing the MX is not the most cost-effective of way of protecting this Nation's security nor will it move the United States and the Soviet Union closer to real arms control.●

● Mr. DODD. Mr. President, I intend to vote against this resolution to approve funding for procurement of the MX missile and engineering development of its basing mode. I do not believe the system would add appreciably to our military security; it is probable, in fact, that it would detract from it. And even if one accepts arguments raised on its behalf, I cannot accept that the MX is worth its $16 billion price tag. Both at home and abroad, both in the domestic and military budgets, there are ways to spend fewer tax dollars which would make us a far stronger nation than the MX ever could.

I reach that conclusion after carefully studying the Scowcroft report—and with full appreciation for the Commission's contributions. Its report is an excellent, dispassionate, expert review of our short-term and long-term strategic options. It acknowledges and explains some of the linkages between force modernization and arms control—something that is long overdue and is urgently needed.

With regard to the MX, however, the Commission report does no more than to make the best possible case for an essentially bad idea. And in the final analysis, we have to vote not on the adroitness of the presentation but the substantive merits of the proposal itself. They remain lacking.

The historical record of the arguments for the MX has been laid out in intricate, almost excruciating detail in the few days of this debate. For a full decade, the raison d'etre of the MX has been that it could help make the land leg of our strategic forces invulnerable. That justification has been offered in virtually every document concerning the MX since 1973. It can be read in reports of both the Senate and House Armed Services Committees and in statement after statement by the Secretary of Defense and the President of the United States. Senators of both parties most respected by their colleagues on defense issues have subscribed to it. It was even enshrined in the 1980 Republican Platform. No political lexicon of our era will be complete without a lengthy entry under "window of vulnerability."

In pursuit of a basing mode to meet that universally accepted standard, we have spared no effort, expense, or exercise of imagination. If the matter were not so costly and critical it would read like something from Lewis Carroll. We have considered the relative merits of MX's on the ground or in it, on the seas or under them, and in the air. We have studied the feasibility of carrying MX missiles on trucks, trains, planes, submarines, and surface ships. We looked into closed trenches and open trenches, hard silos and soft silos, some silos but not others, spreading the missiles as far apart as possible or packing them tightly together.

None of the 30-odd possibilities, however, promised to answer the vulnerability test.

The Scowcroft Commission was a last-gasp effort to come up with a solu-

tion. Its report cuts the analytical Gordian knot in a fashion that is devastatingly simple. Forget vulnerability, it advises. That criterion is not an esential condition for the MX. In 10 years, we have traveled from point "A" to point "A." We are voting on the same proposal Congress rejected in 1973: basing the MX in Minuteman silos. It was not sensible then; it is less so now.

First, it is likely to destabilize the international nuclear balance and make a Soviet attack on us more likely. Because the MX has a capability of knocking out hardened Soviet targets but could not withstand an attack itself, it could look to them as if we were seeking a first-strike capacity and might invite a preemptive attack. The chairman of the Senate Armed Services Committee, the distinguished Senator from Texas, Mr. TOWER, made just that point only a year ago this month. He said:

> By stuffing the MX's into fixed silos we are creating just so many more sitting ducks for the Russians to shoot at. * * * It is of little use to us unless it can survive an attack.

Second, opting for the MX weakens the chances for progress in arms control. In that regard, it defies the very logic of the Scowcroft report itself. The Commission urged making the number of warheads the basic unit of comparison in assessing competing strategic forces. If achieved, that step would nudge both sides toward the development of small, single warhead missiles, such as the "Midgetman" recommendation.

Granted, that would still be a weapon of destructive fury unrivaled by any previously employed. But in the current calculus of nuclear annihilation, it is a far less dangerous alternative. For those who hope to see arsenals limited and reduced rather than becoming more massive, the "Midgetman" is clearly a move in the right direction.

Third and finally, Mr. President, MX procurement would be terribly wasteful. The head of each family in America should sit down this evening and write a $300 check to the Pentagon—because that is what it will ultimately cost us.

If our strategic forces need strengthening, there are more cost-effective ways to do it.

We can accelerate development of the Trident D-5 missile and consider its interim deployment in Minuteman silos.

We can support the rapid development of Midgetman.

We can upgrade the Minuteman III force with modernized guidance system and warheads.

That last alternative, for example, would cost less than half that of 100 MX missiles.

If we need to strengthen our military posture in general, I believe the money would be spent far more wisely in upgrading our conventional forces and improving their readiness.

And finally, any legitimate definition of national security must encompass the strength of our economy and the health and morale of the American people, as well as guns and tanks and missiles. The amount of $16 million could make a major contribution to reducing the deficit, improving our educational system, or addressing other problems we continue to confront here at home.

In short, the MX will make us neither stronger nor more secure, will set back arms control negotiations, and will waste resources that could better be used elsewhere. For those reasons, I will vote against it.●

● Mr. RIEGLE. Mr. President, I am strongly opposed to moving ahead with production of the MX missile. I believe this weapon system is unnecessary and will accelerate the nuclear arms race. In addition, it makes the possibility of accidental nuclear war more likely. Finally it is an enourmously costly system with a price tag above $20 billion, at a time when Federal deficits are out of control and these resources are needed for other vital national purposes.

In its recent report, the Scowcroft Commission confirmed that the United States does not currently face a "window of vulnerability," despite the increasing vulnerability of our land-based ICBM's. The fact is, our existing strategic weapons are currently more than adequate to protect our national security and provide deterrence.

The main advantage of the MX—its ability to attack hardened Soviet targets promptly—will not increase our national security. Our Minuteman ICBM force, coupled with our other existing missiles, can effectively attack soft targets and some hardened targets within minutes; our bombers and cruise missiles can attack the most hardened targets within hours. Together these weapons comprise a formidable deterrent to a Soviet attack. It should be noted that any wide scale nuclear exchange, whether over the period of a few minutes—or a few hours—is an insane act that assures the destruction of both nations in the most horrifying possible manner.

The U.S. military buildup over the past years is evidence of our national commitment to maintaining a credible and massive strategic defense. We are currently modernizing every element of our strategic deterrent. Billions of dollars are being spent on the D-5 missile—a submarine-launched ballistic missile with hard target capacity which is far less vulnerable than the MX. In addition, we are continuing development of cruise missiles—weapons with enormous destructive capabilities, which are far more economical than the MX. Development of a stealth bomber which will greatly strengthen our air leg of the triad is also underway.

We presently have over 9,300 nuclear warheads in our arsenal—and thousands more that will be provided under current plans. In short, we are armed to the teeth, with a nuclear weapons capability that can destroy every vestige of life in the Soviet Union many times over. Adding the MX missile to this stockpile of arms adds nothing of real consequence to the security of our Nation—or to nuclear deterrence.

Should our deterrent force require strengthening in the future, there are numerous other weapons under development that will be available for deployment if arms negotiations fail in their purpose of bringing this endless arms race under control.

Perhaps the most compelling argument against proceeding with MX deployment is the immensely destabilizing effect it will have. The placement of this first-strike weapon in stationary, easily identifiable silos, will make it both a vulnerable and a highly valuable target. The existence of such a target greatly increases the chance that war will be provoked through mistake, through error, or through a first strike by one side or the other. Deployment of the MX will move us dramatically closer to a hair-trigger, launch-on-warning nuclear confrontation. Weapons decisions in recent years have moved us ever closer to nuclear confrontation, and in the next few years, the terrible prospects of nuclear war will almost certainly increase. The deployment of a "use it or lose it" weapon system, such as the MX based in vulnerable silos, moves us much further down that dangerous road.

It makes no sense to deploy such a powerful weapon in existing silos which, according to expert testimony, cannot be hardened sufficiently over the long term to enable the MX to survive a Soviet strike. Secretary of Defense Weinberger, himself advised against the placement of the MX in existing silos in 1981 when he said:

> . . . Simply putting (the MX) in existing silos would not answer two of the three concerns that I have: namely, that these are well-known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our force.

Further testimony regarding the inadvisability of placing MX in existing silos appears in a recently declassified Air Force report of September 15, 1982, entitled "MX Permanent Basing (Draft)," the report found that deploying the MX in Minuteman silos fails to meet three primary requirements: survivability, strategic stability, and resilience.

Production of the MX—the largest, most threatening multiwarhead missile yet developed—moves us in the wrong direction in arms control. MX production is not the way to shift emphasis of the superpowers away from reliance on large multiwarhead missiles, which are inviting targets and highly destabilizing. Rather, in the absence of a formal arms control agreement, we should be moving toward development of the much more stabilizing single-warhead missiles, such as the Midgetman proposed by the Scowcroft Commission.

Such an alternative move would facilitate a shift in our negotiating strategy with the Soviet Union—away from one which counts missiles, and toward a strategy which counts warheads as the basis for arms control.

These then are my major reasons for my decision to vote against this MX missile proposal.●

Mr. CHAFEE. Mr. President, today we are voting on a resolution which will release funding for the flight testing of the MX missile and for development of the basing mode placing 100 of the missiles in Minuteman silos. I intend to vote for this resolution, and I wish to spell out my reasons for doing so. I have voted against other strategic modernization programs in the past because I felt they were unnecessary.

The Commission on Strategic Forces, headed by Gen. Brent Scowcroft, recommended that we proceed with MX deployments in this form while, at the same time, seeking an arms control agreement which will move us away from emphasis on land-based missiles with multiple warheads (MIRV's). A move toward smaller missiles with single warheads—also recommended by the Commission—in conjunction with negotiated agreements limiting and reducing the size of the forces on both sides would, in my judgment, be a great step forward. Such a development would enhance the security of both the United States and the Soviet Union, and it would reduce the chances of nuclear war occurring.

I am therefore supporting this resolution in the hope that it will enable us to move more rapidly toward an arms control outcome producing reduced numbers of non-MIRV'd systems.

I do not regard this as a "blank check" for MX development. We will have a number of votes in the future on this missile, and if the arms control effort is not proceeding on the basis described above, then I, like a number of my colleagues, would feel compelled to reexamine the basis of my support.

The decision to proceed with this phase of MX development should therefore be seen as part of a larger effort to first, move toward missiles with single warheads; second, negotiate reductions on the total number of warheads deployed by each side; and third, achieve the necessary modernization of our land-based missiles in the short term in order to make negotiations more likely to produce a successful outcome.

In considering this issue, I believe it is important to ask what the likely outcome would be if we were to refuse to go forward. In my judgment, our failure to proceed with this missile would leave the Soviet Union with absolutely no incentive to engage, at this time, in serious negotiations with us concerning reductions in their land-based missiles.

Mr. President, as a final point I would observe that the real issue in this debate is the force structure—and the political posture we adopt in conjunction with that force structure—which is most conducive to preserving peace and stable nuclear deterrence. In the long run, peace and deterrence are best preserved through negotiated agreements. But in the short run, I believe it is important to make it clear to the Soviets that they have nothing to gain by refusing to negotiate with us, and much to gain by proceeding to the negotiating table to reach agreements which are in our mutual interests and in the interests of peace.

Mr. JACKSON. Will the Senator yield for 30 seconds?

Mr. STENNIS. Yes.

Mr. JACKSON. Mr. President, I just want to emphasize the point that the distinguished Senator from Mississippi made regarding the importance of arms control. A lot of people are surprised by the vote in the House. I was not too surprised, because I think the case was made that if you are going to do anything about arms control, you have to go forward with the MX. I think the distinguished Senator from Mississippi has made that all-important point.

The other point, of course, is that all land-based systems are vulnerable to a degree, Mr. President. That is the critical fact of life. What we are doing here, I think, is coming forward with a program that addresses that issue effectively.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. HUMPHREY). Three minutes, thirty seconds.

Mr. STEVENS. How much for the opponents?

The PRESIDING OFFICER. Twelve minutes and forty-six seconds.

Mr. STEVENS. We reserve our time.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Ohio.

Mr. GLENN. Mr. President, I hope everyone back in the offices, all those who are going to advise the Senators before coming to the floor, will listen to my first sentence if nothing else. SALT is dead if we pass the President's MX program. I repeat, SALT II is dead if we pass the President's MX program.

The President is committed to keeping under SALT, the Soviets have agreed, they have already passed SALT, of course, in their system. But in SALT we agree there will be only one missile available on each side, one new ICBM missile.

By this proposal of the President's, we are proposing two new missiles, the MX and the mobile, and that violates SALT II.

I have talked to the Soviet Ambassador. His indication is that SALT II would indeed be passé, out of the picture, if we pass the President's program.

Now I agree that we need a new missile. When missiles get so old that they begin to develop grain cracks and lose their accuracy, then it is obvious that we have to go for a new missile. Also the old missiles in fixed silos are vulnerable. They are fixed geographical points which the Soviets have had targeted for many, many years.

So for all those reasons I have supported a new missile.

Three years ago, in July 1980, I led the fight on this Senate floor against the MX. I thought it was the wrong missile at the wrong time. If we are going with a new missile we should go with a mobile missile, one that is flexible, one that gives the Soviets pause, as well as any other potential adversary we might have.

The mobile missile is one that gives us problems when the Soviets have it in the form of the SS-20, and gives the Soviets pause when we ask the Europeans to deploy the Pershing missile.

As far as the bargaining chip for the President goes, I think that is one of the more preposterous arguments I have heard, because through 4 Presidencies, with 200 MX missiles proposed in hardened sites, the Soviets were not forced into a bargaining position, so it just flies in the face of reason to think that 100 missiles in soft sites, in the old sites that were too vulnerable to begin with, that we are trying to replace, are somehow going to move the Soviets into a new position.

Mr. President, I just disagree with this whole program of the President's very, very strongly. I have favored a mobile missile. It gives us more flexibility, can be kept on Federal lands most of the time, but would have the flexibility of moving out if it had to in a crisis situation.

I argued this before the Townes Commission last year, and got no response from them except agreement—except to say it would never be acceptable—social interface, as they call it, would not be acceptable—in America to see missiles moving out where they can be seen, even though the Pershing

in Europe is based that way and is deployed around European roads and launch sites, and even though the Soviets do the same thing with the SS-20.

If every Senator wants to see the SALT proposal now go down the tube and see it put into oblivion, say we are not going to live by it, say we do not expect the Soviets to live by it, even though it was negotiated over a long period of time, then that is what we are basically doing when we pass this thing today.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. GLENN. No, I will not. I just have 5 minutes.

I was one who originally thought the SALT agreement was proper, on balance, but I voted against it because I thought at that time we did not have the means of verification. We had lost some of our satellite capability at that time, and we lost tracking sites in Iran. I voted against it because I will not buy a pig in a poke with the Soviet Union. I wanted to know that we could verify what they are agreeing to. So that was the reason I voted against SALT II at that time, while stating at that time that if we regained our verification capability then I would be for SALT II.

But I would say today we are dead flat wrong in passing this if we expect the Soviets to continue living under SALT II, and there is no way that our President can live under SALT II if we are building and going to test two new missiles. "Test" is the key phrase, because we could develop them, but the first time two new missiles are tested we would, in fact, be in violation.

So for all of those reasons I urge my colleagues to vote against this. I urge them to sustain the judgments made by the President originally to abide by the provisions of SALT II, and I do not want to see that whole process go down.

It just does not seem reasonable to me that by defying that and shooting down what arms control agreements we have right now, that we are tacitly living with, even though not ratified by the Senate, that we are doing the right thing.

So I would repeat what I started with: SALT is dead if we pass the President's MX program.

Mr. STEVENS. Mr. President, I yield time to the Senator from Kansas.

Mr. DOLE. Mr. President, today the Senator from Kansas will join with colleagues from both sides of the aisle, and vote for the funding authorization for the MX missile. We will do this on a bipartisan basis—as the vote also proceeded in the other body—and the measure will pass.

There are times, Mr. President, when we must all take the long view of what is needed for our national security. We must then commit our resources for equipment and weaponry not because we want to, and not because the equipment is a perfect defense, but because we must make responsible judgments about the security of this country.

We have heard time and again, Mr. President, about the MX system, and about the faults of the various basing modes that have been suggested. It is not necessary here to recall that long controversy. What is necessary is to bear in mind why our nuclear forces need to be upgraded. And it is also necessary to recall that without the credibility that a first-class nuclear defense affords this Nation, the arms control efforts that we all stand behind will simply not be productive.

DEFENSE OBJECTIVES

In short, Mr. President * * * we must have a national defense that is second to none. * * * At the same time, we must have an arms control policy that continues to protect us and that has a realistic chance of lowering nuclear force levels.

THE CURRENT SITUATION

Let us review where we stand now in both the areas of national defense and arms control, where nuclear weapons are concerned.

In nuclear arms, we used to hold a monopoly. We offered under the Baruch plan to internationalize that monopoly in the interests of peace. Over the years, and reluctantly, our predecessors in both Houses of Congress examined carefully national security proposals by the President—and this was done on a bipartisan basis in the Congress, as I am sure it will be done today.

The notion of a nuclear triad developed, as best suited to our national defense. That has indeed worked well, Mr. President. The Senator from Kansas is fearful of the awesome destructive power of any of these weapons, as indeed we must all be. But who can deny that for 38 years, the nuclear deterrent has in fact worked. We have in fact managed to avoid war through a strong and determined preparation. Can anyone imagine that the world would have been a safer place if the United States had not maintained that nuclear deterrent?

And so we come to the current situation. The submarine portion of our strategic triad is in relatively good condition. Although we introduced no new SSBN from 1967 until the commissioning of U.S.S. *Ohio* last year, the relative invulnerability of SSBN's means that component of our strategic deterrent retains its capability to deter. In producing our Trident class SSBN's, we have taken appropriate steps to insure that the sea-based leg of the triad remains viable on into the next century.

The aerial component of our triad is made up of B-52 bombers. This is old equipment—older in many cases than the pilots who fly the aircraft. However, modification of B-52 G's and H models to carry air-launched cruise missiles will allow us to use the remaining life in these aircraft productively and efficiently. And then, production of the B-1B bomber will finally provide us a modern airplane to carry out the strategic role.

That leads us to the crucial third part of our strategic triad, Mr. President—the land-based ICBM's. It is in this area in particular that the Soviet Union has concentrated its unprecedented nuclear buildup. For it is just unacceptable that over the past dozen years, the Soviet Union has modernized its land-based ICBM's, while we just stayed in place. We need a credible ICBM to respond to that Soviet threat—for really while we froze our ICBM's, the Soviets were embarked on a massive buildup.

THE SOVIET BUILDUP

Their ICBM's have been improved in quality as well as survivability. A fourth generation of ICBM's were made operational. SS-17, SS-18 and S-19 missiles replaced the older and less capable SS-9, SS-11, and SS-13 missiles. Because the new missiles had a MIRV capacity, the number of ICBM warheads increased by a factor of four. Each of the new missiles can carry up to 10 reentry vehicles.

Not only have they increased the number of warheads, but they have also improved their accuracy and throw weight capability. Together the SS-18 and SS-19 systems have the capability to destroy most of our Minuteman force while using only a portion of their available warheads.

In the process of deploying their fourth generation missiles, the Soviet Union increased the hardness of their existing silos, added upgraded communications facilities, and added silo-based launch control facilities. They also upgraded the launchers for their remaining third generation missiles. The result is that the current Soviet ICBM force is vastly more survivable than it was 10 years earlier.

THE CURRENT PROPOSAL

Mr. President, the proposal now before us to base the MX in existing Minuteman III silos was carefully crafted by experts in the field of national defense. It was developed by the Scowcroft Commission on a bipartisan basis. And the MX will serve to improve our ICBM capability in the crucial areas of accuracy and throw-weight. As such, when deployed it will serve to increase the probability that we will never need to consider using these terrible weapons of mass destruction.

But the MX does not stand by itself, Mr. President, in the Scowcroft package. There is another imaginative proposal that looks to the development of the single warhead Midgetman. As

time goes on, this proposal will reward careful study by all Americans seriously concerned with our national defense posture. Perhaps in the not too distant future our force levels themselves can be reduced and subject to better control. The negotiations would be long and hard, but the goal—a stable nuclear deterrent within management agreed limitation—is well worth our perseverance.

ARMS CONTROL

Mr. President, I stated at the outset that we must carefully pursue the goal of arms control while we took essential steps to modernize this portion of our nuclear triad. I note that the President has in fact put forth imaginative proposals at the Geneva talks on both intermediate-range and strategic missiles. I also note the flexibility in what the President has put forward. I hope that the leaders of the Soviet Union will also note that flexibility and join us in a real attempt to control these weapons—and then to stop their further development and proliferation.

But our entire experience dictates that arms control will only proceed when our defenses are strong. The issue before us today, Mr. President, is the assured defense of this Nation. That is why I support this funding authorization—and that is why I am convinced that colleagues on both sides of the aisle will join me in passing it by a convincing margin.

I do not know whether SALT is dead or alive, that may be the issue in the area, but the Senator from Kansas will join with his colleagues on both sides of the aisle and vote for the funding authorization for the MX missile.

We have heard time and again about the MX system, about the fault of the various basing modes that have been suggested, and I am not going to recall all that in the short time I have. But it just seems to me that we have not only an opportunity here but an obligation to bring us closer to some arms agreement, and an opportunity to support the President of the United States, who is the chief negotiator, when all is said and done.

I intend to support the President in this effort and join my colleagues, as I have indicated, on both sides of the aisle in that effort.

Mr. SYMMS. Mr. President, I was off the floor but was listening in on my speaker, and I heard my distinguished colleague from Ohio, Senator GLENN, state that the Soviet system has approved the SALT II treaty and at least in this Senator's opinion I would just like to voice my opinion that I disagree with the distinguished Senator from Ohio that the Soviet system has done that.

I wish to say that I hold him in very high esteem, and he has been certainly one Member of this body that many of us look up to for his many, many achievements. But I do think that it is mistaken to leave the record have that impression.

Three times in 1979, 1980, and 1981 official Soviet spokesmen stated in the Soviet press that the Soviet Union would not comply with SALT II unless the United States ratified the treaty first.

Then in 1982, a Soviet spokesman stated in Time, the U.S. magazine Time, that the Soviet Union would not undercut SALT II as long as the United States did not undercut SALT II.

In the fall of 1981, then Secretary of State Haig reportedly made some agreements with the Soviets that neither side would undercut the SALT II treaty.

But the Soviet system has in no way ratified SALT II and the Supreme Soviet has not voted on the treaty, nor has the Council of Ministers issued a decree ordering compliance with it.

In 1982 these events occurred with SALT I. I just think we should not leave the record to give the impression that the Soviet system has approved of SALT II. Moreover, this is a particular dangerous time to be pointing to Soviet behavior under SALT II.

There is ample evidence that the Soviets are in clearcut violation of many provisions and ceilings in the SALT II unratified treaties.

Nor is the United States about to violate SALT II by voting to deploy the MX. The Hart amendment is preventing even the flight testing of the MX in order to comply with SALT II. Moreover, the Midgetman new, small mobile ICBM will not even be flight tested until 1990, 5 years after the SALT II would expire.

I think it is worthy for this body to recognize that in the Soviet Union there has been an extensive list of violations that they have made that Senator MCCLURE has made very apparent to this body. I have made statements in the RECORD clarifying numerous lists of Soviet SALT violations of SALT I, of their recent testing of PL-4 and the PL-5 missiles and their encrypting of telemetry of some other missiles. So there are numerous opportunities for us to see that they have been making many violations.

Mr. PROXMIRE. Mr. President, I yield 30 seconds to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I was here in the early seventies when the same arguments were being made at a time when the new Congress was being urged to go ahead with the MIRV system. We heard then that this new system would enhance the prospects for arms control, that it would give the President a bargaining chip, that it would move this world back from the possibilities of nuclear confrontation or war.

Ten years later American Presidents, Secretaries of State, and experts in the arms control and defense area all believe that this was a dangerous miscalculation.

I dare say that 10 years from now if there is a Senate we will look back and say that it too was a mistake to accept the MX missile.

Mr. PROXMIRE. Mr. President, I yield 5 seconds to the Senator from Oklahoma.

Mr. BOREN. Mr. President, one of the first responsibilities of a U.S. Senator is to use his influence and vote to adequately protect the Nation's security. One of the principal reasons for the formation of the Federal Government was to provide for the common defense.

I am strongly committed to the maintenance of a national defense effort which is fully adequate to protect our security. I have supported increases in our defense budget. During the decade of the 1970's, the United States did not adequately invest in our defense capability. We must have a defense which is second to none.

I am prepared to vote to appropriate for defense the $20 to $25 billion which, according to the best estimates, the production of 100 MX missiles and deployment in existing Minuteman silos would cost. The question with which we are confronted is not whether we are willing to spend more money on defense. If that were the question, I would vote yes. The question is whether $25 billion could be most effectively spent on the MX missile or if it could be better spent on our defense programs.

From the beginning, the MX missile was justified on the basis that it would give the United States a mobile which could be deployed in a deceptive fashion so that the Soviets would not be able to target it. Those who have favored the missile have always argued that to put the MX in vulnerable fixed sites would defeat its purpose for existing. It seems strange to develop a mobile missile and then spend $25 billion to put it into fixed holes where it will be completely vulnerable. The Congressional Budget Office estimates that if the Soviets struck first after some warning, the MX, as proposed in a fixed site, would contribute only 3 percent in 1990 and only 1 percent after 1996 of our surviving warheads. To spend $25 billion to produce only 1 percent of our survivable warheads certainly does not seem like a wise investment.

We could get as many survivable warheads by building additional Trident submarines at half the cost. Submarines do provide the deterrence needed by being truly mobile and subject to deceptive deployment so that they are hard to target. We could also speed up the development and deploy-

ment of the proposed Midgetman, a truly mobile missile.

If we are determined to build more land-based missiles and to increase the number of land-based warheads, we could obtain the same result by modernizing our existing Minuteman missiles by installing the MX guidance system in 550 Minuteman III's and the Mark 12-A warhead on the 250 missiles that do not have them.

In addition, if we are going to spend $25 billion on defense, there are many other areas where the money could be used more effectively. Pressing ahead with the development and production of a new bomber, areas of conventional strength which have been underfunded, and other options should be considered.

It is clear that from a military point of view there are less expensive options available which would do far more to enhance our overall military strength than spending $25 billion to make sitting ducks out of mobile missiles by putting them in fixed sites.

The question confronting us is not limited, however, to military considerations alone. All of us want to give our President the tools which he needs to make progress in the critical area of achieving with the Soviet Union a mutual and verifiable reduction in nuclear arms. Some have argued that the 100 MX missiles will be a good bargaining chip in negotiating with the Soviets.

If I were really convinced that I would aid the arms control effort by voting for the deployment of the MX today, I would do so. If I determine in the future that it would make a difference, I will be prepared to vote for procurement at that point. This is not the last vote which we will ever cast in this Chamber on the MX missile. If this resolution passes, as it appears that it will, votes on procurement will come more than once and there will be future opportunities to assess the situation if the administration decides to go forward instead of turning to the less expensive alternatives, like the Trident submarine, the Midgetman or modernizing the Minuteman.

At present, I believe that it is naive to feel that producing the MX in this vulnerable deployment mode will have much impact on the Soviets. They certainly know as we do that it is not cost effective from a military point of view. Spending the same amount of money on defense in ways that would make us much stronger than would the MX would undoubtedly worry the Soviets more.

In fact, the MX has a destabilizing effect on the international nuclear situation. It is so obviously vulnerable to Soviet attack that it becomes a first-strike or launch-on-warning system. How much better it would be to spend our money on a less vulnerable system that could survive an attack and would do much more to deter the Soviets from making such an attack.

For a long time, most defense experts, including some in this Chamber who have recently reversed themselves, have been saying that it does not make sense to spend huge sums to make a mobile missile into an expensive, vulnerable sitting duck by putting it into a fixed hole in the ground. They were right when they first made such statements and they are right now.

With huge budget deficits which threaten our economic survival and with a real need to strengthen our defenses, we must spend our defense dollars with care to make sure that we get the greatest possible return for each dollar. This kind of MX deployment does not meet that test.

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from California.

Mr. CRANSTON. I am strongly opposed to spending any more money on the MX missile.

I will vote against the resolution of approval to provide funding for basing the MX in Minuteman silos, and I strongly urge my colleagues to do likewise.

I will vote against the resolution of approval because it will not add to our security.

The most tangible result of proceeding with the MX is to fuel the recklessly dangerous and costly arms race.

The administration plans to proceed not just with the MX, but with Midgetman as well.

To proceed with both will be a violations of the SALT II agreement, which we have agreed to adhere to as long as the Soviets do.

It is a cruel hoax to try to sell a weapons systems that has no military or strategic justification as an arms control effort.

It is especially ironic that this administration in particular is proposing to justify the next round of the arms control race as an arms control effort.

We do not need the MX to begin to work on the builddown proposal or any other concept.

We should be doing these things on their own merit if they prove to be worthwhile proposals.

And I fear that anyone who believes that this administration—which has consistently demonstrated its lack of support for real arms control—will suddenly pursue arms control with vigor, is sorely mistaken.

The MX has become a bargaining chip for the administration not in dealing with the Soviet Union, but rather in its dealings with Congress.

It demands an MX that few in Congress can enthusiastically support; it offers in return empty rhetoric about arms control.

If this administration is genuinely concerned about arms control, why does it need a $26 billion-plus missile-without-a-mission to do something about it?

If the administration likes buildup, builddown, or Midgetman, why must it insist that proponents of these initiatives support the MX?

The administration originally justified the MX because of its presumed invulnerability.

Now the administration proposes to put the MX in what it claims to be vulnerable silos.

There is no logic to this proposal.

Then the administration justified the MX as a so-called cure for an imaginary imbalance of forces.

But now the Scowcroft Commission has conceded the obvious: The U.S. air- and sea-based nuclear advantage offsets the Soviets' advantage on land.

Again, the MX has no logic.

Now it is said that we need the MX so the Reagan administration can pursue its allegedly deep interest in arms control.

In true Orwellian fashion, the administration insists that to get less it must have more.

But there have been no effective arms control negotiations by the Reagan administration.

The Reagan administration has dashed hopes for a comprehensive test ban, the Threshold Test Ban Treaty and Peaceful Nuclear Explosion Treaty.

It has maligned the nuclear freeze and SALT II.

It has poured billions into schemes that will undermine the ABM Treaty.

Neither the Reagan administration nor the Soviets have engaged in meaningful arms control negotiations.

They have just exchanged propaganda broadsides with unrealistic, one-sided proposals.

Wasting $26 billion-plus on a destabilizing missionless missile like the MX cannot conceivably help us in negotiations.

The Soviets answer to more and newer American nuclear weapons will not be new Soviet concessions but more and newer Soviet weapons.

Let me quote from Lloyd Shearer in Parade magazine, May 22, 1983:

> If President Reagan is correct in his highly controversial assumption that we rank No. 2 in the nuclear arms race and need 100 MXs based in Wyoming, Nebraska and elsewhere, what does he realistically expect the Soviets to do while we play catch-up—call a halt to their own arms buildup until we declare the existence of parity?
>
> Soviet Defense Minister Dimitri Ustinov answered that question in these words: "If the present leadership of the White House . . . challenges us by beginning the deployment of the MX missile, then the Soviet Union will respond to this by developing a new intercontinental ballistic missile of the same class, and its characteristics will in no way be inferior to the MX."

History over the last 38 years shows that each time the U.S. or the Soviet Union develops a new weapons system, the other side—at tremendous cost—develops an equal or improved one.

The Soviets have more than adequate incentive to negotiate, as do we.

Their economy like ours is being undermined by the extraordinary cost of the arms race.

Even more than ours.

The U.S.S.R. like the United States faces total destruction if we end up in a nuclear war.

With the advent of more accurate and lethal weapons—a development hastened and encouraged by our deployment of MIRV'd missiles—proponents of the MX argued that we needed a more survivable missile system.

A more survivable missile system, they said, would close the so-called window of vulnerability.

To its great credit, the Scowcroft Commission has effectively and permanently, I hope, put the notion of the window of vulnerability to rest.

With our combined capabilities supplied by the triad of land-based, sea-based, and air-launched strategic weapons, we have and will continue to have a strong and credible deterrent.

Any proposal to modernize our strategic triad must add to a credible and stable nuclear deterrent—it must make us demonstrably more secure.

While the Scowcroft Commission did effectively destroy the concept of the window of vulnerability, unfortunately it did not follow the logic of its own conclusions: the termination of the MX program.

Unless the MX will make our land-based ICBM forces invulnerable—which placing them in fixed silos would not do—there is no justification for the MX.

More important, to add the MX to our strategic arsenal and to place it in fixed silos will be extremely destabilizing.

MX, with its 10 warheads that are more accurate and lethal than the Minuteman III with its 3 warheads, is a more inviting target to the Soviets.

Its greater capability would put in danger the vast majority of the Soviets' nuclear forces—since most of their strategic forces are land based.

The goal of our nuclear forces is to provide a stable deterrent—the MX would do just the opposite.

The Reagan administration says it has no first strike mission.

And the Air Force has acknowledged that less than 5 percent of MX missiles would survive a Soviet attack.

What is the mission of this $26 billion-plus missile?

Perhaps the greatest travesty of the debate on the MX thus far is that President Reagan and officials of his administration have advanced the argument that MX is necessary to demonstrate our national will and our determination to defend ourselves and our allies.

They argue that if we do not proceed with the MX we will appear weak and indecisive.

This is again turning logic on its head.

The Scowcroft Commission sensibly concluded that there was no real military mission for the MX.

The Commission also noted that there was no great urgency for proceeding with the MX and that we should explore the possibility of a small single warhead missile.

The only justification it could come up with is national will.

There is no logic, no justification in proceeding with a missile that will cost us more than $26 billion when it has no essential military role, no satisfactory basing mode and when it will be replaced in a mere 5 years.

If this is a demonstration of political or national will, it is a demonstration of misguided will.

It is a travesty to justify the MX in terms of arms control and to hold it hostage to an arms control agreement.

The Soviets already know that we are deadly serious about maintaining our defensive capabilities.

We are proceeding with the modernization of both the sea leg and air leg of the triad.

Although the administration claims that it needs the MX as a bargaining chip, this same administration has said that the MX is nonnegotiable.

Action speaks louder than words.

The record of this administration on arms control easily shows that the latter position, rather than the former, reflects more accurately the administration's true feelings and intentions regarding the MX.

The history of weapons system deployments should teach us that once we develop a system, the momentum to deploy it is virtually irresistible.

We must not make the mistake of believing that the Congress can somehow hold back the tide a few years from now.

We cannot.

The time is now to make this decision.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Oregon.

Mr. STEVENS. Mr. President, with the understanding that the chairman of the Appropriations Committee wishes to close, I yield 1 minute to the Senator from Georgia.

Mr. NUNN. Mr. President, just very briefly on the remarks of my good friend from Ohio about SALT II being dead.

First, SALT II expires in 1985. I think if you look at the Scowcroft report where they say: "We hope both sides will move away from MIRV'd missiles and go to small missiles," this means the only way the Soviets could move in that direction would also be to breach SALT II because they have already tested the large missiles. Some people think they have tested more than one.

If we really want the Soviets to move to a small missile, then they have to go over the SALT ceilings.

So I would say without any doubt the SALT provisions on that particular point have to be modified for both sides to move in the direction of a small missile.

Mr. STEVENS. Mr. President, the Senator from Ohio said that he talked to the Soviet Ambassador. I would urge him to talk to our intelligence people. SALT II has already been killed by the Soviets, and the Senator from Idaho has documented that.

I want to close by saying this:

The President's letter in the Post yesterday, I think, was most important. He closes with this paragraph:

As the full Congress now reaches the eleventh hour, the choice is clear: a vote for the MX is a vote for what all of us—here and among our friends overseas—want for our country and for posterity—peace, security, significant arms reductions and an end to nuclear horror. Toward this noble goal, I pledge to continue to work closely with the Congress in pursuit of a reduction—a build-down—of nuclear arsenals. but, to succeed, I will need its bipartisan support. I cannot think of any single issue where it is more justified, and more vital to the future of mankind.

Mr. President, I yield 30 seconds to the Senator from South Dakota (Mr. ABDNOR).

Mr. ABDNOR. Mr. President, when the Senate votes today on the issue of the MX missile, I hope it will mark a return to a bipartisan approach to defense of this Nation.

For many years bipartisanship was the watchword of both foreign policy and defense policy in this country. During the 1970's we found ourselves polarized as a people due to the divisiveness of the Vietnam war. The House vote yesterday signaled a return to the days when our differences ended at the water's edge; 91 Democrats joined 148 Republicans in producing the 239-to-186 vote to proceed with testing and deployment of the MX Peacekeeper missile.

I feel confident the Senate will follow suit.

Mr. President, our 1,000 aging Minuteman intercontinental ballistic missiles (ICBM's) are becoming dangerously vulnerable to a Soviet first strike. If there is one area of technology in which the Soviets are ahead of us, it is the area of superhardening missile silos.

These 20-year-old Minuteman missiles lack the destructive capability to knock out Soviet ICBM's in their superhardened shelters. The MX will

give us that capability in the event, God forbid, that it becomes necessary.

Under present conditions, the Commander in Chief might very well choose to launch our missiles under attack. Since they cannot destroy Soviet missiles in their silos, presumably they would be targeted upon Soviet cities. Defenseless civilians become the pawns in this strategy. It places a hairtrigger on our nuclear response.

Obviously, the MX placed in Minuteman silos in Wyoming, Nebraska, and Colorado will be equally vulnerable. But it is an extremely accurate, more powerful weapon whose 10 warheads can knock out Soviet missiles and command centers even in superhardened shelters. With the MX in place, the Soviets could not be sure that we could not launch under attack with the capability of destroying their political leadership, command and control centers, and strategic forces. The single greatest deficiency in our defense posture today is this inability to place at risk high-value Soviet targets.

One thousand warheads on 100 MX missiles are insufficient to destroy all Soviet military targets, but certainly enough to provide a credible deterrent. For the same reasons, the MX obviously is not a first-strike weapon.

The Soviets can threaten our entire land-based missiles force with a small portion of their arsenal. Without the MX, we cannot threaten theirs.

Many concerned citizens wonder why we cannot rely on our worldwide nuclear submarine fleet to retaliate in the event of a sneak attack.

Such a strategy would wipe out one leg of our strategic triad. It would make life much easier for Soviet military planners. No doubt they would concentrate their efforts on antisubmarine warfare to devise means of tracking and destroying our submarines.

Submarine-launched missiles lack the accuracy and the destructive power of the MX. Our nuclear submarines are submerged much of the time, which means we cannot communicate with them. In addition, a large-scale nuclear attack would create tremendous atmospheric disturbances that would disrupt radio communications.

The MX will buy us time as we develop a smaller, single-warhead missile that can be moved around, making it survivable, in case of a sneak attack. But, because it cannot be deployed until the 1990's, we need interim security. The MX can be deployed starting in 1986.

The Scowcroft Commission recommended against a crash program to develop the Midgetman missile which will require a new guidance system. We cannot afford to wait until this technology is developed.

Mr. President, it is no wonder that progress in START talks in Geneva comes so slowly. The Soviets have very little incentive to negotiate seriously. The demonstration of our national resolve to defend ourselves will provide some impetus in those talks. That resolve, together with the scheduled deployment of Pershing II and cruise missiles in western Europe, most certainly will give the Soviets some incentives to negotiate.

One of the great defects in the SALT agreements was that they placed the emphasis on missile launchers rather than warheads. Recent statements by the leaders of both sides indicate that both appreciate the need to concentrate on limiting warheads.

In short, Mr. President, the Senate vote today to proceed with the MX missile is one of the best guarantees against a nuclear exchange with its horrifying consequences. It will send a strong signal to the Soviets and give our negotiators at Geneva renewed leverage.

Mr. President, I ask unanimous consent that a statement by President Reagan as printed in the Washington Post of Tuesday, May 24, 1983, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Tuesday, May 24, 1983]

THE MX: A KEY TO ARMS REDUCTION

Today the president joins the debate that has been going on in this space over the merits of the MX missile.

In a matter of hours, the Congress will vote on a question of vital concern to all Americans—one of the most important votes involving arms reduction it may ever be called on to cast. The debate on the MX Peacekeeper missile, and the whole issue of strategic modernization, has been on the front pages for months now and may seem to have reached its saturation point. But, as is too often the case, the nature of much of the debate has generated far more heat than light, and made it harder for many sincere citizens to reach a calm, reasoned decision.

In these final hours before the Congress acts, I want to state, clearly and directly, what is at stake, and why it is so important to our country and to the world our children will inherit from us. Most of us are already familiar with what the vote will be about. The specific legislative proposal is to approve flight testing of the MX Peacekeeper missile and the work needed to base it in existing Minuteman silos. This is the first essential step toward deployment of 100 Peacekeeper missiles beginning in 1986, and for the development of a new, small and mobile single-warhead ICBM—all part of a long-overdue modernization of our aging defense system.

But if the details of the debate are clear enough, its importance may not be. At stake is the future of arms reductions—balanced, verifiable arms reductions that can make the world of tomorrow a safer place for all the Earth's people. That is a goal and sensible people share, an issue that cuts across party and philosophical lines and units us as Americans and as members of the Human family.

When I endorsed fully the Scowcroft Commission's recommendations on the MX Peacekeeper and modernization, I did so because I was firmly convinced that they balanced the three keys to our country's present and future safety: modernization, to maintain state-of-the-art readiness against a much newer Soviet array of systems; deterrence, to continue to make clear to the Soviets that aggression on their part would never pay; and progress in arms reductions to move from a balance of terror toward stable, peaceful discourse in the competition of ideas.

All three of these elements are crucial to our country's present and future well-being; they are also interdependent. Modernization goes hand-in-hand with a credible deterrent; both are necessary incentives to persuade the Soviets that it is in their best interest as well as ours to achieve meaningful arms reductions.

So the vote on the MX package concerns far more than one piece of military hardware. It bears directly on our ability to strengthen the peace through arms agreements that make for more security and stability by reducing overall force levels.

The Scowcroft Commission proved that this is not a partisan issue. Its members, drawn from both parties, from several previous administrations, and from some of our best technical and scientific institutions, demonstrated that Americans with widely differing attitudes can cope with a complex, emotional issue, rise above politics, and achieve a workable, bipartisan consensus.

The members of the commission agreed on the need to build and deploy the MX, not as an engine of destruction, but as a safeguard for peace; not as a means to fight a war, but as a deterrent to conflict and an incentive to peaceful negotiation. These are things we all want.

The question now before us is whether or not the Congress will join this consensus, a consensus that can unite us in our common search for ways to protect our country, reduce the level of nuclear weapons and the risk of war. Such a consensus is more than desirable; it is crucial to America's future and to the future of all the civilized values we hold dear and would protect from mass destruction.

If we can consolidate this consensus now, it can be sustained from one administration to the next, from one party to another, and lay the groundwork for steady progress toward arms reduction and a more peaceful and secure world. It is this realization which has caused many members of the Congress, who disagree with this administration on other issues, to make common cause with us on this one. Only last week, Democratic Rep. Les Aspin of Wisconsin explained why the Scowcroft Commission's recommendations deserve support as a tool for peace and arms reductions.

"A core question," he wrote, "is whether you can get the Soviets to negotiate without dangling the MX over their heads. * * * [I] tend to believe we need the MX—not to give the United States the capability to wipe out the Soviet ICBM force, but to turn on a lightbulb in the Kremlin's brain and make it realize that it is in Moscow's interest as well as ours to shift to single-warhead missiles and to agree to a limit on warheads.

"The goal of all this is to prevent nuclear weapons from being used in the first place. The best way to achieve that goal is to create a situation in which neither side has an incentive to use nuclear weapons. That is

precisely what the Scowcroft approach does."

The appropriations committees of both House and Senate, on a broad bipartisan basis, have already voted to support this package.

As the full Congress now reaches the eleventh hour, the choice is clear: a vote for the MX is a vote for what all of us—here and among our friends overseas—want for our country and for posterity—peace, security, significant arms reductions and an end to nuclear horror. Toward this noble goal, I pledge to continue to work closely with the Congress in pursuit of a reduction—a build-down—of nuclear arsenals. But, to succeed, I will need its bipartisan support. I cannot think of any single issue where it is more justified, and more vital to the future of mankind.

Mr. JEPSEN. Mr. President, I am committed to strengthen our ability to maintain peace through arms control and the reduction of overall nuclear force levels. The immediate goal of all Americans is a verifiable and balanced arms reduction which in turn will lead to the permanent goal of providing peace with freedom for the people of the world.

The MX is necessary for a number of reasons including the following:

First, it is the key to an adequate bargaining position in our quest for arm's control; and

Second, it is a necessary signal to our allies that we do not expect them to shoulder the burden alone of maintaining the level of deterrence that has successfully prevented an armed conflict in Europe for 38 years.

Mr. STEVENS. Mr. President, I yield the remainder of my time, 15 seconds, to the chairman.

Mr. HATFIELD. Mr. President, how many minutes remain?

The PRESIDING OFFICER. Four minutes and twenty-five seconds.

Mr. HATFIELD. I had 5 minutes a while ago. What happened to it? I have not spoken yet.

The PRESIDING OFFICER. Time was yielded on behalf of the opposition.

Mr. HATFIELD. Mr. President, as we move to the close of this debate I will keep my remarks brief. All of the major issues have been thoroughly and skillfully covered by my colleagues, but the implications of what we do here today reach far beyond the approval or disapproval of a President's request for a weapons system. Our decision speaks directly to the heart and soul of the Nation. It will be a statement of what we as Americans have become—what we really care about—what our priorities are and what the future holds for us.

I submit to my colleagues that I have never witnessed in my 17 years in this body such a willingness to indulge in Orwellian methods of salesmanship. There is so much doublespeak involved in this debate that it has become literally impossible to find the straightspeak. Only an Orwell would be able to bring home the tragic absurdity of the perversion of the English language which has been employed to avert rational discussion about the survival of the human race. More weapons equate with better arms control; we need to "build up" in order to "build down"; first-strike weapons are necessary for strategic stability; the Soviets will restrain themselves if only we will unleash ourselves, and the list goes on. The MX debate would have provided a veritable goldmine for Orwell were he here with us today, poised on the edge of the abyss.

There is something for everybody here. For those who view themselves as advocates of arm control, the MX is now an indispensable tool in that process. We are told that in order to put the "MIRV" genie back in the bottle we must first traverse a rather bizarre path. We need to deploy the finest MIRV'd missile our technology is capable of producing in order to get to the point where we can build up our arsenal further with non-MIRV'd missiles. The ultimate goal is to build down. This is the logic. What a mutilated term arms control has become. I will not be at all surprised if one day we run out of excuses for the "build up in order to build down" myth which now prevails and in utter desperation issue a call to "build sideways."

Those who are so enthralled with the logic of MX as an instrument of arms control do not bother to demand that before we proceed with this missile we ask the Soviet Union to resurrect their proposal to forgo building a new land-based missile and inquire further as to possible reductions in existing land-based missiles that they would make if we were to forgo building the MX. The State Department does not know what the Soviet position is. The Arms Control and Disarmament Agency does not know what the Soviet position is. The Pentagon and the Armed Services Committee do not care what the Soviet position is because they want the MX no matter what.

For those who are concerned about the destabilizing first-strike implications of the MX missile there is the assurance that we intend to deploy only 100. This, supposedly, is too few missiles to constitute a first-strike capability. To my total amazement this seems to have reassured a good number of my colleagues. There is no promise that we will only deploy 100—there is nothing in writing that we will deploy only 100—only the expressed "intention" of this administration. Actually, we will be building a number of MX missiles in excess of 200. There is no reason to worry about this because the extra 100 will be used only for testing purposes. Why we need 100 MX missiles for testing purposes is completely unknown. And anyone who feels secure that we will shut down the production lines after 200 missiles have been built, at a time when the unit cost is very low, only to turn around and launch into a new system called Midgetman, now estimated to cost $100 billion or more, is dreaming dangerous dreams.

This is so not only because it flies in the face of commonsense and historic experience but because it completely and conveniently ignores a very fundamental aspect of the decisionmaking process we should be utilizing when dealing with strategic matters: While Congress may feel secure in these promises Soviet planners most assuredly will not. They will plan and act accordingly. They will act on the basis of worst case planning, precisely as we would.

I ask my colleagues, how many serious false alerts have the Soviet experienced in the last few years? I can tell you how many we have had and I shudder to think of it. And until somebody can convince me that they experience these apocalyptic nightmares far less frequently than we do, I submit that it is nothing less than insane to deploy a weapon which is useless unless we desire the capability for a first strike or intend to adopt a hairtrigger "launch on warning policy."

Even if we only built 100 MX missiles, the combined capability of the Minuteman III with Mark 12-A warheads and the MX exceeds the number of hard target, accurate warheads needed to destroy every existing Soviet land-based missile.

Perhaps most perplexing, Mr. President, is the fact that for so many years we have been barraged with the contention that addressing the vulnerability of our land-based missiles stood among the most paramount security concerns facing this Nation. Now, with the wave of a magic wand, the Scowcroft Commission informs us that this concern was exaggerated. The Secretary of Defense, the chairman of the Senate Armed Services Committee, and a whole range of officials who have been promoting this missile have been telling us unequivocally that a fixed silo basing mode for the MX missile would be unacceptable—that it would not address one of the critical concerns which has motivated the last administration and this administration to seek its deployment—that it be survivable. What are we to think Mr. President? How is it that every one of these individuals could have been so certain—so completely certain in these viewpoints and in the span of a few months completely reverse their policy?

Wrap it all up, Mr. President. Wrap it all up in a package and call it the "peacekeeper." Is it not wonderful? We stand by as children starve by the

millions because we lack the will to eliminate hunger. Yet we have found the will to develop a missile capable of flying over the Polar Cap and landing within a few hundred feet of its target. It is a sad commentary on the health of our Nation, numbly investing billions, the best minds, and God's precious resources in a mad scramble to reach the high ground of destruction. Mr. President, this is not innovation, it is a profound distortion of humanity's purpose on Earth. The "peacekeeper": George Orwell would have loved this. What kind of peace do we keep with it? It was President Eisenhower, Mr. President, who told us: "What can the world or any nation in it, hope for if no turning is found on this dread road? This is not a way of life at all * * * it is humanity hanging from a cross of iron."

There is no strategy—there is no logic—there is no increase in our security. There is only the endless squandering of funds on whatever the scientists in the weapons laboratory create—and it is all in the name of "peace."

Mr. President, I will not take a backseat to any Member of this body in my condemnation of totalitarianism or in my support for the President or our real military needs.

Though I do not find the term "peacekeeper" appropriate, I welcome the shift away from referring to this project as the missile "experimental." The only facet of this missile which could be termed "experimental" is the political salesmanship involved in finding a way for Congress to approve it. Quite clearly, those somber warnings we have been hearing for years about windows of vulnerability that must be closed and survivability that must be attained were no more linked to reality than Madison Avenue commercials designed to create new markets by repackaging old fears. It is frighteningly evident now that there was one purpose and one purpose only—and that was to launch this Nation down a path toward a first-strike capability. A method for the madness. MX may be commonly known as the acronym for missile experimental but in my book it stands for "mindless xenophobia." It is the ultimate symbol of our willingness to set the stage, not only for destruction of the enemy, but for ourselves as well.

I do not believe there is an American alive today with more experience, stature, and comprehension of the intricacies of our relationship with the Soviet Union than George Kennon. I implore my colleagues in this Chamber to heed his words when he speaks of the counterproductive mentality we employ in our relations with the Soviet Union that "there is no language they could be expected to understand, other than that of intimidation by superior military force." This man of incredible diplomatic experience and historic perspective—tells us that the mentality which reigns supreme in this Chamber today—"is grotesquely overdrawn * * * inexcusably childish, and unworthy of people charged with the responsibility for conducting the affairs of a great power in an endangered world."

"At the end of our present path of unlimited military confrontation lies no visible destination but failure and horror. There are no alternatives to this path that would not be preferable to it. What is needed here is only the will—the courage, the boldness, the affirmation of life—to break out of this evil spell that has been cast upon us * * *."

Perhaps the most incredible of all presumptions is that our President needs this missile at the bargaining table to demonstrate that we mean business. This places those of us who desire to support the President in a very difficult bind. On the one hand, we know that there is no individual more able to communicate the willingness of this Nation to do whatever is necessary to deny the Kremlin its pursuit of terror, exploitation, and expansionism. We want to undergird his courage and commitment. On the other hand, he has made it quite clear that without the MX we will have become a helpless, impotent giant. It has been said that our negotiators might as well come home if we deny them this important symbol of strength today. The last thing in the world that this President needs to demonstrate the resolve of this Nation is the MX missile.

Who will be fooled? Does anyone in this Chamber honestly believe that the Soviets will be so intimidated that they will reverse centuries of ingrained behavior and abandon their unrelenting quest for security through military prowess? If there is a shred of evidence I have not heard it. What I do hear are the worn out admonishments that we are behind and must catch up and that the Soviets only respond when threatened with superior strength. The data is not a national security secret. This missile possesses military value only if it is used in a first strike or under launch on warning. Even if we did need to "catch up" (as it is phrased) and we do not—what does this contribute? And even if we did need more strength to elicit a response from the Kremlin—what does this add? Mr. President, it adds nothing.

The only increase in strength which we will derive from building this missile is the strength of our case for bankruptcy. Moral, spiritual, political, military, and economic bankruptcy. This President does not need an MX—he needs a nation united and coherent in purpose—a military capable of fulfilling its mission and an economy tough and resilient enough to withstand the harsh realities of our world and provide for the needs of its people. This weapon is a hindrance to the attainment of each of these objectives.

When will we learn to say no to those who implore us to worship at the false altar of the technological imperative?

There is a line from a play about faith in the power of destruction that haunts me. I quote it frequently. It appears at the closing of Tom Stoppard's modern rendition of Hamlet, "Rosencrantz and Guildenstern Are Dead." And even when I am not involved in discourse over the nuclear threat, it seeps as repeatedly and uncontrollably into my mind as the fog rolling off the sea.

After all the carnage has ceased, Rosencrantz turns to Guildenstern and says, "There must have been a time, somewhere near the beginning, when we could have said no."

I implore my colleagues, free of illusion that I will succeed, to allow yourselves to be haunted as I have. Its going to take no fewer than 51 haunted Senators before the dark shadow which hangs over this Chamber begins to lift.

The PRESIDING OFFICER. All time has expired.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, this will be a long vote, I remind the Senate.

The PRESIDING OFFICER. Under the previous order, there will be a 45-minute rollcall.

The question is on agreeing to the concurrent resolution. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG) is necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. ARMSTRONG) would vote "yea."

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS), is necessarily absent.

The PRESIDING OFFICER (Mr. JEPSEN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—59

Abdnor	Danforth	Hatch
Baker	DeConcini	Hawkins
Bentsen	Denton	Hecht
Boschwitz	Dole	Heflin
Byrd	Domenici	Heinz
Chafee	East	Helms
Chiles	Garn	Jackson
Cochran	Goldwater	Jepsen
Cohen	Gorton	Johnston
D'Amato	Grassley	Kassebaum

Kasten	Packwood	Stevens
Laxalt	Percy	Symms
Long	Pressler	Thurmond
Lugar	Quayle	Tower
Mathias	Randolph	Trible
Mattingly	Roth	Wallop
McClure	Rudman	Warner
Murkowski	Simpson	Wilson
Nickles	Specter	Zorinsky
Nunn	Stennis	

NAYS—39

Andrews	Exon	Melcher
Baucus	Ford	Metzenbaum
Biden	Glenn	Mitchell
Bingaman	Hart	Moynihan
Boren	Hatfield	Pell
Bradley	Huddleston	Proxmire
Bumpers	Humphrey	Pryor
Burdick	Inouye	Riegle
Cranston	Kennedy	Sarbanes
Dixon	Lautenberg	Sasser
Dodd	Leahy	Stafford
Durenberger	Levin	Tsongas
Eagleton	Matsunaga	Weicker

NOT VOTING—2

Armstrong	Hollings

So the concurrent resolution (S. Con. Res. 26) was agreed to as follows:

S. CON. RES. 26

Resolved by the Senate (the House of Representatives concurring), That the House of Representatives and the Senate of the United States approve the obligation and expenditure of funds appropriated in Public Law 97-377 for MX missile procurement and full-scale engineering development of a basing mode for the MX missile.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, I have voted today for the expenditure of funds appropriated in December 1983 for MX missile procurement and full scale engineering development of a basing mode for the MX missile. The MX has been funded by Congress for 10 years, with over $6.7 billion appropriated for the development of the new missile. The MX has been supported by four successive Presidents: Nixon, Ford, Carter, and Reagan.

It is my belief that the step we have taken today is a firm move in shoring up our strategic triad and keeping our deterrence strong. The strategic triad has proved effective in inhibiting the Soviet adventurism and maintaining the peace. The strongest leg of the triad has been the land-based ICBM force. I fear if we fail to modernize the present ICBM force it would significantly effect the survivability of the remaining two parts of the triad.

I believe the Soviets will be willing to seriously negotiate on mutual reductions only with our modernization program going forward. History proves that the ABM Treaty was negotiated only after the congressional approval of a limited deployment of an ABM system.

I am encouraged that the President has pledged to alter the U.S. negotiating position in the strategic arms reduction talks in Geneva. The President has said he will work closely with Congress in pursuit of a reduction and a builddown of strategic nuclear weapons. It will be my purpose to work with the President in obtaining a verifiable nuclear freeze for both at overall equivalent levels.

Mr. BAKER. Mr. President, I thank all Senators for their cooperation on this matter. If we could have order——

Mr. BYRD. May we have order in the Senate? The majority leader is about to propose a unanimous-consent request.

SENATE SCHEDULE

Mr. BAKER. Mr. President, if I could, I would like to suggest the schedule for the Senate beyond this point.

As far as I am concerned, the only other item we have to dispose of is the debt limit bill. It is my earnest hope that we will be able to pass H.R. 2990, which was the debt limit bill sent to us by the House of Representatives, without amendment, and perhaps do that today. If we can do that today, it will be my intention to ask the Senate to turn to the consideration of the adjournment resolution at the close of business today and then bring us back on the 6th of June.

If we cannot pass it cleanly, I think we are in a brier patch, because if we have to go to conference with the House I think it will be very, very difficult to complete this business, this bill, this week. It almost surely means that the House of Representatives would not take up and pass the adjournment resolution this week. They are coming back next week on Wednesday in any event.

So the schedule of the Senate is uncertain at this time. However, I wish to reiterate my urgent hope that we will find it within our hearts to pass the debt limit clean and send it directly to the President of the United States.

In a minute I would like to go to the debt limit bill, which is on the calendar. Before I do that, I want to propound a unanimous-consent request because it will be necessary to adjourn for 1 minute in order to qualify the debt limit bill which is on the calendar.

So, Mr. President, I put this unanimous-consent request at this time.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate convenes after a 1-minute adjournment today, that the reading of the Journal be dispensed with, that no resolutions come over under the rule, that the call of the calendar be dispensed with, and the time of the two leaders under the standing order be vitiated; that there be a period for the transaction of routine morning business of not to exceed 3 minutes, in which Senators may speak for not more than 1 minute each, and that the morning hour be deemed to have expired.

Mr. BYRD. Mr. President, reserving the right to object, and I do not intend to object, this request precludes a nondebatable motion, so all Senators are protected in the event they wish to discuss for a while the motion to proceed to take up the debt limit bill.

I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ADJOURNMENT

Mr. BAKER. Mr. President, in accordance and in keeping with the unanimous-consent request granted, I move that the Senate stand in adjournment for 1 minute.

The PRESIDING OFFICER. The question is on agreeing to the motion to adjourn.

The motion was agreed to, and at 2:37 p.m. on Wednesday, May 25, 1983, the Senate adjourned until 2:38 p.m., the same day.

AFTER ADJOURNMENT— WEDNESDAY, MAY 25, 1983

The Senate met at 2:38 p.m., pursuant to adjournment, and was called to order by Hon. ROGER W. JEPSEN, a Senator from the State of Iowa.

PUBLIC DEBT LIMIT INCREASE

Mr. BAKER. Mr. President, I move that the Senate proceed to the consideration of H.R. 2990, the debt limit bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2990) to increase the permanent public debt limit, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, it is my hope the managers of this measure can go forward with their opening statements at this time. However, I am advised by the distinguished minority leader that there is a requirement for a caucus of Democratic Senators beginning at 3:30 p.m. For reasons that will be obvious to most of my colleagues, it is necessary for them to have that caucus. I hope I am anxious after they return.

I ask unanimous consent that the Senate stand in recess from 3:30 p.m. today until 4:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I hope that the time between now and 3:30 can be devoted to opening statements on the debt limit. I ask the managers on this side to prepare themselves to go forward.

While that is occurring, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WALLOP). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1297

(Purpose: To eliminate the percentage method of determining additions to the bad debt reserves for bank losses)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 1297.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . ELIMINATION OF THE PERCENTAGE METHOD OF DETERMINING ADDITIONS TO BAD DEBT RESERVES FOR BANK LOSSES.

(a) IN GENERAL.—Subsection (b) of section 585 of the Internal Revenue Code of 1954 (relating to addition to reserves for bad debts) is amended—

(1) by striking out "1988" in paragraphs (1)(A) and (3) and inserting in lieu thereof "January 1, 1984,", and

(2) by striking out "1987" in paragraph (3) and inserting in lieu thereof "December 31, 1983,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I am not going to speak on the amendment at this time, but I would like to outline the reasons and the necessity of extending the debt ceiling, commenting generally on H.R. 2990.

Mr. President, H.R. 2990 provides for an increase in the permanent public debt limit to $1,389 billion and an increase to $150 billion in the amount of bonds that may be issued with interest rates higher than 4¼ percent.

PUBLIC DEBT LIMIT

INCREASE IN PUBLIC DEBT LIMIT

The current public debt limit is $1,290.2 billion; $400 billion is the permanent level, and $890.2 billion is the temporary addition. The temporary limit is in effect through September 30, 1983.

The present limit must be increased no later than May 31, 1983, for the following reasons. The actual debt on May 20, 1983, was $1,289.3 billion. This debt level results from Treasury Department borrowing $9.5 billion to finance Federal outlays in May and the investment in special issues on May 20 of $23 billion transferred from the general fund to the social security trust funds in payment of noncontributory military wage credits.

I might suggest that is all part of the compromise worked out in the social security bill earlier this year.

The transfer of funds to the social security trust funds was mandated by the Social Security Act amendments passed earlier this year. In addition, the act also required that, beginning on June 1, estimated social security receipts for each month must be invested in Treasury Department special issues on the first day of each month. The estimate for June 1983 is $16 billion in social security receipts.

The Treasury Department estimates that the present level of borrowing authority will not be sufficient through May 31. Even if that estimate is wrong, the present limit will not be adequate through the first of June.

Mr. President, the Finance Committee approved an increase to $1,389 billion which should be sufficient borrowing authority to meet the administration's needs for the rest of the fiscal year. Treasury Department has estimated that it will need $1,388.2 billion through this fiscal year and an additional $5 billion as an allowance for contingencies. Treasury indicated, however, that a limit of $1,389 billion would be manageable through September 30.

Mr. President, by raising the permanent public debt limit to the level that is appropriate for budgetary requirements, the Finance Committee eliminated the distinction between permanent and temporary public debt limits.

I must say this is something we have been trying to do in the Finance Committee for a number of years. This year it was initiated by the House—I will say, not at the request of the administration. It was initiated by the House Ways and Means Committee; therefore, we are happy to go along with that change. The distinction no longer serves a useful legislative, budgetary or fiscal purpose. The prospect of large budget deficits in the foreseeable future indicates that it would be a vain hope to continue setting a temporary debt limit with the belief that budget developments soon will dissipate the need for a temporary increase. In addition, a permanent limit allows Treasury to refund maturing debt even when the debt limit no longer is adequate, unlike the complete shutdown of such activity when a temporary limit expires.

Of greater importance is the fact that a temporary debt limit provides no more control over the need to borrow than will setting a permanent limit adequate for each fiscal year. In fact, a temporary limit provides no more control than would repeal of the debt limit.

There is no simple way to control deficits or borrowing. Both can be controlled only by careful attention to controlling the growth of all spending programs, providing a tax structure that raises the revenues needed, providing the environment for a growing, noninflationary, high employment level economy, and by not enacting off-budget credit and other programs that escape budget scrutiny but are financed with debt issued by the Treasury Department.

INCREASED BOND AUTHORITY

For the past 10 years, Congress has authorized the Treasury Department to issue to the general public limited amounts of bonds—that is, debt with more than 10 years to maturity when issued—with interest rates above 4¼ percent. The authorized limit now is $110 billion, and it was approved in TEFRA, as last summer's tax bill now is known.

The committee recommends that the Senate agree to the administration request that the limit be increased by $40 billion, from $110 billion to $150 billion. The Treasury Department has stated to the committee that the present limit will be sufficient through 1983 and possibly through the first several months of 1984. The increase to $150 billion would provide authority to issue bonds for at least an additional year.

Providing the additional authority at this time will enable Treasury and other participants in the long-term money market to plan for anticipated issues and a desirable maturity distribution of the Federal debt outstanding.

I recommend that the Senate approve this bill promptly and without amendment. The timing is critical, and the matter is fundamental to the Federal Government's financial solvency. The House is preparing to leave town, and we cannot afford to modify the clean bill they have passed, lest we be

left holding the bag—and with the debt ceiling about to be breached. This is simply a matter of good government which I think must be addressed.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks the so-called Long tables, which help put the public debt in perspective, relative to GNP and other factors. These tables are updated through 1982.

I think Senator LONG asked the Treasury to update them through June of 1983. That will be made available for the RECORD at a later time. They should provide Members valuable information with which to analyze the problem of our public debt.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—ESTIMATED NET GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES

Year	Private [1]			State and local	Federal [2]	Total net debt	Percent Federal of total
	Corporate	Other	Total				
1929	88.9	72.9	161.8	13.6	16.5	191.9	8.6
1930	89.3	71.8	161.1	14.7	16.5	192.3	8.6
1931	83.5	64.9	148.4	16.0	18.5	182.9	10.1
1932	80.0	57.1	137.1	16.6	21.3	175.0	12.2
1933	76.9	51.0	127.9	16.3	24.3	168.5	14.4
1934	75.5	49.8	125.3	15.9	30.4	171.6	17.7
1935	74.3	49.7	124.5	16.1	34.4	175.0	19.7
1936	76.1	50.6	126.7	16.2	37.7	180.6	20.9
1937	75.8	51.1	126.9	16.1	39.2	182.2	21.5
1938	73.3	50.0	123.3	16.1	40.5	179.9	22.5
1939	73.5	50.8	124.3	16.4	42.6	183.3	23.2
1940	75.6	53.0	128.6	16.4	44.8	189.8	23.6
1941	83.4	55.6	139.0	16.1	56.3	211.4	26.6
1942	91.6	49.9	141.5	15.4	101.7	258.6	39.3
1943	95.5	48.8	144.3	14.5	154.4	313.2	49.3
1944	94.1	50.7	144.8	13.9	211.9	370.6	57.2
1945	35.3	54.7	140.0	13.4	252.5	405.9	62.2
1946	49.5	66.4	115.9	14.9	228.0	358.8	63.5
1947	56.7	80.6	137.3	16.3	220.8	374.4	59.0
1948	62.8	93.5	156.3	18.5	215.1	389.9	55.2
1949	64.6	104.4	169.0	21.0	217.7	407.7	53.4
1950	71.3	123.3	194.6	24.4	216.5	435.5	49.7
1951	79.6	136.1	215.7	26.6	216.1	458.3	47.1
1952	86.8	152.9	239.7	30.2	221.4	491.4	45.1
1953	91.0	169.2	260.2	34.5	228.4	523.1	43.7
1954	95.9	183.9	279.8	40.6	230.8	551.3	41.9
1955	104.2	213.3	317.6	45.9	230.0	593.5	38.8
1956	114.8	233.1	347.9	49.5	224.2	621.5	36.1
1957	124.7	251.4	376.0	53.7	222.0	651.7	34.1
1958	133.2	269.5	402.7	59.2	231.3	693.1	33.4
1959	143.5	303.6	447.2	65.5	238.3	751.0	31.7
1960	154.3	329.5	483.7	70.8	236.3	790.8	29.9
1961	165.1	356.6	521.7	75.9	243.5	841.0	29.0
1962	177.5	393.1	570.5	81.2	250.5	902.2	27.8
1963	190.2	440.2	630.4	86.9	254.4	971.8	26.2
1964	203.0	488.5	691.4	92.9	260.7	1,045.0	24.9
1965	221.6	542.3	763.8	100.3	262.4	1,126.6	23.3
1966	244.1	587.3	831.3	105.9	266.1	1,203.3	22.1
1967	269.5	628.8	898.3	113.7	279.1	1,291.1	21.6
1968	296.5	693.7	990.3	123.2	292.6	1,406.1	20.8
1969	325.5	768.8	1,094.3	133.1	289.0	1,516.4	19.1
1970	355.0	824.7	1,179.8	144.4	3(X).8	1,624.9	18.5
1971	380.1	915.0	1,295.2	161.8	325.7	1,782.7	18.3
1972	412.5	1,053.6	1,466.1	176.5	340.8	1,983.4	17.2
1973	461.2	1,212.8	1,674.1	191.2	349.1	1,214.3	15.8
1974	527.2	1,338.6	1,865.8	207.7	360.8	2,434.4	14.8
1975	548.2	1,434.9	1,983.1	223.8	446.3	2,653.2	16.8
1976	591.0	1,605.5	2,196.5	239.5	515.8	2,951.7	17.5
1977	660.1	1,839.7	2,499.8	262.9	572.5	3,335.3	17.2
1978	737.3	2,157.7	2,895.0	291.3	626.2	3,812.5	16.4
1979	835.7	2,482.2	3,317.9	321.1	663.6	4,302.5	15.4
1980	916.4	2,743.5	3,659.9	356.9	742.8	4,759.6	15.6
1981	1,019.0	3,026.4	4,045.4	389.8	830.1	5,265.2	15.8
1982	1,094.4	3,186.6	4,281.0	450.5	991.4	5,722.9	17.3

[1] Data for years 1929–45 from the Bureau of Economic Analysis, Commerce Department. Data for years 1946–82 from the Federal Reserve Board flow of funds.
[2] Borrowing from the public equals gross Federal debt less securities held in Government accounts (a unified budget concept).

Note.—Detail may not add to totals because of rounding.

Source: Federal debt, Treasury Department; other data, Bureau of Economic Analysis, Commerce Department, and Federal Reserve Board (flow of funds).

TABLE 2.—ESTIMATED PER CAPITA NET GOVERNMENT AND PRIVATE DEBT [1]

Year	Private [2]			State and local	Federal [3]	Total net debt
	Corporate	Other	Total			
1929	726	595	1,321	111	135	1,567
1930	722	581	1,303	119	133	1,556
1931	671	521	1,192	129	149	1,469
1932	639	456	1,095	133	170	1,397
1933	610	405	1,015	129	193	1,337
1934	595	393	988	125	240	1,353
1935	586	389	975	126	269	1,370
1936	592	394	986	126	293	1,406
1937	586	395	981	124	303	1,409
1938	562	383	945	123	311	1,379
1939	557	384	941	124	323	1,388
1940	567	398	965	123	336	1,424
1941	619	413	1,032	120	418	1,570
1942	672	366	1,038	113	746	1,896
1943	691	353	1,044	105	1,117	2,267
1944	673	363	1,036	99	1,516	2,652
1945	604	387	991	95	1,788	2,874
1946	345	463	808	104	1,590	2,502
1947	338	552	940	112	1,512	2,564
1948	423	629	1,052	124	1,448	2,624
1949	428	690	1,118	139	1,440	2,698
1950	464	803	1,267	159	1,409	2,835

TABLE 2.—ESTIMATED PER CAPITA NET GOVERNMENT AND PRIVATE DEBT [1]—Continued

Year	Private [2]			State and local	Federal [3]	Total net debt
	Corporate	Other	Total			
1951	509	871	1,380	170	1,382	2,932
1952	546	962	1,508	190	1,393	3,091
1953	563	1,046	1,609	213	1,413	3,235
1954	583	1,117	1,700	247	1,403	3,349
1955	622	1,274	1,896	274	1,373	3,543
1956	673	1,366	2,039	290	1,314	3,644
1957	718	1,449	2,167	309	1,279	3,756
1958	755	1,527	2,282	336	1,311	3,928
1959	800	1,693	2,493	365	1,329	4,186
1960	846	1,808	2,654	388	1,296	4,338
1961	891	1,925	2,816	409	1,314	4,540
1962	944	2,091	3,035	432	1,332	4,799
1963	998	2,308	3,306	456	1,334	5,097
1964	1,051	2,527	3,578	481	1,349	5,408
1965	1,133	2,773	3,906	513	1,342	5,761
1966	1,234	2,970	4,204	536	1,346	6,085
1967	1,349	3,147	4,496	569	1,397	6,462
1968	1,470	3,438	4,908	611	1,450	6,969
1969	1,597	3,771	5,368	653	1,418	7,439
1970	1,719	3,995	5,714	699	1,457	7,870
1971	1,820	4,379	6,199	774	1,559	8,533
1972	1,955	4,994	6,949	837	1,615	9,401
1973	2,166	5,696	7,862	898	1,639	10,399
1974	2,453	6,228	8,681	966	1,679	11,326
1975	2,525	6,610	9,135	1,031	2,056	12,221
1976	2,696	7,325	10,021	1,093	2,353	13,467
1977	2,980	8,307	11,287	1,187	2,585	15,059
1978	3,293	9,638	12,931	1,301	2,797	17,029
1979	3,690	10,962	14,652	1,418	2,930	19,000
1980	4,004	11,987	15,991	1,560	3,245	20,795
1981	4,410	13,098	17,508	1,687	3,592	22,787
1982	4,692	13,660	18,352	1,931	4,250	24,534

[1] Per capita debt is calculated by dividing debt figures by population of conterminous United States. Beginning 1949, population included Armed Forces overseas, Hawaii and Alaska.
[2] Data for years 1929–45 from the Bureau of Economic Analysis, Commerce Department. Date for years 1946–82 from the Federal Reserve Board flow of funds.
[3] Borrowing from the public equals gross Federal debt less securities held in Government accounts (a unified budget concept).

Note.—Detail may not add to totals because of rounding.

Source: Federal debt, Treasury Department; other data, Bureau of Economic Analysis, Commerce Department, and Federal Reserve Board (flow of funds).

TABLE 3.—NET GOVERNMENT AND PRIVATE DEBT RELATED TO GROSS NATIONAL PRODUCT

Year	Gross national product (billions)	(Ratios of debt to gross national product)					
		Private [1]			State and local	Federal [2]	Total net debt
		Corporate	Other	Total			
1929	$103.4	86.0	70.5	156.4	13.2	16.0	185.6
1930	90.7	98.5	79.2	177.6	16.2	18.2	212.0
1931	76.1	109.8	85.3	195.1	21.0	24.3	240.4
1932	58.3	137.3	98.0	235.2	28.5	36.5	300.3
1933	55.8	137.8	91.4	229.1	29.2	43.5	301.9
1934	65.3	115.6	76.3	191.9	24.4	46.6	262.8
1935	72.5	103.2	68.6	171.7	22.2	47.5	241.4
1936	82.7	92.0	61.2	153.1	19.6	45.6	218.3
1937	90.9	83.4	56.2	139.6	17.7	43.1	200.5
1938	85.0	86.2	58.8	145.0	18.9	47.6	211.6
1939	90.9	80.8	55.9	136.7	18.0	46.9	201.6
1940	100.0	75.6	53.0	128.6	16.4	44.8	189.8
1941	125.0	66.7	44.5	111.2	12.9	45.0	169.1
1942	158.5	57.8	31.5	89.3	9.7	64.2	163.2
1943	192.1	49.7	25.4	75.1	7.5	80.4	163.0
1944	210.6	44.7	24.1	68.7	6.6	100.6	175.9
1945	212.4	40.2	25.7	65.9	6.3	118.9	191.1
1946	209.8	23.6	31.7	55.2	7.1	108.7	171.0
1947	233.1	24.3	34.6	68.9	7.0	94.7	160.7
1948	259.5	24.2	36.0	60.2	7.1	82.9	150.3
1949	258.3	25.0	40.4	65.4	8.1	84.3	157.8
1950	286.5	24.9	43.0	67.9	8.5	75.6	152.0
1951	330.8	24.1	41.1	65.2	8.0	65.3	138.6
1952	348.0	24.9	43.9	68.9	8.7	63.6	141.2
1953	366.8	24.8	46.1	70.9	9.4	62.3	142.6
1954	366.8	26.1	50.1	76.3	11.1	62.9	150.3
1955	400.0	26.1	53.3	79.4	11.5	57.5	148.4
1956	421.7	27.2	55.3	82.5	11.7	53.2	147.4
1957	444.0	28.1	56.6	84.7	12.1	50.0	146.3
1958	449.7	29.6	59.9	89.6	13.2	51.4	154.1
1959	487.9	29.4	62.2	91.6	13.4	48.8	153.9
1960	506.5	30.5	65.1	95.5	14.0	46.6	156.1
1961	524.6	31.5	68.0	99.4	14.5	46.4	160.3
1962	565.0	31.4	69.6	101.0	14.4	44.3	159.7
1963	596.7	31.9	73.8	105.7	14.6	42.6	162.9
1964	637.7	31.8	76.6	108.4	14.6	40.9	163.9
1965	691.1	32.1	78.5	110.5	14.5	38.0	163.0
1966	756.0	32.3	77.7	110.0	14.0	35.2	159.2
1967	799.6	33.7	78.6	112.3	14.2	34.9	161.5
1968	873.4	34.0	79.4	113.4	14.1	33.5	161.0
1969	944.0	34.5	81.4	115.9	14.1	30.6	160.6
1970	992.7	35.8	83.1	118.8	14.5	30.3	163.7
1971	1,077.6	35.3	84.9	120.2	15.0	30.2	165.4
1972	1,185.9	34.8	88.8	123.6	14.9	28.7	167.2
1973	1,326.4	34.8	91.4	126.2	14.4	26.3	166.9
1974	1,434.2	36.8	93.3	130.1	14.5	25.2	169.7
1975	1,549.2	35.4	92.6	128.0	14.4	28.8	171.3
1976	1,718.0	34.4	93.5	127.8	13.9	30.0	171.8
1977	1,918.3	34.4	95.9	130.3	13.7	29.8	173.9
1978	2,163.9	34.1	99.7	133.8	13.5	28.9	176.2
1979	2,417.8	34.6	102.7	137.2	13.3	27.4	178.0
1980	2,633.1	34.8	104.2	139.0	13.6	28.2	180.8
1981	2,937.7	34.7	103.0	137.7	13.3	28.3	179.2

TABLE 3.—NET GOVERNMENT AND PRIVATE DEBT RELATED TO GROSS NATIONAL PRODUCT—Continued

Year	Gross national product (billions)	(Ratios of debt to gross national product)					
		Private [1]			State and local	Federal [2]	Total net debt
		Corporate	Other	Total			
1982	3,059.3	35.8	104.2	139.9	14.7	32.4	187.1

[1] Data for years 1929–45 from the Bureau of Economic Analysis, Commerce Department. Data for years 1946–82 from the Federal Reserve Board flow of funds.
[2] Borrowing from the public equals gross Federal debt less securities held in Government accounts (a unified budget concept).

Note.—Detail may not add to totals because of rounding.

Source: Federal debt, Treasury Department; other data, Bureau of Economic Analysis, Commerce Department, and Federal Reserve Board (flow of funds).

TABLE 4.—ESTIMATED FEDERAL DEBT RELATED TO POPULATION AND PRICES

Year	Outstanding Federal debt			Per capita Federal debt [4]			Real per capita Federal debt [5]		
	Gross [1]	Net [2]	Privately held net [3]	Gross [1]	Net [2]	Privately held net [3]	Gross [1]	Net [2]	Privately held net [3]
1929	18.7	16.5	16.0	153	135	131	298	263	255
1930	18.6	16.5	15.8	150	133	128	301	267	256
1931	20.4	18.5	17.7	164	149	142	359	326	312
1932	23.2	21.3	19.4	185	170	155	453	416	379
1933	26.8	24.3	21.9	213	193	174	548	497	448
1934	38.1	30.4	28.0	300	240	221	749	598	550
1935	41.8	34.4	32.0	327	269	251	796	655	610
1936	46.2	37.7	35.3	360	293	275	866	707	662
1937	48.9	39.2	36.6	378	303	283	879	705	658
1938	51.8	40.5	37.9	397	311	291	941	736	689
1939	55.7	42.6	40.1	422	323	304	1,014	775	730
1940	59.4	44.8	42.6	446	336	320	1,061	8(X)	761
1941	73.3	56.3	54.0	544	418	401	1,234	948	909
1942	119.2	101.7	95.5	874	746	700	1,791	1,528	1,435
1943	176.1	154.4	142.9	1,275	1,117	1,034	2,460	2,157	1,997
1944	236.6	211.9	193.1	1,693	1,516	1,382	3,212	2,877	2,622
1945	281.1	252.5	228.2	1,990	1,788	1,616	3,693	3,317	2,998
1946	261.9	228.0	206.1	1,826	1,590	1,437	3,122	2,718	2,457
1947	256.8	220.8	199.1	1,758	1,512	1,363	2,628	2,260	2,038
1948	253.6	215.1	192.0	1,707	1,448	1,292	2,367	2,008	1,792
1949	257.7	217.7	197.7	1,705	1,440	1,308	2,388	2,017	1,832
1950	257.6	216.5	196.6	1,677	1,409	1,280	2,326	1,955	1,775
1951	259.7	216.1	193.1	1,661	1,382	1,235	2,136	1,777	1,588
1952	267.8	221.4	196.8	1,685	1,393	1,238	2,119	1,752	1,557
1953	275.6	228.4	200.0	1,704	1,413	1,237	2,128	1,764	1,544
1954	278.8	230.8	204.2	1,694	1,403	1,241	2,104	1,742	1,541
1955	282.1	230.0	204.8	1,684	1,373	1,223	2,1(X)	1,712	1,524
1956	278.9	224.2	199.4	1,635	1,314	1,169	2,(X)9	1,615	1,436
1957	280.6	222.0	198.8	1,617	1,279	1,146	1,918	1,517	1,359
1958	286.8	231.3	204.7	1,625	1,311	1,160	1,877	1,513	1,340
1959	3(X).1	238.3	214.8	1,673	1,329	1,197	1,916	1,522	1,372
1960	300.5	236.3	212.4	1,648	1,296	1,165	1,859	1,461	1,314
1961	307.4	243.5	217.8	1,659	1,314	1,176	1,852	1,467	1,312
1962	315.8	250.5	222.8	1,680	1,332	1,185	1,854	1,470	1,308
1963	322.2	254.4	223.9	1,690	1,334	1,174	1,843	1,455	1,281
1964	332.5	260.7	227.0	1,721	1,349	1,175	1,852	1,452	1,265
1965	336.7	262.4	225.6	1,722	1,342	1,154	1,822	1,420	1,221
1966	353.6	266.1	227.5	1,788	1,346	1,151	1,840	1,384	1,184
1967	382.0	279.1	237.3	1,912	1,397	1,188	1,912	1,397	1,188
1968	386.4	292.6	240.7	1,915	1,450	1,193	1,838	1,392	1,145
1969	382.0	289.0	233.0	1,874	1,418	1,143	1,707	1,291	1,041
1970	401.6	300.8	239.8	1,945	1,457	1,162	1,673	1,253	999
1971	435.2	325.7	256.5	2,083	1,559	1,228	1,717	1,285	1,012
1972	461.1	340.8	271.9	2,185	1,615	1,289	1,744	1,289	1,029
1973	480.7	349.1	271.2	2,257	1,639	1,274	1,696	1,232	957
1974	504.0	360.8	280.1	2,345	1,679	1,303	1,588	1,137	882
1975	587.6	446.3	358.1	2,707	2,056	1,650	1,679	1,275	1,023
1976	664.8	515.8	418.5	3,033	2,353	1,910	1,779	1,380	1,120
1977	729.2	572.5	469.5	3,292	2,585	2,120	1,814	1,424	1,168
1978	797.7	626.2	515.4	3,563	2,797	2,302	1,823	1,431	1,178
1979	852.2	663.6	546.0	3,763	2,930	2,411	1,731	1,348	1,109
1980	936.7	742.8	621.3	4,093	3,245	2,714	1,658	1,315	1,100
1981	1,034.7	830.1	698.9	4,478	3,592	3,035	1,644	1,319	1,110
1982	1,201.9	991.4	851.9	5,152	4,250	3,652	1,782	1,470	1,263

[1] Total Federal securities includes public debt securities and budget agency securities.
[2] Borrowing from the public equals gross Federal debt less securities held in Government accounts (a unified budget concept).
[3] Borrowing from the public less Federal Reserve holdings.
[4] Per capita debt is calculated by dividing debt figures by population of conterminous United States. Beginning 1949, population includes Armed Forces overseas, Hawaii and Alaska.
[5] Real per capita debt expressed in 1967 prices (i.e., Consumer Price Index for all items).

Note.—Detail may not add to totals because of rounding.

Source: Federal debt, Treasury Department; other data, Bureau of Economic Analysis, Commerce Department, and Federal Reserve Board (flow of funds).

TABLE 5.—PRIVATELY HELD FEDERAL DEBT RELATED TO GNP

[Dollar amounts in billions of dollars]

Year	Gross national product	Privately held debt [1]	Ratio of debt to GNP	Year to year price changes [2]
1929	$103.4	$16.0	15.5	0
1930	90.7	15.8	17.4	−2.5
1931	76.1	17.7	23.3	−8.8
1932	58.3	19.4	33.3	−10.3
1933	55.8	21.9	39.2	−5.1
1934	65.3	28.0	42.9	3.4
1935	72.5	32.0	44.1	2.5
1936	82.7	35.3	42.7	1.0

TABLE 5.—PRIVATELY HELD FEDERAL DEBT RELATED TO GNP—Continued

[Dollar amounts in billions of dollars]

Year	Gross national product	Privately held debt [1]	Ratio of debt to GNP	Year to year price changes [2]
1937	90.9	36.6	40.3	3.6
1938	85.0	37.9	44.6	−1.9
1939	90.0	40.1	44.1	−1.4
1940	100.0	42.6	42.6	1.0
1941	125.0	54.0	43.2	5.0
1942	158.5	95.5	60.3	10.7
1943	192.1	142.9	74.4	6.1
1944	210.6	193.1	91.7	1.7

TABLE 5.—PRIVATELY HELD FEDERAL DEBT RELATED TO GNP—Continued

[Dollar amounts in billions of dollars]

Year	Gross national product	Privately held debt [1]	Ratio of debt to GNP	Year to year price changes [2]
1945	212.4	228.2	107.4	2.3
1946	209.8	206.1	98.2	8.5
1947	233.1	199.1	85.4	14.4
1948	259.5	192.0	74.0	7.8
1949	258.3	197.7	76.5	−1.0
1950	286.5	196.6	68.6	1.0
1951	330.8	193.1	58.4	7.9
1952	348.0	196.8	56.6	2.2

TABLE 5.—PRIVATELY HELD FEDERAL DEBT RELATED TO GNP—Continued

[Dollar amounts in billions of dollars]

Year	Gross national product	Privately held debt [1]	Ratio of debt to GNP	Year to year price changes [2]
1953	366.8	200.0	54.5	.8
1954	366.8	204.2	55.7	.5
1955	400.0	204.8	51.2	−.4
1956	421.7	199.4	47.3	1.5
1957	444.0	198.8	44.8	3.6
1958	449.7	204.7	45.5	2.7
1959	487.9	214.8	44.0	.8
1960	506.5	212.4	41.9	1.6
1961	524.6	217.8	41.5	1.0
1962	565.0	222.8	39.4	1.1
1963	596.7	223.9	37.5	1.2
1964	637.7	227.0	35.6	1.3
1965	691.1	225.6	32.6	1.7
1966	756.0	227.5	30.1	2.9
1967	799.6	237.3	29.7	2.9
1968	873.4	240.7	27.6	4.2
1969	944.0	233.0	24.7	5.4
1970	992.7	239.8	24.2	5.9
1971	1,077.6	256.5	23.8	4.3
1972	1,185.9	271.9	22.9	3.3
1973	1,326.4	271.2	20.4	6.2
1974	1,434.2	280.1	19.5	11.0
1975	1,549.2	358.1	23.1	9.1
1976	1,718.0	418.5	24.4	5.8
1977	1,918.3	469.5	24.5	6.5
1978	2,163.9	515.4	23.8	7.7
1979	2,417.8	546.0	22.6	11.3
1980	2,633.1	621.3	23.6	13.5
1981	2,937.7	698.9	23.8	10.4
1982	3,059.3	851.9	27.8	6.1

[1] Borrowing from the public less Federal Reserve holdings.
[2] Measured by all item Consumer Price Index, year-to-year basis.

Note.—Detail may not add to totals because of rounding.

Source: Federal debt, Treasury Department; other data, Bureau of Economic Analysis, Commerce Department, and Federal Reserve Board (flow of funds).

Year	GNP in billions of 1972 dollars	GNP per capita constant 1972 dollars [1]	GNP per capita, change from year ago	
			Constant 1972 dollars	Percent
1929	315.7	2,577	0	0
1930	285.6	2,310	−266	−9
1931	263.5	2,117	−193	−7
1932	227.1	1,813	−303	−13
1933	222.1	1,763	−50	−2
1934	239.1	1,885	122	7
1935	260.0	2,036	151	8
1936	295.5	2,300	264	13
1937	310.2	2,398	98	4
1938	296.7	2,275	−122	−4
1939	319.8	2,422	147	6
1940	344.1	2,582	160	7
1941	400.4	2,973	392	15
1942	461.7	3,386	412	14
1943	531.6	3,847	462	14
1944	569.1	4,072	224	6
1945	560.4	3,968	−103	−2
1946	478.3	3,336	−631	−15
1947	470.3	3,220	−114	−2
1948	489.8	3,297	76	2
1949	492.2	3,257	−39	0
1950	534.8	3,481	225	7
1951	579.4	3,707	225	6
1952	600.8	3,779	72	2
1953	623.6	3,857	78	2
1954	616.1	3,743	−112	−2
1955	657.5	3,925	182	5
1956	671.6	3,937	12	0
1957	683.8	3,940	3	0
1958	680.9	3,859	−81	−1
1959	721.7	4,023	164	4
1960	737.2	4,044	21	1
1961	756.6	4,084	40	1
1962	800.3	4,257	172	4
1963	832.5	4,366	110	3
1964	876.4	4,536	169	4
1965	929.3	4,753	217	5
1966	984.8	4,980	228	5
1967	1,011.4	5,062	81	2
1968	1,058.1	5,244	182	4
1969	1,087.6	5,335	91	2
1970	1,085.6	5,258	−76	0
1971	1,122.4	5,372	114	2
1972	1,185.9	5,621	248	5
1973	1,254.3	5,891	270	5
1974	1,246.3	5,799	−91	−1
1975	1,231.6	5,673	−125	−1
1976	1,298.2	5,923	250	4
1977	1,369.7	6,184	261	4
1978	1,438.6	6,426	241	4
1979	1,479.4	6,533	107	2
1980	1,474.0	6,440	−92	0
1981	1,502.6	6,503	63	1
1982	1,476.9	6,331	−171	−2

[1] Per capita debt is calculated by dividing debt figures by population of conterminous United States. Beginning 1949, population includes Armed Forces overseas, Hawaii and Alaska.

Note.—Detail may not add to totals because of rounding.

Source: Federal debt, Treasury Department; other data, Bureau of Economic Analysis, Commerce Department, and Federal Reserve Board (flow of funds).

Mr. DOLE. As I understand it, Mr. President, the Democrats will caucus from 3:30 to 4:30 and we shall be in recess. I think it is well to point out another possible problem. The House Ways and Means Committee, by virtue of the Constitution, originates revenue measures. They have sent us H.R. 2990 and they have made it very clear that they want no amendments on H.R. 2990. It is not without precedent; we have amended debt limit bills even though the House has a steady position that they want no amendments. In my view, we can probably work out some agreement with most Senators that we could keep this free and clear of amendments if the House, specifically the Ways and Means Committee, does not adopt the same attitude on another bill pending, which deals with repeal of the provisions passed in 1982 for withholding of tax on dividend and interest income.

If the House Ways and Means Committee adopts the same attitude that we want this bill clean, but also want the other bill clean, I must serve notice that there are a number of Members, I assume on both sides of the aisle, who feel it only appropriate to amend the debt limit. We are trying to negotiate at this time with the leadership in the House an agreement as to how we can proceed if, in fact, we should take up after recess the so-called repealer of interest and dividend withholding with amendments. There will be a committee amendment offered which will include the Caribbean Basin Initiative, reciprocity, the so-called enterprise zones proposal, and another provision which was offered and agreed to this morning over the objections of some of us on the Finance Committee. If we have some understanding that there will be a serious conference on any amendments that might be added to the so-called repealer, then I believe we can satisfy Members on both sides of the aisle to go ahead and pass the debt extension clean and move on wherever we are moving and perhaps finish this bill this evening. Without some assurance, I believe it is safe to say we could be here for some time, like tomorrow and Friday and maybe longer.

That is not to suggest that even with that understanding, Members will not offer amendments. It does not mean if amendments are offered, the chairman of the Finance Committee and I think also the ranking member (Mr. LONG) will be willing to do everything in our power to dispose of those amendments through tabling motions. In my view, it will be most successful in every case. Most every case would help in this instance.

Mr. President, we would like to complete action on H.R. 2990. We understand the necessity for an increase in the permanent public debt limit to $1.389 trillion. If anybody has any doubt about whether or not we have any debt, yes, we have enough for everyone. I suggest that my colleagues in the House recognize that the U.S. Senate is part of the Congress, that we are not here to serve the House Ways and Means Committee or the House itself, that we have a right under the Constitution to amend revenue bills and we intend to exercise that right. We also would be very willing to exchange views with the House in an appropriate conference. What some Members of the Senate will refuse to do is back away from offering amendments on the debt limit extension without some assurance that they will have an opportunity to offer appropriate amendments on the so-called repealer of interest and dividend withholding.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 4:30 P.M.

The PRESIDING OFFICER. The Senate stands in recess until the hour of 4:30 p.m.

Whereupon, the Senate, at 3:31 p.m. recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BAKER).

The PRESIDING OFFICER. As the Senator from Tennessee I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER (Mr. SPECTER). The Senator from Maryland.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MATHIAS in connection with the introduction of legislation are printed under Statements on Introduced Bills and Joint Resolutions.)

PUBLIC DEBT LIMIT INCREASE

The Senate continued with the consideration of H.R. 2990.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is amendment No. 1297, offered by the Senator from Ohio (Mr. METZENBAUM).

Mr. DOLE. Mr. President, the Senator from Kansas will suggest the absence of a quorum in a moment. It is my hope that we can complete action on this bill early.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have just concluded a conversation with the minority leader who indicates to me that it is not possible to get a unanimous-consent agreement that no amendments will be in order to the debt limit and set a time for final passage. I know he tried. But as I told him outside a moment ago, sometimes in our experience, as we both know, sometimes we just cannot get an agreement, and when you cannot get an agreement through there is not but one thing to do and that is just to put your head down and plow through this.

Mr. President, it is the intention of the leadership on this side to finish this resolution if it is humanly possible to do it before we convene tomorrow.

I expect we will be in very late and I expect that the Senate will be in a good part of the night. But, Mr. President, I have no choice.

I apologize to Senators for that statement.

Mr. BYRD. Mr. President, I can understand the majority leader's position. I guess I have been in somewhat similar positions myself a time or two. I do not fault him or anyone else for that matter.

We caucused and the Democrats are willing to offer no amendments to this debt limit extension provided we could get one amendment adopted, that amendment being that we simply provide enough of an extension to carry us to June 22 or June 24, or some such date, so that we would then pass this resolution and go back to the House of Representatives with that amendment on it and come back in June and have some time in which to offer amendments to this resolution.

So this side is willing to offer no amendments to the debt limit extension but the one amendment with the necessary figures to carry us through June 22, at which time we would take another look at the matter and possibly offer some amendments.

I said this to Mr. BAKER. That is the only amendment we want right now.

He for good reasons as he sees them, and he certainly has Senators on that side of the aisle to consider, and I do not find any fault with him or criticize him in any fashion.

I have no feelings at all with respect to what he has just said, but that offer still stands at any point if there should be a change of heart on the other side.

I yield the floor.

Mr. BAKER. Mr. President, I discussed that aspect of it with the minority leader before his caucus and then again after the caucus.

I think the RECORD should show that a very remarkable set of circumstances has happened here. It may not seem remarkable to the Democrats. Maybe they do it better than we do. But I had an agreement in our caucus that no amendments would be offered to this resolution provided there were no amendments offered on the other side. It struck me as a little short of a religious miracle, to tell you the truth, that I could get this side as deep as the feelings are running on a number of issues to agree to a unanimous consent request that no amendments would be in order.

But the condition for that was that we do indeed pass a clean resolution.

Now, that was not the position of my caucus just because they wanted to be nice guys—they are all nice guys and nice girls—but because also I related to them what I have related to the distinguished minority leader, and that is the substance of my telephone conversations with the Speaker of the House of Representatives. Speaker O'NEILL indicated to me in a telephone conversation that they simply could not proceed if this resolution were amended.

The distinguished minority leader of the House of Representatives indicated to me that he did not think if this resolution came back and required further action it would pass.

The chairman of the Ways and Means Committee called me on the telephone to say:

> We do not want to be hard nosed about this but if this thing comes back at this point there is no way we can dispose of this issue before the money runs out.

The ranking Republican member of the Ways and Means Committee did the same thing.

Mr. President, let me outline the net effect of what we are involved with at this time.

I have no choice except to accept the representations of the Speaker of the House of Representatives, the chairman of the Ways and Means Committee, and their counterparts on my side that if we amend this resolution and send it back to the House of Representatives for their consideration or with request for conference it is unlikely that that matter can be disposed of before we go out of here as scheduled on Friday for the Memorial Day recess and it is possible that it will not be acted on at all by the House of Representatives. They may not be able to pass a debt limit at all. They are not famous for doing that gladly.

Mr. President, the House of Representatives is going to be in session next week—at least they are supposed to be in session beginning on Wednesday. So this is where we are.

I will try as best I can to keep this resolution clean. Notwithstanding my views on any amendment that may be offered, I intend at the earliest opportunity either at the initiative of the chairman of the Finance Committee or my own to table every amendment from either side of the aisle, which violates another tenet of mine that I do not usually try to table Republicans, but I am going to do that because I am convinced otherwise what we are going to end up with is an impossibility of dealing with this issue in the Senate, in the House of Representatives, in conference, to the President's desk with the possibility of the consideration of a veto by the President if this resolution is Christmas-treed. That will carry us well into next week and destroy whatever chance we have of trying to get out of here.

My last appeal, Mr. President, will be I hope heard and understood in the nature and context of this statement. Notwithstanding my own views on any subject, whether it is prayer in schools or dividend repeal or whatever it may be, I am going to try my best to keep this resolution clean.

I would prefer to keep it clean by unanimous agreement, unanimous consent. But that is not going to happen, it appears.

But an amendment to change the date or to change the amount of money to carry us to only a 30-day period in my opinion would have the same effect as if we had a dozen amendments on it, and I think it would foredoom us with a difficult time with the House of Representatives.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAKER. I yield to the distinguished ranking minority member of the Finance Committee.

Mr. LONG. Mr. President, I say this to the majority leader as one who believes that this is the kind of situation where we should put the Nation's interest ahead of everything else. There is no room for politics in the type of situation involved here. If this resolution does not pass sometime very soon, and I am not sure I can say just what hour or precisely what day, but if this resolution does not pass very soon, then this Government is going to be in

real trouble, a trouble created by the failure of Congress to act timely.

I am not here to quarrel with the House of Representatives, whether they should have sent us the resolution sooner, and I am not here to quarrel about whatever individual Senators do.

I have been confronted with this problem for more than 30 years now, as a Member of the Senate and as a ranking minority member on the Finance Committee, having served as chairman of that committee for 16 years. I deem it my duty and responsibility to vote for this resolution. Frankly, this Senator agrees with everything that is in it.

When the Finance Committee acted, so far as the Senator from Louisiana is aware, we were overwhelmingly of the view that the House of Representatives had sent us a good bill and we should go along with what the House of Representatives has done.

I regret that the majority of Democrats do not see it the way the Senator from Louisiana sees it or the way that a majority of us on the Finance Committee saw it.

The Senate had one Chaplain who I will always remember. He was Peter Marshall. I served under him but for a few days. He made one prayer I thought should be remembered, for he said:

> Lord, help us to stand for something lest we fall for anything.

This Senator does not believe in participating as a member of the committee and voting for something he believes is correct, and then coming here on the floor, even when a majority of his party may see it otherwise, and voting contrary to his own convictions when he has done what he felt was right all the time.

This Senator is going to vote to support every motion to table with regard to this measure made by the leadership or by the chairman of the committee. In my judgment, this is the only thing the leader and the chairman of the committee can do. It seems to me they deserve our support.

May I submit to the Senator that I fear he is making things needlessly tough on himself and other Senators if he keeps us in session around the clock, because some of the people on our side may be just as tough and they may have to find that it will be the American people that will decide to tell them how to vote on this bill. I have no doubt that if they talk long enough and delay long enough, the American people will persuade them to vote on the bill.

Mr. BAKER. I thank the Senator for his remarks. Let me outline this just briefly, and then I will yield to the distinguished chairman of the Finance Committee.

Mr. BYRD. I will also seek recognition.

Mr. BAKER. Yes. Let me just outline what is going to happen if we do not pass this bill by midnight on Tuesday or midnight on the 31st. We have heard this argument so often by the Treasury Department that they are going to run out of money and close down the Government to the point we now call it the Washington Monument syndrome. They always threaten to close down the Washington Monument.

But the first thing I did when I received my letter from Don Regan, the Secretary of the Treasury, I called him up and said: "Don, you know we have got big problems up here. I need to know for real what this is all about and I don't want just an off-the-top-of-your-head opinion. I want to know why you have to have this by the 31st, why you can't squirrel away enough money to pay the bills or not pay the bills or postpone not paying the bills, or why you can't do something to make this Government run until we get back after the first week in June."

He made a very persuasive case. I believe it is a conclusive case. He pointed out, by reason of the very direct action the Congress took, in my opinion, in the reform of the social security system, that one of the things that we may have lost sight of is that we required payment by the U.S. Treasury into the social security system of $23 billion on the 1st day of June.

And Don Regan said, and I agree with him, that he might squirrel a few dollars here and there, and maybe even a few billion dollars here and there, but $23 billion is more than he and his wife are willing to put up. [Laughter.]

That is exactly the effect if he goes beyond the established debt limit. He is personally liable for it. He has instructed his wife to be frugal, but he does not think that will cut it.

In any event, Mr. President, it is clear that the Secretary of the Treasury could not comply with that statutory requirement. Now, that may not sound so bad. We have had Secretaries of the Treasury in the past who have not probably lived up to the letter of the law. But let us analyze that.

That social security compromise also provided that, with the funds contributed to the social security system, investments, prudent investments, would be made, qualified under the law, which means Treasury bonds. That is really what it means. And he cannot issue those bonds if we do not increase the debt limit. He cannot issue those bonds if he does not receive that deposit. So, believe me, this is not a Washington Monument syndrome.

If he cannot do those things, he cannot issue the social security checks that are required by law. Now, that is when you are going to hear it from the American people, because literally you are not going to be able to pay bills, not because the debt limit expired or not because we did not pass the appropriation, but because of our own statutory provisions—and they are good ones and I still support them absolutely.

But, as a result of that, if we do not provide the funds to redeem the promises we made, those checks will not go out and this Government will stop dead in its tracks on midnight on the 31st day of May. So that is what will happen.

Now, the question is put: Well, why should we care what the House does? Why do we not just go home?

Mr. President, as long as I am majority leader of the Senate I am not going to ask the Senate to adjourn while we have this issue unresolved and while those checks cannot go out and while the House of Representatives may still be in session. It is not my intention to originate an adjournment resolution or to receive one and act on it from the other body until this issue is disposed of. I hate to sound this way, but that is the truth, because that is my duty.

So, as much as I hate to say it, we are going to be in late. It is a powerful short time between now and May 31. We have to pass this bill. If we change it, the House has to consider it. If they ask for a conference, we will have to act there. If it is loaded up, we have to send it to the President and we have to run the risk of there being a veto and that one or the other of the Houses will decide to sustain or override it. We may be days in doing that.

So, Mr. President, I believe that my bounden duty as leader is to see that we deal with this as quickly as possible, and that means right now.

Several Senators addressed the Chair.

Mr. BAKER. The minority leader wishes to be recognized.

Mr. BYRD. Mr. President, if I were majority leader—and I have been in the same situation—I would do what Mr. BAKER is doing. I would stay until this business gets done and I would not move to adjourn the Senate until then. I would just recess, or I would have pro forma sessions, or some such. So I find no fault with that.

I think he did perform almost a religious miracle in getting his Members to agree not to offer any amendments. I think we did something uncommon on our side, also, when my Members agreed not to offer any amendments to this measure if we could get that simple extension over to June 22 or June 24.

Now, with respect to what my distinguished friend from Louisiana said, he used the word "delay." There is no desire on this side of the aisle—and that is what I inferred from what he said. I hope I was wrong in so inferring. I do not believe the Senator

meant to say that there is a desire on this side of the aisle to delay this measure for the sake of delay only.

There are Democratic Senators who are conscientious in wanting to offer some amendments and they see this as the horse that they can put their amendments on. I do not think there is any desire to deliberately delay over here and I hope my colleague from Louisiana did not mean that. I do not think he meant that, because certainly that is not the case.

Now, I, too, conferred with the Speaker on yesterday. Senator LONG was with me, along with Senator CHILES, Senator CRANSTON, and Senator INOUYE. The House leaders said to us, as they said to Senator BAKER, that they fear they cannot pass a debt-limitation extension bill if the Senate amends this bill.

They say they are afraid if they go back they cannot do it. Well, I am sure they are sincere and conscientious in saying that. But there will be just as much pressure on them as there will be on us if we could attach a simple amendment just extending the time to June 22, and get on with the recess, and come back and deal with that matter in due time.

I am not so sure, in my own heart, that they cannot pass this measure with that one simple amendment. But, of course, I cannot say they can.

I know their concerns are heavy and they are justified. But they are under the same pressures as we are. And if we send this measure back with that one simple amendment to it, they just might find they could adopt it.

So that is all I have to say. I have tried, in good faith, to take the matter to my caucus and my Members have, in good faith, advised me that if we could get this one amendment adopted, they would withhold offering any other amendments.

Mr. METZENBAUM. Will the minority leader yield?

Mr. BYRD. I have not yielded the floor yet.

Mr. METZENBAUM. Will the Senator yield for a question?

Mr. BYRD. Yes.

Mr. METZENBAUM. Is it not a fact, if we were to proceed along the lines the Senator suggested that, in fact, we could send over a debt-limit extension through the date certain, June 22 or June 24, and we could probably do it yet this afternoon and we could give the House the opportunity to react to it while the Senate was still in session and if they then turned it down and sent it back, we might, at that point, make some further determination? Is it not a fact that, at this moment, no time would be lost and we would have the debt-ceiling matter resolved?

The amendments that the House was talking about, it seems to me, were substantive amendments. This is not a substantive amendment. This is merely an amendment having to do with the date.

I, for one, have the feeling that the House might very well accept it. I hope that the majority leader would see that this is an exception to the kind of amendments that were contemplated by his caucus. I respect the fact that he has a right to interpret his own caucus.

Would the minority leader care to respond as to whether that would be possible yet this afternoon?

Mr. BYRD. As far as I am concerned, as far as this side of the aisle is concerned, it would be a distinct possibility that we could adopt this amendment and send it over to the other side. As I say, the pressure is going to be on the House as much as on us.

I would hope that there would still be some consideration given to this, that we offer this amendment and send it over there. They will be in session tomorrow. We will then have a chance to act further in the light of circumstances as they appear tomorrow. I would hope that if there is a chance later today, there will be a change of mind so as to allow us to offer this amendment and be on about our business.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Before I proceed, I understand the Senator from Delaware has a question.

Mr. BIDEN. I would like to ask the majority leader and the chairman of the Finance Committee a question that I suspect might clear up some of the concern that exists on this side, at least for this one Senator. That is a concern about the extension being permanent as opposed to temporary. It relates to whether or not that confers a de facto ability to impound selectively various proposals passed by the Senate.

Mr. BAKER. Mr. President, I would like to yield the floor so the Senator from Delaware may seek the floor or the Senator from Kansas.

Mr. BIDEN. May I continue?

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. My question is really to the chairman of the Finance Committee. That is that the concern on the part of some of us is if, in fact, the debt limit is extended permanently to the $1.38 trillion that we are talking about, that that will mean that the President is able to selectively impound. To put it very bluntly, this Senator is one, and I suppose others are concerned, who feels that that would mean that the President could selectively pick programs that he does not like very much to begin with and impound the funds.

My question is this: Even if we passed a permanent debt limit with the number requested, will the President have to come back to us?

Will the President have to come back to us in September or October anyway to increase the permanent debt limit beyond what we will be passing here today? The reason why I ask that question and the reason why I think it is relevant is if he is going to have to come back, as I think he is, to ask for another $200 billion, then in fact the concern the Senator from Delaware originally had is not a very worthy concern because, in fact, he will not be able to selectively impound. But if, in fact, he is only going to have to come back to us for a couple billion dollars, then that puts us in a box.

My question is, Even if we pass the permanent debt limit today as sent over by the House, is it the opinion of the chairman of the Finance Committee that the President will be coming back to us in the fall saying that we must further increase the debt limit by several hundred billion dollars?

Mr. DOLE. Yes; in fact, I intend to discuss this later because I know it is a matter of concern to a number of Members on that side.

Mr. BIDEN. The only reason I raise it now is if we discuss it now, we may find we alleviate part of the problem we have here. There are a lot of people on this side, and possibly the Senator from Ohio, whose major concern is that very issue I have just raised. If that could be put to rest on the RECORD, there may very well be able to be some kind of agreement sooner than later.

Mr. BAKER. Will the Senator yield?

Mr. BIDEN. I yield the floor.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, the chairman of the Finance Committee is far better qualified to answer that question than I am. He will, I am sure, answer the question. It is my understanding, and I believe I am correct, that the administration did not ask for this. It was not suggested by the administration in the House of Representatives. The idea of making this permanent originated in the Democratic-controlled House Ways and Means Committee. I do not believe the administration opposed it. But I can tell you firsthand that the administration did not initiate it, did not recommend it, and did not request it.

Mr. President, I just took a telephone call from the Speaker. I do not mean this in any way to be an effort to say that the House ought to run our business. They should not. But it underscores the fact that I think we are playing a very dangerous game. The Speaker of the House of Representatives just authorized me to say that if we change this in this way with

this amendment, the House will not pass it. He does not plan to take it up.

Once again, I agree with the minority leader, let the House decide, but also we cannot fail to recognize reality. The fact is that if we add this amendment, it is my judgment, based on the conversation just completed with the Speaker of the House, that we will not get this bill.

Mr. President, at this point, since we have sort of sharpened the issues and know where we stand, I think we ought to do two things, if I may say so. I think we ought to get on with the vote on the Metzenbaum amendment, which is pending. Then I think, if the minority leader is agreeable, he should offer his amendment, and we should get on with that with a minimum of delay. If it passes, and I hope it does not, we do indeed have to decide whether or not we have a situation that the House will deal with and can deal with.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. yes.

Mr. BYRD. I did not mean to imply that I would offer the amendment. I might or another Senator may do so. I do not doubt at all what the Speaker just said because he told me the same thing. He is horrified at the idea of this measure going back over there with an amendment. But I did the best I could in my caucus.

Mr. BAKER. I understand.

Mr. BYRD. I would like to see it passed, but I also heard my colleagues who feel that because of the very question Senator BIDEN raised, we may be getting into a situation in which the President of the United States, once we reach the level of $1 trillion, 389 billion, will resort to impoundment by simply saying that: "Our tax receipts are not sufficient to carry out the spending programs so we will cut here and we will cut there." Some of us are concerned as to what would happen with the budget process, with rescissions, with deferrals. The American people would not understand all that. The President would simply say: "I am trying to balance the budget. We are spending more than we are taking in. Therefore, I cut this and I cut that."

I think Senator BIDEN's concern is very proper.

If we could get past this recess, get over to June, we would then have some time to fully debate the matter. I certainly would not want the speaker to feel I am disputing his word, even though I am also a former Member of the House. I was over there only for 6 years but he has been over there for 30 years.

I can only say to the majority leader that it is his ball, as of now, and maybe at some point down the road there will be a meeting of the minds one way or the other. It might be his way or it might be our way.

It is not in our interest, not our desire, to delay the matter and see the Government come to a stop. That is certainly not my desire.

Mr. BAKER. Mr. President, I am absolutely sure of that. I wish the minority leader to know, as I have indicated to him earlier, I believe he did his best in the caucus. Believe me, with the exception of only the minority leader, I know how tough caucuses can be better than anybody in this Chamber.

Mr. President, I really do think time is urgent and the issue cannot wait. I would like to propose, while I have the floor, that I may move to table the Metzenbaum amendment. I will not do that right now if the Senator asks me not to but I would like to do that. Then I would like to get on with the business of the question at hand, whether or not there are votes enough to postpone this. I hope not, but I would like to test it.

Mr. METZENBAUM. Mr. President, I appreciate that the Senator will not move to table. Although I have called it up, I have not debated it.

Mr. BAKER. I say to the Senator from Ohio that he has a right to his request. There was no agreement this way, but it had been my purpose to lay down this resolution, have opening statements, and recess for the caucus. I had not understood that there would be an amendment offered in the process.

Mr. METZENBAUM. Mr. President, if the majority leader feels that he wishes to move to another matter, I have no particular concern about whether I call this amendment up at this moment or at a later point.

I want to say to the majority leader that I do believe that the amendments which I intend to call up do relate to this entire issue of what our debt limit is, but I am in no particular hurry as to when I do it. I want to make it very clear that while I have no desire to drag out the debate, I have no desire to stall, I think that there are some issues that lend themselves to being attached to the debt-limit bill. My own feeling is that the Congress would be best served and the country would be best served if we were to take up such amendments as Members care to call up at a more leisurely point. That is the reason I think that putting it over—extending it and giving us an opportunity to call them up in the month of June—would be far more desirable.

Mr. BAKER. Mr. President, I understand the Senator. Let me make the proposal. I have no desire to see us postpone this until another time. I think we ought to get on with it. I wonder if the Senator would indicate to me how long he would like to debate the amendment before I move to table it.

Mr. METZENBAUM. A half-hour on this side. On the other hand, if somebody wishes to offer another motion, there is no problem about that, the Senator said something about tabling it in order to get on to another motion—I am not sure if the Senator wants to bring up another motion—he may have unanimous consent to lay mine aside.

Mr. BAKER. Mr. President, I ask unanimous consent that there may be 30 minutes for debate on the Metzenbaum amendment on his side, 15 minutes on this side; that at that point the Senator from Kansas or I be recognized for the purpose of making a tabling motion.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, what I would like to do first of all is address the concerns expressed by the Senator from Delaware, which is the concern that about 20 Senators have.

Mr. BAKER. Mr. President, I withdraw the request.

Mr. DOLE. Mr. President, I do not want to stay here all night to accommodate a lot of people who want to offer a lot of amendments and then fly off tomorrow. As far as I am concerned, we can do it tomorrow, Friday, Saturday, and Sunday. I do not intend to stay up here all night to offer amendments. We can do that tomorrow, do it Friday, do it Saturday, do it Monday.

I am going to have to disagree with my distinguished leader as far as staying here until 2 or 3 o'clock in the morning.

Mr. President, I want to address the concerns expressed by the Senator from Delaware because I think they are concerns that should be addressed. I shall try to do that in 2 or 3 minutes, then I shall yield to the Senator from Ohio to discuss an amendment that the Senator from Kansas might support at an appropriate time, but not now.

Let me say this, that there is concern on the part of some Members on that side of the aisle and, I presume, on this side of the aisle, about the provision in the debt limit increase bill, H.R. 2990, that consolidates the temporary and permanent debt ceilings into a single permanent ceiling. The nature of this concern is a bit difficult to figure out, but it seems to go something like this: Without a temporary ceiling with a fixed expiration date, the President need not continually go to Congress to ask for a debt ceiling increase. Instead, he can use the debt ceiling as a device to force spending reductions, to stretch out and prioritize spending to keep the public debt within the statutory limit—and frustrate the will of Congress as expressed

in authorization and appropriations legislation.

In short, the contention seems to be that President Reagan would like to use the new permanent debt ceiling as a tool in the budget battle with Congress, and that the legislation before us is a trap for the unwary. With all due respect to my colleagues, this contention is just not accurate. But we do have to set the record straight so we can get on with our business.

NOT A NEW CONCEPT

Mr. President, the notion of combining the permanent and temporary debt ceilings into one unified, permanent ceiling is not new. Last year, the Finance Committee reported House Joint Resolution 520, a House-passed resolution to increase the public debt limit, and amended it in committee to make the same change that is in the pending bill—consolidating the temporary and permanent ceilings into one permanent ceiling. That change received strong bipartisan support in the Finance Committee, which reported the bill by a vote of 14 to 4. Ultimately, the change did not become law, because House Joint Resolution 520 was stripped of amendments in the Senate last September in order to expedite agreement with the House in raising the debt ceiling. No partisan concern was raised in either body with regard to the question of having a consolidated ceiling, nor should there have been.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOLE. Yes, Mr. President.

Mr. LONG. My recollection is that the Senator from Louisiana is the one who suggested that approach.

Mr. DOLE. The Senator from Louisiana and, I think, the Senator from Colorado. The Senator from Louisiana initially, yes.

Mr. LONG. The Senator from Louisiana suggested it. Senator SYMMS, I believe, thought it was a good idea.

May I say, this is not the first time we have approved this approach. That has been done before.

Mr. DOLE. Right.

Mr. President, I want first to make the record that we have been here before with this, we have tried in the Senate Finance Committee, I think for 3 or 4 years, to do it. In addition, I would suggest that if there is any notion of some partisan interest or maybe interest in the White House, we should note that this year, the change to a permanent ceiling was initiated in the House of Representatives, specifically in the Ways and Means Committee. Neither of those bodies was controlled by the Republican Party.

The consolidation of the debt ceiling was strongly supported in Ways and Means by our colleague SAM GIBBONS of Florida, a distinguished member of the majority party in the House. So this is clearly not a Republican or White House initiative.

PRESENT SITUATION

Mr. President, it is equally clear—and I think this is probably the crux of the question raised by the distinguished Senator from Delaware—that the change to a single permanent ceiling does not alter in any way the power of the President to regulate spending. The notion that it does increase his power is based on the assumption that having a date certain for expiration of the temporary limit forces the President to go to Congress for additional debt authority. But our present situation shows that, even when the expiration date is not a factor, the President is forced to go to Congress—and he believes he has the responsibility to do so. The debt ceiling under current law—the temporary part—does not expire until September 30 of this year. The problem we face right now is not that we have hit the expiration date, but that we are bumping up against the ceiling ahead of schedule. If the President really had the authority and any interest in using the debt ceiling as a device to keep spending in check, and set his own priorities, he could do it right now, rather than ask Congress for an increase in the ceiling to keep pace with the obligations our Government has already incurred. The President's actions speak for themselves.

Moreover, even with a permanent debt limit, the President does not have the authority to pick or choose programs that he would fund. He would have to either cut all programs pro rata or pay debts as they come due.

Finally, I would note that while the Reagan Treasury Department did not oppose the move to a consolidated permanent debt ceiling, they did express reservations about the move, and they have consistently done so. What the change does do is remove the threat that, on expiration of the temporary ceiling, the debt limit will revert to the permanent $400 billion limit.

(Mr. JEPSEN assumed the chair.)

Mr. DOLE. Such a reversion would mean that not only could additional obligations not be met, but the amount of debt outstanding would have to be rolled back to $400 billion—a potential financial catastrophe for the U.S. Government. However, even without that doomsday threat, the prospect of being unable to pay our basic obligations, whether under contract or in the form of vital benefit payments such as social security, is enough to put real, effective pressure on Congress and the President to raise the debt ceiling. So Treasury did not oppose the new consolidated ceiling—but they did not suggest the change either, and it is nonsense to attribute the change to some hidden agenda on the part of the administration.

I would point out that just between now and the end of this year, from October 1 to December 31, we are going to need to add another $53 billion to the debt limit; from October 1 to May 31 next year, next May, it is $129 billion, and through the next fiscal year we have got to increase the debt ceiling some $229 billion.

If anybody suggests the President has a plan in mind to be able to accomplish all this without asking for an increase in the debt ceiling then it is news to the Senator from Kansas.

But I would suggest we have got some hard choices. I really do not believe this concern about Presidential authority is a factor. Again the record should state—and the Senator from Kansas thought it was a great idea when it was raised by the distinguished Senator from Louisiana, the Senator from Idaho thought it was a good idea, and I think there was strong bipartisan support for the idea—if somebody can demonstrate to us how we are undermining the process or giving the President some power we do not intend or somehow giving the President the power to balance the budget or to cut spending, then I believe it is matter we should address.

Mr. President, let me yield in a minute to the Senator from Missouri, but before I do that, let me say again that the Senator from Kansas, who is the chairman of the Senate Committee on Finance, would be the last one to insist or suggest or agree that we have to just fold up our tents in the Senate and cave in to the House of Representatives.

I have had a conversation just this afternoon with the chairman of the House Ways and Means Committee who said he would go to conference, and he was serious about the conference, on the so-called withholding repealer to which we intend to offer a committee amendment whenever that bill is called up.

So, in fact, I suggested to the chairman that there is a feeling on the Senate side that somehow we are an adjunct of the House, we are not a separate body, we are not listened to, we are dictated to by the House, and this Senator for one does not share that view, and if I felt there was some substance to that—if the Senate in fact was being dragged around by the House of Representatives, then I would certainly try to accommodate those who would like to have a 30-day extension and then a 3-month extension. But I am convinced that the chairman of the Ways and Means Committee and the ranking member, Mr. CONABLE, are acting in good faith. I am convinced the Speaker of the House of Representatives is acting in good faith. The Senator from Kansas is perfectly willing to stay here as long as it takes.

I know my colleagues have meritorious amendments, and I hope we can resolve our problems as quickly as pos-

sible. We are ready to vote right now, I might say to the distinguished Presiding Officer.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DOLE. Yes.

Mr. BYRD. The distinguished manager said something a while ago while I was distracted by talking to other Senators, in response to the questions that had been raised by Senator BIDEN. We discussed that in our caucus and we were concerned, as I said, that the President might try to use this figure as a pretext to cut spending programs if tax receipts were not equal to the spending programs, and we were concerned that this might give the President an opportunity to go the impoundment route, and to argue that he did not have to follow the budget process with regard to deferrals and rescissions, and so on, and the issue would be settled in the courts, which is not a good way, in my judgment, to resolve it.

The distinguished Senator said something in answer to a question by Mr. BIDEN that seemed to satisfy Senator BIDEN. Would the Senator restate what he said?

Mr. DOLE. What I was doing, in response to, I think, a very good question by the distinguished Senator from Delaware, was, first, trying to indicate that this idea originated on the Senate side, I think, a couple of years ago, and that we passed a debt ceiling bill out of our committee with a permanent ceiling.

The Senator from Louisiana, I think, was the originator, joined by the Senator from Idaho, the Senator from Colorado, the Senator from Missouri, and others by a vote of 14 to 4. It had broad bipartisan support.

We came to the floor. There never was any question raised about any partisanship, and we thought it was just good policy.

We finally had to strip that amendment from the bill because of other complications, and what I wanted to do was to make that record, and then to indicate that this year it was not an amendment proposed by the administration; it was not even an amendment proposed by a Republican on the Ways and Means Committee. It was an amendment proposed by the distinguished second ranking member of the Ways and Means Committee, Congressman GIBBONS, of Florida, who thought it was a good policy.

Having made that record, and indicated that the Treasury Department at the time had reservations and said they were not certain it was a good thing—they repeated that today, they were not quite certain—so let me suggest it was not any White House agenda or any Treasury agenda. It came back to us and we thought it was a good idea.

The single permanent ceiling does not in any way alter the power of the President to regulate spending. I pointed out that just between October and December of this year we are advised now by Treasury—between October 1 and the end of the year—we are going to have to come back and ask for $53 billion more, and if we go from October 1 of this year to October 1 of next year, it is $229 billion.

Mr. BYRD. So the Senator is saying that we would have to come back to a debt limit extension measure.

Mr. DOLE. Yes. Even if the President wanted to do it now—he does not have any more power than he would have now.

Mr. BYRD. So the Senator is saying we would get a crack at that, the President would not elect to go the impoundment route?

Mr. DOLE. I do not think he has any power under here to go the impoundment route any more than he would have under the temporary limit. If there is substance to the argument, he could perhaps do it right now.

Mr. BIDEN. Mr. President, if the Senator will yield at that point, the reason I asked the question—and I thank the Senator for the answer, and it solves at least for this Senator a problem—but to make it clear to my colleagues who may be listening on the squawk box, let us assume the Senator's answer to my question was that between October and November he would only have to come back for $5 billion.

Let us assume that was the case. That puts the President, even though he may not have intended it, he did not propose this, it originated with the Senator from Louisiana years ago, it originated in the Democratic House this time—if the President woke up and all of a sudden figured out, "My Lord, although I did not ask for this, now I am in a position that the permanent debt limit up until October of this year equals the actual debt, and I will only be going over $7 billion between then and the first of the year, so what I am going to be able to do now, I can decide not to spend $7 billion and not have to worry about shutting down the Government. I can decide not to go over the permanent debt limit and not suffer any consequence in terms of the public mind. I can selectively go out and eliminate certain programs." I know, your answer to the question, but I think it is very important to make the point—at least important for some of us. But because the President is in a position that we are told—and I believe it to be the case—that he will have to come back for close to $60 billion before the end of the year and more than $200 billion within the year period, he cannot selectively do it; because he would have to cut into a lot more than the programs the Senator from Delaware believes he does not support.

So, for this Senator, that answers the question. I hope it answers the question for a number of my colleagues.

I hope that at some point it might be worthwhile for us Democrats to talk a little about this before we get going too far down the road here.

I thank the Senator very much for answering the question.

Mr. BYRD. Mr. President, will the Senator allow me to say something?

After a conversation with Senator BIDEN and others here, the distinguished manager of the resolution has clarified a matter which gives a number of us in the caucus some concern. The distinguished Senator from Louisiana does not agree with us on this. I believe he indicated that he agrees with the approach being used.

With that clarification, if the majority leader could give us a little recess, we would like to get back and talk again.

Mr. BAKER. Mr. President, there is nothing I would like better. We can do it one of two ways.

First, let me commend and compliment the Senator from Kansas for his explanation of this matter, with which he is familiar. I congratulate the minority leader and express my gratitude to all Senators who are willing to consider it in light of this explanation.

We can have a long quorum call and provide the time requested by the minority leader, or I can put the Senate into recess for a period of time.

Mr. DANFORTH. Mr. President, before the majority leader moves to do whatever he is going to do, at some point I should like to enter into a conversation with Senator DOLE about my concern on the relationship between the House and the Senate, especially the Ways and Means Committee and the Finance Committee, relating to both the debt ceiling issue and amendments on repeal of withholding dividends.

I do not know what the appropriate time to do that would be. I do not think we necessarily need to keep the minority party around while we undertake that. I leave that to the majority leader.

Mr. BAKER. Mr. President, I think that suggestion is a good one.

I would not recommend a course of action to the minority in this respect, but I suggest, if I may, that we let that colloquy occur between Senator DOLE and Senator DANFORTH; and I will give my assurance to the minority leader that we will take no action while he is in conference.

When the colloquy is concluded, we will go into a quorum call or recess until the minority leader returns.

Mr. BYRD. The majority leader, from time to time, has had to assure

his own people that if they would desist from offering amendments on this, that, or the other thing, they would be given an opportunity at some point in time to offer their amendments. Some of our colleagues on this side want to offer some amendments. Can the majority leader give me some assurance that he will do the best he can to provide a vehicle on which Democrats can call up their amendments if we let this measure go clean at this point?

Mr. BAKER. Mr. President, I can, indeed. I am willing to assure the minority leader that when we come back after the recess, if the House sends us a bill that he would like to use as a vehicle for an amendment on the tax cap, I will try to see that it is called up in a timely way and prosecuted with diligence and for a reasonable time.

If there is another measure that would better serve that purpose, I can assure the Senator that I will make no effort to prevent it.

The minority leader knows that I will oppose that and vote against it. But I will give the minority leader my assurance that I will facilitate the providing of a vehicle for that.

Mr. BYRD. The Senator said "for that." The majority leader and I have discussed it, and he has indicated that he will do the best he can to call up quickly a measure, if it comes over from the House, which carries with it a tax cap. But I am thinking of possibly another. Perhaps I would not personally want, nor would we want, to offer any other amendments or any amendments to that measure. Could the majority leader indicate whether or not he might also provide another vehicle whereby our colleagues could offer other amendments that they want to offer, that I do not particularly want to see offered to that tax cap bill?

Mr. BAKER. Mr. President, I will do that. It is a little hard to tie that down without knowing what the amendments are or to what they relate, but I give the minority leader my assurance that I will try to do that on any reasonable basis.

Mr. DOLE. Mr. President, will the minority leader yield?

Mr. BYRD. I do not have the floor.

Mr. BAKER. I yield the floor.

Mr. DOLE. With respect to our deliberations, we have two experts here from the Joint Committee—the professional staff; they are not partisan in any sense—and they advise me that we are correct in our interpretation. Senator LONG knows both of them. They will be willing to meet with those on the minority leader's side if there are any technical concerns.

I am not the expert, but I am able to read pretty well what they prepare for me.

Mr. BYRD. In other words, concerning the question that Senator BIDEN first raised?

Mr. DOLE. Yes.

Mr. BYRD. We thank the manager of the bill. We may find that useful.

Mr. BAKER. I thank the minority leader. He can be assured that we will protect him while he is gone.

Mr. BYRD. I hope our people in the Cloakroom will get the word to the Senators. I hope the secretary for the minority will do that, so that we can have a caucus by 6 p.m.

Mr. METZENBAUM. Mr. President, I am not certain I heard the response. I know that the majority leader responded to the minority leader that there would be a vehicle with respect to the tax cap.

Did I correctly understand that there would be a suitable vehicle with respect to other amendments? I have no reservation in saying that there is a series of amendments having to do with what I call tax proposals.

Mr. BAKER. As I indicated to the minority leader, it is a little hard to match up vehicles with times and amendments we do not know about yet. I gave the minority leader my assurance that if any amendment reasonably relates to this issue, I will facilitate trying to find an opportunity for that, after the recess.

I assure the Senator from Ohio that we are not going to try to pin him down. After the recess, there will be all sorts of opportunities to attach amendments to vehicles, and I will make no effort to stop it.

Mr. METZENBAUM. I thank the Senator.

Mr. BAKER. The Senator from Ohio understands that I reserve my right to oppose them and move to table them.

Mr. METZENBAUM. The Senator would oppose any amendment I propose.

Mr. BAKER. The Senator starts out with a presumption that is absolutely correct and written in large script and perhaps in stone, but I must, in an abundance of caution, preserve that right.

Mr. DOLE. Mr. President, I yield to the distinguished Senator from Missouri.

Mr. DANFORTH. Mr. President, I should like to spell out my concerns on the relationship between the Senate and the House, particularly the Finance Committee and the Ways and Means Committee, and then ask for the response of the chairman of the Finance Committee in this regard.

Just to relate what happened in the Finance Committee, we took up today the proposed committee amendment—actually, we voted on it; it will be the committee amendment of the Finance Committee—to the bill to repeal withholding on interest and dividends.

During the consideration of that issue, it was pointed out by the ranking minority of the Finance Committee that if the Senate placed any amendment whatever on the repeal of withholding of interest and dividends, the effect of that would be that the House of Representatives would not even take it up; that they would leave the bill at the desk; that Representative ROSTENKOWSKI had assured Senator LONG and others that what they wanted was a clean bill in the House, repealing withholding on interest and dividends.

Now, Mr. President, I happen to be one of the five Senators who did not even vote the Dole-Kasten compromise. I am totally against repeal of withholding on interest and dividends, but that battle is over. I concede that we have lost it.

But what we have attempted to do is to at least salvage something from the repeal of withholding on interest and dividends. Therefore, the chairman of the Finance Committee proposed that we have a committee amendment and that we place that committee amendment on the bill, or attempt to do so when it comes to the floor. We have met for a couple of days in the Finance Committee on the concept of that amendment, and the content was to include about five items.

First of all, in addition to the repeal of withholding itself, we were to provide for certain compliance measures so that taxes which are due and owing on interest and on dividends would more likely be collected without withholding.

In addition to that, we agreed to include in the committee the Caribbean Basin Initiative, which is a bill which has been voted on in the Finance Committee and reported out.

We also agreed to include enterprise zones; again, a bill which has been reported out of the Finance Committee.

We also agreed to include reciprocity. The reciprocity bill was voted on in committee last year. It was reported out. It was also voted on in committee this year. It was reported out unanimously this year. It went to the floor and it became the vehicle for passing the repeal of withholding the first time around on the floor. So that has been voted on not only in committee but on the floor of the Senate by a voice vote and it was agreed to in the Senate.

Then Senator ROTH added an additional item to the committee amendment and that had to do with the sunsetting of mortgage revenue bonds and the elimination of the sunsetting.

Now, when we were considering the question of the committee amendment, it was the position of Senator LONG that the House would refuse to entertain the committee amendment. Their view was that the repeal of

withholding had to come to the House in absolutely clean form, that the Senate had nothing to add, and if the Senate tried to add something that would kill it.

Then we went on to the question of the debt ceiling. We discussed that for some time. It was said by Senator DOLE that the House absolutely insisted that it get a clean bill on the debt ceiling. And, in the words of Senator DOLE, the House would not allow the Senate to add even a single comma to the debt ceiling bill.

Now I can understand the House's reason for not wanting us to add a single comma. As I understand the history of the matter it is this: the House, according to their Members, were only able to get the debt ceiling extended by trick; that is to say, they were only able to get an extension to the debt ceiling by arranging the timing of bringing it up on the floor when people were not around. They were not paying attention, and, therefore, they were able to have a voice vote.

But the concern is that if it is necessary for there to be a voice vote on the floor of the House, then the debt ceiling would not be extended and this would be killed and the Government would come to its knees. So the convoluted reasoning, as I understand it, is that if the Senate adds even a comma to the debt ceiling, then the Senate is somehow responsible for bringing the Government to its knees.

Now the question that I raised today in the Finance Committee was this: If we are not to add a comma to the debt ceiling extension and if, further, we are not to add any provisions whatever to the repeal of withholding on interest and dividends, then why is the Senate in business? What are we here for? Why do we have a Finance Committee?

The House of Representatives takes the position not only that bills to raise revenues should originate in the House but anything relating to the jurisdiction of the Ways and Means Committee has to originate in the House. The reciprocity bill, which is really not a revenue bill at all, they say, has to originate in the House. In fact, they blue slipped it when it came over there from the Senate.

Mr. President, if the House of Representatives takes the view that all of these bills must originate in the House, that they pass the bills, that they then come over to the Senate and they will not entertain any amendments to the bills, any new subject matter at all, what is the Senate for? Is the Senate an Americanized version of the House of Lords? Are we just a debating society in tax bills? So when the distinguished minority leader raised his concerns about the position of the House on the debt ceiling, my response was to sit here and nod my head in agreement.

Earlier today, when it appeared that the House was going to stand by its views on the committee amendment to the repeal of withholding, I called up Senator BAKER and said that while I had agreed 1 day ago to his being empowered to negotiate a unanimous-consent agreement with respect to the debt ceiling, I no longer would go along with a unanimous-consent agreement.

I was prepared, Mr. President, to come to the floor and offer amendments on the debt ceiling and to debate it at very great length. I know what the House wants to do. I am told that 90 Members of the House want to go over to the Paris air show. There are so many planes going over to the Paris air show I do not know how they are going to have an air show. Maybe the air show is our Air Force planes landing on their field with House Members. They want to go over to the air show, take off, and have a vacation. Wonderful; great to have a vacation. I believe in vacations. If they do not get this vacation, they will have to wait a whole month until our next vacation around here.

So they want to leave, take off. And it is the usual deal with the House. Put the country in an emergency, leave town, and blame the Senate for shutting down the Government.

Mr. President, I am prepared to speak at length on the debt ceiling. I am prepared to offer amendments myself. I am prepared to support amendments offered by others. But I really do not want to do so. I do not want to play a game of chicken when the injured party is not going to be the Senator from Missouri but all those people throughout the country who believe that the Government should continue. I do not want to do that with the House.

But it seems to me, Mr. President, that we have to have some change in the relationship between the Ways and Means Committee and the Finance Committee.

We have to have some sense that this is a bicameral, not a unicameral, legislature. We have to have some recognition that the Constitution provides not only that revenue bills must initiate in the House of Representatives, but once they initiate in the House of Representatives they are then subject to amendment just like any other bill.

If the Senate adds amendments, then those amendments at least deserve consideration in conference. If the chairman of the Ways and Means Committee says he is not going to go to conference on any bill with any amendments, or that he will simply dismiss Senate amendments, no matter what their merit and get those House Members to go along with him, then I do not believe we have the sort of relationship with our colleagues in the House that the Founding Fathers had in mind.

I simply express my view to the chairman of the Finance Committee and ask him if he has any good words to offer us about the position of the Ways and Means Committee on the role of the Senate in general, and on the consideration the committee amendments should have to the withholding repeal bill.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. First, Mr. President, let me thank the distinguished Senator from Missouri. He has clearly stated what has been developing over the past few days, but in this specific instance over the last few hours.

The Senator from Kansas is in complete agreement. The Senator from Kansas called the distinguished chairman of the Ways and Means Committee earlier. He called back about 4 o'clock and assured the Senator from Kansas that he would go to conference, contrary to reports that the bill is going to stay there forever.

I said, "Well, we have problems, in the Senate just as you have problems in the House. We have Members who have good ideas, some are Democrats, some are Republicans. Some want to insist on their amendments. They do not want the House Ways and Means Committee or the House itself to say, 'sure, if you send the debt ceiling over clear, we will take it. If you amend anything else we will not take it.'" That way we cannot win.

The chairman of the Ways and Means Committee has assured me that we will go to conference. I assume the bill to repeal withholding will be called up after we return from recess. At that point the Senator from Kansas will offer an amendment which repeals withholding but adds some compliance provisions which I think most Members will support. The vote this morning on these compliance measures was nearly unanimous with Republicans and Democrats.

So we lost the battle of withholding for the time being. It will be repealed on interest and dividends both.

But there are other provisions which we believe can be passed in connection with the withholding issue, as the Senator outlined, such as the Caribbean Basin item, which was passed by the Senate committee last year, although we did not bring it up on the floor because of difficulties in the last few days. It passed the House of Representatives. The enterprise zones proposal was approved by our committee last fall, and this year passed in the committee by a vote of 14 to 2. The reciprocity legislation, offered by the Senator from Missouri, Senator DANFORTH, and the Senator from Texas, Senator BENTSEN, was used as a hos-

tage for a lot of debate this year. It was an S.-numbered bill which was rejected by the House. It passed the Senate, as I recall, by a voice vote. it passed the committee by a voice vote.

So we believe we have been responsible in modifying withholding, salvaging some revenue, and in the Caribbean area legislation and the enterprise zones.

The Senator from Kansas did not support the mortgage revenue bond legislation. But it was proposed as part of the committee amendment and it is part of that amendment. It weakens our case when we go to conference to try to demonstrate to the chairman of the Ways and Means Committee and members of that committee who may be conferees that all we are bringing are matters that have been properly heard, marked up, and acted upon by the Senate and the Senate Finance Committee. Nonetheless, the amendment was adopted as part of the amendment of the committee.

There are other reasons in my view for opposing that amendment. We are told by the Government Accounting Office that you get $1 benefit for every $4 spent. The money does not go to people in low-income categories, even moderately low-income categories, who are trying to buy a home. The money goes to the underwriters, the lawyers, and the others. That is where most of the benefits go. They have a powerful lobby and they have a lot of votes.

If we are going to do that, maybe we ought to look at tax credits or maybe appropriations to help homeowners. There must be a more efficient way than mortgage revenue bonds. Maybe we can address that later.

I want to assure the distinguished Senator from Missouri that we intend to assert ourselves in the conference when we go to conference on the so-called H.R. 2973. When we amend H.R 2973 with the committee amendment, and other amendments that may be adopted—the Senator from Ohio may have an amendment and there may be amendments on this side of the aisle—if they are adopted they become part of the package. The Constitution does provide that we have a right not to initiate revenue bills, but to offer amendments to them when they are before us. Not only do we have a right to do that, but we have a right to try to preserve those amendments in conference. If, in fact, we lose that right, as the Senator from Missouri indicated, then there is no need to have a Finance Committee. There is not much need to have a Senate.

We will not be dictated to by the House of Representatives. But I believe that the chairman of the Ways and Means Committee has always acted in good faith, as has the ranking Republican on the House Ways and Means Committee.

I can assure the Senator of the conversation I have had and I hope I have properly recited the views of those I referred to.

Mr. DANFORTH. I appreciate the comments of my chairman, Mr. President.

Let me just ask for a reiteration of the following analysis.

The question of a bill to repeal withholding on interest and dividends will be on the floor of the Senate some time in June. That is my understanding. When the bill comes to the floor of the Senate, a committee amendment will be offered. That committee amendment will include some compliance measures. It will also include the Caribbean Basin Initiative, enterprise zones, reciprocity, and the removal of the sunset of mortgage revenue bonds.

The Senate will be able to vote on that amendment one way or another. My guess is that there is some possibility that when the bill is on the floor of the Senate and the committee amendment is offered, some will want to make the argument that the House will not take any amendments, and that voting on this amendment will somehow kill the bill.

It is my understanding that the chairman of the Finance Committee discussed this precise matter with the chairman of the Ways and Means Committee today and received from him the assurance that the House would, indeed, entertain the bill, that it would go to conference on the bill with these amendments, and that the House would not just summarily dismiss these amendments, not necessarily agreeing with them but would go to conference on them.

Mr. DOLE. The Senator is correct.

Mr. DANFORTH. It would also be true that the bill would come to the floor of the Senate some time in June. It would be subject to amendment, and it would also be possible for those of us who believe that we are getting ripped off by the repeal, or railroaded, for those of us who believe that we are getting repeal without anything at all in return, to debate the question of repeal of withholding at some length. Is that correct?

Mr. DOLE. That is certainly the hope of the Senator from Kansas. We are going to act on that measure. That does not mean we are going to shut off anyone's right to debate it thoroughly.

Mr. DANFORTH. It would be my intention, if all we get is a straight repeal on withholding without anything in addition, to debate the matter at great length.

Mr. DOLE. Let me add, under those circumstances, at great length would be an understatement.

Mr. DANFORTH. And if there is just a straight repeal, with no compliance and with no consideration of the committee amendments, it would be my view, and I would hope it would be the view of the Senator from Kansas, that very extensive debate would be in order.

Mr. DOLE. It certainly would. I would add that in each step of the process we have consulted with those who supported initially the repeal of withholding on interest and dividends but who helped put together the compromise, particularly Senator KASTEN.

I think I can state he is in agreement with the action this morning by the Committee on Finance, will remain in agreement, and I think would not disagree with what we have said on the floor.

Mr. DANFORTH. We would also, of course, if we ended up with nothing but a straight repeal of withholding, have the possibility, if that is what came out of conference, of discussing at some length the conference report.

Mr. DOLE. That is correct.

Mr. DANFORTH. Then it would be my hope that the President would veto the bill as passed. It would be my hope that if we could get some of these items in the bill, the President would not veto the bill.

In other words, Mr. President, for those who feel very strongly about repealing withholding on interest and dividends, I think it is fair to say that their chances of getting it repealed by July 1 are substantially better if the committee amendment is adopted on the floor of the Senate than if it is not adopted.

Mr. DOLE. The Senator from Kansas shares that view. I think the record should indicate that the President has given no assurance that he would sign even a repealer with a modification, so the Senator from Kansas is not in a position to indicate what the President might do.

It seems to me that if, in conjunction with repealing of withholding, we adopt certain compliance modifications which would preserve maybe 40 to 50 percent of the revenue and if we could add to that some of the other measures the President feels very strongly about, I think it would be very attractive to him and he would probably sign it.

Mr. DANFORTH. I thank the gentleman.

Mr. DOLE. Mr. President, I know of no other requests for time. I know the Democrats are meeting to determine whether or not we can have some resolution of this pending measure, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I have an amendment pending at the desk. That amendment deals with a subject that concerns me much, relating to the matter of various tax loopholes that can, could, and should be closed. It is an issue that I feel should be brought to the floor of the Senate, an issue that I know the chairman of the Committee on Finance has concerned himself about—not quite as much as I would like, but he certainly has been very reasonable in being willing to discuss the subject.

Based upon the colloquy which occurred with the majority leader before the quorum call and the discussion I had on the floor with the chairman of the Finance Committee, indicating that there would be an opportunity to offer these amendments, to call these amendments up at a later point after the recess, I think the subject does not warrant my making a major issue of it at the moment or calling forth a host of amendments that would undoubtedly flow from other Members of this body if one could be brought to a vote.

Under the circumstances, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BYRD. Mr. President, I have called the Speaker again, and he has again stated that the chances of getting this measure through the House if it is amended in any way here are virtually nil. He has again assured me that he will send a measure over that has a tax cut cap—he said $700 or some such.

I do not have to repeat that the majority leader has assured me that he will call up that measure the same day, the next day, or as soon thereafter as possible, depending on the circumstances. I am not putting words in his mouth, but he has indicated that he will do everything he can to expedite action on that measure. He cannot assure me that there will not be nongermane amendments offered to it, and I can understand that.

Clarifications, moreover, were offered by Mr. DOLE and Mr. BAKER, especially Mr. DOLE, the manager of the resolution, in answer to the question raised by Mr. BIDEN, which was of concern to many of us—namely, that the President might try to use this measure since it has no expiration date, this approach, to impound programs, justifying such impoundment by saying that the tax receipts do not equal the spending, and that he would perceive it his duty to cut back on whatever programs he chose to cut back on.

The manager of the resolution, Mr. DOLE, spoke in no uncertain terms. I have a feeling that he respects the budget process as much as the rest of us, and that he feels Congress is an equal branch with that of the executive, and he is not going to see Congress get run over in that fashion; and I have a feeling that the majority leader feels the same way.

So I am satisfied on that point. I think my colleagues are satisfied. We caucused again.

We are convinced, on the basis of the statements by Mr. DOLE and Mr. BAKER, that that is not anything they contemplate, nor would they sit still while it is being done.

So, on the basis of those clarifications by the manager of the resolution, and the assurance by the Speaker that he would send us a bill with a tax cut cap, we are prepared now—and I am sorry all the Members of our party were not at the caucus. There may be someone who was not there and who does not feel bound by this. But I will have to say, based on what the caucus decision was, that we will not offer any amendments on this side; and on that basis, I, personally, will join the majority leader in moving to table any amendment that is offered from either side, in order to get this measure passed today.

We will have our chances to offer amendments down the road. The majority leader has said he will have a vehicle on which Senators may call up their amendments. He assured me that we will also have our chance at the tax cap on another measure. The Speaker has also again assured me of that.

I do not think we need to debate this any longer. I am prepared to vote. As I say, if any Member feels constrained to offer amendments—any Member who was not at the caucus, who does not understand fully the reasons why the caucus has made this decision—I will join the majority leader in moving to table any amendments, from either side. We will soon be ready to vote.

Mr. BAKER. Mr. President, let me express my deep gratitude and appreciation to the minority leader for his statement and to all the Members on his side who participated in the caucus. I am grateful for it. I am happy, indeed, that we were able to work our way through these complications.

With the explanations of the chairman of the committee and others on certain aspects of the matter, it appears that we may be in striking distance of the passage of this bill. I think it is an act of high responsibility by the minority leader.

Mr. BYRD. I am not assuring the majority leader that I will vote for the resolution, but I will work with him in tabling any amendment to it.

Mr. BAKER. That has an ominous ring to it, but I am not going to pursue that at this moment.

I am prepared to make the unanimous-consent request at this point, if the two managers of the bill will permit me, or I will wait until they make whatever remarks they wish. I should like to make the request at this time.

First, Mr. President, I ask unanimous consent that on the pending measure, H.R. 2990, no amendments be in order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I inquire of the distinguished minority leader when he would like to vote on final passage.

SEVERAL SENATORS. Now.

Mr. BAKER. I inquire of the two managers.

Mr. DOLE. I think the Senator from Louisiana wants to be recognized.

Mr. BAKER. I yield the floor.

Mr. STENNIS. Mr. President, may we have quiet, so that we can hear the speaker?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Louisiana may proceed.

Mr. LONG. Mr. President, some time ago, the Senator from Louisiana suggested, as the committee chairman Mr. DOLE has indicated, that we should restore the debt limit to its earlier status—that is, to have a single debt limit, not a permanent and a temporary debt limit, but simply a debt limit. That is how it was until an early date in the Eisenhower administration.

At that time, Senator Harry Byrd, Sr., the chairman of the Finance Committee, in trying to use the leverage of the debt limit to try to contain the national debt, reached an agreement with the Eisenhower administration that there would be a temporary increase and that within a relatively short period of time the Nation would be back inside the permanent debt limit of $275 billion.

That effort succeeded because in 1958 we were back within the permanent $275 billion debt limit, and so what Senator Harry Byrd sought to do at that time was a success.

Acting on behalf of the majority of the Finance Committee, he was able to bring about an arrangement where a temporary increase was permitted and the debt limit then reverted in due course to where it had been. The Eisenhower administration kept faith with Harry Byrd, and Harry Byrd was successful in limiting the growth of the Federal debt.

But subsequent to that, Mr. President, as a table I am inserting in the RECORD will demonstrate, the debt limit grew and grew, and the temporary debt limit grew to such a point that when a temporary debt limit would expire, there was no possibility nor was there any commitment on behalf of the administration in the

White House that we would revert to the previous permanent level. It was merely a useless and forlorn hope, and in due course it ceased even to be a realistic hope that we would ever go back to the previous debt limit. In fact, it worked out in such a fashion that it achieved just exactly the opposite effect. Instead of being a lever to try to bring about fiscal responsibility, it worked out the other way around, because if the Congress failed to pass an extension of the debt limit, it meant the Government simply was unable to operate at all. So having a temporary debt limit achieved just exactly the opposite effect from what was envisaged. Congress did not have the option to hold the purse strings tight by means of the debt limit, as long as you had the expiration of a temporary debt leaving the Government in an absolutely impossible situation.

Mr. President, it might be useful for Senators to place in the RECORD at this point a table showing what the permanent limitation, the temporary limitation, and the overall limitation, have been down through the years starting in 1947. I ask unanimous consent that that appear in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

The following chart (from H. Rept. 98-121) shows congressional action on the public debt levels from 1947 to the present:

[By fiscal years, in billions of dollars]

	Permanent limitation	Temporary additional limitation	Total permanent/temporary
1947–54	275	0	275.0
1955:			
Through Aug. 27	275	0	275.0
Aug. 28 through June 30	275	6.0	281.0
1956	275	6.0	281.0
1957	275	3.0	278.0
1958:			
Through Feb. 25	275	0	275.0
Feb. 26 through June 30	275	5.0	280.0
1959:			
Through Sept. 1	275	5.0	280.0
Sept. 2 through June 29	283	5.0	288.0
June 30	288	5.0	290.0
1960	285	10.0	295.0
1961	285	8.0	293.0
1962:			
Through Mar. 12	285	13.0	298.0
Mar. 13 through June 30	285	15.0	300.0
1963:			
Through Mar. 31	285	23.0	308.0
Apr. 1 through May 28	285	20.0	305.0
May 29 through June 30	285	22.0	307.0
1964:			
Through Nov. 30	285	24.0	309.0
Dec. 1 through June 28	285	30.0	315.0
June 29 and 30	285	30.0	342.0
1965	285	39.0	324.0
1966	285	43.0	328.0
1967:			
Through Mar. 1	285	45.0	330.0
Mar. 2 through June 30	285	51.0	336.0
1968	358	0	358.0
1969:			
Through Apr. 6	358	7.0	365.0
After Apr. 6	358	0	358.0
1970: Through June 30	365	12.0	377.0
1971: Through June 30	380	15.0	395.0
1972: Through June 30	400	50.0	450.0
1973:			
Through Oct. 31	400	50.0	450.0
Through June 30	400	65.0	465.0
1974:			
Through Nov. 30	400	65.0	465.0
From Dec. 3 through June 30	400	75.7	475.7
1975:			
Through Feb. 18	400	95.0	495.0
Feb. 19 through June 30	400	131.0	531.0
1976:			
Through Nov. 15	400	177.0	577.0
Through Mar. 15	400	195.0	595.0
Through June 30	400	227.0	627.0
TQ: [1] From enactment through Sept. 30, 1977	400	236.0	636.0
1977:			
From Oct. 1, 1976, through Mar. 31, 1977	400	282.0	682.0
From Apr. 1 through Sept. 30, 1977	400	300.0	700.0
1978:			
From Oct. 1, 1977, through July 31, 1978	400	352.0	752.0
From Aug. 3, 1978, through Mar. 31, 1979	400	398.0	798.0
1979: From Apr. 2 through Sept. 30, 1979	400	430.0	830.0
1980: Through June 30, 1980	400	479.0	879.0
1981:			
Through Feb. 28, 1981	400	525.0	925.0
Through Sept. 30, 1981	400	535.1	935.1
Through Sept. 30, 1981	400	585.0	985.0
1982:			
Through Sept. 30, 1982	400	679.8	1,079.8
Through Sept. 30, 1982	400	743.1	1,143.1
1983: Through Sept. 30, 1983	400	890.2	1,290.2

[1] Under Public Law 93-344 (the Congressional Budget and Impoundment Control Act of 1974) the Federal fiscal year was changed from July 1–June 30 to Oct. 1–Sept. 30, effective in 1976 (fiscal year 1977). The transition quarter (TQ) for the new fiscal year was from July 1 to Sept. 30 of calendar year 1976.

Mr. LONG. It will be noticed, Mr. President, that in 1968 the temporary limit was reduced to zero because at that point the temporary additional debt limitation was consolidated into the permanent debt limit. That was in large measure due to the statesmanship of Mr. Wilbur Mills, then chairman of the Ways and Means Committee, who felt it did not make much sense and in some respects it tended to create doubt as to the trustworthiness of the U.S. Government to have a temporary debt limit, an expiring limit, which could cause our ability to finance our obligations to be in doubt.

So under his leadership we both raised the debt limit and we consolidated it into just one figure so there was no temporary debt limit at that point. That was in 1968.

The figures then proceed to demonstrate how this new temporary limit grew to where once again if we failed to extend the temporary debt limit, the Government simply could not operate.

Mr. President, this Senator has felt that we ought to revert to the situation where the debt limit could be used as it was at an earlier time in my service in the Senate, to hopefully use it as a lever to limit unnecessary spending.

I will submit for the RECORD a table showing how our deficits have grown under the various Presidents, keeping the books in a consistent fashion, the bookkeeping being the way the law requires it now. This table shows that under the Truman administration, for his 7 years in office, he actually had a surplus, which reduced the debt by $11.5 billion. Then it goes on to show how under President Eisenhower, the debt increased by $15.8 billion, $11.9 billion under President Kennedy, under President Johnson $42 billion, and under President Nixon $68.7 billion.

Mr. President, at that point, starting in 1975 we went under the budget process. The point that this Senator wishes to make is that when that happened we had about $346 billion of national debt. Mind you, that meant from 1946, starting in 1946, and up through 1974, for a period of 28 years, the national debt was increased by only $105 billion. I say only $105 billion—it seems small when you look at what has happened since that time. By the end of the budget year, fiscal year 1984, the national debt will have increased by almost $1 trillion.

The point this Senator has in mind, Mr. President, is we cannot go on doing this. The people of the United States will not approve our going on doing this. I hope the Budget Committee will have success in holding to lower deficit figures. I voted personally for a balanced-budget amendment, I voted for the Helms 10-percent cut, I voted for the Helms 5-percent cut, just as one Senator, and others did the same. But I really think this is something that every Senator and every committee ought to work together to putting their shoulders to the wheel to bring fiscal responsibility back to this Government, because in my judgment, Mr. President, it just is not right for us to be running deficits approaching the figure of $200 billion a year, and I believe the public in time will hold us accountable and maybe very severely accountable for those large deficits.

I hope in the future we may use this debt limit procedure as some leverage to help reduce the enormous increase in the debt of this Nation and these huge deficits.

I am not here to make a partisan speech about it. I regard it as a plague on both our houses, both on the White House and also the Congress, because it could not happen if we did not vote for it up here. The President is powerless to do all that by himself. There is just too much mischief involved in those kinds of enormous deficits to blame it on any one person or to blame it on any one House. It has to occur because the President, the House, and the Senate make it one way or the other, either acquiesce or permit it to happen.

I ask unanimous consent that the table I referred to appear in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

GROWTH OF PUBLICLY HELD FEDERAL DEBT UNDER POST-WORLD WAR II ADMINISTRATIONS

[Billions of dollars]

President and fiscal year	Deficit (−) or surplus (+)	Federal debt held by public
Truman (April 1945–January 1953):		
1946		241.9
1947	+3.9	
1948	+12.0	
1949	+.6	
1950	−3.1	
1951	+6.1	
1952	−1.5	
1953	−6.5	
Subtotal	+11.5	218.4
Eisenhower (January 1953–January 1961):		
1954	−1.2	
1955	−3.0	
1956	+4.1	
1957	+3.2	
1958	−2.9	
1959	−12.9	
1960	+.3	
1961	−3.4	
Subtotal	−15.8	238.6
Kennedy (January 1961–November 1963):		
1962	−7.1	
1963	−4.8	
Subtotal	−11.9	254.5
Johnson (November 1963–January 1969):		
1964	−5.9	
1965	−1.6	
1966	−3.8	
1967	−8.7	
1968	−25.2	
1969	+3.2	
Subtotal	−42.0	279.5
Nixon (January 1969–August 1974):		
1970	−2.8	
1971	−23.0	
1972	−23.4	
1973	−14.8	
1974	−4.7	
Subtotal	−68.7	346.1
Ford (August 1974–January 1977):		
1975	−45.2	
1976	−66.4	
Transition quarter	−13.0	
1977	−44.9	
Subtotal	−169.5	551.8
Carter (January 1977–January 1981):		
1978	−48.8	
1979	−27.7	
1980	−59.6	
1981	−57.9	
Subtotal	−194.0	794.4
Reagan (January 1981–):		
1982	−110.6	
1983 [1]	−210.2	
1984 [1]	−190.2	
1985 [1]	−185.6	
Subtotal [1]	−696.6	1,545.5

[1] 1984–85 based on projections in the April 1983 revision of the President's budget for fiscal year 1984.

Mr. RIEGLE. Mr. President, I want to speak against this measure and I will try to do it as quickly as I can. I have great regard for my colleague from Louisiana and consider him a dear friend but I strongly disagree with him on this issue. I think to make this debt limit permanent and to the extent it has been recommended by this legislation is a serious mistake for the country at this time. You would have to view this step, which we have never done before in this manner, you have to view this in the context in which we find ourselves and that is right now with Federal deficits absolutely out of control. If we take and raise the permanent debt ceiling by virtually a trillion dollars, and that is what we are proposing to do here in the next 30 minutes is to raise the permanent debt ceiling by a trillion dollars, I just think we are going to make a very serious mistake, because what it does, I think, is to fan the whole attitude and fire of deficit spending. It is like pouring gasoline on a roaring fire.

Last year the Federal deficit was $110 billion. This year it is going to be $210 billion, rising at so fast a rate. The Federal debt was jacked up by the decision today to go ahead with the MX missile which will cost another $20 billion plus over a period of years. We are toting up these deficits faster than anybody can calculate them and we are having to go out and take all the money out of the private markets and take money virtually from all of the private savings we can foresee coming into the system over the next few years just to finance the Government debt.

So to do this at a time when Federal deficits are out of control, when we have not shown any ability to keep them under control, is exactly the wrong time to take this step.

For people who a year ago were talking about a constitutional amendment to balance the budget, what has happened to that concept? That has gone absolutely down the drain, and what we see instead now are people coming in and saying, "Not only are we unable to stop the additions to the national debt but now we want to take the ceiling off, we want to raise the permanent ceiling by virtually just a matter of a small amount below $1 trillion."

They want to take it up from $400 billion up to $1.389 trillion. I mean it is just an astronomical sum of money, and it is just such a shock when one considers I do not believe this can pass in the cold light of day. I believe the only chance it has of passing is to come slipping in here right on the verge of a recess when everybody is planning to leave town, the House is anxious to take off, people have made plane reservations, and so forth, and so the feeling is "Well, we had better just go ahead and do it." I think the consequences here are dangerous for this country because I think it means it is going to be easier for the deficits to spiral ever higher and I think that is a mistake. I think the time has come to get Federal spending under control.

To jack it up by a trillion dollars—it is 20 to 7 on an evening that promises to be the last working day of the session before a recess—I think is the wrong way for us to attack this issue. I hope that we defeat this measure and come forward with some modest alternative that will get us over a short period of time so we can take it up with the seriousness it deserves. If you could seat the American people in this Chamber tonight and ask them to vote yes or no on a permanent increase of a trillion dollars in the national debt, they would say, "No, let's not do that. Let's have more discipline than that, and in the end that discipline will help us hold down Federal spending and bring these deficits under control."

Mr. LEVIN. Mr. President, the deficits which we are facing for this fiscal year and in the future are irresponsible and threaten to cut off economic recovery. But to vote to renege on the debts we have already incurred would be even more irresponsible. For this reason I am voting to support the extension of the debt limit.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I ask for third reading.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The question is on final passage.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I am going to have to vote against this resolution. I am voting against it because of the deficits that are being created by high expenditures, not on the part of what I believe is a majority of Congress, certainly not on my part, but rather because the expenditures advocated by the President are too great.

While it may satisfy some people to hear the President charge that if Congress would just curb its excessive spending on domestic programs, the deficits would not be that great. The fact is that the President's budgets are greater than congressional budgets. His requests for funds are greater than what the Congress would like to give him, and we are having not the true situation presented to the public by the President. The Federal spending he requests—rather insists be appropriated—exceeds not just what I and most of the Congress believes is prudent, but also exceeds all commonsense. It is the President that causes the large deficits. He has misled too many in Congress, and he is misleading the people.

So as a protest to the extension of deficit spending at the levels the President is requesting, I am compelled to vote no on this resolution.

The deficits threaten economic recovery and Congress must step in, curb the President's requests and lower the Federal borrowing.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I urge my colleagues to support this resolution. I am not going to take but 1 minute, but we must face it. If we do not pass it, we will have to do something else. I have been on the other side where I could get up and make that great speech and vote no, but we keep spending the money. We have to pay our bills. I hope we will approve the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. RIEGLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Florida (Mrs. HAWKINS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Kentucky (Mr. HUDDLESTON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 51, nays 41, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—51

Abdnor	Glenn	McClure
Andrews	Goldwater	Murkowski
Baker	Gorton	Pell
Bingaman	Hatch	Percy
Boschwitz	Hatfield	Pressler
Bradley	Hecht	Quayle
Burdick	Heinz	Roth
Chafee	Jackson	Rudman
Cochran	Kassebaum	Simpson
Cohen	Kasten	Specter
D'Amato	Kennedy	Stafford
Danforth	Laxalt	Stennis
Denton	Levin	Stevens
Dodd	Long	Thurmond
Dole	Lugar	Wallop
Domenici	Mathias	Weicker
Garn	Matsunaga	Wilson

NAYS—41

Baucus	Grassley	Nickles
Bentsen	Heflin	Nunn
Biden	Helms	Proxmire
Boren	Humphrey	Pryor
Bumpers	Inouye	Randolph
Byrd	Jepsen	Riegle
Chiles	Johnston	Sarbanes
Cranston	Lautenberg	Sasser
DeConcini	Leahy	Symms
Dixon	Mattingly	Trible
Eagleton	Melcher	Tsongas
East	Metzenbaum	Warner
Exon	Mitchell	Zorinsky
Ford	Moynihan	

NOT VOTING—8

Armstrong	Hawkins	Packwood
Durenberger	Hollings	Tower
Hart	Huddleston	

So the bill (H.R. 2990) was passed.

Mr. DOLE. I move to reconsider the vote by which the bill was agreed to.

Mr. BAKER. I move to lay on the table the motion to reconsider, Mr. President.

The motion to lay on the table was agreed to.

SENATE SCHEDULE

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. Mr. President, I ask the majority leader—this is of importance to all Senators—what the program is for the week upon the return of the Senate into session.

Mr. BAKER. First, Mr. President, let me say that the only other business I may ask the Senate to transact tonight would be the passage of the adjournment resolution. I believe the House is not in session and cannot pass the resolution tonight, so it will be necessary for the Senate to be in session tomorrow. We cannot go out, pursuant to the terms of that resolution, until the House has adopted it. I expect that session to require only the presence of the leadership and I do not foresee any difficulty in the House passing the measure. It simply was not possible for them to deal with it this evening, apparently, and they have gone for the day.

When we return, Mr. President, I wonder if the minority leader would let me consult with him on the schedule. I would like to say that it will not be Monday the 6th when we proceed to any of the measures that might require the attention of the full Senate. There are some Senators who cannot be back on Monday. I wish to announce now that, other than procedural votes, I do not anticipate votes on Monday, June 6.

Mr. BYRD. I thank the Senator.

Mr. BAKER. I shall consult with the minority leader and try to have a more complete and dependable outlook for that week at the time we adjourn pursuant to the resolution tomorrow.

Mr. BYRD. I thank the Senator.

Mr. BAKER. Mr. President, there will be no more votes tonight. I commend all Members for their efforts, management in particular.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to exceed 7:30 p.m. in which Senators may speak for not more than 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAPAN MERITS PRAISE ON AID EFFORT

Mr. PERCY. Mr. President, our good friend and close ally, Japan, has from time to time had its policies criticized in this forum. I would like to draw my colleagues' attention to an effort Japan is making that deserves our praise.

The Japanese have achieved their goal set in 1978 of doubling official development assistance (ODA) to developing nations and have now undertaken an ambitious program to double ODA again by 1985. Japan's impressive performance is all the more remarkable because it comes at a time of severe fiscal austerity in Japan. In fact, while most Japanese budget allocations were either frozen or reduced in fiscal year 1982, only defense and ODA received budget increases. Japan's development assistance now exceeds that of the United States as a percentage of GNP.

I have some personal recognition of the difficulty with which this achievement has been realized. We have just reported out our own foreign aid legislation from committee and will be bringing it to the floor soon. There is no question that the foreign policy benefits derived from an active aid program can seem intangible and remote to the American public at a time of fiscal austerity. We will be wrestling with that problem ourselves in the near future. All the more reason to applaud Japanese efforts to assist nations important to our mutual interests.

Prime Minister Nakasone has just returned from a successful trip to Southeast Asia. In addition to pledging increased aid for the ASEAN (Association of Southeast Asian Nations) nations, the Prime Minister stated that Japan will take steps aimed at increasing quotas for ASEAN industrial products and lowering tariff rates for some valued-added ASEAN exports to Japan. He also announced a 50-percent increase in generalized preferences for ASEAN imports.

The Prime Minister has shown leadership in other areas as well. He settled a simmering dispute with another friend of ours in the region, the Republic of Korea. Under his guidance, Japan and Korea agreed to a major assistance package for Korea. As the first part of the 7-year package, Japan will provide $188 million in ODA in fiscal year 1983.

I and a number of my colleagues, Mr. President, have long urged Japan to increase its assistance to nations important to Western interests as one way in which Japan can make a greater contribution to Western security. Under the concept of comprehensive security, Japan has been increasingly willing to provide sizable aid allocations outside of Asia to countries of

strategic importance. Last year, Japan supplied increased levels of ODA to such countries as Egypt—a $123.3 million loan at low interest with a 10-year grace period and an outright grant of almost $7.2 million—Kenya, Turkey, Jamaica, Sudan, Honduras, Oman, and North Yemen.

For some time, Japan's foreign aid programs have been criticized as being too closely tied to Japanese exports. Japanese bilateral loans signed since 1980 have been untied to Japanese procurement.

In addition to bilateral aid, Japan also contributes extensively to multilateral assistance organizations such as the Asian Development Bank, the World Food Program, and UNRWA.

In an area in which I have been particularly interested, the purchase of U.S. grain by Japan for distribution as food aid abroad, the Japanese have made progress. I first presented the idea to former Prime Minister Fukuda in May 1978. And it took a few years to get the program started, but is has now begun and is increasing modestly every year.

Mr. President, these Japanese efforts deserve our praise. They are certainly in Japan's interest, but they also benefit the United States and the free world. The Japanese aid program is an important and encouraging bright spot that should not be ignored in our discussions on trade and defense issues. The very able diplomat and respected Japanese Ambassador to the United States, Yoshiro Okawara, has been fully supportive of these forward steps.

VETERANS' SERVICE-CONNECTED DISABILITY COMPENSATION BENEFITS

Mr. CRANSTON. Mr. President, I am submitting today, for appropriate referral, two amendments to the proposed Veterans' Disability Compensation and Survivors' Benefits Amendments of 1983. For my colleagues' convenience, I will describe each of them briefly.

EFFECTIVE DATE OF FUTURE COST-OF-LIVING ADJUSTMENTS IN COMPENSATION RATES

Mr. President, my first amendment would express the sense of the Congress that future cost-of-living adjustments in rates of veterans' disability compensation and survivors' dependency and indemnity compensation, DIC—that is, COLA's in fiscal year 1985 and beyond—should take effect on December 1 of the fiscal year involved. It would further state that it is the sense of the Congress that the President's budgets for fiscal year 1985 and each subsequent year should include the necessary funds to make compensation COLA's effective on the December 1 date. Joining with me as original cosponsors are Senators RANDOLPH and MATSUNAGA.

As my colleagues are undoubtedly aware, congressional agreement has been reached on delaying by 6 months the COLA's in Federal income security programs. Legislation was enacted in April—Public Law 98-21—to delay until December 1, 1983, the social security increase that otherwise would have automatically occurred on June 1, 1983. Since both the timing and percentage of VA non-service-connected disability pension COLA's are, under section 3112 of title 38, United States Code, tied to the indexing of social security benefits, a 6-month delay—June 1 to December 1, 1984—in the effective date of the increase in that VA program will automatically occur as a consequence of the social security COLA delay enacted in Public Law 98-21.

However, in the cases of VA compensation and DIC, there is no provision of law linking these programs to social security or otherwise providing for automatic COLA's. For the last 7 years, however, the Congress has adopted the practice of providing annual increases in these benefits effective each October 1.

This year, in accordance with the 6-month-delay agreement for Federal income-security programs—which is reflected in both the House and Senate versions of the First Concurrent Resolution on the Budget for fiscal year 1984, House Concurrent Resolution 91—the Committee on Veterans' Affairs plans to recommend legislation providing for a compensation/DIC COLA effective April 1, 1984—6 months later than the date, October 1, 1983, that the increase would customarily have been made effective. The measure to which I am offering this amendment would effect that delay and thus produce fiscal year 1984 savings of approximately $170 million. I would note that there is general agreement among veterans' organizations that this 6-month delay is acceptable as long as other COLA's are similarly delayed.

However, Mr. President, I believe strongly that at the earliest opportunity the Congress should take action to provide assurance that the date of future increases in VA compensation rates is consistent with the dates on which other program increases are effective—December 1. Thus, the amendment provides that any future compensation COLA's should take effect on December 1 of each fiscal year, as will increases under the social security and VA pension programs.

A major advantage of this approach is that under it Congress would be enacting compensation/DIC COLA's each year based on an equitable and actual—rather than a projected—inflation factor, the social security COLA percentage, without a built-in "lag time" between the end of the period on which that inflation factor is computed and the date on which it would be made effective with respect to the compensation program. Beginning with the December 1, 1984, social security COLA, Public Law 98-21, in permanently changing the social security COLA date to December 1, also moved from the first quarter to the third quarter of the calendar year the period on which the annual COLA is based. Thus, the December 1 effective date for the social security COLA will effectuate a COLA based on third-quarter-to-third-quarter Consumer Price Index increase within a few weeks after that increase is computed—in early November. Waiting 4 more months, until the following April 1, to apply it to the VA's compensation program would mean providing COLA's for that program on the basis of comparatively untimely data.

Mr. President, I would note that, as passed by the Senate, the first budget resolution for fiscal year 1984 makes provision in the outyears for compensation/DIC COLA's effective on December 1, 1985 and 1986. If enacted into law, our amendment would declare and confirm that the Congress believes that this is the approach we should take.

INCREASES IN COMPENSATION ON ACCOUNT OF CERTAIN PERIODS OF HOSPITALIZATION

Mr. President, my second amendment would modify the period during which a temporary increase in compensation is paid on account of certain periods of hospitalization. Joining me as cosponsors are Senators RANDOLPH, MATSUNAGA, and DECONCINI.

Prior to the enactment of Public Law 97-253, the Omnibus Budget Reconciliation Act of 1982, a veteran who was hospitalized for the treatment of a service-connected disability for 21 days or more had the rate of service-connected disability compensation raised to the 100-percent level. That increase, which was provided for by VA regulations—section 4.29 of title 38, Code of Federal Regulations—and known popularly as an increase under paragraph 29, took effect, retroactively, to the first day of hospitalization once the veteran met the 21-day requirement and continued to be paid until the last day of the month on which discharge from the hospital occurred.

Similarly, under so-called paragraph 30—section 4.30 of title 38, Code of Federal Regulations—a veteran whose care entailed certain surgical or other procedures, such as immobilization by a cast, for a service-connected disability, was also granted a temporary 100-percent rating, regardless of the duration of any hospitalization. These increased ratings were payable for the period beginning on the date of hospital admission and continuing "for a period of 1, 2, or 3 (or more) months from the first day of the month following * * * hospital discharge" de-

pending on the medical circumstances of the case.

Last year, as part of the mandated reconciliation process designed to effectuate cost-savings, the Congress passed and the President signed into law a provision—section 401 of the Omnibus Budget Reconciliation Act of 1983, Public Law 97-253—that delayed the commencement of periods of payment for VA compensation, DIC, and pension benefits. Thus, instead of the date considered for other purposes as the effective date for an increase in compensation, the period of payment now, under the new law, commences on the first day of the calendar month following the effective date of the increase. This modification, as I noted, was made applicable to all payments of VA compensation and pension benefits and specifically to the so-called paragraph 29 and paragraph 30 benefits. The provisions establishing the end point of the period of payment—the last day of the month in which hospital discharge or the termination of treatment of convalescence occurs—was not modified.

This statutory change was estimated by the Congressional Budget Office to save $53.5 million in fiscal year 1983, $56.3 million in fiscal year 1984, and $59.2 million in fiscal year 1986. The savings associated with the paragraphs 29 and 30 provisions, according to CBO, are $7.6 million in fiscal year 1984 and $7.7 million in each of fiscal years 1985 and 1986.

Mr. President, I know that it has come to the attention of many of my colleagues that, as a result of the amendment made last year, a very real problem of inequity has been created; namely, that veterans who are hospitalized or are convalescent for identical periods of time may be treated entirely differently in terms of increased compensation awards under paragraphs 29 and 30.

Take for example, the case of veteran "A" who enters the hospital on May 20 and remains hospitalized for 25 days, through June 13, for the treatment of a service-connected disability rated 30-percent disabling. Under current law, veteran "A" becomes eligible for an increased award of compensation on the 21st day, and that increase is paid for the period June 1—the first day of the month following the date of hospitalization—through June 30, the last day of the month in which discharge occurred.

On the other hand, veteran "B" enters the hospital on May 2 for the treatment of an identical 30-percent disabling condition. He remains in the hospital through May 26—also a 25-day period of hospitalization. However, veteran "B" has not established eligibility for the payment of increased compensation because he is discharged from the hospital prior to June 1.

Clearly, an inequity has occurred. However, the inequity does not apply solely to the date on which the hospitalization begins. It also applies to the date on which it terminates.

To illustrate, veteran "C" enters the hospital on May 31 and remains hospitalized for service-connected care through July 2—33 days. Veteran "C" is eligible for increased compensation for 2 months, June and July. Veteran "D," in contrast, enters on May 25 and remains hospitalized for service-connected care through June 26—again 33 days. Veteran "D," who was hospitalized for the same length of time as veteran "C" is eligible for increased compensation only for 1 month, June. Similar inequities exist with respect to the payment of increased compensation paid during a period of convalescence.

Mr. President, as I mentioned, many of my Senate colleagues have become concerned by the inequities created by the 1982 reconciliation measure. Indeed, the distinguished Senator from Nebraska (Mr. EXON) has taken the lead in addressing this problem by introducing S. 995. That bill would restore the law to the way it was with respect to paragraphs 29 and 30 prior to the enactment of the reconciliation law last year.

However, I must note that, under S. 995, certain inequities existing under prior and current law would not be removed—those which arise from the payment of a full month of compensation at the 100-percent rate for the last month in which hospitalization, treatment, or convalescence occurs, regardless of how many days during that month the veteran was hospitalized, in treatment, or convalescing for a service-connected disability. Thus, under S. 995, although veterans A and B both are hospitalized for 25 days, veteran A would receive compensation at the 100-percent rate for 41 days whereas veteran B would receive it for only 30 days; and, although veterans C and D are both hospitalized for 33 days, veteran C would by paid at the 100-percent rate for 62 days and veteran D for 37 days.

Mr. President, I ask unanimous consent that at this point in the RECORD there be printed a table illustrating the differences in periods of payment, pursuant to 38 CFR 4.29 and 4.30, under these examples that exist under current law or that would exist under S. 995—the same as under prior law—and under our amendment.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DIFFERENCE IN PERIODS OF PAYMENT UNDER CURRENT LAW, PRIOR LAW (S. 995), AND AMENDMENT NO. —, PURSUANT TO 38 CFR 4.29 AND 4.30

	Days of hospitalization	Period of hospitalization	Period of payment		
			Current law	Prior law (S. 995)	Amendment No. —
Veteran "A"	25	May 20 to June 13	June 1 to June 30 (30 days)	May 20 to June 30 (42 days)	May 20 to June 13 (25 days).
Veteran "B"	25	May 2 to May 26	None	May 2 to May 31 (30 days)	May 2 to May 26 (25 days).
Veteran "C"	33	May 31 to July 2	June 1 to July 31 (61 days)	May 31 to July 31 (62 days)	May 31 to July 2 (33 days).
Veteran "D"	33	May 25 to June 26	June 1 to June 30 (30 days)	May 25 to June 30 (37 days)	May 25 to June 26 (33 days).

Mr. CRANSTON. Mr. President, the amendment we are introducing today would address these inequities by modifying both the beginning and ending date for these increased awards of compensation so as to provide that payments are made only for the period of actual hospitalization under paragraph 29 or the period of actual hospitalization and actual convalescence under paragraph 30. Quite simply, if enacted, this would mean that, using the examples noted above, veteran A would be paid compensation at the 100-percent rate for the period May 20 through June 13, and veteran B, for the period May 2 through May 26—both 25 days. And, veteran C would be paid compensation at the 100-percent rate from May 31 through July 2 and veteran D, from May 25 through June 26—both for 33 days.

This approach to me seems more equitable than both current and prior law, as well as the approach proposed in S. 995. The basis for making these increased awards are premised is to compensate for foregone income due to a veteran either being hospitalized for an extended period of time for the treatment of a service-connected disability or needing a period of convalescence following treatment for such a disability. Thus, it seems to me that the most logical and reasonable approach to resolving the inequities that have occurred is to make the increased payment for the precise period that the veteran is actually in the hospital or convalescing. This would mean that veterans who were discharged early in any given month would not receive an inequitable windfall and, likewise, veterans who were admitted early in any given month would not be unjustifiably penalized.

CONCLUSION

Mr. President, the Senate Veterans' Affairs Committee has hearings on the compensation COLA legislation scheduled for next month and is planning to mark up this legislation on June 29. As ranking minority member of the Committee on Veterans' Affairs, I will be pursuing the issues addressed in the two amendments I am submitting today through the course of the committee's consideration on this measure.

Mr. President, in the event that the underlying legislation is not introduced today by the distinguished chairman of our committee (Mr. SIMPSON), I will submit these amendments as soon as that bill is introduced, and I ask unanimous consent that the text of the amendments that I will submit later be printed in the RECORD at this point.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

Viz: Add at the end the following new title:

TITLE—EFFECTIVE DATE OF FUTURE INCREASES

SEC. —. It is the sense of the Congress that any increases enacted to take effect in fiscal year 1985 and subsequent fiscal years in the rates of disability compensation and dependency and indemnity compensation payable under chapters 11 and 13, respectively, of title 38, United States Code, shall take effect on December 1 of the fiscal year involved, and that the President should include in the budgets submitted for fiscal year 1985 and for each subsequent year, pursuant to section 1105(a) of title 31, United States Code, requests for appropriations to achieve such purpose in each such year.

—

Viz: Insert after title II, the following new title III:

TITLE III—INCREASES IN COMPENSATION ON ACCOUNT OF HOSPITALIZATION

SEC. 301. (a) Section 3011(c) of title 38, United States Code, is amended—

(1) by inserting "(1) after "(c)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) This section shall not apply to the payment of a temporary increase in compensation for hospitalization, treatment, or convalescence.".

(b) Clause (8) of section 3012(b) is amended to read as follows:

"(8) by reason of termination of a temporary increase in compensation for hospitalization, treatment, or convalescence, shall be the day on which the hospital discharge or termination of treatment or convalescence occurred, whichever is earlier.".

Redesignate title III as title IV and section 301 as section 401 and amend section 401 as so redesignated to read as follows:

SEC. 401. (a) The amendments made by titles I and II of this Act shall take effect on April 1, 1984.

(b) The amendments made by title III of this Act shall take effect on October 1, 1983.

THE AMERICAN LEGION'S VIEW

Mr. COHEN. Mr. President, last month, American Legion National Commander Al Keller, Jr., spoke at a reception held in his honor at the Orono Legion Hall where he addressed many areas of concern to those who have served in the Nation's behalf.

These issues are also of great importance to all of us who serve in the Congress and I want to take this opportunity to commend Commander Keller's remarks to the attention of my colleagues here today.

Before I close, however, I want to thank Daniel Lambert, State Adjutant for the American Legion, Department of Maine, for providing me with the text of Al Keller's address. Dan's efforts on behalf on Maine's veterans are unceasing, unselfish, and appreciated.

Mr. President, I ask unanimous consent that Mr. Keller's address be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY AL KELLER, JR.

Thank you very much.

Distinguished guests—ladies and gentlemen—my fellow Legionnaires. As many of you who have heard me speak know . . . I like to talk about tradition . . . the value of knowing where we have been, and keeping faith with the tried and true ways. I do not like to think of tradition as an excuse for not changing . . . or as a place to hide because we are afraid of the future . . . but I do like to recognize the value, and the importance, of preserving those things in life that have served us well . . . and for which there are no reliable replacements.

The American Legion is a traditional organization. Our fundamental beliefs—outlined in the preamble to our constitution—talk of God, country, and service to veterans and their families. Today we are addressing these fundamental beliefs to the 98th Congress.

After months of work, legislation has finally been introduced in the 98th Congress that addresses the subject of Agent Orange . . . and compensation for some Vietnam veterans.

I am pleased to report to you that it is a bill The American Legion can finally support. Scientific evidence now pinpoints three diseases that can be caused or aggravated by exposure to the herbicide used to destroy jungle cover in Southeast Asia.

The bill would establish a procedure for presumption of service connection for compensation based on those three diseases.

For years Vietnam veterans and their families have been concerned about the potential—but unknown—health hazards they may have incurred by exposure to Agent Orange.

It is high time Congress took up this issue of compensating veterans for their disabilities as scientific evidence becomes available. On behalf of our 700,000 Vietnam veteran members—I assure you—the American Legion insists on it.

Also in the area of veterans affairs, I am pleased that the Veterans Administration announced earlier this month . . . that after 17 months of delay, they have agreed to liberalize their guidelines to provide medical treatment to military personnel who took part in open-air atomic tests and whose illnesses might have been caused by exposure to radiation.

Between 220,000 and 350,000 military personnel were exposed to radiation during atmospheric nuclear testing from 1945 until the Partial Test Ban Treaty of 1962. A large number subsequently developed leukemia and other cancers. However, only a small number of these veterans filing disability claims have had their claims approved by the VA.

The American Legion's position on "atomic veterans" is mandated by national convention resolutions going back to 1978, and most recently restated in Resolution 409 at our national convention last August in Chicago. Our work with individual veterans filing radiation-related disability claims goes back further.

It is apparent much more needs to be done about the plight of these "atomic veterans." The American Legion will continue its effort to help these afflicted veterans obtain recognition and compensation for service-connected disabilities.

Today The American Legion's concern for national security and foreign relations also remains intact.

All of us in The American Legion have a lot of work cut out for us in the days ahead. Secretary of Defense Caspar Weinberger has been talking lately of a consensus erosion. He points out that from the earliest days of our nation we have loved peace and been suspicious of things military. But . . . defending a free society rests on principles that require a consensus to be formed in favor of a strong defense . . . if we are to have one . . . and for that consensus continually to be maintained. That's certainly no small task.

Today there are many voices shouting for attention across this great land. Voices that call for an immediate nuclear freeze, voices that demand cutbacks in our defense spending budget, voices that urge the government pay out money for this thing or that, all voices sincere in their beliefs but often ignoring cold, hard facts of history.

Does America really need a nuclear freeze? Certainly we do—and so does the world. But an immediate nuclear freeze today is not the answer to the world-wide threat of nuclear war.

The American Legion continues to stand on our well established principles, we desire an end to the nuclear arms race—with just four provisions:

First, the United States must be allowed to maintain a deterrent capability to be able to protect ourselves and our interests from those who would threaten our very existence.

Second, the introduction of Pershing missiles in NATO countries must move ahead. For years our NATO friends have been staring down the barrel of the Soviet SS-20 missile threat knowing that nothing is there to offset that threat. The Pershing missile will work toward that end. However, we do agree that a "zero option" agreement would be better still, if that can be negotiated.

Third, once this rough parity has been reached America and the Soviets should agree to begin a mutual reduction of nuclear arsenals.

Finally, a freeze can be negotiated that depends heavily on the ability of both sides to verify compliance with the agreement. That verification certainly should be tied to on-site inspections.

These four steps are not ultra-conservative. They are logical, rational, and necessary if the ultimate objective is to ever be achieved.

It is up to each of you to let those who make laws on Capitol Hill—and in Maine—know how you feel. For it is very possible that a vocal minority can swing the pendulum to the "freeze right now" side.

In the related area of foreign relations, I feel the Caribbean Basin and Central America have been too long neglected in United States foreign policy.

Earlier this year I visited Mexico and Panama and I have come to believe that a solid "good neighbor policy" is imperative if we are to assist our friends in Latin America in regaining economic prosperity and defeating communist aggression.

The American Legion, after an extensive study by our Western Hemisphere Task Force, adopted three resolutions at our national convention in Chicago dealing with the Caribbean Basin and Central America.

One of those resolutions calls for an expansion of the Caribbean Basin initiative into a true "marshall-type plan." Obviously, an expanded initiative could help rejuvenate the area—just as it breathed new life into a devastated western Europe after World War II.

Our resolution also urges increased educational exchanges between the United States and all of the Caribbean Basin. We feel that concept is an excellent means of helping provide the technical knowledge needed for economic growth.

Incidentally, during my visit to this area, several high ranking U.S. officials pointed out that the Soviets offer many more scholarships than we do and thus gain influence among Latin America's youth.

A second resolution adopted in Chicago recommends economic and military aid be given to El Salvador. We know that help is needed there to fend off a hungry communist bear.

You and I should take heart from the elections in that country last year. The people soundly rejected the communist backed insurgents in the face of life-threatening danger. But Marxist backed guerrillas rejected democracy. We support the enhanced aid package to El Salvador to give that beleaguered nation the resources to defeat the insurgents.

Last month President Reagan suggested he would send more military advisors to El Salvador, if Congress does not approve a $110 million increased military aid package to that country.

This satisfies a mandate from our 1982 national convention concerning El Salvador, which urges the U.S. government to provide adequate economic aid to El Salvador and furnish increased military training and equipment as necessary to defeat communist guerrillas in El Salvador.

Our third resolution focuses on Costa Rica, Honduras, and Guatemala. It mandates The American Legion to speak directly to the need for U.S. government economic and security assistance in those countries.

These same concerns were addressed by President Reagan when he made a major foreign policy address to The American Legion during our Washington Conference in February.

America is a wonderful country, founded on principles of freedom and peace. Nothing in our history has happened to destroy those principles.

In recent weeks, many people have been testifying in Washington on various aspects of the 1984 budget. Defense spending is increasingly under attack. There have been thoughts tossed around that defense spending is nothing more than welfare for the defense industries.

Members of the American Legion certainly do not feel that way. And if surveys are to be trusted neither do America's youngest veterans. A Lou Harris and Associates poll shows 79 percent of Vietnam veterans favoring increased defense spending.

They understand full well that for nearly 25 years defense spending in constant dollars remained virtually unchanged in this country while those who would impose their will on other countries had beefed-up every aspect of their military.

Today we are building a stronger military. One that is capable of responding to the variety of challenges that could present themselves in the years ahead.

Defense spending now amounts to 28 percent of the federal budget. That compares to more than 45 percent in 1960. Clearly, defense money for our nation can never be considered welfare for contractors—more like welfare for all citizens. For if we shirk from our responsibility to remain a strong and capable deterrent in troubled times all other spending for our people will be of little use.

You as members of the American Legion in the Department of Maine are an important link in determining our success in these mandates. I have full confidence that you will realize, as did our founders years ago, that American national security and foreign relations policy will determine the future peace and freedoms for the peoples of the world.

My fellow Legionnaires, now is the time to get involved. Continuing a strong veterans voice, anchored in proud American Legion tradition, is the challenge we face. I have no doubt that you will make vital contributions as we meet these challenges today and in the future.

Thank you, good luck, and God bless.

THE LATEST ASSAULT ON THE CIVIL RIGHTS COMMISSION

Mr. KENNEDY. Mr. President, the independence of the Civil Rights Commission is once again under attack by the Reagan administration. The administration has proposed the wholesale removal of Commissioners from this essential agency and to replace them with persons who share the President's resistance to progress on civil rights. Apparently, the administration even contemplated the unconscionable—and probably unconstitutional—tactic of dismissing the current Commissioners during the Memorial Day recess, the replacing them with recess appointees immune from Senate scrutiny through the 1984 elections.

This action is only the latest demonstration by the administration that it does not intend to honor the long-standing bipartisan commitment to civil rights. It consistently takes positions contrary to the law of the land. It consistently seeks to undermine the gains so painstakingly won over the past three decades in Congress and the Federal courts. Only yesterday, in a landmark opinion by Chief Justice Burger, the Supreme Court ruled 8 to 1 against the administration's crude scheme to subsidize racism by granting tax benefits to schools and colleges that practice racial discrimination.

The effects of racial discrimination continue to rob American society of talented, creative, and capable decisionmakers. More than ever, we need diversity of experience and cultural diversity at every level of the public and private sectors.

Those who argue that affirmative action is reverse discrimination are ignoring the interdependence of modern society. It is still true that a house divided cannot stand. A society which permits the equality of opportunity for some citizens to be limited by historical and contemporary racial myths, prejudices, and misunderstandings is an unjust society that is limiting the horizons of our Nation and that is relegating all our people to the status of second-class citizens in the global community.

Race must continue to be taken into account if we are ever to remedy the extreme injustices suffered by persons of color in American society. We must act in good faith to root out the patterns, practices, and customs of discrimination that exclude blacks, Hispanics and other Americans of color from full opportunity in this country. Only by facing up to these issues with courage and determination can we root out racial discrimination. We cannot eliminate injustice by pretending it no longer exists.

In an article in the Washington Post on May 24, Carl Rowan described the fundamental dishonesty of using a "colorblindness" policy in the cause of civil rights. And in an address entitled "Reflections on a Multiracial Society," Franklin A. Thomas, the president of the Ford Foundation eloquently discussed these fundamental issues.

Mr. President, I hope that the Senate will reject the administration's flagrant attempt to politicize the Civil Rights Commission. I ask unanimous consent that a recent news article on the Commission and the other materials I have mentioned may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REAGAN TO REPLACE THREE MEMBERS OF PANEL ON U.S. CIVIL RIGHTS

(By David Hoffman and Juan Williams)

President Reagan intends to replace three of the six members on the U.S. Civil Rights Commission this week, but the White House has backed away from an earlier plan to use "recess appointments" that would have allowed them to serve without confirmation until the end of this session of Congress, administration officials said yesterday.

Reagan will submit the three nominees in the next few days, before Congress leaves for the Memorial Day recess, officials said. Senate confirmation will be required before they can take office.

Some White House officials were considering the use of "recess appointments" while Congress was away, but that idea was scrapped, officials said.

Reagan is ousting commission members who have been critical of the administration's record on civil rights and replacing them with nominees who apparently share his opposition to affirmative action quotas and school busing as tools to fight racial discrimination.

Clarence M. Pendleton Jr., the commission chairman, said yesterday that he asked the White House to replace four of his six fellow commissioners because he needed more conservative support to carry out the administration's civil rights policies.

"I said to them, 'I'm commissioner over there but I can't get anything done because of them [the other commissioners]. You need to appoint more conservatives over there. . . . If I'm going to be appointed to a political position in which I am ideologically compatible with the administration, then I need some support.'"

Pendleton said he wrote a letter to Reagan last December in which he asked the President to develop a civil rights policy with the goal of creating a "colorblind society" and requesting Reagan to consider making conservative appointments to the commission.

"I saw Reagan a month later at a Martin Luther King [birthday] reception at the White House and he told me 'I've got your letter and you'll get an answer,'" Pendleton said. "I think the appointments are part of my answer."

According to White House officials, Pendleton has met with White House counselor Edwin Meese III several times recently urging him to make changes in the commission.

Pendleton said the changes should not be seen as purely a black issue.

"We're dealing with everybody's civil rights here. There are 17 protected classes, and blacks are just one of them. There is a perception that the commission is responsive only to blacks and that's a problem. That's not what the statute that created the commission talks about."

The 17 classes Pendleton referred to are identified by law as groups, including women, Hispanics, blacks and others, to be shielded from discrimination by the commission.

Pendleton added that the commissioners to be replaced have criticized the administration for taking fewer civil rights cases to court.

"Fewer court cases proves nothing," he said. "A school system or a local government saves money with a conciliatory agreement and so does the federal government. That's good for black people. That's good for all people."

The president's planned house-cleaning drew criticism yesterday from two leading Democrats.

Former vice president Walter F. Mondale told black college graduates that Reagan was trying to "undo the great work of a generation" in civil rights "and he must not get away with it." Speaking at commencement exercises at Clark College in Atlanta, Mondale, a Democratic presidential candidate, said the Reagan dismissals would destroy "the integrity of that body, which has been a source of expertise and national conscience for decades."

The Rev. Jesse Jackson, president of Operation PUSH and a potential Democratic presidential candidate, urged Reagan in a letter yesterday to "rethink any effort to gain control of the commission and to jeopardize its traditional and historic role of being free to monitor other agencies' performance without fear of retribution."

Jackson noted that the commission has subjected Reagan's policies to "severe criticism" but "so has it in the past criticized other presidents."

White House officials said yesterday that Reagan will not replace commission member Jill Ruckelshaus, wife of Environmental Protection Agency Administrator William D. Ruckelshaus. Earlier, the White House had considered replacing her and last year sent a nominee to the Senate for her seat, but the nomination lapsed.

The officials confirmed that the president will replace commissioners Mary Frances Berry, a former assistant secretary of education in the Carter administation; Murray Saltzman, a Baltimore rabbi; and Blandina Cardenas Ramirez, a San Antonio educator.

Saltzman was appointed by President Ford; the others were appointed by President Carter. Reagan already has appointed the commission chairman, Pendleton, and Vice Chairman Mary Louise Smith.

Four candidates reportedly in line for the three commission openings are: Morris Abram, a former president of Brandeis University; John Bunzel, a senior research fellow at the Hoover Institution at Stanford University; Robert Destro, a law professor at Catholic University; and Carolyn Reid Wallace, assistant director of elementary education projects at the National Endowment for the Humanities.

In addition, Pendleton said the White House has agreed to nominate a new staff director for the commission, Linda Chavez Gersten.

GOING COLORBLIND

(By Carl T. Rowan)

It would be humorous if it were not so socially poisonous. I refer to the sudden passion for "colorblind" laws being expressed by certain people.

Columnist James J. Kilpatrick, once as vocal a defender of racial segregation as Virginia ever had, now waxes eloquent against "racism in reverse"—that is, today's affirmative action programs.

Columnist Edwin M. Yoder Jr. hauled out just about all the look-what-they're-doing-to-white-people cliches the other day in a column in which he tried to justify Assistant Attorney General William Bradford Reynolds' arrogant refusal to enforce or uphold the law on matters of affirmative action. Yoder took a high philosophical stance against "racial favoritism," "the evil of racial classification" and giving "preferential treatment" to "certain races of persons."

Well, how noble of Yoder, Kilpatrick, Reynolds and others to become so fervently in favor of a colorblind society—now, after generations of color-conscious bigotry have left millions of victims spread across the American landscape.

In Yoder's former home state, North Carolina, where blacks have been victimized by racism for centuries, an important court case arose in 1971—*North Carolina Board of Education v. Swann.* The U.S. Supreme Court said then: "Just as the race of students must be considered in determining whether a constitutional violation has occurred, so must race be considered in formulating a remedy."

Chief Justice Warren E. Burger endorsed and quoted that decision three years ago in *Fullilove v. Klutznick* when he held that Congress had authority under the Constitution to set aside 10 percent of federal public works funds for minority contractors.

Burger was joined by Justices Lewis F. Powell and Byron R. White, surely no triumvirate of bleeding-heart liberals, in saying: "We reject the contention that in the remedial context the Congress must act in a wholly 'color-blind' fashion."

Reynolds, Yoder, Kilpatrick and others acknowledge without much fervor that this is a society that has pushed people into the gutter simply because of their race or color; but they want to forbid anyone from noticing their color now and saying, "Let's give them a special lift out of that gutter."

It really seems to pain these conservatives that even a conservative Supreme Court won't buy this business of using the "colorblind" argument to freeze into perpetuity the results of two centuries of racism.

Justice Harry A. Blackmun said in the 1978 Supreme Court decision in *Regents of the University of California v. Bakke*: "In order to get beyond racism, we must first take account of race. There is no other way."

Justice Thurgood Marshall said in the same case: "It is because of a legacy of unequal treatment that we must now permit the institutions of this society to give consideration to race in making decisions about who will hold the positions of influence, affluence, and prestige in America."

The conservative campaign against affirmative action programs is socially destructive because it:

(1) Encourages whites to embrace the paranoid notion that they are being cheated because blacks and Hispanics are getting "preferential treatment."

(2) Spreads the phony idea that just when white America really wants a "colorblind" society the minorities want to keep race-consciousness alive.

(3) Gives new life to the idea that blacks and Hispanics are inferior, and that whatever they get is a result of "racial favoritism."

As for point one, when black unemployment is more than double that for whites and black family income is only 56 percent of that of whites, it is a mean outrage for any white person to suggest that blacks are getting "preferential treatment" from anyone.

As for point two, blacks would love it if race were a forgotten factor in America. It is the white majority, in Chicago, Charlotte or Chattanooga, that has kept and still keeps race a corrosive factor in this country.

Yoder deplores implications of "hereditary or collective guilt," which is a columnist's way of repeating the line used by some whites: "Why must I be penalized for the racial sins of my grandparents?"

Who swallows this nonsense that affirmative action programs are to make amends only for the sins of slave owners 150 years ago? We are dealing with today's entrenched racism—with racism that is practiced in corporate board rooms, union halls, newspaper city desks and offices of senators and congressmen this very day.

The courts and Congress understand what Reynolds, this Justice Department and their columnist defenders don't want to understand: this country is dealing with matters of simple justice.

I repeat what Senate Majority Leader Howard Baker said to me recently: "At some point you've got to make the machinery go. You've got to see that opportunity is more

than a theoretical concept. So I have favored the idea of small-business set-asides, minority set-asides. I favor the idea of seeing that in public employment you don't have de facto segregation."

Those are the words of a moral man who lives in the real world

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REFLECTIONS ON A MULTI-RACIAL SOCIETY

(By Franklin A. Thomas)

I am deeply honored to be with you. I know invitations to speak in the Granada Guildhall Lecture Series are not offered lightly and that knowledge magnifies the honor.

The theme "Liberty of the Citizen . . ." and its specific focus on the American experience with racial progress over the past few decades are vital not only for my country and for any lessons, parallels, and ideas that could be useful to Britain as it tackles similar issues but also for the fragile future of our planet. By circumstance of history, my country is conducting an experiment in multi-racial, multi-ethnic living that must also be attempted by most of the countries of the world if we all are to survive in relative peace and security.

I will focus on three aspects of the American experience:

The achievements of America's minorities over the past few decades and some offsetting failures;

The major factors that have shaped those results;

The role that has been played by laws and practices which seek not only to eliminate present discrimination but also to compensate for that of decades and centuries past.

My text is that a society will take a long stride toward racial justice when it is prepared to assume an unswerving commitment to that end. That commitment must encompass not just a targeted flow of public and private resources but, what is more difficult, the willingness to adopt for a period of years a set of explicitly race-conscious policies—that which we have come to call affirmative action.

Since the way we think about issues is influenced to a large extent by personal experiences, let me begin by sharing with you some of mine.

I was born into a poor, proud, working-class black American family whose immediate origins were the British West Indian islands of Barbados and Antigua. In our living room hung two pictures—America's President and Britain's Queen.

I grew up in New York City in a neighborhood that shifted from predominantly white to almost entirely black during my first eighteen years of life. I attended city schools whose enrollment reflected that changing neighborhood pattern. At college and law school, however, most of my classmates were white.

My professional career has involved working for and heading organizations that were multi-racial. I would estimate that most of the days of my life have been spent in the company of men and women of diverse racial backgrounds—all of us interacting with mutual dignity and respect.

America's struggle with racism has deep roots. Even before the establishment of the nation, a decision was made to rely on black slave labor as the mainstay of the southern agricultural economy. Today we are wrestling with the consequences of that decision and with the society to which it gave rise. Substantial progress has been made. But so much more remains to be done. In a sense, the ultimate battle takes place within each of our minds. The outcome for our nation will be determined less by the achievements measured by statistics than by the attitudes with which we proceed.

There are storm clouds on my country's horizon suggesting that further progress in overcoming the legacy of discrimination will become more difficult. That is so, in part, because the obstacles are more subtle and thus less subject to discovery and in part because of America's diminished economic self-confidence. It's not easy to be of a generous spirit when you're living in hard times and it's difficult to see your enlightened self-interest when your immediate self-interest seems threatened.

In my remarks you will doubtless discern some relevant and transferable experiences—but not as many as we both would wish. The Atlantic is still a very wide ocean and it is uncertain how many of our creations and adaptations would survive the voyage.

America's struggle with racial issues is different from yours in history, in context, and in scale. Our officially-classified minorities, including blacks, Hispanics, American Indians, Native Alaskans, and Asians, constitute well over 20 percent of America's total population, compared to about 4 percent here. In 1980, minorities accounted for nearly one-half of New York City's residents; many of our largest cities—Baltimore, Atlanta, Detroit, and St. Louis among them—have black majorities. Britain's total non-white population is not overwhelmingly greater than our annual volume of legal and illegal immigration. On the other hand, both countries share the experience of being white majorities in a world where whites are a small minority.

Let's proceed with a brief summary of the scoreboard of U.S. progress and failure.

There has been a measurable narrowing of disparities in education, income, housing, health, occupational status, and numerous other social indicators. The few measures I will recite are a very small sample of a very much larger data base. In the interest of time, I will confine my account to American blacks, our largest minority, though there are many interesting things to say about other minority groups and about the differences among them.

Looking first at education, in 1960 the proportion of blacks who had completed high school was half that of whites; by 1980 the proportion had risen to over 80 percent. Since 1960, the proportion of blacks who have completed four years or more of college has quadrupled. In fact, relative to their respective population totals, nearly as many blacks as whites now attend college, though fewer graduate and there is still underrepresentation in the best universities and professional schools.

As to earnings, between 1970 and 1980 the real income of black families with husband and wife present rose by 12 percent compared to 3 percent for similar white families, though the proportion of such black families declined from 70 to 60 percent. For young married couples who are college graduates, the median income of blacks was 94 percent that of whites. But such rising young families constituted only 2 percent of all black families compared to more than 5 percent of their white counterparts.

Since 1960, the proportion of blacks owning their own homes increased twice as fast as whites. However, black homeownership remains only two-thirds that of whites.

Since 1960, infant mortality among blacks dropped by half and life expectancy increased by six years compared to four among whites. But the black infant death rate of 23 per thousand is still double that of whites, and the life expectancy of blacks is still four-and-a-half years less than that of whites.

Occupational status has likewise advanced. I will spare you the confirming data and merely say that representation of blacks in professional and administrative categories has at least doubled while sharply decreasing in low-status occupations such as domestic service and agricultural labor. Blacks have also moved into the better-paid blue-collar jobs and construction trades and, though met with grudging acceptance, into every big-city police force.

My final item from the record of progress may be the most significant of all because it contributes, in the long run, to every other dimension of racial progress. I speak of political participation. While black voter registration and election turnouts are still below those of whites, the black presence has increased everywhere. Thousands of blacks now sit in state legislatures and municipal councils. Eighteen blacks sit in the House of Representatives, where two sat in 1960. Several of our large cities now have black mayors, including Los Angeles, which has a non-black majority. Tomorrow, when America votes, that mayor, Tom Bradley, may become the governor of America's most populous state.[1] Thirty years ago he would have been denied admission to a movie house or made to sit in the back of the bus in our nation's capital.

Politics is a powerfully assimilative force. The political process not only rewards participation; it also induces a negotiatory rather than a confrontational mode of racial interaction. It is instructive to observe how rapidly some beneficial change can be brought about when black citizens are the swing voters in a district or when white legislators are forced to bargain with a minority caucus for a favored bill. Governor George Wallace, whose "Segregation Forever" echoed through Alabama's countryside fifteen years ago, now ardently courts the black voter.

I now come to indicators of a contrary nature, those marks of failure that subtract so much from what I have just reported. Aggravated by the current recession, nearly 50 percent of young blacks are unemployed—more than double the white proportion. Young blacks are heavily overrepresented in the criminal statistics. In New York, blacks account for something like two-thirds of arrests for violent offenses; they also account for two-thirds of the prison population. At the same time, blacks make up the majority of the victims of crime.

Between 1962 and 1979, out-of-wedlock births increased from 24 to 55 percent of all black children born. The proportion of black families headed by women has been increasing steadily, rising from 26 to 40 percent between 1970 and 1981. Poverty in America is becoming feminized, especially for blacks. In fact, the substantial gains in income I reported earlier for black families with a husband and wife are more than wiped out when female-headed families are added to the base.

As the negative statistics suggest, there is in many of our cities a mostly-minority group who remain at the bottom despite the

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[1] Bradley did not win, but the vote was close: 49 percent for Bradley and 50 percent for his opponent.—F.A.T.

progress of the last two decades. Some in my country refer to this group as the "underclass." But whatever its label, it is a discouraging trend because it binds people in a continuing web of poverty from which it is difficult to escape. It is also dangerous. One reason is that some of its members are a menace to people and property. Another is that decent people can be turned hostile by even a few incidents involving underclass stereotypes. And finally, the human potential represented by these citizens is not available to the nation. I know there are early signs of a similar phenomenon in your country and I can think of no trend more deserving of swift attention. The Ford Foundation, in partnership with others, has been experimenting with highly-targeted programs to assist these groups. The results, thus far, are modest but encouraging.

It is time now for my second topic, the factors that have influenced minority progress.

Though there are skeptics, the prevailing judgment is that the most significant reason for the progress of American minorities was the cascade of laws and programs that came to be known as the Great Society. To be sure, the Great Society era, roughly from the early 1960s through the early 1970s, was also a period of substantial net economic growth in the U.S.; some gains surely would have occurred without government intervention. However, the skeptics err in giving all credit to the economy and nothing to the government. Indeed some, President Reagan among them, have insisted the Great Society was counterproductive to the minority cause.

Let us linger a little on this matter. Economic growth unquestionably brings higher living standards for many people. But it is by no means inevitable that economic growth will make the distribution of income more equitable. World Bank studies have shown that some high-growth countries end up with a greater degree of equity and others with a lesser one. Egalitarian goals seem to require an explicit effort toward that end.

Let me push this point a bit farther. If there is no certainty that economic growth will reduce the imbalance in incomes, there is even less certainty that, absent a direct effort, it will reduce the disparities between the races. Of course, since minorities are on the average poorer than whites, it is likely that they will gain significantly from social welfare programs. But, where there is pervasive racial discrimination, a reduction in poverty does not necessarily mean less racial inequity. Correcting the imbalance between the races cannot be achieved without special efforts aimed at achieving that result.

I would ask you to consider this further thought. How income is divided by class and race is not the only measure of equality. It is also necessary to consider how the quantum of human dignity is divided. The civil rights marches in the South were not just a claim for more jobs, but also for respect and decency. Martin Luther King's dream was not a vision of material goods for his people but of brotherhood and equality for everyone.

If the search for racial justice isn't solely for economic gain, then the economic growth hypothesis alone cannot be a persuasive explanation of our experience. The ultimate significance of the Great Society was that it placed non-material national goals on a par with the material needs of disadvantaged groups. It strove, often clumsily, often inconsistently, to build a fairer society for all Americans, not just larger shares of the economic pie for minorities.

Of the many Great Society actions directed toward improving the status of minorities, I will discuss two: a proliferation of civil rights laws unprecedented since the Reconstruction Era following our Civil War in the 1860s, and the advent of a vast network of nonprofit community and neighborhood organizations working to improve life in their communities. I will skip the Great Society economic resource programs, not because they are unimportant but because they are familiar. They include various kinds of income transfer and job training schemes, housing and education aids, and grants to local governments.

In rapid succession, Congress enacted four major laws which, together with the Equal Protection Clause of the Constitution, became the legal keystone of America's civil rights revolution. Those laws are the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Immigration Act of 1965, and the Fair Housing Act of 1968. These laws initiated new types of entitlements and sanctions and clarified or reinforced older ones. Lists of affected racial and ethnic populations were established—blacks, Hispanics, American Indians, Native Alaskans, and Asians. There also came into being an array of measures to remove discrimination against women, a subject that, with the deepest regret, I omit tonight except to say that without such measures racial progress would still have left many minority women behind.

A score of Federal watchdog agencies was established to monitor and remedy discriminatory acts in employment, housing, education, welfare, voting rights, and other areas. Reinforcing and interacting with the government's civil rights agencies was a very extensive private civil rights apparatus. Most minority groups are served by one or more national organizations. These organizations employ their own lawyers or draw upon the donated legal services of the private bar. For research and policy analysis, they often depend on support from the academic professions.

This vigilant, private, civil rights constituency keeps surveillance on public agencies, watches for breaches of law, and files lawsuits usually aimed at bringing remedies to whole classes of people rather than to individuals. Its members engage in advocacy in the Congress, the regulatory agencies, and state and local governments. They appear often, and with good effect, in the media.

The Great Society's civil rights laws and enforcement machinery were a uniquely powerful set of tools to help move minorities toward self-fulfillment. Contributing to that same goal was another distinctively American adaptation—a vast network of local neighborhood and community organizations. Though there is no exact count, thousands of such organizations exist in the older and often stagnant neighborhoods of our cities. Most of them are managed by neighborhood residents.

To a considerable extent, community organizations had their origin in anger. Some rose from the ashes of the incendiary riots of the sixties. Others were formed to challenge some community-threatening highway or slum clearance scheme. Though born out of protest, many of these organizations have survived, and of these many have prospered because they learned how to initiate and administer programs addressed to the needs of their communities. The record of their accomplishments is an exciting one. Its essence is that a significant segment of America's poor have built and rehabilitated a large stock of housing. They have formed mortgage pools and credit unions. They operate business enterprises, supermarkets, apartment houses, and child-care centers. They engage in job recruitment and training. They assist police and fire departments in preventing crime and arson. Many have invented and operate new kinds of services: a local house-repair organization to help the elderly and incapacitated to maintain their homes, a food-delivery service to nourish them, a transportation service to take them to their doctor's office or even to the bingo game.

The community organization movement has been a significant contributor to minority progress. These organizations have rescued many minority-targeted public programs that otherwise might have failed. The public housing projects of St. Louis, less than fifteen years old, became so deteriorated that several had to be dynamited; the remaining projects were salvaged by a resident management corporation operated mainly by poor black women. Community organizations have become, in many places, virtually proxy governments that administer the anti-poverty and urban renewal programs. City mayors were at one time fearful of the competition and independence of community organizations. But most now welcome them as vital resources.

The community development movement has further assisted minority progress by enhancing political support for social programs. The conservative wing of American politics, so generally skeptical of the Great Society, was captured by the display of grassroots self-help and, not least of all, because the initiative was in private hands, not public. Community organizations have also enlisted the support of some of America's top corporate leadership. The housing and business ventures of local communities and their fierce determination to better their own lives appeal powerfully to the business ethos. In consequence, billions of dollars in concessional investments and grants in substantial amounts from financial institutions and industrial corporations have flowed into these communities. In a few cases industrial corporations have built branch factories in poor neighborhoods, an early version of your Enterprise Zone concept.

Finally, community development corporations have served as a nurturing ground for a new generation of minority leaders. The experience gained in managing, administering, negotiating and, where necessary, challenging has given rise to a cadre of minority men and women who have moved into responsible positions in government and industry.

I come now to this evening's last topic, the ways in which affirmative action has advanced the minority cause and with it the nation's objectives. I propose to spend my remaining time this evening on this doctrine and its intended and unintended consequences.

The principle is relatively simple to state: it asks that reasonable steps be taken to assure that members of an historically excluded group—in our example, racial minorities—get a fair share of the opportunities for which they have attained or can attain the requisite qualifications. It does not ignore the issue of merit or the fact that there are degrees of qualification. But it recognizes that predictions about relative abili-

ties are inherently unreliable and that, in any event, it is in the national interest that minority persons be given an opportunity to compete for jobs and education.

Effectively implemented, it should, over time, raise standards and improve quality, since it enlarges the pool of talent from which to draw. It is widely acknowledged that the effectiveness of our urban police forces has improved significantly because of the employment of minorities. Similar gains in effectiveness are evident in most of our institutions, especially schools and the media.

America's firm commitment to affirmative action has several justifications. It is simply impractical to think that a submerged minority which, for so many generations, has been kept powerless by the laws and practices of society will be able to catch up with the mainstream if society does no more than create a level playing field. Above all, affirmative action has a commanding moral basis about which I will say more later.

Among the earliest acknowledgments that affirmative action was required to achieve racial justice in America was President Lyndon Johnson's forthright speech in 1965 at Howard University:

"You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, 'You are free to compete with all the others,' and still . . . believe [you are] being fair. . . . [I]t is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates. This is the next and the more profound stage of the battle for civil rights. . . ."

In 1980 the same idea was restated by Supreme Court Justice Harry Blackmun:

"I suspect that it would be impossible to arrange an affirmative action program in a racially neutral way and have it successful. To ask that this be so is to demand the impossible. In order to get beyond racism, we must first take account of race. There is no other way. And in order to treat some persons equally, we must treat them differently. We cannot—we dare not—let the Equal Protection Clause perpetuate racial supremacy."

In the fifteen-year interval between those two statements, there came into being a wide consensus about the warrant for affirmative action in order to right past wrongs and to achieve our national objectives.

It is convenient, in considering America's anti-discrimination policies, to view them as a series of three ascending stages that proceed from the mild and uncontroversial to the sweeping and controversial.

Stage 1 is racial neutrality. It includes the so-called "color-blind" laws and sanctions that seek to eliminate discrimination by punishing those instances that rise to the levels of the courts. It makes it an offense to deny someone, because of race or origin, a job or ballot or access to a public accommodation.

Stage 2 moves anti-discrimination policy ahead from passive neutrality to active involvement. it asks society to stretch forth its hands. It recognizes that it is not enough that a corporation announce that it is an equal-opportunity employer, ready to judge all applicants fairly when they knock at the door. Experience tells us that there will be too few minority applicants. If recruitment of minorities is to be effective, employers must cast their recruitment nets as widely as possible. That means, among other things, advertisements in minority newspapers and direct outreach to minority communities. During this stage, action is taken to heighten everyone's consciousness about discrimination, action that includes appropriate instructions to personnel officers and supervisors.

Stage 2 also involves a series of actions to enlarge the pool of qualified persons. Experience suggests that a significant proportion of minority applicants brought forward by affirmative recruitment may not meet established job requirements because of the hobbles of history that President Johnson spoke of and because some of those requirements are exclusionary traditions with no relevance to the job. A deliberate and organized effort must then be launched to overcome real deficiencies by means of accelerated training courses, language instruction and the like, and to reexamine the validity of established job requirements. This step may involve a degree of special treatment, since white applicants are less likely to need the same assistance though the programs are open to all. But most people accept the effort as a fair way to widen opportunities and draw in more talent for the nation.

Stage 3 advances affirmative action by a giant's leap. Its guiding concept is that a society will never banish racial discrimination if it limits itself only to seeking out and correcting every individual illegal practice or act of bigotry. Discrimination is less personal than systemic. It has become deeply embedded in the history and practice of almost every major institution and in the very modes of governance. The flowers are tainted because the roots are poisoned. Progress can come only if we dig deeply and do not merely snip.

How the race-conscious remedies of Stage 3 have been implemented is an exceedingly complicated story. There is no wholly satisfactory way to abridge or simplify it. Among the key elements that must be kept in mind when considering such legal remedies are:

Whether an action is taken under federal statute or constitutional law;

Whether an action is initiated by a government agency or a private individual;

Whether or not an employer or institution is the recipient of federal contracts or grants;

Whether an affirmative action plan is mandatory or voluntary.

The federal government, supported by the federal courts, has the longest and strongest arm. It can mandate affirmative action plans for its civil service and the armed forces. It can also mandate affirmative action plans for all private corporations and educational institutions who wish to obtain or continue to hold a government contract or grant. The total of such contracts and grants is huge; hence the scope of mandated plans is very wide indeed.

The practices of state and local government, including state universities, school systems, and police and fire departments, fall under the Equal Protection provisions of the Constitution. A federal court, having found a state or local agency in violation of the law, may mandate and monitor a remedial affirmative action plan.

Many employers and private institutions have voluntarily adopted affirmative action plans. Some are embodied in trade union contracts, a major factor in the famous Weber case. Most arise out of good citizenship or as a shield to ward off future litigation. Another famous Supreme Court ruling—the Bakke case—concerned such a voluntary plan.

The interrelations of courts and government agencies, of public and private institutions, of statute and Constitution are intricate. But I think I can give you their sense with four brief examples, two that involve the federal and two that involve state and local governments.

A number of federal agencies survey and regulate the employment practices of private contractors who do business with the government. Generally the procedure followed is to require a self-examination by the contractor of recruitment, testing, and promotional practices. Where these are deficient, employers must specify how matters will be set right and over what period of time. The plan must indicate how many minority people are likely to be included in each of the job categories. It is not required that these members be proportional to the minority share of the population. But, if the departure is significant, there must be an acceptable explanation for the shortfall. That practice is known in American shorthand as setting "goals and timetables" and has been upheld by the Supreme Court.

The second example of federally-mandated race-conscious policy concerns minority enterprise. When government contracts are put up for bid, minority businesses, so few and so small, are rarely the winners. The federal government strives to enforce a rule that 10 percent of all contracts be set aside for competitive bids only from minority-owned firms. That rule has also been upheld by the Supreme Court.

Next are the two examples of mandatory race-conscious remedies that derive from the Constitution's Equal Protection Clause and that are enforced by the federal bench. The most prominent of these are the many school desegregation decisions. Judge after judge has uncovered discrimination—sometimes immediate and overt, sometimes buried in time and history—but in all cases evidenced by school enrollments too black or too white to be consistent with the local distribution of population. The courts have ordered remedies that would yield more representative enrollments, often stated as numerical percentages or ranges. These remedies are achieved by redrawing school boundary lines even if that means a considerable degree of court-ordered busing. The Supreme Court has upheld such requirements.

The last example is representative of a large number of state and local cases. If employment of minority police officers is significantly lower than might be expected from local population data, a federal court may order that, say, 50 percent of new police recruits be minority members until their number constitutes 20 percent of total police force.

I will refrain from extending the list of race-conscious public policies that affect housing, electoral districts, and many other areas.

As enforcement shifted from a finding of personal fault to a finding of systemic barriers, one consequence was a reexamination and restructuring of sanctified practices and institutions. Among them were some traditional job qualifications in private and public employment. It became necessary to show why it was essential that every plumber know each clause of the building code if that requirement let do a high rate of minority disqualification. Or why police duties could not be performed by shorter people, thereby enlarging the pool of eligible Hispanics and Asians as well as women of all races.

As Stage 3 solutions increasingly invoked the numerical, as the numerical increasingly became expressed as percentages, and as the percentages in many cases became mandates, there ensued still another consequence. Some of the American public became concerned that we were veering toward a system of racial quotas. There was a strong protest from parts of the organized Jewish community, which for generations has been among the staunchest allies of the civil rights cause. The reason was quite plain. The Jews had been the victims of their own hobbles of history, among which were the institutional religious quotas of Central and Eastern Europe.

The fear about quotas is understandable, but in that fear is a serious misapprehension. A mandated percentage may seem to resemble the infamous quotas but it has the opposite significance. The objective of a quota is to exclude all but a small fixed number of what is regarded to be an inferior people. By contrast, the percentage remedies of Stage 3 are inclusionary, not exclusionary: the requirement that the members of a police department should be 20 percent black within a period of time is not a statement about the inferiority of whites but rather about the qualifications and humanity of blacks.

I am convinced, moreover, there are no effective substitutes for a system of numerical remedies. Every lawyer, everyone engaged in practical affairs, will understand that the quality of an agreement or settlement—its enforceability—is improved in the precise degree to which it is made precise. Both the police department that has accepted an inclusionary remedy and those who will monitor its execution have to know exactly what is supposed to happen. When the volume of settlements is on a wholesale rather than a retail scale, it is doubly necessary to have manageable rules for compliance. Guidelines, expressed as numbers, whatever else may be said about them, offer the only practical answer. Supreme Court Justice Thurgood Marshall refers to them as a necessary act of statecraft.

These remedies, it is clear to me, are an inescapable phase in the long journey toward racial equality. Without them, the milder forms of affirmative action simply would not have worked as swiftly and in some cases not at all. I find it difficult to believe that without the pressure of mandatory numbers we would see the current proportions of minority members in the construction trades or our law and medical schools, as low as those proportions still are. Without the pressure of court orders, the educational system surely would have acted much more slowly, if at all, to provide special education for minority children or to restructure faculties or to revise textbooks that excluded or stereotyped minorities.

Having defended numerical remedies as imperative policy in some cases, I must also state my disquiet. Against the visible gains there are visible costs. One of them is that vigorous affirmative action may push us openly toward the color-coded society that was covert in our past. Not so long ago, it was illegal for employers or schools to record an individual's race or ethnicity, though much of that took place with secret symbols. Today the recording of this information is a requirement in order to demonstrate integration.

A second unintended byproduct is the threat of a rupture in the civil rights coalition and, beyond that, of a severe backlash from mainstream Americans. I have noted the counter-reaction of some parts of the Jewish community. Some trade union leaders, usually supporters of the civil rights cause, have also hardened their views. The professoriate likewise turned hostile as numerical remedies closed in on the campus and began to challenge traditional academic practices. The legal profession and legal scholars have also divided. Justice William Douglas, for so long the liberals' champion on the Supreme Court, fell away on this issue, observing in a famous statement:

"The Equal Protection Clause commands the elimination of racial barriers, not their creation in order to satisfy our theory as to how society ought to be organized."

These cleavages are disturbing. But they are not surprising. I can think of no social reform that was not accompanied by a clash of equities. The need to balance one prized value against another is what democratic governance is all about. It is what life is all about. Decent and honorable people will strike that balance in different ways.

My last concern about mandated numerical remedies is the changed relationship between the individual and the group. In America, as in England, civil liberties, the parent of civil rights, have historically been conferred on persons and not on groups. Federal courts have sustained group classifications only when there is a clear rationale for them in public policy. Examples are special benefits or entitlements for war veterans, the elderly, and children. But when classifications are based on race or national origin, the courts will seek extraordinary justification. They will ask what fundamental national purpose is served by extending entitlements to one group that may confer benefits to all its members while denying them to all the individuals of other groups. The Supreme Court in its deliberations and opinions has circled this question over and over again without fully settling every issue.

That fundamental purpose is clear: affirmative action in all its forms serves the most profound goal of a democratic society—equality and justice for everyone regardless of color, ethnicity, or sex. The social compact born 200 years ago represented a magnificent but incomplete statement of that goal. Each era saw further advance, along with occasional setbacks. Early on, there was the Bill of Rights, later the elimination of slavery and the reforms of Reconstruction, still later universal suffrage. In our own time, we compelled the reformation of a monstrous apartheid society in America's southern states and now we must move against the subtler and more intractable forms of *de facto* institutional discrimination. The affirmative action policies just described have carried us onto new legal ground. But, more significantly, they have brought us closer to achieving our nation's objectives: a healthy, vigorous society with liberty and justice for all. All of the sophisticated tools of regulation, enforcement, and litigation are only instruments toward that end.

Time brings changes that laws may not. One now sees an industrial plant where every third or fourth worker is black and thinks back to a time, not so long ago, when the arrival of the first black caused a work shutdown. One may expect that the opportunity-building and compensatory-education programs of the last two decades will propel ever larger numbers of minorities into a mainstream whose own values are becoming less racist. The steady gain of minority political strength will further speed the process; political power gives bargaining solutions in the legislature that often have more public acceptance than court decrees.

And I see nothing but benefits for the social order when it reaches out to draw more of its citizens into productive positions throughout its economy and into full participation with all its institutions.

Education, work, and the prospect of advancing on one's merit form the bedrock on which healthy self-esteem rests. And the greater the degree of self-esteem each of us has, the more likely we are to respect each other. That is the key to a civilized, multiracial society. A broad concept of civil rights is crucial. Affirmative action is really a way of introducing us to each other, of helping us learn that working with or for someone of a different race is working with or for an individual, not a stereotype

When I look inward toward America I am struck by how much there is yet to do. When I look outward to the racial and religious conflicts in other countries and at the loss of talent from the female half of their populations, I am impressed by how far we have come. The future years will witness a world that is likely to be more racially diverse than ever before. It will surely be more restless. Submerged people are growing less resigned to their submersion and quicker to assert their demands. Each multiracial society will have to find its own responses to new and insistent claims. America's story is its own and cannot be copied. Our special circumstances—a relatively mobile society, a period of great economic strength, public recognition of the race problem, and a sustained, conscious effort by whites and minorities to find remedies—will probably not recur in the same combination. But the American experience should be watched and studied.

If the struggle of the last decades was against the colonialism that allowed one nation to rule another, the current and future struggle will be about the internal colonialism that allows one race or one sex to dominate another.

One day our descendents will think it incredible that we paid so much attention to things like the amount of melanin in our skin or the shape of our eyes or our gender instead of to the unique identities of each of us as complex human beings.

I hope and believe that the American experiment will hasten that day.

TVA—1933-83—50 YEARS OF PROGRESS AND SERVICE

Mr. HEFLIN. Mr. President, on May 18 the citizens of the Tennessee Valley observed and celebrated the golden anniversary of that great engine for democracy, the Tennessee Valley Authority.

I was privileged to attend and speak at the ceremonies in my home area of Muscle Shoals where TVA had its genesis. Congressman RONNIE FLIPPO also spoke at the Muscle Shoals celebration and we were most fortunate and honored to have the Senate majority leader, Senator HOWARD BAKER, deliver the keynote address.

Mr. President, I think all who attended the TVA birthday celebration at Muscle Shoals last week would readily agree that the highlight of the evening was the presence of Senator Lister Hill, who served with distinction

in the Senate and House of Representatives for nearly 46 years, 31 of which were in the Upper Chamber.

Senator Hill, along with Senator George Norris of Nebraska, authored the legislation which became the TVA Act. For more than three decades Senator Hill worked to keep TVA moving ahead. He used his vast prestige and legislative genius to repulse TVA's powerful enemies and detractors. For years Senator Hill was the inspiration for new Members of the Congress who looked to him for guidance on TVA matters.

Although he is now 89 years young and confined to a wheelchair, Senator Hill was strong and vigorous of mind and voice at the Muscle Shoals celebration. I might add that when the evening's festivities began with the playing of our national anthem, Senator Hill lifted himself out of his chair and stood erect with his right hand over his heart. It was one of the most moving and awe-inspiring performances I have ever witnessed and I dare say there was scarcely a dry eye in the audience of more than 1,000 who attended the celebration.

Mr. President, I ask unanimous consent to place in the RECORD the speeches delivered by Senator BAKER, Congressman FLIPPO, and me at the 50th birthday celebration of the Tennessee Valley Authority in Muscle Shoals on May 18.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HOWARD H. BAKER, JR., ON THE OCCASION OF TVA'S 50th ANNIVERSARY

Fifty years ago today, one of America's most remarkable public servants was born.

It was, as Franklin D. Roosevelt described it, "clothed in the power of government, but possessed of the flexibility and initiative of a private enterprise."

It was to be "a laboratory for the Nation, to learn how to make the most of its vast resources for the lasting benefit of the average man and woman."

Few public servants are welcomed into the world with such great expectations. Fewer still live up to them. The Tennessee Valley Authority has reached beyond its founders' grandest dreams.

In fifty years, this valley has been transformed. Desperate poverty has given way to rising prosperity. Isolation has given way to industry, floods to farmland, ignorance to education, fire to splended forests, helplessness to abundant power, darkness to light.

No government-sponsored program before or since TVA can claim so dramatic a record of achievement. Yet this is only the beginning of the TVA story.

From the first, TVA was commissioned to serve the Nation and not one region alone. Its earliest champions were not from Tennessee and Alabama but from Nebraska and New York.

It was President Roosevelt's intention that the Tennessee Valley development "serve as an example and an incentive for similar developments" throughout the country.

And so it had.

In its earliest days, TVA showed the nation the enormous potential of water-generated energy.

Later on, TVA pioneered the large-scale, coal fired steam plant and demonstrated its extraordinary value to American industry, attracting much of that industry to this valley in the process.

More recently, TVA has demonstrated the promise—and dealt forthrightly with the problems—of nuclear energy, true to the innovative spirit of its charter.

And while our electric bills are higher than they used to be, they're still among the lowest in the country.

But power generation was never the sole mission of TVA. Its ambitious charge was nothing less than to address "all forms of human concerns."

Thus a wartime chemical plant here in Muscle Shoals became the cornerstone in a vast structure of public services, reaching far beyond this valley to the ends of the earth.

The fertilizer produced here, and the soil protection measures invented by TVA, started a revolution in agriculture, moving thousands of Tennessee Valley farms from a subsistence on grain to the profitable trade in livestock.

Today, that same revolution is taking hold in some of the world's least developed countries with the assistance and encouragement of the Tennessee Valley Authority.

TVA dams have saved this valley from the chronic, serious flooding which plagued our region for so many years with such devastating results.

The city of Chattanooga alone has been spared an estimated $2 billion in damage since the Norris Dam was completed five decades ago.

Similar flood control projects, inspired by TVA's success, are guarding against the ravages of water today in many other states and countries.

With the planting of 150 million seedlings, the cultivation of nearly two million forested acres, and a very successful fire control education program, TVA sowed the seeds of a major forest products industry in this valley.

Today that industry employs 60,000 people in the region and may well employ 80,000 or more by the end of this century. It also benefits from microcomputer technology developed at TVA.

The world's largest newsprint mill, in Calhoun, Tennessee, converts much of that forest product into the newspapers that millions of Americans depend on every day.

Working in partnership with the Nature Conservancy and other groups, TVA has promoted environmental education, outdoor recreation, strip mine reclamation, clean air, and the protection of a rich variety of nature's endangered species.

Even the celebrated snail darter found in TVA a saving grace and a hospitable new home.

Less celebrated but no less important, TVA's strong reclamation policies inspired effective strip mine laws in six valley states and served as a national model for environmental restoration.

And the outdoor recreation facilites provided throughout this valley by TVA are simply incomparable.

But TVA has not been—and cannot be—content to rest on even these monumental achievements.

Its mission is innovation. Its station is on the frontiers of public service and scientific advancement.

That's why TVA has become involved in everything from the promotion of tourism and the arts to the encouragement of industrial growth and employment training.

It's why TVA is leading the way toward a greater fusion of public and private effort in a host of community service enterprises.

It's why TVA is engaged is a remarkable variety of activities—almost literally in "all forms of human concern."

It's why TVA fails occasionally and why it succeeds so magnificently.

Fifty years ago, Franklin Roosevelt said, "The country needs and the country demands bold, persistent experimentation. It is common sense," he said, "to take a method and try it. If it fails, admit it frankly and try another. But above all, try something."

Fifty years later, few public servants would dare test the patience or invest the resources of the American people in such a candid policy of trial and error.

Yet it may be that nothing else would serve us so well, as TVA has proven.

The reigning paradox of our time is this: "If we can put a man on the moon, why can't we eradicate hunger and poverty and injustice on earth?"

One reason may be that for every success, the scientist is prepared to accept a thousand experimental failures. The public servant and the public are not so forbearing.

But I believe the very security of America rests with our commitment to take risks, to experiment, to explore the frontiers of knowledge.

I also believe that TVA is uniquely well suited to this task. After fifty years, it remains clothed in the power of government, yet it retains the flexibility and initiative of a private enterprise.

Despite its fifty years, TVA must remain young in spirit and bold in its outlook if it is to succeed in a challenging future.

We stand at the gates of a grand new age whose wonders are beyond our imagining.

We can glimpse it already, in a marvelously mundane space shuttle that is nothing more or less than a truck that orbits the earth and makes deliveries in space.

We can see it as the secrets of the cancerous cell and other medical mysteries are revealed in rapid succession.

We can see it in the home computer that can reconcile a bank statement today and may rearrange our whole economy tomorrow.

This new age demands that TVA fulfill the old dream of a "laboratory for the nation," that we continue our pioneering ventures in energy, agriculture, education, industrial development, and all the other enterprises in which this agency can play a useful role.

If anyone can fulfill nuclear energy's potential as a safe, reliable and limitless public resource, TVA can.

If anyone can find better and cleaner ways to use our vast store of high sulfur coal reserves, TVA can.

If anyone can demonstrate the potential of a whole new generation of energy resources now in development, TVA can.

If anyone can successfully resolve the conflict between energy production and environmental protection, TVA can.

Indeed, if anyone can prove that a government sponsored enterprise can meet the broad range of people's needs without miles of red tape, years of delay and mountains of excuses, the Tennessee Valley Authority surely can.

Just as the prophets of fifty years ago could not have foretold all the accomplishments we celebrate today, neither can we predict all that TVA may be called upon to do in the fifty years to come.

But this much we know: It is a strong commitment to innovation and experimentation that has made TVA one of America's most successful public servants. And it is this same commitment that must continue to enhance the quality of life in this valley, in the nation and the world.

REMARKS BY CONGRESSMAN RONNIE G. FLIPPO—50TH ANNIVERSARY OF TVA

Thank you for your kind remarks. It is indeed an honor for me to be here today and share this platform with the distinguished Senate Majority Leader, our own Senator and some of the giants of TVA—

Dedicated Board Members, conscientious public officials, industrious and imaginative TVA employees, and a multitude of private citizens who have been unstinting in their efforts to preserve, protect and nourish this public institution which has meant so much to our general social and economic welfare.

Some of the giants are missing but surely they are here with us in spirit today—

Giants from our national forums such as George Norris, David Lilienthal, Gordon Clapp, Marguerite Owen, and Franklin D. Roosevelt.

And regionally, such public opinion leaders as Silliman Evans of the Tennessean, Ed Paxton of Paducah, and our own beloved Louis Eckl of the Florence Times—Tri-Cities Daily.

Still it is a gathering of the giants of TVA with us in Muscle Shoals today.

I am awed to be here.

With Albert Gore, Sr. whose son serves with me and who is carrying on a family tradition of distinguished public service.

With West Virginia's Senator Jennings Randolph, who has been a friend of TVA from 1933 when he was a member of the House of Representatives when the agency was created.//OR: who has carefully nurtured TVA from the very creation of the agency.

With Alabama's own great Senator Lister Hill, whose efforts were so important in formation of original TVA legislation and whose name is recognized across the country for his work to enhance the nation's health.

With my predecessor, the gentlemanly Bob Jones, who rightfully gained the reputation as the nation's builder because of his dedicated work for more than 30 years crafting legislation for highways, waterways, and ports, bridges and public buildings. You can hardly drive across this district without being in sight of a monument to his legislative handiwork.

His work to preserve TVA during the dark days of the 50's laid the foundation for much of the industry and growth of this region. We are all in your debt, Congressman Jones.

And with a legion of TVA supporters, such as Barrett Shelton, Sr., whose faith in TVA and the Valley has never waivered.

Others such as Senator John Sparkman, have helped the TVA through battles of the past and are unable to join in this celebration.

It is fitting and proper that the climax of today's 50th Anniversary celebration is here in the Muscle Shoals. The Muscle Shoals story is a big part of the TVA story. It is a story of turning problems into progress, turning bad news into good.

The people saw a problem at the Shoals but they also had a dream of a better life and a vision which has grown over the years from 1783 when Col. John Sevier formed the first Muscle Shoals Company.

Visionaries took the Muscle Shoals stretch of the Tennessee River—37 miles long, with dangerous shoals and rapids—and put a TVA nuclear power plant at one end, and Wilson Dam at the other, with Wheeler Dam in between. Dreamers turned a wasted, dangerous stretch of river into a part of the Nation's inland waterways system . . . and we generate nearly four and a half million kilowatts of electricity in that 37 miles of shoals, enough electricity to serve all the people of my congressional district in north Alabama. Problems into progress, shoals into success.

At Muscle Shoals, we turned two idle nitrate plants—built near the end of World War I—into the world's outstanding fertilizer research and development center. We turned problems, the idle nitrate plants, into progress, fertilizer development to help feed the nation more efficiently.

In the Tennessee Valley, we must keep turning problems into progress. We need to do better at building job opportunities, at getting people back to work. There was bad economic news in 1933; today it is much better than then . . . but not nearly good enough.

We must have TVA as our partner as we build a better life. We still need a TVA that reflects the spirit, imagination, and initiative that was so clear 50 years ago.

The economy has changed over the years—from an agricultural base to a maturing industrial base. We stand on the threshold of yet further changes in the economic base—changes which always mean pains and dislocations.

The challenges are many and will require careful examination of the old ways, the comfortable habits, and the security of the familiar.

As Muscle Shoals was the birthplace of TVA, it has always been the heart of the TVA program . . . and I hope always will be.

Our goal today is to take that spirit of turning problems into progress, and use imagination to find new, better ways to make the future better.

As the TVA turns 50 today it is an appropriate time for all of us to renew our efforts of working together to keep the success story on track.

REMARKS OF SENATOR HOWELL T. HEFLIN COMMEMORATING THE 50TH ANNIVERSARY OF TVA

"The waters that gather on the mountain peaks and flow down to the sea are the property of no man or corporation. They are a part of that vast body of natural resources given by our Creator for the use and benefit of all the people."

My friends, those were the words and injunction of Alabama's Senator Lister Hill in speaking of the Tennessee Valley Authority.

It would be easy to generalize and to say that Senator Hill was one of the most effective champions of TVA. But I can be specific and say that TVA exists today because a benevolent destiny ordained that Lister Hill should be serving in the Congress of the United States when the agency was proposed and established. He was—with Senator George Norris of Nebraska—a coauthor of the TVA Act. He was a member of the important conference committee that worked out the final specifics of the TVA legislation which was signed into law by President Franklin D. Roosevelt 50 years ago today.

For the following 35 years Senator Hill worked successfully to keep TVA sailing ahead, in spite of many shoals, storms and currents.

Senator Hill, we are profoundly honored to have you with us here today. We are delighted to see you so strong of mind and voice in spite of your eighty-nine years. The people of the Tennessee Valley owe more to you than we shall ever be able to pay. It is a debt which can never be marked "Paid in Full."

To fully appreciate the achievements of TVA, we need to think back to the time when TVA came into being and to see what this great river valley development program has meant to the region.

In the Spring of 1933—at the bottom of the Great Depression—the Tennessee Valley was an area in extreme want. As low as American incomes were that year, average income in the Tennesee Valley was less than one-half the national average. The citizens of the Valley had lost faith in themselves, in our institutions, and in the future.

The area was in peonage to a one-crop agriculture and the lack of capital held back industrial development. In short, life was more harsh in the Tennessee Valley fifty years ago because the region was absolutely lacking in the opportunity for business and agriculture, for health, education, and security. This is how one writer described the Valley and her people in 1933:

"There were farmers in the Tennessee Valley who wished they were dead. And so did their wives.

"Many of them did die long before their time, the wives hag-ridden by the washtub, stooped by the water bucket and withered by the wood stove; their husbands defeated by the worn-out lands or swamped by the wild, unharnessed river.

"The Valley was a morass of poverty, malaria and discouraged people."

It was out of this desolation that the dream of the unified development of all the resources of a mighty river basin for the benefit of the people became a reality.

On January 21, 1933, President-elect, Franklin D. Roosevelt, prior to his inauguration in March, visited Muscle Shoals and declared to the people that, "We are going to put Muscle Shoals on the map."

On April 10, 1933, President Roosevelt sent a message to the Congress, saying:

"It is clear that the Muscle Shoals development is but a small part of the potential public usefulness of the entire Tennessee River. . . . In short, this power development of war days leads logically to national planning for a complete river watershed involving many states and the future lives and welfare of millions. It touches and gives life to all forms of human concerns."

Thirty-eight days after sending his message to Congress President Roosevelt signed his name to the bill that George Norris and Lister Hill had steered through the Congress to create the Tennessee Valley Authority. In the words of Lister Hill, "A pilot plant for progress throughout the world was created."

In her very excellent book, "Two Hundred Years at Muscle Shoals," Nina Leftwich wrote that when word of the President's action reached this area:

"The citizens of the entire district gave vent to their joy by a huge impromptu celebration on that evening. 25,000 joined in a spontaneous outburst of enthusiasm in the festivities which began shortly after the bill

became law and reached its climax in the formal celebration set off about six o'clock. A huge parade of miles wended its way through Sheffield, Florence, Muscle Shoals City and Tuscumbia. The way was at last open for the Valley, the Ruhr of America, to come into its own."

Among those present in this throng of people gathered here today to celebrate the successes of TVA is Bob Jones, who was labeled "Mr. TVA" by Speaker Sam Rayburn, and led charges and counterattacks against the enemies of TVA in the House, both on committee battleground, as well as in the main arena of the House. I wish that Senator John Sparkman could have been here this evening. Senator Sparkman was a staunch supporter of TVA and led many a battle on the floor of the United States Senate to aid, assist and protect the agency.

As I flew into the Valley to attend the ceremonies commemorating the golden anniversary of TVA, I thought not only of Lister Hill, John Sparkman and Bob Jones, but of many other congressional gladiators, including George Norris, Jennings Randolph, Ronnie Flippo, Tom Bevill, Albert Gore, Sr., Albert Gore, Jr., John Stennis, Thad Cochran, Jim Eastman, Jamie Whitten, Archie Carmichael, Ed Almon, Frank Smith, Jim Sasser, Carl Elliott, Albert Rains, Estes Kefauver, Howard Baker, Sr., and Howard Baker, Jr., who toiled to create TVA and to make TVA stronger, and fought unswervingly for this unique federal agency.

I also thought of David Lilienthal, Gordon Clapp, Red Wagner, Marguerite Owen and other officials of TVA who worked diligently to insure that the dreams, the hopes and the faith written into the TVA Act would, in fact, become reality.

And surely, I thought, we must never forget Colonel J. W. Worthington, Louis Eckl, Barrett Shelton, Leonard Beard, Clyde Anderson, Jennings Perry, Maynard Layman, George Wallace, Albert Brewer, Jim Folsom, George Dempster, and many other citizen leaders of the Valley, and other state public servants who gave their support to the fundamental principles of TVA.

These valiant men and women had a single goal—to harness an angry and rampant river for the public good. They worked that the horrible economic situation existing in the Tennessee Valley in 1933 and beyond would give way to more economic opportunities and a better life for the people of the Valley. And no one today can say that their efforts have not borne fruit.

No river in America serves the people so completely as the Tennessee. A scar upon the economic face of America has been erased. Under the one river-one plan concept of TVA, the Tennessee Valley was rescued from the stagnant status as a poverty-stricken region and elevated as a full-fledged partner in national opportunites. The prosperity of the people has been promoted, their security has been enhanced and their happiness has multiplied.

These benefits are an accepted part of the way of life in the Tennessee Valley today. A few years ago, however, they represented important new gains for the region—hard-won achievements wrested from an unruly river which had been put to work for the people.

Twenty years ago today President John F. Kennedy spoke on these grounds at the celebration of the 30th Anniversary of TVA. In his closing remarks, President Kennedy said, ". . . The work of TVA will never be over. There will always be new frontiers for it to conquer. For in the minds of men the world over, the initials TVA stand for progress—and the people of this area are not afraid fo progress."

We have come a long way in our struggle for economic equality in the Tennessee Valley and we are proud of our progress.

We are now in times of gloom. Recession, high interest rates and unemployment are taking their toll in the Valley as well as in the rest of the nation; however, there are signs on the horizon that indicate a recovery. Hopefully, the recovery will not be as slow as some predict.

Unquestionably, the prosperity of this Valley has been tied to industrial growth in the past. Industrial health and the quality of life of citizens in this region have been intertwined and linked together. TVA must never pursue policies that will drive industry from this wonderful Valley and should endeavor to create a wholesome, attractive, business atmosphere to insure further industrial growth of this region.

We can never be satisfied until there are adequate job opportunities for every man and woman who wants to work. We can never be satisfied until we again move forward along the balanced twin roads of industrial development and sound agriculture. And we can never be satisfied until we have provided the programs necessary for the adequate education of our children, and the protection of our citizens against misfortunes of illness and the hazards of old age.

As I looked down on the Wilson Dam, I also thought of the present directors of TVA—Charles Dean, David Freeman, and Richard Freeman—each a person of compassion and integrity; and, I also thought of the economies of the past decade, particularly accelerated energy costs, which have made their task extremely difficult. They have had to make many unpopular decisions—many of which I have violently disagreed with—but no one has ever doubted their love for and devotion to this Valley. The immediate destiny of this Valley does lie in large measure within their hands. I pray that eternal providence will guide them in their endeavors to keep alive the vision of this great human and natural enterprise.

This Valley is still far from its economic maturity. We look to the future. But we chart our course by the past. And when we look back upon the growth and development of the Tennessee Valley, it comes to us how vast indeed are the possibilities that still lie ahead for this magnificent river basin.

And TVA—acting as the servant of the people, being responsive to the will and needs of the people, and doing those things which the individual cannot do for his or herself—can continue to be the gateway to added happiness for our future and for generations yet unborn.

Thank you.

INTERPARLIAMENTARY UNION SPRING MEETING HELSINKI, FINLAND

Mr. STAFFORD. Mr. President, I have asked for this time to report on the recent spring meeting of the Interparliamentary Union that was held in Helsinki, Finland, the last week in April. In my view, this meeting was another important opportunity for international dialog that the IPU encourages. The U.S. delegation included Senator BURDICK and myself as well as six Members of the House of Representatives. In addition to Representatives of the U.S. Congress, parlimentarians from 87 other countries were in attendance. Oficials of international organizations, such as the United Nations, participated in the work of the conference as observers. The results of the spring IPU meeting will have definite impact on their activities.

Having attended IPU conferences for many years, I cannot overstress how important these sessions are for the United States. U.S. ability to cooperate with friends and allies to protect and promote our own interests is very much affected by the discussion and coordination with our friends in the IPU. They look to us for our insights. And, nations that do not share our values also come to IPU meetings, many to criticize and condemn our international positions. For the representatives of these nations, we need to make clear that our policies are formed by the will of free people, expressed through a truly democratic process.

The IPU, because of its diversity, provides opportunities for broad exchange of views with friendly and not so friendly parliamentarians from other countries. In Helsinki, we directed attention to ways to strengthen the effectiveness of the United Nations itself. We offered recommendations for the upcoming Belgrade United Nations Conference on Trade and Development (UNCTAD) to make the international market function more effectively so that the world economy can improve and better satisfy producers and consumers needs. Senator BURDICK deserves particular praise for his statement in Helsinki which encouraged realistic expectations about what should be done to improve the world economic situation.

Our delegates were actively involved in other issues during the Helsinki meetings. We shared American perspectives on the question of youth employment and, in particular, the need for attention to job training opportunities for young women. On several occasions, our delegation addressed subjects such as United States policy toward southern Africa and Central America; United States actions respecting Puerto Rico and Micronesia; the Middle East crisis; and Korea.

At this point, I ask unanimous consent that a more detailed summary of the highlights of the spring meeting of the IPU be included in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

IPU HELSINKI SPRING MEETING—HIGHLIGHTS

Korea: North Korea exerted tremendous efforts before and during the Helsinki meeting to cause the IPU to renege on its earlier decision to locate its fall conference in Seoul. In fact, North Korea brought Ambassadors and other high officials from Europe

and Pyongyang especially to lobby the IPU to reconsider a decision taken in Rome to accept the South Korean delegation offer to host that meeting. North Korean efforts were so intense they were unseemly: delegates to the Helsinki meeting were called and pressured in their hotel rooms in the early morning hours; the North Korean attempt to bribe a Finnish parliamentarian created a great public scandal in Finland and caused the expulsion of the North Korean Ambassador.

If North Korea had succeeded in its effort, the damage to interests of South Korea—an important ally of the United States—would have been significant. Such success would have proved that North Korea could sway international organizations and hold in constant jeopardy such planned future events as the scheduled Seoul hosting of the international Olympics in 1988.

The U.S. delegates worked in many ways to maintain solid support for the earlier IPU decision to have a Seoul conference. It coordinated with western friends and allies and shared its resolve with other friends in the world who might have been swayed by North Korean pressure to shift the meeting site.

UN strengthening and disarmament: U.S. delegates offered fresh proposals on ways the United Nations mechanism might be improved in the area of peace-keeping and peace-making. These would strengthen the ability of the Security Council and Secretary General to stem international crisis from evolving into war and to anticipate trouble spots and take action in advance of real crisis. The proposals offered in the IPU for UN reform were in the spirit of the UN Secretary General's own critique of UN functioning and should have impact on further efforts in New York to increase the relevance of the United Nations. U.S. delegates also pointed to the disregard of existing UN measures that could bring about peace in the Mideast, Afghanistan and Kampuchea. The conference was reminded that, in the disarmament area, U.S. efforts are underway in inter-governmental negotiations on INF and START.

Lebanon/Israel: The IPU regularly produces resolutions strongly critical of Israel's role in the Mideast, particularly in Lebanon and occupied territories. American policy and most Americans would probably consider the positions of the IPU majority as ridiculously out of touch with reality and unhelpful to the peace process in the region. The U.S. delegates at the Helsinki meeting challenged proposals which directed all attention and blame to Israeli occupation in Lebanon, failing to acknowledge any other source for the tragic course of events in that land. U.S. actions were important in bringing attention in this world body to the real fact that peace efforts are ongoing in the Mideast and these efforts deserve better support.

Central America: U.S. delegates who talked with Latin American parliamentarians at the Helsinki meeting were struck with certain views: these parliamentarians favor efforts toward increasing democracy and pluralism in the region which, they feel, can be accomplished by efforts to encourage further democratic movement within countries such as El Salvador, Guatemala and Nicaragua.

On the governmental level, Latin American countries are working to develop a coordinated and constructive approach to the problems of their region. In the IPU meeting, parliamentarians from the region pressed a proposal to encourage dialogue and negotiation. U.S. delegates were pleased to lend support for this important effort to encourage peace settlement and advancement of democracy in our own region of the world.

UNCTAD VI: U.S. delegates offered American experiences in improving the production and marketing of domestic goods as worth international consideration while the world anticipates the upcoming inter-governmental meeting of the United Nations Conference on Trade and Development (UNCTAD VI) to be held in Belgrade this summer. U.S. traditional willingness to play a constructive role to promote international trade and development, particularly to improve the lot in developing countries, was also emphasized. In this regard, the parliamentarians were urged to adopt cooperative strategies to strengthen international ecomomic institutions to make the world market operate more efficiently and improve economic conditions worldwide.

Youth employment: U.S. delegates shared with the other parliamentarians the perspective, actions and objectives of the U.S. Congress to increase employment opportunities for youth. In this regard, particular attention was directed at the need to increase prospects for young women who are particularly disadvantaged in employment and who, because of this handicap in early age, continue to face unfair burdens throughout their entire lives.

Decolonization: IPU meetings regularly produce strongly condemnatory resolutions on decolonization issues, particularly related to the situation in southern Africa. These also regularly include mention of such areas as Puerto Rico and Micronesia as worthy of international attention as remaining colonial issues. U.S. delegates at the Helsinki meeting pointed out how self-determination rights are observed by the United States. In Puerto Rico, open votes have been taken and large majorities favor affiliation in the United States. With respect to Micronesia, the United States has underway a process that is allowing the local inhabitants to determine freely their own future.

Moreover, U.S. delegates pointed out in Helsinki how hypocritical it is to bombard the United States, Israel and others with criticism while failing to give deserved attention to true disregard of self-determination rights in Afghanistan and Kampuchea.

General: IPU sessions are as important for the process they provide as for their outcomes. Through the IPU, for example, U.S. delegates have been given many occasions to consult with parliamentarians from NATO allies to extend understanding of European perspectives on such questions as Intermediate-Range Nuclear Forces deployment and the need to improve performance of industrialized economies. The IPU offers opportunities to interact with Warsaw Pact representatives, Non-aligned representatives and parliamentarians who present a wide array of national and cultural perspectives. It certainly provides a significant opportunity for reflection on the impact of the United States policies on other countries in the world and for thought on ways that the United States can promote policies in its national interests.

U.S. delegates to the Helsinki meeting addressed the IPU committees on seven occasions. The U.S. delegation also introduced two draft resolutions, one on the question of UN strengthening and the other on UNCTAD. The Helsinki meeting concluded with the adoption, in committees, of four draft resolutions. These will be reconsidered and finally adopted in a plenary conference in Seoul this fall. In Helsinki, finally, the Interparliamentary Council adopted several final resolutions considered on an extraordinary basis.

A final report of the U.S. delegation to the Helsinki IPU meeting is in preparation.

NATIONAL SURVEY SHOWS DRAMATIC INCREASE IN DEMAND FOR FOOD AID

Mr. DANFORTH. Mr. President, the problem of hunger in the United States remains a matter of great concern for many of us here in the Senate, and I would like to call to the attention of my colleagues a newly released study which documents a dramatic increase in the number of Americans needing food aid.

This study, prepared by the Center on Budget and Policy Priorities, with the assistance of the second harvest food-bank network, is the first to survey systematically participation in emergency food programs on a nationwide basis. It shows that in the 12-month period from February 1982 to February 1983 the number of persons served by 181 soup kitchens, food pantries, and other emergency food programs increased by more than 50 percent.

According to this new study, over one-third of the emergency food programs surveyed doubled in size during this period. Moreover, a larger number of unemployed individuals, families with children, and those whose food stamps had run out sought aid from these programs than in the previous year.

In fact, 88 percent of these programs reported that a significant portion of those served asked for aid because their food stamps did not provide enough food to last through the month. Over 80 percent of these agencies providing emergency food relief reported more people were seeking help because their food stamps had run out than were reported a year earlier.

This study shows, too, that in many areas the sharp increases in the demand for aid affected the services provided. Nearly one-fourth of the agencies surveyed had to turn away people during the year; 40 percent reported longer lines and longer waits for food. Two-thirds limited the number of times the same person could receive food aid. In addition, the increased demand for food led to substantial increases in the costs borne by the agencies providing this assistance.

Mr. President, these disturbing figures confirm on the national level what I have seen in my home State of Missouri and reported in testimony before the Nutrition Subcommittee of the Senate Agriculture Committee.

Representatives of food banks, soup kitchens, and relief pantries in Missouri have told me repeatedly of increased demands for food assistance, and that they regularly observe a greater demand for aid from food stamp recipients, who come in at the end of the month when food stamp allotments run out for many households. These relief agencies have told me, too, that they have had to limit their assistance and services, because they lack the resources to meet the increased demand for food.

The conclusions to be drawn from the figures presented in this new survey are clear. Hunger and malnutrition remain tragic realities for many Americans, and there is a need for increased food aid, both from our existing Federal food programs, like food stamps, and through an expanded surplus commodity distribution program that provides more than temporary relief.

Mr. President, I ask unanimous consent that the text of this national survey of participation in emergency food aid programs be printed in full in the RECORD.

SOUP LINES AND FOOD BASKETS: A SURVEY OF INCREASED PARTICIPATION IN EMERGENCY FOOD PROGRAMS

(By Kathryn Porter Bishop)

INTRODUCTION

This is the first nationwide survey of private non-profit agencies that operate emergency food programs such as soup kitchens and food pantries. Until this survey was conducted, information on increased use of emergency food services was fragmentary, anecdotal, or limited to individual emergency programs in a small number of locations. The purpose of the survey was to determine the extent of the increase in the use of emergency food services, the kind of people coming to the programs, and the methods the private agencies used to cope with the increased demand for their services.

Sixteen food banks from across the country volunteered to assist in the survey. One hundred and sixty private non-profit feeding agencies were selected by systematic random sample from among the agencies affiliated with those food banks. These 160 agencies operated 181 emergency food programs. The survey is based on data gathered from these programs.

The survey was conducted by the Center on Budget and Policy Priorities, a non-profit research and analysis organization in Washington, D.C., that specializes in analyses of social programs for low and moderate income persons. Assistance in collecting the data was provided by Second Harvest, a nationwide network of 45 food banks that solicits food donations from the food industry and distributes these donations to the participating food banks for use by local non-profit feeding programs.

SUMMARY

The results of the survey showed a dramatic increase in the number of people coming to soup kitchens and food pantries between February 1982 and February 1983 (the period of the survey). More than half of the 181 emergency food programs in the survey reported that the number of free meals or food baskets they provided increased by 50 percent or more during the year. Nearly one-third of the programs doubled in size over the same time period.

Substantial increases also occurred in the number of agencies operating emergency food programs. At half of the food banks, the number of agencies providing emergency food aid grew 33 percent or more during the year ending February 1983. The increase in the number of emergency food programs per food bank ranged from 13 percent at one food bank to 100 percent at another.

Nearly all of the agencies reported a significant number of unemployed workers among those seeking aid from their food programs. Nine out of ten agencies also reported that a significant proportion of the people they served were those whose food stamps had run out before the end of the month. Eight out of ten agencies said that more people were seeking aid because their food stamps had run out than had been seeking aid for this reason a year earlier. In additon, three-quarters of the agencies said that they served more families with children than they had a year earlier.

The increases in persons seeking assistance also affected how emergency food services were provided. Nearly a quarter of the agencies had to turn people away during the year. Longer lines and longer waits for food were reported by four out of ten agencies. Two-thirds limited the number of times the same person could get food.

Along with increases in the numbers of meals or food baskets, costs to the emergency food programs also increased. Over half of the agencies reported cost increases over the year of 50 percent or more. More than a quarter saw their costs double.

Although nearly all of the programs were able to obtain additional resources to cover at least part of the increased cost, many agencies reported that the increase in the food programs had an adverse impact on the other services they provided.

One out of every seven agencies said it transferred resources away from other services to pay for the increased cost of the food programs. Over half of these agencies took the resources from cash grant programs intended to help families with unexpected large expenses like medical or utility bills.

Many agencies that did not actually transfer resources from other programs also experienced an adverse impact from the increase in the food programs. Reduced staff time for other services was the most frequently mentioned effect. In addition, many agencies reported that the people coming for meals or food baskets also needed other services, thus increasing the demand on the other services at the same time resources for these other services were being limited.

WHY THE SURVEY WAS CONDUCTED

Over the past two years, reports from across the country have depicted long lines of people forming outside soup kitchens and emergency food pantries. Both because of the recession and because of cutbacks in government assistance programs like food stamps, more and more people have been reported turning to churches and to private charitable organizations for food. Although the increase appeared to be large and widespread, the only information available on its magnitude has been fragmentary, anecdotal, or limited to individual emergency programs in a small number of locations.

This report contains the results of the first nationwide survey of private non-profit agencies that operate emergency food programs. Data have been compiled on 181 programs in twelve states geographically distributed across the country. The purpose of the survey was to determine the extent of the increase in the use of emergency food services, the kind of people coming to the programs, and the methods the private agencies used to cope with the increased demand for their services.

SURVEY METHOD

The survey was conducted by the Center on Budget and Policy Priorities, a non-profit research and analysis organization which specializes in analyses of domestic social programs for low and moderate income persons. Assistance in collecting the data was provided by Second Harvest, a nationwide network of 45 food banks which solicits food donations from the food industry and distributes these donations to the participating food banks.

Data collection was conducted through food banks, which are non-profit organizations set up to collect and store donated food for use by smaller agencies that are affiliated with the food banks. The agencies using food from the food banks may operate soup kitchens, food pantries, senior citizen meal programs, shelters for battered women, half-way houses, or any of a number of other programs for needy persons.

This survey included only emergency food programs, such as soup kitchens and food pantries, because it was designed to examine the magnitude of responses to immediate and urgent needs for food. It did not include senior citizen meal programs because many people come to these programs as much for companionship as for food. It also did not include residential programs like halfway houses because participation in these programs is determined by the residential capacity of the program.

An initial pre-test was conducted to test the questionnaire and determine the feasibility of the data collection methods. Two food banks, one in Portland and one in Philadelphia, volunteered to participate in the pre-test. On the basis of the pre-test results, several refinements were made in the questionnaire and the data collection methods.

Twenty-one food banks initially volunteered to participate in the full survey. Of these, sixteen food banks returned completed questionnaries within the survey time period; these sixteen are listed in Appendix A. While the food banks were not randomly selected, they were recruited to cover as wide a geographical area as possible. To minimize distortion in the sample, each food bank was instructed to select a systematic random sample from among its affiliated agencies with emergency food programs. The survey questionnaire was administered to the selected agencies by food bank staff or volunteers.

CHARACTERISTICS OF THE SAMPLE

The sixteen participating food banks covered a fairly wide geographic area. States represented were Connecticut, Maryland, Virginia, West Virginia, Tennessee, Georgia, Illinois, Ohio, Missouri, Washington, Oregon, and California.

In size, the participating food banks ranged from one with 75 affiliated agencies to two banks that each provided food to 425 affiliated agencies. Median size was 170 affiliated agencies.

The sample of affiliated agencies selected by the food banks included 160 organizations. Some agencies operated more than one emergency food program, so the total

number of programs represented was 181. Of the total number of programs, 35 were meal programs (mainly soup kitchens), and 146 provided emergency food baskets (also called food boxes or food bags) to families that had run out of food at home.

RESULTS

Increase in the number of programs

In addition to increases in the number of people coming to each emergency food program, increases can occur in the number of agencies offering emergency food programs. To see whether more agencies were offering food services than a year earlier, participating food banks were asked how the number of programs that were operated by their affiliated agencies compared to the number of programs a year earlier.

The results showed a substantial increase in the number of emergency food programs. Between February 1982 and February 1983, the survey found increases in the number of programs affiliated with each food bank that ranged from 13 percent for one food bank to 100 percent for another, with a median increase of 33 percent. Some of the increase was made up of new agencies being established or joining the food bank; some of it consisted of existing agencies starting new programs. The new programs served a median number of 5,500 persons per food bank.

Increase in the number of persons using programs

The results of the survey showed a dramatic increase in the number of people coming to emergency food programs across the country. Between February 1982 and February 1983, more than half (53.3 percent) of the food programs surveyed reported increases of 50 percent or more in the number of meals or food baskets they provided (see Table I). Nearly one-third of the programs (32.2 percent) doubled in size over the same time period.

Both meal programs and food basket programs experienced substantial increases. Food basket programs, however, showed greater increases than meal programs. In part, this may be because meal programs, which require kitchen and dining facilities, are more limited in their capacity to expand. As Table II shows, over half of the food basket programs (55.9 percent) compared to a third of the meal programs (32.0 percent) increased by 50 percent or more between February 1982 and February 1983. Increases of 100 percent or more were reported by a third of the food basket programs (33.8 percent) compared to a quarter of the meal programs (24.0 percent).

Thirty-three programs of both types reported that there was no increase in the number of meals or food baskets provided. A few programs reported decreases. Many of these programs offered explanations for the lack of increase or the decrease in the use of their services. The most common explanation was that other soup kitchens or food pantries had opened in the area, taking some of the load off the programs in the survey. Two programs reported that they lacked the resources to continue to serve the numbers they had served in February 1982. Two other programs explained that in early 1982, they had supplies of government cheese to give out, which was no longer the case. A few programs had individual reasons for a decrease in the number of people served, such as being closed several days due to snow.

Characteristics of persons using the programs

The agencies that served meals or gave out food baskets were asked what kind of people were using the programs compared to a year ago. The large majority of agencies reported seeing more unemployed workers, more families who had run out of food stamps, and more families with children.

Of the agencies answering the question, nearly all (92.5 percent) said that a significant portion of the people they served in February 1983 were unemployed workers. About the same proportion of the agencies (93.6 percent) reported that more of the people they served were unemployed than had been true a year earlier.

Almost nine out of ten of the responding agencies (88.2 percent) said that a significant portion of the people they served had come to the agency because their food stamps did not provide enough food to last through the month. More than eight out of ten of the agencies (81.4 percent) reported that more people were coming because their food stamps did not last through the month than had been the case a year earlier. In the same vein, one agency volunteered the information that between the 25th and 31st of the month, it saw as many people as during the three other weeks combined.

Agencies were also asked whether more of the people they served were families with children than had been true a year earlier. Three-quarters (75.0 percent) of the responding agencies reported that they were seeing more families with children.

Effect of increase on program services

The responding agencies were asked whether they had to turn people away, ask people to wait in line, or limit the number of times a family could get food since February of the previous year. The agencies' responses showed that the increase in numbers of people had affected their services.

The majority of agencies did manage to serve all the people who came to them for meals or food baskets in February 1983. Nearly a quarter of the agencies (24.3 percent), however, reported that they had to turn people away. The median number turned away was 41 during February. Four out of ten of the agencies (41.7 percent) said that people getting meals or food baskets had to wait longer or stand in longer lines in February 1983 than a year earlier.

Two-thirds of the responding agencies (68.1 percent) reported that since February 1982, they had limited the number of times the same person could get food, usually to once a month for food basket programs. Programs offering food baskets were more likely than programs offering meals to limit the provision of food. Only two of the twelve agencies offering meals (16.7 percent) had limited the provision of food, while nearly three-quarters (74.1 percent) of the food basket only programs had done so. Two-thirds (65.0 percent) of the agencies offering both meals and food baskets had limited the number of times a person could get food.

Increase in cost

Along with increases in numbers of people, costs to the emergency food programs also increased. Over half the reporting agencies (56.4 percent) said that their monthly cost had increased by at least 50 percent between February 1982 and February 1983 (see Table III). More than a quarter of the agencies (27.4 percent) reported that their cost had at least doubled. Increases were similar for both meal and food basket programs.

In some cases the increase in cost was less than the increase in the number of people served. This may have been due to economies of scale achieved through larger volume purchases, or, as one agency reported, it had given out more food baskets, but had put less food in each one.

In 13.7 percent of the cases, either no increase or a decrease in cost was reported. The most common reason given was that private donations of food had increased between February 1982 and February 1983 by more than enough to cover the increase in the number of meals or food baskets. This occurred at three agencies. Two agencies reported that they were purchasing food more efficiently and two agencies mentioned that they had recently begun getting food from the food bank. One agency reported that it was able to cut costs by using more volunteer help.

Agency responses to cost increase

Agencies reporting cost increases were also asked how they were able to meet the increased costs. Most of the agencies had obtained additional resources to cover at least part of the increased cost. Some agencies, however, had to transfer resources from other programs. In addition, several agencies reported that the increase in the food programs had an adverse impact on the other services they provided.

Of those agencies who responded to the question about cost increases, nearly all (97.9 percent) reported that they had received some additional resources in the form of money, donated food, or volunteer help (see Table IV). A smaller number (17.8 percent) said that they had used excess capacity or reserves. In spite of the overwhelming number who had gotten increased help, however, one out of seven agencies (14.1 percent) reported that it had to transfer resources from other programs. One agency volunteered that it had gone into debt to pay for the additional meals. Another agency noted that although its donations had increased, they had not increased enough to meet the need.

The agencies who reported receiving more resources to cover their cost increases were also asked about the nature and source of donations. Nine out of ten agencies responding to this question (89.1 percent) reported that they received monetary donations (see Table V). Nearly as many (82.5 percent) said that food had been donated. A smaller number (59.1 percent) had gotten increased volunteer help.

The most common sources of increased donations were individual donors and religious groups. As Table VI shows, nine out of ten agencies with increased donations (91.4 percent) reported donations from individuals. The next most common source was religious groups (81.3 percent of agencies). The Federal Government was a source of additional resources for 6.5 percent of the agencies, mostly in the form of surplus cheese. Food banks were mentioned as a source of increased resources by only 4.3 percent of the agencies, primarily because the food bank was already an ongoing source of food and not a new source for most agencies. The "other" sources mentioned by two agencies in Table VI were donations by the agency staff and a weekly bingo game.

As is clear from the percentages, most agencies received increased donations from

more than one source. The median number of sources of additional donations was two.

Agencies that had transferred resources from other programs were asked what other programs were affected and what had happened to them. Table VII shows that the other program most often affected was cash grants for urgent expenses.

Over half of the agencies transferring resources from other programs (57.9 percent) had taken resources from cash grant programs. Many of these cash grant programs were intended to provide help to families with unexpectedly large medical or utility bills. Two agencies reported that they had cut back their own administrative staff to pay for the increased cost of food services; one of these agencies had terminated its only paid staff member, the director. Five agencies had cut back on other types of programs. These included other emergency needs, a furniture program, a youth activities group, regular church upkeep and expansion, and programs outside the agency. Most agencies had cut back on more than one other program—the median number was two.

When asked what had happened to the other programs affected, nearly half of the agencies with affected programs (44.4 percent) reported that the other programs could no longer serve as many people as before (see Table VIII). The same number said that the staff had less time to devote to the other programs because of increases in the number of meals or food baskets provided. Of the three agencies which reported other effects on non-food programs, one said that the affected programs were generally neglected, one said that funds had been transferred from outside the agency, and the third reported that the other programs had to raise their own funds.

Although relatively few agencies reported actually transferring resources away from other agency programs, it was clear from the agencies' comments that the increase in the cost of the emergency food programs was having an adverse impact on their other programs. In addition to the results reported above, five agencies reported that less staff time was being spent on programs other than emergency food services. Three agencies noted generally that the provision of other services was being limited or slowed down. Two agencies reported that because they now had to spend more time providing basic needs (like food and shelter) other, less pressing, needs (like job counseling) were suffering. One agency mentioned specifically that it had reduced follow-up services; another agency had limited initial interviews to five minutes; and another agency reported that it was no longer able to provide services for community youth development.

In addition to draining staff time and resources away from other programs, the increased numbers of people coming for meals or food baskets also increased the demand for these other services. Ten agencies reported that people were now more aware of other programs offered by the agency. Two agencies cited an increased need for emergency clothing, one agency had seen increased need for family counseling, and another agency reported increases in the need for crisis intervention, emergency housing, and care for abused and neglected children. More family support services were requested from one agency and another had seen an increase in the need for assistance in paying utility bills.

Although some agencies seemed pleased that the increased numbers of people had generated increased support for their programs, the predominant feeling expressed in the agencies' comments was frustration at being unable to deal with the amount of need that they saw. In general, the agencies still saw a large gap between the needs of the people they served and the resources available to fill those needs.

ALEXANDER MARIASIN

Mr. DECONCINI. Mr. President, I would like to say a few words today about the tragic fate of Alexander Mariasin who I had the pleasure of meeting during a visit to the Soviet Union in 1978. Alexander, a compassionate and gentle man, has waged a tireless struggle to be granted his constitutional right to emigrate. Like so many other Soviet Jews, he has desperately adhered to his deep rooted desire to return to his cultural homeland, Israel. His plea to the Soviet Government is a legitimate one, and yet he has encountered incredible obstacles—obstacles which are difficult for free people to understand.

In 1971, Alexander Mariasin's older daughter, Rita Iorsh, applied for permission to emigrate with her husband and son. Within the year, Alexander was dismissed from his job as director of a Riga manufacturing plant with the explanation that he had failed to raise his daughter properly by not instilling her with the proper Soviet doctrine. He was able to work at odd jobs until 1974, when he, his wife, and younger daughter applied for permission to join Rita and her family in Israel. When this fact became known, Alexander was dismissed from his work and has been unemployed ever since. His daughter, Faina, was expelled from the University of Riga midway through her fourth year of study.

The Mariasins have received repeated refusals. They have sent numerous petitions to Soviet officials, and in May 1979 they went on a hunger strike to protest their 5 years of detention and unemployment in the Soviet Union.

In February 1980, their home was searched and Alexander and his daughter were taken to the police station. He reports that during the interrogation the inspector in charge said: "The policy of our Government has changed * * * the time of liberalism is gone. We have plenty of tanks and a large army and they can be used not only in Afghanistan." Faina was told that, "The Cold War is back now. In the past we allowed you to leave under the guise of reunification of families to please the Americans, but now this has ended. I have been working in the security organs for many years and I remember the time when people were killed without a charge and without a trial."

The Soviet Government's blatant disregard for this family's fundamental freedoms is illustrative of the individual, cultural, and religious repression that the Soviet regime imposes systematically on many of its citizens. So long as men and women are oppressed in other lands, we, as a free society, have a responsibility to speak out on their behalf, The principles of individuality and self-dignity are rooted in the hearts of humanity, and our consciences cannot rest until all men's basic human rights are recognized. We must let those who are oppressed know that we care and that they are not alone in their struggle.

THE 50TH ANNIVERSARY OF THE CIVILIAN CONSERVATION CORPS

Mr. DECONCINI. Mr. President, it is a great honor for me to recognize today the outstanding contributions and accomplishments of the Civilian Conservation Corps. During the Great Depression, the CCC provided our Nation with invaluable services while affording the youth of America the opportunity to learn new skills and take pride in a unique contribution to their country. I think this is an appropriate time for the Senate to give recognition to the 50th birthday of this widely respected organization. Today marks the anniversary of the first day CCC enrollees reported for work in my State of Arizona.

Mr. President, as you know, in 1933, 17 days after his inauguration, President Roosevelt proposed the creation of the Civilian Conservation Corps to help mitigate the dilemma of high unemployment in the United States. At that time, the Great Depression had left between 12 and 15 million Americans out of work—the CCC put approximately 4 million back to work.

I think we have all seen the many benefits from the CCC during our lifetimes. As you may remember, the CCC was designed to employ young men between the ages of 17 and 25 to carry out a variety of tasks under the supervision of the Departments of Agriculture and Interior. Under the program, participants were placed in the supervision of an experienced foreman and trained to use tools and machinery for the type of work they would be engaged in. The CCC gave these young men many new skills, food, housing, and compensation of $30 per week, of which $25 was sent home to their families. The total cost of the program from 1933 to 1942 was $2.97 billion—a modest sum when compared to the many fine projects undertaken and completed by the CCC.

In my State of Arizona alone, CCC employed a total of 52,850 youth during its 9-year existence. Fifty camps were established including: 2 Bureau of Reclamation camps; 1 National Parks and Monuments camp; 1

county park camp; 1 metropolitan area camp; 1 Fish and Wildlife Service camp; 15 Soil Conservation Service camps; 4 division of grazing camps; 18 division of forest camps; and 4 State park camps. Beyond this, the CCC helped broaden the number of recreation facilities by constructing hiking and bridle trails, lookout points, and many playgrounds throughout Arizona. Together, the CCC added an estimated $58.5 million to the State's economy in just 9 years—a sizable figure at that point in time.

Mr. President, the presence and good will of the CCC continues in the United States today with over 2 million of the original 4 million participants still living. In 1977 the National Association of the Civilian Conservation Corps was founded. Its members included many of the original CCC employees, their immediate families, and was open to anyone who served in the Youth Conservation Corps or the Young Adult Conservation Corps. At present, the NACCC has a total membership of 11,000 in 73 chapters throughout the United States.

Mr. President, I would also like to call attention to the significance of the CCC's continued work in communities throughout the country. In Arizona, chapter 44 was founded in 1980 by John C. Irish, the grandson of an original foreman. The distinguished Governor of Arizona, Bruce Babbitt, has become involved with chapter 44 by designating April as a month of tribute to the CCC's 50th anniversary.

I believe the CCC is a strong symbol of the ambition and pride that can be found in the hearts and minds of our youth and a clear indication of the important accomplishments that can be accrued to our Nation when talents are combined with a productive and energetic organization.

CENTRAL AMERICA

Mr. SYMMS. Mr. President, I wish to comment on a subject, related to the previous remarks that I made, and that is to address the question about Central America.

Central America cannot become another lost war like Vietnam and we must stand up to the Soviet blackmail that is taking place.

On April 27, the President addressed the joint session, and I think that he gave an outstanding address, laid out what the problem was, and many people thought that his message was too tough, but I do not think it was at all.

I had the opportunity to read the "Face the Nation" report of the distinguished Senator from Arizona this Sunday and I thought that he certainly laid out the problem very well and, as he always does, it was very easily understood and very clear and he made it very clear that we should never tell the Soviets and the Cubans and other Communist terrorists what we will not do in response.

But I agree with the President that America's vital interests are at stake in the Caribbean crisis. If the Communist revolutionaries are allowed to prevail in El Salvador, Mexico will be their next target.

The potential problems which would accompany an influx into the United States of refugees from Mexico fleeing revolution are alone enough to satisfy the President's concern over the Caribbean.

Mr. President, just this lunch hour I had the opportunity to be briefed by Ambassador-at-Large Eugene Douglas, the U.S. Coordinator for Refugee Affairs, and he spelled out to many of us the potential refugee problem from the countries in Central America. If we go by the averages of what has happened to other countries that have gone Communist at 10 percent, from Costa Rica we would expect 240,000 refugees; from El Salvador 470,000 refugees; from Guatemala 750,000 refugees; from Honduras 410,000 refugees; from Nicaragua 260,000 refugees; from Panama 200,000 refugees; for a total of 2,300,000 refugees from those countries if they are allowed to go Communist, and if we add Mexico to that, which is another 70 million people, we can add another 7 million. So we are talking about nearly 10 million people.

The cost in terms of human disruption to those lives is enormous, and I think for us to sit by idly we simply cannot do so and the cost in terms of just what is fair to our fellow human beings from a humanitarian standpoint should tell us we must do at least as much if not more than what the President called for us to do in order to assure that we have a victory in Central America and maintain good relations with those countries and see that the Communists are not successful in communizing Central America and then Mexico.

There are four main points that the President made:

The Soviets are using Cuba as a military base;

Soviet leaders have made several threats to deploy nuclear weapons in the region;

If any further countries in the region, such as El Salvador, should fall to the Soviet-Cuban supported Marxist guerrillas, grave damage to the U.S. national security interests would result;

The U.S. response to the crisis rules out the development of American combat troops, and the increased aid is still minimal.

While I strongly support the President, if the stakes for American national security are as high as I think they are and as the President stated that they are, then I think the United States should not say what we would not do but we must be willing to send whatever economic and security assistance which may be required to defeat the Communists.

Finally, I believe that the Soviet military threat to the entire region is much greater than any of us thus far, even the President, has been willing to acknowledge.

The Soviet threat from Cuba is much greater than it was in 1962. In fact, indeed former Chairman of the Joint Chiefs of Staff, General Jones, testified in March 1982 that the Soviets "are now the dominant military power in the Caribbean by a wide, wide margin." Thus the Soviets are dominant in America's own frontyard.

Freedom, in my opinion, in the Americas is in grave peril. American democracy and liberty are in jeopardy. Bolstering the forces of freedom and Christianity now pitted in mortal combat with godless Marxist revolutionaries in Central America is urgently required. But the Reagan administration has probably not yet made their best case for countering revolution in Central America.

The Soviet Union, I might say, Mr. President, has imposed the Brezhnev doctrine upon Fidel Castro's Communist regime in Cuba.

Under the Brezhnev doctrine, once any Communist regime seizes power, it will be maintained and supported in power by Soviet Armed Forces, as in Czechoslovakia in 1968.

Yet, Soviet imperialist intrusion as a permanent source of conflict in the Western Hemisphere is contrary to a fundamental principle of American foreign policy—the Monroe Doctrine.

Moreover, my congressional reaffirmation in 1982 of the 1962 congressional resolution on Cuba is also contradicted by Soviet and Cuban military intrusion into the Caribbean and Central America.

The Symms amendment, identical to the 1962 Cuba resolution, passed by overwhelming congressional majorities and both are the law of the land on U.S. policy toward Central America. They state that: the United States will oppose Soviet-Cuban subversion and aggression in the Western Hemisphere, and the United States will oppose the establishment of a Soviet military base in Cuba, by force if necessary.

Yet, President Reagan has explicitly ruled out the use of American troops in Central America. At the same time, he stated that vital U.S. national security interests are at stake in Central America. If vital American interests are threatened by Soviet aggression in Central America, which is the case, then we should not ever say what it is we would not do to meet that challenge.

President Reagan's position is not consistent with the law of the land on

U.S. policy toward Cuba and Central America. As a matter of law and good policy, the United States cannot explicitly rule out the use of force in upholding the Monroe Doctrine, and opposing Soviet-Cuban subversion and aggression. Moreover, why should our enemies be allowed the certainty that we will not use force to oppose their aggression?

President Reagan also mentioned in recent speeches the 1962 Cuban missile crisis, and Soviet military activity in Cuba. But in May 1982, he and three other top Reagan administration officials explicitly stated that the Soviets had violated the 1962 Kennedy-Khrushchev agreement ending the Cuban missile crisis. Under this agreement, the Soviets were required to halt the further introduction of offensive weapons such as nuclear missiles, light bombers, and troops into Cuba. But the Soviets have deployed intercontinental bear bombers, fighter-bombers—both of which can deliver nuclear weapons—nuclear missile-carrying submarines, and a nuclear weapons storage facility to Cuba. The Soviets even have a combat brigade in Cuba whose mission includes guarding nuclear warheads. Given the acknowledged fact that the United States cannot rule out the presence of nuclear weapons in Cuba, all the indications that they are already secretly there are persuasive. And there also are reports of a Soviet biological warfare storage and training facility in Cuba. Thus it is clear that the President's May 1982 accusation of Soviet violation of the 1962 Kennedy-Khrushchev agreement is well founded.

Soviet leaders have engaged in four threats to openly deploy nuclear weapons in Cuba. The late Soviet President Brezhnev himself made such a threat last year, and since then three other top level Soviet spokesmen have threatened to openly deploy nuclear weapons in Cuba.

It is significant that these Soviet nuclear blackmail threats came after President Reagan's accusation of Soviet violation of the Kennedy-Khrushchev agreement. In fact, the timing of the Soviet nuclear blackmail threats makes them all the more provocative, because they flew in the face of the President's accusation of probable Soviet covert deployment of nuclear weapons in Cuba.

It is also significant that President Reagan's recent references to the 1962 Cuban missile crisis and to Soviet military activity in Cuba did not include a restatement of the facts regarding his accusation of Soviet violation of the Kennedy-Khrushchev agreement.

Hence it is possible to perceive that the United States has so far knuckled under to Soviet nuclear blackmail threats, and is now afraid to even mention either the Soviet strategic delivery vehicles in Cuba or the Soviet violation of the very agreement which brought the world back from the brink of the worst nuclear crisis in history.

Against this background, the United States has also ruled out the use of force in Central America, at the very time that force is mandated by law, and our vital national security interests are threatened. Thus the United States seems to be paralyzed by Soviet nuclear blackmail, and is unable to do what is necessary to thwart revolution in Central America out of fear of Soviet nuclear blackmail.

Now we can see the true purpose of Soviet strategic superiority—to checkmate the U.S. military capability at all levels thereby paralyzing America until the ultimate triumph of the Marxist revolution even in our hemisphere. Even the Reagan administration is showing signs that all it is capable of is appeasement and half-measures.

Mr. President, I think that is one reason why I am very pleased that the vote count looks very good and that the President will get the deployment and the moving forward on this very vital weapons system. I think it is related.

I think there is a direct relationship between our strategic deployment of the MX missile and what our policies are going to be in Central America. There is no question in this Senator's mind that the United States is going to be put to the test in Central America. It is very clear that the Soviets and their surrogates, the Cuban Communists, Nicaraguan Communists, PLO troops, and the Libyan-supported troops in Nicaragua who are supporting Salvadoran insurgents, that these people are going to stay in there until we demonstrate to them that we are going to guarantee their failure. I think the sooner and the stronger that the United States comes to the facing up to this challenge, the safer this world will be.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point some additional printed material and supporting evidence of the PLO, Libyan, and East Germany supported activities in Nicaragua and in Central America in general, and the Soviet Union and East Germany support in Central America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, May 20, 1983]

THE SOVIET BEAR IN OUR HEMISPHERE

The remaining months of 1983 will be a time of increased danger for our country and the West. In Central America, so near our homeland, proxy forces of the United States and of the Soviet bloc are engaged in military confrontation—fighting wars. And the many actions of U.S. congressional committee hampering the success of our proxies fighting in Nicaragua and El Salvador may lead the Soviet Union into a serious miscalculation.

Soviet miscalculation is already in the air, for Moscow spokesmen have publicly threatened to return nuclear missiles to the New World if the United States steps up Western Europe's nuclear defenses—a threat President Reagan has called "blackmail."

The Soviet temptation to return missiles to this hemisphere must be strong, and for reasons other than blackmailing us over the new missiles we have promised our allies in Europe. The Kremlin obviously has gauged each step as the U.S. liberal left has misled our nation into abandoning defense positions over the world. Moscow inevitably received a seductive signal when the United States in the late 1970s actually relinquished one of the great strategic assets of the world: the Panama Canal.

To understand how U.S. weakness in Central America entices the Soviets, we should note that older nations that have dealt with Russia for centuries characterize it as the "Bear," and that a bear stakes out his prowling range in a special way.

Furthermore, Americans now muddled in their understanding by nuclear-freeze nonsense need to get clear in their minds what nuclear weapons mean to the Bear.

A recent comment by Columbia University's Prof. Seweryn Bialer is helpful. "The Soviet Union depends on its nuclear arsenal not only to protect itself and to threaten others, but for its very status as a superpower," he says. "Without nuclear weapons, the Soviet Union would not be a superpower."

Those weapons, he says, "are the overriding political and psychological factor in Soviet-American relations today"—as the Soviet Union with its "unsatisfied hunger for global influence" is still in "the ascending stage of its international ambitions."

The wild bear marks the feeding grounds he claims with deep scratches on tree trunks, as high up as he can reach. As he grows and greedily increases his range, he may take over the territory of neighbors by reaching higher and scratching deeper on their trees.

For the Soviet Bear, the number, kiloton power, reach and geographic position of nuclear weapons are its status-scratches on trees ever farther afield.

The Russian Bear has prowled far leaving nuclear clawmarks, symbols of his aggressive hunger and growing strength. The Soviets challenge us from the east with ICBMs in an uneasy face-off. Moscow put overwhelmingly conventional military threat close to Western Europe and when the United States provided its allies there with IRBMs for deterrence, the Bear answered with its SS-20 IRBMs. Then it clawed deeper and higher by giving each SS-20 three nuclear warheads, enabling each to kill three European cities with a single launch.

Today the Soviets are moving their clawmarks toward China, with more and more SS-20s. They have a strong forward naval base at Vietnam's Cam Ranh Bay, scene of the scrambling U.S. withdrawal. thus they can at will bracket China, the third of their three important adversaries, with nuclear missiles.

But what if the notorious disinclination of our Congress to defend Central America tempts the Bear to move in to the New World with its nuclear clawmarks, getting as a bonus a nuclear drop on us from the south? Moving Soviet nukes full-time into that area would automatically make Russia the first power in the Western Hemisphere,

since it would signal the ultimate U.S. abandonment of strategic assets there.

We can foresee the effect on Latin America from an incident that occurred this year. Upon learning that a Brookings Institution study mentioned the Soviet's ICBM capability to hit Brazil, the Brazilian press went into a panic of screaming headlines for days. Columnists clamored that since both Russian and U.S.-based nuclear missiles can reach Brazil, and the United States would never fire them but Moscow might, Brazil should slide over to the Soviet camp. Even Brazil's Foreign Office, the sophisticated Itamaraty, debated this.

This year's heightened danger is that Moscow may see present U.S. congressional refusal to support our proxy defenders in Nicaragua and El Salvador as a signal Moscow can put its nukes into surrogate hands in the New World—and watch all Latin America slide, willingly or not, into their sphere.

Moscow this year has threatened us with a "surprise." Remember the discarded U.S. "racetrack" basing mode to hide our MX missiles, a plan to shuttle our ICBMs around miles of track to dodge Soviet targeting? If U.S. default in Central America does prove an overwhelming temptation to the Soviets, they have the makings of a huge sea-air international "racetrack" that would be a military wonder of the world.

Moscow is giving Cuba TU-95 aircraft that have a 5,100-mile operating radius. From inside our early-warning defense arc, these can deliver city-killing Kangaroo nuclear missiles. Cuba will soon get four new Soviet submarines, giving Castro a total of six in commission.

The Cubans can load the 49-foot Kangaroos easily into their subs and send them sneaking around among Cuba, Grenada, Nicaragua and even Guyana. In all four countries, TU-95s can land now, or soon, at airstrips militarized by Cubans. From port to sub, by sub to other ports, from ports to airstrips, by air to other airstrips, from airstrips back to ports and into subs, the Soviet/Cuban axis—totally controlled by the Soviet military—can "racetrack" the Kangaroos among Cuba, Nicaragua, Grenada and Guyana day in and day out.

And thus the Bear will make deadly new deep scratches, staking out a whole new hemisphere, if the United States allows it.

ALERT ON WASHINGTON: RUSSIAN BEAR'S NUCLEAR CLAWMARKS

WASHINGTON, D.C.—The coming months of 1983 will be a time of unprecedented danger in the New World. Latin Americans now fighting against the well-equipped proxy armies of the Soviet/Cuban axis will face new hazards as the U.S. Congress fiddles to let Central America burn.

But most at hazard will be the people of the United States. At risk is the remaining relative safety from nuclear attack of the population of our homeland. The status of the U.S. as a world power and defender of the Free World is also at stake.

The danger will be greatest between now and the fall, say October. The American people are not threatened with "another Vietnam" to the south of us. Nor necessarily with "another Pearl Harbor," although one is distinctly possible. What threatens our population is a 1983 version of the 1962 Cuban/Soviet nuclear missile crisis.

But this time, U.S. world power has been relinquished country by country in region after region. And that of the Soviets, symbolically and in cold fact, has grown.

In this decade, a U.S.-Soviet confrontation over nuclear missiles near our shores cannot be overcome with a simple naval blockade of one island and a secret deal between our President and the Soviet man at the top. First of all, the Soviets have laid groundwork for giving their missiles to more than one Latin American surrogate. And its chief stunt double, Cuba, now has at least one military airbase and one submarine pen so "hardened" that it would take a nuclear barrage to knock out either.

This is not all by far. The Soviet/Cuban axis now manipulates three other New World countries where new airstrips are capable of handling the big Soviet TU-95 bombers. And Castro will soon have a six-submarine fleet. These subs can deliver undetected to Cuba, Grenada or Nicaragua—or even Guyana—Kangaroo nuclear-warhead missiles to arm the TU-95s, which can take them 5,100 miles to launch against ground targets 385 miles farther.

As we reported in our last issue (Vol. XIV, No. 9), the Kangaroos' nuclear warheads are forty times more devastating than the Hiroshima bomb. From say 175 miles out to sea, a TU-95 can launch a 1,500-mile-an-hour Kangaroo to make lava of a U.S. city by the time our only home defense, our interceptor aircraft, can get into the air. It takes five minutes for the interceptors to scramble—all the time a Kangaroo fired from close offshore would need to reach its target.

THE SHELL GAME

Soviet TU-95s are already a familiar sight in New World skies, and Cubans have been trained to fly them. The Soviet/Cuban command have long since plotted Caribbean seabottom trench routes linking the four Sovietized countries there. Along those trenches, Cuban or Russian submarines can shuttle nuclear-missile cargos undetected. So at any of the four surrogate base countries, TU-95s could be armed with sub-delivered Kangaroos at any time. Thus, with nukes inside the U.S. early-warning arc, the Kremlin can play a shell-game far more effective than the costly "racetrack" basing once considered for our MXs.

Every U.S. retreat from power in the last twenty years has contributed to permitting this dilemma to develop. Every "giveaway" in the Caribbean and Central America—the Panama Canal, Nicaragua, Grenada and even little Suriname—has signaled the Kremlin that it could safely push harder, pour more billions in arms to Latin American leftist "liberators,"—aim ambitiously farther and farther into the New World.

An awful danger that now hangs over us all is that the repeated posturings of the U.S. Congress to undercut the last U.S. proxy defenders in Central America—those fighting the communists in Nicaragua and El Salvador—may encourage the Kremlin to make a terrible miscalculation.

In this century, power rivals of the U.S. have all fatally underestimated what the United States would do to protect itself because, before each acute crisis, the voices most loudly heard were those of appeasers. This was true before World War II, when the U.S. draft law passed our Congress by only a single vote. The U.S. was misleading on the Falklands/Malvinas local war. Argentina's then-President Leopoldo Galtieri has publicly stated that if he had known Washington would side with the British, Argentina would not have invaded the disputed islands.

In the present Soviet remote-control invasion, we already know that our Congress's refusal to back up our proxy defenders in Central America has encouraged the Soviets to threaten to return nuclear missiles to the New World. This is not alarmism: Ambassador Jeane Kirkpatrick and President Reagan have both referred publicly to these threats. Sandinista Foreign Minister Daniel Ortega has said Nicaragua's government will entertain any request from Russia to base such missiles there. He later seemed to back off, but backing off means little in Marxist-Leninism, with the lie a major instrument of policy.

We have observed that the Soviets, on the prod worldwide, will take an inch wherever they can get it. We also know from recent history that the inch's accessibility is taken as assurance they may grab an ell.

The U.S. Congress's nonsupport of anti-communist forces in Central America is so flagrant and so notorious that it may well tempt the Soviets to a dizzy leap: the full-time basing of a ring of nuclear missiles of intermediate range throughout its four-nation nascent empire in the New World. The U.S. cannot afford to permit this.

NUCLEAR MISSILES AS POWER SYMBOLS

Writing in the Washington Post on May 8, Columbia University's Prof. Seweryn Bialer correctly observes that to the Soviets, nuclear missiles are more than just offensive and defensive weapons. "The Soviet Union depends on its nuclear arsenal not only to protect itself and to threaten others, but for its very status as a great power. Without nuclear weapons, the Soviet Union would not be a superpower. . . . Nuclear weapons . . . are the overriding political and psychological factor in Soviet-American relations, and in today's global politics generally."

A look at the Soviet use and deployment of its nuclear missiles clearly confirms this. In the wilds, the bear is noted for marking out his territory by reaching as high as he can on treetrunks to make deep scratch-marks there. In its pursuit of expanded world power, the Russian Bear appears to be using nuclear missiles the way its model in the wild uses scratch-marks on trees, ranging farther so long as no bigger bear claws trees higher.

Consider the geonuclear tableau: the U.S. is the top power, challenged by the Soviets. They have matched our intercontinental ballistic missiles (ICBMs) in a long-range East-West strategic face-off. Western Europe is our ally next in line. We gave them intermediate-range missiles (IRBMs) to balance overwhelming conventional military might poised on their eastern borders. The Bear answered with the deeper scratch-marks of its IRBM SS-20s, made horrendous by their triple nuclear warheads, enabling each Soviet IRBM to wipe out three widely separated cities at once.

Communist China is the Soviet's third great antagonist. The Bear began extending scratch-marks in its eastern areas, over against the border of China, placing SS-20s there. Now more SS-20s are appearing even closer to China. The Bear menacingly advances the frontiers of its deadliest might. At will, it can place IRBMs in Vietnam, menacing China from both directions.

And now, U.S. congressional signals on Central America are giving the Bear a chance to threaten us from the south as well as long-range from the east.

Prof. Bialer writes, as have others in other terms, that "the Soviet Union has an unsatisfied hunger for global influence [power]. . . . And "is still in the ascending stage of its international ambitions," while the U.S. is in a "descending stage." Nevertheless, the

U.S. is still here, still the chief obstacle to satisfaction of the Soviet "hunger"—which is actually a historic Russian hunger, discernible since the time of Peter the Great.

The U.S., safe across oceans from the Old World's turmoils through most of its national life, is difficult terrain for the Bear to approach, and while the U.S. stands firm, the great treasure house that is Latin America remains baffling territory for the Soviets to claw-mark. The Russians tried to make a deep scratch boasting the projection of their power in 1961-1962 when they put early-model nuclear missiles into Cuba. But the American eagle showed its own claws, although it then bargained our own missiles out of Turkey and elsewhere in return for Russia's withdrawal of missiles from Cuba.

THE CHANGED TIMES

But see how times have changed since 1962. The American major news media, leading American traditional churches, activists in the majority political party which controls key committees in Congress, the nuclear freeze crowd, many powerful U.S. diplomats—a broad congeries of Americans—in the late 1970s began to signal emphatically that they wished a retreat of U.S. power from an area near home: Central America. The Panama Canal giveaway by Congress was the most unequivocal such signal.

Nicaragua was next pushed off the back of the U.S. droshky to the Marxists; El Salvador was clearly marked to follow. And now, U.S. congressional committees are trying to undercut proxy defenders of the U.S. in Nicaragua a second time, and to tangle El Salvador's anticommunist forces in such a net of U.S. conditions and controls that they are almost bound to lose.

What must the Bear think of this? Will Moscow respond to this tempting invitation only for the limited purpose of putting nukes back into Latin America so as to bargain to take them out again at the price of U.S. agreement not to provide Western Europe with the promised Pershing IIs and cruise missiles? Or will not the Bear see this as a once-in-a-century chance to carve deep power-scratches into Latin America, with an excellent chance of moving in to stay in the Western Hemisphere even if their surrogates don't fire another shot.

If the Russians put nuclear missiles of any kind, "five-minute" or other, into one or more New World countries and the U.S. tolerates this, they will be ruinous bear-scratches to the Americas. Without having to fire a single missile, the Soviets will gain ascendancy throughout Latin America. The Mexican and Argentine political structures will fall into step with little resistance. Chile and Peru will resist, but go along. Bolivia will jump onto the bandwagon. Only the U.S. can provide Venezuela and Colombia the means to resist—and what means will those be? A few score U.S. military advisors?

Brazil, the giant, will adapt, but in its own way. For the symbolism of nuclear weapons, today scrambled into unintelligibility by our nuclear-freeze crowd, is as clear to the New World countries that once helped us form a continental security shield as it is in the Kremlin.

The Hotline of Feb. 3, 1983 (Vol. XIV, No. 3) reported an incident in Brazil that illustrates the psychopolitical potency of nuclear weapons. A Brookings Institution report on the nuclear arms race had just mentioned in passing that Russia has ICBMs that can hit Brazil (as indeed the Soviets have had for a long time). The U.S. also has missiles that could reach Brazil. The sensationalist Brazilian press got a copy of this report and blazed headlines about it for days. Columnists in Brazil clamored that, since the U.S. would never use its nukes on Brazil but the Soviets might, Brazil should abandon the West and sidle up to the more threatening power.

This course of action was also seriously debated within Itamaraty, the highly professional Brazilian foreign service that is noted worldwide for its skill in protecting its country's interest.

Imagine the political earthquake in Brazil if one of the TU-95s Moscow is to give Cuba were discovered sitting loaded with a Kangaroo missile on one of the many mysterious Cuba-built backland airstrips in Guyana, within minutes of Brazilian soil. In no time the Brazilian sensational press would discover that the Kangaroo has an 800-kiloton warhead, and be drawing firestorm circles and fallout maps centered on Brazilia, Rio and São Paulo.

If present U.S. congressional committee policies on Central America do tempt the Soviets to try for the brass ring of nuclear capability in Latin America, and we allow it, our adversaries will never have to fire a nuclear weapon to end the politico-economic system we have built. They will only need to whisper to the big debtor countries—Mexico, Argentina and Brazil—to "use the debt weapon," as Moscow whispered to the Arabs in 1973 to "use the oil weapon" against the West when the Israelis crossed the Nile and started toward Cairo. The subsequent oil embargo stopped the Israelis short and plunged the West's economy into a morass it hasn't yet climbed out of. Use of the "debt weapon"—which Mexico for one would enjoy using—would bring consequences still unimaginable to most.

THE DEMOCRATIC PARTY CENTER STIRS

Voices long outshouted among the vast majority of Democrats, the party's centrists or moderates, have been quick to warn that Reagan's April 27 plea for bipartisanship to meet dangers in Central America was also a caution to their party's shrill leftists in Congress. Ben Wattenberg, a towering leader among the moderates, himself warned in a Washington Post article that the Salvadorean "quagmire" about which the Congress' Dodd-Barnes-Boland-Studds-Solarz group has shouted so much may well prove a quagmire for the Democratic Party only, one in which it can sink to defeat in 1984.

Reagan has more alarming data on Central America than he is making public. He badly needs bipartisan action to defend that region for a year at least. If he does not get it, he holds high trumps that he can indeed use in the 1984 campaign.

But Reagan may not be able to control the timing of events in Central America. The Soviets may decide that the next six months, while the Congress is still polarized, will give them their best chance to make a bold new move in the New World. Moderate Democrats in Congress will get a history-making chance to send Moscow a signal by voting for full aid to our proxy fighters in Central America when pending bills come to the floor in both House and Senate. Such floor actions in coming months will be historic, for our nation and for the future of our majority political party.

JUNTA PATRIOTICA CUBANA,
(CUBAN PATRIOTIC BOARD),
Washington, D.C., May 20, 1983.

Honorable Members of the United States Congress:

The organizations that make up a majority of the Cuban Exile, grouped together in the Cuban Patriotic Board, and other entities of the Exile, enjoy the honor of addressing you to express and request:

(a) That we are grateful to you because of your approval of the Joint Resolution of August, 1982 (well known as Symms Amendment) which picks up the historic tradition and the spirit of freedom and solidarity of this great nation, that had already been expressed in the Joint Resolution of 1898 and 1962; and we request its implementation with the urgency and effectiveness required by the present circumstances, in order to guarantee the security and peace of the Americas as well as the liberation of Cuba.

(b) That the Honorable Congress of the greatest and most powerful nation in the world, would kindly help us to apply and enforce the covenants and treaties that the United States has signed and ratified, and which are presently in force in this Hemisphere, such as the Treaty of Rio, that reflects the Monroe Doctrine, in order to expel from the Americas an extra-continental power (the Soviet Union), that has enslaved Cuba and Nicaragua, threatens El Salvador and the rest of Central America, and imperils peace and security in the Americas.

(c) That the so-called "understanding" between the late President Kennedy and Khrushchev be declared unexisting and void, since it has not been known nor approved by the United States Senate, as ordered by the Constitution of the United States.

(d) That you would kindly impart your approval to the legislation that will create and fund "Radio Marti."

Yours with the utmost respect and consideration:

Cuban Patriotic Board and other organizations in exile.

Dr. MANUEL ANTONIO DE VARONA,
Chairperson,
And 29 other signatures.

[From the U.S. Department of State, Washington, D.C., May 25, 1983]

COMMUNIST, PLO AND LIBYAN SUPPORT FOR NICARAGUA AND THE SALVADORAN INSURGENTS

Nicaragua's Sandinistas depend primarily on external Communist support to develop their military and to provide arms and communications support to the Salvadoran insurgents. The Soviet Union is the main source for arms while the 1500-2000 Cuban military and security experts are the most influential foreign advisors. There are also security specialists from the Soviet Union, East Germany, and radical Arab states in Nicaragua.

The Sandinistas have ties with the radical Arab camp. Those with the PLO are long-standing, predating the Sandinista victory in 1979. The PLO provides help in the aviation field, but has little military hardware or money to offer Nicaragua. In contrast, Libya has provided significant amounts of economic assistance, arms, ammunition, aircraft and other military equipment to the Sandinistas. The recent well-publicized incident in Brazil where Libyan cargo flights ferrying military equipment under false pretenses were intercepted by Brazilian au-

thorities underscores Nicaragua's link with Qadhafi.

PLO

The PLO trained several Sandinistas in the Middle East in the early 70's and tried to make at least one arms delivery to the Sandinistas in early 1979. The shipment—disguised as medical supplies like the cargo of the Libyan aircraft stopped in Brazil four weeks ago—was intercepted by Moroccan authorities and never arrived in Nicaragua.

Within two weeks of taking power, official Sandinista contacts with the PLO were established through a mission to Beirut led by the brother of Junta member Sergio Ramirez. In mid-May 1980, just as Congress was approving a supplemental appropriation for Nicaragua, Sandinistas and PLO UN representatives signed a protocol on relations.

The PLO opened an office in Managua soon after the May agreement and sent advisors to Nicaragua. Arafat visited Managua in July 1980 to celebrate the first anniversary of the Sandinista victory. Both he and Fidel Castro were honored guests of the Sandinistas and together travelled throughout Nicaragua. A military cooperation agreement with the PLO was reportedly signed the following month.

Since then, the PLO has had about 3 dozen advisors in Nicaragua, although the number has fluctuated from time to time. Their primary roles have been in the field of aviation to train Sandinista pilots, to maintain aircraft, and sometimes to pilot the aircraft. Some of the PLO advisors are active in Nicaragua's national airline.

PLO technicians have apparently tried to make operational Nicaragua's Somoza-vintage radar system, but have not been successful. The PLO has also donated a Boeing 707 commercial aircraft to the Sandinistas. This aircraft has been in Tanzania for almost two years, since the Nicaraguans apparently lack the resources to transport it to Central America.

In El Salvador, PLO contacts are less well-documented, but the PLO reportedly trained some Salvadoran guerrillas in Lebanon and also provided some arms. Evidence of sympathy for the PLO on the part of the Salvadoran revolutionaries emerged with the November 1979 kidnapping and subsequent murder of South Africa's Ambassador in San Salvador by one of the major guerrilla groups, the FPL. One of the FPL's original demands was for a break in El Salvador's relations with Israel and official recognition of the PLO. Arafat furnished some arms to the guerrillas as a result of Shafik Handal's mid-1980 trip throughout the communist bloc to seek aid for the Salvadoran insurgents.

Guerrilla leader Cayetano Carpio met with Arafat in mid-1982 during a two-week long visit to Beirut. Arafat announced in January 1982 that he had sent guerrilla fighters to El Salvador although we lack more detailed information.

LIBYA

Sandinista and Salvadoran guerrilla links with the Libyans have resulted in significant amounts of arms and training, and there have been numerous visits of Nicaraguan leaders to Libya. In May 1981, Qadhafi provided a $100 million six-month deposit to the Sandinistas which has since been renewed. The Nicaraguans have repeatedly asked—without results—for more economic assistance from Qadhafi, presumably because of Libya's poor economic situation.

Qadhafi has concentrated his recent efforts on providing arms. Brazil's capture of four aircraft carrying Libyan arms to Nicaragua is only the latest of a series of Libyan shipments to the Sandinistas. The Brazilian press has reported that aircraft with spares, five tons of grenades, missiles, anti-aircraft guns, radar, ammunition, and spare parts were in the shipment.

The Libyans are also providing military training for the Sandinistas and the Salvadoran guerrillas. Salvadoran guerrilla leader Cayetano Carpio returned from Libya to attend the funeral of his second-in-command in Managua last month, before he, too, died violently.

CUBA

Sandinista ties to the Cubans are long-standing. Castro provided safe haven and support to Nicaraguan leftists for almost 20 years, and the Sandinistas are indebted to him. Castro was responsible for the unification of the three Sandinista factions in 1978, just as he insisted on the unification of the Salvadoran guerrilla groups in early 1980 as a condition for stepping up shipments of arms and ammunition.

The Cubans provided about 2000 teachers, military and technical personnel within six months after the Sandinistas came to power. At least 700 military officers and Sandinista party members were sent to Cuba for training by early 1980. The Cuban presence has now grown to about 6000 civilians and between 1500 and 2000 military and security personnel. In addition, Cubans are providing military and other training to Nicaraguans in Cuba. Julio Diaz, a Cuban intelligence operative and advisor to the Sandinistas during the 1979 war, was appointed Ambassador to Nicaragua.

Several hundred Nicaraguan military personnel are probably undergoing military training in Cuba at any one time. Officer training is provided at Cuban military academies, and Cuba provides training in other diverse fields such as tank maintenance and intelligence.

Cuban advisors are present with every Nicaraguan military unit. The Sandinista military, with 36 new installations under construction since 1979, is being reorganized along Cuban lines. Intelligence indicates that the Cubans have a command structure which parallels that of the Sandinista general staff and is prepared to assume its functions in an emergency. Defectors say that Cubans advise Sandinista officers on tactics and on targets. The Cubans are particularly influential within the Ministry of the Interior which has adopted Cuban-style techniques of interrogation and surveillance. At Salvadoran guerrilla headquarters near Managua, Cuban officers join Sandinista commanders and Salvadoran guerrilla leaders in providing advice to the guerrillas in the field on tactics, targets, and communications.

SOVIET UNION AND EAST GERMANY

The Soviet role in Nicaragua has emphasized supply of equipment as the Soviets have largely chosen for Cubans to provide military advisory and training personnel.

In March 1980, Sandinista Defense Minister Humberto Ortega made the first of his several trips to the Soviet Union to seek military assistance. The Soviets have since provided over $125 million in military equipment for the Sandinistas. These deliveries include between 45-50 T-54/55 tanks, armored personnel carriers, howitzers, GSP ferries, SA-7 missiles, transport aircraft, and anti-aircraft guns. Most of these shipments have been made through third countries, although the Soviets have also made deliveries directly. At least 250 Soviet personnel are now in Nicaragua.

EAST GERMANY

The East Germans immediately provided medical supplies in 1979 and sent one of their most experienced diplomats to Nicaragua to head their mission there. Both the Nicaraguan Minister of Defense and the Chief of Staff visited East Germany in early 1980 to place an order for hundreds of East German trucks, at least 400 of which went to the Sandinista army.

We know little about the activities of the approximately 30 East Germans in Nicaragua. Some may maintain the trucks and others apparently provide assistance in communications. Most are assigned to the Ministry of the Interior and engaged in internal security operations. This would be consistent with the East German pattern of providing security training to developing countries. The East Germans also provide the Sandinistas with police and security training in East Germany.

Mr. SYMMS. Mr. President, I also ask unanimous consent to have printed in the RECORD a congressional briefing paper and talking points on refugees and potential refugees in and from Central America.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BRIEFING PAPER AND TALKING POINTS ON REFUGEES AND POTENTIAL REFUGEES IN AND FROM CENTRAL AMERICA

(Ambassador-at-Large H. Eugene Douglas, U.S. Coordinator for Refugee Affairs)

SUGGESTED TALKING POINTS CONCERNING THE REFUGEE SITUATION IN CENTRAL AMERICA

Our policy is to provide funds through international organizations such as UNHCR and ICRC for assistance and protection to refugees in the region, and to support programs designed to encourage and maintain the asylum tradition of the Central American countries.

The UNHCR is the principal responsible international organization charged with assisting refugees, although the ICRC provides protection and aid, also as do many international private voluntary agencies.

The U.S. supports both the UNHCR and ICRC endeavors in the region.

We estimate that in FY 1984 the UNHCR and ICRC will spend over $44.0 million in assisting refugees and victims of civil strife in the area.

Accurate statistics on the number of refugees in the region are difficult to obtain.

The Department of State estimates the total number of refugees in Central America to be from 121,000 to 156,000. These figures are based on reports from governments, field visits and data provided by international and private relief organizations.

The Department of State is monitoring refugee developments in Central America closely.

The loss of El Salvador to Marxist insurgents would set in motion a massive movement of refugees and displaced persons that will dwarf our Southeast Asian experience.

The exporters of communist agents aimed at destabilizing Central America are the Sandinistas and the Cubans with the assistance of the PLO and the Soviet Union.

El Salvador alone could bring us 350,000 to 500,000 "refugees" and all of Central America could mean a flow of 1,500,000 to

2,500,000, just 8% to 10% of the current population.

The potential of large refugee flow from Central America is only a mirror image of what the world has faced; massive flows of refugees from communist-oppressed and terrorized countries. It is obvious that just as we have seen this happen in Africa, Afghanistan, Eastern Europe, Cuba, and Southeast Asia, the next area of a potential mass refugee expulsion or flow is on our doorstep.

CURRENT REFUGEE SITUATION IN CENTRAL AMERICA

General Background and U.S. Policy

Substantial numbers of refugees and persons displaced by fighting and civil strife in Central America have received refuge in neighboring countries. We estimate the overall number of refugees to be approximately 150,000.

Our policy is to provide funds though international organizations, such as the UNHCR and ICRC, for assistance and protection to refugees in the region, and to support programs designed to encourage and maintain the asylum tradition of the Central American countries.

Although the UNHCR is the responsible international organization charged with assisting these refugees, the ICRC provides significant protection and aid to refugees in the areas, as do many international private voluntary agencies.

The United States has played an active role in supporting UNHCR programs in Central America. We spent $13 million for programs in the region last year, primarily for Salvadoran and Nicaraguan refugees in Costa Rica and Honduras. We also contributed to the ICRC program in El Salvador for political prisoners and their families. We anticipate that the UNHCR and ICRC will spend over $44 million in FY 1984 in assistance to refugees and victims of civil strife in the area. Most of those affected by the strife do not, however, require resettlement outside Central America, thanks to the longstanding tradition of granting asylum within the region. Also, most refugees are hopeful of returning to their homelands as soon as the turmoil ends.

Estimated Figures for the Region

Country of asylum	
Honduras:	
Salvadorans	16–20,000
Nicaraguans	16–20,000
Total	35–45,000
Costa Rica:	
Salvadorans	12–13,000
Nicaraguans [1]	5–8,000
Cubans	5,000
Total	24–30,000
Mexico:	
Guatemalans	35–45,000
Salvadorans	6–12,000
Total	45–60,000
Nicaragua: Salvadorans	22–24,000
Total	23–25,000
Other countries	4–5,000
Grand total	131–165,000

[1] In recent weeks there have been reports of a new flow of some 1,000 Nicaraguan refugees crossing into Costa Rica. UNHCR and Costa Rican authorities are apparently preparing for a possible influx of Nicaraguan refugees as a result of the fighting in Nicaragua, but to date there has been no such mass movement.

Tradition of Asylum

In Latin America there is a long tradition of granting political asylum. This tradition has withstood the test of modern refugee movements and has been supported by financial assistance from the international community—the U.S. being the major donor. Many refugees from El Salvador and Guatemala plan to return to their homeland when civil strife abates, thus they prefer to remain as close as possible to their home areas. Consequently, movements have been primarily to camps in Honduras, Costa Rica and Mexico.

U.S. Admissions

The programs that we support are designed to encourage and maintain the asylum tradition of the Central American countries, while relieving situations of special concern by admitting only persons in compelling circumstances. A ceiling of a total of 2,000 was set by the President, following Congressional consultations, for fiscal year 1983 admissions from Latin America. To date, 22 persons have been admitted as refugees under this ceiling.

UNHCR

The UNHCR, to which we are the largest donor ($8.2 million in fiscal year 1982 for Latin America), in addition to providing relief assistance and protection, plans to emphasize self-help programs in Central America. Agricultural programs, marketing programs, educational and medical programs of a self-help nature are being developed, and rural sites have been selected in Honduras for agricultural programs. Refugees will be transferred from larger camps to smaller ones so that they can more easily grow crops for their own use and for marketing.

Assistance by Neighboring Countries to Refugees

The Governments of Honduras, Costa Rica, Nicaragua and Mexico honor the Latin American tradition of granting asylum and have cooperated with the UNHCR in assisting refugees from both El Salvador and Guatemala. The UNHCR has extensive programs in Honduras and Costa Rica. Programs in Mexico and Nicaragua need further development, and the UNHCR is giving priority attention to them.

About 30,000 Guatemalans, mainly people of Indian descent, have entered Mexico in the last year. They are concentrated in areas along the Mexican-Guatemalan border. The Government of Mexico, with assistance from the UNHCR, is assisting these refugees who are fleeing violence in their native villages and hamlets. Many of the areas were controlled by guerrillas as little as a year ago. Fighting broke out when the Guatemalan Army attempted to regain control of the areas, and the villagers fled.

Costa Rican authorities have confirmed their intention of transferring to reception centers away from border areas all Nicaraguans seeking refugee status and assistance. Suitable reception sites are being sought on the Pacific and Atlantic coasts and in the central part of the country. An initial group of Nicaraguans has been transferred to Santa Rosa De Cutris where assistance is being provided with UNHCR funds that we advanced. The Costa Rican government plans to move refugees on to settlements or into other income-generating activities after an initial stay in reception centers.

In Honduras, the UNHCR is coordinating assistance to a refugee population of over 35,000 persons which includes 16,000 to 20,000 Salvadorans and about the same number from Nicaragua, including Miskito Indians. The Government of Honduras has been extremely forthcoming in providing refuge to people fleeing turmoil in the region. They have extended their hospitality even to those fleeing democratic governments who might be ideologically opposed to the present government of Honduras. The UNHCR has revised its budget for Honduras upward from $5.3 million to $12.7 million for this year due to the increase in refugee activity in that country.

Monitoring by Department of State

The Department of State is monitoring the refugee situation in Central America closely. Officers of various bureaus within the Department have been and will continue to travel to the area as part of our systematic process of reviewing refugee relief programs in the area.

THE POTENTIAL REFUGEE SITUATION

The loss of El Salvador to the Marxist insurgents would invariably set in motion a northward movement of refugees and displaced persons that will dwarf our experience in Southeast Asia. We have over 640,000 Indochinese in the U.S. who have been brought across the Pacific Ocean and another 400,000 or so who have been resettled elsewhere. How many Central Americans will make their way overland if we fail to support local democratic forces?

Our experience with Cuba has been that over 10 percent of the Cuban people fled the tightening oppression of the Castro revolution—more than one million people. Assuming a moderate estimate that 8 percent of a country's population will take flight to escape a Marxist takeover, what can we expect in Central America?

Country	Current population	8 percent refugees	10 percent refugees
Costa Rica	2,400,000	192,000	240,000
El Salvador	4,700,000	370,000	470,000
Guatemala	7,500,000	600,000	750,000
Honduras	4,100,000	328,000	410,000
Nicaragua	2,600,000	200,000	260,000
Panama	2,000,000	160,000	200,000
Total	23,300,000	1,850,000	2,330,000
Mexico			7,000,000

The burden of increased Salvadoran refugees alone would be severe both for the U.S. and neighboring hemispheric states. And it seems unlikely that the outflows could be contained just to El Salvador.

The loss of Salvador to Marxist forces and the perceived lesson of a strengthened Sandinist regime in Managua would likely combine to initiate an accelerating northward movement which will be difficult to stop once begun. If history is any guide, it is the professional and middle class which goes first, further weakening the threatened state's ability to resist a Marxist takeover.

The potential of a large refugee flow from Central America is only a mirror image of what the world has faced; massive flows of refugees from communist-oppressed and terrorized countries. It is obvious that just as we have seen this happen in Africa, Afghanistan, Eastern Europe, Cuba, and Southeast Asia, the next area of a potential mass refugee expulsion or flow is on our doorstep. We could be confronted with an uncontrollable advance of refugees, conceivably numbering anywhere from 1½ to 2 million or more. A population influx of this magnitude in a short span of time could produce social and economic problems of major proportions.

Envision, if you can, a domestic resettlement program for that group.

This prospect of a new flood of refugees and illegal immigrants from Central America is an element necessary for consideration and American concern.

Mr. SYMMS. Mr. President, I might just note at this point that this paper leaves out Mexico and only talks about Central America. On page 4 of the report, if one adds Mexico to it, it would be an additional approximately 7 million more refugees that will cost this country at a minimum, a minimum cost to the United States for each and every refugee that we are responsible for, a minimum cost of $3,000. So I think it is penny-wise and pound-foolish for us to shirk our responsibilities at this point in time with respect to Central America and to our responsibilities as the leader of the free world to confront the advancement of the Communists being supported from the Soviet Union and in Cuba.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:40 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House has passed the following bill, without amendment:

S. 967. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1984, 1985, and 1986.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2840. An act to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 113. Concurrent resolution approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 5:31 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 967. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1984, 1985, and 1986; and

H.J. Res. 265. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2840. An act to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 113. Concurrent resolution approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode, to the Committee on Appropriations.

HOUSE MEASURE HELD AT DESK

The following bill was ordered held at the desk by unanimous consent:

H.R. 2920. An act to amend title 38, United States Code, to revise and extend certain health-care programs of the Veterans' Administration, and for other purposes.

HOUSE MEASURE PLACED ON THE CALENDAR

The following bill, which was read the first time on May 19, 1983, was ordered placed on the calendar:

H.R. 2973. An act to repeal the withholding of tax from interest and dividends.

REPORTS OF COMMITTEES

The reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary; without amendment:

S. 215. A bill to amend the Bail Reform Act of 1966 to permit consideration of danger to the community in setting pretrial release conditions, to expand the list of statutory release conditions, to establish a more appropriate basis for deciding on postconviction release, and for other purposes (Rep. No. 98-147).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. WEICKER, Mr. NUNN, Mr. DIXON, and Mr. COCHRAN):

S. 1355. A bill to amend the Small Business Act to provide assistance to small business concerns in acquiring procurement information and contracts from the United States; to the Committee on Small business.

By Mr. D'AMATO (for himself and Mr. PERCY):

S. 1356. A bill to amend chapter 37 of title 31, United States Code, to authorize contracts with law firms for the collection of indebtedness owed the United States; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 1357. A bill for the relief of Edward Lee Hatai Mou Sing Ching; to the Committee on the Judiciary.

S. 1358. A bill for the relief of Roman Agmata Baliza; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself and Mrs. HAWKINS):

S. 1359. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the credit for household and dependent care services, and for other purposes; to the Committee on Finance.

By Mr. HART (for himself, Mr. DURENBERGER, Mr. PACKWOOD, Mr. KENNEDY, Mr. RIEGLE, and Mrs. KASSEBAUM):

S. 1360. A bill to establish a grant program to provide for a centralized system of child care information and referral; to the Committee on Labor and Human Resources.

By Mr. HUMPHREY:

S. 1361. A bill to require notice on social security checks that it is a violation of law to commit forgery in conjunction with the cashing of those checks; to the Committee on Finance.

S. 1362. A bill to amend title II of the Social Security Act to prohibit payment of benefits to inmates of facilities for the criminally insane; to the Committee on Finance.

By Mr. HART:

S. 1363. A bill to protect human health and the environment by establishing adequate controls on the management of hazardous wastes; to the Committee on Environment and Public Works.

By Mr. HEINZ:

S. 1364. A bill to extend until July 1, 1986, the existing suspension of duty on certain textile fabrics used in the manufacture of hovercraft skirts; to the Committee on Finance.

By Mr. BAKER (for himself and Mr. SASSER):

S. 1365. A bill entitled the "Harry Porter Control Tower"; to the Committee on Commerce, Science, and Transportation.

By Mr. WEICKER:

S. 1366. A bill to implement the recommendations of the Interim Report of the Northern Mariana Islands Commission on Federal Laws and to amend the Revised Organic Act of the Virgin Islands and the Organic Act of Guam, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1367. A bill to repeal certain provisions of law relating to the territories and insular possessions of the United States; to the

Committee on Energy and Natural Resources.

By Mr. HEFLIN:

S. 1368. A bill to amend the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, to permit the Secretary of Agriculture to issue marketing orders regulating the handling of eggs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURENBERGER:

S. 1369. A bill to amend section 170 of the Internal Revenue Code of 1954 to increase the amounts that may be deducted for maintaining exchange students as members of the taxpayer's household; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. COCHRAN, Mr. PELL and Mr. MATHIAS):

S. 1370. A bill to amend subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 by inserting a new section of 44H to allow a credit for certain transportation expenses of exchange students; to the Committee on Finance.

By Mr. RANDOLPH:

S. 1371. A bill to amend title 38, United States Code, to add the disease lupus erythematosus to the list of chronic diseases that are considered to be service-connected for purposes of veterans' benefits if occurring within one year from the date of a veteran's separation from service; to the Committee on Veterans' Affairs.

By Mr. PERCY (for himself and Mr. BENTSEN):

S. 1372. A bill to suspend the duty on MXDA (meta-Xylene-Diamine and 1,3-BAC(1,3{aminomethyl}-cyclohexane)) until July 1, 1986; to the Committee on Finance.

By Mr. MATHIAS (for himself, Mr. MOYNIHAN, Mr. GORTON, Mr. RANDOLPH, Mr. DOLE, Mr. BAKER, and Mr. BYRD):

S. 1373. A bill to establish a Commission on the Extraterritorial Application of United States Law; to the Committee on the Judiciary.

By Mr. GARN:

S. 1374. A bill to authorize the appropriation of funds for the improvement of facilities of the Bureau of the Mint; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPECTER:

S. 1375. A bill to amend title 23 of the United States Code, to govern the resignation or retirement-for-age provisions for Federal judges; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. BOREN, and Mr. BAUCUS):

S. 1376. A bill to amend the Federal Crop Insurance Act to require the Federal Crop Insurance Corporation to pay promptly claims for indemnity under such act and to report annually to the Congress on the payment of the claims; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO:

S. 1377. A bill for the relief of Scldecia Pacheco; to the Committee on the Judiciary.

S. 1378. A bill for the relief of Maria Magbanua; to the Committee on the Judiciary.

S. 1379. A bill for the relief of Fe Madeline Yabillo; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. DURENBERGER, Mr. SARBANES, and Mr. BAUCUS):

S. 1380. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of business development companies; to the Committee on Finance.

By Mr. LEVIN (for himself, Mrs. KASSEBAUM, Mr. CHILES, Mr. DECONCINI, Mrs. HAWKINS, Mr. FORD, Mr. BURDICK, and Mr. RANDOLPH):

S. 1381. A bill to amend title II of the Social Security Act to provide for a 6-month transitional benefit for an individual who is a widow, surviving divorced wife, widower, or surviving divorced husband whose spouse or former spouse died while such individual was between the ages of 55 and 60; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. PRESSLER, Mr. MURKOWSKI, and Mr. EXON):

S. 1382. A bill to amend the Communications Act of 1934 to insure availability of basic telephone service at reasonable rates; to the Committee on Commerce, Science, and Transportation.

By Mr. GLENN (for himself and Mr. KENNEDY):

S. 1383. A bill to authorize the Attorney General to issue certificates of review applicable under the antitrust laws with respect to joint research and development programs; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 1384. A bill entitled the "Radiological Emergency Response Planning and Assistance Act"; to the Committee on Environment and Public Works.

By Mr. D'AMATO:

S.J. Res. 109. Joint resolution designating the week beginning June 19, 1983, as "National Children's Liver Disease Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO:

S. Res. 154. Resolution to designate the week of June 19, 1983, through June 25, 1983, as "Multi-Housing Laundry Industry Week"; to the Committee on the Judiciary.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 155. Resolution to direct the Senate legal counsel to represent Senator BILL BRADLEY and Senate employees in Maria S. Abreu against Senator BILL BRADLEY; considered and agreed to.

By Mr. BAKER:

S. Con. Res. 41. Concurrent resolution providing for an adjournment of the Senate from May 26, or May 27, 1983, to June 6, 1983, and an adjournment of the House from May 26, 1983, to June 1, 1983; considered and agreed to.

By Mr. PELL (for himself and Mr. PERCY):

S. Con. Res. 42. Concurrent resolution expressing the sense of the Congress concerning infringements of religious freedom by the Governments of the Warsaw Pact states; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. WEICKER, Mr. NUNN, Mr. DIXON, and Mr. COCHRAN):

S. 1355. A bill to amend the Small Business Act to provide assistance to small business concerns in acquiring procurement information and contracts from the United States; to the Committee on Small Business.

SMALL BUSINESS PROCUREMENT REFORM ACT OF 1983

Mr. SPECTER. Mr. President, today I am introducing the Small Business Procurement Reform Act of 1983, along with my colleagues, Senators WEICKER, NUNN, DIXON, COCHRAN, GLENN, and PACKWOOD.

The legislation we are introducing today is similar to the Small Business Procurement Reform Act of 1982, which was the subject of hearings held by the Small Business Committee last fall. This bill reflects a number of important changes recommended by small business and government agency witnesses that testified before the committee.

This bill has two major components, a breakout provision which seeks to break larger contracts into smaller components and an arbitration panel provision.

Basically, we have revised the breakout provision to make changes in the procurement procedure at the earliest stages—during the planning process—so that the contract will not have to be broken down to smaller components after the fact. Under this legislation, agencies are required whenever practicable to take all steps during planning for contracts to breakout procurement of services or spare parts for large systems, so as not to preclude performance by small and disadvantaged concerns as prime contractors.

Although cost estimates have not yet been completed, preliminary experience with contract breakout indicates that implementation of the Small Business Procurement Reform Act may well result in a substantial savings of taxpayer dollars.

Initial results from a test breakout program conducted by the Small Business Administration at Air Force air logistics centers (ALC's) are very promising. During fiscal 1980 and 1981, SBA offices at four air logistics centers reported savings of $7.3 million on 294 breakout actions. In a recent report to Congress, GAO found that "SBA's breakout efforts have resulted in large dollar savings in relation to the program's costs." The GAO report concluded, "opportunities exist * * * to realize even greater breakout accomplishments." The Small Business Procurement Reform Act seeks to achieve these goals on a broader scale.

The second provision in the Small Business Procurement Reform Act focuses on the establishment of arbitration panels, enabling small businesses and government agencies to voluntarily submit to binding arbitration to resolve minor contractual disputes. The legislation does not specify the composition nor selection of these panels, but it has been suggested that the panels could consist of a rotating pool

of attorneys, accountants, and public representatives with expertise in the field.

I am aware that there are already a number of formal grievance procedures firms may pursue to seek resolution of contract disputes. A business may choose to: Protest to the head of the particular procuring agency; protest to GAO; file a petition in Federal District Court; or, protest to the Board of Contract Appeals. All of these require time and money. With most contractual disputes involving amounts of less than $500,000, few small businesses can afford to become mired in lengthy litigation procedures. Arbitration panels provide an expedient and cost-effective medium for resolving contract grievances.

A third important provision which was included in the Small Business Procurement Reform Act of 1982, extended the bidding time on Government contracts to 45 days. The Senate has already approved this provision when it passed S. 272, of which I cosponsored.

The Small Business Procurement Reform Act provides a framework for a number of important reforms that will facilitate small business participation in the Government procurement process, saving time and money for all parties involved. This legislation may still require some fine-tuning but with support from the chairman and other distinguished members of the Small Business Committee I hope this legislation will be addressed early in this session.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Procurement Reform Act of 1983".

PURPOSES

SEC. 2. The purposes of this Act are—

(1) to assure further that a fair proportion of Government procurement contracts are awarded to small business concerns and to increase small business participation in procurement where possible;

(2) to simplify the contracting procedures of the United States which relate to small businesses;

(3) to establish arbitration panels to resolve disputes which arise between small business concerns and Federal agencies concerning Government procurement contracts; and

(4) to establish a Small Business Procurement Advisory Committee to make legislative and administrative recommendations concerning Government procurement contracts for small business concerns and to provide better representation of small business concerns before the Congress and the Small Business Administration.

DEFINITIONS

SEC. 3. As used in sections 2, 6, and 7 of this Act—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "Committee" means the Small Business Procurement Advisory Committee established by section 7;

(3) the term "Federal agency" has the same meaning given the term "agency" by section 551(1) of title 5, United States Code; and

(4) the term "Government procurement contract" means a contract for the procurement of goods or services by a Federal agency.

MINIMUM NOTIFICATION STANDARDS

SEC. 4. Section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(1) by inserting "(1)" after "(e)" in subsection (e);

(2) by redesignating clauses (1) through (10) in subsection (e)(1) as clauses (A) through (J), respectively; and

(3) by adding the following new paragraphs at the end of subsection (e):

"(2) If bidding on a procurement action subject to paragraph (1) is limited to one person, a particular area of the United States, or both, the Secretary of Commerce shall provide a written description of the individual circumstances and the law or rule which is the basis for the limitation in the notice required to be publicized under paragraph (1).

"(3) The Secretary of Commerce shall publish timely notice of all awards of Government procurement contracts set aside for small business concerns under section 15.

"(4) The Secretary of Commerce shall investigate and, to the extent practicable, may implement alternative means of notifying small business concerns of procurement actions subject to paragraph (1), in addition to the daily publication required by paragraph (1).".

BIDDING ON LARGE SYSTEMS PROCUREMENTS

SEC. 5. Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding the following new subsection at the end thereof:

"(f) During the procedure for planning contracts for the procurement of services or of spare parts for large systems, the head of each Federal agency shall take all steps so as not to preclude performance by small and small disadvantaged concerns as prime contractors, where practicable.".

GOVERNMENT PROCUREMENT CONTRACT ARBITRATION PANELS

SEC. 6. The Administrator shall establish Government procurement contract arbitration panels in such number as the Administrator deems appropriate. A panel shall provide an opportunity for resolving a dispute between a small business concern and a Federal agency concerning a Government procurement contract which is or may be let to the concern. Use of a panel shall be voluntary. A decision of a panel shall be binding only to the extent that the concern and agency agree that the decision is binding.

SMALL BUSINESS PROCUREMENT ADVISORY COMMITTEE

SEC. 7. (a) There is established a Small Business Procurement Advisory Committee to be composed of thirteen members appointed by the Administrator. The Committee shall advise the Congress and the Administrator on matters relating to Government procurement contracts awarded to, or set aside for, small business concerns.

(b) A member of the Committee shall, while away from the member's home or regular place of business in the performance of services for the Committee, be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same amount as a person employed intermittently in the Government service is allowed expenses under section 5703(b) of title 5, United States Code.

(c) At the close of each calendar year, the Committee shall submit a report to the Congress and to the Administrator. The report shall describe the activities of the Committee during the year and contain recommendations for new Federal legislation or agency rules which the Committee determines will increase the number of Government procurement contracts awarded to small business concerns.

By Mr. D'AMATO (for himself and Mr. PERCY):

S. 1356. A bill to amend chapter 37 of title 31, United States Code, to authorize contracts with law firms for the collection of indebtedness owed the United States; to the Committee on Governmental Affairs.

FEDERAL DEBT RECOVERY ACT

● Mr. D'AMATO. Mr. President, today I am introducing legislation, the Federal Debt Recovery Act, along with my good friend and colleague from Illinois, Senator PERCY, which will add an essential element to the arsenal of Federal debt collection. The measure we are introducing will authorize the heads of the various Federal agencies to contract with private law firms for the litigation of Federal Government debt.

A recent GAO report states that "debts owed the Government are enormous and growing each year, with billions of dollars delinquent." Federal agencies have reported that at the start of fiscal year 1982, over $33 billion in receivables due the U.S. Government was delinquent. This delinquency rate represents a 37-percent increase over fiscal year 1980. Nontax delinquencies amounted to over $13 billion.

The GAO, in its report, finds that improvements have been made in the collection of Federal debt in various Federal agencies. However, much remains to be done in this area.

An understanding of one Federal agency, the Department of Education, and its efforts to cope with over $1.5 billion in delinquent Federal student debt provides clear testimony to the need for further strengthening the tools of Federal debt collection and the necessity for the legislation which we are introducing today.

There is currently somewhere between $1.5 and $1.7 billion in outstanding student debt owed to the Federal Government. This debt consists primarily of defaulted national direct student loans and federally insured student loans. This awesome amount owed to the Federal Government does

not include the approximately $200 million per year which the Department of Education is currently reimbursing State guarantee agencies for defaulted guaranteed student loans. When this sum is considered, the aggregate student debt grows substantially in magnitude.

In 1982, however, despite a concerted effort, the Department of Education was only able to collect $55 million of this outstanding debt. The Department projects collections of $70.6 million this year.

On October 25, 1982, the President signed into law the Debt Collection Act. Among other things, the act allows Federal agencies to charge interest and penalties on delinquent debt, offset the salaries of Federal employees having delinquent debts to the Government, report delinquent debtors to credit bureaus and use private sector contractors to collect debts owed to the Government. I commend Senator PERCY, chairman of the subcommittee which oversees Government debt, for this landmark piece of legislation and for his persistence in insuring the promulgation of regulations which will implement this act.

Examining the situation at the Department of Education, it is becoming very apparent, however, that an additional tool is necessary to adequately address burgeoning Government debt, and that is the ability to use outside private attorneys to litigate cases.

Pursuant to the authority granted in the Debt Collection Act of 1982, the Department of Education referred 401,502 student accounts to private collection agencies. The dollar amount of this volume totaled $636.7 million. As of April 30, 1983, only $19.7 million, or 3 percent, of this sum has been collected by the collection agencies. The collection agencies themselves have recognized that the inability to threaten litigation or bring these cases to litigation dramatically undercuts their effectiveness. As the recent GAO report states:

> Contractors contend that this inability to bring suit generally hinders their collection efforts because they are deprived of one of the most important tools available to private collection agencies.

The Department of Justice simply does not have the capacity to handle the massive number of cases which the Department of Education and other Federal agencies will refer to it. For example, I recently asked the Department of Education to canvass the collection agencies with which it does business in major metropolitan areas and report back with an approximate number of cases which could be brought to litigation within a reasonable amout of time if the capacity existed at Justice. Education responded that over 26,000 cases could be called back from the collection agencies and litigated. The Department of Justice simply does not have the wherewithal—in particular a developed computer system—which could deal with this volume within a reasonable timeframe.

In addition, there are serious questions as to the cost effectiveness of the Department of Justice litigating Federal debt. For example, according to Department of Justice statistics, student debt represents 22.8 percent of the debt caseload at the Department of Justice. However, the dollar volume on this caseload represents only 3.8 percent of all loans which have been referred to the Department of Justice by all Federal agencies for action. It would make more sense to turn these cases over to the private sector for litigation. Moreover, the opportunity costs of pursuing these cases which average only $1,200 is great. The Department of Justice simply has too many other pressing matters to handle.

Department of Education records reveal that of the over $61 million that has been referred to the Department of Justice for action, only $4.6 million or 7.5 percent has been collected. The situation is much worse with regard to debt which has been turned over by other Federal agencies. Federal agencies must have the ability to contract out to private law firms for litigation services. Just as in the case of the private collection agencies, a contingency fee arrangement will provide these firms with a ready incentive to seriously collect Government debt.

Senator PERCY and I have been working for some months now with the Department of Justice and the Office of Management and Budget on the concept of litigating out Government debt. We have also been dealing extensively with the Department of Education which has endorsed this concept. We are sensitive to the concerns which the Department of Justice has expressed regarding the need to oversee any litigation which is done for the U.S. Government. We have accordingly incorporated necessary safeguards in this legislation. The bill permits the Attorney General to withdraw any of the cases contracted out by Federal agencies to a law firm if doing so is in the public interest. In addition, a law firm which is engaged by a Federal agency will be subject to the provisions of the Debt Collection Practices Act. Among other things, this act prohibits a debt collector from harassing or abusing debtors, making false or misleading representations in connection with the collection of debt, and using unfair or unconscionable means to collect or attempt to collect debt. Finally, a law firm doing business with a Federal agency must submit monthly reports to both that agency and the Department of Justice on the services rendered under the contract during the month and the progress made in the collection of the debt under the contract.

Mr. President, as a U.S. Senator I have been very supportive of many of the Government loan and loan insurance programs. With regard to education, for example, I have been a staunch advocate of student financial assistance and believe in a strong Federal commitment to higher education. Every dollar which is not collected in student debt deprives a well-deserving student the right to pursue a higher education. The fact is that today many students and others who are receiving Government loans are making a calculated decision not to repay their loans to the Federal Government, convinced that the Government has neither the inclination nor the capacity to recover the debt. Enactment of this legislation will provide an essential tool to Federal agencies to collect this debt. Moreover, it will just as importantly send a message to Government debtors that the Federal Government is serious about recovering moneys which have been lent to them.

I urge the Congress to expeditiously pass this measure.●

● Mr. PERCY. Mr. President, I am pleased to join Senator D'AMATO in sponsoring S. 1356, the Federal Debt Recovery Act.

I would also like to add that we have come a long way in the area of Federal debt collection. A year and a half ago, I chaired a hearing in which I had the unpleasant role of calling to task one of our Nation's most prestigious schools, Harvard University. I asked Harvard to explain why 23 percent of its medical school graduates—many of whom were on Harvard's faculty or earning big salaries as physicians—who had received student loans were delinquent in repaying them. Since that hearing, due to what Harvard describes as an "all out effort," its delinquency rate has dropped to about 5 percent. That's an 80-percent reduction in delinquencies.

At another hearing last year, I expressed concern to the Department of Education about 50,000-plus current and former Federal employees who were delinquent on their student loans. The Department then mailed letters to these borrowers, and promptly received $2.3 million in repayment. It also spent $6,000 to send mailgrams to delinquent debtors who had borrowed through the Cuban loan program, receiving about $500,000 in return. That is not a bad return on a $6,000 investment.

These cases are not isolated success stories—they show that these loans can be collected if we put our minds to it. It is that simple. In fiscal year 1982, our tough new debt collection procedures reaped over $2 billion in revenue that otherwise would have been lost to

the taxpayers. In 1983, the figure will be close to $3 billion.

This debt collection program is the most successful management improvement initiative I have seen in my 17 years in the U.S. Senate. The Reagan administration is to be commended for a job well done.

It might be tempting for us to declare victory over our debt collection problems and move on. Believe me, this would be a mistake. We still have a long way to go. The Federal Government is still owed a staggering $40 billion in delinquent debts—almost $400 for every taxpayer in this country.

The Federal Government needs to fight hard to collect these taxpayer dollars. If it means going to court to collect, we will. It is time for delinquent borrowers to get the message that we are very serious about this.

The Debt Collection Act of 1982, signed into law last October, gives the Federal Government several useful tools, including the authority for Federal agencies to contract with private collectors. But many of the loans now with collection agencies—especially the hundreds of thousands of student loans—will eventually need to be taken to court.

Right now, many of the 26,000 student loan cases which should be taken to court are languishing at the Justice Department, which is just not equipped to handle this volume. According to the Department of Education, 40 percent of these loans have been there for at least 3 years.

We asked Education to pull a sample of 15 representative cases from the 9,000 said to have sat at Justice for 3 years or more. In four of the cases, the statute of limitations had expired, and the debts were uncollectable because of the delay. In eight other cases, Justice had returned the cases to Education because the addresses were not accurate. But after just a few hours of checking, Education was able to obtain correct addresses for half of these cases, simply by calling directory assistance and consulting local phone books.

Additionally, it is becoming increasingly clear that many Federal agencies are reluctant to refer loans needing litigation to the Justice Department because of the tremendous backlog which already exists.

For these reasons, Senator D'AMATO and I are introducing the Federal Debt Recovery Act, which will allow the Federal Government to contract loan litigation with private attorneys. I would like to commend Senator D'AMATO for his excellent work in this area.

The word is out to defaulters across the Nation that Uncle Sam is serious about debt collection. Although it is true that some debtors do face real hardships which make repayment difficult, and we have to be sensitive to that, the plain fact is that most borrowers are perfectly able to repay. By collecting, we bolster Federal loan funds for the benefit of future generations of borrowers. Having increased collections by $156 million last year, for example, the Small Business Administration can now make more money available for future loans. The same is true for student loans.

That is why I am sponsoring this legislation today, and that is why I will continue to look for ways to improve the Federal Government's debt collection efforts until I am sure that every collectable cent is being returned to the American taxpayer.●

By Mr. METZENBAUM (for himself and Mrs. HAWKINS):

S. 1359. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the credit for household and dependent care services, and for other purposes; to the Committee on Finance.

CREDIT FOR HOUSEHOLD AND DEPENDENT CARE SERVICES

● Mr. METZENBAUM. Mr. President, working families with young children, elderly, or disabled relatives share an important need—the need for support in caring for their dependents. The dependent care tax credit offers families help in meeting these needs.

Almost 2 years ago, I introduced a bill to substantially strengthen the dependent care tax credit for all working families and to provide special assistance to families in the lower income brackets. When the 1981 omnibus tax bill came to the Senate floor, I, along with Senator HAWKINS, offered this bill as an amendment to the tax bill. We were partially successful at that time and the economic recovery tax act of 1981 replaced the previous flat rate credit for dependent care with a sliding scale that focused the maximum benefit of the credit on lower income households. It also extended this credit to day care for elderly and disabled persons outside of their homes.

Today, I am introducing a bill to further strengthen the tax credit for those most in need by increasing the percentage of expenses that qualify for the credit to 50 percent for those with incomes of $10,000 or less, by making the amount of the credit refundable for those with incomes too low to take advantage of the tax credit, and by making it easier for nonprofit dependent care centers to qualify for tax-exempt status.

We live in a changing world and this bill is one small attempt to assure that the laws which govern our society keep pace with this changing reality. Today, more than half of all American women work outside the home, a figure which has more than doubled since 1940 and is expected to continue growing at a rapid pace. This shift of women to the labor force is not limited to those with no children or grown children. Fully 45 percent of women with preschool age children were working in 1980, nearly four times the percentage in the labor force in 1950.

At the same time, there has been a tremendous shift from care within the home to paid outside child care; 48.7 percent of children with working mothers are cared for by babysitters unrelated to the child or in day care centers. This figure has doubled since 1958 when the majority of working mothers arranged for their young children to be cared for in the home, usually by relatives. Unfortunately, the prevalance of smaller, more dispersed families has removed this option for many working parents.

The working mother reflects both the changing role of women in our society and an economic necessity—fewer and fewer families can afford to get by, let alone get ahead, on one income. Two-thirds of the women in the work force are either sole providers or have husbands who earn less than $15,000. Over one-third of one-parent families, most often headed by women, live below the poverty line. They face a grim employment picture: single mothers with children under age 6 have an 18.9-percent unemployment rate. Lack of affordable child care is a major factor in keeping women and children in poverty. A number of studies suggest that approximately 1 of every 5 or 6 women is unemployed because she is unable to make satisfactory child care arrangements.

One problem is that many low-income families cannot afford to take advantage of the maximum dependent care credit. Under current law, a family with an annual income of $10,000 or less would have to spend $1,680 for 2,400 dollars' worth of dependent care because the maximum credit is 30 percent of $2,400 or $720.

Under our proposal to increase the sliding scale credit to 50 percent of maximum allowable expenses—$2,400—this same family would have to spend only $1,200 for 2,400 dollars' worth of dependent care because they would receive a credit of $1,200—50 percent times $2,400 equals $1,200.

An additional problem for low-income families at the present time is that Federal funds for subsidized day care have been severely cut back. Title XX funds—now called the social services block grant—were cut by 25 percent in 1981. As a result, many States have reduced the number of day care slots available, have tightened eligibility criteria, or have raised fees for service. Thus, subsidized day care is either no longer available or no longer affordable for many working low-income families.

This is the reason our bill would make the dependent care tax credit refundable. These same working, low-income families who no longer qualify for subsidized day care simply do not earn enough to pay any substantial amount in taxes. Thus, a tax credit is meaningless for these families. A refundable credit would allow such families to take full advantage of the dependent care credit. It should be noted that refundability is not a new concept in our Tax Code. The earned income tax credit and the credit for certain uses of fuels are already refundable.

Finally, the bill expands the definition of certain organizations that qualify for 501(c)(3) tax-exempt status to include nonprofit dependent care centers whose services are available to the general public and are provided in order to enable individuals to be gainfully employed and to seek employment. This measure should encourage the creation of additional day care slots and generally improve the availability of day care for children as well as elderly and disabled persons.

To understand the need for additional day care, it is important to realize that it is the children who suffer the most from the lack of decent affordable day care. Young babies are often left in the care of the brothers and sisters who are often much too young for such responsibility, while other young school age children come home every day to an empty house and long stretches of time without adult supervision.

These child care problems are not just a woman's problem, they are a societal problem. Employers are just beginning to realize the impact on productivity when child care arrangements are inadequate. Productivity declines when time is spent on the telephone checking to see if the neighbors remembered to take in the kids, when workers leave early to pick up the children because the babysitter can not make it, or when they must miss work altogether because the normal arrangements for day care were not available.

The family care problems encountered by working parents, especially women, do not end when their children are grown. After their children become independent, they are often still faced with two taxing jobs as they take on the burden of caring for their aging parents. It is estimated that 78 percent of women age 40 have a surviving mother; and 1 in 10 women between the ages of 45 and 65 has responsibility for an older relative.

The potential for parent care responsibilities has been steadily increasing since 1920, when there were 76 elderly for every 100 middle-aged persons. Today, there are 180 elderly for every 100 in the middle-aged group. Persons over 80 years of age are the fastest growing segment of our population.

Studies show that impaired elderly persons who are cared for by relatives are usually admitted to institutions at a more advanced age and with greater impairment than institutionalized elderly without kin. Assistance to working families with the costs of caring for their aging relatives, whether it be care in the home or at a senior day care center, would certainly encourage more families to take on this responsibility, thus saving the Government money which might otherwise have to be expended for costly institutional care.

Finally, another group who would benefit from the changes in the dependent care credit are families with disabled relatives. Because these dependents often require costly special services and equipment, those caring for them have a great need to earn income. Despite the importance of appropriate care, families find it exceedingly difficult to locate such care for the estimated 500,000 handicapped children under 6 in this country as well as the 4.2 million school age children with handicaps. Additionally, there are some 8.4 million severely disabled adults—aged 18 to 64—who are living in families with at least one other adult. Help in meeting the expenses of care for these children and adults could make it possible for other family members to enter the labor force and better meet their entire families' needs.

The bill we are introducing today is intended to address the needs of families with dependents in all of the above-mentioned groups—children and elderly and disabled relatives. While the dependent care tax credit has already been extremely helpful to families since its enactment in 1976, this bill would simply improve the credit to assure that those most in need are being assisted.●

● Mrs. HAWKINS. Mr. President, today I am joining the distinguished Senator from Ohio, Mr. METZENBAUM, in cosponsoring legislation to amend the dependent care tax credit. Our aims are to improve the sliding scale, provide for refundability of the tax credit, and modify the educational purposes requirement of the child care centers applying for section 501(c) tax-exempt status.

These provisions were contained in legislation that Senator METZENBAUM and I sponsored in the 97th Congress that passed the Senate but were not enacted into law. At least one of the provisions, refundability of the dependent care tax credit, has passed the Senate on two previous occasions. Refundability was accepted by the Senate during the consideration of the original tax credit in 1976 and during its extension and expansion of the tax credit in 1981. Recent economic and social trends make the enactment of these provisions even more crucial.

The popularity of the tax credit allows the parent the flexibility of choosing an appropriate kind of child care: in or out of the home, babysitters, relatives, church, or center based care. This kind of credit has grown phenomenally since its enactment in 1976 so that it now represents the largest single source of Federal support for child care services. According to the Joint Tax Committee, an estimated $1.2 billion was spent on this tax credit in 1981, exceeding the amounts spent on low-income child care, such as Head Start or title XX day care. Often, however, the mothers who need assistance for child care the most are not able to take advantage of the credit. In 1979, 93 percent of all claims for tax credits for dependent care were made by families with incomes exceeding $10,000. A full 62 percent had incomes exceeding $20,000.

We are trying to improve access to this tax credit for low-income families by asking Internal Revenue Service to add a line of the short form for dependent care tax credit. This is very important because less than 6 percent of families earning under $10,000 filed the long form. While this administrative remedy might assist individuals who have enough taxable income to file a return, refundability is still needed to assist those individuals whose income is not sufficient to take advantage of the dependent care tax credit. We need to assist those caught between to much income to qualify for federally funded child care and too little income to take advantage of the dependent care tax credit.

Although refundability is the key element of this legislation, the other two provisions are equally important to insuring the availability of child care services at affordable prices. One provision would improve the sliding scale contained in the Economic Recovery Tax Act. The implementation of a sliding scale was a significant step toward gearing this tax credit to income and need. We need, however, a sliding scale that rises to a 50-percent credit for families whose income is under $10,000 if we are to provide the right incentive for families to explore alternatives of child care. This improved sliding scale translates into a maximum of $1,200 for one dependent and $2,400 for two or more dependents for families with adjusted gross income under $10,000. That is about $25 a week for child care.

However, in 1979, the last year that data is available, families with incomes below $5,000 who took the child care tax credit claimed average child care costs of only $377, approximately $7 a week.

The third provision of the bill makes it easier for nonprofit childcare cen-

ters to qualify for 501(c) tax-exempt status. Under current regulations a number of nonprofit child care centers organized to deal with the growing need for after-school care and infant care have encountered difficulties in demonstrating their educational purposes. This provision would amend the Internal Revenue Code to allow the term "educational purposes" to include nonresidential care of individuals if substantially all the dependent care provided by the organization enables individuals to be gainfully employed and if the services are available to the general public.

Mr. President, the Senate has demonstrated its support for these provisions in previous Congresses. I urge my Senate colleagues to join Senator METZENBAUM and me in supporting the enactment of these provisions during this Congress.●

By Mr. HART (for himself, Mr. DURENBERGER, Mr. PACKWOOD, Mr. KENNEDY, Mr. RIEGLE, and Mrs. KASSEBAUM):

S. 1360. A bill to establish a grant program to provide for a centralized system of child care information and referral; to the Committee on Labor and Human Resources.

CHILD CARE INFORMATION AND REFERRAL SERVICES ACT

● Mr. HART. Mr. President, today I am introducing on my own behalf and on behalf of Senators DURENBERGER, PACKWOOD, KENNEDY, RIEGLE, and KASSEBAUM, the Child Care Information and Referral Services Act.

As a nation we must admit that throughout the 1980's and into the 1990's, growing numbers of children will need child care—care by an adult other than their parents for some part of the day or night. Each year, more and more mothers, especially those with young children join the labor force. The need for infant care is climbing steadily, and older children need care after school.

According to the Children's Defense Fund, approximately 23.1 million children 13 years and under live in two-parent families in which both parents in the home work. And, 8.4 million of such children are under age 6. There are 5.7 million children 13 years and under, including 1.7 million under age 6, who live in one-parent families where that parent works.

Child care demand is increasing, but it is also diversifying. New employment patterns—more work on split shifts, more employees on flextime—are creating a demand for nontraditional dependent care provisions. Locating compatible child care facilities for families with these unusual needs can be a difficult task.

However, parents want to take responsibility for finding good child care arrangements which meet their personal and economic needs. To do this they must have access to updated information about the full range of child care available in their community.

The National Academy of Sciences 1976 report entitled: "Toward a National Policy for Children and Families" states:

Parents should have sufficient information regarding available alternatives in child care services to enable them to make reasonable choices and to shift from one alternative to another as their needs and preferences change.

The bill we are introducing today is designed to address those parental needs. The measure establishes a "seed money" assistance program to create child care information and referral services throughout the country. These clearinghouses will work with families and providers to make the most efficient use of available resources by matching supply with demand.

Specifically, the program will be administered by the Secretary of Health and Human Services through the Commissioner of the Administration of Children, Youth and Families.

The legislation authorizes $8 million a year for the program, an amount that would fund a minimum of 100 programs at the ceiling level of $75,000. There is a State, local, or business match requirement: 25 percent in the first 2 years; 50 percent in the third year; and 65 percent in the fourth and fifth years. Federal funding is phased out after 5 years with the hope that communities will then be able to continue the I&R on their own.

One of the most attractive benefits of these clearinghouses is the documentation of child care supply and demand at a local level. The bill encourages, but does not mandate the use of personal computers to provide a rich data base upon which future advocacy initiatives can be built.

In this article entitled: "The Prospects and Dilemmas of Child Care Information and Referral," James Levine says:

From a policy perspective, child care information and referral is interesting because it may improve the functioning of the child care market in a number of ways: matching supply and demand, maximizing consumer choice, and providing data about patterns of supply and demand that can be used for planning at the community level and aggregated for state or national purposes.

Mr. President, child care information and referral is not a cure for all the child care problems in the United States. But, it is a future-oriented resource initiative designed to facilitate resource efficiency in the present and encourage upgrading and expansion in the future.

This measure is part of the Economic Equity Act introducted on March 23, 1983. We are optimistic of its passage and I ask unanimous consent the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Child Care Information and Referral Services Act".

SEC. 2. (a) The Congress finds that—

(1) approximately 23.1 million children 13 years and under live in two-parent families in which both parents in the home work and 8.4 million of such children are under age 6;

(2) there are 5.7 million children 13 years and under, including 1.7 million under age 6, who live in one-parent families where that parent works;

(3) in our society as employment options and hours change, child care services must increase and diversify to meet changing needs and preferences;

(4) a major problem in locating appropriate services is the lack of centralized information banks which leads to inefficient use of available child care services;

(5) the Federal government has an appropriate role in facilitating the efficient use of available resources; and

(6) there is a lack of data at the local level documenting the need for child care services in the community.

(b) It is the purpose of this Act to—

(1) make efficient use of available child care resources by creating centralized systems for matching families needs for child care services with appropriate child care providers;

(2) document at the local level supply and demand of child care providers and users;

(3) facilitate an educated choice for parents of appropriate child care according to needs and preferences; and

(4) stimulate and increase in the number of child care providers by making available information on local needs and preferences for child care services.

SEC. 3. The Secretary of Health and Human Services through the Commissioner of the Administration of Children, Youth, and Families shall establish a grant program to assist public or private non-profit organizations in the establishment and/or operations of community-based child care information and referral centers in accordance with this Act.

SEC. 4. (a) Any public or private non-profit organization which desires to receive a grant from the Secretary under this Act shall submit an application to the Secretary in such form and at such time as the Secretary may require. Such application shall—

(1) describe the manner in which the center will be established and/or operated;

(2) contain an estimate of the cost for the establishment and operation of the center; and

(3) include such other information as the Secretary determines to be necesary to assist him in carrying out his functions under this Act.

(b) The Secretary in evaluating applications under this section shall consider the demonstrated or potential ability of such applicant to provide services under this Act.

SEC. 5. (a) Funds under this Act may be made available to an applicant under sec-

tion 4 only if such applicant provides adquate assurances that—

(1) such funds will be used solely for the establishment or oepration, or both, of a child care information and referral center;

(2) any center funded under this Act shall provide information to interested persons only with respect to providers of child care services that meet applicable State and local licensing and registration requirements; and

(3) that in each year of participation in the grant program under this Act any center receiving funding shall obtain the following percentages of its projected budget through non-Federal sources of funding:

(A) at least 25 percent in the first and second years;

(B) at least 50 percent in the third year; and

(C) at least 65 percent in the fourth and fifth year.

(b) After the fifth year of funding under this Act, a center shall be ineligible for further funding under this Act.

SEC. 6. Any grant made by the Secretary under this Act shall not exceed $75,000 for any fiscal year.

SEC. 7. (a) Not later than ninety days after the end of each fiscal year, each center funded under this Act shall prepare and submit to the Secretary a full and complete report on the activities of such center during such year containing such information as the Secretary may by regulations require.

(b) Not later than one hundred and sixty days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Education and Labor of the house of Representatives and the Committee on labor and Human Resources of the Senate a full and complete report on the activities under this Act during such year.

SEC. 8. There is authorized to be appropriated $8,000,000 in any fiscal year to carry out this Act. Amounts appropriated under this Act shall remain available until expended.

SEC. 9. This Act shall take effect October 1, 1983.●

CHILD CARE INFORMATION AND REFERRAL SERVICES MERIT FEDERAL SUPPORT

● Mr. RIEGLE. I am pleased to cosponsor this bill introduced by the Senator from Colorado, Mr. HART, to provide Federal funding for child-care information and referral services. As a cosponsor of the Economic Equity Act, I have been particularly interested in the provisions relating to child care, which include this legislation. In my view, a concern with the availability of quality, low-cost child-care services is central to the family and working lives of large numbers of Americans and a concerted Federal effort in this area is long overdue.

This bill sets up a small Federal grant program to fund new or to improve existing information and referral clearinghouses so that families can look to a reliable community resource for assistance in meeting their child-care needs. This legislation authorizes $8 million for the grant program, an amount that would fund a minimum of 100 programs at the ceiling level of $75,000. The grant program is set up to require a State and/or local match, with Federal funding phasing out after 5 years. In addition to assisting families in locating appropriate child-care options, these clearinghouses will be authorized to provide other important services which will ultimately benefit children and their families. They may offer technical assistance and training to child-care providers and provide feedback from parents to providers which will improve the quality of services. They will also generate information about child-care supply and demand on a local level which will also contribute to a more responsive national policy regarding child care.

Today it is commonplace to hear or to read discussions about the enormous number of women who have entered the work force full time over the last decade and the resulting increased need for child-care services for children from infancy through grade school. However, in many communities, service providers have been unable to keep pace with the increased need for child care nor is there a coordinating agency to document existing resources or to examine unmet needs. The Reagan administration has further diminished what was already a minimal Federal role in the child-care area by making major reductions in the title XX social services block grant—an important resource for child care for low-income families, as well as cutting back drastically on Federal funding for the child-care food program.

The bill we are introducing today is modest both in its cost and its scope. Nevertheless, I am convinced that funding for these clearinghouses will offer an invaluable service to thousands of American families and that passage of this legislation will send a signal that the importance of quality child care has not been forgotten by national policymakers. I urge my colleagues to join me in support of this bill.●

INTRODUCTION OF THE CHILD-CARE INFORMATION AND REFERRAL SERVICES ACT

● Mrs. KASSEBAUM. Mr. President, as an original cosponsor of the Economic Equity Act I have previously indicated my support for the concept of the Child Care Information and Referral Services Act. However, I today wish to emphasize my concern in this area by adding my endorsement to this separate bill.

A solution to the ever-growing need of families for child care has eluded us through the past decade. As 10 million new women workers entered the labor force over the past 10 years, the supply of quality child care has not kept pace. The fastest growing segment of the labor force is mothers of children under age 3. It has been estimated that 13 billion hours of child care were needed in 1982, yet there were fewer known and counted facilities than in 1945.

However, expansion and diversification within the system has been occurring. Contrary to popular belief, only about 9 percent of all children who use day care for more than 10 hours a week are enrolled in day-care centers or nursery schools. The rest are cared for in a wide variety of family- or home-based settings. A variety of programs is necessary to meet the needs of different families in different circumstances.

Basically what has evolved is a purchase-of-service delivery system of child care. Critics maintain that it is not sufficient and that it does not work particularly well. But it is, in fact, what we have to build on in the years ahead. Our most productive course at this time is to enhance the functioning of the existing system, which this bill seeks to do.

The most pressing problem for families is a lack of thorough and realistic information at the local level about what services are available. When the most comprehensive national survey to date asked parents to rankorder those programs for which they would most like to see Government funds allocated, they chose, above all others, a referral system where parents could get information about screened and qualified people and agencies to provide child care. Child-care information and referral should improve the functioning of the market for services in a number of ways: matching supply with demand; maximizing consumer choice; and providing data about patterns of supply and demand that can be used for planning at the community, State, and national level, as well as by private providers of child care. Information services enable parents to more efficiently make their own arrangements and reinforces their freedom of choice as well as their control of their children's environment. We cannot permit simple misinformation to deny adequate care for children.

The most fundamental accounting information about child care is unavailable. How many family day-care homes exist? With what capacity to serve how many childen? How many families are in need of day care? Night care? Handicapped care? This lack of information has been one of the causes of our inability to encourage and support the development of the diversity of solutions we need. Until there is incontrovertible evidence of need and of ways to augment child care programs of various types, while reducing overall levels of Government intervention and expenditures, there is little chance of progress. That evidence may emerge from the information derived from the information and referral centers set up under this act.

I see only one real danger in the information and referral system this legislation would create—that is a tenden-

cy to expect too much from it. If we do not expect instant success and are willing to allow time to work through problems that may arise, it can be a great contribution.

I would particularly like to see the seed money provided by this bill go to community-based organizations where neighborhood women would be encouraged to work with each other to solve their child-care needs. Such innovations as parent-owned co-ops, toy-and-equipment-lending libraries, and workshops in parenting skills could be some of the interesting results of these information and referral centers.●

By Mr. HUMPHREY:

S. 1361. A bill to require notice on social security checks that it is a violation of law to commit forgery in conjunction with the cashing of those checks; to the Committee on Finance.

FORGERY NOTICE ON SOCIAL SECURITY CHECKS

● Mr. HUMPHREY. Mr. President, I am offering legislation to address the problem of erroneous benefit payments to deceased individuals. Many of our constituents were justifiably angered by the disclosure late in 1981 that over $60 million in benefits had been routinely mailed, for as long as 15 years, to over 8,000 individuals listed as dead on medicare records. In one documented incident, a gulf coast widow forged her deceased husband's signature, cashed his benefit checks, and told investigators that he was at sea on a shrimp boat. In another, a wealthy middle-aged businessman cashed his father's social security checks for many months after the latter's death, explaining to investigators that he needed to maintain cash flow for his business. I believe we need to take action to stem this hemorrhage of trust funds.

The Social Security Amendments of 1983 include an amendment I offered directing the Secretary of Health and Human Services to establish a program under which States voluntarily contract with the Secretary to furnish information with respect to individuals for whom death certificates—or equivalent documents—have been filed. The Secretary will compare this information with SSA files and will make necessary corrections.

The bill I am introducing today focuses attention on those individuals who criminally negotiate the erroneously issued checks. The Secretary of the Treasury would be required to provide that all title II benefit checks, and the envelopes in which they are mailed, bear a printed legend warning that the commission of forgery in conjunction with the cashing or attempted cashing of a benefit check violates Federal law. In addition, the notice shall enumerate the maximum penalty applicable under title 18 of the United States Code, which currently permits a 1-year prison sentence and a $10,000 fine. I believe it would be wise to plainly warn potential felons of the nature and consequences of such an act, in order to give them reason to reconsider an act of disrespect both for the dead and for the taxpayers who fill the trust fund coffers.

Mr. President, I am hopeful that this proposal will receive the support of my colleagues. At a time when the trust funds have just been pulled back from the brink of financial collapse, this unacceptable state of affairs cannot be tolerated any longer.●

By Mr. HUMPHREY:

S. 1362. A bill to amend title II of the Social Security Act to prohibit payment of benefits to inmates of facilities for the criminally insane; to the Committee on Finance.

PAYMENT OF SOCIAL SECURITY BENEFITS TO CERTAIN INDIVIDUALS

● Mr. HUMPHREY. Mr. President, I rise to offer legislation to prohibit the payment of social security disability and retirement benefits to the criminally insane. The recently passed social security reform bill extended the existing prohibition of disability payments to convicted felons to include retirement benefits as well. I supported this move, Mr. President, yet I believe we need to carry it a step further.

Like convicted felons, the criminally insane are institutionalized in government facilities and wholly supported at taxpayer expense. When Congress in 1980 enacted Public Law 96-473, which prohibited payment of disability benefits to convicted felons, it was argued that, as a matter of public policy, the benefits in question should not be paid to those for whom all basic needs were being provided by taxpayer dollars. I respectfully submit, Mr. President, that the same argument can and should be made in support of denying benefits to the criminally insane. While such individuals do differ from convicted felons in the manner in which the courts have affixed legal responsibility for their actions, there is a less technical, more fundamental manner in which the comparison can be made: like convicted felons, the criminally insane have committed public offenses for which, in the absence of an underlying impairment or mental illness, criminal responsibility could be ascribed. Like convicted felons, as I stated earlier, the criminally insane are institutionalized in State or Federal facilities completely at the expense of the citizens against whom they have committed offenses. At a time when all contributing parties have been asked to make sacrifices in one form or another to restore solvency to the trust funds, should we continue to provide funds for televisions, stereos, and other luxuries for the criminally insane? I think not, Mr. President.

I do not expect that this bill will have a profound financial impact, Mr. President, because the number of individuals affected is likely to be relatively small. When the original prohibition of benefits to felons was enacted a few years ago, it was estimated that 4,000-6,000 individuals were affected. Because the criminally insane represent a small fraction of the overall prison population, the number of individuals to whom this bill would apply is likely to be quite small. I am pursuing this initiative in order to provide an opportunity for myself and my colleagues to make an affirmative statement of public policy: namely, that we place high value on each and every hard-earned taxpayer dollar deposited into the trust funds, and that we take seriously our responsibility to guard these funds from expenditures which are indiscriminate and contrary to the public interest.

There is another dimension of the problem to consider when discussing the criminally insane. Often, the very mental illness upon which the judgment rests becomes the basis of an application for disability benefits. I do not believe, Mr. President, that we should continue to support a mechanism through which violators of the public trust are allowed to profit at the expense of the trust funds.

Mr. President, my bill is a simple one. It amends section 202 of the Social Security Act to provide that no benefits would be paid to the criminally insane incarcerated following the date of enactment. The "criminally insane" include those who, upon being charged with an offense constituting a felony, are found not guilty by reason of insanity. Additionally, my bill closes a loophole in the recent reform bill by assuring that benefits would not be paid to convicted felons who are transferred to a psychiatric or other medical facility following initial incarcertaion in a penitentiary facility. Other provisions of the section allowing payment of benefits to dependents, and the provision of information to the Secretary to assist in identifying affected parties, are not altered by this bill.

I heartily enlist the support of my colleagues for this bill, and I ask for its prompt consideration.●

By Mr. HART:

S. 1363. A bill to protect human health and the environment by establishing adequate controls on the management of hazardous wastes; to the Committee on Environment and Public Works.

HAZARDOUS WASTE MANAGEMENT ACT OF 1983

● Mr. HART. Mr. President, I am introducing today the Hazardous Waste Management Act of 1983, a bill to es-

tablish for the first time a comprehensive and explicit statutory framework to bring about the safe management of hazardous wastes.

Hazardous waste has become the single most important environmental issue of the 1980's. People all across the United States face serious risks to their health, and the health of their children, because of the widespread contamination of our air, our land, and our water—including our drinking water—by toxic industrial wastes. The frightening dimensions of this national crisis are just becoming clear. Consider these facts:

A still uncompleted inventory by the Environmental Protection Agency has identified more than 15,000 sites where toxic wastes have been dumped with no adequate controls;

An unreleased EPA study has identified an additional 80,000 water impoundments—pits, ponds, and lagoons—that contain hazardous wastes—and 90 percent of these impoundments threaten to contaminate drinking water supplies; and

Another unreleased EPA study, based on monitoring of the drinking water supplies of nearly 1,000 cities with a population of more than 10,000 people, says nearly 30 percent of those cities have had their water contaminated by dangerous chemicals—largely, it is believed, because of the leaking of hazardous wastes from landfills.

Perhaps most tragically, however, is how we are every year increasing the proportions of this national crisis. A recent study by the Congressional Office of Technology Assessment concluded that between 280 and 300 million tons of new hazardous waste is being produced in the United States every year, and that more than 80 percent is being simply dumped in or on the land, with no effort to render it harmless.

This means we are burying every year in the United States more than 1 ton of untreated, toxic waste for every woman, man, and child in the country.

Almost all of this hazardous waste is being put in simple, unlined landfills—little more than just holes in the ground.

The result of all this land disposal is the poisoning of the United States. Fully 97 percent of the "Superfund" priority sites—the most contaminated places in our country—are land disposal sites.

At the rate we are going now, we are creating future Superfund sites more rapidly than we are cleaning up the ones we have already created.

Building better landfills is not the way to reverse this trend. The experts all agree that even the best, double lined, state-of-the-art landfills will contain hazardous wastes for no more than two or three decades, while the wastes remain hazardous for hundreds and thousands and even tens of thousands of years.

The only way we can avoid increased contamination of our environment by hazardous wastes is to manage them properly, so untreated hazardous wastes are put in the ground only rarely, and only as a last resort.

This is not an impossible, Utopian dream. While we in the United States are dumping our untreated wastes in our land, West Germany is treating 85 percent of its wastes to render them harmless. Denmark treats every bit of hazardous waste it produces; if there is no treatment technology they put it in storage until the necessary technology is developed.

The same could be done here. A California State government study concluded at least 75 percent of the hazardous waste produced in that State could be safely recycled, treated, or destroyed through processes that have already been developed; the capacity to manage the wastes in those ways could be developed within 2 years; and the additional cost to industry would be minimal.

Why, a reasonable person might ask, are not we managing hazardous wastes properly, as other countries are doing and as we could do? Why is the United States—the richest and most technologically advanced Nation in the world—mortgaging away its future by dumping untreated waste in the ground?

The answer is as simple as it is tragic. The United States is mismanaging its hazardous wastes, in ways that threaten the health of its citizens, because only a national government can bring about the proper management of hazardous wastes by a nation, and our Federal Government has failed to provide the leadership that is needed.

Government action is necessary because the individual companies that produce hazardous waste cannot be expected to manage them properly for the good of the society. It is cheaper to put the wastes in a landfill—even in a new, relatively expensive landfill. Only Government requirements, that apply equally to all companies, can prevent individual companies from being at a competitive disadvantage for incurring the greater expenses that are often necessary to manage wastes correctly.

Before I leave this point about the relative expense of land disposal and alternative forms of management, let me emphasize that land disposal is cheaper only in the short run, and only to the companies producing the wastes. The real expense of landfill does not begin until the wastes leak out. Then the expense can reach truly staggering levels. The cleanup of Love Canal will cost more than $100 million—and this does not even include the costs incurred by the residents around Love Canal, in miscarriages, serious diseases, and untold pain and suffering. It is impossible to measure these costs, but the personal damage claims being sought by the Love Canal residents in lawsuits total about $2 billion. Even more important, the costs incurred when a landfill leaks are imposed on people who have received no benefit or profit from the activity that led to the hazardous waste, and who are virtually helpless to protect themselves from the contamination of their environment.

The only recourse of the people is to come to their Government. But in this case their Government has not yet responded appropriately. In 1976, Congress, aware of the serious problems caused by hazardous waste but unsure how to address those problems, enacted amendments to the Solid Waste Disposal Act that give EPA general authority to issue standards and regulations needed to protect human health and the environment. But there is little in the statute to provide direction to EPA on what standards and regulations to issue. All of subtitle C of the Solid Waste Disposal Act—the Nation's law on the management of hazardous wastes—is 17 pages long. By contrast, the Clean Air Act, the flagship of our Nation's environmental laws, is 173 pages long. I do not mean to suggest that length is necessarily a measure of the effectiveness of a law; but in this case Congress has given EPA the authority to create a program more than Congress has itself mandated a program.

Since 1976 we have had ample evidence of the inadequacy of the current law. To begin with, since EPA had no clear congressional guidance, it took 6 years for the basic regulations to even be issued. Worse, those regulations contain more loopholes than standards. This is quite literally true. The Congressional Office of Technology Assessment has concluded that as much as 300 million tons of hazardous waste is generated in this country every year, and only one-sixth of that amount is subject to any form of control under EPA's hazardous waste program. Those wastes that are subject to regulation are subject to only minimal requirements. The essence of the program is that anybody disposing of regulated hazardous waste has to send it to a disposal facility that has been permitted by EPA, and has to keep track of what was shipped where. But any hazardous waste can go to any facility; existing facilities are subject to enormously broad "grandfather" provisions that let them avoid all substantive standards; and even when the substantive standards issued by EPA are in effect they are woefully inadequate to prevent contamination of the surrounding air, land, and water. To top everything off, the agency under this administration has so far shown no

desire or interest to enforce its inadequate standards.

In this absence of meaningful Federal action, State governments have begun trying to protect their citizens. California has enacted a ban on the land disposal of especially dangerous wastes that can instead be treated or incinerated. Illinois has enacted a requirement that, effective January 1, 1987, nobody can dispose of untreated hazardous waste without first demonstrating to the State that the waste cannot be reused, incinerated, or treated to render it harmless. Minnesota has enacted a law that allows the siting of any new disposal facilities only if there are no feasible alternatives to the disposal of any untreated wastes going to the facility. Missouri has prohibited the land disposal of all hazardous wastes for which there is proven technology at a reasonable cost for some other form of management of the waste. Ohio allows the land disposal of hazardous waste only if the State determines the waste cannot be recycled, reclaimed, incinerated, or neutralized to render it harmless, and only if the waste has first been reduced to its lowest possible level of toxicity and its lowest bulk form.

I say it is time for the Federal Government to assert its paramount constitutional powers to insure that the citizens of all States are receiving the protection they deserve from improperly managed hazardous wastes. This is a national problem, even a national crisis, and only a national solution will suffice.

The Hazardous Waste Management Act of 1983 is intended to provide that national solution. It would provide for hazardous wastes the same kind of comprehensive, detailed, binding statutory program that Congress has previously enacted on air and water pollution.

The bill is based in large part on the proposals put forward by Senators JOHN H. CHAFEE, the chairman of the Committee on Environment and Public Works' Subcommittee on Environmental Pollution, and JENNINGS RANDOLPH, the ranking minority member of the Committee on Environment and Public Works, and by Congressman JAMES J. FLORIO, the chairman of the Committee on Energy and Commerce's Subcommittee on Commerce, Transportation, and Tourism. I applaud these distinguished members on the good work they have already done on this issue, and I look forward to working with them and other Members of both bodies on the new concepts I am including in the Hazardous Waste Management Act of 1983.

Mr. President, at this point I would like to outline the major points of the bill.

NATIONAL GOALS

The bill establishes three national goals:

First, "minimizing the amount of hazardous waste generated in the United States";

Second, "promoting the development and availability of technologies for resource conservation, resource recovery, and treatment of hazardous waste that are likely to be more protective of public health and the environment than the disposal of hazardous waste without prior treatment"; and

Third, "eliminating the disposal into or on any land or water of any hazardous waste that, were it to be discharged into the environment, could cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, without prior treatment adequate to insure that such hazardous waste does not cause such mortality or illness."

These goals would be meaningful; EPA would be mandated when writing regulations and standards to adopt the requirements neccesary to achieve the goals.

LAND DISPOSAL PROHIBITION

The bill would automatically prohibit, as of 6 months after its enactment, the land disposal of the same hazardous wastes that the California State government has barred from land disposal—liquid hazardous wastes containing cyanides, arsenic, cadmium, hexavalent chromium, lead, mercury, nickel, selenium, thallium, or polychlorinated biphenyls (PSB's); highly acidic liquid hazardous wastes; and hazardous wastes containing halogenated organic chemicals.

The bill directs EPA to review all additional hazardous wastes to determine if they should be subject to the same prohibition on land disposal, according to a schedule providing for determinations with respect to one-quarter of the wastes within 2 years, and an additional quarter of the wastes by the end of each successive 10-month period. If EPA does not make a determination with respect to any waste according to this schedule, the law would automatically prohibit the disposal of that waste in or on the land unless and until EPA certifies that land disposal is protective of human health and the environment.

BEST AVAILABLE MANAGEMENT PRACTICES

The bill directs EPA to specify, within 10 years, "best available management practices" for each regulated hazardous waste. These would be the method or methods of management of a particular waste which EPA determines is the best available to achieve the national goals established by the bill and to otherwise protect human health and the environment. In determining these best available management practices, EPA is directed to follow a hierarchy of preferred methods of managing hazardous wastes—in order of priority: reducing the volume of hazardous waste that is generated to begin with; onsite recycling and reuse; offsite recycling and reuse; treatment that renders the waste nonhazardous; treatment that reduces the hazard of the waste; and, last, disposal of the waste.

These best available management practices would insure that the land disposal of untreated hazardous waste is done only as a last resort.

STANDARDS OF PERFORMANCE

The bill would direct EPA to revise its regulations to establish new, tougher minimal standards of performance for companies generating, storing, treating, or disposing of hazardous wastes.

These would be the first substantive requirements to apply to the generators of hazardous wastes. Now they are only required to ship their waste to a licensed facility and keep track of it. This is comparable to allowing companies emitting air or water pollution to escape pollution control requirements while others are required to clean up the air and water. The standards of performance would apply only to companies generating substantial quantities of hazardous waste—more than 3 metric tons a month—and would require them to reduce the volume of hazardous waste they produced by at least the degree that would be achieved by the best method of volume reduction—such as waste separation and segregation or onsite recycling—that has been adequately demonstrated with respect to that type of company and that type of waste.

The bill would also specify minimal statutory requirements for the standards of performance applying to incineration and disposal facilities. All new disposal facilities would be required to have double liners and to monitor air and underground water quality in the vicinity of the facility.

BEST AVAILABLE CONTROL TECHNOLOGY

The bill would direct EPA or the State—depending on which is implementing the program—to require new and newly expanded hazardous waste disposal, storage, and treatment facilities to apply the best available control technology, which must be at least as stringent a requirement as the minimal national standard of performance.

This requirement is exactly analogous to the Clean Air Act's requirement that new and newly expanded sources of air pollution must apply the best available control technology, which must be at least as stringent as minimal national new source performance standards.

The requirement for best available control technology under this bill, as under the Clean Air Act, would involve a specification of an actual control technology only when it is not possible to specify a performance standard

equal to the performance that would be expected through the use of the technology that is the best available. This flexibility will allow companies the freedom to decide which technology they will use to meet the mandated performance level.

OTHER PROVISIONS

The bill also would close a number of loopholes in the current EPA regulations:

EPA is directed to list as hazardous wastes two currently unregulated but highly toxic wastes: chlorinated dioxins and chlorinated dibenzofurans.

EPA is required to review within 2 years 18 additional types of wastes to determine whether to list them as hazardous wastes subject to regulation.

The "small generator" loophole is closed, so that all hazardous wastes produced by small generators must go to hazardous waste facilities and may not be put in unlined municipal solid waste dumps.

Hazardous waste could no longer be put in municipal sewage treatment facilities, which are not equipped to treat hazardous wastes;

The injection of hazardous wastes into deep wells in the same geographic formation as drinking water supplies is prohibited; and

EPA is directed to regulate, for the first time, the burning of fuels containing hazardous wastes.

Mr. President, I submit that this legislation, as ambitious as it is, points the way we must go if we are to solve the problems caused by the current inadequate hazardous waste program.

I commend this bill to the attention of my colleagues, especially my fellow members of the Committee on Environment and Public Works, with whom I intend to cooperate to insure the enactment of legislation to strengthen the current law.

I ask unanimous consent to have the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Hazardous Waste Management Act of 1983".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
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REFERENCES TO SOLID WASTE DISPOSAL ACT

SEC. 2. Unless expressly provided otherwise, any reference in this Act to another Act or to a section or other provision of law shall be a reference to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or to a section or other provision of that Act.

FINDINGS AND OBJECTIVES OF THE SOLID WASTE DISPOSAL ACT

SEC. 3. (a) Section 1002 (b) is amended—

(1) by striking out paragraph (5) and inserting in lieu thereof the following new paragraphs:

"(5) the continued improper management of hazardous waste would result in substantial impairment of and risks to human health and the environment, and would require substantial additional difficult, expensive, and uncertain emergency response and remedial actions;

"(6) land disposal facilities cannot ensure perpetual containment of hazardous wastes; and";

(2) by redesignating the former paragraph (6) as paragraph (7); and

(3) in paragraph (7) (as so redesignated), by striking out the semicolon at the end thereof and inserting in lieu thereof a period.

(b) Section 1003 is amended—

(1) by striking out paragraph (4) and inserting in lieu thereof the following new paragraphs:

"(4) minimizing the amount of hazardous waste that is generated;

"(5) requiring that hazardous waste be managed properly to reduce impairment of and risks to human health and the environment;"; and

(2) by redesignating the former paragraphs (5) through (8) as paragraphs (6) through (9), respectively.

DEFINITIONS

SEC. 4. Section 1004 is amended—

(1) in paragraph (3), by inserting at the end thereof the following new sentence: "For purposes of section 3003, such term includes the placing of solid waste in a surface impoundment (regardless of whether it is intended that the solid waste be removed before closure of the surface impoundment), the placing of solid waste in a waste pile, and any other placing of solid waste into or on any land or water.";

(2) by inserting after paragraph (8) the following new paragraph:

"(9) The term 'incineration' when used with respect to hazardous waste means the burning of hazardous waste, or of material containing hazardous waste, for the primary purpose of thermally breaking down such waste.";

(3) by redesignating the former paragraphs (9) through (39) as paragraphs (10) through (40), respectively;

(4) in paragraph (28) (as so redesignated) by inserting "(other than hazardous waste)" after "dissolved material";

(5) in paragraph (35) (as so redesignated) by striking out "any" in the second sentence and inserting in lieu thereof the following: "incineration and any other"; and

(6) by adding at the end thereof the following:

"(41) The term 'commence operations' means obtain all necessary Federal, State, and local approvals and permits for the construction and operation of the facility or facilities generating the hazardous waste, and either—

"(A) begin, or cause to begin, a continuous program of physical on-site construction of the facility or facilities, or

"(B) enter into binding agreements or contractual obligations, that cannot be cancelled or modified without substantial loss to the owner or operator, for the construction of the facility or facilities.

"(42) The term 'in operation' means having commenced operations.

"(43) The term 'modify operations' means make any physical change in, or change in the method of operation of, the facility or facilities generating the hazardous waste, in such a manner as to increase the amount of hazardous waste generated or to generate a hazardous waste not previously generated by that facility or those facilities.".

LISTING AND DELISTING OF HAZARDOUS WASTE

SEC. 5. Section 3001 is amended—

(1) in subsection (b), by adding at the end thereof the following new paragraph:

"(5) For the purpose of assuring the timely promulgation of regulations identifying additional characteristics of hazardous waste and listing additional hazardous wastes, as required by paragraph (1), the Administrator shall—

"(A) not later than two months after the date of the enactment of the Hazardous Waste Management Act of 1983, list under paragraph (1) wastes containing chlorinated dioxins and chlorinated-dibenzofurans;

"(B) not later than six months after the date of the enactment of the Hazardous Waste Management Act of 1983, list under paragraph (1)—

"(i) additional wastes containing all additional halogenated dioxins and halogenated-dibenzofurans (in addition to those referred to in subparagraph (A));

"(ii) additional wastes containing polychlorinated biphenyls; and

"(iii) the following wastes: chlorinated aliphatics, dimethyl hydrazine, TDI (toulene diisocyanate), carbamates, bromacil, linuron, organo-bromines, solvents, refining wastes, chlorinated aromatics, dyes and pigments, inorganic chemical industry wastes, lithium batteries, coke byproducts, and paint production wastes,

or publish in the Federal Register a notice that the Administrator does not intend to list such additional wastes at such time and the reasons for that decision;

"(C) not later than six months after the date of the enactment of the Hazardous Waste Management Act of 1983, submit to Congress a workplan—

"(i) for the promulgation of regulations identifying additional characteristics of hazardous waste, including measures or indicators for toxicity;

"(ii) identifying those particular wastes which the Administrator intends to review to determine, within two years after such date of enactment, whether to list them as hazardous waste under paragraph (1); and

"(iii) for cooperating with officials of the National Toxicology Program to evaluate the feasibility of identifying or listing under paragraph (1) hazardous waste based on the presence of certain hazardous constituents (such as known carcinogens, mutagens, or teratogens) at levels in excess of levels which cause such waste to be hazardous waste (within the meaning of section 1004(5)); and

"(D) not later than two years after the date of the enactment of the Hazardous Waste Management Act of 1983—

"(i) promulgate regulations under paragraph (1) identifying additional characteristics of hazardous waste;

"(ii) promulgate with respect to each waste identified under subparagraph (C)(ii) regulations listing such waste as hazardous waste, or publish in the Federal Register a notice that the Administrator does not intend to list such waste at such time and the reasons for that decision; and

"(iii) report to Congress on progress in the evaluation required by subparagraph (C)(iii).''; and

(2) by inserting at the end thereof the following new subsection:

"(d) DELISTING PROCEDURES.—

"(1) When evaluating a petition to exclude from regulation a hazardous waste generated at a particular facility, the Administrator shall consider factors other than those for which the hazardous waste was listed (including additional constituents of the hazardous waste) if the Administrator has a reasonable basis to believe such additional factors could cause the hazardous waste to meet the criteria promulgated under subsection (a). The Administrator shall provide notice and opportunity for comment (including comment on any additional constituents referred to in the preceding sentence) before granting a temporary exclusion from regulation of hazardous waste generated at a particular facility, and shall take final action granting or denying a petition for such exclusion within 18 months after granting a temporary exclusion.

"(2) Any petition to exclude from regulation a waste generated at a particular facility shall be accompanied by adequate information to evaluate such petition, including information on samples of such waste determined to be representative on the basis of guidelines for the development and submission of such information published by the Administrator. Such information shall be certified by a responsible corporate official of such facility to be accurate, complete, and representative, within the knowledge of employees or contractors of such facility.

"(3) Any temporary exculsion from regulation of a hazardous waste generated at a particular facility under a petition granted prior to the date of the enactment of the Hazardous Waste Management Act of 1983 without public notice and comment and without consideration of additional factors (as provided in paragraph (1)) shall not remain in effect for more than twelve months after such petition was granted or six months after the date of the enactment of the Hazardous Waste Management Act of 1983, whichever date is later.".

NATIONAL GOALS

SEC. 6. The Act is amended by inserting after section 3001 the following new section:

"NATIONAL GOALS

"SEC. 3002. Congress hereby declares as national goals—

"(1) minimizing the amount of hazardous waste generated in the United States;

"(2) promoting the development and availability of technologies for resource conservation, resource recovery, and treatment of hazardous waste that are likely to be more protective of human health and the environment than the disposal of hazardous waste without prior treatment; and

"(3) eliminating the disposal into or on any land or water of any hazardous waste that, were it to be discharged into the environment, could cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, without prior treatment adequate to ensure that such hazardous waste does not cause such mortality or illness.".

PROHIBITION ON DISPOSAL WITHOUT PRIOR TREATMENT

SEC. 7. The Act is amended by inserting after section 3002 (as inserted by section 6 of this Act) the following new section:

"PROHIBITION ON DISPOSAL WITHOUT PRIOR TREATMENT

"SEC. 3003. (a) IN GENERAL.—Unless and until the Administrator promulgates under section 3004 regulations permitting such method of management of such hazardous waste, effective six months after the date of the enactment of the Hazardous Waste Management Act of 1983, the disposal into or on any land or water, without prior treatment by a method certified by the Administrator as being adequate to ensure that such disposal is protective of human health and the environment, of the following hazardous waste is prohibited unless the Administrator determines the prohibition on one or more methods of land disposal is not required in order to protect human health and the environment for as long as the waste remains hazardous, taking into account the factors referred to in paragraph (c)(1):

"(1) liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free or complex cyanides at concentrations greater than or equal to 1,000 milligrams per liter;

"(2) liquid hazardous wastes, including free liquids associated with any solid or sludge, containing any of the following dissolved metals (or elements):

"(A) arsenic and compounds of arsenic (as As) at concentrations equal to or greater than 500 milligrams per liter;

"(B) cadmium and compounds of cadmium (as Cd) at concentrations equal to or greater than 100 milligrams per liter;

"(C) hexavalent chromium and compounds of hexavalent chromium (as Cr VI) at concentrations equal to or greater than 500 milligrams per liter;

"(D) lead and compounds of lead (as Pb) at concentrations equal to or greater than 500 milligrams per liter;

"(E) mercury and compounds of mercury (as Hg) at concentrations equal to or greater than 20 milligrams per liter;

"(F) nickel and compounds of nickel (as Ni) at concentrations equal to or greater than 134 milligrams per liter;

"(G) selenium and compounds of selenium (as Se) at concentrations equal to or greater than 100 milligrams per liter; or

"(H) thallium and compounds of thallium (as Th) at concentrations equal to or greater than 130 milligrams per liter;

"(3) liquid wastes with a pH equal to or less than two;

"(4) liquid wastes containing polychlorinated biphenyls (PCBs) at concentrations equal to or greater than 50 parts per million; and

"(5) wastes containing halogenated organics at concentrations equal to or greater than 1,000 milligrams per kilogram.

"(b) REGULATIONS.—After notice and opportunity for public hearing, and after consultation with appropriate Federal and State agencies, the Administrator may promulgate regulations, with respect to a particular hazardous waste referred to in subsection (a), establishing for the purposes of that subsection—

"(1) a lesser concentration at which the disposal of such hazardous waste is prohibited, if the Administrator determines that such lesser concentration is necessary to protect human health and the environment; or

"(2) an effective date for the prohibition in subsection (a) later than the date specified in that subsection, if the Administrator determines that such later date is necessary to allow an alternative method of management to become available with respect to that hazardous waste, and that storage of such hazardous waste until such later date is not possible. Such other effective date shall be the earliest date on which the Administrator anticipates such alternative method of management to become available, and in any event shall not be later than 42 months after the effective date specified in subsection (a).

"(c) ADDITIONAL HAZARDOUS WASTES.—

"(1) After notice and opportunity for public hearing, and after consultation with appropriate Federal and State agencies, the Administrator shall determine whether to make subject to the prohibition established by subsection (a) all additional hazardous wastes identified or listed under regulations promulgated under section 3001 (in addition to those specified in subsection (a)). The Administrator shall promulgate regulations making such a hazardous waste subject to such prohibition, with respect to all methods of disposal or to a specified method or specified methods of disposal, if, after consideration the likelihood that such method or methods of disposal will not assure the perpetual containment of hazardous waste, and after considering the persistence, toxicity, mobility, and propensity to bioaccumulate of such hazardous waste, the Administrator determines such prohibition may reasonable be anticipated to be necessary to achieve the national goals specified in section 3002 and to otherwise protect human health and the environment for as long as the waste remains hazardous.

"(2) The Administrator shall submit to Congress a schedule for reviewing all hazardous wastes referred to in paragraph (1) which are identified or listed by regulations promulgated under section 3001 before the date of the enactment of the Hazardous Waste Management Act of 1983, which shall provide for determinations to be made and, when appropriate, regulations promulgated with respect to—

"(A) 25 percent of such hazardous wastes within 24 months after such date of enactment;

"(B) 50 percent of such hazardous wastes within 34 months after such date of enactment;

"(C) 75 percent of such hazardous wastes within 44 months after such date of enactment; and

"(D) 100 percent of such hazardous wastes within 54 months after such date of enactment.

In establishing the schedule required by this paragraph, the Administrator shall endeavor to provide for making determinations first with respect to those hazardous wastes which the Administrator believes cause the most serious threats to human health and the environment.

"(3) In carrying out this subsection, the Administrator—

"(A) shall, upon determining not to make a hazardous waste subject to such prohibition, immediately publish in the Federal Register a notice to that effect and an explanation of the reasons for that decision;

"(B) shall, upon determining to make a hazardous waste subject to such prohibition, immediately issue, without further notice, opportunity for comment, or consultation, regulations making such hazardous waste subject to such prohibition with respect to all methods of disposal, a specified method of disposal, or specified methods of disposal, effective six months after the promulgation of such regulations, unless the Administrator determines that it is necessary to establish, in accordance with subsection (b)(2), a later effective date, which in any event shall not be later than 48 months after the promulgation of such regulations; and

"(C) may, after notice and opportunity for public hearing, and after consultation with appropriate Federal and State agencies, reconsider a determination to not make such a hazardous waste subject to such prohibition or revise regulations promulgated under paragraph (5).

"(d) OTHER ADDITIONAL HAZARDOUS WASTES.—In the case of any hazardous waste identified or listed under section 3001 after 54 months after the date of the enactment of the Hazardous Waste Management Act of 1983, the Administrator shall determine in accordance with subsection (c) whether such waste shall be prohibited from one or more methods of land disposal within six months after the date of such identification or listing.

"(e) AUTOMATIC PROHIBITION.—If the Administrator fails to make a determination for hazardous waste within the time specified in the schedule submitted to Congress under subsection (d)(2), or fails to make a determination for hazardous waste within the time specified in subsection (d), such hazardous waste shall be prohibited from disposal in or on the land by any and all methods of such disposal, effective six months after the time by which such determination was required to have been made.".

BEST AVAILABLE MANAGEMENT PRACTICES

SEC. 8. The Act is amended by inserting after section 3003 (as inserted by section 7 of this Act) the following new section:

"BEST AVAILABLE MANAGEMENT PRACTICES

"SEC. 3004. (a) IN GENERAL.—After notice and opportunity for public hearing, and after consultation with appropriate Federal and State agencies, the Administrator shall promulgate regulations establishing best available management practices for each hazardous waste identified or listed under this subtitle. With respect to each such hazardous waste (or category of hazardous wastes) such best available management practices shall specify the method, methods, or combination of methods of management of such hazardous waste (or such category of hazardous wastes), including any method or methods of resource conservation, resource recovery, treatment, storage, or disposal, which the Administrator determines is or are the best available (or anticipated to be available by the effective date of the regulations) to achieve the national goals specified in section 3002 and to otherwise protect human health and the environment. The Administrator shall specify only one such method, or only one such combination of methods, if only that method or combination of methods is the best available within the meaning of this subsection with respect to a particular hazardous waste (or category of hazardous wastes); but if two or more alternative methods or combinations of methods are of essentially equivalent effectiveness for achieving the national goals specified in section 3002 and for otherwise protecting human health and the environment, the Administrator shall specify all such methods or combinations of methods. Upon the effective date of regulations promulgated under this subsection, the resource conservation, resource recovery, treatment, storage, or disposal of a hazardous waste subject to such regulations by a method not specified in such regulations is prohibited.

"(b) HIERARCHY OF MANAGEMENT PRACTICES.—In determining under subsection (a) which method, methods, or combination of methods of management of a particular hazardous waste (or category of hazardous wastes) is or are the best available within the meaning of that subsection, the Administrator shall give preference, in order of decreasing priority, to—

"(1) methods of reducing the amount of hazardous waste that is generated;

"(2) other methods of on-site resource conservation and methods of on-site resource recovery;

"(3) methods of off-site resource conservation and resource recovery;

"(4) methods of treatment that render the hazardous waste nonhazardous;

"(5) methods of treatment that render the hazardous waste less hazardous; and

"(6) methods of disposal.

"(c) EFFECTIVE DATE.—Regulations promulgated under subsection (a) shall be effective six months after they are promulgated, unless the Administrator establishes with respect to one or more methods of management specified in such regulations a later effective date. The Administrator may establish such a later effective date only if such additional time is necessary to allow such method or methods to become available. In no event shall such effective date be later than three years after the date of promulgation of the regulations.

"(d) TIMETABLE FOR PROMULGATION OF REGULATIONS.—The Administrator shall promulgate regulations under subsection (a) with respect to—

"(1) 25 percent of all hazardous wastes identified or listed under this subtitle as of the date of the enactment of the Hazardous Waste Management Act of 1983 within four years after such date of enactment;

"(2) 50 percent of all such hazardous wastes within six years after such date of enactment;

"(3) 75 percent of all such hazardous wastes within eight years after such date of enactment; and

"(4) all such hazardous wastes within ten years after such date of enactment.

In complying with the timetable established by this subsection, the Administrator shall endeavor to promulgate first regulations under subsection (a) with respect to those hazardous wastes which the Administrator believes cause the most serious threats to human health and the environment. The Administrator shall promulgate regulations under subsection (a) with respect to each hazardous waste identified or listed under this subtitle after the date of the enactment of the Hazardous Waste Management Act of 1983 within two years after the identification or listing of such hazardous waste.

"(e) REVIEW OF REGULATIONS.—The Administrator shall review, and as appropriate shall revise, a regulation promulgated under subsection (a)—

"(1) whenever any person demonstrates to the satisfaction of the Administrator that a method of management of the hazardous waste (or category of hazardous wastes) with respect to which the regulation was promulgated has been developed since the regulation was promulgated (or was last reviewed), or that a method of management of the hazardous waste (or category of hazardous wastes) exists that was not considered when the regulation was promulgated (or was last reviewed); and

"(2) in any event at least every ten years.".

STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SEC. 9. The former section 3002 of the Act is amended—

(1) by striking out "3002" and inserting in lieu thereof "3005";

(2) by inserting "(a) Initial Standards.—" after "3005";

(3) in paragraph (6), by inserting a closing parenthetical mark after "subtitle"; and

(4) by adding at the end thereof the following new subsections:

"(b) REPORTS FOR 1981, 1982, AND 1983.—Within 90 days after the date of the enactment of the Hazardous Waste Management Act of 1983, the Administrator shall require the persons subject to the standards promulgated under this section to file as expeditiously as practicable the reports required by subsection (a)(6) with respect to calendar years 1981 and 1982, and to file by March 1, 1984, a report with respect to calendar year 1983. Such reports shall contain, to the extent possible, the information required to have been submitted in such reports under the regulations of the Administrator which were in effect on December 31, 1982 (40 CFR 262.41 and 265.75).

"(c) RETENTION OF RECORDS AND MANIFESTS.—Within 60 days after the date of the enactment of the Hazardous Waste Management Act of 1983, the Administrator shall revise the regulations promulgated under subsection (a) to require the persons subject to such regulations to maintain the records required to be kept under subsection (a)(1) (including copies of all manifests prepared by such persons) for ten years, or for such longer period as the Administrator may determine to be necessary to protect human health and the environment.

"(d) MANIFESTS FOR SMALL QUANTITY WASTE.—Effective 90 days after the date of the enactment of the Hazardous Waste Management Act of 1983, any hazardous waste that is part of a total quantity of hazardous waste generated by a generator generating less than 1,000 kilograms of total hazardous waste during a calendar month and that is shipped off the premises on which such hazardous waste is generated shall be accompanied by a copy of the Environmental Protection Agency Uniform Hazardous Waste Manifest form signed by the

generator and including the following information:

"(1) the name and address of the generator of the hazardous waste;

"(2) the United States Department of Transportation description of the hazardous waste, including the proper shipping name, hazard class, and identification number (UN/NA) if applicable;

"(3) the number and type of containers; and

"(4) the quantity of hazardous waste being transported.

If paragraph (2) is not applicable, in lieu of the description referred to in that paragraph, the form shall contain the Environmental Protection Agency identification number of the hazardous waste, a generic description of the hazardous waste, or a description of the hazardous waste by the characteristic with respect to which it is identified as a hazardous waste. Additional requirements related to the manifest, including the requirement for an identification number for the generator of the hazardous waste, shall apply only if determined by the Administrator to be necessary to protect human health and the environment.

"(e) SMALL QUANTITY GENERATOR WASTE.—Effective two years after the date of the enactment of the Hazardous Waste Management Act of 1983, hazardous waste generated by any generator generating a total quantity of hazardous waste greater than 100 kilograms but less than 1,000 kilograms during a calendar month shall be subject to the same requirements under this subtitle as hazardous waste produced by a generator generating more than 1,000 kilograms of total hazardous waste during a calendar month (notwithstanding the provisions of subsection (d)), to the extent that the revised standards promulgated under subsection (f) establish different standards under this section for generators generating such different amounts of hazardous waste.

"(f) REVISED STANDARDS.—

(1) Not later than eighteen months after the date of the enactment of the Hazardous Waste Management Act of 1983, and as appropriate thereafter, and after notice and opportunity for public hearing and after consultation with appropriate Federal and State agencies, the Administrator shall revise the regulations promulgated under subsection (a), as may be necessary to achieve the national goals established by section 3002, to otherwise protect human health and the environment, and to comply with the requirements of this subsection.

"(2) The revised regulations promulgated under paragraph (1) shall establish standards for generators of hazardous waste generating a total quantity of hazardous waste greater than 100 kilograms but less than 1,000 kilograms during a calendar month. Such standards may vary from the standards applying to larger quantity generators but shall be as stringent as may be necessary to protect human health and the environment. Such standards shall at a minumum provide that—

"(A) onsite storage of hazardous waste generated by a generator generating a total quantity of hazardous waste greater than one hundred kilograms but less than one thousand kilograms during a calendar month, may occur for up to one hundred and eighty days without the requirement of a permit;

"(B) all other treatment, storage, or disposal of hazardous wastes generated by such generators shall occur at a facility with a permit under this subtitle; and

"(C) any hazardous waste generated by such generators which is shipped off the premises on which such waste is generated, shall be accompanied by a manifest, except that the specific requirements for entries on such manifest may vary from those applicable to the manifest required for larger quantity generators.

"(g) STANDARDS OF PERFORMANCE.—

"(1) After notice and opportunity for public hearings and after consultation with appropriate Federal and State agencies, the Administrator shall establish, as may be necessary to achieve the national goals established by section 3002 and to otherwise protect human health and the environment, standards of performance applying to categories of hazardous waste who generate during a calendar month more than 1,000 kilograms of any single hazardous waste identified or listed under this subtitle. Such standards of performance shall require such generators to reduce the amount of hazardous waste they generate by at least the degree of reduction that would be achieved by the application of the most effective techology for reducing the amount of such hazardous waste which the Administrator, after considering the costs and health and environmental impacts of such technology, determines has been adequately demonstrated for such category of generators. In determining for the purpose of this paragraph which technology is most effective in reducing the amount of generated hazardous waste, the Administrator shall first consider technologies for segregating and separating hazardous waste, for other methods of on-site resource conservation, and for on-site resource recovery.

"(2) The Administrator may establish different standards of performance under this subsection for those generators, on a site basis, who are in operation when the standards of performance are promulgated, for those generators, on a site basis, who commence operations after the standards are promulgated, and for those generators, on a site basis, who modify operations after the standards are promulgated.

"(3) Standards of performance established under this subsection shall be effective immediately upon promulgation with respect to generators who commence operations or modify operations (as those terms are defined in paragraph (2)) after the date the standards are promulgated. When promulgating standards of performance under this subsection for generators who are in operation when the standards are promulgated, the Administrator shall specify the date on which such standards shall be effective, which date shall not be later than two years after the date on which the standards are promulgated.".

PERMITS FOR GENERATORS OF HAZARDOUS WASTE

SEC. 10. The Act is amended by inserting after section 3005 (as redesignated by section 9 of this Act) the following new section:

"PERMITS FOR GENERATORS OF HAZARDOUS WASTE

SEC. 3006. (a) PERMIT REQUIREMENTS.—Simultaneously with the promulgation of regulations under section 3005 establishing standards of performance for a category of generators of hazardous waste, the Administrator shall promulgate regulations requiring all generators subject to such standards of performance to have a permit issued pursuant to this section. Such regulations shall take effect six months after they are promulgated, and upon and after their effective date the generation of hazardous wastes by any such generator is prohibited except in accordance with such permit.

"(b) REQUIREMENTS FOR PERMIT APPLICATION.—Each application for a permit under this section shall contain such information as may be required under regulations promulgated by the Administrator, including information respecting—

"(1) estimates with respect to the composition, quantities, and concentrations of any hazardous waste identified or listed under this subtitle, or combinations of any such hazardous waste, proposed to be generated by the generator; and

"(2) the method or methods to be used to comply with all standards of performance applicable to the generator.

"(c) PERMIT ISSUANCE.—After notice and opportunity for public hearing, the Administrator (or a State, if applicable) shall issue a permit under this section if the applicant for such permit demonstrates to the satisfaction of the Administrator (or the State) that the generator will comply with all applicable standards of performance and all other standards applying to such generator under section 3005.

"(d) PERMIT REVOCATION.—Upon a determination by the Administrator (or a State, if applicable) of noncompliance by a generator having a permit under this section with the requirements of section 3005 or of this section, the Administrator (or the State) shall revoke such permit.

"(e) INTERIM STATUS.—Any person who—

"(1) is required to have a permit under this section because of activities that were in operation when the standards of performance with respect to which the permit is required were promulgated;

"(2) has complied with the requirements of section 3005 (a); and

"(3) has made an application for a permit under this section,

shall be treated as having been issued such permit until such time as final administrative dispostion of such application is made, unless the Administrator (or State) or other plaintiff proves that final administrative disposition of such application has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application.".

STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

SEC. 11. The former section 3003 is amended—

(1) by striking out "3003." and inserting in lieu thereof "3007."; and

(2) by inserting after the end thereof the following new subsection:

"(c) RETENTION OF RECORDS AND MANIFESTS.—Within 60 days after the date of the enactment of the Hazardous Waste Management Act of 1983, the Administrator shall revise the regulations promulgated under subsection (a) to require the persons subject to such regulations to maintain the records required to be kept under subsection (a)(1) (including copies of all manifests required to be kept by such persons) for ten years, or such longer period of time as the Administrator determines to be necessary to protect human health and the environment.".

STANDARDS APPLICABLE TO OWNER AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SEC. 12. The former section 3004 of the Act is amended—

(1) by striking out "3004" and inserting in lieu thereof "3008";

(2) by inserting "(a) Initial Standards.—" after "3008.";

(3) in paragraph (2), by striking out "3002 (5)" and inserting in lieu thereof "3005 (a) (5)";

(4) in paragraph (7), by striking out "3005" and inserting in lieu thereof "3010"; and

(5) by inserting at the end thereof the following new subsections:

"(b) RETENTION OF RECORDS.—Within 60 days after the date of the enactment of the Hazardous Waste Management Act of 1983, the Administrator shall revise the regulations promulgated under subsection (a) to—

"(1) require the persons subject to such regulations to maintain the records required to be kept under subsection (a)(1) for ten years, or for such longer period as the Administrator may determine to be necessary to protect human health and the environment;

"(2) to require owners and operators of double-lined surface impoundments to comply with the ground water protection requirements applying to other disposal facilities under subsection (a); and

"(3) to provide that each landfill or surface impoundment for which an application for a permit under section 3009(c) is received by the Administrator after the date of enactment of the Hazardous Waste Management Act of 1983 shall be required to be double-lined and to monitor ambient air and ground water quality in the vicinity of the facility.

"(c) LIQUIDS IN LANDFILLS.—Not later than one year after the date of enactment of the Hazardous Waste Management Act of 1983, the Administrator shall promulgate final regulations which minimize the disposal of liquid hazardous waste in landfills. Prior to the promulgation of such final regulations, the requirements in regulations under this section respecting the disposal of landfills of liquid hazardous waste and free liquids contained in hazardous waste in effect as of October 1, 1982, shall remain in effect.

"(d) REVISED STANDARDS.—Not later than four years after the date of the enactment of the Hazardous Waste Management Act of 1983, and as appropriate thereafter, and after notice and opportunity for public hearing, and after consultation with appropriate Federal and State agencies, the Administrator shall revise the regulations promulgated under subsection (a), as may be necessary to achieve the national goals established by section 3002, to otherwise protect human health and the environment, and to comply with the requirements of this section.

"(e) CRITERIA FOR THE LOCATION OF DISPOSAL FACILITES.—The revised standards promulgated under subsection (d) shall specify those criteria for the acceptable location of hazardous waste disposal facilities as the Administrator determines is necessary to protect human health and the environment. In determining such criteria the Administrator shall consider whether it is protective of human health and the environment to allow the siting of hazardous waste disposal facilities in flood plains; above a formation which contains an underground source of drinking water; above or near a geologic fault; or without certain natural barriers between the facility and surface or ground water to reduce the possibility of migration of hazardous wastes into the water. Effective immediately on the promulgation of regulations specifying such criteria, no permit may be issued under section 3009 for a new hazardous waste disposal facility that would be located in an area that is not, according to such criteria, an acceptable location for such facility. The Administrator may, by rule, require the closure of any existing hazardous waste disposal facility if it is located in an area that is not, according to such criteria, an acceptable location for such facility, and the Administrator determines on the record that the continued operation of such facility causes an unreasonable risk to human health and the environment.

"(f) MINIMUM STANDARDS FOR INCINERATORS.—The standards promulgated under subsection (a) with respect to the minimum destruction and removal efficiency of facilities for the incineration of hazardous wastes and in effect on May 25, 1983, shall remain in effect unless the Administrator modifies those standards, but any such modification must provide for equivalent or greater hazardous waste containment or equivalent or greater destruction and removal of hazardous waste.

"(g) PRIOR RELEASES.—The Administrator shall revise the standards promulgated under subsection (a) which apply to disposal facilities to require the cleanup of hazardous constituents attributable to the migration of waste from all solid waste management units at the facility, whether waste was placed in such units before or after the date of such permit issuance. Such cleanup shall be required to be completed prior to permit issuance to the extent possible. Where cleanup of such releases cannot be completed prior to permit issuance, the standards issued under this section shall provide for compliance schedules and financial assurances to ensure adequate cleanup of such releases.".

PERMITS FOR TREATMENT, STORAGE, OR DISPOSAL OF HAZARDOUS WASTE

SEC. 13. Section 3005 is amended—

(1) by striking "3005" and inserting in lieu thereof "3009";

(2) by inserting "(1)" after "INTERIM STATUS.—", redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), and adding the following at the end thereof:

"(2) Any owner or operator of a treatment, storage, or disposal facility operating under interim status pursuant to this subsection who expands the capacity of the facility (except the capacity for storage or treatment in tanks or containers and enclosed waste piles) shall be required to obtain a permit under subsection (c) prior to the construction or expansion. The Administrator may promulgate regulations under this subsection which, in the discretion of the Administrator, contain standards for facilities which expand such capacity by 10 per centum or less; such standards may vary from the standards applicable to those facilities operating pursuant to a permit under this subsection which do not expand such capacity.

"(3) The standards concerning ground water monitoring, corrective action, liners and leachate collection systems which are applicable under section 3004 to new landfills, surface impoundments, and waste-pile units required to be permitted under subsection (c) shall also apply to any landfill, surface impoundment or waste-pile unit (including any new unit, replacement of an existing unit or lateral expansion of an existing unit) operating under interim status under this subsection which receives hazardous waste after the applicable date. In the case of standards concerning ground water monitoring and corrective action, the applicable date is July 26, 1982. In the case of standards concerning liners and leachate collection systems, the applicable date is the date six months after the date of enactment of this paragraph. The Administrator may amend the requirements in effect under section 3004 and applicable to liners and leachate collection systems required under this paragraph as may be necessary to protect human health and the environment.

"(4) In the case of any facility in which a liner and leachate collection system has been installed pursuant to the requirements of paragraph (3) and in compliance with the Administrator's regulations and guidance documents governing liners and leachate collection systems, no liner or leachate collection system which is different from that which was originally installed pursuant to paragraph (3) shall be required by the Administrator when issuing permits under subsection (c) to such facility.";

(3) in subsection (c) by adding after the words "complete the modifications" the following: "No permit issued under this subsection may remain in force and effect for more than ten years after the date on which the permit is issued unless the permit is renewed for additional periods of not to exceed ten years each. Any such renewal shall be subject to the same requirements as are applicable to the issuance of a new permit.";

(4) in subsection (c) by inserting "(1)" after "PERMIT ISSUANCE.—" and by adding the following new paragraph at the end thereof:

"(2)(A)(i) Not later than the date four years after the enactment of the Hazardous Waste Management Act of 1983, in the case of each application for a permit for a land disposal facility under this section which was submitted before such date, the Administrator shall issue a final permit pursuant to such application or issue a final denial of such application. In considering permit application for existing land disposal facilities, the Administrator shall give highest priority to permits for facilities that are currently contaminating ground water.

"(ii) Not later than the date five years after the enactment of the Hazardous Waste Management Act of 1983, in the case of each application for a permit for an incinerator facility under this section which was submitted before such date, the Administrator shall issue a final permit pursuant to such application or issue a final denial of such application.

"(B) Not later than the date eight years after the enactment of the Hazardous Waste Management Act of 1983, in the case of each application for a permit for any facility under this section (other than a facility referred to in subparagraph (A)) which was submitted before such date, the Administrator shall issue a final permit pursuant to such application or issue a final denial of such application.

"(C) The time periods specified in this paragraph shall also apply in the case of any State which is administering an authorized hazardous waste program under section 3006. Interim status under subsection (e) shall terminate for each facility referred to in subparagraph (A) or (B) on the expiration of the four-, five-, or eight-year period referred to in supbaragraph (A) or (B), whichever, is applicable, unless an application is filed for a permit under other provisions of this subsection within—

"(i) nine months after the date of the enactment of the Hazardous Waste Management Act of 1983 (in the case of a facility referred to in subparagraph (A) which is a landfill facility),

"(ii) two years after the date of the enactment of the Hazardous Waste Management Act of 1983 (in the case of a facility referred to in subparagraph (A) other than a landfill facility), or

"(iii) four years after such date of enactment (in the case of a facility referred to in subparagraph (B)).''; and

(5) by inserting at the end thereof the following new subsection:

"(g) CLASS PERMITS.—

"(1) After notice and opportunity for hearing, the Administrator may promulgate permit application requirements and permit conditions applicable to owners and operators of a class of facilities if he determines that the facilities in the class should be subject to similar design, operating, and management requirements. Such classes shall be limited to facilities which treat or store hazardous waste in containers, tanks, or enclosed piles and mobile treatment units designed to treat specified types of hazardous waste.

"(2) If, after notice and opportunity for an informal hearing under section 7004(b)(2), the Administrator determines that a facility in any class designated under paragraph (1) meets the requirements and conditions promulgated under that paragraph, he may issue a class permit for such facility containing such permit conditions.

"(3) Notwithstanding the foregoing, the Administrator may, in establishing requirements and conditions under paragraph (1), provide that certain permit conditions shall be established for each facility on a site-specific basis. Additional permit conditions shall be promulgated to take into account site-specific factors in the case of mobile treatment units.".

STANDARDS APPLICABLE TO OWNERS AND OPERATORS OF HAZARDOUS WASTE RESOURCE RECOVERY FACILITIES AND TO DISTRIBUTORS OF RECOVERED MATERIAL FROM HAZARDOUS WASTE

SEC. 14. (a) The Act is amended by inserting after section 3009 (as redesignated above) the following new section:

"STANDARDS APPLICABLE TO OWNERS AND OPERATORS OF HAZARDOUS WASTE RESOURCE RECOVERY FACILITIES AND TO DISTRIBUTORS OF RECOVERED MATERIAL FROM HAZARDOUS WASTE

"SEC. 3010. (a) IN GENERAL.—After opportunity for public hearings and after consultation with appropriate Federal and State agencies, the Administrator shall promulgate regulations establishing such standards applicable to owners and operators of hazardous waste resource recovery facilities and to distributors of recovered material from hazardous waste as may be necessary to achieve the national goals established by section 3002 and to otherwise protect human health and the environment.

"(b) HAZARDOUS WASTE USED AS FUEL.—Not later than two years after the date of the enactment of the Hazardous Waste Management Act of 1983, and after notice and opportunity for public hearing, the Administrator shall promulgate regulations establishing such—

"(1) standards applicable to the owners and operators of facilities which produce a fuel, (A) from any hazardous waste identified or listed under section 3001, or (B) from any hazardous waste identified or listed under section 3001 and any other material;

"(2) standards applicable to the owners and operators of facilities which burn for purposes of energy recovery any fuel produced as provided in paragraph (1) or any fuel which otherwise contains any hazardous waste identified or listed under section 3001; and

"(3) standards applicable to any person who distributes or markets any fuel which is produced as provided in paragraph (1) or any fuel which otherwise contains any hazardous waste identified or listed under section 3001.

as may be necessary to protect human health and the environment. Such standards may include any of the requirements set forth in paragraphs (1) through (7) of subsection (a) as may be appropriated. Nothing in this subsection shall be construed to affect or impair the provisions of section 3001(b)(3). For purposes of this subsection, the term 'hazardous waste listed under section 3001' includes any commercial chemical product which is listed under section 3001 and which, in lieu of its original intended use, is (A) produced for use as (or as a component of) a fuel, (B) distributed for use as a fuel, or (C) burned as a fuel. This subsection, subsection (e) and the second sentence of section 3010 shall not apply to petroleum refinery wastes containing oil which are converted into petroleum coke at the same facility at which such wastes were generated, unless the resulting coke product would exceed one or more characteristic by which a substance would be identified as a hazardous waste under section 3001.

"(c) LABELING.—Notwithstanding any other provision of law, it shall be unlawful for any person who is required to file a notification in accordance with paragraph (1) or (3) of section 3017 to distribute or market any fuel which is produced from any hazardous waste identified or listed under section 3001, or any fuel which otherwise contains any hazardous waste identified or listed under section 3001 if the invoice or the bill of sale fails—

"(1) to bear the following statement: 'WARNING: THIS FUEL CONTAINS HAZARDOUS WASTES', and

"(2) to list the hazardous wastes contained therein.

Such statement shall be located in a conspicuous place on every such invoice or bill of sale and shall appear in conspicuous and legible type in contrast by typography, layouts, or color with other printed matter on the invoice or bill of sale.

"(d) RECORDKEEPING.—Not later than twelve months after the enactment of the Hazardous Waste Management Act of 1983, the Administrator shall promulgate regulations requiring that any person who is required to file a notification in accordance with subparagraph (1), (2), or (3), of paragraph 3016(a) must maintain such records regarding fuel blending, distribution, or use as may be necessary to protect human health and the environment.".

(b)(1) Section 3010 is amended by inserting the following after the first sentence thereof: "Not later than twelve months after the date of the enactment of the Hazardous Waste Management Act of 1983—

"(1) the owner or operator of any facility which produces a fuel (A) from any hazardous waste identified or listed under section 3001, (B) from such hazardous waste identified or listed under section 3001 and any other material, (C) from used oil, or (D) from used oil and any other material;

"(2) the owner or operator of any facility (other than a single- or two-family residence) which burns for purposes of energy recovery any fuel produced as provided in paragraph (1) or any fuel which otherwise contains used oil or any hazardous waste identified or listed under section 3001; and

"(3) any person who distributes or markets any fuel which is produced as provided in paragraph (1) or any fuel which otherwise contains used oil or any hazardous waste identified or listed under section 3001 shall file with the Administrator a notification stating the location and general description of the facility, together with a description of the identified or listed hazardous waste involved and, in the case of a facility referred to in paragraph (1) or (2), a description of the production or energy recovery activity carried out at the facility and such other information as the Administrator deems necessary. For purposes of the preceding sentence, the term 'hazardous waste listed under section 3001' also includes any commercial chemical product which is listed under section 3001 and which, in lieu of its original intended use, is (i) produced for use as (or as a component of) a fuel, (ii) distributed for use as a fuel, or (iii) burned as a fuel. Notification shall not be required under the second sentence of this subsection in the case of facilities (such as residential boilers) where the Administrator determines that such notification is not necessary in order for the Administrator to obtain sufficient information respecting current practices of facilities using hazardous waste for energy recovery. Nothing in this subsection shall be construed to affect or impair the provisions of section 3001(b)(3). Nothing in this subsection shall affect regulatory determinations under section 3023 (as amended by the Used Oil Recycling Act of 1980).".

(2) The former section 3010 is amended by striking "the preceding sentence" each place it occurs and substituting "the preceding provisions".

INTERIM CONTROL OF UNDERGROUND INJECTION OF HAZARDOUS WASTE

SEC. 16. The Act is amended by inserting after section 3010 (as added above) the following new section:

"INTERIM CONTROL OF HAZARDOUS WASTE INJECTION

"SEC. 3011. (a) UNDERGROUND SOURCE OF DRINKING WATER.—No hazardous waste may be disposed of by underground injection—

"(1) into a formation which contains (within one-quarter mile of the well used for such underground injection) an underground source of drinking water; or

"(2) above such a formation.

The prohibition established under paragraph (2) shall not apply if the person injecting such hazardous waste establishes to the satisfaction of the Administrator, or the State in the case of a State which has assumed primary enforcement responsibility under the Safe Drinking Water Act (title XIV of the Public Health Service Act) for enforcement of such prohibition, that the injection will not cause hazardous waste to migrate into drinking water sources or otherwise endanger drinking water sources. The prohibitions established under this subsection shall take effect six months after the enactment of this section except in the case of any State in which identical prohibitions are in effect before such date under the Safe Drinking Water Act.

"(b) ENFORCEMENT.—Except as provided in subsection (c), the prohibitions established under subsection (a) shall be enforced by the Administrator under sections 3015 and 7003 of this Act and shall be treated (for purposes of section 7002) as requirements which have become effective pursuant to this Act.

"(c) SAFE DRINKING WATER ACT.—The prohibitions established under paragraphs (1) and (2) of subsection (a) shall be enforceable only under the Safe Drinking Water Act in any State—

"(1) which has adopted identical prohibitions under part C of the Safe Drinking Water Act and which has assumed primary enforcement responsibility under that Act for enforcement of such prohibitions; and

"(2) in which the Administrator has adopted identical prohibitions under the Safe Drinking Water Act and is exercising primary enforcement responsibility under that Act for enforcement of such prohibitions.

"(d) The terms 'primary enforcement responsibility', 'underground source of drinking water', 'formation' and 'well' have the same meanings as provided in regulations of the Administrator under the Safe Drinking Water Act.".

AUTHORIZED STATE HAZARDOUS WASTE PROGRAMS

SEC. 16. (a) Section 3006(b) is amended by adding the following at the end thereof: "In authorizing a State program, the Administrator may base his findings on the Federal program in effect one year prior to submission of a State's application or in effect on January 26, 1983, whichever is later.".

(b) Section 3006 is amended by adding the following new subsection at the end thereof:

"(f) AVAILABILITY OF INFORMATION.—No State program may be authorized by the Administrator under this section unless—

"(1) such program provides for the public availability of information obtained by the State regarding facilities and sites for the treatment, storage, and disposal of hazardous waste; and

"(2) such information is available to the public in substantially the same manner, and to the same degree, as would be the case if the Administrator was carrying out the provisions of this subtitle in such State.".

(c) The amendment made by subsection (a) shall apply with respect to State programs authorized under section 3006 before, on, or after the date of the enactment of the Hazardous Waste Management Act of 1983.

INSPECTIONS

SEC. 17. Section 3007 is amended—

(1) by striking "3007" and inserting in lieu thereof "3012"; and

(2) by inserting the following new subsection after subsection (a) and by redesignating succeeding subsections accordingly:

"(b) MANDATORY INSPECTIONS.—

"(1) Beginning twelve months after the enactment of the Solid Waste Disposal Act Amendments of 1983, every facility for the treatment, storage, or disposal of hazardous waste for which a permit is required under section 3005 of this title shall be thoroughly and regularly inspected no less often than every two years as to its compliance with this subtitle and the regulations promulgated thereunder. The Administrator shall, after notice and opportunity for public comment, promulgate regulations governing the minimum frequency and manner of such inspections, including the manner in which records of such inspections shall be maintained. The Administrator may distinguish between classes and categories of facilities commensurate with the risks posed by each class or category.

"(2) Not later than six months after the enactment of the Hazardous Waste Management Act of 1983, the Administrator shall submit to the Congress a report on the potential for inspections of hazardous waste treatment, storage, or disposal facilities by nongovernmental inspectors as a supplement to inspections conducted by officers, employees, or representatives of the Environmental Protection Agency or States having authorized hazardous waste programs or operating under a cooperative agreement with the Administrator. Such report shall be prepared in cooperation with the States, insurance companies offering environmental impairment insurance, and independent companies providing inspection services, and other such groups as appropriate. Such report shall contain recommendations on provisions and requirements for a program of private inspections to supplement governmental inspections.".

FEDERAL ENFORCEMENT

SEC. 18. (a) Section 3007 is amended—

(1) by striking "3007" and inserting in lieu thereof "3013";

(2) by amending subsection (a)(1) to read as follows:

"(1) Except as provided in paragraph (2), whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this subtitle, the Administrator may issue an order: (A) assessing a civil penalty for any past or current violation; (B) requiring compliance immediately or within a specified time period; or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction. Any person aggrieved by the violation may intervene as a matter of right.";

(3) by amending subsection (a)(3) to read as follows:

"(3) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator or a State under this subtitle and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation of a requirement of this subtitle. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.";

(4) in subsection (b) by inserting "the person or" before "persons";

(5) by amending subsection (c) to read as follows:

"(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator (whether issued by the Administrator or the State).";

(6) in subsection (d) as follows:

(A) in paragraph (1)—

(i) insert after "knowingly transports" the following: "or causes to be transported", and

(ii) strike out "section 3005 (or 3006 in the case of a State program)" and substitute "this subtitle";

(B) in paragraph (2)—

(i) Strike out "either";

(ii) strike out "section 3005 (or 3006 in the case of a State program)" and substitute "this subtitle"; and

(iii) strike out subparagraph (B) and substitute:

"(B) in violation of any material condition or requirement of such permit; or

"(C) in violation of any material condition or requirement of any applicable interim status regulations or standards;"; and

(C) strike out all after paragraph (2) and substitute:

"(3) knowingly omits material information or makes any false material statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained, or used for purposes of compliance with regulations promulgated by the Administrator (or by a State in the case of an authorized State program) under this subtitle;

"(4) knowingly generates, stores, treats, transports, disposes of, or otherwise handles any hazardous waste (whether such activity took place before or takes place after the date of the enactment of this paragraph) and who knowingly destroys, alters, conceals or fails to file any record, application, manifest, report, or other document required to be maintained or filed for purposes of compliance with regulations promulgated by the Administrator (or by a State in the case of an authorized State program) under this subtitle; or

"(5) knowingly transports without a manifest, or causes to be transported without a manifest, any hazardous waste required by regulations promulgated under this subtitle (or by a State in the case of a State program authorized under this subtitle) to be accompanied by a manifest;

shall upon conviction, be subject to a fine of not more than $50,000 for each day of violation, or imprisonment not to exceed two years (five years in the case of a violation of paragraph (1) or (2)), or both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment under the respective paragraph shall be doubled with respect to both fine and imprisonment.";

and

(7) by amending subsection (e) to read as follows:

"(e) KNOWING ENDANGERMENT.—Any person who knowingly transports, treats, stores or disposes of any hazardous waste identified or listed under this subtitle in violation of paragraph (1), (2), (3), (4), or (5) of subsection (d) of this section who knows at that time that he thereby places another person in imminent danger of death of serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than fifteen years, or both. A defendant that is an organization shall, upon conviction of violating this subsection, be subject to a fine of not more than $1,000,000.".

(b) Section 7006(b) is amended by inserting the following before the last sentence thereof: "Action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement.".

OMBUDSMAN

SEC. 19. The Act is amended by inserting after old section 3013 the following new section:

"OFFICE OF OMBUDSMAN

"SEC. 3022. (a) ESTABLISHMENT; FUNCTIONS.—The administrator shall establish an Office of Ombudsman, to be directed by an Ombudsman. It shall be the function of the Office of Ombudsman to receive individual complaints, grievances, requests for information submitted by any person with respect to compliance by any other person with any requirement of this subtitle.

"(b) ATHORITY TO RENDER ASSISTANCE.—The Ombudsman shall render assistance with respect to the complaints, grievances, and requests submitted to the Office of Ombudsman, and shall make appropriate recommendations to the Administrator.

"(c) EFFECT ON PROCEDURES FOR GRIEVANCES, APPEALS, OR ADMINISTRATIVE MATTERS.—The establishment of the Office of Ombudsman shall not affect any procedures for grievances, appeals, or administrative matters in any other provision of this Act, any other provision of law, or any Federal regulation.".

IMMINENT HAZARD

SEC. 20. Section 7003 is amended by inserting at the end thereof the following new subsection:

"(c) in any action under this section any person endangered by the action with respect to which the Administrator has brought suit may intervene as a matter of right.".

TECHNICAL CORRECTIONS

SEC. 21. (a) Section 4008 is amended by redesignating the second subsection (f) (relating to assistance to municipalities for energy and materials conservation and recovery planning activities) as subsection (g).

(b) Section 3011 is amended by striking "3011" and inserting in lieu thereof "3017".

(c) The first section 3012 is amended by striking "3012" and inserting in lieu thereof "3018".

(d) The second section 3012 is amended by striking "3012" and inserting in lieu thereof "3019".

(e) Section 3013 is amended by striking "3013" and inserting in lieu thereof "3020".

(f) Section 3014 is amended by striking "3014" and inserting in lieu thereof "3022".

(g) Section 3010 is amended by striking "3010" and inserting in lieu thereof "3016".

AUTHORIZATION FOR APPROPRIATIONS

SEC. 22. (a) Section 2007(a) is amended by striking out "and $80,000,000 for the fiscal year ending September 30, 1982" and substituting "$80,000,000 for the fiscal year ending September 30, 1983, $57,000,000 for the fiscal year ending September 30, 1984, $61,000,000 for the fiscal year ending September 30, 1985, and $61,000,000 for the fiscal year 1986.".

(b) Section 3011(a) is amended by striking out "and $40,000,000 for the fiscal year 1982" and substituting "$40,000,000 for the fiscal year 1983, $50,000,000 for the fiscal year 1984, $55,000,000 for the fiscal year 1985, and $60,000,000 for the fiscal year 1986".

(c) Section 3012 (relating to the hazardous waste inventory) is amended by striking out "$20,000,000" in susbsection (c)(2) and inserting in lieu thereof "$25,000,000 for each of the fiscal years 1984 through 1986".

(d) Section 4008(a)(1) is amended by striking out "and $20,000,000 for fiscal year 1982" and substituting "$20,000,000 for the fiscal year 1983, and $10,000,000 for each of the fiscal years 1984 through 1986".

(e) Section 4008 (a)(2)(C) is amended by striking out "and $10,000,000 for fiscal year 1982" and substituting "$10,000,000 for fiscal year 1983, and $2,000,000 for each of the fiscal years 1984 through 1986".

(f) Section 4008(e)(2) is amended by striking out "and $1,500,000 for each of the fiscal years 1981 and 1982" and substituting ", $1,500,000 for fiscal year 1983, and $500,000 for each of the fiscal years 1984 through 1986".

(g) Section 4008 is amended in paragraph (4) of first subsection (f) (relating to assistance to States for discretionary programs for recycled oil) by striking out "and $5,000,000 for fiscal year 1983" and substituting ", $5,000,000 for fiscal year 1983, and $5,000,000 for each of the fiscal years 1984 through 1986".

(h) Section 5006 is amended by inserting after "1982" the following "and $1,500,000 for each of the fiscal years 1983 through 1986".●

By Mr. BAKER (for himself and Mr. SASSER):

S. 1365. A bill entitled the "Harry Porter Control Tower"; to the Committee on Commerce, Science, and Transportation.

HARRY PORTER CONTROL TOWER

Mr. BAKER. Mr. President, I am sure there are many Americans that can tell their grandchildren tales of yesteryear when pilots were barnstormers, and wings were walked on, but few can tell those stories firsthand. My friend Harry Porter can. Harry Porter recently celebrated his 89th birthday and his 60th year as an active pilot. He traveled nationwide throughout his career, but his fixed base has long been Chattanooga, Tenn. He founded Harry Porter Flight Service in Chattanooga, and if one pops into what is now named Hangar 1 on Lovell Field, Harry can still be found as the official adviser and public relations man.

For his contributions to so many involved in aviation, the City Commission of Chattanooga has requested that the new air traffic control tower at Lovell Field be named in honor of Harry Porter, a pioneer and still avid aviator. Since it takes an act of Congress to name a Federal building, I am pleased to sponsor this bill to name the new tower for Harry Porter.

By Mr. WEICKER:

S. 1366. A bill to implement the recommendations of the Interim Report of the Northern Mariana Islands Commission on Federal Laws and to amend the Revised Organic Act of the Virgin Islands and the Organic Act of Guam, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1367. A bill to repeal certain provisions of law relating to the territories and insular possessions of the United States; to the Committee on Energy and Natural Resources.

LEGISLATION ON TERRITORIES AND INSULAR POSSESSIONS OF THE UNITED STATES

● Mr. WEICKER. Mr. President, I send to the desk for appropriate reference two measures dealing with the teritories and insular possessions of the United States.

The first measure contains the texts of two measures introduced during the last Congress which were the subject of hearings before the Committee on Energy and Natural Resources. The committee deferred action at the request of the administration to enable it to discuss the provisions further with representatives of the territorial governments.

Title I contains one of the recommendations of the interim report of the Northern Mariana Islands Commission on Federal Laws and was introduced at the request of the Commission last Congress on February 9, 1982, as S. 2088. Hearings were conducted by the Committee on Energy and Natural Resources on September 13, 1982, at which time the administration testified that it supported the objectives of the measure but requested additional time review the precise wording.

Title II contains provisions of S. 2729 which I introduced to amend various provisions of the organic legislation for Guam and the Virgin Islands. That legislation was drafted, at my request, by the Department of the Interior to modify existing Federal organic legislation for the territories to permit a local constitution to become effective. When the proposed constitution for the Virgin Islands was defeated, territorial representatives agreed that certain improvement in the Federal organic legislation would still be desirable. During hearings on S. 2729 on September 13, 1982, the administration asked for more time to review several of the provisions and consult with territorial representatives. Accordingly, the committee deferred consideration of those items while the remainder were enacted as part of Public Law 97-357. I am reintroducing the deferred provisions as a basis for both the territories and the administration to offer their recommendations.

The second measure I am introducing was drafted, at my request, by the staff of the Committee on Energy and Natural Resources to identify those provisions of Federal law codified under title 48 dealing with territories and insular possessions which are archaic and should be repealed. These provisions were, for the most part, enacted in the mid to late 19th century to address issues affecting the western territories and were not repealed as those territories entered the Union. I am introducing this measure to afford both the territories and the administration the opportunity to review these laws to determine whether any have a continuing use so that the remainder can be repealed.●

By Mr. HEFLIN:

S. 1368. A bill to amend the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, to permit the Secretary of Agriculture to issue marketing orders regulating the handling of eggs; to the Committee on Agriculture, Nutrition, and Forestry.

REGULATION OF THE HANDLING OF EGGS

Mr. HEFLIN. Mr. President, I am today introducing legislation to bring eggs within the purview of the Agricultural Marketing Agreements Act of 1937.

Under the act producers and handlers of a particular commodity, are afforded an opportunity to voluntarily agree to establish research, promotion, and supply management programs. A marketing order also permits the participants to establish quality control standards on the particular commodity involved.

Like most of the other segments of our agricultural community, our domestic egg producers, particularly our small and independent producers, are suffering losses in income and markets. They are not among those other commodities which have some measure of price protection through the commodity loan programs.

I do not know whether including eggs in the marketing order system will provide the solution our independent egg producers are seeking. I only offer this legislation as a possible means of relief. I do know, however, that if these producers are to survive, and if consumers are to be able to be assured of a stable supply of eggs and reasonable prices, some assistance to egg producers must be forthcoming.

By Mr. DURENBERGER:

S. 1369. A bill to amend section 170 of the Internal Revenue Code of 1954 to increase the amounts that may be deducted for maintaining exchange students as members of the taxpayer's household; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. COCHRAN, Mr. PELL, and Mr. MATHIAS):

S. 1370. A bill to amend subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 by inserting a new section 44H to allow a credit for certain transportation expenses of foreign exchange students; to the Committee on Finance.

FOREIGN EXCHANGE STUDENTS LEGISLATION

● Mr. DURENBERGER. Mr. President, today I am reintroducing two very special bills about a very special program. Each year, tens of thousands of high school students from foreign countries come to the United States to spend a year as part of an American family. At the same time, thousands of American students travel to other countries to live with families with varied lifestyles.

These student exchange programs take on new importance as we come to realize that the world is a shrinking planet. Advanced communication technology, high-speed transportation, multinational business, and a global economic and financial system all lead inexorably to an eventual world community.

The future leaders of that world order are the young people of today. I can think of no other single effort that does more to foster mutual understanding between cultures on a person-to-person basis than student exchange programs. Year after year, foreign students make lifelong friends in this country and take home a knowledge and an experience that will help them to better understand their own lives, their countries, and world events. And, of course, the same is true of young American who spend time overseas.

The rewards of the exchange programs enure not only to the participating students, but to society as a whole. They are a beginning step toward eliminating America's foreign language deficiencies. Figures from the President's Commisson on Foreign Language and International Studies indicate that 9 out of 10 Americans cannot speak, read, or effectively understand any language but English.

American students participating in exchange programs are given a magnificent opportunity to become fluent in the language of their host nation—proficient far beyond the level any classroom instruction could ever afford. This capability, in turn, can be shared and further developed upon the student's return to the United States.

Moreover, what better way to learn the art of compromise and acceptance than by being immersed in a new culture? It is in this way that foreign exchange students will learn, for the rest of their lives, how to cooperate and adapt.

Yet, Mr. President, foreign exchange programs are beginning to fall on hard times. Thousands of students in foreign lands are unable to participate because there are not enough host families willing or able to host them. And thousands of young American students can no longer afford to go abroad.

For all their benefits, exchange programs have received little help at the Federal level. In 1960, President Eisenhower signed into law a bill that provided $50 a month tax deduction for the host families of foreign exchange students living in private American homes and attending high school in the United States. In the years that have ensued, inflation has reduced that figure, which was originally based on a $600 exemption for dependents, to an insignificant amount.

The bill that I am introducing today would raise that deduction to $100 a month, up to a maximum of $1,000 a year. In other works, it would allow families who host a foreign exchange student for at least 10 consecutive months to take the equivalent of a personal exemption for that child on their income tax. Given the tremendous educational benefits provided by foreign exchange programs, and given the considerable expense incurred in adding another member to one's family, I think that raising the current deduction by $50 a month is entirely appropriate.

My other bill would provide a 25-percent tax credit on the transportation expense incurred by a family sending a child overseas. This would help broaden the base of families able to provide their children with this remarkable educational experience.

I hope my colleagues will give these measures their speedy and favorable consideration. Many thousands of children in this world would be very grateful if we did.

Mr. President, I ask unanimous consent that the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) subparagraph (A) of section 170(g)(2) of the Internal Revenue Code of 1954 (relating to limitation on amounts paid to maintain certain students as members of taxpayer's household) is amended by striking out "$50" and inserting in lieu thereof, "the lesser of $1,000, or $100".

(b) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1982.

S. 1370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting immediately before section 45 the following new section:

"SEC. 44H. TRANSPORTATION EXPENSES OF FOREIGN EXCHANGE STUDENTS.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 percent of the qualified foreign exchange transportation expenses.

"(b) QUALIFIED FOREIGN EXCHANGE TRANSPORTATION EXPENSES.—For purposes of this section, the term 'qualified foreign exchange transportation expenses' means any amount paid or incurred—

"(1) by or on behalf of an individual who is a participant in a foreign exchange program which is designated by the Director of the International Communication Agency as a teenager exchange-visitor program, and

"(2) for transportation of such individual between such individual's home and the lo-

cation outside of the United States where such individual is to participate in the teenager exchange visitor program."

(b) The table of sections for subpart A of part IV of subchapter A of chaper 1 of such Code is amended by adding after the item relating to section 44G the following new item:

"SEC. 44H. TRANSPORTATION EXPENSES OF FOREIGN EXCHANGE STUDENTS."

(C) The amendments made by this Act shall apply to taxable years beginning after December 31, 1982.●

By Mr. PERCY (for himself and Mr. BENTSEN):

S. 1372. A bill to suspend the duty on MXDA (Meta-Xylene Diamine and 1,3-BAC (1,3-Bis [aminomethyl]-cyclohexane)) until July 1, 1986; to the Committee on Finance.

SUSPENSION OF DUTY

Mr. PERCY. Mr. President, today I am introducing legislation that is a companion bill to H.R. 1667 which was introduced in the House by Congressman RUSSO. The purpose of this legislation is to suspend the duty on MXDA (Meta-Xylene Diamine) and 1,3-BAC (1,3-Bis[aminomethyl] - cyclohexane) until July 1, 1986. Neither of these chemicals are manufactured in the United States at this time. These chemicals are used to produce epoxy curing agents, engineering type nylons, tetrafunctional epoxies, and diisocyanates. These types of products are used in:

Aerospace composites—as a part of the matrix (or glue) that holds the carbon fibers together.

Engineering type nylons—as a part of a nylon polymer used for molding parts—gears, fan blades, electrical connectors, housings, et cetera—where high tensile strength, high resistance to moisture and heat, and high dimensional stability are required.

Epoxy curing agents—as the hardener portion of an epoxy system requiring good chemical resistance, good moisture resistance, good durability, and temperature stability.

Urethane systems—as the hardener in the diisocyanate portion of high performance urethane systems used in flooring systems, adhesives, coatings, sealants, and casting compounds.

The advantage in using 1,3-BAC in some applications is its slightly higher resistance to ultraviolet degradation. Because of the extra cost in manufacturing 1,3-BAC, its use is more restricted to areas requiring very excellent ultraviolet resistance.

In its Chicago plant, Sherwin-Williams currently produces the product IPN (Isophthalonittrile) via ammoxidation of Meta-Xylene. MXDA is then produced via hydrogenation of IPN. The hydrogenation reaction requires facilities that will handle reaction pressures up to 4,000 pounds per square inch and enable continuous processing. Sherwin-Williams does not now have such facilities available nor are there such facilities available for this reaction in any other U.S.-based company which could perform this conversion for it on a contract basis. Therefore, Sherwin-Williams must rely on a foreign source to supply MXDA and 1,3-BAC for its market development. It is unlikely that either of these chemicals will be manufactured in this country within the next few years because the domestic market demand is, as yet, too small to justify the cost of new production facilities.

Suspension of the duty on MXDA and 1,3-BAC for 3 years would allow Sherwin-Williams the opportunity to develop new markets for these products in the United States. If its market development efforts are successful, it plans to construct facilities in Chicago which would perform the chemical conversion step now being carried out in a foreign country. This plant will provide 40 new jobs. It is estimated that the market development activity will take approximately 3 to 5 years with plant construction to begin sometime during that period. MXDA and 1,3-BAC are important keys for Sherwin-Williams' ability to vertically integrate the higher value chemicals and to open up many new market areas for it. The products being developed and currently made from these chemicals are state of the art and next generation performance level within their industries. However, each of these areas is price sensitive and the duty suspension will help Sherwin-Williams develop domestic and international markets more quickly so that it can justify manufacturing facilities in the United States. The end result of this effort could make a U.S. chemical manufacturer a direct competitor with the Japanese for the marketing of these products, not only within this country but in the international market. This would benefit our balance of trade and expand U.S. trading opportunities throughout the world.

The temporary suspension of the duty until June 30, 1986, provided for in this legislation will allow demand for MXDA and 1,3-BAC to grow from its present modest level to a point where domestic production can be justified. The administration appears to agree and has indicated that it has no objection to passage of H.R. 1667 during its testimony before the House Trade Subcommittee on April 27, 1983. There has been no objection to passage of this bill and therefore it is a noncontroversial tariff measure which should be included in the first miscellaneous tariff bill to be passed by the Senate. I urge support for its enactment as a means of assuring the eventual addition of these valuable chemicals to the domestic industrial base.

By Mr. MATHIAS (for himself, Mr. MOYNIHAN, Mr. GORTON, Mr. RANDOLPH, Mr. DOLE, Mr. BAKER, and Mr. BYRD):

S. 1373. A bill to establish a Commission on the Extraterritorial Application of U.S. Law: to the Committee on the Judiciary.

COMMISSION ON THE EXTRATERRITORIAL APPLICATION OF U.S. LAW

Mr. MATHIAS. Mr. President, we have been very fortunate today in having with us in the Capitol the former Senator from New York, Jacob Javits, one of the most distinguished Members of the Senate in its entire history, one of the most active Senators, one who has contributed a tremendous amount to the work of the Senate.

It seems appropriate that on a day when Senator Javits has been with us, been visiting the Capitol, to introduce a bill on a subject in which he has been interested for many years. So at this time I will send to the desk a bill that would propose a 1-year Presidential Commission to study the international application of American law.

This is a proposal upon which former Senator Javits and I have worked since the 96th Congress. As a matter of fact, under his leadership and guidance, it passed the Senate unanimously in 1980.

There is a renewed interest in this subject as we face a trade deficit of about $70 billion, about twice as big a trade deficit as the worst nightmare anybody ever had on that subject. So it seems timely for us to look again at a positive Javits idea and, once again, to obtain the approval of the Senate for a solution to nagging, persisting perennial problem.

The need for a task force to deal with the international aspects of our laws is clear. Both our allies and American companies doing business abroad feel oppressed. Our trading partners around the world—including some of our most important partners—complain both publicly and privately to the President about what they consider to be the arrogance of U.S. authorities running roughshod over their laws and regulations and trying to extend the reach of U.S. laws to their territory. In fact, several of our allies, with some justification, have enacted blocking statutes to prevent their citizens from cooperating with U.S. authorities.

American business executives complain that they are not sure exactly what U.S. law says they can and cannot do overseas. How do corporate managers, sitting in a boardroom, decide what they will do and when they will do it, if they are not sure of the law?

No one can estimate the effect of this uncertainty on our export effort, but, as Senator Javits put it in testimony before the Judiciary Committee a year and a half ago, "in a society

which believes in competition, we are tying one hand behind our back, and we are not competing effectively and adequately."

We have been hearing these complaints from our trading partners and business people for too long. The proposal for a task force that Senator Javits and I have championed will give us a chance to get these complaints on the table.

The Judiciary Committee held a hearing on a similar bill, S. 432, in the last Congress. At that time, witnesses from the Departments of State, Justice, and Commerce suggested that a study of the international application of our laws should not be confined to the antitrust sphere, since deep problems exist in other areas as well. Accordingly, today I am introducing an expanded version of our original task force proposal with the mandate altered to encompass the extraterritorial effects of U.S. laws generally. The 16-member Commission would be headed by the Attorney General, with the Legal Adviser of the State Department as Vice Chairman, and would include Members of the House and Senate as well as representatives of the private sector.

I expect that the original inspiration of the bill—the need to focus attention on unnecessary export disincentives that are embedded in the U.S. laws—will remain the guiding concern despite the expanded mandate of the task force.

I would like to add a note about our colleague Jacob Javits. At our hearing in December 1981, he made a very insightful and spirited presentation on the importance of promoting competition worldwide and the role the Commission could play in organizing that effort. The establishment of this Study Commission will always be associated with Senator Javits' name as a tribute to the energy and wisdom he devoted to it over the years. Jack has been known for his uncanny sense of where public affairs were heading and for his steady hand in helping to steer them on a sound course. Since foresight is the aim of the Commission this bill sets up, I would not be surprised if history referred to it as the Javits Commission, a name that is synonymous with foresight.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Commission on the Extraterritorial Application of United States Law Act".

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is established the Javits Commission on the Extraterritorial Application of United States Law (hereafter in this Act referred to as the "Commission").

(b) The Commission shall be composed of sixteen members who shall be appointed by the President as follows:

(1) two members from the executive branch of the Government:

(A) the Attorney General of the United States; and

(B) the Legal Adviser of the Department of State;

(2) four members from the Senate, two members to be appointed upon the recommendation of the majority leader, and two members to be appointed upon the recommendation of the minority leader;

(3) four members from the House of Representatives to be appointed upon the recommendation of the Speaker of the House of Representatives; and

(4) six members from the private sector.

(c) The Chairman of the Commission shall be the Attorney General of the United States.

(d) The President shall designate the Legal Adviser of the Department of State as the Vice Chairman of the Commission.

(e) The majority and minority leaders of the Senate and the Speaker of the House of Representatives shall make recommendations for the appointments to be made pursuant to subsection (b) within thirty days of the date of enactment of this Act.

(f) The President shall make all of the appointments in accordance with subsection (b), after receiving the recommendations set forth in paragraphs (2) and (3) of subsection (b), except that such appointments shall be made no later than sixty days after the date of enactment of this Act.

(g) The first meeting of the Commission shall be called by the President within thirty days following the date such appointments to the Commission are made.

(h) Not more than one-half of the members of each class of members set forth in paragraphs (2), (3), and (4) of subsection (b) shall be from the same political party.

(i) The term of office for members shall be for the duration of the Commission.

(j) A vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(k) Nine members of the Commission shall constitute a quorum, except that a lesser number may hold hearings.

(l) The membership of the Commission shall be selected in such a manner as to be broadly representative of the various interests, needs, and concerns which may be affected by the international aspects of United States law.

PURPOSES OF THE COMMISSION

SEC. 3. (a) The Commission shall—

(1) conduct a study of and make recommendations concerning the extraterritorial application of the laws of the United States, the applicable rules of court, related statutes, administrative procedures, and their applications, their consequences, and their interpretation by the courts and Federal agencies (hereafter in this Act referred to as "United States law"); and

(2) make periodic reports to the President and to the Congress concerning its activities and make a final report to the President and the Congress concerning such comprehensive study.

(b) Such comprehensive study shall specifically address but shall not be limited to—

(1) the extent to which unresolved jurisdictional conflicts, including situations where foreign laws are applied extraterritorially, impose serious trade barriers, costs, and uncertainties for United States business;

(2) the principles for setting appropriate jurisdictional and other limits to the application and enforcement of United States law reaching foreign persons as to conduct outside United States territory;

(3) identification of the types of conflicts between the laws and policies of the United States and the laws and policies of other sovereign states that can and should be resolved by diplomacy and those that can and should be resolved by litigation in United States or foreign courts or by other legal procedures;

(4) the laws or mechanisms that would be appropriate for removing essentially diplomatic disputes from adjudication;

(5) changes in the methods of conducting litigation that might better balance the vindication of valid legal rights with the burdens such litigation imposes in international commerce and foreign relations; and

(6) the mechanisms or standards that exist, or can be established, either under United States domestic law or under bilateral or multilateral legal arrangements, for resolving unavoidable jurisdictional conflicts between the United States and other sovereign states.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 4. (a) Members of Congress, who are members of the Commission, shall serve without compensation in addition to that received for their services as Members of Congress, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Notwithstanding section 5533 of title 5, United States Code, any member of the Commission who is in the executive branch of the Government shall receive the compensation which he would receive if he were not a member of the Commission, plus such additional compensation, if any, as is necessary to make his aggregate salary not in excess of the highest rate for employees compensated at the rate of GS-18 of the General Schedule under section 5332 of title 5, United States Code, and he shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of the duties vested in the Commission.

(c) Members from the private sector shall each receive compensation not exceeding $200 per diem when engaged in the performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

POWERS OF THE COMMISSION

SEC. 5. (a)(1) The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued to any person within the jurisdiction of the United States courts, under the signature of the Chairman or Vice Chair-

man, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member. In the case of the failure of any witness to comply with any subpena or to testify when summoned under authority of this section, the provisions of sections 102 through 104, inclusive, of the Revised Statutes (2 U.S.C. 192-194), shall apply to the Commission to the same extent as such provisions apply to Congress.

(2) For purposes of section 552(e) of title 5, United States Code, the Commission shall not be considered to be an agency.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services in accordance with the provisions of section 3109 of title 5, United States Code, but at rates not to exceed $200 per day for individuals.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties to such extent and in such amount as are provided in appropriations Acts.

FINAL REPORT

SEC. 6. The Commission shall transmit to the President and to the Congress not later than one year after the first meeting of the Commission, a final report containing a detailed statement of the findings and conclusions of the Commission, including its recommendations for administrative, judicial, and legislative action which it deems advisable. Any formal recommendation made by the Commission to the President and to the Congress must have the majority vote of the Commission as present and voting.

EXPIRATION OF THE COMMISSION

SEC. 7. Sixty days after the submission to Congress of the final report provided for in section 6, the Commission shall cease to exist.

AUTHORIZATION OF APPROPRIATION

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Commission.

EFFECTIVE DATE

SEC. 9. The provisions of this Act shall take effect upon the date of enactment of this Act.

Mr. RANDOLPH. Mr. President, may I have the privilege of becoming a cosponsor?

Mr. MATHIAS. Mr. President, with great pleasure, I ask unanimous consent that the names of the following Senators be added as original cosponsors: the Senator from West Virginia (Mr. RANDOLPH); the Senator from Kansas (Mr. DOLE), the chairman of the Finance Committee; the majority leader, Mr. BAKER; the minority leader, Mr. BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. MOYNIHAN. Mr. President, I am indeed honored to join with my distinguished colleague from Maryland, Senator MATHIAS, in introducing legislation to create a 1-year Presidential Commission to study the extraterritorial application of American laws. This measure—similar to a proposal championed by my former colleague and good friend, Senator Javits, in the 96th Congress—is a necessary first step in revising U.S. laws so as to remove impediments to American exports and enhance our competitive position in the global economy.

Each year, international trade exerts an increasing influence over the patterns, and the very health, of the American economy. Every year, the nations of the world export more than $2 trillion in goods; a like amount, of course, is imported. The United States accounts for more than 10 percent of these totals. That translated into over 210 billion dollars' worth of U.S. merchandise exports for 1982—a great amount, indeed, especially in light of the persistent international recession.

But while it is true that we exported more than $200 billion in goods, it is also true that we imported much more. Last year, we registered the largest trade deficit in our Nation's history, a staggering $36 billion. In 1982, imports accounted for 5.9 percent of the goods and services sold in the United States—up from only 2.3 percent 20 years ago. Across a wide range of industries—autos, textiles, steel, shipbuilding, farm machinery, computers, and aircraft, to name several—America's share of world markets has declined over the last decade.

And this state of affairs promises to get worse. The Chairman of the President's Council of Economic Advisers, Martin Feldstein, has forecast a trade deficit of some $65 to $75 billion this year. That is $75 billion that, under other circumstances, would flow to U.S. manufacturers. Instead it now will fund production and employment abroad.

Why have we performed so poorly? In part, this imbalance reflects a succession of misguided macroeconomic strategies, chiefly those responsible for our recently devastating high interest rates. But our trade performance also is burdened unnecessarily by our laws. Our trading partners do not impose similar burdens on their businesses.

It is time we identify the source of the constraints on America's foreign trade, and evaluate their effects on U.S. involvement in foreign markets and on U.S. relations with other countries. The Commission established in our bill would do just that. In addition, the Commission is given a mandate to study the effects of foreign laws on U.S. corporations operating abroad.

Jack Javits, whose 24 years of service—the longest of any New Yorker—have immeasurably enriched this distinguished body and the committees on which he served, first saw the need for such a study. He said it best when he said that the work of the Commission "will enable our Government to operate in terms of equality and reciprocity with other governments in the trading scheme of the world." This legislation is a tribute to the vision of Jack Javits and I am proud to join with Senator MATHIAS in carrying forward the battle to make America competitive in world markets once again.●

By Mr. GARN:

S. 1374. A bill to authorize the appropriation of funds for the improvement of facilities of the Bureau of the Mint; to the Committee on Banking, Housing, and Urban Affairs.

BUREAU OF THE MINT IMPROVEMENT AUTHORIZATION

● Mr. GARN. Mr. President, I am today introducing a bill at the request of the administration which would authorize $3.07 million to the Bureau of the Mint. I ask unanimous consent that the bill and the accompanying transmittal letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows;

S. 1374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5132 of title 31, United States Code, is amended by adding at the end thereof the following:

"(d) There are authorized to be appropriated not to exceed $3,070,000 for the improvement of the facilities of the Bureau of the Mint. Any sums appropriated under this subsection shall remain available until expended.".

THE DEPUTY SECRETARY
OF THE TREASURY,
Washington, D.C., April 25, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To authorize appropriation of funds for the improvement of Mint facilities."

The objective of the draft bill is to enable the Bureau of the Mint to complete a four-year program for the improvement of its production facilities. By upgrading its facilities, the Bureau of the Mint would assure production of coinage in such quantities as will be needed through fiscal year 1985 for the nation's commerce and trade. Monies received will also aid the Mint in the correction of problems concerning health, noise, safety and congestion. To that end, the draft bill would authorize the necessary

funding to be appropriated for improvement of the Mint's facilities, including the purchase and installation of necessary equipment. The current estimate for the entire program is $18 million—which includes $14.93 million previously appropriated for construction and expansion and improvement of Mint facilities. ($9.169 million has been appropriated over the last two years absent specific authorizing legislation.) Therefore, the Mint needs $3.07 million to complete this project.

Funds appropriated pursuant to the proposed authorization would be utilized by the Mint as follows: Approximately $2.7 million, would be spent at the Denver Mint for the purchase of new production equipment, completion of a new South Press Room, a new counting and bagging operation and new material handling system. It is estimated that $.35 million will be utilized at the Philadelphia Mint for the enhancement of the coin press line.

The Department notes that the proposed improvement of the Mint's production facilities had its genesis in a report issued by the General Accounting Office on December 6, 1976. At that time, legislation was pending before the Congress to authorize the construction of an entirely new coinage facility (to replace the Denver Mint) at the cost of $65 million. However, in its report, the General Accounting Office recommended the improvement of existing coinage facilities rather than the construction of a new Mint.

Based on this recommendation, the Bureau of the Mint then undertook a detailed study of its long-range production requirements, together with a cost-benefit evaluation under the guidelines issued by the Office of Management and Budget. That study similarly concluded that it would be more efficient and cost effective for the Mint to improve its present facilities than to build an entirely new coinage mint.

In fact, considering that inflationary factors have increased the construction costs of a new mint to approximately $120 million by the time of completion, the completion of the proposed improvement project would result in considerable savings to the taxpayers.

In order to obtain the necessary authorization, the Mint recommends amending title 31, United States Code, section 5132.

It would be appreciated if you will lay the draft bill before the Senate. An identical draft has been transmitted to the House of Representatives.

The Office of Management and Budget has advised that there is no objection to the submission of this legislation to the Congress, and that its enactment would be in accord with the program of the President.

Sincerely,

R. T. MCNAMAR.●

By Mr. SPECTER:

S. 1375. A bill to amend title 28 of the United States Code, to govern the resignation or retirement-for-age provisions for Federal judges; to the Committee on the Judiciary.

RESIGNATION OR RETIREMENT OF FEDERAL JUDGES

Mr. SPECTER. Mr. President, today I am introducing a bill which, if enacted, will remedy a critical defect in the recently enacted Social Security Amendments of 1983, which were otherwise a major congressional achievement. Very simply, my bill would help insure that there is not an immediate and drastic reduction in the number of senior Federal judges who now provide substantial and crucial services to the Federal courts of appeal and district courts. In so doing it attempts to insure the continued efficient operation of the Federal judiciary.

My bill would effectively repeal section 101(c) of the social security amendments. Section 101(c) contains two provisions which, when taken together, would effectively penalize any retired Federal judge who, having taken senior status, voluntarily agreed to perform any service for the courts. The provisions do so by characterizing as "wages" a senior-status judge's retirement salary, if he or she voluntarily chooses to render service to a court, thereby making that salary subject to FICA taxes. The irony is that if that same judge chooses not to work, his or her retirement salary is not subject to such taxes.

At the outset let me explain what my bill will not do. It will not have an impact on any individual in the judicial, legislative, or executive branches other than senior judges. In addition, it will not significantly reduce the total contribution to the social security fund which the 1983 amendments envisioned. There are today some 236 retired Federal judges performing valuable services for the courts. If each of these 236 judges continued to work after December 31, 1983, the effective date of the amendments, he or she would be obliged to contribute to FICA 7 percent of the first $35,000 of retirement salary—some $2,500. Elementary multiplication reveals that the maximum loss to the social security system if senior-status judges were exempted from such contributions would be less than $1 million per year. In my view, the immeasurable contributions of an important element of the Federal judiciary amply balance such a relatively minor reduction in social security revenues.

Let me explain briefly what senior-status or retired Federal judges are, and what they do. Federal judges who are appointed for life under article III of the Constitution are permitted by statute to retain their judicial offices, but retire from regular active service at the age of 65 or 70. The same statute provides that a retired judge shall continue to receive the salary of the office for life. It is clear that in so structuring this system of compensation for the Federal bench, Congress intended to encourage able Federal judges to retain the incidents of office after retirement, and to provide services as needed. Statistics maintained by the Administrative Office of the U.S. Courts, as well as testimony from active judges and administrators, indicate that services rendered by senior-status judges sitting by assignment have enabled courts of appeal and the district courts to manage ever-increasing case loads, and allowed the reduction of the number of new judgeships requested of Congress by the Judicial Conference. Senior-status judges for instance, terminated 8.6 percent of the civil cases, and 5.5 percent of the criminal cases, before the lower Federal courts in the last court-management year.

The extent of the loss of revenue to the social security system which would result if my bill were enacted is virtually insignificant when compared to the loss of judicial resources which could result if it is not. Additionally, the consequence of the perceived disincentive to serve is, in the view of many senior-status judges, more significant than any benefit which might be derived from the accrual of benefits under Social Security Act coverage. Several judges have already advised the chief justice of their intention to resign fully from the Office by December 31 of this year rather than incur the financial penalty incidental to continued service thereafter. Should a significant number of the 236 senior-status judges now serving follow suit, the cost to the judiciary will be substantial.

The Nation and the Federal judiciary derives great value from senior judges. I believe fairness dictates that compensation received by retired Federal judges be treated as retirement income, the assumption on which those judges agreed to continue active service. I urge my colleagues to support this simple and cost-efficient measure which will go far toward insuring the continued assistance of an important element of the Federal bench.

By Mr. PRYOR (for himself, Mr. BOREN, and Mr. BAUCUS):

S. 1376. A bill to amend the Federal Crop Insurance Act to require the Federal Crop Insurance Corporation to pay promptly claims for indemnity under such act and to report annually to the Congress on the payment of the claims; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL CROP INSURANCE PROMPT PAYMENTS ACT OF 1983

● Mr. PRYOR. Mr. President, every Member of Congress who represents an agricultural area, or who follows agricultural issues, is aware of the problems our farmers have had the last few years. They were hit with a grain embargo in the first month of 1980. Then the next 2 years they had good harvests only to find that prices were severely depressed. Although the payment-in-kind (PIK) program has brought some hope and optimism to the farming areas of the Nation, we are not out of the woods by any stretch of the imagination. Net farm income has been dropping the last few

years. Exports are down for a variety of reasons, and recently 17 States, including the State of Arkansas, were without FmHA operating money for about 2 weeks. This cutoff of money occurred at a very crucial time—when many farmers were trying to plant. In short, Mr. President, our farmers have had to struggle with one problem after another for the last 2 or 3 years. This battle has been one for survival, and unfortunately, many of them have lost.

It is against this backdrop, Mr. President, that we need to consider a program of increasing importance to agriculture. It is the Federal crop insurance program. Crop insurance was designed to provide coverage for a farmer's crop and he was to pay a premium for the coverage. The program was to be set up on an actuarially sound basis. It was not designed to make anybody rich, only to provide coverage when a disaster occurred which destroyed or badly damaged a crop.

Mr. President, while crop insurance might be a good concept, the way it often works can be very frustrating for a farmer who's lost thousands of dollars and desparately needs the money for expenses to put in the next year's crop. In Arkansas there have been many problems with crop insurance. I have had several meetings with crop insurance officials, including the Director of the Corporation. While I believe the Director and other officials are aware of the problems, I don't think this awareness is filtering down to the regional and district offices of the Corporation. Those are the places where farmers and insurance agents have face- to-face contact with crop insurance personnel.

Farmers in Arkansas have had problems with late payment of claims—in some cases 6 or 8 months after the claim was submitted to the agency. They have also had problems finding out exactly where there claim was in the overall administrative process. Further, many insurance agents have had trouble locating claims when they have tried to intervene on behalf of their policyholders. Clearly, many of these problems can be solved administratively and I think steps are being taken to solve some of the problems. Also, oversight hearings are being held in a House subcommittee. However, I believe that there are some legislative steps we can take to improve the program and the bill I am introducing today would correct a couple of problems I am aware of. This legislation contains a concept similar to the Prompt Payments Act we passed last year. The idea behind that legislation was that if the Government purchased gocds or services the bill should be paid within a certain period of time—generally 30 days—or interest began to run on the debt.

The Federal Crop Insurance Prompt Payments Act of 1983 provides that once a claim is filed with the Crop Insurance Corporation, a farmer must be notified within 30 days of the approval or denial of his claim. If the claim is denied, the notice must state the reasons for the denial. If the claim is approved, the Agency has 30 days to pay it, and if it is not paid within 30 days—the 60th day after it was filed—then interest begins to run on the amount of the claim.

If the notice is sent and the claim is denied by the Agency then interest will run from the 60th day if the farmer later wins, either through an administrative appeal or court decision.

If no notice is sent to the farmer within 30 days of the filing of his claim and he later prevails, then the Agency must pay interest on the amount owed from the 30th day after filing.

The bill also provides that the Agency must report to the Agriculture and Appropriations Committees of both Houses of Congress 1 year after the enactment of this legislation. The report must contain the number of claims received by the Corporation, the number of timely notices sent to farmers who filed claims, and the amount of interest paid to farmers as a result of the provisions of this act.

Mr. President, this bill might not be a cure-all, but I believe its enactment would solve two major problems that have occurred. First, 30 days after filing his claim a farmer would know where he stands. This would help get the process moving. Second, if a claim was approved it would have to be paid promptly or interest would begin to run on the money. This is only fair and equitable and would put the farmer in the same position as those who have sold products to the Government, but have not been paid.

I am pleased that the distinguished Senators from Oklahoma (Mr. BOREN) and Montana (Mr. BAUCUS) join me in sponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Crop Insurance Prompt Payments Act of 1983".

PAYMENT OF CLAIMS

SEC. 2. Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (3), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2)(A) No later than thirty days after the date on which the Corporation receives a claim for indemnity under this title, the Corporation shall provide the claimant with a notice of the approval or denial of the claim by the Corporation. If the Corporation denies the claim, the Corporation shall include in the notice a statement of the reasons for the denial.

"(B) If the Corporation approves a claim for indemnity under this title, the Corporation shall pay the claim within sixty days after the date on which the Corporation receives the claim.

"(C)(i) If the Corporation provides a claimant with a notice in accordance with subparagraph (A) and the claim of the claimant is approved by the Corporation or by a court in an action described in paragraph (3), interest shall accrue on the claim from the date which is sixty days after the date on which the Corporation receives the claim until the date on which the Corporation pays the claim.

"(ii) If the Corporation does not provide a claimant with a notice in accordance with subparagraph (A) and the claim of the claimant is approved by the Corporation or by a court in an action described in paragraph (3), interest shall accrue on the claim from the date which is thirty days after the date on which the Corporation receives the claim until the date on which the Corporation pays the claim.

"(iii) For purposes of this subparagraph, interest shall be computed at the rate prescribed in section 3902(a) of title 31, United States Code.".

REPORT

SEC. 2. Section 513 of the Federal Crop Insurance Act (7 U.S.C. 1513) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) No later than one year after the date of the enactment of the Federal Crop Insurance Prompt Payments Act of 1983, and each year thereafter, the Corporation shall submit a report to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate on the payment of claims for indemnity under this title made during the previous year.

"(2) The report shall include—

"(A) the number of claims for indemnity under this title received by the Corporation during the previous year;

"(B) the number of, and time within which, notices and payments to claimants were made during the previous year in accordance with section 508(c)(2) (A) and (B); and

"(C) the amount of interest paid to claimants during the previous year in accordance with section 508(c)(2)(C).

"(3) The report shall analyze the payment of claims for indemnity under this title throughout the United States and in each region established by the Corporation to administer this title.".●

By Mr. CHAFEE (for himself, Mr. DURENBERGER, Mr. SARBANES, and Mr. BAUCUS):

S. 1380. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of business companies; to the Committee on Finance.

TAX TREATMENT OF BUSINESS COMPANIES

● Mr. CHAFEE. Mr. President, today I am joined by Senators DURENBERGER, SARBANES, and BAUCUS in reintroducing a bill to amend subchapter M of the Internal Revenue Code affecting business development or venture capital companies. This legislation was passed twice by the Senate in 1982, but unfortunately did not survive in conference committee with the House. Now, I am happy to report, an identical bill has been introduced by members of the House Ways and Means Committee.

Three years ago, Congress passed the Small Business Investment Incentive Act of 1980, Public Law 96-477. This new law enables public venture capital companies and small business investment companies (SBIC's) to avoid complex, outdated regulation under the Investment Company Act of 1940 and, instead, elect simplified treatment as business development companies (BDC's).

To claim this exemption from rules of the 1940 act, BDC's must comply with certain requirements insuring they are investing in and providing substantial management assistance to small, growing companies. The 1980 act is particularly well suited to the unique regulatory needs of venture investing, unlike the Investment Company Act of 1940, which was originally designed to regulate mutual funds before the existence of the modern venture industry.

This new law will not be fully utilized, however, until a conforming amendment is added to subchapter M of the Internal Revenue Code. This part of the Code allows investment companies to pass earnings through to their shareholders without first paying taxes on them. Currently, an investment company must be regulated under the old 1940 act to qualify for such tax treatment.

Since SBIC's and venture capital companies that take advantage of the new securities law will not be registered under the 1940 act, they will not be able to utilize the conduit tax treatment in subchapter M.

Subchapter M should be amended, therefore, to provide the same tax treatment to BDC's under the new law as those companies regulated under the old one, or else the new Securities Act will be ineffective.

The bill we introduce today would provide such tax treatment. I ask unanimous consent, Mr. President, that the text of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

(a) IN GENERAL.—Subchapter M (relating to regulated investment companies and real estate investment trusts) of chapter 1 of subtitle A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new part:

"PART IV—PROVISIONS WHICH APPLY TO BUSINESS DEVELOPMENT COMPANIES

"Sec. 860A. Tax Treatment of business development companies.

"SEC. 860A. TAX TREATMENT OF BUSINESS DEVELOPMENT COMPANIES.

"(a) GENERAL RULE.—Except as otherwise provided in this section, the provisions of parts I and III of this subchapter shall apply to a business development company which would be a regulated investment company but for the requirements of section 851(a). When used other than in this section, the term 'regulated investment company' shall be deemed to include a business development company which would be a regulated investment company but for the requirements of section 851(a).

"(b) DEFINITION OF BUSINESS DEVELOPMENT COMPANY.—For purposes of this section, the term 'business development company' means any domestic corporation (other than a personal holding company as defined in section 542 without regard to section 542(c) (B)) which is a business development company within the meaning of section 2(a) (48) (15 U.S.C. 80a-2(a) (48)) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a-1—80b-2)."

(b) CLERICAL AMENDMENT.—The table of parts for subchapter M of chapter 1 is amended by adding at the end thereof the following new item:

"PART IV. PROVISIONS WHICH APPLY TO BUSINESS DEVELOPMENT COMPANIES."

(c) EFFECTIVE DATE.—The amendments made by sections (a) and (b) shall apply to taxable years beginning on or after October 21, 1980.●

● Mr. SARBANES. Mr. President, I am pleased to join in introducing S. 1380, legislation enabling business development companies to qualify for passthrough treatment of corporate earnings. By so doing, this legislation will correct an anomaly in the tax treatment of venture capital companies resulting from enactment of the Small Business Investment Incentive Act, Public Law 96-477. S. 1380 would also extend passthrough treatment to bonafied small business investment companies with fewer than 100 shareholders.

The Small Business Investment Incentive Act amended the Investment Company Act of 1940 to encourage mobilization of capital for new, small, medium-sized, and independent business by facilitating the activities of venture capital companies and investment advisers while maintaining indispensable standards of investment protection. The effectiveness of the Investment Company Act is such that the investment company industry has not experienced a debacle in 40 years. Over that 40-year period, however, mutual fund and venture capital operations have diverged in very significant ways and today the act restricts unnecessarily venture capital activities. Recognizing the importance of venture capital for developing businesses whose access to conventional capital markets is limited, the Small Business Investment Incentive Act, 3 years ago established a new regulatory framework, exempting private and public venture capital companies that meet certain criteria and thereby qualify as business development companies from the registration requirements of the Investment Company Act.

It would be illogical and self-defeating if the incentive to venture capital activities provided by the business development company framework were nullified by unfavorable tax treatment for the business development company but that will be the case so long as the Investment Company Act is not appropriately amended. Companies regulated under the Investment Company Act of 1940 qualify for passthrough tax treatment of corporate earnings—such earnings are taxed once to the shareholders in the year they are earned rather than twice, once to the corporation and again when distributed to the shareholders. Since registration under the 1940 act is the prerequisite for such passthrough treatment, a company not so registered is ineligible for it. Under existing law a venture capital company seeking to expand its investment activities by qualifying as a business development company not regulated by the 1940 act, is therefore penalized with regard to its tax status. By extending the passthrough to qualified business development companies, S. 1380 would correct that anomaly. It would also extend passthrough treatment to small business investment companies not currently eligible, that is, those with fewer than 100 shareholders, but would not apply such treatment to closely held personal holding companies.

Mr. President, the Small Business Investment Incentive Act was designed to contribute to the capital formation process for a critical sector of the business community. It recognized the vital importance to our national economy of the small business sector, and removed unnecessary and antiquated regulatory barriers that have obstructed the direct flow of capital to small and new business enterprises. S. 1380, the legislation being introduced today, is a logical and necessary tax corollary of the Small Business Investment Incentive Act. It will help to translate the promise of that legislation, enacted in the last Congress into solid economic reality.●

By Mr. LEVIN (for himself, Mrs. KASSEBAUM, Mr. CHILES, Mr. DECONCINI, Mrs. HAWKINS, Mr. FORD, Mr. BURDICK, and Mr. RANDOLPH):

S. 1381. A bill to amend title II of the Social Security Act to provide for a 6-month transitional benefit for an

individual who is a widow, surviving divorced wife, widower, or surviving divorced husband whose spouse or former spouse died while such individual was between the ages of 55 and 60; to the Committee on Finance.

SOCIAL SECURITY TRANSITIONAL BENEFIT

● Mr. LEVIN. Mr. President, during consideration of the Social Security Amendments of 1983 Senators DECONCINI, CHILES, KASSEBAUM, HAWKINS, FORD, BURDICK and RANDOLPH joined me in offering an amendment to give a widow under age 60 a chance to survive financially for a few months while looking for work after the death of her husband.

A modified amendment, worked out with the chairman of the Finance Committee was adopted by the Senate but was deleted in the Social Security conference committee.

Our original legislation provided for an 8-month transition benefit if the surviving spouse is at least 50 years old at the time of the wage earner's death. The legislation we are introducing today is identical to the modification earlier worked out with Senator DOLE, at the time of the social security bill's passage and would provide for a 6-month transition benefit if the surviving spouse is at least 55 years of age.

Under present law, a widowed homemaker under the age of 60 does not qualify for a benefit from social security unless, of course, she is disabled or has a child in her care who is disabled or under 16 years of age. This causes a severe hardship for the many women who are widowed under the age of 60 and without a job.

In many cases widows have spent most of their adult lives raising a family, and need time to adjust their skills to the demands of the workplace. Also, it is an unfortunate fact of life that women entering or reentering the workforce after 20 or 30 years can have a very difficult time finding a job.

Our amendment, therefore, provides for a "transition benefit" to surviving spouses caught in what has been called the widow's gap.

Our proposal would provide this transition benefit to widows of workers covered by social security, if the surviving spouse is between ages 55 and 60 at the time of the wage earner's death and is not otherwise immediately eligible for social security benefits for the month in which the death occurred and the next 5 months. Thus, the transition benefit is for a 6-month period. The benefit would be for the same percentage of the wage earner's primary insurance amount as under current law, for widows age 60, or the spouses own primary insurance amount based on her own past work experience, whichever is higher. These benefits would also be subject to the social security earnings limitation.

Coverage has not been made available to this group in the past under the rationale that these individuals can be expected to work and support themselves. But the fact is, according to a February 1979 report from the Department of Health, Education, and Welfare entitled "Social Security and Changing Roles of Men and Women":

> Lifelong homemakers (or women who have been out of the labor force for many years) who are widowed in late middle age may find it difficult or impossible to get a job. Even widows with job skills or younger widows may have difficulty finding a job immediately or may need a period of job training. For these reasons, widows under age 60 may need some kind of immediate income, at least for a short time, to help them adjust to the loss of their spouse's income.

Mr. President, our amendment would apply to similarly situated men, although 90 to 95 percent of the individuals who would benefit from this proposal would be women. It is estimated that between 20,000 and 25,000 individuals would benefit from this provision each year.

According to the Office of the Actuary of the Social Security Administration additional benefit payments which would result in calendar years 1984–89 are estimated as follows:

Estimated additional OASI benefit payments

Calendar year:	*Millions*
1984	(1)
1985	(1)
1986	$100
1987	100
1988	100
1989	100
Total	400

[1] Less than $50 million.

Note: The estimates are based on the 1983 alternative II-B assumptions.

Mr. President, in closing I would like to share with my colleagues the supplementary statement to the report of the National Commission on Social Security Reform of a most distinguished member of that Commission, Ms. Mary Falvery Fuller:

> The effect on women of the Social Security program is a subject of major importance, and much analytical work has been done to identify and evaluate alternative approaches to correct the unintended inequities. In fact, the 1979 Advisory Council on Social Security spent more time on this issue than on any other single issue. Unfortunately, our commission could not address this issue due to the urgent priority of restoring the solvency of the system. But we do not intend this choice to detract from the importance of restoring the equitable treatment of women in today's world. The provisions of the bi-partisan package, while advantageous to certain groups of women, do not begin to address the fundamental, though unintended, inequities, that act to the disadvantage of all people except members of intact one-earner couples.

Mr. President, now that the social security package has passed, it is time to start addressing the remaining fundamental inequities. This legislation is an important step in that direction. I urge my colleagues to give it their support.●

By Mr. STEVENS (for himself, Mr. PRESSLER, Mr. MURKOWSKI, and Mr. EXON):

S. 1382. A bill to amend the Communications Act of 1934 to insure availability of basic telephone service at reasonable rates; to the Committee on Commerce, Science, and Transportation.

UNIVERSAL SERVICE ACT OF 1983

Mr. STEVENS. Mr. President, today, along with Senators PRESSLER, MURKOWSKI, and EXON, I am introducing the Universal Telephone Service Act of 1983 so that we may delay no longer an important step to guarantee universal telephone service to all communities in our country. The issue is one that was raised and dealt with during Senate consideration of the Telecommunications Competition and Deregulation Act of 1981, S. 898. As my colleagues may remember, that bill passed by a large margin in the Senate, but did not receive consideration in the House. Several of the important matters raised in that legislation have been addressed in the interim by the FCC; however, I feel that additional congressional action is necessary in order that the basic precepts of our telephone service are preserved.

The Universal Telephone Service Act of 1983 is designed to explicitly provide the Federal Communications Commission with the statutory authority and requirement that basic telephone service to any community is not to exceed 110 percent in cost of the national average for comparable service. This limit on basic telephone service pricing is intended to take into account factors such as distance, duration, and time of day for interchange as well as system structural components, such as calling scope within a local telephone exchange. It is important that Congress make its voice heard in an affirmative way so that further erosion of this fundamental principle which has governed telecommunications in our country is not lost.

Like many of my colleagues, I have looked with great interest and encouragement at the emerging technologies and the new era of communications competition which is underway in our country. At the same time, many of us, who represent rural constituencies, are deeply concerned that, in the rush to accommodate new competition and service, we not forget that basic integrity of a national, uniformly-available telephone and communication service is the foundation for commercial and private activities that are of tremendous importance to the Nation.

My bill, which I ask to be printed following this statement, along with an analysis, will provide, in a very

simple fashion, the necessary policy statement and statutory mandate to instruct the Federal Communications Commission to conform their procedures and establish a scheme which will insure that the fundamental services available to users of telecommunications remain accessible at a reasonable charge.

I know that this legislation will receive a great deal of scrutiny, and I and those who have cosponsored this bill look forward to working with my colleagues in the Senate and, in particular, the chairman of the Commerce Committee, Senator PACKWOOD, the ranking minority member, Senator HOLLINGS, and the chairman of the Communications Subcommittee, Senator GOLDWATER, in crafting a workable solution to this problem so that the needs of all telephone users in this country are properly met.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT

Section 1 contains the findings of Congress that the transition to competition and deregulation of telecommunications services must be accompanied by appropriate safeguards to assure the universal availability of basic telecommunications service throughout the United States and that the basic goals of the 1934 Communications Act continue to be valid.

Section 2 defines the following terms: basic telecommunications service, basic telephone service, exchange telecommunications, exchange telecommunications area, exchange area, exchange, and interexchange telecommunications. Basic telephone service is defined to include both exchange (local), interexchange (long distance), and foreign telecommunications.

Section 3 amends section 202 of the Communications Act of 1934 by adding a new subsection (c) to require the FCC to assure that competition and deregulation do not result in unreasonable increases in charges for basic telephone service and to adopt, whenever necessary, a mechanism in order to accomplish the purpose of section 4 of the bill.

Section 4 requires the FCC, pursuant to its authority under 202(c), to assure that rates for basic telephone service shall not exceed 110% of the national average for comparable service, taking into account such factors as distance, duration, and time of day for interexchange (long distance) telephone service and rate structure and calling scope for exchange (local) telephone service.

Section 5 makes a conforming change to Section 2 of the 1934 Act.

Section 6 establishes a new section 236 of the Communications Act which authorizes the FCC to make determinations of what basic telecommunications services, in addition to or in lieu of basic telephone service, should, as a matter of public interest, be universally available at reasonable charges, terms and conditions whether competitively provided or not. Subsection (b) authorizes any person to petition the FCC to classify any interstate telecommunications service as a basic telecommunications service. The FCC is required to grant such a petition upon a showing that the service is necessary to promote the general welfare and promote the safety of property. Upon granting a petition, the FCC is required to hold a hearing to determine whether the service should be universally available at reasonable charges, terms and conditions and whether such service must be regulated, in whole or in part, to ensure such availability. Absent a showing to the contrary, it shall be presumed that the unregulated marketplace competition will universally provide such service.

Section 7 establishes the effective date of the Act as the date of enactment.

Section 8 contains a standard severability clause.

S. 1382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this bill may be cited as the "Universal Service Act of 1983".

FINDINGS

SEC. 1. The Congress hereby finds and declares that—

(1) the transition to competition and deregulation of telecommunications services must be accompanied by appropriate safeguards to assure the basic telecommunications services are universally available at reasonable charges throughout the United States; and

(2) the basic goals of the 1934 Act continue to be valid, and it is in the public interest to continue efforts to attain these goals.

DEFINITIONS

SEC. 2. Section 3 of the 1934 Act is amended by adding the following subsections:

"(gg) 'Basic telecommunications service' means the provision to the general public on a universal basis of the minimum transmission capability necessary for two-way telecommunications services including basic telephone service.

"(hh) 'Basic telephone service' means a basic telecommunications service which allows natural persons to communicate with each other by voice over exchange, interexchange, or foreign telecommunications facilities.

"(ii) 'Exchange telecommunications' means telecommunications which both originate and terminate within the same exchange telecommunications area.

"(jj) 'Exchange telecommunications area', 'exchange area', or 'exchange' means a geographic area configured by a State commission for telecommunications purposes.

"(kk) 'Interexchange telecommunications' means telecommunications between a point or points located in one exchange telecommunications area and a point or points located outside that exchange area, including the origination and termination of such telecommunications within each such separate exchange area.".

SEC. 3. Section 202 of the 1934 Act is amended by including the following after subsection (b):

"(c) The Commission shall assure that competition and deregulation shall not result in unreasonable increases in charges for basic telephone service. The Commission shall adopt, whenever necessary, a mechanism in order to accomplish the purposes of section 225.".

SEC. 4. The 1934 Act is amended to include the following new section:

UNIVERSAL SERVICE

"SEC. 225. The Commission, in accordance with its authority under section 202(c), shall assure the rates for basic telephone service shall not exceed 110 percent of the national average for comparable service, taking into account such factors as distance, duration, and time of day for interexchange telephone service and rate structure and calling scope for exchange telephone service.".

TECHNICAL AMENDMENT

SEC. 5. Section 2 of the 1934 Act is amended by including "and section 225" after the words "section 224."

BASIC TELECOMMUNICATIONS SERVICES

SEC. 6. The 1934 Act is amended by inserting the following:

"DETERMINATION OF BASIC TELECOMMUNICATIONS SERVICES

"SEC. 236. (a) The Commission, in accordance with the provisions of subsection (b), may determine what basic telecommunications services, in addition to, or in lieu of, basic telephone service should, as a matter of the public interest, be universally available at reasonable charges, terms and conditions, whether competitively provided or not.

"(b)(1) Any person may petition the Commission for a hearing to classify any interstate telecommunications service as among those services described in subsection (a). The Commission shall grant such petition upon a showing that the telecommunications service is necessary to promote the general welfare and to promote the safety of property (insofar as such service relates to the capability of all people of the United States to communicate with one another).

"(2) Upon granting any petition described in paragraph (1), the Commission shall hold a hearing to determine whether such service should be universally available at reasonable charges, terms and conditions and whether such service must be regulated in whole or in part to ensure such availability. Absent a showing to the contrary, it shall be presumed that unregulated marketplace competition will universally provide such service. The burden shall be on any party advocating regulation to demonstrate clearly and convincingly that regulation is necessary to ensure universal availability at reasonable charges, terms and conditions.".

EFFECTIVE DATE

SEC. 7. Except as otherwise provided in this Act, the provisions of this Act shall take effect upon the date of enactment of this Act.

SEPARABILITY CLAUSE

SEC. 8. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to any other person or circumstance shall not be affected thereby.

Mr. MURKOWSKI. Mr. President, I rise today in support of the legislation offered by my distinguished colleague, the senior Senator from Alaska, Senator STEVENS. The bill would amend the Communications Act of 1934 to insure that essential telephone and telecommunications services remain available at reasonable cost to rural Americans.

To understand the need for this legislation, we have to go back into American history a bit. The 7-year-old Department of Justice suit against AT&T was resolved when AT&T agreed to divest itself of its regional and local phone companies. The regionalization of phone service in America resulting from that divestiture will place us in

the same position we were in in 1936, when the Rural Electrification Act was enacted.

Electric utilities, like all businesses in our free enterprise system, were historically locally owned. As settlers moved farther and farther away from the original centers of population, the demand for electric power and other services went with them. Unfortunately, the long distances and sparse population in many areas made it financially impossible for the small, publicly owned electric utilities to extend service to everyone. Hence the Rural Electrification Act, which created a fund to help finance rural electric cooperatives to insure that Americans in rural areas would receive essential services.

Now people did not have to deal with this problem when telephone lines were built. Larger, more nationally oriented companies set up communication lines that eventually created the superb network America enjoys today. Small rural services could easily be incorporated into the huge system, and the costs absorbed by more profitable departments.

With the dissolution of this system the smaller regional networks may be unable to absorb high costs and rural dwellers may be in danger of losing their service altogether.

This legislation does two things: First, it would direct the FCC to insure that rates for basic telephone service shall not exceed 110 percent of the national average for comparable service, taking into account factors of distance, duration, time of day for interexchange and rate structure and calling scope for exchange services. The FCC is given authority to develop a mechanism to accomplish this goal.

One sensible mechanism that has been suggested is a small charge on long-distance calls. The revenues from these charges would be deposited in a special, universal phone service fund, similar to that established by the REA. Moneys from the fund would be distributed to local or regional phone companies. The advantage of such a fund would be that it would entail no Federal appropriations, but would be generated entirely by those who actually use the long-distance phone lines.

The second thing that this bill does is expand the Communications Act to allow inclusion of other systems of telecommunications under the provisions of the statute.

The technology of telecommunications is expanding much faster than the legal structure established to oversee it. In my State of Alaska, for example, all live television comes to us via satellite. Teleconferences are the norm for citizens who want to communicate their suggestions and grievances to their elected representatives.

The section in this legislation which would allow a petition and public hearing process to be invoked, will make it possible to determine whether a particular form of telecommunication should be regulated.

Instead of jumping in immediately with a regulatory sledgehammer, this law would provide an initial period for consideration of the merits and/or desirability of regulation of a particular communication system. If the petitioner cannot convincingly show that a service is "necessary to promote the general welfare and to promote the safety of property," and the public hearing does not provide proof that the service should be universally available at costs, terms and conditions that are federally regulated, then the service will be left to sink or swim in the marketplace. Only if the procedures prove the contrary will the FCC extend its regulatory powers to that service. The American people can be assured that under this system they will not have to suffer either unreasonable regulatory burdens and the taxes to pay for them, or unreasonable charges for vital services.

Mr. President, this bill would insure the availability of basic telephone and telecommunication services at rates that are not prohibitive. I urge its early passage.

Mr. PRESSLER. Mr. President, I am pleased to act as an original cosponsor of the Universal Telephone Service Act of 1983, which is being introduced today.

Last month I had the opportunity to visit with a number of South Dakotans who represent small telephone cooperatives and independent phone companies in my State. South Dakota has 14 phone co-ops serving over 41,000 subscribers living across nearly half the State. The average number of subscribers is less than two people per mile of telephone line. These phone co-op managers and directors are very alarmed about the future of rural phone service. One manager predicted an annual increase of $35 per residential customer as a result of the AT&T divestiture and the FCC/Joint Board access charge decision. Rate increases this large are unacceptable. The farmers, ranchers, and small businessmen facing these increases are the very people already suffering economic hardship due to a weak agricultural market and continued high interest rates.

I know that many of my colleagues have heard similar statistics regarding their small towns and rural communities. Congress cannot allow the Federal Communications Commission and the courts to totally rewrite our Nation's telecommunications policies without congressional direction. If we do not act now, we abdicate our responsibility as the people's representatives here in Washington. For this reason, I join in cosponsoring this bill and urge my colleagues to lend their support to this legislative effort.

As a result of the upcoming AT&T divestiture and several FCC proceedings to increase marketplace competition in the telecommunications industry, the local telephone network across the country is endangered. We may reap the benefits of competitive enhanced communications services but jeopardize the quality and affordability of local phone companies. The bill we are introducing today is the first congressional effort to protect universal local telephone service.

There are three provisions in this measure which are of particular importance to rural America. First of all, this bill establishes the need for universally available and affordable phone service as a national public policy priority. The FCC is specifically directed to consider this priority in every decision affecting the U.S. telephone network. The Commission is moving toward a deregulated, competitive telecommunications policy. Congress is obligated to represent the American ratepayer and direct the Commission in its policy deliberations.

Second, this legislation would require the FCC to protect basic phone rates so that increases would not exceed 110 percent of the national average for comparable service. This language is identical to section 222(h) of S. 898, the Telecommunications Competition and Deregulation Act of 1981, which was passed nearly unanimously by the Senate in 1981. This 110-percent ceiling provides a minimal protection for our Nation's rural telephone users.

Finally, this measure looks to the future. New communications technologies are becoming available and more of our everyday life will be dependent on an instant and effective communications network. Congress must see that all citizens benefit from these innovations. The Universal Telephone Service Act directs the FCC to reconsider the definition of basic telecommunications service in light of changing technologies. Further, the bill allows individuals to petition the Commission for a reclassification of interstate services which someday may need to be legally considered basic telecommunications service, whether regulated or unregulated.

This bill is the Senate's first attempt to shape public policy in the aftermath of the AT&T/Justice Department divestiture agreement. As Government policies change to fit a competitive marketplace, the Senate must represent the consumer's interest, particularly those in rural America. I strongly support this first congressional effort to address the potential problems of providing universal phone service at reasonable rates. The next decades will see untold advances in our communications network. Congress must not delay in shaping policies to

protect the public interest. I urge my colleagues to join in a thorough examination of the steps needed to protect the individual user of the finest communications network in the world.

By Mr. GLENN (for himself and Mr. KENNEDY):

S. 1383. A bill to authorize the Attorney General to issue certificates of review applicable under the antitrust laws with respect to joint research and development programs; to the Committee on the Judiciary.

ANTITRUST JOINT RESEARCH ACT OF 1983

Mr. GLENN. Mr. President, I am pleased to introduce the Antitrust Joint Research Act of 1983. This legislation is designed to help businesses obtain from the Justice Department a clear picture of the antitrust implications of proposed R&D joint ventures. By removing the antitrust uncertainties that often surround joint ventures of this kind, we will be clearing the way for increased private sector investment in R&D.

Throughout our Nation's history, technological innovations achieved through R&D investment have been the driving force behind economic growth. Research produces knowledge; knowledge generates technology; and technology truly revolutionizes the way all of us live.

The United States still leads the world in R&D, but our leadership is threatened by vigorous and expanding challenges from abroad. Over the past 15 years, the proportion of America's GNP invested in R&D has steadily declined—dropping more than 20 percent since 1965. During the same period and by the same measure, the Soviet Union's R&D investment has climbed by 21 percent, Japan's has risen by 27 percent and West Germany's by 41 percent.

The implications of this trend are deadly serious, because the fruit of this foreign research is already making an impact on our international competitiveness. For instance, domestic companies are painfully aware that Japan is already challenging us for world leadership in the field of computers. And the Japanese have also embarked on a series of national projects, including the "National Superspeed Computer Project" and the "Fifth Generation Computer Project," to give them supremacy in the next generation of computers as well.

What, exactly, does all this mean? Well, besides having applications in geophysics, aerodynamics, automotive design, and a host of other civilian purposes, supercomputers are also vitally important for national defense. And whether we speak of America's military preparedness or her industrial strength, we simply cannot afford to become dependent on computers that are manufactured abroad.

The competition in supercomputers is one race we dare not lose, and it points up a broader lesson we dare not forget. In the short run, we cannot nourish our economy by throwing up roadblocks in front of those who want to conduct research. And in the long run, we cannot hope to remain a prosperous Nation by feeding off the research of others.

R&D is an expensive and speculative undertaking, and the rewards it offers do not usually appear until many years after initial investments are made. Some businesses are just too small to conduct R&D alone, and for others the risks are just too great to justify the necessary capital commitments.

One way to address these problems is for firms to pool their capital and expertise in research joint ventures. This practice is very common in Japan and Europe, and it has helped vault their industries into the forefront of international trade. In the United States, many business leaders have suggested that the uncertain application of our antitrust laws to joint ventures and the potential of treble damage liability combine to form a significant deterrent to this vitally important activity.

The legislation we are introducing today will improve the climate for business investment in joint R&D by helping to clear up these antitrust uncertainties. Basically, the bill authorizes the Department of Justice to examine joint R&D proposals in advance and issue certificates of review to those the Attorney General determines do not violate the antitrust laws. Firms operating within the scope of a certificate could then make their investments and conduct their reserach without fear of criminal prosecution or civil suits.

This is not an earth-shattering proposal. A business review procedure already exists at the Department of Justice. Unfortunately, it is of questionable value in its present form. The certificates issued by the Attorney General say only that the Department has no present intention to sue the joint venturers. It does not shield them from future Justice Department challenges, nor does it offer any protection from private suits. Against this background, it should not be surprising that no more than a handful of attempts have been made to use the procedure during the past 10 years.

This legislation would simply provide the business community with some solid assurances that Justice Department certificates of review are worth spending time, money, and effort to obtain. And in a very real sense, it does so without changing or weakening our antitrust laws. No one who obtains a certificate will be immune from antitrust liability because only projects that are congruent with our antitrust laws will be certified. Activities outside the scope of the certificate will be fully open to challenge by the Federal Government, the States, and private parties.

There is simply no reason to allow uncertainties and misconceptions about the application of our antitrust laws to deter sorely needed business investment in joint R&D projects. In my opinion, the best response to this situation is to inject some certainty into the process.

Senator KENNEDY joined with me last year in introducing this legislation. I am pleased to have him as a cosponsor again this year, and I want to thank him for the work he and his staff have contributed on the bill. I urge all my colleagues to join us in working for its swift enactment.

● Mr. KENNEDY. Mr. President, I am pleased to join today with Senator GLENN in introducing legislation to enhance the environment for research and development in our economy.

Last year, Senator GLENN and I introduced this legislation, but unfortunately since that time, little progress has been made. In recent months, however, several of my colleagues have put forward similar proposals, and I am hopeful that in this Congress we can finally take action in this important area affecting our economy.

This is an extremely important initiative. In a real sense, research and development forms the backbone of our economy. Our ability to achieve new gains in productivity, to beat inflation, and to create new jobs in the coming generations will depend on the extent to which we invest in and perform R&D.

Unfortunately, our Nation's R&D effort has waned over the last decade. We no longer lead the world in the development of new technology, and we are paying the price in terms of more than just a loss of pride. Japan and Germany are leading us in the marketplace, and where we are handing out pink slips, they are creating new jobs.

As sponsors of this legislation, we hope to encourage American companies to perform R&D by clarifying the existing uncertainties in the antitrust laws that are now a hindrance. R&D is an expensive and risky enterprise, the benefits of which often go unrealized for years. As a result, many firms are inclined to join together to perform R&D both to pool resources and to share in the considerable risks involved. However, some firms forgo this opportunity because of the threat of huge antitrust judgments. Vital R&D is consequently postponed, if not put off altogether, and our overall national effort suffers as a result.

This bill is not the whole answer to our Nation's economic problems. But in a significant way, we believe that it can assist in encouraging U.S. firms to

perform an activity that is so vital to sustained economic health. I urge my colleagues to join in supporting this bill.●

By Mr. MOYNIHAN:

S. 1384. A bill entitled the "Radiological Emergency Response Planning and Assistance Act"; to the Committee on Environment and Public Works.

RADIOLOGICAL EMERGENCY RESPONSE PLANNING AND ASSISTANCE ACT

Mr. MOYNIHAN. Mr. President, I rise today to introduce the Radiological Emergency Response Planning and Assistance Act.

The need for this legislation is manifest. Of the 53 sites with operating nuclear power reactors only 16 have federally approved State or local emergency evacuation plans. In its regulations, the Nuclear Regulatory Commission (NRC) has recognized how essential emergency evacuation planning is to the protection of the health and safety of those residents living in proximity to operating nuclear facilities. This legislation will make available a range of Federal resources to assist in preparation and implementation of adequate emergency evacuation plans.

I ask that a copy of a letter on the subject from Gov. Mario Cuomo of New York and the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
New York, N.Y., May 16, 1983.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOYNIHAN: I am writing to request that you initiate a hearing process to: (1) achieve a clarification and a precise specification of the respective responsibilities of local, state and federal governments for off-site emergency plans at our nation's nuclear plants, and (2) devise a federal system for the administration and funding of the extensive activities undertaken by all three levels of government in the implementation and (3) examine the consequences of decisions required by this off-site emergency planning process.

In 1954, the federal government established its pre-emptive authority for the licensing and operation of nuclear power plants and has maintained its singular authority for on-site monitoring of the safety of these facilities. However, federal agencies have attempted to redefine the responsibilities of state and local governments, as well as those of the utilities, for off-site safety.

The Nuclear Regulatory Commission has recognized that it lacks "statutory authority over state and local governments to require them to develop and implement emergency response plans." (Report to Congress: Areas Around Nuclear Facilities Should Be Better Prepared for Radiological Emergencies, United States General Accounting Office, March 30, 1979.)

The allocation of responsibility for meeting federal regulations and mandates remains unclear, and recognition of this lack of clarity is increasing daily. Recent discussion by my staff with the NRC and FEMA revealed that these agencies "do not disagree" that there is a need for an immediate delineation of these responsibilities.

The Reagan Administration also appears to share this concern. Secretary of Energy Donald P. Hodel has said difficulties with emergency planning threatens "the viability of the nuclear power industry." In a Department of Energy memorandum dated April 20, 1983, Hodel wrote:

"The breakdown of Federal, state, local and private utility cooperation in developing and implementing a workable emergency evacuation plan in the event of a serious accident at a nuclear power plant has become an issue of national significance."

The Secretary has established a special working group to study the problem and recommend "Federal actions to remedy this situation."

We applaud that action, as well as the recent decision by NRC Chairman Palladino to join with us in a study of the various factors affecting the future of the Shoreham nuclear power plant in Suffolk County, New York.

Given the increasing concern with reactor safety and public perception of planning problems, we are likely to see increased attention focused on the operation of nuclear power plants. Currently, 37 of the nation's 53 sites for nuclear power plants do not have evacuation plans which meet federal preparedness mandates.

Almost certainly we will experience a continuing redefinition of the degree of risk to be imposed upon our society. The definition of safety does not recognize geographic boundaries and must be addressed as a national issue.

The recent Supreme Court decision in *Pacific Gas & Electric Co.* v. *Energy Resources Conservation and Development Commission,* Docket No. 81 1945 (April 20, 1983), held in part, that Congress, in passing the 1954 (Atomic Energy) Act and in subsequently amending it, intended that the federal government should regulate the radiological safety aspects involved in the construction and operation of a nuclear plant.

With that responsibility for regulation comes an equivalent obligation—for insuring that the process for enforcement of regulations does indeed clearly define the roles of all levels of government.

The existing nuclear power plants, in whatever political jurisdiction they may be, were constructed to comply with the then existing federal requirements. Changes in the requirements place the utility and ultimately the consumer at risk for the costs of compliance with unanticipated regulatory requirements, or for the costs of decommissioning a facility. These costs should not be the burden of a single locality, state, or utility. These costs are caused by a changing federal regulatory process and the problem they create cries for a federal solution.

The illogic of an imprecise, but apparently singular state and local responsibility for off-site preparedness is made even clearer when compared to federal recognition of the areas in which the federal government has sought to pre-empt local responsibility; e.g., transportation of nuclear waste has been considered by the federal government to be totally within ts jurisdiction; employees working within nuclear facilities have been determined to be of concern to the federal government.

If these are indeed matters of such import to the federal government, by what logic are the health and safety of all of those who might be impacted by the operation of a nuclear facility not the responsibility of the federal government? The disposal of nuclear waste and the decommissioning of nuclear plants are equally part of a federal responsibility for an industry which it actively fostered and promoted.

The public is not well served by a protracted disagreement on these issues. The public needs both a clear definition of responsibility and decisive action to support and implement effective emergency planning. Large scale nuclear power plants symbolize for some the imposition of a relatively new technology which fosters an increasing anxiety for not only the technical issues, but also a need for a clear understanding of the political process established by Congress to define "safety" within national rather than local boundaries.

I therefore respectfully request that you schedule Congressional hearings on this issue to consider changes in the role of the federal government. We believe that these changes could extend to the assumption of all responsibilities within the emergency planning zone, the direct provisions of funding through a federal initiative, or the standby availability of federal personnel and/or the National Guard to assume full authority in the event of an accident. Enclosed are: (1) suggested specific questions and (2) suggested federal actions which need to be addressed.

Sincerely,

MARIO M. CUOMO, *Governor.*

SUGGESTED QUESTIONS TO BE ADDRESSED BY HEARING

1. What is and should be the responsibility, if any, of the federal government in the establishment and development of standards for off-site emergency preparedness plans for nuclear power plants? What federal agency is or should be responsible for this activity?

2. What is and should be the responsibility of state government if any, in the development and establishment of standards for off-site emergency preparedness plans for nuclear power plants? Should state governments be allowed to enact more rigid standards or requirements than those imposed by the federal government?

3. What is and should be the responsibility, if any, of local governments, in the development and establishment of standards for off-site emergency preparedness plans for nuclear power plants? Should local governments be allowed to impose more stringent standards or requirements than those required by either the federal or state governments? What is a local government for purposes of this question?

4. What is and should be the responsibility of the federal government, if any, in the preparation of off-site emergency preparedness plans for nuclear power plants?

5. What is and should be the responsibility of state government, if any, in the preparation of off-site emergency preparedness plans for nuclear power plants?

6. What is and should be the responsibility of local governments, if any, in the preparation of off-site emergency preparedness plans for nuclear power plants?

7. What is and should be the responsibility of the federal government, if any, for the implementation of off-site emergency preparedness plans for nuclear power plants?

8. What is and should be the responsibility of the state government, if any, for the implementation of off-site emergency preparedness plans for nuclear power plants?

9. What is and should be the responsibility of local governments, if any, for the implementation of off-site emergency preparedness plans for nuclear power plants?

10. What is and should be the responsibility of the federal government, if any, in determining the adequacy and implementability of an off-site emergency preparedness plan for a nuclear power plant?

11. What is and should be the responsibility, if any, of state government in determining the adequacy and implementability of an off-site emergency preparedness plan for a nuclear power plant?

12. What is and should be the responsibility, if any, of local governments in determining the adequacy and implementability of an off-site emergency preparedness plan for a nuclear power plant?

13. What is and should be the responsibility of the federal government, if any, for financing the costs of development and implementation of an off-site emergency preparedness plan for a nuclear power plant?

14. What is and should be the responsibility of the state government, if any, for financing the costs of development and implementation of an off-site emergency preparedness plan for a nuclear power plant?

15. What is and should be the responsibility of the local governments, if any, for financing the costs of development and implementation of an off-site emergency preparedness plan for a nuclear power plant?

SUGGESTED FEDERAL ACTIONS TO BE CONSIDERED BY HEARING

1. The Congress should consider the assumption by the Federal government of full responsibility for ownership, siting, design, construction, quality control, operation, emergency response and waste disposal. This approach has been adopted in other nations, such as France and England, in a manner which has reduced public policy uncertainty, facilitated standardization of design, construction and operation, and reduced private sector risk.

2. The Congress should enact legislation which clearly defines and delineates the respective responsibilities of Federal, state and local governments, and the licensee of a nuclear power plant in the development and implementation of off-site emergency preparedness plans.

3. The Congress should enact legislation to provide financial assistance to state and local governments for preparedness plans. A model for such legislation is the proposal for the reaction of the Radiological Emergency Response Plans and Preparedness Fund for State and Local Governments, recommended by the Nuclear Regulatory Commission Office of State Programs in 1979.

4. The Congress should consider the establishment of federally-funded, federally-trained special radiological response teams, as suggested by Westchester County Executive Andrew O'Rourke. An alternative might be a program of Federal funds and training for selected National Guard Units which could then be available to respond immediately if a radiological emergency might occur.

5. The Congress should consider legislation to create a special fund to reimburse ratepayers and local governments in those circumstances where a nuclear power plant cannot open or must close because it cannot comply with federal requirements for off-site emergency preparedness. Perhaps the Federal government should acquire these facilities for use only in an emergency situation, such as envisioned by the creation of the Strategic Petroleum Reserve.

S. 1384

TITLE I—FINDING AND PURPOSES

SEC. 101. The Congress finds that—

(1) The Nuclear Regulatory Commission, in carrying out its mandate to protect the public health and safety, requires that each nuclear powerplant site have an off-site radiological emergency response plan.

(2) The Nuclear Regulatory Commission requires State and local governments to prepare radiological emergency response plans for the areas surrounding the sites of nuclear powerplants.

(3) There are 87 nuclear powerplant sites, with reactors operating or under construction, that require off-site radiological emergency response plans. Hundreds of State and local governments are involved in the preparation of emergency response plans for these sites.

(4) The joint Nuclear Regulatory Commission and Federal Emergency Management Agency guidelines for the preparation of State and local radiological emergency response plans include sixteen major planning standards and 212 evaluation criteria.

SEC. 102. The purposes of this Act are—

(1) To provide direct Federal financial assistance to State and local governments for emergency radiological planning and preparedness activities.

(2) To make available Federal personnel, equipment and other resources to assist in implementation of off-site radiological emergency response plans.

TITLE II—RADIOLOGICAL EMERGENCY RESPONSE PLANS AND PREPAREDNESS ASSISTANCE

PLANNING ASSISTANCE

SEC. 201. (a) The Nuclear Regulatory Commission is directed to provide grants directly to State and local governments to prepare or update radiological emergency response plans as required by 10 CFR Part 50.

(b) Such grants shall be distributed to State and local governments based upon an application for assistance.

(c) In determining the amount of a grant the Nuclear Regulatory Commission shall consider factors including, but not limited to, the following:

(1) Population density within the emergency planning zone for which the plan is being prepared,

(2) Revisions to a plan required as a result of a finding of deficiencies made by the Federal Emergency Management Agency.

(3) Special studies that State and local governments may be required to undertake in order to prepare the plan, and

(4) The total estimated cost of preparing and/or revising the plan.

(d) There is hereby authorized to be appropriated to the Nuclear Regulatory Commission for the purposes of carrying out this section of the Act $3,000,000 for each of the following fiscal years, 1984 and 1985.

PREPAREDNESS FUND

SEC. 202. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the "Radiological Emergency Response Trust Fund" consisting of such amount as may be appropriated or transferred to such Trust Fund as provided in this section.

(b) The Nuclear Regulatory Commission is directed to establish a fee to be paid annually by the operators of civilian nuclear powerplants for which radiological emergency response plans must be prepared in accordance with 10 CFR Part 50.

(c) All fees imposed under subsection (b) of this section shall be paid to the Treasury of the United States and deposited in the Radiological Emergency Response Trust Fund.

(d) Amounts in the Trust Fund shall be available for the following purposes:

(1) paying the costs of training State, local or other personnel to participate in radiological emergency response activities,

(2) paying the costs of training National Guard units to participate in radiological emergency response activities,

(3) paying to State and local governments the costs of full-field exercises and drills involved in practicing and testing emergency response plans, and

(4) paying to State and local governments the costs of acquiring communication systems, radiological monitoring equipment, warning systems, or other equipment required to implement radiological emergency response plans.

(e) There is hereby authorized to be appropriated to the Nuclear Regulatory Commission for the purposes of carrying out subsection (d) of this section an amount equal to the fees collected under subsections (b) and (c) for each fiscal year.

TITLE III—FEDERAL RESOURCE ASSISTANCE

CASE-BY-CASE USE OF FEDERAL PERSONNEL AND OTHER RESOURCES

SEC. 301. (a) Upon a request from a State and local government that is preparing or has prepared a radiological emergency response plan in accordance with 10 CFR Part 50, the President is directed to make a determination within sixty (60) days of receiving such a request as to the availability of Federal personnel, including the Armed Forces, or other Federal resources to be used in the implementation of State or local emergency response plans.

(b) Based upon a finding of availability under subsection (a) the President is directed to enter agreements with State and local governments to make available Federal personnel, including the Armed Services, or other Federal resources to be used in the implementation of State or local emergency response plans.

RESOURCES AND NEEDS INVENTORY

SEC. 302. (a) The Federal Emergency Management Agency is directed to prepare:

(1) an inventory of Federal personnel, including the Armed Forces, and Federal resources that could be used to respond immediately if a radiological emergency occurred at a civilian nuclear powerplant. Such an inventory of resources is to be prepared for each civilian nuclear powerplant required to have a radiological emergency response plan in accordance with 10 CFR Part 50, and

(2) an inventory of the resources needed to respond effectively and efficiently to a radiological emergency at each civilian nuclear powerplant required to have a radiological emergency response plan in accordance with 10 CFR Part 50.

(b) The findings under subsection (a) are to be reported to the President and the appropriate Committees of Congress not later than six (6) months after the date of enactment of this Act.

(c) There is hereby authorized to be appropriated to the Federal Emergency Management Agency in fiscal year 1983, and to

remain available thereafter, $1,000,000 to carry out the purposes of subsection (a).

By Mr. D'AMATO:

S.J. Res. 109. Joint resolution designating the week beginning June 19, 1983, as "National Children's Liver Disease Awareness Week"; to the Committee on the Judiciary.

NATIONAL CHILDREN'S LIVER DISEASE AWARENESS WEEK

● Mr. D'AMATO. Mr. President, recently many Americans became emotionally involved with the progress of young Brandon Hall, who had a liver affliction. Even though Brandon was fortunate enough to eventually find a donor, he died after a long fight to accept the transplanted liver. Brandon's battle for life, however, was not in vain. His struggles brought to public attention the seriousness of liver disease among the Nation's children.

There are over 100 types of children's liver diseases. More children die from liver disease than from muscular dystrophy, cystic fibrosis, or leukemia. A liver transplant operation is currently the only successful cure. Seventy-five percent of those children who undergo this operation survive to lead healthy, productive lives. The New York State Department of Health had decided to assist the needy families of liver diseased children by providing medicaid coverage.

Two New York Congressmen, Representative GUY MOLINARI and Representative ROBERT GARCIA, were instrumental in securing House passage of House Joint Resolution 234, designating the week of June 19, 1983, as "National Children's Disease Awareness Week." The resolution I am introducing today is identical. It is well worth Senate consideration.

Every Senator has now, or will have in the future, a child in their State who will need a liver transplant. To save more lives, public awareness is essential. Securing a donor can be just as difficult as raising the money to pay for the operation. This is not a trivial resolution. It is, in fact, quite the opposite. The goal of this resolution is to foster greater understanding throughout the country. If this leads to an increased number of donors, then we in Congress will have saved lives.

Mr. President, I ask unanimous consent that this joint resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 109

Whereas there are more than one hundred different kinds of liver disease identified in children;

Whereas certain children's liver diseases result in cirrhosis causing the deaths of infants and young children;

Whereas there are a million cases of hepatitis in the United States annually, half of which occur in children;

Whereas there have been tremendous strides in the liver transplant program as a result of new therapeutic drugs and improved surgical techniques;

Whereas newborn screening programs, with early recognition and intervention, are now preventing the onset of insidious liver ailments in infants and young children;

Whereas it is essential that childhood liver disorders be eradicated because the future of the United States lies in the hands of our children;

Whereas the key to eradicating all childhood liver disorders is through extensive pediatric liver research; and

Whereas the week beginning June 19, 1983, marks the establishment of the National Children's Liver Disease Awareness Program, a combined effort to bring to the attention of the American people the overwhelming need for pediatric liver disease research, newborn screening programs, and the dismissal of the tremendous financial burden placed on families whose children require long term care and/or liver transplanation; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 19, 1983, is designated "National Children's Liver Disease Awareness Week". The President is requested to issue a proclamation calling upon all Government agencies and people of the United States to observe the week with appropriate programs and activities.●

ADDITIONAL COSPONSORS

S. 269

At the request of Mr. MCCLURE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 269, a bill to provide for the disposal of silver from the National Defense Stockpile through the issuance of silver coins.

S. 476

At the request of Mr. LEVIN, the names of the Senator from Kentucky (Mr. HUDDLESTON) and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 591

At the request of Mr. DURENBERGER, the names of the Senator from Alabama (Mr. DENTON) and the Senator from Nevada (Mr. HECHT) were added as cosponsors of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 616

At the request of Mr. DURENBERGER, the names of the Senator from New York (Mr. D'AMATO), the Senator from Hawaii (Mr. INOUYE), the Senator from Florida (Mrs. HAWKINS), the Senator from Michigan (Mr. LEVIN), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 616, a bill to promote the use of solar and other renewable forms of energy developed by the private sector.

S. 673

At the request of Mr. MCCLURE, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Utah (Mr. GARN) were added as cosponsors of S. 673, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the credit against tax for contributions to, individual housing accounts.

S. 771

At the request of Mr. HATCH, the names of the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 771, a bill to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes.

S. 772

At the request of Mr. HATCH the names of the Senator from Arkansas (Mr. BUMPERS) and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 772, a bill to promote public health by improving public awareness of the health consequences of smoking and to increase the effectiveness of Federal health officials in investigating and communicating to the public necessary health information, and for other purposes.

At the request of Mr. HATCH, the Senator from Massachusetts (Mr. TSONGAS) was withdrawn as a cosponsor of the bill (S. 772) to promote public health and to increase the effectiveness of Federal health officials in investigating and communicating to the public necessary health information.

S. 863

At the request of Mr. BOSCHWITZ, the name of the Senator from Indiana (Mr. QUAYLE) was added as a cosponsor of S. 863, a bill entitled "The Enterprise Zone Employment and Development Act of 1983".

S. 966

At the request of Mr. MCCLURE, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 966, a bill to amend the Act of October 20, 1976 (90 Stat. 2662), as amended.

S. 1006

At the request of Mr. SPECTER, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 1006, a bill to amend the Internal Revenue Code of 1954 to repeal the 15-percent reduction in percentage depletion for iron ore and coal.

S. 1043

At the request of Mr. D'AMATO, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 1043, a bill to amend the Internal Revenue Code of 1954 to provide tax incentives for small business.

S. 1080

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1121

At the request of Mr. COCHRAN, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 1121, a bill to repeal the national maximum speed limit for motor vehicles.

S. 1244

At the request of Mr. PACKWOOD, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Montana (Mr. MELCHER), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 1244, a bill to amend title XVIII of the Social Security Act to provide for a program of health care for elderly individuals who require long-term care.

S. 1245

At the request of Mr. RIEGLE, his name was added as a cosponsor of S. 1245, a bill to amend chapter 157 of title 10, United States Code, to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia.

S. 1270

At the request of Mr. DECONCINI, the names of the Senator from Nevada (Mr. LAXALT) and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of S. 1270, a bill to amend title 17, United States Code, regarding the Copyright Royalty Tribunal.

S. 1306

At the request of Mr. BYRD, his name was added as a cosponsor of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1325

At the request of Mr. MCCLURE, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1325, a bill to amend the Internal Revenue Code of 1954 to provide financial relief to State and local governments by eliminating a requirement that would result in a duplicative mailing each year.

SENATE JOINT RESOLUTION 50

At the request of Mr. LEVIN, the names of the Senator from Washington (Mr. GORTON) and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of Senate Joint Resolution 50, a joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week".

SENATE JOINT RESOLUTION 55

At the request of Mr. MATHIAS, the names of the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of Senate Joint Resolution 55, a joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Montana (Mr. MELCHER), the Senator from Montana (Mr. BAUCUS), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of Senate Joint Resolution 56, A joint resolution to designate the month of August 1983 as "National Child Support Enforcement Month".

SENATE JOINT RESOLUTION 75

At the request of Mr. SYMMS, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from North Carolina (Mr. EAST), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of Senate Joint Resolution 75, a joint resolution to provide for the designation of June 12 through 18, 1983 as "National Scleroderma Week".

SENATE JOINT RESOLUTION 77

At the request of Mr. DOLE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Joint Resolution 77, a joint resolution designating "National Animal Agriculture Week".

SENATE JOINT RESOLUTION 96

At the request of Mr. DECONCINI, the name of the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of Senate Joint Resolution 96, a joint resolution to designate August 1, 1983, as "Helsinki Human Rights Day".

SENATE RESOLUTION 100

At the request of Mr. WALLOP, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of Senate Resolution 100, a resolution relating to the building of weapons for deployment in space.

SENATE RESOLUTION 114

At the request of Mr. PRESSLER, the names of the Senator from Pennsylvania (Mr. HEINZ) and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of Senate Resolution 114, a resolution to express the sense of the Senate that certain rural fire protection programs should receive a level of funding for fiscal year 1984 which is at least as high as the level of funding provided for such programs for fiscal year 1983.

SENATE RESOLUTION 118

At the request of Mr. HOLLINGS, the name of the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of Senate Resolution 118, a resolution to express the sense of the Senate in support of continued integrity of the National Oceanic and Atmospheric Administration.

SENATE RESOLUTION 126

At the request of Mr. WALLOP, the names of the Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of Senate Resolution 126, a resolution to express the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.

SENATE RESOLUTION 135

At the request of Mr. PERCY, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Virginia (Mr. TRIBLE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nebraska (Mr. EXON), and the Senator from Georgia (Mr. NUNN) were added as cosponsors of Senate Resolution 135, a resolution expressing the sense of the Senate with respect to the urgency of achieving and maintaining proper alinement of major international currencies essential to stem protectionism and aid early recovery of world trade expansion.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the names of the Senator from California (Mr. CRANSTON), the Senator from Maine (Mr. MITCHELL), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 149

At the request of Mr. DODD, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Michigan (Mr. RIEGLE), the Senator from North Dakota (Mr. BURDICK), the Senator

from California (Mr. CRANSTON), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Resolution 149, a resolution to express the sense of the Senate that the laws which insure equal rights with regard to education opportunity for women should be maintained.

SENATE CONCURRENT RESOLUTION 42—RELATING TO INFRINGEMENTS OF RELIGIOUS FREEDOM IN THE WARSAW PACT STATES

Mr. PELL (for himself and Mr. PERCY) submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 42

Whereas the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by the same body on November 25, 1981, proclaim the principles of non-discrimination and equality before the law and the universal right to freedom of thought, conscience and religion for all individuals;

Whereas the Final Act of the Conference on Security and Cooperation in Europe (hereafter referred to as the Helsinki Final Act), which all of the Warsaw Pact states have signed, commits the Participating States to act in conformity with the purposes and principles of the Universal Declaration of Human Rights and to fulfill their obligations with respect to human rights and fundamental freedoms as set forth in international law;

Whereas the Helsinki Final Act reaffirms the commitment of the Participating States to respect human rights and fundamental freedoms including the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience;

Whereas the constitutions of the Warsaw Pact states provide for freedom of religion both for the individual and for religious groups or sects, in practice, the laws of these states are highly restrictive with respect to religious activities and practices and even outlaw certain religious sects such as the Greek Catholic Church in the Soviet Union and the Jehovah's Witnesses in the Soviet Union, Romania, and East Germany;

Whereas the Governments of the Warsaw Pact states impede the free exercise of religion through administrative interference in the affairs of religious bodies including control over seminaries, religious publications and materials, construction and restoration of church buildings, finances, and the selection of religious leaders;

Whereas the Government of Czechoslovakia, in particular, has refused to reach an agreement with the Vatican on filing the vacant bishoprics of the Roman Catholic Church in Czechoslovakia;

Whereas religious believers are subject to official discrimination in employment, housing and education in the Warsaw Pact states;

Whereas the Governments of Czechoslovakia, Romania, the Soviet Union and Bulgaria persecute, imprison and confine religious believers, some times to psychiatric hospitals for exercising religious freedom;

Whereas the Government of Poland has exerted pressure on the Catholic Church to endorse governmental policies particularly with respect to Solidarity and its members;

Whereas the Government of Czechoslovakia has increased persecution of clergy and religious believers, especially those of the Catholic faith, since the birth of Solidarity in Poland;

Whereas the Soviet Union has severely curtailed the right of Jews to study and practice their religion and to adhere to their cultural traditions;

Whereas religious activity in the occupied Baltic States of Lithuania, Latvia and Estonia has been harshly repressed by the Government of the Soviet Union;

Whereas Romania and the Soviet Union deny the fundamental right to emigrate to those individuals desiring to escape religious persecution; Now therefore be it,

Resolved by the Senate (the House of Representatives concurring), That the Congress opposes and condemns infringement of religious freedom, persecution of religious believers, and discrimination on religious grounds by the Governments of the Warsaw Pact states.

SEC. 2. Accordingly, it is the sense of the Congress that the Government of the United States should raise publicly and privately the failure of the Warsaw Pact states the fulfill commitments on religious freedom undertaken in the Helsinki Final Act and to respect international law on human rights and fundamental freedoms, especially in the area of religion, at every appropriate international forum including the Madrid meeting of the Conference on Security and Cooperation in Europe and in bilateral negotiations with the offending governments.

SEC. 3. The President shall transmit a copy of this resolution to the Ambassador from each of the Warsaw Pact states.

Mr. PELL. Mr. President, today I am introducing a concurrent resolution condemning infrigement of religious freedom, persecution of religious believers, and discrimination on religious grounds by the governments of the Warsaw Pact states.

As a member and former cochairman of the Commission on Security and Cooperation in Europe—the Helsinki Commission, I have long been concerned about the failure of the Soviet Union and its Warsaw Pact allies to fulfill commitments on religious freedom undertaken in the Helsinki Final Act and to respect international law on human rights, especially in the area of religion. As signatories of the Final Act, they have pledged to "recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience." Despite this solemn pledge, the Warsaw Pact states severely restrict religious activities and practices by law and impede the exercise of religious freedom through control over the affairs of religious bodies including seminaries, religious publications and materials, construction and restoration of church buildings, finances, and the selection of religious leaders. Moreover, those individuals who attempt to exercise religious freedom are subject to state-sponsored discrimination in employment, housing, and education and in some states, for example Czechoslovakia and the Soviet Union, they are heinously persecuted and often imprisoned.

In recent years, the situation of clergy and religious believers has grown worse, particularly in Czechoslovakia and the Soviet Union. As a Foreign Service officer in Czechoslovakia shortly after the Communist coup of 1948, I saw first hand what an important role religion played in the lives of the people of Czechoslovakia. Today, approximately 75 percent of the people belong to the Roman Catholic Church, which is well established in Slovakia, the eastern region of Czechoslovakia. Catholicism is the root of nationalism in Czechoslovakia, and the Slovaks, like the Poles, actively pursue a religious life. Many of the remaining 25 percent, the ethnic Czechs in particular, embrace Protestantism. Religious believers who are not Roman Catholic or Protestant follow a variety of faiths including Greek Catholicism, Eastern Orthodoxy, and Judaism. Although there are some 18 religious sects in Czechoslovakia, the Mormon Church and the Jehovah's Witnesses have been outlawed because they refuse to swear allegiance to the state.

The regime, which came to power in the wake of the heinous invasion of Czechoslovakia in 1968, has waged a continual campaign to minimize the role of religion in Czechoslovakia. Although the campaign has been directed at all sects, the Catholic Church has been the regime's primary target.

Catholic priests and lay believers have been subjected to house searches, harassment, detention, arrests, and imprisonment. With the birth of Solidarity in Poland, the campaign against Catholics intensified. For example, in April 1982 Father Joseph Barta received an 18-month sentence allegedly for "obstructing state supervision of the churches." The charge stemmed from a search of his home in November 1980 during which 70 religious items were confiscated by the police. Father Barta died before being transferred from his place of detention to prison. In February 1982, Father Gabriel Povala of Slovakia was imprisoned for 8 months on the charge that he tried to influence young people to lead more religious lives. In August 1982, the government interrogated some 150 young Catholics in Bratislava for a period of 8 to 11 hours each and detained some of them without charge. In March of this year, the government cracked down on members of the Franciscan Order through house searches, interrogations, and arrests.

In response to this outrageous treatment, 85 Catholic priests, nuns and laymen in Slovakia sent a letter of protest to President Gustav Husak on April 15, 1983.

In addition to persecuting Catholic priests and believers, the Czechoslovak Government for the past 10 years has refused to reach agreement with the Vatican on candidates for the priesthood. Reportedly, there are now 1,000 Catholic parishes without priests in Czechoslovakia. Under these circumstances, many priests are forced to practice without licenses. The Government has waged an ongoing propaganda campaign against the "secret church"—that is, Catholic priests and bishops who have not been approved by the state but are sanctioned and "blessed" by the Vatican and conduct services in private.

The intensity and breadth of the campaign against Catholics suggests that the Government of Czechoslovakia genuinely fears that the Catholic Church has the potential to develop the kind of political influence in Czechoslovakia that it now has in Poland. Just as the Polish Government has tried to force the Polish Catholic Church to support governmental policies, so the Government of Czechoslovakia has tried to undermine the appeal of the Catholic Church in Czechoslovakia by forcing Catholic priests to join a pro-Government organization known as "Pacem in Terris." Although this strategy has not been successful, the Czechoslovak Government continues its antireligious campaign against not only Catholics but also other religious believers, no doubt in an attempt to blot religion out of Czechoslovak life.

Since 1980 the Soviet Union has stepped up its campaign against religious believers, particularly Catholics in Lithuania and Soviet Jews. With respect to Catholics, the Soviet Government, like its counterpart in Prague, appears to be worried about religious infection from Poland. The opportunity for Jews in the Soviet Union to profess and practice their religion freely is extremely limited. There are only 60 synagogues for some 2½ million Jews who live in the Soviet Union and less than five rabbis to serve them. There are no Jewish periodicals and a Hebrew Bible has not been published in the Soviet Union for 60 years. Moreover, Jewish activists who have attempted to organize unofficial Jewish religious study groups have been subjected to threats of arrests, harassment, house searches, surveillance and other forms of intimidation. The Soviet Government also engages in an intense anti-Semitic propaganda campaign which is both anti-Jewish and anti-Judaic in character.

Mr. President, freedom of religion is a fundamental freedom which must be guaranteed to every individual. Our own country was born out of the struggle for religious freedom and I believe, as Americans, that we have a sacred duty to do all that we can to achieve this important freedom for the people of the Warsaw Pact States. The resolution which I am introducing today, not only expresses our outrage at the failure of the Warsaw Pact States to fulfill their commitments in this area but also calls upon all branches of the U.S. Government to raise this issue publicly and privately at every appropriate forum.

SENATE RESOLUTION 154—DESIGNATING MULTIHOUSING LAUNDRY INDUSTRY WEEK

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 154

Whereas an important service is provided by small businessmen of the multi-housing laundry industry to a significant segment of the population;

Whereas recognition of the hardwork and entrepreneurial spirit of such businessmen serves as a fine example for American youth; and

Whereas the multi-housing laundry industry exemplifies the innovations that small business can provide and highlights the role that small businesses play in the American economy: Now, therefore, be it

Resolved, That the Senate designates the week of June 19, 1983, through June 25, 1983, as "Multi-Housing Laundry Industry Week".

● Mr. D'AMATO. Mr. President, as Americans, we can be proud of the contributions of the multihousing laundry industry. Specifically, the industry provides the Nation with professionally designed and operated coin-laundry facilities in all types of multi-family housing, including military housing.

The industry was created after World War II by a group of local entrepreneurs who were, and still are, the quintessential small businessmen. The catalyst for the development of the coin-operated laundry industry was the invention of the first fully automated washing machine in the 1940's. At that point, groups of enterprising Americans began to install coin-operated washers in the basements of apartment buildings. Many of these first businesses were "mom and pop" operations to which the largest and most successful enterprises today trace their origins. Also, as few families could afford their own washing machines in the 1940's, the coin-operated machine was their very first contact with an automatic washer. Today, these businesses provide a source of jobs for many Americans and serve as a model for other businesses to follow.

Mr. President, these small businessmen are deserving of our recognition. I therefore offer the following resolution designating the week of June 19, 1983 as Multi-Housing Laundry Week.●

AMENDMENTS SUBMITTED FOR PRINTING

PERMANENT INCREASE IN PUBLIC DEBT LIMIT

METZENBAUM AMENDMENT NO. 1297

Mr. METZENBAUM proposed an amendment to the bill (H.R. 2990) to increase the permanent public debt limit, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. . ELIMINATION OF THE PERCENTAGE METHOD OF DETERMINING ADDITIONS TO BAD DEBT RESERVES FOR BANK LOSSES.

(a) IN GENERAL.—Subsection (b) of section 585 of the Internal Revenue Code of 1954 (relating to addition to reserves for bad debts) is amended—

(1) by striking out "1988" in paragraphs (1)(A) and (3) and inserting in lieu thereof "January 1, 1984,", and

(2) by striking out "1987" in paragaph (3) and inserting in lieu thereof "December 31, 1983,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

VETERANS HEALTH CARE SERVICES

CRANSTON (AND OTHERS) AMENDMENT NO. 1298

(Ordered to lie on the table.)

Mr. CRANSTON (for himself, Mr. BYRD, Mr. RANDOLPH, and Mr. MATSUNAGA) submitted an amendment intended to be proposed by them to the bill (S. 578) to amend title 38, United States Code, to provide for adult day health care services for veterans, to authorize the Veterans' Administration to administer a community residential care program, to establish a presumption of service-connection for former prisoners of war suffering from dysthymic disorder and to revise and clarify eligibility for reimbursement of expenses of travel for Veterans' Administration health care; as follows:

On page , following line , insert the following new title:

TITLE VIII—EXPEDITING CERTAIN MEDICAL FACILITY CONSTRUCTION PROJECTS

SEC. 801. (a)(1) Subject to subsection (b), notwithstanding section 5004(a)(1) of title 38, United States Code, there is authorized to be appropriated to the Veterans' Administration for fiscal year 1984 $50,000,000 for the purpose of undertaking in fiscal year 1984 working drawings for the construction or alteration of any medical facility in order that such construction or alteration can,

subject to appropriations therefor, be undertaken in fiscal year 1985.

(2) Subject to subsection (b), not to exceed $25,000,000 in funds that were appropriated to the Veterans' Administration construction, major projects, account and that the Administrator of Veterans' Affairs has determined are no longer needed for the projects for which such funds were appropriated may be expended in fiscal year 1984 for the purposes described in paragraph (1).

(b)(1) The amount obligated for working drawings under subsection (a) for any one medical facility shall not exceed $5,000,000.

(2) No working drawings for the construction or alteration of any one medical facility shall be undertaken under subsection (a) until notice thereof and of the estimated range of the total cost of such construction or alteration and of the cost of the working drawings is provided to the Committees on Veterans' Affairs and on Appropriations of the House of Representatives and the Senate.

(c) For the purpose of this section, the term "medical facility" shall have the meaning specified in section 5001(3) of such title.

Mr. CRANSTON. Mr. President, I am today submitting amendment No. 1303 to S. 578, the proposed Veterans' Health-Care and Programs Improvement Act of 1983, as reported by the Committee on Veterans' Affairs on May 23. The purpose of this amendment is to avoid certain extensive delays in the completion of certain Veterans' Administration medical facility major construction projects by permitting the agency to undertake working drawings for them in fiscal year 1984. Joining with me as original cosponsors of this amendment are Senators BYRD, RANDOLPH, MATSUNAGA, and DECONCINI.

BACKGROUND

Section 5004(a)(1) of title 38, United States Code, provides that appropriations may not be made for a VA medical facility construction or alternation project involving total expenditures of $2 million or more—a so-called major project—unless the Committees on Veterans' Affairs of the House and Senate have adopted resolutions approving the project. As defined in section 5001 of title 38, the terms "construct" and "alter" include all phases of a project completed after what is known as advanced planning, which includes the development of project requirements and preliminary plans for the medical facility. The terms "construct" and "alter" specifically include the preparation of working drawings for the project.

The practical effect of this provision is that the VA routinely encounters a delay of more than a year between the time that preliminary plans have been completed for a project and the time that the development of working drawings may be initiated. This results because in order for a project to be presented to the Congress for its approval, the preliminary plans—accomplished through the VA's advance planning fund—must be completed and submitted to the Office of Management and Budget in the late summer or early fall of the year prior to when the budget request is made for the project. For example, a project for which preliminary plans were completed in February of this year will be submitted to OMB this fall, and appropriations for it will be requested in the President's budget for fiscal year 1985, which begins October 1, 1984. This means that for the period February 1983 through, at the earliest, October 1984 no further work can be done on this project. Consequently, the cost of the project is increased as a result of the additional escalation of construction costs; a significant risk of changes in DM&S requirements is created—a risk that has the potential for further delay and increased costs; valuable expertise is often wasted as the result of losing individuals who have become familiar with the project both in-house and in the architecture and engineering firm that drew the plans; and the services to be made available to veterans are substantially delayed.

GAO RECOMMENDATION

On December 30, 1981, the General Accounting Office issued a report entitled "Opportunity To Reduce the Cost of Building VA Medical Centers"—HRD-82-28. On the first page of that report, the GAO noted:

The time it takes to complete medical facility construction projects could be reduced by up to 15 months by * * * allow[ing] VA to contract for final designs while the Congress reviews the projects. This could reduce overall project costs by minimizing the effects of inflation. . . .

Further explaining findings in this area resulting from the review of the VA's medical facility construction program, the GAO stated:

If final design work can be performed during the congressional approval process instead of after it, VA should be able to begin construction earlier and pay a lower price by avoiding some effects of inflation.

The amount of time VA can actually save will vary by project and will depend on the project's complexity. The more complex a project is, the longer it will take to prepare the working drawings and specifications necessary to bid the construction work. On the 10 projects we reviewed, final design ranged from 9.5 to 32.5 months. . . . The congressional review process usually takes 15 months—from the time a project is included in VA's internal budget process in June or July, through VA's submission of its budget to the Office of Management and Budget in September and to the Congress in January, until the funds become available at the beginning of the fiscal year in October. By performing the final design work during this process, VA can reduce project time up to 15 months. . . .

Extending the Advanced Planning Fund should not affect the benefits sought by Public Law 96-22 of congressional review of projects at a time when VA's cost estimates should be reasonably firm. VA would submit projects if the Fund were extended at the same time it does now—after preliminary design work has been completed.

Such an action would require larger appropriations to the Advanced Planning Fund than are currently made, in amounts depending on the number of projects VA intends to construct. These additional Funds appropriations would, however, eliminate the need for the Congress to include funds for final design in appropriations for the construction of approved projects.

The GAO concluded that the Congress should consider allowing the VA to use the advance planning fund for final design work, noting the benefits of "potentially lower costs and earlier completion" of projects. It stressed, however, that "the degree of confidence" the Congress has in the VA's construction process "directly affects the degree of risk inherent in preparing final designs before final congressional approval is obtained."

DESCRIPTION OF AMENDMENT NO. 1303

Mr. President, the amendment we are submitting today is fully consistent with the recommendations made by the GAO in 1981, but reflects an approach that is more cautious than a permanent extension of the advance planning fund. The effect of our amendment would be to permit the undertaking of working drawings concurrent with the congressional review and approval process. Our amendment would authorize the appropriation of $50 million for fiscal year 1984 to permit the VA to undertake working drawings on certain construction and alteration projects in order that such projects could be expedited and so that construction on the project, if it is approved by the Congress, could begin in fiscal year 1985.

In advance of specific appropriations to the VA for this purpose, the VA would also be permitted to use up to $25 million for such working drawings out of its so-called major working reserve. This reserve consists of funds not expended on some projects because of lower than anticipated bids on them and is generally used to cover higher than anticipated costs on others. However, from time to time, a substantial amount of funds accumulates in the working reserve and the VA uses the reserve to augment other projects. For fiscal year 1983, the VA projected in its budget documents an unobligated end-of-year balance in the reserve of $94 million. However, the VA anticipates requesting the reprograming of $79 million of that amount for other projects in fiscal year 1984, leaving an anticipated balance of $15 million. Additional anticipated receipts to the reserve in fiscal year 1984 will increase it well in excess of $25 million.

Our amendment would limit risks in two ways. First, the total amount that could be expended on any one set of working drawings would be limited to $5 million. This limitation would have the effect of restricting the size of the entire project since the VA estimates that working drawings cost between 6 to 10 percent of the entire cost. Thus,

major replacement and modernization projects—those most likely to be subject to controversy—would not be eligible for use of this new authority. As a practical matter, because of the $5 million restriction on the amount that may be obligated on working drawings for any one project, the largest project that might benefit from the enactment of this amendment would be a clinical addition estimated to cost in the range of $60 million.

Second, in lieu of congressional preapproval of these projects, the VA would be required to provide advance notice of proceeding to working drawings on a project to the House and the Senate Committees on Veterans' Affairs and on Appropriations. That notice would be required to include the cost of the working drawings and an estimated range of the total cost of the project.

In short, Mr. President, our amendment would provide for a 1-year "experiment" of the effect that permitting working drawings to be done prior to congressional authorization of projects might have. This experiment would help Congress determine whether it wishes to provide a more permanent authority along these lines consistent with the GAO's recommendation. It would be my intention to study carefully these projects selected for working drawings in fiscal year 1984 and their progression through the process.

I want to stress that this amendment would result in no additional costs. The dollars expended on working drawings in fiscal year 1984 would almost certainly have otherwise been expended in fiscal year 1985. In addition, over the longer run—since projects that are expedited will not suffer the usual 12-month or more delay—actual savings could be expected to result from the enactment of the amendment.

POTENTIAL IMPACT OF EXPEDITING PROJECTS

Mr. President, based on a staff analysis of the VA's current construction activities, we have identified between 50 and 60 projects which could potentially be candidates for consideration in order to permit working drawings to be undertaken prior to October 1, 1984, and which could therefore be expedited. At the conclusion of my remarks, I will ask unanimous consent that there be printed in the RECORD a listing of the medical facilities that have projects estimated to cost $60 million or less now scheduled for future construction where preliminary plans are anticipated to be completed prior to September 30, 1984. I want at this time, however, to stress that not each of these facilities would be benefited by the enactment of the amendment, nor am I suggesting that any particular project would be funded for working drawings. We are working with current schedules, which can change. Not each potentially eligible project may end up being ready to proceed to working drawings, nor would there be sufficient funds to undertake all of them. However, the list does demonstrate the magnitude of the issue and the impact it could have if enacted.

CONCLUSION

Mr. President, I intend to offer this amendment in the near future when the Senate considers S. 578 as reported. I urge all my colleagues to join with me in this initiative.

At this time, I ask unanimous consent that the listing, to which I referred earlier, of the facilities with projects that could potentially be expedited be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION MEDICAL FACILITIES WITH MAJOR CONSTRUCTION PROJECTS ESTIMATED TO COST $60 MILLION OR LESS FOR WHICH PRELIMINARY PLANS ARE SCHEDULED TO BE COMPLETED BY SEPTEMBER 30, 1984

Albany, New York.
Albuquerque, New Mexico.
Alexandria, Louisiana.
Amarillo, Texas.
American Lake, Washington.
Asheville, North Carolina.
Atlanta, Georgia.
Big Spring, Texas.
Boise, Idaho.
Boston, Massachusetts.
Brockton, Massachusetts.
Buffalo, New York.
Cheyenne, Wyoming.
Chillicothe, Ohio.
Clarksburg, West Virginia.
Coatesville, Pennsylvania.
Dallas, Texas.
Danville, Illinois.
Durham, North Carolina.
East Orange, New Jersey.
Fayetteville, North Carolina.
Fresno, California.
Grand Island, Nebraska.
Grand Junction, Colorado.
Hampton, Virginia.
Hines, Illinois.
Hot Springs, South Dakota.
Indianapolis, Indiana.
Iowa City, Iowa.
Jackson, Mississippi.
Knoxville, Iowa.
Leavenworth, Kansas.
Lexington, Kentucky.
Long Beach, California.
Los Angeles, California.
Louisville, Kentucky.
Lyons, New Jersey.
Madison, Wisconsin.
Manchester, New Hampshire.
Marion, Illinois.
Martinez, California.
Martinsburg, West Virginia.
Mountain Home, Tennessee.
Murfreesboro, Tennessee.
North Chicago, Illinois.
Northport, New York.
Omaha, Nebraska.
Palo Alto, California.
Perry Point, Maryland.
Pittsburgh, Pennsylvania.
Prescott, Arizona.
San Diego, California.
San Juan, Puerto Rico.
Sheridan, Wyoming.
Shreveport, Louisiana.
Saint Louis, Missouri.
Tampa, Florida.
Topeka, Kansas.
Tucson, Arizona.
West Roxbury, Massachusetts.
Wilmington, Delaware.
Wood, Wisconsin.

EXPORT-IMPORT BANK AMENDMENTS OF 1983

BOSCHWITZ (AND OTHERS) AMENDMENT 1299

(Ordered to lie on the table.)

Mr. BOSCHWITZ (for himself, Mr. MATTINGLY, and Mr. SASSER) submitted an amendment intended to be proposed by him to the bill (S. 869) to amend the Export-Import Bank Act of 1945, as follows:

On page 19, line 12, strike out the close quotation marks and the final period.

On page 19, between lines 12 and 13, insert the following:

"(iv) To assure that the purposes of subparagraphs (i) and (ii) are carried out, the Bank shall make available, from the aggregate loan, guarantee, and insurance authority available to it, an amount to finance exports by small business concerns which shall be not less than 10 per centum of such authority for fiscal year 1984, 11 per centum of such authority for fiscal year 1985, 12 per centum of such authority for fiscal year 1986, 13 per centum of such authority for fiscal year 1987, 14 per centum of such authority for fiscal year 1988, and 15 per centum of such authority for fiscal year 1989 and thereafter. The Bank shall utilize the amount set aside pursuant to the preceding sentence to offer financing for small business exports on terms which are fully competitive with regard to interest rates and with regard to the portion of financing which may be provided, guaranteed, or insured. Financing under this subparagraph shall be available without regard to whether financing for the particular transaction was disapproved by any other Federal agency.

"(v) The Bank shall utilize a part of the amount set aside pursuant to subparagraph (iv) to provide lines of credit or guarantees to consortia of small or medium size banks, export trading companies, State finance companies, export financing cooperatives, or other export financing institutions in order to finance small business exports. Financing under this subparagraph shall be made available only where the participating institutions agree to share processing, servicing, and credit evaluation functions in connection with such financing. In the administration of the program under this subparagraph, the Bank shall provide appropriate technical assistance to participating concortia and shall require such consortia periodically to furnish information to the Bank regarding the number and amount of loans made and the credit worthiness of the borrowers.

"(vi) In order to assure that the policy stated in subparagraph (i) is carried out, the Bank shall promote small business exports and its small business export financing programs in cooperation with the Secretary of Commerce, the Office of International Trade of the Small Business Administra-

tion, and the private sector, particularly small business organizations, State agencies, chambers of commerce, banking organizations, export management companies, export trading companies, and private industry.".

On page 19, between lines 16 and 17, insert the following:

(c) Section 9 of such Act is amended by adding at the end thereof the following:

"(c) The Bank shall include in its annual report to the Congress a report on the utilization of the sums set aside for small business exports pursuant to section 2(b)(1)(E). Such report shall specify the total number and dollar volume of loans made, the number and dollar volume of loans made through the consortia program under subparagraph (v) of such section, the amount of guarantees and insurance provided for small business exports, and recommendations for increasing the participation of banks and other institutions in the programs authorized under section 2(b)(1)(E). For the purpose of this subsection, the Bank's report shall be referred to the Committees on Small Business.".

Mr. BOSCHWITZ. Mr. President, today I am filing an amendment that will give small business access to the export financing programs of the Export-Import Bank. I am pleased that Senators MATTINGLY, SASSER, D'AMATO and PRESSLER have shown leadership on this issue and that we are all working together for small business. I am sure that I speak for all of us in urging our colleagues to study this amendment and join us in this effort.

We are all aware of the contributions small business makes to the economy in terms of jobs and innovative technology. Small business can also be the leading contributor in U.S. exports if competitive export financing is available.

Indeed, the Commerce Department estimates that at least 20,000 businesses in our country could export, but do not. In fact, only 1 percent of American manufacturers account for over 80 percent of our exports. As we face record trade deficits, it is imperative that small business become more active exporters. Because Exim is the primary Federal export financing agency, small business must be allowed adequate, effective participation in its programs.

Exim has been termed a "big business" bank by many—and with good reason. On April 7, 1983, I chaired a Small Business Committee hearing on export financing for small business. Exim's Chairman testified that only 3 percent of the commitments under Exim's programs go to small business. Furthermore, Exim does business with only about 300 banks—out of a total of about 15,000 banks in the country. These facts alone point to the need for making Exim's programs more accessible to small business.

When the Senate Banking Committee marked up the Export-Import Bank bill—S. 869—it recognized the importance of small business exporters by accepting two small business amendments. One requires that a member of the Board of Directors be designated to insure that the needs of small business are addressed. The other requires Exim to develop a program which "gives fair consideration to making loans and providing guarantees for the export of goods and services by small business." The committee also extended Exim's charter until September 30, 1989.

These amendments improve the standing of small business with Exim. But, they do not provide the access to export financing that is needed now—especially if Exim's charter is extended for 6 years. My amendment will require Exim to actively finance small business exports.

First, Exim must establish a small business setaside for fiscal year 1983 equal to 10 percent of the direct loan, guaranteed loan and insurance levels provided in appropriations acts. The set-aside will increase 1 percent for each fiscal year for the next 6 years until it equals 15 percent.

Second, the amendment directs Exim to establsh a program that provides lines of credit or guarantees to consortia of local banks, export trading companies, State financing companies and/or export financing cooperatives. The consortia would use the lines of credit or guarantees to finance small business exports, which would count against the set-aside.

Third, Exim would be required to promote small business exports and its export financing programs in cooperation with the Department of Commerce, the Small Business Administration, and the private sector.

Fourth, Exim must report annually to Congress on the effectiveness of the set-aside, the small business financing programs and Exim's efforts in promoting small business exports.

I believe this amendment will provide small business with the access to export financing that is needed during the next 6 years and beyond. I urge my colleagues to study this amendment and support it when the Export-Import Bank bill is considered by the Senate.

Mr. MATTINGLY. Mr. President, I join Senator BOSCHWITZ in introducing an amendment that is designed to direct more of the U.S. Export-Import Bank's resources to the needs of small business exporters. I commend Senators SASSER, DIXON, and D'AMATO in their efforts to join together for the good of small business.

In the past 2 years small business exporters have been losing dramatic shares of their traditional markets. One major reason accounting for this decrease has been their inability to obtain competitive export financing.

At the hearings before the Banking Subcommittee on International Finance and Monetary Policy, chaired by Senator HEINZ, Mr. William Draper, Chairman of the Eximbank, reported that loans amounting to less than $500,000 account for less than 10 percent of all Eximbank loan commitments. In addition, Mr. Draper reported that the Eximbank has extended current insurance policies to only 139 small businesses. While Mr. Draper conceded that improvement in the Bank's programs for small business is needed, the situation continues.

Therefore, I join my colleagues in offering an amendment which includes the provisions Senator BOSCHWITZ so ably described. Only by mandating Eximbank to address small business needs will small business exports, aided by Exim financing, increase. And this increase means more jobs.

U.S. small business exporters want to export, they want to compete, and are able to compete on the basis of those things at which they excel—quality, service, and price. However, they cannot compete against the subsidized export financing offered to their foreign competitors by foreign governments.

But more importantly, small business exporters need to be made aware of Eximbank resources available to them. We simply must make it easier for small business to export.

This amendment addresses all these needs. I urge my colleagues to make Eximbank work for small business exporters by supporting this amendment. Thank you, Mr. President.

Mr. SASSER. Mr. President, I am pleased to cosponsor this amendment, which will have a great impact on small business exporting. In the past, Mr. President, I have spoken out on the triumphs of small business in a number of areas. Unfortunately, I am unable to sound this theme when I speak of small business exports. The sad fact of the matter is that small businesses account for less than one-tenth of the annual exports of the United States.

This figure shrinks even further in significance when we realize that the United States has witnessed little growth in exports during the last decade. Indeed, since 1976, we have seen continued deficits in our trade balance.

I have the privilege of serving on two Senate committees which have looked at the problem of our Nation's export position and, in particular, the problems associated with small business exporting. It is clear from testimony before both the Small Business Committee and the Banking Committee that the Federal Government can and should play a role in promoting small business exports.

We recognized this fact recently in the Banking Committee when we adopted two small business amend-

ments to the Export-Import Bank bill. One amendment stipulates that a representative on the Bank's board of directors insure that small business concerns are addressed. The second amendment directs Exim to develop a program that provides "fair consideration to making loans and providing guarantees for the export of goods and services by small business."

In the Small Business Committee we have held a series of hearings looking into the obstacles to exporting facing small business. My colleague, Senator BOSCHWITZ, recently chaired hearings which focused in on the role of the Eximbank and small business exports. The Chairman of the Exim testified at that time that only 3 percent of the commitments made under the various Exim programs go to small business.

As a result of these various hearings, steps have been taken to ease some of the regulatory burdens facing small business exporters and more information on the opportunity of exporting has been provided to the small business community. While these are laudable first steps, Mr. President, we need to go further.

Our amendment addresses a critical area that has thus far been neglected in this area; this is small business access to export financing. Specifically, our amendment establishes a small business set-aside of 10 percent of Exim's direct loan, guaranteed loan, and insurance levels, as provided in the appropriation acts. The amendment establishes a gradual increase in the amount of the set-aside until it reaches 15 percent in fiscal year 1989.

Our amendment does not stop at simply providing a source of funds for small business exports. Rather, we direct Exim to promote such activity and the export financing programs available in cooperation with the Department of Commerce, the Small Business Administration, and the private sector. We also require Exim to provide Congress with an annual report on the effectiveness of the set-aside, the financing programs, and promotional activities undertaken.

Mr. President, we feel that these provisions will help promote small business exports. The type of economic growth fostered by our amendment is what is needed to bring our Nation out of this economic crisis. I urge my colleagues to work with us in expeditiously approving this matter.

TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT AMENDMENTS

BAKER (FOR ANDREWS) AMENDMENT NO. 1300

Mr. BAKER (for Mr. ANDREWS) proposed an amendment to the bill (S. 726) to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes; as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. The matter preceding title I of the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325) (hereafter in this Act referred to as the "Act") is amended—

(1) by striking out "definitions" and inserting in lieu thereof the following:

"DEFINITIONS

"SEC. 2. (a) For purposes of this Act, the term—";

(2) by striking out "and is eligible to receive services from the Secretary of the Interior" in paragraph (1);

(3) by inserting before the semicolon at the end of paragraph (5) thereof the following: "and the reference to Secretary in clause (5)(A) of such section shall be deemed to refer to the Secretary of the Interior"; and

(4) by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled community college, determined in a manner consistent with subsection (b) of this section on the basis of the quotient of the sum of the credit hours of all Indian students so enrolled, divided by twelve.

"(b) For purposes of determining the Indian student count under subsection (a)(7)—

"(1) Credit hours shall be calculated on the basis of registration of Indian students at the conclusion of the third week of each academic term.

"(2) Credit hours earned in classes offered during a summer academic term shall be taken into account in determining the Indian student count for the succeeding fall academic term.

"(3) Credits earned by Indian students in any continuing education program of a tribally controlled community college (other than a General Education Development course or a program supported by a Federal grant, contract, or cooperative agreement) shall be taken into account. Such credits shall be converted to a credit-hour basis in accordance with the tribally controlled community college's system for providing credit for participation in such programs.

"(4) No more than 12 credit hours per Indian student per academic term may be taken into account.

"(5) No credit hours earned by an Indian student who has earned more than 75 credit hours in a 2-year program, or 150 hours in a 4-year program, for which assistance has been provided under this Act shall be taken into account.".

SEC. 2. Section 101 of the Act is amended by inserting immediately before the period at the end thereof the following: ", and to allow for the improvement and expansion of the physical resources of such institutions".

SEC. 3. (a) Section 102 of the Act is amended—

(1) by striking out "is authorized to" in subsection (a) and inserting in lieu thereof "shall subject to appropriations," and

(2) by striking out "to defray expense of activities related to education programs for Indian students" in subsection (b) and inserting in lieu thereof "do defray, at the determination of the tribally controlled community college, expenditures for academic, educational, and administrative purposes and for the operation and maintenance of the college".

(b) Section 106(a) of the Act is amended by inserting after the second sentence the following new sentence: Such application shall include a description of recordkeeping procedures for the expenditure of funds received under this Act which will allow the Secretary to audit and monitor programs conducted with such funds.".

SEC. 4. (a) The Act is amended—

(1) by redesignating sections 104 through 114 as sections 105 through 115, respectively; and

(2) by inserting after section 103 the following new section:

"PLANNING GRANTS

"SEC. 104. (a) The Secretary shall establish a program in accordance with this section to make grants to tribes and tribal entities to conduct planning activities for the purpose of developing proposals for the establishment of tribally controlled community colleges, or to determine the need and potential for the establishment of such colleges.

"(b) The Secretary shall establish, by regulation, procedures for the submission and review of applications for grants under this section.

"(c) From the amount appropriated to carry out this title for any fiscal year (exclusive of sums appropriated for section 105), the Secretary shall reserve (and expend) an amount necessary to make grants to five applicants under this section of not more than $15,000 each, or an amount necesssary to make grants in that amount to each of the approved applicants, if less than five apply and are approved.".

(b) The Act is further amended—

(1) by striking out "section 106" in section 106 (as redesignated by subsection (a)(1)) and inserting in lieu thereof "section 107";

(2) by striking out "section 105" in section 107 (as so redesignated) and inserting in lieu thereof "section 106"; and

(3) by striking out "section 106(a)" in section 111 (as so redesignated) and inserting in lieu thereof "section 107(a)".

SEC. 5. Section 105 of the Act (as redesignated by section 4(a)(1)) is amended—

(1) by inserting "from a tribally controlled community college which is receiving funds under section 108" after "upon request" in the first sentence thereof; and

(2) by striking out "to tribally controlled community colleges" in such sentence.

SEC. 6. (a) Section 106 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "feasibility" in the heading of such section and inserting in lieu thereof "eligibility";

(2) by striking out "feasibility" each place it appears in such section and inserting in lieu thereof "eligibility";

(3) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (a) and inserting in lieu thereof "Secretary of Education";

(4) by inserting at the end of subsection (b) the following new sentence: "Such a positive determination shall be effective for the fiscal year succeeding the fiscal year in which such determination is made."; and

(5) by striking out "10 per centum" in subsection (c)(2) and inserting in lieu thereof "5 per centum".

(b) Section 107 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "feasibility" in subsection (a) and inserting in lieu thereof "eligibility", and

(2) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (b) and inserting in lieu thereof "Secretary of Education".

SEC. 7. Section 108(a) of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"SEC. 108. (a) Except as provided in section 111, the Secretary shall, subject to appropriations, grant for each academic year to each tribally controlled community college having an application approved by him an amount equal to—

"(1) the Indian student count at such college during such academic year, as determined by the Secretary in accordance with section 2(a)(7) of this Act, multiplied by

"(2)(A) $4,000 for fiscal year 1984,

"(B) $5,025 for fiscal year 1985,

"(C) $5,415 for fiscal year 1986, and

"(D) $5,820 for fiscal year 1987,

except that no grant shall exceed the total cost of the education program provided by such college.".

SEC. 8. Section 109 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by inserting "(a)" immediately after the section designation; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) The amount of any grant for which tribally controlled community colleges are eligible under section 108 shall not be altered because of funds allocated to any such colleges from funds appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13).

"(2) No tribally controlled community college shall be denied funds appropriated under such Act of November 2, 1921, because of the funds it receives under this Act.

"(c) For the purposes of section 312(2)(A)(i) and 322(a)(2)(A)(i) of the Higher Education Act of 1965, any Indian student who receives a student assistance grant from the Bureau of Indian Affairs for postsecondary education shall be deemed to have received such assistance under subpart 1 of part A of title IV of such Act.".

SEC. 9. (a) Section 110 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"APPROPRIATION AUTHORIZATION

"SEC. 110. (a)(1) There is authorized to be appropriated, for carrying out section 105, $3,200,000 for each of the fiscal years 1985, 1986, and 1987.

"(2) There is authorized to be appropriated for carrying out section 107, $30,000,000 for each of the fiscal years 1985, 1986, and 1987.

"(3) There are authorized to be appropriated such sums as may be necessary to carry out sections 112(b) and 113 for each of the fiscal years 1985, 1986, and 1987.

"(b)(1) For the purpose of affording adequate notice of funding available under this Act, amounts appropriated in an appropriation Act for any fiscal year to carry out this Act shall become available for obligation on July 1 of that fiscal year and shall remain available until September 30 of the succeeding fiscal year.

"(2) In order to effect a transition to the forward funding method of timing appropriation action described in paragraph (1), there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations to carry out this Act, the first of which shall not be subject to paragraph (1).".

SEC. 10. Section 111 of the Act (as redesignated by section 4(a)(1) of this Act) is amended by redesignating subsection (b) as subsection (c) and by striking out subsection (a) and inserting in lieu thereof the following:

"(a)(1) If the sums appropriated for any fiscal year pursuant to section 110(a)(2) for grants under section 107 are not sufficient to pay in full the total amount which approved applicants are eligible to receive under such section for such fiscal year—

"(A) the Secretary shall first allocate to each such applicant which received funds under section 107 for the preceding fiscal year an amount equal to the product of—

"(i) the per capita payment for the preceding fiscal year, multiplied by

"(ii) such applicant's Indian student count for the preceding fiscal year;

"(B) the Secretary shall next allocate to applicants who did not receive funds under such section for the preceding fiscal year an amount equal to the product of—

"(i) the per capita payment for the preceding fiscal year, multiplied by

"(ii) such applicant's Indian student count for the current fiscal year,

in the order in which such applicants have qualified for assistance in accordance with such section so that no amount shall be allocated to a later qualified applicant until each earlier qualified applicant is allocated an amount equal to such product; and

"(C) if additional funds remain after making the allocations required by subparagraphs (A) and (B) the Secretary shall allocate such funds by ratably increasing the amounts of the grant determined under such subparagraphs.

"(2) For purposes of paragraph (1) of this subsection, the term 'per capita payment' for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled community colleges under section 107 for such fiscal year by the sum of the Indian student counts of such co· eges for such fiscal year. The Secretary shall, on the basis of the most satisfactory data available, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this title.

"(b)(1) If the sums appropriated for any fiscal year for grants under section 107 are not sufficient to pay in full the total amount of the grants determined pursuant to subsection (a)(1)(A) the amount which applicants described in such subsection are eligible to receive under section 107 for such fiscal year shall be ratably reduced.

"(2) If any additional funds become available for making payments under section 107 for any fiscal year to which subsection (a) or paragraph (1) of this subsection applies, such additional amounts shall be allocated by first increasing grants reduced under paragraph (1) of this subsection on the same basis as they were reduced and by then allocating the remainder in accordance with subsection (a). Sums appropriated in excess of the amount necessary to pay in full the total amounts for which applicants are eligible under section 107 shall be allocated by ratably increasing such total amounts.".

SEC. 11. Section 112 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"REPORT ON FACILITIES

"SEC. 112. (a) The Administrator of General Services shall provide for the conduct of a study of facilities available for use by tribally controlled community colleges. Such study shall consider the condition of currently existing Bureau of Indian Affairs facilities which are vacant or underutilized and shall consider available alternatives for renovation, alteration, repair, and reconstruction of such facilities (including renovation, alteration, repair, and reconstruction necessary to bring such facilities into compliance with local building codes). Such study shall also identify the need for new construction. A report on the results of such study shall be submitted to the Congress not later than September 30, 1985. Such report shall also include an identification of property—

"(1) on which structurally sound buildings suitable for use as educational facilities are located, and

"(2) which is available for use by tribally controlled community colleges under section 202(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)(2)) and under the Act of August 6, 1956 (70 Stat. 1057; 25 U.S.C. 443a).

"(b) The Administrator of General Services, in consultation with the Bureau of Indian Affairs, shall initiate a program to conduct necessary renovations, alterations, repairs, and reconstruction identified pursuant to subsection (a) of this section.

"(c) For the purposes of this section, the term 'reconstruction' has the meaning provided in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B)).".

SEC. 12. Section 113 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"CONSTRUCTION OF NEW FACILITIES

"SEC. 113. (a) With respect to any tribally controlled community college for which the report of the Administrator of General Services under section 112(a) of this Act identifies a need for new construction, the Secretary shall, subject to appropriations and on the basis of an application submitted in accordance with such requirements as the Secretary may prescribe by regulation, provide grants for such construction in accordance with this section.

"(b) In order to be eligible for a grant under this section, a tribally controlled community college—

"(1) must be a current recipient of grants under section 105 or 107, and

"(2) must be accredited by a nationally recognized accrediting agency listed by the Secretary of Education pursuant to the last sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), except that such requirement may be waived if the Secretary determines that there is a reasonable expectation that such college will be fully accredited within eighteen months. In any case where such a waiver is granted, grants under this section shall be available only for planning and development of proposals for construction.

"(c)(1) Except as provided in paragraph (2), grants for construction under this section shall not exceed 80 per centum of the cost of such construction, except that no tribally controlled community college shall be required to expend more than $400,000 in fulfillment of the remaining 20 per centum. For the purpose of providing its required portion of the cost of such construction, a tribally controlled community college may use funds provided under the Act of November 2, 1921 (25 U.S.C. 13), popularly referred to as the Snyder Act.

"(2) The Secretary may waive, in whole or in part, the requirements of paragraph (1)

in the case of any tribally controlled community college which demonstrates that neither such college nor the tribal government with which it is affiliated have sufficient resources to comply with such requirements. The Secretary shall base a decision on whether to grant such a waiver solely on the basis of the following factors: (A) tribal population; (B) potential student population; (C) the rate of unemployment among tribal members; (D) tribal financial resources; and (E) other factors alleged by the college to have a bearing on the availability of resources for compliance with the requirements of paragraph (1) and which may include the educational attainment of tribal members.

"(d) If, within twenty years after completion of construction of a facility which has been constructed in whole or in part with a grant made available under this section—

"(1) the facility ceases to be used by the applicant in a public or nonprofit capacity as an academic facility, unless the Secretary determines that there is good cause for releasing the institution from this obligation, and

"(2) the tribe with which the applicant is affiliated fails to use the facility for a public purpose approved by the tribal government in furtherance of the general welfare of the community served by the tribal government, title to the facility shall vest in the United States and the applicant (or such tribe if such tribe is the successor in title to the facility) shall be entitled to recover from the United States an amount which bears the same ratio to the present value of the facility as the amount of the applicant's contribution (excluding any funds provided under the Act of November 2, 1921 (25 U.S.C. 13)) bore to the original cost of the facility. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is located.

"(e) No construction assisted with funds under this section shall be used for religious worship or a sectarian activity or for a school or department of divinity.

"(f) For the purposes of this section—

"(1) the term 'construction' includes reconstruction or renovation (as such terms are defined in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B))); and

"(2) the term 'academic facilities' has the meaning provided such term under section 742(1) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(1)).".

SEC. 13. The Act is further amended by adding at the end thereof the following new title:

"TITLE III—TRIBALLY CONTROLLED COMMUNITY COLLEGE ENDOWMENT PROGRAM

"PURPOSE

"SEC. 301. It is the purpose of this title to provide grants for the encouragement of endowment funds for the operation and improvement of tribally controlled community colleges.

"ESTABLISHMENT OF PROGRAM; PROGRAM AGREEMENTS

"SEC. 302. (a) From the amount appropriated pursuant to section 306, the Secretary shall establish a program of making endowment grants to tribally controlled community colleges which are current recipients of assistance under section 107 of this Act or under section 3 of the Navajo Community College Act. No such college shall be ineligible for such a grant for a fiscal year by reason of the receipt of such a grant for a preceding fiscal year.

"(b) No grant for the establishment of an endowment fund by a tribally controlled community college shall be made unless such college enters into an agreement with the Secretary which—

"(1) provides for the establishment and maintenance of a trust fund at a federally insured banking or savings institution;

"(2) provides for the deposit in such trust fund of—

"(A) any Federal capital contributions made from funds appropriated under section 306;

"(B) a capital contribution by such college in an amount equal to the amount of each Federal capital contribution; and

"(C) any earnings of the funds so deposited;

"(3) provides that such funds will be deposited in such a manner as to insure the accumulation of interest thereon at a rate not less than that generally available for similar funds deposited at the same banking or savings institution for the same period of time;

"(4) provides that, if at any time such college withdraws any capital contribution made by that college, an equal amount of Federal capital contribution shall be withdrawn and returned to the Secretary for reallocation to other colleges;

"(5) provides that no part of the net earnings of such trust fund will inure to the benefit of any private person; and

"(6) includes such other provisions as may be necessary to protect the financial interest of the United States and promote the purpose of this title and as are agreed to by the Secretary and the college, including a description of recordkeeping procedures for the expenditure of accumulated interest which will allow the Secretary to audit and monitor programs and activities conducted with such interest.

"USE OF FUNDS

"SEC. 303. Interest deposited, pursuant to section 302(b)(2)(C), in the trust fund of any tribally controlled community college may be periodically withdrawn and used, at the discretion of such college, to defray the expenses associated with the operation of such college, including expense of operations and maintenance, administration, academic and support personnel, community and student services programs, and technical assistance.

"COMPLIANCE WITH MATCHING REQUIREMENT

"SEC. 304. For the purpose of complying with the contribution requirement of section 302(b)(2)(B), a tribally controlled community college may use funds which are available from any private or tribal source.

"ALLOCATION OF FUNDS

"SEC. 305. (a) From the amount appropriated pursuant to section 306, the Secretary shall allocate to each tribally controlled community college which is eligible for an endowment grant under this title an amount for a Federal capital contribution equal to the amount which such college demonstrates has been placed within the control of, or irrevocably committed to the use of, the college and is available for deposit as a capital contribution of that college in accordance with section 302(b(2)(B), except that the maximum amount which may be so allocated to any such college for any fiscal year shall not exceed $350,000.

"(b) If for any fiscal year the amount appropriated pursuant to section 306 is not sufficient to allocate to each tribally controlled community college an amount equal to the amount demonstrated by such college pursuant to subsection (a), then the amount of the allocation to each such college shall be ratably reduced.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 306. (a) There is authorized to be appropriated to carry out the provisions of this title $5,000,000 for each of the fiscal years 1985, 1986, and 1987.

"(b) Any funds appropriated pursuant to subsection (a) are authorized to remain available until expended.".

SEC. 14. In promulgating any regulations to implement the amendments made by this Act, the Secretary of the Interior shall consult with tribally controlled community colleges.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS

BAKER (FOR HELMS) AMENDMENT NO. 1301

Mr. BAKER (for Mr. HELMS) proposed an amendment to the bill (S. 973) to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts; as follows:

At the end of the bill add the following:

Upon request of the North Carolina School of the Arts, Winston-Salem, North Carolina, the Secretary of the Commerce shall authorize such school to lease to any person the Stevens Center for the Performing Arts building, without affecting the Federal assistance provided by a grant under the Public Works and Economic Development Act of 1965, if such transfer documents provide for the operation of such facility as a performing arts center.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a hearing on Thursday, June 2, 1983, in Grand Forks, N. Dak., on Indian health issues related to the reauthorization of the Indian Health Care and Improvement Act (Public Law 94-437).

The hearing will be held in the Memorial Student Lecture Bowl on the University of North Dakota campus, Grand Forks, N. Dak., and will begin at 9 a.m. For further information please contact Partricia Zell, legislative assistant, at 224-2251.

Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a field hearing on Friday, June 3, 1983, in Anchorage, Alaska, on Indian health issues related to the reauthorization of the Indian Health Care and Improvement Act (Public Law 94-437).

The hearing will be held in room C-117 of the Federal Building, Anchorage, Alaska, and will begin at 9 a.m.

For further information please contact Patricia Zell, legislative assistant, at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 25, at 10 a.m., to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 25, 1983, in order to receive testimony concerning the following nominations:

Mr. Leonard D. Wexler, of New York, to the United States District Judge for the Eastern District of New York.

Mr. D. Lowell Jensen, of Virginia, to be Associate Attorney General.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 25, 1983, in order to consider the act on the following bills:

S. 53—The Justice Assistance Act of 1983.

S. 57—To amend the Protection of Children Against Sexual Exploitation Act of 1977.

S. 500—Christopher Columbus Quincentenary Jubilee Act.

S. 774—The Freedom of Information Reform Act.

779—Intelligence Personnel Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet in executive session, during the session of the Senate on Wednesday, May 25, at 2:30 p.m., to mark-up the following bills:

The Export Administration Act, and S. 414, the Business and Foreign Trade Simplification Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MARTY TOLCHIN: A STANDARD FOR EXCELLENCE

● Mr. MOYNIHAN. Mr. President, it is not altogether surprising that a journalist of the caliber of Martin Tolchin should be honored with an award for excellence. Yet that is no reason to fail to take proper notice of the event here in the Senate.

And the reason may simply be stated by saying that Marty Tolchin knows more about us, and probably understands us better, then most of the Senators serving in this Chamber. Indeed, his service above us, as it were, in the Press Gallery exceeds in length the time most Members of the Senate have served in this body. During that time, Marty has learned more about this institution, come to understand its intricacies better than most, and developed a keen instinct for predicting where the Senate is likely to head—even when we ourselves fail to foresee the future.

There is virtue in being a perceptive observer, especially when your observations are to be read by millions. But Martin Tolchin's virtues also extend to those of the critic. Which is to say that he also interprets as well as observe. His interpretations are fair, his judgments accurate, and his criticisms are, in the main, helpful.

Mr. President, Martin Tolchin has received the Everett Dirksen Award for excellence in journalism—a singular achievement, all the more appropriate as Martin Tolchin's understanding and appreciation of the Senate as an institution is not unlike that of the distinguished and beloved former minority leader himself. He is to be congratulated, as is his employer, the New York Times. Even more, he is to be appreciated for the contribution he makes through his work to history and to the Nation's understanding of this important and venerable institution.●

WILDLIFE RESTORATION PROGRAM FUNDS TRANSFER

● Mr. WALLOP. Mr. President, a recommendation by the White House Task Force on Crime and subsequent legislation introduced in the House has triggered widespread concern about the future of our valuable wildlife resources. The task force suggested that about $30 million annually be taken from the Federal aid in wildlife restoration program and put in a fund designed to compensate crime victims. That would cripple severely our already inadequate efforts to manage wildlife in this country.

The Federal aid in wildlife restoration program—or P-R program, as it is referred to—is funded by an 11-percent manufacturers' excise tax on sporting rifles, shotguns, ammunition, and archery equipment, and a 10-percent tax on handguns. These taxes, which totaled $111.4 million in 1982, are paid by sportsmen and women and collected by the Federal Government. They are transferred to the U.S. Fish and Wildlife Service which deducts a small administration fee and apportions the remainder to State wildlife agencies to pay three-fourths of the costs involved with wildlife restoration projects and hunter education programs. The program is paid for entirely by the hunting public's special taxes. It receives no general fund revenues.

The task force recommendation and House bill (H.R. 2470) would divert the handgun tax receipts (about $30 million annually) from the P-R program into a fund that would be used to compensate victims of crime. Obviously, that would reduce State efforts under the program by more than one-third. Our valuable wildlife resources should not be subjected to this lack of attention.

States have purchased more than 3.5 million acres of crucial wildlife habitat with P-R moneys. They have acquired easements on 51 million more acres which are managed primarily for wildlife benefits.

The P-R program, however, is not merely land acquisition. Around half of the income is used for habitat development. Water retention structures for waterfowl and winter range improvements for big game are only two examples.

Restoring wildlife to formerly occupied habitat, including endangered species, and translocating animals to new areas are other accomplishments of P-R. The white-tailed deer, elk, pronghorn, and wild turkey restoration successes are due in large part to the P-R program.

At a recent hearing before the Subcommittee on Public Land and Reserved Water, we were informed that the desert bighorn sheep is in serious trouble. State wildlife agencies and the Bureau of Land Management are trying to develop restoration efforts that will prevent this magnificent animal from becoming an endangered species. These agencies have been affected by recent economic conditions like many others. They are strapped for funds to perform the necessary research and management to enhance the desert bighorn, and this is but one example. It is no time to worsen the condition by taking away the $30 million annually which is provided by the excise tax on handguns.

These tax receipts also support hunter education programs in all 50 States. Some 750,000 students are trained each year in safe firearms use and outdoor ethics. This undertaking has saved many lives by drastically reducing the rate of hunting accidents. In New York alone, P-R money is helping save the lives of more than 21 hunters each year, according to the latest statistics.

Furthermore, Mr. President, I believe we have a commitment to sportsmen and women who pay the excise taxes that for 46 years have supported

wildlife conservation through the Pittman-Robertson program. They and the manufacturers whose products are taxed are strong backers of the program. Years ago, in fact, when it was decided that a number of excise taxes should be eliminated, hunters and the manufacturers urged Congress to retain the taxes on sporting arms and ammunition to continue the wildlife restoration efforts which they support. How often have you encountered that situation? This unselfish support of wildlife conservation by sporting arms purchasers and manufacturers is a credit to both. To divert the special funds they provide to other purposes, no matter how noble, would betray their valuable contribution to a public resource.

I am not taking issue with the crime victim compensation program. I am, however, strongly opposed to the idea that the financial burden of that program should be borne primarily by the Nation's sports men and women.●

ALZHEIMER'S DISEASE

● Mr. METZENBAUM. Mr. President, for some time, I have been extremely concerned about the problem of Alzheimer's disease and the impact of this increasingly pervasive and devastating disease on our society. While many share this concern with me, we all seem relatively helpless in bringing about any major change in the present situation.

Alzheimer's disease is one of the most serious health problems facing the American public today. It is estimated that somewhere between 5 and 10 percent of the elderly population suffers from the disease and that more than one-half of the elderly residents of nursing homes are afflicted with Alzheimer's disease.

While Alzheimer's is the fourth leading cause of death among the elderly, the real tragedy of the disease occurs long before death. The disease progresses inexorably from confusion and memory loss to complete mental incapacity and finally, to total loss of physical ability as well.

Most Alzheimer's disease victims spend their last days in a long-term care facility. The cost to the Nation for this care exceeds $12 billion annually. However, with the projected growth in the elderly population, this cost of nursing home care for Alzheimer's patients is expected to reach $40 billion within this decade.

I should like to take this opportunity to highlight the activities of the Alzheimer's Disease and Related Disorders Association, Inc. The dedication and commitment of this private association has been responsible for increasing public awareness about this disease and for providing information and support to families with members who suffer from Alzheimer's.

Recently, the association prepared a position paper on the various issues involved in Alzheimer's disease, from biomedical research to medical care and family support to financial assistance. Because I believe that this paper is a blueprint for the issues which Congress must address in the near future and provides direction for those of us who wish to act, I ask that the complete text of this report be printed in the RECORD.

The material follows:

BIOMEDICAL RESEARCH SUPPORT

Research is a primary requirement in the battle against Alzheimer's disease. This country must invest in high quality research on the prevention, treatment and restoration of lost function associated with Alzheimer's disease. This will require a far greater degree of support and attention to the problem by government, research institutions, and independent investigators throughout the country.

Federal support

Clearly, the federal role in medical and health-related research is a substantial one. Research on Alzheimer's disease is now being minimally carried out through a number of government agencies including the National Institutes of Health (NIH), the National Institute of Mental Health (NIMH), and the Veterans' Administration (VA).

While the cause of Alzheimer's disease still remains a mystery, research supported by these agencies has began to produce some promising leads. It is therefore recommended that funding for research relating to Alzheimer's disease be assigned a high priority by government and that the following actions be taken to help complement a national research effort:

Interagency Coordinating Committee.—In order to make the most of the federal research investment, an interagency committee should be established for the purpose of coordinating research throughout the federal government, and reporting annually to the President and the Congress on the level of government investment, significant research findings, priority areas of research, and requirements for future funding.

Nongovernmental research.—Research support should not be limited to government agencies. Since Alzheimer's disease is a national concern, others must share the responsibility for finding answers to the problem. These include private industry, insurance companies, foundations, and pharmaceutical houses. To this end the Alzheimer's Disease and Related Disorders Association has, with its limited resources, initiated a research grants program. The Association is encouraging private sector participation in this endeavor.

Information clearinghouse.—The accumulation of knowledge through research is of little value unless communicated in useful form to those who need to use it—to other scientists, educators, practitioners, administrators, and the public. Improved scientific communication regarding Alzheimer's disease is an urgent goal. A government-operated clearinghouse should be established and should immediately put in place systems for making available more health research results and information on Alzheimer's disease.

PATIENT CARE AND FAMILY SERVICES

The delivery of services to Alzheimer's patients and their families must be improved, particularly in the following areas:

Diagnosis and treatment.—Research is now underway to help develop more clear-cut methods for diagnosing Alzheimer's disease. In the meantime, efforts should be undertaken to ensure that persons who may now be suffering from the disease are properly diagnosed. Strong emphasis must also be placed on informing physicians of the latest modalities of care. Minimally, health professions schools, medical organizations, and professional associations should undertake to keep medical personnel abreast of the latest developments in the diagnosis and treatment of Alzheimer's disease.

It is the intent of the Alzheimer's Disease and Related Disorders Association to work with the American Medical Association, the American Society for Internal Medicine, the American College of Physicians, the American Nursing Association, and others to establish in-service training programs and support medical and scientific conferences throughout the country.

Schools of medicine, nursing, and allied health professions should all be encouraged to include Alzheimer's disease in their continuing education and training programs. The Department of Health and Human Services should support curriculum development activities in medical, osteopathic, and nursing schools.

Also, regional referral systems ought to be established to help in the diagnosis and treatment of more difficult cases.

Home care/adult day care.—Many Alzheimer's patients, particularly those experiencing the early stages of the disease, are cared for by their families, most often the spouse. But because patients often require around-the-clock care and attention, many families are forced to seek more costly institutional care for their loved ones.

To afford families a choice between the home and an institutional setting should be a matter of high priority. Toward this end, the federal government should promote greater emphasis on home health care and adult day health care for Alzheimer's patients. State and local institutions should, of course, play an active role in this endeavor.

Community services.—Families (particularly spouses) of Alzheimer's patients are in need of a variety of services such as homemaker aides, transportation, residential repair, in-home respite care, and nutrition. State agencies and community-based organizations should extend these services to the families in need. Federal agencies such as the Administration on Aging should seek to eliminate any restrictions which may now limit access to services.

Care and treatment for veterans.—Today, approximately 10 percent of the veterans population is over age 60; by the year 2000, the proportion of veterans in that vulnerable over-60 age bracket will exceed 30 percent.

Despite the fact that increasing numbers of veterans with Alzheimer's disease are seeking help, the Veterans' Administration has no uniform policy in this area. While some veterans with Alzheimer's disease are admitted to VA facilities, others are turned away. The VA should immediately implement a consistent national policy affording these veterans access to appropriate VA care.

The overarching problem, it should be noted, lies in the absence of an integrated

care continuum for Alzheimer's patients. All to often, family care givers receive little help in administering medications or in preparing for the transition from home care to institutional care. Furthermore, physicians frequently move the patient from provider to provider without linking together the total health care needs of the patient.

New models need to be developed to tie in the various health care providers, including institutions. Special care must also be devoted to protecting the rights and dignity of patients.

Also of particular concern to families of Alzheimer's patients is the accessibility of high quality nursing home care. It is recommended that nursing home personnel receive more adequate training about Alzheimer's disease and that appropriate standards of care be established and adhered to.

MEDICAL AND FINANCIAL ASSISTANCE

Virtually all of the costs associated with the care and treatment of Alzheimer's patients are borne by the spouse or other family members. Medicare does not cover this illness, nor do most private insurance plans. Medicaid, on the other hand, will cover some of the costs incurred, but only if family resources have been exhausted.

Medicare, tax credits, and alternative approaches

As in the case of biomedical research, the federal government must assume lead responsibility in this area. In weighing the overall (and projected) social and economic costs, the government should give consideration to extending Medicare benefits to victims of Alzheimer's disease. At the same time, the government should examine the prospects for alternative financing and reimbursement mechanisms—such as tax credits for home health care and reimbursement for hospice care—which best correspond to the needs of the Alzheimer's patients and their families. It is also recommended that the National Center for Health Services Research act as lead agency in formulating and coordinating the government's health services research activities in this area. The Center should support research which focuses on alternative approaches for delivering care to Alzheimer's patients, and seek organizational and payment methods which reduce costs without adversely affecting quality.

Disability coverage

The federal government should also examine the Disability Insurance program with a view towards extending coverage to workers disabled as a result of Alzheimer's disease.

Pension and insurance plans

Some responsibility falls to private industry and labor organizations. Both should review their pension plans and insurance arrangements and extend appropriate coverage to meet at least a portion of the expenses associated with Alzheimer's disease.●

CURRICULUM MATERIALS FOR OUR YOUTH

● Mr. GOLDWATER. Mr. President, I ask to have my response to an editorial in the Arizona Republic on the publication, "Choices: A Unit on Conflict and Nuclear War," by the National Education Association be placed at this point in the CONGRESSIONAL RECORD along with a reprint of the editorial. I hope my colleagues will agree that the manner in which the NEA has been preparing curriculum materials for our youth necessitates a careful scrutiny, not only of their approach, but also of their facts.

The material follows:

On April 19, 1983, an editorial appeared in the Arizona Republic critical on the National Education Association's publication for junior high school students entitled, "Choices: A Unit on Conflict and Nuclear War." Since it appeared, I have had a chance to review this publication and I could not agree more with the objections to this publication which were raised in the editorial. As Chairman of the Senate Select Committee on Intelligence and a ranking member of the Senate Armed Services Committee, I am more than alarmed by the numerous inaccuracies within this publication. I am outraged to read that the highly debatable question on nuclear superiority between the United States and the Soviet Union has been resolved by this publication . . . with the United States ahead of the Russians. Under our present state of military preparedness, I am very sorry to report, flatly, that this is just not true. Our nation currently finds itself in one of its most critical peacetime situations. While we have underfunded national defense for several years, the Soviet Union has continued an unrelenting build-up of its military arsenal.

It is most interesting to note that a publication with the title of "Choices" heavily favors one choice, namely, a nuclear freeze as "the means" to avoid a nuclear war. Believe me, no one wants a nuclear conflict. I have carefully reviewed all of the proposals on nuclear arms and have found them wanting for several reasons. The "bilateral freeze" defined on page 67 of the publication sounds great on paper, but the students do not have the benefit of any background information unless they decide to read a very brief article in the appendix on the arms control debate. The impact of a freeze at current levels would leave the United States in a position of military disadvantage and prevent us from taking the necessary steps to reduce our vulnerabilities. Also, important aspects of the freeze would be virtually impossible to verify which would leave us with considerable uncertainty about Soviet compliance. This question of Soviet compliance is often taken very lightly, but this is a mistake. In this publication, students are lead to believe that Soviet compliance is forthcoming if an agreement is reached. Well, I believe in the premise of "knowing one's enemies." I find it disturbing that another failure of this publication is that it did not mention the numerous acts of Soviet aggression to its own people and to neighboring countries. An incomplete list of Soviet invasions is simply stated without benefit of descriptive accounts of the human suffering and bloodshed which resulted. Even a quick study of Soviet behavior leads me to question their willingness to comply.

It is hard for me to believe that the cause of peace is served by misinforming and frightening our youth. If this NEA publication was truly an educational tool, it would present both sides of the case giving equal weight to each viewpoint. As it stands, it is nothing more than a shrill, one-sided exponent of unilateral disarmament.

In closing, I cannot help but repeat my strong beliefs that educating our youth in the basics and helping them to know and understand themselves, is a far better use of their time and energies. Can this unit on nuclear conflict be justified in light of the facts that teenage drinking, teenage drug use, and teenage pregnancies are on the rise at an awesome rate. It seems to me that these are the pressing problems facing our youth today. Teenagers at all economic levels are turning to harmful alternatives in order to cope with their world. Do they have to cope with this educational indoctrination, too?

[From the Arizona Republic, Apr. 19, 1983]

EDITORIALS: CLASSROOM PROPAGANDA

The National Education Association [with 1.7 million members] isn't merely a trade union. It's also a professional organization, and when it's not agitating for higher pay for teachers and more federal aid to education, it devotes itself to preparing materials for classroom use.

Some of the material is exemplary.

However, in recent months the NEA has been veering away from traditional subjects into social and political issues.

This is dangerous.

The NEA has just issued a teaching manual for junior high schools on nuclear disarmament that argues strongly for a freeze.

It was prepared with the assistance of the Union of Concerned Scientists, a leader in the campaign.

The manual is almost completely one-sided and, in several places, demonstrably incorrect.

Children are told, for example, that more of the federal budget goes to military programs than to social programs.

The fact is that while defense gets 29 percent of the federal dollar, benefit payments to individuals account for 42 percent and grants to states for 11 percent.

Elsewhere, the manual bewails the huge amount the nation spends on defense.

Nowhere, however, does it mention that the Soviet Union is spending considerably more and has been for years.

The manual suggests that the United States is superior to the Soviets in nuclear forces.

This is a highly complicated—and debatable—subject, to say the least.

The problem is that the two nations have different types of weapons and a different mix.

The experts have been wrangling for years over which is superior.

The NEA would have done children a service by explaining the difficulty of matching one force against the other. It does them a distinct disservice by stating as fact something that obviously isn't.

The nuclear freeze is a highly controversial issue. No one could object to a manual that outlined all the ramifications of the issue, giving each side equal time, and letting the children debate it once they have studied every side.

That isn't what the NEA manual does.

It's out-and-out propaganda.

The classroom is for teaching, not indoctrination.●

IMMIGRATION POLICY

● Mr. HART. Mr. President, for the second time in less than a year, the Senate has debated legislation that seeks to reform this country's immigration policies. Undoubtedly, we all have felt the heat of public opinion.

For every major poll conducted during the last few years has confirmed that a substantial majority of the American people support immigration reform. And with strong justification. Our immigration laws have not kept pace with a changing world. Consequently, we owe a debt of gratitude to my good friends, the distinguished Senators from Wyoming (Mr. SIMPSON) and Massachusetts (Mr. KENNEDY) for the insights they have brought to this debate and their efforts in addressing this very difficult issue.

Historically, the Congress has attempted to review and reform our immigration laws sporadically, and often piecemeal. Mostly, it has avoided the issue altogether. Yet, for the first time in perhaps three decades, we have before us a bill—the Immigration Reform and Control Act of 1983 (S. 529)—that will radically alter U.S. immigration policy.

Mr. President, the Senate can only vote up or down on the bill before it. But I fear that many of those who will support this bill will do so with unrealistic expectations. If this body passes S. 529 with the hope that it will solve all the immigration problems facing this country, so that we can walk away and never worry about them again, we will be sadly disappointed. For this bill addresses on a short-term basis complex problems that require long-term solutions.

We cannot treat immigration policy as solely a domestic issue. For immigration into the United States—both lawful and unlawful—is the product of more than our domestic policies. It stems from many external forces, some of which we can control more effectively than others. And all of which lie beyond the scope of this bill.

Traditionally, the United States has addressed the problem of unlawful immigration with conventional approaches—screening and preventing the entry of unauthorized persons at our borders. Few, if any, would suggest this approach has been entirely successful. This bill, while it enhances our enforcement efforts, also adopts a new policy: Reducing the incentives for persons to enter this country unlawfully. It seeks to remove the most attractive incentive—available—jobs by imposing fines upon employers who hire unauthorized aliens. Although many of us may question whether this particular approach will work, this bill for the first time recognizes we could better address the problem of unlawful immigration not just by more effective patrolling of our borders but also by removing the underlying incentives.

But removing the domestic incentives for unlawful immigration will only carry us so far. We must also address the foreign incentives that cause persons to leave their homes and unlawfully enter into the United States. Clearly, so long as the quality of life here outweighs the hazards of the journey and the misery and injustice of life in their native homelands, persons will continue to come into this country, with or without proper documentation. And with every human rights violation, every collapse of a foreign government, every installment of a radical regime, every increase in the rate of inflation or unemployment in a neighboring country, the pressure on our borders and our immigration policies mounts.

Mr. President, these foreign incentives are as much a driving force behind migration flows as the domestic incentive of job opportunities. Yet, we have heard virtually no discussion of these other factors. Thus, as the Senator from Massachusetts so aptly noted, we have considered this bill as if refugee and immigration flows occur only within our borders. We have considered the immigration issue as if it were in a vacuum.

One need only look at current events in Latin America and the Caribbean—the part of the world that most directly contributes to unlawful immigration into this country—to understand why we must take our consideration of immigration out of this vacuum and place it in its proper, global context.

Mr. President, I particularly fear this body has not adequately taken into account the relationship between our immigration problems and the problems facing Mexico. While we debate whether to adopt these reforms, Mexico is suffering from its greatest economic crisis in 50 years. Consider that in Mexico:

Over half the work force is unemployed.

Inflation has jumped in 1 year from 25 percent to almost 100 percent.

The population exceeds 71 million, with an annual growth rate of 3 percent.

Less than 10 percent of the population controls 50 percent of the wealth.

The combined public and private debt exceeds $90 billion.

Unquestionably, Mexico finds itself at a critical crossroads. The Mexican Government faces the greatest economic challenges of its history. It is not my intention today to place the blame for this problem. The slump in oil prices, actions of international bankers, and the dealings of Mexican bankers, businessmen, and politicians all have contributed one way or another to Mexico's economic tragedy.

Let me state the obvious implications of this crisis. In a land already characterized by bleak economic prospects, skyrocketing inflation and unemployment will force Mexico's ambitious and capable workers to look for work where they have always done so—in the United States.

Absent an impenetrable wall, nothing we can do domestically will completely discourage or prevent this growing pressure for migration. The provisions of this bill do nothing to alleviate this flood at its source.

The Haitian refugees detained in U.S. camps offer a vivid example. These people cannot possibly think they have entered the golden door of economic and social opportunity, yet they continue to cross dangerous open seas to reach our shores. What causes this continuous flow of refugees which brings with it so much pain and suffering? It is clear that they prefer even the meager existence offered in these camps to life where the Government systematically denies social and economic opportunity.

These Haitian refugees continue to come to America because in their country:

The national per capita income is $260, the lowest in the Western Hemisphere;

Half the national wealth is in the hands of 5 percent of the population;

The Government spends only $1 per person annually on education, while spending $18 per person annually on internal security;

Repression has been a sad fact of life since the Duvalier family began its brutal tradition in 1957.

As with Mexico, there is a direct link between the problem of unlawful immigration into the United States and the economic and political situation in Haiti. Should this body decide to focus on the equally important foreign causes of immigration, it must begin by realizing our tacit support of the corruption and repression of the Duvalier regime in Haiti means the continued migration of the "boat people."

Finally, Mr. President, the most glaring example of the link between this country's immigration and foreign policies is the violent situation in El Salvador.

According to U.S. Ambassador Hinton, since 1980, over 34,000 people have been killed in El Salvador as a direct result of the civil war. This violence has decimated the population of that country, and created a nation of refugees. Many Salvadorans flee their country with legitimate fear of persecution, and perhaps even more have been driven away by the random violence and destruction. The combined effect is staggering.

An estimated 500,000 Salvadorans are currently living in the United States (lawfully and unlawfully) as refugees of their war-torn country.

Another estimated 250,000 are living in camps on church grounds in El Salvador.

An additional 350,000 refugees are thought to be harbored in neighboring Central American countries.

Approximately one-fifth of the entire Salvadoran population lives as displaced refugees.

It should hardly surprise anyone, then, that last year alone, over 18,000 Salvadorans asked for asylum in the United States.

Mr. President, while this is not the place for an in depth analysis of the history of our Central American policy, I want to make a number of points that I consider particularly relevant to any discussion of our immigration policy.

First, along with the traditional ties that link Central America with the United States—trade, security, and humanitarian concerns—we find an additional link in the direct effect this region has on our immigration policies. Any comprehensive discussion of the immigration issue must recognize that more than any other region of the world, our Central American neighbors play a primary role in supporting our efforts to control the flow of immigration to the United States. And only with their cooperation and assistance will our efforts succeed.

Second, our past policies in Central America have been severely flawed. We must correct them if we hope to ease the pressures of migration and refugee flow from this region. Quite simply, this country's Central American policy has lacked imagination, commitment, and constancy. In the past, our efforts have been marked by sporadic attempts to maintain the status quo, with little regard for the implication of that policy on human rights and freedoms. Following these attempts to introduce "stability" into the region, we have by and large neglected any long-term effort to promote economic development and social justice in Central America.

Third, the far reaching effects of this narrowly conceived Central American policy stretch far beyond the immigration issue. They also have helped to create and perpetuate an ironically perverse impression of the United States in the eyes of the people of Central America. The popular image of the United States in Central America is that of enforcing its will upon its southern neighbors.

It is clear from the growing national debate on our Central American policy that this region is of key strategic interest to the United States. But it is also clear, that military approaches alone cannot succeed. Without support for democratic institutions, social justice, and economic development, all of our security assistance to that region will bear little fruit.

Finally, this country must make a commitment to the long-term health and prosperity of Central America. Everyone in this body recognizes our security interests in this region. I call upon this body to formulate policies which reflect this strategic importance as well as traditional American values.

Mr. President, we have made such a commitment before. Over 20 years ago, the United States embarked on an alliance for progress. At the time of its enactment, the differences between life in the United States and life in Latin America were stark. With a per capita GNP one-ninth our own, life expectancy less than two-thirds of our own, infant mortality nearly four times our own, over half the people illiterate, soaring unemployment and inflation, and more than half the wealth owned by 2 percent of the population, this country had to decide not so much whether to act, but simply where to begin.

It is difficult to point to the exact reasons why this noble plan embodied by the Alliance for Progress did not achieve the sweeping successes it promised. Although grounded in good intentions and humanitarian zeal, this policy suffered from a lack of long-term vision and commitment to the development of Latin America.

Our own failures then should teach us today how to fashion more realistic and feasible policies for assisting in the development of Central America. Land reform in the Alliance for Progress was not widespread. Population growth more than paced gains in welfare. And probably most importantly, we learned that the United States cannot simply write a check for development and leave the region to foster its own growth. Instead, we should target our foreign assistance to specific income-yielding projects and their attendant support services. Unfortunately, development does not occur overnight. It requires the developing country and the United States to look into the future and maintain our commitments.

Several of my colleagues, as well as many other policymakers, have called for the enactment of a developmental assistance plan for Central America on the scale of a Marshall plan. I have long felt that this idea has strong merit and I am glad there is a growing consensus favoring such an effort.

A plan for developing Central America that is equal in scale and vision to the Marshall plan is especially timely given the current state of affairs in this region. I suport this measure and will work to see that, along with economic development, we foster in Central America the traditional American values of human rights and freedoms. The entire Western Hemisphere will profit from the stability such a plan would provide.●

INDEPENDENT CARE FOR THE ELDERLY

● Mr. PACKWOOD. Mr. President, I am pleased to join my friend and colleague Senator HEINZ in reintroducing legislation, S. 1301, to make tax credits available to families for part of the medical and respite care expenses in caring for elderly family members. The intent of this bill is to keep seniors out of nursing homes by providing financial relief to families who can care for them.

The elderly, whether suffering the effects of a stroke, chronic illness, or senility are more comfortable and often recover more quickly in familiar surroundings. But, the medical and respite care necessary to keep an ailing family member at home are costly, quickly exhausting a family's resources.

Unfortunately, almost no financial assistance is available to help these family efforts. Rather, our public programs are geared to institutional care and families are forced to turn to medicaid-financed nursing home care.

Specifically, this bill will provide tax credits for a portion of the expenses families face in caring for elderly relatives: home health aide services, adult day care, respite care, nursing care, and medical or health related equipment and supplies. The "sliding scale" of the tax credit is structured on the same lines as the day care tax credit adopted by Congress as part of the Economic Recovery Act of 1981.

Families with incomes of $10,000 or less can claim a tax credit for 30 percent of the expenses listed above, up to a maximum credit of $1,050. Low-income families who do not pay enough taxes to get the full benefit of the credit will have the credit refunded directly to them. Families with adjusted gross incomes in excess of $50,000 will be ineligible for the credit. In no case will a family be eligible to claim a credit if the elderly relative's adjusted gross income exceeds $15,000.

Assistance in the form of a tax credit will give families a choice as to what kind of services are most appropriate and helpful in keeping elderly relatives at home. But to prevent double payment, only those services not reimbursed under medicare, medicaid, or another insurance plan will qualify.

Mr. President, our senior citizens do not want to be forced into institutions because their independence has become a burden to their family. This bill, and the Packwood-Bradley-Heinz senior citizens independent community care bill, S. 1244, will help families get the services needed to help them keep elderly relatives at home and assist them financially to help their parents remain independent.

Studies have shown that 25 percent of the 1.4 million people in nursing homes today could live at home if family assistance is provided. Families are responsible for almost all noninstitutional chronic care services and it is estimated that families provide about 70 percent of home health services for the almost 4 million elderly afflicted with functional disabilities. Often, because the services are unavailable or unaffordable, families are forced to

seek federally assisted institutional care. These bills will help provide less expensive and more appropriate care and an alternative to institutionalization.

This legislation will enable thousands of seniors who are now in jeopardy of being placed into a nursing home to avoid such institutional care and instead stay in their home and remain independent with the help of their families. It will encourage families to help pay for the health care expenses of parents who are now 75 years and older, the time when many seniors begin to need more medical assistance and services like home health care. This bill encourages families to help—and rewards them for doing so.●

THE CASE OF DR. IOSIF BEGUN

● Mr. JOHNSTON. Mr. President, on April 15, Senator LAXALT and I, along with 96 of our Senate colleagues, wrote to President Reagan, Secretary Shultz and Ambassador Dobrynin of the U.S.S.R. We were protesting the abridgment of human rights in the Soviet Union, and drawing attention to the plight of Dr. Iosif Begun, an engineer and Hebrew teacher in Moscow who has sought unsuccessfully since 1971 to emigrate to Israel. The Soviet Union has characterized him as a criminal.

What are Begun's crimes? That he taught Hebrew, that he studied the cultural history of the Jewish people, that he wanted to emigrate to Israel, that his fiance owned books and materials in Russian, Hebrew, and English about the history and culture of the Jews. All of these activities are protected under the Helsinki Final Act and other covenants which the Soviet Union has solemnly pledged to uphold.

What is Begun's punishment for these noncrimes? He is presently confined in Vladimir Prison awaiting trial on a charge of anti-Soviet agitation and propaganda which carries a sentence of 12 years in prison and internal exile. His son Boris is not permitted to visit him. His fiance Ina Schlomova, may be called as a witness in his trial and herself faces possible criminal charges.

Mr. President, the Department of State and the White House have responded to our letters, and I ask permission for these responses to be included in the RECORD. Ambassador Dobrynin has not yet replied.

We expect that Iosif Begun will be brought to trial in the next few weeks. It is not yet too late for the Soviet Government to indicate that it is prepared to honor its commitments to the Helsinki accords and to basic human rights by securing the release of Dr. Begun and favorably considering his application for an exit visa to Israel.

The letters referred to follow:

THE WHITE HOUSE,
Washington, D.C., April 26, 1983.

Hon. J. BENNETT JOHNSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JOHNSTON: This is just to assure you that your recent letter, on the issue of Soviet anti-semitism and the specific case of Dr. Iosif Begun, has been brought to the President's direct attention.

We very much appreciate the serious concerns which you and 97 of your colleagues have expressed regarding these matters. Your lettter is now being shared with the President's national security advisers for their close attention and review.

With best wishes,

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.

U.S. DEPARTMENT OF STATE,
Washington, D.C., April 27, 1983.

Hon. J. BENNETT JOHNSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JOHNSTON: Thank you for your letter of April 13 to Secretary Shultz, in which you and 97 of your colleagues express concern about Soviet repression of Jewish cultural activities and, in particular, the recent arrest of prominent cultural activist Iosif Begun.

The Department of State shares your concern about Soviet efforts to restrict Jews in the USSR from studying their cultural heritage, learning the Hebrew language, and practicing their traditions. Such measures are clearly contrary to Soviet undertakings to respect cultural rights, as provided in the Helsinki Final Act and other international covenants on human rights. These Soviet abuses have been vigorously condemned by U.S. officials at the Madrid CSCE Review Conference, the U.N. Human Rights Commission, and elsewhere.

We are particularly concerned about Mr. Begun's situation because his is a longstanding case. Mr. Begun has been attempting to emigrate since 1971, and he has undergone a variety of hardships and harassment, including several years of imprisonment and internal exile, at the hands of the Soviet authorities. His arrest in November 1982 on charges of "anti-Soviet agitation and propaganda" has intensified our concern. He is now confined in Vladimir Prison, near Moscow, awaiting trial. We will continue to follow developments in his case as closely as possible.

The United States Government has consistently encouraged Soviet authorities to be less harsh and more responsive toward Soviet Jews who wish to emigrate. Unfortunately, the Soviet Government has not been responsive to our efforts, contending that emigration is strictly a matter of its own internal affairs. The Soviets have been similarly unresponsive to our expressions of concern about those who are incarcerated in the U.S.S.R. on political charges.

The United States will continue to raise human rights issues in every appropriate forum. The Soviets are well aware of the importance which we attach to these matters. Although we cannot realistically anticipate a more positive Soviet response in the near term, we shall persist in our efforts in support of all those, like Mr. Begun, who are being denied their rights in the U.S.S.R.

Please do not hesitate to contact us in the future if we can be of assistance in this or any other matter.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.●

CONGRESSIONAL CALL OF CONSCIENCE VIGIL

● Mr. LUGAR. Mr. President, I am pleased that my colleague, Senator BOREN, has initiated a Congressional Call of Conscience Vigil in the U.S. Senate on behalf of Soviet Jewry. I am pleased, too, to be an original participant in the vigil.

We are all aware of the disappointing decline in emigration numbers. In addition there is reason to believe that the conditions for Jews residing in the Soviet Union are worsening at an accelerated rate. Reports indicate that anti-Semitic measures and attitudes are intensifying: Arrests for Jews wanting to leave the country have been stepped up, Jews are given impossible entrance exams barring them from higher education; and the press is more direct in its anti-Semitic attacks.

I should like to use this occasion to share the tragic story of Alexander Pevsner. His situation is similar to thousands of others. In 1978, the Pevsner family decided to emigrate from the Soviet Union. They were told by Soviet authorities that it would be easier to obtain approval if they applied as individuals as opposed to a family unit. The mother, father, and daughter were allowed to emigrate but the son was not. At the time, the Soviet Government claimed that Alexander Pevsner was denied emigration permission because he had served in the Soviet Army until 1972.

It has now been 11 years since Mr. Pevsner has been in the Army—well beyond the usual 5-year rule. He, his wife, and child have been denied permission to emigrate six times. The last refusal contained no explanation. They were entitled to apply again this past March. They have done so and now are waiting for the Government's verdict. After applying for permission to emigrate, Mr. Pevsner lost his job as an electrical engineer, a result which happens almost routinely to those desiring to leave the Soviet Union.

There is no reason why Alexander Pevsner should be detained in the Soviet Union. It does not help the Soviet Union that he remain there. I have pointed out to Ambassador Dobrynin that allowing Mr. Pevsner to emigrate is the kind of small action which will help establish an atmosphere of cooperation between the Soviet Union and the United States conducive to serious discussions of broader issues.

Mr. Pevsner's parents and sister, who emigrated in 1978, now reside in

Indiana and await the day when he can join them.

I am grateful for this opportunity to bring the plight of Alexander Pevsner and his family to the attention of my colleagues. Please join me in hoping that this seventh attempt to obtain permission to emigrate will be successful.●

THE POISON AROUND US

● Mr. HART. Mr. President, a special section of the April 12, 1983, the Boston Globe devoted to the Reagan administration's environmental record recently came to my attention, and I want to commend it to the attention of my colleagues and all readers of the CONGRESSIONAL RECORD.

In the 10 articles contained in the special section, "The Poison Around Us: What Reagan, Watt, and the EPA Are Doing About It—In the Region and the Nation," is a careful, thorough, and accurate accounting of the policies and activities on the Reagan administration on the management and cleanup of hazardous wastes, the environmental issue of this decade. The articles document the failure of this administration to provide any meaningful leadership on this vital issue, and make it clear that the real problems in this administration are its policies, not the personalities and political scandals that have received so much attention.

I salute the editors and reporters of the Boston Globe on a first-rate job of covering this major story, and I urge all Americans who care about public health and the environment to read their work.

I ask to have printed in the RECORD the articles from the Boston Globe.

[From the Boston Globe, Apr. 12, 1983]

THE POISON AROUND US: WHAT REAGAN, WATT AND THE EPA ARE DOING ABOUT IT—IN THE REGION AND THE NATION

THE ENVIRONMENT—MONEY TALKS: THE WHITE HOUSE USES BUDGET CUTS TO SHIFT POLICY

(By Charles A. Radin and Thomas Oliphant)

Gases bubbling to the surface attest to the still-active nature of the contents. The odor is of ammonia at one point, of burning rubber at another.

Chocolate-brown swirls and bobbing drums and bottles are all that punctuate the blackness.

The place beggars adjectives like horrific and nightmarish. Fifty million gallons of toxic wastes fill the "pond" at Bridgeport Rental and Oil Services, in Logan Township, N.J. The lagoon is so vast that Boston's City Hall Plaza would easily fit inside.

The U.S. Environmental Protection Agency reports that "data indicate migration of hazardous substances" from the lagoon into groundwater, but data aren't necessary to establish that.

Anyone standing on the crumbling dike that the Coast Guard and Corps of Engineers shoved into place last year, when the wastes nearly overflowed, can see chemicals dribbling into the water abutting the lagoon on two sides.

This site was a festering environmental hazard before Ronald Reagan became President. Most likely, it still will be one when he leaves office.

Contamination as serious as this exists in at least 50 other sites elsewhere in the nation. Congress has made available about $2 billion to address these problems, but little of it has been spent.

There are not many places that contrast more starkly with the Bridgeport site than official Washington.

While overwhelmed local officials see the problem in terms of rainbow-colored water that flows into drinking wells, officials at the White House and its Office of Management and Budget—where the policies carried out by the EPA have been set—see numbers, both data and money.

In the basement of the West Wing, below the President's Oval Office, there is a small but important office occupied by Reagan's assistant for Cabinet affairs. Every week, Craig Fuller gets a written report from every department and major agency head in government. In a few cases, the EPA being one, the pieces of paper on pending business come in more frequently than that.

The plus ambiance of the White House is deceptive, because the tensions there can be enormous and the workload is always onerous, however heavy. One of the keys to working well there is learning to distinguish between mere activity and actual events, between numbers and memorandums and meetings and real work, between bureaucracy and Bridgeport.

On July 26 of last year, for example, Fuller was told the following in the weekly report of the administrator of EPA, Anne (then-Gorsuch) Burford:

"On Tuesday, July 27, I will announce a $6-million cooperative agreement for cleanup action at the Stringfellow hazardous waste site near Riverside, Calif."

The fact that it was on a piece of paper addressed to the assistant to the President for Cabinet affairs didn't make it happen—to the chagrin of Fuller and the President. As Fuller has since learned, what he should have been looking for were reports that read: The cleanup has begun.

"It's been a good while," says Logan Township Police Chief Donald W. Zane when a visitor asks how long residents have known there were problems at the Bridgeport Rental site. "All you had to do was look at it. There was a lot of noise about it."

But no action.

The same was true for another hazardous waste site in the township that state and federal authorities "really didn't start cleaning up until they had that bad explosion."

Nothing much happened at the Bridgeport site until last spring's rain. The water, being heavier than the oil and chemicals in the lagoon, sank to the bottom, raising the level of waste to the brim. The Coast Guard and Corps of Engineers rushed in, erected a dike and left. State and federal agencies cooperated in pumping down the level of the lagoon—then stopped while a feasibility study was done. There is no current activity there.

"What I don't understand is why no cleanup of these places has started," the chief said. "Where is the federal government? What are they doing down there? I know they've had problems, but heck . . .

"They say we're on the list, but they're not moving. At least we're not seeing anything."

The EPA has become a cause celebre because of what didn't happen at Bridgeport, at Stringfellow in California and at scores of dumps like them all over the country.

What did happen is the subject of intense investigation by a half-dozen congressional committees. It cost several senior EPA officials their jobs (including Burford), caused the President serious political trouble that is nowhere near solved and brought back to Washington the man who was the EPA's first administrator, William Ruckelshaus.

Last summer, one of Congress' tougher politicians, John Dingell (D-Mich.), chairman of the House Energy and Commerce Committee, asked the EPA administrator for all her records on the program established three years ago to clean up hazardous waste dumps. His reason: Very little was happening, despite a specific congressional mandate and the easy availability of money, in marked contrast to the extremely deep budget cuts that affected most of the EPA's other programs.

When Jimmy Carter left office, his final budget set forth the spending plan for hazardous-waste cleanup: $163 million in 1982, $311 million this year and $400 million in 1984. Since then, every time spending estimates have been produced they have been lower—much lower. The actual number in 1982 was less than half the target, as was the latest estimate for this year, and the Reagan budget for 1984 outlays is only 60 percent of the original spending plan.

The question is why—and this is what the investigations are about. Part of the answer is the Administration's policy of seeking to negotiate settlements with companies that created specific dumps, rather than moving in first with all the resources of the law. Another part is the fact that the belatedly appointed EPA official in charge of the cleanup program, Rita Lavelle, is considered by Reagan aides and congressional investigators alike to have done something less than carry out her responsibilities under the law.

That creates another series of questions: Why was Lavelle—the former public-relations official for one of the California companies that dumped at Stringfellow—backed so consistently by her superiors practically to the moment of her firing in February? Was she a loose cannon or was she a scapegoat? According to congressional sources, the issue of political favoritism is the dominant focus of the ongoing investigations.

The complete answer aside, the sequence of events set off by Dingell's request, which turned into a subpoena, is now part of Washington lore.

On Attorney General William French Smith's recommendation (ironically, opposed by Burford), Reagan ordered his EPA chief to refuse to comply with Dingell's request; Burford was cited by Congress for contempt; a federal judge essentially rejected the Justice Department's strategy for defending her; Lavelle was fired; the congressional investigations mushroomed; with White House support, Burford tried an EPA housecleaning; Reagan capitulated on the congressional demands for documents; Burford left; Ruckelshaus agreed to replace her.

The chronology, however, doesn't come close to summarizing what has really happened, which goes far beyond the Superfund cleanup program. The specific controversy has put the glare of public scrutiny on the totality of the Administration's policies affecting natural resources and the environment, all of which remains in place, along with the people who developed them for the President.

"From the very beginning," says Jonathan Lash of the Natural Resources Defense

Council, a conservation group, "industry has sought routes in addition to the front door through which to deal with EPA. . . . Until 1980, the outside interference was relatively mild and EPA administrators took the position that they might listen, but they had independent authority."

With the coming of the Reagan Administration, Lash says, three new ways for industry to indirectly sway EPA were created: the Regulatory Task Force, headed by Vice President George Bush; the Private Sector Task Force, headed by industrialist Peter Grace; and the Cabinet Council. "And all of this has been set up in the context of the people appointed to EPA regarding industry as their top priority."

In a sense, the Superfund is the easy problem. The money exists, a new crew of very different administrators is about to take command, there is no disagreement about policy. All that's required is for the governmental foot to hit the accelerator.

But what about air pollution? Water pollution? What about nuclear power and energy conservation and alternatives to oil? And what about the nation's wilderness, forests, public lands and coastlines?

"LOT OF THREADS AND TRACK"

"Had the Administration been more cooperative," Dingell said in a recent interview, "this would be over. Now we have a lot of threads and tracks that have to be followed."

What began as a request by a congressman from Michigan for some information has turned into a much broader demand for a reexamination of the 27-month record of the Administration's environmental policies. According to senior White House officials, Reagan has heard the message loud and clear.

In any large enterprise, private or public, it is impossible to make sense of what's going on without recourse to numbers. Regarding the environment, what has been and remains mind-boggling is the size of Ronald Reagan's numbers, and what the numbers represent in the form of drastic reductions in the country's environmental protection efforts since he became President more than two years ago.

The numbers ultimately are Reagan's, but the President famous for staying away from details has, until recently, stayed almost completely away from the environment. Top aids search for examples of instances when he has convened a meeting to thrash out the pros and cons of basic policy questions, or when he has attempted to convey a sense of his fundamental views. The public record is equally barren.

Instead, what his senior officials had to work with was the basic Reagan philosophy: Cut government spending, reduce the regulatory burden on business and develop natural resources.

In the case of the environment, those officials could not have been much more zealous.

Broad policy questions have been thrashed out at the top by the Cabinet Council on Natural Resources and Environment, chaired by Interior Secretary James G. Watt. The budget and regulatory issues that more than anything else determine what gets done have been settled at the Office of Management and Budget, directed by David Stockman. And until a few weeks ago, the EPA was as widely criticized as any major government agency in memory, while under the leadership of a protege of Watt's from Colorado, Anne Burford.

The EPA is essentially a law-enforcement agency. Since 1970, its task has grown, as nearly a dozen laws signed by three Presidents made a continual series of detailed statutory commitments—expanded and reinforced by regulations and court decisions—to reduce pollution in the air, in the water and on the ground. When Reagan took office, the agency's task was set to grow again, in part because of the enormity of the problem presented by dumps like the one in Bridgeport.

In 1981, there were the equivalent of nearly 13,000 people working full time for the EPA. By the end of this year, there will be barely 10,000. In 1981, it took a little more than $1.3 billion to run it (puny when compared to the government's total operating budget of more than $800 billion): this year it will receive only $1 billion. This amounts, after inflation, to a cut on the order of 40 percent.

In government, there are two ways to change policy. One is to change the underlying statutes that make up the foundation of policy; the other is to change budgets. The Reagan Administration has tried with a singular lack of success, above all with the basic law on air pollution, to do the former. But it has had no difficulty cutting environmental budgets, so deeply as to change the very nature of the government's effort to protect the environment.

Says Jay Hair, executive director of the National Wildlife Federation, the largest of the conservation organizations: "The sharp change with the Reagan people is their hostility, their willingness to weaken the underpinnings of the law. Some of the damage may take a full decade to repair. What you had on the one hand were the very clear mandates of the statutes, and on the other, budget cuts that subverted the agencies' ability to carry out those mandates."

GOVERNMENT'S MANDATED BURDEN

Since the Clean Air Act's passage in 1970, nine other statutes have become law, each with quite specific mandates and timetables. The task they collectively assign the government is enormous. In one way or another, to protect the environment and public health and safety, the government needs to keep its eye on: 55,000 existing chemicals, along with hundreds of new ones every year; 50,000 plants that discharge waste into rivers and streams; 40,000 firms that discharge toxic substances into sewer systems; 160 million tons of air pollutants annually; and some 20,000 hazardous-waste facilities, where about 40 million tons of the by-products of modern industry are sent each year.

"As the 1980s began, all the agencies were facing new deadlines set in the laws we passed in the 1970s." Rep. Morris K. Udall (D-Ariz.), chairman of the House Interior Committee, said in an interview. "In nearly all cases, the workload was at least doubling. But what Watt and the others did was put people in who didn't believe in the law and then slashed the budgets so deeply that the work couldn't get done."

That criticism is rejected by the White House officials who prepared the budgets. As one senior aide put it: "We're not irrational and not unaware of the requirements of the law. For Carter, the EPA was a symbol of what they did for one of their constituency groups in terms of money and people. The rate of growth was a bit unreasonable."

Closer to the President, however, there has developed a feeling that the cuts have gone too far. Said one senior Reagan aide: "They impacted more on the EPA than we realized here. Anne Burford was very dedicated to reducing the resources to the EPA, though she did battle Stockman a few times [in one case, ironically, to get more people for the Superfund program]. There was really no check operating there, and the budget people were naturally impressed with an administrator who said she could get by with less. There's a question now whether she should have been so bullish."

What is emerging among some of Reagan's policy advisers—reportedly including Ruckelshaus as he prepares to take over—is an opinon that the EPA is falling behind in its ability to keep up with the ever-escalating demands of environmental control, to be a credible and consistent enforcer of the law.

"The credibility in the field is central," said another budget official. "Like any other kind of law enforcement, voluntary compliance is vital. The worst thing that can happen is when one company that is trying its damnedest looks down the road and sees a competitor getting away with cutting corners."

There are some signs that this is beginning to happen.

One of the less-known elements of the recent controversy over Administration environmental policy is that industry is not unanimous in its support for what critics call pro-industry bias.

"As a corporate policy, we are in favor of eliminating loopholes and tightening standards" for handling and disposal of hazardous materials, says Henry E. Russell, president and chief executive officer of the Boston-based waste disposal firm SCA Services Inc. "We would like more Superfund activity [hazardous-waste cleanups], great clarity of policy and more consistency."

SCA, which had $313 million in sales last year, is one of three giant companies in its field. It broke with the others and with most of the chemical manufacturing industry in 1981 because of its strong objections to Burford's decision to lift a Carter Administration ban on disposal of liquid wastes in landfills.

The decision caused a major public outcry and was reversed, but not until after another giant firm, Chemical Waste Management Co. Of Oakbrook, Ill., whose attorney is a close Burford associate, had disposed of huge quantities of liquid wastes in its landfills.

SCA did not adopt its present posture only out of the goodness of its corporate heart. The company had to spend $24 million a few years ago to close down and clean up a dump it was operating in Wilsonville, Ill.

Given that experience and the apparently bipartisan direction in which national environmental policy was headed, SCA decided that high-technology disposal of hazardous waste was the wave of the future. It changed its position on the issues, acquired a new slate of officers and sank more than $20 million into a state-of-the-art incinerator in Chicago capable of destroying 99.9 percent of the waste fed into it.

Then came the Burford tenure at EPA. The Administration's reversal of the trend away from disposal of chemicals in landfills has been a body blow to companies moving toward treatment or incineration of hazardous waste.

DUMPING IS CHEAPER, FOR NOW

George Kush, a vice president of SCA, says that the Chicago incinerator is operating at only 50 percent of capacity, and that a recent survey of companies that treat or

burn waste found the whole industry operating at only 30 percent to 50 percent of capacity.

Khristine Hall, an attorney for the Environmental Defense Fund, said: "Environmentalists are increasingly lining up with those elements of the business community which have made an investment."

The economics are indisputable.

"For $7.7 million, we can construct a landfill that meets all existing requirements and will accept 100,000 tons a year for seven years," Kush said. "A $22-million incineration plant will handle 50,000 tons a year and will require a better-educated staff and more maintenance. Land-filling will always be less expensive."

For those who generate waste, that is.

But as the National Research Council (an arm of the National Academy of Sciences) reported recently, most hazardous-waste materials that are not destroyed "must be monitored for at least 500 years" to ensure they do not escape landfills while still potent. This simply does not happen.

The result, the council found, is that "in reality the cost of permanent storage is shifted from those who generate and store wastes to future generations."

Concludes SCA president Russell: "I applaud the fact that the private sector under Reagan has had the opportunity to do away with excessive regulation. But whether in EPA or somewhere else, the pendulum swings too far in one direction and then too far in the other.

"The challenge is to get that pendulum into less violent arc. I've never seen this country balk at a big tab when the people understand the issue."

Adds the National Wildlife Federation's Jay Hair: "I'm beginning to sense a business problem with Reagan. Corporate executives have begun saying to me in confidence that they don't like some of what they're seeing. They have a strong interest in the government's doing its job equitably and predictably over time."

On Jan. 23, 1981, Armen DeCola, an employee of Bridgeport Rental and Oil Services, called Logan Township Police to report a crime. A person or persons unknown had broken into the company's office, in a building near the lagoon.

When Officer Harry T. Grove investigated, he found the case had some peculiar aspects.

The chainlink fence that surrounded the site had been opened, but Grove noted that the chain and two locks with which the gate had been secured were nowhere to be found. "You would think they would have been . . . there" if it had been a simple burglary. Police Chief Zane said in an interview.

The door of the building appeared to have been kicked open. Grove reported but the alarm system to which the door was wired did not go off. "The outside alarm switch was in the 'on' position. Grove stated, but a repairman for the alarm company said: "The alarm zones for the office area . . . had been turned off at the control box [inside]. The repairman also indicates that the 'person in charge' stated their key to the control box was missing."

Company employees said a citizens' band radio, an adding machine, a grinder and four four-drawer filing cabinets were missing. Other file cabinets and tools were not taken.

The company's owner told the local police that the stolen cabinets "were full, containing permits, bookkeeping records, payroll accounts"—in short, all record of where the 50 million gallons of hazardous waste in the lagoon has originated.

Only a few weeks earlier, President Carter had signed the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), making the companies whose names were in the stolen cabinets responsible for the costs of cleaning up the lagoon.

"We had the place dusted" for fingerprints, Chief Zane said, but there were none.

When a reporter called EPA headquarters in Washington recently to request a list of the 10 worst hazardous-waste sites in the country, agency spokesman Carl Gagliardi was able to respond immediately. He had the list on his desk.

But when he was asked what made these sites worse than all the others on the list of 418 contaminated-areas listed by EPA as top priorty for cleanup, he said: "The difference between No. 1 and No. 50 is so minute that most people here don't even look at the top 10. But when we offered [reporters] the top 50, they said it was too much and asked for a shorter list."

"PEOPLE WERE AFRAID . . ."

Few reporters or congressional staffers involved in the recent uproar at EPA seemed to find the time to read the one-page descriptions of each of the 418 sites EPA released when the priority list was announced. The descriptions contain numerous indications that surges of dumping incidents and bankruptcies occurred around the same times that earlier environmental laws were about to take effect.

"Surge one was just before the Resource Conservation and Recovery Act passed in October of 1976," SCA's Russell confirms. "People were afraid it [RCRA] would say 'no more landfill disposal of hazardous waste,' and they felt, 'We have to get rid of this stuff' " while landfilling was still legal.

The act as passed only gave EPA the right to regulate such disposal and, Russell says, "people relaxed."

But not until hundreds of thousands of tons had been dumped. The result, reflected in the EPA priority list, was numerous overflow of hazardous substances from dumps in 1977 and '78.

The second surge came when the EPA announced regulations on the handling of hazardous wastes, as Congress has instructed.

The regulations were published in the Federal Register on May 19, 1980, to take effect Nov. 19. In the interim, hazardous-waste companies were supposed to file declarations with the EPA stating the extent of their waste handling, treatment and storage activities so that they could receive permits for those activities starting with the November effective date.

The problem was that the EPA had created a "window"—a six-month period during which waste handlers who did not like the looks of the new regulations and who were not known to the government could get out of the business.

"If you had a nice big pit and you didn't want to file, and you were smart and deceptive, you could line the trucks up and then just tell the government you weren't in the hazardous-waste business any more," Russell says.

One of the first things Officer Grove did after he was told that Bridgeport Rental's records had disappeared in the burglary was call the EPA regional office in New York. He spoke with Gregory Halbert, an attorney there.

Halbert "was advised of this burglary and the fact of the missing business records, as this officer is aware of an EPA investigation into the victim" of the burglary, Grove wrote in his report. He also notified a New Jersey state toxic-waste task force.

Logan Township's tiny police force—never more than three officers on duty at one time—was unable to pursue the case further. Neither state nor federal officials took action in response to the notification.

Six months after the burglary, the EPA and the owners of the site struck a deal. The owners paid a $25,000 fine and were absolved of further liability for cleaning up the site.

Five months later, 11 months after the crime, a retired detective was hired by EPA-New York and sent to Logan Township to try to determine what companies had dumped waste in the lagoon.

James Marshall, head of public information for the EPA in New York, handled questions about the Bridgeport case in a manner that nicely illustrates how EPA bureaucrats have zig-zagged through the various shifts in agency policy in the last three years. He cited "pending investigation" in talking about the Bridgeport case and said Halbert would answer no questions about the burglary or EPA's lack of response.

In two separate telephone interviews, Marshall made conflicting statements about the effect of the burglary on the waste case.

First, he said: "The civil investigation certainly was severely hampered by the loss of these records. That is what caused the negotiated settlement. There's no question that disappearance of the records greatly hampered us. Obviously."

Later, he said that the negotiated settlement was in the works more than a month before the burglary occurred and that the EPA was moving in that direction because "the judge was not too impressed with our evidence."

Why didn't the EPA respond to the notification from the township police? "My information is they were just informing us. We were not sufficiently prepared and we frankly did not have the ability to participate in a criminal investigation."

There were no investigators then, he said. Now there is one—to cover a broad Mid-Atlantic region including New York, New Jersey and Pennsylvania.

The retired detective "was not there to investigate the burglary," Marshall said. "He was there to see what could be determined about who dumped at that site."

The lagoon is so staggering, at first glance, that a visitor does not immediately notice the clusters of delicate blossoms, reddish-pink, that fill the field next to it.

Less than 50 yards from the dike, less than 20 yeards from where chemicals from the pool are seeping into a pond of water, is a commerical peach orchard.

No one is checking to see whether chemicals that have leaked out to contaminate three wells in the area are being absorbed by the trees and finding their way into the peaches. "As far as I can determine, no one has ever done anything to sample," Marshall said. "Our field study . . . concluded it was not of too much concern."

Said a New Jersey official who asked not to be named: "Frankly, we've got so many balls in the air that this is a nicety we've not been able to approach."

New Jersey is far from alone. One of the more subtle but far-reaching aspects of the Reagan Administration policy has been a rise in the level of operating responsibilities

being transferred to the states at the same time grants to the states for environmental programs have been cut. Congress has resisted the proposals with considerable success, but the fact remains that since 1981, the inflation-adjusted value of grants to the states has dropped by roughly one-third, to a level of $233 million this year, and the President has proposed chopping the total by $60 million next year.

Four weeks ago, with no public announcement, six career EPA employees were invited to the White House. They talked at length with top presidential aide Craig Fuller and with the budget offficial who oversees environmental programs, Fred Khedouri. Most importantly, for a half-hour, they talked to the President.

As far as can be determined, this is the only meeting on the environment Reagan has held since taking office that wasn't with his own aides, officials and supporters. First-hand, Reagan got a sense of a demoralized agency. According to senior aides, he was particularly struck by the career people's report to him that staff cuts had been concentrated in the field operation of the agency, as opposed to the Washington headquarters, where the impact conceivably could have been less severe.

REAGAN PROUD OF CALIFORNIA RECORD

According to these same aides, Reagan told the EPA employees that he cares deeply about the environment and about his responsibility to carry out the law. He said that as governor of California his record on this issue was something he was proud of, and that he wanted to establish the same record in Washington. The President did not launch into a defense of that record to date.

The meeting occurred before Ruckelshaus was appointed to replace Burford as administrator of the agency. In fact, it had a great deal to do with the decision to go with Ruckelshaus, which followed a White House consensus that the new person had to be someone who knew the EPA from the inside.

Some things, in other words, are changing, but it is too early to know to what extent. According to interviews with several White House officials, it seems clear that the pendulum that swung so sharply during the first two years has stopped; what's at issue now is the extent to which it will move back.

Within the White House, senior aides say not to expect major changes in policy or in now-existing budgets.

A consensus summary of what they do expect: Perhaps some additional money; more aggressive enforcement activity; a detailed statement of policy by Reagan, for the first time, is a virtual certainty; and a decision on how to control the pollution from coal-burning plants called acid rain will be made at the presidential level much sooner than previously planned.

"He has asked Ruckelshaus to look the place over in detail and come back to him with all the details," said one senior aide. "Maybe more than anything, the President will be looking for ways to support Ruckelshaus in the process over here, to take advantage of opportunities that come along."

For his part, Ruckelshaus has already said that one agreement he had with Reagan before he took the job was direct access to the President on important matters, something Burford never had. In addition, though his activity will remain private until his Senate confirmation hearing in a week or so, he has invited several leaders of the major environmental organizations to meet with him Thursday to discuss policy questions in detail. These are the very people with whom James Watt has stopped all contact at the Interior Department.

That raises another question: Will Ruckelshaus' arrival mean Watt's eventual departure?

"The man is in a very, very high-risk posture," Hair observed of Ruckelshaus. "He is simply not going to be in the subservient position Burford was. Before this is over, he could ultimately be the one who drives Watt out of town. The contrast, if he really tries to deliver, will just be too obvious.

"On the other hand, everybody knows Watt is a two-edged sword. The liabilities he has are enormous and well-known, but he's about all that's left up top that the right-wingers really like. Still, you cannot underestimate the power that Ruckelshaus in effect holds. Imagine just how devastating it would be if he ultimately felt he had to resign."

At the White House, words like "parity" are used to describe the expected relationship. Some aides also stress the view that Ruckelshaus will have to work through the existing policy and budgetmaking system, like any other high-ranking official. Others, primarily involved with politics, privately assume Watt will eventually leave on his own initiative to spare the President trouble should he seek re-election next year.

For the strongest critics of the Reagan performance to date on the environment, Watt's departure is a must.

Said Hair: "It's not possible to put a consensus back together given the current mix of players."

Added Rep. Udall, when asked the same question: "No. Watt has poisoned the well. He's the symbol."

Nonetheless, it appears that Reagan will have time to consider the future of his Interior Secretary. It's not just that the President has shown more than once that he will not be stampeded into firing anyone, it's also an emerging fact that moderate Republicans are willing to be patient about both Ruckelshaus and environmental questions in general.

"Now we get Ruckelshaus," said Sen. Robert Stafford (R-Vt.), who chairs the Senate's Environment Committee and will run the confirmation hearings. "Looking ahead, and assuming he is confirmed and is allowed to bring in people he can count on, I see him carrying out his statement that the laws will be enforced as they are written.

"I got a sense talking to various groups of chemical manufacturers recently that they are sensitized to being at the bottom of the public's esteem and want to be better in the future. Until they prove otherwise, I'll give them the benefit of the doubt."

The politics of environmentalism is currently extremely unfavorable to the President, for the simple reason that his critics occupy the middle ground.

"I would argue with anyone that we have in fact followed a middle-of-the-road approach as far as the actual details of policy are concerned," said one White House official. "And when you compare most of our budget proposals to what actually made it through Congress, the President is a moderate on this.

"A lot of this may be a failure to communicate, or even a mistake in communicating in precisely the wrong fashion, in a way that has tended to polarize."

Communication, however, is not the concern of the President's critics as they take peeks ahead. Those who are willing to grant Ruckelshaus a honeymoon period are not willing to be patient longer than the end of summer, and their desires are specific.

"There has to be a gesture to begin restoring the EPA's budget," said Hair, "particularly in the area of research and development, where there now almost seems to be a philosophy that what you don't know can't hurt you.

"The denial of the acid-rain problem will have to stop. There will have to be some early enforcement action to cleanse the image. In my view, it might be on the order of making an example out of Dow Chemical for the dioxin problem in the Midwest, and perhaps they damned will should be made an example of. And in addition, I would expect a presidential message and speech, and finally a substantive White House meeting with the major environmental groups.

"Unless they deliver substantively and in a short period of time, what little patience we have will be exhausted. Ruckelshaus is the last, best chance we have and they have."

Others are not even this charitable.

According to Udall, the most important point is that for all Reagan's inattention to detail, he has been in charge all along. "I can't see anything really changing in a major way, short of Watt leaving and Reagan taking a host of actions that amount to a reversal of his politics," Udall said. "But the point is that Watt isn't doing all these things against Reagan. He's doing what Reagan wants him to do. Right now, Reagan is being held hostage by his right wing."

For nearly 13 years, environmental policy in the country has operated on the basis of a bipartisan consensus, moving within a relatively narrow range.

All the merits of today's burning disputes aside, what is undeniable is that the consensus has been shattered, even though public opinion polls are unanimous in reporting no change in overwhelming majority support for reduced levels of air and water pollution and protection against the more recently discovered threats posed by the byproducts of an increasingly chemical economy. This is a concern that consistently cuts across party and class lines.

At a crucial juncture, the message from a top White House official as the President prepares to face the recommendations of his new EPA chief is this: "His reputation is important to him. That was true in California and it's just as true now."

That is not a great deal to go on, but everyone will know soon enough what he has in mind.

In June of 1981, the EPA allotted $200,000 in Clean Water Act funds to shore up the dike around the Bridgeport site, according to Jim Marshall in New York. The following month, $410,000 was allotted under the Resource Conservation and Recovery Act to do a feasibility study for a full-scale cleanup.

"That study got diverted because of concern over the imminent overflow" last spring, Marshall said, adding that $200,000 in Superfund money was then used to pump down the lagoon.

A month ago, the EPA announced a $3.2-million program—$500,000 in state money, the rest from Superfund—to reduce the level of the lagoon by 12 feet, treat the liquid pumped off and conduct a long-term feasibility study.

"We expect the Corps of Engineers to put it out for bids in a few weeks," Marshall

said. "This is a short-term solution while we work out a longer-term thing."

Meanwhile, the lagoon leaks, the gases rise and the peach trees bloom in the spring.

Funding for the monitoring and regulation of the nation's environment has dropped significantly under the Reagan Administration, as indicated in the budgets of the responsible agencies.

Department—Cabinet Council on Natural Resources and Environment; Function—Policy; Head—James Watt, Chairperson.

Department—Office of Mangement and Budget; Function—Regulation and Money; Head—David Stockman, Director.

Department—President's Council on Environment and Quality; Function—Advisory; Head—Alan Hill, Chairperson; Budget—1981—$2.5 million; 1983—$926,000; Staff—1981—30; 1983—6.

Departments and programs:

Environmental Protection Agency

Air (millions):	
1981	$235.2
1983	214.8
Water (millions):	
1981	318.1
1983	219.0
Industrial wastes (millions):	
1981	235.2
1983	181.4
Research (millions):	
1981	347.0
1983	213.0
Overall policing (millions):	
1981	515.0
1983	359.0
Total budget (billions):	
1981	1.35
1983	1.03

Interior Department

Fish, Wildlife and National Parks Service (billion):	
1981	$1.63
1983	$1.62
Public lands acquisition (millions):	
1981	$495
1983	$384
Coal mining (field inspectors):	
1981	145
1983	69
Offshore oil leasing (million acres):	
1953-81	27
1983 (proposed annual pace)	250
Total budget (billion):	
1981	$6.3
1983	$3.8

Energy Department

Conservation (millions):	
1981	$757
1983	288
Research and development (billions):	
1981	3.8
1983	2.7
Nuclear energy programs (billions):	
1981	1.10
1983	1.35
Total budget (billions):	
1981	10.2
1983	4.5

Agriculture Department [1]

National Forest Service (billions):	
1981	$2.14
1983	$1.90
Soil conservation (millions):	
1981	$588
1983	$513
Timber sale (billion board feet):	
1981	8.0
1983	12.3

[1] The amounts are the major areas in which The Agriculture Department influences the environment. While the department's budget rose from $28.2 billion in 1981 to $41.6 billion in 1983, the increase was primarily attributable to higher price support for farmers.

THE NATION—DEALING WITH POLLUTERS: THE EPA OPTS FOR NEGOTIATED SETTLEMENTS TO CLEAN DUMPS

(By Ben Bradlee, Jr.)

SEYMOUR, IND.—On days when the wind blows here from the northeast, acrid, noxious fumes from a 13-acre dump site, filled with 60,000 leaking barrels of chemicals, wash up over the nearby farm of Roland and Vernabelle Kastings, causing their throats to burn.

The Kastings, in their mid-60s, have lived since 1936 on their 300-acre farm, which overlooks the dump a quarter-mile away. The now-closed Seymour Recycling Corp. (SRC), which, last occupied the site on which the drums continue to leach, began its waste-reclamation operation in 1969. Around Seymour, that's not a particularly long track record, and the Kastings note they were here first—by 33 years.

"I ain't an expert in nothin," says Mrs. Kastings, a slight, wizened woman who chain-smokes unfiltered cigarettes. "But I'm gonna be an expert in gettin' rid of that company and them barrels."

The Kastings and other residents interviewed here said it was nearly heresy in the mid-1970s to question the doings at SRC, but now even the Chamber of Commerce holds forth on the dangers of hazardous waste and is championing the process of cleaning it up. Having one of the country's biggest and most foul dump sites has not, after all, brought glowing publicity to this community of 15,050 persons, located 65 miles south of Indianapolis; it has hurt efforts to attract new business and residents.

Last December, when the Environmental Protection Agency announced the 418 potentially most dangerous hazardous waste sites in the country ("Ticking time bombs," then-EPA administrator Anne Burford called them), it ranked Seymour 51st.

Seymour's acknowledgment of hazardous waste as a pressing issue and its effort to cope with it reflect a growing trend across the country. Times Beach, Mo., and the "Valley of the Drums" outside Louisville, Ky., have become buzzphrases for ecological disasters to be avoided.

But those two are only some of the worst and most publicized examples of hazardous waste sites that menace thousands of cities and towns nationwide. The EPA estimates there are 50,000 such dumps in the United States, and 180,000 open pits, ponds and lagoons where various toxic brews fester—leaching into the ground, contaminating water and polluting the air.

The amount of waste being generated is growing all the time. American industries of all stripes generate an estimated 88 billion pounds of toxic wastes a year, and the EPA says 90 percent of those wastes are disposed of improperly. The agency is urging businesses to develop cleaner, safer methods of waste disposal, such as high-temperature, controlled incineration, or using chemical neutralizers to decontaminate waste products.

But as the costs continue to grow, the cheapest method of dealing with the material is still to dump it, and many companies accept the risks of being caught and fined as part of the price of doing business.

Even when hazardous wastes are transported legally to approved dumpsites, accidents are common and have become almost a staple in the news. Last week, 2000 people had to be evacuated from their homes in Denver when a railroad tank car loaded with nitric acid ruptured in a rail yard, sending a toxic, mustard-colored cloud over part of the city.

The health effects of prolonged exposure to many poisonous chemicals remain uncertain, though residents of Love Canal, Times Beach and Woburn have few doubts about the dangers. Here in Seymour, Mrs. Kastings reports that in her neighborhood alone, nine persons have died of cancer within the last year while six others now have the disease—yet not conclusive links between the cancers and the dump have been established.

Toxin-induced cancers can take a generation to develop, and by then it is often impossible to pinpoint a precise cause. In the midst of the uncertainty, the Reagan Administration has cut back EPA's research budget into environmental health dangers.

That decision is only one of many Reagan environmental policies that have drawn criticism. Hazardous waste cleanup by the Reagan EPA has been slow. The Administration has also resisted efforts to make producers of relatively small amounts of waste comply with the law governing its disposal—the 1976 Resources Conservation and Recovery Act. And it has freed polluters from having to file annual reports detailing what they did with their wastes.

Instead, the EPA has adopted a strategy of negotiating with polluters to initiate private cleanups rather than relying heavily on funds from the $1.6-billion Superfund, established by Congress in 1980 as a money pool for cleaning up hazardous waste. That policy has led to allegations of political favoritism toward Administration allies and has created a widespread fox-guarding-the-chicken-coop perception about EPA.

CASE STUDY OF EPA POLICY

The dump here in Seymour provides a case study of the Reagan EPA's policy to negotiate with polluters on cleanups rather than "confront" them in court, as well as a representative look at the problems attendant to implementing Superfund legislation.

Last October, a week before the congressional elections, the agency announced with fanfare that 24 of the approximately 350 companies that had dumped waste at the site had reached a $7.7-million agreement to help clean up the 60,000 leaking barrels of chemicals, which include ethers, solvents, phenols, cyanides, acids and PCBs. The EPA said at the time that the agreement had "no equal" in its history.

Though the accord was initially hailed here as the first positive step in years to deal with Seymour's hazardous waste problem, it soon came under question, since it provided for only a surface, not a subsurface, cleanup. In the small number of cleanups of hazardous waste sites that have been completed to date, it has been customary to require companies to do both.

It has also been customary to have surface cleanups extend one foot beneath the soil, but the Seymour signatories—which included IBM, General Motors, duPont, General Electric, Western Electric and United Technologies—balked at this. The EPA compromised and required them only to dig one foot below each barrel. The barrels cover 58 percent of the 13 acres, but the entire site is thought to be contaminated since the barrels have been moved over the years.

Moreover, under terms of the agreement, the 24 companies were released from any

future liability for the subsurface work they did not agree to perform.

The EPA said it had to reach some sort of agreement for a private cleanup, because the state of Indiana could not afford to pay half the cost, which the Superfund bill requires if the dump site is on publicly held land, as in Seymour.

The EPA has since tried to get the other companies that have sent waste to the Seymour dump site over the years to pay for subsurface cleanup. To date, about 175 companies have agreed to pay $3.5 million for the work, but the EPA concedes that is not enough to do the job.

Meanwhile, Chemical Waste Management Co. is proceeding with its contract to perform the surface cleanup here. From a platform overlooking the dump site, 21 masked men wearing protective clothing can be seen walking about the leaking barrels, probing their contents and gently moving them to storage, for eventual removal.

"WE DON'T WANT THAT . . . HERE"

But in hauling the barrels away, new problems have developed, Ever since the barrels began to be removed in January, citizen groups both inside and outside Indiana, in locations where Chemical Waste Management intended to dump the Seymour refuse, have sprung up with the classic objection of the hazardous waste business: We don't want that stuff here.

Though the six destinations proposed to handle the Seymour waste are all licensed for such purposes, there are moves afoot to declare some of the locations health hazards.

The projected completion date for the Seymour cleanup is December. In the meantime, only five of the 418 hazardous waste sites on the EPA list have been cleaned up to date, a record environmentalists criticize as abysmal.

But William Hedeman, EPA's director of Superfund, noted the agency has completed cleanups of 100 other hazardous waste sites that he said posed a more immediate danger than any of the 418. "To expect that we can sweep in with a magic wand and a bulldozer and clean up immediately something that may have been festering for 50 to 100 years is a fool's paradise," Hedeman said. He added that the average cleanup period for a site where chemicals have been leaching in the soil for years is 44 months.

"Hazardous waste has come to be a significant enviromental problem, if not the most significant," Hedeman said. "The problem is one we cannot see. We can respond to air pollution, or rivers which catch on fire. But when chemicals are buried beneath the soil, we are dealing with a problem that is out of sight—and until recently anyway, out of mind."

THE REGION—THREATENED WATERS: OFFICIALS CITE INADEQUATE RESOURCES TO TACKLE THE PROBLEMS

(By Dianne Dumanoski)

New England is a land of abundant waters, one of the region's great resources. But that resource is also the most vulnerable, and thus a focus of increasing concern during this period of federal retrenchment on environmental protection.

Threats to the area's waters come in various forms, and there has been little or no federal assistance to deal with them.

Acid rain comes with the clouds on the winds from the west, threatening the lakes and streams on the region's thin soils and granite bedrock.

Some New England ponds have already become too acid for fish and other life. Regional officials also worry about how acid rain might damage water supplies for drinking and irrigation.

The Reagan Administration has chosen to conduct further studies on the region's acid rain problem before having to interfere with the heavy industry that produces the pollutants that feed acid rain.

If Congress approves—and it is not clear that it will—the Administration will kill the federal Clean Lakes program, and funding for the drinking-water program will be cut by 23 percent.

But perhaps the most pressing threat is hazardous waste. At least 100 New England water supplies have been contaminated by toxic chemicals—the legacy of uncontrolled dumping that has been going on since the Industrial Revolution.

Though state and federal laws to clean up old waste dumps are important to public health and welfare in all parts of the country, rigorous enforcement of these laws is especially important to New Englanders, who are more dependent than residents of other regions on ground water, vulnerable to contamination because of a high water table.

In some parts of Massachusetts, you have to dig only 3 or 4 feet before hitting the water table. And 50 percent of the cities and towns in the state rely on this ground water for part or all of their water supplies.

Public clamor for action has been growing, and many states, like Massachusetts, have been expanding programs to control hazardous waste and protect drinking water. At the same time, the Environmental Protection Agency under President Ronald Reagan has been cutting back on federal assistance needed to make these state regulatory programs viable.

"NOT ENOUGH PEOPLE TO DO THE JOB"

If there is a single theme that dominates the hazardous waste issue, it is the acute lack of resources both in the regional EPA office and in the state environmental agencies.

Many critics, like Francis H. Duehay, a Cambridge, Mass., city councilman and environmental activist, contend acute underfunding is the result of a deliberate effort by the Reagan Administration "to sabotage the implementation of the Superfund law," part of a strategy to get the law repealed.

"The kernel of the hazardous waste problem," said Sidney Wolf of Washington-based Environmental Action, "is too few resources and regulators chasing too many wastes. Until that problem is solved, we're not going to be able to do the job."

A staff aide working on hazardous waste in EPA Region I, which serves New England, echoed this complaint. "There are absolutely not enough people to do the job. I could spend full time at one Superfund site, but I have seven or eight."

John O'Connor, the national hazardous waste director for Citizen Action, summed up the staff shortage with a metaphor: "It's like using a fly swatter to attack a dinosaur."

The Massachusetts Division of Hazardous Waste currently has a staff of 87. A study by an independent consultant and an advisory committee judged the state would need 208 people as a minimum to implement two important new hazardous waste programs—Superfund and the Resource Conservation and Recovery Act, intended to regulate hazardous wastes to prevent uncontrolled dumping. Instead of increasing state grants for these demanding programs, however, the Administration has proposed a 4-percent cut in state Resource Conservation and Recovery Act funds. In addition, the EPA provides no money specifically for states to do the ground work necessary to qualify for Superfund.

Because of public concern, Massachusetts plans to find the money to add 60 more persons to its hazardous waste staff, said Anthony Cortese, the commissioner of the state's Department of Environmental Quality Engineering (DEQE). But he said that won't be enough.

Cortese, who will testify before Congress on the issue later this month, said the states don't have the money to run these programs without considerable federal help.

State efforts are also crippled, he said, by deep cuts into federal research programs needed to determine the health effects of the chemicals showing up in water supplies. "We're finding water supplies contaminated with organic chemicals left and right—chemicals for which there are no federal standards. It just doesn't make sense for 50 states to do this research. That's one of the major functions of the federal government."

38 SITES ON LIST

Except for Vermont, which isn't as industrialized, the New England states have a good number of hazardous waste dumps. Thirty-eight regional sites made the federal Superfund list, and the regional EPA has been examining more than 600 additional sites where hazardous waste may have been abandoned.

Paul Keough, EPA's acting deputy administrator for Region I, concedes his staff for Superfund is "stretched thin." Despite this, he says that his office has been making more progress on taking care of Superfund sites than offices in any other section of the country. He noted that the region has received a good portion of Superfund money because the region had been at work on the problem at some sites before the law was passed.

In the past 21 months, Keough said, his office has allocated more than $21 million to clean up or otherwise remedy hazardous dump sites. About $9 million of this came from Superfund. Of the New England states, Rhode Island and New Hampshire have received most, he said, because they have put a lot of state money into the cleanup effort. On the other hand, progress has been slow in Maine because it lacks both staff and funds to contribute its 10-percent share to any Superfund cleanup.

In some cases, like Ashland, Mass., neighbors of a dumpsite say they are satisfied that things are moving along. But many others think EPA has been dragging its feet, and they're angry.

Keough and staff working on the project believe much of this conflict between EPA and Superfund site neighbors stems from public misconception. Said one staffer: "People don't understand how absolutely brand new the technology is and how much you need to study the problem before you do anything. They ask why you don't just go in and scoop it up and take it away. But you can't. There's nowhere to take it to." At sites where there is extensive ground water and soil contamination, the toxic waste will most likely be somehow sealed and possibly treated, rather than carted away. And since sites differ greatly, each requires its own engineering solution.

Critics, however, believe the technical complexity isn't the only reason the cleanups aren't moving fast.

Vermont's Air and Solid Waste Program director, Richard Valentinetti, believes certain EPA policies have added to the delays. "The question of how clean is clean looms over the whole process," he said, since EPA has not set a standard that each site must achieve. It doesn't make sense to have public-health issues haggled over, he said, as if they were wage demands in a labor negotiation. That not only leaves room for too many inconsistencies, but also causes delays in cleanup because each site must be treated as a special case.

Valentinetti and many others also point out that the program has been bogged down by an administrative structure that requires every decision be sent to Washington for approval. Unlike most EPA programs, Superfund has been highly centralized. Mass. DEQE Comr. Cortese estimates the Washington review has slowed down cleanups by three to six months. EPA staff members agree that has been a source of delay.

Through most observers acknowledge some studies are necessary, many also criticize EPA "for studying the problem to death." Cortese says that extensive, if not exhaustive study is EPA policy, because it wants "to get the most bang for the buck." But in his opinion, "The procedure and the amount of time" this takes "is totally inappropriate. Frankly, I think this was part of a strategy . . . to slow down funds under the guise of cost effectiveness."

The EPA could also speed things up, Cortese said, if it were willing to carry on different parts of the cleanup process simultaneously, rather than in a required sequence.

THE EFFECTS—MEDICAL MYSTERIES: FEARS GROW ABOUT HOW DUMPED CHEMICALS AFFECT HEALTH

(By Loretta McLaughlin)

"When we try to figure out what the health hazards are in toxic waste, we're like explorers with little miners' lights on our hats, going into a huge dark warehouse full of dangerous materials. Our ability to see them or avoid them is very limited." Dr. David Ozonoff, chief of environmental health, Boston Univeristy School of Public Health.

Before an audience bristling with anger, a young technician spoke with scientific detachment of the predominant "species" of chemicals found in the air above a still-rancid dumping site.

On only a single day, he assured the crowd at a recent community meeting in Lowell, Mass., did the toxic gases exceed an occupational safety limit—the only guide available.

The listeners were not impressed.

"At best, you science types are idiots masquerading as experts," said a community leader. "You can come in here with all the so-called scientific data you want to, but you can't tell us that we're not suffering migraine headaches, our kids aren't wheezing all the time or that those chemicals aren't the problem.

"You have no idea what the combined effect of those chemicals are, or what the health hazards add up to. It's time to stop gambling with our lives."

In essence, that's what the toxic waste fight is all about: A new awareness by ordinary people that their health, and possibly their lives, may be threatened by a monstrous dispenser of illness.

Virtually all Americans now carry around trace amounts of some heavy metal, such as lead, or other toxic chemical. But the amount is usually very small and presumed, though perhaps mistakenly, to be of little to no consequence.

But with higher exposures to mixes of chemicals at dump sites or through air and water pollution from industry—or the personal use of herbicides, insecticides, fumigants and the like—it is possible more and more Americans are being slowly poisoned. Yet the health effects of chemical waste exposure are among the last of the concerns being faced by the industry that creates it or by government overseers.

Only during the past year or so has money become available to fund vital health studies or to research and monitor the potentially far more devastating longterm effects of chronic exposure. Under the expansive wing of the federal Environmental Protection Agency's Superfund, the health ramifications of chemical waste are now part of the domain of the federal Centers for Disease Control in Atlanta, Ga. Moreover, most states, including Massachusetts, also have fielded their own health-related toxic waste inquiries.

Rarely has a health problem been so complex. The damaging health effects of the most obvious categories of industrial chemicals are understood in only the most general ways.

Potentially far more dangerous problems await discovery in the virtually endless chemical combinations that can now be concocted in industrial laboratories. Even wilder mixes may occur when chemicals on one would ever deliberately put together are inadvertently mixed in dumping sites—some of them brewing and stewing under pressure below ground for years.

"Sometimes barrels are turning up that were dumped 50 years ago. Now those barrels are leaking into drinking water," said Dr. Renata Kimbrough, assistant to the director of CDC's center for environmental health, who is a toxicologist and a physician.

Basically, there are two ways chemicals make people sick. Chemical wastes leach into water or soil and then are taken up and concentrated in plants, animals or fish, which people later eat. "In this way," she said, "a bioaccumulation of the chemical wastes becomes a part of the food chain."

The other route is by direct exposure, she noted, for people who live around leaking dumps, or who have the toxic waste get into their wells or drinking water, or who inhale toxic fumes from the dumps.

While chemical dumping on a relatively minor scale began with the industrial revolution at the turn of the century, only simple chemicals were involved. The real hazards were created with the chemical revolution beginning with World War II, when the process for making synthetic organic chemicals opened a new era. US production of synthetic organic chemicals increased from 1 billion pounds in 1940 to 300 billion in 1976.

And while the poisonous nature of certain materials, metals and chemicals such as lead and arsenic, has been known for centuries, nothing like the new man-made chemicals had ever existed. The most important ones, insofar as health hazards are concerned, are complex halogenated hydrocarbons and industrial solvents.

Halogenated simply means a basic chemical, a hydrocarbon derived largely from coal, petroleum or natural gas, is spliced with atoms of a chlorine, bromine, iodine or fluorane to create synthetic chemicals. The end product may be an industrial solvent or a degreasing agent, a pesticide or herbicide (such as DDT or chlordane), flame retardants, disinfectants or the infamous PCBs (polychlorinated biphenyls), whose greatest value is their ability to stabilize new plastics.

What is known of the health effects of these chemicals has come primarily from occupational health studies concerning the effect of the products on the workers who manufacture them.

Benzene, for example, causes aplastic anemia, a deadly blood condition; and leukemia, cancer of the blood. Vinyl chloride is a highly potent cancer-causing agent. The entire class of chlorinated hydrocarbon pesticides impair reproduction in wildlife and are human carcinogens. Other chemicals impair liver function and cause damage to the central nevous system and brain.

Dioxin, a contaminant produced as a by-product in the manufacture of herbicides such as Agent Orange, is now regarded as the single most poisonous substance known to man.

The great fear of victims exposed to chemical waste is cancer. In the Massachusetts town of Fairhaven, a cluster of leukemia cases is now thought to be associated with chemical waste. Leukemia cases are also thought to be linked to chemical dumping in Woburn.

Other toxicologists, such as Elaine Krueger of the Massachusetts Department of Public Health, are increasingly fearful of marginal neurological deficits that may impair learning or affect behavior.

Dr. David Ozonoff, chief of the environmental health section at Boston University School of Public Health stresses that "the main source of information on the health hazards in toxic waste are the people who have been affected. They're the ones telling us what to look for.

"There's no real list. We don't know what these chemicals do to us. Most of what we think we know is based on occupational health data and that's not very good, either. But you'd have to be a moron to think that exposures such as those seen at Love Canal can be harmless."

A prevailing theory is that damage from exposure to chemical waste is strictly dose-related. In other words, you have to take in a certain amount to get a bad effect. Ozonoff, however, likes to examine the numbers that emerge from analyzing the relative risks of developing cancer from "doses" of exposure to toxic chemicals.

There are two ways for a chemical to do harm. It may poison a cell and thereby interfere with its ability to function and kill the invader; or the chemical may alter a cell genetically, making it cancerous.

Just as with an infection, Ozonoff argues, it may take only one microorganism to set off the process; similarly with cancer, maybe only one "hit" with a poisonous chemical may do the job.

Before the harmful effect of toxic waste on humans can be known with any precision, he and other scientists say, better tools must be developed, not only to detect the presence of chemicals in the environment, but to detect low levels of chronic disorders in people.

Ozonoff likens the present situation to the man who has jumped out the window of the Empire State Building: "We're going past the 22nd floor and we're still saying: 'So far, so good.' But we're about to hit the ground."

OCCUPATIONAL CARCINOGENS BY TARGET ORGAN

Organ/tissue	Occupational carcinogen	
	Confirmed	Suspected
Bone		Beryllium (metal used in atomic energy field).
Brain	Vinyl chloride.	
Gastroenteric tract.	Asbestos (mineral used as a noncombustible material).	
Hematopoietic tissue leukemia.	Styrene butadiene (rubber-manufactured substances).	
	Benzene (used as solvent).	
Kidney	Coke oven emissions (residue after coal distillation).	Lead.
Larynx	Asbestos, chromium (metal used in alloys, electroplating).	
Liver	Vinyl chloride.	Aldrin (insecticide).
		Carbon tetrachloride (liquid use as a solvent for oils, lacquers, varnishes, rubber, waxes).
		Chloroform (heavy liquid used as a solvent or an anesthetic).
		DDT (insecticide).
		Dieldrin (insecticide).
		Heptachlor (pecticide).
		PCB's.
		Trichloroethylene (used as a solvent, for extracting caffeine from coffee, as a drycleaning agent).
Lung	Arsenic.	Beryllium.
	Asbestos.	Cadmium (metallic element used in protective plating, bearing metals).
	Bis(chloromethyl)ether (liquid used as solvent).	
	Chloromethyl methyl ether (used for synthesis of organic chemicals).	Chloroprene (used in production of artificial rubber).
	Chromates.	Lead.
	Coke oven emissions.	
	Mustard gas (oily liquid used as a war gas).	
	Nickel (metallic element used in alloys).	
	Soot and tars.	
	Uranium (metallic element).	
	Vinyl chloride (flammable gas used as a chemical intermediate and solvent).	
Lymphatic tissue		Arsenic (solid poisonous element).
		Benzene.
Nasal cavity	Chromium, isopropyl oil, nickel, wood dusts.	
Pancreas		Benzidine.
		PCB's.
Pleural cavity	Asbestos.	
Prostrate		Cadmium.
Scrotum	Soot and tars.	
Skin	Arsenic.	Chloroprene.
	Coke oven emissions.	
	Cutting oils.	
	Soot and tars.	
Urinary bladder	4-Aminobiphenyl (crystal used only for research).	Auramine.
	Benzidine.	4-Nitrodiphenyl (used only for research)
	B-Naphthylamine (crystal used only for research).	Magenta.

THE CONTROVERSY—QUESTIONS ON RESEARCH: CRITICS SAY THE ADMINISTRATION TAKES LIBERTIES WITH DATA

(By Robert Levey)

Picture the Arctic tundra, that frozen, barren stretch of forbidding nature. Now picture it littered with huge mounds of sludge deposited from Alaskan harbor dredging and oil exploration.

That would happen if a proposed disposal-site regulation drafted by the Environmental Protection Agency is adopted. The draft regulation, circulated last month, aims to "streamline the permitting process" for dumping fill material into US waters by declaring the frozen tundra has been so "ecologically degraded" by cold, windy weather that it will never recover.

The EPA proposes to classify the tundra under the category of "functionally limited waters," thus opening it up as a disposal region. William Brown, senior scientist at the Environmental Defense Fund, reacted with shock: "How can the Arctic recover from the cold?"

In the aftermath of the recent EPA uproar, this proposal may be shot down. But it serves as a significant illustration of the wide gulf that separates the environmental community and some planners within the Reagan Administration.

Critics contend that in an effort to accomplish its goals, the Administration tampers with science and scientific data. Administration officials strongly deny such charges, saying their intentions are only to relieve industry of burdensome regulation, and that they merely interpret data in different ways than their critics do.

As recently as two weeks ago, Interior Secretary James Watt said the Administration was not looking to manipulate information, only to put into place scientists who share the philosophies of the Administration.

Jay Hair, executive director of the National Wildlife Federation, has a different perspective: "The number of scientists they drove out of the government, particularly from the EPA and the Interior Department, is not very large," he said. "But when they left, they took with them the institutional memory, and that can't be replaced. This Administration has, in essence, polluted the scientific process that provides the basis for environmental regulation."

The problem of dioxin-contaminated ground and water at hundreds of hazardous waste sites around the country has been one major area in which environmentalists have criticized Reagan policy. It is an issue complicated by the fact that there are so many different situations at the sites and such a long history of pollution.

The Reagan Administration had nothing to do with creating the hazards, of course. But critics like Linda Greer, an Environmental Defense Fund dioxin specialist, contend the EPA has promoted policies that delay and sometimes prevent cleanup of dioxin-contaminated sites.

SETTING "SAFE" DIOXIN LEVELS

"At first," Greer said, "the EPA wanted to raise the 'safe' dioxin levels so high that it would have dropped the majority of the sites off the list for Superfund cleanup." The EPA instead was persuaded to accept a lower level, suggested by the federal Centers for Disease Control.

In addition, Greer said, the Administration has yet to set up a health register of people who live around Superfund dump sites, as mandated in the law passed in 1980. EPA officials respond that they will establish the register, and that only bureaucratic problems have to be surmounted. The register is designed to determine if there are any future associations between the dumped chemicals and human illness.

The Environmental Defense Fund, a private watchdog agency, has taken the Administration to court to try to speed action. It has been joined in the suit by some chemical companies that want the register established in hopes it will support their contention that no special pattern of illness will be found.

In another case that was widely criticized, it was revealed during congressional hearings last month that the EPA edited out of a report information on Dow Chemical Co.'s key role in dioxin pollution in Michigan, after letting the company read a draft of the study and make suggested changes.

Criticism of Administration attitudes toward scientific procedures has not been limited to toxic wastes, however.

There have been many indications during Reagan's term, for example, that research on acid rain has been deliberately slowed to delay pressure on industrial polluters.

A Globe report in January quoted internal critics at the EPA saying that "the unspoken party line is that we won't have any information [on acid rain] until 1986. Within the bureaucracy it's understood that the object is to slow things down. The Administration approach is to not let Congress know anything [about acid rain] so they won't do anything."

Just last week, these fears were rekindled with release of a three-year study by the Environmental Law Institute in Washington of clean-air pollution policies in America and Europe. It charged: "The United States, alone among major Western nations, not only opposes new [pollution] control programs, but has adopted new policies over the past two years promoting increased sulphur dioxide emissions" that lead to acid rain.

CUTS IN PERSONNEL CITED

Leaders of the major environmental groups also criticize Reagan cuts of personnel and services at agencies ranging from the Fish and Wildlife Service to the Occupational Health and Safety Administration (OSHA). While the Administration says it is concerned about a safe environment, they contend, it acts in ways that indicate otherwise.

Late last month, the leaders of nine major environmental groups listed their complaints. Included was the statistic that between 1980 and '82, the number of inspections by OSHA of complaints about unsafe working conditions dropped by 58 percent because of budget cutbacks.

The Administration dismisses such concerns, saying that OSHA spends too much time worrying about minor matters that interfere with the efficient operation of the companies it monitors.

Joseph Cannon, and EPA associate administrator, said recently that the environmentalists' criticism is overstated, and gains attention only because "they yell louder and have catchier phrases."

During the same week, it was reported that 10 prominent scientists had been dropped from federal advisory boards, intended to be nonpartisan, because of opposition from the Republican National Committee: They weren't Republicans.

The research staffs of numerous federal agencies have also been diminished. Scores of scientists and technical specialists have left government or been dismissed during the past three years in disputes over political interference and policy.

"The capacity of the US government to respond to health and environmental dangers is being obliterated on ideological grounds," charged Sheldon Samuels, health director for the AFL-CIO and a member of the National Cancer Advisory Board. "The effects of this chill will last far beyond the Reagan Administration."

THE ISSUES—NEW LEGAL GROUND: CITIZENS' RIGHTS ARE THE ISSUE AS ENVIRONMENTAL LAW GETS MORE COMPLEX

(By Nick King)

Environmental law, after evolving for more than two decades in lockstep with the environmental movement, has reached a critical stage.

The enforcement of existing statutes and the enactment of new ones have run head-on into the policies and politics of the Reagan Administration—and into new scientific and medical barriers as well.

Lawyers concerned with the environment say the controversy over the Administration's handling of the Superfund statute is just a hint of the myriad legal disputes looming over environmental law.

And they say that some of the most basic tenets of democracy still lie at the heart of these disputes, issues such as citizens' rights, the responsibility of the government to enforce the laws, and the liability of those who break them.

With Superfund still in its infancy, complicated new legal areas are already springing up that are intertwined with science. These include how to assess liability for acid rain, how to enable individuals to sue polluters and how to compensate citizens who are damaged by hazardous waste and other forms of pollution.

Ironically, lawyers say this move to "personalize" environmental law by granting citizens much the same legal rights as government is a direct result of this Administration's reluctance to enforce laws already on the books.

"People are frustrated to the teeth and want to take the law into their own proverbial hands," says Douglas MacMillan, a lawyer and former head of the EPA's hazardous waste enforcement task force.

The Administration's handling of the Superfund is a case in point. it was considered a pioneering statute when it was enacted in 1980 to enable the federal government to clean up hazardous waste sites before suing polluters for damages.

MORE CONTROVERSY THAN CREDIT

But since then the Superfund has drawn more controversy than credit. Only about $100 million of the fund's $1.6 billion has been spent and only five of the nation's 418 worst toxic sites have been cleaned up.

What has happened—or not happened—with the Superfund is testimony to the legal complexities of cleaning up hazardous wastes. It is a story, at least according to critics, of how the Reagan Administration, in undercutting the effectiveness of the Superfund, has thrown the course of environmental law into uncertainty and disarray.

For more than 20 years environmental law developed from a loose system based on common law into a vast and potentially powerful framework of statutory law.

But rather than utilize the legal framework provided by Superfund and other environmental statutes, the Administration chose to settle cases out of court, as it did over toxic waste sites in Indiana, Ohio and California.

Moreover, because Superfund has not been thoroughly subjected to court tests, some basic legal issues in the law remain unclear, including questions about legal liability and, relative to toxic waste sites, how clean is clean.

"Whenever you have a new program, it's all-important to set legal precedent," says former EPA lawyer Richard Smith. "But there aren't any Superfund precedents because of efforts to settle at all costs."

EPA officials argue that this cooperative approach benefits both business and the public. But one casualty, some lawyers say, is public trust—both in the effectiveness of environmental laws and in government's willingness to uphold them. A number of attorneys now fear a push to change the laws—before many of them have even been tested adequately.

One sign of the public's growing frustration is the raft of environmental bills pending in Congress. One of them, under review by a House subcommittee, would go far beyond the current legal framework by giving citizens the right to sue polluters to get sites cleaned up.

But "personalizing" environmental laws, MacMillan says, would undercut the government's proper role and clog the courts with litigation.

Some changes and additions to environmental law are necessary, however, MacMillan and others say. There are no laws for dealing with acid rain, for instance, nor is there any legal framework for compensating the victims of hazardous waste.

COMPENSATION FOR VICTIMS

That is an issue facing Congress this term. A 12-lawyer congressional panel mandated by Superfund recently proposed establishing a two-tier system that would set up a compensation fund for hazardous waste victims, but also allow them to sue in court for further redress.

But toxic torts, as the subject is known, is a legal mine field that underscores the difficulty of matching environmental law with scientific development. More than one million Americans, according to EPA estimates, are currently exposed to health dangers from hazardous waste dumps; how to prove what caused their injuries and assessing liability treads new legal and medical ground.

Without the backing of the government, however, almost any law can be effectively neutralized. Most distressing to environmentalists is the way the Reagan Administration disbanded EPA's enforcement division by reassigning all enforcement lawyers to the general counsel's office and sending the technical staff to various other programs.

"They smashed EPA enforcement into 1000 pieces and scattered it to the wind," says former EPA lawyer Jeffrey Miller. "And that explains why they're not doing very much."

Miller notes that after the reorganization, case referrals from the EPA to the Justice Department dropped dramatically. From 1980 to '81, according to the EPA, there was a 69 percent decline—from 252 to 78—in the number of civil cases referred under the Superfund and other major environmental cleanup laws. And of the 78 referrals in 1981, the Justice Department filed only 35 in court.

The Administration contends that it has made EPA more cost-effective, and that settling cases encourages industry cooperation and avoids long, costly court fights.

But it was voluntary settlements for amounts less than the projected cost of complete cleanups, such as at the Inmount site in California and the Seymour site in Indiana, that prompted charges of "sweetheart" deals in Congress last year.

As a result of the controversy, EPA lawyers were told in early March to stop negotiating settlements and to take all future cases to court. That does not necessarily mean cases cannot still be settled, but if they are it will be under the government threat of imminent litigation.

"It's not the law that has failed but the government's handling of it, because of its willingness to make deals with polluters rather than threaten to haul them into court," says Anthony Z. Roisman, former chief of the Justice Department's hazardous waste section. Superfund, he says, is "a big gun that has yet to be fired."

THE CLEANUP—A CASE STUDY: THE TECHNOLOGY IS GOOD, BUT NOT GOOD ENOUGH TO FINISH THE JOB

(By Jerry Ackerman)

For the engineers and geologists on the job, the Gilson road dump in Nashua, N.H., was more than just a chance to tackle the nation's first Superfund project to clean up hazardous waste.

By last summer, it was a race against time. Unless they acted quickly, it was possible that more than 100 nearby residents would have to be evacuated from their homes to save them from exposure to health-threatening chemical fumes.

Winning the race required expertise from four scientific disciplines, using tools that ranged from shovels and backhoes to microprocessor computers.

How that was achieved helps illustrate both the available technology and possible pitfalls as the nation sets to work cleaning up thousands of similar dumps, old and often illegal.

Said Merrill S. Hohman, chief of hazardous waste programs for the EPA regional office in Boston: "With only a few exceptions, nobody has ever fully cleaned up a hazardous waste site. Nobody knows how to do it. And the last thing we want is to have left something there, to have someone come back years later and say that it hasn't been cleaned up."

Nevertheless, responding to fears that illegally dumped chemicals will poison drinking-water supplies or render air unbreathable, many federal and state agencies—along with industry—are moving to do what they can.

If rusting barrels are the symptom of the problem, hauling them away to more secure landfills is not the cure.

1500 DRUMS OF WASTE

That was the case on Gilson road, on the outskirts of Nashua, where an illegal dumper had not only put some 1500 drums of chemical wastes, but had pumped as much as 1 million gallons more into the ground through a drainpipe inside a garage.

All this lay within a quarter-mile of a cluster of single-family homes, trailer parks and a small stream—Lyle Reed Brook—that empties into the Nashua River and then the Merrimack River, the source of drinking water for several Massachusetts cities and towns.

The Gilson road dump had been listed by the EPA as one of the worst in the nation by the time a team of hydrologists, geologists and chemists, working under geologist John E. Ayres of Goldberg-Zoino & Associates of Newton, arrived on the scene.

While other specially trained crews, wearing protective clothing, repacked and shipped the drums that lay on the surface, Ayres' team set out to determine how many more drums were underground—and how far the liquids that had been pumped into the ground had spread.

Such field investigations, lasting 18 months to as long as four years, are a source of constant controversy between the EPA and waste-site neighbors. Critics contend that EPA Superfund policies are excessively dependent on these studies as a way to find "cost-effective" solutions.

But EPA, along with the engineering community, replies that field work is the heart and soul of any remedy. "Before you apply the technology, you have to go in and understand the problem," said Hohman, the EPA regional head of hazardous waste programs.

Added Gary A. Dunbar, a senior vice president of Camp Dresser & McKee, Inc., of Boston, which holds a major contract with EPA to supervise Superfund projects throughout the eastern half of the nation: 'The field investigation is the critical step. If it is done wrong, you come up with the wrong conclusion and end up doing the wrong things."

The skills required for such investigations involve: chemistry to determine what compounds were in the dump, geology and hydrology to predict which way they might be moving and civil engineering to devise ways to contain them.

The sudden need for skilled management of hazardous waste dumps has forced an integration of these skills to a degree never before practiced—and made possible by recent strides in the development of such tools as low-level chemical detection equipment and electronic microprocessors.

For example, the lower limits of chemical analysis have shrunk to where as little as one part contaminant in a billion parts of air or water can be detected routinely—a ratio, in an often-quoted "martini" analogy, equal to one ounce of vermouth to 55 railroad tank cars of gin.

New chemical analysis paraphernalia can now instantly detect just one isolated molecule of a pollutant in a flask of air or water and determine its chemical structure.

Later, using a video screen, it is possible to display that data on a site map. Then, by loading the same computer file with information about soil conditions and slope of the bedrock, predictions can be made "about what we think is going to happen 5, 10 or 15 years ahead" if no action is taken, Dunbar said.

The seven-month field investigation at Gilson road in 1981 showed that action was required. Analysis of water and soil samples from 80 wells drilled 40 to 120 feet deep on the 30-acre site found dozens of chemicals lodged in aquifers that led directly into Lyle Reed Brook and the Nashua River. Aquifers are porous layers of rock, sand or earth that contain water.

The chemicals—some of them suspected tumor-causing agents and many of them toxic to skin, eyes and the respiratory system—included toluene, methylene chloride, xylene and a most foul-smelling solvent called tetrahydrafuran, or THF.

The solution, Goldberg-Zoino engineers decided along with another contractor, GHR Engineering Corp, of New Bedford, was first to contain the polluted water in the ground, then purge it of contamination with a $3-million chemical-treatment plant built on the site. Still in design, the plant will be built so it can be dismantled and used elsewhere.

The water in the ground would be contained in what Hohman calls "a big bathtub"—a trench, dug down to bedrock and encircling the site, filled with a mixture of bentonite clay, a rare earth that, when wet, swells to 10 times its original volume, creating a nearly watertight wall in the surrounding earth.

Used widely in temporary dams at construction sites near river banks and harbors, bentonite has yet to be deemed permanently useful. Nevertheless, because the technique is considerably less expensive than excavating huge amounts of contamination soil, this approach is becoming almost universally accepted by EPA and engineering firms.

If the Gilson road plan works, the proposed chemical plant is expected to purge the contaminated ground water of 99.99 percent of its chemicals in just under four years. While the water still won't be suitable for drinking, Ayres said, it is expected to be fit for release into the Nashua River without endangering fish or plant life.

These plans were barely laid, however, when more disturbing news arrived—news that created crisis conditions.

Noting variations in chemical concentrations in their sampling wells, Goldberg Zoino engineers calculated in early 1982 that the hidden "slug" of pollution was moving at a rate of 1 to 2 feet a day toward Lyle Reed Brook. "It was getting ahead of us," Ayres said. Engineers predicted that by January 1983 this blob would reach the brook, ooze out through the banks and send up fumes that were not only foul but toxic.

"The air quality above the brook would have exceeded health standards," Ayres said, "and there was a genuine concern over a possible evacuation." In addition, he said, the water would become so poisoned "that it would essentially kill all the plant and animal life in the brook."

EMERGENCY PLAN PREPARED

An emergency plan was prepared, later to win an award from the Consulting Engineers Council of New England. With $500,000 in emergency EPA funding, five wells were drilled at the leading edge of the underground contamination, and a trench dug down to bedrock at the trailing edge.

High-velocity pumps were installed on the wells and pipes laid to carry the polluted water back uphill to the trench. There, the water now is pumped back into the ground, to be recaptured by the pumps as it nears the brook and recirculated again and again.

By last November, the flow of the polluted plug was stopped—allowing time to allow the encompassing "bathtub" to be completed, along with a polyethylene cap to keep rainwater out, completed in January.

Ayres makes no promises about the effectiveness of what has been done at Gilson road. "The containment is not a permanent remedy," he said, "and the treatment that is planned will be only partially effective." A complete solution, however, would require excavating every bit of contaminated soil on the site—at an estimated cost of $25 million.

"From a technical standpoint, there is no way that we can eliminate all risk," Hohman said. "We have to take the point of view that we have risk in society, that that's a fact of life." But, "Nashua is our biggest success story so far."

GRASSROOTS POLITICS LEADS TO CLOSING OF A DUMP

(By Ben Bradlee, Jr.)

SEYMOUR, Ind.—In 1978, when Judy Smith noted that Sen. Richard Lugar (R-Ind.) had come to town to inspect the hazardous waste dumpsite at the Seymour Recycling Corp., she began wondering if the volatile chemicals stored a few miles from her home were as safe as town fathers had assured everyone they were.

Smith, 44, a member of the League of Women Voters, formed a committee to look into the matter. "Officials kept telling us it wasn't much for us people to worry about," she recalled. "But the more we found out, the more disillusioned we became."

Later that year, state health officials obtained a restraining order that temporarily shut down the company for violating Indiana's Environmental Management Act. But it started operations again under a consent decree in which it promised to reduce its waste inventory.

"But the pile was getting bigger, not smaller," Smith said in an interview. Finally, under mounting legal pressure, the company abandoned the site in 1980, and the Environmental Protection Agency came in to secure the site. Two years later, it announced a limited agreement whereby 24 of the 350 firms that had sent waste to the site would conduct a surface cleanup.

Smith, who is credited by other activists here as being instrumental in generating the political and legal pressure that closed the dump, said her experience has been an illuminating exercise in grassroots politics to challenge the status quo.

"I think we were looked at as a bunch of nutty women who were overly concerned," she said. "But that's changed to some extent." Smith consistently found town officials to be uninformed on the doings at Seymour Recycling and on hazardous wastes generally. "Ignorance is bliss," she said, "but once you know something about the conditions over there, you begin to wonder what you breathed all these years, and how it might affect you and your family."

Roland and Vernabelle Kastings own a 300-acre farm that overlooks the dumpsite a quarter-mile away; both have worked over the last several years to close the company and clean up the leaking chemicals. They say contaminated water from the dumpsite has run onto their property, and that their cows would often cough when the company was still active and burning waste.

"Even today, when we get a northeast wind, I get a sore throat out of it," said Vernabelle Kastings, who also attributes the nosebleeds she has had in the last several years to the dump.

"We thought this community was God's gift to Indiana until this dump came in here," her husband added.

Dan Eggersman, a resident of the Snyde Acres housing development, a half-mile from the dumpsite, recalls that he got involved in the fight to close the Seymour Recycling Corp. in 1978; watching television at home one night, "my eyes watered, the smoke from the dump was so bad. . . . I just got tired of breathing all those fumes."

Eggersman would spy on doings at the company after dark, and said he had evidence of illegal "midnight dumping" that he passed on to the FBI and the EPA. No evidence of criminal wrongdoing has been established.

Eggersman said it has been disconcerting to be branded a "radical" for becoming involved in trying to clean up the dump. "I have mixed feelings about my involvement today. I think what I did was good for the community, but I don't know if it was worth the stress on my life." Not to mention the value of his property, which he estimates is now little or nothing.

But Henry Snyder, the developer who built Snyde Acres, still thinks the uproar is much ado about nothing. "I do wish they'd clean up the dump," Snyder said, "but I don't think it's as bad as it sounds. . . . I think it's been blown way out of proportion. . . . I think most of the people realize they can live with it."

That view is now in the minority, however, according to John Bottorff, executive vice president of the Greater Seymour Chamber of Commerce. "From the outset, this thing has been devastating," he said. "While it was on the front pages, we had no economic activity here whatsoever. Since the agreement was signed last October, we've had all kinds of action."

Bottorff credited the heavy publicity generated by those campaigning to clean up the site with creating sufficient election-year pressure to reach last October's accord.

"You hate to be blasting yourself on the front pages of the newspapers," he said, "but better than live under a cloud all your life."

WE DIDN'T APPRECIATE THE NOTORIETY

(By Ben Bradlee, Jr.)

FRIDLEY, Minn.—Last December, when the Environmental Protection Agency announced its list of the 418 most dangerous hazardous waste sites in the country, people hereabouts were shocked to find that a 13-acre dump in this northern Minneapolis suburb had topped the list.

"We didn't appreciate the notoriety," said Fridley's mayor, William Nee. "It's certainly no Love Canal [New York] or Times Beach [Missouri]. I think it's hurt us. We've been called the worst place in the country, but it's not really true."

The EPA based its ranking on a formula that rated each site's threat—both real and potential—to air, water and people. The agency stressed, however, that there was no substantive difference in severity of contamination among the first 50 or so on the list.

In Fridley, officials say the accent was placed on potential hazards. The site here looks innocuous enough—it is an open dirt field with no barrels of chemicals or other paraphernalia normally associated with hazardous waste.

But what lies beneath the field is uncertain, and the site is within a quarter-mile of the Mississippi River, which supplies the drinking water for Minneapolis at an intake point another quarter-mile downstream; trace levels of trichloroethylene, a toxin, have been discovered in the city's surface drinking supply.

The dumpsite is on the property of the FMC Corp., a Navy contractor that manufactures automated gun mounts and guided missile launchers. The EPA says FMC, formerly the Northern Pump Co., disposed of solvents, paint sludge and plating wastes on the site from the 1950s to the early '70s. Solvents and sludge were dumped into unlined pits and buried or burned. Three ground water wells used by FMC have been found to be contaminated with trace levels of trichloroethylene, as has the aquifer from which Fridley draws its water.

Still, the Minnesota Pollution Control Agency has challenged the EPA's ranking of Fridley's dump. "In terms of the amount of waste being generated and the immediate health dangers, we don't consider it the worst site in Minnesota, much less the country," said Paul Hoff, a spokesman for the agency.

"The trace levels of trichloroethylene are barely detectable, but we're testing the water every other week, and watching the situation very carefully. . . . There are flaws in the EPA scoring system which awarded extra points to Fridley because it poses a potential threat to the Mississippi and to the drinking water of Minneapolis."

That response seems to have quieted concern here; unlike many communities around the country that have hazardous waste sites, no citizen groups have formed to agitate for cleanup. Another factor, said Hoff, has been the response of FMC, which has agreed to assume a share of responsibility for the cleanup.

Thomas Epley, general manager of FMC, said in an interview that his company, its predecessor and the Navy will work out a formula for sharing the costs. He said FMC had already spent $500,000 on studies to try to determine what is underneath the dump site and precisely where it is located.

Epley, who called the EPA ranking "absurd," said his company was nevertheless willing to bear its share of the cleanup costs as part of what it perceives to be its duties of "corporate citizenship."

EXPLAINER

(Since it was enacted in 1980, the Superfund has been misunderstood (it is only part of the law passed), criticized (as being inadequate for the task at hand) and little used (at only five of the nation's hazardous waste sites).)

(By Charles A. Radin)

In Washington parlance, and in the informational pamphlets prepared for the public by the Environmental Protection Agency, Superfund means the law passed by Congress in 1980 to stop the spread of hazardous wastes and clean up the worst of the nation's thousands of dumpsites.

In fact, the fund is only one component of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Recent criticisms and congressional investigations of the Reagan Administration's compliance with Superfund actually have been directed at the handling of numerous aspects of this law, which for the first time:

Authorized federal officials to intervene wherever release is threatened of substances hazardous to the public health.

Created liability on the part of industries that produce hazardous waste for the harm those wastes might later cause.

Instructed the President to create the Agency for Toxic Substances and Disease Registry to keep track of individuals exposed to toxic substances, so the health effects of the toxins could be determined.

Created a tax on chemical and petroleum producers to pay for cleaning up hazardous waste sites for which the parties responsible either cannot be located or don't have the money to pay.

Outlined conditions under which polluters would be liable for triple the cost of a cleanup if they failed to take mandated actions to curb contamination.

But not all of the law has been implemented.

For example, the Agency for Toxic Substances and Disease Registry has never been created. No company has ever been sued for triple damages. And federal officials have intervened in only a handful of cases, leaving dumpsites where waste is escaping daily into the environment to await remedial actions that take years of planning.

It also has become apparent, as some sponsors of CERCLA said years ago, that the funding created by the tax on waste producers is inadequate to the task at hand.

Superfund was created in large part because of public revulsion at the environmental disaster discovered at Love Canal, near Niagara Falls, N.Y., in the late 1970s. In the haziness created by the passage of time, many people believe support for such a step was overwhelming.

It was not. Several major chemical companies lobbied hard against CERCLA, nearly preventing its passage in the closing weeks of the Carter Administration. Had that happened, there almost certainly would be no Superfund today.

Sen. Robert Stafford (R-Vt.) an author of the act, recalled in an interview: "We knew [in 1980] that $1.6 billion [the maximum collectable under the tax] was not enough. We knew we would need about $4.1 billion. But we had to deal in terms of what would pass. It was the last chance" before the Reagan Administration took office.

Reagan's appointees at EPA took two years to compile the list of more than 400 priority sites for Superfund cleanup mandated in CERCLA. According to Elaine Stanley, as assistant to the current Superfund director, about $255 million of the $1.6-billion maximum has been obligated to specific uses.

Cleanup work has been completed at five of the 418 sites on the list, she said, feasibility studies are under way at 62 and construction funding has been released for 29 sites.

There is plenty of cash on hand if officials decide to pick up the pace. John Hernandez, then-acting EPA administrator, testified at a recent congressional hearing that the agency has more money in the fund than it will be able to spend this year.●

SENIOR INTERNS

● Mr. PACKWOOD. Mr. President, today I am pleased to be able to recognize two outstanding Oregonians who have joined my staff for the week. Robert Slawson, of Bend, and Gladys Clark, of Silverton, Oreg., are in Washington this week to participate in the annual senior intern program.

Bob Slawson is a retired schoolteacher. He serves on the Governor's Commission on Senior Services and the Disabled and is a member of the commission's legislative committee. Bob also sits on the Governor's Commission on Aging and the Oregon Gerontological Association Board. He organized the Meals on Wheels program in Bend and is currently serving as president of the United Senior Citizens of Bend. I am pleased Bob has brought his organizational expertise and leadership to my staff to work on issues of concern to Oregon seniors.

Gladys Clark has been active in the Silverton community for many years with the Boy Scouts, Girl Scouts, YWCA, and her church. She is serving as director of the Marion-Polk United Way and chairman of the Silverton United Way. She is president of the Silverton Resource Center and volunteers at the local nursing home, Council on Aging, and Meals on Wheels program. In addition, she teaches a senior citizen exercise class 3 days a week. Gladys' energy and enthusiasm will be useful as we work on projects and legislation of interest to Oregonians.

One of the issues the senior interns will be working on this week and in the coming months will be the Heinz-Packwood independent care for the elderly bill, S. 1301.●

UNLIMITED CAMPAIGN SPENDING—THE ROAD TO ANARCHY

● Mr. GOLDWATER. Mr. President, the time has come when the Congress

and the American people must face up to a fundamental defect in our political structure. Our election campaigns are too expensive and too long.

Mr. President, it is a shocking, but unavoidable fact, that the cost of getting elected in the United States to all offices—State, local, and Federal—now exceeds $1 billion in a Presidential campaign year. The burden of raising funds to finance a political campaign has become so great that many officeholders neglect their public duties in order to pay off past debts or run for future elections. Candidates for public office must spend so much time appealing to major donors that they ignore their regular responsibilities or lose touch with the ordinary citizen.

This massive spending means that the general person loses interest in voting because whoever gets elected is perceived as being bought and paid for by one or another special interest group. What does it matter who you vote for if you believe the winner has already committed his position in advance to whichever group gave the most money? The average voter, who did not make a large contribution or gave nothing at all, feels his or her vote means nothing in deciding public policy.

Mr. President, the situation has become so bad that I believe the stability of our political process is at stake. Citizens are discouraged from voting. The effectiveness of Government operations is impaired. And the reputation of elected officials for the honest performance of their duties is put at question by the massive and growing cost of getting elected.

We must correct the course of events and do it now. My recommendations are that we put a firm limit on total spending in all Federal campaigns, shorten the length of the campaign period, and require timely and more complete disclosure of campaign gifts. I will discuss the specifics of these proposals later in my remarks.

Mr. President, I would ask my colleagues to consider this question: What is the most fundamental purpose of the Constitution? Is it the expansion of commerce? Is it the defense of the Nation against foreign dangers? Is it the security of each person's life and property?

Each of these are important goals which the framers had in mind; but underlying all the other purposes is the idea that the framers believed they were setting up a system of self-rule by the people. The Constitution provides a complex system of institutions by which self-government is made possible. Liberty, and human rights, and equal opportunities for all citizens, are made possible by the successful functioning of self-government. It is self-rule that makes the other freedoms and privileges of our people work in practice.

The plain meaning of self-rule is that the people shall assert their sovereignty and control over government at regular, frequent elections at which government by consent will be constantly replenished. As Samuel Adams wrote to his cousin, John, about the new Constitution in 1790, "the whole sovereignty . . . (is) essentially in the people."

He added: "We the People is the style of the Federal Constitution: They adopted it; and conformably to it, they delegate the exercise of the powers of government to particular persons, who, after short intervals, resign their powers to the people, and they will reelect them, or appoint others, as they think fit."

But to be successful, representative government assumes that elections will be controlled by the citizenry at large, not by an elitist group of big givers. Of equal importance, citizens must believe their vote counts. And elected officials must own their allegiance to the people, not to narrow factions who speak only for the selfish fringes of the whole community.

When the power of determining the winners of elections is lodged in the hands of a few rich persons or groups, who are independent of the people and of their representatives, and who are not accountable for their actions, no way is left to control them. This is the road to anarchy.

Instead of achieving an intimate relationship between the public and their government, this distorted election process leads to a system in which the force of government will be imposed on the people in the course of their daily lives for the advantage of selfish interests who are removed from the general public.

Mr. President, it is important to notice that the framers wanted elections to be free of the corruption which was then so widespread in England. The founders of our constitutional government were disgusted at the deluge of corruption which overwhelmed 18th century British parliamentary elections. When John Dickinson was a student of law in England, he wrote of his shock, beyond all expectation, at the decay of the election process.

Dickinson wrote home that the starting price for the purchase of votes in one borough was 200 guineas. "Bribery is so common that it is thought there is not a borough in England where it is not practiced," he reported.

The framers knew that corrupt elections undermine the foundations of liberty. They believed that politics festered in corruption and that this corruption was destroying the prime requisite of constitutional liberty, an independent Parliament free from any influence other than that of the people.

Mr. President, I warn today that if we do not find a means of controlling and limiting the runaway costs of being elected to public office, the faith of the American people in our modern election system will be reduced to the same dismal view held by informed Americans at the birth of our Republic. Our elections will be totally distrusted, Our actions in the Congress will be constantly suspect because the public will believe that each and every member of the legislative body is the creature of special interest groups.

Mr. President, I firmly believe that this Nation is facing a crisis of liberty if we do not check election costs. We must prove that the Oval Office is not a prize to be auctioned off to the highest bidder. We cannot allow the belief to persist that elected officials at all levels of government are the paid agents of rich benefactors, rather than being what James Madison intended us to be, agents, of the sovereign people.

Mr. President, there are three steps I propose we take to stop the subversion of the political process. First, I propose that we put a ceiling on campaign spending by or for candidates to Federal offices in primary and general elections. Second, we should shorten the length of time of Presidential elections. Third, we should have fuller and faster disclosure of who donates to political campaigns.

The ceiling on campaign spending should be set according to the number of voting-age citizens in congressional races and be governed by flat ceilings in Presidential campaigns.

For example, Presidential candidates might be limited to no more than $15 million in seeking nomination for office and to no more than $25 million in the general election, or less if the campaign is shortened. This compares to the present ceiling of about $19,570,000 for party candidates in the primary and $39,140,800, in the general election, with 20 percent additional spending being allowed for fundraising.

Senate campaigns might be limited to 12 cents per voting-age citizen in primary elections and 22 cents in the general election. A base ceiling of $150,000 in primaries and $250,000 in general elections might be granted in States with small populations. House campaigns could be tied to blanket $100,000 limitations in each primary and general election campaign, except that the senatorial ceiling should apply in States where there is only a single Representative.

We should put a spending lid not only on direct campaign expenditures, but on "in-kind" spending or activities, such as telephone banks, volunteer services, and so forth.

Also, we should put separate ceilings on overall spending by the candidates

and by individuals or groups who spend for the election of a particular candidate, whether the spending is subject to the direction of the candidate or not.

Mr. President, I also believe a reasoned campaign spending limit should be linked to a shortening of the campaign period, at least for Presidential candidates. If the timespan of election is reduced, the spending during that period will automatically be reduced as well.

What period do I recommend? Well, I would like to see us require that the national conventions for choosing Presidential candidates begin on Labor Day, the first Monday in September. The election campaign would start 2 weeks later. The general campaign would last no more than 6 weeks. The British conduct their parliamentary campaigns in 3 weeks, and we should be able to schedule our national elections in no more than twice that time.

Next, the reporting rules should be tightened. Immediate public disclosure of campaign expenditures should be made in the late stages of each election in the form of public press releases. By the time the Federal Election Commission gets around to processing its reports, the election is over. Immediate public statements should be required whenever a candidate loans or gives to his own campaign. Political action committees should identify clearly whether or not they are the political arm of another group. Reports should disclose the name and legal address of contributors, using a uniform definition of legal residence so that the same donors cannot give multiple addresses.

Now, I know that some will feel these ideas run afoul of the constitutional safeguard of free speech. I am well aware of the ruling by the U.S. Supreme Court in the case of Buckley against Valeo in January 1976, which held that a congressionally mandated limit on spending in Federal elections is unconstitutional. The Court held that such a campaign lid is an invasion of the opportunity of individuals and organizations to exercise free speech, the communication of arguments and opinions supportive of one political cause or the other. My answer is that we should try again.

In my opinion, the argument was not made forcefully enough to convince the Supreme Court that what is at stake is the integrity of the entire political process. The success of our national experiment with self-rule is on the line.

As vital as free speech is, I believe a reasonable and rationally drawn restriction on Federal campaign spending that allows for ample, but not unlimited, spending will be upheld by the courts, when the statute is plainly designed to implement congressional findings that the survival of free elections, the purity of our election process, and the effective performance of Government duties are endangered by unlimited expenditures.

One very drastic change has occurred since the Supreme Court made it's decision in early 1976. Campaign spending has skyrocketed. Total election spending in the Nation has doubled and the end is nowhere in sight. And, in my opinion, at least a third and probably as much as one-half of all the money raised and spent is wasted.

According to the Citizens Research Foundation of the University of Southern California, all U.S. elections cost more than $1.2 billion in 1980. In 1976, total election costs were $540 million. Preliminary data compiled by the Federal Election Commission for congressional candidates and estimates by the Citizens Research Foundation indicate that nearly $1 billion was spent in 1982, even though there was no Presidential election.

In 1976, $125 million was spent on congressional races. In 1978, this figure climbed to $197 million. By 1980, congressional campaign spending rose to $240 million and in 1982, the cost of campaigning soared to $343 million.

The combined $14 million California Senate campaign in 1982 was the costliest ever in any State in history, but the most money spent by a single candidate in 1982 was by the Democratic Senate contender in Minnesota, who spent more than $7 million. The highest cost in a House campaign was the $1.9 million used by a Democratic candidate in New Jersey.

Mr. President, it would be a calamity if we just sit back and allow this spiral of political spending to continue forever. It will feed on itself. It will dominate the election process. It will allow the voting process to be manipulated for private gain, rather than the public good, by political merchants who are enriched with money collected from the special interest groups and wealthy individuals who seek to control their country's political agenda.

If the Supreme Court will not allow us to put a limit on political spending, or even a boundary on the length of the Presidential campaign, then I say, let us ratify a constitutional amendment to empower Congress to act in this area. I am not proposing that we eliminate all spending for the communication of views and opinions. I am only recommending that we reach a fair balance between the protection of the political process and the ability of candidates or anyone else to communicate opinions.

We should also include whatever provisions are necessary to offset any serious advantage an incumbent may enjoy over his opponent. We have already taken action in Congress to curb the use of the frank for mass mailings during election periods. If there are other steps which we must take to make the contest fair between incumbents and their opponents, we can incorporate that feature in any spending limit statute.

Now, I know that the weight of political thinking at this moment is running against what I have suggested. Defenders of the present system claim that campaign spending is minor compared with private commercial spending for advertising purposes. Toothpaste, deodorant, and soap powder vendors are said to spend more each year to advertise their products, than politicians spend to get elected. But this comparison exposes the grant flaw in the thinking of those who support open-ended campaign spending.

In their minds, there is no difference between a candidate and a detergent. They are both products to be merchandised. This is exactly what is wrong with the trend of American political campaigns. Candidates should not be packaged and sold in the simplistic manner of a consumer product. Candidates must be more than caricatures who front for donors with the most money.

Candidates should reach the public on the human level. They should communicate honest principles and values of interest to the entire public and demonstrate their personal qualities of leadership. They should not be the paid hands of any vested interest groups, nor appear to be so.

The most prevalent ideas now circulating in the Nation would call for higher and higher spending. It is suggested, for example, that the potential influence of political action committees could be offset by increasing the importance of individual contributors. So, we are told, let us raise the ceiling, double or triple the ceiling, on political donations by individuals. Others propose we remove entirely the ceiling on spending by political parties.

It is also suggested that the income tax credit for political donations might be expanded and that contributions be encouraged within the taxpayers' own congressional district or State by creating a special tax credit for that purpose.

These alternatives are worthy of consideration, but only if we adopt the view that it is all right to continue doing business as usual. These changes would merely allow the spiral of spending to go on and on. They would increase the danger to our political system.

Also, it is suggested that both Presidential and congressional elections be funded with money obtained from the Federal Government. Needless to say, I am totally against that approach because it could lead to the loss of all

freedom, with the Government gaining power to manipulate elections.

Mr. President, I know there are many variations to the proposal I have made. I am open and receptive to altering it. The important thing is not the specific law we enact. I don't care whether the spending is set at x dollars or y dollars. The critical thing is that we do agree on setting some limit.

We must call a halt to runaway campaign spending. We must regain control of the election process for the people. We must assure the people that elections will be honest, that elected officials are not bought, and that each citizen's vote does count.

With the bicentennial of our Constitution fast approaching, I can think of no better way of restoring our Democratic Republic to the first principles which guided the Founders than to cleanse the political process of the taint of exorbitant spending and control by vested interest groups.●

HONORING DOUGLAS FRASER'S RETIREMENT

● Mr. HART. Mr. President, I want to join with those across the land who this week are honoring Douglas Fraser upon his retirement as president of the United Auto Workers. Mr. Fraser's leadership of the UAW has continued the fine tradition of progressive thought and action started in such a forceful way by the late Walter Reuther.

His style of leadership is one deserving of widespread emulation: A strict, unswerving adherence to basic principles accompanied by a flexible strategy in tune with changing realities to achieve the union's objectives.

He has a lifeling commitment to the cause he saw before him—striving to give the American auto worker not only a good wage package but also those critical extra qualities that go beyond the paycheck. Foremost among these were the greater job security and greater dignity for the worker.

Mr. President, I salute this great labor leader and American and ask to insert into the RECORD the editorial in today's Washington Post that pays tribute to him.

The editorial follows:

MR. FRASER'S DEPARTURE

Douglas A. Fraser moved through five decades of enormous change in the American labor movement without getting left behind. He first lent his formidable energy and talent to the United Auto Workers during the bitter organizing battles of the Depression and helped bring about the major contractual gains of the postwar years. Retiring this week as president of the union, he will be missed by both labor and management as the auto industry struggles to adjust to a new industrial era.

When Mr. Fraser joined in the 1930s, the UAW was fighting for recognition against company management that sometimes resorted to physical violence to obstruct union organizing efforts. Now, 47 years later, Mr. Fraser sits on the Chrysler board—the first major union leader to hold such a post—and the UAW has become so entrenched a fixture in the automobile and related industries that it must accept a share of the blame for the current decline of those industries.

Mr. Fraser's durability owes much to his intellectual capacity and his ability to adjust his methods and objectives to the changing fortunes of his union. The last of its leaders to have served directly under Walter Reuther, Mr. Fraser retained his zeal for social progress and civil rights. But, like many other liberals, he was forced to reappraise his tactics.

After years of fighting for better pay and benefits, Mr. Fraser spent the last three years presuading his members to make concessions to save their jobs from foreign competiton. That competition also led him to abandon a longtime commitment to free trade in order to press for auto import quotas and "local content" legislation—actions needed at least temporarily, he said, to force other countries to compete fairly in the world market.

This is an argument much in vogue as politicians in both parties try to square intellectual commitment to open markets with the reality that, even as recovery progresses, large numbers of industrial jobs will not return to the economy. Worldwide flows of capital have made it increasingly difficult for any nation to shield its workers from competition for the lower-paid and sometimes more productive workers of developing countries.

But Mr. Fraser did not resist the workplace changes needed to increase U.S. productivity. Unlike those union leaders who see labor-management cooperation as a threat to their authority, he supported introduction of new technology and involvement of workers in design of production and quality contol systems. In return for more flexibility in work rules, he pressed for worker retraining and greater job security. This is an approach to competition that Mr. Fraser's successor, as well his counterparts in other unions, would do well to follow.●

AWARD TO FORMER SENATOR SAM J. ERVIN, JR.

● Mr. EAST. Mr. President, North Carolina has once again honored its favorite native son, former Senator Sam J. Ervin, Jr. The North Carolina Bar Association presented Senator Ervin with its Liberty Bell Award on May 6 during Law Day U.S.A. ceremonies in Raleigh.

Because the Senate was in session, I had to cancel my plans to attend this ceremony. U.S. Attorney Sam Currin presented the award to Senator Ervin. His remarks are an accurate and sincere reflection of the high esteem in which Senator Ervin is held by the attorneys and people of North Carolina. I ask that those remarks be printed in the RECORD.

The remarks follow:

REMARKS OF U.S. ATTORNEY SAM CURRIN AT THE PRESENTATION OF THE LIBERTY BELL AWARD TO FORMER SENATOR SAM J. ERVIN, JR., LAW DAY U.S.A., MAY 6, 1983; RALEIGH, N.C.

For the first time in its history, the North Carolina Bar Association this year is presenting the Liberty Bell Award. Our purpose is to recognize an individual who has rendered distinguished public service in strengthening the American system of freedom under law.

I am confident I speak for all the lawyers of North Carolina in stating that there is not one among us more worthy and more deserving of this special recognition than the one we honor today, Senator Sam J. Ervin, Jr. All of us, Senator, are honored by your presence here today.

We learned just this morning that Senator East could not be with us to present this award himself because of votes scheduled for today in the Senate. Senator East did, however, transmit a statement to me which I would like to read at this time. Senator East's statement follows:

REMARKS OF SENATOR EAST

I deeply regret being unable to be present to present the Liberty Bell Award to Senator Sam Ervin.

If anyone would understand the necessity of my absence, it would be Senator Ervin because I know from his own record of high attendance that he always considered it a first duty to be present to represent North Carolina where it matters most, that is during a record vote on the Senate floor.

So in some sense, I am following Senator Ervin's example in failing to be where I would rather be—in Raleigh to have the honor in making this presentation to him.

One of the great privileges I have had as a Senator is to chair the Subcommittee on Separation of Powers which in former times was so ably led under the Chairmanship of Senator Ervin. In preparing for my duties as Chairman of the Subcommittee, I reviewed much of Senator Ervin's work in the area of Constitutional Law which, of course, is the primary focus of the jurisdiction of that Subcommittee.

I have always recognized Senator Ervin's stature as perhaps the foremost constitutional scholar of our era but, frankly, it was only upon reviewing those materials that I realized the depth of his understanding of Constitutional Law and his emphasis on the importance of the rule of law rather than the rule of men.

Senator Ervin knew and undoubtedly well remembers the constant pressures of political life and the corresponding ever-present temptation for reasons of political expediency to compromise principle rather than to uphold law and the Constitution. I believe that he is and will be remembered in history and in the hearts of North Carolinians because in his public and private career he has put principle and devotion to the Constitution always first.

In closing, I feel it appropriate to note a common thread that bears mentioning at this gathering. Rufus Edmisten, our Attorney General gave very fine service to Senator Ervin as his Chief Counsel and Staff Director on the Subcommittee on Separation of Powers. My Administrative Assistant, Quentin Crommelin, held that same job under Senator Ervin's close friend, the late Senator James Allen of Alabama who chaired the Subcommittee after Senator Ervin's retirement.

I am told that one of Senator Allen's most cherished possessions was an autographed pencil drawing of Senator Ervin which bore this inscription. "If I had to stand at Armageddon with one man to do battle for the Lord, I would want that man to be Jim Allen of Alabama." It was signed Sam Ervin and was perhaps the greatest tribute Jim Allen ever received.

It would be presumptuous of me to say the same thing to Senator Ervin, but if I am ever at Armageddon I would definitely want him at my side.

Thank you all very much.

The criteria established for selecting this year's recipient underscore the significance of the Liberty Bell Award to the lawyers of North Carolina. It was agreed that the award would be presented to one who has been prominent in: First, promoting a better understanding of our Constitution and the Bill of Rights; second, encouraging greater respect for law and the courts; third, stimulating a deeper sense of individual responsibility so that citizens recognize their duties as well as their rights; fourth, contributing to the effective functioning of our institutions of government; and fifth, fostering a better understanding and appreciation of the rule of law.

Senator Ervin, we honor you today for your stalwart defense of the Constitution and your never-failing commitment to the cause of individual and States' rights. On behalf of the North Carolina Bar Association, I present you with this, our first Liberty Bell Award.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in the covering letters are available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 19, 1983.

In reply refer to: 1-01711/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-35 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to the Federal Republic of Germany for defense articles and services estimated to cost $17 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON,
Acting Director,
Defense Security Assistance Agency.

[Transmittal No. 83-35]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Federal Republic of Germany.

(ii) Total estimated value:

	Million
Major defense equipment [1]	$15.5
Other	1.5
Total	17.0

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Twenty-four thousand rounds of M483A1 155mm projectiles with M577 fuzes.

(iv) Military Department: Army (WER).

(v) Sales commission, fee, etc., paid, offered, or agreed to be: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: May 19, 1983.

POLICY JUSTIFICATION

FEDERAL REPUBLIC OF GERMANY—155MM AMMUNITION AND FUZES

The Government of the Federal Republic of Germany (FRG) has requested the purchase of 24,000 rounds of M483A1 155mm projectiles and M577 fuzes at an estimated cost of $17 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of the FRG in fulfillment of its NATO obligations; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The sale of this ammunition will increase the effectiveness of German Army (Bundeswehr) artillery because the M483A1 round with the M577 fuze is an improvement over the M107 high explosive projectile. The Bundeswehr requires this ammunition in order to modernize and upgrade its ammunition stocks; it is fully capable of absorbing this ammunition, which is completely compatible with its M114 and M109 series American produced 155mm howitzers. Sale of this ammunition will not affect the regional military balance.

The prime contractors will be the Day and Zimmerman Corporation of Texarkana, Texas, and Parsons, Kansas (projectiles) and Bulova Systems and Instruments Company of Valley Stream, New York, and Hamilton Technology Corporation of Lancaster, Pennsylvania (fuzes).

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to the FRG.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington D.C., May 20, 1983.

In reply refer to: I-02053/83.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-37 and under separate cover and classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Israel for defense articles and services estimated to cost $2.7 billion. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON,
Acting Director.

[Transmittal No. 83-37]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Israel.

(ii) Total estimated value:

	Billion
Major Defense Equipment [1]	$1.7
Other	1.0
Total	2.7

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Seventy-five F-16 aircraft with associated support equipment, depot level repair capability, test equipment, software support, future releasable engineering changes and spares for the entire F-16 fleet, training, and costs associated with potential coproduction.

(iv) Military Department: Air Force (SME).

(v) Sales commission, fee, and so forth, paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: May 20, 1983.

POLICY JUSTIFICATION

ISRAEL—F-16 AIRCRAFT AND SUPPORT

The Government of Israel has requested the purchase of 75 F-16 aircraft with associated support equipment, depot level repair capability, test equipment, software support, future releasable engineering changes and spares for the entire F-16 fleet, training, and costs associated with potential coproduction at an estimated cost of $2.7 billion.

This proposed sale is consistent with the United States policy of ensuring that Israel has the means to defend itself within secure borders should it become necessary.

The Israeli Air Force is capable of absorbing these additional F-16 aircraft with only minimal training on particular differences caused by engineering changes which have occurred since its previous purchase of this aircraft.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the General Dynamics Corporation of Fort Worth, Texas.

Implementation of this sale may require the assignment of four contractor representatives to Israel for six years.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

TAIPEI "SELLOUT"

● Mr. GOLDWATER. Mr. President, a book came across my desk yesterday which I took home last night and read. The book was written by the last Ambassador from Taiwan, James C. H. Shen. It describes in fine, well thought-out detail, probably the biggest doublecross in foreign policy in the history of the United States.

It is a book that everyone should read, even though they might agree with the actions President Carter and President Nixon took in derecognizing Taiwan. I say that because Taiwan is going to grow and grow in importance, not just to the United States, but to the entire free world and there is still time for the United States to correct the terrible error that it made in recognizing Red China.

I suggest to my colleagues and to anyone reading the RECORD that they obtain a copy of Ambassador Shen's work and read it.

I ask that an article concerning this book appearing in the Washington Times be printed at this point in my remarks:

The article follows:

AN EMBITTERED FORMER ENVOY VIEWS TAIPEI "SELLOUT"

(By Edward Neilan)

As he sits at his editor's desk in the modern building of the English-language daily China News in downtown Taipei, James C.H. Shen has plenty of time these days to reflect upon his term as the "last ambassador" of the Republic of China in Washington.

The Republic of China or Nationalist China or Taiwan still has a representative here in Dr. Frederick Chien, who presides over the Coordination Council for North American Affairs in the old Marriott headquarters building out on River Road in Bethesda.

But Jimmy Shen was the last formal, official ambassador from Taipei to this country when former President Jimmy Carter officially recognized the People's Republic of China (Peking) and de-recognized the Republic of China (Taipei) in late 1978.

Shen's personal memoir of that difficult time for Chinese and for Americans, "The U.S. & Free China: How The U.S. Sold Out Its Ally" (Acropolis Books, Washington, D.C. 1983, 298 p., $14.95), provides a unique dimension for students of U.S.-Asian affairs.

Virtually no one disputes the fact that the severing of ties with Republic of China was one of the United States' finest hours of diplomacy.

Surely the combined brainpower of our China experts in the State Department, the supposedly awesome intellect of Henry Kissinger who was not around at the end but who laid much of the ground work, the John Holdridges and Richard Holbrookes could have come up with a better way to untangle the China recognition knot.

Shen, of course, disputes the premise that American recognition of Peking should have happened at all. Many Americans agree. However, geopolitical realities suggest that recognition of the world's most populous nation was inevitable. It was the manner of the undoing of long and close diplomatic ties with the Nationalist government that opened the question, "Whatever happened to diplomatic finesse and tact?"

Washington's cutting of ties with Taipei was about as subtle as a head-on collision between a Metroliner and the Shanghai Express.

First of all, the method wasn't even American, nor was it creative. State used the "Japanese formula" in setting up agencies in each country to represent Taipei and Washington, respectively.

Japanese Premier Kakuei Tanaka, bruised by the "Nixon shock" in visiting China without consulting Japan, rushed to recognize Peking before the United States. Japan allowed ties with Nationalist China to continue with the creation of the Interchange Association to represent Japan and the East Asia Relations Association to represent Taiwan.

The United States eventually set up a similar apparatus with the Coordination Council representing Taipei and the American Institute in Taipei representing the United States.

In retrospect, it appears that Carter had hoped to have three foreign policy feathers in his cap near the end of 1978 or early 1979: a SALT agreement, Mideast accords and settlement of the China recognition issue which had been pushed along by Nixon but allowed to stall in the administration of Gerald Ford. Prospects for the first two turned to mush late in 1978 and so all the stops were pulled out to get a China "deal" in a hurry.

Shen's bitterness is summed up in his book's final paragraph:

"Even a cursory review of the China policy of recent U.S. administrations—from Nixon's reopening to China in 1972, Ford's readiness to oblige Peking in 1976, Carter's normalization of relations with Peking and derecognition of the Republic of China in 1978 and the abrogation of the Sino-American Mutual Defense Treaty in 1979, to Reagan's decision in August 1982 to reduce arms sales to Taipei—over a period of time until 'its final settlement of the question'—will lead one to the inevitable conclusion that the United States over a period of 10 years has been selling its loyal friend and longtime ally, the Republic of China, down the river, a bit at a time, but down the river just the same."

The former ambassador has a point and it is given support by such crude American actions or oversights as scheduling a visit by National Security Adviser Zbigniew Brzezinski to Peking on Nationalist President Chiang Ching-kuo's birthday and awakening Chiang in the middle of the night to tell him of the Carter decision to de-recognize Taipei.

The value of Shen's book is in the uncommon occurrence of a Chinese gentleman and diplomat stating his personal feelings on a matter of his country's—and this country's—national interests. Everyone who hangs his or her hat at the State Department should read this one.●

ARMENIAN EXTREMISM

● Mr. SPECTER. Mr. President, on April 27, 1983, I stood before this body to honor the memory of those Armenians who died in eastern Turkey during the years 1915 to 1923. I rose to pay homage to the victims of this tragedy, and to express my horror at all acts of oppression and bloodletting.

My statement was not meant as an encouragement for extremism or to imply support for any terrorist activities. I condemn in the strongest possible terms the acts of terrorism perpetrated by all extremists that impede, rather than foster, progress toward a lasting settlement of differences.●

ESTATE TAXES

● Mr. PRYOR. Mr. President, in recent months there has been a considerable amount of discussion about the need to raise additional revenue in an effort to lower the budget deficits in the future. The projected deficits are very alarming, and as a member of the Senate Committee on Finance, I am aware of the many revenue measures that will probably be considered. Even the President has recommended that tax increases be passed by the Congress. In his fiscal year 1984 budget, he proposed that an additional $46 billion be raised in 1986 through a 5-percent surtax on individual and corporate tax liability, and also, through a $5 per barrel tax on oil.

One thing that concerns me, Mr. President, is that frequently people will suggest that one way to raise the needed revenue is to modify or freeze the estate tax changes made in the 1981 Economic Recovery Tax Act. I feel very strongly that the reductions made in that act with regard to estate taxes are extremely important, are sound tax policy, and should be kept in place. Also, I support and am going to cosponsor Senate Resolution 126, which expresses the sense of the Senate that the 1981 changes be maintained.

Mr. President, I think we need to remember the reasons for the changes made in 1981. Prior to that time, many small to medium-sized estates, particularly those of farmers and small businessmen, had to pay large amounts of estate taxes. This tax put a severe burden on them and frequently assets had to be sold after their death in order to pay the tax bill. The tax burden fell on the estate and also the surviving members of the family. Farms and businesses which had been in families for many, many years often were disrupted as a result of these provisions.

In 1981, we increased the unified credit, provided for an unlimited marital deduction, lowered the maximum tax rate from 70 percent to 50 percent, and changed the rules dealing with

the special use valuation of family farms and closely held businesses. The increase in the unified credit is being phased in, Mr. President, and it will not be fully effective until 1987. At that time, the unified credit will be $192,800, which means that decedents dying in that year will have to have an estate larger than $600,000 before any estate tax will be due. However, at this time the credit is only $79,300, which means that estates over $275,000 are caught.

Mr. President, I hope that when the Congress begins consideration of any revenue raising measures, that we do not freeze the 1981 estate tax changes. Farmers and small businesses needed this change, it is fair, and it still taxes the larger estates, which is what the estate tax was originally designed to do. It was not intended to put estates and surviving family members in a difficult financial position just because the decedent was trying to convey small amounts of property that many of them had worked their entire lives to get.

Therefore, I urge by colleagues to consider these changes, talk to farmers and small businessmen, and carefully consider how important these estate tax changes are to many, many men and women in this country.●

GEORGE A. PARKS DAY

● Mr. MURKOWSKI. Mr. President, on May 19, 1983, George A. Parks will be 100 years old. This is remarkable in itself. What makes the day even more interesting is that George A. Parks was Governor of the territory of Alaska. He was appointed by President Coolidge in 1925 and served 8 years under him and President Hoover. Governor Parks had come to Alaska as a mining engineer for the Federal Government in the early years of the 20th century. After World War I he returned to Alaska as chief of the Alaskan Division of the Federal General Land Office. His great knowledge of the territory brought him to the notice of President Coolidge.

When Governor Parks was appointed in 1925 intense efforts were underway to reorganize the Federal administration of the territory. Up to that time Federal control had been exercised directly from Washington through several uncoordinated offices in the Departments of Commerce, Interior, and Agriculture.

During his Governorship, Governor Parks fought for transferral of what was then 90 percent of public domain to Natives, whites and industrial establishments. He lived to see the passage of the Alaska Native Claims Settlement Act. He worked diligently to lessen the overlapping and overabundant representation of Federal agencies in Alaska. He was able to see Alaska become a State in 1959.

Governor Parks represented the people who built Alaska. He came to Alaska when both he and the Territory were young. Under his administration the population increased, and new farmland was broken. Imports and exports to Alaska expanded, and an infant tourism industry brought some 35,000 visitors to Alaska every summer.

I would like to wish Governor Parks a very happy 100th birthday. It is only fitting that he celebrate his centennial in the same year that Alaska celebrates its quarter century of Statehood.

Mr. President, I ask to insert in the RECORD a resolution introduced in the Alaska Senate on March 30, requesting Governor Sheffield of Alaska to declare May 29, 1983, as Governor George A. Parks Day.

The resolution follows:

SENATE CONCURRENT RESOLUTION No. 14

WHEREAS George A. Parks came to Alaska as a young man in 1907 and spent the next 30 years in United States land agencies charting and helping to develop the territory; and

WHEREAS George A. Parks served the people of Alaska well as territorial governor for eight years between 1925 and 1933, having been appointed to that office by President Calvin Coolidge and retained by his successor, Herbert Hoover; and

WHEREAS Governor Parks remained in Alaska after leaving office and was involved in engineering and land work until his retirement in 1948; and

WHEREAS in 1967 Governor Parks was elected to the Alaska Press Club Hall of Fame by the Anchorage Chapter of that organization; and

WHEREAS Governor Parks has been an Alaska resident for the 50 years since his term as governor ended; and

WHEREAS May 29, 1983 will mark Governor Parks' 100th birthday; and

WHEREAS Governor Parks' birthday should be fittingly observed by the people of Alaska, whom he has served well in all his endeavors during his three-quarters of a century here;

Be it resolved by the Alaska State Legislature that the governor is respectfully requested to proclaim May 29, 1983 as Governor George A. Parks Day, in honor of Governor Parks on his 100th birthday; and be it

Further Resolved that the people of Alaska are encouraged to observe that day in recognition of the long and faithful service of a true pioneer of the Great Land.●

PREVENTING HUNGER AT HOME

● Mr. RIEGLE. Mr. President, earlier this year, my colleague Senator BOSCHWITZ introduced the preventing hunger at home resolution. This resolution expresses the sense of the Congress that the Federal Government should maintain current efforts in Federal nutrition programs to prevent increases in domestic hunger. I am a cosponsor of this resolution and have been joined by 54 of my colleagues in the cosponsorship of this most deserving effort.

The United States has historically been the "breadbasket" of the world; however, we must also be sensitive to the needs of people in our own country who are suffering. For example, in my home State of Michigan, where the severe economic recession has left several hundred thousand people unemployed, and many more underemployed, the pangs of hunger are felt by not only the poor, but by many who are experiencing the lack of resources to provide food for their families for the first time. Across our Nation, some of our children are not receiving the kinds of nutrition so desperately needed during their physical and mental development, and many thousands of senior citizens with little or no income, are faced each day with poor diets and minimal nutrition.

Although the administration has released surplus commodities from the Federal stockpile, and distributed these commodities to areas of greatest need around the country, this clearly is not enough. While the action is beneficial in the short run, the amounts and kinds of commodities available fall drastically short of what is needed to meet the long-term nutritional requirements of our population. We must pursue programs at the Federal level which serve to provide the best possible nutritional diet to Americans in need of our help. We should continue to provide full funding to the women, infant and children's (WIC) feeding program, the food stamp program, and various other child and adult nutrition programs.

Therefore, I would like to call upon my colleagues to act as expeditiously as possible to bring the preventing hunger at home resolution to the Senate floor, and to grant this effort their strongest support.●

A MESSAGE TO WILLIAMSBURG

● Mr. BAUCUS. Mr. President, when the seven heads of government meet at Williamsburg May 28 to 30, their agenda will focus on the serious problems of the debt facing Third World countries, worldwide inflation, and the renewed global recession. But another peril looms that will not receive sufficient attention from the summit participants—agricultural protectionism.

If I could add one item to the Williamsburg agenda, it would be: "Reforming Agricultural Trade." We all know about the problems we have getting our beef, citrus, and other products into the Japanese market. But today I would like to sound the warning about U.S. agricultural trade problems with the European Community.

The EC's agriculture policy threatens to turn the international marketplace into a great dumping ground for their farm products. Unless something is done soon, a damaging trade war

will test whether the United States or the European Community is better qualified to lead the world in agricultural trade.

The European Community could overtake the United States as the world's leading agricultural exporter by the end of this year.

In 1976, the United States had nearly a 2-to-1 lead over the EC in agricultural exports. The United States exported $22 billion worth of agricultural products, while the EC shipped $12 billion worth. By 1982, however, EC exports had soared to nearly $30 billion and U.S. exports had fallen to around $37 billion.

This year, EC exports are expected to continue to increase, while the U.S. Department of Agriculture predicts U.S. exports to fall below $30 billion.

What is the cause of this alarming trend?

To some extent, the overvalued dollar, the Third World debt crisis and worldwide oversupply have made it difficult to sell U.S. agricultural products abroad. The European Community's "common agricultural policy," however, is also playing a large role in limiting U.S. farm exports.

We accept the CAP as the glue that holds the EC states together. But this policy has become an economic juggernaut.

The European Community has three times as many farmers as the United States. The CAP assures high incomes for these farmers by setting high farm prices. These high prices, however, encourage overproduction. The EC dumps the excess production on the international market and makes it profitable for their exporters to do this by offering an export rebate.

Let us look at European wheat flour as an example of how this system works.

For several years, the EC has pinned its domestic wheat prices at 138 percent of the world market price. As a result, EC farmers now produce 120 percent of the EC's consumption. The excess wheat finds its way into the international market as wheat flour. The EC gives special incentives to millers to convert the wheat to flour and gives a rebate to exporters to bring it down to the world price level.

This system of maintaining high farm prices and offering incentives and rebates is costing the EC nearly $30 billion a year. In 1982, $8 billion of that was spent on export subsidies.

This system is also allowing the EC to take traditional foreign markets away from the United States.

Over the past 2 years, the United States has met many times with the Europeans, urging them to change their agricultural policies. But so far, nothing has changed. The United States has no alternative now but to fight back.

One way is by offering matching subsidies to our exporters. The administration has the authority to offer Government stocks and blended credits to deter dumping.

I am pleased that the United States recently used this authority to help U.S. exporters recapture the Egyptian wheat flour market from the European Community. With the aid of subsidies, the EC had been selling wheat flour to Egypt at lower prices than the United States.

If matching subsidies does not deter the EC, we must be prepared to fight the EC in market after market. If this takes a larger war chest, I will support it. I have no doubt that if it came down to a battle between the EC treasury and the U.S. Treasury, the United States would win.

Finally, Mr. President, I would like to propose a new strategy for the administration to pursue. I would like to see the United States guarantee an assured supply of U.S. products to countries that relax their agricultural trade barriers.

Only 60 percent of U.S. production goes to meet domestic needs. We can well afford to guarantee assured supplies in exchange for further liberalization of trade.

Mr. President, there is no easy solution to our agricultural trade problems with the European Community. If the EC does not change its ways, a trade war may be our only alternative. But we must always be ready to negotiate and offer new ways to achieve greater fairness in world trading.

I have offered one new solution. I am sure there are many others. It is my hope that the government leaders in Williamsburg will begin to take a serious look at the United States-EC agricultural trade problem and come up with ways to avoid a trade war that could only further disrupt the world economy.●

THE NEW LOOK OF FISCAL FEDERALISM

● Mr. ABDNOR. Mr. President, just recently, State Legislatures magazine highlighted a startling and very troubling trend. That publication notes that for the last 4 years, Federal per-capita expenditues, exclusive of aid to States and localities, have increased while State and local per-capita spending actually went down during this same period when adjusted for the effects of inflation.

Mr. President, this is a drastic reversal of a trend firmly established during the period from the early 1950's to 1978 when State and local spending was rapidly catching up to Federal spending. This turnaround can only lead to one conclusion, Mr. President, that State and local governments are receiving a message. Under present economic conditions, State and local governments are finding the will to say "no"—and they are finding that it is what the people want to hear. Congress, on the other hand, seems to be having a much harder time hearing that message.

Due to the sluggish nature of the economy during 1982, States have been experiencing deficits as taxes return less revenue during periods of lessened business activity. This has caused States to take crucial steps to restrain the level of their spending. Some have even found it necessary to increase taxes.

Now I am certainly not advocating that we increase the level of Federal taxation and threaten to destroy the economic incentives recently established by Congress and the administration. These incentives are just now beginning to turn the economy around. But I do think some degree of restraint by the Federal Government would go a long way toward assuring that the beneficial effects which are now beginning to ripple through the economy will be long-term effects. Instead, at least as far as the present state of the first concurrent budget resolution indicates, we are about ready to embark on another irresponsible Federal spending spree reminiscent of the 1960's and 1970's.

The April 1983 issue of State Legislatures accurately describes the current situation when it states:

> The combination of electoral politics and Keynesian economics has created a magnificent federal spending machine equipped with a hair-trigger accelerator and a powerful recession turbocharger, but no brakes.

One of the reasons why the Federal Government is able to pursue such free-spending policies is that there is no Federal constitutional prohibition against deficit financing as there is in many State constitutions, an example being my State of South Dakota. Legislators in South Dakota are not permitted the false luxury of financing spending sprees through the back door with deficits. Instead, they have to make a tough decision when considering a new program or an increase in an existing program. They must either forego the new program, find the money by cutting back somewhere on less essential programs, or face up to the fact that they in fact are spending more and legislate a tax increase for all the public to see.

Unfortunately, those of us in Congress can choose a much less difficult course of action. We can borrow against the future by running deficits—deficits which are going to burden future generations. A factor which further aggravates this already bad situation is that whenever Congress does raise taxes, it inevitably is gripped shortly thereafter by an irresistible urge to go out and spend much

more than the extra revenue being brought in by the new taxes.

Sooner or later, Congress as a body must break the high tax/big-spender habit, and it will never get easier, no matter how long we wait. My advice to my colleagues is that this is not the time to rev up what State legislatures refers to as the "magnificent Federal spending machine." Frankly, so long as we cannot find ways to pay for our past Federal spending sprees, we had better not go on another.

I ask unanimous consent that the article entitled "Federal Spending, State Austerity: The New Look of Fiscal Federalism" in the April 1983 issue of State Legislatures be printed in the RECORD.

The article follows:

[From State Legislatures, April 1983]

FEDERAL SPENDING, STATE AUSTERITY: THE NEW LOOK OF FISCAL FEDERALISM

(By John Shannon and Susannah Calkins)

For states, 1982 stands out as the year of the big revenue shortfall. The most severe economic downturn since the Great Depression has cut deeply into federal, state, and local tax receipts and forced painful fiscal responses at all levels of government.

The year should also be remembered for another reason: It provided decisive evidence that the contours of the intergovernmental landscape are being changed by a significant new trend—a combination of increasing spending at the federal level and decreasing spending at the state-local level.

For the fourth year in a row, state-local per capita expenditures (including federal aid and adjusted for inflation) declined slowly. During this same 1978–82 period, federal expenditures in per capita deflated dollars (exclusive of aid to states and localities) kept rising at an almost unprecedented peacetime rate.

This growing gap between federal and state-local expenditures contrasts boldly with earlier experience (see Figure 1). From the end of the Korean War to the 1978 "tax revolt," state-local spending consistently grew at a faster rate than did federal spending. In fact, by the early 1970s, it appeared to be only a matter of time before state-local spenders would overtake the federal government, by the mid-1980s at the latest.

Starting in 1978 and continuing through 1982, the intergovernmental spending patterns have changed radically. Seared by the memory of the taxpayers' revolt that began with California's Proposition 13, state and local governments have dropped back in the expenditure race, leaving the federal government to set for itself the fastest spending pace since the Korean War.

What caused the great slowdown in state-local outlays after 1978? For the first time since the end of World War II, it became much easier for most state and locally elected officials to say "no" rather than "yes" to proposals calling for true expenditure increases because of the restraint dictated by the three "Rs": revolt of the taxpayers, reduced federal aid flows, and recessionary pressures on state and local governments that foresaw little prospect for major federal aid increases. These three fiscal shocks came in fairly rapid succession and clearly strengthened the backbones of elected officials in most state and local jurisdictions.

The taxpayers' revolt not only imposed many tax and expenditure limitations, but also sent a powerful message to state and local policymakers, most of whom escaped highly restrictive fiscal limitations. The message was clear: If you want to avoid Proposition 13-type restrictions, make sure that the increase in public spending does not exceed the growth of the private economy.

The braking effect of the tax revolt is clearly evident when state-local expenditure behavior is analyzed on a "before and after" basis. During the long and generally affluent period that began with the end of the Korean War and ended with Proposition 13, state and local spenders chalked up a hefty 4.4 percent average annual increase in per capita expenditures when ajusted for inflation (see Table 1). Between 1978 and 1981, the average annual increase was only 0.5 percent. A few energy-rich states such as Alaska and Wyoming kept their feet on the accelerator, but most state-local systems applied the spending brakes.

The same braking effect has taken place in state-local government employment. Before Proposition 13, states averaged a 3 percent annual increase in per capita public employment. After the 1978–81 tax revolt, state and local governments reversed that trend, annually decreasing employent by about 1 percent (see Table 1).

TABLE 1.—THE TAX REVOLT'S EFFECT ON STATE-LOCAL EXPENDITURES AND EMPLOYMENT

[Average annual percent increase or decrease (—)]

State and region	Per capita expenditures (adjusted for inflation)		Public employment (per 1,000 population)	
	1957–78	1978–81	1957–78	1978–81
United States total	4.40	0.54	2.7	—1.1
New England:				
Connecticut	2.85	.52	2.2	1.2
Maine	4.66	—1.12	2.6	—.1
Massachusetts	4.03	—.10	2.0	—.5
New Hampshire	3.43	1.12	2.4	—.9
Rhode Island	5.17	2.08	2.9	—.6
Vermont	4.49	—1.39	2.9	—.7
Mideast:				
Delaware	4.63	2.30	3.4	—.7
District of Columbia	7.12	—1.31	5.0	—.8
Maryland	4.86	—1.39	3.6	—2.2
New Jersey	4.68	1.15	3.0	0
New York	4.89	.24	1.9	1.6
Pennsylvania	4.93	—.82	2.8	—.6
Great Lakes:				
Illinois	4.49	.97	2.7	—.6
Indiana	3.56	2.88	2.6	—.2
Michigan	4.30	.40	2.7	—3.2
Ohio	4.16	.71	2.5	—.2
Wisconsin	4.44	1.90	3.0	—.1
Plains:				
Iowa	4.22	.65	2.6	—.7
Kansas	3.55	1.97	2.5	.3
Minnesota	4.51	1.53	2.6	—.2
Missouri	3.85	3.05	2.9	—.4
Nebraska	4.68	.60	3.1	—.7
North Dakota	3.85	2.44	2.7	.4
South Dakota	3.75	1.18	2.7	—.8
Southeast:				
Alabama	4.69	.48	3.2	—1.1
Arkansas	4.89	1.48	2.9	.2
Florida	3.90	—1.10	2.4	—3.9
Georgia	4.68	1.46	3.4	—1.4
Kentucky	5.34	1.56	3.1	—1.9
Louisiana	3.37	3.22	2.4	—1.0
Mississippi	5.40	1.41	3.2	—.4
North Carolina	5.03	.50	3.5	—.3
South Carolina	5.11	1.72	3.8	—3.6
Tennessee	5.23	—.41	3.0	—1.1
Virginia	5.07	1.67	3.6	—2.7
West Virginia	5.72	.55	3.8	—.6
Southwest:				
Arizona	3.88	—.01	3.3	—4.1
New Mexico	3.64	3.59	3.0	1.1
Oklahoma	3.12	3.99	2.5	1.4
Texas	4.09	1.22	3.1	—1.5
Rocky Mountain:				
Colorado	3.71	—.42	2.9	—3.5
Idaho	3.96	—1.93	2.5	—2.3
Montana	4.05	—1.34	3.0	—2.1
Utah	4.18	.36	2.7	—3.9
Wyoming	4.08	6.41	2.4	2.2
Far West:				
California	4.11	—.73	1.8	—2.2
Nevada	3.16	—.99	2.7	—6.2
Oregon	4.48	.23	2.5	—2.2
Washington	3.91	1.84	2.2	—3.1
Alaska	10.14	14.54	6.2	—3.5
Hawaii	4.99	—3.76	2.3	—1.6

Source: Advisory Commission on Intergovernmental Relations computations.

Although many state tax increases adopted in 1981 and 1982 might suggest to a casual observer that the tax revolt is over, the evidence suggests a different interpretation. In the post-Proposition 13 era, a major state tax increase is more likely to signal fiscal desperation than that the big spenders are once again in office. A state government now extracts a major tax transfusion from its citizenry only when it is apparent that the state is suffering a severe fiscal hemorrhage—a large and unanticipated revenue shortfall due to the economic recession.

Since the tax revolt, state governments have followed a fairly predictable course when unanticipated revenue shortfalls induce tax increases. If belt-tightening will not balance the budget, the jurisdiction then goes to user charges and to their half-brother, the gasoline tax. If the shortfall still persists, the next stronger prescription calls for hiking "sin taxes," levies on alcoholic beverages and cigarettes.

Only when confronted with a truly severe revenue shortfall does the state take the most painful actions, increasing its general sales or individual income tax or both in order to sustain existing programs. In most cases, these recent major tax increases are scheduled to self-destruct in six months to a year, clear evidence that the memory of the tax revolt and public opposition to government expansion still shape legislative behavior in the states.

Hardly had the California taxpayers revolted before state and local authorities received a second major jolt. Federal aid—the fastest growing item in state-local budgets before 1978—quickly became a fiscal drag after Proposition 13. As clearly revealed in Table 2, federal aid to states and localities began to decline during the second half of the Carter Administration, due both to ending countercyclical aid programs and to the growing federal budget squeeze.

This squeeze on federal aid greatly intensified in 1981 when Congress approved the Reagan Administration's plan to raise defense outlays sharply while simultaneously granting major tax cuts. Fearful that the resulting increase in the deficit would once again release strong inflationary forces, Congress had no alternative but to trim low-priority items in general and federal aid programs in particular.

When adjusted for inflation, the reductions in federal aid flows have not been offset by equivalent increases in state and local fiscal effort. In the past, the proliferation of federal categorical aid programs with their "matching" provisions whetted state-local tastes for various public goods and services and accelerated state-local tax efforts. In the post-Proposition 13 era, federal aid cutbacks and capped block grants combined to have the opposite effect: damp-

ening the demand for public sector goods while removing a powerful external pressure for higher state and local taxes.

TABLE 2.—THE TAX REVOLT AND FEDERAL AID TO STATES AND LOCALITIES

[Per capital, adjusted for inflation]

Year	Amount
Before:	
1954	$30
1965	74
1974	178
1978	231
After:	
1979	218
1980	218
1981	195
1982	174

Source: State legislatures, April 1983.

Just when it appeared that states and localities had taken their worst lumps at the hands of the tax revolters and federal aid cutters, they received their third big jolt; the economic recession that began in 1981.

This recession will be seared in the memory of state and local officials because of its severity, their large tax revenue shortfalls, and its "fend-for-yourself" intergovernmental scenario. The last of these is especially noteworthy because it represents a sharp departure from earlier intergovernmental practices.

Over the years, state and local authorities have become accustomed to having the federal cavalry, albeit somewhat belatedly, come charging over the hill with aid from Washington. Now states and localities see their alternatives limited to painful belt-tightening and tax increases. The latest tally lists more than 80 state tax increases in the last two years, a remarkable feat in the post-Proposition 13 era.

In retrospect, the three fiscal shocks that made it easier for officials of state and local governments to say "no" to program expansions were, in turn, largely the product of more fundamental economic, demographic, and fiscal changes. When the economic pie is growing, the public demonstrates a far greater willingness to support tax increases for program expansions that it does when times are bad. Demographics and the resulting need for government services also play a major role in deciding whether the public will support higher taxes for education. And as federal policymakers turned their attention to enhancing national defense capabilities, there was both a decline in federal aid flows and a sharp drop in Washington's stimulative influence on state-local expenditures.

While state-local expenditures began their downward path after Proposition 13, federal expenditures turned sharply upward—and rose in constant dollars from $1,150 per capita in 1978 to an estimated $1,396 in 1982, an increase of 21 percent (see Figure 1). The increase in federal spending is attributable to the three "Ds": deficit financing, defense, and demographics (that is, population changes that would increase spending for Social Security and Medicare).

Just as the tax revolt sharply influenced the behavior of state and local officials, deficit financing accounts for much of the continued rise in federal spending after Proposition 13. Unlike state and local officials, disciplined by balanced budget requirements, federal policymakers could finesse revenue shortfalls through the simple expedient of borrowing money.

If political realities make it hard to balance the budget in good times, acceptance of the Keynesian countercyclical doctrine has now made it downright un-American to balance the budget in bad times.

Although deficit financing has rendered yeoman service on the revenue side of the budget by papering over tax shortfalls, it is becoming a very expensive item on the expenditure side of the federal budget. After adjusting for inflation, the per capita outlay for interest payments on the public debt has shot up from $103 in 1970 to an estimated $241 for the 1982 fiscal year.

As federal deficits increased sharply, the general public came to share the alarm felt by the financial community. This fear was expressed in the 1982 congressional attempt to pass a constitutional balanced-budget amendment. That attempt passed the Senate, but was narrowly voted down in the House. The next attempt may succeed.

The next two "Ds"—defense and demographics—stand out as driving forces accelerating federal spending at an unprecedented peacetime rate. Without strong braking action, the federal expenditure curve will continue to rise.

Demographics are now working against the national government because it has assumed primary responsibility for income support and medical care of an aging population. An ever-increasing number of federal beneficiaries (Social Security, civil service and military retirement, and Medicare), expanded benefits, and over-indexed cost-of-living adjustments have combined to create a fiscal triple-whammy that drives expenditures up sharply. These "entitlement programs" account for the bulk of the increase in all domestic federal spending.

Although substantial, the actual outlays to date for the federal defense program do not reflect the full cost of the national defense build-up because the U.S. is still in the research and development phase of some major weapon systems. As the build-up continues, a more rapid increase in defense spending can be expected.

The current effort to both close America's "window of vulnerability" and finance an expanding Social Security System confronts policymakers with a harsh "guns or butter" dilemma during the severest economic downturn since the Great Depression. As noted earlier, aid to state and localities became the first major segment of the federal budget to feel the squeeze.

Future historians of fiscal federalism may well point to 1982 as the year that provided the decisive evidence that federal and state-local spenders were going their own ways with expenditure acceleration at the federal level and expenditure deceleration at the state and local levels.

Two policy implications can be drawn from this new trend. First, unless federal policymakers can build a high degree of discipline into their spending policies, the post-Proposition 13 era will be marked as one of Pyrrhic victories for political conservatives. Long fearful that the growth of government would squeeze out the private sector, political conservatives could point to a rather impressive victory: The growth of state and local spending was stopped and in some cases, reversed. But this victory was wiped out by the rapid growth in federal spending as total federal, state, and local outlays crossed the $1 trillion mark in 1982. In fact, total government spending for 1982 approximated 35.5 percent of the Gross National Product, the largest public sector since World War II.

There may also be a Pyrrhic victory on the New Federalism front. For those who feared that the growing, intrusive federal aid system would turn state and local government into administrative units of Washington, the emergence of New Federalism was a second impressive victory. But this victory for decentralization may also prove more apparent than real if an "intrusive" Washington gives way to an "extrusive" Washington that pulls an increasing amount of resources away from state and local governments to underwrite rapidly expanding national needs. Up to now, a major intergovernmental battle for additional tax sources has been avoided by heavy federal reliance on deficit financing and by state-local exercise of expenditure restraint.

The intergovernmental tax picture is now changing rapidly. Because of growing public concern about runaway deficits, the federal government is under pressure to strengthen its own tax system. At the same time, state and local governments are being forced to move back into the tax arena to offset the revenue losses caused by the recession and the slowdown in federal aid.

The decision of the federal government in 1982 to raise its tax rate on motor fuels by 5 cents a gallon may well be a sneak preview of a new federal tax policy of greater emphasis on consumer taxation. If that proves to be the case, state-local concern about possible federal tax preemption of the sales tax field could well become a lively intergovernmental issue during the 1980s.

The basic problem, however, goes far beyond an intergovernmental squabble over which level of government should be allowed additional access to the consumer tax field. The harsher and more fundamental problem is to reconcile changing expenditure priorities with limited tax sources.

In the post-Proposition 13 era, the public will not tolerate the steady increase in taxes necessary to underwrite sustained simultaneous growth in defense, Social Security, and state and local spending. Something, or somebody, has to give.●

MAVERICK MISSILE PROGRAM

● Mr. GOLDWATER. Mr. President over the past year or so, the Air Force Maverick missile program has received a substantial amount of criticism both here in the Congress and, particularly, in the news media. Much of the past criticism has been based on outdated information. For this reason, I intend to provide today the latest test results from the reliability maintainability validation program, RMVP, which I believe will clarify the status of the reliability of the IIR Maverick and the Air Force plans for insuring that the Maverick will be suitable for operational use.

In response to recent criticism of the program, based on a letter prepared by the General Accounting Office, I asked the Air Force to provide the most up-to-date information available. Following my remarks, I ask that a letter, dated May 23, 1983, from the Department of the Air Force, be inserted in the RECORD. This letter thoroughly details the latest Maverick test results and the Air Force's attempts to insure missile hardware reliability and maintainability. The Air Force is satisfied with the results today, and I am

confident that Air Force management will continue to closely monitor this program to insure that we place into inventory a missile which will serve our pilots well. Hopefully, those who have been relying on year-old test data will find the information contained in this letter to be helpful.

The letter follows:

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., May 23, 1983.

Senator BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOLDWATER: This letter is provided to clarify the status of the reliability of the IIR Maverick and our plans for ensuring its operational suitability.

At the completion of Initial Operational Test and Evaluation (IOT&E) in August 1982, the Air Force reported that the IIR Maverick demonstrated satisfactory operational effectiveness, but missile hardware reliability and maintainability were determined to be deficient. Before the end of testing, the Air Force had developed corrections for all of the problems identified in IOT&E and flight test verified 80 percent of these corrections as being effective. However, those maintenance write-ups for which corrections were demonstrated were not removed from the data base. As a result, the published test summaries do not fully reflect the improvement in missile reliability experienced during IOT&E.

To accurately reflect the reliability of the current configuration missile, the Air Force then conducted a follow-on reliability test, the Reliability Maintainability Validation Program (RMVP). For RMVP, all but one of the identified corrections were placed in five remaining IIR Maverick test missiles. These missiles were captive carry tested for 103 hours. The result of this test demonstrated much improved IIR Maverick reliability; each of the previously deficient evaluation criteria which were tested in RMVP were met or exceeded.

While the 103 hour RMVP is a relatively small sample size, the favorable results shown in the attachment to this letter clearly indicate significant improvement over IOT&E results.

We plan to highlight missile reliability during our Follow-on Operational Test and Evaluation (FOT&E) program. Launch reliability was deficient in IOT&E and could not be checked in RMVP since that program included no launches. We will verify launch reliability during FOT&E. In addition, we have established and are maintaining contractual terms to ensure appropriate performance on the part of the contractor with regard to system reliability. In this regard, the Development Test and Evaluation (DT&E) demonstrated that the missile meets the contractual specification requirements for Mean-Time-Between-Failure (MTBF).

A recent GAO letter to Senator Pryor regarding IIR Maverick may create additional confusion regarding the subject of software reliability. That letter states "the reliability, qualitative maintainability and supportability of the IIR Maverick software were all found to be deficient." We believe this statement is misleading; it appears to inappropriately lump together a discussion of hardware reliability and software supportability. A recently revised concept for Maverick software maintenance shifts the burden for support to the contractor. We believe that this concept, coupled with alert and aggressive Air Force management, will negate the concerns expressed in the GAO letter regarding software supportability on Maverick.

In summary, we have taken responsible steps to ensure IIR Maverick missile reliability and to demonstrate operational suitability prior to initiating full production. Our test results to date give us confidence that IIR Maverick reliability has improved significantly from the earlier problems and will meet our requirements.

Sincerely,

JAMES P. MCCARTHY,
Major General, USAF,
Director, Legislative Liaison.

IOT&E AND RMVP RESULTS

The table below shows the evaluation criteria of a mature system as compared to the IOT&E and the RMVP results. Mature system is defined as system performance measured two years after IOC.

Criteria	Mature system threshold	IOT&E	RMVP
Incoming reliability	0.95	0.87	1.0
Logistics reliability (MTBM)	86 hrs	14 hrs	103 hrs.[1]
Prelaunch reliability	0.935	0.95	Not tested.
Launch reliability	0.86[2]	([3])	Do.
Maintainability qualitative	Based on design and ease of maint.	Satisfactory	Satisfactory.
Maintainability quantitative	([4])	9 min to rotate seek.	58 sec. to rotate seeker.

[1] In addition to the formal RMVP results two of the five missiles remained with TAC at the completion of RMVP. TAC flew these missiles for thirty 30 additional hours with no known problems.

[2] Includes terminal accuracy.

[3] Launch reliability based on: (a) Both DT&E and IOT&E results was 83 percent (2 unrelated failures counted as no-test, IR system worked correctly). (b) Both DT&E and IOT&E results was 77 percent (all failures counted). (c) IOT&E results only was 73 percent (1 unrelated failure counted as no-test; IR system worked correctly). (d) IOT&E only was 67 percent (all failures counted).

[4] Meet all maintenance action times in the TAF maintenance concept. RMVP results met TAF requirements.●

WATER RESOURCE RESEARCH ACT OF 1983

● Mr. STAFFORD. Mr. President, I just want to say that I too believe that S. 684, the Water Resources Research Act of 1983, which the Senate is now considering, should be passed.

The Committee on Environment and Public Works reported this measure without amendment. It is identical to legislation which was passed in this Chamber last year, and I would hope that early passage will lead to enactment this year as a companion measure has been introduced in the House.

Mr. President, the Congress has continuously indicated its support for a program of water resources research. Last year the continuing resolution for the current fiscal year provided for a 1-year continuation of the program which S. 684 replaces. It is my view that rather than continue this approach to water resources research, enactment of S. 684 will provide the necessary new direction for this program.

Mr. President, I commend my colleague, the chairman of the Subcommittee on Water Resources, for his diligent efforts to bring this legislation quickly to the floor and urge its adoption here today.●

MODERN WEAPONS FOR THE MILITARY

● Mr. GOLDWATER. Mr. President, every year, and this one in particular, we seem to spend an inordinate amount of time debating particular items in the defense budget. Indeed, for the past several days, we have been tying ourselves in knots over whether we should buy modern replacements for our aging missiles. The arguments are the same ones that surface anytime the subject of replacing old, worn-out systems with new, up-to-date technology comes up. The standard, old argument seems to run, "Well, if our planes still fly, the tanks still run and the missiles will still lift off the ground, then why should we buy any new equipment?"

The answer to this was given, most eloquently, by Sp5 Ricky Taylor, who is stationed at the Yuma Army Proving Ground. In a letter to the editor of the Yuma Daily Sun, Specialist Taylor notes that—

The rapid increases in technology on both sides calls for immediate improvements in our defense capabilities. If those improvements aren't made, the risks of war go up and the probability of having an army of dead soldiers increases. It follows, that if a nation's soldiers are dead, they can't do much defending that nation.

Mr. President, here is a young soldier who has to use the very weapons and equipment that we debate over every day. What I think he is saying to us is, "Yes, we understand that the ultimate sacrifice is one that we may have to make, but please don't send us into war with obsolete and worn-out weapons and equipment."

Coming from one who will have to use what we are willing to buy for the military and the defense of our Nation, Ricky Taylor's words are more than adequate testimony to the direction we must take if we are to insure the freedom of our country.

Mr. President, I ask that Specialist Taylor's letter be entered in the RECORD in its entirety.

The letter follows:

[From the Yuma (Ariz.) Daily Sun, Apr. 13, 1983]

DEFENSE

Editor, The Sun: I am an Army E5 with six years of service. During the past few months I have become quite concerned about the fate of our country, given the amount of criticism surrounding proposed military spending.

The attitudes and mentality of some of the critics disgusts me. Some of these people appear to equate dollars, even substantial numbers of dollars, with the value of even one American soldier's life.

It is apalling to me that while I'm prepared to die, if necessary, to help protect this country, that some of these defense critics seem not to care—or worse, that they

expect soldiers to die and aren't really concerned with the sacrifices we make while we're alive, and the potential sacrifice we're prepared to make.

From my point of view, the rapid increases in technology on both sides calls for immediate improvements in our defense capabilities. If those improvements aren't made, the risks of war go up and the probability of having an army of dead soldiers increases.

It follows, that if a nation's soldiers are dead, they can't do much defending that nation.

Believe it or not, critics, soldiers aren't mere pieces of meat to be thrown to the wolves. Most of us accept the premise of expendability, but I doubt that few of us would volunteer to be massacred through using obsolete weapons, tactics, or equipment on the battlefield.

As our senior commanders have noted on many occasions, there is behind every soldier a family—his parents, siblings, wife, and even children of his or her own. I doubt that many of those families would be thrilled to know their soldier-child-spouse-parent died for want of a few more defense dollars.

No sane, rational person wants a war. But who can say when or where the next one will be? It's in our national interest, I believe, to be prepared to deter war, and, given the face of our potential enemies, deterrance comes only through strength.

These critics who tear, claw, and excessively criticize the defense plans should take a close look at what they're doing, and ask themselves if their excessive attacks are really in the nation's best interests.

I think their attacks aren't good for the nation, or are even conducive to honest debate of the issues. These very vocal groups and individuals appear to me to be the voices of narrow vested interests who equate peace with not having enemy soldiers shooting their way down Constitution Avenue.

Most of the soldiers I've talked to about the subject say they'd appreciate a chance to survive long enough to do some serious defending of America.

Our morale is high right now because we can see that efforts are being made to improve not only the equipment we may someday be forced to use, but because of the major quality of life improvements built into the Defense budget.

But how long can that morale stay high when we are bombarded every day with the news that certain individuals and groups are making every effort possible to slash desperately needed dollars from the defense budget? My guess is morale may soon begin to suffer if these shortsighted people are allowed to prevail.

I'm certainly not against social programs. But, just how valuable can those social programs be if some other major power holds total sway over the lives of former Americans?

These sentiments aren't mine alone—they're shared by many, many soldiers.

Put another way, if the cost of national defense took 100-percent of the GNP for 10 years, we'd still be getting off more cheaply than the cost of filling one body bag unnecessarily.

Sp5 RICKY A. TAYLOR,
Yuma Proving Ground.●

TRANSPLANTS: A NEW CATCH 22?

● Mr. DURENBERGER. Mr. President. We have all read about the remarkable technological breakthroughs which allowed Jamie Fisk to receive a transplanted liver and Barney Clark an artificial heart. These stories make us proud and give us hope. They represent the best of America.

But there is a disturbing side to these stories. It has to do with cost. A liver transplant costs $175,000, and an artificial heart even more. Medicare alone spent over $200,000 on Barney Clark. These costs raise some serious questions for society. Obviously an individual cannot pay for them. But who will?

If the Federal Government picks up the tab, either taxes must be raised, other programs must be cut, or the deficit will have to go up. At a time when taxpayers want to cut both taxes and health expenses, there is not much room for benefit expansion. Even if dollars were made available, what programs would offer the best investment in society's health? Would it be expensive sickness care, or would it be prevention, education, housing, or nutrition? These are not easy questions, but they are ones that must be asked.

The ethical, moral, and financial questions raised by all this new technology are well-addressed in the article on transplantation by Chuck Benda that I submit for the RECORD today. I encourage my colleagues to read it and discuss it. It is an issue that cannot be ignored.

The article follows:

A NEW CATCH-22?

(By Chuck Benda)

The Jamie Fiske story focused the nation's attention on the liver transplant program at the University of Minnesota Hospitals. It was a heart-warming story with a happy ending. But it underscored a tremendous moral and ethical problem that is arising as medical technology continues to advance: the high cost of liver transplants and other complex life-saving procedures exceeds most individuals' ability to pay.

Jamie, an 11-month-old girl, was suffering from biliary atresia, a congenital liver defect that usually leads to death before the age of four. In the fall of 1982, with Jamie's condition worsening, there was some fear that she would not reach her first birthday without a liver transplant. The doctors on the University's liver transplant team had determined that Jamie was suitable for a transplant and that she was still healthy enough to withstand the rigors of the long and difficult surgery that liver transplantation requires. The problem was finding a suitable donor. Jamie needed a liver from a young child; someone close enough to her size so that the liver would fit in her tiny body.

Jamie's father, Charles Fiske, a hospital administrator, in an unprecedented appearance by a layman before the American Academy of Pediatrics, urged 1,000 academy members attending their annual meeting in New York City to "keep your eyes and ears open for the possibility of a donor. Jamie wants to survive." In addition, he sent telegrams to 5,000 pediatricians and placed an appeal in a newsletter that reaches emergency room staffs in 1,000 hospitals.

Fiske's ploy worked. Newspapers across the country carried the plea for an organ donor. The three national television networks covered the story as well. The University was deluged with calls from people who wanted to help. Some 500 would-be donors contacted the University, including some, who in their earnest desire to help Jamie, confused their kidneys with their liver and, thinking they had two livers, offered to donate "one of theirs."

A suitable donor was found and on November 5, 1982, Jamie underwent six hours of surgery that saved her life. Heartwarming stories about her were carried in newspapers across the country, including a story about Jamie's first birthday party, which took place in the University Hospitals during her stay for the tests and checkups that are a normal part of the aftercare required for a transplant patient.

The attention Charles Fiske was able to focus on his daughter's plight did a great service to the University's liver transplant program and to other liver transplant programs as well as to all organ transplant programs. The search for a liver for Jamie uncovered a donor whose liver, although not suitable for Jamie, was used to save the life of an older patient at the Children's Hospital at the University of Pittsburgh.

On a larger scale, the publicity generated by Fiske, underscored what is probably the biggest problem confronting organ transplant programs around the world—a shortage of suitable organs for transplantation. Whether it be their kidneys or hearts or livers that are failing them, thousands of people are waiting for the "gift of life." Increase public awareness of the need for such organs should help alleviate the shortage.

The success of Jamie Fiske, however, may have raised people's expectations beyond what is reasonable. Not everyone whose liver is failing is suitable for a transplant. And there is still a severe shortage of suitable donors.

But a more difficult problem has arisen along with the advancing medical technology that has made such lifesaving transplants possible. With medical costs spiraling, the cost of a liver transplant, according to Dr. John Najarian, chief of surgery at the University Hospitals, at a minimum is $100,000. The cost could go as high as $175,000, he said.

The policy at the University, which is similar to the policy at all major transplant centers, is to refuse to perform a liver transplant—or any other transplant—on an out-of-state patient who cannot demonstrate the ability to pay. Minnesotans who are unable to pay, are eligible for state assistance. The only way that the University Hospitals could recover the costs would be by passing them along to other patients—a practice the hospital administration considers unfair since many of these patients have already been encumbered with a tremendous financial burden.

The University, one of the pioneering institutions in transplant surgery, has ironically, become somewhat of a villain in the eyes of those connected with hopeful transplant recipients from other states. News stories focusing on the University's demand that patients in need of a transplant come up with $175,000 before they proceed with the surgery, have raised the ire of scores of

people who only see a baby or young child dying and a hospital refusing to help.

"How can you turn this child away?" they might ask. Or, "How can you place a price tag on human life?" These are not easy questions to answer. Perhaps the only way to answer is with another question: Has medical technology advanced beyond society's willingness and ability to pay for it?

Of all major organ transplants, including heart transplants, the liver transplant is by far the most difficult and demanding procedure. The reason is that a liver transplant requires five or six connections with blood vessels whereas a heart transplant requires only two or three at most.

The first attempt at a liver transplant on a human being was done in 1963. Much of the early research and development on the liver transplant was done by Dr. Thomas Starzl, a surgeon at the Children's Hospital at the University of Pittsburgh. Starzl performed more than half of the first 400 liver transplants.

The liver transplantation program at the University was begun in the late 1960s according to Dr. Najarian. Early success was limited with about 20 percent of the patients surviving through the first year after the transplant. There were problems with the procedure and problems with the recipient's bodies rejecting the new livers.

"During the period of about four or five years," Dr. Najarian said, "12 liver transplants were done at the University. Because of what we considered rather poor results, we decided the procedure needed more work in the laboratory and we discontinued the clinical program."

According to Najarian, the program was restarted about three years ago, because of the advances in the surgical procedure and because of the success of a new drug, cyclosporine, in suppressing organ rejection by the body's immune systems.

In the three years since the program was reinstated, seven liver transplants have been performed. Three of the recipients are still alive, Najarian said, including one who has lived three years, Jamie Fiske, and another patient who received a transplant in February.

In late February, six other patients were awaiting liver transplants. According to Dr. Neal Vanselow, vice president for Health Sciences, all but one were from outside of Minnesota. And several were struggling to come up with the $175,000 that would be needed should a suitable liver become available.

"I think what we're seeing here is a very dramatic example of a tremendous dilemma that's facing society in the United States," Vanselow said. "I don't think we would feel comfortable no matter what position we took.

"If we just took all these patients (for liver transplants) and passed the cost on to other people who were unfortunate enough to be in the hospital on a given year and had their bills increased because of it, we wouldn't feel right. At the same time, I don't think anybody feels comfortable with the current policy. This is kind of a no-win situation. No matter what you do, you're not doing as much as you would like to."

It is not an easy decision to make, to refuse treatment to those people not from Minnesota who cannot pay, but it is, according to Vanselow, a decision that has been agreed upon by the Board of Regents, the University Administration, the Hospital Administration, and the doctors at the hospitals. It applies not only to liver transplants, but to heart transplants, bone marrow transplants, and, in effect, almost every form of care the Hospitals provide. It becomes a question of the greater good. If the bills aren't paid, eventually the University Hospitals would be unable to help anyone. The decision implies that it would be unethical to force those who can pay to shoulder the burden of those who can't, realizing that at times, even those who can pay for their treatment are pushed to and beyond the limits of their own financial resources and are sometimes burdened with a debt that will take them years to pay.

"Probably the most common misconception is that this hospital and others have a big pot of money someplace," Vanselow said. "A room so to speak, filled with money, and, in any case where somebody can't pay, you just open the door and pull some out to pay for the procedure."

Another misconception, according to Najarian, is that the high cost of a liver transplant has been inflated by exorbitant surgeons' fees. There are no surgeons' fees at all included in the cost of a liver transplant, Najarian said.

"(People think) that there's some sort of fee, that if you didn't charge the fee, there wouldn't be any costs involved," Vanselow said. "We're talking about nurses we have to pay. We're talking about supplies—very expensive drugs, blood products that we have to buy. They are real costs and they won't go away if we don't charge the patient for them. It just means that somebody else has to pay for them."

To break the cost down roughly, Najarian said that about 40 percent of the cost of a liver transplant is for hospitalization—room and board, so to speak. The other 60 percent, Najarian said, goes for lab work, supplies, X-rays, operating room time, consultations, and other expenses.

"You need very intensive nursing care for these patients," Vanselow said. He added that many of these patients must spend a great deal of time in intensive care units to prevent infection because the anti-rejection drugs increase their susceptibility to infection.

Najarian said that these costs should come down some as the transplant procedure is refined, but the cost is still going to be high. Vanselow said that society may very well have reached a point at which medical technology has advanced beyond its ability and willingness to pay.

"One of the most dramatic examples is the Barney Clark case with the artificial heart and the huge costs that are being incurred in Utah," Vanselow said. "Medical technology has advanced so that we can now treat things that we couldn't even think of treating a few years ago. We can save lives that we couldn't have saved a few years ago. But only at tremendous costs.

"At the same time," Vanselow continued, "there is tremendous concern in this country about the rising costs of medical care. The health care industry is now about 10 percent of the gross national product. It's been rising in recent years very significantly. I think there are two questions that need to be answered. What percent of the wealth of this country do we want to devote to health care? and: How should we spend it?

"Should we spend large amounts to save single individuals through liver transplants or artificial hearts?" he asked, "or would we be better off—let's take the $175,000 liver transplant for example—buying 175,000 doses of some kind of vaccine at $1 a dose and immunizing 175,000 children?"

"I'm not sure the medical profession can make those kinds of decisions alone," Vanselow said. "I think we can develop the procedures. We can decide medically who is or is not a candidate for these procedures, but I think society is going to have to tell us how much of their money they want spent for health care, and then, how they want it spent."

Najarian agrees that medical technology has advanced beyond society's ability and willingness to pay. He also believes that society is going to have to play a role in answering the questions of how much to spend and where to spend it. But there is one criteria he feels sure of in making these decisions—the quality of life that will accompany the procedure.

"If you want to spend your money for artificial hearts, that's silly," Najarian said. "I mean, that's no way to spend your money. It's a lot of money for nothing. Barney Clark is a man who has had life extended—more likely, it's better to assume he's had his death extended. I don't really think he's had much joy or quality of life out of what he's had done and it has cost an awful lot of money already.

"Our bottom line has always been quality of life. If you can't achieve quality of life, then it's not worth doing. If you can achieve quality of life, then it has to be paid for. The public must make a decision on whether it's willing to pay the price for the transplants, and for whom, and if you do, then where is the money going to come from?"

"It's kind of a lifeboat philosophy," Najarian said. "We grab the lifeboat. We have to select how many people we can put on board; how many we can afford to put on board; how we choose those people; and who pays the life-boat. I think we can ask far more questions than you can answer, but we can't evade them. These are questions that are there, are real. People are dying, when they don't have to. We have to accept how often and how much of that you are willing to accept."

The University Hospitals have taken steps to help potential liver and other organ transplant patients who cannot pay the costs of a transplant. First of all, they will do the necessary tests to determine if a candidate is suitable for a transplant even if the candidate does not have the ability to pay for the transplant, since they do not think it would be right to let the candidate go through the process of raising the money only to discover the operation won't work for them.

Secondly, the University has representatives in the Hospital's business office who will help the patients in their home states by working with the state's medical assistance office and other agencies in the state to identify ways in which the bill can be covered.

Thirdly, a transplant fund has been started at the University Medical Foundation from private donations. Many people have made donations to the fund, but at this point it is not large enough to make a significant contribution to solving the problem.

Most medical insurance policies do not cover procedures such as liver transplants because they consider them experimental. Najarian thinks that that is merely a semantics game to avoid paying for the procedure, since 60 to 70 percent of the liver recipients live for at least a year.

Vanselow said that if insurance companies begin to pay for these procedures, it will be reflected in premiums and that eventually

the decision comes back to society as to what we will and won't pay for.

One possible solution is some form or national catastrophic health insurance in which the federal government would pay for these procedures. The federal government currently pays for kidney transplants for those unable to pay themselves through a program established in 1975 by an act of Congress. But still it will be up to society to pay.

As medical technology continues to advance, the scenario of the television series "The Six Million Dollar Man" is not far off. One day we may very well be able to literally pick a man up and put him back together again. But what are the moral and ethical questions we will be forced to answer. Who will get to be the six-million-dollar man? Who will decide? And who will pay for it?●

SENATOR STAFFORD REVIEWS SUPERFUND PROGRAM

● Mr. RANDOLPH. Mr. President, in December 1980, the Congress gave final approval to the Comprehensive Environmental Response, Compensation and Liability Act of 1980. This act, commonly known as the Superfund law, provided the legal authority to begin correcting a serious environmental abuse and threat to public health. This program grew out of the realization that increasing amounts of hazardous and highly toxic materials had been improperly handled in the past and can constitute long-term dangers. Since the Superfund law became effective, work has begun on cleaning up hazardous waste dumps and responding to emergency situations. We anticipate that it will be accelerated in the months ahead.

During the development of this legislation in the Committee on Environment and Public Works, I was privileged to be associated with Senator ROBERT T. STAFFORD in creating an effective program. Senator STAFFORD has a long interest in this subject and a deep concern over the misuse of hazardous materials. His work on the Superfund law was energetic and imaginative. Without his involvement, frankly, I do not think it would have been enacted at that time. We worked together in writing the original bill and this year we have again joined in proposing legislation to extend the Superfund program. We know that the surface has only been scratched and in many ways the magnitude of the problem is even greater than previously expected.

Mr. President, on May 8 Senator STAFFORD, in an article published in the Los Angeles Times, discussed the implementation of the Superfund program and what he believes remains to be done. This is a perceptive discussion of a critical environmental issue which I believe would be of interest to all Members. Therefore, I ask that Senator STAFFORD's article be printed in the RECORD:

The article follows:

[From the Los Angeles Times, May 8, 1983]

SUPERFUND NEEDS TO FLEX ITS MUSCLES—POWER TO TACKLE HAZARDOUS WASTE OF ALL KINDS IS GOING UNUSED

(By Robert T. Stafford)

When Congress passed the Superfund bill in 1980, those of us who worked for that achievement were buoyant with high expectations. With two years gone and a third passing, reality has dampened our optimism. But we have not given up hope.

Many Americans know that the Superfund law was designed to deal with abandoned hazardous waste sites. Names like Love Canal and Times Beach have been etched into environmental history. But it may be one of this nation's best-kept secrets that Superfund deals with far more than hazardous wastes. It was created to deal with all hazardous substances. On the surface, that may seem to be a fine distinction, but it is a vital distinction.

Virtually every person reading this article carries in his or her body small quantities of man-made chemicals, many of them designed specifically to kill living organisms. Those chemicals include DDT, aldrin, dieldrin, heptachlor, PCBs, PBBs and a laundry list of others. Not far from Los Angeles, one-third of the wells in the San Joaquin Valley are contaminated by a pesticide known as DBCP. We cannot yet say what it does to people in low dosages over a lifetime, but we do know that in high doses it sterilizes workers. In the East, there are rivers and lakes contaminated with poisons: the James River with kepone, the Hudson River with PCBs, and Lake Erie with a mixture of chemicals.

Not one of the circumstances mentioned here resulted from abandoned hazardous waste sites; nor did they necessarily result from violations of the law. The companies that discharged PCBs into the Hudson River had a permit under the Clean Water Act that allowed that pollution.

American society relies so heavily on chemicals that we scarely recognize them as such anymore. We cream our coffee, carpet our floors, clothe our bodies and, most important, kill hostile insects with these chemicals. As a consequence of this explosive production of man-made chemicals, vast quantities of hazardous wastes have been generated, and much of that waste had been released carelessly into our air and water, and onto our land, with little thought of the dangers involved.

Does all of this mean that the health and environment of America faces significant danger? I cannot answer that question; but alarmingly, neither can anyone else. Indeed, it may be decades before the answers become available since it takes decades for the appearance of many terrible diseases caused by pollution.

However, the Superfund bill was written to encourage government to seek out answers. It was also written to clean up abandoned hazardous waste sites and get rid of poisonous chemicals that have been released into water supplies or the atmosphere. It was also designed to discourage future release of those poisons. Congress created a special starting fund of $1.6 million to help pay for all of that.

The Superfund was also given special powers and clear duties. It is empowered to respond to any release of a hazardous substance no matter how large or small. One provision authorizes a response when there is only a suspicion that a poisonous chemical has been released into the environment. To be more specific: Superfund can respond whenever a hazardous substance is released—whether through a dump site, an overturned rail car or a faulty valve.

That response mechanism is highly flexible. Those of us who helped to write the law had in mind health and environmental "SWAT teams" that would be dispatched at a moment's notice. Under the Superfund law, specialist officers of the government can clean up spills, build containers for dangerous chemicals, dispense medical care, relocate threatened families—and do just about anything and everything necessary to meet the circumstances.

Those officers can also demand that the party responsible for the danger take necessary action. If the party refuses, Superfund can pay all the costs of a clean-up. Then, Superfund is entitled (under strict rules of legal liability) to send the bill for all of those costs, multiplied by three, to the responsible party. Superfund also requires records to be kept of people exposed to toxic chemicals. Such records help us determine what health risks are associated with that exposure.

No wonder we had such high hopes more than two years ago. But our achievements have fallen far short of our expectations. Here's what has been accomplished since the bill became law:

Abandoned dump sites completely cleaned up—five. Lawsuits filed—eight. Disease registries started—one. Health responses to public health emergencies—four.

The record is painfully clear. Superfund has failed to live up to its name or to its expectations. Even where it has been implemented, the concentration has been on bricks and mortar rather than on people. The Senate Committee on Environment and Public Works has received sworn testimony from career Environmental Protection Agency civil servants that suggests that the leadership of EPA did not want the success but the demise of Superfund in 1985, when its statutory authority expires.

But that leadership is no longer at EPA. Replacements are on the way. My colleagues and I will do our best to see that those replacements share the sense of vision and hope that gave birth to Superfund. If we are successful, our nation will have an effective program that protects our people, safeguards our environment, and restores the faith of all of us that our government cares for those things.●

THE NEW INDOCHINA WAR

● Mr. QUAYLE. Mr. President, I want to bring to the attention of my colleagues an article that appears in the May 30 issue of The New Republic titled "The New Indochina War." This informative article is written by an individual who knows of what he writes, Al Santoli.

I had the pleasure of meeting Mr. Santoli several weeks after his return from Thailand. This was not his first visit to the region, as Al served in Vietnam with the 25th Infantry Division. While there he received three Purple Hearts and a Bronze Star. In 1980 he had his first book published. It is titled, "Everything We Had, An Oral History of the Vietnam War by Thirty-Three American Soldiers Who Fought It."

On this trip, he spent about a month there traveling to and from the Thai-Cambodian border, and the Thai-Laos border. His insightful comments on the crises situation existing on the border helped spur myself and others to concentrate more on the area. I was especially concerned with his comments on the continued use of chemical and toxin weapons.

His recent article should be read by all who are involved in foreign policy decisionmaking. What is happening on the Thai-Cambodian border is a direct result of the Communist victories in Vietnam, Laos, and Cambodia.

What one reads about the border clash, the refugees fleeing from falling artillery shells, the reported deaths of over 200 innocent men, women, and children, and the destruction wreaked on two refugee camps which once were called home by some 50,000 Cambodians are not isolated incidents. These are just the most recent examples of the Vietnamese using their strength in the conquered land of Cambodia.

All the countries of Southeast Asia have continuously been affected by the outcome of the Vietnam war. Laos and Cambodia are now ruled by puppet regimes which are controlled by the Vietnamese with the advice of the Russians.

Since the fall of Saigon in April 1975, hundreds of thousands of Vietnamese have fled. Even this year, some 8 years later, there are thousands who will attempt to flee the communist regime of Vietnam. A few try to make it overland to the Thai border, but the majority choose to be packed into boats for the hazardous journey to an uncertain fate in Thailand, Malaysia, Hong Kong, or Singapore.

When Cambodia fell in April 1975, there was a trickling exodus, but Pol Pot and the Khmer Rouge shut off the border and for several years few poeple escaped to Thailand. But, when the Vietnamese invaded Cambodia in December 1978 there was a tide of refugees which flooded the border. Today, some 400,000 refugees, or 1 out of every 15 Cambodians in Indochina, still live in temporary United Nations supplied camps and villages on either side of the border.

The situation in Laos is not much different. At one time there had been thousands of H'Mong living in the mountains. Today there are few who remain in their native homeland. They have been systematically killed off or driven from their villages. This was done in part by using chemical and toxin weapons. The H'Mong were even the ones to coin the term "yellow rain." They came down from the mountains and sought refuge in border camps. Some are still there, others have been relocated either here in the United States or in other countries of asylum.

Many of the lowland Lao and the tribal Yao have also fled to the Thai-Lao border area. We have admitted thousands of them to this country and there are still thousands in camps.

Mr. President, Al Santoli's article is timely and important. It puts the present situation into focus and it offers a unique perspective from the eyes of one who fought to keep such a travesty from happening. He is to be commended for this article, and I commend it to my fellow senators.

I ask that it be printed in the RECORD.

The article follows:

[From the New Republic]

THE NEW INDOCHINA WAR

(By Al Santoli)

ARANYAPRATHET, THAILAND.—The killing begins again. At Phnom Chat, about two kilometers inside Cambodia near Taphraya District, it is two hours before dawn on March 31. Without warning, the silent cluster of grass huts and blue plastic tent shelters that house twenty thousand sleeping Cambodian refugees erupts in violent explosions. As Vietnamese artillery shells slam into the panic-stricken community, half-dressed parents and startled grandparents grab crying children and throw what belongings they can carry into cloth sacks. They begin a two-mile race against the rising flames and the flying shrapnel as their fragile world collapses around them. The long tragedy of Indochina follows right behind.

As the terrified people arrive at the shallow antitank ditch that marks the border of Thailand and should mean safety, the ground beneath their feet explodes. They have stumbled into a Thai defensive minefield. As they stagger across it, Vietnamese artillery continues to crash in from above. Those who look back toward the Phnom Chat camp see their straw houses swallowed in flame and crushed by a squadron of Soviet-built tanks. Border officials later confirm refugee reports that Vietnamese soldiers who swept into the area shot the wounded who could not make it to the border. An estimated three thousand villagers from nearby hamlets were taken prisoner by the Vietnamese and moved to an unknown location. With most of the resistance forces in the area moving into the nearby forest to regroup for counter-attacks, the mass of refugees wait for Thai border guards to grant them permission to cross onto Thai soil.

Some four hundred thousand refugees, one out of every fifteen Cambodians still alive in Indochina, live in temporary United Nations-supplied camps and villages on either side of the Thai border. Some wait hopelessly for resettlement in Western countries, although the U.S. refugee program, paralyzed by internal conflict, has been insensitive to the dimensions of the problem. Many others still dream of going back to their original homes in Cambodia, free of both the Khmer Rouge and the Vietnamese invaders. They place their hopes in the anti-Communist leadership of Prince Norodom Sihanouk and his prime minister, Son Sann. The camps under their direction house the majority of refugees.

Though the forces of the Khmer Rouge outnumber the non-Communist resistance by a ratio of three to two, and are better armed (by the Chinese), they have little political power and little control over the civilian camps. It is the revered image and international statesmanship of Sihanouk and of Son Sann (see "The Quiet Cambodian," by Elizabeth Becker, TNR, January 20, 1982) that the Vietnamese fear most.

In the four-and-a-half years since the Vietnamese invaded Cambodia in December 1978, they have been able militarily to occupy the country, but they and the puppet government they installed have not won what the Americans used to call the hearts and minds of the people. Resistance throughout the countryside has been growing considerably, especially since the return of Sihanouk and Son Sann.

In October 1979, when Son Sann united sixteen independent anti-Communist resistance bands, some of which had been fighting the Khmer Rouge since 1975, his force numbered barely two thousand men. Today the combined force of Son Sann's Khmer People's National Liberation Front (KPNLF) and Sihanouk's National Army numbers close to twenty thousand, and it is still growing.

Despite the presence of two hundred thousand Soviet-armed and Soviet-advised Vietnamese troops, and with little aid from the outside world, each year resistance activities increase, even near the capital and the Vietnamese border. In an eerie echo of earlier wars, the Vietnamese control the day but fear the night. In Phnom Penh and in provincial capitals, early evening curfews are enforced. The current Phnom Penh government, which calls itself the People's Republic of Kampuchea and which is made up largely of former Khmer Rouge who threw in with the Vietnamese, depends almost entirely on Vietnamese troops for its survival.

Except for the terror attacks on civilian camps, this war has not gone well for the Vietnamese. They have taken tens of thousands of casualties, and officials in Hanoi admit that troop morale has faded. Phanat Nikhom camp in Thailand holds hundreds of Vietnamese military deserters. Nguyen Xuan Han, a defector who fought against the Americans in Vietnam and marched victoriously into Saigon in 1975, told Ronald Yates of the Chicago Tribune last May: "The war will never end in Cambodia. Instead, the blood of Vietnam turns the rice paddies red and Cambodia has become Vietnam's grave." Another Vietnamese, Mr. Pham, said: "The Cambodian nationalist soldiers are tough. They believe they are fighting to keep their culture from ending. And they are right. What Hanoi is doing is not according to the socialism I was taught. Instead it is just killing off our young people."

The army of Heng Samrin's puppet government has tried conscripting men from 14 to 45 years of age, and women from 18 to 45. But many defect because they do not want to fight their own people. Those caught trying to flee to resistance-controlled areas have been severely punished by the Vietnamese. Some have been executed.

It is extremely doubtful that the reistance fighters alone can drive the Vietnamese from Cambodia. The hope is that the increasing pressure may help bring about a political solution. To achieve political credibility at the United Nations, and because the lack of material support from the West forced them into dependency on China, Sihanouk and Son Sann had no choice but to form a coalition with the Khmer Rouge resistance, whose front man is Khieu Samphan. Sihanouk has called the Khmer Rouge, who killed six of his own children,

"monsters." He says this complicated and uneasy alliance, formed in June 1982, is necessary for the fight against the Vietnamese, though cooperating with the Khmer Rouge is "an endless nightmare."

The resistance has inflicted a series of diplomatic defeats on the Vietnamese. The United Nations, the nonaligned nations summit meeting in New Delhi, and the ASEAN-EEC (Association of South East Asian Nations-European Economic Community) meeting all called for the complete withdrawal of all foreign forces—meaning Vietnamese and Soviet—from Kampuchea, and for U.N.-supervised elections to restore Cambodia as a neutral, independent state with the right to self-determination. Yet today, as in the Cambodian legend, the Khmer people are trapped between the Vietnamese tiger and the Khmer Rouge crocodile. The United States, still traumatized by the Vietnam experience, has done nothing to strengthen Sihanouk and Son Sann, and has remained noncommital except for support for Thailand and some aid to the refugees.

This spring in Washington, as the cherry trees began to blossom and rallies for survivors fo the European Holocaust were being prepared on the Mall, all hell broke loose on the Thai-Kampuchean border. I was traveling on that border, visiting with Western relief workers, Buddhist monks, Thai officials (both civilian and military) who are all-powerful in these regions, Laotian and Cambodian refugees, rice farmers, and groups of Son Sann's fighters. When the attacks on the refugee camps began, I was accompanying a Thai friend who had been initiated into the fighting the day before when a Vietnamese rocket exploded a few meters from his car as he was driving near a district capital, Aranyaprathet, ten kilometers inside Thailand. It was around noon on the second day when we came upon what resembled a procession of the living dead, driven by the crack of gunshots and the thump of artillery. The twenty thousand Cambodian refugees—mostly women, children, and old people—were stretched across three kilometers of the flat, barren fields of Thab Siam, pushed by Thai border guards in green baseball caps to keep moving away from the fire. I will never forget those desperate faces.

In the confusion, children were separated from their families. They kept moving as in a trance, through a ground-covering cloud of dust and sweat. Young mothers were running with infants held close to their breast. Tearfully they tried handing their babies to the few Western observers and relief workers there, hoping their children might be spared this terror. Grandparents collapsed on the trail from exhaustion, heatstroke, heart attacks; their wailing families huddled around them, with no water or shade to revive them. By the end of the day more than two hundred were dead and many more wounded.

On April 3 the Vietnamese attacked the refugees loyal to Prince Sihanouk at O'Smach, killing another three hundred and adding to the terror by pushing defenseless women and children into small bunkers and throwing hand grenades in after them, killing, blinding, and wounding a large number of refugees. Some of the wounded later crawled to the border, but an accurate accounting of the dead is impossible as long as a large force of Vietnamese tanks and artillery sits in the charred ruins of the refugee camp called Sihanouktown. The Vietnamese force was supported in the terror attack by some Cambodian troops from the Phnom Penh puppet army; this was seen as an added slap in the face of Prince Sihanouk, who was planning a visit to the camp.

This recent round of attacks is also directed at Thai villages and military installations. The Vietnamese hoped to "teach the Thais a lesson," and push them away from the border. The Thai Air Force took action near Sihanouktown when a force of five hundred Vietnamese soldiers entered Thailand to cut a vital road leading to O'Smach in order to prevent relief groups from assisting the refugees. Many of the fleeing civilians were wandering in shock and fear through the forests and minefields. Five Thai soldiers were killed in the fighting, and more than a dozen were wounded.

With the Vietnamese building an airfield for MIG jet fighters within fifty kilometers of Thailand and fortifying tank bases all along the border, the Thais have good reason for concern. According to both Thai and U.S. officials, Soviet military supplies continue to flow into Vietnam at the estimated rate of $3–$6 million a day. The Vietnamese continue to claim that they are in Cambodia to save the people. But after four years of occupation and aggression, it is clear that their real intention is to absorb Cambodia into Vietnam and serve as an arm of Soviet expansion in the region.

Nguyen Tuong Lai, whom I talked with in Switzerland, was the chief of Viet Cong counterintelligence after the Tet offensive. Disillusioned with the growing repression imposed by Hanoi, he fled Vietnam in 1978 after learning of the plans to invade Cambodia. "Many Party members questioned the reasons and merits for going into Cambodia," he told me. "Many of us felt it was because of our own Party's dictates from the Soviet Union. After twenty-one years of war, another battle was beginning. I felt it was not good for the reconstruction of Vietnam."

Today Vietnam maintains the fourth largest army in the world, but its home economy languishes as resources are channeled into the military. Significant Western aid has been withheld until Vietnam's forces withdraw from Cambodia.

Another Vietnamese boat person I spoke to, Mr. Ngoc, remembers discussions with former North Vietnamese army officers who were imprisoned in 1977 for opposing the planned Cambodian invasion. They told him that the reason the Party gave them for the invasion was that Vietnam needed the Cambodian land to grow rice and, eventually, to resettle millions of Vietnamese. Nguyen Cong Hoan, a legislator in the National Assembly of the Socialist Republic of Vietnam until he fled in 1977, recalls the first session of the National Assembly in Hanoi in 1976: "The Vietnamese do not want to stop fighting after the conquests of Laos and Cambodia. Tran Quyn, then secretary to the current Party leader, Le Duan, told me: 'The liberation of Thailand will be next. It is a historical necessity and responsibility of the Vietnamese Communist Party.' "

Since the fall of the Angkor empire, Cambodians have feared their powerful neighbor to the east, Vietnam. After Cambodia achieved its independence from France, the 1954 Geneva Convention guaranteed its neutrality. In 1970, the American war in Vietnam caused the overthrow of Prince Norodom Sihanouk, who had ruled as king since his enthronement in 1941. Sihanouk's replacement by the Lon Nol regime led to the coming to power of the Cambodian Communist Party (Khmer Rouge), led by Pol Pot and supported by the North Vietnamese.

In Cambodia the old war's end came on April 17, 1975, as the Khmer Rouge forces stole into Phnom Penh. Up to that point an estimated six hundred thousand people had died in the fighting. Journalist Denis Cameron recalls the scene in the capital on the evening of April 16, as the word of massacres by Pol Pot's forces began circulating:

Several scores of refugee villagers had entered the grounds of the Hotel le Phnom and sat mutely on the grass surrounding the swimming pool. Their silence and expressionless gaze caused a dining Italian photographer, seated at an outdoor table wolfing a steak, to begin screaming at the waiters, demanding that the hunger-stricken observers be thrown out so he could 'eat in peace.' A pair of French reporters smiled in grim satisfaction as the government rout worsened. Days later, a jubilant French teacher hooted with glee, proclaiming it to be a 'marvelous revolution.'

By the third day following the takeover, the Khmer Rouge were marching the residents of Phnom Penh to the countryside to slave labor camps, turning the capital, once a beautiful city, into an eerie ghost town. Throughout the country the Khmer Rouge murdered professionals, Catholic priests, and entire families of the educated; and Buddhist peasants were worked to death in the fields. An estimated two million people, a full third of Cambodia's population, were consumed in the holocaust. (See "The Killing of Cambodia," by David Hawk, TNR, November 15, 1983).

During this time Cambodia was closed to Western observers. Propagandists in China and Vietnam ridiculed accounts of Khmer Rouge wrongdoing, calling them C.I.A. propaganda. By late 1978 the Khmer Rouge, having decimated their own nation, were raiding both the Vietnamese and Thai borders. The Sino-Soviet split had widened, and with it the Sino-Vietnamese split. Given the ambitions of the Soviet Union and Vietnamese in the region, an invasion of Cambodia (now called Kampuchea) was inevitable.

Vietnamese tanks and infantry made a lightning attack in December 1978. By mid-January the Vietnamese had conquered Phnom Pehn. Though they claimed to be liberating the Kampuchean people from the Khmer Rouge, they installed Heng-Samrin, who had only recently broken with Pol Pot due to intraparty rivalry, as their puppet ruler, and they installed many other Khmer Rouge throughout a government that was in reality run by Vietnamese advisers. Pol Pot escaped into the forests with thirty thousand troops.

Although the mass graves ended with the Pol Pot regime, the Vietnamese Heng Samrin government instituted a more subtle form of control—starvation. During the first year of the Vietnamese occupation, farming was severely restricted, which created a famine throughout Cambodia. The Heng Samrin government denied that there were food shortages and prohibited international aid or observers. When some international relief was finally permitted, representatives of the relief agencies were denied access to the countryside. Stephen Morris, an expert in Soviet-Vietnamese relations, states in recent OP-Ed piece for The New York Times: "In the first year of the Hanoi-backed Heng Samrin regime, the population of Cambodia fell by 700,000 due to starvation. Hanoi's ruthless imperial drive killed as many Cambodians in one year as died in the five years 1970 to 1975. This death toll

was equal to the worst year of the Pol Pot regime. In this way, the Vietnamese further decimated the Cambodian people and secured their hold on the country."

Elizabeth Becker, who reported from Cambodia in the early 1970's and later at the end of Pol Pot's regime, returned to Phnom Penh in early 1983. In a definitive series in the Washington Post, she observed that though there had been a short-lived recovery in Phenom Penh, freedom of speech and travel are prohibited. Though traditional dancing is allowed, the Buddhist religion, the traditional heartbeat of this once gentle culture, is suppressed. Temples are used for political indoctrination meetings. There is a high death rate among children in the cities due to a vicious cycle of malnutrition, unsanitary conditions, and disease. Although little aid comes from Communist countries, Cambodians are obliged to praise them as their saviors. The slighting of non-Communist aid reflects Vietnamese concerns about anything that might weaken their hold on the country. Although the country needs a major transfusion, Hanoi has tightened the rules to make it more difficult for aid to be provided. Moreover, the United States had led an international blockade of aid to Cambodia, on the grounds it would only help the Vietnamese occupiers. Caught in the squeeze, according to Becker, many relief agencies are phasing out their aid here, though some relief workers stay on out of humanitarian loyalty to the suffering Cambodians.

Malnutrition is on the rise, and the Vietnamese troops get first crack at available food. Quantities of rice are shipped to Vietnam, where passive resistance to collectivization, and shipment of their crops to the Soviet Union, left the food production system crippled. Last January Vietnamese officials publicly thanked the Heng Samrin government for sending them four thousand metric tons of rice. At the same time hundreds of Cambodian refugees arriving at the Thai border told officials that their rice crops had failed again this year, while Vietnamese forces warned them against seeking food or medical relief from international agencies. To emphasize this point, Vietnamese artillery had periodically shelled border relief areas since November. United Nations studies estimate that half a dozen provinces will suffer food shortages this year.

The Heng Samrin government recently signed an agreement with Vietnam to have Vietnamese settle in Cambodia. Some people place the number at up to one hundred fifty thousand. Thai and Western intelligence sources believe the number to be much higher. These farmers and fishermen have settled into the Mekong and the Tonle Sap areas—the most fertile—while whole villages of Cambodian farmers have been moved to "Strategic hamlets" in more barren regions. Even with Vietnamese troops lining the border, the refugee population continues to grow. Border officials believe the reason for the current Vietnamese attacks on the refugee population is not so much for military purposes as to convince the Cambodian people by terror that they must accept Vietnamese colonization.

The attacks on Thailand can be seen as part of a Soviet effort to dominate the region. To put regional pressure on Japan and China, they seek to control military seaports in Cambodia to complete a naval southern strategy, blocking the Strait of Malacca and oil and trade routes in the Indian Ocean and southern Pacific. At the outset of the current Vietnamese offensive, Soviet Deputy Foreign Minister Mikhail Kapitsa personally warned Singapore officials that if they continued their support for the Cambodia coalition, Vietnam would back terrorists to destabilize the ASEAN countries. Singapore publicly chastised Kapitsa for this threat and was supported with anti-Soviet responses from all the ASEAN governments.

The current Vietnamese military campaign is expected to last until the monsoon rains begin in mid-June, when their tanks and trucks will be unable to operate in the mud and a superficial troop withdrawal will be feigned. The next target of the Vietnamese onslaught is the defenseless refugee camp at Nong Samet. This sprawling complex includes a schoolyard, churches, and a Red Cross aid station, and houses some seventy-seven thousand civilians, including nearly thirty thousand young children. Large families live in highly flammable grass huts and blue plastic tents in an open field in Cambodia—a two-mile run from the Thailand border.

Because of the crowded border situation, and fearing Vietnamese incursions, the Thais will not allow the camp to be evacuated until after it is attacked. Since most artillery and tank barrages begin in the middle of the night, large numbers of innocents will probably be killed or injured.

At present the Vietnamese are massing more than six thousand troops, with tanks and artillery, for an assault. All that stands between them and the camp are fifteen hundred of Son Sann's brave but poorly armed KPNLF resistance troops. They have little food, medicine, or ammunition, and no antitank capability.

When I asked the KPNLF commander what he intended to do with no help in sight, he replied: "We will wait, we will fight, we will not abandon defenseless civilians—if we die it will not be as refugees in a foreign country, but in our own country, on our own soil. What I say reflects not only my personal view, but that of all Khmers who love freedom. Some of my forces and I may die, but we will not be defeated."

The day I departed Nong Samet, I took a walk through the crowded camp. Children surrounded me whenever I stopped. Seeing an American gave them hope. As a cross fire of Vietnamese and Thai artillery whistled overhead, they grabbed my hands tightly or held onto my legs. Explosions could be heard on all sides of the camp as resistance forces clashed with the encroaching Vietnamese.

Nong Samet also holds a thousand South Vietnamese refugees who walked nearly four hundred dangerous miles across Cambodia to reach "freedom" in Thailand. They are liked by neither the Thais nor the Cambodians and resettlement in a third country is not very likely. In January at Nong Chan, they were locked up in a corral when the Vietnamese army attacked the camp. Left behind by the other refugees, they had to break down the gate as the camp was burning down around them and tanks were rolling in.

One of the Vietnamese children, a small, skinny boy about 12 years old, followed me around the dusty streets of Nong Samet, crying "America is Number One." I thought wildly of trying to adopt the boy on the spot, maybe smuggling him out under the backseat of our Land Rover, but a Thai friend convinced me that we could never sneak him through the military checkpoints. Remembering what I had witnessed at the Phnom Chat attacks, I began crying as I envisioned the slaughter that could happen at Nong Samet.

A nurse from the American Refugee Committee confided that she was concerned about the psychological stress imposed upon the refugees, most of whom had escaped from other horrors, and who wake up each day not knowing if it will be their last.

As I was leaving Nong Samet, an old man stopped me and said, in desperate broken English, "We are afraid. We are here, almost all children, women, old people. We escaped to Thailand to find freedom. Here everybody gives us food, but why can't they take us to a safe place? We hear explosions all around our camp. We are afraid. We don't like the Vietnamese Communists, but the people here are like me—I am old. I cannot take the weapon and fight. We are terribly frightened."

Arriving in Bangkok frantic to get help for the people of Nong Samet, I immediately went to a reporter for a major American daily newspaper at his Western-style villa. I handed him photographs of the Nong Samet children, which he gladly accepted. I begged him to print them immediately in order to draw international attention to the danger, and perhaps prevent their deaths. He replied coldly, "No, I'm going to hold onto them until after the camp is hit. This way I'll have the exclusive pictures." I found myself deeply depressed by his response—not because it was so important in itself as because it seemed to represent something larger and even more chilling: the "realistic" selfishness with which all the major powers in the region seem to view the suffering of the Cambodian people, and the ghastly tragedy that is befalling a gentle country.●

OPPOSING THE SALE OF ADVANCED WEAPONS TO JORDAN

● Mr. DODD. Mr. President, I support S. 72, opposing the sale of advanced weapons to Jordan and calling for progress in the Middle East peace process. I do so in large part because of King Hussein's recent refusal to join the peace negotiations with Israel. This was a major disappointment for me as well as for many of my colleagues.

In a region as tense as the Middle East our decisions on the sale of sophisticated arms are of the utmost importance. As we know from bitter experience, the weapons we sell in that region are not mere status symbols on display. They have a very high likelihood of being put to use. Under these circumstances our weapon sales carry a very heavy message about our view of the region. They clearly indicate the course we intend to follow and pursue. They can promote peace but they can also encourage the forces of aggression.

The prudent course for us to follow now is clear. We have to encourage the forces of peace, of negotiations and strongly discourage those who still think that war must be the ultimate arbiter of the intricate problems of the region. The behavior of the Government of Jordan does not indicate

that it has made a definitive decision one way or the other. It has failed to clearly renounce its opposition to Israel's mere existence. It has not committed itself unambiguously to the road to peace. This is not a position we should reward with sophisticated arms. Like the misguided AWACS sale, it would buy us very little, while increasing the prospects of future conflict.

The door to the peace table remains open for King Hussein. He can enter any time. Once Jordan commits itself forcefully and irrevocably to the peace process we should be prepared to stand ready to review its legitimate security needs and be prepared to support any reasonable weapons sales. Until then, however, I strongly oppose any such sales.●

MISSING CHILDREN DAY

● Mr. CHAFEE. Mr. President, today is Missing Children Day and is extremely important in increasing public awareness concerning this growing problem.

Last year's national effort resulted in several children being returned to their homes and thousands of Americans being educated regarding the extent of the problem.

One aspect of the missing children problem which is often overlooked is that of parental kidnaping. Every year 100,000 children are abducted and are, at times, mentally and physically harmed—a phenomenon described in an excellent article by Sally Abrahms titled "The Cruel Problem of Child Snatching" from Newsday of May 3, 1983.

I ask that the article be printed in the RECORD.

The article follows:

THE CRUEL PROBLEM OF CHILD SNATCHING

(By Sally Abrahms)

It is perhaps America's best kept domestic secret, the 1980's equivalent of what wife abuse was to the '60s and '70s: a taboo topic regarded as a family affair rather than a serious social and legal problem.

The public may be familiar with the statistics surrounding these "family affairs": that every year, 100,000 to 400,000 boys and girls are kidnaped by one of their parents, that in the last five years, the number of these abductions has doubled, and that according to American Bar Association estimates, seven out of 10 children snatched by a parent will never see their other parent again.

What the public does not know is that these youngsters routinely suffer physical and sexual abuse at the hands of "loving" parents. They also abandon, neglect—even kill—their offspring, partly to punish their ex-mates for a failed marriage.

Over the past two years, I interviewed stolen children around the country. Their stories explode the prevailing notion that victims of parental kidnaping are treated well. Little girls cried when they told of being fondled and raped by "Daddy"; both sexes recounted beatings for begging to be returned to their custodial parents.

Child after child cataloged the devastating tales that the abducting parent had told him or her about the other parent: "Mommy is a whore;" "Dad knows where you are, and if he really wanted you, he would have come to get you;" "How can you go back to your mother if she is dead?" Boys and girls said they had passed out from fear when they were reunited with a parent they had been told was dead, thinking they had seen a ghost.

Like prisoners of war, they spoke of being marched endlessly from town to town and motel to motel. Even kids who stayed in one place were still homesick for absent parents, pets and friends. Many had their names changed and their hair dyed to elude the other parent. Usually they were kept under 24-hour surveillance by their captors.

"There was someone with me at all times," said one boy. "Even when I went to the bathroom, my dad would wait outside the door. He kept the phones up high so I couldn't reach them and call my mother."

Despite the gruesome testimony that shows parental kidnapping is a serious form of child abuse, law enforcement officials still keep hands off when they hear the words "parental kidnaping."

"Do you want to treat a loving parent the way you would a robber or a rapist?" asked a New York assemblyman, who could have been speaking for most police and prosecutors. Whether or not police take a case frequently depends upon their attitude toward the crime—not on the crime itself.

"You don't know how many times I heard 'Your son is okay; he's with his father,'" winces a mother, recalling her conversations with law enforcement officials. "They'd say, 'At least the child is not with a stranger." But no one is stranger than a child snatcher, and no one is safer with a child snatcher than with a stranger." When she finally found her son—without police assistance—he had been dragged to five states, whipped and given a fake name.

Ironically, it is the legal system itself which has spawned child stealing, because it encourages, rather than discourages, this behavior. If parental kidnaping is considered a crime at at, it is often a misdemeanor and not a felony. That means the kidnaper can't be shipped home and prosecuted if he or she flees outside the home state. Even when it is a felony, other states frequently refuse to extradite.

The FBI will only enter a parental kidnaping case under unusual circumstances—usually if another crime has been committed besides child stealing—or if there is so much blood and violence they can't help but notice.

For years, there was a national computer to identify and help track stolen cars—but none for missing children! In October, 1982, however, desperate mothers and fathers were instrumental in passing the Missing Children Act. It allows law enforcement officials and parents to enter a lost child's name into the FBI's National Crime Information Center (NCIC) computer so there is a central system to help police locate and identify missing children (including victims of stranger abductions and runaways). The legislation also provides a clearinghouse to identify the dead. Parents say they would rather know the fate of their loved ones—even to find them dead—than not know and have to imagine what has happened.

The act is significant but shortsighted. It does not force the FBI to search for the missing. Nor does the NCIC track down children; it only identifies them. Other statutes which supposedly discourage abductors are riddled with so many loopholes that child snatching is still practically a risk-free crime.

The need to fill these loopholes and put an end to parental kidnaping seems even more urgent with the approach of National Missing Children Day on May 25th. What is necessary is cooperation on all levels—from the local police to the FBI. Priorities must be rearranged, so that stolen children become more important than stolen cars. Since so many kidnapings involve interstate travel, the FBI is the agency best suited to track down the snatcher and his or her victim.

The most crucial change must be made in the nation's custody system. Men lose custody of their children 92 per cent of the time. Because of this judicial bias toward mothers, fathers fed up with the unfavorable ratio are stealing their kids more often than mothers. Some men abduct after they have lost an action; others avoid the courts completely, unwilling to chance being one of the lucky 8 per cent. According to one New England men's rights leader: "Every divorced or divorcing man I know has thought of it as an option. Some of us do it. We all have our plane tickets in our back pockets, waiting for the right moment."

Parental abductions can be curbed. What if there were no incentive to steal? What if divorced spouses were satisfied with their custody arrangements and worked out their hostility through counseling—not through the kids? Or what if a parent did kidnap his child and was swiftly and severely punished? Through its penal statutes, the system must tell parents that if they dare abduct, the children will be returned, and the offenders will be dealt with as criminals—not as loving mothers and fathers.

Unattended, these "domestic disputes" threaten to become the standard alternative for divorcing parents. Until law enforcement officials take the problem seriously, and until Family Court judges recognize the equal right of both parents to be parents, boys and girls will continue to get caught in the crossfire of their mothers' and fathers' bitter custody battles. For the kidnaping parent, these spoils of war are a perverse victory indeed.●

EMERGENCY PLANNING FOR NUCLEAR POWER FACILITIES

● Mr. JOHNSTON. Mr. President, in the last few weeks we have read quite a bit about the Indian Point and Shoreham Nuclear Power Stations in New York State; situations in which the breakdown of the State and local emergency planning process has threatened continued operation of the Indian Point facilities and the application for a new operating license at Shoreham. These, however, may be only a harbinger of what is to come. The matter is the threat to new and existing nuclear power plants that comes about when States and localities fail to demonstrate an adequate emergency preparedness capability. Existing statutes and implementing regulations of the Nuclear Regulatory Commission (NRC) and the Federal Emergency Management Administration (FEMA) have given extensive le-

verage to States and localities who have reservations about the safety of nuclear power in their geographical regions. If such States and localities choose not to participate in the emergency planning process, the result may be to stop the issuance of new licenses or cause existing plants to be shut down. Alternatively States and localities may be encouraged to seek financial concessions from utilities or other levels of government interested in seeing the threatened plants operate. Neither of these possibilities is consistent with the legitimate goal of nuclear emergency preparedness.

We in Congress have not sent clear signals to the Government agencies involved. We are, in part, responsible for the current problem. These recent developments have, however, thrust upon us the obligation to be explicit on the hard questions at issue—an obligation which may best be carried out by legislation. Accordingly I hope we can turn our attention to this problem in the coming weeks in an attempt to develop a legislative response. I therefore wish to briefly discuss the problem, and to put forward some initial thoughts as to potential solutions.

Shortly after the accidet at Three Mile Island, Congress, aware of the problems with emergency planning revealed by the accident, undertook a review of the state of planning nationwide. It found widespread deficiencies which justified remedial legislation. The law which emerged was section 109 of the NRC Authorization Act for fiscal year 1980. Section 109 directed the NRC to promulgate regulations requiring that effective emergency response plans be in place prior to the issuance of an operating expense to any new plant. The provision represented a compromise between the Senate proposal—which would have required approved plans for both operating and new nuclear plants—and the House proposal—which would have simply required the NRC to assess the adequacy of existing plans and recommend legislation to provide more effectively for adequate planning.

The conferees on the bill gave considerable attention to a problem posed by the Senate-passed bill. Under that approach, the NRC would have been required to deny new operating licenses to plants in States that failed to submit adequate plans. The conferees recognized that conditioning an operating license on an acceptable State plan subjected the utilities to the risk of uncooperative or incompetent State and local authorities. Accordingly, the conferees authorized the issuance of operating licenses, in cases where State and local planning was inadequate, where the utility itself submitted a plan that provided reasonable assurance of safety.

The requirements of the 1980 act terminated at the end of fiscal year 1980. Congress addressed the question of emergency planning again, however, in the NRC Authorization Act for fiscal years 1982-83. Concerned that NRC rules on the subject were not sufficiently clear on whether utility-developed plans might be considered by the Commission as a basis for licensing, the Congress chose to legislate on the subject and reiterate that such plans should be considered. In confronting the possibility that uncooperative States and localities might refuse to submit adequate plans to Federal licensing authorities, however, Congress failed to note the possibility of refusal to participate in the implementation of an otherwise acceptable plan. Thus, no clear guidance emerged as to how such a contingency was to be handled. As has been seen, such guidance is now essential.

Under current NRC regulations no new operating license can be issued in the absence of an NRC determination that adequate protective measures can and will be taken in the event of a radiological emergency. Moreover, for reactors already operating, if the NRC finds that the state of emergency preparedness with regard to the reactor is deficient, and if the deficiencies are not corrected within 4 months of that finding, the Commission is to determine whether the reactor should be shut down or whether other enforcement action is appropriate. In determining the adequacy of offsite planning the Commission relies to a great degree on the judgment of the Federal Emergency Management Agency which specializes in emergency planning. The regulations make clear that FEMA's judgment as to the adequacy of preparedness—and NRC's as well—is to be based primarily on an assessment of the emergency plans of the affected States and localities. As a result, the actions of those States and localities in developing a plan and demonstrating whether it can be implemented adequately may be critical to the ability of the utility to operate its nuclear power reactor. Utilities and those that need their power thus find themselves far too dependent on the good will and ability of State and local authorities.

The resulting threat to the nuclear industry is extensive. Both States and localities have moved slowly in their effort to comply with NRC and FEMA planning requirements. At the State level, emergency response plans have been approved for only 18 of the 53 current nuclear reactor sites. Compliance has also been slow and the purposeful use of planning requirements to attack proposed and existing facilities has been apparent in some instances.

The most immediate example of the utilities' vulnerability to State and local pressure is the threatened shutdown of the two reactors at Indian Point. The plants there, the source of electric power for much of New York City and its subway system, will be shut down by the NRC on June 9 if it cannot be demonstrated that State and local plans are adequate for evacuating Rockland and Westchester county residents. In Westchester, a situation involving a possible inadequacy in bus transportation during an emergency appears to be moving toward resolution. Yet problems with Rockland County, which receives no power or taxes from the facilities but is within the emergency planning zone, apparently are still of concern. The county refuses to advance its planning schedule to conform to that of the rest of the State and affected localities, and county officials have forbidden their employees from participating in drills conducted under the State plan. Although State personnel have filled in effectively during recent drills, FEMA is not yet convinced that sufficient State resources can be made available during an actual emergency. Whether FEMA's and NRC's concerns can be satisfied by the June 9 deadline remains to be seen.

If we cannot reconcile the problems at Indian Point in the short term, and devise a sensible legislative solution in the long term, the potential consequences are indeed worrisome. It is possible that one or more plants will be shut down unnecessarily at considerable cost to consumers. Shutting down a reactor, and starting it up again, are expensive processes in themselves. During the interim period alternative supplies of electricity must be purchased; usually at rates which exceed those applicable to the facility which is shut down. A permanent shut down would, of course, create a huge unrecovered capital cost which eventually would be passed on to ratepayers.

The nuclear industry as a whole will suffer a severe blow if plants are shut down or even if they continue to be threatened. The industry, of course, is a troubled one. There have been no new orders for reactors since 1978. In 1982, 18 planned reactors with a combined projected capacity of over 22,000 MWe were canceled. If even one plant were shut down by the tactics referred to, business confidence in the nuclear industry would certainly diminish further. Such problems must be avoided if the nuclear industry is to retain the confidence of investors and assume a more important role in supplying our energy needs.

The present problem represents a breakdown of the shared responsibility between Federal and State authorities that Congress envisioned in the Atomic Energy Act. Third, to those of us who strongly support States' rights, the use of local control to frustrate national policy is distasteful.

With these consequences at stake, it seems clear that we must begin to address legislative solutions. A number of approaches suggest themselves.

The first and more obvious of these is to break the link between a determination of emergency preparedness and the issuance or retention of a license to operate a nuclear powerplant. This is not a link which exists in statute today, but it is an essential element of current NRC regulations. Although the Commission could repeal those regulations on its own without legislation, it has not indicated any intention of doing so.

The chief advantage of this approach would be the removal of the dependence of utilities and affected Government agencies on States and localities. Once that dependence is removed, so is the disincentive to participation in the planning process by those who either oppose nuclear electricity or those who wish to extract unjustified concessions for their participation. The results will no doubt be a greater willingness by States and localities to participate in the planning process and a better state of emergency preparedness throughout the country. Under this alternative we would treat planning for emergencies around nuclear powerplants in the same way that we treat planning of other potentially hazardous activities—essentially as a State and local responsibility which is not subject to the approval of Federal authorities.

A second approach would be to pick up in concept an amendment that I offered to the 1980 NRC Authorization bill when that bill was before this body. That would be to provide that where the State and local planning process breaks down, Federal authorities—presumably from FEMA—would be brought in to supplement the process. This alternative, while retaining the link between the adequacy of emergency preparedness and the nuclear licensing process, would nonetheless remove the pressures that States and localities can not exert on that process. It would be understood that any failure of a State or locality in the emergency preparedness area would be remedied by Federal participation rather than by the denial or termination of an NRC license.

Other solutions, such as a more specific delineation of each participant's function in the planning process, may also be useful. It is time to search our collective experience and probe our collective wisdom to determine just what will work here. Senator SIMPSON, the distinguished chairman of the Nuclear Regulatory Subcommittee, has held hearings on the matter and has indicated his intention to develop legislation. I applaud his initiative and offer him my full cooperation and assistance.●

PROF. DAVID MEISELMAN ON THE WILLIAMSBURG SUMMIT

● Mr. JEPSEN. Mr. President, on May 24 Prof. David Meiselman of VPI testified before the Joint Economic Committee regarding the Williamsburg Summit. I found his observations most informative and I commend them to my colleagues.

I submit for the RECORD the testimony of Professor Meiselman.

The testimony follows:

SCAPEGOATING AMERICA

(By David I. Meiselman)

Experience with almost a decade of economic summits suggests that, in general, we cannot expect significant changes in economic policy to follow such meetings. The advanced industrial countries participating in these annual events have close economic and political ties, and there is, and would be, much ongoing communication among the attending countries and their leaders even if economic summit meeting never took place. Such was the case before summits began, and such would be the case if no further summits were held.

To be sure, periodic summits do force leaders to come together on a systematic basis and much planning and discussion takes place in preparation for the event. Thus, there is some potential for facilitating an exchange of ideas, and perhaps for some limited coordination of policies.

Along these lines, I would hope that the countries participating in the summit meeting will take effective action to lessen trade barriers, including those erected during the recent recession. Moreover, even if other countries to little to remove their own barriers, I would hope that the United States is wise enough to lower our barriers so that our own citizens can enjoy the benefits of less restricted trade and commerce. Among other things, lowering trade barriers is a sure and effective way to improve the economic situation and the debt repayment potential to the L.D.C.'s

I would also hope that more effective policies with respect to east-west trade are adopted. At the very least, western countries should not subsidize trade with the Communist bloc, nor tolerate the export of strategic goods.

The foreign exchange value of the dollar always seems to be a major topic at economic summits. This is understandable in view of the importance of international trade and the key role of the dollar. It seems only yesterday that the French were loudly bewailing the fact that, in their view, the dollar was too weak—not that the franc was too strong, and that the United States was exporting inflation. Now, the French and six others socialist governments ranging from Greece and Sweden to Senegal complain of a strong dollar—not a weak franc, and call for intervention in foreign exchange markets to weaken the dollar, and perhaps also to move toward reinstituting large scale intervention in foreign exchange markets, even a resurrection of the failed and defunct Bretton Woods fixed exchange rate system.

To be sure, the dollar has been strong. Equivalently, the franc, the pound and the mark have been weak. Also, the United States is running a current account deficit in its balance of payments, largely because the value of imports exceeds the value of exports. The balance of payments is an accounting statement in which the net surplus (deficit) on current account must equal the net deficit (surplus) on capital account. Because the balance of payments, like other accounting statements, must balance, (and because there has been essentially no U.S. government intervention) the current account deficit balances and is essentially identical to the capital account surplus. One result of the capital account surplus is that U.S. interest rates are lower than they would otherwise be, which is most welcome. By the same token, the current account deficit also means that U.S. inflation is lower than it would otherwise be. The result of a strong dollar is, therefore, lower interest rates and less inflation than would otherwise be the case. I believe that most Americans would count both of these as strong pluses. Intervention to weaken the dollar, for given foreign interest rates and prices, must lead to higher interest rates in the U.S., more inflation, or both.

Moreover, a strong dollar is a spur to both export industries and import competing industries in foreign countries. This is why, especially during recessions, countries often try to depress their currencies in order to stimulate sales. Apparently, the French economy is so mismanaged by their socialist government that even a very weak franc hasn't helped them very much.

It seems to me that if the French wish to intervene in foreign exchange markets they can certainly do so themselves with their own assets, as they have done in recent months. This way, French rather than U.S. taxpayers bear the exchange risks resulting from what is essentially government speculation in exchange markets. This illustrates the important point that any discussion of exchange intervention or fixed exchange rates is largely empty unless it includes the crucial details of which country or international authority has which rights and obligations.

Alternatively, U.S. intervention to buy francs requires that the U.S. also sells dollars to finance the purchase. Where can these dollars come from? First, we could finance the purchase of francs by increasing taxes or increasing the budget deficit. It seems to me that if there is merit to U.S. intervention, then there is also merit in the usual budgetary review and controls. Let Congress appropriate the funds, as in the case of most foreign aid, and let there be the necessary congressional review and authorization. Unfortunately, in the past virtually all such intervention has not only been off-budget, it has also been financed directly by the Federal Reserve's printing press. The dollars created to buy foreign exchange are added to the U.S. money supply, and they are thereby an additional source of inflation and ultimately of higher interest rates, as well. In addition, the U.S. taxpayers, not the French taxpayers, bear the exhange risk.

By the same token, U.S. citizens who claim that the dollar is overvalued, in the sense that they believe that its foreign exchange value will fall, can readily put their own money where their judgments are and buy francs, marks and so forth, or sell the dollar short. But why ask the U.S. taxpayers to fund or participate in these speculations?

Note that the International Monetary Market of the Chicago Mercantile Exchange and other future exchanges offer easy and efficient access to those wishing either to speculate in foreign exchange markets or to hedge against exchange rate changes and volatility.

This is why any scheme that includes intervention if foreign exchange markets means that there is much less control over the U.S. money supply. Indeed, a system of fixed exchange rates, such as the Bretton Woods system, means that the U.S. money supply becomes a by-product of U.S. intervention in foreign exchange markets, a mighty small tail to wag such a big dog.

I may add that, like other systems of government price fixing, the old Bretton Woods—I.M.F. system did not work and could not and did not endure, even in the period of far greater stability and far less inflation. In the process of breaking up in the late 1960's and early 1970's, the fixed rate system itself became an engine of inflation, as country after country intervened to buy one currency or another with its own printing press money. The result was that the whole world was flooded with excess money that was the major cause of inflation in the first half of the 1970's which dwarfed the inflation creating power of O.P.E.C. (See The Phenomenon of Worldwide Inflation, ed. David I. Meiselman and Arthur B. Laffer, 1975.)

Let us not confuse cause and effect. When countries pursue non-inflationary and stable policies, exchange rates themselves are relatively stable. Little or no intervention is necessary to maintain the stable exchange rates. When, as in the 1960's, countries start to pursue inflationist policies and inflation rates differ, no amount of intervention can save the fixed rate regime. Indeed, the same conclusion for the efficacy—rather, lack of efficacy, of intervention was reached by the Working Group on Exchange Market Intervention established at the last Summit of Versailles in their report of March 1983. The Working Group was composed of experts from the countries participating in the Summit as well as representatives of the E.E.C. and the Bank for International Settlements. If countries follow noninflationist, non-dirigiste policies where persons and property are secure, intervention is not necessary to guarantee exchange rate stability. If countries inflate or create conditions that encourage the flight of capital, no fixed exchange regime can endure or has persisted without the apparatus of a police state. To pursue policies that result in inflation and capital flight, and then to blame the U.S. for a weak franc is surely an exercise in international scapegoating.

U.S. or I.M.F. intervention in exchange markets would effectively underwrite inflationist policies abroad. U.S. intervention in exchange markets, and perhaps also I.M.F. intervention, may also lead to more inflation in the U.S. as well. Under the usual arrangements, if there is U.S. intervention to support the franc, it will mean that the Federal Reserve increases the money supply to buy francs. But for given prices in the United States, there can be no permanent effect on the exchange rate unless French policy also changes, which is not all assured. The one sure thing is that faster money growth in the United States will make it impossible to maintain the current state of slow or no inflation. Faster money growth in the U.S. will lead to more U.S. inflation, thereby following the French lead. This is a necessary and inevitable result of fixed rates and U.S. intervention to finance them. It may also be one reason why countries and special interests eager for inflation propose or cheer on such policies.

The strong dollar is largely the consequence of the successful anti-inflation policy in the United States, the safe haven the United States affords foreign investors, and the improved prospects for substantial economic recovery. In my judgement, high interest rates are not the major factor causing the strong dollar. When U.S. interest rates fell sharply from July through November of 1982, the dollar continued to strengthen against the U.K. pound, the German mark, the French franc, the Japanese yen, the Italian lira and other major foreign currencies. If U.S. interest rates are crucial in determining foreign rates, why did the dollar strengthen, not weaken, when U.S. rates cascaded down?

Some of the discussion about possible coordination of policies among countries participating in the Williamsburg Summit focuses, not on important issues of lowering trade barriers and restricting the export of strategic goods to the Communist bloc—an area where coordination is both necessary and possible, but instead centers on the hoped for coordination among nations of domestic monetary and fiscal policies. The details of the coordination are derived from the application of a simple Keynesian economic theory that has been standard fare for some years, especialy among economists over the age of 40 who are unaware that the underlying Keynesian theory is essentially empty. The theory deals with the economic aggregates of fiscal policy, government spending, tax receipts and the deficit plus the economic aggregates of monetary policy, the quantity of money. The rate of interest is seen as determined by the interaction between the size of budget deficits and the quantity of money; hence, the presumptions of a tradeoff between fiscal and monetary policy.

In the Keynesian analysis, interest rates are seen as the price of money. Deficits, easy fiscal policy, are interpreted as increasing the demand for money. The first step in that mechanism is that deficits are understood to increase aggregate demand. With more spending, people wish to hold more money to carry on day-to-day spending. For a given suppy of money, which would be a tight monetary policy, higher deficits, by stimulating the economy, increase the demand for money relative to the given supply, so interest rates rise. In this view, then, the mix of easy fiscal policy and tight monetary policy leads to higher interest rates, provided, of course, that the deficits stimulate the economy and lead to higher nominal G.N.P.

It follows that, according to Keynesian theory, in order to lower interest rates in one country, the rule is to reduce deficits and/or speed money growth. To coordinate the lowering of interest rates across countries, coordinate deficit reductions and faster money growth.

This theory is appealing, but wrong. If nothing else, interest rates are the price of time, not the cost of money. Interest rates cannot be lowered, except temporarily, by the use of the printing press. Indeed, we have learned from much sad and repeated experience that fast money growth leads to high, not low interest rates, and that slow, stable money growth is necessary for low interest rates.

With respect to fiscal policy, the main problem with this simple theory is that it simply doesn't work in practice. First, the complexity of budgets and taxes, and their impact on interest rates, cannot be understood by reference to the simple aggregate numbers used to describe budget aggregates and budget deficits, as is the current fashion. The inability of aggregate measures to capture the impacts of taxes and government spending may also help to explain why the usual statistical data on government revenues, taxes and deficits have little or no historical relationship to inflation, interest rates, or G.N.P., evidence I presented to this Committee two years ago. (See, "Tax Cuts, Inflation and Interest Rates", Statement to the Joint Economic Committee, U.S. Congress, Hearings on Tax Policy: Are Tax Cuts Inflationary? February 22, 1981.)

One reason one cannot generalize about the effects of budget deficits on interest rates, inflation, and resource allocation, is that so much depends on how the deficits are financed. It makes a great deal of difference whether deficits are financed by selling bonds to the public or whether deficits are financed by the Federal Reserve and the printing press. Similarly, one cannot generalize about the consequences of eliminating deficits per se. It makes a difference whether government expenditures are reduced or taxes are increased. It also makes a difference which expenditures, and especially which taxes, are altered. Reducing the deficit by cutting government expenditures that have low productivity or subsidize consumption, in my judgment the bulk of the nondefense budget, would tend to lower interest rates and increase output and employment. Balancing the budget by increasing taxes that fall on investment and capital formation, by reducing returns to capital formation, and by reducing incentives to private borrowing to finance capital outlays may lead to a decline in interest rates, but at the heavy cost of impaired growth.

Thus, it does not even follow that reducing deficits necessarily leads to lower interest rates. That depends on which steps are taken to reduce spending or to increase revenues, not on the size of the deficit, per se.

This is why I am so skeptical about stated concerns for the size of the deficit and the presumed links between deficits and interest rates that omit both reference to the specific measures to eliminate the deficits and to the required analysis of what these budget-balancing measures would do. There is even more uncertainty about evaluating the impacts of stated budget deficits because of the peculiar and arbitrary character of government accounting and budgeting procedures and the statistics the current budget process happens to generate. For example, including so-called "off budget" items involving large numbers of loan and guarantee programs would increase the numbers in the budget and the numbers called "deficit." Treating capital outlays for roads, buildings and the like in a separate capital budget, as private businesses do, with only "expenses" for depreciation and maintenance included in current expenditures, might well reduce the numbers in the budget and shrink the numbers labeled "deficit," but alter nothing of substance. Moreover, because even the best, most disinterested forecasts of budget deficits have almost always been very far off the mark, there is little basis for confidence in the reliability of either budget or deficit estimates. Future government expenditures, revenues, and deficits depend on future inflation and economic circumstances that depend so heavily on future Federal Reserve policies. Future deficits also depend on actions of future Congresses, many members of which have not yet been elected to office.

In addition, the historical evidence also is that there is essentially no tradeoff between fiscal policy and monetary policy.

To avoid misunderstanding, when I state that jiggling with fiscal policy aggregates has little or no effect on short-run stabilization targets, I am not arguing that fiscal policy doesn't matter. Taxes, spending and deficits do matter and do have a great effect on resource allocation, economic efficiency, income distribution, jobs, economic growth and interest rates. Indeed, bloated budgets, high marginal taxes and the tax and expenditure system that is severely biased against saving, investment, working, innovation, risk taking and economic growth and instead is biased toward consumption and encourages battling over how to slice up the pie rather than making the pie bigger is bound to matter greatly precisely because the economic structure and economic results are profoundly altered. The resulting slow growth, high unemployment, high real interest rates and loss of competitiveness surely represent an impact of great magnitude and severity. To paraphrase President Kennedy, "A falling tide lowers all boats."

U.S. real and nominal interest rates depend primarily on U.S. economic policies and economic results. Interest rates in other countries largely result from their separate policies. Under floating rates, there can be and are marked differences in interest rates among countries as exchange rates and the differentials between spot and forward exchange rates adjust in response to differences in nominal interest notes in order to maintain interest parity. Only in a fixed rate world, which no longer exists, do interest rates tend to equality. This is why, for many years, interest rates in Switzerland, Germany and Japan have generally been lower than in the U.S., while rates in Italy, France, Canada and the U.K. have generally been higher than in the U.S.

Countries such as the United States that persist in heavily taxing saving and capital will have little of it, and thereby real interest rates must remain high, whatever the short-run fiddling with the aggregates of fiscal and monetary policy. Countries that print too much money will have inflation and high nominal interest rates, whatever happens to their fiscal policy aggregates of whatever other countries do or do not do with their own fiscal and monetary policy aggregates, particularly in a floating rate world. In addition, the lags in the effects of these policies are so variable and so poorly understood, there is little or no basis for believing that complex coordination among countries can work at all. Forecasts for individual countries are surely full of error, unavoidable error given the current state of economics, so how can there be meaningful coordination among countries.

Moreover, since most proponents of some system of coordinating fiscal and monetary policies among countries wish to act on the basis of flawed economic theories, there is no way such efforts can ever work out as intended. In addition, the record is that despite hundreds of international meetings to discuss such coordination—usually held in some of the most pleasant settings, there is precious little evidence of any successful implementation or results.

There is one more aspect of repeated calls for coordination that troubles me. Most of the other countries participating in the Williamsburg Summit have parliamentary systems and cabinet government. They also have central banks which are effectively branches of their treasury departments. Only in America does the Legislative Branch have so much authority and responsibility for taxes and spending, and only in America is the central bank, the Federal Reserve, at least nominally independent of the Executive Branch of government. This means that heads of state and government of other countries have a much wider range of options open to them in the operation of monetary and fiscal policies than is the case for our President. As a practical matter, then, I do not see many members of the U.S. House or Senate, who must vote on taxes and the budget, bound by or even strongly influenced by any decisions made by foreign leaders about what U.S. taxes and budget deficits ought to be.

Finally, I believe that, in general, U.S. economic policies that result in economic growth and stable prices are not only best for our own people, they are also best for other countries, as well. This means policies of slow and steady money growth, continued deregulation, further tax reduction and tax reform to lessen the bias against saving and investment, and a reduction in bloated budgets. In the international area, this means removing barriers to trade, and exchange markets free of government intervention.

To paraphrase Shakespeare, the fault, dear members of the Joint Economic Committee, is not in our trading partners but in ourselves that we have been in such bad economic shape. And, I would hope that other participants in the Williamsburg Summit come to the point where they admit the same for themselves and their policies.●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I believe there is a folder of wrap-up material that can be cleared for action by unanimous consent. If the minority leader is prepared to do that, I am ready to go.

Mr. President, I think it would save time if, just for a moment or so, I ask the Senate to forbear and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARKUP ON 1983 SUPPLEMENTAL APPROPRIATIONS

Mr. BAKER. I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I just want to make certain that all members of the Appropriations Committee understand that we are going to have a markup on the fiscal year 1983 supplemental at 10 a.m. tomorrow in room SD-192. We are going to complete that supplemental markup. I say to the leadership, I am very hopeful that we can take it up on the floor as early as June 8, perhaps, in order to get this supplemental out of the way so we can begin to move on the fiscal year 1984 appropriations bills.

Mr. BYRD. Will the majority leader allow me to ask the Senator a question?

Mr. BAKER. Let me yield the floor and leave it to the minority leader and the chairman of the Appropriations Committee.

Mr. BYRD. Mr. President, if the Senator seeks the floor, will he yield so I may ask him a question?

Mr. HATFIELD. I am happy to yield.

Mr. BYRD. Would it be possible to have the markup in the Capitol rather than the Dirksen Building?

Mr. HATFIELD. I shall have to check to see if room S-207 is open for tomorrow in order to possibly transfer the markup in there. We shall do our very best to accommodate the minority leader's request. We are scheduled, as I say, at the moment in SD-192. I shall make that check to see if that is available.

Mr. BYRD. I thank the chairman.

(Mr. MATTINGLY assumed the chair.)

SENATE RESOLUTION 135 AND THE WILLIAMSBURG SUMMIT

Mr. GLENN. Mr. President, we live in an increasingly complex and interdependent world economy in which foreign trade is of growing importance to the health of the U.S. economy. Indeed, over 10 percent of our GNP and one-sixth of our industrial jobs are now dependent on foreign trade. Four of five new manufacturing jobs created since 1977 produce for export and one-third of U.S. corporate profits are derived from foreign markets. Nearly two-thirds of the decline in the U.S. GNP is attributed to reduced export sales largely resulting from changes in the value of the dollar.

The rapid increases in the value of the dollar were caused by high U.S. domestic interest rates. These high rates are the direct result of the Reagan administration's failure to coordinate fiscal and monetary policies. These policies featured a severely restricted money supply and record Federal budget deficits. This combination not only had a devastating impact on the U.S. economy; it severely damaged the world economy as well.

As a result of these policies, the developing countries faced increased debt service burdens linked to the overvalued dollar and high interest rates. At the same time developing countries experienced lower export incomes caused by shrinking markets in developed countries for commodity and raw materials which comprise the major exports of the less developed countries. The decline in the world economy has resulted in a trend toward protectionist trade policies by the world's leading countries in an at-

tempt to protect their dwindling export markets and jobs.

Deficit-induced high interest rates in the United States attracted foreign investors and capital. In order to invest in U.S. capital markets these investors must first exchange their domestic currencies for U.S. dollars. This bids up the value of the dollar and at the same time devalues the currencies being exchanged.

Moreover, an overly strong dollar puts U.S. exports at a competitive disadvantage in world markets. This is because it takes more foreign currency to purchase dollars to pay for U.S. goods, which makes U.S. products more expensive. Similarly, with a strong dollar it takes fewer U.S. dollars to purchase foreign currencies such as the Japanese yen. This results in foreign goods being cheaper in the United States and encourages imports. More expensive U.S. exports and cheaper foreign imports have both cost U.S. jobs.

The key to correcting the world's economic problems lies in adopting policies that restore confidence, foster lower interest rates and promote sound economic growth. The United States must play a leading role in this process.

We must recognize that the world economy is interdependent and that U.S. economic programs must be formulated with a global perspective. We must promote domestic economic recovery by implementing credible and coordinated economic policies in order to reduce real interest rates. This means that the hemorrhaging Federal budget deficits must be brought under control. The United States must take the lead in getting the agreement of the developed nations to coordinate their economic policies and correct the misalinement of interest and exchange rates.

Mr. President, the Williamsburg Summit Conference provides a unique opportunity for the United States to seek agreement with the world's leading nations to coordinate economic policies and remedy misalinement of interest and exchange rates. The first step in correcting these economic policy problems is to acknowledge that the problems exist. The administration's continued failure to address these problems has resulted in continuing trade protectionist pressure and has needlessly prolonged the worldwide recession. The United States must take the lead in order to encourage our trading partners to seek a cooperative solution. It is for these reasons that I support Senate Resolution 135 and ask my colleagues to join me in that support.

ORDER FOR RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, we have morning business to run for 14 more minutes or, if nobody wants to speak, I am prepared to go out. I see no Senator seeking recognition.

Yes, Mr. President, the Senator from Alabama wishes to speak.

Before the Senator from Alabama is recognized, let me say that, other than a procedural vote, which I do not anticipate, there will be no votes tomorrow and it is not necessary for Senators to plan to attend.

It is my hope that the House of Representatives, which comes in at 10 a.m. tomorrow, will be able to pass an adjournment resolution which will permit us to go out until June 6. Of course, we cannot go out until the House passes that resolution. I do not anticipate a vote and I wish Senators a happy holiday and a refreshed outlook toward the problems of the country when they return.

A TRIBUTE TO CLARENCE B. HANSON, JR.

Mr. HEFLIN. Mr. President, on Saturday, May 14, 1983, the State of Alabama lost a great American and a successful and dedicated newspaperman when Clarence B. Hanson, Jr., passed away at the age of 74. The "Major," as he was known to his friends because of military service during World War II, dedicated a large part of his life to the news media for 54 years—53 of which were spent with the Birmingham News.

Major Hanson joined the advertising staff of the News in 1930, marking the beginning of a brilliant career. He advanced in the advertising department, from national advertising manager to assistant advertising director, and then to vice president of the company. In 1945, he was promoted to the office of president and publisher of the Birmingham News, a position which he maintained for 35 years. In 1980, the Major stepped up to become chairman of the board. He had a newspaper career to look back on with pride; however, he had not limited his talents and successes to just the news media.

Mr. Hanson's work and dedication was evidenced by accomplishments in other fields as well. He served as a director of the Hayes International Corp., Birmingham Fire and Casualty, Royal Crown Co., First National Bank of Birmingham, and AmSouth Bancorporation.

In addition to his duties and obligations in the business world, Clarence served widely in civic activities. At various times, he held positions as director of the Birmingham Museum of Art, trustee of the Eye Foundation Hospital, chairman of the Red Cross Blood Drive, as well as being an officer of the Birmingham Chamber of Commerce.

Clarence Hanson's many accomplishments are evidence that the State of Alabama has indeed suffered a great loss. He will be missed by all who knew him.

Mr. President, I ask unanimous consent that an article from the Birmingham News be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEWS BOARD CHAIRMAN CLARENCE HANSON DIES

Clarence B. Hanson Jr., chairman of the board of the Birmingham News Co., died Saturday afternoon after a brief illness. He was 74.

Mr. Hanson had been with the Birmingham News Co., for 53 years. He served as president and publisher of the paper for 35 years before taking over as chairman of the board in 1980. He was also a prominent local civic leader.

Mr Hanson was born in Augusta, Ga., Nov. 7, 1908, the son of Clarence B. and Harriett Ellen (Pinkham) Hanson.

As a teenager, Mr. Hanson began spending his summers in Birmingham where his uncle, Victor Hanson, was owner and publisher of The Birmingham News.

When he graduated in 1929 with a B.S. degree from the University of Virginia, Mr. Hanson already had worked in various departments at The News—the newsroom, advertising, and mechanical. As a young man, he "managed to burn my hands quite regularly" on the hot lead used in that day for making printing plates, said Mr. Hanson in a recent interview in Birmingham Magazine.

He enjoyed telling the story about his uncle standing up to local bankers who'd loaned him money and didn't want the paper to run a suicide story about some prominent people. The story ran. His uncle kept his paper and later bought out the competition. "Which goes to prove that virtue always wins out in the end," said Mr. Hanson in the magazine interview.

After a brief stint at the Indianapolis (Ind.) Star, he began working full time at The Birmingham News in 1930 as an advertising solicitor. Mr. Hanson worked his way up, serving as national advertising manager, assistant advertising director, then vice president before becoming president and publisher of The Birmingham News Company in 1945.

He became chairman of the board in 1980.

Mr. Hanson served as a major in the U.S. Army Air Force from 1942-45.

Norman Newhouse of the New Orleans Times-Picayune, speaking for the Newhouse family who now own The Birmingham News, said, "The Newhouse family always valued Clarence Hanson's keen judgment and broad experience in the newspaper business. His strong leadership helped make the

Birmingham News the preeminent paper in the state and one of the leading papers of the South.

"Major Hanson will be remembered as a man who loved the rough-and-tumble competition of newspaper publishing. His death is a great loss to The Birmingham News, and he shall be sorely missed," Newhouse said.

Mr. Hanson's professional memberships included The Associated Press, The American Newspaper Publishers Association, Southern Newspaper Publishers Association and the Alabama Press Association, all of which he served as a former officer.

He was an organizer, vice president and director of Coosa River Newsprint Co. (now a division of Kimberly-Clark); former director of Hayes International Corp. (now City Investing Co.), Birmingham Fire & Casualty C. (now St. Paul Companies), Royal Crown Companies, The First National Bank of Birmingham and Alabama Bancorporation (now AmSouth Bank and AmSouth Bancorporation).

William T. Young of Lexington, Ky., Royal Crown chairman of the board, called Mr. Hanson "a close friend" and a "very valuable and contributing director" until his retirement from the Royal Crown board of directors three years ago. "He was quite active when we introduced Diet-Rite Cola, the first no-calorie drink, in the 1960s," said Young.

John Woods, AmSouth chairman of the board and chief executive officer, said, "Clarence served on our board for many, many years and was one of the key directors in activities "that led to the formation of the holding company." Woods said Mr. Hanson will be remembered "for his inquiring mind and broad range of interests in business and civic endeavors."

In 1974, Mr. Hanson was awarded an honorary doctorate in literature from the University of Alabama in Birmingham.

Mr. Hanson was vice president and director of Mercury Express Inc. He organized and was first chairman of Birmingham's Committee of 100. He served as a director, Birmingham Museum of Art, trustee, Eye Foundation Hospital; chairman, 1946 Red Cross Fund Drive, and was a former officer of Red Cross, Chamber of Commerce and Birmingham Downtown Improvement Association.

Mr. Hanson was an Episcopalian. He also was a member of the Newcomen Society, Phi Gamma Delta, Downtown Club, Mountain Brook Club, and Birmingham and Shoal Creek country clubs. He was a former member of the Grolier Society and a member of The Honorable Company of Edinburgh Golfers and the North Carolina Society of the Cincinnati.

A memorial service will be at 2 p.m. Monday at the Cathedral Church of the Advent, Johns-Ridout's Southside directing.

Survivors include his wife, Mrs. Elizabeth F. Hanson; a son, Victor H. Hanson II, Birmingham, and five grandchildren, Clarence B. Hanson III, Victor H. Hanson III, Miss Fletcher Hanson and Robert Hanson, all of Birmingham; and Mrs. Elizabeth Hanson Chick, Monmouth, Maine.

The family suggests that memorials may be made to the acquisition fund of the Birmingham Museum of Art.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, in preparation for the adjournment pursuant to the concurrent resolution, which I will ask the Senate to address in a moment, I put the following unanimous-consent request:

I ask unanimous consent that during the adjournment of the Senate until Monday, June 6, 1983, messages from the President of the United States and the House of Representatives may be received by the Secretary of the Senate and appropriately referred; that the Vice President, the President pro tempore, and the Acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions.

Further, I ask unanimous consent that when the Senate convenes on Monday, June 6, the reading of the Journal be dispensed with, no resolutions come over under the rule, that the call of the calendar be dispensed with, and that following the time allocated to the two leaders under the standing order, there be a period for the transaction of routine morning business, not to exceed 30 minutes, in which Senators may speak for not more than 5 minutes each; provided, further, that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 41—PROVIDING FOR ADJOURNMENT OF THE TWO HOUSES

Mr. BAKER. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The bill clerk read as follows:

S. CON. RES. 41

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, May 26, 1983, or Friday, May 27, 1983, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand adjourned until 12:00 noon on Monday, June 6, 1983, and that when the House adjourns on Thursday, May 26, 1983, it stand adjourned until 12:00 noon on Wednesday, June 1, 1983.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

THE CALENDAR

Mr. BAKER. Mr. President, I have three items on my calendar of business for today which are cleared for action by unanimous consent.

I inquire of the minority leader if he is prepared to clear all or any of these three—Calendar Nos. 146, 190, and 201.

Mr. BYRD. Mr. President, those items are cleared on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RESOURCES RESEARCH ACT OF 1983

The Senate proceeded to consider the bill (S. 684) to authorize an ongoing program of water resources research.

Mr. ABDNOR. Mr. President, the measure now before the Senate is the Water Resources Research Act of 1983. This legislation originated in the Water Resources Subcommittee of which I am chairman, and was cosponsored by the subcommittee's ranking minority member, Senator MOYNIHAN. My esteemed colleagues from the State of Utah, Senators GARN and HATCH, have also cosponsored this measure.

Mr. President, I am particularly proud of this legislation and would like to summarize its provisions and purpose at this time.

The Water Resources Research Act of 1983 establishes a new working relationship between the States and the Federal Government to promote basic research into the water resource problems of the Nation. S. 684 will replace the program of water research that has been carried out under the Water Research and Development Act of 1978 with a reformed program directed at the type of research which is not carried out by any other Federal agency.

Mr. President, there are two research programs authorized in S. 684. A competitive matching grant program open to any individual or group investigating significant water problems is authorized at a level of $13 million annually for each of the next 5 fiscal years. Second, and most important, a program of grants to the water resources research institutes located at the land-grant colleges in each of the 50 States, three territories and the District of Columbia is authorized at a level of $8.1 million annually for the next 5 fiscal years.

Mr. President, each year the required non-Federal contribution to these research institutes is increased. During the first 2 years of the bill the match is 1 to 1. That would be in fiscal years 1984 and 1985. In the third and fourth years, it becomes one and one-half non-Federal dollars to each Federal dollar. In the fifth year—that will be fiscal year 1988—the match becomes two non-Federal dollars to each Federal dollar.

Mr. President, this represents significant reform of this research effort.

The Senate recognized this last year when it passed S. 2494, which was identical to S. 684, the bill now being considered.

Mr. President, I am proud of this bill because of what it will accomplish—primary basic research into the many water resource problems of the Nation. I am proud of this bill because it represents fundamental reform toward a new partnership with the States on water resources research, and I am proud of this legislation because it has been formulated with broad bipartisan support.

Mr. President, I urge my colleagues to act this year as they acted last year and pass the Water Resources Research Act of 1983.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Water Resources Research Act of 1983".

SEC. 2. The Congress finds and declares that—

(a) the existence of an adequate supply of water of good quality for the production of materials and energy for the Nation's needs and for the efficient use of the Nation's energy and water resources is essential to national economic stability and growth, and to the well-being of the people;

(b) there is an increasing threat of impairment to the quantity and quality of surface and ground-water resources;

(c) the Nation's capabilities for technological assessment and planning and for policy formulation for water resources must be strengthened at the Federal, State, and local government levels;

(d) there should be a continuing national investment in water and related research and technology commensurate with growing national needs;

(e) it is necessary to provide for the research and development of technology for the conversion of saline and other impaired waters to a quality suitable for municipal, industrial, agricultural, recreational, and other beneficial uses; and

(f) the pool of scientists, engineers, and technicians trained in fields related to water resources constitutes an invaluable natural resource which should be increased, fully utilized, and regularly replenished.

SEC. 3. It is the purpose of this Act to assist the Nation and the States in augmenting their water resources science and technology as a way to—

(a) assure supplies of water, sufficient in quantity and quality, to meet the Nation's expanding needs for the production of food, materials, and energy;

(b) identify and find practical solutions to the Nation's water and water resources related problems, particularly those problems related to impaired water quality;

(c) promote the interest of State and local governments as well as private industry in research and the development of technology that will reclaim waste water and to convert saline and other impaired waters to waters suitable for municipal, industrial, agricultural, recreational, and other beneficial uses; and

(d) coordinate more effectively the Nation's water resources research programs.

SEC. 4. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to assist the work of any water resources research and technology institute, center, or equivalent agency (hereinafter referred to as the "institute") established in the States in accordance with the terms of subsection (f) of this section.

(b) Each designated institute shall—

(1) have responsibility for planning, conducting, and/or arranging for competent research in relation to water resources, including investigations and experiments of either a basic or practical nature, or both; to promote the dissemination and application of the results of these efforts; and to provide for the training of scientists and engineers through such research, investigations, and experiments, and

(2) cooperate closely with other colleges and universities in the State that have demonstrated capabilities for research, information dissemination, and graduate training in order to develop a statewide program designed to resolve State and regional water and related land problems. Such institute shall also cooperate closely with regional consortia, as may be designated by the Secretary to increase the effectiveness of the institutes and for the purpose of regional coordination.

(c) Prior to the receipt each fiscal year of funds authorized by subsection (e) of this section, each institute shall submit to the Secretary for his approval a water research program that includes assurances, satisfactory to the Secretary, that such program was developed in close consultation and collaboration with the director of that State's department of water resources, or similar agency, and other leading water resources officials with the State, including interested members of the public. The program described in the preceding sentence shall include plans to promote research, training, information dissemination, and other activities meeting the needs of the State and Nation, and encourage regional cooperation among institutes in research into areas of water management, development, and conservation that have a regional or national character.

(d) From the sums appropriated pursuant to subsection (e) of this section, the Secretary shall make grants to each designated institute to be matched on a basis of no less than one non-Federal dollar for every Federal dollar during the fiscal years ending September 30, 1984, and September 30, 1985, one and one-half non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1986, and September 30, 1987, and two non-Federal dollars for each Federal dollar during the fiscal year ending September 30, 1988.

(e) There is hereby authorized to be appropriated to the Secretary for the purpose of carrying out this section the sum of $8,100,000 during each of the fiscal years ending September 30, 1984, through September 30, 1988.

(f) For the purpose of this section, an institute may be established at one college or university in each State, which was established in accordance with the Act approved July 2, 1862 (12 Stat. 503; 7 U.S.C.301ff), entitled "An Act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanic arts" or some other institutions designated by act of the legislature of the State concerned; *Provided,* That (1) if there is more than one such college or university in a State established in accordance with said Act of July 2, 1862, funds under this section shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to the one such college or university designated by the Governor of the State to receive the same, subject to the Secretary's determination that such college or university has or may reasonably be expected to have the capability of doing effective work under this title; (2) two or more States may cooperate in the designation of a single institute or regional institute, in which event the sums otherwise allocated to institutes in each of the cooperating States shall be paid to such regional institute.

SEC. 5. (a)(1) In addition to the grants authorized by section 4 of this Act, the Secretary is authorized to make grants, on a dollar-for-dollar matching basis, to the institutes established pursuant to section 4 of this act, as well as other qualified educational institutions, private foundations, private firms, individuals, and agencies of local or State government for research concerning any aspect of a water-related problem which the Secretary may deem to be in the national interest, including the operation of test facilities.

(2) In cases where the Secretary determines, according to criteria established by him, that research under this section is of a basic nature which would not otherwise be undertaken, the Secretary may approve grants under this section on a matching requirement other than that specified in paragraph (1) of this subsection.

(b) Each application for a grant pursuant to this section shall state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the importance of the project to the Nation as well as to the region and State concerned, its relation to other known research projects previously or currently being pursued, and the extent to which it will provide an opportunity for the training of water resources scientists. No grant shall be made under this section except for a project approved by the Secretary, and all grants shall be made upon the basis of the merit of the project and the need for the knowledge it is expected to produce when completed.

(c) The sum of $13,000,000 is authorized to be appropriated to the Secretary for the purposes of grants under this section, as well as for administration of grants under this section and grants to the institutes under section 4 of this act for each of the fiscal years ending September 30, 1984, through September 30, 1988.

SEC. 6. The type of research to be undertaken under the authority of section 5 of this Act and to be encouraged by the institutes established under section 4 of this Act shall include, without being limited to—

(a) aspects of the hydrologic cycle;

(b) supply and demand for water;

(c) demineralization of saline and other impaired waters;

(d) conservation and best use of available supplies of water and methods of increasing such supplies;

(e) water reuse;

(f) depletion and degradation of ground water supplies;

(g) improvements in the productivity of water when used for agricultural and commercial purposes;

(h) the economic, legal, engineering, social, recreational, biological, geographic, ecological, and other aspects of water problems;

(i) scientific information dissemination activities, including identifying, assembling, and interpreting the results of scientific and engineering research on water resources problems; and

(j) providing means for improved communication of research results, having due regard for the varying conditions and needs for the respective States and regions.

SEC. 7. Notwithstanding any other provision of law, the Secretary shall be governed by the provisions of sections 9 and 10 of the Federal Nonnuclear Energy, Research, and Development Act of 1974 (Public Law 93-577); 88 Stat. 1887, 1891; 42 U.S.C. 5908-5909) with respect to patent policy and to the definition of title to, and licensing of inventions made or conceived in the course of, or under any contract or grant pursuant to this title: *Provided, however,* That subsections (l) and (n) of section 9 of such Act shall not apply to this Act: *And provided further,* That, subject to the patent policy of section 408, all research or development contracted for, sponsored, cosponsored, or authorized under authority of this title, shall be provided in such manner that all information, data, and know-how, regardless of their nature or mediums, resulting from such research and development will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be usefully available for practice by the general public.

SEC. 8. (a) Public Law 95-467 is repealed.

(b) Rules and regulations issued, prior to the date of enactment of this Act, under the authority of Public Law 95-467 shall remain in full force and effect under this Act until superseded by new rules and regulations promulgated under this Act.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

USE OF CERTAIN INDIAN JUDGMENT FUNDS

The Senate proceeded to consider the bill (S. 727) to authorize the Secretary of the Interior to set aside certain judgment funds of the Three Affiliated Tribes of Fort Berthold Reservation in North Dakota, and for other purposes, which had been reported from the Select Committee on Indian Affairs with amendments, as follows:

On page 2, strike line 3, through and including line 16, and insert the following:

SEC. 2. (a) Contingent upon availability of funds, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall deposit into a separate account—

(1) $113,777.10 of the funds appropriated in satisfaction of the judgments awarded the Three Affiliated Tribes of Fort Berthold Reservation in dockets numbered 350-G and 54-81 L of the United States Court of Claims, plus

(2) all interest and investment income accrued on the funds described in clause (1) from the date on which the transcript of such judgment was filed with the Comptroller General of the United States, to the date of deposit described in clause (1).

The initial payment of $113,777.10 shall be deposited when funds equal to this amount are released from the new member per capita escrow account. Thereafter, as any new membership application is denied, the funds thereby released shall be deposited in the account until such time as the sum described in clause (2) is fully satisfied or there are no further membership applications to be processed. Any funds so deposited shall be distributed and used only as provided in this Act.

On page 4, beginning on line 13, strike "58-81 L", and insert "54-81L";

On page 4, strike line 22, through and including line 25, and insert the following:

(1) who filed an application for membership with the Three Affiliated Tribes of the Fort Berthold Reservation before July 10, 1982,

So as to make the bill read:

S. 727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this Act shall apply notwithstanding any provision of the Act of October 19, 1973 (87 Stat. 466; 25 U.S.C. 1401 et seq.), or any other law, regulation, or plan promulgated pursuant thereto.

SEC. 2. (a) Contingent upon availability of funds, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall deposit into a separate account—

(1) $113,777.10 of the funds appropriated in satisfaction of the judgments awarded the Three Affiliated Tribes of Fort Berthold Reservation in dockets numbered 350-G and 54-81 L of the United States Court of Claims, plus

(2) all interest and investment income accrued on the funds described in clause (1) from the date on which the transcript of such judgment was filed with the Comptroller General of the United States, to the date of deposit described in clause (1).

The initial payment of $113,777.10 shall be deposited when funds equal to this amount are released from the new member per capita escrow account. Thereafter, as any new membership application is denied, the funds thereby released shall be deposited in the account until such time as the sum described in clause (2) is fully satisfied or there are no further membership applications to be processed. Any funds so deposited shall be distributed and used only as provided in this Act.

(b) Any funds deposited by the Secretary in a separate account under subsection (a) shall be held and invested by the Secretary in accordance with the first section of the Act of June 24, 1938 (52 Stat. 1037).

(c) Any funds deposited by the Secretary in a separate account under subsection (a), including any interest or investment income accrued thereon, may be distributed, with the approval of the Secretary, to the governing body of the Three Affiliated Tribes of Fort Berthold Reservation for use in the planning and development of a hospital or a health care facility to serve the needs of such tribes.

(d) Any funds deposited by the Secretary in a separate account under subsection (a), including any interest or investment income accrued thereon, which have not been distributed by the Secretary under subsection (c) prior to the date which is five years after the date of enactment of this Act may be distributed to the governing body of the Three Affiliated Tribes of Fort Berthold Reservation for use in any tribal program which is authorized by such governing body and approved by the Secretary.

SEC. 3. (a) The Secretary shall distribute to each eligible individual out of funds appropriated in satisfaction of the judgments awarded the Three Affiliated Tribes of Fort Berthold Reservation in dockets numbered 350-G and 58-81 L *54-81 L* of the United States Court of Claims the sum of—

(1) $4,000, and all interest and investment income accrued thereon since August 5, 1982, plus

(2) $45.16, and all interest and investment income accrued thereon since December 13, 1982.

(b) For purposes of this section, the term "eligible individual" means any individual—

(1) who filed an application for membership with the Three Affiliated Tribes of the Fort Berthold Reservation before July 10, 1982,

(2) whom the Secretary determines to be eligible to share in such judgment awards, and

(3) who has not received any distribution from the Secretary with respect to such judgment awards at any time prior to date of enactment of this Act.

SEC. 4. Any funds appropriated in satisfaction of the judgments described in sections 3(a) which remain uncommitted after the deposit described in section 2 and the distribution described in section 3 are made by the Secretary shall be distributed and used in accordance with the programing aspect of the plan for the use and distribution of the funds appropriated in satisfaction of such judgments which became effective on May 26, 1982, pursuant to section 5 of the Act of October 19, 1973 (87 Stat. 468; 25 U.S.C. 1405).

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ALINEMENT OF MAJOR INTERNATIONAL CURRENCIES

The Senate proceeded to consider the resolution (S. Res. 135) expressing the sense of the Senate with respect to the urgency of achieving and maintaining proper alinement of major international currencies essential to stem protectionism and aid early recovery of world trade expansion.

Mr. PERCY. Mr. President, the Senate is now addressing a resolution which I have introduced with the cosponsorship of 24 of my distinguished colleagues including Members from both sides of the aisle representing a remarkably wide range of political views. I refer to Senate Resolution 135. This resolution calls on the President to put among his highest priorities at the Williamsburg summit this coming weekend the goal of seeking a

consensus on improving coordination of summit nation economic policies.

Improved coordination is imperative if we are to climb back from the seductive but disastrous protectionist trail down which discordant economic policies have brought us, by way of severe misalinements in international interest rates and exchange rates. The continuing overvaluation of the U.S. dollar against the currencies of some of our major trading partners, most notably Japan, has remained a major trade problem too long. Persistence of this problem has cost us prolonged deterioration in U.S. export competitiveness, hundred of thousands of U.S. jobs, and severe dislocation in major areas of the country heavily dependent on export markets. It has compounded the damage by making imports unduly attractive; 70 percent of last year's decline in GNP resulted from deterioration in our balance of payments. Overvaluation has been a key stimulant to the growth of protectionist pressures which plague us.

To deal with this overvaluation and its high costs and dangers, the resolution specifically urges agreement at Williamsburg on continuing consultations on steps to improve alinement of interest rates and major currencies. The resolution places special emphasis on early realinement of the yen-dollar exchange rate because it remains the most troublesome disparity from our exporters' viewpoint, and a dominant factor in our current $19 billion trade deficit with Japan.

I am pleased to report, Mr. President, that similar concerns appear to be moving the administration very much in this direction subsequent to introduction of this resolution. A very important meeting took place in Paris the week of May 9 among the trade and finance ministers of eight major industrial nations, with the managing director of the IMF in attendance. Treasury Secretary Regan and U.S. Trade Representative Brock, who initiated the gathering, sought to encourage discussion about the interrelationships between finance, debt, interest rates, and trade policies. They reported that considerable time was spent discussing the question of exchange rate volatility. At a press conference they held following the meeting, both acknowledged that: "The high valuation of the dollar is creating a trade problem." Secretary Regan reported that both the question of dollar overvaluation against the yen and the West German mark, and "what could be done to get the dollar down," were raised at the meeting. In addition to what the United States might do to reduce budget deficits and interest rates, Mr. Brock pointed out that other countries have a role to play, stating that "other countries can and should take steps to alter the mix of their fiscal and monetary policies."

This meeting was a commendable initiative. One Mr. Brock described as "long overdue." It addressed the main issues raised by this resolution: interest rates, exchange rates, their trade consequences, and possible policy responses. In one respect this Paris meeting bettered our resolution by bringing together both trade and finance ministers. These discussions of mutual economic concerns—a process the administration refers to as multilateral surveillance—need to be intensified so that early solutions can be found.

What remains to be done to accomplish the objectives of this resolution is now easier as a result of the Paris meeting. But it is all the more important that the summit leaders endorse and emphasize the value of the Paris meeting, agree that it has begun a search for solutions of vital importance to the health of the world trading system, and affirm their determination to continue and intensify the search for steps to resolve—to quote Secretary Regan again—"the high valuation of the dollar" and "what can be done to get the dollar down."

The administration itself has stated in its summit preparation documents, and I quote: "the need for continued effort to bring about a convergence of policies and performance" and that "we have yet to achieve a satisfactory convergence in performance among all summit countries."

Given a repeatedly expressed European and Japanese official desire to address this topic, our failure to respond at the summit would send a signal of indifference to the exchange markets, confirm beliefs that nothing will be done, and is likely to reinforce the strength of the dollar. It is almost without parallel for countries with undervalued currencies and artificially advantaged exports to want to remedy the matter. Let us not pass up this vital opportunity with receptive economic partners.

This resolution is not a call for superficial actions such as intervention in exchange markets, nor is it a call for fixing exchange rates. Rather it is a call for the major economic powers to address misalinements in basic policies—to reduce conflicting fiscal and monetary policies—so that dangerous discrepancies in international interest rates and exchange rates can be corrected as soon as possible on a sustainable basis.

A failure to follow up promptly on the Paris discussions can be costly indeed. The adverse consequences of dollar overvaluation, in loss of export competitiveness and associated job and income losses, will persist for at least 18 months to 2 years after the misalinement is corrected because of normal market lags in adjusting rate changes. These are delays neither the American citizen nor the world trading system can afford. We therefore urge the unanimous passage of this resolution as a signal to the President and to our summit partners of the urgency we attach to continuing the efforts to correct this problem.

Mr. President, this resolution is not just an exercise in rhetoric. The evidence that real costs are at stake has become abundantly clear from the great outpouring of business support which we have seen for this resolution. In addition to a large number of individual companies with production facilities throughout this country which are dependent on exports, we have received strong expressions of support and encouragement from the National Association of Manufacturers, the Business Roundtable, the Emergency Committee for American Trade, the National Motor Vehicle Manufacturers Association, and the National Machine Tool Builders Association. And the President's Export Council has given Senate Resolution 135 its full support.

Today, at a meeting with the Senate Foreign Relations Committee, Assistant Secretary of State Alan Wallis testified in support of Senate Resolution 135 and told us that the administration was foursquare behind it.

We are grateful to know of the administration's support for this resolution prior to the Senate's consideration of it. He will have one voice at Williamsburg and I know the President will speak with a stronger voice because of this show of support in the Senate for discussing these basic economic questions at the summit.

Mr. President, I ask unanimous consent that an editorial on the summit from the May 13, 1983, Chicago Sun-Times be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PERCY'S GOOD ADVICE

French President Francois Mitterrand this week urged a global summit to reorganize the world monetary system. He's naive. Underlying economic conditions are too varied and complex to return now to the fixed-rate system that he sees as "salvation" from the economic instability and trade woes caused by volatile money exchange rates.

The Reagan administration, for its part, trusts too much in unfettered markets *alone* to determine currency values. There's no doubt that the dollar is too strong relative to the Japanese yen and other currencies. That raises the price of U.S. exports and weakens the ability of our manufacturers to compete in world markets.

A new monetary system isn't needed, but government attention is. President Reagan should, for example, push the economic summit in Williamsburg, Va., later this month to coordinate economic policies more and to attack wide swings in exchange rates. Sen. Charles H. Percy (R-Ill.) has introduced a Senate resolution urging such action.

Percy makes no attempt to force a particular strategy. He says only that we face worsening problems and that the Williamsburg talks offer an opportunity for U.S. leadership to address them. Right on both counts.

Percy's resolution is bolstered by strong support from industrial groups, such as the Business Roundtable's Task Force on International Trade and Investment, headed by Lee Morgan, chairman of Caterpillar Tractor. Federal Reserve chief Paul A. Volcker also has urged "modest" intervention by Washington in foreign exchange markets.

So far the administration has generally kept hands off exchange rates. But there's a time for everything. Percy's resolution points out the right time to get involved.

Mr. BRADLEY. Mr. President, as a cosponsor, I support the resolution. It is vitally important that the major industrial countries collectively address the international problems of recession, debt, protectionism, and misalined exchange rates. This is no time to forget that the severity and duration of the Great Depression were increased precisely because countries failed to join together in efforts to solve common problems. The Williamsburg summit provides an excellent opportunity for the major countries to begin to address our international economic problems in a cooperative and coordinated fashion.

My only reservations on the resolution is that it does not go far enough.

Rather than seeking a consensus on the need to improve the coordination of economic policies, the President at Williamsburg should be seeking agreement on a coordinated economic expansion so that world economic recovery can begin at the earliest possible time.

Rather than an early meeting of finance ministers to consider steps to achieve better currency alinements, the financial ministers should begin preparations for a Bretton Woods II conference to reform the international financial system which is plagued by widely fluctuating exchange rates and a debt crisis in the Third World. I urged such an initiative on February 1 in testimony before the Foreign Relations Committee.

If the Williamsburg summit is to be more than a "photo opportunity" for the participants, the administration will have to demonstrate leadership by agreeing to a coordinated expansion and to work toward reform of the exchange rate system so that there is greater certainty and stability.

Unfortunately, that is unlikely because the Reagan administration is still preaching the same ideology it has advocated for 2 years: slow monetary growth and nonintervention in exchange markets—thus making floating exchange rates a land mine on the path to economic growth.

These policies have brought an overvalued dollar, worsening of the debt crisis, unemployment for millions of workers and more protectionism.

The time for ideology has passed. There are no simple answers.

These problems can only be solved if major countries work closely together—consulting, cooperating, and coordinating. But collective action requires someone to take the initiative.

I urge the administration to take the initiative on coordinated economic expansion and exchange rate reform and make Williamsburg the first step on the road to worldwide recovery.

Mr. President, I ask unanimous consent that an article I have written on "American Leadership at Williamsburg?" which is being published this week in the Philadelphia Inquirer, and the testimony on the "Future Evolution of the International Financial System," which I delivered before the Foreign Relations Committee, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, May 26, 1983]

AMERICAN LEADERSHIP AT WILLIAMSBURG?

(By Senator BILL BRADLEY)

When leaders of the major industrial countries assemble in colonial Williamsburg this weekend, they will have an opportunity to start taking the kind of collective action which is crucial to end the worldwide recession. Jobs for unemployed Americans and millions more around the globe depend upon the outcome of these summit talks. It will be tragic if the participants fail to seize the moment.

But the chances of seeing such collective action are dim unless the United States takes the initiative. Unfortunately, it appears that the Reagan Administration intends to go its own way and to ignore the consequences of its actions for the well-being of the world economy—just as it did in 1981, when it adopted inconsistent economic policies which in large measure are responsible for today's conditions.

What makes the discussions at Williamsburg so important is that the worldwide recession relates directly to the debt crisis in the Third World, misaligned exchange rates and a drift toward protectionism. Each of these problems is basically international. To solve them, major countries must pull together as never before by agreeing to pursue a coordinated expansion of their economies now and to begin to reform the exchange rate system.

So far, the Reagan Administration approach to international economics has been for each country to put its own house in order and to ignore the unique international dimensions of the problems facing the world economy. Regrettably, most other industrial countries are also overlooking the international dimensions of the problems and adopting austerity measures to fight yesterday's battle—the battle against inflation.

If everybody is adopting austerity measures, where will the growth stimulus come from? Isn't it a "paradox of austerity?"

Despite evidence of progress in this country, international factors still pose great risk to our own recovery. In no previous recovery have we had an overvalued dollar and such depressed economic conditions overseas. The dollar is overvalued at least 20 percent vis-a-vis the Japanese yen. That means U.S. producers are at a 20 percent disadvantage when they compete with Japanese producers. We have seen our trade position deteriorate to such an extent in the past two years that over 2 million U.S. workers have lost jobs.

Europe is suffering its worst recession since World War II, and sluggish growth and rising unemployment are forecast through the first half of next year.

The developing countries also have stopped growing after being the major source of economic growth in recent years. Many of them now are paying more to service their debts than they are earning from their exports. This means they have little or no money left over to buy products from us.

Combined with high interest rates in this country, these international factors suggest that the U.S. recovery will be slow and uncertain. And it is clear that our own recovery will not be adequate to pull the world economy out of recession—since a 5 percent growth rate here only brings a 1 percent increase in growth overseas.

Global recovery will come slowly, or not at all, if the major countries continue to follow independent economic policies.

A coordinated expansion is needed. The key policy step in any such expansion is to reduce U.S. interest rates by at least 2 percentage points. This requires large cuts in the outyear budget deficits, as the Congress is trying to achieve now in the face of opposition by the Administration. It also requires maintenance of substantial growth in the money supply in the short run before a drop back to lower rates in the long run. Other countries in a position to expand—West Germany, Britain, Japan and Canada—should match our interest rate cuts and adopt more expansionary, less austere fiscal policies.

Using elaborate statistical models, Fred Bergsten, director of the Institute of International Economics, and Nobel laureate Larry Klein estimate that such a coordinated expansion will boost economic activity and lower employment rates sharply in all countries. Further, world trade growth would rise dramatically, providing an important spur to exports from developing countries so that they can better service their debts.

Although all models and forecasts are subject to margins of error, the direction of change is certain: higher growth and employment and expanded trade. Working together in a consistent fashion to expand the major economies produces superior results.

Unfortunately, no major country will try to expand alone after seeing what happened to France when it took that route over the last two years. Each country is looking to others to expand. This dilemma can only be resolved if the United States takes the initiative to pursue a coordinated expansion.

That is unlikely because the Reagan Administration is still preaching the same ideology it has advocated for two years; slow monetary growth and non-intervention in exchange markets—thus making floating exchange rates a land mine on the path to economic growth.

These policies have brought an overvalued dollar, worsening of the debt crisis, unemployment for millions of workers and more protectionism.

The time for ideology has passed. There are no simple answers.

These problems can only be solved if major countries work closely together—consulting, cooperating and coordinating. But

collective action requires someone to take this initiative.

If the Williamsburg summit is to be more than a "photo opportunity" for the participants, the Administration will have to demonstrate leadership by agreeing to a coordinated expansion and to work toward reform of the exchange rate system so that there is greater certainty and stability.

This is no time to forget that the severity and duration of the Great Depression were increased precisely because countries failed to join together in efforts to solve common problems.

(Statement by Senator BILL BRADLEY of New Jersey)

FUTURE EVOLUTION OF THE INTERNATIONAL FINANCIAL SYSTEM

I appreciate the opportunity to appear here today to address this Committee. As the Chairman has pointed out in his introductory remarks and in an excellent article in the Washington Post, the world economy is at a critical juncture.

The worldwide recession has become the dominant political issue in most countries and its effects are now spilling over to international political relations in ways which have not been seen since the 1930s. Increasing protectionism is the most visible sign but the strains are also being felt throughout the international financial system.

The specter of default hangs over the financial system because the developing countries incurred large debts in recent years which in normal times they even find it difficult to repay. The private banking system overextended iteself in making loans to many developing countries. Now the global recession and increasing protectionism are making it extremely difficult for many of these countries to service their debts and major banks are faced with mounting nonperforming assets. Unless the world economy gets going again, the threat of a financial collapse looms large.

Unfortunately, most industrial countries are framing their solutions to the global recession in a national context that overlooks the international dimension to the problem. Most industrial countries are still adopting austerity measures to fight yesterday's battle—the battle against inflation. As a result, the world is faced with a "paradox of austerity" similar to the "paradox of the thrift" we all learned about in introductory economics. If everyone is adopting austerity measures, where will the growth stimulus come from?

The severity and duration of the Great Depression of the 1930s were increased precisely because countries failed to join in an effort to solve problems at a world level. In my opinion, the only way out of the current recession is if the major countries collectively agree to a coordinated macroeconomic expansion.

The major countries will also have to agree collectively upon the future evolution of the international financial system. Significant changes have occurred in that system since the breakdown of the Bretton Woods system twelve years ago. Apart from the shift to floating exchange rates and the financing and recycling problems created by the two oil shocks, other fundamental changes have been the increasing openness and integration of national economies and the increased pluralism in the world economy.

Increased interdependence and openness mean that all economies have become more dependent on and vulnerable to developments in the rest of the world. Increases in trade and financial flows have strengthened the linkages between the separate national economies. The growth of the interbank market and the expansion of private bank lending have played a vital role in the recycling of surpluses and financing of deficits, but this development was not consciously planned or closely regulated.

International interdependence has become a major constraint on the formulation of national macroeconomic policy. As the openness of a nation's economy increases, policy actions of its government have a greater tendency to spill over into the rest of the world, thereby affecting the ability of other countries to achieve their economic objectives. Similarly, foreign government policy actions and nonpolicy disturbances originating abroad can increasingly influence the ultimate objectives of the home nations' economic policy. As one example of the consequences of interdependence, the recent abrupt change in macroeconomic policies in the United States tight money and loose fiscal policy caused an overvaluation of the dollar which has drastically reduced the competitiveness of U.S. industry and increased unemployment.

As international integration proceeded apace, national financial regulations have failed to keep pace. Moreover, the international character of the financial system means that much of the information that is needed in order to make sound decisions is not at the disposal of national policy makers or bank loan officers.

The emergence of important new actors—the OPEC countries and the newly industrialized countries—as well as the diffusion of economic power among the industrialized countries have increased the pluralism in the world economy today. Increased pluralism means that no single actor or even a small group of actors can dominate international economic affairs and therefore international agreement is harder to obtain. This is unfortunate because the increased linkages among our economies have intensified and broadened economic conflicts and those conflicts frequently become political and diplomatic issues. Diplomatic struggles are usually long drawn out affairs.

Ideally conflicts should be resolved by references to international rules or by discipline imposed by international organizations, but rules are lacking and the organizations which sprung up in the immediate post-war period have been overtaken by events. And yet, there has been little discussion of the need for reform of our international economic institutions.

Today I want to review the recent dramatic developments in the international financial system, assess the adequacy of existing arrangements and raise questions concerning its future evolution. In my discussion, it will be obvious how what were once arcane subjects studied only by bankers and professors have become objects of intense political interest. That is the major reason that I believe the time for reform of the international financial system has arrived. For if we do not take steps to remedy the system's deficiencies, we run this risk of a repeat of the tragedy of the 1930s.

I. THE ROOTS AND NATURE OF THE PRESENT CRISIS IN THE INTERNATIONAL FINANCIAL SYSTEM

The present financial crisis in international markets stems from 1973–74 after the dramatic oil price increase and the oil embargo. The increase in oil price was like a gigantic tax increase on industrial economies and developing economies throughout the world. Although the price rise created hardship in the industrial world, our economies still were able to accommodate to the higher price. The industrial countrys' banks were also the beneficiaries of the large volume of petrodollars that OPEC had to invest. In the Third World, however, there was no way that they could accommodate to that higher price, maintain their economic growth, and remain a market for our exports. So the choice after the OPEC cartel raised the price of oil was either to let the Third World enter into a depression with potentially vast starvation and with direct negative effects on the industrial world or to find some way to allow them to continue to grow.

The Western economies could have increased the amount of aid to these Third World Countries. Expanded aid would have allowed the less developed countries to pay the higher price of oil that was necessary to keep their economies growing and to continue employing and feeding people. But in order to provide that increased aid, the industrial economies would have had to raise taxes or cut back on important government expenditures—defense, education etc.—in order to generate sufficient revenues for aid distribution.

So, instead of governments providing the means by which Third World countries could pay the OPEC price increase and keep their economies alive, governments in the industrial world encouraged the private banking sector to fulfill that responsibility. Governments encouraged the private banking to lend the Petrodollars that the OPEC countries deposited in the private banking system to the Third World countries so that they could pay the higher oil price and buy products from the industrial countries. By the end of the 1970s over 35% of our exports of manufactures went to developing countries.

The volume of loans was enormous. The private debts of the developing countries rose from $40 billion in 1973 to $225 billion by 1979 and further to $375 billion in 1982. The loans have also been concentrated heavily in a few countries. In 1982 Mexico's outstanding private debt was $65 billion, Brazil's debt was $55 billion, and Argentina's was $25 billion.

The banks in making these loans did so without the normal prudence that one expects a banker to have before he makes a loan. There was very little, if any, assessment whether the countries would be able to repay the debts.—Notwithstanding all the country desks in foreign loan departments. There was no way each bank could duplicate the State department and if they didn't, they couldn't begin to arrest sovereign risk. Bankers frequently remarked to each other that, of course, countries never go bankrupt and, therefore, their loans would be good. To some degree, however, the banks were accepting the role of a sovereign state in making these loans to sovereign Third World countries. A striking difference, however, was that the banks didn't have the power to tax if their loans turned sour and they had to store up their capital structures.

The loans made during that early period were very profitable, in part, because many carried a variable interest rate. During the inflationary period of the mid-1970s the banks found that they could charge a rather high interest rate and that most of the loans could be repaid because rapid world inflation and rapid growth of many Third

World countries allowed them to make repayments.

Because of this increased profitability and because of different national banking regulations, the interbank network internationally expanded from only 200 banks in 1972 to over 1,000 by the end of the decade. The most well-known segment of the interbank network, the Eurodollar market, was already in place but it expanded greatly as did a whole host of offshore banking centers.

The recycling of the Petrodollars to the developing countries and to multinational corporations which greatly increased their borrowings in the unregulated Eurodollar market made the interbank business quite profitable during the first five years after the oil price shock. But all of this came to a standstill in 1979 as the world economy first began to enter the recession which still plagues us today and which threatens to persist long into the future. The recession began because of the very tight money in the United States and it spread first to other industrial countries. As the industrial countries slowed down, they not only put people out of work but they also provided less of a market for Third World countries to sell exports, which they desperately needed to do in order to get the foreign exchange to repay their loans to the private international banks.

Now, after a few episodes where Third World countries couldn't make repayments, banks—early on—faced a decision: do they declare them in default or foreclose as they would under normal commercial transactions? Or do they refinance? Almost without exception, the banks all refinanced—in Zaire, Argentina, Brazil and Mexico—because refinancing increased their assets and their return on investments. Besides, how do you foreclose on a country? Maybe that's why countries don't go bankrupt. But refinancing reinforced the very belief that countries don't go bankrupt and that, ultimately, they would grow and repay the loans. As a result of this refinancing the debt of the Third World countries expanded further.

As more countries refinanced, debt piled upon debt. When the Reagan Administration came into office and enacted an internally inconsistent macroeconomic policy—very tight money and huge budget deficits—interest rates shot up higher than in 1979–80 and guaranteed that the global economy would slide into a very, very deep recession. That contraction is now the deepest since the Great Depression. Unemployment in all countries has risen to a post-war record and industrial production and growth have plunged to record lows. As bad as it seems for us in the industrial countries, the impact has been worse on the developing countries. The value of world trade has declined in the past two years (by 10% in 1982) and commodity prices have collapsed so that export earnings of developing countries have declined substantially. The continuing high nominal and real interest rates have raised costs on loans with floating rates and make it costly to take out additional loans.

Debt service as a percentage of exports of goods and services has risen to 129 for Mexico, 122 for Brazil and is as high as 179 for Argentina. Such high debt service ratios make it unlikely that many Third World countries will be able to repay their debt for some time in the future, if at all. Already by August 1982, Mexico essentially went broke and was not able to repay its loans. At one point early last fall, Mexico only had $100 million in international reserves, enough to cover only two days' transactions. Brazil soon followed and Argentina has also been unable to meet its past obligations. These three countries combined have debt of over $135 billion to private banks.

As a result, the whole international financial system began to get shakier. The International Monetary Fund has about $40 billion in reserves that it could dole out to tide over countries in difficulty but that is small compared to $350 billion exposure to private banks and over $500 billion total debt by the developing countries. Many people have begun to question whether the system could survive a shock or a series of liquidity crises.

Although done on an ad hoc basis, the United States, other central bankers, and the International Monetary Fund put together an emergency package in the Mexican case—with portions coming from the Exchange Stabilization Fund in the U.S. Department of Treasury, from the treasuries of other central banks, and from the IMF through the use of the reserves it has available. Similar packages were extended as were other bridge loans to Brazil and Argentina. All of those loan extensions were made with the assumption that although they don't have the cash today, the countries will get the cash tomorrow.

They will get the cash tomorrow because of the austerity measures the IMF will impose upon them. IMF conditions include monetary restraint and budget cuts which essentially impose a recession on the economies. Apart from the political dangers of these austerity measures which are substantial, such conditions require the country to take steps to make it virtually impossible for the country to grow again in the short run. How then will these countries generate the foreign exchange earnings needed to repay their loans from international banks?

The world economy is suffering from a "paradox of austerity". Most industrial countries are practicing macroeconomic restraint and the IMF is imposing strict conditions on developing countries. Where will the growth stimulus come from? Global recovery will not spontaneously occur. The world economy lacks the liquidity to allow adjustment and expansion to occur.

At this time of great stress in the world's financial system, we need to take extraordinary measures to calm the raging sea of liquidity crisis. In particular, we need to increase quotas for the IMF and to form an emergency fund to begin to deal with the crisis even if the total amounts of both could not possibly offset the total exposure. If done in a skillful way, these increases in liquidity could indeed stem panic, but only so far because as countries refinanced or had bridge loans extended to them, they still will have to repay these debts at some time in the future and perhaps at higher interest rates.

The question can legitimately be raised today whether these countries will ever get the growth necessary to repay these loans, given the demands of the international banking system on their economics for austerity. In my opinion it is unlikely that they will be able to get the money to repay the loans. That means, of course, that the need for sustained economic growth in the United States and the other industrial countries is substantial because only if we begin to grow will they even have the remotest chance of being able to get the foreign exchange to repay those loans.

But the steps that need to be taken to get the world economy growing again cannot be taken by any single country. We need a coordinated macroeconomic expansion in the short run. In the case of the United States, the United Kingdom and probably Canada, this will have to be a monetary expansion in order to lower short term interest rates. In Japan and Germany this will require a relaxation of fiscal policy with some monetary accommodation. Italy and France have already been pursuing expansionary policies. Only together will we be able to pull out of the current recession.

At the same time we embark on an expansionary macroeconomic policy in the short run, we must take steps to cut future budgets. Reducing future budgets is necessary in order to restore confidence and stability in our economies, but we clearly can't cut current budgets by $200 billion and we clearly can't raise taxes $200 billion in the short run, nor should we. The question in the short run is how to get our economies going again. So I would argue that rather than trying to trim back social programs or raising taxes in the United States, let's get agreement among the major industrial countries to expand our economies now while simultaneously taking steps to reduce budget deficits when the recovery is complete.

Equally important is the need to regularize the debt of developing countries in order to avoid a solvency crisis. International banks and, indeed, the entire international financial system are faced with a dilemma—what might be called a "vulnerability dilemma." If defaults are to be avoided, the debts and interest payments of many developing countries must be rescheduled and new loans must be made. However, increased lending makes the commercial banks more vulnerable by increasing their exposure to developments in developing countries. Increased bank lending also puts the developing countries deeper in debt which raises the potential for problems in the future. On the other hand, cutting back on bank lending to reduce exposure increases the risk of default and heightens the threat to the international financial system.

Thus, expanded private bank loans as a solution to the liquidity problem raises questions of confidence; whereas, efforts by private banks to reduce exposure in order to maintain confidence exacerbate the liquidity problem. In the meantime, the bank's owners are getting restless.

Consider what would happen if a stockholder wanted to sue the auditors of a major international bank because the bank is carrying loans to Mexico in its balance sheet at full value when we all know that they currently are worth only 10–15 percent of full value or worth nothing. A lawsuit could bring about a very serious writedown of assets which would have to be written down against capital. Since most of these big banks have only 3 percent capital-asset ratios, all of the bank's capital could be quickly used up as loans are written down and then the institution, itself, is bankrupt. Clearly we cannot accept that.

The private international banking system is too important to world trade and to peace and stability in the world to be allowed to go bankrupt. The key thing is to find a mechanism to regularize the difference between the face value and the market value of these loans to Third World countries.

I would argue that this is precisely an area where government should be involved. Some private bankers argue that things are going to turn around and they do not need government to be involved. I do not see it that way. After all, it was not private bank-

ers (acting on their own) that pushed us to the brink of disaster, it was government policy asking the banking system to perform essentially a sovereign function by recycling Petrodollars back to Third World countries. Governments asked the private banking sector to recycle the petrodollars because they did not want to tax their own citizens even further after the OPEC price increase in order to generate enough aid for Third World countries. With private bank recycling, these countries would continue to be markets for exports from the United States and other industrial countries. Now with austere monetary policy, the government has pushed the banking system to the breaking point and now the government must step in and rescue the banking system.

Well, I'm saying, let's be preemptive—let's move in now, let's admit what the problem is, let's write down these loans, and let's find a way in which government can participate in this.

Government can step in, in a number of ways, but all parties must share in the adjustment process. It should not be a clear bailout, but rather a process in which the private banking system has to write down the assets—maybe the government gives it a long-term bond that it holds on its books at full value and gradually pays off over a very lengthy period—40 or 50 years. Debtor country participation will also be required because you cannot forgive the debtor country totally.

An alternative method for consolidating some of the developing country debt comes from an analogy with housing and mortgage markets. In the United States when a national recession hits, it causes a depression in the housing industry. In the world economy, the developing countries on the periphery are similar to the housing industry in that they bear much of the brunt of the adjustment to macroeconomic shocks. In order to regularize and to stabilize the mortgage market for housing, quasi governmental authorities have been created in the United States which buy up outstanding mortgage loans at a discount. Perhaps creation of a similar authority separately or through an expanded IMF or World Bank could enable the private banking system to consolidate its outstanding loans including non-performing loans and at the same time reduce the debt-servicing costs for the developing countries. Of course both parties would have to sacrifice. The loans could be bought up from the banks at a discount by the agency and the agency could take responsibility for ensuring that the country uses its borrowings to invest in productive assets which will earn a return in the future. One way or another, I believe that a substantial portion of their debt has to be written off the books so that they can start fresh again, and have some prospect of economic growth.

So this is the environment in which we now are living—an environment fraught with potential danger. Even if we are to muddle through the current crisis, the deficiencies of the current system have been exposed and crises will reoccur periodically unless those deficiencies are repaired. That is why we need to have a thorough restructuring of the international financial system.

II. THE NEED FOR REFORM OF INTERNATIONAL MONETARY AND BANKING INSTITUTIONS

A. International banking

Even if a coordinated macroeconomic expansion were to be agreed upon, the shortcomings of the international banking system would remain. They include:

Inadequate information,

Lack of coordination among the various institutions,

Ambiguity over the lender of last resort,

Regulatory disparities among the various national markets,

Inadequate provisions for creating liquidity especially in a crisis.

The present international banking framework invites circumvention of national regulations. The dramatic growth of offshore banking centers is the best example. To the outside observer the present framework is short on rules and regulations and at times has the stability of a chain letter. The Banco Ambrosiano demonstrated how the existing arrangements for supervising international banking are inadequate.

Although some progress could be made on a piecemeal basis to fill the gaps, I believe a more thorough review is needed on a multilateral basis. Only multilaterally can the discrepancies be eliminated. Also only with multilateral agreement can the ambiguity over the lender of last resort be eliminated. Better international supervision and improved safeguards are needed to dispel the uncertainty which hangs over the system and which threatens to break out in a crisis of confidence.

One of the first steps should be to improve the quality and availability of information on private bank lending internationally. In order to adequately assess the risks, market participants need to know the volume of lending, loan terms and the potential for future repayment. As it now stands, what information is collected is collected in a fragmented way by various agencies, the IMF, BIS, GAB and the World Bank. More coordination and centralization is needed. More extensive information exchanges are also needed. A useful private effort in this regard has been the creation of a new clearinghouse, the Institute for International Finance, consisting of 35 banks from 9 countries which will have its headquarters in Washington.

The ambiguity of the lender of last resort could be eliminated if the informal 1974 agreement among the G10 countries were formalized and its provisions publicized. In the case of a bank subsidiary in an offshore banking center or a consortium bank, whose responsibility is it if the bank were to get into difficulty meeting its obligations?

The major central banks should explicitly agree to contingency plans in case of a banking crisis. Those contingency plans should include stiff penalties for the affected banks in order to avoid moral hazard problems.

It is always difficult to determine how much liquidity would be needed in a crisis but contingency and swap arrangements should be expanded and methods established for quicker response to crises. The current arrangements are ad hoc and require massive coordination among private bankers. For example, over 100 banks were involved in the emergency package for Mexico. An expansion and wider participation in the General Agreement to Borrow (GAB) would be the best framework.

B. International monetary system

The current worldwide difficulties amply demonstrate that the shift to flexible exchange rates has not solved the problems posed by inconsistent macroeconomic policies. The austerity measures being pursued in almost all countries have created a "paradox of austerity" with no one providing the growth stimulus. As a result, global demand (liquidity) has contracted and the developing countries are bearing the brunt of the adjustment burden.

Furthermore, the wide swings in exchange rates in the medium term are resulting in prolonged departures from equilibrium rates. As a result, resources are misallocated and protectionist pressures increase. The 25 percent appreciation of the dollar on a trade weighted basis has caused a decline in real growth in the U.S. by 1.5 percent and an increase in unemployment of over 1 million workers.

The time has come to consider modifications of the exchange rate system to moderate the wide swings in exchange rates in the medium term. Flexible exchange rates have not turned out to be the panacea that economists claimed they would be and now several prominent economists have called for increased intervention to maintain rates in "target zones".

Any intervention, however, will require much closer coordination of macroeconomic policies. The recent U.S. experience with Reaganomics and the Mitterrand experiment of unilateral expansionism demonstrate the folly of one country trying to conduct a macroeconomic policy at variance with the rest of the world. Both of these governments underestimated the strength of the international linkages and now both have had to retreat because of the exchange rate consequences of their respective policies. Unfortunately the world economy is left with a paralysis in international policymaking.

In order to break through this paralysis, the financial leaders of the major countries should meet to review the deficiencies in the international financial system and to consider modifications in the exchange rate regime. This should not just be a routine meeting lacking in substance as recent Economic Summits have been. Instead the meeting should represent a bold step at reform—a Bretton Woods II if you will. Otherwise the individual national attempts to solve these pressing global problems could lead us to a repeat of the tragedy of the 1930's.

CONCLUSION

The current economic environment, in many ways similar to the 1930s, threatens the international trade and financial systems from which all countries have gained and prospered. Unless the major countries agree to cooperate and to address their common economic problems collectively, history could repeat itself.

The increased interdependence and increased pluralism in the world economy mean that no single country can afford to go it alone in international economic affairs nor can any single country lead us out of the current malaise. Containing present problems is not within the capability of any of the major actors, governments or international institutions. The major countries must pull together as never before to restore prosperity to the world economy.

On macroeconomic policy, this means the major countries must agree to a coordinated expansion in the short run while taking steps to reduce future budget deficits. At the same time, countries must resist adopting the beggar-thy-neighbor policies which increased the severity and duration of the Great Depression.

Global economic recovery and efforts to restrain protectionism, however, will not be sufficient to solve all of our current economic problems.

Developing country debt will continue to be a problem for some time into the future. Furthermore, the financial system's deficiencies have been exposed and in order to prevent similar problems from recurring, those deficiencies must be remedied.

The time has come for the nations of the world to convene a high-level financial meeting, a Bretton Woods II, in order to address these issues concerning the adequacy of international financial institutions and the organization of the international monetary system. Specifically, the following actions need to be taken:

Increases in general liquidity by expanding IMF quotas.

Methods to increase "crisis" liquidity through the establishment of an emergency fund which would be able to respond quickly to crises.

Removal of the ambiguity over the lender of last resort including the development of contingency plans by the major central banks.

Consolidation and regularization of existing developing country debt to prevent solvency crises.

Improvements in the quality and availability of information on international banking, including closer cooperation and sharing among the IMF, GAB, BIS and World Bank.

Modification of the exchange rate system to prevent wide swings in the exchange rate over the medium term.

Methods for improving coordination of macroeconomic policies of the major industrial countries in order to obtain a sustained non-inflationary recovery.

The problems facing the international financial system are grave, but they are not beyond our collective capability—if we act together. Convening a Bretton Woods II would be the first step toward the development of an international consensus for resolving our common problems and toward agreement on the shape of the international financial system in the future. The sooner that process begins, the better.

Mr. DOMENICI. Mr. President, I am pleased to join the distinguished chairman of the Senate Foreign Relations Committee in cosponsoring this resolution.

This resolution is a straightforward measure. It acknowledges that the misalinement of currencies is exacting a tremendous toll in the form of lost jobs, retarded economic growth, and new protectionist pressures. It says that through further cooperation and consultation among America's trading partners, we can reduce these problems.

In a very real sense, this resolution simply confirms Senate support for a continuation of the efforts begun at the Versailles economic summit and promoted at the recent Paris trade talks. The Williamsburg summit provides an opportunity to consolidate past gains and make new efforts toward reducing the protectionist threat and building a stronger world economy.

As the senior Senator from New Mexico, I have been extremely interested in international trade and economic policy issues because the world economy has a profound and direct effect on the New Mexico economy. During this past recession, the agricultural and mining industries in New Mexico were particularly hard hit by the world economic downturn and the strong dollar.

Of course, protectionism, which is too often a product of economic stress, also took its toll in such diverse markets as agricultural commodities and high technology products. Additional protectionist measures must be avoided. Existing barriers to trade must be rolled back. These actions are less difficult in a world with a stable and growing economy and a mutual commitment to sustaining stability and growth. This resolution addresses these issues.

As chairman of the Senate Budget Committee, I also recognize the policy links between the United States and other economies. The actions that we take at home are transmitted through interest rates and currency values to economies abroad. In the same way, we are affected by the economic policies of our trading partners. Restrictive economic policies at home can combine with those of other nations to drive the U.S. economy into a downturn of unplanned severity. Overly stimulative policies at home can push the entire world into a period of unsustainable economic growth and uncontrollable inflation. This resolution recognizes these realities and calls for improved international coordination of economic policies.

The past 2 years have underscored the effect of U.S. policies on the world economy. As we sought to reduce our own domestic inflation rate by restricting money growth, international capital markets and flexible exchange rates carried our high interest rates abroad. The result was recession not only in the United States but among our trading partners.

The situation then came full circle. As our own export markets weakened, our trade balance deteriorated. Last year exports actually fell for the first time in 25 years. Our economy contracted 1.8 percent. And over 40 percent of the lost output was due to declining exports. Now weakened world markets are a major drag on our domestic recovery.

One need only look to my home State of New Mexico to see how the recession and international developments can affect private industry. Falling prices and an oversupply of petroleum on world markets hurt New Mexico's own oil and natural gas industries. Depressed world copper prices and the national recession caused problems for the New Mexico copper industry. Last year New Mexico copper production fell by over 60 percent and over 3,000 mine workers were layed off in Grant County alone. And weak world markets for agricultural products led to falling farm prices, declining sales, and the first drop in U.S. agricultural exports in 7 years. In addition, weak market conditions hurt the potash industry, such as in Eddy County, and also caused problems for the New Mexico coal industry.

Now, as the world emerges from the recession, we must design a new strategy for sustained economic growth with low inflation. It seems appropriate that we look to the lessons of the recent past to identify the important items for an international economic agenda.

First, we need to pursue reasoned, progrowth policies at home that are consistent with long-term price stability. We are in the early stages of the weakest economic recovery in postwar history. Last quarter GNP increased by only 2.5 percent. This compares to an average first quarter recovery of almost 8 percent for the four previous postwar recoveries, excluding 1980. We cannot risk a failed recovery. This is the time for cautious, growth-oriented economic policies. And, as I have said many times during the budget debate, this is not the time to raise taxes here at home in any major way.

Second, we must coordinate our economic policies with our trading partners or risk unintended results. Economic policies must both be consistent with domestic aims and contribute to satisfactory world results. In the recent past, we have seen how various national policies undertaken independently can combine to create unexpected economic stress. At present, the interactions of national economies can provide us strength. The depth of the world recession requires a recognition that coordinated action is necessary to generate a "critical mass" for sustained economic growth. A series of isolated economic actions simply may not be enough and, unless coordinated, may be counterproductive.

Third, we must reverse the persistent overvaluation of the dollar. Over the last 3 years, the dollar rose over 35 percent against the currencies of other Western industrial nations. This sharp appreciation of the dollar seems unwarranted in light of the more modest changes in the economic forces that are supposed to guide exchange rates. Misalinements distort international trading decisions. They artificially increase the cost of U.S. exports abroad and decrease the cost of imported products in home markets. As a result, U.S. businesses lose sales and U.S. workers lose jobs.

Fourth, we must calm the volatility of exchange rates. Short run fluctuations in exchange rates have become more severe in recent months. One percentage point overnight moves in the values of major currencies are becoming more common. In fact, during the last 8 weeks of 1982, the dollar fell against the Japanese yen by almost 20

percent. In that case, the decline was good for American business. But generally, wide swings in exchange rates are not. Such changes make it extremely difficult for U.S. businesses to plan international transactions.

Fifth, we must bring U.S. interest rates in line with those of our trading partners. During the past 2 years, we have had high real interest rates compared to other industrial nations. These interest rates have attracted investors of dollar-denominated assets—bidding up the price of the dollar. In December 1982, the real yield on dollar deposits in Euromarkets was 5.6 percent, compared to 5 percent for the Japanese yen and 1.3 percent for the German mark. No wonder the dollar is so strong. But to do something about it, we need the cooperation of other countries. We can reduce domestic interest rates. But this will have little international effect unless other countries refrain from competitive reductions in their own interest rates.

Finally, we must convince all nations to take advantage of the prospects for economic growth by dismantling protectionist barriers to trade. The economic stresses of the past few years have led to a resurgence of protectionist pressures. Some of our trading partners have erected new barriers to trade. They have forgotten the hard lesson of the thirties when protectionism threw a fragile world economy into a deeper recession. In recent months, I have met and discussed agricultural trade issues with representatives from Japan and the European Community. We must open up world markets. A strong economic recovery simply cannot be sustained in a world of closed economies.

These six steps will go a long way toward defusing another serious problem: The world debt crisis. A strong economic recovery, stable exchange rates, and open trading markets will enable less developed countries to earn the foreign exchange necessary to pay off debts and buy U.S. exports.

The recent world recession was years in the making. We cannot expect to recapture sustained economic growth overnight. But improved international coordination of economic policies seems a commonsense place to start.

Experience has shown that international economic cooperation is possible in crisis situations. The recent world debt crisis is but a recent example. It is time to move from crisis management to forward-looking action. Now is the right time; this resolution is a step in the right direction.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 135

Whereas the continuing misalinement of major currencies with the United States dollar is a principal factor in undermining United States trade competitiveness and in depressing the United States economy over the past two years;

Whereas the consequence has been the loss of many hundreds of thousands of jobs, severe dislocation in many areas of the United States economy, and the generation of protectionist pressures;

Whereas persisting disparities in interest-rate levels between the United States and other key currency countries have contributed heavily to these ongoing exchange-rate misalinements;

Whereas both these maladjustments result in major part from inadequate coordination and harmonization of general economic policies among the United States and other key currency countries;

Whereas European and Japanese officials have indicated a desire to discuss remedies for these problems; and

Whereas the forthcoming Williamsburg summit conference at the end of May will bring together the leaders of key currency countries: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should arrange to have included among the highest priority themes of the Williamsburg summit to seek a consensus among the participants on the need to improve the coordination of economic policies among summit countries, aimed at reducing disparities in economic policies, interest rates, and exchange rates between the major industrial nations, at stemming current dangerous protectionist pressures, and at hastening a healthy and sustained recovery of industrial economies and of international trade;

(2) such consensus should include announcement of a mechanism or procedure for such consultation on a close and continuing basis so long as important protectionist pressure and increased governmental intervention in international trade remains a danger to the world-trade system;

(3) such consensus should also include provision for an early meeting of summit country ministers of finance and the United States Secretary of the Treasury to consider steps to achieve better alinement between the interest rates and major currencies and to make public the objectives of such steps; and

(4) the President should arrange, in conjunction with the Williamsburg summit, bilateral discussions with the Prime Minister of Japan to initiate special efforts to bring about consensus and joint action to achieve the earliest possible further realinement of the yen- and dollar-exchange rates.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT AMENDMENTS

Mr. BAKER. Mr. President, another item cleared on this side for action by unanimous consent is Calendar No. 100, S. 726. If the minority leader is prepared to proceed with that item, I am prepared to do so.

Mr. BYRD. Mr. President, that matter has been cleared on this side.

Mr. BAKER. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 100.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 726) to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1300

(Purpose: To provide a committee substitute)

Mr. BAKER. Mr. President, I send to the desk an amendment in the nature of a substitute, on behalf of Senator ANDREWS.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. ANDREWS, proposes an amendment numbered 1300.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. The matter preceding title I of the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325) (hereafter in this Act referred to as the "Act") is amended—

(1) by striking out "definitions" and inserting in lieu thereof the following:

"DEFINITIONS

"SEC. 2. (a) For purposes of this Act, the term—",

(2) by striking out "and is eligible to receive services from the Secretary of the Interior" in paragraph (1);

(3) by inserting before the semicolon at the end of paragraph (5) thereof the following: "and the reference to Secretary in clause (5)(A) of such section shall be deemed to refer to the Secretary of the Interior"; and

(4) by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled community college, determined in a manner consistent with subsection (b) of this section on the basis of the quotient of the sum of the credit hours of all Indian students so enrolled, divided by twelve.

"(b) For purposes of determining the Indian student count under subsection (a)(7)—

"(1) Credit hours shall be calculated on the basis of registration of Indian students at the conclusion of the third week of each academic term.

"(2) Credit hours earned in classes offered during a summer academic term shall be

taken into account in determining the Indian student count for the succeeding fall academic term.

"(3) Credits earned by Indian students in any continuing education program of a tribally controlled community college (other than a General Education Development course or a program supported by a Federal grant, contract, or cooperative agreement) shall be taken into account. Such credits shall be converted to a credit-hour basis in accordance with the tribally controlled community college's system for providing credit for participation in such programs.

"(4) No more than 12 credit hours per Indian student per academic term may be taken into account.

"(5) No credit hours earned by an Indian student who has earned more than 75 credit hours in a 2-year program, or 150 hours in a 4-year program, for which assistance has been provided under this Act shall be taken into account.".

SEC. 2. Section 101 of the Act is amended by inserting immediately before the period at the end thereof the following: ", and to allow for the improvement and expansion of the physical resources of such institutions".

SEC. 3. (a) Section 102 of the Act is amended—

(1) by striking out "is authorized to" in subsection (a) and inserting in lieu thereof "shall, subject to appropriations,"; and

(2) by striking out "to defray the expense of activities related to education programs for Indian students" in subsection (b) and inserting in lieu thereof "to defray, at the determination of the tribally controlled community college, expenditures for academic, educational, and administrative purposes and for the operation and maintenance of the college".

(b) Section 106(a) of the Act is amended by inserting after the second sentence the following new sentence: "Such application shall include a description of recordkeeping procedures for the expenditure of funds received under this Act which will allow the Secretary to audit and monitor programs conducted with such funds.".

SEC. 4. (a) The Act is amended—

(1) by redesignating sections 104 through 114 as sections 105 through 115, respectively; and

(2) by inserting after section 103 the following new section:

"PLANNING GRANTS

"SEC. 104. (a) The Secretary shall establish a program in accordance with this section to make grants to tribes and tribal entities to conduct planning activities for the purpose of developing proposals for the establishment of tribally controlled community colleges, or to determine the need and potential for the establishment of such colleges.

"(b) The Secretary shall establish, by regulation, procedures for the submission and review of applications for grants under this section.

"(c) From the amount appropriated to carry out this title for any fiscal year (exclusive of sums appropriated for section 105), the Secretary shall reserve (and expend) an amount necessary to make grants to five applicants under this section of not more than $15,000 each, or an amount necessary to make grants in that amount to each of the approved applicants, if less than five apply and are approved.".

(b) The Act is further amended—

(1) by striking out "section 106" in section 106 (as redesignated by subsection (a)(1)) and inserting in lieu thereof "section 107";

(2) by striking out "section 105" in section 107 (as so redesignated) and inserting in lieu thereof "section 106"; and

(3) by striking out "section 106(a)" in section 111 (as so redesignated) and inserting in lieu thereof "section 107(a)".

SEC. 5. Section 105 of the Act (as redesignated by section 4(a)(1)) is amended—

(1) by inserting "from a tribally controlled community college which is receiving funds under section 108" after "upon request" in the first sentence thereof; and

(2) by striking out "to tribally controlled community colleges" in such sentence.

SEC. 6. (a) Section 106 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "feasibility" in the heading of such section and inserting in lieu thereof "eligibility";

(2) by striking out "feasibility" each place it appears in such section and inserting in lieu thereof "eligibility";

(3) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (a) and inserting in lieu thereof "Secretary of Education";

(4) by inserting at the end of subsection (b) the following new sentence: "Such a positive determination shall be effective for the fiscal year succeeding the fiscal year in which such determination is made."; and

(5) by striking out "10 per centum" in subsection (c)(2) and inserting in lieu thereof "5 per centum".

(b) Section 107 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "feasibility" in subsection (a) and inserting in lieu thereof "eligibility", and

(2) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (b) and inserting in lieu thereof "Secretary of Education".

SEC. 7. Section 108(a) of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"SEC. 108. (a) Except as provided in section 111, the Secretary shall, subject to appropriations, grant for each academic year to each tribally controlled community college having an application approved by him an amount equal to—

"(1) the Indian student count at such college during such academic year, as determined by the Secretary in accordance with section 2(a)(7) of this Act, multiplied by

"(2)(A) $4,000 for fiscal year 1984,

"(B) $5,025 for fiscal year 1985,

"(C) $5,415 for fiscal year 1986, and

"(D) $5,820 for fiscal year 1987,

except that no grant shall exceed the total cost of the education program provided by such college.".

SEC. 8. Section 109 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by inserting "(a)" immediately after the section designation; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) The amount of any grant for which tribally controlled community colleges are eligible under section 108 shall not be altered because of funds allocated to any such colleges from funds appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13).

"(2) No tribally controlled community college shall be denied funds appropriated under such Act of November 2, 1921, because of the funds it receives under this Act.

"(c) For the purposes of section 312(2)(A)(i) and 322(a)(2)(A)(i) of the Higher Education Act of 1965, any Indian student who receives a student assistance grant from the Bureau of Indian Affairs for postsecondary education shall be deemed to have received such assistance under subpart 1 of part A of title IV of such Act.".

SEC. 9. (a) Section 110 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"APPROPRIATION AUTHORIZATION

"SEC. 110. (a)(1) There is authorized to be appropriated, for carrying out section 105, $3,200,000 for each of the fiscal years 1985, 1986, and 1987.

"(2) There is authorized to be appropriated for carrying out section 107, $30,000,000 for each of the fiscal years 1985, 1986, and 1987.

"(3) There are authorized to be appropriated such sums as may be necessary to carry out sections 112(b) and 113 for each of the fiscal years 1985, 1986, and 1987.

"(b)(1) For the purposes of affording adequate notice of funding available under this Act, amounts appropriated in an appropriation Act for any fiscal year to carry out this Act shall become available for obligation on July 1 of that fiscal year and shall remain available until September 30 of the succeeding fiscal year.

"(2) In order to effect a transition to the forward funding method of timing appropriation action described in paragraph (1), there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations to carry out this Act, the first of which shall not be subject to paragraph (1).".

SEC. 10. Section 111 of the Act (as redesignated by section 4(a)(1) of this Act) is amended by redesignating subsection (b) as subsection (c) and by striking out subsection (a) and inserting in lieu thereof the following:

"(a)(1) If the sums appropriated for any fiscal year pursuant to section 110(a)(2) for grants under section 107 are not sufficient to pay in full the total amount which approved applicants are eligible to receive under such section for such fiscal year—

"(A) the Secretary shall first allocate to each such applicant which received funds under section 107 for the preceding fiscal year an amount equal to the product of—

"(i) the per capita payment for the preceding fiscal year, multiplied by

"(ii) such applicant's Indian student count for the preceding fiscal year;

"(B) the Secretary shall next allocate to applicants who did not receive funds under such section for the preceding fiscal year an amount equal to the product of—

"(i) the per capita payment for the preceding fiscal year, multiplied by

"(ii) such applicant's Indian student count for the current fiscal year,

in the order in which such applicants have qualified for assistance in accordance with such section so that no amount shall be allocated to a later qualified applicant until each earlier qualified applicant is allocated an amount equal to such product; and

"(C) if additional funds remain after making the allocations required by subparagraphs (A) and (B) the Secretary shall allocate such funds by ratably increasing the amounts of the grant determined under such subparagraphs.

"(2) For purposes of paragraph (1) of this subsection, the term 'per capita payment' for any fiscal year shall be determined by

dividing the amount available for grants to tribally controlled community colleges under section 107 for such fiscal year by the sum of the Indian student counts of such colleges for such fiscal year. The Secretary shall, on the basis of the most satisfactory data available, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this title.

"(b)(1) If the sums appropriated for any fiscal year for grants under section 107 are not sufficient to pay in full the total amount of the grants determined pursuant to subsection (a)(1)(A) the amount which applicants described in such subsection are eligible to receive under section 107 for such fiscal year shall be ratably reduced.

"(2) If any additional funds become available for making payments under section 107 for any fiscal year to which subsection (a) or paragraph (1) of this subsection applies, such additional amounts shall be allocated by first increasing grants reduced under paragraph (1) of this subsection on the same basis as they were reduced and by then allocating the remainder in accordance with subsection (a). Sums appropriated in excess of the amount necessary to pay in full the total amounts for which applicants are eligible under section 107 shall be allocated by ratably increasing such total amounts.".

SEC. 11. Section 112 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"REPORT ON FACILITIES

"SEC. 112. (a) The Administrator of General Services shall provide for the conduct of a study of facilities available for use by tribally controlled community colleges. Such study shall consider the condition of currently existing Bureau of Indian Affairs facilities which are vacant or underutilized and shall consider available alternatives for renovation, alteration, repair, and reconstruction of such facilities (including renovation, alteration, repair, and reconstruction necessary to bring such facilities into compliance with local building codes). Such study shall also identify the need for new construction. A report on the results of such study shall be submitted to the Congress not later than September 30, 1985. Such report shall also include an identification of property—

"(1) on which structurally sound buildings suitable for use as educational facilities are located, and

"(2) which is available for use by tribally controlled community colleges under section 202(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)(2)) and under the Act of August 6, 1956 (70 Stat. 1057; 25 U.S.C. 443a).

"(b) The Administrator of General Services, in consultation with the Bureau of Indian Affairs, shall initiate a program to conduct necessary renovations, alternations, repairs, and reconstruction identified pursuant to subsection (a) of this section.

"(c) For the purposes of this section, the term 'reconstruction' has the meaning provided in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B)).".

SEC. 12. Section 113 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"CONSTRUCTION OF NEW FACILITIES

"SEC. 113. (a) With respect to any tribally controlled community college for which the report of the Administrator of General Services under section 112(a) of this Act identifies a need for new construction, the Secretary shall, subject to appropriations and on the basis of an application submitted in accordance with such requirements as the Secretary may prescribe by regulation, provide grants for such construction in accordance with this section.

"(b) In order to be eligible for a grant under this section, a tribally controlled community college—

"(1) must be a current recipient of grants under section 105 or 107, and

"(2) must be accredited by a nationally recognized accrediting agency listed by the Secretary of Education pursuant to the last sentences of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), except that such requirement may be waived if the Secretary determines that there is a reasonable expectation that such college will be fully accredited within eighteen months. In any case where such a waiver is granted, grants under this section shall be available only for planning and development of proposals for construction.

"(c)(1) Except as provided in paragraph (2), grants for construction under this section shall not exceed 80 per centum of the cost of such construction, except that no tribally controlled community college shall be required to expend more than $400,000 in fulfillment of the remaining 20 per centum. For the purpose of providing its required portion of the cost of such construction, a tribally controlled community college may use funds provided under the Act of November 2, 1921 (25 U.S.C. 13), popularly referred to as the Synder Act.

"(2) The Secretary may waive, in whole or in part, the requirements of paragraph (1) in the case of any tribally controlled community college which demonstrates that neither such college nor the tribal government with which it is affiliated have sufficient resources to comply with such requirements. The Secretary shall base a decision on whether to grant such a waiver solely on the basis of the following factors: (A) tribal population; (B) potential student population; (C) the rate of unemployment among tribal members; (D) tribal financial resources; and (E) other factors alleged by the college to have a bearing on the availability of resources for compliance with the requirements of paragraph (1) and which may include the educational attainment of tribal members.

"(d) If, within twenty years after completion of construction of a facility which has been constructed in whole or in part with a grant made available under this section—

"(1) the facility ceases to be used by the applicant in a public or nonprofit capacity as an academic facility, unless the Secretary determines that there is good cause for releasing the institution from this obligation, and

"(2) the tribe with which the applicant is affiliated fails to use the facility for a public purpose approved by the tribal government in furtherance of the general welfare of the community served by the tribal government,

title to the facility shall vest in the United States and the applicant (or such tribe if such tribe is the successor in title to the facility) shall be entitled to recover from the United States an amount which bears the same ratio to the present value of the facility as the amount of the applicant's contribution (excluding any funds provided under the Act of November 2, 1921 (25 U.S.C. 13)) bore to the original cost of the facility. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is located.

"(e) No construction assisted with funds under this section shall be used for religious worship or a sectarian activity or for a school or department of divinity.

"(f) For the purposes of this section—

"(1) the term 'construction' includes reconstruction or renovation (as such terms are defined in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B))); and

"(2) the term 'academic facilities' has the meaning provided such term under section 742(1) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(1)).".

SEC. 13. The Act is further amended by adding at the end thereof the following new title:

"TITLE III—TRIBALLY CONTROLLED COMMUNITY COLLEGE ENDOWMENT PROGRAM

"PURPOSE

"SEC. 301. It is the purpose of this title to provide grants for the encouragement of endowment funds for the operation and improvement of tribally controlled community colleges.

"ESTABLISHMENT OF PROGRAM; PROGRAM AGREEMENTS

"SEC. 302. (a) From the amount appropriated pursuant to section 306, the Secretary shall establish a program of making endowment grants to tribally controlled community colleges which are current recipients of assistance under section 107 of this Act or under section 3 of the Navajo Community College Act. No such college shall be ineligible for such a grant for a fiscal year by reason of the receipt of such a grant for a preceding fiscal year.

"(b) No grant for the establishment of an endowment fund by a tribally controlled community college shall be made unless such college enters into an agreement with the Secretary which—

"(1) provides for the establishment and maintenance of a trust fund at a federally insured banking or savings institution;

"(2) provides for the deposit in such trust fund of—

"(A) any Federal capital contributions made from funds appropriated under section 306;

"(B) a capital contribution by such college in an amount equal to the amount of each Federal capital contribution; and

"(C) any earnings of the funds so deposited;

"(3) provides that such funds will be deposited in such a manner as to insure the accumulation of interest thereon at a rate not less than that generally available for similar funds deposited at the same banking or savings institution for the same period or periods of time;

"(4) provides that, if at any time such college withdraws any capital contribution made by that college, an equal amount of Federal capital contribution shall be withdrawn and returned to the Secretary for reallocation to other colleges;

"(5) provides that no part of the net earnings of such trust fund will inure to the benefit of any private person; and

"(6) includes such other provisions as may be necessary to protect the financial interest of the United States and promote the purpose of this title and as are agreed to by the Secretary and the college, including a

description of recordkeeping procedures for the expenditure of accumulated interest which will allow the Secretary to audit and monitor programs and activities conducted with such interest.

"USE OF FUNDS

"SEC. 303. Interest deposited, pursuant to section 302(b)(2)(C), in the trust fund of any tribally controlled community college may be periodically withdrawn and used, at the discretion of such college, to defray any expenses associated with the operation of such college, including expense of operations and maintenance, administration, academic and support personnel, community and student services programs, and technical assistance.

"COMPLIANCE WITH MATCHING REQUIREMENTS

"SEC. 304. For the purpose of complying with the contribution requirement of section 302(b)(2)(B), a tribally controlled community college may use funds which are available from any private or tribal source.

"ALLOCATION OF FUNDS

"SEC. 305. (a) From the amount appropriated pursuant to section 306, the Secretary shall allocate to each tribally controlled community college which is eligible for an endowment grant under this title an amount for a Federal capital contribution equal to the amount which such college demonstrates has been placed within the control of, or irrevocably committed to the use of, the college and is available for deposit as a capital contribution of that college in accordance with section 302(b)(2)(B), except that the maximum amount which may be so allocated to any such college for any fiscal year shall not exced $350,000.

"(b) If for any fiscal year the amount appropriated pursuant to section 306 is not sufficient to allocate to each tribally controlled community college an amount equal to the amount demonstrated by such college pursuant to subsection (a), then the amount of the allocation to each such college shall be ratably reduced.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 306. (a) There is authorized to be appropriated to carry out the provisions of this title $5,000,000 for each of the fiscal years 1985, 1986, and 1987.

"(b) Any funds appropriated pursuant to subsection (a) are authorized to remain available until expended.".

SEC. 14. In promulgating any regulations to implement the amendments made by this Act, the Secretary of the Interior shall consult with tribally controlled community colleges.

Mr. ANDREWS. Mr. President, I rise today to speak on behalf of Senate passage of S. 726, a bill to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes. The predecessor of this bill, S. 2623, was passed by both Houses in the 97th Congress, but received a pocket veto upon reaching the President's desk. The President's veto message referred to language that was contained in the House-passed bill and that was receded to by the Senate in conference—language characterizing the provision of education to Indian students as part of the trust obligation assumed by the United States in exchange for lands ceded to the Federal Government by the Indian tribes. The President also objected to a provision in the conference bill that would have authorized legislative veto of regulations promulgated under the act. Neither of the provisions cited in the President's veto message are contained in S. 726.

Mr. President, the 18 tribally controlled community colleges have made great strides in meeting the educational needs of reservation communities and have brought opportunities for higher education to Indian people in remote areas where none previously existed. These opportunities represent a sound Federal investment in the future self-sufficiency and self-determination of our Indian people—opportunities for education that will reap benefits for many generations to come. I urge my colleagues to reauthorize this valuable and worthwhile program with the following amendment in the nature of a substitute to the bill that was reported out of the Indian Affairs Committee. The substitute incorporates technical amendments intended to address concerns expressed by my distinguished colleague, the senior Senator from Idaho, as well as the administration.

Mr. President, the Congressional Budget Office has estimated that the General Services Administration would require approximately $100,000 over fiscal years 1983 and 1984 to conduct a study of facilities available to the tribally controlled community colleges. That study would examine the need for renovation and repair of vacant or underutilized BIA facilities in order to bring such facilities into compliance with local building codes. I would note however, that S. 726 does not create new budget authority for appropriations to cover the costs that may be associated with the study. The Select Committee on Indian Affairs intends that the costs of the study will be absorbed by the General Services Administration. S. 726 is not intended to increase the budget requests of that agency.

Mr. President, I ask that the Senate vote to enact the proposed amendment in the nature of a substitute to S. 726, a bill to reauthorize the Tribally Controlled Community College Assistance Act of 1978.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The matter preceding title I of the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325) (hereafter in this Act referred to as the "Act") is amended—

(1) by striking out "definitions" and inserting in lieu thereof the following:

"DEFINITIONS

"SEC. 2. (a) For purposes of this Act, the term—";

(2) by striking out "and is eligible to receive services from the Secretary of the Interior" in paragraph (1);

(3) by inserting before the semicolon at the end of paragraph (5) thereof the following: "and the reference to Secretary in clause (5)(A) of such section shall be deemed to refer to the Secretary of the Interior"; and

(4) by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled community college, determined in a manner consistent with subsection (b) of this section on the basis of the quotient of the sum of the credit hours of all Indian students so enrolled, divided by twelve.

"(B) For purposes of determining the Indian student count under subsection (a)(7)—

"(1) Credit hours shall be calculated on the basis of registration of Indian students at the conclusion of the third week of each academic term.

"(2) Credit hours earned in classes offered during a summer academic term should be taken into account in determining the Indian student count for the succeeding fall academic term.

"(3) Credits earned by Indian students in any continuing education program of a tribally controlled community college (other than a General Education Development course or a program supported by a Federal grant, contract, or cooperative agreement) shall be taken into account. Such credits shall be converted to a credit-hour basis in accordance with the tribally controlled community college's system for providing credit for participation in such programs.

"(4) No more than 12 credit hours per Indian student per academic term may be taken into account.

"(5) No credit hours earned by an Indian student who has earned more than 75 credit hours in a 2-year program, or 150 hours in a 4-year program, for which assistance has been provided under this Act shall be taken into account.".

SEC. 2. Section 101 of the Act is amended by inserting immediately before the period at the end thereof the following: ", and to allow for the improvement and expansion of the physical resources of such institutions".

SEC. 3. (a) Section 102 of the Act is amended—

(1) by striking out "is authorized to" in subsection (a) and inserting in lieu thereof "shall, subject to appropriations,"; and

(2) by striking out "to defray the expense of activities related to education programs for Indian students" in subsection (b) and inserting in lieu thereof "to defray, at the determination of the tribally controlled community college, expenditures for academic, educational, and administrative purposes and for the operation and maintenance of the college".

(b) Section 106(a) of the Act is amended by inserting after the second sentence the following new sentence: "Such application shall include a description of recordkeeping procedures for the expenditure of funds received under this Act which will allow the Secretary to audit and monitor programs conducted with such funds.".

SEC. 4. (a) The Act is amended—

(1) by redesignating sections 104 through 114 as sections 105 through 115, respectively; and

(2) by inserting after section 103 the following new section:

"PLANNING GRANTS

"SEC. 104. (a) The Secretary shall establish a program in accordance with this section to make grants to tribes and tribal entities to conduct planning activities for the purpose of developing proposals for the establishment of tribally controlled community colleges, or to determine the need and potential for the establishment of such colleges.

"(b) The Secretary shall establish, by regulation, procedures for the submission and review of applications for grants under this section.

"(c) From the amount appropriated to carry out this title for any fiscal year (exclusive of sums appropriated for section 105), the Secretary shall reserve (and expend) an amount necessary to make grants to five applicants under this section of not more than $15,000 each, or an amount necessary to make grants in that amount to each of the approved applicants, if less than five apply and are approved.".

(b) The Act is further amended—

(1) by striking out "section 106" in section 106 (as redesignated by subsection (a)(1)) and inserting in lieu thereof "section 107";

(2) by striking out "section 105" in section 107 (as so redesignated) and inserting in lieu thereof "section 106"; and

(3) by striking out "section 106(a)" in section 111 (as so redesignated) and inserting in lieu thereof "section 107(a)".

SEC. 5. Section 105 of the Act (as redesignated by section 4(a)(1)) is amended—

(1) by inserting "from a tribally controlled community college which is receiving funds under section 108" after "upon request" in the first sentence thereof; and

(2) by striking out "to tribally controlled community colleges" in such sentence.

SEC. 6. (a) Section 106 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "feasibility" in the heading of such section and inserting in lieu thereof "eligibility";

(2) by striking out "feasibility" each place it appears in such section and inserting in lieu thereof "eligibility";

(3) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (a) and inserting in lieu thereof "Secretary of Education";

(4) by inserting at the end of subsection (b) the following new sentence: "Such a positive determination shall be effective for the fiscal year succeeding the fiscal year in which such determination is made."; and

(5) by striking out "10 per centum" in subsection (c)(2) and inserting in lieu thereof "5 per centum".

(b) Section 107 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "feasibility" in subsection (a) and inserting in lieu thereof "eligibility", and

(2) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (b) and inserting in lieu thereof "Secretary of Education".

SEC. 7. Section 108(a) of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"SEC. 108. (a) Except as provided in section 111, the Secretary shall, subject to appropriations, grant for each academic year to each tribally controlled community college having an application approved by him an amount equal to—

"(1) the Indian student count at such college during such academic year, as determined by the Secretary in accordance with section 2(a)(7) of this Act, multiplied by

"(2)(A) $4,000 for fiscal year 1984,

"(B) $5,025 for fiscal year 1985,

"(C) $5,415 for fiscal year 1986, and

"(D) $5,820 for fiscal year 1987,

except that no grant shall exceed the total cost of the education program provided by such college.".

SEC. 8. Section 109 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by inserting "(a)" immediately after the section designation; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) The amount of any grant for which tribally controlled community colleges are eligible under section 100 shall not be altered because of funds allocated to any such colleges from funds appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13).

"(2) No tribally controlled community college shall be denied funds appropriated under such Act of November 2, 1921, because of the funds it receives under this Act.

"(c) For the purposes of section 312(2)(A)(i) and 322(a)(2)(A)(i) of the Higher Education Act of 1965, any Indian student who receives a student assistance grant from the Bureau of Indian Affairs for postsecondary education shall be deemed to have received such assistance under subpart 1 of part A of title IV of such Act.".

SEC. 9. (a) Section 110 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"APPROPRIATION AUTHORIZATION

"SEC. 110. (a)(1) There is authorized to be appropriated, for carrying out section 105, $3,200,000 for each of the fiscal years 1985, 1986, and 1987.

"(2) There is authorized to be appropriated for carrying out section 107, $30,000,000 for each of the fiscal years 1985, 1986, and 1987.

"(3) There are authorized to be appropriated such sums as may be necessary to carry out sections 112 (b) and 113 for each of the fiscal years 1985, 1986, and 1987.

"(b)(1) For the purpose of affording adequate notice of funding available under this Act, amounts appropriated in an appropriation Act for any fiscal year to carry out this Act shall become available for obligation on July 1 of that fiscal year and shall remain available until September 30 of the succeeding fiscal year.

"(2) In order to effect a transition to the forward funding method of timing appropriation action described in paragraph (1), there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations to carry out this Act, the first of which shall not be subject to paragraph (1).".

SEC. 10. Section 111 of the Act (as redesignated by section 4(a)(1) of this Act) is amended by redesignating subsection (b) as subsection (c) and by striking out subsection (a) and inserting in lieu thereof the following:

"(a)(1) If the sums appropriated for any fiscal year pursuant to section 110(a)(2) for grants under section 107 are not sufficient to pay in full the total amount which approved applicants are eligible to receive under such section for such fiscal year—

"(A) the Secretary shall first allocate to each such applicant which received funds under section 107 for the preceding fiscal year an amount equal to the product of—

"(i) "the per capita payment for the preceding fiscal year, multiplied by

"(ii) such applicant's Indian student count for the preceding fiscal year;

"(B) the Secretary shall next allocate to applicants who did not receive funds under such section for the preceding fiscal year an amount equal to the product of—

"(i) the per capita payment for the preceding fiscal year, multiplied by

"(ii) such applicant's Indian student count for the current fiscal year,

in the order in which such applicants have qualified for assistance in accordance with such section so that no amount shall be allocated to a later qualified applicant until each earlier qualified applicant is allocated an amount equal to such product; and

"(C) if additional funds remain after making the allocations required by subparagraphs (A) and (B) the Secretary shall allocate such funds by ratably increasing the amounts of the grant determined under such subparagraphs.

"(2) For purposes of paragraph (1) of this subsection, the term 'per capita payment' for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled community colleges under section 107 for such fiscal year by the sum of the Indian student counts of such colleges for such fiscal year. The Secretary shall, on the basis of the most satisfactory data available, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this title.

"(b)(1) If the sums appropriated for any fiscal year for grants under section 107 are not sufficient to pay in full the total amount of the grants determined pursuant to subsection (a)(1)(A) the amount which applicants described in such subsection are eligible to receive under section 107 for such fiscal year shall be ratably reduced.

"(2) If any additional funds become available for making payments under section 107 for any fiscal year to which subsection (a) or paragraph (1) of this subsection applies, such additional amounts shall be allocated by first increasing grants reduced under paragraph (1) of this subsection on the same basis as they were reduced and by then allocating the remainder in accordance with subsection (a). Sums appropriated in excess of the amount necessary to pay in full the total amounts for which applicants are eligible under section 107 shall be allocated by ratably increasing such total amounts.".

SEC. 11. Section 112 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"REPORT ON FACILITIES

"SEC. 112. (a) The Administrator of General Services shall provide for the conduct of a study of facilities available for use by tribally controlled community colleges. Such study shall consider the condition of currently existing Bureau of Indian Affairs facilities which are vacant or underutilized and shall consider available alternatives for renovation, alteration, repair, and reconstruction of such facilities (including renovation, alteration, repair, and reconstruction necessary to bring such facilities into compliance with local building codes). Such study shall also identify the need for new construction. A report on the results of such study shall be submitted to the Congress not later than September 30, 1985. Such

report shall also include an identification of property—

"(1) on which structurally sound buildings suitable for use as educational facilities are located, and

"(2) which is available for use by tribally controlled community colleges under section 202(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)(2)) and under the Act of August 6, 1956 (70 Stat. 1057; 25 U.S.C. 443a).

"(b) The Administrator of General Services, in consultation with the Bureau of Indian Affairs, shall initiate a program to conduct necessary renovations, alterations, repairs, and reconstruction identified pursuant to subsection (a) of this section.

"(c) For the purposes of this section, the term 'reconstruction' has the meaning provided in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B)).".

SEC. 12. Section 113 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"CONSTRUCTION OF NEW FACILITIES

"SEC. 113. (a) With respect to any tribally controlled community college for which the report of the Administrator of General Services under section 112(a) of this Act identifies a need for new construction, the Secretary shall, subject to appropriations and on the basis of an application submitted in accordance with such requirements as the Secretary may prescribe by regulation, provide grants for such construction in accordance with this section.

"(b) In order to be eligible for a grant under this section, a tribally controlled community college—

"(1) must be a current recipient of grants under section 105 or 107, and

"(2) must be accredited by a nationally recognized accrediting agency listed by the Secretary of Education pursuant to the last sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), except that such requirement may be waived if the Secretary determines that there is a reasonable expectation that such college will be fully accredited within eighteen months. In any case where such a waiver is granted, grants under this section shall be available only for planning and development of proposals for construction.

"(c)(1) Except as provided in paragraph (2), grants for construction under this section shall not exceed 80 per centum of the cost of such construction, except that no tribally controlled community college shall be required to expend more than $400,000 in fulfillment of the remaining 20 per centum. For the purpose of providing its required portion of the cost of such construction, a tribally controlled community college may use funds provided under the Act of November 2, 1921 (25 U.S.C. 13), popularly referred to as the Snyder Act.

"(2) The Secretary may waive, in whole or in part, the requirements of paragraph (1) in the case of any tribally controlled community college which demonstrates that neither such college nor the tribal government with which it is affiliated have sufficient resources to comply with such requirements. The Secretary shall base a decision on whether to grant such a waiver solely on the basis of the following factors: (A) tribal population; (B) potential student population; (C) the rate of unemployment among tribal members; (D) tribal financial resources; and (E) other factors alleged by the college to have a bearing on the availability of resources for compliance with the requirements of paragraph (1) and which may include the educational attainment of tribal members.

"(d) If, within twenty years after completion of construction of a facility which has been constructed in whole or in part with a grant made available under this section—

"(1) the facility ceases to be used by the applicant in a public or nonprofit capacity as an academic facility, unless the Secretary determines that there is good cause for releasing the institution from this obligation, and

"(2) the tribe with which the applicant is affiliated fails to use the facility for a public purpose approved by the tribal government in furtherance of the general welfare of the community served by the tribal government,

title to the facility shall vest in the United States and the applicant (or such tribe if such tribe is the successor in title to the facility) shall be entitled to recover from the United States an amount which bears the same ratio to the present value of the facility as the amount of the applicant's contribution (excluding any funds provided under the Act of November 2, 1921 (25 U.S.C. 13)) bore to the original cost of the facility. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is located.

"(e) No construction assisted with funds under this section shall be used for religious worship or a sectarian activity or for a school or department of divinity.

"(f) For the purposes of this section—

"(1) the term 'construction' includes reconstruction or renovation (as such terms are defined in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B))); and

"(2) the term 'academic facilities' has the meaning provided such term under section 742(1) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(1)).".

SEC. 13. The Act is further amended by adding at the end thereof the following new title:

"TITLE III—TRIBALLY CONTROLLED COMMUNITY COLLEGE ENDOWMENT PROGRAM

"PURPOSE

"SEC. 301. It is the purpose of this title to provide grants for the encouragement of endowment funds for the operation and improvement of tribally controlled community colleges.

"ESTABLISHMENT OF PROGRAM; PROGRAM AGREEMENTS

"SEC. 302. (a) From the amount appropriated pursuant to section 306, the Secretary shall establish a program of making endowment grants to tribally controlled community colleges which are current recipients of assistance under section 107 of this Act or under section 3 of the Navajo Community College Act. No such college shall be ineligible for such a grant for a fiscal year by reason of the receipt of such a grant for a preceding fiscal year.

"(b) No grant for the establishment of an endowment fund by a tribally controlled community college shall be made unless such college enters into an agreement with the Secretary which—

"(1) provides for the establishment and maintenance of a trust fund at a federally insured banking or savings institution;

"(2) provides for the deposit in such trust fund of—

"(A) any Federal capital contributions made from funds appropriated under section 306;

"(B) a capital contribution by such college in an amount equal to the amount of each Federal capital contribution; and

"(C) any earnings of the funds so deposited;

"(3) provides that such funds will be deposited in such a manner as to insure the accumulation of interest thereon at a rate not less than that generally available for similar funds deposited at the same banking or savings institution for the same period or periods of time;

"(4) provides that, if at any time such college withdraws any capital contribution made by that college, an equal amount of Federal capital contribution shall be withdrawn and returned to the Secretary for reallocation to other colleges;

"(5) provides that no part of the net earnings of such trust fund will inure to the benefit of any private person; and

"(6) includes such other provisions as may be necessary to protect the financial interest of the United States and promote the purpose of this title and as are agreed to by the Secretary and the college, including a description of recordkeeping procedures for the expenditure of accumulated interest which will allow the Secretary to audit and monitor programs and activities conducted with such interest.

"USE OF FUNDS

"SEC. 303. Interest deposited, pursuant to section 302(b)(2)(C), in the trust fund of any tribally controlled community college may be periodically withdrawn and used, at the discretion of such college, to defray any expenses associated with the operation of such college, including expense of operations and maintenance, administration, academic and support personnel, community and student services programs, and technical assistance.

"COMPLIANCE WITH MATCHING REQUIREMENT

"SEC. 304. For the purpose of complying with the contribution requirement of section 302(b)(2)(B), a tribally controlled community college may use funds which are available from any private or tribal source.

"ALLOCATION OF FUNDS

"SEC. 305. (a) From the amount appropriated pursuant to section 306, the Secretary shall allocate to each tribally controlled community college which is eligible for an endowment grant under this title an amount for a Federal capital contribution equal to the amount which such college demonstrates has been placed within the control of, or irrevocably committed to the use of, the college and is available for deposit as a capital contribution of that college in accordance with section 302(b)(2)(B), except that the maximum amount which may be so allocated to any such college for any fiscal year shall not exceed $350,000.

"(b) If for any fiscal year the amount appropriated pursuant to section 306 is not sufficient to allocate to each tribally controlled community college an amount equal to the amount demonstrated by such college pursuant to subsection (a), then the amount of the allocation to each such college shall be ratably reduced.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 306. (a) There is authorized to be appropriated to carry out the provisions of this title $5,000,000 for each of the fiscal years 1985, 1986, and 1987.

"(b) Any funds appropriated pursuant to subsection (a) are authorized to remain available until expended.".

SEC. 14. In promulgating any regulations to implement the amendments made by this Act, the Secretary of the Interior shall consult with tribally controlled community colleges.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AGRICULTURAL TRADE WITH THE SOVIET UNION

Mr. BAKER. Mr. President, I inquire now if the minority leader is in a position to consider action by unanimous consent on Calendar Order No. 188, Senate Resolution 95.

Mr. BYRD. Mr. President, this side is ready to proceed.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask now that the Chair lay before the Senate, Senate Resolution 95.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 95) to express the sense of the Senate that the President should initiate negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Finance, with amendments, as follows:

On page 3, line 4, strike "report to the Congress his intention to";

On page 3, line 12, after "export of", insert "additional bulk commodities and value-added products";

On page 3, line 14, strike "no later than April 30, 1983", and insert "as soon as practical";

Mr. BAKER. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. PERCY. Mr. President, on March 21, 1983, I introduced—with Senator DOLE—Senate Resolution 95, calling on the President to begin negotiations on a new long-term agricultural agreement with the Soviet Union.

We introduced this resolution—now with 54 other Senators as cosponsors—because of the justifiable concern in the agricultural community that the U.S. Government could miss the opportunity to negotiate a new agricultural agreement with the U.S.S.R. After all, the current agreement, which has been extended twice, is due to expire at the end of this September, with little likelihood that it would be extended a third time. Some experts have cautioned that if negotiations are unduly delayed, the Soviets might turn to other suppliers for almost all of their purchases for the upcoming marketing year.

Our resolution urges the President to initiate negotiations as soon as possible. It also urges the administration to seek larger quantities of bulk grain purchases—with new bulk commodities included, such as rice—and the provision for the export of value-added processed products.

I am delighted to report that on May 16, the Soviet Government officially accepted President Reagan's offer to negotiate a new agreement. Both sides could sit down as early as June 1, 1983 in London, where technical consultations on the current agreement were already scheduled.

I wish to congratulate the President for announcing on April 22, 1983, his intentions to negotiate a new agreement. I am sure that the introduction of this resolution clearly demonstrated to the President the broad nonpartisan and nonideological support that exists in the Senate for negotiating a new agreement with the Soviet Union.

Despite the announcement of negotiations, passage of this resolution is still needed, in the event that outside contingencies that do not threaten our national security intervene that might prompt some to call for a halt to such negotiations. Moreover, it is important to reiterate the Senate's desire for higher minimum purchases and a value-added component.

Mr. President, let me outline briefly why we need a new long-term agricultural agreement and why the President's announcement—and Soviet acceptance—of LTA talks is so important in the farm community.

First, the LTA is important because these agreements have become standard practice in international trade. The Soviets have entered into long-term agricultural agreements with five other supplier countries. A recent article in the Journal of Commerce highlighted the extent to which the U.S.S.R. has concluded such agreements with Latin American countries.

Mr. President, I ask unanimous consent that the April 14 article from the Journal of Commerce be included in the RECORD at the close of my remarks.

Second, we need to counter the effects of the 1980 agricultural embargo. When it was imposed, it only served to stimulate production in other countries, principally Argentina. The same repercussions followed from the 1973 soybean embargo we levied: Brazil entered the market as a major producer as a result of our action. Trade embargoes—whether political or economic—simply have not met their objectives and have instead prompted overseas competition from other producers.

The LTA will reestablish confidence in U.S. farmers as reliable suppliers. Contract sanctity legislation, too, passed by Congress and signed into law by the President, will communicate this important message.

The recent Soviet reluctance to buy from the United States and the abundance of alternate suppliers is evident from the statistics on grain sold to the U.S.S.R. since 1976 by the United States.

Mr. President, I ask unanimous consent that a table showing the history of U.S. corn and wheat sales to the U.S.S.R. under the LTA be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Soviet grain purchases under the long-term agreement

[Million metric tons]

Crop year:	*Quantity*
1976–77	6.1
1977–78	14.6
1978–79	15.5
1979–80	7.9
1980–81	9.5
1981–82	13.9
1982–83 [1]	6.0

[1] Through Mar. 19, 1983.

Mr. PERCY. Mr. President, a third reason for the negotiations is that we have the opportunity to negotiate a new kind of agreement with higher minimums, new bulk commodities and value-added products. If the Soviets are reluctant at this point to purchase these products, then every effort should be made by the U.S. Government to arrange for an appropriate mechanism to stimulate Soviet interest in these efficiently produced items.

I would like to thank the other cosponsors of this resolution. Their support has been critical to bringing us this far in the LTA negotiations.

Mr. President, I ask unanimous consent that a list of cosponsors of this resolution be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SENATE COSPONSORS—SENATE RESOLUTION 95

Messrs. Dole, Grassley, Zorinsky, Jepsen, Boren, Helms, Melcher, Lugar, Dixon, Boschwitz, Bentsen, Abdnor, Mattingly, McClure, Durenberger, Baucus, Domenici, Exon, Andrews, Nickles, Pressler, Mrs. Hawkins, Messrs. Gorton, Matsunaga, Tower, Danforth, Quayle, Mrs. Kassebaum, Messrs. Nunn, Symms, Heflin, Burdick, Roth, Riegle, Hatfield, Stennis, Wilson, Heinz, Cochran, Pryor, Kasten, East, Bumpers, Long, Cranston, Hollings, Wallop, Simpson, Huddleston, Glenn, Leahy, Hart, Sasser, and Hatch.

Mr. PERCY. Mr. President, major agricultural transportation, labor union, and processor organizations as-

sisted in this effort. A partial list includes: the National Soybean Processors Association, the Export Processing Industry Coalition (EPIC), the AFL-CIO, the Association of American Railroads, the American Waterways Operators, the Sante Fe Railroad, the Illinois Central Gulf Railroad, the Chicago & Northwestern Transportation Co., and the Burlington Northern Railroad.

I ask unanimous consent that a letter from the Export Processing Industry Coalition and an editorial from the May 1983 Farm Journal be printed in the RECORD, both strongly supporting the LTA negotiations.

The new agreement will be of major help in the farm community and I wish our negotiators will as they begin their talks with the Soviets in the weeks ahead.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, Apr. 14, 1983]

SOVIET UNION BOOSTS IMPORTS OF LATIN GOODS

(By Albert Axebank)

Moscow.—Grain shortages and the need to feed a growing population has turned Soviet attention to Latin America where trade, particularly food sales to Moscow, have been on the rise.

In total Soviet food imports, Latin America has become a major supplier of soybeans, corn, wheat, frozen meat, cocoa beans and natural coffee.

Although the share of the Latin American countries in the total foreign trade of the U.S.S.R. is small, it has grown significantly. Thus, it leaped from 0.4 percent of total Soviet foreign trade in 1970 to nearly 3 percent in 1981.

This trade reached roughly the same percentage last year.

Not surprisingly, a major food supplier is Argentina. Moscow has more than 20 trading partners in Latin America and many of them, like Argentina, have trade agreements with the U.S.S.R.

Argentina's trade with the Soviet Union jumped almost 50 percent between 1980 and 1981, reaching more than $3 billion.

Western observers noted the lopsided nature of this trade, with huge Soviet imports from Argentina and relatively miniscule exports to that country.

For example, in 1981 the Soviets imported mainly food products from Argentina valued at approximately $3.2 billion. Soviet exports to Argentina that year amounted to only $42 million.

Last year the U.S.S.R.-Argentina trade declined. Figures for the first nine months of 1982 show that there was a drop of about $1 billion from the previous nine-month period.

After Argentina, the major Latin American trade partners of the U.S.S.R. are Brazil, Colombia, Peru, Costa Rica, Uruguay, Mexico and Panama.

Fidel Castro's Cuba is a case apart. Havana-Moscow trade has been about $6 billion annually and reportedly topped $7 billion last year.

A new feature in U.S.S.R.-Cuban trade was reported in a recent issue of the Soviet journal Foreign Trade. It said that citrus fruits are now being exported from Cuba to the Soviet Union. Last year, the journal said, the Soviets imported approximately 70,000 tons of citrus fruit, four times the amount received a few years earlier.

It was, noted that Cuba and the U.S.S.R. were giving close attention to the problem of adding new refrigerator ships to this growing citrus trade.

As to trade agreements directly linked to food, the grain agreement between the U.S.S.R. and Argentina of June, 1980 provides for Argentina to ship to Moscow a minimum of 4 million tons of corn and sorgo (a variety of sorghum), 500,000 tons of soybeans, and between 60,000-100,000 tons of meat between 1981 and 1986. The corn and sorgo were to be delivered to the U.S.S.R. up to 1985.

The agreement with Brazil provides for Soviet imports of soybeans, corn, vegetable oils, soya oilseed meal, and cocoa beans, among other items, between 1982-1986.

The Soviets appear to be drumming up trade with other Latin American countries, for example, selling tractors and textile equipment to Mexico, and more tractors to Costa Rica.

EXPORT PROCESSING
INDUSTRY COALITION,
April 28, 1983.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: As you know, the Export Processing Industry Coalition is strongly supportive of Senate Resolution 95 which you and Senator Dole have introduced. Not only do we believe that the prompt implementation of negotiations on a long-term agreement on agricultural trade with the Soviet Union is of major importance to U.S. economic interests, but also, the leadership that you and Senator Dole have taken on this issue is of special significance to the success of such negotiations.

The members of the EPIC Coalition are particularly appreciative of the strong language in the resolution calling for the inclusion of value-added products in a new long-term agreement. We believe that it is essential that the final negotiated agreement include provision for the purchase of such products. Analyses by the Department of Agriculture and other organizations continue to demonstrate the immense benefits accruing to our economy in terms of new jobs, increased revenues, and a general stimulus of economic activities as a result of the export of processed and value-added products. As the negotiations proceed, EPIC will be urging the Secretary of Agriculture and other Administration negotiators to include specific provison for a certain portion of the commodities exported under the agreement to be in processed and value-added form.

We encourage the continued leadership that you and Senator Dole have demonstrated on this matter and lend our full support to the prompt implementation and conclusion of negotiations on a new long-term agreement.

Sincerely,

DANIEL E. SHAUGHNESSY,
President.

[From the Farm Journal, May 1983]

LET'S SIGN THAT GRAIN AGREEMENT

The question of whether to sign a new long-term grain agreement with Russia has now been kicked around so long that we've almost lost track of the issues. The tendency in Washington is to heap all the blame on "Russian intransigence" when, in fact, it's the U.S. who is holding things up.

Farm Journal has confirmed that Russia has sent the U.S. a variety of signals that she's ready. After returning recently from Moscow, Alan Tracy, acting USDA undersecretary for international affairs, said that Soviet officials indicated an interest in a new agreement. They pointed out they had "overperformed" (bought more than the required minimum) on their long-term accords with other countries, adding that they like such agreements. "They left it to us to draw our own conclusions," Tracy said.

Our conclusion is that the Russian grain embargo is still in effect! The State Department is holding officials like Tracy on a short leash in their dealings with Russia. And the reason is they're still trying to reform things in Poland with our grain!

President Reagan clings tenaciously to his outdated notion that it's possible to force the Reds to change their color. As we've pointed out previously in this space (February 1982), one of the followed tenets of 1930s-style isolationism was that if we'd just not do any business with Russia, the whole structure of Communism eventually would collapse. Ultimately we were forced to face reality and become an ally of Russia in fighting Nazism.

Reagan seems convinced now that if we'll just withhold grain and high-tech exports from Russia, she'll get out of Afghanistan and Poland. Once again the policy is failing. Most recently, the President tried to deny Western Europe the natural gas they want to bring in from Russia. But those countries, which live a lot closer to the Russian threat than we do, finally forced him to ship the pipeline supplies they want.

It's been obvious all along that President Reagan really didn't want to remove the grain embargo. He tarried until "Carter's Embargo" had become "Reagan's Embargo," then he finally took it off.

Since then, he's dragged his boots—spurs and all—each time we've talked to the Soviets about renewing our grain agreement, which runs out Sept. 30. Congress tried to get rid of the de facto embargo with a law guaranteeing sanctity of grain contracts. But sanctity can't do us any good if there are no contracts.

A new agreement would benefit the U.S. as much or more than it would Russia. Remember, U.S. consumers supplied most of the pressure for signing the original agreement. They wanted to be sure the Russians could not again buy enough grain to run up our domestic food prices. For another thing, our new PIK program is an open invitation to other grain-exporting countries to take our markets while we are cutting back production. It's especially important right now for us to be competitive in world markets.

Since Russia liked long-term agreements, we're not going to be competitive there until we are willing to sign one. It's time for the President to learn the art of realpolitik—namely to accept and deal with the world the way it is, rather than to go on waiting futilely for the world to become what he wants it to be.

Mr. DOLE. Mr. President, it is my pleasure to join with the distinguished chairman of the Foreign Relations Committee and other Members of the Senate in supporting passage of Senate Resolution 95. The importance of restoring agricultural trade with the Soviet Union and profitability to

the U.S. farm economy is clearly demonstrated by the strong and bipartisan support this resolution has received since its introduction on March 21. I would like to thank each of our 53 cosponsors for their support, and to also acknowledge other initiatives that have sought to accomplish the same objective.

DECISION ON A NEW LONG-TERM AGREEMENT

Mr. President, it is a tribute to the important goals of Senate Resolution 95 that its passage today will confirm a decision taken by the administration last month. On April 22, President Reagan announced that the U.S. extended an offer on April 7 to begin negotiations on a new long-term agreement on agricultural trade with the U.S.S.R. This timely action was taken in recognition that any purpose served by continuing postponement of negotiations was being increasingly outweighed by the disadvantages of further delay. As trade Ambassador Brock indicated at the time of the President's announcement, the conditions which prompted the initial postponement are no longer valid.

An additional indication that a new long-term agreement is of mutual benefit came only this morning with the announcement that the Soviet Union is prepared to initiative negotiations during the upcoming discussions scheduled for June 1 and 2 in London. This favorable response to President Reagan's April 7 initiative lays to rest any doubt about Soviet willingness to resume the status of a reliable customer for U.S. agricultural products if we are ready to restore our credibility as a reliable supplier. Clear signals have now been exchanged, and the potential benefits of a successful negotiation for both sides is so great that I am confident that any obstacles and differences will eventually be overcome.

GENERAL OBJECTIVES OF A NEW LONG-TERM AGREEMENT

Mr. President, the specific provisions of a new agricultural trade agreement between the United States and the Soviet Union should be left to be worked out by the negotiators from both sides. I would, however, identify several basic objectives that would make an agreement more responsive to the needs and growth of American agriculture and related industries.

Senate Resolution 95 supports including higher minimum supply guarantees and value-added or processed products in a new agreement. I would only reemphasize the importance of both objectives, and encourage any movement to allow supply assurances to adjust to changes in Soviet demand for farm products over the period of years covered by the accord. Such a provision would allow both countries to more accurately gage their production, export, and procurement policies, and would be more responsive to world market conditions.

With regard to value-added agricultural products, I certainly hope it will be possible to expand the existing agreement to include soybean meal, corn gluten feed, wheat flour, and other processed items. These feed and food products earn additional foreign exchange and contribute toward balancing our trade deficit. At the same time, exports of high-value farm products create new jobs in the processing and transportation industries.

Our negotiators should be prepared to encourage the addition of these products in a new agreement, and to respond favorably to any interest the Soviets may have in agricultural items other than corn and wheat. It should be recognized, however, that the primary Soviet interest has been in importing basic grains from the United States. We should not seek to change the emphasis of the 1975 agreement on corn and wheat, or to reduce the minimum supply levels of these commodities. Neither should we jeopardize the overall agreement by insisting on including items that the Soviets do not want. Finally, it would be a mistake to tie the hands of our negotiators by exerting undue pressure that undercuts their efforts to obtain the best possible agreement for U.S. agriculture.

For these reasons, Mr. President, it is inappropriate to discuss specific quantities of particular products that should be included in the total package. Our representatives know what we would like to sell just as the Soviets know very well what they want to buy. It is time now for both sides to get down to talks in which each pursues their own economic best interest.

Finally, Mr. President, we should recognize that, while the existing agreement negotiated in 1975 may have had several inadequacies over the last 7 years, it also had provisions that have proved invaluable to both sides. While I see no inherent problem in restructuring the terms of the agreement, both sides should be in agreement on what is removed as well as what is added in. The 1975 accord should be kept as a baseline and general frame of reference during any new negotiations.

REQUESTED PRESIDENTIAL REPORT

Mr. President, the original text of Senate Resolution 95 included a request that President Reagan report to Congress on the economic benefits of a new long-term agreement by April 30. The purpose of this provision was to emphasize the cost of further postponement of negotiations to U.S. agriculture and related industries. With the President's April 22 announcement that we are now prepared to enter into talks on a new LTA, the need for the requested report is less imperative. No action recognizing the economic benefit of a successor agreement could be clearer. Out of respect to our cosponsors, however, the request has been retained in the resolution as reported by the Finance Committee to be fulfilled "as soon as practical." I would hope that progress on a new LTA will be rapid and that the report will be no less than an economic assessment of a finalized accord.

CONCLUSION

In conclusion, Mr. President, I would again like to thank my colleagues for joining in this expression of support for renewed and expanded agricultural trade with the Soviet Union. There is no question that our two countries have considerable differences in many areas, and that some of these differences may be difficult or even impossible to resolve at the present time. It is equally evident, however, that they will become no easier to reconcile if we fail to make progress in bilateral relations in areas where we have mutual and compatible interests. I submit that agricultural trade is one of the most important of these fields, and that this resolution and the administration's announcement last month are steps that will contribute toward improving the climate for other advances. Considering the alternative, we should both be willing to make the effort.

Thank you, Mr. President.

Mr. HELMS. Mr. President, I support this resolution regarding a long-term agreement on grain sales with the Soviet Union, and I commend both the sponsors of the resolution for initiating this effort and the President for acting on it.

As chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, it seems clear to me that American farmers and the U.S. economy will benefit if export sales of grain are expanded. The Soviet Union is a major factor in world grain trade and a possible customer for substantial U.S. exports. The best framework for trade, in the case of the Soviet Union, is a long-term agreement between our nations which allows exports to occur through our private sector. Senate Resolution 95 expresses the sense of the Senate that the President should initiate negotiations on such a new long-term agreement with the Soviets, and I am pleased to be a cosponsor.

The U.S.-U.S.S.R. long-term grain agreement or "LTA" currently extends through September 30, 1983. The current LTA was signed in 1975 to cover the period October 1975–September 1981. It was extended twice for 1-year periods.

Mr. President, the LTA requires the Soviets to buy at least 6 million tons of U.S. wheat and corn annually and allows the Soviets to buy up to 8 million tons without prior consultations. They are required to purchase in an orderly fashion and the United States is obligated not to disrupt the shipment of the 8 million tons.

The LTA was negotiated to avoid the recurrence of severe market disruption caused by the Soviets in the early 1970's when their purchases were extremely erratic, large enough to destabilize the entire world market, and so secretive that they were able to manipulate prices and hurt both U.S. farmers and our other customers. The potential for economic disruption from Soviet purchases has increased since the mid-1970's, since Soviet grain imports now total nearly 20 percent of world grain trade. An LTA is a valuable framework for this trade.

An LTA with a higher minimum purchase requirement—above the current 6 million tons—would make the framework more effective, given the current volume of Soviet imports.

This would also be consistent with current trading patterns, since Soviet purchases of wheat and corn have averaged 11.23 million tons during the first 6 years of the agreement—despite the grain embargo in 1980. During the 1981–82 agreement year, the Soviet Union bought 13.87 million metric tons of U.S. wheat and corn. An LTA with higher minimum purchase requirements would also allow for the orderly growth of trade, as the current LTA has.

Mr. President, I commend the distinguished Senators from Illinois and Kansas for introducing this resolution and spearheading this effort. Senator PERCY and Senator DOLE have long been advocates of expanded exports which benefit the American farmer. They are to be commended for introducing this resolution on March 21, 1983.

On March 2, 1983, the Senate Agriculture Committee adopted similar language proposed by Senators ZORINSKY and DOLE as part of S. 822, the Agricultural Export Equity and Market Expansion Act. Our committee had previously gone on record in support of a new LTA by adopting a resolution as an amendment to S. 3074 last December.

On April 22, President Reagan announced that he is proposing to the U.S.S.R. the negotiation of a new long-term agreement. I am pleased with his decision, and I believe the President deserves the thanks of American farmers.

I believe there are strategic benefits to the United States when we make cash sales of agricultural commodities to the Soviet Union. When such sales occur, the Soviet Union is using their scarce foreign exchange to buy U.S. grain rather than other products. If the Soviets sell gold in order to get foreign exchange, then they are exchanging their limited resources for our renewable resources. Furthermore, when scarce Soviet resources are used to buy U.S. products, then they have less to use for military spending or political adventurism.

Mr. President, I would also note that Senate Resolution 95 includes the suggestion that value-added exports be included in a new LTA. The North Carolina Poultry Federation wrote to me back in 1981 suggesting that value-added products such as poultry should be included in an LTA with the Soviet Union, and I hope that this suggestion will be considered by our negotiators. When President Carter imposed the embargo in January 1980, the export sale of approximately 65,000 metric tons of broilers was lost in addition to the grain sales that were cut off. Today, the poultry industry finds itself in severe financial condition as a result of lost exports and other factors, and their suggestions should be kept in mind as negotiations go forward.

Mr. ANDREWS. Mr. President, I rise in support of Senate Resolution 95 and urge its adoption by the Senate.

The announcement by the Soviet Union May 16 to consider President Reagan's recent offer to negotiate a new long-term grain agreement is an extremely positive development. It is a development that begins to repair the damage done by former President Carter's embargo and our lack of aggressiveness in reestablishing one of our principal export markets.

Since 1973, administrations of both political parties have imposed major embargoes on the export of agricultural commodities. These interruptions have severely harmed the reputation of the United States as a dependable exporter of food. These embargoes also stimulated foreign agricultural production and marketing, disrupted world trade, and cost American farmers billions of dollars in lost income.

Before President Carter embargoed grain shipments to the Soviet Union in 1980, we supplied around 70 percent of the grain purchased by the Soviets. But last year, the 13.9 million metric tons we sold to the Soviet Union represented only 35 percent of the grain they imported, even though President Reagan lifted the embargo in April of 1981. And so far this year, we have captured only 22 percent of the Soviet grain market, selling the bare minimum of 6 million metric tons required to be bought under the existing agreement.

Today, the United States is perceived by the Soviets as being an unreliable exporter and therefore, they have turned to other sources of supply.

Recently, the Soviet Union signed long-term grain agreements with five other nations to fill the gap created by the loss of American sales. Argentina and Canada now provide half the grain that the Soviet Union imports.

Recent developments illustrate the growing cooperation between the Soviet Union and Argentina on grain and related trade matters.

I bring certain information to the attention of the Senate at this time because I believe it illustrates the problems we face and demonstrates the urgent need for the administration to move rapidly if the United States is to reestablish its position as the dominant supplier of grain to the U.S.S.R.

After the American grain embargo, the Soviet Union and Argentina signed a long-term bilaterial agreement that provides for the Soviets to buy at least 4.5 million metric tons of Argentine grain a year. But the agreement also permits the Soviets to purchase additional grain from Argentine exporters outside the agreement, and the Soviets are taking advantage of this provision to purchase substantial additional quantities.

On March 23 of this year, a U.S. Government delegation met for two days in Moscow with Soviet trade officials to discuss the sale of American grain. The delegation emerged from the meetings with a less than optimistic assessment of the prospect for future American sales.

It may have been mere coincidence, but exactly one month earlier, a high-level Soviet trade delegation led by Deputy Minister of Foreign Trade Boris Gordeyev had been in Buenos Aires to arrange increases in Soviet grain purchases from Argentina and to discuss expansion of bilateral trade between the two countries.

Three weeks later, on March 18, which was just 5 days before the American delegation was to arrive in Moscow, the Soviet Union started its purchases of Argentine grain for the current year.

Argentina, for the first time, also is shipping butter to the Soviet Union. A 2,000-ton shipment valued at $4 million was sent by an Argentine dairy cooperative aboard a Liberian freighter in late March.

Trade between Argentina and the Soviet Union also has been expanding in areas other than agriculture. For example, the Soviet Union is providing Buenos Aires with Soviet Streetcars, equipment and spare parts. And Soviet experts are assisting in the electrification and modernization of the Argentine railways.

Argentine trade officals deny there is any barter arrangement with the Soviet Union involving Argentine exports of agricultural commodities and the other areas of Argentine-Soviet trade. But it is a fact that the transactions are being carried out simultaneously, following the recent visit of Soviet trade officials to Buenos Aires.

Today, the Soviet Union represents the largest market for grain sales anywhere in the world. If we had been able to maintain the same 70-percent share of the Soviet grain market that we had prior to the 1980 embargo, we would be exporting four times as

much grain to them this year as we are now—24 million metric tons instead of 6 million metric tons.

Our Nation's agricultural trade surplus, which is so essential to improving our overall balance of trade, dropped almost $3 billion in 1982. It may drop several billion more this fiscal year. The loss of each $1 billion in agricultural exports costs the Nation 35,000 jobs and another $1 billion in related economic activity.

On January 11 of this year, President Reagan signed contract sanctity legislation that will help to reestablish the reputation of the United States as a reliable exporter of food.

I commend President Reagan for his announcement of April 22 that the administration is prepared to enter into negotiations with the Soviet Union over a new long-term grain agreement. The fact that the Soviets have now agreed to negotiate indicates that the market is still there, and puts us back on the road to a sensible trade agreement that will benefit not only the American farmer, but our whole economy.

Mr. BENTSEN. Mr. President, I am cosponsor of Senate Resolution 95, and I strongly support its passage. This resolution was introduced well before the administration's recent announcement that they are willing to negotiate a new long term grain agreement with Russia and that Russia has agreed to such negotiations. The resolution urges the Reagan administration to negotiate a new, long-term, grain agreement with Russia. It also calls for higher minimum purchase levels, for inclusion of other bulk commodities such as rice, and for increased exports of value-added agricultural products.

The Russian market was once very important to American farmers. We once had 70 percent of that market, but that market share plummeted to less than 30 percent as a result of the embargo, which was imposed by the Carter administration and then continued by the Reagan administration until May of 1981. I opposed that embargo, as I have opposed all agricultural embargos.

It took a tremendous struggle to force the lifting of that embargo, and those of us who care about our farm situation have been struggling ever since then to get the Reagan administration to take this next step, to start reopening that market for American farmers.

U.S. farmers need a long term Russian grain agreement, not the 1-year extensions that the Reagan administration has so far insisted on. The need of American farmers for long-term planning and added market stability is important, and it should not be so lightly thrown away as a symbolic foreign policy gesture.

Also, the failure to negotiate higher minimum purchase levels has effectively frozen U.S. farmers out of any increase at a time when Russia is the fastest-growing market for agricultural products in the world. As a result our market share has plummeted, and five other major grain exporting countries have now signed long-term grain sales agreements with the Soviet Union. American farmers are now at the back of that long line.

The details of any long-term agreement are also of considerable importance. This is why I joined with my distinguished colleagues Senator LONG and Senator PRYOR in adding an amendment in the Finance Committee which will direct the President to seek expansion of the agreement to include other bulk commodities, such as rice and soybeans.

The United States has, until this year, been the No. 1 rice exporter in the world. We are No. 1 no longer. Russia is the largest rice importer in the world, but we export no rice to Russia. About two-thirds of the U.S. rice crop is exported, so the loss of important export markets, or the denial of access to important rice export markets, is very damaging to rice farmers in Texas and other major producing States.

Last year I wrote to President Reagan and urged him to add rice to the commodities included in the Russian grain agreement. This letter was cosigned by nine other Senators. Unfortunately, no changes were made and the old agreement was simply extended for 1 year. This year, hopefully, a new agreement will be negotiated. It should be long term, it should have higher minimum purchase levels, it should include value-added exports, and it should include important additional commodities such as rice and soybeans.

This resolution, as now amended, puts the Senate squarely on record once again in support of this needed long-term Russian grain agreement. This is an important statement of trade policy which should be adopted by the Senate and heeded by the administration. American farmers have been paying the bills for America's foreign policy failures for much too long, and that fact is an important contributor to our farm problems today.

Mr. HUDDLESTON. Mr. President, it is in the best interests of U.S. agriculture for the Government to renegotiate a long-term grain sales agreement with the Soviet Union. The Soviet Union has grain import needs that appear to be quite large; and action to improve the Soviet market for U.S. grain could do much to reverse the recent decline in agricultural exports.

Accordingly, I welcomed the President's announcement on April 22 that he had proposed negotiations for a new long-term grain sales agreement with the Soviet Union, and the recent acceptance of the proposal by the Russians. The announcements, though long in coming, are good news for American farmers and the many citizens who derive their income and jobs from agriculture.

It is appropriate that we enter into the negotiations now. It has been almost 2 years since the grain embargo against the Soviet Union was lifted; and the current long-term agreement, as extended, will expire in a few months.

Unfortunately, until recently, we have seen a great reluctance by this administration to proceed with negotiations on a new long-term grain sales agreement. And, in the meantime, our agricultural sales to the Soviets have suffered.

In effect, the administration created a hidden embargo that continues to affect U.S. agricultural exports adversely. In the current agreement year, the United States has sold less than one-half as much grain to the Soviet Union as was sold to that nation last year.

The United States is selling less grain to the Soviets now than was being sold to them during the 1980 grain embargo.

The chief beneficiaries of the reduction in sales of U.S. grain to the Soviets are our foreign competitors. Argentina, Australia, and Canada have increased grain sales to the Soviet Union. Furthermore, those nations have expanded their crop acreage and improved their export facilities to accommodate future trade expansion.

I am hopeful that a long-term grain sales agreement with the Soviets will result in additional agricultural export sales to them.

Fourteen Senators joined me in sending a letter to the President on April 20 urging him to immediately authorize negotiations for a new long-term grain sales agreement with the Soviet Union. In that letter, we urged that the new grain sales agreement provide for higher supply guarantees and include value-added products.

I hope that the President will be responsive to Senate Concurrent Resolution 95, which includes the same recommendations, and I urge my colleagues to support the resolution.

Mr. PRYOR. Mr. President, the Senate Committee on Finance recently reported a measure, Senate Resolution 95, which though nonbinding, is extremely important and expresses the sentiment of this body regarding a new grain agreement with the Soviet Union. This resolution has gathered a great deal of support, Mr. President, and I believe it was very instrumental in getting the President of the United States to offer to negotiate a new long-

term agreement recently. Even though this resolution has broad support, we still have not considered it. Overwhelming approval of this resolution, coupled with the new talks, would be a very positive sign, Mr. President, that this country is once again ready to be a stable supplier of grain and that we are willing to take the steps necessary to improve the plight of the American farmer.

Mr. President, I would like to discuss the significance of a new long-term grain agreement for the farmers of this country. As we all know, these men and women work very long hours, are the most productive in the entire world, and yet many of them are on the edge of a financial cliff, hanging onto a limb. This is truly one of the great tragedies in this country today, and I sincerely hope that the farm economy can get turned around and these people can be rewarded for the hard work and long hours they put in each and every day.

Mr. President, whenever I talk to the farmers in the State of Arkansas—almost regardless of the topic initially—we always talk about agricultural trade, embargoes, and the need to get back into the soviet market. To understand this you only have to remember that sales of U.S. agricultural products abroad have been restricted in 4 of the last 9 years for reasons of short supply, national security, and/or foreign policy. These restrictions have been imposed by both Republican and Democratic administrations. As we all know, the latest embargo was imposed early in 1980 by President Carter.

At the time of the 1980 embargo, Mr. President, the Soviet Union purchased only 4.3 million tons of grain from sources other than the United States. After the embargo, this figure increased to about 24 million tons. Our market share dropped from about 70 percent before the embargo to around 20 percent after it. Therefore, Mr. President, it's easy to understand the importance of the Soviet market for our farmers.

In 1975, this Nation entered into a long-term grain agreement with the Soviet Union covering wheat and corn. The agreement, which was for a 5-year period, called for minimum purchases of 6 million tons and maximum purchases of 8 million tons, although this could be exceeded if we both agreed. This agreement worked well, Mr. President, as I have pointed out in the figures cited previously. The embargo hurt, and we need to get to the negotiating table and try to work out another agreement. Although President Reagan lifted the embargo shortly after he came to office, we only entered into two extensions of the existing agreement, and our sales to the Soviets did not increase in any significant way.

As I stated earlier, Mr. President, although the resolution reported by the Senate Committee on Finance is nonbinding, I believe it has been important in getting new discussions moving ahead. The President announced on April 22, 1983, that he would offer to begin negotiations and it is my understanding that the Soviets accepted this offer on May 17, 1983. I sincerely hope that these discussions will move ahead promptly and result in a new agreement, with higher purchase levels, and include new commodities. When the Senate Finance Committee considered this measure, I joined Senator LONG in offering an amendment that added language concerning additional bulk commodities. This language, and also report language adopted by the committee, is designed to encourage our negotiators to discuss not only wheat and corn, but also rice and soybeans. These two commodities are very important to the economy of the State of Arkansas and I hope our negotiators discuss them. The Soviets are the world's largest importer of rice and use large amount of soybeans, so any additional movement of these commodities out of the country would be very helpful to our producers.

In conclusion, Mr. President, I urge the President, Secretary Block, Ambassador Brock, and others to vigorously pursue these negotiations. Increased exports, and our reentry into the Soviet market would not help the income of our Nation's farmers, but they would also show the rest of the world that we are reliable suppliers. I strongly support the Senate resolution and I hope the Senate can consider it in the very near future.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution, as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble is as follows:

S. RES. 95

Whereas United States grain production has reached record levels;

Whereas this Nation's farmers are dependent on export sales for one-fourth of their income;

Whereas the United States embargo on agricultural exports to the Soviet Union in 1980 has substantially reduced foreign sales of United States farm products, depressed farm prices and income, and resulted in increased grain purchases by the Soviet Union from other countries;

Whereas the lifting of the embargo and Presidential and congressional assurances regarding agricultural exports have not restored the United States to the status it held before the embargo as a principal source for Soviet agricultural purchases;

Whereas the long-term agreements the Soviet Union has entered into with other grain exporting countries threaten to permanently relegate the United States to the position of a residual supplier to this important market;

Whereas the export of value-added products generates significant opportunities for new employment and economic growth in the food processing industry;

Whereas agricultural exports benefit the United States transportation sector, including railroads, trucking, inland waterway users, ocean shipping and support industries; and

Whereas the Congress and the President are committed to revitalizing our agricultural economy, restoring the reputation of the United States as a reliable supplier, and regaining our fair share of world markets for farm products: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) as soon as practical after the date of the adoption of this resolution, initiate negotiations on a new long-term agreement on agricultural trade with the Government of the Soviet Union, to be effective on October 1, 1983;

(2) seek to include in the terms of the new long-term agreement (A) higher minimum and maximum supply guarantees than the agreement in effect on the date of the adoption of this resolution, and (B) provision for the export of additional bulk commodities and value-added products;

(3) as soon as practical, report to the Congress on the potential impact of a new and expanded long-term agreement on economic growth and employment in United States agriculture and in related food processing and transportation industries; and

(4) take all other appropriate measures to assure the free movement of increased quantities of United States agricultural products to the Soviet Union.

SEC. 2. The Secretary of the Senate shall transmit a copy of the resolution to the President, the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS

Mr. BAKER. Next, Mr. President, in my file is Calendar Order No. 121, S. 973, which I wish to address if the minority leader is agreeable.

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. Mr. President, then I ask the Chair to lay before the Senate S. 973.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 973) to make technical amendments to the Indian Self-Determination and education assistance act and other Acts.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1301

Mr. BAKER. Mr. President, I send an amendment to the desk on behalf of the distinguished senior Senator from North Carolina (Mr. HELMS).

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. HELMS, proposes an amendment numbered 1301.

Mr. BAKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

Upon request of the North Carolina School of the Arts, Winston-Salem, North Carolina, the Secretary of the Commerce shall authorize such school to lease to any person the Stevens Center for the Performing Arts building, without affecting the Federal assistance provided by a grant under the Public Works and Economic Development Act of 1965, if such transfer documents provide for the operation of such facility as a performing arts center.

Mr. HELMS. Mr. President, in 1979 the North Carolina School of the Arts was given a historical building in downtown Winston-Salem, N.C., to use as the Stevens Center for the Performing Arts. The school through the use of an EDA grant and private contributions refurbished the building and created the magnificent Stevens Center for the Performing Arts. The theater is scheduled to open on April 22, 1983. However because it will incur significant operating losses, the theater may be forced to close the same week it opens.

The North Carolina School for the Performing Arts has discovered that those losses can be cut significantly by a lease back arrangement with private parties. Under such an arrangement all the conditions of the EDA grant would be met. However, this arrangement is technically illegal, and a full return of the EDA grant would be required under the present circumstances. The amendment I offer today would eliminate the necessity of immediate repayment, while protecting the nature of the theater through its entire useful life.

The Stevens Theater is a historically significant building located in the heart of downtown Winston-Salem, N.C. The building had previously fallen to disuse and disrepair and was scheduled for demolition until the school rescued it in 1979. When the school took over the building and expended moneys and time for renovation, the previous owners of the building further committed their company to expenditures for renovation in the downtown Winston-Salem area. Therefore this project has had a major benefit not only to the arts but to the employment and economic situations in one of the largest cities in North Carolina.

The North Carolina School of the Arts did not depend only on the Government's help to renovate this important theater, they launched a major fund raising campaign to restore the Stevens Center. Such an effort raised over $6.5 million. This along with the EDA grant has provided for complete renovation of the theater.

Central to EDA's decision to award the grant was the theater's importance to the North Carolina School of the Arts as a central focal point in the community and as a project essential to maintaining the city's current redevelopment momentum.

THE PROBLEM

The theater's future had seemed assured when all the funds necessary for revitalization were received. At the time the North Carolina School of the Arts applied for the $3 million EDA grant, it understood that the theater would incur modest operation deficits the same as nearly all public performing arts centers. The theater renovation began in 1979. During renovation, the North Carolina School of the Arts was under the impression that State funds would be available for the operation of the theater. Sadly, however, when the theater was almost completed such State funds were found unavailable. The likely result is that although renovation will be completed, the theater may not meet the city's expectations as a center to develop and enhance artistic programs within the State.

A SOLUTION

As soon as the problem with the theater's operating deficit was identified, the North Carolina School of the Arts began to explore alternative funding. In this investigation, it was determined that if the theater was leased, its operational cost could be provided for while continuing to utilize the theater for the same public performing arts purposes as originally proposed.

In brief, it has been determined that after the Economic Recovery Tax Act of 1981, the Stevens Center has real economic value to private investors. Such value could be realized through long-term leasing of the center from the school. The facility would at all times be used for the purposes specified in the EDA grant. Similar leases of public buildings have already occurred in a number of States including a sale and long-term lease back of the Oakland Public Art Museum in the city of Oakland, a public art museum in the city of Oakland, Calif., and the Pantages Theater for the Performing Arts in Tacoma, Wash.

The proceeds of the Winston-Salem lease, estimated to be approximately $200,000 a year, would be utilized to offset the theater's operating deficits. Without this income, the theater's long-term future is in doubt.

THE NEED FOR THIS AMENDMENT

Under EDA regulations, the approval of this amendment is required for any transfer of property funded in whole or in part by that agency. When the North Carolina School of the Arts sought such approval, however, EDA responded that it was unable to give such.

I understand that EDA officials are satisfied that the theater would continue to be used for the purposes specified in the grant and that EDA understands the need to obtain additional operating revenues. I also understand that EDA officials agree that under their regulations the agency appears to have the discretion to approve the transfer. The problem arises from general regulations of the Office of Management and Budget which EDA interprets as requiring the North Carolina School of the Arts to retain controlling interests in the theater or repay the $3 million to EDA. Because a lease-back arrangement of the theater must be effected before its opening on April 22, 1983, there is insufficient time to pursue amendment of the OMB regulations or to obtain a determination that they do not apply.

To solve this dilemma, a legislative solution is needed to authorize a transfer. This amendment would authorize EDA to approve the transfer without requiring repayment of the grant. Under the terms of the school's proposal to EDA, the theater's use would be restricted to exactly the same purposes, for the same period of time, as it would if the school retained full control.

It is imperative that this amendment be adopted. Without it, the North Carolina School of the Arts may well lose a cultural centerpiece for which its citizens have worked so hard. Without it, EDA ironically, may well see the failure of a public performing arts project that it originally deemed important for funding.

This amendment does no more than remove a technicality to permit an important public project to proceed to completion and operation on a self-sustaining basis. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 1301) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for third reading, was read the third time, and passed, as follows:

S. 973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indian Self-Determination and Education Assistance Act (Public Law 93-638; 88 Stat. 2203) is amended by inserting after section 8 the following new section:

"SEC. 9. The provisions of this Act shall not be subject to the requirements of the Federal Grant and Cooperative Agreement Act of 1977 (Public Law 95-224; 92 Stat. 3).".

SEC. 2. The Act of October 15, 1982 (Public Law 97-344; 96 Stat. 1645), relating to certain restricted land in Kansas, is amended by striking out "the southeast quarter northwest quarter" in paragraph (2) and inserting in lieu thereof "the south 20 acres of the east 60 acres of the northwest quarter".

SEC. 3. The first section of Public Law 97-386, relating to the reservation of the Pascua Yaqui Tribe of Arizona, is amended by inserting "located in township 15 south, range 12 east, Gila and Salt River Meridian," after "tracts of lands".

SEC. 4. (a) Subsections (a) and (b) of section 2415 of title 28, United States Code, are amended by striking out "Indian Claims Act of 1982" each place it appears and inserting in lieu thereof "Indian Claims Limitation Act of 1982".

(b) The last proviso in the first paragraph under the heading "Administration Provisions", relating to the Bureau of Indian Affairs, of title I of Public Law 97-394 is amended by striking out "The following" and inserting in lieu thereof "Section 2 through 6 of this Act".

SEC. 5. Upon request of the North Carolina School of the Arts, Winston-Salem, North Carolina, the Secretary of the Commerce shall authorize such school to lease to any person the Stevens Center for the Performing Arts building, without affecting the Federal assistance provided by a grant under the Public Works and Economic Development Act of 1965, if such transfer documents provide for the operation of such facility as a performing arts center.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DISCHARGE GOVERNMENTAL AFFAIRS COMMITTEE OF H.R. 3034

Mr. BAKER. Mr. President, next I propose to discharge the Governmental Affairs Committee from further consideration of H.R. 3034, a bill dealing with congressional pages, if the minority leader is agreeable.

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. Mr. President, I make that unanimous-consent request and I further ask unanimous consent that the matter be placed on the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BYRD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have other unanimous-consent requests. Let me state them, and there are three, now in sequence, and I will state them for the benefit of the minority leader and other Senators.

COMMITTEE ON JUDICIARY DISCHARGED FROM CONSIDERATION OF S. 1235

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1235, a bill dealing with the Holocaust Commission, and it be referred to the Energy Committee.

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURITIES EXCHANGE ACT OF 1934 AMENDMENTS

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2681, which is a bill to make certain amendments to the Securities Exchange Act of 1934.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BYRD. No objection.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2681) to make certain amendments to the Securities Exchange Act of 1934.

There being no objection, the Senate proceeded to consider the bill.

Mr. D'AMATO. Mr. President I am pleased that the leadership has laid before the Senate under unanimous-consent agreement H.R. 2681.

H.R. 2681 contains a number of technical amendments to the Securities Exchange Act of 1934—1934 act. These amendments, which were requested by the Securities and Exchange Commission, would amend sections 4, 13, 14, 15, and 15B of the 1934 act. The proposed legislation is intended to require that all broker-dealers join a "national securities association". Section 15A of the 1934 act permits the registration of any national securities association that meets the standards under that section. The Commission anticipates the adoption of a rule pursuant to this authority that would exempt any exchange member that does not have an annual gross income exceeding $1,000 derived from securities transactions effected other than on a national securities exchange of which it is a member, not including securities transactions effected for its own account through another registered broker-dealer. That exemption would parallel the provision of existing Commission Rule 15b 10-7.

H.R. 2681 would require broker-dealers currently trading in over-the-counter securities to register with the NASD as of 6 months from the date this new law is signed by the President. This legislation has the effect of abolishing the Securities and Exchange Commission's SECO program as of that date and places the National Association of Securities Dealers (NASD) in the position of being the only national securities association responsible for the testing and accreditation of brokers and dealers of over-the-counter securities. I fully expect the NASD, pursuant to the Securities and Exchange Commission's oversight, to work toward a smooth and nondiscriminatory transition in accepting former SECO member firms and their personnel into the NASD's membership. In this regard, while the NASD has already issued certain limited grandfathering rules, see, for example, 48 FR 5409, February 4, 1983, which as I understand it are to remain in effect only until July 31, 1983, in my view, since the proposed legislation will not take effect until 6 months from the date of its enactment, these NASD rules should be extended to expire, at the earliest, on the effective date of this new legislation. Also the present NASD grandfathering could possibly work an unnecessary financial and logistical hardship against those SECO accredited personnel who may be new entrants into the marketplace and who have not been doing business for more than 3 years as of January 1, 1983. Therefore, I hope that the NASD, working together with the Securities and Exchange Commission, will undertake to make, before this law becomes effective, whatever changes might be necessary to these rules to avoid such a discriminatory result.

This legislation would also amend the current membership requirements of the Municipal Securities Rulemaking Board to permit individuals representing a significant percentage of the market and possessing an intimate knowledge of the municipal securities market to serve on the MSRB.

H.R. 2681 would authorize the Commission to accept, on behalf of the agency, reimbursement for travel related expenses incurred by Commission members or employees while attending certain meetings relating to the functions of the Commission, and would enable participants in the Commission's Accounting Fellows program to accept payment for actual moving expenses from former employees.

H.R. 2681 would also equalize the fees assessed for various types of equivalent transactions involving tender offers, mergers, and consolidations.

Mr. SARBANES. Mr. President, this legislation codifies limited changes in the Securities Exchange Act of 1934 which are sought by the Securities and Exchange Commission and which the Securities Subcommittee and full Banking Committee deem to be noncontroversial.

Section 4 of the Securities Exchange Act of 1934 is amended to authorize the Commission to accept, on behalf of the agency, reimbursement of travel

and other expenses incurred by Commission members or employees attending and participating in certain meetings and conferences related to the functions and activities of the Commission, and to permit participants in the professional accounting and attorney fellows programs of the Commission to accept payment of actual relocation expenses from former employers.

Section 15 of the Exchange Act is amended to require that all brokers-dealers join a "national securities association" and to modify current requirements for membership on the Municipal Securities Rulemaking Board.

And finally, sections 13 and 14 of the Exchange Act are amended to equalize the fees imposed for similar types of tender offers, as well as to raise additional revenues.

Mr. President, I believe there is every reason for us to act without delay to pass this authorization.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SEQUENTIAL REFERRAL OF S. 1090

Mr. BAKER. I ask unanimous consent that S. 1090, the National Outdoor Recreation Resources Review Act, be sequentially referred to the Energy and Natural Resources Committee for 60 calendar days after it is reported to the Senate by the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECTING SENATE LEGAL COUNSEL TO REPRESENT SENATOR BILL BRADLEY AND SENATE EMPLOYEES IN MARIA S. ABREU VERSUS SENATOR BILL BRADLEY

Mr. BAKER. Mr. President, there is a resolution in my file on behalf of myself and the distinguished minority leader to direct the Senate Legal Counsel to represent Senator BRADLEY in connection with a legal matter. I send that resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 155) to direct the Senate Legal Counsel to represent Senator Bill Bradley and Senate employees in *Maria S. Abreu* v. *Senator Bill Bradley.*

The Senate proceeded to consider the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 155) together with the preamble are as follows:

S. RES. 155

Whereas, in the matter of *Maria S. Abreu* v. *Senator Bill Bradley,* Docket No. EV19WG–19101–C, pending before the Division of Civil Rights of the State of New Jersey, the complainant has asserted a claim against Senator Bill Bradley and has requested the attendance at a fact finding proceeding of two employees of the Senate, Ray Bramucci and Dennis Marco;

Whereas, pursuant to Sections 703(a) and 704(a) of the Ethics in Government Act of 1978 (2 U.S.C. 288b(a) and 288c(a) (Supp. V 1981), the Senate may direct its counsel to represent Members and employees of the Senate in any proceeding with respect to any order directed to them;

Whereas, pursuant to section 708(a) of the Ethics in Government Act of 1978 (2 U.S.C. 288g(c) (Supp. V 1981)), the Senate may direct its counsel to perform such duties consistent with the purposes and limitations of title VII of the Ethics in Government Act of 1978 as the Senate may direct: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Bill Bradley, Ray Bramucci, and Dennis Marco in the matter of *Maria S. Abreu* v. *Senator Bill Bradley.*

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, if the minority leader can advise as to whether or not he is in a position to clear for consideration certain items on the Executive Calendar today, I am prepared to ask the Senate to go briefly into executive session for that purpose.

May I say on this side we are prepared to consider the nominations beginning with the Air Force, which is Calendar Order No. 102, all of those on page 3, page 4, page 5, page 6, page 7, page 8, page 9, and all those nominations placed on the Secretary's desk in the Air Force, Army, Foreign Service, Marine Corps, and Navy on page 10.

I wonder if the minority leader is in position to clear any or all of them.

Mr. BYRD. Mr. President, we on this side are prepared to do all the nominations on the calendar with the one exception which I think the majority leader included in his statement, the one exception being Calendar Order No. 185.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the nominees just identified by me, except for Calendar Order No. 185.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominees be considered en bloc.

The PRESIDING OFFICER. Without objection.

The assistant legislative clerk proceeded to read various nominations.

The PRESIDING OFFICER. Without objection, the nominees are considered and confirmed en bloc.

The nominees considered and confirmed en bloc follow:

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. William Y. Smith, [redacted] FR., U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Richard L. Lawson, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. James E. Dalton, [redacted] FR, U.S. Air Force.

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. James R. Allen, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Thomas M. Ryan, Jr., [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Andrew P. Iosue, [redacted] FR, U.S. Air Force.

THE JUDICIARY

Stephen F. Eilperin, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for

a term of 15 years, vice John R. Hess, retired.

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Peter Otto Murphy, of the District of Columbia, to be a Deputy U.S. Trade Representative, with the rank of Ambassador, vice David R. MacDonald, resigned.

DEPARTMENT OF DEFENSE

Chapman Beecher Cox, of Virginia, to be an Assistant Secretary of the Navy, vice John S. Herrington, resigned.

Richard Lee Armitage, of Virginia, to be an Assistant Secretary of Defense, vice Francis J. West, resigned.

AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Arnold W. Braswell, xxx-xx-xxxx xxx-...FR, U.S. Air Force.

The following-named officer under the provisions of title 10. United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Herman O. Thomson, xxx-xx-xx... xxx-...FR, U.S. Air Force.

ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James M. Thompson, xxx-xx-xxxx (age 55), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John B. Blount xxx-xx-xxxx, U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John W. McEnery xxx-xx-xxxx (age 57), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert L. Schweitzer, xxx-xx-xx... xxx-..., U.S. Army.

IN THE NAVY

The following-named officer for appointment as senior Navy member of the Military Staff Committee of the United Nations pursuant to the provisions of title 10, United States Code, section 711.

Having designated the following named officer for command and other duties of importance and responsibility within the contemplation of title 10, United States Code, section 601, I nominate him for reappointment to the grade of vice admiral while so serving.

To be vice admiral

Vice Adm. James A. Lyons, Jr., xxx-xx-x... xxx-.../1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Arthur S. Moreau, Jr., xxx-xx-x... xxx-.../1110, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Thomas J. Kilcline, xxx-xx-xxxx xxx-.../1310, U.S. Navy.

IN THE MARINE CORPS

The following-named officer, under provisions of title 10, United States Code, section 5201, to be Commandant of the Marine Corps:

To be Commandant of the Marine Corps

Gen. Paul X. Kelley xxx-xx-xxxx, U.S. Marine Corps.

The following-named officer, under the provisions of title 10, United States Code, section 5202, to be Assistant Commandant of the Marine Corps in the grade of general while so serving:

To be general

Lt. Gen. John K. Davis xxx-xx-xxxx, U.S. Marine Corps.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Charles G. Cooper xxx-xx-xxxx, U.S. Marine Corps.

DEPARTMENT OF STATE

Myles Robert Rene Frechette, of Washington, a career member of the Senior Foreign Service, class of counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Cameroom.

Curtin Winsor, Jr., of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Costa Rica.

AMBASSADOR

James J. Needham of New York, for the rank of Ambassador during the tenure of his service as Commissioner General of the United States Exhibition for the International Exposition. Tsukuba, Japan, 1985.

DEPARTMENT OF STATE

Richard B. Stone, of the District of Columbia, to be Ambassador at Large.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, FOREIGN SERVICE, MARINE CORPS, NAVY

Air Force nominations beginning Jacob C. Armstrong, Jr., and ending Robert D. Wendel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 12, 1983.

Air Force nominations beginning John A. Anderson, and ending Thomas C. Wilkinson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 16, 1983.

Air Force nominations beginning John A. Carnaghie, and ending Eugene J. A. Sokolowski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 16, 1983.

Air Force nominations beginning Dennis G. Paddock, and ending Temple H. Black, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 16, 1983.

Air Force nominations beginning Mark J. Abbott, and ending Theodore A. Zwijacz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 23, 1983.

Army nominations beginning Ronald J. Lewis, and ending Linda C. Locke, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 2, 1983.

Army nominations beginning George C. Baxley, and ending Douglas R. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 12, 1983.

Foreign Service nominations beginning Philip Birnbaum, and ending Marcie Berman Ries, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 16, 1983.

Marine Corps nomination of John R. Bourgeois, colonel, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of May 2, 1983.

Marine Corps nominations beginning Charles W. Adair, and ending Richard Zee, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 11, 1983.

Navy nominations beginning Marlin Dale Wiita, and ending John W. Zink, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 2, 1983.

Navy nominations beginning Jay P. Bullock, and ending Michael L. Smith, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 2, 1983.

Navy nominations beginning Todd M. Allison, and ending Joseph W. Weaver, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 2, 1983.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominees were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, time for the transaction of routine morning business has expired. However, if any

Senator needs time we can extend it. I do not see any Senator seeking recognition for that purpose.

ORDERS FOR THURSDAY

ORDER FOR RECOGNITION OF SENATOR LEVIN

Mr. BAKER. I have one final request. I am told on tomorrow the distinguished junior Senator from Michigan (Mr. LEVIN) desires a special order. I therefore ask unanimous consent that after the recognition of the two leaders under the standing order, the Senator from Michigan (Mr. LEVIN) be recognized on special order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I move in accordance with the order——

Mr. BYRD. Before the Senator makes his motion, there is no business before the Senate, so without unanimous consent no Senator can speak except in morning business, and even then only with the order of the Senate that they be allowed to speak.

Mr. BAKER. The Senator is absolutely right. In view of that I think it would be wise to go ahead and make a provision for morning business tomorrow.

Mr. BYRD. Mr. President, will the majority leader also make provision that would allow me to speak on one of my series of statements regarding the Senate, if the House has not acted on the adjournment resolution, which would give us time, because we would just be spinning our wheels?

Mr. BAKER. First, Mr. President, I ask unanimous consent that after the execution of the special order tomorrow, that there be a period for the transaction of routine morning business not to exceed 2 hours in length in which Senators may speak for 10 minutes each, with the exception of the minority leader, who will have no limitation as to time he may need.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, I move in accordance with the order previously entered that the Senate stand in recess until the hour of 12 noon on tomorrow.

The motion was agreed to and at 7:33 p.m. the Senate recessed until Thursday, May 26, 1983, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate May 25, 1983:

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, the provisions of chapters 34, 831, and 837, United States Code:

To be major general

Brig. Gen. Jerry W. Cochrane, [redacted]FG, Air National Guard of the United States.

Brig. Gen. Myrle B. Langley, [redacted]FG, Air National Guard of the United States.

Brig. Gen. Addison O. Logan, [redacted]FG, Air National Guard of the United States.

Brig. Gen. Alexander P. Macdonald, [redacted]FG, Air National Guard of the United States.

To be brigadier general

Col. Russell E. Allen, [redacted]FG, Air National Guard of the United States.

Col. Miles C. Durfey, [redacted]FG, Air National Guard of the United States.

Col. Albert J. Dye, [redacted]FG, Air National Guard of the United States.

Col. George A. Franzen, Jr., [redacted]FG, Air National Guard of the United States.

Col. Raymond M. Leonard, Jr., [redacted]FG, Air National Guard of the United States.

Col. Leo E. McFadden, [redacted]FG, Air National Guard of the United States.

Col. Donald L. Owens, [redacted]FG, Air National Guard of the United States.

Col. Richard M. Sanders, [redacted]FG, Air National Guard of the United States.

Col. Otha R. Smith, Jr., [redacted]FG, Air National Guard of the United States.

Col. Curtis G. Williams, [redacted]FG, Air National Guard of the United States.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25, 1983:

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370;

To be general

Gen. William Y. Smith, [redacted]FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Richard L. Lawson, [redacted]FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 619, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code.

To be general

Lt. Gen. James E. Dalton, [redacted]FR, U.S. Air Force.

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. James R. Allen, [redacted]FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Thomas M. Ryan, Jr., [redacted]FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601.

To be general

Lt. Gen. Andrew P. Iosue, [redacted]FR, U.S. Air Force.

THE JUDICIARY

Stephen F. Eilperin, of the District of Columbia, to be an associate judge of the Supreme Court of the District of Columbia for a term of 15 years, vice John R. Hess, retired.

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Peter Otto Murphy, of the District of Columbia, to be a Deputy U.S. Trade Representative, with the rank of Ambassador, vice David R. MacDonald, resigned.

DEPARTMENT OF DEFENSE

Chapman Beecher Cox, of Virginia, to be an Assistant Secretary of the Navy, vice John S. Herrington, resigned.

Richard Lee Armitage, of Virginia, to be an Assistant Secretary of Defense, vice Francis J. West, resigned.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Arnold W. Braswell, [redacted]FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Herman O. Thomson, [redacted]FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James M. Thompson, [redacted] (age 55), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John B. Blount, [redacted], U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John W. McEnery, [redacted] (age 57), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of

importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert L. Schweitzer, xxx-xx-xx... xxx-... U.S. Army.

IN THE NAVY

Vice Adm. James A. Lyons, Jr. xxx-xx-xxxx xxx-x...1110, U.S. Navy, for appointment as senior Navy Member of the Military Staff Committee of the United Nations pursuant to the provisions of title 10, United States Code, section 711; and, having been designated for command and other duties of importance and responsibility within the contemplation of title 10, United States Code, section 601, for reappointment to the grade of vice admiral while so serving.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Arthur S. Moreau, Jr., xxx-xx-x... xxx-.../1110, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Thomas J. Kilcline, xxx-xx-xxxx xxx-.../1310, U.S. Navy.

IN THE MARINE CORPS

The following-named officer, under provisions of title 10, United States Code, section 5201, to be Commandant of the Marine Corps:

To be Commandant of the Marine Corps

Gen. Paul X. Kelley, xxx-xx-xxxx U.S. Marine Corps.

The following-named officer, under the provisions of title 10, United States Code, section 5202, to be Assistant Commandant of the Marine Corps in the grade of general while so serving:

To be general

Lt. Gen. John K. Davis, xxx-xx-xxxx, U.S. Marine Corps.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601.

To be lieutenant general

Lt. Gen. Charles G. Cooper, xxx-xx-xxxx, U.S. Marine Corps.

DEPARTMENT OF STATE

Myles Robert Rene Frechette, of Washington, a career member of the Senior Foreign Service class of counselor to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Cameroon.

Curtin Winsor, Jr., of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Costa Rica.

James J. Needham, of New York, for the rank of Ambassador during the tenure of his service as Commissioner General of the U.S. Exhibition for the International Exposition, Tsukuba, Japan, 1985.

Richard B. Stone, of the District of Columbia, to be Ambassador at Larte.

IN THE AIR FORCE

Air Force nominations beginning Jacob C. Armstrong, Jr., and ending Robert D. Wendel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 12, 1983.

Air Force nominations beginning John A. Anderson, and ending Thomas C. Wilkinson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 16, 1983.

Air Force nominations beginning John A. Carnaghie, and ending Eugene J. A. Sokolowski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 16, 1983.

Air Force nominations beginning Dennis G. Paddock and ending Temple H. Black, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 16, 1983.

Air Force nominations beginning Mark J. Abbott, and ending Theodore A. Zwijacz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 23, 1983.

IN THE ARMY

Army nominations beginning Ronald J. Lewis, and ending Linda C. Locke, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 2, 1983.

Army nominations beginning George C. Baxley, and ending Douglas R. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 12, 1983.

FOREIGN SERVICE

Foreign Service nominations beginning Philip Birnbaum, and ending Marcie Berman Ries, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 16, 1983.

IN THE MARINE CORPS

Marine Corps nomination of John R. Bourgeois, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of May 2, 1983.

Marine Corps nominations beginning Charles W. Adair, and ending Richard Zee, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 11, 1983.

IN THE NAVY

Navy nominations beginning Marlin Dale Wiita, and ending John W. Zink, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 2, 1983.

Navy nominations beginning Jay P. Bullock, and ending Michael L. Smith, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 2, 1983.

Navy nominations beginning Todd M. Allison, and ending Joseph W. Weaver, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 2, 1983.

HOUSE OF REPRESENTATIVES—*Wednesday, May 25, 1983*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
May 24, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Wednesday, May 25, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, we give thanks that in Your wisdom You have created one people, and yet we share in the diversity of Your creation. We are one human family, and yet we represent many religions, races, and cultures.

Help us all, O God, to see people of other tongues and lands, not with the prejudice of suspicion or envy, but rather with the sincere appreciation of the gifts that each person brings to our one human community. May the horizons of our vision be great enough that we may see all peoples as objects of Your love and thus worthy of our friendship and respect.

In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. OXLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. OXLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 351, nays 22, answered "present" 2, not voting 57, as follows:

[Roll No. 135]

YEAS—351

Ackerman	Dellums	Jenkins
Addabbo	Derrick	Johnson
Akaka	DeWine	Jones (NC)
Albosta	Dicks	Jones (OK)
Alexander	Donnelly	Jones (TN)
Anderson	Dowdy	Kasich
Andrews (TX)	Downey	Kazen
Annunzio	Dreier	Kemp
Anthony	Duncan	Kennelly
Archer	Dwyer	Kildee
AuCoin	Dymally	Kindness
Badham	Dyson	Kogovsek
Barnard	Early	Kostmayer
Barnes	Eckart	Kramer
Bartlett	Edwards (AL)	LaFalce
Bates	Edwards (CA)	Lagomarsino
Bedell	Edwards (OK)	Lantos
Beilenson	English	Leach
Bennett	Erdreich	Leath
Bereuter	Erlenborn	Lehman (CA)
Berman	Evans (IL)	Lehman (FL)
Bethune	Fazio	Lent
Bevill	Feighan	Levin
Biaggi	Ferraro	Levine
Bilirakis	Fiedler	Levitas
Bliley	Fields	Lewis (CA)
Boehlert	Flippo	Lewis (FL)
Boggs	Florio	Lipinski
Boland	Foglietta	Livingston
Boner	Ford (TN)	Lloyd
Bonior	Fowler	Loeffler
Bonker	Frank	Long (LA)
Borski	Franklin	Long (MD)
Bosco	Frenzel	Lott
Boucher	Fuqua	Lowery (CA)
Boxer	Gekas	Lowry (WA)
Breaux	Gephardt	Lujan
Britt	Gibbons	Lungren
Brooks	Gingrich	Mack
Broomfield	Glickman	MacKay
Brown (CA)	Gonzalez	Madigan
Brown (CO)	Gore	Markey
Broyhill	Gradison	Marlenee
Bryant	Gramm	Marriott
Campbell	Gray	Martin (IL)
Carney	Green	Martin (NC)
Carper	Gregg	Martin (NY)
Carr	Guarini	Matsui
Chandler	Gunderson	Mavroules
Chappie	Hall (OH)	Mazzoli
Cheney	Hall, Ralph	McCain
Clarke	Hamilton	McCandless
Clinger	Hammerschmidt	McCloskey
Coats	Hance	McCollum
Coelho	Hansen (UT)	McCurdy
Coleman (MO)	Harrison	McDonald
Coleman (TX)	Hartnett	McEwen
Collins	Hatcher	McGrath
Conable	Hefner	McKernan
Conte	Hertel	McKinney
Conyers	Hightower	McNulty
Corcoran	Hiler	Mica
Courter	Hillis	Michel
Coyne	Hopkins	Miller (CA)
Craig	Horton	Minish
Crane, Daniel	Howard	Moakley
Crane, Philip	Hoyer	Molinari
D'Amours	Hubbard	Mollohan
Daniel	Huckaby	Montgomery
Dannemeyer	Hughes	Moody
Daschle	Hunter	Moore
Daub	Hutto	Morrison (CT)
Davis	Hyde	Morrison (WA)
de la Garza	Ireland	Mrazek
Myers	Roth	Swift
Natcher	Roukema	Synar
Neal	Rowland	Tallon
Nelson	Roybal	Tauke
Nichols	Rudd	Tauzin
Nielson	Russo	Taylor
Nowak	Savage	Thomas (CA)
O'Brien	Schaefer	Thomas (GA)
Oakar	Scheuer	Torres
Obey	Schneider	Towns
Olin	Schulze	Traxler
Ortiz	Schumer	Udall
Packard	Seiberling	Valentine
Panetta	Sensenbrenner	Vander Jagt
Parris	Shannon	Vandergriff
Pashayan	Sharp	Vento
Patman	Shaw	Volkmer
Patterson	Shelby	Vucanovich
Paul	Shumway	Walgren
Pease	Shuster	Watkins
Penny	Sikorski	Waxman
Pepper	Siljander	Weaver
Perkins	Simon	Weber
Petri	Sisisky	Weiss
Porter	Skeen	Wheat
Price	Skelton	Whitehurst
Pritchard	Slattery	Whitley
Pursell	Smith (FL)	Whittaker
Quillen	Smith (IA)	Whitten
Rahall	Smith (NE)	Williams (OH)
Ratchford	Smith, Denny	Wilson
Ray	Snowe	Winn
Regula	Snyder	Wirth
Reid	Spence	Wise
Richardson	Spratt	Wolf
Rinaldo	Staggers	Wolpe
Ritter	Stangeland	Wyden
Robinson	Stenholm	Wylie
Rodino	Stokes	Yatron
Roe	Stratton	Young (FL)
Rogers	Studds	Young (MO)
Rose	Stump	Zablocki
Rostenkowski	Sundquist	Zschau

NAYS—22

Coughlin	Harkin	Roemer
Dickinson	Hawkins	Sabo
Dorgan	Jeffords	Schroeder
Durbin	Luken	Solomon
Emerson	Miller (OH)	Walker
Forsythe	Mitchell	Yates
Gejdenson	Oxley	
Goodling	Roberts	

ANSWERED "PRESENT"—2

Jacobs	Oberstar

NOT VOTING—57

Andrews (NC)	Garcia	Moorhead
Applegate	Gaydos	Murphy
Aspin	Gilman	Murtha
Bateman	Hall (IN)	Ottinger
Burton	Hall, Sam	Owens
Byron	Hansen (ID)	Pickle
Chappell	Heftel	Rangel
Clay	Holt	Ridge
Cooper	Kaptur	Sawyer
Crockett	Kastenmeier	Smith (NJ)
Dingell	Kolter	Smith, Robert
Dixon	Latta	Solarz
Edgar	Leland	St Germain
Evans (IA)	Lundine	Stark
Fascell	Martinez	Torricelli
Fish	McDade	Williams (MT)
Foley	McHugh	Wortley
Ford (MI)	Mikulski	Wright
Frost	Mineta	Young (AK)

□ 1015

Mr. GRADISON changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the joint resolution (H.J. Res. 265) entitled "Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes."

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 531. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and

S.J. Res. 96. Joint resolution to designate August 1, 1983, as "Helsinki Human Rights Day."

INDEXING HELPS MIDDLE AMERICA

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCANDLESS. Mr. Speaker, contrary to some recent statements we have heard, repeal of the tax rate indexing law would hurt middle America—and would hurt the lower income taxpayers most.

The Library of Congress has issued a nonpartisan report, No. 83-41-E dated March 10, 1983, on the effect of tax indexing, which includes the following statements:

1. "Indexation of the tax schedule is a neutral policy option, while its elimination represents a tax increase . . ."

2. A repeal of indexing "will accentuate the shift in the relative distribution of the tax burden away from upper-income taxpayers and toward low- to middle-income taxpayers . . ."

The Treasury Department's figures show that 78 percent of the tax increase that would result from repealing indexing would fall on the shoulders of the middle and lower income taxpayers.

A repeal of indexing would hurt the 86 percent of all small businesses which pay individual income taxes. This is not the time to add more burdens to this vital, job-producing sector of our economy.

Mr. Speaker, indexing is the best thing the Congress has done in this century. It is fair, it will force us to keep down Government spending, and its benefits will help those who need tax relief most—the middle and lower income taxpayers.

A MILESTONE IN MONETARY HISTORY

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, last week a milestone in monetary history was reached. The money supply as measured by M-1 soared over the one-half trillion dollar mark for the first time in our history. In just 2 weeks M-1 increased $11.4 billion; new money created out of thin air, out of nothing.

Thirty years ago the money supply was $127 billion. That is a 400-percent increase in the money supply in 30 years and there is absolutely no parallel increase in the economic growth in this country during that period of time.

That which cost $1 in 1953 now costs $3.66. And the prices are continuing to go up. Inflation is still with us. It has not been licked.

The root of this problem is based in our money system. It is the continual monetary debasement of our money. As long as this happens we can anticipate further increases in prices.

This policy is based on a fallacy in economic thought. The fallacy is that central planning of monetary policy is of economic benefit to us. The other part of the fallacy is that wealth can come out of thin air by creating new money.

As long as this belief exists we will see a continued erosion of our dollar's value.

WHAT HAS CONGRESS BEEN DOING TO REDUCE DEFICITS?

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, since this House convened in January, we have heard a constant chorus of concern about the huge deficits we face. Yet all during this time what has the Congress been doing to reduce those deficits?

The answer is nothing. Since we convened 4 months ago, this House has voted to approve over $2,784 million in the current fiscal year and over $7,628 million in the next fiscal year in new spending authorizations, disapproval of spending deferrals, increased authorizations above the current level or increases in off-budget programs. Congress has also approved new appropriations of $4,006 million for the current fiscal year.

It should be understood that every dollar of new spending that this House has voted since January is a dollar that is going to be denied to those in our country who want to borrow for a new car, a new home, or who want to expand their business or start a new one. In other words, every dollar of new spending is but another obstacle to the creation of badly needed jobs in the private sector of this country. Those who complain the most about deficits and unemployment ought to be aware of that fact as they consistently vote for new and greater spending. I rest my case, Mr. Speaker.

CONGRESS SHOULD STAY WITHIN LAST YEAR'S BUDGET

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, in the last several weeks speakers from both sides of the aisle have shared their deep concerns about the horrendous deficits this country faces.

Today we have an opportunity to do something about those deficits. The supplemental appropriation bill that will be before us this day increases dramatically the budget for this year. It increases in budget authority by over $42 billion. It increases outlays by $34.3 billion.

We do not need to drastically cut spending to help solve our budget problem, we can do it by simply complying with the budget that we passed last year.

Let us not let this opportunity pass. Let us insist that we stay within the budget that we passed last year. It will make a dramatic difference in reducing deficits and lowering interest rates.

MX VOTE A TRAGEDY FOR COUNTRY

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, I believe the vote on the MX missile testimony in the House of Representative was a tragedy for this country.

MX is a hard target killer, that is; its only purpose is to destroy Soviet missiles in their hardened silos. It, therefore, must be a first-strike weapon. We would not fire it in retaliation, at empty Soviet silos.

Deterrence is based on our ability to retaliate massively against Soviet cities. This capacity convinces the Soviets not to strike first. But since it is aimed at Soviet missiles, the MX encourages the Soviets to fire, so their weapons are not destroyed inside the silos. Weapons like the MX are not deterrents at all. They are destabilizing; they actually destroy deterrence.

MX supporters will argue that the Soviet advance in hard-target missiles is the main destabilizing factor, not the MX, and that we need to balance that threat with our own hard-target-killing weaponry.

Quite the opposite is true. Building a destabilizing, first-strike weapon in order simply to respond in kind in no way adds to security. In fact, the most dangerous, unstable situation possible is one in which both superpowers have first-strike, hard-target weapons, and each side believes it must fire first in a crisis, or be left without land-based missiles. The pressure is to fire, not to wait—and retaliate if necessary.

The MX will not scare Soviets to the bargaining table. Every similar attempt to persuade the Soviets in the past has only led to their development of new weapons systems, never to arms control.

President Reagan writes a letter promising to get serious about arms control if he is given the MX. We have, as a result, an expensive, destabilizing missile program in return for a Reagan promise. Then Mr. Weinberger says the letter means "nothing basically new" for arms control. It is a classic fraud. A fraud perpetrated on this body. It is tragic.

IS CONGRESS GOING TO BE ASKED TO DECLARE WAR ON NICARAGUA?

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I regret the fact that apparently, discussions in the Congress have broken down over legislation to prohibit covert military actions in Nicaragua.

By taking no action to restrict those covert actions, Congress comes dangerously close to sanctioning the administration's undeclared war on the country of Nicargua. If my colleagues will remember Nicaragua is a sovereign country just like ours, whether or not we approve of its system of government. According to a report in today's Washington Post, the President is going to ask us to sanction his finding that the secret operations in Nicaragua are in our national interest.

Now in my opinion, that is tantamount to a declaration of war. And if that is what the President really wants, then he ought to bring a resolution here asking the Congress to declare war on Nicaragua.

Let the President bring such a resolution to the Congress, and let us see if that is what the Congress and the American people want. I do not believe that the American people support that policy. I would direct your attention to the poll published in today's Post which discloses that nearly 80 percent of Americans oppose efforts to secretly overthrow the government of Nicaragua. Despite that overwhelming opposition, we are funding, training, advising, and participating in a war against the Nicaraguan people because we do not happen to like their form of government. We do not like what they say, we do not like what they do; so, in effect we have declared war. We have sent in mercenaries, paid for by the CIA, trained by the Argentinians, and the President wants to continue that policy.

I think the message is clear: If we allow this covert policy to continue, we should be honest with the American people and get prepared to vote on a resolution of war.

EXPRESSING SUPPORT OF THE HOUSE ON AGREEING TO ARRANGEMENTS FOR WITHDRAWAL OF ISRAELI FORCES FROM LEBANON

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged for further consideration of the resolution (H. Res. 203) expressing the support of the House of Representatives on the decision of the Governments of Lebanon and Israel on agreeing to arrangements for the withdrawal of Israeli forces from Lebanon, and ask for its immediate consideration.

The Clerk read the title of the resolution.

□ 1030

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I do so to afford the chairman of our committee, the gentleman from Wisconsin (Mr. ZABLOCKI), the opportunity to explain the resolution, and I yield to him for that purpose.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Speaker, House Resolution 203 expresses the support of the House of Representatives on the decision of the Governments of Lebanon and Israel on agreeing to arrangements for the withdrawal of Israeli forces from Lebanon.

At the outset, I wish to commend the principal sponsor of the resolution, the gentleman from Florida (Mr. SMITH), a member of the Committee on Foreign Affairs, for his efforts to bring this timely resolution to our attention.

The resolution is identical to a resolution which has passed in the Senate. It rightly expresses the support of the House for the Israeli-Lebanese agreement on troop withdrawal from Lebanon. It recognizes that both Governments deserve strong praise for their flexibility and determination in reaching an agreement on this difficult issue.

The resolution also cites the important work of our own diplomatic officials in assisting the successful negotiations and the importance of the agreement for restoring the sovereignty and stability of Lebanon.

In addition to commendation of the troop withdrawal agreement between Israel and Lebanon, House Resolution 203 calls on other nations to work toward achieving the withdrawal of all foreign forces from Lebanon. It urges Syria and the Palestine Liberation Organization, in particular, to respect the sovereignty and territorial integrity of Lebanon by agreeing to arrangements for the prompt withdrawal of their forces from Lebanon.

Mr. Speaker, it is my hope that passage of House Resolution 203 will build on the momentum for peace in the Middle East established by the Israeli-Lebanese troop withdrawal agreement. I urge unanimous approval of House Resolution 203.

Mr. BROOMFIELD. Mr. Speaker, I also want to join with the chairman of the Committee on Foreign Affairs in offering my enthusiastic support for this resolution. It is both timely and appropriate in light of the recently finalized security agreement between Israel and Lebanon. This accord is the result of a protracted negotiating effort on the part of Secretary of State George Shultz. I salute this noteworthy milestone in the peace process.

As all of you know, on May 12, 1983, Lebanon and Israel signed a historic agreement arranging for the withdrawal of Israeli forces from Lebanon. This accord represents a small, but significant, step along the long road to peace and stability in that trouble-plagued region.

The Governments of Lebanon and Israel deserve our praise for their persistence, flexibility, and true determination to bring about an agreement. As all of us know, many difficult and painful decisions went into the complex process of making the accord a reality. I compliment the brave and dedicated Lebanese and Israeli negotiators for their heroic diplomatic efforts.

The agreement is a compromise solution to an intricate dilemma. It represents an effort to restore the sovereignty of Lebanon while taking into account Israel's legitimate security concerns.

I am certain that you will join me in calling upon all of the involved parties to quickly withdraw their forces from Lebanon. It is unfortunate that the Syrian and PLO leaders are presently boycotting the agreement in clear violation of Lebanon's territorial integrity. As we all realize, Lebanon has suffered a burdensome foreign occupation for nearly a decade. That nation has suffered too long.

I also want to pay tribute to Secretary of State George Shultz and his skilled negotiating team for their marathon effort to bring an end to the occupation and victimization of Leba-

non. Secretary Shultz's leadership and courageous efforts have been demanding of both his energies and his diplomatic skills. His successful efforts, in spite of many adversities, are well appreciated by all of us in Congress.

In the spirit of hope for a brighter tomorrow for Lebanon and the entire Middle East, I support this resolution, and call upon my colleagues to join me in praising this effort.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 203

Whereas the Governments of Lebanon and Israel on May 17, 1983, signed a historic agreement arranging for the withdrawal of Israeli forces from Lebanon;

Whereas the Lebanese and Israeli Governments deserve strong praise for their persistence, flexibility, and determination in negotiating the agreement and dealing with the difficult decisions required to conclude the document;

Whereas American officials played an important role in assisting the negotiations;

Whereas the agreement marks an important step in the efforts to achieve peace and stability in the region;

Whereas the agreement is an essential part of the effort to restore the sovereignty and stability of Lebanon;

Whereas the withdrawal of all foreign forces from Lebanon is in the interest of the Lebanese people and of peace in the region; and

Whereas a majority of Middle Eastern nations have expressed their support for the withdrawal of all foreign forces from Lebanon: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the decision of the Governments of Lebanon and Israel on agreeing to the arrangements for the withdrawal of Israeli forces from Lebanon;

(2) calls on other nations to work toward achieving the withdrawal of all foreign forces from Lebanon;

(3) emphasizes the need for all nations to recognize and respect the sovereignty and territorial integrity of Lebanon; and

(4) urges Syria and the Palestine Liberation Organization to respect the sovereignty and territorial integrity of Lebanon by agreeing to arrangements for the prompt withdrawal of their forces from Lebanon.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 1 hour.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SMITH).

Mr. SMITH of Florida. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI), for not only his cooperation on this particular resolution but certainly, as a prime sponsor, together with the gentleman from Michigan (Mr. BROOMFIELD), who just spoke, the majority leader, the gentleman from Texas (Mr. WRIGHT), and the minority leader, the gentleman from Illinois (Mr. MICHEL). I commend them all for the interest they have shown not only in this resolution but also in the whole process of peace in the Middle East. Their concern and their interest is one of those motivating factors that has kept the process in the United States alive and moving forward.

Mr. Speaker, I rise in support of House Resolution 203, a resolution expressing the support of the House on the decision of Lebanon and Israel to agree on arrangements for the withdrawal of Israeli troops from Lebanon, to reestablish the sovereignty of Lebanon by the people of Lebanon and to guarantee peace on the Northern border of Israel.

This historical agreement is a crucial step toward the restoration of the sovereignty and integrity of Lebanon, which has been wracked by hostilities for years, and a further step toward security and peace for Israel. I believe that both governments deserve the praise of the House for their efforts.

At the same time, however, I must express my sincere disappointment at the attitude of Syria, which has a large concentration of troops within Lebanon and has had this concentration there for many years. The United States and Israel, and most of the world, for that matter, support a Lebanon free of all foreign troops. But Syria, which has no interest in the territorial integrity of Lebanon, remains opposed to a troop withdrawal. Such a policy impedes efforts to advance the peace process in the region, a process which has been moved forward by not only the parties, Israel and Lebanon, but by the United States as well—a prime mover for peace in the Middle East and around the world—a goal for which all true peaceful nations should and do strive.

The resolution before the House, which was cosponsored by all the Members of the other body, calls on other nations to work toward achieving the withdrawal of all foreign forces from Lebanon and to respect the territorial integrity of Lebanon. The impediment to such a withdrawal remains Syria and the PLO, both of whom are following policies that fly in the aspirations of other nations in the region.

Make no mistake about it—Syria has shown no interest in peace in Lebanon or in the region. Its policies not only are preventing the implementation of the troop withdrawal agreement to which Israel and Lebanon have agreed, but also are increasing the likelihood of further hostilities in the region, hostilities that I submit are not in Syria's interests any more than they are in the interests of other nations in the Middle East, or of any nation in the world that truly desires peace.

Now that Lebanon and Israel have reached an agreement, Syria should not remain recalcitrant. Lebanon, like Egypt in the Camp David accords, has shown that a neighbor of Israel can negotiate an agreement by which both sides and the world can benefit. It is time for other Arab States to recognize this fact. And I might add, incidentally, that another state has taken the same attitude as Syria. Libya, which has given us fits in the peace process over the years, which has remained a burr under the saddle of peace, which has promoted terrorism, has taken the same position as Syria. And this is something that should be the cause of grave concern for not only the United States and Arab States, but other nations that so obviously desire peace in the Middle East and in the world.

Mr. Speaker, this resolution now has over 200 cosponsors, including most of the leadership on both sides of the aisle. It expresses the aspirations of the American people as well. We all support the withdrawal of foreign troops from Lebanon and want all non-Lebanese troops out of Lebanon so that the Lebanese people may undertake the major task of rebuilding their country and converting it back into a free Lebanon—theirs in sovereign perpetuity, as they deserve. But it pains me to say that, just in the last few days, we have been given further proof that the Syrians and others are not interested in peace or to restoring true sovereignty to Lebanon. Yesterday, the Syrians fired missiles at an Israeli helicopter. This morning, we learned that Syrian jets attempted to intercept an Israeli plane. We find that Libya wants to sanction Lebanon out of the Arab league. We find that Syria refuses to intercede to attempt to stop the civil war fighting between the Druse and the Christian Phalangists in Lebanon, much of which has been laid at their doorstep.

I ask you: Are these signs of peace? Syrians have given every indication that they are preparing for another war in Lebanon. Recent intelligence reports from the United States even claim that Russian pilots are flying Syrian jets. We know for a fact that there are over 5,000 Russian advisers in Syria at this moment beefing up their forces, their air defense systems. New SAM-5 missiles have been emplaced which threaten not only Syria's ability to wage war but also threaten sovereign nations like Jordan, Israel, Egypt, and the U.S. Sixth Fleet in the Mediterranean, which has an air force which is now at risk from the carrier mode because of these SAM-5 missiles.

The Congress must show its strong support for courageous actions of the

Lebanese and Israeli Governments. This administration, as the gentleman from Michigan (Mr. BROOMFIELD) has indicated, has shown a firm commitment by the actions of the Secretary of State and others in this administration for peace in the Middle East, through their actions at the present moment. We must rise to support all peace-loving nations who desire peace in the world and especially in the tinderbox that is the Middle East.

I hope my colleagues will join with me in praising these two nations through this resolution, and through this resolution send the signal that we are sending on almost every issue, that the United States stands for peace, not only in the Middle East, but in the whole of the world, and that this is one element of our foreign policy that will not be subverted by any nation who chooses not to stand for peace with us.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. OAKAR).

The SPEAKER pro tempore. Without objection, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 3 minutes.

There was no objection.

Ms. OAKAR. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the resolution. I think it is certainly commendable that our country, at long last, has served as an instrument of peace in that region.

This is the way we ought to be using our superpower status to bring people together, not to continue to arm the world. And I for one, while I support the resolution, am very disturbed by the recent actions of the committee with respect to sending more arms over there, almost as a reward for what has been one of the saddest experiences of my life seeing the devastation of a country that has always been an ally of the United States.

So I hope that in the spirit of this resolution our country will continue to promote efforts for peace and dialog and not become the arms merchant of the world, particularly in the Middle East and in Central America and other parts of the area, and I think that it is very important, now that there has been some resolution, some meeting of minds with respect to the Israeli and Lebanese Governments, that our country continue to have dialog with the Palestinian people and the Syrian Government, not to give up hope on involving them in the peace process. I hope that we do not use our kind of militant rhetoric to separate that kind of an initiative. I know that they on occasion are very rhetorical in their remarks, but I think it is up to us to separate what the people of those areas want from what their government leaders want.

It is very, very important that we think of the children and the women and the men in those areas who really and truly desperately want peace. And it has been the leaders of the various countries, and sometimes our own, that have been promoting military solutions and not peaceful negotiation. That is the only road to hope in that region and indeed in the world, and that is why I support the resolution, because it talks about the fact that out of negotiation there was some resolution of minds on the part of the leadership of both Lebanon and Israel.

The people want to set aside their past. They will never forget their past, whether they are Israelis, Lebanese, Palestinians, Syrians, et cetera. They want desperately to live in security and they want to set aside the past so that they can look to the future. It is up to our Government and our committee structure to be unselfish in the manner in which we act and not to succumb to all of the political pressures, and to force our country into being an instrument of peace and not war. We do not accomplish peace by having military arms just doled out wholesale. It should be a matter of personal conscience what we do to promote peace. It is imperative that this Congress act responsibly in the area of foreign affairs for the sake of our people and the global community.

□ 1045

Mr. ZABLOCKI. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LEVINE).

Mr. LEVINE of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to commend my colleague, the gentleman from Florida (Mr. SMITH), for his leadership on this issue, and I would like to commend the chairman of the Committee on Foreign Affairs with whom I am privileged to serve, and the ranking member of the Committee on Foreign Affairs, for their constructive remarks with regard to this resolution.

I also believe that it is appropriate at this time to commend our Secretary of State for his leadership with regard to bringing about this constructive activity in the Middle East and for bringing the type of success that he has at the negotiating table to the peoples and the governments of the region, particularly those of Lebanon and Israel.

Mr. Speaker, I think the work of our Secretary of State on this issue, as well as the work of the Governments and peoples of Israel and Lebanon, underscore some essential realities in the Middle East. This work underscores the fact that negotiations can work in this region; that discussion and diplomacy can work in this region; and that it is through negotiation, discussion, and diplomacy such as that which has taken place in the recent past that meaningful steps toward peace can be achieved in the Middle East.

This resolution further reinforces the fact that it is only through and underscoring of the need to insure peace and security to every nation in that region that we will see progress toward peace. I think that the Syrian, Libyan, and PLO hostility to this agreement underscores the importance of continuing American resolution in this area and continuing American work in the manner that the Secretary of State has pursued in the recent past.

Mr. Speaker, this administration, however, has unfortunately given some mixed signals in the recent past in the Middle East. Not all of its activities and not all of its conduct has always been on the same plane as that which we have seen from the Secretary of State in the past month. It is my hope that this important agreement between Israel and Lebanon will help this administration return to the essential premise that it is through consistent, continued, resolute support for a strong and secure Israel that we will be able to obtain progress in the region.

It is because of the progress that we are now seeing between Israel and Lebanon, and because of the Syrian, Libyan, and PLO reactions to it, that I think we should remind ourselves of an essential, almost eternal, truth in the Middle East, and that is, as I think most Members of this body have understood for a generation, that Israel seeks, Mr. Speaker, only to live in peace in the region, only to survive with strong and secure borders.

It is worth remembering in the context of this resolution that the nation of Israel seeks only one thing: It seeks survival, it seeks peace, and it seeks to live within secure borders. When nations such as Syria and Libya and terrorist organizations such as the PLO continue to reject constructive alternatives such as the one that our Secretary of State has so ably worked out, we should never consider acquiescing in that rejection; we should continue to send signals to the region that we will continue to predicate our policy upon one which assures peace, security and survival to all nations of the region.

Mr. Speaker, it is for those reasons that I am pleased to join in supporting the resolution of the gentleman from Florida.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to congratulate the chairman, and my dear friend the gentleman from Michigan (Mr. BROOMFIELD), as well as the gentleman from Florida (Mr. SMITH) particularly,

for his leadership in bringing this resolution to the floor. As a cosponsor, I want to associate myself with their remarks and with this vital resolution. I think it is right on target in recognizing Secretary Shultz' outstanding contribution to the peace process as well as the onus of responsibility on Syria and the PLO to now make their contribution to an independent Lebanon.

What has been pointed out today in this resolution is the fact that the United States is more influential today in the Middle East than it has been for a long time, in no small part, as I mentioned, because of the efforts of Secretary of State Shultz. I think he has done a magnificent job, and he has done it in such a way as to further the essential ingredients of peace between Israel and its Arab neighbors: Respect for Israel and its need for secure borders. As the gentleman from California pointed out, Israel desires to live at peace with its neighbors and this agreement reflects that desire. Mr. Speaker, Lebanon today has the chance of being free and independent and sovereign not only because of the efforts of Secretary Shultz and President Reagans' administration, but because Israel has given them that chance, in driving the PLO out of Beirut and southern Lebanon. It is now very clear that the major source of friction in working out a withdrawal arrangement has never been Israel or Lebanon; instead, it has been the PLO and Syria, backed, of course, by the Soviet Union.

I think it is important, Mr. Speaker, that the world know that the major cause of continuing animosity, hostility and acrimony in the Middle East is the Soviet Union, who alone would like to see Syria remain in Lebanon, and who would deny the people of Lebanon their independence and freedom from occupation.

The continuing Soviet military buildup in Syria is deeply troubling. It represents a substantial escalation in the threat not only to Israel, but to NATO installations in eastern Turkey and to the West's ability to protect its interests in the eastern Mediterranean. Intelligence reports indicate that the new SAM-5 missile batteries now in Syria may be just the beginning of a more extensive Soviet military infrastructure in that country. In addition, the presence of some 8,000 Soviet forces in Syria, plus reports of Soviet advisors in Lebanon as well, give added cause for concern.

I just think it is a very important time for this body, as this resolution does, to pay attention to the fact that it is in the interest of all parties for Syria and the PLO to withdraw from Lebanon. This country's policy is that Lebanon should be left free and independent, and that peace with Israel, which is a two-way street is a confirmation of the Camp David accords not an impediment.

Mr. Speaker, I just particularly wanted to stand up and congratulate the authors, congratulate my friend, the gentleman from Wisconsin (Mr. ZABLOCKI), and the gentleman from Michigan (Mr. BROOMFIELD) for their continuing efforts, and just say thanks publicly to George Shultz for his painstaking effort, and to all those who had something to do with this negotiated settlement that we are grateful. It can help bring peace and establish a modus vivendi on the border of Lebanon and Israel, and I think this is a particularly appropriate time to be bringing this resolution to the floor of the House and passing it overwhelmingly. I thank the author of the resolution for his leadership.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. I thank the gentleman for yielding this time to me.

Mr. Speaker, let me congratulate the chairman and my colleague, the gentleman from Michigan, BILL BROOMFIELD, for your leadership on this resolution, and also the gentleman from Florida, LARRY SMITH, and the others.

Clearly an important and courageous move has been undertaken by Lebanon and by Israel in reaching a peace treaty. This can be a momentous event if it will be followed by action by the Syrian Government and by the PLO. I am glad to join so many other colleagues in doing what we can to symbolize the importance of this treaty and to do what we can to place some additional pressure on the PLO and the Syrians to take a step that would be another important move toward hopefully permanent peace in the Middle East.

So again, congratulations, and let us join together in passing this resolution.

● Mr. MICHEL. Mr. Speaker, I am glad to have the opportunity of being an original cosponsor of House Resolution 203 commending Israel and Lebanon for working together toward peace and justice in the Middle East.

We tend to forget that Israel and Lebanon want not only peace, but the kind of peace that is lasting. It is easy for outsiders to talk about seemingly simple solutions to the problems of Lebanon. But the fact is that unless the borders of Israel are guaranteed from terrorist attacks, no amount of good wishes or negotiating will bring peace to the area.

We still have the problem of Syria. Lebanon will still remain an occupied country unless all foreign countries remove their troops from its territory. Israel and Lebanon have shown what can be done by a shared sense of purpose and a realistic attitude toward security and peace. It is my hope that moderate Arab States can convince Syria to adopt a similar posture. I recognize that such hopes have not been realized. But it is evident that Syria's own long-range interests—correctly perceived—lie in following the lead of Israel and Lebanon.

Finally, let me say that the people of Lebanon have suffered for many years. They are the innocent victims of longstanding problems in that region of the world. They deserve the chance to get their house in order, to rebuild what has been destroyed—not only in terms of material things, but also in terms of attitudes. Occupied and exploited by foreign invaders for years, Lebanon must regain a sense of independence. The Israel/Lebanon agreements go far to making that sense of independence a reality.●

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 136]

YEAS—408

Ackerman	Biaggi	Carney
Addabbo	Bilirakis	Carper
Akaka	Bliley	Carr
Albosta	Boehlert	Chandler
Alexander	Boggs	Chappie
Anderson	Boland	Cheney
Andrews (TX)	Boner	Clarke
Annunzio	Bonior	Clay
Anthony	Bonker	Clinger
Archer	Borski	Coats
AuCoin	Bosco	Coelho
Badham	Boucher	Coleman (MO)
Barnard	Boxer	Coleman (TX)
Barnes	Breaux	Collins
Bartlett	Britt	Conable
Bates	Brooks	Conte
Bedell	Broomfield	Conyers
Beilenson	Brown (CA)	Cooper
Bennett	Brown (CO)	Corcoran
Bereuter	Broyhill	Coughlin
Berman	Bryant	Courter
Bethune	Burton	Coyne
Bevill	Campbell	Craig

Crane, Daniel	Huckaby	Nelson
Crane, Philip	Hughes	Nichols
D'Amours	Hunter	Nielson
Daniel	Hutto	Nowak
Dannemeyer	Hyde	O'Brien
Daschle	Ireland	Oakar
Daub	Jacobs	Oberstar
Davis	Jeffords	Obey
de la Garza	Jenkins	Olin
Dellums	Johnson	Ortiz
Derrick	Jones (NC)	Ottinger
DeWine	Jones (OK)	Oxley
Dickinson	Jones (TN)	Packard
Dicks	Kaptur	Panetta
Dingell	Kasich	Parris
Dixon	Kazen	Pashayan
Donnelly	Kemp	Patman
Dorgan	Kennelly	Patterson
Dowdy	Kildee	Paul
Downey	Kindness	Pease
Dreier	Kogovsek	Penny
Duncan	Kostmayer	Pepper
Durbin	Kramer	Perkins
Dwyer	LaFalce	Petri
Dymally	Lagomarsino	Porter
Dyson	Lantos	Price
Early	Latta	Pritchard
Eckart	Leach	Pursell
Edwards (AL)	Leath	Quillen
Edwards (CA)	Lehman (CA)	Rahall
Edwards (OK)	Lehman (FL)	Rangel
Emerson	Leland	Ratchford
English	Lent	Ray
Erdreich	Levin	Regula
Erlenborn	Levine	Reid
Evans (IL)	Levitas	Richardson
Fascell	Lewis (CA)	Ridge
Fazio	Lewis (FL)	Rinaldo
Feighan	Lipinski	Ritter
Ferraro	Livingston	Roberts
Fields	Lloyd	Robinson
Flippo	Loeffler	Rodino
Florio	Long (LA)	Roe
Foglietta	Long (MD)	Roemer
Foley	Lott	Rogers
Ford (MI)	Lowery (CA)	Rose
Ford (TN)	Lowry (WA)	Rostenkowski
Forsythe	Lujan	Roth
Fowler	Luken	Roukema
Frank	Lungren	Rowland
Franklin	Mack	Roybal
Frenzel	MacKay	Rudd
Frost	Madigan	Russo
Fuqua	Markey	Sabo
Gaydos	Marlenee	Savage
Gejdenson	Marriott	Schaefer
Gekas	Martin (IL)	Scheuer
Gephardt	Martin (NC)	Schneider
Gibbons	Martin (NY)	Schroeder
Gingrich	Matsui	Schulze
Glickman	Mavroules	Schumer
Gonzalez	Mazzoli	Seiberling
Goodling	McCain	Sensenbrenner
Gore	McCandless	Shannon
Gradison	McCloskey	Sharp
Gramm	McCollum	Shaw
Gray	McCurdy	Shelby
Green	McDade	Shumway
Gregg	McDonald	Shuster
Guarini	McEwen	Sikorski
Gunderson	McGrath	Siljander
Hall (IN)	McHugh	Simon
Hall (OH)	McKernan	Sisisky
Hall, Ralph	McKinney	Skeen
Hall, Sam	McNulty	Skelton
Hamilton	Mica	Slattery
Hammerschmidt	Michel	Smith (FL)
Hance	Mikulski	Smith (IA)
Hansen (ID)	Miller (CA)	Smith (NE)
Hansen (UT)	Miller (OH)	Smith (NJ)
Harkin	Minish	Smith, Denny
Harrison	Mitchell	Snowe
Hartnett	Moakley	Snyder
Hatcher	Molinari	Solarz
Hawkins	Mollohan	Solomon
Hefner	Montgomery	Spence
Hertel	Moody	Spratt
Hightower	Moore	St Germain
Hiler	Morrison (CT)	Staggers
Hillis	Morrison (WA)	Stangeland
Holt	Mrazek	Stark
Hopkins	Murphy	Stenholm
Horton	Murtha	Stokes
Howard	Myers	Stratton
Hoyer	Natcher	Studds
Hubbard	Neal	Stump
Sundquist	Vento	Wilson
Swift	Volkmer	Winn
Synar	Vucanovich	Wirth
Tallon	Walgren	Wise
Tauke	Walker	Wolf
Tauzin	Watkins	Wolpe
Taylor	Waxman	Wortley
Thomas (CA)	Weaver	Wright
Thomas (GA)	Weber	Wyden
Torres	Weiss	Wylie
Torricelli	Wheat	Yates
Towns	Whitehurst	Yatron
Traxler	Whitley	Young (AK)
Udall	Whittaker	Young (FL)
Valentine	Whitten	Young (MO)
Vander Jagt	Williams (MT)	Zablocki
Vandergriff	Williams (OH)	Zschau

NAYS—0

NOT VOTING—24

Andrews (NC)	Evans (IA)	Lundine
Applegate	Fiedler	Martinez
Aspin	Fish	Mineta
Bateman	Garcia	Moorhead
Byron	Gilman	Owens
Chappell	Heftel	Pickle
Crockett	Kastenmeier	Sawyer
Edgar	Kolter	Smith, Robert

□ 1100

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1115

WAIVING POINTS OF ORDER AGAINST H.R. 3069, SUPPLEMENTAL APPROPRIATIONS, 1983

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 209 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 209

Resolved, That all points of order against the consideration of the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes, for failure to comply with the provisions of sections 311(a) and 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. During the consideration of the bill, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived: beginning on page 3, line 17 through page 4, line 2; beginning on page 4, lines 18 through 21; beginning on page 5, lines 3 through 9; beginning on page 5, line 23 through page 6, line 2; beginning on page 6, lines 4 through 22; beginning on page 8, line 14 through page 9, line 22; beginning on page 10, line 12, through page 20, line 2; beginning on page 20, lines 10 through 14; beginning on page 21, lines 7 through 25; beginning on page 22, line 23 through page 24, line 9; beginning on page 24, line 16 through page 28, line 4; beginning on page 29, line 15 through page 30, line 4; beginning on page 31, lines 1 through 10; beginning on page 33, lines 11 through 22; beginning on page 34, line 17 through page 37, line 9; beginning on page 39, lines 5 through 9; beginning on page 40, lines 4 through 9; beginning on page 40, line 23 through page 42, line 15; beginning on page 49, line 23 through page 50, line 4; beginning on page 75, line 18 through page 76, line 11; and all points of order against the following provisions in said bill for failure to comply with the provisions of clause 6, rule XXI are hereby waived; beginning on page 5, lines 1 through 5; beginning on page 21, lines 7 through 25; beginning on page 23, lines 6 through 14; beginning on page 31, lines 1 through 10; and beginning on page 39, lines 5 through 9. It shall be in order to consider the amendment printed in the Congressional Record of May 24, 1983, by, and if offered by, Representative Roybal of California, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived. It shall be in order to consider an amendment printed in the Congressional Record of May 24, 1983, by, and if offered by, Representative Frost of Texas, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI and clause 2, rule XXI are hereby waived. It shall be in order to consider an amendment printed in the Congressional Record of May 24, 1983, by, and if offered by, Representative Huckaby of Louisiana, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI and clause 2, rule XXI are hereby waived. It shall be in order to consider an amendment printed in the Congressional Record of May 24, 1983, by, and if offered by, Representative Dannemeyer of California, and all points of order against said amendment for failure to comply with clause 2, rule XXI are hereby waived.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, as is the custom, I yield 30 minutes, for the purpose of debate only, to the gentleman from Tennessee (Mr. QUILLEN), and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 209 waives points of order against the consideration of H.R. 3069, which makes supplemental appropriations for fiscal year 1983. The Rules Committee held a very lengthy hearing on this matter yesterday, and after a great deal of consideration, voted to grant a rule that will provide waivers of points of order pursuant to clause 2, rule XXI against paragraphs specified by page and line number in the rule.

As Members know, clause 2, rule XXI prohibits the consideration of a general appropriation bill which contains matters not authorized by law, or which contains legislation in an appropriations bill.

The waiver is necessary because the bill contains both matters unauthorized, and legislative language in a number of paragraphs throughout the bill.

The rule also waives clause 6 of rule XXI against paragraphs of the bill specified by page and line number, clause 6 of rule XXI prohibits the reappropriation of funds. There are several paragraphs where funds already appropriated are used for different purposes, thus necessitating a waiver.

In addition, Mr. Speaker, the rule waives section 311(a) and section 402(a) of the Congressional Budget Act against consideration of the bill. Section 311(a) prohibits the consideration of any bill, resolution, or amendment providing additional new budget authority in excess of the ceiling set in the most recently adopted concurrent resolution of the budget.

Pursuant to the provisions of the Budget Act, the Budget Committee filed a Parliamentarian's status report reflecting the current level of spending and revenues with the Speaker on April 12, 1983. As indicated in the status report, the fiscal year 1983 spending ceiling and revenue floor set forth in Senate Congressional Resolution 91 have been breached. Accordingly, any bill which would provide new budget authority, new entitlement authority, or reduce revenue in fiscal year 1983 would violate section 311(a) of the Congressional Budget Act.

Although the House passed House Congressional Resolution 91, which would revise the fiscal 1983 budget resolution and set forth the fiscal year 1984 budget resolution, a final budget resolution with the revised figures is not yet in place. The revised spending ceiling for fiscal year 1983 contained in House Congressional Resolution 91 would more than accommodate the spending provided in this supplemental appropriations bill.

Section 402(a) of the Budget Act prohibits the consideration of authorizing legislation if that measure is not reported by May 15 of the calendar year preceding the fiscal year in which it is to be effective. There are several paragraphs in chapter 4 which are authorizations, as well as appropriations. They should have been reported by May 15, 1982, since the funding becomes available in fiscal 1983.

Further, Mr. Speaker, the rule also makes in order four amendments which require waivers. These amendments have been printed in the CONGRESSIONAL RECORD of May 24, 1983. The first of these is an amendment by Representative ROYBAL which provides for restoration of the west front of the Capitol. A waiver of clause 2, rule XXI is provided so that the amendment may be offered.

The second amendment specified in the rule may be offered by Representative FROST, and concerns the location of a HUD regional office. Waivers of clause 7, rule XVI, the germaneness rule, and clause 2, rule XXI, are granted.

The third amendment may be offered by Representative HUCKABY, and would limit the ability of the Corps of Engineers from using the power of condemnation to acquire private lands in the Tensas Refuge. Waivers of clause 7, rule XVI, and clause 2, rule XXI are granted for the amendment.

The fourth amendment may be offered by Representative DANNEMEYER, and is a perfecting amendment to the bill language barring the implementation of regulations by the Office of Personnel Management until certain studies are completed. A waiver of clause 2, rule XXI is granted for the amendment.

At this point, Mr. Speaker, let me emphasize that any germane amendment which does not otherwise violate the rules of the House could be offered to the supplemental appropriations bill. The rule does not specifically provide for the consideration of H.R. 3069 since that bill is privileged. It simply waives points of order against consideration of the bill and specific paragraphs of the bill, as well as allowing certain amendments to be offered. The regular amendment process would prevail during consideration of the bill for amendment under the 5-minute rule. For example, any portion of the bill would be subject to a motion to strike, or amendable by a properly drafted amendment.

Mr. Speaker, as I said earlier, the Rules Committee held a lengthy hearing on the consideration of this rule. It was not without some reservation on the part of my colleagues and me on the Rules Committee that we decided to grant the number of waivers in this rule. As we discussed in committee, we may not have set a record on the number of waivers granted in this rule. However, it is a matter of great concern to me and other members of the Rules Committee that we continue to find ourselves in the position of granting waivers for unauthorized appropriations, and for legislation in an appropriations bill. I do not intend to castigate the Appropriations Committee because they do their work often under very difficult circumstances.

I would point out, however, that if this House is to function in some semblance of an orderly legislative body, all of us must begin to think of the problems that confront us in the authorization and appropriations process, as well as in the budget process. The Rules Committee is often put in the very difficult position of having to sort out a tangled legislative knot. And, while it is the function of the Rules Committee to resolve thorny parliamentary situations, the committee simply cannot carry out this function without the cooperation and guidance of the legislative committees.

Mr. Speaker, the supplemental appropriations is an important and timely bill. Funding for several essential Government activities and for increased pay costs for Federal workers are included in this bill. There are more than 300 appropriation accounts represented, and approximately 60 percent of the funds provided are considered mandatory under existing law.

H.R. 3069 includes budget authority in the amount of $4.8 billion. This is $359 million below the President's budget requests which were considered. The bill is within the amounts contained in the revised 1983 budget resolution.

Among the provisions included in this bill are the food donations program, which provides critical feeding programs for needy elderly people; Economic Development Administration salaries and expenses; funds under the National Oceanic amd Atmospheric Administration to continue needed weather forecasts for airports and air traffic en route operations; extended unemployment benefits; black lung benefits; and emergency flood control projects.

Mr. Speaker, I urge my colleagues to adopt this rule and move forward to consider H.R. 3069, the supplemental appropriations bill of 1983.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the gentleman from Louisiana (Mr. LONG) has gone into the rule and its provisions in depth.

I would like to call to the attention of the Members that this supplemental appropriation bill consists of 77 pages; 41 pages contain waivers, leaving only 36 without waivers. Those waivers cover 49 projects and programs.

Mr. Speaker, what are we doing here today? I thought supplemental appropriation measures were to provide funds for accounts that had run short, instead of bringing unauthorized programs to the floor of the House and legislating, taking the authority away from the authorizing committees.

In the 18 years that I have been on the Rules Committee, I do not remember many bills carrying more waivers. I think it is time the authorizing committees and the appropriation committee get together, so that we can bring clean supplemental appropriation bills to the floor of the House to protect those agencies which have run out of funds.

Not only do we waive points of order to protect some 49 projects and programs, but we bring to the floor major debates on certain items, such as the extension or the restoration of the west front of the Capitol. That is going to take some time.

Why did we not bring that measure up under a separate bill and let the Congress hammer away at it and decide the best solution.

So, Mr. Speaker, I think it is time we all take a look at the practices we are seeing here today.

□ 1130

Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota, (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I would like to associate myself with the remarks of the distinguished gentleman from Tennessee (Mr. QUILLEN) who has described this resolution very well.

There may be 76 pages in H.R. 3069, but it is not as hard to understand as the 2-page rule before us. It calls for 20 separate waivers of rules for legislating on appropriation bills. It calls for five separate waivers against clause 6 of rule XXI, against reappropriation. It waives the entire Budget Act.

We may as well not have the Budget Act. We may as well forget all of the work that we do in this body about budgets. We may as well forget it because this rule throws it out the window.

Mr. Speaker, we are supposed to have some discipline in this body. We are supposed to have some rules that protect not only the Members but the people they represent. This rule throws all those rules out the window. It also negates the Budget Act.

I have no idea why the Appropriations Committee has decided that it must do all of the legislation for this body. Sometimes it does it with the consent of the authorizing committee which cannot move a bill. Sometimes it does it without the consent of the authorizing committee.

But in here are such things as the restriction of honoraria for Members of the other body, a three-page bill, that deserves consideration elsewhere. Jurisdiction is usurped for whatever committee has control over the Capitol Building. We will discuss restoration versus enhancement only as an appropriation.

In addition, there are 10 pages of waivers for water and reclamation projects which have never been authorized, one of the reasons they are such an emergency, in my judgment, is because they occur in the districts of the members on the Appropriations Committee.

There is an interesting three-page bill to provide 100-percent Federal financing for a highway in the State of New Jersey. I wonder who that might be taking care of.

Mr. Speaker, this is a terrible pork barrel resolution. The rules it waives are supposed to protect us from pork. It, however is force feeding us.

Eventually the Rules Committee, of course, must bear the same embarrassment that the Appropriations Committee must feel in bringing this bill forward. If we approved the pending rule, we can all share that embarrassment.

Mr. Speaker, I cannot describe this resolution in stronger terms than those I have already used. It is a mess. Very few people understand what is in it. I am sure very few people have read the bill to compare the language to the waivers.

All I can say is that it makes mockery of any organized rule, and I think it reflects great discredit on the House of Representatives.

Someday I suppose Members of this body will demand that the rules be followed. They will demand that we actually do the things that we say we are supposed to do.

In the meantime we will go through the 20 waivers and we will reflect great embarrassment on ourselves, and a great fiscal havoc upon the people we are supposed to represent.

I would like to attack the previous question and present another rule, but there is no way to straighten out this rule. Our only possibility here is to vote against the rule.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I really had no intention of getting into this debate but after hearing some of these charges I must answer them.

There are no new programs here. You have to get waivers, because the administration has sent up a supplemental and you have to act on that supplemental. You certainly need a waiver to waive the Budget Resolution Act. We have that on every bill that we bring in here because we are in violation of the ceiling set by the first budget resolution.

So you have to get a waiver for every nickel that the administration or anybody else sends up here on an appropriation.

These are not new programs and new projects. Do not kid yourselves. Everything that is a response to a request by the administration or by a Member of the House.

The gentleman from Minnesota (Mr. FRENZEL) mentions the cap that I put on in regards to the honoraria on the other side. If the gentleman wants to ask unanimous consent to remove that cap he could do it and I will go along with him.

I do not know of any other vehicle to correct the abuses that are going on with the honoraria.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. CONTE. Yes. I yield to the gentleman.

Mr. FRENZEL. The gentleman had the opportunity in conference not to repeal the bill that established a maximum on those honoraria.

Mr. CONTE. That was my amendment in conference and I used the same vehicle to get it on an appropriation bill.

Mr. FRENZEL. It was the gentleman's conference committee that did that.

Mr. CONTE. If the gentleman wants to take that up, and if you can prevail in conference with Ways and Means and the other body, you have my blessing.

Mr. FRENZEL. I thank the gentleman for his blessing. If I could prevail, we would not have this resolution before us.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I would hope we would reject this rule. This rule is basically a rule to ignore the rules because it is just designed in a way to assure that we throw the rules out and go ahead as though they were not there.

Nearly half of the time spent reading this resolution, or more than half of the time spent reading the resolution was spent on reading waivers that are contained down in this rule. That is ridiculous.

If the clerk had been operating under the 5-minute rule, by my timing half of her time would have been taken reading the waivers.

We ought not permit this kind of procedure. The House should be ashamed of itself for bringing this kind of resolution to the floor, and we ought to be ashamed of ourselves if we vote for it. And I will say that the administration should be ashamed of itself for endorsing a process that brings a supplemental to the floor like this with this kind of a waiver procedure.

One of the things that really concerns me in this is the fact that we are waiving the Budget Act. We have had an awful lot of discussion on this floor over the last several days and primarily from the leadership of the other side, talking about these massive deficits that are being accrued across the country.

Here is a bill that adds to the deficit and yet the committee comes to the floor with waivers saying we are going to just ignore the whole budget process.

With the particular rule we are providing a waiver which will allow us to go $42 billion in budget authority above what we said we were going to spend when we approved last year's budget. That is right, this $4.8 billion bill will increase us to the point that we are now $42 billion over last year's budget.

It seems to me that we ought to start rejecting rules out of hand that contain budget waivers in them because when we allow budget waivers we are really saying that the Budget Act and all of the work we go through

to try to hold Federal spending in line is worthless work.

We also have an awful lot of legislation in appropriation bills and nonauthorized appropriations in this particular bill. It seems to me again that what we have come to is we now have a Government by supplemental appropriation and by continuing appropriations. That is the only thing we do around here toward legislating anymore, and I think it is wrong.

I think it is wrong to ignore the authorizing committees. I think it is wrong to ignore the processes of this House.

I would hope we reject a rule which permits us to go the way of ignoring the rules of the House and ignoring the law of the land.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

I would also like to remind the Members of this body that the Rules Committee devoted 5 hours of debate to this measure.

There are programs in the supplemental that need funds and it is mandatory that the committee bring this before us.

□ 1140

But I would caution again that the process is wrong. The authorizing committees and the Appropriation Committee should get together and bring a simple money bill to the floor, as the supplemental appropriation was envisioned over the years, and make the process work again.

Mr. FRENZEL. Mr. Speaker, would the gentleman yield?

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Speaker, I realize the hard work that the Rules Committee did. I sat through much of its proceedings. It labored and it worried about all these waivers that it was giving. It listened patiently to each person who came before it.

But, in the final analysis, despite all its agonies, and all its complaints about the waivers, it finally wound up granting every single waiver of the rules of the House which was requested.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Speaker, no one dislikes bringing legislation to the floor like this anymore than your Appropriations Committee.

The attacks unfortunately today have been directed not against the culprit in this which has failed to pass the legislation needed to bring this to the floor without the waiver of the rules, and that is the authorizing committees.

Now some of these cases, a great many in this bill, they just did not have the time to get the legislation through. When you have a natural emergency, and I must say everything in this bill is not a national emergency in scope but a great many are. I remember as a kid back in Indiana living on the edge of town where a house caught on fire. The first truck was maybe a half mile away from where the house caught on fire. The house burned to the ground while the fire department argued about jurisdiction; did they have a right to go out because which side of the road was our side.

One side of the road was in the city where the fire department did have authorizaiton but just across the road, still within reach of all the fire apparatus the house burned down while they argued about who had jurisdiction.

Now, go to the people of Louisiana and Mississippi and tell them "We have a jurisdiciton problem in the House of Representatives. We cannot help with your flood."

Right today they are suffering down there and there are not the funds available to take care of those folks.

On the west coast where we had a depreciation of some of the facilities on the coast, that is dikes and things like this, if they get hit again there will be a severe loss of life and property while we sit here and argue about who has jurisdiction.

This is the reason your Appropriations Committee brought this bill to the floor. We do not like it, either. But these are, most of them, emergencies.

It is unfortunate, every year we go through the same exercise; nothing new; same individuals get up and attack and say "The Appropriations Committee has no right to get into our jurisdiction."

Yet I really do not see the chairman of the Committee on the Budget here complaining; I do not see the Chairman, nor the ranking members, of other committees who have jursidiction. There is an emergency and we need to do something about it.

If you want to change it, change the rule; do not attack the committees trying to solve the problems of the country. We do not like it. We are forced into the situation, but either let the House burn while we sit here and fiddle or you take care of the situation.

You are chasing the wrong rabbit.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 212, nays 195, not voting 25, as follows:

[Roll No. 137]

YEAS—212

Ackerman	Frost	Obey
Addabbo	Fuqua	Ortiz
Akaka	Garcia	Ottinger
Albosta	Gaydos	Parris
Alexander	Gejdenson	Patman
Andrews (TX)	Glickman	Penny
Annunzio	Gonzalez	Pepper
Aspin	Gore	Perkins
AuCoin	Gray	Price
Barnes	Green	Pursell
Bartlett	Hall (IN)	Rahall
Beilenson	Hall (OH)	Ratchford
Bennett	Hammerschmidt	Ray
Berman	Hance	Reid
Bevill	Harrison	Richardson
Biaggi	Hatcher	Robinson
Boehlert	Hawkins	Rodino
Boland	Hefner	Rogers
Boner	Hertel	Rose
Borski	Hightower	Rowland
Bosco	Hoyer	Roybal
Boucher	Hubbard	Sabo
Boxer	Huckaby	Savage
Breaux	Hughes	Schneider
Britt	Hutto	Seiberling
Brooks	Jones (NC)	Sharp
Brown (CA)	Jones (TN)	Sikorski
Bryant	Kaptur	Simon
Carney	Kemp	Sisisky
Carper	Kogovsek	Skelton
Carr	Kostmayer	Slattery
Chappell	Lantos	Smith (FL)
Clay	Lehman (CA)	Smith (IA)
Clinger	Lehman (FL)	Smith (NE)
Coelho	Leland	Snyder
Coleman (TX)	Levin	Solarz
Collins	Levine	Spratt
Conte	Lewis (CA)	Staggers
Conyers	Loeffler	Stokes
Cooper	Long (LA)	Stratton
Coughlin	Long (MD)	Studds
Coyne	Lowry (WA)	Swift
D'Amours	Luken	Synar
Daschle	Mazzoli	Tallon
de la Garza	McCloskey	Taylor
Dellums	McCurdy	Thomas (GA)
Derrick	McDade	Torres
Dicks	McEwen	Torricelli
Dingell	McHugh	Towns
Dixon	McNulty	Traxler
Donnelly	Mica	Udall
Dowdy	Michel	Valentine
Duncan	Mikulski	Watkins
Dwyer	Mineta	Waxman
Dymally	Minish	Weaver
Dyson	Mitchell	Wheat
Early	Moakley	Whitley
Edwards (AL)	Mollohan	Whitten
Edwards (CA)	Montgomery	Williams (MT)
English	Moore	Williams (OH)
Erdreich	Mrazek	Wilson
Evans (IL)	Murphy	Wirth
Fascell	Murtha	Wise
Fazio	Myers	Wortley
Feighan	Natcher	Wright
Flippo	Neal	Wyden
Florio	Nelson	Yates
Foglietta	Nichols	Yatron
Foley	Nowak	Young (AK)
Ford (MI)	O'Brien	Zablocki
Frank	Oberstar	

NAYS—195

Anderson	Harkin	Panetta
Anthony	Hartnett	Pashayan
Archer	Hiler	Patterson
Badham	Hillis	Paul
Barnard	Holt	Pease
Bedell	Hopkins	Petri
Bereuter	Horton	Pritchard
Bethune	Howard	Quillen
Bilirakis	Hunter	Rangel
Bliley	Hyde	Regula
Bonior	Ireland	Ridge
Bonker	Jacobs	Rinaldo
Broomfield	Jeffords	Ritter
Brown (CO)	Jenkins	Roberts
Broyhill	Johnson	Roe
Burton	Jones (OK)	Roemer
Campbell	Kasich	Rostenkowski
Chandler	Kazen	Roth
Cheney	Kennelly	Roukema
Clarke	Kildee	Rudd
Coats	Kindness	Russo
Coleman (MO)	Kramer	Schaefer
Conable	LaFalce	Scheuer
Corcoran	Lagomarsino	Schroeder
Courter	Latta	Schulze
Craig	Leach	Schumer
Crane, Daniel	Leath	Sensenbrenner
Crane, Philip	Lent	Shannon
Daniel	Levitas	Shaw
Dannemeyer	Lewis (FL)	Shelby
Daub	Lipinski	Shumway
Davis	Livingston	Shuster
DeWine	Lloyd	Siljander
Dickinson	Lott	Skeen
Dorgan	Lowery (CA)	Smith (NJ)
Downey	Lujan	Smith, Denny
Dreier	Lungren	Snowe
Durbin	Mack	Solomon
Eckart	MacKay	Spence
Edwards (OK)	Madigan	St Germain
Emerson	Markey	Stangeland
Erlenborn	Marlenee	Stark
Ferraro	Marriott	Stenholm
Fiedler	Martin (IL)	Stump
Fields	Martin (NC)	Sundquist
Ford (TN)	Martin (NY)	Tauke
Forsythe	Matsui	Thomas (CA)
Fowler	Mavroules	Vander Jagt
Franklin	McCain	Vandergriff
Frenzel	McCandless	Vento
Gekas	McCollum	Volkmer
Gephardt	McDonald	Vucanovich
Gibbons	McGrath	Walgren
Gingrich	McKernan	Walker
Goodling	McKinney	Weber
Gradison	Miller (CA)	Weiss
Gramm	Miller (OH)	Whitehurst
Gregg	Molinari	Whittaker
Guarini	Morrison (CT)	Winn
Gunderson	Morrison (WA)	Wolf
Hall, Ralph	Nielson	Wolpe
Hall, Sam	Oakar	Wylie
Hamilton	Olin	Young (FL)
Hansen (ID)	Oxley	Young (MO)
Hansen (UT)	Packard	Zschau

NOT VOTING—25

Andrews (NC)	Evans (IA)	Moorhead
Applegate	Fish	Owens
Bateman	Gilman	Pickle
Bates	Heftel	Porter
Boggs	Kastenmeier	Sawyer
Byron	Kolter	Smith, Robert
Chappie	Lundine	Tauzin
Crockett	Martinez	
Edgar	Moody	

□ 1200

Messrs. VENTO, DURBIN, and VOLKMER, Mrs. LLOYD, Mr. MACKAY and Mr. HARKIN changed their votes from "yea" to "nay."

Mr. HUGHES changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

Mr. LEWIS of California reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON LEGISLATIVE BRANCH APPROPRIATIONS, 1984

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes.

Mr. LEWIS of California reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3069, the supplemental appropriations bill, and that the gentleman from Kentucky (Mr. NATCHER) and I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS, 1983

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Massachusetts (Mr. CONTE) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes, with Mr. BEILENSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Mississippi (Mr. WHITTEN) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, once again, we, on the Appropriations Committee, you might say, have been drafted to handle a situation for which a solution is absolutely necessary.

I have never reflected on anyone about how they vote. But I saw many votes on the resolution just agreed to that they may think are all right, unless they would have won. But let me say to my colleagues who voted "no" on that resolution that, in effect, you would be letting this bill go to the Senate and letting the Senate write the bill.

The supplemental appropriation is absolutely necessary if the Government is to continue to operate. We have this bill before you with all of these waivers today because they are necessary. We have for a long time been above the budget ceiling that was imposed last year offhand and without due care to what is involved. That budget resolution was unworkable the moment it was agreed to.

But let me tell you about that budget resolution. I voted for it because it contained targets. Any target should be taken into consideration. But I also wish to point out that budget resolutions have to be based on assumptions and projections. They have to be.

So, we have been over that budget resolution for some time because it was unrealistic when passed.

Now, what we have done here is try to bring you a bill that will keep the Government operating.

I received a statement of Administration policy on this bill which endorses the levels of funding which have been provided. The President's people, and I assume the President are in favor of the funds in the bill which are some $360 million below what was requested by the administration. They are opposed to the language on the Office of Personnel Management but that is not an appropriation.

Now, may I say that I have heard all sorts of criticism for the last several years because we have been unable to get appropriation bills through the Congress and to the President because we waited for an agreement between the House and the Senate on a budget resolution which, in turn, is based on assumptions and projections.

Your Committee on Appropriations, may I say, over the years, has done everything possible to meet its responsibilities in a timely and orderly fashion. Over the years, however, more and more programs escaped the annual review of the committee and the Congress. In view of this and other developments, the Budget Act was forthcoming. I helped promote it. It was supposed to help the Appropriations Committee and the Congress generally. What has happened recently, however, is that we have had budget resolutions which have been contrary to the Budget Act itself. And they have not been agreed to on time.

Here is the situation that has developed. We have had continuing resolutions, which it has fallen to our lot to handle, and we have done a good job. We had to move that way because there is no other way to go.

This year, at the request of the leadership, we are moving the appropriation bills. I assured them, as chairman, that our committee would go along and we would act in time where our bills could get on over to the Senate so that the bills could become law and so that we could fulfill our responsibilities. But in order to do that, we have to have the cooperation of the Rules Committee because legislation simply would not get through the Congress in time for us to handle our business on time.

□ 1210

Sure enough, here we are again past the statutory deadline and the budget resolution has not been agreed on. The House did a fine job in passing the resolution ahead of time but the other body was delayed and final conference action is not in sight at this time. We need to have the Rules Committee and we need certain waivers if the House is going to act at all.

May I point out to those who may have voted against the resolution earlier today, this bill is privileged. It had a right to come up without a rule. If all of provisions were stricken, we would be passing to the Senate the right to write the legislation. They clearly would have done that. So we had to do this for the House to retain its position. We have tried to cooperate and clear with the legislative committees actions that we were forced to take here.

Mr. Chairman, let me now speak not to the merits of what we have provided in this bill. The President requested funding of some $5.2 billion. Your committee has reduced this by some $360 million by recommending appropriations of $4.84 billion.

This bill, may I say, is very complex. It is not an easy bill to handle. We have had the help of 11 subcommittees. We have had the leadership of the various subcommittee chairmen and ranking minority members. We have had the cooperation of all the members of the committee. The majority and the minority have worked together. And let me say, Mr. Chairman, it has been a special pleasure to work with the gentleman from Massachusetts (Mr. CONTE). You know, in the last Congress, we had 11,000 witnesses before the Committee on Appropriations. We moved carefully but deliberately to bring this bill to you. We have have had to progress with this bill and with other bills which will follow and we have had to ask the Committee on Rules for certain waivers.

The Committee on Rules has an extremely important junction and a waiver of rules by them is a big part of all the rules we have. I think perhaps the saving grace is that the rules provide that the Committee on Rules in proper cases can waive other rules. It is the supreme rule. We could not run this Government without this Committee on Rules exercising that authority in proper cases.

In testifying before the Committee on Rules yesterday, I told them that I had gotten passed through the Congress many items of legislation since I have been here, and it has all stayed on the books because in every case I provided for exceptions. Now, this present condition is an exception. Our legislative committees are working as hard as they can and have just been unable to meet deadlines. The budget resolution has not been agreed to although the statutory deadline has come and gone. I hope there is agreement sometimes but I question if it will be sometime soon. Yet, the country has to operate. We cannot let damage from floodwaters across the country and damage from earthquakes go untended. We have a large sum of money in this bill for food stamps, feeding programs, and other important activities.

We cannot stand by. We are really, in our opinion, performing a service here, and the majority of you are with us. I think the majority of those who voted no are really with us, because they would not want to be responsible for turning this over to the Senate and letting them write the bill, which is what would happen.

Let us look at what is in the bill that we have before you. The mandatory items constitute approximately 60 percent of the bill total, and includes funding for such programs as food stamps, unemployment compensation, civil service retirement, black lung benefits, and pay costs. Those are the big ticket items.

Since it is the desire of the leadership to pass as many fiscal year 1984 appropriations bills as possible during the month of June, the Committee on Appropriations should conclude consideration of this supplemental bill prior to the Memorial Day District Work Period. This would clear the decks for the House to begin consideration of 13 regular appropriations bills immediately after Memorial Day. We are ready to do that.

May I say that in most of those bills, there will have to be a request for some waivers so we can proceed, because, again, our legislative committees, working hard, and they work as hard as we do, still have been unable to get the legislation agreed to in time for the appropriations to be in order. That is the reason why we have the Committee on Rules. That is the reason why the Committee on Rules has the right to exercise their judgment to waive points of order.

So we are going to bring the bills to the House and the fact that we asked them to use the supreme rule, that is, the right of the Committee on Rules to waive, is necessary if the House is to act as we should.

May I say we have never liked the job of having to recommend continuing resolutions. Our friends complain about doing it that way. Now this year, we do it the other way and they complain about that. That is a good, comfortable place, because as long as you vote no, you do not have to defend anything, and as long as your friends carry the load, it really does not hurt a whole lot. We are trying to carry the load, and such a load, in this bill and other bills.

Mr. Chairman, in closing, I wish to thank all the members of the Committee on Appropriations for their continuing cooperation and support. I wish to thank the Committee on Rules. I wish to thank my colleagues who voted with us here, and I wish to explain to those who may not have that they probably had reasons in their own minds, but I am glad you did

not win and I think with time, you will be glad you did not.

So, without a whole lot of discussion, may I say, as I told the Committee on Rules, I will handle the section where I preside in subcommittee hearings, and other members of the other subcommittees who are more familiar with their sections than I am will handle theirs.

AGRICULTURE CHAPTER

Mr. Chairman, let me now address those items in chapter 1 of the supplemental bill which deal directly with the Agriculture, Rural Development, and Related Agencies Subcommittee, which I chair.

First, Mr. Chairman, the Agriculture chapter totals $1,061,834,000, which is $136,322,000 less than the budget request. Within our chapter, we have provided a total of $2,000,000 for research carried out with excess foreign currencies, which is $1,172,000 less than the budget request. It has long been our experience on the subcommittee that we get better research results if we keep a tight rein on this research that is carried out overseas. We have also recommended an appropriation of $3,600,000 for the Animal and Plant Health Inspection Service. The need for these additional funds occurs because legislation that was proposed by the administration in connection with user fees did not pass the Congress. Because of that, the 1983 appropriation for APHIS is short by $3,600,000. We have also called on the Farmers Home Administration to hold up on the liquidation of farm loans, except in extreme cases. This is spelled out in considerable detail in our report, Mr. Chairman, and in fact, repeats existing law, which is 7 U.S.C. 1981a. This law provides the Secretary of Agriculture with ample authority to provide for a moratorium or delay in foreclosures where appropriate.

We have also added language to the bill related to the payment-in-kind program, which would require the Secretary to treat leased or rented land the same as land that is owned by the farmer-producer. Material provided to the committee by the Department of Agriculture, including an analysis of the legal basis for PIK prepared by the General Counsel of the Department, refers in all cases to the producer. For this reason the committee has recommended the following bill language:

All land rented or leased, and in production for crop year 1982, if now rented or leased by the same individual, partnership, or corporation, shall qualify for acreage reduction in the payment-in-kind program for crop year 1983, the same as land owned by the producer.

In connection with the commodity supplemental food program, we have added $750,000 in order to expand the participation in this very worthwhile program, and in addition, we have provided additional administrative expense funds that relate to the donation of surplus commodities by the Commodity Credit Corporation. For the food stamp program, we have recommended an appropriation of $1,038,484,000, which is $151,000,000 less than the budget request. We were able to reduce this account by the $151,000,000 because the Office of Management and Budget submitted a revised estimate of the needs for the program. In addition, we placed $160,000,000 in reserve, which will be available to the Secretary only if needed. If the Secretary does not need any part of the $160,000,000, it will not be spent. We have also recommended an appropriation of $16,000,000 for the elderly feeding program for fiscal year 1983. The committee was recently advised by the Department of Agriculture and others that the funds available for the elderly feeding program would be short by an estimated $16,000,000 this year. Without these additional funds, Mr. Chairman, it would be necessary to shut down the elderly feeding program for the balance of the fiscal year and not pay for some meals already served.

In title II of the bill, we have recommended a total of $77,059,000 in connection with increased pay costs. Of this amount, $25,007,000 is by transfer and $232,000 is by increase in limitation. The committee has recommended in title II a direct appropriation of $10,300,000 to the Soil Conservation Service rather than a transfer of this amount as proposed in the President's request. Had the committee allowed the proposed transfer to take place, it would have diverted needed funds from the small watershed construction program.

Mr. Chairman, I urge all the Members to support chapter 1 of this bill. All of these funds are needed. All of the money is for important programs. And, I am not aware of any controversy surrounding chapter 1.

Mr. Chairman, with that, I reserve the balance of my time.

The CHAIRMAN. The gentleman has consumed 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I yield 6 minutes to my good friend, the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. I thank the gentleman for yielding this time to me.

Mr. Chairman, H.R. 3069 has elements of need within it. As the distinguished chairman of the Committee on Appropriations has already indicated, much of it deals with mandatory items. Most of us would not deny that pay supplements have to be appropriated. Entitlements like food stamps, unemployment compensation, and black lung benefits must also be paid.

But, Mr. Chairman, I do not think that is what the complaint is about. I do not believe that is why 190 Members of this House voted against a rule. I think they voted against it for the same reason I did.

They believe this bill not only is bloated with pork, as the chairman told us it was not, but also it end-runs the legislative jurisdiction of most of the committees of the House and, in fact, appropriates a good deal of money for projects never requested by the Executive. Many of those projects are by no stretch of anyone's imagination, nor even have they been alleged to be, emergencies.

This bill simply is another wanton act of a committee deciding that it wants some things for itself, for some of its Members, and the Congress will probably pass them.

□ 1220

As I understand it, this bill takes us about $20 billion above the budget ceiling for fiscal year 1983 that was established last year—not, of course, the one that was established in the budget most recently passed. It spends a little under $5 billion, and as the chairman of the committee said, much of it does need to be spent.

But, Mr. Chairman, going through this bill was a matter of great enlightenment and amusement for me. In the 20 waivers against clause 2, rule XXI, legislating in an appropriation bill, we can find nearly every department of Government represented.

We have the senior food program. The EDA has a waiver in here. The International Trade Administration has a waiver. The Asia Foundation, whatever the Asia Foundation may be, has a waiver. It was certainly never authorized. The Board for International Broadcasting and the USIA has a waiver. If those are emergencies, could the committees not work on them and develop authorizations? I would be surprised if they could not.

There is an item here called administrative provisions under the Department of Defense in which I can find nothing that could not have been handled by the appropriate committees.

Then on page 10 we have what is known as the "pork barrel" waiver that goes through approximately page 20. It has got a program for Stockton, Calif., it has one for Wister Lake, Okla., and it has one for Mobile, Ala. It reads like a "Who's Who" of congressional districts. There is something for southeast Oklahoma; Beverly Shores, Ind.; Kawkawlin River, Mich.; Chicago Sanitary and Ship Canal; and certain parishes in Louisiana.

If I read them all, certainly the bill will pass because enough Members will hear something familiar that would perhaps attract them to it. So I am not going to read them all. But we get the idea that there is something in

here for nearly everybody on the committee.

As we go on, we find that atomic energy and defense activities are waivered, we find FERC, the Energy Regulatory Commission waivered, and we find the bilateral economic assistance is waivered. We see the Department of Housing and Urban Development, and that is a very large waiver. Then we have the Department of the Interior loaded with waivers.

There is the national petroleum reserve and the Department of Agriculture. Then we see a wonderful provision about the Delaware Water Gap, providing a 100 percent funding from the Federal highway trust funds for certain specified highway construction. That must be a terrible emergency, although it provides for that to be funded 10 years into the future. We have one here for the Office of the Attending Physician of the Capitol, and if this does not pass, we had better run down there in a hurry so we can get quick service.

Mr. Chairman, I am not going to go through the bill any further because I do not want to belabor this. All I am going to say is that there are many things in here that are not emergencies. There are many things in here that could have been handled by authorizing committees, and there are many things in here that have not been requested by the administration.

Nevertheless, this big bag of goodies has been waivered by the Rules Committee, and most recently by the House, and undoubtedly it is going to pass. But in my judgment, the procedure, if not the bill, is an embarrassment to this House and to our processes. I for one am going to vote against it, notwithstanding the fine work of the committee and recognizing the things that need to be done in many cases.

Mr. Chairman, my problem with this is that their excess of enthusiasm for things that need to be done has taken them into many things that need not to be done.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, just to show how far afield some of the debate has gone, let me respond to some of the things that were just said.

It was said that there is a waiver for the International Trade Administration. ITA needs four or five vehicles for law enforcement purposes at the docks. The administration asked for that. The authorizing committee is not objecting to that. In most cases, the authorizing committee wants these waivers in this bill.

For NOAA, there is $26.7 million in the bill, because the administration needs the money for pay adjustments in compliance with the law. There is a good reason for that being in here.

The Asia Foundation is a part of the Project Democracy and we have been lobbied and lobbied in favor of Project Democracy. That is in here, along with another item under USIA, that is also a part of Project Democracy. The authorizing committee has approved a bill out of the committee and wants the funding in this bill. The administration considers that to be a very high-level project, and so it is in here subject to law authorizing the legislation.

As far as Radio Liberty is concerned, it is also in the same circumstances. The administration wanted this funding and asked for it, and we responded to it. In most cases, the legislative committee sought these waivers on the legislation included in this bill. All the authorizing committees had to do was object to the language being included in the bill, and if they had, I do not think the Rules Committee would have proposed waiving that particular section. I did not ask the Rules Committee to waive a point of order on anything an authorizing committee objected to. So, it really is not a matter of the Appropriations Committee seeking legislation language opposed by the other committees.

So, Mr. Chairman, that shows how far afield this argument has gone.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to join the chairman of the committee in congratulating our committee, and I also wish to congratulate the chairman himself. This has been an enjoyable period of time for me, since becoming a ranking member about 4 or 5 years ago and working with the gentleman from Mississippi, Mr. JAMIE WHITTEN.

We do our level best. We are taking a bum rap here today. We have the fourth estate up there and they are all talking to the press trying to make us on the Appropriations Committee look bad. We are only trying to do the job that is before us. It was thrust on us.

If we want to really do something here, some of those who are beefing so much ought to repeal the old Budget Act and get rid of that Budget Committee. Look at the money we could save for the taxpayers. We have got more staff people over on that Budget Committee than we need.

This House and the Senate are in a morass. We are in a barrel of molasses because of the Budget Act. It has tied up this Congress. Instead of beefing and trying to draw the red herrings over this bill, they should get to the jugular vein and put a bill in to repeal the old Budget Act, and let us go back to the old appropriations process. It is a joke.

The bill contains no new programs. All the waivers are simply a response to a request for a supplemental by the administration or a response to a request for help by a Member of Congress where there is an emergency. The committee does not put money or language in an appropriation bill so that we can pick a fight with the authorizing committee. We do not want to fight with anybody. We respond to the problems that are brought to our attention by the administration or by a Member of the House.

Let me just read a few of the unauthorized appropriations for which we have to get waivers: $16 million for the elderly feeding program; $8 million which the administration asked for, for Radio Free Europe and Radio Liberty; and $15 million which the administration asked for, for Project Democracy.

Does the gentleman from Minnesota suggest that we not provide these funds just because they exceed the authorization? We have no other alternative. We have to go to the Rules Committee and we have to seek these waivers.

Now, a lot of the Members voted against this rule. That is fine and dandy, but let me tell them the next time that they have an emergency in their districts—and there are a lot of them in Louisiana and Mississippi—I say, "don't come and ask this committee to help you out."

It is easy to take the negative vote on some of these issues. Let me say this to the Members on this side who voted against the rule. The administration urges enactment of the supplemental appropriations bill at the levels requested by the President. The administration strongly opposes the provision that delays for the remainder of the calendar year the implementation of regulations proposed by the Office of Personnel Management.

Should this provision not be deleted, the President's senior advisors will recommend that he veto the bill. That is the so-called Hoyer amendment. That is the only provision in the supplemental the administration opposes, not the money figures, and yet we saw a large number, more than a majority here vote against the rule.

I wish that the rule had gone down, because if it had we would have seen the pickle we could have been in before Memorial Day on this important piece of legislation.

□ 1230

This supplemental represents nearly all of the unfinished business for the current fiscal year.

The bill contains $4.8 billion in budget authority, which is $359 million less than the amount requested by the President.

Of the total budget authority in the bill, $1.9 billion, or 40 percent, is for payments required by law for food stamps, unemployment insurance, civil service retirement, and black lung benefits.

While the committee reduced the amount for food stamps by $151 million, based on revised economic estimates which reflect lower inflation and unemployment, in general we have no control over these payments required by law.

An additional $784 million is for increased pay costs under the existing law.

The remainder of the bill, $2.8 billion, is for discretionary appropriations, where the committee can apply its own judgments in providing funds above or below the President's requests, and we reduced the requests for discretionary supplementals by $362 million.

The bill also contains $1.1 billion in other forms of obligated authority—transfers, loan authority, borrowing authority, loan guarantees, and limitations on obligations—which in total are $632 million under the President's requests.

Finally, in the HUD chapter, the committee disapproves a proposed rescission of $1.6 billion in contract authority for the rent supplemental program, which shows as an increase over the budget, but were outlays will be spread over the years.

Taken together, I think that the committee has produced a good, a sound bill. Of course, we are dealing with over 100 individual accounts, 46 pages of bill language in title I alone.

I do not agree with all the recommendations. I oppose the language included by my dear friend, the gentleman from Maryland (Mr. HOYER), which would prevent the OPM from developing regulations which would place more emphasis on employee performance; but I strongly support the funds for IDA, and will oppose any amendment to eliminate those funds. I will also support the rest of the bill.

Let me say this in regard to the Hoyer amendment, and I am not sure what is going to happen today, whether the amendment will ever be offered; but I feel somewhat strongly over the fact that I think the administration ought to have the opportunity at least to promulgate these rules and let people then answer and determine and seek their opinion whether the rules are good or bad.

I said in the subcommittee and I say it right here on the floor, that we all get down here in the well on this particular issue and we all take cover, because there is a lot of pressure out there not to promulgate these rules, and yet there is not a Congressman or a Congresswoman that could run their office under the same rules. You are all successful people. You get the very best. You keep the very best. That is what it is all about.

If private industry had to run their industry like the Federal Government, there would not be, I say to my good friend, the gentleman from Kentucky, there would not a solvent industry in the United States. They would all be bankrupt.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the distinguished gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, at the proper time under the reading of the bill, the gentleman in the well (Mr. CONTE) and I will offer an amendment. It will come on page 37 following line 25 concerning acquired immune deficiency syndrome, better known as AIDS.

This is an important matter, Mr. Chairman, not only to the members of the subcommittee on HEW appropriations and the full Committee on Appropriations, but to a great many Members in the House who appeared and testified before our subcommittee concerning this matter.

At the proper time, Mr. Chairman, the gentleman in the well and I will offer the right amendment.

Mr. CONTE. Mr. Chairman, I want to thank the gentleman from Kentucky. We discussed this matter. We had very extensive hearings on this, I might say. At that time, the administration and NIH came up, the Center for Disease Control came up and said they did not need any additional funds, that they could get by with their funds; but since that time we have learned from them that they could use additional funds and we will offer that amendment.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I just want to say that I appreciate the statements made by my friend, the gentleman from Massachusetts. In the years that we have worked together, it has been a pleasure not only to work very closely, but I have been very much pleased at my friend's willingness to share the load in handling the business of our committee.

We come from different backgrounds, we have different problems; but may I say that when the chips are down, when it comes to the question of meeting our responsibilities and seeing that the Congress operates and runs, my friend from Massachusetts is always there.

Mr. CONTE. I thank the gentleman. I really appreciate those kind remarks.

Mr. LIVINGSTON. Will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Louisiana.

Mr. LIVINGSTON. I appreciate the gentleman yielding.

Mr. Chairman, as one who voted against the rule and one who personally worked very, very closely with the gentleman in the well and the chairman and the ranking members of the various committees which put this bill out, I just want to say that I agree that these gentlemen have, indeed, taken a bum rap with the preceding vote on the rule.

Frankly, the chairman of the full committee, the gentleman in the well, and the chairmen and the ranking minority members of the various committees have worked closely with me and have been extremely responsive to the plight of my constituents who have suffered devastating floods and tremendous natural disasters throughout Louisiana. They have worked well with members from Texas and Mississippi whose constituents have likewise suffered under these floods.

So I just want to express my appreciation to the chairmen and the ranking members, as well as my regrets that my vote on the rule has been interpreted as a rejection of their efforts. It certainly was not intended to be such.

Mr. CONTE. I thank the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I just would add that there is one other interesting observation concerning this vote on the rule. It is interesting to note how many voted against the rule today because they object to a few more million dollars for flood control, and for food stamps, and things like that, who were very eager the other day to vote for a $2.7 billion increase in the bill before it was reported by the Appropriations Committee.

Mr. CONTE. Well, politics makes strange bedfellows.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ADDABBO), a member of the committee.

Mr. ADDABBO. Mr. Chairman, I thank the gentleman for yielding.

Chapter 3 deals with the Defense Department. I was hoping that there would be no need for a supplemental because in our regular fiscal year 1983 Defense appropriation bill, we included everything that the Department asked for and made certain reductions which the Department accepted. We stated in that bill that there should be no supplementals and if other programs needed funds, they should be reprogramed from other areas. But most of the reductions made in the regular bill have been requested in this supplemental and over my objection, much of it was passed by the subcommittee.

I will be offering, when we get to that point in the amendment process, and amendment to cut the funds for the Pershing II missile.

One of the other things that concerns me, Mr. Chairman, is that we are funding under the Defense chapter of

the supplemental appropriation bill over $9 million to help Germany build up their reserve forces, when we are in such need of money for our own National Guard and Reserve. In the original fiscal year 1983 budget, the Department of Defense had requested $44 million to begin a new program whereby the United States would pay the equipment and training costs for 93,000 West German reservists. The Congress deleted all funding for this program because of concern that such funding should more properly be considered during foreign aid deliberations and concern that such a contribution would be unnecessary if West Germany were to meet its NATO commitments for defense spending and host nation support. I remind my colleagues that at a time when the United States spends about 6½ percent of our GNP on defense, Germany spends only between 3 and 4 percent of its GNP for defense. In 1982, when our defense spending was increasing by 7.5 percent in real terms, Germany's was actually decreasing.

DOD requested that this prohibition be reconsidered as a part of the fiscal year 1983 supplemental and included a request for $9,670,000, which is only the first increment of a program which will cost the United States $300 million over the next 5 years.

The committee has reviewed this request and is recommending full funding for the program. However, the proposed agreement between the United States and West Germany contains serious flaws which should be addressed. Therefore, the committee has included report language telling DOD that prior to implementation of the proposed agreement, it should be amended to specifically provide that the United States will have unimpeded access to such equipment in the event it is required elsewhere outside of NATO in pursuit of U.S. national interest. We took this action since it was not at all clear that, despite verbal assurances to the contrary, we would be able to use our own equipment in another area of the world if that is where the threat is.

The committee also included language telling DOD that, prior to the expenditure of any funds, a formal request must be made for a contribution toward the cost of this program if any NATO ally will receive a portion of the potential benefit of this bilateral United States-German program. For example, althought the West German reservists will provide host nation support at co-located operating bases shared by other NATO allies, no request has been made of these other allies to contribute their fair share of the financial burden. I think it is only fair that our NATO allies be asked to share the cost of this program if they benefit from it. DOD had not even bothered to ask other NATO countries to help finance this project.

Finally, the committee is disturbed that the Departments of Defense and States urge upon our allies agreements of unknown value committing the United States to the expenditure of large sums of money in the absence of specific appropriations. I find it absolutely appalling that the Congress is placed in a position that DOD can say "You have no choice; you must fund this item or you will offend the Germans." The committee intends to consider the need for a general provision prohibiting such a practice as a part of the review of the fiscal year 1984, Defense appropriation bill.

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to my good friend, the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, I take this time to ask the chairman of the Subcommittee on Energy and Water Development, the gentleman from Alabama (Mr. BEVILL), a question, if I might.

Mr. Chairman, I want to thank the gentleman from Alabama and members of the committee for including in H.R. 3069 language relating to the Ventura Port District, and if the gentleman would be so kind, to clarify a point in the committee report.

Mr. BEVILL. I will be delighted to respond to the gentleman.

Mr. LAGOMARSINO. I thank the gentleman.

Mr. Chairman, as the gentleman knows, the bill clearly authorizes the Secretary of the Army to reimburse the port district for work performed by the port just prior to February 25, 1983. However, the report accompanying the bill indicates that the port incurred expenses of $82,000 in this connection, rather than the actual expense of $126,459. Could the gentleman clarify that the actual cost of $126,459 is the amount authorized by the bill for reimbursement to the port?

Mr. BEVILL. The gentleman is correct.

Mr. LAGOMARSINO. I thank the gentleman.

□ 1240

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, the portion of the bill that relates to the recommendations by the Interior Subcommittee totals $161,339,000. This includes $151 million for actual or anticipated firefighting costs in the BIA, in the BLM, and in the Forest Service.

Mr. Chairman, chapter VII of title I includes $4 million for construction of a national fish research center at Gainesville, Fla., to expand the ability of the Fish and Wildlife Service to determine the positive and negative impacts of exotic fish species; $500,000 for renovation of the Garfield Memorial in Cleveland, Ohio; $1,580,000 for renovation of the African Meeting House in Boston, Mass., and $2,700,000 for initial construction of visitor facilities at Voyageurs National Park in Minnesota. In order to address the needs of Native Americans, an additional $19,359,000 is proposed to increase staffing levels at many Indian health facilities, to restore medical supplies to an acceptable level and the Indian Health care contract program; $20,490,000 is included for the Papago Trust Fund to provide funds to carry out the Southern Arizona Water Rights Settlement Act of 1982; $1,938,000 for programs authorized under the Indian Education Act of 1972, as amended; and $120,000 for BIA road construction.

The bill also includes a rescission of $30 million of annual contract authority in the land and water conservation fund which is offset by an appropriation of $30 million for high priority land acquisitions that have either been brought to the attention of the subcommittee or were budgeted in fiscal year 1984 for court awards which have already been made.

A deferral of $63,600,000 is proposed in the construction program, since the highway gas tax of 5 cents a gallon will produce funds which can be used for projects for which appropriations were made in fiscal year 1983.

An additional $24 million is transferred from the national petroleum reserve to the Geological Survey and deferred until fiscal year 1984.

The bill also includes language permitting $370 million of oil acquisition and transportation money in the strategic petroleum reserve to be used for construction of permanent storage facilities, principally the Big Hill, Tex., area.

There are also four administrative provisions in the chapter, one which imposes a moratorium on the further lease or sale of coal on public lands in fiscal year 1983 except for emergency leasing and lease modifications. The second provision prohibits the Department from going forward with lease sale No. 78 in fiscal year 1983. The subcommittee became aware of concerns of the Defense Department at NASA that were not being addressed by the Department. Also, the Florida congressional delegation is opposed to that sale on environmental gounds. A third provision prohibits actions related to termination of programs or closure of facilities until enactment of the regular bill for 1984. This will keep the Department from closing down fish hatcheries or programs such as the cooperative fish and wildlife units.

Mr. Chairman, this is a good chapter. I recommend its approval, and I

would be happy to answer any questions at this point.

Mr. CONTE. Mr. Chairman, I yield 3 minutes to my good friend, the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise first to thank very profusely the gentleman from Alabama (Mr. BEVILL), the gentleman from Massachusetts (Mr. CONTE), the gentleman from Indiana (Mr. MYERS), and my colleagues from Louisiana (Mrs. BOGGS and Mr. LIVINGSTON) for their work to include funds in today's supplemental appropriations bill to allow the Corps of Engineers to study corrective flood control measures as a result of intense flooding on the Amite and Comite Rivers.

I would also like to engage in a colloquy with the distinguished chairman of the Subcommittee on Energy and Water Development (Mr. BEVILL) to amplify several aspects of the subcommittee's work pertaining to my district for purposes of legislative history.

Am I correct that the Energy and Water Subcommittee has appropriated $10 million for Corps of Engineers general investigation studies?

Mr. BEVILL. The gentleman is correct.

Mr. MOORE. Am I also correct that the subcommittee has indicated that the corps shall use whatever funds are necessary to advance the study of the Amite/Comite River basin to be completed in as expeditious a manner as possible?

Mr. BEVILL. The gentleman is correct.

Mr. MOORE. I thank the chairman.

I am very supportive of this study. My colleagues may remember the coverage on national television of the flooding in southeastern Louisiana in early April. Much of the damage you saw was in the Amite/Comite River area. Since my coming to Congress in 1975 this area has had four major floods, in 1977, 1978, and 1980 and the most recent in 1983.

The damage for the flood of 1983 is still being calculated and is estimated to be in the tens of millions of dollars. Additionally, many minor floods have occurred in the area, also leaving behind tremendous damage.

The Corps of Engineers has studied the basin area in the past and recommended flood control measures totaling $228,000,000. However, the cost/benefit ratio of the measures was not one dollar of benefit per one dollar of cost of building the structures, therefore by law the corps could not recommend the project to Congress for funding.

This new study will look at areas with historically the most and recurring damage to see if local, less expensive means of flood control are more feasible. I am hopeful that with the help of this study, some control measures can be found to help alleviate the constant threat of flooding in these areas. Again, I thank the gentleman from Alabama (Mr. BEVILL) and the Appropriations Committee for recognizing the urgency of this situation and including funds for the study of the Amite/Comite Rivers.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. TRAXLER), a member of the committee.

Mr. TRAXLER. Mr. Chairman, I rise in support of the bill and commend the chairman of the full committee Mr. WHITTEN and the distinguished subcommittee chairman, and my good friend from Massachusetts (Mr. CONTE) the ranking minority member, and the ranking minority members on the committee.

This is a bill which can be wholeheartedly recommended to the entire membership.

If you will look at the comparative statement of new budget authority estimates in the amounts recommended in the bill on pages 6 and 7 of the supplemental appropriations report you will find that in title I, for instance, the President's recommendations were for $4,400,653,430 and the bill is some $366 million under that recommendation.

In title II the recommendation was for $777,546,602 and the bill is some $7 million over the recommendation, or in total title I and II of the bill are some $359 million under the President's recommendations.

So clearly this is a bill that can be recommended to any Member of this body, and it serves the public interests and the national purposes. You are to be congratulated if you vote for it.

I want to take a moment to call particular attention to certain funding provided in chapter 1 of title I, funding for the Department of Agriculture. In this portion of the bill, we provide an increase of $750,000 for the commodity supplemental food program to provide for an increase of 15,000 in serviceable caseload. This caseload increase is intended to meet the pending application for increase that has been submitted by Focus: HOPE of Detroit, Mich. It is that program's intention to expand into the Pontiac, Mich., area, one of the areas of highest unemployment in the Nation.

USDA during the course of hearings on the fiscal 1984 bill, told us that they had received the Focus: HOPE application, but did not expect to have sufficient funds available to approve this request. The $750,000 will enable the Department to approve the request for the remainder of fiscal 1983. It also should be noted that the only other pending caseload increase requested was slightly more than 1,000 from New Orleans, which was submitted to USDA in December. The agency did not tell us of the disposition of this increase request.

We also provide for a transfer of $585,000 from the Commodity Credit Corporation to the commodity supplemental feeding program to pay for the administrative costs associated with handling donated commodities—bonus commodities—during fiscal year 1982. These commodities were provided to CSFP operators without charge against the program's appropriation for the purchase of commodities. This shortfall occurred as an unintended consequence of the modification made in the CSFP legislative administrative funding formula in the 1981 farm bill. Prior to 1981, USDA purchased all commodities, so the authorizing committee could not have anticipated this problem.

We have already corrected the problem for fiscal year 1983 in the jobs bill, and efforts are underway to provide a permanent legislative modification in the funding section so as to eliminate this problem in the future.

Mr. Chairman, I want to thank the chairman, Mr. WHITTEN, and my colleagues on the Appropriations Committee, for continuing to recognize the importance of the commodity supplemental feeding program, and the need to watch for the smallest but most cost-effective feeding program in USDA's arsenal.

In addition, I want to offer my appreciation to the chairman of the Energy and Water Subcommittee for addressing two problems which are very critical to my State. The first is the recognition of the need for Corps of Engineers to alleviate an unnecessarily heavy burden placed on the people of Bay County, Mich., for the dredging of the Kawkawlin River. The cost of operating and maintaining the Kawkawlin River, Mich., project, is considerably greater than the official local sponsor, the Bay County Drain Commission, had anticipated on entering into an agreement with the Federal Government to assume responsibility for such cost. Moreover, the additional average annual cost is more than the local sponsor can afford. As a result, required maintenance is not being accomplished and shoals have now developed in the project channel to the extent that project protection is significantly diminished. In view of this, the subcommittee directed the Corps of Engineers to restore design dimensions of the Kawkawlin River project, and to operate and maintain the project as necessary to preserve design protection, at full Federal expense.

I further want to express my appreciation to the subcommittee chairman for addressing the flooding problem in the Saginaw River basin. The completion of the flood control project at Vassar, Michigan is a critical part of

the entire Saginaw River basin flood control project. The subcommittee has shown great foresight in directing the corps to complete the project which will save the area from considerable flood damage in the future.

Mr. CONTE. Mr. Chairman, I yield such time as he may desire to my good friend the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, I have not made a practice in my years in Congress to take this well and defend a budget buster, or to even defend a bill that I felt was unnecessary spending, and I am not going to do that today.

There has been quite a case made here today, and a lot of oratory citing certain items in this bill as being unnecessary, and I have done that in the past with other people's legislation when I did not know what I was talking about.

It would be easy today to attack a number of these items and I must say that if I had the responsibility of writing this bill, and I am sure I speak for every member of the Appropriations Committee here today, if we individually had the responsibility and the opportunity to write this bill I am sure each of us would change it significantly. But in general it would be pretty much as it is here today.

There has been a strong point made by several that there are some items in here that the administration did not request and, of course, this is true. It is always going to be the case.

But there are some items in here that the administration did not request that the administration does not object to, because in the wisdom of the committees and the subcommittees functioning here, they had more opportunity to visit the sites of the projects that we have included here, to know more about the business in here, and I respect and trust my subcommittees, that they know best what belongs in this bill.

I think it is unfair today, as several have suggested, to make the criticism that because something has not had the opportunity to move through and be authorized, that we should not include it here even though it is emergency in scope.

It is true also that there are some items here that are not emergencies in their scope. However, just one as an example, and this is in title IV of the bill where it is going to take about a half million dollars to make some repairs in a reservoir if it is done within the next few months.

However, if we wait until next year to make the same repairs that would cost about half a million dollars it is estimated that it could cost as much as $5 million.

Of course this is not an emergency. But is it not wise to make repairs today that we know we are going to have to make sometime if we can save the taxpayers the money, something in the ratio of a benefit to cost ratio of 10 to 1? I certainly think it is.

And I do not make it a practice also of criticizing my colleagues for their vote. However, after the 190 votes against the rule a moment ago I did go back and check the names of those who voted no. I must say, from personal knowledge, I was shocked to see some of the names of people who came and asked for us to put into the bill certain items that were emergencies, in their judgment, and I suspect they were. Some of the items we did include, and I understand some of them we could not include because, in the judgment of the Appropriations Committee, they did not meet the critieria of emergency.

But many people for whom we did include items in the bill voted no on the rule. I have asked one or two "Why did you vote no on something that you asked for?" The explanation was "Oh, I just voted no on the rule. I am going to vote for the bill."

We would not be debating this bill if that rule had gone down, so you cannot have it both ways. Either you are for it or you are not.

In closing, again, it is more money than most of us would like to see. But we have had some tragedies in our country. We have had floods in the South and damage to the coastal area of the Far West. There are many other areas of the country where we have had national emergencies.

This is the only vehicle in town that we can use to help save the agony, the pain that other people in the country are suffering.

If you are really concerned about meeting these needs you will vote for this bill. But if you want to go home and thump your chest and say, "Oh, I have saved the taxpayers, or I tried to save them $5 billion," well, then, you might also say "I am pennywise and pound foolish."

A stitch in time can save nine, and this is one of them.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Louisiana (Mrs. BOGGS), a member of the committee.

Mrs. BOGGS. Mr. Chairman, today the Interior Department is offering 39.8 million acres of leases in the central Gulf of Mexico of oil and gas exploration and development. This is more than the total offered in all previous gulf lease sales combined. There is a great deal of interest in the industry in this sale and the Federal Government could realize up to $5 billion in revenues from today's sale in New Orleans.

The bill before us contains a moratorium of lease sale No. 78 which is located in the South Atlantic. I do appreciate the concerns that have been expressed regarding safety and environment issues related to the area in question. However, it is my understanding that the Federal agencies involved, NASA and the Air Force, as well as the Governors of the States involved, Florida, Georgia, South Carolina, North Carolina, and Virginia, are moving toward an understanding with the Interior Department regarding the safety concerns in the Cape Canaveral missile range and the need for comprehensive environmental assessments in the area.

Should these concerns be satisfied before we take final action on this supplemental, it would seem reasonable that the moratorium on lease sale No. 78 be eliminated.

Mr. Chairman, the Interior Department's 5-year leasing program for the Outer Continental Shelf is sound. It will result in the development of much needed domestic energy resources. The plan is structured so that the United States will receive a fair market value return on the tracts leased. In addition, the environmental record of development on the Outer Continental Shelf is such that individuals interested in the environment should not be concerned. Some 30,000 holes have been drilled off the Louisiana coast and our fragile coastal environment has not been adversely effected. Of course, when discussing the environmental concerns we should consider the impact on the environment of spills from tankers bringing foreign crude oil to the United States. Much of this imported petroleum would be displaced if we pursue our OCS resources.

□ 1250

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I read in the Washington Post today that the Speaker had said, in regard to the honorarium limitation that we placed in this bill for the Members of the other body, that "I think it was a bad move." He said also "It showed bad faith." I certainly do not know what the Speaker was speaking about.

Further he says: "I don't think in public life we are our brothers keeper as far as the Senate is concerned."

I concur on that. I certainly do not want to ever interfere with what they are doing over there, but certainly when we tried to correct an inequity here in the House and the Senate with regard to expenses that we had as a result of living down here, it was the Senate that rebuked us and it was the Senate that finally took that measure out of the law that was passed.

So I think that these things are mutual. We are all under the same dome here. And if there are transgressions or abuses, then it behooves either a Member of the House or a Member of the Senate to bring that

matter to our attention and to try to correct those abuses.

I have no burning desire on this particular issue but I do feel that they have gone a little far afield. And if we are not going to correct this situation, if we are not going to put some type of a cap on some of those honoraria next year, I make the prediction right now, that some of those honoraria will go over $200,000 a year, and then the roof, the lid will blow right off this Capitol. In fact, you would not even have to worry about the west front, it will just fall down of its own weight.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), a member of the committee.

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Chairman, I want to thank the chairman of the committee for yielding and I want to thank the chairman of the subcommittee, the distinguished gentleman from California on whose subcommittee I have the privilege of serving.

I want to speak briefly, Mr. Chairman and members of the committee, to the remarks made by the distinguished ranking member of the committee, Mr. CONTE, and of the subcommittee, Mr. NATCHER's subcommittee, on which I also have the privilege of serving. Mr. CONTE raises the specter of a possible veto of this bill if the so-called Hoyer amendment is not deleted.

Mr. CONTE and I have become good friends in a relatively short period of time. I hope that he will exercise his good offices to have the administration reconsider this position.

Mr. Chairman and members of the committee, this issue may come before us later on today which will deal with the implementation of regulations which have been promulgated by Dr. Devine, which relate to the so-called pay for performance. They also deal with a number of other aspects including employee bargaining rights, regulations dealing with reduction in force, and overtime pay.

The reason for rising at this time—and I will not go into the substance of the amendment—is to point out to the committee that the prohibition of the implementation of these regulations was adopted by the subcommittee and some 2 weeks thereafter by the full committee and no amendment was offered in the full committee to strike the provisions included in the supplemental appropriation bill for 1983.

I point that out because at no time prior to today has information been given to the full committee or to the subcommittee that the provision which has been included in the bill would call for a veto of the legislation by the President.

I want to point out to the body that in testimony before the Subcommittee on Treasury, Postal Service, and General Government, chaired by the gentleman from California (Mr. ROYBAL), Dr. Devine indicated that he did not believe that these regulations could be implemented prior to the onset of the next fiscal year.

So, as I will reiterate in debate if and when an amendment is either offered to strike or to modify the language that is now included in the bill, Dr. Devine says it cannot go into effect prior to October 1, 1983, and therefore we should have no problem with the prohibition in the 1983 supplemental appropriation bill.

Mr. Chairman, I would hope that members of the committee when this issue comes up will pay close attention to the facts. Those facts do not, in any way, merit at this 11th hour a threat by the White House staff—I am sure not by the President himself, but by advisers—that the inclusion of this provision to allow the Congress of the United States and its committees in a bipartisan fashion to look at the proposed rules and regulations and to determine how they relate to our Federal employees, would call for a veto of this legislation.

The CHAIRMAN. The Chair wishes to advise the gentleman from Massachusetts (Mr. CONTE) that he has 2 minutes remaining under the unanimous-consent agreement; and the gentleman from Mississippi (Mr. WHITTEN) has 7 minutes remaining.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. LEHMAN), a member of the committee.

Mr. LEHMAN of Florida. I thank the Chairman.

Mr. Chairman, I rise in support of the supplemental appropriation.

Mr. LIVINGSTON. Mr. Chairman, would the gentleman from Florida, the honorable chairman of the House Appropriations Subcommittee on Transportation yield to me?

Mr. LEHMAN of Florida. Mr. Chairman, I yield to my friend, the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. I thank the gentleman for yielding. I particularly appreciate the assistance he and the ranking minority member, Mr. COUGHLIN, have given me regarding the terrible flood problems we are experiencing throughout Louisiana.

I have an immediate concern with the continuous flooding in the St. Tammany Parish area of southeast Louisiana. The primary cause of the flooding in this area is the Pearl River which forms the southeastern boundary between Louisiana and Mississippi.

By direction of Congress, the Corps of Engineers is conducting a comprehensive study of the entire Pearl River Basin. In addition, the Louisiana State Department of Transportation in coordination with the Federal Highway Administration and the U.S. Geological Survey have conducted preliminary hydraulic studies of backwater flooding caused by Interstate 10 as it runs west to east across the lower Pearl River Basin.

These studies are near completion; however, nothing has been done to evaluate similar backwater flooding effects caused by Interstate 59—north of I-10—and U.S. Highway 90—south of I-10—as they cross the Pearl River Basin. In a recent meeting with the regional Federal Highway Administration and Louisiana State Department of Transportation officials, I was told it would take additional manpower and funding for these additional studies to be conducted.

□ 1300

While your subcommittee has graciously addressed the need for these additional studies in the fiscal year 1984 transportation bill just marked-up yesterday, it is imperative—given the numerous times flooding has occurred in this area of Louisiana—that every effort be made to provide some relief as quickly as possible.

By addressing the need for additional studies in the fiscal year 1983 supplemental appropriations bill, we could possibly advance completion of these studies to January 1984.

Mr. Chairman, I am discussing with my colleagues on the Senate side the need to address this issue when they consider the 1983 supplemental. Specifically, the need to direct the Department of Transportation to allocate the necessary funds through the Federal Highway Administration to the Louisiana State Department of Transportation to update present U.S. Geological Survey hydraulic model studies for Interstate 10, and second to begin and complete new model studies for U.S. Highway 90, Interstate 59, and nearby highways and railroad embankments that cross the Pearl River flood basin in the Slidell and Pearl River, La., area.

This funding estimated to be $1,130,000, should enable these hydraulic studies to be completed near the turn of the year, and more rapidly then if we included provisions for new studies in the fiscal year 1984 appropriations bill.

If this direction is provided by the Senate in the fiscal year 1983 supplemental appropriations bill, can the Chairman give me his assurance that this project will be considered for inclusion in the final conference report agreement for the supplemental?

Mr. LEHMAN of Florida. I can assure my friend, the gentleman from Louisiana, that if it is included by the

other body, we will give it full consideration in the conference.

Mr. LIVINGSTON. I appreciate the chairman's assurances and his sensitivity to this crucial issue.

Mr. CONTE. Mr. Chairman, I would like to engage in a colloquy with my good friend, the gentleman from Kentucky (Mr. NATCHER).

Mr. Chairman, the section of the report dealing with the Labor/HHS/Education Subcommittee's actions includes a paragraph on bilingual education. That paragraph states that the Department is to fund the three existing evaluation, dissemination, and assessment centers with fiscal year 1983 funds already appropriated.

May I ask the chairman if it is his understanding that the Department is required, as a result of this language, to fund all three centers at their current levels of funding through the end of the next fiscal year?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Kentucky.

Mr. NATCHER. The answer to the gentleman's question is "yes."

Mr. CONTE. And may I inquire further, is it the chairman's understanding that the Department is required to take any and all steps necessary to provide funds to the three existing centers from fiscal year 1983 funds?

Mr. NATCHER. The answer is yes to the gentleman's question.

Mr. CONTE. And is it also the chairman's understanding that the effect of this language is to supersede any technicalities to providing said funds, and that the reason for inserting this language in the first place was to supersede such technicalities?

Mr. NATCHER. The ranking minority member of the subcommittee and the full committee, the gentleman from Massachusetts (Mr. CONTE), is exactly right. The Department is expected to comply with the report language, and it is instructed to do so.

Mr. CONTE. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FAZIO), a member of the committee.

Mr. FAZIO. I thank the gentleman for yielding to me.

Mr. Chairman, today we are going to have still one more debate on the issue of the preservation or extension of the west front of the Capitol. I hope it is the last time we debate the issue here in the House, because it is I think much to our shame that we have been debating it continually on and off from 1962 until the present time.

We need to do something and if we can make a decision today and reach some agreement with the Senate in conference, I will be happy one way or the other. I think it is important for the Members to understand that our committee took this issue up, not with any particular point of view in mind, it was our purpose to move it off dead center.

My colleague, the ranking minority member of my subcommittee, the gentleman from California (Mr. LEWIS) and I had experienced a very positive experience with the restoration of the California State Capitol and we took heart in knowning that the public would support expenditures for the extension or repair of the west front, because this is after all the peoples building.

We are very fortunate that the wall still stands there, the aquia sandstone wall that has been in place for many, many years, back to the period of George Washington, in whose home area of Mount Vernon the sandstone was mined. We believe that crumbling as it currently is, we are fortunate that the wall is still standing today. It is an eyesore. The beams holding it up were kept from public view during the inauguration on the west front through bunting and the use of American flags. But the American public when they view it shares with us the sense of urgency that we do something about it.

The project is authorized. It is up to the Congress now to appropriate funds for one of the two approaches that we have considered. We have on several occasions—three in fact—passed the extension through this body. I think if the Members would listen to both sides of the debate today, would carefully consider the case made by each side, I would be very satisfied. I believe they may well also agree with our committee which offer a full days hearing, decided to precede with extension without objection. I am very concerned about some rash statements that allege that we are talking about building additional square footage, at the exorbitant cost of $500 per square foot, when the real cost would be $30. We hear that there simply is no purpose in extension other than providing hideaway offices for powerful Members. I hope that will not sway some of our colleagues. That simply is not true.

I would hope that they would listen to this debate, make up their mind, and cast an objective vote for whichever solution seems to be the best solution to them. Let us not be influenced by misinformation.

Mr. LONG of Maryland. Mr. Chairman, we have crafted a bipartisan 1983 supplemental for foreign assistance. The gentleman from New York (Mr. KEMP) has worked closely with me and with other members of the subcommittee in order to arrive at a compromise which can be supported on both sides of the aisle and which provides significantly less resources than the administration has requested.

First, I want to tell the Members that we were requested to consider an amendment for the International Monetary Fund totaling approximately $8.4 billion. At the request of the House Banking Committee and the gentleman from Rhode Island (Mr. ST GERMAIN) we deferred action on this item until the authorizing legislation can be considered by the House.

Second, I want to be clear on El Salvador. This bill contains no supplemental assistance for El Salvador. The subcommittee deferred action without prejudice on the $50 million supplemental military assistance requested for El Salvador and will consider further assistance when progress has been made addressing our concerns.

In total, we have provided $546 million in budget authority; that is $262 million less than the administration's request of $808 million. Additionally, of the $525 million requested for foreign military sales credits, we have provided only $189 million; that is $336 million less than the administration's request.

We have done a good job addressing only those emergency needs which exist and holding off other items for consideration in marking up a 1984 foreign operations appropriations bill. At the same time, we have met our international commitments and important security needs within these lower totals.

We have provided the requested resources for IDA, the International Development Association. This is a longstanding commitment which has already been stretched out from 3 to 4 and perhaps 5 years; and, has affected our credibility in negotiating an IDA 7 agreement.

We have provided a package of $251 million for Lebanon which I know has broad support: $150 million is to lead the international community in helping Lebanon address critical reconstruction needs; and $100 million is for foreign military sales credits in order to help them strengthen their national armed forces.

Finally, to address important security needs, we have provided additional resources to Honduras and Costa Rica; Turkey, Pakistan, Thailand, Sudan, Morocco, Tunisia, Kenya, and Somalia.

In sum, Mr. Chairman, we have before you a foreign assistance chapter, supported on both sides of the aisle which provides approximately 55 percent of the administration's total request while meeting those emergency economic and security needs of these programs and countries.

Mr. CARR. Mr. Chairman, I want to thank Chairman Whitten for his help to my community in title I.

Funds included in title I, chapter 1, under Commodity supplemental food program will enable the Pontiac, Mich., area to receive the necessary funding to feed 15,000 individuals

through a private organization, Focus: HOPE. Focus: HOPE had earlier submitted an application for this expansion to USDA; however, USDA said that there were currently not enough funds to allow for this expansion.

Due to a change in the 1981 farm bill, unintended consequences resulted in a loss of necessary administrative funding for operating local food programs. Now, under the Food and Nutrition Service's commodity supplemental food program, $750,000 will be earmarked specifically for Focus: HOPE's expansion into Pontiac.

I must remind my colleagues that while the national unemployment rate has dropped to 10.4 percent, Pontiac's unemployment continues to be more than three times the national rate at 32 percent—one of the highest unemployment rates in Michigan and the country as a whole. There is a desperate need for funds.

Focus: HOPE is a nonprofit charitable organization with an excellent food distribution program in Michigan. And it is the largest commodity supplemental food distributor in the Nation. Programs provide women and at-risk children up to 6 years of age with commodities enabling them to maintain a balanced diet. Without adequate funding, it will be impossible to expand this program to feed Pontiac's people.

We need money in 1983 supplemental appropriation to meet immediate emergency situation. One of hardest hit communities in the country, Pontiac will be grateful for this help.

● Mr. RAHALL. Mr. Chairman, a matter of great concern to the coal-producing regions of this Nation is a program aimed at mitigating the adverse effects of past coal mining practices. This program, supported by the abandoned mine reclamation fund, includes grants to the States for reclamation projects.

Recently, under the impression that it would receive a fiscal year 1983 grant of $17.8 million, West Virginia was only awarded $8 million. In light of the fact that West Virginia has and is continuing to make a major contribution to the fund—$23 million in 1982 alone—and reports indicating that the Office of Surface Mining would approve the State's fiscal year 1983 request of $17.8 million, the $8 million grant actually awarded came as a great surprise.

An effort is being made to rectify this situation. It is my understanding that a request for $54.73 million in supplemental fiscal year 1983 appropriations from the abandoned mine reclamation fund has been made by the administration. Approximately $7 million of this amount would be earmarked for the rural abandoned mine program. While this request comes too late for the House to act upon, it is my hope the other body will include it in its version of the supplemental appropriation. I can see no reason why the House would not then accept this appropriation which would allow West Virginia to be awarded the additional $9.8 million it needs to properly administer its fiscal year 1983 abandoned mine land reclamation program.

I would like to take this opportunity to recognize the chairman of the Subcommittee on Interior, SIDNEY YATES, for his concern over this program. In addition, all of us who are working for a strong reclamation program owe a great deal of thanks to subcommittee members JOHN MURTHA, RALPH REGULA, and JOE MCDADE for their tireless efforts on behalf of the coal-producing regions.

At this point I would like to insert in the RECORD a letter dated May 13, 1983, from Office of Surface Mining Director James R. Harris with respect to the supplemental appropriation request:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF SURFACE MINING,
Washington, D.C.

Hon. NICK J. RAHALL II,
House of Representatives,
Washington, D.C.

DEAR MR. RAHALL: Thank you for your letter of April 25, 1983, concerning West Virginia's Abandoned Mine Land (AML) construction grant. I agree with you that the $8 million allocation is less than the State's capability to efficiently use AML funds at this time. It was based on figures developed in 1981 for use in the fiscal year 1983 budget request. Since 1981, the ability of West Virginia to efficiently use AML funds has grown faster than estimated by the State and the Office of Surface Mining (OSM). The AML grants program has expanded from approximately $2 million in 1981 to an estimated $200 million for fiscal year 1984. As a result, we are faced this year with a situation where more money is being requested in by certain States than is currently available.

As I mentioned in my April 5, 1983, testimony before the Subcommittee on Interior and Related Agencies of the Senate Committee on Appropriations, both the Secretary and I are committed to making every effort to provide all the funds that the States can use. Because State capabilities have grown so rapidly, we are currently preparing a supplemental appropriation request for fiscal year 1983 for the additional funds needed to fully fund the States' AML programs.

I agree that we share the same policy goal of seeing that the AML is used to the maximum extent possible. The supplemental appropriation request we are now preparing is an important step toward that goal. I will do everything possible to ensure that West Virginia receives the full amount that it can use in fiscal year 1983. I intend to award a grant for the $8 million presently available in the very near future. Additional monies will be awarded if either the supplemental request is enacted or unused balances become available from allocations made to other States.

Sincerely,

J. R. HARRIS,
Director.●

● Mr. LONG of Louisiana. Mr. Chairman, I thank my distinguished colleague for yielding. I would also like to commend Representative LINDY BOGGS for her diligent efforts on behalf of flood victims in our home State of Louisiana.

Mr. Chairman, the recurrent flooding which ravages wide areas of Louisiana leaves a tragic residue of death and destruction. Each year, lives and homes are lost and millions of dollars are spent in disaster relief.

This year, once again, one of the hardest-hit areas was the Amite-Comite Basin, located in southeastern Louisiana. According to the U.S. Army Corps of Engineers, more than 7,000 homes and businesses suffered nearly $100 million in damages. Yet for years, the people of this region have been told that the cost of protecting their homes, businesses and families is too high.

The truth is, however, that we cannot afford not to provide a comprehensive flood control project in this area. Working in concert with State and local officials and affected citizens, the Louisiana delegation has approached the Corps of Engineers about the feasibility of such a project.

The corps agrees that ways to provide relief to the flood victims of this unfortunate region merit thorough study. I urge my colleagues in Congress to act promptly and approve funding for such a study. The people of the Amite-Comite Basin have suffered long enough.●

● Mr. STARK. Mr. Chairman, although this supplemental appropriations bill has many good things in it, not the least of which is the blocking of the very ill-advised Office of Personnel Management regulations hurting Federal workers, funds to combat the growing mystery of the AIDS virus, as well as funding for construction of VA hospital facilities, it also contains some very bad provisions as well, and for this reason I am opposing H.R. 3069.

This bill includes $745 million for development and security aid, but this is deceiving. Actually, of this aid, 64 percent is going to military and security aid, and only 36 percent is targeted to development assistance.

In addition, of this military aid, $30 million is going to Honduras. Now, none of us are foolish enough not to recognize that these funds are going to supplement current U.S. covert operations along the Honduran-Nicaraguan border designed to overthrow the Sandinista government in Nicaragua. I will not support this kind of aid when given openly, and I will not support it hidden in a supplemental appropriations bill.

I plan to vote against H.R. 3069. It should be sent back to committee where many of the "arms race-type" programs can be eliminated or trimmed, and sent back to the floor so

that the constructive provisions can be enacted.●

● Mr. BIAGGI. Mr. Chairman, I wish to join in support of this legislation but, more importantly, I want to especially thank the distinguished chairman of the committee, Mr. WHITTEN, as well as the the ranking minority member, Mr. CONTE, for their special attention in this bill to added funding for the elderly nutrition program.

Yesterday, the House completed the first step in the process of securing the authorization for an additional $16 million in funds for this program for this year, as well as $6.8 million to reimburse States for their costs in this program last year. As the author of this legislation, H.R. 2807, I am pleased that the House approved this initial step so that States will not have to cut back on elderly meals over the next year. The Department of Agriculture reimburses States on a per meal basis and this year—provided States 54.25 cents for each that they served. Without the additional funds which the committee has included in this bill before us today, the second step to this process would not be complete.

I am also pleased to learn that in the committee report, it is indicated that the funds have been found within USDA to deal with the 1982 shortfall. Thus, the ultimate cost of my bill has been determined to be even less than we anticipated when it was introduced last month.

By taking this action today, we have averted the need to cut 8 million meals over the next year. We have all been to senior citizens centers and have witnessed firsthand the merits of the elderly nutrition program. I just want to thank the committee for acting in this fashion to insure that these meals can continue to remain an important part of the lives of the millions of needy seniors.●

● Mr. STOKES. Mr. Chairman, today, the House of Representatives considers H.R. 3069, the fiscal year 1983 supplemental appropriations bill. This measure includes an appropriation of $9.4 million for the Cleveland Veterans' Administration Medical center at Wade Park. I strongly support the inclusion of these funds in this bill at this time and commend Congressman EDWARD BOLAND, chairman of the House Appropriations Subcommittee on HUD-Independent Agencies, and the other subcommittee members for their cooperation and assistance in recognizing the importance of this funding to the veterans in the Cleveland, Ohio area.

Mr. Chairman, the veterans in northeast Ohio have had to suffer for too long because of poor conditions at the Wade Park facility. Fire and safety hazards, including the lack of a sprinkler system and fire escapes at the end of several dead end corridors, threaten the safety of the veterans who use the hospital. Moreover, the hospital wards are dangerously overcrowded. Even patients using the outpatient clinic experience excessive delays in receiving both treatment and pharmaceutical services.

The $9.4 million provided in H.R. 3069 will finance the construction of a new clinical addition to the existing veterans medical facility at Wade Park. The construction project will help to correct the existing fire and safety deficiencies by providing for the relocation of the surgical suite at the hospital. It will also help alleviate the crowded patient facilities with expanded outpatient, clinical laboratory, bed service, and pharmacy space.

Mr. Chairman, for the past 3 years, I have worked aggressively to resolve some of the problems that have plagued the Wade Park Veterans' Administration Medical Center. In 1980, I held hearings at the hospital in regard to employee and patient complaints. One of the major complaints at that time was the need for expanded services and facilities at the hospital. In 1981, I authored language which was included in the House report accompanying the fiscal year 1982 HUD-independent agencies appropriations bill instructing the Veterans' Administration to advance the Cleveland clinical addition project on its priority list.

In 1982, my colleagues on the HUD Appropriations Subcommittee agreed with me that $9.75 million should be appropriated in fiscal year 1983 for this project and recommended the necessary funding in the regular fiscal year 1983 HUD-independent agencies appropriations bill. Last year, this appropriation was later deleted from the bill in conference with the Senate. However, the House and Senate conferees did agree that the Cleveland project should go forward with funds appropriated in the first available appropriation legislation, provided that the administration submitted a budget request for the project.

Mr. Chairman, I am pleased to say that the Administration has endorsed the need for the Cleveland clinical addition project and that the fiscal year 1984 Veterans' Administration budget estimate does indeed include a request of $9.4 million for the necessary design studies, working drawings and construction. Thus, the recommendation to appropriate $9.4 million in H.R. 3069 in accordance with the agreement worked out with the Senate last year in the conference report on H.R. 6956, the fiscal year 1983 HUD-independent agencies appropriations bill.

I am delighted that the Committee has recognized the vital need to improve the veterans medical care facilities in Cleveland. Additionally, I believe that the HUD Appropriations Subcommittee has exercised leadership and foresight in recommending that the director of the Cleveland Veterans' Medical Center be allowed complete management responsibility for the clinical addition project, such that the construction will be administered locally rather than here in Washington, D.C. This arrangement has worked well and with cost savings in other Veterans' Administration construction projects. I am confident that local management responsibility in Cleveland will result in a more effectively administered project in this case as well.

Mr. Chairman, for a small price, the funds provided in H.R. 3069 will address a grave need among the veterans in Cleveland for a better and safer environment in which to receive medical treatment. I urge approval of this appropriation so that this essential and innovative initiative may proceed.●

The CHAIRMAN. The gentleman from Mississippi (Mr. WHITTEN) has 2 minutes remaining, and the gentleman from Massachusetts (Mr. CONTE) has 1 minute remaining.

Mr. WHITTEN. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, may I say to my colleagues again that the Committee on Appropriations has no desire to handle this bill exactly like this, but it is necessary.

We are sorry we had to ask the Rules Committee to waive provisions because there has not been time.

Let me say that this is a bill that looks after our own country. What we spend on our own country in protecting it from floods, earthquakes, tornadoes, what we spend for our own people, what we spend to keep our economy going, brings back the feeling that I have tried to express so many times, this is an investment in our own country.

When we look after our own country, protect our wealth and our economy at home, protect the health of our people and take other important actions, all of which are in this bill, that does not cause our inflationary situation. If we do not look after our own country, we cannot look after these other things, because all these other things depend upon us taking care of our own country.

So I ask all the Members before you vote on this bill, look and see what you are voting on.

I close by asking my colleagues, please stay with your committee here. Do not vote against these programs that are so essential to our own people.

Mr. CONTE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. All time under the unanimous-consent agreement has expired.

The Clerk will read.

The Clerk read as follows:

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

PAYMENT-IN-KIND PROGRAM

All land rented or leased, and in production for crop year 1982, if now rented or leased by the same individual, partnership, or corporation, shall qualify for acreage reduction in the payment-in-kind program for crop year 1983, the same as land owned by the producer.

AMENDMENT OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN:

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND

For an additional amount for guaranteed operating loans, $50,000,000.

□ 1310

Mr. WHITTEN. Mr. Chairman, last Friday, after our committee reported this bill, we were advised that the Farmers Home Administration had run out of money for guaranteed farm operating loans. Upon checking, we found that Farmers Home is now out of guaranteed loan money in all 50 States. My amendment provides an additional $50 million for loan guarantees. My amendment has no outlay impact, since no Federal funds are involved. The loan is made to the farmer by a bank and guaranteed by the Federal Government.

The appropriation bill for fiscal year 1983 provided $50 million of these guaranteed loans.

For the last several years, this has been an adequate amount. However, with the credit squeeze the farmers are in today, the amount has proven to be inadequate.

I urge support for the amendment. As I say, it will have no impact except that it is essential to permit agricultural producers to continue to produce.

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in support of this amendment and comment that the subcommittee has been very concerned about this particular FmHA program.

The Farmer Home Administration ran out of direct loans for operation earlier in the year and with the subcommittees persuasion transferred funds from other accounts to cover the critical need for planting finances out in the country.

This shortfall in direct loans led to a quick depletion of the entire $50 million allocation. Several States, including Nebraska, has upgraded their guaranteed applications process and are hopeful that this avenue of financing can be broadened. The guaranteed loans do not have any impact on the budget unless defaulted on. Knowing that the local banks that actually dispurse the funds have a stake in the producer's welfare, there is much less chance of default than is normally the case.

For these reasons, I support the amendment and urge the House to adopt the measure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. WHITTEN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FOOD DONATIONS PROGRAMS

For an additional amount for the elderly feeding program for fiscal year 1983, $16,000,000: *Provided*, That, upon enactment of this bill, for fiscal year 1983 only final reimbursement claims for service of meals submitted within ninety days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act: *Provided further*, That funds provided for the food donations programs in Public Law 97-370 shall remain available until September 30, 1984.

AMENDMENT OFFERED BY MR. HAMMERSCHMIDT

Mr. HAMMERSCHMIDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAMMERSCHMIDT: Page 4, after line 2, insert the following:

SOIL CONSERVATION SERVICE

Of the funds provided for watershed and flood prevention operations in Public Law 98-8 to assist in installing works of improvement and rehabilitation of existing works, $2,000,000 shall be available for rehabilitation of Six-Mile Creek in Arkansas, and $15,000,000 shall be available for rehabilitation of other existing small watersheds, as authorized by law.

Mr. HAMMERSCHMIDT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HAMMERSCHMIDT. Mr. Chairman, my amendment is intended to clarify a matter that we addressed and included in the jobs bill—Public Law 98-8—just 2 months ago. It relates only to funds that have already been appropriated by the Congress and does not add in any way to the amount of money that is otherwise available to the Department of Agriculture's Soil Conservation Service for work already authorized by this Congress. I have discussed this amendment with Chairman WHITTEN and his Agriculture Subcommittee Republican counterpart, Congresswoman SMITH of Nebraska, and I am pleased and grateful for the support which both have expressed to me on this matter. I urge my colleagues to join us in voting in favor of this amendment.

Mr. Chairman, on March 24, 1983, the President signed Public Law 98-8, the fiscal year 1983 Jobs Bill Supplemental Appropriations Act. Among other things, title I of this legislation appropriated $100 million, to remain available until expended, for the watershed and flood prevention operations account of the Department of Agriculture's Soil Conservation Service. This funding, in the words of Public Law 98-8, is to be used "in order to assist in installing works of improvement and rehabilitation of existing works * * * and to assist in providing jobs which will increase and conserve the real wealth of this country * * *"

Last month, when the President requested supplemental appropriations for 1983, he also amended his budget request for 1984. In the justification sheets which accompanied the new budget proposal, the statement was made that, of the funds added to SCS's watershed and flood prevention operations account, "none * * * will be used to implement the optional one-time authority included in the jobs bill which would permit the rehabilitation of projects installed in previous years."

This statement was made even though it was assumed in these same justification sheets that about half of the $100 million added to this account will not be obligated in fiscal 1983 and will be carried over into fiscal year 1984.

My amendment is designed to address this situation and to emphasize with just a little more specificity the point that this Congress made 2 months ago in the jobs bill: We intend that a reasonable amount of the funds added to SCS's watershed and flood prevention operations account by Public Law 98-8 shall be used for rehabilitation of existing small watershed projects. Six-Mile Creek in Arkansas is just one of the rehabilitation efforts that we intend to be funded.

Mr. Chairman, our current SCS upstream watershed program had its roots in a pilot program authorized in the 1953 appropriations bill. Some 60 such projects, including Six-Mile Creek, were undertaken nationwide. In the Six-Mile Creek watershed, approximately 25 dams were built by the soil conservation service for flood control, erosion prevention, and related purposes. Many of these dams now have features that are in need of repair or replacement.

The local sponsors of the early pilot projects were soil conservation districts. These are districts authorized under State law primarily for the purpose of promoting soil and water conservation. While I am told that modern-day sponsors are required to have authority for taxation sufficient to enable those sponsors to carry out their project-related responsibilities, for the most part this was not the case with pilot project sponsors.

Although these structures are deteriorating, they still serve important flood control and other purposes,

which will be lost if the dams—because there is no viable means of refurbishing them—breach or must be breached for safety reasons. It seems to me that these projects represent an investment made by the Federal Government that we can ill afford to further neglect, and I believe that Congress was wise to appropriate funds in the jobs bill to address this situation.

Mr. Chairman, much preliminary work has been completed on these projects, such that work on them could begin almost immediately after funding is made available. In my own district in Franklin and Logan Counties, I am informed that approximately $600,000 could be obligated as soon as next month for work on rehabilitating SCS pilot project dams in the Six-Mile Creek watershed which have known deficiencies and an already-prepared engineering report.

In summary, Mr. Chairman, it would appear that the funding to carry out the Six-Mile Creek and other rehabilitation work is available, the legislative authority exists in the jobs bill language quoted above, and with discretion from the Congress concerning the need to fund and begin this rehabilitation work as soon as possible, we can succeed in both putting people back to work and at the same time rehabilitating one type of very important infrastructure. I, therefore, urge strong support for my amendment.

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, we have no objection to the amendment.

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support the amendment of the gentleman from Arkansas and think it will provide the needed emphasis in helping to rebuild and repair decaying water retention and diversion structures.

This activity was clearly authorized by the jobs bill and will be of benefit throughout the county.

I commend the gentleman for his efforts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. CONTE. Mr. Chairman, I ask unanimous consent that the remainder of chapter I be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read chapter II.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that chapter II be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter II?

The Chair hears none.

Are there any amendments to chapter II?

The Clerk will read.

The Clerk read as follows:

PROCUREMENT

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile procurement, Army", $453,600,000, to remain available until September 30, 1985.

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: On page 8 of the bill, line 4, strike out "$453,600,000" and insert in lieu thereof "$318,200,000".

Mr. ADDABBO. Mr. Chairman, this amendment offers Members an opportunity to vote on whether the Congress controls the military or if the Pentagon is a law unto itself.

I should be offering an amendment to strike the full $453.6 million for the Pershing II, but knowing the mood of the Congress and the vote on yesterday, that probably would be impossible.

Instead I am trying to keep the military under the control of the Congress by striking a substantial amount.

The original total request for Pershing II procurement in the fiscal year 1983 budget was $508.6 million for 91 missiles. Long before the Congress had completed its work on the 1983 appropriation bill, the Army had already locked itself into the obligation of $432 million of those funds. In October 1982, the Army exercised a contract option for production of 91 missiles, claiming it had the right to do so under terms of the first continuing resolution.

In December 1982 the Congress denied procurement funds for the Pershing II, because there was insufficient flight test data. We stated that in December of 1982 in the 1983 appropriation bill. That bill passed this House, passed the conference and was signed into law. We took this action in the knowledge that the 21 missiles already funded in the fiscal year 1982 bill would meet our commitment for initial deployment in Europe in December of 1983. In addition, the Congress provided $30 million in operation and maintenance funds for task associated with that deployment.

And how did the Army repond to a law passed by the Congress and signed by the President? Did they stop work? No. Did they cancel this ill-advised and premature contract? No. Did they obligate the Government for $432 million that they did not have to spend on Pershing II? Yes. Did they instead use funds on Pershing II which the Congress had appropriated for other missile programs? Yes.

Despite the claims of success, the test program for Pershing II remains unfinished. It will not be completed until August at the earliest. There have been problems in the past, and there may still be problems as far as the testing program is concerned. The testing carried out to date does not meet congressional criteria of successful completion of full flight testing which covers the entire test envelope.

Mr. Chairman, the details of this incident are spelled out in the committee's report. Members will note that as a token of its displeasure, the committee did recommend a reduction of $25 million from the requested $478.6 million. But this is only a slap on the wrist. A much more proper course for the House to take is to fund 21 missiles for fiscal year 1983, because that was the number funded for fiscal year 1982. Had the Army stayed within the spirit of the first continuing resolution, they would have gone for 21, not 91, missiles.

A practical matter is that the Army has already ordered parts and material for 91 missiles. If 21 are approved, the balance of the parts and material can be used for missiles in the fiscal year 1984 program.

Mr. Chairman, my amendment allows sufficient funds to procure the parts and material already on order, and to fabricate, test and deliver 21 missiles, which will meet the deployment of December 1983. It also requires the Army to absorb the $16.8 million it will have spent through the end of May.

Yesterday many Members stated their intention of voting against the administration in the future if certain assurances given the Congress are not met. This matter is even more serious. We are not talking about assurances here. We are speaking about actions directly contrary to the stated intent of the Congress.

Mr. Chairman, this House must put the Army and the Pentagon on notice that it cannot ignore the Congress with impunity. This House must assert civilian control over the military. My amendment does that, and I urge its acceptance.

Mr. Chairman, as I stated earlier, the last Congress in December 1982 in the 1983 appropriation bill, said that no funds were to be spent for Pershing II procurement until full testing was completed. To date, full testing has not been completed, and yet funds have been obligated. I am saying to this Congress, my colleagues, that we must prevent the Pentagon from taking the dollars that we appropriate and use however they see fit. As I

warned yesterday, procurement will begin on the MX, procurement will begin on every program or any program the Pentagon wishes, and not as directed by this Congress.

I urge the favorable consideration of my amendment.

□ 1320

Mr. EDWARDS of Alabama. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it seems like we are back where we were yesterday. I must rise in opposition and make a few points that I think are pertinent here.

It is true that the Army entered into a contract for the Pershing II during a short period of time when there was a continuing resolution in force that allowed them to do that, that did not prohibit them from doing it. The GAO has ruled that, in fact, entering into the contract at the time it was entered into was legal. I joined with the chairman of the committee, the gentleman from New York (Mr. ADDABBO), in questioning the judgment of the Army's handling of this matter, but nevertheless, the GAO found that it was legal when the contract was entered into.

Our concern was that at the time we were asked to deal with this matter for procurement, the Army had not had a very successful test program. The first couple of missiles, as I recall, had problems; they were unsuccessful. We felt in the 1983 bill that the Army needed to show a pattern of success in the firing of the R&D Pershing II missile before we wanted to provide the procurement money.

Mr. Chairman, the army has embarked upon its test program according to its plan. It has now fired some 10 missiles. The last 9 were successful flights. The program is well under way. The test program is moving along very well. We are confronted with the problem of deployment scheduled for the end of this calendar year. We are confronted with some obvious diplomatic and political problems that would result from a delay of this procurement proposal in this bill.

It seems to me, Mr. Chairman, that the Army has substantially met the test laid down for it by this committee in that it has now had nine successful test flights and an ongoing program that in fact is proving that this is a very viable, operational, workable missile and that the procurement program should go forward.

It was the judgment of the Subcommittee on Defense, by a rather substantial margin, the number escapes me at the moment, that this program should go forward and it was moved through to the full committee and, of course, to the floor.

The chairman, joined by this gentleman from Alabama, has written language in the committee report that lays it out in black and white for the Army to see the displeasure of the committee, the areas where we think the Army did not handle this thing properly, the conclusion that, having handled it in the way they did, that we are going to look much more carefully in the future at these kinds of programs. The last sentence of the language says:

> The committee wishes to make it clear that, because of the Army's actions, future legislation will be more restrictive to prevent other such occurrences.

I certainly joined with the chairman in that language, as did the other members of the subcommittee. The fact that it is here today does not necessarily suggest that we were all that thrilled with the way the Army handled it, but it does suggest by a clear vote that we must go foward with this program that has now been successfully tested. So I would hope this body would vote no on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

The question was taken; and on a division (demanded by Mr. ADDABBO) there were—ayes 9, noes 18.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DELLUMS: Page 8, strike out lines 2 through 5.

Mr. DELLUMS. Mr. Chairman, we just disposed of an amendment that would have reduced the amount of funds for the purchase of the Pershing II missile. What this amendment would do is to strike all of the funds for the procurement of the Pershing missile, $453.6 million.

In so doing, Mr. Chairman, I would like to raise a number of questions, issues beyond simply the question of whether test flights have been satisfactory or not.

Mr. Chairman, it is my contention that to deploy the Pershing missile in Europe, as we contemplate doing in the latter part of this year, would be to take the world in a quantum fashion closer to the brink of nuclear war. Let me make the following arguments:

First of all, there is no military rationale whatsoever for the deployment of the Pershing missile. Mr. Chairman and members of the committee, targets can be hit now with existing U.S. nuclear forces assigned to NATO, to say nothing of the nuclear forces that are commanded by the British as well as the French.

Mr. Chairman, to deploy the Pershing missile is extremely dangerous. What it will do is set in motion a permenent Cuban missile crisis situation. Let me give you an example.

Mr. Chairman, if we deploy the Pershing missile in West Germany, it will be deployed 6 to 8 minutes from the Soviet Union. The Pershing missile is a highly accurate, high-yield weapon that can travel between 1,000 and 1,200 miles and reach its target with great accuracy. If this weapon is stationed in flight time 6 to 8 minutes from the Soviet Union, what kind of reaction time do they have?

I would admonish my colleagues to consider this: On more occasions than it would be comfortable for any Member of this Congress or any American citizen, our computers, our American computers, have malfunctioned and communicated on a number of occasions falsely, Mr. Chairman, that the United States was under imminent attack from the Soviet Union by virtue of the flight of nuclear weapons.

Many American people may not be aware of it, and many of my colleagues may not be aware of it, but it takes between 25 and 30 minutes for a nuclear weapon to travel from the Soviet Union to the United States. So we had some time to sit there and try to figure out whether our computers were actually telling us the truth; that is, that we were under imminent attack from the Soviet Union, or whether our computers were actually malfunctioning. We had 5, 10, or 15 minutes to try to work that out. I think 25 or 30 minutes to make a decision that may impact the lives of 100 million human beings is insanity of the first order, but if we place a set of missiles 6 to 8 minutes from the Soviet Union, I would ask my colleagues a rhetorical question. What do the Soviets do if their computers malfunction? Do they have 5 or 10 minutes to try to figure out whether that computer is malfunctioning? They only have seconds.

So the response to the American deployment of the Pershing II missile would be to force the Soviet Union to place their missiles in a launch-on-warning situation, which I think is an incredibly irrational situation, Mr. Chairman.

□ 1330

So it only goes to underscore my point that if we deploy the Pershing missile in West Germany 6 to 8 minutes from the Soviet Union, we take the world in a quantum fashion closer to the brink of nuclear war.

There are other pressures on the deployment. This weapon would not be deployed in what is known in Washington terms as a survivable mode. It would be considered a "soft" target. Therefore, in any confrontation with the Soviet Union, the first weapon the Soviets have to go after is the Pershing missile, and the United States, not being stupid, would understand that, so there would be great pressure to use our weapons or lose our weapons.

So we have weapons on both sides, and we have pressures on the side of this country to use those weapons in a conflict situation very quickly or lose them. We have pressures on the Soviet Union to try to knock these weapons out.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, we then have pressures on the Soviet Union to go after these weapons in a preeminent strike in a tense situation.

Mr. Chairman, nuclear war in my estimation is total madness. It is total insanity for anyone to even contemplate going into nuclear war. Anyone who does is by definition an ambulatory schizophrenic. But let us just assume that people may want to fight a nuclear war. Certainly one of the factors of rationality will be to make sure that the command or control in either country is in communication with itself, in communication with its forces so that it can call back forces.

The Pershing missile 6 to 8 minutes from the Soviet Union threatens their command and control centers, and we certainly want their command and control to be audible, to be communicative, because in one sense, if they ever decide to pull back, who will give the order?

So to deploy this weapon in a forward fashion is an extremely and incredibly dangerous thing.

Mr. Chairman, let me tell the Members what a few distinguished Americans have to say about this. First, I would like to quote Prof. Owen Chamberlain, who is a Nobel Laureate in Physics and who worked on the Manhattan project that gave the world the nuclear weapon. This is what Prof. Owen Chamberlain said about the Pershing missile:

> If the Soviets suffered the same kind of computer error (as the large number of errors reported recently) after our Pershing II missiles were installed, they might be forced to make a 4 minute decision to launch their nuclear missiles, thus destroying, say 20 cities, from San Francisco to D.C., in retaliation to an imagined nuclear attack. This feature alone constitutes a frightening threat to our security.

That was Prof. Owen Chamberlain.

Let me quote Herbert Scoville, ex-CIA Deputy Director:

> The Pershing II deployment provides a vulnerable target which is a direct threat to their survival of their command and control, and it provides them with a strong incentive to launch a preemptive strike, perhaps even in advance of any large-scale conflict in Europe.

Next, let me quote Paul Warnke, head of the Arms Control Agency that precipitated the negotiation of our SALT II agreement, as follows:

> I am totally against developing weapons with the idea that you can fight and win a nuclear war. But it is important to have survivable weapons, weapons that cannot be readily destroyed by a first strike. It is also important that we not have weapons that threaten the survivability of the Soviet Union.

Mr. Chairman, the Pershing missile threatens their command and control. It threatens the Soviet Union. It is a nonsurvivable weapon.

Mr. Chairman, this is perhaps one of the most destabilizing weapons that we can deploy. I have indicated on a number of occasions on this floor, and will continue to do so, that I see all the ominous signs that we are walking in locked step toward the madness of a nuclear confrontation with the Soviet Union for three reasons: We are going beyond deterrence and war fighting; the Pershing missile is a war-fighting weapon. We are going beyond verifiability to nonverifiability. This weapon does not create the same kind of arms control problem that is associated with the ground-launched cruise missile, but it does go beyond verifiability to create problems.

Finally, there are certain weapons which, by virtue of their deployment mode, bring the world closer to the brink of nuclear war. To deploy this weapon from 6 to 8 minutes from the Soviet Union is the height of insanity.

I would conclude by saying this. We can manufacture this weapon, and the tragedy is that the fact we can manufacture it means that we probably will manufacture it. It serves no useful purpose to us in this country because it only has a range of 1,000 to 1,200 miles. So what is the best rationale? We figure out how to deploy it somewhere it can be effective in 1,200 miles.

Mr. Chairman, in the process of doing that, we may very well be sowing the seeds of our own doom.

Mr. AUCOIN. Mr. Chairman, will the gentlemen yield?

Mr. DELLUMS. I yield to my colleague, the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, I appreciate my colleague's yielding to me.

I wish that all of the Members of the House would visit the headquarters of the Strategic Air Command in Omaha and witness the mockup of a big board on the wall which shows what it would look like if this country were under attack from enemy missiles.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(On request of Mr. AUCOIN, and by unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. AUCOIN. Mr. Chairman, will the gentleman yield further?

Mr. DELLUMS. I yield to my colleague, the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, I do not think we need to document all the details here, but what one sees in this war room is a clock that starts counting as soon as our computers and sensory equipment begin to pick up what they think is an incoming enemy missile. And then you can watch the process we go through to verify whether this is a computer error, an anomaly of some kind, or whether it is real. And all the time the clock is ticking, closing off and crowding into decision-making time.

One of the very few advantages we have with regard to ICBM's is approximately 25 minutes' notice before a real ICBM actually arrives here. When we begin to talk about 8 minutes, we are talking about a very, very dangerous situation, one in which people who feel that they may be under attack are left with no room for doubt and that means they will have to respond. And in this age, with the explosive power that is available to both superpowers, we know full well what that response means. It means utter destruction.

So what has bothered me about the Pershing II from the beginning has been this enormously lethal capacity and the shortness of the timeframe. I hope that Members understand what is happening here in the variety of weapons systems we see Congress being asked to approve.

We are being asked to approve greater accuracy, shorter timeframes, and weapons systems that bring us closer and closer to a first-strike capacity. That leads us then to launch on warning, a defense mode which means that we have a hair trigger on both sides.

The CHAIRMAN. The time of the gentleman from california (Mr. DELLUMS) has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. AUCOIN. Mr. Chairman, if the gentleman will yield further, let me say that if we think the world is dangerous now—and I have got to tell the Members that I think it is dangerous now—it is nothing compared to what the world will be like if we fully complete this new generation of weapons systems that we are being asked to approve.

That bothers me a great deal, but I want to say that what bothers me just as much is the outright arrogance of the Army, which went ahead, after this Congress, in December of last year and said "no" to the further production of the Pershing II missile beyond the 21 that had been approved in the fiscal year 1982 bill. Congress said, "Stop it at 21. We will approve no more until you, the Army, complete the full complement of tests on this weapons system."

□ 1340

We passed that in law. It was signed by the Commander in Chief of the Armed Forces, the President of the United States.

The Army decided, in its scandalous arrogance, to go ahead, to enter into contracts, to spend money, to take money out of other accounts and to proceed with the Pershing II missile, which carries these enormous nuclear questions that elected civilians ought to be deciding, not the brass down at the Pentagon.

I find this one of the most arrogant acts by an agency of government that I can possibly imagine and can ever recall.

I wonder what would happen if the Department of Health and Human Services were to spend some $400 million after the Congress had passed and the President had signed a prohibition. The top would blow off this Capitol Building if such a thing would occur; but the Army has done it here. It thinks it can get away with it. It did get away with it in the Appropriations Committee.

The gentleman raises an amendment that gets at the missile itself, but I think the other part of the story is the absolute arrogance on the part of the Army, the apparent confusion on the part of the Army as to who is running the Government of the United States when we make profound military spending decisions of this kind.

I appreciate the gentleman framing this issue for all the Members of the House and I appreciate him yielding me this time.

Mr. DELLUMS. I thank my colleague. I think he has made an enormous contribution to this discussion.

First, I would like to comment to the gentleman's latter statement. Clearly, the Army went way beyond its authority and beyond its bounds. But what did the Congress do? What we always do. The Congress rolled over and played dead. The Congress slapped the Army on the wrist and said, "You naughty people We will cut $25 million out of your present appropriation."

Well, we all know that is a sham. We will put the $25 million back in some other appropriations, back in some other effort.

What we did not do was to hit them hard in this area. What we did not do was to say we refuse to go forward.

We are just playing games here because we really do not want to stop these weapons systems.

Let me go to the first point the gentleman made.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Just to conclude, Mr. Chairman, I am saying that we ought to strike the funds for these weapons. The Pershing missile is incredibly dangerous. It will take the world closer to the brink of nuclear war.

What do we say to our children when things start to heat up? We have now developed a cheap ICBM that we can deploy, that threatens the Soviet Union at an extraordinary level.

We are contemplating a war fighting strategy, Mr. Chairman, that has taken us well beyond the issue of deterrence. I think any thinking human being on the floor of this Congress and in the United States ought to be afraid of what we are about to do here. The Pershing missile is dangerous. It is extremely destabilizing. I think we ought to reject all the funds for the purchase of the Pershing missile.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my friend, the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, I thank the gentleman for yielding. I congratulate him for his amendment.

Can the gentleman tell me, if the gentleman's amendment prevails, how much money that will save?

Mr. DELLUMS. If this amendment were to pass, we would save the American taxpayer to the tune of $453.6 million.

Mr. LOWRY of Washington. That is $453.6 million for a missile that again, as the one yesterday, does not have a mission, because all those targets are already targeted by existing missiles; is that correct?

Mr. DELLUMS. I indicated in my opening statement that every target is already targeted by the existing NATO nuclear forces, including the weapons, to say nothing of the weapons that the British and the French have.

Mr. LOWRY of Washington. I wonder how all these great fiscal conservatives who always yell so much about our Government spending are going to vote on this, or whether they are going to vote like they voted yesterday?

Mr. DELLUMS. I think if they voted with us, somebody, some candidate might think they were soft on nuclear war at some point, and that is a big no-no, I guess, for some people; but I think that people like the gentleman and myself ought to be hard on these kinds of issues.

It seems to me that $453.6 million on the first level creates incredible danger, and on the second level has not even passed all its tests; if you go into the report, you will find out that what the military did to make sure that this weapons system passed all its tests was to reduce the standards.

Mr. LOWRY of Washington. We had $16.7 billion yesterday for a missile that did not have a military mission, but had a political mission.

Now we have $453 million today for a missile that does not have a military mission, but has a political mission. The gentleman is right.

Mr. EDWARDS of Alabama. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this has kind of turned into another MX debate to a degree, but I would like to try to limit it to the issue, to the NATO-Warsaw Pact countries.

We are not putting Pershing II missiles in countries in NATO, first of all, by force. We are putting them there by agreement with the NATO countries.

We are not putting Pershing II missiles in NATO countries simply because we enjoy the exercise of doing it. We are doing it because there are 351 SS-20's sitting across on the other side with 3 warheads apiece—also, some 6 to 8 minutes away—and if it is madness for one, then I guess it is madness for the other.

We do not do these things just because we love putting missiles in different parts of the world or to aim missiles at different countries. We are doing it simply because we have no system over there—NATO has no system over there—that can in any way compete with the SS-20's which have been deployed by the Soviet Union. The Soviet Union in their deployment of these missiles—one every week or so over the last several years—they have talked in terms of trying to reach agreement. They have talked in terms of a moratorium. They have made all these flowery speeches about why and when they would quit deploying the SS-20's. Every time they talk that way, they just keep on deploying SS-20's.

Now they have over a thousand warheads on those SS-20's in the Warsaw Pact country areas.

Now, we debated a moment ago the question of whether the Army handled this thing properly. I readily agreed that while the Army legally contracted, they used poor judgment. Our committee report says that about as strongly as we have ever written about a branch of the service. I do not think that is the issue at all.

We have already committed in this Congress to deploying 21 Pershing II missiles to the NATO countries. There is nothing in the gentleman's amendment that would stop that deployment of that first squadron of Pershing II's over there.

Finally, Mr. Chairman, I think the Members should understand that if we were to adopt the gentleman's amendment, that we would be talking in terms of some $150 million in termina-

tion costs to stop this contract in its tracks, and it still would not do ultimately what it is the gentleman from California proposes, because we have in fact already in process the 21 missiles that will be deployed to the NATO countries.

So I think the amendment is not appropriate and that we should not adopt this amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would like to suggest to my distinguished ranking Republican member of the Defense Appropriations Subcommittee that I share the same concerns that others have about the way this thing was handled. It was not handled in the fashion that I think the gentleman from Alabama or I would prefer in terms of last year's handling of the appropriation by the Army. I think it was wrong.

Our committee, in fact, cut $25 million out of this appropriation because of that concern; but as the gentleman knows, at this very moment the United States and the Soviet Union are negotiating in Geneva, the talks have just resumed there, and the Soviets, because I think we have made a strong commitment by saying with our NATO allies that we are going forward on the Pershings and the GLCM's, are now talking about some major reductions in their SS-20's.

It just seems to me that at this point in time we need to unify and have resolved within the alliance, I think that was one thing we demonstrated yesterday, that which will make it easier for the deployment in order to get the kind of agreement that I think both sides are willing to discuss.

□ 1350

I think the administration on this issue has demonstrated some flexibility, and that is one of the things that many of us have been concerned about in the START talks, that there has not been on the part of the United States real flexibility.

But, in the intermediate-range weapons, the President has changed his position and says he is willing to take an interim step.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. EDWARDS) has expired.

(At the request of Mr. DICKS and by unanimous consent, Mr. EDWARDS of Alabama was allowed to proceed for 5 additional minutes.)

Mr. EDWARDS of Alabama. I yield to the gentleman from Washington.

Mr. DICKS. So it would seem to me that we should hang tough right now, keep the alliance together, and let these negotiations go forward. I think now that the flight tests have been better, we know we have a system that will work and that we ought to oppose this amendment and keep the deployment on schedule because if we do not it would certainly undercut, as we did before on the neutron bomb, all of our NATO allies who have stood up and stood with the United States in going forward.

If we all of a sudden pulled the rug out from underneath them, I think we would do very serious damage to the alliance.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding. I would like to congratulate my friend from Washington for a very perceptive statement. I certainly appreciate that comment.

I think what the gentleman is saying is very, very important. The Soviet Union has shown a tremendous reluctance—and I think correctly so from their perspective—not to negotiate away their warheads or intermediate-range missiles because we have not responded.

It is only when the Soviet Union has seen the resolve of the administration, the American people, and the Congress, and the resolve of people like yourselves, that they now are willing to negotiate down the total number of missiles that they have and the total number of warheads.

I think it is important to point out that the Soviet Union very recently started to talk in terms of warheads and not just launchers, which is particularly important. I believe they are doing so because we are finally showing the resolve here in the Congress and in the United States.

One further thing I would like to mention, and that is the fact that even our President and Members of Congress talk in terms of the fact that the Soviet Union now has 351 SS-20 intermediate range missiles. But that is not so. The correct statement is that they have 351 launchers and are building launchers at the rate of one a week. They have a standby missile now for each one of those launchers.

So, therefore, the Soviet Union has not 351 missiles but 702 SS-20 missiles. Each missile has three warheads. Therefore they now have 2,106 independently targeted warheads in that particular theater.

Our total response is going to be building 108 Pershing II's, each with only one warhead. I think it is a moderate response, and I thank the gentleman for yielding.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from California.

Mr. DELLUMS. I appreciate my colleague yielding because I think these are matters that we ought to have some exchange upon. I really do not believe this is a replay of the MX missile. This is a specific weapons system that is targeted in a specific situation. We ought to be able to discuss it in those terms.

Let me very quickly make five points. The gentleman mentioned $100-plus million closing costs. The total cost of this program is $2.18 billion, and if you add in construction and warheads it is $3.4 billion. So we are talking about $100 million closeout and I am talking about saving the American people $3.4 billion. That is point No. 1.

Point No. 2: in the five nations that we contemplate deployment we do not have agreements in most of those countries. We have millions of people protesting against the deployment of these weapons in many of those areas.

The third point: We can place 12,000 nuclear weapons on Soviet soil; they can put 8,000 on our soil; 572 additional weapons does not give us any more capability.

The distinguished gentleman in the well just a moment ago mentioned the SS-20's. I would simply for a moment like to quote McGeorge Bundy, former national security adviser, on the issue of the SS-20's:

> The SS-20 did not and does not give the Soviet Union any nuclear capacity against Europe alone that she did not have in overflowing measure before a single SS-20 was deployed.

It would seem to me if the Soviets are going to deploy SS-20's, and I do not agree with that decision, but we do not have to be crazy as well. The Pershing is not a response to the SS-20. It does not shoot down SS-20's.

We operate as if we have to have exactly what they have. What we have to have, it seems to me, is rationality, which leads me to my last point.

I think the SS-20's ought to be a matter of negotiation, but it ought to be down around a table that we talk about moving away from the use of SS-20's, not in rigid adherence to a deployment schedule as if in some way the integrity of the United States is at stake.

I think that our European allies really do not want this decision.

I would say to my distinguished colleague that if we gave them some time, I think that we ought to be able to resolve this matter short of placing the world in a hair-trigger situation by blindly pursuing this notion that we must deploy in some macho fashion. I just do not think we need to do that.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. EDWARDS) has again expired.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that the gentleman have 3 more minutes.

Mr. EDWARDS of Alabama. Mr. Chairman, the gentleman does not

want 3 additional minutes. I ask unanimous consent for 1 additional minute.

(By unanimous consent, Mr. EDWARDS of Alabama was allowed to proceed for 1 additional minute.)

Mr. EDWARDS of Alabama. The gentleman has had plenty of time.

I would just like to respond to a couple of points. First of all, the Pershing II is going into Germany; it is not going to be spread out all over——

Mr. DELLUMS. The ground-launched cruise missile is a part of this package.

Mr. EDWARDS of Alabama. I did not yield to the gentleman any further. The gentleman has 20-some minutes.

The ground-launched cruise missile is not a part of this item that the gentleman has offered an amendment to. The Pershing II is going into Germany. It is, in fact, going there as a response to the SS-20's.

There would be no Pershing II's, I am quite certain, going into Germany or anywhere in the NATO countries if the Soviets would very kindly agree to remove their SS-20's from that area.

As I said earlier, we are not in the business of trying to see how many countries we can put missiles in or how many countries we can aim missiles at. But we are foolish, foolish if we allow the Soviets to continue down this road without at least trying to modernize the systems that we have.

I ask for a "no" vote on the amendment.

Mr. McEWEN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I think it is important to us when discussing this issue to recall a little bit of history as to how we arrived at where we are today.

In 1977 and 1978 the Soviet Union began deploying the SS-20's. Those of our allies in the NATO alliance became concerned that they had nothing in the nature of a similar intermediate range missile to defend them.

As you know, after World War II we took it upon ourselves to control the nuclear retaliatory capacity of NATO. During 1978-79 our allies pleaded with the U.S. Government to permit them to have a similar intermediate range missile to counterbalance the SS-20.

We said we wanted to negotiate in 1978 and negotiate in 1979. Finally, in the fall of 1979, the Defense Ministers and heads of state of our NATO allies met with our President and convinced him that he needed to give them a counterbalance to the SS-20's in recognition of the fact that the SS-20 is not aimed at Berkeley, Calif., or Hillsboro, Ohio, or anywhere else in the United States. It is aimed, an intermediate range missile, against Western Europe.

In late 1979 President Carter agreed to consider deployment of the Pershing II. Immediately thereafter the Soviet Union responded with a willingness to negotiate that issue for the first time.

President Carter in a letter to the Washington Post last year outlined that at that time he offered Soviet President Brezhnev a freeze. The Soviet Union was midcourse in their deployment from 1977 to 1983. They had deployed half of their launchers as we have discussed today.

President Carter offered his willingness to freeze NATO intermediate range missile deployment at zero if Brezhnev would freeze at 159 launchers. Brezhnev declined. So President Carter consented to begin in 1983 deployment of the Pershing II as a counterbalance to those nations that are under the gun of the SS-20. We are now at that date.

As the gentleman from New Jersey has recently pointed out, they have gone from deploying SS-20's at one every 6 weeks to one every 5 days. They now have 351 launchers with 3 warheads, plus the additional reload.

You may recall that the chairman of the Armed Services Committee in the other body was an observer at the SALT II negotiations at the time that our former President, Mr. Carter, withdrew production and research and development for the B-1. In order to put the best face that he could on that decision the gentleman from Texas in the other body posed to the chief of the Soviet negotiators whether or not they would be willing to make a similar such gesture toward peace.

□ 1400

Would they be willing to withdraw a similar strategic weapon from their deployment schedule? To which the gentleman responded: "Senator, you will learn that Soviet Communists are neither pacifists nor philanthropists." So, we have learned that only a willingness on the part of the West to act has brought them to the negotiating table. And only our resolve at this final moment will give us any negotiations at all. If we here today change our minds, walk off and allow them to get away scot-free with 351 SS-20's, we have nothing further to negotiate and that does one thing, that leaves us in the next decade with instability. Instability in the nuclear field.

Mr. COURTER. Mr. Chairman, will the gentleman yield to me?

Mr. McEWEN. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding. I thank the gentleman for his very good historical statement. I think it is important for us to look at these things from a historical perspective.

I would ask the obviously rhetorical question that if we do nothing now, if we elect not to go forward with the Pershing II and, in fact, the cruise missile program, the gentleman does not, very frankly, as Mr. Brent Scowcroft said relatively to the MX, you do not have to have a malevolent view of the Soviet Union to conclude that they in their own minds are going to be correct. They, as the gentleman points out, are now producing launchers at the rate of approximately one a week. If we do not respond or say we are going to respond, what in the world are—what type of incentive will they have to cut back on their own? Indeed they will not.

That is one point I would like to make.

The second point is the fact that SS-20 does not only have three warheads, not only are there now deployed over 700 of them, and we are now talking in terms of reduction of weapons.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. COURTER and by unanimous consent, Mr. McEWEN was allowed to proceed for 2 additional minutes.)

Mr. COURTER. Mr. Chairman, will the gentleman yield further?

Mr. McEWEN. I yield further to the gentleman.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding further.

The point I am making is the fact, which I do not think has been said before, that the SS-20, although at the present time a theater nuclear weapon, is one that had intermediate range, and does, No. 1, have twice or three times the range of the Pershings, No. 1; and No. 2, by putting on a third stage which is totally compatible and designed for that function, it becomes an ICBM that can threaten the security of this country.

So, indeed, not only is it important for Western Europe's security to have the Soviet Union rethink their policy of massive proliferation and construction of these weapons, it indeed can be a very important policy of the United States as well because of that third stage attachment to that SS-20 when it truly becomes an ICBM.

Mr. McEWEN. I thank the gentleman very much. His commitment to arms reduction is very clear. As we have stated here, if we walk off from the table with our only bargaining chip with which we are unwilling to negotiate and allow them to proceed further with their deployment, then we will have led this Nation toward destabilization.

During the last election I attended rallies in West Germany by all four of the major political parties. This Pershing II deployment was the major topic of discussion at every event. Both major political parties, which amount to 83 percent of those voting in the last election, were overwhelmingly supportive of their need to have

a negotiating tool, to continue with deployment of the Pershing II as a counterbalance to those intermediate range missiles aimed at their cities.

Mr. KEMP. Mr. Chairman, will the gentleman yield to me?

Mr. McEWEN. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, I wanted to congratulate the gentleman on his statement and just add one thought: There is no quicker way to embarrass and undermine our allies than to pull back on this issue. From Francois Mitterrand, the Socialist President of France to Chancellor Kohl, to Prime Minister Thatcher, there is not anybody in Europe who does not recognize the key alliance undertaking; today is our joint commitment to go to those arms control negotiations at Geneva with the will and the purpose of deploying the Pershing missile on the Continent at the end of this year.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(On request of Mr. KEMP and by unanimous consent Mr. McEWEN was allowed to proceed for 1 additional minute.)

Mr. KEMP. Will the gentleman yield further?

Mr. McEWEN. I yield to the gentleman.

Mr. KEMP. I thank the gentleman for yielding further.

We have agreed with our NATO allies to a two-track approach concerning theater nuclear forces: arms control negotiations and force modernization. I am strongly opposed to this amendment because of the destructive impact it would have on our commitments to Europe and on the prospects for success of the TNF talks.

At the request of our allies, the United States has agreed to deploy Pershing II and GLCM forces to offset the unilateral advantage gained by the Soviets by their vast nuclear buildup in Eastern Europe. I think it would be a travesty for this Congress to delete funding for the Pershing II, in contravention of our commitment to NATO.

Are we in Congress going to say, "Now that you have gone out on a limb for us, Mr. Kohl, we have decided to cut funding for the very system we have pledged to you?" Shall we do nothing to offset the Soviets' enormous unilateral advantage in theater forces, which is what the Soviets have been working for all along?

The Soviet Union has undertaken a concerted effort to drive a wedge between the United States and our allies in Western Europe. This is perhaps the overriding goal of Soviet foreign policy today. If the United States should repudiate our commitment to modernize NATO nuclear forces, leaving our allies vulnerable to the grave Soviet threat, the Soviets will have achieved that goal. If we forgo our commitments to NATO, we would only be forcing the finlandization of Europe, and increasing the risk of war.

And let us not forget that the West tried unilateral restraint in Europe for the past 10 years. We elected not to modernize our theater nuclear forces, even though we had the ability to do so. The Soviets exploited our restraint, and amassed an enormous offensive SS-20 force. Unilateral restraint in Europe has not worked. Jointly with our allies we must use all the leverage at our disposal to force Soviet reductions.

The administration's interim INF proposals have the support of European leaders from Germany's conservative Helmut Kohl to France's socialist Francois Mitterrand. These proposals deserve a fair chance at the negotiating tables at Geneva, but they will not get this opportunity if the Congress undercuts funding for the Pershing II.

In the interest of NATO's security, and in the interest of our ongoing arms control efforts, I urge your defeat of the Dellums amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield to me?

Mr. McEWEN. I yield to the gentleman.

Mr. DICKS. I thank the gentleman for yielding.

I think the gentleman performed a really significant service here today by going back and reviewing the history. This has been a decision that President Carter, you know, struggled with and then in the face of the continued Soviet buildup of SS-20's, felt he had no other choice to make.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(On request of Mr. DICKS and by unanimous consent, Mr. McEWEN was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, will the gentleman yield further.

Mr. McEWEN. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

I have had an opportunity as a NATO parliamentarian to meet with my NATO colleagues more than once, and I think the point they make over and over again is can the Americans be consistent? Can we develop a policy and stick with it for a period of time as administrations come and go? Bernie Rogers, our commanding officer in Europe and NATO urged, he said it was absolutely a matter of the highest priority to maintain a consistent, steady path. And I think that consistent, steady path, from a position of strength will get us the negotiations that our friends here want so desperately on both sides of the aisle, liberals and conservatives.

But, if we unilaterally pull back at this point we will undercut the administration, undercut the NATO alliance and we would be making a grievous mistake in terms of the balance of power in Europe.

I commend the gentleman for bringing this to our attention.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(On request of Mr. DELLUMS and by unanimous consent, Mr. McEWEN was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, will the gentleman yield to me?

Mr. McEWEN. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I appreciate my colleague yielding. I do not have horns; the gentleman does not have to check to see whether he can yield to me. You are an individual Member here. You have a right to assert your own individuality, you are unique here.

Mr. McEWEN. I reclaim my time long enough to point out that the gentleman has been speaking for over 20 minutes and I am operating at the courtesy of the gentleman from Alabama.

Mr. DELLUMS. I appreciate the gentleman's statement.

Mr. McEWEN. I will yield to the gentleman.

Mr. DELLUMS. I appreciate the statement of the gentleman. Thank you. But, look, I do not speak on this floor every day and neither does my distinguished colleague. Twenty minutes? We are talking about the potential of nuclear war.

I have never cut off anyone's debate. All I want to do is engage you at this level.

I respect the fact that you and I have different points of view. But you have asserted that you really believe that the deployment of the Pershing and the cruise missile will actually lead to arms control. I just want to ask you, do you honestly believe that and can you tell me as specifically as you can how you think it is going to lead to arms control? I am not trying to embarrass my colleague. That has never been my role here.

Mr. McEWEN. Mr. Chairman, I thank the gentleman for that question because that was 100 percent of my goal in taking the floor today. That is, to reemphasize that those people who said, we should just ask the Soviet Union: "Would you please not do this?" We did that for over 2 years and as long as the SS-20's were not aimed at American cities, as long as we were not under the threat of their constant deployment going from 6 weeks to 5 weeks to 4 weeks to 3 weeks to once

every 5 days, until finally the defense ministers and leaders of the NATO alliance said to our President, "Those missiles are aimed at us. It is your responsibility to permit us to have something with which to go to the bargaining table."

When the President agreed to deployment, after first offering a freeze, it was then and only then that the Soviet Union agreed to sit down at the INF talks in Geneva. So that is where we are today. It was the forceful action of the NATO alliance to begin to consider deploying these missiles that brought them to the table. And if we want to have——

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(On request of Mr. KAZEN and by unanimous consent, Mr. MCEWEN was allowed to proceed for 3 additional minutes.)

Mr. MCEWEN. I thank the Chairman. If we walk off from that table now having brought them there and having them twiddle their thumbs for the last 3 years as they have continued their deployment, now that we have researched and designed and are ready to deploy this missile, to say now "All right, we changed our minds, you can have your freedom to put in SS-20's aimed at our allies and we will not respond," would be the height of folly and I think anyone interested in understanding our negotiations can see that. And I trust that the gentleman will do us all a service by withdrawing his amendment.

Mr. DELLUMS. I am not going to do that.

Mr. KAZEN. Mr. Chairman, will the gentleman yield to me?

Mr. MCEWEN. I yield to the gentleman.

Mr. KAZEN. Mr. Chairman, I thank the gentleman. I appreciate the gentleman yielding to me. I want to associate myself with his remarks, particularly with those remarks that have told us how our allies feel. No longer are they requesting that we deploy the Pershings, they are demanding that we do it.

□ 1410

They have put the future of their countries on the line. As the gentleman has very properly stated, all the major political parties in West Germany, before the recent elections, campaigned on the proposition that they were going to have the Pershings on their soil, on target, by December of this year. The people backed that issue.

Now, if we were to back off, I think that we would lose our credibility, not only with our allies there, but with every other country with which we have made commitments all over the world.

We certainly do not want to get involved in war ourselves, but by golly, if we have to back down on our allies, then I do not blame them for losing all faith in us.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. MCEWEN. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

As the gentleman pointed out, historically the Soviet Union started to deploy the SS-20 intermediate range ballistic missile. We begged them not to and they went ahead and did it.

Then after a few months went by and they continued to deploy the SS-20, we said that we would in fact respond, but they did not change their policy, because they thought it was the right one.

Then we started with research and development and they still did not change their policy, no new signals at any type of negotiation. It was not until finally we had an agreement between NATO allies and the United States, and the American people behind us, that the Soviet Union is now saying, "Let's call a halt to the number of independently targeted reentry vehicles in the western theater."

If we do nothing now, if we now turn back, they will be totally convinced of the rightness and correctness of their old policy of increasing deployment. We must go forward to stop this madness, very frankly, in central Europe.

Mr. MCEWEN. I thank the gentleman, he is absolutely correct.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not intended to participate in this colloquy, but I think that as the chairman of the Subcommittee of the Armed Services Committee which is going to be, if time permits later this day, introducing and debating our bill on the procurement of weapons, including the Pershing, that at least we ought to say something on this very important amendment.

First of all, as has been pointed out, it was the NATO allies themselves, in the person of Chancellor Schmidt of West Germany, who was responsible for urging on the United States the arrangement to implace the Pershing missile in Western Europe unless there was a decision on the part of the Soviet Union to reduce and eliminate their SS-20's which are targeted against NATO.

Chancellor Schmidt was in the news just a couple of days ago saying that if the United States did not vote to put the MX into our arsenal, he was convinced that the Germans and the other NATO allies would not agree to put the Pershing on their soil.

So that the action that we took yesterday in connection with the MX is certainly an important insurance policy for the continuation of the NATO alliance.

However, if we were to accept the amendment from my good friend and colleague, the gentleman from California (Mr. DELLUMS), and thereby wipe out the Pershing weapon, we would have certainly given a demonstration of our failure to live up to our NATO commitments, and I think it is fair to say that would in fact have undercut the NATO alliance, if not totally destroyed it.

As a matter of fact, the Armed Services Committee was in Germany last fall at the very time that the decision of the Appropriations Committee with respect to the Pershing was announced. And we soon learned that this was a matter of grave concern to the German Defense Department, to the new Chancellor, and to the other members of the NATO organization representing both Germany and the other countries. We tried to reassure them that this was merely a response to the fact that the Pershing had had a couple of bad test flights, but that we were certain that the Pentagon would be able to move forward with the development of Pershing and that the weapon would be on schedule. In fact, it has now demonstrated its capability, and I think the suggestion that perhaps the Pentagon was less than entirely honest, in connection with the development of the Pershing, was not done with any intention of trying to deceive the Congress, but rather recognizing that we had to go full speed ahead if we were going to convince our allies that the Pershing was a really viable weapon ready to put in place if the INF talks failed or else we would lose their support entirely. And I think that is something that ought to be made a part of this record.

Just yesterday, there was a great deal of emphasis on the part of those who were supporting the MX, as well as those who were opposing the MX, on the arms control aspect of that particular weapon and the terms under which it was being advocated. And I think the arms control aspect had a good deal to do with the outcome.

If we are going to apply the same rationale with respect to the Pershing, we would have to say, under the Dellums amendment, the way to have a balance with the Soviet Union is 1,000 to zero. Certainly that is not the way to proceed with arms control with the Soviet Union.

Mr. ADDABBO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let us get the debate back to where it should be. We are not doing anything here to destroy the Pershing II program. All we are doing, if we adopt the amendment that was offered by the gentleman from Cali-

fornia, is confirming what this Congress did in December 1982 in the 1983 appropriation bill.

At that time the entire House voted for this, and the President subsequently signed the bill. The committee of conference report said, "The conferees agree that Pershing II procurement funds may be requested by reprograming or budget supplement following successful completion of full flight testing."

That has not been done. The Army has conducted some test flights. Some have been successful, and some have had problems.

But they have not completed that testing, and so they have not complied with the 1983 language. This amendment does not stop the program, and it does not delay the initial deployment. The moneys appropriated in 1982 provide the missiles to meet the IOC date of December 1983 for deployment in Germany. That is the only commitment we have. So we are not stopping the program.

We are asking for proper funding procedures. The Congress told the Defense Department, "When you have completed your testing, you can request the additional money."

They have not completed the testing, but we are going to tell them, "That's OK. Do not mind what we told you in December. This is May, it is a different time. You go your merry way. We gave you the money, just spend it any time you want. The strings we have attached would mean nothing. You go your way and the Congress will rubber stamp what you do."

That is what is before the Congress today. This amendment in no way affects the initial Pershing II deployment. That is on target, the 21 missiles funded in 1982 are on target, and will be delivered for deployment in December 1983. These supplemental 1983 moneys will not affect that deployment. And the 1984 money will be considered in the 1984 authorization and appropriations bills.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding.

The gentleman is making an important point. There are those on the floor who are saying that we ought not to be sending bad signals to either our allies in Europe or to the Soviet Union. I agree with that. But I also believe we ought not to be sending a bad message to the Pentagon, and particularly to the U.S. Army, which was instructed by an act of Congress, signed by the President of the United States, last year, that they were going to get no additional funds for the Pershing II until the full complement of flight tests and testing had been completed.

That was the voice of the elected legislative branch of Government and the executive branch of Government telling the Armed Forces the limits within they could work.

□ 1420

We drew the line. It was the law. And what did the Army do? The gentleman from New York, the chairman of the Appropriations Defense Subcommittee, has told us. It thumbed its nose at us. It told the Congress, "Buzz off." It told the Commander in Chief, "It does not matter that your name was written on the law, that you signed the law."

"We are not going to pay any attention," the Army said, "to the prohibition passed by the people's Legislature and signed by the Commander in Chief, the President of the United States." And they proceeded to enter into contracts, obligate themselves for those contracts for the development of all of the missiles they had always intended to acquire.

Now, I just want to know whether we have a civilian form of government or not. That is the issue here. Is it a civilian form of government or not? Does the Army run this place? Or does the Congress and the Commander in Chief, the elected President, run this place? Who makes these policies? Is it a general down in the Pentagon? Or is it the elected Representatives?

We approved 21 missiles in fiscal year 1982. That is enough for the initial deployment of the Pershing II missile. That should show that we are meeting our obligation to our NATO Allies. Meanwhile, we are within our rights to stick by our guns, as elected Representatives, and say, "Army, you do what we tell you on the testing of this weapon or you're not going to get any money to complete the project."

The CHAIRMAN. The time of the gentleman from New York (Mr. ADDABBO) has expired.

(On request of Mr. DICKS and by unanimous consent, Mr. ADDABBO was allowed to proceed for 3 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Washington.

Mr. DICKS. I think the chairman and I both agree. I had s similar experience on wide-bodied aircraft, where the Defense Department used an entire account in order to justify expenditures. And I would hope that in the future, when the committee makes a decision, we will line-item it in the budget so that there is not any confusion.

But I would suggest to my chairman that, as he knows, funds have been diverted to the Pershing II program, and that diversion would weaken the Patriot program, the Stinger program and the TOW-2 program. And it is just my view if we do not put the money back at this point in time we will undercut all of our missile programs, plus, as the chairman knows, I think we have got a very major commitment here to our NATO Allies.

And I would just respond to my good friend from Oregon by suggesting that it was the civilian leadership of the Pentagon, the counselor, Mr. Taft, William Howard Taft IV, I believe, who approved this. So it was the civilian leadership of the Pentagon who did get into this.

Mr. AuCOIN. Mr. Chairman, if the gentleman will yield further, I do not care if it is a civilian Assistant Under Secretary of Defense or some other potentate who thwarted the law signed by the President of the United States. I am saying that the Pentagon ignored a law passed by this Congress. They ignored our judgment as to what the conditions should be before we would release final funding for this weapon system. We put those conditions in law. And that law was signed by the President.

I do not care if it is some civilian mucky-muck of some kind down at the Pentagon or an admiral or a general. The point is, the law has been broken by the armed services.

Mr. DICKS. The gentleman from Oregon was raising the question of military versus civilian leadership. And I just want to point out to the gentleman that it was the civilian leadership of the Pentagon that made the decision.

Mr. ADDABBO. I agree he may be a civilian. However, he still works for the Pentagon, and it is therefore the Military Establishment which is disregarding the direction of the Congress.

Mr. DICKS. I suggest that we line-item it in the future.

Mr. ADDABBO. Mr. Chairman, I will say to my friend from Washington, whom I respect, we did line-item it, by including specific language in the committee's report. We did line-item it, and it was disregarded. Are we going to permit them to make these commitments using other funds? They have violated the intent, if not the precise legalistic interpretation, of the law by using funds which had been specifically appropriated for other missile programs for Pershing II—a program that the Congress specifically declined to fund. Do we now have to be blackmailed into approving a contract because if we do not we would have to pay $150 million in cancellation costs?

Mr. AuCOIN. If the gentleman will yield briefly, I want to ask the chairman: On any occasion, at any time, did the Army come to the chairman or to our committee with a reprograming request?

Mr. ADDABBO. No. The gentleman knows, as an esteemed member of this

subcommittee, that we have never received that request.

Mr. AUCOIN. Is that not the normal procedure, I would ask the gentleman?

Mr. ADDABBO. That would have been the normal procedure.

The CHAIRMAN. The time of the gentleman from New York (Mr. ADDABBO) has expired.

(By unanimous consent, Mr. ADDABBO was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Washington.

Mr. DICKS. I think it would be worthwhile for us to correct this policy, which has started under this administration, and I would suggest that maybe the vehicle to do that is when the defense authorization bill comes to the floor, to stop this practice, because I think it is absolutely a flaunting to the Defense Department's authority here. I think it is very expensionary, in terms of the executive branch relationship with the Congress, and it would seem to me that we could join together, offer an amendment to the authorization, and say, "This kind of practice will not be tolerated." And I think we ought to do it.

Mr. ADDABBO. I fully agree with the gentleman but I am not sure that will be effective.

Mr. DICKS. The chairman will be doing better on that one.

Mrs. BOXER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, we all get mail from our constituents, and every once in a while we receive a postcard or a letter which really hits the point. I recently got mail from a child of 8 years old, Mr. Chairman, who wrote: "Congresswoman Boxer, please vote for peace because I want to grow up."

That is a very simple message. And maybe my colleagues who have sat here for these last couple of days and voted for first-strike weapons can explain to this little girl how their votes are votes for peace. They can call these weapons "Peacemakers," they can call these weapons "part of a strategy of peace through strength," but I do not think they are fooling the people. I think the people are way ahead of Congress.

I noticed, Mr. Chairman, that when my colleague, the gentleman from California, was outlining the horrors of nuclear war, many Members in this Chamber found it difficult to sit down and listen to him. And I noticed that the Chair had a difficult time in calling this committee to order. And I understand this, because this is really called the denial phenomenon. We do not want to hear the horrors of nuclear war. We do not want to hear what could be the dire results of our votes.

We talk, rather, of the bargaining chips; we talk of historical perspective; but we do not talk about the consequences of our actions.

Seventy percent of our young people in Jesuit high schools were recently asked how they expected to die. They answered: In a nuclear war.

What an indictment of our leadership this is.

And, Mr. Chairman, I come straight out of local government. I served on a board of supervisors for 6 years, being in the minority, 2 Democrats and 3 Republicans, when word came from FEMA that we were supposed to teach our people how to evacuate their homes and get out of town in case of a nuclear war. Do you know what our people did? They rose up and they said to their local board of supervisors, 3 Republicans and 2 Democrats, while Ronald Reagan was President, "We do not want to evacuate. We want to prevent nuclear war. We do not want to carry out these plans for evacuation."

Mr. Chairman, they told us, instead, not to do it, to print up a booklet and explain to the people of our county what they could do for peace.

So I would implore the Members of this Chamber not to close their ears when people like the gentleman from California (Mr. DELLUMS) gets up and talks about the possible consequences of our actions.

Yes, we can vote for deterrence. But no, we should not be voting for first-strike weapons. We should not be voting for launch-on-warning weapons. Our children are depending on us. I think we ought to rise up to the challenge.

I would commend my colleagues in this Chamber who stood up here with great courage today and brought out this most crucial issue of our time.

□ 1430

Mr. CARNEY. Mr. Chairman, I move to strike the requisite number of words.

I simply would like to say that this is one Member of Congress who is very, very much concerned about the horrors of a nuclear war. Understanding those horrors is something I think we all agree on.

I do resent, however, someone perhaps indicating that because we were to vote for a missile system, we support the horrors of nuclear war. I, for one, will vote for this weapons system in the hopes that it will prevent nuclear war.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other procurement, Air Force", $3,210,000, to remain available until September 30, 1985.

Mr. CONTE. Mr. Chairman, the specialty metals provision in this bill is an effort to correct an error made in the fiscal year 1983 Defense bill.

That act prohibits the Department of Defense from procuring specialty metals from overseas in any form unless the metals are a part of a complete weapons system.

While the intent of the existing language is to protect the integrity and viability of the domestic specialty metals industry, it went a little too far.

It forced the United States to act contrary to existing agreements with our allies; it placed in peril certain licensing or operative agreements between United States and foreign corporations; and it forced U.S. weapons systems industries, who based their bids on prices for certain components, to face default on their contracts because the provision shut off procurement of components which formed the basis of their bids.

Further, while existing law allows for the procurement of entire weapons systems, which contain foreign-produced specialty metals, it precludes the procurement of spare parts to support the system.

The language in the supplemental now before us corrects these shortcomings.

Report language accompanying the bill recognizes the threat to U.S. specialty metals manufacturers by foreign imports. The report makes it clear a national policy should be adopted to address that threat Government-wide. Should such a policy fail to materialize, the committee reserves the right to revisit the proposed changes.

The changes offered in this supplemental will further safeguard U.S. industries involved in sales of weapons to allied nations.

Existing law is viewed by many allies as a step away from the two-way street. It is reasonable to expect some of those nations will reconsider plans for the procurement of U.S.-produced systems unless changes are made to existing law.

Germany, for example, has stated plans to procure some $10 billion in U.S.-produced weapons systems in the next 10 years. We stand to lose those sales, ten billion dollars' worth, in order to safeguard against some $8 million in specialty metals imports.

This just does not make sense. We tried to protect a critical U.S. industry in the fiscal 1983 language. But perfection of language is necessary if we are to really do what we meant to do.

That is what the proposed language does and I urge it be approved.

The CHAIRMAN. The Clerk will read.

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that the balance of chapter III be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter III? Are there any amendments to chapter III?

Mr. SIMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not have an amendment but I would like to enter into a colloquy with my colleague, the gentleman from Kentucky (Mr. NATCHER), the chairman of the subcommittee, and it is in regard to the intent of the House with regard to an internal reorganization in the Department of Education as it impacts on international education.

I do not ordinarily, my colleagues, involve myself in organizational matters. However, I am deeply disturbed by proposed plans regarding the Office of International Education Programs in the Department of Education and the general attitude of the Department toward the important objectives of this programs.

First, the Office was downgraded by the Department so that its head is now a Director rather than a Deputy Assistant Secretary. Then key functions of the Office of International Education were transferred from that Office to that of the Deputy Under Secretary. Finally, the activities that remain in the Office of International Education are now slated for dispersal among so-called functional units, leading to a loss of staff expertise and program identity.

This is too important an area, Mr. Chairman, affecting our national expertise on the regions of the world, for us to allow the destruction of a superb Office and program.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I agree with the gentleman that international education certainly is an important activity. We understand that the Department is reorganizing many of its offices and activities, including the Office of Postsecondary Education.

As the gentleman knows, the committee does not get involved with routine internal reorganization matters. However, the Department should not eliminate administrative staff based on budget proposals to terminate programs, when the Congress has not yet acted on such budget proposals.

Further, the Department should carefully follow the statutory provisions of the Department of Education Organization Act, Public Law 96-88.

Mr. SIMON. Mr. Chairman, I thank my colleague and distinguished chairman of the subcommittee for his words there, which I think will be very helpful.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read chapter IV.

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that chapter IV be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter IV? Are there any amendments?

AMENDMENT OFFERED BY MR. HUCKABY

Mr. HUCKABY. Mr. Chairman, I offer an amendment.

The portion of the bill preceding the portion of the bill to which the amendment relates is as follows:

GENERAL PROVISIONS

The project for flood protection on the Lower San Joaquin River, California, authorized by the Flood Control Act approved December 22, 1944, as amended, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to perform clearing and snagging on the San Joaquin River from Stockton, California, to Friant Dam, at an estimated cost of $5,000,000. Prior to initiation of construction, a non-Federal entity shall provide adequate assurance for providing all lands, easements, rights-of-way and utility relocations at no expense to the Federal Government; execute a written agreement pursuant to section 221 of Public Law 91-611; agree to operate and maintain the project works upon completion of construction in accordance with rules and regulations prescribed by the Department of the Army; and hold and save the United States free from damages due to construction, operation, and maintenance of the project, not including damages due to the fault or negligence of the United States or its contractors.

Funds for the Wister Lake project, Oklahoma, authorized pursuant to the Flood Control Act of 1938 (52 Stat. 1218), shall be used to reduce sedimentation impacts by raising the level of the conservation pool permanently by 3 feet and seasonably by an additional 3.4 feet and the Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to take such measures as are necessary to carry out this directive.

Contracts for architect and engineering services, and surveying and mapping services, shall be awarded in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to include in the survey report on Threemile Creek, Mobile, Alabama, the costs and benefits of local improvements initiated subsequent to January 1, 1982, by the city of Mobile for flood damage reduction measures which the Chief of Engineers determines are compatible with and constitute an integral part of his recommended plan. In determining the appropriate non-Federal share for such plan, the Chief of Engineers shall give recognition to costs incurred by non-Federal interests in carrying out such local improvements.

The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to prepare a comprehensive study and recommendations for the development and efficient utilization of the water and related resources of southcentral and southeast Oklahoma and to prepare a similar comprehensive study and recommendations for the Red River and its tributaries in Arkansas, Texas, Louisiana, and Oklahoma.

Funds herein or hereafter provided for the Beverly Shores, Indiana, project may be used to operate and maintain the emergency shore protection measures constructed pursuant to section 103 of the Energy and Water Development Appropriations Act, 1982 (95 Stat. 1137).

The Corps of Engineers is hereby directed to operate and maintain the Kawkawlin River, MI, project, authorized pursuant to section 205 of the Flood Control Act of 1948 (62 Stat. 1182; 33 U.S.C. 701s), as amended, at full Federal expense.

Section 107 of Public Law 97-88 pertaining to maintenance and operation of the Chicago Sanitary and Ship Canal of the Illinois Waterway in the interest of navigation includes the Control Structure and Lock in the Chicago River, and other facilities as are necessary to sustain through navigation from Chicago Harbor on Lake Michigan to Lockport on the Des Plaines River.

Not to exceed $500,000 shall be available for channel clearing of Bayou Rigolette as determined advisable by the Chief of Engineers in the project Aloha-Rigolette Area, Grant and Rapides Parish, Louisiana, authorized by the Flood Control Act approved August 18, 1941.

The Wallisville Reservoir, Texas, project, authorized by section 101 of the River and Harbor Act of 1962 (Public Law 87-874), is hereby modified with respect to its physical elements and planned operation as recommended in the Wallisville Lake, Texas, Post-Authorization Change Report, July 1981, as supplemented, July 1982. Notwithstanding the above modifications, provisions of the contract for Water Storage, Salinity Control, and Recreation in Wallisville Reservoir (Contract Numbered DACW64-67-C-0108 signed by the Secretary of the Army, 2 February 1968) between the United States Government and the city of Houston, the Trinity River Authority of Texas, and the Chambers-Liberty Counties Navigation District, shall govern non-Federal participation: *Provided*, That total project cost as cited in said contract shall be understood to consist of (1) costs, exclusive of land costs, actually incurred by the United States in connection with construction of elements currently in place and to be used in the modified plan, including interest during construction; (2) the actual cost of lands used in the modified plan; and (3) completion costs of the modified plan, including interest during construction.

The Secretary of the Army is authorized, notwithstanding any other provision of law, to widen, as necessary for safe passage, the navigation opening of Franklin Ferry Bridge, Jefferson County, Alabama. The work herein authorized shall be accomplished at Federal expense; however, no construction to widen the navigation open-

ing shall begin nor contract for alteration of the bridge may be awarded until the owner shall agree that upon completion of the alteration to thereafter operate and maintain the Franklin Ferry Bridge as altered. There is hereby authorized to be appropriated not to exceed $4,000,000, which includes $1,000,000 previously appropriated, to carry out this section. Amounts authorized by this subsection shall be available until expended.

The Ventura Marina project authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90-483), as modified, is hereby amended to authorize the Secretary of the Army, acting through the Chief of Engineers to reimburse the Ventura Port District from available Operation and Maintenance, General funds for work performed by the Port just prior to February 25, 1983, in the area normally maintained by the Corps of Engineers. None of the funds appropriated in this or any future Act for the Ventura Marina, California, project may be used to reimburse local interests for any work performed unless such work has the prior approval of the United States Army Corps of Engineers and the Appropriations Committees.

Section 164 of the Water Resources Development Act of 1976 (Public Law 94-587) as amended by section 3 of Public Law 97-140, is further amended—

(1) by inserting the following after the first sentence: "The Secretary of the Army, acting through the Chief of Engineers, shall construct an approach roadway from the end of the Washington State Route 129 overpass of such bridge to Sixteenth Avenue in the city of Clarkston, Asotin County, Washington,"; and

(2) in the last sentence, by striking out "$23,200,000" and inserting in lieu thereof "$24,000,000".

The authorization for the Sardis Lake project contained in section 203 of the Flood Control Act of 1962 (Public Law 87-874) as amended by section 108 of the Energy and Water Development Appropriation Act of 1982 (Public Law 97-88) is hereby amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to plan, design, and construct a water intake structure at an estimated Federal cost of $500,000.

The project for navigation at Moriches and Shinnecock Inlets, New York, authorized in section 101 of the River and Harbor Act of 1960 (Public Law 86-645), and the items of local cooperation pertaining thereto, are hereby modified to the extent necessary to require the Secretary of the Army, acting through the Chief of Engineers, to provide for the construction of the Navigation feature independent of other features.

Notwithstanding subsection 5901(a) of title 5, United States Code (80 Stat. 508), as amended, the uniform allowance for uniformed civilian employees of the United States Army Corps of Engineers may be up to $400 annually.

The United States Army Chief of Engineers may accept the services of volunteers and provide for their incidental expenses to carry out any activity of the Army Corps of Engineers except policy making or law or regulatory enforcement. Such volunteers shall not be employees of the United States Government except for the purposes of (1) chapter 171 of title 28 of the United States Code, relating to tort claims, and (2) chapter 81 of title 5 of the United States Code, relating to compensation for work injuries.

Hereafter, notwithstanding any other provisions of law or of this Act, appropriations for the Yatesville Lake construction project made available by Public Law 97-257, chapter V and Public Law 97-377, title I, section 140 (96 Stat. 1916) shall be obligated to construct the Yatesville Lake project.

Section 104(b) of the River and Harbor Act of 1958, Public Law 85-500, as amended by section 302 of the River and Harbor Act of 1965, Public Law 89-298, is further amended by striking out "$5,000,000" and inserting in lieu thereof "$10,000,000".

The CHAIRMAN. May the Chair inquire of the gentleman if this is the gentleman's amendment which was made in order by House Resolution 209 and printed in the CONGRESSIONAL RECORD of May 24, 1983?

Mr. HUCKABY. It is, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUCKABY: Page 17, after line 7, insert:

No amount appropriated under this or any other Act may be used by the Secretary of the Army (or his delegate) or by any other agency or instrumentality of the United States to acquire any land or interest in land within the Tensas River National Wildlife Refuge under the power of condemnation. The preceding sentence shall not apply to any land or interest in land owned, as of May 25, 1983, by the Chicago Mill and Lumber Company.

Mr. HUCKABY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HUCKABY. Mr. Chairman, this amendment is rather simple and straightforward that affects only the Tensas Wildlife National Refuge located entirely in my district in Louisiana.

Congress authorized this refuge in 1980 with the intent of the Corps of Engineers acquiring approximately 40,000 acres and U.S. Fish and Wildlife acquiring approximately 10,000 acres. The land acquired by the Corps of Engineers would be used for mitigation for ongoing projects within the State of Louisiana. We began working on this project in 1978. Mr. Chairman, the junior Senator from Louisiana, our colleague, the gentleman from Louisiana (JOHN BREAUX) who is chairman of the authorizing committee, myself, the U.S. Fish and Wildlife, and existing personnel back then in the Corps of Engineers all had the understanding that we would not acquire any lands from individuals who had inholdings within the refuge unless they were willing sellers.

During this period of years, we have had numerous changes in personnel at the Corps of Engineers and we now find ourselves where the Government is going in and forcing people to sell their lands to become a part of this National Wildlife Refuge when the people are not willing sellers.

The sole purpose of this legislation is to express the intent of Congress that we shall not, in the Tensas Wildlife National Refuge, acquire lands from individuals' inholdings unless it is from a willing seller.

We have discussed this with the majority and minority sides and I understand there is no objection.

Mr. Chairman, before I outline the background and substance of my amendment, I want to emphasize the fact that this amendment will only—I repeat, only—affect the Tensas River National Wildlife Refuge located in my district in Louisiana. It is an effort by me to instruct the U.S. Corps of Engineers to carry out its land acquisition procedures in an honorable fashion, respecting the rights of private landownership.

In 1980, authorizing legislation was enacted to establish the Tensas River National Wildlife Refuge. The purpose of the legislation is to acquire about 50,000 acres of land along the Tensas River in Louisiana in order to preserve and enhance unique and endangered fish and wildlife habitat. The tract is owned by the Chicago Mill & Lumber Co., and represents the last large contiguous block of bottomland hardwood forest remaining in the lower Mississippi floodplain. If the land is not purchased in the near future by the United States, it will most assuredly be converted to agricultural uses. In the last 23 years, over 18 million acres out of 25 million have been cleared and drained for this purpose. It must be preserved now to protect our rapidly disappearing natural resources for future generations.

In addition to authorizing the Secretary of the Interior to purchase about 10,000 acres and manage the refuge once it is fully established, the bill also requires the Corps of Engineers to purchase approximately 40,000 acres to partially mitigate fish and wildlife resource losses in the corps' Vicksburg District. The corps testified that they know of no other tract of land other than the proposed refuge which has the wildlife values of the Tensas tract, is within the vicinity of local corps projects, and has a seller willing to sell the property to the Federal Government.

Funds were appropriated in fiscal years 1982 and 1983 to both the U.S. Fish and Wildlife Service and the Corps of Engineers to begin acquisition. The fiscal 1983 funds were just recently released, a total of $10.2 million, for this purpose. Although approximately half of these funds were appropriated to the U.S. Fish and Wildlife Service, they agreed to let the corps take the lead in acquiring the upper portion of the tract, called the Judd Brake Unit. Even though a solid month has passed since the money was released, it is my understanding that

the corps has yet to begin negotiations with the Chicago Mill & Lumber Co., regarding the sale transaction.

Within the 50,000-acre tract, there are about 20 relatively small individually held tracts of land owned or leased by private landowners, small corporations, and hunting clubs. Ever since the idea to preserve this unique ecosystem materialized in the minds of myself, Senator BENNETT JOHNSTON, and Congressman JOHN BREAUX, it has always been based upon a willing seller concept. This concept surfaces again and again throughout the legislative history of the refuge. We all have reiterated over and over in public meetings, press announcements, and personal conversations that none of the privately owned inholdings would be purchased without the owners' consent, particularly since they are compatible with refuge requirements. The U.S. Fish and Wildlife Service has continually and emphatically stated that it is opposed to expropriating or condemning these inholdings. However, the Corps of Engineers apparently never privately supported the willing seller concept, and has now decided to move ahead and purchase these inholdings, whether or not the owners agree to the sale. As I mentioned earlier, ironically the corps has yet to negotiate with the primary owner, Chicago Mill & Lumber Co.; yet, they feel obligated to contact the owners of these small inholdings.

Some of the independent landowners are willing to sell; I think that is fine. However, there is plenty of acreage to purchase within the 50,000-acre tract without the corps resorting to these abusive tactics of confiscating private lands against the will of the owners. In fact, the map defining the proposed Tensas refuge on file with the U.S. Fish and Wildlife Service was specifically drawn to include more than 50,000 acres, with the sole intention of excluding the inholdings from the acquisition process.

Legally, the corps has the authority to condemn these inholdings; however, they are violating the gentlemen's agreement made between them and myself, Congressman BREAUX, and Senator JOHNSTON; their actions are in bad faith and poor judgment. Furthermore, the corps' abdication of the willing owner concept is counter to President Reagan's philosophy of respecting and upholding the right of private landownership.

My amendment today will prohibit the Corps of Engineers from using funds to purchase these privately owned lands within the proposed Tensas refuge through the power of condemnation. The amendment does not affect the primary owner of the 50,000-acre tract, the Chicago Mill & Lumber Co. The amendment is straightforward and clear, and as I mentioned before, it does not concern any other condemnation action by the corps on any other national wildlife refuge or on any other parcel of land.

I urge and seek your support for my amendment.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I would be happy to yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, on behalf of the committee, we have read the amendment, we understand it sets no precedents, and we have no objection to it.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. I thank the gentleman for yielding.

Mr. Chairman, the minority has studied the amendment and we have no objection, but we do want to make it clear that this is not a precedent-setting action.

Mr. HUCKABY. I thank the gentlewoman.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

At first I thought this was just a Corps of Engineers matter. Now I understand that this involves a wildlife refuge, is that correct?

Mr. HUCKABY. That is correct.

Mr. CONTE. In that case, I have to oppose it. I have been on the Migratory Bird Commission for perhaps longer than any other Member. In many cases we have to take land by eminent domain. There are a lot of people in this country who do not want to sell their land, and sometimes that land is essential. Although we try to do everything within our human power to buy the land, sometimes when the land is essential to a refuge, we have no choice but to take it by eminent domain. It is the only way that we can obtain the land.

The gentleman's amendment would prevent the corps from obtaining the land by eminent domain.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield on that point?

Mr. CONTE. I certainly would yield to the gentleman.

Mr. HUCKABY. I would like to point out to the gentleman that a company by the name of Chicago Mills & Lumber Co. owns approximately 100,000 acres in this area. It was our intent to acquire 50,000 acres from this company. They are a willing seller and the Government is a willing buyer to acquire the refuge.

It was also our intent, there are a few scattered inholdings there, some of the land has been in the family, say a 20-acre plot, for over 100 years. It was not our intent to force these people to have to sell their land to the Government. It would serve no purpose as far as enhancing the value of the refuge. U.S. Fish and Wildlife wants to be good neighbors with these people. They do not want their Government going in and forcing these people, the Government in effect seizing these individual people's lands, when it serves no public good.

□ 1440

Mr. CONTE. Mr. Chairman, I hate to oppose the gentleman. He is a fine Congressman and a fine gentleman.

But there are some issues involved here that go beyond this immediate amendment, and I must oppose it.

First of all, limiting eminent domain authority in this way is bad precedent. This is an issue that should be thoroughly considered by the authorizing committee, which to my knowledge has not held hearings on this problem.

Second, private inholding within a national wildlife refuge could conceivably disrupt plans for the protection of the remainder of the refuge. This is one of the aspects of this problem that should receive more thorough consideration than can be given in this forum.

Third, it seems to me that there may very well be an equal protection argument that Chicago Mills could make under this patently discriminatory language with regard to the company's other holdings. This could place in jeopardy the corps' ability to acquire the large tract that is really the centerpiece of the refuge.

Finally, Mr. Chairman, I wonder whether this amendment may really be overkill. If the Corps of Engineers is being overly zealous in its condemnation efforts, perhaps it would be possible to reach a negotiated settlement of this issue without setting this kind of precedent. It may be that it would be possible for the committee to assist the gentleman in working things out with the corps without taking this drastic step. I would certainly be willing to work with the gentleman on this. I must oppose the amendment.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, let me reiterate what we have stressed here, that by no means are we trying to set a precedent. We have said publicly many times to the U.S. Fish and Wildlife Service, myself and the chairman of the authorizing subcommittee, that when we passed the authorizing legislation, it was not our intent to enable the Government, through the power of condemnation, to acquire private properties when it served no interest whatsoever as far as enhancing the well-being of the general public for this particular wildlife refuge.

On this wildlife refuge, we did not mean to set a precedent here in any way as far as any other refuge is con-

cerned, and also we certainly do not mean to preclude the Army from using the power of condemnation when it is necessary to clear title when they are entering into contracts with friendly sellers.

Mr. CONTE. Mr. Chairman, I am not going to ask for a rollcall vote, but I want to serve notice that when Members jump up here and accept these amendments, they had better know exactly what they are doing. This is a very, very serious matter and a very bad precedent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. HUCKABY).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to chapter IV? If not, the Clerk will read chapter V.

The Clerk proceeded to read chapter V.

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that chapter V be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there points of order against chapter V?

Are there amendments to chapter V?

If not, the Clerk will read.

The Clerk read as follows:

COMMUNITY PLANNING AND DEVELOPMENT

URBAN RENEWAL PROGRAMS

For grants for urban renewal, as an additional amount for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), $6,000,000, to remain available until expended: *Provided*, That no part of any appropriation in this or any other Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total of amounts available in the current year from the amounts authorized for making such commitments through June 30, 1967, plus the additional amounts appropriated therefor.

AMENDMENT OFFERED BY MR. FROST

Mr. FROST. Mr. Chairman, I offer an amendment.

The CHAIRMAN. May the Chair inquire of the gentleman, is this the gentleman's amendment that was made in order by House Resolution 209 and printed in the CONGRESSIONAL RECORD of May 24, 1983?

Mr. FROST. That is correct, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FROST: Page 28, after line 4, insert the following new item:

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not plan, design, implement, or administer (1) the transfer of any of the responsibilities of an area office of the Department of Housing and Urban Development in operations on May 19, 1983, to an office of the Department that is located in another unit of general local government; or (2) the closing of any regional office of the Department in operation on May 19, 1983, or the transfer of any responsibilities of such regional office to an office of the Department that is located in another unit of general local government. The provisions of the preceding sentence shall be applicable beginning May 19, 1983, and the Secretary shall take such actions as may be necessary to ensure compliance with such provisions.

Mr. FROST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Chairman, this is a straightforward amendment which simply states that the Department of Housing and Urban Development cannot abolish its Dallas area office and transfer its functions to the Fort Worth regional office.

As many of my colleagues know, HUD plans to begin—on June 15—a nationwide consolidation and reorganization of its field offices, and part of the plan is to close the Dallas area office and serve the entire Dallas-Fort Worth and surrounding area from one location in Forth Worth. Dallas is the only city in the country that will have its HUD area office abolished and its functions transferred to another city. There are very strong arguments against this plan which HUD has been reluctant to consider, so I am taking the floor today to seek legislative relief.

Mr. Chairman, it's very important that my colleagues understand the nature of HUD's past operations in the Dallas-Fort Worth area. HUD has historically maintained a presence in both Forth Worth and Dallas because it recognized the substantial differences between the two cities' private housing markets and their public housing needs. Historically, the operations of the Forth Worth office have been oriented toward east Texas, and the Dallas operations toward west Texas. Until the past few years when the housing industry slumped in Texas, the Dallas share of the operation comprised 60 percent and Fort Worth's was 40 percent of the total HUD activity in the area. HUD has always recognized that it could not serve these distinctly different markets from one location and nothing in its field reorganization proposal cites any new development that would eliminate the need for separate service in Dallas.

Dallas is the seventh largest city in the Nation and is frequently in the top 10 nationwide in housing starts. At a March 4 public hearing in Dallas which JOHN BRYANT, STEVE BARTLETT, and I conducted, a parade of mortgage bankers, realtors, homebuilders, savings and loan officers, and tenants groups testified to HUD's representatives about the nature of the their operations in Dallas and their need to be accessible to a HUD office. One witness, who was the manager of the area office under the Roosevelt administration and who remains active in the housing industry, flatly predicted that a combined Dallas-Fort Worth HUD staff would not be capable of handling the increased activity that will result if interest rates continue to fall, as the Reagan administration predicts they will.

Mr. Chairman, HUD was presented with very persuasive arguments against the Dallas-Fort Worth consolidation immediately after it was proposed in late February. In addition, JOHN BRYANT and I asked the General Accounting Office to study the proposal and see if it could be justified in terms of cost considerations or service improvements. The GAO found that the reorganization—as it relates to Dallas—is highly questionable, both in terms of streamlining and coordinating program delivery and—in particular—in terms of its cost benefits.

The GAO found "No evidence that HUD had considered the impact of changing initiatives or developed a plan to encompass future changes in its proposal to reorganize * * *".

From the standpoint of cost benefit, the GAO challenged virtually every saving projected by HUD to occur should the Dallas office be closed and its functions assumed in Fort Worth. HUD claims that the first-year savings will be $1,573,642. Under the GAO's findings the move will actually cost the Government $1,195,258 in the first year.

On a recurring basis, HUD claims it can save $2,369,972 annually by consolidating the offices. The GAO report demonstrates that the annual savings will only be $349,972.

Mr. Chairman, the GAO's recommendation is for the Secretary of HUD to withdraw the Dallas-Forth Worth consolidation proposal and give more thought to its cost-benefit projections, and to its long-range needs and whether abolishing the Dallas office will serve them.

I consider myself to be as cost-conscious as anyone in the HUD hierarchy and I have no objections to any action taken in the name of lean, efficient government. But the GAO report clearly shows that this particular action is taken only in the name of efficiency. The report disavows HUD's claims to the actual wisdom of the move. It is being undertaken independently of HUD's long-term plans for its operations and services. It is perfectly

possible that as HUD refines its goals and is farther along in their implementation, that it will decide that moving out of Dallas was not the appropriate decision. And as far as cost benefits are concerned, the GAO report eliminates the economic argument in favor of the move.

This report was presented to officials at HUD and they were given every possible opportunity to act on it. They have been unwilling to do so, so those of us who represent Dallas have no other choice but to resort to a legislative remedy, something we did not want to have to do but in the end, could not avoid.

I realize that most of my colleagues are unfamiliar with the Dallas area and the importance of its housing operations. But I hope they will accept GAO's word that this is not an economic or well-planned decision and I hope they will accept my word that it will have a substantial, adverse impact on the Dallas area.

Mr. BARTLETT. Mr. Chairman, I rise in very strong support of the amendment offered by the gentleman from Texas (Mr. FROST).

This amendment, as the gentleman said, is a clarifying amendment. It would clarify what is no doubt the intent of Congress. I have worked with both the gentleman from Texas (Mr. FROST) and the gentleman from Texas (Mr. BRYANT), as well as the various ranking members of the House committees who have examined this.

I realize that this is somewhat of an unusual procedure, but it is an unusual circumstance, because in fact without this amendment, the city of Dallas, the seventh largest in the Nation, would be the only city in the entire country in which the reorganization of HUD would close a HUD area office and transfer it to another city.

I personally negotiated with HUD and achieved some limited success. As the Members know, I am one of the strongest supporters in this body of the administration and of its Department of Housing and Urban Development, but sometimes, as today, we need to help an agency do what is right. This is the only procedure available to us to express the sense of Congress.

On the merits of the question, there is no question, because the proposed reorganization the moving and closing of this office would not save money. It would simply eliminate services that are provided through FHA. Dallas would be the only city that would be affected. Of the 10 largest cities in the Nation, only Dallas would not have a HUD office. In fact, on the sales and closures, the home sales in 1982, 20 percent of those in the entire region were done in the Dallas area office. And the Dallas office would be closed.

Mr. Chairman, I rise in strong support of the amendment. This is a bipartisan amendment. We have a strong report from GAO. We have strong support across the country from the private sector, from builders and lenders, and we even have support from Fort Worth and from Fort Worth Congressmen.

I commend my colleague, the gentleman from Texas (Mr. FROST) for offering this amendment.

Mr. BRYANT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment and ask my colleagues to join me and vote for the amendment.

We in Dallas are very concerned and disappointed over HUD's decision to close its doors in one of the top housing markets in our country.

While I would normally applaud action taken by the executive branch to streamline its operations, I feel this move will do more harm than good. As my good friend from Texas stated, GAO has studied the cost effectiveness of the move and found it will actually cost the Federal Government money during the first year.

A gross error in judgment has been made in regard to this decision. Dallas is the seventh largest city in the Nation and will become the only city to have its offices closed.

For many years, Dallas has been one of the top cities in new housing starts. In fact—in March of this year the Dallas area—which does not include any of the Fort Worth area—hit record highs in housing starts. Building permits in March alone totaled 7,462, almost six times the number issued during the same month a year ago. In the first quarter of this year, 10,500 apartment units have been started.

Most of the construction is for customers who have already signed contracts or are being built to replace inventory that has been sold. In the first quarter of this year single family home sales are up 56 percent and there is every indication increased building and sales will continue in Dallas. Most of these sales have been in the area served by the Dallas HUD office: Mesquite, S.E. Dallas and the Carrolton-Farmers Branch-Addison area of northwestern Dallas County. I cite these as an example of the current activity in the Dallas area. I am shocked that a decision has been made to close a HUD office in this marketplace, which is once again beginning to catch fire. If Government has any role in the private sector, it is to assist—not hinder. By closing the doors of HUD in Dallas, HUD is showing the private sector it just does not care if there is a real need for assistance in a booming housing market. You would think HUD would want to show it is willing to help an industry that has scratched and clawed to stay afloat for the past 2½ years and that they are willing to stand by the industry and assist in any way possible.

In recent months, since learning of HUD's decision, city officials and citizens alike have come to me to express their increasing distress and concern over HUD's plan to close the Dallas office. The resulting disruption of services caused by this closing and the adverse impact on Dallas' citizens must be prevented.

MARTIN FROST, STEVE BARTLETT, and I have urged HUD officials to reconsider their decision and search for an alternative solution which would be more sensible to the concerns and needs of Dallas citizens. However, our arguments have fallen on deaf ears. We worked in good faith with HUD, trying to show that their closing was not only poorly thought out, but bad economics.

Those of us who represent Dallas now have no other choice. While we know this is an unusual method our only hope for keeping an office open in Dallas is through legislation.

I urge my colleagues to join with me in supporting this amendment.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Massachusetts (Mr. BOLAND), the chairman of the Subcommittee on Housing and Urban Development, is at this time before the Committee on Rules, and that is the reason why he is not here opposing this amendment.

□ 1450

Mr. Chairman, the Appropriations Committee does not generally feel that it is appropriate to use legislation to influence an agency's reorganization plans. However, in this case the committee felt the preponderance of evidence weighs against the closing of the Dallas area office and moving the multifamily branch out of Nashville office. Language is in the 1984 committee report saying that this portion of the nationwide reorganization should be deleted.

Mr. Chairman, I speak those words that would be the settlement made by the gentleman from Massachusetts (Mr. BOLAND) if he were present.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. FROST).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that the remainder of chapter VI be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there further amendments to chapter VI?

If not, the Clerk will read.

The Clerk proceeded to read chapter VII.

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that chapter VII be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any points of order to be raised against chapter VII?

Are there any amendments to chapter VII?

Mr. McDADE. Mr. Chairman, chapter VII, the Interior chapter of H.R. 3069 contains $191.3 million in new budget authority, an increase of $73 million above the amounts requested. In addition, the committee rescinded $30 million in contract authority and transferred another $24 million in funds restricting its availability until 1984. The committee has deferred another $63 million in road construction projects for the National Park Service until 1984. These two actions defer a total of $87.6 million in this bill.

The committee's major initiative is to provide $370 million in off budget acquisition funds to complete phase 3 construction at the Big Hill Storage Site in Texas. This action was unanimously supported by members of both parties. It should send a signal to the Office of Management and Budget that our committee does not want to consider any more deferrals of the Big Hill construction and does not want to compromise our goal for a 750-million-barrel storage capacity. This action will not upset the congressionally directed 22,000-barrel-per-day fill rate nor will it effect the first 6 months of oil deliveries in fiscal year 1984.

The committee, in an attempt to keep storage prices down, has recommended that the 1983 fill be limited to permanent storage facilities. Interim storage would increase the cost by $3.60 per barrel per year.

The committee has four major administrative proposals contained in this chapter; we deferred a proposed Fort Union sale of coal in Montana and North Dakota until 1984 in order to provide the committee with more time to obtain additional information about the Interior Department's coal leasing program. The committee also provides language deferring a proposed lease sale on the Outer Continental Shelf on tract 78 because of objections from NASA, the Governors of the States affected and the Defense Department. This sale was to have been held near the Kennedy Space Center and would have complicated both our defense and space programs.

The committee has included language asking the Fish and Wildlife Service to delay closing several fish hatcheries until we can review the closings as part of our 1984 budget deliberations. The committee also included a provision, at my request, to remedy a life and death situation along U.S. Route 209 through the heart of the Delaware Water Gap National Area. The committee language will save lives and protect jobs in the area of the park.

The balance of the Interior chapter funds $23 million in hardships and deficiencies for pending land acquisition cases in the National Park Service. It contains $19 million for Indian Health Service staffing, supplies, training, and other activities relating to improvements in the Indian health care program. Another $20 million will provide a one time payment to the Papago Tribe to fund the recently enacted Public Law 97-293 Papago Water Rights Settlement Act. The committee made a modest increase in the part C Indian education program adding $1.9 million to keep 17 tribes or tribal units eligible for adult education grants. It also funds the firefighting needs of the BLM, Forest Service, and the BIA.

Our chapter provides cuts where we could, makes available additional funds where we had to and takes some legislative steps designed to protect our Nation's resources. I believe it deserves our support.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read chapter VIII.

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that chapter VIII be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any points of order to be taken against chapter VIII?

Are there any amendments to chapter VIII?

AMENDMENT OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Chairman, I offer an amendment.

The portion of the bill preceding the portion of the bill to which the amendment relates is as follows:

EMPLOYMENT STANDARDS ADMINISTRATION

BLACK LUNG DISABILITY TRUST FUND

For an additional amount for payments from the Black Lung Disability Trust Fund, $186,000,000 which shall be available until September 30, 1984, for payment of all benefits and interest on advances.

The clerk read as follows:

Amendment offered by Mr. NATCHER: Page 37, after line 25

Insert the following:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL

PREVENTIVE HEALTH SERVICES

For an additional amount for "Preventive health services", $2,225,000.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For an additional amount for "National Cancer Institute", $3,300,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For an additional amount for "National Heart, Lung, and Blood Institute", $1,030,000.

NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

For an additional amount for "National Institute of Neurological and Communicative Disorders and Stroke", $545,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for "National Institute of Allergy and Infectious Diseases", $4,500,000.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For an additional amount for "Alcohol, Drug Abuse, and Mental health", $400,000.

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. This amendment provides additional funds for research on AIDS, acquired immune deficiency syndrome. The amount involved is $12 million and it goes into six appropriation accounts, and three separate agencies within the Public Health Service.

This is an important matter, and of great concern to the Committee.

We discussed it during our recent hearings on the 1984 budget estimates with the Secretary of Health and Human Services, Mrs. Heckler; the Assistant Secretary for Health, Dr. Brandt; the Director of the Centers for Disease Control, Dr. Foege; and the Directors of various institutes at the National Institutes of Health.

The gentleman from New York (Mr. GREEN), a member of the full Committee on Appropriations, appeared before our subcommittee offering testimony on this subject.

This amendment, Mr. Chairman, is offered by the gentleman from Massachusetts (Mr. CONTE) and me, along with the other members of the Subcommittee on Labor-Health and Human Services.

Mr. Chairman, when Mrs. Heckler, the Secretary of Health and Human Services appeared before our subcommittee on April 12, she stated in part as follows:

In terms of researching AIDS, the Department has made a very strong commitment. In fact, I have spoken to the head of the CDC personally on a number of occasions on the subject and there is no stone being left unturned to pursue an answer. This is a serious, very serious problem and every single research avenue of the Department is being directed towards the resolution of this problem. At the present time we are devoting $14.1 million to the problem in 1983 and an estimated $17.1 million in 1984. In fiscal year 1983, we are investing $4.2 million for CDC, $300,000 for FDA. For NIH, in four different institutes, we are spending $9.6 million.

The Public Health Service is going to use every dollar necessary to try to find an answer because the fatality rate of this disease is so staggering and so high that it threatens this whole society.

A little later on, Mrs. Heckler stated in part as follows:

I certainly would like to have unlimited resources. I see problems. I see needs. I have to say that in the AIDS situation, I really don't think there is another dollar that would make a difference, because the attempt is all out to find an answer.

Mr. Chairman, at that time when the gentlewoman appeared before our subcommittee, she did not believe that any additional money was necessary.

When Dr. Brandt, the Assistant Secretary for Health, appeared before our committee on April 13, we questioned him on this subject. At that time Dr. Brandt said:

It is a very serious illness, one that we are terribly concerned about. I think we are taking every reasonable step that we can take at the present time to limit this illness and to try and learn as much as we can about it.

Mr. Chairman, according to the latest information received from the Department of Health and Human Services, there are some 1,410 cases of acquired immune deficiency syndrome that have been identified nationwide over the past 2 years. Various agencies of the Public Health Service, including the Food and Drug Administration, the Centers for Disease Control, and the National Institutes of Health are currently working on the problem.

Further, we are told that they are spending about $14.5 million on these activities this year.

On page 71 of our report on the supplemental appropriation bill (Report No. 98-207) we state in part as follows:

If additional funds are required in the current fiscal year, the committee encourages the Department to request supplemental appropriations or to submit a proposal to reprogram funds from lower-priority activities.

The report also states in part as follows, Mr. Chairman:

The committee is committed to providing sufficient funds in fiscal year 1984 to permit the Public Health Service to address the AIDS crisis as effectively as possible and requests a progress report from the Assistant Secretary for Health prior to the markup of the 1984 appropriations bill.

Finally, the report contains the following statement:

The committee notes that to date over $4 billion has been appropriated for the National Institutes of Health and $290 million has been appropriated for the Centers for Disease Control for fiscal year 1983. The committee believes that the resources necessary to deal effectively with the emerging problems of Acquired Immune Deficiency Syndrome and sexually transmitted disease, including genital herpes, should be provided from any and all available funds.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(By unanimous consent, Mr. NATCHER was allowed to proceed for 5 additional minutes.)

Mr. NATCHER. On May 9, Mr. Chairman, I sent a letter to Dr. Brandt and I stated in part as follows:

The House Committee on Appropriations is now considering supplemental appropriations for the current fiscal year.

With respect to Acquired Immune Deficiency Syndrome—

Better known as AIDS—

I would very much like to receive from you this week a complete status report describing the actions the Public Health Service is taking or plans to take to determine the cause of this disease and to stem its spread. I would also appreciate a complete report on the budgetary resources that you are devoting to this problem. In addition, I would like to know how much in the way of additional resources could be effectively used in the current fiscal year and an explanation of how those resources would be used, if provided by the Congress.

His reply reached us, Mr. Chairman, on May 18, which was the day the full Committee on Appropriations met to consider the supplemental appropriation bill. We received his reply a few minutes before the committee met. Dr. Brandt's letter described the Department's activity with respect to AIDS. In addition, he stated, Mr. Chairman, in part as follows:

You also asked whether additional resources could effectively be used in the current fiscal year. As with any situation as dynamic and critical as that of AIDS, funding requirements can change rapidly. Enclosure 2 is a description of additional efforts which could be accomplished now and in future months.

While we are not requesting additional budget authority for these items, we would not oppose Congress giving the Secretary of Health and Human Services discretionary authority to transfer up to $12 million for AIDS activities across appropriation lines of HHS.

We are currently requesting authority from the Office of Management and Budget for this purpose.

□ 1500

Mr. Chairman, it boils down to this: After we had the hearings before our subcommittee, the day we took this bill to the full committee, we finally received this letter. We would not agree to a transfer of $12 million. We do not know where this money would be transferred from. I would like to insert Dr. Brandt's letter in the RECORD at this point.

PUBLIC HEALTH SERVICE,
Washington, D.C., May 18, 1983.

Hon. WILLIAM H. NATCHER,
Chairman, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am responding to your letter of May 9, 1983, regarding Acquired Immune Deficiency Syndrome (AIDS). The enclosed status report (Enclosure 1), prepared by the Public Health Service (PHS) on AIDS, updates information provided to you by Departmental witnesses at the recently completed 1983 appropriations hearings. I am glad to have this opportunity to assure you that resources allocated to the campaign against AIDS are substantial, as indicated by the budget summary table, and the Department is committed to taking necessary actions.

You also asked whether additional resources could effectively be used in the current fiscal year. As with any situation as dynamic and critical as that of AIDS, funding requirements can change rapidly. Enclosure 2 is a description of additional efforts which could be accomplished now and in future months.

While we are not requesting additional budget authority for these items, we would not oppose Congress giving the Secretary of Health and Human Services discretionary authority to transfer up to $12.0 million for AIDS activities across appropriation lines of HHS. We are currently requesting authority from the Office of Management and Budget for this purpose.

I want to assure you that the problem of AIDS is indeed of major concern and interest to the Public Health Service.

Sincerely yours,

EDWARD N. BRANDT, Jr., M.D.,
Assistant Secretary for Health.

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)—PUBLIC HEALTH SERVICE CURRENT LEVEL OF EFFORT

[In thousands of dollars]

	1982 actual	1983 current level
Centers for Disease Control	2,000	4,600
Food and Drug Administration	150	350
National Institutes of Health:		
NCI	2,400	4,400
NHBLI	5	346
NIDR	25	25
NINCDS	31	72
NIAID	297	4,050
NEI	33	45
DRR	564	644
Subtotal, NIH	3,355	9,582
Alcohol, Drug Abuse and Mental Health Administration	+400	400
Total, PHS	5,505	14,532

UPDATE ON ACQUIRED IMMUNE DEFICIENCY SYNDROME—MAY 12, 1983

Identified AIDS cases: 1,410.

Case rate per million:

Mortality rate/2 yrs. diagnosis: 77 percent.

The cause of this immune dysfunction is unknown, however, the occurrence of these disorders among the high risk groups suggests that the cause is probably an infectious agent transmitted sexually, or through blood or blood products. To date, no person to person transmission has been identified

other than through intimate contact or blood transfusion. Studies have reported the following transmission patterns, paralleling the hepatitis B virus:

Sexually-transmitted among homosexual or bisexual men.

Heterosexual transmission among women who are steady sexual partners of men with AIDS or of men in high risk groups.

In vitro or perinatal transmissions in infants born to mothers from high risk groups.

Transmission through blood or blood components such as hemophilia patients requiring clotting factor replacement, drug abusers sharing contaminated needles, and blood products or blood transfusions.

No AIDS cases have been reported among health care or laboratory personnel caring for AIDS patients or processing laboratory specimens.

Very little is known about risk factors for Haitians with AIDS.

Since only a small percentage of high risk group members have AIDS, a laboratory test is clearly needed to identify those with AIDS or those at highest risk of acquiring AIDS. Identification of a cause is hindered by latent periods of several months to 2 years between exposure and recognizable illness. Work conducted by the Public Health Service has produced the following results:

Nitrite inhalants are probably not the cause of AIDS; substance is rarely used by heterosexual cases and does not cause immunosuppression in mice.

Marmosets and chimpanzees, inoculated with patient materials have remained well, to date, through followup is less than eight months.

Immunological parameters of AIDS cases have been defined, including identifying a cellular immune deficiency related to T-cell function.

Relationship of AIDS and cytomegalovirus (CMV) has been clarified; CMV is likely an opportunistic infection in AIDS cases and not the cause.

Testing of blood products used by hemophiliacs (Factor VIII concentrate and cryoprecipitate) have thus far been negative for etiologic agents, using available laboratory technology.

Other virologic and pathologic laboratory examinations of patient materials (blood, lymph nodes, autopsy specimen) have not detected the cause, although many such examinations are underway.

Although the cause of AIDS remains unknown, the PHS recommends the following preliminary preventive actions:

1. Sexual contact should be avoided with individuals known or suspected to have AIDS. Multiple partners increase the possibility of developing AIDS.

2. As a temporary measure, members of risk groups should refrain from donating plasma and/or blood. Collection centers should inform potential donors.

3. Studies should be conducted to evaluate screening procedures for their effectiveness in identifying and excluding plasma and blood with a high probability of transmitting AIDS. These procedures should include specific laboratory tests as well as careful histories and physical exams.

4. Physicians should adhere to medical indications for transfusions, and autologous blood transfusions are encouraged.

5. Work should continue towards the development of safer blood products for use by hemophilia patients.

ONGOING PHS ACTIVITIES

The objectives of the PHS activities are to determine the pathogenesis of AIDS, and how it is transmitted and, finally to develop methods of prevention and control. When the AIDS problem was recognized in early 1981, close liaison was established among the Public Health Service agencies with major responsibilities, each emphasizing its primary mission: the Centers for Disease Control (CDC), surveillance and investigations; the National Institutes of Health (NIH), research into fundamental causes and clinical aspects of AIDS; and the Food and Drug Administration (FDA), preventive measures related to blood collection and its use. CDC meets weekly to provide updates on the status of laboratory investigations and research activities. When necessary, outside consultants and NIH and FDA personnel are invited to consult with and advise CDC on AID's activities. An Inter-Institute NIH Working Group, with active participation by CDC and FDA scientists, was established in July 1982 to foster exchange of scientific findings and to provide a ready channel to make current data available. A complementary working group coordinates information collection and dissemination. In addition, two major meetings have been held with representatives of the PHS agencies and a variety of outside scientists and representatives of concerned groups. A meeting on July 27, 1982 led to the recommendation to intensify surveillance of AIDS patients with hemophilia, and to improve the quality of Factor VIII concentrate to decrease infectious risk. A similar meeting was held on January 4, 1983 in which a detailed set of approaches to prevention was discussed. This led to the publishing of PHS guidelines for the prevention of AIDS.

CENTERS FOR DISEASE CONTROL

The major responsibilities of CDC in the AIDS investigation are to conduct surveillance, epidemiologic studies and investigations, and laboratory investigations. The top priority of the investigation is to find the cause of AIDS.

A. Surveillance

A surveillance system has been implemented to receive case reports from physicians, hemophilia treatment centers, and State and local health Departments. A cooperative agreement has been established with the New York City Health Department to improve surveillance activities in the New York City metropolitan area.

B. Epidemiologic Studies

Epidemiologic studies to identify risk factors for AIDS in homosexual populations include a national case-control study and an analysis of clusters of sexually related cases which support the hypothesis of sexual transmission of an infectious agent.

Epidemiologic studies and investigations are also being done of cases occurring among four other groups: (1) heterosexuals and their frequent sex partners, (2) Haitians, (3) intravenous drug abusers, and (4) hemophiliacs, as well as homosexual men with chronic unexplained lymphadenopathy, and "sub-clinical immunosuppression". More than 100 AIDS cases and 200 controls have been interviewed by CDC epidemiologists. Results of investigations of hemophilia patients and intravenous drug abusers suggest transmission through blood and blood products.

C. Laboratory Investigations

Laboratory investigations into the cause of AIDS include intensive virologic, pathologic, and immunologic studies. Innoculations of tissue from patients into cell cultures and laboratory animals, observation of these cultures and animals, and prolonged immunologic and pathologic follow up of the animals are underway. Extensive laboratory investigation of patient materials (blood, lymph nodes, autopsy specimens) are being conducted using highly sophisticated methods.

NATIONAL INSTITUTES OF HEALTH

A. Extramural activities

The National Cancer Institute (NCI) has initiated a Clinical Cooperative Research Awards project on etiologic studies to support clinical research into the causes and prevention of AIDS. NCI has also given high priority to grant-supported studies of Kaposi sarcoma and similar malignant tumors related to AIDS.

The National Institute of Allergies and Infectious Diseases (NIAID) is supporting research on cellular immunology and regulation of the immune system; on deficiencies in the immune system; and on cytomegalovirus.

The National Heart, Lung, and Blood Institute (NHLBI) is studying the effect of AIDS patients' blood plasma and other bodily fluids as administered to chimpanzees with the hope of identifying a causative agent. The Institute is expanding a study of blood recipients and plans to initiate studies of "serrogate tests" for AIDS, which may lead to a method for screening blood prior to transfusion.

Other components of NIH are also active in AIDS research. The National Institute of Neurological and Communicative Disorders and Stroke (NINCDS) is conducting research into neurological aspects of AIDS, and the Division of Research Resources (DRR) is seeking to develop animal models for AIDS.

B. Intramural activities

Concurrent with the external research assault on AIDS, NIH's intramural laboratory and clinical scientists mounted a multidisciplinary attack on the syndrome. The continuing internal collaboration at the Bethesda location involves at least 25 investigators and their teams in a dozen laboratories, including those working directly with patients in the Clinical Center and the newly activated Ambulatory Care Research Facility (ACRF).

At NCI: Researchers in the Laboratory of Pathology are examining tissue specimens taken from AIDS patients during surgery to examine the immunological characteristics of certain AIDS-related lymphomas. The Field Studies and Statistics Programs is conducting epidemiological studies of immunological profiles of healthy homosexual men and profiles of hemophiliacs with symptoms, as well as individuals with AIDS or members of population groups at risk of developing AIDS. Division of Cancer Treatment investigators are using alpha-lymphoblastoid interferon in combination with chemotherapy to treat Kaposi sarcoma in AIDS patients.

At NIDR: The roles of viruses and interferon in the human immune system disorders are being studied. The studies indicate that the AIDS patients examined have abnormalities in their interferon systems. These abnormalities are seen as a defect in the ability of the lymphocytes to produce interferon (usually of the gamma type), or as a significant increase in circulating interferon (usually of the alpha type).

At NINCDS: The Infectious Diseases Branch is conducting clinical and laboratory research on AIDS. The Institute is collaborating with the California Regional Primate Research Center on the examination of tissue obtained from rhesus monkeys who have Simian Acquired Immune Deficiency Syndrome—a disorder which may be similar to AIDS.

At NIAID: Intramural scientists are searching for an infectious agent or agents that might trigger AIDS and are conducting immunologic studies. Several scientists are examining the immunoregulatory defect that occurs in these patients. In the Laboratory of Clinical Investigation, an evaluation of the role of herpes infections and Epstein-Barr virus in relation to AIDS is under way. The Laboratory of Infectious Diseases is investigating the role of hepatitis in AIDS because virtually all AIDS patients have had hepatitis. NIAID scientists are also evaluating AIDS patients for parvoviruses, a group of DNA viruses.

At NEI: Clinical Branch scientists are studying ocular lesions that occur in patients with AIDS. These studies have the dual purpose of determining whether there are distinctive ocular signs that might help in recognizing AIDS victims and in obtaining new clues to the role of the immune system in eye disease.

At NHLBI: Scientists are examining plasma specimens in an attempt to transfer a causative agent or agents taken from AIDS patients in the Clinical Center to chimpanzees. The goal is to isolate a transmissible, infectious agent.

C. Information dissemination and scientific workshops

Because of the multiple approaches to the mystery of AIDS, mechanisms have been established to coordinate and expedite research and information exchange among agencies involved, within the national scientific community, and throughout internal research efforts. The Office of the Scientific Director of NIAID has compiled a comprehensive bibliography of articles in the scientific literature on AIDS and related disorders which is updated periodically. The NIAID Office is also planning a "Memorandum" to be published periodically for rapid dissemination of information within the scientific community on findings and developments in AIDS research.

Since the problems of AIDS surfaced, NIH has convened three major scientific workshops on the syndrome—by DRR on animal models for AIDS, by NHLBI to gain suggestions for future studies on prevention of transmission of AIDS in blood and blood products, and by NIAID to stimulate research in search of a causative agent. All meetings were open to the press and public.

FOOD AND DRUG ADMINISTRATION

Because of the seriousness of AIDS, its immediate threat to hemophiliacs who must have clotting factors, and its potential threat to a much broader population if it proves to be generally transmissable in blood products, FDA continues to work with CDC and NIH to review the current situation and to determine preventive steps to take regarding the collection and use of blood. Preliminary guidelines have been recommended to plasma centers and blood banks. These recommendations are intended to serve as interim measures to protect recipients of plasma, blood and blood products until specific laboratory tests are developed to screen blood for AIDS. FDA is cooperating also with blood product manufacturers in the evaluation of sterilization methods which might be applied to blood products to increase the safety of their use.

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)—ADDITIONAL FISCAL YEAR 1983 ACTIVITIES

[In priority order; in thousands of dollars]

Agency	1983		
	Current	Increment	Revised
A. Additional activities:			
1. Centers for Disease Control	4,600	+2,225	[1] 5,360
2. National Cancer Institute	4,400	+3,300	7,700
3. National Institute of Allergy and Infectious Diseases	4,050	+4,500	8,550
4. National Heart, Lung, and Blood Institute	346	+1,030	1,376
5. National Institute of Neurological and Communicative Disorders and Stroke	72	+545	617
6. Alcohol, Drug Abuse and Mental Health Administration		+400	400
Subtotal	13,468	12,000	[1] 24,003
B. Other continuing AIDS activities:			
1. National Institute of Dental Research	25		25
2. National Eye Institute	45		45
3. Division of Research Resources	644		644
4. Food and Drug Administration	350		350
Total, PHS	14,532	12,000	[1] 25,067

[1] Does not include $1,465,000 which was used from a variety of other CDC activities to respond on a timely basis to AIDS needs.

CENTERS FOR DISEASE CONTROL

ADDITIONAL FISCAL YEAR 1983 ACTIVITIES FOR STUDY OF ACQUIRED IMMUNE DEFICIENCY SYNDROME

Additional activities—+$760,000

Surveillance: Additional resources would be used to expand ongoing surveillance activities. Funds would also be used to explore other methods to more adequately monitor morbidity and mortality trends, indentify emerging risk groups, and clarify the natural history of AIDS incidence.

Epidemiologic studies and investigations: Further resources would be used to conduct collaborative epidemiologic studies of AIDS in Haitians. Currently, little is known about the risk factors or incidence of AIDS among the Haitian population, one of the high risk groups. Since the Haitian patients with AIDS do not appear to share risk factors with other groups, clues to the etiology and transmissability of the disease may be discovered which may have an important bearing on prevention.

In addition, resources will extend investigations of AIDS cases having received blood or blood products and intensify the evaluation of their donors to determine the presence of AIDS illness and immunologic status.

Laboratory Studies and Investigations: Additional funding would expand CDC's capability to obtain, process, and store AIDS-related laboratory specimens. Intensive virologic and animal studies require extensive collecting of a variety of specimens from AIDS risk and control groups. Collaboration with laboratories outside CDC can be facilitated by sharing well-characterized specimens that are available in sufficient quantities.

In addition, funds would be used to expand diagnostic immunology testing to identify and isolate lymphocyte subsets for further investigation of the predictive value for immune deficiency states.

Restoration of diverted funds—+$1,465,000

Funds have been diverted from several CDC budget activities including Venereal Diseases, Control of Chronic Conditions, Epidemic Services, and Technology Development and Application to support investigations of AIDS in fiscal year 1983. These diversions have affected virtually all of CDC's programs; however, specific impact has been greatest on the Center for Infectious Diseases, Center for Prevention Services and the Epidemiology Program Office. Physicians, laboratory scientists, public health advisors, statisticians, and support personnel have been reassigned from ongoing activities to assist in conducting the AIDS investigations.

Additional funds in fiscal year 1983 would be used for restoration of diverted moneys and personnel. CDC has redirected the effort of more than 85 employees during fiscal year 1983 (equivalent of more than 60 person years) to deal with AIDS programs. CDC would hire 12 new personnel to conduct delayed work on viral diseases and host factors. Also diverted contract funds would be restored for surveillance of hepatitis; needed, but postponed purchase of laboratory supplies and equipment; the study of risk factors for influenza; examination of the efficacy of influenza vaccine; and for studies of chlamydial infection and pelvic inflammatory disease.

NATIONAL INSTITUTES OF HEALTH

ADDITIONAL FISCAL YEAR 1983 ACTIVITIES FOR STUDY OF ACQUIRED IMMUNE DEFICIENCY SYNDROME

National Cancer Institute—+$3,300,000

Additional 1983 resources would support approved applications for AIDS-related research grants, providing funding for 73 percent of the approved AIDS applications. The research grants would include studies on: Nature of the defective immunoregulation in AIDS; etiology and immunological basis of AIDS, and herpes viruses and immune responses in male homosexuals.

Intramural research efforts would be expanded to isolate an etiologic virus from AIDS patients. In addition, facilities would be modified to provide the proper isolated research environment.

National Institute of Allergy and Infectious Diseases—+$4,500,000

Additional funds would be used to fund previously approved, but unfunded cooperative agreements and research grants to initiate studies in the epidemiology and natural history of AIDS. These include: Expand attempts to find the agent(s) causing AIDS; epidemiological studies on how AIDS is transmitted, and precise study of the immunologic abnormalities in AIDS patients.

Intramural activities would be expanded on the treatment of AIDS patients with interferon, as well as to purchase equipment essential to investigating cellular immunity and immunosuppression in AIDS patients.

National Heart, Lung and Blood Institute—+$1,030,000

Additional funds would be used to award a competitive supplemental award to prospectively study 1,500 individuals in a high-risk population to measure thymosin and beta-2-microglobulin levels and to investigate the possibility of the involvement of genetic factors in a predisposition to AIDS.

National Institute of Neurological, Communicative Disorders and Stroke—+$545,000

Expanded intramural research would include studies of individuals during the early stages of the disease before primary infecting agents are obscured, clinical examinations of neurological findings in AIDS and Kaposi sarcoma patients compared to non-

affected homosexuals and the purchase of equipment and isolation facilities modifications.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ADDITIONAL FISCAL YEAR 1983 ACTIVITIES FOR STUDY OF ACQUIRED IMMUNE DEFICIENCY SYNDROME

Extramural research +$400,000

Additional 1983 resources would support 2 new research project grants. With an increasing number of intravenous (i.v.) drug users succumbing to AIDS, the projects would investigate the etiology of AIDS and risk factors among this population group. Specifically, the projects would study:

Drug use, life style, and medical histories, including immunological profiles and virological exams, of AIDS patients with i.v. drug histories, detoxified i.v. users without AIDS, and non-i.v. drug users.

Similar studies with the same groups as above where the disease has not as yet manifested itself so that preconditions and/or intermediate stages can be identified.

Mr. Chairman, if this amendment that I have proposed is adopted, $12 million additional will be placed into this bill.

I would like to point out, Mr. Chairman, and I do not intend to consume too much time, but this is a very important matter for a great many Members in this committee. A number of States are involved.

During the hearings on our 1984 appropriation bill the distinguished gentleman from New York (Mr. GREEN), a member of the full Committee on Appropriations, appeared before our subcommittee. Mr. Chairman, he was accompanied by two doctors, Dr. Enlow and Dr. Ostrow, one from New York and one from Chicago. These two gentlemen made excellent witnesses. They informed the committee as to the seriousness of this problem and I want to commend the distinguished gentleman from New York (Mr. GREEN) for his interest in this matter at this time and at the time that he appeared before our subcommittee. He made an excellent witness.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. At this time I want to yield to the gentleman from New York.

Mr. GREEN. I thank the distinguished subcommittee chairman for yielding to me. I want to thank him for his continuing interest in this terrible public health problem that we are facing. It was only through his understanding that last winter we were able to add, initially, $3.6 million to the appropriation bill for the current fiscal year. Ultimately, unfortunately, it was cut down to $2.1 million as a result of the necessity to compromise with the other body in conference.

His sympathetic understanding of this problem, as I have discussed it with him during the spring, as the public health authorities have become more and more aware of its nature, has been something that I value very much.

This is plainly a most serious problem. It appears to have a very, very high mortality rate. When one looks at the outcomes of cases diagnosed a few years ago, its mortality rate appears to be close to 100 percent. It has already killed more people than Legionnaire's disease, toxic shock syndrome, the Tylenol tampering, and a number of other very well-publicized health crises all put together.

It has some potential, apparently, for affecting blood supplies throughout the country and, therefore, I think it is imperative that we accelerate the efforts that are underway to try to find some of the answers to this mysterious illness.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. NATCHER) has again expired.

(By unanimous consent, Mr. NATCHER was allowed to proceed for 5 additional minutes.)

Mr. NATCHER. I yield to the gentleman from New York.

Mr. GREEN. So I want to thank the distinguished gentleman for all he has done for this cause and, most importantly, of course, the amendment he is offering today, which I hope the whole House will support. I want to extend my thanks too to the distinguished ranking minority member of both the full committee and this subcommittee (Mr. CONTE) for his continued effort on this issue both last winter and throughout consideration of this bill.

Mr. NATCHER. Mr. Chairman, before yielding to the distinguished gentleman from California (Mr. MILLER) I would like to point out to the committee that during the past several weeks while this matter has been before our committee, a number of members of this committee have discussed in detail with us the urgency of this problem.

The gentleman from California (Mr. ROYBAL), a member of the subcommittee, is very much concerned about this matter. The gentleman from Washington (Mr. LOWRY) talked to us on a number of occasions about it and is very much concerned about it.

Mr. Chairman, the gentleman from New York, Mr. WEISS, along with a number of other Members, had a special order on the subject of AIDS not too many days ago.

In addition to that, Mr. Chairman, the gentlewoman who represents the Sixth District of California, Mrs. BOXER, is very much concerned about this matter. On a number of occasions she has discussed it with the members of the subcommittee and she has discussed it with me, and in a moment I am going to yield to her after yielding to the gentleman from California (Mr. MILLER).

Mr. Chairman, the gentleman from New York (Mr. ADDABBO), the gentleman from California (Mr. EDWARDS), the gentleman from New York (Mr. RANGEL), the gentleman from California (Mr. FAZIO), the gentleman from Massachusetts (Mr. STUDDS), the gentleman from Massachusetts (Mr. FRANK), the gentleman from California (Mr. DELLUMS), and all down the list, and I would like to say also the distinguished gentleman who is now in the chair presiding over this committee, and doing so in an excellent manner, have all expressed concern about this, along with many others from the State of California and from the west coast.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. At this time I yield to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. I thank the chairman for yielding. I simply want to congratulate him and thank him for presenting this amendment.

I think, as has already been outlined here, AIDS can conceivably be one of the most serious epidemics to strike this modern society in recent memory. I would certainly hope that the administration will take this amendment offered by the chairman as an indication of concern by the Congress of the United States.

I think, as my colleague from California (Mr. WAXMAN) has pointed out, this problem has not received the attention that it should. It has not received the concern that it should.

I am delighted that the committee has seen fit not to simply allow for the discretionary reprograming of the money but indicated the concern that the Congress has for the level of treatment that should be given to the subject by the gentleman's amendment, and I want to thank him on behalf of many, many people who are terribly concerned about this problem.

I think that this amendment goes a long way toward getting the administration involved.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the distinguished gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I want to congratulate and commend the gentleman for his amendment and for placing these funds into the bill.

AIDS is a terrible disease. When it started out people thought it had certain limitations. They were optimistic. It now appears the disease is exceeding those limitations and spreading beyond the concepts and beyond the expectations of those experts who originally discussed it. The prospect of the dimensions of the disease is frightening.

I think the gentleman's amendment is an important step toward combating it and I again congratulate him.

Mrs. BOXER. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I want to thank the gentleman from Illinois for his comments and at this time yield to the distinguished gentlewoman from California (Mrs. BOXER).

Mrs. BOXER. Mr. Chairman, I cannot thank the gentleman from Kentucky enough for his much needed amendment to arrest AIDS disease and his interest in the health of our people.

I want the gentleman to know that local and State government in California is trying to do their share. San Francisco, with all its fiscal constraints, their finance committee of their board of supervisors voted $2 million to fight AIDS, a very large sum of money, Mr. Chairman, for that city.

The State of California, Mr. Chairman, is also considering a major appropriation, somewhere around $3 million.

But for this epidemic which is being called the worst since the swine flu epidemic of 1918, we need Federal help. The disease is spreading, as my colleagues have indicated. Its death rate is a staggering 50 percent and rising.

If the cause and the cure of AIDS is not found the suffering and the death rate will absolutely increase. The gentleman's amendment goes a long way toward helping us in this crisis now.

I stress this is a crisis and I thank the gentleman for his amendment.

Mr. NATCHER. I thank the gentlewoman for her statement and her interest in this matter. She has been of great assistance to us and we appreciate it.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. At this time I yield to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, I, too, would like to take this opportunity to personally thank the gentleman from Kentucky, the distinguished chairman of the subcommittee, Mr. NATCHER, and the Congressman from Massachusetts (Mr. CONTE) for assuming the leadership in this first positive affirmation and assertion of concern by the Congress, and an insistence by this body, albeit, I fear, somewhat belatedly.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. NATCHER) has again expired.

(By unanimous consent, Mr. NATCHER was allowed to proceed for 5 additional minutes.)

Mr. NATCHER. I yield to the gentleman.

Mr. STUDDS. I thank the gentleman again.

As I said, I fear this is somewhat belatedly to make the record abundantly and unequivocally clear that this Congress is aware of, is deeply concerned about, and will insist that whatever funding is necessary be made available for research into this tragedy.

Let me also say while the headlines of the Nation's papers have been full in recent days of this tragic epidemic, that those headlines also are belated. We have known of this for several years now.

This action is sadly belated, and I, for one, would like to think that even if we had not reached the point, as we now have, as was indicated in the debate a moment ago, where the target groups are, or the victims, rather, of this dread disease were limited no longer to its original targets, to the gay community, to the Haitian community, to the drug-abusing people of the Nation, that even if those limits remained, that even if those were the sole groups that were the victims of this disease, and even if the States of California and New York, which had the overwhelming preponderance of the early victims, were the only areas where this disease was to be found, that the concern of this Congress would be as unequivocal and as strong as it is today.

□ 1510

I again want to thank the gentleman. I think, as I say, that he has served an enormous public purpose in taking the lead that he has and I know that we speak for a great many people in thanking him.

Mr. NATCHER. Mr. Chairman, at this time I yield to the gentleman from New York (Mr. WEISS).

Mr. WEISS. I thank the Chairman very much. I appreciate the gentleman yielding to me.

Mr. Chairman, I want to commend the gentleman from Kentucky for his tremendous leadership in this area. It is truly monumental and extraordinary.

Yesterday Assistant Secretary Edward Brandt called the AIDS epidemic the Public Health Service's No. 1 priority. But as we all know, dollars, not rhetoric, pay for biomedical research, for surveillance, for epidemiological investigation, for public education and for preventive measures.

The administration has yet to request supplemental funding to maintain and expand work to fight the epidemic.

Mr. Chairman, this country is slowly waking up to the magnitude of the seriousness of the AIDS crisis.

It is time that the Federal Government began to fulfill its responsibility to mobilize resources to meet his national emergency.

I again want to commend my distinguished colleague, the gentleman from Kentucky (Mr. NATCHER) for his leadership role in this area.

Mr. NATCHER. Mr. Chairman, at this time I yield to the gentleman from Washington (Mr. LOWRY).

Mr. LOWRY of Washington. Mr. Chairman, I thank the distinguished chairman for yielding to me.

I want to thank the distinguished chairman and the ranking minority member, Mr. CONTE, who again, as has been true in the 5 years I have been in Congress, when we have had a pressing health need for the people of this country I have seen Mr. NATCHER and Mr. CONTE step forward with an answer to that.

I think this country is so well off to have the type of service that we have by the subcommittee chairman and the ranking minority member of the subcommittee.

This epidemic has now gotten to the place where the number of reported cases is doubling every 6 months.

So this committee is absolutely correct in appropriating $12 billion additional in 1983 to this matter.

I want to thank the gentleman again.

Mr. NATCHER. Mr. Chairman, I thank the gentleman for his comments.

Again I would like to say that I want to commend my friend, SILVIO CONTE, the ranking minority member on this subcommittee and the ranking minority member on the full Committee on Appropriations for his cooperation and the fact that he has joined with us on this amendment.

This amendment, Mr. Chairman, is offered not by me alone, but by our subcommittee, our full committee, and Mr. CONTE.

Mr. Chairman, we ask for a vote on the amendment.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say that ED ROYBAL offered a similar amendment on this subject in the subcommittee markup on this supplemental. At that time, the chairman did not want to accept any amendment that added money.

I will go on with the history of this amendment. I have been pursuing funding for sexually transmitted diseases now for many years, including herpes for the last several years in my committee, and have been following the AIDS issue closely since it was brought to the committee's attention. But I went along with the chairman, in his desire to mark out a clean bill.

Then, 2 days ago, I saw the letter to the chairman from the Department requesting authority to make additional transfers. At that time, I told the chairman that I would offer an

amendment on the floor. Of course, he decided today to offer the amendment. I am glad to join with him. I do not think it makes much difference who offers the amendment. The thing is that we get it done.

I also would like to point out that the subcommittee is most concerned about the increasing number of cases of acquired immune deficiency syndrome and is willing to provide whatever it takes to assure that funds are available to carry on the research and the investigation necessary to try to pinpoint the causative agent of this disease and to find a cure.

Let me inform the Members of this body that concern over the funding for AIDS research was expressed by every member of the subcommittee during the hearings that the subcommittee has been conducting on the budget.

Every agency involved in the investigation and research on AIDS was asked to describe their efforts and to indicate what more they could be doing, what more could be done. They all stated that they had adequate resources.

I am inserting into the RECORD some excerpts from the transcripts of those hearings at this point:

CENTERS FOR DISEASE CONTROL

Mr. CONTE. Now, Doctor, your agency has had the lead investigation in the outbreak of Acquired Immune Deficiency Syndrome. What do we now know about AIDS and who is being affected by AIDS?

What are the symptions and the causes of the disease?

Dr. FOEGE. First, on AIDS, the risk groups, the people who are at greatest risk appear to be first, gay males, and over 70 percent of the cases that we know about have occurred in that group.

Second, IV drug users, third, recently arrived Haitians to this country and we do not understand why they should have a high incidence. But we know about 70 cases now in Haitians who are not gay, who do not use drugs and therein may lay one of the answers to the epidemiology.

Following the discovery of the Haitian cases, we found our first cases in hemophiliacs. Hemophiliacs receive blood products on an ongoing basis and they, in fact, receive products from thousands of different people in a year. People donate the blood clotting factor and it is put together. Each lot comes from thousands of people.

It is possible for a hemophiliac to have blood products from 100,000 different people in one year's time.

There are now 12 cases in hemophiliacs. That may not sound like a lot but there are only about 12,000 or 15,000 hemophiliacs receiving this so it means one out of every 1,000 hemophiliacs has already acquired the disease.

One of the frightening things to me is if we would today discover what was causing this and be able to stop all transmission there would still be some 1,500 people in this country already in the incubation period who would continue to develop the disease over the next 12 to 14 months.

After the hemophiliac group, we then discovered that children of AIDs cases had a high risk. And in one family, indeed, we have a father and a mother both with AIDS, and two of their children with AIDS. So children and spouses of AIDs cases seem to have a high risk.

More recently, we found that whole blood itself may be a risk factor. A child in California received exchange transfusions shortly after birth and later developed AIDS. It was then found that one of the donors was perfectly healthy at the time of donating blood but eight months later developed AIDS. Giving us one more clue that the incubation period may be quite long and people may have the virus in the blood months or maybe even a year before symptoms occur.

The number of people involved thus far is about 1300 but it is increasing. We receive reports of five or six new cases per day. That means over the next year we could well expect another 1500 cases.

The problem is showing up not as a recognizable disease, in itself, but as a destruction of a part of the immune system that allows people then to get a series of diseases. That is what has made it hard to diagnose. We are not simply dealing with a type of pneumonia. Some of them have pneumonia. Some of them have certain kinds of tumors.

Lately we have found that lymphoma of the brain appears to be involved in this. Maybe dozens of opportunistic infections are on this list of things that may be the presenting complaint when the clinician sees the case.

The question comes up then, is this an epidemic that will continue to spread until the entire population is at risk? Thus far it appears to us that this requires fairly close contact as sexual practices or blood products or the kind of close contact a spouse or child may have. We have not seen evidence of transmission outside of those arenas. This leads us to be hopeful that it is not something that is a risk for the entire population, but we can't say that for certain.

Mr. CONTE. That is frightening. Are you equipped now to go ahead with your work on this?

Dr. FOEGE. As we have in the past when we have a health emergency we simply mobilize resources from other parts of the Center.

In 1982, we spent $2 million on AIDs even though we did not have a budget line item for AIDs. This year we have $2 million in the budget and we will probably spend about $4.2 million. The difference, again, we will mobilize from other parts of the Center.

If we reach a point where we cannot do that, of course, then we will come back and ask for additional funds but at the moment that is the way we intend to handle it.

Mr. CONTE. You are equipped to go ahead with it? There is nothing that is holding you back?

Dr. FOEGE. That is the way we have operated for many years; to go ahead and take funds from another part of the Center when an emergency requires it.

NATIONAL INSTITUTES OF HEALTH

Dr. WYNGAARDEN. We will also continue our special efforts to understand the acquired immunity deficiency syndrome and sarcoma. We have mounted a major research effort primarily through the National Institute of Alergy and Cancer Institute and cooperating with the Center for Disease Control in the Food and Drug Administration and this year we expect to have allocated more than $9 million to this multi-institute effort.

In 1984, we plan to devote over $12 million to research on this problem. We should emphasize that those sums are three or four times greater than the NIH expended in any one year in attacking the Legionnaire's problem or the toxic shock problem, and those figures are on top of a research base of approximately $200 million that addresses problems of the immuno-compromised host, opportunistic infections, the sarcoma, and the etiology of cancer.

Mr. CONTE. What has NIH done in the area of extramural research to fund research for the possible treatment of AIDS? What requests for proposals have been put out and what more could we be doing for this particular area?

Dr. WYNGAARDEN. I am happy to speak to that. This syndrome was first identified in early 1981 through investigators in Los Angeles submitted to the Centers for Disease Control. I would like to emphasize that those investigators were NIH supported investigators. Within a month or two, we were admitting patients with this syndrome to the clinical center. Then in retrospect, we had admitted one, two years earlier that we didn't recognize as such.

So we have been investigating this problem of acquired immunized deficiency for some time.

Also, within a few months the NIH supported centers for the sexually transmitted diseases in Seattle, Washington, and Chappel Hill, North Carolina, were increasing their efforts in this disease. The effects of amylnitrate and things of that sort on the immune system.

I would stress that all of that took place before the first professional publication of this syndrome occurred in the Medical Journal in the Fall of 1981. During 1982, we spent approximately $3 million in research on AIDS. During 1983 the NIH is funding about $9½ million of work in this field. In 1984, we anticipate that this figure will be at least 12 million and possibly more.

As I indicated earlier, this is a very brisk and substantial response, far greater than was ever developed in the Legionnaire's disease problem or toxic shock syndrome problem which were, indeed, much easier. Bacterial problems were addressed. That is on top of a very large investment in fundmental research that has been ongoing into the problems of the immuno-host, the sarcoma, the cell and B-cell functions, things of that sort in which we competently identify these $200 million of basic support.

We have initiated requests for applications for research in connection with this syndrome to the Cancer Institute and jointly with the Alergy Infection Disease Institute and are currently in the process of funding applications that have been identified as competent and meritorious through our usual review mechanisms. And we are having preparation of a second request for proposals or applications in an effort to identify the punitive cause active agents in this disease.

A recent conference held that the NIH was convened scientists with experience in identifying new agents and has given us substantial direction for that effort. We are now increasing our efforts to interest the scientists to do such things.

We are, of course, primarily addressing scientists already busy and some of them will need to shift their activities from cancer virus work, I would say, into this field as a higher priority for the present in order to solve that problem. It would probably be a very long drawn out precedure.

Mr. CONTE. Certainly it is a serious problem.

Dr. WYNGAARDEN. Yes, sir.

NATIONAL CANCER INSTITUTE

Mr. NATCHER. One urgent problem about which there has been a good deal of publicity recently, as you know, is Acquired Immune Deficiency Syndrome. You indicated that you have just recently approved funding of new grants and supplemented others to study this problem.

Do you have enough flexibility within your existing resources, Doctor, to be able to respond adequately and quickly to this emerging health problem?

Dr. DEVITA. Well, in the spring of 1982 the Cancer Institute put an RFA on the streets to study the AIDS syndrome. While that RFA was going through the process we identified grants that are already in institutions studying AIDS and supplemented that for $165,000.

We have since funded the grants in the RFA and two weeks ago we established within the Institute itself an intramural task force that would utilize our intramural resources and our Frederick facility which has a great deal of flexibility and what we call P3 facilities.

These are isolation facilities where some material that is potentially dangerous would be handled. So we have been able to respond quickly and I think cover every lead that we now have in this particular syndrome. I think we do have a great deal of flexibility.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Dr. KRAUSE. Now, there has been a good deal said about AIDS already at these hearings, but let me add this, in 1978 at the direction of this committee, we established four centers for interdisciplinary research on immunologic diseases. This committee must have been appreciant in recognizing the needs for those centers. Several of the earliest cases that were detected and described of AIDS were described in one of those new centers established in response to the language of this committee.

What is AIDS? It is a profound breakdown of the immune system. When the first few cases were reported, this disease was a perplexing puzzle. Was it a drug reaction? Was it cancer? Could it be infection? Now there is a debate that it is not cancer at all.

The picture was and is not all of a piece, but working together with CDC, we at the NIH have felt that the most plausible theory now emerging, as we have sifted through the clues, the most plausible theory is that AIDS is due to transmission of an infectious agent. So we have begun to search for that agent. Little has been going on in the past, and it is now going on.

It is an elusive agent. We have still not detected it, so we must expand our search. As Dr. Albert Sabin of the Polio vaccine advised us, cast a wide net.

We believe it zeros in on the immune system and destroys the protective armor of the patient. As a consequence, these patients are especially susceptible to invading infectious diseases.

Let me say because there is some publicity about this, Mr. Chairman, and I say this as a physician, myself, we are not just medical clones of James Bond searching for the undercover microbial agent, important though that is, we are also physicians and from the beginning we have admitted AIDS patients to the NIH clinical center and are doing all within our power to learn how to treat this terrible disease.

Now most recently the subcommittee received an indication the administration will be requesting authority to transfer $12 million. That took the form of a letter from Dr. Edward Brandt to the chairman, dated last Wednesday, the day the full committee marked up the supplemental. Had I known then and seen the letter—unfortunately I did not see the letter until 2 days ago when counsel showed it to me—I would have offered this in full committee.

CDC and NIH have taken resources from other areas to devote to AIDS research. CDC has spent $2.5 million in fiscal 1982 and currently has available $4.6 million in fiscal 1983. Congress has attempted to aid this effort by earmarking $500,000 in the 1982 supplemental and $2 million in the 1983 appropriation bill.

The National Institutes of Health spent $3.3 million in fiscal year 1982, and there is $9.6 million currently available in fiscal year 1983.

However, as the different Members of the House have said, the disease continues to expand; up to six cases a day are being reported. The concern is that the pace of the disease is outstripping the ability of CDC and NIH to provide the necessary resources out of existing funds.

The Department of Health and Human Services has indicated the additional places in which funding could be put to use, and I will insert that description into the RECORD at this point:

CENTERS FOR DISEASE CONTROL

ADDITIONAL FISCAL YEAR 1983 ACTIVITIES FOR STUDY OF ACQUIRED IMMUNE DEFICIENCY SYNDROME

Additional activities, +$760,000

Surveillance: Additional resources would be used to expand ongoing surveillance activities. Funds would also be used to explore other methods to more adequately monitor morbidity and mortality trends, identify emerging risk groups, and clarify the natural history of AIDS incidence.

Epidemiologic studies and instigations: Further resources would be used to conduct collaborative epidemiologic studies of AIDS in Haitians. Currently, little is known about the risk factors or incidence of AIDS among the Haitian population, one of the high risk groups. Since the Haitian patients with AIDS do not appear to share risk factors with other groups, clues to the etiology and transmissability of the disease may be discovered which may have an important bearing on prevention.

In addition, resources will extend investigations of AIDS cases having received blood or blood products and intensify the evaluation of their donors to determine the presence of AIDS illness and immunologic status.

Laboratory Studies and Investigations: Additional funding would expand CDC's capability to obtain, process, and store AIDS-related laboratory specimens. Intensive virologic and animal studies require extensive collecting of a variety of specimens from AIDS risk and control groups. Collaboration with laboratories outside CDC can be facilitated by sharing well-characterized specimens that are available in sufficient quantities.

In addition, funds would be used to expand diagnostic immunology testing to identify and isolate lymphocyte subsets for further investigation of the predictive value for immune deficiency states.

Restoration of diverted funds, +$1,465,000

Funds have been diverted from several CDC budget activities including Veneral Diseases, Control of Chronic Conditions, Epidemic Services, and Technology Development and Application to support investigations of AIDS in fiscal year 1983. These diversions have affected virtually all of CDC's programs; however, specific impact has been greatest on the Center for Infectious Diseases, Center for Prevention Services and the Epidemiology Program Office. Physicians, laboratory scientists, public health advisors, statisticians, and support personnel have been reassigned from ongoing activities to assist in conducting the AIDS investigations.

Additional funds in fiscal year 1983 would be used for restoration of diverted monies and personnel. CDC has redirected the effort of more than 85 employees during fiscal year 1983 (equivalent of more than 60 person years) to deal with AIDS programs. CDC would hire 12 new personnel to conduct delayed work on viral diseases and host factors. Also diverted contract funds would be restored for surveillance of hepatitis; needed, but postponed purchase of laboratory supplies and equipment; the study of risk factors for influenza; examination of the efficacy of influenza vaccine; and for studies of chlamydial infection and pelvic inflammatory disease.

NATIONAL INSTITUTES OF HEALTH

ADDITIONAL FISCAL YEAR 1983 ACTIVITIES FOR STUDY OF ACQUIRED IMMUNE DEFICIENCY SYNDROME

National Cancer Institute, +$3,300,000

Additional 1983 resources would support approved applications for AIDS-related research grants, providing funding for 73 percent of the approved AIDS applications. The research grants would include studies on: Nature of the defective immunoregulation in AIDS; etiology and immunological basis of AIDS; herpes viruses and immune responses in male homosexuals.

Intramural research efforts would be expanded to isolate an etiologic virus from AIDS patients. In addition, facilities would be modified to provide the proper isolated research environment.

National Institute of Allergy and Infectious Diseases, +$4,500,000

Additional funds would be used to fund previously approved, but unfunded cooperative agreements and research grants to initiate studies in the epidemiology and natural history of AIDS. These include: Expand attempts to find the agent(s) causing AIDS; epidemiological studies on how AIDS is transmitted; precise study of the immunologic abnormalities in AIDS patients.

Intramural activities would be expanded on the treatment of AIDS patients with interferon, as well as to purchase equipment essential to investigating cellular immunity and immunosuppression in AIDS patients.

National Heart, Lung and Blood Institute, +$1,030,000

Additional funds would be used to award a competitive supplemental award to prospectively study 1,500 individuals in a high-risk population to measure thymosin and beta-2-microglobulin levels and to investigate the possibility of the involvement of genetic factors in a predisposition to AIDS.

National Institute of Neurological, Communicative Disorders and Stroke, +$545,000

Expanded intramural research would include studies of individuals during the early stages of the disease before primary infecting agents are obscured, clinical examinations of neurological findings in AIDS and Kaposi sarcoma patients compared to nonaffected homosexuals and the purchase of equipment and isolation facilities modifications.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ADDITIONAL FISCAL YEAR 1983 ACTIVITIES FOR STUDY OF ACQUIRED IMMUNE DEFICIENCY SYNDROME

Extramural research, +$400,000

Additional 1983 resources would support 2 new research project grants. With an increasing number of intravenous (i.v.) drug users succumbing to AIDS, the projects would investigate the etiology of AIDS and risk factors among this population group. Specifically, the projects would study:

Drug use, life style, and medical histories, including immunological profiles and virological exams, of AIDS patients with i.v. drug histories, detoxified i.v. users without AIDS, and non-i.v. drug users.

Similar studies with the same groups as above where the disease has not as yet manifested itself so that preconditions and/or intermediate stages can be identified.

I certainly offer my support to provide the funding necessary to deal with the expanding AIDS problem. It is a disease that is as of now without a cure or even a treatment.

I urge this body to support the amendment offered by Mr. NATCHER and myself.

I might say that I am personally very distressed with this situation, where the administration comes before the subcommittee and states time after time that sufficient resources are available and then changes its tune suddenly, at a time when it is very difficult for the committee to consider this new position.

Now that borders on not dealing with the subcommittee in good faith and I for one must indicate my disappointment with the actions of the Department on this issue.

It is for this reason that we bring this amendment up at the last minute.

God bless everybody in this House. Anybody in this House could have raised a point of order against the amendment. You could raise a point of order against $1.

However, the seriousness of this disease is such that as soon as we have a firm indication that more resources are necessary, I believe it is our duty to provide those funds. I ask my colleagues to consider the special circumstances requiring this amendment.

Again, I commend all the Members; everyone is a coauthor of this amendment because no one raised a point of order against it.

● Mr. AUCOIN. Mr. Chairman, we need to talk about a disease, an epidemic, that is spreading throughout the United States. It is a medical outbreak that has already killed more people than Legionnaires disease and toxic shock syndrome combined. It is a disease more lethal than any other we have confronted in recent years.

We need to talk about acquired immune deficiency syndrome, a painful, debilitating disease that attacks the body's immune system leaving its victims susceptible to other, often fatal illnesses. There is no known cure. The overall mortality rate is nearly 40 percent.

We need to talk because AIDS is spreading at a startling rate, the incidence of reported cases doubling every 6 months. In January 1982, the Centers for Disease Control reported one new case of AIDS a day. Now, four or five new cases are being reported every day. With a gestation period of up to 2 years, there is no way of knowing how many cases are still undetected, or how quickly AIDS may be spreading.

With the facts so frighteningly clear, you would think that Congress would have already recognized its moral responsibility to find a cure for AIDS. Yet there has been virtually no debate or attention given this disease by Congress.

The reason for this neglect is distressingly clear: The majority of AIDS victims are homosexual men, although new evidence shows it striking other segments of the population in growing numbers.

And that is why we have to talk about this disease, because the potential social and medical ramifications of AIDS are so great. More and more cases of AIDS are being reported each day. Yet there is an ignorance about AIDS which is being fueled by a larger social prejudice against the gay community.

This prejudice is one of the biggest obstacles preventing us from finding a cure for AIDS. Prejudice has silenced informed public discussion of the disease and prejudice has prevented formulation of a coordinated response by health professionals and the Federal Government.

We cannot wait any longer. Even as we talk more and more cases of AIDS are being reported. AIDS is spreading because we refuse to act. And it will continue to spread until we accept our moral responsibility to stop the suffering and the pain.

So it is with a sense of increasing urgency that I urge my fellow Members to vote for the amendment being offered today by Congressman NATCHER and Congressman CONTE to provide $12 million for the National Institutes of Health and the Centers for Disease Control to accelerate their research into AIDS.●

● Mr. BIAGGI. I rise in strong support of the amendment offered by my good friend and colleague, Mr. NATCHER, to add $12 million in additional funds for this fiscal year so our Nation can intensify its fight against the growing health menace known as AIDS.

This amendment comes just 1 day after our Nation's top health official announced that the investigation into the causes of and cure for AIDS had become the number one priority of the U.S. Public Health Service. Frankly, it is about time.

The money proposed in the gentleman's amendment would be directed at research, monitoring, and other appropriate activities to be carried out by the Center for Disease Control and the National Institutes of Health. I consider this to be an entirely appropriate expenditure of funds considering the magnitude of the problem which AIDS is posing in this Nation.

Presently the number of reported AIDS cases is averaging between three and four a day in this Nation. Since June 1981, there are 1,450 definite cases of AIDS reported from 35 different States. More than half come from my home city of New York.

Over 80 percent of the AIDS patients diagnosed in 1980 are now dead. Other medical research indicates that 40 percent of AIDS victims will die within the first year. AIDS has already killed more people than toxic shock syndrome and Legionnaires disease combined. What more compelling figures do we need for us to mount an all-out campaign to wipe out this horrible disease?

I recently testified before the Labor-HHS Subcommittee on Appropriations several weeks ago to plea for additional funds for research into AIDS prevention. I noted at that time and reiterate today that AIDS is striking down people from all walks of life. AIDS has been for too long associated with only a limited segment of our population—and in my judgment since that segment was homosexual men—our Government's response in working for a cure was slow in coming. However, AIDS cases are being reported among people receiving blood transfusions. Recent articles in medical journals indicate that AIDS can be transmitted between men and women with normal sexual contact or as the New York Times reports this morning, "transmitted to children through routine close contact with adults."

Do we wait for a frenzy of fear to envelope this Nation before we commit ourselves to providing sufficient funds to find a cure for this disease as well as make definitive determinations as to its cause? It would seem fiscally advantageous for us to work on finding the cure before it strikes because the cost of treating AIDS victims is very high. New York City Mayor Koch estimates that the cost averages more than $100,000 per case.

The $12 million called for in the Green amendment will be an impor-

tant investment of taxpayer dollars because the interest in doing the necessary research is clearly there. It is estimated that research grant requests totaling more than $55 million from hospitals—doctors, scientists, and institutions are pending before the National Institutes of Health alone. Let us provide the necessary funds to allow this research to be conducted.

I appeal to my colleagues to vote for this amendment. we must recognize AIDS for what it is—a burgeoning health hazard whose horrible potential has not yet been realized and should not be—indeed must not be.●

● Mr. WAXMAN. Mr. Chairman, I support the amendment offered by the chairman and the gentleman from Massachusetts wholeheartedly. The Subcommittee on Health and the Environment held a hearing on acquired immune deficiency syndrome over a year ago in my district and even at that time, when there were one-fifth the cases there are today, it was clear that Federal research efforts were underfunded.

Now, with over 1,400 cases and with 5 to 6 new cases being reported a day, the administration has yet to ask for research funds. The administration has recently produced strong rhetoric on its commitment to AIDS research, but its policy has consistently been one of neglect. Now, at the last possible minute in the fiscal 1983 appropriations process in the House, the administration official whose responsibility it is to oversee public health has reported that $12 million more is needed in the next 3 months, even though he has not been able to get OMB's approval to say so officially.

Mr. Chairman, it is a disgrace that business as usual should be perpetuated by the administration's budget while the epidemic doubles in caseload every 6 months. I am pleased that this amendment has been offered and that the House will respond when the administration does not.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. NATCHER).

The amendment was agreed to.

Mr. COURTER. Mr. Chairman, I ask unanimous consent that I be permitted to go forward and introduce an amendment to a prior section, section 6, found on page 35.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. McDADE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Are there further amendments to chapter VII? If not, the Clerk will read.

The Clerk proceeded to read chapter VIII.

Mr. TAYLOR (during the reading). Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the bill making supplemental appropriations for the various Departments and agencies of Government.

Mr. Chairman, I would like to take this opportunity to ask a few questions of the distinguished chairman of the Subcommittee on Interior, of the Committee on Appropriations, the gentleman from Illinois (Mr. YATES).

First, I would like to commend the gentleman from Illinois (Mr. YATES), as well as the gentleman from Pennsylvania (Mr. MCDADE), the ranking minority member of the subcommittee, for their work on this bill. They deserve the support of all of the Members, in my judgment.

On page 35 of the bill, lines 4 through 10, the gentleman includes language to restrain the Department of Interior from taking action to terminate programs or close facilities until the Congress has had an opportunity to enact the regular interior appropriations bill for 1984. My question is this: Is it our legislative intent in this paragraph to protect against the closure of such facilities as the Fish and Wildlife Service fish hatchery located at Neosho, Mo.?

□ 1520

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

The answer to the gentleman's question is "Yes."

Mr. TAYLOR. The gentleman knows that this provision of the bill is protected from a point of order under the rule recommended by the Committee on Rules, and adopted this morning by the House. I was pleased to support this waiver during our consideration of the rule in the Committee on Rules, and I am pleased that the gentleman and I have been able to reach this understanding as to our legislative intent.

Mr. YATES. I want to commend the gentleman. The gentleman from Missouri (Mr. TAYLOR) has been very conscientious and very determined in his efforts to maintain the fish hatchery at Neosho and his action in the Rules Committee was of great assistance to us in bringing the bill up.

Mr. TAYLOR. I thank the gentleman.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the chairman and commend my colleague from Missouri for the tremendous effort he did to serve his constituency in fighting to keep this hatchery open.

They ought to rename it the Gene Taylor Fish Hatchery, because I do not know of any Member in this House who spent more time and more effort on a problem to get it solved for the benefit of his people than my friend from Missouri. And I want to compliment him.

Mr. TAYLOR. I thank the gentleman.

Does this provision provide the necessary authorization for the Fish and Wildlife Service to continue to operate these various facilities, including the fish hatchery at Neosho, for the balance of this fiscal year?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Illinois.

Mr. YATES. The answer to the gentleman's question is "Yes."

Mr. TAYLOR. Now as I understand this, this provision will stop the Fish and Wildlife Service from closing these facilities during the remainder of 1983, it will give them the necessary authorization to continue to operate them during the remainder of 1983, and it will put them on notice that we will legislate further in the 1984 appropriations bill. Is that an accurate statement of legislative intent?

Mr. YATES. The gentleman's statement is correct. The intent of the committee was to assure that there are adequate funds to operate the hatchery during the fiscal year 1983. The committee intends to consider the question of keeping this hatchery open for fiscal year 1984, when it marks up the bill for 1984.

Mr. TAYLOR. I thank the gentleman.

I want to repeat what I said earlier in debate about the hard work and the diligence of the gentleman from Illinois (Mr. YATES) and the gentleman from Pennsylvania (Mr. MCDADE). I want to express my appreciation to them and to the entire subcommittee and full committee for their cooperation in this matter.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would like to advise Members that the Chair misspoke a few minutes ago. The committee is now proceeding on chapter VIII.

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that the remainder of chapter VIII be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there further amendments to chapter VIII?

If not, the Clerk will read.

The Clerk proceeded to read chapter IX.

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that chapter IX be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any amendments to chapter IX?

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

WEST CENTRAL FRONT OF THE CAPITOL

For an additional amount for "West Central Front of the Capitol", $70,500,000, to remain available until expended, such amount to be used for the Extension of the West Central Front in substantial accordance with the modified plan for extension of the West Central Front.

The CHAIRMAN. May the Chair inquire of the gentleman if this is the amendment which is provided for in House Resolution 209, required to be printed in the CONGRESSIONAL RECORD of May 24, 1983, and made in order by House Resolution 209.

Mr. ROYBAL. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROYBAL: Strike out page 39, line 22, through page 40, line 2, and insert in lieu thereof the following:

For an additional amount for "West Central Front of the Capitol", $49,000,000, to remain available until expended, for the restoration of the West Central Front of the United States Capitol without change of location or change of the present architectural appearance thereof.

Mr. ROYBAL. Mr. Chairman, this amendment is offered in an effort to finalize the decision regarding the fate of the west front of the U.S. Capitol.

We must decide whether we should restore or whether we should extend.

This subject matter has been under discussion by this House on many occasions during the last 20 years, but no resolution has been made of this problem. The proponents of extension will probably argue that more space is needed, that we, the Members, need more office space in the Capitol. I think that we can all stipulate to the fact that that is true, that we do need more space.

But the truth of the matter, Mr. Chairman, is that back in 1977, when I was a member of the committee that dealt with this subject matter, we requested that the Architect make a study of the availability of space in the Capitol.

We were told at that time that the third floor of this building had all kinds of different cubbyholes filled with nothing but materials that were being stored. We were told also that the Architect of the Capitol occupied prime space right here in the Capitol and that he and his staff occupied space of almost 38,000 square feet.

It is for that reason that the committee requested that the Architect of the Capitol make a study to try to determine just what the needs really are and what space is available, but up to this moment, 6 years later, the Architect of the Capitol has not submitted that report.

May I say, and this is to his credit, that at that same time he was asked to provide also a master plan for space use on Capitol Hill. And that capital plan was completed and submitted to the Congress. The truth of the matter is that when the Architect of the Capitol, George White, presented the plan to the AIA board of directors in May 1981 he assured AIA's that the master plan provides that future space needs of the Congress can be accommodated without the expansion of the west front of the Capitol.

There is no doubt about the fact that his report was made and a conclusion reached by the Architect of the Capital in 1981 and that conclusion was that space for congressional use could be provided without extending the west front.

I believe that a study today will reveal that there is still some available space in this building, perhaps not enough, but still sufficient space to meet our immediate needs. Beyond that we can even consider tearing down or remodeling the old Congressional Hotel, and provide a home for our pages, and perhaps even a school. On all that property adjacent to it a large building could be constructed to take care of the needs of Congress by moving out those people who are now in the Capitol to that one new building. The rest of that building could be set aside for the future use of the Congress of the United States.

The historic value of the Capitol has been discussed on many occasions and it is true, that it has great historic value. George Washington laid the cornerstone. Thomas Jefferson helped supervise its construction. And throughout the years, this great Capitol has survived many, many disasters.

□ 1530

It survived the burning of the Capitol by the British. It also survived the fire of 1851, when the Library of Congress was completely destroyed. May I say to the Members of this House that it can well survive an extension proposal which changes the present view of the Capitol, the one that the American people identify with our seat of government.

I see no reason why, here at this late date, without the proper study with regard to the availability of space that we the Members of this House must conclude that extension is the only solution. I say that, in the absence of that study, we must go ahead for restoration which can be done for less money.

The CHAIRMAN. The time of the gentleman from California (Mr. ROYBAL) has expired.

(On request of Mr. STRATTON and by unanimous consent, Mr. ROYBAL was allowed to proceed for 5 additional minutes.)

Mr. ROYBAL. Mr. Chairman, I believe that we must definitely restore the east front of the Capitol.

During the long struggle to have this Congress come to some determination, many misfacts have been stated. We will probably be told today that it is of historic value to extend. This argument is no doubt based on the fact that the Capitol has been extended in the past. The last major extention took place more than 100 years ago, but in a way that it did not destroy its historic value.

By extending the Capitol now it is possible or perhaps even necessary that we destroy that old section of the Capitol that is now crumbling, but a section of the Capitol that should definitely be preserved.

What will happen is that we will change the entire facade of the Capitol of the United States. I do not think it will be possible to really recognize it after it is extended.

I again would like to assure the Members of this House that I understand full well that space is needed. But I also want to reemphasize the fact that a master study made by the Architect of the Capitol clearly indicates that the needs of the Congress can be met without extending the Capitol.

It seems to me that that is enough of an argument. We do not have to have another master study. A study has already been made. The study that we originally asked for 7 years ago, that of the availability of space has not been submitted to this House. We do not know what the true facts are with regard to space that can be converted to congressional use. But we do know that there is a master plan and that that master plan has been prepared by the Architect of the Capitol who has concluded in that report that the needs of the Congress can be met without expansion.

It seems to me, that that is enough evidence for us to make a decision and to vote to restore, to preserve the historical value of the beautiful Capitol of the United States.

I want to be able to leave today with a feeling that the people of America will be able to look at the restored Capitol in future years, and say with pride. "That is the seat of my government."

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as I said in earlier remarks, I hope—and I am sure many of the Members join me in this—that we do not prolong this discussion or in fact need to have another one similar to it some time in the future. We have been studying and debating this issue since 1962, and because I think this is the people's building, a monument, in fact, it is much more important that we finally take some action and, hopefully, this debate will lead us to a conclusion and a decision. It is much more important that we make a decision today than what that decision will be. In fact, the gentleman from California (Mr. LEWIS), the ranking minority Member, and I, who took a very detailed look at this problem and at the debate that has been raging for these 20 years, along with the other Members of our committee, concluded that it was time, beyond any quibbling over what solution, for the Congress to once more confront the issue and to finally resolve it. And we did so in the supplemental bill because we believe—and I think that the Members now understand—that this building is in some jeopardy. We have had some stones fall, and I think it is only good fortune that allowed them to fall in a place where no one could be injured or the public was not physically threatened.

It is an eyesore. I think we all understand that those wooden beams out there, which were so carefully kept out of sight for the west front inaugural, are, I think, a testament to our inability to make a judgment and a decision.

We have on several prior occasions passed a west front extension through this House, only to find this body and the other body locked in conflict and unable to resolve the issue.

What we are talking about here is the consistent extension of a design developed by Thomas U. Walter, Architect of the Capitol in the 1850's and 1860's—a man who has been supported in his design, the concept of extension as has every Architect of the Capitol who has served since, right up to the current day.

We are talking about a very modest design, one that preserves the Olmsted terraces we all love and appreciate, one which is not going to allow vehicular traffic or in any other way disrupt the visage of the west front from the Mall. We are talking about something that really accents and complements the size of the dome, which had been placed there at a later point in our history, during the Civil War. We are really taking our lead from the people who have spoken through the years, after having studied the problem very closely, as to what direction we ought to go in for the completion of the design of the Capitol.

I want to point out to the Members that every formal vote of the Commission on the extension of the Capitol, those who had been empowered to make this decision and to direct the conduct of this project, has been unanimous in favor of extension. And among some of those people who have taken this bipartisan step are people like Vice President Humphrey, Senator Dirksen, Senator Mansfield, Senator Scott, former President Ford, Speakers Albert and McCormack, along with minority leader Rhodes.

The House, as I indicated, has consistently supported the extension. But I think we have some questions today that need to be addressed again, just as they have been in the past, because nothing is certain when you have so many Members who have not been through the debate. I think it is important that we understand, first of all, that the Capitol is a living, breathing, changing building. It is not one that has been kept constant without change or alteration throughout history. It is one that will be complemented by the completion of the same architectural design. I would like to walk through that with my colleague, the ranking minority Member, the gentleman from California (Mr. LEWIS), and outline for you some of the changes that have been made. I think it would be very useful for us all to understand this proposal and its historical underpinning.

The original north wing, which you see currently, was begun in 1793 and completed in 1800. It was occupied by the Senate for 59 years. The House occupied it periodically during the early 1800's. The Supreme Court was part of it until 1935 when it moved across the street.

And there was a two-story Senate Chamber converted to separate stories, with the Supreme Court occupying the lower Chamber from 1810 to 1860.

There were temporary structures at locations of Statuary Hall, which was occupied by the House.

The CHAIRMAN. The time of the gentleman from California (Mr. FAZIO) has expired.

(On request of Mr. LEWIS of California and by unanimous consent, Mr. FAZIO was allowed to proceed for 5 additional minutes.)

Mr. FAZIO. Mr. Chairman, in 1807, the south wing of the Capitol was completed, occupied by the House from 1807 until 1857. Both the north and south wings were burned in 1814 and reconstruction was completed in 1819.

The central section was begun in 1818 and completed in 1829. The Library of Congress occupied two stories of the west central front from 1824 to 1897, and that area was altered to provide office space after 1897.

The present Senate and House wings began in 1851 and were completed in 1859.

The old low dome was replaced from 1856 to 1865, as I said, during the Civil War.

The west central section was reconstructed following a fire in 1851.

Terraces on the north, south, and west were added between 1884 and 1892.

There was a gas explosion in the old north wing, and that was reconstructed in 1898.

The original wooden roof over Statuary Hall was replaced, and the old Supreme Court wing was also reconstructed in 1902. Complete remodeling of the Senate and House Chambers occurred from 1949 to 1951, bringing them to the point where they are today.

In 1958 through 1962, the east front extension was constructed. Interior alterations and changes were made from 1958 until 1972.

There have been, in effect, 15 different structural changes in this building. It is a constantly changing domicile for American Government and at the same time a constantly evolving monument for the American people.

□ 1540

I think it is important to point out that some of our most persistent critics, in a newsletter circulated by the American Institute of Architects, said during the debate during the late 1950's that they believe that space requirements could be better filled at far less cost by leaving the east front alone and, instead, developing a proposed scheme for expansion on the west side of the building. In other words, the same people who today are generating almost all the opposition to the west front opposed the east front when that extension was made in the late 1950's, saying "Go to the west, gentlemen."

It is also very important to point out that what we are saying here about space needs on Capitol Hill is much more relevant to this body than to the other. I think Members would be interested to know that the average Member of the House and staff have available to them only 75 square feet per person, whereas those in the Senate, who have traditionally opposed this extension plan, have 150 square feet available to their average employee, twice as much square footage per person. So there is obviously a space need felt most acutely in this body, and one that I think can best be handled by the development of the west front extension which the gentleman from California (Mr. LEWIS) is now about to add to the model.

That provides us with almost a 150,000-square-foot addition at a very modest additional cost of some $30 per square foot, not the $500 which people have been led to believe is the case, for one very significant reason: We are talking about the incremental difference between the cost of extension and restoration, which we believe to be far less than the amendment would lead you to believe, $66 million versus the $70.5 million cost of the extension itself. I think you can see from this model that the extension would not be intrusive and not look very different than it does today.

We are talking about a rather modest $5 million difference, and it is that cost that we must look at when we determine what would be the cost of the square footage.

I think it is very important that we put the gargantuan $500-per-square-foot cost aside once and for all. It is a canard. It is a red herring that has been introduced into this debate, and I regret that because I think it takes away our attention from the essential argument over the esthetic alternatives that we must choose between.

I would say only one other thing. We are, I think, in a position to make a judgment on this today, and in a far better position than many of those who have been asked to write us and to express their opposition. They are not being given all of the information. I hope people will listen to the debate today and make up their own minds based on the judgments and facts that are being offered to them.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment and in support of the preservation of the U.S. Capitol. I have a prepared statement which I wish to read into the RECORD, but before I do, I would like to step down to the model to point out a couple of things that I think were brushed over rather quickly by the gentleman's presentation.

Mr. Chairman, from the professionally prepared model that is before us, and if I may for one moment remove the west front, I think that all of the Members can see that the only original part of the Capitol that is left at this particular point, known as the west front, is this part and this part, together with the portion wrapping around the corner.

It is important to note that when the Senate and the House Chambers were added at each end of the Capitol, the designers at that time were extraordinarily careful to hold back into a narrow corridor. You notice they did not take these wings and slap them up directly against the original Capitol Building. Why was that?

Also, you will notice when Frederick Olmsted, who incidentally is one of the greatest landscape designers of all time, the designer of Central Park, the designer of the landscaping around the Capitol, and also the designer of the famous terraces and stairways that would be partially obscured by this addition, when he added his famous terraces along the west front, notice how he held away from the Capitol.

Never has any Congress approved any plans that would in any way obliterate the west front of the original Capitol.

It is also very interesting to note that when Mr. Olmsted designed his famous terraces, they were designed to house conference rooms for the Congress. Today they house the offices of the Architect.

This plan, Mr. Chairman, is not a plan to extend the Capitol. It is a plan to obliterate it in marble, and it is absolutely preposterous. This House that we are privileged to occupy is not a shrine to the Capitol Architect. This Capitol is not a playtoy of the 98th Congress. It is the world's symbol of democracy and a sacred trust of this body. It is indeed a monument to the American people.

We have today but one obligation: We must protect and preserve the American heritage born out of this Capitol and not entomb it. Yet, entombing the west front, the last original exterior facade of the Capitol, is precisely what the Architect has asked us to do.

Consider, if you will, the historical implications of the Architect's plans to obliterate the west front. The west front has survived the sprawling expansion undertaken elsewhere in the Capitol. Indeed, when the House and Senate wings were added in the 1850's, they were designed to preserve and enhance the splendor of the west front. For nearly two centuries, the west front has weathered summer's blistering heat and winter's freezing storms. The west front stood up to the British in 1814 when they nearly burned the Capitol to the ground. It survived the fire of 1851 that destroyed the old Library of Congress. More recently, it withstood the dynamite explosion off the Capitol's rotunda.

The question I ask today: Will it survive this Congress?

Admittedly, the west front is in an alarming state of decay, with much of the blame placed on the quality of the sandstone facade. Many say that this sandstone is an inferior building product. How, then, has our White House not fallen to the ground? It is made of the same sandstone, nearly as old as the Capitol, and it is in impeccable shape. Why? Because it has been treated with proper reverence.

Had the Architect fulfilled his obligation under the law, the west front would not be in its current deplorable shape. I quote from title 40, United States Code annotated, section 163A, which says, and I quote:

It shall be the duty of the Architect to clean and keep in proper order the exterior of the Capitol.

□ 1550

The CHAIRMAN. The time of the gentleman from Florida (Mr. SHAW) has expired.

(By unanimous consent, Mr. SHAW was allowed to proceed for 3 additional minutes.)

Mr. SHAW. Mr. Chairman, one can only assume that the Architect's reluctance to repair the west front stems from his hope that its deplorable condition would encourage Members of this Congress to support his extension plans. And if the historical and esthetic implications of the west front extension plan are not serious enough, how about the financial burdens to the taxpayers of America?

The construction cost for this extension is astronomical. At a minimum, these new hideaway offices and committee rooms, which allegedly will be produced from an extension, the plans for which have not been drawn yet, will cost approximately $500 a square foot, making it the most expensive building that I know of in the United States, and the costs are likely to escalate.

The last four major construction projects under the control of the U.S. Capitol Architect have been tremendous in their overruns. Let us consider the Hart Building. The original estimate by the Architect was $48 million; the cost to date is $137 million, nearly a 300-percent overrun.

The Madison Library: The original estimated cost was $75 million; the cost to date is $130 million; and there is a $65 million overrun, or nearly 200 percent.

The renovation of the former FBI Building: The original estimated cost was $14.5 million; the cost to date is $27.2 million; and there is a $12.7 million overrun.

The expansion of the Capitol's Power Plant: The original estimate was $18.6 million; the cost to date is $30.6 million; and there is a $12 million overrun.

This is hardly a track record that inspires confidence in our Architect, and the most recent developments in his office must shake the confidence of even those who are the most dedicated to the expansion of the west front of the Capitol.

Due to an "inadvertent oversight," to quote the Architect, the plan for the expansion was changed just 2 weeks ago. He has willy-nilly moved a wall back 6 feet. This wall would be known as the new west front of this Capitol.

Are we prepared to sink $70.5 million, and possibly as much as $200 million, into a hastily drawn sketch? It is a ridiculous way to do business.

This U.S. Capitol is a beautiful, graceful building. We in Congress must assume our responsibilities as its trustees to preserve its splendor and its heritage for generations to come.

Mr. Chairman, we must restore the west front of the Capitol. We must not expand it; we must not entomb it.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SHAW) has again expired.

(On request of Mr. PRITCHARD, and by unanimous consent, Mr. SHAW was allowed to proceed for 3 additional minutes.)

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Washington.

Mr. PRITCHARD. Mr. Chairman, I wonder if the gentleman would clear up a couple of things for me. We have been busy on MX, the budget, and a lot of other things, and I did not realize what was going on here.

Is this going to cost $70 million to get this additional space?

Mr. SHAW. Well, that is the Architect's estimate. Actually it goes far beyond that because we do not include any interior furnishings. We do not even know where the interior walls are going to be at this time.

So this is merely an estimate, and if the track record that we have seen from the Architect is correct, perhaps it will be three times that.

Mr. PRITCHARD. And this is to get what, hideaway offices?

Mr. SHAW. This would produce hideaway offices.

Mr. PRITCHARD. Are those not the things that the Senators have, hideaway offices?

Mr. SHAW. Well, I understand that maybe some Members of the House have them, too. I have not had the privilege of seeing those.

Mr. PRITCHARD. It just seems to me, having been here 10 years, that anytime we build more offices we hire more people, and if we hire more people, we need more offices. I cannot believe that anyone thinks the quality of work has improved in the last 10 years as we have increased the number of people around here.

So I would think that we would be very careful about giving any opportunities for new people, even if some of the leaders are going to get hideaway offices.

Let me ask the gentleman first, did he say that the architects are opposing this?

Mr. SHAW. Yes. The AIA is very strong in its opposition. They have done a great deal of work in order to educate many of the Members and to get great support for the renovation of the west front. They are totally against the expansion of the west front of the Capitol.

Mr. PRITCHARD. If the architects are opposed to this, are the chiropractors for it or the gardeners for it? Who is for this plan?

Mr. SHAW. I do not know if the chiropractors have taken a position yet, but I am sure if they did take a position, it would be for restoration.

Mr. PRITCHARD. Mr. Chairman, let me ask, have we talked to the Architect of the Capitol? Where does he reside in this building, or is he in this building?

Mr. SHAW. Yes, the Architect, currently, as far as I can tell, occupies approximately 22,000 square feet of office space in the Capitol building itself.

Mr. PRITCHARD. We want to be fair, because it is probably more convenient for him to be here.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SHAW), has again expired.

(On request of Mr. PRITCHARD, and by unanimous consent, Mr. SHAW was allowed to proceed for 2 additional minutes.)

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield further?

Mr. SHAW. I yield to the gentleman from Washington.

Mr. PRITCHARD. Mr. Chairman, it is probably more convenient for the Architect to have his offices here in the Capitol Building. But what does he do with 22,000 square feet?

Mr. SHAW. He occupies that with employees.

Mr. PRITCHARD. What does he have, a staff of four or five?

Mr. SHAW. No, he has a staff of, I believe—somebody may be able to tell me more accurately, but I believe it is about 160 or 163.

Mr. PRITCHARD. That is 160 people?

Mr. SHAW. I believe that is correct.

Mr. PRITCHARD. That is bigger than the staff for the Aging Committee, which I think is the largest staff we have around here.

I think the gentleman has clearly laid it out here. If we really need more space, why, we could ask the Architect and his 160 people to move into another building. Now, I know it would be less convenient, but it would seem to me to make sense, if this building is supposed to be for the legislature and the machinery of Government, for us to occupy that 22,000 square feet if we need it and move the Architect out.

I think that all of us ought to go down and look at it and see what that 22,000 square feet is being used for before we even think of approaching this.

We have not even talked yet about the sanctity of the last wall in this Capitol. I do not know how other Members feel, but there has to be some reverence around here for that original building, and if we really care about this building—and I know we all do—I think we have an obligation to those people who are going to follow us two and three generations later. They ought to be able to see some part of that original building.

Somebody told me that Thomas Jefferson laid the cornerstone. I heard somebody say it was George Washington. If it was George Washington, that is even better.

Mr. Chairman, I know that we have a lot of things to do that are more important than worrying about this, but as long as we are going to take up the time, I would say this is sheer nonsense. We know this, and I do not care if the Architect likes it or not, I say we ought to move him out.

Mr. Chairman, I urge support of the amendment offered by the gentleman from California (Mr. ROYBAL).

Mr. TRAXLER. Mr. Chairman, I rise in opposition to the amendment and in support of the committee position.

Mr. Chairman, it is with some restraint that I am going to try to confine myself to the facts and the historical basis for the recommendations of the committee and not delve into either personalities or whether or not it was Jefferson or Washington who laid the cornerstone because those of us who have dealt with this issue over the years in committee know it was Washington.

The extension of the west front is to fulfill the manifest destiny of the U.S. Capitol Building. Every Architect since the 1850's has recommended that that be done; it is not this Architect only. This is not something that the present Architect dreamt up in the course of some kind of a nightmare. This is a recommendation that come from and originated with the Architect who was responsible for the very Chamber that we now stand in and with Olmstead, who created the wonderful terraces on the west front.

This is a fulfillment of their dream; it is not quest on the part of some Members for additional space, and it is not a consideration or whether or not the Architect has 120 employees, most of whom cut the grass and do the painting and trim the shrubs around the entire Capitol complex.

□ 1600

The issue is not whether or not the difference in the price of restoration versus extension is x dollars. It is less than the price of an F-14 fighter plane, if you want to know the truth.

The fact of the matter is that every Architect since the 1850's has recommended extension.

The AIA who opposed the extension of the east front and who at the time of the extension of the east front told our predecessors, and some of you were sitting here at that time, they said, "Don't do it to the east front. Do it to the west front."

They said that in a memo to their membership, and we have the memo if you want to read it. It is over at the chairman's table.

The Capitol does not belong to the American Institute of Architects. It belongs to all the people of this Nation and this Capitol is a living monument in which 2,000 people work. Let me ask at what point would you who oppose extension have stopped the changes in this building? Would you have stopped the changes at the point when the original structure was finished in 1814?

Would you have left us without indoor plumbing?

Would you have refused to put in gas lamps because candles were better?

What would you have done with electricity, telephones, central heating? What would your position have been on those issues? And for heavens sake—would you oppose air conditioning?

What would you have done and what would you have said when it was recommended that the two present Chambers, this one in which we are standing and seated today, were voted upon in the mid-1840's? Would you have seen that as a desecration of the original Capitol design and unable to go forward because it represented a betrayal of the historic building? Certainly you would have, and so would those who now not only oppose the east front, but now oppose the west front, although when they opposed the east front they were for the west front extension. Now they are against the west front extension and probably would demolish the work done on the east front, too, as well. They ought to better concern themselves—I only give this as an idea—they ought to concern themselves with doing something about that supermarket parking lot out on the east front if they want to do something to glorify and beautify the Capitol. That is disgraceful. Acres of cement out there. And scores of autos and too many are foreign made.

I hope that one day this good chairman Mr. FAZIO, and with the cooperation of his good friend, the gentleman from California (Mr. LEWIS), and this body and the Speaker and the Senate, will one day take a look at that supermarket parking lot as the east front and do what ought to be done. That is another chapter and we will talk about that next year.

So in the name of preservation, what you propose to do is drive between 1,500 and 2,000 2-inch holes in that old sandstone block. Then you propose to remove several hundred of the blocks that are unsound and replace them and then you propose to paint it over, as it has been virtually from the day it was installed. That is what you call restoration.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(At the request of Mr. FAZIO, and by unanimous consent, Mr. TRAXLER was allowed to proceed for 3 additional minutes.)

Mr. TRAXLER. There are 41 coats of paint covering the original sandstone blocks. You cannot find those blocks. What we propose to do is make it an interior wall, not entomb it.

I say to the persons who use that expression, it is disgraceful and betrays decent debate on the subject.

What we propose to do is make it an interior wall, clean it up and allow the public to see it in its natural state. It is beautiful material, but it ought never to be an exterior building block, never. It is horrible as a building material because: First, it deteriorates with age; second, the pollution of Washington; and third, the elements. It never should have been used, but it was a cheap solution.

Mr. Chairman, as a member of the Legislative Branch Appropriations Subcommittee, I support the proposed extension of the west central front of the Capitol because:

First, to fully preserve the original facade of the west central front from further deterioration;

Second, to honor an obligation to tradition and complete the intended design set forth 120 years ago; and

Third, to recognize that the Capitol is a living, growing entity like the democracy it represents.

The west central front is in the deplorable condition it is in as a result of: First, construction from an inferior sandstone and disintegrated mortar; second, burning by the British; third, standing on soil that has allowed it to settle to the point of crumbling; and fourth, receiving 41 coats of paint, being braced up with wooden beams since 1965—while the Congress has debated and—not decided what to do with it.

And now, in the name of preservation, it is being suggested that we drive thousands of steel ties into it and leave it facing the elements that have been eroding it and replace scores of the original blocks.

If it is preservation we are concerned with, extending the west front will provide support to the crumbling wall and shelter the fragile sandstone from the elements, which have already eroded much of the original ornamentation of the Thomas Bulfinch structure.

The Architectural Advisory Group appointed by the Architect of the Capitol reported:

> We are convinced that the exterior walls cannot be repaired in their present position because of the attendant danger of collapse of the interior vaults that thrust against them, thus causing the destruction of the Brumidi frescoes on these vaults and the supporting walls.
>
> To buttress these walls by extending the West Front . . . will save many parts of the exterior walls and many frescoes on vaults and walls that an attempted restoration in place would certainly destroy.

In short, extension is preservation. Extension would surely preserve the original wall, secure from the erosion of the elements, just as extension of the east front 20 years ago enables visitors to the Capitol to see the original sandstone preserved.

Extension is meeting the obligation of tradition. The story of the Capitol is a continuous story of growth, construction, and extension. The Capitol was begun in 1793 and is still not complete. As the Nation grew, the House and Senate wings and dome were completed by 1865 under the direction of the then Architect of the Capitol, Thomas Walter, who first advocated the extension of both the east and west fronts. The terraces were completed in 1892 in preparation for an extended west front. The Congress first authorized a study of the extension of the west front in 1904. The Congress extended the east front 20 years ago to address the same concerns we discuss today.

Many of the advocates of "restoration" refer to extension of the west central front as "entombment" of the original wall—I feel that this is truly an unfair term and disregards the fact that our Capitol is a living, growing entity.

It is our workplace. The Architectural Advisory Group report states that "to restore the existing west front in its existing location, the interior rooms would have to be vacated for up to 10 years."

The American people would be ill served by this interruption of our work.

It is the property of the American people. We have been entrusted with the care of this building, which is visited by tens of thousands of visitors each year. We should be ashamed that our stewardship has allowed pieces of the wall to fall twice in the past 20 years without taking action.

We are also responsible to the American people for the cost of either restoration or extension.

Extension makes more sense. For the $70.5 million recommended by the Appropriations Committee for extension, an additional 147,000 square feet will be provided. For the $66 million (architect's estimate) or the $48 million (preservationist claim) it will take to restore the west front, there will be no additional space provided for the public, there will still be exposed sandstone and there may be permanent damage to other parts of the Capitol.

When President Lincoln continued construction of the Capitol dome through the Civil War—he was roundly criticized by every quarter for extravagant spending, using cast iron for the dome that was supposedly needed for the war effort, even for building

the dome to divert attention from the war, Lincoln wisely responded:

If people see the Capitol going on, it is a sign that we intend the Union shall go on.

At that time, the extention of both the east and west front were advocated by the Capitol Architect. As the completion of the Capitol—and we have still not finished the job. Let us act now to complete the job by extending the west front.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I am glad to yield to my distinguished colleague, the gentleman from Michigan.

Mr. HERTEL of Michigan. I thank my friend, the gentleman from Michigan.

It is an excellent speech and I think all of us have learned something by the facts and the presentation given; but let me put the question to the gentleman.

This is the symbol of our Government, our democracy. Every day we have thousands upon thousands of people visiting the Capitol. They come up here on the Capitol steps to have their pictures taken. Is it not true that there is such vibrant feelings about this because people like to have an attachment to their history and with that being the one remaining wall, to have that feeling of constancy with history. Is that not a good question, to restore it?

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(At the request of Mr. HERTEL of Michigan and by unanimous consent, Mr. TRAXLER was allowed to proceed for 2 additional minutes.)

Mr. TRAXLER. Mr. Chairman, I thank the gentleman for getting me the additional time and the committee for its patience.

The gentleman raises the issue and the answer to that is that historically the fulfillment of the extension of both the east and the west front were foreseen by those persons who were involved in the construction of the current House and Senate Chambers and by Fred Olmsted, who did the terraces.

You are fulfilling an historic plan and desire, and I would encourage you to support that.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield further?

Mr. TRAXLER. Surely.

Mr. HERTEL of Michigan. That is certainly strong argument on the one side and that is very true, that this was all planned.

On the other side, though, I raise the issue of the attachment that people have to historical connections of knowing that this was the way one wall was since the beginning and it is the last wall that is that way today and that people can have that kind of attachment and relationship to the Founding Fathers.

Mr. TRAXLER. Again the gentleman raises a valid question. Let me say that all America ought to be able to see that wall as it was originally placed and put up before they had to paint it as it began to deteriorate within a few years after construction.

So my recommendation and the recommendation of the committee is that you put that wall as an interior wall, clean off the 41 coats of paint and allow all of America in an adequate and beautiful setting to see that lovely sandstone, where it will not be covered over and painted, where it will not be further subject to deterioration, where you are not going to punch through 2-inch holes, 1,600 of them, and replace innumerable blocks that are currently out there with pseudo-historic blocks.

If you want to preserve the west front, my recommendation is to extend the front, set the wall behind as it would be, leave it where it is, clean it up and put it on view for all America to see.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I am delighted to yield to my colleague, the gentleman from Iowa.

Mr. SMITH of Iowa. If that were the interest of people who come here, they would go out on the terrace. You do not see very many people out on the terrace.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(At the request of Mr. SMITH of Iowa, and by unanimous consent, Mr. TRAXLER was allowed to proceed for 3 additional minutes.)

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will yield further, the terrace is not where the tourists go. As a matter of fact, I suspect that most of the Members of this House have never been on the west terrace, except for the last time that we had an inauguration. You go out there and what you look at is a well between you and the Capitol Building where the extension of the west front was supposed to have been built years ago; so if that were of some interest around here, I think you would see people out there.

Also, someone said something about the west front surviving an explosion. The explosion was at the new east front. Those of us that were here apparently can remember where it was. It was not even on the west front.

I think a lot of this debate we have heard today could more appropriately have been heard in the House of Commons where they are trying to cling to the past, trying to keep the status quo.

We are a growing country. We are looking forward. The dome of the Capitol, when it is flashed on screens anywhere in the world, is a symbol of freedom, a symbol of growth. It is a symbol of the great United States of America.

We are not looking back trying to cling to the status quo. We are going to go ahead and, of course, we would not build the cheapest building in the world.

□ 1610

I do not know if the proposed extension is going to cost $50 a square foot or $100, as somebody said. We are paying $100 a square foot for housing for Government employees overseas. Do you know that?

If it cost $500 a square foot and it is going to last 500 years it is still cheaper than building one of those block buildings downtown that will not last 50 years for $50 a square foot. I think the gentleman has contributed a great deal to this debate.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I now yield to my distinguished colleague from Florida.

Mr. SHAW. From a historical note there have been three explosions in the Capitol. One was November 6, 1898, when there was a gas explosion when fire heavily damaged the Supreme Court Chambers.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. TRAXLER) has again expired.

(At the request of Mr. SHAW and by unanimous consent, Mr. TRAXLER was allowed to proceed for 2 additional minutes.)

Mr. TRAXLER. I yield to the gentleman.

Mr. SHAW. The second explosion was on July 2, 1915, in the Senate reception room. The third was on March 1, 1971 and that was off the rotunda on the ground floor of the Senate wing.

I think that the record should also show correctly that the gentleman in the well has made reference to a number of holes that will have to be drilled. This is going to have to be done whether we go into renovation or expansion. It is for the construction or for the reinforcement of the existing Capitol.

The new wall that is being proposed to be built is in no way going to hold up any of the existing structure. It is simply a new wall which expands outward. I think there is a difference of about 200 or 300 holes.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I am happy to yield to my friend from California.

Mr. FAZIO. The very purpose of the extension is to buttress the existing west front wall. The extension is justified in terms of the space it provides, but its ultimate purpose and the reason the Society of Professional Engineers supported the extension is that they are not convinced that the

planned restoration will do the job. They do not believe all of those reinforcing rods, the groutings, all of those holes that will be drilled in the sandstone, are going to do the job and they think it must be buttressed.

So I have to differ with the gentleman on that point.

Let me make very clear what Frederick Law Olmsted, whom we have talked about in revered terms here, has said on the west front:

> It is assumed that the present facade of the old Capitol will eventually be replaced by a wall of marble corresponding in dimension and architectural character to those of the other wings.

We are talking about the completion not only in terms of design but the structural components also, the material that was originally conceived of in the 1950's.

I would hope the Members would confine their remarks to the issues that are really before us and not the extraneous issues that so far have characterized the remarks from most of the opposition.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. TRAXLER) has again expired.

(At the request of Mr. YATES and by unanimous consent, Mr. TRAXLER was allowed to proceed for 5 additional minutes.)

Mr. TRAXLER. I will yield to the gentleman in just a moment. I just want to say to my distinguished colleague from Florida that his appearance before our committee was a very impressive one and I appreciate, even though we are on opposite sides of this issue, I appreciate the time and the effort and the knowledge the gentleman has brought to this issue.

I am very grateful.

Mr. SHAW. I thank the gentleman.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from Illinois.

Mr. YATES. I want to congratulate the gentleman upon a very masterful presentation. I think the gentleman has made the best possible argument for extension.

As it happens, I was the chairman of a special subcommittee and worked with now Senator ANDREWS of North Dakota about 10 or 12 years ago on the question of extending the west front of the Capitol or restoring it. The engineers who were employed by the Architect at that time concluded that restoration was not possible. It was for that reason that I brought the report of the committee back advocating an extension of the west front.

It subsequently became known that restoration is possible. For that reason I tend now to support the concept of restoration.

The gentleman has made some intriguing arguments. One is that we will be able to see the actual west front of the Capitol if there is an extension. I wish the gentleman would explain this further. Will it be like the east front? All we see now of the original east front is through a small window that is outside of the Speaker's office. We see pieces of what were once, I guess, maybe the original east front. I do not know whether the east front was built out from the old east wall or whether that small portion of it was permitted to remain in order to fulfill the concept of historic preservation. Nobody sees it, nobody knows it is there.

If the original wall is to remain and be cleaned up, will there be a corridor that will permit this?

Mr. TRAXLER. Yes.

Mr. YATES. How wide will the corridor be? How long will it be? What is proposed to be done?

I would appreciate the gentleman responding to that question at such time as someone can provide the information.

Second, what will the purpose of the extension be, to provide new committee rooms, to provide a new restaurant? I was told at the luncheon today, one Member who happened to be seated at the luncheon table said he was going to vote for the extension because it would permit a new Members' dining room. I pointed out to him that the Members had a dining room which was taken away by the House Administration Committee because it operated in the red rather than the black. If the Members do get a new dining room under the new concept will it be permitted to operate even though it operates in the red?

But much as we would like our own dining room that is provincial. It is below the character of the debate that the gentleman advanced to the House in which all of us are engaged.

I happen to believe in the concept of historic preservation. It comes before the subcommittee of which I am chairman, and we try to save beautiful classic buildings from the bulldozers which are mashing and knocking down too many of our good buildings throughout the country. History is important. Buildings like the Capitol, which is the preeminent historic building in this country and truly the symbol of our democracy would be preserved to the greatest extent possible. To go modern is not necessary to progress. It is important, I repeat, it is important to retain the link of history, to retain the link between the past, the present, and the future which historic buildings give us.

I was very much impressed with the gentleman's argument, but I think that it is important, too, to cling to the original wall.

Perhaps I differ from the architects in this respect, but I would go along with the statement of Frederick Olmsted that was read by the gentleman from California. I would replace the sandstone with marble for greater permanence of the wall but I would keep some of the wall there.

I think while that alters the pure, the pristine concept of the preservation of the wall, nevertheless it will permit a greater preservation of the appearance of that wall through the ages.

Again, let me thank the gentleman for yielding to me. I have taken too much of his time and I hope the Chair will permit the gentleman time to answer the questions.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I am delighted to yield to my colleague from Ohio.

Mr. SEIBERLING. The subcommittee which I chair has jurisdiction over historic preservation authorizing legislation. I am the author of the 1980 Historic Preservation Act amendments, which have been viewed as landmark legislation in this field.

Just this year I received a special commendation award from the National Trust Fund for Historic Preservation. I have given substantial amounts of my personal assets on preservation of historic structures.

I yield to no one in my interest in and credentials in the field of historic preservation.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. TRAXLER) has again expired.

Mr. SEIBERLING. Mr. Chairman, I ask unanimous consent the gentleman have 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

I do so, Mr. Chairman, for the purpose of yielding to the gentleman from Michigan so that he may engage in a colloquy with the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. SEIBERLING. I recite all of this not to brag but to try to establish that I do know something about historic preservation. I consider that the extension of the west front of the Capitol has more creative potential for historic restoration in the Capitol, does more to restore the kind of balance that once existed when the Capitol was first built than merely replacing the wall in question.

□ 1620

Let me point out that every single Architect of the Capitol has supported

the extension of the west front, to my knowledge. A panoply of distinguished architects has supported the concept that is before us in this model. Frederick Law Olmsted would be laughing at us if he were alive today, at the very idea that we cannot tinker with what remains of an old crumbling wall.

What do you think his grand terrace was if it was not a radical change in the west front of the Capitol? That was a tremendous improvement, all the architects now agree, and it should be preserved.

But those holes between the terrace and the present wall are an architectural anomaly. And there is more to it than that.

This Capitol is not just a museum, it is our workplace.

How many of you feel that we have adequate rooms in the Capitol for Senate/House conference meetings, so that the press and public can come in and sit down in comfort to see what we are doing? Today House-Senate conferees, visitors, media, lobbyists are all jammed into little hot, sweaty rooms trying to work on important legislative compromises.

I have spoken to the Speaker about it, and he is interested. Certainly one of the most important things we could achieve by west front extension would be to get some decent-sized rooms in the Capitol where we can have Senate/House conference meetings under circumstances better conducive to rational deliberations.

Now let's talk about historic restoration.

If we had some reception rooms down underneath an extended west front, where the public could come and have meetings or whatever, we could get the statues out of Statuary Hall, put them down in the new rooms a suitable setting, we could then restore Statuary Hall so it looks like it did when it was the original House of Representatives, where Abraham Lincoln, Henry Clay, and other greats of our history once held forth.

That would mean far more to the public and be far more in keeping with the spirit of historic preservation than saving a crumbling facade or even replacing it with marble.

Moreover, the cost of shoring up or replacing the old wall is likely to turn out to be far higher than the cost of building a new structure in the intended location. It seems to me the approach that the subcommittee is taking is absolutely on target, and as a historic preservationist I applaud the work of the committee and I thank the gentleman for yielding.

Mr. YATES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, since this is my first year with the questionable privilege of serving as ranking member of this subcommittee, I could not help but react when one fine sunny day we passed off of this floor a $5 billion jobs bill that included any number of construction projects across the country. As I contemplated some of those projects it occurred to me almost immediately that there was a project around here that absolutely deserved our highest priority attention. That project involved the reality that for almost 20 years now the west side of the Nation's Capitol had been literally held together by pillar and post.

The country had focused upon the west side of the Capitol, I think in real terms, nationwide for the first time when President Reagan decided for the first time in history to have the inauguration on that west side.

You will recall his discussing his view from the west side of the Nation's Capitol looking at the Washington Monument, at the Lincoln Memorial, at the Potomac and at the country beyond.

The problem with that presentation, and that which the public saw, was that we chose, indeed we had to cover those pillars and posts with all kinds of flag-draping material to provide a red, white, and blue background and to add beauty. But just as important, to cover up the reality that our Nation's Capitol was falling apart.

Highest priority attention should be paid to doing something about that disgrace. With that, I must say that our chairman, the gentleman from California (Mr. FAZIO) was more than responsive and suggested his willingness to have hearings on the matter. I told him from the very beginning that this Member of Congress was absolutely on that line which suggested we should restore the Capitol.

Then I was forced, because of my responsibility, to listen to some of the facts.

Ladies and gentlemen the first thing that came to my attention was this item—east front model. All of you have seen this item and you have all presumed it to be the historical face of our Capitol, where we take people daily to see their Capitol, where we have photos taken and so forth.

Little did I know that that was not the historic face of the east side of the Capitol. This had just been completed in 1962.

The point is that from the very beginning the Capitol has been a growing and living building. Indeed we all should recall that the original Capitol Building was burned down by the British in 1812 and following that the initial design of the Capitol was completed and was used by the House and Senate up to approximately 1850.

About that point in time, because the Nation was growing and the Congress was growing it was decided that we ought to add these crazy wings to that beautifully balanced Capitol, a building that I would have fought to preserve.

But once you added the wings, the old dome was totally out of sync with a balanced building. The then Architect of the Capitol, Thomas Walter, designed this new dome, created proposals, designs, plans and recommendations of the Capitol for the eventual growth of the building that would provide a new Nation's Capitol with real balance, including discussions throughout those years of the extension of the east wing, which was completed in 1962 and the extension of the west wing.

Remember that in 1956, let us say, to 1958 when we were making a decision to expand the east wing, we had a similar debate to this one. The same kinds of groups came forth and said "We cannot change the east side of the Capitol." Well, note this: As you walk into the east side of the Capitol at this moment, on each side you will find brass doors. Those brass doors were first contracted for in 1909. They were completed in 1911. They were not put up on the east wing until it was finished in 1962. I am sure that all of you know where EF-100 is on the east side. You have seen the brass doors that are on display that have been there for many, many years. Those brass doors on display are the very doors that were purchased in the early 1900's to eventually go on the extension of the west front of the Capitol. The point is that this has been a living building, responding to the changes of our age.

The CHAIRMAN. The time of the gentleman from California (Mr. LEWIS) has expired.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. LEWIS)?

Mr. STRATTON. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The gentleman reserves the right to object.

Mr. STRATTON. Mr. Chairman, we are trying to close up the debate. We are trying to get out of here so that we do not have to stay here all night. But the members of the Appropriations Committee are the ones that are asking for the extensions of time. There are many others who would also like to speak, who are not on the committee, but who cannot be recognized under the established procedures of the Chair.

The CHAIRMAN. The Chair will eventually recognize all such persons.

Mr. STRATTON. Mr. Chairman, for that reason I am going to be constrained to object to any further extensions of time. Mr. Chairman, I withdraw my reservation of objection.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. LEWIS)?

There was no objection.

The CHAIRMAN. Hearing none, the gentleman from California (Mr. LEWIS) is recognized for an additional 5 minutes.

Mr. LEWIS of California. I thank the Chair and I thank the gentleman.

To pick up where I left off, at this point in time we are at a crossroads. We have the momentum to do something about the terrible condition of our Capitol. One of the alternatives is to restore. I think it is important for all of us to know what is involved in restoring that old building.

First, any number of the footings on the west end of the Capitol are virtually sitting on the ground. There is no fundamental foundation there. It is clear, as we have seen just in the last few weeks, that those sandstone facings are falling apart by the very nature of them.

The reality is that if we are going to restore the Capitol on that side, the way you begin is by drilling 2,000 2-inch holes through those walls and across the arches, then placing some 2½ miles of stainless steel rods that will hold the Capitol of the building together from both sides.

Now there will be drilling, there will be noise, there will be dust. Virtually the west side of the Capitol will be vacated a good part of perhaps as much as 2 years.

□ 1630

And even then the National Society of Engineers indicates that they are not confident that that is the best means of securing the Capitol.

So that is the process of restoring. Note that those walls that we have talked about, the sandstone walls, have for some time now been covered by at least 20 coats of paint. You cannot see them as they naturally would be.

The other approach beyond restoring is to historically extend the Capitol as intended in the writings of Thomas Walter in the 1850's, as communicated by other Architects of the Capitol since that time. Remembering that our current Architect came here as the President-elect of the National Architects Society and opposed to extension. After dealing with this living building, he has totally reversed himself as I have after looking at the facts of the case.

To historically extend, we are talking about spending $70.5 million. To restore, you spend approximately $66 million, figures that have been brought to us after detailed independent studies done by experts outside of the Architect's office. That extra $4½ million, a relatively low-cost only because you do not have to drill those holes and put those rods in, that extra $4½ million will provide an abutment for the old building, securing it, and it also happens to produce approximately 147,000 square feet.

Mr. HIGHTOWER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Texas.

Mr. HIGHTOWER. I thank the gentleman for yielding.

On the point of the estimated cost, I think it should be brought out that although we can get fairly firm figures about the cost of new construction, it is easier for an architect to make that kind of an estimate. It is much more difficult to estimate the cost of the reconstruction because they do not know what they are going to get into. That there is going to have to be a great many blocks replaced and the engineering is unknown. When they start tearing up and digging into that wall, they have no way of knowing what they are going to find.

So the cost that the gentleman quotes there of the cost of restoration could be considerably more, whereas we feel that the estimated cost of the new construction is fairly firm; is that not correct?

Mr. LEWIS of California. The gentleman is exactly correct and I thank him for his contribution.

Mr. SHAW. Mr. Chairman, would the gentleman yield to me on that very point?

Mr. LEWIS of California. I yield to the gentleman from Florida.

Mr. SHAW. I thank the gentleman for yielding.

Mr. Chairman, I think it is important to realize and I would tell my friend from Texas that in the renovation design there is a 35-percent contingent cost. In the expansion design there is only a 10-percent cost and I think also as the gentleman from California will readily point out to this committee is that there are no plans in existence for expansion. There are only sketches and guesstimates of the architect.

The CHAIRMAN. The time of the gentleman from California (Mr. LEWIS) has expired.

Mr. FAZIO. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. NATCHER. Mr. Chairman, we have now been on this amendment for 1 hour and 10 minutes. We have here on this side two of our senior Members in the House, who are not members on the committee, who have not had a chance to be heard and I know that under the procedures Mr. Chairman, the committee members are recognized first.

Mr. Chairman, since we have been on this amendment now for this period of time, in all fairness to the Members on both sides, and in all fairness to the Members who are not members of this committee, why not fix the time at 5 o'clock and let it be allocated between those who are for the amendment and those who are against the amendment. Fix the time at 5 o'clock.

Mr. STRATTON. Mr. Chairman, would the gentleman make that 5:15?

Mr. NATCHER. Make it 5:10.

Mr. Chairman, I ask unanimous consent that the time be fixed at 5:10 and that it be divided equally between those who are opposed to the amendment and those who are for the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. SHAW. Mr. Chairman, reserving the right to object, I believe in looking at those who are standing around the floor, I would like to have some idea as to those who wish to be heard as to how many are on each side of this particular argument. I have an idea that most of the expansionists have spoken, where there are yet many Members who are selecting preservation who wish to be heard.

Mr. Chairman, reserving the right to object, if I could ask the Chair to get some idea as to those who wish to speak and as to which side they are on to see if there is equitable distribution of the time.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Kentucky.

Mr. NATCHER. If the time were allocated to those standing, Mr. Chairman, regardless of the side they are on, with the time fixed at 5:05. How would that be?

Mr. SHAW. Mr. Chairman, if the time is split among all those who wish to speak, who have not spoken, I would withdraw my reservation of objection.

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that the time be fixed at 5:05.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. KINDNESS. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am in favor of the amendment. We are spending now hundreds of millions of dollars, perhaps billions of dollars in this country in historic preservation. The Federal Government is spending this, people are spending it, we have grants for it, we have tax incentives for it. All over this country we are trying to the best we can to preserve what is beautiful and inspirational in our country.

We have here the most important gem of all. For anybody who is interested in historic preservation, the Capitol of the United States is the most important building in the United States. There is only one outside wall of it which is still observable by the public. Now it is true that not many people walk out on those Omsted verandas, but millions of people, millions of people see that wall from the Mall itself. And I point it out to them. I tell them of the original structure and of the times when various things were done. When people ask me about it I tell them exactly what occured. I think that is interesting, but you destroy that one wall and you will just be able to say to people, "Well, there was a Capitol Building. It is now somewhere entombed or somewhere engrossed in that outer shell."

So I think you really have done something magnificently wrong if you destroy that wall from the observation of people.

There is much unused space in this building. Anybody who has been here any length of time knows there is at least one complete floor of this building which has practically nothing in it. With air-conditioning and lights today that could be made into the most magnificent quarters.

Furthermore, there are acres of empty land here where buildings could be put down under the ground just like they are doing at the Smithsonian right now, next by the "Castle" at the Smithsonian. They are building a tremendous building there, all of it underground, floor after floor, all underground. So if we need all this space we could go underground or we could build another building nearby, off the campus of the Capitol.

Now something has been said here about the fact that this is a usable building. I guess that thought really is, next to my feelings about preservation, the next most important feeling I have about it. This is a building for the Government of the United States. It is supposed to be used by the Government of the United States. Why clutter it up with more latrines and more restaurants and other things for the general public, when things like that can be built right across the street if you want to do that. If you want a reception center for the public, it can be done right across the street.

Right now there are cul de sacs and narrow passages in this building which would make it very difficult if a lot more people came here just for its public accommodations. This is a building for the Government of the United States. If we are going to turn it over to a mass sort of operation for public accommodations, we might as well build another building somewhere else for Government use.

It is important that we preserve this building, use it for the Government and utilize the space in it that is now totally unused, and use the building space that is not properly used, like the Architect's offices.

Now a lot has been said about the Architects of the Capitol. It is true that the Architects of the Capitol have recommended great changes in this building through many years.

□ 1640

But it is not true that the architects of this country as a profession, or the people of this country who feel that preservation is important to our country and its morals and its standards have recommended it at all. The architects of the country have recommended against it.

If you put a man with 100-and-some-odd people in this building who is the Architect of the Capitol, he is going to dream up things about improvement, you can count on that, because that fulfills his destiny. And that is just a natural thing. He is not to be condemned for it. He is not selfish for it but that does not mean we have to agree with him.

I would like to repeat, then, we are spending hundreds of millions of dollars in this country for historic preservation today. We have the gem of all gems right here in this building. To blot out the last wall which the public can see of the original building, in my opinion, would be a great mistake. There is a lot of unused space in this building which could be used now, or we could go down on the outside, in some of these plazas, and build other buildings, or we could build them on the side of the plaza and we do not have to build them as expensively. When you build in this building, you have to build to a very fine level. But if you build buildings which are for temporary use outside this space you can build to destroy them afterward when they are outmoded; and that is what I suggest we do if additional space be needed.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think I am the granddaddy of all opponents of the extension of the west front, going back to 1966, when Speaker McCormack proposed the extension of the Capitol.

The bill that is before us now from the Appropriations Committee provides $70.5 million to extend the west front, and the amendment of the gentleman from California (Mr. ROYBAL) provides $49 million for restoration. So there is a considerable saving in that difference.

The west front, I think, is actually regarded by most people, whether they walk out there, as the gentleman from Iowa (Mr. SMITH) suggests, or do not walk out there, as the main front of the Capitol, it is the view that you see down Pennsylvania Avenue. Most of the tourists who come in, see that view. That is the picture card that they send back to the folks back home. It is also, I think as experience has demonstrated, a far better place to hold your inauguration, as President Reagan demonstrated, than the east front.

This issue that we are confronted with here today is primarily a matter of money. It is also a matter of how you treat the Nation's No. 1 historic shrine. It is not really a question of space, because you simply cannot put everybody into the Capitol who would like to go in there. And what is it that we need so desperately to get into the Capitol that we already do not have?

It is true that the Appropriations Committee would like a room where they could get together as a body. But in fact if the spaces occupied by the Architect of the Capitol, with his 130 or 160 individuals working for him—and the Architect, with all due respect, is simply a glorified janitor, even if he has an architectural degree—we ought to move the janitor and his employees out of the Capitol, over into the annex, and let us put the Appropriations Committee in those areas where they can look down the Mall, see the Washington Monument and get added historic inspiration for their very important deliberations.

Not everybody is in the Capitol. Even the Ways and Means Committee is not in the Capitol. And that is a pretty important committee, after all. And, after all, fully one-third of the space in this Capitol has been taken away from the business of the Capitol by the Historical Society. Our former colleague, Mr. Schwengel, along with the cooperation of the Architect, have made the Capitol into a museum and into a mausoleum. The old Senate Chamber used to be a darn good place to have conferences, and you could even get the whole Appropriations Committee into the old Senate Chamber. But now it just sits there empty, for people to look at, and taking up a very important space.

Statutory Hall is all very nice too, but we could certainly put some working people in there, if we really do need more space.

And below the old Senate Chamber is the old Supreme Court Chamber. That would be pretty good for a small conference room.

But no, we have made a mausoleum out of the U.S. Capitol. It is all very well to talk about how nice it would be to see how the Capitol looked back in 1800, but we ought not to be taking away its limited space from the actual operations of the Congress.

The other point that I think is very important to understand is that the Capitol is not falling down. The basic wall of the Capitol is 7 feet thick. In fact, the architects and engineers who have looked at it are amazed at the size of the wall. It could probably support 5 or 6 more domes. What is falling down is the veneer of the Capitol, the sandstone veneer which came from George Washington's farm, as I understand it. Why is it falling down? Because it has been deliberately neglected. Ever since 1966 they did not want to do anything with the west front of the Capitol to make it look attractive because they were afraid that then people would not want to vote to extend it. So they did not wash the windows, they did not paint the west wall, they did not take off the pigeon droppings, so that when people said, "Look how terrible this wall is," they said, "That darned STRATTON does not want to let us extend the west front."

The CHAIRMAN. The time of the gentleman from New York (Mr. STRATTON) has expired.

Mr. SHAW. Mr. Chairman, I ask unanimous consent that the gentleman from New York be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. THOMAS of California. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The gentleman from California (Mr. THOMAS) reserves the right to object.

Mr. THOMAS of California. Mr. Chairman, I shall not object, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STRATTON. I thank the gentleman for requesting this additional time.

Mr. Chairman, the extension is supposed to cost $70.5 million, but restoration has already been funded in the Senate to the extent of $48 million, a saving of $22 million. So this, it seems to me, is the wrong time for us to be talking about spending millions of dollars for extra space in this Capitol or for any building associated with the work of the Congress. We have just gotten over the Hart Building. That was a very substantial embarrassment to the Congress. Here we are, taking food stamps away from the hungry, taking other things away from the elderly, and yet we want to spend $70 million to put in a few hideaway offices for ourselves.

The gentleman from California (Mr. FAZIO) did say in his statement that every commission on the west central front of the Capitol has been in favor of extension. The gentleman overlooked, however, the report of the Commission of the west central front of the U.S. Capitol dated the 15th of March, 1983, chaired by the distinguished Vice President of the United States, Mr. BUSH, and that Commission voted 3 to 2 to restore instead of extend. But they declined to make a formal recommendation, unfortunately.

The statement has been made that the west front is going to look a lot better when they extend it than it looks now. I have here, on both sides of the desk, some reprints of an article that appeared in the New York Times this morning, which discusses the esthetic aspect of the west front issue. There may not be many Members of the Congress who are interested in architectural esthetics, but this is still one of the major points. Here is what the architectural expert of the New York Times has to say: "the reason to preserve the west front is not one of mere nostalgia. It is more that the original west front is so much better than what has been proposed to replace it, and that the expanded west front would render a complex, unusual building sadly, even tragically, conventional."

Now, we do not want anything sadly or tragically conventional, do we? We have got a beautiful west front. It was the scene of the Reagan inaugural. It is the object of thousands of photographs. But when you fill up the recesses that let in the sun, when you change the historic portico with its columns, and when you damage the Olmsted Terraces, as indeed they will be damaged when they move the west wall out so far that only about 7 feet is left to walk past this wall, we destroy its architectural appeal. Why the gentleman from Wisconsin (Mr. OBEY) became so upset, I understand, he was afraid that people might fall off the wall, so he insisted that the Architect redraw his extension plans and, as a result we still do not have, as has already been said, any final plan for this extension. They are trying to oblige the gentleman from Wisconsin, but if you force our visitors from home to walk through this little gap of 7 feet, it is going to be not only unsightly but it is really going to be dangerous.

□ 1650

Mr. OBEY. Mr. Chairman, since the gentleman mentioned my name, will he yield?

Mr. STRATTON. I would be very happy to yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, let me just correct the record. The committee is not trying to respond to the sensibilities of the gentleman from Wisconsin. The American Institute of Architects came to my office. They made the point that the design of the Capitol, as suggested, would, in fact, provide greater encroachment on the terraces than the committee had been led to believe. It was because of that fact, which was brought to our attention by the American Institute of Architects, that we went to the architect and the committee instructed the architect to revise the plans in two respects: First, to provide no pediment. We have taken the pediment off at a savings of $2 million. And second, we have instructed the Architect to redraw the plans to the degree that they will preserve the terraces by limiting the encroachment to no more than 12 feet 8 inches as is the case now on the Senate and House wings.

Mr. STRATTON. I cannot yield further, but the point is that the representatives of the American Institute of Architects made a number of other observations, but the gentleman from Wisconsin is the only one that seems to have responded to any of them. I commend him for that.

Mr. MYERS. Mr. Chairman, I move to strike the requisite number of words.

Listening to the discussion this afternoon, everyone is right to a point. Everyone had something to say, and one can make a valid point in either direction. But the thing that concerns me is that the arguments that have been used this afternoon against expanding, extending out the west front, have been used for a number of years, and because of that we see the west front now falling in and we have not done a doggone thing.

This is the Nation's Capitol. It is a working Capitol. It is more than just a monument. But it is time we, as responsible Representatives of the American people, take proper care of their property, and this is their property, in case we have forgotten that.

One of the arguments used today is that we do not need the space. Of course, I suppose if we gave the American people the choice of how much space you would have, you would be operating out of a telephone booth, and they think some of us do operate that way.

But I also think the American people are entitled to a little more space than they have today. I do not know how many of my colleagues have taken your guests through the Capitol recently, or any time in recent years. I suppose I have taken through about as many, except Fred Schwengel, but I have never had one person yet say,

"Show me that beautiful west front that we might cover up." They usually want to see the working government. They want to see where their laws are made. They want to see where someone had sat in the past throughout history.

They are not concerned, really, about that west front. They want to see their Capitol be functional and to keep standing. This is what people want to see, and that is what they are entitled to.

Another thing: I heard the argument this afternoon about the Speaker wanting another dining room. Well, I do not know if the Speaker wants another dining room; he has never talked to me about it. But I do think the American taxpayers are entitled to a dining room that is somewhat close to their seat of government. When they come to visit you or to see their Government in action, if they have that much courage, I think they are entitled to have a place to eat. Where can they eat within three or four blocks of this Capitol right now?

Are the American people not entitled to have a dining room so they also can eat? Oh, we have an adequate dining room, if you can stand it, and I am not suggesting that we subject our taxpayers to the same thing where we eat. But they are entitled maybe to a restroom that they can go to without having to a dining room. They are entitled to stand in line. There are some things that the taxpayers are entitled to.

Now, as far as the cost is concerned, one could argue in this well or in this chamber all afternoon what it is going to cost. No one knows exactly. I have heard speculation this afternoon how much more it is going to cost to extend; that the cost overruns on the Hart Building or the Rayburn Building or other buildings throughout the country have been tremendous. How about the cost overruns in just restoring that west front?

They are going to have to take most of those old sandstones out. They do not know today how many they are going to have to replace, but they know some will have to be replaced, which is next to impossible, since the quarry is out of business. But they are going to have to remove those.

And how about the inconvenience to those offices over there? As far as space is concerned, last week this Committee on Appropriations met over in the caucus room of the Cannon Building because we do not give the American people the opportunity to see their funds being spent. So we moved over to that large room, a very large room. I counted at one time and there were 47 people standing around the outside. We could have it in Washington stadium, I expect, out here in Robert F. Kennedy Stadium, and we would fill it up because they would like to see their government in action, but they do not get the opportunity today to see us in action because our room is too small downstairs. And you say we do not need more space?

In closing, this morning we had a markup session down in our regular appropriation room downstairs in room H-140. Next door, either the termites have taken jackhammers or someone is in there pecking just a little bit, but you would have thought they were beating a bass drum inside our room. We could not hear the chairman, who does not have exactly a soft voice, but we could not hear him speak because they were pecking.

Imagine the 5 years it is going to require to take that wall down, drive steel beams, 2,000 of them, through and pour concrete, the inconvenience for those offices over there. And you say it is just a simple little matter of restoring the west front?

Maybe it is not our choice. Maybe no one would like to do that. We wish the thing were not falling in right now. But we have lacked the courage in the past to do what needs to be done. Let us not lack the courage once again.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to my chairman, the gentleman from California.

Mr. FAZIO. I appreciate the gentleman yielding.

Mr. Chairman, I think it is very important to reiterate one point. We have been presented with detailed design and engineering studies that have been done on both restoration and on extension. The cost of one, $66 million; the other, $70.5 million.

This is very different than the Hart Building. The approval of the Hart Building was taken without either designs or specifications, without a site being selected, and without adequate preparation. We ended up adding on appropriation after appropriation because of that very fact. In this instance, we are dealing in an unknown, but we are dealing with the best possible beginning we have ever had with the extension or reconstruction, preservation, any opportunity we have ever had on Capitol Hill.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. MYERS) has expired.

(By unanimous consent, Mr. MYERS was allowed to proceed for 1 additional minute.)

Mr. MYERS. I appreciate the courtesy that has been extended by my colleagues in granting me 1 additional minute.

The Chairman is exactly right. It is more precise that we can estimate the cost of an extension because you know what the material is, you know how much it is going to cost. But what you start getting into that old, manufactured building there, a building that is 200 years old, part of it, part of that structure there they just do not know what they are going to get into when they start tearing it out.

Every engineer I have talked with says it is almost impossible to predict what the cost is going to be. If you are worried about cost, and we should be, it is altogether possible, maybe probable, that it will cost even more to restore than it will to extend because we are dealing with unknowns.

My colleagues here, we have put off what needs to be done for so long and we see the wall come tumbling down. Let us put it off again. Let us take firm action today and do what is right for the future of our country and what is right for our Capitol.

Mr. KINDNESS. Mr. Chairman, I move to strike the requisite number of words.

By golly, Mr. Chairman, I did not realize that the extension of the west front was due to solve all the problems that have been described to us here as being solvable, restrooms, and restaurants, and the whole thing. It is wonderful. Wonderful. Wonderful. Wonderful.

I am reminded of Baruch's observation from Murphy's law that holds that the best laid plans of mice and men are usually about equal. But it is my purpose here to support the amendment offered by the gentleman from California (Mr. ROYBAL) that is before the Committee of the Whole for a vote.

Mr. Chairman, I, for one, fear the possibility that my grandchildren may some day ask me why the Congress of the United States, the Sixth Circuit Court of Appeals, the Attorney General, the Supreme Court, and a much needed Tellico Dam project were tied up in knots for some 6 years over a 3-inch fish called a snail darter, but we turned our back on 190 years of history in pursuit of a few square feet of office space, floor space, at the Capitol's west front.

I am not sure just how I would explain what we have been asked to do this afternoon.

Mr. Chairman, there can be no doubting that the U.S. Capitol is the embodiment of American democracy for millions of people around the world. It is a symbol. If our commitment to preservation and conservation is sincere, let us set an example for the American people and for the world by protecting that symbol.

□ 1700

Surely every Member of the House knows that the west front is the Capitol's only original facade, as has been said over and over and over here today, that is still visible. Is our appreciation of our own history and the Capitol's magnificence so shallow, is our appetite for floor space so great, that we are willing to bury that great

facade beneath an anemic replica of the east front? Make a comparison.

Mr. Chairman, no one in this Chamber knows just what the new front would look like or how much it would cost, as has been brought out here today. We have all seen drawings and we have all read descriptions; but things have changed here lately.

Will the new front extend 37 feet, or 31 feet? If the architect has license to extend the front to the terraces, what will happen to its contour? Will he flatten it? What will it look like from the Mall?

Anyone who is not worried about the possibilities of all that has not seen the new Senate Office Building.

When the Rayburn Building was completed, Harold B. Meyers wrote in Fortune magazine that the worst thing about the building "is the very thing it symbolizes best: The power system that created it. The Rayburn House Office Building," he said, "is in every way a fitting monument to congressional power."

Have we not learned anything since then?

Mr. Chairman, we do not need another monument to congressional power. We need to preserve and restore one of the world's greatest monuments to the power of the people: The Capitol of the United States.

It has been expressed here on one other score that the American Institute of Architects stated in one of their newsletters back in the late fifties that it would be better to extend to the west than to the east. That is not a correct statement. That is not the whole story of what was stated in that newsletter. I think it needs to be straightened out.

It is not fair to represent that as a position taken by the American Institute of Architects. It was a report on what was developing in the Commission at that time, which did include members of the American Institute of Architects, but it was not an AIA Commission or Committee upon which that report was being made. To state that that is a position of the AIA is pure unadulterated balderdash; but regardless of that, the position of AIA, the position of the Appropriations Committee, the position of each one who has spoken here today has a basis in it for respect.

I think it comes down to a pure matter of the votes that will be cast in a short time here.

Most importantly, we ought to be considering what can be done after this action is taken. Later extension of the west front would not be precluded forever.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(At the request of Mr. TRAXLER, and by unanimous consent, Mr. KINDNESS was allowed to proceed for 1 additional minute.)

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Michigan.

Mr. TRAXLER. May I say to my distinguished colleague, I cannot plead guilty to balderdash. I think the gentleman will recall what I did say.

Mr. KINDNESS. We can spell it a different way, if the gentleman prefers.

Mr. TRAXLER. I think the gentleman will recall, at least I hope I said, that in a memo to their membership the AIA said—not that the AIA had taken an official position. What they said in the memo, called a newsletter, the American Institute of Architects on January 27, 1958, they simply said:

It is believed that the space requirements could be better fulfilled at a less cost by leaving the east front alone and instead developing a proposed scheme for the expansion of the west side of the building.

Mr. KINDNESS. But the beginning of the sentence is all important in determining what is meant. The beginning of the sentence is, "There are those on the Commission who believe."

Mr. TRAXLER. Let me just say, I agree with the gentleman. It was not the official announced position of the AIA. They passed no resolution. They simply sent this newsletter to all their membership.

Mr. KINDNESS. Well, they simply used those words in reporting someone else's action or view.

● Mr. RAY. Mr. Chairman, I rise today in strong support for a thorough and complete restoration of the west front of the Capitol. We have long neglected this portion of the building and have allowed it to deteriorate at an alarming rate. The extent to which the west front has crumbled is obvious even to the casual observer.

Congress should act today in appropriating funds to save this wall. We should take pride in our monuments and seek to preserve them for our children and grandchildren.

The Appropriations Committee's recommendation to extend the west front is, I think, an unwise suggestion. With the current budgetary constraints and record budget deficits, this is not the time for an expensive construction project. To engage in such a venture, especially during these depressed economic times, would be a poor example to set for the rest of the country. Our constituents look to us to be good stewards of their tax money, and they would be disturbed to find us expanding and making more comfortable the space we occupy while conducting the Nation's business.

Even proponents of expansion admit that the project would cost at least $70.5 million. Restoration advocates, however, insist that expansion will ultimately cost much more.

While a proper restoration of the west front will involve a substantial sum, it will be money well spent. Certainly, we should do what is necessary to prevent further decay and ruin of the U.S. Capitol.●

● Mrs. SCHNEIDER. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman to insure that the west front is restored, not extended. It is absolutely outrageous to me that we would even consider spending $70.5 million to extend the Capitol in these times, when $49 million will do the job by way of restoration.

Mr. Chairman, the American people want us to attend to problems and to fix them in the most cost-effective way we can find. To me, this is an absolutely clear-cut situation—and, to boot, we can save a last remaining piece of our valuable historic heritage. The choice is simple. Do the job that is needed, or waste money and cover the last remaining original part of the Capitol.

I strongly urge a vote in favor on this amendment—a vote for restoration.●

● Mr. WOLF. Mr. Chairman, I rise today to add my name to the growing list of opponents to the plan to bury the last exposed original facade of the U.S. Capitol in a marble encasement. I disagree with this plan to spend $70.5 million to extend the west front. Six years ago, on the Fourth of July (1977), the New York Times called this extension plan a "dangerous congressional boondoggle and an aesthetic atrocity. It further stated that "extension plans should be abandoned." That is still an accurate description today.

Undoubtedly, prompt action needs to be taken on the building for safety reasons, but its appearance should be left as it is. I believe the proper and responsible course of action to save the Capitol is to restore the west front where poor maintenance and neglect have perpetuated its decay. I enthusiastically support restoration of the west front to preserve the integrity of our historic Capitol Building. We must act to restore and not alter the spectacular view of the Capitol Dome which is accentuated by the distinct proportions, contours and shadows of the sandstone west front. An extension protruding and overlapping the adjacent Frederick Law Olmsted Terraces would create irreversible damage to the visual impression of the west front.

We are obliged to the citizenry of this Nation to preserve and enhance the aesthetic value of the west front which has weathered and survived nearly 200 years of this Nation's history, including the burning by the British in 1814 and the 1851 fire that de-

stroyed the old Library of Congress. It stands to symbolize the endurance and will of our heritage and as a visible reminder of freedom for all people.

We must restore and protect the west front in a structurally sound and physically attractive manner and concentrate on preserving, for history, one of the architectural marvels of the Western world.

I urge my colleagues to vote against the plan to extend and deface the west front.●

Mr. NATCHER. Mr. Chairman, we have now been on this amendment for over an hour and a half.

I would like to request at this time, by unanimous consent, Mr. Chairman, that all debate on the Roybal amendment and all amendments thereto end in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Each Member standing at the time the request was agreed to will be recognized for 2½ minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, the issue is not whether we need additional space or not. The issue is not what the American Institute of Architects has or has not said over the years.

I think the only issue is whether we are finally going to make a decision one way or another on this project.

I am supporting the committee position, for this reason. When I came here in 1969, one of the first issues I ever voted on was the Yates amendment on restoration of the west front of the Capitol. I opposed the extension at that time because it seemed to me that the plan that was in place was going to destroy those terraces.

I think the people who opposed the expansion plan at that time were correct and I think that their opposition through the years has resulted in what is today a reasonable compromise.

This plan is a retrenchment in two respects. No. 1, the Olmsted terraces are going to be preserved.

No. 2, there will be no pediment on the top of the west front which would, in my judgment, interfere with the view of the dome.

There will be, because of the instructions given by the committee to the Architect, a reduction in the encroachment upon that top terrace, so that at no place will that terrace be more narrow than it is now on the House and Senate wings. I find that to be a reasonable compromise.

The debate today has been posed in terms of whether or not people love this Capitol. People are going to love the Capitol if the wall is restored. People are going to love the Capitol if the Capitol is extended.

I would submit that any extension of the Capitol on the west front will be far more tasteful than would any alternative building which would be built on these grounds.

I think the committee has produced what is a reasonable compromise and I would hope that you would support it.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Chairman, I yield to the gentleman from Washington (Mr. CHANDLER).

Mr. CHANDLER. Mr. Chairman, I would like to urge my colleagues to join me in opposing the costly and unnecessary expansion plan for the west front that is included in the supplemental appropriations bill. In its place, I support the substitute which calls for a more sane, and far less costly, restoration plan.

There is no doubt that the west front is in need of repair. That became obvious on April 27 when a 100-square-foot sandstone section of the west wall crashed into a courtyard. This body should take action to remedy this situation, but in a cost-conscious manner which will preserve the architectural integrity of the U.S. Capitol.

If you liked the Hart Building, you are bound to love this expansion project put forward by the Capitol Architect. Taxpayers all over the country were justifiably outraged, as I was, at the enormous cost overruns involved in the construction of the Hart Building. The original cost estimate for that dubious project tripled to a cost of $137.7 million before it was completed.

We can only guess what the expansion will cost. The Architect gives us a $70.5 million estimate, but we have good reason to wonder if he will not be coming back to Congress to ask for more funds as the project cost escalates. Let me remind my colleagues that the last four projects under the sponsorship of the Capitol Architect's office have had overruns of 50 to 300 percent.

As we vote today, we are not even sure of exactly what use will be made of the 147,000 square feet of office space which will cost $500 per square foot, according to the original estimate.

Are we going to vote to finance new hideaway offices for senior Members of the House or are we going to construct a fancy new restaurant? These are not exactly the types of expenditures we should be writing home to our constituents about. What the people I represent are telling me is that they want to see Federal spending brought under control. This means no lavish new expenditures, especially for the personal benefit of their elected officials who they expect to be setting an example of austerity.

The economic implications are reason enough to oppose the expansion plan, but there are also historical and architectural reasons for restoration. The Capitol stands for all the world to see as a symbol of American democracy. It should be preserved for future generations, not altered unnecessarily. The expansion plan would cover the last exposed wall of the original Capitol and impair the scenic quality of the west front.

Over the course of history, the west front has endured Washington, D.C.'s harsh winters and simmering summers. It survived a British attack in 1814 and a fire in 1851 which destroyed the old Library of Congress. The question before us today is, Can it survive a grandiose extension proposal?

The restoration plan deserves our support. The American Institute of Architects stands behind restoration as the responsible alternative, and I am sure that the public, once they became more familiar with the measure we are voting on today, would oppose expansion. Too often in the past, important historical structures have been torn down or altered when they could have been preserved. We do not want to make that type of mistake today.

I consider it a privilege to stand in this building today as the representative of Washington State's 8th District. I am the forth member of my family to do so. This building serves as a constant reminder to me, and I am sure to most of you, of our duty as representatives of the people. We have the opportunity today to preserve the architectural beauty and historical significance of the west front, and at the same time to demonstrate our commitment to reducing Government spending. I urge passage of the restoration substitute.

Mr. CRAIG. Mr. Chairman, I rise in support of Mr. ROYBAL'S amendment to reduce the funds and in favor of restoration rather than extension of the west front of the U.S. Capitol.

I do not know how many of my colleagues have had the opportunity to get to know this building very well or have had the opportunity to climb up the dome. If you have, you can truly appreciate the history this building contains. If you have not, you should. Unfortunately, the original building is being encircled. Today, the public can only see the dome when accompanied by a Member of Congress. While we are assured that the extension will be "architecturally consistent" with the rest of the Capitol, it would still be just a copy of the real thing. All things considered, that would not be such a viable consideration if the need for an extension were clear. In this case, however, there is not only no clear need, but a question as to how

best we fill the additional 147,000 square feet.

I want to dwell on that last consideration just for a moment. We are told that the extension will cost us a "meager, $30 foot." Depending on who you talk too, the total difference is from $7 to $10 million. We would all agree here that is not much compared to what we deal with daily. But, the logic astounds me. Here we sit, worried about the phenomenal growth in the size of congressional committee and personal staffs in the last decade; concerned about deficits; about how removed Government is becoming from those we represent and annually appropriating money for the restoration of those things that historically represent the culture of this great Nation, about ready to appropriate money we do not have for an extension we do not need, to encircle a building that is itself of more historical importance than any other in the country.

Why? Because we can get a real deal on space at $30 a square foot.

The difference in dollars is, admittedly not much. But should we vote for this extension, I think the cornerstone should be enscribed with the words of Everett Dirksen, now becoming the most quoted in Washington.

A million here, a million there, pretty soon we are talking about big money.

With all this new space, I am sure that there are those who cannot wait to fill it with new equipment and staff for something that the United States just cannot do without.

I hope we will maintain this last vestige of a great building and strike a blow for conservation and, if you will, a meager attempt at fiscal responsibility.

The CHAIRMAN. The Chair recognizes the gentlewoman from Louisiana (Mrs. BOGGS).

□ 1710

Mrs. BOGGS. Mr. Chairman, I rise to strike the requisite number of words.

I would like to express my appreciation to the chairman and ranking member of our Legislative Branch Subcommittee for their diligence and sensitivity on this issue before us. The subcommittee had a very thorough hearing on the west central front issue last month. We heard a number of very diverse architectural comments at that time. Representing the American Institute of Architects, John M. McGinity stated that:

Since 1937, the AIA has * * * strongly opposed extension or architectural modification of the U.S. Capitol and that restoration would best achieve the positive architectural values of function, economy, esthetics and professional responsibility.

A representative of the National Trust for Historic Preservation, Russell V. Keune, also endorsed restoration. He called the Capitol "a national and international symbol and a landmark of uncommon character" and urged, on behalf of the trust, that "those last remaining elements of the earlier building periods, as seen in the west front, * * * be retained and repaired."

There were equally qualified and prestigious architects who testified in favor of extension, Mr. Chairman. We must also remember that the Architect of the Capitol, George White, was the incumbent president of the AIA when he came to us in his present capacity, and that he has won several awards for efforts in this beloved building in the preservation field.

But what we should be concerned about however, is the manner in which some of the debate on this issue has proceeded. Changes have been made in both the extension plan and the restoration plan to reduce costs. While we should practice frugality, we should not be parsimonious in the care of this magnificent building. Certain changes and reductions have been made in the restoration plan that may be ill advised. If we are going to preserve the west front, then I think we should expect the best job possible.

Likewise, we have made changes in the extension plan in the name of thrift as well as esthetics. Without any real consideration, we eliminated the so-called pediment option when the bill was considered in subcommittee. There was no professional architectural evaluation of this action.

Also, last week, just before we took this proposal before the Appropriations Committee the architect informed the subcommittee that working drawings of the extension plan were contrary to his understanding and instructions. And, as a result, we are proposing to move two important, load-bearing walls back some 6½ feet.

Mr. Chairman, we cannot attempt to redesign this beautiful building in committee. Any changes must be given the closest professional scrutiny should the extension option be approved or should restoration be recommended.

Mr. Chairman, everyone involved in this effort has the best interest of this exquisite building at heart. There is simply a difference of opinion on enhancing its glory. Let us dedicate our efforts to that resolve.

(By unanimous consent, Mr. BADHAM yielded his time to Mr. LEWIS of California.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS of California. Mr. Chairman, I stand perhaps to contribute a small experience to this monumental debate. When I was in the legislature of the State of California I served on the joint rules committee when we engaged in a bicentennial project, the most extensive, most expensive, and most technologically complex restoration in the history of this Nation. That was the State Capitol Building.

I want to tell you from that experience to take any estimate that has been given to you on the question of cost for restoration and begin by doubling it.

We were dealing with a building that was some 100 years old. Here we are dealing with a building that is about 200 years old.

Also I do not think we should deal with the question of space. We well know that we will be able to obtain space if we want it.

What we are dealing with is a building that was based upon a concept. This agrarian society that could not even afford marble for its first buildings started with an idea. That idea was put on paper.

We still have the idea. We still have the paper. We also have the building that resulted.

If any of you have visited the paper recently, I think you will find that it is preserved. It is preserved by being encased, and it just seems to me entirely appropriate that as this society has grown from a little second-class agrarian society on the eastern coast of this continent to the largest and wealthiest nation in the world that we ought not to argue about money, that we ought not to argue about whether or not we should do something.

It is legitimate to debate what it is we should do. Either course is preferred to continuing to do nothing. Preserving the west wall in its original condition rather than restoring it to make sandstone wear better I believe is the better choice. Preserve the west wall by protecting and extending.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I would like to take the 2 minutes I have simply to conclude our share of this discussion. I think my colleague from California (Mr. THOMAS) began to make my fundamental point. The gentleman from California, my chairman (Mr. FAZIO), and I have in common a background and experience in the California Legislature. During our latter years there we found ourselves in a circumstance where the State's capitol building literally, like this one, was falling apart. The dome was about to fall in on the original building.

We were faced with a question of restoring that historic monument and attempting to preserve for the people of California that which was their capitol. The figures became very high almost immediately.

Nonetheless, the committee chose to go forward and in that process they involved themselves in a combination of

restoration as well as capturing some new space.

Controversy always rages around public buildings and especially the spending of public money. But when that building was completed and restored in a classic fashion the public in California responded in overwhelming fashion. They were proud of the fact that they had made a decision through their representatives to go forward and complete that building.

We are talking about historical completion of a building that has been in the planning stage for 100 years now.

Mr. Chairman, I urge my colleagues to recognize the significance of the historical expansion, which is the completion of the original design of the architects who conceived this plan in the middle of the 19th century.

(By unanimous consent, Mr. NATCHER yielded his time to Mr. BONER of Tennessee.)

Mr. BONER of Tennessee. Mr. Chairman, I rise in support of the Roybal amendment to the legislative subcommittee's recommendation before the committee to extend the west front of the U.S. Capitol. This amendment provides for the structural and restoration needs of our Capitol's western facade and would appropriate funds for limited structural improvement to the Olmsted terraces, all for a far lower cost than extension. This proposal will restore the architectural, historical, and structural integrity of the building and the Olmsted terraces saving the taxpayers over $20 million over the subcommittee's $70 million plus grand extension.

The four major considerations the amendment addresses are space needs, cost, structural integrity, and historic preservation. Briefly:

First. The space needs of Congress can be met by approving far less expensive alternatives. To date no space utilization study has been presented to the committee that demonstrates the critical need for such an enormous extension; a massive extension which yields only a modest amount of net space. Before the committee is even asked to consider the Capitol it should have at least debated what is being done with the space it now has in the Capitol. One simple method of finding more legislative space for the Congress would be to relocate the Architect of the Capitol and his vast bureaucracy away from the Capitol. This would yield over 37,000 net square feet according to figures from Senate sources. This minor change in authorizing language could give us over one-half of the extension's proposed space at no cost. Other space options abound as the Capitol Hill master plan demonstrates.

Second. Restoration cost estimates contained in the Architects' $66 million plan do not meet the level of scrutiny I feel this House demands. Senate and House staff have been able to cut the Architect's $66 million to under $50 million by very minor changes in scope. I would think the House had been badly burned more than enough by the unreliable cost projections provided by the Capitol Architect—this represents another but more serious and visible example. By a casual review of the Architect's plan for restoration, one can see that many exceptionally expensive items unrelated to the Capitol Building's restoration have been thrown in, with no mention in the subcommittee hearing records.

A major example is the $6 to $7 million added for structural and carved marble improvements to the Olmsted terraces. No case has been made to the committee or the Senate for these added millions, and I have left them out.

The extension proposal used a 10-percent contingency increase factor in its costs yet the Architect generously adds 35 percent to the restoration proposal. I believe less than a 20-percent restoration contingency is more fair but have only cut the contingency from 35 to 25 percent—that reduces costs another $6.5 million.

The restoration proposal was inflated by 10 percent per year for the 1983 through mid-1986 construction period when industry sources and economic research groups (DRI) are using approximately 6 percent—using the 6-percent figure saves over $4 million from the project.

The Praeger and Ammann & Whitney firms presenting the restoration plans suggested cost savings from using the sandstone columns and elements from the old east front. None exist in the Architect's plan and yet he has added millions of dollars for the cost of buying limestone to replace the no cost sandstone. Ammann & Whitney show only 5 percent of the face stone in need of replacement yet the Architect includes over $3 million in limestone costs. This is in all likelihood excessive to a significant degree while ignoring the sandstone's cost savings.

Need I go on? The Architect has used cost variables frequently excessive in magnitude for restoration while using much smaller variables for extension. The scope of restoration has been beyond that requested or generally understood by congressional Members. Different cost figures, project scope, and unequal cost escalators do not meet my fairness test or that of many members on this committee. I say we can do better for less cost.

Third. The structural integrity of the west front can be restored by drilling and grouting the foundation and adding a number of steel ties to the upper walls as Ammann & Whitney reported. Grouting and steel ties, though to a smaller degree, are required in the current extension plan. A small expense will give us a structurally sound west front—all agree on this point.

Fourth. Only a brief comment is necessary to the House on the unique history and public concern surrounding the Nation's Capitol. As we know, the British took the Speaker's chair and seats in the House and after voting to burn the Capitol left their marks of war on the Capitol—marks visible today. Washington laid the cornerstone, Jefferson guided and protected its design and construction. It is our national symbol, a monument to democracy throughout the world. This important heritage should not be sacrificed as hastily as was the eastern portion of the Capitol. It is now our opportunity and our duty to assure that the Nation's history, written on that west wall of the Capitol, is not erased for an unjustified space proposal, before the present and future generations have their opportunity to share in it. We owe history and the public no less. Thank you.

The CHAIRMAN. The Chair recognizes the gentlewoman from Connecticut (Mrs. JOHNSON).

Mr. CLINGER. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I rise to support the amendment for three reasons.

First, it will preserve the historical value of this magnificent structure.

The west front is the last remaining original facade of the Capitol.

It was built over 200 years ago.

Evidence of the War of 1812 can be seen in the sandstone walls of the facade.

The west front has survived burning by the British in 1814 and fire in 1851 which destroyed most of original Jefferson collection of Library of Congress.

Second, the amendment assures preservation of the design of the Capitol.

The design is a tribute to the 18th- and 19th-century style of architects Thornton, Latrobe, and Bulfinch.

The plan for extension as it now exists would obscure the visual impact of the dome and give the west front a flattened, monolithic appearance in contrast to the staggered, multidimensioned facade of the existing west front.

Detailed architectural studies conclude that extension is not necessary to preserve structural integrity as some proponents of extension claim.

Finally the extension proposal is too costly.

Extension is estimated at the $70.5 million requested. This is just an estimate and could be subject to overruns (eg. Hart SOB).

West front extension—$525 per square foot. Hart Senate Office Building—$120 per square foot.

Costs of renovation can be held down by use of existing materials—columns and stone facing—removed from the east front.

Cost of renovation—$49 million.

Cost of sensitivity and respect for our heritage is lower than the push for larger and larger government.

Mrs. JOHNSON. Mr. Chairman, I rise to support restoration of the west front of the U.S. Capitol, and oppose the expansion proposed by this legislation.

Today the House of Representatives has a unique opportunity to reject a blatantly inapproprate and costly proposal that literally and symbolically erodes the foundations of our Nation. By opposing the extension of the western front of the Capitol, the House can, rather than providing itself with some of the country's most expensive office space, defend not only its reputed commitment to fiscal restraint but our heritage as well.

The existing west front is the last evidence of the Capitol's original construction for which George Washington laid the cornerstone in 1793. Thomas Jefferson helped supervise its construction. The west front stood up to the British in 1814 when they put the torch to much of the Capitol. These walls were designed by architects of great stature—Thornton, Latrobe, and Bullfinch. I believe this last visible, tangible portion should remain standing as a symbol of our Nation's heritage.

The issue of restoration versus expansion deserves our close scrutiny. An expansion, we are told, would cost $70.5 million, restoration $49 million. If the Hart Building and the history of public construction is any guide to the cost of extension, we can expect extension costs to far exceed the $70.5 million recommended by the Appropriations Committee. During a time of record deficits, such high projected costs and almost certain overrun burdens are completely unacceptable. Alternatively. Improved use of existing space will provide new opportunities for congressional activities, as past studies have documented.

Second, and more importantly, is the issue of preservation. This history of this democracy as evidenced in our public buildings is one of our great national treasures. To be able to stand at the sight and witness the cornerstone laid by Washington gives a tangible sense of our origins to our citizenry that spans generations. Expansion will leave a building stripped of its only remaining original wall, while restoration will preserve major elements of a historically significant and beautiful building. An article in today's New York Times clearly makes this point:

This in the end, is the real reason that the proposed addition is a mistake. It replaces a complex, unusual building that shows its evolution over generations with a simplistic and flat piece of bureaucratic by the book classicism.

Restoration of the west front is consistent with our Nation's concern for its great history, for fiscal restraint, and in a sense its integrity, and will preserve the Capitol as the unique national symbol that it is.

Let us preserve the Capitol, not entomb it.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. WORTLEY).

Mr. WORTLEY. Mr. Chairman, I rise in support of the Roybal amendment to H.R. 3069 that favors restoration of the west front of the U.S. Capitol as opposed to extention of it.

I agree that the west front is in an alarming state of disrepair and that this must be remedied. The restoration plan as opposed to the extension plan would be much less costly to the taxpayer and at the same time preserve the west front's historical and aesthetic value.

I cannot justify spending more money for a project that would ruin the historical integrity of our Nation's Capitol solely for additional rooms and private chambers for use by Members of Congress. There are other ways to find additional office space. Some have suggested moving out many of the nonlegislative offices already located in this Capitol.

It is important to keep in mind that the U.S. Capitol is our Nation's historical shrine. It is the symbol of freedom to the entire world. Extreme care must be taken before we consider major changes to its magnificent structure.

(By unanimous consent, Mr. NATCHER yielded his time to Mr. FAZIO.)

Mr. FAZIO. Mr. Chairman, I simply would like to congratulate my opponents in this debate who have brought out a number of points that I think are worthy of discussion and also I want to thank my ranking member, the gentleman from California (Mr. LEWIS) who has worked so diligently in bringing this point to us.

But I would like to reiterate this is not an issue that should be decided on the basis of the various figures that have been floating around about the cost of square footage. We have heard about $500. In reality, it would be about $30 a square foot. That is not the issue.

There are legitimate aesthetic issues and we should debate them. We should not now be worrying about whether there are going to be hideaway offices or not because there are no plans for hideaway offices. It is ironic that in this plan we are being criticized by some of our opponents that we have no internal plan at all.

□ 1720

That decision is up to Senate Rules Committee and the Speaker. I hope the members will not be cowed or stampeded into making a judgment on this issue based on some mail that has come in from people in the architectural profession who have presented one point of view.

I want you all to understand that the professional engineers in this country, the National Society of Professional Engineers, has taken the other side of the issue. They support extension.

So it really comes down to whether or not you believe that change on the west front here is consistent with history and with the designs that all previous Architects of the Capitol have supported. We know that to be the case.

I urge your support for the committee position in opposition to the Roybal amendment, on that basis.

The CHAIRMAN. All time under the unanimous-consent agreement has expired.

The Committee will rise informally.

ENROLLED BILL SIGNED

The SPEAKER resumed the Chair.

The SPEAKER. The Chair lays before the House the following enrolled bills:

H.J. Res. 265. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes; and

S. 967. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1984, 1985, and 1986.

The SPEAKER. The Committee will resume its sitting.

SUPPLEMENTAL APPROPRIATIONS 1983

The Committee resumed its sitting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYBAL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHAW. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 325, noes 86, not voting 21, as follows:

[Roll No. 138]

AYES—325

Ackerman	AuCoin	Biaggi
Addabbo	Barnes	Bilirakis
Albosta	Bartlett	Bliley
Anderson	Bateman	Boehlert
Andrews (TX)	Bates	Boggs
Anthony	Beilenson	Boland
Applegate	Bennett	Boner
Archer	Bereuter	Bonker
Aspin	Bethune	Borski

Boucher	Hatcher	Ottinger
Boxer	Hefner	Owens
Breaux	Hertel	Oxley
Britt	Hiler	Panetta
Brooks	Hillis	Parris
Broomfield	Holt	Pashayan
Brown (CA)	Hopkins	Patman
Brown (CO)	Horton	Patterson
Bryant	Huckaby	Paul
Burton	Hughes	Pease
Byron	Hunter	Penny
Campbell	Hutto	Pepper
Carney	Hyde	Petri
Carper	Ireland	Pritchard
Carr	Jacobs	Pursell
Chandler	Jeffords	Rahall
Chappie	Johnson	Rangel
Clarke	Jones (NC)	Ratchford
Clinger	Jones (OK)	Ray
Coats	Jones (TN)	Regula
Coleman (MO)	Kaptur	Reid
Coleman (TX)	Kasich	Richardson
Collins	Kazen	Ridge
Conable	Kennelly	Rinaldo
Conte	Kildee	Ritter
Conyers	Kindness	Roberts
Cooper	Kogovsek	Robinson
Corcoran	Kostmayer	Rodino
Courter	Kramer	Roemer
Coyne	LaFalce	Rose
Craig	Lagomarsino	Roth
Crane, Daniel	Lantos	Roukema
Crane, Philip	Latta	Rowland
D'Amours	Leach	Roybal
Daniel	Lehman (FL)	Savage
Dannemeyer	Leland	Schaefer
Daschle	Lent	Scheuer
Daub	Levin	Schroeder
Davis	Levine	Schumer
de la Garza	Levitas	Sensenbrenner
Dellums	Lewis (FL)	Shannon
Derrick	Lipinski	Sharp
DeWine	Livingston	Shaw
Dicks	Lloyd	Shelby
Dorgan	Loeffler	Shumway
Dowdy	Long (MD)	Sikorski
Downey	Lott	Siljander
Dreier	Lowery (CA)	Sisisky
Duncan	Lowry (WA)	Skeen
Durbin	Lujan	Slattery
Dwyer	Luken	Smith (FL)
Dymally	Lungren	Smith (NE)
Dyson	Mack	Smith, Denny
Early	MacKay	Snowe
Eckart	Madigan	Snyder
Edwards (AL)	Marlenee	Solarz
Edwards (CA)	Martin (IL)	Solomon
Edwards (OK)	Martin (NC)	Spence
Emerson	Martin (NY)	Spratt
English	Mavroules	Staggers
Erdreich	Mazzoli	Stark
Evans (IA)	McCloskey	Stratton
Evans (IL)	McCollum	Studds
Feighan	McCurdy	Sundquist
Ferraro	McDonald	Swift
Fiedler	McEwen	Synar
Fields	McGrath	Tallon
Florio	McHugh	Tauzin
Foglietta	McKernan	Taylor
Ford (TN)	McKinney	Thomas (GA)
Fowler	McNulty	Torres
Franklin	Mica	Torricelli
Fuqua	Michel	Towns
Gaydos	Mikulski	Udall
Gekas	Miller (CA)	Valentine
Gephardt	Miller (OH)	Vander Jagt
Gilman	Mineta	Vandergriff
Gingrich	Minish	Vento
Glickman	Mitchell	Volkmer
Gonzalez	Molinari	Vucanovich
Goodling	Mollohan	Walgren
Gore	Moody	Walker
Gradison	Moore	Watkins
Gramm	Morrison (CT)	Waxman
Green	Morrison (WA)	Weber
Guarini	Mrazek	Weiss
Gunderson	Neal	Wheat
Hall (OH)	Nelson	Whitehurst
Hall, Ralph	Nichols	Whitley
Hall, Sam	Nielson	Whittaker
Hammerschmidt	Nowak	Williams (MT)
Hance	O'Brien	Williams (OH)
Hansen (ID)	Oakar	Wilson
Hansen (UT)	Oberstar	Winn
Harrison	Olin	Wirth
Hartnett	Ortiz	Wise
Wolf	Wylie	Young (MO)
Wolpe	Yates	Zschau
Wortley	Young (AK)	
Wyden	Young (FL)	

NOES—86

Akaka	Garcia	Obey
Alexander	Gejdenson	Packard
Annunzio	Gibbons	Perkins
Badham	Gray	Porter
Barnard	Gregg	Price
Bedell	Hall (IN)	Quillen
Berman	Hamilton	Roe
Bevill	Harkin	Rogers
Bonior	Hawkins	Rudd
Bosco	Hightower	Sabo
Broyhill	Howard	Schulze
Chappell	Hoyer	Seiberling
Clay	Jenkins	Shuster
Coelho	Kemp	Skelton
Coughlin	Leath	Smith (IA)
Dickinson	Lehman (CA)	Smith (NJ)
Dingell	Lewis (CA)	St Germain
Dixon	Long (LA)	Stangeland
Donnelly	Markey	Stenholm
Erlenborn	Matsui	Stokes
Fascell	McCain	Stump
Fazio	McCandless	Tauke
Flippo	McDade	Thomas (CA)
Foley	Moakley	Traxler
Ford (MI)	Montgomery	Whitten
Forsythe	Murphy	Wright
Frank	Murtha	Yatron
Frenzel	Myers	Zablocki
Frost	Natcher	

NOT VOTING—21

Andrews (NC)	Kastenmeier	Rostenkowski
Cheney	Kolter	Russo
Crockett	Lundine	Sawyer
Edgar	Marriott	Schneider
Fish	Martinez	Simon
Heftel	Moorhead	Smith, Robert
Hubbard	Pickle	Weaver

□ 1740

Mr. DINGELL changed his vote from "aye" to "no."

Messrs. PEPPER, ALBOSTA, BREAUX, DWYER of New Jersey, LELAND, GAYDOS, SAVAGE, GUARINI, WATKINS, KOGOVSEK and Mrs. COLLINS changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. WRIGHT. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. WRIGHT was allowed to speak out of order.)

FURTHER LEGISLATIVE PROGRAM

Mr. WRIGHT. Mr. Chairman, it is our purpose to finish this bill tonight. We would hope we could finish this bill by 6:30, and with a little cooperation it can be done.

We will come in tomorrow at 10 o'clock. Once this bill is finished, then we will resume consideration of the military authorization bill, and we will work on that bill until probably about 3 o'clock and expect to arise about 3 o'clock tomorrow.

At the close of business tomorrow, as all of the Members know, the Memorial Day district work period begins. That district work period will extend through Tuesday of next week, which is the 31st of the month. The 1st of June, on Wednesday, is the day we return.

On that day we will schedule suspensions, and it will be our plan to roll votes on those suspensions until Thursday.

On Thursday, we expect to take up the Housing and Urban Development appropriation bill, and then to be in session both Thursday and Friday, if necessary, to pass that bill.

On the following week we would suggest that Members plan to be in session Monday through Friday. It is possible that we can take up three appropriations bills.

The Appropriations Committee has been diligent, and with cooperation on everybody's part we can get the schedule done.

That is the only announcement I wanted to make. I thought it would be useful. If we can conclude this bill by 6:30, it would be extremely helpful to many of our Members.

Mr. FAUNTROY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, while I may have reservations about some sections of H.R. 3069, I generally support the bill. There are a number of provisions I support which should be highlighted.

First, I have long expressed my concerns about the plight of black farmers. Between 1920 and 1978, the number of black farmers declined by 94 percent, from 925,710 to 57,721. This bill takes some steps toward holding the line. Title I directs the Secretary of Agriculture and the Farmers Home Administration to defer land foreclosure and provide for rescheduling or deferral where necessary unless it is determined that such assistance will not solve the indebtedness problem.

I wish to also commend the committee report with regard to foreclosure and competitive prices. Furthermore, I hope and expect the Department of Agriculture to comply with report requirements.

The Committee on Appropriations, and its chairman, Mr. WHITTEN, are to be commended for including a $4,816,000 supplemental for programs authorized by title III, institutional aid, of the Higher Education Act. Among the institutions eligible for assistance are most of the historically black colleges and universities. Some $1,500,000 of the supplemental will go to the historically black colleges.

Mr. Chairman, this administration arrived in office with the purpose of dismantling the Department of Education. It has proposed a spectrum of ideas ranging from outright abolishment to the establishment of a foundation. The Congress, in its wisdom, has repeatedly rejected any proposal to dismantle the Department. However, this administration refuses, as in many other instances of human programs, to take no for an answer. It has been brought to my attention that various portions of the Department of Education have been suffering

through numerous reorganizations. Each reorganization has resulted in the downgrading of offices and personnel, including reductions in force. This administration, unable to get what it wants through the front door, is attempting to dismantle the Department through the back door. It should be clear that Congress and the American people want the Department of Education to continue as a full fledged department and not as a skeleton.

On March 30, 1983, the Office of Personnel Management proposed revisions and additions to regulations to implement performance management including a performance based incentive system for the general schedule. This new system was supposedly designed to enable agencies to pay employees based on individual job performance.

The Appropriations Committee has recommended prohibiting the use of fiscal year 1983 funds to implement the proposed regulations. I strongly support the provision requiring the U.S. General Accounting Office to review Federal performance appraisal systems and to assist the Congress in determining whether or not OPM's proposals are good public policy. The Federal Government Service Task Force, of which I am a member, has sent letters opposing the regulations to the President and the Director of OPM.

It is clear that this administration, through OPM, does not recognize the value of civil servants. Moreover, the proposed rules, while appearing to have merit, may in fact be used to punish those Federal workers who are not philosophically compatible with Ronald Reagan. The rules might also be used to discriminate against blacks, Hispanics, women, and other minorities in the Federal service. Given this administration's shabby civil rights record, Congress must make every effort to see that the intent and spirit of civil rights laws are carried out.

The CHAIRMAN. Are there further amendments to chapter IX?

If not, the Clerk will read chapter X.

The Clerk proceeded to read chapter X.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter X be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter X?

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUSTER: Page 46, after line 19, insert the following:

MOTOR CARRIER RATEMAKING STUDY COMMISSION

(RESCISSION)

Of the $1,000,000 appropriated by the Department of Transportation and Related Agencies Appropriations Act, 1983 to the Secretary of Transportation for transferral to the Motor Carrier Ratemaking Study Commission, such sums as have not been obligated before May 26, 1983, are hereby rescinded.

Mr. SHUSTER. Mr. Chairman, this amendment would rescind funding for the Motor Carrier Ratemaking Study Commission created by the Motor Carrier Regulatory Reform Act of 1980.

The Commission has completed its work as directed by that act in regard to trucks. The Commission spent over $2 million in that effort.

Last year in the Bus Regulatory Reform Act of 1982, the Commission was extended to July 1984 to study antitrust immunity in the bus industry. The DOT Appropriations Act of fiscal year 1983 provided $1 million for this effort and there has been a request for more funds and for an extension.

As a member of this Commission, there is no further pressing need to expend funds on this Commission. I urge adoption of the amendment.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, the subcommittee has examined the amendment and has no objection to the amendment.

Mr. SHUSTER. I thank the gentleman.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I rise in support of the amendment of the gentleman from Pennsylvania.

As the gentleman has indicated, the Motor Carrier Ratemaking Study Commission has completed its work with regard to trucking, and has spent $2 million in that effort. Now it is proposed that the Commission proceed to the bus industry.

Mr. Chairman, I think that the Commission may well have outlived its usefulness. I do not intend to have these remarks reflect personally on the members of the Commission, but I seriously question whether we are getting our money's worth. From what I understand, the trucking report was essentially rammed through the Commission without very much in the way of serious consideration of the testimony received by the Commission.

In light of the gentleman's suspicions that the same thing may happen again, I agree that we should save our money and leave this area to the consideration of the ICC and the Department of Transportation, both of which have ongoing study programs in this area.

I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to chapter X?

If not, the Clerk will read.

The Clerk proceeded to read chapter XI.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter XI be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter XI?

Are there any amendments to be offered to chapter XI?

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment on page 50.

The portion of the bill to which the amendment relates is as follows:

ADMINISTRATIVE PROVISIONS

None of the funds appropriated under this Act shall be obligated or expended to implement, administer or enforce the proposed Office of Personnel Management regulations published in the Federal Register on March 30, 1983, at pages 13342-13377 and 13380-13381, unless and until the Comptroller General completes review pursuant to section 4304(b)(2) of title 5, United States Code.

No funds appropriated by this Act shall be used by the Internal Revenue Service—

(1) to enforce any ruling which would subject to tax under subtitles A and C of the Internal Revenue Code of 1954 the value of campus lodging furnished by, or on behalf of, any educational institution described in section 170(b)(1)(A)(ii) of such Code to any employee of such institution or any spouse or dependent (within the meaning of section 152 of such Code) of such employee, or

(2) to conduct any other activity with respect to the assessment or collection of any such tax on such value.

The CHAIRMAN. The Chair will inquire of the gentleman from California if the amendment he has prepared is the one which was made in order by House Resolution 209 and printed in the CONGRESSIONAL RECORD of May 24?

Mr. DANNEMEYER. It is, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: On page 50, line 3, insert after the word "completes" the following: "on or before July 1, 1983,"

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DANNEMEYER) for 5 minutes in support of his amendment.

□ 1750

Mr. WHITTEN. Mr. Chairman, will the gentleman yield to me for a unanimous-consent request to fix time?

Mr. DANNEMEYER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. We can get finished by 6:30 and that will be fine. If we cannot, we will have to go over until tomorrow.

So, Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi that all debate on this amendment and amendments thereto be limited to 20 minutes?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. DANNEMEYER) is recognized for 5 minutes in support of his amendment.

Mr. DANNEMEYER. Mr. Chairman and Members, the Office of Personnel Management has proposed certain regulations relating to the Federal work force, and under the existing law the OPM has full authority to propose those regulations. It is part of the Civil Service Reform Act which we passed a few years back.

There are some who are concerned about the implementation of these regulations, and they have asked the General Accounting Office to make a report of what the adoption of these regulations would do pursuant to law. The language pertaining to this issue is found on page 50 of the bill, where it calls for the Comptroller General to complete a review pursuant to section 4304(b)(2) of title 5, United States Code.

That review requires, pursuant to law, that the Comptroller General analyze what the impact of these regulations would be pursuant to the requirements of existing law. The bill that this debate relates to is, of course, a supplemental appropriation bill for fiscal year 1983, which expires September 30. The language which was placed into the bill requires the General Accounting Office to make the review, and this Member from California does not quarrel with that.

All my amendment says is that the review is to be completed by July 1 of this year. I believe it is a reasonable insertion into this bill to require the GAO to complete its review by July 1.

I have a letter from a Director of the General Accounting Office, William J. Anderson, dated May 25. He says, "If this provision," meaning the requirement of review by the General Accounting Office, "is simply for our views on these proposed regulations, then I see no problem with commenting by July 1."

Then he goes on to say: "If, on the other hand, the amendment requires us to examine the effects these proposed regulations will have on agency performance appraisal systems, then it may be difficult for us to meet this time frame."

The reason I have mentioned that last clause is that there is nothing in the language of the bill which requires them to analyze performance appraisal systems. Under existing law, as this amendment has been drafted, all that is required of the General Accounting Office is to determine if the proposed regulations pursuant to 4304(b)(2) comply with existing law. That is what is specified.

If there was some other intention planned by the proponents of this, they did not spell it out. My point is that under existing law, the GAO can complete this work by July 1. In order that my amendment may have life before the end of this fiscal year, September 30, I believe there is good cause for requiring a July 1 date by which this review is to be completed.

I ask, therefore, for your aye vote on the amendment.

Mr. PASHAYAN. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from California.

Mr. PASHAYAN. I thank the gentleman for yielding.

Mr. Chairman, I should like to add my support to the amendment under consideration to require that the General Accounting Office complete their study on or before July 1 of this year. The provision in this supplemental appropriations bill, which directs the GAO to complete their study of performance appraisal systems by the end of this fiscal year, is unnecessarily long and will interfere with the timely implementation of the regulations by the Office of Personnel Management. While I understand the views of my colleagues who are concerned that these regulations should be carefully reviewed and scrutinized, I feel that extending GAO's reporting deadline until October 1983 is more of an attempt to prevent the regulations from taking effect at all than an effort to make sure they are accorded proper review. All those affected by these regulations, should they be implemented, will have the opportunity to submit their comments to OPM and these comments will be taken into account as the regulations are developed in final form.

I urge my colleagues to support this amendment as a way to secure a reasonable time period in which the GAO can be expected to report their analysis of performance appraisal systems within the Federal Government and allow the regulatory process to proceed in a timely fashion.

The CHAIRMAN. Members standing at the time of the unanimous-consent request on a time limitation was agreed to will be recognized for 1½ minutes each.

The Chair now recognizes the gentleman from Ohio (Mr. MILLER) for 1½ minutes.

Mr. MILLER of Ohio. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from California (Mr. DANNEMEYER).

I think this supplemental appropriation bill now under consideration contains legislative language that is entirely out of place in an appropriation bill. The language would prohibit the implementation or enforcement of proposed regulations unless and until the Comptroller General completes his review pursuant to section 4304(b)(2), and the regulations in question are Civil Service management regulatory reforms published by the Office of Personnel Management in the March 30 Federal Register.

Mr. Chairman, I should point out that under current management practices in the Federal Civil Service what we are doing is rewarding inefficiency. That is what the whole thing amounts to. People are paid and increased in pay, because of seniority. That is what it boils down to. We will be rewarding inefficiency.

I think it is very important that we support the language of the gentleman that will say the study by the Comptroller General must be completed by July 1, 1983. That is vitally important.

We probably will hear from the gentleman from Maryland, Mr. HOYER. What difference does it make if we have my language in this 1983 supplemental since OPM has stated they will not make the change until fiscal year 1984. It does make a lot of difference because the language says none of the funds appropriated under this act, the fiscal year 1983 supplemental, shall be obligated or expended to implement, administer, or enforce the regulations until completion of the GAO study. We could not even have a person use one sheet of paper to further the plans to complete this transition.

(By unanimous consent, Mr. DAUB yielded his time to Mr. DANNEMEYER.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, as chairman of the Subcommittee on the Treasury, I rise in opposition to the Dannemeyer amendment and in support of the language of the Committee on Appropriations.

(By unanimous consent, Mr. ROYBAL yielded his time to Mr. HOYER.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Chairman, I really have not heard any comments from a Member of the House that would indicate why we should not have a completion date of a duty, in

this instance what the General Accounting Office will do with respect to their responsibility to analyze these proposed regulations. I am listening to hear what is the problem as to why we should not insert into this bill a date, specifically July 1, by which this work is to be completed, particularly when the General Accounting Office says they have the capacity to complete the review by that date.

□ 1800

Maybe there is some logic or reasoning that I have not heard that may be forthcoming and I will reserve the balance of my time to comment, if it is forthcoming.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment, because I am concerned that this amendment could make veterans' preference on RIF's a weakening of the position on veterans' preference.

Mr. Chairman, veterans' preference is one of our oldest veterans' benefits. It has been in existence for over 100 years. Veterans' preference is granted to veterans in recognition of their extra contribution to the national interest during war or a period of great danger. Veterans are concerned about these proposed reduction-in-force regulations.

Our Subcommittee on Education, Training and Employment, chaired by MARVIN LEATH of Texas, held an oversight hearing on veterans' preference on April 7, 1983. Representatives of veterans' organizations expressed their concerns at this hearing that these proposed regulations would delete or diminish veterans' preference. I certainly am opposed to any weakening of veterans' preference in Federal employment. If these regulations should result in reducing or eliminating veterans' preference in a reduction in force, then I support the Hoyer amendment in the bill. If there is to be any changes in veterans' preference, it should not be done by regulation. Congress granted veterans' preference and, if there is to be any taking away of this long-held veterans' benefit, then Congress should do it.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. HOYER).

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I am glad to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I rise in opposition to the Dannemeyer amendment.

Mr. Chairman, I rise to congratulate and thank Chairman EDWARD R. ROYBAL and Representative STENY HOYER for the inclusion on a ban on implementation, administration, or enforcement of the proposed regulations published by the Office of Personnel Management (OPM) on March 30, 1983. If these regulations were to go into effect, they would have a devastating effect on the productivity of the Federal work force. I introduced legislation which would block these regulations (H.R. 2449) which currently has over 100 cosponsors.

The administrative provision in this appropriations bill which halts these regulations was a source of some controversy, I understand, in both subcommittee and full committee deliberations. Some members of the Appropriations Committee, it seems, were willing to make the argument made in the press release of the Office of Personnel Management, that these regulations would use employee performance as a basis for retention and pay. As chairwoman of the Subcommittee on Civil Service, and as a senior member of the Committee on Post Office and Civil Service, I can assure my colleagues that the committee is firmly committed to a Federal work force based on merit and productivity. Our problem with these proposed regulations is that they sever the link between performance and job actions rather than strengthening it.

The Committee on Post Office and Civil Service will, later this week, submit formal comments to OPM on these regulations in which we will spell out in detail how these proposed regulations permit personal bias and political ideology to be used instead of objective measures of individual performance in making pay and retention decisions under these regulations. I urge any Member interested in this subject to get a copy of these comments. Let me just highlight a couple of points. The proposed regulation on reduction in force (RIF) will permit a political manager of an agency to establish the competitive area in a RIF in such a way so that that manager can be dead certain that he will get rid of the specific employees he or she wants to get rid of. The current system permits no such manipulation. The proposed regulation on performance management eliminates both the current opportunity to contest a performance appraisal of a supervisor to a higher level supervisor and the opportunity to grieve an appraisal. What this means is that political managers can, without fear of contradiction, destroy the career of someone perceived to be a political enemy. For those who think this cannot happen, I refer you to the recent discovery of "hit lists" at the Environmental Protection Agency; lists which were, in fact, used to decide who should get poor performance ratings.

We moved much more toward a performance-based management system with the enactment of the Civil Service Reform Act of 1978. Once the performance appraisal system mandated under that act is operating in a valid, fair, and credible manner, we, the Congress, should move toward tying other personnel actions to it. Regrettably, we are not at that point yet. One reason we are not at that point is the OPM has done very little, at least since 1980, to help agencies in developing performance standards and ways to measure individual and organizational effectiveness. If current OPM management were interested in improved performance appraisal, it would not have eliminated the units which used to help agencies with these difficult responsibilities.

There is an even more serious issue behind these regulations and that is an issue of separation of powers. These regulations contradict, in a number of cases, clear congressional determinations. These regulations, as the OPM press release announcing them admits, constitute a major policy change in the way the work force is managed. These regulations are issued pursuant to narrow grants of regulatory authority, which do not support their scope. Surely, executive agencies, before OPM, have exceeded their regulatory authority. I do not believe that we, the Congress, can sanction executive agencies abrogating legislative authority. The March 30 OPM regulations are an obnoxious and notorious example of executive abrogation of legislative power. We would not be fulfilling our responsibilities as legislators if we did not call them to task for doing so. The administrative provision in this appropriation bill does just that.

As chairwoman of the Subcommittee on Civil Service, I would welcome the opportunity to work with the administration in developing legislation to more closely link performance to pay and retention. OPM has refused to explore this route. No legislative proposals are in the hopper. I have to suppose that one reason OPM does not want to go through the legislative route is that open, legislative scrutiny of these proposals would lead to the excision of all the flagrant, punitive, anti-civil-servant provisions which are contained in these regulations.

Mr. Chairman, I am pleased that this administrative provision is in the supplemental appropriations bill. Indeed, the entire Committee on Post Office and Civil Service requested, by a vote of 17 to 4, the inclusion of such a provision in the regular fiscal year 1984 appropriations bill. I urge my colleagues to support this provision.

Mr. BARNES. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Maryland.

Mr. BARNES. Mr. Chairman, I thank the gentleman from Maryland and commend him for his leadership on this issue.

Mr. Chairman, the amendment offered by the gentleman from California (Mr. DANNEMEYER) appears reasonable. Nevertheless the General Accounting Office informs us that the amendments' purpose—to require the GAO to report back to Congress no later than July 1, 1983, cannot be accomplished within the timeframe set by the gentleman's amendment.

Members should also be aware that the prohibition on the use of funds for the purpose of implementing the Office of Personnel Management's proposed regulations of March 30, 1983, has been carefully crafted by my colleague, Representative HOYER, following extensive discussions with the staff of the GAO. The purpose of the Hoyer amendment is to enable Congress to learn whether what OPM proposes is likely to achieve OPM's stated goals—better performance and greater efficiency in the Federal service.

The GAO has for the first time undertaken a study of how effectively agencies use existing performance appraisal systems. The results of this important study will tell us whether the existing systems provide an effective management tool. What GAO is examining, will also tell us whether the existing performance appraisal systems, implemented pursuant to the Civil Service Reform Act, constitute an adequate foundation for the sweeping changes OPM proposes.

The gentleman's amendment would deprive Congress of access to this vital information in a timely manner; that is, before agencies begin to expend the enormous resources that will be required to implement these changes. I am also persuaded that it would be pointless to wait until OPM has had a chance to respond to the comments it has received to date. We have clear evidence that the Federal personnel community has been instructed to withhold any negative comments on policy aspects of the proposed regulations.

Therefore, Mr. Chairman, if the Congress is to act responsibly in reacting to OPM's proposals—many of which directly conflict with congressional mandates, we must retain the limitation on expenditures as it has been drafted in the bill.

Although I share the serious reservations of many of my colleagues with respect to the merits of OPM's proposals, I would point out that this limitation on the expenditure of funds does not prejudge OPM's proposals on the merits. Rather, it reflects the warnings that I have received, as chairman of the Federal Government Service Task Force, from personnel directors throughout the Federal Government. Their message, relayed in confidence, has been all too clear: The existing performance appraisal systems are too weak to sustain the changes OPM proposes. If OPM is allowed to proceed unchecked, performance appraisal, like a house of cards, will collapse on a workforce that is becoming increasingly convinced that Federal service itself has become a shell of what it should, and must be.

Therefore, I urge Members to reject the Dannemeyer amendment, which merely appears reasonable and stick with the text of this legislation which clearly is reasonable.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his support.

Mr. Chairman, I rise in opposition to the Dannemeyer amendment. I want to explain why I am opposed to the Dannemeyer amendment.

The Dannemeyer amendment, first of all, does not deal with the language referred to by the gentleman from Ohio. It deals only with the date. The date in the committee report that the GAO now must report back pursuant to an existing statutory language is October 1, 1983.

The gentleman from California seeks to change that, not in substance, but only to change the date to July 1, 1983.

I have a letter from the General Accounting Office from the same individual to which the gentleman from California (Mr. DANNEMEYER) earlier referred, the Director of the GAO.

The statutory language to which this amendment refers required that the GAO from time to time determine the extent to which any such system, that is, the types of regulations being proposed by OPM, meets the requirement of this subchapter and shall periodically report its findings to the office and to the Congress.

Now, this chapter, Mr. Chairman, refers to performance appraisals. The General Accounting Office in a letter to me today states:

It would not be possible for the General Accounting Office to complete reviews of agencies' performance appraisal systems by July 1.

Now, the gentleman from California would say, "Well, they have given me a letter saying they can do it."

What they can do is give their opinion. What they cannot do is study the performance appraisal system and then tell us how they think it is going to have an impact on the Federal system.

So, Mr. Chairman, the simple opposition to the gentleman's amendment, along with the substantive arguments I could give if time allowed, would be that the GAO simply states that they cannot, pursuant to the statute that now exists and pursuant to the language of the supplemental appropriations bill, do in the timeframe set out what the gentleman expects.

So, Mr. Chairman, without going into the substance of this amendment, I know Chairman FORD is going to speak to it.

I would simply add that Senator STEVENS, the Republican whip of the other body, has supported the language in the bill, as do my colleagues from Virginia, Mr. WOLF and Mr. PARRIS, and as I am sure, the gentlewoman from Maryland (Mrs. HOLT) does as well.

So this is a bipartisan bill. We hope you will oppose the Dannemeyer amendment.

Mr. Chairman, the letter from William J. Anderson, Director of the General Accounting Office, follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., May 25, 1983.

Hon. EDWARD R. ROYBAL,
Chairman, Subcommittee on Treasury—Postal Service—General Government, Committee on Appropriations.

DEAR MR. CHAIRMAN: This letter is in response to the proposed appropriation amendment requiring the Comptroller General to complete a review of agency performance appraisal systems by July 1, 1983. This amendment would require a report before funds can be obligated or expended to implement regulations proposed by the Office of Personnel Management in the Federal Register on March 30, 1983. It would not be possible for the General Accounting Office to complete reviews of agencies' performance appraisal systems by July 1.

We do have a draft report in process on the implementation of performance appraisal systems at nine agencies; the scope of this assignment, however, did not include important aspects of the proposed regulations. Therefore, we do not believe this report would meet the intent of the appropriation language.

Sincerely yours,

WILLIAM J. ANDERSON,
Director.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. In anticipation of this amendment, my Committee on Post Office and Civil Service, by a bipartisan vote of 17 to 4, adopted a motion supporting the inclusion of a provision in the Treasury, Postal Service, and General Government appropriations bill which would bar the expenditure of funds for the purpose of implementing the OPM regs.

Why? We talk from time to time about runaway bureaucracies and runaway bureaucrats. We have got a guy downtown, OPM Director Devine, that just says, "I don't give a darn whether it is the way Congress has done it or not. I will not come up with legislation asking to change it. I have got a new way to do it. I am going to write regulations."

The committee vote reflected our concern that these regs, in certain instances, exceeded OPM's authority; for example, the labor-management area and the dual performance standard for within-grade increases.

The committee is concerned that these regs, which delay career ladder promotions, change the manner in which within-grade increases are

granted, and limit the scope of collective bargaining in the Federal sector, have not been sufficiently reviewed by Congress. It appears that the regs make such dramatic changes in the Federal personnel system that the legislative process rather than OPM's regulatory authority ought to be the manner in which they are considered.

Director Donald Devine, OPM, appeared before our committee on April 21 to explain these proposals, and he failed to convince the committee that the proposals were either sound policy or wholly within his authority to promulgate by regulation.

I received a letter today from the Comptroller General that gives me some comfort, because I know that the centerpiece of his regulations cannot now be enforced. As you well know, if the Comptroller General finds a regulation to be a clear violation of the law, it becomes unenforceable. GAO's letter to me says:

> You ask if OPM may legally require different performance ratings at different step levels, or does the law require that the same rating apply to each of the ten steps?

The letter responds:

> We have reviewed the proposed revision as well as the derivative statutes and their legislative history. We must conclude that the proposed revision to 5 C.F.R. Section 531.404 is contrary to law and may not be legally implemented.

The seven-page letter then discusses what Mr. Devine proposes and reviews the history of the law. The Comptroller General concludes:

> Accordingly, and consistent with the above discussed legislative history our view is that the revision proposed by OPM to 5 C.F.R. Section 531.404 is illegal and may not be implemented without appropriate legislation.

All we are asking is time to consider these issues in an orderly fashion.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

Let me just give you a fact pattern of why these regulations are bad.

Two individuals, both work for the same Government agency. There is going to be a RIF. One is 25 years old, has worked for the Government for 5 years, and for 1 year got an outstanding rating.

The other individual is 57 years old, has worked for the government for 30 years—30 years, the other individual just 5—got a fully successful rating. Maybe for 29 years he was outstanding. This year he only got a fully successful.

If there was a RIF, who would be RIF'ed under these regulations? The individual who was 57 years old, who had worked for the Government 30 years, who got a fully successful rating and maybe dropped because his wife had cancer or was going through a problem with his child. Who would the Government keep under these OPM regulations? The individual who is 25 years old, had only been with the Government for 5 years and got an outstanding rating.

Mr. Chairman, that is unfair. It is wrong and I urge that we vote against it.

I rise in support of the language offered by my distinguished colleague from Maryland, which is included in the Treasury/Postal appropriations section.

The language Mr. HOYER has submitted would prohibit further consideration, development, or implementation of regulations proposed by the Office of Personnel Management on March 30, 1983. As many of you know, these regulations take a broad controversial approach to achieving pay for performance through regulatory power in areas which I believe require legislation, but I also disagree with the regulations themselves. I do not feel they are equitable; they do not have a private sector precedent; and they have not been thoroughly reviewed, studied, or proven as a fair mechanism for promoting performance in government.

Congress has outlined its intentions for setting up pay for performance in government. In fact, tomorrow, the Senate Government Affairs Committee will be holding hearings on a merit pay initiative I have introduced with the bipartisan support of 13 of my House colleagues and Senators TRIBLE and WARNER in the other body. My legislation goes further than the OPM regulations, has the support of employee groups and would save nearly $2 billion if my legislation were expanded governmentwide during the next decade. The degree of changes needed require legislation and I believe, in light of recent questionnaire results tallied by the General Accounting Office, that the Comptroller General, given his involvement with the adoption of Mr. HOYER's language, will substantiate the problems with OPM's regulations. GAO has already come out in support of my pay for performance legislative alternative.

In addition to the fact that these rules changes should be handled legislatively, the questions of fairness and equity must be addressed in these regulations. For example, one of the regulations in this proposal would put performance ahead of seniority as factors of importance whenever government is faced with reductions in force. The effect of this is to completely ignore an individual's career of service, length of service, or contribution to a job. In research of this issue the CRS has been unable to locate a similar practice as a common occurrence in the private sector. In fact, the contrary is true. In 77 percent of private sector firms, length of service is the major consideration when layoffs become necessary. This body even operates on a seniority basis. Government would be the only employer where a 24-year-old with 3 years of service and outstanding ratings would be retained and a 54-year-old with 30 years of service or exceeds fully successful rating would be fired. That is simply not fair.

Not only is it unfair, it is shortsighted in that such layoffs would be based on 1 year's performance appraisal. The peformance appraisal system itself has proven to be an inadequate measure of employee job performance. But what would happen to an individual who had had a lifetime of service, 30 or 40 years of service with outstanding performance and a tragedy occurs in his family—a parent with cancer or a death and his performance falls to a fully successful rating that year. This individual could be separated based on performance in that 1 year of unusual circumstances.

As you can see, there are substantive problems with these regulations as drafted and I believe it is appropriate for Congress to further review, act on legislation, and consult with GAO before the administration proceeds with these regulations.

I urge my colleagues to support the supplemental appropriations for fiscal year 1983 as reported from committee.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Michigan.

Mr. ALBOSTA. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from California and in support of the committee-approved bill.

Mr. Chairman, as chairman of the subcommittee with jurisdiction over reductions in force by the Federal Government, I am very disturbed by the administration's efforts to circumvent current law by revising RIF regulations. During committee hearings on the proposal, I pointed out to the OPM Director that contrary to his claims, the proposed regulation would specifically limit veteran's rights for the first time. The Director agreed with me during that exchange, and promised to change the specific limitation we discussed.

Since that time I have reviewed the proposal in great detail, and I have concluded that it totally contradicts the statutory guidance on reductions in force.

The administration is trying to sell its proposal by saying it will "minimize disruption" in the workplace. The disruption it wants to minimize is the type it caused in attempting to make blanket cuts in Federal staffing levels in 1981. It found out there were certain protections in the RIF process to guard against political manipulation,

and to make sure that statutory criteria, including veterans' preference, were given sufficient weight in making retention decisions. The administration now views those protections as obstacles that must be eliminated. We cannot allow this to happen.

Congress has established four criteria to be used in deciding who will stay and who will go in a RIF. According to law, OPM regulations must give due effect to: Tenure; veterans' preference; length of service; and efficiency or performance ratings.

The proposal does just the opposite. It encourages agencies to limit competition for available jobs in order to minimize disruption. Obviously, when you limit the universe of application, you limit the options available to veterans, long-term employees, and good performers. In effect, you skirt the intent of the law.

Is veterans preference given due effect when you have eight veterans competing for three available jobs? Not in the minds of five of those veterans, I would guess, and certainly not in my mind.

During the hearing conducted by my distinguished chairman from Michigan, I used an example from an actual RIF conducted at the Department of Energy in 1981. Under existing regulations, when the job of a GS-13 veteran with a good performance record was abolished, he was able to "bump" a GS-7 nonveteran, retain a job, and begin to compete for a position at his former level. Because of restrictions on "bumping" contained in the proposal, he would have had no where to go except out the door.

Does that change give "due effect" to veterans' preference? I do not think so.

Mr. Chairman, Congress has legislated in this area. The Supreme Court, in a decision this week, recognized the "longstanding policy of compensating veterans for their past contributions by providing them with numerous advantages." Yet the administration pays only lipservice to those protections conferred by Congress and upheld by the courts.

The gentleman from Maryland, a former member of the Post Office and Civil Service Committee, is to be commended for giving this House an opportunity to address these important issues. The statutory criteria of tenure, veterans' preference, length of service and performance must be applied in a manner that gives them "due effect." Current law must not be ignored by OPM in its effort to rewrite RIF regulations.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, I rise in support of the language contained in the supplement appropriations bill which would prevent the Office of Personnel Management from arbitrarily making major, adverse changes in the civil service. I am adamantly opposed to the regulations proposed by OPM and I think this Congress should do everything in its power to prevent these proposals from being implemented.

I have introduced legislation, H.R. 2493, which would prevent these proposals from being implemented. It seems extremely unwise to allow OPM to implement such major changes without congressional consideration.

These proposals would alter and impair current policies relating to reductions in force, overtime pay, labor-management relations, and within-grade pay increases. Such comprehensive proposals deserve careful study by the Congress and it would be inappropriate to allow OPM to arbitrarily implement these regulations without an opportunity for review by the Congress.

Let me make sure my colleagues understand one important fact about this matter. I don't want to accelerate, I want to eliminate. The proposal relating to reductions in force would undermine and essentially eliminate the established preference presently accorded to military veterans in the reduction-in-force process. It could adversely affect any Government employee because it replaces the importance of seniority with performance in a RIF situation. I have heard from a great number of Government employees who have indicated that the current method of assessing performance, the performance appraisal system, is not a valid indicator in effectively rating Federal personnel. During the past few months, I have met with the Director of OPM and with representatives of OMB to express my opposition to basing an individual's job on this system, disregarding the individual's commitment and contribution to a career in the civil service.

The within-grade pay proposal would eliminate pay increases, create additional regulatory burdens, and in my opinion, significantly alter current compensation systems. While this proposal appears reasonable in theory, it just will not work fairly in the real world. I do not see how a personnel director can look at a single performance rating and make an equitable decision on employment. I would hope that consideration would at least be given to the employee's work history, based on several performance ratings, before a decision was made affecting compensation or a reduction in force.

The proposed regulation affecting Federal labor-management relations would give to the Office of Personnel Management, regulatory authority which Congress previously had denied. When the Congress drafted title VII of the Civil Service Reform Act of 1978, it decided to deny OPM regulatory authority in the Federal labor-management relations program. Instead of giving OPM this authority, the Congress authorized rule change decisions to the Federal Labor Relations Authority.

Historically, individuals have been attracted to careers in the Federal Government because Federal employment offered some employment security and reasonable retirement benefits. The recent proposals made by OPM, in addition to the civil service retirement proposals contained in the budget, will make it even more difficult to attract and retain qualified personnel. Rather than taking steps to improve current problems like placement for RIF victims, OPM is asking employees to accept new schemes on OPM's word that the changes will benefit the civil service.

Some of these proposals are just too arbitrary and could invariably lead us to a return to a spoils system. These proposals are unacceptable and I again suggest that the Director of OPM at least modify them so that they are equitable before they be seriously considered if they are to be at all. Unless major modifications are made to these proposals, they will have a devastating impact on the Federal work force. The Congress has a responsibility to preserve the integrity of the civil service by supporting legislation that will prevent OPM from making such major changes in the civil service by regulatory fiat.

I urge my colleagues to support the language in the bill which would deny funds to implement OPM's unwise proposals, and I request that we vote in opposition to the amendment that would permit these proposals to become effective.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of the Dannemeyer amendment.

Some observations were made here by my good friend, the gentleman from Mississippi, that this might affect veterans preference.

I have a letter here, dated today, from Donald J. Devine, the Director of the Office of Personnel Management, and I want to quote from it, and also from Mr. Stockman.

OFFICE OF PERSONNEL MANAGEMENT,
Washington, D.C., May 24, 1983.

Hon. SILVIO O. CONTE,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CONTE: It has come to my attention that despite the fact that the nation's veterans organizations have long recognized my strong support for veterans preference during my tenure at OPM, some misinformation is being disseminated among members of the House regarding the effect that OPM's proposed regulations on pay-for-performance, RIF reform, labor-management relations and overtime pay would allegedly

have on veterans preference in Federal employment. I want to take this opportunity to give you my personal assurance that OPM and the Reagan Administration fully support veterans preference in the Federal government, and that our regulatory changes are carefully designed to avoid adversely affecting veterans preference.

Only one of OPM's four proposals involves application of veterans preference in any way. The law requires that veterans preference be among the four factors considered in determining retention order in a reduction-in-force. As you know, we have proposed changes involving only two of these factors: seniority and performance. The other two, tenure and veterans preference, are untouched by the proposed regulations.

Only one aspect of the RIF proposal would have even a remote effect on veterans, and this is the portion dealing with "bumping and retreating." As the VFW noted in its response to our proposals, "it is ridiculous to have situations where a GS-15 bumps down to a GS-5 level and continues to draw the higher salary." As far as retreating is concerned, it should be noted that this proposal, by permitting the employee to retreat to any position held (rather than only promoted from), actually broadens the retreat right by opening up positions in the same grade as the one from which the employee was released as well as positions "from or through which promoted" as the current regulation provides. This broadens rather than narrows the veteran's retreat right. Since veterans "bump" nonveterans and there is no time limitation on the bump, the change in retreat will not protect nonveterans at the expense of veterans.

Several veteran's organizations have offered comments to OPM that suggest ways of modifying the proposed RIF changes to ensure that no adverse impact on veterans preference is felt indirectly. We have assured them that we will address their concerns, and have emphasized to them our continuing commitment to veterans preference in the Federal civil service. I should add that OPM met with representatives of the three largest veterans organizations on April 25 to go over in considerable detail their questions and concerns regarding the proposed changes, and assure them that their concerns would be addressed.

I trust that this will alleviate any concerns the members may have regarding the effect of our proposals on veterans who serve in the government's civilian work force.

Sincerely,

DONALD J. DEVINE,
Director.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 24, 1983.

Hon. SILVIO O. CONTE,
U.S. House of Representatives,
Washington, D.C.

DEAR SIL: As you know, the Administration strongly objects to an Administrative provision added to the 1983 Supplemental Appropriations Bill which prevents the Office of Personnel Management (OPM) from implementing new regulations covering reduction-in-force rules and performance-based incentives, as well as overtime changes and Federal labor-management negotiability guidelines. The Administration believes its ability to implement and enforce these regulations is critical to effective management of the Federal workforce.

Those familiar with the workings of the current civil service personnel system have long recognized that it relies too heavily on factors not related to an employee's performance. For example, so-called "within-grade" pay increases are provided to nearly all employees automatically. The pressures to provide these increases are so strong that supervisors will almost never seek to deny within-grade increases even if an employee's performance is clearly unsatisfactory. A system which ignores poor performance and fails to reward good performance in this manner needs to be changed.

Without going into a detailed explanation of the four regulations, I would like to summarize some of the key elements in each of the proposals.

Performance-based Incentive Reforms: the current system does not require that an employee's promotions, incentive awards, or within-grade pay increases be linked to his or her performance appraisals. The proposed OPM regulations would establish a clear linkage between performance and pay, as well as simplify and standardize appraisal systems throughout the government.

Reductions-in-Force Revisions: separations due to reductions-in-force are now based largely on seniority. As a result, the current system operates to dismiss good performers without seniority and has an adverse effect on women and minorities hired in the last few years. The proposed regulation would retain the four factors currently considered in determining the retention order in a RIF: an employee's tenure (career/career conditional), veterans' preference, seniority, and performance. In broad terms, the new regulations would simply switch the order of the last two factors. We would underscore that these changes would not alter current preferences given disabled and regular veterans in the RIF process.

Overtime Reforms: the primary objective of this rules change is to bring Federal overtime practices more into line with those of the private sector. It should be noted that even after this revision is made, Federal overtime rates would still be more generous than those offered by private firms.

Labor-Management Guidelines: the proposed guidelines are designed to identify essential management prerogatives by clearly specifying what is negotiable and what is not. These specifications should help clarify the latitude that agency managers have in negotiations and bargaining with public employee unions.

In sum, we believe the regulations redirect incentives in the Federal personnel system to emphasize performance, bring personnel practices more into line with those of the private sector, and clarify management's rights in selected areas. Because these regulations are based on what we believe are sound and reasonable practices, we strongly urge you to support repeal of the provision in the 1983 Supplemental Appropriation. It would be difficult to recommend signature of the Supplemental Appropriations Bill (H.R. 3069) unless these restrictions on implementation are removed from the bill.

Sincerely,

DAVID A. STOCKMAN,
Director.

□ 1810

I urge support of the Dannemeyer amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Chairman, I want to emphasize that the issue is not whether or not we are going to approve the regulations proposed by OPM. That is not the issue.

The only thing that is the issue is whether or not we are going to require that the GAO complete its analysis of the law as to whether or not those regulations comply with existing law by July 1. That is all we are asking.

We are not asking, as my colleague from Maryland has said or inferred, that we are asking GAO to analyze what the impact of the regulations would be on the Federal work force; we are not asking that, but only as to whether or not they comply with existing law.

(By unanimous consent, Mr. WHITTEN yielded his time to Mr. HOYER.)

Mr. HOYER. I thank the gentleman for yielding.

In conclusion, the point I tried to make, and which is simply that the GAO does not believe they can comply with the analysis that the statute refers to and which the appropriations language has asked them to present to us before these regulations go into effect, first.

Second, this is bipartisan language in the bill. Senator STEVENS has held hearings on the regulations. Mr. FORD and his counterpart in the other body have held hearings on the regulations. Both of them have indicated that they support the language in the bill.

I would ask this body to reject overwhelmingly the amendment.

POINT OF ORDER

Mr. DANNEMEYER. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DANNEMEYER. Mr. Chairman, is it appropriate in a debate in the House for a Member to refer to something going on or proposed to be going on in the other body?

The CHAIRMAN. The gentleman is correct; it is not permissible.

Mr. DANNEMEYER. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANNEMEYER).

The question was taken; and on a division (demanded by Mr. DANNEMEYER) there were—ayes 21, noes 67.

So the amendment was rejected.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the language that the gentleman from California (Mr. DANNEMEYER) just sought to amend is a part of the section beginning on page 49 and stretching through line 17 on page 50, which also includes language from lines 5 to 17 on page 50 which is, of course, legislation in an appropriations bill.

The material is protected by a waiver and so a point of order would not hold on it.

It also, Mr. Chairman, is language which clearly interferes with the jurisdiction of the Committee on Ways and Means. It is an attempt to write tax law on the floor of the House by the Appropriations Committee, clearly out of order by any standard of jurisdiction and congressional courtesy.

However, Mr. Chairman, because it interferes with the spending of funds only for the duration of this particular appropriation and because it restricts only a tiny amount of funds, in my judgment the Internal Revenue Service will be able to go forward and be able to impugn income despite the attempt to restrict it under this pernicious language.

Mr. Chairman, in the future I hope that we will not have this kind of thing on appropriation bills. I am quite sure it will be ineffective on this one and, therefore, I shall make no amendment.

I yield back the balance of my time.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of this section.

Mr. Chairman, I regret that my good friend, BILL FRENZEL, has again gone after us on this.

Let me say, BILL, no one wants to infringe upon the jurisdiction of the Ways and Means Committee, and no one would have unless it was an emergency.

You know, I showed BILL FRENZEL another section that we had in here that did not have waivers of points of order and I said, "BILL, if you want to raise a point of order on that, go ahead." It was on education. He said, "No, thank you."

This is on education. Do you know what the IRS has done? I will tell you what they have done. They have put out rules and regulations in 30 days, in 30 days, that any college that gives a faculty member a house, that will be included as income retroactive to 1973.

Now, what am I going to do, sit on my hands? The Ways and Means Committee will not come out with a bill. Can you imagine some of these college professors who are on very low salaries and have been given a house on campus, and now they are going to go back to 1973 and whack them.

I tell you, I hope the Ways and Means Committee directs their attention to this. Before the regular bill comes up, BILL FRENZEL, I hope you do something about it so that I will not have to tack it on to the next bill. I do not want to tack it on my bill. I would want to go with your bill.

Mr. FRENZEL. Would the gentleman yield?

Mr. CONTE. Surely I yield to my good friend.

Mr. FRENZEL. Bless your heart, SIL CONTE, my distinguished and dear friend from Massachusetts.

Mr. CONTE. For a long, long time, one of my dearest friends.

Mr. FRENZEL. Yes, my beloved coach.

I thank you for your statement of good will and I hope it will not be necessary for you to do this again, ever. I assure you that our committee will give this our closest attention.

But I would remind you that we do not ever try to appropriate for you on our bills and we hope that in the future you will use really close discretion about taxing on your bills.

Mr. CONTE. My good friend, BILL FRENZEL, knows I always show a great deal of restraint.

Mr. Chairman, the purpose of the limitation amendment I put forth is to simply prohibit the Internal Revenue Service from acting to collect taxes on the value of faculty housing provided by a college or university for its faculty members.

Numerous colleges, universities, and secondary schools across the country have for decades maintained faculty housing programs through which they have been able to maintain their properties and at the same time serve the goal of faculty-student interaction in a residential setting. The properties in question have been held for years by these institutions, in some cases for future expansion planning purposes, but always with the idea in mind of providing close proximity to the institution for faculty in order that they might better serve the students.

Under these programs, an educational institution rents lodging to its faculty members at reasonable rents that reflect such factors as the operating costs of the lodging, the value of the lodging to the employee and the educational purpose served by the housing program.

These rents do not necessarily equal the rent that could be obtained by a commercial landlord, because educational institutions do not seek to profit from their employees. However, the programs do recover their costs despite the fact that many traditional faculty programs have existed for almost a century, the IRS had never taken the position in a regulation, ruling or decided case that a faculty member was in receipt of taxable income because of this participation in a housing program. Similarly, the IRS had never asserted withholding tax liability against an educational institution because of its maintenance of such a program.

Now the IRS is starting to notify institutions that they are liable for back withholding taxes on the excess value of housing rented to faculty members. This action is contrary to a moratorium Congress imposed in 1978 on the taxing of fringe benefits, and it is contrary to a 1978 Supreme Court ruling where it was held that a taxpayer/employer was not liable for withholding tax on the payment of lunch reimbursements, or fringe benefits in that case.

In its report accompanying the moratorium bill, Congress made clear that it recognized a lack of uniformity in the fringe benefit area which could lead to inequitable distinctions between taxpayers receiving similar benefits, difficult decisions as to an employer's obligation to withhold taxes and difficult valuation problems regarding fringe benefits.

The moratorium referred to was extended to December 31, 1983 by the Economic Recovery Tax Act of 1981.

What we have is a situation where the IRS is violating the intent of Congress, and to some degree, a ruling of the Supreme Court in an effort to obtain revenues from wherever possible.

My amendment would halt these IRS actions until the matter can be considered by the tax writing committees. If the IRS actions are not halted, the colleges will have to pay hundreds of thousands of dollars in back taxes which will do serious damage to their already precarious cash flow postures, because these taxes will go back to 1973.

My attention to this matter was stimulated by various institutions in my own district which have already received letters directing payment of these back taxes. But this action will begin now to move across the country to many other schools. None of us want to see these institutions, already plagued by sliding endowments, further hurt financially.

Congress has not changed its intent with respect to a moratorium on taxing these programs. That fact is further underscored by the introduction of various bills both here in the House and in the other body. I cosponsored one myself here in the House—one that was introduced by the ranking minority member of the Ways and Means Committee and one of his Democratic colleagues.

Let us give the tax writing committees time to explore this question in revenue considerations this summer before we allow the IRS to impose this heavy burden on our educational institutions through loopholes created by regulatory fiat. Let us retain this amendment—it is important to all educational institutions around the country.

The CHAIRMAN. Are there any further amendments to chapter XI?

If not, the Clerk will read title II.

The Clerk proceeded to read title II.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1820

The CHAIRMAN. Are there any points of order against title II?

Are there amendments to title II?

If not, the Clerk will read.

The Clerk proceeded to read title III.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

Are there any amendments to title III?

If not, the Clerk will read.

The Clerk proceeded to read title IV.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against title IV?

Are there any amendments to title IV?

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

May I say as chairman of the Committee on Appropriations, we, too, hope we will never face this situation again. The limits fixed by the existing and outdated budget resolution are such that there was no other way to operate than we have here. We had to ask for certain waivers in order to keep the Government operating efficiently and to preserve congressional prerogatives. This bill meets a wide variety of necessary functions conducted by the Government. We worked hard in drafting this bill. We have no desire to infringe on the jurisdictions of others. We have tried to cooperate with members of other committees.

We hope that everybody will meet the deadlines fixed by the Budget Act, and that we in turn will not have to have so many waivers necessary to consider appropriation bills.

But I assure you this time an "aye" vote is absolutely essential on this bill in my opinion.

With that, Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BEILENSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the engrossment and reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MILLER of Ohio. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MILLER of Ohio moves to recommit the bill, H.R. 3069, to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 309, nays 92, not voting 31, as follows:

[Roll No. 139]

YEAS—309

Ackerman	Berman	Burton
Addabbo	Bevill	Byron
Akaka	Biaggi	Campbell
Albosta	Bilirakis	Carney
Alexander	Bliley	Carper
Andrews (TX)	Boehlert	Carr
Annunzio	Boggs	Chandler
Anthony	Boland	Chappell
Applegate	Boner	Clarke
Aspin	Bonior	Clay
AuCoin	Bonker	Clinger
Barnes	Bosco	Coelho
Bartlett	Boucher	Coleman (MO)
Bateman	Boxer	Coleman (TX)
Bates	Breaux	Collins
Bedell	Britt	Conte
Beilenson	Brooks	Conyers
Bennett	Brown (CA)	Cooper
Bereuter	Bryant	Coughlin
D'Amours	Kazen	Regula
Daniel	Kemp	Reid
Daschle	Kennelly	Richardson
Daub	Kildee	Ridge
Davis	Kogovsek	Rinaldo
de la Garza	Kramer	Roberts
Derrick	LaFalce	Robinson
DeWine	Lagomarsino	Rodino
Dickinson	Lantos	Roe
Dicks	Leach	Rogers
Dingell	Leath	Rose
Dixon	Lehman (CA)	Roth
Donnelly	Lehman (FL)	Roukema
Dowdy	Leland	Rowland
Downey	Lent	Roybal
Duncan	Levin	Rudd
Durbin	Levine	Sabo
Dwyer	Lewis (FL)	Savage
Dymally	Lipinski	Scheuer
Dyson	Livingston	Schumer
Early	Lloyd	Shannon
Eckart	Loeffler	Shaw
Edwards (AL)	Long (LA)	Shelby
Edwards (CA)	Long (MD)	Sikorski
Edwards (OK)	Lott	Sisisky
Emerson	Lowery (CA)	Skeen
English	Lowry (WA)	Skelton
Erdreich	Luken	Smith (FL)
Erlenborn	Madigan	Smith (IA)
Evans (IA)	Markey	Smith (NE)
Evans (IL)	Martin (NY)	Smith (NJ)
Fascell	Matsui	Snowe
Fazio	Mavroules	Snyder
Feighan	Mazzoli	Spence
Ferraro	McCloskey	Spratt
Fiedler	McCurdy	St Germain
Flippo	McDade	Staggers
Florio	McEwen	Stangeland
Foley	McGrath	Stokes
Ford (MI)	McHugh	Stratton
Ford (TN)	McKernan	Studds
Fowler	McKinney	Sundquist
Frank	McNulty	Swift
Franklin	Mica	Synar
Frost	Michel	Tallon
Fuqua	Mikulski	Tauzin
Garcia	Miller (CA)	Taylor
Gaydos	Mineta	Thomas (CA)
Gejdenson	Minish	Thomas (GA)
Gephardt	Mitchell	Torres
Gilman	Moakley	Torricelli
Gingrich	Molinari	Towns
Glickman	Mollohan	Traxler
Gonzalez	Montgomery	Udall
Gore	Moody	Valentine
Gradison	Moore	Vander Jagt
Gray	Morrison (WA)	Vandergriff
Green	Mrazek	Vento
Guarini	Murphy	Volkmer
Hall (IN)	Murtha	Watkins
Hall, Sam	Natcher	Waxman
Hammerschmidt	Neal	Wheat
Harkin	Nelson	Whitehurst
Harrison	Nichols	Whitley
Hatcher	Nowak	Whittaker
Hawkins	O'Brien	Whitten
Hefner	Oakar	Williams (MT)
Hertel	Oberstar	Williams (OH)
Hightower	Obey	Wilson
Hillis	Ortiz	Winn
Holt	Panetta	Wirth
Hopkins	Parris	Wise
Horton	Pashayan	Wolf
Howard	Patterson	Wolpe
Hoyer	Pease	Wortley
Huckaby	Penny	Wright
Hutto	Pepper	Wyden
Hyde	Perkins	Wylie
Jeffords	Porter	Yates
Jones (NC)	Price	Yatron
Jones (OK)	Quillen	Young (AK)
Jones (TN)	Rahall	Young (FL)
Kaptur	Rangel	Young (MO)
Kasich	Ratchford	Zablocki

NAYS—92

Anderson	Conable	Dreier
Archer	Corcoran	Fields
Badham	Courter	Forsythe
Barnard	Craig	Frenzel
Broomfield	Crane, Daniel	Gekas
Brown (CO)	Crane, Philip	Gibbons
Broyhill	Dannemeyer	Goodling
Chappie	Dellums	Gramm
Coats	Dorgan	Gregg

Gunderson	Martin (IL)	Schaefer
Hall (OH)	Martin (NC)	Schroeder
Hall, Ralph	McCain	Schulze
Hamilton	McCandless	Seiberling
Hansen (ID)	McCollum	Sensenbrenner
Hansen (UT)	McDonald	Sharp
Hartnett	Miller (OH)	Shumway
Hiler	Morrison (CT)	Shuster
Hughes	Myers	Siljander
Hunter	Nielson	Slattery
Ireland	Olin	Smith, Denny
Jacobs	Ottinger	Solomon
Jenkins	Oxley	Stark
Kindness	Packard	Stenholm
Latta	Patman	Stump
Levitas	Paul	Tauke
Lewis (CA)	Petri	Vucanovich
Lujan	Pritchard	Walgren
Lungren	Pursell	Walker
Mack	Ray	Weber
MacKay	Ritter	Zschau
Marlenee	Roemer	

NOT VOTING—31

Andrews (NC)	Hubbard	Rostenkowski
Bethune	Johnson	Russo
Borski	Kastenmeier	Sawyer
Cheney	Kolter	Schneider
Coyne	Kostmayer	Simon
Crockett	Lundine	Smith, Robert
Edgar	Marriott	Solarz
Fish	Martinez	Weaver
Foglietta	Moorhead	Weiss
Hance	Owens	
Heftel	Pickle	

□ 1840

Mr. SLATTERY and Mr. PRITCHARD changed their votes from "yea" to "nay."

Mr. EDWARDS of California changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF COMMITTEE ON THE JUDICIARY TO SIT ON THURSDAY, MAY 26, 1983, DURING 5-MINUTE RULE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary be permitted to sit on Thursday, May 26, 1983, while the House is considering amendments under the 5-minute rule.

The purpose of the subcommittee meeting is to hear and consider private bills.

The minority has been consulted and agrees to this request.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 26. Concurrent resolution approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode.

FURTHER LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I have asked for this privilege to address the House for the purpose of explaining why I am going to make a unanimous consent request concerning Wednesday next.

As all Members know, we have been on notice for many months that Wednesday next, the first day of June, is a legislative day and that the holiday scheduled for the Memorial Day period would end on Tuesday evening and that we would be expected to be back in session on Wednesday.

We really do need to utilize that day for legislative purposes due to the importance of completing our work.

However, it has been brought to my attention that a great number of the Members may have difficult travel schedules on that Wednesday and others may have obligations to attend certain international conferences that have been scheduled. Some of them are, quite seriously, matters of some serious importance, NATO and Interparliamentary Union meetings, with people in Europe and other parts of the Earth. I am trying to cover all contingencies, you see.

In order that those Members with serious schedules involved and obligations that they have assumed on behalf of our Government might be accommodated to the maximum extent possible and yet not lose our beneficial use of that day, Wednesday, June 1, I am going to ask unanimous consent that we may have a special day for suspensions on next Wednesday, June 1.

If this unanimous-consent request is granted, we can consider those suspensions and would roll votes on all of them over until the following day, Thursday, June 2.

REQUEST FOR SPECIAL DAY FOR SUSPENSIONS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that we may have a special day for suspensions on Wednesday, June 1.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Reserving the right to object, Mr. Speaker, the situation is as the majority leader has described it.

The problem is that, once again, we are saying that the rules of the House have no meaning. There are reasons why we limit suspension days to Mondays and Tuesdays. We do so because that is one limiting factor in what measure can be put on the Suspension Calendar, and the rules of the House are very clear on that.

Now, all of a sudden, we are going to come along and we are going to add another day, a special day, on this particular Wednesday.

I certainly would agree with the majority leader that it would be very advantageous to move ahead with our legislative schedule, but I would say that we have not been overly diligent about that in the past, that we have allowed a number of days to go by without too much business being done. Why, all of a sudden, we have to have a special suspension day on this particular Wednesday bothers me, when it is in total violation of the rules of the House.

It seems to me that if we want to schedule business, we could schedule general debate, or something of that nature, on a Wednesday, to move ahead with some of the things, without walking all over the rules by scheduling suspensions.

Can the gentleman explain to me what is in urgent priority about these four suspensions that we have to bring them to the floor on the Wednesday, particulary since no one is going to vote on them until the next day anyhow?

□ 1850

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield, I would say first to the gentleman that this idea was discussed with the minority leadership, the distinguished gentleman from Illinois (Mr. MICHEL) and others, and they had found no objection. I was under the assumption that it probably was generally acceptable to Members on both sides of the aisle so as to accommodate all of their schedules.

As far as I am concerned, I am going to be here. But the point of it is that if we do not allow ourselves to consider these bills that may be eligible for consideration under the suspension of the rules that day, then it would be necessary for us to come into session and utilize that day for the further consideration of the military authorization bill and all the Members would feel deprived if they were not able to be here and vote on amendments that would have to be taken up with that bill.

So it is just a matter of accommodating the Members and the rules, and it would not be a violation of the rules, I would suggest to my distinguished friend from Pennsylvania, for us to grant unanimous consent for this consideration. I grant him that it is in general a good purpose that is served by reserving Mondays and Tuesdays for suspensions, they being the beginning of the week, but it is an unusual situation which does not occur every month, nor every year, when Memori-

al Day falls upon a Monday. In that it does this year, and we had previously scheduled the Memorial Day recess through Tuesday, the 31st of May, it seems plausible then that we would treat that Wednesday as though it were a Monday and that it is the beginning of our legislative week.

It was for that purpose that I would seek the unanimous consent so as to accommodate Members on both sides.

Mr. WALKER. Mr. Speaker, further reserving the right to object, most of our holidays around here any more, because of the action of the Congress, are on Mondays, so it does not really create an unusual circumstance with regard to long weekends on holidays.

But I would say to the majority leader, as well, that it sounds to me as though what he is saying is that if we walk and violate the Rules of the House, then the Members will be spared today, but otherwise we will penalize the Members by bringing them back here for consideration of the military appropriations bill. I think that is what I hear from the majority leader. Of course, we are not going to continue on tomorrow on the military authorization bill because we are going to get out at 3 o'clock this afternoon. It is not that urgent.

Can the gentleman tell me what the four urgent bills are that we are going to take up on the suspension calendar?

Mr. WRIGHT. Mr. Speaker, if the gentleman would yield, I think it might be a misunderstanding on his part. It is not the purpose of the majority leader under these circumstances to try to punish Members. It is quite the reverse; to try to help Members and accommodate Members that I made the unanimous-consent request. It would be for the purpose of accommodating Members that we would consider those bills on that day.

It would seem to me that anyone who objected to the unanimous-consent request might be in a posture of punishing Members by requiring that they come back for the votes.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I understand that is the weight that the majority leader is trying to put on this Member. I would put on the majority leader the fact that he is trying to trample the Rules of the House, which protect the Members around here, too.

So I would—and I guess this is the appropriate place for it—object, and I do object.

The SPEAKER. Objection is heard.

The Chair would wish, since we have just had a unanimous-consent request, in a kind of a bipartisan spirit, that the gentleman's bipartisan request be granted because it is in the best interest. When we work in a bipartisan manner, we should work in a bipartisan manner for all.

FURTHER LEGISLATIVE PROGRAM

(Without objection, Mr. WRIGHT was allowed to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I take this time for the purpose of announcing to the Members that we would expect to be back on Wednesday next, on June 1.

The SPEAKER. The Chair would interrupt the gentleman at this time. In view of the fact that the leadership had devised a schedule for the convenience of the Members, and it has been objected to, the Chair sees no other option than to move up the appropriations bill until Wednesday of that week.

Mr. WRIGHT. That is what I was going to suggest, Mr. Speaker.

APPROVING THE OBLIGATION AND EXPENDITURE OF FUNDS FOR MX MISSILE PROCUREMENT AND FULL-SCALE ENGINEERING DEVELOPMENT OF A BASING MODE

Mr. EDWARDS of Alabama. Mr. Speaker, pursuant to the order of the House of May 24, 1983, I move to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 26) approving the obligation and expenditure of funds appropriated in Public Law 97-377 for MX missile procurement and full-scale engineering development of a basing mode, and that the Senate concurrent resolution be considered in the House.

The SPEAKER. The question is on the motion offered by the gentleman from Alabama (Mr. EDWARDS).

The motion was agreed to.

The SPEAKER. The Clerk will report the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 26

Resolved by the Senate (the House of Representatives concurring), That the House of Representatives and the Senate of the United States approve the obligation and expenditure of funds appropriated in Public Law 97-377 for MX missile procurement and full-scale engineering development of a basing mode for the MX missile.

The SPEAKER. Pursuant to the order of the House of Representatives, the gentleman from Alabama (Mr. EDWARDS) will be recognized for 30 minutes, and the gentleman from New York (Mr. ADDABBO) will be recognized for 30 minutes.

It was anticipated that there would not be any rollcall on this measure.

The Chair would say that if a rollcall is asked for, the rollcall will be postponed until tomcrrow.

The Chair recognizes the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 26 is identical to House Concurrent Resolution 113 which passed the House yesterday. It is identical in all respects and should be passed at this time.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from New York (Mr. ADDABBO).

Mr. LOWRY of Washington. Mr. Speaker, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. I thank the distinguished subcommittee chairman for yielding.

Mr. Speaker, on our side of the aisle there was a lot of debate about the reason people on our side of the aisle and other moderates voted for the MX was because we are moving the administration toward a position we want on arms control. I just wonder how the announcement today of our distinguished excolleague, and a person I like, Congressman Bob Dornan, fits into that movement as we are moving the administration toward the position we want on arms control.

I hope when we go to vote on this item that we will think about that. The MX vote yesterday was a serious mistake and I hope that we can reverse that now.

Mr. ADDABBO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER. The question is on the Senate concurrent restoration.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ECKART. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the provisions of clause 5(b) of rule I, the Chair announces he will postpone further proceedings on this matter until tomorrow.

The point of order is considered withdrawn.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3132, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1984

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-224) on the resolution (H. Res. 210) waiving certain points of order against consideration of the bill (H.R. 3132) making appropriations for energy and water devel-

opment for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3133, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND SUNDRY INDEPENDENT AGENCIES APPROPRIATIONS, 1984

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-225) on the resolution (H. Res. 211) waiving certain points of order against the consideration of the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and officers for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1900

APPOINTMENT AS MEMBERS OF DELEGATION TO ATTEND INTERPARLIAMENTARY UNION CONFERENCE ON EUROPEAN COOPERATION AND SECURITY

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276a-1, as amended by Public Law 95-45, the Chair appoints as members of the delegation to attend the fifth Interparliamentary Union Conference on European Cooperation and Security, to be held in Budapest, Hungary, May 30 to June 4, 1983, the following Members of the House:

Mr. PEPPER of Florida, Chairman; Mr. MICA of Florida, Vice Chairman; Mr. LEVITAS of Georgia; Mr. MARKEY of Massachusetts; and Mr. LUNGREN of California.

DES REGISTRY AND SCREENING ASSISTANCE

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. GUARINI) is recognized for 5 minutes.

● Mr. GUARINI. Mr. Speaker, today I am introducing legislation which will provide Federal financial assistance to States which establish programs to aid women and their children who have been exposed to the drug diethylstilbestrol, commonly called DES. My bill will assist States which establish identification and registration programs, provide screening for cancer related to DES, and disseminate public information regarding the health hazards associated with this drug.

Created in 1938, DES is a synthetic hormone which was frequently prescribed to women who had histories of complications during pregnancy. It was most heavily prescribed from 1945 through 1960. Although studies as early as 1953 questioned its effectiveness, its use continued into the 1970's. During that time, an estimated 4 to 6 million women and their children were exposed to DES.

In 1971, a clear link was established between exposure to DES before birth and an increased risk of a rare form of cancer in young women. By 1980, over 400 cases of clear-cell adenocarcinoma had been reported. Early detection and treatment are vital to efforts to contain this cancer and to preserve the reproductive capacities of its victims.

Further studies indicate that up to 90 percent of DES daughters experience adenosis, abnormal growths or structural changes in their reproductive tracts. While these abnormal cell growths may be the basis for the development of clear-cell adenocarcinoma, increasing evidence indicates that the abnormalities may disappear over time. Proper screening and regular examinations are an important part of the followup care DES daughters require.

Recent studies suggest that DES daughters experience more difficulties than average women when they become pregnant themselves. Such women have a higher rate of premature deliveries, miscarriages and associated complications. It is suspected that these difficulties are related to reproductive damage resulting from exposure to DES. It is essential that DES daughters and their doctors be familiar with the potental hazards they face if DES daughters become pregnant.

The sons of women who took DES during pregnancy have been shown to have an increased rate of reproductive and urinary tract abnormalities. To date, studies have not established a link between exposure to DES and increased rates of genital cancer or infertility in young men. Nevertheless, continued observation is warranted.

According to some research, the mothers who took DES during pregnancy are at a righer risk for contracting breast cancer or other forms of cancer of the reproductive organs. This research is being reviewed, but it is important for DES mothers to receive thorough screenings and examinations.

Clearly, women and their children who have been exposed to DES face increased health risks. The oldest DES daughters and sons are not yet 40, so the long-term effects of DES are still unknown. It will be necessary for DES mothers and their children to be examined at regular intervals for the rest of their lives. Yet many women and their children are unaware that they are at risk and that they require special screening for cancer.

For many women, public awareness of the concern surrounding the drug DES has not reached them. Many women are unfamiliar with the drugs their doctors prescribed or have not obtained access to their medical records. Still others have been too frightened to tell their daughters and sons of the risks they face.

Several States have begun programs to identify these women and advise them of the health risks they face and the steps they can take to insure that they receive the best care. My bill will offer assistance with these efforts by providing matching funds at a ratio of 75 percent Federal funds to 25 percent State funds channeled through the Secretary of Health and Human Services.

I urge my colleagues to join me in supporting this measure. It is too late to prevent the damage caused by exposure to DES, but we can and should make a commitment to providing health information and screening assistance to those at increased risk.●

THE CARIBBEAN BASIN INITIATIVE

The SPEAKER. Under a previous order of the House, the gentleman from Arkansas (Mr. ANTHONY) is recognized for 5 minutes.

● Mr. ANTHONY. Mr. Speaker, last week the Senate Finance Committee completed action on the Caribbean Basin Economic Recovery Act, and the House Ways and Means Committee hopefully will begin hearings in the very near future.

I would like to commend to the attention of my colleagues an editorial in the New York Times that is especially timely in regard to this important issue. I hope my fellow Members will reflect on this editorial when this bill is debated on the floor of the House.

[From the New York Times, Apr. 5, 1983]

THE PLUGGED CARIBBEAN BASIN

No region has been promised more and given less in American development help than the Caribbean. But the Reagan Administration now has a second and possibly final chance to redeem its program. If it fails to wrest the innovative trade features from Congress this year, it will crucially undercut democratic partners eager to try its free-market recipe for growth.

Congress has already approved $350 million in economic aid for 19 countries, nearly half earmarked for El Salvador. But protectionists have blocked the proposal to drop the duties on some imports from the region (with the predictable exceptions of petroleum products, tuna, certain textile apparel and leather wares).

The bill just introduced by Senator Dole is impaired by these restrictions. Even so, it would offer a welcome impetus to trade with the Caribbean, where wages are lower and unemployment dramatically higher

than in the United States. The measure is consistent with trade preferences the Common Market countries offer poorer lands with which they have historic ties.

Any trade preferences can cost jobs. But the basin has become a $7 billion market; its expansion would increase its purchases in the United States and reduce the flow of jobless immigrants, legal and illegal. By any calculus of American self-interest, a thriving and stable Caribbean is worth the risks that trade preferences entail.

Human rights is another matter. Duty-free concessions are subject to a Presidential finding that the benefiting countries respect the rights and conditions of labor. American unionists would deny the certification to Haiti, Guatemala and El Salvador, where they find basic labor rights violated.

This surely deserves debate. Mr. Reagan's initiative assumes a shared commitment to democratic forms; hence it excludes Cuba. The aid is meant to shore up troubled democracies. If Congress wants a protectionist test, let it apply to political values, not tuna and textiles.●

NORTH CAROLINA COMMEMORATES 400TH ANNIVERSARY OF FIRST ENGLISH SETTLEMENT IN THE NEW WORLD

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of North Carolina. Mr. Speaker, today, I am introducing, with the cosponsorship of the entire North Carolina delegation, a joint resolution to declare 1984-87 as a period of national observance commemorating a series of historical and heroic events—the beginning of the first efforts by the English to colonize the New World on Roanoke Island, N.C.

In March 1584, Walter Raleigh obtained a charter from Queen Elizabeth I of England to establish colonies in the New World. He dispatched Capt. Philip Amadas and Capt. Arthur Barlowe to America in search of an appropriate location for settlement. The expedition arrived on Roanoke Island in July 1584. After a period of exploration, Amadas and Barlowe returned to England and gave Raleigh favorable reports about the region they had explored. The Queen was pleased and knighted Raleigh for his efforts.

Raleigh then organized a colony of 108 men, which he sent to Roanoke under the command of Sir Richard Grenville. The group arrived on the island in August 1585. Once settled, several problems began to plague the colonists: They lacked sufficient supplies, relationships with the Indians began to deteriorate, and there was some discord in the colony's government. Leaving the group in the charge of Gov. Ralph Lane, Grenville returned to England for more supplies. In 1586, after nearly a year of hardship, the group returned to England with Sir Francis Drake.

Within a few weeks after Lane's departure, Grenville arrived at Roanoke with supplies. Not finding the settlers, he left 15 men to hold the land and returned to England. After this first attempt to colonize Roanoke, Raleigh organized a second group of colonists, this time including men, women, and children. He instructed them to pick up the men left by Grenville at Roanoke and then sail north to settle near the Chesapeake Bay. According to John White, the colony's governor, the pilot of the fleet refused to take the group farther than Roanoke. This second Raleigh colony settled at Roanoke in the summer of 1587.

Soon after the settlement of the island, two events of considerable significance occurred. Manteo, an Indian who had befriended Amadas and Barlowe on their original expedition, and who had been to England twice, was granted the title "Lord of Roanoke and Desamonguepec" and was baptized. This was the first ennoblement of an American Indian and also the first Protestant baptismal service recorded in America. Even more dramatic, however, was the birth on August 18, 1587, of Virginia Dare, the first child born to English parents in America.

By the end of August 1587, Governor White returned to England for more supplies. The colonists agreed that if they left Roanoke Island, they would carve their destination on a post or tree and, if in distress, would carve a cross over it.

Because of the threat to England of an attack by the Spanish Armada, White was unable to return to the site of his colony until August 1590. There he found their settlement, "the Cittie of Raleigh," abandoned; the only clue he found was the word "Croatoan" carved on one tree and the letters "CRO" on another, however, with no cross over either.

Several theories as to the fate of the Lost Colony have been advanced. Some people believe that the settlers fell victim to the Indians, while others feel that they may have gone to what is now Hatteras Island, then called Croatoan, and intermarried with the natives. It has also been suggested that the colonists may have been killed by the Spanish; still others guess that the colonists were lost at sea, attempting to return to England. Hints from the Jamestown, Va., settlement later indicated that the Roanoke colonists may have made their way overland to the shores of the Chesapeake Bay where most of them were slaughtered by Indians.

The North Carolina General Assembly, in 1973, authorized America's 400th Anniversary Committee to aid in planning, conducting, and directing appropriate observances of the anniversary of the efforts of Sir Walter Raleigh and of England to colonize America. The primary objective of the committee has been to inform the public about the history of the Roanoke colonies and to direct the observance of the 400th anniversary. Over the past 10 years, the committee has directed and coordinated a broad range of activities and programs to complement the anniversary of the first English colonies in America on Roanoke Island.

Some of the activities include a series of books and pamphlets which have and will continue to be printed in order to educate the public as to the history and importance of the Roanoke colonies. Archeological projects, which include a search both on land and under water for the lost "Cittie of Ralegh," and of certain Indian villages, have been proposed. One of the highlights of the celebration is the construction of a 70-foot reproduction of a ship of the type used by the Sir Walter Raleigh expeditions. The ship will be appropriately named *Elizabeth II*, after one of the original ships which made the crossing.

The inauguration of this series of commemorative events will be held in Plymouth, England, on April 27, 1984, the 400th anniversary of the departure for America of the first exploring expedition sent out by Sir Walter Raleigh. A monument will be dedicated at a spot overlooking the harbor. In this country, activities will begin on July 13, 1984, with the dedication of a marker on the shores of North Carolina near where the English first set foot, the commissioning of the ship *Elizabeth II*, the issuance of a commemorative stamp, and a special performance of Paul Green's outdoor drama, "The Lost Colony." The observance will conclude on August 18, 1987, the 400th birthday of Virginia Dare.

I urge my colleagues publicly to recognize this occasion of national significance by supporting this resolution.●

HAPPY 70TH BIRTHDAY FOR FONTANA, CALIF.

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker, I would like to take this opportunity to commemorate the 70th birthday of the city of Fontana, Calif., in the 36th Congressional District, which I represent.

In 1912 the Fontana Co. was formed, composed of the old Fontana Development Co., and the Fontana Land & Water Co., and was headed by A. B. Miller, one of the founding fathers of the city. In 1913, Fontana was christened as a townsite and in 1914, the first three main buildings were erected in the townsite: a grammar school, a packing house, and a Pacific Electric depot—each built in the Spanish style.

The following spring the Fontana Citrus Association was organized for the benefit of the Fontana citrus growers. From then on, the Fontana Co. expanded its plantings in the fertile soil of the area. The company planted more and more acreage every year, and by the end of 1920, there were 5,000 acres of citrus orchards planted, the largest individual citrus orchard in the world at the time. The farmland around the city was suited for other crops as well, containing 12,000 acres of deciduous orchard, 1,000 acres of peanuts, barley, sweet potatoes, hay, and other crops. The company also had considerable livestock, including horses, mules, goats, cows, and hogs.

The land in and around Fontana is also excellent for grape growing. One of the first vineyards in southern California was in Cucamonga, 10 miles from the Fontana estate. In 1921, after a careful study of the soil, climate, and other conditions, the first extensive planting of grapes occurred, with total cultivated acreage reaching over 5,000 acres by the end of 1923.

During World War II, Edgar Kaiser chose the area for the site of a steel plant to provide the steel for his shipbuilding efforts. The Kaiser steel mill has been a major part of the local economy since then and is a symbol of this hardworking town.

The seal of the city of Fontana was incorporated on June 25, 1952, and depicts the heritage of the city: The orange groves, the area's poultry production, the Kaiser steel mill, the mountains, and the vineyards. The citizens have much to be proud of in the city's rich and varied past and present.

I would like to commend the community of Fontana for their many achievements, and pay homage to Mr. A. B. Miller, the founder of Fontana. I congratulate the city on its many accomplishments and on the celebration of its 70th birthday.●

FEDERAL-TERRITORIAL RELATIONS

The SPEAKER. Under a previous order of the House, the gentleman from Guam (Mr. WON PAT) is recognized for 10 minutes.

● Mr. WON PAT. Mr. Speaker, a decade ago, on the 25th anniversary of the enactment of the Organic Act of Guam by the Congress of the United States, I asked and was given the floor to address this Chamber on a matter dear to the hearts of our American brethren residing in our offshore flag territories.

Mr. Speaker, political status for emerging island entities is more than just theories one reads in freshman college textbooks. Political status is a life principle that undergirds all dynamic human society—it is the foundation by which a community of people binds themselves to one another, establishes their identity and develops respect for themselves. More importantly, political status governs the daily relationship between peoples and their governments as equals. To a larger extent, it was this incessant yearning for separate status and equality that the American colonies fought the Revolutionary War.

Most recently and closer to home, several small island entities in Micronesia have opted for political statuses that are unique to our American overseas "colonial" experience. The political status negotiated by the Federated States of Micronesia, Palau, and the Marshall Islands are without precedent. For all practical purposes, these entitities are quasi-sovereign nations. Except in matters of defense, these "states" enjoy a degreee of autonomy no territory of the United States has heretofore enjoyed. The Northern Mariana Islands, which are also a part of the Trust Territory of the Pacific Islands, chose a commonwealth status in political union with the United States. The Puerto Ricans have also had the opportunity to negotiate their status with the United States and are now making overtures to perfect their status—perhaps statehood.

I cite these examples, Mr. Speaker, not because we are envious of the achievements of our territorial brothers, nor do we want to emulate them. Rather, I want to point to the fact that these people have been given the opportunity to discuss their preferred status and relationship with the Federal Government. Yet, we on Guam and the Virgin Islands who are citizens of the United States have not been afforded the same opportunity and option; notwithstanding the repeated promises by successive administrations, both Republicans and Democrats, and notwithstanding the commitment made in the Treaty of Paris of 1898, that:

> The civil rights and political status of the inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

Mr. Speaker, Guam and the Virgin Islands are identified and defined in their respective Organic Acts as unincorporated territories of the United States. As such, the Constitution of the United States does not apply save those provisions that have been extended to these areas by congressional action.

Moreover, an unincorporated status, unlike an incorporated territory—the States of Alaska and Hawaii before their admission to the Union—carries no implied promise that at some future point in time these territories will achieve statehood. There simply is no set pattern, beginning with the Northwest Ordinance of 1787, which a territory aspiring to become a State of the Union can follow. Congress, by virtue of its plenary power over the territories of the United States—article IV, section 3 of the Constitution—determines their ultimate destiny.

Mr. Speaker, last year the people of Guam, through a plebiscite, indicated their desire to become a commonwealth of the United States, albeit an unincorporated entity of the U.S. body politic. Although this desire has been expressed through a popular democratic process, this expression cannot be translated into reality because it lacks congressional sanction and approval. No flag territory, even those that are not integral parts of the Union by virtue of their unincorporated status, can unilaterally change their relationship with the Federal Government. It is for this reason, Mr. Speaker, that I am, again, introducing a concurrent resolution to urge the President of the United States and the Governor of Guam to appoint representatives to discuss Federal-territorial relations and to review the applicability of certain Federal laws and their impact on the territory of Guam.

Although the Secretary of the Interior and the Governor of Guam had agreed in early 1974 to undertake a joint review of the relationship between the Federal Government and Guam, no substantial discussion took place largely because it lacks congressional authority. In short, without congressional imprimatur, no meaningful discussion can take place to change the character of the relationship between the Federal Government and Guam. Any role assumed by the President in territorial matters has to be a congressionally delegated one-hence, my concurrent resolution that I am privileged to introduce today.

Equally fundamental to Guam's constitutional development, Mr. Speaker, any understanding between Guam and the Federal Government to establish a new political order must be a result of a political agreement that could be changed only by mutual consent. Indeed, any changes in the Organic Act of Guam or laws of the United States applicable to Guam, even if these changes were recommended by a joint Federal-territorial laws review panel, will be fragile—being ever subject to unilateral change by the Congress. And since it is a well-established dictum and practice that one Congress cannot bind a succeeding Congress, there is no security in Guam's future political status that is not achieved through negotiation and by mutual agreement. Without political agreement the integrity of any territorial political status will be fragile indeed.

Mr. Speaker, there are numerous incidents I can cite to support my apprehension about the misapplication of Federal Government power and authority over our flag territories. The

most flagrant example was the Treasury Department issuance of a ruling last December 1982, which, in effect, usurped the congressionally delegated authority to the Governor of Guam regarding the administration of income tax laws. Another example is the enforcement of section 111 and 123 of the Clean Air Act, which, in effect, requires Guam to install a $20 million scrubber on power generating plants without a clean air benefit. These examples demonstrate the urgency to establish a new political order in our territories, one that is based on the cardinal principles of our Government enunciated by Presidents Jefferson and Lincoln—that the foundation of our Government rests upon the free consent of the governed.

Mr. Speaker, Guam is a partner in the defense of our Nation. One-third of our island is used for national security. Our people's fierce loyalty to our Nation is a constructive force in our country's relations with other countries in the South Pacific. In the past, this mutual support benefited us greatly and we have every reason to believe that our mutual cooperation will be important for our Nation in the years ahead. I can assure my colleagues here that their approval of my concurrent resolution and the rearrangement of Guam's political status will in no way disturb the security interests of our Nation.

But, Mr. Speaker, after 80 years of territorial administrative experience and after 32 years since the enactment of the organic laws, we must now be prepared to discard our long-held colonial posture and paternalistic policy approach toward our flag territories. The old approach toward solving new problems is too slow and unpromising.

Finally, Mr. Speaker, Guam, as an unincorporated territory of the United States, has passed its 32d birthday. Our territory and our people have attained a degree of political maturity, though we still have growing pains. But, we now have a clearer view of what we are and where we want to be. Politically, our people have already expressed their choice for a commonwealth status and the desire to perfect our relationship with the Federal Government. But in our maturation process of the last 32 years, we are convinced that the Congress, and more especially the Federal bureaucracy, must alter its attitude and policy—a policy that rules out a Washington-imposed control of our territorial daily lives, as anathema to liberty and the principle of self-determination. This new relationship requires the abandonment of the old colonial posture in favor of a more pragmatic mix and enlightened territorial policy—one that recognizes self-government as a natural condition of a free society and that the government that governs best is that which provides the environment conducive to achieving the expectations of the people it serves. Thank you.●

LEGISLATION TO CLOSE LOOPHOLE IN CAMPAIGN FINANCING LAWS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 5 minutes.

● Mr. MINISH. Mr. Speaker, today I am introducing legislation to close one of the loopholes in our campaign financing laws.

I refer to the practice by which a political action committee may get around its statutory limit of a $5,000 donation to a candidate by conducting polling on a candidate's behalf, a service often worth many times that amount, but whose value under current law is computed at either 50 or 5 percent of actual cost, depending on how soon the results are made available to that candidate.

Let me point out first that I don't think that any group should be able to give a candidate more than the $1,000 which individuals are restricted to giving. I have already introduced H.R. 640, to lower the PAC contribution limit to this level.

Regardless of whether you believe that the present PAC limits are desirable or not, though, I think it is clear that the law should not boost such a conspicuous loophole as that which allows expensive polling services to be donated at a fraction of their true value. According to the information I have before me, one large and wealthy PAC was able to donate nearly half a million dollars to a number of candidates for Congress and report it on contribution forms as less than $50,000. So long as the $5,000 donation limit remains the law, this is clearly inappropriate. It is a loophole directly opposed to the spirit of the law, and we should close it at once.

My proposal to close this loophole is uncomplicated. It amends the present law to state that nonmonetary contributions shall be calculated at the highest cost of either: First, cost to the person making the contribution; second, fair market value of the contribution at the time the contributor acquired it; or third, fair market value as of the date of the contribution. This means simply that a nonmonetary contribution should be counted at its actual worth.

Mr. Speaker, I invite my colleagues to support this legislation. Regardless of your views about PAC regulation in general, I hope that all will agree that, so long as the present law is in effect, this gaping loophole must be closed. Election law must be uniform and must apply equally to all, without quirks and exceptions. Either we regulate contributions or we do not; but if we do, let us be sure that everyone's dollars carry the same value. We must weigh contributions at their real worth, no more and no less. Simple fairness dictates that we do so.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KOLTER (at the request of Mr. WRIGHT), for today and Thursday, May 26, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CHANDLER) to revise and extend their remarks and include extraneous material:)

Mr. GILMAN, for 5 minutes, today.

(The following Members (at the request of Mr. DURBIN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. GUARINI, for 5 minutes, today.
Mr. ANTHONY, for 5 minutes, today.
Mr. JONES of North Carolina, for 5 minutes, today.
Mr. BROWN of California, for 5 minutes, today.
Mr. WON PAT, for 10 minutes, today.
Mr. MINISH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LONG of Maryland, during debate on H.R. 3069, in the Committee of the Whole, today.

Mr. CONTE, relative to language of H.R. 3069 immediately following line 13 on page 8.

Mr. MCDADE, in support of H.R. 3069, in the Committee of the Whole today.

Mr. CARR, in title I, of H.R. 3069, in the Committee of the Whole, today.

(The following Members (at the request of Mr. CHANDLER) and to include extraneous matter:)

Mr. WOLF in two instances.
Mr. FRANKLIN.
Mr. LIVINGSTON.
Mr. MOORHEAD.
Mr. CAMPBELL.
Mr. COURTER.
Mr. PAUL in two instances.
Mr. MICHEL in three instances.
Mr. DREIER of California.
Mr. WHITEHURST.
Mr. PARRIS.
Mr. YOUNG of Alaska.
Mr. BROOMFIELD.
Ms. FIEDLER.
Mr. MARRIOTT.

Mr. DENNY SMITH.
Mr. WYLIE.
Mrs. SCHNEIDER.
Mr. STUMP.
Mr. MCGRATH in two instances.
Mr. SOLOMON.

(The following Members (at the request of Mr. DURBIN) and to include extraneous matter:)

Mr. EDWARDS of California in two instances.
Mr. HOYER.
Mr. GAYDOS.
Mr. MINETA in two instances.
Mr. WALGREN.
Ms. COLLINS.
Mr. SIKORSKI.
Mr. JONES of North Carolina.
Mr. AUCOIN in two instances.
Mr. RICHARDSON in two instances.
Mr. ROE in two instances.
Mr. WHEAT.
Mr. ASPIN.
Mr. TRAXLER.
Mr. PEPPER.
Mr. MINISH.
Mr. DYMALLY.
Mr. BERMAN.
Mr. LEVINE of California.
Mr. GUARINI in two instances.
Mr. DORGAN in three instances.
Mr. ADDABBO.
Mr. HERTEL of Michigan.
Mr. OTTINGER in two instances.
Mr. LONG of Louisiana.
Mr. DWYER.
Mr. WAXMAN.
Mr. MOAKLEY.
Mr. SISISKY in two instances.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 376. An Act to amend the Debt Collection Act of 1982 to eliminate the requirement that contracts for collection services to recover indebtedness owed the United States be effective only to the extent and in the amount provided in advance appropriation Acts; to the Committee on the Judiciary.

S. 531. An Act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Public Works and Transportation.

S.J. Res. 96. Joint resolution to designate August 1, 1983, as "Helsinki Human Rights Day"; to the Committee on Post Office and Civil Service and the Committee on Foreign Affairs.

ADJOURNMENT

Mr. DURBIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Thursday, May 26, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1213. A letter from the Secretary of Education, transmitting proposed final regulations pertaining to the Secretary's initiatives to improve projects under chapter 1 of the Education Consolidation and Improvement Act of 1981, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1214. A letter from the Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by personnel of the U.S. Government for which reimbursement is provided under section 21(a) and section 43(b) of the Arms Export Control Act, pursuant to section 25(a)(6) of that act, as amended; to the Committee on Foreign Affairs.

1215. A letter from the Acting Director, U.S. International Development Cooperation Agency, transmitting the seventh annual report on famine prevention and freedom from hunger, pursuant to section 300 of the Foreign Assistance Act, as amended; to the Committee on Foreign Affairs.

1216. A letter from the Chief, Insurance and Debt Management, Department of the Air Force, transmitting the annual report of the Air Force nonappropriated fund retirement plan for civilian employees, for the plan year ending September 30, 1982, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

1217. A letter from the Secretary of the Interior, transmitting financial exhibits of the Colorado River storage project and participating projects for fiscal year ending September 30, 1982, pursuant to section 6 of the Colorado River Storage Project Act of April 11, 1956; to the Committee on Interior and Insular Affairs.

1218. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title XI of the Merchant Marine Act, 1936, as amended, to repeal those portions that relate to vessels or shoreside facilities used in the fisheries trade or industry; to the Committee on Merchant Marine and Fisheries.

1219. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 44, United States Code, to authorize the Secretary of Commerce to establish prices charged for charts, tide and tidal current tables, tidal current charts, and coast pilots (and associated data bases) published or produced by the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

1220. A letter from the Administrator, Panama Canal Commission, transmitting a report on a claim exceeding $120,000 for damages to a vessel in canal waters outside the locks, pursuant to section 1415(b) of Public Law 96-70; to the Committee on Merchant Marine and Fisheries.

1221. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the child welfare and foster care programs under parts B and E of title IV of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

1222. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to provide for the recovery of certain capital and operation and maintenance expenditures assignable to commercial waterway transportation for certain Tennessee Valley Authority and Army Corps of Engineers inland waterway projects, and to authorize construction in specified circumstances; jointly, to the Committees on Public Works and Transportation and Ways and Means.

1223. A letter from the Federal and State Cochairmen, Alaska Land Use Council, transmitting a report on the activities of the Alaska Land Use Council for the period ending December 1982, pursuant to Public Law 96-487; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

1224. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's 1982 annual report, pursuant to section 305 of Public Law 93-633; jointly, to the Committees on Energy and Commerce, Merchant Marine and Fisheries, Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Committee on Rules. House Resolution 210. Resolution waiving certain points of order against H.R. 3132, a bill making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes. (Rept. No. 98-224). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 211. Resolution waiving certain points of order against H.R. 3133, a bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes. (Rept. No. 98-225). Referred to the House Calendar.

Mr. SMITH of Iowa: Committee on Appropriations. H.R. 3134. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes. (Rept. No. 98-226). Referred to the Committee of the Whole House on the State of the Union.

Mr. FAZIO: Committee on Appropriations. H.R. 3135. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes. (Rept. No. 98-227). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of Iowa:

H.R. 3134. A bill making appropriations for the Departments of Commerce, Justice,

and State, the judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. FAZIO:

H.R. 3135. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. BOLAND (for himself, Mr. CONTE, and Mr. MINETA):

H.R. 3136. A bill to provide for the appointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. DORGAN:

H.R. 3137. A bill to amend the Internal Revenue Code of 1954 to deny any deduction for interest paid or incurred on loans in connection with takeovers, or attempted takeovers, of certain corporations; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 3138. A bill to improve the preservation and management of Presidential records, and for other purposes; to the Committee on Government Operations.

By Mr. FOGLIETTA (for himself, Mr. BARNES, Mr. BORSKI, Mrs. BOXER, Mr. DIXON, Mr. DYMALLY, Mr. FAUNTROY, Mr. FAZIO, Mr. GRAY, Mr. HOWARD, Mr. HOYER, Mr. LEHMAN of California, Mr. MATSUI, Mr. OWENS, Mr. PARRIS, Mr. ROE, Mr. WEISS, Mr. WIRTH, and Mr. WON PAT):

H.R. 3139. A bill to amend title 5 of the United States Code to require review by the Comptroller General of performance appraisal systems, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GIBBONS (for himself, Mr. CONABLE, Mr. DUNCAN, and Mr. JENKINS):

H.R. 3140. A bill to amend the Internal Revenue Code of 1954 to conform the treatment of overall domestic losses with the treatment of overall foreign losses and to conform the foreign tax credit carryover and ordering rules with similar investment credit rules; to the Committee on Ways and Means.

By Mr. GUARINI (for himself, Ms. MIKULSKI, Mr. WEISS, and Ms. SNOWE):

H.R. 3141. A bill to provide Federal financial assistance to States for programs to identify women who received diethylstilbestrol (DES) while pregnant and the children of such women, to establish a voluntary registry of such women and children, to provide screening of such women and children for cancer related to such drug, and to provide information respecting the health hazards of such drug; to the Committee on Energy and Commerce.

By Mr. SAM B. HALL, JR. (for himself, Mr. MAZZOLI, Mr. FRANK, Mr. SCHUMER, Mr. BERMAN, and Mr. MCCOLLUM):

H.R. 3142. A bill to amend title 28 of the United States Code to provide for an exclusive remedy against the United States in suits based upon acts or omissions of U.S. employees, to provide a remedy against the United States with respect to constitutional torts, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLER of Ohio:

H.R. 3143. A bill to direct the Secretary of the Army, acting through the Chief of Engineers, to provide technical assistance for streambank failure and erosion control; to the Committee on Public Works and Transportation.

By Mr. MINISH:

H.R. 3144. A bill to amend the Federal Election Campaign Act of 1971 to provide a standard for valuation of nonmonetary contributions to candidates for Federal office; to the Committee on House Administration.

Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 3145. A bill to amend title 10, United States Code, to place the Chairman of the Joint Chiefs of Staff in the national military chain of command and to remove limitations on the joint staff of the Joint Chiefs of Staff; to the Committee on Armed Services.

By Mr. RUSSO:

H.R. 3146. A bill to establish a Commission on the Transition of Industry in our Future Economy; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. SOLARZ:

H.R. 3147. A bill to establish the position of Assistant Secretary of State for South Asian Affairs; to the Committee on Foreign Affairs.

By Mr. SPRATT:

H.R. 3148. A bill to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land conveyed to the South Carolina State Commission of Forestry, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to such commission; to the Committee on Agriculture.

By Mr. WILLIAMS of Montana:

H.R. 3149. A bill to amend the Internal Revenue Code of 1954 to provide for individual education accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. WILSON:

H.R. 3150. A bill to direct the Secretary of Agriculture to convey, without consideration, to the Sabine River Authority of Texas approximately 34,000 acres of land within the Sabine National Forest, Tex., to be used for the purposes of the Toledo Bend project, Louisiana and Texas; to the Committee on Agriculture.

By Mr. WRIGHT:

H.R. 3151. A bill to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building"; to the Committee on Public Works and Transportation.

By Mr. JONES of North Carolina (for himself, Mr. BROYHILL, Mr. ANDREWS of North Carolina, Mr. MARTIN of North Carolina, Mr. ROSE, Mr. HEFNER, Mr. NEAL, Mr. WHITLEY, Mr. BRITT, Mr. CLARKE, and Mr. VALENTINE):

H.J. Res. 280. Joint resolution to authorize and request the President to designate the years of 1984–87 as a "Period of National Observance of the Four Hundredth Anniversary of the First English Attempts to Settle in America on Roanoke Island, North Carolina"; to the Committee on Post Office and Civil Service.

By Mr. MARRIOTT:

H.J. Res. 281. Joint resolution to authorize and request the President to proclaim September 1983 as National Professional Security Month; to the Committee on Post Office and Civil Service.

By Mr. ST GERMAIN (for himself, Mr. GONZALEZ, Mr. WYLIE, Mr. ROEMER, Mr. STANGELAND, Mr. ROE, Mrs. BOXER, Mr. HUGHES, Mr. CARRADA, Mr. MCCOLLUM, Mr. HUBBARD, Mr. CHAPPIE, Mr. OWENS, Mr. FAZIO, Mrs. BOGGS, Mr. STAGGERS, Mr. LIVINGSTON, Mr. ANDERSON, Mr. MOLLOHAN, Mr. BERMAN, Mr. WISE, Mr. DURBIN, Mr. WAXMAN, Mr. WOLF, Mr. FISH, Mr. CHANDLER, and Mr. LEVINE of California):

H.J. Res. 282. Joint resolution to designate the week beginning April 8, 1984, as "National Building Safety Week"; to the Committee on Post Office and Civil Service.

By Mr. WON PAT:

H. Con. Res. 131. Concurrent resolution urging the President of the United States and the Governor of Guam to appoint representatives to discuss Federal-territorial relations and to review the applicability of certain Federal laws and their impact on the Territory of Guam; to the Committee on Interior and Insular Affairs.

By Mr. McDONALD:

H. Res. 212. Resolution condemning the South West Africa People's Organization terrorist campaign against the black civilian population of northern Namibia, and calling upon the U.S. General Assembly to withdraw its support for the SWAPO terrorists; to the Committee on Foreign Affairs.

By Mr. OBEY (for himself, Mr. BETHUNE, Mr. GEPHARDT, Mr. EDWARDS of Oklahoma, Mr. MURTHA, Mr. PETRI, Mr. UDALL, Mr. GINGRICH, Mr. FORD of Michigan, Mr. GRADISON, Mr. MITCHELL, Mr. COATS, Mr. SABO, Mr. HILER, Mr. DOWNEY of New York, Mr. WHITTAKER, Mr. RATCHFORD, Mr. MCCOLLUM, Mr. DASCHLE, Mr. AUCOIN, Mr. DWYER of New Jersey, Mr. RICHARDSON, Mr. KOGOVSEK, Mr. ANTHONY, Ms. MIKULSKI, Mr. LEVINE of California, Mr. IRELAND, Mr. MOODY, Mr. REID, Mr. CLARKE, Mr. MACKAY, Ms. KAPTUR, and Mr. SPRATT):

H. Res. 213. Resolution to amend the Rules of the House of Representatives to establish an effective and durable budget process in the House of Representatives, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

147. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to the reduction of nuclear arms; to the Committee on Foreign Affairs.

148. Also, memorial of the Legislature of the State of Hawaii, relative to the testing of nuclear weapons in the Pacific Basin; to the Committee on Foreign Affairs.

149. Also, memorial of the House of Representatives of the State of Hawaii, relative to the testing of nuclear weapons in the Pacific Basin; to the Committee on Foreign Affairs.

150. Also, memorial of the House of Representatives of the State of Hawaii, relative to El Salvador; to the Committee on Foreign Affairs.

151. Also, memorial of the Legislature of the State of Oklahoma, relative to disabled veterans; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 297: Mr. DE LUGO.
H.R. 366: Mr. BORSKI.
H.R. 800: Mr. UDALL.
H.R. 904: Mr. ZABLOCKI.
H.R. 943: Mrs. BOXER, Mr. FISH, and Mr. GINGRICH.
H.R. 1055: Mr. YOUNG of Florida.
H.R. 1092: Mr. FUQUA, Mr. KINDNESS, Mr. SKELTON, Mr. DYSON, Mr. BILIRAKIS, and Mr. DUNCAN.
H.R. 1226: Mrs. JOHNSON.
H.R. 1315: Mr. HOWARD, Mrs. KENNELLY, Mr. LAFALCE, Mrs. LLOYD, Mr. NEAL, Mr. O'BRIEN, Mr. ST GERMAIN, Mr. SUNIA, and Mr. TOWNS.
H.R. 1320: Mr. EVANS of Iowa.
H.R. 1340: Mr. SOLARZ, Mr. SEIBERLING, Mr. APPLEGATE, Mr. WEISS, Mr. MURPHY, Mr. KILDEE, Mr. KINDNESS, and Mr. ASPIN.
H.R. 1403: Mr. ROSE, Mr. BETHUNE, Mr. CARR, Mr. VALENTINE, Mr. TAUKE, Mr. KRAMER, Mr. THOMAS of Georgia, Mr. GINGRICH, Mr. HATCHER, Mr. LUJAN, Mr. JONES of North Carolina, Mr. ROE, Mr. RINALDO, Mr. LUKEN, Mr. DYSON, Mr. HAMMERSCHMIDT, Mr. ANTHONY, Mr. BRITT, Mrs. SCHNEIDER, Mr. WHITLEY, Mr. BONIOR of Michigan, Mr. BROWN of Colorado, Mr. JENKINS, Mr. WORTLEY, Mr. DURBIN, Mr. HOPKINS, Mr. SPENCE, Mr. STOKES, and Mr. SHUMWAY.
H.R. 1405: Mr. HILLIS, Mr. HUTTO, Mr. NICHOLS, Mr. EVANS of Illinois, Mr. PRICE, Mr. DICKINSON, and Mr. FLIPPO.
H.R. 1415: Mr. ENGLISH, Mr. ROGERS, and Mr. SNYDER.
H.R. 1430: Mr. DAUB.
H.R. 1580: Mr. LEHMAN of Florida, Mr. SMITH of New Jersey, Mr. RINALDO, and Mr. MCDADE.
H.R. 1587: Mr. RICHARDSON.
H.R. 1607: Mr. ARCHER, Mr. DUNCAN, and Mr. FORSYTHE.
H.R. 1743: Mr. DURBIN, Mr. BATES, Mr. FASCELL, Mr. PEPPER, Mr. DYMALLY, Mr. HAWKINS, Mr. BEILENSON, Mr. WAXMAN, Mr. ZABLOCKI, Mr. WALGREN, and Mr. RATCHFORD.
H.R. 1751: Mr. ECKART, Mr. LOWRY of Washington, Mr. SMITH of Florida, Mr. KOGOVSEK, Mr. RATCHFORD, Mr. WORTLEY, Mr. MITCHELL, Mr. OWENS, and Mr. MARTINEZ.
H.R. 1841: Mr. LAGOMARSINO and Mr. UDALL.
H.R. 1905: Mr. SLATTERY, Mr. MCEWEN, Mr. HUTTO, Mr. VANDER JAGT, Mr. NEAL, Mr. VALENTINE, Mr. PASHAYAN, Mrs. LLOYD, Mr. LENT, Mr. CLINGER, Mr. LOTT, Mr. MARKEY, Mr. WEBER, and Mr. SHANNON.
H.R. 2053: Mr. JEFFORDS, Mr. MICA, and Mr. STOKES.
H.R. 2097: Mr. BEVILL, Mr. STOKES, Mr. KAZEN, Mr. GINGRICH, Mr. FORD of Tennessee, and Mrs. ROUKEMA.
H.R. 2154: Mr. MOAKLEY, Mr. SHANNON, Mr. KINDNESS, Ms. FERRARO, Mr. DIXON, Mr. FOGLIETTA, Mr. PATTERSON, Mr. HARRISON, Mr. WEISS, Mr. BORSKI, and Mr. SCHUMER.
H.R. 2204: Mr. DOWDY of Mississippi, Mr. MARKEY, Mr. DASCHLE, Mr. PATTERSON, Mr. TORRICELLI, and Mr. FORD of Michigan.
H.R. 2263: Mr. TORRICELLI, Mr. MCCANDLESS, Mr. EDWARDS of Oklahoma, and Mr. DANIEL.
H.R. 2385: Mr. DERRICK, Mr. ENGLISH, Mr. SIMON, Mr. FUQUA, Mr. SAM B. HALL, JR., Mr. LANTOS, Mr. BROYHILL, Mr. TAUZIN, Mr. MCEWEN, Mr. SPRATT, Mr. BONER of Tennessee, Mr. MARLENEE, Mr. LEWIS of California, and Mr. JONES of North Carolina.
H.R. 2406: Mr. HARTNETT, Ms. MIKULSKI, Mr. TALLON, Mr. LOTT, Mr. MITCHELL, Mr. HANSEN of Idaho, Mr. WON PAT, Mr. FUQUA, Mr. DE LA GARZA, Mr. CHAPPELL, Mr. BOUCHER, Mr. ROBINSON, Mr. OLIN, Mr. CAMPBELL, Mr. IRELAND, Mr. PANETTA, Mr. MURPHY, Mr. HATCHER, Mr. DERRICK, Mr. DYSON, and Mr. DANIEL.
H.R. 2449: Mr. DIXON, Mr. KAZEN, Mr. MURTHA, Mr. SEIBERLING, Mr. CONYERS, Mr. LUNDINE, Mr. WIRTH, Mr. YOUNG of Alaska, Mr. DAVIS, Mr. ORTIZ, Mr. FROST, Mr. TORRICELLI, and Mr. WYDEN.
H.R. 2508: Mr. KINDNESS and Mr. SWIFT.
H.R. 2525: Mr. VANDER JAGT and Mr. FORD of Tennessee.
H.R. 2563: Mrs. BOXER.
H.R. 2584: Mr. DAVIS and Mr. PRICE.
H.R. 2715: Mr. AKAKA, Mr. BLILEY, Mr. EVANS of Illinois, Mr. FOGLIETTA, Mr. NEAL, and Mr. SOLARZ.
H.R. 2778: Mr. FRANK.
H.R. 2815: Mr. BROWN of California, Mr. STOKES, and Mr. RANGEL.
H.R. 2820: Mr. MORRISON of Washington.
H.R. 2911: Mr. ANDREWS of North Carolina, Mr. BEILENSON, Mr. WON PAT, and Mr. CLARKE.
H.R. 2929: Mr. WHITEHURST, Mr. ROE, Mr. BADHAM, Mr. RANGEL, Mr. BEVILL, Mr. WOLF, Mr. HORTON, Mr. DUNCAN, Mr. MCGRATH, Mr. STOKES, and Mr. TORRICELLI.
H.R. 3025: Mr. FORSYTHE.
H.J. Res. 20: Mr. MCCOLLUM, Mr. WISE, Mr. DASCHLE, Mr. STANGELAND, Mrs. LLOYD, Mr. FAUNTROY, Mr. HATCHER, Mr. JONES of Tennessee, Mr. CROCKETT, Mr. CORRADA, Mr. LELAND, Mr. SMITH of Florida, Mr. HUTTO, Mr. MINISH, Mr. LIPINSKI, Mr. SUNIA, Mr. LAFALCE, Mr. MCEWEN, Mr. FASCELL, Mr. RAHALL, Mr. LUJAN, Mr. ROE, Mr. YOUNG of Florida, Ms. KAPTUR, Mr. KASICH, Mr. FLORIO, Mr. ROEMER, Mr. BRITT, Mr. DUNCAN, Mr. BONIOR of Michigan, Mr. DANIEL, Mr. MURPHY, Mr. VOLKMER, Mr. FORSYTHE, Mr. MARTIN of New York, Mr. JACOBS, Mr. STOKES, Mr. KEMP, Mr. TAUZIN, Mrs. BOXER, Mr. CHAPPELL, Mr. WEAVER, Mr. GINGRICH, Ms. MIKULSKI, Mr. ENGLISH, Mr. MINETA, Mr. RATCHFORD, Mr. EVANS of Illinois, Mr. BROWN of California,, Mr. BERMAN, Mr. LAGOMARSINO, Mr. PASHAYAN, Mr. CHANDLER, Mr. BEVILL, Mr. LEVIN of Michigan, Mr. MYERS, Mrs. HOLT, Mr. TORRICELLI, Mr. ACKERMAN, Mr. EDGAR, Mr. VENTO, Mr. SIMON, Mr. ADDABBO, Mr. FISH, Mr. OWENS, and Mr. MORRISON of Washington.
H.J. Res. 51: Mr. MCDONALD.
H.J. Res. 103: Mr. JEFFORDS.
H.J. Res. 217: Mr. BATEMAN, Mr. STENHOLM, Mr. CORRADA, Mr. DE LA GARZA, Mr. HILER, Mr. KRAMER, and Mr. PATTERSON.
H.J. Res. 227: Mr. BEVILL, Mr. DYMALLY, Mr. BERMAN, Mr. FAZIO, Mr. SHUMWAY, Mr. LANTOS, Mr. DIXON, Mr. TORRICELLI, Mr. KOGOVSEK, Mr. RATCHFORD, Mrs. KENNELLY, Mr. O'BRIEN, Mr. LIPINSKI, Mr. FASCELL, Mr. LEHMAN of Florida, Mr. SMITH of Florida, Mr. HUTTO, Mr. YOUNG of Florida, Mr. JACOBS, Mr. LEACH of Iowa, Mr. HOPKINS, Mr. DYSON, Mr. FRANK, Mr. MOAKLEY, Mr. DONNELLY, Mr. BONIOR of Michigan, Mr. FRENZEL, Mr. DAUB, Mr. DWYER of New Jersey, Mr. ROE, Mr. HUGHES, Mr. FORSYTHE, Mr. GUARINI, Mr. RICHARDSON, Mr. HORTON, Mr. TOWNS, Mr. WEISS, Mr. SCHEUER, Mr. ACKERMAN, Mr. OWENS, Mr. MCGRATH, Mr. STOKES, Mr. GEKAS, Mr. YATRON, Mr. EDGAR, Mr. MURPHY, Mr. FORD of Tennessee, Mr. BONER of Tennessee, Mr. QUILLEN, Mr. GORE, Mr. DE LA GARZA, Mr. FROST, Mr. WILSON, Mr. SWIFT, Mr. CORRADA, Mr. SUNIA, Mr. FAUNTROY, Mr. MCCLOSKEY, and Mr. VANDERGRIFF.
H.J. Res. 243: Mr. PURSELL and Mr. TAUKE.
H.J. Res. 263: Mr. STANGELAND, Mr. BROWN of California, Mr. PRITCHARD, Mr. STOKES, Ms. KAPTUR, Mr. TORRICELLI, Mr. FASCELL, Mr. MORRISON of Connecticut, Mr. EVANS of Illinois, Mr. ROE, Mr. MATSUI, Mr. ACKERMAN, Mr. WORTLEY, Mr. MCHUGH, Mr. FRANK, Mr. SMITH of Florida, Mr. MAVROULES, Mr. DUNCAN, Mr. EDWARDS of California, Mr. LEVIN of Michigan, Mr. FEIGHAN, Mr. CONTE, Mr. FISH, Mr. BEREUTER, Mr. BRITT, Mr. EDGAR, and Mr. FORSYTHE.
H. Con. Res. 95: Mr. CORCORAN and Mr. DIXON.
H. Con. Res. 107: Mr. MARKEY.
H. Res. 151: Mr. ALBOSTA, Mr. ALEXANDER, Mr. BATEMAN, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHLERT, Mr. BONER of Tennessee, Mr. BOSCO, Mr. CARNEY, Mr. CONTE, Mr. COURTER, Mr. DOWDY of Mississippi, Mr. FAZIO, Mr. FIELDS, Mr. FOGLIETTA, Mr. GARCIA, Mr. GEKAS, Mr. GILMAN, Mr. GINGRICH, Mr. GREGG, Mrs. HALL of Indiana, Mr. HANCE, Mr. HERTEL of Michigan, Mr. JENKINS, Mr. LAGOMARSINO, Mr. LENT, Mr. LUKEN, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCKERNAN, Mr. MACK, Mr. MOORE, Mr. PORTER, Mr. ROWLAND, Mrs. SCHNEIDER, Mr. SHELBY, Mr. SMITH of New Jersey, Ms. SNOWE, Mr. TAUZIN, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. YOUNG of Alaska, Mr. WINN, Mr. ZSCHAU, Mr. SCHEUER, and Mr. KOGOVSEK.
H. Res. 194: Mr. PHILIP M. CRANE, Mr. DYSON, Mr. NOWAK, and, Mr. SHARP.
H. Res. 203: Mr. BOSCO, Mr. CHAPPELL, Mr. GORE, Mr. COELHO, Mr. DAUB, Mrs. HALL of Indiana, Mr. COOPER, Mr. CARPER, Mr. ARCHER, Mr. ALEXANDER, Mr. BONER of Tennessee, Mr. AUCOIN, Mr. PASHAYAN, Mr. ASPIN, Mr. DURBIN, Mr. WIRTH, Mr. BROOKS, Mr. BORSKI, Mr. O'BRIEN, Mr. LEVIN of Michigan, Mr. LEHMAN of Florida, Mr. WILLIAMS of Ohio, Mr. LENT, Mr. HUTTO, Mr. WYDEN, Mr. NOWAK, Mr. MCCLOSKEY, Mr. ST GERMAIN, Mr. CORCORAN, Mr. GLICKMAN, Mr. GUARINI, Mr. HAMMERSCHMIDT, Mr. HAWKINS, Ms. KAPTUR, Mr. HEFTEL of Hawaii, Mr. HORTON, Mr. JENKINS, Mr. KOLTER, Mr. MACKAY, Mr. MCGRATH, Mr. WALGREN, Mr. KEMP, Mr. MCCAIN, Mr. FOWLER, Mr. WORTLEY, Mrs. MARTIN of Illinois, Mr. FLIPPO, Mr. MURPHY, Mr. PORTER, Mr. OLIN, Mrs. SCHROEDER, Mr. HARRISON, Mr. HARKIN, Mr. STOKES, Mr. LOEFFLER, Mr. ACKERMAN, Mr. STANGELAND, Mr. MCHUGH, Mr. FRANK, Mr. RINALDO, Mr. CORRADA, Mr. MATSUI, Mr. BEILENSON, Mr. HUGHES, Mr. TAUKE, Mr. FORSYTHE, Mr. ANNUNZIO, Mr. KINDNESS, Mr. SYNAR, Mr. D'AMOURS, Mr. WILSON, Mr. SABO, Mr. MADIGAN, Mr. OBEY, Mr. BRITT, Mr. EDWARDS of California, Mr. ANDREWS of Texas, Mr. ROE, Mr. CARNEY, Mr. NIELSON of Utah, Mr. DANIEL, Mr. HOWARD, Mrs. SCHNEIDER, Mr. KRAMER, Mr. CRAIG, Mr. VANDERGRIFF, Mr. BLILEY, Mr. HARTNETT, Mr. DOWDY of Mississippi, Mr. LEWIS of Florida, Mr. YOUNG of Missouri, Mr. SENSENBRENNER, Mr. ECKART, Mr. DWYER of New Jersey, Mr. BOLAND, Mr. MACK, Mr. MRAZEK, Mr. DEWINE, Mr. BOUCHER, Mr. CONTE, Mr. SUNDQUIST, Mr. HIGHTOWER, Mr. SHANNON, Mr. LAFALCE, Mr. LUNGREN, Mrs. KENNELLY, Mr. EVANS of Illinois, Mr. OWENS, Mr. SIKORSKI, Mr. LOWRY of Washington, Mr. FAZIO, Mr. TOWNS, Mr. MARRIOTT, Mr. SISISKY, Mr. CHANDLER, Mr. LEHMAN of California, Mr. MARTINEZ, Mr. MAVROULES, Mr. SCHAEFER, Mr. ERDREICH, Mr. WEBER, Mr. PEPPER, Mr. SHAW, Mr. MILLER of California, Mr. BILIRAKIS, Mr. CARR, Mr. FORD of Michigan, Mr. BURTON, Mr. MILLER of Ohio, Mr. GUNDERSON, Mr. EDGAR, Mr. FRENZEL, Mr. MINETA, Mr. MORRISON of Connecticut, Mr. ADDABBO, Mr. TALLON, Mr. FROST, Mr. UDALL, Mr. FRANKLIN, Mr. FUQUA, Mr. CAMPBELL, Mr. BATES, Mr. MITCHELL, Mr. RUSSO, Ms. FERRARO, Mr. MOAKLEY, Mr. LEVITAS, Mrs. JOHNSON, Mr. CHAPPIE, Mr. MINISH, Mr. MAZZOLI, Mr.

SIMON, Mr. HALL of Ohio, Mr. RITTER, Mr. SCHEUER, Mr. OTTINGER, Mrs. BOGGS, Mr. SCHUMER, Mr. ERLENBORN, Mr. PORTER, and Mr. CLAY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

106. By the SPEAKER: Petition of the Social Workers for a Strong and Peaceful America, Denver, Colo., relative to the defense budget; to the Committee on Armed Services.

107. Also, petition of the Tribal Council of the Penobscot Nation, Old Town, Maine, relative to nuclear waste; jointly to the Committees on Energy and Commerce and Interior and Insular Affairs.

108. By Mr. JONES of North Carolina: Petition of the city of Freeport, Fla., relative to the Outer Continental Shelf; jointly to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2969

By Mr. BROWN of California:

—Page 6, line 22, strike out "$5,719,100,000" and insert in lieu thereof "$5,699,691,000, none of which shall be available for space defense (antisatellite) systems".

H.R. 3132

By Mr. COUGHLIN:

—At the end of title III, add the following new section:

SEC. 307. No part of any appropriation contained in this Act or in any prior Act may be obligated or expended for the continuation or termination of the Clinch River Breeder Reactor Project or, except to the extent specifically provided in legislation hereafter enacted, for the implementation of an alternative financing arrangement with respect to such Project.

By Mr. WISE:

—Page 2, line 25, strike out "$908,829,000" and insert in lieu thereof "$882,829,000."

Page 3, line 5 insert ", except that none of the funds appropriated under this paragraph may be used for the Stonewall Jackson Lake Project, West Virginia" before the period.

H.R. 3133

By Mr. ROE:

—Page 15, line 3, strike out "$370,375,000" and insert in lieu thereof "$375,375,000".

Page 15, line 4, strike out "*Provided,*" and insert in lieu thereof "*Provided,* That $5,000,000 of such funds may be expended only for activities under section 314 of the Federal Water Pollution Control Act; and *Provided further,*".

By Mr. WIRTH:

—Page 14, line 16, strike "$567,889,000" and insert in lieu thereof "$612,889,000".

—Page 14, line 22, strike "$142,000,000" and insert in lieu thereof "$165,600,000".

—Page 15, line 3, strike "$370,375,000" and insert in lieu thereof "$521,511,000".

EXTENSIONS OF REMARKS

CONGRESSIONAL SALUTE TO THE ADMINISTRATORS, FACULTY, AND STUDENTS OF HAWTHORNE HIGH SCHOOL, HAWTHORNE, N.J., UPON THE CELEBRATION OF ITS 50TH ANNIVERSARY, 1933-83

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1983

● Mr. ROE. Mr. Speaker, it is my firm belief that the cultural, historical, and economic achievements, even the basic health, well being and longevity of a State and Nation, depend in a large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions.

On Saturday, June 4, the people of my congressional district and State of New Jersey will be celebrating the 50th anniversary of the Hawthorne High School of Hawthorne, N.J., and with your permission, I would like to insert at this point in our historical journal of Congress descriptive background information on the most comprehensive facilities of Hawthorne High School which was presented to me by its distinguished principal, the Honorable Robert M. Hausner, Ph. D. This profile highlights some of the historic events and outstanding dynamic efforts that the administrators and faculty have provided to the people of the Hawthorne area in the education of our young people for the past half century at Hawthorne High School. The background history together with the school's philosophy and objectives is, as follows:

HAWTHORNE HIGH SCHOOL, HAWTHORNE, N.J.

HISTORICAL NOTES

1983—50th Anniversary; School opened—1933.

High School Principals: First principal: Mr. Lemuel R. Johnston; 1937—Mr. George J. Geier—appointed principal; 1957—Dr. Chester E. Wilhelm—appointed principal; 1968—Mr. David Pavlin—appointed principal; (February) 1979—Dr. Robert M. Hausner—appointed principal.

Superintendents of Schools: At time of opening—F. H. Thoms (Supervising Principal); 1939-67—Stephen W. Moshier; (August) 1967-(January) 1980—Dr. John B. Ingemi; (January) 1980-present—Dr. Frank P. Chiofalo, Jr.

Events: First graduating class—February 1, 1935—35 students; 1935—Senior class published the first edition of the Ursidae (school yearbook); 1938—Published first edition of the Clarion (school newspaper); 1942—Formed first marching band; 1945—High School Chorus formed; 1950—Hawthorne Chapter of the National Honor Society was chartered.

Construction: Original building constructed in the early 1930's, completed, opened in 1933.

1960—A new section was added consisting of 14 rooms that included classrooms and industrial arts and home economics rooms and offices.

1970—New sections were added consisting of 20 rooms that included classrooms and department offices; an all-purpose room, a music suite, development of an outdoor courtyard area, expansion of the cafeteria, expansion of the library, construction of an auxiliary gymnasium and remodeling of the existing gymnasium.

PHILOSOPHY

Hawthorne High School is a four-year comprehensive high school which serves the suburban community of Hawthorne, New Jersey. The philosophy of Hawthorne High School reflects the belief that education encourages the development of a self-directed, aware, and integrated individual who is capable of continued growth toward full potential. In addition to reinforcing basic skills, the Hawthorne High School staff encourages students to think critically and creatively, to appreciate aesthetic experiences, to develop a strong self-image, to respect fellow human beings and to be prepared for useful participation in society. As an integral part of public education, the high school curriculum is attuned to the sociological, technological, and civic changes in national and international society. Hawthorne High School students are encouraged to prepare for further education, formal and informal. Hawthorne High School provides the curriculum necessary to prepare adequately those students who wish to seek employment immediately after graduation.

The school and community have the joint responsibility for creating a suitable climate for learning. The school, in an atmosphere of mutual respect and cooperation, offers programs to stimulate each student to explore and to exercise fully the capabilities of both mind and body. The community has the responsibility for creating and providing the environment and facilities that foster a desire to learn.

Using guidance and testing programs, the Hawthorne High School staff develops curriculum so designed that each student can reach fullest potential in accordance with individual needs, abilities and talents.

OBJECTIVES OF HAWTHORNE HIGH SCHOOL

1. Students will acquire the ability to read, write, listen, compute and speak effectively.

2. Students will acquire basic skills in obtaining information, solving problems and thinking critically.

3. Students will acquire a broad spectrum of knowledge concerning the principles of physical, biological and social sciences.

4. Students will develop an appreciation and understanding of our American heritage, other cultures in the world, and interdependence of nations.

5. Students will acquire the knowledge and understanding necessary to participate effectively in a democratic society—local, state and national government.

6. Students will acquire an understanding and ability to form responsible relations with people with whom they work and live, including, but not limited to, those with social and cultural characteristics different from their own.

7. Students will develop an understanding of self-worth, abilities, potentials and limitations.

8. Students will acquire an understanding of ethical principles and values, and the ability to apply them to one's own life.

9. Students will cultivate an appreciation for the fine arts and nurture the ability for creative self-expression in various media.

10. Students will acquire the knowledge, habits and attitudes that promote personal and public health, both physical and mental.

11. Students will develop an understanding of the environment, and the wise use and preservation of natural resources.

12. Students will develop an understanding of the responsibilities of family living.

13. Students will develop a positive attitude toward learning, and acquire the necessary skills and desire for a lifetime of continuous learning and adaptation to change.

14. Students will acquire the understanding and ability to function as responsible producers and consumers.

15. Students will develop an awareness of career opportunities and acquire skills related to occupational success.

Mr. Speaker, I appreciate the opportunity to look through the hourglass at Hawthorne High School during the past half century and reflect upon the standards of excellence that its administrators and faculty have and continue to extend to its students—all redounding to the educational, moral, and cultural enrichment of our community, State and Nation. We do, indeed, salute the administrators, faculty, and students of Hawthorne High School as they celebrate the golden anniversary of Hawthorne High School.●

FIRST THINGS FIRST CREDIT ACT OF 1983

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday May 25, 1983

● Mr. DORGAN. Mr. Speaker, over the last 9 years, American corporations have spent over $200 billion buying and selling one another. In 1981 alone, they spent $82 billion for this purpose.

These billions did not build a single new factory or buy a single new machine. They did not improve a single

product or industrial process. They did not put a single American back to work. It was a paperwork blizzard, period.

The storm has quieted, for awhile, but Wall Street experts expect it to resume again. It is time for us to assess the damage and ask what, if anything, we in Congress can do.

There are people, of course, who contend there is no cause for alarm. The four-ring circus involving Bendix, Martin Marietta, United Technologies, and Allied, they tell us, was merely a case of industry "rationalizing" itself. The "market," they say, was merely "working its will." These apologists—many of whom make more than a dollar or two from the merger battles—have a whole vocabulary of sanitary phrases that makes it all sound quite natural and harmless.

According to such people, whatever happens, happens for the benefit of all, so long as somebody makes a great deal of money doing it.

It would be nice if it were so. But the results of the takeover and acquisition wars suggest otherwise. This should be apparent to all who look with their eyes instead of through the lenses of self-justifying economic theories.

Not only that. For all the talk about "natural market forces," a most unnatural force, the arcane workings of our corporate income tax laws, have provided much of the impulsion for this activity in the first place.

But of that, more later. First, the record.

One thing the corporate takeover wars did not do was hasten economic recovery. We cannot of course blame the lingering economic lag to this cause alone. But we know that we bestowed billions of dollars in tax breaks upon the largest corporations in this country upon the promise that they would invest and build and create jobs. We know that they reneged on this promise, that productive investment actually declined rather than increased. We know that some of these large coporations apparently used this money instead to go marauding through the industrial landscape for other companies to acquire.

Had these corporations taken the $82 billion they spent on these monopoly games, and put it to productive use instead, then investment in plant and equipment would have soared by 25 percent. Economic recovery would not be a tentative hope. It would be a fact.

Or, think of it another way. It has become a commonplace that the vast majority of new jobs arise from the new and smaller businesses that often are on the cutting edge of economic change. What a boost to our economy, if that $82 billion had been available to individual investors and lean and hungry enterpreneurs, instead of being consumed, as it was, in mating dances among the economic elephants.

There is wide agreement that better management, closer to the marketplace and the shop floor, is what we most need to bridge the gap between our foreign competitors and ourselves. This is another thing the takeover wars have not promoted. Do you think Bendix head William Agee was worrying about problems on the assembly line, those months he was embroiled in his grandiose attempt to take over Martin Marietta? Even the Wall Street Journal, which usually finds a way to apologize for the most abusive corporate behavior, dubbed Mr. Agee's maraudings "PAC Man Economics."

Corporate executives who are plotting the takeover of some other company—or concocting Byzantine strategies to protect their own—are not thinking about what to make or how to make it. They are not creating jobs or wealth. This hemorrhage of executive energies, moreover, creeps all the way down into middle management, where work slows down as employees fret about their future. "Half the workday was spent speculating, talking about the players on the other side," the former assistant treasurer of one "target" company said later.

This is how we are going to meet the foreign competition? Through chief executives who play "PAC Man" with our industrial assets?

The Japanese, let us note, discourage corporate takeover wars. A company there cannot buy another without complete approval of the latter's board. Japanese managers do mind their business. They know that they must grow by getting better, not by swallowing someone else and simply getting bigger.

Mergers and takeovers may not be giving us better management. But they seem to be giving us more comfortable executives. In larger companies, they are now outfitting themselves with "Golden Parachutes" to soften their plight should their company be acquired. The cushion can be soft indeed. At the Beneficial Corp., for example, 250 "key" executives are guaranteed pay and benefits for 3 years if their jobs are altered after a change in control of the company. Not eliminated, but merely altered.

Risk free, no-fault management.

Another thing the takeover surge has promoted is more bureaucracy. We all know about Government bureaucracy, and its corporate counterpart is just as bad. When giant companies buy up smaller ones, or even ones of the same size, additional layers of management result. Business people who were independent—who were accustomed to making their own decisions, taking their own risks—suddenly find themselves forced to push paper through endless channels and higher-ups.

For example, the cofounder of one small company that Exxon gobbled up not long ago complained to Business Week magazine that, "It can take a year to get approval for a strategy change. The speed at which Exxon moves is incredibly slow." This executive quit, he said, "strictly on the question of independence."

"It is a full-time job just filling out all the forms Exxon wants," grumbled the founder of another small company which lost its independence to Exxon's empire-building appetite.

It happens even to the big ones. Looking into the effects of Du Pont's takeover of Conoco Oil, a Wall Street Journal reporter found that "some Conoco employees say they feel stifled by Du Pont's stodgy bureaucracy and conservatism."

This is how we are going to find more oil and become energy independent? By turning the people who find the oil into paper-pushing bureaucrats?

There is also the question of incentive, of what makes these middle managers go all out. We have been hearing about tax incentives ad nauseum, but in fact, the hope of climbing the ladder, reaching the top, is probably a much greater goal to executive endeavor. Takeovers can kill this hope entirely. They result both in fewer rungs at the top, and a larger throng in the middle trying to get to them.

It should not be surprising that many of the companies that embarked on takeover battles now appear, literally, wounded from war.

Du Pont and Baldwin-United, are groaning under debt loads incurred in their takeover adventures. General Electric and Mobil are diverting millions of dollars of prop-up acquisitions like Montgomery Ward. Security analysts call Anaconda Copper a "cash sink" for Arco. Companies are dismembering their acquisitions, selling off the limbs, in order to generate cash. The list of casualties goes on and on.

Economist William Nordhaus of Yale took the 10 most voracious corporate acquirers and assembled them into a hypothetical "Vulture Fund." From late 1980 through September 1982, the stock of these companies declined over 16 percent, two to four times the Wall Street average.

"Not only did mergers not increase profits or sales, but we also saw a significant decline in growth rates of companies that had merged," adds Prof. Dennis C. Mueller, an economist at the University of Maryland.

Mr. Arthur Burck, one of the Nation's leading merger lawyers, asserts bluntly that "most of these deals don't work out. Most of the acquired companies are ruined. And the good people are chased away."

This is what they call rationalizing our American industries?

It is not just the companies themselves, moreover. A business is a part

of a community. When it is locally owned, it does business with local suppliers, uses local attorneys, keeps its deposits in local banks. It is a part of the economic fabric that holds everything else together.

When an outside firm buys up such a local company, it can tear that fabric apart. Ask the folks in Hopevale, Mass., what happened when Rockwell International bought a local firm, Draper Looms. They moved out the executive staff and slowly shut down the whole operation.

"When these companies were locally owned they did their business here," a banker in Elmira, N.Y., said of several businesses in town. "They banked locally. But now—that they have been taken over—American LaFrance banks in Ohio, Kennedy Valve does its business in Rhode Island."

Think of the drain of financial resources that occurs when a major local company is taken over and shifts its banking out of State. Funds that were once on deposit in local banks, available for loans to the community, are now elsewhere. When a factory shuts down entirely, moreover, the resulting loss of jobs and property taxes can be a disaster.

The President is telling us that communities should do more for themselves, and he is absolutely right. But communities cannot do more for themselves when we allow empire-building corporate executives to tear their economic fabric to shreads. You cannot get more work from a man if you are taking away his food. If we are going to give more responsibilities to our States and localities, then we must stop the wanton destruction of the economic bases that enables States and localities to meet these responsibilities.

Mr. Speaker, before I propose one modest step to this end, I would like to point out, in fairness, that the takeover wars have not been totally without beneficiaries. The clique of lawyers, investment bankers, and brokers who command sometimes even provoke these battles have been enjoying a St. Anthony's feast. For them, the money has literally been coming in by the platter.

In the Bendix-Martin Marietta embroglio, for example, the lawyers were raking in an estimated $8,000 an hour. The 50 biggest deals of 1981 together generated at least $150 million in legal fees, and largely as a result, the bigshot takeover-artist lawyers in New York are making over $1 million per year.

Not bad, for adding virtually nothing to our economy but paper—and not just a little paper either. The documents describing its takeover bid for Conoco cost Du Pont $2½ million merely to print. You have heard of the "paper entrepreneurs"? Well, here they are.

If this is what we Americans now mean by business, then the Japanese and our other foreign competitors and others can rest easy. Their growing dominance is safe.

Mr. Speaker, only the most obstinate ideologues and Pollyannas could look at this economic waste and destruction, and declare that benevolent forces are at work.

The implications are large, not just for our economy, but for our political democracy as well. By 1979, the biggest 200 firms in this country controlled almost 60 percent of all our manufacturing assets, and the recent takeover wars have put yet more of our production into fewer and fewer hands.

Leave aside the economic dangers of casting our lot so egregiously with the dinosaurs. Consider what else is at stake. Thomas Jefferson saw that political democracy is linked to economic opportunity. He saw that the only real safeguard of freedom is a country in which ownership and production are broad based and diverse rather than concentrated in a few hands. Centralized economic power always leads to centralized political power, and that seems to be the path we are going today.

Merger attorney Burck, who has watched these takeovers for several decades, predicts that state socialism is the next step if we allow them to continue unchecked. "The irony is," he says, "that our socialism is not coming from the left, from the extremists. Instead, it is coming through the back door—indeed from the arch foes of socialism: our giant companies that most people still view as the bulwark of our free enterprise system."

We see the signs already. Companies are getting so big that we cannot let them fail. Chrysler. The New York banks and their foreign loans. The direction is clear. Will we continue to march down that road, reciting platitudes about "market forces" as we go?

The fact is, market forces are not working their will here to begin with. The Federal Government has its finger on the scale and is tilting business activity in this direction. Perhaps the major way it does so is through the corporate income tax laws.

Many mergers, for example, are financed with borrowed money—billions of dollars of it. In a genuine free marketplace, high interest rates would deter such heavy borrowing. Management would figure up the borrowing cost, and a big frown would grow on their faces.

The high interest rates, in short, would be a market force.

But that does not happen. We do not allow the market force to operate. Instead, the Federal Government allows a company to write off the interest expense for tax purposes. In effect, the Federal Treasury—and taxpayer—picks up over 40 cents of every dollar in interest costs the company incurs in a takeover.

In the process, Government encourages these companies to corner huge amounts of the Nation's scarce supply of credit. In 1981 alone, mergers consumed over $30 billion in credit that might otherwise have been available for loans to farmers, small businesses, home buyers, and others. And because these big companies were taking so much, everyone else had to pay more for what was left over.

Call it a tax expenditure. Call it a tax subsidy. Call it what you want. The result is the same. The Federal Government greases the skids for something that might not have happened otherwise. "Without these tax breaks, four out of five, maybe nine our of ten (of these takeovers) would not have occurred," says Mr. Burck.

Even corporate executives are recognizing that this does not make sense. Seagram head Edgar Bronfman, who was in the thick of the Du Pont-Conoco battle, and knows a thing or two about takeover wars, now says that we should eliminate this deduction.

That is what I am proposing today.

The "First Things First Credit Act of 1983," which I am introducing today, would amend the Internal Revenue Code to deny any deduction for interest paid or incurred on loans in connection with corporate takeovers or attempted takeovers. The denial of the interest deduction would apply only to those corporations with gross receipts of $250 million in the taxable year preceding the year in which the merger or tender for merger occurs. In that way, my bill would not penalize mergers between smaller companies, for which there might be defensible business reasons, such as the owner of one reaching retirement age. For America's largest corporations, however, my bill's message is loud and clear: If they want to hog this Nation's scarce supply of credit for their monopoly games, then they can darn will pay for it themselves; there will be one less back door subsidy from Uncle Sam.

Mr. Speaker, this bill will not solve the takeover problem by itself. There are other provisions in the tax laws which are pushing in the same direction, and these we need to change. We need to update the antitrust laws as well.

But this bill is a concrete step we can take now. It will make more credit available for our farmers and smaller businesses. It will close a leak that is draining capital away from productive investment. It will help American business keep its mind on business. And it will not add a single bureaucrat or cost the Federal Treasury a single cent.●

THE CHURCH IN EL SALVADOR SUPPORTS PRESIDENT REAGAN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1983

● Mr. MICHEL. Mr. Speaker, one of the more curious aspects of the current debate over American policy in Central America is the reluctance of administration critics to admit the overwhelming support President Reagan's policies have among the people of El Salvador.

When President Reagan announced his support of elections in that country in 1982, his announcement was met by a torrent of criticism from left-liberal types in the United States. We forget how vehemently those elections were opposed by the same people who today are telling us not to send military aid. But the elections were held. The myth that the people of El Salvador support the guerrillas was forever shattered—except among leftist ideologues who cling to their perverted faith in the goodness of Marxist-Leninist thugs disguising themselves as liberators.

Recently, the official publication of the Roman Catholic Church in El Salvador editorially applauded and supported President Reagan's policies. That news has been virtually ignored in the media and by the administration's critics. I believe our colleagues, especially those who claim to be speaking for El Salvador's poor, will benefit from reading this article.

At this point, I wish to include in the RECORD, "El Salvador's Church Backs Reagan Policy" from the Chicago Tribune, May 10, 1983.

EL SALVADOR'S CHURCH BACKS REAGAN POLICY

SAN SALVADOR, EL SALVADOR.—El Salvador's Roman Catholic Church newspaper praised President Reagan's policy in El Salvador Sunday as "the closest to the reality of this country."

An editorial published in the weekly Orientacion was the first official church comment on Reagan's policy since his Central America speech to a joint session of Congress on April 27.

"Without a doubt, this country would be reaching the limit of its admirable resistance had it not been for the military and economic assistance of America," Orientacion said.

The editorial said U.S. public opinion has shifted toward supporting more aid to El Salvador, which "can mean only one thing: The campaign favorable to the guerrillas in that country has lost the force of conviction despite its enormous qualities of organization.

"The fact that the Salvadoran revolution, maintained by the guerrillas and backed by Nicaragua and Cuba, is very far from being a popular revolution [has helped change U.S. public opinion]."

Catholic leaders have criticized both leftist rebels and the U.S.-backed government for the country's political violence, but Sunday's editorial was the most favorable toward U.S policy in recent memory.

The editorial said the church did not believe everything Reagan told Congress "was absolutely true, because all the nice things he said are not exact."

With inexactness and all, what Reagan affirmed is closest to the reality of this country," Orientacion said, praising the "positive effects of President Reagan."

"It is not because the United States gives military advice and economic aid to El Salvador that the region could become another Vietnam, but because of the agressiveness of the Salvadoran guerrillas reinforced by men and war material provided by Cuba, Libya and Russia through Nicaragua," the editorial charged.

In his Sunday homily, San Salvador Auxiliary Bishop Gregorio Rosa Chavez offered support for the country's new amnesty law, approved last week by the Constituent Assembly.

Bishop Rosa Chavez said the amnesty, which goes into effect Thursday, was an opportunity for peace and reconciliation between leftist guerrillas and the government.

"The amnesty law comes to demonstrate that bullets are not the only way to search for a solution to the Salvadoran problem," he said. "It also appears to us as a sign of hope."

The amnesty law excludes those involved in murder, rape or kidnaping but could benefit up to 700 political prisoners and 4,700 of El Salvador's 5,000 guerrillas, political sources say.

The guerrillas have rejected the amnesty as an imperialistic trick.

Bishop Rosa Chavez said Sunday that of 206 Salvadorans who died in the week that ended Thursday, 170 were killed in conflicts between the army and the guerrillas.

"If we continue like this, we're going to be left without youth" in El Salvador, he said.

On the battlefront, military officers said rebels ended a 30-hour battle to retake the town of Palo Grande, on the edge of Guazapa Volcano, a region of guerrilla strongholds.●

MAJ. FLORENCE H. EMERY YEAR

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1983

● Mr. SISISKY. Mr. Speaker, it is with pride that I bring to your attention the special volunteer efforts of my constitutent, Maj. Florence H. Emery. Major Emery, a member of the Tidewater Composite Squadron, Civil Air Patrol, Virginia Wing, has given 30 years of continuous service to this volunteer organization. The squadron has paid tribute to Major Emery by proclaiming 1983 as the Maj. Florence H. Emery Year.

Major Emery, at the age of 80, remains an active member of the Civil Air Patrol. Her impressive record of duty has included service as the squadron commander, the information officer, personnel officer, testing officer, and senior program officer. She has received numerous honors and awards, including a certificate for outstanding contributions to the national information program, a FIND ribbon for locating a downed aircraft, and several encampment, leadership, and service ribbons.

Recently, Major Emery was recognized by the President for her outstanding volunteer efforts. Her accomplishments exemplify the best of our Nation's volunteer spirit, and will stand as a fitting tribute to her squadron.

I join the members of the Tidewater Composite Squadron in extending my congratulations and best wishes to Major Emery during this, Maj. Florence H. Emery Year.●

GLOOMY GLOBAL FORECASTS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1983

● Mr. MICHEL. Mr. Speaker, is the world "going to hell in a handbasket"? That would appear to be the message of Global 2000, a report that was made in 1980, stating that in many areas of the environment, things are getting worse and worse. Dr. Julian Simon, whose common-sense and well-documented refutations of these "gloomy" forecasts are well known, has written an article in which he demonstrates the questionable assumptions of those who subscribe to the fashionably gloomy "Global 2000" theories.

At this point, I want to insert in the RECORD, "Gloomy Global Forecast Serves False Values," by Dr. Julian Simon, from the Washington Times, Wednesday, May 25, 1983.

GLOOMY GLOBAL FORECAST SERVES FALSE VALUES

(By Julian Simon)

In a few weeks an organization known as the Global Tomorrow Coalition will parade a host of highly paid speakers into Washington, including ex-President Jimmy Carter, for a major conference intended to demonstrate that the environmental lobby is alive and well.

The Global Tomorrow Coalition is the key player in the so-called Global 2000 Movement, which grew out of the "1980 Global Report to the President."

Most of the economists, agricultural economists, and statisticians who have examined that report—and a number of well-known environmentalists as well—consider it to be fatally flawed in method, lacking in historical foundation, and misleading in its conclusions about the global "trends" it purports to describe.

The report proclaimed, with official U.S. government imprimatur, that the world is going to hell in a handbasket.

The report's own thumbnail summary of findings assert: "If present trends continue, the world in 2000 will be more crowded, more polluted, less stable ecologically, and more vulnerable to disruption than the world we live in now. Serious stresses involv-

ing population resources, and environment are clearly visible ahead. Despite greater materials output, the world's people will be poorer in many ways than they are today."

Fortunately for this planet, these gloomy assertions about resources and environment are baseless. The facts point in quite the opposite direction on every important aspect of their prediction for which there are data.

Among Global 2000's unsupported and fallacious statements, it asserts that the world is getting more polluted. But it cites no systematic data.

In the richer countries, there is solid evidence that air pollution is declining. The Council on Environmental Quality's new Pollutant Standard Index for the United States shows that a trend of declining pollution has been under way for some time, and did not arise solely with the onset of the environmental movement around 1970.

Global 2000 also projected a 5 percent yearly increase in the real price of nonfuel minerals until the year 2000. There has always been "serious stress" for these resources in the sense that people have to pay a price for the resources they want.

But the relevant economic measures of stress—costs and prices—show that the long-term trend is toward less scarcity and lower prices rather than more scarcity and higher prices, hard as that may be to believe. Though prices for individual minerals may rise, the cost trends for most natural resources have been downward over the course of recorded history.

Indeed, an hour's work in the United States has bought increasingly more copper, wheat and oil (which are representative and important raw materials) from 1800 to the present. In fact, the prices of raw materials have even been falling relative to consumer goods and the Consumer Price Index.

While the report says, "The outlook for food . . . will be no better," consumption of food per person in the world is up over the last 30 years. Famine deaths have decreased in the past century both in real terms, and in the percentage of population. World food prices have been declining for centuries and will likely continue to do so, despite Global 2000's conclusion that "real prices for food are expected to double."

The Global Tomorrow Coalition, made up of 49 organizations which use the Global 2000 Report as their so-called bible, have a large number of staff members in Washington who lobby Congress and the executive branch. Altogether, there are now over 80 registered environmental lobbyists on Capitol Hill, compared to two or three in the late 1960s. And there are five environmental political action committees, one of which—The League of Conservative Voters—had a budget of almost $900,000 to back about 70 candidates in the 1982 elections.

The Global 2000 movement has deeply affected the national policies of the United States and other nations. A number of bills and resolutions before Congress show the influence of Global 2000.

For instance, a letter from Sen. Mark Hatfield, R-Ore., to Sen. William Roth, R-Del., regarding S. 1771, the Global Resources, Environment, and Population Act, calls for creation of a Council on Global Resources to unify government planning in the areas of natural resources, environment and population policy. The main impetus for this legislation, Hatfield wrote, "was the publication of the 'Global 2000 Report to the President.'"

In short, those members of Congress have fallen victim to a special interest movement that seeks only to enlarge its own coffers by justifying its existence with frightening and fallacious research.

This movement already has caused misallocation of natual resources in the United States, deterioration in public morale, and a loss of confidence (with consequent reduction in risk investment) in the business community.

The real danger lies in the fact that there are no organizations or communications media dedicated to setting the record straight or to opposing the Global 2000 initiatives.

Yet, this juggernaut, fueled by false information and special interest values, must be stopped before the world is led too far along the road to disaster.●

ARMS LOBBY WORKS IN SECRET TO GAIN CLOUT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1983

● Mr. ASPIN. Mr. Speaker, Bob Adams of the Washington bureau of the St. Louis Post-Dispatch has done a fascinating and carefully researched series on the defense industry's lobbying efforts entitled, "Reaching for Billions."

I commend the entire series for its completeness and balance. At this point, I would like to share with my colleagues the first article in the series.

[From the St. Louis Post-Dispatch, Apr. 17, 1983]

ARMS LOBBY WORKS IN SECRET TO GAIN CLOUT

REACHING FOR BILLIONS

(By Bob Adams)

WASHINGTON.—The nation's defense contractors use an enticing combination of friendships, money, jobs, economic clout and political pressure to influence how the U.S. spends its multibillion-dollar defense budget, a study by the Post-Dispatch has found.

Point men for the contractors are their Washington lobbyists, working out of suites that dot the office buildings of Rosslyn, Va., a short drive from the Pentagon. The stakes are high: about $1.7 trillion in defense spending over the next five years.

Much of the lobbying—and, more broadly, the use of political influence by the contractors—is cloaked in secrecy. Unlike lobbyists for political causes, defense lobbyists shun publicity.

But a four-month investigation by the Post-Dispatch shows that the contractors and their lobbyists press the levers of power in several major ways:

They wine and dine important senators, representatives and their staff members at dinners, lunches, receptions, Christmas parties. They build good will with tickets to football and hockey games, concerts and the theater. They play golf with Pentagon officials at the Army-Navy Country Club. They cultivate friends who sit in chairs of power.

They pour money from political action committees (PACs) into campaigns of influential House and Senate members. Often they target their contributions on members of committees that control funds for weapons, such as the Armed Services and Appropriations committees. They pay "honoraria" to congressmen for speeches at company meetings.

They hire ex-congressmen and ex-Pentagon officials who know the ropes on Capitol Hill and in the Defense Department. More than 1,800 officials went through the so-called "revolving door" from the Pentagon to industry, or vice versa, in the last three years. Studies suggest that the number is going up.

They lobby by proxy. Last year, Pentagon lobbyists helped carry the ball for the Lockheed Corp. in its successful effort to get appropriations for the C-5 cargo plane through Congress.

They lobby by pork barrel. Subcontracts are farmed out to congressional districts around the nation, giving many congressmen a big local stake in a particular weapon. Those congressmen then become, in effect, lobbyists with their colleagues in the House or Senate.

They get help from unions in plants where the weapons are made, such as United Auto Workers locals in Southern California whose members work on the B-1 bomber.

They flood the Pentagon and Capitol Hill with "briefing books" extolling their weapons. They advertise heavily in trade publications, such as Aviation Week and Air Force Magazine, which are read at the Pentagon and in Congress.

They work through two dozen trade and service associations that help knit industry and government tightly together.

Lobbyists and their critics alike are quick to point out that lobbying, as such, is not improper. The right to lobby is protected by the First Amendment. Lobbyists are viewed by many, in and out of government, as valuable sources of information.

Moreover, a Congressman or Pentagon official doesn't have to do their bidding. He can ignore the lobbyists and follow his conscience.

But many defense analysts, including Sen. Thomas F. Eagleton, D-Mo., who sits on the Senate Appropriations subcommittee on defense, are concerned that the cumulative impact of the contractors' influence skews the defense budget in unhealthy ways.

Because of that influence, they contend, the defense budget is larger than it needs to be. It is tilted away from crucial—but less-lobbied—items such as spare parts, training, and personnel. It is tilted toward the purchase of complex weapons that sparkle on the drawing board but may break down in battle.

Many who are concerned about the defense lobby quote President Dwight D. Eisenhower's warning about the military-industrial complex. Some feel his phrase needs expansion.

"I'd make it the 'military-industrial-labor-congressional complex,'" Eagleton said. "And because of the interactions of all four, I'm not sure we always come up with the best national defense."

Defense lobbyists generally avoid the press. Five of the largest defense contractors—General Dynamics, Boeing, Lockheed, United Technologies and Hughes Aircraft—refused to discuss their Washington operations.

"We consider that proprietary information," said Alvin Spivak, spokesman for the Washington office of General Dynamics. Some lobbyists agreed to interviews only on the condition that their employers not be told.

It is impossible to determine whether defense lobbyists are more active today than in the past. They have always sought a low profile. The hunting lodge scandals of the mid-1970's, in which Pentagon officials got free goose-hunting trips from companies such as Rockwell International and the Northrop Corp., haven't recurred.

But last summer, the public saw an example of defense lobbyists at work. Computer printouts, leaked to the press, disclosed a comprehensive joint effort by Lockheed and the Pentagon for the C-5 Galaxy. The campaign succeeded, and taxpayers will spend at least $8.9 billion for 50 Galaxys over the next several years.

Analysts say the C-5 episode was only the most spectacular example of a process that occurs, in one form or another, every day—usually far from public view.

Recent decisions to buy other controversial weapons, such as the B-1 bomber and McDonnell Douglas' F-18 Hornet fighter, are cited as examples of the tremendous political influence of the defense contractors.

The importance of the defense lobbyists has seldom been greater—if only because of the size of the pie they are fighting over.

Eighteen U.S. companies did more than $1 billion worth of business with the Pentagon last year. The two with the largest Pentagon contracts are based in the St. Louis area: General Dynamics Corp., with $5.9 billion, and McDonnell Douglas Corp., with $5.6 billion.

About 2.9 million American jobs, not counting people on active military duty, depend on the manufacture of weapons. Of every four dollars the government spends to buy something, the Pentagon spends three.

Some people knowledgeable about defense contracts see a subtle but significant change in the philosophy of defense contractors over the last two decades.

Leonard Sullivan Jr., former assistant secretary of defense for program analysis and evaluation, has seen lobbyists from the industry side, the Pentagon side, and now as a private consultant. In a reflective interview, Sullivan spoke of how the defense lobby had changed.

First, he said, Congress asserted more control over the defense budget in the post-Vietnam and post-Watergate 1970s. That left a natural opening for lobbyists.

Second, he said, the strong patriotic impulse that moved defense contractors in the 1950s and early 1960s seems to be mingled with other motives now.

"When the first generation—old Mr. Grumman and old Mr. McDonnell—were still there, it was the American flag," Sullivan said. "It was the old-fashioned, honorable defense philosophy: If the government didn't want to buy it, they didn't want to sell it.

"But when this first generation faded, the flag got smaller and the profit motive got larger. And to some extent, that perverted the entire industry.

"What you have (in Washington) are a whole set of people who are maintained by their home offices—listening, spying, lobbying—and they'll try to exert influence wherever they can. If you make 'lobbying' synonymous with exerting influence, they're all over the place."

A similar view was voiced by Sen. David H. Pryor, D-Ark., in a Senate speech last year.

"While the major function of these offices in the 1950s was to provide information and monitor legislation, today's office emphasizes one concern—political pressure," Pryor said.

"It may be defined as 'governmental relations' or 'public affairs,' but the application of pressure and influence has become the cornerstone to a contractor's success."

The Washington offices are the key link between the contractors and their Washington constituencies. A typical Washington office of a top defense contractor is large—perhaps 40 or 50 people. Of the top 10 contractors, Grumman has perhaps the smallest Washington office with 24; General Electric the largest, with 80.

Not all of them lobby Congress. Many are in marketing or customer service—what could loosely be called lobbying the Pentagon. Others watch laws on taxes, noise pollution, and other corporate interests unrelated to defense. Most are headed by men with backgrounds in the Pentagon or on Capitol Hill.

To those numbers might be added the 24 or so trade and service associations that represent the defense industry in Washington. The Pentagon's 200-plus "legislative liaison" workers often aid industry as well, as in the Galaxy campaign. All told, defense and congressional sources say, the defense industry may have more than a thousand representatives in Washington.

Many defense companies are trying to strengthen their Washington operations. One is McDonnell Douglas.

McDonnell recently sent Thomas Gunn, 39, to run its Washington office. Gunn is a veteran of nine years on the Senate Appropriations Committee staff and nine years with McDonnell Douglas.

McDonnell's Washington operation has long been considered low-profile in comparison with other defense contractors. But Gunn says McDonnell is more visible in Washington now because it's won so many big contracts. Also, he notes that procurement requirements are getting more complex, and scrutiny by Congress and the press is more intense.

He emphatically rejects the idea that his office is part of a military-industrial complex. Most of his time on Capitol Hill is spent in responding to inquiries, he says, rather than pushing a weapons system. Also, he says, technical people in the Washington office gather information at the Pentagon about tomorrow's military requirements and relay it to St. Louis.

"We're a conduit for information," Gunn says.

Rockwell International has upgraded its Washington office mainly to protect its hard-won B-1 bomber contract. Last fall it hired Bob Andrews, defense aide to Sen. John Glenn, D-Ohio, as a liaison with Congress.

"Before, the front office felt it would be enough to have its interests protected by people who worked in California and would come to Washington," Andrews said, "When the bomber was revived, our management saw a need for somebody here permanently."

Some argue that the impact of the defense lobby is overstated.

"On the whole, they're useful," says Anthony Battista, a tough-minded staff member on the House Armed Services Committee who handles research and development issues. "They're another source of information. It's another perspective. But in no way is that going to determine what I recommend to the committee. I've gone to lunch with defense lobbyists and told them: 'I don't like your weapon.' "

Others note that lobbying by rival companies can cancel out—or result in a better buy for the taxpayer. The current competition between GE and the Pratt & Whitney Co. over engines for fighter planes is an example.

Thoughtful critics worry not only about the voices that are heard in the halls of Congress or the Pentagon—but those that aren't.

Rep. Ike Skelton, D-Mo., a promilitary member of the House Armed Services Committee is concerned about U.S. air defenses. But he observes that nobody is lobbying for it, because it doesn't involve a flashy new weapon system.

Gordon Adams, director of the defense budget center for the liberal Center on Budget and Policy Priorities, wrote a book two years ago called "The Iron Triangle."

He sees the defense contractors, the Pentagon, and Congress as the three legs of that triangle—with the defense lobbyists as the point where all three meet.

"The 'Iron Triangle' is not a conspiracy," Adams said in an interview. "It's a closed circuit, a network of access and influence and information. It grows like Topsy and reinforces itself—almost independent of the will of any one player."

If the contractors' influence was less, Adams said, the defense budget would look very different.

"It would be smaller," he said. "You'd see a lot more emphasis on operations and maintenance, readiness and personnel. The procurement share of the budget would go down.

"And I think weapon systems would be more influenced by the users than the manufacturers. You'd see a lot less gold-plating. The problem with some weapons isn't just that they cost too much. Some of them don't work—and people are going to die in them."

TOP TEN COMPANIES WITH DEFENSE CONTRACTS OVER $1 BILLION AND THEIR MAJOR PRODUCTS—FISCAL YEAR 1982

1. General Dynamics: Awards: $5.9 Billion—F-16, F-111 fighter aircraft; nuclear submarines; Tomahawk, Stinger and Terrier missile systems; MK-15 close-in weapon system; M60 tank, M-1 tank.

2. McDonnell Douglas: Awards: $5.6 Billion—F-18 Hornet, F-15 Eagle, AV-8 Harrier aircraft; Harpoon and Tomahawk missile systems.

3. United Technologies: Awards: $4.2 Billion—F-100, TF-30 and J-67 turbofan and turbojet aircraft engines; UH-60, CH-53 Sea Stallion and SH-60 Seahawk helicopters.

4. General Electric: Awards: $3.7 Billion—Nuclear reactors for submarine and aircraft carriers; J-85, J-79, TF-39 and F-101 turbofan and turbojet engines; space vehicle components; guided missile subsystems.

5. Lockheed: Awards: $3.5 Billion—C-130 Hercules, P-3 Orion and C-5 Galaxy aircraft; Trident and AEGIS missile systems; amphibious assault ships; space vehicles.

6. Boeing: Awards: $3.2 Billion—C-135 Stratolifter, B-52 Stratofortress, CH-47 Chinook aircraft; AWACS; ZAGM-86 missile system; research for electronics and communications equipment.

7. Hughes Aircraft: Awards: $3.1 Billion—Tow, Maverick Phoenix, Trident missile systems; radar equipment and guided missile systems for A-6 intruder, F-14 Tomcat, F-15 Eagle aircraft; research for electronics and communications equipment and missile and space systems; M-1 combat tank and M-2 infantry fighting vehicle.

8. Rockwell International: Awards: $2.7 Billion—Research for aircraft and missile

and space systems; Patriot missile system; various electronics and communications equipment.

9. Raytheon: Awards: $2.3 Billion—Patriot, Hawk and Sidewinder missile systems; various electronics and communications equipment.

10. Martin Marietta: Awards: $2.0 Billion—Pershing and Titan missile systems; 155mm projectiles; guided missile launchers; research for missile and space systems and electronics and communications equipment; MX missile.

Source: Department of Defense.●

LYSENKOISM, GLOBAL 2000, AND ENVIRONMENTALISTS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, "Lysenkoism" is not a positive term for those who know the history of the Soviet Union's attempt to mold science to fit their political philosophy. Yet, today in the United States, there is a growing political influence by those who practice similar "fudging" of scientific data and assumptions. The institutional environmental community—by that I mean those who earn their bread by creating controversy—in Washington and throughout the United States is systematically slanting data, fabricating ultimate conclusions from fragmented information, and scaring the American public out of their wits through "scientific" studies with no basis in fact. The premier example of their faulted science is the Global 2000 report. This document represents science of the worst kind—political science. By fabricating conclusions from sketchy data, by disregarding man's continual quest for creative solutions to problems, and quite simply, by ignoring some very well-established facts, Global 2000 went farther toward discrediting science than any other document since Lysenko's biological and genetic study or Galileo's recantation.

Thankfully, scientists and economists are reexamining this political document and providing us with a more accurate picture of the world in the year 2000. Their conclusions are as follows:

If present trends continue, the world in 2000 will be less crowded, less polluted, more stable ecologically, and less vulnerable to resource-supply disruption than the world we live in now. Stresses involving population, resources, and environment will be less in the future than now. . . . The world's people will be richer in most ways than they are today. . . . The outlook for food and other necessities of life will be better . . . life for most people on earth will be less precarious economically than it is now.

Why the great discrepancy between this optimistic view and the oh-so pessimistic view of Global 2000? Simple—it represents a scientific work, rather than a political work. Consider the following:

Life expectancy has been rising rapidly throughout the world, a sign of demographic, scientific, and economic success.

The birth rate in less-developed countries has been falling, probably a result of modernization and of decreasing child mortality, and a sign of increased control by people over their family lives.

Though there are still many hungry people, the food supply has been improving, as measured by grain prices, production per consumer, and the famine death rate.

Trends in world forests are not worrisome, taken as a whole, though there are places where deforestation is troubling.

There is no evidence for the rapid loss of species in the next two decades that has been widely warned about.

The fish catch, after a pause, has resumed its long upward trend.

Land for agriculture in the world will not be an increasingly serious constraint in coming decades.

In the U.S., the trend is toward higher-quality cropland suffering less from erosion than in the past.

The widely-published report of increasingly rapid urbanization of U.S. farmland was based on faulty data.

Water does not pose a problem of physical scarcity or disappearance, although the situation does call for better institutional management through a more rational system of property rights.

The climate does not show signs of unusual and threatening changes.

Mineral resources are becoming less scarce rather than more scarce, affront to common sense though that may be.

There is no persuasive reason to believe that the world oil price will rise in coming decades. The price may fall well below what it has been.

Nuclear power is certainly no more expensive than coal, and probably is much cheaper, under most circumstances.

Nuclear power gives every evidence of costing many fewer lives per unit of energy produced, than coal or oil. It is also very much cheaper than oil.

Solar and other non-conventional energy sources are too dilute to compete economically for much of humankind's energy needs, though for specialized uses and certain climates they can make a valuable contribution.

Threats of air and water pollution have been vastly overblown, and the processes were not well analyzed in Global 2000.

The scientists who engaged in the research disputing the fabrications in Global 2000 do not contend that all is well in the world, or that we do not have major problems to overcome. What they do maintain, however, is that the conclusions reached in Global 2000 were based on seriously flawed trend data. Further, these scientists included something in their study that Global 200 left out in addition to the facts: Man's unquenchable thirst to better himself and his world for himself and his children. For, in the final analysis, God's greatest gift to man is his desire, his lust for a better world, and the brain and conscience to make difficult decisions based on facts. That the Global 2000 report attempted to scuttle those facts for political dogma is a serious affront to both science and politics.

In today's Washington Times, Dr. Julian Simon outlines the inherent fallacies in the Global 2000 report and discusses the upcoming scientific study refuting the gloomy throwback to Lysenkoism that was Global 2000. I submit the article for the Members' information, Mr. Speaker.

GLOOMY GLOBAL FORECAST SERVES FALSE VALUES

(By Julian Simon)

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will likely continue to do so, despite Global 2000's conclusion that "real prices for food are expected to double."

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Yet, this juggernaut, fueled by false information and special interest values, must be stopped before the world is led too far along the road to disaster.●

RADIO MOSCOW AND THE TRUTH

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1983

● Mr. MICHEL. Mr. Speaker, I have never met Mr. Vladimir Danchev and it would appear, to judge from recent reports, I never will. But I admire him tremendously for doing something that to my knowledge is rarely, if ever, done. Mr. Danchev, an announcer for Radio Moscow, recently told the truth. That's right—he told the truth on Radio Moscow. He referred to the Soviet invaders of Afghanistan as Soviet invaders. He committed other truthful indiscretions about the Soviet invaders—from the Kremlin's point of view—and Radio Moscow refuses to comment on his bold acts.

His fate is not known. I have no doubt he will soon become the beneficiary of the Soviet system's free health care in one of their psychiatric wards. My condolences go to his family. But in speaking the truth over Radio Moscow—even for a few minutes—he deserves our respect as well as our pity.

At this point, I wish to insert in the RECORD "Radio Moscow Declares Critical Report an Error," an Associated Press dispatch appearing in the Washington Times, May 25, 1983:

RADIO MOSCOW DECLARES CRITICAL REPORT AN ERROR

Moscow (AP).—Radio Moscow blamed a "personal mistake by announcer Vladimir Danchev" for broadcasts praising Moslem rebels in Afghanistan for battling "Soviet invaders."

A spokesman for the Kremlin's chief radio voice did not say whether action had been taken against the announcer.

"Don't call any more," another spokesman said later. "We won't answer any questions."

In three newscasts in the English-language world service Monday, Danchev read reports on the war in Afghanistan that omitted the usual Soviet condemnation of the Moslem guerrillas and referred to Soviet troops as aggressors.

In the first two broadcasts, the announcer said the "population of Afghanistan plays an increasing role in defending the country's territory against Soviet occupants."

He added that a meeting of tribal elders declared the "activity carried out from Soviet territory endangers the security of the population of Afghanistan."

In the third broadcast, Danchev said the Afghan population was playing an increasing role in defending the country "against bands infiltrated from the Soviet Union."

"Reports in Kabul say that tribes living in the eastern provinces of Hangahar and Paktia have joined in the struggle against the Soviet invaders," he said. In a closing summary, he repeated that the Afghan population was taking an "increasingly active part in action against Soviet forces."

The BBC monitoring service in London said similar terms had been used by Radio Moscow in another report on Afghanistan last week.

Some Westerners theorized that the broadcasts were a protest, either by an individual or a group, against the presence of the estimated 100,000 Soviet troops in Afghanistan, where they have been battling anti-communist rebels for 3½ years.

Although some Soviet citizens disapprove privately of the Soviet military presence in Afghanistan, there have been no known public protests against the war.●

OLLIE MAE MATHEWS, HUMANITARIAN

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1983

● Mr. SISISKY. Mr. Speaker, I would like to take this opportunity to bring to my colleagues' attention the achievements of a special Virginian, Mrs. Ollie Mae Mathews.

The owner of a popular and successful restaurant, Mrs. Mathews has served the community of Petersburg, Va., by providing affordable, traditional, home-cooked meals.

Mrs. Mathews is more than a successful businesswoman. She is a true humanitarian. She originally entered the restaurant business to provide a job for her sister, after whom her restaurant, Gene's Kitchen, is named. She has provided jobs for disabled persons in the community. She puts in long hours because she believes her restaurant allows her to help other people, especially her employees.

In recognition of her service to Petersburg, Mrs. Mathews was presented a Preservation of Black Heritage Award by the Reynolds Metals Co. This nationwide award was part of Reynolds celebration of Black History Month and was designed to recognize excellence in the preservation of black heritage.

Mrs. Mathews deserves this recognition, along with the thanks of her fellow citizens of Petersburg, for her excellent contribution to our community.●

ADVANCED TECHNOLOGY IN THE CONGRESS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1983

● Mr. WALGREN. Mr. Speaker, the role of modern information technology in society today is increasing at a rapid pace. Even within traditional institutions, such as the U.S. Congress, there has been a growing recognition of the utility of computer and communications systems for improving access to needed information and enhancing office efficiency. As issues become increasingly complex and the time demands on individual legislators continue to grow, we can look forward to the availability of automated information systems to ease the tasks before us.

Recently, Mr. Gilbert Gude, Director of the Congressional Research Service at the Library of Congress, spoke before the Computer and Business Equipment Manufacturers Association on the topic of advanced technology in the Congress. I would like to direct your attention to this useful statement on the important contribution information technology is making to the Congress. Mr. Gude's remarks follow:

ADVANCED TECHNOLOGY IN THE CONGRESS

(An address by Gilbert Gude, Director of Congressional Research Service, before the Computers and Business Equipment Manufacturers Association (CBEMA) Spring Meeting, Phoenix, Ariz., April 12, 1983)

I appreciate the opportunity to address the Computer and Business Equipment Manufacturers Association, as the interest and work of the members of your associa-

tion is so closely tied to many aspects of the daily work of the Congessional Research Service. This morning I thought it appropriate to address the integration of modern technology into our operations in support of Congress.

The Congressional Research Service has its origins in the misty beginnings of American Government in 1800, starting as a library—the Library of Congress, or a hardcopy data base, if you will—on the third floor of the U.S. Capitol. Evolution to become a comprehensive information and research service during the 19th century and into the early years of the 20th was slow—congressional demands were not heavy. Congress was only a part-time body and a handful of clerks supplied staff support. The Library developed in a leisurely fashion, but there were seminal stirrings of much change to come. From the years of its founding—perhaps because of the influence of Thomas Jefferson and his collection—there was an innovative force at work in the Library with capacity for substantial mutations. And so over the decades, while the great collection of books and manuscripts was building, units evolved unrelated to congressional information and research needs: The Copyright Office, a division for the physically handicapped and the blind, a geography and maps division, a unit for prints and photographs—examples of the diversity of tasks taken up by the Library of Congress.

But prior to World War I, congressional leaders began to push for more organized and sophisticated information and research support for their legislative work. Government was growing; there was increased interest in regulatory and conservation areas and in political and management reforms at State and National level. And so in 1915, language was attached to the annual legislative appropriations bill which enabled the Librarian of Congress to employ competent persons "to prepare such indexes, digests and compilations of law as may be required for Congress and other official use . . .". As a result, the Librarian of Congress established the legislative Reference Service.

Through World War I, the New Deal era, and World War II, Government burgeoned and Congress grew, and in 1946 the Senate and the House of Representatives made specific provision for research resources—senior specialists—in the Legislative Reference Service. In addition to librarians and reference specialists, the Service was beginning to develop a staff of analysts and researchers in particular subject areas. This 1946 Legislative Reorganization Act also directed the Service to operate in an anticipatory mode—to be prepared to assist Congress with information and research on critical issues prior to their becoming of congressonal concern.

By 1970, an expanding nation—a complex society and government—stimulated Congress to further reorganization with a substantial enlargement of mission and staff of the Reference Service. This Reorganization Act of 1970 changed the name from Legislative Reference Service to Congressional Research Service.

CRS today numbers over 800 staff, of which some 550 are professionals, either in various subject areas or serving as information specialists.

And the Service's continuing mandate is to support on a timely basis all the Members of Congress and all of its committees with quality, objective and nonpartisan information and research in all subject areas of congressional concern. The Research Service not only provides support in subject areas ranging from "abortion" to "yellow rain," but it also must meet congressional deadlines. These can vary from providing information while the client is waiting on the phone to authoring an indepth report requiring the full-time skills of 20 researchers and analysts for a period of half a year or more.

While developing to a point where it now responds to more than 400,000 requests a year, the Congressional Research Service has readily adapted—even embraced—electronic technology, software systems and hardware. These range from photocopying machines which produce 24 million pages a year, word processors, and a wide variety of retrieval systems—some tailormade to congressional needs—to computer equipment with which researchers, utilizing intricate software programs, analyze complex problems such as changes in social security and Federal pension programs. We have an automated information services unit, AIS, with a staff of 35 people. They are responsible for overseeing, coordinating, and maintaining the computers and other electronic machines which support, record, supplement, and communicate the work of the CRS staff.

Foremost in computerized management support is the inquiry status information system, under the acronym ISIS. Inquiry recorders place as many as 2,000 congressional requests a day—by phone or mail—into ISIS where they are forwarded to the appropriate responding division. With ISIS, the inquiry unit can, in moments, ascertain the status of a congressional request; it also facilitates complex recordkeeping and tablulates the exact manner and time spent in replying to each of the thousands of requests answered weekly. Most recently, we have enhanced ISIS with an electronic mail service. The electronic mail service, through the cooperation of the House of Representatives information system, provides a means of sending requests by terminals not only from House of Representatives offices on Capitol Hill but also from the offices of Members located in their districts. Electronic mail inquiries flow in through what we term a "billboard" system—where they are printed out on a receiving terminal; and, regardless of when district offices place the requests, they are received continuously during the inquiry unit's working hours. Requests from distant points—the west coast, Alaska, or Hawaii—received at night are, of course, taken off the billboard at the beginning of the next morning's business.

In its reference, information and research work, CRS employs numerous external data bases, ranging from such general purpose systems as New York Times and Nexis to subject area or technical systems such as Lockheed and Systems Development Corp., which contain such data bases as Medline, Toxline, and Agricola.

On the other hand, the Service maintains several sophisticated information files in the Library's own scorpio system; these are used to enhance factual data with supplementary information; these particular files are invaluable as research and reference tools for both Hill and CRS staff through cathode ray tubes located in about half of the Hill offices. They are, of course, also available in published form.

The American Law Division prepares two of these scorpio files: Bill Digest and terminating programs. The Bill Digest not only cites bills and resolutions as they are introduced into Congress by date, sponsor, and subject matter, but provides a summary of each piece of legislation. The Bill Digest section updates the citations as committee action and floor amendments alter legislation on its course through the Senate and the House of Representatives. The terminating program file—prepared annually—lists all government programs which will expire in the current year.

Another scorpio file, Citation (CITN), is produced by the bibliographers of our Library Services Division from 3,000 periodical publications covering every corner of congressional interest. These publications include public policy, popular and technical journals; congressional and executive department publications; international agency documents; and reports by research institutions, universities and interest groups. Our subject area bibliographers work closely with their respective research divisions as they select and describe those articles which are of interest and importance in the congressional milieu. These annotated citations become the CITN file—available through the CRT's in congressional, committee, and CRS offices.

Our Selected Dissemination of Information Service, the SDI—possibly our most popular and valuable research tool—is extrapolated from the citation file. Members of Congress, their staffs, and CRS researchers who subscribe to the SDI receive on a weekly basis 3 by 5 cards in their various subject areas of interest. An SDI subscriber could select national defense, economic policy, Asian and Pacific affairs, and regional planning from over 180 subject terms and each week would receive citations of all articles from the 3,000 publications on these subjects. The full text of those articles can be ordered and the hardcopy will be delivered to subscribers within several days. The SDI service is an invaluable tool for a legislative assistant, a researcher, or a Member who is tracking a subject area; it would be almost impossible for such busy people to assemble much less scan through stacks and stacks of periodicals trying to keep current in their areas of interest.

Corresponding hardware and software system growth is demonstrated in the research and analytical process of the seven CRS research divisions. Our Education and Public Welfare, Economics, Environment and Natural Resources, and Science Policy Research Divisions, as well as a number of our senior specialists, use statistical and analytical models to a substantial degree. Wharton, Chase, and the two DRI models—the domestic economic input/output model and the macroeconomic model—are several of those used extensively.

Congressional needs for research and analysis utilizing software programs has resulted in the Education and Public Welfare Division establishing a methodology section, it does analytical runs for other sections in the Division. In contrast, analysts in every section of the Economics Division carry out their own analytical computer programs. Examples of CRS tailormade software models to deal with particular needs of the hill community are a tax computation model and a Federal grants formula model; presently our Environment and Natural Resources Division is structuring a Federal water research fund allocation model.

An integral part of CRS operations today are the word processors found throughout the Service. Our administrative personnel make heavy use of word processors; researchers and analysts believe them to be

indispensable. But more than half of our professional research staff now use communicating word processors to access both internal and external data bases, extract information for storage in the word processor, and then reformat that information in research reports. Our records indicate that word processors have resulted in a 2½-fold increase in the productivity of our support personnel.

One cornerstone of CRS analytical and research support of Congress is the issue brief, which as ISSU is part of the scorpio program available through computer terminals in Hill and CRS offices. CRS began its issue brief system in 1973 and today the system offers nearly 400 structured brief essays on public policy issues; these are updated as necessary by researchers and analysts. As an example, the issue brief on the Iranian hostage crisis was updated daily for more than 400 days. The average brief is updated every 3 weeks and in hardcopy is 15 pages in length.

Although computerized data base material and hardcopy products—the issue briefs, CRS reports, congressional committee prints—represent a substantial segment of Congressional Research Service output in support of Congress, researchers and analysts of the Service also are heavily involved in substantial briefing, workshop, and seminar activities in support of Members, staffs, and committees of Congress. These activities ranges from one-on-one briefings to seminars, such as those on the budget process involving as many as 200 participants. The audience for these programs has been expanded by audio and video technology. The automated information system staff produces some video programs "live" from CRS seminars or workshop proceedings, while others are produced in a studio setting. Currently, CRS video programs are seen 3 hours each day on the House of Representatives closed circuit television system. The presentations are on issue-oriented subjects, ranging from acid rain and health care cost containment to the economics of defense industries—the Reagan boom. In the last year, congressional offices requested better than 2,000 audio cassettes; some of these were taped directly from seminars or workshops and others were derived from video programs.

Key to the integration of electronic and computer technology research and reference support of Congress are training programs for CRS and congressional staff. Classroom and Plato computer-assisted instruction training in scorpio and other Hill software systems are an integral part of the Service's ongoing activities. In the last several years, CRS has developed information seminars and institutes for Member and committee staff; these serve to familiarize Hill staff with CRS and describe how Hill staff can best integrate CRS broad support capability into their Capitol Hill office operations. These institutes utilize classroom training with some audiovisual materials; an important byproduct of these training sessions in the sense of community which these instructional sessions develop among Hill staff by providing opportunities for face-to-face contact.

Communicating and networking through computer systems will increase significantly in the years ahead, but further successful incorporation of computer communication and retrieval systems will depend a great deal on the success of the face-to-face communication network among Hill and Congressional Research Service staff. Time and again congressional staff have observed to us that the face-to-face contacts which they initially made at institutes or seminars have strengthened their ability to do effective legislative research work in support of their Members or committees. The further adaptation of computer systems to the Hill environment will evolve more readily to the extent that everyone involved has the sense that human beings mold and operate the research, reference, information network on Capitol Hill, rather than the sense that isolated offices of congressional and support agency staff are tied together by data banks, software systems, computers and retrieval systems.

There is another aspect of CRS' success in support of Capitol Hill: This is the policy of giving authorship or attribution to all material delivered to Congress. CRS materials do not have a faceless or bureaucratic authorship. Whether a bibliography, an assemblage of reference material, an issue brief or a 200-page report, every CRS product carries the name or names of those responsible for preparation. And so CRS staff are automatically recognized for their work, and Hill staff can contact an author if there are unanswered questions or if they wish to discuss a particular matter in depth.

As to the future, we in CRS will never be satisfied that we have achieved the ultimate in productivity as an information, reference and research agency. We are scanning the horizon and move toward new ideas and new systems as quickly as fiscal and human resources will allow. Through a servicewide user committee, we have recently instituted a system—within budgetary limitations—of expanding the use of computer graphics wherever appropriate and helpful for our hardcopy products. A similar user committee is now exploring desk-top computers and trying to determine how soon they can be a reality for every CRS analyst and researcher.

Also on the horizon is the development and refinement of image processing technology; the optical disc could well revolutionize all of our storage, retrieval and communication of information. The availability of funds adequate to underwrite a working optical disc program is the biggest barrier at this time.

And so in conclusion, we in the Congressional Research Service feel we have been successful in adapting computer and other electronic technologies to our complex of activities. Perhaps the Service's generally upbeat attitude has engendered a fertile environment for new technology. The Service, even before computer technology, was an agency with complex tasks—integrating information, reference and research in all subject areas of congressional interest on an often fast-moving track driven by congressional-political deadlines. This demanding environment is reinforced by the Service's anticipatory charge. By statute, the Service is directed to anticipate the needs of Congress, and CRS not only anticipates the changing subject area needs of Congress but is continually looking at the information, reference, and research community in both the private and public sector for technologies which can strengthen its ability to respond to congressional need.

And in the very word "request" CRS finds strength in the execution of its mandate. CRS will not pamphleteer Congress; it supplies its information, reference and research work to Members or committees only on request. We are in the information management business. Our heart is in the researcher, the analyst, the Library, and information specialist; likewise, our CRS administrators are integral to the creation of our products. The cathode ray tubes, the software programs, and all the rest of the electronic technology are simply tools, and we look on them as devices which make it possible for us to give Congress the very best of information as it carries on the vital processes of democracy.●

PARALYZED VETERANS RECOGNITION DAY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1983

● Mr. MOAKLEY. Mr. Speaker, on May 3, I introduced a joint resolution (H.J. Res. 258) designating August 3, 1983, as "National Paralyzed Veterans Recognition Day."

The resolution is presently pending before the Subcommittee on Census and Population of the Committee on Post Office and Civil Service and a companion resolution is expected to be introduced in the other body shortly.

In less than 3 weeks the resolution has attracted the support of 136 cosponsors, including Messrs. PRITCHARD, OBERSTAR, NATCHER, HANSEN of Idaho, SHANNON, SUNIA, HUTTO, TAUZIN, STANGELAND, WALGREN, HARRISON, MONTGOMERY, BONER of Tennessee, MATSUI, RICHARDSON, BENNETT, DOWNEY of New York, WON PAT, ANDREWS of Texas, SAM B. HALL, JR., KEMP, FORSYTHE, ANNUNZIO, LANTOS, JONES of North Carolina, BRYANT, CARNEY, PERKINS, NICHOLS, MCNULTY, LAGOMARSINO, ROE, FRANK, DE LA GARZA, LONG of Maryland, FUQUA, LIPINSKI, BOLAND, CORRADA, FAUNTROY, WINN, BERMAN, HORTON, RAHALL, STOKES, HEFNER, LEATH, BEVILL, FAZIO, VENTO, BADHAM, OTTINGER, Mrs. HALL of Indiana, Messrs. BOSCO, HOWARD, SHELBY, ALBOSTA, Mrs. HOLT, Mr. SMITH of New Jersey, Ms. KAPTUR, Messrs. DUNCAN, SMITH of Florida, MORRISON of Connecticut, DWYER, DINGELL, DEWINE, LEHMAN of Florida, FORD of Tennessee, Mrs. BOXER, Messrs. APPLEGATE, DONNELLY, MCDADE, EVANS of Illinois, PARRIS, SOLOMON, MCCAIN, PEPPER, SWIFT, EDGAR, VANDERGRIFF, CHAPPELL, MCGRATH, BONIOR of Michigan, HUGHES, RATCHFORD, KAZEN, GUARINI, FRENZEL, LUNGREN, PORTER, LELAND, LEVIN of Michigan, MCCLOSKEY, CROCKETT, FISH, RANGEL, WYLIE, BRITT, SOLARZ, PHILIP M. CRANE, HYDE, STENHOLM, VANDER JAGT, Mrs. SCHNEIDER, Messrs. KASTENMEIER, DYMALLY, CHANDLER, CHAPPIE, BEREUTER, ADDABBO, HILER, DENNY SMITH, DAUB, TORRICELLI, BROWN of California, SIMON, MURPHY, FORD of Michigan, KINDNESS, LUJAN, GONZALEZ, LAFALCE, HOYER, SABO, KASICH, COYNE, GRAMM, Ms. OAKAR, Messrs. SKEEN, OWENS, DOWDY

of Mississippi, KOGOVSEK, ROWLAND, GUNDERSON, TAUKE, and MICA.

The resolution would call on the President to issue a proclamation to designate August 3 of this year as a special day in commemoration of the sacrifices and contributions of paralyzed veterans. This is a particularly appropriate date in view of the commendable decision of the U.S. Postal Service to issue a suitable commemorative stamp on August 3.

I would like to commend the resolution to the attention of my colleagues and invite all Members to cosponsor this resolution as an appropriate congressional acknowledgment of those who have sacrificed so much for their country. Mr. Speaker, at this point I would insert the comments of the major veterans service organizations and the text of the resolution:

PARALYZED VETERANS OF AMERICA,
Washington, D.C., May 24, 1983.

Hon. JOE MOAKLEY,
Chairman, Subcommittee on Rules of the House, House Committee on Rules, Washington, D.C.

DEAR REPRESENTATIVE MOAKLEY: On behalf of the members of Paralyzed Veterans of America, I greatly appreciate your introduction of House Joint Resolution 258 which would designate August 3, 1983, as "National Paralyzed Veterans Recognition Day."

PVA, Congressionally chartered veterans' service orgnization, has a 37 year history of representing the needs of veterans who have incurred spinal cord injury or dsyfunction. PVA has worked with many other national organizations to promote the interests of all veterans who have suffered paralysis. Our twofold goal is to ensure that the best possible medical care and rehabilitation is available while all possible efforts are made to develop cures and treatments for these costly and catastrophic medical conditions.

PVA strongly believes that the passage of House Joint Resoultion 258 is especially important to raise the public awareness of the sacrifices and needs of America's veterans who are paralyzed. Equally important is that this Resolution illuminates the capabilities and successes of paralyzed veterans rather than their disabilities.

Again PVA thanks you for your efforts on behalf of the nation's paralyzed veterans and for your introduction of House Joint Resolution 258 designating August 3, 1983, as "National Paralyzed Veterans Recognition Day." If successfully enacted, this measure should go far in demonstrating the nation's concern and appreciation to paralyzed veterans who have served and sacrificed for their country.

Sincerely yours,

PAUL M. CHEREMETA,
National President.

DISABLED AMERICAN VETERANS,
Washington, D.C., May 17, 1983.

Hon. JOHN J. MOAKLEY,
U.S. House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN MOAKLEY: The Disabled American Veterans is pleased to lend its strong support to House Joint Resolution 258—a bill which would set aside August 3, 1983 as National Paralyzed Veterans Recognition Day honoring the thousands of American veterans who have suffered devastating injuries resulting in paralysis.

America owes no greater debt of gratitude to those who have served in the Armed Forces than to its veterans who became paralyzed during the course of their military service to the nation. Passage of your bill would, of course, pay tribute to the sacrifices made by paralyzed veterans but, as importantly, would also recognize their success in overcoming their severe impairments and their determination to live productive lives.

On behalf of the more than three-quarters of a million members of the DAV, particularly those within our ranks who are paralyzed veterans, I wish to thank you for your strong efforts to give national recognition to America's paralyzed veterans. You have our wholehearted support!

Cordially yours,

EDWARD G. GALIAN,
National Commander.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, D.C., May 6, 1983.

Hon. JOE MOAKLEY,
Chairman, Subcommittee on Rules of the House, Committee on Rules, Washington, D.C.

DEAR MR. CHAIRMAN: I have noted your introduction of H.J. Res. 258 to authorize and request the President to issue a proclamation designating August 3, 1983 as National Paralyzed Veterans Recognition Day.

On behalf of the more than 2.5 million men and women of the Veterans of Foreign Wars of the United States and our Ladies Auxiliary, I wholeheartedly support the passage of this resolution to recognize the great sacrifice made by our nation's paralyzed veterans in service to our country.

With best wishes and kind regards, I am

Sincerely,

JAMES R. CURRIEO,
National Commander-in-Chief.

H.J. RES. 258

Whereas among those Americans who have answered their country's call to service in defense of its freedoms, there are thousands who, as a result of service in our Nation's military forces, have suffered the catastrophic disability of paralysis;

Whereas despite the extreme severity of this disability, these veterans have succeeded in leading useful and productive lives, in part through Federal programs for their readjustment but, more significantly, by drawing upon a special brand of heroism;

Whereas our country now enjoys the blessing of peace, and it is appropriate that all Americans recognize the special debt owed to those who have been paralyzed in the defense of our freedoms during the wars of this century; and

Whereas the sacrifices and contributions that these veterans have made and the service rendered by the many veterans who later suffered paralysis from nonservice related causes are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 3, 1983, is designated as "National Paralyzed Veterans Recognition Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups and organizations to set aside this day to honor the sacrifices and service of paralyzed veterans in an appropriate manner.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 26, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 27

9:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax measures, including S. 654, S. 738, S. 1147, S. 1194, and S. 1195.
SD-215

JUNE 3

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment statistics for May.
SD-106

JUNE 7

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Labor and Human Resources
To hold oversight hearings on certain activities of the Teamsters Union, focusing on the substance of S. 336, proposed Labor Management Racketeering Act (pending on Senate Calendar), and central State Settlement matters.
SD-430

10:00 a.m.
Environment and Public Works
To resume hearings on Federal public buildings' policies.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

JUNE 8

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on the role of the administrative law judges of the Department of Health and Human Services related to social security disability.
SD-342

Judiciary
To hold hearings on S. 915, proposed Taxpayer Antitrust Enforcement Act.
SD-226

Labor and Human Resources
To hold hearings on food safety.
SD-430

10:00 a.m.
Foreign Relations
Business meeting, to mark up S. 602, to provide Federal funding for radio broadcasting to Cuba.
SD-419

Veterans' Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 9

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 1286, S. 632, and S. 428, bills to establish a program to conduct research and development studies for improved manufacturing technologies.
SR-253

Labor and Human Resources
To continue hearings on food safety.
SD-430

10:00 a.m.
Energy and Natural Resources
To resume hearings on the geopolitics of strategic and critical minerals.
SD-366

Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of the Department of Agriculture's payment-in-kind program on agricultural support industries.
SR-428A

JUNE 10

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

JUNE 13

9:30 a.m.
Finance
To hold hearings to examine the tax structure applicable to property and casualty insurance companies.
SD-215

Labor and Human Resources
To hold hearings on home health care services.
SD-430

JUNE 14

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 1174, proposed Public Utility Holding Company Act amendments.
SD-538

Commerce, Science, and Transportation
To hold hearings on title III, to promote commercial motor vehicle safety and health regulations, of S. 1108, proposed Highway Safety Act.
SD-253

Labor and Human Resources
Labor Subcommittee
To hold hearings on the substance of S. 1227, to improve the single-employer pension plan termination insurance program created in 1974 by title IV of ERISA.
SD-430

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

JUNE 15

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To continue hearings on S. 1174, proposed Public Utility Holding Company Act amendments.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 1286, S. 632, and S. 428, bills to establish a program to conduct research and development studies for improved manufacturing technologies.
SR-253

Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, and on related measures.
SD-562

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume oversight hearings on activities of the Patent and Trademark Office, Department of Commerce.
SD-226

*Labor and Human Resources
Business meeting, to mark up S. 564, U.S. Academy of Peace Act; S. 772, Smoking Prevention Health and Education Act; S. 242, Employment Opportunities Act; and S. 724, Public Investment/Jobs Act.
SD-430

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SR-418

10:30 a.m.
*Labor and Human Resources
To hold hearings on the nominations of Ford B. Ford, of California, to be Under Secretary of Labor, Madeleine C. Will, of Maryland, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, and John J. O'Donnell, of the District of Columbia, to be Assistant Secretary of Labor for Legislative Affairs.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 16

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-562

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 520, to remove all noncriminal juveniles from secure detention facilities within the United States.
SD-226

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1256, proposed Emergency School Aid Extension Act.
Room to be announced

JUNE 17

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 314, proposed In-Flight Medical Emergencies Act.
SR-253

JUNE 20

9:30 a.m.
Finance
To hold hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.
SD-215

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed authorizations for refugee programs.
SD-226

Labor and Human Resources
Aging Subcommittee
To hold hearings on the impact of crime on the elderly, focusing on victim compensation.
SD-430

JUNE 21

9:30 a.m.
Finance
To continue hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.
SD-215

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

JUNE 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on title IV, to provide for increased coordination between Federal, State, and local governments in the transportation of hazardous materials, of S. 1108, proposed Highway Safety Act.
SR-253
Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, and on related measures.
SD-562
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1306, to encourage American innovation by restoring the patent system as it affects certain products subject to premarket testing by the Federal Government.
SD-226
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430
Veterans' Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 23

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226
Labor and Human Resources
To hold hearings on the effects of anticancer drugs in the treatment of cancer patients.
SD-628

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To continue oversight hearings on the breakdown of the traditional family unit, focusing on the role of Federal policy.
SD-430

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings to examine the legal and constitutional ratification process of the Panama Canal Treaty.
SD-562

JUNE 24

9:30 a.m.
Judiciary
Courts Subcommittee
To hold hearings to discuss the current bankruptcy situation of the Manville Corp. in Denver, Colo.
SD-562
Judiciary
Juvenile Justice Subcommittee
To hold hearings to discuss proposed Federal assistance to State and local law enforcement agencies in handling child serial murders.
SD-226

JUNE 27

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on airline deregulation.
SR-253
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 28

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal Mine Safety and Health amendments.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on airline deregulation.
SR-253

JUNE 29

9:30 a.m.
Judiciary
To hold hearings on S. 737, proposed Joint Research and Development Ventures Act.
SD-226
Labor and Human Resources
To hold hearings to examine fire safety matters.
SD-430

10:00 a.m.
Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of Canadian agricultural imports and their effect on the small business community.
SR-428A
Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226
Labor and Human Resources
To hold oversight hearings on the activities of the Equal Employment Opportunity Commission and the administration's equal employment opportunity policy.
SD-430

10:00 a.m.
Energy and Natural Resources
To resume hearings on the geopolitics of strategic and critical minerals.
SD-366
Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on activities of the Office of Administrative Law Judges, Department of Agriculture.
SD-562

JULY 6

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 19

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19, to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

JULY 20

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

CANCELLATIONS

MAY 27

10:00 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

JUNE 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 16

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430